

**LAKWOOD PLANNING BOARD
MINUTES
NOVEMBER 15, 2005 • 6:00 PM**

CERTIFICATION OF COMPLIANCE

Chairman Banas called the meeting to order at 6:00 P.M. with the Pledge of Allegiance and Mr. Kielt read the Certification of Compliance with the NJ Open Public Meetings Act:

“The time, date and location of this meeting was published in the Ocean County Observer and the Asbury Park Press and posted on the bulletin board in the office of the Township of Lakewood. Advance written Notice has been filed with the Township Clerk for purpose of public inspection and a copy of this Agenda has been mailed, faxed or delivered to at least two of the following newspapers: The Asbury Park Press, The Ocean County Observer, or The Tri-Town News at least 48 hours in advance. This meeting meets all the criteria of the Open Public Meetings Act.”

Mr. Banas asked if there were any changes to the agenda and Mr. Kielt replied there were no changes. A discussion item has been added for an amendment to a B-5 zoning ordinance.

II. ROLL CALL:

Mr. Herzl, Mr. Franklin, Mr. Miller, Mr. Neiman, Mr. Banas, Mrs. Wise, Mr. Long, Mr. Dolobowsky, Mr. Ackerman and Mr. Klein.

Also present were Attorney John Jackson, Engineer Maxwell Peters and Planner Stanley Slachetka.

III. OLD BUSINESS

1. SD #1472

Applicant: Yosef Lipschitz

Location: corner of Vine Avenue and Elm Street
Block 764 Lots 12 and 13

Extension of time of previously approved minor subdivision to re-align two existing lot lines

Mr. Lipschitz stated he was representing himself. He wanted to extend the time to record. There were a couple of changes. He would require New Jersey American Water connections which are not available and would require additional time.

Mr. Lipschitz was sworn in. Mr. Jackson stated there is no availability of New Jersey American Water to the site. Mr. Lipschitz stated he wanted to change the subdivision in a way to benefit the site. He wanted to have water on the street which would allow him to perfect the subdivision. Mr. Banas asked when the time expires. Mr. Lipschitz stated it

expires on December 28th. Mr. Jackson stated that the applicable standard is that you have to show there is a delay due to being unable to get outside agency approvals. He did not think this was the situation here. He thought for a minor subdivision all you had to do was file a deed. This could be done by December 28th. Mr. Kielt stated the map could be recorded today by deed or map. The development down the street would have the road improved and utilities put in, then he would be able to come in for an additional lot. He wants to amend the current application. It would still be a minor subdivision. Mr. Jackson stated it made sense but he did not think it was within the criteria required under the statute. Mr. Kielt stated the house is under construction ready for a C.O. at any time. The improvements should be in before the winter. He is thinking it would be in within a month or two. Mr. Jackson stated it was at the board's discretion but the applicant would take the risk that someone may appeal and he would have a weak legal basis.

On motion by Mr. Neiman and seconded by Mr. Dolobowsky, the requested extension was hereby granted for a period of six months.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

IV. PLAN REVIEW ITEMS

- 1. SP# 1823** (No variance requested)
Applicant: 175 N. Oberlin Assoc. LLC
Location: Oberlin Avenue North, north of Cedar Bridge Avenue
Block 1605 Lot 3
Preliminary and final site plan for 14,611 square foot addition to existing industrial building

Mr. Kielt noted that he received a letter from the industrial commission today regarding the project and gave it to the chairman. Mr. Kielt read the letter in full which indicated that the industrial commission had no objections to the application. Mr. Penzer stated this was for SP# 1827. They had a letter from the industrial commission for this application.

Mr. Peters stated the applicant is seeking site plan approval to construct a 14,300 square foot addition to an existing office/storage facility. The property is known as block 1605 lot 3 on Oberlin Avenue North in the M-1 zoning district. No variances will be required for this project. The applicant will be required to obtain all outside agency approvals. The applicant has provided a copy of the NJDEP letter of interpretation. The applicant has provided a 6' wide shade tree easement. A note should be added that it is being dedicated to the Township. A legal description of the easement shall be submitted to the planning board engineer for review. We recommend the ADS recharge pipe be installed per the manufacturer's specifications. The applicant has added a safety rail along the sidewalk adjacent to the depressed loading dock.

Mr. Slachetka stated the applicant now proposes a total of 61 off-street parking stalls. Previously 47 spaces were proposed. We note the location of the proposed building

addition is 32.8 feet to the south of the building line of the existing warehouse. In addition, a paved area for circulation is proposed on the northeast side of the building. The applicant should discuss the purpose of locating the building addition as shown on the site plan. Architectural floor plans and elevations were submitted. The dimension between the northeast corner of the addition and the limit of pavement to the east is only 21 feet. The applicant should provide engineering testimony that the width of this drive aisle is sufficient for two-way truck and vehicle traffic. The applicant has revised the site plan to identify lighting levels in the current and proposed parking and storage areas. We note that parking spaces 1 through 27 are not addressed by the lighting plan.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated smaller buses are used. They will be stored in the back and it is limited to the buses. He read the letter from the industrial commission dated October 13, 2005 in full which indicates that the industrial commission has no objections to the application.

Frank Baer, P.E., was sworn in and his credentials were accepted. He stated there is an existing office building that they were proposing a 14,300 square foot addition towards the rear of the site. They were proposing to expand the parking spaces to 61 and providing on-site stormwater drainage. The proposed use of the building will be for office/warehouse and storage and parking of the mini buses. With regard to the planner's comment about the circulation, the building is off-site 33 feet from the face of the existing building. This allows for movement of the mini buses around to the back of the proposed building where they will be stored and maintained. It was his understanding that the mini buses would be brought to the rear of the site for storage, parking and maintenance. It was not a driveway open to the public or intended for two way traffic. The width of the drive aisle was sufficient. Spaces 1 through 27 were not lit because the employees use the parking closer to the building. The hours of operation may extend to 6 to 8 at night a majority of the traffic is off site before the dusk hours. The site lighting is adequate to handle the parking that would exist beyond those hours. No variances are needed. Spaces 1 through 27 are on the far side opposite the building towards the southern portion of the site. A majority of the parking that would be utilized during dark hours would be towards the front of the building. Mr. Penzer stated they would provide outside agency approvals. The first two items of the engineer's report were informational. They would provide outside agency approvals and it was a condition of final subdivision. They supplied the NJDEP letter of interpretation. A six foot shade easement was requested and is being supplied. Mr. Baer stated the applicant has no problem installing the ADS recharge pipe per the manufacturer's specifications. A safety rail along the sidewalk adjacent to the depressed loading dock has been provided for.

