

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

Application # _____
Date Filed _____
Received by _____
Hearing Date _____
Final Hearing _____

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		TYPE OF DEVELOPMENT
App. No. P-29-05;	Preliminary Site Plan approval w/bulk variances;	memorialized 11-03-2005
App. No. P-29-05;	Final Site Plan approval w/bulk variances;	memorialized 01-05-2006
App. No. P-14-08;	Prelim. & Final Site Plan approval w/bulk variances;	memorialized 01-08-2009
App. No P-14-08;	Extension of Approval;	memorialized 12-04-2014

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APPLICATION FOR BOARD HEARING (con't)

=====
PROJECT'S GENERAL INFORMATION

PROPERTY:

Address 320-326 Elizabeth Avenue, Elizabeth, NJ 07206
Owner 324 Elizabeth Avenue, LLC
Address 525 New Brunswick Ave, Perth Amboy, NJ 08861

Date of Purchase: _____ Property Tax Account # 5-333A

APPLICANT:

Name Kudakwamwari Foundation
Address 287 Clubhouse Drive, Willingboro, NJ 08046
Contact Person Kuda E. Canady
Telephone 908-425-2105

PROPOSED OWNERSHIP STATUS*:

Proprietorship _____ Partnership _____ Corporation _____
Lessee _____ Contingent Purchaser _____
Other X (Explain) limited liability company

PROJECT'S ATTORNEY:

Name Stephen F. Hehl, Esq. Telephone (908) 687-7000
Firm Hehl Offices of Javerbaum Wurgaft
Address 370 Chestnut Street, Union, NJ 07083

PROJECT'S ARCHITECT:

Name N.A. Telephone _____
Firm _____
Address _____

New Jersey License _____

PROJECT'S ENGINEER:

Name Michael E. Dipple, PE Telephone (201) 227-0300
Firm L2A Land Design, LLC
Address 60 Grand Ave, Englewood, NJ 07631
New Jersey License: #24GE04081200

PROJECT'S LAND SURVEYOR:

Name _____ Telephone (973) 625-5670
Firm Lakeland Surveying, Inc.
Address 4 West Main St., Rockaway, NJ 08861
New Jersey License: _____

*Note: If the applicant is not the proprietor, then the applicant is required to submit a letter signed by the property owner, authorizing the filling and processing of this application (attach Form #13). Corporations and partnerships must attach Form #14. **CORPORATIONS MUST BE REPRESENTED BY AN ATTORNEY.**

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APPLICATION FOR BOARD HEARING (cont'd)

=====

PHYSICAL DEVELOPMENT INTENT

Property Description convert vacant land to volleyball courts & metal frame/cloth shelter
 Address 320-326 Elizabeth Avenue, Elizabeth, NJ 07206
 Owner (s) 324 Elizabeth Avenue, LLC

Property Tax Account # 5-333A
 Lot Area - 10,550 SF

Zoning: C-2 (Community Commercial)
 Tract Area - 10,550 SF

<u>FRONTAGE:</u>	<u>STREET</u>	<u>LINEAR FEET</u>
	<u>Elizabeth Avenue</u>	<u>87.50'</u>
	<u>First Avenue</u>	<u>91.55'</u>
	_____	_____
	_____	_____

STRUCTURES:

<u>INTENT*</u>	<u>STORIES</u>	<u>CONSTRUCTION TYPE</u>	<u>USE**</u>	<u>FLOOR AREA (Sq. Ft.)</u>	<u>EFF. UNITS</u>	<u># OF BR / UNIT</u>				
						<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
<u>B</u>	<u>ground</u>	<u>volleyball courts</u>	<u>_____</u>	<u>±5,760*</u>	<u>_____</u>	<u>N.A.</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>B</u>	<u>1</u>	<u>frame/cloth shelters</u>	<u>_____</u>	<u>±5,760</u>	<u>_____</u>	<u>N.A.</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

*total square footage of area covered by courts and frame/cloth shelter

*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): N/A

<u>LOT AREA (Sq. Ft.)</u>	<u>LOT FRONTAGE (Sq. Ft.)</u>
_____	_____
_____	_____
_____	_____

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APPLICATION FOR BOARD HEARING (con't)

