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

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. X Application for Hearing (Attach Form #00)

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

5. X 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. X Preliminary Approval of Site Plan (Attach Form #08)

10. X 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. X 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:

DATE OF APPLICATION
Application Approved: 1/10/13; Resolution Adopted: 2/14/13

TYPE OF DEVELOPMENT
Minor subdivision, Preliminary & final site plan, d(1) use variance, bulk ("c") variances and design waivers to covert a former convent building to community outreach, intern accommodations and food pantry

Copy of Zoning Board's prior resolution is attached
APPLICATION FOR BOARD ACTION
DCP FORM #00, PAGE 2 of 5
(Revised March 14, 1988)

APPLICATION FOR BOARD HEARING (con't)

PROJECT'S GENERAL INFORMATION

PROPERTY:
Address 420-424 Westminster Avenue
Owner (s) Covenant House New Jersey, Inc.
Address (es) 330 Washington Street, Newark, New Jersey 07012
Date of Purchase December 21, 2017

APPLICANT:
Covenant House New Jersey, Inc.
Name 330 Washington Street, Newark, New Jersey 07012
Address James White, Executive Director
(973) 621-8705
Contact Person Telephone

PROPOSED OWNERSHIP STATUS*:
Proprietorship ___ Partnership ___ Corporation ___
Lessee ___ Contingent Purchaser ___
Other ___ (Explain) 501(c)(3) nonprofit corporation ___

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

PROJECT'S ARCHITECT:
Name: Frederick Kincaid RA
Firm: Jarrel Kizel Architects and Engineers, Inc.
Address: 42 Okner Parkway, Livingston, New Jersey 07039
New Jersey License #: 21AJ018294

PROJECT'S ENGINEER:
Name: Gerard P. Gesario, PE
Firm: Jarrel Kizel Architects and Engineers, Inc.
Address: 42 Okner Parkway, Livingston, New Jersey 07039
New Jersey License #: 24GE03825500

PROJECT'S LAND SURVEYOR:
Name: Matthew Webb, PLS
Firm: LAN Associates
Address: 445 Godwin Avenue, Suite 9, Midland Park, New Jersey 07432
New Jersey License #: 24GS04330200

PROJECT'S PROFESSIONAL PLANNER:
Name: John McDonough, LA, PP, AICP
Firm: John McDonough Associates LLC
Address: 101 Gibraltar Drive, Morris Plains, New Jersey 07950
New Jersey License #: 33L100518900
APPLICATION FOR BOARD HEARING (cont'd)

PHYSICAL DEVELOPMENT INTENT

Property Description
Address 420-424 Westminster Avenue
Owner (s) Covenant House New Jersey, Inc.
Property Tax Account # 11-1609.02
Lot Area 16,754 S.F.

FRONTAGE: STREET
Westminster Avenue

LINEAR FEET
93'

STRUCTURES:

<table>
<thead>
<tr>
<th>INTENT*</th>
<th>STORIES</th>
<th>CONSTRUCTION TYPE</th>
<th>USE** TYPE</th>
<th>FLOOR AREA (Sq. Ft.)</th>
<th>Sleeping Rooms 1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
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<tr>
<td>A</td>
<td>3</td>
<td>Type 5</td>
<td>R/O</td>
<td>Total: 12,231 SF</td>
<td>23</td>
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<td>1st FL: 4,796 SF</td>
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<td>2nd FL: 2,326 SF</td>
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<td>3rd FL: 5,109 SF</td>
<td>21</td>
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</tbody>
</table>

*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

N/A BUILDING LOTS
(Please complete if property is to be subdivided):

LOT AREA (Sq. Ft.)

LOT FRONTAGE (Sq. Ft.)
CERTIFICATION FOR EXEMPTION FROM SITE PLAN APPROVAL (Please complete for projects other than one or two family residence):

**NOT APPLICABLE**

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>1.</td>
<td></td>
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<tr>
<td>2.</td>
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<td>3.</td>
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<td>5.</td>
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<td>6.</td>
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<tr>
<td>7.</td>
<td></td>
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</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
Planning Board
Zoning Board

APPLICATION FOR BOARD HEARING (cont'd)

Present Use Category: Vacant / Unoccupied (Former Convent Building)
Principal Use(s):  - - -
Major Accessory Use(s): - - -
Proposed Use Category: Community Shelter - Residential / Office
Principal Use(s): Community shelter for homeless and trafficked youth and administrative offices
Major Accessory Use(s): Off-street parking

USE:
Describe the PRESENT USE of the property including both indoor and outdoor activities:
Vacant / unoccupied (former convent building)

Describe the PROPOSED USE of the property including both indoor and outdoor activities:
Community shelter for homeless and trafficked youth and administrative offices

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.

