

September 29, 2020

Via: Email & Hand Delivery

Planning Board
Township of Lyndhurst
253 Stuyvesant Avenue
Lyndhurst, NJ 07071

Re: **Site Plan Review**
611 Marin Avenue
Block 157, Lots 16 & 17
Township of Lyndhurst, Bergen County, New Jersey
NEA No.: LYNDSPL20.012

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 easterly side of Marin Avenue. The Applicant proposes a new three-story 13-unit apartment building. Specifically, we have reviewed the following:

- Signed and sealed Engineering Plans consisting of four (4) sheets entitled, “Site Plan for a Proposed 13 Unit Multi-Family Residential Building, Block 157, Lot Proposed Lot 17.02; Lyndhurst, Bergen County, N.J.,” prepared by George D. Cascino, P.E., P.P., dated March 9, 2020;
- Signed and sealed Architectural Plans consisting of six (6) sheets entitled, “Proposed Multi-Family Residential Building, Block 157, Proposed Lot 17.02; Lyndhurst, Bergen County, N.J.,” prepared by Charles L. Baldanza, R.A., dated March 9, 2020;
- Application for the Township of Lyndhurst Board of Adjustment, prepared by Malcom J. McPherson, Jr. Esq., dated undated;
- Township of Lyndhurst Application for Zoning Approval, dated June 9, 2020;
- Lyndhurst Construction Department Zoning Application Denial, dated June 17, 2020; and

1. Project & Site Description

The subject property consists of two (2) irregular shaped lots located along the easterly portion of Mari Avenue. The subject property, Block 157, Lots 16 and 17 is commonly known as 611 Marin Avenue, and is located within the B (Business) Zone. The property is currently developed with a commercial building, an associated storage area/garage, a one and one half (1 ½) story single-family dwelling and associated detached masonry garage.

The Applicant proposes to construct a new three-story 13-unit apartment building consisting of five (5) 1-bedroom units, eight (8) 2-bedroom units, with parking below the residential units.



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 7: *Key map showing the entire site and its relation to the surrounding areas using a 1000-foot radius.* The Applicant has requested a waiver for this item for the Board’s consideration.

3. Zoning Requirements

The following table reflects the B-Zone Bulk Requirements as they pertain to the proposed new three-story 13-unit apartment building:

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

Description	Required	Existing	Proposed	Status
Use (Lot 16)	As Defined Below ⁽²⁾	Mixed	Residential	Non-Conforming
Minimum Lot Area (square feet)	4,000	10,810.65	7,487.11	Conforming
Minimum Lot Width (feet)	40	72.46	46.35	Conforming
Minimum Lot Depth (feet)	100	134.44	134.44	Conforming
Minimum Front Yard (feet)	0	16.9	16.9	Conforming
Minimum Rear Yard (feet)	10	0	0	Existing Non-Conforming
Minimum Side Yard - East (feet)	0	11.9	11.9	Conforming
Minimum Side Yard – West	0	29.96	5.0	Conforming
Maximum Principal Building Coverage (%)	60	24.1	34.9	Conforming
Maximum Building Height (feet)	35	<35	<35	Conforming
Maximum Building Height (stories)	3	1 -1/2	1-1/2	Conforming



Description	Required	Existing	Proposed	Status
Use (Lot 17)	As Defined Below ⁽²⁾	Construction Yard	Multi-Family Residential	Non-Conforming
Minimum Lot Area (square feet)	4,000	13,648.61	17,1172.16	Conforming
Minimum Lot Width (feet)	40	93.12	25.27	Non-Conforming
Minimum Lot Depth (feet)	100	134.44	134.44	Conforming
Minimum Front Yard (feet)	0	23.25	2.4	Conforming
Minimum Rear Yard (feet)	10	57.96	10.2	Conforming
Minimum Side Yard - East (feet)	10 Along Res. Zone	35.91	11.0	Conforming
Minimum Side Yard – West	0	17.75	1.8	Conforming
Maximum Principal Building Coverage (%)	60	11.0	54.4	Conforming
Maximum Building Height (feet)	35	N/A	31	Conforming
Maximum Building Height (stories)	3	N/A	3	Conforming

1. Each item with a status of “non-conforming” above will require a new variance / design waiver.
2. Permitted uses within the B-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; 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; business, professional and governmental offices; banks, without drive-in facilities; nursery schools and day care centers; 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; 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. The proposed use is not a permitted use. Therefore a D(1) 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 new three-story 13-unit apartment building:

Regulation	Ordinance Section	Units	Total Required	Proposed	Status
Schedule of Off-Street Parking	§21-8.8	2 spaces per dwelling unit 1 visitor space per 5 units	13 units x (2 spaces/unit) = 26 spaces 13 units / (5 units/space) = 2 spaces 2 ADA Spaces 30 total spaces	25	Non-Conforming
RSIS	N.J.A.C. 5:21-4.14 Table 4.4	1.8 spaces per 1 bedroom apartment 2.0 spaces per 2 bedroom apartment	5 one bedroom x (1.8 spaces/unit) = 9 spaces 8 two bedroom x (2.0 spaces/unit) = 16 spaces 25 total spaces	25 spaces	Conforming

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 new three-story 13-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 or 3 Units	To Be Determined	To Be Determined

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. NEA recommends the use of a private hauler.
- 7.4 NEA recommends that the Applicant provide material boards and color renderings during the Board presentation to demonstrate that the proposed buildings 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 a signed and sealed Survey prepared by a Licensed Surveyor in the State of New Jersey.