Mr. Banas asked what the proposed addition would do. Mr. Baer stated the proposed addition would handle some additional office space and the maintenance facility for the mini buses. A portion of it will be a garage. Mr. Banas asked where the buses would be parked. Mr. Baer stated they would be parked in the rear of the proposed addition. There were garage doors in the back for maintenance. Mr. Banas asked if there were stalls. Mr. Baer stated the buses were not for public. They were contracted through its owner. Mr. Banas asked if they would be parked over night and where the delineations were. Mr. Baer replied they would be parked overnight and would be behind the proposed addition. Mr. Banas stated there is no delineation of where they would be parked.

He wanted to see some kind of parking plan for the buses. He asked how many buses there would be. Mr. Penzer stated there would be about 60 buses at the maximum. Mr. Banas asked if there were room for 60 buses. Mr. Penzer stated there was enough room for them. Mr. Banas asked if they were type II buses. Mr. Penzer stated they were. The bus comes in and is washed and maintained and then it is out. They should not be there more than overnight.

Mr. Dolobowsky stated they had a similar application who delineated where it was cleaned, maintained and kept. The board needs to see where the buses were going. Mr. Penzer stated they would stripe and show the lanes.

Mr. Franklin stated if you have 60 buses you would need at least 60 spaces. The people who come to get the bus will come in a car and will need a space to park. Mr. Penzer stated they are not all there at one time. It was all occurring during the day. As a practical matter he could not have 60 buses sitting there. It was the worse case scenario. Mr. Franklin stated you would need 60 spaces for the people driving the bus plus the people working there. They would be short of parking.

Mr. Dolobowsky wanted to see how it would fit. He would like to see some lighting on the spaces there were not lit. Mr. Penzer stated they would provide the lighting.

Mr. Banas did not think they were ready to hear the plan. He wanted to see it first. Mr. Penzer asked them to continue the hearing to December. They felt that it should work. Mr. Banas stated the parking did not make sense. He recommended that the application be tabled to the December 20, 2005 meeting.

On motion by Mr. Franklin and seconded by Mr. Long, the application was hereby tabled to the next meeting.

Mr. Jackson stated the letter from Mr. Corby did not address the buses. He felt it was a material component of the application and felt that they should receive something from the industrial commission that they were aware of it. Mr. Banas felt that Mr. Penzer would obtain the same. Mr. Kielt stated that when the application was submitted to the industrial commission there was no talk about buses. The buses were brought up later. He did not believe at the time that the industrial commission reviewed the application that the buses were included. Mr. Penzer stated he would check into it.

Mr. Jackson asked if the applicant would waive the time limit. Mr. Penzer stated the applicant waives all time issues.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

Mr. Jackson stated the application would be carried to the technical meeting of December 6, 2005 at 6:00 p.m. No further notice is required of the applicant. The public hearing would be held on December 20, 2005 at 6:00 p.m. Mr. Penzer stated that if a variance is needed he would provide further notice.

- 2. SD #1471** (Variance requested)
Applicant: Shlomo Kanarek
Location: Ridge Avenue @ terminus of New Hampshire Avenue
Block 190 Lot 63
Preliminary and final major subdivision to create 10 lots

Mr. Peters stated the applicant is seeking preliminary and final major subdivision approval for the construction of 12 lots for ten single family homes. The property is situated on Ridge Avenue within the R-15 zone. Variances are required for minimum lot area and for the minimum lot width as indicated on the plans. Two out of the 12 lots require variances for minimum lot area. Lot 63.03 on the zoning schedule is labeled incorrectly. Ten out of the 12 lots require variances for minimum lot width. The applicant will be required to obtain all outside agency approvals. The applicant shall submit the wording for the homeowners's association to the planning board attorney for review. The association agreement shall address ownership and maintenance of the stormwater management system and access easement. Approval of the homeowners association documents should be made a condition of final approval. The plans indicate the existing utility and sewer easements are to be vacated. Evidence of approval from the easement holders shall be submitted prior to signature of the final plat. The applicant has provided a 6 foot tall chain link fence on two sides of the tot lot. The fence should be installed along the new access easement. This is a safety concern. The applicant should provide testimony as to how trash will be collected from lots 63.01 and 63.02. The applicant has added one fire hydrant to the plan. The applicant should check with the local fire department or proper authority to coordinate the placement and specifications for the proposed fire hydrant. The applicant shall show a stop sign and street sign at the proposed intersection. The RSIS 50% reduction for the two year storm has not been met. The applicant shall be required to apply for a waiver of this requirement. There are comments regarding compliance with the Map Filing Law. The balance of the comments were technical in nature.

Mr. Slachetka stated the applicant must address the positive and negative criteria for the requested variances. In this regard, the applicant should specify how the granting of the variances for lot area and lot width will advance the positive criteria (i.e. what community planning benefits are advanced by the reduction in the lot area and lot width). Eleven of the lots have a lot width ranging from 32 to 90 feet and seven of the lots have lot widths less than 75 feet, where a minimum of 100 feet is required in the R-15 zone. The front yard setback of 30 feet is proposed for lots 63.03 and 63.10. However, the setback line is being measured from the existing property line, which extends into the cartway of Ridge Road. As a result, the setback would be less than 30 feet from the curb and approximately 25 feet from the proposed sidewalk. The applicant shows the proposed dwelling set back 29 feet from the curb line. The applicant also shows six Norway Spruce along the sight triangle easement line to buffer the dwelling from Ridge Avenue. This is acceptable, as long as the board makes the building location and buffer a condition of approval. A similar landscape treatment along the non-vegetated portion of the sight triangle on lot 63.03 should be provided. The proposed subdivision has attempted to address the comments at the November 1st workshop meeting by providing a 22 foot wide access road to lots 63.01 and 63.02. However, we have provided the applicant with an alternate road design that extends the proposed cul-de-sac road north and west,

