March 18, 2020

VIA HAND DELIVERY
Marta Rivera-Sullivan, LUA
Zoning Board of Adjustment Secretary
50 Winfield Scott Plaza
Elizabeth, NJ 07201

Re:  Speedway, LLC
Tax Account Numbers 8-1699 & 8-1699.A
Application for Preliminary and Final Major Site Plan,
Use Variance and Bulk Variances

Dear Ms. Rivera-Sullivan:

Our firm represents the applicant, Speedway, LLC (the “Applicant”) in this matter. Enclosed, for filing, please find the following:

1. An original and three (3) copies of the following application documents:
   a. Form 00 – Application for Hearing.
   b. Form 04 – Appeal for Use Variance.
   c. Form 08 – Preliminary Approval of Site Plan.
   d. Form 09 – Final Approval of Site Plan.
   e. Form 13 – Owner’s Consent Form (To be filed separately).
   g. Form 18 – Hearing Checklist.
   h. Rider.

2. Four (4) copies of the Deeds to 8-1699 & 8-1699.A.

3. Four (4) copies of Checklist with List of Waivers.

4. Original W-9 Form for Speedway, LLC.


7. Copy of submission to the Union County Planning Board.


11. Four (4) copies of Lighting Plan, prepared by RLA, dated March 6, 2020, consisting of one (1) sheet.


13. CD containing the enclosed plans.

The requisite fees will be submitted under separate cover as well as the Owner’s Consent Form (Lot 1699A). Do not hesitate to contact me should you require any further documentation.

Very truly yours,

[Signature]

DONNA M. JENNINGS

Enc.

cc: Kevin C. Lewis, Esq.
    Michael Nieves
    Robert Streker, P.E.
    John McDonough, P.P.
    John Harter, P.E.
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:

<table>
<thead>
<tr>
<th>DATE OF APPLICATION</th>
<th>TYPE OF DEVELOPMENT</th>
</tr>
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</tbody>
</table>
APPLICATION FOR BOARD ACTION

DCP FORM #00, PAGE 2 of 5
(Revised March 14, 1988)

APPLICATION FOR BOARD HEARING (cont’d)

PROJECT'S GENERAL INFORMATION

PROPERTY:
Address 623 Spring Street
Owner(s) Speedway, LLC (8-1699) & Evergreen One, Inc. (8-1699.A)
Address(es) 500 Speedway Drive, Enon, OH 45323
539 South Main Street, Findlay, OH 45840
Date of Purchase 1/12/2018 (8-1699)
8/29/1994 (8-1699.A)

APPLICANT:
Name Speedway, LLC
Address 500 Speedway Drive, Enon, OH 45840
Contact Person Michael E. Nieves
Telephone (732) 215-9363

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

PROJECT'S ATTORNEY:
Name Donna M. Jennings, Esq.
Firm Finn Wilentz, Goldman & Spitzer, PA
Address 90 Woodbridge Center Drive, Suite 900, Box 10, Woodbridge, NJ 07095
Telephone (732) 855-6039

PROJECT'S ARCHITECT: To be provided.
Name
Firm
Address
New Jersey License #

PROJECT'S ENGINEER:
Name Robert Streker
Firm Bohler Engineering NJ, LLC
Address 35 Technology Drive, Warren, NJ 07059
New Jersey License # 45344
Telephone (908) 668-8300

PROJECT'S LAND SURVEYOR:
Name James D. Sens, P.L.S.
Firm Control Point Associates, Inc.
Address 35 Technology Drive, Warren, NJ 07059
New Jersey License # 24GSO432600
Telephone (908) 668-0099

*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.
APPLICATION FOR BOARD ACTION
DCP FORM #00, PAGE 3 of 5
(Revised March 14, 1988)

APPLICATION FOR BOARD HEARING (cont’d)

PHYSICAL DEVELOPMENT INTENT

Property Description
Address    623 Spring Street
Owner(s)   Speedway, LLC & Evergreen One, Inc.
Property Tax Account # 8-1699 & 8-1699.A
Zoning      HC/MRC

Lot Area    28,173 S. F. (8-1699)
            82,930 S. F. (8-1699.A)
Tract Area  111,103 SF (combined)

STREETS:
  STREET       LINEAR FEET
  Spring Street (U.S. Route 1&9)  271.94'
  Woodruff Lane

STRUCTURES:

INTENT*    STORIES    CONSTRUCTION TYPE    USE**    FLOOR AREA (Sq. Ft.)    EFF. # OF BR / UNIT

Lot 10-2138:
  See Rider

*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)

Lot Area (Sq. Ft.)

Lot

Lot

Lot

Lot

Lot

Lot

Lot

Lot

Lot

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

NOT APPLICABLE

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>1.</td>
<td></td>
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<tr>
<td>2.</td>
<td></td>
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<tr>
<td>3.</td>
<td></td>
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<tr>
<td>4.</td>
<td>X</td>
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<td>5.</td>
<td>X</td>
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<tr>
<td>6.</td>
<td>X</td>
</tr>
<tr>
<td>7.</td>
<td>X</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 § Date Filed Received by
(Revised March 14, 1988)

Application # Date Filed
Zoning Board _
Hearing Date
Final Hearing

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

APPLICATION FOR BOARD HEARING (con’t)

Present Use Category: Gas Station
Principal Use (s): Gas Station
Major Accessory Use (s): Retail/Convenience Store
Proposed Use Category: Adding additional diesel fuel dispensers and canopy.
Principal Use (s)
Major Accessory Use (s)

USE:
Describe the PRESENT USE of the property including both indoor and outdoor activities:
The Property is currently used as a Speedway gasoline service station and associated convenience store.

