

APPLICATION FOR THE TOWNSHIP OF LYNDHURST BOARD OF ADJUSTMENT

Applicant: 510 Ridge Rd LLC **Address:** 676 Ocean Ave, Jersey City NJ 07305

Owner: St. Michael's R.C. Church **Address:** 624 Page Ave, Lyndhurst, NJ 07071

Present

Use: Multiple uses including a church, convent, rectory and non-operating school.

What are the Exceptional conditions of the property preventing the applicant from complying with the Zoning

Ordinance? This is a highly irregularly shaped lot, split-zoned between the R-C and R-B zones. The portion of the lot including the convent building is undersized without sufficient space for parking.

What reasons would the applicant cite as special reasons for granting this

variance? Deviation from the off-lot parking conditional requirements is needed to provide sufficient parking for the residential use while not impairing the use of the church. Further detail included in our Justification of Variances prepared by Dresdner Robin.

Supply a statement of why relief will can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and ordinance. The application is consistent with the uses contemplated by the R-C zone and provides for adaptive re-use of an architecturally and aesthetically notable convent building.

The *names* and *addresses* of all those owning 10% or more of a corporation or partnership must be listed when the application is for one of the following:


1. Commercial use variance: N/a
2. Variance of 25 units or more: N/a
3. Subdivision of 3 units or more: N/a

ATTACHED hereto and made a part of this application are the following:

- (A) Copy of Survey
- (B) Copy of plans
- (C) Copy of any conditional contract or agreement related to this application
- (D) Any other papers deemed necessary by the Administrator Officer

PLEASE NOTE: The applicant may be required to furnish a certified survey of the footing layout showing the footing forms in place prior to pouring the foundation. This survey must show no variation in the drawings originally submitted to the board.

8/25/2023
Date


Applicant's Signature
Attorney for Applicant

LAND USE PROCEDURES

19 Attachment 1

Appendix A

COMPLETION CHECKLIST
SUBDIVISION AND SITE PLAN APPLICATION
(Section 19-6)

Application Number _____

Checklist for required submission to the planning board or zoning board of adjustment of the Township of Lyndhurst.

All required submissions are to be made to the administrative officer and are due at the time of submission of the application. All applications must be submitted 30 days prior to a hearing to be scheduled.

I. REQUIREMENTS FOR ALL APPLICATIONS

	C	D	W
1. Completion Checklist	X		
2. 7 copies of the application form applicable to the type of approval requested, completely filled in. If any item is not applicable to the applicant, it should be so indicated on the application form(s)	X		
3. (a) Applicant's affidavit that taxes are currently paid and up-to-date or (b) application for municipal determination of tax status and affidavit certifying that delinquent taxes shall be paid upon grant of approval by the Board and in conformance with ordinance requirements that the Board's final approval be conditioned upon payment of all subsequent taxes			X
4. Receipt indicating that all required fees (as set forth in the fee ordinances of the township) are paid	X		
5. 14 copies of any required plot plan, site plan or subdivision plan completed in conformance with the requirements of all applicable ordinances of the Township and to be a maximum sheet size of 24 inches by 36 inches	X		
6. If available prior to the hearing, 14 copies of any other supporting documentation which shall be presented to the board in its consideration of the application	X		
7. If applicant is other than the owner of the subject property, a consent form executed by the owner authorizing the Applicant to	X		

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	C	D	W
proceed before the board			
8. Information as to ownership. If applicant is a corporation or partnership, a list of the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class or at least 10% of the interest in the partnership as the case may be, as required by N.J.S.A. 40:55D-48.1 and 40:55D-48.2	X		
9. Names of proposed witnesses and their expertise, if any, if known at time of submission of application	X		
10. Listing of all approvals including any variances, and/or exceptions being sought, with reference to the specific applicable ordinance provisions(s) and an explanation of the reasons why such variance or exception is being requested	X		
For "d" variance applications, statement of legal basis for grant of variance which must include:	X		
(a) A list and explanation of the specific special reason(s) advanced demonstrating that the proposed variance would not cause detriment to the intent and purpose of the Township Zoning Ordinance			
(b) Explanation of how requested variance would be consistent with goals and provisions of master plan and reasons why proposed development would pose no substantial harm to surrounding properties or the township generally			
11. If the public notice of the hearing on the application is required pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-12 and/or the ordinances of the township, applicant shall submit a list of property owners within 200 feet of the subject property. The list shall include the names and addresses as shown on the municipal tax records. Applicant may apply to the administrative officer for a municipally certified list of property owners within 200 feet of the subject property. A tax map shall be included with the 200 foot radius indicated thereon	X		
12. Copies of any prior resolutions or other documentation regarding past decisions involving the property	X		
13. Copies of any easements or deed restrictions or covenants affecting use of the premises	X		
14. If applicant is a corporation, name of attorney who shall be representing the applicant	X		
15. Applicant's affidavit that (a) there are no delinquent water or sewer assessments levied against the property or (b) application made to all servicing utility authorities for a determination regarding the status of any water or sewer assessments and an affidavit certifying that delinquent assessments shall be paid		X	Forthcoming

