

February 16, 2021

Via: Email & Hand Delivery

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

Re: Variance & Sub-Division Plan Review
514 Riverside Avenue
Block 117, Lot 44.01
Township of Lyndhurst, Bergen County, New Jersey
NEA No.: LYNDSPL21.010

Dear Honorable Board Members:

As requested, Neglia Engineering Associates (“NEA”) has reviewed the submitted documents related to the site improvements within the lots located along the easterly side of Riverside Avenue with frontage along the northerly portion of Anthony Court. The Applicant proposes to subdivide the property into three lots and construct two (2), two (2) family dwellings. Specifically, we have reviewed the following:

- Signed and sealed Minor Subdivision Plan consisting of three (3) sheets entitled, “Proposed Minor Subdivision at 514 Riverside Avenue, Block 117 – Lot 44.01, Township of Lyndhurst, Bergen County, New Jersey,” prepared by Charles L. Osterkorn Jr., P.E., P.L.S., of Osterkorn Engineering Associates, dated August 6, 2020.
- 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 August 6, 2020.

1. Project & Site Description

The subject property is an irregular shaped lot located along the easterly portion of Riverside Avenue. The subject property, Block 117, Lot 44.01 is commonly known as 514 Riverside Avenue, and is located within the R-A and B Zone. The property is currently an undeveloped lot and with an area of 31,179 square feet (0.715 acres).

The Applicant proposes to sub divide the property into three Lots, 44.01, 44.03, and 44.04 and construct two family dwellings on new lots 44.03 and 44.04.

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.*
 The Applicant has requested for a waiver for this item for the Board’s consideration. The Applicant will only seek the Bergen County Soil Conservation District Soil Erosion and Sediment Control Certification post Township Site Plan approval.

3. Zoning Requirements

The following tables reflects the R-A Zone Bulk Requirements as they pertain to the proposed first and second floor addition and prefabricated garage:

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

Proposed 44.01

Description	Required	Proposed	Status
Use	As Defined Below ⁽²⁾	Undeveloped Lo	Conforming
Minimum Lot Area (square feet)	4,000	31,179	Conforming
Minimum Lot Width (feet)	40	43.75	Conforming
Minimum Lot Depth (feet)	100	475	Conforming
Minimum Front Yard (feet)(min./avg)	N/A	N/A	N/A
Minimum Rear Yard (feet)	10	N/A	N/A
Minimum Side Yard (each)/(combined) (feet)	10/10	N/A	N/A
Maximum Principal Building Coverage (%)	60	N/A	N/A
Maximum Building Height (feet)	35	N/A	N/A
Maximum Building Height (stories)	3	N/A	N/A



Proposed Lot 44.03

Description	Required	Proposed	Status
Use	As Defined Below ⁽²⁾	Two Family Dwelling	Non-Conforming
Minimum Lot Area (square feet)	5,000	8,320.14	Conforming
Minimum Lot Width (feet)	50	89.73	Conforming
Minimum Lot Depth (feet)	100	76.48	Non-Conforming
Minimum Front Yard (feet)(min./avg)	20/3	21.79/22.75	Conforming
Minimum Rear Yard (feet)(feet)(min./avg)	20/3	20.14/20.58	Conforming
Minimum Side Yard (each) (feet)	6	10.32	Conforming
Maximum Principal Building Coverage (%)	30	18.4	Conforming
Maximum Lot Coverage (%)	60	57.21	Conforming
Maximum Building Height (feet)	32	TBD	Conforming
Maximum Building Height (stories)	2.5	TBD	Conforming

Proposed Lot 44.04

Description	Required	Proposed	Status
Use	As Defined Below ⁽²⁾	Two Family Dwelling	Non-Conforming
Minimum Lot Area (square feet)	5,000	5,525.6	Conforming
Minimum Lot Width (feet)	50	55.3	Conforming
Minimum Lot Depth (feet)	100	74.73	Non-Conforming
Minimum Front Yard (feet)(min./avg)	20/3	21.81/21.81	Conforming
Minimum Rear Yard (feet)(min./avg)	20/3	19.3/19.68	Non-Conforming
Minimum Side Yard (each) (feet)	6	10.6/21.2	Conforming



Description	Required	Proposed	Status
Maximum Principal Building Coverage (%)	30	25.89	Conforming
Maximum Lot Coverage (%)	60	43.66	Conforming
Maximum Building Height (feet)	32	TBD	Conforming
Maximum Building Height (stories)	2.5	TBD	Conforming

- Each item with a status of “non-conforming” above will require a new variance / design waiver.
- Single family homes, not to exceed one such dwelling on each lot, accessory use as further defined in subsection 21-5.2, community residence for the developmentally disabled and community shelter for victims of domestic violence as defined by NJSA 40:50D-66.1 for not more than six person exclusive of resident staff, professional offices under conditions defined in 21-4.2a(1)(a-f), conditional uses allowed subject to the approval by the planning board: nonprofit clubs, lodges, and fraternal organizations, community residences for the developmentally disabled and victims of domestic violence as defined by NJSA 40:50D-66.1 for more than six residents excluding resident staff subject to provisions of subsection 21.5:2

4. Parking and Loading Requirements

The table provided below identifies parking & loading requirements:

Proposed Lot 44.03

Regulation	Ordinance Section	Units	Total Required	Proposed	Status
Schedule of Off-Street Parking	§21-8.18	2 spaces per dwelling unit	2 dwelling units x (2 spaces/ dwelling unit)	5 spaces	Conforming
RSIS	N.J.A.C. 5:21-4.14 Table 4.4	2.1 spaces per dwelling unit	2 dwelling units x (2.1 spaces/ dwelling unit) = 4 spaces	4 spaces	Conforming



Proposed Lot 44.04

Regulation	Ordinance Section	Units	Total Required	Proposed	Status
Schedule of Off-Street Parking	§21-8.18	2 spaces per dwelling unit	2 dwelling units x (2 spaces/ dwelling unit)	4 spaces	Conforming
RSIS	N.J.A.C. 5:21-4.14 Table 4.4	2.1 spaces per dwelling unit	2 dwelling units x (2.1 spaces/ dwelling unit) = 4 spaces	4 spaces	Conforming

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

5. 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.



6. Engineering Comments

- 6.1 The Applicant's professionals shall provide testimony in support of all requested / required variances.
- 6.2 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.
- 6.3 The Applicant shall provide testimony addressing trash removal and disposal procedures.
- 6.4 NEA recommends that the Applicant provide material boards and color renderings during the Board presentation to demonstrate that the proposed addition and improvements will be aesthetically acceptable. This shall include any rooftop screening. The rendering shall include a view of all sides of the building.
- 6.5 The Applicant is responsible for addressing any comments from the Police and Fire Departments.
- 6.6 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.
- 6.7 The Applicant shall ensure that all disturbed work areas are stabilized with topsoil, seed, hay, and straw mulch to ensure lawn growth.
- 6.8 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.
- 6.9 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.
- 6.10 The Applicant shall be required to replace all curbing along frontage of proposed Lots.
- 6.11 The Applicant shall revise the plans to include proposed driveway dimensions.
- 6.12 The Applicant shall revise the plans to include a Vehicle Maneuverability Template for proposed Lots.
- 6.13 The Applicant shall revise the plans to include a construction details sheet.

7. Grading, Drainage and Utility Comments

- 7.1 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.
- 7.2 The Applicant shall revise the plans to include a Grading Plan.
- 7.3 The Applicant shall revise the plans to include a Utility Plan.
- 7.4 The Applicant shall revise the plans to include a Soil Erosion Sediment Control Plan.



- 7.5 The Applicant shall provide drainage calculations to determine if the increase in impervious surface requires additional stormwater management control.
- 7.6 The Applicant shall ensure that all runoff is directed away from the proposed building 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.
- 7.7 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. Landscaping & Lighting Comments

- 8.1 The Applicant shall provide a lighting and landscaping plan to illustrate any improvements to the properties.

9. Traffic Comments

- 9.1 Per RSIS standards, the parking requirements are as follows:
 - a. 2.1 spaces per dwelling unit = 2.1 spaces * 2 dwelling units = 4 parking spaces.
 - b. A total of 4 parking spaces are required for Lot 44.03 and a total of 4 parking spaces for Lot 44.04.
- 9.2 The Applicant shall provide site distance triangles at the driveway, Nelson Street and Warren Street to ensure visibility.

10. Subdivision Comments

- 10.1 The proposed parcels have been checked for lot closure and all are satisfactory. The lot area reported for each proposed parcel should be checked by the Applicant. The original lot area is correct but all proposed lot areas do not match our calculations.
- 10.2 The Applicant shall confirm the proposed lot designations with the Tax Assessor. We recommend making the following revisions: change Proposed Lot 44.01 to 44.03; change Proposed Lot 44.03 to 44.04; change Proposed Lot 44.04 to 44.05.
- 10.3 The Applicant shall add the two missing proposed lot dimensions for Proposed Lot 44.01, one along the northerly line and one along the southerly line.
- 10.4 The Applicant shall add the lot frontage along Anthony Court for Proposed Lot 44.03.
- 10.5 The Applicant shall confirm the vertical datum depicted on the plans. The survey states the vertical datum is based on an assumed datum, the Minor Subdivision Plan states all elevations are based on NGVD 1929.
- 10.6 In accordance with Township Ordinance 20-6.1b the Applicant shall add all existing structures within 200 feet of the subject parcel.



- 10.7 In accordance with Township Ordinance 20-6.2b the Applicant shall add the Owner and Applicant name and address to the Minor Subdivision Plan.
- 10.8 In accordance with Township Ordinance 20-6.2g a copy of any protective covenants or deed restrictions applying to the land being subdivided shall be submitted, if none, so state as a note on the Minor Subdivision Plan.
- 10.9 In accordance with Township Ordinance 20-8.4f “No subdivision shall be permitted for a lot upon which a two-family dwelling is located that would result in dimensions of less than 55 feet in width and frontage, 100 feet in depth, and 5,500 square feet in area” this will require the Applicant to seek a variance since neither Proposed Lot 44.03 or 44.04 meet this criteria.

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

A blue ink signature of Brian A. Intindola, consisting of a stylized 'B' followed by a horizontal line.

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

Very truly yours,
Neglia Engineering Associates

A blue ink signature of David Juzmeski, featuring a stylized 'D' and 'J' with a circular flourish.

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

Cc: Daniel R. Lagana, Esq. – Board Attorney (*via: email*)
Fernando Semiao – Applicant (*via: email*)
Charles L. Osterkorn, Jr., P.E.– Applicant’s Engineer (*via: email*)