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Via: Email & Hand Delivery

March 9, 2022

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

Re: Site Plan Review

535-537 New York Avenue
Block 23, Lot 10
Township of Lyndhurst, Bergen County, New Jersey
NEA No.: LYNDSP22.010

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 northern side of New York Avenue. The Applicant proposes the construction of a new eighteen (18) unit residential apartment building. Specifically, we have reviewed the following:

- Signed and sealed Architectural Plans consisting of five (5) sheets entitled, “New Multi-Family, 535-537 New York Avenue, Lyndhurst, NJ,” prepared by Anthony Guzzo, A.I.A., of Guzzo & Guzzo Architects, LLC., dated January 21, 2020;
- Signed and sealed Site Plans consisting of eight (8) sheets entitled, “Preliminary and Final Site Plan, 535 – 537 New York Avenue” prepared by Adnan Khan, P.E., C.M.E., of AWZ Engineering, Inc., dated March 22, 2021;
- Application for Use Variance and Site Plan Approval, prepared by Malcom J. McPherson, Jr. Esq., undated; and
- Application for Zoning Approval prepared by Malcolm J. McPherson, Jr. Esq., dated January 15, 2021.

1. Project & Site Description

The subject property is located on a rectangular shaped lot found along New York Avenue. The subject property, Block 23, Lot 10 is commonly known as 535-537 New York Avenue, and is located within the R-B Zone. The property is currently developed with a two (2) story masonry block dwelling, and two (2) one to two (1-2) story frame dwellings. Additional site improvements include asphalt driveways, concrete driveway aprons, fencing, and landscaping, and several large trees.

The Applicant proposes to construct a three (3) story, eighteen (18) unit apartment building. The eighteen (18) units consists of entirely one-bedroom layouts. The three existing structures are proposed to be demolished to accommodate the improvements. Additional proposed site improvements include two (2) new asphalt driveway and parking area, landscaping, lighting, and drainage.

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.

3. Zoning Requirements

The following table reflects the B-Zone Bulk Requirements as they pertain to the proposed four story apartment building:
CHAPTER 21 – ATTACHMENT 1 – SCHEDULE OF AREA, BULK AND YARD REQUIREMENTS

Description	Required	Existing	Proposed	Status
Use	As Defined Below ⁽²⁾	One Family Dwelling	Multi-Family Dwelling	Non-Conforming
Minimum Lot Area (square feet)	5,500 sf	14,131.25 sf	14,131.25 sf	Conforming
Minimum Lot Width (feet)	55 ft.	125.01 ft.	125.01 ft.	Conforming
Minimum Lot Depth (feet)	100 ft.	106.35 ft.	106.35 ft.	Conforming
Minimum Front Yard Setback (feet)	20 ft.	1.92 ft.	14.24 ft.	Non-Conforming (Variance)
Minimum Rear Yard Setback (feet)	20 ft.	1.48 ft.	16.42 ft.	Non-Conforming (Variance)
Minimum Side Yard Setback – Interior Lot (each) (feet)	6 ft.	1.84 ft.	4.30 ft.	Non-Conforming (Variance)
Maximum Principal Building Coverage (%)	30%	34.71%	52.45%	Non-Conforming (Variance)
Maximum Lot Coverage (%)	70%	69.09%	88.36%	Non-Conforming (Variance)
Maximum Building Height (feet/stories)	32 ft. / 2.5 sty.	≤ 32 ft. / 2 sty.	37.34 ft. / 3 sty	Non-Conforming (Variance)

- Each item with a status of “non-conforming” above will require a new variance / design waiver.
- Permitted uses within the R-B Zone include single family homes, two-family homes, and all Uses and Conditional Uses allowed in the R-A District; "Dwellings" are defined as residential units having a minimum of 700 square feet. The proposed use is not a permitted use. Therefore a **D(1) Use Variance** will be required for this application.
- The proposed building height of 37.34 feet is more than 10% of the maximum height permitted in the R-B Zone. Therefore a **D(6) Height Variance** will be required for this application.
- Flat roofs shall not be permitted in the R-A or R-B Zones as stated in Section §21-5.14.a.3 of the Township ordinance. Therefore a waiver shall be required.
- Except for permitted driveways and walkways, all parts of any front yard or side yard which abut the street shall be landscaped with grass or plant material and shall not be covered by concrete, bituminous macadam or similar nonporous substances as stated in Section §21-5.9 of the Township ordinance. Therefore a variance shall be required.

