APPLICATION FOR BOARD ACTION
Planning Board X__
Zoning Board ___

APPLICATION FOR BOARD HEARING

APPLICATION IS HEREBY MADE FOR:

1. ____ Appeal of Administrative Action Pursuant to Section C.40:55-70a (Attach Form #01)
2. ____ Appeal for Interpretation Pursuant to Section C.40:55D-70b (Attach Form #02)
3. ____ Application for Hearing (Attach Form #00)
4. ____ Relief from Zoning Requirements Pursuant to Section C.40:55D-70c (Attach Form #03)
5. ____ Use Variance Pursuant to Section C.40:55D-70d (Attach Form #04)
6. ____ Conditional Use Authorization Pursuant to Section C.40:55D-67 (Attach Form #05)
7. ____ Approval of Subdivision (Attach Form #06)
8. ____ Final Approval of Major Subdivision (Attach Form #07)
9. ____ Amended Preliminary Approval of Site Plan (Attach Form #08)
10. ____ Amended Final Approval of Site Plan (Attach Form #09)
11. ____ Direction to Issue a Building Permit Pursuant to Section 602 or 604 of the Elizabeth Development Control Ordinance
12. ____ Hearing Application Checklist (Attach Form #18)

NOTE: IF AN APPLICATION FOR DEVELOPMENT HAS BEEN SUBMITTED FOR THIS PROPERTY WITHIN THE LAST TEN YEARS, PLEASE PROVIDE THE FOLLOWING INFORMATION:

DATE OF APPLICATION
Resolution memorialized
July 19, 2018
No. P-09-18

TYPE OF DEVELOPMENT
Preliminary and Final
Major Site Plan
APPLICATION FOR BOARD ACTION

DCP FORM #00, PAGE 2 of 5
(Revised March 14, 1988)

APPLICATION FOR BOARD HEARING (con't)

PROJECT'S GENERAL INFORMATION

PROPERTY:
Address 1000 Ikea Drive, within the Port Authority Industrial Park at Elizabeth, situated off of North Ave. E.
Owner(s) IKEA Center Urban Renewal, LP & IKEA Development Urban Renewal, LP
Address (es) 420 Alan Wood Road
Date of Purchase

APPLICATION:
Name IKEA Center Urban Renewal, LP & IKEA Development Urban Renewal, LP
Address 420 Alan Wood Road, Conshohocken PA 19428
Contact Person Lindsay Kennan
Telephone (610) 834-0180 x5393

PROPOSED OWNERSHIP STATUS:
Proprietorship X Partnership Corporation
Lessee _____ Contingent Purchaser _____
Other _____ (Explain) _____

PROJECT’S ATTORNEY:
Name Steven J. Tripp, Esq.
Firm Wilentz, Goldman & Spitzer P.A.
Address 90 Woodbridge Center Drive
Telephone (732) 855-6076

PROJECT’S ARCHITECT:
Name Richard Procanik, PE
Firm Greenberg Farrow
Address 92 East Main Street, Suite 410, Somerville, NJ 08873
Telephone (732) 537-0811

PROJECT’S LAND SURVEYOR:
Name
Firm
Address
New Jersey License #

*Note: If the applicant is not the proprietor, then the applicant is required to submit a letter signed by the property owner, authorizing the filling and processing of this application (attach Form #13). Corporations and partnerships must attach Form #14. CORPORATIONS MUST BE REPRESENTED BY AN ATTORNEY.
PHYSICAL DEVELOPMENT INTENT

Property Description
Address: 1000 Ikea Drive, within the Port Authority Industrial Park at Elizabeth, situated off of North Ave E.
Owner(s): IKEA Center Urban Renewal, LP & IKEA Development Urban Renewal, LP
Property Tax Account #: 1-1371, 1-1439, 1-1437A.
Lot Area: The property is approximately 94 acres

Zoning:
- Kapkowski Road Redevelopment Area (1-1193, 1-1204A, 1-1289A, a portion of 1-1437D)
- Elizabeth-Port Authority Marine Terminal Area (1-1437C)
- Regional Commercial Zone (1-1371, 1-1439, 1-1437A, 1-1437B, and a portion of 1-1437D)

STRUCTURES:

<table>
<thead>
<tr>
<th>INTENT</th>
<th>STORIES</th>
<th>TYPE</th>
<th>USE**</th>
<th>FLOOR AREA (Sq. Ft.)</th>
<th>EFF.</th>
<th># OF BR / UNIT</th>
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</tbody>
</table>

*Note: Definition of Intent
A: Addition to Existing
B: New Construction
C: Existing to Remain
D: To Be Demolished

**Note: Definition of Use Type
R: Residential
C: Commercial
W: Warehousing
M: Manufacturing
A: Accessory
I: Institutional
O: Office

BUILDING LOTS

(Please complete if property is to be subdivided): N/A
CERTIFICATION FOR EXEMPTION FROM SITE PLAN APPROVAL (Please complete for projects other than one or two family residence):

**NOT APPLICABLE**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>X</td>
</tr>
<tr>
<td>2.</td>
<td>X</td>
</tr>
<tr>
<td>3.</td>
<td>X</td>
</tr>
<tr>
<td>4.</td>
<td>X</td>
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<tr>
<td>5.</td>
<td>X</td>
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<tr>
<td>6.</td>
<td>X</td>
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<tr>
<td>7.</td>
<td>X</td>
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</tbody>
</table>

Note: A Yes response to one or more of the above questions indicates the need for a site plan review or, a certification from the City Engineer, City Planner and Zoning Administrator that improvements meet the criteria for exemption from site plan hearing requirements.
APPLICATION FOR BOARD ACTION

Planning Board X
Application #

Zoning Board
Date Filed
Received by

Hearing Date
Final Hearing

APPLICATION FOR BOARD HEARING (cont'd)

Present Use Category: Commercial
Principal Use (s): Retail
Major Accessory Use (s) N/A
Proposed Use Category: Same as existing
Principal Use (s): Same as existing
Major Accessory Use (s) N/A

USE:
Describe the PRESENT USE of the property including both indoor and outdoor activities:
The property is a commercial shopping center which includes the IKEA store.

Describe the PROPOSED USE of the property including both indoor and outdoor activities:
Same as present use.

REQUIRED ATTACHMENTS:

YES NO

1. _____ X _____ Is a new public street right-of-way proposed? If yes, please attach description.

2. _____ X _____ Are off-tract facilities proposed? If yes, please attach description.

3. _____ X _____ Are there any deed restrictions which affect the subject property in effect or contemplated? If yes, please attach description.

4. _____ X _____ Is the subject property located in “A” Flood Hazard Area? If yes, please attach copy of necessary permit or waiver.

5. _____ X _____ Is the subject property within 500 feet of a tidal water body? If yes, please attach a copy of the necessary permit or waiver.

I hereby depose and say that all the statements contained in these papers submitted herewith are true and correct. I also authorize City Officials and Board members to have physical access to the property and any structures on the property as necessary for the purpose of gathering information relevant to this application.

Wilentz, Goldman & Spitzer, P.A. on behalf of Applicants

APPLICATION'S SIGNATURE By: Steven J. Tripp, Esq.
DATE: 2/4/2020

CARRIE R. BULATOWICZ
NOTARY PUBLIC
DATE: 2/14/2020

CARRIE R. BULATOWICZ
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 23, 2022
Application is hereby made for approval of the proposed Site Plan for the land herein described:

1. **Plan Description**
   - **Site Plan**
   - Prepared by: O Architect O Planner (x) Engineer 1-8-2020

2. **Notification Information**
   - Does the proposed development provide or is it required to provide five (5) or more parking spaces and located adjacent to an existing or proposed county road? If yes, County Planning Board shall be notified of hearing by the applicant and a copy of the site plan shall be submitted to the County Planning Board by the local Board.
   - Yes
   - No
   - X

3. **Public Hearing Notification Information**
   (If Public Hearing has been waived omit this section)
   - Notice shall be given by the applicant at least ten (10) days prior to the date of the hearing to the following parties where applicable. Notice shall be by personal service or certified mail. An affidavit of proof of service demonstrating compliance with this requirement shall be filed with the city agency holding the hearing at least two (2) days prior to the date of the hearing.
   - a) Is the subject property located within two hundred (200) feet of any municipal boundary? If yes, City Clerk of adjacent municipality and County Planning Board shall be notified of hearing by applicant.
   - X
   - b) Is the subject property adjacent to a state highway? If yes, applicant shall notify the Commissioner of Transportation of the hearing (Form #15)
   - X
   - THE APPLICANT SHALL NOTIFY ALL PROPERTY OWNERS LOCATED IN THE STATE AND WITHIN TWO HUNDRED (200) FEET IN ALL DIRECTIONS OF PROPERTY IN QUESTION.
   - X

4. **Disclosure Information**
   - Is applicant and/or owner a corporation or partnership and does the subdivision involve six (6) or more lots? If yes, submit disclosure of all stockholders holding 10% or more stock or partners with 10% or greater interest in the partnership pursuant to NJSIA 40:55D-48.1 et. seq. (Form #14)
   - Yes
   - No
   - X
Application is hereby made for final approval of the proposed site plan for the land hereinafter more particularly described.

Resolution P-09-18 memorialized

1. Date of preliminary approval: 7-19-2018. Date of any extensions granted (attach documentation): N/A. Preliminary site plan approval pursuant to N.J.S.A. 40:55D-49, expire three years from the date of preliminary approval. The applicant may apply to the reviewing Board for extensions for additional periods of at least one (1) year but not to exceed a total extension of two (2) years. Application is for amended preliminary and final major site plan approval.

   a. Drainage Plan
   b. Paving Plan
   c. Utility Plan
   d. Landscaping Plan
   e. Sign Plan
   f. Lighting Plan
   g. Elevation Drawing

   Contact Persons: N/A
   Phone: Richard Procanik, PE 732-537-0811

   N/A

   Application is for amended preliminary and final major site plan (Amending P-09-18)

2. Does the final plan follow exactly the plan granted preliminary approval in regard to development plans, area covered, and other details? (Yes or No) N/A. If not, indicate material changes (attach copy if necessary).

   N/A

3. Have all conditions of preliminary approval been met? (Yes or No) N/A. Attach evidence of compliance if not included on plans. If conditions have not been met, specify reasons.

   All conditions in Resolution P-09-18 have been met. Applicants seek to amend approval.

4. Person to whom final approved plan is to be issued:
   Name: Omar Mansour, Development Manager
   Address: Greenberg Farrow, 92 East Main Street, Suite 410, Somerville, NJ 08876
   Phone: (609) 601-4144
   Check One: X Applicant will pick up

   Documents should be mailed
Application is hereby made for final approval of the proposed site plan for the land hereinafter more particularly described.

Resolution P-09-18 memorialized

1. Date of preliminary approval: 7-19-2018. Date of any extensions granted (attach documentation): N/A. Preliminary site plan approval pursuant to N.J.S.A. 40:55D-49, expire three years from the date of preliminary approval. The applicant may apply to the reviewing Board for extensions for additional periods of at least one (1) year but not to exceed a total extension of two (2) years. Application is for amended preliminary and final major site plan approval.

2. a. Drainage Plan N/A
   b. Paving Plan N/A
   c. Utility Plan N/A
   d. Landscaping Plan N/A
   e. Sign Plan Richard Procanik, PE 732-537-0811
   f. Lighting Plan N/A
   g. Elevation Drawing N/A

   Contact Persons
   Phone

3. Does the final plan follow exactly the plan granted preliminary approval in regard to development plans, area covered, and other details? (Yes or No) N/A. If not, indicate material changes (attach copy if necessary).

4. Have all conditions of preliminary approval been met? (Yes or No) N/A. Attach evidence of compliance if not included on plans. If conditions have not been met, specify reasons.
   All conditions in Resolution P-09-18 have been met. Applicants seek to amend approval.

5. Person to whom final approved plan is to be issued:
   Name: Omar Mansour, Development Manager
   Address: Greenberg Farrow, 92 East Main Street, Suite 410, Somerville, NJ 08876
   Phone: (908) 801-4659
   Check One:
   Applicant will pick up X Documents should be mailed
   Applicant will pick up
   Documents should be mailed
APPLICATION FOR BOARD ACTION
DCP FORM #14, PAGE 1 of 1
(Revised March 14, 1988)

DISCLOSURE AFFIDAVIT

Pursuant to the requirements of New Jersey Statute 40:55D-48.1 et seq., I, Steven J. Tripp, Esq., Attorney for IKEA Center Urban Renewal, LP, hereby certify that the following is a true and complete list of the names and addresses of all individuals who own ten percent (10%) or more stock or other interest in (name of corporation/partnership), IKEA Center Urban Renewal, LP, which is a corporation/partnership with ownership interests in the property located at 1000 Egg Drive, Elizabeth, New Jersey, for which an application has been filed with the City of Elizabeth Planning Board X / Zoning Board ___. I fully understand that failure to disclose any and/or all ownership parties with ten percent (10%) or more interest in the corporation / partnership or deliberately misrepresenting any facts thereon is sufficient grounds for disapproval of the application by the Board and can result in a fine as provided for by the statute.

<table>
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<tr>
<th>NAME</th>
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<th>% OF STOCK OR OTHER OWNERSHIP INTEREST</th>
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<td></td>
<td>See attached Corporate Disclosure</td>
<td>%</td>
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</table>

Note: If additional space is required, please attach separate sheet

DATE: 2/14/2020

Carrie B. Bulatowicz, J.
Notary Public of New Jersey
My Commission Expires May 23, 2022

Owner's Signature: By: Steven J. Tripp, Esq.
DATE: 2/14/2020

Wilentz, Goldman & Spitzer, P.A. on behalf of the Owner, IKEA Center Urban Renewal, LP
**DISCLOSURE AFFIDAVIT**

Pursuant to the requirements of New Jersey Statute 40:55D-48.1 et seq., I, Steven J. Tripp, Esq., Attorney for IKEA Development Urban Renewal, LP, hereby certify that the following is a true and complete list of the names and addresses of all individuals who own ten percent (10%) or more stock or other interest in (name of corporation/partnership), IKEA Development Urban Renewal, LP, which is a corporation/partnership with ownership interests in the property located at 1000 Ikea Drive, Elizabeth, New Jersey, for which an application has been filed with the City of Elizabeth Planning Board / Zoning Board. I fully understand that failure to disclose any and/or all ownership parties with ten percent (10%) or more interest in the corporation/partnership or deliberately misrepresenting any facts thereon is sufficient grounds for disapproval of the application by the board and can result in a fine as provided for by the statute.

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**NOTE:** If Additional Space is Required, please attach separate sheet

**DATE:** 2/14/2020

**Owner's Signature:** Steven J. Tripp, Esq.

**DATE:** 2/14/2020

Wilentz, Goldman & Spitzer, P.A. on behalf of the Owner, IKEA Development Urban Renewal, LP

**DATE:** 2/14/2020

For the record

**Notary Public of New Jersey**

My Commission Expires May 23, 2022
AN ORDINANCE TO AMEND CHAPTER 40 OF THE CODE OF THE CITY OF ELIZABETH ENTITLED "LAND DEVELOPMENT CONTROL" FOR THE PURPOSE OF REVISING THE DEVELOPMENT APPLICATION COMPLETENESS CHECKLIST BY AMENDING SECTIONS 3 AND 83 AND REPEALING SECTIONS 91 THROUGH 93.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH:

WHEREAS, it is intended that the requirements for a complete application be simplified and made more relevant to the review process.

SECTION 1. Chapter 40 Section 83 is hereby amended to read as follows:

§40-83. Incomplete applications. An application for development shall be deemed to be complete for the purpose of commencing the period within which Board action is to be taken upon submission unless the Board or the Board's designee determines that it does not fulfill the criteria for a complete application. The Board may subsequently require corrections, additions or revisions to the documents as needed to make an informed decision as to whether the application is entitled to approval.

A. Notification. The Board or the Board's designee shall have notified the applicant in writing of the deficiencies of the submitted application within forty-five (45) days of such application.

B. Waivers. The applicant may request that one or more of the completeness requirements be waived; in which event the Board or its authorized committee shall grant or deny the request within forty-five (45) days.

C. Checklist. All applicants shall be provided with the criteria for a complete application which shall serve as a checklist.

D. Criteria for basic application documents shall be as follows.

1. All development applications shall include the following documents:
   - X (a) Completed application forms with original signature of the applicant or an authorized representative and notarized;
   - X (b) Evidence of payment of required fees;
   - X (c) Disclosure Statement of all ownership interests pursuant to N.J.S.A. 40:55D-48.1 of Sec.
   - X (d) A development proposal containing the minimum elements as required and specified herein (The approving authority may, at its discretion, require building elevation drawings with specifications of facade materials).
(2) In addition, Final Major Subdivision and Site Plan applications shall include the following documents:

X (a) A statement as to the fulfillment of all conditions imposed by preliminary approval to which is appended a certified copy of the approving resolution;
X (b) Completed engineering plans;
X (c) A statement as to the installation of required improvements indicating whether the improvements have been installed, or that guarantees have been posted, or that guarantees are to be a condition of approval to which is appended the certifications of the Municipal Engineer or Municipal Clerk as appropriate;
X (d) Certification showing all current tax/water rents paid.

(3) In addition, applications for other than Final Subdivision and Final Site Plan shall include the following additional documents:

X (a) A statement as to the existence and nature of protective covenants and deed restrictions;
X (b) A Tax Map sheet(s) showing the property in question and all properties within 400 feet;
W (c) A current survey showing all property lines with dimensions and bearings and depicting existing conditions;

E. Development proposals shall contain the following minimum elements.

(1) Variances proposals shall include the following elements.
W (a) Building Layout Plan; and
X (b) other plans and schedules as required to demonstrate the nature of the relief sought;
X (c) Zoning Schedule;

N/A(2) Minor Subdivision proposals shall include the following elements.
(a) Zoning Schedule; and
(b) Utility Plan;

N/A(3) Preliminary Major Subdivision proposals shall include the following elements.
(a) Zoning Schedule;
(b) Proposed property lines with dimensions and bearings;
(c) Building Layout Plan;
(d) Drainage Schedule;
(e) Drainage Plan;
(f) Utilities Plan; and
(g) for areas within the public rights-of-way:
[1] Pavement Plan;
[2] Lighting Schedule;
[3] Landscape Schedule;
(4) Preliminary Site Plan proposals shall include the following elements:

- **X(a)** Zoning Schedule;
- **W(b)** Building Layout Plan;
- **W(c)** Drainage Schedule;
- **W(d)** Drainage Plan;
- **W(e)** Utilities Plan;
- **W(f)** Pavement Striping Schedule;
- **W(g)** Pavement Plan;
- **W(h)** Lighting Schedule;
- **W(i)** Landscape Schedule;
- **W(j)** Landscape Plan

F. Proposal elements shall be prepared in accord with the format and content specifications for plans and schedules as follows. Schedule shall clearly note items which are variances from zoning requirements or exceptions from design standards.

1. Sheets for any drawing subject to site plan or subdivision approval shall conform to the following specifications.
   - **X(a)** All engineering drawings shall have individual sheets folded to fit within an 8-1/2" x 11" area.
   - **W(b)** All preliminary site plans, subdivision sketch plans and plot plans shall be submitted on standard 8-1/2" x 11" sheets.
   - **W(c)** Maps to be recorded with the county shall be on a sheet size meeting one of four standards:
     - [1] eight and one-half by thirteen (8-1/2 x 13) inches;
     - [2] thirty by forty-two (30 x 42) inches;
     - [3] twenty-four by thirty-six (24 x 36) inches;
     - [4] fifteen by twenty-one (15 x 21) inches;
   - **W(d)** A title block shall contain:
     - **X[1]** title of proposal;
     - **X[2]** Name and address of applicant;
     - **X[3]** Name, address and seal of architect/engineer/surveyor;
     - **X[4]** Date prepared with revision dates and descriptions;
   - **W(e)** Orientation shall be provided by
     - **X[1]** graphic scale;
     - **X[2]** numeric scale;
     - **X[3]** north arrow;
     - **X[4]** key map with reference to all streets within three thousand (3,000) feet at a scale of not more than 2,500 feet to the inch to be provided on at least one sheet of any set;

2. Zoning Schedules shall be titled and arranged in columns describing limits, proposed conditions, and compliance/variance status for:
   - **W(a)** Building Height;
   - **W(b)** Front street setback;
X - Completed, W - Waiver, N/A - Not Applicable

Complete Application Checklist Ordinance
Elizabeth, NJ - page 4

W (c) Rear street setback;
W (d) Property line setback;
W (e) Building coverage;
W (f) Parking;
W (g) Loading;
X (h) any other code requirements;

W (3) Building Layout Plan drawings shall be titled and keyed to a legend depicting:
   (a) Building lines with setback dimensions and heights;
   (b) Building projection lines with dimensions, heights or clearances;
   (c) New construction;
   (d) Reconstruction;
   (e) Demolition;

W (4) Drainage Schedules shall be titled and arranged in columns describing:
   (a) Runoff coefficient and limit;
   (b) Design storm frequency;

W (5) Drainage Plan drawings shall be titled and keyed to a legend depicting:
   (a) Drainage areas with discharge points and flow direction;
   (b) Open and piped interconnections between areas;
   (c) Location and height of terraced and bermmed areas;
   (d) Depth of sheet flow in pedestrian areas for design storm shown in one inch contours;
   (e) Utilities Plan Drawings shall be titled and keyed to a legend depicting;
   (f) Water service, hydrants and meters;
   (g) Sanitary sewer service;
   (h) Gas service and meters;
   (i) Electric service and transformers;
   (j) Heating fuel tanks;

W (6) Pavement Striping Schedules shall be titled and arranged in columns describing:
   (a) Parking stall category (resident, employee, customer-short term, customer-long term, wheelchair accessible)
   (b) Parking stall width;
   (c) Stall angle;
   (d) Stall depth and overhang depth;
   (e) Pedestrian aisle width along side of stalls;
   (f) Driveway aisle width;

W (7) Pavement Plan drawings for vehicular areas shall be titled and keyed to a legend depicting:
   (a) Curbing with type of material;
   (b) Driveway aprons and driveways within public rights-of-way with pavement type;
X - Completed, W - Waiver, N/A - Not Applicable

Complete Application Checklist Ordinance
Elizabeth, NJ - page 5

(c) Parking stalls, aisles and driveways outside public rights-of-way with pavement type;
(d) Sight distance triangle minimums for intersections of vehicular drives with streets, parking aisles, walls, building corners and walks.

