

PLANNING BOARDBOROUGH OF ALPHA

Regular Meeting

February 18, 1998

Municipal Building, 1001 East Boulevard, Alpha, New Jersey

The regular meeting of the Borough of Alpha Planning Board was called to order at 7:33 p.m., by Chairman Richard Barbadora with the following members present: Mr. Boyle, Mr. Dota, Mayor Fey, Mr. Kohler, Mr. Mengucci, Mr. Olah, Mr. Savary (arrived 7:45 p.m.), Mr. Seiss, Mr. Barbadora and Mr. Smeall, Alt. I. Also present were Charles Lee, Esq., Board Attorney, Douglas Mace, P.E., Board Engineer and Dolores Hanisak, Secretary.

NOTICE

Pursuant to the Open Public Meetings Act, Chapter 231, P. L. 1975, adequate notice of this meeting has been provided by mail to the Free Press and the Express Times; a notice of this meeting and all other regular meetings of the Planning Board of the Borough of Alpha, which notice sets forth the time, date, and location of this meeting by posting said notice on the bulletin board in the municipal clerk's office.

Mr. Boyle moved to approve the minutes of the January 21, 1998 reorganization meeting, second by Mr. Seiss. The motion carried unanimously. Mr. Savary was absent.

Mr. Boyle moved to approve the minutes of the January 21, 1998 regular meeting, second by Mr. Olah. The motion carried unanimously. Mr. Savary was absent.

Mayor Fey asked what was the purpose of adopting Resolution No. 97-3. Mr. Lee advised Mayor Fey that it is required the board adopt a memorializing resolution. Mr. Lee explained there was an application for an interpretation of the zoning ordinance.

Mr. Seiss moved to adopt as to form Resolution No. Z 97-3, second by Mr. Boyle.

RESOLUTION NO. Z 97-3

(copied in minute book)

The motion carried with the following roll call vote:

AYES: 9 (Boyle, Dota, Fey, Kohler, Mengucci, Olah, Seiss, Barbadora, Smeall)

NAYS: 0

Abstaining: 0

Absent: Savary

PUBLIC HEARING (CONTINUED)

**APPLICATION NO. 96-1, MAJOR SUBDIVISION
BLOCK 103, LOT 1 - BRIAN PROPERTIES**

The applicant's attorney Lawrence Fox and Robert Templin, his engineer were present. Mr. Paternostro was not present.

Mr. Fox said that the testimony of the school board was heard at the last meeting. He noted that since the board's attorney was not present at that meeting, he reserved his right to comment until the present meeting. Mr. Fox said the applicant understood the impact of the project on the school but that he did not believe that the law permits the Planning Board or Council to impose upon the applicant any obligation with respect to providing space or additional buildings or schools, which was suggested by several of the members who spoke.

The Community Impact Statement Major Subdivision, Block 103, Lot 1, submitted by Mr. Leeper of the Alpha Board of Education at the meeting on January 21, 1998 was marked as Objector 1. Mr. Fox had received a copy of the Community Impact Statement.

Mr. Lee said that Mr. Fox's comments with respect to requirements for the developer to contribute to the school was accurate. He explained the law and regulations in New Jersey with respect to the issue. Mr. Seiss asked the status of the current bill requiring developer's contributions for schools, which he said has passed both houses but has not been signed by the governor. Mr. Lee said the bill has not been signed by the governor and noted that he had checked that day as to whether or not the bill had been signed.

In response to a question from Mr. Lee, Mr. Templin said that he had nothing to indicate that an application had been submitted to Warren County Planning Board for approval. He said Mr. Paternostro was taking care of that.

Mr. Lee asked if the footprints of the dwellings as noted in February 1996, which were 1200 to 1500 square feet, were still the case. Mr. Templin said that was the intention but there may be some larger. Mr. Lee said the concern was the maximum allowable coverage. Mr. Templin said the houses would be two-story frame and approximately 28' to the peak. With respect to water and sewer needs, calculations had been supplied, however, Mr. Templin said certification had not been received.

Mr. Templin said certification had been requested about nine months ago. Mr. Mace said that falls into the off-tract improvement issues which have to be discussed.

