

September 13, 2021

Via: Email & Hand Delivery

Zoning Board of Adjustment
Township of Lyndhurst
253 Stuyvesant Avenue
Lyndhurst, NJ 07071

Re: Site Plan Review
251-255 Ridge Road
Block 91, Lots 12.01 & 12.02
Township of Lyndhurst, Bergen County, New Jersey
NEA No.: LYNDSP21.018

Dear Honorable Board Members:

As requested, Neglia Engineering Associates (“NEA”) has reviewed the submitted documents related to the site improvements within the lot located along the western side of Ridge Road. The Applicant proposes the construction of a new thirty (30) unit residential apartment building. Specifically, we have reviewed the following:

- Signed and sealed Architectural Plans consisting of two (2) sheets entitled, “Lyndhurst Apartments,” prepared by Yogesh Mistry, R.A., of Mistry Design, LLC., dated April 9, 2021
- Signed and sealed Site Plans consisting of six (3) sheets entitled, “Lyndhurst Apartments Site Plan, Township of Lyndhurst, Bergen County, New Jersey,” prepared by Thomas G. Stearns, P.E., P.L.S., of GB Engineering, LLC., dated February 14, 2021
- Application for Use Variance and Site Plan Approval, prepared by Malcom J. McPherson, Jr. Esq., undated;
- Application for Zoning Approval prepared by Malcolm J. McPherson, Jr. Esq., dated March 18, 2021.

1. Project & Site Description

The subject property is located on rectangular shaped lots found along Ridge Road. The subject property, Block 91, Lots 12.01 and 12.02 is commonly known as 251 Ridge Road and 255 Ridge Road, and is located within the B Zone. The property is currently developed with a one (1) story building and a two (2) story building. Additional site improvements include a concrete driveway, concrete patio, asphalt parking lot, and landscaping. The parking lot services Angelo’s Restaurant at 263 Ridge Road.

The Applicant proposes to construct a four (4) story thirty (30) unit apartment building. The two existing structures are proposed to be demolished to accommodate the improvements. Additional proposed site improvements include a new asphalt driveway and parking area, landscaping, lighting, and drainage.

2. Completeness Review

Neglia Engineering Associates (NEA) completed a review of the submitted documents as it relates to completeness established under “Appendix A – Subdivision and Site Plan Application (Section 19-6)” of the Township of Lyndhurst Ordinance. The following requirements are missing or incomplete and shall be submitted or a waiver shall be requested. The Applicant shall request a waiver from supplying requirements that are not applicable.

Requirements for Site Plan Applications:

- 2.1 Item 9: Certification of any necessary approvals by the HMDC, DEP, and County Planning. This item has not been addressed. If this item is not applicable, a waiver shall be requested.



2.2 Item 10: *On-site parking and loading spaces and facilities, including calculations and proposed on-site circulation system for both pedestrians and vehicular traffic, including sidewalks.* This item has not been addressed. If this item is not applicable, a waiver shall be requested.

3. Zoning Requirements

The following table reflects the B-Zone Bulk Requirements as they pertain to the proposed four story apartment building:

CHAPTER 21 – ATTACHMENT 1 – SCHEDULE OF AREA, BULK AND YARD REQUIREMENTS

Description	Required	Existing	Proposed	Status
Use	As Defined Below ⁽²⁾	Business	Multi-Family Dwelling	Non-Conforming
Minimum Lot Area (square feet)	4,000	14,500	14,500	Conforming
Minimum Lot Width (feet)	40	N/A	112	Conforming
Minimum Lot Depth (feet)	100	125	125 to 141	Conforming
Minimum Front Yard Setback (feet)	0	0	0	Conforming
Minimum Rear Yard Setback (feet)	10	2.45	3.56	Non-Conforming
Minimum Side Yard Setback Corner Lot (each) (feet)	0	N/A	0	Conforming
Maximum Principal Building Coverage (%)	60	30%	75.59	Non-Conforming
Maximum Lot Coverage (%)	70	N/A	75.59	Non-Conforming
Maximum Building Height (feet/stories)	35/3	N/A	48/4	Non-Conforming

1. Each item with a status of “non-conforming” above will require a new variance / design waiver.
2. Permitted uses within the B-Zone include, retail stores, markets and shops for the conducting of any retail business, except those specifically prohibited under subsection 21-4.5c; service establishments as defined by this chapter, excluding automotive, laundry and dry cleaning establishments where laundry and dry cleaning is done on the premises and drive-in windows or facilities; coin operated laundries and dry cleaners are permitted provided there is an attendant present whenever the establishment is open; a hand laundry is permitted provided that no more than three persons are employed and provided that the laundry is housed in a fully enclosed structure; business, professional and governmental offices; banks, without drive-in facilities; nursery schools and day care centers; restaurants applicable to the B-R Overlay Zone: eating and drinking establishments, including delicatessens, having table service to a minimum of 10 seats; the definition of "restaurant," for the purpose of this subsection, shall not include fast-food establishments; dwellings applicable to the B-R Overlay Zone: residences above the ground floor where the ground floor has a restaurant establishment (use) having a minimum of 2,000 square feet; "Dwellings" are defined as residential units having a minimum of 700 square feet. The proposed use is not a permitted use. Therefore a **D(1) Use Variance** will be required for this application.