W (8) Lighting schedules shall be titled and arranged in columns describing:
(a) Functional area (parking/pedestrian area, driveway/aisle intersections, pedestrian hazards; building entry, loading dock);
(b) Level (peak, off-hour, late-night security);
(c) Minimum point illumination;
(d) Maximum uniformity ratio of average illumination to minimum;
(e) Maximum uniformity ratio of maximum illumination to minimum;
(f) Fixture type (Flood, spot, cut-off [minimum 81 degrees]);
(g) Height limit for features;

W (9) Landscaping Schedules shall be titled and arranged in columns describing:
(a) Planting types (deciduous, coniferous, tree, shrub, groundcover);
(b) Minimum planting size;
(c) Planting condition (bare root, balled, canned);

W (10) Landscape Plan drawings shall be titled and keyed to a legend depicting:
(a) Building entrances and exits;
(b) Walks, patios and other paved surfaces showing material type;
(c) Outdoor storage enclosures for refuse and recyclables;
(d) Exterior utilitarian appurtenances which require visual screening (air conditions, transformers, meters, etc.);
(e) Fences and walls with height and function (screening, security, or delineative and classified as decorative or utilitarian);
(f) Other landscape structures (patios, walls, pools);
(g) Existing trees over eighteen (18) inches' caliper;
(h) Shade tree canopy drip line at maturity;
(i) Screen planting areas with height at maturity;
(j) Ground cover planting areas;
(k) Decorative planting beds;

F: Engineering Plan drawings shall contain the following:

W (1) For any street improvements: plans, cross sections and center-line profile;

W (2) For any public utilities: plans and profiles with any easements delineated;

W (3) For any pavement: profiles and material specifications;

W (4) For any drainage facilities: contours or spot elevations, profiles and specifications including pipe sizes, invert elevations and capacity.
For any exterior lighting: location, mounting, fixture type, and specifications for wattage and footcandle pattern.

For any walls or fences: profiles and specifications;

For any planting: expanded planting schedule, including quantity, common and botanical name, height or caliper at time of planting, root condition, seasonal restrictions on installation; specifications for installation including profiles; and mixture of seeding.

SECTION 2. Chapter 40 Section 3 is hereby amended to delete the definition "Complete Application".

SECTION 3. Chapter 40 Sections 40-01 through 40-93 are hereby repealed in their entirety.

SECTION 4. Applications filed prior to the effective date of this ordinance and not found to be incomplete prior to action by the Planning Board, Zoning Board or City Council shall not be governed by the provisions of this ordinance.

SECTION 5. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance shall be and are hereby, to the extent of such inconsistency, repealed.

SECTION 6. If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

SECTION 7. The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor and publication and filing with the Union County Planning Board and in the manner provided by law.
### List of Frontages and Structures – IKEA Center Urban Renewal, LP & IKEA Development Urban Renewal, LP

**Frontages:**

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<th>Lot</th>
<th>Street</th>
<th>Linear Feet</th>
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<tbody>
<tr>
<td>1204A</td>
<td>North Ave</td>
<td>282</td>
</tr>
<tr>
<td>1204A</td>
<td>Ikea Dr. (East of bldg.)</td>
<td>446</td>
</tr>
<tr>
<td>1204A</td>
<td>Ikea Dr. (North of bldg.)</td>
<td>336</td>
</tr>
<tr>
<td>1437B</td>
<td>Ikea Dr.</td>
<td>304</td>
</tr>
<tr>
<td>1437D</td>
<td>NJ Turnpike (I-95)</td>
<td>2,802</td>
</tr>
<tr>
<td>1437A</td>
<td>Ikea Dr.</td>
<td>510</td>
</tr>
<tr>
<td>1437A</td>
<td>Private Drive</td>
<td>705</td>
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<tr>
<td>1439</td>
<td>Ikea Dr.</td>
<td>325</td>
</tr>
<tr>
<td>1371</td>
<td>Ikea Dr.</td>
<td>1,684</td>
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**Structures:**

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<th>Lot</th>
<th>Floor Area</th>
<th>Use</th>
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<tbody>
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<td>1371</td>
<td>350,433 SF</td>
<td>Ikea</td>
</tr>
<tr>
<td>1439</td>
<td>98,000 SF</td>
<td>Floor &amp; Decor</td>
</tr>
<tr>
<td>1193A</td>
<td>24,727 SF</td>
<td>Vacant</td>
</tr>
</tbody>
</table>
IKEA Center Urban Renewal LP is 99% owned by IKEA Elizabeth, LLC.

IKEA Elizabeth, LLC is 100% owned by IKEA Property, Inc.

IKEA Property Inc.'s sole stockholder is IKEA Holding US, Inc.
IKEA Development Urban Renewal LP is 99% owned by IKEA Elizabeth, LLC.

IKEA Elizabeth, LLC is 100% owned by IKEA Property, Inc.

IKEA Property Inc.’s sole stockholder is IKEA Holding US, Inc.
APPLICATION RIDER
AMENDED PRELIMINARY AND FINAL MAJOR SITE PLAN
IKEA Center Urban Renewal, LP & IKEA Development Urban Renewal, LP

Background

The purpose of this application is to amend the prior preliminary and final site plan approval (Resolution No. P-09-18), to permit the relocation of two (2) previously approved double-sided freestanding pylon signs. Applicants are the owners of property located on a private street (Ikea Drive) within the Port Authority Industrial Park at Elizabeth, situated off of North Avenue East and identified as Tax Account Numbers 1-1193, 1-1204A, 1-1289A, 1-1371, 1-1437A, 1-1437B, 1-1437C, 1-1437D, and 1-1439 on the City of Elizabeth Tax Maps (the “Property”).¹ The Property contains three buildings – an approximately 350,433 square foot building containing the IKEA Store (1-1371); an approximately 98,000 square foot building currently occupied by Floor & Décor (1-1439); and a vacant 24,727 square foot building along North Avenue East, which is not habitable (1-1193A). Tax Account Numbers 1-1193, 1-1204A, 1-1289A, and a portion of 1-1437D are located in the Kapkowski Road Redevelopment Area. Tax Account Number 1-1437C is in the Elizabeth – Port Authority Marine Terminal Area. The remaining lots are located in the Regional Commercial (RC) Zone.

Resolution No. 09-18

In 2018, by way of Resolution No. 09-18, the Planning Board approved an application for preliminary and final major site plan along with bulk variance relief to improve the landscaping and update signage at the Property (the “Approval”). Pursuant to the Approval, Applicants were permitted four (4) freestanding signs. Bulk variances were granted for three (3) of the four (4)

¹ Applicant previously owned 1-1438, however, that parcel was sold in November of 2018. The 185,000 square foot building is occupied by Raymour & Flannigan.
signs. The application now seeks to alter the location of Sign 1 and Sign 4 as a result of site
conditions. In connection with the Approval, Sign 1 was granted relief as to maximum permitted
sign area, maximum permitted vertical dimension of display area, maximum permitted horizontal
dimension of display area and maximum permitted height. Sign 4 was granted relief as to as to
maximum permitted sign area, maximum permitted vertical dimension of display area, maximum
permitted horizontal dimension of display area and minimum permitted height of display area
above ground level. Applicant proposes no changes to approved Signs 1 and 4, othe than the
relocation.

Proposed Sign 1 Relocation

Sign 1 is located at the intersection of North Avenue East and Ikea Drive; it is a 1,260
square foot double-sided freestanding pylon sign, 60 feet in height. Applicants are seeking to
increase the setback of the sign from 10 feet to 28 feet to in order to avoid existing overhead
wires located on the Property. The applicable sign standards require a minimum 10 foot setback
with no maximum standard. In that regard, this Property is the subject of number of resolutions
that regulate signage at the Property in lieu of the provisions in the Ordinance.² The applicable
provision is as follows:

One freestanding sign per building located at a driveway entry. The sign may not exceed 35 feet in height nor be located closer
than 10 feet to a property line. The display area must be at least 15
feet above ground level when projecting over a vehicular area. The
size may not exceed 12 feet in a vertical dimension or 25 feet in a

² Signage is regulated pursuant to substituted signage provisions as stated in the General
Development Plan Approval, memorialized in Resolution P-20-1994, dated February 9, 1995 and
amended May 11, 1995 and June 8, 1995, and the Site Plan Approvals, memorialized in
1994 was amended on May 11, 1995, and P-22-1994 was amended, but the amended resolution
hereto).
horizontal direction (300 square feet). Such signs may be ladder signs and may be internally illuminated.

As the proposed sign setback complies with the above, no additional variance relief is necessary.

Proposed Sign 4 Relocation

Sign 4 is located along the New Jersey Turnpike frontage; it is a 1,693.3 square foot double-sided freestanding pylon sign, 69 feet in height. Applicants are seeking to shift Sign 4 approximately 8.5 feet to the north and 35 feet to the east in order to avoid construction on an existing drainage swale. Relocation will result in modification to the internal drive aisle, including the addition of a concrete island, and elimination of approximately eight (8) parking spaces. The applicable sign standards require a minimum 25 foot setback, with no maximum standard. The relevant provision is as follows:

One freestanding planned development sign oriented toward a limited access highway. The sign may not exceed a height of 75 feet, be located in any flight pathway, not be closer than 25 feet to a right-of-way line. The display area must be at least 25 feet above ground level. The size of the sign may not exceed 50 feet in a vertical direction or 30 feet in a horizontal direction (1,500 square feet). Such sign may be internally illuminated. The sign may be a ladder sign made of individual panels and may indicate major tenants of the planned development.

As a result, no additional relief is necessary. Additionally, the Property has an excess of parking and, therefore, the elimination of the parking spaces will not trigger the need for additional variance.
List of Waivers

D.3.c A waiver is requested for checklist item D.3.c: Applications for other than Final Subdivision and Final Site Plan shall include a current survey showing all property lines with dimensions and bearings and depicting existing conditions. The project is proposing minor modification to a previously approved location of two signs. The site plan depicts the property lines with bearings depicting the existing conditions.

E.1.a A waiver is requested for checklist item E.1.a: Variance proposals shall include the following elements: Building Layout Plan. The project is not proposing new buildings, new parking areas, or change in grades. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

E.4.b A waiver is requested for checklist item E.4.b: Preliminary Site Plan proposals shall include the following elements: Building Layout Plan. The project is not proposing new buildings, new parking areas, or change in grades. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

E.4.c A waiver is requested for checklist item E.4.c: Preliminary Site Plan proposals shall include the following elements: Drainage Schedule. The project is not proposing any changes to the drainage system. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

E.4.d A waiver is requested for checklist item E.4.d: Preliminary Site Plan proposals shall include the following elements: Drainage Plan. The project is not proposing any changes to the drainage system. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

E.4.e A waiver is requested for checklist item E.4.e: Preliminary Site Plan proposals shall include the following elements: Utilities Plan. The project is not proposing any changes to the site utilities. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

E.4.f A waiver is requested for checklist item E.4.f: Preliminary Site Plan proposals shall include the following elements: Pavement Striping Schedule. The project is not proposing any
changes to the Pavement Striping. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

E.4.g A waiver is requested for checklist item E.4.f: Preliminary Site Plan proposals shall include the following elements; Pavement Plan. The project is not proposing any changes to the Pavement. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

E.4.h A waiver is requested for checklist item E.4.h: Preliminary Site Plan proposals shall include the following elements; Lighting Schedule. The project is not proposing any changes to the site lighting. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

E.4.i A waiver is requested for checklist item E.4.i: Preliminary Site Plan proposals shall include the following elements; Landscape Schedule. The project is not proposing any changes to the previously approved landscaping. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

E.4.j A waiver is requested for checklist item E.4.j: Preliminary Site Plan proposals shall include the following elements; Landscape Plan. The project is not proposing any changes to the previously approved landscaping. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

F.2.a A waiver is requested for checklist item F.2.a: Zoning Schedules shall be titled and arranged in columns describing limits proposed conditions, and compliance/variance status for; Building Height. The project is not proposing any changes to the existing building. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

F.2.b A waiver is requested for checklist item F.2.b: Zoning Schedules shall be titled and arranged in columns describing limits proposed conditions, and compliance/variance status for; Front Street Setback. The project is not proposing new buildings, new parking areas, or change in grades. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

F.2.c A waiver is requested for checklist item F.2.c: Zoning Schedules shall be titled and arranged in columns describing limits proposed conditions, and compliance/variance status for; Rear Street Setback. The project is not proposing new buildings, new parking areas, or change in grades. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

F.2.d A waiver is requested for checklist item F.2.d: Zoning Schedules shall be titled and arranged in columns describing limits proposed conditions, and compliance/variance status for; Property Line Setback. The project is not proposing new buildings, new
parking areas, or change in grades. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

F.2.e A waiver is requested for checklist item F.2.e: Zoning Schedules shall be titled and arranged in columns describing limits proposed conditions, and compliance/variance status for; Building Coverage. The project is not proposing new buildings. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

F.2.f A waiver is requested for checklist item F.2.f: Zoning Schedules shall be titled and arranged in columns describing limits proposed conditions, and compliance/variance status for; Parking. The project is not proposing new buildings or new parking areas. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

F.2.g A waiver is requested for checklist item F.2.g: Zoning Schedules shall be titled and arranged in columns describing limits proposed conditions, and compliance/variance status for; Loading. The project is not proposing new buildings or new parking areas. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

F.3 A waiver is requested for checklist item F.3: Building Layout Plan drawings shall be titled and keyed to a legend depicting; Building lines with setback dimensions and heights; Building projection lines with dimensions, heights or clearances; New construction; Reconstruction; Demolition. The project is not proposing new buildings, new parking areas, or change in grades. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

F.4 A waiver is requested for checklist item F.4: Drainage Schedules shall be titled and arranged in columns describing; Runoff coefficient and limit; Design storm frequency. The project is not proposing any changes to the drainage system. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

F.5 A waiver is requested for checklist item F.5: Drainage Plan drawings shall be titled and keyed to a legend depicting; Drainage areas with discharge points and flow direction; Open and piped interconnections between areas; Location and height of terraced and berm areas; Depth of sheet flow in pedestrian areas for design storm shown in one inch contours; Utilities Plan Drawings shall be titled and keyed to a legend depicting; Water service, hydrants, and meters; Sanitary sewer service; Gas service and meters; Electric service and transformers; Heating fuel tanks. The project is not proposing any changes to the drainage system or utilities on site. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

F.6 A waiver is requested for checklist item F.6: Pavement Striping Schedules shall be titled and arranged in columns describing; Parking stall category (resident, employee, customer-short term, customer-long term, wheelchair accessible); Parking stall width;
Stall angle; Stall depth and overhang depth; Pedestrian aisle width alongside of stalls; Driveway aisle width. The project is not proposing any changes to the pavement striping. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

F.7 A wavier is requested for checklist item F.7: Pavement Plan drawings shall be titled and keyed to a legend depicting; Curbing with type of material; Driveway aprons and driveways within public rights-of-way with pavement type; Parking stalls, aisles and driveways outside public rights-of-way with pavement type; Sight distance triangle minimums for intersections of vehicular drives with streets, parking aisles, walls, building corners and walks. The project is not proposing any changes to the pavement. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

F.8 A wavier is requested for checklist item F.8: Lighting Schedules shall be titled and arranged in columns describing; Functional area (parking/pedestrian area, driveway/aisle intersections, pedestrian hazards, building entry, loading dock); Level (peak, off-hour, late-night security); Minimum point illumination; Maximum uniformity ratio of average illumination to minimum; Maximum uniformity ratio of maximum illumination to minimum; Fixture type (Flood, spot, cut-off [minimum 81 degrees]); Height limit for features. The project is not proposing any changes to the site lighting. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

F.9 A wavier is requested for checklist item F.9: Landscaping Schedules shall be titles and arranged in columns describing; Planting types, Minimum planting size, Planting conditions. The project is not proposing any changes to the landscaping. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

F.10 A wavier is requested for checklist item F.10: Landscaping Plan drawings shall be titled and keyed to a legend depicting: Building entrances and exits; Walks, patios and other paved surfaces showing material type, outdoor storage enclosures for refuse and recyclables; Exterior utilitarian appurtenances which require visual screening; Fences and walls with height and function; other landscape structures, Existing trees over eighteen inch caliper; Shade tree canopy drip line at maturity; ground cover planting areas; and Decorative planting beds. The project is not proposing any changes to the landscaping. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

F.1 A wavier is requested for checklist item F.1: Engineering Plan drawings shall contain the following; For any street improvements: plans, cross sections and center-line profile. The project is not proposing any street improvements. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

F.2 A wavier is requested for checklist item F.2: Engineering Plan drawings shall contain the following; For any public utilities: plans and profiles with any easements delineated. The
project is not proposing any public utilities. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

F.3 A waiver is requested for checklist item F.3: Engineering Plan drawings shall contain the following; For any pavement: profiles and material specifications. The project is not proposing any pavement. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

F.4 A waiver is requested for checklist item F.4: Engineering Plan drawings shall contain the following; For any drainage facilities: Contours or spot elevations, profiles and specifications including pipe sizes, invert elevations and capacity. The project is not proposing any drainage facilities. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

F.5 A waiver is requested for checklist item F.5: Engineering Plan drawings shall contain the following; For any exterior lighting: location, mounting, fixture type and specifications for wattage and isofootcandle pattern. The project is not proposing any exterior lighting. The proposed work is limited to signage adjustments therefore, a waiver is being requested.

F.6 A waiver is requested for checklist item F.6: Engineering Plan drawings shall contain the following; For any walls or fences: profiles and specifications. The project is not proposing any walls or fences. The proposed work is limited to signage adjustments therefore, a waiver is being requested.
RESOLUTION
IXHA Center Planned Development
PLANNING BOARD
CITY OF ELIZABETH, NEW JERSEY
RESOLUTION NO. P-20-1994
WHEREAS, application has been made by IKEA CENTER URBAN RENEWAL, INC. .................................. 1
WHEREAS, public hearings were held by the Board ................................................................. 1
WHEREAS, it was the decision of the Board to grant approval with conditions ............................. 1
WHEREAS, unanimous approval was given to a motion to approve ............................................... 1

NOW, THEREFORE, BE IT RESOLVED, this 9th day of February 1995, that said action be memorialized ......................... 1

WHEREAS, the planned development documents to control said development have been submitted for approval .................................. 1

WHEREAS, additional reports and details have been provided .................................................. 1
1 Applicant's exhibits .................................................................................................................. 1
2 Applicat's witnesses ................................................................................................................ 2

WHEREAS, testimony on behalf of the applicant was heard ......................................................... 2
2 Applicant's witnesses ................................................................................................................ 2

WHEREAS, objections to the application were made on behalf of Northern Real Estate, Instant Air Freight and VG&G Leasing ......................................................... 3

WHEREAS, objectors provided additional information ............................................................... 3
3 Objector's exhibits ................................................................................................................ 3

WHEREAS, objectors provided additional testimony ................................................................. 3
3 Objector's witnesses ................................................................................................................ 3

WHEREAS, testimony and written reports were provided by various City officials and the City's planning consultant ....................................................... 3

WHEREAS, the Board finds the project to be well conceived and planned .................................. 3
5 The Board's general findings ................................................................................................ 3
5.1 The subject property's location ......................................................................................... 3
5.2 The land affected ............................................................................................................. 4
5.3 Ownership interest ......................................................................................................... 4
5.4 Existing development ...................................................................................................... 4
5.5 Prior development efforts .............................................................................................. 4
5.6 Proposed development .................................................................................................. 4
5.7 Integration of the shopping complex ............................................................................. 5
5.8 Eventual rezoning .......................................................................................................... 5
5.9 Access ........................................................................................................................... 5
5.10 Roadway improvements ............................................................................................... 5
5.11 Accommodation of applicant's traffic .......................................................................... 5
5.12 Mandatory roadway improvements ............................................................................. 6
5.13 Objector's contentions challenging the findings and conclusions of other traffic experts ......................................................................................................................... 6
5.14 Applicant's share of improvement costs ....................................................................... 7
5.15 Emergency access ....................................................................................................... 7
5.16 Objector's contentions challenging the findings and conclusions of other planning experts ........................................................................................................ 7

WHEREAS, the Board finds that proposed development conforms to zoning .......................... 7
6 The qualification findings ...................................................................................................... 7
6.1 Proper location ................................................................................................................ 7
6.2 Proposed land uses ......................................................................................................... 7
6.3 The minimum tract area .................................................................................................. 8
WHEREAS, the Board finds that Open Space provisions are appropriate...

WHEREAS, the Board finds that the physical design is adequate...

WHEREAS, the Board finds that the proposed land use pattern will be harmonious...

WHEREAS, the Board finds that the development staging will be appropriate...

WHEREAS, the proposed General Development Plan will fulfill the goals of the Planned Development Option...

NOW, THEREFORE, BE IT FURTHER RESOLVED, that in consideration of the above findings, it be and is, the action of the Planning Board of the City of Elizabeth that the Applicant be granted approval...

12 The approved GDP documents...
BE IT FURTHER RESOLVED, that said approvals be granted for a period of seven (7) years.

BE IT FURTHER RESOLVED, that sectioning of the site plans shall be permitted with plans submitted for each lot or an overall master site plan may be submitted.

BE IT FURTHER RESOLVED, that in consideration of the above findings, that the Applicant be granted approval of substitute standards.

13 The approved substitute standards:

13.1 Deed restricted parking provisions of LDCO Section 40-130.C.
13.2 Parking stall and aisle dimensions.
13.3 Signage.
13.4 Curbing requirements of LDCO Section 40-105.B(1).
13.5 Safety island requirements of LDCO Section 40-105.D.
13.6 Parking surface pavement standards of LDCO Section 40-105.G.
13.7 Lighting standard heights of LDCO Section 40-106.C.(2)(b).
13.8 Sight triangle standards.

