

RESOLUTION

CITY OF LINDEN PLANNING BOARD
APPLICATION NO. SP-1118-20
WEST PRICE STREET NORTH, LLC

WHEREAS, West Price Street North, LLC, whose address is 15 Fresh Ponds Road, Monroe Township, NJ 08831 appeared before the City of Linden Planning Board at meeting on June 9th, 2020 to seek preliminary and final site plan approval from the West Price Street Redevelopment Plan (Redevelopment Plan) to construct a residential building containing 37 residential units and 49 off-street parking spaces. The site is located on West Price Street near the intersection with North Wood Avenue; and

WHEREAS, this Applicant represents an additional transit village redevelopment site consistent with the City's long range redevelopment plan efforts, which began with the adoption of the initial transit village plan in 2008. The subject tract consists of 2 lots located at Block 252, Lots 11 and 12, and is approximately 20,564 square feet in area and is cleared of site improvements; and

WHEREAS, the regulations contained within the Redevelopment Plan govern the use, bulk and design standards for the site and supersede provisions of the City's Zoning and Land Development Ordinances; however, existing engineering standards, definitions and sections of the Zoning Ordinance and Land Development Ordinance not covered by the Redevelopment Plan still apply; and

WHEREAS, in preparation of this analysis, the Planning Board has reviewed the following:

- Preliminary and Final Major Site Plan - Chester, Ploussas, Lisowsky Partnership, LLC dated 12/05/19 and revised through 05/12/20.
- Boundary and Topographic Survey - Chester, Ploussas, Lisowsky Partnership, LLC dated 10/30/18.
- 33 West Price Street Multi-Family Development dated 05/11/20.
- Architectural Plans - Chester, Ploussas, Lisowsky Partnership, LLC dated 06/08/19 and revised through 05/11/20.
- 05/21/20 Memos addressing Stormwater Design and Calculation revisions.
- A completed Site Plan Application; and

WHEREAS, during a public hearing held virtually on June 9th, 2020, the Applicant was represented by Peter Klouser, Esq. of Heilbrunn Pape Law Firm. The following witnesses testified on behalf of the applicant:

1. Robert Larsen, AIA, a licensed Architect and Planner of New Jersey
2. Gregory Ploussas, a licensed Civil Engineer of New Jersey
3. Charles D. Olivo, Traffic Engineer and Licensed Professional Civil Engineer of New Jersey

WHEREAS, the following members of the public appeared at the meeting and expressed their views concerning the application:

Viviana Costa
Juan Espinosa
Marian Piskadlo
Jeffrey Tandul

WHEREAS, Reports from the following were incorporated into the record:

Ricciplanning City Planning & Engineering Consultants - dated April 23, 2020 and revised June 4, 2020.

Nicholas Pantina, PE, CME, CPWM, City Engineer - dated June 6, 2020

Lawrence J. Kolesa, Deputy Fire Chief/Fire Official - dated February 20, 2020

Lee D. Klein, P. E., City Traffic Engineering Consultant - dated March 4, 2020 and revised June 3, 2020.

Shan Pei Fanchiang, P.E., Pennoni Associates dated April 27, May 29 and June 3, 2020.

Jeffrey A. Tandul, Chairman, Linden Shade Tree Commission dated June 9, 2020.

WHEREAS, the Planning Board find the following facts:

1. The proposed development application adheres to all core requirements of the Redevelopment Plan and that no major deviations are required.

2. Multi-family residential apartments are principl permitted uses within the Redevelopment Plan.

3. The Redevelopment Plan permits a residential density up to 90 units per acre. A total of 37 apartment-style units are proposed, which translates to approximately 78 units per acre, which complies with the redevelopment plan. While there is no required bedroom distribution mix, thirty-four 1-bedroom units and three 2-bedroom units are proposed. The parking note on the site plan shall be updated to reflect the correct unit count. Proposed unit

sizes range from 800 sq. ft. to 1,253 sq. ft.. As proposed, both West Price Street projects would contain units that are larger on average than recent transit-oriented development in the City. To this end, a different style unit is proposed in the marketplace. The proposed unit count and associated square footages meet the Redevelopment Plan requirement.

