

**TOWNSHIP OF VERNON**  
**TOWNSHIP COUNCIL REGULAR MEETING**

**April 23, 2009**

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:32 p.m. on Thursday, April 23, 2009 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Mayor Austin Carew presiding.

**STATEMENT OF COMPLIANCE**

Pursuant to the Open Public Meetings Act, adequate notice of this meeting had been provided to the public and the press on December 30, 2008 and notice of this meeting was posted at the Municipal Building and on the Township's Website.

**ROLL CALL OF MEMBERS**

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

**RESOLUTION TO GO INTO EXECUTIVE SESSION**

At 6:35 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 Richard Carson 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. Litigation and Attorney-Client Matter – Thompson v. Township of Vernon, et al. Anticipated time of release of Executive Session minutes will be upon the conclusion or settlement of the lawsuit.
  - b. Contract – UAW Collective Bargaining Agreement. Anticipated time of release of Executive Session minutes will be at the time a contract is fully executed
  - c. Real Estate Contract – Offer of Open Space Lands. Anticipated time of release of Executive Session minutes would be at the time a contract is fully executed.
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 Township Council entered into Executive Session at 6:35 p.m.

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The meeting was reopened to the public at 7:39 p.m. Present were Council Members Richard Carson, Gary Grey, Valerie Seufert, and Mayor Austin Carew. Council

Member Glenn McLaughlin was absent. Also present were Township Manager Melinda Carlton and Township Attorney Michael Witt.

### **SALUTE TO THE FLAG**

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

### **PUBLIC COMMENTS**

Mayor Carew opened the meeting for Public Comment.

*Jessi Paladini, Sunset Ridge*, thanked Mayor Austin Carew, Council Member Valerie Seufert, Council Member Richard Carson and Louis Kneip for attending the Historical Society dedication Sunday April, 19, 2009 at High Breeze Farm. Ms. Paladini questioned if the Township might be losing a \$1.5 million dollar Open Space grant. The January 13, 2009 Environmental Commission meeting Minutes confirmed that a discussion took place during the Environmental Commission meeting. Ms. Paladini encouraged the Township Council to spend the grant money for Open Space acquisitions before the money is lost.

*Craig Williams, Environmental Commission Chairman*, commented that the Environmental Commission is actively pursuing lands to begin the acquisition of open space through the utilization of grant monies available.

*Gary Martinson, resident and small business owner*, thanked the Township Clerk for attending the Vernon Taxpayer's Association meeting. Mr. Martinson also thanked the Rotary Club and the Chamber of Commerce for co-sponsoring the Sign Review Ordinance meeting for Vernon businesses that was held at the George Inn.

*Mary Ellen Vischiconti, Nutley Avenue*, questioned when the Charter Study Commission will be posted on the website. Ms. Vischiconti also questioned the status of the township's participation in the county's Reverse 9-1-1 program.

*Tom McClachrie, Vernon Taxpayer's Association*, asked if the introduced budget and revaluation presentation can be posted on the website.

Seeing no one else from the public wishing to speak, Mayor Austin Carew closed the public portion of the meeting.

### **PRESENTATIONS AND SPECIAL ITEMS**

#### **2009 Municipal Budget, Budget Reductions, Pension Deferral and Tax Impact**

Mr. Benecke, Interim Chief Financial Officer, reported that the Council adopted a preliminary Budget in December 2008, which is on tonight's agenda for introduction and approval by the Council. The preliminary Municipal Budget has since been amended to adjust the Reserve for Uncollected Taxes and the Reserve for Tax Appeals. The preliminary Budget was also modified to account for the pension deferrals and reductions in the Department of Public Works budget.

Mr. Benecke noted the \$300,000 emergency appropriation for the December 2008 ice storm was not included in the 2009 Budget since funds were available in the 2008 Budget from other underutilized line items.

Mr. Benecke reported the Township will not be applying for Extraordinary Aid from the state for the 2009 budget year.

Mr. Benecke reported a 97% Tax Collection Rate is projected for 2009 and briefly discussed how the Reserve for Uncollected Taxes impacts the revenue and the expense side of the municipal budget. He also reported an increase of \$220,000 in debt service payments is reflected in the 2009 Budget.

