

**BOROUGH OF ALPHA LAND USE BOARD -**

April 19, 2023 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 7:15 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:

Present: Mr. Castro, Mr. Dragotta, Mayor Dunwell, Mr. Fey, Mr. Fritts, Mr. Schwar, and Mr. Seiss. Absent: Ms. Dalrymple.

Resolutions:

Motion made by Mayor Dunwell to approve Resolution 2023-06. Motion seconded by Mr. Dragotta. Roll Call: Ayes: Mr. Castro, Mr. Dragotta, Mayor Dunwell, Mr. Fey, Mr. Fritts, Mr. Schwar, and Mr. Seiss. Absent: Ms. Dalrymple.

**BOROUGH OF ALPHA  
COUNTY OF WARREN  
STATE OF NEW JERSEY  
LAND USE BOARD  
RESOLUTION 2023-06**

**RESOLUTION RECOMMENDING THE LAND CONSERVANCY OF NEW JERSEY TO ASSIST IN THE DEVELOPMENT OF AN UPDATED OPEN SPACE AND RECREATION PLAN**

**WHEREAS**, the Borough of Alpha Land Use Board desires to develop an updated Open Space and Recreation Plan (“OPEN SPACE PLAN”) as an element of the Borough Master Plan: and

**WHEREAS**, The Land Conservancy of New Jersey is a nonprofit organization whose mission is to preserve and protect open space for natural, historic, agricultural and recreational purposes and to assist municipalities in the stewardship of open space lands;

**WHEREAS**, The Land Conservancy of New Jersey is qualified to prepare Open Space and Recreation Plans; and

**WHEREAS**, the cost for completing the Plan Update has been determined to be reimbursable from the Highlands Council through the Borough's Plan Update Conformance Grant funding.

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Board of the Borough of Alpha, County of Warren, State of New Jersey as follows:

1. That the Land Use Board of the Borough of Alpha recommends to the Borough Council the entry into the agreement with the Land Conservancy of New Jersey for the provision of services to assist the Land Use Board in the development of an updated Open Space and Recreation Plan.

Motion made by Mr. Seiss to approve Resolution 2023-07. Motion seconded by Mr. Dragotta.  
Roll Call: Ayes: Mr. Castro, Mr. Dragotta, Mayor Dunwell, Mr. Fey, Mr. Fritts, Mr. Schwar, and Mr. Seiss. Absent: Ms. Dalrymple.

**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.

Motion made by Mr. Seiss to approve Resolution 2023-07. Motion seconded by Mr. Dragotta.  
Roll Call: Ayes: Mr. Castro, Mr. Dragotta, Mayor Dunwell, Mr. Fey, Mr. Fritts, Mr. Schwar, and Mr. Seiss. Absent: Ms. Dalrymple.

**Application #: 2020-01**

**Approved: 4/19/23**

**RESOLUTION 2023-08  
RESOLUTION OF EXTENSION - FIRST  
BOROUGH OF ALPHA  
LAND USE BOARD**

**FINDINGS OF FACT, CONCLUSIONS AND RESOLUTION  
REGARDING THE APPLICATION OF 1603 SPRINGTOWN, LLC FOR PRELIMINARY SITE PLAN  
APPROVAL, FINAL SITE PLAN APPROVAL AND VARIANCE RELIEF FOR BLOCK 97, LOT 10**

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, 1603 SPRINGTOWN, LLC has filed this application for preliminary site plan approval, final site plan approval and variance relief as to property located at Block 97, Lot 10. By way of Resolution adopted by the Board on July 21, 2021, the Board granted preliminary and final site major site plan approval with variance relief to construct a two-story office/retail building on Block 97 Lot 10 within the B-1 General Business Zone of the Borough. The two-story building is proposed to have a footprint of 6,000 sf. with 8,300 sf. of office and retail space and 3,700 sf. of storage/garage space and is proposed to be constructed at the center of the property.

2. By way of email correspondence dated February 9, 2023, the applicant by its attorney, William R. Edleston, Esq. has requested its first one year extension of approval pursuant to N.J.S.A. 40:55D-52 to July 21, 2024. The request is based on “An inordinate amount of time passed to obtain Warren County Planning Board approval and an additional amount of time was involved in getting information from certain subcontractors which information was delayed by COVID 19.”

3. 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.

