

SUSSEX COUNTY PLANNING BOARD

SPECIAL MEETING

MINUTES

JUNE 16, 2014

The meeting was called to order by Chairman Borisuk at 10:10 a.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
 Gene Crawford, 1st Alternate
 Walter Cramp, County Engineer
 Rich Vohden, Freeholder Director
 George Graham, Freeholder Member

MEMBERS EXCUSED: Dan Flynn
 Dr. John Ford
 Michael Francis
 Wolfgang Gstattenbauer

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

ALSO PRESENT: John Eskilson, County Administrator
 John Mullin, McCormick Taylor
 Richard Claubers, High Point C.C. Montague
 Helen Ameijer, S.C./Warren Chronic Disease Coalition
 Autumn Hullings, S.C. Health Department
 Tracy Storms-Mazzullo, S.C. Department of Health
 Bill Koppenaar, S.C. Division of Engineering
 John Risko, S.C. Division of Engineering
 Richard Gendes, TransOptions
 Elizabeth Thompson, NJTPA
 Courtenay Mercer, Mercer Planning Association
 Joe Bucovetsky, McCormick Taylor
 Judy Nylén, Culver Lake
 Bruce Tomlinson, NJ Herald
 Greg Worman, Skylands Sierra Club Chapter

DRAFT COMPLETE STREETS PLAN AND POLICY:

Chairman Borisuk opened the meeting and introduced Eric Snyder, the Sussex County Planning Director.

Eric Snyder welcomed the attendees and said that this Special Meeting was being held to present a study which has been going on for about nine month. The Study was funded by the north Jersey Transportation Planning Authority (NJTPA) which is responsible for overall transportation funding and regional perspective on transportation in North Jersey.

The Study is part of what has been discussed for a very long time, to provide options for people to get around. This presentation will lead to a discussion on policy by the Planning Board and the Freeholders for adoption in the future. Mr. Snyder turned the presentation over to John Mullin, lead for McCormick, Taylor, the consultants retained for the study.

John Mullin thanked the Planning Board for the opportunity to present the Complete Streets Study. The presentation is intended to summarize the work which has been done to date and provide an opportunity for the Board to see the conclusions that have been drawn and provide comment and feedback prior to adoption.

The Study follows other activities that have been happening locally, regionally and statewide. In 2008, the County adopted amendments to its Land Development Standards which included reference to many elements which are part of Complete Streets. In 2009 the NJDOT adopted a Complete Streets policy for all state roadways. In 2011 and 2012 Sussex County Freeholder Susan Zellman championed Complete Streets with outreach workshops with neighboring Morris and Warren counties. In 2013 NJDOT included Complete Streets policies as a point criterion in local aid applications such as Safe Routes to School and the Transportation Alternatives Program. By 2014, six NJ counties (Camden, Essex, Hudson, Mercer, Middlesex and Monmouth) and 88 municipalities had adopted Complete Streets policies.

The purpose of this study was to prepare recommendations that would be relevant to Sussex County; to encourage a process of considering Complete Streets improvements in areas that promote walkability and at trail crossings; and insulate the County from liability concerns by having a formal process of considering Complete Streets in transportation projects.

Outreach activities included Steering Committee meetings, a Complete Streets Audit Workshop and Community meeting, Stakeholder meetings, Community Open House and Virtual meetings. Stakeholders include local and County government, Regional and State offices, and non-profit organizations.

Through the outreach, vision and goals were created. The vision for the Complete Streets Study is to promote safety, public health and economic development through strategies, policies and goals that consider the travel needs of potential users, including motorists, pedestrians, bicyclists, transit riders, seniors, children and

individuals with disabilities, through enhanced transportation options, while preserving the unique rural characteristics of Sussex County.

The Goals of the Study are to ensure that the safety and convenience of all users of the transportation system is considered; to increase Sussex County's attractiveness as a destination for recreation opportunities; to create healthier, more active communities; to boost economic development; to ensure that Complete Streets designs fit within the context and character of the community; to utilize cost-effective Complete Streets design in both the short and long term; and to use Complete Streets principles as part of all new transportation construction, reconstruction and maintenance projects.

Challenges to Complete Streets include a lack of safe crossings and long crossing distances; missing sidewalks; deteriorated condition of sidewalks; no marked bicycle infrastructure; high speed traffic; multiple driveways and physical barriers.

Mr. Mullin said a good place to begin was in locations of trip generators: schools, shopping centers, town and village centers, medium/high density neighborhoods, bus stops and recreation facilities.

