

**VERNON TOWNSHIP LAND USE BOARD
REGULAR MEETING MINUTES
May 14, 2025**

CALL TO ORDER

Meeting was called to order by Chairman Theobald at 7:00 p.m.

STATEMENT OF COMPLIANCE:

Pursuant to the Open Public Meetings Act, adequate notice of this Regular Meeting has been provided to the public and the press on January 29, 2025, by delivering to the press such notice and posting same at the Municipal Building.

SALUTE TO THE FLAG

Chairman Theobald led the assemblage of the Flag.

ROLL CALL

Mayor Anthony Rossi	P
Ann Larsen	P
Councilmember William Higgins	P
Martin Theobald	P
Richard Spoerl	P
Willard McPeck	P
Andrea Cocula	P
Jacqueline Haley	P
Michael Whitaker	P
Jodi White- Bearstler Alternate #1	P
Paul Mele Alternate #2	NP
Craig Williams Alternate #3	P
Mark Vizzini Alternate #4	NP

Also Present:

Steven Tombalakian, Board Attorney
Cory Stoner, Board Engineer
Jessica Caldwell, Board Planner
Kimberley Decker, Board Secretary

LAND USE BOARD DISCUSSION ITEMS (ACTION MAY OR MAY NOT BE TAKEN)

- LU# 2-23-4 – Sussex Cultivation, LLC – Block 153, Lot 54, Block 168, Lots 2, 3, and 4, Request to Modify Resolution Conditions

Frank Vitolo, Sills Cummis & Gross, came forward on behalf of Sussex Cultivation to request conditions in previous resolution be modified due to unforeseen delays in NJDEP approvals. The NJDEP is required to inspect the growth facility to determine wetlands delineation before any permits can be obtained. Mr. Vitolo requested one condition be modified to allow Temporary Certification of Operation (TCO) to be allowed to begin growing operation in eight of the storage pods on site. He added only two employees will be on site and traffic will be at minimum causing minimal impact. Mr. Vitolo stated the applicant has submitted a letter of approval from the NJDEP to utilize the existing roadway for operations.

Attorney Tombalakian explained that the Board needs to decide whether request is a minor modification to the approved resolution or is it significant enough to warrant another public hearing.

Mr. Stoner explained it is necessary to obtain the needed NJDEP permits for freshwater wetlands plan and flood hazards, but delay has hampered the applicant to move forward. He noted the applicant has complied with resolution conditions for the initial pods installed but must obtain Board approval for TCO.

Board Members acknowledged the delay is caused by the NJDEP and beyond the applicant's control. Mayor Rossi expressed support for the applicant due to NJDEP delays and noted that there have been no incidents at this operation while under construction.

Motion: Motion to Approve LU#2-23-4 Request to Modify Resolution Conditions per testimony presented and discussed by Board was made by Ms. Cocula and was seconded by Mr. Whitaker

ROLL CALL: ROSSI: Y; LARSEN: N; HIGGINS: Y; THEOBALD: Y; SPOERL: Y; MCPEEK: N; COCULA: Y; WHITAKER: Y; HALEY: Y.

Motion Passed

PUBLIC HEARINGS

LU# 2-25-1 – RED HAND LLC – Block 402, Lot 2 & 3, - Preliminary Site Plan with Variances for a proposed four-story multi-family residential building containing 27 dwelling units.

Lauran O'Neill, Esq. came forward on behalf of applicant Red Hand LLC, to request approval for preliminary site plan with variances to construct a four-story multi-family residential building on Block 402 Lots 19 & 21. Building will contain 27 units consisting of one, two- and three-bedroom units. Ms. O'Neill stated due to unique topography, bulk variances are needed for parking space size, fence height, light pole height and landscape requirements.

Mr. Stoner noted specific items on technical checklist were not included in the submitted plans: including Environmentally Sensitive Areas; structures within 200 ft of site; Environmental Impact Statement was supplied; Certification of Wetlands; Impervious coverage and Highlands Planning area noted. Mr. Stoner stated all may be temporary waived to proceed with hearing, but Applicant should provide testimony and add to final plans. Board Members voted affirmatively to proceed with hearing.

