

**SUSSEX COUNTY PLANNING BOARD**

**MINUTES**

**September 12, 2011**

The meeting was called to order by Chairman Francis at 4:05 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: Michael Francis, Chairman  
Andy Borisuk  
Dr. John Ford  
Joseph Maikisch, 1<sup>st</sup> Alternate  
John Risko, Engineering Alternate  
Rich Vohden, Freeholder Member

MEMBERS EXCUSED: Gail Phoebus, Vice Chairperson  
Michael Cecchini  
Kirk Perry

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

ALSO PRESENT: Keith Cahill, Bohler Engineering  
Debra L. Nicholson, Esq.  
Jeffrey Albanese

**MINUTES**

A motion was made by Andy Borisuk to approve the Minutes of July 11, 2011 as presented. The motion was seconded by Joseph Maikisch and carried unanimously.

**SITE PLAN/SUBDIVISION REVIEW COMMITTEE REPORTS**

A motion was made by Rich Vohden to approve the Development Review Committee Minutes for June 6, 2011; June 20, 2011; July 11, 2011; July 25, 2011 and August 8, 2011 as presented. The motion was seconded by Andy Borisuk and carried unanimously.

**APPEALS AND WAIVER REQUESTS**

A. 13 NEWTON, LLC, SITE PLAN FILE #14E(PSP)08, ROUTES 519 AND 206, BRANCHVILLE AND FRANKFORD:

Alice Brees reported that she received a letter from the applicant stating that they are still working with the adjacent property owner to obtain part of the sight triangle. They asked to be carried to the October meeting.

**MOTION:**

A motion was made by Andy Borisuk to carry this item to the October 3 Planning Board meeting. The motion was seconded by Joseph Maikisch and carried unanimously.

B. QUICK CHEK CORP. SITE PLAN FILE #63(PSP)09, ROUTES 517 AND 616, SPARTA TOWNSHIP:

Debra Nicholson, attorney for Quick Check Corp. said a circumstance developed between two County departments as different site development processes were in place. They encountered some ground water with the septic system and the Health Department assisted in determining what the height and level of the septic should be and that's the way it was constructed. Then there was an issue with part of the septic field being within the sight triangle easement. They are requesting either a waiver for a smaller sight triangle easement, which means the septic is outside the location of the sight triangle, or a waiver to allow the septic to be within the sight triangle. Ms. Nicolson said she spoke with County Counsel and he believed it was better to have the smaller sight triangle easement. He defers, of course, to the Board. She turned the discussion over to Keith Cahill from Bohler Engineering.

Ms. Nicholson produced a photo as Exhibit A-1. Mr. Cahill referred to the approved plans that were dated, or last revised July 9, 2010, the set of plans that the County approved and granted a prior waiver for the sight triangle. Mr. Cahill said, "On Sheet 17, because we had parking stalls there, we were granted a waiver to drop it to 39.4' instead of 60' by 300' for the sight triangle easement to the east. As you look to the west on Andover Avenue, that is the proposed septic system and that was always shown on our plan. We should have requested at the same time to be 39' in the other direction (west), and we did not make that formal request." He explained that the elevation of the septic field is up from the driveway approximately 4' there. So that violates the vertical geometry criteria for sight triangle, where County standard is clearance between 2' and 10' high.

Mr. Cahill said they ran into ground water problems during construction. They had to go back to the County Health Department and say, "If we raise the septic field two additional feet, we can stay above what we're encountering than when we did tests a year ago." The location of the septic field is approximately 15' from the right of way of Andover Avenue, the corner of it, and about 22' from the curb line. For "as-built"

condition, the septic field was moved further from right of way to a distance of 26', it went back about 12' from the approved plan.

On Sheet 8 of 19 that was submitted to the County for "as-built," the photo (Exhibit A-1) is the line of sight and shows 500' of visibility along Route 517. The sight triangle geometry is supposed to be measured back 60' on driveway and then out 300' along County road. The septic field does get caught right at the edge of it. They are still providing a safe line of sight, as shown on the photo. They are requesting a waiver instead of being 60' back, either "A" - having the septic field within the sight triangle, or "B" - reducing that depth of sight triangle from 60' to 39'.

Eric Snyder said the issue was never that the septic field was in the sight triangle. The issue is that it compromises the vertical clearance that's required to be in the sight triangle.

Rich Vohden clarified that the conditions on site are not going to change and that they're just looking at how to handle the waiver. Mr. Cahill said that was correct.

John Risko said the issue here isn't sight distance, it is the sight triangle easement which is a redundancy, it is an extra factor in safety.

Mr. Cahill said along the sight triangle profile, (60' back from road centerline) looking to the west from the driveway, the elevation comes up from 980.5 to at the corner of the septic field it jumps up to 988, about 8 feet, right along that line. However, when you pull up to 40' from the road centerline measuring point, the line of sight distance is OK, there is no concern there. The line of sight is taken 16' behind the stop bar.

Andy Borisuk said it doesn't seem as though that raised septic would even interfere with sight distance.

Mr. Cahill said it doesn't when you're at the stop bar or anywhere. It is the sight triangle that the County has requested. So there's no safety issue. If you look at what the standards are from a line of sight when you're pulling out of your driveway, you have plenty of sight distance.

John Risko said there is a safety issue besides just the sight distance.

Ms. Nicholson asked Mr. Cahill what used to be located at this site. Mr. Cahill said it was an old gas station. Ms. Nicholson asked what was in the location when it was an old gas station. Mr. Cahill said there was a driveway in the same area, with vegetation and trees. He said just by clearing those trees to build and put the septic back there, the condition improved from what it had been. Mr. Cahill added that when exiting the driveway and coming to the stop bar, you're traveling at a relatively low rate of speed because you're stopping at the stop bar, looking before you exit in one direction or the other.

John Ford said he traveled that road every day for almost six years and knows the property site well. He said the visibility there seemed adequate.

Rich Vohden asked if they cleared the trees off the adjoining property and if they have an easement on that. Mr. Cahill said, "Yes."

John Risko asked if the photo was taken from a point 60' back. Mr. Cahill said no, it was taken about 14' behind the stop bar.

Rich Vohden asked what the Engineers think they should consider. John Risko did not recommend the waiver. Mr. Vohden asked which option would have less liability for the County.

Eric Snyder said the issue is that there is a filed sight triangle easement and so this Board is going to make a recommendation to the Freeholders in any event. It is not something that the Planning Board can grant one way or the other. The Freeholders already have the rights that have been concurred based on the recorded deed. This is going to be the Planning Board's recommendation to the Freeholders.

John Ford said he had driven out of that exit in the last two weeks going to Pope John School and the sight is good. His recommendation would be to grant the waiver.

Debra Nicholson said County Counsel felt that shortening the sight triangle easement to 39' x 300' was the preferable approach as opposed to permitting the septic field to be in the sight triangle.

A motion was made by Andy Borisuk to recommend the waiver according to County Counsel's recommendation.

The meeting was opened to the public. No comments or questions were offered. The meeting was subsequently closed to the public.

**MOTION:**

A motion was made by Andy Borisuk to grant the waiver from 60' x 300' to 39' x 300' as requested conditioned upon the representations of the applicant and its professionals. The motion was seconded by Joseph Maikisch. A roll call vote was taken. Results were as follows: Michael Francis-Yes; Andy Borisuk-Yes; John Ford-Yes; Joseph Maikisch-Yes; John Risko-No; Rich Vohden-Abstained since he may have to vote on this later. Motion carried.

**DIRECTOR'S REPORT**

None

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

None

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