

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

January 8, 2009

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:05 p.m. on Thursday, January 8, 2009 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Mayor Carew presiding.

STATEMENT OF COMPLIANCE

Adequate notice of this meeting has been provided to the public and the press December 30, 2008 by delivering to the press and posting same at the Municipal Building.

SALUTE TO THE FLAG

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

ROLL CALL OF MEMBERS

Present were Council Members Richard Carson, Glenn McLaughlin, Valerie Seufert, and Mayor Austin Carew. Also present were Township Manager Melinda Carlton and Township Attorney Michael Witt. Council Member Gary Grey arrived shortly after roll call.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 6:08 p.m., Council Member Richard Carson made a motion to close the meeting to the public and enter into executive session. Motion seconded by Valerie Seufert, with all members voting in favor.

The Municipal Clerk read the following resolution to go into executive session:

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 matters to be discussed are:
 - a. Contract – Metairie Redevelopment Agreement. Anticipated time of release of executive session minutes will be at the conclusion of the contract.
 - b. Contract – Mt. Creek Redevelopment Agreement. Anticipated time of release of executive session minutes will be at the conclusion of the contract.
 - c. Three personnel matters – Recruitment of a Municipal Judge; Finance Department staffing; and one performance evaluation. There is no anticipated time of release of executive session minutes.
 - d. Real Property – Proposed sale of the Faline Building and Herald Square properties. Anticipated time of release of executive session minutes will be at the conclusion of the matter.
3. It is anticipated that the above-stated subject matter will be made available upon final decision.
4. This resolution shall take effect immediately.

The meeting was reopened to the public at 7:04 p.m. Present were Council Members Richard Carson, Gary Grey, Glenn McLaughlin, Valerie Seufert, and Mayor Austin Carew. Also present were Township Manager Melinda Carlton and Township Attorney Michael Witt.

PRESENTATION

HRH/Willis Health Insurance Plan representatives were not present tonight. The presentation was tabled to a later date.

PUBLIC COMMENT

Mayor Carew opened the meeting for Public Comment.

Thomas McClachrie, Vernon Taxpayers Association, commented he had not yet received the information requested regarding the amount of money it cost the taxpayers to give Township employees the Wednesday off before Thanksgiving. Mr. McClachrie then questioned why Resolution 09-06 adopted at the Reorganization Meeting, authorizes the Township Manager to sign purchase orders in the absence of the CFO. The Township Manager explained the CFO is the chief signatory; however, if the CFO is not available, three other Township officials are authorized to sign if needed. Mr. McClachrie stated the Vernon Taxpayers Association opposes the proposed redevelopment zone for the McAfee Village project and therefore opposes passage of Ordinance #06-01. Lastly, Mr. McClachrie commented that township roads are not properly salted during snow and ice storms as they were in past years, especially Canistear Road, and urged the Township Council not to cut the Road Department's salt budget. Mayor Carew told Mr. McClachrie and the audience that the Road Department budget for snow plowing and salt has not cut in the interest of public safety.

Bob Gelner, Highland Lakes Community Association, complimented Bartlett Tree Service for the great job they did chipping and removing tree limbs and brush from the road right-of-ways in Highland Lakes; however, he reported property owners are continuing to place tree limbs and brush removed from their properties along the curbs of the streets. The Township Manager indicated a notice will be posted on the Township's Website and given to the Lake Association's management alerting residents that the Township will not remove additional tree limbs and related debris placed at the curb after storm clean up operations concluded.

Jessie Paladini, Sunset Ridge, Highland Lakes, distributed photographs of historic cemeteries in Vernon Township which have been restored and maintained by the Historical Society. Ms. Paladini commented that the Historic Society would like to submit an application this month to the Sussex County Historic Marker Committee for the Williamson cemetery or DeKay cemetery and asked the Township Council for its support. Council Member Valerie Seufert applauded the Historic Society for its work. The members of the Township Council gave their unanimous support to the Historic Society and will submit a letter in support of the application for the historic marker.

Gary Martinsen, Vernon, commented that Council's Reorganization Meeting should not be scheduled for New Year's Day since many people are unable to attend. Mr. Martinsen then urged the Township Council to (i) adopt an ethics policy; (ii) develop a vision and strategic plan for the Township; and, (iii) help the business community throughout the Township prosper – not only businesses located in the Town Center. Mr. Martinsen noted that financial accountability was mentioned by all Council Members at the Reorganization Meeting and again urged a flat budgeting process. He noted budgets grew for several of the Boards and Commissions for the 2009 calendar year. Mr. Martinsen then questioned the four-day work week and monitoring of savings associated with the four-day work week. Lastly, Mr. Martinsen asked that the Township's sign ordinance be relaxed to allow local businesses to advertise more in light of the economic challenges they all face. He also questioned when the Township will be renewing the annual food licenses.

The motion to accept and approve the minutes was seconded by Council Member Richard Carson.

A voice vote was taken to approve the referenced minutes with all in favor. It was noted that Council Member Valerie Seufert abstained on voting on the December 11, 2008 meeting minutes.

