

**VERNON TOWNSHIP LAND USE BOARD  
REGULAR MEETING MINUTES  
August 13, 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’s Designee John Auberger	P	Also Present:
Ann Larsen	P	Steven Tombalakian, Board Attorney
Councilmember William Higgins	P	Thomas Knutelsky, Board Engineer
Martin Theobald	P	Jessica Caldwell, Board Planner
Richard Spoerl	P	Kimberley Decker, Board Secretary
Willard McPeck	P	
Andrea Cocula	P	
Jacqueline Haley	NP	
Michael Whitaker	P	
Jodi White- Bearstler Alternate #1	P	
Paul Mele Alternate #2	NP	
Craig Williams Alternate #3	NP	
Mark Vizzini Alternate #4	NP	

Chairman Theobald stated record reflects Members Haley, Mele, Williams and Vizzini notified Board of their absence.

**PUBLIC HEARINGS**

**LU# 7-25-5 – Thomas Reeves** – Block 9, Lot 16, - Side Yard Variance for an Addition to a Single-Family Home

Applicant Thomas Reeves and Jeffrey Reeves, Licensed Engineer came forward and were sworn in to testify to request a Side Yard variance for addition to existing home on Block 9 Lot 16. Board Engineer stated, according to Cory Stoner’s report of August 8, 2025, that there were eight items not provided in application packet: 14, 16, 18, 24, 25, 27, 35, and 39, all which may be temporarily waived for the purpose of hearing the application. Board Members approved the temporary waiver of items.

Mr. Jeffrey Reeves stated the one-acre site has home with above-ground pool and deck sitting on crest with front sloping toward roadway. The proposed addition to the home on northside, will accommodate added bedrooms for immediate family members. The home will remain a single-family home with one upgraded septic, one well and all same utilities. There are two existing sheds on side yard which will be relocated to rear. The proposed garage will be at the end of existing driveway.

Mr. J. Reeves presented colored aerial rendering, labeled Exhibit A-1, showing existing neighborhood, structures, and wooded areas with no wetlands, addressing items 14 and 16. Application is proposing 22' x 28' two-car garage for vehicle and general storage with siding to match home. Home is in the R-1 residential zone which requires 5-acre lots but noted that most in area are only one-acre pre-existing non-conforming lots causing need for setback relief. Mr. Reeves added if variance is granted, applicant will comply with #18 grading plan requirement and soil erosion plan when septic is reconfigured. The site meets the exception #5 for existing residential homes in the Highlands Planning Area for improvements.

Mr. J. Reeves explained main reason for location of improvements was due to the topographic limits with least disturbance to site while aesthetically pleasing to neighborhood. He presented to the Board six photographs of site, collectively labeled Exhibit A-2, to help show need for variance. The proposed upgraded septic has not yet been designed but applicant feels assured that approval from Sussex County Health Department will be granted.

Board Engineer explained condition of any approval, applicant must obtain easement for existing block walls on driveway over property line or relocate wall. He added stormwater management plan calculations for improvements must be submitted to Township Engineer for approval, prior to any permit being issued. Relocation of existing sheds must be shown on plans for compliance with the Township code.

Board Planner stated applicant testified site is an existing single-family home on a one-acre lot in a 5-acre zone showing hardship for proposed improvements. Thomas Reeves added home is similar to other homes in neighborhood.

Chairman Theobald opening the hearing to the Public.

Robert Engel, Edison NJ, is personally familiar with applicant's family and their service to the Town of Edison and urged Board Members to approve application.

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

Attorney Tombalakian stated application is for construction of addition and two-car garage and is requesting two variances for C-1 hardship. Applicant has stated they will comply with all Board Engineer's comments in application report. Conditions of any approval include obtaining an easement for retaining wall in driveway or relocate; comply with Board Engineer's Stormwater requirements; and submit revised plans showing relocation of accessory structures that comply with Township Code.

**Motion:** Motion to Approve LUB#7-25-5 was made by Ms. Cocula and was seconded by Mr. Auberger

ROLL CALL: AUBERGER: Y; LARSEN: Y; HIGGINS: Y; SPOERL: Y; MCPEEK: Y; COCULA: Y; WHITAKER: Y; WHITE -BEARSTLER: Y; THEOBALD: Y. Motion Passed

**LU# 5-25-3** – **Waleid Shousha** – Block 202, Lot 73, - Front Yard Variance for a new Single-Family Home

Members Cocula and Whitaker stepped down from hearing the application.

Mr. Daniel Benkendorf, Esq. Askin & Hooker, and Mr. Jeffrey Houser, Eng. came forward to testify on behalf of applicant. Board accepts qualifications of Mr. Houser.

