

BOROUGH OF ALPHA LAND USE BOARD -

November 14, 2019 Regular Meeting

Municipal Building 1001 East Blvd., Alpha, New Jersey

The regular meeting of the Borough of Alpha Land Use Board was called to order at 7:00 p.m., by Chairman Fey.

NOTICE

Pursuant to the Open Public Meeting Act, Chapter 231, P.L. 1975, adequate notice of this meeting has been provided by mail to the Star Gazette and the Express-Times; a notice of this meeting and all other regular meeting of the Land Use 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 outside the municipal clerk's office.

Roll Call: Present; Mr. Cartabona, Ms. Dalrymple, Mr. Dragotta, Mayor Dunwell, Chairman Fey, Mr. Gable, Mr. Lee, Mr. Mihursky, Mr. Moscotta, Mr. Pantuso, Mr. Seiss.

Also present were Alan Lowcher, Esq., Attorney for the Board and Stan Schrek, Board Engineer.

Appointment of Board Vice Chairman:

Motion made by Mr. Gable to nominate Mr. Dragotta as Land Use Board Vice Chairman; motion seconded by Mr. Seiss. All were in favor.

Approval of Regular Minutes:

Motion made by Mr. Gable to approve the regular minutes of 5/15/19. Motion seconded by Mr. Lee. All were in favor.

Motion made by Mayor Dunwell to approve the regular minutes of 6/19/19. Motion seconded by Mr. Lee. All were in favor.

Resolutions:

Motion made by Mr. Pantuso to lay on the table the resolution for the purpose of hiring a secretary for calendar year 2019. Motion seconded by Mayor Dunwell. Roll Call: Ayes: Mr. Dragotta, Mayor Dunwell, Mr. Gable, Mr. Lee, Mr. Mihursky, Mr. Moscotta, Mr. Pantuso. Nays: Chairman Fey and Mr. Seiss.

**RESOLUTION BY THE LAND USE BOARD OF THE BOROUGH OF ALPHA, WARREN COUNTY, NEW JERSEY
FOR PURPOSE OF HIRING A SECRETARY FOR CALENDAR YEAR 2019**

New Business:

Standard Street Alpha Property LLC – Preliminary and Final:

Michael Selvaggi of Lavery, Selvaggi, Abromitis & Cohen introduced himself to the board and is here on behalf of the applicant; an application for Standard Street Alpha Property LLC. The applicant is seeking approval with some variance relief on lot 1, block 98. Stan Schrek, Board Engineer has completed his report. Mr. Schrek reviewed the completeness report and read into record the description of each item on the report. Each section was explained, and questions were answered as they arose.

Engineer Schrek stated based on the waivers and temporary waivers he recommends the Board move forward with the application.

Motion made by Mr. Mihursky to approve the recommendations for completeness for Standard Street Alpha. Motion seconded by Mayor Dunwell. Roll Call: Ayes: Mr. Dragotta, Mayor Dunwell, Chairman Fey, Mr. Gable, Mr. Lee, Mr. Mihursky, Mr. Moscotta, Mr. Pantuso and Mr. Seiss. Nays: None

Prior to the public hearing, attorney Lowcher stated that is not a requirement to have a public hearing tonight; however, they did advertise for a public hearing. Attorney Lowcher also stated that the secretary verified that the certified mailing and the newspaper notice was done correctly and that he also reviewed the notice of hearing.

Attorney Lowcher also had questions about the rooftop solar. He referenced the engineer's report and stated that solar arrays are conditional uses. Even though that wasn't called out in the

notice of hearing, he feels that it doesn't need. He also stated there will be some testimony that it will comply with the ordinance for height.

Attorney Selvaggi laid out the roadmap for tonight's testimony. The use they are proposing is permitted in the I Zone. He stated they do need three variances which have to do with the building coverage, minimum rear yard and the side yard as well as design waivers. The applicant has agreed to wait for the extension of Industrial Way which will elevate traffic concerns.

Engineer, Christopher Nusser, of Engineering and Planning Assoc. was sworn in by Attorney Lowcher.

Attorney Selvaggi confirmed that Mr. Nusser oversaw and participated in the preparation of the plans that were submitted in support of the application. Mr. Nusser also stated that he had read Mr. Shrek's report of November 11, 2019.

Mr. Nusser described exhibit A-1 is titled Alpha Commerce Center Exhibit, dated October 8, 2019. This property is bound on both the east and west sides by the railroad right-of-way. East of that is the municipal property and to the south of the property there is Rt. 78. To the north there is Vulcanite Ave. and residential dwellings as well as Standard Street that runs along the norther boundary. Emergency access onto the property from Seventh Ave. would be gated and controlled and not used as regular access. A question raised as to what would happen if Industrial Dr. would not be extended. Chairman Fey asked how far along is the Borough with building this portion of Industrial Dr. Mayor Dunwell explained that work to submit reports to NJDEP should be completed by the end of the year. And if all goes well, we should have permission to start the construction on the road by late spring or early summer. If the access does not come to pass, the application will have to be amended. Chairman Fey asked if redepositing of solid waste is part of the approval for NJDEP. Mayor Dunwell stated it was.

