

PLANNING BOARD
BOROUGH OF ALPHA
 Regular Meeting
 March 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 7:30 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 7:33 p.m.), Mr. Seiss, Mr. Barbadora, Mr. Smeall, Alt. I, and Mr. Famularo, Alt. II. Also present were Charles Lee, Esq., 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.

Chairman Barbadora welcomed new member Roy Famularo to the board.

Mr. Boyle moved to adopt as to form Resolution No. A-1 (Minor Subdivision, Block 99, Lot 2), second by Mr. Dota.

(Resolution copied in minute book)

The motion carried with the following roll call vote:

AYES: 7 (Boyle, Dota, Kohler, Mengucci, Olah, Barbadora, Smeall)

NAYS: 0

Abstaining: Fey, Savary, Seiss, Famularo

Absent: 0

PUBLIC HEARING (CONTINUED)

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

There was no one present with respect to the application. Mr. Lee advised the board to deny the application based upon time running out subject to it being rescinded upon receipt of a letter from the applicant's attorney, Mr. Fox by Friday,

March 20, 1998. Mr. Fox had indicated that he was going to send a letter prior to the meeting but a letter had not been received.

Mr. Dota moved to deny Application No. 96-1 subject to the action being rescinded upon receiving a letter from Mr. Fox by March 20, 1998, requesting an extension of time, second by Mr. Seiss. The motion carried with the following roll call vote:

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

NAYS: 0

Abstaining: Boyle, Fey, Famularo

Absent: 0

PUBLIC HEARING

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

Mr. Edleston, the applicant's attorney, was present to address the board. Mr. Edleston said the application was a request for the board to consider an amendment to the final site plan approval granted by the board last year for Alpha Compressed Gases (previously Hunterdon Industrial Gases, Inc.) for the former Homa property, Block 105, Lot 2 on New Brunswick Avenue, now owned by Alpha Compressed Gases. He said there are two requests related to building # 2 which is the transfilling building and it is to provide a source of heat for the building. He said a 1,000 gallon propane tank is proposed for the source of heat to the building.

Mr. Edleston said the request is for amended final site plan approval and in connection with that; consideration for two variances, both for setbacks. He said a small building is proposed, an 8' x 8' shed to enclose the furnace which will be the source of heat for the building, that had not been shown on the final site plan previously approved by the board. He said the length of the concrete pad previously approved has to be increased. He said a front and rear yard setback is being requested for the 1,000 gallon propane tank, setbacks required by ordinance are 75' for each and he said the closest point for the tank is approximately 15' from the rear lot line and 30' from the front setback on Seventh Avenue. He said those were the only two changes on the amended plan of 11/18/97.

In response to Mr. Lee, Mr. Edleston said the building is not currently heated.

Cynthia Hartshorne, the applicant, was also present at the meeting and was sworn in by Mr. Lee to give testimony.

Mrs. Hartshorne said she is the president of Alpha Compressed Gases. She said the original source of heat was fuel oil and there were open flamed heaters hung from the ceiling of the building. She said when the property was purchased, Mr. Homa removed the fuel oil because they had indicated they would fuel the heaters with another source and that it was anticipated that propane would be used to fuel the heaters. She said they did not think about the heaters until they owned the building and because they were open-flamed inside the building, it was decided it would be best to move the heaters outside the building. She said the easiest location seemed to be at the end of the concrete pad.

Mrs. Hartshorne described the operations which occur inside building # 2, the filling of the following gases: oxygen, nitrogen, argon and CO₂ and because of the oxygen, she said it did not seem suitable to have open flames in the building. She said the building is not heated at the present time.

Mrs. Hartshorne said heat is needed for the employees, who work in the building and that some water pipes have broken in the building as well as an analyzer, which is used for purity analysis and has to be run above 50^o.

Mrs. Hartshorne said propane is proposed for heat to the building because it can be purchased by them at a very cheap price. Mr. Lee asked if there was natural gas on the property and she said building #3 is heated by natural gas. She said the line runs along the side of building #2 from Seventh Avenue. She said building #1 is heated by fuel oil. In response to Mr. Lee, Mrs. Hartshorne said the building could be heated with natural gas if they chose to do that.

