

**VERNON TOWNSHIP LAND USE BOARD
REGULAR MEETING MINUTES
September 23, 2009**

(NOTE: Pursuant to the by-laws of the Board, Mr. Zinno chaired the meeting as he was the senior most Class IV member present.)

CALL THE MEETING TO ORDER

Mr. Zinno called the meeting to order at 7:13 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 (7:40)	P
Mayor Carew	P
Richard Spoerl	NP
Theobald	NP
Sam Lewin, Alt. #1	P
Chris Hack, Alt. #2	P
David Gornstein	P
Vincent Zinno	P
Gary Grey (7:40)	P
Andrea Cocula (7:20)	P
Jack Smith, Alt #3	P
Gino Misciagna, Alt #4	P

ALSO PRESENT

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

COMPLETENESS HEARING/WAIVER DETERMINATION

Ramah Naioth Church, Inc.

LU#8-09-10

Block 240, Lot 3

Minor Site Plan

Stephen McGee, Esq., substituting for Mr. Opfer, Esq., came forward along with Christian Kim, Builder, and Yeun Soon Cho, Chairperson of the Church. All Parties were sworn in.

Mr. McNamara explained that the matter before the Board is for a waiver being sought for a survey of the property. He stated that he was not aware that the site was over 38 acres in size and that the property is surrounded by government owned and restricted properties that cannot be developed. Usually, one of the fundamental purposes of providing an accurate survey is when there is other development or properties that may be developed or properties that are taxable and, in this instance, that is not the case. All of the surrounding properties are conservation locked-in properties where there will be no development and this use is exempt from taxation as it is a house of worship. After further review, Mr. McNamara recommended that the waiver be granted with the stipulation that if the property is put up for sale, by law, then the property owners will have to produce a survey.

Mr. Kneip also advised that there are no physical improvements proposed on the property. Only a second story addition to an existing structure is proposed. Mr. Kneip read the other waivers from minor checklist items # 7, 8, 12, 13, 16, 19, 21, and 24, which he supports as well. Mr. Kneip recommended to the Board that the application be

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deemed complete and a Public Hearing be scheduled in October.

Mr. McGee explained the condition to the Ms. Cho who advised that the stipulation would be acceptable.

OPENED TO THE PUBLIC

No one came forward.

CLOSED TO THE PUBLIC

Motion

Mr. Gornstein made a motion to deem the application complete. Mr. Smith seconded the motion. ROLL CALL: CAREW - Y, ZINNO - Y, GORNSTEIN - Y, LEWIN - Y, HACK - Y, SMITH - Y, MISCIAGNA - Y. (Vote was 7-0).

The Public Hearing for the Ramah Naioth Church application was set for October 14, 2009 at 7:00 p.m.

PUBLIC HEARINGS

United Water NJ

ZB#9-08-12

Block 100.03, Lot 8

Use Variance & Minor Site Plan (Request time extension)

Mary Campbell, Esq., the corporate attorney for United Water came forward and was sworn in. Ms. Campbell explained that the applicant was before the Board to request a one-year extension for the variances which are scheduled to expire on October 1, 2009 for the proposed parking lot and fence project for the Barry Lakes water system. The application was approved by the Board on September 3, 2009, and memorialized by resolution on October 1, 2008.

Mr. Kneip advised that he had no objection to the request for the extension.

Mr. McNamara explained that the extension would run from October 1, 2009, to September 30, 2010.

OPENED TO THE PUBLIC

No one came forward.

CLOSED TO THE PUBLIC

Motion

Mr. Gornstein made a motion to approve the one year extension for the variances. Mr. Hack seconded the motion. ROLL CALL: CAREW - Y, ZINNO - Y, GORNSTEIN - Y, LEWIN - Y, HACK - Y, SMITH - Y, MISCIAGNA - Y. (Vote was 7-0).

The Great Atlantic & Pacific Tea Co., Inc.

PB#11-08-10

Block 145, Lots 1 & 1.05

Amended Site Plan

(Mayor Carew recused himself from this hearing.)

Suzanne Frankland, Esq., Melli, Guerin. & Wall, PC., Paramus, NJ, came forward and was sworn in. She explained that the applicant was previously before this Board twice to try to "fit-in" to the ordinance for outdoor storage. After meeting with the zoning official, Mr. Roland, the application is now before the Board as a variance request (and was noticed as such) under the ordinance that would allow for a limited display area.

