

**VERNON TOWNSHIP LAND USE BOARD  
REGULAR MEETING MINUTES  
January 24, 2024**

**CALL TO ORDER**

Meeting was called to order by Vice Chairman Spoerl at 7:10 p.m.

**STATEMENT OF COMPLIANCE:**

Pursuant to the Open Public Meetings Act, adequate notice of this Regular Meeting has been provided to the public and the press on November 22, 2023, by delivering to the press such notice and posting same at the Municipal Building.

**SALUTE TO THE FLAG**

Vice Chairman Spoerl led the assemblage of the Flag.

**ROLL CALL**

Mayor's Designee John Auberger	P
Ann Larsen	P
Councilmember William Higgins	P
Martin Theobald	NP
Richard Spoerl	P
Willard McPeck	P
Andrea Cocula	P
Jacqueline Haley	P
Michael Whitaker	P
Jodi White- Bearstler Alternate #1	P
Mark Heftler Alternate #2	NP
Paul Mele Alternate #3	P
Mark Vizzini Alternate #4	NP

Also Present:

Glenn Kienz, Board Attorney  
Cory Stoner, Board Engineer  
Kimberley Decker, Board Secretary

Record reflects that Mr. Theobald, Mr. Heftler and Mr. Vizzini notified the Board of their absence.

**LU# 9-23-15 – Al & Victoria Akkerman** – Block 433, Lot 42, - Variance for a Six-Foot Fence within the Front Yard on a Corner Lot

Ms. Victoria and Mr. Al Akkerman came forward and were sworn in to testify on application to request a variance for a six-foot fence in the front yard. Mr. Akkerman explained his property is a unique odd, shaped lot with three front yards and steep slopes. Being on main roadway, dangers from vehicles and trespassers entering property exist which threatens our safety and security causing need for the fence. Ms. Akkerman explained the house is lower than roadway which allows people to have the ability of looking into main living space of house causing personal security issues, which was mitigated when the fence was constructed.

Mr. Akkerman added the six-foot boundary was required due to steep slope and odd shape of property causing hardship. The fence complements the natural environment of the area and contributes to aesthetics of neighborhood and is a beautiful boundary to mark the odd shape of the lot.

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Mr. Stoner noted per the Planner's report there was an existing six-foot fence in disrepair which was replaced with a new fence of same height. Due to lot having three frontages, variance is required for fence per proofs and testimony.

Mr. Akkerman stated repairs and new fencing was added to make clear boundary of property. He said he was under the impression that the fence was allowed due to preexistence and that no permit was needed per Township Code. Fence is constructed on site with no right of way encroachments.

Vice Chairman Spoerl opened the hearing to the Public. Seeing no one wishing to come forward, Vice Chairman Spoerl closed the hearing to the Public.

**Motion:** Motion to Approve Fence as constructed per LU#9-23-15 was made by Mr. Whitaker and was seconded by Ms. Cocula. Mr. Stoner noted Township Ordinance requires fence in front yard to be 4 feet in height and 50% open and approval for variance should reflect six-foot height and solid fence as constructed.

ROLL CALL: AUBERGER: Y; LARSEN: Y; HIGGINS: Y; SPOERL: Y; MCPEEK: Y; COCULA: Y; WHITAKER: Y; HALEY: Y; WHITE-BEARSTLER: Y.

Motion Passed.

Attorney Kienz administered the Oath for Cory Stoner as Board Engineer for 2024.

**LU# 12-23-18 – SNOWSHOE HOMES, LLC – Block 526, Lot 10, 11 & 12, - Minor Subdivision**

Ms. Carly Clinton, Attorney and Mr. Jason Dunn, Engineer came forward to testify on behalf of the applicant. Ms. Clinton stated application requests a lot line adjustment for Block 526 Lots 10, 11 and 12 in R-4 Residential zone with no variances. The lot line adjustment will add 910 sq feet from lot 12 to the combined lots of 10 & 11 to allow for area for driveway and well.

Mr. Dunn stated the addition of 901 sq feet from Lot 12 to Lot 11 will remedy the driveway and well encroachment, which is a better alternative than obtaining an easement. There are no variances triggered and no impact to any previous approvals of original subdivision. Mr. Dunn agreed to all recommendations and requirements noted in Board Engineer's report of January 24, 2024 including the correction in zoning chart calculations needed. Mr. Dunn noted that approval by Sussex County Planning Board has been received with no issues. Board Members had no comments or questions.

Ms. Clinton explained that in 2022 lots 10 and 11 have been combined and are named as Lot 11, which will be updated in all plans.

Vice Chairman Spoerl opened the hearing to the Public. Seeing no one wishing to come forward, Vice Chairman Spoerl closed the hearing to the Public.

**Motion:** Motion to Approve LU#12-23-18 per testimony presented was made by Ms. Cocula and was seconded by Mr. Auberger.

ROLL CALL: AUBERGER: Y; LARSEN: Y; HIGGINS: Y; SPOERL: Y; MCPEEK: Y; COCULA: Y; WHITAKER: Y; HALEY: Y; WHITE-BEARSTLER: Y.

Motion Passed.

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Ms. Clinton requested waiver of reading Resolution for LU#12-23-18. All Board Members were in favor.

