

October 21, 2020

Via: Email & Hand Delivery

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

Re: Site Plan Review
664 Valley Brook Avenue
Block 102, Lot 19
Township of Lyndhurst, Bergen County, New Jersey
NEA No.: LYNDSPL20.013

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 southerly side of Valley Brook Avenue. The Applicant proposes an addition to the first and second floor of the existing three (3) family dwelling. Specifically, we have reviewed the following:

- Signed and sealed Architectural Plans consisting of two (2) sheets entitled, “2-Story Rear Addition Existing Multi-Family 664 Valley Brook Avenue Lyndhurst, NJ 07071,” prepared by Anthony Guzzo, AIA, of Guzzo and Guzzo Architects, L.L.C., dated August 5, 2020;
- Signed and sealed Site Plans consisting of six (6) sheets entitled, “664 Valley Brook Avenue, Township of Lyndhurst, Bergen County, New Jersey,” prepared by Adnan A. Khan, P.E., C.M.E., of AWZ Engineering, Inc., dated July 28, 2020;
- Signed and sealed Stormwater Management Report consisting of twenty-two (22) sheets entitled, “Stormwater Management Report Prepared for 664 Valley Brook Avenue Tax Lot 19, Block 102, Township of Lyndhurst Bergen County, NJ,” prepared by Adnan A. Khan, P.E., C.M.E., of AWZ Engineering, Inc., dated August 12, 2020;
- Application for Use Variance and Site Plan Approval, prepared by Malcom J. McPherson, Jr. Esq., undated;
- Application for Zoning Approval prepared by Malcolm J. McPherson, Jr. Esq., dated August 6, 2020.

1. Project & Site Description

The subject property is a rectangular shaped lot located along the southerly portion of Valley Brook Avenue. The subject property, Block 102, Lot 19 is commonly known as 664 Valley Brook Avenue, and is located within the R and B Zone. The property is currently developed with a two (2) story three (3) family frame dwelling. Additional site improvements include a concrete driveway, concrete patio, stone walkway, asphalt pad, retaining wall and landscaping.



The Applicant proposes to construct an addition onto the first and second story of the existing frame dwelling. Additional proposed site improvements include a prefabricated 3 car detached garage, a covered patio, new asphalt driveway and parking area and remove the existing block wall.

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.

Requirements for Site Plan Applications:

- 2.1 Item 9: *Certification of any necessary approvals by the HMDC, DEP, and County Planning.* The Applicant has requested for a waiver for this item for the Board’s consideration. The Applicant will only seek the Bergen County Soil Conservation District Soil Erosion and Sediment Control Certification post Township Site Plan approval.

3. Zoning Requirements

The following table reflects the RB-Zone Bulk Requirements as they pertain to the proposed first and second floor addition and prefabricated garage:

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

Description	Required	Existing	Proposed	Status
Use	As Defined Below ⁽²⁾	Three Family Dwelling	Three Family Dwelling	Existing Non-Conforming
Minimum Lot Area (square feet)	5,500	9,718	9,718	Conforming
Minimum Lot Width (feet)	55	50	50	Existing Non-Conforming
Minimum Lot Depth (feet)	100	193.89	193.89	Conforming
Minimum Front Yard (feet)	20	23.83	23.83	Conforming
Minimum Rear Yard (feet)	20	88.51	88.51	Conforming
Minimum Side Yard (each) (feet)	6	3.79	3.79	Non-Conforming
Maximum Principal Building Coverage (%)	30	19.76	23.21	Conforming
Maximum Lot Coverage (%)	70	55.43	76.88	Non-Conforming



Description	Required	Existing	Proposed	Status
Maximum Building Height (feet)	32	21.83	25	Conforming
Maximum Building Height (stories)	2.5	2	2	Conforming
Minimum Rear Yard -Accessory Building (feet)	3	N/A	8	Conforming
Minimum Side Yard – Accessory Building (feet)	3	N/A	5.23	Conforming
Maximum Building Height – Accessory Building (feet)	15	N/A	15	Conforming
Maximum Rear Yard Area – Accessory Building (%)	25	N/A	47.44	Non-Conforming

