

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

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APPLICATION IS HEREBY MADE FOR: **496 Spring Street, LLC assigned to 748 - 768 Spring Street LLC - Applicant**

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 D Variance Pursuant to Section C.40:55D-70d (Attach Form #04) D-6 Height Variance
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
N/A

TYPE OF DEVELOPMENT
N/A

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APPLICATION FOR BOARD HEARING (con't)

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PROJECT'S GENERAL INFORMATION

PROPERTY:

Address: **748-762 Spring Street and 1006 & 1008 North Avenue**
Owner (s): 496 Spring Street, LLC assign ed to 748-768 Spring Street LLC (formed on 4/14/2021)
Address (es): 5 Jennie Court, Cedar Grove, NJ 07009

Date of Purchase:

Property Tax Account #:

APPLICANT:

Name: 496 Spring Street, LLC assign ed to 748-768 Spring Street LLC
Address: Mail c/o P.O. Box 51, Nutley, New Jersey 07110
Contact Person: Maria Elena Sarrido or Rolando Criberio Telephone: 973-901-6978
201-442-9200

PROPOSED OWNERSHIP STATUS*:

Proprietorship _____ Partnership _____ Corporation _____
Lessee _____ Contingent Purchaser _____
Other X (Explain): Limited Liability Company – Applicant and Owner are same

PROJECT'S ATTORNEY:

Name: **Stephen F. Hehl, Esq./Rosemary Stone-Dougherty, Esq.** Telephone: **908-687-7000**
Firm: **Javerbaum Wurgaft, et al**
Address: **370 Chestnut St, Union, NJ 07083**

PROJECT'S ARCHITECT:

Name: Nicholas J. Netta, AIA Telephone: 973-379-0006
Firm: Netta Architects
Address: 1084 Route 22 West, Mountinside, NJ 07092

New Jersey License #: A112541

PROJECT'S ENGINEER:

Name: Adnan A. Khan, P.E., C.M.E. Telephone: 973-588-7080
Firm: AWZ Engineering, Inc.
Address: 150 River Road, Suite B3, Montville, NJ 07045
New Jersey License #: 39812

PROJECT'S LAND SURVEYOR:

Name: N/A Telephone:
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.**

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APPLICATION FOR BOARD HEARING (cont'd)

PHYSICAL DEVELOPMENT INTENT

Property Description: 4-story Mixed-use development consisting of 5,960 sq.ft. medical with 27 residential units (14 – one bedroom units and 13 – two bedroom units) with 66 parking spaces (includes 9 EV spaces)

Address: **748-762 Spring Street and 1006 & 1008 North Avenue**
 Owner (s): 496 Spring Street, LLC assigned to 748-768 Spring Street LLC

Property Tax Account # **Block 8, Lots 1312, 1313, 1589 & 1592**
 Zoning: R-3
 Lot Area: 31,950 sq. ft.

<u>FRONTAGE:</u>	<u>STREET</u>	<u>LINEAR FEET</u>
	Spring Street	186.50
	North Street	150

STRUCTURES:

<u>INTENT*</u>	<u>STORIES</u>	<u>CONSTRUCTION TYPE</u>	<u>USE** TYPE</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>
C/O/R	4	masonry/frame	Mixed	5,960 sq.ft – medical – 1 st floor	27	14	13	0	0	0
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

***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):

NOT APPLICABLE FOR TWO-FAMILY HOUSES

- | | <u>YES</u> | <u>NO</u> | |
|----|------------|-----------|--|
| 1. | _____ | <u>X</u> | Will the development require conditional use authorization? |
| 2. | <u>X</u> | _____ | Will the project involve a use requiring screening? |
| 3. | <u>X</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> | _____ | Will the building construction or reconstruction cover more than 300 square feet? |
| 5. | <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>X</u> | _____ | Will the development involve the removal of soil exceeding 1 foot in depth? |
| 7. | _____ | <u>X</u> | 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.

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APPLICATION FOR BOARD HEARING (con't)

Present Use Category: **N/A - Vacant**
Principal Use (s): Vacant/residential
Major Accessory Use (s):

Proposed Use Category: HC
Principal Use (s): Mixed – multi-family residential and commercial
Major Accessory Use (s): N/A
USE:

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

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

4-story Mixed-use development consisting of 5,960 sq.ft. medical with 27 residential units
(14 – one bedroom units and 13 – two bedroom units) with 51 parking spaces (includes 8 EV spaces)

15 parking spaces proposed for medical office - Total of all Parking Spaces provided of 66 spaces

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.

