

**VERNON TOWNSHIP LAND USE BOARD
REGULAR MEETING MINUTES
JANUARY 14, 2009**

CALL THE MEETING TO ORDER

Mr. Theobald called the meeting to order at 7:55 p.m.

STATEMENT OF COMPLIANCE:

Pursuant to the Open Public Meetings Act, Chapter 231, P.L. 1975 adequate notice as defined in Section 4D of Chapter 231, P.L. 1975 has been transmitted from the Vernon Municipal Center to the New Jersey Herald, Star Ledger and Advertiser News on January 10, 2008. Notice is posted on the bulletin board and filed with the office of the Township Clerk.

PLEDGE OF ALLEGIANCE

ROLL CALL

Andrew Borisuk - P
Austin Carew - P
Mark Nelson - NP
Richard Spoerl - NP
Martin Theobald - P
Sam Lewin, Alt. #1 - P
Chris Hack, Alt. #2 - P
David Gornstein - P
Vincent Zinno - P
Gary Grey - NP
Andrea Cocula - NP

ALSO PRESENT

Debra Perry, LUA, Board Secretary
Patrick McNamara, Esq. - LUB Attorney
Louis Kneip, P.E. Township Engineer
Cynthia Davis, Recording Secretary

PUBLIC HEARING

The Great Atlantic & Pacific Tea Co., (A&P) Vernon Valley Associates

Application Number: **PB # 11-08-10**
Block 145, Lot 1.05
Minor Site Plan and Bulk C Variance

Mr. McNamara advised that the applicant requested an adjournment of this hearing to the next Land Use Board ("LUB") meeting scheduled for March 25, 2009. Mr. Kneip advised that another summons was recently issued by the Zoning Official to the applicant for an outdoor storage issue which is currently pending before the court.

Vernon Township Historic Preservation Commission

Block 144.01, Lot 7 (aka Block 144, Lot 31)
539 Route 515
Historic designation of the Vernon Board of Education Building
(Carried from December 10, 2008)

Appearing before the LUB were Charles Bates, Chair of the HPC, Jessica Paladini, President of the Vernon Historical Society, Dr. Anthony Macerino, Superintendent of Schools, Howard Whidden, President of the Board of Education and Cynthia Auberger, Vice President of the Board of Education.

Charles Bates and Lou Kneip were sworn in by the Board attorney. Mr. Bates explained that he did not have anything further to present to the LUB than what he had presented at the last Planning Board

meeting. He invited Ms. Paladini to speak.

Ms. Paladini came forward and was sworn in by the Board attorney. Ms. Paladini reminded the LUB of her prior testimony wherein she advised that the Vernon Township Historic Preservation Ordinance states that the board "shall approve or disapprove" of the historic designation at the Planning Board meeting and a report to the governing body shall be submitted, which she says, was not done. She feels that the Board of Education building's historic significance lies in the fact that it was one of Vernon's first schools which satisfies one of the criteria set up by the NJ Legislature and Federal government for landmark designation. She asked that the LUB vote "yes" tonight to designate the building as a historic landmark and also advised that the Town Council, by law, can override the LUB and designate the building anyway.

Dr. Anthony Macerino came forward. He explained that the Board of Education retains a neutral position regarding the designation for a variety of reasons. One of their questions is would having a historical designation deter a future buyer from purchasing a valuable piece of property in the Town Center area? He explained that the Vernon Twp. Board of Education is a "keeper" of public property as they don't own the building. It is the school district's building and the community's (taxpayer's) building. What would happen if a future buyer would want to demolish the building?

Ms. Paladini advised the LUB and Dr. Macerino that even with local historic designation, the building can be demolished or relocated in the future. This scenario is what happened to the Willowbrook Inn on Warwick Turnpike. Dr. Macerino commented that as long as future boards and the current board won't be hampered in any way, as far as not having to spend exorbitant amounts of money to change or upkeep the building, he would have no objection to the (historic) classification.

