

**Via: Email & Hand Delivery**

June 6, 2023

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

**Re: Site Plan Review – Proposed Multi-Family Dwelling (4 Units)**  
118 Stuyvesant Avenue  
Block 11, Lot 25  
Township of Lyndhurst, Bergen County, NJ  
Neglia Project No.: LYNDSP23.012

Dear Honorable Board Members:

As requested, the Neglia Group (“Neglia”) has reviewed the submitted documents related to the proposed site development of the lot located along the eastern side of Stuyvesant Avenue. The Applicant proposes to construct a four-family residential dwelling. Specifically, we have reviewed the following:

- Signed and sealed Architectural Plans consisting of five (5) sheets entitled, “New Construction, Calvello, 118 Stuyvesant Avenue, Lyndhurst, NJ, 07071” prepared by Anthony Guzzo, A.I.A., of Guzzo Architects, LLC., dated March 12, 2023;
- Signed and sealed Site Plans consisting of seven (7) sheets entitled, “Preliminary and Final Site Plan, 118 Stuyvesant Avenue, Tax Lot 25, Block 11, Township of Lyndhurst, Bergen County, New Jersey” prepared by Adnan Khan, P.E., C.M.E., of AWZ Engineering, Inc., dated March 6, 2023;
- Signed and sealed Topographical Survey consisting of one (1) sheet entitled, “Topographic Survey, Stuyvesant Property, LLC, Township of Lyndhurst, Bergen County, N.J.” prepared by Vincent Manna, P.L.S., of Manno Surveying, Inc., dated July 12, 2022; and
- Stormwater Management Report prepared by Adnan Khan, P.E., C.M.E., of AWZ Engineering, Inc., dated March 2, 2023;
- Application for Site Plan Approval.

**1. Project & Site Description**

The subject property is located on a rectangular shaped lot located along Stuyvesant Avenue. The property in question, Block 11, Lot 25, is located within the R-C Multi-Family Residential Zone. The property is currently developed with a two-family home. Additional site features include asphalt pavement, landscaping, driveway, and a detached garage.

The Applicant proposes to construct a three story, four-unit residential building. The existing two-family home is proposed to be demolished to accommodate the improvements. The existing detached garage is proposed to be renovated to include a second-floor recreational room. The Applicant proposes 4 striped off-street parking spaces that will be located in the front of the garage. The four units would consist of a single one-bedroom unit and three two-bedroom units. Additionally, the proposed multifamily would also have a recreation room and rooftop decks on the third floor as well as a second-floor addition to the existing garage for an additional recreation room. Proposed site improvements include a new asphalt driveway, concrete walkways, and drainage improvements.

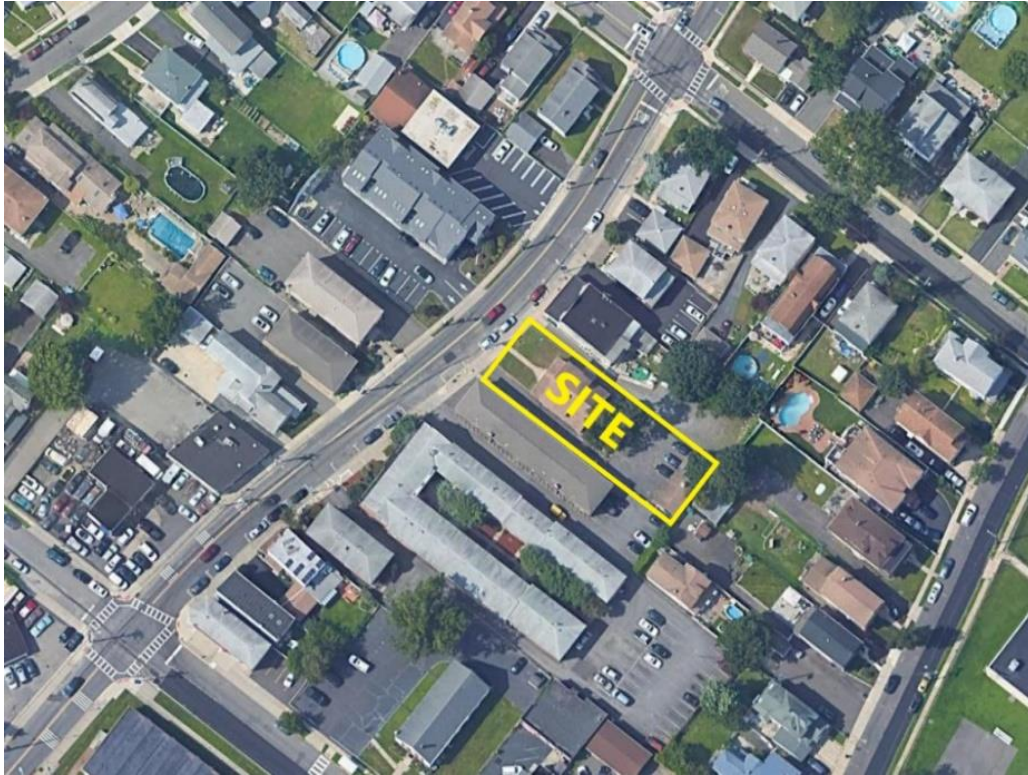
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Aerial Site Mapping