Eric Hough, Engineer, Bertin Engineering was sworn in and was approved by Board to testify on behalf of Application. He presented colored rendering of proposed 27-unit multi-family residential building, labeled Exhibit A-1, and stated building will be made up of 12 one-bedroom units, 12 two-bedroom units and 3 three-bedroom units. There are 41 parking spaces with six EV spaces, three made ready, proposed at size of 9' x 18' requiring variance relief as well as variance relief for location of parking under building. He added proposed outside amenities of site include a dog run; firepit; grill area and two pergolas. Due to topography, on the northeast side, an 8 ft wall with 4 ft. decorative chain or metal fencing on top is proposed.

Mr. Hough noted there exists a Township drainage easement on the north side that appears to be for street runoff but opined it is not being used efficiently. He suggested further review by title research be done with possibility of easement being vacated. Mr. Hough added Applicant is working with the Vernon MUA to move existing sewer pipes and easement on site. The proposed landscaping along Omega will meet requirements of green space per Redevelopment Plan. Mr. Hough explained topography and underground piping limited the number of light poles proposed in parking area causing need to raise height to 16.5' and seek variance relief.

Mr. Stoner noted sidewalk size should be 6' for the parking space hangover and Mr. Hough stated plans could be revised to accommodate. He noted application is a major development and is subject to meeting the current Vernon Township and NJDEP stormwater requirements. Mr. Hough stated signage will comply with Town Center guidelines site and plan depicts total of 41 parking spaces, which includes 6 EV and 2 handicap spaces. He noted size of parking spaces cannot be widened due to layout but may gain space should drainage easement be vacated. He noted per Residential Site Improvement Standards (RSIS) that parking spaces of 9' x 18' are standard size. An emergency generator is not planned on site but may be included in final plans.

Board Member questioned how snow removal of site will be managed due to high walls and limited space on site. Mr. Hough acknowledged concern and will address at final hearing.

Ms. Caldwell explained the Town Center Redevelopment plan required each site to install sidewalks so to connect to each property. She expressed concern that proposed sidewalk ends in middle of site. Mr. Hough stated the topography of site and need for wall does not allow for full sidewalk along frontage.

Nabil Mijalli, Architect, Mija Architecture, LLC, came forward on behalf of Red Hand, LLC and was sworn to testify as to the proposed floor plans and amenities on site per Exhibit A-2 date 5-14-2025. Proposed on the first floor will be a fitness center with sauna and steam room; lobby, mail room and community lounge. The building complies with all Township guidelines with grey siding, white aluminum trim and flat roof with all rooftop mechanical equipment screened and no stucco used. The plan meets Green Building Standards with energy efficient kitchen equipment, energy windows utilizing natural light and low flow plumbing.

Ms. Caldwell noted the following concerns and/or requirements for proposed application.

- 1) Affordable Housing requirements needed to be added to Plan.
- 2) Variance for parking in front yard with screening to be added to Plan.
- 3) Decorative fencing is recommended to be used on top of wall, not chain link.
- 4) Plans need to be revised to show proposed trees meet Town Center requirements.
- 5) Increased size of sidewalk to 6' needs to be added to Plan.
- 6) Plan will comply with Streetscape requirements.
- 7) Proposed "modern" building design may need variance as per Town Center standards require Mountain Village/ Alpine/ Colonial look.
- 8) Proposed height of light poles in parking areas will need variance.

Ms. O'Neill stated testimony is completed for preliminary site plan and Applicant will review the recommendations and concerns of the Board.

Attorney Tombalakian explained the Board has heard testimony for a Preliminary Site Plan of proposed four story residential building with 27 units of which 6 will be affordable housing. Application will need final site plan approval prior to obtaining any or all building permits. Final plans will be revised to address existing drainage easement or vacation; modification of sidewalk to 6' wide; modification of decorative fencing above wall; required Affordable Housing units; addition of parking area screening; revisit external architectural design to meet Town Center Guidelines and screening of rooftop equipment from public view.

Motion: Motion to Approve LU#2-25-1 Preliminary Site Plan with Variances as proposed per testimony presented was made by Ms. Cocula and was seconded by Mr. Spoerl

ROLL CALL: ROSSI: Y; LARSEN: Y; HIGGINS: Y; THEOBALD: Y; SPOERL: Y; MCPEEK: Y; COCULA: Y; WHITAKER: Y; HALEY: Y.

May 14, 2025 LUB Minutes

Motion Passed

PUBLIC PARTICIPATION

Chairman Theobald opened the meeting to the Public for items other than on the Agenda.

