

**VERNON TOWNSHIP
LAND USE BOARD
REGULAR MEETING MINUTES
June 23, 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

ROLL CALL

Andrew Borisuk P
Andrea Cocula P
David Gornstein P (7:17)
Jessi Paladini P
Mayor Rinker P (7:17)
Council Mbr Seufert P (7:17)
Jean Murphy P
Martin Theobald P
Joseph Tadrick P
Brian Lynch (#1 Alt) P (7:19)
Chris Hack (#2 Alt) P
Jack Smith (#3 Alt) P (7:31)
Ed Rolando (#4 Alt) P

ALSO PRESENT

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

PUBLIC HEARINGS

PB# 4-05-4 - Highland Lakes Real Estate, L.L.C., Block 195, Lots 34, 35, 35.01, 35.02, 36.01, 37, & 37.01 – Preliminary Major Subdivision/Final Major Subdivision-Request for Extension of time

(Mayor Rinker and Council Member Seufert stepped down from hearing this application)

Donald Minassian, Esq., SUNSHINE, ATKINS, MINASSIAN, TAFURI & D'AMATO, P.A., came forward for the applicant to request an extension of time. His client was granted a preliminary major subdivision approval by resolution on October 24, 2007, subject to various approvals. His client advises that most of those approvals are in place and on the basis of that, a letter was written requesting scheduling for final approval. A response letter was sent by the prior Board Engineer, Mr. Kneip, advising that this application required bonding of 1.2 million dollars along with an additional cash deposit of close to \$150,000.00. The bonding company required the applicant's

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financing to be in place. The applicant applied to several local banks and was universally denied financing with the common statement that it is not a good economy in which to build houses in this area and to come back and reapply in 6 months to a year. Pursuant to statute the LUB has the power to grant an extension for a minimum of a year and up to 2 years of the approvals.

Mr. Garofalo advised that the approval is shielded from changes of zoning for 2 years and even though the subdivision approval itself doesn't die, what the applicant is asking for is an extension of time for that shield from zoning changes.

Motion:

Ms. Murphy made a motion to extend the approvals for two years to October 2012. Mr. Tadrack seconded the motion. ROLL CALL: BORISUK - Y, COCULA - Y, GORNSTEIN - Abstained, PALADINI - Y, MURPHY - Y, THEOBALD - Y, TADRICK - Y, LYNCH - Abstained, HACK - Y. Passed. (Vote: Yes - 7, Abstain - 2, No - 0)

**LAND USE BOARD DISCUSSION ITEMS (Action may or may not be taken)
Reexamination of the Master Plan and adoption of an updated Master Plan
including a Land Use Element and Recycling Element.**

Ms. Jessica Caldwell, Land Use Board Planner, came forward and reviewed the scope of work to update the Master Plan. She stated that the findings of the Reexamination Report are such that the Master Plan is updated with the Land Use Element, the Recycling Element, Goals and Objectives and various policy statements and that other elements of the Plan can be updated as the Township sees fit as funding becomes available. Ms. Caldwell said there is a Storm Water Management Plan for the Township completed in 2005 and recommended that it not be updated.

Ms. Caldwell said the findings on the LUB discussions on vision were that the Township wants to be a year-round tourism/eco-tourism type community with resort-type development but also development that augments that resort use that creates a 4-season community which gives people things to do, places to go indoors and out, throughout the year.

Ms. Caldwell reviewed the final draft of the Master Plan with the LUB.

Council Member Seufert commented that on page 49, Scenic Lake was not included in the list of "Identified Villages." Ms. Caldwell advised that the list was taken from the State plan. It was agreed that an additional statement will be added to this section stating that this Master Plan recognizes the following areas that are not included in the

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State plan: Lake Wanda, Scenic Lake, Laurel Lake, Sunset Ridge and Lake Pochung.

Ms. Paladini had concern about the 2 parcels of land on the map on page 56 on top of Hamburg Mountain in the Preservation Area that are listed as commercial recreation which Ms. Paladini feels is State owned preservation land. Ms. Caldwell advised that the parcels are not State owned. She said they are privately owned by Mountain Creek Resort Development and are assessed by the tax assessor as commercial recreation real estate.

Ms. Paladini also commented about her concern that some parcels of land, such as the Van Dokkenburg lands and some Theobald lands, shown on the map as being in the Agri-Eco Tourism zone should be in Open Space/Preserved lands. Ms. Caldwell said she will check these areas and, if they are Green Acres, she will change them to Public Open Space.

OPENED MEETING TO THE PUBLIC

Carol Gunn Kadish came forward and stated that her family holds a lease with the State (Wawayanda State Park) and it is Open Space and won't be used as Agri-Eco Tourism. The State leases the land to farmers to keep the fields hayed. All the VanDokkenburg property is Open Space.

Regarding the 2 parcels on the top of the mountain, she said that the State paid millions to buy back the mountaintop and is also Open Space and the property is assessed for taxes. Mr. Garofalo suggested checking with the Vernon Tax Assessor to confirm the ownership of these parcels.

Ms. Kadish commented that she thought Lake Pochung was Vernon's first lake community and should be mentioned in the Master Plan.

Dennis Miranda, resident, came forward and stated that he was working with the NJ Conservation Foundation during the 2000s as the principal litigants involved in challenging Intrawest with the top of the mountain. He stated that Intrawest conveyed those properties to the State of New Jersey. However, Mr. Mulvihill obtained the rights to the Evergreen Campground and has a lease for 25 years from the date of conveyance between Intrawest and the State of NJ. He believes the properties are held in fee by the State of NJ and there remains a reservation of rights. Mr. Miranda stated that having this area zoned as commercial recreation is expansive to the use that is allowed under the lease agreement but any perception that the existing zoning would allow for development is not consistent with the lease agreement or the underlying fee

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owned property by the State of NJ.

