

BOROUGH OF ALPHA LAND USE BOARD

Application #: 2022-03

Approved: 9/21/22

RESOLUTION 2022-06

**FINDINGS OF FACT, CONCLUSIONS AND RESOLUTION
REGARDING THE APPLICATION OF WOODHILL ALPHA, LLC. FOR
PRELIMINARY AND FINAL SITE PLAN APPROVAL
WITH "C" VARIANCE AND DESIGN WAIVER RELIEF FOR
BLOCK 100.02, LOT 1, 1.08 AND 1.09**

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

Findings of Fact:

1. Applicant, WOODHILL 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 100.02, Lot 1, 1.08 and 1.09 with frontage along New Brunswick Avenue (State Route 122), Industrial Drive and Edge Road. The Applicant seeks approval to construct a warehouse style building of approximately 137,300 square feet with 134,400 square feet allocated for warehousing and 2,900 square feet of office space. To support the development, the applicant proposes 19 loading bays, 1 drive in ramp, 35 trailer storage spaces, 86 passenger parking spaces and an additional 43 passenger banked car spaces. The site will have access from Industrial Drive and Edge Road.

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 13.54 acres whereas 2 acres is the maximum permitted; therefore a variance is required. This is an existing non-conformity and the applicant proposes no changes to the existing lot area.

b. §410-21 Schedule of Area, Yard, and Building Requirements – Maximum Depth of Measurement – The Applicant proposes a depth of measurement greater than the maximum permitted 400 ft.; therefore a variance is required. This is an existing nonconformity and the applicant proposes no changes to the existing depth of measurement.

c. §410-21 Schedule of Area, Yard, and Building Requirements – Maximum Street Line – The Applicant proposes a street line greater than the maximum permitted 200 ft.; therefore a variance is required. This is an existing non-conformity and the applicant proposes no changes to the existing street line.

d. §410-21 Schedule of Area, Yard, and Building Requirements – Maximum Building Line – The Applicant proposes a building line greater than the maximum permitted 200 ft.; therefore a variance is required. This is an existing non-conformity and the applicant proposes no changes to the existing building line.

e. §410-43 Off-street Parking Variance Required – The proposed site contains 2,900 SF of office, which shall require 1 space per 200 SF, and 134,400 SF of warehouse space, which shall require 1 space for every 1,000 SF, for a total of 149 required parking spaces. The Applicant provides 81 parking spaces, but demonstrates that the site can be modified to accommodate an additional 55 banked spaces for a total of 136 spaces. A variance is required both with and without the banked spaces.

f. §410-51.B Industrial Zones (Signage) – The proposed monument signs are 5' high and 10' wide for an area of 50 SF whereas only one freestanding sign is permitted. Therefore, a variance is required.

g. §410-51.B(1) Industrial Zones (Signage)– The two proposed monument signs located at the Industrial Avenue and Edge Road frontages are each 5' high and 10' wide for a sign area of 50 SF whereas the permitted sign area shall not exceed two square feet for each linear foot of setback of the sign or 250 square feet, whichever is the lesser. The signs each have a 5 ft. setback which requires a maximum sign area of 10 SF. Therefore, a variance is required.

h. §410-51.B(3) Industrial Zones (Signage)– The proposed setbacks of both monument signs are 5 ft. whereas a minimum sign setback of 50 ft. is required. Therefore, a variance is required.

i. §410-3.B Definitions – Off-street parking space – The off-street parking area for

one motor vehicle. 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. Therefore, a variance is required.

j. §410-28.A(2) Fences and walls may be erected, altered or reconstructed to a height not to exceed three feet above ground level when located within 25 feet of the street.– Applicant shall provide additional top and bottom of wall elevations along the proposed modular block retaining wall along Edge Road. The proposed wall height is anticipated to exceed 4'. Therefore, a variance will be required.

k. §410-28.A(3) Fences and walls may be erected, altered or reconstructed to a height not to exceed six feet above ground level when located more than 25 feet from the street line. – Applicant proposes a 13'± high modular block retaining wall along proposed Above-ground Detention Basin 1, whereas a maximum height of 6' is permitted. Therefore a variance is required.

