

Mayor Hanics called the Meeting of the Common Council of the Borough of Alpha to order at 7:00 p.m. on Tuesday, May 26, 2015. (*Held at the Alpha Public School*)

Mayor Hanics announced that adequate notice of the meeting was given and posted on the bulletin board in the Clerk's office satisfying the requirements of the Open Public Meeting Act:

#### NOTICE

Pursuant to the provisions of the Open Public Meetings Act, adequate notice of this meeting has been given. On January 1, 2015, the Municipal Clerk delivered to the Star Gazette/Express-Times and posted on the bulletin board in the Municipal Clerk's office a notice containing the date, time, and place of this meeting of the Borough Council. Also said notice has been mailed to persons requesting the same.

Mayor Hanics led prayer and the salute to the flag.

*Roll Call:* Present; Councilman Cartabona, Councilwoman Grossman, Councilman Pettinelli, Councilman Rooks, Councilman Schwar, and Councilman Seiss. Also present Attorney Christopher Troxell and Borough Clerk, Laurie Barton.

#### *Public Comment*

Sharon Decker, Sigsbee Ave., stated her concerns with the conditions of the roads and sinkholes that are in the Borough.

Dave Cavanaugh, 6<sup>th</sup> Ave., stated that the storm drains have leaves in them which are causing water to back up.

Mike Savary, Park Ave., inquired about street sweeping.

John Schmidt, Schley Ave., inquired about when the roads will start to be repaired citing the current conditions and expressed his concerns for the sinkhole.

Paul O'Neil, 4<sup>th</sup> Ave., stated his complaints in regards to a dumpster near the Almond Tree Manor.

#### *Ordinance*

Motion made by Councilman Cartabona to open the public hearing for Ordinance 2015-02, motion seconded by Councilman Schwar, all were in favor.

Hearing no public comment, motion made by Councilman Schwar to close the public hearing, motion seconded by Councilwoman Grossman, all were in favor.

Motion to adopt Ordinance 2015-02 made by Councilman Schwar, motion seconded by Councilman Seiss. Roll Call: Ayes: Grossman, Schwar and Grossman. Nays: Cartabona, Pettinelli and Rooks. Mayor Hanics voted yes to break tie, motion passes.

**ALPHA BOROUGH**  
**Chapter 410**  
**ZONING CODE REVISIONS**

**ARTICLE II**

**Zoning Districts; Zoning map**

**§410-7 Establishment of zones.**

For the purposes of this chapter, the Borough of Alpha is hereby divided into the following zones:

**Zone District Type**

R-1A Agriculture Zone

R-3 Residence Zone

R-4 Residence Zone

R-5 Residence Zone

AH Affordable Housing Zone

MF Multifamily Residence Zone

B-1 Business Zone

B-2 Business Zone

B-3 Business Zone

I Industrial Zone

C Cemetery Zone

**§410-8 Zoning Map.**

The boundaries of all zone districts shall be as shown on a map attached to and made a part of this chapter and titled "Zoning Map, Borough of Alpha," dated January 2014. Said map and all notations and references thereon are hereby incorporated into and declared to be a part of this chapter.

**§410-9 Zone boundaries. No Change** January 31, 2014 Page 2 of 9

## **ARTICLE III**

### **Use Regulations**

#### **§410-10 *Reserved.***

#### **§410-10.1 R-1-A Agriculture Zone.**

A. The purpose of this zone is to promote farmland preservation and limit non-agricultural uses within the district to the extent feasible, to those designed to support the preservation of farmland, avoid conflicts with agriculture, and maintain and enhance the sustainability and continued viability of the agricultural industry. Permitted principal uses shall be as follows:

- (1) One-family dwellings where cluster development is not feasible.
- (2) Municipal parks, playgrounds and buildings deemed appropriate by the Borough Council of the Borough of Alpha.
- (3) Farms, farm dwellings and farmsteads, including horticultural uses and greenhouses, but not including the raising of poultry or livestock.
- (4) Churches and similar places of worship.

