

**Application #:** 2019-05

**Approved:** 2/19/2020

**RESOLUTION 2020-06  
BOROUGH OF ALPHA  
LAND USE BOARD  
FINDINGS OF FACT AND CONCLUSIONS OF LAW  
REGARDING AN APPLICATION OF  
STANDARD STREET ALPHA, LLC  
FOR PRELIMINARY MAJOR SITE PLAN APPROVAL AND VARIANCE RELIEF  
AS TO BLOCK 98, LOT 1 (0 STANDARD STREET – INDUSTRIAL ZONE)**

The Land Use Board of the Borough of Alpha in the County of Warren and State of New Jersey, upon motion of Mayor Craig S. Dunwell, seconded by Mr. Cartabona, adopts the following findings of fact, conclusions and resolutions:

**Findings of Fact:**

1. The applicant, Standard Street Alpha, LLC (hereafter referred to as “Standard Street”), originally proposed two warehouse buildings totaling 606,000 square feet on Block 98, Lot 1, consisting of approximately 37 acres, bounded by a paper street “Standard Street”, residential dwellings along E. Vulcanite Ave., an abandoned freight line, Route 78, Pohatcong Twp. Municipal boundary line and a forested area and quarry on Industrial Road, in the Industrial District. The application proposed 582 parking spaces, loading docks and an access route. The plans also proposed roof top solar. Building 1 located on the southern half of the lot initially comprised 301,000 square feet of area. Building 2 located on the northern half of the lot initially comprised 305,000 square feet of area. Both buildings are surrounded by parking spaces and loading area. Access is via a proposed extension of Industrial Drive with emergency access via a grass paver “driveway” connecting with existing Seventh Street/Standard Street.

Bulk variance relief was initially required for maximum lot depth (Industrial Drive and Standard Street); minimum rear yard (I-78 Lot Line and Railroad Lot Line) and maximum lot coverage. Variance relief was also required to permit trash enclosures within the rear yard setbacks of Building Number 1 and Number 2. Although the plans indicated that roof top solar was proposed, no details were provided. The applicant was represented at all times by Michael S. Selvaggi, Esq., of the firm Lavery, Selvaggi, Abromitis & Cohen, P.C.

2. The application was entertained for completeness and a possible public hearing on November 14, 2019. Mr. Selvaggi appeared for the applicant and provided an overview of the application noting that his client was seeking preliminary major site plan and variance approval only at this time. He further explained that his client was proposing the roof top solar for this project as an accessory use permitted by Ordinance Section 410, Article V, Section C provided that the overall height of the building with the solar panels does not exceed the permitted height in the Zone which is 35'. Therefore, conditional use approval for the roof top solar was not required. Mr. Selvaggi acknowledged that if it was later determined that variance relief was needed for roof top solar, the applicant would need to request amended site plan approval and variance relief. Mr. Selvaggi introduced Christopher Nusser, P.E., of Engineering and Land Planning Associates, Inc. to address November 11, 2019 completeness review update (to a previously issued completeness review dated September 13, 2019) and technical review prepared by Stanley J. Schrek, P.E., A.I.A, P.P., CME, LEED AP, the Land Use Board Engineer. Board Engineer 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 recommended that based on the waivers and temporary waivers, the

Board could deem the application complete. A motion was made by Mr. Mihursky, second by Mayor Dunwell to grant the waivers, and deem the application complete. The motion carried with the following roll call vote:

Members in Favor: 6 (Dragotta, Dunwell, Fey, Gable, Lee, Mihursky, Moscotta, Pantuso and Seiss)

Members Opposed: 0 Members Abstaining: 0

3. The applicant had requested permission to provide a Notice of Hearing to proceed with the public hearing in the event that the application was deemed complete. Chairman Fey asked the Board members if they wished to proceed with the public hearing and, receiving their approval by acclamation, Attorney Lowcher reviewed the applicant's Notice of Hearing. It was found to be in order and the Board Secretary confirmed that she reviewed the certified mail notice supplied by the applicant and it was in order. Therefore, the Board had jurisdiction to proceed with the public hearing.