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

a. §190-6.D(2) Commercial or industrial driveways shall be constructed at a profile grade not exceeding 6% or 4% within 100 feet of the road right-of-way line. – Applicant provided testimony to address the approximate 8% driveway slope at the proposed Edge Road entrance. Therefore, a design waiver is required.

b. §190-8.A(3)(b) Curbing shall be grey concrete, shall have an exposed face of seven inches and shall be air entrained with a twenty-eight-day compressive strength of 4,000 psi. Granite block curbing, when deemed appropriate, may be permitted by the Land Use Board. – Applicant proposes an exposed curb face of seven inches. Therefore, a design waiver is required.

c. §315-10.A(2) Relation of proposed buildings to environment. The proposed structure shall be related harmoniously to the land form (either natural or man-made) and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings. As Applicant addressed in testimony, the new relationship of the proposed building to the environment, however, the Board determined a design waiver is not required.

e. §315-10.A(3) Drives, parking and circulation. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of

vehicular and pedestrian traffic and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties. Streets shall be of sufficient width and suitable grade and suitably located to accommodate prospective traffic and to provide access for fire-fighting and emergency equipment to buildings and coordinated so as to compose a convenient system consistent with the circulation element of the Master Plan. – Applicant provided testimony as to the project conformance to this requirement. Therefore, a design waiver is not required.

f. §315-10.A(5) Utility service. All electric, telephone, cable television and utility lines shall be underground. Adequate water supply, sewerage facilities and other utilities necessary for essential services to residents and occupants shall be provided. Applicant provided testimony as to the project conformance to this requirement. Therefore, a design waiver is not required.

g. §315-10.A(6) Advertising features. The size, location, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties. – Applicant provided testimony to address this requirement. Therefore, a design waiver is not required.

h. §315-10.B(1)(a) Improvement of the public street upon which the site fronts shall be required for the portion of the site to be developed. These improvements shall be as required by Chapter 350, Subdivision of Land. – Applicant agreed to revise site plan to include improvements to Edge Road frontage for the portion of the site to be developed from the southern point of the driveway to the southern point of NJDOT jurisdiction.

i. §315-10.B(2)(a)[1] Site Lighting: Industrial parking lots shall have average maintained footcandles of 0.5 to 1.0. – Applicant provided testimony regarding proposed average maintained 1.68 footcandles for the proposed parking lots. Therefore, a design waiver is required.

j. §315-10.B(2)(b)[1] Inlets in parking areas shall be spaced and sized to prevent a spread of water into the parking aisles during a storm with an intensity of three inches per hour. Inlets in driveways and roadways within parking areas shall be spaced and sized to provide a minimum of an eight-foot-wide lane for each designed traveled lane during a storm with an intensity of three inches per hour. – Applicant verified that inlets are sufficiently spaced, therefore a design waiver is not required.

k. §315-10.B(2)(b)[2] Inlets shall be placed at the intersection of all parking lot driveways or roadways with all public roads if the volume of water entering the public roadway will create a violation of the roadway inlet spacing standards set forth in Chapter 350, Subdivision of Land. – Applicant provided testimony and a design waiver is not required.

l. §315-10.B(2)(c)[1] Driveways shall be separated from parking stalls and aisles by raised curbed islands which shall be a minimum of five feet wide. – Applicant provided testimony regarding providing the separate driveway and parking aisles. Therefore, a design waiver is required.

m. §350-15.J(2)(d) Trees shall be planted at intervals of from 40 to 60 feet apart (depending upon the species) along both sides of the street and at least 1.5 feet from any sidewalk, curb, gutter or other right-of-way improvement as provided for in this regulation, whether such improvement is proposed to be built or not. – Applicant shall revise the layout of the proposed street trees along Edge Road and Industrial Drive so that they are spaces 40 to 60 feet apart or request a waiver. Therefore, a design waiver is not required.

n. §315-10.B(2)(d)[2] Shade trees on the site shall be provided as required by Chapter 410, Zoning, in parking areas with more than 50 cars. At least 1/2 of these trees shall be planted in landscaped and curbed islands. – Applicant shall revise the site/landscaping layout so that at least half of the shade trees are planted, however, a design waiver is required for the appropriate locations.

o. §410-16.H(3)(a) Shade trees shall be planted along all streets and in common parking areas. Such trees shall be a minimum of two inches in caliper at time of planting, shall be native to the area, and shall be planted a minimum of 50 feet on center along both sides of all streets and common parking areas. The Planning Board shall approve the choice of plantings. – Applicant shall revise the layout of the proposed shade trees so that they are planted a minimum of 50 feet on center along both sides of all parking areas. Therefore, a design waiver is not required.

p. §315-10.B(2)(e) Pedestrian access. In parking areas in excess of 100 parking stalls, sidewalks shall be constructed along all driveways and roadways as necessary to accommodate pedestrian travel parallel to the flow of traffic thereon. – Applicant shall propose future sidewalk along the grouping of 12 banked parking spaces. Therefore, a design waiver is not required.

q. §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.

