

PLANNING BOARD
BOROUGH OF ALPHA
Regular Meeting
June 17, 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, Mr. Kohler, Mr. Olah, Mr. Savary, Mr. Seiss, Mr. Barbadora, Mr. Smeall, Alt. I and Mr. Famularo, Alt. II. Mayor Fey and Mr. Mengucci 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. Boyle moved to approve the minutes of the May 20, 1998 regular meeting, second by Mr. Seiss. The motion carried unanimously.

Mr. Seiss moved to adopt as to form Resolution No. 97-2 (Alpha Compressed Gases, formerly Hunterdon Industrial Gases), second by Mr. Kohler. The motion carried with the following roll call vote:

- AYES: 8 (Mr. Boyle, Mr. Dota, Mr. Kohler, Mr. Savary, Mr. Seiss, Mr. Barbadora, Mr. Smeall, Mr. Famularo)
- NAYS: 0
- Abstaining: Olah
- Absent: Fey, Mengucci

Mr. Boyle moved to adopt as to form Resolution No. 98-1 (DeSapio), second by Mr. Savary. The motion carried with the following roll call vote:

- AYES: 7 (Mr. Boyle, Mr. Kohler, Mr. Savary, Mr. Seiss, Mr. Barbadora, Mr. Smeall, Mr. Famularo)
- NAYS: 0
- Abstaining: Dota, Olah
- Absent: Fey, Mengucci

PUBLIC HEARING, MASTER PLAN

Mr. Lee said the public hearing was advertised in the Free Press on June 4, 1998, notice was given to Greenwich Township, Pohatcong Township, Warren County Planning Board and the town of Phillipsburg on June 5, 1998. He said the meeting is in accordance with the statutes and the hearing on the completed Land Use Element of the Master Plan could proceed.

At 7:35 p.m., no one was present in the audience.

Mr. Mace said a public hearing was held in January 1998 on the Master Plan. He said that he would fill in on the unfinished part of the Master Plan, which includes the issue of the tract of land between Rt. 78, the Alpha Community Park and the houses on Springtown Road. He said there had been discussion on that area and it was determined it be made a two acre zone, that was called LD 2, which he indicated on the Land Use Map.

Mr. Mace said the Land Use Element of the Master Plan was finished and submitted and that there had to be conformance with the State Plan. Mr. Mace said the borough is not required to be in conformance with the State Plan but noted that the borough is in conformance with the State Plan. Mr. Mace read the following from the Land Use Element: The changes proposed in this Land Use Element are designed to improve the fit between Alpha's planning policies and those of the State. Alpha's identification in the previous State Plan as an Existing Town is appropriate. When the Cross-Acceptance process is completed, and the new State Plan is adopted, Alpha will consider applying for consistency review and Center designation from the State Planning Commission.

Mr. Mace said there has been discussion on being designated as a Town Center which is included in the report. He said that designation would potentially help Alpha obtain grants and planning assistance.

Mr. Mace continued to read from the land Use Element as follows; The Warren County Master Plan dates back to 1979. Alpha is envisioned as part of the larger "Town Center" area also encompassing Phillipsburg and portions of Lopatcong and Pohatcong Townships. The policies of the County's Master Plan relative to Alpha Borough, though twenty (20) years old, are applicable today. Mr. Mace said the borough is consistent with the county.

Mr. Mace said that a statement has to be made that the borough is consistent with adjoining municipalities. He read the

following from the Land Use Element: The Borough of Alpha is surrounded by the Township of Pohatcong.

Pohatcong's Master Plan was adopted in 1993. The Land Use Plans for Alpha and Pohatcong are compatible with each other. Industrial districts in Pohatcong to the east abut the industrial districts in Alpha. Low density residential districts in Pohatcong to the west and south abut proposed low density residential districts in Alpha.

The only area where development densities differ is along the northwestern boundary of the Borough, which is already developed with apartments at a higher density than Pohatcong contemplates.

Mr. Mace said Pohatcong Township in its Master Plan currently has that area at two acres, but not in its zoning. He said that has been challenged. He said that basically the borough is in conformance with the land uses in the adjoining town.

There were no comments from the public.

Mr. Dota moved to adopt the Land Use Element of the Master Plan, dated June 4, 1998, second by Mr. Kohler. The motion carried with the following roll call vote:

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

NAYS: 0

Abstaining: 0

Absent: Fey, Mengucci

PUBLIC HEARING (CONTINUED)

APPLICATION NO. 96-1, MAJOR SUBDIVISION

BLOCK 103, LOT 1 - BRIAN PROPERTIES

Mr. Mace said he had met with Mr. Templin, the applicant's engineer, earlier in the week and that Mr. Templin had not completed all of the work and the revisions had not been submitted for review. The board had not received a letter from the applicant requesting an extension of time.

