August 3, 2021

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

Re: Trinity Housing Corporation
157-165 Westfield Avenue
Application No. P-12-21
City of Elizabeth, NJ

Dear Chairwoman & Members of the Board:

Our office is in receipt of an application by Trinity Housing Corporation for preliminary and final subdivision approval and bulk variances for the subject property located at 157-165 Westfield Avenue at the corner of Chilton Street. The property is identified as Lot 1574, Block 13 and contains 0.31 acres. The property is currently vacant but had previously contained a 21-unit rooming house that was substantially damaged by a fire.

The Applicant is proposing to subdivide the property into three lots on which to construct a two-family dwelling on each lot. Proposed Lot 1574.01 is located on the corner of Westfield Avenue and will have a width of 36.0 feet and an area of 4,849.8 square feet. Proposed Lot 1574.02 will have a width of 36.0 feet and an area of 4,099.8 square feet. Proposed Lot 1574.03 will have a width of 39.9 feet and an area of 4,713.2 square feet.

We have reviewed the plan and application and we offer the following comments:

Planning Comments:

1. The subject property is in the R-2 Zone and Ward 4. The R-2 Zone permits one-family and two-family dwellings. Prevailing conditions do not exist for this property based on location, therefore the standard requirements for Ward 4 are required to be used for this application.
2. The Applicant is requesting the following bulk variances:

Lot 1574.01 (corner lot):
   a. Under Section 17.36.100.B.1 of the City Code, the required lot width for a corner lot is 1.5 times required, 75' in this case, whereas 36.0' is proposed.
   b. Under Section 17.36.100.B.2 of the City Code, the required lot frontage for a corner lot is 1.5 times required, 75' in this case, whereas 36.0' is proposed.
   c. Under Section 17.36.110.A.4.a of the City Code, the required front yard setback for a corner lot is 20', whereas 33.9' is proposed, therefore a variance is not required.
   d. Under Section 17.36.110.A.4.c of the City Code, the required corner side yard setback is 15', whereas 5.0' is proposed along Westfield Avenue.

Lot 1574.02:
   a. Under Section 17.36.100.C of the City Code, the required lot width is 50', whereas 36.0' is proposed.
   b. Under Section 17.36.100.C of the City Code, the required lot frontage is 50', whereas 36.0' is proposed.
   c. Under Section 17.36.110.A.2 of the City Code, the required side yard setback is 12% of the required lot width or 6.0' in this case, whereas 5.0' is proposed.

Lot 1574.03:
   a. Under Section 17.36.100.C of the City Code, the required lot width is 50', whereas 39.9' is proposed.
   b. Under Section 17.36.100.C of the City Code, the required lot frontage is 50', whereas 39.9' is proposed.

3. Self-created hardship. In Green Meadows v. Montville Plan. Bd., 329 N.J. Super. 12, 21-22 (App. Div. 2000), the court considered a situation where a developer sought to create 8 lots on an 8.5-acre parcel, which would require a deviation from bulk requirements for two of the lots. The court questioned the developer's entitlement to a c(1) variance because development of one fewer lot would eliminate the deviation; the decision to plan the subdivision in such a way as to create two nonconforming lots resulted in a self-created hardship. In this case, the Applicant is proposing to create three undersized lots. The Applicant could create two conforming lots and should testify as to the benefit of the third lot. While personal hardship is not a permissible basis for the c(1) variance, it may be a basis for a variance under c(2), provided that the evidence shows the purposes of zoning would be advanced and the benefit outweighs the detriment.

4. With respect parking, the Applicant is proposing four spaces for each of the dwellings containing two and three-bedroom units. RSIS Table 4.4 states 2 parking spaces at minimum are required per unit, therefore parking complies with the RSIS requirements.
General Comments:

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

2. Two of the proposed buildings will contain three bedrooms in each unit and one building will contain two bedrooms in each unit. Alternate facades have been provided for the three proposed buildings. The architectural plans should identify to which lot each building corresponds to.

3. Stormwater management has been addressed with use of an underground infiltration system for each lot.

4. Any existing curb and sidewalk considered by the Board Engineer to be in disrepair shall be replaced.

5. The subdivision is required to be recorded by plat in accordance with the Map Filing Law. A final plat shall be provided for review by the City Engineer.

6. The Applicant shall consult with the City Surveyor for the assignment of lot numbers.

7. Metes and bounds shall be included on the plans. This can be done in conjunction with the final plat.

8. Landscaping is being provided consisting of shade trees and shrubs. The preferred street trees are Shademaster Thornless Honeylocust, Greenspire Littleleaf Linden or Green Vase Zelkova.

9. The sanitary sewer along Chilton Street will need to be extended to service the three proposed lots. A Treatment Works Approval (TWA) will be required by the NJDEP. The Applicant shall provide the final sewer design and sewer profile prior to submission of the TWA permit application.