As part of the County's Land Development Standards, the County has incorporated the Smart Growth Transect identification system in its Land Development Standards. Transect types are a natural zone, a rural zone, a sub-urban zone, a general urban zone, an urban center zone and an urban core. These six transects cover all the different types of contexts that might be encountered in Sussex County---from open space to Main Streets. Streets can also be characterized by their function. However, as not everything fits into street type, they introduced "overlays." The proposed overlays are destination street, village/hamlet, school zone/trail crossing/trail connector, scenic/historic highway, preservation zone and transit stop.

Some examples of suggestions from the transect-based implementation plan are a 4' minimum shoulder width, where right-of-way permits; pedestrian-scale lighting, where appropriate; 5' minimum sidewalks, where feasible and current or future demand exists; bike sharrows (share the road symbols in the pavement) where appropriate if the roadway speed is 25 mph or less and reduced curb radii at intersections where pedestrian safety is a priority.

During the study, locations around the County were looked at that might serve as a pilot. Studies and analyses were done of corridors, intersections and street networks where these ideas may be applied. Several pilot locations were identified in the Town of Newton, Hopatcong Borough, Andover Township and Franklin Borough. The High Point to Cape May Bike Route and various trail crossings were also analyzed.

Complete Streets suggestions for the pilot locations are, for pedestrians, paved paths, sidewalks, crosswalks, pedestrian countdown signals, pedestrian refuge median at intersections and ADA compliant curb ramps and detectable warning surfaces. And for bicyclists, sharrows and bike lanes. Other suggestions are to incorporate trees into streetscaping, wayfinding signage and local signage.

Mr. Mullin talked about the importance of education throughout a project's lifecycle. Education strategies include a Press Kit and Fact Sheet on traffic safety, number of accidents and the importance of the education campaign; social media; traffic safety tip cards with laws explained; kick-off events and safe routes to school strategies. He also talked about common enforcement challenges and responses for transition zones, school zones, school events and crosswalks.

A Draft Complete Streets Policy has been created which includes an Implementation Plan. The purpose of the policy is to enhance safety for road users; provide safe and convenient travel options for all County residents; provide affordable and equitable means of accessing important destinations and services for those who do not drive; enhance the scenic quality of the County's roads; create more attractive streets and towns that foster improved economic and community vitality and foster opportunities for active recreation and tourism. The Policy Plan provides policy guide language, policy resources for municipalities, implementation guidance, definitions of common and project exemption criteria.

Mr. Mullin opened the meeting up to questions.

Freeholder Vohden asked if this presentation was on the website. Mr. Mullin said the policy and the draft plan are on the website. Courtenay Mercer said there is also a forum for comments. Mr. Mullin said he also has the policy and draft plan on CDs. Freeholder Vohden also confirmed that nothing is mandated in the plan. Mr. Mullin said the plan is a policy guide.

Freeholder Graham asked how a policy guide changes the criteria of how the County would make changes in the roads or bridges. Would that dictate something the County would have to do on future road improvements? Mr. Mullin said the State encountered something similar when they adopted their own Complete Streets Policy in 2009. There were already projects that were being planned and funded for design. They were struggling with how to make Complete Streets part of the design. They found that they could consider, where appropriate, a way to incorporate some of the Complete Streets elements within the design. The County would take the same approach.

Freeholder Graham asked about upkeep of the road and liability issues with changes in use for the road. Would that put an added burden on the County to maintain certain sections of the road to a higher degree? Mr. Mullin said that question came up as part of the Steering Committee discussion. He said that would go into how the maintenance agreement is phrased. If the road has sharrows and they are fading over time and the center line is also fading, it can be written in the maintenance agreement that the center line has priority and that the sharrows may not be painted as frequently as the center line.

Freeholder Graham asked about the use of a road shoulder as a bike path and asked if the shoulder is in need of repair and someone injures themselves, is there a new liability because the shoulder was created as a bike path? Mr. Mullin said there are arguments that say if there is a facility that would facilitate a person riding a bicycle

on the shoulder, that isn't designated as a bike path, and erosion causes a person to be injured, you are opening yourself up for liability by not allowing there to be a plan in place that recognizes that you have considered those users first, instead of going back later and saying you didn't know the users were there. Mr. Snyder said this is a legal issue but if the County designates a bike lane, or the shoulder as a bike lane, then you've indicated that you have a higher level of care that you are supposed to exercise. If you know that there are cyclists out there but there is no money in the budget, it is important to document the process by which the improvement was considered and not implemented. The process provides a record that says that, even though this particular intersection or crossing doesn't meet the standard, we've done the best we could to meet that standard. We've gone through a thoughtful, analytical process and this is the response we have. If the county designates something as a bike lane, then there is a higher standard of care. This can be considered a financial burden and needs to be considered before you designate something. Mr. Snyder said there needs to be a thought process and this procedure will result in formal, documented thought process. He said they have been repeatedly told by attorney experts in tort claims that the process insulates you from liability.

