

**VERNON TOWNSHIP LAND USE BOARD
REGULAR MEETING MINUTES
July 8, 2009**

CALL THE MEETING TO ORDER

Mr. Borisuk called the meeting to order at 7:14 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	P
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	P
Jack Smith, Alt #3	NP
Gino Misciagna, Alt #4	NP

ALSO PRESENT

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

PUBLIC HEARINGS

ED TALMO

PB # 8-07-12

Block 141, Lot 12.04

Final Major Subdivision (Extension of time - 2 years)

Mr. Edward Talmo, CEO, of the Cedars of Black Creek Reserve, appeared on his own behalf to request a 2-year extension for the approval and permits as a result of the current economic condition.

Mr. McNamara advised the Board that the application was originally heard in July 2007, for a preliminary major subdivision with certain design waivers and submission waivers, which were all granted. A final major subdivision was heard on August 8, 2007, and memorialized on October 10, 2007. The final approval will expire October 2009. The Board has the right to grant (3) 1-year extensions upon good cause being shown pursuant to Section 52 of the MLUL. Mr. McNamara advised the applicant that he will need to get the plat recorded under Section 54 of the statute. Mr. McNamara further advised that due to the project being in the jurisdiction of the Highlands Commission, the Permanent Extension Act does not apply. He recommended that the Board grant a 1-year extension which would then expire October 2010. The applicant could come back for another extension, if needed.

Mr. Theobald asked the applicant what the status was of the project. Mr. Talmo advised that he has septic approval on one of the lots; some clearing has been done and a road was put in during 1989 or 1990.

OPENED MEETING TO THE PUBLIC

No one came forward.

CLOSED MEETING TO THE PUBLIC

**VERNON TOWNSHIP LAND USE BOARD
REGULAR MEETING MINUTES**

July 8, 2009

Page 2 of 5

Motion

Mr. Borisuk made a motion to grant a one-year extension for the approvals and permits to the applicant. Ms. Cocula seconded the motion. ROLL CALL: BORISUK - Y, CAREW - Y, GREY - Y, ZINNO - Y, GORNSTEIN - Y, COCULA - Y, LEWIN - Y, THEOBALD - Y, HACK - Y.

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

Mayor Carew introduced Mr. Jim Schriener, the new Chair of the Economic Development Committee who he asked to come observe the Land Use Board meeting tonight.

CLOSED MEETING TO THE PUBLIC

MINUTES

June 24, 2009

Mr. Gornstein made a motion to approve the minutes from the June 24, 2009, Land Use Board meeting. Mr. Zinno seconded the motion. ROLL CALL: GREY - Y, ZINNO - Y, GORNSTEIN - Y, LEWIN - Y, HACK - Y, THEOBALD - Y.

RESOLUTIONS

Red Oak Properties

LUB # 5-09-9

Block 144.01, Lot 3

Preliminary/Final Major Site Plan

Mr. Gornstein made a motion to accept the Resolution; Mr. Zinno seconded the motion. ROLL CALL: GREY - Y, ZINNO - Y, GORNSTEIN - Y, LEWIN - Y, HACK - Y, THEOBALD - Y.

LAND USE BOARD DISCUSSION ITEMS

Planning Firms for the Master Plan

Mr. Kneip advised that there were a total of six firms that responded to the Request for Proposal ("RFP"). The proposals varied from \$50,000.00 to \$97,500.00 to complete a new Master Plan. (Mr. Lewin warned that the additional fees to complete this project would not particularly be included in these prices for example legal fees and administrative costs.)

Mr. Kneip went on to comment that there are two options which are, as follows: 1) Do a Master Plan update or re-evaluation which is required to be done every six years or; 2) do an entire new Master Plan which can be costly, but given the changes, would be beneficial. Mr. Kneip commented that his recommendation would be to complete a new Master Plan. However, he commented that he is sensitive to the fact that it is costly and may be difficult to spend this money at this time. Mayor Carew agreed that it is not the time to spend this amount of money since the Town does not have that amount of money for a project such as this and since there are not a lot of applications, he suggested that a re-evaluation be done rather than a new Master Plan.

A conversation ensued regarding which option to take with the Master Plan. Ms. Caldwell said that a bare bones re-exam might cost approximately \$5,000 to \$10,000. However, Ms. Caldwell advised that eventually a new Master Plan, as part of Plan Endorsement, will need to be completed. She will not be advised of the required time period to complete the Master Plan for another 6-12 months. Mr. Kneip stated that there is approximately \$80,000.00 in COAH funds, some of which can be used to pay for the update or redraft of the Master Plan.

Mr. Lewin asked if a limited Master Plan update rather than a re-exam could be done with the understanding that a complete update could be deferred. Mr. Kneip and Ms. Caldwell responded that this is another option but that RFP respondents would need to

**VERNON TOWNSHIP LAND USE BOARD
REGULAR MEETING MINUTES**

July 8, 2009

Page 3 of 5

be asked to provide revised proposals that address this option.

A consensus was taken and approved that proposals (RPF's) will be requested from all firms for the cost to do a limited Master Plan update (the minimum required by law and suitable for Plan Endorsement) and a re-examination. Ms. Caldwell will review and let Mr. Kneip know which sections must be done as required by law.

PUBLIC HEARING

NS Enterprises

LUB # 1-09-2

Block 184.01, Lot 6

(Note: It was determined that this application is for a Use Variance, and was advertised as such. Accordingly, Mr. Grey, Mayor Carew and Mr. Gornstein were recused from hearing this application.)