__________________________
MIDAN D. LEIGH
NOTARY PUBLIC
DATE: 1/18/2020
Comm. # 50054107
My Commission Expires 2/1/2022

__________________________
COVENANT HOUSE NEW JERSEY, INC.

__________________________
JAMES WHITE, EXECUTIVE DIRECTOR
DATE: 4/8/20
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:

<table>
<thead>
<tr>
<th>Section</th>
<th>Permitted/Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schedule IA - Permitted Uses</td>
<td>1-family; Duplex; Rowhouse; 2-family; 3- to 4- family; Garden apartment; Multifamily</td>
<td>Community shelter for homeless and trafficked youth and administrative offices</td>
</tr>
</tbody>
</table>

Minimum Rear Yard Setback  50 feet  28.08 feet
Minimum Side Yard Setback - Right  11.16 feet  6.40 feet

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)

Yes | No
--- | ---

THE APPLICANT SHALL NOTIFY ALL OWNERS OF PROPERTY LOCATED IN THE STATE AND WITHIN TWO HUNDRED (200) FEET IN ALL DIRECTIONS OF PROPERTY IN QUESTION.

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)

Yes | No
--- | ---
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
Request is hereby made pursuant to Section C.40:55D-70d of the New Jersey Municipal Land Use Law to the Board for permission to permit the construction of Community shelter for homeless and trafficked youth and administrative offices as a use in an R-3 Zone which is specifically prohibited by the Development Control Ordinance of the City of Elizabeth.

1. Arguments must be submitted in support of the requested “Use Variance”. On a separate sheet, describe reasons why the requested use variance should be granted by the Board. See attached Statement of Principal Points.

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.

   Yes or No
   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. (Note #1). X
   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). X
   c) Is the subject property adjacent to a state highway? If yes, applicant shall notify the Commissioner of Transportation of the hearing. (Note #2) X

THE APPLICANT SHALL NOTIFY ALL PROPERTY OWNERS LOCATED IN THE STATE AND WITHIN TWO HUNDRED (200) FEET IN ALL DIRECTIONS OF PROPERTY IN QUESTION.
Note #1: If the subject property is located within two-hundred (200) feet of a municipal boundary, or if the subject property is adjacent to a county road or land, the applicant should file Form #15 and submit it to:

Union County Planning Board
Union County Department of Engineering & Planning
Union County Administrative Building
Elizabethtown Plaza
Elizabeth, NJ 07201

Note #2: If the subject property is located adjacent to a state highway or property, the applicant should file Form #15 and submit it to:

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

1. Plan Description
   Preliminary / Final Site Plan
   Prepared by: Jarmel Kizel
   Date
   For Official Use only

2. Notification Information
   Does the proposed development provide or is it required to provide five (5) or more parking spaces and located adjacent to an existing or proposed county road? If yes, County Planning Board shall be notified of hearing by the applicant and a copy of the site plan shall be submitted to the County Planning Board by the local Board.
   Yes No

3. 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.
   Yes No
   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.
   X
   b) Is the subject property adjacent to a state highway? If yes, applicant shall notify the Commissioner of Transportation of the hearing (Form #15)
   X
   THE APPLICANT SHALL NOTIFY ALL PROPERTY OWNERS LOCATED IN THE STATE AND WITHIN TWO HUNDRED (200) FEET IN ALL DIRECTIONS OF PROPERTY IN QUESTION.
   X

4. Disclosure Information
   Is applicant and/or owner a corporation or partnership and does the subdivision involve 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 NJSA 40:55D-48.1 et. seq. (Form #14)
   Yes No
Application is hereby made for final approval of the proposed site plan for the land hereinafter more particularly described.

