

LAND DEVELOPMENT

330 Attachment 11

Township of Vernon

APPENDIX A

Redevelopment Plans; Redevelopment Ordinances and Special Zoning Districts.

- A. Reserved. Ord. No. 06-25, an ordinance establishing a redevelopment plan for the Mountain Creek Redevelopment Area, designating the following lots as the Mountain Creek Redevelopment Area, pursuant to LRHL: Block 183, Lots 12 and 13; Block 184, Lots 12, 13, 14, 16, 18, 25 and 25.01; and Block 190, Lots 9, 10, 10.01 and 11 was never finally adopted and was removed from Appendix A. in Supplement No. 6 (2/14).
- B. Ord. No. 06-35 adopted 10-23-2006. An ordinance establishing a redevelopment plan for the Mountain Creek Redevelopment Area. Ordinance No. 2006-35 may be found at length in Article XXII, Mountain Creek Redevelopment Area.
 - (1) Mountain Creek Redevelopment Area. Consistent with Resolution #06-151, adopted September 18, 2006, the following properties shall be subject to the Mountain Creek Area Redevelopment Plan: Block 183, Lots 12 and 13; Block 184, Lots 12-16, 18, 25, and 25.01; Block 190, Lots 9, 10, 10.01, and the easterly corner of Lot 11 being that portion above the tree line shown on the filed site plan map 225 (FSP) 85 in Sussex County.
 - (2) Ordinance No. 06-35 is included as Attachment 2 of this chapter.
- C. Reserved. [**Ord. No. 07-04 adopted 8-27-2007; repealed 3-25-2013 by Ord. No. 13-04**]
Repealed Ordinance No. 07-04 established a redevelopment agency and mixed use redevelopment project and Town Center zoning district and five subdistricts.
 - (1) General Description of this Redevelopment Plan. The Vernon Town Center Redevelopment Plan and project, encompassed within a portion of the State of New Jersey designated Town Center, is located along State Route 94, County Road 515 and certain local related streets, in the Township of Vernon, more specifically described as those properties (lots) previously referenced in this Redevelopment Plan Ordinance and as shown on the tax map of the Township of Vernon.
- D. Reserved. [**Ord. No. 07-43 adopted 10-11-2007; repealed 3-25-2013 by Ord. No. 13-04**]
Repealed Ordinance No. 07-43 established a redevelopment plan and mixed use redevelopment project and the Vernon Town Center zoning district and five subdistricts.
 - (1) General Description of this Redevelopment Plan. The Vernon Town Center Redevelopment Plan and project, encompassed within a portion of the State of New Jersey designated Town Center, is located along State Route 94, County Road 515 and certain local related streets, in the Township of Vernon, more specifically described as those properties (lots) previously referenced in this Redevelopment Plan

LAND DEVELOPMENT

- (2) Ordinance No. 08-04 is included as Attachment 13 of this chapter.
- H. Ord. No. 09-07 adopted 4-23-2009. An ordinance establishing a redevelopment plan for a portion of the McAfee Village Redevelopment Area and establishing the McAfee Village Highway Hotel Zoning District for Block 233, Lot 9.
 - (1) Ordinance No. 09-07 is included as Attachment 14 of this chapter.
- I. Ord. No. 21-01 adopted 2-8-2021. An ordinance approving Redevelopment Plan – 525 Route 515, Block 413, Lot 10.
 - (1) Ordinance No. 21-01 is included as Attachment 17 of this chapter.
- J. Ord. No. 21-10 adopted 4-26-2021. An ordinance approving Town Center Redevelopment Plan.
 - (1) Ordinance No. 21-10 is included as Attachment 18 of this chapter.
- K. Ord. No. 21-18 adopted 8-9-2021. An ordinance approving the redevelopment plan for 8 Theta Drive, Block 404, Lot 4.
 - (1) Ordinance No. 21-18 is included as Attachment 19 of this chapter.
- L. Ord. No. 24-05 adopted 4-8-2024. An ordinance approving a redevelopment plan for Block 525, Lots 18 and 19.
 - (1) Ordinance No. 24-05 is included as Attachment 20 of this chapter.

VERNON CODE

Ordinance and as shown on the attached area map in Exhibit 2, and as further described and included on the tax map of the Township of Vernon.

E. Reserved. [**Ord. No. 08-02 adopted 5-8-2008; repealed 3-25-2013 by Ord. No. 13-04**]

Repealed Ordinance No. 08-02 established the Vernon Town Center zoning district and five subdistricts and amending Ord. No. 07-43.

- (1) The following table indicates the properties covered by the provisions of this Ordinance and located in the Vernon Town Center Zoning District. The respective Sub District(s) are also provided in the list. The table also lists (identifies) for purposes of clarity and consistency those properties heretofore included in the Town Center Redevelopment Area and TC Zone established in Ordinance number 07-43, adopted by the Township Council on October 11, 2007. Such properties in the Vernon Town Center Redevelopment Area are denoted as "®," to indicate said inclusion.

F. Ord. No. 08-03 adopted 5-8-2008. An ordinance establishing a redevelopment plan for a portion of the McAfee Village Redevelopment Area and establishing a McAfee Village Commercial Resort zoning district.

- (1) Designation of the McAfee Village Commercial Resort Redevelopment Area.

The McAfee Village Commercial Resort Redevelopment Area is located within the geographic center of Vernon Township and is accessible from McAfee Glenwood Road. The Redevelopment Area is Block 231.01, Lot 1. Exhibit 1, attached to this Ordinance, includes the property location map and description information. The total acreage of the area is approximately 42.76 acres. The property is commonly referred to as the Legends Hotel. The Legends Hotel is currently underutilized and the parking area, exterior and other aspects of the property are dilapidated and in need of repair. For example, the former "Playboy Bunny" housing is an unsafe structure. Reference should be made to the April, 2006 Planning Report Prepared by Mr. Suljic and Mr. Benecke identifying the conditions of each property.

- (2) Ordinance No. 08-03 is included as Attachment 12 of this chapter.

G. Ord. No. 08-04 adopted 5-8-2008. An ordinance establishing a redevelopment area for the McAfee Village mixed use redevelopment area and establishing the McAfee Village zoning district.

- (1) Designation of the McAfee Village Mixed Use Redevelopment Project.

The McAfee Village Redevelopment Area is located within the geographic center of Vernon Township and is accessible from McAfee Glenwood Road. The Area is generally located along State Route 94 in the Township of Vernon. The McAfee Village Redevelopment Area consists of a portion of five tax blocks: Block 231, Lots 1, 2, 8, 13, 14, 14.01, and 15; Block 232, Lots 1.01, 8.03, 9, 10, 11, 11.01, 12, 12.01 and 12.03; Block 233, Lot 9; and Block 260.27, Lot 13. Exhibit 1, attached to this Ordinance includes an area map and property description information. The total acreage of the area is approximately 590 acres.

