

**BOROUGH OF ALPHA LAND USE BOARD**

**Application #: 2019-005**

**Approved: 7/21/21**

**RESOLUTION 2021-06**

**FINDINGS OF FACT, CONCLUSIONS AND RESOLUTION  
REGARDING THE APPLICATION OF STANDARD STREET ALPHA PROPERTY,  
LLC. FOR AMENDED PRELIMINARY SITE PLAN APPROVAL AND FINAL SITE  
PLAN APPROVAL (WITHDRAWN) AND VARIANCE RELIEF FOR  
BLOCK 98, LOT 1**

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

**Findings of Fact:**

1. Applicant, STANDARD STREET ALPHA PROPERTY, LLC. has filed this application for amended preliminary site plan approval and final site plan approval and variance relief as to property located at Block 102, Lot 6. The property is approximately 37 acres in size and is presently in an agricultural use. It is bounded on the north by a paper street named “Standard Street” and residential uses along E. Vulcanite Ave; to the west by an abandoned freight rail line; to the south by Interstate Route 78 and the Pohatcong municipal border; and to the east by forested area and the quarry on Industrial Road.

2. The Applicant previously received preliminary major site plan and variance approval to construct two (2) warehouse buildings totaling 575,900 s.f. on Block 98 Lot 1 within the I-Industrial Zone of the Borough. The Applicant agreed to wait to apply for final major site

plan approval until after the extension of Industrial Way and is now seeking final major site plan approval.

3. The amended application proposes 578 parking spaces (previously 576 parking spaces), loading docks, roof top solar systems and access routes. The project proposes to disturb an area greater than one (1) acre and will include more than 0.25 acres of new impervious cover. The applicant was previously granted variances from several of the bulk standards and seeks reapproval of same. The Applicant is proposing a building height of 43 ft. where a maximum of 35 ft. was proposed on the approved preliminary site plan and proposes lot coverage of 35.63% whereas under preliminary approval 35.60% was approved, as such both these changes warrant an amended site plan application. The 43 ft. height standard complies with a recently adopted ordinance by the Borough.

4. As a result of the application, the following variance relief is required:

a. §410-21 Area, Yard and Building Requirements – Maximum Lot Depth – Standard Street Variance Required – Applicant existing lot depth of 2,276.83 feet exceeds the maximum permitted lot depth of 400 feet. The Applicant is not proposing to alter the lot depth. This variance was approved under preliminary site plan approval.

b. §410-21 Area, Yard and Building Requirements – Maximum Lot Depth – Industrial Drive Variance Required – Applicant 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. This variance was approved under preliminary site plan approval.

c. §410-21 Area, Yard and Building Requirements – Maximum Lot Coverage Variance Required – Applicant proposes 2 buildings and additional accessory structures/uses that total 35.63% coverage whereas 30% is permitted. A variance is required up to 70.02% to include parking and driveways. This variance was previously approved under preliminary site plan approval for 35.60%.

d. §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-roofed structure and not resulting in an overall height in excess of that permitted for the principal structure in the zone district in

which the principal structure is located shall be a permitted accessory use in all zone districts.

5. On January 20, 2021, the Board entertained the application for completeness purposes. The applicant was represented by Michael Selvaggi, Esq. and the applicant's engineer, Christopher Nusser, P.E. was present. A motion made was made by Mayor Dunwell to grant temporary waivers for completeness purposes only based upon the recommendations of the engineer and to deem the application complete for both preliminary and final; motion seconded by Mr. Cartabona. Roll Call: Ayes: Mr. Cartabona, Mr. Dragotta, Ms. Dalrymple, Mayor Dunwell, Mr. Fey, Mr. Fritts and Mr. Schwar. Nays: None.

Motion passes.

6. On April 21, 2021, it was noted that the applicant had provided appropriate Proof of Service and Publication of a Notice of Hearing and the board was found to have jurisdiction to proceed with the hearing.