B. Permitted accessory uses shall be as follows:

- (1) Customary residential structures such as but not limited to garages pursuant to §410-26, small storage sheds, private swimming pools, pet shelters, and fireplaces.
- (2) Customary agriculture support structures such as but not limited to barns, silos, and farm stands.
- (3) Off-street parking areas, in accordance with Article VI.
- (4) Signs, in accordance with Article VII, §410-48 for residential uses and §410-49 for non-residential uses.

D. Conditional uses shall be as follows:

- (1) Cluster residential development where the preservation of agricultural lands is not feasible and in accordance with §410-61.
- (2) Home occupation uses.

#### **§410-11 *Reserved.***

#### **§410-12. R-3 Residence Zone**

A. Permitted principal uses shall be as follows:

- (1) One-family dwellings.
- (2) Municipal parks, playgrounds and buildings deemed appropriate by the Borough Council of the Borough of Alpha.
- (3) Churches and similar places of worship, parish houses, convents, and other such facilities of recognized religious groups.

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B. Permitted accessory uses shall be as follows:

- (1) Customary residential structures such as but not limited to garages pursuant to §410-26, small storage sheds, private swimming pools, pet shelters, and fireplaces.
- (2) Off-street parking areas, in accordance with Article VI.
- (3) Signs, in accordance with Article VII.

C. Conditional uses shall be as follows:

- (1) Home occupation uses.

**§410-13. R-4 Residence Zone**

A. Permitted principal uses shall be as follows:

- (1) Any use permitted in the R-3 Residence Zone.

B. Permitted accessory uses shall be as follows:

- (1) Any accessory use permitted in the R-3 Residence Zone.

C. Conditional uses shall be as follows:

- (1) Home occupation uses.

**§410-14. R-5 Residence Zone**

A. Permitted principal uses shall be as follows:

- (1) Any use permitted in the R-3 Residence Zone.
- (2) Two-family dwellings.

B. Permitted accessory uses shall be as follows:

- (1) Any accessory use permitted in the R-4 Residence Zone.

C. Conditional uses shall be as follows:

- (1) Home occupation uses.
- (2) Neighborhood-scale retail, service, restaurant, and office uses as permitted and regulated in the B-2 Business Zone where it can be demonstrated that there will be no detrimental impacts on surrounding residential properties in terms of parking, traffic, lighting, or noise. The following conditions shall also apply:
  - (a) Converting a residential use to a non-residential use is prohibited.
  - (b) Outside storage of any kind is prohibited.
  - (c) Signage is restricted to the identification of the name and address of the business; freestanding signs are prohibited.

- (d) Parking is prohibited within the required front yard setback for the principal structure.
- (e) Deliveries to the site are limited to occasional delivery vans operating during normal business hours.

**§410-15. MF Residence Zone**

A. Permitted principal uses shall be as follows:

- (1) Any residential use permitted in the R-5 Residence Zone in accordance with R-5 area, yard and building requirements.
- (2) Multifamily dwellings.

B. Permitted accessory uses shall be as follows:

- (1) Any accessory use permitted in the R-4 Residence Zone.

C. *No Change*

**§410-16. AH Affordable Housing Zone. No Change**

**§410-17. B-1 Business Zone. No Change**

**§410-18. B-2 Business Zone.**

A. Permitted principal uses. This zone district is intended for neighborhood-scale retail, service, restaurant, and office uses in addition to residential uses at R-4 standards. The following principal uses are permitted in the B-2 Business Zone:

- (1) Retail shops and personal services.
- (2) Banks.
- (3) Professional offices.
- (4) General business offices.
- (5) Restaurants.
- (6) Food stores.
- (7) Cultural & educational facilities.
- (8) Studios.
- (9) Public buildings.
- (10) Clubs, fraternal groups and nonprofits
- (11) Residential uses permitted in the R-4 Residence Zone in accordance with R-4 area, yard and building requirements.
- (12) Churches and similar places of worship, parish houses, convents, and other facilities of recognized religious groups.

