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

8. X 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></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
APPLICATION FOR BOARD ACTION  Planning Board X  Application #  
DCP FORM #00, PAGE 2 of 5  Date Filed  
(Revised March 14, 1988)  Received by  
Zoning Board:  Hearing Date  

APPLICATION FOR BOARD HEARING (con't)  Final Hearing  

PROJECT'S GENERAL INFORMATION  

PROPERTY:  
Address: 157-165 Westfield Avenue, Elizabeth  
Owner(s): Trinity Housing Corporation  
Address(es): P.O. Box 2503, Westfield, New Jersey 07091  

Date of Purchase: February 28, 2013  Property Tax Account #: 13-1574  

APPLICANT:  
Name: Trinity Housing Corporation  
Address: P.O. Box 2503, Westfield, NJ 07081  
Contact Person: Kevin Shanahan  
Telephone: (908) 397-3576  

PROPOSED OWNERSHIP STATUS*:  
Proprietorship  Partnership  
Lesse  Contingent Purchaser  
Other  (Explain):  

Corporation X  

PROJECT'S ATTORNEY:  
Name: Stephen F. Hehl, Esq.  Telephone 908-687-7000  
Firm: Hehl Offices of Javerbaum Wurgaf, et al  
Address: 370 Chestnut St, Union, NJ 07083  

PROJECT'S ARCHITECT:  
Name: Gregory J. Waga, R.A., AIA  Telephone 732-382-2000  
Firm: Waga Enterprises – Architects, LLC  
Address: 2109 St. George Avenue, Rahway, NJ 07065  

New Jersey License #: 21A101332800  

PROJECT'S ENGINEER:  
Name: Thomas M. Schutzer  Telephone 973-905-6320  
Firm: TFC & Company  
Address: One Gatehall Drive, Suite 210, Parsippany, NJ 07054  
New Jersey License #: 24GE05017000  

PROJECT'S LAND SURVEYOR:  
Name:  
Firm:  
Address:  
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.
PHYSICAL DEVELOPMENT INTENT

Property Description:

Address: 157-165 Westfield Avenue, Elizabeth
Owner(s): Trinity Housing Corporation

Property Tax Account # 13-1574
Lot Area: Existing 13,662.8 sq. ft.
Zoning: R-2
Tract Area sq. ft.: Same

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>EFF. UNITS</th>
<th># OF BR / UNIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>13-1574.03</td>
<td>3</td>
<td>5A</td>
<td>R-5</td>
<td>2,965</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>13-1574.02</td>
<td>3</td>
<td>5A</td>
<td>R-5</td>
<td>3,092</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>13-1574.01</td>
<td>3</td>
<td>5A</td>
<td>R-5</td>
<td>2,234</td>
<td>0</td>
<td>6</td>
</tr>
</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

BUILDING LOTS

(Please complete if property is to be subdivided):

<table>
<thead>
<tr>
<th>LOT AREA (Sq. Ft.)</th>
<th>LOT FRONage (Sq. Ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4,713.2 sq. ft</td>
<td>39.9 sq ft</td>
</tr>
<tr>
<td>4,099.8 sq. ft</td>
<td>36.0 sq ft</td>
</tr>
<tr>
<td>4,849.8 sq. ft</td>
<td>36.0 sq ft</td>
</tr>
</tbody>
</table>
CERTIFICATION FOR EXEMPTION FROM SITE PLAN APPROVAL (Please complete for projects other than one or two family residence):

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
<td>N/A Will the development require conditional use authorization?</td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td>N/A Will the project involve a use requiring screening?</td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td>N/A Does the lot width exceed 80 feet and will there be a change of use from one Schedule II Category to another?</td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td>N/A Will the building construction or reconstruction cover more than 300 square feet?</td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
<td>N/A Will the lot have 5 or more parking stalls and will stalls, aisles or driveways be established, altered or eliminated?</td>
</tr>
<tr>
<td>6.</td>
<td></td>
<td></td>
<td>N/A Will the development involve the removal of soil exceeding 1 foot in depth?</td>
</tr>
<tr>
<td>7.</td>
<td></td>
<td></td>
<td>N/A Will 5,000 square feet or more of residential open space be provided?</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 HEARING (con’t)

Present Use Category: This property is currently vacant.
Principal Use (s):
Major Accessory Use (s):

Proposed Use Category: Residential
Principal Use (s): Residential
Major Accessory Use (s): Not applicable
USE:
Describe the PRESENT USE of the property including both indoor and outdoor activities:
This is a vacant property.

Describe the PROPOSED USE of the property including both indoor and outdoor activities:
This is an application for a lot subdivision to create three single-family dwellings.

REQUIRED ATTACHMENTS:

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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.

