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**VERNON TOWNSHIP
LAND USE BOARD
REGULAR MEETING MINUTES
December 8, 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
Andrea Cocula	NP
David Gornstein	P
Jessi Paladini	P
Mayor Rinker	NP
Council Mbr Seufert	NP
Jean Murphy	P
Martin Theobald	P
Joseph Tadrick	P
Brian Lynch (#1 Alt)	Resigned, due to his inability to serve on the LUB
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
Corey Stoner, Board Engineer

NOTE: Ms. Paladini advised that Mr. Lynch has resigned from the LUB due to his ineligibility to serve on the board as he is a new Council Member. Ms. Paladini read Mr. Lynch's letter of resignation into the record at the end of this meeting. Mr. Theobald advised the LUB that Ms. Cocula, Mayor Rinker and Council Member Seufert had called the office to advise they would not be present at tonight's meeting.

PUBLIC HEARINGS

- **PB# 2-08-2 – Mountain Creek Resort, Inc.**, Block 183, Lots 12 &13, Block 184, Lots 10, 12, 13, 14, 15, 16, 18, 25, & 25.01, Block 190 Lots 9, 10, & 10.01, Block 188.01 – Amended Preliminary & Final Site Subdivision & Preliminary Site Plan – Requesting Extension of Time

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Bernd E. Hefele, Esq., attorney on behalf of the applicant, came forward to request an extension of the final site plan approval which was granted in 2008 for the day lodge. He explained that Mountain Creek Resorts changed hands in May 2010, and the plans are to begin building the day lodge next building season - 2011. However, in order to do that they will need the final approval extended for 2 years to April 2012. There are no changes, modifications or amendments being requested in regard to the application.

Mr. Garofalo advised that the applicant's application has not expired. The final site plan approval, which was approved in April 2008, has a 2-year period of protection from changes to the ordinance so that they would be allowed to build what was previously approved for a 2- year period after 4/9/2008. The approval never expires. However, the protection from the changes to the ordinance expires. This applicant is asking for further protection through April 2012 and, if possible, April 2013.

Mr. Stoner and Mr. Hefele agreed to meet to go over the conditions connected with the approval.

Mr. Garofalo advised that Mr. Smith of the LUB lives within 200 feet of the development. However, since this is not an application for development, he doesn't legally need to step down from this hearing but Mr. Garofalo suggested that he do so anyway to keep the record clean.

Motion – Mr. Borisuk made a motion to approve the 3-year extension to April 2013. Mr. Gornstein seconded the motion. ROLL CALL: BORISUK – Y, GORNSTEIN – Y, PALADINI – Y, TADRICK – Y, THEOBALD – Y, MURPHY – Y, HACK – Y, ROLANDO – Y.

- **LU# 11-10-10 – Robert Baldwin, Block 94, Lot 1 – Lot Line Adjustment with a Use Variance**

Mr. Theobald advised that the applicant sent a letter requesting that the hearing be moved to the January 12, 2011, meeting. No further notice will be given.

- **LU# 7-10-5 – Verizon Wireless/Cellco, Block 82, Lot 2.01– Construction of a 100' Monopole and 12'x30' Equipment Shelter**

NOTE: Mr. Tadrack and Mr. Hack were dismissed from the meeting prior to this hearing and therefore did not participate in this hearing.

NOTE: Please see the Transcript of this hearing provided by the applicant to the Building and Zoning office.

Motion – Mr. Gornstein made a motion to approve the preliminary and final site plan with D-variance relief. Mr. Smith seconded the motion. The LUB voted and approved of a lattice tower. ROLL CALL: BORISUK – abstained, GORNSTEIN – Y, PALADINI – N, THEOBALD – Y, MURPHY – Y, SMITH - Y.

Mr. Garofalo explained that since a D-variance requires 5 affirmative votes and there were only 4, the application was defeated. Mr. Stanzone asked that Mr.

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Borisuk be able to reconsider his abstention. Mr. Garofalo asked and Mr. Borisuk said that he understood the implications of an abstention. Mr. Garofalo asked Mr. Stanzione to put his legal position into a brief letter to him.

RESOLUTIONS

None.