Barbara Costenko requested information on current zoning of Campground located near Woodland Trails Road and what could be approved by new owner. Ms. Decker stated site has former approval by Land Use Board to be a campground, but it is in the R-2 residential zone. Attorney Tombalakian explained that Township Ordinance specifies Permitted, Conditional and Prohibited uses for all properties in Vernon. He added that should owner wish to change use of property, they would need to file application and seek Land Use Board approval, which also would require legal notice in the NJ Herald and to be provided to all properties within 200 ft. Ms. Decker added while the campground does not allow year-round access, there are two single family, year-round homes on the property.

Seeing no one further wishing to come forward, Chairman Theobald closed the meeting to the Public.

LAND USE BOARD DISCUSSION ITEMS (ACTION MAY OR MAY NOT BE TAKEN)

- Annual Update of N.J.S.A. 40:55D-70.1 2024 Recommendations

Chairman Theobald stated due to small number of variances granted, no changes are recommended. He added suggestion to Board to review Ordinance involving containers being allowed in residential zones.

Motion: Motion to Approve Annual Update of N.J.S.A. 40:55D-70.1 for 2024 as presented was made by Ms. Cocula and was seconded by Mr. McPeek.

ROLL CALL: ROSSI: Y; LARSEN: Y; HIGGINS: Y; THEOBALD: Y; SPOERL: Y; MCPEEK: Y; COCULA: Y; WHITAKER: Y; HALEY: Y.

Motion Passed

RESOLUTIONS

LU# 12-24-8 – Danielle Alexander – Block 474, Lot 56, - Variance for a Rear Yard Deck

Eligible to vote: Larsen, Higgins, Spoerl, McPeek, Cocula, Whitaker, Haley, White-Bearstler, Williams

Motion: Motion to Approve Resolution for LU#12-24-8 was made by Mr. Whitaker and was seconded by Mr. Spoerl. All Members eligible voted in Favor. Motion Passed

MINUTES

- March 26, 2025 – Regular Meeting Minutes (Larsen, Higgins, Spoerl, McPeek, Cocula, Haley, Whitaker, White-Bearstler, Williams)

Motion: Motion to Approve March 26, 2025 Regular Meeting Minutes was made by Mr. Higgins and was seconded by Ms. Cocula. All Members voted in Favor. Motion Passed.

APPENDIX A – ESCROWS, BOARD FEES, BOND REDUCTIONS AND ESCROW CLOSURE

ESCROWS, BOARD FEES AND BOND REDUCTIONS

A. Board Fees

- 1. Board Attorney** – Glenn Kienz, Weiner Law Group LLP
 - Land Use Board Business – Services Through 3/26/25 (\$694.50)
 - Red Hand LLC – LU# 2-25-1 – Services Through 3/7/25 (\$54.00)
 - Danielle Alexander – LU# 12-24-8 – Services Through 3/26/25 (\$112.50)
- 2. Board Planner** – Jessica Caldwell, J. Caldwell & Associates
 - Land Use Board Business – Services Through 3/7/25 (\$300.00)
 - Land Use Board Business – Services Through 3/27/25 (\$108.75)
 - Red Hand LLC – LU# 2-25-1 – Services Through 3/7/25 (\$745.00)
- 3. Board Engineer** – Cory Stoner, Harold E. Pellow & Associates
 - Land Use Board Business – (\$0)
 - Red Hand LLC – LU# 2-25-1 – Services Through 2/26/25 (\$72.50)
 - Red Hand LLC – LU# 2-25-1 – Services Through 3/26/25 (\$1,734.10)
 - Indoveda LLC – LU# 4-24-3 – Services Through 2/28/25 (\$145.00)
- 4. Board Recording Secretary** – Irene Mills (\$100.00)

Chairman Theobald read additional fees and release of escrow into record for approval:

Board Attorney – Glenn Kienz, Weiner Law Group LLP Land Use Board Business – \$73.50

Board Attorney – Glenn Kienz, Weiner Law Group LLP Land Use Board Business – \$198.00

Board Attorney – Glenn Kienz, Weiner Law Group LLP Land Use Board Business – \$22.50

Bond Release – Diamond Communications \$4,185.00

Motion: Motion to Approve Fees was made by Mr. Whitaker and was seconded by Ms. White Bearstler. All members voted in Favor. Motion Passed.

ADJOURNMENT

There being no further items of business to be conducted on the agenda, a motion to adjourn the meeting was made by Mr. Williams and was seconded by Ms. White Bearstler. All Members were in favor.

Meeting was adjourned at 9:03 p.m.

Respectfully Submitted

Irene Mills, Recording Secretary