

**VERNON TOWNSHIP LAND USE BOARD  
REGULAR MEETING MINUTES  
April 22, 2009**

Note: Mr. Gino Misciagna was sworn in by the Board Attorney before this meeting as an Alternate Member #4 of the Land Use Board.

**CALL THE MEETING TO ORDER**

Mr. Theobald called the meeting to order at 7:10 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 23, 2009. Notice is posted on the bulletin board and filed with the office of the Township Clerk.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Andrew Borisuk	P
Mayor Carew -	NP (excused)
Mark Nelson -	P (arrived 7:15 p.m.)
Richard Spoerl -	P
Martin Theobald -	P
Sam Lewin, Alt. #1 -	P
Chris Hack, Alt. #2 -	P
David Gornstein -	P
Vincent Zinno -	P
Gary Grey -	P (arrived 7:15 p.m.)
Andrea Cocula -	P
Jack Smith, Alt #3	NP (excused)
Gino Misciagna	P

**ALSO PRESENT**

Patrick McNamara, Esq., LUB Attorney  
Louis Kneip, P.E. Township Engineer  
Cynthia Davis, Recording Secretary  
Jessica Caldwell, Planner

**PUBLIC HEARINGS**

**Metairie Corporation**

**LU # 2-09-3**

**Block 231.01, Lot 1**

**Preliminary & Final Major Site Plan (Continued)**

**(These minutes reflect summarization of the order of speakers and certain details, only. Detailed testimony can be found on the transcript provided by the applicant's court reporter.)**

**NOTE: Mr. Lewin, Mr. Grey and Mr. Nelson signed the Certification of Eligibility to Vote form. Mr. Misciagna will not be eligible to vote on this application as he is new to the board.**

Tom Collins, Esq. of Vogel, Chait, Collins and Schneider came forward and passed the floor to Mr. Benecke.

Mr. Robert Benecke came forward to discuss the economic and redevelopment aspects of the project. (Please refer to the meeting transcript for detailed testimony.)

Andrew Comi, Professional Engineer, from PS&S, came forward and discussed Mr. Kneip's Review letter dated April 15, 2009, and answered questions about the new water treatment plant. (Please refer to the meeting transcript for detailed testimony.)

Stanley Forrest, Architect, came forward and discussed the total building area. (Please refer to the meeting transcript for detailed testimony.) Several exhibits were marked, as

follows:

Exhibit # A19 - Total Building Area calculation sheet

Phase A (existing building): 877,000 square feet

Phase B (indoor water park): 34,540 square feet of new construction

Phase C (north tower): 259,000 square feet of new construction

Exhibit # A20 - Indoor Amenity Square Footage calculation sheet.

Total commercial area: 310,870 square feet

Exhibit # A21 - Mr. Kneip's Report dated April 15, 2009

Exhibit # A22 - Ms. Caldwell's Report dated April 16, 2009

Exhibit # A23 - Sustainable Design Strategies (General list)

Exhibit # A24 - Comparison of site plan and redevelopment phases

Exhibit # A25 - Revised plans from PS&S, dated April 10, 2009

Exhibit # A26 - Revised architectural plans from PS&S, dated April 10, 2009

Mr. Robert Blakeman, Architect, from PS&S came forward and was sworn in and discussed the list of sustainable design strategies that will could possibly be used throughout this project. (Please refer to the meeting transcript for detailed testimony.)

**OPENED MEETING TO THE PUBLIC**

No one came forward.

**CLOSED MEETING TO THE PUBLIC**

Mr. Borisuk made a motion to approve for Phases A & B, preliminary and final site plans and Phase C, preliminary approval only, with the following conditions, as listed by Mr. McNamara, as follows:

1) At the end of Phase A, the applicant will perform an updated traffic analysis and parking analysis; 2) Water and well capacity analysis will be submitted; 3) The applicant will provide the LUB with the same updates that it will provide the governing body pursuant to the redevelopment agreement; 4) Updated information on the landscaping design, lighting and signage will be provided as they start working toward construction drawings, subject to the review of the board planner and the board engineer; 5) Exterior building materials information to be updated and submitted to the board planner and the board engineer; 6) Updates on the design of the storm water management and drainage systems; 7) Soil borings to be performed within six (6) months; 8) Direct offset on impervious coverage by reduction of the tennis courts so that there is no net increase of impervious coverage, once Phase B is done; 9) Updated information to be submitted supplementing Exhibit # A23 regarding sustainable design; 10) Updated information to be submitted to supplement Exhibit # A19 on the type and number of bedrooms; 11) Provide a copy of the approval permit for the sewer facility and the back-up data; 12) Submit a snow removal plan and the emergency response information that will be provided to guests; 13) Provide copies of easements for the parking areas to adjacent properties; 14) Waste disposal, located inside the structure allowed to be part of the update on the recycling plan of the resort; 15) The fee due under COAH (2 1/2%); 16) Sewer flow calculations, TWA permit should be provided; 17) Performance and maintenance bonding for all site improvements; 18) Certification that tax has been paid up to date; and 19) All the other conditions required for approval.

