

**VERNON TOWNSHIP COUNCIL  
SPECIAL MEETING**

**March 6, 2008**

The Special Meeting of the Township Council of the Township of Vernon was convened at 7:09 p.m. in the Vernon Municipal Center, Church Street, Vernon, New Jersey with Mayor Austin Carew presiding. There were 25 interested persons in attendance.

**STATEMENT OF COMPLIANCE**

Adequate notice of this meeting has been provided to the public and the press January 29, 2008 by delivering to the press and posting at the Municipal Building pursuant to the provisions of the Open Public Meetings Act. The purpose of this meeting is for the purpose of McAfee Village Redevelopment.

**SALUTE TO THE FLAG**

The Mayor led the assemblage in the salute to the flag.

**ROLL CALL OF MEMBERS**

The roll call of members was called and Richard Carson, Glenn McLaughlin, and Austin Carew answered the call. Also present were Melinda Carlton, Township Manager, and Michael Witt, Township Attorney. Let it be noted that Neil Desmond arrived at 7:25 p.m. and James Oroho arrived at 7:34 p.m.

**OPEN TO THE PUBLIC**

Mike Tomasullo. Mr. Tomasullo said he has been in the real estate business for 28 years and owns a few condominium units located at Black Creek and Northwood. He stated that he is in support of this application providing it does not generate year-round residents and school-age children. It would be a great place to generate business for Vernon.

There being no further comments and/or questions, the Mayor closed the meeting to the public.

**PRESENTATIONS**

**McAfee Village Redevelopment – Crystal Springs Builders, LLC –**

Bob Benecke stated this is a return visit to present the redevelopment of Gene Mulvihill's property to be consistent with that of the McAfee Village Redevelopment Area ordinance. The Planning Board held their hearing on October 10, 2007 to discuss the McAfee Village Redevelopment Area, which was transmitted back to the council. He said the Mulvihill group has retained new council, Bob Goldsmith, and they have offered suggestions and revisions to be consistent with the redevelopment area. The group has asked for two issues to be resolved. For one issue, a balloon test will be performed so that the council can be satisfied with the height requirement. The second issue, relevant to prior discussion, concerns an understanding between the township and the developer that there will be no occupancy restrictions on the vacation-type units. Mr. Benecke stated the McAfee Ski Shop owner has indicated that he did not want his business to be included in the McAfee Redevelopment Plan Area. The zone is titled McAfee Village Mixed Use Zoning District, which essentially includes 550 vacation-type residences, and a centerpiece with a hotel and water park. A maximum of three (3) hotels and 1,764 hotel units (rooms) are permitted in the McAfee Village Mixed Use zone. It is contemplated that the Sammis property will have two (2) hotels having a maximum of 400 rooms, to be included in the extended McAfee Village Mixed Use Zone. Mr. Benecke stated the Sammis property needs to be revisited since it was never researched, studied, or investigated to determine if it can be included in the redevelopment area. The centerpiece of the project is the indoor water park hotel complex, which is one of the three hotels. It will be a recreation resort destination and will be larger than what Legends featured. The hotel rooms will vary in size from 200 to approximately 3,000 square feet. The hotel rooms will be available for consecutive rental periods, but not more than 30 days. The Indoor Water Park Hotel complex may include a hotel with a

maximum height of 10½ stories, or 125 feet, from grade. The calculation does exclude chimneys and certain appurtenances. In addition, the Indoor Water Park Hotel may exceed the height of the hotel by 1½ stories or 15 feet, whichever is less. The height of the remaining two hotels shall not exceed the lesser of 4½ stories or 54 feet, measured vertically from the highest elevation adjacent to the front base, or natural grade of the building. There will be a maximum of 220,000 square feet of commercial space, including the indoor water park, hospital/medical space, and hotel retail space. Mr. Benecke stated Andy and Gene Mulvihill will address the council on their ownership interest in the property. In addition, they request to be designated as redeveloper of their property. The Highlands Council defines steep slopes as a grade of 20%. There is a restriction that there shall not be more than 69 acres built upon the steep slopes. To keep the rural character of the McAfee community, there is a list of full restrictions incorporating the landscape.