4. A motion to grant a one year extension of final site plan approval to July 21, 2024 subject to conditions was made by Mr. Seiss, seconded by Mr. Dragotta. Members in favor: Mr. Castro, 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 one year extension of final site plan approval was warranted

Resolved:

NOW THEREFORE BE IT RESOLVED, that the request for a 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 July 21, 2024.

Approval of Minutes:

Motion made by Mr. Schwar to approve the meeting minutes of 10/19/22. Motion seconded by Mr. Fritts. All were in favor with the exception of Mr. Seiss who abstained.

Motion made by Mayor Dunwell to approve the meeting minutes of 01/18/23. Motion seconded by Mr. Dragotta. All were in favor with.

Preliminary, Final, and Public Hearing for Borough of Alpha, Application #2023-01, Block 100, Lot 10.02. At this time, Mayor Dunwell and Councilman Schwar were excused from this hearing. This was the opinion of Mr. Gruenberg, counsel for the Land Use Board.

At this time, Mr. Tauriello introduced himself to the board as the attorney representing the client, Alpha Borough. They are here seeking approval for a minor subdivision and preliminary and final site plan with respect to Block 100, Lot 10.02 with the goal of creating a new lot, 10.06 which will site a new 500,000 gallon water tower to protect the health, safety, and welfare of the residents as it has been identified that the flow and pressure is insufficient. The Borough will call on its expert Engineer, Gregory Sullivan of Remington and Vernick, to provide testimony of the specifics of the application and to address issues that were identified in the board's engineer's report dated April 14, 2023.

Attorney Gruenberg stated that he reviewed the proof of service and the publication of the notice of hearing and he finds everything to be in good order and that the board has jurisdiction to proceed with this application.

At this time, Attorney Gruenberg swore in Mr. Greg Sullivan, Professional Engineer, Professional Planner, and Certified Energy Auditor from Remington and Vernick Engineers.

Mr. Sullivan provided the board and board professionals with his work experience. He was accepted by the board as a professional and was given the go to proceed.

Mr. Sullivan gave the board a brief overview of the project.

## **PROJECT SUMMARY**

The Borough of Alpha owns and operates an existing water system within the Borough. The system includes an existing above ground storage tank located on Industrial Drive on Block 100, Lot 10.04. The system has been analyzed by Borough engineering consultants and has been found to be insufficient in providing adequate storage volume and pressure for firefighting. To address these issues the Borough is constructing a new 500,000 gallon (0.5 MG) above ground spherical storage tank on a “new” lot to be created via subdivision from Block 100, Lot 10.02 located along the west side of Edge Road. Lot 10.02 is owned by Baramax, LLC. The proposed new lot (Lot 10.06) will be 10,000 square feet (80’ deep by 125’ of frontage) and the proposed height of the tank will be less than 150 feet above finished grade (top of foundation) – it should be noted the plans do not indicate the height of the proposed tank. The Borough Council has elected to seek approval from the Land Use Board for a Minor Subdivision and Preliminary and Final Site Plan.

The property is located within the I-Industrial Zone where above ground water storage tanks were not previously a permitted use or a conditional use. Borough Council, on October 25, 2022, adopted an amendment to the Zoning Ordinance to permit water storage tanks as a conditional use within the I-Zone and establish specific bulk zoning requirements for the water storage tank use. Borough Council also adopted ordinances on December 27, 2022 and February 14, 2023 changing the bulk requirements schedule (i.e., setbacks). The property lies within the Highlands Planning Area.

Attorney Gruenberg asked if this was the application that was submitted to the board. Mr. Sullivan stated that what has been submitted to the board has been modified and that is what he is presenting today.

Exhibit A-1: A minor subdivision plan prepared by Remington and Vernick Engineers. This is lot 10.02 and the new proposed lot will be 10.06 carved out of this property. The revision date for this exhibit is 4/19/23.

Exhibit A-2: Tank Plans and Sections, revision 0. This exhibit is dated January 2023. This shows the new tank and we will be putting ½ million gallons of water in this tank which will be up in the air. This is the preferred method for fighting fires.

Exhibit A-3: A rendering of the tank location relative to the existing property.

Exhibit B-1 – Review letter from Mr. Good dated 4/14/23.

In response to the 4/14/23 letter from Mr. Good, Mr., Sullivan prepared a letter dated April 19, 2023.

Attorney Gruenberg stated that if the board is so inclined to grant the waivers as stated in the Completeness Review, it would be appropriate at this time to deem the application complete.

