

**SUSSEX COUNTY PLANNING BOARD**

**MINUTES**

**September 10, 2012**

The meeting was called to order by Chairwoman Phoebus 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:

Gail Phoebus, Chairwoman  
Andy Borisuk, Vice Chairman  
Michael Cecchini  
Dr. John Ford  
Michael Francis  
John Risko, Engineering Alternate  
Rich Vohden, Freeholder Member

MEMBERS EXCUSED:

None

STAFF PRESENT:

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

ALSO PRESENT:

Michael Campbell, Applicant  
Owen Dykstra, for Michael Campbell  
Debra Nicholson, Esq. for Gregg Martorana

**MINUTES**

A motion was made by Michael Cecchini to approve the minutes of May 7, 2012 as presented. The motion was seconded by John Ford. All were in favor with abstentions from Gail Phoebus and Andy Borisuk. Motion carried.

**SITE PLAN/SUBDIVISION REVIEW COMMITTEE REPORTS**

A motion was made by John Ford to approve the Development Review Committee Reports for May 7, 2012; June 4, 2012; June 18, 2012; July 2, 2012; July 16, 2012; July 30, 2012; and August 13, 2012 as presented. The motion was seconded by Michael Cecchini and carried unanimously.

**APPEALS AND WAIVER REQUESTS**

A. ST. JUDE CHURCH SITE PLAN, SCPB 4(PSP)08/12, ROUTE 661, HARDYSTON TWP.:

Alice Brees said this waiver relates to stormwater on the site of an existing church on Beaver Run Road in Hardyston. In the waiver request letter, it was explained that bedrock was encountered so they can't recharge and control the volume. Alice added that approval of this waiver is recommended by John Risko. John Risko asked if anybody attended the meeting for the applicant. Alice said "No" and that she did not think they were required to attend.

Eric Snyder said his concern is that the applicant may be a corporation and there may be some issues as to who represents them and how. John Risko said that County Standards require the applicant to control the flow, which is done with a detention basin and also the volume, which usually requires quite a bit of infiltration. The site is on rock and it cannot be infiltrated. Gail Phoebus asked if the Engineering Department approves of the waiver. John Risko said they do.

**MOTION:**

A motion was made by Michael Francis to grant the request from St. Jude Church for a waiver from stormwater volume standard due to poor conditions for ground water recharge. The motion was seconded by John Ford and carried unanimously.

B. CAMPBELL SITE PLAN, SCPB 14(PSP)12, ROUTES 616 AND 669, ANDOVER TWP.:

Michael Campbell and Owen Dykstra were sworn by Eric Snyder. Owen Dykstra said he has been working with the Development Review Committee on this application. This is the site of the old DeAngelo market which is being converted to a Dales Market. Currently there are two entrances to the site and they plan to modify that to be one controlled entrance. They will also give additional right-of-way near the intersection.

They are requesting a number of waivers due to sight conditions. The first waiver is for the existing house which is currently in the right-of-way. It will remain in the right-of-way and will also be located within the 90'x300' sight triangle. There are also sight triangle easements for the proposed intersection. They are proposing the traditional 60'x300' to the right. However, in order to maintain parking spaces, they are reducing it to 40'x300' to the left. This will save eight parking spaces near the front entrance to the store. Due to the short distance between the parking lot and the

street, they have to reduce the curb radius. They have demonstrated how the truck turning templates work with this proposed intersection for a single unit vehicle. They are also requesting a waiver from providing cross sections. They have demonstrated that water will flow away from the County road. Due to the slope from the highway into the site, they requested a waiver from the approach grade; 2% is required, they are requesting 4%. Mr. Dykstra said this is the best they can do with the location of building.

John Risko asked if the parking spaces that would be lost with a 60'x300' sight triangle easement could be made up elsewhere on the site. Mr. Dykstra said they physically could be made up but they wouldn't be viable parking spaces for the retail establishment. They need parking in proximity to the door. He also talked about the length of the driveway and how the waiver was appropriate.

John Ford asked how many parking spaces were there and the estimated number of employees. Mr. Dykstra said there were 50 parking spaces. Mr. Campbell said there would be an average of 30 employees, but only eight at one time.

