

**VERNON TOWNSHIP LAND USE BOARD
REGULAR MEETING MINUTES
December 9, 2009
(Revised February 24, 2010)**

CALL THE MEETING TO ORDER

Mr. Theobald called the meeting to order at 7:08 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 (8:05)	P
Mayor Carew	P
Richard Spoerl	NP
Theobald	P
Sam Lewin, Alt. #1	P
Chris Hack, Alt. #2	P
David Gornstein	NP
Vincent Zinno	P
Gary Grey	NP
Andrea Cocula	NP
Jack Smith, Alt #3	P
Gino Misciagna, Alt #4	P

ALSO PRESENT

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

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

PUBLIC HEARINGS

Crystal Springs Builders, LLC

PB#6-06-8

Block 270 Lots 11 & 26

Time extension request.

John Federley, Esq., attorney for the applicant, came forward to request an extension for the preliminary and final site plan approval, preliminary major subdivision approval and a conditional use approval granted in a prior resolution dated November 8, 2006, for development of a portion of a 9-hole golf course and subdivision of (13) individual lots for single family detached housing.

Due to the current economic conditions the applicant is seeking a 2-year extension for the preliminary major subdivision site plan approval from November 8, 2009, to

November 8, 2011, and (3) 1-year extensions for the final site plan approval from November 8, 2006, to November 8, 2011, under the code Section 330-53 and pursuant to Section 52 of the MLUL. Portions of the golf course have been constructed and are "in play." Mr. Kneip had no objection to the request.

Motion

Mr. Zinno made a motion to approve the extension of time as referenced above.

Mr. Lewin seconded the motion. ROLL CALL: CAREW - Y, ZINNO - Y, LEWIN - Y, HACK - Y, SMITH - Y, MISCIAGNA - Y, THEOBALD - Y.

Draft Open Space Map/Plan Update & Greenway Map Presentation

Mr. Craig Williams, Chair of the Vernon Environmental Commission ("EC") came

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forward and introduced Ms. Barbara Heskins Davis, V.P. in charge of programs, and Ms. Kathleen Caccavale, Budget Consultant, of the Land Conservancy of New Jersey ("TLC"), who are working with the EC in developing the update of the 2003 Open Space and Recreation Plan ("OSRP"). Ms. Davis came forward and explained that Green Acres has issued a recommendation that all Plans be updated every six years consistent with the MLUL and Master Planning process. Ms Davis said the EC has received a grant from the Association of Environmental Commissions ("ANJEC") to help complete the plan and cover the TLC fee. She explained that the OSRP has to be adopted by the LUB to receive reimbursement from ANJEC grant and Green Acres requires that the OSRP be adopted as an element of the Master Plan to receive State funding for land acquisition. Ms. Davis discussed the current Vernon open space map. Ms. Caccavale discussed the first draft of the Greenway Map showing a proposed greenway being proposed by the EC which would help make Vernon a 4-season tourist destination.

Questions from the Board:

Mr. Smith asked how many acres are currently preserved in Vernon? Ms. Davis advised that answer will be researched and given to the EC Chair.

Mr. Borisuk asked if the trail can be tied in with farmland preservation? Ms. Caccavale advised that you can build a trail easement into the negotiations of farmland preservation before the farm is preserved.

Mr. Lewin asked if an Economic Impact Statement is prepared when this work is done? Ms. Davis advised that they typically do not include a cross benefit analysis. However, a very detailed section will be included on how to leverage the funding received from Municipal and State funding. Ms. Caccavale will provide a general statement of the economic benefit of Open Space.

Mayor Carew inquired, and Ms. Caccavale agreed, that the value of lands increases when next to Open Space.

