

**VERNON TOWNSHIP LAND USE BOARD
REGULAR MEETING MINUTES
June 24, 2009**

CALL THE MEETING TO ORDER

Mr. Theobald called the meeting to order at 7:17 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	NP
Mayor Carew	NP
Richard Spoerl	NP
Theobald	P
Sam Lewin, Alt. #1	P
Chris Hack, Alt. #2	P
David Gornstein	P
Vincent Zinno	P
Gary Grey	P
Andrea Cocula	NP
Jack Smith, Alt #3	NP
Gino Misciagna, Alt #4	NP

ALSO PRESENT

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

Mayor Carew, Ms. Cocula, Mr. Smith and Mr. Misciagna advised the Board that they would not be in attendance this evening.

PUBLIC HEARINGS

RED OAK PROPERTIES

LUB # 5-09-9

Block 144.01, Lots 3 & 4

Preliminary and Final Major Site Plan (Enlarge parking area, add drainage and landscaping)

Tom Collins, Esq. (Vogel, Chait Collins & Schneider), Mr. John Bosma, principal of Red Oak Properties and Richard Wostbrock, P.E., came forward and were sworn in.

Mr. Collins advised that this application is to add parking, drainage and landscaping to the former firehouse building. This project will improve the circulation of traffic onto Bank Street. Half of the building is currently being used for storage and half for retail space. Eventually, the storage space will be converted to retail/office space and the face of the building will be made consistent with the other side.

Mr. Wostbrock explained the site plan proposal which proposes an increase in parking of 22 parking spaces to the rear of the site with a one-way in driveway from Route 94 and two-directional out driveway onto Bank Street.

Mr. Kneip discussed his Review Letter dated June 2, 2009, which was based on a prior set of plans. The applicant subsequently submitted revised plans on June 12, 2009.

Mr. Wostbrock explained the existing septic system. He advised that the Health Department did not have any records. However, records were located from 1999, showing the location of the septic tank underneath the building with an access hatch inside the building and a pit located on the Route 94 side of the building. The

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calculations show the current septic is sized for office space for the entire square footage of the building which is consistent with the proposed use. There will be no increase in sanitary sewer flow with this application.

Mr. Kneip discussed the Town Center Traffic Impact Fee ordinance. He asked whether there was an increase in daily trips from this property that would trigger that ordinance. Mr. Collins asked the Board to waive any fee for this upgrade of the building. Mr. Wostbrock presented **Exhibit A1 - Town Center Traffic Impact Recalculation from LAN Associates** and explained that the building was used for office space with accessory storage. A calculation was made with the change in use to office and retail space. Mr. Collins explained that this application would improve the traffic circulation in the Town Center, and again, asked the Board to waive the fee.

Mr. Theobald asked the applicant if the applicant needs the parking spaces for the current use of the building. Mr. Collins advised that when the storage space is changed to office/retail, some of the additional parking would be required.

Motion

Mr. Gornstein made a motion to waive the traffic impact fee to the applicant. Mr. Zinno seconded the motion. Mr. McNamara will review the ordinance and if the waiver is allowed, it will be granted. ROLL CALL: GREY - Y, ZINNO - Y, GORNSTEIN - Y, LEWIN - Y, HACK - Y, THEOBALD - Y.

Ms. Caldwell discussed her Review Letter dated June 14, 2009, also prepared for the prior set of plans. Mr. Wostbrock advised that the HVAC will be screened with shrubs. Ms. Caldwell stated that the lighting, as proposed, does not meet the ordinance and would require a waiver. Mr. Wostbrock presented as **Exhibit A2 a catalog picture of the proposed lighting**, which are identical to the bank's current lighting.

MEETING OPENED TO THE PUBLIC

No one came forward.

MEETING CLOSED TO THE PUBLIC

Conditions of approval:

Deed submitted to the Board Attorney and Mr. Kneip that delineates the agreement between property owners of Lot 4, to be filed and recorded by the County.

Applicant to do a soil log to confirm that there is no ledge rock or shallow ground water that could have an impact on how the storm sewer system functions.

County Health Department to review the new plans showing the septic system underneath the building to verify that there will be no increase in flow.

Sump pump to be installed 2 feet below surface instead of 1 foot.

A DEP approved storm grate will be used.

Motion

Mr. Gornstein made a motion to approve this application with the above conditions and to grant a waiver for the lower intensity lighting, as proposed. Mr. Grey seconded the motion. ROLL CALL: GREY - Y, ZINNO - Y, GORNSTEIN - Y, LEWIN - Y, HACK - Y, THEOBALD - Y.

