

## **SUSSEX COUNTY PLANNING BOARD**

### **MINUTES**

**APRIL 6, 2015**

The meeting was called to order by Chairman Borisuk at 4:03 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:**

Andy Borisuk, Chairman  
Daniel Conkling  
Dr. John Ford  
Michael Francis  
Gene Crawford, 1<sup>st</sup> Alternate  
Dan Flynn, 2<sup>nd</sup> Alternate  
Bill Koppenaar, Engineering Alternate  
George Graham, Freeholder Member  
Rich Vohden, Freeholder Alternate

**MEMBERS EXCUSED:**

Wolfgang Gstattenbauer, Vice Chairman

**STAFF PRESENT:**

Eric Snyder, Planning Director  
Alice Brees, Principal Planner  
Antoinette Wasiewicz, Recording Secretary

**ALSO PRESENT:**

Kevin Hahn, Esq., Airport Road Properties, LLC  
Mary B. Walker, Airport Road Properties, LLC  
Dennis Walker, Airport Road Properties, LLC  
David A. Clark, CP Engineers  
Robert Byra, CP Engineers

### **MINUTES**

A correction will be made to the second motion on Page 3. Gene Francis will be corrected to Gene Crawford. A motion was made by Daniel Flynn to approve the Minutes of March 2, 2015 as corrected. The motion was seconded by Gene Crawford. All were in favor, with abstentions from Daniel Conkling and John Ford. Motion carried.

## **SITE PLAN/SUBDIVISION DEVELOPMENT REVIEW COMMITTEE REPORTS**

A motion was made by Michael Francis to approve the Development Review Committee Reports for March 2, 2015 and March 16, 2015 as presented. The motion was seconded by Andy Borisuk and carried unanimously.

### **APPEALS AND WAIVER REQUESTS**

A. AIRPORT ROAD PROPERTIES, LLC, PRELIMINARY SITE PLAN 3(PSP)15, ROUTE 605, HOPATCONG BOROUGH:

Kevin Hahn said he is an attorney with the firm, Mulvaney and Hahn to represent the applicant, Airport Road Properties, LLC. He introduced Robert Byra, the Engineer for this project. Mr. Byra was sworn by Eric Snyder. He is currently a licensed Engineer in the State of New Jersey and has been providing Engineering testimony throughout the State for five years. He is currently employed by CP Engineers in Sparta.

Mr. Byra said the applicant is proposing to construct two new warehouses on property known as Block 20002, Lot 2 in Hopatcong. He marked a sheet entitled, "Aerial Exhibit" showing the existing property, dated March 17, 2015 as Exhibit A-1. To the north is Lot 8, currently occupied by the Sussex County Maintenance Road Division.

The applicant had a site plan application in 2005 for the two warehouse buildings on the southern portion of the property. The property has two separate driveway entrances due to its topography. There is a significant elevation change with the northerly portion being higher than the southerly portion. In 2005, the County Planning Board granted approval of the two driveways.

The applicant is now proposing to construct two new warehouse buildings and associated improvements on the northerly portion of the property. Mr. Hahn said that Hopatcong Borough has already approved the site plan. Mr. Snyder asked for a copy of Hopatcong Planning Board Resolution.

Mr. Byra referred to Exhibit A-2, site plan. The applicant originally requested three waivers: for the location of signs in the County required sight triangle easement; for the geometry of the sight triangle easement on the northerly driveway; and for one inlet on the driveway. Mr. Byra said the applicant is withdrawing the waiver for the location of the signs. The applicant will relocate the southerly sign outside of the sight triangle easement, moving it further back into the property. For the northerly driveway, he will raise the sign so that it is a minimum of 10' above the existing grade in accordance with sight triangle easement standards.

Mr. Byra said for the waiver related to drainage, the County requires that an inlet be provided on a curbed driveway opening at both the beginning of the curb and the end of the curb on both upstream and downstream sides. As a result, they technically would be required to have four inlets at the driveway. Because of the grade on County Route 605, the roadway drains in a southerly direction. The road has an approximate grade of about 6%. The drainage at the driveway is also running in a southerly

direction. It would not be practical to install inlets on the upstream side of the driveway. Mr. Byra said they are proposing to construct an inlet directly on the southerly, upstream side of the driveway to capture any additional stormwater which may run into the County right-of-way. They have demonstrated in reports that they will have less stormwater running into the County right-of-way in post-development compared to the existing condition. As a result, they are still complying with the County stormwater requirements. Mr. Byra referred to Sheet C-12, the Northerly Driveway Proposed Detail. He said they are proposing one inlet on the southerly side and nothing on the northerly side. They've demonstrated in the reports that the stormwater stays on the property with no additional discharge to the County right-of-way.

