

PLANNING BOARDBOROUGH OF ALPHA

Regular Meeting

May 20, 1998

Municipal Building, 1001 East Boulevard, Alpha, New Jersey

The regular meeting of the Borough of Alpha Planning Board was called to order at 7:35 p.m., by Chairman Richard Barbadora with the following members present: Mr. Boyle, Mr. Dota, Mayor Fey, Mr. Kohler, Mr. Savary, Mr. Seiss, Mr. Barbadora, Mr. Smeall, Alt. I and Mr. Famularo, Alt. II. Mr. Mengucci and Mr. Olah were absent. 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. Dota moved to approve the minutes of the March 18, 1998 regular meeting, second by Mr. Kohler. The motion carried unanimously.

Mr. Dota moved to approve the minutes of the April 15, 1998 regular meeting, second by Mr. Kohler. The motion carried unanimously.

PUBLIC HEARING (CONTINUED)

APPLICATION NO. 96-1, MAJOR SUBDIVISION

BLOCK 103, LOT 1 - BRIAN PROPERTIES

Mr. Fox, attorney representing the applicant; Mr. Templin, the applicant's engineer and Rocco Paternostro, the applicant were present.

Mr. Fox said that additional information had been required and it had not been submitted. Mr. Mace referred to a letter of April 30, 1998 from his office. Mr. Templin addressed the letter which referred to drainage calculations. Chairman Barbadora requested that the information be provided for discussion by the board. Mr. Fox said that the information

will be provided prior to the June 17, 1998 meeting of the board. Mr. Lee noted that the information should be received at least 10 days prior to the meeting.

Mr. Paternostro, 8 Louis Court, Edison, N.J., the applicant addressed the board. He asked that it be stated what is needed to be completed and that the application be approved subject to that submission by the next meeting. Mr. Mace said it cannot be approved "subject to", since the problem has not been defined. He said it is the board's discretion to approve or not approve and that the conditions have to be met before the board can make a decision. Mr. Templin discussed the outstanding issues with Mr. Mace. Mr. Mace also noted there would be off-tract improvements. Mr. Fox asked Mr. Mace when the amount for off-tract improvements would be available. Mr. Mace responded that it is in the process. Mr. Fox requested that he be notified as soon as possible as to what the numbers will be with respect to off-tract improvements. Mr. Templin said another outstanding issue is whether or not the town wants to take over the maintenance of the detention basins or if it would be a homeowner's association. Mayor Fey said the town does not want to be involved with the detention basins. He told Mr. Fox it would be up to the applicant to decide how to handle the matter. Mr. Fox said that does not have to be determined until final approval. Mayor Fey urged Mr. Templin to contact Mr. Mace if there are any matters that are not understood. He said he wanted the applicant to come back at the June meeting and proceed with the application.

**PUBLIC HEARING (CONTINUED)**

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

Attorney William Edleston was present to represent the applicant, Cynthia Hartshorne, president of Alpha Compressed Gases, Inc., who was also present.

Mr. Edleston said following last month's testimony before the board, Mrs. Hartshorne has decided to withdraw from the application the portion with respect to the proposed propane tanks and Mrs. Hartshorne has decided to connect with the natural gas which is available on Seventh Avenue. He said the issue for the variance for those propane tanks is out of the question and he said only a minor variance is needed for the front yard setback, which is necessary to extend the concrete pad located along one side of the building. He said that will be the site for the furnace used to heat the building. He said the testimony

on record indicates the reason for that variance. Mr. Edleston described the encroachment of the pad into the property line. He also said that a variance had not been granted to allow the pad which is the site of the one tank on that side. He said Mrs. Hartshorne has testified that the location for the furnace is the only feasible location for the furnace. He said there will be a shed to enclose the furnace.

Mr. Mace said with respect to the pad encroaching to 34' as noted by Mr. Edleston, that it would be safe to say, if the board deemed it appropriate, that giving the 34' to the pad, and say the front edge of the building will not be any closer than the existing building. Mr. Mace said he did not consider the pad an issue since it will not be visible but that the board should control the above ground structure. Mr. Edleston was in agreement with Mr. Mace. The building was identified as building # 2.

