

**VERNON TOWNSHIP LAND USE BOARD  
REGULAR MEETING MINUTES  
November 4, 2009**

**CALL THE MEETING TO ORDER**

Mr. Theobald called the meeting to order at 7:03 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
Martin Theobald	P
Sam Lewin, Alt. #1	NP
Chris Hack, Alt. #2	P
David Gornstein	P
Vincent Zinno	P
Gary Grey (7:15)	P
Andrea Cocula	P
Jack Smith, Alt #3	NP
Gino Misciagna, Alt #4	NP

**ALSO PRESENT**

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

(NOTE: Mr. Theobald advised that the members who were not present were excused.)

**PUBLIC HEARINGS**

**Coppola, Joseph & Linda**

**ZB#10-04-21**

**Block 130.01, Lot 6**

**Variance – New single family dwelling (Extension of time request)**

Joseph and Linda Coppola, 530 Route 517, Sussex, came forward and were sworn in. Mr. McNamara advised that the applicants had an initial Zoning Board bulk variance approval from December 2004. Mr. Coppola explained that approvals from the DEP and the septic permit, which he recently obtained, took longer than anticipated. Mr. McNamara explained the provision under Section 52 of the MLUL which allows the Board to approve this retroactively to November 3, 2005. The applicants advised they will submit an application for a building permit within the next few months if this is approved tonight.

**Motion**

**Ms. Cocula made a motion to approve the extension of time, one year from today retroactive from November 3, 2005. Mr. Gornstein seconded the motion. ROLL CALL: BORISUK - Y, CAREW - Y, ZINNO - Y, GORNSTEIN - Y, COCULA - Y, HACK - Y, THEOBALD - Y.**

Mr. McNamara advised the applicants that a new Resolution will be prepared and that they need to submit copies of the DEP permits to Mr. Kneip, the Town Engineer.

**Colonial Developers, LLC**

**PB#8-02-12**

**Block 20, Lot 29**

**Final Major Subdivision (Extension of time request)**

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Thomas Molica, Esq., VOGEL, CHAIT, COLLINS AND SCHNEIDER, P.C, came forward on behalf of the applicant. He explained that this application is for a 10-lot subdivision located off of Colonial Circle which received final major subdivision approval in 2005 and was subsequently extended by Resolution in February 2008, which will expire in February 2010. He went on to say that the applicant has had a long-standing case with the DEP involving the revocation of their previously granted Highlands exemption letter and they are still in the administrative hearing process with the DEP. They are currently scheduled for a Hearing with an Administrative Law Judge in March 2010, and asked the Board to adopt a Resolution confirming this, pursuant to the MLUL, Section 21, that their statutory protection period for the final major subdivision approval is tolled, based on the DEP's administrative order that they are in the process of appealing.

Mr. McNamara recommended that an extension be granted for one year under Section 52 of the MLUL and then, if still not resolved by November 2010, then the request could be renewed without prejudice to the Section 21 review. Mr. Molica stated that the applicant will seek the one-year extension under Section 52(d) of the MLUL through February 2011, as the prior approval would expire in February 2010.

**Motion**

**Mr. Gornstein made a motion to approve the extension through February 2011.**

**Ms. Cocula seconded the motion. ROLL CALL: BORISUK - Y, CAREW - Y, ZINNO - Y, GORNSTEIN - Y, COCULA - Y, HACK - Y, THEOBALD - Y.**

**Vernon Dog Park**

**Block 133 Lot 2.05**

**Courtesy review**

Bill Lang, 307 Marsh Place, Highland Lakes, Louis Kneip, Vernon Township Engineer, came forward and were sworn in.

Mr. McNamara advised that since this project is on public property, this review is governed under Section 31, MLUL, which requires that when capital improvement projects are done on public property, it must be presented before the Board for its non-binding review and recommendations.

Mr. Kneip advised that the Township Council authorized the Engineering Department to assist this group (D.O.G.S.) with the site plans and permits necessary to get the project underway. The Township is not funding the project but will lend resources to obtain approvals and prepare the maps. The property is located on County Route 517, north of Dorfred Drive and is owned by the Vernon Township Board of Education. An arrangement has been made to lease the property to Vernon Township who in turn will lease the property to the organization. There is parking available for approximately 22 cars with 2 handicap spaces provided. The access drive will be gravel except for a 25-foot paved section at the entrance, which is far away from the parking area due to the limited site distance - (500 feet is required and there exists +- 400 feet which will require relief from the County).

Mr. Lang explained that D.O.G.S. of Vernon is a 501(c)(3) tax exempt organization that can accept donations. He went on to say that D.O.G.S. has been fundraising and will fund the project and maintain the park in this manner. There will be no charge to visit the park. Concerning cleanup, everyone who visits the park is required to clean up after their dog which will be picked up by a local waste company. If the parking lot is not snow plowed, the park will be closed.

Mr. Kneip advised that an approval of the access to County Route 517 from the County Engineering and Planning Departments and approval from the Sussex County Soil Conservation District need to be obtained.

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**OPENED MEETING TO THE PUBLIC**

No one came forward.

**CLOSED MEETING TO THE PUBLIC**

**Motion**

Mayor Carew made a motion to approve the dog park. Mr. Gornstein seconded the motion. ROLL CALL: BORISUK - Y, CAREW - Y, GREY - Y, ZINNO - Y, GORNSTEIN - Y, COCULA - Y, HACK - Y, THEOBALD - Y.

