

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

Mr. Theobald, 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	P (arrived 7:54pm)
Andrea Cocula	P
David Gornstein	P
Chris Hack (#2 Alt)	P
G. Misciagna (#4 Alt)	P
Jean Murphy (#1 Alt)	P
Jessi Paladini	P
Mayor Rinker	P
Council Mbr Seufert	P
Jack Smith (#3 Alt)	P
Richard Spoerl	NP
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

Market Square Management

LU#2-10-3

Block 141, Lot 1

Sign Variance (Zoning)

(Note: Mayor Rinker, Council Member Seufert and Jean Murphy recused themselves.)

James Opfer, Esq., Mr. John Janis (Butler Sign Company), Mr. Frank Skrek, professional restaurateur, and Mr. Bruce Zaretsky, owner/applicant, came forward and were sworn in by Mr. McNamara.

Mr. Opfer explained that this application is a request for a variance for signage for the new eateries at the subject premises - "Smokey's Brick Oven Pizza," which has not opened, and "Panini Bakery and Cafe," which is currently in operation. The signage for

both restaurants is proposed to be installed along the border of the existing building at the subject site as shown in the renderings presented to the LUB.

Mr. Janis further explained that the proposal is for an internally lit cabinet with a dark green background with only the "copy" lighting up. The background will not be lit. Mr. Janis said that the square footage of both signs, when illuminated, will be approximately 35-40 square feet. The current exposure of the businesses at the subject premises is poor.

Mr. Skrek discussed that signage is a critical element of any business, particularly restaurants. He added that any sort of advertising is critical to the development of any new business. Many customers have commented to him that they did not know that Panini Bakery and Cafe existed.

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Mr. Zaretsky commented that it was his feeling that the placement of the sign on the fascia board in the gable over the front door will change the perception of the driving public that there is life inside the building which will generate business.

Ms. Caldwell was sworn in and discussed the Planner's Report. Mr. Kneip confirmed that the existing structure and signage was approved by site plan in the late 1980s.

Mr. Opfer stated that the ordinance states that internally illuminated signs are generally prohibited except for good cause shown. He stated that the good cause shown is the distance from the road, the height of the building and the blockage.

Mr. Janis advised that the intention is to have the sign light up at dusk and turned off when the restaurant is closed. However, the center section will be turned off one hour after closing. The existing sign in front of the building will only include the other businesses in the building, not the (2) restaurants included in this sign proposal application.

OPEN THE MEETING TO THE PUBLIC

No one came forward.

CLOSED THE MEETING TO THE PUBLIC

Motion:

Mr. Zinno made a motion to grant the waivers and deem the application complete. Mr. Gornstein seconded the motion. ROLL CALL: COCULA - Y, GORNSTEIN - Y, PALADINI - Y, ZINNO - Y, THEOBALD - Y, HACK - Y, SMITH - Y.

Motion:

Mr. Gornstein made a motion to approve of the application for a variance for the signage. Ms. Cocula seconded the motion. ROLL CALL: COCULA - Y, GORNSTEIN - Y, PALADINI - Y, ZINNO - Y, THEOBALD - Y, HACK - Y, SMITH - Y.

Agnes B. Regan

LU#5-09-8

Block 172, Lot 15

Minor Subdivision-Time extension request

James Opfer, Esq., came forward on behalf of the applicant. He advised that this application was approved six months ago and expired on March 9, 2010. The applicant is requesting an extension of time for sixty (60) days to perfect the subdivision. Mr. Opfer advised that the copies of the deeds have been submitted to the County.

Mr. Opfer described the original application to the LUB members. Mr. McNamara further described the application. He said the applicant was requesting to transfer approximately one-third of an acre to eliminate the encroachment of a driveway and shed onto the adjacent property. The county will not allow direct access onto Rte. 565, thus access onto Beaver Brook Road is the only alternative. The driveway slope will be addressed in the lot development plan that will subsequently be submitted. There was a wetlands approval issued from the DEP in June 2009. He said the LUB approved the application with no descending votes. Mr. McNamara said an applicant is allowed 190 days on a minor subdivision. This application was granted on August 26, 2009, and the resolution was memorialized on September 8, 2009.

OPEN THE MEETING TO THE PUBLIC

No one came forward.

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CLOSED THE MEETING TO THE PUBLIC

Motion:

Mr. Zinno made a motion to approve of the time extension request for (60) days. Mr. Borisuk seconded the motion. ROLL CALL: BORISUK - Y, COCULA - Y, GORNSTEIN - Y, PALADINI - Y, RINKER - Y, SEUFERT - Y, ZINNO - Y, THEOBALD - Y, MURPHY - Y.

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

No one came forward.

CLOSED THE MEETING TO THE PUBLIC

MINUTES

January 27, 2010 – Executive Session Minutes - Original ES minutes, as amended.

Motion:

Mr. Borisuk made a motion to approve of the above minutes. Mr. Zinno seconded the motion. ROLL CALL: COCULA - Y, BORISUK - Y, GORNSTEIN - Y, HACK - Y, MISCIAGNA - Y, MURPHY - Y, SEUFERT - Y, THEOBALD - Y, ZINNO - Y.

February 24, 2010 - Executive Session Minutes

Motion:

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

March 10, 2010 - Executive Session Minutes

Motion:

Mr. Borisuk made a motion to approve of the above minutes. Mr. Gornstein seconded the motion. ROLL CALL: BORISUK - Y, COCULA - Y, GORNSTEIN - Y, HACK - Y, MURPHY - Y, PALADINI - Y, RINKER - Y, SEUFERT - Y, SMITH - Y, THEOBALD - Y, ZINNO - Y.