– Applicant proposes parking spaces adjacent to two sides of the building. Therefore, a design waiver is required.

r. §315-10.B(2)(f)[2] All fire aisles shall be a minimum of 30 feet in width. – Applicant shall provide clearly denoted fire aisles. Proposed drive aisles are a minimum of 30 feet wide. Therefore, a design waiver is not required.

s. §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. – Applicant shall provide fire hydrant exhibit that demonstrates proper coverage. The Applicant shall ensure hydrants have adequate flow to support fire operations. Therefore, a design waiver is not required.

t. §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 approximately 10% within the first 100 feet of the Edge Road driveway entrance whereas 4% is the maximum. Therefore, a design waiver is required.

4. On May 18, 2022, the Board entertained the application for completeness purposes. The applicant was represented by Mark Peck, Esq. After review, Stan Schreck recommends that that the Board deem the application as complete. Motion to grant the waivers and deem the application complete made by Mr. Schwar. Motion was seconded by Mr. Cartabona. Roll call: Ayes: Cartabona, Dragotta, Dalrymple, Dunwell, Fey, Fritts, Gable, and Schwar. Nays: None. Absent: Plimpton.

5. Attorney Gruenberg stated that he reviewed the proof of service and publication of the notice of hearing and found that the board had jurisdiction to proceed with the hearing. The following witnesses provided testimony during the hearing process: Stephen Santola, general counsel of the applicant; Richard Roseberry, P.E., P.P.; Jeff Fiore, P.E. and Roberto Martinez, Architect.

6. The following exhibits were marked into evidence during the hearing process:

Exhibit A-1 Aerial exhibit

Exhibit A-2 Colored rendering of site plan

Exhibit A-3	Architectural rendering of building
Exhibit A-4	Architectural rendering of building
Exhibit A-5	Architectural rendering of building
Exhibit A-6	Architectural rendering of building
Exhibit A-7	Revised Landscape Plan
Exhibit A-8	Revised architectural plan
Exhibit A-9	Intersection improvements plan
Exhibit B-1	Van Cleef May 16, 2022 Letter

7. Stephen Santola provided sworn testimony under oath. He is general counsel and executive vice president of Woodmont Properties. Mr. Santola provided his credentials, experience, and qualifications. He also described this project as one in which there is no specific tenant identified at the present time. He stated that this facility is not going to utilize the trailer parking as outdoor storage, or overnight idle. It is designed to allow for trailers to be dropped off without a cab on it, so it is ready to be moved into position quickly. They have owned this property for approximately 12 years. The building will only go to a 32-foot clear height and will comply with the ordinance. The building is designed for multiple tenants; however, it is not believed that will happen. It will most likely be a single tenant use building.

Mayor Dunwell asked if this size/type of building would also accommodate a line of business that would be utilizing delivery vans. Mr. Santola stated that this site is not really designed for that type of business, and they don't anticipate that.

Mr. Dragotta had concerns about the possible light pollution due to the placement of the parking. The traffic professional will be able to speak to this.

8. The matter was opened to the public for questions of Mr. Santola. Lisa Cardon, 411 First Ave., Alpha asked if they were going to add traffic lights and the number of trailers that will be parked there. Mr. Santola stated that there were no plans for traffic lights and since they don't have a current tenant, it would also depend on the time of day.

9. Sworn testimony under oath was received from Richard Roseberry, P.E., P.P. Mr. Roseberry reviewed his credentials and he was accepted as an expert in the field of engineering and planning.