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

- | | <u>YES</u> | <u>NO</u> | |
|----|----------------|---------------|--|
| 1. | <u> </u> | <u> X </u> | Will the development require conditional use authorization? |
| 2. | <u> </u> | <u> X </u> | Will the project involve a use requiring screening? |
| 3. | <u> X* </u> | <u> </u> | Does the lot width exceed 80 feet and will there be a change of use from one Schedule II Category to another? |
| 4. | <u> X** </u> | <u> </u> | Will the building construction or reconstruction cover more than 300 square feet? |
| 5. | <u> </u> | <u> X </u> | Will the lot have 5 or more parking stalls and will stalls, aisles or driveways be established, altered or eliminated? |
| 6. | <u> </u> | <u> X </u> | Will the development involve the removal of soil exceeding 1 foot in depth? |
| 7. | <u> </u> | <u> X </u> | Will 5,000 square feet or more of residential open space be provided? |

* property is currently vacant

** structures are not permanent construction

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 HEARING (con't)

Present Use Category: vacant land
Principal Use (s): N.A.
Major Accessory Use (s): N.A.

Proposed Use Category: Recreation, Private & non-commercial
Principal Use (s): Same
Major Accessory Use (s): N.A.

USE:

Describe the PRESENT USE of the property including both indoor and outdoor activities:

Indoor - None
Outdoor - None

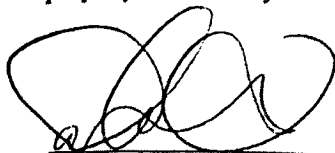
Describe the PROPOSED USE of the property including both indoor and outdoor activities:

Indoor - Recreation, Private & non-commercial
Outdoor - Recreation, Private & non-commercial

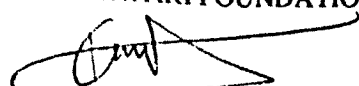
REQUIRED ATTACHMENTS:

- | | <u>YES</u> | <u>NO</u> | |
|----|------------|------------|---|
| 1. | _____ | <u> X </u> | Is a new public street right-of-way proposed? If yes, please attach description. |
| 2. | _____ | <u> X </u> | Are off-tract facilities proposed? If yes, please attach description. |
| 3. | _____ | <u> X </u> | Are there any deed restrictions which affect the subject property in effect or contemplated? If yes, please attach description. |
| 4. | _____ | <u> X </u> | Is the subject property located in "A" Flood Hazard Area? If yes, please attach copy of necessary permit or waiver. |
| 5. | _____ | <u> X </u> | 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.


NOTARY PUBLIC
DATE: 3/2/21

SABRINA M. ORTIZ
Notary Public - State of New Jersey
My Commission Expires Mar 20, 2022

UDAKWAMWARI FOUNDATION

BY: Kuda E. Canady

DATE: MARCH 2021
~~February~~

STAMP OF NOTARY PUBLIC
 FORM #03
 APPEAL FOR RELIEF
 OM ZONING REQUIREMENTS
 Revised (3/25/83)

Application # _____
 Date Filed: _____
 Filing Fee: _____
 Received By: _____

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:

<u>SECTION</u>	<u>REQUIREMENTS</u>	<u>RELIEF REQUESTED</u>
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.

See attached Variance Table and Statement in Support of Site Plan and Use Variance

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	No
a) Is the subject property located with 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)	_____	_____ <u>X</u> _____
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)	_____	_____ <u>X</u> _____
c) If the subject property adjacent to a State highway? If yes, applicant shall notify the Commissioner of Transportation of the hearing. (Note 2)	_____	_____ <u>X</u> _____

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

d. Disclosure Information	Yes	No
Is applicant and/or owner of 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 within 10% or greater interest In the partnership pursuant to N.J.S.A. 40:55D-48.1 et Seq. (Form #14)	_____	_____X_____

NOTES:

- "1" Union County Planning board, Attn: Union County Department of Engineering and Planning,
Union County Administration Building, Elizabethtown Plaza, Elizabeth, N.J. 07207
- "2" New Jersey Department of Transportation, 1035 Parkway Avenue, PO Box 101, Trenton, N.J.
08625

DCP FORM #04
(Revised 6/10/85)
Appeal for Use Variance

Application No: _____
Date Filed: _____
Filing Fee: _____
Received by: _____

DO NOT WRITE ABOVE THIS LINE

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 provide residences in a C-3 Zone and business offices (pre-existing) in an R-3 Zone, both of which of 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 Variance Table and Statement in Support of Site Plan and Use Variance

