

BOROUGH OF ALPHA LAND USE BOARD

Application #: 2021-001

Approved: 12/15/21

RESOLUTION # 2021-08

**FINDINGS OF FACT, CONCLUSIONS AND RESOLUTION
REGARDING THE APPLICATION OF WIP ALPHA, LLC. FOR
PRELIMINARY AND FINAL SITE PLAN APPROVAL
WITH “C” VARIANCE AND DESIGN WAIVER RELIEF FOR
BLOCK 100.01, LOT 10 AND BLOCK 100, LOT 10.05**

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

Findings of Fact:

1. Applicant, WIP ALPHA, LLC has filed this application for preliminary and final site plan approval with variance and design waiver relief as to property located at Block 100.01, Lot 10 and Block 100, Lot 10.05 and is within the Industrial Zone District of the Borough of Alpha. The main property is 33.668 acres (1,466,596 SF) in size and presently consists of agricultural fields. It is bounded on the west by I-78; to the south and east by more agricultural fields; and to the north by a generator service company. The Applicant is seeking approval for a preliminary and final site plan to construct a warehouse and office 450,000 SF in total area with 444,000 SF being warehouse and 6,000 SF being office. The application proposes 230 total parking spaces, 118 dock spaces, and 89 trailer storage spaces with proposed utilities consisting of water, gas, electric, storm, sanitary, and fire hydrants. Also, this project proposes landscaping

and lighting as well as several bio-retention basins and a constructed wetlands. The proposal is for two entrance/exit areas along Edge Road. Utilities shall be provided to the site through an easement from Industrial Drive, through the property known as Block 100, Lot 10.05, under Interstate 78, to the proposed project.

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

a. **§410-21 Schedule of Area, Yard, and Building Requirements – Maximum lot area**

The Applicant proposes a lot area of 33.67 acres whereas 2 acres is the maximum permitted

b. **§410-21 Schedule of Area, Yard, and Building Requirements – Maximum Building Coverage**

The Applicant proposes a building coverage of 30.7% whereas 30% is the maximum permitted.

c. **§410-43 Off-street Parking**

The proposed site contains 6,000 SF of office, which shall require 1 space per 200 square feet, and 444,000 SF of warehouse space, which shall require 1 space for every 1,000 SF, for a total of 474 required parking spaces. The Applicant proposes 230 parking spaces, but demonstrates that the site can be modified to accommodate an additional 244 banked spaces for a total of 474 spaces. 224 of these parking spaces can be made at the expense of losing the truck trailer parking.

d. **§410-51 Industrial Zones (Signage)**

The proposed site contains four 5' high, 10' wide monument signs (two at each driveway entrance) whereas only one freestanding sign or building mounted signage is permitted.

e. **§410-3.B Definitions – Off-street parking space**

Such parking space shall have an area of not less than 200 square feet, exclusive of access drives or aisles, shall be a minimum of 10 feet in width measured perpendicular to the axis of the length and shall have adequate provision for ingress and egress on the property. Applicant proposes parking spaces of 9'x18' whereas, at minimum, 10'x20' is required.

3. As a result of the application, the following design waiver relief is required:

a. **§315-10.B(2)(f)[1]**

On all sites in excess of 10,000 square feet of building area fire aisles shall be provided adjacent to all exposures of buildings. No automobile parking shall be permitted between the fire aisle and the building, except that parcel pickup areas will be permitted, provided that the designated area does not exceed 1/3 of the frontage of an individual business establishment. Pedestrian walkways and truck loading zones will be permitted between

the fire aisle and the buildings.

b. **§315-10.B(2)(f)[2]** All fire aisles shall be a minimum of 30 feet in width. Applicant has not provided any clearly denoted fire aisles. Proposed drive aisles are a minimum of 24 feet wide. (This waiver request was withdrawn during the hearing and the applicant will comply).

c. **§315-10.B(2)(f)[3]** No portion of a structure shall be more than 600 feet from a fire hydrant where public water is available. (This waiver request was withdrawn during the hearing and the applicant will comply)

d. **§315-10.B(2)(g)[1]** Driveways. Driveways and roadways shall not exceed a maximum grade of 6% and shall not exceed a grade of 4% within 100 feet at the sideline of an intersecting street. Applicant proposes grades of 7% within the first 100 feet of the driveway entrance whereas 4% is the maximum.

