June 1, 2021
Revised September 7, 2021

Mr. George A. Castro, II, Chairman
Commissioners & Members
City of Elizabeth Planning Board
50 Winfield Scott Plaza
Elizabeth, NJ 07201

Re: The Grand At Penn Urban Renewal, LLC
705-713 Newark Avenue & 694-792 Pennsylvania Avenue
Application No. Z-02-21
City of Elizabeth, NJ

Dear Chairman & Members of the Board:

Our office is in receipt of a revised application by The Grand At Penn Urban Renewal, LLC for a use variance with preliminary and final site plan approval and bulk variances for the above referenced property located at 705-713 Newark Avenue and 694-792 Pennsylvania Avenue. The property is identified on the City Tax Maps as Lot 835, Block 11 and has an area of 1.29 acres. The plans indicate that the property contains a vacant residential structure and four accessory structures, however based on inspection of the site, the dwelling has been removed.

The Applicant is proposing to remove all structures and improvements and construct a five-story multifamily building containing 86 units of which 7 will be one-bedroom units and 79 will be two-bedroom units. The first floor will contain parking, a lobby, refuse area, gyn and utility rooms. The parking area will be accessed from both Newark Avenue and Pennsylvania Avenue. The upper four floors will contain one-bedroom and two-bedroom units and a 9,512 square foot terrace on the second floor.

This property was the subject of a previous application before the Zoning Board of Adjustment, Application No. Z-08-18. A d.1 use variance, d.5 height variance, preliminary and final site plan approval and bulk variances were granted on 9/13/18 for a 105-unit multifamily building.

We have reviewed the plan and application and we offer the following comments:
Figure 1 – Tax Map of Block 11, Lot 835

Figure 2 – Aerial Map of Block 11, Lot 835
### Planning and Zoning Review:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Principal Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential above first floor permitted</td>
<td>-</td>
<td>Accessory uses on first floor, residential above (V)</td>
<td>Variance Requested</td>
<td></td>
</tr>
<tr>
<td>Min. Lot Area</td>
<td>6,000 SF</td>
<td>56,025 SF</td>
<td>56,025 SF</td>
<td>Conforming</td>
</tr>
<tr>
<td><strong>Newark Ave</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Min. Lot Frontage</td>
<td>100 ft</td>
<td>124.6 ft</td>
<td>124.6 ft</td>
<td>Conforming</td>
</tr>
<tr>
<td>Min. Lot Width</td>
<td>100 ft</td>
<td>124.6 ft</td>
<td>124.6 ft</td>
<td>Conforming</td>
</tr>
<tr>
<td>Min. Front Yard Setback</td>
<td>12 ft</td>
<td>-</td>
<td>5 ft (V)</td>
<td>Variance Requested</td>
</tr>
<tr>
<td><strong>Pennsylvania Ave</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Min. Lot Width</td>
<td>124.5 ft</td>
<td>124.5 ft</td>
<td>124.5 ft</td>
<td>Conforming</td>
</tr>
<tr>
<td>Min. Lot Frontage</td>
<td>124.5 ft</td>
<td>124.5 ft</td>
<td>124.5 ft</td>
<td>Conforming</td>
</tr>
<tr>
<td>Min. Front Yard</td>
<td>271 ft</td>
<td>-</td>
<td>10 ft (V)</td>
<td>Variance Requested</td>
</tr>
<tr>
<td>Min. Side Yard</td>
<td>19.8 ft</td>
<td>-</td>
<td>5 ft north (V)</td>
<td>Variance Requested</td>
</tr>
<tr>
<td>Min. Rear Yard</td>
<td>157.5 ft</td>
<td>-</td>
<td>5 ft south (V)</td>
<td></td>
</tr>
<tr>
<td>Min. Open Space</td>
<td>4,000 SF</td>
<td>-</td>
<td>12,421 SF</td>
<td>Conforming</td>
</tr>
<tr>
<td>Min. Exterior Open Space</td>
<td>3,000 SF</td>
<td>-</td>
<td>12,421 SF</td>
<td>Conforming</td>
</tr>
<tr>
<td>Max. Impervious Coverage</td>
<td>100%</td>
<td>-</td>
<td>93%</td>
<td>Conforming</td>
</tr>
<tr>
<td>Max. Principal Building Height</td>
<td>3 stories/ 35 feet</td>
<td>-</td>
<td>5 stories/ 67 feet (V)</td>
<td>Variance Requested</td>
</tr>
</tbody>
</table>