**2. Completeness Review**

Neglia has completed a review of the submitted documents as it relates to completeness established within Appendix A entitled “Completion Checklist - 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 to this application.

**REQUIREMENTS FOR SITE PLAN APPLICATIONS:**

- 2.1 Item 9: Certification of any necessary approvals by the HMDC, DEP, County Planning, or any other agency. The Applicant shall acquire review letters from the necessary regulatory bodies. The Applicant shall provide testimony stating if approvals from additional regulatory bodies have been pursued.

**3. Zoning Analysis**

Based upon Neglia’s initial review of the application materials, we offer the following findings regarding zoning compliance per Township Code Section §21-4.4:

*a. Use / Jurisdiction*

Permitted Uses in RC-Zone:

The following uses are 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.

Permitted Conditional Uses in RC-Zone:

The following uses may be established as conditional uses subject to approval by the Board:

1. Nursery schools and day care centers up to a maximum of ten children subject to the following conditions:
  - 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.

**Special Regulations in RC-Zone:**

The following 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.: Refer to the table below regarding all bulk deficiencies associated with the proposed four family dwelling.
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.: The Applicant proposed a total landscaped coverage area of 1,172.26 square feet which does not meet the stated Special Regulation. A variance/waiver shall be required.
3. The minimum distance between structures within the development shall be 30 feet.: The Applicant complies with this requirement.
4. The main entrance to the building shall not face the parking area.: The foyer entrance to Unit #2 and Unit #4 faces the off-street parking in the rear of the building. A variance will be required.
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.: The Applicant complies with this requirement.
6. Structures more than 50 feet in length shall have façade setbacks of at least two feet, not more than 50 feet apart.: The Applicant’s proposed structure does not feature any façade setbacks. A variance will be required.
7. Parking areas and access drives shall be paved; uncovered parking areas shall be landscaped in accordance with subsection §21-8.10.: The requirements stated in subsection §21-8.10 are not applicable to the proposed site.
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.: The Applicant complies with this requirement.
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.: The minimum required recreation space for the proposed development is 400 square feet. The Applicant proposes to provide two recreational rooms. The Applicant shall provide the total square footage of all recreational space to verify conformance.
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.: The Applicant’s proposed driveway is not five feet from any principal building. A variance will be required.

**b. Bulk Deficiencies**

The following table reflects the Multi-family Residential Zone Bulk Requirements (Section §21-6) and Accessory Building Requirements (Section §21-5.2) as they pertain to the proposed four family dwelling:

Description	Required	Existing	Proposed	Status <sup>(1)</sup>
Use	Per §21-4.4	Two Family Dwelling	Four Family Dwelling	Conforming

