

Sussex County Planning Board

Minutes

June 7, 2010

The meeting was called to order by Chairman Cecchini at approximately 4:03 PM. 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 Cecchini, Chairman
Michael Francis, Vice Chairman
Gail Phoebus
John Risko, County Engineer Alt.
Andy Borisuk
Joseph Maikisch, 2nd Alternate

MEMBERS EXCUSED: Richard Vohden

STAFF PRESENT: Eric Snyder, Planning Director
Bill Koppenaal, Chief Engineer
Alice Brees, Principal Planner
Neal Leitner, Senior Planner
Donald Hogan, Attorney

ALSO PRESENT: Debra Nicholson, Esq., Quick Chek

After the flag salute, Chairman Cecchini welcomed our new 2nd Alternate, Mr. Joseph Maikisch.

MINUTES

A motion was made by Ms. Phoebus to approve the minutes of April 5, 2010. It was seconded by Mr. Francis. After an abstention from Mr. Maikisch, all were in favor.

SITE PLAN/SUBDIVISION REVIEW COMMITTEE REPORTS

None

APPEALS AND WAIVER REQUESTS

None

DIRECTOR'S REPORT

A. Comprehensive Planning Power Point

Mr. Snyder said the only topic in his report is the Power Point presentation that will be given by Ms. Brees. He said what we're trying to do is to give everybody, particularly those in the State Planning Commission, an idea of the value of the things we're doing here, such as the trail system and open space.

Mr. Hogan suggested a change in the order of the night's meeting. Ms. Nicholson then proceeded with her testimony on the Quick Chek memorialization.

ATTORNEY'S REPORT – Memorializations

A. Quick Chek Corp. Site Plan, File 63(PSP)09, Routes 517 & 616, Sparta

Ms. Phoebus recused herself at this time.

Referring back to Mr. Risko's letter, Ms. Nicholson said that she believes the condition of approval regarding the 12 foot dedication has been resolved. She said the 12 foot dedication would result in the project not being viable, which she thought was discussed and resolved. However, Mr. Risko's June 1 letter still has the 12 foot dedication in it; so she wanted to discuss this, otherwise this project can't happen. Ms. Brees said that issue was discussed at the Dev. Review Committee Meeting in April; she's not sure if the full Board has heard about it. Ms. Nicholson said it was part of their engineer's presentation. Mr. Snyder said his recollection is that we agreed that it would be an easement or something along those lines. Ms. Nicholson said we'd be happy to grant whatever easement is needed. She also believes Mr. Risko brought up this point because of other plans that are going on. Therefore, Ms. Nicholson sent a letter saying it can't be done so it acts as a refusal if Mr. Risko gets asked by any other governmental agency. Ms. Nicholson said hopefully this will now meet Mr. Risko's requirements. Mr. Risko said we're talking about a County standard. Ms. Brees doesn't think the right of way waiver was specifically addressed by the Planning Board when the eight waivers were granted at the April meeting.

Mr. Cecchini raised a question regarding Ms. Nicholson's letter of June 1 which references condition #4 in Mr. Risko's letter of May 10, but it doesn't reference which waiver it is in conjunction with, or if it is an additional waiver. Ms. Nicholson said she believes their engineer's presentation specifically discussed that in conjunction with the intersection improvement discussion; so it's not listed specifically, but it's in

conjunction with the intersection waiver. Ms. Nicholson said the testimony was that if there was a dedication, then the site doesn't meet the other requirements in Sparta's ordinance, the setbacks would all be affected. The testimony of the site plan engineer and the traffic engineer was that easements could be granted, but the dedication could not work.

Mr. Risko said right now there are conceptual plans for the improvement of Newton Sparta Road from Newton to Sparta; it's a federal process. He said the County standards have a requirement of an additional 12 feet at an intersection of two arterial highways, which both of these are. Mr. Risko also said if the engineer made their case, that's fine, but at the Development Review Committee meeting, he was not able to give them a waiver, only the Board can grant that waiver. Mr. Snyder said we need to nail it down with the County widening project to see exactly what it is we're talking about before we just say OK. Mr. Hogan suggested letting the Development Review Committee and staff see if they can work it out with the assistance of County Counsel as far as an easement agreement; and if not, they have to come back here.

Mr. Cecchini said this next issue is not in any of the waiver requests from the last meeting. Mr. Risko said after the last Planning Board Meeting (when the waivers were approved), he was waiting for some data regarding the internal circulation. When he wrote a review letter it was still an outstanding issue. Mr. Risko said they gave us internal radius plans, and it works to the extent that it can. Mr. Hogan said that, based on the recording, he understood the truck size to be WB-60; Ms. Nicholson said the plans say WB-50. Mr. Snyder said there is nothing reflected in the resolution. Ms. Nicholson said the testimony reflected WB-50 and the plans also show that. At this time, Ms. Nicholson asked Mr. Koppenaar to help her locate the reference to WB-50 on the plans. Mr. Koppenaar could not find anything in the set of plans. Ms. Brees said she believes we received the information via e-mail.

