

**VERNON TOWNSHIP LAND USE BOARD  
REGULAR MEETING MINUTES  
August 27, 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	Also Present:
Ann Larsen	NP	Glenn Kienz, Board Attorney
Councilmember William Higgins	P	Cory Stoner, 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	P	

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

**PUBLIC HEARINGS**

**LU# 7-25-7 – Frank Dewitt – Block 153, Lot 39, - Variances for ground mounted solar in the front yard**

Mr. Michael Paterson, general contractor, was sworn in to testify on behalf of owner John Junek, also present. Mr. Frank Dewitt, expert in solar installation, was sworn in as well to testify. Mr. Junek stated he was unsure he would be able to attend hearing and requested Mr. Dewitt present the application before the Board.

Board Engineer Mr. Stoner per report dated August 22, 2025, listed items that applicant did not submit in application but can be temporarily waived for purpose of hearing the application:

- Zone data tabulation
- indicate existing structures within 200 ft on plan
- indicate existing wells/septics on plan
- proposed grading plan for disturbances
- NJDEP wetlands certification
- Highlands Preservation Certification
- Area of disturbance delineated

- Impervious coverage labeled on plan
- Summary of Request for Waivers
- Description of Variances requested

Attorney Kienz questioned why application was for minor subdivision and not for variance relief which was typographical error corrected for variance application. Also name on application needs to be revised to add owner of record John Junek. Mr. Paterson stated he is a licensed Registered Builder in State of New Jersey and as listed on plans, licensed Engineer James Douglas, Solar Foundations, will be a subcontractor for the project.

Mr. Junek explained that he purchased the property 28 years ago and objective is to install solar for environmental reasons; to lessen demand off electrical grid; and for cost efficiency.

Mr. Dewitt testified that option to add solar to the roof was not attainable on the metal roof. The rear yard option was 50% less efficient and would require removal of numerous trees. The proposed front yard option was the most efficient for sun exposure and closest to house for connection purposes. Due to natural screening on three sides of property, proposed solar array would have no visual impact on surrounding neighbors. The ground array looks like two pieces because of expansion with pylons with minimal soil disturbance to site. Application to the Upper Delaware Soil Conservation District for this project was made today August 27, 2025, with decision expected in a week. The proposed 8' x 12' shed will be installed on a gravel bed for good drainage with no soil disturbance. Batteries will be hung on the shed walls at least two feet off floor with two meters on poles behind shed; all installed per building and fire codes. Electrical lines will run overhead from array to house.

Mr. Stoner stated a front yard setback variance is required for the solar array in the front yard and a second front yard variance for the prefabricated shed where the solar backup batteries will be housed.

Ms. Caldwell noted applicant has testified to the better planning alternatives for this proposal due to topography and limited sun exposure on site. Variance criteria serve general welfare with beneficial purpose without substantial detriment.

Board questioned who chose the ideal spot for the solar array. Mr. Dewitt stated he visited site and used Solar Path Finder program to locate the best direction and readings for solar. Board questioned how long batteries last. Mr. Dewitt stated power from batteries can be utilized by an App and will last for approximately 2-3 days for specific items chosen such as AC, heat, appliances on an as-needed basis.

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

**Motion:** Motion to Approve LUB#7-25-7 per testimony and Board professional conditions was made by Ms. Cocula and was seconded by Ms. White-Bearstler.

ROLL CALL: ROSSI: Y; HIGGINS: Y; MCPEEK: Y; COCULA: Y; WHITAKER: Y; WHITE - BEARSTLER: Y; VIZZINI: Y; THEOBALD: Y. Motion Passed

Applicant requested Waiver of Reading the Resolution at their own risk in order to proceed with submission of permits.

Mr. Stoner noted that prior to approval of any zoning permit, Upper Delaware Soil Conservation District approval is required, and plans must be updated per Engineers' comments on Report of August 22, 2025. Attorney Kienz added name on Application must include owner of record John Junek.

Board Members voted in favor of Waiver of Resolution.

