APPLICATION FOR BOARD ACTION  Planning Board X
DCP FORM #00, PAGE 1 of 5
(Revised March 14, 1988)  Zoning Board

APPLICATION FOR BOARD HEARING

APPLICATION IS HEREBY MADE FOR:

1. ___ Appeal of Administrative Action Pursuant to Section C.40:55-70a (Attach Form #01)

2. ___ Appeal for Interpretation Pursuant to Section C.40:55D-70b (Attach Form #02)

3. ___ Application for Hearing (Attach Form #00)

4. ___ Relief from Zoning Requirements Pursuant to Section C.40:55D-70c (Attach Form #03)

5. ___ Use Variance Pursuant to Section C.40:55D-70d (Attach Form #04)

6. ___ Conditional Use Authorization Pursuant to Section C.40:55D-67 (Attach Form #05)

7. ___ Approval of Subdivision (Attach Form #06)

8. ___ Final Approval of Major Subdivision (Attach Form #07)

9. ___ Preliminary Approval of Site Plan (Attach Form #08)

10. ___ Final Approval of Site Plan (Attach Form #09)

11. ___ Direction to Issue a Building Permit Pursuant to Section 602 or 604 of the Elizabeth Development Control Ordinance

12. ___ Hearing Application Checklist (Attach Form #18)

NOTE: IF AN APPLICATION FOR DEVELOPMENT HAS BEEN SUBMITTED FOR THIS PROPERTY WITHIN THE LAST TEN YEARS, PLEASE PROVIDE THE FOLLOWING INFORMATION:

<table>
<thead>
<tr>
<th>DATE OF APPLICATION</th>
<th>TYPE OF DEVELOPMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>None known to Applicant</td>
<td>None known to Applicant</td>
</tr>
</tbody>
</table>

P-02-20
APPLICATION FOR BOARD ACTION  Planning Board  
DCP FORM #00, PAGE 2 of 5  
(Revised March 14, 1988)  Zoning Board  

APPLICATION FOR BOARD HEARING (con't)

PROJECT'S GENERAL INFORMATION

PROPERTY:  
(1) 720 Livingston Street; (2) 111-113 Miller Street; (3) 115-117 Miller Street;  
Address  
(4) 119 Miller Street; & (5) 121 Miller Street  
Owner(s)  
Address (es)  
530 South Ave East, Cranford, New Jersey 07016  
Date of Purchase  
(1) 7/10/97; (2) - (4) 4/20/94; &  
Property Tax Account #  
(5) 11/29/99  
(1) Block 7, Lot 723; (2) Block 7, Lot 909;  
(3) Block 7, Lot 910; (4) Block 7, Lot 911;  
(5) Block 7, Lot 912

APPLICANT:  
Name  
111-121 Miller Street Properties, LLC  
Address  
888 Fairmount Avenue, Elizabeth, New Jersey 07201  
Contact Person  
Gabriel Tomae  
Telephone  
(732) 233-4529

PROPOSED OWNERSHIP STATUS*:  
Proprietorship  
Partnership  
Corporation  
Lessee  
Contingent Purchaser  
Limited Liability Company

PROJECT'S ATTORNEY:  
Name  
Stephen F. Hehl, Esq.  
Firm  
Hehl Offices of Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins, P.C.  
Address  
370 Chestnut Street, Union, New Jersey 07083  
Telephone  
(908) 687-700

PROJECT'S ARCHITECT:  
Name  
James R. Guerra, A.I.A.  
Firm  
James R. Guerra, P.A.  
Address  
55 Jefferson Avenue, Elizabeth, New Jersey 07201  
New Jersey License # 06059  
Telephone  
(908) 355-2555

PROJECT'S ENGINEER:  
Name  
(1) John A. Palus, P.E.; (2) Thomas J. Muller, P.E.  
Firm  
Dynamic Engineering Consultants, P.C.  
Address  
1904 Main Street, Lake Como, New Jersey 07719  
New Jersey License # 141975; (2) 52179  
Telephone  
732-974-0198

PROJECT'S LAND SURVEYOR:  
Name  
Craig Black, P.E., P.L.S.  
Firm  
Dynamic Survey, LLC  
Address  
1904 Main Street, Lake Como, New Jersey 07719  
New Jersey License # 24GBD4257400  
Telephone  
732-974-0198