Mr. Snyder said we now have two issues outstanding. One is the accuracy of the right of way as shown on the plans. If it is accurate, we need to determine how much easement is needed to accommodate the improvements to Routes 517 and 616. Second, we don't know until Mr. Risko takes a look at it, whether the turning template answers the questions with regard to circulation onsite. Mr. Snyder said meanwhile we can still adopt the resolution; and the waiver was granted for WB-60 with the condition of supplying Mr. Risko with sufficient information. Mr. Hogan said he'll go back and listen to the tape; if the engineer testified to WB-50, then the resolution will be amended, if not they will have to come back or resolve it with Mr. Risko. Mr. Snyder said Mr. Risko's letter suggests that they need to submit the information required by conditions of the waivers granted. Ms. Brees said the Planning Board minutes for April meeting say 53', so that's WB-60. Ms. Nicholson said the testimony emphasized the control of movement of these delivery trucks, to use specific driveways for entrance and exit. Mr. Snyder said it's up to Mr. Risko to determine whether or not he thinks what is shown is safe. There is a similar situation at a gas station on Route 206 in Branchville

where access is problematic and that still hasn't been resolved. If there is a way in and out that makes sense based on what they are showing Mr. Risko, then the condition is properly fulfilled. Mr. Francis said he clearly remembers the testimony mentioning a 53' tractor trailer with one way in and one way out. Chairman Cecchini asked if that eradicates the WB-50 and WB-60 issue. Mr. Snyder said yes, it would.

Chairman Cecchini asked that the change be made in waiver request #4. Looking at survey by Control Point Associates, Inc. dated 8/26/08, Mr. Koppenaar said if you look closely it has the right of way line of the County road and the property line of the Quick Chek property. On the property line it shows an iron pin found which does not exist at the right of way line, so the question is: what is that iron pin and is that actually where the right of way belongs. Mr. Snyder said that's a 10 foot difference which is significant. Chairman Cecchini said this issue will be resolved through the Development Review Committee.

Mr. Francis made a motion to approve this memorialization. Chairman Cecchini seconded it. A roll call vote was taken. Results are as follows: A. Borisuk - yes; M. Francis - yes; M. Cecchini - yes.

Comprehensive Planning Power Point - Ms. Brees said DEP has been reviewing the County Sewer Service Area Wastewater Plan since it was submitted to them in January 2008. A response letter was received from DEP that they were enforcing all of the Highlands areas to be consistent with the Highlands Regional Plan, regardless of the area (planning or preservation). That is where the County stands with DEP now and is still not agreeing to DEP's removal of sewer service areas. Not only has DEP removed them, they've used their environmentally sensitive areas mapping, which includes *potential* habitat for threatened or endangered species. That is the criteria that has hurt the County the most. Therefore, Ms. Brees said the purpose of this presentation is to give DEP the entire context of the County and to show how the sewer service areas fit into the Strategic Growth Plan. The sewer areas should not to be dissected like they have been. She said basically Sussex County is in a good position statewide; we are the only county in the state that has a **county wide** endorsed plan, but DEP is not looking at the big picture. Ms. Brees said we want to make sure DEP understands the whole context of the County; the sewers are only 5% of the entire County land area.

Ms. Brees said the new DEP Commissioner has issued an Administrative Order with more support for properties to be put back into the sewer service area. What we are waiting for is for him to specifically say that in the Highlands they don't have to be consistent with the Regional Plan.

UNFINISHED BUSINESS

None

NEW BUSINESS

A letter was forwarded to Chairman Cecchini from some residents on Limecrest Road in Andover Township expressing concern about the industrial approvals in that area and the traffic that will be created. One of their big issues is engine brakes and loud noise. The letter is asking Chairman Cecchini to respond; he doesn't know if he is supposed to be reaching out to these people. Names, phone numbers and addresses were sent to him. Mr. Hogan said Chairman Cecchini should not be doing anything. He suggested circulating the letter to the members, but the board's jurisdiction is limited. It sounds like it's a town zoning issue, but the residents are welcome to come to July's meeting since it is open to the public. Signage for this type of issue is a town ordinance. Ms. Phoebus said she will contact the residents who wrote the letter expressing Andover Township's jurisdiction and informing them of Planning Board meetings being open to the public.

Chairman Cecchini said this is the first month that a hard copy of Planning Board documents was not mailed; they were e-mailed. Ms. Brees said if hard copies work best we can still do that. Mr. Snyder said we're trying to save costs and go paperless. He said we're going to try e-mailing documents for the next couple of meetings, and see at that time whether or not it would be better sending hard copies in the mail.

OPEN TO PUBLIC

None were present.

ADJOURNMENT

There was no further business to be discussed at this time, and a motion was made by Mr. Francis to adjourn. Motion was seconded by Mr. Risko and carried. Meeting adjourned at 5:30 p.m.