

Township of Lyndhurst

APPLICATION FOR ZONING APPROVAL

PAID
AUG 13 2024
TOWNSHIP OF LYNDHURST

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: Liberty Humane Society
Address: 555 Valley Brook Avenue
Lyndhurst, NJ 07071

Tel No.: 973-878-4185

PROPERTY ADDRESS: 555 Valley Brook Avenue

Block: 89 Lot: 10

PROPERTY OWNER: (if different from Applicant)

Name: Same
Address: _____

Tel No.: _____

ZONE:

CURRENT USE: Vacant Building

INTENDED USE: Veterinary Services/temporary use of mobile unit

EXPLAIN IN DETAIL THE PROPOSED CONSTRUCTION: No construction proposed currently/the electric panel was upgraded and a 50amp outlet installed

N/A SIZE OF NEW CONSTRUCTION (sqft):

(Attach survey showing present condition and proposed construction)

CERTIFICATION OF APPLICANT

I, Andy Siegel, 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:

APPROVED

Signature of Applicant

Date:

8/20/24

Zoning Officer

DENIAL OF ZONING CERTIFICATE: (if applicable)

The Zoning Certificate is denied for the following reasons:

PLEASE SEE ATTACHED DOCUMENTS.

THERE WILL BE A \$50.00 FEE WHEN SUBMITTING THIS APPLICATION.

FOR OFFICE USE ONLY:

FEE: CHECK# _____

CASH \$50

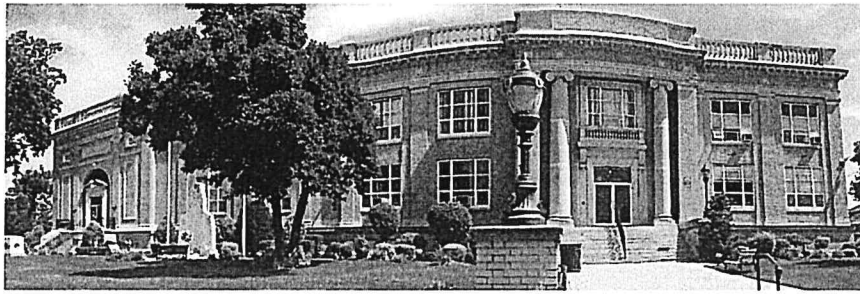
Address of Building: 555 Valley Brook Avenue, Lyndhurst, 07071

How Many Employees: 4

Hours & Days of Operation:
5-7 days/month (see correspondence dated 8/8/24 for further detail)

How Many Parking Spaces: 3

If a Food Establishment, How Many Seats: N/A



LYNDHURST CONSTRUCTION DEPARTMENT
Department of Public Affairs

Zoning Application Denial

Address: 555 Valley Brook Ave

Block: 89 Lot: 10

8/20/2024

- 1) Lyndhurst Ordinance 2067 Section 21-3.g Application of District Regulations. No off-street parking or loading and unloading space shall be so reduced in area that it does not meet the requirements of Lyndhurst Ordinance 2067 section 21-8 Off-Street Parking and Loading.
- 2) Lyndhurst Ordinance 2067 Section 21-4.5c.4 Uses Permitted in Business District. The storage of automobiles is an excluded use in the business zone.
- 3) Lyndhurst Ordinance 2067 Section 21-4.5 Uses Permitted in Business District. Operating a business in a, temporary, mobile vehicle stored in the driveway would be an unpermitted use subject to board approval.
- 4) Lyndhurst Ordinance 2067 Section 21-8.1 Parking Spaces Required. No building or premises shall be built or erected, nor shall any building be altered so as to expand its usable floor area, nor shall the use of any building or premises be expanded unless there is provided parking space in accordance with the requirements of this section.
- 5) Lyndhurst Ordinance 2067 Section 21-12 Definitions Driveway: Shall mean an open area used as a means to provide vehicular ingress or egress to a property.

Respectfully,

Christopher Salviano

Zoning Official

201-804-2490

*Township of Lyndhurst, NJ
Wednesday, August 21, 2024*

Chapter 21. Zoning

§ 21-3. APPLICATION OF DISTRICT REGULATIONS.

[Ord. No. 2067]

Except as hereinafter provided:

- a. No land or building hereafter shall be used, occupied, erected, moved or altered unless in conformity with the regulations hereinafter specified for the district in which it is located.
- b. No building shall hereafter be erected or altered:
 1. To exceed the height limit;
 2. To exceed the floor area ratio;
 3. To occupy a greater percentage of lot area;
 4. To accommodate or house a greater number of families; or
 5. To have narrower or smaller rear yards, front yards or side yards, than is specified for the district in which such building is located.
- c. No part of a yard or other open space required for any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.
- d. No lot shall be reduced in area that it does not meet the area requirements or that any required open space will be smaller than prescribed in the Schedule of Regulations, Section **21-6**, (which schedule accompanies, and which is made a part of this chapter), for the district in which the lot is located. Yards or lots created after July 1, 1988 shall meet at least the minimum requirements established by this chapter.
- e. Off-street parking space and off-street loading space shall be provided as specified in this chapter and shall be provided with necessary passageways

and driveways appurtenant thereto and giving access thereto. All such parking space and loading space, together with such passageways and driveways, shall be deemed to be required space on the lot on which the same is situated and shall not thereafter be encroached on or reduced in any manner except as otherwise provided in this chapter.

