

Sussex County Planning Board

Minutes

April 5, 2010

The meeting was called to order by Chairman Cecchini at approximately 4:03 PM. The meeting is held in compliance with the Open Public Meetings Act, NJSA 10:4-2 of 1975, as amended. Present were:

MEMBERS PRESENT:

Michael Cecchini, Chairman
Michael Francis, Vice Chairman
Richard Vohden
Gail Phoebus
Kirk Perry
Walter Cramp, County Engineer
Rich Zeoli, Freeholder
Andy Borisuk

STAFF PRESENT:

Eric Snyder, Planning Director
John Risko, Cty. Engineer Alternate
Bill Koppenaar, Chief Engineer
Alice Brees, Principal Planner
Neal Leitner, Senior Planner
Donald Hogan, Attorney

ALSO PRESENT:

Mark Whitaker, Wawa, Inc.
Irv Szeller, Wawa, Inc.
Timothy Prime, Esq., Wawa, Inc.
Charles Olivo, Quick Chek
Jeffrey Martell, Quick Chek
Debra Nicholson, Esq., Quick Chek

MINUTES

A motion was made by Mr. Vohden to approve the minutes of March 1, 2010. It was seconded by Mr. Cramp. After an abstention from Mr. Perry, all were in favor.

SITE PLAN/SUBDIVISION REVIEW COMMITTEE REPORTS

A motion was made by Mr. Perry to accept the reports of 2/1/2010, 2/16/2010, 3/1/2010, and 3/15/2010. It was seconded by Mr. Vohden. All were in favor.

APPEALS AND WAIVER REQUESTS

A. Quick Chek Corp. Site Plan, 63(PSP)09, Routes 517 and 616, Sparta Twp.

Ms. Phoebus recused herself at this time.

Debra Nicholson, attorney representing Quick Chek, said this application is for the construction of a Quick Chek on Newton-Sparta Road. It is a redevelopment of an existing Shell Station site. She then passed the microphone over to the engineers working on the project - Jeff Martell and Charles Olivo.

Mr. Borisuk arrived at this time, approximately 4:08.

Mr. Martell, Bohler Engineering and Mr. Olivo, Stonefield Engineering were sworn in by Mr. Hogan. Mr. Martell said the existing site is a gas station, and (referring to the demolition plan which is part of the site plans) it fronts on Andover Avenue (County Route 517) and Sparta Avenue (County Route 616). Mr. Martell said the existing gas station is a small service bay facility with two pumps and a retail component. Both are located in close proximity to the intersection. The proposal is to redevelop the property to a Quick Chek convenience store with a four pump island gas station. Mr. Martell said the entire development will be relocated significantly off the intersection. In the existing station, the pumps were approximately 20' from the right of way; in the proposal they will be set back about 60'. The existing driveways were also in close proximity to the intersection; the proposed access is for a right in/right out only driveway on Sparta Avenue and one full movement driveway on Andover Avenue.

Referring to Mr. Risko's letter, Mr. Martell said he will address items 5, 6, and 7; Mr. Olivo will speak about the waivers that relate to sight distance. Regarding #5 (slope of the driveway), Mr. Martell said there is a significant grade change between the driveway on Sparta Avenue and the one on Andover Avenue. A waiver has been requested for the area where there is a slope of 3% for the first 50' from the edge of the curb, so essentially the first 50' of both driveways has been sloped to a maximum of 3%. If they were to increase the flat areas at the two driveways they would be unable to make up the grade safely for

the parking lot and fueling pump areas, since there are areas on site that are 5 and 8%. The second waiver Mr. Martell spoke about relates to stormwater volume. He said that DEP has a requirement that groundwater recharge infiltration from areas of high pollutant loading should not occur. Therefore, the entire parking lot area is being detained in the detention basin and then discharged off site into the County drainage facility which discharges on the north side of Sparta Avenue. With no recharge for the parking lot areas, they are not able to meet the storm water volume requirement. They have weighed the environmental sensitivity versus the impacts of the increased volume and they believe they are negligible; therefore they've asked for that waiver. The third item is groundwater recharge. Mr. Martell said the parking areas are high pollutant loading and shall not be recharged. The current design is that the roof runoff would be considered separate. They have proposed that this would be subject to correspondence from the state that the groundwater recharge is acceptable from the roof and that it is not considered an area of high pollutant loading.

