

**VERNON TOWNSHIP LAND USE BOARD
REGULAR MEETING MINUTES
August 12, 2009**

CALL THE MEETING TO ORDER

Mr. Spoerl called the meeting to order at 7:11 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	P
Martin Theobald	NP
Sam Lewin, Alt. #1	NP
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	P

ALSO PRESENT

Patrick McNamara, Esq., Bd. Attorney
Louis Kneip, P.E., Bd. Engineer
Jessica Caldwell, Planner

PUBLIC HEARINGS

Township Capital Project

Maple Grange Park Community Building, Block 93, Lot 2.02

Mr. McNamara explained to the members of the Board that this is for informal review and recommendation under Section 31 of the MLUL.

Mr. Kneip and Ms. Pat Seger, Director of Recreation, were both sworn in. Mr. Kneip explained that the proposed community center, 30' wide by 90' long, would be placed in front of the overflow parking area, adjacent to the bike path. Ms. Seger passed around a picture of a similar building. There will be concrete eating areas, bathrooms, and the building will have it's own septic system. The project is being funded through a \$250,000 grant that Vernon received 8 years ago from the Department of Community Affairs. There is room in the back of the proposed building for future expansion. Mr. Kneip advised that the Vernon DPW has agreed to do the concrete work and assemble the structure. Local contractors have volunteered to do the septic system.

Mr. Misciagna asked what this project would cost. Ms. Seger advised that the building cost \$76,775.00. Ms. Cocula asked what the total cost would be to the Town for the project. Ms. Seger advised that the project will use the funds from the grant and stop at that amount. Ms. Cocula asked what the cost would be for the Town employees to perform this work and commented that this would be important information to provide. The Board suggested that a complete cost analysis be performed; estimating the numbers of hours to complete if done by the DPW vs. if a professional did the work.

Mr. Zinno commented that a professional contractor could possibly perform the job faster, saving money in the long run than taking the DPW workers away from their regular jobs. He felt that if the job was listed as a partial volunteer project, some contractors may be interested in working with the Town. Mr. Zinno suggested getting cost information for any volunteer work in case the volunteer is unable to complete the work.

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Mr. Zinno asked if the proposed septic is large enough to handle any future expansion. Mr. Kneip advised that, yes, the septic is designed to handle just under 2000 gallons per day which is approximately 25% more than is required for this proposed building. Ms. Seger advised that there is a volunteer to do the labor for the septic tank. Mr. Kneip advised that there is currently a well that was installed at the site for a watering system and this building would tie into that existing well.

OPENED MEETING TO THE PUBLIC

No one came forward.

CLOSED MEETING TO THE PUBLIC

Motion

Mr. Gornstein made a motion to recommend approving the project to the Town Council. Ms. Cocula seconded the motion. ROLL CALL: SPOERL - Y, GREY - Y, ZINNO - Y, GORNSTEIN - Y, COCULA - Y, HACK - Y, MISCIAGNA - Y. (Vote was 7-0)

Noto

LUB # 4-09-6

Block 100.07, Lot 13

Stream Buffer & Rear Yard Setback Variance

(Mr. Grey was recused from hearing this application)

Robert Jordan, Land Surveyor, RHJ Associates, who prepared the maps and Peter and Laura Noto came forward. All were sworn in.

Mr. Jordan advised that the applicants are here tonight to apply for a variance for the 75' stream buffer ordinance. The subject property is located in Barry Lakes section of Vernon Township and was created in 1964 by a filed subdivision map. The property is approximately 16,000 square feet. The Noto's bought the property in 1984. Before 1984, there was a dwelling on the property.

(Exhibit A was marked - Filed Map, Section 4, Blue Ridge Lakes, Inc., dated June, 1964, Amisa M. Gilpatrick Associates, Engineers and Land Surveyors of Vernon Township, showing the property with a dwelling at the end of Spruce Court.)