Under the settled PBA contract, police salaries increased by \$250,000 for 2009. Retroactive salary pay increase payments for 2008 were taken out of the 2008 Budget.

Mr. Benecke applauded the municipal employees for their diligent, dedicated work and reported the municipal employees do an exceptional job. He advised the Township

Council that furloughs will hurt the non-police employees and did not recommend furloughs for non-police employees as it would be counterproductive.

Council Member Valerie Seufert was concerned about the pension deferral and questioned if monies could be set aside in a reserve account to ensure the Township can pay off the pension deferral obligation in future years. Mr. Benecke recommended paying the pension deferral in three lump sum payments beginning in 2012 and 2013; however, he cautioned that the pension deferral is still subject to State approval.

Lastly, Mr. Benecke reported that the estimated 2009 tax rate is \$2.41 per \$100 assessed property value. The proposed municipal tax levy is \$15,386,770. The School tax levy is \$39,707,071, and the County tax levy is \$12,570,041. Ultimately, the total tax levy will amount to \$67,663,882 for a projected 3.6% tax increase.

### **Revaluation Update**

Lynn Schweighardt, Tax Assessor, thanked the public and Council for their patience during the revaluation process. She reported 67 property assessment tax appeal petitions and 4 state appeal petitions have been filed to date and anticipates 85 property tax appeal petitions for vacant land will be coming in from the Highland Lakes Country Club Association. Ms. Schweighardt also reported that the Tax Assessor and Township Clerk offices will be open Friday, May 1<sup>st</sup> for the Property Assessment Tax Appeal Petition filing deadline. A press release will be issued to the local newspapers.

### **Status of Open Space Acquisition – Hauck Property**

Mr. Louis Kneip reported on the progress of the acquisition of the Hauck property. The acquisition will be purchased through New Jersey Green Acres grant funding. Vernon Township is eligible to receive \$112,500 from the state and will be working with the Land Conservancy of New Jersey in the land acquisition project.

### **PUBLIC COMMENTS**

Mayor Carew opened the meeting for Public Comment.

*Tom McClachrie, Vernon Taxpayer's Association*, questioned the total dollar amount increase in police salaries and the total dollar amount paid in debt service. Mr. McClachrie also questioned if the property revaluation company updated the photographs on 1,000+ property record cards.

Seeing no one else from the public wishing to speak, Mayor Austin Carew closed the public portion of the meeting.

### **TOWNSHIP MANAGER'S REPORT**

Melinda Carlton, Township Manager, distributed a worksheet detailing items which must be completed in the Town Center and Sewer System, as well as a targeted completion date. Mr. Louis Kneip prepared the extensive report and answered questions from the Township Council. The Township Council expressed concern that the missing 1,500 foot section of sewer pipe is projected to be completed in November 2009 and any early winter weather may potentially delay the completion of the sewer pipe project further. The Council unanimously agreed that the 1,500 foot section of sewer pipe must be fast tracked and installed as soon as possible.

Mayor Carew stated that the development of a public water system for the Town Center will go before the voters as a Referendum question on November's General Election Ballot.

The Township Manager reported a presentation with representatives of the Sussex County Municipal Utilities Authority (SCMUA) will be arranged for the May 14, 2009 Council Meeting.

Municipal employees attended a Harassment and Sexual Harassment Training seminar today as part of the joint insurance fund's requirement.

The Township Manager reported on the status of the grant writer Bruno Associates. Mr. Bruno met with the management staff to discuss needs and potential projects for grant funding.

Melinda Carlton also reported on the status of the proposed Boy Scout butterfly garden project. The Township Manager has identified funding and the Department of Public Works will begin to cultivate the designated areas.

The Beautification Committee project initiatives will be presented at the May 14, 2009 Township Council Meeting. The Township Manager informed the Council that Sussex County Freeholder Glenn Vetrano expressed interest in attending the ribbon-cutting ceremony for the installation of Vernon Township sign to be located along Route 515.

A Funding Report for the Beautification Committee and the Economic Development Committee will be prepared.