OPENED MEETING TO THE PUBLIC

Mr. Dennis Miranda

Mr. Miranda discussed various experiences of his nature tour business and Vernon's natural resources. He suggested that Vernon might use the hotel tax for marketing this area as a resort destination. He feels there are many challenges to be taken including greater coordination amongst businesses. He feels it would be important to look at getting Federal designation of scenic byways (Rte 515, Rte 94, Rte 565 Walkkill Rd) which would not confer any zoning restriction or require any additional monies, but could trigger more grant money. He feels the Open Space Tax needs to be reinstated.

Mr. Jim Schriener

Mr. Schriener suggested that the TLC compare other plans completed by them for the high, low and average amount of land in each municipality that is dedicated to Open Space and determine the density.

Mr. Harry Shortway Vernon's Recreation Board

Mr. Shortway suggested that Vernon might be showcased by hosting sports tournaments and completing the greenway. The Recreation Board has discussed passive recreation, developing Maple Grange and disc golf.

CLOSED MEETING TO THE PUBLIC

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Ramah Naioth Church, Inc.

LU#8-09-10

Block 240, Lot 3

D-Variance & Minor Site Plan

James Opfer, Esq., came forward with Yeun Soon Cho, the applicant, and Christian Kim, the builder. Mr. Opfer advised that the application is for a determination by the LUB that the applicant may build a second story on an existing structure at the location. The space will be used to accommodate those uses that are now done in the cafeteria. The property is in the residential zone.

Mr. McNamara suggested that particular concerns be discussed. Mr. Kneip advised that this matter was previously before both the Zoning and Planning Boards for the purpose of a use variance and it was determined that it was a conditional use and could be heard by the Planning Board as long as the conditions were met. In the resolutions that Mr. Kneip reviewed, the approval was for a 13-bed facility and the current plans show 40-beds. Mr. Opfer said the original approval was based upon the capacity of the septic system. Mr. Osias, of the Board of Health, determined, that based upon the applicant's water usage records, which was 392 gallons per day, the maximum beds supported by the septic system is 40 beds. He submitted a letter dated June 29, 2005, marked as **Exhibit 1**, which states his determination. However, there were no approvals supporting 40 beds.

Mr. McNamara discussed the four prior resolutions, which date back to September 1992, wherein all approvals were based upon certain conditions and having 13-beds. Mr. Opfer responded and discussed the resolutions and commented that the Board had approved a site plan for a two-story building which was subsequently taken down as the applicant did not secure permits or build the building to code.

Mr. Kim advised that during summer vacations and weekends, the retreat house will be used by middle school and high school aged students from Bergen County. The proposed second floor will be used for classrooms only.

Exhibits Marked:

Exhibit 1: Letter dated June 29, 2005, from Mr. Osias

Exhibit 2: a series of 12 pictures taken during various seasons showing the church and the grounds.

Exhibit 3: Jessica Caldwell's report dated October 9, 2009

Exhibit 4: Lou Kneip's report dated October 6, 2009

Exhibit 5: Report of Tom VanGorder, Fire Official, dated October 1, 2009

Mr. Opfer read the revised application: "Expand the conditional use on property which does not abut an arterial or collector street to construct a second story on an existing building to accommodate 40 overnight worshippers (in the entire complex) and to allow for parking as shown on the plan."

Mr. Opfer asked the Ms. Cho if there are there any other activities on the premises other than the retreats? She answered that it is primarily a retreat center but will provide a service on Sunday, if there are any visitors. Mr. Kneip is satisfied with the parking calculations and said that everything in his report dated October 6, 2009, had been covered. He stated that the premises is in the Highlands Preservation Area. However, since there is no expansion to the parking facilities, structure or footprint, he doesn't believe there is any need for a Highlands permit and would clearly qualify for an exemption. He would like the applicant to confirm that with the Highlands.

OPENED MEETING TO THE PUBLIC

No one came forward.

CLOSED MEETING TO THE PUBLIC

Motion

Mr. Zinno made a motion to approve preliminary and final minor site plan, C-variance approval on the parking, D-variance as to the conditional use ordinance, and approval of the increase (40) of the overnight beds being used for retreat purpose only. Also, all four prior resolution's approvals and conditions set forth in each will be incorporated into this Resolution. All appropriate code requirements are to be met and confirmed by Affidavit at which time a building permit may be issued.

