August 30, 2021

Ms. Georgette Gonzalez-Lugo, Chairwoman
Commissioners & Members
City of Elizabeth Planning Board
50 Winfield Scott Plaza
Elizabeth, NJ 07201

Re: C&L East Broad Realty, LLC
1166-1236 East Broad Street
Application No. P-12-18 Amended
City of Elizabeth, NJ

Dear Chairwoman & Members of the Board:

Our office is in receipt of an application by C&L East Broad Realty, LLC for amended preliminary and final site plan approval and bulk variances for the subject property located at 1176-1236 East Broad Street. The subject property is identified as Tax Account 12-213.A and is presently vacant. The total tract area is 1.79 acres with frontage on East Broad Street and the Central Railroad right-of-way along the rear property line.

On February 3, 2021, a minor subdivision was approved to create two new lots, Tax Account #12-213.A containing 1.79 acres and Tax Account #12-213.B containing 1.45 acres. The two existing buildings remain on Tax Account #12-213.B. On February 4, 2021, the East Broad Street Redevelopment Plan was amended to remove Tax Account #12-213.B from the redevelopment area.

Lot 12-213.A was the subject of a previous Planning Board Application, No. P-12-18, by the same applicant for a nine-story mixed use development consisting of dwelling units, retail space, office space and restaurant space. The application was approved by a Planning Board Resolution Memorialized on August 2, 2018. Lot 12-213.B was included in the 2018 application but is not part of this present application. The development never advanced, and the property currently remains vacant.

We have reviewed the plan and application and we offer the following comments:
Tax and Aerial Maps:
Planning and Zoning Review:

The Applicant is proposing a five-story mixed use building consisting of 5,194 square feet of commercial space and 200 dwelling units, which will contain 42 two-bedroom units and 158 one-bedroom units. The ground floor will contain the commercial uses, parking, lobby, refuse room, utility rooms and a 5,570 square foot park. The second through fifth floors will contain dwelling units with a 13,449 terrace on the second floor. The uses are consistent with the redevelopment plan which states “The east Broad Street section is envisioned to include first floor commercial uses along the East Broad Street façade”. The table below outlines the proposed conditions.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Required</th>
<th>Proposed</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max. Density</td>
<td>200 units</td>
<td>200 units</td>
<td>Conforming</td>
</tr>
<tr>
<td>Min. Lot Area</td>
<td>3 Acres</td>
<td>1.79 AC</td>
<td>Not Conforming</td>
</tr>
<tr>
<td>Min. Lot Width (East Broad)</td>
<td>700 feet</td>
<td>700 feet</td>
<td>Conforming</td>
</tr>
<tr>
<td>Min. Lot Depth</td>
<td>100 feet</td>
<td>100 feet</td>
<td>Conforming</td>
</tr>
<tr>
<td>Min. Front Yard Setback (East Broad)</td>
<td>5 feet</td>
<td>0 feet (V)</td>
<td>Not Conforming</td>
</tr>
<tr>
<td>Min. Rear Yard Setback</td>
<td>5 feet</td>
<td>0 feet (V)</td>
<td>Not Conforming</td>
</tr>
<tr>
<td>Max. Building Coverage</td>
<td>80%</td>
<td>93% (V)</td>
<td>Not Conforming</td>
</tr>
<tr>
<td>Max. Impervious Coverage (%) (a)</td>
<td>100% (b)</td>
<td>93%</td>
<td>Conforming</td>
</tr>
<tr>
<td>Min. Open Space/ Outdoor Recreation Area</td>
<td>15% (c)</td>
<td>24%</td>
<td>Conforming</td>
</tr>
<tr>
<td>Min. 1st Floor Retail</td>
<td>10%</td>
<td>8% (V)</td>
<td>Not Conforming</td>
</tr>
<tr>
<td>Max. Building Height (ft)/ Stories</td>
<td>108 feet / 9 stories (d) (e)</td>
<td>60 feet / 5 stories</td>
<td>Conforming</td>
</tr>
<tr>
<td>Maximum Height (ft.) – Extension of Cellular/Wireless Antennas on Buildings 7 stories or more</td>
<td>5% of total building height, or 6 feet, whichever is higher</td>
<td>No more than 6 feet</td>
<td>Conforming</td>
</tr>
<tr>
<td>Maximum Height (ft.) – Extension of Parapets and other Architectural Elements 5% of total building height, or</td>
<td>5% of total building height, or 6 feet, whichever is higher</td>
<td>No more than 6 feet</td>
<td>Conforming</td>
</tr>
</tbody>
</table>