*Pre-Existing Non-Conformity

(V) Variance Requested
### Table 2: Off-Street Parking

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Required</th>
<th>Proposed</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Parking Spaces</td>
<td>36,116.06 SF/ 1400 SF= 26 spaces</td>
<td>65 spaces</td>
<td>-</td>
</tr>
<tr>
<td>1.8 spaces/ One-bedroom</td>
<td>21 x 1.8 = 37.8 spaces</td>
<td>1.55 spaces per apartment</td>
<td>-</td>
</tr>
<tr>
<td>2 spaces/ Two-bedroom</td>
<td>65 x 2 = 130 spaces</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Spaces required</td>
<td>170 spaces</td>
<td><strong>133 spaces</strong> <em>(V)</em></td>
<td><strong>Variance Requested</strong></td>
</tr>
<tr>
<td>Parking Space Dimension</td>
<td>10 x 19 ft</td>
<td><strong>9 ft x 18 ft</strong></td>
<td><strong>Variance</strong></td>
</tr>
<tr>
<td>Min. Parking Setbacks – Street</td>
<td>10 feet</td>
<td>0 feet</td>
<td><strong>Variance</strong></td>
</tr>
<tr>
<td>Landscaping around parking</td>
<td>20%</td>
<td>4.08%</td>
<td><strong>Variance</strong></td>
</tr>
<tr>
<td>Clearance around Columns</td>
<td>18 in</td>
<td>0 in</td>
<td><strong>Variance</strong></td>
</tr>
<tr>
<td>Min. Parking Setbacks – Side lot, rear lot or any principal or accessory structure</td>
<td>3 feet</td>
<td>North Lot Line – 3.1 ft</td>
<td><strong>Conforming</strong></td>
</tr>
<tr>
<td>Min. Parking Setbacks - No off-street parking area or portion thereof shall be located closer than 10 feet to any dwelling on an adjacent or adjoining lot</td>
<td>10 feet</td>
<td>-</td>
<td><strong>Not provided</strong></td>
</tr>
</tbody>
</table>

*Pre-Existing Non-Conformity
(V) Variance Requested

**Driveways**
17.32.050.B – Curbline openings for twenty-foot (20) wide access or egress driveways shall be a minimum of twenty-eight (28) feet. A twenty-six (26) foot opening is provided.
Planning Comments:

1. The property in question is in the C-5 Commercial Zone. Residential uses in the C-5 Zone are only permitted above first floor commercial uses. The Applicant is proposing residential uses without first floor commercial uses; therefore a d.1 use variance is being requested.

2. The permitted height in the C-5 Zone is three stories and 35’, whereas the applicant is proposing five stories and 60’, therefore a 6.6 height variance is being requested.

3. The Applicant is requesting the following bulk variances:
   a. Under Section 17.36.110.A.4 of the City Code, the minimum required front yard setback along Newark Avenue is 12’, whereas a setback of 5’ is proposed.
   b. Under Section 17.36.110.A.4 of the City Code, the minimum required front yard setback along Pennsylvania Avenue is 271’, whereas a setback of 10’ is proposed.
   c. Under Section 17.36.110.A.5 of the City Code, the minimum required side yard setback is 33% of the building height, 19.8’ in this case, whereas a setback of 5’ is proposed for the north and south side yards.
   d. Under Section 17.36.140.E.4 of the City Code, parking areas shall be accompanied by landscaping areas amounting to 20% of the paved parking and driveway area, whereas less than 20% is proposed.
   e. Under Section 17.36.150. B.5.b of the City Code, the maximum number of stories is 3, whereas 5 stories are proposed.
   f. Under Section 17.40 of the City Code, the required number of off-street parking spaces is 170, whereas 133 spaces are being provided.
4. The Applicant is requesting the following design waivers:
   a. Under Section 17.32.060.A.1 of the City Code, the required parking stall depth is 19', whereas a depth of 18' is proposed.
   b. Under Section 17.32.060.A.1 of the City Code, the required parking stall width is 10', whereas a width of 9' is proposed.
   c. Under Section 17.32.060.D of the City Code, a 10' safety island is required between the end of a parking bay and an aisle, whereas no safety islands are being provided.
   d. Under Section 17.32.060.D of the City Code, a clearance of 18" is required around columns within a parking area, whereas 0" of clearance is being provided.

General Comments:

1. The Applicant shall provide testimony in support of each variance being requested.

2. Landscaping is being provided consisting of on-site shrubs and shade trees along Newark Avenue and Pennsylvania Avenue.

