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April 15, 2021

VIA HAND DELIVERY

Mr. Don Spagnuolo
Board Secretary, Zoning Board of Adjustment
Township of Lyndhurst
253 Stuyvesant Avenue
Lyndhurst, NJ 07071

Re: 518 8th Street LLC Application
Our Ref: 14720.1000

Dear Mr. Spagnuolo:

Please accept this letter on behalf of Urban Investments, LLC concerning property located at 518 8th Street, Block 147, Lot 5 in the Township. The applicant seeks approval to construct a new two-family house on the property, which is a permitted use in the RB zone. Bulk variance relief may be necessary since this is a flag lot. You will find enclosed with this letter the original and 15 sets of the application, two pages of architectural plans, photographs, report of our planner, tax certification and form of notice being mailed and published in the Bergen Record. A filing/escrow fees check is also enclosed.

If any questions or issues arise concerning this submission, we stand ready to respond at your convenience. Thank you for your ongoing courtesies in this regard.

Respectfully submitted,



Patrick J. McNamara

For the Firm

PJM/las

Enclosures

APPLICATION FOR THE TOWNSHIP OF LYNDHURST BOARD OF ADJUSTMENT

Applicant: URBAN INVESTMENTS LLC Address: 92 BELL ST. ORANGE NJ 07050

Owner: 518 8TH ST. LLC Address: SAME

Present

Use: VACANT RESIDENTIAL LOT - FLAG LOT -
PRE-EXISTING NON-CONFORMING LOT

What are the Exceptional conditions of the property preventing the applicant from complying with the Zoning

Ordinance? IT IS A PRE-EXISTING NON-CONFORMING
FLAG LOT.

What reasons would the applicant cite as special reasons for granting this variance?

PLEASE SEE THE REPORT FROM DAVID SPATZ

Supply a statement of why relief will can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and ordinance.

PLEASE SEE THE REPORT FROM DAVID SPATZ

The *names and addresses* of all those owning 10% or more of a corporation or partnership must be listed when the application is for one of the following: *NOT APPLICABLE*

1. Commercial use variance: _____
2. Variance of 25 units or more: _____
3. Subdivision of 3 units or more: _____

ATTACHED hereto and made a part of this application are the following:

- (A) Copy of Survey
- (B) Copy of plans
- (C) Copy of any conditional contract or agreement related to this application
- (D) Any other papers deemed necessary by the Administrator Officer

PLEASE NOTE: The applicant may be required to furnish a certified survey of the footing layout showing the footing forms in place prior to pouring the foundation. This survey must show no variation in the drawings originally submitted to the board.

4/14/21
Date



Applicant's Signature

MEMORANDUM

Number: 1000.30.21
To: Pat McNamara, Esq.
Date: April 7, 2021
Subject: Urban Investments, LLC site plan
518 Eighth Street (Lot 5 in Block 147)
Township of Lyndhurst, New Jersey

BACKGROUND

The applicant proposes to construct a new two family dwelling on the above noted vacant lot; a residence was previously located on the lot; an existing detached garage will be removed. The property is located on the eastern side of Eighth Street, north of Kingsland Avenue, in the Township of Lyndhurst's RB, Residential Zone. The following are comments in support of the application.

FINDINGS IN SUPPORT OF THE APPLICATION

1. Existing Conditions

The subject property is located on the eastern side of Eighth Street, north of Kingsland Avenue. Eighth Street is a dead end street that terminates three lots to the north. The property is a previously created flagpole-shaped lot to the rear of an existing two family dwelling that has frontage on Eighth Street. The lot has an area of 5,900 sq. ft. and has a width of 50 ft. and depth of 100 ft. The property slopes upward towards the rear from Eighth Street.

2. Neighborhood Conditions

Eighth Street is primarily developed with a mixture of one and two family dwellings. The property at the corner of Kingsland Avenue and Eighth Street contain 7 units. The dwellings on the opposite side of Eighth Street are oriented towards Chase Avenue, with access to detach garages from Eighth Street.