BE IT FURTHER RESOLVED, that waivers be granted from the design standards for Center Drive:

14 The design waivers:

14.1 Cross-block pedestrian ways.
14.2 Minimum radius at turns.
14.3 Dead-end street length.
14.4 Similar street name prohibition.
14.5 Street illumination levels.

BE IT FURTHER RESOLVED, that said approvals be subject to specific conditions and modifications:

15 The required modifications to perfect the approved GDP:

15.1 Union County Planning Board.
15.2 Land use map.
15.3 Industrial hazard inventory.
15.4 Staging schedule revision.
15.5 Outline developer's agreement.
15.6 Development agreement execution.
15.7 Buried channel aquifer.
15.8 Noise amelioration.
15.9 Recording of the GDP.

16 The conditions to be satisfied prior to final approval of any site plan:

16.1 Somerset-Union Soil Conservation District.
16.2 Engineering plans and schedules.
16.3 Prior subdivision conditions.

17 The conditions to continue for the duration of the Project:

17.1 Mandatory roadway improvements.
17.2 Traffic monitoring program.
17.3 Manned traffic controls.
17.4 A "no right turn on red" prohibition.
17.5 Police mini-station site.
17.6 Notification upon completion.
BE IT FURTHER RESOLVED, that the Secretary of the Board shall cause all required actions to be taken.

18 The actions to be taken

18.1 Notice of the substitute zoning

18.2 Notice to amend the Zone Map

18.3 Notice to the Port Authority of approval
RESOLUTION

IKEA Center Planned Development

PLANNING BOARD

CITY OF ELIZABETH, NEW JERSEY

RESOLUTION NO. P-20-1994

WHEREAS, application has been made by IKEA CENTER URBAN RENEWAL, INC. ("Applicant") with the consent of the owners of lands over which Applicant holds access easements or other interest, including IKEA Development U Renewal, Inc. and the Port Authority of New York and New Jersey (the "Authority") to the City of Elizabeth Planning Board (the "Board") for approval of a Planned Development for a tract located at Center Drive, private street within the Port Authority Industrial Park at Elizabeth situated off of North Avenue East; and

WHEREAS, public hearings were held by the Board, after presentation of proper proof of publication and notice, on October 20, 1994, November 10, 1994, December 5, 1994, and January 9, 1995; and

WHEREAS, it was the decision of the Board to grant approval with conditions at the conclusion of public hearings and deliberation; and

WHEREAS, unanimous approval was given to a motion to approve on January 9, 1995 by Commissioner Ruane, seconded by Commissioner Callinan with the following members voting affirmatively Mayor Bollwage, Director Devanney, Councilwoman Perkins-Auguste, Commissioners Callinan, Haas, McCann, Urban, Vice-Chairman Ruane and Chairman Mellage with alternate members Caria and Ross also present but not casting votes; and

NOW, THEREFORE, BE IT RESOLVED, this 9th day of February, 1995, that said action be memorialized by resolution of the Board with its findings and conclusions set forth in writing.

WHEREAS, the planned development documents to control said development have been submitted for approval in the form of a General Development Plan ("GDP") consisting of a Land Use Plan, a Circulation Plan, a Utility/Public Service Plan, an Environmental Inventory, a Timing Schedule, and a Developers Agreement Outline; and

WHEREAS, additional reports and details have been provided and entered into evidence; and

1. Applicant's exhibits include but are not limited to the following:
   1.1 Exhibit A-7 - Site Access Information,
   1.2 Exhibit A-8 - Off-Street Parking Analysis,
   1.3 Exhibit A-9 - Garven Associates Traffic Impact Study,
   1.4 Exhibit A-10 - NJDEP Letter of Interpretation, Presence/Absence,
   1.5 Exhibit A-11 - Existing Utility Capacities Report,
   1.6 Exhibit A-12 - Geotechnical Report,
WHEREAS, testimony on behalf of the applicant was heard; and

Applicant's witnesses included the following:

2.1 Roy Perez-Daple, the President of the IKEA Center Urban Renewal, Inc.,

2.2 Myron Ronis, a representative of the Port Authority and the manager of Planning and Technical Services for the Regional Development Department of the Port Authority,

2.3 Rick Wegel, a representative of the Port Authority and the Manager of the Industrial Park at Elizabeth,
WHEREAS, objections to the application were made on behalf of Northern Real Estate, Instant Air Freight and VG&G Leasing, (collectively the "Objectors"); and

WHEREAS, objectors provided additional information which was entered into evidence; and

[3] Objector's exhibits were as follows:

3.1 Exhibit 0-1 - Orth Rogers Traffic Report;
3.2 Exhibit 0-2 - Video Tape;
3.3 Exhibit 0-3 - Affidavit of Paul Colwell;
3.4 Exhibit 0-4 - Instant Air Freight Warehouse, Driveway No. 1 Traffic Counts; and
3.5 Exhibit 0-4A - Instant Air Freight Warehouse, Driveway No. 1 Truck Counts.]

WHEREAS, objectors provided additional testimony; and

[4] Objector's witnesses were as follows:

4.1 Robert M. Rogers, a licensed professional engineer with Orth Rogers and Associates;
4.2 Gino Matrone, President of the Objector; and
4.3 P. David Zimmerman, a licensed professional planner.]

WHEREAS, testimony and written reports were provided by various City officials and the City's planning consultant, Dennis W. Hudacsko, PP, AICP of T&M Associates who provided reports dated January 9, 1995, October 13, 1994, and six reports dated July 27, 1994; and

WHEREAS, the Board finds the project to be well conceived and planned in consideration of the testimony at the hearings, the plans and documents submitted by the Applicant and the Objector, the City's Planning Consultant and other City officials; and

[5] The Board's general findings are summarized as follows:

5.1 The subject property's location is in the Port Authority's
Industrial Park at Elizabeth. Situated in the meadows area of the City just east of the Newark International Airport near the New Jersey Turnpike Interchange I-3A. An area of former landfills, much of the surrounding land is unimproved and under-utilized. Access to the property is from North Avenue by a private street known as Center Drive.

5.2 The land affected consists of three parcels and portions of other parcels as follows consisting of the 4.1 acre lot (the "4.1 Acre Lot") and the 20.9 acre lot (the "20.9 Acre Lot") formed by the minor subdivision of Tax Account Number 1-1440 (combined the "25 Acre Site"), Tax Account Number 1-1371 (a 21.25 acre lot containing the existing IKEA store) and portions of Tax Account No. 1-1411 and 1-1440 containing a portion of Center Drive, and certain common drainage facilities (collectively, "the Tract"). The Tract consists of approximately 59.21 acres.

5.3 Ownership interest in the Tract varies. The Tract includes property owned by the Port Authority, of which the Applicant is the prospective purchaser (the "25 Acre Site"), property consisting of approximately 21.25 acres (Tax Account No. 1-1371) which includes the existing IKEA retail home furnishing store owned by IKEA Development Urban Renewal, Inc., a related company of the Applicant, and property (Tax Account No. 1-1411 & 1-1440) owned by the Port Authority over which the Applicant will hold easements for access, drainage and utilities.

5.4 Existing development includes the existing IKEA store, a large parking area, Center Drive and vacant land. The Tract is zoned M-3, but Tax Account No. 1-1371 was granted a use variance in 1988 for the IKEA store.

5.5 Prior development efforts have logically culminated in the present proposal. The Port Authority has been previously unsuccessful in attracting Port related distribution or manufacturing to the 25 Acre Site primarily due to the fact that it is located on a former landfill which makes it difficult for prospective developers to obtain financing, and the Port Authority has declared the 25 Acre Site surplus property. The Port Authority concluded that the 25 Acre Site would be particularly well suited for retail development in light of the success of the existing IKEA store, and in the authorization of the sale of the 25 Acre Site to the Applicant, the Port Authority recognised that additional retail development in this area would result in a substantial benefit to the City of Elizabeth and the state by virtue of the creation of hundreds of jobs and the generation of significant tax revenues.

5.6 Proposed development would include 375,000 square feet of new retail and accessory uses on the 25 Acre Site. The complex will be configured as a "Power Center" occupied predominately by anchor stores (the "New Development"). Total retail development on the Tract (the "Project") will not exceed 700,000 square feet, including the existing IKEA store, and the IKEA Plan is for total development of 643,000 square feet. The proposed New Development will consist of three buildings on two lots. One building of 90,358 square feet with one tenant is proposed along with a second building of 190,000 square feet and an expected six tenants on the 20.9 Acre Lot.
and one building of 95,016 square feet with an expected two tenants is proposed for the 4.1 Acre Lot. The actual number of tenants will depend on the number of leases signed with the Applicant.

5.7 Integration of the shopping complex will be achieved by interlinking pedestrian and vehicular circulation. The exterior of the new construction will harmonize visually with the existing IKEA store through the use of similar design features.

5.8 Eventual rezoning pursuant to the planned development option would redistrict the 25 Acre Site and the IKEA store site as RC - Regional Commercial pursuant to the Land Development Control Ordinance (the "LDCO") Sections 40-136 and 40-116.A upon completion of the Project.

5.9 Access will be from Center Drive, a private road owned and maintained by the Port Authority, which already serves as the private street access to the IKEA Store (Tax Account No. 1-1371). Center Drive begins at North Avenue East at a four-way intersection with Kapkowski Road. North Avenue provides access from Exits 13-A and 14 of the New Jersey Turnpike and State Routes 1 and 9. These roadways link, in turn with other regional highways including Interstate Route 278 and 78.

5.10 Roadway improvements are planned to accommodate future growth of the surrounding area. The intersection of North Avenue East and Kapkowski Road/Center Drive is proposed to be improved in conjunction with plans of the Port Authority (the "Port Authority Road Improvements"). North Avenue will be widened by adding an additional lane to each of the bridges that cross both the New Jersey Turnpike and Conrail tracks and that widening will continue along North Avenue to a point directly north of the North Avenue and Center Drive/Kapkowski Road intersection, where a seventh lane will be created so that there will be four lanes on the east bound of North Avenue and three lanes west bound of North Avenue. The Port Authority Road Improvements are comprised of four phases that are scheduled to begin concurrently in August 1995 and consist of the widening of North Avenue and Center Drive and the reconfiguration of McLester Street (scheduled for completion in April 1996), improvement of the approach to the bridges over the Turnpike and the Conrail tracks (scheduled for completion in June 1996), improvement of the approach to the bridges over the Turnpike and Conrail tracks (scheduled for completion in April 1996) and the widening of the bridges over the Turnpike and Conrail tracks (scheduled for completion in February 1997).

5.11 Accommodation of applicant's traffic is within the capacity of the planned roadway improvements. The Applicant submitted a Traffic Impact Study prepared by Garmen Associates and David Mendelson, President of Garmen Associates testified as to the ability of the road system to accommodate the traffic to be generated by the Project. The report states, and Mr. Mendelson testified, that the Port Authority Road Improvements are in excess of what is required to accommodate the additional traffic that will be generated by the proposed New Development in the Tract. The Garmen Associates Report and the testimony of David Mendelson were consistent with the testimony of Myron Ronis of the Port Authority regarding the
traffic studies conducted on behalf of the Port Authority, regarding the conclusions of the Port Authority and the concomitant road improvements planned by the Port Authority. The Port Authority Road Improvements were designed based upon traffic studies prepared by Volmer Associates, which were based on the assumption that the 25 Acre Site would be developed for a retail use and on the assumption that additional development would take place in the area as permitted under existing zoning and assumed background growth. Projections were made to the year 2000.

5.12 Mandatory roadway improvements which are essential to support the Project will be in place prior to the opening of the New Development. According to David Mendelson’s testimony and the Garmen Associates Report, the only road improvements that must be completed to accommodate the proposed New Development in the Tract are the widening of Center Drive to four lanes, the intersection improvements at North Avenue and Center Drive and the re-signalization of the North Avenue and Center Drive/Kapkowski Road intersection as depicted in Figure 5 of the Garmen Associates Traffic Study (the "Mandatory Roadway Improvements"). Center Drive intersects with North Avenue East, a four lane road under Elizabeth’s jurisdiction but maintained by the Port Authority. The intersection is signalized. The southern leg of the intersection is Kapkowski Road, the opening of which is proposed for reconstruction under the Port Authority Road Improvements to four lanes. At the intersection, North Avenue is currently widened to five lanes to permit left hand turns from eastbound traffic to Center Drive. As part of the Port Authority Road Improvements, the intersection of Center Drive with North Avenue will be widened to permit double left hand turning eastbound movements onto Center Drive. The proposed improvements will replace prior provisions resulting from the original Zoning Board approval. The intersection improvements are expected to coincide with the opening of the proposed New Development. Testimony has been provided to the effect that the traffic movements will operate at acceptable levels of service.

5.13 Objector's contentions challenging the findings and conclusions of other traffic experts have been carefully considered but found to lack sufficient credibility. The Board considered the Orth Rogers Traffic Report and the testimony of Robert M. Rogers, but does not find the conclusions and opinions of the Orth Rogers report and the testimony of Mr. Rogers to be more credible than that of others. They are fundamentally inconsistent with that of Myron Ronis on behalf of the Port Authority, Volmer Associates, Raymond Keyes Associates, and Garmen Associates. The City's consultant, T&M Associates, concluded that the assumptions employed by Orth Rogers fail to take into consideration local circumstances which have a direct bearing on any conclusions and are therefore less reflective of the actual situation under consideration and instead have value only in a theoretical sense. The Board finds the opinions and conclusions in the Garmen Associates' Report, as revised and the expert testimony of David Mendelson, President of Garmen Associates to be conclusive and credible. In addition to the Traffic Impact Study prepared by Garmen Associates, two other traffic reports, the December 1991 report prepared by
Volmer Associates and the report prepared by Raymond Keyed Associates, conclude that the Port Authority Road Improvements are sufficient to accommodate the 375,000 square feet of additional development in the Tract plus significant other new development in the area.

Applicant's share of improvement costs has been negotiated through the Port Authority. The projected cost of the Port Authority Road Improvements is estimated to be $12,000,000. The Port Authority has authorized $5,000,000 of funding, the New Jersey Department of Transportation has appropriated $6,000,000 of funding and the Applicant will contribute $1,000,000 for design and construction of such improvements.

Emergency access to the Tract is adequate for alternative emergency access and evacuation and is to be provided via a private road owned and maintained by the Port Authority. This roadway leading to Bay Avenue was specifically designed for ingress and egress of emergency vehicles to the Industrial Park at Elizabeth. Access is available to the City of Elizabeth Police, Fire rescue and ambulance squads. The Chief of the City of Elizabeth Fire Department has examined the emergency access route and testified as to its sufficiency for fire trucks and other emergency vehicles in the event access from Center Drive and North Avenue might be blocked.

Objector's contentions challenging the findings and conclusions of other planning experts have been carefully considered but found to lack sufficient credibility. The Board considered the testimony of P. David Zimmerman, Objector's planner, but does not find his conclusions or opinions to be credible. They are fundamentally inconsistent with that of Philip I. Caton a planner testifying on behalf of the Applicant and that of Dennis W. Hudacsco the City's planning consultant. Mr. Zimmerman failed to examine all of the documents comprising the City's master plan and his conclusions could not be substantiated in fact. Although raising numerous issues relating to the fiscal impact assessment, he conceded that a positive impact would occur under any circumstance confirming the Applicant's assertion.

WHEREAS, the Board finds that proposed development conforms to zoning and that any departures from zoning regulations otherwise applicable to the Tract conform to the zoning ordinance standards established by N.J.S.A. 40:55D-65C.

6. The qualification findings are summarized as follows:

6.1 Proper location has been demonstrated. The LDCO states, "The option may be exercised for any properties in the contiguous area designated M-2 or M-3 which surrounds Newark International Airport and Port Elizabeth." The Project is situated in that area.

6.2 Proposed land uses conform. The LDCO states, "Principal, accessory and conditional land uses shall be limited to the enumerated optional zones." The LDCO allows an applicant to opt for any of several zoning designations, including RC Regional Commercial. The RC standards were established by Ordinance No. 2703 and permit major retail and commercial uses as well as business offices in excess of 25,000 square feet.
on lots at least three acres in size in conjunction with planned developments. The Applicant has elected to designate all areas for RC Regional Commercial pursuant to LDCO Section 40-136 of the LDCO. The land uses proposed are permitted uses in the optional district.

6.3 The minimum tract area is provided. The LDCO states, "The plan shall provide for a tract area of not less than 25 acres of land to be developed as a single entity." The Tract contains 59.21 acres.

6.4 Density/intensity limits are satisfied. The LDCO states, "Gross density/intensity shall be limited to the maximums stated below provided that the entire area of the Tract is improvable and shall be reduced where said area is found to be less. The proposed limit on floor area ratio including structured parking ("FAR") of 0.347 does not exceed the qualifying limit of 2.0 or the proposed limit of one square foot of building floor area square feet per square foot of lot area."

Alternative land use plan findings are summarized as follows:

7.1 Traffic hazards and congestion will not result from the proposed land use plan. The LDCO states that any pattern can be established provided, "Non-industrial traffic can be reasonably linked to the regional roadway system without traffic hazards or congestion." The traffic studies and expert testimony described previously demonstrate this.

7.2 Travel hazards will not result from the proposed land use plan. The LDCO states that any pattern can be established provided, "Non-industrial traffic can be reasonably linked to the regional roadway system without exposure to industrial fire or explosion risks." The testimony regarding a survey of industrial hazards prepared by Hoisington Amy Constant Bell Mailer, Inc. ("HACBM") demonstrates this.

7.3 Industrial hazards will not result from the proposed land use plan. The LDCO states that any pattern can be established provided, "Non-industrial land uses can be reasonably buffered from exposure to industrial fire or explosion risks." The testimony regarding a survey of industrial hazards prepared by Hoisington Amy Constant Bell Mailer, Inc. ("HACBM") demonstrates this.

7.4 Aircraft hazards will not result from the proposed land use plan. The LDCO states that any pattern can be established provided, "Land uses with high risk profiles are not established within hazardous portions of aircraft landing and takeoff areas." Testimony has been provided demonstrating that the Tract is not situated within any aircraft hazard area.

7.5 Waterfront public access will not be affected by the proposed land use plan. The LDCO states that any pattern can be established provided, "All areas within two hundred (200) feet of the Arthur Kill are designated OS Open space." No part of the project is within that distance.

7.6 Residential disruption will not result from the proposed land
use plan. The LDCO states that any pattern can be established provided, "Buffers not less than fifty (50) feet in width shall separate residential development from non-residential development." No part of the project is near a residential area.

(8) The substitute standards findings are summarized as follows:

8.1 Authority to consider substitute standards is given the Board when acting on a planned development application. The planned development option is based on the discretionary contents of a zoning ordinance permitted under N.J.S.A. 40:55D-39B, which encourages flexibility in the use, layout and intensity of development through planned rather than piecemeal development. The Applicant has proposed alternative bulk standards under LDCO Section 40-116.F.A.3(c)(1) which states,

"[1] The standards employed shall be those standards for the zone which correspond to the land use classification established for each delineated land use area. The Planning Board may approve substitute bulk standards as follows.

[a] Substitute bulk standards shall provide for: minimum lot area, width, and depth; minimum setbacks along streets and other lot lines; maximum lot coverage; [sic] maximum floor area ratio; minimum improperly street area and general design standards for multi-family residential developments; exceptions for accessory buildings; requirements for parking, landscaping, lighting and other improvements."

8.2 RC District standards will be employed for most aspects of the proposed development. The regulations of the Regional Commercial District will be imposed on all initial site development and subsequent alterations except where substitute standards have been expressly authorized or where zone standards have been amended by ordinance.

8.3 Deed restricted parking provisions can be modified to eliminate reference to ownership. Shared parking is currently authorized under the City's off-street parking ordinance in LDCO Section 40-130.C. The shared parking must be within 250 feet of the boundary of the development site and the property is to be deed restricted; the two sites must have the same owner. The latter requirement is apparently an unnecessary redundancy and can be eliminated without harm. This would allow the existing IKEA store and the New Development which are owned by different IKEA corporate entities, to implement a shared parking arrangement between their two properties. The proposed standard would otherwise be identical to the requirements of 40-130.C. The shared parking arrangement will be formalized through appropriate deed restrictions and cross access easements.

8.4 Parking stall dimensions can be substituted with widely accepted standards without affecting convenience or safety. Proposed are standards published by The Institute for Transportation Engineers ("ITE") for retail uses. A parking stall size of 9' x 18' is proposed as an alternative development standard for the New Development. This stall size is the same as approved for the existing IKEA store and used successfully for some time. The alternative standard is 6 inches narrower than the City's standard under LDCO Section 40-105.A(2). The narrower space allows more efficient use of land by providing a greater number of parking spaces. Each of
the proposed uses will have drop off and pickup zones to allow for large package or building material loading outside of the parking lot proper. The Center for Urban Policy Research has published standards for non-residential development which also recommends the 9 foot wide space for retail uses with moderate vehicular turnover. Where adjacent to curbed safety islands or other raised structures the stall should be widened to increase the pedestrian aisle.

8.5 Signage standards must be modified to compensate for the lack of street frontage on which sign standards are based. Modification of the C-1 and C-2 district sign standards will permit each store to have a facade mounted business sign. Freestanding business signs while not permitted under C-1 or C-2 standards would be appropriate with the large parking areas and multiple storefront entries. A large freestanding sign serving to identify major tenants to by-pass traffic on the Turnpike is regarded by the Board to be important for a project of this size and character.

8.6 Curbing of safety islands at the outside end of parking bays can be eliminated without hazard when painted. This will not reduce safety under normal parking conditions and can be used for last resort parking under overload conditions.

8.7 Safety islands can be reduced in width while providing clear sight distance over a minimum of seven feet width.

8.8 Parking surface pavement standards can be relaxed without generating dust where peak overflow parking areas are surfaced with permeable pavers. This can reduce storm water run off and improve appearances.

8.9 Lighting standard heights can be increased without glaring into residential areas or public streets.

8.10 Sight triangle standards will be established for on-site vehicular and pedestrian traffic intersections and will provide for increased safety.

WHEREAS, the Board finds that Open Space provisions are appropriate insofar as common open space is not necessary for this project.