LAND DEVELOPMENT

330 Attachment 13

TOWNSHIP OF VERNON

SUSSEX COUNTY, NEW JERSEY

ORDINANCE #08-04

AN ORDINANCE ESTABLISHING A REDEVELOPMENT PLAN FOR A PORTION OF THE MCAFEE VILLAGE REDEVELOPMENT AREA AND DESIGNATING THE COUNCIL OF THE TOWNSHIP OF VERNON TO ACT AS THE REDEVELOPMENT AGENCY FOR THE MCAFEE VILLAGE MIXED USE REDEVELOPMENT AREA AND ESTABLISHING THE MCAFEE VILLAGE ZONING DISTRICT OF THE LAND DEVELOPMENT CODE OF THE TOWNSHIP OF VERNON.

WHEREAS, by resolution adopted on July 18, 2005, the Council of the Township of Vernon authorized and directed the Planning Board of the Township of Vernon to undertake a preliminary investigation to determine whether a portion of the McAfee Village area of the Township of Vernon should be declared an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.); and

WHEREAS, following the publication of notices of a public hearing before the Planning Board and the filing in the office of the Township Clerk of a map showing the boundaries of the proposed area in need of redevelopment and the location of the various properties included therein, together with the resolution setting forth the basis for such investigation, two public hearings thereon were held by the Vernon Planning Board; and

WHEREAS, at said hearings the Planning Board heard and considered the testimony and redevelopment investigation report of Fred Suljic, P.P., planning consultant and Robert L. Benecke, economic development consultant; and

WHEREAS, following such hearing, the Planning Board voted on May 31, 2006 to recommend the designation of those properties included in said planning report located in the Township of Vernon to be an area in need of redevelopment; and

WHEREAS, following the aforesaid referral to and a public hearing before the Vernon Planning Board and favorable recommendations thereon, the Council of the Township of Vernon, on June 12, 2006, has declared a portion of the McAfee Village area as an area in need of redevelopment in accordance with the New Jersey Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.); and

WHEREAS, in furtherance of the continuing efforts to enhance the quality of life

VERNON CODE

and tax base of the Township of Vernon and to stimulate the proper growth of jobs, retail, and other economic opportunities in Vernon the Council finds that it would promote the public health, safety, morals and welfare to redevelop certain properties located along Route 94, consisting of those Lots hereinafter specified which area has heretofore been declared to be an area in need of redevelopment for the purpose of providing additional resort, retail and residential land uses in furtherance of the overall redevelopment efforts of the Township of Vernon.

NOW, THEREFORE BE IT ORDAINED by the Township Council of the Township of Vernon, Sussex County, New Jersey, pursuant to the authority granted by N.J.S.A. 40A: 12A-4(c), the Township Council of the Township of Vernon is hereby designated to act as the redevelopment entity and to exercise the powers thereof for the McAfee Village Mixed Use Redevelopment Project.

BE IT FURTHER ORDAINED by the Township Council of the Township of Vernon, Sussex County, New Jersey, in accordance with the provisions of N.J.S.A. 40A:12A-1, et seq. that the McAfee Village Mixed Use Redevelopment Plan is hereby established and adopted.

The Redevelopment Plan

The Township Council has previously directed the Township Planner, Fred Suljic and the Township Redevelopment Consultant, Robert Benecke to prepare the McAfee Village Redevelopment Plan. A draft Redevelopment Plan was transmitted to the Planning Board for its feedback and deliberation. On July 18, August 15, and October 10, 2007 the Vernon Planning Board conducted meetings to receive the input of property owners and the general public respecting this Plan. The result of this work is this following McAfee Village Mixed Use Redevelopment Plan.

Section 1. Designation of the McAfee Village Mixed Use Redevelopment Project.

The McAfee Village Redevelopment Area is located within the geographic center of Vernon Township and is accessible from McAfee Glenwood Road. The Area is generally located along State Route 94 in the Township of Vernon. The McAfee Village Redevelopment Area consists of a portion of five tax blocks: Block 231, Lots 1, 2, 8, 13,

LAND DEVELOPMENT

14, 14.01, and 15; Block 232, Lots 1.01, 8.03, 9, 10, 11, 11.01, 12, 12.01 and 12.03; Block 233, Lot 9; and Block 260.27, Lot 13. Exhibit 1, attached to this Ordinance includes an area map and property description information. The total acreage of the area is approximately 590 acres.

The current uses and acreages are as shown in the table below:

McAfee Redevelopment Area			
Block	Lot	Acreage	Use
231	1	467.00	Pro Shop, Storage
231	2	Included in B231, L1	Golf Cart Storage
231	8	Included in B231, L1	Golf land and stables
231	13	0.42	Vacant
231	14	15.57	Vacant
231	14.01	Included in B231, L13	Vacant
231	15	0.65	Commercial
232	1.01	0.31	Vacant
232	8.03	0.78	Vacant
232	9	1.31	Vacant
232	10	Included in B232, L9	Vacant
232	11	Included in B232, L12	Vacant
232	11.01	Included in B232, L12	Vacant
232	12	39.97	Vacant
232	12.01	Included in B232, L9	Vacant
232	12.03	0.40	Auto Repair Shop
260.27	13	64.9	Golf Land

The vast majority of the property consists of the Great Gorge Golf Course. The remainder of the property is mostly vacant and underutilized. The commercial properties within the redevelopment area are typical of the commercial uses in Vernon Township, generally geared to recreational uses. Leaving these areas vacant and underutilized would be a disservice to the community. Reference should be made to the April 25, 2006 Planning Report Prepared by Mr. Suljic and Mr. Benecke identifying the conditions of each property. Establishment of the McAfee Village Redevelopment Area will provide both social and economic benefits to the community while maintaining the community's character. Although there are some topographical, environmental, and aesthetic site constraints within the Redevelopment Area, these can easily be met by redeveloping the area in a comprehensive manner, providing development that is coordinated in theme, architecture, engineering, and scheduling. Accordingly, the Township Council finds that

VERNON CODE

the health, safety, and welfare of the public will be best served by designating and declaring this area as a Redevelopment Area, in accordance with the provisions of N.J.S.A. 40A: 12A-3; further that this Redevelopment Plan will help achieve the stated goals and objectives of the Township as stated later in this Plan.

