

**VERNON TOWNSHIP  
LAND USE BOARD  
REGULAR MEETING MINUTES  
September 22, 2010**

Mr. Borisuk, LUB Vice-Chair, called the meeting to order at 7:03 p.m.

Please note that due to microphone issues and the air conditioning units running, some of the conversations held at the applicant's table are inaudible. As such, many of the discussions are brief.

**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
Jessi Paladini	P
Mayor Rinker	P
Council Mbr Seufert	P
Jean Murphy	P
Martin Theobald	NP
Joseph Tadrick	P
Brian Lynch (#1 Alt)	NP
Chris Hack (#2 Alt)	P
Jack Smith (#3 Alt)	P
Ed Rolando (#4 Alt)	P

**ALSO PRESENT**

Michael Garofalo, Esq. – Board Attorney  
Jessica Caldwell, Board Planner  
Cynthia Davis, Recording Secretary  
Corey Stoner, Board Engineer

Please note that Mr. Theobald advised the LUB that he would not be attending the meeting tonight.

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**PUBLIC PARTICIPATION**

**Opened the Meeting to the Public for items other than those listed on the Agenda**  
No one came forward.

**Closed the Meeting**

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**PUBLIC HEARINGS**

- LU# 8-10-9 – Walsh/Taylor, Block 150.09, Lots 4, 6 & 7 – Lot Line Adjustment

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Mr. Robert Jordan, surveyor, Mrs. Walsh and Mrs. Taylor, applicants, all came forward and were sworn in. The applicants will be taking a non-conforming lot and making it a conforming lot with the lot line adjustment.

**Meeting opened to the Public.**

No one came forward.

**Meeting closed to the Public.**

**Motion:** A motion was made by Council Member Seufert to approve the application. Mayor Rinker seconded the motion. ROLL CALL: BORISUK – Y, COCULA – Y, GORNSTEIN – Y, PALADINI – Y, RINKER – Y, SEUFERT – Y, MURHPY – Y, TADRICK – Y, HACK – Y. (Passed).

**ZB# 4-06-6 – Glenwood Management, LP,** Block 231, Lot 14 – Convert an Approved Age-Restricted Housing Development to Market Rate Units (Note: Councilmember Seufert and Ed Rolando stepped down from participating in this Hearing.)

Ira Weiner, Esq., came forward and discussed the application with the LUB.

**Motion:** A motion was made by Mayor Rinker to approve the application. Mr. Gornstein seconded the motion. ROLL CALL: BORISUK – Y, COCULA – Y, GORNSTEIN – Y, PALADINI – Y, RINKER – Y, MURHPY – Y, TADRICK – Y, HACK – Y. (Passed).

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**RESOLUTIONS**

1. **LU# 1-09-2 – N.S. Enterprises-** Block 184.01, Lot 6 - Removal of a Condition of Approval

**Motion:** A motion was made by Mr. Tadrack to approve of the resolution, as written. Ms. Cocula seconded the motion. ROLL CALL: BORISUK – Y, COCULA – Y, PALADINI – Y, RINKER – Y, SEUFERT – Abstained, MURHPY – Y, TADRICK – Y. (Passed).

2. **LU# 8-10-7 – Frank Land –** Block 154.20, Lot 3 – “c” Variance

Ms. Paladini commented about her concern that the resolution should state that there be NO occupancy allowed with the word “permanent” being deleted, as this is what was stated in the original motion. She also commented that it was stipulated that the shed not be for any type of business use and this statement should be added to the resolution.

**Motion:** A motion was made by Ms. Paladini to approve of the resolution with the revisions stated above. Mayor Rinker seconded the motion.