The second waiver which is being requested is for geometry of the sight triangle easement. He referred to Sheet C-012 (which was also included in the site plan,) showing the northerly driveway detail. The applicant has provided signed and sealed plans by a surveyor for the property in question, Lot 2. The County has requested that the sight triangle easement be extended in a northerly direction onto the County property (the County garage.) The applicant has not surveyed the property; therefore, they technically cannot be delineating an easement on the County property. They are requesting a waiver from the County for the configuration of the sight triangle easement, that it be retained within the subject property (Lot 2). Mr. Borisuk confirmed that the County would be responsible for the County portion of that sight triangle.

Daniel Conkling asked if there was vegetation in the County portion of the sight triangle. Mr. Byra said there is some vegetation but there is also a chain-link fence that goes around the property. Mr. Conkling asked if that would impede the sight triangle. Mr. Byra said according to the County Standards, if there is a sight triangle easement; nothing can be constructed within the easement between two and ten feet above grade. Should an easement be recorded for Lot 8, they would have to discuss the requirements, since there is an existing non-conforming issue within that easement. Mr. Borisuk asked if the chain-link fence was considered an obstruction. Bill Koppenaar said it was. Mr. Byra said when the driveway was originally designed and approved by the Board, it took into consideration the reconstruction of Route 605 and documented that there was significant sight distance. They are not proposing to change any of the roadway or driveway grading.

Mr. Borisuk confirmed that the only real obstruction is the fence. Mr. Koppenaar said generally the Land Development Standards asks that the applicant make a good-faith effort to work with an adjacent property owner, at least reaching out and contacting them. He discussed this issue with County Counsel, and he recommended that the Planning Board ask the applicant to make a request of the Freeholder Board to provide this easement. The Freeholder Board is the only entity that could encumber property that is owned by the County. It would be subject to a Developer's Agreement. They could relocate the fence outside of the sight triangle without affecting the operations of the garage. Mr. Graham asked if he should recuse himself since this issue may go before the Freeholder Board. Richard Vohden said that they should both recuse themselves and they left the meeting room.

Mr. Ford confirmed that the fence was there at the time this project received County approval. Mr. Koppenaal said he does not know about the original approval of this driveway, whether the sight triangle was requested and waived or whether it was just dismissed because it was over County property. Alice Brees said there was a 2005 site plan that mostly focused on the southern driveway. The northern driveway and sight distance was shown, but it wasn't being used in the same way that is being proposed now. Mr. Byra said the driveway on the northerly side was approved in 2005 under the proposed constructed conditions of Route 605 with the DOT improvements. At the time, the fence was in place. It met the requirements with respect to sight distance. Mr. Byra said he is not aware of what was testified to with respect to the use of the driveway, but he said in reviewing those plans, there were some fairly large turning maneuvers that were demonstrated with respect to WB 50's and WB 52 and the sight distance was shown. With respect to the type of use on the property, it is proposed to be a warehouse style use. The buildings are subdivided and provide large garages for small businesses within the area. Mr. Ford asked if semi-trucks would be using the driveway. Mr. Byra said there are no tenants at the present time but that the driveway was originally designed and is currently sized to accommodate larger vehicles.

Dennis Walker, the property owner, was sworn by Mr. Snyder. Mr. Walker said his property has a US Mail contract business. There is a block garage that was constructed in 1984 which is used for repairs. The two buildings are used by contractors for storage. One building is an office furniture warehouse. There are semi-trucks who use the southerly driveway but only about one or two a week. The upper driveway was approved in 2005 with a much larger turning radius because it was designed for tractor trailers. Mr. Ford said he has concerns about making a left hand turn from the new (northern) driveway without proper sight visibility because of the fence. However, since it has already been improved, the County and Engineers already took that into consideration in 2005. They felt it was safe back then. Mr. Walker said the sight distance at the stop sign is sufficient. It is only infringed upon further back from the stop sign. Mr. Hahn said the County's Engineer has clearly stated that the need for the sight triangle easement is not with respect to sight distance.

