

SUSSEX COUNTY PLANNING BOARD

MINUTES

September 12, 2016

The meeting was called to order by Vice Chairman Gstattenbauer 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: Wolfgang Gstattenbauer, Vice Chairman
Gene Crawford
Michael Francis
Mark Zschack
Matthew Hannum, 1st Alternate
Bill Koppenaar, County Engineer
George Graham, Freeholder Director
Carl Lazzaro, Freeholder Member

MEMBERS EXCUSED: Andy Borisuk, Chairman
Dan Flynn
Lisa Chammings

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 Carl Lazzaro to approve the Minutes of July 11, 2016 as presented. The motion was seconded by George Graham. All were in favor with an abstention from Matthew Hannum. Motion carried.

SITE PLAN/SUBDIVISION DEVELOPMENT REVIEW COMMITTEE REPORTS:

A motion was made by Michael Francis to approve the Development Review Committee Reports for July 11, 2016, July 25, 2016 and August 22, 2016, as presented. The motion was seconded by George Graham and carried unanimously.

APPEALS AND WAIVER REQUESTS:

A. WAIVER FOR PATRICK'S PUB MINOR SITE PLAN 9(MSP)15, COUNTY ROUTE 607, HOPATCONG BOROUGH:

Bill Koppenaal said the applicant's Engineer was not able to attend the meeting this afternoon and requested that the waiver request be carried to the October meeting.

MOTION:

A motion was made by Michael Francis to table the waiver request for Patrick's Pub to the October meeting. The motion was seconded by Carl Lazzaro and carried unanimously.

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

Bill Koppenaal said this is the same Resolution that was discussed at the July meeting. At the time, there was some discussion regarding traffic circulation, congestion and pedestrian issues. Some additional investigations were done. This Resolution is to memorialize the action that the Planning Board took at the June meeting. The June meeting was specifically geared towards the waiver requests that the applicant had at the time. There were no open discussions related to the congestion in the area and the pedestrian circulation. The minutes of the June meeting were reviewed. The Board, based on review of the Municipal Land Use Law, does not have the ability to reopen the discussions after the hearing has been closed.

George Graham said he remembers discussion about circumstances changing and there was concern about what that area will look like a year from now. Mr. Koppenaal said the discussions that came up in the July meeting were never part of the June full-Board waiver consideration. They were discussed at the Development Review Committee level. The Board is able to make the approval of the waivers subject to meeting the provisions of the Development Review Committee. He said the Resolution has been modified so that there is now a new provision under the, "Now Therefore Be It Resolved," that says, "Subject to the conditions identified in the County Engineer's Report dated June 1, 2016 and July 25, 2016, as part of the preliminary site plan approval issued by the Development Review Committee and attached for reference." Those reports included discussions and highlighted the congestion and circulation issues that were discussed by the Board in July. The applicant never dealt with the other concern that was brought up relating to off-site pedestrian circulation. Mr. Koppenaal said he is proposing that the Resolution memorializing the waivers be provided subject to the applicant complying with the conditions that were discussed at the Development Review Committee meetings. Those conditions include provisions relating to traffic circulation, volumes of traffic and traffic distribution. The applicant still has to provide information relating to this. Another condition related to the adequacy of the existing turn lanes on Route 517 to service the site under their proposed conditions. The applicant responded to that concern, which was on the July 25, 2016 report, and indicated that their traffic professional went to the site, reviewed

the existing conditions, and was of the opinion that, as the site exists, the turn lane is adequate to service the demand. The County Engineer's report said that the County was not interested in the conditions as they exist; it is interested in conditions "as-built." Because there are so many variables within the Traffic Engineering Reports, and there are so many different accesses that can be put into service to accommodate the flows of traffic, the County suggested that the applicant may come back after the facility is built and put in full service, and do an in-service evaluation of the traffic patterns that are being generated and experienced at the site to determine if the turn lanes along Route 517 are sufficiently sized to accommodate the as-built conditions.

Mr. Koppenaar said one of the discussions at the Development Review Committee level related to the fact that there are two distinct campuses at this site, and in order to service both of them, some or all of the buses have to enter the Reverend Brown or the campus off the corner of Route 517, exit back out onto Route 517, drive to the High School and go into the High School. One of the things the applicant testified to was that there was a series of hardship that precluded their ability to provide for any internal circulation. The Engineering Report asked for the applicant to document and justify the hardships that they testified to during the Development Review Committee meeting.

There was some discussion about whether or not the school is currently open. Mr. Koppenaar said the schools are open but it is still under construction. He feels the school needs to be completed and the students need to be occupying the new middle school to see what the traffic patterns will ultimately be.

George Graham said the concern is what the conditions will be in February with snow on the ground. Carl Lazzaro asked if the County was liable for any accidents at the site. Mr. Koppenaar said that they don't design for unlikely events; they design for a normal prudent driver under a normal condition. The thought is that people will operate under a higher level of care when less than desirable conditions are presented. He also said the County has been very diligent.

