

Via: **Email**

October 28, 2024

Planning Board  
Township of Lyndhurst  
253 Stuyvesant Avenue  
Lyndhurst, New Jersey 07071

Re: **Engineering Review – Proposed Two-Family Homes**  
535-537 New York Avenue  
Block 23, Lots 10, 37, 38, & 39  
Lyndhurst, Bergen County, New Jersey  
Neglia Project No.: LYNDSPL24.013

Dear Honorable Board Members:

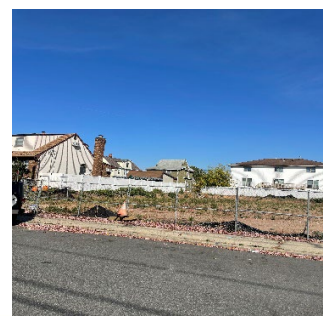
As requested, the Neglia Group (“Neglia”) has reviewed the submitted documents related to the proposed site development of the lot located along the northerly side of New York Avenue. The Applicant proposes the construction of new three (3) two-family homes. Specifically, we have reviewed the following:

- Signed and sealed Architectural Plans consisting of ten (10) sheets entitled, “New Two Family House, 535-537 New York Avenue, Lyndhurst, NJ, Block 23, Lots 37-39” prepared by Jorge P. Fernandes, RA, of Creative Architecture, dated November 14, 2023;
- Boundary and Topographic Survey prepared by Vincent Manno of Manno Surveying, Inc., dated March 1, 2024;
- Application for Major Subdivision to the Township of Lyndhurst Planning Board; and
- Application for Variance to the Township of Lyndhurst.

### **1. Project & Site Description**

The subject property is located on four (4) rectangular shaped lots located along New York Avenue. The property in question, Block 23, Lots 10, 37, 38, and 39, is located within the R-B One or Two Family Residence District. The property is currently vacant.

The Applicant is proposing a subdivision plan for the development of three (3) two-family homes, each featuring an attached garage and private driveway. The project contains four (4) original tracts (lots 10, 37, 38, and 39), that will be reorganized by way of subdivision into three (3) new lots.



#### **LYNDHURST**

34 Park Avenue  
PO Box 426  
Lyndhurst, NJ 07071  
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#### **MOUNTAINSIDE**

200 Central Avenue  
Suite 102  
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*Aerial Site Mapping*

**1. Bulk Deficiencies/Deviations/Variances**

Our office has determined the variances associated with this project. Variance relief shall be granted according to the Municipal Land Use Law (MLUL).

- 1.1. The following are the permitted uses from the Township of Lyndhurst within the R-B Zone.
  - i. Single-family homes, not to exceed one such dwelling on each lot.
  - ii. Two-family homes, not to exceed one such building on each lot.

**Please see Appendix A for the requirements associated with the Applicant’s proposed development.**

**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.

## **2. Engineering Comments**

- 2.1. The Applicant’s professionals shall provide testimony in support of all requested / required variances.
- 2.2. 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.
- 2.3. The Applicant shall provide testimony addressing trash removal and disposal procedures associated with the proposed development.
- 2.4. 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.
- 2.5. 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 Borough and Borough Engineer, and in accordance with current design standards. A note stating the same shall be provided in the site plans.
- 2.6. 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.
- 2.7. 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.
- 2.8. 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.
- 2.9. 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 Construction 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.

- 2.10. 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.

**3. Grading, Drainage and Utility Comments**

- 3.1. 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.
- 3.2. 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.
- 3.3. The Applicant shall provide testimony regarding any proposed rooftop HVAC equipment, appurtenances, noise levels, screening, and sound proofing.
- 3.4. The Applicant is responsible for addressing any off-site utility upgrades to accommodate the proposed improvements at the sole cost of the Applicant.
- 3.5. The Applicant shall illustrate the location of all gas and water meters that will service the building. These meters shall be positioned where they are not visible from the site frontage and shall be screened.
- 3.6. The Applicant shall provide testimony with respect to the proposed seepage-pit.
- 3.7. The Applicant shall provide drainage calculations for the proposed stormwater management.
- 3.8. 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.

**4. Landscaping & Lighting Comments**

- 4.1. The Applicant shall provide testimony addressing any proposed landscaping or lighting improvements.
- 4.2. The Applicant shall provide testimony ensuring that the proposed lighting fixtures will not have any glare into any neighboring properties. This comment has not been addressed.
- 4.3. Landscape design should include consideration of a watering and maintenance plan, which includes a planting schedule for any seasonal plants. This comment remains applicable.

**5. Traffic & Parking Comments**

- 5.1. The Applicant shall provide testimony addressing vehicular circulation for package deliveries and mail, trash/recycling, parking circulation, security measures, and other operational issues that may be deemed relevant to the application.
- 5.2. 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.
- 5.3. The Applicant proposes three (3) parking spaces per house as per the Title Page T-1, however the Site Plan S-2 illustrates four (4) parking spaces per house. The Applicant shall confirm number of proposed parking spaces and revise plans accordingly. The Applicant shall note that a minimum of four (4) parking spaces is required per house.

- 5.4. The Applicant shall provide testimony addressing the sight distances for the proposed driveway. The Applicant shall ensure that sight distances shall meet NJDOT and AASHTO standards.
- 5.5. The Applicant shall provide testimony addressing the anticipated site generated trips that would be created from the proposed development.

**6. Final Comments**

- 6.1. 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.
- 6.2. 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.
- 6.3. Revised reports, plans and exhibits which are to be considered at the hearing should be submitted ten days prior to the scheduled hearing.
- 6.4. 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 Group**



Brian A. Intindola, P.E., P.P., C.M.E., C.P.W.M.

Board Engineer / Board Planner

Township of Lyndhurst

cc: Priscilla Triolo, Esq. – Board Attorney (*via email*)  
535-537 NY Ave, LLC – Applicant (*via email*)  
Jorge P. Fernandes, RA – Applicant's Architect (*via email*)

**APPENDIX A**  
**ZONING REQUIREMENTS**

Regulation	Required	Proposed Lot 37	Proposed Lot 38	Proposed Lot 39	Status
Use	Two Family Dwelling	Two Family Dwelling	Two Family Dwelling	Two Family Dwelling	Conforming
<b>Minimum Lot Area (Square Feet)</b>	<b>5,500 SF</b>	<b>4,441 SF</b>	<b>4,793 SF</b>	<b>4,897 SF</b>	<b>Non-Conforming</b>
<b>Minimum Lot Width (Feet)</b>	<b>55 Feet</b>	<b>41.8 Feet</b>	<b>41.8 Feet</b>	<b>41.8 Feet</b>	<b>Non-Conforming</b>
Minimum Lot Depth (Feet)	100 Feet	106.35 Feet	106.82 Feet	117.28 Feet	Conforming
Minimum Front Yard Setback (Feet)	20 Feet	20 Feet	20 Feet	20 Feet	Conforming
Minimum Side Yard Setback (Feet)	6 Feet Each	6'9'-0"	6'9'-0"	6'9'-0"	Conforming
Minimum Rear Yard Setback (Feet)	20 Feet	33 Feet	38.6 Feet	49 Feet	Conforming
Maximum Principal Building Coverage (%)	30%	29.88%	27.68%	27.10%	Conforming
Maximum Lot Coverage (%)	60%	42.94%	39.79%	38.94%	Conforming
Maximum Building Heights (Feet/Stories)	32 Feet / 2.5 Stories	2.5 Stories	2.5 Stories	2.5 Stories	Conforming