



H2M Associates, Inc.

119 Cherry Hill Road, Ste 110
Parsippany, NJ 07054 | tel 862.207.5900

May 18, 2023

Borough of Leonia Planning Board
312 Broad Ave
Leonias, NJ 07605

**Re: NJ Calvary Church
Preliminary and Final Site Plan with Variance
Block 802, Lot 14; Block 1203, Lot 1
135 Fort Lee Road
H2M Project No.: LEON2302**

Dear Borough of Leonia Zoning Official:

In preparation of this review letter, I have reviewed the application materials provided to our office below, reviewed the Borough Land Use Ordinance and Master Plan. H2M reserves the right to continue to review and provide additional technical comments as the application progresses through the process.

I am in receipt of the following items submitted in connection with this application:

- Field survey titled "Survey of Property – Tax Lot 14 – Block 802 & Tax Lot 1 – Block 1203", prepared by Marc J. Cifone, P.L.S., of Lakeland Surveying, Inc., dated March 28, 2017, consisting of one (1) sheet.
- Architectural drawings titled "Zoning Application for Calvary Church", prepared by Ho Joon Chung, R.A., of Joon Architecture and Design, LLC., dated February 7, 2023, consisting of two (2) sheets.
- Notice to Appeal before the Borough of Leonia Planning Board for a Variance Application, prepared by Matthew G. Capizzi, Esq., dated April 20, 2023.

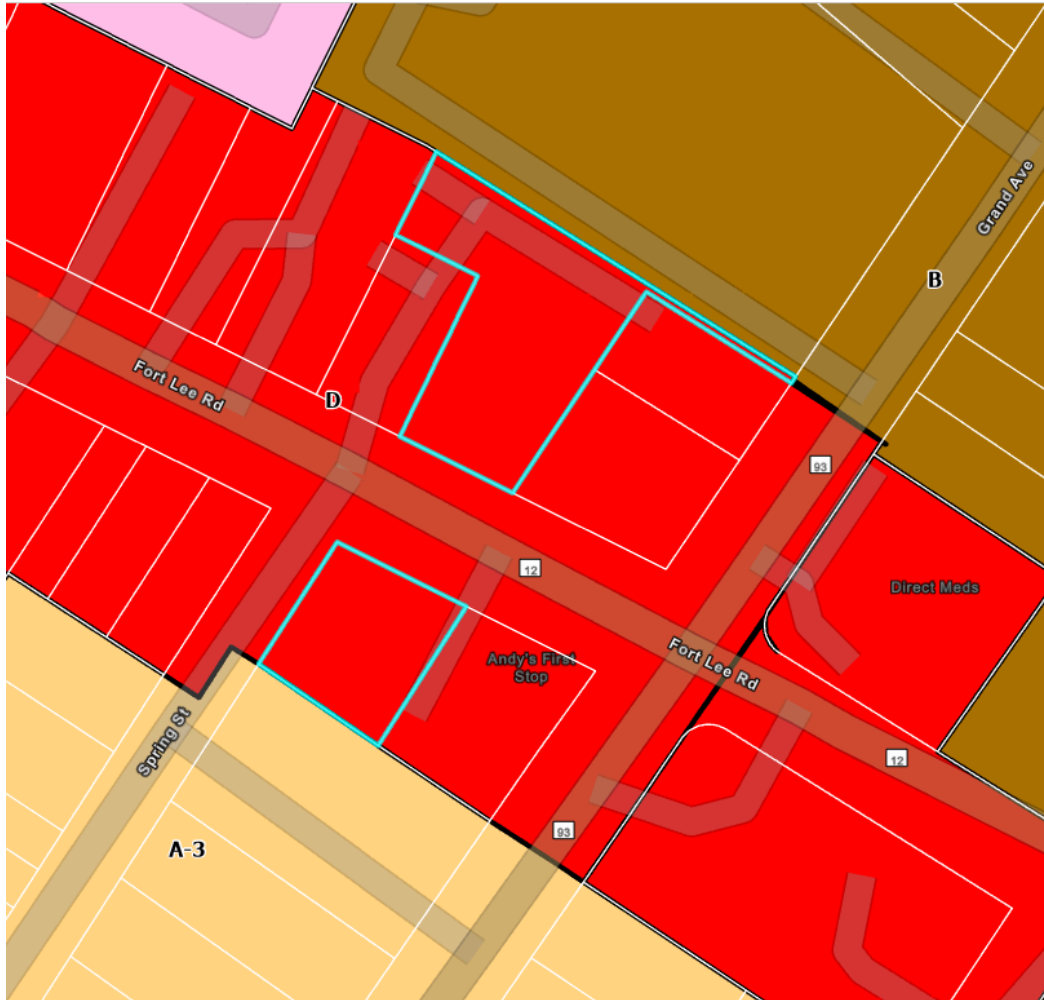


The subject site consists of two parcels located near the north-west and south-west corners of the intersection of Fort Lee Road and Grand Avenue. The proposed use is located at Block 802, Lot 14 with the accessory parking area located at Block 1203, Lot 1. The area is mixed-use in nature with the adjacent uses being an office use to the west, a vacant gas station and residential use to the east, and multifamily to the north. 131 Fort Lee Road, the site to the west, recently received Board approval to construct a four-story multifamily development. The site is currently an office building with a paved driveway on the western end of the lot and parking to the rear of the property. Block 1203, Lot 1, which is across Fort Lee Road from the office building, is a stand-alone surface parking lot that provides additional parking spaces for the office building.

