

**VERNON TOWNSHIP
LAND USE BOARD
REGULAR MEETING MINUTES
February 24, 2010**

Mr. Zinno, Vice Chair, called the meeting to order at 7:09 p.m.

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 January 19, 2010, by delivering to the press such notice and posting same at the Municipal Building and filed with the office of the Township Clerk.

SALUTE TO FLAG

ROLL CALL

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

ALSO PRESENT

Patrick McNamara, Esq.
Cynthia Davis, Rec. Sec.
Lou Kneip, Engineer
John Hanlon, Board Secretary

Mr. Kneip stated that the members who were not present had advised his office that they would not be attending tonight's meeting.

PUBLIC HEARINGS

Wayne & Norma Vaughn

LU#1-10-1

Block 143.01, Lots 18, 19 & 20

Minor Subdivision / Lot Line Adjustment

Robert Jordan, LS, and Wayne and Norma Vaughn came forward and were sworn in by Mr. McNamara.

Mr. Jordan explained that the applicants are proposing a minor subdivision with a 6.72 acre tract of land with 3 existing lots, all owned by the Vaughn's. Lot 19 was occupied by Mr. Vaughn's mother who recently passed away. The Vaughn's home is located on lot 20 which is accessed by a right-of-way that goes to Butternut Drive. The applicants are proposing abandoning that access and providing new access across lot 19 along with reversing the use of the homesteads from one to the other. The house on lots 18 & 19, where Mr. Vaughn's mother lived, are under a farm assessment and Lot 20 is not. Mr. Vaughn would like to provide one acre of land with his mother's house, eliminate the lot lines around Mr. Vaughn's house and make his house the main house of the farm. This would also eliminate the encroachment of Mr. Vaughn's pool onto the adjacent property. The lots are in the Highlands Preservation area and he has been in contact with the attorney for the Highlands. They have no issue with this proposal as it is only an adjustment to lot lines. Mr. McNamara asked Mr. Jordan if he thought this proposal qualifies, because of the lot size, for C1 variance relief? Mr. Jordan agreed.

Mr. Kneip did not do a report on this because it was such a minor application. Mr. McNamara had no objections to this application.

OPEN THE MEETING TO THE PUBLIC

**VERNON TOWNSHIP LAND USE BOARD
REGULAR MEETING MINUTES
February 24, 2010
Page 2 of 6**

No one came forward.

CLOSED THE MEETING TO THE PUBLIC

Motion:

Mr. Gornstein made a motion to approve of the application. Ms. Cocula seconded the motion. ROLL CALL: COCULA - Y, GORNSTEIN - Y, MURPHY - Y, RINKER - Y, ZINNO - Y. (Yes - 5, No - 0)

Waivers

Mr. Kneip commented that a couple of waivers were required and asked if the Board would be granting those waivers along with the approval of the application. Mr. McNamara had no objections.

Motion:

Mr. Gornstein made a motion to approve of the application and grant the necessary waivers. Ms. Cocula seconded the motion. ROLL CALL: COCULA - Y, GORNSTEIN - Y, MURPHY - Y, RINKER - Y, ZINNO - Y. (Yes - 5, No - 0)

United Water New Jersey

LU#2-10-2

Block 194.04, Lot 31

Minor Site Plan

Mr. Kneip advised that this application did not require any waivers and was deemed complete in the Planning and Zoning office.

Nilufer O. DeScherer, Esq., Herten, Burstein, Sheridan, Cevasco, Bottinelli, Litt & Harz, L.L.C. the applicant's attorney, Ronald Wund, United Water Operations Manager, and, Glenn Rametta Engineer, Buck, Seifert & Jost Inc., came forward. Ms. DeScherer explained that the applicant has met with the owners of the property on a number of occasions and the owners have a full set of the plans. She went onto to say that this is a conditional use application as it is for a utility and the applicant has met all the conditional use requirements.

Mr. Rametta reviewed the site plan with the Board members. He advised that the plan contains all the requirements for an accessory structure. The applicant is proposing one new building to lot 31, approximately 14 x 17 to be used as a water treatment and storage facility. Also added will be an electrical upgrade along with a quick-connect for a standby generator and an alarm system in the building and well vault. Mr. Rametta advised that since the site is located in the Planning Area, no Highlands permit or exemption is required. He discussed the various approvals that will be required.

Exhibits marked:

A-1 - Plan

A-2 - Mr. Kneip's report dated February 18, 2010

A-3 - Engineer's response letter dated February 24, 2010

A-4 - Easement

Ms. DeScherer discussed the Review Report and said that most items were responded to in the Engineer's response letter. Regarding #7 (landscaping), the Davenport's, the owners of the property, requested that the improvements be constructed and then they would discuss the visual screening. Mr. Kneip did not have any objection. Ms. DeScherer advised that the amount of visual screening will be approximately 40 linear feet which might consist of 12 arborvitae planted about 3 feet apart. Mr. McNamara suggested that the landscaping condition is subject to review and approval by the Board's Engineer and if he has any concerns, the applicant can come back in for a resolution for a compliance hearing. Mr. Kneip suggested that another evergreen species be used and added that it should be subject to the approval of the Planner. The

**VERNON TOWNSHIP LAND USE BOARD
REGULAR MEETING MINUTES
February 24, 2010
Page 3 of 6**

applicant agreed to the plantings being 2 1/2" caliber. Mr. Rametta stated that the design standards were met.