Describe the PROPOSED USE of the property including both indoor and outdoor activities:
No change in use proposed. Applicant is seeking to expand the existing service station. See Rider.

REQUIRED ATTACHMENTS:

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.

Wilentz, Goldman & Spitzer, P.A. On Behalf of Applicant:

Iaphers submitted herewith are true and correct. 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.

Wilentz, Goldman & Spitzer, P.A. On Behalf of Applicant:

NOTARY PUBLIC
DATE: 3/18/2020

STAMP OF NOTARY PUBLIC

MAUREEN BLAIR
A Notary Public of New Jersey
My Commission Expires August 6, 2020
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 a gasoline service station as a use in an MRC Zone which is 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.

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).
   X

   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).
   X

   c) Is the subject property adjacent to a state highway? If yes, applicant shall notify the Commissioner of Transportation of the hearing. (Note #2).
   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.
Application No:  
Date Filed:  
Filing Fee:  
Received by:  

---

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

Do not write above this line

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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>O Architect</td>
<td>3-11-2020</td>
<td></td>
</tr>
<tr>
<td></td>
<td>O Planner</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>(x) Engineer</td>
<td></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.

   X

   - 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.
   - b) Is the subject property adjacent to a state highway? If yes, applicant shall notify the Commissioner of Transportation of the hearing (Form #15)

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)

   X
Application No:

Date Filed:

Received by:

DCP FORM #09
Application for
Final Approval of Site Plan
(Revised 6-10-85)

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: __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
   Robert Streker, P.E.  908-668-8300
   Robert Streker, P.E.  908-668-8300
   Robert Streker, P.E.  908-668-8300
   N/A
   Robert Streker, P.E.  908-668-8300
   Ron Sluker  513-574-9500

   To be provided.

2. a. Drainage Plan
   b. Paving Plan
   c. Utility Plan
   d. Landscaping Plan
   e. Sign Plan
   f. Lighting Plan
   g. Elevation Drawing

   Phone

   908-668-8300
   908-668-8300
   908-668-8300
   N/A
   908-668-8300
   513-574-9500

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) __N/A__. If not, indicate material changes (attach copy if necessary).

   __N/A__

4. 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.

   NO CONDITIONS WERE IMPOSED BY THE BOARD DURING THE PRELIMINARY SITE PLAN APPROVAL PROCESS.

   Preliminary and final major site plan sought simultaneously.

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

   Name: Robert Streker, P.E.
   Address: 35 Technology Drive
   Warren, NJ 07059
   Phone: 908-668-8300

   Check One:
   __ Applicant will pick up
   X Documents should be mailed

   Phone:

   908-668-8300
DISCLOSURE AFFIDAVIT

PURSUANT TO THE REQUIREMENTS OF NEW JERSEY STATUTE 40:55D-48.1 ET SEQ., I, Wilentz, Goldman & Spitzer, P.A., (NAME & TITLE) Attorney for Applicant, HEREBY CERTIFY 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 (NAME OF CORPORATION/PARTNERSHIP), Speedway LLC, WHICH IS A CORPORATION/PARTNERSHIP WITH OWNERSHIP INTERESTS IN THE PROPERTY LOCATED AT 623 Spring Street, Elizabeth, New Jersey, FOR WHICH AN APPLICATION HAS BEEN FILED WITH THE CITY OF ELIZABETH PLANNING BOARD X / 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 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>
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<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>% OF STOCK OR OTHER OWNERSHIP INTEREST</th>
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</thead>
<tbody>
<tr>
<td>MPC Investments, LLC</td>
<td>500 Speedway Drive, Enon, OH 45323</td>
<td>100 % **</td>
</tr>
</tbody>
</table>

**No person or entity owns 10% or more in MPC Investments, LLC.

NOTE: If Additional Space is Required, please attach separate sheet.

Wilentz, Goldman & Spitzer, P.A., On Behalf of Owner:

DATE: ____________________________

OWNER’S SIGNATURE By: Donna M. Jennings, Esq.

DATE: ____________________________

For the applicant

DATE: ____________________________

BY: ____________________________

BY: ____________________________
A. Preliminary and Final Major Site Plan

Applicant is seeking preliminary and final major site plan, use variance and bulk variances to construct three (3) additional diesel dispensers and canopy to an existing gasoline service station on property located at 623 Spring Street and also identified as Lots 1699 and 1699.A in Block 8 (the "Property").\(^1\) The Property is currently improved with a gasoline service station and a 1-story convenience store with related site improvements.

Two (2) underground storage tanks ("UST") are also proposed at the northeast corner of the Property. Proposed Tank A will be a 20,000 gallon storage tank and proposed Tank B will be a 10,000 gallon tank. There are six (6) existing USTs located on the Property.

B. Use Variance

Lot 1699 is located in the HC Zone. Lot 1699.A is split-zoned between the HC Zone and the MRC Zone. Gasoline service stations are not permitted in either the HC or MRC Zone. As a result, a use variance is required pursuant to N.J.S.A. 40:55D-70d(1) of the Municipal Land Use Law (the "MLUL").