1. Each item with a status of “non-conforming” above will require a new variance / design waiver.
2. Permitted uses within the RB-Zone include, single family homes, not to exceed one such dwelling on each lot, community residence for the developmentally disabled and community shelter for victims of domestic violence as defined by NJSA 40:55D-66.1 for not more than six persons exclusive of resident staff, a professional office, nonprofit clubs, lodges and fraternal organizations, community residence for the developmentally disabled and community shelter for victims of domestic violence as defined by NJSA 40:55D-66.1 for more than six persons exclusive of resident staff, two-family homes, not exceeding one such building on each lot. The proposed use is not a permitted use. Therefore a **D(2) Expansion of a Non-Conforming Use Variance** will be required for this application.

4. Parking and Loading Requirements

The table provided below identifies parking & loading requirements associated with the Applicant’s proposed first and second story addition:

Regulation	Ordinance Section	Units	Total Required	Proposed	Status
Schedule of Off-Street Parking	§21-8.18	2 spaces per dwelling unit	3 dwelling units x (2 spaces/ dwelling unit)	6 spaces	Conforming
RSIS	N.J.A.C. 5:21-4.14 Table 4.4	2.1 spaces per dwelling unit	3 dwelling units x (2.1 spaces/ dwelling unit) = 6 spaces	6 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. **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 NEA recommends that the Applicant provide material boards and color renderings during the Board presentation to demonstrate that the proposed addition and improvements will be aesthetically acceptable. This shall include any rooftop screening. The rendering shall include a view of all sides of the building.



- 6.5 The Applicant is responsible for addressing any comments from the Police and Fire Departments.
- 6.6 The Applicant shall provide testimony addressing site access as it relates to fire apparatus and emergency services.
- 6.7 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.
- 6.8 The Applicant shall revise the Concrete Sidewalk detail to illustrate $\frac{3}{4}$ - inch clean stone subbase in lieu of the dense graded aggregate.
- 6.9 The Applicant proposes to remove the existing block wall at the southerly portion of the property. The Applicant shall ensure that the removal of the existing block wall does not compromise the integrity of the property.
- 6.10 The Applicant shall ensure that all disturbed work areas are stabilized with topsoil, seed, hay, and straw mulch to ensure lawn growth.
- 6.11 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.
- 6.12 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.

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.
- 7.2 The Applicant shall ensure that all runoff is directed away from the proposed building 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.
- 7.3 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. Landscaping & Lighting Comments

- 8.1 The Applicant proposes to install two wall pack exterior lights. The Applicant shall ensure that no new lighting installed reflects into neighboring properties.



9. Traffic Comments

- 9.1 Per RSIS standards, the parking requirements are as follows:
- a. 2.1 spaces per dwelling unit = 2.1 spaces * 3 dwelling units = 6 parking spaces
 - b. A total of 6 parking spaces are required
- 9.2 The Applicant shall provide vehicle-maneuvering exhibits near the proposed prefabrication garage and parking spaces.
- 9.3 The Applicant shall provide site distance triangles at the driveway, Nelson Street and Warren Street to ensure visibility.

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

A handwritten signature in blue ink, appearing to read 'Brian A. Intindola'.

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

Very truly yours,
Neglia Engineering Associates

A handwritten signature in blue ink, appearing to read 'David Juzmeski'.

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

Cc: Daniel R. Lagana, Esq. – Board Attorney (*via: email*)
Ashraf Cyril – Applicant (*via: email*)
Malcom J. McPherson, Jr., Esq. – Applicant's Attorney (*via: email & regular mail*)
Anthony Guzzo, AIA – Applicant's Architect (*via: email*)
Adnan A. Khan, P.E., C.M.E. – Applicant's Engineer (*via: email*)