Mr. Dota moved to deny Application No. 96-1, Major Subdivision subject to withdrawal upon receipt of a letter of extension from the applicant by Friday, June 19, 1998, second by Mr. Savary. The motion carried with the following roll call vote:

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

NAYS: 0

Abstaining: Boyle

Absent: Fey, Mengucci

PUBLIC HEARING

APPLICATION NO. 98-2, PRELIMINARY & FINAL SITE PLAN
BLOCK 77, LOT 7

William Edleston, Esq., was present to represent the applicant, Neil D'Amato. Gwen Steckel, P.E., the applicant's engineer was also present.

Chairman Barbadora disqualified himself from participating in the application because he is a property owner within 200' of the property in question. At the request of Chairman Barbadora, Vice Chairman Boyle replaced Mr. Barbadora during the hearing on the application.

Mr. Lee said proof of publication and proof of service to property owners within 200' was received. Mr. Lee said the board has jurisdiction to hear the application. He also noted the hearing is a continuation from the previous month's meeting which was originally advertised for a Use Variance but that he had ruled as a matter of law, it was not required.

Mrs. Steckel, the project engineer, was introduced by Mr. Edleston. He said the applicant was not present but was expected to arrive later.

Mr. Edleston said the application was for a 740 square foot addition to the existing residence. He said Mr. D'Amato currently operates the hair salon in the mini-mall, Eagle Village and that his lease will expire at the end of the year. He said Mr. D'Amato has purchased the property shown on the plans and will re-locate his business to that property. Mr. Edleston said the plans show the hours of business, which is the same as the hours at the current location. He said the number of employees will remain the same.

Mrs. Steckel was sworn in by Mr. Lee to give testimony. She gave her qualifications, which were accepted by the board. Mr. Edleston noted that Mrs. Steckel has testified before the board on previous applications.

Mrs. Steckel gave an overview of the plan. The first page of the site plan, which was colored, was marked A1. Mrs. Steckel said Mr. D'Amato is planning to put an addition onto the existing dwelling located at the corner of Warren Street, Third Avenue

and Fourth Avenue. Mrs. Steckel said a 10 car parking lot is proposed, some screening along Warren Street and Third Avenue and lighting. With respects to signs, she said the applicant has not chosen signs to date and that he will have to obtain a sign permit. Mr. Edleston said the applicant had indicated to him that the sign will comply with the borough ordinance.

Mr. Lee said that the advertisement was for bulk variances, which may or may not be needed. He asked about the lot area, He said an already non-conforming situation is being changed. Mr. Edleston said the only thing that might be changing is the lot coverage but that even with the addition, the ordinance requirements are still being met.

Mr. Lee noted the issue of the required 25' front setback, which is 6.1' and that the new addition will lie within the 25' setback requirement. Mrs. Steckel said it is actually set 25' back and is outside of it. Mr. Mace said the new structure will conform with the setback requirements in both directions. He said existing structures are not structures in which the violations could be changed by anything done on the site.

Mr. Lee asked how the 10 parking spaces were calculated. Mrs. Steckel said the zoning ordinance section 124-40 A which includes retail stores, shops or similar establishments would require 7.5 spaces and that Mr. D'Amato suggested that 10 parking spaces be provided. She noted there is one handicapped space.

Mrs. Steckel said she is defining the use as a beauty shop and said there would be four chairs. There is to be four employees including the applicant and it may increase to five. Mr. Edleston said one is full-time, the others are part-time. The hours of operation will be from 9 a.m. to 6 p.m. on Tuesday and Wednesday, 8 a.m. to 8 p.m. on Thursday and Friday and from 8 a.m. to 3 p.m. on Saturday. The shop is closed on Sunday and Monday. The hours are the same as in the present location.

Mr. Edleston said there are two issues in the June 15, 1998 review letter from Mr. Mace, which need to be discussed. Mr. Mace asked what will be the use of the garage, which will remain on the site. Mr. Edleston said the applicant has indicated to him that he intends to park additional cars there, perhaps his own and one employee's car, which would free up additional spaces in the parking lot.

Mr. Savary asked if the doors could be reversed and put on the other side instead of the street side as a safety issue. It

was noted that it is a two car garage. Mrs. Steckel said that may result in losing some parking spaces in the parking lot.

In response to a question from Mr. Lee, Mr. Edleston said the actual house portion of the structure once it is expanded will be used for services that are related to a salon such as tanning booths and at sometime in the future employ a masseuse. There will not be a residential use. He said there will also be an area set aside for the display of cosmetics and hair products that are used in the business.

Mr. Mace expressed concerns with the use of the garage and exiting onto Rt. 519 (Third Avenue). He said relocating the doors should not be a hardship. The garage is 369 square feet and could also be used for storage. The parking area is off Warren Street.