3. Variances Requested

- a. Two family dwellings are permitted uses in the RB Zone. The existing lot conforms to the lot area requirement of the Zone.
- b. As listed on the Letter of Denial, the existing lot requires the following (c) variances:
 1. Minimum lot frontage: the flag-pole shaped lot has frontage of 10 ft. on Eighth Street, where frontage of 50 ft. is required.
 2. Minimum lot depth: the lot has a depth of 130 ft. along the flag-pole, but is 56 ft. deep for the major portion of the lot, where a depth of 100 ft. is required.
- c. As listed on the Letter of Denial, the proposed building requires the following (c) variances:
 1. Minimum front yard setback: the proposed dwelling faces the south and a 40 ft. front yard setback is provided, where 20 ft. is required. However, if the yard facing the street is considered as the front yard, the proposed dwelling is set back 7.6 ft. from the lot line and 81.5 ft. from Eighth Street.
 2. Minimum rear yard setback: the proposed dwelling faces the south and provides a rear yard of 20 ft., where 20 ft. is required. However, if the yard opposite the front yard (as noted in item 2 above) is considered as the rear yard, a rear yard of 7.5 ft. is provided.

4. Positive Criteria: Flag-pole Shaped Lot

Section 40:55D-70(c)(1) of the Municipal Land Use Law allows variances to be granted “where (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of 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, the strict application of any regulation ... would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon a developer of such property.”

Section 40:55D-70(c)(2) of the Municipal Land Use Law allows variances to be granted “where in an application or appeal relating to a specific piece of property the purposes of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment”. The proposal meets these standards as follows:

- a. The subject property is flag-pole shaped and located to the rear of an existing two family dwelling. The properties on either side are developed with residences and there is no available land to acquire to bring the lot into conformity. The lot meets criteria (a) of 40:55D-70(c)(1) which states that hardship exists “by reason of exceptional narrowness, shallowness or shape of a specific piece of property”. The lot was previously created by municipal action and was developed with a residence that has since been removed.
- b. The proposed dwelling has been designed to fully meet the setback and coverage limitations of the RB-Zone, given the existing shape of the lot. The prior dwelling was larger than what is being proposed.
- c. Under Section 40:55D-70(b), the Board of Adjustment has the authority to interpret the zoning ordinance. Our contention is that the existing flag-pole shaped lot was legally created and that the lot does not require any bulk variances nor does the proposed dwelling, which meets the standards of the R-B Zone.
- d. Notwithstanding the above, in the event that the Board determines that variances are required for the proposed dwelling, they can be granted without significant impact on the adjoining properties. The dwelling to the west of the subject site, with frontage on Eighth Street, is located

towards the street and there is a significant setback between the two structures. Likewise, the dwelling to the east (or rear of the subject site) has frontage on Chase Avenue and is also a significant distance from the proposed dwelling. If the lot line closest to Eighth Street is considered as the front lot line, conforming side yards of 20 ft. and 40 ft. are provided.


5. Negative Criteria

The grant of the requested variance will not be substantially detrimental to the public good nor will it substantially impair the intent and purpose of the zoning ordinance for the following reasons:

- a. The proposal is in character with the surrounding residential land uses and is compatible with the existing neighborhood development. Two family dwellings are permitted in the RB District.
- b. The proposed building provides improved setbacks over what previously existed on the lot and there will be increased light, air and open space for the surrounding properties. The removal of the detached garage provides a greater setback at the rear and side.
- c. A conforming amount of parking will be provided within the building to serve the two units. The driveway for the proposed dwelling exists and there will be no loss of street parking on Eighth Street.

CONCLUSIONS

The proposal meets both the positive and negative criteria tests. For the reasons stated above, the grant of the requested variances will advance the purposes of zoning and will not be substantially detrimental to the public good nor will it substantially impair the intent and purpose of the zoning ordinance and master plan.