which eliminates the need for the access road. We feel that this represents a better design for the site. We are also concerned about the precedent the board may set for future development applications by approving the proposed layout. Street access to proposed lots 63.01 and 63.02 from Ridge Road should be prohibited through a deed restriction. Documents should be reviewed by the board attorney prior to filing. The applicant should address provisions for mail delivery and solid waste collection for lots 63.01 and 63.02. If the proposed access lane is approved, landscaping should be provided along the south side of the proposed access driveway to buffer the drive from lot 63.04. The board attorney should review a copy of the proposed access easement. No sidewalk is proposed on the westerly extension of the cul-de-sac. If approved, we recommend a sidewalk be provided on the southerly side of the access road. The remaining comments were technical in nature.

Steven Pfeffer, Esq., appearing on behalf of the applicant. They were here previously with regard to the application seeking four more buildable lots than what was now proposed. They met with different individuals and hopefully as a result of the meetings something positive has happened. With regard to proposed lot 63.12 in which the neighbor has been trying to get the County to acquire for a future continuation of New Hampshire Avenue. His client would sell to the County but he met with the County and the engineer stated that the County has a wish list but they were not making any offers. Should the board grant the subdivision, they would not market the property for a period of one year from enactment of the resolution for Mr. Thiebault to pursue the county purchasing it. He marked plans submitted by Mr. Carpenter as Exhibit A-1. With regard to the planner's letter, alternate four regarding the alternate design, we respectfully disagree with it. It would create one lot that would have a very small building envelope and the other lot would be larger. They would like to go with the plans that were submitted.

Ray Carpenter, P.E., P.P., was sworn in and his credentials were accepted. He stated his firm prepared Exhibit A-1. The project started with 14 buildable lots and they were now seeking 10 buildable lots with two additional lots in the R-15 zone. Page one of the engineer's report was informational. They have a zoning schedule on the bottom of sheet 3 of 10 which summarizes the variances. The overall scheme was that they were faced with the fact that all the lots could front on Ridge Avenue or provide access to the lots off of Ridge Avenue. By providing access directly to Ridge Avenue ninety percent of the variances are not needed. This is not a desirable design. It would be unsafe. At the first technical review meeting, it was clear that the board did not want access to Ridge Avenue from the lots. They were left with providing internal access. This is where the lot areas and lot frontages variances occur. Safety is a legitimate reason for granting variances. They had no objection to the balance of the recommendations and comments in the engineer's report. With regard to the planner's report, this property is unique because a large portion of it is wetlands and a large portion is impacted by a power easement through the property. Due to the configuration of the remaining lots there is no more land available to purchase. It provides a very poor geometry to work with. The major components is due to safety and usable of the lots. They agreed to the planner's statement in C.3. With regard to item C.4. they disagreed with the same. Mr. Jackson stated that Mr. Slachetka distributed his sketch which was marked as A-2 and Mr. Carpenter refined it some. Mr. Carpenter explained the lot sizes with the proposed plan. Lot 63.04 would only have a building envelope of 25 x 40. It would move the recreation area and one of the lots.

Mr. Banas asked what the advantages were with regard to what they were proposing as to what the architect suggested. Mr. Slachetka explained the same indicating that it would provide a better road configuration and access. The provisions of trash and mail would no longer be an issue. If the board feels this is better it was at the board's discretion to require it. Overall, he felt it solved a number of issues and represented a better planning perspective. It was at the board's discretion.

Mr. Franklin stated that the new design would be better. The 22 foot road that goes back to the last two houses would not be serviced by the Township. With the sketch provided by Mr. Slachetka the Township would accept it as a street. It would be better for the homeowners.

Mr. Pfeffer stated that the play area recommendations came from the board. The board was now asking them to eliminate the play area. He stated they did not like the configuration proposed by Mr. Slachetka. Mr. BANAS stated they never compared the square footage.

Mr. Dolobowsky wanted to discuss the yard since it has the most unusual front yard he has ever seen. He thought some relief could be given to provide a larger building envelope. He did not object to that. Mr. Carpenter stated the planner recommended the sidewalk being around the northwesterly portion of the cul-de-sac. If he could push the cul-de-sac line to the right of way and no sidewalk in that area he could pick up ten feet of lot area. Mr. Banas asked why they would want to eliminate the sidewalk. Mr. Carpenter stated if you look at it would not be used by the homeowners. Mr. Banas stated if someone wanted to walk around you would walk in the street. Mr. Carpenter stated it was just a suggestion. Another issue is if Mr. Franklin would be able to work with a smaller radius on the cul-de-sac. Mr. Jackson stated he understood that the board respects the applicants desire to maximize the lots but there is no reason why the lot could not be eliminated and merged with the other lot for a bigger lot. You could then have a bigger house. The objective is not to create as many lots as possible but to have a good safe design layout. When this design alternative is presented it is in the context of whether the board wants to reject the other layout. Mr. Banas asked the lot numbers. Mr. Carpenter stated the lot numbers were 63.01, 63.02, 63.03, 63.04, 63.05, 63.06, and so on. Mr. Pfeffer stated he agreed with Mr. Jackson. They could have more conforming lots if the houses fronted on Ridge Avenue. They already gave up four buildable lots. His client did not want to give up any more buildable lots. It was beyond safety. He could not remember a subdivision when one lot was half the size of the other lots. That is what the planner was recommending. They would live with it but it would be a small house. It was lot 63.04.

Mr. Dolobowsky stated eliminating a small piece of the sidewalk may work. It would give them the extra square footage for the lot. It was a compromise. Mr. Banas asked if the radius of the cul-de-sac would be the same if it was moved north. Mr. Carpenter stated the radius would not change but it would give them more area for lot 63.04.

Mr. Klein wanted clarification about the proposed design and if there would be an impediment to courtesy vehicles with the access drive and having access to turn around.

Mr. Carpenter stated the trucks should be able to access the site and turn around. Mr. Klein stated that if the applicant agrees to the proposal the planner suggested perhaps the board could agree to some kind of variance to increase the size of the building envelope he felt it would make more sense.

