

BOROUGH OF ALPHA LAND USE BOARD -

November 20, 2021 Regular Meeting

Municipal Building 1001 East Blvd., Alpha, New Jersey

The regular meeting of the Borough of Alpha Land Use Board was called to order at 7:00 p.m., by Chairman Fey.

NOTICE

Pursuant to the Open Public Meeting Act, Chapter 231, P.L. 1975, adequate notice of this meeting has been provided by mail to the Star Ledger and the Hunterdon County Democrat; a notice of this meeting and all other regular meeting of the Land Use Board of the Borough of Alpha, which notice sets forth the time, date and location of this meeting by posting said notice on the bulletin board outside the municipal clerk's office.

Roll Call:

Roll Call: Present: Mr. Cartabona, Mr. Dragotta, Ms. Dalrymple, Chairman Fey, Mr. Gable and Mr. Schwar. Absent: Mayor Dunwell, Mr. Fritts, and Mr. Plimpton.

Approval of Minutes:

Motion made by Mr. Schwar to approve the regular meeting minutes of 8/18/21. Motion seconded by Mr. Dragotta. All were in favor.

Mayor Dunwell arrived at 7:02.

Mr. Fritts arrived at 7:03.

Completeness Review:

**Completeness and Initial Technical Review
Preliminary and Final Site Plan
WIP Alpha, LLC
Block 100.01, Lot 10
Our Project No. 3202.040**

Attorney Gruenberg introduced the completeness review Alpha WIP, LLC. and Mr. Peck the attorney for the applicant, from Florio and Perrucci. They are in receipt of the 10/8/21 completeness review from Mr. Schrek. They are only seeking actual waivers from the following all other waivers are temporary waivers.

Preliminary Site Plan Submission Checklist:

- c. §315-9.C.(3)(f)** Landscaped areas, fencing and trees over four inches in diameter, except that where trees are in mass, only the limits thereof if proposed to remain need to be shown, or if proposed for removal, only trees over nine inches in diameter need to be shown.

Incomplete – Applicant shall request a waiver from this requirement or revise the plans to include all existing landscaped areas and trees over 9 inches in diameter to be removed in compliance with this requirement.

- d. §315-9.C.(3)(h)** The existing and proposed principal building or structures and all accessory buildings or structures, if any, approximate floor areas of said buildings and approximate finished grade elevations at all corners of said buildings.

Incomplete – Applicant shall request a waiver from this requirement or revise the plans to include existing and proposed finished grade elevations at all corners of buildings.

- k. §315-9.C.(3)(q)** Plans and profiles of streets adjoining the property for a distance of 500 feet in either direction, including the location of driveways and intersecting streets and an indication of the maximum available sight distance.

Incomplete – Applicant shall request a temporary waiver from this requirement or provide the required plan and profile of Edge Road.

Final Site Plan Submission Checklist:

- a. §315-9.D.(3)(h)** An accurate boundary survey prepared and certified by a New Jersey licensed land surveyor. The survey shall be based on a field traverse with an error of closure not less than one part in 10,000.

Incomplete – Applicant shall request a waiver from this requirement and confirm that the survey is based on a field traverse with an error of closure not less than one part in 10,000.

- h. §315-9.D.(3)(r)** The location and size of all sanitary sewer lines and profiles thereof.

Incomplete – Applicant shall request a waiver from this requirement to provide on-site sewer line profile and revise plans for review, or request a waiver from this requirement.

- i. §315-9.D.(3)(s)** Location, size and type of all proposed utility lines and structures, including but not limited to telephone, electric, water, sanitary sewer, gas and CATV, and letters from each that the facilities are adequate to serve the site development.

Incomplete – Applicant shall request a waiver from this requirement or provide letters from each utility company that the facilities are adequate to serve the site development.

- j. §315-9.D.(3)(ee)** A complete list of the site improvements, except principal and accessory buildings, by item, and the quantities thereof to be constructed.

Temporary Waiver Required – Applicant shall request a temporary waiver from this requirement or provide the required information.

Mr. Schrek states that the temporary waiver indicates that the applicant is going to provide the information required either in testimony or in a future submittal.

Attorney Gruenberg reiterated that we are here to only talk about completeness. Waivers for completeness purposes only are heard by a board where an applicant hasn't provided but indicates that they will provide that information either before a public hearing or during testimony at a public hearing. The applicant has taken the steps to notice for a public hearing tonight.

Mr. Schrek reviewed the list and stated that there was a conference with the engineers earlier and they went through list and Mr. Schrek feels confident that the information for the temporary waivers that are being requested will be provided either by testimony or by hard copy submission before we complete this application. Mr. Schrek confirmed that they went through all the items during that meeting.

Mr. Schrek addressed the following in his completeness review letter:

Preliminary Site Plan Submission Checklist:

- e.** §315-9.C.(3)(f) Landscaped areas, fencing and trees over four inches in diameter, except that where trees are in mass, only the limits thereof if proposed to remain need to be shown, or if proposed for removal, only trees over nine inches in diameter need to be shown.