David Spatz, P.P., AICP

TOWNSHIP OF LYNDBURST
 OFFICE OF THE
 CONSTRUCTION DEPARTMENT

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

This is to advise that on March 11th, 2021 a zoning permit was denied to Steve Molinas
 for premises located on 518 Eighth St., Block # 147, Lot # 5,
 Zone R-B for the (erection) (use) of a Two Family Dwelling

Does not comply with the Township Ordinance # 2067 because of: IRREGULAR shape of lot (Flag lot)
1) Definitions of Front lot line & other lot setbacks are not conforming
to definitions as per Lyndhurst ord. 2067 21-12 b.

		Conforms	
		Yes	No
1. Lot Area:	<u>6,340 sq ft</u> Area Required: <u>5,000 sq ft</u>	X	
2. Lot Frontage:	<u>10' Flag lot</u> Frontage Required: <u>50'</u>	X	X
3. Lot Depth:	<u>56' & 130'</u> Depth Required: <u>100'</u>	X	X
4. Front Yard Set Back:	<u>81' 6"</u> Min. Set Back Req.: <u>20'</u>	X	X
5. Side Yard Set Back:	<u>7' 6" & 7' 6" & 15'</u> Min. Side Yard Req.: <u>6' & 9' 15' downwind</u>	X	X
6. Rear Yard Set Back:	<u>20'</u> Min. Rear Yard Req.: <u>20'</u>	X	X
7. Parking Spaces:	<u>4</u> Min. Parking Spaces Req.: <u>4</u>	X	
8. Lot Coverage:	<u>25.3%</u> Maximum Permitted: <u>30%</u>	X	
9. Height of Building:	<u>28' 11" 2 1/2 stories</u> Max. Height of Building: <u>32' 2 1/2 stories</u>	X	

REMARKS: The lot lies behind houses on Eighth Street and egress
and ingress from this lot is via a 10 foot wide driveway 74 feet in
length.
The chart above is confusing as I looked at the proposed dwelling
from the zoning ordinance and also from the proposed set backs

DATED: 3-11-21

Mark Selms
 Zoning Official

TAX COLLECTOR CERTIFICATION

NAME OF APPLICANT: Urban Investments

ADDRESS OF APPLICANT: 518 8th St

DEAR TAX COLLECTOR:

THE ABOVE IS APPLYING TO THE PLANNING/ ZONING BOARD OF THE TOWNSHIP OF LYNTHURST FOR AN APPLICATION , THAT IS IDENTIFIED ON THE CURRENT TAX MAP AS FOLLOWS:

STREET ADDRESS: 518, 8th St

TAX BLOCK: 147

LOTS: 5

PLEASE INDICATE IN THE APPROPRIATE SPACE BELOW THE STATUS OF TAXES ON THE IDENTIFIED LAND.

STATUS OF PROPERTY TAXES: CHECK ONE

I CERTIFY THAT TAXES ON THE ABOVE ARE CURRENTLY PAID TO DATE:

I CERTIFY THAT THE TAXES ARE DELINQUENT ON THE ABOVE PROPERTY

Taxes are paid thru February 2021

Jan. Brown etc 4/9/21
TAX COLLECTORS SIGNATURE

**LEGAL NOTICE
TOWNSHIP OF LYNDHURST
BOARD OF ADJUSTMENT**

PLEASE TAKE NOTICE that Urban Investments, LLC (the “Applicant”) has submitted an application to the Township of Lyndhurst Zoning Board of Adjustment seeking site plan waiver and bulk variance to allow for the construction of a project located at 518 8th Street, Block 147, Lot 5 (the “Property”), as shown on the Tax Map of the Township of Lyndhurst. The property you own is located within 200 feet of the property that is the subject of this application. This notice is being sent to you by the Applicant by order of the Township of Lyndhurst Zoning Board of Adjustment.