\(^1\) Further identified as Tax Account Numbers 8-1699 and 8-1699.A
C. Bulk Variances

Eleven (11) bulk variances are also required as follows:

1. §17.36.110 Minimum Accessory Front Yard Setback:
   The Ordinance requires that accessory structures be set back a minimum of .75 of the accessory height. Based on the height of the canopy, a setback of 5.125 feet is required and 4.1 feet is existing and proposed with respect to the existing canopy located on Lot 1699 (existing violation).

2. §17.36.110 Maximum Accessory Building Height:
   The maximum permitted height for an accessory structure is one-story and/or 15 feet. The proposed canopy is 20.5 feet.

3. §17.36.190 Maximum Accessory Floor-Area-Ratio (FAR):
   The Ordinance requires that the maximum FAR for an accessory structure be no greater than .1 of the principal building gross floor area. A FAR of 1.45 is an existing non-conformity with respect to the existing fueling areas. The Applicant is proposing a slight increase in accessory FAR from 1.45 to 1.86, necessitating variance relief.

4. §17.36.190 Maximum Impervious Coverage:
   80% is the maximum permitted impervious coverage in the HC Zone, whereas 63.1% is existing and 82.8% is proposed. There is no maximum standard in the MRC Zone.
5. §17.36.190 **Minimum Open Space:**

A minimum 20% open space is required, whereas 36.9% is existing and 17.2% is proposed.

6. §17.36.190 **Minimum Underground Storage Tank Setback:**

USTs are to be setback a minimum of 20 feet from the property line, the proposed USTs are 13.5 feet from the property line with Lot 582D in Block 8.

7. §17.48.060 **Maximum Height of Sign:**

A maximum of 14 feet above grade is the permitted sign height where 9.75 feet is proposed in connection with the proposed canopy signage.

8. §17.48.080 **Maximum Sign Area:**

A maximum of 10 square feet or 2% of the wall area, (2.4 feet) is permitted on any side wall or rear wall which adjoins a parking area for any façade sign. The proposed canopy sign is 19.48 square feet.

9. §17.48.060 **Maximum Sign Dimensions:**

In all commercial districts, façade sign dimensions may be a maximum width of 80% of the store width, with a maximum sign box height of 2 feet. The proposed canopy sign is 15.75 feet wide and the sign box is 3 feet in height.
10. §17.48.060 Maximum Lettering Height:

The maximum permitted height for letters is 2 feet and 3 feet is proposed in connection with the proposed canopy sign.

11. §17.36.140D Minimum Landscaping:

Parking areas with ten (10) or more parking spaces must provide “an appropriately landscaped strip.” No landscaped areas are proposed.
Date of Document | Type of Document
--- | ---
January 12, 2018 | Deed

First Party Name | Second Party Name
SPEEDWAY LLC (successor by merger to HESS RETAIL STORES LLC) | SPEEDWAY LLC

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY

<table>
<thead>
<tr>
<th>Block</th>
<th>Lot</th>
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<tr>
<td>82</td>
<td>7.01 &amp; 10.01</td>
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</tbody>
</table>

Municipality | Consideration
--- | ---
Township of Elizabeth | $0.00

Mailing Address of Grantee
539 S. Main Street, c/o Real Estate
Findlay, OH 45840

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING & PAGING INFORMATION FOR ASSIGNMENTS, RELEASES, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY

Original Book | Original Page
--- | ---

UNION COUNTY, NEW JERSEY RECORDING DATA PAGE
This cover page is for use in Union County, New Jersey only. Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.
Forms available at clerk.ucnj.org

DB6248 0358
Deed

This Deed is made on the 12th of January, 2018

Between SPEEDWAY LLC (successor by merger to HESS RETAIL STORES LLC) a Delaware limited liability company referred to as the Grantor.

And SPEEDWAY LLC, a Delaware limited liability company referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Title. The grantor does hereby grant and convey the property described below to the Grantee.

Consideration. This transfer of ownership is made for the sum and consideration of $1.00. The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A 46:15-2.1) The property located in the Municipality of the Township of Elizabeth, Block 82, Lot 7.01 & 10.01.

Property Description. The property consists of all the land, buildings, structures and improvements contained on the property, and is located in the Township of Elizabeth, County of Union, State of New Jersey, and is described as follows:

See attached Exhibit "A", legal description.

More commonly known as 623 Spring Street, Elizabeth, NJ.

The within conveyance is made under and subject to all existing easements, restrictions, rights-of-way, etc., of record.

BEING THE SAME LAND AND PREMISES, which became vested in HESS RETAIL STORES LLC, executed on April 24, 2014 and recorded in Deed Book 6012, Page 97.
Exhibit “A” - Legal Description
Tax Block 82, Tax Lot: 7.01 & 10.01

The property consists of the land and all buildings and structures on the land in the City of Elizabeth, County of Union and State of New Jersey. The legal description is as follows:

BEGINNING at a point formed by the intersection of the Southerly sideline of Woodruff Lane with the Easterly sideline of New Jersey State Highway Route No. 25 (Spring Street) as presently laid out 120 feet wide and running, thence

(1) South thirty-seven degrees, fifteen minutes West (S37°-15'W) along the above mentioned Easterly sideline of New Jersey State Highway Route No. 25, two hundred seventy-one and ninety-four hundredths (271.94) feet to a point being the Northerly corner of lands now or formerly of “Harriman and Phinney” thence