3. Applicant shall testify that demolition of the site has occurred according to the site plan, considering that the site has already been demolished.

4. Applicant shall discuss the reason for a reduction in the number of units.

5. The plans indicate that the existing curb and sidewalk will be replaced along the frontage of Newark Avenue and Pennsylvania Avenue.

6. All site improvements within Pennsylvania Avenue shall conform to City of Elizabeth standards. Improvements within Newark Avenue (State Highway #27) shall conform to NJDOT standards.

7. The proposed driveway to Newark Avenue will require an access permit from the NJDOT.

8. There is a sign shown on the building elevation view for Newark Avenue and Pennsylvania Avenue. All signs shall conform to the City Code, or the required variances shall be requested.

9. The Applicant shall comply with the comments of the City Engineer, dated 03/05/21.

10. The Applicant shall comply with all directives of the City of Elizabeth Fire Official.

11. Prior to issuance of building permits, compliance with all conditions of approval indicated in the resolution shall be verified by the Board Engineer.

12. After resolution compliance, an electronic copy of the approved drawings shall be provided to the Board Engineer. The file format may be PDF, JPEG, or TIF.
13. The Applicant shall arrange a pre-construction meeting with the Board Engineer and Construction Official at least one week prior to start of construction.

14. An engineer’s estimate for site improvements must be submitted prior to signature by the Board Chairperson.

15. Units with a den shall not be advertised or used as two-bedrooms.

16. The Applicant shall provide testimony with respect to the size, materials, and colors of the proposed sign on the Newark Avenue façade.

17. The Applicant must post performance guarantees and inspection fees with the City of Elizabeth prior to beginning of any on-site construction activities.

**Building Design Elements:**

1. The proposed building shall be aesthetically pleasing from all vantage point.

2. The Applicant shall provide testimony with respect to materials, textures, and colors of the proposed building. Deviations from approved colors and materials will require approval from the Board.

3. Testimony shall be provided with respect to the type of landscape and hardscape feature to be provided in the terrace areas.

4. All mechanical and electrical equipment, whether on building roof, yards, or parking area, shall be screened from view on all sides.

**Grading, Drainage & Utilities Comments:**

1. New water and sanitary connections are proposed within Newark Avenue and Pennsylvania Avenue. A road opening permit and sewer connection permit will be required from the City of Elizabeth Department of Public Works. Any utility connections within Newark Avenue will require approval from the NJDOT.

2. The project will disturb more than one acre of land; therefore, the project is classified as a major project under the City Stormwater Ordinance and the NJDEP stormwater regulations. The Applicant has provided an underground detention system to provide the required runoff reductions. Under the regulations the post development runoff cannot exceed 50% for the 2-year storm, 75% for the 10-year storm and 80% for the 100-year storm.

3. The project is in a Metropolitan Planning Area; therefore, groundwater recharge is not required.

4. All the proposed parking area is located within a covered area; therefore, water quality treatment is not required.
5. The proposed Type ‘A’ Inlet located in the driveway to Newark Avenue shall be fitted with a sump and hood, Snout Fume Arrester by Best Management Products or equal, to prevent backflow of sewer gases.

6. The drainage area maps should be checked for consistency with the report with respect to the areas of coverages.

**Regulatory Agency Approvals**

1. The applicant shall file with the Board and Construction Official copies of all necessary agency approvals other than municipal agencies having land use jurisdiction over the application.

2. The Applicant is required to obtain the following regulatory approvals prior to the issuance of building permits for this project:
   a. Union County Planning Board.
   b. Somerset – Union Soil Conservation District.
   c. City Fire Official.
   d. City Utility and Road Opening Permits.
   e. Any other regulatory agency having jurisdiction over, or which require an approval or permit to be obtained by the Applicant.

3. It is the Applicant’s responsibility to secure all required permits and approvals.

**Documents Reviewed:**


The above comments presented in this letter are for the consideration of the Board Members, the Applicant, and the Applicants Professionals. We reserve the right to further comment based upon the testimony at the public hearing and/or the submission of any additional documentation. Please contact our office should you have any questions or comments.

Very truly yours,

[Signature]

Anthony G. Gallerano, PE, PP
Harbor Consultants, Inc.
TO: Bureau of Planning and Zoning
FROM: Engineering Division
SUBJECT: Application Number – Z-02-21 Revised
705-713 Newark Avenue
694-702 Pennsylvania Avenue
Date Revised: 8-25-21

The Division of Engineering has reviewed the plans submitted for the above-referenced project and has the following comments:

- Proposed development shall comply with the applicable requirements of the City of Elizabeth Flood Prevention Damage Ordinance No. 3832 and Municipal Storm Water Control Ordinance No. 3844.

