

March 22, 2021

Via: Email & Hand Delivery

Zoning Board of Adjustment
Township of Lyndhurst
253 Stuyvesant Avenue
Lyndhurst, NJ 07071

Re: **Site Plan Review**
615-617 Stuyvesant Avenue
Block 179, Lot 41.02 & 42.02
Township of Lyndhurst, Bergen County, New Jersey
NEA No.: LYNDSPL21.011

Dear Honorable Board Members:

As requested, Neglia Engineering Associates (“NEA”) has reviewed the submitted documents related to the site improvements within the lot located along the northerly side of Stuyvesant Avenue. The Applicant proposes a second story addition to the existing three (3) family dwelling. Specifically, we have reviewed the following:

- Signed and sealed Architectural Plans consisting of six (6) sheets entitled, “Len Property, 615-617 Stuyvesant Avenue, Lyndhurst, NJ 07071,” prepared by Gary I. Segal, R.A., dated January 27, 2021;
- Copy of Property Survey consisting of one (1) sheet entitled, “Location Survey of Property of Lindsay Len and Lauren Johnson, Township of Lyndhurst, Bergen County, NJ,” prepared by Vincent Manno, P.L.S., dated July 12, 2018;
- Application for Use Variance, prepared by Malcom J. McPherson, Jr. Esq., undated;
- Application for Zoning Approval, prepared by Malcolm J. McPherson, Jr. Esq., dated February 9, 2021;
- Denial of Zoning Application Letter, dated February 18, 2021; and
- Lyndhurst Construction Department Letter, prepared by Christopher Salviano, Lyndhurst Building Inspector, dated February 18, 2021.

1. Project & Site Description

The subject property is rectangular shaped lot located along the northerly portion of Stuyvesant Avenue. The subject property, Block 179, Lot 41.02 is commonly known as 615-617 Stuyvesant Avenue, and is located within the B (Business) Zone. The subject property is currently developed with a single-story, three (3) family brick dwelling. Additional site improvements include an asphalt driveway and parking lot, concrete walkway, paver driveway, Belgian block curb, chain-link fence and a vinyl shed.

The Applicant proposes to construct a second story addition onto the existing single-story brick dwelling. Additional proposed site improvements include striping the parking lot, installation of protective bollards and creation of a refuse area. Additionally, the existing vinyl shed will be demolished.



2. Completeness Review

Neglia Engineering Associates (NEA) completed a review of the submitted documents as it relates to completeness established under “Appendix A – Subdivision and Site Plan Application (Section 19-6)” of the Township of Lyndhurst Ordinance. The following requirements are missing or incomplete and shall be submitted or a waiver shall be requested. The Applicant shall request a waiver from supplying requirements that are not applicable.

Requirements for Site Plan Applications:

- 2.1 Item 9: *Certification of any necessary approvals by the HMDC, DEP, and County Planning.* The Applicant has requested for a waiver for this item for the Board’s consideration. The Applicant will only seek the Bergen County Soil Conservation District Soil Erosion and Sediment Control Certification post Township Site Plan approval.



3. Zoning Requirements

The following table reflects the B (Business) - Zone Bulk Requirements as they pertain to the proposed second floor addition:

CHAPTER 21 – ATTACHMENT 1 – SCHEDULE OF AREA, BULK AND YARD REQUIREMENTS

Description	Required	Existing	Proposed	Status
Use	As Defined Below ⁽²⁾	Three Family Dwelling	Multi-Family Dwelling	Non-Conforming
Minimum Lot Area (square feet)	4,000	5,670	5,670	Conforming
Minimum Lot Width (feet)	40	76	76	Conforming
Minimum Lot Depth (feet)	100	74.6	74.6	Non-Conforming
Minimum Front Yard (feet)	0	0	0	Conforming
Minimum Rear Yard (feet)	10	33.4	33.4	Conforming
Minimum Side Yard (each)/(total) (feet)	10/10	2.75/7.38	2.75/7.38	Non-Conforming
Street Side (Corner Lot) (feet)	10	2.9	2.64	Non-Conforming
Maximum Lot Coverage (%)	60	37	37	Conforming
Maximum Building Height (feet)	35	21.83	25	Conforming
Maximum Building Height (stories)	3	2	2	Conforming

1. Each item with a status of “non-conforming” above will require a new variance / design waiver.
2. Permitted uses within the B (Business) - Zone include, retail stores, markets and shops for the conducting of any retail business, except those specifically prohibited under subsection 21-4.5c, 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, business, professional and governmental offices, banks, without drive-in facilities, nursery schools and day care centers. The proposed use is not a permitted use. Therefore a **D(2) Expansion of a Non-Conforming Use Variance** will be required for this application.



