



Celebrating 75 Years

EXPERIENCED  
DEDICATED  
RESPONSIVE

[negliagroup.com](http://negliagroup.com)

**Via: Email**

May 23, 2023

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

Re: **Site Plan Review**  
251-255 Ridge Road  
Block 91, Lots 12.01 & 12.02  
Township of Lyndhurst, Bergen County, NJ  
Project No.: LYNDSPL21.018

Dear Honorable Board Members:

As requested, The Neglia Group (“Neglia”) has reviewed the submitted documents related to the site improvements within the lot located along the western side of Ridge Road. The Applicant proposes the construction of a new twenty (20) unit residential apartment building. Specifically, we have reviewed the following:

- Signed and sealed Architectural Plans consisting of two (2) sheets entitled, “Lyndhurst Apartments,” prepared by Yogesh Mistry, R.A., of Mistry Design, LLC., dated June 7, 2022
- Signed and sealed Site Plans consisting of three (3) sheets entitled, “Lyndhurst Apartments Site Plan, Township of Lyndhurst, Bergen County, New Jersey,” prepared by Thomas G. Stearns, P.E., P.L.S., of GB Engineering, LLC., dated February 14, 2021, revised May 2, 2023
- Application for Use Variance and Site Plan Approval, prepared by Malcom J. McPherson, Jr. Esq., undated.

#### **1. Project & Site Description**

The subject property is located on rectangular shaped lots found along Ridge Road. The subject property, Block 91, Lots 12.01 and 12.02 is commonly known as 251 - 255 Ridge Road and is located within the Business District (B-Zone). The property is currently developed with a one-story office building and a two-story office building. Additional existing site improvements include a concrete driveway, concrete sidewalk, asphalt parking lot, and landscaping.

The Applicant proposes to construct a three (3) story, twenty (20) unit apartment building. The two existing structures are proposed to be demolished to accommodate the improvements. The ground floor would feature the building’s trash room, utility rooms, elevator, stairwells, lounge, leasing office, and mailroom. The ground floor would also contain the site’s off-street parking. The twenty (20) units would consist of sixteen (16) one-bedroom units and four (4) two-bedroom units. Additional proposed site improvements include a new concrete driveway, landscaping, lighting, streetscape, and drainage. Additional proposed site improvements include a new asphalt driveway and parking area, landscaping, lighting, and drainage.

---

#### **LYNDHURST**

34 Park Avenue  
PO Box 426  
Lyndhurst, NJ 07071  
p. 201.939.8805 f. 201.939.0846

#### **MOUNTAINSIDE**

200 Central Avenue  
Suite 102  
Mountainside, NJ 07092  
p. 201.939.8805 f. 732.943.7249

**2. Completeness Review**

Neglia 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. This item has not been addressed. If this item is not applicable, a waiver shall be requested.



*Aerial Site Mapping*

**3. Zoning Analysis**

Based upon Neglia’s initial review of the application materials, we offer the following findings regarding zoning compliance:

*a. Use / Jurisdiction*

Permitted Principal Uses in B-Zone:

The following uses are allowed by Right:

- 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.

Permitted Conditional Uses in B-Zone:

The following uses may be established as conditional uses subject to approval by the planning board.

1. Drive-in windows for financial institutions provided that:
  - (a) The applicant demonstrates that there is sufficient space on the site to provide for the maximum line of cars that may be reasonably expected; and
  - (b) Measures to increase traffic safety recommended in reports from the police department and planning consultant be considered and may be made a condition of approval.
2. Automobile sales rooms provided that automotive repair or servicing not normally incidental to the sale of automobiles is prohibited.
3. Telephone exchanges and other public utility substations provided they are housed in a building or suitably enclosed to harmonize with the character of the neighborhood.
4. Funeral parlors.
5. Fully enclosed theaters.
6. Gasoline stations, and repair garages in accordance with the following conditions:
  - (a) No gasoline station shall have an entrance or exit for vehicles within 200 feet along the same side of a street of any school, playground, church, hospital, public building or institution, except where such property is in another block or abuts another street which the lot in question does not abut.
  - (b) No gasoline station or repair garage shall be permitted where any oil draining pit or visible appliance for any purpose (other than gasoline filling pumps or air pumps) is located within 50 feet of any existing or future street line or within 150 feet of any residential district. All such appliances or pits other than gasoline filling pumps or air pumps, shall be within a building.  
  