Motion made by Mr. Dragotta to deem the application complete with the requested waivers. Motion seconded by Mr. Seiss. Roll Call: Ayes: Mr. Castro, Mr. Dragotta, Mr. Fey, Mr. Fritts, and Mr. Seiss. Nays: None. Absent: Ms. Dalrymple.

### **COMPLETENESS REVIEW**

*We have reviewed the above referenced plans and supporting documents for completeness against the Site Plan Checklists and have the following comments. This office recommends the application be deemed complete in conjunction with the hearing as noted below.*

*The applicant has requested waivers from various checklist items. Due to the nature of the improvements and application, we have no objection to the Board granting waivers to the following checklist items:*

- §315-9A (1) Sheet Size
- §315-9C(3)(n) Estimate and analysis of traffic
- §315-9C(3)(u) Owners within 200 feet

*The applicant has stated that §315-9C(3)(o) has been met. It should be noted that the proposed lot, a portion of the proposed waterline, and a portion of the proposed driveway are within a New Jersey Power and Light Company Easement. A copy of this easement should be provided as a condition of approval to assure these items are permissible within the easement.*

*The applicant has indicated that Impact Statements have not been provided (§315-9C(5)). It is our opinion that a waiver for this requirement should be granted based on the nature of the application.*

*We recommend the applicant provide a list of the adjoining owners within 200 feet notified of the application to the Board Attorney and this office for review prior to the hearing.*

- *Applicant has provided the requested information but it is not shown on the plans.*
- *Referring to Exhibit A-1, Mr. Sullivan stated that there is an existing NY Power and Light easement as shown on Exhibit A-1. Any changes to this, will be followed up in writing after the hearing tonight with additional documents.*

### **INITIAL TECHNICAL REVIEW**

*As requested, our office has prepared the following technical review of the application for consideration by the Board.*

### **ZONING**

1. *The property is located within the I-Zone. As noted above, water storage tanks are permitted as conditional uses. Conditional Use approval in addition to Site Plan approval is required to be granted by the Board. The following are the conditions of approval as established in the zoning amendment and the extent of compliance:*

- a. *Minimum lot area = 10,000 square feet. Proposed lot area = 10,000 square feet. Complies.*

- b. *Maximum lot depth = 100 feet. Proposed lot depth = 80 feet. Complies.*
- c. *Minimum lot width at street = 100 feet. Proposed lot width = 125 feet. Complies.*
- d. *Minimum lot width at building line = 100 feet. Proposed lot width = 125 feet. Complies.*
- e. *Minimum front yard setback = 10 feet. Proposed front yard setback = 10 feet 7 inches. (Measured from the outside of the spheroid). Complies.*
- f. *Minimum side yard setback = 10 feet. Proposed side yard setback = 29 feet 2 inches (Measured from the outside of the spheroid). Complies.*
- g. *Minimum rear yard setback = 10 feet. Proposed rear yard setback = 13 feet 7 inches (measured from the outside of the spheroid).*
- h. *Maximum lot coverage = 50%. Proposed lot coverage = 35.6% (calculated using the tank drip line diameter and scaled measurements of the driveway and turnaround). Complies. The plans should be revised to include this information in the zoning table.*
  - *The plans will be revised to reflect the information in the zoning table.*
- i. *Maximum structure height = 150 feet. Proposed tank height – <150 feet. Complies. The plans should be revised to include the tank height.*
  - *The applicant will revise the plans to include the revised height.*

Mr. Sullivan stated that the recommendation to elevate this tower will increase the water pressure by 19 PSI, making it more efficient in fighting fires. This increases the PSI throughout the Borough. The Industrial Drive tower will be taken off line, due to it being structurally deficient. Pursel St. tower, which is locked out, can be kept online but it is at a lower elevation. He was also able to satisfy questions from the board. Mr. Seiss had concerns about flow. Flow is not a part of this application; however, there is one connection underneath the railroad by Alpha Sub and the line we currently have is sufficient based on the hydraulic done for firefighting capability in the Borough. This flow issue will be handled as a separate project apart from this application.

With the water elevated, it will bring more pressure to the fire hydrants for a longer period of time.

