CITY OF ELIZABETH

581-599 PENNSYLVANIA AVENUE

NON-CONDEMNATION REDEVELOPMENT PLAN

January 5, 2022
PREPARED FOR
City of Elizabeth
50 Winfield Scott Plaza
Elizabeth, NJ 07201

MAYOR OF ELIZABETH
Mayor J. Christian Bollwage

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Manny Grova, Jr., Councilman-at-Large

The original of this report was signed
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# TABLE OF CONTENTS

## SECTION 1. INTRODUCTION

1.1 Statutory Basis for the Redevelopment Plan ................................................. 1
1.2 Description of the Redevelopment Area ......................................................... 1
   1.2.A History of the Site .............................................................................. 3
   1.2.B Neighborhood ................................................................................ 4
   1.2.C Photographs of Existing Conditions .................................................. 4

## SECTION 2. THE PUBLIC PURPOSE

2.1 Adoption of a Redevelopment Plan ............................................................... 11
2.2 Redevelopment Goals and Objectives .......................................................... 11
2.3 Relationship to the Local Goals and Objectives .......................................... 12
   2.3.A Elizabeth Master Plan ........................................................................ 12
   2.3.B Relationship to the City Land Use Procedures Ordinance ................. 13

## SECTION 3. THE REDEVELOPMENT PLAN

3.1 Land Use Plan ......................................................................................... 16
   3.1.A Permitted Uses in the 581 Pennsylvania Avenue Redevelopment Area ... 16
   3.1.B Building, Area, and Yard Requirements ........................................... 18
   3.1.C Subdivision and Phasing .................................................................... 19
   3.1.D Signage ............................................................................................ 19
3.2 Development Requirements .......................................................................... 20
   3.2.A Parking and Traffic Circulation Standards ....................................... 20
   3.2.B Project Design Standards and Conditions ......................................... 20
   3.2.C Building and Architectural Design Standards and Programming ....... 22
   3.2.D Open Space and Amenities ............................................................... 23
   3.2.E Utilities ............................................................................................. 24
3.3 Provisions Related to Newark Avenue ......................................................... 24
   3.3.A Streetscape and Landscaping Improvements ...................................... 24
   3.3.B Traffic Study and Related Improvements ......................................... 25
3.4 Green Building and Sustainability .............................................................. 25
3.5 Redevelopment Actions ............................................................................. 26
   3.5.A Demolition ....................................................................................... 26
   3.5.B New Construction ........................................................................... 26
   3.5.C Properties to be Acquired .................................................................. 26
   3.5.D Relocation ....................................................................................... 26

## SECTION 4. RELATIONSHIP TO OTHER PLANS

4.1 Relationship to the Local Land Use and Zoning Ordinance ...................... 27
4.2 Plans of Adjacent Municipalities ............................................................... 27
4.3 Union County Master Plan .......................................................................... 28
4.4 New Jersey State Development and Redevelopment Plan ...................... 29
TABLE OF CONTENTS | 581 PENNSYLVANIA AVENUE REDEVELOPMENT

SECTION 5. GENERAL PROVISIONS
5.1 Approvals Process 31
5.2 Easements 31
5.3 Site Plan Review 31

SECTION 6. EXHIBITS

SECTION 7. APPENDIX

EXHIBITS

1. 581 Pennsylvania Avenue Redevelopment Plan Conceptual Design, entitled “Proposed 5-Story 90 Unit Multi-family Dwelling, 581-599 Pennsylvania Avenue,” prepared by Kaltsis Architecture, LLC, dated August 4, 2020, consisting of five (5) sheets (hereinafter referred to as the “Concept Plan”) as follows:
   • A-1 – Location Map, Zoning Map, Ground Floor, Fairmount Avenue Elevation (page 1)
   • A-2 – Basement Floor (page 2)
   • A-3 – 2nd Apartment Floor Plan, 3rd Apartment Floor Plan (page 3)
   • A-4 – 4th Thru 5th Apartment Floor Plan, Pennsylvania Avenue Elevation (page 4)
   • A-5 – Site Details (page 5)

APPENDIX

1. City Council of the City of Elizabeth Resolution authorizing the City Planning Board to conduct a study to determine if 581-599 Pennsylvania Avenue (Block 11, Lot 1224.A) is an area in need of redevelopment without the power of condemnation, adopted March 18, 2018.
2. City Council of the City of Elizabeth Resolution authorizing the City Planning Board to conduct a study to determine if 581-599 Pennsylvania Avenue (Block 11, Lot 1224.A) is an area in need of redevelopment without the power of condemnation, adopted September 8, 2020.
3. City of Elizabeth Planning Board Resolution determining that the Redevelopment Study of 581-599 Pennsylvania Avenue, also known as Block 11, Lot 1224.A, qualifies as a non-condemnation area in need of redevelopment and directing the Board Secretary to provide a recommendation to the City Council to proceed to adopt the report so that the property can be properly declared as a non-condemnation area in need of redevelopment, adopted May 6, 2021.

FIGURES

Figure A: Tax/Parcel Map of 581 Pennsylvania Avenue Redevelopment Area
Figure B: Aerial Map of 581 Pennsylvania Avenue Redevelopment Area
Figure C: Historic Aerial Imagery of the Redevelopment Area (September 2019)
Figure D: 581 Pennsylvania Avenue Redevelopment Area, Shown on the City of Elizabeth Zone Map
Figure E: Municipalities Adjacent to the City of Elizabeth
Figure 1-12: Photographs of Existing Conditions of the 581 Pennsylvania Avenue Redevelopment Area and Surrounding Neighborhood

TABLES

Table 1: 581 Pennsylvania Avenue Redevelopment Area Properties
Table 2: Permitted Uses in the C-4 Special Commercial Zone, City of Elizabeth, Union County, New Jersey
Table 3: Bulk Standards Permitted in the Underlying C-4 Zone
Table 4: Bulk Requirements for the 581 Pennsylvania Avenue Redevelopment Area, Located in Block 11, Lot 1224.A
SECTION 1. INTRODUCTION

1.1 Statutory Basis for the Redevelopment Plan

Eduardo J. Rodriguez, the Director of Planning and Community Development, sent a letter to City Council on January 24, 2018, "requesting your Honorable Body, the City Council, to authorize the City Planning Board to conduct a study to determine if 581-599 Pennsylvania Avenue (Block 11, Lot 1224.A) is an area in need of redevelopment without the power of condemnation."¹

On March 13, 2018, the City Council adopted a Resolution that “authorizes the Planning Board of the City of Elizabeth to conduct a study to determine whether 581-599 Pennsylvania Avenue, (Block 11, Lot 1224.A) is an area in need of redevelopment without the power of condemnation.”²

A 2018 plan was prepared but never adopted. As other sites in the area began to redevelop, the City took a renewed interest in 581-599 Pennsylvania Avenue. A resolution dated September 8, 2020 from the City Council authorized the Planning Board to conduct a preliminary investigation of these properties (Block 1, Lot 1224.A) to determine if the area should be “deemed areas in need of Redevelopment.”³

On May 6, 2021, the City of Elizabeth Planning Board passed a Resolution determining that the Redevelopment Study of 581-599 Pennsylvania Avenue, also known as Block 11, Lot 1224.A, qualifies as a non-condemnation area in need of redevelopment. The Resolution directed the Board Secretary to provide a recommendation to the City Council to proceed to adopt the report so that the property can be properly declared as a non-condemnation area in need of redevelopment.

On May 25, 2021, the City Council of the City of Elizabeth passed a Resolution to adopt the Preliminary Investigation Report for the Non-Condemnation Redevelopment of 581-599 Pennsylvania Avenue (Block 11, Lot 1224.A) as prepared by Harbor Consultants dated March 1, 2021, and “authorized the Planning Board to prepare a Redevelopment Plan”. The area has been deemed an area in need of redevelopment without the power of condemnation, and thus this plan is a non-condemnation Redevelopment Plan.

1.2 Description of the Redevelopment Area

The 581-599 Pennsylvania Avenue Redevelopment Area, or the “Redevelopment Area,” is comprised of one (1) parcel located in Ward 4 of the City of Elizabeth, which is identified as Tax Account Number Block 11, Lot 1224.A, and has an area of approximately 0.96 +/- acres. The property is a corner lot which has approximately 325 feet of frontage along Pennsylvania Avenue and approximately 130 feet of frontage along Fairmont Avenue. The Redevelopment Area is bounded by Fairmont Avenue to the north, New Jersey Transit Railroad tracks to the east, neighboring lot identified as Block 11, Lot 1223.B to the south, developed with a one-story vacant building to the south, and Pennsylvania Avenue to the west.