**ROLL CALL: BORISUK – Y, COCULA – Y, PALADINI – Y, RINKER – Y, SEUFERT – Y, MURHPY – Y, TADRICK – Y. (Passed).**

**3. LU# 7-10-6 – Hank Fierro – Block 113, Lot 1 – Front Yard Setback Variance**

**Motion: A motion was made by Mayor Rinker to approve of the resolution. Ms. Paladini seconded the motion. ROLL CALL: BORISUK – Y, COCULA – Y, PALADINI – Y, RINKER – Y, MURHPY – Y, TADRICK – Y, HACK – Y, SMITH - Y. (Passed).**

**4. United States Fish & Wildlife Service – Block 269.15, Lot 1 – Lot Line Adjustment and Removal of a Condition of Approval**

**Motion: A motion was made by Mayor Rinker to approve of the resolution. Councilmember Seufert seconded the motion. ROLL CALL: BORISUK – Y, COCULA – Y, PALADINI – Y, RINKER – Y, SEUFERT – Y, MURHPY – Y, TADRICK – Y. (Passed).**

**5. Vernon Township Resolution – Appointing and Retaining Cory Stoner of the Firm Harold Pellow & Associates as Land Use Board Engineer**

**Motion: A motion was made by Mayor Rinker to approve of the resolution. Ms. Cocula seconded the motion. ROLL CALL: BORISUK – Y, COCULA – Y, GORNSTEIN – Y, PALADINI – Y, RINKER – Y, SEUFERT – Y, MURHPY – Y, TADRICK – Y, HACK - Y. (Passed).**

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

**Performance and Maintenance Bonds**

Mr. Stoner came forward and a discussion ensued regarding the pros and cons of, and the different options for requiring performance bonds for different sized projects. One of the options discussed was not requiring bonding for preliminary site plan approval but having the applicant come back for a final approval and requiring a bond at that time for the items not completed. A restoration guarantee could be another way of approaching this issue.

Mayor Rinker feels there should be 2 categories for bonding requirements so that there could be leniency with smaller projects.

Ms. Caldwell suggested that the applicant could be informed that they have the option of bonding up front or coming back for final approval and possibly having to bond then for the items not completed. Mayor Rinker stated that this could bring a glitch in approvals for financing.

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### **OPENED THE MEETING TO THE PUBLIC**

Mr. Zinno came forward to ask if it would be possible that the LUB would be accused of discrimination if one applicant is not required to have a bond over another applicant with a similar project. Mr. Garofalo advised that, no, rarely are any two applications similar enough that the question of discrimination would surface.

### **CLOSED THE MEETING TO THE PUBLIC**

**Motion:** A motion was made by Mayor Rinker to ask Mr. Stoner to make a recommendation to the LUB members as to where to best separate/divide the requirements for performance bonds in connection with the different sized building applications. Mr. Gornstein seconded the motion. ROLL CALL: BORISUK – N, COCULA – N, GORNSTEIN – Y, PALADINI – Y, RINKER – Y, SEUFERT – Y, MURHPY – Y, HACK – Y, SMITH - Y. (Passed).

### **Traffic Impact Fees**

Traffic Impact Fees were discussed briefly.

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### **CLOSED SESSION**

NONE

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### **MEETING WAS OPENED TO THE PUBLIC FOR ITEMS OTHER THAN LISTED ON THE AGENDA**

MR. MIRANDA CAME FORWARD TO FURTHER DISCUSS THE GREENWAY PROJECT AND THE PROPERTIES NEEDED TO BE PURCHASED TO CONTINUE THE PATH INCLUDING THE STANHILL PROPERTY. HE STATED THAT HE FEELS THE PROPERTIES CAN BE PURCHASED WITH THE MONEY ALREADY IN THE BANK FOR THIS PURPOSE. HE SAID THE GOAL IS TO GET THE GREENWAY FROM MAPLE GRANGE ROAD THROUGH MASKER MARSH TRACT ACROSS THE ROAD INTO THE PARK AND THEN WORK SOUTH TO VERNON CROSSING ROAD AND ON.

MAYOR RINKER SUGGESTED THAT A CLEAR PLAN NEEDS TO BE MADE WHICH WOULD INCLUDE CONDUCTING A STUDY AND GATHERING INFORMATION TO COME UP WITH AN ESTIMATE OF WHAT IT WOULD COST TO COMPLETE THE GREENWAY.