Gasoline and air pumps shall be permitted within the required front yard space of a gasoline station, but shall be no closer than 20 feet to any existing or future street line.
  - (c) No abandoned or unregistered motor vehicle shall be permitted on the premises of any gasoline station or repair garage unless within a closed and roofed building. Six motor vehicles may be located upon any gasoline station or repair garage outside of a closed or roofed building for a reasonable time while the motor vehicles are awaiting repair by the gasoline station or repair garage.
7. Fully enclosed eating and drinking establishment where food and drink is served within the building only, or where take out customers constitute less than 50% of the total customers.
8. Hospitals and nursing homes, subject to the provisions of subsection 21-5.10 and subsection 21-5.11.
9. Emergency medical treatment centers provided that an off-street space for an ambulance is provided.
10. Private and commercial schools.
11. Body art, including permanent cosmetics, tattooing and body piercing, as defined in this chapter, subject to the following conditions:
  - (a) Compliance with all requirements of the township department of health, pursuant to Section 22-9 et seq. of the Township ordinance.
  - (b) Compliance with all requirements of the State Department of Health pursuant to N.J.S.A. 26:1A-7 et seq., and the regulations promulgated thereunder pursuant to N.J.A.C. 8:27-1 et seq.
12. Vape Shops.

(a) Vape Shop shall be Conditionally Permitted in the Business District provided that the subject premises is not within 1,500 feet of the nearest property line of any of the following uses:

- Nursery school / Preschool / Child, adult or special needs day care centers / Elementary, junior high school or high school / State, County, or private university or college / Other schools not falling within the definition of previous categories / Funeral parlor / Health service facilities / Other vape shops / Assisted living facilities or group homes / Church or other places of worship / Parks, playgrounds and commercial recreational facilities.

(b) This use is prohibited in all other districts in the Township.

Permitted Accessory Uses in B-Zone:

- Accessory Uses and Structures customarily incidental to Principal Use / Fencing / Private Garage / Private Swimming Pool / Signage / Driveways and Parking Areas / Recreational playground facilities or equipment

Excluded Uses in B-Zone:

The following uses are specifically excluded from Business District:

- Hotels, motels and motor inns / Shooting galleries, skating rinks, bowling alleys, billiard parlors, dance halls, discotheques, model slot car racing, amusement arcades and other similar amusements, drug paraphernalia sales and fortune tellers / Automobile laundries / Automotive storage or repair garage / Used car lots / Boarding of animals / Truck terminals / Manufacturing, processing and assembly enterprises / Building or construction supply business / Milk depots / Warehouse and similar storage facilities / Wholesale establishments / Dwellings / Outdoor storage / Check cashing facilities.

*b. Bulk Deficiencies*

The following table reflects the B-Zone Bulk Requirements (Section §21-6) as they pertain to the proposed three-story apartment building:

Description	Required	Existing	Proposed	Status <sup>(1)</sup>
Use	As Defined Above	Office	Multi-Family Dwelling	<b>Non-Conforming <sup>(2)</sup></b>
Minimum Lot Area (square feet)	4,000 SF	14,500 SF	14,500 SF	Conforming
Minimum Lot Width (feet)	40 ft	N/A	112 ft	Conforming
Minimum Lot Depth (feet)	100 ft	125 ft	125 ft	Conforming
Minimum Front Yard Setback (feet)	0 ft	0 ft	0 ft	Conforming
Minimum Rear Yard Setback (feet)	10 ft	2.45 ft	3.50 ft	<b>Non-Conforming</b>
Minimum Interior Side Yard Setback – Corner Lot (feet) <sup>(3)</sup>	0 ft	0 ft	0 ft	Conforming
Minimum Street Side Yard Setback – Corner Lot (feet)	10 ft	33.30 ft	0 ft	<b>Non-Conforming</b>
Maximum Principal Building Coverage (%)	60%	30%	74.82%	<b>Non-Conforming</b>
Maximum Building Height (feet/Story)	35 ft / 3 Stories	N/A	35.57 ft / 3 Stories	<b>Non-Conforming</b>

1. Each item with a status of “non-conforming” above will require a new variance / design waiver.
2. The Applicant is proposing to change the existing commercial office use to a proposed multifamily dwelling. It is our interpretation that for proposed application, given the proposed use for the lot is considered an excluded use, a D(1) Variance shall be required.
3. If adjacent to a residential zone, the minimum side yard dimensions shall be 10 feet from each side and 20 feet for both sides.

**4. Parking and Loading Requirements**

The table provided below identifies parking & loading requirements associated with the Applicant’s proposed three-story 20-unit apartment building:

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	16 Units x (1.8 Spaces/Unit) = 29 Spaces <sup>(2)</sup> 4 Units x (2.0 spaces/unit) = 8 spaces <sup>(2)</sup>	30 Parking Spaces	<b>Non-Conforming</b>
<b>Total Required Parking Spaces 37 Parking Spaces w/o Make Ready Credit Total Required Parking Spaces 33 Parking Spaces w/ Make Ready Credit</b>					
Minimum ADA Parking Spaces	Department of Justice	26 to 50 Parking Spaces provided	2 ADA Spaces w/ 1 Van Accessible ADA Spaces	2 ADA Spaces (0 Van Accessible)	<b>Non-Conforming</b>

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	Proposed	Status <sup>(1)</sup>
EV Parking Requirement	P.L. 2021, c.171	37 required parking spaces * 15% = 6 required EV spaces <sup>(2)</sup>	6 EV Parking Spaces	<b>Conforming</b>
ADA EV Parking	P.L. 2021, c.171	6 required EV parking spaces * 5% = 1 required ADA EV parking spaces <sup>(2)</sup>	1 ADA EV Parking Spaces	<b>Conforming</b>
<b>Total Required Parking Spaces 33 Parking Spaces w/ Make Ready Credit</b>				

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

**5. Affordable Housing Requirements**

The table provided below identifies affordable housing requirements associated with the Applicant’s proposed three-story 20-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>4 Units</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. Engineering and Planning 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 provide testimony addressing site access as it relates to fire apparatus and emergency services.
- 7.5 The Applicant shall provide testimony addressing trash removal and disposal procedures associated with the proposed development. Our office recommends private hauling.
- 7.6 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.
- 7.7 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.
- 7.8 Our Office 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.