The proposed project will consist of the construction of a new two and a half story two family dwelling and garage on a vacant lot. The property is a previously created flagpole-shaped lot to the rear of an existing two-family dwelling that has frontage on Eighth Street. The lot has an area of 5,900 square feet, a width of 50 feet and depth of 100 feet and is located in the R-B Zone. The properties on either side are developed with residences and there is no available land to acquire to bring the lot into conformity. The lot meets criteria (a) of 40:55D-70(c)(1) which states that hardship exists “by reason of exceptional narrowness, shallowness or shape of a specific piece of property”. The lot was previously created by municipal action and was developed with a residence that has since been removed. Bulk variance relief is also requested for the minimum lot width and depth; it is also requested for relief from the minimum front, side and rear yard setback requirements of this zone.

The Applicant requests that the application be deemed amended to include any additional approvals, design waivers, deviations, interpretations, bulk and/or (d) variances or exceptions and/or relief from any prior conditions which are determined to be necessary in the review and processing of this application, whether requested by the Board or otherwise.

Any person interested in this application will have the opportunity to address the Board at the Virtual meeting of Wednesday April 28, 2021, at 6:30 PM of the Township of Lyndhurst Zoning Board of Adjustment via Zoom, a web-based application, or by telephone by using the following link:

Join Zoom Meeting

<https://zoom.us/j/93681600485?pwd=UFpiZ095b1p0eDVvOUpqQVJQcDJBZzO9>

Meeting ID: 936 8160 0485

Passcode: 886941

One tap mobile

+13126266799,,93681600485#,,,,*886941# US (Chicago)

+19292056099,,93681600485#,,,,*886941# US (New York)

Dial by your location

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+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 936 8160 0485

Passcode: 886941

Find your local number: <https://zoom.us/j/93681600485>

The Lyndhurst Zoning Board of Adjustment is utilizing the Zoom service to conduct regular meetings in compliance with the New Jersey Open Public Meetings Act and guidance from the Department of Community Affairs. Questions may be directed to Cheryl Wloch-Rapetti, the Secretary of the Zoning Board of Adjustment during business hours at 201-804-2466 or 201-804-2490 ext. 2301 and CherylW@lyndhurstnj.org. Documents pertaining to the application are available for viewing on the Township website.

Patrick McNamara, Esq.