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The outdoor display, if approved, would be limited to only plants and produce items and would not allow for other unsightly items, such as water, firewood, etc. that had previously been displayed. Ms. Frankland submitted a letter to the Board, dated August 4, 2009, listing specific seasonal items sought to be displayed during certain months. Ms. Frankland proposed the following:

Spring and Summer months: Melons, corn, seasonal fruits and vegetables, bedding plants, palm crosses, shrubs, mulch and potting soil.

Fall months: Pumpkins, gourds, apples, mums and hanging flower baskets.

Winter months: Wreaths pine roping and Christmas trees.

Ms. Frankland went on to explain that if the limited display area was approved, the applicant would offer to install curb cuts for the handicap parking to the right of the entrance and make that area ADA compliant. Further, the applicant would move the shopping carts to the right of the entrance, leaving one row of carts, if possible. The display area would be kept within the "structure" (within the canopy) of the building. The display area will be covered and a 6-foot walkway would be maintained for pedestrians.

Mr. Roland was sworn in by the attorney. He agreed with the testimony given thus far.

Mr. Debarbieri, Architect, discussed the site plan (Sheet A101, dated April 9, 2009) with the Board showing the proposed display area located between the entrance and exit doors taking up 4 feet by 64 feet, leaving a 4 foot area in front of the display for pedestrian traffic.

The seasonal months for displaying the above items were defined as:

Spring and Summer: March 1 to August 31

Fall: September 1 - November 30

Winter: November 1 - December 31

Black out months where there will be no display: January and February

Mr. Lewin stated that his concern is that the display area be aesthetically pleasing as the store is located in the Town Center area.

The height of the displays will be limited to 5 feet tall.

OPENED TO THE PUBLIC

No one came forward.

CLOSED TO THE PUBLIC

Mr. McNamara asked the applicant if there were any objections to Mr. Borisuk voting as he had arrived after testimony had started. Ms. Frankland advised that since he had been present at previous hearings, she had no objection.

Motion

Mr. Gornstein made a motion to approve C-variance relief with the conditions, as follows:

A map will be prepared to be filed with the Town demarcating the exact area where the display will be permitted, where the carriage areas will be allowed to remain and demarcate the open area preserved for pedestrian access (with no less than 5-feet of clearance on the right hand side and 4-feet of clearance on the left hand side) to the ADA parking to the side of the building as well as along the building frontage.

The list of seasonal products will be incorporated into the resolution with the time

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frames as discussed.

The displays will be consistent with proper marketing practices and appropriate displays consistent with those typically found in the rest of the supermarket with a 5-foot height maximum.

Three small ramps will be created for handicap access to the sidewalk to the right of the entrance. Mr. Hack

seconded the motion. ROLL CALL: GORNSTEIN - Y, COCULA - Y, LEWIN - Y, HACK - Y, SMITH - Y, MISCIAGNA - Y, ZINNO - N. (Vote was 6-1)

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

No one came forward.

CLOSED MEETING TO THE PUBLIC

MINUTES

September 9, 2009

Mr. Hack made a motion to approve the minutes. Mr. Gornstein seconded the motion. ROLL CALL: BORISUK - Y, CAREW - Y, COCULA - Y, GORNSTEIN - Y, GREY - Y, HACK - Y, LEWIN - Y, MISCIAGNA - Y, SMITH - Y, ZINNO - Y.

RESOLUTIONS

Mr. Gornstein asked the Board attorney why the Board members had not received a copy of the proposed resolution for Sally Rinker's application since she received a copy on September 10, 2009. Mr. Kneip commented that the resolution may have some changes, as per Ms. Rinker, which would be made and then sent to the Board for their approval. Mr. McNamara agreed that if he receives this type of request, he will circulate an italicized draft so that all versions can be reviewed by the Board members.

LAND USE BOARD DISCUSSION ITEMS

MASTER PLAN WORKSHOP

Goals and Objectives

Ms. Caldwell came forward and discussed the **Goals and Objectives** to the Master Plan. She had sent a draft to all members (See Appendix, page 7).

Discussion: Reexamine the Zoning standards

Mr. Lewin sparked a conversation regarding the objective listed under Land Use, #2 (a):

"Review residential zoning standards to simplify standards and limit need for variance relief. "

He commented that he feels the above sentence seems to say that changes may be made to the code and ordinances to allow for less stringent requirements thus making it possible for people to not be required to apply for variances. He would like this comment revised.

Mr. Lewin feels a review of the standards is appropriate but doesn't feel the ordinances standard's should be lessened to make it unnecessary to apply for variances.

Mayor Carew commented that zoning should be predicated on what the land can sustain not to make building more convenient for people.

It was generally decided that practically speaking, zoning ordinances that are creating repeated applications for variances need to be reviewed.