Mr. Boyle moved to grant the variance requested with the stipulation that natural gas will be used for heat, second by Mr. Kohler. The motion carried with the following roll call vote:

AYES: 7 (Boyle, Dota, Kohler, Savary, Barbadora, Smeall, Famularo)

NAYS: 0

Abstaining: Fey, Seiss

Absent: Mengucci, Olah

The plan will be revised and submitted to Mr. Mace.

With respect to the previous application submitted by Hunterdon Industrial Gases, Inc. for property on Industrial Drive, Block 100, Lot 1.01, known to the board as the Shubert property, Mr. Edleston said the application has been withdrawn.

Mr. Boyle moved to accept the withdrawal of the application (Application No. 96-11) on the Shubert site as requested, second by Mr. Smeall. The motion carried with the following roll call vote:

AYES: 9 (Boyle, Dota, Fey, Kohler, Savary, Seiss, Barbadora, Smeall, Famularo)

NAYS: 0

Abstaining: 0

Absent: Mengucci, Olah

Mr. Edleston said with respect to an application submitted in April (D'Amato, Application No. 98-2,) there had been discussion with Mr. Duddy and a use variance is not necessary. Mr. Lee

said the matter had been resolved. Mr. Edleston said the application will be for a site plan. With respect to the notice, Mr. Lee said, there will not have to be another notice given, the application had been carried with no further notice.

The next applicant had not arrived and Mr. Lee requested the board go into the executive session, which was scheduled at the end of the agenda.

Mr. Boyle moved the following resolution to go into executive session at 7:55 p.m. for the purpose of discussing pending litigation, second by Mr. Seiss.

WHEREAS, Section 8 of the Open Public Meetings Act, NJSA 10:4-8, 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 pending litigation.

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

The board re-convened in regular session at 8:18 p.m.

Mr. Dota moved to authorize Mr. Lee to negotiate with HUD based on what was discussed in executive session, second by Mr. Kohler. The motion carried with the following roll call vote:

AYES: 5 (Boyle, Dota, Kohler, Savary, Barbadora)

NAYS: 0

Abstaining: Fey, Seiss, Smeall, Famularo

Absent: Mengucci, Olah

**PUBLIC HEARING**

**APPLICATION NO. 98-1, PRELIMINARY & FINAL SITE PLAN**

**BLOCK 83, LOT 1 - TOM AND MARTIN DeSAPIO**

Gaetano DeSapio, the attorney representing the applicants and Peter Olieman, of Cherry, Weber and Associates, the applicants' engineer were present as were the applicants, Tom and Mark DeSapio.

Mr. Dota stepped down from his seat since he is the owner of the property.

Mr. DeSapio said a professional office building is proposed to be constructed on the property. He said the property is a conforming lot and all the concerns of the board's engineer have been met with the exception of two issues, which he said is a fence on the easterly boundary of the property adjacent to Fourth Avenue and the need to widen Fourth Avenue. With respect to the fence, he said the issue is whether it will be a natural hedge or if a fence will be constructed. He said he would make a complete presentation on the application or address only the two outstanding issues, whichever the board would like to hear.

Mr. Mace said the site plan application meets the requirements of the ordinance except for those two issues. He said the fence is not an issue but only a determination by the board as to whether a fence is to be constructed or if the hedge is acceptable. Mr. Mace said Fourth Avenue may not be an issue. He said since there will be parking on-site and there will not be a need for on-street parking, the street may be rebuilt at a narrower width to accommodate the lack of necessity for parking on Rt. 519, the westerly side. Mr. Mace said part of the problem is when the drainage was installed on Fourth Avenue, the inlets on Fourth Avenue were set in close. He said since it is a 40' right-of-way throughout its length, he could recommend to the board that a narrower roadway section would be acceptable.

Mr. DeSapio said if that is acceptable, he asked what needs to be shown along Fourth Avenue on the plans. Mr. Mace said there should be a continuous curb. With respect to sidewalk on Fourth Avenue, Mr. DeSapio asked if a sidewalk would be required. It was noted there will be sidewalk on Rt. 519. Mr. Mace said Vulcanite Avenue has been re-developed with sidewalk and curb and he said he would like to see the sidewalk brought around to Fourth Avenue with curb since it is anticipated that area will be re-developed. The applicant agreed to construct sidewalk and curb.