Mr. Jordan explained that a hardship was created to the Noto's as they could not meet the setback requirements when the Vernon Township Stream Buffer and Flood Hazard Control Act was put into effect. The applicant's have obtained a Highlands Exemption, an LOI and a Treatment Works approval stating that a septic was designed for that lot and can be built. The State of New Jersey hardship waiver for the stream buffer would cost the applicants approximately \$3000. The Noto's will apply for one, if this variance is granted.

Mr. Kneip

Mr. Kneip reviewed his report dated May 19, 2009. He advised that the application was deemed complete on April 29, 2009.

Mr. Kneip asked Mr. Jordan what relief is being sought. Mr. Jordan advised that the applicant is seeking 26 feet from the lake where 75 feet is required for the stream buffer.

Mr. Kneip asked the applicant if he would be elaborating on the demonstrations required by the Land Use Development Ordinance for the granting of this waiver. Mr. Jordan stated that the applicants intend to keep the property in it's natural state and not encroach on the lake area. If additional plantings are required, the applicant's would be willing to discuss an agreement in this regard. Mr. Kneip advised that a Stream Buffer Management Plan will need to be submitted and reviewed by the Environmental

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Commission.

Mr. Kneip advised the Board that originally 2 concrete patios, a deck, a shed and a porch were proposed. The applicants have revised the plans, cutting back on the impervious surface coverage by removing the 2 patios and the deck. The current plan will include a house, a porch, one shed and a driveway.

Mr. Jordan advised that the TWA for the septic system was approved. Mr. Kneip advised that a Lot Development Plan, which is a grading plan showing the design of the roof drain storm water facilities, would be a condition of approval.

OPENED MEETING TO THE PUBLIC

No one came forward.

CLOSED MEETING TO THE PUBLIC

Motion

Mr. Gornstein made a motion approve the C-variance with the following conditions: 1) Stream Buffer Management Plan report to be submitted; 2) the Lot Development Plan to be submitted; 3) Soil Erosion Sediment Control Plan; 4) Flood Hazard from the State. Mr. Zinno seconded the motion. ROLL CALL: SPOERL - Y, ZINNO - Y, GORNSTEIN - Y, COCULA - Y, HACK - Y, MISCIAGNA - Y. (Vote was 6-0).

Mitelin Motors

PB # 12-05-13

Block 270, Lot 6.05

Amended Preliminary/Final Major Site Plan

Mr. Ben Cascio, Esq. came forward on behalf of Mitelin Motors. Mr. Cascio explained that preliminary approval on this application was previously granted by the Board in 2006. The applicant is requesting an extension of that approval and to amend the approval because the use has changed from a daycare center to a medical facility. No variances are required or requested. The plan is the same plan the Board approved with two minor exceptions - the use of the property and the area that was previously a play area is now a parking lot. There will be no change in the mechanics of the application and there is no change in the engineering.

Mr. Jeffrey Morris, P.E. and Mr. Ken Ochab, P.P. came forward and were sworn in.

Mr. Ochab explained that the extension is requested due to losing the proposed tenant and needing to research and develop another use.

Mr. McNamara explained that the applicant's extension would be governed under Section 52(a) of the MLUL - where the applicant may seek one-year extensions, not to exceed two extensions.

Motion

Mr. Gornstein made a motion to extend the approval to June 28, 2010. Ms. Cocula seconded the motion. ROLL CALL: SPOERL - Y, GREY - Y, ZINNO - Y, GORNSTEIN - Y, COCULA - Y, HACK - Y, MISCIAGNA - Y. (Vote was 7 - 0)

Mr. Kneip advised that a waiver for traffic impact analysis had been requested by the applicant. The Board previously granted that waiver and Mr. Kneip has no objections to this being granted along with the application be deemed complete.

Motion

Mr. Gornstein made a motion to deem the application complete. Mr. Hack seconded the motion. ROLL CALL: SPOERL - Y, GREY - Y, ZINNO - Y,

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GORNSTEIN - Y, COCULA - Y, HACK - Y, MISCIAGNA - Y. (Vote was 7 - 0)

Ken Ochab, P.P.

