

**LAKWOOD PLANNING BOARD  
MINUTES  
AUGUST 16, 2005 • 6:00 PM**

**I. 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.”

**II. ROLL CALL**

Mr. Herzl, Mr. Miller, Mr. Neiman, Mr. Dolobowsky (arrived late), Mr. Banas, and Mr. Chermack.

Mr. Miller wished a speedy recovery to Mr. Franklin who was in the hospital.

Also present were Attorney John Jackson, Engineer Maxwell Peters and Planner Martin Truscott.

Mr. Banas asked if there were any changes to the agenda.

Mr. Kielt noted there were no changes.

**III. NEW BUSINESS**

- 1. SD #1493** (No variances requested)  
Applicant: Yeshiva Kol Torah  
Location: Oak Street east of Route 9  
Block 1008 Lot 2  
Block 1009 Lot 1  
Block 1010 Lots 1 & 4  
Block 1018 Lot 1

Minor subdivision and consolidation for future construction of private school

Mr. Peters stated he just received the revised plans. Mr. Penzer stated he chased the engineer to submit the plans. He stated that Mr. Kielt assisted them. There really is no change. The only purpose was the question raised was what was the purpose.

The changes were minor. There really are no changes. Anything that was requested and necessary would be complied with. The signature lines and the zoning map were changed. He apologized that the engineer did not comply with the deadline. He spoke to Mr. Kiert this morning about it. He went to the engineer's office to pick up the plans. The property boundaries were shown correctly. One issue left was the shade tree easement and the sidewalk which he would request be done when the building is done. Mr. Peters stated a shade tree easement would have to be provided. Mr. Penzer stated he did not have a problem with that.

Mr. Truscott stated the comments are similar to the prior letter. The applicant is seeking minor subdivision approval to consolidate and resubdivide the subject lots into 4 lots. No construction is proposed at this time. The property is vacant and located on the south side of Oak Street. Proposed lot 1.01 has frontage on Oak Street which is improved however the balance of the lots are situated on unimproved paper streets. The lot is located in the R-12 zone. No variances are requested. The purpose of the subdivision has been identified by the applicant as necessary to close on the property which is being conveyed to the applicant by the Township. No construction is proposed at present. The plat should state that no construction may occur until such time that sufficient road improvements are in place or bonded and all necessary permits and approvals have been secured. No township permits should be issued for any of the new lots until improved street frontage is provided. The balance of the comments are minor in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant, stated that they would comply with everything.

Mr. Dolobowsky arrived at the meeting.

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

On motion by Mr. Neiman and seconded by Mr. Herzl, the application was hereby approved.

**ROLL CALL:** Mr. Herzl, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

2. **SD #1494** (No variance requested)  
Applicant: Tiferes Bais Yaakov  
Location: Oak Street, west of Albert Avenue  
Block 795 Lot 1  
Block 796 Lot 1  
Block 797 Lot 1

Minor subdivision to create two lots for future construction of private school

Mr. Peters stated the applicant is seeking to consolidate three complete blocks into two blocks, each with one lot. The properties in question are currently known as

block 795 lot 1, block 796 lot 1, block 797 lot 2. Upon consolidation the newly created properties are to be known as block 795 lot 1.01 and block 797 lot 1.02. The properties are situated between Oak Street and Bellinger Street in the A-1 zoning district. No variances are required for this application. The applicant has indicated that Ocean County Planning Board approval is pending. The applicant has indicated that a 6' wide shade tree and utility easement will be deeded to the township along the frontage of Oak Street and Bellinger Street. The plan conforms to the New Jersey Map Filing Law requirements.

Mr. Truscott stated the applicant is seeking minor subdivision approval to create two conforming lots in the A-1 agricultural zone. The parcel is 10.15 acres in acre and located between Oak Street, Bellinger Street and South Lafayette Avenue. The streets are unimproved and no construction is proposed. No township permits should be issued for any of the new lots until improved street frontage is provided.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated this is a minor subdivision for property being acquired by the township. The requested changes were provided and the application complies with all recommendations.

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

On motion by Mr. Dolobowsky and seconded by Mr. Miller, the application was hereby approved.

**ROLL CALL:** Mr. Herzl, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

- 3. SP #1821** (No variances requested)  
Applicant: Congregation Ahvaas Chesed  
Location: corner of Lexington Avenue and Third Street  
Block 126 Lots 1 & 16  
Preliminary and final site plan for proposed boy's school

Mr. Peters stated the applicant is seeking preliminary and final site plan approval for a new school. The site is on the corner of Lexington Avenue and Third Street in the B-2 zone. No variances are required. Evidence of approvals from the Ocean County Planning Board and Ocean County Soil Conservation District has been provided. No additional approvals are required. The applicant has indicated that the school will be serviced by public school buses. Testimony shall be provided as to where the children will be dropped off and picked up. They should be dropped off on site and a turn around area be provided. The board should determine if shade tree easements will be required along Lexington Avenue and Third Street. The applicant has stated that additional on-site landscaping has been added in order to provide an aesthetically pleasing visual environment.