- 2. *The Zoning Table on Sheet G-1 should be revised to provide the correct information per the recently adopted Ordinances and indicate the correct zone.*
  - *Referring to Exhibit A-1, Mr. Sullivan stated that the applicant will revise the table on G-1. with regard to the newly adopted ordinance.*

## **MINOR SUBDIVISION**

- 3. *An Owner's Certification should be provided on the Minor Subdivision Plan for signature by Baramax, LLC consenting to the subdivision.*
  - *Alpha will file the minor subdivision by deed; therefore, the plan will not be modified. The engineer representing the board had a concern that there was not a visual with the deed. Mr. Sullivan stated that the applicant will supply the exhibit.*



4. *Land Use Board Certification should be provided on the Minor Subdivision Plan for signature by the Board Chairman and Secretary.*
  - *Alpha will file the minor subdivision by deed and therefore the plan will not be provided.*
5. *The Minor Subdivision Plan should be re-submitted with a NJPLS signature and seal.*
  - *Referring to Exhibit A-1: Mr. Sullivan stated that we have one signed and sealed copy and will provide as many as needed.*
6. *Required setback lines should be provided around the remainder of Lot 10.02.*
  - *The plan was modified and will be submitted.*
7. *There are existing solar panels on Lot 10.02 which will encroach into the new lot. An easement is proposed within the new Lot 10.06. The panel encroachment should be shown on the Easement Detail on the plan. Chapter 410-20.D(2)(f) of the Alpha Code requires that solar panels be set back a minimum of 75 feet from all property lines. A variance is required to establish a new property line in violation of this setback standard.*
  - *A variance is requested with respect to the existing structure. Attorney Tauriello stated no new structure would be erected in violation of that. This is just to deal with the solar panels that are on the lot. Attorney Gruenberg reviewed the notice of hearing that does not specifically call out that variance but did seek relief any and all variances and waivers that would be required. Attorney Gruenberg finds that this is sufficient under this type of variance.*
8. *The Minor Subdivision Plan and associated Legal Description have conflicting information for the northing coordinate for the POB of proposed Lot 10.06. This issue should be resolved, and this office takes no issue with it being a condition of approval.*
  - *The plan was modified and will be submitted to correct that discrepancy.*

At this time Mr. Sullivan provided testimony to the variances from a planning perspective. He stated that this lot is being carved out in the interest of public good. They do not want to disturb any of the existing structure. Ultimately, this lot will be an exchange as indicated in the contract for the land swap. To impose that burden on the property owner to remove all solar panels within 75 feet is an onerous approval. The applicants feel they can co-exist with the tank and the solar panels.

Exhibit A-3 has been shared with the current lot owner. It was reviewed that the tower will have no negative impact to the neighboring municipality and the single-family home, located to the south of the tower.

In answer to Mr. Gruenberg's question, Mr. Sullivan stated that they see no negative impact to the master plan.

9. *The Minor Subdivision Plan and associated Legal Description have conflicting information for the corners of proposed Lot 10.06. The plan states that iron pipes are to be set and the description states these corners are points. This issue should be resolved, and this office takes no issue with it being a condition of approval.*

- Iron pipes will be set after the Land Use Board action is taken. The applicant requests a condition of approval.
- 10. *The Zoning Table on the Minor Subdivision Plan should be revised to reflect the current ordinance.*
  - The plan was modified and will be submitted.
- 11. *Deeds and supporting descriptions for the new lot and remainder of Lot 10.02 should be provided for review by the Board Attorney and our office prior to recording.*
  - The applicant is requesting that be a condition of approval.
- 12. *Testimony should be provided as to the reason(s) for the location of the proposed lot. In particular, the reason(s) for creating a portion of Lot 10.02 fronting Edge Road that is twenty-feet-wide.*
  - After looking at several sites, this was the best location and highest point in the Borough. Construction costs were also a consideration.
  - The 20 foot strip was intended to remain as a buffer to the single-family home. This strip will provide access to the solar panels.

#### **PRELIMINARY & FINAL SITE PLAN**

- 13. *The approval block on the Title Sheet should be revised to avoid repetitive entries and remove those that are not applicable to this application (i.e., traffic engineer, environmental engineer, and planner).*
  - The plan will be modified and resubmitted.
- 14. *New Jersey Power and Light Company should be added to the list of utilities on the Title Sheet due to the presence of their easement on the proposed lot and overhead lines near the site.*
  - Referring to Exhibit A-1: The New Jersey Power and Light Company no longer exists and would request that the plans remain as submitted. The Land Use Board Engineer, Mr. Good is ok with this request.
- 15. *Based upon a review of the area of the proposed water main and the intersection of Connector Road (aka Avenue B) and Edge Road, it appears that not all existing features have been indicated on the plans. In particular, more utility poles appear to exist and may cause issue with construction of the waterline. The applicant should review the existing features and revise the plans accordingly. In addition, approval of each of the utilities should be sought for placing the waterline between and in close proximity to the existing utility poles.*
  - Remington and Vernick will review the existing conditions and revise the plan as necessary.
- 16. *The Borough's Stormwater Management Ordinance (Chapter 340) is not triggered as the area of disturbance is less than one (1) acre and proposed impervious surfaces are less than 1/4 acre.*
  - *No action on this comment.*