- 7.7 The Applicant shall provide a subdivision plan for review.
- 7.8 The Applicant will require an access easement to the proposed residential units. The Applicant shall provide documentation of the easement.
- 7.9 The Applicant shall provide testimony addressing site access as it relates to fire apparatus and emergency services.
- 7.10 The Applicant shall provide testimony that all ADA accessible routes, points of ingress/egress, parking spaces, etc. will conform to the current ADA Standards for Accessible Design provided by the Department of Justice, latest revised. A note stating the same shall be provided on the site plan.
- 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 provide Inlet Filter Protection for all new and existing inlets. The Applicant shall revise the plans to include a construction detail for such items.
- 7.13 The Applicant shall confirm that ADA ramps are installed at the Marin Avenue driveway entrance. The Applicant shall be responsible for replacing / installing ramps if not compliant.
- 7.14 The Applicant shall revise the plans to provide construction details for proposed asphalt pavement, concrete sidewalks, concrete walkways, pavement striping, concrete curbs, concrete pavement and guard rail.
- 7.15 The Applicant shall identify the location of any and all proposed HVAC units on-site and their associated concrete pads. A detail of the concrete pad shall be provided. Furthermore, the Applicant shall provide testimony regarding any potential rooftop HVAC equipment, appurtenances, noise levels, screening, and sound proofing.
- 7.16 The Applicant shall provide “Stop” pavement markings at all egress driveways. A detail of the same shall be provided.
- 7.17 The Applicant shall ensure that all disturbed work areas are stabilized with topsoil, seed, hay, and straw mulch to ensure lawn growth. A note stating the same shall be added to the plans.
- 7.18 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. A note on the plan stating the same shall be provided.
- 7.19 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. A note stating the same shall be provided on the Site Plan.



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. A note shall be provided on the submitted plans.
- 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. A note on the plan indicating the same shall be provided. The Applicant shall also provide a Stormwater Management Report.
- 8.3 The Applicant shall provide spot grades from the proposed ADA parking space to the elevator.
- 8.4 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 self-storage. The Applicant shall submit a set of plans and 30-day flow study to the Township of Lyndhurst DPW for review.
- 8.5 The Applicant shall illustrate all proposed roof leaders.
- 8.6 The Applicant shall illustrate the location of any meters, transformers or generators for the proposed use. All meters, generators, and transformers shall be located to the rear of the building and screened. Notation indicating the same shall be provided.

9. Traffic Comments

- 9.1 Per RSIS standards, the parking requirements are as follows:
 - a. 1.8 spaces per one bedroom unit= 1.8 spaces * 5 units = 9 parking spaces
 - b. 2.0 spaces per two bedroom unit= 2.0 spaces * 8 units = 16 parking spaces
 - c. A total of 25 parking spaces are required
- 9.2 The Applicant provides 25 parking spaces, and meets the required 25 parking spaces per the RSIS requirements.
- 9.3 Per Lyndhurst Ordinance 2067 Section 21-8.8, the parking requirements are as follows:
 - a. 2.0 spaces per dwelling = 2 spaces * 13 units = 26 parking spaces
 - b. 1.0 visitor space per 5 dwellings = 5.0 spaces / 13 units = 2 parking spaces
 - c. 2 ADA spaces
 - d. A total of 30 parking spaces are required
- 9.4 The Applicant provides 25 parking spaces, and does not meet the required 30 parking spaces per Lyndhurst Ordinance 2067 Section 21-8.8 requirements. The Applicant shall provide testimony in support of the required variance.



- 9.5 The Applicant proposes one (1) ADA parking space. Per Lyndhurst Ordinance 2067 Section 21-8.8 two (2) ADA parking spaces are required. The Applicant shall revise the plans to include the necessary ADA parking spaces required.
- 9.6 The Applicant shall provide site distance triangles at the Marin Avenue driveway to ensure visibility.

10. 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

A handwritten signature in blue ink, appearing to read 'Brian A. Intindola'.

Brian A. Intindola, P.E., C.M.E.
For the Township Engineer
Township of Lyndhurst

Very truly yours,
Neglia Engineering Associates

A handwritten signature in blue ink, appearing to read 'David Juzmeski'.

David Juzmeski, P.E., P.P.
For the Township Planner
Township of Lyndhurst

- Cc: Priscilla Triolo, Esq. – Board Attorney (*via: email*)
Janet Catanese – Applicant (*via: email*)
Malcolm J. McPherson, Jr., Esq. – Applicant's Attorney (*via: email & regular mail*)
Charles L. Baldanza, RA – Applicant's Architect (*via: email*)
George D. Cascino, PE, PP – Applicant's Engineer (*via: email*)