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	C	D	W
upon approval by the board of application and in conformance with ordinance requirements that payments of such assessments to be made a condition of final board approval			
16. A schedule of zoning requirements applicable to the property and a showing of whether or not the application is in conformance with such requirements. The schedule shall be indicated on the site plan	X		
17. Except for final major subdivision or final site plan applications, flood plains and/or wetlands shall be delineated on the plans or, if none, certification by a licensed engineer or landscape architect that based on a review of the National Inventory Wetlands Map and a physical inspection of the premises, there are no wetlands or flood plains designated	X		
18. A list, included in the application, of all other governmental agencies which must review the application and issue an approval thereon	X		
19. Any other material required for the board to make a decision such as, but not limited to, traffic study, environmental assessment, fiscal impact study, and similar reports	X		
ADDITIONAL REQUIRED SUBMISSIONS FOR SPECIFIC TYPES OF APPLICATIONS			
SUBDIVISION APPLICATIONS			
II. MINOR SUBDIVISION APPLICATION			
(a) A signed and sealed survey prepared by a licensed surveyor drawn on a scale of 200 feet to the inch or larger. The entire tract shall be shown on one sheet where possible. This survey shall show or include the following information:	X		
1. Name, title and address of applicant, owner and person preparing plat, and seal of person preparing plat	X		
2. Place for signature of chairman and secretary of the planning board or board of adjustment	X		
3. Date, scale and north arrow	X		
4. Tax map, lot and block numbers of the property in question and all adjacent lots including owners of record	X		
5. Existing and proposed lot lines and dimensions	X		
6. Acreage of tract to be subdivided and area in square feet of lots before and after subdivision	X		
7. All existing structures and wooded areas within the portion to be subdivided, including all trees over 6 inches in diameter as measured at breast height	X		
8. All streets or roads and streams adjacent to the subdivision	X		

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9. Key map showing the entire subdivision and its relation to the surrounding areas using a 1,000 foot radius	X		
10. Contours at 2 foot intervals, or 5 foot intervals for slopes in excess of 10% grade	X		
11. Indication of all required buffers and proposed landscape improvements	X		
12. Certification of any necessary approvals by the HMDC, DEP, County Planning Board or any other local, state or federal agency	X		
III. PRELIMINARY MAJOR SUBDIVISION APPLICATIONS			
(a) The required submissions for this type of application shall consist of a plat drawn or reproduced at a scale of not less than 1 inch equals 200 feet and designed and drawn by a licensed New Jersey engineer. The plot shall include the following information:	N/a		
1. All items required for minor subdivision applications			
2. Contours based on a one-foot interval and the high and low points and tentative cross sections and centerline profiles for all proposed new streets			
3. Plans of proposed utility layouts for storm and sanitary sewers and water service			
4. All road right-of-ways and road cross sections and construction details of pavements, curbs and storm drainage improvements, and any proposed road dedications			
5. Storm water management design and calculations			
6. Any driveways within 200 feet accessing the street on which the subject property is located			
(b) Landscape improvement plan, signed and sealed by a licensed landscape architect			
(c) Lighting plan			
(d) Soil erosion and sediment control plan and details			
IV. FINAL MAJOR SUBDIVISION APPLICATION			
(a) A plat shall be submitted for this type of applicant and shall be drawn at the same scale as the preliminary plans. The final plat shall show the following:	N/a		
1. All items required for preliminary major subdivision applications, in final form			
2. Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, bearing and distances and curve data, land to be reserved or dedicated to public use, all lot			

