APPLICATION FOR BOARD ACTION

DCP FORM #00, PAGE 1 of 5
(Revised March 14, 1988)

APPLICATION IS HEREBY MADE FOR:

1. ___ Appeal of Administrative Action Pursuant to Section C.40:55-70a (Attach Form #01)

2. ___ Appeal for Interpretation Pursuant to Section C.40:55D-70b (Attach Form #02)

3. ___* Application for Hearing (Attach Form #00)

4. ___* Relief from Zoning Requirements Pursuant to Section C.40:55D-70c (Attach Form #03)

5. ___ Use Variance Pursuant to Section C.40:55D-70d (Attach Form #04)

6. ___ Conditional Use Authorization Pursuant to Section C.40:55D-67 (Attach Form #05)

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

8. ___ Final Approval of Major Subdivision (Attach Form #07)

9. ___* Preliminary Approval of Site Plan (Attach Form #08)

10. ___* Final Approval of Site Plan (Attach Form #09)

11. ___ Direction to Issue a Building Permit Pursuant to Section 602 or 604 of the Elizabeth Development Control Ordinance

12. ___* Hearing Application Checklist (Attach Form #18)

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

<table>
<thead>
<tr>
<th>DATE OF APPLICATION</th>
<th>TYPE OF DEVELOPMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 16, 2015 (P-13-14)</td>
<td>Preliminary &amp; Final Major Site Plan Approval</td>
</tr>
<tr>
<td>November 3, 2016</td>
<td>Amended Preliminary &amp; Final Major Site Plan Approval</td>
</tr>
<tr>
<td>February 6, 2020</td>
<td>Preliminary and Final Site Plan Approval w/variances</td>
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</tbody>
</table>
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)

PROJECT’S GENERAL INFORMATION

PROPERTY:
Address: 200-334 Third Avenue  
Owner(s): ETG Acquisition Corp.  
Address(es): 1 South Jersey Plaza Folsom, NJ 08037

Date of Purchase  July 1, 2018  Property Tax Account # 5-1381

APPLICANT:
Name  Elizabethtown Gas Company  
Address: 240 Third Avenue, Elizabeth, NJ 07206  
Contact Person: Joel Conover  
Telephone: (908) 558-3505 x63505

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

PROJECT’S ATTORNEY:
Name: Stephen F. Hehl, Esq.  
Telephone: (908) 687-7000  
Firm: Jauberbaum, Wuraght, Hicks, Kahn, Wikstrom & Sinins, PC  
Address: 370 Chestnut Street, Union, NJ 07083

PROJECT’S ARCHITECT:  N/A  
Name  
Firm  
Address

New Jersey License #

PROJECT’S ENGINEER:
Name: Peter Dirksen, P.E.  
Telephone: (603) 373 1242  
Firm: Chi Engineering Services, Inc.  
Address: 430 West Road, Portsmouth, NH 03801  
New Jersey License #

PROJECT’S LAND SURVEYOR:
Name: Robert E. Vargo, PLS  
Telephone: (856) 694-1716  
Firm: Vargo Associates Surveying & Mapping  
Address: P.O. Box 647, Franklinville, NJ 08322  
New Jersey License # GS 43261

*Note: If the applicant is not the proprietor, then the applicant is 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.
APPLICATION FOR BOARD ACTION
DCP FORM #00, PAGE 3 of 5
(Revised March 14, 1988)

Planning Board X
Zoning Board

Application #
Date Filed
Received by
Hearing Date
Final Hearing

APPLICATION FOR BOARD HEARING (cont’d)

PHYSICAL DEVELOPMENT INTENT

Property Description
Address: 200-334 Third Avenue
Owner(s): ETG Acquisition Corp.

Property Tax Account #: 5-1381
Lot Area: 1,053,716 sf

Zoning: M2
Tract Area: 1,053,716 sf

FRONTAGE:

STREET
Third Avenue

LINEAR FEET
1,276.22

South Second Street
956.46

STRUCTURES:

<table>
<thead>
<tr>
<th>INTENT*</th>
<th>STORIES</th>
<th>CONSTRUCTION TYPE</th>
<th>USE**</th>
<th>FLOOR AREA (Sq. Ft.)</th>
<th>EFF. UNITS</th>
<th># OF BR / UNIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>1</td>
<td>metal building</td>
<td>A</td>
<td>5,861</td>
<td></td>
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</tbody>
</table>

*Note: Definition of Intent
A: Addition to Existing
B: New Construction
C: Existing to Remain
D: To Be Demolished