Mr. Ochab, P.P., came forward and gave an over view of the previous application and how the new application differs. A medical facility is being proposed with an urgent care center, a cardiology medical office, and a radiology center, with 2700 square feet remaining for a future tenant. He advised that the applicant received a Letter of Exemption from the County, a soil conservation permit which has been extended to 2013, a LOI from the NJDEP expiring in 2011, and a DOT access permit which has been extended to September 2009. Mr. McNamara asked Mr. Ochab to have their traffic engineer submit a letter confirming that the DOT permit does not have to be modified for the change of use. Mr. Ochab commented that the daycare facility would generate more trips during peak hours and conversely the medical facility's traffic would be spread out during the day. A septic design is in place however, they have not received approval yet. The architecture of the building is Early American and it is the intent to match the bank across the street. The sign will be an externally lit wood sign with bold lettering.

Mr. Hack suggested that an internal staircase be added to connect the floors.

Jeffrey Morris, P.E.

Mr. Morris came forward and commented that the only change to the site plan is the previous playground area changing to a parking area. The applicant has added (7) handicap designated parking spaces and will add two lights at the back of the building, as per requested.

Mr. Kneip

Mr. Kneip reviewed his report dated August 5, 2009. All of his comments in the preliminary process were addressed by the applicant. Mr. Kneip confirmed with Mr. Morris that there will not be any change of the impervious surface coverage with the change of the play area to parking area.

At the Environmental Commission's request, Mr. Gornstein asked the applicant if they would consider using a pervious blacktop, because of the situation of the soils at the site providing good drainage. Mr. Morris agreed to do this research.

Mr. Morris discussed the 15 conditions for the prior approval which have all been agreed to and/or completed.

Jessica Caldwell

Discussed the Planner's report dated August 5, 2009.

A member of the Board suggested deleting some of the parking spaces to allow for more "green area." Mr. Cascio remarked that the applicant still has 2500 square feet unaccounted for in the building that may require the extra parking spaces in the future.

Mr. Hack asked the applicant to review the style of the lighting as he does not feel it matches the proposed architecture.

OPENED MEETING TO THE PUBLIC

No one came forward.

CLOSED MEETING TO THE PUBLIC

Motion

Mr. Gornstein made a motion to approve the amended site plan with the following conditions: 1) as set forth in Mr. Kneip's report; 2) modifications on the lighting; 3) the change in the parking calculation with the additional ADA spaces and all

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the conditions of the prior approval to be carried over Ms. Cocula seconded the motion. ROLL CALL: SPOERL - Y, GREY - Y, ZINNO - Y, GORNSTEIN - Y, COCULA - Y, HACK - Y, MISCIAGNA - Y. (Vote was 7-0).

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

No one came forward.

CLOSED MEETING TO THE PUBLIC

MINUTES

July 8, 2009

Ms. Cocula made a motion to approve the minutes. Mr. Zinno seconded the motion. ROLL CALL: COCULA - Y, GORNSTEIN - Y, GREY - Y, HACK - Y, ZINNO - Y.

July 22, 2009

Mr. Hack made a motion to approve the minutes. Mr. Zinno seconded the motion. ROLL CALL: COCULA - Y, GORNSTEIN - Y, HACK - Y, ZINNO - Y.

RESOLUTIONS

Linda and Donald Weiss

LU # 3-09-5

Block 61, Lot 28

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

(For Technical amendments to previously approved resolution)

Ms. Cocula made a motion to approve the technical amendments to the resolution. Mr. Zinno seconded the motion. ROLL CALL: ZINNO - Y, HACK - Y, COCULA - Y.

LAND USE BOARD DISCUSSION ITEMS

Master Plan

Mr. Kneip advised the Board members that revised proposals had been received which he emailed to the members. He commented that the prices came down dramatically now that the scope of work was changed to a bare bones update to the Master Plan.

Mr. Gornstein asked how many elements are mandated. Mr. McNamara advised that four out of the thirteen elements are mandated including the Land Use plan element, recycling plan element, relationship to other Master Plan and State Plan and Highlands are mandated. The proposals ranged from \$11,000 to \$30,000s.