(2) South thirty-nine degrees, fifty-five minutes, ten seconds East (S39°-55'-10"E) along the Northeasterly line of lands now or formerly of “Harriman and Phinney”, one hundred two and fifty-six hundredths (102.56) feet to a point, thence

(3) North thirty-seven degrees, fifteen minutes East (N37°-15'E), two hundred ninety-one and fifty-four hundredths (291.54) feet to a point in the above mentioned Southerly sideline of Woodruff Lane, thence

(4) [3] North fifty degrees, fifty-five minutes, thirty seconds West (N50°-55'-30"W) along the said Southerly sideline of Woodruff Lane, one hundred and six hundredths (100.06) feet to a point in the above mentioned Easterly sideline of New Jersey State Highway Route No. 25 and the place of BEGINNING.
State of New Jersey
SELLER'S RESIDENCY CERTIFICATION/EXEMPTION

SELLER'S INFORMATION
Name(s)
Speedway LLC

Current Street Address
539 S. Main Street, c/o Real Estate

City, Town, Post Office Box
Findlay

State Zip Code
OH 45840

PROPERTY INFORMATION
Block(s)
Lot(s) Qualifier
82 7.01, 10.01

Street Address
623 Spring Street

City, Town, Post Office Box
Elizabeth

State Zip Code
NJ 07201

Seller's Percentage of Ownership
Total Consideration
Owner's Share of Consideration
100% $0.00 /100% 0 0

SELLER'S ASSURANCES (Check the Appropriate Box) (Boxes 2 through 14 apply to Residents and Nonresidents):

1. [ ] Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident gross income tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.

2. [ ] The real property sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.

3. [ ] Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.

4. [ ] Seller, transferor, or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

5. [ ] Seller is not an individual, estate, or trust and is not required to make an estimated gross income tax payment.

6. [X] The total consideration for the property is $1,000 or less so the seller is not required to make an estimated income tax payment.

7. [ ] The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale and report the recognized gain.

8. [ ] Seller did not receive non-like kind property.

9. [X] The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.

10. [X] The deed is dated prior to August 1, 2004, and was not previously recorded.

11. [ ] The real property is being transferred under a relocation company transaction where a trustee of the relocation company buys the property from the seller and then sells the house to a third party buyer for the same price.

12. [ ] The real property is being transferred between spouses or incident to a divorce decree or property settlement agreement under 26 U.S. Code section 1041.

13. [ ] The property transferred is a cemetery plot.

14. [ ] The seller is not receiving net proceeds from the sale. Net proceeds from the sale means the net amount due to the seller on the settlement sheet.

SELLER'S DECLARATION

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein may be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box [ ] I certify that an Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

[ ]

Date

[ ]

Date

[ ]

Signature

(Seller) Please indicate if Power of Attorney or Attorney in Fact

[ ]

Signature

(Seller) Please indicate if Power of Attorney or Attorney in Fact
STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER


BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY
COUNTY
MUNICIPALITY OF PROPERTY LOCATION

(1) PARTY OR LEGAL REPRESENTATIVE (See instructions #3 and #4 on reverse side)

Deponent, Speedway LLC, being duly sworn according to law, do deposes and says that he/she is the Grantor in a deed dated 4/24/14 transferring real property identified as Block Number 82, Lot number 7.01,10.01 located at 623 Spring Street, Elizabeth, and annexed thereto.

(2) CONSIDERATION

0.00 (Instructions #1 and #5 on reverse side)

(3) Property transferred is Class 4A

4B 4C (circle one). If property transferred is Class 4A, calculation in Section 3A below is required.

(3A) REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS:

Total Assessed Valuation + Director's Ratio = Equalized Assessed Valuation

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(4) FULL EXEMPTION FROM FEE (See Instruction #9 on reverse side)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Here reference to exemption symbol is insufficient. Explain in detail.

Not previously used for any purpose.

(5) PARTIAL EXEMPTION FROM FEE (Instruction #9 on reverse side)

NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic, Supplemental, and General Purpose Fees, as applicable, imposed by C. 178, P.L. 1975, C. 113, P.L. 2004, and C. 66, P.L. 2004 for the following reason(s):

A. SENIOR CITIZEN Grantor(s)

82 years of age or over.

B. BLIND PERSON Grantor(s)

1. Permanently and totally disabled.

2. Receiving disability payments.

3. Not gainfully employed.

C. LOW AND MODERATE INCOME HOUSING (Instruction #10 on reverse side)

1. Affordable according to H.U.D. standards.

2. Meets income requirements of region.

D. NEW CONSTRUCTION (Instructions #2, #10 and #12 on reverse side)

1. Entirely new improvement.

2. Not previously occupied.\n
NEW CONSTRUCTION* printed clearly at top of first page of the deed.

E. RELATED LEGAL ENTITIES TO LEGAL ENTITIES (Instructions #5, #11, #12 on reverse side)

1. No prior mortgage assumed or to which property is subject at time of sale.

2. No contributions to capital by either grantor or grantee legal entity.

3. No stock or money exchanged by or between grantor or grantee legal entity.

(6) Deponent states this Affidavit to induce county clerk or recorder of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me this 12th day of January 2018

Katherine S. Borgwald

Name of Settlement Officer

COUNTY RECORDERS USE ONLY

Db6248 038b

Mayor Public • State of Ohio

Affidavit Number

3/19/19

County recording officers shall forward one copy of each RTF-1 form when Section 3A is completed to:

ATTENTION: REALTY TRANSFER FEE UNIT

The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and may not be altered or amended without prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at

www.state.nj.us/treasury/taxation/rtf/
Promises by Grantor. The Grantor promises and warrants that Grantor, by acts of the Grantor, has not encumbered the property. This promise means that the Grantor has not allowed anyone else to obtain any legal right which would affect the property being transferred (such as a mortgage or entering a judgment against the Grantor).

