

SUSSEX COUNTY PLANNING BOARD

MINUTES

JULY 11, 2016

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 Wolfgang Gstattenbauer, Vice Chairman Gene Crawford Dan Flynn Michael Francis Mark Zschack Bill Koppenaar, County Engineer George Graham, Freeholder Director Carl Lazzaro, Freeholder Member
MEMBERS EXCUSED:	Matthew Hannum, 1 st Alternate Lisa Chammings, 2 nd Alternate
STAFF PRESENT:	Autumn Sylvester, Principal Planner Alice Brees, Principal Planner Rick VanderPloeg, Engineering Division Antoinette Wasiewicz, Recording Secretary
ALSO PRESENT:	John Williams, Esq., County Counsel

MINUTES:

A motion was made by Mark Zschack to approve the Minutes of June 6, 2016 as presented. The motion was seconded by George Graham and carried unanimously.

SITE PLAN/SUBDIVISION DEVELOPMENT REVIEW COMMITTEE REPORTS:

A motion was made by Dan Flynn to approve the Development Review Committee Reports for June 6, 2016 and June 20, 2016 as presented. The motion was seconded by Wolfgang Gstattenbauer and carried unanimously.

APPEALS AND WAIVER REQUESTS:

A. PROPOSED DEVELOPER'S AGREEMENT FOR GREENTREE AT HOPATCONG,III PRELIMINARY SITE PLAN, FILE 15(PSP)16, HOPATCONG:

Bill Koppenaal said the Board was provided with a copy of the Developer's Agreement. This is the standard form of agreement that the County has been using for about five or six years to facilitate construction projects that are initiated by site plan or development applications. This one is a three-party agreement: the County, the Borough of Hopatcong and the Developer, Greentree. It is for the work along County Route 607, adjacent to the River Styx Bridge. The Agreement is necessitated by the fact that there is adjacent development that is part and party to the approval process both at the local and County level where there is construction of curbs and streetscapes within the right-of-way of the County road. The agreement establishes design operation and construction and maintenance parameters for all three of the parties moving forward. The Planning Board is to review the Agreement and make a recommendation to the Freeholder Board for adoption. It has been reviewed by the Developer, the Borough and internally by County staff. All parties have agreed to the form, but it has not been executed by any of the parties. This is the final form of the Agreement pending comments by this Board or the Freeholder Board. A minor typo was pointed out.

MOTION:

A motion was made by Wolfgang Gstattenbauer to send this Developer's Agreement to the Freeholder Board with a recommendation to approve. The motion was seconded by Dan Flynn. A roll-call vote was taken. The results were as follows: Andy Borisuk-Yes; Wolfgang Gstattenbauer-Yes; Gene Crawford-Yes; Dan Flynn-Yes; Michael Francis-Yes; MarkZschack-Yes; George Graham-Abstain; and Carl Lazzaro-Abstain. Motion carried.

A. RESOLUTION FOR POPE JOHN XXIII HIGH SCHOOL PRELIMINARY SITE PLAN, FILE 5(PSP)16, SPARTA TOWNSHIP:

Autumn Sylvester said this is the Resolution to memorialize the Board's approval of the waivers from last month's meeting. There was a revision since the copy that was sent out last Friday. Bill changed the wording on Item 8. He expanded on the modifications to the current design system for the spillway. He also changed the wording in Item 2 on Page 4, saying, "The crosswalk shall be upgraded to conform to current MUTCD and applicable design standards." Alice Brees said since last month, she, Rick VanderPloeg and Owen Dykstra met on-site. The site distance was measured at more than 500' in each direction. Therefore, there will not be a waiver request for site distance.

Carl Lazzaro said there is a situation where there is a substantial amount of traffic and he believes the new construction will add another 100 cars into this area in the morning and afternoon. He asked Mr. Koppenaal if he felt secure, without a traffic survey, that this will be a safe zone. He said if there is an accident involving ingress

and egress; the County will be at fault. Mr. Koppenaar said the applicant had a traffic engineer submit a traffic investigation of existing and build-out conditions of their proposal. They will also be providing the County with additional information related to the distribution of the traffic on-site. The applicant said the a.m. peak hour will have an increase of 75 cars and, at most, they will only add three buses. They plan to leverage all of the buses that are already collecting around the County and out-of-County to service this facility. He said the County not only looks at the overall peak hour increase, but also the distribution on-site. This shows which access points are and are not being used. There are triggers that generate warrants for left-turn lanes. The turn lanes are already in along Route 517 and they provided information that the modifications in the traffic volumes are not going to drive a change in the length or storage capacity of the turn lanes. He added that from any other perspective, the County does not have a lot of jurisdiction over how the access functions, short of signalization, and there isn't anything that would drive a signalization of these access points.