10. The Applicant shall comply with the attached comments of the City Engineer, dated July 9, 2021.

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

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

13. 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.

14. The Applicant shall arrange a pre-construction meeting with the Board Engineer and Construction Official at least one week prior to start of construction.
15. An engineer’s estimate for site improvements must be submitted prior to signature by the Board Chairperson.

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

**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:**

1. Plans entitled “Preliminary & Final Subdivision, Trinity Housing Corporation, Lot 1574, Block 13, Tax Map Book No. 8 Sheet 1, City of Elizabeth, Union County, New Jersey”, prepared by TFC Engineering & Environmental, dated 6/29/21, consisting of 8 sheets.

2. Plans entitled “Proposed Two-Family, Rebryn Realty, 157-165 Westfield Avenue, Elizabeth, New Jersey”, prepared by Waga Enterprises Architects, LLC, last revised 6/21/21, consisting of three sets of two 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.É., P.L.S., P.P
Harbor Consultants
TO: Bureau of Planning and Zoning
FROM: Engineering Division
SUBJECT: Application Number – P-12-21
157-165 Westfield Avenue
Date Filed: 7-01-21

July 9, 2021

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. 4457 and Municipal Storm Water Control Ordinance No. 5426.

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

- Our sewer records do not indicate the presence of an existing sewer main on Chilton Street in front of the property. A sewer extension will be required to serve these proposed dwellings.

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

- A plan, profile and details of the proposed sewer main will be required as part of the TWA submission.

- All applicable permits shall be obtained from this Department prior to construction.

- Westfield Avenue is State Highway #27, consult the NJDOT for any additional requirements.

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

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

- Additional curb and sidewalk along Westfield Avenue should be replaced as part of this application.

- This is a Major Subdivision and shall be recorded by Filed Map in accordance with the Map Filing Law. A copy of the recorded map shall be provided to this office.

DJL

Y:\Engineering\Planning and Zoning Reviews\2021\Planning\P-12-21 157-165 Westfield Avenue\P-12-21; 157-165 Westfield Avenue; 7-09-2021.docx
Application for Board Action   Planning Board ✓ Application # D-12-21
Zoning Board                  Date Filed 7/1/21
Date Revised ___ / ___ * Hearing Date ___ / ___ / ___ 20 Received By ___ / ___ / ___

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

New Jersey Department of Transportation Initials
County
Unincorporated 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/MBSID, (If applicable)

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-Attn: Monroe Whitehead, Senior Planning Aide

Applicant: Trinity Housing Corporation 157-163 Westfield Avenue

Name
Address

Recommended ✓ Recommended with conditions ___ Not Recommended ___

Comments:

__________________________________________________________________________________

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Conditions stipulated for approval as follows:

__________________________________________________________________________________

__________________________________________________________________________________

Attachments Yes ___ No ___

• Note: If additional space is needed for comments, attach additional page(s)
• Please print
• All information must be clearly initialed or signed
Application for Board Action  Planning Board  [ ] Application # P-12-21
Zoning Board  [ ] Date Filed 7/1/21
Date Revised / / * Hearing Date 20 Received By

Request for Recommendations
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New Jersey Department of Transportation  Initials 
County 
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/MSID, (If applicable)

PB/ZBA Office, City Hall, Rm 403
City of Elizabeth, NJ 07201

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50 Winfield Scott Plaza
Elizabeth, NJ 07201-Attn: Monroe Whitewald, Senior Planning Aide

Applicant: Trinity Housing Corporation/157-165 Westfield Avenue
Name 
Address

Recommended  Recommended with conditions  Not Recommended

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- New Jersey Department of Transportation Initials
- Union County Division of Planning & Development
- 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/MBSID, (If applicable)

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Department/Head or Agency Reply

Please print comments/initials clearly!

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County

Municipal

Recycling Coordinator

Fire Department Director

Construction Bureau

Public Works Department

New Jersey Department of Transportation

Union County Division of Planning & Development

City Engineering Division

Health Department

Department of Planning & Community Development

Police Department

Passaic County Division of Planning & Community Development

- Initials

PB/ ZBA by __

PB/ ZBA Office, City Hall, Rm 403
City of Elizabeth, NJ 07201

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Department of Community Development

Bureau of Planning & Zoning-Room #403

50 Winfield Scott Plaza

Elizabeth, NJ 07201-Atttn: Monroe Whitbread, Senior Planning Aide

Applicant: Trinity Housing Corporation/157-165 Westfield Avenue

Name

Address

Recommended: / Recommended with conditions

Not Recommended

Comments:

Be sure to provide proper storage space for garbage & recyclables.

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PB/ ZBA Office, City Hall, Rm 403
City of Elizabeth, NJ 07201

SEP 07 2021

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