Mr. Nusser continued, stating that the proposal before everyone is for two warehouse buildings. Building one, the southern building is a 301, 000 sq. and building two is 305, 000 sq. ft. At 30% coverage the allowable amount per the current ordinance that would be 484,000 sq. ft. of warehouse. They are here for a building variance to exceed the 484,000 sq. ft. Parking is also provided for both buildings. The loading of building one is on the east side of the building and traffic would enter in at Industrial Dr. There are also truck parking spaces. Access to building two is via the main access through the facility. Loading area for this building is on the west side. There are also 20' x 20' trash containers at the

locations. There are also eight fire hydrants in the plan off of the Southeast side of building one with additional hydrants on the northern entrance near the truck loading area for building one and a third along the driveway parking area, in addition to others throughout the area. Mr. Nusser also stated that they are in compliance with Mr. Schrek's request that there is a fire hydrant within every part of the building. They also complied with the same requirement for building two. If any other hydrants are needed, they will comply with what the board requests. There was further conversation about grass paved access around the buildings and the board's concern about access around the buildings.

Mr. Dragotta raised his concern about having one half of a 300,000 sq. ft. building with no ring road with limited access to a fire hydrant. Chairman Fey requested that the access to the building be paved rather than grass. The consensus is that the concrete pavers would be acceptable to the board. They will make the corrections and they will also submit them to the fire chief for approval.

On the topic of parking, Mr. Nusser stated that per our ordinance, they are required to have 606 spaces which equals one space for every 1000 sq. ft. of floor area. They are proposing 461 vehicular, 121 trailer parking spaces for a total of 582 parking spaces. Using the Institute of Transportation Engineers as a guideline, the number of spaces they are proposing would exceed the number needed by ITE guidelines.

Mr. Nusser addressed the grading of the buildings. Building one will be at an elevation of 293 ft. and building two will be at an elevation of 318.6 ft. There is also a retention basin that will discharge into a swale with a second basin picking up additional water.

Mr. Dragotta raised his concerns about the way the water is being directed. Mr. Cartabona also raised his concerns regarding the water runoff. Mayor Dunwell also offered his feedback and concerns about the significant runoff that occurs during heavy rains. Mr. Cartabona reiterated that it's a good plan he just wanted to ensure it was clear that it is somewhat of a reduction.

Mr. Nusser continued that all the stormwater is collected then will go into a concrete subsurface basin and then discharge according to DEP standards.

Mr. Nusser addressed the landscape and lighting. Lighting will be provided for all of the parking areas, loading areas and driveways. He referenced Mr. Schrek's letter

regarding the lighting and their intent is to comply and they will make the proper adjustments where necessary in order to meet the requirements of the ordinance. Night light tests will be done, and adjustments made if necessary. The board also would like to see the single line of trees increased to a double staggered row. Mr. Cartabona had questions regarding noise, specifically the beeping noise when trucks are backing up and encouraged them to do the best sound proofing as they can put in. They are willing to take steps to be a good neighbor keeping in mind that they will at least conform to the current ordinances.

In review, it was confirmed that we are going with the grass pavers, revision of the plan showing the additional hydrant locations, and revision of the landscape on the north end of building two.

Mr. Nusser reviewed the following items:

Item Q – Extension of emergency access way up to the site:
Improving it to the satisfaction of the fire chief. Mr. Schrek suggested we have it Look at it at the completion of the project and then possibly have it resurfaced or repaired. They agreed this could be done.

Item T – The board is requesting that they provide a report that review the warrants for guiderail location. They will provide the details prior to construction.

Item Z – Site Plan. Applicant is being asked to provide access easement to the property owned by Alpha Borough through their site. The applicant will provide a proper agreement.

Mr. Ingram, Vice President of Engineering and Planning Assoc. was sworn in by Attorney Lowcher.

Mr. Ingram provided his background and professional experience.