WHEREAS, the Board finds that the physical design is adequate for the new development and provides for public services, circulation, light and air, recreation, and visual enjoyment.

9.1 Public services and utilities are currently available to the Tract. Reports prepared on behalf of the applicant demonstrate the existence of adequate capacity to permit the proposed New Development. The Port Authority will provide for the use of common drainage facilities, permanent and perpetual non-exclusive easements to connect to Port Authority utilities and services, including transformers, meters, utility lines, pipes or conduits and to the sewage lift station to service the Project.

9.2 Circulation has been designed to permit safe and convenient vehicular and pedestrian use of the Project. Entry to the
Project is by Center Drive which the Applicant has proposed be widened to four lanes. Internal site circulation provides for vehicular parking in designated bays, with end aisle safety islands. Traffic will be further channelled by curb barrier islands along the major entrances. Truck traffic will be segregated from passenger vehicle circulation by separate entrances and routes to loading and unloading areas. No parking will be permitted directly in front of stores for fire access and pedestrian safety purposes, though pickup and drop-off areas outside of the travel lanes will be provided. An emergency and evacuation route provides a second point of access/egress. Pedestrian circulation throughout the Project will be linked at key points by marked crosswalks.

Parking will be adequate. The general parking requirements as set forth in LDCO Section 40-133 requires one parking space for every 300 square feet of retail space and one space for each 1,400 square feet of warehouse space. With the present IKEA store containing 200,000 square feet of retail area and 68,000 square feet of warehouse space and the proposed New Development of 375,414 square feet, the total number of parking spaces required under LDCO Section 40-133 is 1,967 spaces. Total parking proposed is 2,957 spaces, consisting of an existing 1,737 and an additional 1,220 to be constructed. This exceeds the required number of parking spaces by 990 or 50.3%. This quantity (approximately 1 space per 200 square feet) is consistent with the experience that IKEA has gained and is appropriate for a retail store in this location.

Light and air will be adequately provided for with no prospect of unhealthful conditions. The proposed buildings in the New Development are all proposed to be single story buildings separated from each other by substantial horizontal distances. The closest distance between buildings is about 320 feet. The low height of the buildings and the physical separation ensure that no impairment to light or air would occur from the proposed development.

Recreational facilities are not proposed or required. The present scale of the Project does not warrant mandating on-site recreation for users and occupants of the proposed development and the size of the Tract does not allow for inclusion of any sizable public facility.

Visual enjoyment will be increased by the Project. The area had been used as landfill and is currently vacant and surrounded by industrial uses where functionality rather than aesthetics has been the prime consideration. The Project will provide visual variety to the landscape through complementary building materials, innovative design, and color. Further, the development sites will be well landscaped, contrasting with the present lack of quality vegetation.

WHEREAS, the Board finds that the proposed land use pattern will be harmonious and will not have an unreasonably adverse impact upon the area in which it is proposed to be established.

[10] The Area Impact findings are summarized as follows:

10.1 The specific ordinance criteria have been satisfied with respect to traffic hazards and congestion, travel hazards,
tools and services are adequate for the proposed development. The impact will be insignificant as discussed in the Fiscal Impact report prepared by Clark Caton and Hintz, submitted by the Applicant, and which was the subject of testimony by Philip B. Caton.

10.6 Adjacent land uses will not be unduly affected. The City has experienced no ill effect of having commercial uses in close proximity to industrial uses over a period of seventy years. Similar experiences are well recognized in such locales as the Hackensack Meadowlands Development Area.

WHEREAS, the Board finds that the development staging will be appropriate, that the new development is proposed to be constructed over a period of years, and that the terms of the phasing schedule and other conditions of approval are adequate to protect the health, safety, and welfare of the public, residents, occupants, and owners in the completion of the project.

The staging findings are summarized as follows:

11.1 The staging timetable for the New Development calls for completion of the entire development with an opening for business by the Fall of 1996.

11.2 The outlined developer's agreement includes a timetable for supporting development and the guarantees for its completion.

11.3 Requests for Certificates of Occupancy will not be made until the Mandatory Roadway Improvements are completed.

WHEREAS, the proposed General Development Plan will fulfill the goals of the Planned Development Option enumerated in LDCO Section 40-136, specifically by allowing for the emergence of a major retail complex in the North Avenue area in accordance with an alternative zoning plan;

NOW, THEREFORE, BE IT FURTHER RESOLVED, that in consideration of the above findings, it be and is, the action of the Planning Board of the City of Elizabeth that the Applicant be granted approval of the proposed General
Development Plan consisting of the following documents:

12. The approved GDP documents are summarized as follows:

12.1 Land Use Plan, prepared by HACBM, dated 9-28-94 and revised 1-6-95;
12.2 Circulation Plan, prepared by HACBM, dated 9-28-94 and revised 1-6-95;
12.3 Emergency Access and Evacuation Authorization, per letter dated 7-25-94 from Rick R. Wegel to J. Christian Bollwage;
12.4 Utility/Public Service Plan, prepared by HACBM, dated 9-28-94 and revised 1-6-95;
12.5 Environmental Inventory, prepared by HACBM, dated 9-28-94 and revised 1-6-95;
12.6 Timing Schedule in the form of a Construction Milestone Chart, prepared by HACBM, dated 12-22-94;
12.7 Form of developer's Agreement, per Letter dated 1-5-95 from Jonathan I. Epstein to Dennis W. Hudacske.

BE IT FURTHER RESOLVED, that said approvals be granted for a period of seven (7) years.

BE IT FURTHER RESOLVED, that sectioning of the site plans shall be permitted with plans submitted for each lot or an overall master site plan may be submitted.

BE IT FURTHER RESOLVED, that in consideration of the above findings, that the Applicant be granted approval of substitute standards pursuant to LDCO Section 40-116.P.A(3)(c)(1).

13. The approved substitute standards are summarized as follows:

13.1 Deed restricted parking provisions of LDCO Section 40-130.C. shall be modified to eliminate reference to ownership.
13.2 Parking stall and aisle dimensions of LDCO Section 40-105.A & B shall be modified to include standards published by The Institute for Transportation Engineers provided that an additional one and one-half (1-1/2) feet of stall width be provided adjacent to curbed safety islands and other raised structures to facilitate access by pedestrians and vehicles.
13.3 Signage provisions shall be substituted for the C-1 and C-2 district provisions as follows:

A. One freestanding planned development sign oriented toward a limited access highway. The sign may not exceed a height of 75 feet, be located in any flight pathway, nor be closer than 25 feet to a right-of-way line. The display area must be at least 25 feet above ground level. The size of the sign may not exceed 50 feet in a vertical dimension or 30 feet in a horizontal dimension (1,500 square feet.). Such sign may be internally illuminated. The sign may be a ladder sign made of individual panels and may indicate major
tenants of the planned development.

B. One freestanding sign per building located at a driveway entry. The sign may not exceed 35 feet in height nor be located closer than 10 feet to a property line. The display area must be at least 15 feet above ground level when projecting over a vehicular area. The size may not exceed 12 feet in a vertical dimension or 25 feet in a horizontal dimension (300 square feet). Such signs may be ladder signs and may be internally illuminated.

C. Facade mounted business signs as provided for in the C-1 and C-2 district except that the permitted area of such signs shall be limited to four (4) square feet of sign area per linear foot of building frontage without regard to the existence of street frontage. No facade mounted sign shall exceed 750 square feet in total area.

13.4 Curbing requirements of LDCO Section 40-105.B(1) shall be modified to eliminate required curbing for safety islands at the remote end of parking bays.

13.5 Safety island requirements of LDCO Section 40-105.D. shall be modified to specify a minimum seven (7) foot width.

13.6 Parking surface pavement standards of LDCO Section 40-105.G. shall be modified to allow up to 10% of the parking area to be surfaced with alternative materials in peak overflow parking areas.

13.7 Lighting standard heights of LDCO Section 40-106.C.(2)(b) shall be modified to limit heights in parking areas to a maximum of 50 feet.

13.8 Sight triangle standards will be established for on-site vehicular and pedestrian traffic intersections with legs as follows: seven feet (7') along the side of an intersecting parking aisle or driveway and three feet (3') along the side of an intersecting pedestrian walkways. Sight triangles may contain no visual obstructions between the heights of three (3) feet and six (6) feet.

BE IT FURTHER RESOLVED, that waivers be granted from the design standards for Center Drive.

[14 The design waivers are summarized as follows:


14.2 Minimum radius at turns requirement per LDCO Section 40-103.K. waived.

14.3 Dead-end street length limit per LDCO Section 40-103.M. waived.

14.4 Similar street name prohibition per LDCO Section 40-103.N. waived.]
14.5 Street illumination levels per LDCO Section 40-106.A.(1)(f)(2) waived.)

BE IT FURTHER RESOLVED, that said approvals be subject to specific conditions and modifications.

15 The required modifications to perfect the approved GDP documents are summarized as follows:

15.1 Union County Planning Board approval or exemption.
15.2 Land use map revision to show one RC designated area rather than two.
15.3 Industrial hazard inventory and mapping along with valuative analyses.
15.4 Staging schedule revision to provide only for the completion of the Mandatory Roadway Improvements prior to issuance of any Certificate of Occupancy for incorporation into the developers agreement.
15.5 Outline developer's agreement revision to encompass only the revised staging plan, the Mandatory Roadway Improvements, and maintenance agreements.
15.6 Development agreement execution.
15.7 Differential settlement avoidance techniques requirement to be noted on the GDP for incorporation in site plans as outlined in the Melick-Tully Report (ramps in lieu of stairs, minimizing use of pipes in pavement areas, use of flexible connections or large sleeves where utilities enter buildings).
15.8 Buried channel aquifer evaluation and approval by NJDEP requirement to be noted on the GDP for all pile field penetration or excavation.
15.9 Noise amelioration techniques requirement to be noted on the GDP for incorporation in all building and landscape designs to attenuate aircraft noise.
15.10 Recording of the GDP proposed schedule of controls.

[16 The conditions to be satisfied prior to final approval of any site plan are summarized as follows:

16.1 Somerset-Union Soil Conservation District approval of soil erosion control plans.
16.2 Engineering plans and schedules approved for the Mandatory Roadway Improvements.
16.3 Prior subdivision conditions satisfied providing for an adequate replacement turn-around area for Center Drive.

[17 The conditions to continue for the duration of the Project are summarized as follows:
17.2 Traffic monitoring program to encompass the road intersections along North Avenue extending from Division Street approved prior to the issuance of Certificate of Occupancy.

17.3 Manned traffic controls at the North Avenue - Kapka intersection to be maintained, at applicant's expense, upon completion of the Mandatory Roadway Improvements as deemed necessary by the Police Department, thereafter.

17.4 A "no right turn on red" prohibition for exiting traffic.

17.5 Police mini-station site to be maintained, at applicant's expense, at the site for such period as may be deemed necessary by the Police Department.

17.6 Notification upon completion of the whole of the project approved sections to the Planning Board and City Council requesting that the Zone Map be amended to delineate the approved alternative zones.

BE IT FURTHER RESOLVED, that the Secretary of the Board shall cause the required actions to be taken.

18.1 Notice of the substitute zoning requirements and design standards should be made to the City Council and Tax Assessor.

18.2 Notice to amend the Zone Map to delineate the boundaries of the approved PD should also be forwarded to City Council.

18.3 Notice to the Port Authority of approval including a request that advance notice of anticipated changes to the emergency access road should be provided to the Police Department, Fire Department and the Planning Board.
I hereby certify that the attached document is a true copy of the resolution adopted by the Planning Board of the City of Elizabeth, New Jersey, at its special meeting held on February 23, 1995.

Lawrence M. Finn, III,
Clerk, Planning Board
RESOLUTION
IKEA Center Planned Development
Signage Along NJ Turnpike
PLANNING BOARD
CITY OF ELIZABETH, NEW JERSEY
AMENDED RESOLUTION NO. P-20-1994

WHEREAS, an application for approval of an amendment to a Planned Development has been made by IKEA CENTER URBAN RENEWAL, INC. to the City of Elizabeth Planning Board for the lands within the Port Authority Industrial Park at Elizabeth situated off of North Avenue East previously granted approval pursuant to Resolution No. P-20-1994; and

WHEREAS, public hearings were held by the Board, after presentation of proper proof of publication and notice, on May 11, 1995; and

WHEREAS, the Board finds that planned development contemplates a series of identification signs for businesses located within the Planned Development tract to be situated along the New Jersey Turnpike which is a designated interstate highway which, because they are to be used for businesses conducted on a separate lot, are subject to conditional use regulations for off-premises advertising signs; and

WHEREAS, the Board finds that the proposed signage conforms with the criteria established under the Conditional Use Schedule of the LDCO and that the site plan meets all of the requirements of LDCO Section 40-89; and

NOW, THEREFORE, BE IT RESOLVED, that in consideration of the above findings, it be and is, the action of the Planning Board of the City of Elizabeth that the proposed signage be incorporated as part of the planned development and that preliminary site plan approval be granted for the plans submitted subject to consolidation of the various exhibits into one unified document.
RESOLUTION

IKEA Center Planned Development
Expansion of GDP Area

PLANNING BOARD
CITY OF ELIZABETH, NEW JERSEY

AMENDED RESOLUTION NO. P-20-1994

WHEREAS, an application for approval of an amendment to a Planned Development has been made by IKEA CENTER URBAN RENEWAL, INC. to the City of Elizabeth Planning Board for the lands within the Port Authority Industrial Park at Elizabeth situated off of North Avenue East previously granted approval pursuant to Resolution No. P-20-1994; and

WHEREAS, public hearings were held by the Board, after presentation of proper proof of publication and notice, on June 8, 1995; and

WHEREAS, the Board finds that the planned development tract is proposed to be revised to encompass a 3.85 acre lot at the northwest corner of the intersection of Center Drive with North Avenue East to be designated for RC Regional Commercial development consistent with the previously approved General Development Plan (GDP); and

WHEREAS, the Board finds that, based on amended technical reports and additional testimony furnished by the applicant, the proposed GDP revision conforms with the criteria established by the Municipal Land Use Law and the Elizabeth Land Development Control Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that in consideration of the above findings, it be and is, the action of the Planning Board of the City of Elizabeth that the additional acreage be incorporated as part of the planned development subject to the terms and conditions in effect for the planned development and that the revised GDP drawings be submitted with all rights, obligations and conditions previously established and further provided that prior conditions precedent to final approval be made a condition of affixing the required signatures to the plans; that the developers agreement be made a condition only for the release of building permits; and that conditions 15.2 and 16.2 be struck.
RESOLUTION

IKEA Revised Site Plan
21.25 Acre Lot

PLANNING BOARD

CITY OF ELIZABETH, NEW JERSEY

RESOLUTION NO. P-19-1994
Table of Contents

WHEREAS, application has been made by IKEA DEVELOPMENT URBAN RENEWAL, INC. ........................................... 1

WHEREAS, public hearings were held by the Board ........................................... 1

WHEREAS, it was the decision of the Board to grant approval with conditions ........................................... 1

WHEREAS, unanimous approval was given to a motion to approve ........................................... 1

NOW, THEREFORE, BE IT RESOLVED, this 9th day of February 1995, that said action be memorialized ........................................... 1

WHEREAS, the documents to control said development have been submitted for approval ........................................... 1

1. Applicant's Site Plan documents ........................................... 1

WHEREAS, the documents filed adequately describe the property and proposed development ........................................... 1

2. The facts relating to this specific lot ........................................... 2

2.1 Applicant is the owner ........................................... 2

2.2 A shared parking arrangement is proposed ........................................... 2

2.3 Site plan approval is required for changes to the existing parking as needed to implement the shared parking ........................................... 2

2.4 Compliance with RC zoning requirements ........................................... 2

WHEREAS, a General Development Plan has been approved for the subject property and the Board in its memorializing resolution set forth relevant facts and findings which are restated herein verbatim (in italics) ........................................... 2

WHEREAS, additional reports and details have been provided ........................................... 3

3. Applicant's exhibits ........................................... 3

WHEREAS, testimony on behalf of the applicant was heard ........................................... 3

4. Applicant's witnesses ........................................... 3

WHEREAS, objections to the application were made on behalf of Northern Real Estate, Instant Air Freight and VG&G Leasing ........................................... 4

WHEREAS, objectors provided additional information ........................................... 4

5. Objector's exhibits ........................................... 4

WHEREAS, objectors provided additional testimony ........................................... 4

6. Objector's witnesses ........................................... 4

WHEREAS, testimony and written reports were provided by various City officials and the City's planning consultant ........................................... 4

WHEREAS, the Board finds the project to be well conceived and planned ........................................... 4

7. The Board's general findings ........................................... 4

7.1 The subject property's location ........................................... 4

7.2 The land affected ........................................... 4

7.3 Ownership interest ........................................... 4

7.4 Existing development ........................................... 4

7.5 Prior development efforts ........................................... 5

7.6 Proposed development ........................................... 5

7.7 Integration of the shopping complex ........................................... 5
Resolution - :KEA 21.28 Acres Lot
Revised Site Plan

7.8 Eventual rezoning
7.9 Access
7.10 Roadway improvements
7.11 Accommodation of applicant's traffic
7.12 Mandatory roadway improvements
7.13 Objector's contentions challenging the findings and conclusions of other traffic experts
7.14 Applicant's share of improvement costs
7.15 Emergency access
7.16 Objector's contentions challenging the findings and conclusions of other planning experts

WHEREAS, the Board finds that the physical design is adequate
8 The Physical design findings
8.1 Public services and utilities
8.2 Circulation
8.3 Parking
8.4 Light and air
8.5 Recreational facilities
8.6 Visual enjoyment

WHEREAS approval of substitute standards was granted
9 The approved substitute standards
9.1 Deed restricted parking provisions of LDCO Section 40-130.C
9.2 Parking stall and aisle dimensions
9.3 Signage
9.4 Curbing requirements of LDCO Section 40-105.B(1)
9.5 Safety island requirements of LDCO Section 40-105.D
9.6 Parking surface pavement standards of LDCO Section 40-105.G
9.7 Lighting standard heights of LDCO Section 40-106.C.(2)(b)
9.8 Sight triangle standards

WHEREAS, the Board finds that the Application meets all of the requirements of LDCO Section 40-89

NOW, THEREFORE, BE IT FURTHER RESOLVED, that in consideration of the above findings, it be and is, the action of the Planning Board of the City of Elizabeth that the Applicant be granted approval

BE IT FURTHER RESOLVED, that said approval be granted for a period of seven (7) years

BE IT FURTHER RESOLVED, that said approval be subject to specific conditions and modifications
10 The required modifications to perfect the preliminary site plan approval
10.1 Union County Planning Board
11 The conditions to be satisfied prior to approval of the final site plan
11.1 Submission of final plans
11.2 Inclusion of low level shrub planting
WHEREAS, application has been made by IKEA DEVELOPMENT URBAN RENEWAL, INC. (the "Applicant") with the consent of the owner of lands over which Applicant holds access easements or other interest, the Port Authority of New York and New Jersey (the "Port Authority") to the City of Elizabeth Planning Board (the "Board") for approval of a revised site plan for Tax Account Number 1-1371 (a 21.25 acre lot containing the existing IKEA store) (the "Lot") within an approved Planned Development for a tract located at Center Drive, a private street within the Port Authority Industrial Park at Elizabeth situated off of North Avenue East; and

WHEREAS, public hearings were held by the Board, after presentation of proper proof of publication and notice, on October 20, 1994, November 10, 1994, December 5, 1994 and January 9, 1995; and

WHEREAS, it was the decision of the Board to grant approval with conditions at the conclusion of public hearings and deliberation; and

WHEREAS, unanimous approval was given to a motion to approve on January 9, 1995 by Commissioner McCann, seconded by Commissioner Urban with the following members voting affirmatively Mayor Bollwage, Director Devanney, Councilwoman Perkins-Auguste, Commissioners Callinan, Haas, McCann, Urban, Vice-Chairman Ruane and Chairman Mellage with alternate members Caria and Ross also present but not casting votes; and

NOW, THEREFORE, BE IT RESOLVED, this 9th day of February 1995, that said action be memorialized by resolution of the Board with its findings and conclusions set forth in writing.

WHEREAS, the documents to control said development have been submitted for approval in the form of a Site Plan; and

[1] Applicant's Site Plan documents include but are not limited to the following:

1.1 COVER SHEET,
1.2 SITE PLAN,
1.3 GRADING AND UTILITY PLAN,
1.4 LANDSCAPE PLAN,
1.5 SITE LIGHTING, and
1.6 CONSTRUCTION DETAILS]

WHEREAS, the documents filed adequately describe the property and proposed development; and
The facts relating to this specific lot include but are not limited to the following:

2.1 Applicant is the owner and the Lot was acquired from the Port Authority; and

2.2 A shared parking arrangement is proposed between the Lot and a proposed two-tenant building on the 4.1 Acre Lot to the immediate south. The 4.1 Acre Lot has sufficient room for 47 parking spaces. The IKEA store parking lot has substantially more spaces than required under the LDCO. The shared parking lot will provide 751 parking spaces in excess of the 1,033 spaces required by ordinance for the new building on the 4.1 Acre Lot and the existing IKEA store. The Applicant intends to permit customers for any of the stores to use parking lots associated with other retail buildings in the complex through reciprocal cross easements. Proposed parking for this lot plus a 20.9 acre lot to the east and the existing IKEA store is 2,957 parking spaces, while the LDCO requirement is only 1,967 parking spaces. The Applicant proposes that all parking on the three lots be available to be used by visitors of any of the buildings by virtue of reciprocal easements; and

2.3 Site plan approval is required for changes to the existing parking as needed to implement the shared parking.

2.4 Compliance with RC zoning requirements and design standards as modified by approved substitute standards has been demonstrated. The regular RC district standards are met throughout the planned development as follows: lot area required, at least 3 acres -- proposed, at least 4.1 acres; lot frontage required, at least 200 feet -- proposed, at least 325 feet; front yard required, at least 35 feet -- proposed, at least 51 feet; rear yard required, at least 20 feet -- proposed, at least 30 feet; side yard required, at least 20 feet -- proposed, at least 43 feet; principal building height required, no more than 160 feet -- proposed, 94 feet; accessory building height required, no more than 40 feet -- proposed, 34 feet; permitted uses required, major retail or large business offices -- proposed, major retail; accessory uses required, eating places, convenience retail; custom uses -- proposed, eating places, convenience retail; conditional uses required, none -- proposed, none; and permitted signage required, C1 and C2 signs -- proposed, alternative standards under LDCO Section 40-116A(3)(c) [1][a].