B. *No Change* January 31, 2014 Page 5 of 9

C. Conditional uses shall be as follows:

- (1) Motor vehicle service stations in accordance with the regulations in Article IX.
- (2) Conversion of a residential property to an office or retail use in accordance with the following standards:
  - (a) All converted residential buildings shall maintain a residential exterior. The footprint of an existing residential building shall not be expanded to accommodate a non-residential use.
  - (b) The non-residential use shall not require any more than five off-street parking spaces and shall not exceed the required number of spaces if less than five. Parking requirements for the non-residential use must be satisfied without encroaching on any required setback area for accessory structures and without increasing the existing impervious surface on the lot by more than 10%. Parking is prohibited within the required front yard setback for the principal structure.
  - (c) Deliveries to the site are limited to occasional delivery vans operating during normal business hours. Outside storage of any kind is prohibited.
  - (d) Non-residential signage is restricted to the identification of the name and address of the business. Any lighting beyond that normally associated with a residential use is prohibited unless it is absolutely necessary for safe pedestrian or vehicular movement of patrons on the site.
  - (e) Live-work opportunities are permitted where the first floor of a single-family detached home is converted to a professional office or retail use while maintaining a residential use on the upper floors only if the office or retail use is owned or operated by the resident of the building.

**§410-19. B-3 Business Zone.**

A. Permitted principal uses. This zone is intended to permit small office and office conversions and residential uses. The following principal uses are permitted in the B-3 Business Zone:

- (1) Offices for business, executive and professional purposes.
- (2) Residential uses permitted in the R-4 Residence Zone in accordance with R-4 area, yard and building requirements.

B. *No Change*

C. Conditional uses shall be as follows:

- (1) Motor vehicle service stations in accordance with the regulations in Article IX.
- (2) Conversion of a residential property to an office use in accordance with the following standards:
  - (a) All converted residential buildings shall maintain a residential exterior. The footprint of an existing residential building shall not be expanded to accommodate a non-residential use.
  - (b) The non-residential use shall not require any more than five off-street parking spaces and shall not exceed the required number of spaces if less than five. Parking requirements for the non-residential use must be satisfied without encroaching on any required setback area for accessory structures and without increasing the

existing impervious surface on the lot by more than 10%. Parking is prohibited within the required front yard setback for the principal structure.

(c) Deliveries to the site are limited to occasional delivery vans operating during normal business hours. Outside storage of any kind is prohibited.

(d) Non-residential signage is restricted to the identification of the name and address of the business. Any lighting beyond that normally associated with a residential use is prohibited unless it is absolutely necessary for safe pedestrian or vehicular movement of patrons on the site.

(e) Live-work opportunities are permitted where the first floor of a single-family detached home is converted to a professional office use while maintaining a residential use on the upper floors only if the office use is owned or operated by the resident of the building.

**§410-20. I Industrial Zone.**

A. Permitted principal uses. This zone is intended for the following uses conducted entirely within the confines of buildings, provided that they do not exceed the limitations imposed by the performance standards hereinafter set forth in this article:

(1) Processes of manufacturing, fabrication, packaging, treatment or conversion of product, including the following:

(a) Printing, publishing and binding.

(b) Monument works for the creation and sale of inscribed stone or the combination of raw materials for memorial or aesthetic features.

(c) Bottling, packing and packaging facilities.

(2) – (9) *No Change*

(10) Light manufacturing uses such as printing, cabinetry, assembly of electronic parts and similar type uses.

B. *No Change*

C. *No Change*

D. *No Change*

**§410-20.1 Cemetery Zone.**

A. Permitted principal uses shall be as follows:

(1) Cemeteries, including the establishment of individual gravesites, mausoleums, crematoria, and other accessory uses and activities customarily associated with a cemetery. Cemeteries shall conform to all county, state, and federal requirements and the following:

(a) The minimum lot size shall be 5 acres.

(b) All buildings or structures shall be set back a minimum of 25 feet from any property line.

(c) No structure shall exceed a height of 35 feet.