*Note:  If the applicant is not the proprietor, then the applicant is required to submit a letter signed by the property owner, authorizing the filing and processing of this application (attach Form #13). Corporations and partnerships must attach Form #14. CORPORATIONS MUST BE REPRESENTED BY AN ATTORNEY.
APPLICATION FOR BOARD ACTION
DCP FORM #00, PAGE 3 of 5
(Revised March 14, 1988)

APPLICATION FOR BOARD HEARING (cont’d)

PLANNING BOARD

ZONING BOARD

Application #
Date Filed
Received by
Hearing Date
Final Hearing

PHYSICAL DEVELOPMENT INTENT

Property Description

Address
Owner(s): Ehl, Inc
Property Tax Account #

Existing Lot/Lot Area (SF)

(1) Lot 723: 2,317 SF; (2) Lot 909: 8,904 SF; (3) Lot 910: 10,097 SF;
(4) Lot 911: 2,299 SF; (5) Lot 912: 3,908 SF

Zoning: R-2 (Two-Family Residential)

Tract Area: 27,525 SF (0.632 AC)

Frontage:

Proposed Lot A
Proposed Lot B
Proposed Lot C
Proposed Lot D
Proposed Lot E

Street
Miller Street
Miller Street
Miller Street
Miller Street

Linear Feet
25 SF
25 SF
25 SF
25 SF
25 SF

Proposed Lot F
Proposed Lot G
Proposed Lot H
Proposed Lot I

Street
Miller Street
Livingston St.
Livingston St.
Livingston St.

Linear Feet
25 SF
30 SF
30 SF
32.2 SF

Structures:

INTENT
D: Addition to Existing
B: New Construction
C: Existing to Remain
D: To Be Demolished

STORIES
1
3
3
3
3
3
3

CONSTRUCTION TYPE
Masonry
SB
SB
SB
SB
SB
SB

USE** TYPE
Industrial Building & A (Garage)
R: 1+/- 1,167 SF; 2: +/- 1,078 SF
R: 1+/- 1,229 SF; 2: +/- 1,128 SF
R: 1+/- 1,229 SF; 2: +/- 1,127 SF
R: 1+/- 1,229 SF; 2: +/- 1,128 SF
R: 1+/- 1,229 SF; 2: +/- 1,127 SF
R: 1+/- 1,229 SF; 2: +/- 1,128 SF
R: 1+/- 1,996 SF; 2: +/- 1,522 SF
R: 1+/- 1,992 SF; 2: +/- 1,522 SF
R: 1+/- 1,033 SF; 2: +/- 1,152 SF

FLOOR AREA (Sq. Ft.)

EPF.

# OF BR/UNIT

1 2 3 4 5

*Note: Definition of Intent:
A: Addition to Existing
B: New Construction
C: Existing to Remain
D: To Be Demolished

**Note: Definition of Use Type:
R: Residential
C: Commercial
W: Warehousing
M: Manufacturing
A: Accessory
I: Institutional
O: Office

BUILDING LOTS

(Please complete if property is to be subdivided):

Lot Area (Sq. Ft.)
Lot Frontage (Sq. Ft.)

Proposed Lot A
Proposed Lot B
Proposed Lot C
Proposed Lot D
Proposed Lot E
Proposed Lot F
Proposed Lot G
Proposed Lot H
Proposed Lot I

2,501.71 SF (0.06 AC)
2,501.80 SF (0.06 AC)
2,501.88 SF (0.06 AC)
2,501.97 SF (0.06 AC)
2,502.05 SF (0.06 AC)
3,014.32 SF (0.07 AC)
4,986.26 SF (0.11 AC)
3,381.74 SF (0.08 AC)
3,633.63 SF (0.08 AC)

25 SF (Miller Street)
25 SF (Miller Street)
25 SF (Miller Street)
25 SF (Miller Street)
25 SF (Miller Street)
25 SF (Miller Street)
30 SF (Livingston Street)
30 SF (Livingston Street)
32.2 SF (Livingston Street)
CERTIFICATION FOR EXEMPTION FROM SITE PLAN APPROVAL (Please complete for projects other than one or two family residence):

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>X</td>
</tr>
<tr>
<td>2.</td>
<td>X</td>
</tr>
<tr>
<td>3.</td>
<td>X</td>
</tr>
<tr>
<td>4.</td>
<td>X</td>
</tr>
<tr>
<td>5.</td>
<td>X</td>
</tr>
<tr>
<td>6.</td>
<td>X</td>
</tr>
<tr>
<td>7.</td>
<td>X</td>
</tr>
</tbody>
</table>

