

RESOLUTION

**City of Elizabeth Planning Board
In the Matter of CMT Developers, LLC (Jersey Walk)
Application No. P-10-17
Application for Preliminary and Final Site Plan Approval
Decided on July 20, 2017
Memorialized on September 7, 2017**

WHEREAS, CMT Developers, LLC (the "Designated Redeveloper") has made an application to the City of Elizabeth Planning Board for preliminary and final site plan approval for the property that is commonly known as the former Elizabeth General Hospital site located at 901-931 East Jersey Street, Lot 312, Block 7 on the Tax Maps of the City of Elizabeth; and

WHEREAS, a public hearing was conducted on this application on July 20, 2017 at which the Board determined it has jurisdiction to hear this application from the Designated Redeveloper; and

WHEREAS, the applicant was represented by Stephen F. Hehl, Esq. of the Law Firm of Hehl & Hehl.

NOW THEREFORE, the Planning Board makes the following findings of fact, based upon evidence presented at the public hearing, at which a record was made. By way of background, at the outset of the hearing Mr. Hehl provided some introductory remarks describing the Redevelopment Plan for the former Elizabeth General Hospital site that was adopted by the City of Elizabeth on March 28, 2017 and amended April 7, 2017. The area is bounded by East Jersey Street, Reid Street, Lafayette Street and Jaques Street. The site is currently vacant with a portion of the old hospital buildings partially demolished. The applicant is proposing a 274 Unit Mixed Use Development which will consist of the following:

Building #1

1. A ten (10) story apartment building
2. 111 apartments, which breakdown as follows: 28 two bedroom, 57 one bedroom w/ den, 10 one bedroom, 16 lofts
3. 441 parking spaces existing in the retrofitted parking deck
4. 69 bicycle parking spaces
5. Roof top terraces

Building #2

1. A seven (7) story apartment building
2. 163 apartments, 78 two bedroom, 25 one bedroom w/ den, 24 one bedroom, 36 studios
3. 77 space basement parking facility
4. 14,316 square fee of retain/non-residential space
5. Community space each floor

The two (2) proposed buildings are separated and will share a 4-acre common area which is a park like setting. This 4-acre common area will include patios with trellises, gardens, a dog run, hardscape patios, lawn and landscape areas to be utilized by the tenants of the buildings.

The Board has been provided with reports issued by Harbor Consultants, Inc. dated July 19, 2017, one of which is a general overview of the project and the other which is a technical engineering review. The Board also has been provided with reports from the Engineering Division of the City of Elizabeth dated May 23, 2017 and June 21, 2017. Reports have also been received from the various departments of the City. All of these reports are incorporated into the record as evidenced and incorporated into this Resolution as if set forth expressly herein. The Applicant has received all of the aforementioned reports and has agreed to all conditions and requirements set forth in these various reports.

The first witness on behalf of the Applicant was William R. Vogt, PE, a licensed engineer of the State of New Jersey, who was sworn and qualified at the outset of his testimony. Mr. Vogt proceeded to testify as to the existing conditions at the site. He then proceeded to describe the proposed improvements to the property including the location of the buildings, ingress and egress to the site and other site characteristics. Mr. Vogt addressed the storm water, drainage, grading, utility plan, general items and the traffic impact and site layout review set forth in the aforementioned technical engineering review issued by Harbor Consultants. On behalf of the designed redeveloper he agreed to comply with all applicable terms and conditions in the two reports. Mr. Vogt also confirmed that, as noted in the general overview of Harbor Consultants, that the project complies in all respects with the applicable redevelopment plan and requires no variances or deviations. Mr. Vogt also addressed the technical comments with respect to the loading area, management of solid waste and recycling and deliveries together with ingress and egress to the parking areas. He stated there would be ample parking for those working in the retail space being developed.

The next witness to testify on behalf of the Applicant was Nicholas J. Netta, AIA, a licensed profession architect, who was sworn in and qualified as an expert at the outset of his testimony. Referring to Exhibits A3 and A4, Mr. Netta provided an overview of the floor plans and elevations for both the new building fronting East Jersey Street and the proposed addition above the existing parking garage. He re-affirmed that the Designed Redeveloper will satisfy the conditions set out in the two reports from Harbor Consultants. Mr. Netta addressed all of the items in the Harbor Consultants technical engineering review as related to the architectural aspects of the plans and also supplied proposed

building material samples. He discussed the fire rating of the buildings, which will be fully sprinklered. He also stated that the elevators will be large enough to fit stretchers.

The final witness presented by the Applicant was Nicholas Graviano, PP, a licensed professional planner, who was sworn and qualified at the outset of his testimony. Mr. Graviano confirmed that the proposed project complies in all terms and respects with the applicable redevelopment plan and required no variances or deviations from the plan. He confirmed, as noted in the overview report of Harbor Consultants indicating this is a well-designed site and clearly supports the goals and objectives of the redevelopment plan.