Mr. DeSapio discussed the area where a hedge is proposed. He said the applicant would like to have a 2' hedge, which in a few years will grow to 4' instead of a fence. He said 2' is proposed since the hedges will adapt better than 4' and will not have to be replaced. It was agreed that the shrubs were preferred to fence as long as the shrubs are allowed to grow to 4' in height and kept at that height.

Mr. Olieman said there was a comment in the review letter to extend the shrubs to screen the remainder of the parking area and he said the applicant will do that.

Mr. Mace said the water line should come off Fourth Avenue since Vulcanite Avenue has just been re-constructed.

Mr. Olieman noted a utility pole located at the intersection of Vulcanite and Fourth Avenues and requested some flexibility to move the sidewalk slightly away from the street. Mr. Mace said he will make a request to the utility company to have the pole moved at the appropriate time.

Mr. Seiss requested the drainage be addressed. Mr. Olieman described the drainage from the site and the way in which it was being collected and taken to the inlet on Fourth Avenue.

Mr. Seiss questioned the names of the property owners as shown on the map. It was noted the names were taken from the tax records. Mr. Seiss questioned Block 83, Lot 3. Mr. Lee said that the applicant has the right to rely on the certified list provided by the tax assessor.

Mr. Savary moved to grant preliminary and final site plan approval for Application No. 98-1, Block 83, Lot 1, second by Mayor Fey.

The motion carried with the following roll call vote:

AYES: 8 (Boyle, Fey, Kohler, Savary, Seiss, Barbadora,  
Smeall, Famularo)

NAYS: 0

Abstaining: 0

Absent: Mengucci, Olah

There were no objectors present. Mr. Dota did not participate in any aspect of the application.

#### CORRESPONDENCE

The secretary said there was a letter, dated May 12, 1998 to Mayor Fey from Susan Dickey, Office of Freeholder's, with respect to hazardous waste truck stations. It was noted in the letter that the NJDEP has advised that hazard waste truck transfer/storage stations can be prohibited in Warren County by a zoning ordinance. Ms. Dickey noted in the letter she will forward sample ordinances when they are received. Mayor Fey commented on the correspondence and said that sample ordinances have not yet been received. He urged that the board consider an ordinance prohibiting hazardous waste facilities in the borough. Chairman Barbadora noted that the ordinance can be initiated by council and forwarded to the planning board for review and a recommendation.

Mr. Lee was excused at 8:38 p.m.

PRD ZONE

Mr. Mace said that when the public hearing was held on the Master Plan, one piece bounded by Rt. 78 and in back of the houses fronting on Springtown Road and the municipal park and in the back of the houses fronting on Hobson Street had not been decided. He said the quarry and a factory are located in that area. He said there were concerns with the tract being designated PRD with the density of three dwelling units per acre to be consistent with the remainder of the borough. He said he wants to resolve the matter so that the Land Use element can be completed. He said there was discussion on the density and no decision was made.

There was discussion on density. Mr. Mace said water and sewer could be available to the tract being discussed. The discussion included the types of dwellings which could be constructed on that property. Availability of water and sewer was discussed.

Mr. Seiss moved to have the density in the PRD Zone at two acres, second by Mr. Dota. The motion carried with the following roll call vote:

AYES: 9 (Boyle, Dota, Fey, Kohler, Savary, Seiss, Barbadora, Smeall, Famularo)  
 NAYS: 0  
 Abstaining: 0  
 Absent: Mengucci, Olah

Mayor Fey moved to set a public hearing on the completed Land Use Element of the Master Plan at 7:30 p.m., June 17, 1998, second by Mr. Seiss. The motion carried with the following roll call vote:

AYES: 9 (Boyle, Dota, Fey, Kohler, Savary, Seiss, Barbadora, Smeall, Famularo)  
 NAYS: 0  
 Abstaining: 0  
 Absent: Mengucci, Olah

The secretary was requested to advertise the public hearing.

There being no further business to come before the board, Mayor Fey moved to adjourn the meeting at 9 p.m., second by Mr. Seiss. The motion carried unanimously.

Respectfully Submitted,

*Dolores Hanisak*

Dolores Hanisak, Secretary