Mr. Banas suggested the board determine which plan they would prefer. He suggested that A-1 be scrapped and use A-2 with modifications. Mr. Dolobowsky stated he liked A-2 with shifting the cul-de-sac. They could discuss the setbacks. He liked the original sidewalks. Mr. Peters stated the line should be shifted so the property line is to the north. It was a good idea. A few feet of a buffer needs to be left for construction. Mr. Banas stated if they move in that direction the engineers could determine the distance it should be shifted. Mr. Franklin stated the sidewalk could be right to the property line which would give you four feet. Mr. Banas asked if there were any big trees in the lot to the north. Mr. Carpenter stated there are no trees they were cleared for the detention basin. Mr. Slachetka stated the applicant should look into the possibility of whether or not several feet of the detention basin lot could be used to provide the additional room. Mr. Pfeffer stated it was owned by the homeowner's association. Mr. Carpenter stated the lot drops off. Mr. Banas stated then they would not want to do that. They were looking at A-2 and would discuss it later. He asked if they had any other comments. Mr. Pfeffer stated they agreed to the deed restriction. He asked about item two. Mr. Slachetka stated they were no longer applicable. Mr. Pfeffer stated he submitted the JCP&L easement. Mr. Slachetka stated that item eight was no longer applicable and nine was not relevant with the redesign. Item ten was not relevant because of the resign and it eliminates the violation of the ordinance. Mr. Pfeffer stated that as to item eleven, one lot is being eliminated. He offered ownership to any conservation group that might want to take title. Mr. Slachetka stated the balance of the comments were technical.

Mr. Dolobowsky stated it was a new plan and asked if lot 1 would have an easement or if it would be an unusual shaped lot or a flag lot. Mr. Carpenter stated he would prefer to make it a flag lot and the ownership of the driveway would be retained by the property that is using it. Mr. Dolobowsky agreed with this. He liked where the fence was being put on the eastern side of the property so people cannot interfere with the wetlands area. It called for chain link and the board likes board on board. It indicates the fence goes almost all the way to Ridge Avenue. He did not think they could have a six foot fence in the front yard setback. The fence would have to be dropped to whatever the ordinance allows.

Mr. Banas opened the application to the public.

Joseph Thiebault, 1235 Ridge Avenue, was sworn in. He stated he lived in Lakewood for 75 years. He stated the applicant has been receptive. He stated that the issue is with regard to the extension of New Hampshire Avenue across Ridge Avenue to County Line Road. He recommended that the board recommend to the Committee, Freeholders and the Ocean County Engineering Department that the extension of New Hampshire Avenue should be done as soon as possible. This would alleviate the traffic on Ridge Avenue which is worsening. The safety factor of the residents should be improved by at least sixty percent if the road was extended. The area was in a drug free school zone. The speed on the road is 45 miles per hours. They asked for a reduction to 35 miles per hour

which was denied. The police monitored the road one day and issued 16 tickets, four of which were bus drivers. He estimated 200 to 300 vehicles used the road in the morning and the traffic backed up. Cars go by at 60 miles per hour at least. The proposal to extend New Hampshire Avenue was proposed eight years ago. Officials of the Township never acted on it. He was informed at a meeting by the Ocean County Engineering Department that the extension would take place in approximately two to five years. Most of the residents in the area are senior citizens. There are two schools on County Line Road and if the road was put in it would eliminate traffic. In order for the County to consider the extension, the Committee has to request it. It would not cost the Township anything. Mr. Pfeffer stated it was acceptable to the residents to take the one lot that was needed for the extension and not market it for one year. Mr. Thiebault agreed.

Mr. Miller asked when the next environmental commission meeting was. Mr. Thiebault stated it was the first Wednesday of the month. The Ocean County meeting was on Thursday. Mr. Miller stated he could not make the County meeting but would try to make the local meeting. He suggested that he write a letter and bring it to the Committee meeting requesting the extension so they could get working on it. Mr. Thiebault stated that the cost of purchasing the property is far less if a house was put on it. The County just wants to make sure that the Township wants the road extended.

Catherine Stillwell, 960 Brook Road, was sworn in. She complimented the board, the applicant and the neighbors for working together. She stated they would prefer to see the one lot all one parcel rather than to have a driveway over 63.01. It was a better legal situation for the owners. She asked about the fence and what kind of material Mr. Dolobowsky was recommending for the board on board fence. She felt it made a difference with regard to maintenance. When a black vinyl chain link fence is used, it blends in with the woods and does not really stand out as a fence and becomes a safety precaution for the landowner and does not require maintenance. Mr. Banas stated that the fence would be black and the vegetation is green. Ms. Stillwell stated that it is dark and blends in well. It really does not stand out. Mr. Thiebault felt kids could knock down a chain link fence. Ms. Stillwell stated it was just a suggestion.

Seeing no further person wishing to speak for or against the application, Mr. Banas closed the public hearing.

Mr. Dolobowsky stated he would be agreeable with a green or black fence. He stated the houses are upscale houses and asked if the driveways were double wide. Mr. Carpenter replied they were. Mr. Dolobowsky asked that the plans be changed to reflect there would be four spaces per house off-street. Mr. Carpenter stated they would. Mr. Pfeffer stated there is a problem with the tenth lot. Mr. Banas asked how many bedrooms. Mr. Carpenter stated they would have five to six bedrooms on nine of the lots. Mr. Banas stated if there were six bedrooms they should have six spaces. Mr. Carpenter stated they would provide the maximum allowed. Mr. Dolobowsky asked if they were going to discuss the one front setback. Mr. Banas replied they would.

Mr. Pfeffer stated on the one lot the engineers were proposing 25 foot. Mr. Carpenter stated the sidewalk would extend around the cul-de-sac. It was 10 feet now and would be 4 foot with the sidewalk. If they could get an additional 5 feet it would change the

building envelope. He was asking for a 25 foot setback for this lot. Mr. Banas felt it could work. Mr. Pfeffer stated should the board grant the ten lot subdivision with one lot for open space, they would offer the lot to an agency. Whatever agency Mr. Thiebault's recommends was fine. Mr. Thiebault stated the County wants this property. Mr. Pfeffer stated he would accept as a condition that the lot be owned by the whoever Mr. Thiebault recommends provided they would accept title.

