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RESPONSIVE

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October 13, 2020

**Revised: March 18, 2022**

**Via: Email & Hand Delivery**

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

**Re: Site Plan Review**  
312-318 & 324 Valley Brook Avenue  
Block 68, Lots 4, 5, & 6  
Township of Lyndhurst, Bergen County, New Jersey  
NEA No.: LYNDSPL21.020

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 southerly side of Valley Brook Avenue. The Applicant proposes a new three-story 25-unit apartment building. Specifically, we have reviewed the following:

- **Signed and sealed Site Plans consisting of twelve (12) sheets entitled, “Preliminary / Final Site Plan, 320 Valley Brook Avenue, Lots 4, 5, & 6, Block 68, Township of Lyndhurst, Bergen County, New Jersey,” prepared by Daniel G. Reeves, P.E., of Dresdner Robin., dated January 17, 2020, revised March 4, 2022;**
- **Signed and sealed Architectural Plans consisting of four (4) sheets entitled, “Proposed 25 Unit Multi-Family Apartment Building,” prepared by Raymond J. Virgona, R.A., of Virgona & Virgona Architects, dated January 8, 2020, revised February 14, 2022;**
- **Signed and sealed Stormwater Management Report entitled “Stormwater Management Report, 320 Valley Brook Avenue, Lots 4, 5, & 6 of Block 68, Township of Lyndhurst, Bergen County, New Jersey,” prepared by Grant B. Lewis, P.E., of Dresdner Robin Environmental Management, Inc., dated January, 2020, revised March 2022;**
- Signed and sealed Traffic Engineering Assessment, prepared by A Andrew Feranda, P.E., P.T.O.E., C.M.E., of Shropshire Associates, LLC, dated July 12, 2021;
- Signed and sealed Flood Hazard Area & Freshwater Wetlands Evaluation letter, prepared by Grant B. Lewis, P.E., of Dresdner Robin Environmental Management, Inc., dated February 27, 2020, revised July 1, 2021;
- Affidavit of Property Owner for 312-318 Valley Brook Avenue, prepared by Frank Meli, owner, dated June 4, 2021;
- Affidavit of Property Owner for 324 Valley Brook Avenue, prepared by Frank Meli, owner, dated June 4, 2021;
- Certification of Payment of Taxes, dated June 4, 2021;
- Signed and sealed Boundary and Topographic Survey consisting of one (1) sheet entitled, “Valley Brook Avenue,” prepared by Greg S. Gloor, P.L.S., of Dresdner Robin Environmental Management, Inc., dated April 18, 2020;

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- Application for the Township of Lyndhurst Board of Adjustment, prepared by Frank Meli, owner, dated February 27, 2020;
- Affidavit of Property Owner Regarding Easements and Water and Sewer Assessment for 324 Valley Brook Avenue, prepared by Frank Meli, Owner, dated March 3, 2020;
- Affidavit of Property Owner Regarding Easements and Water and Sewer Assessment for 312-318 Valley Brook Avenue, prepared by Frank Meli, Owner, dated March 3, 2020;
- Lyndhurst Completion Checklist Subdivision and Site Plan Application;
- Township of Lyndhurst Application for Zoning Approval, dated February 19, 2020;
- Lyndhurst Construction Department Zoning Application Denial, dated February 18, 2020;
- 200 Foot Owner and Address Report;
- Letter from Kaufman Semeraro & Leibman, LLP to Lyndhurst Zoning Board of Adjustment dated September 14, 2020.

## 1. Project & Site Description

The subject property is an “L” shaped lot located along the southerly portion of Valley Brook Avenue. The subject property, Block 68, Lots 4, 5, and 6 is commonly known as 312-318 and 324 Valley Brook Avenue, and is located within the B (Business) Zone. The property is currently developed with a restaurant, an associated storage area/garage, a single-family dwelling and associated detached garage.

The Applicant proposes to construct a new three-story 25 unit apartment building consisting of seven (7) 1-bedroom units, eight (8) 1-bedroom with den units, six (6) 2-bedrooms units, one (1) 1-bedroom affordable unit, two (2) 2-bedrooms affordable unit, and one (1) 3-bedroom affordable unit. **Per the Applicant, all garage units have been removed to add stacked parking spaces. Furthermore, the Applicant has added trash chutes to the trash room, added exterior building sconces, will install surveillance cameras, will install NFPA13 sprinklers, and will increase the fire rating on the demising walls. The front entrance was also revised so that the previously proposed exterior stairway was removed. An interior stairway was added into the lobby.**

## 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. **This item has been addressed. A Key map has been added to the Site Plans**
- 2.2 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. **This item remains applicable until the Board has acted upon this application.**

**3. Zoning Requirements**

The following table reflects the B-Zone Bulk Requirements as they pertain to the proposed new three-story 25 unit apartment building:

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

Description	Required	Existing	Proposed	Status
Use	As Defined Below <sup>(2)</sup>	Multiple As Defined Above	Multi-Family Residential	Non-Conforming
Minimum Lot Area (square feet)	4,000	22,750	22,750	Conforming
Minimum Lot Width (feet)	40	Not Provided	175	Conforming
Minimum Lot Depth (feet)	100	Not Provided	132.5	Conforming
Minimum Front Yard (feet)	0	Not Provided	0.77	Conforming
Minimum Rear Yard (feet)	10	Not Provided	17.5	Conforming
Minimum Side Yard (each) (feet)	10 each/ 20 both	Not Provided	5	Non-Conforming
Minimum Street Side Yard (Corner Lot) (feet)	10	Not Provided	3.9	Non-Conforming
Maximum Principal Building Coverage	60%	Not Provided	<b>23.4% (ground level)</b> 64.6% (overhang)	Non-Conforming
Maximum Building Height (feet)	35	Not Provided	34 feet - 11 inches	Conforming
Maximum Building Height (stories)	3	Not Provided	3	Conforming

- Each item with a status of “non-conforming” above will require a new variance / design waiver.
- 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 ~~27~~ **25** unit apartment building:

Regulation	Ordinance Section	Units	Total Required	Proposed	Status
Schedule of Off-Street Parking	§21-8.18	2 spaces per dwelling unit 1 visitor space per 5 units	25 units x (2 spaces/unit) = 50 spaces 25 units / (5 units/space) = 5 spaces <b>55 total spaces</b>	<b>50 spaces</b>	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 2.1 spaces per 3 bedroom apartment	16 one bedroom x (1.8 spaces/unit) = 29 spaces 8 two bedroom x (2.0 spaces/unit) = 16 spaces 1 three bedroom x (2.1 spaces/unit) = 2 spaces <b>47 total spaces</b>	<b>50 spaces</b>	<b>Conforming</b>

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 25-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 = <b>5 Units</b>	<b>4 Units</b>	<b>Non-Conforming</b>

## 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. **This comment remains applicable until the Board has taken action on this application.**
- 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. **This comment remains applicable.**
- 7.3 The Applicant shall provide testimony addressing trash removal and disposal procedures. NEA recommends the use of a private hauler. **This comment remains applicable until the Board has taken action on this application.**
- 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. **This comment remains applicable.**
- 7.5 The Applicant is responsible for addressing any comments from the Police and Fire Departments. **This comment remains applicable.**
- 7.6 The Applicant shall provide testimony addressing site access as it relates to fire apparatus and emergency services. **This comment remains applicable until the Board has taken action on this application.**

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- 7.7 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. This comment has been addressed.**
- 7.8 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. **This comment remains applicable.**
- 7.9 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. **This comment has been addressed.**
- 7.10 The Applicant shall revise the plans to specify the proposed height of the retaining wall. **This comment has been addressed. No further action required.**
- 7.11 The Applicant shall note that all walls in excess of four (4) feet will require associated wall stability calculations prepared by a licensed professional engineer in the state of New Jersey. The Applicant shall provide wall stability calculations. **This comment has not been addressed.**
- 7.12 Upon completion of construction, and if granted approval, all retaining walls in excess of four (4) feet in height will require signed and sealed certification by a licensed professional engineer in the state of New Jersey confirming that the wall was built in accordance with the plans and details and that it will support its design and intended loads. **This comment remains applicable and shall be addressed post construction, if approved.**
- 7.13 The Applicant shall confirm that ADA ramps are installed opposite proposed ADA ramps at the intersection of Valley Brook Avenue and Livingston Avenue. The Applicant shall be responsible for replacing opposite ramps if not compliant. **This comment has not been addressed.**
- 7.14 The Applicant shall revise the Concrete Sidewalk detail to illustrate ¾- inch clean stone subbase in lieu of the dense graded aggregate. **This comment has not been addressed.**
- 7.15 The Applicant has proposes 6-inch by 18-inch concrete curbs within the project limits. The Applicant shall revise the plans and construction detail to use 9-inch by 18-inch concrete curbs. **This comment has not been addressed.**
- 7.16 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. **This comment has been addressed in testimony. No further action required.**
- 7.17 The Applicant shall provide “Stop” pavement markings at all egress driveways. A detail of the same shall be provided. **This comment has not been addressed.**
- 7.18 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. This comment has been addressed.**
- 7.19 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. This comment has not been addressed.**
- 7.20 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. This comment has been addressed.**
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## 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. This comment has not been addressed.**
- 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. This comment has not been addressed.**
- 8.3 The Applicant shall provide additional topographic information along the property lines (approximate 10-foot overlap) to determine if the proposed grading will impact adjacent properties. **This comment has not been addressed.**
- 8.4 The proposed site improvements do not classify the project as a “Major Development” as defined under the Stormwater Management Adopted New Rule: N.J.A.C. 7:8 by disturbing less than an acre of land, and by not increasing the property’s impervious coverage by more than a quarter acre. Therefore, the Applicant is required to maintain post-development runoff rates based upon current existing runoff rates. The Applicant proposes an increase of 1,500 square feet of impervious surface. The Applicant shall submit a Stormwater Management Report providing drainage calculations and post-construction runoff hydrographs for the 2, 10, and 100-year storm events illustrating mitigation measures for the increase in impervious coverage. **This comment has been addressed.**
- 8.5 The Applicant shall provide spot grades from ADA parking space number seven to the elevator. **This comment has been addressed.**
- 8.6 The Applicant shall provide off-site stormwater conveyance system capacity calculations. **This comment has not been addressed.**
- 8.7 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. **This comment has not been addressed.**
- 8.8 The Applicant shall illustrate all proposed roof leaders. **This comment has not been addressed.**
- 8.9 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. **This comment has not been addressed.**

