

Sussex County Planning Board

Minutes

January 4, 2010

The meeting was called to order by Planning Board Attorney Mr. Hogan at approximately 4:00 PM. The meeting is held in compliance with the Open Public Meetings Act, NJSA 10:4-1 of 1975, as amended. Present were:

MEMBERS PRESENT: Michael Francis, Vice Chairman
Linda Fountain
Andy Borisuk
Richard Vohden
Gail Phoebus, 2nd Alternate
Kirk Perry
Walter Cramp, County Engineer
Rich Zeoli, Freeholder

MEMBERS EXCUSED: Michael Cecchini, Chairman

STAFF PRESENT: Eric Snyder, Planning Director
Bill Koppenaar, Chief Engineer
Donald Hogan, Attorney
Alice Brees, Principal Planner
Neal Leitner, Senior Planner

ALSO PRESENT: Jason Dunn, Dykstra Associates
Richard Schindelar, Applicant, Winding Brook Farm

REORGANIZATION

Mr. Hogan asked for the report of the nominating committee. Ms. Fountain said she and Mr. Vohden are pleased to put forth the name of Michael Cecchini for Chairman. Mr. Ho-

gan then opened the floor to any other nominations for Chairman. Having heard none, Mr. Hogan asked for a roll call vote. Results are as follows: L. Fountain – yes; A. Borisuk – yes, R. Vohden – yes; M. Francis – yes; G. Phoebus – yes; K. Perry – yes; W. Cramp – yes; R. Zeoli – yes.

Mr. Hogan said the second order of business is the election of a Vice Chairman. Mr. Vohden said the nominating committee is pleased to put forth the name of Michael Francis for Vice Chairman. Mr. Hogan then opened the floor for any other nominations. Having heard none, Mr. Hogan asked for a roll call vote. Results are as follows: L. Fountain – yes; A. Borisuk – yes; R. Vohden – yes; M. Francis – abstain; G. Phoebus – yes; K. Perry – yes; W. Cramp – yes; R. Zeoli – yes. In the absence of Mr. Cecchini, Mr. Francis then chaired the night's meeting.

MINUTES

Ms. Fountain had one correction to the December 7, 2009 minutes regarding Cambridge Pavers. During that discussion she asked if the Board turns down the applicant's waiver, would they (Cambridge Pavers) consider operating with an internal circulation plan if we (the Board) allow a second driveway for the employee traffic. Mr. Francis asked to insert that into the minutes. Also, Mr. Borisuk said he was at the December 7 meeting and would like his name added to the list of attendees. A motion was made by Mr. Borisuk to approve the minutes of December 7, 2009 as corrected. It was seconded by Ms. Fountain. All were in favor, with an abstention from Freeholder Zeoli.

SITE PLAN/SUBDIVISION REVIEW COMMITTEE REPORTS

A. Development Review Committee Minutes for 11/16/09

A motion was made by Ms. Fountain to accept the report of 11/16/09. It was seconded by Mr. Perry. All were in favor, with an abstention from Freeholder Zeoli.

B. Development Review Committee Report on Cambridge Pavers Site Plan, 12/21/09

Vice Chairman Francis said this will be discussed under Memorializations/Cambridge Pavers.

APPEALS AND WAIVER REQUESTS

A. R. Schindelar, File #38-09, County Route 565, Frankford Twp.

Jason Dunn of Dykstra Associates, along with Richard Schindelar, applicant, presented information regarding two waivers on a proposed minor subdivision with three remaining lots. They are asking for a third future entrance along Route 565 for property that has a lot of frontage. The reason for this waiver is because the land development standards require

use of reverse frontage access on a municipal road wherever possible. In this particular case there are some environmental features on the property that prevent access to this one section. Mr. Dunn faxed Ms. Brees a key map of the environmental constraints, which are regulated wetlands and buffers. The map also shows there is not another available access point on a municipal road. The other waiver they are asking for in regard to this entrance is to not show all the specific details required by land development standards; they're asking for an access point to be designed in the future when they know what the proposed use will be. Mr. Dunn also wanted to note that for access, there is a topographical barrier as Fenwick Road increases in elevation. Mr. Borisuk asked if the proposed future entrance would be in the transition zone of the wetlands. Mr. Dunn said yes, however they're confident they can get DEP permits. Looking at the map, Mr. Borisuk asked if there is an existing house or is one proposed. Mr. Dunn explained that the dark line represents the buffer line.

Mr. Koppenaal said Planning and Engineering staff did a site visit at this property and there was more than adequate sight distance to meet County standards at the proposed driveway.

Vice Chairman Francis opened this application to the public. Hearing none, he closed it to the public. Mr. Borisuk made a motion to move the application. Mr. Vohden seconded it. A roll call vote was taken. Results are as follows: L. Fountain - yes; A. Borisuk - yes; R. Vohden - yes; M. Francis - yes; G. Phoebus - yes; K. Perry - yes; W. Cramp - yes; R. Zeoli - yes.

DIRECTOR'S REPORT

A. Senate Bill S-2985

Mr. Snyder stated that we've been wrestling with DEP on wastewater for approximately five years. There are a couple of things going on. The Highlands and the DEP still don't understand the Highlands Act, and they keep insisting that areas in the Planning area are required to comply under the jurisdiction of the Act, which is incorrect. Mr. Snyder said that may change with the new administration, but there is no guarantee. The latest is a letter that the DEP sent to Franklin on the Super Walmart site indicating that even though there is no threatened or endangered habitat, they can't put them in a sewer service area until the Highlands Council agrees. However, all of Franklin is in the Planning area where compliance should be voluntary.

