

**VERNON TOWNSHIP
LAND USE BOARD
REGULAR MEETING MINUTES
March 10, 2010**

Mr. Theobald, Chair, called the meeting to order at 7:15 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 P
Andrea Cocula P
David Gornstein P
Chris Hack (#2 Alt) P
G. Misciagna (#4 Alt)NP
Jean Murphy (#1 Alt)P
Jessi Paladini P
Mayor Rinker P
Council Mbr Seufert P
Jack Smith (#3 Alt) P
Richard Spoerl P
Vincent Zinno P
Martin Theobald P

ALSO PRESENT

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

PUBLIC HEARINGS

None

OPEN THE MEETING TO THE PUBLIC

No one came forward.

CLOSED THE MEETING TO THE PUBLIC

MINUTES

January 27, 2010 - Executive Session

In response to Ms. Murphy's question about the procedure for Executive Session ("ES") minutes, Mr. McNamara advised that if there is any pending litigation or personal or active matters, the minutes are not released until that matter is concluded. If there is a portion of the minutes where something is ongoing or private, those portions of the minutes are redacted until the matter is resolved.

Mr. McNamara advised that since Ms. Davis had not done Executive Session minutes before, he suggested that he edit and fine tune the ES minutes of January 27, 2010, and February 24, 2010.

Mayor Rinker asked how the minutes could be altered by anyone, including Mr. McNamara, after they had been prepared by the Recording Secretary and especially when Mr. McNamara had been recused from the ES portion of the meeting. Mr. McNamara commented that he was editing what had been drafted.

Council Member Seufert commented that she didn't feel it was right for Mr. McNamara to change the minutes. It was agreed that the January 27, 2010, ES minutes will be discussed in Closed Session.

**VERNON TOWNSHIP LAND USE BOARD
REGULAR MEETING MINUTES
March 10, 2010
Page 2 of 5**

February 24, 2010 – Regular Meeting Minutes

Motion:

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

February 24, 2010 – Executive Session Minutes

It was agreed by the LUB members that the February 24, 2010, ES minutes will be discussed in Closed Session.

RESOLUTIONS

Wayne & Norma Vaughn

LU#1-10-1

Block 143.01, Lots 18, 19 & 20

Minor Subdivision / Lot Line Adjustment

Motion:

Mr. Gornstein made a motion to approve of the Vaughn resolution. Mayor Rinker seconded the motion. ROLL CALL: COCULA - Y, GORNSTEIN - Y, MURPHY - Y, RINKER - Y, ZINNO - Y.

United Water New Jersey

LU#2-10-2

Block 194.04, Lot 31

Minor Site Plan

Motion:

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

Christopher Merck

PB#11-08-9

Block 127.03 Lot 29 & 30

Time Extension Request

Motion:

Mr. Zinno made a motion to approve of the Merck resolution. Mr. Gornstein seconded the motion. ROLL CALL: COCULA - Y, GORNSTEIN - Y, MURPHY - Y, RINKER - Y, ZINNO - Y.

STATUS OF PENDING APPLICATIONS

Mr. Kneip commented that the only application pending is the Market Square Management – LU#2-10-3 – “C” Variance for Lighted Sign, tentatively scheduled for public hearing on March 24, 2010.

LAND USE BOARD DISCUSSION ITEMS

Master Plan

Ms. Caldwell advised that the first phase of the draft Master Plan, which includes the Land Use element, the Recycling element, the Goals and Objectives, and a couple of background demographics and data, had been sent to the board members in January 2010. The other elements, such as Resource Conservation, the Historic Preservation element and Economic Development element are recommended to be updated over time, in concert with various State processes such as Plan Endorsement with the State Planning Commission, Plan Conformance with the Highlands, and substantive certification with COAH. Ms. Caldwell advised that she will work with the Vernon

VERNON TOWNSHIP LAND USE BOARD

REGULAR MEETING MINUTES

March 10, 2010

Page 3 of 5

Township Historic Preservation Commission ("HPC") in putting together a list of properties to be included as a Historic element in this Master Plan update.

Since the Master Plan will be delayed 3 to 4 months for the HPC to complete the list for the Historic Preservation element, Ms. Caldwell advised that it might be beneficial to adopt the Master Plan Reexamination Report (which establishes the basis for updating the Master Plan) at a meeting next month and subsequently adopt the Master Plan update with the Historic Preservation element when it's completed. Mr. McNamara agreed with that recommendation.

Mr. Charles Bates, Chair of the HPC

Mr. Bates came forward and advised that there have been seven historic sites memorialized since 2002 and that the HPC has submitted the application for memorialization for High Breeze Farm. He went on to say that there are approximately 250 sites that the HPC would like to pursue memorializing.

Ms. Paladini commented that she advised Ms. Caldwell that there is a list of 9 sites that are already designated landmarks and there is a list of 8 additional sites that are either in the process of being designated landmarks or they're already NJ and National Register listed historic sites such as High Breeze, Prices Switch Schoolhouse, Wawayanda Iron Furnace, etc. She suggested that a list of 17 sites can be ready for the Master Plan update and the other 250 sites can be listed as a reference to the LUB and worked on over time.

Mr. Zinno asked for clarification regarding whether the Historic Preservation element needs to be included into the Master Plan now or could it be put off to a later time. Ms. Caldwell advised that the historic element can be done at any time and could be independent of the current process. Ms. Caldwell suggested that the HPC provide the "short list" to be adopted into the update now and then work on the other sites over time, as suggested by Ms. Paladini.

Ms. Paladini asked for clarification whether only those sites that are designated by ordinance are listed in the Master Plan. Ms. Paladini advised the Board with Mr. Bates' confirmation that an application for landmark designation for High Breeze farm was submitted to the Township Clerk in October 2009 - six months ago, showing that the process is flawed. Mr. McNamara advised creating a process which is streamlined to help expedite matters. Ms. Paladini suggested that the HPC bring the applications directly to the Land Use Board.