4. On October 20, 2021, the Board entertained the application for completeness purposes. The applicant was represented by Mark Peck, Esq. Mayor Dunwell made a motion to deem the application complete with the understanding that the applicant provide the requested information to the engineer either prior to or during the public hearing to address temporary and permanent waivers. Motion seconded by Mr. Schwar. Roll Call: Ayes: Cartabona, Dragotta, Dalrymple, Mayor Dunwell, Chairman Fey, Fritts, Gable and Schwar. Nays: None. Absent: Plimpton. The matter was scheduled for a public hearing on November 10, 2021.

5. On November 10, 2021, it was found that the applicant had provided appropriate proof of service and publication of the Notice of Hearing and that the Board had jurisdiction to proceed. The matter was continued to be held at a special meeting on November 29, 2021.

6. On November 29, 2021, it was found that appropriate proof of publication of the Notice pertaining to the special meeting had been made and that the Board continued to have jurisdiction to proceed with the hearing.

7. The following witnesses were presented in support of the application:
Stephen Santora, Esq,

William Lane, P.E. Engineering Expert

Phil Ruggieri, L.P.A. Architectural Expert

Karl Pehnke, P.E., Traffic Engineer

John McDonough, P.P., Planner

8. The following exhibits were marked into evidence:

Exhibit A1 – A booklet providing overview of application

Exhibit A-2 – Existing conditions plan

Exhibit A-3 – Colored rendering of site plan

Exhibit A-4 – Colored rendering of architectural plan

Exhibit B-1 Technical review correspondence of Board Engineer dated November 20, 2021.

9. Sworn testimony under oath was received from Stephen Santora, Esq., Executive Vice President and General Counsel of the Applicant, Woodmont Industrial Partners. Mr. Santola provided a history of his involvement with Woodmont Industrial Partners. The proposed building construction will not be phased in but will be constructed all at one time. There is no definite potential tenant information, but the design of the building will be very flexible so to accommodate many of the of permitted uses with the highest end tenants and the highest end rents as possible. The ‘banked spaces’ will be tenant trailer spaces that could be converted into car parking if needed. An easement is in escrow pertaining to Block 100, Lot 10.05 which is in escrow.

10. The matter was opened to the public for questions. None were received.

11. Sworn testimony under oath was next received from William Lane, P.E. Mr. Lane presented his credentials to the Board and was accepted as an expert in his field. Mr. Lane provided an overview of the site referring to Exhibit A-2. The site is presently agricultural fields and consists of approximately 33.67 acres. Warehouses are a permitted use in the zone. The applicant has received conditional approval from the Warren County Planning Board.

Mr. Lane presented Exhibit A-3, a colored rendering of the site plan with landscaping included. The proposed building will be a 450,000 sq. foot warehouse, centrally located on the property and is accessible by two driveways with signage. He described the parking, stating that there are two lots coming off Edge Rd., with 125 spaces in the front and one in the rear of the building with 105 spaces for a total of 230 spaces for parking. Mr. Lane advised that the parking spaces are proposed to be 9'x18', where the ordinance calls for spaces 10'x20'. He further described the circulation of the traffic entering and exiting the site.

Stormwater will be managed by proposed seven retention ponds all within conformance of DEP regulations. Mr. Lane described the flow of water onto Edge Road. As to utilities, sewer will be accessed via a proposed pump station on the northwest side of the building, going under Rt. 78 and tying in to 8-inch sewer lateral in the industrial park. Mr. Schrek asked if there have been any discussions regarding the boring under Rt. 78. Mr. Lane stated that it is under the jurisdiction of the Delaware Joint Bridge Commission, and they have had an initial meeting with the Commission staff but haven't gone any further than that until they get approval.

Mr. Lane described landscaping on site. The applicant is proposing to preserve most of the plantings and will add approximately 200 trees, 1100 shrubs and ground cover that complies with current ordinances. He also described the lighting consisting of LED lighting, 24 wall

mounted lights on the building and 22 lights on the poles. Any nightglow spillage will be contained on the site.