SIMONE SEBASTIAN, ESQ.
HEHL OFFICES OF JAVERBAUM WURGAFT, et al
on behalf of Applicant, TRINITY HOUSING CORPORATION

DATE: June 28, 2021
Appeal is hereby made, pursuant to Section C.40:55-70c 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>REQUIREMENTS</th>
<th>RELIEF REQUESTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>17.36.100 B and C</td>
<td>Minimum lot width -150% of prevailing or 5000 ft</td>
<td>37.6 ft</td>
</tr>
<tr>
<td>17.36.110-A</td>
<td>Front yard – 20.0 ft</td>
<td>114.25 ft/24.1 ft</td>
</tr>
<tr>
<td>17.36.110-A</td>
<td>Side yard – 15 ft or 18 ft, contain a driveway</td>
<td>3.88 ft</td>
</tr>
<tr>
<td>17.36.10-A</td>
<td>Rear yard – 25% of lot depth, no less than 25 ft</td>
<td>28.0 ft</td>
</tr>
</tbody>
</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.

1. 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? Yes  No

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. Yes

(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
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.

<table>
<thead>
<tr>
<th>DCP FORM #03</th>
<th>Planning Board X</th>
<th>Application #</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPEAL FOR RELIEF</td>
<td>Date Filed</td>
<td></td>
</tr>
<tr>
<td>FROM ZONING REQUIREMENTS</td>
<td>Filing Fee</td>
<td></td>
</tr>
<tr>
<td>(Revised 3/25/83)</td>
<td>Received by:</td>
<td></td>
</tr>
<tr>
<td>Page 2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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2. 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

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
Application is hereby made for approval of the proposed Subdivision Plat for the land herein described.

1. Plan Description
   Preparation by
   Date
   Signature

   Architect
   Waga Enterprises – Architects, LLC
   May 25, 2021

   Engineer
   TFC & Company

Classification of Subdivision. Indicate major or minor

MAJOR SUBDIVISION

ANY YES RESPONSE INDICATES THAT IT IS A MAJOR SUBDIVISION.

a) Does the subdivision involve the creation of more than two lots? YES
   NO

b) Does the subdivision involve the creation of any new streets?
   YES

   NO

c) Does the subdivision involve the extension of any off-tract improvements? YES

2. Notification Information.
   Notification of the hearing shall be given to the Union County Planning Board by the applicant and a copy of the subdivision submitted to the Union County Planning Board by the local Board.

3. Public Hearing Notification Information. If Public Hearing has been waived omit this section.
   Notice shall be given by the application 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.

4. Disclosure Information:
   Is the applicant and/or owner a corporation or partnership and does the subdivision involve six (6) or more lots? If yes, submit disclosure of all stock-holders 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) NO
DCP FORM #07
Final Approval of Major Sub-Division
(Revised March 14, 1988)

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: ****. 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).

   This applicant is pursuing a preliminary and final approval simultaneously.

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

   This applicant is pursuing a preliminary and final approval simultaneously.

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: Check One:
   Name:  Stephen F. Hehl, Esq.
   Address:  Hehl Offices of Javerbaum Wurgaft
             370 Chestnut Street
             Union, NJ 07083
   Phone:  908-687-7000
   _ Applicant will pick up
   X  Documents should be mailed
SUPPLEMENTAL INFORMATION
SITE PLAN AND VARIANCE APPLICATION

ELIZABETH, NJ
PLANNING BOARD

* * *

Trinity Housing Corporation ("Applicant")

* * *

157-165 Westfield Avenue
Block: 13; Lot: 1574 ("Property")