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

No one came forward.

**CLOSED THE MEETING TO THE PUBLIC**

**MINUTES**

**October 14, 2009**

Ms. Cocula made a motion to approve the minutes. Mr. Hack seconded the motion.

ROLL CALL: BORISUK - Y, COCULA - Y, GORNSTEIN - Y, GREY - Y, HACK - Y, THEOBALD - Y, ZINNO - Y.

**RESOLUTIONS**

**United Water, NJ**

**ZB#9-08-12**

**Block 100.03, Lot 8**

**Use Variance & Minor Site Plan (Request time extension)**

**Motion**

Mr. Gornstein made a motion to accept the resolution. Mayor Carew seconded the motion. ROLL CALL: GORNSTEIN - Y, ZINNO - Y, CAREW - Y, HACK - Y.

**The Great Atlantic & Pacific Tea Co., Inc.**

**PB#11-08-10**

**Block 145, Lots 1 & 1.05**

**Amended Site Plan**

**Motion**

Mr. Gornstein made a motion to accept the resolution. Mr. Hack seconded the motion. ROLL CALL: GORNSTEIN - Y, HACK - Y, COCULA - Y.

**LAND USE BOARD DISCUSSION ITEMS**

**MASTER PLAN WORKSHOP**

Ms. Caldwell, Township Planner, came forward. She reviewed the draft Master Plan which had been emailed to all the Board members.

Jim Shriner, Chairperson of the Economic Development Committee came forward. He commented that the committee was concerned with the prohibition of construction work on Sundays. He also stated that the committee suggested that bonding be for site improvements, only and proposed that there be staggered bonding to help promote business in Vernon. Mr. McNamara advised that he and Mr. Kneip will research ways there may be flexibility within the constraints of State regulations and MLUL and report back to the Board.

Mr. Shriner commented that the EDC also wants a broader acceptance of lighted signs.

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Mayor Carew suggested adding the Appalachian Trail, State Parks, National Wildlife Refuge all be added.

**Review of Highlands Preservation Area Element**

Ms. Caldwell discussed the Highlands Preservation Area element for the Municipal Master Plan which is a model Master Plan element (100+ pages) put together by the Highlands Council which will be submitted for Plan Conformance on December 8, 2009, for adoption next year.

**OPENED MEETING TO THE PUBLIC**

No one came forward.

**CLOSED MEETING TO THE PUBLIC**

**PROFESSIONALS 2010**

Mr. Kneip advised the Board that he conveyed to the Town Manager the Land Use Board's satisfaction with the qualifications of the Professionals and the opinion that RFPs are not necessary. He commented that the Town Manager and the CFO are still strongly suggesting that the Board reconsider the issue of requiring RFP's (Request for Proposal) for the Planner and Attorney positions. A discussion ensued regarding the pros and cons of requiring RFPs. Mr. McNamara stated that he will research whether the Board has a choice on this issue.

Mr. Kneip advised that the CFO is currently holding invoices for the Planner because and RFP was not done last year.

**Closed session**

None.

**Escrows, board fees and bond reductions**

**Escrows**

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

**Board Attorney – Patrick McNamara, Scarinci & Hollenbeck  
A&P – LU#4-09-7 – Services through 09/30/09 – (\$120.00)  
Cellco d/b/s Verizon Wireless – LU#1-09-1 – Services through 9/30/09 – (\$390.00)  
Noto – LU#4-09-6 – Services through 09/30/09 – (\$30.00)  
Patrick Turzi – PB#12-06-17 – Services through 09/30/09 – (\$45.00)  
Mitelin Motors – PB#12-05-16 – Services through 09/30/09 – (\$30.00)  
Ramah Naioth Church – LU#8-09-10 – Services through 09/30/09 – (\$180.00)  
Agnes B. Regan Trust – LU#5-09-8 – Services through 09/30/09 – (\$375.00)  
Bruce Zaretsky – ZB#5-07-8 – Services through 09/30/09 – (\$360.00)  
Metairie Corporation – LU#2-09-3 – Services through 09/30/09 – (\$45.00)  
Sally Rinker – ZB#10-06-17 – Services through 09/30/09 – (\$660.00)**

**Township Planner – Jessica Caldwell, AICP - Harold E. Pellow & Associates  
A&P – LU#4-09-7 – DOS – 10/01/09 – (\$93.50)**

**B. Board Fees**

**Board Attorney  
Land Use Board Business – Services through 9/30/09 – (\$2,000.00)**

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

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**Master Plan Update – DOS – 10/01/09 – (\$4,587.87)  
Land Use Board Business – DOS – 10/01/09 – (\$125.22)**

**Cynthia Davis – Recording Secretary - DOS - 10/24/09 (\$108.00)**

**C. Request for Bond to be closed**

**None**

**D. Request for Escrows to be closed**

**None**

**Motion**

**Ms Cocula made a motion to accept the above fees. Mr. Zinno seconded the motion. ALL WERE IN FAVOR.**

**ADJOURNMENT**

**Mr. Zinno made a motion and Mr. Gornstein 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 November 29, 2009.

**CERTIFICATION**

I, the Board Secretary, hereby certify that the above minutes were approved at the regularly scheduled Land Use Board meeting on December 9, 2009.

Respectfully submitted,

John Hanlon  
Board Secretary

LUB  
November 4, 2009