Mrs. Hartshorne said the proposed location for the propane tank was chosen because of the traffic pattern with trailers and trucks that access the property. She said it was believed that the proposed tank was out of the traffic pattern and was a logical position for the tank.

She said the variance requested was to extend the existing variance for the pad an additional four feet. She said the shed is also proposed.

With respect to the location of the proposed utility shed, Mr. Mace asked if the shed could be built on the other side of the

building, in front of the tank, which was denoted on the plan as tank A. Mrs. Hartshorne said there is no room in that location. Mr. Mace asked why it could not be located on the New Brunswick side of tank A, between the front of the fence and the New Brunswick side end of the building. She said there is no room because of the piping of the gases. She said it seemed logical to put it on the other side of the building. She further described the heaters.

Mr. Edleston said permission had been granted for the concrete pad on that side of the building and he said if the pad did not have to be extended by a few feet, there would be no need to be before the board for a variance, that the only amendment to the plan would be for the proposed shed.

Mr. Mace said the pad does not pose the visibility and the proximity that the shed does. He said the encroachment of the pad is not in the same category as the encroachment of the shed. Mrs. Hartshorne said there is an access door in the location suggested by Mr. Mace.

Mr. Lee asked why a 1,000 gallon propane tank is needed. Mrs. Hartshorne said she has a 1,000 gallon tank in her possession. She indicated the size of the tank was about 15' long and three feet in diameter. Mr. Lee asked what size tank is used for residential properties. Mrs. Hartshorne said it is dependent on the size of the house and the needs for heating. Mr. Lee asked how many gallons of propane would be needed to heat the building for a season. Mrs. Hartshorne said that had not been calculated.

Mr. Lee said the only reason for wanting a 1,000 gallon tank was because that is what they have. Mrs. Hartshorne replied affirmatively. He said that is a problem because there is a provision in the preliminary resolution which states no bulk storage of propane. He said he does not want to allow a 1,000 gallon tank of propane if it is not necessary. Mr. Edleston referred to correspondence from Mr. Lee with respect to 1,000 gallon tanks. During discussion on the letter, Mr. Lee asked why 1,000 gallons of propane needs to be stored at one time to provide heat. Mr. Lee said the concern of the board had been bulk storage of propane gas on the site.

There was discussion with respect to a condition of the resolution and the request by the applicant for the 1,000 gallon tank of propane, to allow storing 1,000 gallons of propane on the site. Mr. Lee said a condition of the resolution is that there is to be no propane or acetylene stored on the site.

Mr. Edleston added "in bulk" and said there may need to be an interpretation to determine if it is storage in bulk. The discussion included reference to the empty cylinders stored on the flatbeds. Mr. Lee said there is no need to store propane or acetylene on site. Mr. Edleston said the applicant wishes to use the propane for heat. Mr. Seiss asked why natural gas should not be used since it is already on the site and being used for one heating media and maybe even two.

Mr. Edleston said Mrs. Hartshorne has already said propane is much cheaper for her than natural gas because they are dealers. Mr. Mace asked if they would convert the other natural gas burners to propane. Mrs. Hartshorne said they would not convert those burners. She said converting the burners is an expense they cannot afford at this time. She said building #3 is not heated, that they have invested in a boiler and she has a tank and would not have to purchase another tank. Mr. Mace said the only change to convert from natural gas to propane is the orifice to the burner.

Mr. Boyle said he changed a heater from natural gas to propane and only the orifice had to be changed. Mr. Boyle said he understood the reason for granting a variance is because of some kind of hardship and if there is gas on the property, there is no hardship. He said it was stated there is to be no storage of propane gas on the property.

Mr. Edleston said the reasons for justifying the variance request are based on the size and shape of the property, that it would be impossible to comply with the setbacks in order to place the propane tank in such a location that the variance relief would not be required and that there is an exceptional situation in that the building is not heated.

