

**BOROUGH OF ALPHA LAND USE BOARD**

**Application #: 2020-001**

**Approved: 7/21/21**

**RESOLUTION 2021-07**

**FINDINGS OF FACT, CONCLUSIONS AND RESOLUTION  
REGARDING THE APPLICATION OF 1603 SPRINGTOWN, LLC FOR  
PRELIMINARY SITE PLAN APPROVAL, FINAL SITE PLAN APPROVAL AND  
VARIANCE RELIEF FOR BLOCK 97, LOT 10**

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. Dragotta, adopts the following findings of fact, conclusions and resolutions:

**Findings of Fact:**

1. Applicant, 1603 SPRINGTOWN, LLC has filed this application for preliminary site plan approval, final site plan approval and variance relief as to property located at Block 97, Lot 10. The property is approximately 0.86 acres (37,519 sf.) in size and presently contains a vacant restaurant use. It is bounded on the west by a park; to the south by a vacant excavating and landscaping business and residential uses beyond that; to the north by business uses; and to the east across Springtown Road by residential uses.

2. The Applicant is seeking approval for a preliminary and final major site plan to construct a two-story office/retail building on Block 97 Lot 10 within the B-1 General Business Zone of the Borough. The application proposes 31 parking spaces (23 surface spaces and 8 interior spaces), a trash enclosure, sidewalk, signage, lighting and landscaping. The project

proposes to disturb an area less than one (1) acre and will reduce the area of impervious cover. The two-story building is proposed to have a footprint of 6,000 sf. with 8,300 sf. of office and retail space and 3,700 sf. of storage/garage space and is proposed to be constructed at the center of the property. The building is proposed to be surrounded on the front side and southern side by parking stalls with a proposed loading area to the rear of the building (along the western side of the building).

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

a. §410-43.A Provision shall be made for at least two off-street parking spaces for each dwelling unit hereafter erected. For all other new buildings and uses, there shall be provided the number of parking spaces as set forth in the following schedule: 1 for each 200 square feet of retail merchandising or commercial floor area for banks, retail stores, shops or similar establishments; 1 for each 200 square feet of office area for business, professional and executive offices; and 1 for each 1,000 square feet of floor area for warehouses and storage buildings.

Variance Required – The required number of parking spaces is as follows: (8,300 sf. of office/retail space) x (1 space/200 sf.) = 41.5 spaces (3,700 sf. of storage/garage space) x (1 space/1,000 sf.) = 3.7 spaces Total parking stalls required = 41.5 + 3.7 = 45.2 or 46 spaces Applicant proposes 31 parking spaces (including 23 surface parking spaces and 8 parking spaces inside the building). If the proposed interior spaces are loading spaces not meant for passenger vehicles, they do not count as parking spaces. If so, a variance is required for proposing 23, not 31, parking spaces where 46 parking spaces are required.

5. On March 17, 2021, the Board entertained the application for completeness purposes. The applicant was represented by William Edleston, Esq. A motion was made by Mr. Schwar to deem application #2020-001 complete with the temporary waivers and permanent waiver as set forth in the review correspondence of the Board Engineer. Motion was seconded by Mr. Plimpton. 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.

The public hearing will be scheduled for the April 21, 2021, meeting.

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: David Cooper, Principal, Stephen Parker, P.E. and Mark Zgoda, Licensed Professional Architect.

7. The following exhibits were marked into evidence:

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

8. David Cooper provided sworn testimony under oath. He testified that his Security Company business has outgrown its current location within the Borough, and he is interested in developing the old Charlie Brown restaurant site which remains vacant and somewhat unsightly. He proposed to erect a two story building with overhead garage doors facing the rear of the building, so they are not visible from the road. Some of the offices may be rental spaces.

9. Sworn testimony under oath was next received from Stephen Parker, P.E. Mr. Parker provided his qualifications, and he was accepted by the Board as an expert in his field.

Mr. Parker testified that the Old Charlie Brown site has had the building removed. The proposal is to construct a new building in the center of the property. The working aspect of the business will be behind the building with the front of the building aesthetically pleasing from an architectural standpoint. The site is substantially paved. There will be less impervious coverage and more landscaping than what is presently on site. The site plans submitted provide detailed information as to the proposal.

Mr. Parker reviewed Mr. Schrek's March 15, 2021, correspondence which was marked as Exhibit B-1. The applicant agreed to comply with all matters as set forth in his correspondence. Mr. Schrek believed that the applicant had adequately addressed the intensity of uses on site as set forth in his Planning Review and the lack of impact upon surrounding residential uses by the placement of the building to the center of the site and location of most activities behind the building. In fact, the relocation of the building to the center of the site eliminates the existing side yard setback violation of the previously existing Charlie Brown building.

Mr. Parker identified the number of required spaces as 46 parking stalls. The applicant is proposing 31 stalls, 23 parking stalls outside and ability for 16 banked parking stalls within the building. Based on the applicant's use and projected needs, the applicant doesn't expect the number of parking spaces required as the proposed use is not a typical office use. Mr. Schrek did not have an issue with what was proposed. Mr. Schrek confirmed that when equipment is used on site, the personal vehicles can be parked within the building. The result is less impervious coverage on site. The applicant agreed to provide a plan to provide additional banked parking spaces along the southerly border and one additional space to the easterly side of the adjacent row. With the banked parking spaces, parking would be 43 spaces as opposed to the 46 spaces provided.