Mr. Roseberry described the property using Exhibit A1 which is an aerial depicting the property and the surrounding areas of this property identified as Block 100.02, Lots 1, 1.08 & 1.09. The property size is 13 ½ acres. There are three properties that are a part of this application: two lots with structures that front on Rt. 122 and the agricultural property. The intent is to consolidate all three lots into one property. There is a gas line that bisects the property, which is why they are requesting some of the waivers for slopes. The building proposed is a 134,400sq. ft. building with office space of 3000 sq. ft. There will be 19 loading docks, 35 trailer storage parking areas and one ramp.

Mr. Roseberry presented a colored rendering of the site plan as Exhibit A-2. The building is in the middle of the property. The loading docks are located on the west side and the trailer storage is located on the south side. Testimony was provided on the adequacy of the trailer storage area circulation. All truck traffic will utilize Industrial Dr. Because of the gas line, there were some grading considerations that will be addressed. Stan Schrek recommended that the entrance be modified to ensure tractor trailers don't cross over the middle line when exiting. The applicant agreed to make that modification.

There were questions regarding parking spaces, including the banked parking. Should it be constructed, it would be up against the retaining wall as opposed to up against the building. Bob Gable would rather see the parking on the building side to adequately position any fire equipment. After further discussion, it was agreed to leave the parking as shown.

Mayor Dunwell asked if the plans provide for a deed of dedication for an additional 8 ½ feet along Edge Rd. to the Borough of Alpha. Mr. Roseberry stated that the plans currently do not show a deed of dedication for the additional 8 ½ feet. The applicant would review such a dedication. Chris Dragotta asked why they aren't proposing any improvements to Edge Rd due to the additional cars that will be coming on to the road because of this project. They would be willing to do some improvements past the entrance up to the NJDOT jurisdiction; however, any additional improvements would be extremely costly.

Mr. Roseberry identified the variance relief required and addressed the Board Engineer's review correspondence which was marked as Exhibit B-1. Most bulk variances were pre-existing conditions to which the applicant was not aggravating. The following variances result in a change to the site:

§410-43 Off-street Parking

A total of 149 parking spaces are required and the Applicant proposes 81 parking spaces, but demonstrates that the site can be modified to accommodate an additional 55 banked spaces for a total of 136 spaces.

§410-3.B Definitions

Off-street parking space – The applicant is proposing 9X18 ft. parking space size as opposed to the requirement of 10x20 ft. They are providing for 30 ft. aisles and not the typical 20 ft. aisles.

j. §410-28.A(2) Fences and walls

There are height variances regarding the height of the retaining walls if it is within 25 ft. of the street line. They will be requesting a variance for one of the sections of retaining wall since it will have a height of six ft. The same is true for walls outside of 25 ft. from the street

line, which are limited to six ft. tall, and they are requesting a 13 ft. wall along the southside of the retention basin. These retaining walls will have fences on top of them.

Mr. Roseberry addressed the Design Waivers. Unless addressed below, the applicant agreed to comply with all other design identified in B-1:

m. §190-8.A(3)(b) Curbing

The applicant is asking for six-inch high curbing. The ordinance requires seven inches. Six inch is the industry standard.

o. §315-10.A(2) Relation of proposed buildings to environment.

The applicant believes they meet the intent of the ordinance, and it is a permitted use, therefore they feel they don't need a variance. The Board Engineer brought up his concern about the lighting and the neighboring community. There was a large discussion about the lighting and providing alternatives to reduce the impact of it. Mr. Roseberry also stated that they can move the lighting in the front and provide additional landscaping.

s. §315-10.B(1)(a) Improvement of the public street upon which the site fronts shall be required for the portion of the site to be developed. These improvements shall be as required by Chapter 350, Subdivision of Land. The applicant would be willing to improve a portion of Edge Rd. from their site to just beyond the entrance of the driveway to tie into the existing curb returns and then they will look at dedication of right of way.

t. §315-10.B(2)(a)[1] Site Lighting: Industrial parking lots shall have average maintained footcandles of 0.5 to 1.0. Applicant will review the lighting and provide additional information.

Waiver requested

w. §315-10.B(2)(c)[1] Driveways shall be separated stalls and aisles by raised curbed islands which shall be a minimum of five feet wide. Waiver requested

y. §315-10.B(2)(d)[2] Shade trees on the site shall be provided as required by Chapter 410, Zoning, in parking areas with more than 50 cars. At least ½ of these trees shall be planted in landscaped and curbed islands. They will be requesting a waiver.

bb. §315-10.B(2)(f)[1] The applicant will comply with the parking aisles but will require a waiver for having the parking spaces adjacent to the building on two sides.

ee. §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 10% within the first 100 feet of the Edge Road driveway entrance whereas 4% is the maximum.