Mr. Truscott stated the applicant is seeking preliminary and final major site plan approval to construct a new boy's high school. The floor plans indicate that the school will include eight classrooms and a dining area. The building will include a basement level and two stories. The site improvements include an off-street parking area and stormwater management facilities. A grassed play area is shown in the eastern portion of this site. The parcel is 30,000 square feet in area and is located at the intersection of Lexington Avenue and Third Street. The tract contains several existing structures which will be removed. The tract is situated in the B-2 zone and is a permitted use. The applicant has included notes on the plan describing the operational characteristics of the facility. For the public hearing, the applicant should also present testimony on the record concerning the following: proposed number of students, anticipated number of staff persons, anticipated number of school buses, expected number of school buses visiting the site on a daily basis, proposed hours of operation and any other services that will occur on site. Architectural floor plans and elevations have been submitted for board review. Section 906 of the UDO requires a twenty foot landscaped buffer from a residential use. The site adjoins a hotel to the east and a vacant YMCA to the south. Some additional landscaping has been provided. We recommend that the gaps in the landscaping along the eastern boundary be filled in with additional plantings to buffer the play area from adjoining uses. A bus loading/unloading zone has been delineated in the street. The suitability of using the public right of way as a loading/unloading area should be reviewed by the police department. The applicant should confirm that loading activities will not take place during student drop off. Wall mounted light fixtures are proposed. A portion of the southern parking lot and a majority of the parking lot in the northeastern portion of the site do not appear to be adequately lighted by these fixtures. Additional onsite lighting should be provided. Outside agency approvals are required.

Denis Kelly, Esq., appearing on behalf of the applicant.

William Stevens, P.E. and P.P., was sworn in and his credentials were accepted. The applicant is proposing to construct a school at the intersection of Lexington Avenue and Third Street. There are currently several delapidated buildings on the site which will be demolished. This will be an improvement to the neighborhood. The applicant has made all the changes requested with the exception of provided a school bus loading area on site. The board's engineer recommended a turn around. The applicant presented testimony that there would be approximately 100 boys attending the school. The school is currently serviced by one bus in the morning and one in the afternoon. Approximately half of the children use the bus and the other half are either dropped off or ride bikes. The applicant could provide an area for the bus to turn around. The applicant desires not to do that because they would like to maintain the grass areas between the parking lots for recreation uses. They were proposing the bus drop off on Third Street which is a less of a traveled road than Lexington Avenue. This is done as well at the school on Princeton Avenue. The applicant is willing to comply with all the other recommendations from the board's professionals.

Mr. Banas asked about the sidewalk on Second Street. Mr. Stevens stated there are some areas that are damaged and the applicant will remove the same and replace it. The one area will be removed and made flat. Mr. Banas suggested like a turn off. Mr. Stevens stated it was possible.

Mr. Dolobowsky stated he was questioning the two separate parking areas. He was concerned that Third Street was one way because the kids will be getting out in the middle of the street and have to walk across. A bus loading and unloading area should be provided on Lexington Street. Mr. Kelly did not think the applicant would have a problem with that.

Mr. Miller stated that Lexington Street is very narrow.

Mr. Banas stated what the prior business used to do. Mr. Stevens stated the applicant would not have a problem switching the loading and unloading area to Lexington Avenue.

Mr. Dolobowsky was concerned about the kids being dropped off. Mr. Stevens stated the cars would not park there.

Mr. Miller stated he would like to see the drop off and pick up area on Third Street since it was less traveled and a one way street. Mr. Banas felt the safety of the children has to be looked at. He felt that a kid walking in front or behind a bus was a safety issue. He asked how wide the sidewalk on Lexington Avenue was. Mr. Stevens stated it was approximately ten feet wide. He had to verify where the overhead utilities were and if they had to be relocated. Traffic needs to stop when a school bus stops.

Mr. Peters stated that the bus may be able to stop in between utility poles. Mr. Jackson stated it would make sense for the applicant to get approval from the appropriate authority to utilize the sidewalk. Mr. Banas thought that the sidewalk near the road was lower so it might have been previously approved.

Menachem Rabinowitz, 654 Eighth Street, Lakewood, was sworn in. He stated that about five feet of the sidewalk goes lower. The hearses used to pull up on it. The buses could do the same. They were thinking of using Third Street because there was less traffic. There is only about two cars per hour that utilize it. Most of the children are walkers. He did not see where it would be an issue. Mr. Banas asked if it would pose a problem since the sidewalk was cut on Lexington Avenue. Mr. Dolobowsky asked when the children would be dropped off. Mr. Rabinowitz stated school starts at 7:30 a.m. and are picked up at 6:00 p.m. There is no traffic at that time. Mr. Dolobowsky stated it was across from the library. Mr. Rabinowitz stated the library was not open at 7:30 a.m. The best location of the drop off and pick up was further discussed.