No other questions were raised and there were no questions raised by the public.

**MOTIONS:**

A motion was made by Andy Borisuk to approve the waiver for the 40'x300' sight triangle to the left from the 60' standard, due to the circumstances on the site. The motion was seconded by John Ford. A roll call vote was taken. Results were as follows: Gail Phoebus-Yes; Andy Borisuk-Yes; Michael Cecchini-Yes; John Ford-Yes; Michael Francis-Yes; John Risko-No; and Rich Vohden-Yes. Motion carried.

A motion was made by John Ford to approve the waiver for the 30' curb radius for the driveway from the 35' standard. The motion was seconded by Andy Borisuk. A roll-call vote was taken. Results were as follows: Gail Phoebus-Yes; Andy Borisuk-Yes; Michael Cecchini-Yes; John Ford-Yes; Michael Francis-Yes; John Risko-Yes; and Rich Vohden-Yes. Motion carried.

A motion was made by Michael Cecchini to approve the waiver for a 4% grade of driveway from the 2% maximum County Standards. The motion was seconded by John Ford. A roll call vote was taken. Results were as follows: Gail Phoebus-Yes; Andy Borisuk-Yes; Michael Cecchini-Yes; John Ford-Yes; Michael Francis-Yes; John Risko-Yes; and Rich Vohden-Yes. Motion carried.

A motion was made by Michael Cecchini to approve the waiver from providing inlets at driveway entrance. The motion was seconded by Andy Borisuk. A roll-call vote was taken. Results were as follows: Gail Phoebus-Yes; Andy Borisuk-Yes; Michael Cecchini-Yes; John Ford-Yes; Michael Francis-Yes; John Risko-Yes; and Rich Vohden-Yes. Motion carried.

A motion was made by Andy Borisuk to approve the waiver from providing Cross Sections. The motion was seconded by Gail Phoebus. A roll-call vote was taken. Results were as follows: Gail Phoebus-Yes; Andy Borisuk-Yes; Michael Cecchini-Yes; John Ford-Yes; Michael Francis-Yes; John Risko-Yes; and Rich Vohden-Yes. Motion carried.

A motion was made by Michael Cecchini to approve the waiver to allow the existing house to remain in the sight triangle. The motion was seconded by Andy Borisuk. John Risko noted that if 50% of the house is destroyed, the house must be moved out of the sight triangle. Gail Phoebus-Yes; Andy Borisuk-Yes; Michael Cecchini-Yes; John Ford-Yes; Michael Francis-Yes; John Risko-Yes; and Rich Vohden-Yes. Motion carried.

C. MARTORANA ENTERPRISES SITE PLAN, SCPB 15(CSS)12, ROUTE 616, TOWN OF NEWTON:

Gail Phoebus recused herself from this issue because her attorney is representing the applicant. Michael Cecchini took over the role as Chairman.

Michael Cecchini said Martorana Enterprises is requesting a waiver from providing a left turning lane into property. Debra Nicholson, attorney for Martorana Enterprises said there are also other waivers being requested.

Ms. Nicholson said Mr. Martorana is the redeveloper of this long-time, existing site. It is where Quick Chek and Krave are currently located. The site has a long history and Mr. Martorana had approvals for a commercial site. Newton decided that this is an area in need of economic redevelopment and although they do want commercial activity, they also want a residential component. Newton promised Thor Labs (located across the street) that they could have housing within walking distance for the engineers and technical assistants employed there. Ms. Nicholson repeated that this is an existing developed and occupied site on the County road. They are trying to take a situation that doesn't meet today's County standards, and through this application, bring real improvements to the entrance and exits on the property. She added that this property is surrounded by environmentally sensitive lands. The adjoining property owner is the State of New Jersey.

Ms. Nicholson introduced Thomas Donohue of Donohue Engineering as the project engineer and Karl Penhke of Langan Engineering as the traffic expert for this project. Mr. Donohue and Mr. Penhke were sworn by Eric Snyder and they provided the Planning Board members with their qualifications.