As to the traffic study requested by the Board Engineer, the applicant feels expanding the traffic study is not warranted. Mr. Dragotta had concerns about fire hydrants at the southern portion of the building. Mr. Roseberry confirmed that they will have hydrants in the southeast part of the building. Mr. Dragotta also had questions about light pollution, which Mr. Roseberry was able to answer.

Ms. Dalrymple raised concerns about illegal overnight parking. They will be enforcing Title 39; however, there could be a local ordinance that may enforce the same. Attorney Gruenberg suggested that this could be a condition of approval.

10. The matter was opened to the public for questions of Mr. Roseberry. Lisa Cardone, 411 First Ave., Alpha – Asked if Mr. Roseberry is aware that New Brunswick Ave. is only one lane going both ways and he stated yes. She also asked how many handicapped parking places

will be provided. Mr. Roseberry stated that there will be five. She also had comments about scaling back the project. The applicant has no intension of scaling back the project.

Mayor Dunwell asked Mr. Roseberry a few questions that addressed Ms. Cardon's concerns.

11. Sworn testimony under oath was next received from Mr. Roberto Martinez, a licensed architect in the State of New Jersey. Mr. Martinez gave his credentials to the Board and he was accepted as an expert in his field.

Marked as Exhibit A-3 was a colored architectural rendering plan of the building. Mr. Martinez describes this as a rendering of the building with office space in the front. He also stated that the drawings that were submitted prior have been modified due to some aesthetic concerns. He further describes that the building will be constructed from precast 10 inch concrete panels with insulation in the middle and textured paint. He also describes the roof height both interior and exterior.

Mayor Dunwell asked if the parapet walls could be pushed back further and then not have a parapet wall in the front. Mr. Martinez stated that this could be done.

Chairman Fey asked to see what the building would look like at Industrial Dr. and New Brunswick Ave. with all the landscaping, lighting, etc. Mr. Martinez will get a rendering of that.

The matter was continued to the Board's next meeting with no further notice of hearing being required.

12. On June 15, 2022, the matter was continued. Stephen Santola provided sworn testimony under oath. The applicant had reviewed the proposal and determined that moving the building closer to the road and relocating the office was not feasible. The applicant did add additional landscaping to the plans and will provide additional testimony as to plan changes.

Mayor Dunwell asked Mr. Santola if he had any ideas as to what type of warehousing this would be. He stated that it will not be a cross-dock facility or a last-mile facility.

13. The matter was opened to the public for questions of Mr. Santola. Sharon Hofmann, 154 Sixth Ave., Alpha asked about the number of tenants who will occupy the building. Mr. Santola stated that the goal is to have only one tenant. She also asked about sound pollution. Mr. Santola also stated that we must follow the laws currently in place.

Chris Ponnwitz, Warren St., Alpha asked about the number of trucks that will be coming into the area. Mr. Santola stated this will be covered later in the presentation.

14. Sworn testimony under oath was again given by Richard Roseberry. Mr. Roseberry stated that at the request of the board, they produced renderings of the site for tonight's meeting. One was taken at the intersection of Industrial Dr. and Rt. 122 looking into the site; one at the intersection of Edge Rd. and Rt. 122 looking into the site; and one Rt. 122 between the two looking into the site.

These three exhibits will show enhanced landscaping that was added as a result of the process of putting together the exhibits.

Exhibit A4: Dated 6/15/22.

A rendering from the intersection of Rt. 122 and Edge Rd. looking into the site. He describes that there was very little elevation change of the building. They are proposing landscaping along the frontage, landscaping shrubbery along the intersection and along the frontage Edge Rd. This is the office portion of the building.

Exhibit A5:

A rendering on Rt. 122 looking into the site. This is the most southern portion of the building looking into the truck court. This portion of the building includes a four to six foot elevation change. There is dense vegetation to screen the entire truck court from Rt. 122.

Exhibit A6:

A rendering from the view of Rt. 122 and Industrial Dr., which is a direct view of the truck court. There is a slight elevation change with a retaining wall of 13 ft. tall.