4. Attorney Selvaggi summarized his client's application and requests for preliminary major site plan. The proposed use is permitted in the Industrial Zone. However, variance relief is required for building coverage, minimum rear yard and the side yard as well as design waivers. The applicant has agreed to wait to apply for final major site plan approval until after the extension of Industrial Way which will alleviate any traffic concerns.

Christopher Nusser, Professional Engineer with Engineering and Land Planning, Inc., was sworn, provided his professional qualifications as a licensed Professional Engineer in the State of New Jersey, and accepted by the Board as an expert in the field of civil engineering. Wayne Ingram, P.E., P.P. was sworn, provided his professional qualifications as a licensed Professional Engineer and a Professional Planner in the State of New Jersey, and accepted by the

Board as an expert in the field of civil engineering and planning. Mr. Nusser identified and marked as Exhibit A-1 a colorized rendering of Sheet 4 of the site plan for Alpha Commerce Center dated 10/8/2019; Exhibit A-2, Industrial Road Connector Plan dated 10/09/2019; and Exhibit A-3, Section View, dated 10/10/2019. Mr. Nusser proposed project and surrounding area noting that the property was bounded by the closed land fill owned by the municipality, Rt. 78 the railroad right-of-way and residential dwellings along Vulcanite Avenue, as well as Standard Street. Emergency access onto the property from Seventh Avenue (accessed via Vulcanite Avenue) would be gated and not used as regular access. The main access to the project was via an extension of Industrial Drive. Thereupon a discussion ensued regarding what would happen if Industrial Dr. was not extended. Mayor Dunwell provided an overview of the status of that project including the status of reports submitted to NJDEP to secure permits to commence the work in late spring or early summer 2020. If the road extension is not approved, the application would have to be amended.

Mr. Nusser then described the project to construct two warehouse buildings: Building Number 1, the southern building, is a 301, 000 square feet and Building Number 2, the northern building, is 305, 000 square feet. The permitted building coverage of 30% is 484,000 sq. ft. of warehouse. Therefore, variance relief is required.

Mr. Nusser reviewed the proposed truck and employee parking, loading areas and traffic/site circulation. Vehicles would enter the site via the proposed extension of Industrial Drive. There are eight (8) fire hydrants shown the southeast side of Building Number 1 with additional hydrants at the northern entrance near the truck loading area for Building Number 1 and another hydrant along the driveway parking

with additional hydrants located throughout the proposed development as shown on the plan. Mr. Nusser also stated that they are in compliance with the Board Engineer's request regarding the location of fire hydrants serving Building Number 1 and also Building Number 2. They will comply with any additional fire protection is required. There was further discussion concerning adequate access around the buildings for fire equipment. Mr. Dragotta raised a concern about having one half of a 300,000 square foot building that was not served by a circulation road with limited access to a fire hydrant. Chairman Fey opined whether the circulation road should be paved rather than concrete grass pavers. The consensus was that the concrete pavers would be acceptable to the Board. The applicant agreed to make this revision and to submit the plan to the Fire Chief for his review.

With respect to parking requirements, Mr. Nusser stated that the ordinance required 606 spaces (one space for every 1000 square feet of floor area). The applicant proposed 461 vehicular parking spaces and 121 trailer parking spaces for a total of 582 parking spaces. Mr. Nusser noted that using the Institute of Transportation Engineers (ITE) as a guideline, the number of spaces the applicant has proposed exceed the number needed by ITE guidelines.

Mr. Nusser next addressed site grading and visibility of the buildings. Building Number 1 will be at an elevation of 293 feet and Building Number 2 will be at an elevation of 318.6 feet. Storm water would be directed to a retention basin that will discharge into a swale with a second basin picking up additional water. Several Board members runoff that occurs during heavy rains. Mr. Nusser explained that the storm

water is collected and then will go into a concrete subsurface retention basin and then discharge according to DEP standards.

Mr. Nusser then addressed landscaping and lighting. With respect to landscaping, the applicant is sensitive to being a good neighbor to the residents and proposed grading and landscaping to buffer the appearance of the proposed buildings recognizing that it will take time for the plantings to mature. Lighting will be provided for all of the parking areas, loading areas and driveways. The applicant agreed to comply with the Board Engineer's recommendations regarding the lighting in order to meet the ordinance requirements. The applicant agreed to night light testing and will make adjustments if necessary. The discussion returned to landscaping. The Board requested a revised landscaping plan changing from a single line of trees to a double staggered row. Mr. Cartabona raised a question regarding noise, specifically the beeping noise when trucks are backing up. Mr. Nusser explained that the applicant intends to comply with applicable requirements. The applicant agreed to submit a revised plan based on the applicant's addressing the Board's concerns regarding site circulation, utilizing grass pavers, additional fire hydrant locations and revised landscaping.