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

Mr. Neiman asked how far the drop off was from the exit of the library. He suggested moving it over so it would be directly across the driveway. He felt that the drop off on Third Street was better because there was no traffic on it. The kids were older so he was not as concerned with them crossing in front of the bus.

Mr. Dolobowsky stated moving the drop off in a little bit to the other piece of property he owns and the people leaving the library would be driving away from the bus. Mr. Rabinowitz was agreeable to the same. Mr. Banas suggested a sidewalk that goes to the school. Mr. Stevens stated the same would be provided. Mr. Banas suggested moving the parking closer to the building and putting the sidewalk on the eastern side of the parking lot. Mr. Stevens stated it was acceptable.

Mr. Banas called a brief recess. The meeting was reconvened.

Mr. Banas stated that Mr. Peters suggestion about moving the building in a southerly direction and loop the driveway was rejected. Mr. Stevens stated the applicant would not want to do that since they would loose parking spaces. Mr. Banas asked about the play equipment. Mr. Stevens stated there would be a grass area. Mr. Rabinowitz stated they would have portable nets. Right now it would just be dodge ball and volleyball. Mr. Banas stated it should be indicated on the plans. Mr. Miller stated they are high school students and do not need play equipment. Mr. Stevens would include the same on the plans.

On motion by Mr. Dolobowsky and seconded by Mr. Miller, the application was hereby approved as discussed moving the drop off to provide a sidewalk, and the other items as discussed.

**ROLL CALL:** Mr. Herzl, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

4. **SD #1486** (Variance requested)  
Applicant: Tovia Halpern  
Location: Woodland Drive, west of Hillridge Place  
Block 12.05 Lot 9  
Minor subdivision to create two lots

Mr. Peters stated the applicant is seeking a minor subdivision approval to create two lots. There is an existing residence on proposed lot 9.01. Proposed lot 9.01 fronts on Woodland Drive. Proposed lot 9.02 fronts on Lakeview Drive. Both lots are within the R-12 zone. A variance will be required for minimum lot area where 12,000 square feet is required and 11,353 square feet for lot 9.02 is proposed. A variance will be required for the minimum rear yard setback where a minimum of 20 feet is required and 13 feet is proposed for lot 9.01. Approvals will be required from the Ocean County Planning Board, Soil Erosion and Sediment Control, and NJDEP Treatment works Approval. The sewer extension is a gravity line with adequate slope. The applicant has provided off-street parking in accordance with RSIS standards. The applicant has added six foot shade tree easement along Woodland Drive and

Lakeview Drive. A note should be added to the plans deeding them to the township. Both Lakeview Drive and Woodland Drive contain existing curbing. The applicant has revised the plans to provide sidewalks along the frontages of the proposed lots. A revision date should be added to the plans based on the technical meeting. The notary's certification has been relocated to be below the owner's certification.

Mr. Truscott stated the applicant seeks minor subdivision approval to subdivide the subject parcel into two lots. There is an existing single family residence on the property. The subdivision will create one additional building lot. The parcel fronts on two streets and the new lot will have frontage on Lakeview Drive. The property is 28,621 square feet in area and is located between Woodland Drive and Lakeview Drive in the residential neighborhood south of Lake Carasaljo. The parcel is in the R-12 zone where single family residences are a permitted use. Variances are needed for proposed lot area for lot 9.02 and a rear yard setback variance for proposed lot 9.01. The applicant must address the positive and negative criteria for each of the requested variances. Street trees are required. Two existing trees are shown on the map on Lakewood Drive. Additional shade tree should be provided on Lakeview and new trees on Woodland. The applicant should comply with any recommendations of the Shade Tree Commission. The balance of the comments were minor in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. With regards to Mr. Peters report they comply with all the items. They will obtain the approvals that are necessary. They did provide the off-street parking. The revision date and notary's certification would be taken care of. Both have existing curbing and the plans will be revised for the sidewalks. In Mr. Slachetka's report, under review comments, they comply and agree with items 1 through 7.

Charles Surmonte, P.E., L.S., was sworn in and his credentials were accepted. He stated that lots 10, 11, 19, 20 and 2 were under the 12,000 square feet requirement. To the east, the lots generally comply at 12,000 to 15,000 square feet. The rear yard setback is set at 13 feet because there is a common lot line that runs through the block. They decided to keep the natural lot line in place. They could have provided the 20 foot set back but that would take lot area away from proposed lot 9.02 which is the proposed undersized lot. They felt it was more important to give the lot the additional area than to provided the rear yard setback. The zoning plan would not be affected in a negative way. They were making improvements in the area that would benefit a great number of properties in the area. That would be the extension of the water and sewer mains.

