

**VERNON TOWNSHIP  
LAND USE BOARD  
REGULAR MEETING MINUTES  
January 13, 2010**

Mr. Theobald called the meeting to order at 7:23 p.m.

Mr. Gornstein and Mayor Rinker stepped down to attend the Environmental Commission Reorganization Meeting. Ms. Davis, the Recording Secretary, left to attend the EC Reorganization meeting also. (Mr. Gornstein subsequently returned to this meeting.)

**STATEMENT OF COMPLIANCE**

Pursuant to the Open Public Meetings Act, adequate notice of this Regular Meeting has been provided to the public and the press on December 30, 2009, by delivering to the press such notice and posting same at the Municipal Building and filed with the office of the Township Clerk.

**ROLL CALL**

Andrew Borisuk	NP
Andrea Cocula	P
David Gornstein	NP
Chris Hack (#2 Alt)	P
Robert Jordan	P
G. Misciagna (#4 Alt)	P
Jean Murphy (#1 Alt)	P
Mayor Rinker	NP
Valerie Seufert	NP
Jack Smith (#3 Alt)	P
Richard Spoerl	P
Martin Theobald	P
Vincent Zinno	P

**ALSO PRESENT**

Patrick McNamara, Esq.  
Lou Kneip, Engineer  
Jessica Caldwell, Planner

Mr. Theobald advised that Mr. Borisuk called to advise he is on vacation. Mr. Kneip advised that Ms. Seufert called to say she was unable to attend.

**OPENED MEETING TO THE PUBLIC**

No one came forward.

**CLOSED MEETING TO THE PUBLIC**

**Minutes - December 9, 2009**

Mr. Hack made a motion to approve the proposed minutes of the LUB meeting of December 9, 2009. Mr. Smith seconded the motion.

**ROLL CALL: MISCIAGNA - Y, HACK - Y, SMITH - Y, THEOBALD - Y, ZINNO - Y.**

**RESOLUTIONS**

**Crystal Springs Builders, LLC**

**PB # 6-06-8**

**Block 270 Lots 11 & 26**

**Time extension request**

**ROLL CALL TO ADOPT RESOLUTION: ZINNO - Y, HACK - Y, SMITH - Y, MISCIAGNA - Y, THEOBALD - Y. (VOTE: 5 TO 0)**

**Ramah Naiioth Church, Inc.**

**LU # 8-09-10**

**Block 240 Lot 3**

**D-Variance & Minor Site Plan**

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**ROLL CALL TO ADOPT RESOLUTION: ZINNO - Y, HACK - Y, SMITH - Y, MISCIAGNA - Y, THEOBALD - Y. (VOTE: 5 TO 0)**

**Arthur F. Greenberg**

**LU # 11-09-11**

**Block 206.21, Lot 4**

**C-Variance for addition**

**ROLL CALL TO ADOPT RESOLUTION: ZINNO - Y, SMITH - Y, THEOBALD - Y. (VOTE: 3 TO 0)**

**LAND USE BOARD DISCUSSION ITEMS**

**Master Plan**

Ms. Caldwell came forward and advised the new Land Use Board ("LUB") members that the new Master Plan update process and reexamination are coming to an end. She sent the first drafts of both the Master Plan Reexamination report and the Master Plan update of the Land Use Element and the Recycling Element, as well as the goals and objectives, to each LUB member by email.

Ms. Caldwell reviewed the Master Plan Reexamination report with the LUB members.

Mr. Gornstein asked what the impact would be with not having Regional Center Designation. Ms. Caldwell commented that the Town had originally applied for a Regional Center Designation which the State denied. However, Ms. Caldwell advised, there would be no negative impact.

Ms. Caldwell advised that she has contested several of the environmentally constrained areas that were designated by the Highlands located within the Town Center of which the outcome is still pending. Mr. Theobald asked if there is any environmentally constrained land in our Town Center. Ms. Caldwell said that according to the Highlands Regional Master Plan, Vernon has many scattered areas (ie: the pond area in front of the firehouse) that would prevent development of the Town Center in the way in which it has been planned to be developed.

Ms. Caldwell discussed the recommendations as listed in the draft Master Plan Reexamination Report.

Ms. Caldwell will discuss the draft of the Master Plan update at the first or second meeting in February 2010.

**Presentation by Mr. McNamara of Land Use Board Member Duties**

Mr. McNamara said that approximately 200 towns have consolidated their Land Use Boards to function both as a zoning and planning board. Regarding public participation, he advised the LUB members refrain from exchanging emails, entering blogs, texting, twittering or discussing pending applications with the general public. If the members do send an email, he advised that they copy Mr. Hanlon on the email so it is part of the record. Mr. McNamara advised that any member may speak with him privately on his cell phone.

Mr. McNamara advised the LUB that a member will need to step down from hearing an application if they live within 200' of the site. Also, included in that stipulation are any family members, any person a LUB member has a sustained and ongoing business relationship with, or if a LUB member's house of worship make an application or are within 200 feet of the site, the LUB member must step down. Mr. Kneip asked the LUB members to let Mr. Hanlon know if any will be stepping down from an application so that he can determine whether there will be a quorum for that hearing. Mr. McNamara advised that Planning Board matters can be heard with five members.