6. The Applicant is requesting a waiver for the code requirement of an Aisle Width of 24 feet wide (Ordinance Section 21-7.8). The Applicant is proposing an Aisle Width of 21 feet wide.
7. In the Township ordinance, it states, “All parking areas of 15 parking spaces or more shall be landscaped with a tree for every 15 spaces, and a landscaped island at least three feet wide separating every 15 spaces” (Ordinance Section 21-8.10). The Applicant is requesting a design waiver for this requirement.

4. Parking and Loading Requirements

The table provided below identifies parking & loading requirements associated with the Applicant’s new three-story 18-unit apartment building:

Regulation	Ordinance Section	Units	Total Required	Proposed	Status
Schedule of Off-Street Parking	§21-8.18	2 spaces per dwelling unit 1 visitor space per 5 units	18 units x (2 spaces/unit) = 36 spaces 18 units / (5 units/space) = 3.6 spaces 40 total spaces	29 spaces	Non-Conforming
RSIS	N.J.A.C. 5:21-4.14 Table 4.4	1.8 spaces per 1 bedroom apartment	18 one bedroom x (1.8 spaces/unit) = 32 spaces		
EV Parking Spaces	EV Legislation No. 3223	15% of Required Parking Spaces	32 required parking spaces x 15% = 4.8 EV Space = 5 EV Spaces	0 EV Spaces	Non-Conforming
Minimum ADA EV Parking Spaces	EV Legislation No. 3223	5% of provided EV spaces	1 ADA Compliant EV Space		

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

5. Affordable Housing Requirements

The table provided below identifies affordable housing requirements associated with the Applicant’s new three-story 18-unit apartment building:

Regulation	Ordinance Section	Required	Proposed	Status
Lyndhurst Affordable Housing Ordinance	§21-20.3(a) – §21-20.5	20% of Market Rate Units = 3.6 Units	To be Determined	To be Determined

6. Standards for Granting Variance Relief

The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70 sets forth the standards for variance in particular cases for special reasons to allow departure from regulations pursuant to Article 8 of this act to permit: **(1) a use or principal structure in a district restricted against such use or principal structure**, (2) an expansion of a nonconforming use, (3) deviation from a specification or standard pursuant to section 54 of P.L. 1975, c.291 (C.40:55D-67) pertaining solely to a conditional use, (4) an increase in the permitted floor area ratio as defined in section 3.1 of P.L. 1975, c.291 (C.40:55D-4), (5) an increase in the permitted density as defined in section 3.1 of P.L. 1975, c.291 (C.40:55D-4), except as applied to the required lot area for a lot of lots for detached one or two dwelling unit buildings, which lot or lots either an isolated undersized lot or lots resulting from a minor subdivision or **(6) a height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure.**

The Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-70c set forth the standards for variances from the bulk regulations of a zoning ordinance. A “c (1)” variance is for cases of hardship due to (a) exceptional narrowness, shallowness or shape of a specific property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

A “c (2)” variance may be granted where the purposes of the Municipal Land Use Law would be advanced by deviation from the zoning ordinance requirements, that the variance can be granted without substantial detriment to the public good, that the benefits of the deviation would substantially outweigh any detriment and that the variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The benefits identified in granting a “c (2)” variance must include benefits to the community as a whole, not only the Applicant of the property owner.

No variance of any other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such a variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.

7. Planning and Engineering Comments

- 7.1 The Applicant’s professionals shall provide testimony in support of all requested / required variances.
- 7.2 At such time as a hearing is scheduled regarding this matter, a representative or owner of the project site shall be present to address questions from the Board.
- 7.3 The Applicant shall provide testimony addressing trash removal and disposal procedures associated with the proposed development. NEA recommends private hauling.
- 7.4 The Applicant is responsible for addressing any comments from the Police and Fire Departments.
- 7.5 The Applicant shall provide testimony addressing site access as it relates to fire apparatus and emergency services.
- 7.6 The Applicant shall construct new sidewalk along the property frontage to conform to Section 21-7.8e of the Township Ordinance.
- 7.7 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.

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- 7.8 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.
 - 7.9 NEA 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.
 - 7.10 The Applicant shall provide testimony with respect to the building articulation, façade materials, colors, traditional design elements, visual access, entrances, lighting, and roofing.
 - 7.11 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.
 - 7.12 The Applicant shall protect any perimeter fencing, curbs, walkways, plantings, and walls on adjacent properties during construction, if approved. The Applicant shall be responsible for any damage done to neighboring properties during the installation of proposed improvements. A note stating the same shall be provided in the site plans.
 - 7.13 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 shall illustrate the utility trench widths on New York Avenue. The trenches shall be milled and paved curb to curb for the width of the outermost trenches.
 - 7.15 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 NEA for all soils. No recommendation for a Certificate of Occupancy / Construction Completion will be provided without this certification, where applicable. A note stating the same shall be provided.
 - 7.16 The Applicant shall ensure that the operations of soil movement vehicles are not to be utilized in a way that would deposit soil on any street, sidewalk, public place, or within any other private property. A note stating the same shall be provided in the site plans.