An appropriate announcement was made to the public that the public hearing was carried to the December 18, 2019 regular meeting and no further notice would be given by the applicant.

5. The public hearing was continued on December 18, 2019. Before continuing with the hearing, Mayor Dunwell raised a point of order to inquire who could vote regarding the

application. Attorney Lowcher noted that since regular member Moscotta was absent, Alternate Member Cartabona could participate as a voting member. Attorney Selvaggi reviewed what the applicant presented last month and stated that in response to feedback from the November 14, 2019 meeting, the project had been reduced in scale. He called Mr. Nusser (who remained under oath) to introduce Exhibit A-4, Alpha Commerce Center, dated 12/05/2019. Mr. Nusser stated that the loading area for Building Number 2 was moved to the west side of the building. The building was narrowed and reduced by 30,000 square feet to provide greater access for emergency vehicles all around the building. Grass pavers would be used around Building Number 1. Mr. Nusser asserted that these changes will afford better access to parking. He further noted that a pedestrian connection was provided to reach all three parking areas. Mr. Nusser addressed the berm and proposed landscaping in connection with reducing the visibility of Building Number 2 to the residences along East Vulcanite Avenue. In response to questions from Board members, Mr. Nusser stated that the applicant would install whatever measures were requested by emergency services as would be necessary to prevent the unauthorized use of the emergency access from Seventh Avenue. Several comments and questions were offered regarding the building height (Building Number 2) and the need to provide better visual screening.

6. Wayne Ingram, P.E., P.P., who was previously sworn and remained under oath, described the landscaping plans, the berm height and the possibility of installing taller and denser landscaping. He agreed to provide a cross section of the berm and in relation to Building Number 2 as an exhibit. In response to continuing concern about the visibility of Building Number 2, Mr. Ingram stated that the building could be shifted further south and that the applicant would provide an exhibit to depict what the site plan would look like. Mr. Ingram also

confirmed that the solar panels on the roof would not exceed the permitted overall height permitted in the Industrial Zone. A discussion thereupon ensued regarding the extension of Industrial Drive toward Route 78 and that Alpha Borough would have to construct the road over the closed landfill which might require installing monitoring wells in addition to those already in place. The applicant agreed to provide a deed of dedication to Alpha Borough to ensure access to the monitoring wells. As a result of the applicant's agreement to shift the building and improve the landscaping, the applicant agreed to revise the site plan to show what was now being proposed which would also include an updated grading and landscaping plan. Thereupon an announcement was made that the public hearing would be carried, without further notice required, to the January 15, 2020 meeting.

7. On January 15, 2020, the public hearing on the application for preliminary major site plan approval resumed. The applicant submitted a revised site plan and additional documents as new exhibits. Attorney Selvaggi stated that at the last meeting there were various representations made by the applicant's professional about plan changes in responses to Mr. Schrek's comments. The revised plans were submitted on January 3, 2020. Mr. Selvaggi called Wayne Ingram, P.E., P.P. (who was previously accepted by the Board as a civil engineer and professional planner and who remained under oath) to present the new exhibits and address Board Engineer Schrek's January 15, 2020 Completeness Review Update & Technical Review (marked as Exhibit B-2). Mr. Ingram marked Exhibit A-5 identified as Color Rendering of Aerial View (Site Plan and Landscaping Revisions). Mr. Ingram described the changes which included moving Building Number 1 further to the north thereby affording full access behind the building for firefighting equipment. The intersections between the two buildings were also reconfigured. At this time Attorney Lowcher swore in recently arrived Michael Schwar as the Alternate 2 Land Use Board