With respect to traffic impact, Mr. Templin said that a separate study had not been completed, that it is in the Community Impact Statement. Mr. Mace said that a letter dated June 27, 1997, referred to the issue. He said an estimate of the average number of automobiles that will enter and leave the site daily during peak hours must be submitted. He said a number of issues in that letter still need to be addressed.

With respect to a response from the DEP to construct an 8" sanitary sewer extension, Mr. Templin said an application will not be submitted until preliminary approval is received.

On the issue of TR-20, Mr. Templin said that he is waiting to receive information from Mr. Mace on the model. Mr. Templin said his analysis is not complete. Mr. Mace said he will provide additional data he has to Mr. Templin.

Mr. Lee asked about the ownership of the two detention basins. Mr. Fox discussed the issue and described the ways in which municipalities deal with the matter. He also said fencing is an issue that is dealt with in different ways. Mr. Fox said the applicant will accept the borough's decision on the matter. Mr. Templin said the detention basin on lot 1.54 on the map is an individual lot, there would be no dwelling on the lot. The second detention basin is located on Lot 1.38 located at the southerly section of the tract and Mr. Templin said the basin on that lot will extend onto lots 1.36 and 1.37 in the rear. There will be no dwelling on lot 1.38 and lots 1.36 and 1.37 will each have a dwelling.

Mr. Mace said there are no settled procedures on fences and ownership of detention basins as Mr. Fox had stated. He said that when the issue is settled the lot may become part of a lot with a dwelling. Mr. Mace noted that the ownership of the detention basins is a policy decision of the governing body.

A variance had been requested for Lot 1.32 for rear yard setback because it is a corner lot. Mr. Templin said the request is for it to be considered a side yard. Mr. Fox noted that there had been testimony on that issue.

Mr. Seiss questioned the location of the detention basin on Lots 1.36 and 1.37. Mr. Templin said he had been requested to look at the drainage on Seventh Avenue, south of the project.

Mr. Templin said there is a pocket, where water is being currently held almost like a pond but that it is not wet. He said water disappears very well from there and he said to achieve what he wants to do, it was necessary to expand the proposed detention basin on Lots 1.36 and 1.37. Mr. Seiss asked how that affected the lot lines. Mr. Fox said it would be in the nature of an easement. In response to Mr. Seiss, Mr. Templin said he was planning to submit everything at one time.

Mr. Seiss said as the council representative, he wanted the information before the matter comes before council for a determination by council on ownership of the basin. There was discussion on ownership and easements with respect to the detention basins. Mr. Seiss recommended that the applicant send a letter to council or appear before council to discuss his proposals. Mr. Fox said he will send a letter to council requesting that he appear before council to discuss the matter.

Mr. Lee said he will send a letter to Mr. Fox on the issue and copy it to Mr. Coyle.

Mr. Lee said that the following information is needed: on the discharge to Shimer Brook, traffic study indicating the impact of volume of traffic onto New Brunswick Avenue and permission from New Jersey Transit to discharge drainage onto their property. Mr. Templin said there needs to be permission to cross the railroad property.

There was discussion on the variance which had been requested on the one lot. Mr. Templin described the location of the house, which he said would front Grant Street. He said the house would be fully on Grant Street and not at the intersection. Mr. Fox said it is an odd shaped lot which necessitates the variance. The plans were reviewed.

Mr. Lee asked if some of the public was present on the gas application. He said there is a letter from Mr. Edleston requesting the application for Alpha Compressed Gases (formerly Hunterdon Industrial Gases) be carried to the next meeting with no further notice.

The discussion continued on the lot for which a variance had been requested. Mr. Fox said the variance for a side and rear yard setback was necessitated by the odd shaped lot and it being a corner lot. Mr. Seiss discussed the location of the house on that lot and how that would be done. Mr. Savary commented on the issue of the location of the house and that the lot was being created. He suggested the lot be combined

with other lots.

Chairman Barbadora requested the board return to the public portion of the public hearing and said there were some persons still sitting in the public. He said the board would return to the discussion on that lot later. He asked if there were any comments or questions from the public. There were none.