Mr. Lane addressed the Board Engineer, Stanley Schrek, P.E.'s review correspondence dated November 20, 2021, which was marked as Exhibit B-1. Mr. Schrek noted that input had not yet been received from the Fire Department. Mr. Schrek raised concerns regarding the design waivers pertaining to circulation around the building as it relates to fire equipment access. The initial plans were to have a fire hydrant at each corner of the building. The applicant withdrew its request for a design waiver as to the fire hydrants and agreed to provide two additional hydrants at the middle of each of the sides of the building per the Board's request. Mr. Schrek referred everyone to page 15 items '1' and 'm' in his report. The applicant withdrew the requests for Design Waivers as to §315-10. B(2)(f)[2] (Will provide a drive aisle of a minimum of 30 feet in width) and §315-10. B(2)(f)[3] (will provide the two additional fire hydrants as set forth above).

Mr. Dragotta voiced his concern that there is only one source of water coming into the building. He would like a secondary source of water to be available to the property by extending a main up Edge Rd. as far as possible. After much discussion, the applicant indicated that the architect would provide additional testimony regarding fire suppression.

Mr. Lane testified as to the remaining design waivers and explained that the applicant would have practical difficulties in strictly complying with the standards and that the proposed plan was a better design than that permitted. The Board's professionals and members had no concerns regarding the additional design waivers requested.

Mr. Lane went on to explain the additional approvals that will be needed by outside agencies including, Warren County, Upper Delaware Soil Conservation, Delaware Joint Toll Bridge Commission and The Highlands.

The matter was opened to the public for questions of Mr. Lane. None were received.

12. Sworn testimony under oath was next received from Phil Ruggieri, architect for the applicant. Mr. Ruggieri presented his qualifications as a licensed architect in the State of New Jersey and was accepted as an expert in his field. Mr. Ruggieri described the building design, referring to his architectural plans submitted to the Board Plan “a1.1”, the overall floor plan for the building, consisting of 450,000 sq. feet. The building will include an ESFR sprinkler system. Exterior walls will be constructed of insulated concrete tilt-up, and the roof will be of steel bar joists with a rubber membrane. Referring to Plan “a3.1”-Building Elevations, he described the building design, including office spaces of which will take up 6,000 sq. feet. There will also be signage, which was demonstrated in Plan “a3.2”. There will also be several dock doors on the entire south side of the building. There will also be knock-outs for possible future expansion.

Concerns were raised by Chairman Fey and other Board members regarding access and service to the sprinkler system. The applicant agreed to revise the plan to provide the proper access to the sprinkler system without losing any of the parking spaces.

The matter was opened to the public for questions of Mr. Ruggieri. None were received.

13. Sworn testimony under oath was next received from Karl Pehnke, P.E., the applicant’s traffic operations engineer. Mr. Pehnke provided his qualifications to the Board and he was accepted as an expert in his field.

Mr. Pehnke's firm had conducted a traffic study indicating that Edge Road can accommodate the proposed traffic and testified as to how trucks will enter and exit the property as well as the directional signage. The applicant is requesting a variance on the parking space sizes. They are proposing 9'x18', instead of the 10'x20' required under the ordinance which the applicant argued is more apropos to a retail facility rather than employee parking for a warehouse. Mr. Schrek indicated no objection to the proposed size of the parking spaces.

Mr. Dragotta had questions regarding improvements to Edge Rd. There were questions about the width of Edge Rd. The applicant will provide additional right-of-way if necessary and confirmed that all road widening is done within Alpha. Ms. Dalrymple had concerns about the traffic, specifically Exit 3 eastbound in Greenwich Township and then turning west on to Rt. 173 where Exit 3 westbound merges. Trucks must cross the middle and right lanes to make the jug turn onto New Brunswick Ave. DOT does not require a study based on the existing traffic. Mr. Dragotta also expressed his concerns about the additional traffic in an area that is already a difficult safety maneuver. Mr. Shrek asked about proper signage at the connection road.

The applicant confirmed its agreement to allow for improvements at the intersection of Rt. 122 and Industrial Drive. The applicant agreed to dedicate some additional land at that property to make those improvements happen which would be considered an off tract improvement since an affiliate of the applicant owned that property.

The matter was opened to the public for questions of Mr. Pehnke. None were received.

14. Sworn testimony under oath was next received from, John McDonough, P.P., the applicant's Planning Expert. Mr. McDonough provided his credentials as a licensed Professional Planner in the State of New Jersey and was accepted by the Board as an expert in his field.

