

**VERNON TOWNSHIP LAND USE BOARD
REGULAR MEETING MINUTES
November 12, 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

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| 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 | P |
| Vacant Alternate #3 | |
| Mark Vizzini Alternate #4 | P |

Also Present:

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

PUBLIC HEARINGS

LU# 10-25-10 – Mountain Creek Resort, Inc. - Block 532, Lot 11, - Major Soil Fill Application for 3,000 yards of soil

Mr. Joseph Sparone, NJ licensed Engineer was sworn in and came forward on behalf of Applicant to request approval for Major Soil Fill on site of Mountain Creek Resort. Mr. Stoner explained applicant provided plans, lab reports and Upper Delaware Soil District approval to bring 3000 cubic yards of fill to existing pit at Granite Peak for general maintenance due to soil erosion on site. Mr. Sparone stated the fill was deemed clean as it met criteria per NJ Standards and proof from contractor from truck manifest was provided. The soil came from RT 23 roadway improvements near Kinnelon/Butler area.

Chairman Theobald opened the hearing to the public. Seeing no one wishing to come forward, Chairman Theobald closed the hearing to the public.

Motion: Motion to Approve LUB#10-25-10 per testimony was made by Ms. Cocula and was seconded by Mr. Whitaker.

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

LU# 6-25-4 – O’Neill Group 517 Route 515 LLC, – Block 413, Lot 12, - Preliminary & Final Site Plan
with variances to develop three residential buildings containing thirty-three units each

Lauran O’Neill, Esq. came forward on behalf of the O’Neill Group, LLC to request preliminary and final site plan approval to develop three residential buildings with 99 units on current vacant parcel.

Callisto Bertin, licensed Engineer was sworn in and approved by Board to testify on behalf of applicant. Mr. Stoner stated the Applicant has provided the following completeness items for purpose of hearing of application: ESA mapping; EIS provided; LOI determination from NDEP; Traffic Impact Study; Stormwater calculations provided.

Mr. Bertin described Exhibit A-1, landscape rendering of proposed development dated November 11, 2025. Site is a wooded lot with elevation challenges being 2.19 acres with 286 road frontage to County Route 515. Proposed improvements include three 4-story buildings of thirty-three units each, and underneath parking with main access off South Main Street and onto Southbound RT 515. Amenities will include fire pit, barbeque area, pedestrian crosswalk and sidewalks to South Main Street only. Exhibit A-2 is larger scale Concept plan with streetscape view showing connectivity to other properties on Main Street. Mr. Bertin explained parking requirements per code are 1.5 spaces per unit equaling 149 spaces needed and proposed. The site has a 49 ft grade change and test borings were performed showing rock down 12 feet. Applicant plans to drill and not to blast but understands State will regulate any blast permit. The proposed building heights of the three buildings are 49.1 ft South Building; 49.9 ft West Building and 49.9 ft North Building meeting Township Code Requirements. Mr. Bertin described the proposed Stormwater detention recharge system and water treatment system that will tie into County system on RT 515 and constructed per NJDEP rules and requirements. Calculations meet rates of reduction. The proposed development will connect to the Vernon MUA sewer line at 18,900 gallons/day and will require TWA/DEP approval. Water for the site will be connected to the current dry line on Main Street and provided after upgrades by Veolia are made. Mr. Bertin stated Hemlock trees will be planted along RT 515 and the adjacent building for screening purposes. Lighting in parking lot will be approximately 4.66-foot candles, and no signage is proposed. Ms. O’Neill added that development does not meet Lead Certification but has energy star appliances and fixtures, energy efficient HVAC units, natural light in units and electric vehicle spaces.

Mr. Stoner confirmed with Applicant that one-third of EV spaces will be built at time of CO and that sidewalks will be 6ft wide with no landscaping between buildings. He noted that Township Council approval will be needed for access easement for RT 515 access driveway. Buildings will all be built at one time, no phasing of the project will be done. Mr. Stoner was concerned about the substantial 20-ft-wall proposed and recommended making changes to plan. Proposed buildings were numbered for consistency: South Building #1; West Building #2; North Building #3. Mr. Stoner noted that Stormwater calculations be verified with NJDEP and confirmed that water basin system will be installed under building but need to be added to Grading Plan 2.3. Mr. Stoner noted the proposed parking lot lighting brightness is too high and recommended they be moved to lower amount. No generators are proposed on site.

Board Members expressed concern about lighting; height; landscaping; elevation; grading of site and small lot size for large development. Mr. Bertin stated elevation of buildings is: Building 1 is 619 ft; Building 2 is 621 ft and Building 3 is 618ft. He added lights will be in front not shining back and landscaping is proposed for screening of adjacent properties. Board requested Photo simulation topography plan with cross section of buildings with neighbors of 4-storys to see height differential. Board discussed proposed landscaping and suggested variety of species to include deciduous and ornamental. Also recommended is addition of landscaping island between parking lots to improve aesthetics.

