

TOWNSHIP OF LYNDBURST
OFFICE OF THE
CONSTRUCTION DEPARTMENT

TO: ZONING BOARD
FROM: CONSTRUCTION DEPARTMENT
SUBJECT: REFUSAL OF ZONING
APPLICATION

This is to advise that on MARCH 23, 2021 a zoning permit was denied to Malcolm McPherson

for premises located on 251-255 Ridge Rd., Block # 91, Lot # 12.01 & 12.02

Zone B for the (erection) (use) of a 30 unit multi-Family Dwelling

Does not comply with the Township Ordinance # 2067 because of: 1) Dwellings are an Excluded use in the B zone. (section 21-4.5 c. 13)

2) Numerous Bulk variances are being requested

The building is 48' in height consisting of 4 stories with the First Floor lobby/parking; 2nd, 3rd & 4th Floor residential; each Floor 8 one Bedroom / 10 units / 2 Two Bedroom ca. Floor

		Conforms			
		Yes		No	
		B	R-C	B	R-C
1. Lot Area: <u>14,500 sq ft</u>	Area Required: <u>4,000 sq ft</u> / <u>15,000</u>	X			X
2. Lot Frontage: <u>112</u>	Frontage Required: <u>40'</u> / <u>100'</u>	X	X		
3. Lot Depth: <u>125' to 141'</u>	Depth Required: <u>100'</u> / <u>125'</u>	X	X		
4. Front Yard Set Back: <u>0</u>	Min. Set Back Req.: <u>0</u> / <u>20'</u>	X			X
5. Side Yard Set Back: <u>0</u> (corner lot)	Min. Side Yard Req.: <u>0</u> / <u>10' or</u>	X			X
6. Rear Yard Set Back: <u>3.56</u>	Min. Rear Yard Req.: <u>10'</u> / <u>20'</u>			X	X
7. Parking Spaces: <u>30</u>	Min. Parking Spaces Req.: <u>N/A</u> / <u>72</u>	N/A		N/A	X
8. Lot Coverage: <u>75.59%</u>	Maximum Permitted: <u>60%</u> / <u>30%</u>			X	X
9. Height of Building: <u>4 stories / 48'</u>	Max. Height of Building: <u>For B zone 48'</u> / <u>3 stories 35'</u>			X	X

REMARKS: The above chart compares the zoning requirement for a B zone in which the proposed project lies and an R-C zone that would be required for the proposed use

DATED: 3-23-21

[Signature]
Zoning Official

SCHEDULE OF REGULATIONS
TOWNSHIP OF LYNDHURST, NEW JERSEY
ZONING, CHAPTER XXI
 (Section 21-6)

District	Minimum Lot Dimensions				Minimum Yard Dimensions				STREET SIDE (Corner Lot) Feet	MAXIMUM HEIGHT
	AREA Sq. Feet	WIDTH Sq. Feet	DEPTH Feet	FRONT Feet	REAR Feet	SIDE (Interior Lot) Feet	Maximum Principal Building Coverage	Feet		
R-A One Family Dwelling	5,000	50	100	20 ³	20 ⁴	6 each	10 ⁶	30% ⁵	32 ⁸	2-1/2
R-B One Family Dwelling	5,500 ¹	55 ¹	100	20 ³	20 ⁴	6 each	10 ⁶	30% ⁵	32 ⁸	2-1/2
R-B Two Family Dwelling	5,500 ¹	55 ¹	100	20 ³	20 ⁴	6 each	10 ⁶	30% ⁵	32 ⁸	2-1/2
R-C Three and Four Family Dwelling	6,000	60	100	20	20	15 both ²	10 ⁶	30% ⁵	32	2-1/2
R-C Multi Family Dwelling And Garden Apartment	15,000	100	125	20	20	15 both ²	10 ⁶	30%	35	3
B Business	4,000	40	100	0	10	0 each ⁷	10	30%	35	3
M-1 Light Industrial	10,000	100	100	25	25	10 each	10	60%	40	3
M-2 Heavy Industrial	10,000	150	200	25	25	10 each	25	60%	40	4
C-GI Commercial - General Industrial	4 Acres	200	200	50	50	25 each	25	50%	40	4

¹ These regulations shall not apply to any existing lots of record as of the effective date of Ordinance No. 2336, adopted November 10, 1997. For such existing lots the bulk requirements are as follows:
 Minimum lot area five thousand (5,000) square feet.
 Minimum fifty (50) foot frontage width.

² For lots which exceed 50' in width, the minimum side yard dimensions shall be as follows: (1) Lot width of 51'-7" each side, 16' both sides; (2) Lot width of 52': 8' each side, 17' both sides; (3) Lot width of 53': 9' each side, 18' both sides; (4) Lot width of 54': 9' each side, 19' both sides; (5) Lot width of 55' or greater: 10' each side, 20' both sides.