² Letter from Eduardo Rodriguez, Director, Planning & Community Development, dated January 24, 2018.
³ City Council Resolution authorizing the City Planning Board to conduct a study to determine if the properties are areas in need of redevelopment without the power of condemnation’, adopted March 13, 2018.
The Redevelopment Area is comprised of a one-story building and a surface parking lot. The parcel was formerly occupied by Lessner Electric Co. and was utilized as an electrical contractor’s office with associated parking and storage but is currently vacant. The entire property is surrounded by a rusted chain-link fence which is topped with barbed wire. The surface parking lot has areas of advanced degradation.

Table 1 shows the property area for the single parcel within the Redevelopment Area per January 2018 Tax Assessor records.

<table>
<thead>
<tr>
<th>Tax Account</th>
<th>Street Address</th>
<th>Owner</th>
<th>Lot Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-1224.A</td>
<td>581-599 Pennsylvania Avenue</td>
<td>Lessner, Richard</td>
<td>0.96 +/- acres</td>
</tr>
<tr>
<td><strong>Total Redevelopment Area</strong></td>
<td></td>
<td></td>
<td><strong>0.96 +/- acres</strong></td>
</tr>
</tbody>
</table>

*All areas are based upon Municipal Tax records*

Figure A: Parcel Map of 581 Pennsylvania Avenue Redevelopment Area
1.2.A History of the Site

Per the site investigation described above, the history of the site and its existing conditions have been analyzed in conjunction with available records.

Tax records, as of the time of preparation of this report, indicate that Lot 1224.A is owned by Lessner, Richard, and is approximately 0.96 +/- acres. This Lot was previously four (4) separate lots identified as Block 11, Lots 1224.A, 1224.B, 1224.C, and 1224.D which were merged by the tax assessor at the request of the property owner in 1992 into Tax Account 11-1224.A.

The following photograph has been retrieved from Google Earth Historical Imagery, showing aerial conditions in September of 2019:
1.2.B Neighborhood

The Redevelopment Area is located within Ward 4 and the North Elizabeth neighborhood of the City of Elizabeth. The site is within a half mile of the North Elizabeth Train Station on the Northeast Corridor line of New Jersey Transit. According to the City of Elizabeth, “this community contains many larger one and two-family homes that have been rebuilt over the past decade. The neighborhood has easy access to New York and Newark via its own NJ Transit Train Station, Routes 1 & 9 and the NJ Turnpike. Access to New York can also be easily accomplished through New Jersey Transit Bus 112 which has a bus stop along North Avenue along the boundary of the Redevelopment Area. North Elizabeth also features many well-kept apartment houses and condominium units on and around North Avenue that are home to professionals who work in New York or the area. The City also recently opened a new multi-purpose community center here.”

A variety of uses surround the Redevelopment Area. Beyond the rear property line are railroad tracks, and other commercial uses within the C-4 Zone district on the east side of Pennsylvania Avenue. One and two-family homes are located on the west side of Pennsylvania Avenue, directly across from the Redevelopment Area, in the R-3A zone. The parcels in the recently approved “Baker Center Redevelopment Plan” are located 0.5 miles from 581-599 Pennsylvania Avenue.

1.2.C Photographs of Existing Conditions

A field survey of the 581 Pennsylvania Avenue Redevelopment Area was conducted by a representative of Harbor Consultants, Inc. on November 7, 2018 and again on February 26, 2021. The purpose of the field investigation was to determine and evaluate the existing land use, physical characteristics of the buildings, site improvements and the overall condition of the properties. Access to the property was generally limited to the public right-of-ways.

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i. Photographs of Block 11, Lot 1124.A

Figure 1: View of the front of the Redevelopment Area from Pennsylvania Avenue depicting a single-story structure and the western surface parking area (11-7-2018).

Figure 2: View of the front of the Redevelopment Area from Pennsylvania Avenue depicting the western surface parking area enclosed with rusted chain-link fencing topped with barbed wire. Vegetation visible growing between cracks in asphalt (2-26-2021).
Figure 3: View of the front of the Redevelopment Area from Pennsylvania Avenue depicting the western surface parking area enclosed with rusted chain-link fencing topped with barbed wire. Vegetation visible growing between cracks in asphalt (2-26-2021).

Figure 4: View of the eastern surface parking area enclosed with rusted chain-link fencing topped with barbed wire. Potholes and degraded asphalt visible throughout area (11-7-2018).
Figure 5: View of the eastern surface parking area, looking east, depicting the site enclosed with rusted chain-link fencing topped with barbed wire. (2-26-2021).

Figure 6: View of the eastern surface parking area and ingress near the corner of Pennsylvania Avenue and Fairmount Ave, looking east. (2-26-2021).
Figure 7: View of the eastern portion of the eastern surface parking area. Severely degraded asphalt visible (11-7-2018).

Figure 8: View of the eastern portion of the eastern surface parking area. Severely degraded asphalt visible and crumbling along fence line (11-7-2018).
Figure 9: View of eastern portion of surface parking lot, overgrowth, and litter along fence line visible (2-26-2021).

ii. Photographs of Surrounding Properties

Figure 10: View of Single, two, and three family homes located across Pennsylvania Avenue from the Redevelopment Area.
Figure 11: View from Pennsylvania Avenue of the vacant restaurant located on neighboring property, Block 11, Lot 1223.B, east of the Redevelopment Area.

Figure 12: View of entrance to Amtrak driveway located off Fairmount Avenue, along the rear property line of the Redevelopment Area.
SECTION 2. THE PUBLIC PURPOSE

2.1 Adoption of a Redevelopment Plan

In accordance with the Local Redevelopment and Housing Law, NJSA 40A:12A-7: No redevelopment project shall be undertaken or carried out except in accordance with a redevelopment plan adopted by ordinance of the municipal governing body, upon its finding that the specifically delineated project area is located in an area in need of redevelopment or in an area in need of rehabilitation, or both, according to criteria set forth in section 5 or section 14 of P.L. 1992, c. 79 (C40A:12A-5 or 40A:12A-14), as appropriate.

The redevelopment plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the project area sufficient to indicate:

(1) Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
(2) Proposed land uses and building requirements in the project area.
(3) Adequate provision for the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe, and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
(4) An identification of any property within the redevelopment area which is proposed to be acquired in accordance with the redevelopment plan.
(5) Any significant relationship of the redevelopment plan to (a) the master plans of contiguous municipalities; (b) the master plan of the County in which the municipality is located, and (c) the State Development and Redevelopment Plan adopted pursuant to the “State Planning Act,” P.L. 1985, c. 398 (C.52:18A-196 et al.).

The redevelopment plan shall describe its relationship to pertinent municipal development regulations as defined in the “Municipal Land Use Law,” P.L. 1975, c. 291 (C.40:55D-1 et seq.).

The redevelopment plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area. When the redevelopment plan supersedes any provision of the development regulations, the ordinance adopting the redevelopment plan shall contain an explicit amendment to the zoning district map included in the zoning ordinance.

2.2 Redevelopment Goals and Objectives

The Goals and Objectives of this Redevelopment Plan are as follows:

1. Redevelop a vacant site in the City of Elizabeth that has been found to be an area in need of redevelopment and satisfies certain criteria of the Local Redevelopment and Housing Law;
2. Provide a mixed-use development that reinvigorates the site and the surrounding neighborhood;
3. Provide housing with amenities that provides for realistic housing opportunities for the City of Elizabeth;
4. Incorporate retail storefronts, commercial space, and amenities on the first-floor frontage of the buildings to address the social, active, and passive recreational needs of the community and contribute to a lively street environment;
5. Encourage employment opportunities for Elizabeth residents through new commercial, retail and office use;
6. Encourage development of vacant and underutilized properties;
7. Incorporate green space, outdoor areas, and other outdoor amenities within and around a mixed-use project, which include plazas, landscaped areas, and other passive and active outdoor space;
8. Provide and maintain safe on-site and off-site pedestrian connections to surrounding properties to incorporate the new development into the existing community;
9. Provide sufficient off-street parking spaces for residents and employees on the site;
10. Investigate the impact of the new development on traffic conditions at the intersection of the project site entrance and Fairmount Avenue;
11. Eliminate conditions which are detrimental to the growth, health, and safety of the surrounding community;
12. Provide an aesthetically pleasing streetscape environment for passersby and residents; and
13. Incorporate green building technologies, green infrastructure, and sustainable energy systems into the site improvements and the building design to the extent practicable.

