

**SUSSEX COUNTY PLANNING BOARD**

**MINUTES**

**July 1, 2013**

The meeting was called to order by Chairman Borisuk at 4:00 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  
  Dr. John Ford, Vice Chairman  
  Michael Francis  
  Wolfgang Gstattenbauer  
  John Risko, Engineering Alternate  
  Rich Vohden, Freeholder Director  
  George Graham, Freeholder Member

MEMBERS EXCUSED:                   Gene Crawford, 1<sup>st</sup> Alternate  
  Dan Flynn, 2<sup>nd</sup> Alternate

STAFF PRESENT:                     Alice Brees, Principal Planner  
  Antoinette Wasiewicz, Recording Secretary

ALSO PRESENT:                       Alfred Stewart, P.E., for Leka

**MINUTES**

A motion was made by Michael Francis to approve the Minutes of June 3, 2013 as presented. The motion was seconded by Wolfgang Gstattenbauer. All were in favor with an abstention from John Ford. Motion carried.

**SITE PLAN/SUBDIVISION REVIEW COMMITTEE REPORTS**

None

**APPEALS AND WAIVER REQUESTS**

A. LEKA, MINOR SUBDIVISION FILE 102/06, COUNTY ROUTE 609,  
HOPATCONG:

Alfred Stewart, the Engineer for the Leka Minor Subdivision said he has been working on this project for many years. There originally were three lots. The applicant sold off one lot. At the time of the original subdivision in 1985, wetlands were not a consideration. The original deed restriction placed this proposed driveway for Lot 6.03 in the wetland area. They have since relocated the driveway from the wetlands area, and there is only 30-40' of lot frontage adequate for the driveway. The applicant is requesting a waiver for sight distance because the location change reduces the sight distance.

John Ford asked if there was adequate sight distance at the original location, and Mr. Stewart said the sight distance was 425'. John Risko said he provided the Board with an aerial photo. He said it was important for the Board to know that at one time it would have been possible to get 500-560' of sight distance. He asked Mr. Stewart to explain why this is not possible now.

Mr. Stewart said the sight distance to the right was 425' in the original application. There is a 500' line and a 560' line. The 560' line crosses the corner of a separate lot. The lot is wooded and also has wetlands. Mr. Leka owns Lot 6.01 and 6.03. He sold Lot 6.02, which has a house on it. Because of the driveway relocation, the available sight distance to the right (north on Route 609) is 313'. The available sight distance is 542' to the left and does not require a waiver. The sight distance of 313' to the right would provide safe intersection stopping for a design speed of 26 MPH. The design speed at the site is at 44 mph. Mr. Stewart said this is the only location where the sight distance can be optimized due to the wetlands.

Mr. Stewart said the proposed driveway is in the optimum location of the property for sight distance due to the constraints associated with the wetlands and wetland buffers. The field visit confirmed this. Because of wetlands and slope constraints of the property, the septic disposal site is also limited to the proposed area. He added that the house was downsized from a five bedroom home to a four bedroom home to reduce the size of the septic system.

When asked about the reduction in sight distance, Mr. Stewart said they have 313' when 485' is required. Andy Borisuk said it doesn't look like the applicant has any other options. Alice Brees added that the County standard was 425' when the lot was created in 1985. At the original driveway location, they would have met the original standard.

A question was raised by George Graham about possible liability to the County if the waiver for reduced sight distance was granted. Rich Vohden said there was less liability than denying an applicant access to their property. Alice Brees said that was a good question for Dennis McConnell; however the Planning Board has the jurisdiction to grant the waiver. Andy Borisuk said there would probably be a liability if the Board

granted a waiver when there were alternatives. In this case, there is no alternative other than denying the applicant the use of his property.

With no other questions raised by the Planning Board, the meeting was opened to the public. None present. The meeting was closed to the public.

**MOTION:**

A motion was made by Michael Francis to grant the waiver to allow 313' of sight distance. The motion was seconded by Wolfgang Gstattenbauer. A roll-call vote was taken. Results were as follows: Andy Borisuk-Yes; John Ford-Yes; Michael Francis-Yes; Wolfgang Gstattenbauer-Yes; John Risko-No; Rich Vohden-Yes; and George Graham-Yes. Motion carried.

**DIRECTOR'S REPORT**

Eric Snyder was away on vacation. Alice Brees reported that the DEP approved the County Future Sewer Service Area Map in June.

**ATTORNEY'S REPORT**

None

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

Rich Vohden reported that last week there was an important Supreme Court decision that a Planning Board cannot extort improvements off- site for land use approvals. In Florida, a man bought property and applied for an application for commercial use. He was told he would be allowed to build on the property but he would have to provide a conservation easement to the municipality and would also be required to mitigate additional acreage elsewhere. The landowner passed away and his children took this to court. The courts decided in favor of the property owners. This will probably affect the mitigation procedures in New Jersey.

**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 John Ford and carried unanimously. The meeting adjourned at 4:30 p.m.