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

No one came forward.

CLOSED MEETING TO THE PUBLIC

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

The discussion items will be tabled until the next meeting.

CLOSED SESSION

NONE

MINUTES

- **October 27, 2010** – Regular Meeting Minutes (Borisuk, Cocula, Gornstein, Hack, Murphy, Paladini, Rinker, Rolando, Seufert, Tadrick, Theobald)

Motion: A motion was made by Mr. Gornstein to approve of the 10/27/10 regular meeting minutes. Mr. Borisuk seconded the motion. All were in favor.

A. Board Fees

ESCROWS, BOARD FEES AND BOND REDUCTIONS

1. Board Attorney – Michael Garofalo, Laddey, Clark & Ryan, LLP
Land Use Board Business – 10/01/10 – 10/31/10 (\$2,115.00)
Cellco Partnership d/b/a Verizon – LU# 7-10-5- Services Through 10/31/10 – (\$435.00)

2. Board Planner – Jessica Caldwell, Harold E. Pellow & Associates

Land Use Board Business – 8/24/10 & 8/25/10 (\$339.00)
Land Use Board Business – 9/3/10 – 9/30/10 (\$621.50)
Hank Fierro – LU# 7-10-6 – Services Through 9/2/10 – (\$113.00)
NS Enterprises – LU# 1-09-2 Services Through 9/30/10 – (\$141.25)
Frank Land – LU# 8-10-7 – Services Through 9/30/10 –(\$282.50)

3. Board Engineer – Cory Stoner, Harold E. Pellow & Associates

Land Use Board Business – 7/30/10 - 9/2/10 – (\$1,643.00)
Land Use Board Business – 9/3/10 – 9/30/10 – (\$1,140.00)
Cellco Partnership/Verizon – LU# 7-10-5 – Services Through 9/2/10 –
(\$1,573.75)
Hank Fierro – LU# 7-10-6 – Services Through 9/2/10 – (\$229.50)
Walsh/Taylor – LU# 8-10-9 – Services Through 9/2/10 – (\$244.25)
NS Enterprises – LU# 1-09-2 – Services Through 9/30/10 – (\$420.00)
Frank Land – LU# 8-10-7 – Services Through 9/30/10 – (\$234.50)
Coppola – ZB# 10-04-21 – Services Through 9/30/10 – (\$30.00)

4. Board Recording Secretary – Cynthia Davis
Services Through 12/3/10 – (\$99.00)

The dire need that a land use assistant be hired in the Building and Zoning office was discussed. Mr. Theobald agreed to call the Town Manager to convey the LUB's concern regarding this and the discrepancy between the EC and LUB/HPC recording secretary's hourly wages.

Motion – Mr. Smith made a motion to approve of the Board fees above. Mr. Gornstein seconded the motion. All were in favor except for Mr. Borisuk who did not agree with some of the hours listed for the Board Professionals.

B. Request for Escrows to be closed

- **PB# 7-03-11** – Englehardt Construction, Block 122, Lot 7 – Final Major Subdivision – Requesting release of remaining escrow
Mr. Stoner advised that there are no plans to move forward with this application.

Motion – Mr. Borisuk made a motion to approve of the above escrows to be closed, above. Mr. Gornstein seconded the motion. All were in favor.

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- **PB# 9-05-11** – Festival Fun Parks, LLC, d/b/a Mountain Creek Water park, Block 190, Lots 11, 12, 13 and part of 16 – Preliminary and Final Site Plan – Requesting release of remaining escrow

Mr. Stoner advised that the applicant has no intention of moving forward with this application.

Motion – Mr. Borisuk made a motion to approve of the above escrows to be closed, above. Mr. Gornstein seconded the motion. All were in favor.

ADJOURNMENT

Mr. Borisuk made a motion to adjourn the LUB meeting at 9:36 p.m. Mr. Gornstein seconded the motion. All were in favor.

These minutes were transcribed by Cynthia Davis on January 6, 2011.

CERTIFICATION

I, the Board Secretary, hereby certify that the above minutes were approved at the regularly scheduled Land Use Board meeting on January 12, 2011.

Respectfully submitted,


Cynthia Davis
Board Secretary