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**VERNON TOWNSHIP
LAND USE BOARD
REGULAR MEETING MINUTES
October 27, 2010**

Mr. Theobald, LUB Chair, called the meeting to order at 7:05 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 (arrived 7:15)
Andrea Cocula	P
David Gornstein	P
Jessi Paladini	P
Mayor Rinker	P
Council Mbr Seufert	P
Jean Murphy	P
Martin Theobald	P
Joseph Tadrick	P
Brian Lynch (#1 Alt)	NP
Chris Hack (#2 Alt)	P
Jack Smith (#3 Alt)	NP
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. Smith and Mr. Lynch informed the office that he would not be attending tonight's meeting.

PUBLIC PARTICIPATION

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

No one came forward.

CLOSED MEETING TO THE PUBLIC

PUBLIC HEARINGS

None.

RESOLUTIONS

- **ZB# 10-06-17 – Sally Rinker, Block 122, Lot 1 – Final Major Subdivision – Requesting Extension of Time -**

Motion – Mr. Gornstein made a motion to approve of the resolution with the subject property address revision of 132 Lake Walkkill Road. Mr. Rolando seconded the motion. ROLL CALL: GORNSTEIN – Y, PALADINI – Y, THEOBALD – Y, ROLANDO – Y.

- **PB# 8-07-12 – The Cedars at Black Creek Reserve, LLC, Final Major Subdivision – Requesting Extension of Time. (A revision will be made naming Ed Talmo as the applicant, not the attorney.)**

Motion – Mr. Gornstein made a motion to approve of the resolution. Mr. Rolando seconded the motion. ROLL CALL: GORNSTEIN – Y, PALADINI – Y, THEOBALD – Y, ROLANDO – Y.

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

Performance and Maintenance Bonds

Mr. Stoner came forward and discussed his memo dated October 13, 2010, regarding Performance Guarantees. It is Mr. Stoner's recommendation that Performance Guarantees be required for projects that create land disturbance of one or more acres. This fits the criteria for "Major Developments" pursuant to the Vernon Township Land Development Code and the NJDEP storm water management regulations. It is Mr. Stoner's opinion that this will eliminate the hardship for developers of smaller projects. He went on to explain that smaller projects with disturbance of less than an acre, there is still protection in place as the applicant will not receive their Certificate of Occupancy until all improvements are complete. Section 330:57, of the ordinance may be amended.

Mr. Garofalo explained that the LUB will determine whether a Performance Guarantee is required on any given application and make it a condition of the resolution. However, when an applicant goes to his insurance/bonding company to get a guarantee, it must be to the order of Vernon Township, not the Vernon Township LUB.

Councilmember Seufert confirmed that the Town Center lots are mostly under an acre, which in her opinion, is a concern because under Mr. Stoner's recommendation performance guarantees will not be required. Mr. Stoner explained that there will still be leverage as the applicant cannot move into the space until all items on the plan are complete.

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Motion:

Mr. Gornstein made a motion to authorize Mr. Stoner to revise the requirements for the Performance and Maintenance Bond ordinance as outlined in the discussion. Mayor Rinker seconded the motion. ROLL CALL: BORISUK – N, COCULA – Y, GORNSTEIN – Y, PALADINI – Y, RINKER – Y, SEUFERT – N, MURPHY – Y, THEOBALD – Y, TADRICK – Y. Passed.

Lot Development Plan Permits (“LDP”)

Mr. Stoner explained that an LDP is required for every new structure on any undeveloped residential lot or, in addition, for an accessory structure larger than 500 square feet on a developed residential lot or a commercial lot that is not subject for an approval or variance. The LDP is meant to safeguard against adverse consequences of uncontrolled surface water drainage, degradation of wetland position areas, guard against pollution of streams, guard against negative impact to surrounding properties, etc. Mr. Stoner advised that the fee for new house development is \$700 which covers the review of the site and covers up to 3 revisions of the plans and, also allows for 3 inspections of the property. The fee for an addition or accessory structure, less than 500 square feet, is \$250.00.

Mayor Rinker feels that there is a need for storm water tanks on smaller lots more often than on big lots. However, the applicants with projects on smaller lots have been able to get waivers for the storm tanks. She also commented that the tanks may not be functioning properly due to the fact that there is no requirement to maintain the tanks and they may be filling up with debris over the years.

Mr. Garofalo confirmed that LDPs are used when there is construction on a residential lot that would not trigger review by the LUB, no site plan (because it's residential) and is not a subdivision.