Member. Mr. Ingram continued his presentation. Adjustments were made to the landscaping by including plantings of different sizes set forth in multiple rows to address the visual impact on the adjacent residents. The fire hydrant locations were also highlighted on the plans. Parking was also reconfigured for better site circulation. Mr. Ingram further stated that in light of the prior discussions concerning the berm, the applicant proposes to create a plateau instead of a berm. This was accomplished by shifting back Building Number 2 by 106 feet. Mr. Ingram then marked Exhibit A-6 View Scape dated January 2, 2020, depicting what the view of the residents along East Vulcanite Avenue would have in about five years. Mr. Ingram stated that one of the first things to be installed would be a landscaping. There was also continued discussion regarding traffic and the impact of that, specifically on Seventh Ave. Mr. Ingram stated that he had reviewed Board Engineer Schrek's January 15, 2020 Completeness Review Update & Technical Review and that the applicant agrees with everything in the report and intends to comply with everything that was requested. Mr. Ingram noted that since the application seeks only preliminary major site plan approval, the applicant will have time to address Mr. Schrek's concerns and the Land Use Board will have another opportunity to review the application for final approval.

8. Mr. Gable stated that based on his conversation with the fire chief, he recommended no more than 700 feet between fire hydrants. Mr. Ingram said he feels they could squeeze in one more hydrant in order to address this recommendation. Mr. Fritts certified that he listened to the recordings of both the November 14 and December 18, 2019 meetings. He questioned the impact of storm water that would be coming from the roof to the parking area for the tractor trailers into the catch basin and feeding into the south end of the building. Mr. Ingram was able to explain how the water would be handled in the proper way to avoid any future issues.

Mr. Schrek stated that they are required to provide an Operations & Maintenance manual addressing storm water and that this is not uncommon with these types of buildings. Mr. Schrek also noted that the applicant would enter into a developer's agreement with the Borough that would lock down the necessary requirements that the applicant must meet along with the fair share contributions for off tract improvements to be constructed to serve this development. Mayor Dunwell stated that the Borough Engineer was finalizing the major landfill disruption permit and once the engineering is done for this, the Borough would have a better idea as to what the fair share contributions will be. Mr. Cartabona raised questions about the Standard Street access and the maintenance of it. Mr. Ingram addressed these questions satisfactorily.

9. The matter was opened for comments from the public. There being no public comment, the public portion of the hearing was closed.

10. The Board then considered the following variance relief identified in Board Engineer Schrek's January 15, 2020 report:

a. Section 410-21 Area, Yard and Building Requirements – Maximum Lot Depth – Standard Street. The existing lot depth of 2,276.83 feet exceeds the maximum permitted depth of 400 feet.

The applicant is not proposing to alter the lot depth.

b. Section 410-21 Area, Yard and Building Requirements – Maximum Lot Depth – Industrial Drive. The existing lot depth of 980 +/- feet exceeds the maximum permitted lot depth of 400 feet. The applicant is not proposing to alter the lot depth.

c. Section 410-21 Area, Yard and Building Requirements – Maximum Lot Coverage. The applicant proposes 2 buildings and additional accessory structures/uses that total 35.60% coverage whereas 30% is permitted. The applicant provided support for this variance by stating that the project would allow the lot to be developed without utilizing 7<sup>th</sup> Avenue (a residential

street) and would improve both the water service through installation of a looped line and providing stormwater management benefits to the residential area. Furthermore, the future improvements to the intersection of Route 122 and Industrial Drive will help mitigate existing traffic concerns. The applicant requires relief pursuant to NJSA 40:55D-70(2). The applicant addressed the positive criteria asserting that the following purposes of the Municipal Land Use Law were met:

NJSA 40:55D-2.a. "To encourage municipal action to guide the appropriate use of the development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare." and NJSA 40:55D-2.h. "To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion and blight." The applicant worked appropriately with the Board to eliminate variances related to minimum rear yard setback for a principal structure and locating accessory structures within the rear yard setback and also to address the negative criteria relating to coverage, the visual impact of the proposed development and traffic by reducing the square footage of the proposed buildings, by offering an improved landscaping package and agreeing to make a fair share contribution to off tract improvements (extension of Industrial Drive) to serve the proposed development which will provide the main access instead of via Seventh Avenue.

d. Section 410-25.c Roof-mounted solar panels and solar panel arrays not exceeding a height of 12 inches from the existing roof surface of a peaked roof and not exceeding a height of four feet from the existing roof surface of a flat roof and not exceeding the permitted overall height of the principal structure in the zone district where permitted as an accessory use. The applicant represented that it will comply with this requirement.

