

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: Lindsay Len  
Address: 615 Stuyvesant Avenue  
Tel No. Lyndhurst NJ 07071

FOR OFFICE  
USE ONLY  
Fee Paid: Yes:         
No:       

PROPERTY ADDRESS: 615-617 Stuyvesant Avenue  
BLOCK: 179 LOT: 41.02 + 42.02

PROPERTY OWNER: (if different from Applicant)

Name:         
Address: SAME AS ABOVE  
Tel No.       

ZONE: Business  
CURRENT USE: Three Family Dwellings  
INTENDED USE: Multi Family Dwellings

EXPLAIN IN DETAIL THE PROPOSED CONSTRUCTION: Construct A second Floor to consist of three residential 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

- I am the owner of the above property or, in the alternative I have permission from the owner to make this application
- 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.
- 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: 2/9/21

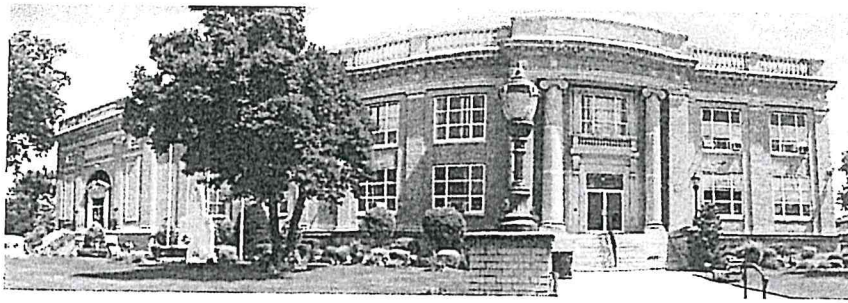
APPROVED

Malcolm J McPherson Jr  
Signature of Applicant  
Mark Sabina  
Zoning Officer

Date: 2/18/21

DENIAL OF ZONING CERTIFICATE: (if applicable)

The Zoning Certificate is denied for following reasons: See Attached



LYNDHURST CONSTRUCTION DEPARTMENT  
Department of Public Affairs

Denial of Zoning Application for 615-617 Stuyvesant Avenue  
Block 179 Lot 41.02

2-18-2021

- 1) This application proposes to add three dwelling units above three existing dwelling units in an already legal non-conforming use in the B (Business) Zone.
- 2) A Basement Plan must be submitted as this is part of the structure.
- 3) A copy of the original survey referenced to on page A-1 of the plans was not submitted.
- 4) Application form has errors in information provided as applicant identified on form did not sign application.
- 5) Page A-1 of plans submitted indicates "Zoning Tabulation Zoning District R-Multi Family" is misleading as this tabulation is for a B (Business) Zone not a RC Multi Family Zone. The tabulation for the zone has been provided on a sheet attached in this package as page 2 of 6. Page 3 of 6 identifies the special regulations required if the property was located in a R-C Zone. Spelling errors are also identified on Page A-1.
- 6) Page A-1 states parking required as eleven. Parking spaces required under Lyndhurst Zoning Ordinance 2067 section 21-8.18 requires under multi family, two spaces per dwelling unit and one visitor space per five units. The one visitor space for five units could be interpreted as two spaces required as there are six dwellings proposed. The total number of required spaces is a total of thirteen or fourteen required. Whatever way you interpret the ordinance one space must be accessible therefore that space requires enough room for accessibility and would eliminate one of the proposed spaces.
- 7) The proposed parking area does not comply with Lyndhurst ordinance 2067 section 21-8.8 which is provided on page 5 of 6.
- 8) Page A-5 of the plans indicates a deck that is not depicted on A-1 "Key Plan or Proposed Parking Plan".
- 9) Page A-5 also indicates a typical wall section. The existing building was erected circa 1920. From a visual exterior inspection examining the brick work and knowledge of construction from this era, I would require proof from the designer that this typical wall section he depicts is correct. Spelling errors also identified on this page.
- 10) This proposal would require accessible units on grade level or vertical access to the second level and the units on this level would be required to be accessible/adaptable.