Mr. Smeall moved to close the public portion of the hearing, second by Mr. Kohler. The motion carried unanimously.

The discussion on the variance issue continued. It was noted that Grant Street was proposed through the subdivision to eliminate a proposed cul-de-sac, which the board did not want. The lot would conform if a cul-de-sac were constructed. There was discussion on the issue and the board reviewed the plans. Mr. Fox said the applicant would agree that the location of the house be a condition of the variance. Mr. Dota said it would be a condition in the resolution.

Mr. Dota moved to grant a variance for Lot 1.32, which requires the house be constructed along the easterly setback line to conform with other dwellings in size, not more than 1500 square feet, the front yard setback along Grant Street not to exceed 50', second by Mr. Mengucci. The motion carried with the following roll call vote:

AYES: 8 (Dota, Kohler, Mengucci, Olah, Savary, Seiss,
Barbadora, Smeall)

NAYS: 0

Abstaining: Boyle, Fey

Absent: 0

Mr. Boyle was seated in the public and returned to his seat following the conclusion of the hearing for that night.

PUBLIC HEARING

APPLICATION NO. 97-2, AMENDED FINAL SITE PLAN & BULK VARIANCE
BLOCK 105, LOT 2 - HUNTERDON INDUSTRIAL GASES, INC.

The secretary noted that the letter from Mr. Edleston was not read in entirety. She said that Mr. Edleston did not appear because he wanted to allow time for the first application to be heard and that he had requested to be heard as the first application at the March meeting. Mr. Fox said he would be willing to be the second application on the agenda at the next meeting subject to it being carried again, if necessary. He said he would sign a consent to extension of time.

Art Hawk of William Street was present at the meeting and he said he had a question with respect to Hunterdon Gas. He said the question was not on the application before the board at the present time. He asked who is policing the area to see that they are conforming to the resolution for the approved site plan. Chairman Barbadora said it is Kevin Duddy and that he had talked to him about the matter the previous week. He said that Mr. Duddy is watching the site. Mr. Hawk said he has a copy of the resolution and that the company is not conforming to the resolution or the site plan. Mr. Hawk noted that the trailer locations are not to the side of the building, that trucks are coming in on a regular basis with flammable placards on the sides of the trucks and are clearly hauling flammable materials on the road or they would not have a flammable placard on the truck. He said he observed trailers on the site and it looked like propane bottles that are being actively moved in and out of the trailers. He said the trailers are being used for storage. He also said there are rumors that people are going there to buy acetylene and propane bottles. He said he does not have proof but that he does have photos of cylinders on the site. He said they do not look like cylinders of inert gases. He asked where to submit the photos. Mr. Lee said it is a zoning violation, if what was said is accurate. He said it should be submitted to Kevin Duddy in the form of a complaint. Mr. Hawk said the question came up during the hearing as to who would be policing the site on a regular basis. He said he did not think it was his obligation as a taxpayer and a neighbor to constantly be policing these people to ensure what they are doing. He said he thinks the planning board should take a stand and have someone go down there and look at the property and see if it is in conformance with the site plan approval. Mr. Lee said that Mr. Hawk should send a letter to Mr. Duddy and notify council.

Roy Rambo, 910 New Brunswick Avenue, said he listened to the discussions during the meetings and he said it was his understanding that they would only be allowed the four gases, carbon dioxide, oxygen, nitrogen and argon. He said they were all inert non-flammable gases. He said they are retailing propane and acetylene out of that location. He said if they are retailing it, they have to be storing it in some form on that location. He said it was his understanding that it was the board's contention that they did not want to have any flammable gases located on the property. He said the resolution reads no flammable gases in bulk storage and he said he does not believe that was the way it was discussed. He asked if there was anyway that the board can review the tapes. Mr. Lee said he would listen to the tapes. Mr. Hawk said the resolution

is very vague. He said there were many people at the meeting, who had many concerns. Mr. Hawk discussed remarks that were made at the meeting regarding acetylene. Chairman Barbadora discussed his recollection from the discussions at the meetings. Mr. Rambo asked if it was the board's understanding that they were going to be retailing the flammable gases at that location. Mr. Lee stopped the discussion and advised the board and the public that the photographs could not be submitted and there could be no discussion without the applicant being present. Mr. Lee advised Mr. Hawk to write a letter to Mr. Duddy and send a copy to the Mayor, that he does not believe Mr. Duddy has been following up on the matter and to give his reasons.