Parking Requirements

<table>
<thead>
<tr>
<th>Parking for Residents</th>
<th>0.8 spaces/ unit 160 spaces</th>
<th>165 spaces</th>
<th>Conforming</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking for employees of retail/ non-residential</td>
<td>Provided on site (f) 5 spaces</td>
<td>Subject to Planning Board Approval</td>
<td></td>
</tr>
<tr>
<td>Loading Space for Retail/ Non-residential uses</td>
<td>1 loading space 1 loading space</td>
<td>Not Conforming</td>
<td></td>
</tr>
<tr>
<td>Parking space size</td>
<td>8.5x 18</td>
<td>8.5 x 18</td>
<td>Conforming</td>
</tr>
</tbody>
</table>
Bicycle Parking Spaces

<table>
<thead>
<tr>
<th>Residential - 0.25 spaces/unit</th>
<th>Non-residential - 0.25 spaces per 1,000 SF</th>
<th>Unclear</th>
<th>Unclear</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 spaces</td>
<td>1.29 or 2 spaces</td>
<td>Total</td>
<td>= 52 spaces</td>
</tr>
</tbody>
</table>

a) Per City Tax Records, the site (including Block 12, Lots 213, 217, 253, and 253.A) is 3.24 acres. The density shall be 93 units per acre.
b) This includes the maximum building coverage and the impervious lot coverage, for a combined total. See Section 3.2.B(11).
c) Open Space and Outdoor Recreation shall include passive recreation areas that include but are not limited to the following: at- and above-grade terraces; pedestrian pathways; plazas; outdoor trellis; landscaped areas; community garden; etc. See Sections 3.2.C(6) and 3.2.D(4).
d) Rooftop mechanical equipment, decorative elements, and related rooftop appurtenances shall not be included in the calculation of building height.
e) Building shall be stepped back at increments along the west towards the eastern portion of the building. Building step-back design shall be subject to approval by the Planning Board. See section 3.2.C(2).
f) A parking study to determine the number of required employee spaces for retail and non-residential space shall be prepared by the Applicant and approved by the Planning Board.

Planning & Zoning Comments:

1. The subject property is in the East Broad Street Redevelopment Area. The provisions of the Redevelopment Plan govern over and supersede the City of Elizabeth's Land Development Control Ordinance (Title 17). Provisions of the Ordinance that are not specifically covered in the Redevelopment Plan are still applicable.

2. The Engineering Plans and Site Plans have a different value for maximum building coverage. Applicant shall testify as to the correct value and revise the site plan to show the calculation for this value.

3. Section 3.2.B.11 states that – “Since the Redevelopment Plan for the East Broad Street section allows for 100% impervious coverage, this section of the Redevelopment Plan shall include strategies such as rain gardens and other techniques to assist with rainwater runoff from excessive impervious coverage.” Applicant shall discuss any compliance with this section of the plan.

4. There are inconsistencies between the architectural and engineering plans. Engineering plans show a generator and transformer where the dog park is proposed. Plans should be reconciled, and the open space should remain to be consistent with the redevelopment plan.