1. Date of preliminary approval: ***N/A***. Date of any extensions granted (attach documentation): ***N/A***. Preliminary site plan approval pursuant to N.J.S.A. 40:55D-49, 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.

   a. Drainage Plan
   b. Paving Plan
   c. Utility Plan
   d. Landscaping Plan
   e. Sign Plan
   f. Lighting Plan
   g. Elevation Drawing

   Contact Persons: Gerard P. Gesario, P.E.
   **Phone**: 973-994-9669

3. Does the final plan follow exactly the plan granted preliminary approval in regard to development plans, area covered, and other details? (Yes or No) ***N/A***. If not, indicate material changes (attach copy if necessary).

3. ***N/A***

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

   ***Applicant seeks preliminary and final site plan approval simultaneously herein***

5. Person to whom final approved plan is to be issued:

   **Name**: Stephen F. Hehl, Esq.
   **Address**: 370 Chestnut Street
   **Union, New Jersey 07083**
   **Phone**: 908-687-7000

   **Check One**:

   - [X] Applicant will pick up
   - [ ] Documents should be mailed
PURSUANT TO THE REQUIREMENTS OF NEW JERSEY STATUTE 40:55D-48.1 ET SEQ., I,  
James White, Executive Director, HEREBY CERTIFY THAT THE FOLLOWING IS  
A TRUE AND COMPLETE LIST OF THE NAMES AND ADDRESSES OF ALL INDIVIDUALS WHO  
OWN TEN PERCENT (10%) OR MORE STOCK OR OTHER INTEREST IN (NAME OF  
corporation/partnership), Covenant House New Jersey, Inc., WHICH IS A  
corporation/partnership with ownership interests in the property located  
at 420-424 Westminster Avenue, 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.

% of Stock  
% of Other  
Ownership  
Interest

NAME: 
ADDRESS:  

The Applicant is a nonprofit 501(c)(3) charity organization managed  
by a Executive Director and Board of Directors;  
there is no individual ownership in Covenant House New Jersey, Inc.

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

COVENANT HOUSE NEW JERSEY, INC.

NOTARY PUBLIC  
DATE:  

MEGHAN D. LEIGH  
NOTARY PUBLIC OF NEW JERSEY  
Comm. # 50654107  
My Commission Expires 2/1/2022

JAMES WHITE, EXECUTIVE DIRECTOR  
DATE:  
4/8/20
ORDINANCE NO. 2915

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 91 THROUGH 93.

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/water rents 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;

E. Development proposals shall contain the following minimum elements.

(1) Variance 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;

(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
- (g) for areas within the public rights-of-way:
  - [1] Paving Plan;
  - [2] Lighting Schedule;
  - [3] Landscape Schedule;
Preliminary Site Plan proposals shall include the following elements:

- Zoning Schedule;
- Building Layout Plan;
- Drainage Schedule;
- Drainage Plan;
- Utilities Plan;
- Pavement Striping Schedule;
- Pavement Plan;
- Lighting Schedule;
- Landscape Schedule;

Proposal elements shall be prepared in accord with the format 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.
   - All engineering drawings shall have individual sheets folded to fit within an 8-1/2'' x 11'' area.
   - All preliminary site plans, subdivision sketch plats and plot plans shall be submitted on standard 8-1/2'' x 11'' sheets.
   - 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. of fifteen by twenty-one (15 x 21) inches;
   - 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;
   - 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:
   - Building Height;
   - 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 bermed 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;
(j) Heating fuel tanks;

(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) Curb 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.

(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, balled, 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 conditioners, 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, walls, 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;

F. Engineering Plan drawings shall contain the following:

(1) For any street improvements: plans, cross sections and center-line profile;

(2) For any public utilities: plans and profiles with any easements delineated;

(3) For any pavement: profiles and material specifications;

(4) For any drainage facilities: contours or spot elevations, profiles and specifications including pipe sizes, invert elevations and capacity.
(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.