Section 2. General Redevelopment Plan and Zoning Element

a. The Land Development Code of the Township of Vernon, Zoning Districts is hereby amended to add thereto the McAfee Village Mixed Use zoning district in the McAfee Village Mixed Use Redevelopment Area, and using the land use standards and guidelines set forth in this Redevelopment Plan. It is the policy of the Township Council of the Township of Vernon to make this Redevelopment Plan consistent with the Township's Master Plan and the Mountain Redevelopment Creek Redevelopment Plan. Further, the Council is hereby requiring a comprehensive Plan for development of the area, which shall be included in a General Development Plan (GDP). To achieve this comprehensive Plan, and redevelopment, the entire area shall be considered part of the McAfee Village Mixed Use (MVMU) zoning district. The GDP shall include all of the typical site plan drawings, depictions, and calculations as well as a market study, traffic study, and an environmental impact plan which shall indicate the steps to be undertaken to preserve the environment.

b. The McAfee Village Mixed Use Redevelopment Area is located within the State of New Jersey Highlands Planning Area. There are wetlands and other environmental features in the area, such as a Category One stream within the redevelopment area. The wetlands are located adjacent to the railroad right of-way, and are interspersed within the redevelopment area. Category One streams are defined by the New Jersey Department of Environmental Protection as streams which require protection due to their exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, exceptional fisheries significance, clarity, color, scenic setting or other aesthetic value. A portion of the site, adjacent to the railroad tracks and in the wetland locations, lies in the 100-year flood plain. Areas of the site are also critical species habitat. It is the policy of the Council of the Township of Vernon to redevelop this area with sensitivity to the environment. The GDP, and the accompanying

LAND DEVELOPMENT

environmental impact plan, shall address these issues.

Section 3. The McAfee Village Mixed Use Redevelopment Area Goals and Objectives

a. Redevelopment Plan Goals and Objectives. The McAfee Village Mixed Use Redevelopment Plan is intended to transform that portion of McAfee Village located in the McAfee Village Mixed Use Redevelopment Area into an active residential and recreation mixed use community. It will be part of a larger resort destination-together with Mountain Creek-and will also be linked by Route 94 to the Vernon Town Center, thereby improving the quality of life for Township residents. A clear goal of the Plan is to create employment opportunities and increase property values by attracting the necessary capital investment to the area. Accordingly, a goal of this Plan is to bring about long-term property tax stability for all of the Township's taxpayers. The Plan envisions leveraging market potential to bring about the redevelopment of the area's underutilized or vacant parcels in a manner that is sensitive to its natural aesthetics. Another goal of this Plan is to create recreation and resort opportunities including, without limitation, an indoor water park, resort golf village with a 27-hole golf course, conference center(s), passive recreational facilities, and spa and wellness centers. Other important uses benefiting the public are envisioned in the Redevelopment Plan such as a hospital, with an emergency room and/or teaching facilities (college), other medical facilities, retail stores, art centers, and other vacation type and hotel units, restaurants, galleries, and offices in any appropriate and approved combination thereof. It is intended that each component of the McAfee Village Mixed Use project be coordinated in a common theme, enforceable against future owners of such components. In that regard, a form of deed restriction shall be established as a blanket covenant and restriction designed to perfect the purpose of this ordinance in the event of any sale of a hotel unit, vacation type units, other commercial component, building or a portion of any building.

b. The McAfee Village Mixed use Redevelopment Plan works toward the following objectives:

- Create land use and building requirements specific to the redevelopment area that are consistent with the resort nature of the region and are sensitive to the region's natural aesthetics. Provide an area of land of sufficient size and

VERNON CODE

dimension to enable a coordinated resort area consisting of a variety of lodging and recreational opportunities.

- Provide infrastructure improvements involving streets, curbs, sidewalks, and open space.

c. Relationship to the Township Master Plan. The Township of Vernon Master Plan was originally adopted in December 1995. Within the 1995 document, one of the primary land use goals was to establish a two core center for the McAfee areas as a primary commercial area for the immediate region and a regional commercial recreation center extending to the Mountain Creek Ski area. As stated in the 1995 report, Vernon Township had the vision to establish a center within the general location of the McAfee Redevelopment Area over a decade ago.

The Master Plan illustrates that ski areas in Vernon Township were established in the 1960s. The Great Gorge and Vernon Valley Ski Resort (now Mountain Creek) and related facilities were constructed during the 1970s. During the 1980's, it was Vernon Township's original heyday as a ski destination with condominium housing, spas, golf courses and other recreational facilities. More recently, Vernon Township applied to the State Planning Commission to establish three centers within the Township: Vernon Center, Mountain Creek and McAfee Village. The 1995 Master Plan indicates that a conglomerate of the Mountain Creek and McAfee Village areas were envisioned as a multi-use area with "theme" community shopping much as what is proposed for the area in the Redevelopment Plan. The October 2003 reexamination of the Land Use Element indicated that pursuing the center designation with the State Planning Commission was still a goal of Vernon Township. Within the last year, Vernon Township has identified the McAfee Village as an area in need of redevelopment and has pursued the center designation with the State Planning Commission, realigning with the goals of the 1995 Master Plan. This Smart Growth plan proposed for the McAfee Redevelopment Area is consistent with the long-range goals of the Township detailed over the past decade. The Redevelopment Area designation takes into account that the Redevelopment Area properties have exhibited a growing lack of utilization and the redevelopment plan will improve the quality of life of Township residents and improve the economic foundation of the Township so that long-term property tax stability is achieved for all taxpayers.

Section 4. The McAfee Village Mixed Use Redevelopment Area Zoning Element.

The McAfee Village Mixed Use Redevelopment Area requires a revision to the

LAND DEVELOPMENT

Zoning Ordinance in order to specify the certain land uses envisioned for the property. Although the proposed project is consistent with the current zoning, establishment of the McAfee Village Mixed Use (MVMU) District will further protect, stabilize, and facilitate the general welfare of the community. The purpose of zoning, as described in the Municipal Land Use Law (MLUL-N.J.S.A. 40:55D-1) is a multi-faceted definition. This Redevelopment Plan meets many of the purposes of land use planning including:

To encourage municipal action to guide the appropriate use or development of land, in a manner this will promote the public health, safety, and general welfare;

To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey residents;

To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land; and,

To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.

As previously stated the objective and stated purpose of this Redevelopment Plan is to provide for the economic development of the area while maintaining the rural and mountain character of the Township as well as protecting the more environmentally sensitive areas of the Township. Specifying the locations of significant new development in this redevelopment area will prevent the improper use of land and protect significant natural resources in Vernon Township.

The existing zoning districts for the site are the Commercial Recreation (CR) District and the General Business (C2) District which generally allows resort uses and recreational uses as well as commercial uses. The MVMU District, which is detailed in this Plan, allows similar uses as the existing CR and C-2 District. However, by establishing the MVMU District, the Township of Vernon is able to specifically detail the uses that can be developed within the zone. By locating economic development in specific districts, Vernon will be able to protect its rural character while encouraging the economic development to concentrate near the existing resort areas. This will provide sufficient space for the efficient development of each land use without encroachment and sprawl. Redevelopment of these sites will protect the general welfare of the community.

- a. Zoning Requirements-The MVMU Zoning District.

VERNON CODE

(1) The McAfee Village Mixed Use, MVMU, zone shall have sufficient open space, landscape elements-such as trees, grass pastures and the like, so as to incorporate a rural element into the Redevelopment Area. For each square foot of impervious coverage there shall be a minimum of one square foot of open space, which may be considered a buffer area, incorporated into the General Development Plan, GDP. This buffer area requirement is in addition to the Golf Course area and other natural open space that may be required by DEP rule or regulation.