8. Grading, Drainage and Utility Comments

- 8.1 The Applicant shall ensure that on-site grading does not negatively impact any adjacent properties. Applicant shall ensure runoff is not directed onto adjacent property along property line. A note stating the same shall be provided in the site plans.
- 8.2 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 testimony regarding any potential rooftop HVAC equipment, appurtenances, noise levels, screening, and sound proofing.
- 8.4 The Applicant shall install backflow preventers / check valves on all storm and sanitary pipe connections to the existing systems within New York Avenue.

- 8.5 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. The Applicant proposes an increase of impervious surface. The Applicant shall submit a Stormwater Management Report providing drainage calculations and post-construction runoff hydrographs for the 2, 10, and 100-year storm events illustrating mitigation measures for the increase in impervious coverage.
- 8.6 The Applicant proposes improvements that will result in an increase in impervious coverage of 2,723.1 square feet, as compared to the existing conditions. As such, the Applicant shall provide on-site stormwater storage volume equivalent to a two (2) inch rainfall over the net increase in impervious area. Therefore, the minimum required storage volume is determined as: $(2,723.1 \text{ square feet}) \times [(2 \text{ in.}) / (12 \text{ in./ft})] = 453.85 \text{ cubic feet (3,395 gallons)}$. The Applicant is proposing a seepage pit system providing 219 cubic feet (1,637 gallons) of storage. The Applicant shall provide testimony supporting the capacity of the proposed drainage system.
- 8.7 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 NEA 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 NEA 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.
- 8.8 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 self-storage. The Applicant shall submit a set of plans and 30 day flow study to the Township of Lyndhurst DPW for review.
- 8.9 The Applicant is responsible for addressing any off-site utility upgrades to accommodate the proposed improvements at the sole cost of the Applicant.
- 8.10 The Applicant shall illustrate the location of all gas and water meters that will service the building. These meters shall be located at the back of the building or in utility rooms and not visible from street view and shall be screened.

8.11 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 The Applicant shall ensure that no glare occurs to adjacent properties. Testimony indicating the same shall be provided.

9.3 Landscape design should include consideration of a watering and maintenance plan, which includes a planting schedule for any seasonal plants.

10. Traffic Comments

10.1 Per RSIS standards, the parking requirements are as follows:

- a. 1.8 spaces per 1 bedroom unit = 1.8 spaces * 18 dwelling units = 32.4 parking spaces
- b. A total of 32 parking spaces are required

10.2 The Applicant proposes 29 parking spaces, but does not meet the required 33 parking spaces per the RSIS requirements. The Applicant shall provide testimony in support of the required variance.

10.3 The Applicant shall provide vehicle-maneuvering exhibits for review.

10.4 The Applicant shall provide site distance triangles at the proposed driveways.

10.5 The Applicant shall provide testimony to confirm the vehicle anticipation traffic created within the proposed improvements

11. Final Comments

11.1 The Applicant shall obtain any and all approvals required by outside agencies, including but not limited to Bergen County Planning, NJDOT, NJDEP, Bergen County, and Bergen Soil Conservation District, as well as the Township of Lyndhurst Police Department, Fire Department, Emergency Services and Department of Public Works. It is the Applicant's responsibility to determine what outside agency permits are required. Copies of said approvals shall be provided upon receipt.

11.2 New and revised materials shall be filed with the Township and shall not be sent directly to the Board's professionals. The Township will forward the application to and related materials to the Board's professionals when they are finished with their review. Materials submitted directly to 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 Engineering Associates



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

Very truly yours,
Neglia Engineering Associates



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

Cc: Daniel R. Lagana, Esq. – Board Attorney *(via: email)*
New York Avenue, LLC – Applicant *(via: email)*
Malcom J. McPherson, Jr., Esq. – Applicant’s Attorney *(via: email & regular mail)*
Anthony Guzzo, A.I.A. – Applicant’s Architect *(via: email)*
Adnan Kahn, P.E., C.M.E. – Applicant’s Engineer *(via: email)*