

SUSSEX COUNTY PLANNING BOARD

MINUTES

OCTOBER 3, 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
Matthew Hannum, 1st Alternate
Lisa Chammings, 2nd Alternate
Bill Koppenaar, County Engineer
George Graham, Freeholder Director
Carl Lazzaro, Freeholder Member

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
Ronald Heymann, Heymann & Fletcher
Jeffrey Careaga, Careaga Engineering
Andrew Hanson, Careaga Engineering
Patrick Ferguson, Patrick's Pub

MINUTES

A motion was made by Wolfgang Gstattenbauer to approve the Minutes of September 12, 2016 as presented. The motion was seconded by Matthew Hannum. All were in favor with abstentions from Andy Borisuk, Dan Flynn and Lisa Chammings. Motion carried.

SITE PLAN/SUBDIVISION DEVELOPMENT REVIEW COMMITTEE REPORTS

The Development Review Report for September 12, 2016 was not voted upon. It will be put on the November 7 Agenda.

APPEALS AND WAIVER REQUESTS

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

Ronald Heymann said he is an attorney with the firm of Heymann & Fletcher and that he represents the applicant, Patrick's Pub. Jeffrey Careaga of Careaga Engineering is also present. The applicant is looking for an easement along Lots 40-41. An easement has been reviewed by the town attorney and a few items will be changed. John Williams has prepared a Developer's Agreement.

Jeff Careaga said the applicant wants to add 44 overflow parking spaces for Patrick's Pub. The parking lot, which is a combination of gravel and pavement, is down the road from the site where they are proposing improvements. There is some curbing that is being installed along the front of the property, downhill to catch the stormwater that goes down through the parking lot. They are proposing a trench drain across the front of the parking lot, which will capture all of the water coming off the site going into a manhole, which then goes to a doghouse manhole and then a catch basin on River Styx Road.

The existing storm pipe along River Styx Road is an existing 24" reinforced concrete pipe. They provided stormwater calculations to show that the existing piping system is adequate to handle the existing flow and the proposed new flow. The pipe goes down River Styx Road, passed Patrick's Pub and then outlets near the bridge. All of the proposed water from the site will be captured and the curb will prevent the water from going out into the street. They are adding a few lights, so there will be adequate lighting on the site. They are also proposing a walkway on the western side of River Styx Road. Easements are being obtained from property owners to allow the installation of the sidewalk. Mr. Careaga said they have addressed all of the technical review items that were brought up by Mr. Koppenaar.

Mr. Careaga was sworn by John Williams. Mr. Heymann said that Mr. Carreaga has often testified before the Planning Board, which is why he did not qualify him.

Mr. Heymann said the property owners for lots 40 and 41 do not have any issues with the easements. He said if the owners have mortgages, he needs to get a release from the mortgage company for the easements.

Bill Koppenaar said the application has previously received conditional approval from the Development Review Committee. Part of the approval included a number of different waivers from some of the design standards that are included in the Land Development Standards. He reviewed the waivers that are being requested. He

prepared a waiver report which has been provided to the Board members. The end of the waiver report includes a couple of additional items that need to be waived.

Mr. Careaga said the applicant is looking for a waiver from Modified Typical Section of County Route 607. They are proposing to maintain the existing roadway section, the waiver is for 11' lanes with 1' shoulders, where a 12' lane is typically required. Mr. Koppenaar said they've had discussions with the town and it matches up with what Hopatcong Borough has in their River Styx Redevelopment Plan. This same section has been used in a couple of other locations around the county for streetscapes and there have not been any problems from an operational safety perspective. The Engineering Division supports this waiver.

The meeting was opened to the public. No public was present. The meeting was closed to the public.

MOTION:

A motion was made by Wolfgang Gstattenbauer to grant the waiver for a Modified Typical Section of County Route 607, as recommended by the County Engineer. The motion seconded by Dan Flynn. A roll-call vote was taken. The results were as follow: Andy Borisuk-Yes; Wolfgang Gstattenbauer-Yes; Gene Crawford-Yes; Dan Flynn-Yes; Michael Francis-Yes; and Mark Zschack-Yes. Motion carried.

Mr. Careaga said the applicant is requesting a waiver for Sight Distance where 441' is required and 356' is provided. He said a site visit was done and this was essentially the best case scenario for location of the driveway.

The meeting was opened to the public. No public was present. The meeting was closed to the public.

MOTION:

A motion was made by Dan Flynn to grant the waiver for Sight Distance. The motion was seconded by Gene Crawford. A roll-call vote was taken. The results were as follow: Andy Borisuk-Yes; Wolfgang Gstattenbauer-Yes; Gene Crawford-Yes; Dan Flynn-Yes; Michael Francis-Yes; and Mark Zschack-Yes. Motion carried.