Mr. Bates advised that all the research for the 250 sites has been done. However, the homeowners would need to be noticed and a public hearing held for these properties.

Mr. Dennis Miranda, Chair, Vernon Township Environmental Commission ("EC")

Mr. Miranda came forward and advised that the EC may be precluded from having a rigorous review of the Master Plan due to certain issues they have been experiencing such as the "changing of the guard," etc. He commented that the EC would not be able to assess their portion of the Master Plan before May 1, 2010. He asked if there will be a Sustainability element and a Conservation element. He stated that he doesn't feel it is realistic for the EC to "race" to integrate to provide for the best Master Plan possible to be used for the next 6 years. He suggested that the LUB meet with other Boards and bodies at least quarterly to discuss strategic issues. He feels if the LUB doesn't speak with the other boards and bodies, there will be no input from them and the Master Plan will not be as comprehensive and global as it could be. Mr. Miranda stated as an example that this Town is on the cusp of losing \$1.5 million from the State Green Acres program that was earned in 2005. He feels this is a breakdown in the implementation of policy. However, he added that there is still a chance with a high level meeting to salvage this money with bending the rules. Mr. Miranda stated that he would like more time to go over the draft Master Plan.

VERNON TOWNSHIP LAND USE BOARD

REGULAR MEETING MINUTES

March 10, 2010

Page 4 of 5

Ms. Caldwell commented that the Master Plan has been separated into phases with the first phase being the Land Use and Recycling elements. She added that there is every intention of updating the Environmental Resources Inventory with the EC, including a Conservation element and several other elements including Farmland Preservation. The other portions of the Master Plan will be funded through grants, over time. She added that the EC has just been given 3-4 more months to review the current elements being updated and suggested to Mr. Miranda that he read the Master Plan Reexamination Report where there is a list of the elements which could be added over time.

Mayor Rinker asked for clarification regarding the process for "adding to" the Master Plan. Ms. Caldwell advised that MLUL allows for a 13 elements in the Master Plan. Of those, the two that are required are "Goals and Objectives" and the "Land Use" element. The "Recycling" element is required by State statute. All the other elements are optional and independent and can be done at any point. Mr. Theobald commented that the LUB had voted to only do a limited Master Plan due to lack of money which was recommended by former Mayor Carew and the Town Council. Ms. Caldwell advised that some of the optional elements have grant funding available.

Discussion of the Master Plan Update

Ms. Caldwell reviewed the draft plan update which had been distributed to the LUB members.

Mr. McNamara advised the LUB members that if the LUB adopts the Master Plan, the LUB will have to make a series of recommendations to amend the Land Use ordinances so that the ordinances are in conformance with the recommendations that Ms. Caldwell makes in the Master Plan regarding zoning, for example combining R-1 and R-2 to form another zone of "Low density Residential." Ms. Caldwell's recommendations are listed in the summaries on pages 49-51 and she also agreed to make a table for the LUB to review.

Mr. McNamara advised that if the LUB amends the Land Use ordinances to make them consistent with the Master Plan, the LUB will not be obligated to give an individual notice to every property owner. Otherwise, the LUB would have to send certified notice to every property owner where the zoning is changed.

Ms. Caldwell discussed that she will touch base with the HPC to ascertain how much time the HPC will need to compile the information and then she will incorporate their information into the draft plan. She will meet with the LUB again to go over the HPC information with the Public Hearings tentatively held within 2-3 months.

Mr. Kneip advised the Chair that the Land Conservancy and the Environmental Commission have been working on an Open Space Plan and would like to present it to the LUB in April 2010, at the first meeting.

Escrows

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

United Water - LU#2-10-2 - Services through 2/18/10 - (\$305.25)

Wayne & Norma Vaughn - LU#1-10-1 - Services through 2/25/10 - (\$55.50)

Board Attorney - Patrick McNamara, Scarinci & Hollenbeck

None submitted as of agenda distribution

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

None submitted as of agenda distribution

**VERNON TOWNSHIP LAND USE BOARD
REGULAR MEETING MINUTES
March 10, 2010
Page 5 of 5**

B. Board Fees

Board Attorney
None submitted as of agenda distribution

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

Cynthia Davis – Recording Secretary
DOS – 2/23/10-3/1/10 – (\$75.00)

Motion:

Council Member Seufert made a motion to approve of the Escrows and Board fees. Mr. Gornstein seconded the motion. All were in favor.

CLOSED SESSION

Motion:

Mr. Borisuk made a motion to adjourn the regular meeting to go to closed session to discuss matters regarding the Executive Session meeting minutes of January 27, 2010. Mr. Gornstein seconded the motion. All were in favor.

Motion:

Mr. Borisuk made a motion to go into Executive/Closed Session. Mr. Gornstein seconded the motion. All were in favor.

OPEN SESSION

Council Member Seufert made a motion to bring the meeting back to Open Session. Mr. Gornstein seconded the motion. All were in favor.

Mr. Theobald stated that the Executive/closed Session was for the purposes of discussing the attorney interviews, the closed session minutes of January 27, 2010, and February 24, 2010, and the appreciation letter to Mr. Lewin.

ADJOURNMENT

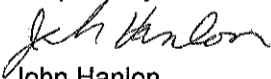
Mr. Gornstein made a motion to adjourn the Land Use Board Regular Meeting. Ms. Cocula seconded the motion. All were in favor.

Transcribed by Cynthia Davis on March 14, 2010.

CERTIFICATION

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

Respectfully submitted,


John Hanlon
Board Secretary

LAND USE BOARD
March 10, 2010