4. Parking and Loading Requirements

The table provided below identifies parking & loading requirements associated with the Applicant’s proposed first and second story addition:

Regulation	Ordinance Section	Units	Total Required	Proposed	Status
Schedule of Off-Street Parking	§21-8.18	2 spaces per dwelling unit	6 dwelling units x (2 spaces/ dwelling unit) =12 spaces required	10 spaces	Non-Conforming
RSIS	N.J.A.C. 5:21-4.14 Table 4.4	2 spaces/ 2 Bedroom dwelling unit	3 dwelling units x (2 spaces/ 2 Bedroom dwelling) = 6 spaces	10 spaces	Non-Conforming
		1.8 spaces/ 1 Bedroom dwelling unit	3 dwelling units x (1.8 spaces/ 1 Bedroom dwelling) = 5.4 spaces =11 spaces required		

1. Each item with a status of “non-conforming” above will require a new variance / design waiver.

5. Affordable Housing Requirements

The table provided below identifies affordable housing requirements associated with the Applicant’s proposed two-story 6-unit apartment building:

Regulation	Ordinance Section	Required	Proposed	Status
Lyndhurst Affordable Housing Ordinance	§21-20.3(a) – 21-20.5	20% of Market Rate Units = 1.2 Units =2 Units Required⁽¹⁾	0 Units	Non-Conforming

1. Per Borough Ordinance §21-20.3(a), 20% of market rate units shall be provided for affordable housing, with any decimal amount rounded to the next highest whole number.

6. Standards for Granting Variance Relief

The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70 sets forth the standards for variance in particular cases for special reasons to allow departure from regulations pursuant to Article 8 of this act to permit: **(1) a use or principal structure in a district restricted against such use or principal structure, (2) an expansion of a nonconforming use,** (3) deviation from a specification or standard pursuant to section 54 of P.L. 1975, c.291 (C.40:55D-67) pertaining solely to a conditional use, (4) an increase in the permitted floor area ratio as defined in section 3.1 of P.L. 1975, c.291 (C.40:55D-4), (5) an increase in the permitted density as defined in section 3.1 of P.L. 1975, c.291 (C.40:55D-4), except as applied to the required lot area for a lot of lots for detached one or two dwelling unit buildings, which lot or lots either an isolated undersized lot or lots resulting from a minor



subdivision or (6) a height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure.

The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70c set forth the standards for variances from the bulk regulations of a zoning ordinance. A “c (1)” variance is for cases of hardship due to (a) exceptional narrowness, shallowness or shape of a specific 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.

A “c (2)” variance may be granted where the purposes of the Municipal Land Use Law would be advanced by deviation from the zoning ordinance requirements, that the variance can be granted without substantial detriment to the public good, that the benefits of the deviation would substantially outweigh any detriment and that the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The benefits identified in granting a “c (2)” variance must include benefits to the community as a whole, not only the Applicant of the property owner.

No variance of any other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such a variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.

7. Engineering Comments

- 7.1 The Applicant’s professionals shall provide testimony in support of all requested / required variances.
- 7.2 At such time as a hearing is scheduled regarding this matter, a representative or owner of the project site shall be present to address questions from the Board.
- 7.3 The Applicant shall provide testimony addressing trash removal and disposal procedures.
- 7.4 NEA recommends that the Applicant provide material boards and color renderings during the Board presentation to demonstrate that the proposed addition and improvements will be aesthetically acceptable. This shall include any rooftop screening. The rendering shall include a view of all sides of the building.
- 7.5 The Applicant is responsible for addressing any comments from the Police and Fire Departments.
- 7.6 The Applicant shall provide testimony addressing site access as it relates to fire apparatus and emergency services.
- 7.7 The Applicant shall revise the plan to correct inconsistencies in the side yard setbacks to confirm compliance with bulk requirements.
- 7.8 The Applicant proposes to install bollards along the north east property line. The Applicant shall revise the plans to include a construction detail for proposed bollards.
- 7.9 The Applicant shall revise the plans to include a construction detail for proposed parking stall striping.
- 7.10 The Applicant shall provide testimony to confirm if existing pavers shall remain or be replaced by paved asphalt.
- 7.11 The Applicant shall be responsible for the expenses related to any reconstruction of pavement, curb, sidewalk, storm drainage or other public property damaged during construction activities to the satisfaction of the Township and Township Engineer, and in accordance with current design standards.