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).	—		<u>X</u>
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)	—		<u>X</u>
THE APPLICANT SHALL NOTIFY ALL PROPERTY OWNERS LOCATED IN THE STATE AND WITHIN TWO HUNDRED (200) FEET IN ALL DIRECTIONS OF PROPERTY IN QUESTION.	<u>X</u>		—

APPLICATION FOR BOARD ACTION
DCP FORM #04, PAGE 2 OF 2
(Revised March 14, 1988)

Application No: _____
Date Filed: _____
Received by: _____
Hearing Date: _____
Final Hearing: _____

APPEAL FOR USE VARIANCE CONT'D

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**

(DCP FORM #08
 (Revised 3/24/83)
 Application for Preliminary
 Approval of Site Plan

Application No: _____
 Date Filed: _____
 Filing Fee: _____
 Received by: _____

Do not write above this line

Application is hereby made for approval of the proposed Site Plan for the land herein described:

1.	Plan Description	Prepared by	Date	For Official Use only	
	Site Plan: Proposed Volleyball Courts & Temporary Shelter	L2A Land Design	January 8, 2021		
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
				<u>X</u>	—
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
				<u>X</u>	—
	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.			—	<u>X</u>
	b) Is the subject property adjacent to a state highway? If yes, applicant shall notify the Commissioner of Transportation of the hearing (Form #15)			—	<u>X</u>
	THE APPLICANT SHALL NOTIFY ALL PROPERTY OWNERS LOCATED IN THE STATE AND WITHIN TWO HUNDRED (200) FEET IN ALL DIRECTIONS OF PROPERTY IN QUESTION.			<u>X</u>	—
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
				—	<u>X</u>

DO NOT WRITE ABOVE LINE

Application is hereby made for final approval of the proposed site plan for the land hereinafter more particularly described.

1. Date of preliminary approval: _____*. Date of any extensions granted (attach documentation): _____. 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.

*Applicant seeks simultaneous preliminary and final site plan approval

	<u>Contact Persons</u>	<u>Phone</u>
2. a. Drainage Plan	_____	_____
b. Paving Plan	_____	_____
c. Utility Plan	_____	_____
d. Landscaping Plan	_____	_____
e. Sign Plan	_____	_____
f. Lighting Plan	_____	_____
g. Elevation Drawing	<u>Elemental Shelter Solutions</u>	_____

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) ____*. If not, indicate material changes (attach copy if necessary).

*Applicant seeks simultaneous preliminary and final site plan approval

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

*Applicant seeks simultaneous preliminary and final site plan approval

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

Name: Stephen F. Hehl, Esq.

Check One:

Address: 370 Chestnut Street

Applicant will pick up
 Documents should be mailed

Phone: (908) 687-7000

APPLICATION FOR BOARD ACTION Planning Board _____

Application # _____

Zoning Board X

Date Filed _____
Received by _____
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OWNER'S CONSENT FORM

=====
I, DR. GEORGE T. LIKAKIS, AM THE MANAGING MEMBER OF 324 ELIZABETH AVENUE, LLC, THE OWNER OF THE PREMISES KNOWN AS 324 ELIZABETH AVENUE, TAX ACCOUNT NUMBER 5-333A FOR WHICH AN APPLICATION OF DEVELOPMENT HAS BEEN SUBMITTED BY 324 ELIZABETH AVENUE, LLC, OWNER X / LESSEE _____ / CONTINGENT PURCHASER _____ / OTHER _____ WHICH INVOLVES CONVERT VACANT LAND TO VOLLEYBALL COURTS & TEMPORARY SHELTER AND REQUIRES THE GRANTING OF: PRELIMINARY AND FINAL SITE PLAN APPROVAL, AND USE AND BULK VARIANCES.

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 APPLICANT OR ITS SUCCESSORS, AND THAT, AS THE OWNER OF SAID PROPERTY, APPLICANT IS 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.