Board Engineer Knutelsky stated per updated report of Cory Stoner dated August 8, 2025; there were four items not provided; #12; #14; #24; and #25 which all may be waived temporarily for purpose of

hearing application with requirement that Applicant provide testimony on Environmentally Sensitive Areas (ESA).

Mr. Benkendorf stated application is seeking front-yard variance of 12.8 ft where 40 ft is required, to construct a new single-family home on Block 202 Lot 73, a 12,494 sq ft lot in a Private Lake community zone. He noted applicant attempted to purchase adjacent lot, but owner of site has multiple liens, and probate issue was unable to sell at reasonable price. The Township was also unable to negotiate a sale of tax lien amount. The lot is shallow, narrow, and oddly shaped with topographical restraints with warranted hardship for variance relief.

Mr. Benkendorf presented three exhibits

A-1 Revised Variance plan date August 13, 2025

A-2 Simplified version of Variance Plan dated August 13, 2025

A-3 Conceptual Picture of proposed home with like colors and materials

Mr. Houser stated requirement of ESA is depicted in Exhibit A-1 showing the improvable area, driveway, slopes but retaining walls have yet to be designed. He noted the unique property presented engineering challenge with bend in roadway causing proposed home to be 68 ft from edge of pavement. Site is in Vernon Valley Lake Community with no flood elevation issues nor wetlands but there is a 150 ft riparian zone which will require a #6 NJDEP permit to carve out area that can be disturbed. Site is in the Highlands Planning area which allows single-family homes to be built on pre-existing lots.

Mr. Houser stated the proposed paved driveway will not exceed the 15% in slope but may be steeper than 5% within 25 feet of the roadway causing need for variance. The needed retaining wall will be two-tiered with height of 9 ft causing need for engineered design. The two- and one-half story dwelling will be on a slab with 3 bedrooms and walkout basement in back with a small patio to view lakefront. The location of the well and septic will be designed per approval of Sussex County Health Department. Stormwater Management plan and calculations utilizing seepage pits will be provided to the Township Engineer for approval.

Mr. Houser, concerning ESA's, explained that according to the Township code, minimal improvement area is 6,000 sq ft in the PLC zone where applicant has proposed only 4,000 sq ft due to the unique lot shape and building envelope. He noted that the Board must consider need for variance in this case as the site is existing non-conforming lot.

Mr. Knutelsky noted testimony has been provided by Applicant satisfying the items waived in Engineer's report with ESA discussion but including possible design waiver needed for driveway slope. Drainage calculations will be provided to Township Engineer for review and approval. Retaining walls will be block finished face with stone look similar to Cambridge or Keystone. Per condition of approval, building plan will comply with maximum height per code and show proposed wooden guard rails.

Board professionals discussed Township code requirements for ESA and whether it applies for pre-existing lots and if variance criteria is met with hardship. Ms. Caldwell noted hardship criteria is met with setback from lake, and noted lot is not being overdeveloped and all other bulk standards met. She added that PLC zone allows front yard exceptions based on neighboring sites and per aerial photos that show others in area to be in similar locations.

Mr. Shousha commented that although this has been an expensive project, he wants to build his home in lake community for his family to enjoy. He had extensive communication with adjacent lot owner and Township but was unable to purchase the added lot.

Chairman Theobald opening the hearing to the Public.

Michelle Caroli expressed concern about 12 ft variance needed but understood from testimony that home will be farther set back due to large road right of way.

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

Attorney Tombalakian summarized that application is requesting variance for front-yard setback to construct a new single-family home and will comply with all Cory Stoner's requirements per his August 8, 2025 report. Applicant has agreed to have all architectural drawings approved by Township professionals prior to building permit being issued. Board will defer need for variance of ESA ordinance to Township Engineer and if applicable C-1 variance will be approved. The decorative stone retaining wall will be designed by licensed engineer. All needed approvals from outside agencies will be obtained. Chairman Theobald noted Township Planner will review the architectural plans and Township Engineer will review all Engineering matters.

**Motion:** Motion to Approve LU#5-25-3 was made by Mr. Spoerl and was seconded by Mr. McPeek

ROLL CALL: AUBERGER: Y; LARSEN: Y; HIGGINS: Y; SPOERL: Y; MCPEEK: Y; WHITE - BEARSTLER: Y; THEOBALD: Y. Motion Passed

Members Cocula and Whitaker returned to Meeting.

#### **PUBLIC PARTICIPATION**

Chairman Theobald opened the meeting to the Public for items other than on the Agenda. Seeing no one wishing to come forward, Chairman Theobald closed the meeting to the Public.

#### **RESOLUTIONS**

##### ➤ MOUNTAIN CREEK RESORT – MASTER PLAN UPDATE

**Eligible to vote:** Auberger, Larsen, Spoerl, McPeek, Cocula, Whitaker, Haley, White-Bearstler, Theobald

**Motion:** Motion to Approve Resolution for Mountain Creek Resort Master Plan Update was made by Ms. Cocula and was seconded by Ms. White-Bearstler.

