APPLICATION FOR BOARD HEARING

APPLICATION IS HEREBY MADE FOR:

1. ____ Appeal of Administrative Action Pursuant to Section C.40:55-70a (Attach Form #01)
2. ____ Appeal for Interpretation Pursuant to Section C.40:55D-70b (Attach Form #02)
3. ____ Application for Hearing (Attach Form #00)
4. ____ Relief from Zoning Requirements Pursuant to Section C.40:55D-70c (Attach Form #03)
5. ____ Use Variance Pursuant to Section C.40:55D-70d (Attach Form #04)
6. ____ Conditional Use Authorization Pursuant to Section C.40:55D-67 (Attach Form #05)
7. ____ Approval of Subdivision (Attach Form #06)
8. ____ Final Approval of Major Subdivision (Attach Form #07)
9. ____ Preliminary Approval of Site Plan (Attach Form #08)
10. ____ Final Approval of Site Plan (Attach Form #09)
11. ____ Direction to Issue a Building Permit Pursuant to Section 602 or 604 of the Elizabeth Development Control Ordinance
12. ____ Hearing Application Checklist (Attach Form #18)

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

<table>
<thead>
<tr>
<th>DATE OF APPLICATION</th>
<th>TYPE OF DEVELOPMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unknown to Applicant</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
APPLICATION FOR BOARD HEARING (cont’d)

PROJECT’S GENERAL INFORMATION

PROPERTY:
Address 423-427 Morris Avenue
Owner(s) 423-427 Morris Avenue, LLC
Address(es) 154-156 First Street, 1st Floor
           Elizabeth, NJ 07206
Date of Purchase 05/28/2020

APPLICANT:
Name 423-427 Morris Avenue, LLC
Address 154-156 First Street, 1st Floor, Elizabeth, NJ 07206
Contact Person Armando J. D’Errico
Telephone ( ) 908-398-2500

PROPOSED OWNERSHIP STATUS*:
Proprietorship ___ Partnership ___ Corporation ___
Lessee ___ Contingent Purchaser ___
Other ___ (Explain) Limited Liability Company ___

PROJECT’S ATTORNEY:
Name
Firm
Address
Telephone (908) 687-7000

PROJECT’S ARCHITECT:
Name Robert E. Coleman, AIA
Firm Robert E. Coleman Architects
Address 1390 Valley Road, Suite 2h, Stirling, New Jersey 07980
New Jersey License # 16712

PROJECT’S ENGINEER:
Name Michael A. Rodrigues, P.E.
Firm Hammer Land Engineering
Address 663 Raritan Ave, Suite E, Cranford, New Jersey 07016
New Jersey License # 48141

PROJECT’S LAND SURVEYOR:
Name Edward S. Dec, PE, PLS
Firm Guarriello & Dec Associates, LLC
Address 131 North Michigan Avenue, P.O. Box 208, Kenilworth, NJ 07033
New Jersey License # #24GB03897400

Telephone (908) 630-1139

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

Property Description
Address: 423-427 Morris Avenue
Owner(s): 423-427 Morris Avenue, LLC
Property Tax Account #: Block 11, Lot 697

Zoning: C-1 (Neighborhood Commercial Zone)

Lot Area: 0.27 AC / +/- 11,761 SF

Frontage:
Street: Morris Avenue
Linear Feet: 55 FT

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>B</td>
<td>3</td>
<td>5A</td>
<td>R</td>
<td>6,127 / floor</td>
<td>12</td>
<td>6 6 5 4 3 2 1</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 FRONTAGE (Sq. Ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
CERTIFICATION FOR EXEMPTION FROM SITE PLAN APPROVAL (Please complete for projects other than one or two family residence):

NOT APPLICABLE

1. ____ X ____ Will the development require conditional use authorization?

2. ____ X ____ Will the project involve a use requiring screening?

3. ____ X ____ Does the lot width exceed 80 feet and will there be a change of use from one Schedule II Category to another?

4. X ____ ____ Will the building construction or reconstruction cover more than 300 square feet?

5. X ____ ____ Will the lot have 5 or more parking stalls and will stalls, aisles or driveways be established, altered or eliminated?

6. ____ X ____ Will the development involve the removal of soil exceeding 1 foot in depth?

7. ____ X ____ Will 5,000 square feet or more of residential open space be provided?