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Council Member Valerie Seufert moved to amend the order of the Agenda, seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None

**APPROVAL OF MINUTES**

Council Member Valerie Seufert made a motion to approve the March 30, 2009 Joint Meeting: Vernon Township Board of Education and Township Council presented for approval. Seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None

**CONSENT AGENDA**

**RESOLUTION #09-75**

**AUTHORIZING THE RELEASE OF EXECUTIVE SESSION MINUTES FROM TOWNSHIP OF VERNON PUBLIC COUNCIL MEETINGS**

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon that minutes from Executive Sessions of public Township Council Meetings: March 12, 2009 and March 26, 2009, are approved for release to the public, subject to redaction where appropriate.

BE IT FURTHER RESOLVED that the release of any minutes shall not constitute any waiver of confidentiality where such release was made in error.

**RESOLUTION #09-76**

**Authorizing the Approval of Bills List**

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

Current	ck#	31385	to	ck#
Current	ck#	31386	to	ck# 31400
Capital	ck#	2656	to	ck#
Grant	ck#		to	ck#
Planning & Zoning	ck#	3863	to	ck#
Recreation Trust	ck	873	to	ck#
Dog Trust	ck#		to	ck#
Other Trust	ck#	798	to	ck# 799

Senior Citizen Trust	ck#		to	ck#
Outside Services	ck#	1528	to	ck#
Unemployment Trust	ck#		to	ck#
Open Space Trust	ck#		to	ck#
PVL Dam Rehab Asm	ck#	244	to	ck#
PVL Dam Rehab Exp	ck#		to	ck#
COAH	ck#		to	ck#
Sewer Operating	ck#		to	ck#
Sewer Capital	ck#		to	ck#
Developer's Bonds	ck#		to	ck#
Road Assessment	ck#		to	ck#
Payroll Deduction	ck#		to	ck#
Payroll Checks	ck# 5361		to	ck# 5410 (2 <sup>nd</sup> pay in April)
Payroll Deduction	ck# 3111		to	ck# 3118
Total Payroll	\$346,566.67			

Council Member Gary Grey moved to approve the Consent Agenda, seconded by Council Member Richard Carson.

A roll call vote was taken:

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

NAYES: None

ABSTAIN: Valerie Seufert

## RESOLUTIONS REQUIRING SEPARATE ACTION

### RESOLUTION #09-68

#### RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$630,000 SPECIAL EMERGENCY NOTES OF THE TOWNSHIP OF VERNON, IN THE COUNTY OF SUSSEX, NEW JERSEY.

BE IT RESOLVED, by the Township Council of the Township of Vernon, in the County of Sussex, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), as follows:

Pursuant to an Ordinance of The Township of Vernon, in the County of Sussex (herein called "local unit") authorizing a special emergency appropriation in the amount of \$1,050,000, finally adopted on December 10, 2007 and entitled: "An Ordinance authorizing an emergency appropriation N.J.S.A. 40A:4-53" (#07-50), Special Emergency Notes of the local unit are hereby authorized to be issued pursuant to the Local Budget Law of New Jersey (N.J.S. 40A:4-1 et seq.) in a principal amount not exceeding \$630,000 for the purpose of financing the improvement or purpose described in said ordinance, including (to any extent necessary) the renewal of any Special Emergency Notes heretofore issued therefor.

The following matters in connection with said Special Emergency Notes are hereby determined:

All notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer or the interim Chief Financial Officer (the "chief financial officer") of Vernon Township (the "CFO"), provided that no note shall mature later than (i) one year from the date of the first note issued hereunder and (ii) one year from the date of the first note issued pursuant to the ordinance referred to in Section 1 hereof, unless the local unit shall have been paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:4-55 of the Local Budget Law, to renew a portion thereof beyond the first anniversary date of the first of such notes;

All notes issued hereunder shall bear interest at such rate or rates as may be determined by the Chief Financial Officer of the local unit; and

The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Special Emergency Notes issued pursuant to the Local Budget Law, and any such notes shall be signed or sealed

by the Township Chief Financial Officer, Mayor and Township Clerk in any manner permitted by law notwithstanding that said form or resolution may otherwise provide.

The Chief Financial Officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the Chief Financial Officer's signature upon said notes shall be conclusive as to such determinations.

