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**VERNON TOWNSHIP
LAND USE BOARD
REGULAR MEETING MINUTES
September 8, 2010**

Mr. Theobald, LUB Chair, called the meeting to order at 7:06 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
Jessi Paladini	P
Mayor Rinker	P
Council Mbr Seufert	P
Jean Murphy	P
Martin Theobald	P
Joseph Tadrick	P
Brian Lynch (#1 Alt)	P
Chris Hack (#2 Alt)	P
Jack Smith (#3 Alt)	NP
Ed Rolando (#4 Alt)	P (8:30 p.m.)

ALSO PRESENT

Ursula Leo, Esq. – Sub-Board Attorney
Jessica Caldwell, Board Planner
Cynthia Davis, Recording Secretary
Corey Stoner, Board Engineer

Please note that Mr. Gornstein advised the Chair that he would not be attending the meeting tonight.

The Chair handled regular business at this time because the attorney had not arrived.

RESOLUTIONS – 2

PB# 2-05-3 - Sussex National Development- Block 231, Lots 9, 9.01 & 11, Block233.05, Lots 5 & 6 – Extension of Time Two Years

Motion: A motion was made by Mr. Tadrick to approve of the resolution, as written. Mr. Borisuk seconded the motion. **ROLL CALL: BORISUK – Y, COCULA – Abstained, PALADINI – Y, RINKER – Y, MURPHY – Y, THEOBALD – Y, TADRICK – Y, HACK – Y. (Passed).**

PB# 8-07-11 – PRJ Properties, LLC – Block 141.01, Lot 6 – Extension of Time Two Years

Motion: A motion was made by Mr. Borisuk to approve of the resolution, as written. Mr. Hack seconded the motion. ROLL CALL: BORISUK – Y, COCULA – Abstained, PALADINI – Y, RINKER – Y, MURHPY – Y, THEOBALD – Y, TADRICK – Y, HACK – Y. (Passed).

C. Request for Escrows to be closed

LU# 1-10-01 – Norma Vaughn, Block 143.01, Lots 18,19, & 20, - Lot Line Adjustment - Requesting release of remaining escrow

Mr. Theobald asked Mr. Stoner if everything was cleared on this file. Mr. Stoner did not know and will review the file with Kim Decker tomorrow. To be placed on the agenda for the next LUB meeting.

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

Mr. James Giroux, applicant, Block 207.16, lots 5-8, came forward to advise the LUB of the status of his application. He advised that he attended the Highland Lakes Country Club Board meeting two weeks ago where he made an offer to purchase 10-12 feet of the adjacent land. If he owned the land he would not need a variance. The HLCC said he would have to wait until August 2011, for the next HLCC General Meeting vote. Mr. Theobald commented that he didn't think the Building Dept. would want to wait another year and Mr. Giroux agreed. Mr. Theobald suggested that the applicant call Kim Decker and request to be put back on the LUB agenda.

CLOSED THE MEETING TO THE PUBLIC

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

Performance and Maintenance Bonds

Mr. Stoner explained that the current ordinance states that the LUB may require a performance guarantee (120% of the cost of improvement with 10% of total to be paid as cash) be put in place as a condition of the preliminary and final site plan approval. This is done to create leverage to make sure that the applicant will do what they propose in their application. Mr. Stoner commented that this requirement can put a heavy burden on the applicant if the project is small. He recommended that with larger applications or a project that involves public utilities, parking lots, or a past history of

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violations, it is good to require a performance guarantee at the time of preliminary and final site plan approval. However, with smaller site plans, some of the area boards are not requiring a performance guarantee. In these cases the Engineer and Construction Official make sure all the improvements are completed before they get to a temporary C.O. situation.

Upon further research into what other towns require, Mr. Stoner reported that it seems to be decided on a case-by-case basis. There are a few towns that will not have a hearing for final site plans at all. In this case a preliminary site plan is done and after the improvements are completed, the applicant comes back to the board for a final approval.

Councilmember Seufert commented that lenders like to see a performance guarantee in place because if something happens and the borrower does not complete the improvements then the lender can go to the town for that money to complete the project.

Mayor Rinker asked the board members how they feel about reducing the requirements for smaller projects such as when an applicant wants to enlarge a parking lot from 10 spaces to 16 spaces. Mr. Theobald suggested providing the ordinance to the LUB members for review and discussing this matter again at the next meeting.

PUBLIC HEARINGS

United States Fish and Wildlife Service - Block 269.15, Lots 1 & 1.01 – Lot Line Adjustment

Mr. Russell Palubniak, Surveyor, and Mr. Thomas Sampson, Realty Specialist with U.S. Fish & Wildlife Service, came forward and were sworn in by Ms. Leo. Mr. Palubniak advised that the applicant is requesting a lot line adjustment and Mr. Sampson advised that the applicant is also requesting a release from a deed restriction that was imposed by the Planning Board in 1992. He suggested that this release could be contingent upon the sale of the property to the U.S. Fish & Wildlife Service. The current title holders, the Lombardi's, would like to convey title to the easement portion (Stone Canyon) of their parcel to two other parties so that when the U.S. Fish & Wildlife Service acquires the land which will be added to the Wallkill National Wildlife Refuge, there will be no encumbrance on the parcel.