Mr. Borisuk seconded the motion. ROLL CALL: BORISUK - Y, ZINNO - Y, LEWIN - Y, HACK - Y, SMITH - Y, MISCIAGNA - Y, THEOBALD - Y.

Arthur F. Greenberg
LU#11-09-11
Block 206.21, Lot 4
C-Variance for addition

James Opfer, Esq., Arthur Greenberg, the applicant, and James Schriener, Architect, came forward. Mr. Greenberg explained that he would like to build an addition to a small summer home in Highland Lakes so that family is able to visit. The addition will not create any new rooms. The addition will only enlarge a living room area and bedroom and will raise the roof area to the current loft. Exhibits 1 and 2, photos, were marked. Mr. Schriener advised that it would be impossible to increase the addition to the rear of the house without adding a bathroom.

Mr. Kneip advised that the application does not appear to have any impact to the septic.

OPENED MEETING TO THE PUBLIC

No one came forward.

CLOSED MEETING TO THE PUBLIC

Motion

Mr. Borisuk made a motion to approve the application. Mr. Zinno seconded the motion. ROLL CALL: BORISUK - Y, ZINNO - Y, LEWIN - Y, HACK - N, SMITH - Y, MISCIAGNA - N, THEOBALD - Y. (Vote: yes-5, no-2)

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

No one came forward.

CLOSED THE MEETING TO THE PUBLIC

MINUTES

November 4, 2009

Mr. Hack made a motion to approve the minutes. Mr. Borisuk seconded the motion. ROLL CALL: BORISUK - Y, HACK - Y, THEOBALD - Y, ZINNO - Y.

RESOLUTIONS

Coppola, Joseph & Linda
ZB#10-04-21

Block 130.01, Lot 6

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

Motion

Mr. Zinno made a motion to accept the resolution. Mr. Borisuk seconded the

motion. ROLL CALL: BORISUK - Y, ZINNO - Y, HACK - Y, THEOBALD - Y.

Colonial Developers, LLC
PB#8-02-12
Block 20, Lot 29
Final Major Subdivision (Extension of time request)

Motion

Mr. Borisuk made a motion to accept the resolution. Mr. Hack seconded the motion. ROLL CALL: BORISUK - Y, ZINNO - Y, HACK - Y, THEOBALD - Y.

LAND USE BOARD DISCUSSION ITEMS

Professionals 2010

Mr. McNamara advised that if a contract exceeds \$17,500.00, under the pay-to-play laws there is a requirement for bidding. If you select someone who is not mandated then you have to go through the pay-to-play disclosure requirements what contributions, if any, are made to any local political party candidate. Mr. Kneip advised that some of the Council members expressed a desire to see the LUB require proposals for professionals. Mr. Theobald agreed that proposals should be required for the LUB attorney and planner and asked the opinion of the rest of the LUB. All were in favor. Mr. Kneip will send out RFQs and hopefully have the responses back by the January 2010, meeting.

Schedule 2010

The Board Secretary handed out a draft calendar for 2010 schedule with meetings being held the second and fourth Wednesday of each month and with only one meeting in both November and December. All were in favor of this schedule.

LUB Member Term Expirations

Austin Carew, Gary Grey, Vincent Zinno, Sam Lewin and Christopher Hack are all up for reappointment for 2010, and will need to submit a letter to the Municipal Clerk if they are interested in reappointment. Mr. Grey and Mr. Carew may come back as Class IV members if they so desire.

Storm Water Education

Mr. Kneip passed out Storm Water educational brochures to the LUB members and Public as part of the regulations to obtain a storm water permit.

Mr. Lewin, Mr. Kneip and Mr. Theobald will suggest that the EC look into proposing an ordinance that would limit the use of phosphates in fertilizers.