Gerard P. Gesario, P.E. 4/6/2020
APPLICANT:  COVENANT HOUSE NEW JERSEY, INC.
PROPERTY:  420-424 WESTMINSTER AVENUE
           BLOCK 11, LOT 1609.02
           R-3 (MULTIFAMILY RESIDENTIAL) ZONE

STATEMENT OF PRINCIPAL POINTS

The property owner / applicant, Covenant House New Jersey, Inc. ("Covenant House" or the "Applicant"), submits the subject application seeking amended preliminary and final site plan, d(1) use variance and bulk ("c") variance approvals in connection with the property located at 420-424 Westminster Avenue, Elizabeth, New Jersey 07201, further identified as Block 11, Lot 1609.02 on the Tax Maps of the City of Elizabeth (the "Property" or the "Site"). The 16,754 square foot-Site, which is situated within the City’s R-3 (Multifamily Residential) Zone District (the "R-3 Zone"), contains a one- and two-story former covenant building, which is in a state of disrepair (the "Existing Building"). The Applicant proposes to convert the Existing Building to a community shelter for homeless and trafficked youth with administrative offices and an accessory off-street parking area (the "Proposed Facility").

Covenant House was incorporated in New Jersey in 1989 and currently operates nine (9) programs across the State, serving homeless and trafficked youth between the ages of eighteen (18) and twenty-two (22) years old. The Applicant has acquired the Property from and partnered with Streetlight Mission to combat the increasing numbers of at-risk youth in Union County and northern New Jersey.¹ As stated above, the Applicant proposes to fully renovate the Property and transform the Existing Building into a facility where approximately twenty (20) youth will be cared for in a residential setting. Covenant House’s program enables youth to gain stability and the necessary skill sets to live independently after leaving their supportive living model.

¹ The Zoning Board of Adjustment previously granted Streetlight Mission minor subdivision, use variance, bulk variances, design waivers and preliminary and final site plan approval to convert the Property from a former convent to a community outreach, intern accommodations and food pantry (Application No. Z-29-12). The Zoning Board’s prior Resolution of Approval is attached hereto as "Exhibit A".
The Proposed Facility will be staffed twenty-four (24)-hours a day, seven (7) days a week. The Applicant anticipates having approximately nine (9) employees regularly working at the Proposed Facility. There will also be some rotating, specialty staff providing various classes and presentations one (1) to two (2) days per week. Residents, who do not have the means to own their own personal vehicles, will not be parking at the Site. As such, the Applicant anticipates the eleven (11) proposed parking spaces will be more than enough to meet the Proposed Facility’s needs. The Applicant’s staff will be responsible for maintaining the Property and will contract with third-party vendors to ensure proper Site upkeep.

Youth residents will receive food, shelter, a safe living environment and access to various supportive programs to help them build resiliency as they seek employment or continuing education. These services are provided at no cost and include legal services, behavioral health services, job readiness training, computer labs, financial literacy, tutoring and wellness / personal development teachings. Covenant House utilizes a holistic approach, encouraging youth residents to become productive citizens who recognize the importance of positive community participation. Youth are permitted to stay in the program until they are stabilized or age out.

The above-described in-facility services will only be provided to residents. However, the Proposed facility will be open for intake and/or screening to any age appropriate young person seeking shelter or a referral to any of Covenant House’s other community-based services. If the Proposed Facility is at full capacity, the Applicant will refer youth to another one of their programs. Youth residents are generally not permitted to host visitors. Covenant House provides a structured environment requiring all residents to be working or attending school or actively working toward those goals. Youth a subject to a 9:00 p.m. curfew, which is only modified based on job-related requirements, and each day is structured around mealtime, learning opportunities and nightly lights.
out. Covenant House also employs a zero-tolerance policy regarding drugs, violence and weapons.

The Application requires the following variance relief from the following sections of the City’s Land Development Code (“LDC”):

- **D(1) Use Variance**

  Pursuant to Schedule IA, the following land uses are principally permitted in the R-3 Zone: One-family; duplex; two-family; three- to four-family; garden apartment; multifamily dwellings.

  The Applicant proposes a community shelter for homeless and trafficked youth with administrative offices and accessory off-street parking,

- **Minimum Rear Yard Setback**

  Required, 50 feet; Proposed, 28.08 feet.

- **Minimum Side Yard Setback – Right**

  Required, 11.16 feet; Proposed, 6.40 feet.

Covenant House will provide the necessary expert testimony demonstrating that the requested variance relief will not negatively impact the surrounding properties and can be reconciled with both the Zoning Ordinance and Master Plan. The Applicant’s proposal represents an inherently beneficial use and the benefits to granting the requested variances outweigh any perceived detriments. The Applicant’s experts will further testify that the requested variances satisfy the statutory criteria for granting the relief sought herein.