**LU# 2-25-1 – Red Hand LLC – Block 402, Lot 2 & 3, - Final Site Plan for a proposed four-story multi-family residential building containing 27 dwelling units**

Lauren O'Neill, Esq, explained application is for Final Site Plan for four-story residential building containing twenty-seven units. There have been numerous changes to the proposal based on previous Board's comments. Board Planner and Engineer stated changes are relative to variances previously granted and are not substantive warranting new application.

Calisto Bertin, Bertin Engineering, valid licensed NJ Engineer was sworn in to testify on behalf of applicant. He referred to Exhibit A-1, original rendering of proposed building from previous hearing, building will remain four-stories with 27 total units of which six (6) will be affordable housing. Revised rendering, labeled Exhibit A-2 shows perimeter changes including wider six-foot sidewalk, streetscape lantern lighting and landscape trees to shield parking lot from Omega Drive. Ms. O'Neill stated once landscape plan is finalized, a landscape consultant will be obtained for maintenance purposes.

Mr. Bertin stated the lighting plan was amended to add 3000 kelvin soft lights in the middle of parking area which will meet minimum spillage requirements. The vacation of drainage easement by the Township is still required. The movement of the sewer lines has been approved by the Vernon Municipal Utility Authority with new easement but is in review for Governing Body approval. Amended plans will include the Affordable Housing bulk table breaking down the six units as three 2-bedroom units and two 3-bedroom units. Mr. Bertin added the retaining wall design was not submitted with plans but will be Allen Block decorative stone. No signage is proposed at this time.

Mr. Stoner, per report of August 22, 2025, noted conditions of any approval and/or Developer's Agreement must include engineered design and construction permit for retaining wall; drainage easement vacation by Township; Affordable Housing table; merger deed of two properties; sewer line relocation approved by Vernon and NJDEP; and plan modifications of stormwater management and landscaping.

Board Members questioned high intensity of lighting proposed. Mr. Bertin stated average is 1 ft candle in parking lot, but intensity can be dropped with timer or motion sensor added at nighttime. Board discussed possibility of connection of site to town walking trail possibly added as an item for Redevelopment plan.

Applicant stated the fence on the top of the retaining wall will be decorative thick galvanized steel to withhold snow load. The chain link fence surrounding the dog park will be six feet in height for safety purposes which will require variance relief. Mr. Stoner explained the applicant is meeting stormwater recharge requirements.

Mr. Bertin explained the plans show forty-one (41) parking spots for 27 units meeting Township Ordinance without utilizing EV credits, while space size is smaller than Township requirements, it meets AFIS standards. Applicant explained that the owner will have control on parking with assigned tenant spots, and contact list to notify procedures for EV spaces, plowing, towing, etc. He added the water supply report for building was done by Geotech which must be reviewed by Board Engineer for approval.

Ms. Caldwell stated the requirement for sidewalk connectivity within the Town Center must be addressed in the Redevelopment Plan. Ms. O'Neil explained the grade to the back of property is too steep for walkway, but applicant is amenable to crosswalk. Board Engineer recommended narrower sidewalk possibly inside of ROW is option but must be reviewed by both Board Engineer and Planner for approval.

Nabil Mijalli, licensed Architect in New Jersey was sworn in to discuss the revised exterior of the proposed building. The building will be a traditional mountain 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 1<sup>st</sup> and 2<sup>nd</sup> floors will have cultured stone, and the vertical siding, trims and window trim will be Sherwin Williams colors to comply to the Town Center Ordinance.

Ms. O'Neill explained that while the application is not Lead Certified the proposal would qualify the energy code in many ways including water efficient fixtures; energy star appliances; energy efficient light fixtures; maximization of natural light through windows; energy efficient heating and cooling systems and electric EV car charging stations. Ms. Caldwell stated applicant addressed all comments in Planning report but deed restrictions for Affordable Housing must be provided prior to certificate of occupancy.

Board discussed if handicap parking spots could be closer to front door and if location is ADA compliant. Mr. Mijalli explained the handicap spot is near a door but not the main one and the parking layout would lose a spot if handicap is by main entrance.

Ms. O'Neil requested the Board's approval of the Final Site Plan with conditions. She agreed to coordinate with the Township Governing Body to submit the Redevelopment Plan, Pilot Plan and Developer's Agreement.