Note: A Yes response to one or more of the above questions indicates the need for a site plan review or, a certification from the City Engineer, City Planner and Zoning Administrator that improvements meet the criteria for exemption from site plan hearing requirements.
APPLICATION FOR BOARD ACTION
DCP FORM #00, PAGE 5 of 5
(Revised March 14, 1988)

APPLICATION FOR BOARD HEARING (con't)

Present Use Category: General Industrial
Principal Use (s): 1-story industrial building
Major Accessory Use (s): 1-story accessory garage
Proposed Use Category: Residential
Principal Use (s): 2-family residential dwellings
Major Accessory Use (s): N/A

USE:
Describe the PRESENT USE of the property including both indoor and outdoor activities:
General industrial / Welding business

Describe the PROPOSED USE of the property including both indoor and outdoor activities:
Nine (9) 3-story, 2-family dwellings with off-street parking

REQUIRED ATTACHMENTS:

YES NO

1. [X] Is a new public street right-of-way proposed? If yes, please attach description.

2. [X] Are off-tract facilities proposed? If yes, please attach description.

3. [X] Are there any deed restrictions which affect the subject property in effect or contemplated? If yes, please attach description.

4. [X] Is the subject property located in "A" Flood Hazard Area? If yes, please attach copy of necessary permit or waiver.

5. [X] Is the subject property within 500 feet of a tidal water body? If yes, please attach a copy of the necessary permit or waiver.

I hereby depose and say that all the statements contained in these papers submitted herewith are true and correct. I also authorize City Officials and Board members to have physical access to the property and any structures on the property as necessary for the purpose of gathering information relevant to this application.

[Signature]
Notary Public
DATE: 11/15/20

JOSHUA J. KOODRAY, ESQ.
AN ATTORNEY AT LAW
STATE OF NEW JERSEY

[Signature]
APPLICANT'S SIGNATURE Gabriel Tomae
DATE: 1/15/2020
Appeal is hereby made, pursuant to Section C.40: 55D-70c of the New Jersey Municipal Land Use Law, for permission to vary requirements of the zoning article of the Development Control Ordinance of the City of Elizabeth as follows:

**SECTION**

**REQUIREMENTS**

**RELIEF REQUESTED**

***See Attached Variance Table***

Arguments must be submitted in support of the requested relief. On a separate sheet, for each variance requested, explain fully how the physical characteristics of the property in question prevents compliance with the strict application of the code requirements creating an undue hardship for the applicant.

2. Public Hearing Notification Information:

Notice shall be given by the applicant at least ten (10) days prior to the date of the hearing to the following parties where applicable. Notice shall be by personal service or certified mail. An affidavit of proof of service demonstrating compliance with this requirement shall be filed with the city agency holding the hearing at least two (2) days prior to the date of the hearing.

a) Is the subject property located within two hundred (200) feet of any municipal boundary?  If yes, City Clerk of adjacent municipality and County Planning Board shall be notified of hearing by applicant. (Note 1)

b) Is the subject property adjacent to an existing or proposed county road or adjoining other County land?  If yes, County Planning Board shall be notified of hearing by applicant. (Note 1)

c) Is the subject property adjacent to a State highway?  If yes, applicant shall notify the Commissioner of Transportation of the hearing. (Note 2)

3. Disclosure Information

Is applicant and/or owner a corporation or partnership and does the application involve variances to construct a multiple dwelling of 25 or more family dwellings? If yes, submit disclosure of all stockholders holding 10% or more stock or partners with 10% or greater interest in the partnership pursuant to NJSA 40:55D-48.1 et. seq. (Form #14)
NOTES:

"1" Union County Planning Board, Attn: Union County Department of Engineering and Planning, Union County Administration Building, Elizabeth Plaza, Elizabeth, NJ 07207

"2" New Jersey Department of Transportation, 1035 Parkway Avenue, P.O. Box 101, Trenton, NJ 08625
Application is hereby made for approval of the proposed Subdivision Plat for the land herein described.

1. **Plan Description** | **Prepared by** | **Date** | **For Official Use Only**
---|---|---|---
Preliminary and Final | Dynamic Engineering | 1/6/2020 |
Major Subdivision Plan

2. **Classification of Subdivision.** Indicate major or minor **Major**

ANY YES RESPONSE INDICATES THAT IT IS A MAJOR SUBDIVISION.