2.3 Relationship to Local Goals and Objectives

2.3.A City of Elizabeth Master Plan

This report briefly describes information related to the 581 Pennsylvania Avenue Redevelopment Area in consideration within The Partial Reexamination Report for the City of Elizabeth Master Plan, Amended July 27, 2015, prepared by Harbor Consultants, Inc., The Land Use Plan Element of the Master Plan dated January 8, 2016, prepared by Harbor Consultants, Inc, and the 2005 City of Elizabeth Master Plan, prepared by Cheryl Bergailo, P.P., AICP of Schoor DePalma, Inc. To further understand the benefits and effects that redeveloping the 581 Pennsylvania Avenue Redevelopment Area would have on the City of Elizabeth, this Redevelopment Plan analyzes how the redevelopment relates and adheres to the overarching City Master Plan.

The Redevelopment Area is largely located within the C-4 Special Commercial Zone as of the 2016 Land Use Element. A review of the Master Plan and its Elements provided information on the zone’s land use, housing, and circulation plans. The 2005 Elizabeth City Master Plan notes that in all commercial zones “it is recommended that residential uses be permitted only in conjunction with a principal commercial use, and that they only be located on the 2nd or higher floor. Residential uses should not be permitted as stand-alone, as-of-right uses. The commercial zones in the City should be protected from residential intrusion to preserve space for commercial uses in the City that provide services and enhance the tax base.”

The 2005 Land Use Element of the City of Elizabeth Master Plan lists the goals and objectives for the city, which include to: “3. Reduce incompatible land uses in residential, commercial, and industrial area; 5. Concentrate new commercial activities in areas where they provide a supportive function for neighboring land uses and are well-served by transportation facilities; and 7. Encourage property improvements and enforce building/zoning ordinances.” With respect to the interaction
between the Residential and Commercial Uses, the Master Plan states that “In all commercial zones, it is recommended that residential uses be permitted only in conjunction with a principal use, and that they only be located on the 2nd or higher floor. Residential uses should not be permitted as stand-alone, as-of-right uses. The commercial zones in the City should be protected from residential intrusion to preserve space for commercial uses in the City that provide services and enhance the tax base.”

The 2016 Land Use Element describes the “most over-arching and major goal of this reexamination” as “to increase the open space and space between structures through the amendment of side, front, and rear yard setbacks and the amount of impervious coverage throughout the city in the long-term.” While the 2016 Land Use Element included recommendations regarding changes to existing commercial zones, it did not specifically address C-4 zone, or commercially zoned areas which are similar to the Special Commercial Zone.

2.3.B Relationship to the City Land Use Procedures Ordinance

The 581 Pennsylvania Avenue Redevelopment Area is located within the Special Commercial (C-4) zone, as depicted on the City of Elizabeth Zone Map (Figure D).

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5 City of Elizabeth Master Plan, prepared by Cheryl Bergailo, P.P., AICP of Schoor DePalma, Inc., October 6, 2005. Section III Land Use Element, Page 16.

6 City of Elizabeth Land Use Element of the Master Plan, prepared by Harbor Consultants, January 16, 2016, page 10.
The following are the permitted uses and bulk requirements of the existing C-4 Zone.

<table>
<thead>
<tr>
<th>Table 2: Permitted Uses in the C-4 Special Commercial Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Elizabeth, Union County, New Jersey</td>
</tr>
<tr>
<td>Use</td>
</tr>
<tr>
<td>A Single-family</td>
</tr>
<tr>
<td>B Duplex</td>
</tr>
<tr>
<td>C Rowhouse</td>
</tr>
<tr>
<td>D Two-family dwelling</td>
</tr>
<tr>
<td>E Three-to-four family</td>
</tr>
<tr>
<td>F Garden apartment</td>
</tr>
<tr>
<td>G Multifamily</td>
</tr>
<tr>
<td>H Elevator apartment</td>
</tr>
<tr>
<td>I Nonprofit organization</td>
</tr>
<tr>
<td>J Government, educational and religious</td>
</tr>
<tr>
<td>K Clinics and hospitals</td>
</tr>
<tr>
<td>L Professional offices</td>
</tr>
<tr>
<td>M Business Offices</td>
</tr>
<tr>
<td>N Neighborhood Convenience</td>
</tr>
<tr>
<td>O Local convenience</td>
</tr>
<tr>
<td>P Community Retail</td>
</tr>
<tr>
<td>Q General and specialty retail</td>
</tr>
<tr>
<td>R Indoor amusement</td>
</tr>
<tr>
<td>S Hotels</td>
</tr>
<tr>
<td>T Major entertainment</td>
</tr>
<tr>
<td>U Major retail and commercial</td>
</tr>
<tr>
<td>V Arterial commercial</td>
</tr>
<tr>
<td>W Auto-related services</td>
</tr>
<tr>
<td>X Selected commercial and light manufacture</td>
</tr>
<tr>
<td>Y Wholesale and storage</td>
</tr>
<tr>
<td>Z Distribution and trucking</td>
</tr>
<tr>
<td>AA Light manufacture</td>
</tr>
<tr>
<td>BB General industrial</td>
</tr>
<tr>
<td>CC Sulfur and nitric acid manufacture</td>
</tr>
</tbody>
</table>
**Table 3: Bulk Standards Permitted in the C-4 Zone**  
City of Elizabeth, Union County, New Jersey

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Principal Buildings</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>5,000 SF</td>
</tr>
<tr>
<td>Minimum Lot Width (17.36.100.D)</td>
<td>50 Feet</td>
</tr>
<tr>
<td>Minimum Lot Depth (17.36.100.D)</td>
<td>100 Feet</td>
</tr>
<tr>
<td>Minimum Front Yard (17.36.110.A.5.a)</td>
<td>Prevailing. If no prevailing exists within the block than the front yard setback shall be twenty (20) feet.</td>
</tr>
<tr>
<td>Minimum Side Yard (17.36.110.A.5.b)</td>
<td>Ten (10) percent of lot width with a not to exceed distance of twenty (20) feet.</td>
</tr>
<tr>
<td>Minimum Rear Yard (17.36.110.A.5.c)</td>
<td>Twenty-five (25) feet. The minimum shall be thirty-five (35) feet when property is adjacent to a residential zone, noncommercial use or a non-industrial use</td>
</tr>
<tr>
<td>Maximum Height (Principal) (17.36.120)</td>
<td>5 stories and 60 Feet</td>
</tr>
<tr>
<td>Maximum Height (Accessory)</td>
<td>2 stories; 25 feet</td>
</tr>
<tr>
<td>Maximum Building Coverage (17.36.110.F)</td>
<td>All non-residential lots shall have a max impervious coverage of seventy-five (75) percent.</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio (17.36.110.G.1)</td>
<td>All non-residential lots shall have a minimum floor area ration (FAR) of eleven (11) percent.</td>
</tr>
<tr>
<td><strong>Accessory Buildings</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum Accessory Building Height (17.36.110.C.1.b)</td>
<td>Commercial and industrial accessory buildings shall be permitted in any yard provided they are limited to one story and fifteen (15) feet in height.</td>
</tr>
<tr>
<td>Accessory Building Setback (17.36.110.C.1.b)</td>
<td>In a front yard such buildings shall be set back not less than three-quarters of the height of the building wall from any property line.</td>
</tr>
<tr>
<td>Accessory Building Coverage (17.36.110.G.2)</td>
<td>Accessory buildings and structures cannot exceed ten (10) percent of the principal building square footage.</td>
</tr>
</tbody>
</table>
SECTION 3. THE REDEVELOPMENT PLAN

3.1 Land Use Plan

The 581 Pennsylvania Avenue Redevelopment Area (Block 11, Lot 1224.A) is to be redeveloped with a mixed-use project consisting of a maximum of ninety (90) residential units, containing of a mix of apartment units and nonresidential uses in one building as illustrated on the five (5) concept plans attached as exhibits to this Plan. The mixed-use elevator building will consist of four (4) stories of residential over a two-level garage with ground floor commercial uses fronting on Pennsylvania Avenue and the corner of Fairmount Avenue. A dedicated lobby entrance to the residential building will be located on Pennsylvania Avenue. The 134-space parking garage shall provide access via both streets. The exhibits depict the general layout of the mixed-use building along with landscaped areas along Pennsylvania Avenue, a hardscape plaza at the corner of Pennsylvania and Fairmount Avenues contiguous with a children’s play area, and an above-grade outdoor amenity space that is wrapped by the building exterior.

The nonresidential component of the Plan consists of approximately 5,000 +/- square feet of nonresidential uses, which is included on the exhibit layouts. Additionally, a landscape and opens space design is envisioned pursuant to the requirements set forth in Section and 3.3.A Streetscape and Landscaping Improvements. An illustrative plan of the required open and amenity space, and hardscape plaza is detailed on the exhibit layouts, that the development should be substantially consistent with.