CONSENT AGENDA

RESOLUTION #09-13

Authorizing the Approval of Bills List

BE IT RESOLVED that the following bills lists are hereby approved:

| | | | | |
|----------------------|-----|--|----|-----------|
| Current | ck# | 30548 | to | ck# 30603 |
| Current | ck# | 30606 | to | ck# 30701 |
| Current | ck# | 30702 | to | ck# 30749 |
| Current | ck# | 30752 | to | ck# |
| Current | ck# | 30753 | to | ck# 30754 |
| Current | ck# | 30755 | to | ck# |
| Capital | ck# | 2595 | to | ck# 2605 |
| Capital | ck# | 2606 | to | ck# 2614 |
| Capital | ck# | 2615 | to | ck# |
| Capital | ck# | 2616 | to | ck# 2617 |
| Grant | ck# | 30604 | to | ck# 30605 |
| Grant | ck# | 30750 | to | ck# 30751 |
| Planning & Zoning | ck# | 3809 | to | ck# 3815 |
| Recreation Trust | ck# | 862 | to | ck# 863 |
| Dog Trust | ck# | | to | ck# |
| Other Trust | ck# | 783 | to | ck# |
| Other Trust | ck# | 784 | to | ck# |
| Other Trust | ck# | 785 | to | ck# 786 |
| Other Trust | ck# | 787 | to | ck# |
| Other Trust | ck# | 788 | to | ck# 789 |
| Senior Citizen Trust | ck# | 1024 | to | ck# |
| Senior Citizen Trust | ck# | 1025 | to | ck# 1026 |
| Outside Services | ck# | 1499 | to | ck# 1502 |
| Outside Services | ck# | 1503 | to | ck# |
| Outside Services | ck# | 1504 | to | ck# 1505 |
| Outside Services | ck# | 1506 | to | ck# |
| Unemployment Trust | ck# | | to | ck# |
| Open Space Trust | ck# | | to | ck# |
| PVL Dam Rehab Asm | ck# | 240 | to | ck# |
| PVL Dam Rehab Exp | ck# | | to | ck# |
| COAH | ck# | | to | ck# |
| Sewer Operating | ck# | 128 | to | ck# 129 |
| Sewer Capital | ck# | | to | ck# |
| Developer's Bonds | ck# | | to | ck# |
| Road Assessment | ck# | | to | ck# |
| Payroll Deduction | ck# | | to | ck# |
| Payroll Checks | ck# | 33049 to ck# 33094 (1 st pay Dec) | | |
| Payroll Deduction | ck# | 3053 to ck# 3055 | | |
| Total Payroll | | \$303,701.11 | | |
| Payroll Deduction | ck# | 3056 (refund Oct pension) | | |
| Payroll Checks | ck# | 33095 to ck# 33149 (2 nd pay Dec) | | |
| Payroll Deduction | ck# | 3057 to ck# 3066 | | |
| Total Payroll | | \$341,493.36 | | |

Council Member Valerie Seufert moved to approve the Consent Agenda, seconded by Council Member Glenn McLaughlin.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Glenn McLaughlin, Valerie Seufert,
Austin Carew

NAYES: None

RESOLUTIONS REQUIRING SEPARATE ACTION

RESOLUTION #09-14

AUTHORIZING AND DIRECTING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A CO-BORROWERS AGREEMENT BETWEEN THE LAKE COMMUNITY PROPERTY OWNERS ASSOCIATION, INC. (BARRY LAKES) AND THE TOWNSHIP OF VERNON FOR THE REHABILITATION OF BARRY LAKES DAM #1

WHEREAS, Barry Lakes has been approved for a dam rehabilitation loan to repair the Barry Lakes Dam No. 1 in the amount of \$299,000.00; and

WHEREAS, the Township Council desires to further the public interest by executing the co-borrowers agreement required by the State of New Jersey with Lake Community Property Owners Association, Inc., (Barry Lakes) for said dam rehabilitation.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey as follows.

1. The Mayor and Township Clerk are hereby authorized and directed to:
 - (a) execute a loan agreement as the co-borrower with the State of New Jersey for a loan in an amount of \$299,000.00 to be made to the Lake Community Property Owners' Association, Inc.) for the rehabilitation of the Barry Lakes Dam No. 1. and
 - (b) to execute any amendments thereto.
2. This Resolution shall take effect immediately upon adoption according to law.

Council Member Glenn McLaughlin made a motion to approve Resolution #09-14. Seconded by Council Member Gary Grey.

Council Member Valerie Seufert requested the Township Attorney or Township Manager to prepare a brief synopsis for each resolution presented on the agenda in order to better inform the Council and public on the purpose and costs associated with the resolution.

Council Member Valerie Seufert noted that the Township Attorney had advised the Members of the Township Council that Council Members living in a lake community in Vernon Township are able to vote on this matter and that a conflict of interest does not exist.

If approved, Resolution # 09-14 authorizes the Township to co-sign a \$299,000. loan for Barry Lakes Dam #2 rehabilitation. The Township Manager informed the Council that the Township has co-signed loans for other lake associations for similar dam repairs in past years.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Glenn McLaughlin, Valerie Seufert,
Austin Carew

NAYES: None

Resolution #09-14 was approved.

INTRODUCTION OF ORDINANCES AND FIRST READING

ORDINANCE #09-01

AN ORDINANCE ESTABLISHING A REDEVELOPMENT PLAN FOR A PORTION OF THE MCAFEE VILLAGE REDEVELOPMENT AREA AND DESIGNATING THE COUNCIL OF THE TOWNSHIP OF VERNON TO ACT AS THE REDEVELOPMENT AGENCY FOR THE MCAFEE VILLAGE HIGHWAY HOTEL REDEVELOPMENT AREA AND ESTABLISHING THE MCAFEE VILLAGE HIGHWAY HOTEL ZONING DISTRICT FOR BLOCK 233, LOT 9.