## 9. Landscaping Comments

- 9.1 The Applicant shall provide a planting / construction detail for the street trees within the sidewalks which incorporate the tree grates, which shall include illustrating the footing detail for the grates (the footing may be a separate detail). **This comment has been addressed.**
- 9.2 The Applicant shall provide a detail for the proposed tree grates. **This comment has not been addressed.**
- 9.3 The Applicant shall provide construction details for the five (5) foot wide paver strip and adjacent scored concrete sidewalk along Livingston Avenue and Brook Avenue. **This comment has not been addressed.**
- 9.4 The Applicant shall add the following to the Planting Notes:

- a. All plant material shall be guaranteed to be alive and in vigorous growing condition for a period of two (2) years after acceptance by the owner.
- b. All plant beds areas are to be serviced by an automatic irrigation system.
- c. All trees not serviced by automatic irrigation shall be provided with 20 gallon tree watering bags, and shall be filled/refilled and maintained by the landscape contractor for the duration of the guarantee period of the plant.
- d. Upon completion of the two year plant guarantee period, the landscape contractor is responsible for removing planting saucers and all stakes from tree. This shall be done consultation with the landscape architect.
- e. All plant beds shall receive a minimum of 18" of topsoil (settled).
- f. The contractor shall excavate and dispose of in-situ soils to a minimum depth of 24" in all five foot by five-foot street tree planting pits, and import new topsoil for those areas.

**This comment has not been addressed.**

## **10. Traffic Comments**

- 10.1 NEA has reviewed the submitted Traffic Impact Study as it relates to traffic counts, trip generation, trip distribution, build traffic volumes, and the proposed level of service analysis. The Traffic Impact Study generally follows the Institute of Transportation Engineers (ITE) methodology for analyzing the proposed residential development with 25 residential units. The prepared trip generation estimates and trip distribution for the proposed development is consistent. The development will generate approximately 12 new trips during weekday morning peak hour and 14 new trips during the weekday evening hour. We believe the trip generation is reasonable due to ITE trip generation methodology. **No further action required.**
- 10.2 **Per RSIS standards, the parking requirements are as follows:**
  - a. **1.8 spaces per one bedroom unit= 1.8 spaces \* 16 units = 29 parking spaces**
  - b. **2.0 spaces per two bedroom unit= 2.0 spaces \* 8 units = 16 parking spaces**
  - c. **2.1 spaces per three bedroom unit= 2.1 spaces \* 1 unit = 2 spaces**
  - d. **A total of 47 parking spaces are required**
- 10.3 **The Applicant provides 50 parking spaces, which meets the required 47 parking spaces per the RSIS requirements. The Applicant also proposes installing 8 EV charging spaces.**
- 10.4 **The Applicant has presented that RSIS is being applied for the supply. The Applicant needs to clarify as to whether or not RSIS applies to covered parking.**
- 10.5 The Applicant shall provide vehicle-maneuvering exhibits near the westerly end of the proposed parking lot. **This comment has not been addressed.**
- 10.6 The Applicant shall provide site distance triangles at the Livingston Avenue driveway to ensure visibility. **This comment has not been addressed.**
- 10.7 **The Applicant has submitted revised Site Plan Set dated March 4, 2022 prepared by Dresdner Robin, which removed the attached garage units to introduce stacked parking stalls. The Applicant shall provide testimony regarding how the stacked parking will be managed.**

## 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. **This comment remains applicable.**
- 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. **This comment remains applicable.**
- 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. **This comment remains applicable.**
- 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. **This comment remains applicable.**

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.  
For the Township Engineer  
Township of Lyndhurst

Very truly yours,  
**Neglia Engineering Associates**



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

Cc: Daniel R. Lagana, Esq. – Board Attorney (*via: email*)  
312 Valley Brook – Applicant (*via: email*)  
Raymond J. Virgona, AIA – Applicant's Architect (*via: email*)  
Daniel G. Reeves, PE – Applicant's Engineer (*via: email*)  
Greg S. Gloor, P.L.S. – Applicant's Surveyor (*via: email*)