Ms. DeScherer confirmed with the Board that the landowners would not incur higher property taxes with this improvement as the utility owns the building. United Water will be responsible for any taxes associated with this improvement.

OPENED TO THE PUBLIC

No one came forward.

CLOSED TO THE PUBLIC

Motion:

Mr. Gornstein made a motion to approve of the application. Ms. Cocula seconded the motion. ROLL CALL: COCULA - Y, GORNSTEIN - Y, MURPHY - Y, RINKER - Y, ZINNO - Y. (Yes - 5, No - 0)

**Christopher Merck
PB#11-08-9**

**Block 127.03 Lot 29 & 30
Time Extension Request**

Mr. Merck came forward. Mr. McNamara confirmed that it was the Board's understanding that the subdivision had been approved was memorialized last year (June 24, 2009) and that the applicant hadn't had an opportunity to record the subdivision within 190 days. Mr. Merck agreed. Mr. McNamara stated that normally extensions are granted in the middle of litigation or you have another government entity holding you up. However, since this is not the case here, it is his recommendation, along with that of the Board's Engineer, that the Board ratify the prior approval instead of granting an extension. Mr. Merck certified that the previously submitted subdivision is not being changed in any way shape or form. Mr. Kneip had no comment.

OPEN THE MEETING TO THE PUBLIC

No one came forward.

CLOSED THE MEETING TO THE PUBLIC

Motion:

Mr. Gornstein made a motion to ratify the prior approval for this application. Ms. Cocula seconded the motion. ROLL CALL: COCULA - Y, GORNSTEIN - Y, MURPHY - Y, RINKER - Y, ZINNO - Y. (Yes - 5, No - 0)

PUBLIC PARTICIPATION

Open Meeting to the Public for items other than those listed on the Agenda

Ms. Jessi Paladini came forward representing the Vernon Township Historical Society. She discussed the Historic Preservation Plan Element of the Master Plan. She stated that the Historic Preservation Commission *shall* create the Historic Preservation Plan Element of the Master Plan. She said that that Master Plan has been "in the works" for many months and the Historic Preservation Commission ("HPC") has not been involved in any discussions. She read the excerpt in the MLUL where it states:

"The HPC reviews all the historic sites in the municipality, forwards to the Planning Board, preferably every year, that list of historic sites for inclusion in the Master Plan."

Ms. Paladini stated that when she asked why this hadn't been done the reply given was, we don't have the money and we are only doing 3 or 4 elements of the Master Plan, as

VERNON TOWNSHIP LAND USE BOARD

REGULAR MEETING MINUTES

February 24, 2010

Page 4 of 6

required. Ms. Paladini commented that it isn't a matter of money, it is a matter of the HPC doing it's duly noted responsibility in the MLUL and the Township's historic preservation ordinance. She requested that the updates be included in the Master Plan.

Mr. Gornstein read the Master Plan Reexamination Report prepared by Ms. Caldwell, where it states that the historic and cultural resources plan and element will be worked on. Mr. Zinno inquired whether notice was sent to the other commissions and committees about the LUB meetings when the Master Plan discussion was on the Agenda. Ms. Paladini said, yes, they were notified. She added that notification wasn't the issue. The issue is a matter of the document that needs to be created by the HPC which they didn't know they had to create.

Mr. Zinno suggested that Mr. Hanlon notify the HPC that this document should be provided within 3 months. Mr. McNamara advised that if it took the HPC more time then that portion of the Master Plan can be updated. Mr. Gornstein suggested giving the HPC the current element of the Master Plan so they can decide what needs to be updated. Mr. Zinno suggested re-notifying the other commissions and committees to provide any other updates within the same 90-day period.

Close Meeting to the Public

MINUTES

January 27, 2010 – Regular Meeting Minutes (Cocula, Borisuk, Gornstein, Hack, Misciagna, Murphy, Seufert, Theobald, Zinno)

Motion:

Mr. Gornstein made a motion to approve of the application. Ms. Cocula seconded the motion. ROLL CALL: COCULA - Y, GORNSTEIN - Y, MURPHY - Y, ZINNO - Y.

January 27, 2010 – Executive Session Minutes (Cocula, Borisuk, Gornstein, Hack, Misciagna, Murphy, Seufert, Theobald, Zinno) TO BE DISCUSSED IN CLOSED SESSION. NOT VOTED ON AT THIS TIME.

January 13, 2010 – Reorganization Meeting Minutes (Cocula, Gornstein, Hack, Misciagna, Murphy, Rinker, Smith, Spoerl, Theobald, Zinno)

Motion:

Mr. Gornstein made a motion to approve of the application. Ms. Cocula seconded the motion. ROLL CALL: COCULA - Y, GORNSTEIN - Y, MURPHY - Y, RINKER - Y, ZINNO - Y.