Mayor Carew commented that he feels it is in the best interests of the children of Vernon to designate the building. This would teach the children the history of Vernon Township. He feels it is good for tourism too. The Town Center was designed to look historical and this would add to that concept. He also stated that he was surprised at the prior opposition of the Planning Board to this designation. The subject property comprises only $\frac{3}{4}$ of an acre of the Town Center's total 191 acres.

The Board attorney stated that if the Board of Education, ten years from now, wants to remove the building from the site, their application before the LUB would be a non-binding review under Section 31 because all the permits and approvals are before the State Board of Education and not through this municipality. A purchaser to this property would not have any restrictions due to historic designation because the statute that governs this says that when the school board deems it is no longer suitable or convenient for their use, and they put it up for public auction, whether they bought it or acquired it by condemnation, and the purchaser thereof shall acquire title thereto free from any use or purpose, for which it may have been acquired by the board. The Board of Education has independent statutory power and that power is not reigned-in either by this LUB or by the municipality. In other words, this LUB cannot stop them from doing anything they want to.

Mr. Howard Whidden came forward and said that based upon the clarifications he heard tonight, he believes he can safely say that the Board of Education would not be opposed to this designation.

Cynthia Auberger came forward and stated that she feels the building is an important part of Vernon's history and the building should be designated.

Andrew Borisuk made a motion to historically designate the Board of Education building pursuant to criteria #1 (specific historical significance), pending formal update by way of Master Plan re-examination to be done later this year. Mr. Gornstein seconded the motion. Roll call: Borisuk - y, Carew - y, Zinno - y, Gornstein - y, Lewin - y, Hack - y, Theobald - y.

OPENED MEETING TO THE PUBLIC FOR ITEMS OTHER THAN THOSE LISTED ON THE AGENDA

No one came forward.

CLOSED MEETING TO THE PUBLIC

MINUTES

Mr. Gornstein made a motion to accept the minutes for the December 10, 2008 meeting. Mr. Zinno seconded the motion. Roll call: Borisuk - y, Carew - y, Gornstein - y, Theobald - y, Zinno - y.

RESOLUTIONS

Rosemark Realty, LLC

Application Number: **PB # 11-08-7**

Block 93, Lot 6.03

Preliminary Major Site Plan Approval

Mr. Gornstein made a motion to accept the resolution. Mr. Lewin seconded the motion. Roll call: Carew - y, Gornstein - y, Theobald, Zinno - y.

LAND USE BOARD DISCUSSION ITEMS

The LUB members discussed the outdoor storage ordinance requirements for the A&P vs. a gas station's and the fire department Christmas tree sale.

Mayor Carew asked, if possible, that the zoning application issues be heard at the end of the meetings as he and Mr. Grey are not able to participate and would prefer to go home.

VOUCHERS

Mr. Gornstein made a motion to accept the escrows as listed on the Agenda. Mayor Carew seconded the motion. Roll call: Gornstein - y, Zinno - y, Carew - y, Borisuk - y, Theobald - y, Lewin - y, Hack - y.

Mr. Gornstein made a motion to approve the Board Fees. Mr. Lewin seconded the motion. Roll call: Gornstein - y, Zinno - y, Carew - y, Borisuk - y, Theobald - y, Lewin - y, Hack - y.

A motion was made by Andrew Borisuk to accept the Bond Reduction. Mr. Lewin seconded the motion. All were in favor.

A motion was made by Mr. Borisuk to accept Cynthia Davis as the Recording Secretary. Mr. Gornstein seconded the motion. Roll call: Gornstein - y, Zinno - y, Carew - y, Borisuk - y, Theobald - y, Lewin - y, Hack - y.

ADJOURNMENT

Mr. Borisuk made a motion and Mr. Gornstein seconded the motion to adjourn the meeting at 9:20 p.m. All were in favor.

Respectfully submitted by



John Hanlon
Board Secretary