Freeholder Graham said he is concerned because cars are required to have warning lights etc. and pedestrians and bicyclists don't always take that precaution. He also talked about roads heaving during the winter and job of maintaining the roads. Mr. Snyder said he does not see the County designating bike routes because much of Sussex County has a negligible amount of pedestrian and bicycle traffic on its roads. We know where the places are where there is the most opportunity and the greatest need to formalize where people are crossing and where people are walking. He said there is more liability in not having a policy in place at all.

Freeholder Graham asked how this differs from the policy we have now where we have transects. Freeholder Vohden asked about the difference between the State Complete Streets Plan. How does this differ from the policy we already have? Mr. Mullin said the State looks at State Roads and where those roads may intersect with County facilities. You would want to create some sense of consistency or expectation for the people that are on that road. Walter Cramp said, as the County Engineer, they see a lot of litigation related to the road system. The County starts with responsibility. We have a right-of-way for regional transportation motor vehicles getting between communities, getting to state highways. The Freeholders have responsibility for anything that occurs within the right-of-way, specifically, the County is also, by statute, responsible for the paved surface. The Freeholders allow and encourage municipalities, when there is a need for local amenities like sidewalks, to work with them to provide those. However, the towns don't always want them. He also said that the County tries to design bridges and roadways to match what's needed in the local community.

Freeholder Graham asked about the hierarchy of responsibility. Mr. Mullin said it depends on how the maintenance agreement is written. If there was something in place before where there was a relationship with regard to maintenance along that stretch of County road that goes through a municipality where the municipality is responsible, the County may want to talk about whether the stretch of sidewalk would continue in the maintenance agreement. Otherwise, you would consider, as a County,

if you want to take on that burden. Walter Cramp said he understands under State Statutes, municipalities can request that sidewalks be put in along State or County highways; but the County does not have the ability to compel to design, construct or install sidewalks. Freeholder Graham said he concern was with maintenance of the sidewalks. He said in Stanhope there was a State project where sidewalks were put in on Route 183. Every winter Stanhope has crews that have to shovel out the sidewalk. He also said he has not had the opportunity to read the entire Study and would like more time to read it, absorb it and be more informed about every aspect of it. Mr. Snyder said this presentation is just an introduction to the study. Freeholder Graham said he wants people to feel safe but does not want them to have a false sense of security that they're in a place that says they're okay to be there and it's not really the best place to be.

Gene Crawford said she had a comment regarding the educational aspect. She said she read in the NJ Herald that there have been seven or eight pedestrian fatalities in the County. She asked if more was being done in the schools to educate students on safe practices while walking at night. Mr. Mullin said as part of the study effort they did find all of the points of pedestrian crashes around the County. If there is an area that has a higher propensity for accidents, they want to make sure those areas are considered a higher priority. They also tried to identify what has been done to educate pedestrians. A police officer was part of the walk audit. They talked about the "Cops in the Crosswalk" Program. There are resources that are put in the document that said, first you raise awareness that there is a program in place and that there are certain expectation for behavior when you are going to cross the road. This should be publicized: the Herald, schools, etc. Then you issue warnings by means of warning tickets and finally citations can be issued.

Andy Borisuk asked if a developer wanted to develop a large parcel of land, what would give the developer incentive to incorporate the extra cost for these types of things in his plan. Mr. Mullin said often when a municipality is looking for development to occur; they try to provide incentives to the developer to install the development at the least cost to the developer. They waive sidewalk requirements, etc. However; when you are laying down infrastructure, having a smaller footprint where you are clustering homes or uses in a certain area, you can limit infrastructure cost but then create a more walkable environment. He added that in New Jersey, the municipality has the final say. If the town wants to waive the sidewalk, it is hard for the County to force that upon them. However, the County can work with them in providing best practices through the policy and implementation strategy.

Walter Cramp said it needs to be in the context of the pedestrian circulation for community. It's not just the sidewalk here or there, there is a circulation of pedestrians through a community which is unique to that community. If there is a missing spot, as on Route 206, we should fill in the missing link.