This proposal presents an opportunity to secure professional services for some of the community’s most vulnerable individuals for years to come. The Applicant looks to continue its great work in the community while simultaneously improving a dilapidated property. The Applicant will provide the requisite expert testimony demonstrating that the project will not negatively impact the public interest nor the intent and purpose of the Zoning Ordinance or Master
Plan. For these reasons, as well as those the Applicant will introduce through testimony and other evidence at the public hearing on this matter, the Applicant respectfully requests that the Zoning Board grant this Application.
EXHIBIT A
RESOLUTION
City of Elizabeth
Zoning Board of Adjustment
In the Matter of Streetlight Mission
Application No. Z-29-12
Decided on January 10, 2013
Memorialized on February 14, 2013
Minor Subdivision, Use Variance, Bulk Variances, Design Waivers and
Preliminary and Final Site Plan Approval

WHEREAS, Streetlight Mission (hereinafter the “applicant”) has made an application to
the City of Elizabeth Zoning Board of Adjustment for a minor subdivision, use variance, bulk
variances, design waivers and preliminary and final site plan approval to subdivide this property
into two lots to use Building No. 424 of the former convent for community outreach, intern
accommodations and food pantry at 401-437 Union Avenue and at property tax account #11-
1609; and

WHEREAS, a public hearing was conducted on January 10, 2013 after the Board
determined it had jurisdiction; and

WHEREAS, the applicant was represented by Stephen Hehl, Esq.

NOW THEREFORE, the Zoning Board of Adjustment makes the following findings of
fact, based upon evidence presented at its public hearing, at which a record was made. The
applicant seeks a minor subdivision, use variance, bulk variances, design waivers and
preliminary and final site plan approval to use a former convent building for community
outreach, intern accommodations and food pantry. The property is located in 3 zones, the R-1, R-
3 and C-3 Zones The applicant requires a use variance because the subject property is located in
the R-3 Multi Family Residential Zone. The community outreach use is not permitted in the R-3
Zone.
Bulk variances are required as follows:

Lot 1609.01 (Union Avenue)

(a) The prevailing front yard setback is 20.1 feet, whereas the existing front yard setback is 18.9 feet.

(b) The prevailing rear building setback is 59.4 feet, whereas the existing rear building setback is 288.7 feet.

(c) The prevailing left side yard setback is 10.6 feet, whereas the existing left side yard setback is 3.3 feet.

(d) The permitted building height is 35 feet, whereas the existing building height is greater than 35 feet.

(e) The maximum permitted fence height for a front yard is 3 feet, whereas the existing fence height is 6 feet.

Lot 1609.02 (Westminster Avenue)

(a) The prevailing rear building setback is 80.6 feet, whereas a rear building setback of 144.9 feet is proposed.

(b) The prevailing right side yard setback is 8.7 feet, whereas a right side yard setback of 6.2 feet is proposed.

(c) The maximum permitted fence height for a front yard is 3 feet, whereas a fence height of 6 feet is proposed.

(d) The maximum number of signs is one is one in a residential zone, whereas two signs are proposed.
(e) The maximum sign area in a residential zone is 6 square feet, whereas 20 square feet is proposed on the front building façade and 13.2 square feet is proposed on the left building façade.

(f) The required number of parking spaces is 27, whereas 11 spaces are proposed.

The following design waivers are required:

(a) Under Section 17.32.060.C.3 of the Ordinance, the required setback from a parking area to a side or rear property line or any principal structure is 3 feet, whereas a 0 foot setback is proposed to the left side and the rear property lines and the principal building.

(b) Under Section 17.32.060.C.1 of the Ordinance, the required setback from a parking area to street line is 10 feet, whereas a 3.1 foot setback is proposed.

Karen Yuschak, President and Chief Executive Officer of the Streetlight Mission, testified after she was sworn in. She indicated that the Streetlight Mission is currently operating at 1181 East Broad Street in Elizabeth. This mission serves families in need. They are seeking to move to this new location as it is centrally located and near the bus and train stations. The facility will operate six days a week from 9:00 a.m. to 5:00 p.m. and Saturday. There will be evening hours. There will be four paid employees. The applicant is proposing 11 parking spaces at the site and anticipates that only eight of those parking spaces will be needed. Most of the people that will be visiting the site will walk to this location. The current building is in disrepair and the applicant is proposing renovation and additions to the current building.