Ms. Cocula asked Mr. McNamara about whether LUB members that live in lake communities

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need to step down from hearing lake resident applications. He advised that if the board of the lake community is opposed to an application, then the lake resident LUB member would need to step down.

Evidence:

Mr. McNamara advised that letters, as evidence, are acceptable so long as the person who wrote the letter is present to authenticate it and is available to be cross examined by the applicant, the LUB and the Public. Petitions are not evidentiary. They are accepted as a courtesy but cannot be considered during the LUB deliberations. For example in the matter of cell towers this LUB does not have legal authority to hear any evidence or allow it's decision to be influenced by health risks.

Mr. Zinno commented that in the case of a variance application, the applicant needs to prove a hardship. Mr. Kneip added that economics are not sufficient grounds for a hardship. Mr. McNamara added that the LUB should take each case on variance relief as it comes with the particular facts and circumstances for that piece of property. There will be no setting of precedence.

Mr. Zinno asked what would happen if an application from 15 years ago came back before Board with missing pieces. Mr. McNamara advised that if the application was approved, but there have been ordinances that have changed since and the applicant never continued with the development, the applicant may need to start the whole application process over. However, if the zoning hasn't changed, the applicant may have a decent argument. The applicant will still need to meet all current building, electrical, fire and plumbing sub-code requirements before a permit will be issued. Mr. Theobald offered the example of the Ramah Naioth Church that had received approval from the Planning Board to keep the building that had been constructed without permits. However, the applicant was not able to obtain the building permit from the Building Department and wound up having to take the newly constructed building down.

Mr. Smith asked how long archived applications are kept. Mr. Kneip advised that records are required to be kept for 10 years and that currently the Planning Department has kept the records for the last 15 years. Mr. McNamara advised that plans may be discarded but all resolutions should be kept. Ms. Cocula asked if the records were being scanned to be archived with the County. Mr. Kneip advised that the County received a Paris Grant and have been working with some of the towns to get the process started but this process hasn't reached the Vernon Township Planning Department yet.

Ms. Cocula asked what the status is of the A&P matter. Mr. Kneip advised that the A&P submitted plans to the Building & Zoning Department showing the configuration of the new handicap spaces and those plans were approved and a building permit has been issued. The A&P indicated that the work will be performed very soon. The applicant was given 90 days from the date of the resolution which was approved in December 2009.

Mr. McNamara advised that the Governor also has on his desk an extension to the Permit Extension Act which would have originally expired July 1, 2010, and will now carry all approvals to December 31, 2012. However, it does not apply to Vernon because Vernon is within the Highlands.

Mr. Kneip advised that he is generally able to make minor field changes if he's working with an applicant as long as it doesn't affect the integrity of the LUB's approval. He will bring any changes back before the LUB if he is uncomfortable with the particular change.

Mr. McNamara reminded the Board that the Mayor Rinker and Council member Seufert cannot vote on zoning board D-Variations or a C-Variance that does not require a site plan.

**CLOSED SESSION**

**Escrows, board fees and bond reductions**

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**A. Escrows**

1. Board Engineer - Louis M. Kneip, P.P, P.E., CME  
Ramah Church – LU#8-09-10 – DOS – 12/09/09 – (\$138.75)  
Crystal Springs – PB#6-06-8 – DOS – 12/09/09 – (\$55.50)  
Arthur Greenberg- LU#11-09-11 – DOS – 12/09/09 – (\$111.00)
2. Board Attorney – Patrick McNamara, Scarinci & Hollenbeck  
Metairie Corporation – LU#2-09-3 – Services through 11/30/09 – (\$30.00)  
Colonial Developers – ZB#8-02-12 – Services through 11/30/09 – (\$345.00)  
Joseph & Linda Coppola – ZB#10-04-21 – Services through 11/30/09 – (\$315.00)
3. Township Planner – Jessica Caldwell, AICP - Harold E. Pellow & Associates  
None submitted as of agenda distribution

**B. Board Fees**

1. Board Attorney  
Land Use Board Business – Services through 11/30/09 – (\$1,020.00)  
Approval of Land Use Application (Shinnihon) – Services through 11/30/09 – (\$165.00)
2. Township Planner – Jessica Caldwell, AICP – Harold E. Pellow & Associates  
Master Plan Update – DOS – 11/26/09 – (\$2,346.56)
3. Cynthia Davis – Recording Secretary

**Motion:**

**Mr. Zinno made a motion to approve of the escrows and Board fees. All were in favor.**

**Appendix B  
Status of Pending Applications**

1. Cellco Partnership dba Verizon Wireless – LU#1-09-1  
Continuation of Public Hearing, scheduled for January 27, 2010.

**ADJOURNMENT**

Mr. Gornstein made a motion to adjourn the Land Use Board Regular Meeting. Mr. Zinno seconded the motion. All were in favor.

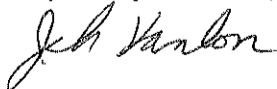
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Transcribed by Cynthia Davis on January 24, 2010.

**CERTIFICATION**

I, the Board Secretary, hereby certify that the above minutes were approved at the regularly scheduled Land Use Board meeting on January 27, 2010.

Respectfully submitted,



John Hanlon  
Board Secretary

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