- 7.12 The Applicant shall ensure that all disturbed work areas are stabilized with topsoil, seed, hay, and straw mulch to ensure lawn growth.
- 7.13 The Applicant shall protect any perimeter fencing, curbs, walkways, plantings, and walls on adjacent properties during construction, if approved. The Applicant shall be responsible for any damage done to neighboring properties during the installation of proposed improvements.
- 7.14 The Applicant shall ensure that the operations of soil movement vehicles are not to be utilized in a way that would deposit soil on any street, sidewalk, public place, or within any other private property.

8. Grading, Drainage and Utility Comments

- 8.1 The Applicant shall ensure that on-site grading does not negatively impact any adjacent properties. Applicant shall ensure runoff is not directed onto adjacent property along property line.
- 8.2 The Applicant shall ensure that all runoff is directed away from the proposed building and is not directed towards adjacent properties. The Applicant is responsible for any negative impacts to adjacent properties due to on-site improvements. Should a negative impact be identified upon completion of the project, the impact shall be addressed immediately.
- 8.3 The Applicant shall provide water usage and sanitary sewer calculations signed and sealed by a Professional Engineer licensed in the State of New Jersey to ensure that the existing system provides sufficient capacities for the proposed second-story addition. The Applicant shall submit a set of plans and 30-day flow study to the Township of Lyndhurst DPW for review.

9. Landscaping & Lighting Comments

- 9.1 The Applicant shall provide lighting for proposed parking along the north east side of the building. The Applicant shall revise the plans to indicate as such and provide a construction detail for proposed lighting.

10. Traffic Comments

- 10.1 Per Borough Ordinance §21-8.18, the parking requirements are as follows:
 - a. 6 dwelling units x (2 spaces/dwelling unit) = 12 spaces
 - b. A total of 12 parking spaces are required.
- 10.2 The Applicant provides 10 parking spaces and does not meet the required 12 parking spaces. The Applicant shall provide testimony in support of the required variance.
- 10.3 Per RSIS standards, the parking requirements are as follows:
 - a. 3 dwelling units x (1.8 spaces/ 1 bedroom dwelling unit) = 5 spaces
 - b. 3 dwelling units x (2 spaces/ 1 bedroom dwelling unit) = 6 spaces
 - c. A total of 11 parking spaces are required.
- 10.4 The Applicant provides 10 parking spaces and does not meet the required 11 parking spaces. The Applicant shall provide testimony in support of the required variance.
- 10.5 The Applicant shall provide testimony regarding the degree of angle for proposed parking spaces to ensure conformance with aisle width requirements.
- 10.6 The Applicant shall provide vehicle-maneuvering exhibits near the proposed parking spaces.



- 10.7 The Applicant shall provide site distance triangles at the driveways along Stuyvesant Avenue and Copeland Avenue to ensure visibility.

11. Final Comments

- 11.1 The Applicant shall obtain any and all approvals required by outside agencies, including but not limited to Bergen Country Planning, NJDOT, NJDEP, Bergen County, and Bergen Soil Conservation District, as well as the Township of Lyndhurst Police Department, Fire Department, Emergency Services and Department of Public Works. It is the Applicant's responsibility to determine what outside agency permits are required. Copies of said approvals shall be provided upon receipt.
- 11.2 New and revised materials shall be filed with the Township and shall not be sent directly to the Board's professionals. The Township will forward the application to and related materials to the Board's professionals when they are finished with their review. Materials submitted directly to NEA will not be reviewed.
- 11.3 Revised reports, plans and exhibits which are to be considered at the hearing should be submitted ten days prior to the scheduled hearing.
- 11.4 The above comments are based on a review of materials submitted and/or testimony provided to date. NEA reserves the right to provide new or updated comments as additional information becomes available.

We trust you will find the above in order. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Very truly yours,
Neglia Engineering Associates

Brian A. Intindola, P.E., C.M.E.
Zoning Board Engineer
Township of Lyndhurst

Very truly yours,
Neglia Engineering Associates

David Juzmeski, P.E., P.P.
Zoning Board Planner
Township of Lyndhurst

Cc: Daniel R. Lagana, Esq. – Board Attorney (*via: email*)
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