4. Parking and Loading Requirements

The table provided below identifies parking & loading requirements associated with the Applicant’s new four-story 30-unit apartment building:

Regulation	Ordinance Section	Units	Total Required	Proposed	Status
Schedule of Off-Street Parking	§21-8.18	2 spaces per dwelling unit 1 visitor space per 5 units	30 units x (2 spaces/unit) = 60 spaces 30 units / (5 units/space) = 6 spaces 66 total spaces	66 spaces	Non-Conforming
RSIS	N.J.A.C. 5:21-4.14 Table 4.4	1.8 spaces per 1 bedroom apartment 2.0 spaces per 2 bedroom apartment	24 one bedroom x (1.8 spaces/unit) = 43 spaces 6 two bedroom x (2.0 spaces/unit) = 12 spaces 55 total spaces	55 spaces	Non-Conforming

1. Each item with a status of “non-conforming” above will require a new variance / design waiver.

5. Affordable Housing Requirements

The table provided below identifies affordable housing requirements associated with the Applicant’s new four-story 30-unit apartment building:

Regulation	Ordinance Section	Required	Proposed	Status
Lyndhurst Affordable Housing Ordinance	§21-20.3(a) – §21-20.5	20% of Market Rate Units = 6 Units	To be Determined	To be Determined

6. Standards for Granting Variance Relief

The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70 sets forth the standards for variance in particular cases for special reasons to allow departure from regulations pursuant to Article 8 of this act to permit: **(1) a use or principal structure in a district restricted against such use or principal structure**, (2) an expansion of a nonconforming use, (3) deviation from a specification or standard pursuant to section 54 of P.L. 1975, c.291 (C.40:55D-67) pertaining solely to a conditional use, (4) an increase in the permitted floor area ratio as defined in section 3.1 of P.L. 1975, c.291 (C.40:55D-4), (5) an increase in the permitted density as defined in section 3.1 of P.L. 1975, c.291 (C.40:55D-4), except as applied to the required lot area for a lot of lots for detached one or two dwelling unit buildings, which lot or lots either an isolated undersized lot or lots resulting from a minor subdivision or (6) a height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure.



The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70c set forth the standards for variances from the bulk regulations of a zoning ordinance. A “c (1)” variance is for cases of hardship due to (a) exceptional narrowness, shallowness or shape of a specific property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

A “c (2)” variance may be granted where the purposes of the Municipal Land Use Law would be advanced by deviation from the zoning ordinance requirements, that the variance can be granted without substantial detriment to the public good, that the benefits of the deviation would substantially outweigh any detriment and that the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The benefits identified in granting a “c (2)” variance must include benefits to the community as a whole, not only the Applicant of the property owner.

No variance of any other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such a variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.

7. Engineering Comments

- 7.1 The Applicant’s professionals shall provide testimony in support of all requested / required variances.
- 7.2 At such time as a hearing is scheduled regarding this matter, a representative or owner of the project site shall be present to address questions from the Board.
- 7.3 The Applicant shall provide testimony addressing trash removal and disposal procedures.
- 7.4 The Applicant is responsible for addressing any comments from the Police and Fire Departments.
- 7.5 The Applicant shall provide testimony addressing site access as it relates to fire apparatus and emergency services.
- 7.6 The Applicant proposes utilizing two lots in their proposed development. The Applicant shall provide testimony on whether or not they wish to join the two lots. If the two lots are to be joined, a Preliminary major Subdivision Application must be submitted.
- 7.7 The Applicant shall be responsible for the expenses related to any reconstruction of pavement, curb, sidewalk, storm drainage or other public property damaged during construction activities to the satisfaction of the Township and Township Engineer, and in accordance with current design standards.
- 7.8 The Applicant shall provide testimony that all ADA accessible routes, points of ingress/egress, parking spaces, etc. will conform to the current ADA Standards for Accessible Design provided by the Department of Justice, latest revised.
- 7.9 The Applicant shall confirm that ADA ramps are installed opposite proposed ADA ramps at the intersection of Ridge Road and Freeman Street. The Applicant shall be responsible for replacing opposite ramps if not compliant.
- 7.10 The Applicant shall ensure that all disturbed work areas are stabilized with topsoil, seed, hay, and straw mulch to ensure lawn growth.
- 7.11 The Applicant shall protect any perimeter fencing, curbs, walkways, plantings, and walls on adjacent properties during construction, if approved. The Applicant shall be responsible for any damage done to neighboring properties during the installation of proposed improvements.
- 7.12 The Applicant shall ensure that the operations of soil movement vehicles are not to be utilized in a way that would deposit soil on any street, sidewalk, public place, or within any other private property.