5. No building materials have been proposed. The redevelopment plan states that EIFS, Brick veneer and other similar façade materials may not be used. Jumbo brick, concrete block is not permitted as exposed façade materials. Prior to any favorable decision by the board, the applicant shall provide building materials and the same will become a condition of approval.
6. The redevelopment plan requires 52 bicycle parking spaces. The zoning table on the architectural plan states that 60 bicycle parking spaces are provided, however no spaces are depicted on the architectural plan. The site plan shows a bicycle parking area but does not provide the square footage. Site plans shall be revised to ensure that the applicant is in conformance with this requirement, or another variance shall be requested.

7. Section 3.2.C.13 states that – “All parking structures contained within residential and mixed-use buildings shall be designed to disguise the parking use within. In no case shall parking beneath or within a building be open or exposed along any façade. In any case where the parking is not masked by an active building use, such as commercial storefronts or residential units, the façade of the parking structure shall be designed to architecturally mimic and reflect the occupied portions of the building in terms of style and materials.” Applicant shall include testimony regarding the proposed material of the parking garage. Architectural plans appear to not provide a similar architectural standard to the rest of the building, which is not permitted per the redevelopment plan.

8. No detail for plantings for the at grade courtyard or the above ground roof terrace have been provided. The redevelopment plan requires a Landscape plan detailing design elements prepared by a Licensed Architect.

9. The following deviations from Section 3.1.B.1 of the Redevelopment Plan include the following:
   a. The minimum required front yard setback is 5 feet, whereas 0’ is proposed.
   b. The minimum required rear yard setback is 5 feet, whereas 0 feet is proposed.
   c. The maximum permitted building coverage is 80%, whereas 89.3% is proposed.
   d. The minimum required first floor commercial area is 10%, whereas 8 % is proposed.

10. The following design waivers are required:
    a. In accordance with Section 17.32.060 of the Land Development Code, the minimum parking stall width for the proposed use should be 10 feet, while 8.5 feet is proposed.
    b. In accordance with Section 17.32.060.F.1. of the Land Development Code, each off-street parking space shall maintain an unobstructed area equal to the required length of the space times the minimum width of the space (19’x10’ =190 S.F.). The Applicant is proposing unobstructed parking areas of 153 S.F. for parking spaces of 18’x8.5’.
    c. In accordance with Section 17.40.040-A. of the Land Development Code, no obstructions are permitted within proposed parking spaces. If parking spaces are internally located within a structure no columns shall be permitted within the space. A clearance distance of 18 inches must be adhered to from all columns to all parking spaces. The columns must also be protected from being contacted by vehicles via concrete curbing. The required clearance distance of 18 inches has not been provided. A variance is required.
    d. The applicant has not provided the concrete curbing protection for the building’s columns as required under Section 17.40.040-A.
    e. In accordance with Section 17.32.060.A.1. of the Land Development Code, each off-street parking area shall have a parking stall depth of 19 feet while 18 feet has been provided.
**General Comments:**

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

2. The location of loading areas should be shown on the site plans.

3. Testimony should be provided concerning the need for electrical vehicles charging stations. None has been provided.

4. Clarify the address of the site. The address on the civil plans, architectural plans, drainage report and planning board application don’t match. The plans and reports should be revised accordingly.

5. Only the subject property should be hatched on the tax map shown on the architectural plan Sheet G001.

6. A trash enclosure has not been proposed on the site plans. Testimony should be provided.

7. The Applicant shall comply with the comments of the City Engineer, dated 6/08/21, copy attached.

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

9. 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.

10. The Applicant shall arrange a pre-construction meeting with the Board Engineer and Construction Official at least one week prior to start of construction.

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

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

**Parking, & Circulation Comments:**

1. A parking ratio of one space per dwelling unit is required under the Redevelopment Plan. Parking for non-residential is to be determined by the Applicant and is subject to approval by the Board. The Applicant has determined that a total of 160 spaces are required, and 170 spaces are being provided.
2. The location of the two bicycle parking areas adjacent to the parking spaces located near the east property line will conflict with three parking spaces. The two bicycle parking areas should be relocated.