Mr. Roland commented that building will be held down if you make the setbacks of the zones more standard, but contain on-lot coverage.

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Mayor Carew feels that in the objective Land Use, #7, "Highlands Area" of the Township should be changed to "Preservation Area" of the Township.

Regarding Transportation/Circulation, Mr. Lewin discussed the need for rail and bus service in Vernon.

Ms. Caldwell commented that the Historic Preservation section is taken from the previous Master Plan. Mayor Carew commented that the HPC should be contacted to update this section and Ms. Caldwell agreed to do this.

Mr. Zinno asked Ms. Caldwell, going forward, which Master Plan elements will be discussed and in what order. Ms. Caldwell advised that Land Use and Recycling elements will be addressed in this plan. There will be a vision, which will address the Township's identity, and the Land Use element and the recycling element. The re-exam, at the end, will address all the other elements. The Land Use element will be the first to be reviewed and is scheduled for discussion at the next meeting. Ms. Caldwell advised that she will welcome any comments.

OPENED TO THE PUBLIC

Ms. Sally Rinker came forward and asked if there will be an opportunity for work sessions with interaction for others? Mr. Kneip suggested having an informal policy to allow people to jump in when they may have a question or comment during these Master Plan review meetings. It was suggested to post Ms. Caldwell's proposed outline and the schedule of what will be discussed on the website before the meetings.

CLOSED TO THE PUBLIC

Discussion

Mr. Zinno suggested that review fees for applications be revisited. He knows of an applicant that wanted to change the use of a property and the fees were \$26,000 for escrow and \$26,000 for the application. He commented that the fees should be economically feasible for applicants to apply. Mr. McNamara suggested getting the fee schedules from surrounding municipalities to compare them.

CLOSED SESSION

Escrows, board fees and bond reductions

A. Escrows

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

Mitelin Motors – PB#12-05-13- DOS - 07/08/09-08/05/09 – (\$582.75)

Bruce Zaretsky – ZB#5-07-8 – DOS - 08/05/09 – (\$55.50)

Appalachian Lodge – PB#3-01-5 – DOS – 08/04/09 – (\$55.50)

Sally Rinker – PB#9-06-11 – DOS -08/04/09 – (\$111.00)

Noto – LU#4-09-6 – DOS – 08/12/09 – (\$55.50)

Sally Rinker – ZB#10-06-17 – DOS – 08/18/09-08/26/09 – (\$471.75)

Regan Trust – LU#5-09-8 – DOS – 08/18/09-08/28/09 – (\$305.25)

Board Attorney – Patrick McNamara, Scarinci & Hollenbeck

A&P – LU#4-09-7 – Services through 08/31/09 – (\$30.00)

Cellco d/b/s Verizon Wireless – LU#1-09-1 – Services through 8/31/09 – (\$675.00)

Noto – LU#4-09-6 – Services through 08/31/09 – (\$375.00)

NS Enterprises – LU#1-09-2 – Services through 08/31/09 – (\$135.00)

Mitelin Motors – PB#12-05-16 – Services through 08/31/09 – (\$420.00)

Ramah Naioth Church – LU#8-09-10 – Services through 08/31/09 – (\$135.00)

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Agnes B. Regan Trust – LU#5-09-8 – Services through 08/31/09 – (\$105.00)
Bruce Zaretsky – ZB#5-07-8 – Services through 08/31/09 – (\$225.00)
Mountain Creek – PB#1-07-1 – Services through 08/31/09 – (\$285.00)

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

B. Board Fees

Board Attorney

Land Use Board Business – Services through 8/31/09 – (\$2,000.00)
Approval of Land Use Application (Shinnihon) – Services through 08/31/09 – (\$870.00)

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

Cynthia Davis – Recording Secretary

\$75.00 – DOS - 09/09/09-09/12/09

C. Bond Reductions

None submitted as of agenda distribution

D. Request for Escrows to be closed

None submitted as of agenda distribution

Motion

Ms. Cocula made a motion to approve the above listed escrows, escrows to be closed and Board fees. Mr. Smith 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 October 28, 2009.

ADJOURNMENT

Mr. Gornstein made a motion and Mr. Borisuk seconded the motion to adjourn the meeting at 9:09 p.m. All were in favor.

Transcribed by Cynthia Davis on September 27, 2009.

CERTIFICATION

I, the Board Secretary, hereby certify that the above minutes were approved at the regularly scheduled Land Use Board meeting on October 14, 2009.