The applicant is also requesting a waiver for Sight Distance to a Pedestrian Crossing where 309' is provided. This is the best sight distance that is possible at this site. Dan Flynn asked what the speed limit was. Bill Koppenaar said the speed limits vary: it is a 35 mph speed limit as you head toward River Styx Bridge and it changes to 40 mph at the driveway access. He said that Engineering is using the 35 mph speed limit.

The meeting was opened to the public. No public was present. The meeting was closed to the public.

MOTION:

A motion was made by Michael Francis to approve the waiver for Sight Distance at a Pedestrian Crossing. The motion was seconded by Wolfgang Gstattenbauer. A roll-call vote was taken. The results were as follow: Andy Borisuk-Yes; Wolfgang Gstattenbauer-Yes; Gene Crawford-Yes; Dan Flynn-Yes; Michael Francis-Yes; and Mark Zschack-Yes. Motion carried.

Mr. Careaga said the applicant is also requesting a waiver for the Approach Grade of 6.5% for 50'. The Development Standards require a 2% access grade for the first 100'. The parking lot is already a little steeper than what you would typically want. When asked, Mr. Careaga said the property slopes toward the road.

The meeting was opened to the public. No public was present. The meeting was closed to the public.

MOTION:

A motion was made by Wolfgang Gstattenbauer to grant the waiver for the Approach Grade. The motion was seconded by Gene Crawford. A roll-call vote was taken. The results were as follow: Andy Borisuk-Yes; Wolfgang Gstattenbauer-Yes; Gene Crawford-Yes; Dan Flynn-Yes; Michael Francis-Yes; and Mark Zschack-Yes. Motion carried.

The applicant is also requesting a Sight Triangle waiver. Typically, a 60'x300' sight triangle easement is required. Due to the site constraints, the lot is not big enough to provide that type of sight triangle. Mr. Careaga said there will be a quit claim deed that provides for the portion of the roadway between the right-of-way and the property deed line. They will dedicate that portion of the property, with a 25' offset from the centerline in consideration of the waiver. Mr. Koppenaar said according to the standards, when you're working in transects T-5/T-6, you can go with a reduced sight triangle, measured 15' off the curb line by the required sight distance, 448' in this instance. With the reduction, it falls within the right-of-way that will be granted to the County, so this does not become an issue.

Wolfgang Gstattenbauer asked if the quit claim deed for the portion of right-of-way has been granted. Mr. Koppenaar said he believes the applicant has agreed to grant the quick claim but it has not yet been finalized. The same is true for the dedication of the portion of the property residing with the 25' offset.

The meeting was opened to the public. No public was present. The meeting was closed to the public.

MOTION:

A motion was made by Wolfgang Gstattenbauer to grant the waiver for the Sight Triangle Easement, with the condition of a quit claim deed and the dedication of property within the 25' offset. The motion was seconded by Gene Crawford. A roll-call

vote was taken. The results were as follow: Andy Borisuk-Yes; Wolfgang Gstattenbauer-Yes; Gene Crawford-Yes; Dan Flynn-Yes; Michael Francis-Yes; and Mark Zschack-Yes. Motion carried.

Mr. Careaga said the applicant is also requesting a waiver from Providing Additional Drainage System Details within 200' of the property. They illustrated on the plans all of the appropriate drainage details. Mr. Koppenaar said the information has been provided on the most recent revision of the plans. Because they are tying into one of the County's in-street systems, which extends well beyond the limits of the site plan, we needed some information provided on the systems. This is need in order to verify that the Stormwater Management Report actually coincides where the limiting conditions of the system are, which were used to determine that it had adequate capacity for receiving the new or increased volume of water which would come off the proposed lot. Instead of doing an at-scale, detailed plan, he made a recommendation that they provide this information schematically, so that the system can be traced down. The applicant has provided all the schematic information in the latest set of plans.

Andy Borisuk asked if the lot will be paved. Mr. Koppenaar said the lot is about a 50/50 split between paved and stoned. Mr. Careaga said the paving is from an old foundation on the property. Dan Flynn asked about the drainage on the lot. Mr. Careaga said they are putting curbing along the front to capture water coming down across the driveway. The lot will be graded and directed toward the trench drain. He said they are under the disturbance requirements to provide a treatment facility, but they are putting a sump pump in the manhole and stone underneath it to limit the water going into the system. When asked, Mr. Careaga said the paved area is at the entrance and the front portion of the parking; the rear is gravel.

The meeting was opened to the public. No public was present. The meeting was closed to the public.

MOTION:

A motion was made by Michael Francis to grant the waiver for Providing Additional Drainage System Details. The motion was seconded by Dan Flynn. A roll-call vote was taken. The results were as follow: Andy Borisuk-Yes; Wolfgang Gstattenbauer-Yes; Gene Crawford-Yes; Dan Flynn-Yes; Michael Francis-Yes; and Mark Zschack-Yes. Motion carried.