2.5 In conjunction with its adoption of P-11B-1994, Resolution of Memorialization of the minor subdivision approval, the Board found that the circumstances of this development do not require that buildings to be constructed on the subject property be related to a street and provided that permits should issue for construction on the subject property pursuant to N.J.S.A. 40:55D-36 and LDCO Section 40-69 and that LDCO Section 40-102.6 waived subject to the conditions set forth in the Resolution P-11B-1994.

WHEREAS, a General Development Plan has been approved for the subject property and the Board in its memorializing resolution set forth relevant facts and findings which are restated herein verbatim (in italics);
WHEREAS, additional reports and details have been provided and entered into evidence, and

Applicant's exhibits include but are not limited to the following:

3.1 Exhibit A-7 - Site Access Information,
3.2 Exhibit A-8 - Off-Street Parking Analysis,
3.3 Exhibit A-9 - Garman Associates Traffic Impact Study,
3.4 Exhibit A-10 - NDEPS Letter of Interpretation, Presence/Absence,
3.5 Exhibit A-11 - Existing Utility Capacities Report,
3.6 Exhibit A-12 - Geotechnical Report,
3.7 Exhibit A-13 - Storm Water Computations,
3.8 Exhibit A-14 - Sanitary Sewer Design Flows,
3.9 Exhibit A-15 - Composite Site Plan,
3.10 Exhibit A-16 - Proposed Port Authority Traffic Plan,
3.11 Exhibit A-17 - Revised GDP Land Use Plan,
3.12 Exhibit A-18 - Sign Design Sheet,
3.13 Exhibit A-19 - Proposed Port Authority Improvements,
3.14 Exhibit A-20 - Revised GDP Circulation Plan,
3.15 Exhibit A-21 - Revised GDP Utilities/Public Service Plan,
3.16 Exhibit A-22 - Revised Environmental Inventory Plan,
3.17 Exhibit A-23 - Exhibit Board C-2.31,
3.18 Exhibit A-24 - Exhibit Board C-2.32,
3.19 Exhibit A-25 - Exhibit Board C-2.33,
3.20 Exhibit A-26 - Elevation C-1.30,
3.21 Exhibit A-27 - Revised Garman Associates Traffic Impact Study,
3.23 Exhibit A-29 - May 17 and 20, 1994 Memo re: Volmer Traffic Report,
3.24 Exhibit A-30 - December 1991 Volmer Traffic Report,
3.25 Exhibit A-31 - Planning Report prepared by Philip B. Caton,
3.26 Exhibit A-32 - Sign Perspective,
3.27 Exhibit A-33 - Revised Utilities Capacity Report (updates Exhibit 31), and
3.28 Memorandum of understanding between the Port Authority of New York and New Jersey (the "Port Authority") and NDEPS.

WHEREAS, testimony on behalf of the applicant was heard; and

4.1 Roy Perez-Duple, the President of the IKEA Center Urban Renewal, Inc.,
4.2 Myron Ronis, a representative of the Port Authority and the manager of Planning and Technical Services for the Regional Development Department of the Port Authority,
4.3 Rick Negel, a representative of the Port Authority and the Manager of the Industrial Park at Elizabeth,
4.4 William Neafsey, Chief of the City of Elizabeth Fire Department,
WHEREAS, objections to the application were made on behalf of Northern Real Estate, Instant Air Freight and VOG Leasing, (collectively the "Objectors"); and

WHEREAS, Objectors provided additional information which was entered into evidence; and

[5] Objector's exhibits were as follows:

5.1 Exhibit 0-1 - Orth Rogers Traffic Report;
5.2 Exhibit 0-2 - Video Tape;
5.3 Exhibit 0-3 - Affidavit of Paul Colwell;
5.4 Exhibit 0-4 - Instant Air Freight Warehouse, Driveway No. 1 Traffic Counts; and
5.5 Exhibit 0-4A - Instant Air Freight Warehouse, Driveway No. 1 Truck Counts.

WHEREAS, Objectors provided additional testimony; and

[6] Objector's witnesses were as follows:

6.1 Robert M. Rogers, a licensed professional engineer with Orth Rogers and Associates;
6.2 Gino Patruno, President of the Objector; and
6.3 P. David Zimmerman, a licensed professional planner.

WHEREAS, testimony and written reports were provided by various City officials and the City's planning consultant, Dennis N. Budacono, PP, AICP of T&M Associates who provided reports dated January 3, 1992, October 13, 1994, and six reports dated July 27, 1994; and

WHEREAS, the Board finds the project to be well conceived and planned in consideration of the testimony at the hearings, the plans and documents submitted by the Applicant and the Objector, the City's Planning Consultant and other City officials; and

[7] The Board's general findings are summarized as follows:

7.1 The subject property's location is in the Port Authority's Industrial Park at Elizabeth, situated in the meadows area of the city just east of the Newark International Airport near the New Jersey Turnpike Interchange 13A. An area of former landfills, much of the surrounding land is unimproved and under-utilized. Access to the property is from North Avenue by a private street known as Center Drive.

7.2 The land affected consists of three parcels and portions of other parcels as follows consisting of the 4.1 acre lot (the "4.1 Acre Lot") and the 20.9 acre lot (the "20.9 Acre Lot") formed by the minor subdivision of Tax Account Number 1-1440 (combined the "20 Acre Lot") and portions of Tax Account No. 1-1411 and 1-1440 containing a portion of Center Drive, and certain common drainage facilities(collectively, "the Tract"). The Tract consists of approximately 39.21 acres.

7.3 Ownership interest in the Tract varies. The Tract includes property owned by the Port Authority, of which the Applicant is the prospective purchaser (the "25 Acre Site"), property consisting of approximately 21.25 acres (Tax Account No. 1-1371) which includes the existing IKEA retail home furnishing store owned by IKEA Development Urban Renewal, Inc., a related company of the Applicant, and property (Tax Account No. 1-1441) owned by the Port Authority over which the Applicant will hold easements for access, drainage and utilities.

7.4 Existing development includes the existing IKEA store, a large parking area,
Center Drive and vacant land. The Tract is zoned M-3, but Tax Account No 1-1371 was granted a use variance in 1988 for the IKEA store.

7.9
Prior development efforts have logically culminated in the present proposal. The Port Authority has been previously unsuccessful in attracting Port related distribution or manufacturing to the 25 Acre Site primarily due to the fact that it is located on a former landfill which makes it difficult for prospective developers to obtain financing, and the Port Authority has declared the 25 Acre Site surplus property. The Port Authority concluded that the 25 Acre Site would be particularly well suited for retail development in light of the success of the existing IKEA store, and in the authorization of the sale of the 25 Acre Site to the Applicant, the Port Authority recognized that additional retail development in this area would result in substantial benefit to the City of Elizabeth and the state by virtue of the creation of hundreds of jobs and the generation of significant tax revenues.

7.6
Proposed development would include 375,000 square feet of new retail and accessory uses on the 25 Acre Site. The complex will be configured as a "Power Center" occupied predominately by anchor stores (the "New Development"). Total retail development on the Tract (the "Project") will not exceed 700,000 square feet, including the existing IKEA store, and the IKEA Plan is for total development of 543,000 square feet. The proposed New Development will consist of three buildings on two lots. One building of 90,358 square feet with one tenant is proposed along with a second building of 190,000 square feet and an expected six tenants on the 20.9 Acre Lot, and one building of 90,016 square feet with an expected two tenants is proposed for the 4.1 Acre Lot. The actual number of tenants will depend on the number of leases signed with the Applicant.

7.7
Integration of the shopping complex will be achieved by inter-linking pedestrian and vehicular circulation. The exterior of the new construction will harmonize visually with the existing IKEA store through the use of similar design features.

7.8
Eventual rezoning pursuant to the planned development option would redistrict the 25 Acre Site and the IKEA store site as KC - Regional Commercial pursuant to the Land Development Control Ordinance (the "LDCO") Sections 40-136 and 40-115.A. upon completion of the Project.

7.9
Access will be from Center Drive, a private road owned and maintained by the Port Authority, which already serves as the private street access to the IKEA Store (Tax Account No. 1-1371). Center Drive begins at North Avenue East at a four-way intersection with Kapkowski Road. North Avenue provides access from Exits 13-A and 14 of the New Jersey Turnpike and State Routes 1 and 3. These roadways link, in turn with other regional highways including Interstate Route 278 and 76.

7.10
Roadway improvements are planned to accommodate future growth of the surrounding area. The intersection of North Avenue East and Kapkowski Road/Center Drive is proposed to be improved in conjunction with plans of the Port Authority (the "Port Authority Road Improvements"). North Avenue will be widened by adding an additional lane to each of the bridges that cross both the New Jersey Turnpike and Conrail tracks and that widening will continue along North Avenue to a point directly north of the North Avenue and Center Drive/Kapkowski Road intersection, where a seventh lane will be created so that there will be four lanes on the east bound of North Avenue and three lanes west bound of North Avenue. The Port Authority Road Improvements are comprised of four phases that are scheduled to begin concurrently in August 1995 and consist of the widening of North Avenue and Center Drive and the reconfiguration of McLester Street (scheduled for completion in April 1996), improvement of the approach to the bridges over the Turnpike and the Conrail tracks (scheduled for completion in June 1996), improvement of the approach to the bridges over the Turnpike and Conrail tracks (scheduled for completion in April 1996) and the widening of the bridges over the Turnpike and Conrail tracks (scheduled for completion in February 1997).

7.11
Accommodation of applicant's traffic is within the capacity of the planned roadway improvements. The Applicant submitted a Traffic Impact Study prepared by Garren Associates and David Mandelson, President of Garren Associates, tested as to the ability of the road system to accommodate the traffic to be generated by the Project. The report states, and Mr. Mandelson testified, that the Port Authority Road Improvements are in excess of what is required to accommodate the additional traffic that will be generated by the proposed New Development in the Tract. The Garren Associates Report and the testimony of David Mandelson were consistent with the testimony of Byron R. Sauls of the Port Authority regarding the traffic studies conducted on behalf of the Port Authority, regarding the conclusions of the Port Authority and the concomitant

Resolution - IKEA 21.25 Acre Lot
Revised Site Plan
road improvements planned by the Port Authority. The Port Authority Road Improvements were designed based upon traffic studies prepared by Volmer Associates, which were based on the assumption that the 25 Acre Site would be developed for a retail use and on the assumption that additional development would take place in the area as permitted under existing zoning and assumed background growth. Projections were made to the year 2000.

Mandatory roadway improvements which are essential to support the Project will be in place prior to the opening of the New Development. According to David Mendelson’s testimony and the Garden Associates Report, the only road Improvements that must be completed to accommodate the proposed New Development in the Tract are the widening of Center Drive to four lanes, the intersection improvements at North Avenue and Center Drive and the re-signalization of the North Avenue and Center Drive/Kapkowski Road intersection as depicted in Figure 5 of the Garden Associates Traffic Study (the "Mandatory Roadway Improvements"). Center Drive will be widened from Center Drive to four lanes at the intersection, North Avenue is currently widened to four lanes. At the intersection, North Avenue is currently widened to five lanes to permit left hand turns from eastbound traffic to Center Drive. As part of the Port Authority Road Improvements, the intersection of Center Drive with North Avenue will be widened to permit double left hand turning eastbound movements onto Center Drive. The proposed improvements will replace prior provisions resulting from the original Zoning Board approval. The intersection improvements are expected to coincide with the opening of the proposed New Development. Testimony has been provided to the effect that the traffic movements will operate at acceptable levels of service.

Objector’s contentions challenging the findings and conclusions of other traffic experts have been carefully considered but found to lack sufficient credibility. The Board considered the Orth Rogers Traffic Report and the testimony of Robert M. Rogers, but does not find the conclusions and opinions of the Orth Rogers report and the testimony of Mr. Rogers to be more credible than that of others. They are fundamentally inconsistent with that of Myron Ramie on behalf of the Port Authority, Volmer Associates, Raymond Keyser Associates, and Garden Associates. The City’s consultant, TAM Associates, concluded that the assumptions employed by Orth Rogers fail to take into consideration local circumstances which have a direct bearing on any conclusions and are therefore less reflective of the actual situation under consideration and instead have value only in a theoretical sense. The Board finds the opinions and conclusions in the Garden Associates’ Report, as revised and the expert testimony of David Mendelson, President of Garden Associates, and the report prepared by TAM Associates, to be more credible. In addition to the Traffic Impact Study prepared by Garden Associates, the December 1991 report prepared by Volmer Associates and the report prepared by Raymond Keyser Associates, concludes that the Port Authority Road Improvements are sufficient to accommodate the 375,000 square feet of additional development in the Tract plus significant other new development in the area.

Applicant’s share of improvement costs has been negotiated through the Port Authority. The projected cost of the Port Authority Road Improvements is estimated to be $12,000,000. The Port Authority has authorized $15,000,000 of funding, the New Jersey Department of Transportation has appropriated $6,000,000 of funding and the Applicant will contribute $1,000,000 for design and construction of such improvements.

Emergency access to the Tract is adequate for alternative emergency access and evacuation and is to be provided via a private road owned and maintained by the Port Authority. This roadway leading to Bay Avenue was specifically designed for ingress and egress of emergency vehicles to the Industrial Park at Elizabeth. Access is available to the City of Elizabeth Police, Fire, rescue and ambulance squads. The Chief of the City of Elizabeth Fire Department has examined the emergency access route and testified that its sufficiency for fire trucks and other emergency vehicles in the event access from Center Drive and North Avenue might be blocked.

Objector’s contentions challenging the findings and conclusions of other planning experts have been carefully considered but found to lack sufficient credibility. The Board considered the testimony of P. David Zimmerman, credited. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerman,credibility. The Board considered the testimony of P. David Zimmerma
fiscal impact assessment, he conceded that a positive impact would occur under any circumstance confirming the Applicant's assertion.

WHEREAS, the Board finds that the physical design is adequate for the new development and provides for public services, circulation, light and air, recreation, and visual enjoyment.

The Physical design findings are summarized as follows:

8.1 Public services and utilities are currently available to the Tract. Reports prepared on behalf of the Applicant demonstrate the existence of adequate capacity to permit the proposed New Development. The Port Authority will provide for the use of common drainage facilities, permanent and perpetual non-exclusive easements to connect to Port Authority utilities and services, including transformers, meters, utility lines, pipes or conduits and to the sewage lift station to service the Project.

8.2 Circulation has been designed to permit safe and convenient vehicular and pedestrian use of the Project. Entry to the Project is by Center Drive which the Applicant has proposed to be widened to four lanes. Internal site circulation provides for vehicular parking in designated bays, with end aisle safety islands. Traffic will be further channelled by curb barrier islands along the major entrances. Truck traffic will be segregated from passenger vehicle circulation by separate entrances and routes to loading and unloading areas. So parking will be permitted directly in front of stores for fire access and pedestrian safety purposes, though pickup and drop-off areas outside of the travel lanes will be provided. An emergency and evacuation route provides a second point of access/egress. Pedestrian circulation throughout the Project will be linked at key points by marked crosswalks.

8.3 Parking will be adequate. The general parking requirements as set forth in LDCO Section 40-133 require one parking space for every 300 square feet of retail space and one space for each 1,000 square feet of warehouse space. With the present IKEA store containing 200,000 square feet of retail area and 8,000 square feet of warehouse space and the proposed New Development of 375,414 square feet, the total number of parking spaces required under LDCO Section 40-133 is 1,927 spaces. Total parking proposed is 2,957 spaces, consisting of an existing 1,737 and an additional 1,220 to be constructed. This exceeds the required number of parking spaces by 980 or 50.3%. This quantity (approximately 1 space per 300 square feet) is consistent with the experience that IKEA has gained and is appropriate for a retail store in this location.

8.4 Light and air will be adequately provided for with no prospect of unhealthful conditions. The proposed buildings in the New Development are all proposed to be single story buildings separated from each other by substantial horizontal distances. The closest distance between buildings is about 320 feet. The low height of the buildings and the physical separation ensure that no impairment to light or air would occur from the proposed development.

8.5 Recreational facilities are not proposed or required. The present scale of the Project does not warrant mandating on-site recreation for users and occupants of the proposed development and the size of the Tract does not allow for inclusion of any sizable public facility.

8.6 Visual enjoyment will be increased by the Project. The area had been used as landfill and is currently vacant and surrounded by industrial uses where functionality rather than aesthetics has been the prime consideration. The Project will provide visual variety to the landscape through complementary building materials, innovative design, and color. Further, the development sites will be well landscaped, contrasting with the present lack of quality vegetation.

WHEREAS approval of substitute standards was granted pursuant to LDCO Section 40-116.F.A(3)(c)(1).

The approved substitute standards are recited verbatim as they appeared in the GDP approval resolution as follows:

9.1 Deed restricted parking provisions of LDCO Section 40-130.C. shall be modified to eliminate reference to ownership.

9.2 Parking stall and aisle dimensions of LDCO Section 40-105.A.4B. shall be modified to include standards published by The Institute for Transportation Engineers provided that an additional one and one-half (1-1/2) feet of stall width be provided adjacent to curbed safety islands and other raised...
structures to facilitate access by pedestrians and vehicles.

9.3 Signage provisions shall be substituted for the C-1 and C-2 district provisions as follows:

A. One freestanding planned development sign oriented toward a limited access highway. The sign may not exceed a height of 75 feet, be located in any right-of-way line. The display area must be at least 25 feet above ground level. The size of the sign may not exceed 50 feet in a vertical dimension or 30 feet in a horizontal dimension (1,500 square feet). Such sign may be internally illuminated. The sign may be a ladder sign made of individual panels and may indicate major tenants of the planned development.

B. One freestanding sign per building located at a driveway entry. The sign may not exceed 35 feet in height nor be located closer than 10 feet to a property line. The display area must be at least 15 feet above ground level when projecting over a vehicular area. The size may not exceed 12 feet in a vertical dimension or 25 feet in a horizontal dimension (300 square feet). Such signs may be ladder signs and may be internally illuminated.

C. Facade mounted business signs as provided for in the C-1 and C-2 district except that the permitted area of such signs shall be limited to four (4) square feet of sign area per linear foot of building frontage without regard to the existence of street frontage. No facade mounted sign shall exceed 750 square feet in total area.

9.4 Curbing requirements of LDCO Section 40-105.F.(1) shall be modified to eliminate required curbing for safety islands at the remote end of parking bays.

9.5 Safety island requirements of LDCO Section 40-105.D. shall be modified to specify a minimum seven (7') foot width.

9.6 Parking surface pavement standards of LDCO Section 40-105.G. shall be modified to allow up to 10% of the parking area to be surfaced with alternative materials in peak overflow parking areas.

9.7 Lighting standard heights of LDCO Section 40-106.C.(2)(b) shall be modified to limit heights in parking areas to a maximum of 50 feet.

9.8 Sight triangle standards will be established for on-site vehicular and pedestrian traffic intersections with legs as follows: seven feet (7') along the side of an intersecting parking aisle or driveway and three feet (3') along the side of an intersecting pedestrian walkway. Sight triangles may contain no visual obstructions between the heights of three (3) feet and six (6) feet.

WHEREAS, the Board finds that the Application meets all of the requirements of LDCO Section 40-89; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that in consideration of the above findings, it be and is, the action of the Planning Board of the City of Elizabeth that the Applicant be granted approval of the proposed amended Site Plan.

BE IT FURTHER RESOLVED, that said approval be granted for a period of seven (7) years.

BE IT FURTHER RESOLVED, that no variance from LDCO Section 40-135.D. is necessary for the delineation of adjacent parking areas with a landscaped strip insofar as the one joint parking area does not constitute two adjacent areas; and

BE IT FURTHER RESOLVED, that said approval be subject to specific conditions and modifications.

[10 The required modifications to perfect the preliminary site plan approval are summarized as follows:
10.1 Union County Planning Board approval or exemption.

The conditions to be satisfied prior to approval of the final site plan are summarized as follows:

11.1 Submission of final plans meeting the LDCO requirements for final approval and consistent with the Planning Report #6 Technical Appendix dated July 27, 1994.

11.2 Inclusion of low level shrub planting along Center Drive on plans.
I hereby certify that the attached document is a true copy of the resolution adopted by the Planning Board of the City of Elizabeth, New Jersey, at its special meeting held on February 23, 1995.

[Signature]

Lawrence M. Finn, III,
Clerk, Planning Board
RESOLUTION

IKRA Site Plan
20.9 Acre Lot

PLANNING BOARD

CITY OF ELIZABETH, NEW JERSEY

RESOLUTION NO. P-21-1994
WHEREAS, application has been made by IKEA CENTER URBAN RENEWAL, INC. 