Mr. Ingram testified that there was a traffic report prepared by McDonough & REA Associates due to their knowledge of the area. Mr. Ingram stated he reviewed the report from McDonough & REA. Attorney Selvaggi asked Mr. Ingram what the anticipated traffic flow of the project. Mr. Ingram stated that they would have no primary access off Seventh Ave. and to divert all traffic onto an extension of Industrial Dr. and Rt. 122. In terms of Monday-Friday traffic during peak hours the findings were AM traffic was a total of 103 trips per hour and PM showed 115 trips per hour. Mr. Ingram referred to page 3 of the report where there was a breakdown of the traffic. The reports also show that there will be a slightly reduced level of service, but it is still an acceptable level of service. Mr. Ingram also said that they have no problem to modify the

report to include the material that was requested. He also stated that it was suggested that they study the traffic at the intersection of Rt. 22 and Rt. 122. Mr. Schrek stated his concerns with any future development in this location regarding traffic. Mr. Dragotta raised his concerns about the traffic and that this proposal is very different than any other project that has been done in that area. Mayor Dunwell commented that with all the negatives Mr. Dragotta stated, that the positive benefit to the Borough is having a ratable. Mayor Dunwell also stated that we have received the \$305,000 grant to improve the interchange of Rt. 122 and Industrial Drive and we are looking at getting more grant money to make more improvements to the traffic concerns. Those improvements will be made almost concurrently with the development of this project. Mr. Dragotta also expressed his concerns about tractor trailers making a left-hand turn into the industrial park, the traffic stops and backs up. Mayor Dunwell added that the discussion they had with NJDOT was to add a left turn lane by widening Rt. 122 so that there are additional lanes. In order to do this, we would have to get additional right-of-way from the property owners of Woodmount Properties. In a previous discussion with them, they indicated they would be willing to do that. There was further discussion about a bigger concern, which was the jug handle on Rt. 122.

Mayor Dunwell asked if the traffic impact study provide any quantitative information to either refute or to support Mr. Dragotta's concerns? If the traffic is going to double by 50%, can a reasonable request be made for an off-site contribution for improvement to that intersection? Chairman Fey stated that what remains is if the applicant is willing to make a contribution to that intersection.

Mayor Dunwell added that if this project gets built that perhaps Pohatcong, Greenwich and Alpha make a joint application for a freight impact grant to do something at the intersection at Rt. 22 and Rt. 122. Mayor Dunwell suggested to DOT that we put a third lane there.

The applicant's representative stated that county approval would be unlikely unless the Borough acts. Attorney Lowcher stated that you could get conditional county approval. The applicant's representative further that they are not trying to avoid their obligation and they will contribute what they need to contribute. There were no further comments from the public about the traffic report.

Mr. Ingram preceded with the planning report. He directed everyone to look at page seven of Mr. Schrek's report which outlines a few variances. 1A & B was suggested that they have a deficient condition in terms of lot depth. He reviewed our ordinance and with that he feels that both are compliant and does not see these two as variances. Engineer Stan Schrek agrees.

Mr. Ingram continued, and discussed the two setbacks deviation. He stated they meet the requirement except where the one small piece of land juts into the property. He sees this as a hardship of having a peculiar shaped piece of property and a unique condition that creates the variance and has no negative impact on any adjacent pieces of properties. The same logic would apply to the second setback variance along the south western side of building one. They would still like to request the variance, but it will improve from what they are presenting tonight. One of the other variances relates to the accessory structures. There was a trash enclosure that was slightly over the setback line. This was for ease of trash access. They will find an alternative to the trash enclosure due to the concern of residents hearing the noise from the trash being dumped into the truck at that location. The lot coverage variance or building coverage; 30% of the allowable, which puts them at 484,875 sq. ft. Mr. Ingram stated that the negatives impacts will be visual and traffic. The best way to work with the Borough on those negatives would be to increase the aesthetics with landscaping and fencing along the tractor trailer loading area. As far as traffic is concerned, he is confident that they will come to a solution that will resolve traffic issues as well. He reiterated that this is why they came here just for preliminary approval. This will give the Borough a chance to see this project when that road is fully designed, what the access is going to be and there will not be any work until that road is 100% designed. They did try to maximize the lot so they can maximize what they are building and then use those dollars to contribute back to the community to pay the contributions to make these upgrades. The extra volume will finance those contributions.

Attorney Lowcher asked what purposes of the Municipal Land Use Law do you see being promoted. Mr. Ingram stated that they are reconfiguring the storm water management, ensuring less water runoff comes to these adjacent neighbors. He went on to state that they know for a fact that something can be built on the lot and be an industrial development and nothing has to change about their site. The building is already conforming as is.

Mr. Cartabona asked about jobs for the community. Mr. Ingram stated that while there are 400 parking spaces on site, he can't say that all of those will be local.

As it was reaching 10 PM, attorney Lowcher announced that the hearing will continue at the next meeting scheduled for December 18, 2019 at 7:00 PM and there will be no further notice provided.

Public Comment:

There was no further public comment

Adjourn:

There being no other business on the agenda, Chairman Fey adjourned the meeting at 10:00 PM.

Respectfully submitted,

Donna L. Messina,

Land Use Board Secretary