Erik Boe, a site engineer and civil engineer, whose credentials were accepted by the Board, testified after being sworn in. He indicated that the property is located in the R-1 and R-3 Zones. This property will be subdivided off from the church property. The site is .38 acres. The
fencing will be changed and the patio area will have a vinyl fence. There are two visitor parking spaces. Mr. Boe described the proposed landscaping and lighting for this site. There are several variances due to existing conditions on this site. One includes a parking setback in the rear yard. Since the parking backs up to another parking lot and fence, the buffer area is not required. The board on board fence will be 6 feet tall and the trash area will be enclosed. All the variances on the church lot – 1609.01 – are for existing conditions. Streetlight Mission will occupy lot 1609.02. The applicant will add the accessible striped route from the handicapped parking space to the building. There was a discussion of the two sign variances that are requested, since there is some indication that the signs might be too large for this site. There will be a decorative fence will be placed around the front of the property and along the left side of the building when looking at the building from the street. The decorative fence will be located from the street line to the edge of the building setback on the right side of the property. A board on board fence will be installed around the remainder of the property.

Barbara Vincentsen, a licensed architect and planner whose credentials were accepted by the Board, testified after she was sworn in. She introduced Exhibit A-1, a colorized rendering of the elevations of the building. Currently there is a one and two story building on this property. The applicant plans to expand the building and raise the building where it is one story to create a second story. There is also an addition on the south side of the building, which will even off that side of the building. There will be landscaping and a handicap ramp on the main entrance to the building. The basement area will be used for food storage for distribution. There will be offices and a reception area on the first floor of the building. The existing second floor will be changed into a classroom space and lavatory. The new level in the front of the building will house offices and a conference room. Over the rear of the building, the third floor will be internship housing.
with rooms for two interns and a resident counselor. The building exterior will be red brick and siding and all of the windows will be replaced.

Exhibit A-2, a rear and right side yard colored rendering of the property, was introduced by the architect. A-3 is samples of the exterior of the building. Exhibit A-4 shows the existing walls and walls to be removed and added. This will be a fully sprinklered building.

John McDonough, a planner whose credentials were accepted by the Board, testified on behalf of the applicant. He introduced Exhibit A-5, which is three sheets of photographs of the area. It shows the mixed character of the area which is not purely residential, since it also includes some commercial uses. There are multi family houses, two family houses, group homes and single family houses in this area. There is sufficient parking in the area. The current building on the site looks like an institutional type building and, by adding the second floor it will create a larger building with a pitched roof that will be more residential looking than the current building. Pictures 5, 6, 7 and 8 show the surrounding area. This mission will improve a deteriorating area of Elizabeth. As indicated, the property is in a split zone, R-1 and R-3 Zones.

The applicant requires a (d) variance for the outreach facility: (c) variances are required for the setbacks, parking, fence, and signs for this building. The applicant proposes one sign that is 13 square feet and the other sign which is 20 square feet. The applicant indicated these are needed for the location of the building and the size of the building. As an outreach program, it is inherently beneficial use. There is no negative impact from the building. There is low traffic volume at this site and the Streetlight Mission works hard to increase the hygiene of the area and the residents, as well as to create a building that is aesthetically pleasing. This is an adoptive reuse of a building, which is good for Elizabeth. The streetscape will be improved with this building.
Gose Vazuuiee, residing at 540 Westminster Avenue, testified after he was sworn in, with regard to this application. He indicated that the location of the mission at this area will bring in more bad people to the area. He indicated the neighborhood is already bad and this will not help improve the area.

Carlos Cedeno, residing at 115 Parker Road, Elizabeth, testified with regard to this application after he was sworn in. He testified that Streetlight is a great organization which is there to help people. The area in which it will be located is struggling and needs the help of this mission. The existence of the mission at this location will help lower the crime rate by having the mission to help restore the lives of the people in the area. There is no detrimental impact from this mission.

Michael Wells testified with regard to this application after he was sworn in. He indicated he lives a few blocks away from the mission. The mission is trying to change lives and not just through distribution of food.

Noreen Ciano, a volunteer at the mission, testified with regard to the application. She indicated that it is a terrific entity which provides much needed help to the area.

