

Via: Email

February 22, 2024

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

Re: **Site Plan Review – Proposed Mixed Use Development**  
294-298 Ridge Road, Block 98, Lot 16  
Township of Lyndhurst, Bergen County, NJ  
Neglia Project No.: LYNDSP123.015

Dear Honorable Board Members:

As requested, the Neglia Group (“Neglia”) has reviewed the submitted documents related to the proposed improvements on the lot located along the eastern side of Ridge Road. Specifically, we have reviewed the following:

- Signed Architectural Plans consisting of three (3) sheets entitled “Existing and Proposed Preliminary Site Plans, Alterations and Addition to Existing Building,” prepared by P. A. Marchetta, dated July 26, 2023;
- Township of Lyndhurst Application for Use Variance and Related Variances;

**1. Project & Site Description**

The subject property is located on an irregular shaped lot located at the intersection of Ridge Road and Valley Brook Avenue. The property in question, Block 98, Lot 16, is located within the B-Business District. The property contains a mixed-commercial building, which includes a liquor store, retail space, restaurant, a two-bedroom residential apartment, and office space.

The Applicant proposes to refurbish the existing building and convert the existing office space into two additional residential units. The Applicant proposes nine (9) off-street parking spaces for the mixed-use development. The proposed parking lot is accessed via Valley Brook Avenue. Additional

**2. Completeness Review**

Our office 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 Code.

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.

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**REQUIREMENTS FOR SITE PLAN APPLICATIONS:**

- 2.1 **Item 11:** *Any proposed and existing signs and descriptive schedules.* The Applicant shall provide information related to any new and existing signage.
- 2.2 **Item 12:** *Identification of the type and location of public and private utilities and services for water and sewage disposal.* The Applicant shall provide information on the submitted plans illustrating all existing and proposed utilities.
- 2.3 **Item 13:** *Proposed plans for storm water management and calculations.* The Applicant shall provide information relating to all proposed stormwater management
- 2.4 **Item 15:** *Certified property survey including owner’s name.* The Applicant has not provided a certified property survey. A waiver shall be required.
- 2.5 **Item 16:** *Lighting.* The Applicant shall provide information for any and all proposed lighting improvements.
- 2.6 **Item 17:** *A landscape improvement plan shall be provided indicating buffer areas, signed and sealed by a licensed landscape architect.* The Applicant shall provide information for any and all proposed landscaping improvements.
- 2.7 **Item 18:** *Soil erosion and sediment control plan.* The Applicant shall provide information for all proposed soil erosion and sediment control measures.



*Aerial Site Mapping*

### 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 §21-4.5:

#### 3.1. *Use / Jurisdiction*

##### Permitted 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) The use is prohibited in all other districts in the Township.

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.

### 3.2. Bulk Deficiencies

The following table reflects the Multi-family Residential Zone Bulk Requirements (Section §21-6) as they pertain to the proposed mixed-use development:

| Description   | Required / Permitted | Existing          | Proposed            | Status <sup>(1)</sup>   |
|---|----------------------|-------------------|---------------------|-------------------------|
| Use   | B – Business         | Commercial        | Mixed Use           | <b>Non-Conforming</b>   |
| Minimum Lot Area (square feet)                            | 4,000 sf             | 7,750 sf          | 7,750 sf            | Conforming              |
| Minimum Lot Width (feet)                                  | 40 ft                | 76.69 ft          | 76.69 ft            | Conforming              |
| Minimum Lot Depth (feet)                                  | 100 ft               | 99.89 ft          | 99.89 ft            | Existing Non-Conformity |
| Minimum Front Yard Setback (feet)                         | 0 ft                 | 0.29 ft           | 0.29 ft             | Conforming              |
| Minimum Rear Yard Setback (feet)                          | 10 ft                | 38.60 ft          | 38.60 ft            | Conforming              |
| Minimum Interior Lot Side Yard Setback (feet) (each/both) | 0 ft                 | 0.00 ft           | 0.00 ft             | Conforming              |
| Minimum Street Side Yard Setback (Corner Lot) – (feet)    | 10 ft                | 0.18 ft           | 0.18 ft             | Existing Non-Conformity |
| Maximum Principal Building Coverage (%)                   | 60%                  | 63.35%            | 54.32%              | Conforming              |
| Maximum Building Height (feet/stories)                    | 35 ft / 3 stories.   | 20 ft / 2 stories | 25.4 ft / 2 stories | Conforming              |

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

### 3.3 Variances / Waivers

1. §21-4.5c: The Applicant is proposing to construct three dwelling units within the proposed improvements. Dwellings are an excluded use within the Business District. A “D” variance shall be required.
2. §21-8.2: *Required spaces shall be computed on the basis of 162 square feet per space. The dimensions of individual spaces shall be at least nine feet by 18 feet. When the number of required spaces result in a fraction the fraction shall require one parking space.* The Applicant proposes parking stalls that are less than the required 9’x18’. A design waiver will be required.
3. §21-8.8: *No off-street parking areas shall be located any closer than five feet to any lot line.* The Applicant proposes a parking space setback of 0 feet. A design waiver will be required.