7. The following witnesses were presented in support of the application:  
Christopher Nusser P.E.

8. The following exhibits were marked into evidence:

Exhibits A-1

Exhibit B-1 March 15, 2021 review correspondence of Board Engineer

9. Michael Selvaggi, Esq provided the Board with a brief overview of the status of the application. The prior approval had conditions, including the extension of Industrial Drive to provide access to Rt. 122 and Rt. 22, solar roof top panels and a few bulk variances. Since then, the Governing Body amended an ordinance increasing the height of the commercial buildings in this area. Responsive to that, the applicant has revised their plans to take advantage

of this new building height. The applicant seeks approval for the amendment of the preliminary approval and sought final approval as well.

10. Sworn testimony under oath was received from Christopher Nusser, P.E. Mr. Nusser presented his qualifications to the Board and was accepted as an expert in his field.

Mr. Nusser had worked on the original plans submitted in 2019 presented the revised plans for consideration by the Board. In addition to the building height, they have made some changes to the road network. Access to building one is now revised to have all the truck traffic flowing in from one location and then in between the buildings into a one-way entrance. The entrance has also been slightly revised to line up the exit for the trucks to be more direct. This should provide for a better circulation of traffic. The stormwater was previously located below building number one and that has been relocated to the loading area. There are also some modifications to the landscaping on the north side of building two and the entrance. There are also two additional parking spaces.

11. With respect to bulk variances, none of the variances have changed in any way with the exception of the maximum lot coverage which was previously approved at 35.60% and the actual is 35.63% because of a rounding error.

12. Mr. Nusser addressed the issues raised in the March 15, 2021 report of the Board Engineer, Stanley J. Schrek, P.E., A.I.A., P.P. CME, LEED which was marked as Exhibit B-1. The applicant agreed to comply with all items set forth in Mr. Schrek's correspondence as clarified below:

## VI. Technical Review

1. NJ Transit Review letter - Multiple issues remain as to the status of NJ Transit Review of the proposed crossing. The applicant must secure final approval from NJ Transit and satisfy the Board Engineer as to all issues raised in his report. Board members raised concerns regarding these open issues and the inability to grant final approval until the issues are resolved.

#### Site Plan Set Review

f. Site Plan – prior to construction of guiderails applicant shall provide detailed plans that specify length of end treatment and areas that require additional posts or embedment. Applicant agrees.

g. Site Plan – prior to construction of guiderails applicant shall provide engineer’s report that reviews the warrants for each guiderail location. Applicant agrees.

Mayor Dunwell suggested signage regarding guiderails to avoid possible injury for anyone who may try to ride dirt bikes. Applicant has no issue with adding signage regarding f & g.

j. Site Plan – The applicant agreed to remove the driveway easement due to the conflict noted in the Board Engineer’s report.

nn. Landscape Plan – The applicant feels as though any additional landscaping on the slope would not provide any benefit but can provide additional landscaping toward the middle area if necessary.

oo. Landscape Plan –the building is at an elevation of 311’ for finished floor where the residential district exists at about elevation 285’, thus the buildings will stand 69 feet above the homes.

n. Applicant shall obtain approval to weight restrict all surrounding public roads in Alpha due and post signage due to errant trucks that attempt to enter the site through adjacent local roads due likely conflicts with GPS and navigation aids. **The applicant agreed to seek**

**approval of weight restrictions around surrounding public roads in Alpha from the Borough Council, provide proof of the action from the Borough Council and will contribute towards the placement of appropriate signage as applicable.** 13. The matter

was opened to the public for comment and questions. Sworn testimony under oath was received from Mr. Rowland Dech, 611 Vulcanite Ave., Alpha NJ,

Mr. Dech expressed concerns about the trees and that it will take 10 years to cover up the walls of the warehouse. He also has concerns about lighting and truck noise. Mr. Nusser stated that the lighting is facing east and west and not toward Mr. Dech's house. He also pointed out that the plan covers any additional landscaping should there be an issue with lighting. He could not answer whether or not it will be a 24x7 operation. It was also stated there is no road or driveway along that north side where Mr. Dech's house is situated.

