

**VERNON TOWNSHIP LAND USE BOARD  
REGULAR MEETING MINUTES  
May 13, 2009  
REVISED FEBRUARY 24, 2010**

**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 (arrived 7:16 p.m.)
Mayor Carew -	P
Mark Nelson -	NP (excused)
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 (excused)
Andrea Cocula -	P
Jack Smith, Alt #3	P
Gino Misciagna	P (arrived at 7:45 p.m.)

**ALSO PRESENT**

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

Mr. Grey and Mr. Nelson advised the Board that they would not be in attendance this evening.

**PUBLIC HEARINGS**

**Northwoods Redevelopment**

**Block 190, Lot 10.02**

**(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.)**

Mr. Robert Benecke from Benecke Economics came forward on behalf of the Township Council and was sworn in by the board attorney.

Ira Weiner, Esq. Beattie Padavano, came forward on behalf of Northwoods of Vernon, LLC. The following exhibits were discussed:

Exhibit A1 - Redevelopment report prepared by Mr. Benecke

Exhibit A2 - Tax map showing the blocks and lots

(Please refer to the meeting transcript for detailed testimony.)

Mr. Kneip and Ms. Caldwell were sworn in and discussed the redevelopment report. Mr. Weiner discussed the report and advised that the applicant agrees with the report. (Please refer to the meeting transcript for detailed testimony.)

**OPENED MEETING TO THE PUBLIC**

No one came forward.

**CLOSED MEETING TO THE PUBLIC**

Mr. Gornstein made a motion to approve the Redevelopment Plan. Ms Cocula seconded the motion. ROLL CALL: BORISUK - Y, CAREW - N, ZINNO - N, GORNSTEIN - Y, COCULA - Y, LEWIN - N, HACK - Y, SMITH-Y, THEOBALD - Y. (6-3)

**(Please Note: The Cellco Patnership d/b/a Verizon hearing was adjourned to the July 22, 2009, LUB meeting, at the request of the applicant.)**

**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 22, 2009**

Mr. Gornstein made a motion to approve the minutes from the April 22, 2009, Land Use Board meeting. Mr. Zinno seconded the motion. ROLL CALL: BORISUK - Y, COCULA - Y, GORNSTEIN - Y, HACK - Y, THEOBALD - Y, ZINNO - Y, LEWIN - Y.

**RESOLUTIONS**

**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**

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

**(Please Note: Mr. McNamara will have the Metairie Corporation Resolution prepared for the next LUB meeting.)**

**LAND USE BOARD DISCUSSION ITEMS**

**Master Plan Update**

Mr. Kneip asked Ms. Caldwell to discuss which elements will need to be tackled this year, and the fees involved, to update the Master Plan ("MP"), which by statute needs to be updated every six years.

Mr. McNamara advised that the LUB is the final arbiter of the MP. If the MP recommends certain changes to the Land Use ordinance, the LUB would prepare those ordinances and submit them to the governing body for consideration so that the MP is not inconsistent with the Land Use Ordinance. Mr. McNamara listed the following elements which would merit a complete update of the MP: the Highlands program, all the COAH changes, significant rewrites of environmental regulations, C-1 designations, the wetland designations, the new Water Quality Management Plan process.

Ms. Caldwell advised that the last full Master Plan update was last done in 1995. She discussed the following changes in the Township which would merit an update:

Vernon is in the Plan Endorsement process to get their center extended which needs to be tied into the Master Plan which requires an update of all the existing elements;  
A Farmland Preservation element should be added as the Office of Smart Growth will be looking for this in the plan endorsement process;  
A Highlands Master Plan element, that will address the preservation areas, will need to be incorporated into the Master Plan; and  
The Housing Plan.

Ms. Caldwell suggested that the LUB's second meeting of the month be used partly as a Master Plan review session and, that way, the entire board can be involved in the

process and review and approve of the work products that the Planner creates. She advised that the Master Plan update plan coorelate with the conformance process which is due December 8, 2009.