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

APPLICATION FOR BOARD HEARING (cont'd)

Present Use Category: N/A - Property is currently vacant / undeveloped
Principal Use (s): N/A - Property is currently vacant / undeveloped
Major Accessory Use (s): N/A - Property is currently vacant / undeveloped
Proposed Use Category: Residential apartment building
Principal Use (s): 2-story apartment building over ground floor parking (6, 1-bedroom/studio units; 6, 2-bedroom units)
Major Accessory Use (s): 14-space off-street parking area

USE:
Describe the PRESENT USE of the property including both indoor and outdoor activities:
Property is currently vacant / undeveloped

Describe the PROPOSED USE of the property including both indoor and outdoor activities:
Residential apartment building containing 6, 1-bedroom/studio units and 6, 2-bedroom units

REQUIRED ATTACHMENTS:

YES NO

1. ☒ Is a new public street right-of-way proposed? If yes, please attach description.
2. ☒ Are off-tract facilities proposed? If yes, please attach description.
3. ☒ Are there any deed restrictions which affect the subject property in effect or contemplated? If yes, please attach description.
4. ☒ Is the subject property located in "A" Flood Hazard Area? If yes, please attach copy of necessary permit or waiver.
5. ☒ 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 deprecate 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: 01-25-2021

423-427 MORRIS AVENUE LLC

Armando J. D'Errico, Manager

Date: 01-25-2021
Appeal is hereby made, pursuant to Section C.40: 55D-70c of the New Jersey Municipal Land Use Law, for permission to vary requirements of the zoning article of the Development Control Ordinance of the City of Elizabeth as follows:

**SECTION**

**REQUIREMENTS**

**RELIEF REQUESTED**

*See attached Variance Table*

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

2. **Public Hearing Notification Information:**

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

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

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

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

   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.

   Yes No

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

<table>
<thead>
<tr>
<th>Plan Description</th>
<th>Prepared by</th>
<th>Date</th>
<th>For Official Use only</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Plan</td>
<td>Hammer Land Engineering</td>
<td>Last Revised: 12/28/2020</td>
<td></td>
</tr>
<tr>
<td>Architectural Plans</td>
<td>Robert E. Coleman, AIA</td>
<td>Last Revised: 11/19/2020</td>
<td></td>
</tr>
</tbody>
</table>

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.  
   **X**

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.

   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)  
   **X**
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.

   **Contact Persons** | **Phone**
   --- | ---
   e. Sign Plan | N/A

2. 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. 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.

4. Person to whom final approved plan is to be issued:
   Name: Stephen F. Hehl, Esq.
   Address: 370 Chestnut Street
   Phone: Union, New Jersey 07083 908-687-7000

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

***The Applicant is seeking preliminary and final site plan simultaneously in this Application***
Pursuant to the requirements of New Jersey Statute 40:55D-48.1 et seq., 1, (Name & Title) Armando J. D'Errico, Manager, 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), 423-427 Morris Avenue, LLC, which is a Limited Liability Company, with ownership interests in the property located at 423-427 Morris 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.

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>% of Stock or Other Ownership Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Armando J. D'Errico</td>
<td>154-156 First Street, 1st Floor, Elizabeth NJ 07206</td>
<td>50%</td>
</tr>
<tr>
<td>Areopi Stathatos</td>
<td>37-18 Northern Boulevard, Suite 417, Long Island City, NY 11101</td>
<td>25%</td>
</tr>
<tr>
<td>Peter Aytug</td>
<td>37-18 Northern Boulevard, Suite 417, Long Island City, NY 11101</td>
<td>25%</td>
</tr>
</tbody>
</table>

Note: If additional space is required, please attach separate sheet.