There was additional discussion regarding the developer lowering the base elevation which would lower the height of the building and if that can be done, why isn't it being done in these plans. It would be less impact to the neighbors if the base elevation goes down, but the building height remains the same. Mr. Nusser stated that the building is lowered by five feet from the original plan and that any discussions being had about this are conceptual and this is not what they are proposing at this time. Mr. Gruenberg pressed further and stated that if this is being discussed then why are they not proposing it. There was also discussion about the Borough taking any of the excess dirt should a developer decide to lower the base.

Mr. Dragotta stated that if there is any way to lower the base without disrupting the cost too much, why not lower it to help the quality of life. Mr. Nusser said he understands but he cannot commit to this now.

Mr. Selvaggi stated they cannot commit to a number or even commit to doing this it at this time  
Mr. Selvaggi confirmed they are seeking preliminary approval with conditions this evening as  
the application has been presented. In light of the many open issues, the applicant withdrew its  
request for final approval.

14. Sworn testimony under oath was received from Jodie Smith, 1132 Fifth Ave. She  
asked Mr. Nusser to confirm that the emergency access is off Seventh Ave. Mr. Nusser  
confirmed that. She is concerned that the truck traffic is going to end up on Seventh Ave. Mr.  
Nusser stated that the way-finding should keep that from happening and by putting significant  
signage.

15. A motion was made by Mr. Fritts to close the public hearing. Motion seconded by  
Mr. Cartabona.

Roll Call: Ayes: Mr. Cartabona, Mr. Dragotta, Ms. Dalrymple, Mayor Dunwell, Mr. Fey, Mr.  
Fritts, Mr. Plimpton, and Mr. Schwar. Nays: None. Absent: Mr. Gable.

16. A motion was made by Mr. Schwar to approve the amended preliminary with  
variance relief. Motion seconded by Mayor  
Dunwell. Roll Call: Ayes: Mr. Dragotta, Mr. Fey, Mr. Fritts, Mr. Plimpton, and Mr. Schwar.  
Nays: Mr. Cartabona, Ms. Dalrymple, Mayor Dunwell. Absent: Mr. Gable. Motion passes.

**Conclusions:**

1. For the same reasons as set forth in the original approving resolution, the  
applicant has established the necessary “positive” and “negative” criteria for the granting of the  
requested variances pursuant to N.J.S.A. 40:55D-70(c). The only change in the variances  
previously granted was a mathematical rounding up area as to maximum coverage.

2. As to the site plan issues, the remaining site plan is fully conforming with the

Borough's ordinances with the granting of the variances, including the increased height standard, and the Board finds that amended preliminary site plan approval will be appropriate in light of the conditions imposed and the unique circumstances presented. The applicant withdrew it's request for final site plan approval.

**Resolution:**

**RESOLVED**, that the Applicant, STANDARD STREET ALPHA PROPERTY, LLC. is granted amended preliminary site plan approval only together with the requested variance relief set forth above subject to the following conditions:

A. Compliance in all respects with the Board Engineer's review correspondence dated March 15, 2021 marked as Exhibit B-1 as clarified during the hearing.

B. Compliance in all respects with the prior resolution of approval granting preliminary site plan approval except as modified herein.

C. Applicant shall obtain any and all outside Governmental approvals including, but not limited to Warren County Planning Board approval, New Jersey Transit approval/resolution of issues, New Jersey Department of Transportation and New Jersey Department of Environmental Protection approval, New Jersey Highlands Council approval, as applicable.

D. Applicant shall maintain a positive balance in the escrow account to insure continued review of the project and satisfaction of these conditions of approval by the Board and Borough's professionals.

BOROUGH OF ALPHA LAND USE BOARD  
APPLICATION #

SECRETARY: Donna L. Messina

APPROVAL DATE: March 17, 2021

BLOCK: 98, LOT: 1

VOTE:

Ayes: Mr. Dragotta, Mayor Dunwell, Mr. Fey, and Mr. Gable

Nays: None.

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 July 21, 2021, to memorialize the Land Use Board's action on March 17, 2021.

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DONNA L. MESSINA, Secretary

Dated: July 21, 2021

Eligible to vote: Mr. Dragotta, Mr. Fey, Mr. Fritts, Mr. Plimpton, and Mr. Schwar