Mr. Lazzaro asked if the applicant has established crosswalk and crossing areas. Mr. Koppenaar said the only pedestrian accommodations are at the high school. The County had comments on that and they did address the comments related to that particular pedestrian element. There are no provisions to get the student population from the school, down along Route 517 and across to the Quick Chek or Mohawk Plaza.

George Graham said he had the same concerns because this is a much younger group of children. He also feels there will be more traffic generated because of the distance to the school. He asked if Mr. Koppenaar was comfortable with the situation. Mr. Koppenaar said that the County has incorporated all that we can from an operational safety perspective, based on the information that the applicant and their professionals provided us in consideration of the application. When asked if they have provided all of the information that they should have provided. Mr. Koppenaar said there have been years of discussions on the operation of this site and how to improve or facilitate the operations of the site. It has continuously been the County Engineering perspective that the campus structure is less than desirable. They bus into the middle school, then go back out onto the highway, go up Route 517 and go into the high school. There is no internal circulation for traffic. It was brought up in a prior application and was brought as part of this application. The consensus was that because of specific site constraints, there is not a viable way to solve this problem. He also said that the applicant has a very staggered arrival schedule for students, staff and students with parking permits and buses so that it distributes the traffic over a greater period of time. Mr. Koppenaar said all of what is being discussed this afternoon, has already been brought up during the review process. The Board felt they managed the situation as best they could, given the circumstances. The only thing that was not brought up was whether the students leave the site during the day. John Williams said the County can ask the school about their policy in allowing students to leave the premises.

When asked if this application will require a Developer's Agreement, Mr. Koppenaar said it will not. There will be a road opening permit for the work within the right-of-

way and as part of that; there will be some operational parameters which will be refined regarding the rapid flashing beacons at the crossing. The County has agreed to work with the applicant to upgrade and enhance the crosswalk. The applicant will maintain the ownership of the beacons. Ms. Brees added that the Lake Mohawk Country Club is working with the school on an agreement to address their issues.

There was some discussion on the lack of viability for internal movement of the buses. Mr. Koppenaar said currently the stormwater management system includes an open retention basin which is located between the campuses. The stormwater management system would have to be reworked to allow internal movement. It was determined that an underground system was above and beyond what should be reasonably required. This is in the technical reports that have come out of Engineering. When it was broached at the Board level, the applicant came back with a number of reasons why they could not provide that. A determination was made that it was too onerous and we would not force that issue. Since it is a school district, the main road traffic will be slower. It is also very close to a signalized intersection, so there is some degree of control. Mr. Koppenaar said language can be put in to the waiver resolution that puts the onus back on the applicant to periodically review or remediate problems which may develop in the future that are unanticipated based on the current information that was provided as part of this application. He added that the Board could grant the waivers for the issues related to access. John Williams said the issues relating to pedestrians can be put in as conditions of approval. He also said the waivers can be modified by a motion or a vote to make changes to the Resolution. It should then be brought back to the applicant with the option of reopening the hearing for additional testimony. Ms. Sylvester said the County can add language saying if the school has more population than what is in the traffic study, they would have to come back to the Planning Board. The Board agreed that the issues would be revised one full year after the project is complete. Mr. Koppenaar said the issue is the overall operational safety of Route 517 adjacent to this site as related to the fact that the applicant did not provide for internal circulation of the site. Therefore, the vehicles have to enter the school, exit the school back onto the County road and enter the other school. He also questioned the County's liability because the Planning Board based their approvals on information that the applicant's professionals have provided which indicated that there really is no significant change to the operation of the site, even though there are 250 new students. It will be absorbed through the current design and will more than accommodate the increase in traffic volume. Wolfgang Gstatenbauer said the applicant also said they have made appropriate changes to the starting times of teachers and high school students. They said they addressed the issues internally and it should not have an external impact. That is what the Development Review based its decision on.

MOTION:

A motion was made by Carl Lazzaro to table the vote on the waiver resolution to the next meeting. The motion was seconded by Dan Flynn and carried unanimously.

DIVISION REPORT:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

A. DISCUSSION REGARDING FEE SCHEDULE:

Ms. Sylvester said at the last meeting, the Planning Board discussed the review of the Land Development Standards and streamlining the processes. She said that she met with Mr. Koppenaal and Ms. Brees to start the discussion. Instead of looking at everything at once, they thought it would be best to look at it a piece at a time. They started with the Fee Schedule. The Fee Schedule has not been revised since 2006. The Land Development Standards were revised and adopted in 2008, and they are conflicting.