Mr. Conkling said in 2005, approval was granted based on one type of use. He asked if the use is intensified and has that changed the reason for approvals. Mr. Ford thought the approval in 2005 had in mind that applicant was building storage structures. Mr. Conkling said they do not have that information available. Mr. Francis said they still had the sight distance. Mr. Flynn confirmed that the sight distance requirements have been met from the stop bar, looking in both directions.

The meeting was opened to the public. None present. The meeting was closed to the public.

**MOTION:**

A motion was made by John Ford to grant the two waivers for the Airport Road Properties, LLC. The motion was seconded by Daniel Flynn. A roll-call vote was taken. Results were as follows: Andy Borisuk-Yes; Daniel Conkling-Yes; John Ford-Yes; Michael Francis-Yes; Gene Crawford-Yes; and Daniel Flynn-Yes.

B. SUSSEX COMMONS ASSOCIATES, LLC, FILE #94(CSS)04, ROUTES 206 AND 565, FRANKFORD TOWNSHIP – TRAFFIC REPORT REGARDING WAIVER FOR SECOND ACCESS:

Daniel Conkling said because he is on the Green Township Committee and Kevin Kelly is Special Counsel to Green Township, he recused himself from this discussion and left the meeting.

Mr. Kelly said he is the attorney for Sussex Commons Associates, LLC. He introduced Carlito Holt, a traffic expert with the firm of TRC. Mr. Holt has been with this project throughout the entire 13 year history of the approvals for Sussex Commons. Mr. Holt was sworn by Eric Snyder. Mr. Holt said he is employed by TRC Engineers and is a Project Manager with more than 15 years of experience. He is a licensed professional Engineer in New Jersey, New York and Connecticut. He is also a certified professional traffic operations Engineer and a member of the Institute of Transportation Engineers. He has appeared before numerous Boards throughout New Jersey. Mr. Holt confirmed Mr. Kelly's statement that he has been involved with the Sussex Commons project as a traffic expert from the very beginning.

Mr. Koppenaar said the last time this Board heard this application; it was before the Development Review Committee on December 19, 2005. At that time, the application was "Disapproved" for a few different reasons. There was an appeal made by the applicant shortly thereafter. The Division of Planning was in the process of rescheduling the appeal when the applicant requested an adjournment of the application due to planning and sewer service areas.

Toward the end of 2014, the County received a request from the applicant to reactivate the application. There was a prior meeting with the Planning Board relating to fees. Mr. Koppenaar said the Engineering and Planning divisions reviewed the files to identify the status of the application and what the "Disapproval" was based on. One of the primary issues was the request for an additional access along Route 565.

Currently, while traveling north on Route 565, the site has reverse frontage access along Championship Drive, which is located approximately 2,200' north of the Ross' Corner intersection. The applicant requested that the Board grant approval for another limited movement access midway between Ross' Corner and the reverse frontage access off of Championship Drive. They requested a three-movement access, right in, right out, left in. Mr. Koppenaar said that a left turn into the site introduces another point of conflict that we generally want to avoid. Based on the Planning Division's review, this particular application is unique, because most of the applicants that come before us have smaller properties. This property has almost 2,000' of frontage.

The Division looked at the operational safety of the access as a whole. If the request was denied, it would take the volume of traffic and redistribute it to other accesses. The applicant was asked to speak about the overall operational safety of this site with and without the access and with this access in different configurations. There was concern regarding the fact that the ballpark is adjacent and is also serviced by Championship Drive. If we do not allow this left hand turn in, a significant percentage

of the traffic that would otherwise be using it, would be using the Championship Drive access and would have a higher probability of coinciding with the ballpark when it is in operation. This would compound a level of service issue and safety issue by forcing a lot of traffic to use one specific location. Mr. Koppenaar said the applicant is proposing to signalize both intersections of Championship Drive and a right-in, right-out on Route 206.

Mr. Holt said they are proposing to relocate a portion of Championship Drive where it would come into Route 206 further north of the Ross' Corner Intersection. This location would be signalized with a turn lane turning from Route 206 into Championship Drive. They would maintain another access point, but only as a right-in, right-out access. This would be an un-signalized access point. There would be no left turn movements at this location. The access point in question would be along Route 565 and would be right turns out, right turns in and left turns in. Moving further north would be alternative access via Championship Drive which would be signalized.