Exhibit A7:

This exhibit was a colored version of the landscaping plan, referencing to sheet 18 of 27 of the original plan set. The rendering now includes additional landscaping that was not included on the original landscaping plan. There are additional shrubs placed along the curb line as well as significant tree enhancement around the perimeter of the detention basin, providing screening of the truck court from all angles.

Attorney Gruenberg asked for the date of this exhibit. It was never submitted to the board. This new landscaping plan as presented in testimony must be submitted to the engineer for compliance review. He also asked if there was an exhibit that depicts the front façade as it looks from Rt. 122 to include both the office and the truck court area. Mr. Roseberry said that he thinks they have architectural renderings of view. That view in one shot was too large, so they split it into three renderings.

It was stated that exhibit A4 does have the entire front façade.

Exhibit A8:

This rendering is a closer view of exhibit A4. They did this by taking a picture of the building and putting it on the site with the future landscaping.

Seiss asked if the road and intersection changes the mayor spoke about earlier be put on to the plan so the residents can see how it will look with the finished road improvements. Mr. Roseberry agreed to do that if someone can provide him with the rendering.

Mr. Cartabona had questions regarding lighting.

Mr. Dragotta had concerns regarding the safety of the intersection where combined with this proposed warehouse. This intersection may be improved in the future if the Borough gets the approvals from NJDOT. The question becomes is this designed based on the future improved intersection or the intersection as it exists now. If it is designed as the intersection as it is designed now, then testimony will need to be presented that satisfies the Board that this is a safe intersection for this type of use. After a discussion Mr. Peck stated that they will be providing traffic testimony regarding the traffic and safety concerns.

Continuing, Mr. Roseberry stated that they will be seeking waivers for the lighting levels at the truck court due to the depth of the truck court.

Mayor Dunwell asked if they were widening the road curve line in Exhibit A4. Mr. Roseberry stated that they are keeping the existing curb line as they are appropriate for turning on to Edge Rd. They are going to extend the curb line and maintain that half to their entrance driveway. They also agreed to dedicate the additional eight and a half feet right-of-way on the rest of the frontage.

Referring to the landscaping plan, Mr. Roseberry, reviewed it in more detail at the request of the Board Engineer.

15. The matter was opened to the public for questions of Mr. Roseberry. Eugene Boyle, West Central Ave., Alpha asked where the trucks would be facing when they are parked to which Mr. Roseberry responded.

16. Sworn testimony under oath was received from Jeffrey Fiore, a traffic expert whose qualifications were reviewed by the Board and accepted. Mr. Peck asked if Mr. Fiore reviewed the plans to which he stated yes. Mr. Peck asked Mr.

Mr. Fiore reviewed Exhibit A9, which is a plan provided by Van Cleef Engineering dated July 23, 2001, and last revised February 7, 2022, by Tim O'Brien, PE. Mr. Peck stated that this exhibit depicts the property taking that would be a part of the roadway improvements. This shows the final striping improvements associated with the project.

He describes this as major site plan for Woodhill, Alpha prepared by Colliers Engineering and Design, dated March 1, 2022. He reviewed the access points for the Board. There are two points of access, referring to them as the 'cars only' along Edge Rd. access point and a 'cars and trucks' access along Industrial Dr. He also stated that there is adequate sight distances for these functions and that the parking area complies with the ordinance. He also stated that he did a trip generation analysis that was based on the size of the building. Based on the size of this proposed warehouse the numbers are as follows: daily (24-hour period) 125 vehicles entering and exiting the site broken down to 85 vehicles entering and exiting and 40 trucks entering and exiting; morning commuter peak hour 28 vehicles entering and 15 exiting; and evening peak hour will generate 10 entering the site and 31 exiting. During those peak times there are four trucks entering and four trucks exiting.

Mr. Fiore stated that the trip generation is less than half of the requirement used to determine a 'study area'. In their opinion, this site isn't going to generate a significant increase in traffic.

The trucks will enter and exit the building from Industrial Dr.. He also stated that the internal site circulation is safe. Mr. Peck asked if he sees any detrimental effects from this site plan. Mr. Fiore stated that he does not.