The drainage from the site was discussed noting it will flow out to Fourth Avenue, curbing was not proposed.

Mr. Mace said the two issues the applicant wanted to discuss was curbing and sidewalk. He said the curbing is required by ordinance.

Two lights are proposed on the plan and one designated handicapped space located closest to the building is proposed. Mr. Lee suggested a light be located near the handicapped space.

Mr. Mace expressed concerns with the stormwater and he noted there is a stormwater drainage system in that location and the proposal is to run the stormwater onto the street beyond the system. He said that goes back to the curbing issue. Mrs. Steckel noted there is an inlet at the next intersection.

The applicant had requested to waive the curbing and sidewalk requirements. There were concerns with not having curbing. Mr. Mace said he does not believe a detention basin would be necessary but said the run-off should be connected to the storm drain system. Mrs. Steckel asked if the board would consider curbing on the low side but not on the entire perimeter of the parking lot. Mr. Mace said every business facility has been curbed. Mr. Lee said the ordinance requires curbing for parking lots. He said that could only be waived if the borough engineer determined the lack of it would improve surface drainage. Mr. Mace noted the other uses that curbing provides for a parking lot, that it is not only to control drainage.

With respect to sidewalks, Mr. Edleston said there are no

sidewalks on any of the streets in the vicinity of the lot. Mr. Mace said there are sidewalks on the Village Design property (across Fourth Avenue from the property) at the time and during the recent approval of that subdivision, the sidewalks will be replaced. Mr. Edleston said the application is not a subdivision, that a new lot is not being created and he objected to the improvement. Mr. Mace said that the right-of-way on Rt. 519 is narrow but he said it is the board's decision. Mr. Dota noted sidewalks were required on the DeSapio application the previous month for a site on Fourth Avenue. The total length of sidewalk was determined to be 300'. Mrs. Steckel said the cost of sidewalk, curbing and drainage will double the cost of improvements on the lot.

Mr. Lee said the question of sidewalk is a policy decision of the board, that it is not required by ordinance. The discussion continued on the location of sidewalks. The property is located at the intersection of Rt. 519 (Third Avenue), Fourth Avenue and Warren Street.

Mr. Boyle moved to require sidewalks on the three sections, (Rt. 519, Fourth Avenue and Warren Street), second by Mr. Olah.

During discussion on the motion, Mr. Seiss said he thought the sidewalks should be on two sides (Fourth Avenue and Warren Street) not Rt. 519 because of curbing provided on the westerly side and being consistent with what was required on the last plan (DeSapio).

Mr. Dota commented on school children crossing at Rt. 519 and Warren Street and said that he thought there should be sidewalks on Rt. 519.

The motion carried with the following roll call vote:

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

NAYS: 1 (Seiss)

Abstaining: Barbadora

Absent: Fey, Mengucci

Mrs. Steckel addressed the issue of screening. She said screening is required along residential zones. She said there is a residential zone boundary along Fourth Avenue and said she showed screening on the other two sides of the parking lot. She said if screening is required on Fourth Avenue, she would move the proposed screening from Third Avenue to Fourth Avenue. She said it is not safe to enclose an entire parking lot with shrubbery.

Mr. D' Amato arrived at 8:35 p.m. The board recessed at 8:35 p.m. to allow time for Mr. Edleston to consult with his client.

The board re-convened at 8:43 p.m. with the following members present: Boyle, Dota, Kohler, Olah, Savary, Seiss, Barbadora (who was abstaining on the application), Smeall and Famularo in attendance.

Mr. Edleston said Mr. D'Amato objected to re-locating the doors on the garage because there was no purpose to changing the location of the doors due to the limited amount of time a vehicle would be using the garage. He also said that it would be a major expense. Mr. Edleston said that Mrs. Steckel believed it would result in the loss of at least one parking space.

Mr. Lee advised the board that since the applicant did not consent to changing the location of the garage doors, the board had no legal authority to require it because it is an existing building.

Mr. Dota moved to grant preliminary and final site plan approval of Application No. 98-2, conditioned upon the requirements set forth in the review letter from Mr. Mace, second by Mr. Seiss. The motion carried with the following roll call vote:

AYES: 8 (Boyle, Dota, Kohler, Olah, Savary, Seiss, Smeall, Famularo)

NAYS: 0

Abstaining: Barbadora

Absent: Fey, Mengucci

Chairman Barbadora returned to his seat at 8:50 p.m.