3.1.A Permitted Uses in the 581 Pennsylvania Avenue Redevelopment Area

A. Permitted Principal Uses

1. Mixed-use buildings.

   a. Permitted residential units within the mixed-use building:

      i. Maximum of 90 residential units shall be provided within the building, as illustrated on the attached Concept Plan

   b. Permitted non-residential uses within mixed-use building:

      i. Eating and drinking establishments, which may include outdoor seating. Examples include restaurants, cafes, coffee shops and bars.

      ii. Retail stores and services of goods and merchandise to the public for personal use or household consumption. Examples include grocery stores, retail clothing stores, bakeries, drug stores and convenience stores.

      iii. Production of retail goods for distribution off-site provided the production activities are associated with an on-site retail store and is limited to 75% of the retail space which it occupies on site. For example, a bakery may produce products for distribution off-site provided the facility also contains a retail store open to the public.
iv. Personal services use primarily involving the care of a person or a person's personal goods or apparel. Examples include dry cleaners (pick up only, no dry cleaning to be permitted on site), beauty salons, barbershops, shoe repair, tailors, spas and health clubs.

v. Banks and fiduciary institutions.

vi. Offices (medical, professional, or general).

B. Permitted Accessory Uses

a. Common outdoor public or private spaces, plazas, terraces and active or passive recreation facilities. It is the intent of this redevelopment plan that both passive and active open space areas are provided as illustrated on the series of five drawings contained within the Exhibits section of this report, including but not limited to an open plaza space and active and passive rooftop spaces to support the residential uses as illustrated on the referenced concept plans.

b. Partially enclosed parking structures within mixed-use buildings.

c. Surface on-street parking serving the uses within the 581 Pennsylvania Avenue Redevelopment Area which are limited to the parallel parking spaces along Pennsylvania Avenue.

d. Gardens, hardscape patio areas, landscape features (See Section 3.3.A for Streetscape and Landscaping Improvements requirements).

e. Play areas for children adjacent to residential use.

f. Dog run.

g. Green roofs.

h. Solar canopy array or roof mounted systems.

i. Stormwater management/flood storage systems.

j. Signage associated with the principal uses on the site.

k. Generators.

l. Any accessory use or structure customary and incidental to any permitted principal use as approved by the Planning Board.
### 3.1.B Building, Area, and Yard Requirements

#### Table 4: Bulk Requirements for the 581 Pennsylvania Avenue Redevelopment Area, Located in Block 11, Lot 1224.A City of Elizabeth, Union County, New Jersey

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Density of the Development</strong></td>
<td></td>
</tr>
<tr>
<td>The 581 Pennsylvania Avenue Redevelopment Area</td>
<td>shall have a maximum permissible</td>
</tr>
<tr>
<td></td>
<td>density of ninety (90) residential</td>
</tr>
<tr>
<td></td>
<td>units.</td>
</tr>
<tr>
<td><strong>Min. Lot Area</strong></td>
<td>0.90 Acres</td>
</tr>
<tr>
<td><strong>Max. Building Height (Feet)</strong></td>
<td>65 Feet (a)</td>
</tr>
<tr>
<td><strong>Max. Building Height (Stories)</strong></td>
<td>5 Stories</td>
</tr>
<tr>
<td><strong>Max. Building Coverage</strong></td>
<td>70%</td>
</tr>
<tr>
<td><strong>Max. Impervious Lot Coverage (%)</strong></td>
<td>80%</td>
</tr>
<tr>
<td><strong>Minimum Open Space (hardscape + softscape)</strong></td>
<td>25%</td>
</tr>
<tr>
<td><strong>Principal Building Setbacks</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Min. Sidewalk Width at Front of Building</strong></td>
<td>15 Feet (b)</td>
</tr>
<tr>
<td><strong>Min. Side Yard Setback</strong></td>
<td>15 Feet</td>
</tr>
<tr>
<td><strong>Min. Setback from Newark Avenue</strong></td>
<td>10 Feet</td>
</tr>
<tr>
<td><strong>Minimum Distance Between Buildings</strong></td>
<td>40 Feet</td>
</tr>
<tr>
<td><strong>Parking Requirements</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Min. Number of Off-Street Car Parking Spaces</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Per Residential Unit</strong></td>
<td></td>
</tr>
<tr>
<td>One-bedroom</td>
<td>1.0 space/unit</td>
</tr>
<tr>
<td>Two-bedroom</td>
<td>2.0 spaces/unit</td>
</tr>
<tr>
<td>Three-bedroom</td>
<td>2.1 spaces/unit</td>
</tr>
<tr>
<td><strong>Min. Number of Off-Street Parking Spaces</strong></td>
<td></td>
</tr>
<tr>
<td><strong>(Non-Residential Uses) (c)</strong></td>
<td></td>
</tr>
<tr>
<td>Retail and Personal Service</td>
<td>3 spaces/1,000 SF</td>
</tr>
<tr>
<td>Office</td>
<td>3 spaces/1,000 SF</td>
</tr>
<tr>
<td>Eating and Drinking Establishment</td>
<td>1 space/1,000 SF</td>
</tr>
<tr>
<td><strong>Any other permitted non-residential use parking</strong></td>
<td>standard shall be determined by the Planning Board at the time of site plan approval</td>
</tr>
<tr>
<td><strong>Min. Side and Rear Yard Setback of Any Parking Space, Driveway, or Aisle</strong></td>
<td>5 Feet</td>
</tr>
</tbody>
</table>

(a) Building height shall be measured from the lowest finished ground level elevation, excluding basements & subgrade parking. Utilitarian appurtenances such as vents, mechanical equipment and utilities may project not more than two feet above the permitted building height unless they are enclosed within parapet walls. Parapet walls may project not more than ten feet and shall be setback at least ten feet from the roof edge. Dormers, penthouses, elevator shafts may project ten feet above the permitted building height provided that any such projection is stepped back a minimum of ten feet from the edge of the roof to provide clearance for stairways or equipment in vertical shafts.

(b) A width less than 15 feet is permissible to avoid site or utility obstructions.
(c) A reduction in the minimum required parking ratios may be approved by the Planning Board where it is demonstrated that the projected parking demand will be less than required by this Redevelopment Plan due to the availability of mass transit or otherwise.

3.1.C Subdivision and Phasing

1. The 581 Pennsylvania Avenue Redevelopment Area may be constructed in phases for the purpose of financing or otherwise, subject to review and approval of any subdivision by the City Planning Board. Where the developer seeks to construct the Redevelopment Area in phases, the developer shall present a phasing plan to the Planning Board for review and approval. As part of the first phase of development the developer shall construct all necessary utilities, stormwater facilities, walkways, sidewalks, and all other infrastructure, both on-site and off-site, deemed necessary by the Planning Board for the overall full build out of the 581 Pennsylvania Avenue Redevelopment Area to ensure the orderly development of the Redevelopment Area.

2. All land areas that are not fully developed in the first phase of the development shall be graded, stabilized, and maintained as lawn or landscaping with ground cover, the design, and details of which shall be shown on the phasing plan to be approved by the Planning Board, and maintained and lawn or landscaped areas until that phase of the development is constructed.

3.1.D Signage

1. Wall signs shall conform to the following standards:
   a. Max. Number of Signs per Business: One (1) per business per street or parking area frontage.
   b. Max. Sign Area for All Signs to be attached to the Façade of the Building: Four percent (4%) of the building face to which it is attached subject to Planning Board review and approval to ensure the overall scale and design of the sign(s) are consistent with the goals and objectives of this redevelopment plan.
   c. Max. Height: No sign shall project above the roofline. The overall vertical dimension of a wall sign shall not exceed four feet.

2. Monument (free standing) signs shall conform to the following standards:
   a. Max. Number: One (1) per driveway.
   b. Max. Sign Area: 40 square feet per each side of the sign.
   c. Max. Height: Eight (8) feet.

3. Illumination of Signs. The light source shall be internal or shielded. Illuminated signs shall be turned off at 11 pm or at close of business. Light source shall be shielded, and brightness shall not be objectionable to surrounding area.

4. Signs shall be approved by the Planning Board.
3.2 Development Requirements

3.2.A Parking and Traffic Circulation Standards

1. The developer shall provide a traffic study to the satisfaction of the Planning Board Engineer.

2. All required off-street parking and loading spaces shall be provided on-site.

3. All parking spaces located in the parking structure shall be partially enclosed on all sides of the building with a combination of the same building materials used for the main portion of the building and decorative screening elements such as grating, louvers, or similar approved materials integrated to meet air quality requirements, except for driveway openings. Screening materials shall be subject to Planning Board approval.