4. It is to be noted that the Linden City Council previously authorized the Linden Planning Board to determine whether Lots 11 and 12 of Block 252 and Lots 40 and 41 of Block 253 may be designated as an area in need of Redevelopment in accordance with the Local Redevelopment and Housing Law (N.J.S.A. 40:12-1 et. seq.).

5. The Planning Board then recommended that both areas were in need of redevelopment, resulting in the City Council's adoption of the West Price Street Redevelopment Plan on November 13, 2019. This plan supercedes the existing Zoning and Development Regulations of the City of Linden. Therefore, there are no variances required for this application.

6. This Applicant and Linden Harmony Urban Development, LLC, Application No. SP-1117-20, involving Lots 40 and 41, Block 253, collaborated in connection with each other using the same Architects and Engineers in designing both projects.

7. The Applicant provided testimony from Robert Larsen, Gregory Ploussas and Charles Olivo. Mr. Larsen, the Applicant's Architect and Planner testified that the application was designed in accordance with the Redevelopment Plan that was adopted by the City and no variance relief required.

8. Robert Larsen testified that the plans for West Price Street, LLC are similar to Linden Harmony with 37 units (34 one-bedroom, 3 two-bedroom), also variance free. The safety handicap vehicles are accessible to pass under the nine foot clearance. Mr. Larsen agreed that the color of the paneling of the exterior building will be subject to Mr. Ricci's approval.

9. Gregory Ploussas also testified as to the similarities of both projects, but stated that this site was previously a bank and site is 90% developed. There is no storm water management required with this application and some reduction of the pavement and Applicant shall increase the driveway entrance to 24 feet. The Applicant will make the necessary changes set forth in the City Engineer's report and stipulated on the record.

10. Charles Olivo, the Applicant's Traffic Engineer testified that the West Price Street North, LLC is on the opposite side of the one-way street and the entrance and exit will be left turn in, left turn out. He further stated that there would be no impact to traffic with more than adequate parking being provided.

11. The Applicant introduced several exhibits which were reviewed by the Board and Public as follows:

- A-1 Ground Floor of Site Plan
- A-2 Center Hall Building
- A-3 Rendering of Left Side of Project
- A-4 Rendering of Right Side of Project
- A-5 Rendering of Rear of Building

WHEREAS, this Resolution incorporates, by reference all discussion, presentation and testimony taken at the meeting on June 9th, 2020 ; and

WHEREAS, after presentation, discussion and careful consideration of the facts as set forth in the application and the plans submitted, it is recited in this Resolution that the Planning Board of the City of Linden approves this application subject to any and all conditions set forth herein below; and

CONCLUSIONS

1. The Application will not cause a substantial detriment to the intent and purpose of the Municipal Land Use Act as set forth in N.J.S.A. 40:55D-1 et seq., the City's Zoning and Land Development Ordinances and the City of Linden Master Plan Land Use Element Amendment.

2. The Application for preliminary and final site plan approval can be granted without substantial detriment to the public good.

NOW, THEREFORE, BE IT RESOLVED that the Application for preliminary and final major site plan approval is hereby granted subject to the following conditions:

1. The Applicant shall submit updated site plan and architectural plans showing all revisions as recommended in the review letters of the Board Engineer, the Board Planner , the Traffic Engineer and the Shade Tree Commission as stipulated and discussed during the hearing to the satisfaction of those City Professionals.

3. The Applicant shall obtain all required road opening, curb opening and sidewalk permits from the Linden Division of Engineering, as well as all permits required by the County of Union.

4. The Applicant shall provide will-serve letters from the various utility companies and submit projected sewer flow rates and water consumption rates, and if requested by the City Engineer, shall conduct a water flow test at the nearest hydrant to ensure adequate water pressure is available to service the proposed development.