WHEREAS, by resolution adopted on July 25, 2005, the Council of the Township of Vernon authorized and directed the Planning Board of the Township of Vernon to undertake a preliminary investigation to determine whether a portion of the McAfee Village area of the Township of Vernon should be declared an area in need of redevelopment pursuant to the Local Redevelopment Housing Law (N.J.S.A. 40A:12A-1 et seq.); and

WHEREAS, following the publication of notices of a public hearing before the Planning Board and the filing in the office of the Township Clerk of a map showing the boundaries of the proposed area in need of redevelopment and the location of the various properties included therein, together with the resolution setting forth the basis for such investigation, two public hearings thereon were held by the Vernon Planning Board; and

WHEREAS, at said hearings the Planning Board heard and considered the testimony and redevelopment investigation report of Fred Suljic, P.P., planning consultant and Robert L. Benecke, economic development consultant; and

WHEREAS, following such hearing, the Planning Board voted on May 31, 2006 to recommend the designation of those properties included in said planning report located in the Township of Vernon to be an area in need of redevelopment; and

WHEREAS, following the aforesaid referral to and a public hearing before the Vernon Planning Board and favorable recommendations thereon, the Council of the Township of Vernon, on June 12, 2006, has declared a portion of the McAfee Village area as an area in need of redevelopment in accordance with the New Jersey Local Redevelopment and Housing Law (N.J.S.A. 40A- 12A-1 et seq.); and

WHEREAS, in furtherance of the continuing efforts to enhance the quality of life and tax base of the Township of Vernon and to stimulate the proper growth of jobs, retail, and other economic opportunities in Vernon the Council finds that it would promote the public health, safety, morals and welfare to facilitate the redevelopment of a certain critical property in McAfee Village, consisting of Block 233, Lot 9, hereinafter specified, which parcel of property has heretofore been declared to be part of an area in need of redevelopment for the purpose of providing additional resort, commercial, retail and residential land uses in furtherance of the overall redevelopment efforts of the Township of Vernon.

NOW, THEREFORE BE IT ORDAINED by the Township Council of the Township of Vernon, Sussex County, New Jersey pursuant to the authority granted by N.J.S.A. 40A: 12A-4c the Township Council of the Township of Vernon is hereby designated to serve and act as the redevelopment entity and to exercise the powers thereof to accomplish the goals and objectives of the McAfee Village Highway Hotel Redevelopment Plan and Project; and

BE IT FURTHER ORDAINED by the Township Council of the Township of Vernon, Sussex County, New Jersey, in accordance with the provisions of N.J.S.A. 40A:12A-1, et seq. that the following plan shall serve as the McAfee Village Highway Hotel Redevelopment Plan, and said Redevelopment Plan is hereby established and adopted.

The Redevelopment Plan

The Township Council had previously directed the Township Planner, Fred Suljic and the Township Redevelopment Consultant, Robert Benecke to prepare the McAfee Village Redevelopment Plan. A draft Redevelopment Plan was transmitted to the

Planning Board for its feedback and deliberation. On July 18, August 15, and October 10, 2007 the Planning Board conducted meetings to receive further input of property owners and the general public respecting the Plan. A representative of the owner of Block 233, Lot 9 appeared at the Vernon Planning Board meeting for the purpose of including the proposed use of the vacant St. Frances De Sales Church property in a related Redevelopment Plan. The property owner submitted a concept site plan to the Township Planner, dated December 1, 2007. The result of this work is this McAfee Village Highway Hotel Redevelopment Plan for Block 233, Lot 9. On November 12 and December 10, 2008 the Vernon Planning Board, upon referral from the Township Council, reviewed the Redevelopment Plan and made certain recommendations which have been incorporated into this Plan.

Section 1. Designation of the McAfee Village Highway Hotel Redevelopment Area.

The McAfee Village Highway Hotel Redevelopment Area is located within the geographic center of Vernon Township and has frontage along both County Route 517 and State Highway Route 94. The Redevelopment Area is Block 233, Lot 9. Exhibit 1, attached to this Ordinance, includes the property location map taken from an abstract of the official tax map of the Township of Vernon. The total area of the property is approximately 2.05 acres. The property is the vacant St. Frances De Sales Church. The property is not generating annual property taxes and is currently underutilized. The parking area, exterior and other aspects of the property are dilapidated and in need of repair.

This Redevelopment Plan includes the outline for the planning, development, redevelopment, or rehabilitation of the project area pursuant to N.J.S.A. 40A:12A-1 et seq.

Establishing the McAfee Village Highway Hotel Redevelopment Area will provide both social and economic benefits to the community while maintaining the community's character. Although there may be some topographical, environmental, and aesthetic site constraints within the Redevelopment Area, these may be dealt with by redeveloping the property in a comprehensive manner, providing development that is coordinated in theme, architecture, engineering, and scheduling. Accordingly, the Township Council finds that the health, safety, and welfare of the public will be best served by designating and declaring this area, the aforementioned property, as a Redevelopment Area, in accordance with the provisions of N.J.S.A. 40A:12A-3; further that this Redevelopment Plan will help achieve the stated objectives of the Township of Vernon as stated later in this Plan.