21-4.5 Uses Permitted in Business District.

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.
- 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 percent 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.

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 two and one-half feet in height.  
(Ord. No. 2067; Ord. No. 2351, §1; Ord. No. 2394, §1; Ord. No. 2567, §3; Ord. No. 2618, §1; Ord. No. 2840-12; Ord. No. 2872-12, §4)

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 February 9<sup>th</sup>, 2021 a zoning permit was denied to Lindsay Low/Maleola McPherson  
 for premises located on 615-617 Stuyvesant Ave Block # 179, Lot # 41.02  
 Zone B for the (erection) (alteration) (use) of a Three Family Dwelling to A Six Family Dwelling  
 Does not comply with the Township Ordinance # 2067 because of: ORD. 2067 section 21-4.5.C.13  
Dwellings are an excluded use in the B (Business) zone

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		Conforms			
		B zone		RC zone	
		yes	no	yes	no
1. Lot Area:	<u>5,670 sq ft</u>				
	Area Required:	<u>4,000</u>			
2. Lot Frontage:	<u>76'</u>				
	Frontage Required:	<u>40'</u>			
3. Lot Depth:	<u>74.6'</u>				
	Depth Required:	<u>100'</u>		<u>X</u>	
4. Front Yard Set Back:	<u>0</u>				
	Min. Set Back Req.:	<u>0</u>			
5. Side Yard Set Back:	<u>2.75' / 7.39' / 10.13'</u>				
	Min. Side Yard Req.:	<u>0</u>			
6. Rear Yard Set Back:	<u>33.4</u>				
	Min. Rear Yard Req.:	<u>10'</u>		<u>X</u>	
7. Parking Spaces:	<u>10</u>				
	Min. Parking Spaces Req.:	<u>12 spaces</u>		<u>X</u>	
		<u>12 spaces</u>			
8. Lot Coverage:	<u>37%</u>				
	Maximun Permitted:	<u>60%</u>			
		<u>30%</u>			
9. Height of Building:	<u>stories not given</u>				
	Max. Height of Building:	<u>35'</u>		<u>X</u>	
		<u>35'</u>			

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REMARKS:  
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 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

DATED: 2/18/21

Mark Seaman  
 Zoning Official

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

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 <sup>1</sup>
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 (Ord. No. 2067; Ord. No. 2679, §1)	1 space per employee.

<sup>1</sup> The 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.

**§ 21-8.4. Paving of Off-Street Parking. [Ord. No. 2067]**

All off-street parking areas shall be paved according to specifications established for this purpose by the township engineer.

**§ 21-8.5. (Reserved) [Ord. No. 2067]****§ 21-8.6. Parking Stalls to Be Designated. [Ord. No. 2067]**

All off-street parking spaces within any parking area shall be clearly marked to show the parking arrangement within the parking area, and shall be easily accessible.

**§ 21-8.7. Lighting for Off-Street Parking. [Ord. No. 2067]**

All lighting for off-street parking areas shall be so arranged and shielded as to reflect the light downward and prevent any light from shining directly on adjoining streets, residential zones and buildings.

**§ 21-8.8. Use of Front Yard Not Permitted; Setback. [Ord. No. 2067; Ord. No. 2567, § 1]**

Off-street parking spaces shall not be located in any required front yard, except for one family and two family homes as permitted by subsection 21-8.14. No off-street parking areas shall be located any closer than five feet to any lot line, except for one or two family dwellings. No tandem parking shall be permitted in the R-A and R-B Residential Zoning Districts.

**§ 21-8.9. Access to Parking Lot. [Ord. No. 2067]**

Unobstructed access to and from a street shall be provided. No access to a parking lot in a Business or Industrial District shall be located within a Residential District.

**§ 21-8.10. Landscaping Requirement. [Ord. No. 2067]**

- a. All off-street parking areas which are located in front of a building other than a one-and-two-family home shall be landscaped with a bordering hedge, decorative concrete wall, or fence not less than 2 1/2 feet in height.
- b. All parking areas of 15 parking spaces or more shall be landscaped with a tree for every 15 spaces, and a landscaped island at least three feet wide separating every 15 spaces.