8. Grading, Drainage and Utility Comments

- 8.1 The Applicant shall ensure that on-site grading does not negatively impact any adjacent properties. Applicant shall ensure runoff is not directed onto adjacent property along property line.
- 8.2 The Applicant shall ensure that all runoff is directed into proposed storm water collection structures and is not directed towards adjacent properties. The Applicant is responsible for any negative impacts to adjacent properties due to on-site improvements. Should a negative impact be identified upon completion of the project, the impact shall be addressed immediately.
- 8.3 The Applicant shall provide additional topographic information along the property lines (approximate 10-foot overlap) to determine if the proposed grading will impact adjacent properties.
- 8.4 The proposed site improvements do not classify the project as a “Major Development” as defined under the Stormwater Management Adopted New Rule: N.J.A.C. 7:8 by disturbing less than an acre of land, and by not increasing the property’s impervious coverage by more than a quarter acre. Therefore, the Applicant is required to maintain post-development runoff rates based upon current existing runoff rates. The Applicant proposes an increase of impervious surface. The Applicant shall submit a Stormwater Management Report providing drainage calculations and post-construction runoff hydrographs for the 2, 10, and 100-year storm events illustrating mitigation measures for the increase in impervious coverage.
- 8.5 The Applicant shall provide water usage and sanitary sewer calculations signed and sealed by a Professional Engineer licensed in the State of New Jersey to ensure that the existing system provides sufficient capacities for the proposed self-storage. The Applicant shall submit a set of plans and 30 day flow study to the Township of Lyndhurst DPW for review.
- 8.6 The Applicant shall illustrate all proposed roof leaders

9. Landscaping & Lighting Comments

- 9.1 The Applicant shall ensure that no new exterior lighting installed reflects into neighboring properties.

10. Traffic Comments

- 10.1 Per RSIS standards, the parking requirements are as follows:
 - a. 1.8 spaces per 1 bedroom unit = 1.8 spaces * 24 dwelling units = 43 parking spaces
 - b. 2.0 spaces per 2 bedroom unit = 2.0 spaces * 6 dwelling units = 12 parking spaces
 - c. A total of 55 parking spaces are required
- 10.2 The Applicant provides 30 parking spaces, and does not meet the required 55 parking spaces per the RSIS requirements. The Applicant shall provide testimony in support of the required variance.
- 10.3 The Applicant proposes utilizing the parking lot used by Angelo’s Restaurant for their own parking needs. The Applicant shall comment on the effect this may have on Angelo’s Restaurant.
- 10.4 The Applicant shall provide vehicle-maneuvering exhibits near the proposed driveway and Ridge Road and Freeman Street Intersection,
- 10.5 The Applicant shall provide site distance triangles at the proposed driveway, and the Ridge Road and Freeman Street intersection to ensure visibility.
- 10.6 The Applicant shall provide a comprehensive Traffic Report including trip generations for Weekday Morning and Evening trips, and Saturday Morning and Evening trips.



11. Final Comments

- 11.1 The Applicant shall obtain any and all approvals required by outside agencies, including but not limited to Bergen Country Planning, NJDOT, NJDEP, Bergen County, and Bergen Soil Conservation District, as well as the Township of Lyndhurst Police Department, Fire Department, Emergency Services and Department of Public Works. It is the Applicant's responsibility to determine what outside agency permits are required. Copies of said approvals shall be provided upon receipt.
- 11.2 New and revised materials shall be filed with the Township and shall not be sent directly to the Board's professionals. The Township will forward the application to and related materials to the Board's professionals when they are finished with their review. Materials submitted directly to NEA will not be reviewed.
- 11.3 Revised reports, plans and exhibits which are to be considered at the hearing should be submitted ten days prior to the scheduled hearing.
- 11.4 The above comments are based on a review of materials submitted and/or testimony provided to date. NEA reserves the right to provide new or updated comments as additional information becomes available.

We trust you will find the above in order. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Very truly yours,
Neglia Engineering Associates

Brian A. Intindola, P.E., P.P., C.M.E.
Zoning Board Engineer
Township of Lyndhurst

Very truly yours,
Neglia Engineering Associates

David Juzmeski, P.E., P.P.
Zoning Board Planner
Township of Lyndhurst

Cc: Daniel R. Lagana, Esq. – Board Attorney (*via: email*)
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