

THERE WILL BE A \$25.00 FEE WHEN SUBMITTING APPLICATION

Township of Lyndhurst
APPLICATION FOR ZONING APPROVAL

Application is hereby made by the undersigned for a Zoning Certificate to be issued in accordance with the requirements of the Township of Lyndhurst. All plans, drawings, surveys and other documentation submitted with this application are deemed to be part of this Application. The undersigned hereby agrees to comply with all of the Ordinances and Regulations of the Township of Lyndhurst. If any use of building or structure applied for herein shall be in violation of the aforesaid Ordinances or Regulations, the Zoning Officer shall have the right to stop such use or work on the premises until such violations shall have been corrected, and there shall be no liability on the part of the Township of Lyndhurst because of such stoppage.

APPLICANT:

Name: New York Avenue LLC
Address: c/o JACK SEXIERIO
Tel No. 753 UNION Avenue
Lyndhurst, NJ 07071

FOR OFFICE
USE ONLY
Fee Paid: Yes:
No:

PROPERTY ADDRESS: 535-537 New York Avenue

BLOCK: 23 LOT: Lot (Size 125 Ft by 106.35 Ft.)

PROPERTY OWNER: (if different from Applicant)

Name:
Address: SAME AS ABOVE
Tel No.

ZONE: RB Zone
CURRENT USE:
INTENDED USE: Multi Family - 18 - one bedroom and studio apartments
EXPLAIN IN DETAIL THE PROPOSED CONSTRUCTION: Construction of eighteen (18) one bedroom and studio Apartments

SIZE OF NEW CONSTRUCTION (sqft):

(Attach survey showing present condition and proposed construction)

CERTIFICATION OF APPLICANT

I, Malcolm J. McPherson, being of full age, certify as follows:
Print Your Name

1. I am the owner of the above property or, in the alternative I have permission from the owner to make this application
2. The use of the property and occupancy of the property will be in accordance with all of the Ordinances and Regulation of the Township of Lyndhurst and all other authorities.
3. I certify that the above statements and the statements in this Application and any attachments hereto are true to the best of my knowledge. I am aware that if they are willfully false, I am subject to punishment

Date: JANUARY 15, 2021

APPROVED

Signature of Applicant

Date: 1/27/21

Zoning Officer

DENIAL OF ZONING CERTIFICATE: (if applicable)

The Zoning Certificate is denied for following reasons:

TOWNSHIP OF LYNDHURST
 OFFICE OF THE
 CONSTRUCTION DEPARTMENT

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

This is to advise that on JANUARY 15, 2021 a zoning permit was denied to Malcolm McPherson

for premises located on 535-537 New York Ave, Block # 23, Lot # 10

Zone R-B for the (erection) (use) of a 18 UNIT Apartment Building

Does not comply with the Township Ordinance # 2067 because of: 1) R-B ZONE DOES NOT ALLOW MULTIPLE DWELLINGS (SECTION 21-4.3)

				Conforms	
Proposed		RB	Multi Family RC	RB	RC
1. Lot Area:	<u>14,131.25</u>	Area Required: <u>5,500</u>	<u>15,000</u>	Yes	NO
2. Lot Frontage:	<u>125.01</u>	Frontage Required: <u>55'</u>	<u>100'</u>	Yes	Yes
3. Lot Depth:	<u>106.35</u>	Depth Required: <u>100'</u>	<u>125'</u>	Yes	NO
4. Front Yard Set Back:	<u>14.24</u>	Min. Set Back Req.: <u>20'</u>	<u>20</u>	NO	NO
5. Side Yard Set Back:	<u>10 or 20' Both</u>	Min. Side Yard Req.: <u>9' & 15'</u>	<u>10' & 20'</u>	Yes	Yes
6. Rear Yard Set Back:	<u>16.42</u>	Min. Rear Yard Req.: <u>20'</u>	<u>20</u>	NO	NO
7. Parking Spaces:	<u>29</u>	Min. Parking Spaces Req.: <u>4</u>	<u>43</u>	Yes	NO
8. Lot Coverage:	<u>53.45%</u>	Maximum Permitted: <u>30%</u>	<u>30%</u>	NO	NO
9. Height of Building:	<u>37.34 ft</u>	Max. Height of Building: <u>32' Est. 35' / 3 stories</u>		NO	NO

REMARKS: This lot lies in an R-B zone but the application is for a Building that belongs in the R-C zone (Multi Family/Garden Apts)
Ord. 21-4.4 a special regulations is attached for review

DATED: 1-27-21

[Signature]
 Zoning Official

21-4.2 Uses Permitted in an R-A District.

a. *Uses Allowed by Right.*

1. Single family homes, not to exceed one such dwelling on each lot.
2. Accessory use as further defined in subsection 21-5.2.
3. Community residence for the developmentally disabled and community shelter for victims of domestic violence as defined by N.J.S.A. 40:55D-66.1 for not more than six persons exclusive of resident staff.
4. A professional office shall be permitted as conditional uses provided that:
 - (a) The use is carried on wholly within the completely enclosed building; and
 - (b) Not more than 50 percent of the floor space is devoted to the professional office with the remaining 50 percent to be devoted for residential use; and
 - (c) One off-street parking space shall be provided for every 300 square feet of usable office area.
 - (d) There shall be no exterior storage of materials and equipment; and
 - (e) Such professional office must be in keeping with the residential character of the neighborhood and shall not materially depreciate property values in the immediate area.
 - (f) There can be no more than two principal uses associated with the property in question, i.e., professional office and residence.

A professional occupation includes, but is not limited to, architect, artist, accountant, contractor, dentist, surgeon or physician, chiropractor, engineer, land surveyor, and lawyer. A professional occupation for purposes of this section, does not include but is not limited to the occupation of cabinet making and furniture repair work, musician, real estate agent or broker, construction trades which include on site work areas, an animal hospital or kennel, an automotive repair shop, a barber shop, a restaurant, tearoom or tavern, a store, mortuary, limousine and livery services, or other similar uses. Also for purposes of this section, a professional office does not include any hospital, clinic, or outpatient treatment center. If the professional office to be located in a home is not stated as permitted, then it is prohibited. (Ord. No. 2913-15 § 2)

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

1. Nonprofit clubs, lodges and fraternal organizations.
2. Community residences for the developmentally disabled and victims of domestic violence as defined by N.J.S.A. 40:55D-66.1 for more than six residents excluding resident staff subject to provisions of subsection 21-5.12.

(Ord. No. 2067; Ord. No. 2340, §I; Ord. No. 2690, §2; Ord. No. 2833-12; Ord. No. 2913-15 § 2)

21-4.3 Uses Permitted in R-B District.

a. *Uses Allowed by Right.*

1. All uses allowed in the R-A District.
2. Two-family homes, not exceeding one such building on each lot.

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

1. All conditional uses allowed in the R-A District.
(Ord. No. 2067; Ord. No. 2567, §3)

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.

¹The 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.

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

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 Principal Building Coverage	MAXIMUM HEIGHT Feet	Stories
	AREA Sq. Feet	WIDTH Sq. Feet	DEPTH Feet	FRONT Feet	REAR Feet	SIDE (Interior Lot) Feet	FRONT Feet	REAR 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	6 each	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% ⁵	35	3	
M-1	Light Industrial	10,000	100	100	25	25	10 each	25	60% ⁹	40	3	
M-2	Heavy Industrial	10,000	150	200	25	25	10 each	25	60% ⁹	40	4	
C-GI	Commercial - General Industrial	4 Acres	200	200	50	25	25 each	25	50% ⁹	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.

⁹ (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)