Description	Required	Existing	Proposed	Status <sup>(1)</sup>
Minimum Lot Area (square feet)	6,000 sf	9,506.9 sf	9,506.9 sf	Conforming
Minimum Lot Width (feet)	60 ft	52.0 ft	52.0 ft	Existing Non-Conformity
Minimum Lot Depth (feet)	100 ft	182.83 ft	182.83 ft	Conforming
Minimum Front Yard Setback (feet)	20 ft	34.28 ft	10 ft	<b>Non-Conforming</b>
Minimum Rear Yard Setback (feet)	20 ft	97.98 ft	82.96 ft	Conforming
Minimum Side Yard Setback (feet) (each/both) <sup>(2)</sup>	8 ft / 17 ft	2.88 ft / 12.55 ft	5.00 ft / 21.00 ft	<b>Non-Conforming</b>
Maximum Principal Building Coverage (%) <sup>(3)</sup>	30%	17.51%	27.39%	Conforming
Maximum Lot Coverage (%) <sup>(3)</sup>	N/A	N/A	N/A	Conforming
Maximum Building Height (feet/stories)	35 ft / 3 stories.	<35 ft / 1.5 story	35 ft. / 3 stories	Conforming
Minimum Rear Yard Setback (Accessory Building) (feet)	3 ft	1.10 ft	1.10 ft	Existing Non-Conformity
Minimum Side Yard Setback (Accessory Building) (feet)	30%	2.33 ft	3.19 ft	Conforming
Maximum Rear Yard Area Coverage (Accessory Building) (%)	25%	17.04%	81.53%	<b>Non-Conforming</b>
Maximum Accessory Building Height (feet/stories) <sup>(3)</sup>	35 ft	<15 ft	18 ft	<b>Non-Conforming</b>

1. Each item with a status of “non-conforming” above will require a new variance / design waiver.
2. For lots which exceed 50 feet 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 feet both sides; (3) Lot width of 53’: 9’ each side, 18 feet both sides; (4) Lot width of 54’: 9 feet each side, 19 feet both sides; (5) Lot width of 55 feet or greater: 10 feet each side, 20 feet both sides.
3. The total lot coverage in R-A and R-B zones shall not exceed 60%. The maximum total lot coverage shall increase 5% for every 500 square feet in area over 5,500 square feet, but in no event shall exceed 70%.
4. No accessory building shall exceed a height of 15 feet.

a. Additional Variances / Waivers

1. §21-4.4c(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. Therefore, a design waiver shall be required.
2. §21-4.4c(4): The main entrance to the building shall not face the parking area. Therefore, a design waiver shall be required.
3. §21-4.4c(6): Structures more than 50 feet in length shall have façade setbacks of at least two feet, not more than 50 feet apart. Therefore, a design waiver shall be required.

4. §21-4.4c(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. Therefore, a design waiver shall be required.
5. §21-5.2(c): No accessory building shall exceed a height of 15 feet. Therefore, a design waiver shall be required.
6. §21-5.2(d): No accessory buildings except swimming pools shall occupy an area greater than 25% of the area of the required rear yard. Therefore, a design waiver shall be required.

**4. Parking Requirements**

The tables provided below identifies parking requirements associated with the Applicant’s new convenience store conversion:

Regulation	Ordinance Section	Units	Required/Permitted	Proposed	Status <sup>(1)</sup>
Off-Street Parking Spaces	RSIS (NJAC 5:21-4.14)	1.8 per 1-Bedroom 2.0 per 2-Bedroom	1 Units x (1.8 Spaces/Unit) = 2 Spaces <sup>(2)</sup> 3 Units x (2.0 spaces/unit) = 6 spaces	8 Parking Spaces	Conforming
Minimum ADA Parking Spaces	Department of Justice	1 to 25 Parking Spaces provided	1 ADA Space (1 Van Accessible)	1 Van Accessible ADA Space	Conforming

1. Each item with a status of “non-conforming” above will require a new variance / design waiver.
2. All parking space calculations for shall be rounded up to the next full parking space.

Regulation	Ordinance Section	Required/Permitted <sup>(2)</sup>	Proposed	Status <sup>(1)</sup>
EV Parking Requirement	P.L. 2021, c.171	N/A	N/A	N/A
ADA EV Parking	P.L. 2021, c.171	N/A	N/A	N/A

1. Each item with a status of “non-conforming” above will require a new variance / design waiver.
2. Per NJSA 40:55D-66.20, as a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space shall prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install electric vehicle supply equipment in at least one-third of the 15 percent of Make-Ready parking spaces. As the Applicant does not propose to construct a multifamily development with five or more units, the EVSE or Make Ready requirements are not applicable.