WHEREAS, public hearings were held by the Board

WHEREAS, it was the decision of the Board to grant approval with conditions

WHEREAS, unanimous approval was given to a motion to approve

NOW, THEREFORE, BE IT RESOLVED, this 3th day of February 1995, that

WHEREAS, the documents to control said development have been submitted for approval

WHEREAS, the documents filed adequately describe the property and proposed development

WHEREAS, a General Development Plan has been approved for the subject property and the Board in its memorializing resolution set forth relevant facts and findings which are restated herein verbatim (in italics)

WHEREAS, additional reports and details have been provided

WHEREAS, testimony on behalf of the applicant was heard

WHEREAS, objections to the application were made on behalf of Northern Real Estate, Instant Air Freight and VG&G Leasing

WHEREAS, objectors provided additional information

WHEREAS, objectors provided additional testimony

WHEREAS, testimony and written reports were provided by various City officials and the City's planning consultant

WHEREAS, the Board finds the project to be well conceived and planned

Table of Contents

WHEREAS, application has been made by IKEA CENTER URBAN RENEWAL, INC. 1

WHEREAS, public hearings were held by the Board 1

WHEREAS, it was the decision of the Board to grant approval with conditions 1

WHEREAS, unanimous approval was given to a motion to approve 1

NOW, THEREFORE, BE IT RESOLVED, this 3th day of February 1995, that said action be memorialized 1

WHEREAS, the documents to control said development have been submitted for approval 1

WHEREAS, the documents filed adequately describe the property and proposed development 1

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WHEREAS, testimony on behalf of the applicant was heard 3

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WHEREAS, objectors provided additional information 3

WHEREAS, objectors provided additional testimony 4

WHEREAS, testimony and written reports were provided by various City officials and the City's planning consultant 4

WHEREAS, the Board finds the project to be well conceived and planned 4

7 The Board's general findings 4

7.1 The subject property's location 4

7.2 The land affected 4

7.3 Ownership interest 4

7.4 Existing development 4

7.5 Prior development efforts 4

7.6 Proposed development 4

7.7 Integration of the shopping complex 5
WHEREAS, the Board finds that the physical design is adequate

WHEREAS approval of substitute standards was granted

WHEREAS, the Board finds that the Application meets all of the requirements of LDCC Section 40-89

NOW, THEREFORE, BE IT FURTHER RESOLVED, that in consideration of the above findings, it be and is, the action of the Planning Board of the City of Elizabeth that the Applicant be granted approval

BE IT FURTHER RESOLVED, that said approval be granted for a period of seven (7) years

BE IT FURTHER RESOLVED, that said approval be subject to specific conditions and modifications

10 The required modifications to perfect the preliminary site plan approval
10.1 Union County Planning Board
10.2 Development agreement execution
10.3 Differential Settlement avoidance
10.4 Buried channel aquifer
10.5 Noise amelioration
11 The conditions to be satisfied prior to approval of the final site plan
11.1 Submission of final plans
11.2 Certifications
11.3 Inclusion of low level shrub planting
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
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<td>11.4</td>
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<td>11.6</td>
<td>Prior subdivision conditions</td>
<td>9</td>
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<td>11.7</td>
<td>Somerset-Union Soil Conservation District</td>
<td>9</td>
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<td>11.8</td>
<td>Engineering plans</td>
<td>9</td>
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<td>11.9</td>
<td>Differential settlement avoidance</td>
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<td>Mandatory Roadway Improvements</td>
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RESOLUTION

IKEA Site Plan
20.9 Acre Lot

PLANNING BOARD
CITY OF ELIZABETH, NEW JERSEY

RESOLUTION NO. P-21-1994

WHEREAS, application has been made by IKEA CENTER URBAN RENEWAL, INC. (the "Applicant") with the consent of the owners of lands over which Applicant holds access easements or other interest, including IKEA Development Urban Renewal, Inc. and the Port Authority of New York and New Jersey (the "Port Authority") to the City of Elizabeth Planning Board (the "Board") for approval of a site plan for a 20.9 acre lot formed by the minor subdivision of Tax Account Number 1-1440 pursuant to Resolution No. P-11A-1994 (the "Lot") within an approved Planned Development for a tract located at Center Drive, a private street within the Port Authority Industrial Park at Elizabeth situated off of North Avenue East; and

WHEREAS, public hearings were held by the Board, after presentation of proper proof of publication and notice, on October 20, 1994, November 10, 1994, December 5, 1994 and January 9, 1995; and

WHEREAS, it was the decision of the Board to grant approval with conditions at the conclusion of public hearings and deliberation; and

WHEREAS, unanimous approval was given to a motion to approve on January 9, 1995 by Commissioner Urban, seconded by Commissioner Haas with the following members voting affirmatively Mayor Bollwage, Director Devaney, Councilwoman Perkins-Auguste, Commissioners Callinan, Haas, McCann, Urban, Vice-Chairman Ruane and Chairman Mellage with alternate members Caria and Ross also present but not casting votes; and

NOW, THEREFORE, BE IT RESOLVED, this 9th day of February 1995, that said action be memorialized by resolution of the Board with its findings and conclusions set forth in writing.

WHEREAS, the documents to control said development have been submitted for approval in the form of a Site Plan; and

[1] Applicant's Site Plan documents include but are not limited to the following:

1.1 COVER SHEET,
1.2 SITE PLAN,
1.3 GRADING AND UTILITY PLAN,
1.4 LANDSCAPE PLAN,
1.5 SITE LIGHTING, and
1.6 CONSTRUCTION DETAILS]

WHEREAS, the documents filed adequately describe the property and proposed development; and
The facts relating to this specific lot include but are not limited to the following:

2.1 Applicant is the prospective purchaser of this lot presently owned by the Port Authority; and

2.2 Site plan approval is required for new development of one building of 90,358 square feet with one tenant along with a second building of 190,000 square feet with six anticipated tenants.

2.3 Compliance with RC zoning requirements and design standards as modified by approved substitute standards has been demonstrated. The regular RC district standards are met throughout the planned development as follows: lot area required, at least three acres -- proposed, at least 4.1 acres; lot frontage required, at least 200 feet -- proposed, at least 325 feet; front yard required, at least 35 feet -- proposed, at least 51 feet; rear yard required, at least 20 feet -- proposed, at least 30 feet; side yard required, at least 20 feet -- proposed, at least 43 feet; principal building height required, no more than 160 feet -- proposed, 34 feet; accessory building height required, no more than 40 feet -- proposed, 34 feet; permitted uses required, major retail or large business offices -- proposed, major retail; accessory uses required, eating places, convenience retail, customary uses -- proposed, eating places, convenience retail, customary uses; conditional uses required, none -- proposed, none; and permitted signage required, C1 and C2 signs -- proposed, alternative standards under LDCO Section 40-116A(3)(c) [1][a].

2.4 In conjunction with its adoption of P-11B-1994, Resolution of Memorialization of the Minor Site Plan approval, the Board found that the circumstances of this development do not require that buildings to be constructed on the subject property be related to a street and provided that permits should issue for construction on the subject property pursuant to N.J.S.A. 40:55D-36 and LDCO Section 40-69 and that LDCO Section 40-102.6 waived subject to the conditions set forth in the Resolution P-11B-1994.

WHEREAS, a General Development Plan has been approved for the subject property and the Board in its memorializing resolution set forth relevant facts and findings which are restated herein verbatim [in italics];

WHEREAS, additional reports and details have been provided and entered into evidence; and

Applicant's exhibits include but are not limited to the following:

3.1 Exhibit A-7 - Site Access Information,
3.2 Exhibit A-8 - Off-Street Parking Analysis,
3.3 Exhibit A-9 - Garmsen Associates Traffic Impact Study,
3.4 Exhibit A-10 - N-JDEP Letter of Interpretation, Presence/Absence,
3.5 Exhibit A-11 - Existing Utility Capacities Report,
3.6 Exhibit A-12 - Geotechnical Report,
3.7 Exhibit A-13 - Storm Water Computations,
3.8 Exhibit A-14 - Sanitary Sewer Design Flow.
WHEREAS, testimony on behalf of the applicant was heard; and

Applicant's witnesses included the following:

4.1 Roy Perez-Daple, the President of the IKEA Center Urban Renewal, Inc.,
4.2 Myron Ronis, a representative of the Port Authority and the manager of Planning and Technical Services for the Regional Development Department of the Port Authority;
4.3 Rick Hegel, a representative of the Port Authority and the Manager of the Industrial Park at Elizabeth,
4.4 William Nessey, Chief of the City of Elizabeth Fire Department,
4.5 David Mendelson, a licensed professional traffic engineer and the President of Gammon Associates,
4.6 Braid Abou-Sabe, a registered landscape architect, with Holisington, Army, Constant, Bell, Maller, Inc.,
4.7 Richard Holisington, a licensed professional engineer and president of Holisington, Army, Constant, Bell, Maller, Inc., and
4.8 Philip B. Caton, a licensed professional planner and President of Clark, Caton and Hintz.

WHEREAS, objections to the application were made on behalf of Northern Real Estate, Instant Air Freight and WDG Leasing, (collectively the "Objectors"), and

Objectors' exhibits were as follows:
5.1 Exhibit 0-1 - Orth Rogers Traffic Report;
Resolution - IKEA 23.9 Acre Lot Site Plan

5.2 Exhibit 0.2 - Video Tape;
5.3 Exhibit 0.3 - Affidavit of Paul Colwell;
5.4 Exhibit 0.4 - Instant Air Freight Warehouse, Driveway No. 1 Traffic Counts; and
5.5 Exhibit 0.4A - Instant Air Freight Warehouse, Driveway No. 1 Truck Counts.

WHEREAS, objectors provided additional testimony; and

[6 Objector's witnesses were as follows:

6.1 Robert M. Rogers, a licensed professional engineer with Orth Rogers and Associates;
6.2 Gino Matrone, President of the Objector; and
6.3 P. David Zimmerman, a licensed professional planner.

WHEREAS, testimony and written reports were provided by various City officials and the City's planning consultant, Dennis W. Nudansko, PP, AICP of T&M Associates who provided reports dated January 9, 1992, October 13, 1994, and six reports dated July 27, 1994; and

WHEREAS, the Board finds the project to be well conceived and planned in consideration of the testimony at the hearings, the plans and documents submitted by the Applicant and the Objector, the City's Planning Consultant and other City officials; and

[7 The Board's general findings are summarized as follows:

7.1 The subject property's location is in the Port Authority's Industrial Park at Elizabeth. Situated in the meadow area of the City just east of the Newark International Airport near the New Jersey Turnpike Interchange 13A. An area of former landfill, much of the surrounding land is unimproved and under-utilized. Access to the property is from North Avenue by a private street known as Center Drive.

7.2 The land affected consists of three parcels and portions of other parcels as follows consisting of the 4.1 acre lot (the "4.1 Acre Lot") and the 20.9 acre lot (the "20.9 Acre Lot") formed by the minor subdivision of Tax Account Number 1-1449 (combined the "25 Acre Site"), Tax Account Number 1-1371 (a 21.25 acre lot containing the existing IKEA store) and portions of Tax Account No. 1-1411 and 1-1440 containing a portion of Center Drive, and certain common drainage facilities (collectively, "the Tract"). The Tract consists of approximately 52.21 acres.

7.3 Ownership interest in the Tract varies. The Tract includes property owned by the Applicant, of which the Applicant is the prospective purchaser (the "25 Acre Site"), property consisting of approximately 21.25 acres (Tax Account No. 1-1371) which includes the existing IKEA retail home furnishing store owned by IKEA Development Urban Renewal, Inc., a related company of the Applicant, and property (Tax Account No. 1-1411 & 1-1440) owned by the Port Authority over which the Applicant will hold easements for access, drainage and utilities.

7.4 Existing development includes the existing IKEA store, a large parking area, Center Drive and vacant land. The Tract is zoned M-3, but Tax Account No. 1-1371 was granted a use variance in 1938 for the IKEA store. Prior development efforts have logically culminated in the present proposal. The Port Authority has been previously unsuccessful in attracting Port related distribution or manufacturing to the 25 Acre Site primarily due to the fact that it is located on a former landfill which makes it difficult for prospective developers to obtain financing, and the Port Authority has declared the 25 Acre Site surplus property. The Port Authority concluded that the 25 Acre Site would be particularly well suited for retail development in light of the success of the existing IKEA store, and in the authorization of the sale of the 25 Acre Site to the Applicant, the Port Authority recognized that additional retail development in this area would result in a substantial benefit to the City of Elizabeth and the state by virtue of the creation of hundreds of jobs and the generation of significant tax revenues.

7.5 Proposed development would include 378,000 square feet of new retail and accessory uses on the 25 Acre Site. The complex will be configured as a "Power Center" occupied predominately by anchor stores (the "New Development"). Total retail development on the Tract (the "Project") will not exceed 700,000 square feet, including the existing IKEA store, and the IKEA
Plan is for total development of 643,000 square feet. The proposed New Development will consist of three buildings on two lots. The building of 90,358 square feet with one tenant is proposed along with a second building of 190,000 square feet and an expected six tenants on the 20.9 Acre Lot, and one building of 95,016 square feet with an expected two tenants for the 4.1 Acre Lot. The actual number of tenants will depend on the number of leases signed with the Applicant.

Integration of the shopping complex will be achieved by inter-linking pedestrian and vehicular circulation. The exterior of the new construction will harmonize visually with the existing IKEA store through the use of similar design features.

Eventual rezoning pursuant to the planned development option would redistrict the 25 Acre Site and the IKEA store site as GC - Regional Commercial pursuant to the Land Development Control Ordinance (the "LDCO") Sections 40-136 and 40-116.A. upon completion of the Project.

Access will be from Center Drive, a private road owned and maintained by the Port Authority, which already serves as the private street access to the IKEA Store (Tax Account No. 1-1371). Center Drive begins at North Avenue East at a four-way intersection with Kapkowski Road. North Avenue provides access from Exits 13-A and 14 of the New Jersey Turnpike and State Routes 1 and 9. These roadways link, in turn with other regional highways including Interstate Route 278 and 78.

Roadway improvements are planned to accommodate future growth of the surrounding area. The intersection of North Avenue East and Kapkowski Road/Center Drive is proposed to be improved in conjunction with plans of the Port Authority (the "Port Authority Road Improvements"). North Avenue will be widened by adding an additional lane to each of the bridges that cross both the New Jersey Turnpike and Conrail tracks and that widening will continue along North Avenue to a point directly north of the North Avenue and Center Drive/Kapkowski Road intersection, where a seventh lane will be created so that there will be four lanes on the east bound of North Avenue and three lanes west bound of North Avenue. The Port Authority Road improvements are comprised of four phases that are scheduled to begin concurrently in August 1995 and consist of the widening of North Avenue and Center Drive and the reconfiguration of McLeester Street (scheduled for completion in April 1996), improvement of the approach to the bridges over the Turnpike and the Conrail tracks (scheduled for completion in June 1996), improvement of the approach to the bridges over the Turnpike and Conrail tracks (scheduled for completion in April 1996) and the widening of the bridges over the Turnpike and Conrail tracks (scheduled for completion in February 1997).

Accommodation of applicant's traffic is within the capacity of the planned roadway improvements. The Applicant submitted a Traffic Impact Study prepared by Garsen Associates and David Mendelson, President of Garsen Associates. The report states, and Mr. Mendelson testified, that the Port Authority Road Improvements are in excess of what is required to accommodate the additional traffic that will be generated by the proposed New Development under the Port Authority Road Improvement Report and the testimony of New Development in the Tract. The Garsen Associates Report and the testimony of David Mendelson were consistent with the testimony of Myron RonSh of the Port Authority regarding the traffic studies conducted on behalf of the Port Authority and the concomitant road improvements planned by the Port Authority. The Port Authority Road Improvement Report and the traffic studies prepared by Volmer Associates, which were based on the assumption that the 25 Acre Site would be developed for a retail use and on the assumption that additional development would take place in the area as permitted under existing zoning and assumed background growth. Projections were made to the year 2000.

Mandatory roadway improvements which are essential to support the Project will be in place prior to the opening of the New Development. According to David Mendelson's testimony and the Garsen Associates Report, the only road improvements that must be completed to accommodate the proposed New Development in the Tract are the widening of Center Drive to four lanes, the intersection improvements at North Avenue and Center Drive and the re-signification of the North Avenue and Center Drive/Kapkowski Road intersection as depicted in Figure 5 of the Garsen Associates Traffic Study (the "Mandatory Roadway Improvements"). Center Drive intersects with North Avenue East, a four lane road under Elizabeth's Jurisdiction but maintained by the Port Authority. The intersection is signalized. The southern leg of the Authority. The intersection is signalized. The southern leg of the Authority. The intersection is signalized. The southern leg of the Authority. The intersection is signalized. The southern leg of the Authority. The intersection is signalized. The southern leg of the Port Authority Road Improvements to four lanes. At the intersection, North Avenue is currently widened to five lanes to permit reconstruction under the Port Authority Road Improvements to four lanes. At the intersection, North Avenue is currently widened to five lanes to permit

Resolution - IKEA 25 Acre Lot

Site Plan
left hand turns from eastbound traffic to Center Drive. As part of the Port Authority Road Improvements, the intersection of Center Drive with North Avenue will be widened to permit double left hand turning eastbound traffic onto Center Drive. The proposed improvements will replace prior provisions resulting from the original Zoning Board approval. The intersection improvements are expected to coincide with the opening of the proposed New Development. Testimony has been provided to the effect that the traffic movements will operate at acceptable levels of service.

7.13 Objection's contentions challenging the findings and conclusions of other traffic experts have been carefully considered but found to lack sufficient credibility. The Board considered the Ort's report and the testimony of Mr. Rogers to be more credible than that of others. They are fundamentally inconsistent with that of Hyon Ronis on behalf of the Port Authority, Volker Associates, Raymond Noyes Associates, and Garsen Associates. The City's consultant, TAM Associates, concluded that the assumptions employed by Ort Rogers fail to take into consideration local circumstances which have a direct bearing on any evacuation and instead have value only in a theoretical sense. The Board finds the opinions and conclusions in the Garsen Associates' Report, as revised and the expert testimony of David Mandelson, President of Garsen Associates, to be conclusive and credible. In addition to the Traffic Impact Report, two other traffic reports, the December 1993 report prepared by Garsen Associates and the report prepared by Raymond Keyed Associates, conclude that the Port Authority Road Improvements are sufficient to accommodate the additional development in the Tract plus significant other new development in the area.

7.14 Applicant's share of improvement costs has been negotiated through the Port Authority. The projected cost of the Port Authority Road Improvements is estimated to be $13,000,000. The Port Authority has authorized $5,000,000 of funding, the New Jersey Department of Transportation has appropriated $3,000,000 of funding and the Applicant will contribute $5,000,000 for design and construction of such improvements.

7.15 Emergency access to the Tract is adequate for alternative emergency access and evacuation and is to be provided via a private road owned and maintained by the Port Authority. This roadway leading to Bay Avenue was specifically designed for ingress and egress of emergency vehicles to the Industrial Park and to the City of Elizabeth Police, Fire, Rescue and Ambulance squads. The Chief of the City of Elizabeth Fire Department has examined the emergency access route and testified as to its sufficiency for emergency vehicles in the event access from Center Drive and North Avenue might be blocked.

7.16 Objection's contentions challenging the findings and conclusions of other planning experts have been carefully considered but found to lack sufficient credibility. The Board considered the testimony of P. David Zimmen, President of Garsen Associates, to be conclusive and credible. They are fundamentally inconsistent with that of Philip A. Camp, planner testifying on behalf of the Applicant and that of Dennis W. Hudak, planner testifying on behalf of the City's planning consultant. Mr. Zimmen failed to examine all of the documents comprising the City's master plan and his conclusions could not be documented confirming the Applicant's assertion.

WHEREAS, the Board finds that the physical design is adequate for the new development and provides for public services, circulation, light and air, recreation, and visual enjoyment.

The physical design findings are summarized as follows:

6.1 Public services and utilities are currently available to the Tract. Reports prepared on behalf of the applicant demonstrate the existence of adequate capacity to permit the proposed New Development. The Port Authority will provide for the use of common drainage facilities, permanent and perpetual non-exclusive easements to connect to Port Authority utilities and services, including transformers, meters, utility lines, pipes or conduits and to the sewage lift station to service the Project.

6.2 Circulation has been designed to permit safe and convenient vehicular and pedestrian use of the Project. Entry to the Project is by Center Drive which is the Applicant has designated byes, with median barrier islands. Traffic will be further channelled by curb barrier islands.
along the major entrances. Truck traffic will be segregated from passenger vehicle circulation by separate entrances and routes to loading and unloading areas. No parking will be permitted directly in front of stores for fire access and pedestrian safety purposes, though pickup and drop-off areas outside of the travel lanes will be provided. An emergency and evacuation route provides a second point of access/egress. Pedestrian circulation throughout the project will be linked at key points by marked crosswalks.

8.3 Parking will be adequate. The general parking requirements as set forth in LDCO Section 40-133 require one parking space for every 300 square feet of retail space and one space for each 1,400 square feet of warehouse space. With the present IKEA store containing 200,000 square feet of warehouse space and the proposed New Development of 375,414 square feet, the total number of parking spaces required under LDCO Section 40-133 is 1,957 spaces. Total parking proposed is 2,357 spaces, consisting of an existing 1,757 and an additional 1,220 to be constructed. This exceeds the required number of parking spaces by 500 or 50.36%, which is consistent with the quantity (approximately 1 space per 200 square feet) as appropriate for a retail store in this location.

8.4 Light and air will be adequately provided for with no prospect of unhealthy conditions. The proposed buildings in the New Development are all proposed to be single story buildings separated from each other by substantial horizontal distances. The closest distance between buildings is about 320 feet. The low height of the buildings and the physical separation ensure that no impairment to light or air would occur from the proposed development.

8.5 Recreational facilities are not proposed or required. The present scale of the Project does not warrant mandating on-site recreation for users and occupants of the proposed development and the size of the Tract does not allow for inclusion of any sizable public facility.

8.6 Visual enjoyment will be increased by the Project. The area had been used as landfill and is currently vacant and surrounded by industrial uses where functionality rather than aesthetics has been the prime consideration. The development will provide visual variety to the landscape through complementary building materials, innovative design, and color. Further, the development will be well landscaped, contrasting with the present lack of vegetation.

WHEREAS approval of substitute standards was granted pursuant to LDCO Section 40-116.F.A.(3)(c)(1). [9 The approved substitute standards are recited verbatim as they appeared in the GDP approval resolution as follows:

9.1 Deed restricted parking provisions of LDCO Section 40-130.C. shall be modified to eliminate reference to ownership.

9.2 Parking stall and aisle dimensions of LDCO Section 40-105.A.12. shall be modified to include standards published by The Institute for Transportation Engineers provided that an additional one and one-half (1-1/2) feet of stall width be provided adjacent to curbed safety islands and other raised structures to facilitate access by pedestrians and vehicles.