Mr. Lewin inquired as to the cost of the MP update. Mr. Kneip advised that money has been budgeted for the MP update and COAH issues. Ms. Caldwell estimated the update to cost \$56,000.00. Mr. McNamara advised that bids are not mandated for this because it is a professional service under local public contract law. The members discussed that it may be wise to obtain quotes for the MP update. Mr. Kneip advised that an Open Space grant has been applied for and this would help with the Open Space and Recreation element.

Ms. Cocula made a motion to obtain quotes for the update of the MP. Mr. Borisuk seconded the motion. ALL WERE IN FAVOR.

Mr. Borisuk asked who would make the decision whether the Town follows the Highlands Master Plan in the Planning Area. Ms. Caldwell advised that they are in the second step of the process of the Planning Conformance Study which is the build-out study. This study will give the COAH number and then they will begin writing the COAH plan for the Highlands Area as well as the rest of the Township. At that point the Town Council needs to decide if they want to go with high conformance in the planning areas or just in the preservation areas based upon the development capacity. She advised that the Township cannot opt out of COAH if doing Plan Endorsement.

**Mr. McNamara - discussion items**

Mr. McNamara discussed a recent lawsuit regarding environmentalists v. the affordable housing advocates v. the town v. the developers v. the Highlands Commission.

The State Supreme Court reversed the appeals and trial courts, and upheld an ordinance, in Jackson Twp. that mandated tree replacement for new development. (NJ Shore Builders Assoc. v. Jackson Township)

**ESCROWS AND VOUCHERS**

Bond Reductions

None.

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

- Vernon Center LLC - PB # 5-07-7 DOS 4/1/09-4/8/09 (\$1,110.00)
- McLaughlin - ZB # 11-08-16 DOS 4/8/09 (\$27.75)
- A&P - LUB # 4-09-7 DOS 4/20/09 (\$83.25)
- Metairie Corp. - LUB # 2-09-3 DOS 4/15/09 - 4/22/09 (\$721.50)
- Verizon - LUB # 1-09-1 DOS 4/22/09 (\$111.00)
- Gabriele - LUB # 3-09-4 DOS 4/8/09 (\$55.50)
- Weiss - LUB # 3-09-5, DOS 4/8/09 (\$83.25)

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

Invoices presented at meeting:

Invoice numbers 106260 - 106267. DOS 5/7/09 - (\$5,570.00)

Ms. Cocula made a motion to approve of the escrows, above. Mr. Gornstein seconded the motion. ALL WERE IN FAVOR.

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

Land Use Board Business - DOS 4/2/09 (\$187.00)

Recording Secretary

Cynthia Davis - Recording Secretary DOS - 4/20/09 - 4/25/09 (\$75.00)

Mr. Borisuk made a motion to approve of the Board Fees, above. Mr. Gornstein seconded the motion. ALL WERE IN FAVOR.

**Request for Escrows to be closed.**

Robert Baldwin - PB # 4-08-4, Block 141, Lot 12 & 15.04.

William O'Neill, PB # 12-07-14, Block 102.02, Lot 4 & 21, 19 & 20.

Mr. Smith made a motion to close the above escrows. Mr. Borisuk seconded the motion. ALL WERE IN FAVOR.

**Status of Pending Applications**

Mr. Kneip advised that two new applications had been filed since the last meeting. A&P has filed for an ordinance interpretation concerning their outdoor storage which will be heard on May 27, 2009. The Noto's applied for a stream buffer variance which will be heard on the same date.

**ADJOURNMENT**

Mr. Gornstein made a motion and Mr. Borisuk seconded the motion to adjourn the meeting at 8:15 p.m. All were in favor.

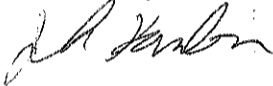
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Transcribed by Cynthia Davis on May 22, 2009.

**CERTIFICATION**

I, the Board Secretary, hereby certify that the above minutes were approved at the regularly scheduled Land Use Board meeting on February 24, 2010.

Respectfully submitted,



John Hanlon  
Board Secretary

LUB Meeting, February 24, 2010