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Via: Email

March 26, 2024

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

Re: Site Plan Review – Proposed Mixed Use Development

465 Ridge Road, Block 152, Lot 27
Township of Lyndhurst, Bergen County, NJ
Neglia Project No.: LYNDSP24.010

Dear Honorable Board Members:

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

- Signed and Sealed Site Plans consisting of five (5) sheets entitled “Proposed Improvements at 465 Ridge Road,” prepared by Charles Osterkorn of Osterkorn Engineering Associates, dated October 26, 2023;
- Signed and Sealed Architectural Plans consisting of three (3) sheets entitled “Ridge Rd Multifamily Conversion,” prepared by Arlenis Dominguez of Vivid Arc, last revised April 19, 2023;
- Township of Lyndhurst Application for Zoning Approval;

1. Project & Site Description

The subject property is located on an irregular shaped lot located along Ridge Road between Forest Avenue and Page Avenue. The property in question, Block 152, Lot 27, is located within the B-Business District. The property is currently developed with a two and half story two-family house. Additional existing features include an asphalt driveway, a detached garage, landscaping, and fencing.

The Applicant proposes to renovate and convert the existing building into a four-unit mixed-use development. The proposed development would consist of four (4) one-bedroom units with ground floor retail space. Additional proposed site improvements include a new off-street parking lot, landscaping, fencing, and drainage improvements. The Applicant proposes nine (9) off-street parking spaces for the mixed-use development.

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.

LYNDHURST

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

MOUNTAINSIDE

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

REQUIREMENTS FOR SITE PLAN APPLICATIONS:

- 2.1 **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.
- 2.2 **Item 15:** *Certified property survey including owner's name.* The Applicant has not provided a certified property survey. The Applicant shall submit a certified property survey.
- 2.3 **Item 16:** *Lighting.* The Applicant shall provide information for any and all proposed lighting improvements.
- 2.4 **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.
- 2.5 **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 ⁽¹⁾
Use	As Detailed Above	Residential	Mixed Use	Non-Conforming
Minimum Lot Area (square feet)	4,000 sf	6,967.1 sf	6,967.1 sf	Conforming
Minimum Lot Width (feet)	40 ft	50 ft	50 ft	Conforming
Minimum Lot Depth (feet)	100 ft	135.76 ft	135.76 ft	Conforming
Minimum Front Yard Setback (feet)	0 ft	7.6 ft	1.2 ft	Conforming
Minimum Rear Yard Setback (feet)	10 ft	88.6 ft	82 ft	Conforming

Description	Required / Permitted	Existing	Proposed	Status ⁽¹⁾
Minimum Side Yard Setback (feet) (each/combined)	0 ft	7.1 ft / 27.6 ft	7.1 ft / 27.6 ft	Conforming
Maximum Principal Building Coverage (%)	60%	12.26%	16.55%	Conforming
Maximum Building Height (feet/stories)	35 ft / 3 stories.	31.5 ft / 2 ½ stories	31.5 ft / 3 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 four dwelling units within the proposed improvements. Dwellings are an excluded use within the Business District. A “D” variance shall be required.
2. §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 that is less than 5 feet. A design waiver will be required.
3. §21-8.11: *Driveways and Curb Cuts.* The minimum driveway width for a two-way driveway is 20 feet. The Applicant proposes a driveway width of 12 feet. 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	Proposed	Status ⁽¹⁾
Off-Street Parking Spaces	RSIS (NJAC 5:21-4.14)	1.8 per 1-Bedroom	4 Units x 1.8 = 7.2 spaces 7 spaces required	9 Parking Spaces	Conforming
	Township Code §21-8.18	Retail: 1 space per 200 square feet (in excess of 1,000 square feet)	835 SF proposed retail space = 0 spaces required		
Total Required Parking Spaces 7 Parking Spaces					
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 Van Spaces	Conforming

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-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. 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.
- 6.7. The Applicant shall provide testimony with respect to the building articulation, façade materials, colors, traditional design elements, visual access, entrances, awnings, signage, and roofing.
- 6.8. The Applicant shall provide a detail for all proposed fencing.
- 6.9. The Applicant shall provide on the plans or provide testimony regarding the location of any proposed refuse areas. The Applicant shall enclose the proposed refuse areas. The Applicant shall provide testimony addressing the collection of solid waste, and recyclable materials on-site and removal from the site. We recommend private hauling.
- 6.10. 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 provided in the site plans.
- 6.11. 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.