MR. GAROFALO ADVISED MR. MIRANDA THAT THE ONLY THING HE COULD ASK THIS BOARD TO ACT ON TONIGHT WOULD BE TO ASK MR. STONER TO MAP THE GREENWAY.

MR. SMITH ASKED WHETHER A PORTION COULD BE PURCHASED, INSTEAD OF A WHOLE PARCEL, FOR OPEN SPACE.

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## MINUTES

### September 8, 2010 – Regular Meeting Minutes

**Motion:** A motion was made by Ms. Paladini to approve of the 9/7/10 regular meeting minutes. Ms. Murphy seconded the motion. ROLL CALL: BORISUK – Y, COCULA – Y, PALADINI – Y, RINKER – Y, SEUFERT – Y, MURPHY – Y, HACK – Y.

### September 8, 2010 – Closed Session Minutes

**Motion:** A motion was made by Mr. Hack to approve of the 9/8/10 closed session minutes. Mayor Rinker seconded the motion. ROLL CALL: BORISUK – Y, COCULA – Y, PALADINI – Y, RINKER – Y, SEUFERT – abstained, MURPHY – Y, HACK – Y.

Mr. Gornstein asked whether the closed session minutes could be released to the Public. Mr. Garofalo advised that there is no legal time limit to release executive session minutes but the minutes cannot be released until they are approved by the LUB. The minutes should be released when they are approved and when the matter discussed is no longer sensitive.

**Motion:** A motion was then made by Mayor Rinker to un-release the closed session minutes of the 9/8/10 LUB meeting. Mr. Gornstein seconded the motion. Ms. Seufert abstained. The rest of the LUB were in favor.

**Motion:** A motion was then made by Councilmember Seufert to have the LUB attorney review all closed session minutes prior to the meeting for a recommendation whether the minutes will be voted on to be released/approved. Mayor Rinker seconded the motion. All were in favor.

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## A. Board Fees

1. Board Attorney – Michael Garofalo, Laddey, Clark & Ryan, LLP  
Land Use Board Business – Services through 8/01/10 – 8/31/10 – (\$825.00)  
Land Use Board Business – US Fish & Wildlife Service – 8/30/10 – (\$45.00)  
LU# 8-10-8 – Toy's Recreation – 8/26/10- (\$60.00)  
LU# 8-10-7 – Frank Land –8/20/10 – (\$45.00)  
LU# 7-10-6 – Hank Fierro – 8/5/10 – 8/26/10 – (\$420.00)  
ZB# 4-06-6 – Glenwood Management – 8/20/10 – (\$75.00)
2. Board Planner – Jessica Caldwell, Harold E. Pellow & Associates Land Use Board Business – Services through 6/4/10 – 7/1/10 (\$1,147.00)

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**Motion: A motion was made by Councilmember Seufert to approve of the Board fees. All were in favor.**

**Read into the record:**

Cynthia Davis – Recording Secretary – DOS 9/7/10 to 9/14/10 (\$132.00)

**Motion: A motion was made by Mr. Smith to approve of the Recording Secretary voucher. Ms. Cocula seconded the motion. All were in favor.**

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**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. Stoner commented that after discussing this matter with Ms. Decker, he would recommend that this escrow be released as he is confident that all has been taken care of pursuant to the resolution.

**Motion: A motion was made by Ms. Paladini and seconded by Councilmember Seufert to approve of the above escrow release. All were in favor.**

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**ADJOURNMENT**

Mr. Smith made a motion to adjourn the LUB meeting at 9:50 p.m. Mr. Gornstein seconded the motion. All were in favor.

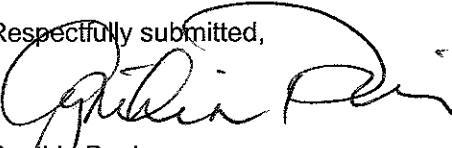
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These minutes were transcribed by Cynthia Davis on September 28, 2010.

**CERTIFICATION**

I, the Board Secretary, hereby certify that the above minutes were approved at the regularly scheduled Land Use Board meeting on October 13, 2010.

Respectfully submitted,



Cynthia Davis  
Board Secretary