Mr. Miranda went on as Environmental Commission Chair to discuss the issue of water. He feels that it is strategically and notably absent from this Master Plan that Vernon does not take seriously what water resources we have for the existing development, for the existing natural systems, etc. This town has historically resisted conducting a water budget in the last waste water management plan amendment in 2005. He stated that "we" want to make sure that going forward we have development that is sustainable, that existing businesses and homeowners will never worry about their water resources, and that we have water resources for natural systems which is a very important part of our rural county.

Mr. Borisuk disagreed with Mr. Miranda by stating that with the total limit that Vernon has on development, Vernon is built-out and has more than enough water. He does not feel that money should be spent on studying the water supply.

CLOSED MEETING TO THE PUBLIC

Ms. Caldwell reviewed the Master Plan changes discussed at this meeting. She asked Mr. Garofalo for direction on the mountaintop parcels. Mr. Garofalo commented that he would be surprised that the property is in the hands of the State and they are getting a tax bill for 2 million dollars and they have never taken a tax appeal. He would also be surprised if the tax assessor was wrong. He suggested checking with the tax assessor.

Ms. Paladini read from Ron DuPont's history of Lake Pochung stating that this area was the first in Vernon to be developed as a summer lake community around the turn of the century and should be listed as such in the Master Plan.

Ms. Paladini informed the LUB that Mr. Bates, HPC Chair, requested that a goal statement be added to the Master Plan about tax incentives for owners who memorialize their property as historic. Several LUB members felt that a policy decision should be made first before this could be added in the Master Plan. Mr. Theobald asked if anyone was in favor of putting this goal statement in the Master Plan. No one agreed.

Due to the issues raised at tonight's meeting, the Master Plan will not be adopted and will be carried to the next meeting.

Open Space and Recreation Plan - Public Hearing

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Ms. Caldwell stated that the EC has worked with The Land Conservancy to develop an Open Space and Recreation Plan and it was presented to the LUB. It establishes an inventory of properties that the Town would seek to purchase for Open Space and Recreation and needs to be adopted to become part of the Master Plan.

Mr. Miranda, EC Chair, came forward and stated that the existing Open Space Plan approved in 2003 was reviewed in 2009 by The Land Conservancy and was presented in April 2010 to the LUB. He reviewed the goals of the plan including completing the 4-season greenway within 5 years or less.

OPENED MEETING TO THE PUBLIC

No one came forward.

CLOSED MEETING TO THE PUBLIC

Motion:

Mr. Gornstein made a motion to adopt the Open Space and Recreation Plan, as written, into the Master Plan. **ROLL CALL: BORISUK - N, COCULA - N, GORNSTEIN - Y, PALADINI - Y, RINKER - Y, SEUFERT - Abstained, MURPHY - Y, THEOBALD -Y, TADRICK - Abstained. Passed. (Vote: Yes - 5 , No - 2.)**

LUB Engineer RFQs

Ms. Paladini advised the LUB members that CD's were placed in each member's mailbox containing the information on the 4 firms the committee chose to be reviewed. There were 5 firms eliminated by the committee.

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

June 9, 2010 – Regular Session Minutes.

Motion:

Mr. Borisuk made a motion to approve of the above minutes. Ms. Paladini seconded the motion. **ROLL CALL: BORISUK - Y, COCULA - Y, GORNSTEIN - Y, HACK - Y, LYNCH - Y, MURPHY - Y, PALADINI - Y, RINKER - Y, ORLANDO - Y, SEUFERT - Y, SMITH - Y, TADRICK - Y, THEOBALD - Y.**

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CLOSED SESSION

None.

escrows, board fees and bond reductions

Ms. Murphy asked for further clarification for the charge from Ms. Caldwell to provide Ms. Decker in the Planning and Zoning office with information on how to conduct Board business, requested of Ms. Caldwell by the Asst. Town Manager. Ms. Murphy commented that it would have been more cost effective if Ms. Decker had traveled to Ms. Caldwell's office herself.

Escrows None

B. Board Fees

Cynthia Davis – Recording Secretary
DOS – 6/8/10-6/13/10 – (\$63.00)

C. Request for Bond to be closed

None submitted as of agenda distribution

D. Request for Escrows to be closed

None

Ms. Caldwell asked whether the LUB would want her to do a Planner review on the application for the variance request of Carol Giroux. Mr. Theobald commented that he would like Ms. Caldwell to review the application. All were in favor.

Motion:

Mr. Gornstein made a motion to approve the payment of the board fee. Ms. Paladini seconded the motion. All were in favor. None were opposed.

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ADJOURNMENT

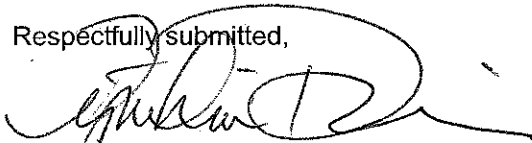
Council Member Seufert made a motion to adjourn the meeting at 8:56 p.m. Mr. Tadrick seconded the motion. All were in favor. None were opposed.

Transcribed by Cynthia Davis on June 29, 2010.

CERTIFICATION

I, the Board Secretary, hereby certify that the above minutes were approved at the regularly scheduled Land Use Board meeting on July 28, 2010.

Respectfully submitted,



Cynthia Davis
Board Secretary
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