The Chief Financial Officer of the local unit is hereby authorized to sell said Special Emergency Notes from time to time at public or private sale in such amounts as the Chief Financial Officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Any instrument issued pursuant to this resolution shall be a general obligation of Vernon Township, and the local unit's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected

The Chief Financial Officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

The Chief Financial Officer of the local unit is further authorized and directed to file a copy of this resolution, as adopted, and all other resolutions or ordinances relating to the authorization of the aforementioned special emergency appropriation with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey.

The Chief Financial Officer of the local unit is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of said notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to said notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to said notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to said notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the local unit, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on said notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

All action heretofore taken by Township officials with respect to the sale, issuance and delivery of said notes is hereby ratified, confirmed, adopted and approved.

This resolution shall take effect immediately

Council Member Richard Carson moved to approve Resolution #09-68, seconded by Council Member Gary Grey.

A roll call vote was taken:

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

NAYES: None

Resolution #09-68 was approved.

**RESOLUTION #09-74**

AUTHORIZING THE USE OF A HIGHER TAX COLLECTION PERCENTAGE IN THE 2009 BUDGET SO AS TO REDUCE PROPERTY TAXES IN 2009.

WHEREAS, the Township of Vernon, County of Sussex realized 96.32% of current tax collections for the year 2008; and

WHEREAS, the percentage of cash collections on current taxes for the three prior years were as follows:

<u>Year</u>	<u>Percentage</u>
2005	97.38%
2006	97.53%
2007	97.43%

WHEREAS, the Mayor and Council believe that it is in the best interests of the citizens of the Township of Vernon and to use a lower percentage of collection to compute the appropriation for the reserve for uncollected taxes, avoids approximately \$400,000 in 2009 taxes; and

WHEREAS, the Mayor and Council believe the tax collections for the year 2009 will improve over the year 2008.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that permission be requested from the Director of the Division of Local Government Services to permit the Township to anticipate a current tax collection percentage experience of 97.02% for the year ended December 31, 2009, as permitted under N.J.S.A. 40A:4-41.

Council Member Gary Grey moved to approve Resolution #09-74, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

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

NAYES: None

Resolution #09-74 was approved.

**RESOLUTION #09-77**

**INTRODUCTION OF YEAR 2009 MUNICIPAL BUDGET**

BE IT RESOLVED by the Township Council of the Township of Vernon, New Jersey, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2009.

<u>GENERAL REVENUE</u>	
Total Revenues	\$21,986,224.14
<u>GENERAL APPROPRIATIONS</u>	
Total Appropriations	\$21,986,224.14

BE IT FURTHER RESOLVED, that the said budget be published in May, 2009 in the New Jersey Herald and that a hearing on the 2009 Budget and 2009 Tax Resolution will be held at the Vernon Municipal Building on May 28, 2009 at 6:00 p.m. or as soon thereafter as the matter may be reached.

Council Member Valerie Seufert moved to approve Resolution #09-77, seconded by Council Member Gary Grey.

A roll call vote was taken:

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

NAYES: None

Resolution #09-77 was approved.

**SECOND READING, PUBLIC HEARING ON PROPOSED ORDINANCES**

**ORDINANCE #09-07**

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 defines the term (and use) hotel as a building with rooms for overnight guest accommodations. Stays at any hotel in the MVHH district shall not exceed 30 consecutive nights. In no event shall any occupant be permitted to establish a principal residence in any hotel that may be constructed pursuant to this Plan. Boarding and rooming houses as defined by the State of New Jersey, Department of Community Affairs are prohibited in the MVHH zone.
- (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) Portions 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 restrictions 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 conveyed (sold), 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, subject to the 30 day length of stay restriction.
  - (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 it's sole discretion. The storm water system shall include methods to recycle the water, also know 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.

Mayor Carew read Ordinance #09-07 by title only. First reading was held on February 26, 2009.

Mayor Carew opened the meeting for Public Hearing on this ordinance.

*Gary Martinsen, Vernon resident*, commented that the Township has too many hotel zones and objects to the approval of Ordinance #09-07.

*Craig Williams, Vernon resident*, questioned the location of the McAfee Village Redevelopment Zone.