LAND USE PROCEDURES

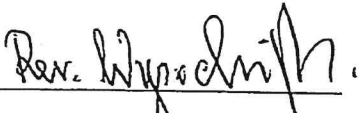
	C	D	W
lines and other lines			
3. The purpose and description of any easement or land reserved or dedicated to public use shall be designated			
4. Block and Lot numbers as assigned by the township engineer if preliminary approval has been previously granted			
5. Minimum building setback line on all lots and other sites			
6. Location and description of all monuments			
7. Names of owners of adjoining land			
8. Certification by engineer or surveyor			
9. Owner's certification as to subdivision			
10. Municipal approval signature spaces			
(b) Certification by applicant that all conditions of any preliminary approval have been satisfied or if not, an explanation of what changes have been made along with copies of any governmental approvals required pursuant to any preliminary approvals			
(c) Certification by Applicant that any required performance bond and inspection fees have been posted with the township			
V. REQUIREMENTS FOR SITE PLAN APPLICATIONS			
(a) All site plans submitted shall be drawn at a scale not smaller than one inch equals 50 feet (1 inch = 50 feet), shall be signed and sealed by a licensed engineer or architect and shall contain the following information:			
1. Name, title and address of applicant, owner and person preparing plat, and seal of person preparing plat	X		
2. Place for signature of chairman and secretary of the planning board or board of adjustment	X		
3. Date, scale and north arrow		X	
4. Tax map, lot and block numbers of the property in question and all adjacent lots including owners of record	X		
5. All existing structures and wooded areas within the portion to be subdivided including all trees over 6 inches in diameter as measured at breast height	X		
6. All streets or roads and streams adjacent to the subdivision		X	
7. Key map showing the entire site and its relation to the surrounding areas using a 1,000 foot radius	X		
8. Contours at 2 foot intervals, or 5 foot intervals for slopes in excess of 10% grade		X	
9. Certification of any necessary approvals by the HMDC, DEP, County Planning Board or any other agency	X		

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	C	D	W
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	X		
11. Any proposed and existing signs and descriptive schedules	X		
12. Identification of the type and location of public and private utilities and services for water and sewage disposal	X		
13. Proposed plans for storm water management and calculations			X
14. Any driveways within 50 feet accessing the street on which the subject property is located	X		
15. Certified property survey including owner's name	X		
16. Lighting plan			X
17. A landscape improvement plan shall be provided indicating buffer areas, signed and sealed by a licensed landscape architect			X
18. Soil erosion and sediment control plan			X

Owner's Consent

I, Rev. Marek B. Wysocki, hereby certify that I am a duly authorized representative of the Saint Michael the Archangel Church, and that the Saint Michal the Archangel Church is the owner in fee of all the certain lot, piece of parcel of land situated at 510 Ridge Road, Lyndhurst, New Jersey, in the County of Bergen, and identified on the tax map of the Township of Lyndhurst as Block 161, Lot 1. I hereby authorize and consent to the submission of this application to the Planning or Zoning Board of the Township of Lyndhurst by the applicant, 510 Ridge Rd LLC.



Name: Rev. Marek B. Wysocki

Title: Authorized Representative

Date: 07.06.2023

DRESDNER ROBIN

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Lyndhurst Board of Adjustment
367 Valley Brook Avenue
Township of Lyndhurst, New Jersey

DR Project No.: 11839-002
August 22, 2023

**Re: JUSTIFICATION OF VARIANCES
PROPOSED CONVERSION OF EXISTING 2-STORY CONVENT TO MULTI-FAMILY RESIDENTIAL USE
510 RIDGE ROAD (BLOCK 161, LOT 1)
TOWNSHIP OF LYNDHURST, BERGEN COUNTY, NEW JERSEY**

An application has been filed for the above noted property with the Lyndhurst Zoning Board of Adjustment for minor subdivision and minor site plan approval with variances, including a conditional use variance for off-site parking in a residential district pursuant to N.J.S.A. 40:55D-70.d.(3); and bulk "c" variances for minimum off-street parking, maximum lot coverage, minimum lot area, minimum lot width, minimum lot depth, maximum building coverage, minimum distance between structures, and minimum recreation space pursuant to N.J.S.A. 40:55D-70.c. The subject property is split zoned in the Multi-Family Residential ("RC") District along Ridge Road and the One and Two Family Residence ("RB") District along Page Avenue.

PROPERTY DESCRIPTION

The subject property is identified as 510 Ridge Road (Lot 1 on Block 161) at the intersection of Ridge Road and Page Avenue. The subject property has a lot area of approximately 113,771 square feet (2.61 acres). The subject property contains four existing buildings, including a church, rectory, school building and former convent building, as well as several additional accessory structures. A 97-space parking lot is located at the rear of the property with access from Page Avenue. The portion of the lot that contains the former convent building is in the RC District.