In response to Mr. Lee asking Mr. Edleston for the record to concede that there is a source of heating immediately available by gas through other sources, Mr. Edleston said there is natural gas on the site.

Mr. Mace said if the legal issue gets resolved, he asked why the tank could not be made to comply with the front yard setback. He asked why it is located in the corner.

Mr. Edleston said it was to keep the tank out of the way of as much vehicular traffic as possible and that would be minimized by locating the tank in the corner. Mr. Mace said he meant that it be kept along the rear line of the parking lot and

violate the rear/side yard setback, 75' from the street. Mr. Edleston agreed with Mr. Mace.

Mr. Savary asked why the applicant could not estimate the use of propane for one month. Mrs. Hartshorne said an estimate has been not been established for many reasons, including temperature, open doors, etc.

In response to Mr. Savary, Mrs. Hartshorne said they do not currently have a propane truck with which to supply their own tank, that the propane trucks are planned for the future. She said she is not asking to fill cylinders.

Mr. Lee said the issue is, if the intent is to have the 1,0000 gallon tank, the application should be amended to indicate that the resolution be amended to clarify that bulk storage would not constitute a 1,000 gallon tank for heating. Mr. Lee said if the board accepts the requested amendment, he would request the board to carry the application for one month since neither he nor Mr. Edleston is clear on the issue as to what constitutes "bulk". Mr. Edleston made the motion that the application be amended accordingly. Mr. Lee recommended that the board accept the amendment in order to carry the application for one month until the next meeting to research the issue.

Mr. Boyle moved to accept Mr. Edleston's motion for the amendment to the preliminary resolution, which the board had adopted, indicating that the language that the no bulk storage of propane is allowed would not include a 1,000 gallon tank for heating building #2 and to carry the application until the next regular meeting for the matter to be researched, second by Mr. Kohler. The motion carried with the following roll call vote:

AYES: 8 (Boyle, Fey, Kohler, Mengucci, Olah, Savary, Seiss, Barbadora)

NAYS: 1 (Dota)

Abstaining: 0

Absent: 0

Chairman Barbadora excused Mr. Mace at 8:10 p.m., since he was not needed for the remainder of the meeting.

PUBLIC HEARING

APPLICATION NO. Z 98-01, BULK VARIANCES, BLOCK 86, LOT 12
1171 SEVENTH AVENUE

The application is a zoning application, therefore, Mayor Fey and Mr. Seiss were disqualified from participating and voting on the application.

The applicant and owner of the property, Brian Wistuk, was present. He presented proof of publication, certified list of property owners within 200' of the property, copy of the notice served and affidavit of service, which were accepted. The board had jurisdiction to hear the application. Taxes, water and sewer fees are current on the property.

Mr. Wistuk said he wants to demolish the existing structure and erect a modular single family dwelling on the property. He said bulk variances are needed to permit the construction of a new single family dwelling. Mr. Wistuk said the existing structure is not sound, that it has no foundation or footings and that the existing structure has deteriorated. He presented three proposals for different types of dwellings. The board discussed the size of the lot and the irregular shape of the lot. Mr. Wistuk indicated that he prefers to construct the bi-level which is 960 square feet, one and a half story. The current dwelling has not been occupied in approximately two years. Mr. Wistuk said he has owned the property since August 1997. Mr. Wistuk said it is a non-conforming corner lot and that he is requesting bulk variances for side yard setbacks, rear setbacks as well as the lot size. He noted that he plans to live in the house which he plans to construct and that he is currently a resident of the borough. He said at the time of purchase, he was not aware of the extent of the deterioration of the structure, that he purchased the property "as-is".