9.3 Signage provisions shall be substituted for the C-1 and C-2 district provisions as follows:

A. One freestanding planned development sign oriented toward a limited access highway. The sign may not exceed a height of 75 feet, nor be closer than 25 feet to any right-of-way line. The display area must be at least 25 feet above ground level. The size of the sign may not exceed 50 feet in a horizontal dimension or 50 feet in a vertical dimension. Such sign may be internally illuminated. The sign may be a ladder sign made of individual panels and may indicate major tenants of the planned development.

B. One freestanding sign per building located at a driveway entry. The sign may not exceed 35 feet in height nor be located closer than 10 feet to a property line. The display area must be at least 15 feet above ground level when projecting over a vehicular area. The size may not exceed 12 feet in a vertical dimension or 20 feet in a horizontal dimension (300 square feet). Such sign may be ladder
signs and may be internally illuminated.

C. Facade mounted business signs as provided for in the C-1 and C-2 districts except that the permitted area of such signs shall be limited to four (4) square feet of sign area per linear foot of building frontage without regard to the existence of street frontage.
No facade mounted sign shall exceed 750 square feet in total area.

9.4 Curbing requirements of LDCO Section 40-105.E(i) shall be modified to eliminate required curbing for safety islands at the remote end of parking bays.

9.5 Safety island requirements of LDCO Section 40-105.D. shall be modified to specify a minimum seven (7) foot width.

9.6 Parking surface pavement standards of LDCO Section 40-105.G. shall be modified to allow up to 10% of the parking area to be surfaced with alternative materials in peak overflow parking areas.

9.7 Lighting standard heights of LDCO Section 40-106.C.(2)(h) shall be modified to limit heights in parking areas to a maximum of 50 feet.

9.8 Sight triangle standards will be established for on-site vehicular and pedestrian traffic intersections with legs as follows: seven feet (7') along the side of an intersecting parking aisle or driveway and three feet (3') along the side of an intersecting pedestrian walkways. Sight triangles may contain no visual obstructions between the heights of three (3') feet and six (6') feet.

WHEREAS, the Board finds that the Application meets all of the requirements of LDCO Section 40-89; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that in consideration of the above findings, it be and is, the action of the Planning Board of the City of Elizabeth that the Applicant be granted approval of the proposed Site Plan; and

BE IT FURTHER RESOLVED, that said approval be granted for a period of seven (7) years; and

BE IT FURTHER RESOLVED, that said approval be subject to specific conditions and modifications.

[10 The required modifications to perfect the preliminary site plan approval are summarized as follows:

10.1 Union County Planning Board approval or exemption.

10.2 Development agreement execution.

10.3 Differential settlement avoidance techniques requirement to be noted on the preliminary site plans as outlined in the Melick-Tully Report (ramps in lieu of stairs, minimizing use of pipes in pavement areas, use of flexible connections or large sleeves where utilities enter buildings).

10.4 Buried channel aquifer evaluation and approval by NJDEP requirement to be noted on the site plan for all pile field penetration or excavation.

10.5 Noise amelioration techniques requirement to be noted on the site plan for incorporation in all building and landscape designs to attenuate aircraft noise.

[11 The conditions to be satisfied prior to approval of the final site plan are summarized as follows:
Submission of final plans meeting the LDCO requirements for final approval and consistent with the Planning Report ¶6 Technical Appendix dated July 27, 1994.

Certifications showing no municipal liens or unsatisfied financial obligations in existence.

Inclusion of low level shrub planting along Center Drive on plans.

Inclusion of traffic slowing features along building frontage drive.

Inclusion of sanitary sewer ejector pumps.

Prior subdivision conditions satisfied providing for an adequate replacement turn-around area in compliance with code required 50 foot turning radius for Center Drive.

Somerset-Union Soil Conservation District approval of soil erosion control plans.

Engineering plans and schedules approved for the Mandatory Roadway Improvements.

Differential settlement avoidance techniques requirement to be incorporated in final site plans.

Buried channel aquifer evaluation and approval by NJDEP to be obtained for all pile field penetration or excavation.

Noise amelioration techniques are to be incorporated in all building and landscape designs to attenuate aircraft noise.

The conditions subsequent to final site plan approval are summarized as follows:

Occupancy or use of any building or structure to await completion of the Mandatory Roadway Improvements.
I hereby certify that the attached document is a true copy of the resolution adopted by the Planning Board of the City of Elizabeth, New Jersey, at its special meeting held on February 23, 1995.

[Signature]

Lawrence M. Finn, III,
Clerk, Planning Board
RESOLUTION

IKEA Amended Preliminary Site Plan
20.9 Acre Lot
Substitution of Single-tenant Box
and Final Site Plan Approval

PLANNING BOARD

CITY OF ELIZABETH, NEW JERSEY

AMENDED RESOLUTION NO. P-21-1994

WHEREAS, an application for approval of a revised preliminary site plan has been made by IKEA CENTER URBAN RENEWAL, INC. to the City of Elizabeth Planning Board for the 20.9 acre lot previously granted approval pursuant to Resolution No. P-21-1994 as part of an approved Planned Development within the Port Authority Industrial Park at Elizabeth situated off of North Avenue East; and

WHEREAS, public hearings were held by the Board, after presentation of proper proof of publication and notice, on May 11, 1995; and

WHEREAS, the Board finds that the revised site plan substitutes a large single tenant "box" for a multi-tenant "strip" and includes appropriate changes in the layout of other improvements; and

WHEREAS, the Board finds that the revised site plan meets all of the requirements of LDCO Section 40-89; and

WHEREAS, it was the decision of the Board to allow substitution of the revised layout and site plans at the conclusion of public hearings and deliberation; and

NOW, THEREFORE, BE IT RESOLVED, that in consideration of the above findings, it be and is, the action of the Planning Board of the City of Elizabeth that the revised layout and site plans be substituted with all rights, obligations and conditions previously established and further provided that prior conditions precedent to final approval be made a condition of affixing the required signatures to the plans; that condition 11.8 relating to engineering designs be struck; and that the developers agreement be made a condition only for the release of building permits all subject revising the plans to increasing the pedestrian area illumination minimum to 150% of the parking area minimum; and

BE IT FURTHER RESOLVED, that Final Site Plan approval is hereby granted subject to receipt of the planning consultants verification of applicant's attestations on DCP forms 24, 25 and 26 after which the signatures of the chairman and secretary be affixed to the plans.
RESOLUTION

IKEA Site Plan
4.1 Acre Lot

PLANNING BOARD

CITY OF ELIZABETH, NEW JERSEY

RESOLUTION NO. P-22-1994
WHEREAS, application has been made by IKEA CENTER URBAN RENEWAL, INC.

WHEREAS, public hearings were held by the Board

WHEREAS, it was the decision of the Board to grant approval with conditions

WHEREAS, unanimous approval was given to a motion to approve

NOW, THEREFORE, BE IT RESOLVED, this 9th day of February 1995, that said action be memorialized

WHEREAS, the documents to control said development have been submitted for approval

1 Applicant's Site Plan documents

WHEREAS, the documents filed adequately describe the property and proposed development

2 The facts relating to this specific lot
2.1 Applicant is the prospective purchaser
2.2 A shared parking arrangement is proposed
2.3 Site plan approval is required for new development consisting of a 95,016 square foot building that will contain an expected two retail tenants and formation of the shared parking
2.4 Compliance with RC zoning requirements

WHEREAS, a General Development Plan has been approved for the subject property and the Board in its memorializing resolution set forth relevant facts and findings which are restated herein verbatim (in italics)

WHEREAS, additional reports and details have been provided

3 Applicant's exhibits

WHEREAS, testimony on behalf of the applicant was heard

4 Applicant's witnesses

WHEREAS, objections to the application were made on behalf of Northern Real Estate, Instant Air Freight and VG&G Leasing

WHEREAS, objectors provided additional information

5 Objector's exhibits

WHEREAS, objectors provided additional testimony

6 Objector's witnesses

WHEREAS, testimony and written reports were provided by various City officials and the City's planning consultant

WHEREAS, the Board finds the project to be well conceived and planned

7 The Board's general findings
7.1 The subject property's location
7.2 The land affected
7.3 Ownership interest
7.4 Existing development
7.5 Prior development efforts
7.6 Proposed development
Integration of the shopping complex
Eventual rezoning
Access
Roadway improvements
Accommodation of applicant's traffic
Mandatory roadway improvements
Objector's contentions challenging the findings and conclusions of other traffic experts
Applicant's share of improvement costs
Objector's contentions challenging the findings and conclusions of other planning experts
WHEREAS, the Board finds that the physical design is adequate
Public services and utilities
Circulation
Parking
Light and air
Recreational facilities
Visual enjoyment
WHEREAS approval of substitute standards was granted
Deed restricted parking provisions of LDCO Section 40-130.C
Parking stall and aisle dimensions
Signage
Curbing requirements of LDCO Section 40-105.B(1)
Safety island requirements of LDCO Section 40-105.D
Parking surface pavement standards of LDCO Section 40-105.G
Lighting standard heights of LDCO Section 40-106.C(2)(b)
Sight triangle standards
WHEREAS, the Board finds that the Application meets all of the requirements of LDCO Section 40-89
NOW, THEREFORE, BE IT FURTHER RESOLVED, that in consideration of the above findings, it be and is, the action of the Planning Board of the City of Elizabeth that the Applicant be granted approval
BE IT FURTHER RESOLVED, that said approval be granted for a period of seven (7) years
BE IT FURTHER RESOLVED, that said approval be subject to specific conditions and modifications
The required modifications to perfect the preliminary site plan approval
Union County Planning Board
Development agreement execution
Differential settlement avoidance
Buried channel aquifer
Noise amelioration
The conditions to be satisfied prior to approval of the final site plan
Submission of final plans
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<th>Certifications showing no municipal liens</th>
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<td>11.3</td>
<td>Inclusion of low level shrub planting</td>
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<td>Engineering plans</td>
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<td>11.7</td>
<td>Differential settlement avoidance</td>
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<td>11.8</td>
<td>Buried channel aquifer</td>
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<td>Noise amelioration</td>
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The conditions subsequent to final site plan approval

| 12.1  | Occupancy                               | 9 |
WHEREAS, application has been made by IKEA CENTER URBAN RENEWAL, INC. (the “Applicant”) with the consent of the owners of lands over which Applicant holds access easements or other interest, including IKEA Development Urban Renewal, Inc. and the Port Authority of New York and New Jersey (the "Port Authority") to the City of Elizabeth Planning Board (the "Board") for approval of a site plan for a 4.1 acre lot formed by the minor subdivision of Tax Account Number 1-1440 pursuant to Resolution No. P-11A-1994 (the "Lot") within an approved Planned Development for a tract located at Center Drive, a private street within the Port Authority Industrial Park at Elizabeth situated off of North Avenue East; and

WHEREAS, public hearings were held by the Board, after presentation of proper proof of publication and notice, on October 20, 1994, November 10, 1994, December 5, 1994 and January 9, 1995; and

WHEREAS, it was the decision of the Board to grant approval with conditions at the conclusion of public hearings and deliberation; and

WHEREAS, unanimous approval was given to a motion to approve on January 9, 1995 by Commissioner McCann, seconded by Commissioner Urban with the following members voting affirmatively Mayor Bollwage, Director Devanney, Councilwoman Perkins-Auguste, Commissioners Callinan, Haas, McCann, Urban, Vice-Chairman Ruane and Chairman Mellage with alternate members Caria and Ross also present but not casting votes; and

NOW, THEREFORE, BE IT RESOLVED, this 9th day of February 1995, that said action be memorialized by resolution of the Board with its findings and conclusions set forth in writing.

WHEREAS, the documents to control said development have been submitted for approval in the form of a Site Plan; and

1. Applicant's Site Plan documents include but are not limited to the following:
   1.1 COVER SHEET,
   1.2 SITE PLAN,
   1.3 GRADING AND UTILITY PLAN,
   1.4 LANDSCAPE PLAN,
   1.5 SITE LIGHTING, and
   1.6 CONSTRUCTION DETAILS

WHEREAS, the documents filed adequately describe the property and proposed development; and
The facts relating to this specific lot include but are not limited to the following:

2.1 Applicant is the prospective purchaser of this lot presently owned by the Port Authority; and

2.2 A shared parking arrangement is proposed between the Lot and the 21.25 acre lot to the immediate north (Tax Account Number 1-1371, the existing IKEA store). The Lot has sufficient room for 47 parking spaces. The IKEA store parking lot has substantially more spaces than required under the LDCO. The shared parking lot will provide 751 parking spaces in excess of the 1,033 spaces required by ordinance for the new building on the Lot and the existing IKEA store. The Applicant intends to permit customers for any of the stores to use parking lots associated with other retail buildings in the complex through reciprocal cross easements. Proposed parking for the entire GDP Tract, including the existing IKEA store, is 2,957 parking spaces, while the LDCO requirement is only 1,967 parking spaces. The Applicant proposes that all parking within the GDP Tract is available to be used by visitors of any of the buildings within the GDP Tract by virtue of reciprocal easements; and

2.3 Site plan approval is required for new development consisting of a 95,016 square foot building that will contain an expected two retail tenants and formation of the shared parking.

2.4 Compliance with RC zoning requirements and design standards as modified by approved substitute standards has been demonstrated. The regular RC district standards are met throughout the planned development as follows: lot area required, at least three acres -- proposed, at least 4.1 acres; lot frontage required, at least 200 feet -- proposed, at least 325 feet; front yard required, at least 35 feet -- proposed, at least 51 feet; rear yard required, at least 20 feet -- proposed, at least 30 feet; side yard required, at least 20 feet -- proposed, at least 43 feet; principal building height required, no more than 150 feet -- proposed, 34 feet; accessory building height required, no more than 40 feet -- proposed, 34 feet; permitted uses required, major retail or large business offices -- proposed, major retail; accessory uses required, eating places, convenience retail, customary uses -- proposed, eating places, convenience retail, customary uses; conditional uses required, none -- proposed, none; and permitted signage required, C1 and C2 signs -- proposed, alternative standards under LDCO Section 40-116A(3)(c)(1)(a).

2.5 In conjunction with its adoption of P-11B-1994, Resolution of Memorialization of the minor subdivision approval, the Board found that the circumstances of this development do not require that buildings to be constructed on the subject property be related to a street and provided that permits should issue for construction on the subject property pursuant to N.J.S.A. 40:55D-5 and LDCO Section 40-69 and that LDCO Section 40-102.8 waived subject to the conditions set forth in the Resolution P-11B-1994.

WHEREAS, a General Development Plan has been approved for the subject property and the Board in its memorializing resolution set forth relevant
facts and findings which are restated herein verbatim (in italics);

WHEREAS, additional reports and details have been provided and entered into evidence; and

Applicant’s exhibits include but are not limited to the following:

1.1 Exhibit A-7 - Site Access Information,
1.2 Exhibit A-8 - Off-Street Parking Analysis,
1.3 Exhibit A-9 - Garman Associates Traffic Impact Study,
1.4 Exhibit A-10 - NDEP Letter of Interpretation, Presence/Absence,
1.5 Exhibit A-11 - Existing Utility Capacities Report,
1.6 Exhibit A-12 - Geotechnical Report,
1.7 Exhibit A-13 - Storm Water Computations,
1.8 Exhibit A-14 - Sanitary Sewer Design Flows,
1.9 Exhibit A-15 - Composite Site Plan,
1.10 Exhibit A-16 - Proposed Port Authority Traffic Plan,
1.11 Exhibit A-17 - Revised GDP Land Use Plan,
1.12 Exhibit A-18 - Sign Design Sheet,
1.13 Exhibit A-19 - Proposed Port Authority Improvements,
1.14 Exhibit A-20 - Revised GDP Circulation Plan,
1.15 Exhibit A-21 - Revised GDP Utilities/Public Service Plan,
1.16 Exhibit A-22 - Revised Environmental Inventory Plan,
1.17 Exhibit A-23 - Exhibit Board C-2.31,
1.18 Exhibit A-24 - Exhibit Board C-2.32,
1.19 Exhibit A-25 - Exhibit Board C-2.33,
1.20 Exhibit A-26 - Elevation C-1.30,
1.21 Exhibit A-27 - Revised Garman Associates Traffic Impact Study,
1.23 Exhibit A-29 - May 17 and 20, 1994 Memo re: Volmer Traffic Report,
1.24 Exhibit A-30 - December 1991 Volmer Traffic Report,
1.25 Exhibit A-31 - Planning Report prepared by Philip B. Caton,
1.26 Exhibit A-32 - Sign Perspective,
1.27 Exhibit A-33 - Revised Utilities Capacity Report (update Exhibit 12), and
1.28 Memorandum of understanding between the Port Authority of New York and New Jersey (the "Port Authority") and NDEP.

WHEREAS, testimony on behalf of the applicant was heard; and

Applicant’s witnesses included the following:

4.1 Roy Perez-Daple, the President of the IKEA Center Urban Renewal, Inc.,
4.2 Myron Ronis, a representative of the Port Authority and the manager of Planning and Technical Services for the Regional Development Department of the Port Authority,
4.3 Rick Wedel, a representative of the Port Authority and the Manager of the Industrial Park at Elizabeth,
4.4 William Nealy, Chief of the City of Elizabeth Fire Department.
4.5 David Henderson, a licensed professional traffic engineer and the President of Garment Associates.
4.6 Emad Abou-Saba, a registered landscape architect, with Hoisington, Amy, Constant, Bell, Maller, Inc.
4.7 Richard Hoisington, a licensed professional engineer and president of Hoisington, Amy, Constant, Bell, Maller, Inc., and
4.8 Philip B. Caten, a licensed professional planner and President of Clark, Caten and Hinz.

WHEREAS, objections to the application were made on behalf of Northern Real Estate, Instant Air Freight and VGS&G Leasing, (collectively the "Objectors"); and

WHEREAS, objectors provided additional information which was entered into evidence; and

5 Objector’s exhibits were as follows:
5.1 Exhibit 0-1 - Orth Rogers Traffic Report;
5.2 Exhibit 0-2 - Video Tape;
5.3 Exhibit 0-3 - Affidavit of Paul Colwell;
5.4 Exhibit 0-4 - Instant Air Freight Warehouse, Driveway No. 1 Traffic Counts;
and
5.5 Exhibit 0-4A - Instant Air Freight Warehouse, Driveway No. 1 Truck Counts

WHEREAS, objectors provided additional testimony; and

6 Objector’s witnesses were as follows:
6.1 Robert M. Rogers, a licensed professional engineer with Orth Rogers and Associates;
6.2 Gino Matteo, President of the Objector; and
6.3 P. David Zimmerman, a licensed professional planner.

WHEREAS, testimony and written reports were provided by various City officials and the City’s planning consultant, Dennis M. Hudacsko, PP, AICP of T&M Associates who provided reports dated January 9, 1995, October 13, 1994, and six reports dated July 27, 1994; and

WHEREAS, the Board finds the project to be well conceived and planned in consideration of the testimony at the hearings, the plans and documents submitted by the Applicant and the Objector, the City’s Planning Consultant and other City officials; and

7 The Board’s general findings are summarized as follows:

7.1 The subject property’s location is in the Port Authority’s Industrial Park at Elizabeth. Situated in the meadow area of the City just east of the Newark International Airport near the New Jersey Turnpike Interchange 13A. An area of former landfill, much of the surrounding land is unimproved and under-utilized. Access to the property is from North Avenue by a private street known as Center Drive.

7.2 The land affected consists of three parcels and portions of other parcels as follows consisting of the 4.1 acre lot (the "4.1 Acre Lot") and the 20.9 acre lot (the "20.9 Acre Lot") formed by the minor subdivision of Tax Account Number 1-1440 (combined the "25 Acre Site"), Tax Account Number 1-1371 (a 21.25 acre lot containing the existing IKEA store) and portions of Tax Account No. 1-1411 and 1-1440 containing a portion of Center Drive, and certain common drainage facilities (collectively, "the Tract"). The Tract consists of approximately 59.21 acres.

7.3 Ownership interest in the Tract varies. The Tract includes property owned by the Port Authority, of which the Applicant is the prospective purchaser (the "25 Acre Site"), property consisting of approximately 21.25 acres (Tax Account No. 1-1440) owned by the Port Authority over which the Applicant will hold easements for access, drainage and utilities.
Resoulation - IKEA 4.1 Acre Lot

Site Plan

7.4 Existing development includes the existing IKEA store, a large parking area, Center Drive and vacant land. The UDP Tract is zoned M-3, but Tax Account No. 1-1371 was granted a use variance in 1988 for the IKEA store.

7.5 Prior development efforts have logically culminated in the present proposal. The Port Authority has been previously unsuccessful in attracting Port related distribution or manufacturing to the 25 Acre Site primarily due to the fact that it is located on a former landfill which makes it difficult for prospective developers to obtain financing, and the Port Authority has declared the 25 Acre Site surplus property. The Port Authority concluded that the 25 Acre Site would be particularly well suited for retail development in light of the success of the existing IKEA store, and in the authorization of the sale of the 25 Acre Site to the Applicant, the Port Authority recognized that additional retail development in this area would result in a substantial benefit to the City of Elizabeth and the State by virtue of the creation of hundreds of jobs and the generation of significant tax revenue.

7.6 Proposed development would include 375,000 square feet of new retail and accessory uses on the 25 Acre Site. The complex will be configured as a "Power Center" occupied predominately by anchor stores (the "New Development"). Total retail development on the Tract (the "Project") will not exceed 700,000 square feet, including the existing IKEA store, and the IKEA Plan is for total development of 643,000 square feet. The proposed New Development will consist of three buildings on two lots. One building of 90,359 square feet with one tenant is proposed along with a second building of 190,000 square feet and an expected six tenants on the 20.9 Acre Lot, and one building of 95,016 square feet with an expected two tenants is proposed for the 4.1 Acre Lot. The actual number of tenants will depend on the number of leases signed with the Applicant.

7.7 Integration of the shopping complex will be achieved by inter-linking pedestrian and vehicular circulation. The exterior of the new construction will harmonize visually with the existing IKEA store through the use of similar design features.

7.8 Eventual rezoning pursuant to the planned development option would redistrict the 25 Acre Site and the IKEA store site as RC - Regional Commercial pursuant to the Land Development Control Ordinance (the "LDCO") Sections 40-136 and 40-116A. upon completion of the Project.

