August 5, 2021
Revised December 5, 2021

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

Re: Grand At Morris, LLC
538-550 Morris Avenue & 539-553 Cherry Street
Application No. Z-03-21
City of Elizabeth, NJ

Dear Chairman & Members of the Board:

Our office is in receipt of a revised application by Grand At Morris, LLC for a use variance with preliminary and final site plan approval and bulk variances for the above referenced property located at 538-550 Morris Avenue & 539-553 Cherry Street. The property is identified on the City Tax Maps Accounts 11-794A, 11-795 & 11-90 and has an area of 1.17 acres. The property is presently vacant and had previously contained a bank building formerly occupied by Santander Bank.

The initial application consisted of a four-story multifamily building containing 61 units of which 9 were one-bedroom units and 52 were two-bedroom units. The first floor contained parking, one two-bedroom unit along Morris Avenue, one two-bedroom unit along Cherry Street, a lobby, refuse area, fitness center and utility rooms. The parking area was to be accessed from Morris Avenue and Cherry Street. The upper four floors contained one-bedroom and two-bedroom units. The second floor also contained an 8,194 square foot terrace in the center of the building.

The application was revised on 7/27/21, which included floor plan layout and faced changes. The building footprint remined is essentially the same and the building height remined at 4 stories. The number of units remined at 61 and the number of parking spaces remains at 96. The number of two-bedroom units was decreased from 52 to 49 and the number of one-bedroom units was increased from 9 to 12.

The current revision has modified the building layout. The building footprint has been slightly modified and the facades will remain essentially the same. The number of units has been decreased from 61 to 56 and the ground floor units have been eliminated. The number of parking spaces has been increased to 110, eliminating the need for a variance.

We have reviewed the plan and application and we offer the following comments:
Tax Map & Aerial Map:

Figure 1 – Tax Map of Block 11, Lot 794.A

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>Residential above first floor permitted</td>
<td>-</td>
<td><strong>Accessory uses on first floor, residential above (V)</strong></td>
<td><strong>Variance Requested</strong></td>
</tr>
<tr>
<td><strong>Min. Lot Area</strong></td>
<td>6,000 SF</td>
<td>56,926 SF</td>
<td>56,926 SF</td>
<td>Conforming</td>
</tr>
<tr>
<td><strong>Morris Avenue</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Min. Lot Frontage</td>
<td>64.5 ft</td>
<td>183.89 ft</td>
<td>183.89 ft</td>
<td>Conforming</td>
</tr>
<tr>
<td>Min. Lot Width</td>
<td>64.5 ft</td>
<td>183.83 ft</td>
<td>183.83 ft</td>
<td>Conforming</td>
</tr>
<tr>
<td>Min. Front Yard Setback</td>
<td>15 ft</td>
<td>14.9 ft</td>
<td><strong>10 ft (V)</strong></td>
<td><strong>Variance Requested</strong></td>
</tr>
<tr>
<td><strong>Cherry Street</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Min. Lot Frontage</td>
<td>67.5 ft</td>
<td>223 ft</td>
<td>223 ft</td>
<td>Conforming</td>
</tr>
<tr>
<td>Min. Lot Width</td>
<td>152.72 ft</td>
<td>220.22 ft</td>
<td>220.22 ft</td>
<td>Conforming</td>
</tr>
<tr>
<td>Min. Front Yard</td>
<td>15.89 ft</td>
<td>N.A.</td>
<td>15.9 ft</td>
<td>Conforming</td>
</tr>
<tr>
<td>Min. Side Yard</td>
<td>15 ft</td>
<td>N.A.</td>
<td><strong>8.9 ft north (V)</strong></td>
<td><strong>Variance Requested</strong></td>
</tr>
<tr>
<td>Min. Rear Yard</td>
<td>N.A.</td>
<td>N.A.</td>
<td><strong>8.5 ft south (V)</strong></td>
<td></td>
</tr>
<tr>
<td>Min. Open Space</td>
<td>4,000 SF</td>
<td>N.A.</td>
<td>8,026 SF</td>
<td>Conforming</td>
</tr>
<tr>
<td>Min. Exterior Open Space</td>
<td>3,000 SF</td>
<td>N.A.</td>
<td>6,076 SF</td>
<td>Conforming</td>
</tr>
<tr>
<td>Max. Impervious Coverage</td>
<td>60%</td>
<td>Not Provided</td>
<td><strong>87.3% (V)</strong></td>
<td><strong>Variance Requested</strong></td>
</tr>
<tr>
<td>Max. Principal Building Height</td>
<td>3 stories/ 38 feet</td>
<td>Not provided</td>
<td><strong>4 stories/ 45.5 feet (V)</strong></td>
<td><strong>Variance Requested</strong></td>
</tr>
</tbody>
</table>