December 9, 2009 – Re-Adoption Regular Meeting Minutes (Borisuk, Hack, Misciagna, Smith, Theobald, Zinno) – Revised vote on the Greenberg Application ROLL CALL: ZINNO - Y.

May 13, 2009 – Re-Adoption Regular Meeting Minutes (Borisuk, Cocula, Gornstein, Hack, Smith, Theobald, Zinno) – Added company name "Benecke Economics" & revised vote.

Motion:

Mr. Gornstein made a motion to approve of the application. Ms. Cocula seconded the motion. ROLL CALL: COCULA - Y, GORNSTEIN - Y, ZINNO - Y.

RESOLUTIONS
Planner Appointment

Motion:
Mayor Rinker made a motion to approve of the resolution for Planner appointment. Ms. Cocula seconded the motion. ROLL CALL: COCULA - Y, GORNSTEIN - Y, MURPHY - Y, ZINNO - Y.

LAND USE BOARD DISCUSSION ITEMS

Mr. Kneip asked the Board members, according to Chair Theobald's suggestion, whether they would like to send a "thank you" letter to Mr. Lewin for serving on the Land Use Board. It was agreed that Mr. McNamara will prepare a resolution as an acknowledgement for his service that can be signed by the members and given to him.

ESCROWS

Board Engineer - Louis M. Kneip, P.P, P.E., CME
Cellco Partnership – LU#1-09-1 - Services through 1/28/10 – (\$388.50)

Board Attorney – Patrick McNamara, Scarinci & Hollenbeck
NS Enterprises – LU#1-09-2 – Services through 1/31/10 - (\$105.00)
Cellco Partnership – LU#1-09-1 - Services through 1/31/10 – (\$1,169.40)
Christopher Merck – PB#11-08-9 – Services through 1/31/10 – (\$60.00)

Township Planner – Jessica Caldwell, AICP - Harold E. Pellow & Associates
Cellco Partnership – LU#1-09-1 - Services through 1/28/10 – (\$327.25)
NS Enterprises – LU#1-09-2 – Services through 1/28/10 - (\$46.75)
United Water – LU#2-10-2 – Services through 1/28/10 – (\$140.25)

Motion:
Mr. Gornstein made a motion to approve the escrows. All were in favor.

BOARD FEES

Board Attorney
Land Use Board Business – Services through 1/31/10 – (\$1,890.00)

Township Planner – Jessica Caldwell, AICP – Harold E. Pellow & Associates
Land Use Board Business – DOS – 1/28/10 – (\$140.25)
Cynthia Davis – Recording Secretary DOS – 1/26/10-2/5/10 – (\$90.00)

Motion:
Mr. Gornstein made a motion to approve the Board Fees. All were in favor.

Appendix B
Status of Pending Applications

Market Square Management – LU#2-10-3 – "C" Variance for Lighted Sign, tentatively scheduled for public hearing on March 10, 2010.

VERNON TOWNSHIP LAND USE BOARD

REGULAR MEETING MINUTES

February 24, 2010

Page 6 of 6

Discussion - Patrick McNamara, Esq.

Mr. McNamara advised that there is supposed to be a revised version of Senate Bill 1 (S1), introduced tomorrow to amend the COAH Law and Fair Housing Act. Also, a portion of the Governor's Executive Order putting a stay on all activity by COAH was overturned by the Appellate Division of the Superior Court last Friday. The legislation that was conditionally vetoed by Corzine to amend the Water Quality Planning process to require public hearings and notice to all property owners that they may lose their right to sewer service has been reintroduced in the Senate. The Governor's Office is supportive of this Bill. No word yet from the Appellate Division on the cases that heard argument on, in early December, regarding the COAH regulations.

Discussion - Lou Kneip, Engineer

Mr. Kneip advised that the NS Enterprises applicant has asked to come before the Board regarding disagreement between the neighbor and the applicant concerning landscaping. Mr. Kneip advised the applicant that he may come before the Board at the March 10, 2010, meeting and must notice Mr. Talmo, the neighbor. Mr. Zinno asked that the Board members be provided with a copy of the proposed landscaping plan.

CLOSED SESSION

Mr. Zinno, Vice Chair, asked for a motion to go to closed session to discuss matters previously discussed at the Executive Session on January 27, 2010. Ms. Cocula seconded the motion.

OPEN SESSION

Mr. Gornstein made a motion to bring the meeting back to Open Session. Ms. Cocula seconded the motion. ROLL CALL: COCULA - Y, GORNSTEIN - Y, MURPHY - Y, RINKER - Y, ZINNO - Y.

ADJOURNMENT

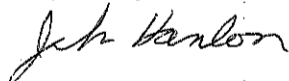
Mr. Gornstein made a motion to adjourn the Land Use Board Regular Meeting. Mayor Rinker seconded the motion. All were in favor.

Transcribed by Cynthia Davis on March 1, 2010.

CERTIFICATION

I, the Board Secretary, hereby certify that the above minutes were approved at the regularly scheduled Land Use Board meeting on March 10, 2010.

Respectfully submitted,



John Hanlon
Board Secretary