Respectfully submitted,

John Hanlon
Board Secretary

APPENDIX
(Proposed Master Plan Goals & Objectives)

MASTER PLAN GOALS & OBJECTIVES

Township Identity

1. To foster a community sense of place and identity by further defining the unique and positive aspects of Vernon.
 - a. Improve community sense of place through beautification, streetscapes and signage that fosters neighborhood and township identity.
 - b. Hold community input sessions to define the unique identity and sense of place in the Township.
 - c. Develop a marketing campaign, brand and logo for Vernon's tourism industry.
 - d. Identify methods and funding sources for promoting Vernon's tourism industry.

Land Use

1. To achieve a balance between continued development and the preservation of the extensive natural resources of the community.
 - a. Review ordinances to ensure that well-heads, steep slopes and scenic vistas are adequately protected.
 - i. Ensure that ridgeline protection ordinances provide a clear definition and mapping of what is protected along with methods for ensuring protection of the resource.
 - b. Review ordinances to ensure that environmentally sensitive areas are protected using best management practices for development in those areas.
 - c. Review zoning to ensure that adequate clustering and density transfer options exist to protect natural resource areas.
 - d. Participate in state and county open space and farmland preservation programs in order to preserve lands within the Township.
 - e. Review ordinances to ensure that desirable development is encouraged and fostered.
2. To preserve the existing residential neighborhoods and Lake Communities.
 - a. Review residential zoning standards to simplify standards and limit need for variance relief.
 - b. Maintain current zoning standards within the Highlands Preservation Area to protect existing residential development.
 - c. Ensure that allowable densities for new residential development on septic systems meet state nitrate dilution standards.
3. To provide for economic development through the Commercial, Light Industrial, Commercial-Recreation and Agri-Eco Tourism Zones.
 - a. Review locations and permitted uses in non-residential zones to ensure that appropriate development can occur that supports the tourism industry.
 - i. Identify opportunities to improve the diversity of industry in the Township.
 - ii. Identify opportunities to support the development of indoor

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recreational facilities.

iii. Identify opportunities for alternative energy production within non-residential zones.

iv. Identify opportunities to provide a wide range of recreational opportunities which are developed with minimal impact to neighboring properties.

b. Review densities and setbacks in non-residential zones to ensure that development is maximized on available developable lands and encourages adaptive re-use and redevelopment of existing underutilized commercial properties.

4. To ensure adequate infrastructure to accommodate the projected level of intensity of development.

a. Evaluate options for providing water service to the Town Center.

b. Work within the Plan Endorsement and/or Plan Conformance processes to ensure maintenance of a sewer service area in the Town Center.

c. Protect groundwater resources – the sole source aquifer – through proper septic management.

5. To encourage commercial and mixed-use development in a form, location and design that preserves and enhances the unique character and identity of Vernon Township.

a. Continue and expand upon design guidelines for commercial and mixed-use development in the Township.

b. Identify opportunities for beautification, renovation and other improvements to existing non-residential development.

6. To direct the majority of future growth in the Township to the Vernon Center, Redevelopment Areas and appropriate existing resort areas and

limit inappropriate development in the “environs” of the Township.

a. Review densities and sub-zone designations in the Town Center to ensure appropriate development at densities sufficient to accommodate future growth.

b. Identify and prioritize open space and farmland for preservation efforts.

7. To ensure that land use and development activities within the Highlands Area of the Township occur only in a manner and location that is consistent with the Highlands Regional Master Plan.

a. Pursue Plan Conformance for the Preservation Areas in the Township.

8. To create land use and development plans, policies and ordinances that are predominantly consistent with the goals and policies of the State Development and Redevelopment Plan.

a. Pursue Plan Endorsement from the State Planning Commission.

Housing

1. To encourage the development of a variety of housing types including workforce housing and affordable housing to meet the needs of the population within the Township of Vernon.

a. Review zoning in the Township to identify opportunities for inclusionary zoning.

b. Identify opportunities to partner with affordable housing developers to produce 100 percent affordable developments for seniors and

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families.

c. Identify opportunities to assist in the development of group homes for the developmentally disabled.

d. Identify programs to assist low-income and first-time homebuyers in financing home purchases such as the Live Where You Work Program and other state sponsored programs.

2. To provide opportunities for infill, rehabilitation and redevelopment of existing housing stock within the Township.

a. Continue the Township's housing rehabilitation program.

b. Identify opportunities for gut rehabilitation of existing multi-family development for affordable housing.

c. Evaluate zoning in areas with sewer service to ensure that infill development is encouraged and permitted.