Incomplete – Applicant shall request a waiver from this requirement or revise the plans to include all existing landscaped areas and trees over 9 inches in diameter to be removed in compliance with this requirement.

Mr. Schrek has no issue with granting this waiver.

- f.** §315-9.C.(3)(h) The location of all existing buildings, drainage and parking areas within 200 feet of the lot.

Incomplete – Applicant shall provide the location of existing drainage and parking within 200 feet of the lot on the site plans.

Mr. Schrek has no issue with granting this waiver.

- l.** §315-9.C.(3)(q) Plans and profiles of streets adjoining the property for a distance of 500 feet in either direction, including the location of driveways and intersecting streets and an indication of the maximum available sight distance.

Incomplete – Applicant shall request a temporary waiver from this requirement or provide the required plan and profile of Edge Road.

Mr. Schrek has no issue with granting this temporary waiver.

Final Site Plan Submission Checklist:

- b.** §315-9.D.(3)(h) An accurate boundary survey prepared and certified by a New Jersey licensed land surveyor. The survey shall be based on a field traverse with an error of closure not less than one part in 10,000.

Incomplete – Applicant shall request a waiver from this requirement and confirm that the survey is based on a field transverse with an error of closure not less than one part in 10,000.

Mr. Schrek does not feel a waiver is necessary. He stated that the application survey is complete. It would be a temporary waiver for the certification on the survey.

- k. §315-9.D.(3)(r) The location and size of all sanitary sewer lines and profiles thereof.**
Incomplete – Applicant shall request a waiver from this requirement to provide on-site sewer line profile and revise plans for review or request a waiver from this requirement. Mr. Peck informed the Board that they are only requesting a *temporary* waiver for this item.
Mr. Schrek has no issue with granting the *temporary* waiver.

- l. §315-9.D.(3)(s) Location, size and type of all proposed utility lines and structures, including but not limited to telephone, electric, water, sanitary sewer, gas and CATV, and letters from each that the facilities are adequate to serve the site development.**
Incomplete – Applicant shall request a waiver from this requirement or provide letters from each utility company that the facilities are adequate to serve the site development.
Mr. Schrek has no issue with them getting this on condition of approval but will grant temporary on condition of completeness.

- n. §315-9.D.(3)(ee) A complete list of the site improvements, except principal and accessory buildings, by item, and the quantities thereof to be constructed.**
Temporary Waiver Required – Applicant shall request a temporary waiver from this requirement or provide the required information.
Mr. Schrek has no issue with granting the temporary waiver and recommends changing the ordinance for that.

Attorney Gruenberg brought up the topic of the adjoining lot and that it is reflected on the plans, but it is not part of site plan. He also advised the Board that they can entertain a motion to grant waivers as to items G and I set forth in Mr. Schrek’s correspondence and temporary waivers as to the remaining items and deem the application complete.

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

Attorney Gruenberg stated that the application is deemed complete, and that the applicant has provided notice for this hearing. There was an issue that was brought to Mr. Gruenberg’s attention today dealing with the issue of the utility easement that is across Rt. 78 on the property. The proposal is to have utility lines on the property that is across from Rt. 78. This raises the question as to whether notice of hearing is required with respect to the 200-foot list for that property. The other issue is that that lot is not identified as being part of this project.

It is part of the project since that is where the utilities are coming from. One of the conditions in Mr. Schrek's correspondence was provision of owner's consent with respect to the properties affected. This is a property affected and this is not included in the plan. Attorney Gruenberg's legal opinion with respect to the notice of hearing is that there is case law supportive that you may need notice of hearing under certain circumstances. He provided an example of a case in Clinton Township. He further stated that there is no site plan approval for that lot and technically, that property is part of this development because there are structures being placed underground to serve the property. His legal opinion is that it needs site plan approval, regardless. If that lot needs site plan approval, the applicant would have to come back and have site plan approval with respect to that property if it isn't incorporated into this application.

Mr. Peck stated that they can provide evidence the agreement that is in place to the satisfactory of the board. He also stated that he thinks this is an aggressively broad interpretation of the site plan and explained his position.

Attorney Gruenberg stated that if the applicant wants to move forward as is, it would be at the applicant's risk and if there were a challenge to that action, the board would not defend that action. It would be solely on the applicant to defend that type of approval.

At this time Mr. Peck requested 2 minutes to confer with his team.

Upon returning from their conference, they will re-notice and move the hearing to the 11/10/21 meeting. They will add the additional lot and block to the notice and republish the notice.

Ordinance 2021-13 will not need to be addressed at this meeting since it is not part of the zoning ordinance.

Public Comment:

Kevin Melvin, Winters Road, Pohatcong, NJ had concerns about the traffic about the application. Attorney Gruenberg stated that this was a completeness review only.

Next Meeting: 11/10/21

Adjourn:

There being no other business on the agenda, Mr. Cartabona moved to adjourn the meeting at 7:55 PM. Mr. Dragotta seconded the motion. The motion carried unanimously,

Respectfully submitted,

Donna L. Messina,
Land Use Board Secretary

Approved: __/__/__