Carlos Sanchez, a trustee of the Immaculate Conception Church, testified after he was sworn in. He shared this plan with neighbors in the area and indicated that all of the neighbors thought that this application was very good for this site. The Church cannot afford to fix up this building and therefore it is very valuable to have an entity willing to do so to make this area better. This building will help clean up the area and will be good for the neighborhood. Security will be added which will also help make the area safer.

**NOW THEREFORE,** the Zoning Board of Adjustment makes the following conclusions of law, based upon the foregoing findings of fact. The applicant is seeking a minor subdivision,
use variance, preliminary and final site plan approval, bulk variances and design waivers to utilize a former convent as a community outreach, intern accommodation and food pantry. Community outreach programs are not permitted in the R-3 Zone. Bulk variances as noted above are required. Design waivers are also required for setbacks from a parking area to the side lines and street lines.

Under the Municipal Land Use Law, a Zoning Board of Adjustment, when considering a typical (d) variance, cannot grant relief unless sufficient special reasons are shown, there is no substantial detriment to the public good and there is no substantial impairment of the intent and purpose of the zone scheme and zoning ordinance. The burden of proof is on the applicant to establish that these criteria have been met. It is the Board’s responsibility, acting in a quasi-judicial manner, to weigh all the evidence presented before it by both the applicant and all objectors, and reach a decision which is based upon findings of fact and conclusions of law, and is not arbitrary, unreasonable or capricious.

The New Jersey Courts have been willing to accept the showing of extreme hardship as sufficient to constitute a special reason. Courts have indicated that there is no precise formula as to what constitutes special reasons unless the use is determined to be inherently beneficial, and that each case must be heard on its own circumstances. Yet, for the most part, hardship is usually an insufficient criteria upon which the Board can grant a variance. In addition, special reasons have been found where a variance would serve any other purposes of zoning set forth in N.J.S.A. 40:55D-2. However, in the final analysis, a variance should only be granted if the Board, on the basis of the evidence presented before it, feels that the public interest as distinguished from the purely private interest of the applicant, would be best served by permitting the proposed use. In these instances, the Board must also find that the granting of the
variance will not create an undue burden on the zone or the surrounding properties. The Board also notes the special reasons requirement may be satisfied if the applicant can show that the proposed use is peculiarly suited to the particular piece of property. With regard to the impact of the proposal on the public good, the Board’s focus is on the variance’s effect on the surrounding properties and whether such effect would be substantial. Furthermore, in most (d) variance cases, the applicant must satisfy an enhanced quality of proof and support by clear and specific findings by this Board that the variance sought is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance. The burden of proof is upon the applicant to establish the above criteria.

The Municipal Land Use Law, at N.J.S.A. 40:55D-70(c) provides Boards with the power to grant variances from strict bulk and other non-use related issues when the applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, the applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An applicant may show that exceptional topographic conditions or physical features exist which uniquely affect a specific piece of property. Further, the applicant may also supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and that the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the (c)(2) criteria, the applicant has the option of showing that in a particular instance relating to a specific piece of property, the purposes of the Act would be advanced by allowing a deviation from the Zoning Ordinance requirements and that the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow
departure from regulations adopted pursuant to the Zoning Ordinance. Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain "bulk" or (c) variance relief. Finally, an applicant for these variances must also show that the proposed relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. It is only in these instances when the applicant has satisfied both these tests, that a Board, acting pursuant to the Act and case law, can grant relief. The burden of proof is upon the applicant to establish that these criteria have been met.

Based upon the application, plans, reports and testimony placed before the Board, the Board finds that the applicant has met the minimum requirements of the Municipal Land Use Law, case law and City ordinances so as to grant the relief requested. The application seeks to subdivide a convent from the church property to utilize the building for a community outreach use. The property will also house interns and a food pantry. There will be some parking at the site but most people will walk to the location. This building is vacant and has been for many years. It is an eyesore and constructing an addition and renovating the interior and exterior of the building will improve the area. The proposed uses of the building fit in well with the surrounding commercial and residential uses. This building will help revitalize the area. The use is inherently beneficial and therefore the positive criteria is met. The building will not adversely affect the zone plan since it will be aesthetically pleasing and a beneficial use for the surrounding neighborhood.