Mr. McDonough noted that the application is substantially conforming to the Borough's ordinances. The applicant is proposing a warehouse, which is a permitted use in this zone. The building coverage does require some relief, but this is a very slight amount which is mitigated by the extensive greenery that the applicant is proposing. In the area of parking, they are looking for some banked parking relief; however, if in the future there is a need for increased automobile parking that need can be met. The proposed bank parking provides for an efficient use of the land, lesser pavement and lesser overall coverage. They are also seeking relief to the parking stall dimensions as they are proposing a stall size of 9'x18' vs 10'x20' which is more appropriate for the proposed use. The parking stall size will allow the site to function safely and efficiently. The monument signs will also require relief since they are proposing two monument signs, whereas only one freestanding sign or building mounted signage is permitted. The frontage along edge road provides approximately six times that required under the ordinance. Had the lot been subdivided with conforming uses, there could have been many more signs. The size of the lot essentially effectuates the purposes of the ordinance in limiting the number of signs. This building will be designed to look like more of an office building rather than a warehouse.

Mr. McDonough identified the following purposes of the Municipal Land Use Law that would be advanced by a granting of the variance relief requested:

a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;

Mr. McDonough opined that the development of this site for warehouse distribution is a permitted use that would advance the general welfare by making a productive use of the land.

g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental

requirements in order to meet the needs of all New Jersey citizens;

Mr. McDonough testified that this commercial use helps meet the needs of all New Jersey citizens and the variance relief, particularly as it pertains to the unique banked parking helps to respect environmental concerns by limiting additional coverage on site.

i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;

By designing the building to appear more like an attractive office building, the applicant is creatively developing the property to improve the visual environment.

m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;

The granting of the variances allows for a more efficient use of the land and granting of the variance relief will permit off tract improvements designed to improve traffic flow throughout the Borough.

Mr. McDonough testified as to the negative criteria and opined that the variances can be granted without a substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The site will function safely and efficiently without any negative impact to the surrounding public. He stated that the design exceptions all meet the lower standard of reasonableness and appropriateness as put forth by the testimony of the engineers.

The matter was opened to the public for any questions of Mr. McDonough. None were received.

15. The matter was opened to the public for comments or testimony that they would like to present to the Board. No member of the public appeared to present any testimony before the Board.

16. Mayor Dunwell added that the Governing Body recommends that the Borough take ownership of the pump station which would require it to be moved from its proposed location to the border of Interstate 78. The applicant agreed work with the Borough to determine a suitable location. The Borough is proposing a developer's agreement to relocate the pump station in coordination with the Borough and proper dedication. The Borough would assume the maintenance of the pump station.

17. A motion was made by Mr. Schwar to close the public hearing. Motion seconded by Mayor Dunwell. Ayes: Mr. Dragotta, Ms. Dalrymple, Mayor Dunwell, Mr. Fey, Mr. Fritts, Mr. Schwar. Nays: None. Absent: Mr. Cartabona, Mr. Gable, and Mr. Plimpton.

18. A motion was made by Mr. Schwar to approve the preliminary and final site plan with the 'c' variance and design waivers subject to conditions. Motion seconded by Mayor Dunwell. Roll Call: Ayes: Mayor Dunwell, Chairman Fey, Mr. Fritts, and Mr. Schwar. Nays: Mr. Dragotta, and Ms. Dalrymple. Absent: Mr. Cartabona, Mr. Gable, and Mr. Plimpton. Motion passes.

Conclusions:

1. The applicant has established its entitlement to the variances as set forth above and as articulated in the plans and reports of the Board's Engineer pursuant to N.J.S.A. 40:55D-70(c)(2). 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). Specifically, the

Board finds persuasive the testimony of the applicant's Planner, John McDonough, P.P. which was uncontroverted. The Board finds that the following purposes of the Municipal Land Use Law would be advanced by granting the variance relief requested:

a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;

g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial, and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;

i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;

m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;

Mr. McDonough testified that this commercial use helps meet the needs of all New Jersey citizens and the variance relief, particularly as it pertains to the unique banked parking helps to respect environmental concerns by limiting additional coverage on site.

Mr. McDonough opined that the development of this site for warehouse distribution is a permitted use that would advance the general welfare by making a productive use of the land adjacent to an interstate highway. By designing the building to appear more like an attractive office building, the applicant is creatively developing the property to improve the visual

environment.