3. The proposed ADA parking spaces must be dispersed and located closest to the accessible entrances.

4. A compact car parking only sign detail is shown on the site plan. However, the compact car parking spaces have not been shown. The site plan should be revised.

5. The line-of-sight distances shall be depicted on the site plan and landscaping plan in accordance with the current edition of AASHTO’s policy on geometric design of highways and streets.

6. Sight triangles for the access drives shall be shown on the site plans in accordance with AASHTO requirements. The proposed buildings encroach into the sight triangles under Section 17.36.130 of the City Code. Testimony shall be provided regarding the same.

7. Testimony shall be provided with respect to how loading and deliveries will be handled.

8. The applicant should provide vehicle turning circulation plans showing the travel path for garbage truck and emergency vehicles, including fire trucks to demonstrate that access throughout the site is adequate.

9. Applicant is proposing a parking aisle of 22 feet, while 24 feet is required. Testimony should be provided.

**Grading, Drainage & Utilities:**

1. Based on the review of the city maps, it appears that the existing storm sewer main that crosses the property within the west portion of the site turns east near the south property line toward the adjacent railroad property. Additional information should be provided to verify that the proposed building will not conflict with the existing storm sewer.

2. The 30” underground basin riser cleanout detail on Sheet C9.01 indicates that solid cover or inlet grate is proposed per plan. However, it is not indicated in the plans. The plans should be revised accordingly.

3. The minimum storm sewer pipe diameter should be 15 inches. The plans should be revised accordingly.

4. The rim and invert elevations of the proposed sanitary sewer cleanout should be shown on the utility plan Sheet C3.00. Also, verify the length of the proposed 8” PVC sanitary sewer pipe and show all missing labels for the existing sanitary sewer system on East Broad Street.

5. Aluminium orifice and weir trash racks should be provided in the outlet structures between inflow and outflow pipes to prevent trash coming to the city drainage system. Details of the trash racks should be added to the construction details.
6. A runoff coefficient “C” value of 0.35 has been used for lawn areas in the stormwater conveyance calculations. The “C” value should be in accordance with Table 7.1 of the latest NJAC 5.21-7.4. The calculations should be revised accordingly.

7. The hydraflow watershed model schematics should be added to the drainage report.

8. The proposed roof drain collection system should be added to the drainage plan and included in the stormwater conduit calculations.

9. The stormwater maintenance manual (O&M) for the proposed stormwater management system should include a detailed cost estimate. The O&M documents would be required to be attached to the deed as a rider.

10. The existing and proposed drainage area maps and calculations should include the offsite drainage areas that are tributary to the onsite drainage. Additional topography within the property of Central Railroad of New Jersey should be provided to verify the limit of offsite drainage areas.

11. The drainage calculations should be based on Region D storm distribution as per the BMP manual. The type III distribution is no longer acceptable.

12. Assumed the time of concentrations have been used in the drainage calculations. The time of concentration (TC) calculations should be included in the drainage report and the TC travel path should be added to the drainage plans.

13. Most of the existing drainage areas are considered as dirt/compacted gravel. However, the stormwater management measures shall be designed to consider the existing site conditions in accordance with Section 5 (Section 13.24.040.I-Stormwater Management Requirements for Major Developments) of the new City of Elizabeth Stormwater Management Ordinance No. 5426, approved on 2/10/21. The calculations for the existing conditions should be revised accordingly.

14. The post development peak discharge for “PR DA-1 Total” shown on the hydrograph summary reports for the 2, 10, 25 and 100-year storms don’t match with the peak flows of comparison Table for DA-1.

15. The proposed underground basin storage calculation on the pond report is based on 480 LF, 5 barrels, 30” HDPE pipe, which is equivalent to 2,400 LF of pipe. However, the applicant is only proposing two barrels on the drainage plans. The pond report and calculations should be based on 2 pipes barrels only. Also, the information for culvert/orifice structures And B don’t match with the structure detail on Sheet C9.02.

