

SUSSEX COUNTY PLANNING BOARD

MINUTES

JANUARY 11, 2016

The meeting was called to order by Vice Chairman Gstattenbauer at 4:08 p.m. The meeting is held in compliance with the Open Public Meetings Act, NJSA 10:4-2 of 1975, as amended. Present were:

MEMBERS PRESENT:	Wolfgang Gstattenbauer, Vice Chairman Lisa Chammings Gene Crawford Dan Flynn Michael Francis Matthew Hannum Mark Zschack Bill Koppenaar, Engineering Alternate George Graham, Freeholder Director Carl Lazzaro, Freeholder Member
MEMBERS EXCUSED:	Andy Borisuk, Chairman
STAFF PRESENT:	Eric Snyder, Planning Director Alice Brees, Principal Planner Autumn Sylvester, Principal Planner Antoinette Wasiewicz, Recording Secretary
ALSO PRESENT:	Gerard Simeone, Byram Township Jeff Careaga, Careaga Engineering

REORGANIZATION:

A motion was made by Wolfgang Gstattenbauer to nominate Andy Borisuk as Chairman of the Sussex County Planning Board. The motion was seconded by Gene Crawford and carried unanimously.

A motion was made by George Graham to nominate Wolfgang Gstattenbauer as Vice Chairman of the Sussex County Planning Board. The motion was seconded by Gene Crawford and carried unanimously.

MINUTES

A motion was made by George Graham to approve the Minutes of December 7, 2015 as presented. The motion was seconded by Wolfgang Gstattenbauer. All were in favor with abstentions from Lisa Chammings, Gene Crawford, Michael Francis, Matthew Hannum, Mark Zschack, Bill Koppenaal and Carl Lazzaro. Motion carried.

SITE PLAN/SUBDIVISION DEVELOPMENT REVIEW COMMITTEE REPORTS

No reports

APPEALS AND WAIVER REQUESTS

A. WAIVER FOR SIMEONE MINOR SITE PLAN, #30(MSP)15, COUNTY ROUTE 607, BRYAM TOWNSHIP:

Jeff Careaga was sworn by Eric Snyder. Mr. Careaga said he is from Careaga Engineering, Inc. which is located in Budd Lake, NJ. Mr. Careaga said he is the Engineer for the applicant, Gerard Simone.

Mr. Careaga said the project is an adaptive re-use of an old elementary school on Lackawanna Drive in Byram. They have applied for and received preliminary site plan approval from the Township for 21 apartments. They are modifying the parking lot so that there will be a total of 42 spaces, which is in accordance with RSIS requirements. On site, there will be a public water supply system. They will be modifying the existing water system. There is an existing fire pump system for the sprinkler system in the school. The system will be brought up to current codes.

The applicant is here for approval of waivers. One is for sight distance requirement. There is a 47.4 mph design speed, which requires 521' sight distance. They have 594' to the south and 481' of sight distance to the north. Mr. Careaga said this is a better condition than the existing condition, because there were two exits from the property. One of the exits had less than 400' of sight distance. The exit was modified to be an entrance only.

The applicant is also requesting a waiver for existing and proposed improvements within the County right-of-way, including but not limited to curbing, guardrail, parking spaces which are within the right-of-way, landscape islands and curb stops. Some of the existing improvements will be constructed behind an existing guardrail, with the exception of proposed curbing, which runs perpendicular to the parking spaces. There was a prior site plan approval that did allow for the parking within the right-of-way and the applicant is requesting that he be allowed to continue with that use.

The applicant is also requesting a waiver for 35' curb return radii going into the site. The proposed 10' curb return for the southern ingress/egress drive will match the existing guardrail return. They will improve the existing driveway by adding the curbing at that entrance. They will also add curbing in front of the property.

Currently, there is only partial curbing on the east side of the property. They will add curbing along there also.

The applicant is also requesting a waiver for an approach grade of 2% for the first 100' of the driveway. This is not viable on this project because the parking lot would be extremely high off the ground. To allow for handicap access, they are raising the grade of the driveway near the school.

They are also seeking a waiver from the requirement for a sight triangle easement. The existing ingress/egress driveway includes existing guiderails, parking spaces and utility poles which are currently located within the sight triangle of the entrance.

Vice Chairman Gstattenbauer asked for comments from the Engineering Department. Bill Koppenaal said he would address the waivers one-at-a-time.