As to site lighting levels, the applicant agreed to provide shielding of light fixtures and the applicant agreed to provide an as built lighting plan to the satisfaction of the Board Engineer as a condition of this issuance of any Certificate of Occupancy.

As to the need for fire aisles per Sec. 315010.B(2)(f){1}, the applicant presented an approved letter from the Chief of the Fire Department which satisfied the Board and the Borough Engineer that fire aisles were not required under the circumstances presented. Attorney Edleston

will forward the letter to the secretary and she will forward it to the board. It was also stated that the applicant was not intending to have a sprinkler system for fire protection inside of the building. The applicant will comply with any and all construction code requirements including the provision of sprinklers to the extent required. There is a hydrant immediately in front of the site. There was also a question regarding the type of construction the building will be. Mr. Cooper stated it will be either wood or steel. If it is a steel structure it will have clapboard on the front of it. Mayor Dunwell stated that he is not opposed to giving a design waiver for this given all of the discussion. In the end, Mr. Schrek recommends that the board grant the waiver. As to stormwater runoff, it was confirmed that there is going to be a decrease in both the rate and volume of runoff because there will be a decrease in the amount of impervious coverage. It will continue with the same drainage pattern after the development as it was before the development. The applicant agreed to provide a turning radius analysis and to address the possibility of removing additional impervious surfaces to the satisfaction of the Borough Engineer.

10. The matter was opened to the public for questions. Jody Jankowski, 1666 Springtown Rd., Alpha – asked if they were to lease the building out, are there any exclusions as to who they would lease space/building to. Mr. Cooper was able to answer her questions and alleviate her concerns. He stated that his goal is to make this a professional office building, i.e., attorney office, accountant office, etc.

11. Sworn testimony was next provided by Mark Zgoda who provided his qualifications as a licensed Architect in the state of New Jersey and he was accepted as an expert in his field.

12. Mr. Zgoda described the size, materials, and design of the building as depicted in his plans filed with the Board. The two story building will appear to be stately to draw people in

as tenants. A glass foyer provides natural light in an attractive scheme. The Board agreed that the proposed architectural design is attractive and a welcome improvement to the site. The lighting design is important in that the lighting does not spill on to the neighbors' yards. All lighting will be down lights. There is no directional lighting on the building at all and they will be dimmable as well. The garage doors are 10x10 in the rear of the building. There will be large windows for plenty of natural light. Mr. Cooper reconfirmed that he will most likely take up most of the second floor for his offices with one office for leasing. There will be two tenant spaces on the first floor, bringing this to a maximum of three tenant spaces.

13. The matter was opened to the public for comment and questions. None was received.

14. A Motion made by Mr. Cartabona to close the public hearing. Mayor Dunwell seconded the motion. Roll Call: Ayes: Mr. Cartabona, Mr. Dragotta, Mayor Dunwell, Mr. Frey, Mr. Fritts. Nays: None. Absent: Ms. Dalrymple, Mr. Gable, Mr. Plimpton.

15. A Motion was made by Mr. Cartabona to approve preliminary and final site plan approval with variance and design waiver relief subject to conditions. The motion was seconded by Mr. Dragotta. Roll Call: Ayes: Mr. Cartabona, Mr. Dragotta, Mayor Dunwell, Mr. Frey, Mr. Fritts. Nays: None. Absent: Ms. Dalrymple, Mr. Gable, Mr. Plimpton.

**Conclusions:**

1. 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)(2).

2. The Board finds that the c(2) variance as to parking benefit the community in that the grant of the approval represents a better zoning alternative for the property as parking is more than adequate for the proposed site and the anticipated future uses by the provision of banked

parking. A relaxation of the standard presents an opportunity for improved zoning and planning that will benefit the community in that there will be a reduction in impervious coverage and an improved development with an attractive building on a site that is presently unused for a lengthy period of time. See Kaufmann v. Planning Bd. For Warren Tp. 110 N.J. at 563.

3. The Board finds that the variance and design waivers can be granted without substantial detriment to the public good and won't substantially impair the intent and purpose of the zone plan and zoning ordinance. The relocation of building on site to the center provides a better alternative to the existing usage and reduces the impact upon the public. The Board found convincing the testimony of the applicant and his witnesses that any adjacent uses would be minimally impacted by the site which will not generate nuisance qualities.

4. As to the site plan issues, the remaining site plan is fully conforming with the Borough's ordinances with the granting of the variances, and the Board finds that preliminary and final site plan approval will be appropriate in light of the conditions imposed and the unique circumstances presented.

**Resolution:**

**RESOLVED**, that the Applicant, 1603 SPRINGTOWN, 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. Applicant shall provide turning templates to the satisfaction of the Board Engineer to address both site access suitability and the possible ability to reduce impervious coverage.

C. Applicant shall provide revised plans to address the provision of four additional banked parking spaces as set forth above.

D. Applicant shall provide an as built lighting plan to the satisfaction of the Borough Engineer as a condition of obtaining any certificate of occupancy.

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

F. 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 # 2020-001

SECRETARY: Donna L. Messina

APPROVAL DATE: April 21, 2021

BLOCK: 97, LOT: 10

VOTE:

Ayes: Mr. Cartabona, 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 April 21, 2021.

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DONNA L. MESSINA, Secretary

Dated:

Eligible to vote: Mr. Cartabona, Mr. Dragotta, Mayor Dunwell, Mr. Frey, Mr. Fritts.