
December 30, 2021

Via: Email & Hand Delivery

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

Re: Site Plan Review
430 Lewandowski Street
Block 167, Lots 2.01
Township of Lyndhurst, Bergen County, New Jersey
NEA No.: LYNDSP21.022

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 eastern side of Lewandowski Street, commonly known as 430 Lewandowski Street. The Applicant proposes the construction of a new Child-Care Center. Specifically, we have reviewed the following:

- Signed and sealed Architectural Plans consisting of two (2) sheets entitled, “Goddard School 430 Lewandowski Street, Lyndhurst, NJ” prepared by Cheryl Schweiker, A.I.A., of Jarmel Kizel, Architects and Engineers, Inc., dated July 19, 2021;
- Signed and sealed Site Plans consisting of six (6) sheets entitled, “Preliminary / Final Site Plan for The Goddard School 430 Lewandowski Street, Lyndhurst, NJ,” prepared by Gerard Gesario, P.E., of Jarmel Kizel, Architects and Engineers, Inc., dated August 30, 2021;
- Application for Site Plan Approval, prepared by Harsh Shah, undated;
- Application for Zoning Approval prepared by Harsh Shah, dated November 1, 2021.

1. Project & Site Description

The subject property is located on a rectangular shaped lot located along Lewandowski Street. The subject property, Block 167, Lot 2.01 otherwise known as 430 Lewandowski Street, is located within the M1-District. The property is currently vacant. Existing site improvements include two asphalt driveways, asphalt paving, and landscaping.

The Applicant proposes to renovate an existing one (1)-story retail building into a 10,089 square foot Child Care Center with a 2,484 square foot retail space. The Applicant also proposes a new outside playground area in the rear of the building. Additional proposed site improvements include a new sidewalk, new crosswalk striping, retaining walls, and fencing.

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.

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

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 Requirements**

The following table reflects the M1-Zone Bulk Requirements as they pertain to the proposed one-story Child Care Center building:

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

Description	Required	Existing	Proposed	Status ⁽¹⁾
Minimum Lot Area (square feet)	10,000	74,130	74,130	Conforming
Minimum Lot Width (feet)	100	200	200	Conforming
Minimum Lot Depth (feet)	100	366.49	366.49	Conforming
Minimum Front Yard Setback – Brisbin Avenue (feet)	25	259	259	Conforming
Minimum Front Yard Setback – Lewandowski Street (feet)	25	9.9	9.9	Non-Conforming

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Description	Required	Existing	Proposed	Status ⁽¹⁾
Minimum Front Yard Setback – Orient Way (feet)	25	10.1	10.1	Non-Conforming
Minimum Rear Yard Setback (feet)	25	23.2	23.2	Non-Conforming
Maximum Principal Building Coverage (%)	60%	16.96%	16.96%	Conforming
Maximum Building Height (feet/stories)	35’/ 3 Stories	28.6’/ 1 Stories	28.6’/ 1 Stories	Conforming

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

4. Parking and Loading Requirements

The table provided below identifies parking & loading requirements associated with the Applicant’s new two-story mixed-use building:

Regulation	Ordinance Section	Units	Total Required	Proposed	Status ⁽¹⁾	
Schedule of Off-Street Parking	§21-8.18	1 space per employee (Day Care Services)	21 employees x (1 space/employee) = 21 spaces	34 Spaces Total	108 Spaces Provided	Conforming
		1 space per 200 SF of sales area	(1 space / 200 SF) = 13 spaces			

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

5. Standards for Granting Variance Relief

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.

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.

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. 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 shall provide testimony addressing trash removal and disposal procedures.
- 6.4 The Applicant is responsible for addressing any comments from the Police and Fire Departments.
- 6.5 The Applicant shall provide testimony addressing site access as it relates to fire apparatus and emergency services.
- 6.6 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.
- 6.7 The Applicant shall ensure that all disturbed work areas are stabilized with topsoil, seed, hay, and straw mulch to ensure lawn growth.
- 6.8 The Applicant shall provide a detail for the proposed vinyl fencing.
- 6.9 The Applicant shall comment on the surface material that will cover the playground area.
- 6.10 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.
- 6.11 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.
- 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.

7. Grading, Drainage and Utility Comments

- 7.1 The Applicant shall ensure that on-site grading does not negatively impact any adjacent properties. The Applicant shall ensure runoff is not directed onto adjacent property along property line. A note stating the same shall be provided on the plan sets.
- 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 on the plan sets.
- 7.3 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.
- 7.4 The Applicant shall provide water usage and sanitary sewer calculations signed and sealed by a Professional Engineer licensed in the State of New Jersey to ensure that the existing system provides sufficient capacities for the proposed mixed-use development. The Applicant shall submit a set of plans and 30-day flow study to the Township of Lyndhurst DPW for review.

8. Landscaping & Lighting Comments

8.1 The Applicant shall as to whether or not exterior lighting will be installed in the outdoor playground area.

9. Traffic Comments

9.1 The Applicant shall provide testimony regarding the unloading procedures for deliveries to the proposed storefront.

9.2 The Applicant shall provide testimony regarding drop-off and pick-up procedures for the Child Care Center.

9.3 The cover sheet of the submitted site plan states that 110 parking space are to be provided yet there are only 108 spaces shown. The Applicant shall revise their Site Plan cover sheet to address this.

9.4 The minimum number of required ADA parking spaces is five. The submitted site plan shows only shows three ADA spaces. The applicant shall revise their Site Plans to include two additional ADA spaces to meet this requirement.

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 NEA 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. NEA reserves the right to provide new or updated comments as additional information becomes available.

We trust you will find the above in order. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Very truly yours,
Neglia Engineering Associates

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Neglia Engineering Associates



Brian A. Intindola, P.E., P.P., C.M.E.
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*)