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(d) All portions of the cemetery including structures shall be effectively screened from adjoining residential uses. Additional landscaping shall be used to help screen parking areas visible from the street and adjoining properties, and improve the effectiveness of buffer areas near property lines of neighboring residential areas.

(e) On-site parking may be located either in dedicated parking stalls or through parallel parking along interior roads. Parking areas shall be set back a minimum of 10 feet from any property line, except that this requirement shall not be deemed to prohibit the use of existing parking facilities. On-site parking may be supplemented with off-site parking facilities provided the cemetery operator provides evidence of a legal right to the use of such off-site facilities.

(f) Signage shall conform to the B-3 Zone standards at §410-50.

(2) Churches and similar places of worship, parish houses, convents, and other such facilities of recognized religious groups in accordance with R-3 Residence Zone standards.

## **ARTICLE IV**

### **Area, Yard and Building Requirements**

#### **§410-21. Schedule of Area, Yard and Building Requirements.**

The Schedule of Area, Yard and Building Requirements has been revised to reflect the foregoing revisions. The revised Schedule dated January 31, 2014 is attached hereto. January 31, 2014 Page 8 of 9



## ARTICLE IX

### Conditional Uses

#### §410-61. Cluster Residential Development

Cluster residential development, whereby the minimum lot area and yard requirements may be reduced as prescribed in the schedule of requirements (§ 410-21), is permitted in the R1-A Zone subject to the following conditions:

- A. The number of lots shall not exceed the total number of lots that could be obtained through subdivision under standard minimum lot size requirements and shall not yield less than four dwelling units subject to applicable well and septic capacities as prescribed by local, county or state requirements.
- B. At least 75% of the total tract of land shall be subject to a conservation easement enforceable by at least one of following: the Borough of Alpha, the County Agriculture Development Board, the SADC or the Highlands Council upon recommendation of the Land Use Board. The conservation easement shall include Right to Farm provisions if applicable.
- C. The area covered by the conservation easement shall be used only for one or more of the following purposes:
- (1) Undeveloped open space.
  - (2) Public recreational facilities.
  - (3) Farms and farmsteads, including horticultural uses and greenhouses, but not including the raising of poultry or livestock.
- D. The area subject to the conservation easement under the terms of this section shall be at a location and of a shape as required by the Land Use Board, provided that:
- (1) Said area shall adequately accommodate one or more of the permitted uses listed above and shall complement the existing and contemplated future surrounding development.
  - (2) Said area shall be adaptable to the above permitted uses without undue public expenditure that might be required by reason of adverse topography, adverse drainage or soil conditions or inadequate accessibility.
- E. Provisions shall be made for the establishment of an organization for the ownership and maintenance of said conservation area, and such organization shall not be dissolved nor shall it dispose of any of same by sale or otherwise (except to an organization conceived and established to own and maintain the common open space) without the written consent and approval of the governing body of the Borough of Alpha. Provision shall also be made for a feasible method of providing for the cost of ownership and maintenance.
- F. *No Change* January 31, 2014 Page 9 of 9

G. The following additional standards shall also apply to cluster residential developments:

- (1) Cluster developments shall be designed to avoid or minimize disturbance of natural and agricultural resources.
- (2) All infrastructure and utilities necessary to support the residential cluster development (i.e. streets, common open space areas, wastewater facilities and stormwater management) shall be located within the development portion of the cluster project area.
- (3) Septic system yield shall be calculated on the basis of the development portion of the site only, which shall consist of a contiguous land area including the following:
  - (a) All land area proposed to be occupied by buildings, structures and associated improvements, all land area to be disturbed in connection with the construction or installation of such buildings, structures and improvements, and all of the land area intervening; and
  - (b) All land area dedicated to any street or roadway right-of-way providing public or common access to the development; and
  - (c) All land dedicated to a community on-site stormwater detention facility or other like facility providing public or common services to the development.
- (4) All buffers and setbacks shall consider and harmonize with existing natural, agricultural, historic and scenic resources and with adjacent existing development. Existing natural resources and vegetation (e.g., hedgerows/trees, woodlands or forest, wetlands, streams) shall be retained and may be enhanced as buffer features whenever feasible.
- (5) Cluster development shall be configured to minimize impervious coverage.