INFORMAL APPEARANCE

Robert Vitale, was present to informally discuss a proposed application. He owns Podge, Inc. t/a Garden Depot on Rt. 22 in Greenwich Township in the Still Valley circle. He said he is interested in purchasing the Rambo property on New Brunswick Avenue and Industrial Drive. He said he wants to move his garden center into Alpha. He said his purpose in appearing informally before the board was to determine if his application would be for a minor or a major site plan. He also wanted to know if his proposal would be a permitted use. He distributed a sketch of his plan to the board and a photograph of his present business. He said he will construct a Morton type building on the property. He said he has two employees and that his mother assists part-time. He said he is there full-time.

Mr. Vitale said he averages from 50 to 200 customers on a weekly basis depending upon the time of year. He said he intends to purchase the entire property including the house. He said his sketch shows only the corner area on approximately one acre which he plans to use. He noted that he currently operates on about $\frac{1}{2}$ acre. He described the building which he expects to erect on the property. He said he opens on March 1 and closes December 25.

Mr. Rambo, the property owner was present. Chairman Barbadora asked if the property is one property or if the corner is separate from the property with the house. Mr. Rambo said there are two separate deeds and two separate tax bills. The property is located in I-1. Mr. Lee said it is not a permitted use. Mr. Rambo said that it had changed and was permitted under the Master Plan. Mr. Lee said the Master Plan was proposed, that the zoning ordinance has not been changed as yet. Mr. Rambo said that the zoning officer had told him it was a permitted use. Mr. Lee read the ordinance and said he understood why the zoning officer would have said it was a permitted use. He said the horticultural uses and greenhouses in relationship to farming operations are permitted. He said retail use is not permitted. Mr. Lee said there needs to be a use variance application and a site plan. Mr. Lee said it would be a major site plan since a new building is being constructed, there is no existing building. He also noted there would be a parking lot, lighting and a sign which constitute a major site plan.

Mr. Lee said the board acting as a Zoning Board of Adjustment could consider an application for an Interpretation of the Zoning Ordinance. Mr. Lee explained the procedure for an interpretation of the zoning ordinance and said that was an option if Mr. Vitale did not want to apply for a Use Variance. Mr. Mace suggested to Mr. Vitale that he consult an attorney. Mr. Vitale said that since he is incorporated, he would be required to have an attorney.

Mr. Savary excused himself from his seat on the board and informally appeared before the board to discuss a proposed subdivision. He identified himself as Mike Savary, residing at 1210 Park Avenue for 20 years. He distributed sketches of property he owns located at Fifth Avenue and Hunterdon Street. He said he would propose two lots. The lot is 102' along Fifth Avenue and 206' along Hunterdon Street. He said he would propose two lots, the corner lot to be 102' x 125' and the interior lot to be 81' x 104'. He said the depth does not meet the requirements but that the square footage is close.

Mr. Savary said he could meet all the setbacks, front, side and rear yard. He said there is an easement on the back of the property showing the proposed alley, which he said is actually part of that property. He said one property will front on Hunterdon Street and the corner lot could front on Hunterdon Street or Fifth Avenue. Mr. Savary said he would request a waiver on curbing. Mr. Mace reminded the board that on other applications, it had become a board policy that sidewalks and curbs would be required on all future minor subdivisions.

Mr. Seiss asked why the lots were proposed to be divided as shown on the sketch. He asked if they couldn't be divided to make conforming lots. Mr. Mace reviewed the requirements for the zone and said the line could be moved.

Mr. Lee was excused from the meeting at 9:17 p.m.

Mr. Savary asked if there could be a waiver request from providing sidewalks. Mr. Mace said it had become a board policy to require sidewalks and curbing. Mr. Savary said he had no problem with curbing but that he did not believe sidewalk should be required in a residential area. There was no further discussion on the issue.

CORRESPONDENCE

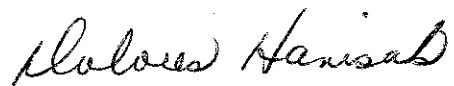
The secretary said she had copied the correspondence to all members. She said she had circulated the resolution from the county planning board opposing transferring the Office of State Planning from the New Jersey Department of Treasury to the Department of Community Affairs.

The secretary requested Mr. Mace to discuss the correspondence with respect to replacing the bridge over Shimer Brook at the bottom of Rt. 519, below where the Central Railroad culvert had been. He said it had been discussed with the governing body and their concern was they didn't want to see the road shut down and traffic detoured through Alpha.

Mr. Mace said the county has promulgated design standards which are longer than borough ordinances. He said he will be forwarding something to the board within several weeks on the issue. He said he will on his own provide the board with his comments that he will forward to the county engineer and will charge only for the copying because he believes the county is overreaching. He expressed some of his concerns on the matter.

There being no further business to come before the board, Mr. Seiss moved to adjourn the meeting at 9:30 p.m., second by Mr. Kohler. The motion carried unanimously.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Dolores Hanisak".

Dolores Hanisak, Secretary