4. The structured parking garage shall include a minimum of three percent (3%) of the parking spaces as electric car charging stations.

5. Surface parking shall be permitted to support the mixed-use development but shall not be the sole source of on-site parking. The layout and circulation of the surface parking shall be subject to Planning Board approval.

6. The minimum number of off-street parking spaces provided within the 581 Pennsylvania Avenue Redevelopment Area shall be as described in Table 3. Tandem parking spaces may be permitted, at the Planning Board’s discretion, when such spaces are designated for residential parking or for valet parking, and the developer has submitted a plan for such tandem parking spaces that the Planning Board deems acceptable.

7. A Traffic Circulation Plan shall be provided depicting turning radius of emergency vehicle routes and service vehicles through the site, including within the structured parking garage. No truck circulation routes shall interfere with any permitted on-street parking spaces or driveways.

8. All parking spaces, loading spaces, fire lanes, and circulation routes shall be striped and signed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). All such striping and signage shall be depicted on the Traffic Circulation Plan;

9. A minimum of one (1) loading space that is 12 feet in width shall be provided per building.

10. All driveways, internal roadways, site improvements, and parking spaces located on the property shall be owned and maintained by the developer(s).

11. The developer shall apply to the City for Title 39 Jurisdiction.

3.2.B Project Design Standards and Conditions

1. The improvements and buildings shall be constructed to the National Fire Protection Association (NFPA) 13 Codes and Standards.
2. Sound/acoustic attenuation materials and/or devices shall be used for residential buildings where necessary to reduce the impact of the transit lines located behind the rear property line of the 581 Pennsylvania Avenue Redevelopment Area.

3. No residential units are permitted on the first floor along in any building. The first floor may be occupied by permitted non-residential uses or used as amenity space or lobby space which supports residential uses.

4. The developer shall reconstruct and provide streetscape improvements along the Redevelopment Area Right of Way (ROW) of Pennsylvania and Fairmount Avenues, including, but not limited to, ornamental street lights, street trees, brick or precast concrete paver sidewalks, brick or precast concrete paver crosswalks, bicycle racks, trash/recycling receptacles, and benches and other seating options to the satisfaction of the Planning Board Engineer.

5. A comprehensive open space design and landscape plan, which includes the landscape/open requirements described in this Redevelopment Plan, shall be prepared by a Licensed Landscape Architect. All areas of the 581 Pennsylvania Avenue Redevelopment Area not covered by buildings, pavement, walkways, and other permissible impervious surfaces shall contain landscape plantings. The use of perennials, groundcover, and native species is encouraged.

6. All mechanical equipment, generators, HVAC equipment and similar equipment shall be acoustically buffered so that any noise generated by the equipment shall be within the applicable residential sound standards as defined by the State of New Jersey.

7. All mechanical equipment shall be screened from view, both from the street and existing or neighboring buildings. Said screening shall be constructed in a manner that is consistent with the architecture of the building and shall utilize the same materials used in the construction of the building, so that the screening appears to be an integral part of the building. The screening shall not impair the functioning of the equipment;

8. The use of green building technologies is strongly encouraged to be incorporated into all aspects of the design. Green building (also known as green construction or sustainable building) is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building’s life cycle.

9. Upon the demolition of any existing building or structure, in whole or in part, the 581 Pennsylvania Avenue Redevelopment Area shall be properly graded and stabilized in accordance with the Soil Erosion and Sediment Control Plan unless new construction is to commence on the same site within thirty (30) days.

10. If any environmental hazards or conditions exist on the 581 Pennsylvania Avenue Redevelopment Area, the developer is responsible for obtaining all necessary permits and approvals from the New Jersey Department of Environmental Protection, Land Use Regulation and a Licensed Site Remediation Professional (“LSRP”), including a Remedial Action Order (“RAO”) if applicable, prior to the start of any construction activities.

11. Lighting Requirements.
a. Light Fixture Mounting Height: 25' maximum  
b. Light Type: Light-Emitting Diode (LED)  
c. Minimum Horizontal Light Level (parking lot): 0.2 fc  
d. Minimum Horizontal Light Level (sidewalks): 0.5 fc  
e. Minimum Parking Lot Average Light Level: 1.0 fc  
f. The illumination levels (fc) at the ingress & egress driveways may exceed the maximum levels subject to the Planning Board Engineer approval at the time of the site plan application.  
g. Lighting Design:  
   i. All lighting from fixtures shall be cut off at property lines.  
   ii. Sky glow effects are prohibited.  
   iii. The applicant shall provide a manufacturer’s computer print-out and/or specifications publication of the proposed average maintained foot-candles on the site.  
   iv. A lighting plan depicting the point-by-point footcandles at the surface shall be submitted at the time of site plan application.  

3.2.C Building and Architectural Design Standards and Programming  

1. Architectural Building Elevation: Concept Plan Sheets A-1 and A-4 represent a typical architectural building elevation for the building to be constructed within the 581 Pennsylvania Avenue Redevelopment Area. These building elevations shall be typical for all four sides of the buildings. All building elevations are required to be built to the same building construction standards and aesthetics, using the same building materials. The use of horizontal siding is prohibited.  

2. Bedroom Distribution. The 581 Pennsylvania Avenue Redevelopment Area shall have a maximum permissible density of ninety (90) residential units comprised of sixty-six (66) one-bedroom units; twenty (20) two-bedroom units; and four (4) three-bedroom units  

3. Design Standards. The intention of this Redevelopment Plan is to design a building that incorporates a visually coherent and pleasing combination of materials, colors, textures, window placement, and vertical modulation. The massing of the structure should add variety, visual interest and help create a residential scale development compatible with its surroundings.  

4. The façade of the building will be constructed and designed with high quality materials such as a glass and metal window wall system subject to the review and approval of the Planning Board at the time of site plan approval to ensure that the architectural design provides for a visually interesting and aesthetically pleasing building façade on all building elevations. More contemporary materials such as glass curtain walls, composite metal panel systems, precast concrete, vegetated walls and other similar high quality building materials may also be incorporated in the design of the building as accent materials only, especially at the upper levels of the building subject to the review and approval of the Planning Board. EIFS (Exterior Insulating Finishing Systems), artificial stone, and brick-face veneer (“Permastone” & “Brickface”) and other similar façade materials may not be used within the 581 Pennsylvania Avenue Redevelopment Area. Similarly, jumbo brick and concrete block of any type are not permitted as façade materials within the Redevelopment Area.
5. Building façades shall be articulated with a mix of materials, window treatments, and protrusions as shown on Sheets A-1 and A-4 of the Concept Plan, which are subject to the review and approval of the Planning Board at the time of site plan approval to ensure that the architectural design provides for a visually interesting and aesthetically pleasing building façade on all building elevations.

6. The building shall be designed to be attractive and inviting when viewed from all vehicular and pedestrian pathways within the 581 Pennsylvania Avenue Redevelopment Area and from vantage points outside of the Redevelopment Area.

7. Main building entries shall be prominent and easily identifiable.

8. Fenestration: All colors, materials, and architectural features associated with fenestration shall be subject to Planning Board Approval at the time of site plan approval. For the avoidance of doubt, parking garage screening shall be partially enclosed (i.e., partial open-air structures) and shall be constructed primarily with the same building materials as the main portion of the building.

9. Hierarchical collection of distinctive light fixtures shall be located on buildings to provide necessary light levels for safe circulation and gathering activities.

10. Building mass shall be varied to create recessed areas to break up the mass of the building.

11. Long expanses of blank wall are prohibited.

12. Adequate facilities shall be provided for the handling of garbage, recycling, and other refuse by providing and maintaining an enclosed and screened area within the buildings, within which all garbage, recycling and refuse containers shall be stored, subject to Planning Board approval.

3.2.D Open Space and Amenities

1. At the time of site plan approval, the developer shall provide a detailed outline of the uses for the indoor and outdoor amenity areas in addition to including these areas on submitted site plans. Size and use of amenity spaces are subject to Planning Board approval as well as the materials used for the outdoor amenity areas. These Open Space and Amenity Areas shall be at a minimum consistent with Sheet A-2 and A-3 of the Concept Plan.

2. Any portion of the 581 Pennsylvania Avenue Redevelopment Area that is not used for buildings or parking coverage will be used for outdoor open and/or green space to be maintained by the developer and/or successor association as depicted on the Concept Plans. The developer shall prepare a landscaping and open space plan for review by the Planning Board – specifically addressing and demonstrating how each of the objectives is achieved.

3. The development of the 581 Pennsylvania Avenue Redevelopment Area may include, but is not limited to, the following amenities to support the residential units: a hotel style
lobby, a club room, exercise and health area, game room, shared office space with printers/copiers, cinema and recording studios, lounge, community kitchen and coffee bar, makerspace and similar non-residential uses designed to support the residential uses.