Mr. Perry asked about the number of feet difference between the stop bar and the edge of the curb. Mr. Martell said the difference would be 40' from the stop bar or 50' from the edge of curb.

Mr. Charles Olivo, Stonefield Engineering, then spoke about #1 on the letter from Mr. Risko which refers to the sight triangle easement at the intersection of Andover and Sparta Avenues. He said this is a highly used roadway in the County; it is a signalized intersection, but they will provide for additional safety measures with sufficient sight triangles at a signalized intersection. This would allow for safe progression of traffic and would be an improvement over the existing conditions at this intersection. Regarding the second item (sight triangle easement access Route 517 North), Mr. Olivo said the full sight triangle at the driveway would require a number of parking stalls to be lost. He thinks it's important to note that they've significantly improved the operation of this property; they've consolidated access, and have pushed it farther away from the intersection to maximize the spacing between the intersection and the driveway. Mr. Olivo said when the gas station was operating it was a full movement driveway; it will be restricted to right in/right out with a mountable curb area to restrict vehicles from accessing the property via left in or left out movement.

Regarding #3 in Mr. Risko's letter (sight distance at the Route 517 access), Mr. Olivo said the applicant will clear vegetation on the property to provide sight distance required by County standards. Item #4 relates to the Route 517 curb return radius. On the Andover Road access point they are providing a 25' radius coming inbound and a 35' radius on the exit. Mr. Perry asked if fuel trucks would exit to the right only. Mr. Olivo said yes. Mr. Perry asked what kind of stacking is projected at that traffic light. Mr. Olivo the trucks are routed during off peak hours; so it's unlikely that there would be back up past the driveway. These would be 53' tractor trailer trucks; approximately one a day for fuel deliveries and one a day for store deliveries. They would pull out onto Sparta Avenue and then go

straight to Route 15. Mr. Martell said we are promoting Sparta Avenue as our main entrance; but we have the ability to make the left in and the right out on Andover Road.

Mr. Martell labeled the photo exhibit A1 and then explained the direction of the fuel trucks on the map using arrows. He then said – if a truck were to use the Sparta Avenue driveway, which is the preferred route, the truck would make a right into the site, circulate around, unload with the gas on the right side towards the parking, and then to circulate back around the canopy and out, making a right turn onto Andover Avenue; it can also make a right onto Sparta. There are two possible exit maneuvers for a truck once it is on site, assuming it enters with a right off of Sparta Avenue.

Mr. Cramp asked Mr. Risko if the NJTPA improvement study along Newton Sparta Road would be in conflict with what is being proposed tonight. Mr. Risko said a jug handle has been approved and will be built at the left turn lane to Andover Avenue from Newton Sparta Road. Mr. Risko would like to see an analysis that the movements can be made. He said it may not be necessary to make a 35' curb radius for driveway. Mr. Olivo said the plan for the jug handle shows improvements along both frontage roadways and the right of way as shown on the site plans would accommodate the jug handle plans.

Mr. Perry asked Mr. Risko regarding sight triangle easements and his report statement that 'in terms of safety we cannot recommend this waiver'. Mr. Perry wanted to know what Mr. Risko would recommend. Mr. Risko said he would recommend conforming to the standards. Mr. Perry asked Mr. Risko if this site could conform to the standards. Mr. Risko said no.

For clarification purposes, Ms. Nicholson displayed a photo of the existing site. She said it is already handling the deliveries of fuel, and the current traffic situation is not as beneficial as what is proposed. Also, the proposed site will be made larger than what is currently there. That photo was marked A2. Mr. Koppenaar suggested that the applicant provide the County with the internal turning movements and the truck routes that this site is designed for; to have for the record with the site plans.

Chairman Cecchini opened this application to the public. Hearing none, he closed it to the public. The waiver requests were then numbered according to Mr. Risko's letter, and the Board voted on each.