PROJECT DESCRIPTION

The purpose of this application is to subdivide the property and convert the former convent building into a 6-unit residential building. The proposed subdivision will create a proposed Lot 1.01 with a lot area of approximately 106,218 square feet (2.4 acres). The proposed Lot 1.01 will contain the existing church, school, rectory and parking lot. The project proposes no improvements to the existing structures on proposed Lot 1.01, however there are several existing non-conforming conditions which will remain: the 14.9 foot front yard setback to the existing church building from Ridge Road, 4.9 foot street side yard setback to the existing church building from Page Avenue, and maximum building height of the existing church building and school building.

Proposed Lot 1.02 will be 7,552 square feet in area and contain the former convent building. The former convent building will be fully renovated. The basement will consist of storage and utility spaces. The first and second floors

will each contain 3 residential units, including 2 one-bedrooms and 1 two-bedrooms. No exterior expansion of the existing structure is proposed. Exterior alterations including rearrangement of windows and elimination of an entrance and stoop on the south side of the building are proposed.

VARIANCE JUSTIFICATION AND PROOFS

Conditional Use “d(3)” Variance

The Zoning Board of Adjustment has the authority to grant a conditional use variance pursuant to 40:55D-70d(3). Under the applicable case law *Coventry Square v. Westwood Zoning Bd. Of Adjustment* (138 N.J. at 295), the Court found that a conditional-use applicant’s inability to comply with one or more of the conditions does not materially affect the appropriateness of the site for the conditional use, accordingly the standard of proof is that the site will accommodate the problems associated with the use even though the proposal does not comply with the conditions the ordinance established to address those problems.

Per §21-8.17 of the Lyndhurst Zoning Ordinance, a conditional use may be granted to permit certain required parking off-site, provided that the spaces shall be under the control of the applicant through ownership or permanent easement; such space shall not be in a residential zone; and such spaces shall not be more than 500 feet from the property to be used.

The proposed multi-family use within the existing convent building on the proposed Lot 1.02 requires 13 off-street parking spaces, which will be provided within the existing parking lot on Lot 1.01. The existing parking lot that will contain the 13 spaces for the proposed residential use is located within 500 feet of the proposed Lot 1.02. A permanent easement for those spaces will be provided.

A variance is required for the proposed off-site spaces in that they are located within a “residential district”. The intent of the condition may have been to prevent the intrusion of parking for non-residential uses into residential districts. However, in this instance granting of the variance would permit parking for a residential use within a residential district. Walkways connecting the proposed multi-family dwelling to the parking lot currently exist and are proposed to remain. Approval of the off-site parking spaces will allow for the multi-family use on the proposed Lot 1.02 without the need to create a new curb cut along Ridge Road or new impervious coverage. As such, the project can accommodate the problems associated with the condition.

Bulk “c” Variances

The project requests bulk “c” variances for the proposed Lot 1.01 including minimum off-street parking and maximum lot coverage. In addition, the project requests bulk “c” variances for proposed Lot 1.02 including

minimum lot area, minimum lot width and minimum lot depth, maximum building coverage, minimum distance between structures, and minimum recreation space. The requested bulk “c” variances may be granted pursuant to N.J.S.A. 40:55D-70.c.(2), wherein the benefits of the proposed project would substantially outweigh any detriments.

There are several existing non-conforming conditions of the subject property which would not be affected by the application, including the 14.9 foot front yard setback to the existing church building from Ridge Road, 4.9 foot street side yard setback to the existing church building from Page Avenue, and maximum building height of the existing church building and school building on the proposed Lot 1.01, and the 5.1 foot rear yard setback on the proposed Lot 1.02.

Minimum Off-Street Parking

The existing parking area on the proposed Lot 1.01 contains 97 parking spaces. The project proposes to dedicate 13 of the 97 parking spaces to the new residential use on the proposed Lot 1.02. The remaining 84 parking spaces would be dedicated to the church, school and rectory uses.

Parking is an existing non-conforming condition of the subject property. Per §21-8.18, a minimum of one parking space per every 2 seats is required for house of worship uses. The existing church has a seating capacity of 350 seats, which would require a minimum of 175 parking spaces. Additionally, 10 spaces for the school use and 2 spaces¹ for the rectory use are required.

The required 1 parking space for every 2 seats is conservative as families attending church will have a lower parking utilization rate. Additionally, most services have an attendance that is a fraction of the maximum capacity of the church. Furthermore, due to the nature of the church and school uses, there is minimal parking demand overlap.