**Note: Definition of Use Type
R: Residential
C: Commercial
W: Warehousing
M: Manufacturing
A: Accessory
I: Institutional
O: Office

BUILDING LOTS

(Please complete if property is to be subdivided): N/A

<table>
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<tr>
<th>Proposed Lot #</th>
<th>LOT AREA (Sq. Ft.)</th>
<th>LOT FRONTAGE (Sq. Ft.)</th>
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<tr>
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</table>
CERTIFICATION FOR EXEMPTION FROM SITE PLAN APPROVAL  (Please complete for projects other than one or two family residence):

**NOT APPLICABLE FOR TWO-FAMILY HOUSES**

<table>
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<tr>
<th>YES</th>
<th>NO</th>
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<td>5.</td>
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<td>6.</td>
<td>X</td>
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<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 FOR BOARD ACTION

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

Planning Board □ Zoning Board □

APPLICATION FOR BOARD HEARING (con't)

Application # □
Date Filed □
Received by □
Hearing Date □
Final Hearing □

Present Use Category: BB, M
Principal Use (s): Bulk storage of liquid natural gas; manufacturing; office
Major Accessory Use (s):

Proposed Use Category: BB, M
Principal Use (s): Bulk storage of liquid natural gas; manufacturing; office
Major Accessory Use (s)
USE:
Describe the PRESENT USE of the property including both indoor and outdoor activities:
Bulk storage of liquid natural gas; manufacturing; office

Describe the PROPOSED USE of the property including both indoor and outdoor activities:
The Proposed Building will house a new Liquefier for existing LNG operation; the present use will remain unchanged

REQUIRED ATTACHMENTS:

YES NO
1. □ □ Is a new public street right-of-way proposed? If yes, please attach description.
2. □ □ Are off-tract facilities proposed? If yes, please attach description.
3. □ □ Are there any deed restrictions which affect the subject property in effect or contemplated? If yes, please attach description.
4. □ □ Is the subject property located in “A” Flood Hazard Area? If yes, please attach copy of necessary permit or waiver. Application to be provided when filed
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. Application to be provided when filed

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.

Jane James
NOTARY PUBLIC
DATE: March 5, 2021

Christie W. Miller
APPLICANT’S SIGNATURE
DATE: 3/5/21

STAMP OF NOTARY PUBLIC

Jane James
Notary Public
My Commission Expires Dec. 20, 2021
Appeal is hereby made, pursuant to Section C.40:55D-70c of the New Jersey Municipal Land Use Law, for permission to vary requirements of the zoning article of the Development Control Ordinance of the City of Elizabeth as follows:

<table>
<thead>
<tr>
<th>SECTION</th>
<th>REQUIREMENTS</th>
<th>RELIEF REQUESTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>See attached variance table</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

See attached Variance Table and Statement in Support of Site Plan with Variances

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 with 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)  

   Yes   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   No  

   |       |        |
   |_______|_______|
   |       |        |

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

   Yes   No  

   |       |        |
   |_______|_______|
   |       |        |

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

   Yes   No  

   |       |        |
   |_______|_______|
   |       |        |
d. Disclosure Information

Is applicant and/or owner of 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 within 10% or greater interest
In the partnership pursuant to N.J.S.A. 40:55D-48.1 et
Seq. (Form #14)

_______ X

NOTES:

“1” Union County Planning board, Attn: Union County Department of Engineering and Planning,
Union County Administration Building, Elizabethtown Plaza, Elizabeth, N.J. 07207

“2” New Jersey Department of Transportation, 1035 Parkway Avenue, PO Box 101, Trenton, N.J. 08625
DCP FORM #08
(Revised 3/24/83)
Application for Preliminary
Approval of Site Plan

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

Do not write above this line

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

1. Plan Description 
   Prepared by 
   Date 
   For Official Use only
   Preliminary 
   & Final Site Plan 
   Chi Engineering Services, Inc. 
   [insert date], 2021

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.
   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.
   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

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

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.