Attorney Kienz stated application is for Final Site Plan for four-story building with twenty-seven units with all conditions of Board Professionals as discussed including Redevelopment Plan, relocation of Sewer Main, vacation of drainage easement, deeds merged, Pilot Plan. No zoning permit nor grading is permitted until all conditions are met. Staging plan can be reviewed by Township Engineer if needed.

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

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

ROLL CALL: ROSSI: Y; HIGGINS: Y; MCPEEK: Y; COCULA: Y; WHITAKER: Y; WHITE - BEARSTLER: Y; VIZZINI: Y; THEOBALD: Y. Motion Passed

## **PUBLIC PARTICIPATION**

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

## **RESOLUTIONS**

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

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

**Motion:** Motion to Approve Resolution for LU# 7-25-5 was made by Ms. White-Bearstler and was seconded by Mr. McPeek.

ROLL CALL: 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

**Eligible to vote:** Auberger, Larsen, Spoerl, McPeck, Haley, White- Bearstler, Theobald

**Motion:** Motion to Approve Resolution for LU# 5-25-3 was made by Ms. White-Bearstler and was seconded by Mr. McPeck

ROLL CALL: MCPEEK: Y; WHITE-BEARSTLER: Y; THEOBALD: Y. Motion Passed

**MINUTES**

- August 13, 2025 – Regular Meeting Minutes (Auberger, Larsen, Spoerl, McPeck, Cocula, Whitaker, Haley, White-Bearstler, Theobald)

**Motion:** Motion to Approve Minutes of August 13, 2025 was made by Mr. Whitaker and was seconded by Ms. Cocula. All Members eligible 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 7/24/25 (\$630.00)
    - Mountain Creek – PB#2-91-4 – Services Through 7/15/25 (\$274.50)
    - Waleid Shousha – LU# 5-25-3 – Services Through 7/15/25 (\$54.00)
    - Indoveda, LLC – LU# 4-24-3 – Services Through 7/10/25 (\$72.00)
    - Red Hand LLC – LU# 2-25-1 – Services Through 7/21/25 (\$72.00)
    - Thomas Reeves – LU# 7-25-5 – Services Through 7/14/25 (\$45.00)
    - Aqua New Jersey – LU# 7-25-6 – Services Through 7/22/25 (\$45.00)
    - 515 Vernon Property – LU# 7-20-4 – Services Through 7/24/25 (\$166.50)
    - Frank Dewitt – LU# 7-25-7 – Services Through 7/29/25 (\$45.00)
  - 2. Board Planner** – Jessica Caldwell, J. Caldwell & Associates
    - Land Use Board Business – Services Through 7/11/25 (\$435.00)
    - O’Neil Group 517 – LU# 6-25-4 – Services Through 7/1/25 (\$580.00)
    - Waleid Shousha – LU# 5-25-3 – Services Through 7/2/25 (\$375.00)
    - Red Hand LLC – LU# 2-25-1 – Services Through 7/30/25 (\$2,610.00)
    - 515 Vernon Property – LU# 7-20-4 – Services Through 7/29/25 (\$652.50)
    - Aqua New Jersey – LU# 7-25-6 – Services Through 7/30/25 (\$1,413.75)
  - 3. Board Engineer** – Cory Stoner, Harold E. Pellow & Associates
    - Land Use Board Business – (\$0)
    - Sussex Cultivation, LLC – LU# 2-23-4 – Services Through 6/2/25 (\$145.00)
    - Bright Horizon – LU# 1-22-1 – Services Through 6/12/25 (\$552.00)
    - Boho Realty, LLC – LU# 2-23-3 – Services Through 6/16/25 (\$90.00)
- **Board Recording Secretary** – Irene Mills (\$100.00)

**Motion:** Motion to Approve Fees was made by Ms. Cocula and was seconded by Ms. White-Bearstler. All Members voted in Favor. Motion Passed

August 27, 2025 LUB Minutes

**ADJOURNMENT**

There being no further items of business to be conducted on the agenda, a motion to adjourn the meeting was made by Ms. Cocula 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