- The Proposed Drainage Area Map should be corrected to show the correct pervious and impervious coverages within the PR DA-2 drainage area.

- The slope of the 15-inch orifice discharge in the Pond Report is inconsistent with the plans.

- The plans and report text refer to 540 LF of 48-inch basin however the Pond Report only shows 520 LF of barrel length.

- An in-line check valve or catch basin with a sump and hood will be required on the subject property upstream of the connection to the 36" x 54" brick sewer in Newark Avenue to prevent migration of sewer gases.

- Proposed development shall comply with applicable NJDEP Regulations N.J.A.C. 7:14A-22.

- This project will require a Treatment Works Approval from the NJDEP.

- A profile of the sanitary sewer lateral will be required as part of the TWA submission.

- It appears the new sanitary sewer lateral connection will require an exterior drop connection.

- All applicable permits shall be obtained from this Department prior to construction.
• Newark Avenue is State Highway #27, consult the NJDOT for any additional requirements.

• All site work within the Newark Avenue public right-of-way shall comply with the latest NJDOT details and specifications.

• All site work within the Pennsylvania Avenue public right-of-way shall comply with the latest City of Elizabeth standard details and specifications.

DJL
Application for Board Action   Planning Board   Application # Z-02-21
Zoning Board   Date Filed 2/19/21
Date Revised 2/25/21   Hearing Date 6/20   Received By MW or TS

Request for Recommendations
Department/Head or Agency Reply Please print comments/initials clearly!

******************************************************************************
County   New Jersey Department of Transportation   Initials ___
          ___ Union County Division of Planning & Development
Municipal   ___ City Engineering Division
          ___ Health Department
          ___ Department of Planning & Community Development
          ___ Police Department
          ___ Construction Bureau
          ___ Public Works Department
          ___ Recycling Coordinator
          ___ Fire Department Director
          ___ Housing Department
          ___ SID-EAP/MESID, (If applicable)

Received in Land Division   PB_ZBA_by___   SEP 08 2021

Return to Bureau of Planning & Zoning by __/__/___, or mail to:
Department of Community Development
Bureau of Planning & Zoning-Room #403
50 Winfield Scott Plaza
Elizabeth, NJ 07201-Atttn: Monroe Whitewall, Senior Planning Aide

Applicant: Norbrand C Penn, Inc. LLC/705-713 Newark Ave/694-702 Penn Ave
Name___
Address___

Recommended ___ Recommended with conditions ____ Not Recommended ____

Comments:

____________________________________________________________________
____________________________________________________________________
____________________________________________________________________

Conditions stipulated for approval as follows:

____________________________________________________________________
____________________________________________________________________

Attachments   Yes ___   No ___

- Note: If additional space is need for comments, attach additional page(s)
- Please print
- All information must be clearly initialed or signed
Application for Board Action Planning Board ✔ Application # Z-02-21
Zoning Board Date Filed 21/2/21

Date Revised 8/25/21 Hearing Date 10/20 Received By

Request for Recommendations
Department/Head or Agency Reply Please print comments/initials clearly!

******************************************************************************
County ___ New Jersey Department of Transportation Initials ___
___ Union County Division of Planning & Development ___
Municipal ___ City Engineering Division ___
___ Health Department ___
___ Department of Planning & Community Development ___
___ Police Department ___
___ Construction Bureau ___
___ Public Works Department ___
___ Recycling Coordinator ___
___ Fire Department Director ___
___ Housing Department ___
___ SID-RAP/MESID, (if applicable) ___

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Department of Community Development
Bureau of Planning & Zoning-Room #403
50 Winfield Scott Plaza
Elizabeth, NJ 07201-Attn: Monoe Whiterhead, Senior Planning Aide

Applicant: The Brand & Penn Rec. LLC/705-713 Newark Ave./694-702 Penn Ave.

Recommended ___ Recommended with conditions ___ Not Recommended ___

Comments:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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________________________________________________________________________
________________________________________________________________________

Attachments Yes ___ No ___

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Housing Department _________________________
SID-EAP/MESID, (If applicable) ______________

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Bureau of Planning & Zoning-Room #403
50 Winfield Scott Plaza
Elizabeth, NJ 07201
City of Elizabeth, NJ 07201

Name ___________________________ Address ___________________________

Recommended ✓ Recommended with conditions ___ Not Recommended ___

Comments: _____
_____
_____

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