16. The low impact development checklist should be added to the drainage report.
17. Provide a pretreatment prior to discharging into the infiltration basin. In accordance with Chapter 9.8 of the NJ Stormwater BMP Manual, 80% TSS pretreatment is required for the water quality design storm. The CDS water quality unit provides only 50% TSS removal rate. The stormwater design should be revised.

18. Groundwater mounding analysis should be provided for the proposed infiltration system in accordance with Chapter 13 of the NJ Stormwater BMP manual.

19. Calculations should be provided to demonstrate the underground infiltration basin will be dry in 72 hours maximum after a rain event. The seasonal high-water table (SHWT) and bedrock must be at least 2 feet below the bottom of the stone base. Soil testing in accordance with the Soil Testing Criteria Chapter 12 of the NJ Stormwater BMP manual should be provided within the proposed infiltration basins to confirm its ability to function as designed. The soil test results should be included in the drainage report. Notification should be submitted to Harbor Consultants at least 72 hours prior to performing the soils tests.

20. Calculations should be submitted to demonstrate that the existing waterline is suitable for the proposed domestic and fire flow volumes and pressures.

21. The sizes of proposed water lines should be provided. The location of all existing utilities, water valves and gas valves should be shown on the utility plans. All required details for the proposed water system should be added to the plans, including vaults and hot boxes if required by the utility company.

**Construction Details Comments:**

1. Provide a note on the plans indicating that all traffic signage and stripping shall be in accordance with the latest edition of MUTCD.

2. The geogrids for the proposed Alan Block retaining may be encroaching into the Central Railroad of New Jersey property. Calculations should be provided for the proposed retaining wall.

3. The proposed 6’ high fence along the south property line conflicts with the landscape retaining wall at various locations. Clarify how the fence will be installed at these locations and provide construction details.

4. Clarify the location of the lawn inlet detail and steel beam guide rail details on Sheet C9.00, and the various trench details shown on the construction details Sheets. Also, the location of the trench drain/channel drain detail on Sheet C9.02 should be shown on the plans.

5. Provide the following construction details: Sidewalk permeable paver, tree grate, ladder rung, sanitary sewer connection into existing sanitary manhole and existing sanitary manhole reconstruction.
**Landscaping & Lighting Comments:**

1. The site landscaping plan consists of shrubs and shade trees along the frontage of the site.
2. Lighting has been provided in covered parking area utilizing ceiling mounted lights. Building mounted lights are being utilized along the front facade of the building.
3. The Applicant shall verify that sufficient lighting coverage is being provided in the parking area.
4. A landscaping and lighting plan should be provided for the terrace area.

**Building Design Elements:**

1. The Applicant shall provide testimony with respect to the building materials and colors and compliance with Section 3.2.C.1 of the Redevelopment Plan.
2. Testimony shall be provided with respect to compliance with Section Sections 3.2.C.2, 3.2.C.3 and 3.2.C.4 relative to step backs in the building facades.
3. All mechanical and electrical equipment, whether on building roofs, driveways, yards, or parking areas, shall be screened from view on all sides of the building.
4. More specific information should be provided with respect to the terrace amenities.
5. The limit of the proposed building footprint and overhang should be clearly delineated on the site plans.

**Regulatory 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. The following additional approvals may be required
   a. Union County Planning Board.
   b. Somerset - Union County Soil Conservation District.
   c. City Fire Official.
   d. City Board of Health.
   e. City Utility Connection & Road Opening Permits.
   f. All other permits as required by agencies having jurisdiction over project.
2. NJDEP Treatment Works approval.
3. It is the applicant’s responsibility to secure all required permits and approvals.
Documents Reviewed:

1. Plans entitled “Proposed Mixed Use Building, For: C&L East Broad Realty, LLC, 1176-1236 East Broad Street, City of Elizabeth, New Jersey”, prepared by James R. Guerra, PA, dated 5/19/21, consisting of 6 sheets.


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,

Victor E. Vinegra, P.E., P.L.S., P.P
Harbor Consultants