³ Average Front Yard Setback Modifications: In such cases in the R-A and R-B residential zoning districts where the existing dwellings on the adjacent lots on each side form an existing setback line, the minimum front yard setback for a new dwelling or an addition to an existing dwelling shall be modified to the average setback of the existing dwellings on the adjacent lots or the required setback of twenty (20) feet, whichever is greater; but in no case shall it be required for the setback to exceed thirty-five (35) feet.

⁴ Average Rear Yard Setback Modifications: In such cases in the R-A and R-B residential zoning districts where the existing dwellings on the adjacent lots on each side form an existing setback line, the minimum rear yard setback for a new dwelling or an addition to an existing dwelling shall be modified to the average setback of the existing dwellings on the adjacent lots or the required setback of twenty (20) feet, whichever is greater; but in no case shall it be required for the setback to exceed thirty-five (35) feet.

⁵ The total lot coverage in R-A and R-B zones shall not exceed sixty (60%) percent. The maximum total lot coverage shall increase five (5%) percent for every 500 square feet in area over 5,500 square feet, but in no event shall exceed seventy (70%) percent.

⁶ The yard requirements for a corner lot shall be ten feet (10') on the side facing the street. The yard dimensions on the other side shall be in accordance with the dimensions for interior lot.

⁷ If adjacent to a residential zone, the minimum side yard dimensions shall be ten (10) feet from each side and twenty (20) feet for both sides.

⁸ The maximum height for dwellings located in Zone AE on the flood maps adopted under Ordinance Section 23-3.2 shall be 35 feet.

(Ord. No. 2067, Ord. No. 2301, Ord. No. 2303, Ord. No. 2336, §§I-III; Ord. No. 2567, §3; Ord. No. 2653, §1; Ord. No. 2675, §1; Ord. No. 2679, §2; Ord. No. 2875-12, §2)

21-4.5 Uses Permitted in Business District.

a. Uses Allowed by Right.

1. Retail stores, markets and shops for the conducting of any retail business, except those specifically prohibited under subsection 21-4.5c.
2. 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.
3. Business, professional and governmental offices.
4. Banks, without drive-in facilities.
5. Nursery schools and day care centers.

b. Conditional Uses. The following uses may be established as conditional uses subject to approval by the planning board.

1. Drive-in windows for financial institutions provided that:
 - (a) The applicant demonstrates that there is sufficient space on the site to provide for the maximum line of cars that may be reasonably expected; and
 - (b) Measures to increase traffic safety recommended in reports from the police department and planning consultant be considered and may be made a condition of approval.
2. Automobile sales rooms provided that automotive repair or servicing not normally incidental to the sale of automobiles is prohibited.
3. Telephone exchanges and other public utility substations provided they are housed in a building or suitably enclosed to harmonize with the character of the neighborhood.
4. Funeral parlors.
5. Fully enclosed theaters.
6. Gasoline stations, and repair garages in accordance with the following conditions:
 - (a) No gasoline station shall have an entrance or exit for vehicles within 200 feet along the same side of a street of any school, playground, church, hospital, public building or institution, except where such property is in another block or abuts another street which the lot in question does not abut.
 - (b) No gasoline station or repair garage shall be permitted where any oil draining pit or visible appliance for any purpose (other than gasoline filling pumps or air pumps) is located within 50 feet of any existing or future street line or within 150 feet of any residential district. All such appliances or pits other than gasoline filling pumps or air pumps, shall be within a building.

Gasoline and air pumps shall be permitted within the required front yard space of a gasoline station, but shall be no closer than 20 feet to any existing or future street line.
 - (c) No abandoned or unregistered motor vehicle shall be permitted on the premises of any gasoline station or repair garage unless within a closed and roofed building. Six motor vehicles may be located upon any gasoline station or repair garage outside of a closed or roofed building for a reasonable time while the motor vehicles are awaiting repair by the gasoline station or repair garage.
7. Fully enclosed eating and drinking establishment where food and drink is served within the building only, or where take out customers constitute less than 50 percent of the total customers.
8. Hospitals and nursing homes, subject to the provisions of subsection 21-5.10 and subsection 21-5.11.
9. Emergency medical treatment centers provided that an off-street space for an ambulance is provided.
10. Private and commercial schools.
11. Body art, including permanent cosmetics, tattooing and body piercing, as defined in this chapter, subject to the following conditions:
 - (a) Compliance with all requirements of the township department of health, pursuant to Section 22-9 et seq. of the Township ordinance.
 - (b) Compliance with all requirements of the State Department of Health pursuant to N.J.S.A. 26:1A-7 et seq., and the regulations promulgated thereunder pursuant to N.J.A.C. 8:27-1 et seq.

c. Excluded Uses. The following uses are specifically excluded from Business District:

1. Hotels, motels and motor inns.
 2. Shooting galleries, skating rinks, bowling alleys, billiard parlors, dance halls, discotheques, model slot car racing, amusement arcades and other similar amusements, drug paraphernalia sales and fortune tellers.
 3. Automobile laundries.
 4. Automotive storage or repair garage.
 5. Used car lots.
 6. Boarding of animals.
 7. Truck terminals.
 8. Manufacturing, processing and assembly enterprises.
 9. Building or construction supply business.
 10. Milk depots.
 11. Warehouse and similar storage facilities.
 12. Wholesale establishments.
 13. Dwellings.
 14. Outdoor storage.
 15. Check cashing facilities.
- d. All business uses must be buffered from any adjacent residential use or zone with a six foot high evergreen or decorative fence screen, except that within ten feet of a public sidewalk, the buffer shall be no more than two and one-half feet in height.
(Ord. No. 2067; Ord. No. 2351, §1; Ord. No. 2394, §1; Ord. No. 2567, §3; Ord. No. 2618, §1; Ord. No. 2840-12; Ord. No. 2872-12, §4)

21-4.4 Uses Permitted in R-C District.

a. *Uses Allowed by Right.*

1. All uses allowed in the R-B District.

2. Multi-family dwellings subject to the special provisions listed in subsection 21-4.4c.

b. *Conditional Uses.* Conditional uses allowed subject to approval by the planning board:

(a) Bulk regulations of R-B District.

(b) Off-street drop-off with an on-site turn around.

(c) Screening of outdoor play area with 5 foot solid evergreen hedges or fences.

2. All conditional uses as permitted in the R-B District.

c. *Special Regulations.* Special regulations applying to multi-family dwellings and garden apartment style dwellings.

1. Requirements as to minimum lot size, setbacks, density, coverage and height, as contained in the Schedule of Regulations, Section 21-6.

2. All space not needed for building or parking shall be landscaped. A minimum landscaped open space of 2,000 square feet shall be provided.

3. The minimum distance between structures within the development shall be 30 feet.

4. The main entrance to the building shall not face the parking area.

5. No structure shall be more than 150 feet in longest dimension. No structure within 50 feet of the front lot line shall have a dimension of more than 100 feet parallel or nearly parallel to the front of the lot.

6. Structures more than 50 feet in length shall have facade set backs of at least two feet, not more than 50 feet apart.

7. Parking areas and access drives shall be paved; uncovered parking areas shall be landscaped in accordance with subsection 21-8.10.

8. Adequate facilities shall be provided for the handling and storage of garbage by maintaining an enclosed and screened area or a separate building into which all garbage and waste materials shall be deposited.

9. A minimum of 100 square feet of recreation space per dwelling unit shall be provided. The least dimension of such space shall be no less than 20 feet.

10. All driveways shall be at least five feet from any side lot line. All driveways and parking areas shall be at least five feet from any principal building.

(Ord. No. 2067)

21-8.18 Schedule of Required Parking Spaces.

No building or premises shall be used nor shall any building be built or erected, nor shall any building be altered so as to expand its usable floor area, unless there is provided parking spaces upon the same premises upon which the use or structure is located in accordance with the following schedule:

Use	Required Number of Parking Spaces
Single-family dwelling	2 spaces
Two-family dwelling	4 spaces ¹
Multi-family dwelling	2 spaces per dwelling unit.
Dwellings with five or more units	1 visitor space per 5 units.
Retail stores	1 space per 200 square feet of sales area (in excess of 1,000 square feet).
Service establishments	1 space per 300 square feet of usable floor area.
Business, professional and governmental offices	1 space per 300 square feet of usable floor area.
Banks	1 space per 300 square feet of usable floor area.
Eating and drinking establishments	1 space per each 3 seats in excess of 10.
Bowling alleys	4 parking spaces per alley.
Theaters	1 space per each 2 seats.
Meeting rooms, clubs, places of public assembly	1 space per 50 square feet of seating area.
House of worship	1 space per each 2 seats.
Funeral homes	20 spaces per visiting room.
Elementary schools	1 space per classroom.
High schools	5 spaces per classroom.
Automobile showroom	1 space per 800 square feet of usable floor area.
Use	Required Number of Parking Spaces
Industrial uses	1 space per each 2 employees but not less than 1 space for each 500 square feet of usable floor area.
Warehouses	1 space per each 2 employees but not less than 1 space for each 2,000 square feet of floor area.
Motor inns and hotels	1 space per unit; plus 1 space for each 2 employees plus space for meeting rooms and restaurants as provided above.
Uses not listed above	According to that category which most nearly approximates the use.
More than one use on a premises	The sum of the component requirements.
Amusement arcades	3 spaces per electronic game or pinball machine.
Day care center	1 space per employee.

¹ The parking of more than two motor vehicles in tandem, or behind one another, shall not be permitted so as to satisfy off-street parking requirements. This is inclusive of garage parking.