Attorney Gruenberg asked why there wasn't any analysis with respect to intersection operation or level of service. It is Mr. Fiore's opinion that one wasn't warranted because of the amount of traffic that is generated by this project. He also clarified that a traffic study does not factor in the turning ability for the left hand in or the right hand out, the skew that exists today at that intersection. The design is independent of the analysis. Mr. Fiore's opinion is that the realignment of the intersection drastically improves the operation of the intersection by providing a turn lane for the trucks into and out of the site from Industrial Dr. on to New Brunswick Ave. It also improves the through movement on the west bound movement on New Brunswick Ave. since the trucks now have their own lane.

Attorney Gruenberg asked with respect to all the improvements, that were just described, if he had an opinion as to whether the intersections and the ingress and egress to the site are satisfactory based on what exists now. Mr. Fiore stated he cannot answer this now in a quantitative term. In a qualitative term, he restated that during the peak times when traffic is the highest on New Brunswick Ave., there will be an added four trucks in and four trucks out.

It is his professional opinion that the added traffic will not change the level of service.

Mayor Dunwell stated that a grant of \$305,000 given to Alpha from the State for that intersection would be a reasonable assumption that the State determined that that intersection does not meet any reasonable standards for circulation at that spot.

After more discussion, Mr. Fiore does agree that any truck making a right turn, is a safety issue and the design corrects that; however, he does not see this as an impact by this project.

Mr. Dragotta brought up his safety concerns about this intersection.

Mr. Fritts also brought up his concerns about this intersection.

Mr. O'Brien asked if an analysis was performed to demonstrate that there is sufficient gap in traffic flow to support that movement, based on the report where it asks '....when trucks exit the driveway on Industrial, making a right turn, they are not able to maintain their lane, causing them to cross into the opposing lane....'

Mr. Fiore stated that at the last meeting they stated that they were going to increase the radius of their driveway to eliminate that from happening.

Mr. O'Brien also asked if an analysis was performed for trucks making the turn from Industrial Dr. on to New Brunswick Ave. as part of the circulation study.

Mr. Fiore stated that that was not included in the plots.

Mr. O'Brien also asked about the part of the report where it states '.... depending on the end user the counts could vary greatly'.

Mr. Fiore stated that after looking at all of the data points, the IT trip generation manual and process of elimination, it is his opinion that they used the correct land use code for this project.

There was also no discussion of a post-study analysis once the building is constructed.

Regarding how the other proposed sites would impact the operation at the driveways, Mr. Fiore stated that there was no analysis done of that impact. They also provided testimony that emergency vehicles can enter the site from Edge Rd. by opening a connection that was originally going to be land banked and will provide 360-degree access around the building.

Mr. O'Brien asked if the volume of traffic internally would be sufficient as the trucks go from the loading dock area to the overflow parking area. Mr. Fiore stated that it would be

sufficient. He also said that there will only be one vehicle going back and forth in that area and the 30 feet would be more than adequate for this operation at this site.

Mr. Fiore suggested that they could put a 'don't block the box' striping across the driveway should there be cars backed up on Industrial Ave., during those certain times of the day they are then not backed up on their driveway allowing their vehicles to turn in.

Mr. O'Brien asked if they looked at any alternative entrance options for trucks entering the site directly from New Brunswick Ave. to provide spacing.

Mr. Fiore suggested that the engineer could better speak to this. He also expressed that having two consecutive turn lanes, in his opinion, could create a safety issue and as designed he feels this is the optimal.

Mr. Peck stated that they have been cooperative, and they understand the issue and that the improvements makes this a better and safer situation which is what everyone wants. He further states that the small amount of truck traffic, even before the proposed road improvements, would be manageable. This project doesn't start until next spring and most likely, 2024 before any trucks will be coming into that site. They would agree to a delay or schedule to build to give the DOT and the Borough a chance to get the work permitted and done. He also reiterated that they have provided testimony that this project will render a very small amount of truck traffic. He further stated that for the Borough to expect us to wait until the road improvements are completed before they can start this project will set them back years.

Mr. Fiore suggested to ask DOT for a draft permit to perhaps get this moving at a faster pace.

Ms. Dalrymple, referencing page 21, letter 'k'; asked if it was demonstrated if the truck accesses the site. Mr. Fiore asked about the three revision dates on the DOT documents. A draft permit for signature has not been issued at this time.

Mr. O'Brien asked about installing on site way-finding signs, regarding Avenue 'B'. Mr. Fiore stated that they could come up with something for that concern.