17. *Grate and invert elevations should be provided for the proposed storm inlet and drainage pipes in Edge Road and the overflow pit.*
  - *Plans will be revised accordingly.*
  
18. *The location of the Type 'A' inlet as shown on the Detail sheet D-2 should be shown on the plans or the detail removed if none are proposed.*
  - *Plans will be revised accordingly if it is not needed.*
  
19. *Testimony should be provided by the applicant's engineer explaining the current deficiencies in storage volume and pressure in the existing water system and how the proposed tank addresses those issues. Are there any new wells proposed? Is the existing tank site on Industrial Drive to remain in operation?*
  - *No new wells will be added and the existing tank on Industrial Drive will be removed.*
  
20. *Structural calculations prepared by a NJ licensed engineer should be provided confirming the stability of the tank along with foundation design calculations and construction plans for the tank foundation including the results of any test pits or borings.*
  - *Structural calculations will be provided by the tank contractor which will be signed and sealed by a licensed New Jersey Engineer as it is requested that this not be a condition of approval. Mr. Good asked if there was any Geotech investigation. There have been and proper borings have been done. Mr. Sullivan will supply the Geotech report as a condition of approval.*
  
21. *The Existing Topographic Conditions Plan (Sheet C-1) indicates a different coordinate system for the POB of the proposed lot versus the other items on this plan, the legal descriptions, and the Minor Subdivision Plan. This issue should be resolved, and this office takes no issue with it being a condition of approval.*
  - *This issue was resolved and plans will be modified and resubmitted.*
  
22. *The Site Clearing Plan indicates the removal of all trees within and near the proposed lot. Testimony should be provided in relation to §410-20 and landscaping buffers. Particular attention should be paid to the requirements for screening from solar systems since the existing trees are being removed.*
  - *Referring to Exhibit A-4: Comments are noted with regard to this. It will be a cleared site. The applicant will defer to the board as to whether they will require additional landscaping to cover the solar panels. The applicant is proposing a shading of evergreen trees between the tank site and the single-family home but they want to keep the road into the site as clear as possible. The board finds Exhibit A-4 acceptable as a landscape plan with no additional shading necessary.*
  
23. *The Proposed Conditions Site Plan does not show the gate as shown on the Grading Plan. The plans should be revised to be consistent.*
  - *The plan will be modified and resubmitted.*

24. *The Grading Plan indicates a driveway slope of approximately 8.3% (calculated). §315-10B(2)(g)(1) states that driveways shall not exceed a maximum grade of 6%. A waiver from the Design Standards would be required. Testimony should be provided indicating the need for a steeper driveway or the plans should be revised.*

- Referring to Exhibit A-5: Proposed condition site plan. This is a new exhibit with a revision date of 4/19/23. Based on the comments provided, they have flipped the driveway. They moved the driveway and the water line, the sewer line and the fence line out of the electric company's easement. Everything has been moved to the right. The original driveway predated the easement. Attorney Tauriello confirmed that the applicant will only be using the new driveway. They are requesting a waiver for the slope. Mr. Sullivan read into the record that the anticipated amount of traffic for this site is once a week. A lite pickup truck would be inspecting the tower to ensure everything is operating properly.

At this time, Attorney Tauriello requested a five minute recess.

Returning from the recess, Attorney Tauriello, having conferred with the other property owner, said the applicant can make a representation that the existing driveway will be abandoned. There will be one driveway with the Borough placing a new gate at the end of the new driveway that will be installed for the other owner.

25. *The Grading Plan appears to indicate a one-foot elevation change across the base of the tank. Details should be provided to show how the grades will work at the base of the tank.*

- Details will e provided about the elevation changes around the tower. Those plans will be modified.