A discussion regarding the possible benefits of the Board's Planner (Ms. Caldwell) being given this work ensued including the benefits of continuity with having done background work and the fact that the proposal from her firm was second to the lowest in price.

Mr. Zinno stated that he did not agree with the way the RFPs went out to bid. He feels that the bidding was sent out mid-stream and could represent a loss of trust in our current Planner. He feels the bid for the Master Plan should have been combined with the RFPs for a new Town Planner. Other Board members felt that the process correct in doing the Board's due diligence.

The risks of not updating the Master Plan were discussed.

Motion

Ms. Cocula made a motion to award the contract to update the Master Plan to Ms. Caldwell's firm, Harold Pellow & Associates at the cost not to exceed \$17,500.00. Ms. Caldwell advised that her firm bills hourly up to the contract amount and if the hours are less than the amount will be less than the quoted price. The other proposal bids were Heier Kruhl - \$35,000, Phillips ____? -\$39,500.00, Gregory &

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Davis - \$25,000, Mazur Consulting - \$24,500.00, Dykstra - \$20,000s, Looney Ricks Kiss - \$11,000.00. Mr. Zinno seconded the motion. ROLL CALL: SPOERL - Y, GREY - Y, ZINNO - Y, GORNSTEIN - Y, COCULA - Y, HACK - N, MISCIAGNA - Y. (Vote was 6-1).

By-Laws

Mr. McNamara advised that he will be making the appropriate changes to the LUB By-Laws since they were done in December 2007, when the Board was still a Planning Board. He will email a new copy to the Board members for their review to be approved at the September meeting.

CLOSED SESSION

Escrows, board fees and bond reductions

Escrows

None submitted as of agenda distribution

B. Board Fees

The voucher for Cynthia Davis dated July 26, 2009, DOS 7/22/09-7/26/09 (\$76.80) was read into the record.

Motion

Mr. Zinno made a motion to approve of Ms. Davis's voucher. Mr. Gornstein seconded the motion. All were in favor.

C. Bond Reductions

Sally Rinker

PB#9-06-11
Site Plan
Block 190.06, Lot 8

Motion

Ms. Cocula made a motion to accept Ms. Rinker's bond reduction. Mr. Zinno seconded the motion. All were in favor.

Mountain Creek

PB#3-01-5
Major Site Plan (Appalachian Lodge, Phase "A")
Block 190, Lot 9

Motion

Mr. Gornstein made a motion to accept Mountain Creek's bond reduction. Mr. Hack seconded the motion. All were in favor.

D. Request for Escrows to be closed

Glenwood Homes, ZB#8-07-12, Block 20.03, Lot 11. Requesting release of remaining escrow

Market Square Management, PB#7-05-6, Block 141, Lot 1. Requesting release of remaining escrow

Main Street Associates, PB#3-06-3, Block 144.01, Lot 4. Requesting release of remaining escrow

Motion

Mr. Gornstein made a motion to approve the escrows. Mr. Grey seconded the motion. All were in favor.

Status of Pending Applications

Mr. Kneip discussed the following pending applications.

Cellco Partnership dba Verizon Wireless – LU#1-09-1
Continuation of Public Hearing, scheduled for September 9, 2009

A&P – PB#11-08-10 – Outdoor Storage variance - Continuation of Public Hearing, Not presently scheduled - **Ms. Cocula commented that the shopping carts have not been moved at this time.**

Regan Trust – LU#5-09-8 – Minor Subdivision – Deemed Complete & Scheduled for Public Hearing on August 26, 2009

Sally Rinker – ZB#10-06-17 – Final Major Subdivision. Presently being reviewed for completeness, tentatively scheduled for Public Hearing on August 26, 2009

ADJOURNMENT

Mr. Gornstein made a motion and Mr. Zinno seconded the motion to adjourn the meeting at 9:04 p.m. All were in favor.

Transcribed by Cynthia Davis on August 16, 2009.

CERTIFICATION

I, the Board Secretary, hereby certify that the above minutes were approved at the regularly scheduled Land Use Board meeting on August 26, 2009.

Respectfully submitted,

John Hanlon
Board Secretary

Land Use Board
August 12, 2009