As part of this application, a traffic analysis was done for two critical peak hour periods. One was a peak p.m. weekday hour which coincides with the peak commuter period, as well as the peak shopping period that you would experience on a weekday evening. The other time period analyzed was the peak midday Saturday shopper hour. This is the highest generator for this type of use. Mr. Holt said this is the hour that he will focus on in his presentation. He showed an aerial image with a proposed site plan overlay. Although the property continues all the way to Championship Drive in the northeast, based upon the layout, there would not be any development up to Championship Drive. All of the shopping and parking is oriented more toward the Ross' Corner Intersection.

By taking the existing traffic volumes and overlaying it with the proposed development traffic, they were able to run a simulation model. His presentation showed the traffic running in real time during the peak hours. The model showed the future significant improvements at the Ross' Corner intersection with widening to facilitate additional turn lanes, traffic signal upgrade, an additional lane on Route 15 and the related Championship Drive and new signals at either end. These roadway improvements, in 2004 dollars, were just under \$2.25 million.

Michael Francis asked about the impact from Fairgrounds traffic. Mr. Holt said they did a sensitivity analysis when they did the original traffic study. The analysis looked the Ross' Corner intersection with the shopping center when the Fair was in session and there was a ballgame. They found that with the improvements at Ross' Corner, they would be leaving the intersection in better condition than it would be without the development.

Mr. Ford said he originally questioned the 100' length of the left turn lane, but from the computer model, it seems to be long enough. Mr. Holt said that there is a striped median area which allows them to extend the left turn lane beyond the 100'. Although it is not warranted by the analysis, it is something that they can provide up to 200-

250' just through restriping. This can be worked out with the Engineering office. Mr. Koppenaar said there are discussions in his report about that issue.

Mr. Holt said there are reasons why the "left turn in" movement is viewed as critical. The Ross' Corner intersection is a heavily traveled with three State highway-legs and one County approach. As you approach from Route 15 to the south, there would be a channelized right turn lane. That traffic would never be waiting at the light. Cars could use the channelized right turn and make the left in at the proposed site driveway. If the left turn was eliminated, it makes the movement much less appealing. You would have to drive past the site up to Championship Drive. He said drivers are reluctant to do this. You would see more drivers avoiding the channelized right turn and staying on Route 15 traveling north and that would impact the traffic congestion.

Mr. Holt said in 2005, the D.O.T. raised similar questions with respect to the access scheme. The applicant was asked to look at different access alternatives. He said they studied five different access alternatives ranging from no State highway access and only access at the Championship Drive intersection to more limited access along Route 206 and Route 565. The outcome was that the access presented today was the optimal access scheme to provide the best safety and efficiency in this area. This access scheme received concept approval from D.O.T. The approval is in the process of being renewed because it has expired. The traffic volumes in this area have been fairly stagnant due to the recession. Mr. Flynn said this design makes sense. It seems to function much better with a left turn lane in on Route 565 rather than passing the site and coming back.

Mr. Graham asked when the road improvements would be done. Mr. Holt said the work would be done prior to the opening of the shopping center. Mr. Graham said there is going to be a big paving project through the area in early 2017. Mr. Snyder said as the time gets closer, they will probably want to coordinate the work. Mr. Holt said if there is a milling resurfacing project on the books, they will coordinate it. Mr. Ford asked about the project timing. Mr. Kelly said the access and D.O.T. approval are the last issues. Wastewater and DEP issues are now all in place. The application still needs final approval for the subdivision and site plan.

Mr. Ford asked for a summary of what the applicant is requesting. Mr. Snyder said they are here for a waiver of the access in a configuration that the Board feels appropriate. The three options for Route 565 access are: right in, right out; right in; and right in, right out, left in, subject to compliance with Bill Koppenaar's April 1, 2015 report.