- a) Does the subdivision involve the creation of more than two lots? **Yes**
- b) Does the subdivision involve the creation of any new streets? **No**
- c) Does the subdivision involve the extension of any off-tract improvements? **Yes**

3. **Notification Information.**

Notification of the hearing shall be given to the Union County Planning Board by the applicant and a copy of the sub-division submitted to the Union County Planning Board by the local Board.

4. **Public Hearing Notification Information.** - If Public Hearing has been waived omit this section.

Notice shall be given by the applicant at least ten (10) days prior to the date of the hearing to the following parties where applicable. Notice shall be by personal service or certified mail. An affidavit of proof of service demonstrating compliance with this requirement shall be filed with the City agency holding the hearing at least two (2) days prior to the date of the hearing.

- a) Is the subject property located within two hundred feet (200') of any municipal boundary? If yes, City Clerk of adjacent municipality and County Planning Board shall be notified of hearing by applicant. **No**
- b) Is the subject property adjacent to a state highway? If yes, applicant shall notify the Commissioner of Transportation of the hearing (Form #15) **Yes**
- c) THE APPLICANT SHALL NOTIFY ALL PROPERTY OWNERS LOCATED IN THE STATE AND WITHIN TWO-HUNDRED FEET (200') IN ALL DIRECTIONS OF PROPERTY IN QUESTION. **No**

5. **Disclosure Information:**

Is the applicant and/or owner a corporation or partnership and does the subdivision involves six (6) or more lots? If yes, submit disclosure of all stockholders holding 10% or more stock or partners with 10% or greater interest in the partnership pursuant to N.J.S.A. 40:55D-48.1 et. Seq. (Form #14)

Corporation Disclosure Affidavit attached
APPLICATION IS HEREBY MADE FOR FINAL APPROVAL OF A PROPOSED SUBDIVISION AS SHOWN AND DESCRIBED ON THE ACCOMPANYING MAPS AND DOCUMENTS.

1. Date of preliminary approval: ***N/A*** Date of any extensions granted (attach documentation):  
   Pursuant to N.J.S.A. 40:55D-49, preliminary approvals of major subdivisions expire three years from the date of preliminary approval. The applicant may apply to the reviewing Board for extensions for additional periods of at least one (1) year but not to exceed a total extension of two (2) years.

2. Does the plat follow exactly the plat granted preliminary approval in regards to development plans, area covered, and other details? If not, indicate material changes (attach copy if necessary). ***N/A***

3. Have all conditions of preliminary approval been met? (Yes or No) ***N/A*** Attach evidence of compliance if not included on plat. If conditions have not been met, specify reasons. ***N/A***

4. Are there any deed restrictions that apply or are contemplated? (Yes or No) No. If yes, attach copy.

5. Person to whom signed documents is to be issued:

   Name: Stephen F. Hehl, Esq.  
   Address: 370 Chestnut Street  
            Union, New Jersey 07083  
   Phone: (908) 687-0000

   Check One:  
               Applicant will pick up  
               X Documents should be mailed

***Applicant seeks Preliminary and Final approval simultaneously herein***
APPLICATION FOR BOARD ACTION
DCP FORM #13, PAGE 1 of 1
(Revised March 14, 1988)

OWNER'S CONSENT FORM

I, ________________ AM THE OWNER OF THE PREMISES
KNOWN AS 111-121 Miller St & 720 Livingston St, Elizabeth, NJ, TAX ACCOUNT NUMBER BL 7 __.
Lot(s), 723, 909, 910, 911 and 912
APPLICATION OF DEVELOPMENT HAS BEEN SUBMITTED
BY 111-121 Miller Street Properties, LLC, OWNER / LESSEE / CONTINGENT PURCHASER X / OTHER (EXPLAIN) __________