3. To promote energy efficient construction, green building, sustainable design and alternative energy sources for housing in the Township to decrease long-term energy consumption and the cost of housing in the

Township.

a. Develop green building and sustainable design guidelines for new development.

b. Review the Township's ordinances to ensure that alternative energy sources are permitted where appropriate.

c. Encourage energy efficient construction within the Township.

d. Pursue a Sustainable New Jersey certification to raise awareness of sustainability issues in the Township.

Transportation/Circulation

1. To develop and improve a coordinated street system which enables the safe and efficient movement of people and goods.

a. Establish preferred street cross sections based on zoning to encourage appropriate utilization of the rights of ways.

b. Evaluate methods for improving utilization of the existing roadways through a variety of options including traffic calming, encouraging alternate modes of transportation, increasing efficiency of intersections and increasing capacity.

c. Identify dangerous intersections and roadways and evaluate options for improving safety.

d. Identify high congestion areas and evaluate methods for alleviating congestion.

e. Propose streetscape improvements in appropriate locations in the Township.

f. Identify opportunities to improve the pedestrian and public realm adjacent to streets including addition of landscaping, street trees, street furniture and public art.

2. To separate local and through traffic to the maximum extent possible.

a. Identify an appropriate street hierarchy and propose design options to identify methods for separating through and local traffic.

b. Develop "safety by design" techniques to improve actual and perceived safety for pedestrians.

c. Explore options for creating truck routes through the Township.

3. To encourage use of alternate transportation modes (e.g. pedestrian, bicycles, local transit, rail) to lessen congestion and air pollution.

a. Identify locations for bicycle paths throughout the Township.

b. Identify locations where sidewalks are missing and/or inadequate

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and need to be improved.

c. Identify options for improving transit in the Township.
d. Identify opportunities to provide trail connections and off-street pedestrian connections in the Township.

e. Identify appropriate street tree species and establish planting guidelines and potential locations to plant additional street trees.

4. To support the use of rail service for passenger and freight purposes.

a. Explore options for improving freight rail service in the Township and supporting industrial uses adjacent to rail service.

b. Identify opportunities to provide passenger rail service to the Township or in close proximity with transit connections.

Economic Development

1. To create a comprehensive economic development plan for the Township that promotes Vernon as a four season recreation community while also identifying opportunities to diversify Vernon's economy.

Parks/Open Space & Recreation

1. To provide adequate recreation facilities for all age groups in Vernon Township.

a. Develop and maintain fields to be used for active recreation, such as soccer, football and baseball.

b. Provide recreation facilities for Vernon's senior and disabled population.

c. Encourage lot clustering and similar techniques which will result in the development of a greenway system through the Township as well as dedication of land along the Appalachian Trail.

d. Provide a network of pedestrian and bicycle paths which link residential neighborhoods with open space, community facilities, and commercial areas.

e. Create linkages between existing parks and open space areas and create greenway connections along major stream corridors and the Appalachian Trail.

f. Improve opportunities to access public lands for recreational uses such as hiking, canoeing, fishing, cross country skiing, etc.

Historic Preservation

1. To preserve the rich and varied historical heritage of Vernon Township.

a. Recognize the many identified historical structures by petition for inclusion on state and federal registers.

b. Continue to evaluate properties for inclusion on the Township's historic preservation list.

c. Ensure protection of former Indian mining and tool manufacturing areas as development occurs.

Community Facilities

1. To plan community facilities which meet the needs of Vernon's population.

a. Maintain appropriate emergency services for Township residents.

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- b. Continue to monitor the facility needs of Vernon's public schools.
- c. Review library and senior center for improvements needed.
- d. Identify opportunities to develop a community center.

Conservation

- 1. To preserve and protect Vernon's Natural Resources.
 - a. Review existing environmental ordinances to ensure they are adequate to preserve environmentally sensitive areas.
 - b. Adopt necessary protections in the Highlands Preservation Area to be consistent with the Highlands Regional Master Plan.
 - c. Encourage clustering techniques for developments in order to preserve open space and farmland.
 - d. Identify, preserve and protect open space areas with significant scenic views and/or important historical, cultural, environmental or agricultural significance.
 - e. Minimize the impacts of development on environmentally sensitive areas such as wetlands, stream corridors, and aquifer recharge areas.

Recycling

- 1. To plan consistently with the New Jersey Statewide Mandatory Source Separation and Recycling Act of 1987 as implemented by the NJDEP through the Sussex County Solid Waste Management Plan.

Farmland Preservation

- 1. To develop a comprehensive farmland preservation plan that identifies and prioritizes farmland for preservation using county and state programs and available funding sources to purchase easements.
- 2. To identify opportunities to support farming as a viable industry in the Township.