- 7.9 The Applicant shall ensure that all disturbed work areas are stabilized with topsoil, seed, hay, and straw mulch to ensure lawn growth.
- 7.10 Section §21-4.5(d) of the Township Ordinance states that within the Business District, all business uses must be buffered from any adjacent residential use or zone with a six-foot-high evergreen or decorative fence screen, except that within ten feet of a public sidewalk, the buffer shall be no more than 2 1/2 feet in height. The Applicant shall provide testimony addressing any proposed screening measures.
- 7.11 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.
- 7.12 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.
- 7.13 The Applicant shall provide testimony addressing the height of the building as it relates to the heights of existing buildings within the neighborhood.
- 7.14 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.

**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 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.
- 8.3 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.
- 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. Therefore, the Applicant is required to maintain post-development runoff rates based upon current existing runoff rates.
- 8.5 The Applicant proposes to install a 50 by 15-foot seepage pit within the parking lot. The proposed seepage pit is shown to collect runoff from the parking lot as well as stormwater conveyed via roof drains. As such, the Applicant shall provide on-site stormwater storage volume equivalent to a two-inch rainfall over the net impervious area. The Applicant shall submit drainage calculations demonstrating that the proposed seepage pit has adequate storage capacity for the proposed site.
- 8.6 The detail provided for the precast seepage pit shows two differing heights of clean crushed stone. The Applicant shall revise to show the correct height.
- 8.7 The Applicant shall provide testimony regarding rooftop HVAC equipment and any associated appurtenances, noise levels, screening, and sound proofing.

- 
- 8.8 The Applicant is responsible for addressing any off-site utility upgrades to accommodate the proposed improvements at the sole cost of the Applicant.
  - 8.9 The Applicant shall illustrate the location of all gas and water meters that will service the building. These meters shall be located in or around the building where they are not visible from the site frontage and shall be screened.
  - 8.10 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.

**9. Landscaping & Lighting Comments**

- 9.1 The Applicant shall provide testimony addressing any proposed landscaping or lighting improvements.
- 9.2 Landscape design should include consideration of a watering and maintenance plan, which includes a planting schedule for any seasonal plants.
- 9.3 The Applicant shall provide testimony ensuring that the proposed lighting fixtures will not have any glare into any neighboring properties.
- 9.4 Within the Applicant’s Site Plans, Note 17 under Landscape Specifications and Planting makes references to Ordinances of the City of Clifton. The Applicant shall revise this note to reference the correct Township Code.
- 9.5 Within the Applicant’s Landscaping Plans, a callout labelled “Proposed Mulch” is shown pointing at a section of existing sidewalk. The Applicant shall revise the Landscaping Plans to ensure that all labels and leaders are pointing to the correct position.

**10. Traffic 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 provides 30 parking spaces and does not meet the required 33 parking spaces. The Applicant shall provide testimony in support of the required variance.
- 10.4 The Applicant proposes to provide two accessible parking spaces to comply with the required number of ADA spaces. The Applicant does not propose to provide a van accessible space. The Applicant shall provide testimony addressing the non-conformity.
- 10.5 The Applicant shall provide testimony addressing vehicle maneuvering within the proposed parking area.
- 10.6 The structural support columns are illustrated to encroach within the standard nine feet wide by 18 feet long parking stall. The Applicant shall provide testimony ensuring that all parking stalls are compliant per RSIS.
- 10.7 The Applicant shall provide testimony addressing the anticipated site generated trips that would be created from the proposed development.
- 10.8 The Applicant shall note that Ridge Road is designated as New Jersey State Highway Route 17. Therefore, the Applicant shall submit the plans to NJDOT for review and/or exemption. NJ Route 17 is an Access Level 4 roadway and may require NJDOT Access Permits. All correspondence from NJDOT shall be forwarded to the Board and Board Professionals upon receipt.

**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 Group**

Very truly yours,  
**Neglia Group**



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

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

Cc: Daniel R. Lagana, Esq. – Board Attorney (*via: email*)  
Bahnhof 255, LLC – Applicant (*via: email*)  
Malcom J. McPherson, Jr., Esq. – Applicant's Attorney (*via: email & regular mail*)  
Yogesh Mistry, R.A. – Applicant's Architect (*via: email*)  
Thomas Sterns, P.E., P.L.S. – Applicant's Engineer (*via: email*)