WHICH INVOLVES
A request for major subdivision to subdivide the existing five lots into nine new tax lots and for the construction of nine 3-story, 2-family dwellings __________
AND REQUIRES THE GRANTING OF Major subdivision approval, bulk ("c") variances and waivers __________
I HEREBY CERTIFY THAT I HAVE READ THE APPLICATION AND GRANT PERMISSION TO THE APPLICANT TO PROCEED BEFORE THE PROPER BOARD. I FURTHER CERTIFY THAT I AM AWARE THAT THE ENTIRE PROPERTY IS SUBJECT TO THE ACTIONS OF THE REVIEWING BOARD WHICH MAY AFFECT THE PROPERTY RIGHTS OF MYSELF OR MY SUCCESSORS, AND THAT, AS THE OWNER OF SAID PROPERTY, I AM ULTIMATELY RESPONSIBLE FOR COMPLYING WITH ANY AND ALL CONDITIONS IMPOSED BY THE REVIEWING BOARD.
I FURTHER CERTIFY THAT I AM AWARE THAT INFORMATION REGARDING THE APPLICATION AND ANY PROSPECTIVE CONDITIONS OF APPROVAL WILL BE AVAILABLE FOR PUBLIC INSPECTION FOR TEN (10) DAYS PRIOR TO THE HEARING AND THAT THE ACTUAL DECISION CONTAINING THE CONDITIONS IMPOSED WILL BE AVAILABLE FOR PUBLIC INSPECTION NOT LATER THAN TEN (10) DAYS AFTER SAID HEARING. INFORMATION IS AVAILABLE DURING NORMAL BUSINESS HOURS AT THE OFFICE OF THE DIVISION OF ZONING AND LAND USE CONTROL, 50 WINFIELD SCOTT PLAZA, 4th FLOOR, ELIZABETH, NEW JERSEY 07201.

NOTARY PUBLIC
DATE: 11/15/2020

OWNER'S SIGNATURE
DATE: __________

STAMP OF NOTARY PUBLIC

MELISSA M. DEWALD
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires June 25, 2020
APPLICATION FOR BOARD ACTION
DCP FORM #14, PAGE 1 of 1
(Revised March 14, 1988)

DISCLOSURE AFFIDAVIT

PURSUANT TO THE REQUIREMENTS OF NEW JERSEY STATUTE 40:55D-48.1 ET SEQ., I, (NAME & TITLE) Gabriel Tomac, Sole Member, HEREBY CERTIFY THAT THE FOLLOWING IS A TRUE AND COMPLETE LIST OF THE NAMES AND ADDRESSED OF ALL INDIVIDUALS WHO OWN TEN PERCENT (10%) OR MORE STOCK OR OTHER INTEREST IN (NAME OF CORPORATION/PARTNERSHIP), 111-121 Miller Street Properties, LLC, WHICH IS A CORPORATION/PARTNERSHIP WITH OWNERSHIP INTERESTS IN THE PROPERTY LOCATED AT 111-121 Miller St. & 720 Livingston St., Elizabeth, New Jersey FOR WHICH AN APPLICATION HAS BEEN FILED WITH THE CITY OF ELIZABETH PLANNING BOARD / ZONING BOARD. I FULLY UNDERSTAND THAT FAILURE TO DISCLOSE ANY AND/OR ALL OWNERSHIP PARTIES WITH TEN PERCENT (10%) OR MORE INTEREST IN THE CORPORATION / PARTNERSHIP OR DELIBERATELY MISREPRESENTING ANY FACTS THEREON IS SUFFICIENT GROUNDS FOR DISAPPROVAL OF THE APPLICATION BY THE BOARD AND CAN RESULT IN A FINE AS PROVIDED FOR BY THE STATUTE.

NAME                          ADDRESS                                % OF STOCK OR OTHER OWNERSHIP INTEREST
1. Gabriel Tomac              16 Inlet Terrace, Belmar, New Jersey 07719 100 %
2.                                      
3.                                      
4.                                      
5.                                      
6.                                      
7.                                      
8.                                      
9.                                      
10.                                     

NOTE: If Additional Space is Required, please attach separate sheet

DATE: 1/15/2020

Joshua J. Koodray, Esq.
AN ATTORNEY AT LAW
OF THE STATE OF NEW JERSEY
APPLICANT: 111-121 MILLER STREET PROPERTIES, LLC
PROPERTY: 720 LIVINGSTON STREET (BLOCK 7, LOT 723)
111-113 MILLER STREET (BLOCK 7, LOT 909)
115-117 MILLER STREET (BLOCK 7, LOT 910)
119 MILLER STREET (BLOCK 7, LOT 911)
121 MILLER STREET (BLOCK 7, LOT 912)
ZONE DISTRICT: R-2 (TWO-FAMILY RESIDENTIAL)

