

**VERNON TOWNSHIP  
LAND USE BOARD  
REGULAR MEETING MINUTES  
MAY 26, 2010**

Mr. Theobald, Chair, called the meeting to order at 7:12 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**

**Board member changes to LUB: Vincent Zinno resigned from the board. Ms. Jean Murphy, Alternate #1, was appointed as a Class IV member, expiring on December 31, 2011. Mr. Brian Lynch was appointed as Alternate #1, expiring on December 31, 2011, and sworn in by Mayor Sally Rinker.**

**ROLL CALL**

Andrew Borisuk	P (7:15 p.m.)
Andrea Cocula	P
David Gornstein	P
Jessi Paladini	P
Mayor Rinker	P
Council Mbr Seufert	P
Jean Murphy	P
Martin Theobald	P
Brian Lynch (#1 Alt)	P
Chris Hack (#2 Alt)	P
Jack Smith (#3 Alt)	NP

**ALSO PRESENT**

Michael Garofalo, Esq. - Board Attorney  
Jessica Caldwell, Board Planner  
Cynthia Davis, Recording Secretary

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**PUBLIC HEARINGS**

None.

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**LAND USE BOARD DISCUSSION ITEMS (Action may or may not be taken)**

**Environmental Commission ("EC") Recommendations for the Master Plan**

Jessica Caldwell, LUB Planner, came forward and reviewed the EC Master Plan recommendations, a copy of which was emailed to the LUB members.

A discussion took place regarding the existing land use map which depicts what the use currently is along with the proposed land uses map. Some lands are currently zoned Commercial Recreation which are publicly owned and might be better zoned as Public Lands. Mr. Gornstein suggested that any corrections that Ms. Caldwell finds should be submitted to the tax assessor. Ms. Caldwell agreed to advise the LUB what corrections should be made.

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Mr. Garofalo explained that the Master Plan is adopted by the LUB and based on the recommendations contained in the Master Plan, the governing body would implement those recommendations which may include zoning changes. Mr. Garofalo explained that the next step would be to change the tax maps, which is an expensive process.

Ms. Caldwell discussed each of the EC recommendations from their list dated May 17, 2010. She recommended that most of the EC recommendations might be more appropriate within a Conservation Element which could be done later.

Mayor Rinker asked Ms. Caldwell what the status is of the Town Center designation. Ms. Caldwell said that Vernon is on step 4 of a 10-step process and that the next charge is to do visioning. Three public visioning workshops need to be held to create a vision statement which would be submitted to the State. Then the State comes up with an action plan, Vernon enters a Memorandum of Understanding with the State Planning Commission, and the town center designation would be temporarily reinstated. At this time, there is a partial center and, she explained, the State may remove environmentally sensitive areas (wetlands, marshes) within this town center.

**OPENED MEETING TO THE PUBLIC**

Ms. Jessica Beutel, a member of the Environmental Commission, came forward and asked the LUB to consider each of the EC recommendations as she feels they are all important.

**CLOSED MEETING TO THE PUBLIC**

Mr. Theobald reminded the board members that the Historical Preservation Commission and the EC both asked for permission to submit recommendations to be included in their respective elements to the Master Plan. He said it was the LUB's original intention to update only the required elements of the Master Plan.

Mr. Garofalo stated that a well-drafted Master Plan coupled with a well-drafted zoning ordinance is the "bulletproof" way to defend lawsuits successfully.

The LUB members were in favor of voting on the EC recommendations by number, and did so as follows:

#(1),(2), (3), 14 & 15 - Ms. Caldwell agreed to research these items for possible suggestions to change the zoning on the map. She explained that nothing can be done regarding the Highlands redevelopment zones.

#1 - Ms. Caldwell will clarify this issue.

#2 - Mr. Garofalo suggested putting this recommendation into a future Conservation Element as soil conditions will never raise a zoning question. The LUB agreed to leave this recommendation out of the Land Use Element of the Master Plan.

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- #3 - The LUB members agreed to putting this recommendation into a future Conservation Element.
- #4 - This recommendation is informational. However, it was agreed by the LUB to include it in the Land Use Element.
- #5 - The LUB agreed to omit this recommendation from the Master Plan.
- #6 - This can be included after the LUB members review the proposed Open Space Plan and make any comments at the next meeting on June 9, 2010. (Ms. Caldwell suggested, and the LUB members agreed, to combine the Public Hearings for the Open Space Plan and the Master Plan on June 23, 2010.)
- #7 - It was recommended by Ms. Caldwell to use the current NRI which was completed in 2005 and defer this recommendation to be included in a future Conservation Element.
- #8, 9, 10, & 12- Mr. Garofalo commented that these recommendations, as goal statements, are all valuable insofar as they can enhance the Master Plan. The LUB members agreed to include these in the goal statements.
- #11 - The LUB members agreed to include this recommendation.
- #13 - Ms. Caldwell commented that this needs to be researched and should be included in a future Conservation Element. The LUB members agreed to defer the recommendation.
- #14 & 15 - included above.
- #16 - Ms. Caldwell will update the draft with the recent decision made.
- #17 - The Town Council will take care of this recommendation and it will not be included.
- #18 - The LUB members agreed to leave this out. Ms Caldwell advised it cannot be tied to the Master Plan process as it will take years to address and it is a NJDEP issue.
- #19 - Ms. Caldwell recommends that the Master Plan should not be held up for the State to finish it's studies.
- #20 - The LUB members agreed to include this recommendation.
- #21 - It was agreed by the LUB members to leave this recommendation out of the Master Plan. Mr. Garofalo explained that the legislature has addressed this issue.
- #22 - Ms. Caldwell will clarify this issue in the draft.
- #23 - The LUB members agreed to omit this recommendation.