### *Department Reports*

*Administration, Councilman Peter Pettinelli:* Councilman Pettinelli asked for patience as the Clerk's office is currently understaffed with the Deputy Clerk being out due to illness. The Clerk is presently doing more than one job for other departments. The mercantile refund of fees will be processed as soon as possible. In closing, Councilman Pettinelli approved bills, salaries and wages for his department.

*Finance, Councilman Michael Schwar:* Councilman Schwar reported that the CFO will be sitting for the test on June 1<sup>st</sup>. Mr. Daniel will officially start June 3<sup>rd</sup> with the hours of Tuesday and Thursdays 8:30 am-4:30 p.m.

Councilman Schwar reported that he will be interviewing applicants for the finance clerk position. In closing, Councilman Schwar approved bills, salaries and wages for his department.

*Health and Welfare, Councilman Louis Cartabona:* Councilman Cartabona reported that LMR Disposal will be used for the cleanup, citing that they were the lowest in the quotes he received.

In closing, Councilman Cartabona approved bills, salaries and wages for his department.

*Public Property, Councilwoman Tracy Grossman:* Councilwoman Grossman gave an update on the road at the quarry, stating that millings from the road project are being used.

Councilwoman Grossman reported on the Benke Field repairs that are needed at the grand stand. Councilwoman Grossman is working on getting estimates to power wash the pavilion.

Councilwoman Grossman stated that she is purchasing two grills to be installed at the pavilion area.

Councilwoman Grossman stated she met with the AYAA and the Phillipsburg Colts in which they went through the field house going through the equipment. Councilwoman Grossman informed the teams that Benke field will no longer be used for practice.

The announcement stand at Marino field has been moved to the far side of the field.

The DPW will be installing two dog waste receptacles at Veterans Park.

In closing, Councilwoman Grossman approved bills, salaries and wages for her department.

*Public Safety, Councilman Millard Rooks:* Councilman Rooks reported on receiving a letter of approval from the County for the coin toss.

Councilman Rooks reminded everyone on the open house the Emergency Squad is having on June 14<sup>th</sup>. In closing, Councilman Rooks approved bills, salaries and wages for his department.

#### *Professionals and Officials Reports*

*Attorney, Christopher Troxell:* Mr. Troxell requested five minutes in executive session for Personnel.

*Sewer Engineer, Jim Hill:* Councilman Schwar in the absence of Mr. Hill stated that Council needs to look at the grease trap ordinance and to discuss it at the June meeting.

*Engineer, Frank Seney:* Mr. Seney referred Council to his May 26<sup>th</sup> report that was previously distributed. Mr. Seney discussed the increase of cost that he will need a verbal approval totaling \$981.80 for sewer castings. Motion made by Councilman Schwar approving \$981.80 for the castings, motion seconded by Councilwoman Grossman, all were in favor.

#### *Public Comment*

Carol (last name inaudible), North Blvd., stated her complaint regarding speeders on North Blvd.

Kristy Wells, Schley Ave., complained of the speeders in the alley behind her house.

Kathleen Ronan, East Blvd., stated her complaint of speeders on East Central by the karate studio.

Paul O'Neil, 4<sup>th</sup> Ave., stated that there should be a no parking sign on the other side of 4<sup>th</sup> Avenue.

Mike Savary, Park Ave., referred back to his request of Council looking into the sewer laterals on his property that are seen on the video the Sewer Engineer has .

Tom Fey, East Blvd., inquired about sidewalks pertaining to the 5<sup>th</sup> Avenue project.

*Payment of Bills & Claims:*

Councilman Cartabona made a motion to make the director’s reports part of the minutes. Councilman Seiss seconded the motion, all were in favor.

Councilman Rooks made a motion that the CFO be authorized to pay all bills authorized by the director. Councilman Seiss seconded the motion. Roll call; Ayes; Cartabona, Grossman, Pettinelli, Rooks, Schwar, and Seiss (*abstaining from purchase order#174*). Nays: none.