- 6.12. The Applicant shall provide testimony addressing any proposed signage and compliance with the zoning code.
- 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.
- 6.16. The Applicant proposes to construct a retaining wall within the subject property. The Applicant shall note that should any portion of the wall exceed three (3) feet (exposed height) in height, associated details and structural calculations, signed and sealed by a licensed professional engineer in the State of New Jersey, for the same shall be submitted for review.

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. 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 proposes improvements that will result in an increase in impervious coverage, as compared to the existing conditions. The Applicant shall provide a note stating the total existing impervious coverage square footage as well as the percent increase within the site plans.
- 7.4. 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 of an acre. Therefore, the Applicant is required to maintain post-development runoff rates based upon current existing runoff rates.
- 7.5. The Applicant proposes to install two seepage pits within the parking lot. The Applicant shall provide on-site stormwater storage volume equivalent to a two-inch rainfall over the net impervious area. Therefore, the minimum required storage volume is determined as: $(6,900 \text{ square feet}) \times [(2 \text{ in.}) / (12 \text{ in./ft})] = 1,150 \text{ cubic feet (8,603 gallons)}$. The Applicant is proposing a seepage pit system providing 1,282 cubic feet (9,590 gallons) of storage. The Applicant shall provide testimony supporting the capacity of the proposed drainage system.
- 7.6. The design and construction of seepage pits or recharge basins shall conform to the New Jersey Stormwater Best Management Practices Manual's Standard for Infiltration Basins. The following comments pertaining to the same shall be addressed prior to construction, if granted approval:

Testing:

- The Applicant shall perform a percolation/permeability test in the vicinity of each proposed infiltration measure to determine percolation rates AND the seasonally high-water table of the subsoils below.
- The Applicant shall notify Neglia a minimum of 48 hours in advance of this testing so that a representative of our office may be present for the testing, as required.
- The Applicant shall provide a signed and sealed copy of all testing results and information prepared by a Licensed Professional Engineer to the Building Department, who will subsequently issue them to Neglia for review.

Design:

- The bottom of the infiltration structure or stone, where applicable, shall be no less than two feet above the seasonal high groundwater table or bedrock.
 - The tested percolation rates shall be a minimum of 1.0 inches per hour, per NJDEP guidelines. Design percolation rates shall include a factor of safety of two for a design percolation rate of 0.5 inches per hour.
 - The Applicant shall provide calculations verifying that all proposed seepage pits will fully drain within 72 hours.
 - Should percolation testing yield unacceptable results, the Applicant shall provide a revised design which does not rely on infiltration.
- 7.7. The Applicant shall identify the location of drains associated with the proposed retaining wall and their discharge points. All wall drains shall discharge into the proposed drainage system.
- 7.8. The Applicant shall provide testimony regarding any potential HVAC equipment, appurtenances, noise levels, screening, and soundproofing.
- 7.9. The Applicant shall depict all existing and proposed utility services as well as illustrate the location of all gas and water meters that will service the building. These meters shall not be visible from street view and shall be located at the sides or rear of the building and be screened or within utility rooms.
- 7.10. 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 at the sole cost of the Applicant.

8. Landscaping & Lighting Comments

- 8.1. The Applicant shall provide testimony addressing the proposed landscaping and planting materials.
- 8.2. The Applicant proposes to provide wall mounted lighting to be installed along the proposed retaining wall that surround the proposed parking lot. The Applicant shall provide testimony addressing the light levels of these wall mounted lights and their effectiveness.
- 8.3. 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 adjacent residential uses. In addition, the Applicant shall confirm the hours the lights will be on.

9. Traffic & Parking Comments

- 9.1. 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.

- 9.2. 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.
- 9.3. The Applicant shall provide testimony addressing vehicular circulation for deliveries, trash/recycling procedures, circulation, number of employees (if any), fire apparatus, security measures and other operational issues as may be deemed relevant to the application
- 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 shall provide testimony addressing the sight distances for the proposed driveway. The Applicant shall ensure that sight distances shall meet AASHTO standards.
- 9.6. The Applicant proposes to provide an off-street parking supply of 9 parking spaces which meets the minimum required parking spaces. The Applicant shall provide additional testimony addressing any questions or concerns regarding the proposed parking supply.
- 9.7. 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*)

Elvin Ortiz – Applicant *(via: email)*

Malcolm J. McPherson, Jr., Esq. – Applicant’s Attorney *(via: email)*

Charles L. Osterkorn Jr, P.E. – Applicant’s Engineer *(via: email)*

Arlenis Dominguez – Applicant’s Architect *(via: email)*