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

APPLICATION FOR BOARD HEARING

APPLICATION IS HEREBY MADE FOR:

1. Appeal of Administrative Action Pursuant to Section C.40:55-70a (Attach Form #01)
2. Appeal for Interpretation Pursuant to Section C.40:55D-70b (Attach Form #02)
3. 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:

DATE OF APPLICATION

TYPE OF DEVELOPMENT


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1. ___ Appeal of Administrative Action Pursuant to Section C.40:55-70a (Attach Form #01)
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<tr>
<th>DATE OF APPLICATION</th>
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APPLICATION FOR BOARD ACTION: Planning Board  
DCP FORM #00, PAGE 2 of 5  
(Revised March 14, 1988)  
Zoning Board  

APPLICATION FOR BOARD HEARING (cont’d)

PROPERTY:
Address: 699 Kapkowski Rd., Elizabeth, NJ 07201  
Kapkowski Rd, LLC  
1 Meadowlands Plaza, #804, E. Rutherford, NJ 07073  

Date of Purchase

APPLICANT:
Name: CMC Food, LLC  
699 Kapkowski Rd, Elizabeth, NJ 07201  

Contact Person: Bill Danitch  
Telephone: 973-222-0016  
Email: bpanitch@cmcf food.com

PROPOSED OWNERSHIP STATUS*:
Proprietorship  
Partnership  
Corporation  
Lessee

Contingent Purchaser  
Other (Explain)

PROJECT’S ATTORNEY:
Name: Elizabeth Durkin, Esq.  
Telephone: 973-369-7912  
Email: edurkin@durkinfirm.com  
The Durkin Firm LLC  
354 Eisenhower Pkwy, Ste. 2550, Livingston, NJ 07039

PROJECT’S ARCHITECT:
Name
Firm: N/A  
Address
New Jersey License #

PROJECT’S ENGINEER:
Name
Firm: N/A  
Address
New Jersey License #

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: 699 Kapkowski Rd, Elizabeth, NJ 07201
Owner(s): Kapkowski Rd, LLC

Lot Area: S.F.
Tract Area:

FRONTAGE:
STREET: Kapkowski
LINEAR FEET: 

STRUCTURES:

<table>
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<tr>
<th>INTENT*</th>
<th>STORIES</th>
<th>CONSTRUCTION TYPE</th>
<th>USB**</th>
<th>FLOOR AREA (Sq. Ft.)</th>
<th>EFF. UNITS</th>
<th># OF BR/UNIT</th>
</tr>
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<tbody>
<tr>
<td>Lot 10-2138:</td>
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*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>
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<tr>
<th>LOT AREA (Sq. Ft.)</th>
<th>LOT FRONTAGE (Sq. Ft.)</th>
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CERTIFICATION FOR EXEMPTION FROM SITE PLAN APPROVAL (Please complete for projects other than one or two family residence):

NOT APPLICABLE

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

APPLICATION FOR BOARD HEARING (cont’d)

Present Use Category:
Principal Use (s):
Major Accessory Use (s):
Proposed Use Category:
Principal Use (s):
Major Accessory Use (s):

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

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

REQUIRED ATTACHMENTS:

YES NO

1. ✔ Is a new public street right-of-way proposed? If yes, please attach description.

2. Is 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.

[Signature]
NOTARY PUBLIC
DATE: [Date]

[Signature]
APPLICANT'S SIGNATURE
DATE: [Date]

[Stamp]
ELIZABETH M. DURKIN
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 11/1/2024
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

17.48.060B See attached

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)

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

3. Disclosure Information

Is applicant and/or owner a corporation or partnership and does the application involve variances to construct a multiple dwelling of 25 or more family dwellings? If yes, submit disclosure of all stockholders holding 10% or more stock or partners with 10% or greater interest in the partnership pursuant to NISA 40:55D-48.1 et seq. (Form #14)
RE: CMC Food, LLC  
699 Kapkowski Road  
Block 1, Lot 1430  
Elizabeth, Union County, New Jersey  
Our File Number: 1381-001

We are hereby seeking variance relief of the following:

1. Under Section 17.48.060.B.1.a of the Ordinance, one wall sign per street frontage is permitted, whereas two signs are proposed on the south façade.
2. Under Section 17.48.060.B.1.a of the Ordinance, the maximum height of a sign is 2’, whereas sign heights of 4’ is proposed.
3. Under Section 17.48.060.B.1.a of the Ordinance, the maximum height from ground level to the top of a sign is 14’, whereas 44’.5” is proposed.
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
APPLICANT FOR BOARD ACTION: 
Planning Board 
Zoning Board 

Application #: 
Date Filed: 
Received by: 
Hearing Date: 

DISCLOSURE AFFIDAVIT

Pursuant to the requirements of New Jersey Statute 40:55D-48.1 et seq., I, (Name & Title) William Punitch, 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), CHC Food, LLC, which is a corporation/partnership with ownership interests in the property located at 199 Kapowski Rd, 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>Michael Culley</td>
<td>199 Kapowski Rd, Elizabeth NJ 07201</td>
<td>50%</td>
</tr>
<tr>
<td>Nutangaperie</td>
<td>199 Kapowski Rd, Elizabeth NJ 07201</td>
<td>50%</td>
</tr>
</tbody>
</table>

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

Date: ____________________________

For the applicant

Owner's Signature:

Date: 6-2-20