(2) There shall be a maximum of 550 Vacation Type Units included in the McAfee Village Mixed Use zone. A maximum of 150 such units may be detached residences. The majority of the vacation type units shall be attached townhome type units and units constructed on grade. No occupancy restriction shall apply to these vacation type units.

(3) Traditional, full service, and limited service hotels, and hotels with a condominium or time share form of ownership are permitted in the Redevelopment Area, and the MVMU zone. A maximum of three (3) hotels and 1,764 hotel units are permitted in the MVMU zone, to be specifically located in the aforementioned Redevelopment Area. Each hotel may include standard rooms and luxury suites with multiple rooms, ranging from two hundred (200) to three thousand (3,000) square feet.

(i) This Redevelopment Area specifically excludes the Sammis property which shall be included in the MVMU zone upon adoption of the appropriate Plan and zoning ordinance. It is contemplated that the Sammis property will have two hotels, having a maximum of 400 units (rooms), to be included in the extended MVMU zone, in addition to the aforementioned 1764 hotel type units.

(ii) The centerpiece of the project is an Indoor Water Park Hotel complex. The Indoor Water Park shall be connected to a prominent hotel building so as to allow visitors to move between the facilities. This shall be considered one of the three permitted hotels in the MVMU zone. This recreation and resort destination shall be constructed in a "village setting" where there are multiple buildings that comprise a single hotel. There shall be a maximum of 1,314 hotel units (or rooms)

LAND DEVELOPMENT

within the Indoor Water Park Hotel complex. Occupancy of hotel units may be time-share or vacation type units and such units shall not be used as a principal residence. However, rooms shall be available to guests for consecutive rental periods, provided that the hotel's nature as a commercial establishment is maintained.

(iii) The Indoor Water Park Hotel complex may include a hotel with a maximum height of the lesser of 10 and $\frac{1}{2}$ stories, or 125 feet, from grade. This calculation may only exclude chimneys; all other appurtenances shall be included in the calculation of building height for the Indoor Water Park Hotel. The Indoor Water Park Hotel may exceed the height of the hotel by the lesser of 1 and $\frac{1}{2}$ stories or 15 feet. The Indoor Water Park Hotel complex shall be located such that a minimum of one side of the building is not generally visible to the public when standing or otherwise located twenty feet or more from the hidden side of the building. As such the proposed Indoor Water Park Hotel complex shall be obstructed, or blocked from view, by a natural cliff, hill, or ridgeline. The only exception to this is that the upper fifteen (15) feet may be visible on four sides and shall be expressly approved by the Planning Board.

(iv) The height of the remaining two (2) hotels shall not exceed the lesser of 4 and $\frac{1}{2}$ stories or fifty four (54) feet, measured vertically from the highest elevation adjacent to the front base, or natural grade of the building to the highest level of the roof surface for flat roofs, excluding chimneys, false windows, elevator closets/shafts, and other appurtenances.

(4) A maximum of 220,000 square feet of commercial space, including hospital/medical space, hotel retail space, indoor water park, and any accessory uses of the hotel. The "open" lobby area in any hotel, including the Indoor Water Park Hotel shall not be included in the commercial space calculation.

(5) The minimum tract area for establishment of McAfee Village shall be 585 acres, which is intended to be the entire McAfee Village Mixed Use Redevelopment Area.

VERNON CODE

(6) The lots comprising the tract areas within the Plan Area shall be contiguous, except for intervening (or bisecting) public streets, and any railroad right-of-way, in order that a perimeter boundary may be established to delineate the boundaries of the McAfee Village Mixed Use Redevelopment Area.

(7) Portions of the Plan Area may be subdivided for purposes of financing and conveyance. However, so as to maintain the integrity of the minimum acreage development requirement a common form of interest in the minimum development area must be maintained by the redeveloper. All lands shall be subject to common covenants, conditions and restriction in order to make certain the various elements of the resort will continue to operate under a common theme, regardless of ownership. In this regard, a form of deed restriction shall be established as a blanket covenant and restriction designed to perfect the purpose of this ordinance in the event of any sale of a hotel unit, vacation type units, other commercial component, building or a portion of any building.

(8) Except where an entrance is located at a location other than on the first floor, all stories above the second floor shall be limited to hotel or resort lodging. Spa and/or conference center space may be located anywhere within any building.

(9) Buildings shall be set back a minimum distance of ten (10) feet from any public right-of-way. A front yard set back of a minimum of fifteen (15) feet is required. Otherwise, there shall be no required minimum setback, except as may be required for emergency access and fire safety.

(10) Parking requirements shall be as follows:

(i) The vacation type units, both attached and detached, shall be provided with 1.5 parking spaces per unit.

(ii) Including employee parking, the hotel units shall be provided with 1.25 parking spaces per unit, plus five (5) spaces per 1,000 feet of conference or meeting room space.

(iii) In addition, there shall be provided surface parking at the rate of 5 spaces for each 1,000 square feet for the maximum of 220,000 square feet of other commercial space permitted in the McAfee Village

LAND DEVELOPMENT

Mixed Use Resort zone. The Vernon Planning Board may permit shared parking arrangements between parcels of property in the MVMU zone and may allow shared parking between separate uses.

(iv) Except for a valet parking area, or areas, approved by the Vernon Planning Board, all parking shall be permitted to be 9 feet wide by 18 feet long, recognizing they will be used by resort residents.

(v) All required surface parking does not have to be located in the tract of land being used as part of the McAfee Village Mixed Use project, nor does it have to be located in the MVMU zone district. Any application for development shall include a parking plan establishing the required number of parking spaces, in close proximity to the resort property, including but not limited to, the Indoor Water Park Hotel complex. The parking plan shall include a means of transportation from parking areas to the various attractions at or around the resort area. On site/tract parking decks may be used to satisfy the parking requirement as may be approved by the Planning Board. However, in no case shall the height of the parking deck exceed forty four (44) feet, as measured from the average grade of the portion of the parcel of property (or "footprint") upon which the deck is to be constructed upon. Any underground, or below grade parking shall not be included in the forty four (44) foot height limitation. This parking plan shall be approved by the Planning Board.

(11) In the event a subdivision is approved in connection with the McAfee Village Mixed Use Redevelopment Plan, there shall be no restrictions on frontage-except as required in Section 4a. (9) of this ordinance, lot size or dimension, or maximum impervious coverage or maximum building coverage in connection with the development-except as required in Section 4a-1 of this ordinance and provided that the maximum impervious coverage for a GDP within McAfee Village is no greater than 45% of land area. The maximum site disturbance shall be no greater than 60%. Notwithstanding the foregoing allowances, all subdivisions shall have sufficient open space and buffer areas in compliance with Section 4a. (1) of this ordinance; in the event of a conflict

VERNON CODE

between any such ordinance provisions, the standards in section 4a. (1) shall be complied with in all instances.