Board discussed sidewalk safety and connectivity to adjacent lots and Town Center and decided Applicant must meet with Board Planner and Engineer for best recommendations of site per Town Ordinances. Board acknowledge quality materials used on other developed site by Applicant. Board noted that ADA parking needs to be added to main lots as plans now only show in underbuilding lot which is assigned to owners. Parking garage shows no space to turn around, and Applicant explained all spaces are assigned and with entry by key card only. Regarding Stormwater System maintenance, Ms. O'Neill explained to Board that owner is required to maintain system and location is filed with deed for any future owner. Discussion about stream across RT 515 and required buffers which was determined to not being a Category 1. Applicant restated that stormwater calculations show site after development will reduce the flow from the property and be reviewed by Sussex County as well. Ms. O'Neill added units will have electric heat by JCP& L and gas for cooking with no solar panels proposed.

Ms. Caldwell requested Applicant to add Affordable Housing unit information and diversity of proposed landscaping discussed on Site Plan. She confirmed that four-foot decorative black metal fence would be added to top of walls. Trash removal will be managed by chute in building to compactor room and overseen by Building Supervisor. Ms. Caldwell stated proposed light poles are 12.5 ft high which would require variance as it does not meet Township Ordinance, but Applicant agreed to change to meet code.

Chairman Theobald stated Board will take a five-minute recess at 8:40 pm. Board reconvened at 8:45 pm.

Lee Klein, NJ Certified Traffic Operations Engineer was sworn in and described the Traffic Impact Study dated August 22, 2025 for the proposed development. Chairman Theobald stated the Land Use Board has no authority over Route 515. Mr. Klein provided traffic calculations onto South Main Street during peak and non-peak times including traffic counts from adjacent proposed gas station. Analysis concluded that there was insignificant impact to traffic patterns and noted application will have enough parking spaces on site. Mr. Stoner and Board Members expressed concern of increased traffic count at intersection with RT 515 and where the three driveways from the adjacent dentist, gas station and new units all come together. He added that Sussex County will also review the traffic impact to the intersections in proposed development.

Nabil Mijalli, licensed Architect in New Jersey was sworn in to discuss proposed application and presented Exhibit A-3, full set of architectural plans dated 11-1-2025 that include revisions per Board Engineer's report. Proposed is three 33-unit buildings made up of 48 one-bedroom units, 47 two-bedroom units and 4 Affordable Housing three-bedroom units. There will be 12 units per floor with height of Building 1 being 50 ft and Buildings 2 & 3 being 48 ft. The buildings will be a traditional Mountain Resort architecture with added gable above the balcony to create visual interest. The asphalt shingled roof will have 3' x 6' panels around entire building to conceal the rooftop mechanical equipment. The façade will have cultured stone with vertical siding on upper floors, and Sherwin Williams colors will be used to comply to the Town Center Ordinance. Board Members recommend gables to be added to building faces on RT 515 side to break up massing. To prevent negative visual impact, Board questioned HOA rules on balcony amenities allowed i.e. Gas grills etc. Applicant explained that all tenants must adhere to Owner's rules to maintain optimal visual aesthetics. Mr. Mijalli added building will have sprinklers, fire suppression to meet State and Local Fire Codes. Buildings will have motion sensor, camera and intercom system for security purposes and only be accessed by tenants using assigned key fob. Ms. O'Neill added that gables will not be added back side of building but the wall facing adjacent gas station can possibly be broken up with gable.

Ms. Caldwell stated Affordable Housing units as well as the building materials and colors must be identified on plans. The parapet walls on roof to shield the mechanical equipment needs to be added to plans

Chairman Theobald opened the Hearing to the Public.

Doreen Edwards expressed concern about usage of proposed under building parking and potential for animals to enter garage where trash compactor is located. She noted that ADA parking spots must also be located in open lots. She added concern that the 99 units will decrease water supply to area and add traffic to intersection causing safety issues entering Route 515.

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

Board Attorney stated the Hearing will be carried forward to the January 28, 2026 Land Use Board meeting at 7:00 pm with no further notice, mailed or published, required.

PUBLIC PARTICIPATION

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

RESOLUTIONS

LU# 9-25-9 – O’Neill Group 12, LLC – Minor Site Plan to store a trailer, stockpile, and a container on a vacant lot

Eligible to vote: Rossi, Larsen, Higgins, McPeck, Cocula, Whitaker, Haley, Theobald

Motion: Motion to Approve Resolution for LU# 9-25-9 was made by Mr. Whitaker and was seconded by Ms. Cocula.