Section 2. The McAfee Village Highway Hotel Redevelopment Plan including the Zoning Element.

a. The Land Development Code of the Township of Vernon, Chapter 330, Section 157, entitled "Zoning Districts" is hereby amended to add thereto the McAfee Village Highway Hotel zoning district in the McAfee Village Redevelopment Area, and incorporating the land use standards and guidelines in this Redevelopment Plan. It is the policy of the Township Council of the Township of Vernon to make this Redevelopment Plan consistent with the Township's Master Plan and the two other McAfee Village Redevelopment Plans. Specifically, Ordinance Number 08-03, adopted by the Township Council on May 8, 2008 establishing the McAfee Village Commercial Resort Redevelopment Area and Ordinance Number 08-04 establishing the McAfee Village Mixed Use Redevelopment Area.

b. The McAfee Village Highway Hotel Redevelopment Area is located within the State of New Jersey Highlands Planning Area. However, this is a pre-existing intense use and may be eligible for re-adaptive use, or redevelopment, notwithstanding its location.

Section 3. The McAfee Village Highway Hotel Redevelopment Plan Definite Objectives, pursuant to N.J.S.A. 40A:12A-7a. (1); Including Land Uses.

a. Redevelopment Plan Objectives. The McAfee Village Highway Hotel Redevelopment Plan is intended to transform the property also known as the St. Frances De Sales Church into a hotel, as opposed to a full-scale Resort, such as those located on the adjacent Mountain Creek property. However, to serve the members of the public, guests, the Highway Hotel Zone may have a conference center, small retail shop(s), restaurant(s), and related uses are incorporated within the zoning district standards. Said uses shall not exceed 15,000 square feet, excluding the lobby and front desk area.

The redeveloped property will be an important part of a larger resort destination,

together with Legends, McAfee Water Park, and Mountain Creek, and will also be linked by Route 94 to the Vernon Town Center. A clear objective of the Plan is to create employment opportunities and increase property values by attracting the necessary capital investment to the property. Accordingly, a goal of this Plan is to bring about long-term property tax stability for all of the Township's taxpayers. The Plan envisions leveraging market potential to bring about the redevelopment of the property in a manner that is sensitive to its natural aesthetics.

b. The McAfee Village Highway Hotel Redevelopment Plan works toward the following objectives:

- Create land use and building requirements specific to the Redevelopment Area consistent with the resort nature of the region and are sensitive to the region's natural aesthetics. Block 233, Lot 9 is a parcel of property sufficient in size and dimension to enable a hotel property so that visitors may take advantage of a variety of recreational opportunities in the Township of Vernon.
- Eliminate potential blighting influences through the rehabilitation of the St. Frances De Sales Church.
- Provide infrastructure improvements involving streets, curbs, sidewalks, and parking area(s).

c. Relationship of this Redevelopment Plan to the Township Master Plan. The Vernon Township Master Plan was originally adopted in December 1995. Within the 1995 document, one of the primary land use goals was to establish a two core center for the McAfee areas as a primary commercial area for the immediate region and a regional commercial recreation center extending to the Mountain Creek Ski area. As stated in the 1995 report, Vernon Township had the vision to establish a center within the general location of the McAfee Redevelopment Area over a decade ago.

The Master Plan illustrates that ski areas in Vernon Township were established in the 1960s. The Great Gorge and Vernon Valley Ski Resort (now Mountain Creek) and the Playboy Hotel (now the Legends Resort) and related facilities were constructed during the 1970s. During the 1980's, it was Vernon Township's original heyday as a ski destination with condominium housing, spas, golf courses and other recreational facilities. More recently, Vernon Township applied to the State Planning Commission to establish three centers within the Township: Vernon Center, Mountain Creek and McAfee Village. The 1995 Master Plan indicates that a conglomerate of the Mountain Creek and McAfee Village areas were envisioned as a multi-use area with "theme" community shopping much as what is proposed for the area in the Redevelopment Plan. A review of the master plans of the contiguous municipalities and the county master plan, as required by N.J.S.A. 40A:12A-7a. (5), indicates that there are no inconsistencies. The October 2003 reexamination of the Land Use Element indicated that pursuing the center designation with the State Planning Commission was still a goal of Vernon Township. Within the last year, Vernon Township has identified the McAfee Village as an area in need of redevelopment and has pursued the center designation with the State Planning Commission, realigning with the goals of the 1995 Master Plan with the SDRP-the "State Plan".

This Smart Growth plan proposed for the McAfee Redevelopment Area is consistent with the long-range objectives of the Township detailed over the past decade. The Redevelopment Area designation takes into account that the Redevelopment Area properties have exhibited a growing lack of utilization and the redevelopment plan will improve the quality of life of Township residents and improve the economic foundation of the Township so that long-term property tax stability is achieved for all taxpayers.

Section 4. The McAfee Village Highway Hotel (MVHH) Redevelopment Area Zoning Element

The McAfee Village Highway Hotel Redevelopment Area and Redevelopment Plan require a revision to the Zoning Ordinance in order to specify the land uses envisioned for the property. Although the proposed project is consistent with the current Commercial Recreation zoning concept, establishment of the McAfee Village Highway Hotel ("MVHH") District will further protect, stabilize, and facilitate of the general welfare of the community. The purpose of zoning, as described in the Municipal Land Use Law (MLUL) N.J.S.A. 40:55D-1 is a multi-faceted definition. This Redevelopment Plan

meets many of the purposes of land use planning including:

To encourage municipal action to guide the appropriate use or development of land, in a manner this will promote the public health, safety, and general welfare;

To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey residents;

To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.