4. Courtyards and above grade terraces shall be attractively and uniformly designed with decorative pavement, plantings, furniture, and lighting. Detailed design of above grade terraces shall be included in the site plan submission.

5. A minimum amount of open space or outdoor recreation and other elements as designed on a Landscape Plan prepared by a Licensed Landscape Architect, shall be provided as set forth in Table 3.

3.2.E Utilities

1. All new electric, telephone, television, cable, gas, and other utility service lines servicing the buildings shall be installed underground, to the extent such underground service is commercially reasonable, available, and permitted by the applicable utility companies, and in all events shall be installed in accordance with the prevailing standards and practices of the respective utility or other companies providing such services.

2. All utility connection permits, and road opening permits shall be obtained from the respective utility authority prior to the start of construction. All municipal roadways damaged by the construction related to the development of the 581 Pennsylvania Avenue Redevelopment Area shall be restored and/or repaved as directed by the City of Elizabeth Engineer.

3.3 Provisions Related to Pennsylvania and Fairmount Avenue Improvements

3.3.A Streetscape and Landscaping Improvements

1. The Master Plan makes clear the need to provide pedestrian access and safe circulation. The proposed uses in this Redevelopment Plan include residential and non-residential uses which will generate pedestrian traffic and should therefore support safe and appropriate pedestrian infrastructure. To create a pleasant pedestrian environment and provide safe connectivity for pedestrians, the development of the Redevelopment Area shall also include streetscape improvements along the east side of Pennsylvania Avenue and south side of Fairmount Avenue along the entire street frontage.

2. A Streetscape and Landscaping Improvements Plan shall be submitted for review and approval by the Elizabeth Planning Board. The Streetscape Improvement Plan shall be prepared by a Licensed Landscape Architect and shall include detailed construction drawings for all on site landscaping, common areas, recreation areas, and all street frontage improvements, including but not limited to street trees, curbing, ornamental lighting, brick or precast concrete paver walkways, benches, bicycle racks, trash/recycling receptacles, signage and other street furniture as directed by the Elizabeth Planning Board.
3. An illustrative plan of the required indoor amenity, outdoor open space, and hardscape plaza is detailed on Sheet A-1 through A-3 of the Concept Plan, and the following areas shall be provided substantially consistent with the design and approximate dimensions as provided by the Plans:

   a. Approximately 400 +/- square feet of passive and active open space along the perimeter of the building, including but not limited to seating/gathering areas.
   b. Approximately 1,500 +/- square feet of hardscape plaza at the corner of Pennsylvania and Fairmount Avenues.
   c. Approximately 500 +/- square feet of children’s playground area.
   d. Approximately 5,000 +/- roof terrace amenity/open space.
   e. Approximately 900 +/- square foot indoor exercise room.

3.3. B Traffic Study and Related Improvements

The developer shall provide a traffic study for the proposed development at the time of the site plan hearing before the Planning Board that shall address the traffic impact of the proposed development on the City’s traffic circulation and roadways, as well as access to the site in accordance with the City, Residential Site Improvement Standards (“RSIS”), and New Jersey Department of Transportation (the NJDOT”) regulations.

3.4 Green Building and Sustainability

The use of green building technologies is strongly encouraged to be incorporated into all aspects of the project design. Green building (also known as green construction or sustainable building) is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building’s life cycle: from siting to design, construction, operation, maintenance, renovation, and demolition. Development in the 581 Pennsylvania Avenue Redevelopment Area is encouraged to be designed, constructed, and operated so it could meet the criteria for a LEED-certified rating by the U.S. Green Buildings Council. Green building design offers the advantages of reduced energy and operating costs while at the same time using less materials. Building design should consider incorporating the following:

   a. Solar panels, green roofs, storm water recharging systems and solar powered lighting are some methods that could be used to increase resource efficiency.
   b. Implement green roof planting on flat roofing of multi-story buildings or light color for roof surfaces.
   c. The use of high efficiency fixtures can reduce energy consumption.
   d. Specify building products with recycled content and that are manufactured regionally.
   e. Specify ENERGY STAR appliances to help reduce energy consumption.
   f. Operable windows should be provided for all residential and non-residential spaces.
3.5 Redevelopment Actions

3.5.A Demolition

The development of the 581 Pennsylvania Avenue Redevelopment Area will involve the demolition of the existing remaining improvements on the properties. As a part of the demolition, all remains from the foundations of prior structures need to be removed. It is the responsibility of the developer to remove all debris, including crushed concrete and garbage from the Redevelopment Area, regardless of whether the debris was on the properties prior to the start date of construction. The reuse of crushed concrete or other materials may be acceptable and shall be addressed as part of the site plan approval, subject to the developer receiving the proper permits and approvals from NJDEP. The developer shall defend and indemnify the City for its use and/or proper disposal if removed from the Plan Area, of all existing and remaining improvements and other materials, including soils, on the site.

3.5.B New Construction

The development of the 581 Pennsylvania Avenue Redevelopment Area will involve the new construction of mixed-use buildings, open space improvements and streetscape improvements along any frontage.

3.5.C Properties to be Acquired

This Redevelopment Plan will not involve the taking of any privately owned property.

3.5.D Relocation

No residents nor businesses will need to be relocated to redevelopment plan the 581 Pennsylvania Avenue Redevelopment Area. Therefore, there is no need for a resident or workplace relocation assistance program (“WRAP”).
SECTION 4. RELATIONSHIP TO OTHER PLANS

4.1 Relationship to the Local Land Use and Zoning Ordinance

This Redevelopment Plan shall supersede all provisions of the Zoning and Development Regulations of the City of Elizabeth regulating development in the 581 Pennsylvania Avenue Redevelopment Area. Final adoption of this Redevelopment Plan by the City Council shall be considered an amendment of the City of Elizabeth Zoning Map.

The zoning district map in the zoning ordinances of the City shall be amended to include the boundaries described in this Redevelopment Plan and the provisions therein. All the provisions of this Redevelopment Plan shall supersede the applicable development regulations of the City's ordinances, as and where indicated, for the Redevelopment Area. In the event of any inconsistencies between the provisions of this Redevelopment Plan and any prior ordinance of the City of Elizabeth, the provisions hereof shall be determined to govern.

4.2 Plans of Adjacent Municipalities

Figure E: Municipalities Adjacent to the City of Elizabeth

4.2.A Borough of Roselle Park

The Borough of Roselle Park is a geographically small municipality located west of the City of Elizabeth. Zoning along the border of the two municipalities is for R-1 single-family residential uses. An east-west arterial road, Westfield Avenue, is the primary connector between the Borough and the City. Since the residential area of Elizabeth that borders Roselle Park is built out, and since this Redevelopment Area is in the northern portion of the City of Elizabeth, it can be concluded that this Redevelopment Plan will not affect the Borough of Roselle Park.
4.2.B  City of Linden

The border of the Cities of Linden and Elizabeth is approximately one- and three-quarter mile to the south of the 581 Pennsylvania Avenue Redevelopment Area, which is sufficiently far from the nearest residential neighborhood in Linden such that the size of any redeveloped building will not impact these neighborhoods.

4.2.C  City of Newark

The City of Newark is located north of the City of Elizabeth approximately one-half mile to the 581 Pennsylvania Avenue Redevelopment Area. Newark Liberty International Airport lies along most of the border between the two cities. Surrounding the airport are Interstate-95, U.S.-9, and N.J.-27, which all travel in the north-south direction from Newark to Elizabeth. On their eastern shores, the cities share the Port Newark-Elizabeth Marine Terminal, which is the largest port on the East coast and the third largest in the country, as operated by the Port Authority of New York and New Jersey. The Redevelopment Area is located on Pennsylvania and Fairmount Avenues which are not major roadways connecting the two municipalities. Due to the location of this Redevelopment Plan, the City of Newark will likely be unaffected.

4.2.D  Township of Hillside

Hillside Township is located north of the City of Elizabeth along City districts that are zoned for single-family, two-family, and four-family residential, which transitions as residential into the Township. There are multiple residential districts with similar densities in the City of Elizabeth between the 581 Pennsylvania Avenue Redevelopment Area and the Township of Hillside which act as a buffer. It is unlikely that Hillside will be affected by this Redevelopment Plan.

4.2.E  Township of Union

The Township of Union lies west of the City of Elizabeth, between Roselle Park to the south and Hillside to the north. The part of Union to the west of Elizabeth contains Kean University and a small area of residential use. The 581 Pennsylvania Avenue Redevelopment Area is adjacent to the southeastern border of Union Township. However, since this Redevelopment Plan is not in the immediate area like Morris Avenue, Union will not be affected by this Redevelopment Plan.