Mr. Hawk said he does not intend to do that, that he is bringing it to the board's attention and he said the zoning officer should make routine visits to the business. Mr. Lee said if there is an inaccuracy in the resolution, the resolution will be revised and the applicant will be called back.

Mr. Mace read from the resolution and said it does note what is permitted. He said it is limited to the storage and transfer of inert non-flammable gases, etc. He said the next item is that no flammable gases including acetylene or propane shall be transferred or stored in bulk on the premises.

Mr. Lee said he will have to listen to the tape to determine how bulk was defined. Mr. Mace read C. from the resolution which says storage and transfer of inert flammable gases shall be permitted. He said it never discussed the storage and transfer of propane and acetylene. He said the question is valid. Chairman Barbadora said the attorney will review the tape. Mr. Boyle commented and said he made the motion that there would be no sale or storage of flammable gases from the Homa tract. He said there was discussion on the trucks that were being loaded for the next day. He said there was a question as to where the gases would come from and the applicant responded that it would be picked up at another facility but they would not comment on the location of the facility. There was continued discussion on the resolution. Mr. Lee said he would send a letter to Mr. Hawk following a review of the tape and resolution.

MINOR SUBDIVISION - BLOCK 99, LOT 2

The applicant was the borough. Mayor Fey said the borough wants to sell a piece of property from the tract and the procedure would be to subdivide the tract and then the borough would advertise that it has a piece of property to sell. Mayor Fey

said the property is adjacent to the salt shed. Mayor Fey said it is 3.2 acres being subdivided, which will be sold. He said there is a buyer but that procedures must be followed for the purchase of that parcel.

Mr. Boyle moved to grant the subdivision of Block 99, Lot 2 as requested by the borough, second by Mr. Dota. The motion carried with the following roll call vote:

AYES: 8 (Boyle, Dota, Kohler, Mengucci, Olah, Savary, Barbadora, Smeall)

NAYS: 0

Abstaining: Fey, Seiss

Absent: 0

In response to a question, prior to the voting, as to the zoning requirement for lot size Mr. Mace said the requirement for lot size in the I-2 Zone is two acres.

Mr. Mace said the borough is dedicating to itself 25' from the center line for a public road.

The secretary had no correspondence. Chairman Barbadora commented on correspondence he had received.

Mr. Seiss asked Mr. Lee with reference to the bill pertaining to schools and developers, if it would apply to the Brian Properties application should it become law. Mr. Lee said that the application is affected by the law that is in effect at the time of the action, unless the legislature sets a date when it becomes effective. He said the board has not voted on the application. Mr. Lee said he would check on that issue the next day.

Mr. Mengucci said he was looking for a location in Alpha to purchase a home. He said he had received information with respect to the property on Warren Street, which had been approved by the board for Village Design. He said the information notes four single houses for sale and he said they are not built.

Chairman Barbadora requested that the board move to go into executive session to discuss personnel.

Mr. Boyle moved the following resolution, second by Mr. Mengucci to go into executive session at 9:00 p.m. to discuss personnel.

RESOLUTION

WHEREAS, Section 8 of the Open Public Meeting Act,

Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.

2. The general nature of the subject matter to be discussed is personnel.

3. It is anticipated at this time that the above stated subject matter will be made public when it is no longer a matter of confidentiality.

The motion carried unanimously.

The board returned to regular session at 9:20 p.m.

Mr. Savary asked if Mr. Lee could research the matter of maintenance and ownership of detention basins. Mr. Lee commented on what had happened in another municipality with respect to taking over detention basins. There was brief discussion on the matter.

There being no further business to come before the board, Mr. Boyle moved to adjourn the meeting at 9:25 p.m., second by Mr. Kohler. The motion carried unanimously.

Respectfully Submitted,



Dolores Hanisak, Secretary