17. This ended the testimony and Mr. Peck stated that he believes the applicant is entitled to the relief sought for this application. The site plan issues with the traffic are existing off-site conditions and the courts have made it clear that the existence of off-site conditions cannot be held against an applicant. He further stated that three of the variances that they are seeking are related to signage and that all of these minor variances are justified and the benefit of granting them outweighs any burden that would be created by granting these variances. This is an industrial-zoned property for many years and other than the minor variances, this is a conforming project. He thanked the Board for their consideration and asked that this project be approved.

18. Attorney Gruenberg stated that Mr. Santola referred to a potential condition dealing with the time for the CO. Mr. Santola stated that they will not break ground until March of 15, 2023 and then would not seek a CO before March 1, 2024. If the Borough got approval from the State in the next 30 days to go ahead with the road improvements, Mr. Santola said they could come up with a trigger that states they would move on the project earlier that March of 2023.

Attorney Gruenberg asked if there was any proposal for an off-track contribution for the improvements. Mr. Santola said that they had already planned to do improvements on Edge Rd., and they gave land to the Borough. Mayor Dunwell concurred with Mr. Santola's statement.

19. The matter was opened to the public for comments and testimony. Sharon Hofmann, 154 Sixth Ave., Alpha asked if there would be any signage in that area, for instance, no engine braking; extending the green light on Rt. 122 for crossing over Rt. 22. It was stated that we have already passed an ordinance addressing no engine braking and we are going to have our engineer attempt to put the no engine braking on Rt. 22, but we may encounter barriers from the state. Regarding the traffic light at Rt. 122, this Board has no jurisdiction over that.

20. Seeing no other comments from the public, a motion was made by Mr. Cartabona to close the public hearing. Motion was seconded by Mr. Seiss. Roll Call: Ayes: Mr. Cartabona, Mr. Dragotta, Ms. Dalrymple, Mayor Dunwell, Mr. Fritts and Mr. Seiss. Nays: None. Absent: Mr. Gable, and Mr. Schwar.

21. Mr. Cartabona made a motion to approve Application number 2022-03, with the variance relief plus conditions sought by the applicant. Motion seconded by Mayor Dunwell. Roll Call: Cartabona, Dragotta, Dalrymple, Mayor Dunwell, Mr. Fritts and Mr. Seiss. Absent: Mr. Gable, and Mr. Schwar.

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 Engineer and Planner, Richard Roseberry, P.E., 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;

Mr. Roseberry 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. Roseberry opined that the development of this site is a permitted use that would advance the general welfare by making a productive use of the land. 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 structure. The use of banked will potentially lessen the impact of the site and reduce 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, WOODHILL 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 marked Exhibit B-

1 as clarified during the testimony.

C. The water connection to be relocated to the Borough of Alpha to the satisfaction of the Board Engineer.

D. Applicant shall submit revised landscaping plan to the satisfaction of the Board's Engineer.

E. Applicant shall produce a revised lighting plan that will meet the requirements of the ordinance along 122.

F. Applicant shall perform road improvements along Edge Road frontage from the southern limit of the proposed driveway to the southern limit of NJDOT jurisdiction.

G. Applicant shall grant additional road right of way to the Borough along the remainder of Edge Road to satisfaction of Board Professionals.

H. Applicant shall provide signage to prevent the blocking of the driveway box.

I. Applicant shall provide wayfinding signs to prevent Edge Road truck traffic to enter site.

J. In the event a DOT permit has not been issued, the applicant will not break ground prior to March 15, 2023.

K. In the event a DOT permit has not been issued, no certificate of occupancy shall be issued prior to March 1, 2024.

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; Warren County Board of Health, 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 # 2022-03

SECRETARY: Donna L. Messina

APPROVAL DATE: 9/21/22

BLOCK 100.02, LOT 1, 1.08 AND 1.09

VOTE:

Ayes: Dragotta, Dunwell, Fritts, and Seiss

Nays: None.

Absent: Cartabona, Dalrymple, and Gable.

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 September 21, 2022, to memorialize the Land Use Board's action on June 15, 2022.



DONNA L. MESSINA, Secretary

Dated: 9/21/22

Eligible to vote: Cartabona, Dragotta, Dalrymple, Mayor Dunwell, Mr. Fritts and Mr. Seiss