The LUB took a five minute break.

**Ordinance #10-06: Ordinance Granting Municipal Historic Designation to the High Breeze Farm and Property**

The LUB had no further comments on this ordinance. No formal action is necessary.

**LUB Engineer RFQs**

Mr. Roland agreed to check to see if the RFQs were sent out for a LUB Engineer. Mr. Gornstein suggested setting up a committee to review the RFQ submissions for the Town Engineer. A 4-member committee of Ms. Paladini, Mr. Gornstein, Ms. Cocula and Mr. Hack were appointed to review the RFQs and report back to the LUB at the next meeting on June 9, 2010. Mr. Theobald will call the Manager's office to ask that they

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contact the various engineers and ask that they email their RFQ to each committee member for review.

**Appointment of Board Secretary**

Mayor Rinker asked that the LUB wait a little longer until the new Town Manager can make an assessment on the appointment of a LUB Board Secretary.

Mr. Theobald commented that the LUB still does not have a Board Secretary and there are documents that need to be signed by the Board Secretary. Accordingly, Mr. Theobald suggested that Cynthia Davis be appointed as Board Secretary temporarily so that she can sign the various documents and be the LUB liaison between the LUB and the office until a decision is made by the Town Manager.

**Motion**

**Ms. Cocula made a motion to appoint Cynthia Davis as the Board Secretary for signing LUB documents and to act as a liaison between the Planning and Zoning Office and the LUB. Mr. Gornstein seconded the motion. Council Member Seufert abstained. All were in favor.**

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**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**

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**MINUTES**

**May 12, 2010 – Regular Session Minutes.**

**Discussion:**

Ms. Paladini had 2 concerns: 1) She is not sure if the statement “one sub-element of 40:55D-28 becomes mandatory” is accurate if it also says “shall,” and; 2) She asked Mr. Garofalo if he actually said that “this alone is a strong argument for getting a revision of the Land Use Element done and to make any amendments to the Master Plan later on.” Mr. Garofalo advised that the minutes reflect what he said, but he didn’t remember his exact words at this time.

**Motion:**

**Ms. Cocula made a motion to approve of the above minutes. Mr. Gornstein seconded the motion. ROLL CALL: BORISUK - Y, COCULA - Y, GORNSTEIN - Y, PALADINI - N, SEUFERT - Y, MURPHY - Y, THEOBALD - Y. (Vote: yes-6, No-1)**

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**RESOLUTIONS**

Authorizing the award of contract for professional services to the law firm of Laddey, Clark & Ryan, LLP from April 14, 2010, through and including January 2011.

**Motion:**

**Council Member Seufert made a motion to approve the resolution. Mr. Borisuk seconded the motion. ROLL CALL: BORISUK - Y, COCULA - Y, GORNSTEIN - Y, PALADINI - Y, RINKER - Y, SEUFERT - Y, MURPHY - Y, THEOBALD - Y.**

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**CLOSED SESSION**

None.

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**escrows, board fees and bond reductions**

**Escrows None**

**B. Board Fees**

Board Attorney

Land Use Board Business – Services through 3/31/10 – (\$1,920.00)

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

Land Use Board Business – Services through 4/29/10 – (\$395.50)

Cynthia Davis – Recording Secretary

DOS – 5/12/10 - 5/16/10 – (\$93.00)

**C. Request for Bond to be closed**

None submitted as of agenda distribution

**Motion:**

**Mr. Gornstein made a motion to approve the payment of the vouchers and board fees. Council Member Seufert seconded the motion. All were in favor. None were opposed.**

**D. Request for Escrows to be closed**

None.

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**ADJOURNMENT**

**Mr. Gornstein made a motion to adjourn the meeting at 9:08 p.m. Mr. Borisuk seconded the motion. All were in favor. None were opposed.**

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Transcribed by Cynthia Davis on June 1, 2010.

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**CERTIFICATION**

I, the Board Secretary, hereby certify that the above minutes were approved at the regularly scheduled Land Use Board meeting on June 9, 2010.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cynthia Davis', written over the text 'Respectfully submitted,'.

Cynthia Davis  
Board Secretary  
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