Signatures. The Grantor signs this Deed as of date first above written.

Witnessed by: SPEEDWAY LLC, a Delaware limited liability company

Katherine Sewell

Glenn M. Plumby, Sr. Vice President & COO

State of OHIO

County of Clark

I CERTIFY that on February 12th, 2018, Glenn M. Plumby personally came before me and stated to my satisfaction, that this person (or if more than one, each person):

(a) was the maker of the attached instrument;
(b) was authorized to and did execute this instrument of, the entity named in this instrument;
(c) executed this instrument as the act of the entity named in the instrument

Katherine S. Borgwald

NOTARY PUBLIC • STATE OF OHIO
My commission expires 3/16/19

END OF DOCUMENT
DEED 013952

This Deed is made on

8/19 1994

BETWEEN

CAROL K. VICTOR and LOUIS SAND, as trustees under Trust created by Sylvia Sand dated July 3, 1972, and LEONARD H. SELENSKE appointed a trustee on August 29, 1994 pursuant to Article IX of said Trust,

whose addresses are 35 Plymouth Rd., Westfield, NJ, 360 Grenda Circle, Westfield, NJ; and 9 Stonleigh Drive, Scotch Plains, NJ, respectively, referred to as the Grantor,

AND

EVERGREEN ONE, INC., a New Jersey corporation

whose post office address is 35 Plymouth Road, Westfield, New Jersey referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of

The Grantor acknowledges receipt of this money.


No property tax identification number is available on the date of this Deed. (check box if applicable).

Property. The property consists of the land and all the buildings and structures on the land in the City of Elizabeth County of Union and State of New Jersey. The legal description is;

See Exhibit A attached hereto and made a part hereof.

An interest in the premises hereinafter described are hereby distributed in accordance with the terms of the Trust Agreement made by Sylvia Sand dated July 3, 1972.

Trustees under the powers of said trust in their absolute discretion hereby distribute to the beneficiaries Carol K. Victor and Louis Sand which are 100% owners of the Grantee such portion of the principal as they in their absolute discretion may deem advisable pursuant to Article IX B of said trust agreement.

Whereas, Carol K. Victor and Louis Sand, two of the trustees of the trust, have exerted their power to appoint Leonard H. Selesner to serve as a trustee pursuant to Article IX of the Trust Agreement and all three trustees have deemed it advisable in their absolute discretion to distribute the portion of the trust being the hereinafter described premises.

COUNTY OF UNION

CONSIDERATION

REALTY TRANSFER STAMP

DATE 8/19/94

084216-0046
SCHEDULE "A"

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements located thereon situate in the City of Elizabeth, Union County, New Jersey, and described in accordance with a survey made by Becker and Kirkpatrick, Consulting Engineers-Surveyors-Planners, Union, New Jersey dated February 4, 1972, revised February 29, 1972, as follows:

BEGINNING at a point in the Westerly sideline of Woodruff Lane (30 feet wide) said point being distant one hundred and six hundredths (100.06) feet measured Southerly along said Westerly sideline of Woodruff Lane from the intersection of said Westerly sideline of Woodruff Lane with the Southerly sideline of Spring Street (120 feet wide, formerly known as New Jersey State Highway Route 25), thence

(1) South fifty degrees, fifty-five minutes, thirty seconds East (S50°55'30"E), along the Westerly sideline of Woodruff Lane, two hundred seventy-six and fifty-six hundredths (276.56) feet to a point in the division line between lands as described herein and lands now or formerly "James Edwards" said point being distant twenty-two and sixty-two hundredths (22.62) feet measured Southerly from the line of lands now or formerly of "Percy Price and Benjamin Ogden", thence

(2) South forty-two degrees, sixteen minutes West (S42°16'W) along said division line between lands as herein described and lands now or formerly "James Edwards", three hundred forty and twenty-one hundredths (340.21) feet to a point in the division line between lands as described herein and lands now or formerly of "Harriman and Phinney", thence

(3) North thirty-nine degrees, fifty-five minutes, ten seconds West (N39°55'10"W), along said division line between lands as herein described and lands now or formerly of "Harriman and Phinney", two hundred fifty-three and one hundredth (253.01) feet to a point, thence

(4) North thirty-seven degrees, fifteen minutes East (N37°15'00"E), parallel to and distant one hundred (100.00) feet Southerly, measured at right angles to the Southerly sideline of Spring Street (120 feet wide, formerly known as New Jersey State Highway Route 25), two hundred ninety-one and fifty-four hundredths (291.54) feet to a point in the above mentioned Westerly sideline of Woodruff Lane and the point of place of BEGINNING.