As previously stated the objective and stated purpose of this Redevelopment Plan is to provide for the economic development of the area while maintaining the rural and mountain character of the Township as well as protecting the more environmentally sensitive areas of the Township. Specifying the locations of significant new development in this redevelopment area will prevent the improper use of land and protect significant natural resources in Vernon Township.

The existing zoning for the site, property, is the Commercial Recreation (CR) District (C2) District which allows resort (hotel) uses and recreational uses as well as commercial uses. The MVHH Zoning District implemented and authorized in this Redevelopment Plan, allows a similar use (e. g. hotel) as the existing CR District.

a. Zoning Requirements-The MVHH Zoning District.

- (1) The minimum tract area for establishment of the McAfee Village Highway Hotel zone shall be two (2) acres. The maximum building coverage shall be less than 50,001 square feet at ground level. Parking shall be provided on site. Notwithstanding this bulk limitation the McAfee Village Highway Hotel, MVHH, zone shall have sufficient open space, landscape elements-such as trees, grass pastures and the like, so as to incorporate a rural element into the property within the Redevelopment Area.
- (2) The McAfee Village Highway Hotel Zoning District shall consist of no more 120 hotel units in one building. This Plan incorporates the term (and use) hotel as is defined by the State of New Jersey Department of Community Affairs. In no event shall any occupant be permitted to establish a principal residence in any hotel that may be constructed pursuant to this Plan.
- (3) There shall be no more than 75,000 square feet of hotel space, including the lobby and front desk area, plus the aforementioned 15,000 square feet of conference, retail and restaurant space. The total interior building space (interior floor space) shall not exceed 90,000 square feet. This space limitation includes all indoor amenity space, the physical plant (excluding any plant that may be located on the roof) and interior public space.
- (4) No portion of the Plan Area (or hotel) may be subdivided for purposes of financing and conveyance. All land and property elements shall be subject to common covenants, conditions and restriction in order to make certain the various elements of the hotel will continue to operate uniformly. A portion of the retail, restaurant, or conference area(s) of the building may be rented or leased for a long term, without restrictions.
- (5) The MVHH Zoning District shall have a height restriction not exceeding four (4-1/2) stories, as measured from the highest point of the east or south property grade (in the rear of the property away from the highway) and shall in no instance exceed fifty-five feet measured to the highest point, from the highest property grade point in the rear of the property, exclusive of chimneys, HVAC plant, elevator equipment and similar features. Said features may not take up more than 25% of the surface of the roof. There shall be only one contiguous structure having this height. The building shall be set back a minimum distance of ten (10) feet from any public right-of-way. A front yard set back of a minimum of thirty (30) feet is required. However, the Vernon Planning Board may, in connection with its site plan review, allow a front yard set back of 25 feet, at the corners of the building, which said reduced set back shall

not exceed fifty feet in building length.

- (6) Parking requirements shall be as follows:
 - (i) Including employee parking, the hotel units shall be provided with 1.25 parking spaces per unit, plus one space per 1,000 feet of conference or meeting room space.
 - (ii) In addition, there shall be provided parking at the rate of five (5) spaces for each 1,000 square feet of restaurant space.
 - (iii) All parking spaces shall be 9 feet wide by 18 feet long.
- (7) The maximum impervious coverage in connection with the development of the property shall be no greater than 50.5% of land area. The maximum site disturbance shall be no greater than 90%. The Vernon Planning Board may permit additional temporary site disturbance as part of their site plan deliberations.
- (8) The following specific uses shall be permitted in the McAfee Village Highway Hotel Zoning District:
 - (i) Hotel units and suites.
 - (ii) Barber and beauty shops;
 - (iii) Bookstore/newsstand/card shops;
 - (iv) Bicycle and sports related rentals, sales and service shops;
 - (v) Childcare facilities;
 - (vi) Cocktail lounges and bars;
 - (vii) Conference centers and support services, including stationery and supplies;
 - (viii) Delicatessens/coffee shops;
 - (ix) Drug stores and pharmacies;
 - (x) Convenience stores;
 - (xi) Health Clubs;
 - (xii) Restaurants;
 - (xiii) Spas and personal services;
 - (xiv) Temporary uses which are customary and incidental to a hotel, including but not limited to holiday/seasonal events, picnics, games and other temporary gatherings or events-provided that such temporary uses shall be limited by a Redevelopment Agreement;
- (9) Except as modified by this Redevelopment Plan, the bulk criteria of the respective pre existing zoning district, "CR", as currently in effect as of the date of adoption of this Ordinance shall apply.
- (10) The property owner, developer, or redeveloper, submitting a site plan application, shall include an analysis of the impact of the plan on the Township of Vernon's affordable housing, obligation; if any such obligation arises as a result of a proposed development the developer shall satisfy the obligation.

b. Site Plan Required and Design Guidelines.