Eric Snyder said the Land Standards have a requirement that we consider the impact of development on County Roads. The County has altered its approach to work with municipalities where development will attract pedestrian traffic, such as the Shell Station with the convenience store in Sparta. The developer will be responsible for

maintaining the sidewalks. That will be part of the Developer's Agreement. Undeveloped property is a different discussion.

Alice Brees asked if this Complete Streets Plan would change the County's Land Development Standards. Mr. Mullin said the Plan is not intended to change the Land Development Standards. The Land Development Standards have been defined. What the County is supposed to do is consider, as part of those standards, whether Complete Streets components would be appropriate in that context.

Freeholder Graham asked how would the County deal with utility poles that are already in place. Mr. Snyder said the whole process has a number of moving parts. Utility poles are one of them. In some cases it may be way out of the realm of possibility for municipal and county budgets. Freeholder Graham said there are currently certain policies for moving forward. He is concerned about how the County will be forced to do things retroactively. Mr. Snyder said the County would not be doing things retroactively, but retrofitting. There will always be people who will do unsafe things. It is only where there is a very real benefit to take care of an unsafe situation, that the County will consider that in the context of this policy.

Freeholder Graham asked if there is anything in this policy that will automatically create the need for new studies every time we start a project. Mr. Mullin said that goes to the Land Development Standards. The study is intended to enhance the process that is already in place. If the Land Development Standards do not include certain elements for Complete Streets, the County may want to consider where those Standards might be updated or revised to better incorporate some of those Complete Streets elements. The same is true for Project Planning. There is a Policy Guide that looks at policy in general. They will have the intention of looking at Complete Streets from a holistic perspective. Separate from that, there is a step-by-step process for project planning, where before the project is designed, as you are looking at assessing what the concerns are, you look at more than just the infrastructure for vehicles. You look at the corridor. It does not mean you are going to design all of these Complete Streets elements; you are just going to consider them. Freeholder Graham asked how much it cost in terms of improving the standards. Mr. Mullin said the standards already exist in the Green Book and the MUTCD. There is a range of improvements already in there that would accommodate those Complete Streets elements. Eric Snyder said there may be some additional design cost. Joe Bucovesky said the work that has been done at some of these pilot locations could be a big help because they've already looked at certain situations and come up with some concepts as to how to approach it. Mr. Mullin said as part of the pilot locations, they've done the field views; looked at constraints with regard to utility locations; they've looked at land use and come up with a series of improvements. They've even identified costs. Freeholder Graham said he is concerned with the need to get into an eminent domain situation. Mr. Snyder said it is safe to say the County is not going to get into that situation.

Walter Cramp said there are occasions where the County is looking to provide wider shoulders and there is additional cost because DEP says it will increase the footprint for your impact to an adjacent C1 Stream (for example.) He said DOT is about to repave Route 206 in a couple of years and they are trying to keep the footprint down

and now put in sidewalks where they probably should because it will trigger a whole environmental and DEP permitting process. Mr. Snyder said that goes to a fundamental problem where the DEP and DOT do not work together to advance the public safety in all cases. There needs to be better coordination in Trenton.

The meeting was opened to the public.

Richard Claubers, Montague Township, said most of the accidents that occurred in Montague happened when vehicles hit telephone poles. He said he has put in over 200 red reflectors on telephone poles over the last eight to ten years. He questioned why the telephone company replaces a pole that has been broken in an accident with another pole in the same location.

Helen Hameijer, Sussex County Health Department, said one of their responsibilities for a Grant from the Office from Cancer Control and Prevention is to implement and work with the communities regarding Complete Streets because of the obesity epidemic in this Country. In Sussex County, the obesity level is 27-31%. More than one out of every four residents is obese. Health care costs in 2008 were \$2.2 billion and has been projected to be \$9.3 billion in 2018 for diseases related to obesity. Research has shown that physical activity has a huge impact on, not only cancer, but on other diseases such as diabetes and heart disease. She said the County should keep in mind other aspects of this plan besides finances and legal responsibility.

Greg Warmon, Hamburg Borough said the discussion has been more about liability. He said he noticed in Ogdensburg, since the sidewalks were put in, there are different types of people using them. Where there were only kids, he is now seeing older people walking. He said communities should consider walkability and its impact on economic development. Ogdensburg put the sidewalks in to improve and rejuvenate their downtown.

ADJOURNMENT

All business having been completed, a motion to adjourn the meeting was made, seconded and carried unanimously. The meeting adjourned at 11:26 p.m.