**5. Affordable Housing Requirements**

The table provided below identifies affordable housing requirements associated with the Applicant’s proposed 4-unit apartment building:

Regulation	Ordinance Section	Required	Proposed	Status <sup>(1)</sup>
Lyndhurst Affordable Housing Ordinance	§21-20.3(a) – §21-20.5	20% of Market Rate Units = <b>1 Unit</b>	Unspecified	<b>To be Determined</b>

1. Each item with a status of “non-conforming” above will require a new variance / design waiver. If the proposed amount is unknown, the Applicant shall provide testimony stating the number of affordable units that will be available.
2. All Affordable Housing calculations shall be rounded up to the next full unit.

## **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. Planning and 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 is responsible for providing testimony addressing any comments or concerns from the Township Police and Fire Departments as it relates to fire apparatus and emergency services.
- 7.4 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. A note stating the same shall be provided in the site plans.
- 7.5 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.
- 7.6 Neglia recommends that the Applicant provide material boards and color renderings during the Board presentation to demonstrate that the proposed building and improvements will be aesthetically acceptable. This shall include any rooftop screening should rooftop mechanical equipment be required. The rendering shall include a view of all sides of the building.
- 7.7 The Applicant shall provide testimony with respect to the building articulation, façade materials, colors, traditional design elements, visual access, entrances, awnings, signage, and roofing.

- 7.8 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 stating the same shall be provided in the site plans.
- 7.9 The Applicant is responsible for ensuring that any and all soils imported to the site are certified clean soils as identified by the current NJDEP Residential Standards, with a copy of the said certificate provided to the Building Department and Neglia for all soils. No recommendation for a Certificate of Occupancy / Construction Completion will be provided without this certification, where applicable. A note stating the same shall be provided.
- 7.10 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 in the site plans.

**8. Grading, Drainage and Utility Comments**

- 8.1 The Applicant proposes improvements that will result in an increase in impervious coverage of 1086.33 square feet (0.025 acre), as compared to the existing conditions. 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.
- 8.2 The Applicant proposes to construct a dry well system in the front yard of the property. All roof leaders are proposed to discharge into this dry well. The provided Stormwater Management Report shows that the proposed dry well system has adequate storage capacity for a typical 2-, 10-, and 100-year storm event. The Applicant shall provide additional testimony supporting the proposed drainage system.
- 8.3 Our office recommends that the Applicant construct a stormwater collection system across the site’s driveway. This can either be achieved using a trench drain or porous pavement system.
- 8.4 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 stating the same shall be provided in the site plans.
- 8.5 The Applicant shall ensure that all runoff is directed into proposed storm water collection structures 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 stating the same shall be provided in the site plans.
- 8.6 The Applicant shall provide testimony regarding any potential HVAC equipment, appurtenances, noise levels, screening, and soundproofing.
- 8.7 The Applicant shall secure and supply will serve letters for all utilities to ensure capacity and adequate service to the proposed development. The Applicant shall construct all on-site and off-site improvements as deemed necessary by said utilities at the sole cost of the Applicant.

**9. Landscaping & Lighting Comments**

- 9.1 The Applicant shall provide testimony addressing any proposed landscaping or lighting improvements.
- 9.2 The Applicant shall ensure that the proposed lighting fixtures will not have any glare into any neighboring properties.

**10. Traffic & Parking Comments**

- 10.1 The Applicant shall provide testimony addressing vehicular circulation for package deliveries and mail, trash/recycling, parking circulation, security measures, and other operational issues that may be deemed relevant to the application.

- 10.2 The Applicant shall obtain and address any comments from the Township of Lyndhurst Fire, EMS, and Police Departments regarding emergency on-site site access, site safety, or other concerns.
- 10.3 The Applicant proposes to provide an off-street parking supply of 8 parking spaces which meets the minimum required parking spaces. The Applicant shall provide testimony addressing any questions or concerns regarding the proposed parking supply and configuration.
- 10.4 The Applicant shall illustrate the location and dimensions for all garage doors within the Site Plans.

**11. Final Comments**

- 11.1 The Applicant shall obtain any and all approvals required by outside agencies, including but not limited to Bergen County 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 Neglia 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. Neglia 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 Group**



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

Very truly yours,  
**Neglia Group**



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

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