REVISED VARIANCE & WAIVER TABLE

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<tr>
<th>DESCRIPTION</th>
<th>SECTION</th>
<th>REQUIRED</th>
<th>PROPOSED</th>
<th>COMMENT</th>
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<tr>
<td>Minimum Side Yard Setback</td>
<td>17.36.110.A.2</td>
<td>3.1 FT</td>
<td>1.9 FT</td>
<td>Variance Requested</td>
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<tr>
<td>Proposed Lot A</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Minimum Rear Yard Setback</td>
<td>17.36.110.A.3</td>
<td>31 FT</td>
<td>25.8 FT</td>
<td>Variance Requested</td>
</tr>
<tr>
<td>Proposed Lot F</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Off-Street Parking Spaces</td>
<td>RSIS</td>
<td>4 spaces</td>
<td>3.5 spaces</td>
<td>Waiver Requested</td>
</tr>
<tr>
<td>Proposed Lots A through I</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Curbline Openings</td>
<td>17.32.050.B</td>
<td>16 FT</td>
<td>Varies</td>
<td>Waiver Requested</td>
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<td></td>
<td>(10 FT Wide Access or Egress Driveways)</td>
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<td></td>
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<tr>
<td></td>
<td>28 FT</td>
<td></td>
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<tr>
<td></td>
<td>(20 FT Wide Access or Egress Driveways)</td>
<td></td>
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</tr>
</tbody>
</table>
STATEMENT OF PRINCIPAL POINTS

The applicant, 111-121 Miller Street Properties, LLC (the “Applicant”), submits the subject application seeking Final Major Subdivision, Bulk (“c”) Variance and Waiver approvals in connection with the properties located at 720 Livingston Street, 111-113 Miller Street, 115-117 Miller Street, 119 Miller Street and 121 Miller Street, Elizabeth, further identified as Block 7, Lot 723, 909, 910, 911 and 912 respectively, on the Tax Maps of the City of Elizabeth (collectively referenced as the “Property” or the “Site”). The 27,525 square foot Site is situated within the City’s R-2 (Two-Family Residential) Zone District (the “R-2 Zone”) and is improved with an industrial welding facility, which is a nonconforming use in the R-2 Zone (the “Existing Nonconforming Structures”). The Property is owned by EII, Inc., which has consented to this Application.

The Applicant proposes to demolish the Existing Nonconforming Structures, merge the five (5) existing lots and subdivide them into nine (9) new lots. The new lots, which will range in area from approximately 2,500 square feet to 4,900 square feet, will each house a new three (3)-story, two (2)-family dwelling. The proposed two (2)-family dwellings, of which three (3) will front Livingston Street and six (6) will front Miller Street, will provide residents with off-street parking and modern / spacious living accommodations. The proposed two (2)-family dwellings are principally permitted land uses in the R-2 Zone and will replace a nonconforming use that is out of character with the surrounding neighborhood.

The Application requires bulk (“c”) variances to permit the following deviations from the City’s Land Development Code:  

Minimum Side Yard Setback (§ 17.36.100.A.2): Proposed Lot A: Required, 3.1 feet; Proposed, 2 feet; and 
from the number of off-street parking spaces required by the Residential Site Improvement Standards (RSIS) (Required, 4 spaces; Proposed, 3.5 spaces) and for the width of the proposed curbline openings. The requested Bulk ("c") Variances and waivers are minor in nature. The Applicant will present expert testimony at the Public Hearing on this Application demonstrating that the benefits of the proposed development significantly outweigh any perceived detriments.

This Application represents a unique opportunity to replace a non-permitted industrial use, with high quality, in-demand housing stock. The proposed development will not only be aesthetically pleasing but will also be functional. The well-designed project will revitalize the area and encourage additional positive developments in the City. The benefits to granting to this Application outweigh any perceived detriments. The variance relief sought in connection with this Application may be granted without substantial detriment to the neighboring properties or public good. For the above reasons, as well as those the Applicant will introduce through testimony and other evidence at the public hearing, the Board should approve the Application.
AN ORDINANCE TO AMEND CHAPTER 40 OF THE CODE OF THE CITY OF ELIZABETH ENTITLED "LAND DEVELOPMENT CONTROL" FOR THE PURPOSE OF REVISING THE DEVELOPMENT APPLICATION COMPLETENESS CHECKLIST BY AMENDING SECTIONS 3 AND 83 AND REPEALING SECTIONS 81 THROUGH 83.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH:

WHEREAS, it is intended that the requirements for a complete application be simplified and made more relevant to the review process.

SECTION 1. Chapter 40 Section 83 is hereby amended to read as follows:

§40-83. Incomplete applications. An application for development shall be deemed to be complete for the purpose of commencing the period within which Board action is to be taken upon submission unless the Board or the Board's designee determines that it does not fulfill the criteria for a complete application. The Board may subsequently require corrections, additions or revisions to the documents as needed to make an informed decision as to whether the application is entitled to approval.