*Tom McClachrie, Vernon Taxpayer's Association*, stated the Vernon Taxpayer's Association opposes all redevelopment zones in Vernon Township.

*Mary Ellen Vischiconti, Nutley Avenue*, questioned why a construction trailer, dumpster and construction materials have been sited at the proposed redevelopment zone location if the ordinance and approvals have not yet been approved.

*Father Boland, St. Francis De Sales Church*, asked to respond to Ms. Vischiconti concern and explained that the contractor working for the Sussex County Municipal Utilities Authority has asked to use the property for their construction trailer while work is being performed at the Mount Creek South site.

Seeing no one else from the public wishing to speak, Mayor Austin Carew closed the public portion of the meeting.

Council Member Valerie Seufert questioned provision 4 on page 10 quoting, "the building may be conveyed, rented or leased for a long term, without restrictions." Mr. Benecke responded that the Land Use Board asked the same question and explained that once site plan approval is given by the Land Use Board, the Township cannot change or restrict the approved use.

Council Member Seufert also questioned the total height of the building project. Mr. Benecke stated the maximum height is restricted to an average of 55 feet as measured from the lowest grade.

Council Member Richard Carson made a motion to approve the above Ordinance, seconded by Council Member Valerie Seufert.

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Austin Carew

NAYES: None

ABSTAIN: Gary Grey

Ordinance #09-08 was approved.

Council Member Richard Carson left the meeting.

## **COUNCIL BUSINESS**

### **Gypsy Moth Spraying Program**

Council Member Gary Grey recognized Mr. Craig Williams, Chairman of the Environmental Commission and Ms. Kerrie Scott of the Manager's Office to present information regarding the proposed Gypsy Moth Spraying Program.

Mr. Williams reported that gypsy moth egg masses have infested 611 targeted acres in the Township, which will be sprayed with *Bacillus thuringiensis*, or *B.t.*, which is

endorsed by Rutgers Cooperative Extension. Rutgers Cooperative Extension Fact Sheets were distributed to the Council. Mr. Williams reported the Material Data Safety Sheets (MSDS) he reviewed do not indicate there are any toxic agents to humans. Mr. Williams endorsed the gypsy moth spray program and encouraged the Township Council to participate in it. Mr. Williams informed the Council that municipalities to the west of Vernon Township have opted out of the gypsy moth spraying program this year. This will create greater impacts on Vernon Township's forested areas next year.

Ms. Scott reported the Department of Agriculture will spray the infested areas between May and June 2009. The Township will be required to send notifications to affected property owners prior to the spraying. Ms. Scott informed the Council the spraying program will reduce gypsy moth infestation by an average of 65%.

Mayor Carew questioned the impact gypsy moth infestation may have on the trees in located in the higher elevations that were devastated by the ice storm last December.

Council Member Gary Gray read an email from Dan Boltz encouraging the Township council to participate in the gypsy moth spraying program.

Mayor Carew opened the meeting to the Public for comments on the Gypsy Moth Spraying Program.

*Gary Martinsen, Vernon resident and business owner*, was concerned about the effects of B.t. on beneficial insects such as honey bees.

*Thomas McClachrie, Vernon resident*, commented that in addition to the potential defoliation of leaves on the forest canopy, the Township should also be concerned with the amount of dead limbs lying on the forest floor in order to prevent forest fires in the dry summer months ahead.

Seeing no one else from the public wishing to speak, Mayor Austin Carew closed the public portion of the meeting.

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Council Member Valerie Seufert questioned the status of the Council on Affordable Housing (COAH) Plan. Mr. Louis Kneip reported the Township's Planning Consultant will be presenting a final analysis to the Township Council regarding COAH, Highlands Preservation, and Plan Endorsement in the upcoming weeks.

Council Member Seufert questioned if it is possible to hire and train a part time police dispatcher in anticipation of another dispatcher planned retirement.

Council Member Seufert also questioned if the streetscape amenities proposed by the Beautification Committee can be used in other areas.

#### **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 Valerie Seufert. Motion seconded by Council Member Gary Grey with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 10:04 p.m.

Respectfully submitted,

*Robin R. Kline*

Robin R. Kline, MAS, RMC  
Municipal Clerk

Minutes approved: May 14, 2009