5. The Applicant shall submit evidence of approval by the Somerset-Union Soil Conservation District, Union County Planning Board, and all other agencies having jurisdiction over the proposed development.

6. The Applicant shall provide a written development schedule and commencement date in accordance with Section 5.7, Item 2 of the Redevelopment Plan.

7. The Applicant shall meet with the respective utility companies to coordinate where the several utility cuts or openings will be made on West Price Street for both Linden Harmony Urban Development, LLC and West Price Street, LLC so that the area of Pavement Restoration is coordinated between both Applicants with a reasonable cost sharing arrangement. The City will require the full-width of West Price Street to be restored to the City Specifications, for an overall length to completely encompass all proposed utility connections of both applications (SP-1117-20 and SP-1118-20). Since the Composite Plan includes both Planning Board applications, the area of Pavement Restoration shall be

identified on this plan. This does not relieve either Applicant from identifying the appropriate utility connections on each of their individual Site Plan Drawing packages.

8. The Applicant shall install signage in the parking garage in accordance with direction from the City Traffic Engineer.

9. Stormwater approval is subject to review and approval by Pennoni Engineering.

10. This Resolution shall become effective at such time as the Applicant has sufficient escrow money in its Developer's Account with the City in an amount necessary to satisfy any current or future deficiencies.

11. The existing Lots 11 and 12 shall be consolidated into one lot and shall be assigned a new lot number by the Engineering Division. The Applicant shall prepare and file a Deed of Consolidation with the Clerk of Union County and forward a copy of same with the City Engineer.

12. The Applicant shall revise the plans to show a 24 foot driveway as is standard in the industry.

13. The Applicant shall include on the revised site plans the construction of a "Man Door" on the side facade of the building to provide emergency egress from the parking area.

14. The Applicant's Engineer shall review the need for additional safety lighting at the front of the building with the City Planner.

15. The Applicant shall provide for two to three stalls to be set aside and striped for "Overnight Visitor Parking".

16. The ten separate parking stalls will be enforceable by the Linden Police Department pursuant to Title 39 including signs designating the shared parking administered by the local merchants.

17. Coordination of issuing the Certificates of Occupancy once bonds for either/or both projects are posted with the City, Certificate of Occupancies shall be issued prior to the repaving of West Price Street in order for the work to be completed on the both projects.

18. Once bonds are posted with the City for the work in question, the Certificate of Occupancy of one application not be held or delayed until completion of the restoration work. Both City and Applicants' Engineers agree that should completion of the two applications be off-set (not completed at same time), whatever project is completed last will not receive any CO until Final Pavement Restoration is completed.

19. Payment by the applicant of all taxes, including all arrears, if any, and all application and escrow fees.

20. All required bonds are posted.

21. Upon the satisfaction of the City Engineer, City Planner, Traffic Engineer, Fire Official, Shade Tree Commission and Planning Board Attorney, revisions and or modifications to supporting plans and documents may be required. Upon receipt and review of said revisions (if required), in compliance with any resolutions, final plans will be endorsed by the Planning Board.

22. All necessary approvals, if any, including, but not limited to, the following:

- a) Linden/Roselle Sewerage Authority requirements
- b) Fire/Safety Department requirements

- c) EPA/DEP approvals
- d) Municipal utilities' requirements
- e) State agencies' requirements
- f) Somerset/Union Soil Conservation District requirements
- h) Permits for curbs
- I) Sewer extension permit

23. Compliance with all municipal, county, state and federal rules, regulations and statutes.

I hereby certify that the above Resolution was duly adopted by the Planning Board of the City of Linden at its meeting on July 14th, 2020.

Motion was by:	Nicholas Pantina
Seconded by:	Felipe Cabezas
Ayes:	8
Nayes:	0
Abstentions:	0

Marilyn Coplan, Secretary

Joseph La Placa, Chairman