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

LU# 9-25-8 – Veolia Water New Jersey, Inc. – Block 241, Lot 12, - Preliminary and Final Site Plan with Conditional Use and Bulk Variances to Construct a 383 square foot addition to the existing water utility building to include the installation of PFAS filtration equipment, an above ground emergency generator and an above ground water storage tank

Eligible to vote: Larsen, McPeck, Cocula, Whitaker, Haley, Theobald

Motion: Motion to Approve Resolution for LU# 9-25-8 was made by Ms. Cocula and was seconded by Mr. Whitaker.

ROLL CALL: LARSEN: Y; MCPEEK: Y; COCULA: Y; WHITAKER: Y; HALEY: Y; THEOBALD: Y. Motion Passed

MINUTES

- October 8, 2025 – Regular Meeting Minutes (Larsen, McPeck, Cocula, Whitaker, Haley, Theobald)

Motion: Motion to Approve Minutes of October 8, 2025 was made by Mr. Whitaker and was seconded by Mr. McPeck.

ROLL CALL: LARSEN: Y; MCPEEK: Y; COCULA: Y; WHITAKER: Y; HALEY: Y; THEOBALD: Y. 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 9/30/25 (\$708.00)
 - Veolia Water NJ – LU# 9-25-8– Services Through 9/23/25 (\$67.50)
 - O’Neil Group Theta 12 – LU# 9-25-9 – Services Through 9/23/25 (\$67.50)
 - Aqua New Jersey – LU# 7-25-6 – Services Through 9/30/25 (\$688.50)
- 2. Board Planner** – Jessica Caldwell, J. Caldwell & Associates
 - Land Use Board Business – Services Through 9/12/25 (\$225.00)
 - Aqua New Jersey – LU# 7-25-6 – Services Through 8/7/25 (\$300.00)
 - Red Hand LLC – LU# 2-25-1 – Services Through 9/17/25 (\$300.00)
 - Veolia Water NJ – LU# 9-25-8– Services Through 9/22/25 (\$2,123.00)
 - O’Neil Group 517 – LU# 6-25-4 – Services Through 9/8/25 (\$1,595.00)
 - O’Neil Group 517 – LU# 6-25-4 – Services Through 9/8/25 (\$1,087.50)
 - Waleid Shousha – LU# 5-25-3 – Services Through 9/29/25 (\$942.50)
- 3. Board Engineer** – Cory Stoner, Harold E. Pellow & Associates
 - Land Use Board Business – Services Through 8/27/25 (\$652.50)
 - Bright Horizon – LU# 1-22-1 – Services Through 8/12/25 (\$440.00)
 - Red Hand LLC – LU# 2-25-1 – Services Through 8/22/25 (\$435.00)
 - Thomas Reeves – LU# 7-25-5 – Services Through 8/8/25 (\$1,045.00)
 - Aqua New Jersey – LU# 7-25-6 – Services Through 8/26/25 (\$660.00)
 - Waleid Shousha – LU# 5-25-3 – Services Through 8/8/25 (\$577.50)
 - Frank Dewitt – LU# 7-25-7 – Services Through 8/8/25 (\$300.00)
- 4. Board Recording Secretary** – Irene Mills (\$100.00)

Chairman Theobald read into record additional Fees to be Paid:

Board Engineer – Cory Stoner, Harold E. Pellow & Associates

Land Use Board Business – \$496.00

Aqua New Jersey LU#7-25-6 -\$457.00

Board Planner – Jessica Caldwell, J. Caldwell & Associates

Land Use Board Business - \$150.00

Veolia Water NJ – LU# 9-25-8-\$490.00

Board Attorney –Glenn Kienz, Weiner Law Group LLP

Land Use Board Business \$216.00

Red Hand, LLC - LU# 2-25-1 \$108.00

O’Neill Group - \$90.00

Veolia Water NJ – LU# 9-25-8 - \$396.00

Mountain Creek - \$45.00

Motion: Motion to Approve Additional Fees to be paid was made by Ms. Cocula and was seconded by Mr. Spoerl. All Members voted in Favor. Motion Passed

B. Request for Escrows to be closed

- Rosemark Realty LLC – PB# 11-08-7 – Block 227, Lot 3, - Major Site Plan to build an industrial building (\$4,581.92)

November 12, 2025 LUB Minutes

Mr. Stoner stated Applicant fulfilled all requirements in the Resolution and obtained Certificate of Occupancy therefore remaining escrow may be released.

Motion: Motion to Approve Escrow to be Closed was made by Mr. Whitaker and was seconded by Ms. Larsen. 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 Ms. White-Bearstler and was seconded by Mr. Spoerl. All Members were in favor.

Meeting was adjourned at 9:42 pm.

Respectfully Submitted

Irene Mills, Recording Secretary