Mr. Koppenaal said for the sight distance waiver, he's provided some baseline information reviewing the facts of what they've identified through review of the site. Typically, Engineering does not recommend waivers for substandard sight distances, they defer to the discretion of the Board. In this case, Engineering agrees with all the information which has been provided so far. The Land Development Standards requirements are based on design speed. The design speed can either be the posted speed plus an incremental increase of either zero, five or ten miles per hour, depending on the posted speed of the road. If there are 85th percentile speed, it would be the 85th percentile plus 10%. In this case, the 47.4 mph design speed comes from an observed 43 mph 85th percentile speed. He explained that, based on data that has been collected from the division over years, the most recent data shows that vehicles traveling along the front of this property, are traveling at about 43 mph. The posted speed in both directions at the site is 35 mph. Given the available 481' of sight distance, it would provide sufficient sight distance for the access if people were following the posted speed limit. A waiver is necessary because when you use the 85th percentile speed, the design speed goes up and the sight distance goes up proportionately.

Engineering is also concerned about the available stopping sight distance. Generally, they would not recommend that a waiver be granted for a stopping sight distance for an access that is below the stopping sight distance at that location. He said that is not the case here. The stopping sight distance required for ASHTO is 389'. The applicant is able to provide 481'. Engineering does not have any information available for the history of accidents at this location. He asked the applicant to provide that information. Mr. Careaga said he does not have any information regarding accidents. Michael Francis asked him to provide crash data. George Graham asked how many years has it been since this site has been active. Mr. Simeone said it has been inactive for about four to five years. Mr. Graham asked what was located around the site. The applicant said across the street there is a house and up the street is Wild West City and Mansfield Street. Mr. Graham said there may be some crash data that has nothing to do with this site. Mr. Francis said other activities may fall into that corridor. He said an accident report would increase the comfort level of the Planning Board members in making a sight distance waiver decision. Mr. Simeone said the data

would show for the time when the site was used for a school. The proposed use is less intensive.

Mr. Koppenaal then spoke about the curb return radii. He said he had two comments. There were similar waivers granted in 1994 for the prior use. One of the things that usually accompany this is turning templates for the design vehicles. He believes the design vehicle for the prior use could have been a school bus. He cannot find the turning templates that determined whether the configuration would provide an adequate area for vehicles to maneuver safely. The accesses are currently existing and is currently delineated with guide rail systems. It was confirmed that there will not be any tractor trailers using the entrances. There may be UPS trucks and that will be a small percentage. Gene Crawford said there will be garbage trucks using the entrances. Mr. Koppenaal said the Board should consider turning templates for a passenger car or a single unit truck in evaluating the merits of this waiver. Mr. Gstattenbauer said because the prior use was a school, the design was for a school bus, which would have larger turning radii.

Mr. Koppenaal said the next waiver is for existing or proposed improvements in the right-of-way. He said the waiver request was unclear. Mr. Careaga said they are proposing to use the location of the existing parking lot along the street frontage. Mr. Koppenaal said the access that the applicant is reconfiguring as ingress only has curbing that delineates the access. The balance of the frontage in the parking lot has a guiderail system that serves to delineate the roadway and the parking and it wraps around the entryway. This will serve as a full service access. Mr. Careaga said that was correct and that the applicant is curbing that now. Mr. Koppenaal confirmed that they are proposing to put the curbing in front of the guiderail to delineate the returns on that access. Mr. Careaga said that was correct. Mr. Koppenaal asked if the applicant was asking for a waiver for some other curbing. Mr. Careaga said the curbing from the left side from the western ingress/egress towards Route 206, there's probably about 10-12' of space between the curb and the property line. They are asking for a waiver from curbing the entire frontage of the property because of the existing stormwater sheet flow. Mr. Koppenaal said that Engineering would support that request. He added that curbing the frontage of the property potentially causes other stormwater management issues. Mr. Koppenaal said he wants to see some details on how that will be constructed, but it doesn't sound like it will be a problem.

Carl Lazzaro asked about the nature of the curbing and who will be responsible for its maintenance. Mr. Koppenaal said within the County right-of-way, they only allow concrete curbing. The maintenance is only for the access and generally goes back to the property owner. There was a question as to whether or not the applicant was asking for waiver for guiderails. Mr. Careaga said they were not. Mr. Koppenaal said that Engineering will support a waiver request not to install curbing along the frontage of the property and limit it to the access points.