Containing 1.91 acres.
Promises by Grantor. The Grantor promises that the Grantee has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Witnessed by:

STATE OF NEW JERSEY, COUNTY OF UNION
1 CERTIFY that on August 29, 1994,
Carol K. Victor, Louis Sand and Leonard H. Selesner,
personally came before me and stated to my satisfaction that the person (or if more than one, each person):

(a) was the maker of the attached deed;
(b) executed this deed as his or her own act; and,
(c) made this Deed for $NONE as the full and actual consideration paid to be paid for the transfer of title.

(Such consideration is defined in N.J.S.A. 46:15-5.)

Notary Public
A Notary Public of New Jersey
My Commission Expires March 22, 1999

084216-0048
STATE OF NEW JERSEY  
AFFIDAVIT OF CONSIDERATION OR EXEMPTION  
(49, P.L. 1968)  
Of  
PARTIAL EXEMPTION  
(478, P.L. 1975)  
To Be Recorded With Deed Pursuant to c. 49, P.L. 1968, as amended by c. 219, P.L. 1968 (N.J.S.A. 46:15-5 et seq.)

STATE OF NEW JERSEY  
COUNTY OF UNION  

FOR RECORDER'S USE ONLY  
Consideration $  
Realty Transfer Fee $  
Date  
By  

*Use symbol "C" to indicate that fee is exclusive for county use.

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3, 4 and 5 on reverse side)

Deponent, LEONARD H. SELESNER  
being duly sworn according to law upon oath, deposent and says that he is the  
Grandson  
in a deed dated AUGUST 29, 1996, transferring real property identified as block No. 8  
Lot No. 679  
located at  
Elizabeth, Union County, New Jersey, and named herein.  

(2) CONSIDERATION (See Instruction #6)

Deponent states that, with respect to deed herein described, the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid or to be paid for the transfer of title to the lands, tenements or other realty, including the remaining amount of any prior mortgage to which the transfer is subject on which it is to be assumed and paid to the assurance and any other lien on encumbrance (known or not paid, satisfied or removed in connection with the transfer of this deed is $  

(3) FULL EXEMPTION FROM FEE  
Deponent claims that this deed transaction is fully exempt from the Realty Transfer Fee imposed by c. 49, P.L. 1968, for the following reasons (please detail. (See Instruction #7) More reference to exemption symbol is not sufficient.

(4) PARTIAL EXEMPTION FROM FEE  
NOTE: All boxes below apply to person(s) only. All boxes in appropriate category must be checked. Failure to do so will void claim for partial exemption. (See Instructions #6 and #9)

Deponent claims that this deed transaction is exempt from the increased portion of the Realty Transfer Fee imposed by c. 176, P.L. 1975 for the following reasons:

a) SENIOR CITIZEN  
(See Instruction #8)  

☑ Grandparent 65 yrs. of age or over.*  
☑ One or two-family residential premises  
Owned and occupied by grantee(s) at time of sale.  
No joint owners other than spouse or other qualified exempt owners.

b) BLIND  
(See Instruction #8)  

☑ Grandparent legally blind.*  
☑ One or two-family residential premises.  
Owned and occupied by grantee(s) at time of sale.  
No joint owners other than spouse or other qualified exempt owners.

disabled  
(See Instruction #8)  

☑ Grandparent permanently and totally disabled.*  
☑ One or two-family residential premises.  
Owned and occupied by grantee(s) at time of sale.  
No joint owners other than spouse or other qualified exempt owners.

e) LOW AND MODERATE INCOME HOUSING  
(See Instruction #9)  

☑ Affordable According to H.U.D. Standards.  
☑ Meets Income Requirements of Region.  
☑ Reserved for Occupancy.  
☑ Subject to Revocation.(s) at time of sale.  
No joint owners other than spouse or other qualified exempt owners.

f) NEW CONSTRUCTION  
(See Instruction #9)  

☑ Entirely new improvement.  
☑ Not previously occupied.  
☑ Not previously used for any purpose.

Deponent makes this Affidavit to induce the County Clerk or Register of Deeds to record the deed and accept the fee subordinated herewith in accordance with the provisions of c. 49, P.L. 1968.

Signed and Sworn to before me this  

day of  
LEONARD H. SELESNER  
225 MILLBURN AVE.  
MILLBURN, N.J. 07041  

FOR OFFICIAL USE ONLY  
This space for use of County Clerk or Register of Deeds.  
Instrument Number  
Deed Number  
Book  
Page  
Date Recorded  

IMPORANT: BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE HEREOF.  
This form is prescribed by the Director, Division of Taxation in the Department of the Treasury, as required by law, and may not be altered or amended without the approval of the Director.

ORIGINAL — White copy to be retained by County.

DUPPLICATE — Yellow copy to be forwarded by County to Division of Taxation on partial exemption form fee (N.J.A.C. 18:19-8.11).

TRAPPLATE — Pink copy is for file copy.
DEED

CAROL K. VICTOR, LOUIS SACHS
and LEONARD H. SELIGER, Trustees

TO

EVERGREEN ONE, INC.

Dated: __, 19__

Record and return to:

Mandeel Seliger
225 Millburn Pike
Suite 200
Millburn, NJ 07078

Grantor.

084216-0050 END OF DOCUMENT
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 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:
   x (a) Completed application forms with original signature of the applicant or an authorized representative and notarized;
   x (b) Evidence of payment of required fees;
   x (c) Disclosure Statement of all ownership interests pursuant to N.J.S.A. 40:55D-48.1 et seq.;
   x (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.