James J. ...
NOTARY PUBLIC *Attorney at Law*
DATE: 6/10/22

Comm expires 1/14/2025
STAMP OF NOTARY PUBLIC

State of New Jersey

APPLICANT'S SIGNATURE

DATE: 6-10-2022

DCP FORM #03
APPEAL FOR RELIEF
FROM ZONING REQUIREMENTS

Planning Board _____
Zoning Board X

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

(Revised 3/25/83)

496 Spring Street LLC assigned to 748-768 Spring Street LLC - Applicant

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:

<u>SECTION</u>	<u>REQUIREMENTS</u>	<u>RELIEF REQUESTED</u>
17.36.190.C.2.a/17.36.190.C.6	Min. front yard prevailing for Spring Street 8.9ft Min. front yard prevailing for North Avenue 7.78ft	8.80 feet proposed 8.80 feet proposed
17.36.190.C.2	Maximum Building Height 3- sty/35feet	4- sty/46 feet d- 6 height variance
17.36.190.C.2	Min. Open Space of 20%	7.88% proposed
17.36.190.C.2	Maximum Impervious Coverage of 80%	92.12% proposed
17.36.110.D	Buffer requirement of 10 feet	None proposed
17.36.110.D.2	Min. Open Space per Unit of 200 sf	93.3 sf proposed

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? 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 NO
notify the Commissioner of Transportation of the hearing. (Note 2)

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

N.J.S.A. 40:55D70(c)(2) a/k/a the flexible variance = allows a bulk variance even without "hardship" or an unusual site condition, where planning goals would be advanced and the detriments, if any, are outweighed by the planning benefits.

1. The plan allows for adequate light, air and open space and the application will serve as a transition property between the HC zone and R3 Zone. **40:55D-2(c)**
2. The plan fits within the general scheme and requirements of the neighborhood and will contribute to the wellbeing of the neighborhood and community by fitting within development and lot configurations of neighboring properties. **40:55D-2(e)**
3. The property in question provides sufficient space for the applicant's plan and as applicant is fully compliant with all parking requirements. **40:55D-2(g)**
5. The plan does not promote traffic congestion or blight. **40:55D-2(h)**
6. The plan will promote a desirable new construction mixed medical and residential building in the neighborhood and will enhance the neighborhood. **40:55D-2(i)**
7. Finally, the plan will make more effective use of the existing vacant property. **40:55D-2(m)**

Testimony will be provided as to the d-6 height variance required at hearing.

2. Disclosure Information

Yes No

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)

NO

NOTES:

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

- "2" New Jersey Department of Transportation, 1035 Parkway Avenue, P.O. Box 101, Trenton, NJ 08625

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

DO NOT WRITE ABOVE THIS LINE

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

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 4-story Mixed-use building consisting of 5,960 sq.ft. medical with 27 residential units (14 – one bedroom units and 13 – two bedroom units) with 66 parking spaces (includes 8 EV spaces)

-
1. Arguments must be submitted in support of the requested "Use Variance". – **Professional Planner Testimony in support of the d-6 height variance requested will be provided at the hearing. The property is a corner lot in the HC zone and adjacent to the R-3 zone, wherein the site will provide a transition and improve the existing vacant corner lot.**

 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).		NO
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).		YES
c) Is the subject property adjacent to a state highway? If yes, applicant shall notify the Commissioner of Transportation of the hearing. (Note #2)		NO

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

APPLICATION FOR BOARD ACTION

Application No: _____

DCP FORM #04, PAGE 2 OF 2
(Revised March 14, 1988)

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
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**

Do not write above this line

496 Spring Street, LLC - Applicant assigned to 748-768 Spring Street LLC

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

4-story Mixed-use development consisting of 5,960 sq.ft. medical with 27 residential units
 (14 – one bedroom units and 13 – two bedroom units) with 66 parking spaces (includes 9 EV spaces)

1. Plan Description	Prepared By	Date	For Official Use only	
Site Plan Set	Adnan A. Khan, P.E., C.M.E. of AWZ Engineering, Inc.	9/15/21 (5 pages) last revised 11/3/22		
Architectural Drawings	Nicholas J. Netta, AIA of Netta Architects	3/3/2022 (9 pages)		
2. Notification Information	Does the proposed development provide or is it require 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.			Yes	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	No
THE APPLICANT SHALL NOTIFY ALL PROPERTY OWNERS LOCATED IN THE STATE AND WITHIN TWO HUNDRED (200) FEET IN ALL DIRECTIONS OF PROPERTY IN QUESTION.				
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

DO NOT WRITE ABOVE LINE

496 Spring Street, LLC assigned to 748-768 Spring Street LLC

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

4-story Mixed-use development consisting of 5,960 sq.ft. medical with 27 residential units (14 – one bedroom units and 13 – two bedroom units) with 66 parking spaces (includes 8 EV spaces)

1. Date of preliminary approval: * 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.

	<u>Contact Persons</u>	<u>Phone</u>
2. a. Drainage Plan	Adnan A. Khan, P.E.	973-588-7080
b. Paving Plan	Adnan A. Khan, P.E.	973-588-7080
c. Utility Plan	Adnan A. Khan, P.E.	973-588-7080
d. Landscaping Plan	Adnan A. Khan, P.E.	973-588-7080
e. Sign Plan	Adnan A. Khan, P.E.	973-588-7080
f. Lighting Plan	Adnan A. Khan, P.E.	973-588-7080
g. Elevation Drawing	Nicholas J. Netta, AIA	973-379-0006

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 seeking Preliminary & Final Site Plan approvals simultaneously**

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 seeking Preliminary & Final Site Plan approvals simultaneously**

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

Name: **Stephen F. Hehl, Esq.**
Address: **Hehl Offices of Javerbaum Wurgaft**
370 Chestnut Street
Union, NJ 07083

Check One:

Applicant will pick up
 Documents should be mailed

Phone: 908-687-7000