(12) The following specific uses shall be permitted as components of the McAfee Village Mixed Use Zoning District:

- (i) Resort lodging;
- (ii) Bakeries;
- (iii) Banks and financial institutions, including ATM's, either with a banking facility or as a stand alone machine;
- (iv) Barber and beauty shops;
- (v) Bookstore/newsstand/card shops;
- (vi) Bicycle and sports related rentals, sales and service shops;
- (vii) Childcare facilities; Cocktail lounges and bars;
- (viii) Conference centers and support services, including stationery and supplies sales kiosks or small shops not exceeding 1,000 square feet;
- (ix) Delicatessens/coffee shops;
- (x) Drug stores and pharmacies;
- (xi) Galleries;
- (xii) Golf courses;
- (xiii) Grocery and -convenience stores;
- (xiv) Health Clubs;
- (xv) Hospitals, having a twenty four hour emergency room facility and/or other medical facilities including medical education facilities (colleges);
- (xvi) Indoor and outdoor recreational facilities, including but not limited to, indoor tennis, basketball, soccer and youth sports (gymnastics, softball, etc.) activities. This may include a limited amount of mechanized rides and attractions (e.g., amusements, roller coasters, arcades, miniature golf parks);
- (xvii) Learning centers (e.g., Audubon Society);
- (xviii) Liquor stores;

LAND DEVELOPMENT

(xix) Indoor and outdoor ice skating, water park and related recreation facilities;

(xx) Nightclubs/dance clubs;

(xxi) Offices, including Medical offices and/or urgent medical care facility;

(xxii) Outdoor festivals and art shows, commercial retail, food and beverage;

(xxiii) Restaurants;

(xxiv) Resort support services (e.g., aerial transportation system, water park support resort sales and operation centers, skier information services, transit center, lift ticket offices, event areas);

(xxv) Spas and personal services;

(xxvi) Indoor and outdoor theatres and amphitheaters;

(xxvii) Clothing and other merchandise sales;

(xxviii) Temporary uses which are customary and incidental to a resort, including but not limited to festivals, concerts, events, picnics, shows, games and other temporary gatherings or events-provided that such temporary uses shall be limited by a Redevelopment Agreement;

(xxix) Other commercial, retail, and service uses of similar character normally associated with a resort;

(xxx) Wineries/breweries and associated services;

(xxxi) Above and below grade parking decks.

(13) Except as modified by this Redevelopment Plan, the standards of the respective pre existing zoning districts as currently in effect as of the date of adoption of this ordinance shall apply. In no instance may the Planning Board, or Board of Adjustment, grant variances to the use provisions of Section 4a. (12) of this ordinance, or the open space standards of the provisions of section 4a. (1) of this ordinance. The Planning Board may grant minor variances as a practical matter not inconsistent with this paragraph or the intent and objectives of the Redevelopment Plan.

(14) The redeveloper shall prepare, and any GDP shall include, an

VERNON CODE

analysis of the impact of the GDP on the Township of Vernon's COAH, affordable housing, obligation. If any such COAH obligation arises as a result of a proposed development the redeveloper shall satisfy the obligation, or enter into an agreement with the Township of Vernon for any such COAH obligation(s).

b. General Development Plan Required and Design Guidelines.

(1) Prior to commencement of construction, site plans for the construction of improvements within the redevelopment area, prepared in accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., shall be submitted by the applicant(s) for review and approval by the Planning Board so that compliance with this Redevelopment Plan can be determined. Any subdivision of lots and parcels of land within the Redevelopment Area shall be in accordance with this Redevelopment Plan and the subdivision Ordinance of the Township. No construction, or alteration to existing or proposed construction, shall take place until a site plan reflecting such additional or revised construction has been submitted to, and approved by, the Planning Board. This pertains to revisions or additions prior to, during and after completion of the improvements.

(2) The following guidelines shall apply to the McAfee Village Mixed Use Redevelopment Area, and shall supplement and/or supersede any provisions of Article VII of the Township of Vernon Land Development Ordinance, entitled "Design and Development Principles and Standards," as applicable:

(i) A developer or redeveloper shall submit a General Development Plan (GDP) approval for the McAfee Village Mixed Use redevelopment project. A GDP shall be submitted in conjunction with the submission of applications for site plan approval.

(ii) At the time of submission of the GDP a market study shall be submitted by the applicant to determine the potential marketability of the proposed project. The market study shall include an analysis of the impact of the proposed MVMU project on the other Redevelopment Areas within the Township of Vernon. An economic impact statement must also be prepared as part of the GDP application.

(iii) An applicant for a McAfee Village Mixed Use redevelopment

LAND DEVELOPMENT

project GDP must submit a parking plan and traffic control plan as part of the submission. The plans shall present a comprehensive means for providing efficient handling of all components of parking and traffic. For each phase of submission, there shall be required an updated parking and traffic management plan demonstrating how the requirements for all guests, employees, visitors and staff will be satisfied.

(iv) The redeveloper shall design an attractive streetscape and open space element in all portions of the development consistent with this Plan, which shall not be altered or changed in any way without approval of the Vernon Planning Board.

(v) A landscape plan shall be designed to enhance the particular identity and character of the site, and create a pleasant entry experience for vehicles and pedestrians by means such as street trees, lighting, buffers, walkways, street furniture, signage and accessory structures designed to create and enhance the resort atmosphere. The rural aspects of the community shall be of paramount importance and greenery, trees and natural elements shall be made part of the landscape plan. All elements shall be approved by the Planning Board.

(vi) The redeveloper shall design a lighting plan to be approved by the Planning Board that is coordinated with the landscape, signage, and pedestrian plans. Internally lighted signs, in particular "light box" signs are prohibited in the MVMU zone.

(vii) The developer or redeveloper shall create a system of signage in connection with the use, which shall be designed to create and enhance the resort and is coordinated with the landscape, lighting, and pedestrian plans. In this regard, the developer or redeveloper shall submit to the Planning Board a proposed plan for signs in connection with the various components of the plan, which plan for signs shall be complementary to the use, enhance the resort theme, and be subject to Planning Board approval. No operator of any facility within the resort shall be permitted to change or alter the system and plan for signage without approval of the

VERNON CODE

Vernon Township Planning Board.

(viii) An important element of the McAfee Village Mixed Use Redevelopment Area is pedestrian movement. The redeveloper shall design a pedestrian plan, as well as a system of bike paths, which shall include walkways and travel ways that are open to the public and are aesthetic in nature, and include links to current and future public circulation systems.

(ix) There shall be a system of storm water and sanitary sewerage disposal facilities, potable water supply, fire protection, solid waste disposal, and appropriate street lighting and traffic safety signage presented to and approved by the Planning Board.

(x) The site plan shall be designed to preserve sunlight in major outdoor pedestrian areas for much of the day, and ensure that public plazas and shopping areas receive maximum sunlight throughout the year for safety, snow removal and warmth.

(xi) In keeping with the resort theme, the plan shall include sitting areas and plazas and other places and structures such as hotel entrances, fountains and other amenities designed to enhance the resort experience.

