

RESOLUTION
Township of Vernon
Land Use Board
In the Matter of Mountain Creek Resort Inc.
Application Number PB2-91-4
Decided on April 22, 2026
Memorialized on May 13, 2026
2026 Updated Master Plan Approval

WHEREAS, Mountain Creek Resort Inc. (hereinafter the "Applicant") has made application to the Vernon Land Use Board for its 2026 Waterpark Master Plan Update for property known as Block 183, Lots 12 and 13, Block 184, Lots 13 and 25.01 and Block 190, Lots 9, 10.03, 10.04, 11 and 16 as shown on the Tax Map of the Township of Vernon, located on Route 94 in the Mountain Resort Zone (MRZ) (hereinafter the "Subject Property"); and,

WHEREAS, a public meeting was held on April 22, 2026, after the Board determined it had jurisdiction; and,

WHEREAS, the Applicant was not represented by counsel.

NOW THEREFORE, the Land Use Board makes the following findings of fact, based on evidence presented at its public meeting, at which a record was made.

The application before the Board is a request to approve the 2026 Mountain Creek Waterpark Master Plan Update for the Subject Property. Appearing and testifying on behalf of the Applicant were Evan Kovach, its General Manager.

The Board first takes judicial notice of the most recent previous decision which it rendered on April 23, 2014 that was memorialized on May 14, 2014. The Board finds that in 1991, the Applicant, then known as Action Park, received approval from the Vernon Township Planning Board for a Master Plan that incorporated all the structures and amenities within the park, including buildings, kiosks and ride attractions. Drawing language from the Board's January 8, 1992 Resolution, the basis for the Master Plan Update process was quite clear:

The application before the Board is a request for an overall master plan approval so as to memorialize all previous actions taken by the Board as it effects the project known as “Action Park”...Specifically, the relief being sought involves, first, a request for memorialization of all previous approvals granted by the Board and second, preliminary and final site plan approval to allow certain minor alterations within the confines of the park.

The Board notes as an additional finding, that the Board had established a Master Plan Subcommittee to do annual review of the Action Park facility each year. Subsequently, however, it was determined that the Subcommittee format was essentially eliminated and instead the entire Land Use Board would hear the Master Plan updates on a regular basis. It was noted that since the Subcommittee no longer was available, a detailed map had been prepared each year updating what the Applicant was proposing to install on site.

Mountain Creek Resort has submitted a 2026 update for the Mountain Creek Water Park Master Plan. The 2026 Master Plan Update included a site plan map entitled, “Mountain Creek Resort Inc. North Master Plan”, prepared by Dewberry Engineers Inc., consists of one (1) sheet dated January 12, 2011 and last revised March 25, 2025, as well as a site plan map entitled, “Mountain Creek Resort Inc. South Master Plan”, prepared by Dewberry Engineers Inc., consists of one (1) sheet dated January 12, 2011 and last revised March 25, 2025. The new items for 2026 include (item numbers keyed to 2026 North Master Plan Update):

1. Restroom/Snack Bar
4. Midhill Bathroom Updates
10. Permitter Fence
15. Expand Tubing and Ski Bag Jump. As this is a new location, minor site plan approval will be required.
20. Performance Stage (Great Lawn). Minor site plan approval required for this item.

- 22. Outdoor Bar
- 58. Base Area/Bathroom – Welcome Center
- 61. Restaurant Improvements

Board Engineer Corey Stoner offered no objection to the above items being presented in the 2026 Master Plan update. During hearing, items #15 and 20 were discussed, with the LUB agreeing with Mr. Stoner that these items will require minor site plan application when/if they are proposed for construction. Mountain Creek representatives confirmed these items are planned to proceed in 2026, but it remains unknown whether these will actually proceed as planned. Except as noted above, Mr. Kovach confirmed these items were relatively minor in nature and did not warrant further Land Use Board review and approval.

There were no members of the public present expressing an interest in this application.

NOW THEREFORE, the Land Use Board makes the following conclusions of law, based on the foregoing findings of fact.

The application before the Board is a request for a 2026 Master Plan Update for the facility known as Mountain Creek Waterpark, which is located on Block 183, Lots 12 and 13, Block 184, Lots 13 and 25.01 and Block 190, Lots 9, 10.03, 10.04, 11 and 16.

The Board notes that it had, in 1991, crafted a novel process permitting this facility to grow, adapt to changing conditions and technology and prosper without the necessity of submitting every site modification to the Board for full formal site plan review and approval. The Board subsequently modified that process during its hearings for the 2014 Updated Master Plan approval concluding that its intent at that time should be continued to ensure that it has on file in the Municipal Building a current accurate map of the facility and a “paper trail” of development approvals.

In reviewing the 2026 item(s), other than Items #15 and 20, the Board concludes the ongoing improvements are not significant enough to warrant full site plan review and approval from the Land Use Board. Item #15 and 20, if and when ready to proceed, require minor site plan review and approval from the LUB.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board that the application of Mountain Creek Resort Inc. for Block 183, Lots 12 and 13, Block 184, Lots 13 and 25.01 and Block 190, Lots 9, 10.03, 10.04, 11 and 16 as shown on the Tax Map of the Township of Vernon, located on Route 94 in the Mountain Resort Zone (MRZ), requesting approval for its 2026 Waterpark Master Plan Update is granted pursuant to N.J.S.A. 40:55D-51.

IT IS FURTHER RESOLVED, this approval is subject to the following terms and conditions:

1. Applicant shall appear before the full Land Use Board no later than the regularly scheduled April 2027 meeting of the Board unless the Applicant requests otherwise and the Board agrees to said extension request, with an updated Master Plan and legend clearly indicating what construction will be taking place in calendar years, 2026, 2027 and if necessary 2028.
2. The January 8, 1992 Resolution of the former Vernon Township Planning Board along with the subsequent Resolution memorialized May 14, 2014 by the Vernon Township Land Use Board shall remain in full force and effect.
3. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board's Secretary.
4. Certificate that taxes are paid to date of approval.

5. Prior to the issuance of any construction permit, the Applicant shall file with the Board and Construction Official an affidavit verifying that the Applicant is in receipt of all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and supply a copy of any approvals received.
6. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Vernon, County of Sussex, State of New Jersey, or any other jurisdiction.

The undersigned secretary certifies the within resolution was adopted by this Board on April 22, 2026 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on May 13, 2026.



Kimberley Decker

FOR: 5

AGAINST: —

ABSTAIN: —

Board Member(s) Eligible to Vote:

Buccieri; Spoerl; McPeck; Cocula; Wengenroth; Whitaker

Prepared by: Steven R. Tombalakian, Esq.