

SITE PLAN/SUBDIVISION DEVELOPMENT REVIEW COMMITTEE REPORTS

A motion was made by Michael Francis to approve the Development Review Committee Reports for December 15, 2014, January 5, 2015 and February 17, 2015 as presented. The motion was seconded by George Graham and carried unanimously. Motion carried.

PLANNING STAFF REPORT

Applications not yet seen by the Development Review Committee for December 2014 through February 2015 included: three Preliminary Site Plans; one Minor Subdivision; two Exempt Site Plans and one Final Major Subdivision.

APPEALS AND WAIVER REQUESTS

A. SUSSEX COMMONS ASSOCIATES, LLC, FILE #94(CSS)04, ROUTES 206 AND 565, FRANKFORD TOWNSHIP – WAIVER REQUEST FOR SITE PLAN FEES:

Megan Ward, Esq., from Kelly & Ward, said she is here on behalf of Sussex Commons Associates, LLC. Sussex Commons is requesting a waiver of fees with regard to this application which was originally filed in 2004. She said this is a reactivation of the 2004 application and that the fees increased substantially in 2006. It is her understanding that there have been no changes to the site and that what is left to be finalized and resolved are engineering issues relating to traffic and review of the application that is pending with the Department of Transportation (DOT.) Ms. Ward said the new fees calculate to more than \$17,000.00, based on the area of disturbance.

Alice Brees clarified that the new Fee Schedule uses the number of parking spaces which substantially increases the application fee. Mr. Snyder said in the County's Freeholder-adopted Regulations, any application that is reactivated or reinstated more than a year after the last action is considered a new application for the purpose of fees. That is why the fees were recalculated based on the new Fee Schedule. He added that there have been a number of meetings with the applicant which included John Eskilson, Walter Cramp, Bill Koppenaar, John Risko, Alice Brees and himself and that he anticipates more meetings. Parts of the discussions, which all concur with, have led to the request that all collectively meet with DOT, etc. There will be a number of meetings and a lot more work still to be done with this application. Mr. Snyder said he is uncomfortable with a waiver of all fees.

Andy Borisuk asked if they could give the application a reduced fee. Ms. Ward said she would not object to a reasonable compromise. Mr. Borisuk asked if the Planning Board is authorized to do that. Mr. Snyder said that the Board's action with regard to the fees is a recommendation to the Freeholders. Only the Freeholders have the power to waive fees, since it is in the Freeholder-adopted Land Standards. Freeholder Vohden and Freeholder Graham asked if they need to recuse themselves. Mr. Snyder felt it would be best if they did. Mr. Snyder said in 2006, the applicant requested that the County put a hold on the application because Frankford Township was going through some Center Designation issues. It has been 10 years since anything happened. It

really is a new application because nothing has been done, there are new players involved, etc.

Michael Francis said the fees should be applied and if the Freeholders want to make an adjustment, that's their call. Mr. Borisuk asked what fees the applicant originally paid. Ms. Brees said in 2004, the original site plan fee \$3,740.00. Mr. Snyder said with the new Fee Schedule, the fee is \$17,150.00. Ms. Brees said the new Fee Schedule has a fee for the parking spaces and there are over 2,000 parking spaces. Ms. Ward said these are not new parking spaces; they were on the original plans. Mr. Francis felt that the Board should either support the waiver or not. Gene Crawford felt the Board should not waive the fees but give the applicant a credit of the original \$3,740.00. The Board agrees with Ms. Crawford. Chairman Borisuk asked if she wanted to make that a motion.

MOTION:

A motion was made by Gene Crawford that the Board recommend to the Freeholders that they not waive the application fees at this time but that the applicant be provided with a credit of \$3,740.00, the amount that was originally paid in 2004. The motion was seconded by Michael Francis. A roll-call vote was taken. Results were as follows: Andy Borisuk-Yes; Michael Francis-Yes; Wolfgang Gstattenbauer-Yes; Gene Crawford-Yes; Daniel Flynn-Yes; and Walter Cramp-Yes. Motion carried.

Eric Snyder asked Chairman Borisuk for a motion to formally disapprove the application for the lack of fees and additional information requested, with a clear understanding that this is to stop the clock and get this process moving once the applicant decides what to do with the fees, etc. He said in the County Planning Enabling Act, there is no provision for completeness or incompleteness. Local Planning Boards have 45 days to determine whether or not an application is complete. They provide that notice to the applicant, in writing, and the clock stops. The County Planning Enabling Act does not provide for that, as the Municipal Land Use Law does. The Planning Board does not have the ability, under the law, to say, "You're incomplete." Our options are very limited, which is why we do "Disapprovals" for administrative purposes. Mr. Snyder added that the County has a 30-day clock from the day an application is submitted by which time we have to take action. This applicant has already been given the list of things the County needs. This disapproval is simply an administrative disapproval and has nothing to do with whether or not the site plan eventually gets approved.

MOTION;

A motion was made by Michael Francis that the Board "Administratively Disapprove" this application for the reasons listed above. The motion was seconded by Gene Crawford. A roll call vote was taken. Results were as follows: Andy Borisuk-Yes; Michael Francis-Yes; Wolfgang Gstattenbauer-Yes; Gene Crawford-Yes; Daniel Flynn-Yes and Walter Cramp-Yes. Motion carried.

Megan Ward thanked the Board.

DIRECTOR'S REPORT

Eric Snyder did not have anything new to report.

UNFINISHED BUSINESS

Freeholder Graham said some questions were raised during the Trails Presentation at the December 2014 Planning Board meeting. He asked when those questions would be addressed. Mr. Snyder said the Open Space Plan is currently being updated and there were some issues raised with regard to that report. The issues will not be resolved anytime soon, but we will continue to pursue it. Michael Francis said the Hopatcong Open Space Committee is very interested in that report. Freeholder Graham asked if the Planning Division still had an intern who is working with Autumn Sylvester. Mr. Snyder said that intern only worked during the summer and that Autumn is currently working on the project. Mr. Francis said the intern did a great job and that Mr. Snyder should try to get her back next summer. Freeholder Graham said he was particularly interested in the conversation regarding crossings on Route 206 and how to address them. Mr. Snyder said it would be nice to follow up with the State, since they've done work on a couple of crossings, two on Route 206 and one on Route 94. There are still three more to do. He said work on those crossings is important because they are high-speed roads. Daniel Flynn asked if crossings work was for signage and striping. Mr. Francis said first you have to know the crossings are there. He added that he was surprised at how many people use trails.

Freeholder Graham said there has been a lot of work done in Mount Olive coming up to the Morris Canal trail and that they are going to be repairing the bridge that goes from Morris County into Sussex County. When that happens, it is going to be a link to the Sussex Branch and that will be another crossing that's going to be a concern. Mr. Francis said the crossings are important and should not be taken lightly.

NEW BUSINESS

None

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 Wolfgang Gstattenbauer carried unanimously. The meeting adjourned at 4:23 p.m.