Prior to commencement of construction, site plans for the construction of improvements within the redevelopment area, prepared in accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., shall be submitted by the applicant(s) for review and approval by the Planning Board so that compliance with this Redevelopment Plan can be determined. This pertains to revisions or additions prior to, during and after completion of the improvements. The following guidelines shall apply to the McAfee Village Highway Hotel Redevelopment Area and zoning district, and shall supplement and/or supersede any provisions of Article VII of the Township of Vernon Land Development Ordinance, entitled "Design and Development Principles and Standards," as applicable:

- (i) A developer, or redeveloper, shall submit a site plan for approval by the Vernon Planning Board for the Redevelopment of McAfee Village. A site plan may be submitted prior to and in anticipation of submission of applications for site plan approval, or be submitted simultaneously and in conjunction with any such site plan application.
- (ii) At the time of submission of the site plan a market study shall be submitted by the applicant to determine the potential marketability of the proposed project. The market study shall include an analysis of the impact of the proposed MVHH project on the other Redevelopment Areas within the Township of Vernon.
- (iii) An applicant for a McAfee Village Highway Hotel site plan shall

submit a parking plan and traffic control plan as part of the application. The plans shall present a comprehensive means for providing efficient handling of all components of parking and traffic. For each phase of submission, there shall be required an updated parking and traffic management plan demonstrating how the traffic requirements of all guests, employees, visitors and staff will be satisfied.

(iv) The redeveloper shall design an attractive streetscape and open space element in all portions of the development consistent with this Plan, which shall not be altered or changed in any way without approval of the Vernon Township Planning Board.

(v) A landscape plan shall be designed to enhance the particular identity and character of the site, and create a pleasant entry experience for vehicles and pedestrians by means such as street trees, lighting, buffers, walkways, street furniture, signage and accessory structures designed to create and enhance the resort atmosphere. The rural aspects of the community shall be of paramount importance and greenery, trees and natural elements shall be made part of the landscape plan. All elements shall be approved by the Planning Board.

(vi) The redeveloper shall design a lighting plan to be approved by the Planning Board that is coordinated with the landscape, signage, and pedestrian plans.

(vii) The redeveloper shall create a system of signage in connection with the use, which shall be designed to create and enhance the hotel and is coordinated with the landscape, lighting, and pedestrian plans. In this regard, the redeveloper shall submit to the Planning Board a proposed plan for signs in connection with the various components of the plan, which plan for signs shall be complementary to the use, enhance the resort theme, and be subject to Planning Board approval.

(viii) There shall be a system of storm water and sanitary sewerage disposal facilities, potable water supply, fire protection, solid waste disposal, and appropriate street lighting and traffic safety signage presented to and approved by the Planning Board. The site plan made pursuant to this Redevelopment Plan must include a positive finding as to the availability of all utilities to adequately serve the proposed project. The storm water retention system shall be underground unless the Vernon Planning Board grants a deviation from this requirement. The Vernon Planning Board may grant such deviation for any reason in its sole discretion. The storm water system shall include methods to recycle the water, also known as "gray water" recycling. Nothing included in this Plan shall require the implementation of "gray water" recycling methods.

(ix) The development shall be designed in order that prompt snow removal, within the MVHH zone, when and where appropriate can be undertaken. The redeveloper shall design a method for emergency medical response services.

(x) Design and development of the building, which shall include all parking facilities and landscape features, shall be undertaken in a manner that accomplishes the purposes of this Redevelopment Plan. Where possible, the building shall incorporate the natural surroundings and features of the area into the final design. This building standard is commonly referred to as "green" or environmentally friendly standards.

(xi) The Redeveloper shall submit to the Planning Board a set of design standards for the treatment of all buildings and structures, which shall be reviewed and approved by the Planning Board. Upon approval of the design standards, the standards shall not be altered or changed in any way without approval of the Vernon Township Planning Board, which in reviewing any requests for modifications or deviations shall have, as a paramount concern, the need to maintain a common theme throughout the entire property.

(xii) Internally illuminated signs, in particular "light box" signs, are prohibited in the MVHH zone.

Section 5. Property Rights

It is the expressed intent of the Vernon Township Council to work with the property owner to improve their property. To this end the Township of Vernon will not seek to acquire Block 233, Lot 9 through eminent domain condemnation. Accordingly, no relocation issues, as contemplated in N.J.S.A. 40A:12A-7a. (3) are anticipated.

Section 6. Powers of Redevelopment Agency.

Subject to the approval of the Township Council, the Township of Vernon may proceed with the rehabilitation, planning, renewal, and redevelopment of the McAfee Village Highway Hotel Redevelopment Area and zoning district. To effectuate said purposes, the Township of Vernon may:

- (a) request the Vernon Planning Board to recommend, pursuant to existing law, the designation of additional areas in need of redevelopment or rehabilitation and to make recommendations for such redevelopment; or rehabilitation of such areas;
- (b) publish and disseminate information;
- (c) prepare or arrange by contract for the provision of professional services and the preparation of plans by registered architects or licensed professional engineers, planners, and expert reports by it's economic development consultant, financial analyst, or other consultants for the purpose of carrying out this redevelopment project;
- (d) contract with public agencies, including an urban renewal a entity (URE), or redevelopers, including private companies, for the planning, replanning, construction, or undertaking of any project or redevelopment work, or any part thereof, to provide as part of any such arrangement or contract for, or with other public agencies, the opening, grading or closing of streets, roads, roadways, alleys, or other places or for the furnishing of facilities or for the acquisition by such agency of property options or property rights or for the furnishing of property or services in connection with the Redevelopment Area;
- (e) conduct examinations and investigations, hear testimony and make proof, under oath at public or private hearings of any material matter, require the attendance of witnesses and the production of books and papers, and issue commissions for the examination of witnesses who are out of State, unable to attend, or excused from attendance;
- (f) authorize a committee designated by it consisting of one or more members, or counsel, or it's economic development consultant, or any officer or employee to conduct any such investigation or examination, in which case such committee, counsel, officer or employee shall have power to administer oaths; take affidavits and issue subpoenas;
- (g) perform all powers authorized by law to carry out the foregoing purposes not otherwise specifically listed herein with the exception of the use of eminent domain condemnation, which shall not be used to acquire any property.