Mr. Koppenaal said he reviewed the information that was available on the approach grade. The site has constraints and the applicant has a good balance between juggling the County's requirements and the site constraints. Engineering will support the access approach grade waiver.

Regarding parking within the County Route 607 right-of-way, the Board can weigh in on this, but it will have to go back to the Freeholder Board. They are the only ones who have the authority to encumber a public right-of-way. His only comment is that there are constraints that perpetuate the need for it. The original 1994 waiver included the installation of the guiderail system. From an Engineering perspective, the guiderail system is not fully up to standards with current guide recommendations for the installation of guiderail. If the County will allow, or continue to allow the parking to exist within the right-of-way, it is Engineering's recommendation that whatever portions of the rail system that is substandard be brought into conformance with current roadside design guide standards. The applicant agreed to this condition. Mr. Koppenaal said that would be a recommendation from the Planning Board to the Freeholder Board to allow the applicant a continued use of the right-of-way in this fashion. Mr. Snyder said the applicant will need to get a new waiver from the Freeholders because the original waiver was contingent on the site being used for a school.

Mr. Koppenaal then discussed the sight triangle waiver. Engineering does not recommend sight triangle waivers and defers to the Board in this matter. He said the Land Development Standards requires a 60' x 300' sight triangle at this access. Because of the constraints on the site, and the design, a 60' x 300' sight triangle encompasses a significant portion of parking, lighting and many safety improvements that would not be permitted in a sight triangle. With constructive reuse of a site, there are a lot of pre-existing constraints. He is not sure how they can enforce a sight triangle and not significantly reduce the parking capacity. Any waiver for this sight triangle should come with a condition that, should additional parking become available outside the sight restriction, the parking now in the right-of-way and what would be the sight triangle easement, will be relocated out of both. Additionally, a reconsideration of the sight triangle easement requirements to bring them more in line with the ASHTO departure sight triangle might be permitted or considered for implementation along the roadway in the future. As it currently exists, the restriction is not practical.

The last waiver was a waiver from constructing sidewalks. Mr. Koppenaal said from an Engineering perspective, he is unable to provide any direction, but he can offer some things to consider. The use of sidewalks is a pedestrian circulation function. It is currently outside the purview of Engineering. However, sidewalks are the safest means to provide for pedestrian circulation. Considering the proposed use, and where the pedestrian may be going, it is worth the discussion.

Eric Snyder said there are sidewalks along the eastern frontage of the school itself, behind the guiderail. They are pretty well beat up. There is a municipal park, municipal building and two schools within about a half mile of this project. Byram Plaza is within four-tenths of a mile, and Wild West City is about a tenth of a mile. We can anticipate that there will be people walking to these places and that there will be kids riding bicycles. There was been testimony that the average speed on that road is about 45 mph. From the County's standpoint, if you look at the County's adopted Strategic Growth Plan, this area is very much like a center and the density is

consistent with a center. It is his recommendation that the Board look long and hard look at that, in conjunction with Byram Township, to see that people who will walk in that area are reasonably well-protected. Mr. Snyder said a similar situation occurred in Sparta Township.

Alice Brees said the plans show an existing crosswalk. Eric said the crosswalk comes from “nothing” on the south side of the street, through the guide rail itself, on to the sidewalk that exists in front of the school. Freeholder Lazzaro asked Eric if he was suggesting that the applicant put in a sidewalk that’s longer than the existing one. Mr. Snyder said that there will be people walking in the County right-of-way, and it is the County’s responsibility to pay attention to that and, to the extent that we can protect people doing so, we should. As a comment on this application, it should go to Byram that we have this concern. Freeholder Graham agreed that it is a tough site but questioned whether the sidewalk would ever be connected beyond this site. Mr. Snyder said he is thinking in terms of 30 years from now. At some point there may be a redevelopment plan that does allow Byram to take some action. There is undeveloped land running between this site and the quarry access.

There was some discussion about the location of the existing driveway. Mr. Careaga clarified that the crosswalk that’s going across the street was put there at the request of Byram Township, who indicated that if there were any sidewalks in the future, they would be put on the other side. Freeholder Lazzaro said he is thinking about handicap access. He is concerned about people in a wheelchair being able to get to the driveway to get in and out of a car. He added that he feels it is important if you have an entranceway to a residential building that there be a successful, easy access for people to move to and from a vehicle. Wolfgang Gstattenbauer asked if the Board can make a condition that if ever sidewalks are being built by the Township, the property owner must put sidewalks in. Mr. Snyder said they could recommend it, but that they cannot require a bond in case it ever happens. He wants to make it clear on the record that this was considered, that people are currently using it and that the applicant needs to be aware that it is a concern. He is not suggesting that the Board require the applicant to put in a sidewalk.