A. Notification. The Board or the Board's designee shall have notified the applicant in writing of the deficiencies of the submitted application within forty-five (45) days of such application.

B. Waivers. The applicant may request that one or more of the completeness requirements be waived; in which event the Board or its authorized committee shall grant or deny the request within forty-five (45) days.

C. Checklist. All applicants shall be provided with the criteria for a complete application which shall serve as a checklist.

D. Criteria for basic application documents shall be as follows.

(1) All development applications shall include the following documents.
   (a) Completed application forms with original signature of the applicant or an authorized representative and notarized;
   (b) Evidence of payment of required fees;
   (c) Disclosure Statement of all ownership interests pursuant to N.J.S.A. 40:55D-48.1 et seq.;
   (d) A development proposal containing the minimum elements as required and specified herein (The approving authority may, at its discretion, require building elevation drawings with specifications of facade materials);
(2) In addition, Final Major Subdivision and Site Plan applications shall include the following documents,
   (a) A statement as to the fulfillment of all conditions imposed by preliminary approval to which is appended a certified copy of the approving resolution;
   (b) Completed engineering plans;
   (c) A statement as to the installation of required improvements indicating whether the improvements have been installed, or that guarantees have been posted, or that guarantees are to be a condition of approval to which is appended the certifications of the Municipal Engineer or Municipal Clerk as appropriate;
   (d) Certification showing all current tax/rental taxes paid.

(3) In addition, applications for other than Final Subdivision and Final Site Plan shall include the following additional documents.
   (a) A statement as to the existence and nature of protective covenants and deed restrictions;
   (b) A Tax Map sheet(s) showing the property in question and all properties within 400 feet;
   (c) A current survey showing all property lines with dimensions and bearings and depicting existing conditions.

Development proposals shall contain the following minimum elements.

N/A (1) Variances proposals shall include the following elements.
   (a) Building Layout Plan; and
   (b) other plans and schedules as required to demonstrate the nature of the relief sought.
   (c) Zoning Schedule;

N/A (2) Minor Subdivision proposals shall include the following elements.
   (a) Zoning Schedule; and
   (b) Utility Plan;

(3) Preliminary Major Subdivision proposals shall include the following elements.

     (a) Zoning Schedule;
     (b) Proposed property lines with dimensions and bearings;
     (c) Building Layout Plan;
     (d) Drainage Schedule;
     (e) Drainage Plan;
     (f) Utilities Plan; and

N/A (g) for areas within the public rights-of-way:
       [1] Pavement Plan;
       [2] Lighting Schedule;
       [3] Landscape Schedule;
Preliminary Site Plan proposals shall include the following elements:
(a) Zoning Schedule;
(b) Building Layout Plan;
(c) Drainage Schedule;
(d) Drainage Plan;
(e) Utilities Plan;
(f) Pavement Striping Schedule;
(g) Pavement Plan;
(h) Lighting Schedule;
(i) Landscape Schedule;
(j) Landscape Plan

Proposal elements shall be prepared in accord with the formal and content specifications for plans and schedules as follows. Schedule shall clearly note items which are variances from zoning requirements or exceptions from design standards.

(1) Sheets for any drawing subject to site plan or subdivision approval shall conform to the following specifications.

(a) All engineering drawings shall have individual sheets folded to fit within an 8-1/2" x 11" area.

(b) All preliminary site plans, subdivision sketch plats and plot plans shall be submitted on standard 8-1/2" x 11" sheets.

(c) Maps to be recorded with the county shall be on a sheet size meeting one of four standards:

1. eight and one-half by thirteen (8-1/2 x 13) inches;
2. thirty by forty-two (30 x 42) inches;
3. twenty-four by thirty-six (24 x 36) inches;
4. fifteen by twenty-one (15 x 21) inches;

(d) A title block shall contain:
1. title of proposal;
2. Name and address of applicant;
3. Name, address and seal of architect/engineer/surveyor;
4. Date prepared with revision dates and descriptions;

(e) Orientation shall be provided by
1. graphic scale,
2. numeric scale,
3. north arrow; and
4. key map with reference to all streets within three thousand (3,000) feet at a scale of not more than 2,500 feet to the inch to be provided on at least one sheet of any set;

(2) Zoning Schedules shall be titled and arranged in columns describing limits, proposed conditions, and compliance/variance status for:

(a) Building Height;
(b) Front street setback;
(c) Rear street setback;
(d) Property line setback;
(e) Building coverage;
(f) Parking;
(g) Loading;
(h) any other code requirements;