Regarding #1 (double 90' x 300' sight easement), Mr. Martell said they are providing 90' x 300' on Sparta Avenue (Route 616) and are proposing to provide 60' x 200' on Andover Avenue (County 517). Mr. Perry said the deficiency of parking spaces is a convenience issue and the deficiency in a sight triangle is a safety issue. Mr. Martell said that because this is a signalized intersection, he doesn't feel 90' x 300' is required to provide a safe intersection visibility. Mr. Olivo was asked by Mr. Hogan if he looks to AASHTO standards for guidelines. Mr. Olivo said yes; AASHTO standards speak of sight triangles at uncontrolled intersections. Mr. Francis made a motion to approve this waiver. Freeholder Zeoli

seconded it. A roll call vote was taken. Results are as follows: A. Borisuk – no; R. Vohden – yes; K. Perry – yes; W. Cramp – yes; R. Zeoli – yes; M. Francis – yes; M. Cecchini – yes.

For item #2 (sight triangle easement at CR 517 access), the sight triangle provided would be 40' x 200' where County standards require 60' x 300' for a commercial driveway. Mr. Olivo said it's important to know that the sight distance requirements have been met at both driveways. Freeholder Zeoli made a motion to approve this waiver. Mr. Francis seconded it. A roll call vote was taken. A. Borisuk voted no; but he wanted the Board to know that although he is all for businesses and improvements, he feels this development is overloading this site. Remaining results are as follows: R. Vohden – yes; K. Perry – yes; W. Cramp – yes; R. Zeoli – yes; M. Francis – yes; M. Cecchini – yes.

There is no waiver requested for item #3 (sight distance at CR 517 access); therefore, no vote is needed.

Item #4 relates to CR 517 curb return radius. Chairman Cecchini said this is an approval with conditions because of Mr. Martell's testimony that trucks cannot make the right turn into the site from Andover Avenue. Chairman Cecchini asked for a motion, with the condition that the applicant show the internal truck turning movements on the site for County Engineer's review. Mr. Perry made a motion to approve this waiver. Mr. Francis seconded it. A roll call vote was taken. Results are as follows: A. Borisuk – no; R. Vohden – yes; K. Perry – yes; W. Cramp – yes; R. Zeoli – yes; M. Francis – yes; M. Cecchini – yes.

Mr. Perry made a motion to approve Item #5 waiver (3% slope for 50' from edge of curb). Mr. Borisuk seconded it. A roll call vote was taken. Results are as follows: A. Borisuk – yes; R. Vohden – yes; K. Perry – yes; W. Cramp – yes; R. Zeoli – yes; M. Francis – yes; M. Cecchini – yes.

Mr. Martell said, in referring to item #6, they have provided run off rate reductions; they have not provided volume reduction due to the fact that they would not be recharging or infiltrating any portion of the parking lot. Chairman Cecchini asked for a motion to move item #6. Freeholder Zeoli made that motion. Mr. Cramp seconded it.

Mr. Vohden asked a question which he said ties into #7 (groundwater recharge). If the water from the roof is added in the calculations, will they meet the requirements of volume and velocity? Mr. Martell said we will still meet rate requirements; we don't meet volume now, but there would be more volume. So it would increase the waiver you're granting in #6.

A motion to move item #6 was made earlier; a roll call vote was now taken. Results are as follows: A. Borisuk – no; R. Vohden – yes; K. Perry – yes; W. Cramp – yes; R. Zeoli – yes; M. Francis – yes; M. Cecchini – yes.