324 ELIZABETH AVENUE, LLC

Carol Papp
NOTARY PUBLIC
DATE: February 24, 2021

George T. Likakis
George T. Likakis, Managing Member
DATE: 2/24/2021

Carol Papp
STAMP OF NOTARY PUBLIC

CAROL PAPP
A Notary Public of New Jersey
My Commission Expires May 5, 2021

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

Planning Board _____
 Zoning Board X

Application # _____
 Date Filed _____
 Received by _____
 Hearing Date _____

DISCLOSURE AFFIDAVIT

=====
 PURSUANT TO THE REQUIREMENTS OF NEW JERSEY STATUTE 40:55D-48.1 ET SEQ., DR. GEORGE T. LIKAKIS, HEREBY CERTIFIES 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 324 ELIZABETH AVENUE, LLC, WHICH IS A LIMITED LIABILITY COMPANY WITH OWNERSHIP INTERESTS IN THE PROPERTY LOCATED AT 324 ELIZABETH AVENUE, ELIZABETH, NJ, FOR WHICH AN APPLICATION HAS BEEN FILED WITH THE CITY OF ELIZABETH PLANNING BOARD _____ / ZONING BOARD X . I FULLY UNDERSTAND THAT FAILURE TO DISCLOSE ANY AND/OR ALL OWNERSHIP PARTIES WITH TEN PERCENT (10%) OR MORE INTEREST IN THE LIMITED LIABILITY COMPANY 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.

<u>NAME</u>	<u>ADDRESS</u>	<u>% OF STOCK OR OTHER OWNERSHIP INTEREST</u>
<u>MANUEL J. MATOS</u>	<u>1032 Harding Rd Elizabeth NJ 07208</u>	<u>25</u>
<u>Jorge MATOS</u>	<u>2 Colony Lane Manalapan NJ 07033</u>	<u>25</u>
<u>Rosalie Matos</u>	<u>964 Cherokee Ct. Westfield, NJ 07090</u>	<u>25</u>
<u>George T. LIKAKIS</u>	<u>7 Augusta Drive MANALAPAN NJ 07726</u>	<u>25</u>

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

324 ELIZABETH AVENUE, LLC

Carol Papp
 NOTARY PUBLIC
 DATE: 2/24/21

George T. Likikas
 BY: George T. Likikas Managing Member

CAROL PAPP
 A Notary Public of New Jersey
 My Commission Expires May 5, 2021

DATE: February 24, 2021

APPLICANT: KUDAKWAMWARI FOUNDATION
PROPERTY: 320-326 ELIZABETH AVENUE, ELIZABETH, NJ 07206 (TAX ACCT. NO. 5-333A)

STATEMENT IN SUPPORT OF SITE PLAN AND USE VARIANCE

Proposal

The Applicant, Kudakwamwari Foundation ("Applicant") seeks preliminary and final major site plan approval, with use variances and new bulk variances to convert the Property from vacant land to a fundraising venue for the Applicant with volleyball courts and a temporary shelter building. The building is constructed of a metal frame with cloth exterior, and this statement is offered in support of the Application. The Property is owned by 324 Elizabeth Avenue, LLC.

Benefits

Applicant is a not-for-profit corporation organized to provide child and youth services.

Applicant's proposal works to help it fulfill its mission, by raising funds to support the Applicant's programs, using the Property for fundraising functions.. Applicant will provide operational and expert testimony that the proposed use is inherently beneficial. There will be no set hours of operation to conduct Applicant's fundraising events, which events are to be advertised to select V.I.P's and events will be scheduled. Applicant will inspect and maintain the Property on a regular basis to keep property clear and safe. There are only 2 employees Applicant, and Applicant is pursuing the subject project in order to support the Latin and African American Community in the area. The proposal addresses a demonstrated need in Union County and the City of Elizabeth.

Variances

The particulars of the variances required are set forth in the Variance Table submitted with the Application and a copy is attached to this statement. Here, the variances are identified and discussed in general terms:

Use Variances. The proposal requires two use Use Variances. The property is in the C-2 which does not expressly permit recreational uses, which requires a "D(1)" Use Variance. However "*Indoor Amusement Enterprises*" are permitted, which are described as follows: "*theaters, billiard or pool parlors, bowling alleys, skating rinks or similar uses or places of assembly*", therefore, the proposed use is comparable to a permitted use. Additionally, the Applicant is proposing a Floor Area Ratio ("FAR") in excess of what is permitted, which requires a "D(4)" Use Variance.

Bulk Variances. The proposal requests new bulk variances for: Minimum front yard setback; FAR; and impervious coverage. The Applicant will produce expert testimony that: (1) the benefits of granting the proposed variances outweigh any detriments; (2) the proposal will not create any substantial detriment to neighboring properties or the public good; and (3) will not substantially impair the zoning ordinance or the zone plan.