Councilman Rooks made a motion that the CFO be authorized to pay all salaries and wages approved by the Directors, Councilwoman Grossman seconded. Roll call; Ayes; Cartabona, Grossman, , Councilman Pettinelli, Rooks, Schwar, and Seiss. Nays: none.

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type	
15-00110	03/03/15	TRANE1 TRANE	Carrier heat repair 10/27/14	Open	1,345.00	0.00		
15-00174	04/23/15	SANDOR SANDOR EXCAVATING	REPAIR SINK HOLE	Open	1,910.00	0.00		
15-00201	05/19/15	OPDK OPDYKE'S SALES & SERVICE	Truck Repairs & Maintenance	Open	1,311.19	0.00		
15-00202	05/19/15	OPDK OPDYKE'S SALES & SERVICE	2008 INTERNATIONAL 7300 MAINT	Open	625.07	0.00		
15-00203	05/23/15	WCTRE WARREN COUNTY TREASURER	2Q Cty Taxes/Open Space Taxes	Open	373,492.07	0.00		
15-00204	05/23/15	NJPDES TREASURER-STATE OF NJ	General Permit Renewal	Open	1,050.00	0.00		
15-00205	05/23/15	NJPDES TREASURER-STATE OF NJ	Surface Water GPA Mod	Open	2,300.00	0.00		
15-00206	05/23/15	MCP My Color Painting	Recreation - Painting/P-wash	Open	3,800.00	0.00		
15-00207	05/23/15	TOWNP TOWN OF PHILLIPSBURG	1Q15 SEWAGE BILLING	Open	66,593.56	0.00		
Total Purchase Orders:		9	Total P.O. Line Items:	0	Total List Amount:	452,426.89	Total Void Amount:	0.00

*New Business*

Motion made by Councilman Schwar to approve the pavilion permit with alcohol for Kristen Korbobo for June 21<sup>st</sup>. Motion seconded by Councilman Cartabona, all were in favor with the exception of Councilman Cartabona abstaining.

*Public Hearing – Open Space and Recreation Funds That Have Been Collected*

Councilman Cartabona read an open statement regarding the funds that have been collected as a tax from the tax payers of Alpha and on how these funds can be used towards Open Space.

The majority of the public supported using the Open Space funds to repair and re-open the pool. Residents came forth expressing their concerns of nothing for the children to do in the Borough.

Motion made by Councilman Schwar to approve Resolution 2015-60 motion seconded by Councilman Rooks. Roll Call: Ayes: Pettinelli, Rooks and Schwar. Nays: Cartabona and Grossman. Abstain: Seiss. Resolution fails.

#### *Executive Session*

Motion made by Councilman Pettinelli to approve the following resolution, motion seconded by Councilman Schwar, all were in favor,

#### **EXECUTIVE SESSION RESOLUTION**

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist.

1. The public shall be excluded from discussion(s) of the hereinafter specified subject matter(s).
2. The general nature of the subject matter(s) to be discussed is: Personnel, Litigation and/or Contractual,
3. It is anticipated at this time, that the above stated subject matter(s) will be made public when it is no longer a matter of confidentiality.
4. Action may or may not be taken after executive session.

**NOW THEREFORE BE IT RESOLVED**, by the governing body of the Borough of Alpha that the public shall be excluded from an executive session for approximately 20 minutes, allowing for a five (5) minute recess between the regular session and the executive session.

#### *Return to Regular Session*

Motion made by Councilman Seiss to return to regular session, motion seconded by Councilman Cartabona, all were in favor.

Motion made by Councilman Seiss to advertise for the position of Utility Collector for a maximum of 25 hours per week, in the Star Ledger , the Borough's website and the League of Municipalities website, motion seconded by Councilwoman Grossman,. All were in favor.

#### *Adjournment:*

Seeing no further business to come before Council, motion made by Councilman Rooks to adjourn at 11:02 p.m., motion seconded by Councilman Pettinelli, all were in favor.

Respectfully submitted,

*Laurie A. Barton*

Borough Clerk