Mr. Wistuk discussed proposal # 1, and said the front yard will front on Sage Street. The lot is 4,362 square feet and the R-4 Zone requires 12,500 square feet. The property is a corner lot. A variance is needed for lot area to permit building on 4,362 square feet. Street frontage required is 75 feet, the lot has 128+ feet on Sage Street and 19 feet on Seventh Avenue. A variance is required for Seventh Avenue for street frontage. A front yard requirement is 40 feet and proposed is 10 feet. The west sideyard is six feet and the north setback is five feet, required is a total of 25 feet. Mr. Wistuk said the house is set at an angle and the narrowest is five feet and on the other side, the narrowest side is six feet.

Mr. Lee said variances are requested for lot area, front yard, road frontage, side yard totals and side yard minimums. Mr. Lee said variances are granted based upon hardship such as particular size and shape of a lot and topography. He said that the lot had been purchased knowing of the non-conformity. Mr. Lee asked Mr. Wistuk if there was any property available on either side of his property, which could be purchased to make the property more conforming. Mr. Wistuk said there is

no property available on either side of his property, that the houses there are located too close to his property. Mr. Lee said the board must determine if the hardship was self-imposed by purchasing a property that was non-conforming. Mr. Lee said the board must consider whether granting the variances would be detrimental to the neighborhood and if it is inconsistent with the zoning in Alpha Borough. Mr. Lee said based upon the numbers presented, the proposed structure would be less non-conforming than what is already located on the property. He said Mr. Wistuk would be improving upon what is there although it is still non-conforming. Mr. Lee said the board may grant the variances if desired but they must consider that it was known that the property was non-conforming when purchased.

Chairman Barbadora said that knowing the area, Mr. Wistuk would be improving the area with his proposal. Chairman Barbadora said that if the variances are not granted, Mr. Wistuk could repair the existing house to be livable, but that he preferred to see a new building which would be beneficial to the neighborhood and the borough.

Mr. Boyle said he looked at the property and that he had discussed it with the zoning officer. He said the proposals from one to three, as shown on the sketch presented, go from right to left not left to right. He said he believes the house on the property needs to be demolished but with respect to the proposals and the property as it is, he recommended that proposal # 3 would be more conforming to the property and the way in which it would be located. He said it is the proposal on the left of the sketch. He commented on the houses to the left and to the right of the property and said he thought a two-story house would better fit the neighborhood.

Mr. Mengucci agreed with Mr. Boyle. Mr. Kohler had no comments.

Mr. Savary asked about a proposed shed. Mr. Wistuk said he would need a shed. Mr. Savary said the proposal being considered allows for the most area around the house and agreed with the proposal.

There were no objections from the public.

Mr. Wistuk was asked if he would accept the proposal showing the house set 20' from the alley. Mr. Wistuk said he agrees with that proposal.

In response to a question from Mr. Seiss with respect to commenting on the application, Mr. Lee responded that both Mr.

Seiss and Mayor Fey can not comment because of their elected positions and that Mayor Fey makes appointments to the board and comments from council members could be interpreted as being influential on the board.

Mr. Smeall asked about the shed being located five feet off Seventh Avenue. He asked if it could be moved. Mr. Lee said the shed has nothing to do with the application, that a house is being considered. Mr. Smeall said the shed is on the drawing and that was the reason for his question. Mr. Lee said that is a determination for the zoning officer.

Mr. Boyle moved to grant the variances for lot size, front yard and side yard setbacks, on proposal # 3 with the site 20' from Walters Street, 6' from Sage from the corner of the house and the house to be 756 square feet, second by Mr. Savary. The motion carried with the following roll call vote:

AYES: 7 (Boyle, Dota, Kohler, Mengucci, Olah, Savary,
Barbadora)

NAYS: 0

Abstaining: Fey, Seiss

Absent: 0

Alternate members Smeall and Famularo were not eligible to vote on the application since all members were present.

Mr. Lee was excused from the meeting following the application.

CORRESPONDENCE

The secretary read correspondence from Attorney Wilson regarding an informal appearance before the board with respect to Block 100, Lot 1.01.

There being no further business to come before the board, Mr. Boyle moved to adjourn the meeting at 8:40 p.m., second by Mr. Kohler. The motion carried unanimously.

Respectfully Submitted,



Dolores Hanisak, Secretary