



**BOROUGH OF ALPHA
LAND USE BOARD**

1001 East Boulevard
Alpha, New Jersey 08865

REGULAR MEETING AGENDA
Borough of Alpha Municipal Building
October 20, 2021, 7:00 PM

1. CALL TO ORDER and PUBLIC NOTICE

2. ROLL CALL

Mr. Cartabona, Mr. Dragotta, Ms. Dalrymple, Mayor Dunwell, Mr. Fey, Mr. Fritts, Mr. Gable, Mr. Plimpton, Mr. Schwar.

3. APPROVAL OF MINUTES

August 18, 2021, Regular Meeting Minutes

4. COMPLETENESS and POSSIBLE PUBLIC HEARING

WIP Alpha, LLC

Application #2021-01, Block 100.01 Lot 10

5. ORDINANCES

➤ **ORDINANCE NO. 2021-13**

**ORDINANCE OF THE BOROUGH OF ALPHA AMENDING AND SUPPLEMENTING
CODE CHAPTER 315, SITE PLAN REVIEW**

6. OLD BUSINESS

7. NEW BUSINESS

8. PUBLIC COMMENT

9. NEXT MEETING

11/10/21

10. ADJOURNMENT

ORDINANCE NO. 2021-13
ORDINANCE OF THE BOROUGH OF ALPHA AMENDING AND SUPPLEMENTING CODE
CHAPTER 315, SITE PLAN REVIEW

WHEREAS, the Governing Body of the Borough of Alpha desires to supplement Borough Code Chapter 315, Site Plan Review; and

WHEREAS, the Governing Body of the Borough of Alpha believes it is in the best interests of the Borough, including the safety and welfare of its residents, to add additional language.

NOW, THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Alpha in the County of Warren and State of New Jersey that “Chapter 315, Site Plan Review” be amended and supplemented as follows:

§ 315-2 Definitions.

OFF-SITE AND OFF-TRACT IMPROVEMENTS

Improvements made outside the lot in question or outside the original tract, respectively, to accommodate conditions generated by a proposed development, including but not limited to new improvements and extensions and modifications of existing improvements.

§ 315-15 Off-site and Off-tract Improvements.

A.

General. Prior to the granting of final approval, the applicant shall have installed or make cash payments toward the ultimate installation of off-site or off-tract improvements and in accordance with the standards and conditions governing on-site improvements. Off-site or off-tract improvements herein shall include

but not be limited to installation of new improvements and extension and modifications of the existing improvements.

B.

Estimate of cost and benefits. If an off-site or off-tract improvement is required, the Land Use Board shall, with the aid of the Borough Engineer and such other persons as have pertinent information or expertise, estimate the cost of the improvement and the amount by which all properties to be serviced thereby, including the applicant's property, will be specially benefited therefrom.

C.

Manner of construction. When those estimates are received, the Borough Council shall then decide whether the off-site or off-tract improvement is to be constructed by the Borough as a general improvement, or by the Borough as a local improvement, or by the applicant under a formula providing for partial reimbursement by the Borough for benefits to properties other than the subdivision.

D.

Amount of contribution. When this has been determined, the applicant may be required to provide, as a condition for final approval of the site plan, a cash deposit to the Borough of one of the following amounts:

(1)

If the improvement is to be constructed by the Borough as a general improvement, an amount equal to the difference between the estimated cost of the improvement and the estimated total amount, if less, by which all properties to be serviced thereby, including the applicant's property, will be specially benefited by the off-site or off-tract improvement(s);

(2)

If the improvement is to be constructed by the Borough as a local improvement, then, in addition to the amount referred to in Subsection D(1), the estimated amount by which the applicant's property subdivision will be specially benefited by the off-site or off-tract improvement(s); or

(3)

If the improvement is to be constructed by the applicant, an amount equal to the estimated cost of the off-site Borough Code Section improvement, less an offset for benefits to properties other than the applicant's property.

E.

Allocation of costs. The allocation of costs shall be determined in accordance with the following:

(1)

The Land Use Board may consider the total cost of the off-site or off-tract improvements, the benefits conferred upon the applicant's property, the needs created by the applicant, population and land use projections for the general areas of the applicant's property and other areas to be served by the off-site or off-tract improvements, the estimated times of construction of off-site or off-tract improvements and the conditions and periods of usefulness, which periods may be based upon the criteria of *N.J.S.A. 40A:2-22*. The Land Use Board may further consider the criteria set forth below.

(2)

Road, curb and sidewalk improvements may be based upon the anticipated increase of traffic generated by the applicant's property site plan. In determining such traffic increase, the Land Use Board may consider traffic counts, existing and projected traffic patterns, quality of roads and sidewalks in the area and other factors related to the need created by the site plan approval and the anticipated benefit thereto.

(3)

Drainage facilities may be based upon the percentage relationship between the site plan acreage and the acreage of the total drainage basins involved.