Scarinci Hollenbeck

331 Newman Springs Rd #310

Red Bank, NJ 07701

(732) 780-5590

Attorney for Applicant

OWNER & ADDRESS REPORT

02/04/21 Page 1 of 3

LYNDHURST

518 EIGHT STREET 200FT LIST
147 - 5

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
145	13		2	RUSSO, SALVATORE A. & MARGARET 591 CHASE AVE LYNDHURST, N J 07071	591 CHASE AVE	
145	14		2	FIGUEIREDO, RUI J & VIRGINIA A 595 CHASE AVE LYNDHURST, NJ 07071	595 CHASE AVE	
145	15		2	SPANO, SARA 419 KINGSLAND AVE LYNDHURST, NJ 07071	419 KINGSLAND AVE	
146	1		2	KHAN, JOHN TRSTE 514 CHASE AVE LYNDHURST, NJ 07071	514 CHASE AVE	
146	2		2	AMATO, BERNARD & FILOMENA 518 CHASE AVENUE LYNDHURST, NJ 07071	518 CHASE AVE	
146	3		2	TEPLANI, VALDET & FAZLIJAJ, SADIJE 522 CHASE AVE LYNDHURST, NJ 07071	522 CHASE AVE	
146	4		2	PLACENCIA, JUAN & JONAHTAN 586 CHASE AVE LYNDHURST, NJ 07071	586 CHASE AVE	
146	5		2	CANTISANI, DINO & MARIA 590 CHASE AVE. LYNDHURST, NJ 07071	590 CHASE AVE	
146	6		2	O'KEEFE, JESSICA & GALLAGHER, LORETTA A 594 CHASE AVENUE LYNDHURST, NJ 07071	594 CHASE AVE	
146	7		2	BOULUS (ETAL), BOULUS F 598 CHASE AVE LYNDHURST, NJ 07071	598 CHASE AVE	
146	8		2	GHANDOUR, SALEH M & MIASSAR S 602 CHASE AVE LYNDHURST, NJ 07071	602 CHASE AVE	
147	1		2	BILIS, LOUIS G. & JOY A. 512 EIGHTH STREET LYNDHURST, N J 07071	512 EIGHTH ST	
147	2		2	NICHOLS, RAYMOND J. P. O. BOX 9162 LYNDHURST, NJ 07071	520 EIGHTH ST	
147	3		2	ROCCA, EMMA 526 EIGHTH STREET LYNDHURST, NJ 07071	526 EIGHTH ST	
147	4		2	DE PINTO, NICOLA & ANNUNZIATA 530 EIGHTH STREET LYNDHURST, N.J. 07071	530 EIGHTH ST	
147	6		2	SIEDLECKI, CATHERINE 517 OCTAVIA PL LYNDHURST, NJ 07071	517 OCTAVIA PL	
147	7		2	SADONIS, JAYMIE ELIZABETH 521 OCTAVIA PL LYNDHURST, NJ 07071	521 OCTAVIA PL	
147	8		2	URSO, ARTHUR A & JOSEPHINE I 523 OCTAVIA PL LYNDHURST, NJ 07071	523 OCTAVIA PL	
147	9		2	MASIAK, JAKUB & CLARISSA 527 OCTAVIA PL LYNDHURST, NJ 07071	527 OCTAVIA PL	

OWNER & ADDRESS REPORT

LYNDHURST

02/04/21 Page 2 of 3

518 EIGHT STREET 200FT LIST
147 - 5

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
147	10		2	RANCIER, ROBERT F & GIOVANNA 529 OCTAVIA PLACE LYNDHURST, NJ 07071	529 OCTAVIA PL	
147	11		2	DEMBOWSKI, JASON & KATHLEEN 533 OCTAVIA PL. LYNDHURST, NJ 07071	533 OCTAVIA PL	
147	12		2	CERESNA, SAMUEL J 535 OCTAVIA PL LYNDHURST, NJ 07071	535 OCTAVIA PL	
147	13		2	SIEDLECKI, CATHERINE 461 KINGSLAND AVE LYNDHURST, NJ 07071	461 KINGSLAND AVE	
147	14		2	CHIGNE, JOSE 449 KINGSLAND AVE LYNDHURST, NJ 07071	449 KINGSLAND AVE	
147	15		2	RIBEIRO, FLAVIO L 441 KINGSLAND AVE LYNDHURST, NJ 07071	441 KINGSLAND AVE	
147	16		4A	JOYCE HOLDING LLC 437 KINGSLAND AVE LYNDHURST, NJ 07071	437 KINGSLAND AVE	
148	2		2	DI TOMMASO, MICHAEL & NOELLE 516 OCTAVIA PLACE LYNDHURST, NJ 07071	516 OCTAVIA PLACE	
148	3		2	KUCHARSKI, EDWARD F & T 520 OCTAVIA PL LYNDHURST, N J 07071	520 OCTAVIA PL	
148	4		2	GEDRIMAS, ELIZABETH 524 OCTAVIA PL LYNDHURST, N J 07071	524 OCTAVIA PL	
148	5		2	SERZAN, VINCENT C & I 528 OCTAVIA PL LYNDHURST, N J 07071	528 OCTAVIA PL	
148	6		2	ESTES, GROVER H & R D 530 OCTAVIA PL LYNDHURST, N J 07071	530 OCTAVIA PL	
148	7		2	BERNARDO, SANTIAGO & AVRAMIDIS, JULIE 534 OCTAVIA PLACE LYNDHURST, NJ 07071	534 OCTAVIA PL	
148	8		2	KEARNS, VINCENT 536 OCTAVIA PLACE LYNDHURST, N. J. 07071	536 OCTAVIA PL	
148	20		2	PALANGIO, CARMINE & ANTOIETTA 501 KINGSLAND AVE LYNDHURST, N J 07071	501 KINGSLAND AVE	
151	5		2	CAFARO (ETAL), THOMAS V 432 PAGE AVENUE LYNDHURST, NJ 07071	432 PAGE AVE	
151	6		2	TULIPANI, DAMIANO & ANNA MARIA 434 PAGE AVE LYNDHURST, NJ 07071	434 PAGE AVE	
151	7		2	MOUNT, JOHN J. & KATHRYN L. 436 PAGE AVE LYNDHURST, N J 07071	436 PAGE AVE	
151	8		2	GRIFFIN, JANICE & HAROLD JR 442 PAGE AVE LYNDHURST, NJ 07071	442 PAGE AVE	