Mr. Lewin suggested, and Mr. Kneip will request, that the recycling center accept hazardous materials at least once per month.

Mr. Lewin asked the Chair if the A&P completed the condition of repairing the handicap area before displaying seasonal merchandise outside? Mr. Kneip advised that this was a condition. However, the A&P had 90 days to complete the repairs.

Attorney's Report

Mr. McNamara advised that the Appellate Division heard argument yesterday on the myriad of pending appeals on the latest third round rules issued by COAH. He estimated that it would be approximately 2 months before they issue a decision. He also advised that there was legislation introduced this week to extend the Permit Extension Act from July 1, 2010, to the end of 2012, although it doesn't apply here. There are other pending Bills that may move in January 2010 regarding the COAH process.

Closed session

Escrows, board fees and bond reductions

Escrows

**Board Engineer - Louis M. Kneip, P.P, P.E., CME
Ramah Church – LU#8-09-10 – DOS – 10/07/09 – (\$305.25)
Red Oak – LU#5-09-9 – DOS – 10/22/09 – (\$166.50)**

**Board Attorney – Patrick McNamara, Scarinci & Hollenbeck
A&P – LU#4-09-7 – Services through 10/31/09 – (\$300.40)
Cellco d/b/s Verizon Wireless – LU#1-09-1 – Services through 10/31/09 – (\$390.00)
Ramah Naiioth Church – LU#8-09-10 – Services through 10/31/09 – (\$105.00)
Bruce Zaretsky – ZB#5-07-8 – Services through 10/31/09 – (\$30.00)
Sally Rinker – ZB#10-06-17 – Services through 10/31/09 – (\$361.32)
United Water – ZB#9-08-12 – Services through 10/31/09 – (\$315.00)
Colonial Developers – ZB#8-02-12 – Services through 10/31/09 – (\$105.00)
Joseph & Linda Coppola – ZB#10-04-21 – Services through 10/31/09 – (\$60.00)**

**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 10/31/09 – (\$1,905.00)**

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

**Cynthia Davis – Recording Secretary
Land Use Board Business – DOS 11/03/09-11/29/09 – (\$57.00)**

Motion

Mr. Smith made a motion to approve the escrows and Board Fees. Mr. Borisuk seconded the motion. All were in favor.

C. Request for Bond to be closed

None submitted as of agenda distribution

D. Request for Escrows to be closed

**Stonehill Recreation
ZB#2-00-2
Block 199.08, Lot 99
Preliminary & Final Site Plan (\$21.25)**

**Sussex National Development, Inc.
PB#7-02-9
Block 270. Lots 9, 26, 11 & 11.01
Zone Change Request (\$1,734.25)**

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**Stonehill Recreation
PB#6-99-11
Block 199.08, Lot 99
Minor Site Plan (\$525.00)**

**Lake Isle Corp
PB#12-85-45
Block 199.07, Lot 41
Amended Site Plan (\$284.00)**

**Glenwood Lake
PB#9-88-44
(\$175.00 & \$630.70)**

MOTION

Mr. Zinno made a motion to approve the above bonds to be closed. Mr. Smith seconded the motion. All were in favor.

Status of Pending Applications

**Cellco Partnership dba Verizon Wireless – LU#1-09-1
Continuation of Public Hearing, scheduled for second meeting in January 2010.**

ADJOURNMENT

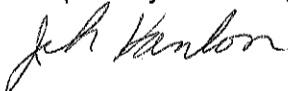
Mr. Borisuk made a motion and Mr. Zinno seconded the motion to adjourn the meeting at 10:00 p.m. All were in favor.

Transcribed by Cynthia Davis on January 9, 2010.

CERTIFICATION

I, the Board Secretary, hereby certify that the above minutes were approved at the regularly scheduled Land Use Board meeting on February 24, 2010.

Respectfully submitted,



John Hanlon
Land Use Board Secretary