Mr. Penhke said the majority of discussion today on the waivers has to do with the fact that this is a site being redeveloped and that there is development on the site. The site has two driveways connecting to Sparta Avenue bracketing both sides of the building. Those driveways are substandard and have tight turning radii. On the western portion of the property, there is an existing two-story structure which is about 6,000 sq. ft. of office and some odds and end retail stores. There is also a large industrial warehouse building of about 15,000 sq. ft. Also on the site are a series of

about 10 angled parking spaces which directly come in from Sparta Avenue. This is opposite the Karen Ann Quinlan Hospice.

The intent of the redevelopment project is to replace the previous approval of about 45,000 sq. ft. of retail space with the development of about 60 residential units. These would be new townhouses and apartments in the existing office building. They would be removing the 15,000 sq. ft. commercial building and vacating the office and retail portion of the building and converting those spaces to apartments.

The first standard they are seeking a waiver from is the requirement for a dedicated left turn lane. The site today has 135 parking spaces and they want to increase that to provide for the parking associated with the townhouses, garages, driveway aprons and visitor parking throughout the site. Putting a left turn lane on Sparta Avenue requires widening it for a distance of between 400 to 500 linear feet. It requires grading to the outside which will affect utility poles and will also involve environmental permitting associated with the conserved properties owned by the State. This will create a large hardship, a cost of \$300,000.00 - \$400,000.00. There is also uncertainty with respect their ability to obtain the permits and a question as to the ability to implement this financially given the total of 60 units that are being developed. This issue is compounded by the fact that the development will occur in phases.

Mr. Penhke said they are taking off some commercial development and then putting some traffic back in with the residential development. There are only a handful of left turns coming into the site added to the volumes that currently turn into that site. The movements into that site today are associated primarily with the convenience store. This is seen on the existing volume counts. The convenience store is relying on the traffic from Sparta Avenue. There is a strong traffic pattern which shows people turning left on the eastern driveway and then going up and then making a left at the westerly driveway. Similarly, there is traffic making a right in and right out at the westerly driveway.

Modeling and analysis of how these driveways were operated show that without a left turn lane, the left turn movement will operate with no queue and very little delay. The additional cars that are being added to that left turn are replacing the traffic that is being taken out and will not result in a significant impact on Sparta Avenue. Mr. Penhke said the driveways are there. They've existed there for years and motorists are familiar with the traffic patterns in this area. For this reason, they believe the waiver could be granted by this Board without impacting the health and safety of the motoring public.

When asked, Mr. Penhke said there have not been any other commercial developments along this stretch that have been required to install a left hand turn lane. Also, approvals are in place for a 45,000 sq. ft. retail operation which would add a greater amount of traffic coming in and out of the driveways. They are removing 15,000 sq. ft. retail but adding residential use which should only add about a dozen cars.

Michael Cecchini asked how they reached the peak hour figures and are they based on the 60 residential units. Mr. Penhke said it includes both. The site is active and there is the equivalent of 10,000 sq. ft. of retail which is occupied. They were able to do traffic counts at the driveways for traffic flow in and out. They only needed to account for, since there were some vacancies at the warehouse, the additional traffic associated with the townhouses. They are able to make those projections based on data published by the Institute of Transportation Engineers in their Trip Generation Manual. These projects were added to the existing traffic flow to come up with the total future traffic generation. An additional 31 vehicles will exit the site during the a.m. peak hours; some of those will make a left turn and some will make a right turn. In the evening, the inbound flow is about 27 additional vehicles, about a 50/50 split making a left or a right into the site. Mr. Cecchini said these numbers sounded low and asked about the residential units. Mr. Penhke said there is a mix of bedroom units. The data is based upon counts that have been done at similar townhouse developments through the State. He explained that traffic spreads out over time. Some people will be leaving earlier, some will be leaving during the peak hour, some leave after the peak hour. You don't have all 60 people getting in their car during that one hour period. When asked, Mr. Penhke said based on their observation, the peak hours are 8 to 9 a.m. and 4:30 to 5:30 p.m. He added that of the data gathered by I.T.E., residential land uses are one of the more significant data bases. This is New Jersey as well as national data. The existing traffic at this site has been established with traffic counts done over several years.