*Pre-Existing Non-Conformity (V) Variance Requested*
### Table 2: Off-Street Parking  
#### C-1 Zone

<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></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.8 spaces/ One-bedroom</td>
<td>9 x 1.8 = 16.2 spaces</td>
<td>1.96 spaces per apartment</td>
<td></td>
</tr>
<tr>
<td>2 spaces/ Two-bedroom</td>
<td>47 x 2 = 94 spaces</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Spaces required</td>
<td>110 spaces</td>
<td>110 spaces</td>
<td>Conforming</td>
</tr>
<tr>
<td>Parking Space Dimension</td>
<td>10 x 19 ft</td>
<td>9 ft x 18 ft</td>
<td>Waiver Requested</td>
</tr>
<tr>
<td>Min. Parking Setbacks – Street</td>
<td>10 feet</td>
<td>15 feet</td>
<td>Conforming</td>
</tr>
<tr>
<td>Landscaping around parking</td>
<td>20%</td>
<td>6%</td>
<td>Variance Requested</td>
</tr>
<tr>
<td>Clearance around Columns</td>
<td>18 in</td>
<td>0 in</td>
<td>Variance Requested</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 – 10 ft South Lot Line – 6 ft</td>
<td>Conforming</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>10 ft</td>
<td>Conforming</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 (24) foot opening is provided.
Planning Comments:

1. The property in question is in the C-1 Neighborhood Commercial Zone. Multifamily Residential uses are a permitted use in the C-1 Zone.

2. The permitted height in the C-1 Zone is 38’, whereas the applicant is proposing 45.5’, 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 Morris Avenue is 15’, whereas a setback of 10’ is proposed.
   b. Under Section 17.36.110.A.5 of the City Code, the minimum required side yard setback is 33% of the building height, 15’ in this case, whereas a setback of 8.9’ is proposed for the north side yard and 8.5’ for the south side yard.
   c. Under Section 17.110.F of the City Code, the maximum impervious coverage is 60%, whereas 87.3% is proposed.
   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 6% is proposed.
   e. Under Section 17.36.150. B.5.b of the City Code, the maximum number of stories is 3, whereas 4 stories are proposed.

4. The number of bulk variances has been reduced from 7 to 5, including the variance for number of parking spaces.
5. The following design waivers are required:
   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.
   e. Under Section 17.32.050.B of the City Code, the required curb line openings for twenty-foot (20) wide access or egress driveways shall be a minimum of twenty-eight (28) feet. A twenty-six (24) foot opening is provided.

**General Comments:**

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

2. The total number of units has been decreased from 61 to 56, including 12 one-bedroom units and 44 two-bedroom units.

3. Parking is being provided consisting of 107 off-street spaces and 3 curb-site spaces along Morris Avenue, for a total of 110 spaces.

4. A total of 8,026 square feet of open space is proposed consisting of a 6,076 square foot terrace and a 1,950 communal room.

5. A 2,202 square foot fitness center is proposed on the ground floor.

6. Landscaping is being provided consisting of on-site shrubs and shade trees along Morris Avenue and Cherry Street.

7. The three tax accounts shall be consolidated into one parcel.

8. The plans indicate that the existing curb and sidewalk will be replaced along the frontage of Morris Avenue and Cherry Street. The existing streetscape features along Morris Avenue will be maintained or replaced as required.

9. A 6’ high vinyl privacy fence is proposed along the northerly property line.

10. All site improvements within Cherry Street shall conform to City of Elizabeth standards. Improvements within Morris Avenue shall conform to County of Union Standards.

11. The proposed driveway to Morris Avenue shall require County approval.

12. No signage is depicted on the architectural plans. Any new signs shall conform to the City Code, or the required variances shall be obtained.
13. The Applicant shall comply with the attached comments of the City Engineer, dated February 24, 2021.

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

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

16. 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.

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

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

19. 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 plans shall indicate the proposed materials, textures and colors of the proposed building and related features.

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

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

5. 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 utility connections are proposed to Cheery Street. A road opening permit and sewer connection permit will be required from the City of Elizabeth Department of Public Works.

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 proposed detention system will discharge to a new 42” storm sewer system proposed by the City in Cherry Street.

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

5. All the proposed parking area is located within a covered area; therefore, water quality treatment is not required.

6. Treatment Works approval is required by the NJDEP for the proposed sanitary sewer connection.

**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.