OWNER & ADDRESS REPORT

LYNDHURST

02/04/21 Page 3 of 3

518 EIGHT STREET 200FT LIST
147 - 5

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
151	9		2	GUTERL, EDWARD J. 446 PAGE AVE LYNDHURST, N J 07071	446 PAGE AVE	
151	10		2	MOROZEWICZ, JACEK & ANNA 460 PAGE AVE LYNDHURST, NJ 07071	460 PAGE AVE	
195	1		2	ZDEP JR, JOSEPH M & JEAN M 426 KINGSLAND AVE LYNDHURST, NJ 07071	426 KINGSLAND AVE	
195	2		2	SOFIA, JOHN J & LORRAINE 432 KINGSLAND AVENUE LYNDHURST, NJ 07071	432 KINGSLAND AVE	
195	3		2	GILMORE, SEAN D & DENISE 438 KINGSLAND AVE LYNDHURST, NJ 07071	438 KINGSLAND AVE	
195	4		2	GENCARELLI, PHILIP & BARBOSA, ANGELO 442 KINGSLAND AVE LYNDHURST, NJ 07071	442 KINGSLAND AVE	
196	1		2	WILSON (ETALS), LUCILLE M 624 FIRST ST LYNDHURST, NJ 07071	448 KINGSLAND AVE	
196	2		2	HOEFSLOOT, Y (TRSTÉ/ETALS) 450 KINGSLAND AVENUE LYNDHURST, NJ 07071	450 KINGSLAND AVE	

The following is a list of utility companies and state agencies, if applicable; need to be notify of Planning or Zoning Board applications by the applicant.

Registered List of Utility Companies for Lyndhurst

Electric Company	Public Service (PSE&G)
Gas Company	Public Service (PSE&G)
Water Company	Passaic Valley Water
Sewers	Passaic Valley Sewage Commission
Cable TV	Comcast Cablevision
Fire Department	Volunteer (Township of Lyndhurst)
Ambulance	Volunteer (Township of Lyndhurst)
Township of Lyndhurst	367 Valley Brook Avenue Lyndhurst, NJ 07071
Passaic Valley Water	1525 Main Street Clifton, NJ 07015
Comcast Cablevision	800 Rahwah Ave. Union, NJ 07087
Passaic Valley Sewage	600 Wilson Ave. Newark, NJ 07105
PSE&G	325 County Ave. Secaucus, NJ 07094
Passaic River Coalition	246 Madisonville Road Basking Ridge, NJ 07920
New Jersey Meadowlands Commission	One DeKorte Plaza Lyndhurst, NJ 07071
New Jersey Transit	1 Penn Plaza East Newark, NJ 07105
Port Authority of NY & NJ	225 Park Avenue South New York, NY 10003

Bergen County Planning Board

One Bergen County Plaza, 4th Floor
Hackensack, NJ 07601

Commissioner of Transportation

Department of Transportation
P.O. Box 600
Trenton, NJ 08625-0600

State Planning Commission

Department of Community Affairs
P.O. Box 800
Trenton, NJ 08625-0800