The meeting was opened to the public. No members of the public were present. The meeting was closed to the public.

Mr. Koppenaar said, for applications that are more complicated and have waiver components, the Board may want to consider hearing these applications in their entirety. He said records of the Development Review Committee meetings are minimal. Mr. Graham asked if the exchanges could be documented. Michael Francis said that the Engineering Department and Legal should review the more complicated applications and based on their recommendations, it should be brought to the Board if it is that complex.

MOTION:

A motion was made by Michael Francis to memorialize the Resolution for Pope John XXIII High School Preliminary Site Plan. The motion was seconded by Gene Crawford.

A roll-call vote was taken. Results were as follows: Wolfgang Gstattenbauer-Yes; Gene Crawford-Yes; Michael Francis-Yes; and Mark Zschack-Yes. Motion carried.

DIVISION REPORT:

None

UNFINISHED BUSINESS:

A. PLANNING APPLICATION FEES:

Autumn Sylvester said at the July meeting, the Board discussed looking at the fees other counties charge for site plan and subdivision reviews and approvals. She looked at the surrounding counties and also similar counties in New Jersey and created a chart outlining their fees. Warren and Salem counties had fee schedules that were more complicated, so she created a separate sheet for those two counties. The fee schedules that were compared were from Cumberland, Essex, Morris, Passaic, Somerset, Salem and Warren counties. Hunterdon County does not charge a fee. She also included a copy of Sussex County's fee schedule.

Wolfgang Gstattenbauer said he noticed that Cumberland County only has five fees on their fee schedule. He asked if they don't review or approve items that are on Essex's fee schedule. Autumn said either they don't review those types of applications or they don't charge for them.

There was clarification about the "Review" and "Approval" on Sussex County's fee schedule. Alice said an application is a "Review" if the project does not affect County roads or bridges, and an "Approval" if it does.

George Graham asked if there was a cost benefit analysis done to see if the fees are adequate to what is being done. Autumn said the fees were based on the amount of time it took for staff to review it. Michael Francis said he wrestles with some of the fees because they weren't put in place to make money for the county. He also said he has a problem with cash bonding. He said cash bonding can be a deal breaker for someone that wants to invest money in the county. Bill Koppenaar said, at the time, the intent was, as closely as possible, to charge fees that were representative of normal applications. There was some discussion about escrows. Mr. Koppenaar said he does not believe the County Enabling Act provides the ability to set up escrows the way the Municipal Land Use Law does. Mr. Graham said escrows are primarily used for outside professionals. Mr. Koppenaar said most towns do not have on-staff engineers. He said his understanding has always been that the County did not have the ability to provide for escrows to back-charge for any expenses that may be incurred. The intent was that the fee structure would be representative of the work that a normal, typical application involves. He agreed that the fee schedule is complex. Autumn said perhaps they can identify the most important types of planning applications we receive. The Fee Schedule was last revised in 2006 and the Land Development Standards were revised in 2008. The Fee Schedule was never amended or revised to reflect the current standards. Staff does not have the authority to waive fees. She gave an example of a

Minor Site Plan. We don't have a definition for a Minor Site Plan. We rely on the municipal designation. She said we recently received an application for an 8x8 shed that increased the impervious coverage for the lot by 0.6% and the town classified it as a minor site plan. Because it was on a County right-of-way, we had to charge the applicant \$250.00. Mr. Koppenaal said there are things that were never anticipated that are getting pulled into the fee schedule. He suggested that the Board may want staff to revisit this and try to come up with something that is a little simpler. George Graham suggested that someone from the Planning Board work with staff. Alice said staff could discuss the fee schedule with Planning Board members after Development Review Committee meetings.

Carl Lazzaro asked if applications can be defined as simple, moderate and complex and charge accordingly. Mr. Koppenaal said that intent was built into the County's complex fee schedule. He pointed out that there is a fee for a site plan with more than 100 parking stalls, which would be a very complex site plan. He agreed that the Fee Schedule can be simplified. He also suggested that staff revisit the fees and bonding concurrently as well as the Division of Engineering's road and access fees. They are all linked components.

Wolfgang Gstattenbauer said he would like to see the Development Review Committee spend an hour before the meeting looking at the fee schedule. Mr. Koppenaal said the beginning of the New Year would be a good time to start. Mr. Gstattenbauer suggested that there be a preliminary look at it halfway between now and the New Year. Mr. Williams said it is his understanding that the Board wishes to simplify the fee schedule, correct the bonding and incorporate the 2008 Land Development Standards revisions. The importance of definitions was also discussed.

NEW BUSINESS:

None

OPEN TO PUBLIC:

None

ADJOURNMENT:

All business having been completed, a motion to adjourn the meeting was made by Gene Crawford. The motion was seconded by George Graham and carried unanimously. The meeting adjourned at 4:45 p.m.