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<td>N/A</td>
<td>Preliminary and final site plan sought simultaneously.</td>
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(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.

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(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 400 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.

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(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.

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(a) Zoning Schedule; and

(b) Utility Plan;

(3) Preliminary Major Subdivision proposals shall include the following elements.

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(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

Waiver:

(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] 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;
x (c) Rear street setback;
 x (d) Property line setback;
 x (e) Building coverage;
 x (f) Parking;
 x (g) Loading;
 x (h) any other code requirements;

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

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

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

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

(7) Pavement Plan drawings for vehicular areas shall be titled and keyed to a legend depicting:
 x (a) Curbing with type of material;
 x (b) Driveway aprons and driveways within public rights-of-way with pavement type;
x  (c)  Parking stalls, aisles and driveways outside public rights-of-way with pavement type;  

x  (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:
   Waiver.  
   (a)  Planting types (deciduous, coniferous, tree, shrub, groundcover)
   Waiver.  
   (b)  Minimum planting size;
   Waiver.  
   (c)  Planting condition (bare root, balled, canned)

(10)  Landscape Plan drawings shall be titled and keyed to a legend depicting:
   Waiver.  
   (a)  Building entrances and exits;
   Waiver.  
   (b)  Walks, patios and other paved surfaces showing material type;
   Waiver.  
   (c)  Outdoor storage enclosures for refuse and recyclables;
   Waiver.  
   (d)  Exterior utilitarian appurtenances which require visual screening (air conditions, transformers, meters, etc.)
   Waiver.  
   (e)  Fences and walls with height and function (screening, security, or delineative and classified as decorative or utilitarian);
   Waiver.  
   (f)  Other landscape structures (patios, walks, pools)
   Waiver.  
   (g)  Existing trees over eighteen (18) inches' caliper;
   Waiver.  
   (h)  Shade tree canopy drip line at maturity;
   Waiver.  
   (i)  Screen planting areas with height at maturity;
   Waiver.  
   (j)  Ground cover planting areas;
   Waiver.  
   (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;

x  (3)  For any pavement: profiles and material specifications;

x  (4)  For any drainage facilities: contours or spot elevations, profiles and specifications including pipe sizes, invert elevations and capacity.
x (5) For any exterior lighting: location, mounting, fixture type and specifications for wattage and isofootcandle pattern;

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

N/A (7) For any planting: expanded planting schedule, including quantity, common and botanical name, height or 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.
Checklist Waiver List

1. Waiver from all Landscape items
   a. No landscaping proposed at this time

2. Maps to be filed with the County
   a. None needed

3. No information provided for utilities
   a. None proposed, existing to remain

4. Detailed parking stall information
   a. All existing parking to remain as currently exists
CITY OF ELIZABETH
Tax Account Detail Inquiry

BLQ: 8. 1699.
Owner Name: SPEEDWAY, LLC
Property Location: 623-665 SPRING ST

<table>
<thead>
<tr>
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02/03/20 | 1 | Payment | 001 | 558852 | CK | 34943 | WDD | 11,182.20 | 11,182.20 |

Total Principal Balance for Tax Years in Range: 5,591.10
### BLQ: 8. 1699.A

**Owner Name:** EVERGREEN ONE, INC

**MERADA HESS CO**

**Tax Year:** 2020 to 2020

**Property Location:** R 623-R 665 SPRING ST

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Total Principal Balance for Tax Years in Range: 8,858.63
Date 03-04-2020

Re:200' Radius——Account No. 8-1699x1699A

Location 623 SARING ST & REAR

Requested by WILENTZ Request received on: 02-28-2020

THIS IS TO CERTIFY THAT THE ATTACHED IS A COMPLETE AND CURRENT LIST OF OWNERS AND ADDRESSES, AS SHOWN IN OUR RECORDS, WHICH MUST BE GIVEN NOTICE PURSUANT TO THE REQUIREMENTS OF N.J.S.A.40:55D-12. — For Liquor. Lic./Transfer check here( )

THIS LIST IS BASED ON THE ACCOUNT INFORMATION AND OR THE 200 FT. RADIUS MAP LAYOUT, AS SUPPLIED BY:

[ ] THE APPLICANT'S ENGINEER/ARCHITECT

[ ] ENGINEERING DIVISION-CITY OF ELIZABETH

Liborio Firetto, CTA Deputy Assessor

Enclosure: List Of Property Owners
Utilities Companies

Line Items 20

*Batch No. 8/1699A

Note

*IF IT BECOMES NECESSARY FOR YOU TO REQUEST AN UPDATED LIST, PLEASE REFER TO THE ABOVE BATCH NUMBER AND SUBMIT THE REQUIRED FEE, PAYABLE TO THE CITY OF ELIZABETH.
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Revised: APR/18/2008
March 18, 2020

VIA UPS OVERNIGHT
County of Union
Union County Department of Planning & Engineering
Division of Planning & Development
Administration Bldg – Elizabethtown Plaza
Elizabeth, NJ 07207

Re: Speedway, LLC
623 Spring Street
Lots 1699 & 1699.A in Block 8
City of Elizabeth

Dear Sir or Madam:

Our firm represents the applicant Speedway, LLC (the “Applicant”) in this matter. Enclosed please find the following:

1. Check in the amount of $500.00 payable to the “County of Union” representing the application fee.

2. Two (2) copies of the Development Review Application Form.


6. Two (2) copies of Lighting Plan, prepared by RLA, dated March 6, 2020, consisting of one (1) sheet.

7. Two (2) complete sets of plans entitled “Preliminary and Final Major Site Plan For Speedway LLC”, prepared by Bohler Engineering NJ, LLC, consisting of twelve (12) sheets and dated March 11, 2020.