Mr. Koppenaar said there are a few other things that need the Board's approval in addition to this waiver. One issue that was outstanding in 2005 was the applicability of the traffic generating projections. The Engineering Division said it is their recommendation that the I.T.E. data which was used by the applicant should be accepted by the Board. In the original comments, there was a request from the County to study approximately 55 additional intersections based on anticipated traffic volumes coming into the area. A significant portion of them were D.O.T. jurisdiction intersections; a couple of them were County roads. They are included in the studies

but because they are D.O.T. jurisdictions, D.O.T. will have the final say. It is his recommendation that the County, the applicant and D.O.T. review them because there are a couple of intersections with County roads. Mr. Koppenaal said D.O.T. focuses on intersections they have jurisdiction over. This particular development is expected to increase the peak hour traffic along Route 565 by about 25%. The only intersection along Route 565 that was reviewed was Linn Smith Road, which is not a major intersection. He said that even though the development would increase peak hour traffic by 25%, he does not know whether or not it will trigger an issue at the intersection. It would be beneficial if the applicant would do a cursory look at the Average Daily Traffic (ADT) data. He said he would be interested in peak hour data and turn movement data. Mr. Borisuk said no matter how efficiently the design is set up; there will be times, such as during Fair week, when there will be some problems.

Mr. Holt said D.O.T. has a very strict policy on how they determine what state highway or state jurisdiction intersections you need to analyze. It is based upon how many new trips you would generate through an intersection, as well as what they term a "half-trip". They've done that analysis to determine what locations must be analyzed per those strict standards. D.O.T. has already signed off on that when they did their Scope of Study document. With respect to the additional Route 565 intersections to the northeast, the nearest one to the site is about three miles and the furthest one is about six miles. Typically for this type of development, they would not look at an intersection that far removed from the site. He said they did look at Linn Smith Road, but not as a County approach. They've identified that it did not have any impacts and as you move away from the site, some of that 25% of traffic is local traffic which will travel to the more local roads. He said an additional analysis beyond the site will not show much more than what they've already demonstrated in their study.

Mr. Graham asked if there are plans for additional lighting in the area of the left turn lane. Mr. Holt said that is a technical detail which will be worked out with the County Engineer's office. He said there are lighting requirements for D.O.T. signalized intersections. They will work with the County to provide the necessary lighting. Mr. Ford confirmed that the lighting would be provided at both turning locations.

Mr. Borisuk asked how many stores are projected for this shopping Center. Mr. Kelly said there are 82 stores planned.

Mr. Snyder said the Board needs to vote on the access as they see fit; whether or not the additional work that Bill talked about is appropriate; and if they find that his recommendations regarding the I.T.E. data that was used in the analysis is appropriate. Mr. Snyder also said we do not have a final design or the final work on the subdivision and that both are required for Site Plan and Subdivision approval.

Gene Crawford said the study assumes that the southbound traffic will be less than the northbound traffic. She said she lives in Montague and on Friday nights and Saturdays, you cannot make a left onto Route 206 south because of all the northbound traffic. She suggested the traffic on Route 206 be reviewed again in 12 months as well as on Route 565.

The meeting was opened to the public. No public was present. The meeting was closed to the public.

**MOTION:**

A motion was made by Michael Francis that the Board support the plan for a “right in, right out and left in” access on Route 565 and that the I.T.E. data as presented are acceptable. The approval of this access is subject to issues consistent with County Engineering’s report dated April 1, 2015. The intersection further north on Route 565 will be part of a future study if it is warranted. The motion was seconded by George Graham. A roll-call vote was taken Andy Borisuk-Yes; John Ford-Yes; Michael Francis-Yes; Gene Crawford-Yes; Daniel Flynn-Yes; George Graham-Yes; and Richard Vohden-Yes. Motion carried.

**MOTION:**

A motion was made by Michael Francis acknowledging that the Site Plan and Subdivision per se, remain Disapproved for lack of details. The motion was seconded by John Ford. A roll-call vote was taken Andy Borisuk-Yes; John Ford-Yes; Michael Francis-Yes; Gene Crawford-Yes; Daniel Flynn-Yes; George Graham-Yes; and Richard Vohden-Yes. Motion carried.

**DIRECTOR’S REPORT**

Mr. Snyder said he sent out a couple of links to the Together North Jersey Plan and Statistics. He asked the Board to look at them and to direct any questions or comments to Together North Jersey directly or to him.

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

- A. ANNUAL POPULATION ESTIMATES FOR NJ COUNTIES, 2010 TO 2014, U.S. CENSUS BUREAU:

Alice Brees said the population estimates show the continuing decreasing trend for Sussex County.

**OPEN TO PUBLIC**

None

**ADJOURNMENT**

All business having been completed, a motion to adjourn the meeting was made by John Ford. The motion was seconded by George Graham and carried unanimously. The meeting adjourned at 5:50 p.m.