Stephen McGee, Esq., Kenneth A. Wentink, Engineer, and the applicant, Mr. Nick Sarapuchiello, appeared. Mr. Sarapuchiello discussed the current usage of the property, which he has owned for over 35 years which is located on Warren Drive off of Route 94. The current property currently contains machines, storage trailers and a hoop structure without a membrane, where he conducts a landscape supply and building materials business. Mr. Sarapuchiello advised that the materials (ex: white sand, gravels) are stored outdoors in concrete partitioned "bins." Mr. Sarapuchiello advised that repairs of his own machines are also conducted on the premises. He does not propose any new additional uses. Employees are on the premises when company machines are to be repaired, when loading trucks and when getting supplies for customers. No customers will visit this site. The company's main office is located in Paramus, NJ.

Ms. Caldwell advised that this application is an expansion of a non-conforming use which will require Use Variance (D-variance) relief as landscape supply is not listed as a permitted use in the zoning ordinance in the Light Industrial zone.

Motion for Waiver and Completeness

Mr. Borisuk made a motion for a waiver for Traffic Impact Analysis and to deem the application complete. Ms. Cocula seconded the motion. ROLL CALL: BORISUK - Y, ZINNO - Y, COCULA - Y, LEWIN - Y, HACK - Y, THEOBALD - Y.

Mr. Wentink, the Engineer on the project, discussed a summary of the application. He advised that construction of a 60 x 40 building with a small office area and bathroom is proposed. Also, a paved parking lot with room for four vehicles on the South end of the front of the building, keeping the existing driveway in its current location and paving the lot only, are also proposed. Also, a well and septic system are proposed. The applicant has a septic permit. Lights will be mounted on the three side walls of the building, only. The tent frame and storage trailers will be removed when the building is completed.

Mr. Kneip discussed his Review Letter dated June 30, 2009.

Regarding the gravel area behind the new building, the bins will be relocated along the back of the building in an L-shape keeping them within the 50' setback. The bin which is currently not in line with the others will be removed.

Regarding the steep slopes in the property, the applicant's Engineer advised that the slopes have been there for 35 years and feels that they should remain untouched.

The hours of operation will be generally be from 7 a.m. to 8 p.m. and occupied by an employee on an as-needed basis, only. The building mounted lights will not be on continuously, motion detectors will be used. Earth tone colors will be used for the proposed building.

**VERNON TOWNSHIP LAND USE BOARD
REGULAR MEETING MINUTES**

July 8, 2009

Page 4 of 5

The applicant will comply with #12 of the Review letter concerning the drywells having separate collection inlets upstream and 2' sumps for sediment collection. The applicant will install curbing on the northeasterly portion of the parking area for runoff direction into the inlets.

Ms Caldwell, Planner, discussed her Review Letter dated July 1, 2009.

Ms. Caldwell advised that the applicant is meeting the bulk requirements, parking requirements, the lighting intensity, and the wall sign size, for the zone. A design waiver is required for the mounting height of the lights as (5) will be 18' and (1) will be 22' and the maximum height requirement is 15' in the zone. A consensus from the Board was approved for this design waiver. Design Waivers are required for the landscape buffers for side and rear property line and the front property line.

OPENED MEETING TO THE PUBLIC

Mr. Ed Talmo, neighbor of the site, came forward. He discussed his concerns concerning the steep slopes on the premises. He was advised that the applicant is proposing (13) dry wells on the property and Mr. Kneip commented that he feels this will help the current runoff situation.

Mr. Talmo suggested, and it was agreed, to close off the open trench from the driveway to his property and install landscape buffering along rear and northwest side of applicant's property, behind the bins. The tree types to be used will be worked out with the Engineer and Planner.

CLOSED TO THE PUBLIC

Conditions of approval:

Applicant to submit the requisite drawings and obtain building permits for the construction of the building.

Existing trailers, equipment, concrete and other debris is to be removed from the site within 30-days of issuance of the Certificate of Occupancy.

Trench between neighboring property to be filled in.

#12 (drywell recommendations) will be complied with.

Landscape buffering to be done along rear and northwest sides of premise with the types of trees to be planted agreed upon between the applicant, the Engineer and the Planner.

The front buffer will contain low level plantings with a 20' buffer.

Motions

Ms. Cocula made a motion to approve granting D variance relief; Mr. Zinno seconded the motion. ROLL CALL: BORISUK - Y, ZINNO - Y, COCULA - Y, LEWIN - Y, HACK - Y, THEOBALD - Y.

Ms. Cocula made a motion to approve the application with design waivers for lighting and landscaping with the conditions discussed; Mr. Borisuk seconded the motion. ROLL CALL: BORISUK - Y, ZINNO - Y, COCULA - Y, LEWIN - Y, HACK - Y, THEOBALD - Y.

ESCROWS AND VOUCHERS

Escrows

None submitted as of agenda distribution

B. Board Fees

Cynthia Davis

Submitted for approval at the meeting DOS 6/24/09 - 6/28/09 (\$81.00)

**VERNON TOWNSHIP LAND USE BOARD
REGULAR MEETING MINUTES**

July 8, 2009

Page 5 of 5

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

Ms. Cocula made a motion too approve the Board Fee to Cynthia Davis. Mr. Hack seconded the motion. All were in favor.

Status of Pending Applications

Mr. Kneip reviewed the upcoming applications.

Cellco will be heard at the next meeting on July 22, 2009, and will be held at the regular location. Ms. Davis advised the Board that she will not be present at the next meeting. The meeting will need to be recorded.

ADJOURNMENT

Ms. Cocula made a motion and Mr. Borisuk seconded the motion to adjourn the meeting at 9:11 p.m. All were in favor.

Transcribed by Cynthia Davis on July 11, 2009.

I, the Board Secretary, hereby certify that the above minutes were approved at the regularly scheduled Land Use Board meeting on August 12, 2009.

Respectfully submitted,

John Hanlon
Board Secretary

Land Use Board
July 8, 2009