(4)

Sewerage facilities may be based upon the proportion that the applicant's site plan's total anticipated volume of sewage effluent bears to the existing capacity of existing and projected sewage disposal facilities, including but not limited to lines and other appurtenances leading to and servicing the applicant's property. The Land Use Board may also consider types of effluent and particular problems requiring special equipment or added costs for treatment.

(5)

Water supply and distribution facilities may be based upon the added facilities required by the total anticipated water use requirements of the applicant's property.

F.

Payment of allocated cost(s).

(1)

The estimated cost of the off-site improvement allocated to the applicant, if deposited in cash, shall be paid by the applicant to the Borough CFO/Treasurer, who shall provide a suitable depository therefor; and such funds shall be used only for the off-site or off-tract improvements for which they are deposited or improvements serving the same purpose, unless such improvements are not initiated by the Borough within a period of 10 years from the date of payment, after which time said funds so deposited shall be returned, together with accumulated interest or other income thereon, if any.

(2)

In the event that the payment by the applicant to the Borough CFO/Treasurer provided for herein is less than its share of the actual cost of the off-site or off-tract improvements, then it shall be required to pay its appropriate share of the cost thereof.

(3)

In the event that the payment by an applicant to the Borough CFO/Treasurer provided for above is more than its appropriate share of the actual cost of installation of the off-site or off-tract improvements, it or its successor or assigns shall be repaid an amount equal to the difference between the deposit and its share of the actual cost.

(4)

If the applicant shall deem that any of the amounts so estimated by the Land Use Board are unreasonable, it may challenge them and seek to have them revised in appropriate proceedings brought to compel site plan approval.

(5)

If the applicant and the Borough cannot agree with respect to the applicant's appropriate share of the actual cost of the off-site or off-tract improvement(s) or the determination made by the officer or board charged with the duty of making assessments as to special benefits, if the off-site improvement or off-tract is constructed as a local improvement, the dispute shall be decided in an appropriate judicial proceeding or proceedings.

G.

Assessment of properties. Upon receipt from the applicant of its allocated share of the costs of the off-site or off-tract improvements, the Borough may adopt a local improvement assessment ordinance for the purpose of construction and installation of the off-site or off-tract improvements based upon the actual cost thereof. Any portion of the cost of the improvements not defrayed by a deposit by an applicant may be assessed against benefiting property owners by the Borough. Any assessments for benefits conferred

made against the applicant or its successors in interest shall be first offset by a pro-rata share credit of the allocated costs previously deposited with the Borough CFO/Treasurer pertaining thereto. The applicant, or his successors in interest, shall not be liable for any part of an assessment for such improvements unless the assessment exceeds its pro-rata share credit for its deposit, and then only to the extent of the deficiency.

H.

Credit for work performed. In the event that the applicant, with the Borough's consent, decides to install and construct the off-site or off-tract improvement, or any portion thereof, the certified cost shall be treated as a credit against any future assessment for that particular off-site or off-tract improvement, or portion thereof, constructed by the Borough in the same manner as if the applicant had deposited its apportioned cost with the Borough CFO/Treasurer, as provided herein.

I.

Installation of improvements by applicant.

(1)

At the discretion and option of the Borough, the Borough may enter into a contract with the applicant, providing for the installation and construction of the off-site or off-tract improvements by the applicant upon contribution by the Borough of the remaining unallocated portion of the cost of the off-site or off-tract improvement(s).

(2)

In the event that the Borough so elects to contribute to the cost and expense of installation of the off-site or off-tract improvements by the applicant, the portion contributed by the Borough shall be subject to possible certification and assessment as a local improvement against benefiting property owners in the manner provided by law, if applicable.

J.

Design standards. Should the applicant and the Borough enter into a contract for the construction and erection of the off-site or off-tract improvements to be done by the applicant, it shall observe all requirements and principles of the site plan and other ordinances in the design of such improvements.

This Ordinance shall become effective immediately upon final adoption and publication thereof according to law. Said Ordinance may be read and inspected during business hours at the office of the Borough Clerk, Alpha Borough.

NOTICE

PLEASE TAKE NOTICE that the foregoing was introduced and passed on first reading at the meeting of the Mayor and Council of the Borough of Alpha, held on the 12th day of October, 2021, and that said Ordinance will be taken up for further consideration for final passage at a meeting of the Mayor and Council to be held at this meeting room in the Municipal Building of the Borough of Alpha, Alpha, New Jersey, on the 9th day of November at 7:00 p.m., or as soon thereafter as said matter can be reached, at which time, and place, all persons who may be interested therein will be given an opportunity to be heard concerning the same. A copy of this Ordinance has been posted on the bulletin board where public notices are customarily posted in the Borough Municipal Building

Donna L. Messina, Municipal Clerk
Witness my hand and seal of the Borough of Alpha
this 12 day of October 2021.