## **PUBLIC PARTICIPATION**

Vice Chairman Spoerl opened the meeting to the Public for items other than on the Agenda. Seeing no one wishing to come forward, Vice Chairman Spoerl closed the meeting to the Public.

## **RESOLUTIONS**

**LU# 5-23-8** – **Dean Anthony Properties, LLC** – Block 592, Lot 69, 70, & 71, - Minor Subdivision with Variances

**Eligible to vote:** Williams, Spoerl, McPeek, Cocula, Whitaker, Haley, Theobald

**Motion:** Motion to Approve Resolution for LU#5-23-8 was made by Ms. Cocula and was seconded by Mr. McPeek.

ROLL CALL: SPOERL: Y; MCPEEK: Y; COCULA: Y; WHITAKER: Y; HALEY: Y.

Motion Passed.

**LU# 11-23-17** – **Veolia Water New Jersey Inc.** – Block 217, Lot 6, - Site Plan with Conditional, Bulk and Use Variances to renovate the existing building to install NJDEP required PFAS treatment Equipment

**Eligible to vote:** Williams, Spoerl, McPeek, Haley, Theobald

**Motion:** Motion to Approve Resolution for LU#11-23-17 was made by Mr. McPeek and was seconded by Ms. Haley

ROLL CALL: SPOERL: Y; MCPEEK: Y; HALEY: Y.

Motion Passed.

## **MINUTES**

- December 13, 2023 – Regular Meeting Minutes (Williams, Spoerl, McPeek, Cocula, Whitaker, Haley, Theobald)

**Motion:** Motion to Approve Minutes for December 13, 2023 was made by Ms. Cocula and seconded by Mr. Spoerl.

All Members eligible were in Favor. Motion Passed.

## **APPENDIX A – ESCROWS, BOARD FEES, BOND REDUCTIONS AND ESCROW CLOSURE**

### **ESCROWS, BOARD FEES AND BOND REDUCTIONS**

#### **A. Board Fees**

1. **Board Attorney** – Glenn Kienz, Weiner Law Group LLP
  - Land Use Board Business – Services Through 12/13/23 (\$600.00)
  - Sussex Cultivation – LU# 2-23-4 – Services Through 12/7/23 (\$136.00)
  - Dean Anthony – LU# 5-23-8 – Services Through 12/13/23 (\$107.50)
  - Restoration Agriculture – LU# 5-23-7 -Services Through 12/15/23 (\$34.00)
  - Rosemark Realty - LU# 9-23-12 –Services Through 12/11/23 (\$340.00)
  - Veolia Water NJ – LU# 11-23-17 – Services Through 12/13/23 (\$107.50)
  - Snowshoe Homes – LU# 12-23-18 – Services Through 12/20/23 (\$45.00)
  
2. **Board Planner** – Jessica Caldwell, J. Caldwell & Associates
  - Land Use Board Business – Services Through 12/13/23 (\$325.50)
  - 515 Vernon Prop. – LU# 7-20-4 – Services Through 12/1/23 (\$312.50)
  - Dean Anthony – LU# 5-23-8 – Services Through 12/7/23 (\$1,010.00)
  - Al Akkerman – LU# 9-23-15 – Services Through 12/01/23 (\$130.00)
  
3. **Board Engineer** – Cory Stoner, Harold E. Pellow & Associates
  - Land Use Board Business – Services Through 11/8/23 (\$207.00)
  - FW Webb – LU# 2-23-2 – Services Through 11/20/23 (\$366.50)
  - Raymond Little – LU# 3-22-3 – Services Through 11/16/23 (\$56.00)
  - Rosemark Realty - LU# 9-23-12 –Services Through 11/30/23 (\$1,247.00)
  - Mountain Dispensary – LU# 2-23-13 – Services Through 11/3/23 (\$767.00)
  - Bright Horizons – LU# 1-22-1 – Services Through 11/20/23 (\$75.00)
  - Havenly at Great Gorge – LU# 10-23-16 – Services Through 11/1/23 (\$207.00)
  
4. **Board Recording Secretary** – Irene Mills (\$75.00)

**Motion:** Motion to Approve Board Fees was made by Mr. Whitaker and was seconded by Mr. Spoerl. All Members were in Favor. Motion Passed.

**B. Request for Escrows to be closed**

- LU# 12-17-6 – Robert Shuppon Block 239, Lot 9 & 12, Minor Subdivision (\$374.30)

**Motion:** Motion to Approve Escrows be Closed was made by Ms. Cocula and was seconded by Mr. McPeek. All Members were in Favor. Motion Passed.

ROLL CALL: AUBERGER: Y; LARSEN: Y; HIGGINS: Y; SPOERL: Y; MCPEEK: Y; COCULA: Y; HALEY: Y; WHITAKER: Y; WHITE-BEARSTLER: Y.

Motion Passed.

**ADJOURNMENT**

There being no further items of business to be conducted on the agenda, a motion to adjourn meeting was made by Mr. Auberger and was seconded by Ms. Cocula. All Members were in favor.

Meeting was adjourned at 7:38 p.m.

Respectfully Submitted

Irene Mills, Recording Secretary