ROLL CALL: AUBERGER: Y; LARSEN: Y; SPOERL: Y; MCPEEK: Y; COCULA: Y; WHITAKER: Y; WHITE-BEARSTLER: Y; THEOBALD: Y. Motion Passed

##### ➤ MASTER PLAN UPDATE, OF THE TOWNSHIP OF VERNON, STATE OF NEW JERSEY

**Eligible to vote:** Auberger, Larsen, Spoerl, McPeek, Cocula, Whitaker, Haley, White-Bearstler, Theobald

**Motion:** Motion to Approve Resolution for Master Plan Update was made by Mr. Whitaker and was seconded by Mr. Auberger

ROLL CALL: AUBERGER: Y; LARSEN: Y; SPOERL: Y; MCPEEK: Y; COCULA: Y; WHITAKER: Y; WHITE-BEARSTLER: Y; THEOBALD: Y. Motion Passed

➤ **WATER USE AND CONSERVATION MANAGEMENT PLAN**

**Eligible to vote:** Auberger, Larsen, Spoerl, McPeek, Cocula, Whitaker, Haley, White-Bearstler, Theobald

**Motion:** Motion to Approve Resolution for Water Use and Conservation Management Plan was made by Ms. Cocula and was seconded by Mr. McPeek

ROLL CALL: AUBERGER: Y; LARSEN: Y; SPOERL: Y; MCPEEK: Y; COCULA: Y; WHITAKER: Y; WHITE-BEARSTLER: Y; THEOBALD: Y. Motion Passed

➤ **AMENDED HISTORIC ELEMENT – ADDITION OF THE PERRY FARM BLOCK 525, LOT 17, AND ADDITION OF THE STEWART HOUSE BLOCK 378, LOT 20**

**Eligible to vote:** Auberger, Larsen, Spoerl, McPeek, Cocula, Whitaker, Haley, White-Bearstler, Theobald

**Motion:** Motion to Approve Resolution for Amended Historic Element was made by Ms. Cocula and was seconded by Ms. White-Bearstler

ROLL CALL: AUBERGER: Y; LARSEN: Y; SPOERL: Y; MCPEEK: Y; COCULA: Y; WHITAKER: Y; WHITE-BEARSTLER: Y; THEOBALD: Y. Motion Passed

**MINUTES**

- July 9, 2025 – Regular Meeting Minutes (Auberger, Larsen, Spoerl, McPeek, Cocula, Whitaker, Haley, White-Bearstler, Theobald)

**Motion:** Motion to Approve Minutes of July 9, 2025 was made by Mr. Auberger and was seconded by Mr. Whitaker. 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 (\$0)
  - Boho Realty, LLC – LU# 2-23-3 – Services Through 6/13/25 (\$72.00)
  - Waleid Shousha – LU# 5-25-3 – Services Through 6/2/25 (\$45.00)
  - O’Neil Group 517 – LU# 6-25-4 – Services Through 6/10/25 (\$45.00)
- 2. Board Planner** – Jessica Caldwell, J. Caldwell & Associates
  - Land Use Board Business – Services Through 6/6/25 (\$225.00)
  - O’Neil Group 517 – LU# 6-25-4 – Services Through 6/27/25 (\$3,371.25)
  - Waleid Shousha – LU# 5-25-3 – Services Through 6/11/25 (\$688.75)
- 3. Board Engineer** – Cory Stoner, Harold E. Pellow & Associates
  - Land Use Board Business – Services Through 5/14/25 (\$507.50)
  - Red Hand LLC – LU# 2-25-1 – Services Through 5/14/25 (\$72.50)
  - Sussex Cultivation, LLC – LU# 2-23-4 – Services Through 5/14/25 (\$145.00)
  - Bright Horizon – LU# 1-22-1 – Services Through 5/28/25 (\$652.90)

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- Boho Realty, LLC – LU# 2-23-3 – Services Through 5/29/25 (\$360.00)
- **Board Recording Secretary** – Irene Mills (\$100.00)

**Motion:** Motion to Approve Fees was made by Mr. Whitaker and was seconded by Ms. Larsen. All Members voted in Favor. Motion Passed

**B. Request for Escrows to be closed**

- LU# 12-24-8 – Danielle Alexander – Block 474, Lot 56 – Rear Yard Deck Variance (\$404.50)
- ZB# 4-06-6 – Glenwood Management, LP – Block 521, Lot 10, - Open Market Units (\$548.50)

**Motion:** Motion to Approve Release of Escrows was made by Ms. Cocula 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 Mr. Auberger and was seconded by Ms. White-Bearstler. All Members were in favor.

Meeting was adjourned at 8:21 p.m.

Respectfully Submitted

Irene Mills, Recording Secretary