There were no members of the public who wished to examine the witnesses or make a statement for or against the application.

NOW, THEREFORE, the Planning Board makes the following conclusions of law based upon the foregoing findings of fact. The Applicant/designated redeveloper is before the Board seeking preliminary and final site plan approval for the proposed redevelopment of what has been identified as the former Elizabeth General Hospital site. The proposed development will be a mixed used consisting of 274 residential units and a commercial component. The application is governed by the Redevelopment Plan for the former Elizabeth General Hospital site and The Designated Redeveloper is not seeking any type of bulk variance relief or design waiver.

Both based upon the Applicant's plans and reports submitted to the Planning Board and its professionals and the record created before the Board at its July 20, 2017 hearing, the Board finds that the Applicant has met the minimum requirements of the Redevelopment Plan for the former Elizabeth General Hospital site, the Municipal Land

Use Law and Case Law so as to enable the Board to grant relief by way of preliminary and final site plan approval. This approval is expressly conditioned upon the designated redeveloper satisfying all of the conditions set forth in the July 19, 2017 reports from Harbor Consultants together with the reports from the Division of Engineering of the City of Elizabeth and the various departmental reports, which are incorporated into this Resolution by reference. The designated redeveloper is not permitted to proceed with any type of construction activity upon the property (other than demolition) until all necessary constructions permits and approvals are issued by the City of Elizabeth or appropriate governmental agencies.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Elizabeth that the application of CMT Developers, LLC (Jersey Walk) is approved as follows:

Preliminary and Final Site Plan approval is granted for a period of two (2) years from the date of this Resolution pursuant to N.J.S.A. 40:55D-46 and 50.

BE IT FURTHER RESOLVED by the Planning Board of the City of Elizabeth that the aforementioned is granted with the following conditions:

1. The Applicant shall file with the Planning Board and Construction Official copies of all the necessary permits and agency approvals other than the municipal agencies having jurisdiction over this application, including but not limited to the following.
 - (a) The Union County Planning Board;
 - (b) Somerset-Union County Soil Conservation District;
 - (c) Essex-Union Joint Meeting;

- (d) City of Elizabeth Fire Official;
 - (e) City of Elizabeth Board of Health;
 - (f) City of Elizabeth Department of Public Works;
 - (g) City of Elizabeth Road Opening Permits;
 - (h) Any and all permits required by any other local, state, regional or federal governmental agency having any jurisdiction of the aforesaid project, including but not limited to the NJDEP and the NJDCA.
2. Certificate that taxes are paid to date of approval.
 3. The Applicant is not, as a condition of this approval, permitted to proceed with any type of construction until it secures all necessary construction permits and approvals, and provide proof of and copies of same to the Board Engineering and Board Legal Counsel.
 4. The Applicant shall comply with all of the conditions set forth in the July 19, 2017 reports from Harbor Consultants, the Division of Engineering of the City of Elizabeth and the various departmental reports.
 5. The Applicant must post performance and maintenance guarantees and inspection fees as per Municipal Ordinance and Municipal Land Use Law.
 6. The development of this parcel and all structures thereupon shall meet the requirements of the Americans with Disabilities Act, New Jersey Barrier Free Code, and their implementing regulations.
 7. As it pertains to the utility services to the Redevelopment Area, the Applicant is required to provide an update as to the availability of all utility services for the contemplated development.

8. As it pertains to sewer services, it is the responsibility of the designated redeveloper to secure approvals from the Essex-Union Joint Meeting and the NJDEP.
9. With regard to fire safety, as part of the review of this project, the designated redeveloper is required to submit fire flow capacity analysis which is subject to review and approval by the Elizabeth Fire Subcode Official and City Fire Department.
10. The Applicant shall see to the payment of all fees, costs and escrow due or to become due; any and all monies are to be paid within twenty (20) calendar days as said requires by the Secretary of the Planning Board.
11. All terms and conditions of this approval are binding upon a successor or assignee of interest to the Applicant. The Applicant shall be required to provide a copy of this Resolution to any potential successor in interest or assign.
12. The Applicant shall take all necessary steps to control dust, smoke and vermin during all demolition and construction work on the Project Site.
13. This approval is subject to all other applicable rules, regulations or ordinances and statues of the City of Elizabeth, County of Union, State of New Jersey or any other governmental agency in jurisdiction over the same.

The undersigned secretary certifies the within Resolution is adopted by this Board on July 20, 2017 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on September 7, 2017.

For 6
Against 0
Abstain 0

Thomas W. Urban
Thomas W. Urban, PB Secretary

Commissioners: Carvalho ✓ Brown Nunez ✓ Shallcross
 Rivera Moreno ✓ Chairman Haas Vice Chair Ross
✓ Councilman Torres, ✓ Gonzalez, ✓ Urban.