NOW THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment in the City of Elizabeth that the application of Streetlight Mission for property located at 401-437
Union Avenue in the R-3 Zone, requesting a use variance, subdivision, bulk variances, design
waivers, and preliminary and final site plan approval, is determined as follows:

1. The use variance to permit the community outreach use in the R-3 Zone is approved pursuant to N.J.S.A. 40:55D-70(d) (1).

2. Bulk variance is approved pursuant to N.J.S.A. 40:55D-70(c).

Lot 1609.01 (Union Avenue)

(a) The prevailing front yard setback is 20.1 feet, whereas the existing front yard setback is 18.9 feet.

(b) The prevailing rear building setback is 59.4 feet, whereas the existing rear building setback is 288.7 feet.

(c) The prevailing left side yard setback is 10.6 feet, whereas the existing left side yard setback is 3.3 feet.

(d) The permitted building height is 35 feet, whereas the existing building height is greater than 35 feet.

(e) The maximum permitted fence height for a front yard is 3 feet, whereas the existing fence height is 6 feet.

Lot 1609.02 (Westminster Avenue)

(a) The prevailing rear building setback is 80.6 feet, whereas a rear building setback of 144.9 feet is proposed.

(b) The prevailing right side yard setback is 8.7 feet, whereas a right side yard setback of 6.2 feet is proposed.

(c) The maximum permitted fence height for a front yard is 3 feet, whereas a fence height of 6 feet is proposed.
(d) The maximum number of signs is one in a residential zone, whereas two signs are proposed.

(e) The maximum sign area in a residential zone is 6 square feet, whereas 20 square feet is proposed on the front building façade and 13.2 square feet is proposed on the left building façade. Any sign that is lit will be turned off when the building is closed.

(f) The required number of parking spaces is 27, whereas 11 spaces are proposed.

3. The following design waivers are required:

(a) Under Section 17.32.060.C.3 of the Ordinance, the required setback from a parking area to a side or rear property line or any principal structure is 3 feet, whereas a 0 foot setback is proposed to the left side and the rear property lines and the principal building.

(b) Under Section 17.32.060.C.1 of the Ordinance, the required setback from a parking area to street line is 10 feet, whereas a 3.1 foot setback is proposed.

4. Preliminary site plan is approved pursuant to N.J.S.A. 40:55D-46.

5. Final site plan is approved pursuant to N.J.S.A. 40:55D-50.

6. Minor subdivision approval is granted pursuant to N.J.S.A. 40:55D-47.

**IT IS FURTHER RESOLVED.** that the above approval is subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved.
2. This approval is granted strictly in accordance with the plan prepared by Lan Associates dated November 15, 2012 and Vincentsen Associates dated November 28, 2012.

3. The applicant shall comply with all requirements of the Harbor Consultants report of January 2, 2013. The applicant shall also comply with all applicable requirements of City Codes and Ordinances, all of which are incorporated herein by reference.

4. Payment of all fees, costs and escrows due or to become due. Any monies are to be paid within 20 days of said request by the Board Secretary.

5. Certification that taxes have been paid to the date of approval, if required.

6. Union County Planning Board approval, if required.

7. Somerset-Union County Soil Conservation District approval, if required.

8. Municipal Board of Health approval, if required.

9. NJDEP sewer extension and any other permits required by the NJDEP pursuant to their authority, if required.

10. Prior to the issuance of any construction permit, the applicant shall file with the Board and Construction Official, an affidavit verifying that the applicant is in receipt of all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and supply a copy of any approvals received.

11. Subject to all other applicable rules, regulations, ordinances and statutes of the City of Elizabeth, County of Union, State of New Jersey or any other jurisdiction.

12. The variances granted expire nine months from the notice to the applicant of this resolution or the end of final site plan approval whichever is later unless the applicant has commenced construction of same pursuant to Section 17.28.090c of the Code of the City of Elizabeth.
The undersigned secretary certifies the within decision was adopted by this Board on January 10, 2013 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on February 14, 2013.

FOR: 7
AGAINST: 0
Board Member(s) Eligible to Vote:

___M. Silva-Afonso,  ___G. Goncalves,  ___Y. Eady,  ___O. Galvez,  ___J. Nunes,  ___F. Fernandez,  ___G. Castro