The applicant is also requesting a waiver from Access Spacing Standards. Typically, the Development Standards require 160'-200' between access points on the same side of the road and 150' from accesses on the opposite side. They have an unimproved right-of-way that is less than 150' across the street. This access point obtained the best sight distance possible.

The meeting was opened to the public. No public was present. The meeting was closed to the public.

MOTION:

A motion was made by Wolfgang Gstattenbauer to grant the waiver from Access Spacing Standards as recommended by the County Engineer. The motion was seconded by Mark Zschack. A roll-call vote was taken. The results were as follow: Andy Borisuk-Yes; Wolfgang Gstattenbauer-Yes; Gene Crawford-Yes; Dan Flynn-Yes; Michael Francis-Yes; and Mark Zschack-Yes. Motion carried.

Bill Koppenaar said the waivers which were discussed and voted upon today were requested by the applicant, but that he recommended that the Planning Board address two other issues which memorialize the basis of the design. One goes back to discussions over the last few meetings with similar applications for Transect T-4/T-5. One of the things that the Land Development Standards allows is to utilize the passenger car as the primary design vehicle. This was done in this case. He recommends that the Board provide a waiver to memorialize the use of the ASHTO Type "P" vehicle as the basis for the design of this access on County Route 607.

Mr. Koppenaar said the Site Access Curb Return Radii ties in to the Town Center's section of the Land Development Standards and the ability to tailor curb return radii specific to the design vehicle. By using a passenger design vehicle, the designer was able to reduce the size of the curb return and use the turning templates of the passenger design vehicle showing that they are able to make intended movements without encroaching into oncoming lanes of traffic.

The meeting was opened to the public. No public was present. The meeting was closed to the public.

MOTION:

A motion was made by Wolfgang Gstattenbauer to grant the waivers for the utilizing the passenger car as the design vehicle and the Site Access Curb Return Radii. The motion was seconded by Gene Crawford. A roll-call vote was taken. The results were as follow: Andy Borisuk-Yes; Wolfgang Gstattenbauer-Yes; Gene Crawford-Yes; Dan Flynn-Yes; Michael Francis-Yes; and Mark Zschack-Yes. Motion carried.

Bill Koppenaar said in conjunction with this application the Board should either recommend or comment on the Developer's Agreement. Because there is a streetscape component, it falls into a three-part Developer's Agreement among the County, Hopatcong Borough and the applicant for the operation, maintenance, design and construction of the streetscape elements of this project. The Developer's Agreement outlines each party's responsibilities. Mr. Heymann said he has reviewed the Developer's Agreement and has discussed it with the applicant and Mr. Careaga's staff. They do not have any problems with the agreement. Mr. Koppenaar said it is a standard agreement. The applicant, for the most part, is responsible for the design construction; the County will be responsible for traffic safety features related to the

new crossings, and Hopatcong Borough will assume the forward operation and maintenance responsibility for the sidewalk.

The meeting was opened to the public. No public was present. The meeting was closed to the public.

MOTION:

A motion was made by Wolfgang Gstattenbauer to approve the Developer's Agreement and forward it to the Freeholder Board, Hopatcong Borough and the applicant for their approval. The motion was seconded by Mark Zschack. A roll-call vote was taken. The results were as follow: Andy Borisuk-Yes; Wolfgang Gstattenbauer-Yes; Gene Crawford-Yes; Dan Flynn-Yes; Michael Francis-Recused; and Mark Zschack-Yes. Motion carried.

DIVISION REPORT

Autumn Sylvester said she wanted to update the Planning Board on other planning activities that are being undertaken by the Planning Division. A Wastewater Plan was submitted to the NJDEP last year. A majority of comments have been received on most of the municipal chapters. Staff is working on the response back to the DEP. The Planning Board will see a short summary of that plan and the final sewer service area maps in the future.

The Open Space Committee updated their Open Space Plan, which was adopted by the Board of Freeholders at the September 14 meeting.

The County Planning Division and others sponsor the County Harvest, Honey and Garlic Festival, which will be held at the Fairgrounds on October 8 from 10:00 a.m. to 4:00 p.m. It was featured in this month's issue of New Jersey Monthly. Last year, about 2,500 people attended the event.

The Development Review Committee also met today regarding the Fee Schedule. Some modifications will be made in time for the next Development Review Committee meeting. The modifications will be based on staff time and some items will be removed to simplify the Fee Schedule. There will also be clarifications to the existing definitions in the Land Development Standards. The final draft should be presented to the Freeholders during the first business meeting in January.

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 Wolfgang Gstattenbauer. The motion was seconded by Michael Francis and carried unanimously. The meeting adjourned at 4:37 p.m.