On motion by Mr. Dolobowsky and seconded by Mrs. Wise, the application was hereby approved with the new layout, with the cul-de-sac shifted, with the granting the five feet on the front setback for lot 63.04, that lot 63.11 would not be marketed for one year from approval, that any environmental groups that are interested in purchasing it would have the first opportunity, the fence is either green or black vinyl, and that the engineers would work out how far the cul-de-sac would be shifted.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

Mr. Peters asked about the sidewalk on the cul-de-sac. Mr. Banas stated it would stay. Mr. Peters asked about sidewalks on Ridge Road. Mr. Pfeffer stated the sidewalks on the plans would remain the same.

3. SP #1826 (Variance requested)
Applicant: Brook Hill Shul, Inc.
Location: Arosa Hill Road, north of Engleberg Terrace
Block 174.01 Lot 13.16
Preliminary & final site plan to construct a two story shul

Mr. Banas stated the board solved the problem prior to the technical meeting as to who had jurisdiction over the property. It was agreed that the planning board could hear the application. However, he received a call from the Friends of the Metendoconk indicating that the division was heard by the zoning board of adjustment as they were aware of. He did some research on the resolution as approved by the zoning board. The zoning board could modify the plans of the planning board but never in the opposite direction. When he read the resolution there were two items that were problematical to him. Under item six, among these stipulations that are approved by the zoning board where the following: the density was decreased from 130 lots to 122 building lots and two additional lots were stipulated to be devoted to recreation. On these two lots there shall be installed playground and other equipment for use as a tot playground lots. He understood that one of the lots was going to be used as a synagogue. Testimony was provided at the technical meeting that there is a need for a synagogue. He accepted that except that it was his opinion that they could not change the wishes, demands or resolution of the zoning board of adjustment. He did not think that this rightly belonged before them.

Mr. Penzer stated he did the application before the zoning board. The applicant that was there is not the applicant that is here. The board provided as a condition that there was supposed to be a homeowners association whose job it was to maintain any area that belonged to the homeowner's association. The people present here today are not the

people for that. The approval that was given overall for the entire development was for a developer who is not here tonight and has nothing to do with this. There was a bona fide election and the Brookhill Homeowner's Association took over the property and they have been managing the property. They were here for a separate site plan which is not governed by that approval. If the developer came before the board then he was correct. It was his position that it was not the same applicant who was not bound by the zoning board resolution. The homeowner's association is applying for a site plan approval for a permitted use in this area. There was enough area for tot lots. There was no synagogue. The lots were reduced from 130 to 122. The position that this applicant is taking is that it is a completely different applicant and should be treated as the same. The resolution for the overall development is not binding because they were here for a site plan which is a completely different issue than a development. There was enough room to play. They were talking about an under utilized asset. The board's attorney ruled that it was a site plan which belonged before the planning board. It was a new application. It was his opinion that Brookhill was not tied to the zoning board. If he felt it belonged to the zoning board he would have went to the zoning board. It was his legal opinion that the application belonged to the planning board.

Mr. Banas stated the stipulations that to build on the property there were certain requirements required. There are several stipulations. He found the first two troublesome. If they were going to build on the property, the first dealt with density which the planning board cannot deal with. The density was decreased from 130 buildings to 122 building lots. There should be two lots devoted to recreation. Whenever a permission is granted, it is granted for that building, that development for as long as it goes. It was the same idea here. You have to provide two pieces of property for recreation. He agreed that a synagogue may be needed. If you are doing that, which lot would be used for recreation because that was the requirement of the zoning board.

Mr. Jackson stated he analyzed it that it was a site plan application. The subdivision was created by the board of adjustment with conditions. One of the conditions was that two lots would become a tot lot. It granted a variance as to density. Mr. Penzer stated it went to the zoning board because it was a special permit. It was not a density issue. Mr. Jackson stated the density was reduced. The density is not invoked in a commercial site. This does not increase the density. The issue is whether this should be before the zoning board or the planning board. Since it was a site plan, the planning board had jurisdiction over site plans. It was a close question and difficult decision. This situation is not covered under the law. It was an unusual situation. He thought the board had to look at the underlying principals of law. He felt there were competing interests. The one is that it was before the zoning board and approved with conditions and now they were in front of the planning board changing it. That does not make sense and seems unfair and should be sent back. Once the property has been subdivided, whatever basis the zoning board had for its jurisdiction is extinguished and now all the lots are individual and live and die on their own. When you weight the competing interests here, you look at the purpose of the various board and this is ultimately a site plan. He felt it was something that the planning board could look at. It was a close question and it was up to the planning board to weight the competing considerations and make its determination and let the process go through. He felt he could sustain it in Court and make a very cogent argument that it should stay with the zoning board if that is what the board decides. If

the board feels it is a site plan and should remain with the planning board, it could be supported also. In reviewing the legal principals, looking at the totality of the circumstances, considering what happened, it should be in front of the planning board. It was ultimately the board's call.

Mr. Banas stated that raises a very important question. At the technical meeting he asked a simple question that since it was a matter dealing with a community, then all of the property is up for subject of review. Mr. Penzer stated sidewalks were provided in the development. Mr. Banas stated he was really troubled with this. Mr. Dolobowsky stated the attorney made comments that he was comfortable with which is that it was a different application and that this one lot was before the board. He reviewed the site and there were sidewalks. There is a see saw and a swing on the lot. He felt it was important and there would be room on the side of the building for the see saw and swing. The building is labeled as a kiddish room which is a recreation room. It could be used for the children. It was a recreation area. The community could designate it as such. They testified before that the foot print would not be larger and he felt it was a good cause. Mr. Banas stated he wanted to do the right thing according to law.

Mr. Miller stated he went to the site and it was important to get an opinion from the attorney that it was something that should be heard by the planning board.