There exists a deed restriction that prohibits development and access by the general public on the one acre that is located at the bottom of a steep rocky gorge. No one will ever build on the parcel. However, the U.S. cannot take title to the land as long as the deed restriction is in place.

OPENED THE MEETING TO THE PUBLIC

No one came forward.

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CLOSED THE MEETING TO THE PUBLIC

Motion: A motion was made by Mr. Tadrick to approve of a minor subdivision that excises the conditions requiring the scenic wild stone canyon, requiring a deed excising that condition of the 1992 resolution, revised in the deed recorded, and the minor subdivision. This will be conditioned upon the transfer of the property to the U.S. Government. Ms. Cocula seconded the motion. ROLL CALL: BORISUK – Y, COCULA – Y, PALADINI – Y, RINKER – Y, SEUFERT – Y, MURHPY – Y, THEOBALD – Y, TADRICK – Y, LYNCH – Y. (Passed).

LU# 1-09-2 – N.S. Enterprises, Inc, Block 184.01, Lot 6 – Requesting that a Condition from a Prior Approval be Removed from the Resolution

Mr. Nicholas Sarapuchiello, applicant, came forward and was sworn in by Ms. Leo. The applicant advised that the resolution for his application requires a bond equaling 120% of the project cost which he cannot afford to pay. He also advised that this requirement is impeding the start of the project. He explained that the materials for the building have been purchased, the property has been in use for 34 years for his business and it was the town's suggestion that he build this building for storage of items that were previously stored outside. He would like the condition removed so that he can get his permit to start the construction before the winter.

Ms. Caldwell asked what improvements have been completed to date. Mr. Sarapuchiello advised that none have. However, the property has been in use for his business for 34 years. He commented that he has since moved a lot of his machinery to another property elsewhere. He confirmed that he wants to complete this project and build the building.

OPENED THE MEETING TO THE PUBLIC

Mr. Zinno, resident, came forward and stated a brief comment which was inaudible.

CLOSED THE MEETING TO THE PUBLIC

Motion: A motion was made by Mr. Borisuk to waive the bonding requirement Subject to the applicant getting the Temporary Certificate of Occupancy ("C.O.") for the building and if at the point when the applicant receives the C.O., everything is completed then he will not be required to bond for the balance of the work to be done. The work is to be completed within 1.5 years. Mayor Rinker seconded the motion. ROLL CALL: BORISUK – Y, COCULA – N, PALADINI – Y, RINKER – Y, SEUFERT – N, MURHPY – Y, THEOBALD – Y, TADRICK – Y, LYNCH – Y. (Passed).

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LU# 8-10-7 – Frank Land, Block 154.20, Lot 3 - Variance for a Shed over Fifteen Feet High

Ms. Leo determined that this is a C-variance and therefore the governing body members could remain for the hearing.

Mr. Frank Land, applicant, came forward and was sworn in by Ms. Leo. Mr. Land advised that he was told by the building department that he could build his shed but he understood that if he went above 250 square feet it would require a building permit. During construction he received a letter stating that he needed to obtain a building permit as the shed was over 100 square feet. The shed is 20 x 12 feet. He then drew up plans and applied for the permit. At which time, he was told the structure was too high and he needed to get a variance. Mr. Land testified that if he had known the rules, he would have made the shed smaller. Mr. Land passed around pictures of the house in front of the shed and advised that the shed, when finished, will mimic the house. Mr. Land confirmed that the shed will be strictly for storage purposes. No business or person will reside in the shed.

Ms. Caldwell asked the applicant the distance between the shed and the house. Mr. Land advised that it is nearly 20 feet from the house and 10 feet from the septic. Ms. Caldwell confirmed that the height of the shed is 20 feet 7 inches. Mr. Land confirmed that the shed will only be used for storage, now and forever, and will not be used for a garage. Mr. Land advised that the shed's height was constructed to 20'7" because he used all of the free lumber at his disposal and he wanted the shed to be proportional to the house. He also stated that many of the items that will be stored in the shed were stored outside previously.

Mr. Stoner commented that no further trees should be cut down due to the visibility of the shed to neighbors.

OPENED MEETING TO THE PUBLIC

Mrs. Land came forward to advise that she has a hardship because Mr. Land is an avid woodworker and has taken up all the available room in the basement for his tools and she needs room to store her shoes.

A neighbor, Mr. Bill Jackson, came forward to advise that the shed is a huge structure. He doesn't object to the structure. However, it is a large building and there is no screening. Mr. Jackson passed around a photograph. It was confirmed that notice for the variance was properly completed.

Motion: A motion was made by Mr. Borisuk to approve of the variance for height with the conditions that Mr. Land discusses a landscaping plan with his neighbor, Mr. Jackson, for screening the shed from his view, the shed be used for storage only with no permanent occupancy and that the project be completed within 6 months. Mr. Tadrick seconded the motion. ROLL

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CALL: BORISUK –Y, COCULA – Y, PALADINI – Y, RINKER – Y, SEUFERT – N, MURHPY –Y ,THEOBALD– Y, TADRICK – Y, LYNCH – N. (Passed).