Mr. Koppenaal suggested that they begin by going through the County Planning process and the By-Laws so that there is a clear understanding of where the parties for the Planning Board are actually derived from and the By-Laws that govern the operation.

Ms. Sylvester said the Board was provided with copies of the Planning Board's By-Laws and a presentation on the County Planning Enabling Act. It is a line-by-line item of the statute and what enables the Planning Board's authority and the Land Development Standards. If a County has a Planning Board, they have to make and adopt a Master Plan for the physical development of the County and advise the Freeholders with respect to development programs and capital improvement budgets. The County's first Master Plan was done in the early 1960's with subsequent revisions. The most recent Master Plan was the 2005 Strategic Growth Plan. Hard copies are available and will be brought to the next meeting.

The County Enabling Act also provides for the makeup of the Board. It includes the Director of the Board of Chosen Freeholders, a Freeholder appointed by the Director, the County Engineer and other citizens of the County. All terms are for three years and they serve without compensation. The County Planning Board reviews all subdivisions and approves only those subdivisions that affect the County road or a drainage facility. Staff has 30 days to review and approve applications. The Planning Board can review site plans along County roads or those that affect drainage facilities. The County Enabling Act also discusses municipal requirements for noticing on Municipal Zoning Ordinances, Master Plans, etc., ordinance changes and planned development communities. It also discusses what the Development Standards can include and require of applications.

The County's Planning Board By-Laws are a more specific reiteration of the County Planning Enabling Act. Mark Zschack said he did not see where the County Planning Enabling Act gives the Committee of the Board the ability to grant approvals with waivers. Ms. Sylvester Chapter 40, Section 27-6.8 in the County Planning Enabling Act says, "The County Planning Board may, by resolution, vest its power to review and approve subdivision, pursuant to the provisions of Sections 4 through 6 of this Act and to review and approve site plans, pursuant to the provisions of Sections 8 and 9 with the County Planning Director and a designated committee of members of said County Planning Board." Ms. Sylvester said the Development Review Committee was vested that authority by the Sussex County Planning Board's By-Laws. It is in Article 6, Committees on Page 4. Mr. Koppenaal said he believes this is also addressed in the Land Development Standards where it delegates or appoints the Development Review Committee as a subset that has the authority to do reviews and approvals. Ms. Sylvester said that should be a change to the By-Laws to make it clearer.

There was discussion about the formation of a By-Laws sub-committee. Michael Francis said he did not see any big issues with the By-Laws. John Williams said staff will look at the By-Laws and bring back to the Board any suggested changes or maybe typing up the delegation of the authority to the Development Review Committee.

Andy Borisuk brought up the review of subdivisions, on Page 6 of the County Planning Process. "The County Planning Board shall review each subdivision." And then it says, "Shall withhold approval if application does not meet County subdivision standards." He said the County's subdivision's standards in many cases are different than the municipal standards. Ms. Brees said that is under the County Enabling Act. It says that all subdivisions have to be reviewed by the County. There was some discussion about the difference between a "review" and an "approval." Mr. Koppenaal said a review does not imply it requires a County approval. We are reviewing it for whether it does or doesn't impact a County road or drainage facility. If it doesn't, it's just a review. If it does, it must comply with the County standards. Michael Francis said that should be made clear.

There was also a discussion on the fees associated with a subdivision. Mr. Koppenaal said the fee structure, when it was established, was generally intended to represent the average cost that the County incurred through the review and approval process for these various types of applications, not on a case-by-case basis. It was done on a generic, typical case basis, just to cover the investment of County staff resources that went into the review process. At the time, that was the will of the Board. It wasn't something that staff did. Staff was asked to determine how much time goes into the process.

Mr. Koppenaal also said the Fee Schedule was developed at the same time that the Fee Schedule for all of Engineering's access, highway occupancy and road opening permits were developed, as well as all of the bonding. There is an interest in revisiting all of these structures. He said they should be done concurrently, because they are all done by ordinance; it's not just a straight resolution. It would have to come through a recommendation of this Board to the Freeholders and they would need to have logic behind the Fee Structure. George Graham asked how to proceed with this project. Ms.

Sylvester said the By-Laws allow for a subcommittee to review the ordinances, standards and the fee schedule. The Planning Board Chairman would appoint the members of the subcommittee.

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 Dan Flynn and carried unanimously. The meeting adjourned at 5:30 p.m.