Mr. Banas asked if there would be two lots for recreation. Mr. Penzer stated there are two lots. Mr. Banas asked if there would be two after the synagogue is built. Mr. Flannery asked if a lot had to be considered outdoors. Mr. Jackson stated that the zoning board wanted two parcels devoted for recreation. You could make a compromise and require a play area.

Mr. Penzer stated that if the client wanted to build a recreational facility, it would be acceptable. The language says two lots for recreational purposes. It does not specify sole use. Mr. Banas stated the two lots shall be installed playground and equipment for use of tots. Mr. Penzer stated the balance is being used for a building for play inside. It does not specify if the recreation has to be inside or outside. Mr. Jackson stated that ultimately the objective of the Municipal Land Use Law is to give an impartial body with a knowledge of land use law the opportunity to review something in an open democratic process, have it reviewed by the township's professionals, and have public comment. He did not know if it was critical which board heard it. There was public notice and it was published. He felt the thoughts and concerns were valid. When you look to the underlying legal principals, what is the law trying to accomplish, he felt it was accomplished in front of either board. Mr. Banas stated he was correct but all of the instruction that he ever had about what the boards do, he was taught that the zoning board could change the actions of the planning board but the planning board could not change the actions of the zoning board. Mr. Jackson stated there are situations where it could occur. He gave examples of when it could happen. Mr. Dolobowsky stated that testimony was given at the technical meeting that the tot lot would be relocated. Mr. Banas stated that at the technical meeting he was supporting this until he read the resolution.

Brian Flannery, P.E., was sworn in and his credentials were accepted. There is a lot in section 4 that is designated for recreation. This lot would also have the same equipment

as shown on the design plans but be moved to the southeast corner. The tot lot that was approved would be provided. It was a subdivision application and it was before the zoning board because there was a provision for special permits. That provision was changed by the new UDO and there are no special permits any more. If it was done under the UDO, it would never have gone to the zoning board. Mr. Penzer stated it is now a permitted application. The zone changed. At the time it was before the zoning board, it was a special permit which was only permitted at the zoning board. Mr. Flannery stated that normally when a zoning board takes an application, the zoning board keeps it. If the zoning board grants a use variance for a property and the zone changes, the property did not need to go back to the zoning board.

Mr. Neiman stated he did not think they were coming to amend the resolution. They were coming as a new entity, a community that was completed, with something missing which was a synagogue. The two tot lots would still be there and he did not see why the board could not hear the application. Mr. Banas stated the board could make a motion to rule him out and conduct the meeting.

Mrs. Wise asked if there were any repercussions on the board if they heard the application. Mr. Jackson stated that the repercussions was ultimately doing what was right and fulfilling their constitutional objective and oath. He felt that Mr. Banas' comments were well-founded and that he was searching to do the right thing. You have a board that wants to do the right thing. From a legal perspective, if the board takes jurisdiction and the applicant gets approval, in theory someone from the town could file an objective and go to court. The court could rule that the board did not have jurisdiction and then reverse the decision of the board. Someone would have to appeal it and be successful. Likewise, if the board ruled that it should go to the zoning board and the applicant were to appeal it, the court would analyze the law and make a decision. He was confident that if the board maintained jurisdiction it would withstand the legal challenge and the court would agree. It was a unique situation. He could say that the board considered every angle if it went to court. Mrs. Wise asked Mr. Penzer if there was a reason why he did not go back to the zoning board. Mr. Penzer stated it was his opinion that the application belonged before the planning board. He respected Mr. Banas' opinion and felt that it belonged here. Mr. Jackson stated the applicant is the person with the greatest risk. Mr. Penzer stated he was willing to take the risk.

Mr. Banas stated that on the advice of the attorney, the planning board would hear the application.

Mr. Peters stated the applicant is seeking preliminary and final site plan approval for the construction of a synagogue. This 0.44 acre site is currently a play area covered primarily with wetland buffers and forest. The property is situated on Arosa Hill within the R-15 zone. The applicant will be required to obtain all outside agency approvals. Variances are required for lot width where 97' is proposed and 100' is required; front yard setback where 24' is proposed where 30' is required; and for number of parking spaces where 5 are proposed and 13 are required. We question the constructability of the structure within the proposed limit of disturbance as shown. The applicant's engineer should provide testimony pertaining to the limit of disturbance. It should be noted that the structure is a sufficient distance from the wetland area transition line.

Mr. Slachetka stated the applicant should provide testimony concerning the positive and negative criteria for the requested variances. We have concerns about the location of the five proposed off street parking spaces since vehicles will be required to back out into a public street at a curve. The proposed location of the parking spaces represents a traffic safety issue. Testimony should be provided addressing this issue. An architectural drawing of the floor plan and the front elevation of the proposed building have been submitted for Board review. Given the proximity of the northeast portion of the proposed building to the vegetation within the Forest Preservation Line, we request an explanation as to the manner in which construction can occur without disturbance of the existing vegetation. The specific restrictions inherent with Forest Preservation Line should be provided to the planning board. The applicant should describe the previously approved wetlands buffer averaging plan and confirm that it does not impact the development of the site. A walkway should be provided to connect the front of the building to the sidewalk on Arosa Hill. No landscaping is proposed due to the proximity of the proposed building footprint to the wetlands transition area. A four-foot stockade fence is proposed along both sides of the proposed parking area for screening purposes. Foundation plantings are shown on the architectural elevation drawings and should be reflected on the site plan. No information is provided concerning lighting. We would anticipate that wall-mounted lighting would be provided in the front of the building. Lighting on the other sides of the building should be limited to security lighting, due to the location in a residential neighborhood. Note No. 9 on sheet 3 indicates that the playground equipment on the subject parcel will be relocated, if possible, to lot 7. The applicant should elaborate on their intentions in this regard and provide site plan details showing the location and type of equipment. The maintenance of the new tot lot should be discussed.