4. §21-9.4a1: *Awnings shall not project into the public right-of-way.* The Applicant proposes to install awnings that extend into the public right-of-way. A design waiver will be required.
5. §21-9.4a4: *Awnings shall consist of a canvas material. All other materials, including but not limited to, vinyl, wood or plastic, shall be prohibited.* The Applicant proposes to install metal canopies above each retail storefront. A design waiver will be required.

**4. Parking Requirements**

The tables provided below identifies parking requirements associated with the Applicant’s proposed subdivision and multifamily dwelling:

| Regulation   | Ordinance              | Units  | Required/Permitted <sup>(2)</sup>                     | Proposed         | Status <sup>(1)</sup> |
|--|------------------------|--|---|------------------|-----------------------|
| Off-Street Parking Spaces                              | RSIS (NJAC 5:21-4.14)  | 2.0 per 2-Bedroom  | 3 Units x 2.0 = 6 spaces<br>6 spaces required         | 9 Parking Spaces | <b>Non-Conforming</b> |
|  | Township Code §21-8.18 | Retail: 1 space per 200 square feet (in excess of 1,000 square feet) | 1,425 SF x (1 space/ 200 SF) = 7 spaces required      |                  |                       |
|  |                        | Restaurant: 1 space per each 3 seats in excess of 10                 | 10 seats provided = 0 spaces required                 |                  |                       |
| <b>Total Required Parking Spaces 13 Parking Spaces</b> |                        |  |   |                  |                       |
| Minimum ADA Parking Spaces                             | Department of Justice  | 1 to 25 Parking Spaces provided                                      | 1 ADA Spaces inclusive of 1 Van Accessible ADA Spaces | 1 ADA Spaces     | <b>Non-Conforming</b> |

1. Each item with a status of “non-conforming” above will require a new variance / design waiver.
2. If the Applicant does not specify the number of bedrooms per unit, this parking requirement shall apply.

**5. 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.

## **6. Planning and Engineering Comments**

- 6.1. The Applicant’s professionals shall provide testimony in support of all requested / required variances.
- 6.2. 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.
- 6.3. 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.
- 6.4. The Applicant shall provide testimony addressing any existing deed restrictions/easements and how the restrictions/easements impact the proposed improvements.
- 6.5. The Applicant shall provide testimony addressing the business operations, number of employees, and when deliveries will take place.
- 6.6. The Applicant shall provide testimony addressing the parking spaces and how they will be designated to each use on the lot.
- 6.7. 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.
- 6.8. The Applicant shall provide testimony with respect to the building articulation, façade materials, colors, traditional design elements, visual access, entrances, awnings, signage, and roofing.
- 6.9. The Applicant shall provide a detail for all proposed fencing.
- 6.10. The Applicant shall enclose the proposed refuse areas.
- 6.11. The Applicant shall provide testimony addressing any proposed signage or modifications to existing signage and compliance with the zone code.
- 6.12. 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.

- 6.13. The Applicant shall protect any perimeter fencing, curbs, walkways, plantings, and walls on adjacent properties during construction, if approved. The Applicant shall be responsible for any damage done to neighboring properties during the installation of proposed improvements. A note stating the same shall be provided in the site plans.
- 6.14. 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.
- 6.15. 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. Grading, Drainage and Utility Comments**

- 7.1. 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 stating the same shall be provided in the site plans.
- 7.2. 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.
- 7.3. The Applicant shall provide testimony regarding any potential HVAC equipment, appurtenances, noise levels, screening, and soundproofing.
- 7.4. 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.

## **8. Landscaping & Lighting Comments**

- 8.1. The proposed Site Plan illustrates robust landscaping along Ridge Road and Valley Brook Avenue. The Applicant shall provide testimony addressing the proposed landscaping and planting materials.
- 8.2. The Applicant shall confirm all proposed lighting improvements will be shielded as to reflect the light downward and prevent any light from shining directly on adjoining streets or the adjacent residential use. In addition, the Applicant shall confirm the hours the lights will be on.

## **9. Traffic & Parking Comments**

- 9.1. The Applicant shall provide testimony regarding vehicular access for mail delivery vehicles, trash/recycling vehicles, and emergency vehicles.

- 9.2. The Applicant shall obtain and address any comments from the Township of Lyndhurst Police and Fire Departments regarding emergency on-site site access, site safety, or other concerns.
- 9.3. 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.
- 9.4. 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. All correspondence from NJDOT shall be forwarded to the Board and Board Professionals upon receipt.
- 9.5. The Applicant proposes to provide an off-street parking supply of 9 parking spaces which does not the minimum required parking spaces. The Applicant shall provide testimony addressing the non-conformity
- 9.6. The Applicant shall provide testimony assuring that one ADA space would be available for use for the future tenants of the proposed mixed-use development.

**10. Final Comments**

- 10.1. 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.
- 10.2. 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.
- 10.3. Revised reports, plans and exhibits which are to be considered at the hearing should be submitted ten days prior to the scheduled hearing.
- 10.4. 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.  
Zoning Board Engineer  
Township of Lyndhurst

Very truly yours,  
**Neglia Group**



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

cc: Daniel R. Lagana – Board Attorney (*via: email*)