4.3  Union County Master Plan

“The Union County Master Plan has a variety of planning goals and objectives designed to address major issues and influences that impact Union County’s housing, land use, transportation/circulation and economic development. The County goals and objectives recognize the interrelationships of related policies of municipalities, regional agencies and the State regarding the future development of Union County.”

The Union County Master Plan sets guidelines for the municipalities of Union County and aims to spur economic growth through commercial, residential and transportation development. The Union County Master Plan promotes development and redevelopment consistent with surrounding areas.

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7 Union County Master Plan. June 1998, 1-2
while revitalizing “older suburban areas through...commercial adaptive reuse...upgrading of community infrastructure and upgrading transportation and transit facilities.”

This Redevelopment Plan is consistent with the Union County Master Plan, in that it aims to promote redevelopment of vacant and blighted city lots through beautification and planning efforts.

### 4.4 New Jersey State Development and Redevelopment Plan

The properties in the 581 Pennsylvania Avenue Redevelopment Area are mapped within the Metropolitan Planning Area PA I as depicted on the New Jersey State Development and Redevelopment Plan. “In the Metropolitan Planning Area, the State Plan’s intention is to provide for much of the state’s future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older communities; redesign areas of sprawl; protect the character of existing stable communities.”

In 2001, the New Jersey State Planning Commission adopted The New Jersey State Development and Redevelopment Plan. A Final Draft of the State Development and Redevelopment Plan was reissued in 2010. The State Planning Act contains three key provisions that mandate the approaches the Plan must use in achieving State Planning Goals. The Plan must encourage development, redevelopment and economic growth in locations that are well situated with respect to present or anticipated public services or facilities and to discourage development where it may impair or destroy natural resources or environmental qualities; reduce sprawl; and promote development and redevelopment in a manner consistent with sound planning and where infrastructure can be provided at private expense or with reasonable expenditures of public funds. (N.J.S.A. 52:18A-196. et seq.). The general redevelopment plan strategy is to achieve all the State Planning Goals by coordinating

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8 Union County Master Plan: June 1998, 1-3 – 1-4.

public and private actions to guide future growth into compact, ecologically designed forms of
development and redevelopment, and to protect the Environs, consistent with the Statewide Policies
and the State Plan Policy Map.

The New Jersey State Plan Policy Map integrates the two critical spatial concepts of the State
Plan—Planning Areas, and Center and Environs—and provides the framework for implementing
the Goals and Statewide Policies. Each Planning Area has specific intentions and Policy Objectives
that guide the application of the Statewide Policies. The Policy Objectives ensure that the Planning
Areas guide the development of location of Centers and protect the Environs. Applying the
Statewide Policies through the State Plan Policy Map will achieve the goals of the State Planning
Act.

According to the New Jersey State Development and Redevelopment Plan, the DH-24 Zone
Redevelopment Area is in the Metropolitan Planning Area, PA1. PA1 provides for much of the state’s
future redevelopment: revitalize cities and towns; promote growth in compact forms; stabilize older
suburbs; redesign areas of sprawl; and protect the character of existing stable communities. As the
name implies, the communities in this Planning Area often have strong ties to, or are influenced by,
major metropolitan centers—the New York/Newark/ Jersey City metropolitan region in the
northeastern counties. The investment in passenger rail service in the Metropolitan Planning Area is
represented by over 130 stations on eleven (11) heavy rail lines, two (2) rapid transit lines, two (2)
light rail lines, and one (1) subway line.

Over the years, both the public and private sectors have made enormous investments in building
and maintain a wide range of facilities and services to support these communities. The massive
public investment is reflected in thousands of miles of streets, trade schools and colleges, libraries,
theaters, office buildings, parks and plazas, transit terminals and airports. Most of these communities
are fully developed, or almost fully developed, with little vacant land available for new
development. Much of the change in land uses, therefore, will take the form of redevelopment.
These communities have many things in common: mature settlement patterns resulting in a diminished
supply of vacant land; infrastructure systems that generally are beyond or approaching their
reasonable life expectancy; the need to rehabilitate housing to meet ever changing market
standards; the recognition that redevelopment is, or will be the not-too-distant future, the
predominant form of growth; and a growing realization of the need to regionalize an increasing
number of services and systems in light of growing fiscal restraints. In addition, the wide and often
affordable choice of housing in proximity to New York and Philadelphia has attracted significant
immigration, resulting in noticeable changes in demographic characteristics over time. This
Redevelopment Plan is consistent with and will reinforce the goals and objectives of the State
Development and Redevelopment Plan.
SECTION 5 | GENERAL PROVISIONS

5.1 Approvals Process

This Redevelopment Plan changes the process by which approvals for the development of land are typically granted. For a typical development application, a property owner submits plans and an application to the Planning Board or Zoning Board of Adjustment, and the board schedules a hearing on the application. However, to comply with this Redevelopment Plan and to streamline the review process, the following procedure will be followed:

5.1.A Planning Board Review Process

All development applications shall be submitted to the City of Elizabeth Planning Board through the normal site plan and subdivision procedures as outlined in N.J.S.A. 40:55D-1 et seq.

5.1.B Variances & Design Waivers

Any deviation from a permitted use standard, which would typically result in a “d” variance pursuant to N.J.S.A. 40:55D-70d, shall be addressed as an amendment to this Plan. Neither the Planning Board nor the Board of Adjustment shall have authority to allow deviations, which would result in a “d” variance. The Planning Board shall have power to grant relief from other bulk and dimensional requirements of this Redevelopment Plan, and the Elizabeth Land Development Code if applicable, to the same extent as the Board may grant relief from blanket and dimensional requirements pursuant to the N.J.S.A. 40:55D-70c and the power to grant waivers from the standards of the Redevelopment Plan, and the Elizabeth Land Development Code if applicable, to the same extent as the Board may grant relief from subdivision and site plan regulations pursuant to N.J.S.A 40:55D-51.

To this Redevelopment Plan the deviations from the requirements set forth in Sections 3.1 shall be treated as variances and deviations from the requirements set forth in Sections 3.2 and 3.3 shall be treated as waivers.

5.2 Easements

In the event the 581 Pennsylvania Avenue Redevelopment Area is subdivided, each property owner shall grant to the other temporary and permanent easements which are necessary for access and for the proper functioning of the improvements constructed or to be constructed within the 581 Pennsylvania Avenue Redevelopment Plan Area as contemplated by the approvals. No Building shall be constructed over a public easement in the 581 Pennsylvania Avenue Redevelopment Area without prior written approval of the City Council. It is specifically noted that it may be necessary to enter into easement agreements with adjacent property owners to obtain ingress/egress to the 581 Pennsylvania Avenue Redevelopment Area.

5.3 Site Plan Review

5.3.A Site Plan and Subdivision Review

Prior to commencement of construction, site plans for the construction and/or rehabilitation of improvements within the 581 Pennsylvania Avenue Redevelopment Area, prepared in accordance
with the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), shall be submitted by the applicants for review and approval by the City Planning Board.

5.3.B Approvals by Other Agencies

The developer shall be required to provide the City with copies of all permit applications made to federal, state and county agencies upon filing such applications, as will be required by the Redeveloper’s Agreement to be executed between the redeveloper and the City.

5.3.C. Certificate of Completion and Compliance

Upon the inspection, verification, and approval by the City Council that the redevelopment of the 581 Pennsylvania Avenue Redevelopment Area, or portion thereof, has been completed, a Certificate of Completion and Compliance will be issued to the redeveloper and such area will be deemed no longer in need of redevelopment.

5.3.D Severability

The provisions of this Redevelopment Plan are subject to approval by Ordinance. If a Court of competent jurisdiction finds any word, phrase, clause, section, or provision of this Redevelopment Plan to be invalid, illegal, or unconstitutional, the word, phrase, clause, section, or provision shall be deemed severable, and the remainder of the Redevelopment Plan and implementing Ordinance shall remain in full force and effect.

5.3.E. Adverse Influences

No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features to be detrimental to the public health, safety, or general welfare.

5.3.F Non-Discrimination Provisions

No covenant, lease, conveyance, or other instrument shall be affected or executed by the City Council or by a developer or any of his successors or assignees, whereby land within the 581 Pennsylvania Avenue Redevelopment Area is restricted by the City Council, or the developer, upon the basis of race, creed, color, or national origin in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use of any part of the 581 Pennsylvania Avenue Redevelopment Area based on race, creed, color, or national origin.