Abraham Penzer, Esq., appearing on behalf of the applicant. He thanked the board for their time and thought. He stated the professional staff asked for the LOI which he just provided. He had it marked as Exhibit A-1. It was dated July 25, 1997. The Brookhill Shul lot is now owned by the homeowner's association. Most of the owners were present tonight. They had a problem in that they had no local synagogue. Brookhill itself is a sprawling development. Even if you live in the center, to walk to any synagogue is quite far. People are having illegal synagogues in their basements and they want a synagogue. They wanted to make sure the synagogue was safe and met all the codes. They needed to ensure the safety of the residents and users of the synagogue. It was not just chosen. It was the most centrally located lot. There is another lot that was given to the Township that the Township is not doing anything it. He argued that it could be used for recreation. The engineer argues that if the Township owns it, it cannot be used. The lot was substantial. A majority of the lot was wet. Beyond lot 7 where the wetland lines are it was dry that it owned by the Township. They could petition the Township to see if they could put a playground on it if the board requested. Most of the people who live in the development would walk to the synagogue. They were not looking to encourage outsiders. The purpose of the synagogue is to service the immediate neighbors. Sometimes you might need parking. The area where the lot fronts on, there are approximately several hundred feet which could be used as on-street parking should it be necessary. It was a neighborhood synagogue.

Mr. Flannery stated the application is for a shul on the recreation lot. The specifications of the application were discussed. In reviewing Mr. Peters report, item one is information. Item two concerns the LOI which was provided. The line for the wetlands is shown on the plans and it is to the rear of the lot in the northwesterly corner. They also added the wetlands buffer line which is 50 feet off the wetlands line. That line at the closest point to the building is 15 feet. The variances are for lot width of 97 feet where 100 feet is required. The 97 feet is all they have. When it is compared to the required footage, it is di mini mus. The front yard setback is proposed at 24 feet where 30 feet is required. The lot is unique in size. He felt the proposed 24 feet provides for parking in front and provides adequate setback and that there would be detrimental impact based on the setback. The third variance is for parking spaces. Five spaces are proposed where thirteen are required. This is a neighborhood shul. The people using it are from the neighborhood and would be walking. The alternative is that people have to drive out of the community and parking in someone else's neighborhood. He felt the five spaces were adequate. The type of use of the facility's parking needs would be met. With regard to Mr. Slachetka's report, item A is information. Item B indicates the zone and that it is a permitted use. Item B.3. is the front yard setback. B.4. is the lot width variance and B.5. is the parking variance. B.6. indicates that the positive and negative criteria should be met. The positive criteria is that this is an inherently beneficial use. It is a need that the community has. Providing the facility is beneficial and environmentally. There was no negative criteria involved. The play equipment would be relocated on the site. It was a building that fit well within the neighborhood and services the needs of the neighborhood. It was his opinion that there is no negative impact and they meet the provisions of the land use law, N.J.S.A. 40:55D-2(g). The tot lot facilities would be relocated on the same lot and they would provide an additional lot. The board encourages this type of facility but the application was approved before the trend was started. They provided the land area. Mr. Penzer stated he helped with the UDO and one of the main things was to take things away from the zoning board and give it to the planning board. He gave some examples. Mr. Flannery stated that Mr. Slachetka's C.1. deals with backing up. It was a local roadway and it was similar to the units that have to do it. He would have the same concern if it was a different road. He felt it was an appropriate location. Item two was information. Item three explains the construction without disturbance to the environmentally sensitive areas. There are no trees in the area where the building is going. The building does not knock down any trees. Prior to the start of any construction, they would add a note to the plans that a fence be installed around the vegetation. Item four deals with the restrictions of the forest preservation area. As he indicated, the DEP makes you file deed restrictions and it is all on one lot. It is an area where no one can knock anything down. Item five deals with the wetlands. There was a buffer averaging plan previously. There is not one for this lot. This lot has a 50 foot buffer from the wetlands. Item six is information and seven indicates a walkway should be provided from the building to the roadway. This would be provided. Item eight is information and they agree to provide the lighting requested in item nine. Item ten deals with the tot lot and playground equipment. The playground equipment will be installed in the southeasterly portion of the lot and the homeowners association will maintain it. Additional benches or whatever is required would be provided. They would escrow money if desired. They would request from the Committee to put benches on the Township owned property at the board's discretion. Item eleven is outside agency approvals which they acknowledge and the same would be provided.

Mrs. Wise asked how much room there was from the parking spots to the nearest driveway. Mr. Flannery stated the nearest driveway is the home immediately to the west. It is about 30 to 40 feet. Mrs. Wise asked about the driveway across the street. Mr. Flannery stated it is about 15 feet to the south.

Mr. Dolobowsky stated there is a portion of the wetlands buffer that has no trees. He asked if it could be replanted. Mr. Flannery stated that would require approval from the DEP. They could put the play equipment in that area without disturbing anything.

Mrs. Wise asked about the playground equipment and if it could be enhanced. Mr. Flannery stated they were talking about the existing playground equipment which is a see saw and a swing. Mr. Flannery stated section four has a recreation area that is being constructed. This could be enhanced. Mr. Penzer stated the applicant is thinking about putting in a play system. Mr. Banas suggested having the same equipment as in other parts of the Township.

Mr. Peters asked about the lot line with the wetlands area. Mr. Flannery stated a line was drawn on a plan where no vegetation would be disturbed. In this area there was no vegetation. They would not disturb any vegetation and the building would be inside that line.

Mr. Slachetka asked for clarification on the relocation of the existing equipment. Mr. Flannery stated it would be in the southeast corner. The upgraded facility would be in section 4. The applicant would work in connection with the professionals. The matter was discussed further. Mr. Penzer stated the applicant will budget \$3,000 for the play equipment. He asked the best equipment for the funds and they would provide the same.

Mr. Banas opened the application to the public.

Mr. Penzer asked all the residents of Brookhill to stand up. He stated they were in support of the application.

Seeing no further person wishing to speak for or against the application, Mr. Banas closed the public hearing.

On motion by Mr. Dolobowsky and seconded by Mr. Miller, the application was hereby approved as discussed and that the professionals send correspondence to the Committee suggesting a play area on lot 7 which is owned by the Township.

Mr. Miller stated he would suggest the play area on the Township property to the Committee.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

Mr. Banas stated that they would not reach items #4 through #7. They would be carried to the December 20, 2005 meeting.

Mr. Banas asked the applicants if the same was acceptable. No one objected.