Andy Mulvihill. Mr. Mulvihill gave an overall visual presentation on the Crystal Springs resort. He provided background information and comparative analysis with Hardyston Township to Great Gorge, and how they can execute the McAfee Redevelopment Plan. He said they have built 900 homes, and in addition, Hardyston Township approved 1,600 new homes along with an additional 1,000. Mr. Mulvihill said their intention is to build the type of housing at Great Gorge that was completed at Crystal Springs. The reason is that the views are more spectacular at Great Gorge than they are at Crystal Springs, and the homes would be of exclusive quality for second-home buyers and retirees. The Great Gorge golf course needs to be upgraded, he said, and a spectacular water park hotel would create a desirable community for retirees and second-home owners to own. Mr. Mulvihill distributed to the council booklets on the McAfee Redevelopment. Questions were asked by the council. A lengthy discussion followed to the developer on whether or not a balloon test and aquifer study were done, and the type of tax revenues this project would bring in. Neil Desmond stated as part of the General Development Plan the applicant will be required to submit a market study. Secondly, only 50% of the steep slopes are allowed to be disturbed per the ordinance. The design and development of buildings and structures, which may include limited development on certain ridgelines, shall be undertaken in a manner that accomplishes the purposes of the redevelopment plan; where possible, structures shall incorporate the natural surroundings and features of the area into the final design. The buildings standards are commonly referred to as green or environmentally friendly standards. Lou Kneip asked if the property would be impacted by the C1 stream regulations, and Andy Mulvihill said yes, and that the development would be designed around the stream regulations. Neil Desmond asked if the aquifer on the property in question is tied into the same aquifer as Maple Grange Park, and Lou Kneip said possibly. Mr. Desmond asked if Lou Kneip could explain how many gallons per minute the well at Maple Grange Park puts out, and Mr. Kneip said approximately 20 gallons per minute. Bob Benecke stated the requirement for the redevelopment plan and the ordinance is to have the redeveloper submit substantial evidence that all Department of Environmental Protection regulations are in compliance prior to submission of the site plan. The zoning requirements outlined in the ordinance say that for every square foot of impervious surface this project generates there shall be at least one square foot of open space for environmentally friendly projects, excluding the golf course and markdown areas from the Department of Environmental Protection. For the 600+ acres (excluding the golf course and wetlands), the developer has to preserve open space and ensure the environment is intact surrounding it. In addition to the market study, plans covering traffic and parking, pedestrians, and the environment are required. Bob Benecke asked if the balloon test could be done over, and Gene Mulvihill said the test was done twice. Lou Kneip suggested that the balloon test be done over again to see multiple corners of a proposed structure on a tranquil day. Mayor Carew asked Andy Mulvihill how many school-age children are in Crystal Springs, and Andy Mulvihill said 7 percent. Bob Benecke will provide the township manager with a modified version of the ordinance. After the town council reviews the ordinance, the council can introduce it, forward it back to the Planning Board for their 60-day review period, and the public can examine the document. Mr. Mulvihill agreed to have traffic studies done.

## **EXECUTIVE SESSION**

At this time, 8:41 p.m., Neil Desmond made a motion to close the meeting to the public and enter executive session to discuss attorney-client privilege, land acquisition and potential contract negotiations. The motion was seconded by Glenn McLaughlin, with all in favor.

## RESOLUTION

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Vernon as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is attorney-client privilege, land acquisition and potential contract negotiations.
3. It is anticipated that the above-stated subject matter will be made available when deemed appropriate.
4. This resolution shall take effect immediately.

The meeting was reopened to the public at 9:44 p.m. The Mayor said they discussed attorney-client privilege, land acquisition and potential contract negotiations.

### OPEN THE MEETING TO THE PUBLIC

Melinda Carlton asked the council how they would want the budget to be reviewed. She provided a couple of options: work sessions with the full council, or the assignment of one or two council members to work with the municipality's financial staff. Ms. Carlton also mentioned the possibility of layoffs, to ease the township's financial burden. The council decided that James Oroho would work along with the financial staff and bring the information back to the council. Melinda Carlton stated a few resolutions—namely, to increase the cap from 2 ½ to 3 ½ percent and the cancellation of the CIP project—would need to be passed by the council.

Gary Martinsen. He asked if the council has a meeting scheduled for Monday to discuss the council's goals. Gary Martinsen commented that the aquifer located in the center of the town may be fed from different areas within the township; while there may be an abundant amount of water in the specific area it may not be at the cost of other wells. Gary Martinsen addressed his concern to the language in the ordinance that *there will be no occupancy restrictions on the vacation type units*.

There being no further questions and/or comments, the Mayor closed the meeting to the public at 10:00 p.m.

### ADJOURNMENT

There being no further items of business on the agenda, a motion was made by Glenn McLaughlin to adjourn the meeting and the motion was seconded by Rich Carson. All in favor.

The Special Meeting of the Township Council of the Township of Vernon was adjourned at 10:00 p.m.

Respectfully submitted,

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Andrea Bates  
Acting Township Clerk

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Presiding Officer