Regarding wastewater, S2985, Mr. Snyder testified before the subcommittee. This bill would extend the time frame for Counties to put together Wastewater Management Plans. The extension means it would continue using the old Plans for two years. Also, there are some requirements for notice to affected property owners. All is in the letter that was included in the mailing. Mr. Snyder said there is a companion assembly bill which has been sent to the Assembly and is up for second reading on the 7th. Mr. Snyder thinks we'll ac-

tually see that extension. He said we've been advising affected owners to get DEP permit applications in under the 2001 County Plan, even though it has expired. The other side of the issue is that there are some subdivisions out there that really need the new Plan adopted. Ms. Fountain said she read an editorial in the paper today and there is a vehement objection to this bill. Mr. Snyder said yes, but it does seem as though it is moving.

ATTORNEY'S REPORT - Memorializations

A. Northwood Boatworks Realty LLC, File #37(MSP)09, Route 609, Hopatcong

Mr. Hogan said Northwood Boatworks was not finalized in time to make this month's mailing; it will be on the next meeting's agenda.

B. Castimore Minor Subdivision, File #47-08, Route 565, Frankford Twp.

Mr. Borisuk made a motion to approve this memorialization. Mr. Vohden seconded it. A roll call vote was taken. Results are as follows: L. Fountain - yes; A. Borisuk - yes; R. Vohden - yes; M. Francis - yes; G. Phoebus - yes; W. Cramp - yes.

C. Turnquist Subdivision and Site Plan, File #21(CSS)09, Route 565, Frankford Twp.

This memorialization was not yet available.

D. Cambridge Pavers Site Plan, File #41(PSP)09, Route 669, Andover Twp.

Ms. Phoebus and Mr. Perry recused themselves.

Mr. Hogan said the options for the Board are as follows: we reconsider it, you have all the authority to say we changed our mind; you can pull it back and disapprove the entire thing; or you can approve the waiver with the condition that the applicant has to submit certain revisions. Mr. Hogan recalled that Mr. Hefele specifically represented that that second access would be restricted to passenger vehicles. Ms. Fountain said yes, in the minutes we said employee vehicles. The question really is about a UPS truck. Mr. Hogan said there was correspondence going back and forth between County staff and a representative for one of the objectors regarding driveway dimensions; it should be an engineered restriction. Mr. Hefele sent a letter objecting to that. This board has all the authority to impose that as a condition, to say we want the driveway reduced in size. The driveway size on the plans is for large commercial tractor trailers. Mr. Hogan thought the Board approved a very limited access that has to be re-engineered for passenger type vehicles. If a person wants to bring a UPS truck or Fed Ex truck, would that be the same size as a passenger vehicle? Mr. Koppenaar said no, but there are standards to accommodate that versus a large commercial truck. Mr. Hogan said that somehow our approval or our actions are tied to the local board. Our jurisdiction is completely separate and apart.

Mr. Hogan said there is a letter from Mr. Hefele objecting to the re-engineering of the second entrance. Ms. Fountain said she thought our intent was a second entrance for passenger vehicles and pick-up trucks, and it would be acceptable if an UPS truck or Fed Ex truck went in there as well. Mr. Borisuk said the applicant has an approval for a waiver, but they don't have an approval for the plans. So once they come in with the plans, then we can review it and put restrictions on it if we want to. Mr. Hogan said he prefers to put the restriction on now because he doesn't want to leave it open-ended and have them come back and say the Board approved the plans with the wider entrances. Mr. Snyder said the resolution says what the Board did. Mr. Borisuk said they only have a waiver for a second driveway, not the size of that driveway, which is subject to the plans. Mr. Koppenaal said maybe the confusion is because there is a difference between a residential vehicle driveway and a commercial vehicle driveway, and this driveway is for passenger vehicles and UPS trucks. The standards give you a lot of leeway when designing the types of driveway in a particular facility. The driveway shown on the plans is so large that it's really intended for large vehicles. Mr. Hogan said plans now show the second entrance with a 45 width and the Board doesn't want that. Mr. Snyder said what they need to do is to design the driveway so as to make it possible for the restricted use the Board has allowed as a condition of the waiver and nothing else. Mr. Koppenaal said to enforce the decision to not allow tractor trailer trucks, the Board may want to clarify the entrance way. It should be designed to the *minimum* commercial standards. Mr. Koppenaal said to restrict this driveway from large truck use, you want to use the smaller standards (24 ft. width and 35 ft. radius). That *minimum* would still accommodate trucks such as UPS. Ms. Fountain made a motion to accept the resolution as amended. Mr. Cramp seconded it. A roll call vote was taken. Results are as follows: L. Fountain - yes; A. Borisuk - yes; R. Vohden - yes; M. Francis - yes; W. Cramp - yes.

UNFINISHED BUSINESS

None

NEW BUSINESS

None

OPEN TO PUBLIC

None present

ADJOURNMENT

There was no further business to be discussed at this time, and a motion was made by Mr. Perry to adjourn. Motion was seconded by Ms. Fountain and carried. Meeting adjourned at 4:40 p.m.