Project Overview

The applicant, NJ Calvary Church, has submitted a site plan application with bulk variances for Block 802, Lot 14 and Block 1203, Lot 1 for a change of use to allow for a place of worship to utilize 934 square feet of the first floor of the building on a lot with approximately 0.30 acres in area and located in the D Business Zone. The site is a irregular-shaped lot located at 135 Fort Lee Road with a greater depth than width. The site currently has an office building that is leased for a variety of uses. The parking area is to the rear of the office building and accessed via a driveway located on the western portion of the lot. There is a surface parking lot located on the opposite side of Grand Avenue that is utilized as additional parking for the office building.

Zoning and Bulk Variance



The site is located in the D Business Zone. As per Leonia Borough zoning regulations, places of worship are a permitted use in the D Zone subject to the requirements in § 290-7G. The applicant is proposing one wall sign, which is subject to the requirements of the Sign ordinance in Chapter 232 of the Municipal Code. These conditions and the proposed use's compliance with the requirements pertaining to the use are shown in the table on the following page.

Ordinance Requirement	Regulation	Required	Existing	Proposed	Status
Use	§290-23	Places of worship subject to §290-7G	Office	Place of Worship	Compliant
Minimum Lot Area	§290-7G.(2)	1 acre	0.30 acres	0.30 acres	Requires bulk variance
Minimum Frontage	§290-7G.(3)	150 feet	66.79 feet	66.79 feet	Requires bulk variance
Minimum Depth	§290-7G.(4)	200 feet	139.27 feet	139.27 feet	Requires bulk variance
Minimum Front Yard Setback	§290-7G.(5)	50 feet	14.8 feet	14.8 feet	Requires bulk variance
Minimum Side Yard Setback	§290-7G.(6)	25 feet	0.2 feet	0.2 feet	Requires bulk variance
Minimum Rear Yard Setback	§290-7G.(7)	50 feet	42.3 feet	42.3 feet	Requires bulk variance
Maximum Building Height	§290-7G.(8)	35 feet	N/A	N/A	N/A
Maximum Impervious Coverage	§290-7G.(9)	65%	98%	98%	Requires bulk variance
Maximum Building Coverage	§290-7G.(10)	25% of total lot area	32%	32%	Requires bulk variance
Off-street parking requirements	§290-7G.(12)	44 spaces ¹	31 spaces	31 spaces	Requires bulk variance
Parking Aisle or Driveway Width	§290-97.F.	24 feet	18.1 feet	18.1 feet	<i>Existing Non-conformity</i>
Service Aisle Width	§290-97.H.	Parallel parking: 12 ft 90° parking: 24 ft	N/A ²	N/A	N/A
Parking Stall Size	§290-97.K.	200 square feet; 10 feet in width	N/A ³	N/A	N/A
Sign Area	§232-2.A.	12 square feet	--	24 square feet	Requires bulk variance

¹ Number of required spaces based on the number provided in the notice provided by the applicant's attorney. See Planning Comment #2 for further details.

² Applicant has not provided a measurement for the service aisle widths. See Planning Comment #3 for further details.

³ Applicant has not provided a measurement for the parking stall sizes. See Planning Comment #3 for further details.

Variance Comments

1. Bulk and Area Variances “c” variances. The applicant requires **ten (10)** bulk and area variances as outlined in the table on page 4. While this office defers to the Board attorney in advising the Board on the application of the relevant variance criteria, this report identifies the variance criteria for the purposes of establishing a framework for review. The applicant bears the burden of proof, which is divided into two parts, in the justification of the “c” variance.

A. Positive Criteria. The applicant bears the burden of proof (which is divided into two parts – positive criteria and negative criteria) in the justification of the “c” variance. To satisfy the positive criteria for a “c” variance, the applicant has two choices. First, known as “c(1)” variance relief, the applicant may demonstrate that strict application of the regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship due to one of the following:

- 1) By reason of exceptional narrowness, shallowness or shape of a specific piece of property;
- 2) By reason of exceptional topographic conditions or physical features uniquely affecting the specific piece of property; or
- 3) By reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

The applicant should provide testimony regarding any peculiar and exceptional practical difficulties or exceptional and undue hardship if seeking c(1) variance relief for the proposed variances.

Alternatively, and known as “c(2)” variance relief, the applicant may demonstrate the following positive criteria in support of the request for relief:

- 1) Where in an application or appeal relating to a specific piece of property the purposes of the Act (N.J.A.C. 40:55D-2) would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.
- 2) The applicant should provide testimony regarding any public benefits of the project if seeking c(2) variance relief.