* * * * *

For the reasons set forth above, as well as those Applicant will present at the hearing, the Zoning Board of Adjustment should approve the proposed site plan and variances.

Hehl Offices of Javerbaum Wurgaft
Attorneys for Applicant

**320-326 ELIZABETH AVENUE, ELIZABETH, NJ 07206
(TAX ACCT. NO. 5-333A)
Zone District C-2**

VARIANCE TABLE

ZONING

1. THIS PROJECT REFERENCES A SURVEY PREPARED BY:
LAKELAND SURVEYING
4 WEST MAIN STREET, ROCKAWAY, NJ 07866
973.625.5670 (PHONE) - 973.625.4121 (FAX)
PROJECT NUMBER: 203703
DATED: 12/09/2020
2. PROPERTY LOCATION: BLOCK 5 LOT 333.A
3. PROPERTY ADDRESS: 320-326 ELIZABETH AVE, THE CITY OF ELIZABETH, NJ 07206
4. ZONE: C2 (COMMUNITY COMMERCIAL)
5. EXISTING USE: VACANT LAND
6. PROPOSED USE: RECREATION, PRIVATE, NONCOMMERCIAL (VOLLEYBALL COURTS W/ TEMP. SHELTER) (USE-VARIANCE)
7. LOT AREA: 10,550 SQ. FT. (±0.24 AC.)

ZONE: C-2 COMMUNITY COMMERCIAL ZONE	REQUIRED	EXISTING	PROPOSED	VARIANCE REQUIRED
MINIMUM LOT AREA (SF)	5,000 SF	10,550 SF	10,550 SF	NO
MINIMUM LOT WIDTH (FT)	50 FT	87.50 FT	87.50 FT	NO
MINIMUM LOT DEPTH (FT)	100 FT	107.12 FT	107.12 FT	NO
MINIMUM FRONT YARD SETBACK (ELIZABETH AVE.)	20 FT	4.50 FT	1.44 FT	YES
MINIMUM FRONT YARD SETBACK (1ST AVE.)	20 FT	38.40 FT	33.69 FT	NO
MINIMUM REAR YARD SETBACK (FT)	25 FT	N/A	N/A	NO
MINIMUM SIDE YARD SETBACK (FT)	8.75 FT ³	11.40 FT	1.42 FT	YES
MAXIMUM IMPERVIOUS COVERAGE (%)	75%	58.93%	66.45%	NO
MAXIMUM BUILDING FLOOR AREA RATIO (%)	11%	0.00%	54.59%	YES
MAXIMUM PERMITTED HEIGHT (FT)	3-STORIES/38 FT	N/A	1-STORY/26.46 FT	NO

1. N/A=NOT APPLICABLE
2. EN=EXISTING NON CONFORMITY
3. SECTION 17.36.110(A)(5)(b): MINIMUM SIDE YARD SETBACK. TEN (10) PERCENT OF LOT WIDTH WITH A NOT TO EXCEED DISTANCE OF TWENTY (20) FEET.
 - 87.50 FT x 0.10 = 8.75 FT
4. SECTION 17.36.110(A)(1): BUILDING HEIGHT SHALL BE PREVAILING OR IF A PREVAILING DOES NOT EXIST THIRTY-EIGHT (38) FEET. BUILDING HEIGHT SHALL BE MEASURED BY USING THE AVERAGE OF THE EXISTING GRADE WHERE THE FUTURE BUILDING WILL BE PLACED (ALL FOUR (4) CORNERS AND TEN (10) FEET WITHIN THAT AREA) AND THE "ROOFTOP" OF THE STRUCTURE (PEAK).
 - $((36.00 + 36.04 + 35.19 + 34.91)/4) = 35.54$ FT
 - MAXIMUM BUILDING HEIGHT ABOVE FFE = (+36' + 26' STRUCTURE) - 35.54' = 26.46'

PARKING REQUIREMENTS

COMMUNITY BUILDINGS & SIMILAR USES ¹	REQUIRED	EXISTING	PROPOSED	VARIANCE
1 FOR EACH 200 SF OF FLOOR AREA OCCUPIED BY ALL PRINCIPAL STRUCTURES	5,760 SF / 200 SF = 28.8 = 29 SPACES	0 SPACES	0 SPACES	YES

1. SECTION 17.40.040, TABLE I