The LUB members do not want to do away with LDPs.

Mayor Rinker does not feel that Vernon Twp. is properly equipped to do soil erosion inspections, which are part of the LDP and, therefore, they are not being done. She suggested that the soil conservation part of the LDP could be done by the County.

Mr. Stoner will provide more information at the next LUB meeting regarding the County soil conservation department taking over the inspections for the LDPs and whether the fees for LDPs can be reduced. Mayor Rinker would like the requirement for storm water tanks to be excluded for large lots, pursuant to a review by the engineer. Mr. Theobald agreed that applications with less than 5 acres be excluded from having storm water tanks pursuant to a review by the engineer. The other LUB members agreed.

Storage of Recreational Vehicles and Equipment in Residential Districts

Mr. Garofalo asked the members to think long and hard about an ordinance to control this issue as it is usually not a township-wide problem. You need to be convinced that Vernon has a problem with people parking recreational vehicles and other types of equipment in their driveways and that it's ruining the esthetic value of Vernon.

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This issue will be discussed further at a future date.

Escrow Fees

Mr. Stoner will put a list together of other area fees and make some recommendations regarding Vernon's fees at a future date.

Traffic Impact Fees

Mr. Garofalo advised that the ordinance for traffic impact fees is a way of a municipality to recoup from a developer the added burden to municipal cost that is necessitated by the developer's construction. A municipality is entitled by law to recoup from a private developer the cost to the municipality that that development brings. He added that the ordinance must tell the developer, in very specific terms, what the traffic impact fee will be.

Traffic impact fees for the Town Center were discussed. The LUB members agreed that the current traffic impact fees are excessive.

Mr. Stoner suggested that there has to be some rational basis to the ordinance coupled with the applicant knowing when he gets his approval what the traffic impact fee will be. Mr. Garofalo advised the members that not all towns have traffic impact fees. Mayor Rinker was concerned with the fact that all properties along Route 94 are being charged traffic impact fees regardless of the fact that some are not located within the town center area.

The money is intended to be used for the financial impact that Vernon has to incur based on a developer's development. Such as the possibility of needing to put up a traffic light or pay for extra police coverage. At this time, the money collected has just been sitting in an account according to Mayor Rinker.

The LUB members agreed to discuss this issue further after Mr. Stoner provides some further information.

Discussion

Mayor Rinker said that she had gotten a call from the management of the A&P regarding adding an additional sign to the tower of signs. The management of the A&P was told they would have to do an entire site plan and come before the LUB and all of this would cost approximately \$5,000.00. The applicant asked the Mayor if they really have to go through with the entire process. Mr. Garofalo advised that signs are heavily regulated, on paper and added that if the Zoning Officer feels he can approve this, he should be able to, without the LUB approval. He explained that it is the LUB's job to defend the Zoning Officer's decision. If a variance was required to install the sign, then the applicant must come back before the board for a variance for any change to that sign. It was agreed that the applicant should write a letter to the LUB requesting to come before the LUB regarding adding a sign to the tower.

Mr. Theobald asked what will happen to this LUB with the new form of government. He was advised that the board will be abolished as of July 1, 2011, and all new appointments must be made.

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CLOSED SESSION

NONE

MINUTES

October 13, 2010 – Regular Meeting Minutes

Motion: A motion was made by Mr. Gornstein to approve of the 10/13/10 regular meeting minutes. Mr. Theobald seconded the motion. **ROLL CALL: BORISUK – Y, GORNSTEIN – Y, PALADINI – Y, MURPHY – Y, THEOBALD – Y, ROLANDO – Y.**

A. Board Fees

(Read into the record)

1. Board Recording Secretary - Cynthia Davis DOS – 10/21/10-10/27/10 – (\$24.00)

Motion: A motion was made by Councilmember Seufert to approve of the above referenced Board fee. Ms. Paladini seconded the motion. All were in favor.

B. Request for Escrows to be closed

None.

ADJOURNMENT

Mr. Borisuk made a motion to adjourn the LUB meeting at 9:30 p.m. Ms. Paladini seconded the motion. All were in favor.

These minutes were transcribed by Cynthia Davis on December 3, 2010.

CERTIFICATION

I, the Board Secretary, hereby certify that the above minutes were approved at the regularly scheduled Land Use Board meeting on December 8, 2010.

Respectfully submitted,


Cynthia Davis
Board Secretary