8. CD containing all plans and reports.

The Applicant is seeking an exemption since the property is not located on a County Road and does not affect a County drainage facility.

If you need any further documentation, please advise.

Very truly yours,

DONNA M. JENNINGS

enc.  cc:  Kevin C. Lewis, Esq.
          Michael Nieves
          Robert Streker, P.E.
          John McDonough, P.P.
          John Harter, P.E.
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Total Remittance: U.S. Dollars

Direct Inquiries to:
Accounts Payable Department
Speedway LLC
500 Speedway Drive
Enon, OH 45323-1056
PHONE: 855-530-0728 OPT 1
Union County, New Jersey  
Department of Economic Development – Land Development Application  

DEVELOPMENT REVIEW APPLICATION FORM  

COUNTY OF UNION, NEW JERSEY  

NOTICE TO APPLICANT: Please forward by mail (no hand delivery is accepted unless by appointment) one paper copy of the plan, supporting documentation and this application form & checklist along with one electronic (PDF) copy of the plans and associated reports on a compact disk / USB drive to the Union County Bureau of Planning & Economic Development, Department of Economic Development, Administration Building, Elizabethtown Plaza, Elizabeth, NJ, 07207; Telephone: (908) 527-4268.  

1. TYPE OF DEVELOPMENT: (check one)  
   A. Subdivision:  
      _______ Minor Exempt Subdivision  
      _______ Minor Subdivision  
      _______ Major Subdivision  
   B. Site Plan: _______  
      Is this a revised plan/plat? Yes ( ) or No (X) Circle One: Plan or Plat  

2. LOCATION OF DEVELOPMENT: Municipality: Elizabeth  
   Street or Road: 623 Spring Street  
   Tax Map: Block # 8 Lot # 1699 & 1699.A  

3. APPLICANT: Speedway, LLC  
   Address: 500 Speedway Drive, Enon, OH 45323  
   Telephone # 732-215-9363 Email Address: mnieves@speedway.com  

4. PROPERTY OWNER: 8-1699 Speedway, LLC/8-1699.A Evergreen One, Inc.  
   Address: 500 Speedway Drive, Enon, OH 45323/539 South Main Street, Findlay, OH 45840  
   Telephone # 732-215-9363 Email Address mnieves@speedway.com  

5. ATTORNEY: Donna M. Jennings, Esq./Wilentz, Goldman & Spitzer, P.A.  
   Address: 90 Woodbridge Center Drive, Suite 900, Box 10, Woodbridge, NJ 07095  
   Telephone # 732-855-6039 Email Address djennings@wilentz.com  

6. ENGINEER: Robert Streker, P.E./Bohler Engineering NJ, LLC  
   Address: 35 Technology Drive, Warren, NJ 07059  
   Telephone # 908-688-8300 Email Address rstreker@bohlereng.com  

7. ARCHITECT: To be provided.  
   Address:  
   Telephone # Email Address  

   Address: 35 Technology Drive, Warren, NJ 07059  
   Telephone # 908-688-0099 Email Address  

Page 1
9. DEVELOPMENT INFORMATION:

a. Project Name (if any): Speedway #3495

b. No. of existing lots* 2 No. of proposed lots* 2 (No change)

c. Area of entire tract 111,103 SF

8-1699 owned by Applicant
8-1699 A owned by Evergreen One, Inc. (see attached consent)

d. Area conveyed by present owner or other* 91,949 SF

e. Area of impervious surface (sq. ft.) 91,949 SF

f. No. of parking spaces 24

g. Zoning district HC & MRC Zones- split zoned

h. Existing use Gas Station & Convenience Store

i. Proposed use No change.

j. No. of housing lots for sale* N/A

h. No. of multi-family residential units N/A

i. Sq. ft. of building area for commercial use No change.

j. Sq. ft. of building area for industrial use N/A

k. Sq. ft. of building area of other use N/A

l. When did you apply to the municipality for this development? Simultaneously.

m. Status of Municipal Review: Approved ; Pending X ; Denied ___

n. Municipal Site Plan/Subdivision Approval (Resolution) Date: N/A

o. Has the Applicant or Developer previously applied to the Union County Planning Board for approval of the proposed development? Yes ( ) or No (x) If so, when and what was the County Application# ___
10. Signatures

Wilentz, Goldman & Spitzer, P.A. On Behalf of Speedway, LLC

APPLICANT SIGNATURE: _____________________________ DATE: 3/6/2020

By: Donna M. Learyings, Esq.

OWNER SIGNATURE: _____________________________ DATE: 3/6/2020

By: Donna M. Learyings, Esq.

Any additional information, which the applicant may wish to note may be provided on a separate sheet.

NOTE: Submission of this application to Union County does not exclude the possibility for the need of any technical studies or reports to support or substantiate the proposed development identified in this application. Any application information requested would be provided by the applicant. Our acknowledgement of the application as complete does not exclude the possibility of a need for any future technical studies.

*Subdivision applications only.

Please call the Union County Bureaus of Planning & Economic Development at (908) 527-4268 or (908) 527-4197.