March 10, 2010, Regular Meeting Minutes

Motion:

Mr. Borisuk made a motion to approve of the above minutes. Mr. Gornstein seconded the motion. ROLL CALL: BORISUK - Y, COCULA - Y, GORNSTEIN - Y, HACK - Y, MURPHY - Y, PALADINI - Y, RINKER - Y, SEUFERT - Y, SMITH - Y, THEOBALD - Y, ZINNO - Y.

RESOLUTIONS

Authorizing the award of contract for professional services to the law firm of Scarinci Hollenbeck from January 1, 2010, through and including March 31, 2010

Motion:

Mr. Zinno made a motion to approve of the above contract. Mr. Gornstein seconded the motion. ROLL CALL: BORISUK - Y, COCULA - Y, GORNSTEIN - Y, PALADINI - Y, RINKER - Y, SEUFERT - Y, ZINNO - Y, THEOBALD - Y, MURPHY - Y.

LAND USE BOARD DISCUSSION ITEMS

Township Historic Landmark Registration for High Breeze Farm (no action to be taken)

Mr. Kneip advised that an application was sent to the LUB by the HPC for the High Breeze Farm property. He went on to say that typically the LUB would authorize a study to be undertaken by the Planner to make a recommendation to the LUB, and

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subsequently to the Town Council, for a resolution in support of approving the memorialization.

The LUB members discussed whether the Planner should be required to review the HPC applications. Ms. Paladini stated that the ordinance states that the HPC makes the nomination/recommendation and holds the Public Hearing and then the LUB simply is required to “accept or reject the application.”

Ms. Caldwell commented that even though it is not in the ordinance, usually the professional reviews the application for the LUB. Ms. Paladini feels that this is an “unnecessary layer” that is not in the ordinance which creates an added expense to the Township.

Mr. McNamara said that looking at procedure for commission review, he feels that when the LUB takes formal action there should be a recommendation from the Planner because the Planner is licensed to conduct planning. Unlike other states, NJ has a statute that states if you engage in professional planning without a license it's a criminal violation. Even if it's not explicitly spelled-out in the ordinance, Mr. McNamara recommends having the Planner review HPC applications as it had been done in the past by Mr. Suljic. However, he agreed with Ms. Paladini that because High Breeze Farm is already on the NJ and Federal National register of historic places, it has already been reviewed by the state of New Jersey and the Federal government as a historic site worthy of listing. There is no need to ask taxpayers to have a Planner to review this application.

Motion:

Mr. Borisuk made a motion to approve of the High Breeze Farm application for memorialization. Ms. Seufert seconded the motion. ROLL CALL: BORISUK - Y, COCULA - Y, GORNSTEIN - Y, PALADINI - Y, RINKER - Y, SEUFERT - Y, ZINNO - Y, THEOBALD - Y, MURPHY - Y.

Status of Pending Applications

James & Carol Shahin-Giroux – ZB#3-08-2 – Re-Approval for a deck variance/extension of time, scheduled for public hearing on April 14, 2010.

Escrows, board fees and bond reductions

Escrows

Board Engineer - Louis M. Kneip, P.P, P.E., CME
United Water – LU#2-10-2 – Services through 2/25/10 – (\$83.25)

Board Attorney – Patrick McNamara, Scarinci & Hollenbeck
Christopher Merck – PB#11-08-9 – Services through 2/28/10 – (\$225.00)
A&P – LU# 4-09-7 – Services through 2/28/10 – (\$75.00)
Wayne Vaughn – LU#1-10-1 – Services through 2/28/10 – (\$375.00)
United Water – LU#2-10-2 – Services through 2/28/10 – (780.00)

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

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B. Board Fees

Board Attorney

Land Use Board Business – Services through 2/28/10 – (\$750.00)

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

None submitted as of agenda distribution

Cynthia Davis – Recording Secretary

DOS – 3/8/10-3/14/10 – (\$111.00)

Motion:

Ms. Cocula made a motion to approve the payment of the vouchers and board fees. Mr. Gornstein seconded the motion. All were in favor. None were opposed.

Motion:

A motion was made by Council Member Seufert to close the regular meeting and go into closed session. Mayor Rinker seconded the motion. All were in favor.

CLOSED SESSION

Motion:

A motion was made by Mr. Gornstein to open the regular meeting at 9:15 p.m. Mr. Zinno seconded the motion. All were in favor.

OPEN SESSION - REGULAR MEETING RESUMED

Mr. Theobald said for the record that the items discussed in the closed session were the three (3) attorneys that the LUB is considering for the position of LUB attorney and their pay schedules.

Motion:

Council Member Seufert made a motion to appoint Michael Garafalo, Esq., of Laddy, Clark & Ryan, as LUB attorney for the year 2010, with an hourly rate of \$150.00 per hour. Mr. Zinno seconded the motion. ROLL CALL: BORISUK - Y, COCULA - abstained, GORNSTEIN - N, PALADINI - Y, RINKER - Y, SEUFERT - Y, ZINNO - Y, THEOBALD - N, MURPHY - Y. (Vote: yes-6, no-2).

Adjournment

Mr. Borisuk made a motion to adjourn the LUB meeting of March 24, 2010. at 9:25 p.m. Mr. Smith seconded the motion. All were in favor.

Transcribed by Cynthia Davis on April 2, 2010.

CERTIFICATION

I, the Board Secretary, hereby certify that the above minutes were approved at the regularly scheduled Land Use Board meeting on April 14, 2010.

Respectfully submitted,

John Hanlon
Board Secretary
Land Use Board Regular Meeting
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