Motion by Mr. Cartabona to approve the (C2) variance for Standard Street, LLC. Motion seconded by Mr. Moscotta. Roll Call: Ayes: Mr. Cartabona, Mr. Dragotta, Mayor Dunwell, Chairman Fey, Mr. Fritts, Mr. Gable, Mr. Moscotta and Mr. Pantuso. Nays: None. Abstentions: Dalrymple.

11. The Board then considered the applicant's request for preliminary major site plan approval and the conditions on that approval as set forth in Board Engineer Schrek's January 15, 2020 Completeness Review Update & Technical Review (Exhibit B-2 attached hereto), specifically noting the Technical Review section on pages 13 – 23 and the General Comments section on pages 23-25. The applicant agreed to provide a deed of dedication to Alpha Borough to ensure access to the existing (and future, if any) monitoring wells in connection with the closed landfill. The applicant's attorney confirmed that his client agrees with the conditions as read. Motion made by Mr. Cartabona to grant preliminary approval for Standard Street Alpha, LLC, Block 98, Lot 1 subject to all the stated conditions. Motion seconded by Mr. Moscotta. Roll Call: Ayes: Mr. Cartabona, Mr. Dragotta, Mayor Dunwell, Chairman Fey, Mr. Fritts, Mr. Gable, Mr. Moscotta and Mr. Pantuso. Nays: None. Abstentions: Dalrymple.

**CONCLUSION:**

1. The applicant has demonstrated that "C" variance relief and design waivers can be granted without substantial detriment to the public good, master plan and zoning ordinance.
2. That the applicant has established that preliminary major site plan approval can be granted with the proviso that the applicant shall comply with all conditions of approval discussed and agreed to by the applicant during the public hearing and as set forth below.

**RESOLUTION:**

**RESOLVED**, that Standard Street Alpha, LLC. is:

1. Granted variance relief from Section 410-21, Area, Yard and Building Requirements – Maximum Lot Coverage; together with those design waivers identified in Exhibit B-2, January 15, 2020 “Completeness Review Update & Technical Review” prepared by Stanley J. Schrek, Board Engineer.
2. Preliminary and major site plan approval subject to the following conditions:
  - A. Compliance with the requirements of Exhibit B-2, January 15, 2020 “Completeness Review Update & Technical Review”, prepared by Stanley J. Schrek, Board Engineer.

- B. All proposed easements to be submitted to board engineer for and board attorney for review shall contain such language for maintenance runoffs and snow removal and access as may be required.
- C. Approval would be Warren County Soil Conservation.
- D. Final approval from Warren County Planning Board.
- E. Written comments and compliance with the Police, Fire and Health departments.
- F. Certification from Municipal Board of Health method of approving, method and type of sewage disposal and water supply.
- G. NJDEP sewer and water extension as applicable.
- H. Payment of real estate taxes and maintain a positive balance in escrow account as required by the Land Use Board procedures.
- I. Applicant shall maintain a positive balance in its escrow account for the purposes of professional review and services in this matter.

BOROUGH OF ALPHA LAND USE BOARD

APPLICATION 2019-05

SECRETARY: Donna L. Messina \_\_\_\_\_

APPROVAL DATE: 2/19/20\_\_\_\_\_

BLOCK: 98\_\_\_\_\_ LOT: 1\_\_\_\_\_

VOTE:

Ayes: Mr. Cartabona, Mr. Dragotta, Mayor Dunwell, Chairman Fey, Mr. Fritts, Mr. Gable, Mr. Pantuso.

Nays: None

Abstain: None

Eligible to vote: Mr. Cartabona, Mr. Dragotta, Mayor Dunwell, Chairman Fey, Mr. Fritts, Mr. Gable, Mr. Pantuso.

I certify that this is a true copy of a resolution adopted by the Land Use Board of the Borough of Alpha, Warren County, on February 19, 2020, to memorialize the Land Use Board's action on January 15, 2020.

  
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Donna L. Messina, Secretary

  
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Tom Fey, Chairman