Note

LUB # 4-09-6

Block 100.07 Lot 13

Stream Buffer & Rear Yard Setback Variance

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Mr. Theobald advised the applicant that there were not enough members present to hear a zoning matter. Mr. Hanlon telephoned the absent members. However, no other members were able to appear. This application was carried to the August 12, 2009, LUB meeting, at the applicant's request and no further notice will be required from 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

June 10, 2009

Mr. Lewin made a motion to approve the minutes from the June 10, 2009, Land Use Board meeting. Mr. Gornstein seconded the motion. ROLL CALL: GREY - Y, ZINNO - Y, GORNSTEIN - Y, LEWIN - Y, THEOBALD - Y.

RESOLUTIONS

Merck

PB # 11-08-9

Block 127.03, Lot 29

Lot Line Adjustment

Mr. Gornstein made a motion to approve the resolution. Mr. Lewin seconded the motion. ROLL CALL: GORNSTEIN - Y, ZINNO - Y, GREY - Y, LEWIN - Y, THEOBALD - Y.

LAND USE BOARD DISCUSSION ITEMS

Highlands Master Plan Element

Ms. Caldwell discussed Highlands Master Plan Element which she provided to the members by email and the Highlands Water Deficits information.

Highlands Water Deficits

Ms. Caldwell advised that the deficit is measured from surface water. The 10-year drought level of stream flows is calculated and then the lowest level of stream flows in any given month of the year, usually September, is taken which is the amount of water you are given to start. Then you are given 5% of that or less, as your allocation. If you are using more than 5% of the lowest stream flow, you are considered to be in deficit. Aquifers are not taken into account.

Water for the Town Center was discussed:

Ms. Caldwell advised that individual wells can be drilled, but there may be an issue with sufficient water for fire suppression. She would urge other solutions for water supply other than wells. She would suggest the Town Council to speak with a hydrogeologist on how to address the deficits which are relatively small compared to other communities. Her first suggestion would be to look at, and correct the calculations. She also suggested reaching out to United Water about their ideas on this issue.

ESCROWS AND VOUCHERS

Escrows

Board Engineer - Louis M. Kneip, P.P, P.E., CME
None Submitted as of agenda distribution

Board Attorney – Patrick McNamara, Scarinci & Hollenbeck
None Submitted as of agenda distribution

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Township Planner – Jessica Caldwell, AICP - Harold E. Pellow & Associates
None Submitted as of agenda distribution

B. Board Fees

Cynthia Davis

None Submitted as of agenda distribution

Submitted for approval at the meeting DOS 6/9/09-6/24/09 (\$84.00)

Board Attorney

None Submitted as of agenda distribution

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

None Submitted as of agenda distribution

C. Bond Reductions

None

D. Request for Escrows to be closed

None

Motion

Mr. Gornstein made a motion too approve the Board Fee to Cynthia Davis. Mr. Lewin seconded the motion. All were in favor.

Status of Pending Applications

Mr. Kneip reviewed the upcoming applications.

Cellco is scheduled for July 22, 2009.

A&P Outdoor storage variance is not scheduled at this time. Their court date has been postponed. Mr. McNamara commented that he felt that Mr. Kneip and the code official should be present at the Court hearing.

The McLaughlin application was withdrawn and the applicant is in the process of removing the deck.

Regan Trust is being reviewed for completeness and will be scheduled to be heard in July or August.

Master Plan discussion

Mr. Kneip discussed the RFP and RFQ for the update to the Master Plan. He advised that the current plan is 14 years old and outdated. Mr. McNamara commented that in his opinion, considering what has happened with the Highlands program and all the environmental regulations that have hit the books since the last Master Plan was updated, doing a reexamination would not be sufficient and would be a waste of money. A new Master Plan, which would be digital and accessible to the Public, should be done to include all the new rules. The new Master Plan would need to be completed by the end of this year. Subsequently, an update would be all that would be needed for a future update within the next 5-6 years.

Board Discussion

Mr. Zinno suggested that the photos submitted with applications be scanned and emailed to the members with the other applicant's information.

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Mr. Zinno commented about the email sent by the EC stating that the Noto property was environmentally sensitive. He did not see anything to back up the claim. It was discussed that the EC had not received the same documentation (Highlands exemption and wetlands exemption) as was provided to the planning department on this particular application. Mr. Kneip will look at the procedures for documents that are provided to the EC.

Mr. McNamara advised that Board that any emails that are exchanged on applications could potentially be deemed part of the record or evidentiary if there is a court challenge. Your home or work computer could be subpoenaed. He suggested that people send emails through Lou's or his office. He also suggested that emails on a particular matter be printed out and put into the hard file in the planning department and then off-load the emails onto a disc to be saved for seven (7) years.

ADJOURNMENT

Mr. Gornstein made a motion and Mr. Lewin seconded the motion to adjourn the meeting at 8:47p.m. All were in favor.

Transcribed by Cynthia Davis on June 28, 2009.

CERTIFICATION

I, the Board Secretary hereby certify that the above minutes were approved at the regularly scheduled Land Use Board meeting on July 8, 2009.

Respectfully submitted,

John Hanlon
Board Secretary

Land Use Board
June 24, 2009