

**VERNON TOWNSHIP
LAND USE BOARD
REGULAR MEETING MINUTES
April 14, 2010**

Mr. Zinno, Vice-Chair, called the meeting to order at 7:21 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	NP
Chris Hack (#2 Alt)	NP
G. Misciagna (#4 Alt)	P
Jean Murphy (#1 Alt)	P
Jessi Paladini	P
Mayor Rinker	P
Council Mbr Seufert	P
Jack Smith (#3 Alt)	NP
Richard Spoerl	P
Vincent Zinno	P
Martin Theobald	P (arrived 7:42 p.m.)

ALSO PRESENT

Cynthia Davis, Rec. Sec.
Lou Kneip, Engineer

Jessica Caldwell, Planner

PRESENTATION - PUBLIC HEARING

Draft Open Space Map/Plan Update

Mr. Miranda, Environmental Commission ("EC") Chair, came forward and advised that at a prior meeting to this, the Land Conservancy ("TLC") presented to the EC the draft proposal for the Open Space Plan. Mr. Miranda introduced Ms. Barbara Heskins Davis and Ms. Kathy Caccavale of the Land Conservancy of New Jersey to present the goals, objectives, and the details of the plan.

Ms. Heskins Davis, Vice President of Programs of TLC, came forward and discussed the draft Open Space and Recreation Plan ("OSRP") update. She explained that the purpose of doing any update is to recognize planning documentation that has been completed and to recognize a change in vision or goals and land use in the municipality since the original plan. NJ Green Acres issued a strong recommendation in March 2009, that all OSRPs be updated every six (6) years consistent with the MLUL which is

one of the reasons the Township of Vernon hired TLC of NJ. The Township received a 50% matching grant from the Association of NJ Environmental Commissions to complete the OSRP. A requirement of the state of NJ and ANJEC, to receive the matching dollars, is that the OSRP become adopted as an element of the Master Plan. Tonight's presentation is the final of two (2) Public Hearings as required by NJ Green Acres.

Ms. Heskins Davis reviewed the plans and goals of the OSRP, as listed on the TLC agenda which was handed out to the members. She stated the statistics of preserved land in Vernon Township, of which 56% of the Township is preserved, and the Open Space Inventory of which 30% is potentially available for open space and farmland preservation. She listed the greenways that are recommended by the TLC and supported by the EC. Ms. Heskins Davis commented that Sussex County has some of the most active farmland in the State of NJ and some of the most challenging soils in the state. As such, the TLC felt it important to include the analysis and mapping for identifying tillable lands in Vernon Township which would qualify for state dollars for farmland preservation.

Ms Caccavale came forward and reviewed the Greenway Map with the LUB members.

Ms. Heskins Davis advised that the TLC will complete the OSRP and the EC will present it to the LUB for adoption. A few questions were asked by LUB members. Ms. Heskins Davis discussed the details and pros and cons of farmland preservation at this time. Ms. Heskins Davis commented that Vernon Township had lost funding from the Planning Incentive Grant ("PIG") since there is no Open Space tax in Vernon. Having an Open Space Trust enables Vernon to have access to the State funding. Not having the Open Space Trust fund anymore is the reason that \$1.5 million dollars is being taken back from the State which could have been used as the match for the funding in the local trust fund. However, Vernon could apply for the Project Specific program. The current Open Space Fund would be the match to this funding.

Mr. Miranda said he feels two things need to be done: 1) Recognize that the Township needs to be creative in buying open space, such as with North American Wetland Grants and; 2) Recognize and develop partnerships.

OPEN THE MEETING TO THE PUBLIC

Mr. Michael Rubin, Vernon resident, came forward and stated that he recently took an Eco-therapy class where the basic premise of the class is that the further you get away from nature, the sicker you become. He also suggested some ideas about Vernon creating home grown industries such as a hydroelectric energy and a windmill farm.

Ms. Heskins Davis advised the Board that if Vernon were to create an alternative energy source, those types of facilities cannot be on preserved land or bought with deed restricted dollars.

**CLOSED THE MEETING TO THE PUBLIC
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

Mr. Theobald advised the Board that the LUB attorney, Michael Garofalo, Esq., called to advise that since he didn't have any legal input on the Public Hearing listed on tonight's agenda, and, because of the LUB's concern with cost, he was not attending the meeting this evening.

Mayor Rinker commented that if the contract was such that Mr. Garofalo's fee was to not exceed \$1,000.00 per month, then he would have been able to attend this meeting. A discussion ensued between the members about whether the attorney should be available at every meeting.

MINUTES

March 24, 2010 – Executive Session Minutes.

Motion:

Mr. Borisuk made a motion to approve of the above minutes. Ms. Cocula seconded the motion. ROLL CALL: BORISUK - Y, COCULA - Y, MISCIAGNA - Y, MURPHY - Y, PALADINI - Y, RINKER - Y, SEUFERT - Y, THEOBALD - Y, ZINNO - Y.

March 24, 2010 - Regular Meeting Minutes

Motion:

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

RESOLUTIONS

Market Square Management

LU#2-10-3

Block 141, Lot 1

Sign Variance

Motion:

Mr. Borisuk made a motion to approve of the above contract. Mr. Zinno seconded the motion. ROLL CALL: BORISUK - Y, COCULA - Y, PALADINI - Y, ZINNO - Y, THEOBALD - Y, MISCIAGNA - Y.

Agnes B. Regan

LU#5-09-8

Block 172, Lot 15

Minor Subdivision-Time extension request

Motion:

Mr. Borisuk made a motion to approve of the above minutes. Ms. Seufert seconded the motion. ROLL CALL: BORISUK - Y, COCULA - Y, PALADINI - Y, RINKER - Y, SEUFERT - Y, THEOBALD - Y, ZINNO - Y.

Contract for Land Use Board Attorney

Authorizing the award of contract for professional services to the law firm of Laddey, Clark & Ryan, LLP from April 14, 2010, through and including December 31, 2010.

Motion:

Mayor Rinker made a motion to table this resolution until Mr. Garofalo is present. Mr. Borisuk seconded the motion. Ms Cocula abstained; Mr. Zinno was opposed; majority was in favor.

LAND USE BOARD DISCUSSION ITEMS

Status of LUB Engineer & Secretary positions

Mr. Kneip advised that the last day for he and Mr. Hanlon, the LUB Secretary is May 15, 2010. Mr. Kneip advised the LUB members that they have a right to appoint their own Engineer or wait and see what the Township is going to do and decide whether to use their Engineer. It's the Board's prerogative. Mayor Rinker suggested that the LUB wait until the next meeting as there may be further information from the town level concerning these positions then.

CLOSED SESSION

None.

escrows, board fees and bond reductions

Escrows

Board Engineer - Louis M. Kneip, P.P, P.E., CME
None submitted as of agenda distribution

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

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 – 3/23/10-4/02/10 – (\$93.00)

C. Request for Bond to be closed

None submitted as of agenda distribution

D. Request for Escrows to be closed

None submitted as of agenda distribution

Motion:

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

ADJOURNMENT

Mr. Borisuk made a motion to adjourn the LUB meeting of April 14, 2010, at 8:46 p.m. Ms. Paladini seconded the motion. All were in favor.

Transcribed by Cynthia Davis on April 18, 2010.

CERTIFICATION

I, the Recording Secretary, hereby certify that the above minutes were approved at the regularly scheduled Land Use Board meeting on May 12, 2010.

Respectfully submitted,

Cynthia Davis

Recording Secretary
Land Use Board Regular Meeting
April 14, 2010
Page 1