(xii) The development shall be designed in order that prompt snow removal within the McAfee Village Mixed Use Redevelopment Area, when and where appropriate can be undertaken. The redeveloper shall design a method for emergency medical response services.

(xiii) The redeveloper shall establish a master association, and such other building or neighborhood associations, as are necessary to maintain or otherwise provide for architectural review, common areas, trash removal, snow removal, pedestrian ways, driveways and parking areas, and related elements. All uses shall be subordinate to the McAfee Village Mixed Use "Resort", and appropriate documents, including but not necessarily limited to a Redevelopment Agreement, shall be established by the developer subject to the approval of the Township Council or the Vernon Planning Board as appropriate, to assure that buildings, structures

LAND DEVELOPMENT

and uses shall be and remain in conformity with the requirements of this Redevelopment Plan and the intended purpose of McAfee Village Mixed Use project. It is recognized that certain elements within the components of the project resort may be owned by individual companies or persons including but not limited to hotels and resort units. All such sales shall be subject to deed restrictions and other requirements approved by the Planning Board to ensure that each use or element of McAfee Village Mixed Use project operates in accordance with this McAfee Village Mixed Use Redevelopment Plan.

(xiv) This Redevelopment Plan contemplates a minimum amount of disturbance of certain existing wooded areas. All site plans submitted in connection with the McAfee Village Mixed Use Redevelopment Plan shall indicate existing wooded areas located within the areas to be disturbed by the development of buildings and structures. Every effort shall be made to preserve the number of large "old growth" trees and the character of wooded areas.

(xv) Limited development, or building, is permitted on steep slopes, provided adequate precautions are taken in design and construction to prevent soil erosion and any risks to public safety. Steep slopes are defined as a grade of 20% or more. Limited development on steep slopes, covering not more than the lesser of 15% of the project area or 69 acres, approximating fifty percent (50%) of the steep slopes in the McAfee Village Mixed Use Redevelopment Area, shall not be limited by the restrictions set forth in § 330-83 of the Vernon Township Land Development Ordinance and therefore that portion of the project area is exempt from said ordinance. The remaining property: all property not included in the 15% or 69 acre area whichever shall apply, is subject to such limitations. Any exemption from the steep slope limitation(s) and the remaining area to be included in the limitation shall apply to the entire project area as a whole and the 15%/69 acre calculation may be aggregated among the project phases.

VERNON CODE

(xvi) Design and development of buildings and structures, which may include limited development on certain ridgelines, shall be undertaken in a manner that accomplishes the purposes and objectives of this Redevelopment Plan. Ridgelines are hereby defined as the highest point of a mountain or hill having a rise (elevation gain) of at least two hundred feet from base to peak. A "balloon test" was conducted by the property owner prior to the introduction of this Redevelopment Plan, a similar test may be required by the Planning Board prior to site plan approval to ensure that the height limitations of this ordinance are being complied with.

(xvii) Where possible, the structures (buildings) shall incorporate the natural surroundings and features of the area into the final design. This building standard is commonly referred to as "green" or environmentally friendly standards.

(xvii) Evidence shall be established by the redeveloper that buffer requirements as well as depiction of rivers, streams, brooks, lakes, ponds, and open waters are in accordance with the requirements of the New Jersey Department of Environmental Protection.

(xviii) An applicant seeking to establish a McAfee Village Mixed Use project shall submit to the Planning Board a set of design standards for the treatment of all buildings and structures, which shall be reviewed and approved by the Planning Board. Upon approval of the design standards, the standards shall not be altered or changed in any way without approval of the Vernon Planning Board, which in reviewing any requests for modifications or deviations shall have, as a paramount concern, the need to maintain a common theme throughout the entire resort, project area.

(xix) All hotel units shall be primarily transient in nature and shall not be used as a principal residence, occupancy of the hotel units is intended to be less than thirty (30) days. However, rooms shall be available to guests for consecutive rental periods, so long as the hotel's nature as a commercial establishment is maintained. As a result, hotel units are not

LAND DEVELOPMENT

subject to those provisions of the sub-code incorporating N.J.A.C. 5:21-1.1, et seq. Residential Site Improvement Standards. These units are designed for resort lodging, and for participation in a resort rental program. The units are subject to the Township's Hotel Use and Occupancy Tax, and shall be compliant with the requirements of Construction Code Use Group R.

Section 5. Property Rights. The Township of Vernon hereby recognizes the property rights of the current property owner, Shinnihon, U.S.A Co. Ltd. The Township of Vernon intends to designate the property owner, or closely related entity, as the redeveloper which designation shall provide that all development and environmental requirements be complied with.

Section 6. Powers of Redevelopment Agency: Subject to the approval of the Township Council, the Township of Vernon may proceed with the rehabilitation, planning, renewal, and redevelopment of the McAfee Village Redevelopment Area zoning district to effectuate said purposes, the Township of Vernon may:

- (a) lease, exchange, or convey property or improvements to any other party pursuant to this section, without public bidding and at such prices and upon such terms as it deems reasonable, provided that the lease, exchange, or conveyance is made in conjunction with this redevelopment plan, notwithstanding the provisions of any law, rule, or regulation to the contrary.
- (b) request the Vernon Planning Board to recommend pursuant to existing law the designation of additional areas in need of redevelopment or rehabilitation and to make recommendations for such redevelopment; or rehabilitation of such areas;
- (c) publish and disseminate information;
- (d) prepare or arrange by contract for the provision of professional services and the preparation of plans by registered architects or licensed professional engineers, planners, and expert reports by it's economic development consultant, financial analyst, or other consultants for the purpose of carrying out this redevelopment project;
- (e) contract with public agencies, including an urban renewal a entity

VERNON CODE

(URE), or redevelopers, including private companies, for the planning, replanning, construction, or undertaking of any project or redevelopment work, or any part thereof, to provide as part of any such arrangement or contract for extension of credit or making of loans to redevelopers to finance any project or redevelopment work, and to arrange or contract with public agencies for the opening, grading or closing of streets, roads, roadways, alleys, or other places or for the furnishing of facilities or for the acquisition by such agency of property options or property rights or for the furnishing of property or services in connection with a redevelopment area;

(f) arrange or contract with a public agency, to the extent that it is within the scope of that agency's functions, to cause the services customarily provided by such other agency to be rendered for the benefit of the occupants of any development area, and to have such other agency provide and maintain parks, recreation centers, schools, sewerage, transportation, water and other municipal facilities adjacent to or in connection with redevelopment areas;

(g) conduct examinations and investigations, hear testimony and make proof, under oath at public or private hearings of any material matter, require the attendance of witnesses and the production of books and papers and issue commissions for the examination of witnesses who are out of State, unable to attend, or excused from attendance;

(h) authorize a committee designated by it consisting of one or more members, or counsel, or its economic development consultant, or any officer or employee to conduct any such investigation or examination, in which case such committee, counsel, officer or employee shall have power to administer oaths; take affidavits and issue subpoenas;

(i) do all things necessary or convenient to carry out its powers;

(j) negotiate with a duly organized urban renewal entity (URE) or potential redevelopers for the provisions of a financial agreement pursuant to State Law, including N.J.S.A. 40A:20-1 et seq. The Long Term Tax Exemption Law, so as to provide the Township of Vernon with the appropriate financial return, including any amounts that may be included as part of an agreement for

LAND DEVELOPMENT

payment in lieu of taxes, as solely determined by the Township Council, upon receiving the appropriate Economic Impact Study;

(k) perform all powers authorized by law to carry out the foregoing purposes not otherwise specifically listed herein, except that eminent domain condemnation is not authorized herein to be exercised in connection with this Redevelopment Plan.