On motion by Mr. Dolobowsky and seconded by Mr. Franklin, the applications were hereby tabled until the December 20, 2005 meeting and any time limitations were waived.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes;
Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, yes; Mr. Dolobowsky, yes;
and Mr. Ackerman, yes.

Mr. Jackson stated applications SD#1498, SD#1503, SP#1827 and SD#1505 were carried to the December 20, 2005 meeting at 6:00 p.m. No further notice was required.

V. MEMORIALIZATION OF RESOLUTIONS

- 1. SD# 1479** (Variance requested)
Applicant: Shlomo Katz
Location: corner of Cedarview Avenue & Fourteenth Street
Block 39 Lot 4
Minor subdivision to create two lots

On motion by Mr. Franklin and seconded by Mr. Neiman, the resolution was hereby memorialized.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes;
Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, yes; Mr. Dolobowsky, yes;
and Mr. Ackerman, yes.

- 2. SD# 1496** (No variance requested)
Applicant: Fruma Liebb
Location: Clear Stream Road, west of Hope Chapel Road
Block 120 Lot 2
Minor subdivision to create two lots

On motion by Mr. Franklin and seconded by Mrs. Wise, the resolution was hereby memorialized.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes;
Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, yes; Mr. Dolobowsky, yes;
and Mr. Ackerman, yes.

- 3. SD# 1497** (Variance requested)
Applicant: Sam Bauman
Location: Birch Street, between River Avenue and Williams Street
Block 417 Lots 6 & 7
Minor subdivision to create two lots

On motion by Mr. Franklin and seconded by Mr. Neiman, the resolution was hereby memorialized.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

4. SD# 1482 (Variance requested)
Applicant: J & J Group LLC
Location: Cushman Street, west of Route 9
Block 430 Lot 56
Minor subdivision to create two lots

On motion by Mr. Franklin and seconded by Mr. Neiman, the resolution was hereby memorialized.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

5. SD# 1500 (Variance requested)
Applicant: B & B Developers
Location: Route 9, north of Oak Street
Block 782 Lot 36
Block 782.01 Lots 2, 5, 15.01, 16.01 & 16.02
Preliminary and final major subdivision - 42 townhouse units

On motion by Mr. Franklin and seconded by Mr. Neiman, the resolution was hereby memorialized.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

6. SP# 1822 (Variance requested)
Applicant: Chevras Lomdel Torah
Location: Fifth Street, west of Private Way
Block 48 Lot 10
Preliminary and final site plan for proposed synagogue

On motion by Mr. Franklin and seconded by Mr. Neiman, the resolution was hereby memorialized.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, abstain; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

7. SD#1501 (No variance requested)
Applicant: LWI Enterprises LLC
Location: corner of Massachusetts Avenue & Prospect Street
Block 445 Lot 17
Preliminary and final major subdivision - 16 townhouse lots

On motion by Mr. Franklin and seconded by Mr. Neiman, the resolution was hereby memorialized.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes;
Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, abstain; Mr. Dolobowsky, yes;
and Mr. Ackerman, yes.

8. SD#1502 (Variance requested)
Applicant: Ronny Holder
Location: Sunset Road, north of Liberty Drive
Block 284.11 Lot 20
Minor subdivision to create two lots

On motion by Mr. Franklin and seconded by Mr. Neiman, the resolution was hereby memorialized.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes;
Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, abstain; Mr. Dolobowsky, yes;
and Mr. Ackerman, yes.

VA. Discussion - B-5 Zone

Mr. Slachetka stated that when the UDO was adopted there was an age-restricted multi-family housing provision. There were no conditions incorporated. This ordinance incorporates specific conditions for the use in the zone. He explained the specific conditions and changes to the ordinance. Mr. Kiert stated the Township needed an answer by December 1st and they do not have another meeting prior to that. Mr. Banas asked that under "1011" if it was the same conditions as under the R-40 zone. Mr. Slachetka replied they were not. He recommended that the same be adopted by the Township.

On motion by Mr. Long and seconded by Mrs. Wise, the Township would be advised that the ordinance should be adopted and that Mr. Lines' comments be considered.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, abstain; Mr. Neiman, yes;
Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, yes; Mr. Dolobowsky, yes;
and Mr. Ackerman, yes.

Mr. Jackson would send the letter to the Municipal Manager.

Mr. Banas stated that Mr. Thiebault requested that they contact the Committee to contact the County to extend New Hampshire Avenue from its terminus to County Line Road. He

felt they should do the same. Mr. Dolobowsky thought it was for the County to purchase the lot as well.

Mr. Jackson would send the letter to the Committee.

VI. CORRESPONDENCE

None at this time.

VII. PUBLIC PORTION

None at this time.

VIII. APPROVAL OF BILLS

On motion by Mrs. Wise and seconded by Mr. Dolobowsky, the submitted bills were hereby approved for payment.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

IX. APPROVAL OF 2006 PLANNING BOARD SCHEDULE

On motion by Mr. Dolobowsky and seconded by Mr. Herzl, the schedule for 2006 was hereby adopted.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Long, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

X. APPROVAL OF MINUTES

None at this time.

Mr. Banas stated that Mr. Kielt had a question about an attic. Mr. Kielt stated he was contacted by the construction official who received an application for a subdivision of 5 lots townhouse which was approved by this board. When the application for the permits was submitted, the architectural plans had a basement which was to remain unfinished, two floors, and a finished attic with two bedrooms and a bathroom. He asked to see what this board reviewed and approved. The plans that were approved did not have a finished attic. The bedrooms were increased from five to seven bedrooms. He felt the board should review it. Mr. Neiman stated the board did not approve that plan. Mr. Banas stated he indicated and suggested that if the applicant wants to submit a plan of

this nature, he needed to appear before the board again for approval. Mr. Dolobowsky asked if the plans showed stairs to the attic. Mr. Kielt stated he did not think so. What they have is normally a sketch.

On motion by Mr. Dolobowsky and seconded by Mr. Ackerman, the applicant would have to appear before the board if he wishes to build a finished attic.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mrs. Wise, yes; Mr. Long, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

Mr. Banas stated that Mr. Kielt would send the letter to the construction official.

XI. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted,
Elaine Anderson
Planning Board Recording Secretary