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

Performance and Maintenance Bonds

Mr. Stoner, Board Engineer, commented that there are certain circumstances where it may make sense to waive the requirement and he will provide a copy of the ordinance for the LUB members for their review prior to the next meeting.

Traffic Impact Fees

Mr. Stoner would also like to provide further information to the LUB members regarding traffic impact fees such as how the fees are calculated and what properties are impacted.

Mayor Rinker commented that other properties not located within the Town Center are being charged traffic impact fees. She feels this should be addressed from a legal standpoint.

Lot Development Plan Permits

Mr. Stoner advised that these permits are for additions/sheds over 500 square feet in size and protects from any runoff, soil erosion, water quality issues, etc. Mr. Stoner commented that questions are raised in his mind such as are these permits a duplication and how are waivers being granted.

Mayor Rinker commented that there are pros and cons to these permits. She has found that on the bigger lots, where the tanks will fit, they are not needed and on the smaller lots where they aren't required, may in fact require the tanks for runoff.

Mr. Stoner advised that he has some recommendations on the Lot Development fees and changes and will provide them at the next meeting for a possible recommendation to the Town Council.

OPENED MEETING TO THE PUBLIC

Mr. Zinno came forward and made a comment that the LDP's can be a burden on small lots. His recommendation would be to not require and LDP for any size additions.

MEETING CLOSED TO THE PUBLIC

CLOSED SESSION

STANHILL CONSERVATION APPLICATION

Motion: A motion was made by Mr. Borisuk to go to closed session. Ms. Paladini seconded the motion.

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MEETING REOPENED TO OPEN SESSION

Items discussed in closed session were the Stanhill Conservation application and the letter from the Land Conservancy stating the various figures connected with buying the property.

The LUB members would like more information from the Environmental Commission. Ms. Paladini/or the LUB Board Secretary will advise Mr. Miranda and ask him to be present at the next LUB meeting so that many questions may be answered. Mr. Stoner suggested that a presentation be made to the LUB with a map showing the proposed Greenway.

MINUTES

August 25, 2010 – Regular Meeting Minutes

Motion: A motion was made by Mayor Rinker to approve of the 8/25/10 minutes. Ms. Murphy seconded the motion. All were in favor.

A. Board Fees

1. Board Planner – Jessica Caldwell, AICP – Harold E. Pellow & Associates
 - Land Use Board Business – Services through 7/29/10 – (\$477.25)
 - LU# 6-10-4 – Carol Shahin Giroux – Services Through 7/29/10 – (\$339.00)

- Cynthia Davis – Recording Secretary
- DOS – 8/24/10 – 9/2/10 - (\$84.00)

Motion: A motion was made by Councilmember Seufert to approve of the Board Fees for Cynthia Davis (\$84.00) and Harold Pellow & Assoc. (\$339.00). Mayor Rinker seconded the motion. All were in favor.

NOTE: The Harold Pellow & Associates bill for \$477.25 is in question and will be further revised and resubmitted for the next LUB meeting.

Discussion: Councilmember Seufert

Ms. Seufert would like Mr. Stoner to research outdoor furnaces. Mr. Theobald advised that the zoning officer advised him that all outdoor furnaces would have to come before the LUB as a non-conforming use.

Ms. Seufert would like to have the zoning for parking boats/trailers reviewed because residents can park trailers and boats on the road without being cited.

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Mayor Rinker announced that the Town Manager will be scheduling a work session to discuss the Property Maintenance Ordinance in October 2010.

Discussion: Ms. Paladini

Ms. Paladini asked what has happened to site visits by the LUB members. She was advised by Mr. Theobald that this will be done on a case-by-case basis. Ms. Paladini said that while she likes to receive materials electronically she would also like to be provided with the meeting materials printed out. Mr. Theobald advised her that it was discussed at a prior meeting that the members receive the meeting materials electronically to be printed out by themselves. However, if she or any other member wanted to, they can contact the office and request any of the materials to be printed out and put in their box.

Discussions: Resolutions

It was discussed that the resolutions be provided to the LUB members by the Friday before the meeting.

ADJOURNMENT

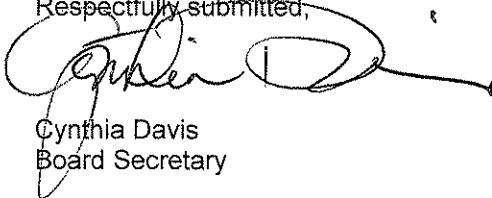
Councilmember Seufert made a motion to adjourn the meeting at 10:33 p.m. Mr. Borisuk seconded the motion. All were in favor. None were opposed.

Transcribed by Cynthia Davis on September 15, 2010.

CERTIFICATION

I, the Board Secretary, hereby certify that the above minutes were approved at the regularly scheduled Land Use Board meeting on September 22, 2010.

Respectfully submitted,



Cynthia Davis
Board Secretary