Mr. Nelson seconded the motion. ROLL CALL: NELSON - Y, SPOERL - Y, GREY - Y, ZINNO - Y, GORNSTEIN - Y, COCULA - Y, LEWIN - Y, HACK - Y, BORISUK - 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**

**April 8, 2009**

Mr. Borisuk made a motion to approve the minutes from the April 8, 2009, Land Use Board meeting. Mr. Spoerl seconded the motion. ROLL CALL: BORISUK - Y, COCULA - Y, HACK - Y, SPOERL - Y, THEOBALD - Y, ZINNO - Y, GREY - Y.

## **RESOLUTIONS**

### **Eric Gabriele Resolution**

**LU # 3-09-4**

**Block 159.01, Lot 52**

**C-Variance for Deck**

Mr. Hack made a motion to adopt the resolution. Mr. Borisuk seconded the motion. ROLL CALL: ZINNO - Y, HACK - Y, BORISUK - Y, THEOBALD - Y.

### **Linda and Donald Weiss Resolution**

**LU # 3-09-5**

**Block 61, Lot 28**

**C-Variance for a lot without frontage on a roadway in NJ**

**Mayor Carew and Council member Gary Grey were recused from this application)**

Mr. McNamara advised that this resolution had not been completed and was tabled to the next meeting on May 13, 2009.

### **Vernon Center, LLC Resolution**

**PB # 5-07-7**

**Block 142, Lot 1**

**Amended Preliminary Major Site Plan**

**(Completeness Hearing & Public Hearing)**

Ms. Cocula made a motion to adopt the resolution. Mr. Borisuk seconded the motion. ROLL CALL: THEOBALD - Y, SPOERL - Y, BORISUK - Y, COCULA - Y, GREY - Y.

## **LAND USE BOARD DISCUSSION ITEMS**

### **Design Review Committee**

Mr. Kneip asked whether the board wants a Design Review Committee ("DRC") or in the alternative the LUB should take on this process. Mr. Theobald suggested not having a separate DRC as they would not have authority over the LUB and items may have to be redone by the LUB at the cost of the applicant. Ms. Cocula made a motion to recommend to the Town Manager to not form a separate DRC and assign design review to the LUB. Mr. Gornstein seconded the motion. ROLL CALL: BORISUK - Y, NELSON - ABSTAINED, SPOERL - Y, GREY - Y, ZINNO - Y, GORNSTEIN - Y, COCULA - Y, LEWIN - Y, HACK - Y, MISCIAGNA - Y, THEOBALD - Y.

### **Mr. John Hanlon**

A motion was made by Ms. Cocula to accept Debra J. Perry's Letter of Resignation as LUB Secretary and to approve Mr. John Hanlon as the new Board Secretary, effective immediately through December 31, 2009. Richard Spoerl seconded the motion. ROLL CALL: BORISUK - Y, NELSON - Y, SPOERL - Y, GREY - Y, ZINNO - Y, GORNSTEIN - Y, COCULA - Y, LEWIN - Y, HACK - Y, MISCIAGNA - Y.

### **"Grand Opening" Signs**

Mr. Nelson asked why Grand Opening signs are not allowed in Vernon. Mr. Kneip advised that there are some zoning ordinance restrictions, but did not know them off the top of his head. He agreed to research same. Mr. Gornstein advised that the Sign Committee is working on a sign ordinance change and suggested that the LUB talk to the Town Manager about giving the Zoning Officer more flexibility to approve Grand Opening Signs while the Town is in this transition.

## **ESCROWS AND VOUCHERS**

### **Bond Reductions**

Dagmar Dale Subdivision - PB # 11-02-22, Block 260, Lot 4. Mr. Kneip recommended the release of the maintenance bond (\$52,719.84) as the applicant has constructed all the site improvements, houses have been constructed, the drainage and roadway improvements have been installed and inspected and the two-year maintenance bond has expired. Mr. Borisuk made a motion to release the bond. Mr. Gornstein seconded the motion. All were in favor.

Board Engineer - Louis M. Kneip, P.O., P.E., CME

None.

Board Attorney - Patrick McNamara, Esq. - Scarinci & Hollenbeck

None.

Township Planner - Jessica Caldwell, AICP - Harold E. Pellow & Associates

None.

Board Fees - Total \$118.80

Cynthia Davis - Recording Secretary DOS - April 7-14, 2009 (\$120.00)

Ms. Cocula made a motion to approve of the payment of the voucher. Mr. Theobald seconded the motion. All were in favor.

Township Planner - Jessica Caldwell, AICP - Harold E. Pellow & Associates

None.

Mr. Theobald welcomed Mr. Misciagna to the board.

#### **Status of Pending Applications**

Mr. Kneip advised that two new applications had been filed since the last meeting and the A&P has changed course and has now filed an interpretation request instead of a variance request which will be heard in May.

#### **ADJOURNMENT**

Mr. Borisuk made a motion and Mr. Spoerl seconded the motion to adjourn the meeting at 8:53 p.m. All were in favor.

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Transcribed by Cynthia Davis on April 25, 2009.

#### **CERTIFICATION**

I, the Recording Secretary, hereby certify that the above minutes were approved at the regularly scheduled Land Use Board meeting on May 13, 2009.

Respectfully submitted,

Cynthia Davis