2. a. Drainage Plan Contact Persons Phone
   b. Paving Plan N.A. 603-373-1242
   c. Utility Plan Peter Dirksen, PE 603-373-1242
   d. Landscaping Plan N.A.
   e. Sign Plan N.A.
   f. Lighting Plan Kevin Ameele 603-373-1248
   g. Elevation Drawing Peter Dirksen, PE 603-373-1242

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
   Phone: 908-687-7000

   Check One:
   ______ Applicant will pick up
   X ______ Documents should be mailed
SUPPLEMENTAL INFORMATION

APPLICANT:  ELIZABETHTOWN GAS COMPANY
PROPERTY:  200-334 THIRD AVENUE, ELIZABETH, NEW JERSEY
           BLOCK 5, LOT 1381

VARIANCES

ACCESSORY STRUCTURES:

§17.36.110.C.1B: MAXIMUM BUILDING HEIGHT

PERMITTED:  15' FT /1 STORY

EXISTING/PROPOSED HEIGHTS:

1. COMPRESSOR BUILDING/AFTERCOOLER CANOPY:  42' (NEW)
2. AIR COOLERS:  17'
3. REGEN HEATER:  16'
4. ADSORBER VESSELS (3 TOTAL):  45'
5. LN2 VESSEL:  40'
6. LN2 VAPORIZERS (2 TOTAL):  24'
7. COLD BOX:  65'
8. PIPE RACKS:  20'

MINIMUM FLOOR AREA RATIO (F.A.R.):  11% REQUIRED
                                    2.2% EXISTING; 2.7% PROPOSED

STATEMENT OF PRINCIPAL POINTS

The within Application involves a request for Preliminary and Final Site Plan and
continuation of existing and granting of new Bulk Variance approvals in connection with the
property located at 200-334 Third Avenue, designated as Block 5, Lot 1381 on the Tax Map of
the City of Elizabeth (the "Site"). This Site is commonly known as the Elizabethtown Gas
Company Erie Street site, which is a liquefied natural gas facility. The Site is located in the M-2
industrial zone district (the "M-2 Zone"), which permits the bulk storage of liquefied natural gas
and manufacturing uses.

The Application proposes to construct a new building to house gas liquefier equipment
(identified as #1 above; replacing an already demolished building). The building will not contain
any offices, bathrooms or work spaces. The function of the mechanical equipment being installed
is to convert natural gas from a vapor to a liquid for storage in the existing LNG tank on site.
Portions of this new system will be located inside new buildings and under canopies to provide the equipment with protection from the elements, but also to mitigate noise propagation from the property. Further testimony will be offered regarding the nature of the operations at the Site.

In 2014, the Applicant obtained site plan and variance approvals for proposed site improvements to be made in two phases to the facility. In 2016, the Applicant also obtained amended site plan and variance approvals for the proposed site improvements. As part of the 2016 approval, a variance was granted by the Board from the FAR requirements of the Code to allow a floor area ratio of 1.7 percent, whereas the Code requires a minimum floor area ratio of 11 percent. In 2019 Applicant obtained approval to construct/install the Boil-Off Compressor building and Vaporizers, the proposed floor area ratio is being increased to 2.7 percent, which will bring the Property closer to the 11% minimum.

The construction of the proposed gas liquefier equipment also requires continuation of all existing variances (with reduction of the FAR relief required) and further variance relief, as the proposed height of some equipment, and the new building exceeds the maximum height for an accessory structure.

Testimony will be offered at the hearing in support of the bulk variances. As stated above, this testimony will focus on the nature of the operations at the Site and the inability to accommodate the facility operations without the proposed improvements.

All of the benefits associated with the facility modernization and upgrade will still continue to be realized. The variance relief requested with this Application is minor in nature and can be granted with no substantial detriment to the public good and without substantial impairment to the intent or purpose of the zone plan or zone ordinance. For these reasons, the Applicant respectively requests that the approvals and variances sought be granted.
OWNER'S CONSENT FORM

1. I, Christie McMullen, am the President of ETG Acquisition Corp., which is the owner of property located at 200-334 Third Avenue, Elizabeth, New Jersey, Block 5, Lot 1381.

2. I hereby give my consent to the Applicant, Elizabethtown Gas, Co., to file any necessary Applications with the City of Elizabeth and any other governmental agency in connection with the above referenced property.

ETG ACQUISITION CORP.

Signature: Christie McMullen

Print: Christie McMullen

Title: President

Sworn and Subscribed before me
This 5 Day of March 2021

Notary Public

Jane James
Notary Public
My Commission Expires Dec. 20, 2021
Corporation Disclosure Statement

PURSUANT TO THE REQUIREMENTS OF NEW JERSEY STATUTE 40:55D-48.1 ET SEQ., I, (NAME & TITLE) Christie McMullen, President 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) Elizabethtown Gas, Co. WHICH IS A CORPORATION WITH PROPERTY INTERESTS IN THE PROPERTY LOCATED AT 200-334 Third Avenue 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>1. SJI Utilities</td>
<td>1 South Jersey Plaza, Folsom, NJ 08037</td>
<td>100%</td>
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NOTE: If Additional Space is Required, please attach separate sheet

Christie McMullen, President of Elizabethtown Gas Co.