MOTION:

A motion was made by Michael Francis to grant the waiver for Sight Distance subject to the applicant providing traffic accident data and that the data do not raise a serious issue. The motion was seconded by Gene Crawford. A roll-call vote was taken. Results were as follow: Lisa Chammings-Yes; Matthew Hannum-Yes; Mark Zschack-Yes; Michael Francis-Yes; Wolfgang Gstattenbauer-Yes; Gene Crawford-Yes; George Graham-Yes; and Carl Lazzaro-Yes. Motion carried.

MOTION:

A motion was made by Michael Francis to approve the waiver to allow the 10' Curb Return Radii. The motion was seconded by Lisa Chamblings. A roll-call vote was taken. Results were as follow: Lisa Chamblings-Yes; Matthew Hannum-Yes; Mark Zschack-Yes; Michael Francis-Yes; Wolfgang Gstattenbauer-Yes; Gene Crawford-Yes; George Graham-Yes; and Carl Lazzaro-Yes. Motion carried.

MOTION:

A motion was made by Michael Francis to approve the waiver for Existing and Proposed Improvements within the County right-of-way. The motion was seconded by George Graham. A roll-call vote was taken. Results were as follow: Lisa Chamblings-No; Matthew Hannum-No; Mark Zschack-Yes; Michael Francis-Yes; Wolfgang Gstattenbauer-Yes; Gene Crawford-Yes; George Graham-Yes; and Carl Lazzaro-Yes. Motion carried.

MOTION:

A motion was made by Mark Zschack to approve the waiver for the 2% Approach Grade. The motion was seconded by Gene Crawford. A roll-call vote was taken. Results were as follow: Lisa Chamblings-Yes; Matthew Hannum-Yes; Mark Zschack-Yes; Michael Francis-Yes; Wolfgang Gstattenbauer-Yes; Gene Crawford-Yes; George Graham-Yes; and Carl Lazzaro-Yes. Motion carried.

MOTION:

A motion was made by Michael Francis to recommend to the Board of Freeholders to allow Parking within the County Route 607 right-of-way with the requirement that the guardrail be brought up to current standards. A roll-call vote was taken. Results were as follow: Lisa Chamblings-Yes; Matthew Hannum-Yes; Mark Zschack-Yes; Michael Francis-Yes; Wolfgang Gstattenbauer-Yes; Gene Crawford-Yes; George Graham-Abstain; and Carl Lazzaro-Abstain. Motion carried.

MOTION:

A motion was made by Michael Francis to approve the Sight Triangle Easement with the provision that in the event that the use changes, the subsequent use be evaluated. The motion was seconded by Mark Zschack. A roll-call vote was taken. Results were as follow: Lisa Chamblings-Yes; Matthew Hannum-Yes; Mark Zschack-Yes; Michael Francis-Yes; Wolfgang Gstattenbauer-Yes; Gene Crawford-Yes; George Graham-Yes; and Carl Lazzaro-Yes. Motion carried.

The question came up as to whether a waiver was needed for the 4' wide sidewalk. Mr. Snyder said the County has the right, under the Land Development Standards to require it, in the event that we see a serious public safety issue. That has not been the case in this discussion, so it's not so much a waiver as it is an issue that needed to be

raised, and Mr. Careaga raised it. He said he will deal with it in the Resolution to point out that it was discussed but a waiver was not granted.

DIRECTOR'S REPORT

Eric Snyder advised the Board that this will be his last meeting. He is retiring as of February 1. The Board congratulated him and thanked him for his work. When asked who will replace him, he said that Autumn Sylvester will.

UNFINISHED BUSINESS

None

NEW BUSINESS

None

Vice Chairman Gstattenbauer welcomed the four new Planning Board members: Lisa Chammings, Matthew Hannum, Mark Zschack and Freeholder Carl Lazzaro. He congratulated them and said he looks forward to working with them.

OPEN TO PUBLIC

None

ADJOURNMENT

All business having been completed, a motion to adjourn the meeting was made by Michael Francis. The motion was seconded by Gene Crawford and carried unanimously. The meeting adjourned at 5:00 p.m.