

DONALD M. PEPE | Partner
dpepe@sh-law.com
Direct Phone: 732-568-8370 | F: 732-695-8108

September 9, 2024

VIA E-MAIL AND REGULAR MAIL

Construction Department
Attn: Christopher Salviano
253 Stuyvesant Avenue
Lyndhurst, New Jersey 07071

Re: **NOTICE OF APPEAL TO ZONING BOARD OF ADJUSTMENT – Denial of Zoning Certificate issued August 20, 2024**
555 Valley Brook Avenue
Lyndhurst, New Jersey 07071

Dear Mr. Salviano:

This firm represents Liberty Humane Society (“Owner”), owner of the premises located at 555 Valley Brook Avenue, Lyndhurst, New Jersey 07071, also known as Block 89, Lot 10 on the Lyndhurst tax map (the “Property”). Owner is a 501(c)(3) non-profit animal welfare organization focused on providing affordable and efficient preventative veterinary care to residents of Northern New Jersey. Owner is in the process of preparing a site plan for submission to the Lyndhurst Planning Board

On August 13, 2024, Owner submitted an application for zoning certificate to permit Owner to temporarily provide mobile veterinary services from a vehicle parked at the Property, while the Owner prepares site plans and seeks approval to develop a permanent facility. The existing building on the Property is not currently being used.

On August 20, 2024, the Township of Lyndhurst denied Owner’s zoning request. Owner disagrees with the zoning officer’s conclusions and seeks to appeal the zoning officer’s decision to the Zoning Board of Adjustment pursuant to the Lyndhurst Code of Ordinances § 19-4.1.

The zoning officer provided five (5) grounds for his denial of the zoning certificate. The Owner reserves the right to supplement this appeal with testimony and arguments at the hearing, but in order to comply with §19-2.7 of the Lyndhurst Code of Ordinances, Owner presents the following grounds for appeal, with each number corresponding to the numbered list on the zoning officer’s letter dated August 20, 2024:

**Township of Lyndhurst
Planning / Zoning Board
Copy**

1. The parking standards applied by the zoning officer apply to buildings. This is a mobile veterinary clinic which is temporary in nature and the parking requirements referenced do not apply to a temporary mobile veterinary clinic.
2. Owner is not seeking approval to store vehicles at the Property. Owner is seeking to operate a temporary mobile veterinary clinic. This use can be described as either a service establishment or a professional office, both of which are permitted uses in the Business District.
3. The use is permitted. Even if the use is not permitted, the Owner hereby requests board approval to temporarily operate a mobile veterinary clinic.
4. There is no structure or premises being built or expanded that would trigger these requirements. The parking requirements relate to a building or structure, where this is a temporary mobile veterinary clinic.
5. The mobile veterinary clinic is parked in a location that allows free ingress and egress for any car or emergency vehicle seeking to use the driveway. Owner would be willing to park the temporary mobile veterinary clinic elsewhere on the Property if the Zoning Board of Adjustment deems it would be better in a different location.

Thank you for your consideration of this matter. Owner seeks to be a good neighbor and will consider any steps recommended by the Zoning Board of Adjustment to make its use of the Property less obtrusive to residents. However, Owner feels that its use is permitted and that the work being done is essential. Owner looks forward to addressing any outstanding concerns, and supplementing this notice of appeal at the Zoning Board of Adjustment hearing. Please advise the undersigned when this appeal can be heard.

We appreciate your assistance and cooperation with this matter. Please feel free to contact me should you have any questions or need any additional information.

Sincerely,

/s/ Donald M. Pepe

Donald M. Pepe, Esq.
FOR THE FIRM

DMP/ptc
Encl.

Corporation must be represented by an attorney.

Liberty Humane Society

APPLICANT'S NAME

555 Valley Brook Avenue, Lyndhurst, NJ 07071

APPLICANT'S ADDRESS

**Township of Lyndhurst
Planning / Zoning Board
Copy**

A-1