John Ford said there is a proposed traffic signal to the east of the property at the intersection of Hicks Avenue. John Risko said there is a proposed traffic signal with left turn lane at Diller Avenue and at Hicks Avenue. There is also a designated left turn lane proposed at Woodside Avenue. Mr. Ford said it is very difficult to make a left hand turn there between 4:30-5:00 p.m. Mr. Risko said there are four criteria in the County Standards for a left turn lane. Two have been addressed here: 100 or more parking spaces and it is an urban arterial highway. He said that Newton Sparta Road is the most heavily traveled road in the County.

Michael Francis said if there is a problem turning out of this site, a left turn lane coming into the property will not help that situation. Mr. Penhke said that was correct and that safety is an aspect of this. That is why they are not here asking to do nothing. They have a plan that proposes to bring the project into as much conformance with the County Standards as possible. There are numerous safety issues that they've addressed in the plan. One is the direct parking in front of the office building. This is probably one of the worse safety issues there. Those ten parking spaces will be eliminated. The existing turning radii into the driveways are not to County Standards. They are probably 10-15 feet. They have reset up the radii to much better accommodate the flow of traffic into and out of the site. There are parking spaces that are internal to the site that are in the immediate influence area of traffic flow to and from one driveway which could cause backups onto Sparta Avenue. They've eliminated those parking spaces in proximity to that so that when traffic does turn into the site they can move into the site freely and not encounter any immediate internal conflict. Mr. Penhke said this has nothing to do with traffic, but that all the

sidewalks and handicapped ramps will be upgraded along the frontage of the project. There is quite a bit they are doing to retrofit what is there today.

Rich Vohden asked if the requirement for a left turn lane due to having more than 100 parking spaces is the same for residential as it is for commercial. Mr. Penhke said the Standards don't speak to usage, it just speaks to 100 spaces or more. He added that there are already 135 spaces there today. Mr. Ford asked how many more spaces are eliminated by getting rid of the warehouse. Mr. Penhke said the parking for the residential is dictated by the residential site improvement standards. There is a performer number that they have to provide that overrides any local ordinances. By the way the site lays out, and when they count parking spaces, they count garage spaces as well as the aprons, not just parking spaces. They end up adding 183 parking spaces associated with the residential. This is for garages, driveways, and the common area parking spaces scattered throughout. They've added more common area parking spaces than they needed because it makes sense to have them spread throughout the site at various locations. The total parking spaces on the site (residential and commercial) will be 263 parking spaces.

Rich Vohden confirmed that development will be done in stages and asked how many stages. He also asked at what stage would they reach 100 parking spaces. Mr. Penhke said Phase One will be the eastern driveway and the three buildings on the southern side. Phase Two will be the two buildings (labeled as four and five) and also the renovation of the existing building to provide for the lower income housing. Phase Three will be the remaining portion of the site. Mr. Vohden asked if Phase Three is the largest stage, would the first two stages be less than 100 parking spaces. Multiple Planning Board members said they are at the over 100 parking stage already. When asked when the western driveway would be worked on, Mr. Penhke said that is scheduled for Phase Two. In Phase Three it would be connected to the other internal roadway system. Mr. Cecchini advised the applicant that economics cannot be considered for the Planning Board's approval or disapproval. Their main concern is public safety.

At this point Eric Snyder advised the Planning Board that a special meeting was planned for the Freeholder Meeting Room at 5:00 p.m. (in two minutes.) After a brief discussion it was agreed that this meeting would continue on Monday, September 17.

**MOTION:**

A motion was made by Michael Francis to hold a special meeting on Monday, September 17 at 4:00 p.m. to resume discussion on the Martorana waiver requests and to finish the remaining items on the Agenda. The motion was seconded by John Ford and carried unanimously.

**OPEN TO PUBLIC**

None

**ADJOURNMENT**

All business having been completed, a motion to adjourn the meeting was made by Andy Borisuk. The motion was seconded by John Ford and carried unanimously. The meeting adjourned at 5:00 p.m.