7.9 Access will be from Center Drive, a private road owned and maintained by the Port Authority, which already serves as the private street access to the IKEA Store (Tax Account No. 1-1371). Center Drive begins at North Avenue East at a four-way intersection with Kapkowski Road. North Avenue provides access from Exits 13-A and 14 of the New Jersey Turnpike and State Routes 1 and 9. These roadways link, in turn with other regional highways including Interstate Route 270 and 78.

7.10 Roadway improvements are planned to accommodate future growth of the surrounding area. The intersection of North Avenue East and Kapkowski Road (Center Drive) is proposed to be improved in conjunction with plans of the Port Authority (the "Port Authority Road Improvements"). North Avenue will be widened by adding an additional lane to each of the bridges that cross both the New Jersey Turnpike and Conrail tracks and that widening will continue along North Avenue to a point directly north of the North Avenue and Center Drive/Kapkowski Road intersection, where a seventh lane will be created so that there will be four lanes on the east bound of North Avenue and three lanes west bound of North Avenue. The Port Authority Road Improvements are comprised of four phases that are scheduled to begin concurrently in August 1995 and consist of the widening of North Avenue and Center Drive and the reconfiguration of Mcleaster Street (scheduled for completion in April 1996), improvement of the approach to the bridges over the Turnpike and the Conrail tracks (scheduled for completion in June 1996), improvement of the approach to the bridges over the Turnpike and Conrail tracks (scheduled for completion in April 1996) and the widening of the bridge over the Turnpike and Conrail tracks (scheduled for completion in February 1997).

7.11 Accommodation of applicant's traffic is within the capacity of the planned roadway improvements. The Applicant submitted a Traffic Impact Study prepared by Garman Associates and David Mandelson, President of Garman Associates by Garman Associates and David Mandelson, President of Garman Associates and testified as to the ability of the road system to accommodate the traffic to be generated by the Project. The report states, and Mr. Mandelson testified, that the Port Authority Road Improvements are in excess of what is required to accommodate the additional traffic that will be generated by the proposed New Development in the Tract. The Garman Associates Report and the testimony of David Mandelson were consistent with the testimony of Myron Ronis of the Port Authority regarding the traffic studies conducted on behalf of the Port Authority.
Authority, regarding the conclusions of the Port Authority and the concomitant road improvements planned by the Port Authority. The Port Authority Road Improvements were designed based upon traffic studies prepared by Volmer Associates, which were based on the assumption that the 25 Acre Site would be developed for a retail use and on the assumption that additional development would take place in the area as permitted under existing zoning and assumed background growth. Projections were made to the year 2000.

7.12 Mandatory roadway improvements which are essential to support the Project will be in place prior to the opening of the New Development. According to David Mendelson's testimony and the Garman Associates Report, the only road improvements that must be completed to accommodate the proposed New Development in the Tract are the widening of Center Drive to four lanes, the intersection improvements at North Avenue and Center Drive and the realignment of the North Avenue and Center Drive/Kapkowski Road intersection as depicted in Figure 3 of the Garman Associates Traffic Study (the 'Mandatory Roadway Improvements'). Center Drive intersects with North Avenue east of a four lane road under Elizabeth's jurisdiction but maintained by the Port Authority. The intersection is signalized. The southern leg of the intersection is Kapkowski Road, the opening of which is proposed for reconstruction under the Port Authority Road Improvements to four lanes. At the intersection, North Avenue is currently widened to five lanes to permit left hand turns from eastbound traffic to Center Drive. As part of the Port Authority Road Improvements, the intersection of Center Drive with North Avenue will be widened to permit double left hand turning eastbound movements onto Center Drive. The proposed improvements will replace prior provisions resulting from the original Zoning Board approval. The intersection improvements are expected to coincide with the opening of the proposed New Development. Testimony has been provided to the effect that the traffic movements will operate at acceptable levels of service.

7.13 Objector's contentions challenging the findings and conclusions of other traffic experts have been carefully considered but found to lack sufficient credibility. The Board considered the Orth Rogers Traffic Report and the testimony of Robert M. Rogers, but does not find the conclusions and opinions of the Orth Rogers report and the testimony of Mr. Rogers to be more credible than that of others. They are fundamentally inconsistent with that of Myron Ronis on behalf of the Port Authority, Volmer Associates, Raymond Keyes Associates, and Garman Associates. The City's consultant, TMM Associates, concluded that the assumptions employed by Orth Rogers fail to take into consideration local circumstances which have a direct bearing on any conclusions and are therefore less reflective of the actual situation under consideration and instead have value only in a theoretical sense. The Board finds the opinions and conclusions in the Garman Associates' Report, as revised and the expert testimony of David Mendelson, President of Garman Associates to be conclusive and credible. In addition to the Traffic Impact Study prepared by Garman Associates, two other traffic reports, the December 1991 report prepared by Volmer Associates and the report prepared by Raymond Keyes Associates, conclude that the Port Authority Road Improvements are sufficient to accommodate the 375,000 square feet of additional development in the Tract plus significant other new development in the area.

7.14 Applicant's share of improvement costs has been negotiated through the Port Authority. The projected cost of the Port Authority Road Improvements is estimated to be $12,000,000. The Port Authority has authorized $5,000,000 of funding, the New Jersey Department of Transportation has appropriated $6,000,000 of funding and the Applicant will contribute $1,000,000 for design and construction of such improvements.

7.15 Emergency access to the Tract is adequate for alternative emergency access and evacuation and is to be provided via a private road owned and maintained by the Port Authority. This roadway leading to Bay Avenue was specifically designed for ingress and egress of emergency vehicles to the Industrial Park at Elizabeth. Access is available to the City of Elizabeth Police, Fire, rescue and ambulance squads. The Chief of the City of Elizabeth Fire Department has examined the emergency access route and testified as to its sufficiency for fire trucks and other emergency vehicles in the event access from Center Drive and North Avenue might be blocked.

7.16 Objector's contentions challenging the findings and conclusions of other planning experts have been carefully considered but found to lack sufficient credibility. The Board considered the testimony of P. David Zimmerman, Objector's planner, but does not find his conclusions or opinions to be credible. They are fundamentally inconsistent with that of Philip I. Caton a planner testifying on behalf of the Applicant and the City's planning consultant. Mr. Zimmerman failed to examine all of the documents comprising the City's master plan and his conclusions could not be
WHEREAS approval of substitute standards was granted pursuant to LDCO Section 40-116.F.A.(3)(c)(1).

9 The approved substitute standards are recited verbatim as they appeared in the GDP approval resolution as follows:

9.1 Deed restricted parking provisions of LDCO Section 40-130.C. shall be modified to eliminate reference to ownership.

9.2 Parking stall and aisle dimensions of LDCO Section 40-105.A.2B. shall be modified to include standards published by The Institute for Transportation Engineers provided that an additional one and one-half (1-1/2) feet of stall...
Signage provisions shall be substituted for the C-1 and C-2 district provisions as follows:

A. One freestanding planned development sign oriented toward a limited access highway. The sign may not exceed a height of 85 feet, be located in any flight pathway, nor be closer than 25 feet to a right-of-way line. The display area must be at least 25 feet above ground level. The size of the sign may not exceed 50 feet in a vertical dimension or 30 feet in a horizontal dimension (1,500 square feet). Such signs may be internally illuminated. The sign may be a ladder sign made of individual panels and may indicate major tenants of the planned development.

B. One freestanding sign per building located at a driveway entry. The sign may not exceed 35 feet in height nor be located closer than 15 feet to a property line. The display area must be at least 15 feet above ground level when projecting over a vehicular area. The size may not exceed 12 feet in a vertical dimension or 25 feet in a horizontal dimension (300 square feet). Such signs may be ladder signs and may be internally illuminated.

C. Facade mounted business signs as provided for in the C-1 and C-2 district except that the permitted area of such signs shall be limited to four (4) square feet of sign area per linear foot of building frontage without regard to the existence of street frontage. No facade mounted sign shall exceed 750 square feet in total area.

9.4 Curbing requirements of LDCO Section 40-105.8(1) shall be modified to eliminate required curbing for safety islands at the remote end of parking bays.

9.5 Safety island requirements of LDCO Section 40-105.8. shall be modified to specify a minimum seven (7) foot width.

9.6 Parking surface pavement standards of LDCO Section 40-105.8. shall be modified to allow up to 10% of the parking area to be surfaced with alternative materials in peak overflow parking areas.

9.7 Lighting standard heights of LDCO Section 40-106. C. (2) (b) shall be modified to limit heights in parking areas to a maximum of 50 feet.

9.8 Sight triangle standards will be established for on-site vehicular and pedestrian traffic intersections with legs as follows: seven feet (7') along the side of an intersecting parking aisle or driveway and three feet (3') along the side of an intersecting pedestrian walkway. Sight triangles may contain no visual obstructions between the heights of three (3) feet and six (6) feet.

WHEREAS, the Board finds that the Application meets all of the requirements of LDCO Section 40-89; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that in consideration of the above findings, it be and is, the action of the Planning Board of the City of Elizabeth that the Applicant be granted approval of the proposed Site Plan; and

BE IT FURTHER RESOLVED, that said approval be granted for a period of seven (7) years; and

BE IT FURTHER RESOLVED, that no variance from LDCO Section 40-135.6. is necessary for the delineation of adjacent parking areas with a landscaped strip insofar as the one joint parking area does not constitute two adjacent areas; and

BE IT FURTHER RESOLVED, that said approval be subject to specific conditions and modifications.

The required modifications to perfect the preliminary site plan approval are summarized as follows:
Union County Planning Board approval or exemption.

Development agreement execution.

Differential settlement avoidance techniques requirement to be noted on the preliminary site plans as outlined in the Melick-Tully Report (ramps in lieu of stairs, minimizing use of pipes in pavement areas, use of flexible connections or large sleeves where utilities enter buildings).

Buried channel aquifer evaluation and approval by NJDEP requirement to be noted on the site plan for all pile field penetration or excavation.

Noise amelioration techniques requirement to be noted on the site plan for incorporation in all building and landscape designs to attenuate aircraft noise.

The conditions to be satisfied prior to approval of the final site plan are summarized as follows:

Submission of final plans meeting the LDCO requirements for final approval and consistent with the Planning Report #6 Technical Appendix dated July 27, 1994.

Certifications showing no municipal liens or unsatisfied financial obligations in existence.

Inclusion of low level shrub planting along Center Drive on plans.

Inclusion of sanitary sewer ejector pumps.

Somerset-Union Soil Conservation District approval of soil erosion control plans.

Engineering plans and schedules approved for the Mandatory Roadway Improvements.

Differential settlement avoidance techniques requirement to be incorporated in final site plans.

Buried channel aquifer evaluation and approval by NJDEP to be obtained for all pile field penetration or excavation.

Noise amelioration techniques are to be incorporated in all building and landscape designs to attenuate aircraft noise.

The conditions subsequent to final site plan approval are summarized as follows:

Occupancy or use of any building or structure is await completion of the Mandatory Roadway Improvements.
I hereby certify that the attached document is a true copy of the resolution adopted by the Planning Board of the City of Elizabeth, New Jersey, at its special meeting held on February 23, 1995.

Lawrence J. Finn, III,
Clerk, Planning Board
RESOLUTION

IKEA Final Site Plan Approval
4.1 Acre Lot
Multi-tenant Site

PLANNING BOARD

CITY OF ELIZABETH, NEW JERSEY

AMENDED RESOLUTION NO. P-22-1994

WHEREAS, an application for approval of a final site plan has been made by IKEA CENTER URBAN RENEWAL, INC. to the City of Elizabeth Planning Board for the 4.1 acre lot previously granted approval pursuant to Resolution No. P-22-1994 as part of an approved Planned Development within the Port Authority Industrial Park at Elizabeth situated off of North Avenue East; and

WHEREAS, the Board finds that the revised site plan meets all of the requirements of LDCCO Section 40-89; and

NOW, THEREFORE, BE IT RESOLVED, that in consideration of the above findings, it be and is, the action of the Planning Board of the City of Elizabeth that prior conditions precedent to final approval be made a condition of affixing the required signatures to the plans; that condition 11.6 relating to engineering designs be struck; and that the developers agreement be made a condition only for the release of building permits all subject revising the plans to increasing the pedestrian area illumination minimum to 150% of the parking area minimum; and

Be IT FURTHER RESOLVED, that Final Site Plan approval is hereby granted subject to receipt of the planning consultants verification of applicant's attestations on DCP forms 24, 25 and 26 after which the signatures of the chairman and secretary be affixed to the plans.
RESOLUTION
City of Elizabeth
Planning Board
In the Matter of Ikea Center Urban Renewal LP and
Ikea Development Urban Renewal LP
Application No. P-09-18
Decided on June 7, 2018
Memorialized on July 19, 2018
Application for Preliminary and Final Site Plan and Bulk Variances

WHEREAS, Ikea Center Urban Renewal LP and Ikea Development Urban Renewal LP (hereinafter the “applicants”) have made an application before the City of Elizabeth Planning Board for preliminary and final site plan and one bulk variance for property located at 1000 Ikea Drive, located in the RC Regional Commercial Zone; and

WHEREAS, a public hearing was conducted on this application on June 7, 2018 after the Board determined it had jurisdiction to hear this application; and

WHEREAS, the applicants were represented by Steven J. Tripp, Esq.

NOW THEREFORE, the Planning Board makes the following findings of fact based upon evidence presented at the aforesaid hearings, at which a record was made.

The applicants is seeking preliminary and final site plan approval along with bulk variance relief for proposed signage and landscaping on property located at 1000 Ikea Drive.

The application before the Board by the applicants consists of 4 new signs, 3 of which trigger bulk variance relief as set forth below. Sign 3 of the 4 signs will consist of new vehicle way-finding signs to be located on Ikea Drive. The applicants have indicated that the exact dimensions for this particular sign have not been established, but the sign will comply with all applicable requirements. If the way-finding sign does not comply then the applicants will need to seek bulk variance relief. The other signs are as follows:
The existing signage was constructed pursuant to the GDP approval, memorialized in Resolution P-20-1994, dated February 9, 1995, as subsequently amended by a series of resolutions in 1994 and 1995. The sign variances being sought are as follows:

1. **Sign 1 – Intersection of North Avenue East and Ikea Drive**
   a. The maximum permitted sign area is 300 square feet, whereas an area of 1,260 square feet is proposed.
   b. The maximum permitted height is 35 feet, whereas a height of 60 feet is proposed.
   c. The maximum permitted vertical dimension of the display area is 12 feet, whereas a horizontal dimension of 45 feet is proposed.
   d. The maximum horizontal dimension of the display area is 25 feet, whereas a horizontal dimension of 40 feet is proposed.

2. **Sign 2 – Along Ikea Drive**
   a. The maximum permitted vertical dimension of the display area is 12 feet, whereas a vertical dimension of 18.75 feet is proposed.

3. **Sign 4 – Along the New Jersey Turnpike Frontage**
   a. The maximum permitted sign area is 1,500 square feet, whereas an area of 1,693 square feet is proposed.
   b. The maximum permitted vertical dimension of the display area is 50 feet, whereas a vertical dimension of 52.33 feet is proposed.
   c. The maximum horizontal dimension of the display area is 30 feet, whereas a horizontal dimension of 46 feet is proposed.
d. Minimum height of display area above ground level is 25 feet, whereas a height of 8.75 feet is proposed.

The first witness on behalf of the applicants was Mr. Richard Procanik, a licensed professional engineer with 13 years of experience, who was sworn in and qualified as an expert in his field. Mr. Victor Vinegra, Board Planner, was also sworn in and qualified. Mr. Procanik proceeded to review the applicable standards that apply to each of the bulk variances being sought for each of the three sign packages. Relying upon a series of exhibits, he proceeded to testify with regard to the size, internal illumination, and dimensions that were triggering the need for bulk variance relief. He also reviewed the proposed landscaping planting that would be installed as part of these improvements.

The next witness to testify on behalf of the applicants was Mr. Keehan Hughes, a licensed professional planner who was sworn in and qualified as an expert in his field. Mr. Hughes proceeded to describe the bulk variances that are needed and the applicability of the GDP guidelines to the signage and bulk variance relief being sought by the applicants. In his professional opinion variance relief could be granted pursuant to Section 70 (c) (2) of the Municipal Land Use law. In his professional opinion the benefits of the improved signage clearly outweigh any minimal burden. He noted these are destination orientated types of retail and commercial facilities, and that the signage needs to be adjusted not only for new tenants but for potential additional growth and to make it stand out from other facilities in this region of the City. He further testified that it met the provisions and purposes of subsection G under the MLUL law, noting that the location and type of signage would be essential for future tenants. In his professional opinion it was consistent with the GDP that was approved by the Board in 1994. Based on the record it was his professional opinion that the Board could grant this relief without
any impingement or compromise of the City land use development ordinance, the GDP guidelines, and the Master Plan of the City.

There were no members of the public who wanted to question the applicants or the witnesses put before the Board, or to speak for or against the application.

NOW THEREFORE, the Planning Board makes the following conclusions of law based upon the foregoing findings of fact. The applicants is seeking preliminary and final site plan approval for the above referenced signage at the subject property, along with the bulk variance relief as described above, to install new signs and landscaping at the subject property at 1000 Ikea Drive.

The Municipal Land Use Law, at N.J.S.A. 40:55D-70(c) provides Boards with the power to grant variances from strict bulk and other non-use related issues when the applicants satisfies certain specific proofs which are enunciated in the Statute. Specifically, the applicants may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An applicants may show that exceptional topographic conditions or physical features exist which uniquely affect a specific piece of property. Further, the applicants may also supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the (c)(2) criteria, the applicants has the option of showing that in a particular instance relating to a specific piece of property, the purpose of the act would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from regulations
adopted, pursuant to the Zoning Ordinance. Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain "bulk" or (c) variance relief. Finally, an applicants must also show that the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. It is only in those instances when the applicants has satisfied both these tests, that a Board, acting pursuant to the Statute and case law, can grant relief. The burden of proof is upon the applicants to establish these criteria.

Based upon the application, plans, reports and testimony placed before it, the Board finds that the applicants has met the minimum requirements of the Municipal Land Use Law, case law and City Ordinances so as to grant preliminary and final site plan approval along with the bulk variances as described herein. The use proposed by the applicants is permitted in the RC Zone as per the GDP. The Board finds that in this particular instance the extensive proofs that have been provided by the applicants meet the requirements of demonstrating that the bulk variance relief should be granted.

In this particular instance, the Board finds that the purposes of the Municipal Land Use Law and City ordinances would be advanced by allowing the deviations from the zoning ordinance that have been requested. Overall, the Board finds that based upon the uncontroverted evidence before it, the bulk variance relief sought will not have a substantial detriment to the public good or impair the intent and purpose of the City Land Use Development Ordinance and Master Plan of the City.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the City of Elizabeth that the application of Ikea Center Urban Renewal LP and Ikea Development Urban Renewal LP,
seeking approval of its preliminary and final site plan, and bulk variance relief as set forth above for the aforesaid property located at 1000 Ikea Drive in the RC Zone, is approved as follows:

1. Preliminary and final site plan approval as set forth above is granted pursuant to N.J.S.A. 40:55D-46 and 50; and

2. Bulk variance relief as set forth herein is approved pursuant to N.J.S.A. 40:55D-70(c).

BE IT FURTHER RESOLVED by the Planning Board of the City of Elizabeth that the application approved herein is subject to the following terms and conditions.

1. Certification that all property taxes are paid up to date with the City.

2. The applicants shall see to the payment of all fees, costs and escrows due or to become due; any and all monies are to be paid within 20 days of said request by the Secretary to the Planning Board.

3. Union County Planning Board approval (if required).

4. Somerset-Union County Soil Conservation District approval.

5. The applicants shall comply with the recommendations in the reports from City departments and the reports from Harbor Consultants of May 31, 2018 to the extent that said recommendations were not already addressed through testimony; the conditions included in these reports are incorporated herein by reference.

6. Municipal sub-code approvals.

7. The development of this project shall be implemented strictly in accordance with the plans submitted to the Planning Board and its professionals and approved by the Board Planner as prepared by Greenberg Farrow, PA, last revised May 9, 2018, consisting of six (6) sheets.
8. Prior to the issuance of any construction permit, the applicants shall file with the Board and with the City construction official an affidavit verifying the applicants are in receipt of all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and supply copy of any approvals received.

9. The applicants shall prepare and submit to the Planning Board for the City Engineer's review and approval legal metes and bounds descriptions of any dedications, utility easements and drainage easement grants that are necessitated by this approval.

10. At least seven days before any construction, a pre-construction meeting shall be held including municipal representatives, the applicants, its engineers and contractors. The meeting shall be held only after the engineer's opinion of probable cost has been submitted to the municipality for computation of engineering and inspection fees, the form of which is to be approved by the City Engineer.

11. The bulk variance granted herein expires the later of nine months from the notice to the applicants of this resolution's adoption or the effective period of final approval of site plans unless the applicants have commenced the approved construction of same pursuant to Section 40-80c of the Code of the City of Elizabeth.

12. The applicants shall comply with all directives of the City of Elizabeth Fire Official.

13. The applicants must post performance guarantees and inspection fees with the City of Elizabeth, as requested, prior to the beginning of any on site-construction activities.

14. The applicants shall take appropriate dust control and vermin control measures during the construction of the new signage and landscaping improvements on the property.
15. The approvals herein shall be subject to all other applicable rules, regulations, ordinances and statutes of the City of Elizabeth, County of Union, State of New Jersey or any other governmental entity having jurisdiction.

The undersigned secretary certifies the within resolution was adopted by this Board on June 7, 2018, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on July 19, 2018.

[Signature]
Thomas W. Urban, Secretary, PB

FOR: 7
AGAINST: 0
ABSTAIN: 0

Member(s) Eligible to Vote: Councilman C. Torres __, Chairman G. Haas __,
Vice-Chairman C. Shallcross __, Secretary T. W. Urban __ and, Commissioners
G. Gonzales Lugo __, I. Rivera __, M. Z. Carvalho __, C. V. Brown __, M. A. Merino, __,
N. A. Isaacs __, A. Rodriguez __.