Section 7. Execution of Documents.

The Mayor of the Township of Vernon is hereby designated to execute and the Township Clerk to attest, any and all documents necessary to carry out any of the purposes set forth in this Ordinance.

Section 8. Zoning Code.

The Township of Vernon Land Development Ordinance, Chapter 330, Section 157, entitled "Zoning Districts", is hereby amended to include reference to "MVHH-McAfee Village Highway Hotel". The Township of Vernon Land Development Ordinance, Chapter 330, Section 184, entitled "Supplemental regulations for certain classifications and districts" is hereby amended to include the Permitted Uses and Bulk Requirements contained in Section 3.3 of this Redevelopment Plan. The standards contained within this Redevelopment Plan shall supersede any conflicting regulations in the Vernon Township Land Development Ordinance. Where a particular land use or site standard is not covered in this Redevelopment Plan, compliance with the Vernon Township Land Development Ordinance or other applicable code or Ordinance of the Township is required.

BE IT FURTHER ORDAINED as follows:

Section 9. The Township Clerk is hereby directed to give notice at least ten days prior to the adoption of this Ordinance to the Vernon Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Sussex County Planning Board as

required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

Section 10. All Ordinances or parts of Ordinances or Resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

Section 11. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

Section 12. This Ordinance shall take effect after publication and passage according to law.

Section 13. If any sentence, section, clause or other portion of this Ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this Ordinance.

Section 14. All Ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 15. This Ordinance shall take effect immediately upon final passage and publication as required by law and upon filing with the Sussex County Planning Board.

Ordinance #09-01 was read by title only.

Council Member Glenn McLaughlin made a motion to introduce Ordinance #09-01 on first reading and so advertise with second reading and public hearing on February 5, 2009. Motion was seconded by Council Member Richard Carson.

Council Member Gary Grey recused himself from any and all discussion concerning this matter.

Council Member Valerie Seufert stated she was concerned the restrictive language regarding the number of nights a person can stay at the proposed hotel was eliminated by the Planning Board and suggested the Planning Board re-review this matter.

Council Member Richard Carson questioned whether the applicant's business model can sustain the proposed hotel in slow seasons.

Mayor Austin Carew objected to the facility's use as an extended use hotel and suggested the matter be sent back to the Land Use Board for further consideration.

A roll call vote was taken:

AYES: Richard Carson, Glenn McLaughlin

NAYES: Valerie Seufert, Austin Carew

ABSTAINED: Gary Grey abstained.

Ordinance # 09-01 did not pass first reading.

NEW BUSINESS

Council Member Glenn McLaughlin stated he would like the Township Council to review the Township's ordinance regarding the parking of RV's, boats and trailers on residential properties. The ordinance should be amended to reflect current residential use situations. Mayor Carew requested that copies of the ordinance be distributed to the Township Council for future discussion.

Council Member Valerie Seufert asked that minutes of the Land Use Board be distributed to the Township Council on a monthly basis to keep members of the Township Council informed on pending land use applications and matters. The Township Manager indicated she will implement this recommendation.

Members of the Township Council spoke about coordinating their attendance at Council meetings across the county to thank those towns which offered assistance to Vernon Township's Department of Public Works crews during the December 2008 ice storm event.

Council Member Richard Carson made a motion to nominate James Oroho for a Friends of Vernon Award for his expertise in financial matters and encouraging financial transparency in Township government affairs. Motion was seconded by Council Member Glenn McLaughlin.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Glenn McLaughlin, Valerie Seufert,
Austin Carew

NAYES: None

Mayor Carew made a motion to nominate former Vernon Township Mayor Ira Weiner for a Friends of Vernon Award for his initiatives in making the Town Center a reality. Motion was seconded by Valerie Seufert.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Glenn McLaughlin, Valerie Seufert,
Austin Carew

NAYES: None

The Township Manager reported the Environmental Commission has not yet completed its prioritization of Open Space properties and recommended the Council follow up with the Environmental Commission to fast track this project for their review.

Council Member Richard Carson reported he contacted the General Manager at WSUS radio station and extended an invitation for him to attend the January 22nd Council Meeting to meet Township Officials and perhaps give a short presentation on their broadcasting company in an effort to better serve the Vernon Township Community.

Council Member Richard Carson asked Township Engineer Lou Kneip for an update on the Whispering Woods construction site. Mr. Kneip reported the project was re-started in June 2008 with a long list of items that needed to be corrected by the developer, including a Wetlands violation issued by the Department of Environmental Protection. The Wetlands violation was corrected and Whispering Woods was able to get their Highlands exemption reinstated, which allowed them to continue with construction of the Phase II detention basins. All drainage improvements and roads have since been installed. Mr. Kneip reported that he walked the site with the Sussex County Engineer last month and the again site failed inspection. The developer corrected the deficiencies and the site passed a second inspection. The Township has since issued two building permits and the site conditions have dramatically been improved.