(3) Building Layout Plan drawings shall be titled and keyed to a legend depicting:
(a) Building lines with setback dimensions and heights;
(b) Building projection lines with dimensions, heights or clearances;
(c) New construction;
(d) Reconstruction;
(e) Demolition;

(4) Drainage Schedules shall be titled and arranged in columns describing:
(a) Runoff coefficient and limit;
(b) design storm frequency;

(5) Drainage Plan drawings shall be titled and keyed to a legend depicting:
(a) Drainage areas with discharge points and flow direction;
(b) Open and piped interconnections between areas;
(c) Location and height of terraced and berm areas;
(d) Depth of sheet flow in pedestrian areas for design storm shown in one inch contours;
(e) Utilities Plan Drawings shall be titled and keyed to a legend depicting;
(f) Water service, hydrants and meters;
(g) Sanitary sewer service;
(h) Gas service and meters;
(i) Electric service and transformers;

(6) Pavement Striping Schedules shall be titled and arranged in columns describing:
(a) Parking stall category (resident, employee, customer-short term, customer-long term, wheelchair accessible)
(b) Parking stall width;
(c) Stall angle;
(d) Stall depth and overhang depth;
(e) Pedestrian aisle width along side of stalls;
(f) Driveway aisle width;

(7) Pavement Plan drawings for vehicular areas shall be titled and keyed to a legend depicting:
(a) Curbing with type of material;
(b) Driveway aprons and driveways within public rights-of-way with pavement type;
(c) Parking stalls, aisles and driveways outside public rights-of-way with pavement type;
(d) Sight distance triangle minimums for intersections of vehicular drives with streets, parking aisles, walls, building corners and walks.

N/A (8) Lighting schedules shall be titled and arranged in columns describing:
(a) Functional area (parking/pedestrian area, driveway/aisle intersections, pedestrian hazards; building entry, loading dock);
(b) Level (peak, off-hour, late-night security);
(c) Minimum point illumination;
(d) Maximum uniformity ratio of average illumination to minimum;
(e) Maximum uniformity ratio of maximum illumination to minimum;
(f) Fixture type (Flood, spot, cut-off [minimum 81 degrees]);
(g) Height limit for features;

(9) Landscaping Schedules shall be titled and arranged in columns describing:
(a) Planting types (deciduous, coniferous, tree, shrub, groundcover)
(b) Minimum planting size;
(c) Planting condition (bare root, bailed, canned)

(10) Landscape Plan drawings shall be titled and keyed to a legend depicting:
(a) Building entrances and exits;
(b) Walks, patios and other paved surfaces showing material type;
(c) Outdoor storage enclosures for refuse and recyclables;
(d) Exterior utilitarian appurtenances which require visual screening (air conditions, transformers, meters, etc.)
(e) Fences and walls with height and function (screening, security, or delineative and classified as decorative or utilitarian);
(f) Other landscape structures (patios, walks, pools)
(g) Existing trees over eighteen (18) inches' caliper;
(h) Shade tree canopy drip line at maturity;
(i) Screen planting areas with height at maturity;
(j) Ground cover planting areas;
(k) Decorative planting beds;

N/A (1) For any street improvements: plans, cross sections and center-line profile;
N/A (2) For any public utilities: plans and profiles with any easements delineated;
N/A (3) For any pavement: profiles and material specifications;
N/A (4) For any drainage facilities: contours or spot elevations, profiles and specifications including pipe sizes, invert elevations and capacity.
N/A (5) For any exterior lighting: location, mounting, fixture type and specifications for wattage and isofootcandle pattern.

N/A (6) For any walls or fences: profiles and specifications;

✓ (7) For any planting: expanded planting schedule, including quantity, common and botanical name, height or caliper at time of planting, root condition, seasonal restrictions on installation; specifications for installation including profiles; and mixture of seeding.

SECTION 2. Chapter 40 Section 3 is hereby amended to delete the definition "Complete Application".

SECTION 3. Chapter 40 Sections 40-01 through 40-93 are hereby repealed in their entirety.

SECTION 4. Applications filed prior to the effective date of this ordinance and not found to be incomplete prior to action by the Planning Board, Zoning Board or City Council shall not be governed by the provisions of this ordinance.

SECTION 5. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance shall be and are hereby, to the extent of such inconsistency, repealed.

SECTION 6. If any portion or clause of this ordinance is declared invalid for any reason whatsoever, the same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

SECTION 7. The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor and publication and filing with the Union County Planning Board and in the manner provided by law.