**§ 21-8.11. Driveways and Curb Cuts. [Ord. No. 2067; Ord. No. 2567, § 3]**

- a. Access to an egress from off-street parking areas shall be limited to one driveway for the following:
  1. One, two, three family dwelling lots.

**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	
	AREA Sq. Feet	WIDTH Sq. Feet	DEPTH Feet	FRONT Feet	REAR Feet	SIDE (Interior Lot) Feet			Feet	Stories
R-A One Family Dwelling	5,000	50	100	20 <sup>3</sup>	20 <sup>4</sup>	6 each				
R-B One Family Dwelling						15 both <sup>2</sup>				
R-B Two Family Dwelling	5,500 <sup>1</sup>	55 <sup>1</sup>	100	20 <sup>3</sup>	(Same As For R-A District)	6 each	10 <sup>6</sup>	30% <sup>5</sup>	32 <sup>8</sup>	2-1/2
R-C Three and Four Family Dwelling	6,000	60	100	20	20 <sup>4</sup>	15 both <sup>2</sup>	10 <sup>6</sup>	30% <sup>5</sup>	32	2-1/2
R-C Multi Family Dwelling And Garden Apartment	15,000	100	125	20	20	6 each	10 <sup>6</sup>	30%	35	3
B Business	4,000	40	100	0	10	10 each	10	30%	35	3
M-1 Light Industrial	10,000	100	100	25	25	0 each <sup>7</sup>	10	60%	35	3
M-2 Heavy Industrial	10,000	150	200	25	25	10 each	25	60%	40	4
C-GI Commercial - General Industrial	4 Acres	200	200	50	50	10 each	25	50%	40	4

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

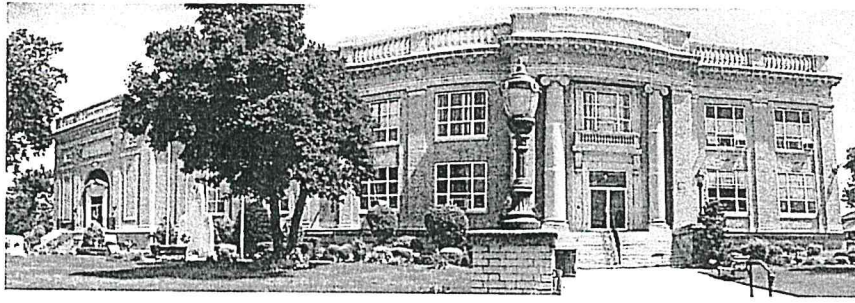
<sup>5</sup> The total lot coverage in R-A and R-B zones shall not exceed sixty (60%) percent. The maximum total lot coverage shall increase five (5%) percent for every 500 square feet in area over 5,500 square feet, but in no event shall exceed seventy (70%) percent.

<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> The maximum height for dwellings located in Zone AE on the flood maps adopted under Ordinance Section 23-3.2 shall be 35 feet (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)

*Handwritten signature/initials*



LYNDHURST CONSTRUCTION DEPARTMENT  
Department of Public Affairs

615-617 Stuyvesant Ave

February 18, 2021

Block 179 Lot 41.02

RE: Brick Work Failure

On September 20, 2019 the owner of the building, Lauren, was contacted in person regarding the brick work failing in multiple locations around the exterior of the building. We requested proper repairs and a licensed mason. Upon site inspection it appears some type of epoxy or sealant was applied in and around the cracking areas. The brick is still in very poor condition. Settlement and displacement of bricks is present above egress doors and windows. There are sections of the brick work which are bowing indicating a failure in the fastening system, if present, or a failed roof and flashing system. There is no moisture drainage control or weep holes and the siding system will not dry out nor drain properly. Water damage may be present behind the brick siding. The brick work system should be repaired immediately to avoid an unsafe condition.

Christopher Salviano

Lyndhurst Building Inspector