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**Notary Public**

Date: 01-25-2021

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**423-427 MORRIS AVENUE LLC**

Armando J. D'Errico, Manager

Date: 01-25-2021
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 200 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.
   N/A
   (a) Zoning Schedule; and
   (b) Utility Plan;

(3) Preliminary Major Subdivision proposals shall include the following elements.
   N/A
   (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] Pavement Plan;
      [2] Lighting Schedule;
      [3] Landscape Schedule;
(4) Preliminary Site Plan proposals shall include the following elements:
   ✓ (a) Zoning Schedule;
   ✓ (b) Building Layout Plan;
   ✓ (c) Drainage Schedule;
   ✓ (d) Drainage Plan;
   ✓ (e) Utilities Plan;
   ✓ (f) Pavement Striping Schedule;
   ✓ (g) Pavement Plan;
   ✓ (h) Lighting Schedule;
   ✓ (i) Landscape Schedule;
   ✓ (j) Landscape Plan

F. 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.
   ✓ (a) All engineering drawings shall have individual sheets folded to fit within an 8-1/2" x 11" area.
   ✓ (b) All preliminary site plans, subdivision sketch plats and plot plans shall be submitted on standard 8-1/2" x 11" sheets.
   ✓ (c) Maps to be recorded with the county shall be on a sheet size meeting one of four standards:
        [1] eight and one-half by thirteen (8-1/2 x 13) inches;
        [2] thirty by forty-two (30 x 42) inches;
        ✓ [3] twenty-four by thirty-six (24 x 36) inches;
        [4] of fifteen by twenty-one (15 x 21) inches;
   ✓ (d) A title block shall contain:
        ✓ [1] title of proposal;
        ✓ [2] Name and address of applicant;
        ✓ [3] Name, address and seal of architect/engineer/surveyor;
        ✓ [4] Date prepared with revision dates and descriptions;
   ✓ (e) Orientation shall be provided by
        ✓ [1] graphic scale,
        ✓ [2] numeric scale,
        ✓ [3] north arrow; and
        ✓ [4] key map with reference to all streets within three thousand (3,000) feet at a scale of not more than 2,500 feet to the inch to be provided on at least one sheet of any set;

(2) Zoning Schedules shall be titled and arranged in columns describing limits, proposed conditions, and compliance/variance status for:
   ✓ (a) Building Height;
   ✓ (b) Front street setback;
(c) Rear street setback;
(d) Property line setback;
(e) Building coverage;
(f) Parking;
(g) Loading;
(h) any other code requirements;

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

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

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

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

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

(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 conditions, transformers, meters, etc.)
(e) Fences and walls with height and function (screening, security, or delineative and classified as decorative or utilitarian);
(f) Other landscape structures (patios, walks, pools)
(g) Existing trees over eighteen (18) inches' caliper;
(h) Shade tree canopy drip line at maturity;
(i) Screen planting areas with height at maturity;
(j) Ground cover planting areas;
(k) Decorative planting beds;

F. Engineering Plan drawings shall contain the following:

N/A (1) For any street improvements: plans, cross sections and center-line profile;
N/A (2) For any public utilities: plans and profiles with any easements delineated;
(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.
COMPLETE APPLICATION CHECKLIST ORDINANCE

(5) For any exterior lighting: location, mounting, fixture type and specifications for wattage and isofootcandle pattern;

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

(7) For any planting: expanded planting schedule, including quantity, common and botanical name, height and 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, 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.
### VARIANCE TABLE

<table>
<thead>
<tr>
<th>Description</th>
<th>Section</th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
<th>Comment</th>
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<tbody>
<tr>
<td>Lot Width</td>
<td>17.36.100.A.1</td>
<td>60’</td>
<td>---</td>
<td>55’</td>
<td>Variance Requested</td>
</tr>
<tr>
<td>Lot Frontage</td>
<td>17.36.100.A.2</td>
<td>60’</td>
<td>---</td>
<td>55’</td>
<td>Variance Requested</td>
</tr>
<tr>
<td>Minimum Front Yard Setback</td>
<td>17.36.100.A.4</td>
<td>17.2’</td>
<td>---</td>
<td>4.8’</td>
<td>Variance Requested</td>
</tr>
<tr>
<td>Minimum Side Yard Setback</td>
<td>17.36.100.A.5</td>
<td>10’</td>
<td>---</td>
<td>4.3’</td>
<td>Variance Requested</td>
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<tr>
<td>Minimum Side Yard Setback - Off-Site Structures</td>
<td>17.36.100.A.5</td>
<td>15’</td>
<td>---</td>
<td>6.1’</td>
<td>Variance Requested</td>
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<tr>
<td>Minimum Open Space</td>
<td>17.36.110.D</td>
<td>2,4000 SF</td>
<td>---</td>
<td>1,045 SF</td>
<td>Variance Requested</td>
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<tr>
<td>Maximum Impervious Lot Coverage</td>
<td>17.36.110.F</td>
<td>60%</td>
<td>---</td>
<td>91.1%</td>
<td>Variance Requested</td>
</tr>
<tr>
<td>Parking Spaces</td>
<td>17.40.040</td>
<td>23 spaces</td>
<td>---</td>
<td>14 spaces</td>
<td>Variance Requested</td>
</tr>
</tbody>
</table>
APPLICANT:  423-427 MORRIS AVENUE, LLC
PROPERTY:  423-427 MORRIS AVENUE
           BLOCK 11, LOT 697
C-1 (NEIGHBORHOOD COMMERCIAL) ZONE