- f. No off-street parking or loading space required for one building or use shall be included as meeting, in whole or part, the off-street parking or loading space required for another building or use.
- g. No off-street parking or loading and unloading space shall be so reduced in area that it does not meet the requirements of Section **21-8**.
- h. Nothing contained in this chapter shall require any change in the plans, construction or designated use of a building complying with existing law, a permit for which shall have been issued and the construction of at least the foundation or slab of the building shall have been started before the date of final adoption of this ordinance, which date is June 14, 1988.
- i. Marijuana facilities.
[Added 12-19-2018 by Ord. No. 3009-18; amended 6-10-2021 by Ord. No. 3073-21]

- 1. In every zoning district referred to in this chapter, no land or building shall be:
 - (a) Used or allowed to be used for the growing, cultivating, processing, storing, transporting, or selling of medicinal marijuana, its derivatives or agents; and/or
 - (b) The manufacture, distribution, storing or transporting of paraphernalia that facilitates the use of medicinal marijuana; and/or
 - (c) The distribution or sale of medicinal marijuana to retail and/or wholesale stores; and/or
 - (d) The manufacture, storage, and/or transportation of any and all medicinal marijuana products, manufacturing facilities, retail and wholesale medicinal marijuana products, retail and wholesale medicinal marijuana testing facilities, and the operation of retail and wholesale medicinal marijuana social clubs.
- 2. All activities related to the above-mentioned retail and wholesale uses, such as, but not limited to, cultivation, possession, extraction, manufacturing, processing, storing, laboratory testing, labeling, transporting, delivering, dispensing, transferring and distributing of medicinal marijuana, are expressly prohibited within the Township. The foregoing shall not be construed to limit any privileges or rights of a

qualifying patient or primary caregiver pursuant to the New Jersey Compassionate Use Medical Marijuana Act, N.J.S.A. 24:61-1.

3. Fines and penalties. The maximum penalty for violation of any provision of this Subsection i shall, upon conviction, be a fine not exceeding \$2,000 or imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days, at the discretion of the Municipal Court Judge.
-
- j. All classes of cannabis establishments, cannabis distributors or cannabis delivery services as said terms are defined in Section 3 of P. L. 2021, c. 16 (New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act), are prohibited from operating anywhere in the Township of Lyndhurst, except for the delivery of cannabis items and related supplies by an outside delivery service. All classes of cannabis establishments, cannabis distributors, or cannabis delivery services as said terms are defined in P. L. 2021, c. 16 (New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act) are hereby prohibited uses in all zones.
[Added 6-10-2021 by Ord. No. 3073-21]

*Township of Lyndhurst, NJ
Wednesday, August 21, 2024*

Chapter 21. Zoning

§ 21-4.5. Uses Permitted in Business District.

[Ord. No. 2067; Ord. No. 2351, § I; Ord. No. 2394, § I; Ord. No. 2567, § 3; Ord. No. 2618, § I; Ord. No. 2840-12; Ord. No. 2872-12, § 4; amended 11-3-2022 by Ord. No. 3131-22]

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.
6. 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.
[Added 1-16-2018 by Ord. No. 2982-17]
7. 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.

[Added 1-16-2018 by Ord. No. 2982-17]

- 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% 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.
12. Vape Shops.
[Added 11-3-2022 by Ord. No. 3131-22]
 - (a) Vape Shop shall be Conditionally Permitted in the Business District provided that the subject premises is not within 1,500 feet of the nearest property line of any of the following uses:
 - (1) Nursery school;
 - (2) Preschool;
 - (3) Child, adult or special needs day care centers;
 - (4) Elementary, junior high school or high school;
 - (5) State, County, or private university or college;
 - (6) Other schools not falling within the definition of (1) through (5) above;
 - (7) Funeral parlor;
 - (8) Health service facilities;
 - (9) Other vape shops;

(10) Assisted living facilities or group homes;

(11) Church or other places of worship;

(12) Parks, playgrounds and commercial recreational facilities.

(b) The use is prohibited in all other districts in the Township.

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 2 1/2 feet in height.

*Township of Lyndhurst, NJ
Wednesday, August 21, 2024*

Chapter 21. Zoning

§ 21-8.1. Parking Spaces Required.

[Ord. No. 2067]

No building or premises shall be built or erected, nor shall any building be altered so as to expand its usable floor area, nor shall the use of any building or premises be expanded unless there is provided parking space in accordance with the requirements of this section.