5.3.G Infrastructure and Public Improvements

The developer, at the developer’s sole cost and expense, shall provide all necessary engineering studies for, and construct or install all on- and off-site municipal infrastructure improvements and capacity enhancements or upgrades required in connection with the provision of water, sanitary sewer, and stormwater sewer service to the 581 Pennsylvania Avenue Redevelopment Area, in addition to all required tie-in or connection fees. The redeveloper shall also be responsible for
providing, at the developer’s cost and expense, all sidewalks, curbs, streetscape improvements (street trees and other landscaping), street lighting, and on- and off-site traffic controls and road improvements for the Redevelopment Area or required because of the impacts of the project.

5.3.H Duration of the Plan

The provisions of this Redevelopment Plan specifying the redevelopment of the 581 Pennsylvania Avenue Redevelopment Area and the requirements and restrictions with respect thereto shall be in effect for a period of 30 years from the date of approval of this plan by the City Council.

5.3.I Procedure for Amending the Approved Plan

The City of Elizabeth Council, at its sole discretion, may amend the Redevelopment Plan from time to time upon compliance with the requirements of state law.

i. All the provisions of the Redevelopment Plan shall supersede the applicable development regulations of the City’s ordinances, as and where indicated, for the 581 Pennsylvania Avenue Redevelopment Area.

ii. If any article, section, subsection, sentence, clause, or phrase of this Redevelopment Plan is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

iii. In the event of any inconsistencies between the provisions of this Redevelopment Plan and any prior ordinance of the City of Elizabeth, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the City of Elizabeth are hereby ratified and confirmed, except where inconsistent with the terms hereof.
SECTION 6: EXHIBITS
SECTION 7 : APPENDIX
BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of the Planning and Community Development has requested that the City Council adopt a resolution authorizing the Planning Board of the City of Elizabeth to conduct a study to determine whether 581-599 Pennsylvania Avenue, (Block 11, Lot 1224.A) is an area in need of redevelopment without the power of condemnation; and

WHEREAS, the almost 1 acre parcel located at 581-599 Pennsylvania Avenue is currently underutilized and a majority of the parcel is used for parking and storage. Moreover, a potential use of the property is residential; now, therefore, be it

RESOLVED, that the City Council of the City of Elizabeth authorizes the Planning Board of the City of Elizabeth to conduct a study to determine whether 581-599 Pennsylvania Avenue, (Block 11, Lot 1224.A) is an area in need of redevelopment without the power of condemnation.
BY CITY COUNCIL AS A WHOLE:

WHEREAS, the Director of the Department of the Planning and Community Development has requested that the City Council adopt a resolution authorizing the Planning Board of the City of Elizabeth to conduct a study to determine whether 581-599 Pennsylvania Avenue (Block 11, Lot 1224.A) is an area in need of redevelopment without the power of condemnation; and

WHEREAS, the almost one (1) acre parcel located at 581-599 Pennsylvania Avenue is currently underutilized as a contractor's office and the majority of the parcel is used for parking and storage; and

WHEREAS, in addition, a potential residential project is being contemplated for this site; now, therefore, be it

RESOLVED, that the City Council of the City of Elizabeth authorizes the Planning Board of the City of Elizabeth to conduct a study to determine whether 581-599 Pennsylvania Avenue (Block 11, Lot 1224.A) is an area in need of redevelopment without the power of condemnation.
RESOLUTION
City of Elizabeth Planning Board
In the Matter of 581-599 Pennsylvania Avenue Redevelopment
Decided on April 15, 2021
Memorialized on May 6, 2021

WHEREAS, on February 4, 2018, the City of Elizabeth Director of Planning and Community Development requested the City Planning Board conduct a study to determine if 581-599 Pennsylvania Avenue is an area in need of redevelopment without the power of condemnation; and

WHEREAS, the City of Elizabeth Council Resolution dated September 8, 2020, authorized the Planning Board to conduct a study to determine if the property at 581-599 Pennsylvania Avenue is an area in need of redevelopment without the power of condemnation; and

WHEREAS, the Preliminary Investigation Report 581-599 Pennsylvania Avenue Redevelopment Study Area, also know as a “non-condemnation area in need of redevelopment” study, was presented by Harbor Consultants at the meeting of the Planning Board of April 15, 2021; and

WHEREAS, this meeting was duly noticed and published in accordance with the requirements of state law; and

WHEREAS, this meeting was conducted remotely in accordance with the guidelines and regulations issued by the Department of Community Affairs and the Division of Local Government Services for the conduct of the meeting of the Planning Board to be done virtually via remote, rather than in person; and

WHEREAS, the study was presented to the Planning Board at its regular meeting of April 15, 2021 by Victor Vincgra, Licensed Professional Planner from the firm of Harbor Consultants,
who was sworn in and qualified as an expert in his field, who then proceeded to present the contents
of the aforesaid study report and to respond to questions from the Board; and

WHEREAS, an opportunity was afforded to the members of the public and/or interested
persons or parties to be heard, ask questions and participate in the Boards consideration of the
study report and no such persons came forward to ask any questions of Mr. Vinegra or the Board
or to make any comments for or against the proposed study; and

WHEREAS, in the course of his presentation Mr. Vinegra opined that the property meets
several of the statutory criteria necessary to sustain a designation as an area in need of
redevelopment; and

WHEREAS, in the report and in his testimony, Mr. Vinegra found that the property in
question met statutory criteria B, D, G and H, and that given these findings, the property can be
deemed an area in need of redevelopment; and

WHEREAS, as a result of the study report submitted, the testimony of Mr. Vinegra, and in
due consideration thereof, the Planning Board has determined that it will recommend by way of
this aforesaid Resolution that the findings and conclusions in the study report prepared by Harbor
Consultants and testified to by Mr. Vinegra, that the findings be adopted and the property
designated as a non-condemnation area in need of redevelopment;

NOW THEREFORE BE IT RESOLVED, by the Planning Board of the City of Elizabeth,
County of Union, State of New Jersey that the non-condemnation redevelopment study of 581-599
Pennsylvania Avenue, also known as Block 11, Lot 1224.A, as a non-condemnation area in need
of redevelopment; and

BE IT FURTHER RESOLVED, by the Planning Board hereby directs the Board Secretary
to provide an executed copy to this aforesaid Resolution with the recommendation to the City
Council that it proceed to adopt this report so this property can be properly declared as a non-condemnation area in need of redevelopment.

The undersigned secretary certifies that the within Resolution was approved by this Board on April 15, 2021 and adopted on May 6, 2021 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g).

Thomas W. Urban, Secretary, Planning Board

FOR: 6
AGAINST: 0
ABSTAIN: 0

Member(s) Eligible to Vote: Councilman C. Torres ✓, Madam Chair G. Gonzales Lugo ✓,
Vice-Chairman C. Shal cross ✓, Secretary T. W. Urban __ and,
Commissioners I. Rivera ✓, C. V. Brown ✓, and M. A. Merino, ✓.
BY CITY COUNCIL AS A WHOLE:

WHEREAS, on September 8, 2020, City Council authorized the Planning Board of the City of Elizabeth to conduct and prepare a redevelopment study to determine whether 581-599 Pennsylvania Avenue, (Block 11, Lot 1224.A) should be designated as areas in need of redevelopment without power of condemnation; and

WHEREAS, Harbor Consultants, Inc. conducted a study and prepared a Preliminary Investigation Report for 581-599 Pennsylvania Avenue, (Block 11, Lot 1224.A) dated March 1, 2021 entitled “Non-Condensation Redevelopment Area in Need of Redevelopment”. The Study was presented to the Planning Board which adopted the Study by Resolution dated April 15, 2021; and

WHEREAS, the Director of the Department of Planning and Community Development requests that City Council adopt the Preliminary Investigation Report for 581-599 Pennsylvania Avenue, (Block 11, Lot 1224.A) entitled “Non-Condensation Redevelopment Area in Need of Redevelopment” prepared by Harbor Consultants, Inc. dated March 1, 2021 and authorize the Planning Board to prepare a redevelopment plan for the Redevelopment Area; now, therefore, be it

RESOLVED, that the City Council of the City of Elizabeth hereby adopts the Preliminary Investigation Report for 581-599 Pennsylvania Avenue, (Block 11, Lot 1224.A) entitled “Non-Condensation Redevelopment Area in Need of Redevelopment” prepared by Harbor Consultants, Inc. dated March 1, 2021, and adopted by the Planning Board of the City of Elizabeth by Resolution dated April 15, 2021; and be it

FURTHER RESOLVED, that the City Council of the City of Elizabeth authorizes the Planning Board to prepare a redevelopment plan for 581-599 Pennsylvania Avenue, (Block 11, Lot 1224.A).