

SUSSEX COUNTY PLANNING BOARD

MINUTES

OCTOBER 5, 2015

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, Chair
Daniel Conkling
Dr. John Ford
Michael Francis
Wolfgang Gstattenbauer, Vice Chair
Gene Crawford, 1st Alternate
Dan Flynn, 2nd Alternate
Walter Cramp, County Engineer
Rich Vohden, Freeholder Alternate

STAFF PRESENT:

Alice Brees, Principal Planner
Antoinette Wasiewicz, Recording Secretary

ALSO PRESENT:

Patrick McClellan, P.E.
Robert Caruso, Hardyston Township
Jeff Careaga, Careaga Engineering

MINUTES

A motion was made by Michael Francis to approve the Minutes of September 14, 2015 as presented. The motion was seconded by Walter Cramp. All were in favor with abstentions from Daniel Conkling, John Ford, Wolfgang Gstattenbauer, Dan Flynn and Rich Vohden. Motion carried.

SITE PLAN/SUBDIVISION DEVELOPMENT REVIEW COMMITTEE REPORTS

No reports

APPEALS AND WAIVER REQUESTS

A. WAIVER FOR CARUSO PRELIMINARY SITE PLAN #22(PSP)14, CR 631, HARDYSTON TOWNSHIP:

Mr. McClellan was sworn by Alice Brees. Mr. McClellan said he is an Engineer with the firm of MCB Engineering Associates, LLC, located in Totowa, NJ. The applicant, Robert Caruso was also sworn. Mr. McClellan said there was a Development Review meeting on July 20 where the Preliminary Site Plan application received a conditional approval. There were some conditions that have been addressed in the last revision of the plans. The applicant is here today to request a waiver for sight distance. When leaving the property, looking left, they have 476' of sight distance which does not meet the 85th percentile County standard of 606 feet.

Mr. McClellan said the waiver request letter has eight bulleted items which correspond with the eight bulleted items under the Rules for Sight Distance on Section 6, Page 53 of the County Land Development Standards. Mr. McClellan said the requested driveway location optimizes the available sight distance along the property frontage. There is no access possible from another roadway. The posted speed limit is 45 mph. The proposed access meets the minimum sight distance required for the legally posted speed and also meets the minimum AASHTO stopping sight distance required.

Andrew Borisuk asked what the proposed use for the building was. Mr. Caruso said the building will be used for a nail salon. John Ford asked what is there now. Mr. Caruso said it is a corn field.

Walter Cramp said there was a distinction between design speed and posted speed. Mr. McClellan said the posted speed limit is 45 mph. The design speed is in the 85th percentile speed, which is higher than the posted speed limit. Mr. Cramp said usually the design speed is 5 mph over the posted speed limit. Mr. McClellan said that since the posted speed limit is 45 mph and 5 mph added to that is 50 mph, both the intersection sight distance from AASHTO and the stopping distance from AASHTO meet or exceed the 5 mph over the posted speed limits. He said the ordinance asks them to compare to the posted speed limit, but as an added measure of safety, it does comply with the 5 mph over the posted speed limit. Mr. Cramp noted that Mr. McClellan said they achieved 52 mph which is very close to the design speed.

The meeting was opened to the public. None present. The meeting was closed to the public.

MOTION:

A motion was made by John Ford to grant the waiver request for the Caruso Preliminary Site Plan. The motion was seconded by Wolfgang Gstattenbauer. A roll-call vote was taken. The results were as follow: Andy Borisuk-Yes; Daniel Conkling-Yes; John Ford-Yes; Michael Francis-Yes; Wolfgang Gstattenbauer-Yes; Gene Crawford-Yes; Dan Flynn-Flynn and Rich Vohden-Yes. Motion carried.

DEVELOPER AGREEMENT FOR RECOMMENDATION TO FREEHOLDERS:

A. DRAFT DEVELOPER AGREEMENT, GREENTREE AT HOPATCONG, LLC, CR 607, HOPATCONG:

Ronald Heymann, Esq. said he represents Greentree at Hopatcong, LLC and introduced Jeff Careaga of Careaga Engineering. He said this application is the beginning of a Streetscape project in Hopatcong and that there will be two more applications after this one. He said he has reviewed the draft of the proposed Developer's Agreement and does not have any problems with it.

The Board reviewed Mr. Risko's report which was revised September 17, 2015. Ms. Brees said a lot of the items have been resolved. Mr. Heymann said there have been multiple revisions in trying to resolve the issues. This has been a difficult project because of the County road right-of-way alignment problem.

Mr. Careaga said as part of the process, the actual center line on this road does not line up with historical maps. They were asked to do a survey of the entire street from the school down to the River Styx Bridge and to create a new map of the 50' right-of-way along the County road. There is a minor change of one to two feet in various areas of the road. Generally they are the same, but one to two feet in surveying language is not accurate enough. His map should provide guidance for all of the properties along River Styx Road so it will match up for all other projects.

Walter Cramp brought up the fact that Mr. Careaga was not sworn. Mr. Careaga was then sworn by Alice Brees.

Mr. Careaga said his map shows the entire road and will be a template for all the properties that will develop up and down the corridor. Mr. Heymann said the project is a hybrid of residential with mixed use commercial downstairs. There will be 15 units. There was an agreement with the Borough for parking at the school. Ms. Brees said the plans are both preliminary site plan and construction plans for the Route 607 Streetscape. The plans need County Engineer and Freeholder Board approval.

Gene Crawford noted page two of the nine-page Resolution says, "Whereas, it is the purpose of this Agreement to provide for the participation of the DEVELOPER, BOROUGH and COUNTY, for the cost of design..." She asked if the County bears the cost for the design, maintenance and operation. Ms. Brees said the County would be maintaining the crosswalk. Mr. Cramp said, by statute, the County maintains face-of-curb to face-of-curb. Curbs and sidewalks are normally local amenities unless they are built for a traffic safety need. Therefore, they fall to the Borough. The Borough can defer that responsibility through an ordinance to a third party. In this case, they are deferring it to the property owner. Ultimately, the County holds the Borough responsible for any improvements outside of the statutory responsibilities. He added that the initial design, construction and installation, until it is accepted by the County, are the responsibility of the applicant or the town. He said he will revisit that language.

Ms. Crawford also noted item No. 11 on page eight of nine of the Resolution. She asked if the phrase “non-performance of services, actions...” should be added. Many agreed that these were questions for the County Attorney.

The meeting was opened to the public. None present. The meeting was closed to the public.

MOTION:

A motion was made by Daniel Conkling that upon approval by County Counsel, the Planning Board recommends approval of the Developer Agreement by the Freeholder Board. The motion was seconded by Michael Francis. A roll-call vote was taken. The results were as follow: Andrew Borisuk-Yes; Daniel Conkling-Yes; John Ford-Yes; Michael Francis; Wolfgang Gstattenbauer-Yes; Gene Crawford-Yes; and Dan Flynn-Yes. Motion carried.

DIRECTOR’S REPORT

Eric Snyder was not able to attend today’s meeting.

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 Michael Francis. The motion was seconded by John Ford and carried unanimously. The meeting adjourned at 4:25 p.m.