Section 7. Execution of Documents. The Mayor of the Township of Vernon is hereby designated to execute and the Township Clerk to attest, any and all documents necessary to carry out any of the purposes set forth in this ordinance including the aforesaid financial agreement.

Section 8. The Township of Vernon Land Development Ordinance, Chapter 330, Section 157, entitled "Zoning Districts", is hereby amended to include reference to "MVMU-McAfee Village Mixed Use", the zoning map of the Township of Vernon is hereby amended to reflect the MVMU zone. The Township of Vernon Land Development Ordinance, Chapter 330, Section 184, entitled "Supplemental regulations for certain classifications and districts" is hereby amended to include the Permitted Uses and Bulk Requirements contained in Section 3.3 of this Redevelopment Plan. The Township of Vernon Land Development Ordinance, Chapter 330, Article VII, entitled "Design and Development Principles and Standards," is hereby amended to include the Design Guidelines contained in Section 3.4 of this Redevelopment Plan. The standards contained within this Redevelopment Plan shall supersede any conflicting regulations in the Vernon Township Land Development Ordinance, including, without limitation, Section 330-87. Where a particular land use or site standard is not covered in this Redevelopment Plan, compliance with the Vernon Township Land Development Ordinance or other applicable code or ordinance of the Township is required.

BE IT FURTHER ORDAINED as follows:

Section 9. The Township Clerk is hereby directed to give notice at least ten days prior to the adoption of this Ordinance to the City Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to - publish notice of the passage thereof and to file a

VERNON CODE

copy of the Ordinance as finally adopted with the Sussex County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

Section 10. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

Section 11. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

Section 12. This Ordinance shall take effect after publication and passage according to law.

Section 13. If any sentence, section, clause or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this ordinance.

Section 14. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 15. This Ordinance shall take effect immediately upon final passage and publication as required by law and upon filing with the Sussex County Planning Board.

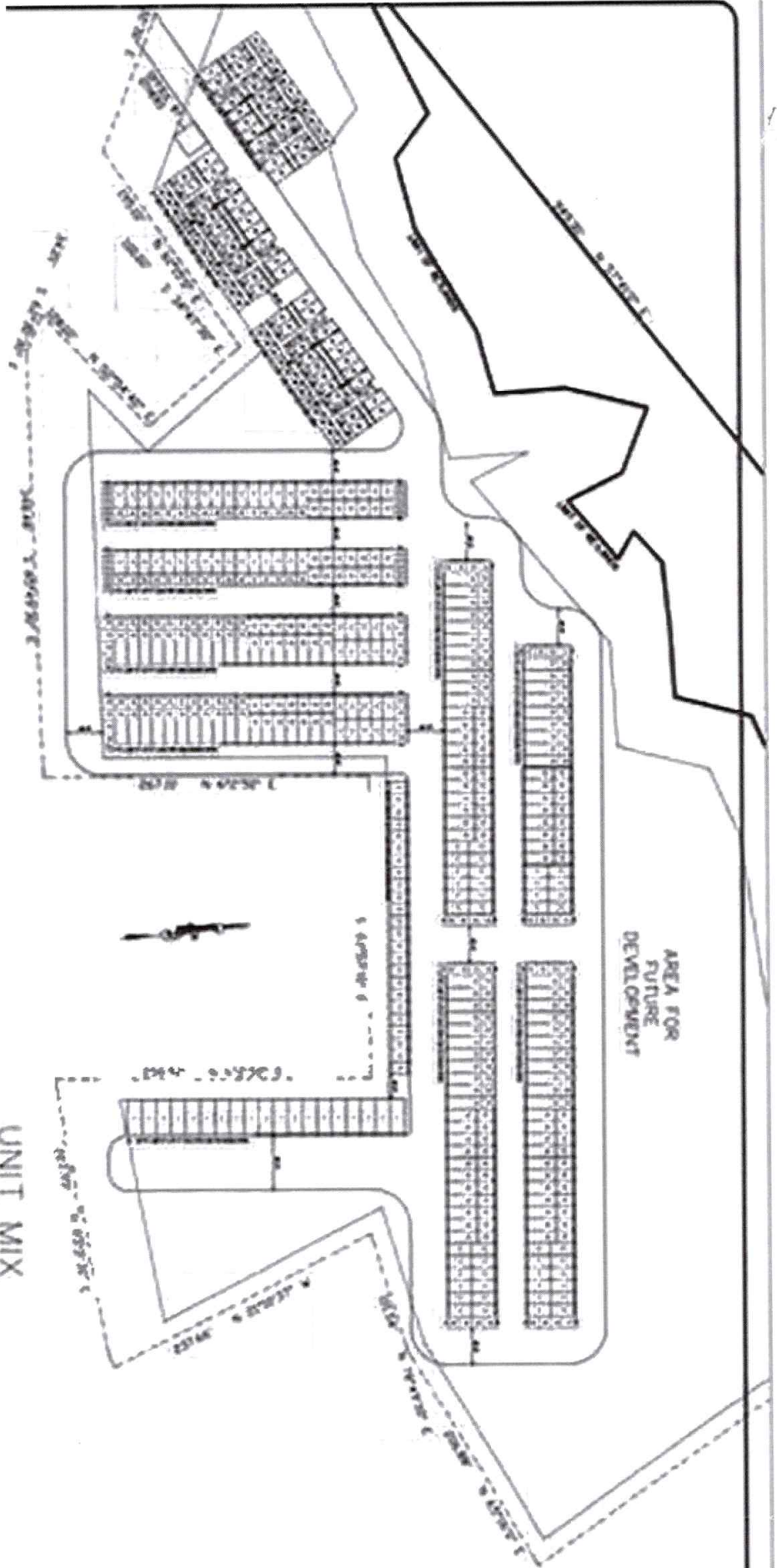
NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Township Council of the Township of Vernon, County of Sussex, State of New Jersey held in the Municipal Building on the 13th day of March, 2008, and the same came up for final passage at the regular meeting of the Township Council held on the 8th day of May, 2008, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Township of Vernon according to law.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON

Austin Carew, Mayor

Dennis G. Murray, Acting Municipal Clerk



NOTICE:

THIS NOTICE IS TO BE PLACED IN THE PUBLIC RECORDS OF THE COUNTY OF ALBANY, NEW YORK, FOR THE PURPOSE OF GIVING NOTICE TO ALL PERSONS INTERESTED IN THE MATTER OF THE PROPOSED DEVELOPMENT OF THE SITE DESCRIBED HEREIN, THAT THE ALBANY COUNTY BOARD OF ZONING APPEALS HAS REVIEWED THE MATTER AND HAS MADE ITS DECISION THEREON. THE DECISION OF THE BOARD OF ZONING APPEALS IS FINAL AND NOT SUBJECT TO REVIEW BY ANY OTHER AGENCY OR COURT.