The applicant has provided a unique design providing an attractive building which lessens the visual impact of the warehouse structure. The use of banked parking of the trailer storage area will allow for automobile parking accommodation to be made, if needed, while lessening the impact of the site and reducing impervious coverage requirements. The reduction in parking stall sizes is appropriate given the use on site and also allows for a reduction of impervious coverage. The applicant has proposed appropriate signage and parking to provide safe and adequate traffic safety on site for the unique development. The proposed landscaping will mitigate and offset any detrimental effects of the variance relief requested. In sum, in weighing the benefits v. any detriments, the Board finds that the benefits of granting the various variance relief requested far outweigh any detriments that might result. Off tract improvements made possible by the applicant will be of particular benefit to the Borough of Alpha and the travelling public at large.

2. As to the negative criteria, the Board finds that the variances can be granted without a substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. In fact, by granting the variances, the applicant brings to fruition a permitted commercial use in the zone that has been specifically envisioned as a benefit to the community. The development is in substantial conformance with the zoning ordinance and is proposed to be done in an appropriate manner.

3. For the foregoing reasons, the Board likewise grants the minor design waivers as requested by the applicant.

4. The application otherwise being fully conforming to the Borough of Alpha ordinances, the applicant was found to be entitled to preliminary and final site plan subject to

conditions.

Resolution:

RESOLVED, that the Applicant, WIP ALPHA, LLC is granted preliminary and final site plan approval together with the requested variance and design waiver relief as set forth above subject to the following conditions:

- A. The terms of this approval are to be strictly in accordance with the plans, testimony, and representations presented at the public hearings, and the same are incorporated into this resolution by reference.
- B. Compliance with the Board Engineer's Review correspondence dated November 20, 2021, marked Exhibit B-1 as clarified during the testimony.
- C. The trailer parking on site will be limited to the use of an occupant of the building.
- D. The applicant shall receive and adhere to the comments of the Alpha Volunteer Fire Department excluding comments resolved at the November 29, 2021, hearing.
- E. The applicant shall revise the plans to add two fire hydrants. One in the middle of each side of the building to the satisfaction of the Board Engineer.
- F. The applicant shall revise the plans to provide access to the FDC while maintaining the number of parking spaces to the satisfaction of the Board Engineer.
- G. The applicant will provide truck weight restriction warning signs, in cooperation with the Borough to the satisfaction of the Board Engineer.
- H. The applicant will provide a right-of-way deed of dedication for the road widening on Edge Road on the Alpha side to allow for a 30 feet roadway. This will require dedication from 16 ½ feet to 25 feet from the center line.

I. The applicant will provide additional wayfinding signage to the satisfaction of the Board Engineer.

J. The applicant will provide a right-of-way dedication on block 100.01 lot 1 at the intersection of Rt.122 and Industrial Drive for Borough improvements to provide safer truck traffic patterns benefitting the site.

K. The applicant shall revise the plans to relocate the sewer pump station in coordination with the Borough and provide a dedication or easement for the Borough to undertake maintenance to the satisfaction of the Board Engineer.

L. The applicant shall provide a developer's agreement and performance guarantee to the satisfaction of the Board and Borough professionals

M. Applicant shall obtain any and all outside governmental agency approvals including but not limited to Warren County Planning Board, Warren County Soil Conservation District, Delaware Joint Bridge Commission; Warren County Board of Health, NJ Highlands Approval and to the extent required.

N. Applicant shall perform the work in accordance with the plans submitted in connection with the application and as to be revised subject to the Board's professionals' approval as set forth above and in the review correspondence.

O. Applicant shall maintain a positive balance in its escrow account to reimburse the Borough for its professional expenses in the review of this application and compliance with this approval.

BOROUGH OF ALPHA LAND USE BOARD
APPLICATION # 2021-001

SECRETARY: Donna L. Messina

APPROVAL DATE: November 29, 2021

BLOCK 100.01, LOT 10 AND BLOCK 10.05, LOT 100

VOTE:

Ayes: Mayor Dunwell, Chairman Fey, Fr. Fritts, and Mr. Schwar

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 December 15, 2021, to memorialize the Land Use Board's action on November 29, 2021.

DONNA L. MESSINA, Secretary

Dated: 12/15/21

Eligible to vote: Mayor Dunwell, Chairman Fey, Mr. Fritts, and Mr. Schwar