Regarding item #7, Chairman Cecchini said this is to approve with conditions, for further information to be acquired from DEP and to defer that documentation to our Planning Department to see it is sufficient. Mr. Francis made the motion, and Freeholder Zeoli seconded it. Mr. Perry asked what the impact is if approval was not granted. He wanted to know if #6 would have to be voted on again if #7 was not approved. Mr. Martell said he believes that this is not a waiver being requested; they would like the record to show that they will obtain correspondence from DEP and County officials will review it. Chairman Cecchini said we don't need to vote on item #7; it's understood that it's a condition of approval. Mr. Hogan said that he would like the Board to make this item an expressed condition. Mr. Martell said they're going to get an e-mail correspondence from the DEP to confirm that the applicant can meet the recharge requirement with roof runoff and that it does not violate any requirements that prohibit recharge from high pollutant loading areas. Mr. Snyder said that e-mail is just a start; he doesn't think 'that's going to do the trick'. Mr. Cramp said this is not an engineering matter; it is an interpretation of standards; it should be reviewed by County Counsel. Freeholder Zeoli said the motion is that we grant this on condition that it's reviewed by County Counsel and he agrees that it is in compliance. Chairman Cecchini said there is a motion on the table, and asked for a second. Mr. Vohden seconded it. A roll call vote was taken. Results are as follows: A. Borisuk - no; R. Vohden - yes; K. Perry - yes; W. Cramp - yes; R. Zeoli - yes; M. Francis - yes; M. Cecchini.

Mr. Olivo then spoke about item #8. He said it is his opinion that the exit movement from the proposed Andover Road access point would be outside of the full left turn stacking lane. There will be some overlap with the tapered area; but he wanted it noted that the existing access is about 40' off the intersection; the proposed access is approximately 150' off the intersection. Mr. Perry asked for clarification from the staff regarding this item. He said since Mr. Risko's letter states that no waiver has been requested, he wanted to know if an action needed to be taken. Mr. Koppenaal said this would require a waiver because they didn't optimize the distance between the intersections to this particular access, and not because of exiting into a congested intersection. Mr. Perry made a motion to approve this waiver. Mr. Cramp seconded it. A roll call vote was taken. Results are as follows: A. Borisuk - no; R. Vohden - yes; K. Perry - yes; W. Cramp - yes; R. Zeoli - no; M. Francis - yes; M. Cecchini - yes.

DIRECTOR'S REPORT

Mr. Snyder reported that work is continuing with the DEP regarding the County wastewater plan. He and Mr. Eskilson met with the DEP Commissioner last week and there seems to be a change in attitude - in the direction of getting something done. Regarding Solid Waste, Mr. Snyder said flow control goes into affect June 1. He also reported that the Back To The Future recycling facility has moved from Ogdensburg to Hardyston.

Regarding the letters that were included in the mailing, Mr. Snyder said the first is a letter from the Monmouth County Planning Board supporting A-128, which relates to the idea

of County jurisdiction over impact on County roads. The other piece of correspondence is a letter of resignation from a member of this Board who was appointed by the Freeholders, but had to resign before he even served.

ATTORNEY'S REPORT

No report

UNFINISHED BUSINESS

None

NEW BUSINESS

None

OPEN TO PUBLIC

Mr. Timothy Prime, attorney representing Wawa Inc., spoke regarding their site plan application at the intersection of Route 206 and Brighton Road (CR 603). He said approval was granted from the Dev. Review Committee in July 2007, conditional upon DEP approval of the project, and DEP has approved the project. Mr. Cecchini said it is his understanding that this Board cannot take any other action because approval has already been granted; the applicant may reapply if they want. Mr. Prime said we are not reapplying; but the staff says we have not met the conditions; Wawa's position is that we have met the conditions. Mr. Cecchini said we can't change conditions; we can't change our approval based on that. Mr. Prime said the Board hasn't acted on the application. Mr. Hogan said there is no application; the Board has no authority to act. He said to Mr. Prime that you may come in and submit a new application or seek a change of approval. Mr. Prime asked Mr. Hogan if you are ruling that the conditional approval just remains forever. Mr. Hogan said he is ruling that you have an approval, and there is no time limit on it that he is aware of. Mr. Prime asked if Mr. Hogan is aware of the statute that requires a decision be made on an application within a specified time period. Mr. Prime said an application has been submitted and he is asking for a decision by the Board whether the conditions they established have been met. Mr. Hogan said it's been referred to the staff and the staff has answered you. Mr. Cecchini said you haven't met the conditions. Mr. Prime said it is Wawa's position that we have met the conditions; we will seek judicial review.

ADJOURNMENT

There was no further business to be discussed at this time, and a motion was made by Mr. Borisuk to adjourn. Motion was seconded by Mr. Vohden and carried. Meeting adjourned at 6:15 p.m.