THE BOARD OF ZONING APPEALS HAS REVIEWED THE MATTER OF THE PROPOSED DEVELOPMENT OF THE SITE DESCRIBED HEREIN, AND HAS MADE ITS DECISION THEREON. THE DECISION OF THE BOARD OF ZONING APPEALS IS FINAL AND NOT SUBJECT TO REVIEW BY ANY OTHER AGENCY OR COURT.

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NOTICE: THIS IS A FORMAL NOTICE OF THE BOARD OF ZONING APPEALS, AND IS SUBJECT TO THE ALBANY COUNTY BOARD OF ZONING APPEALS, AND IS SUBJECT TO THE ALBANY COUNTY BOARD OF ZONING APPEALS. THE BOARD OF ZONING APPEALS HAS REVIEWED THE MATTER OF THE PROPOSED DEVELOPMENT OF THE SITE DESCRIBED HEREIN, AND HAS MADE ITS DECISION THEREON. THE DECISION OF THE BOARD OF ZONING APPEALS IS FINAL AND NOT SUBJECT TO REVIEW BY ANY OTHER AGENCY OR COURT.

UNIT MIX

UNIT TYPE	NUMBER OF UNITS	TOTAL SQUARE FEET
1-BED	10	10,000
2-BED	20	20,000
3-BED	30	30,000
4-BED	40	40,000
5-BED	50	50,000
6-BED	60	60,000
7-BED	70	70,000
8-BED	80	80,000
9-BED	90	90,000
10-BED	100	100,000
TOTAL	600	6,000,000

RESOLUTION
Township of Vernon
Land Use Board
In the Matter of Glenwood Management, LP
Application Number ZB# 4-06-6
Decided on July 13, 2022
Memorialized on August 10, 2022
Extension of Time of Previously Granted Preliminary and Final Major Site Plan Approval
with Variance Relief

WHEREAS, Glenwood Management, LP (hereinafter the "Applicant") has made application to the Vernon Land Use Board for an extension of time for preliminary and final major site plan approval with variance relief for property known as Block 521, Lot 10 as shown on the Tax Map of the Township of Vernon, located at 109 Route 94 in the MVMU Zone (hereinafter the "Subject Property"); and,

WHEREAS, a public hearing was held on July 13, 2022, after the Board determined it had jurisdiction; and,

WHEREAS, the Applicant was represented by James D. Opfer, Jr., Esq.;

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

The application before the Board is a request for a three (3) year extension of time so as to allow a project located on the Subject Property to move forward said application consisting of a proposal to construct a 132 open market units with 250 parking spaces and providing affordable housing to satisfy the Township's affordable housing requirement.

The Applicant received its previous approval for preliminary and final site plan approval with variance relief on May 3, 2006, memorialized on June 7, 2006. The Applicant also received approval for conversion of age restricted housing to open market units which was decided on September 22, 2010 and memorialized on October 13, 2010.

Appearing and testifying on behalf of the Applicant was Bruce Zyretsky, principal of Glenwood Management, LP. Mr. Zyretsky reviewed the history of the previous approvals as set forth above. He indicated that a number of issues including the great recession and COVID 19 had resulted in the project not being able to move forward with as much speed as he previously anticipated. He also indicated that there had been difficulty in securing a water agreement with SUEZ. He anticipated that they should be able to continue forward in the next three (3) years with the project and that to the best of his knowledge no changes had taken place in Vernon Township Ordinances. He was specifically seeking a three (3) year extension of the approval.

A verbal report was provided at the time of hearing by Cory Stoner, Township Engineer. Mr. Stoner indicated that no Township Ordinances had changed but that it might be necessary for the Applicant to update some previous submission requirements to ensure compliance with all State mandates.

The meeting was opened up to the public and 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 three (3) year extension of time so as to permit the construction of 132 open market units along with accompanying parking on the Subject Property.

In reviewing the application, plans and testimony, the Board concludes the Applicant has met the minimum requirements of the Municipal Land Use Law, Case Law and Township Ordinances to a sufficient degree so as to enable it to grant the relief being requested. Under Section 40:55D-21, approval periods may be tolled as a result of the developer being barred or

prevented directly or indirectly from proceeding with the development. In this instance, the Applicant provided a sufficient basis for the Board to grant an additional completion time for this development. There is no question that there was a recession, that the 2020 COVID 19 pandemic impacted development, and that water issues have impacted the site. Therefore, it is the Board's opinion that the three (3) year extension of time may be granted. The Board specifically notes, however, that by extending the time period by three (3) years this too will push the final completion date out for a total of three (3) years therein extending the original approval until October 13, 2025. Further, the Board notes that no Ordinance changes have taken place and that based upon the preliminary and final approval the Applicant obtained along with variance relief, it is entitled under the Municipal Land Use Law to additional periods of time.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board that the application of Glenwood Management, LP for Block 521, Lot 10 as shown on the Tax Map of the Township of Vernon, located at 109 Route 94 in the MVMU Zone, requesting an extension of time for approval is granted pursuant to N.J.S.A. 40:55D-21, N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50, subject to the following terms and conditions:

1. Development shall be implemented in accordance with the plans previously submitted and approved.
2. All terms and conditions of the previous approvals decided on May 3, 2006 and September 22, 2010 shall remain in full force and effect except as modified herein.
3. The Applicant shall comply with any additional requirements imposed by other agencies subject to final review and approval of the Board Engineer.

4. The Applicant shall seek at no additional cost other than escrow review fees final site plan approval when it deems necessary and appropriate in order to successfully accomplish development on these lots.
5. Pre-construction Meeting at least seventy-two (72) hours before any construction, a pre-construction meeting shall be held with municipal representatives, the Developer and its engineers and contractors. The meeting shall be held only after the Engineer's opinion of probable cost has been submitted to the municipality for computation of engineering and inspection fees posted, the form of which is to be approved by the Municipal Engineer.
6. 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.
7. This approval shall run for three (3) years from the date of the memorialization of the previous approval's expiration which means that this extension shall expire on October 13, 2025.
8. 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.
9. Certificate that taxes are paid to date of approval.
10. Sussex County Planning Board approval.
11. 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 July 13, 2022 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on August 10, 2022.

FOR:

AGAINST:

ABSTAIN:

Board Member(s) Eligible to Vote:

Prepared by: Glenn C. Kienz, Esq.

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