Council Member Valerie Seufert questioned Mr. Kneip whether the detention basin located in front of the A & P shopping center was functioning properly. Mr. Kneip indicated the basin fills with water and does not drain properly and reported he is working with the County on restoring the function of the basin.

Council Member Gary Grey reported he attended the El Paso Tennessee Pipeline Project Open House held at the Walnut Ridge School on January 5th. Most of the citizens attending live along the pipeline route. Many residents complained they did not receive notices of the meeting and the Lake Conway Homeowner's Association indicated their community was not notified at all. Council Member Grey reported that he learned a lawsuit was filed years ago when the former pipeline company improperly drained Lake Conway to install a section of pipeline. A 2011 construction start-up date for the pipeline project is anticipated.

Township Manager, Melinda Carlton, reported that on Monday, January 12th, the staff will convene their Goal Setting Session and a report will be issued to the Council. Mayor Carew asked Council Members to begin to draft their goals in anticipation of a joint goal setting meeting with the staff.

Council Member Valerie Seufert asked about the status of the Property Revaluation project. The Township Manager responded a presentation will be presented at the January 22nd Council meeting to update the Council and public on the status of the Township's revaluation.

Mayor Austin Carew reported the Green Committee is reviewing the state's Energy Audit Grant program and will be recommending the Township apply for the grant. Mayor Carew suggested the Township partner with the Vernon Township Board of Education in applying for the grant.

Mayor Austin Carew asked if an ordinance can be drafted to add two additional Alternate positions on the Land Use Board for introduction at the next Council meeting.

Mayor Carew informed the Council and audience that Vernon Township received a \$15,000 grant for a Highlands Impact Analysis. The Township will also pursue grant funding for Plan Endorsement and a Township Build-Out Analysis.

Mayor Carew read a letter received by the Red Cross thanking Pat Seger, Director of Recreation and Leisure, and Police Chief Roy Wherry, for their assistance given to the Red Cross during recent the ice storm. Mayor Carew recognized both employees for their efforts and generosity.

Lastly, Mayor Carew reported the Beautification Committee is diligently working to get a Welcome to Vernon's Town Center sign designed and installed. Mr. Al Warrington offered his professional planner at no cost to assist the Beautification Committee in this endeavor. The Township is in the process of sending letters to Mr. Warrington and several other developers to request their input and assistance in this matter.

Council Member Valerie Seufert reported the Economic Development Committee of Vernon Township will be holding their first meeting Monday, January 12th at 5:30 p.m. in the Municipal Building Court Room.

Council Member Valerie Seufert suggested that a meeting comprised of members from the various Boards, Commissions and Committees, including the Historical Society should be coordinated to initiate and create synergies among the Township boards and organizations.

PRESENTATION – ST. FRANCIS CHURCH MCAFEE VILLAGE REDEVELOPMENT

Council Member Gary Grey recused himself from the Township Council during St. Francis' Church presentation.

Father Boland of St. Francis Church and his Attorney Tom Collins thanked the Mayor and Council for allowing them time to give a short presentation on the St. Francis Redevelopment Plan. The proposed McAfee Village Hotel building would be located adjacent to the Mountain Creek South ski slopes. Mr. Collins stated it is his client's intent to construct and maintain a first-rate hotel similar to a Marriott or Hyatt hotel. He stated there is absolutely no desire or intent to allow permanent or principal residences. Mr. Collins urged the Council to consider passing Ordinance #09-01 tonight for first reading. Mr. Collins stated his client readily accepts the 30-day stay restriction and reiterated that the hotel is intended as year round hotel.

Father Boland assured the Council the proposed McAfee Village Hotel would not provide a permanent resident use. He stated the goal of the redevelopment plan is to provide quality lodging to further Vernon in becoming a destination place, highlighting the natural and historic landmarks in and around the Township.

Mayor Carew expressed concern that local hotels have been experiencing high vacancies and since the site is located at one of the gateways to the Township, it is very important that the property is developed with the most optimal and viable use.

The Township Council agreed to discuss the McAfee Village Redevelopment Plan at further length with the Township's redevelopment consultant, Mr. Benecke at the January 22nd Council Meeting.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 9:23 p.m. Council Member Valerie Seufert made a motion to close the meeting to the public and enter into executive session. Motion seconded by Council Member Glenn McLaughlin.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Glenn McLaughlin, Valerie Seufert,
Austin Carew

NAYES: None

The Municipal Clerk read the following resolution to go into executive session:

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 matters to be discussed is:
Continued discussion of matters tabled from the Executive Session convened earlier tonight.
3. It is anticipated that the above-stated subject matters will be made available upon final decision.
4. This resolution shall take effect immediately.

* * * * *

The meeting was reopened to the public at 9:53 p.m. Present were Council Members Richard Carson, Gary Grey, Glenn McLaughlin, Valerie Seufert, and Mayor Austin Carew. Also present were Township Manager Melinda Carlton and Township Attorney Michael Witt.

Council Member Richard Carson reminded members of the Township Council of the upcoming Highland Lakes Fire Department Installation Dinner scheduled for Saturday February 7th and encouraged everyone to mark their calendars to attend.

ADJOURNMENT

There being no further items of business to be conducted on the Regular Meeting agenda, a motion for Adjournment was made by Council Member Richard Carson. Motion seconded by Council Member Valerie Seufert, with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 9:54 p.m.

Respectfully submitted,

Robin R. Kline

Robin R. Kline, MAS, RMC
Municipal Clerk

Minutes approved February 5, 2009