A. Zoning & Variance Information:

<table>
<thead>
<tr>
<th>TABLE OF LAND USE AND ZONING</th>
</tr>
</thead>
<tbody>
<tr>
<td>BLOCK 13, LOT 1574</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROPOSED USE</th>
<th>REQUIRED (CORNER LOT)</th>
<th>EXISTING</th>
<th>PROPOSED LOT 1574</th>
<th>COMPLY</th>
<th>REQUIRED (INTERIOR LOT)</th>
<th>PROPOSED LOT 1574</th>
<th>COMPLY</th>
<th>PROPOSED LOT 1574</th>
<th>COMPLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>MINIMUM LOT AREA</td>
<td>N/A</td>
<td>13,313 SF</td>
<td>13,313 SF</td>
<td>YES</td>
<td>N/A</td>
<td>13,313 SF</td>
<td>YES</td>
<td>13,313 SF</td>
<td>YES</td>
</tr>
<tr>
<td>MINIMUM LOT WIDTH</td>
<td>100% OF PRECEDING OR 30 FT</td>
<td>30 FT</td>
<td>NO</td>
<td>30 FT (STANDARDS)</td>
<td>30 FT</td>
<td>NO</td>
<td>30 FT (STANDARDS)</td>
<td>30 FT</td>
<td>NO</td>
</tr>
<tr>
<td>MINIMUM LOT FRONTAGE</td>
<td>100% OF PRECEDING OR 36 FT</td>
<td>34 FT</td>
<td>NO</td>
<td>36 FT (STANDARDS)</td>
<td>36 FT</td>
<td>NO</td>
<td>36 FT (STANDARDS)</td>
<td>36 FT</td>
<td>NO</td>
</tr>
<tr>
<td>MINIMUM LOT DEPTH</td>
<td>100% OF PRECEDING OR 30 FT</td>
<td>30 FT</td>
<td>NO</td>
<td>30 FT (STANDARDS)</td>
<td>30 FT</td>
<td>NO</td>
<td>30 FT (STANDARDS)</td>
<td>30 FT</td>
<td>NO</td>
</tr>
<tr>
<td>MINIMUM FRONT YARD SETBACK</td>
<td>0 FT</td>
<td>0 FT</td>
<td>YES</td>
<td>0 FT</td>
<td>0 FT</td>
<td>YES</td>
<td>0 FT</td>
<td>0 FT</td>
<td>YES</td>
</tr>
<tr>
<td>MINIMUM SIDE YARD SETBACK</td>
<td>11 FT OR 1/2 LT CONTIGNA DIVIDIAN</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>MINIMUM REAR YARD SETBACK</td>
<td>100% OF LOT DEPTH</td>
<td>10 FT</td>
<td>NO</td>
<td>10 FT (STANDARDS)</td>
<td>10 FT</td>
<td>NO</td>
<td>10 FT (STANDARDS)</td>
<td>10 FT</td>
<td>NO</td>
</tr>
<tr>
<td>MAXIMUM HEIGHT (STORIES/HEIGHT)</td>
<td>THREE (3) STORIES / 30 FT OR PRECEDING</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>MAXIMUM IMPERVIOUS COVERAGE</td>
<td>20%</td>
<td>17,825 SQ FT</td>
<td>YES</td>
<td>17,825 SQ FT</td>
<td>YES</td>
<td>17,825 SQ FT</td>
<td>YES</td>
<td>17,825 SQ FT</td>
<td>YES</td>
</tr>
<tr>
<td>MAXIMUM FLOOR AREA RATIO</td>
<td>100% OF PRINCIPAL</td>
<td>N/A</td>
<td>N/A</td>
<td>YES</td>
<td>N/A</td>
<td>N/A</td>
<td>YES</td>
<td>N/A</td>
<td>YES</td>
</tr>
</tbody>
</table>

B. Statement in Support of Application for Site Plan with Bulk Variances.

Proposal

The Applicant desires to subdivide the lot and construct three two-family dwellings. This statement is offered in support of the Applicant’s request for Site Plan approval for lot subdivision and for granting variances from the provisions of the City’s Land Development Code ("LDC"). The Property is located at 157-165 Westfield Avenue, Elizabeth, NJ, on Lot: 1574 in Block: 13 (the “Property”), which is located in the R-2 Zone District ("R-2 Zone") and is owned by Trinity Housing Corporation, which consented to this Application.

Applicant completed the changes to improve the use of the Lot, which is currently vacant and in a state of disrepair. The proposed housing use is permitted in the R-2 Zone. The Applicant seeks permission to vary requirements of the zoning article of the Development Control Ordinance of the City of Elizabeth as follows: (§17.36.100 B and C), regarding the minimum lot width (§17.36.110-A) regarding the front yard and side yard
and (§17.36.10-A) regarding the yard. These variances are not being requested for each proposed Lot, and if granted, the Lot will be able to accommodate three homes, greatly improving the use of the Lot in its current state. Please note, this property had a current 21-unit Class A rooming housing license issued by the Department of Community Affairs.

**Benefits**

The proposal benefits the City, surrounding environs, and the residents of Elizabeth, by providing additional housing to serve its community and the neighborhood. Additional benefits to be provided on testimony.

**Detriments**

The proposal presents no detriment to the public good, the zoning ordinance or zone plan. This housing is permitted in the R-2 Zone. Although being expanded, the use is not being changed by the Applicant and is particularly suited to the present location. Therefore, there will be no negative impact on the Property or neighborhood. The Applicant will provide expert testimony that the proposal is of significant benefit to the neighborhood, and that these benefits outweigh any detriments.

**Conclusion**

By way of summary, the existing variances, as set forth in the Zoning & Variance Information above, should be approved or continued. The Applicant will produce expert testimony that: (1) the proposal will not create any substantial detriment to neighboring properties or the public good; and (2) will not substantially impair the zoning ordinance or the zone plan.

* * * * *

For these reasons and those Applicant's experts will provide at the hearing, the Planning Board should approve the application.

Respectfully submitted
Hehl Offices at Javerbaum Wurgaft
Attorney for Applicant