

**Application #: 19-04**

**Approved: 04/19/23**

**RESOLUTION 2023-07  
RESOLUTION OF EXTENSION - THIRD  
BOROUGH OF ALPHA  
LAND USE BOARD  
FINDINGS OF FACT AND CONCLUSIONS OF LAW  
REGARDING AN APPLICATION FOR PRELIMINARY AND FINAL MAJOR  
SITE PLAN AND VARIANCE RELIEF  
AS TO BLOCK 100, LOT 10 & 10.01  
(75 INDUSTRIAL DRIVE)  
PETRUCCI DEVELOPMENT**

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. The applicant, Petrucci Development, by its predecessor in title Ferguson Containers received approval of an application for Preliminary and Final Major Site Plan and Variance Approval which was memorialized by way of Resolution adopted by the Board on April 17, 2019.
2. On June 15, 2022, the Board granted the applicant's request for two, one year extensions of the approval pursuant to N.J.S.A. 40:55D-52 to April 17, 2023.
3. By way of correspondence dated March 13, 2023, the applicant by its attorney, Mark Peck, Esq. has requested its third and final one year extension of approval pursuant to N.J.S.A. 40:55D-52 to April 17, 2024. The request is based on the "disruptions from the covid pandemic resulting in the subsequent sale to Petrucci

Development, as well as supply chain delays.”

4. N.J.S.A. 40:55D-52 provides:

If the developer has followed the standards prescribed for final approval, and, in the case of a subdivision, has duly recorded the plat as required in section 42 of P.L.1975, c.291 (C.40:55D-54), the planning board may extend such period of protection for extensions of one year but not to exceed three extensions.

5. A motion to grant a third one year extension of final site plan approval to April 17, 2024 subject to conditions was made by Mr. Seiss, seconded by Mr. Dragotta. Members in favor: Mr. Castro, Mr. Dragotta, Mayor Dunwell, Mr. Fey, Mr. Fritts, Mr. Schwar, and Mr. Seiss.

**Conclusion:**

A majority of the Board agreed that in light of the size of the project and current market conditions a third and final one year extension of final site plan approval was warranted

**Resolved:**

NOW THEREFORE BE IT RESOLVED, that the request for a third one year extension of the final major site plan approval is granted conditioned upon the applicant complying in all other respects with the prior resolution of approval and maintaining all escrow balances current sufficient to permit continued professional review on the application and compliance.

Applicant shall comply with all conditions of the approval by April 17, 2024.

ALPHA BOROUGH LAND USE BOARD

APPLICATION # 19-04

SECRETARY: Donna L. Messina

APPROVAL DATE: 4/19/23

BLOCK: 100 LOT: 10 & 10.01

VOTE:

Ayes: Castro, Dragotta, Dunwell, Fey, Fritts, Schwar, and Seiss

Nays: None

Abstain: 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 April 19, 2023, to memorialize the Land Use Board's action on April 19, 2023.

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DONNA L. MESSINA, Secretary

Eligible to Vote:

Castro, Dragotta, Dunwell, Fey, Fritts, Schwar, and Seiss