STATEMENT OF PRINCIPAL POINTS

The property owner / applicant, 423-427 Morris Avenue, LLC (the “Applicant”), submits
the subject application seeking preliminary and final site plan and bulk (“c”) variance approvals
in connection with the property commonly known as 423-427 Morris Avenue, Elizabeth and
formally identified as Block 11, Lot 697 on the Tax Maps of the City of Elizabeth (the “Property”
or the “Site”). The Property is located in the City’s C-1 (Neighborhood Commercial) Zone District
(the “C-1 Zone”) and is surrounded by a variety of residential and commercial land uses. The Site,
which is comprised of approximately 11,761 square feet, is currently vacant / undeveloped.

The Applicant proposes to construct a three (3)-story multi-family building consisting of
approximately twelve (12) dwelling units on the Site (the “Proposed Building”). The Proposed
Building’s layout is as follows:

- Ground Floor, fourteen (14)-space surface parking area;
- Second Floor, three (3) one (1)-bedroom apartments and three (3) two (2)-bedroom
  apartments; and
- Third Floor, three (3) one (1)-bedroom apartments and three (3) two (2)-bedroom
  apartments.

The proposed units offer future residents ample living space, including an open concept kitchen
and living room and in-unit laundry facilities. Two (2) of the proposed units will be designated as
affordable housing units. The Proposed Building will be aesthetically appealing, incorporating a
variety of high-quality materials including HardiePlank siding, brick, stone, and AZEK trim.
Additional proposed site improvements include landscaping, lighting, a refuse enclosure, paving,
sidewalks and curbing, and utility improvements. The Proposed Building is a principally permitted
land use in the C-1 Zone.
The Applicant’s proposal requires the following bulk ("c") variances to permit the following deviations from the City’s Land Development Ordinance:

- Lot Width: Required, 60’; Proposed, 55’;
- Lot Frontage: Required, 60’; Proposed, 55’;
- Minimum Front Yard Setback: Required, 17.2 (prevailing); Proposed, 4.8’;
- Minimum Side Yard Setback: Required, 10’; Proposed, 4.3’;
- Minimum Side Yard Setback to Off-Site Structures: Required, 15’; Proposed, 6.1’;
- Minimum Open Space: Required, 2,400 SF; Proposed, 1,045 SF;
- Maximum Imperious Lot Coverage: Permitted, 60%; Proposed, 91.1%; and
- Off-Street Parking Spaces: Required, 23 spaces; Proposed, 14 spaces.

Despite the need for these variances, the Proposed Building will be a significant improvement to the surrounding community. The Applicant’s proposal is not only aesthetically appealing, but will also offer high-quality, in-demand housing stock to the City’s residents searching for diverse housing options. The Applicant’s commitment to designating two (2) of the proposed units as affordable units will be a benefit to the community. Despite the need for a parking variance, the Property is conveniently located near New Jersey Transit train and bus services and residents of the new units will likely take advantage of mass transit. The Applicant’s proposal will not detrimentally impact the neighborhood’s character, the light and air of neighbors, and/or traffic flow. The Applicant will offer the necessary expert testimony to demonstrate the benefits to granting the requested relief far outweigh and perceived detriments.

The Application represents an exciting opportunity to develop a fallow and undeveloped parcel. The Applicant’s proposal will not only provide in-need housing accommodations but will also positively contribute to the surrounding area and improve the neighborhood. The variance relief sought in connection with this Application may be granted without impairing the intent or purpose of the C-1 Zone or the City’s Master Plan and without a substantial detriment to the
neighborhood. For the above reasons, as well as those the Applicant will introduce through testimony and other evidence at the hearing, the Applicant respectfully requests the Board grant its Application.