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370 Chestnut Street  
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RE:  Planning Justifications for C-Variances  
Proposed 2-Family Residential Development  
Trinity Housing  
Block 13, Lot 1574  
157-165 Westfield Avenue  
City of Elizabeth  
Union County, NJ  
DTRAF File No. 3927-99001TE

INTRODUCTION

It is proposed to subdivide a parcel of property for redevelopment of three (3) duplex residential buildings located at the northeast corner of the intersection of Westfield Avenue and Chilton Avenue in the City of Elizabeth, Union County, New Jersey, as illustrated on Figure 1, in the Technical Appendix of this report. The site is designated as Block 13 – Lot 1574 on the City Tax Maps. The subject property was previously developed as and is currently licensed with the New Jersey Department of Community Affairs as a two-story Class A rooming house with an occupancy of 19. The proposal is to cease the rooming house use and redevelop the site with three (3) duplex, two-family buildings; totaling six (6) units. Access to the site is currently provided via one (1) full movement driveway along Chilton Avenue and will continue in that manner, but for separate driveways at each of the proposed subdivided lots.

In essence, the proposed action is one that provides a redevelopment of the site consistent with the intent and purposes of the zoning ordinances, and consistent with the existing character and development parameters of the surrounding neighborhood so that. Dimensional variances are required for the from the following standards:
As such, the granting of these variances is justified because they all meet the c(2) criteria of the Municipal Land Use Law (MLUL) by:

1) Advancing the purposes of the MLUL, and,
2) The benefits of the deviation would substantially outweigh any detriment.

In addition, the c(1) criteria is additionally justified for the front yard variance for proposed Lot 1574.01 (proposed corner lot) due to exceptional trapezoidal shape and having a unique situation of being a corner lot and having two (2) front yards. It is noted that the front yard variance would not “go-away” if it was an interior lot, but the deviation would be less.

VARIANCES

The subject property is within the R-2 Two-Family Residential Zone District and abuts the R3-A Four-Family Residential District. The surrounding neighborhood contains primarily residential uses. The proposed development of three 2-family residential buildings is a permitted use in the R-2 zone. There are two (2) permitted uses within the R-2 zone; single-family and two-family homes. Therefore, it is contended that the rooming house use (to-be-removed) is a non-conforming use that will cease to exist. Therefore, the proposed redevelopment of the property is much more conforming to the City Zoning Ordinances and the City Zone Plan.

As mentioned, c-variances are required for the proposed development, as listed above.

The proposed development meets the positive criteria, as it promotes the purposes of zoning and the justification for the granting of such a variance meets the “special reasons” criteria of the Municipal Land Use Law (M.L.U.L):
a. To encourage municipal action to guide the appropriate use or development of all lands in the State in a manner which will promote the public health, safety, morals and general welfare.

Comment: The municipal action that would approve and permit the proposed redevelopment will promote this purpose. Much needed quality housing of a permitted use would be provided.

e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment.

Comment: The location of the proposed redevelopment at this location along the Chilton Avenue corridor serves this purpose.

h. To encourage the location and design of transportation routes which promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion and blight.

Comment: The Traffic & Parking Assessment report prepared for this proposed project as part of the Application, concludes that there will be no significant impact on traffic or parking resources. The location of the proposed site within a corridor with ample bus service and pedestrian connectivity complements the proposed use in the aspects covered by this purpose. It is noted that the proposed number of parking spaces provided meets the requirements of the Residential Site Improvement Standards (RSIS) and there is no diminimus exception from those standards.

i. To promote a desirable visual environment through creative development techniques and good civic design and arrangements.

m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening cost of such development and to the more efficient use of land

Comment: As it pertains to Purpose i and Purpose m above, the proposed architectural design offers a more desirable visual aspect of the building structures and the streetscape of Chilton and Westfield Avenues, particularly along the site frontages and from the viewpoints of the passing traffic and the neighborhood

For the many above reasons listed above, in general, the positive criteria is met in that there are “special reasons” that will promote the general purposes of zoning if the variances are granted.

Minimum Lot Width
The required minimum lot width is 150% of the prevailing lot width or 50 feet required, whereas 36 feet is provided for Lot 1574.01 and 1574.02, and 39.9 feet is provided for 1574.03. The lot widths of abutting Lots 1573, 1572, and 1571 directly to the east along Westfield Avenue are 40 feet and are similar, thus diminimus, in nature to the proposed lots. Other single-family or two-family lot widths in the immediate area, and specifically along Sayre Street, are less than 36 feet (25 ft and 28 ft). Thus,
the lot widths proposed are not out of character with the development of the surrounding area. The deviation will not detract from the neighborhood aesthetics or densities.

**Minimum Lot Frontage**
The dimensional requirements for lot frontage are similar to lot widths required minimum lot width is 150% of the prevailing lot width or 50 feet, whereas 36 feet is provided for Lot 1574.01 and 1574.02, and 39.9 feet is provided for 1574.03. Given, that the lot frontages of abutting Lots 1573, 1572, and 1571 directly to the east along Westfield Avenue are 40 feet and are similar, thus diminimus, in nature to the proposed lots. Other lot frontages in the immediate area and specifically along Sayre Street are less than 36 feet (25 ft and 28 ft). Thus, the lot frontages proposed are not out of character with the development of the surrounding area. The deviation will not detract from the neighborhood aesthetics or densities.

**Minimum Front Yard Setback**
The dimensional requirement for front yard setback is 20 feet and that provided for Lot 1574.01 is 12.4 feet along its Westfield Avenue frontage. The front yard setback for the other two lots is conforming. Lot 1574.01 is trapezoidal in shape and while the building corner closes to Chilton Street is 12.4 feet, the corner furthest from Chilton is greater at least 20 feet and conforms. Further, Lot 1574.01 is a corner lot, with technically two (2) front yards. Given the exceptional shape of the lot and the unique situation of a corner lot, a hardship exists to provide the conforming dimensions.

**Minimum Side Yard Setback**
The dimensional requirement for side yard setback is 15 feet or 18 feet (if a driveway) and that provided for Lot 1574.01 (corner lot) is 5 feet along. The side yard setback requirement for the other two interior lots is 12% of the lot width, whereas Lot 1574.02 is 5 feet or 10% of the lot width. Lot 1574.03 side yard setback is 6.5 feet or 13% of its lot width and is conforming.

Lot 1574.01- the 5.0 feet dimension is along the interior side to the lot, and aesthetically will look no different than an interior lot. This lot is trapezoidal in shape and a corner lot with two (2) front yards. Since the opposite side of the side yard, is a front yard, that setback is greater than the side yard setback, causing the lesser side yard dimension. Given the exceptional shape of the lot and the unique situation of a corner lot, a hardship exists to provide the conforming dimensions.
Lot 1574.02 – The 5.0 feet dimension is only 1 foot from a conforming side yard setback requirement of 6 feet and deemed diminimus.

CONCLUSIONS
The granting of the variances requested is not inconsistent with the intent and purpose of the Municipal Land Use Law and the Zoning Ordinances of the City of Elizabeth. Their granting will promote the purposes of zoning without any negative impact. Lastly it is shown in this report that the general welfare is served because it removes a non-conforming use with a permitted use and the proposed use is particularly suitable for this site and meets a public need of quality housing.

Sincerely;

Joseph J. Staigar, P.E., P.P.
View From Westfield Ave.
Lots 1573, 1572, & 1571
View from Sayre St.
Block 13, Lots 1328, 1327, 1326, 1325, 1324, 1323, etc.