B. Negative Criteria. Should the applicant satisfy the positive criteria, it must also be demonstrated that the granting of the variance can be accomplished without resulting in substantial detriment to the public good and without substantial impairment of the intent and purpose of the zoning ordinance and zone plan.

- 1) Negative Criteria: Impact to the public good. Impact to the public good, typically relates to any substantial detriment to the adjoining neighbors or within the surrounding neighborhood. The applicant should provide testimony regarding any potential negative impacts to the character of the neighborhood resulting from the proposed variance relief and any proposed mitigation measures to reduce potential negative impacts to the public good.
- 2) Negative Criteria: Impact to the zone plan. In considering the potential negative impacts to the zoning ordinance and zone plan, the Board should consider potential impact of the variances on the zoning standards of the D Zone.

The Board should consider the extent to which the variances may result in any substantial impairment of the intent and purpose of the D Zone.

Planning Comments

1. General. Section §290-7.G.(8) requires buildings to not exceed a height of more than 35 feet. However, this is an existing building and thus existing conditions.
2. General. The applicant has not provided the floor area and use in the building to determine the total number of required parking spaces in accordance with §290-96. Testimony should be provided with regards to the total floor area of the other uses of the commercial building to confirm total parking demand. Additionally, testimony should be provided regarding the types of uses existing in the building.
3. Parking. The applicant has not provided the dimensions of the service aisle width and off-street parking spaces on the property to determine whether variance relief is needed with regards to §290-97.K., which requires parking spaces to have an area of not less than 200 square feet and a minimum width of 10 feet. Testimony should be provided with regards to the dimensions of the parking spaces to determine conformance with the dimensional requirements.
4. Parking Access. §290-97.A. of the ordinance states the following:

No service aisle or driveway in any off-street parking area shall be less than 12 feet in width. Only one-way traffic circulation shall be permitted in service aisles or driveways having a width of less than 24 feet.

The applicant proposes one access drive that is 18.1 feet wide at the ingress/egress point to the commercial building. This is an existing condition of the site. The access drive widens to 24.7 feet wide roughly at the rear building line. Testimony should be provided to demonstrate that the access drive configuration as proposed is sufficient for the safe ingress and egress of traffic.

5. General. The applicant should provide testimony with regards to the times of peak demand for the use, particularly as it relates to the other uses in the building. Testimony should be provided that adequate parking exists.
6. Parking. It appears that based on aerial imagery provided by Nearmap that there are two painted parallel parking spaces along the concrete curb that is located on the boundary with Block 802, Lot 15. These spaces are not included in the survey provided by the applicant. Testimony should be provided regarding the location and size of the parallel parking spaces. These spaces will increase the total number of spaces provided but take away a portion of the asphalt driveway that can be utilized by vehicles to access the rear parking area.
7. Parking. §290-98 of the ordinance states the following:

Any owner or group of owners of a business building or buildings in District D may jointly sponsor off-street parking facilities, provided that the area of the parking facilities equals the total parking area requirements of each owner participating therein, that such jointly sponsored facilities comply with all the other requirements of this chapter, and further provided that any participating use is no farther from the parking area than 300 feet walking distance.

The applicant is proposing to utilize the off-street parking spaces provided at Block 802, Lot 14 where the commercial building is located and at Block 1203, Lot 1, which is across the street from the building. Additionally, based on the field survey provided and aerial imagery, it appears that the parking area for the commercial building extends into Block 802, Lot 12. This parking scheme is permitted as all parking areas are within 300 feet walking distance of the commercial building. However, it appears that the applicant has not included the parking spaces located on Block 802, Lot 12 in the calculation of the total number of parking spaces provided. Testimony should be provided with regards to the utilization of the parking spaces on Lot 12 and the impact on the total number of off-street parking spaces provided.

8. General. For all other aspects of this application regarding the site layout and design, this office defers to the Board Engineer.
9. General. Testimony should be provided regarding the hours and days in the week that will be used for church services.
10. Signage. §232-3.B. of the ordinance states the following:

Identification signs for schools, churches, hospitals, clubs, lodges or similar uses shall be permitted, provided that the area on one side of any sign shall not exceed 12 square feet.

Based on this section of the ordinance, the proposed sign should be considered an identification sign for the proposed place of worship and, as such, should have a maximum area of 12 square feet. The proposed sign has a total area of 24 square feet, requiring a bulk variance for exceeding the maximum permitted area for an identification sign of a place of worship.

11. General. The architecture plans show a 334 square foot multipurpose room. Testimony should be provided regarding the kind of activities that will be in that space.
12. General. §290-7.G.(11) requires adequate screening with a depth of at least 10 feet along the property line abutting single family residential district or use. The adjacent residential use is a two-family rather than a single-family residence. Therefore, this requirement is not applicable.

H2M reserves the right to provide additional comments as we continue through the review of this application. If you have any further questions regarding the above letter, please contact the undersigned at (862) 207-5900 extension 2285.

Very truly yours,



Sanyogita Chavan PP, AICP
Practice Leader
H2M Associates, Inc.

Photos of the site (Courtesy of Google, April and July 2022)