26. *§410-28A(3) limits the height of fences to six feet. The application proposes the use of eight-foot fences. A variance is required for the use of the taller fence. Testimony should be provided as to the need for taller fences.*

- Height of fence is limited by ordinance to the height of six feed. Applicant is requesting an eight-foot fence to provide an added level of homeland security. It is the opinion of the applicant that it protects the safety, health and welfare of the community.
- It was also requested that the hydrant be located outside the area on Edge Rd. The board is in agreement with the request for a higher fence.

27. *The landscaping plan proposes evergreen trees along the side lot lines. The site plan ordinance (§315-10.B(2)(d)[1]) requires street trees along Edge Road. There are no specific requirements for evergreen screening. For aesthetic purposes the Board may wish to suggest street trees with additional ornamental landscaping at the base of the tower and along the parking area.*

- This was addressed earlier and the plans were accepted by the board.

28. *A Soil Erosion and Sediment Control Plan should be provided along with approval of the plan by the Upper Delaware Soil Conservation District.*
  - *Applicant will apply and make this be a condition of approval.*
29. *The Borough has petitioned the Highlands Council to conform with Highland's regulations within the Planning Area. Since the Borough has not yet adopted a Highlands Referral Ordinance or a Highlands Land Use Ordinance there is no need for Highlands Council involvement.*
  - *There was no comment provided by the engineer.*
30. *Warren County Planning Board approval or exemption should be provided.*
  - *The application to the Warren County Planning Board will be after any action by the Land Use Board.*

Mr. Fritts asked when the last revisions were made and when they were made for public review. Mr. Sullivan stated this morning. He further stated that the revisions that were made were based on the board's conflict engineer's comments. After further review and explanation, Mr. Fritts was satisfied with the plans as they were presented.

With nothing further to add, the hearing was opened to the public for any comments.

Mr. Peter Russell, general council for Bihler of America, asked to view Exhibit A-5 and to have the driveway plans reviewed again, by Mr. Sullivan.

Attorney Gruenberg asked if any one in the public would like to give testimony before the board regarding this matter. Attorney Gruenberg swore in Mike Savary, Alpha NJ. He stated that this water tower is long over due and the pressure improvements will be welcomed.

Motion to closed the public hearing by Mr. Fritts. Motion seconded by Mr. Dragotta. Roll Call: Ayes: Mr. Castro, Mr. Dragotta, Mr. Fey, Mr. Fritts, and Mr. Seiss. Absent: Ms. Dalrymple.

Mr. Tauriello thanked the chairman and the board for their time and the opportunity to go have this application heard.

Attorney Gruenberg stated that this an application for minor subdivision with preliminary and final site plan approval and two C variances. One for a set-back for the solar panels to the property line and the second for an eight-foot high fence where six-foot high is the maximum. There is also a design waiver for the grade of the driveway. If the board is so inclined to

approve this application, it would be a motion to grant the approvals subject to the conditions that have been discussed, which include the provision Geotechnical investigation report to the satisfaction of the board engineer. Also, the revision of the plan in accordance with the board engineer's review correspondence, marked as Exhibit B-1, as clarified during the testimony. by the provision of a landscape plan. Exhibit A-4 was found to be acceptable by the board. The abandonment of the existing driveway and relocation is found to be satisfaction of the board engineer. The relocation of the fire hydrant outside of the fenced area to a location satisfactory to the board engineer together with the usual conditions of approval.

Motion made by Mr. Dragotta to grant the approvals. Motion seconded by Mr. Seiss. Roll Call: Ayes: Mr. Castro, Mr. Dragotta, Mr. Fey, Mr. Fritts, and Mr. Seiss. Absent: Ms. Dalrymple.

Public Comment: Mike Savary, Alpha NJ, had questions about his current business property on Springtown Rd. He asked about his options as to whether he can lease it to a business other than his current excavating business.

Mayor Dunwell reminded everyone that tomorrow at 4:00 PM, there will be a public hearing before the Highlands Council for Alpha's petition for the center designation amendment. If that petition is granted it will allow for new parcels to be added to the sewer service area, which will allow for some industrial projects to move forward.

New Business:

Next Meeting: May 17, 2023

Adjourn:

There being no other business on the agenda, Mr. Dragotta moved to adjourn the meeting at 8:30 PM. Mr. Seiss seconded the motion. The motion carried unanimously,

Respectfully submitted,

Donna L. Messina,

Land Use Board Secretary

Approved: \_\_/\_\_/\_\_