Maximum Lot Coverage

With the proposed subdivision the lot coverage of proposed Lot 1.01 would be 70.84%, where a maximum coverage of 70% is permitted. There are no new impervious surfaces proposed as part of the application.

Minimum Lot Area, Minimum Lot Width and Minimum Lot Depth

The subdivision proposes to create a new Lot 1.02, which will be 7,552.3 square feet in area where a minimum of 15,000 square feet is required per code. Additionally, Lot 1.02 will have a lot width of 95.9 feet and lot depth of 99.8 feet, where a minimum of 100 feet in width and 125 feet in depth is required.

¹ There is no minimum parking standard for rectory uses, a minimum parking requirement of 2 spaces has been assumed.

The application proposes a simple subdivision, creating a new and separate lot for the former convent. The new lot line is proposed between the former convent and the existing school structures, which provides conforming side yard setbacks for both buildings.

The proposed subdivision and creation of an undersized lot is a better planning alternative than the creation of a conforming lot. Due to the orientation and existing development of the subject property, creation of a conforming 15,000 square foot Lot 1.02 would require that the school building also be included, which would create additional variances for multiple principle uses on a lot, or the creation of an irregular subdivision.

Maximum Building Coverage

With the proposed subdivision, proposed Lot 1.02 would have a building coverage of 34.66%, where a maximum coverage of 30% is permitted. The proposed project would not result in the expansion of the existing structure. The only proposed external alterations are rearrangement of windows and the elimination of the doorway and stoop on the south side of the building. To bring the proposed Lot 1.02 into compliance would be a hardship. There are two possible ways to provide compliant building coverage. The first would require the demolition of part of the existing brick structure. The second would be the expansion of the proposed Lot 1.02, which would likely require additional side yard setback variance for the existing school structure on the proposed Lot 1.01, and/or the creation of an irregular lot line. Granting the variance is a better planning alternative.

Minimum Distance Between Buildings

Per §21-4.4.c a minimum distance of 30 feet between buildings is required. The existing school and proposed multi-family dwelling structures have a minimum distance of 29.5 feet at the rear corner of the proposed multi-family dwelling. The six-inch deficit between the buildings is de minimus. To provide a compliant distance would be a hardship as it would require the demolition of a portion of one of the existing structures.

Minimum Recreation Space

Per §21-4.4.c a minimum of 100 square feet of recreation space² is required per dwelling unit. A minimum of 600 square feet is required for the proposed 6 residential units. No recreation space is proposed, however, the project does provide the minimum 2,000 square feet of open space³.

² Recreational Space is defined as "outdoor space specifically designated for recreation use. This space shall not have any other uses, such as parking, or refuse storage. The space shall be open with a lawn surface."

³ Open Spaces is defined as "an open space area within the development designed and intended for the use or enjoyment of the residents of the development and including such complementary structures and improvements such as recreation facilities or open shelter buildings as are appropriate for the use or enjoyment of residents of the development."

Promotes the Purposes of the Municipal Land Use Law

The granting of the variances will advance the purposes of the Municipal Land Use Law and promote the general welfare. Granting the requested variances will guide the appropriate use and development of the property in a manner that will promote the general welfare consistent with N.J.S.A. 40:55D-2.a. through the provision of an appropriate multi-family use in the RC District. The proposed project will provide adequate light, air, and open space; consistent with N.J.S.A. 40:55D-2.c. The project is proposing a multi-family dwelling in a location with access to public transportation, and therefore is promoting the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities; consistent with N.J.S.A. 40:55D-2.e. The proposed project will promote a more desirable visual environment through creative development techniques consistent with N.J.S.A. 40:55D-2.i. by adaptively re-using the existing building for a permitted multi-family use.

Negative Criteria

Granting the variances will not result in a substantial detriment to the general welfare. The project proposes the adaptive re-use an existing structure for a multi-family use, which is permitted in the district. Approval of the off-site parking spaces will allow for the multi-family use on the proposed Lot 1.02 without the need to create a new curb cut along Ridge Road or new impervious coverage. Granting the variances will likewise not result in a substantial impairment to the intent and purpose of the zone plan or zoning ordinance. The proposed multi-family use is consistent with residential intent of the R-C District.

CONCLUSION

The requested variances are justified and meet the positive and negative proof standards and therefore can be granted. The applicant reserves the right to supplement the foregoing reasons with expert testimony at the Zoning Board of Adjustment Hearing.