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

On motion by Mr. Miller and seconded by Mr. Herzl, the application was hereby approved as discussed granting the requested variances.

**ROLL CALL:** Mr. Herzl, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

5. **SD #1487** (Variance requested)  
Applicant: Roni Shaharabany  
Location: east County Line road and Carolina Street, east of Kalie Street  
Block 175.02 Lot 84.19  
Minor subdivision to create two lots

Mr. Peters stated the applicant is seeking a minor subdivision approval to create two lots. The site is located on Carolina Street with additional frontage on County Line Road within the R-15 zone. A variance will be required for minimum lot width where 100 feet is required and the applicant has provided 67.76 feet for proposed lot 84.25 which is an existing condition. Approval will be needed from the Ocean County Planning Board. The applicant shall move the Planning Board Engineer's signature line closer to the edge of the sheet to allow for the required seal to be placed over the signature. The board should determine if shade tree easements will be required along the lot frontages. The balance of the comments were technical in nature.

Mr. Truscott stated the applicant is seeking minor subdivision approval to create one additional building lot from the subject property. There is an existing single family residence on the parcel and the existing parcel fronts on two streets. The new lot will have frontage on County Line Road. The property is .7 acres in area and is located at the end of Carolina Street in the R-15 zone where single family residences are permitted. A variance is existing for lot width. Proposed shade trees should be shown on the plan and subject to the review of the Shade Tree Commission. The proposed driveway and concrete apron for proposed lot 84.26 should be shown on the plan. The balance of the comments are minor in nature.

Miriam Weinstein, Esq., appearing on behalf of the applicant. She stated that the one variance is not only a variance for an existing condition but the variance was granted when the original subdivision was approved some 20 years ago. The existing house will be remaining. The new lot to be created is fully conforming in all respects.

Ray Carpenter, P.E., was sworn in and his credentials were accepted. He reviewed the reports and could comply with all the recommendations. He was not sure if the board wanted shade trees on both streets. Mr. Banas replied they did.

Mr. Banas asked if there was a JCP&L easement going through the property. Mr. Carpenter stated there was not. Mr. Banas asked about the key map. Mr. Carpenter stated there was a question about an easement. They did their title search and it did not show an easement crossing this particular lot. Mr. Banas asked about the northeast corner. Mr. Carpenter stated they have the actual filed map. He was concerned about where the JCP&L easement crossed the property which it does not cross this property.

Mr. Dolobowsky wanted to confirm it was public water and sewer. Mr. Carpenter stated it was septic and well.

Mr. Banas opened the application to the public.

David Wilson, 1162 Carolina Street, was sworn in. He stated he granted the variance to the existing house. He wanted to make sure that the only access to the house would be from County Line Road and not Carolina Street. Mr. Jackson stated they could make that a condition of approval. Mr. Wilson also wanted to make sure it would be a single family dwelling. Ms. Weinstein stated it would be a single family dwelling and the only access will be from County Line Road. Mr. Banas stated that would be a deed restriction.

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. Ackerman, the application was hereby approved as discussed with the deed restriction for access only to County Line Road.

**ROLL CALL:** Mr. Herzl, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

#### **IV. MEMORIALIZATION OF RESOLUTIONS**

**1. SP #1817** (Variance requested)

Applicant: Bais Pinchos

Location: Central Avenue, west of Hillside Boulevard  
Block 11 Lot 117

Preliminary & final site plan for proposed temporary trailer, classrooms and permanent school building

Mr. Neiman asked if anything was changed on this. Mr. Banas replied no.

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

**ROLL CALL:** Mr. Herzl, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

**2. SP #1819** (Variance requested)

Applicant: Bais Medrash Toras Chesed

Location: corner of Monmouth Avenue and Ninth Street  
Block 153 Lot 6

Change of use site plan for proposed school

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

**ROLL CALL:** Mr. Herzl, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

- 3. SP #1810** (Variance requested)  
Applicant: Bais Medrash of Willow Court  
Location: corner of Fourteenth Street and Willow Court  
Block 25.12 Lot 8  
Preliminary and final site plan for proposed synagogue

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

**ROLL CALL:** Mr. Herzl, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

- 4. SP #1816** (Variance requested)  
Applicant: Trippy Abramowitz d/b/a Eyewear Unlimited  
Location: Route 9 (River Avenue) south of John Street  
Block 768 Lot 31  
Preliminary & final site plan for proposed eyewear facility

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

**ROLL CALL:** Mr. Herzl, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

- 5. SD #1483** (No variance requested)  
Applicant: Pine Projects LLC  
Location: Princewood Avenue and Netherwood Drive, south of Finchley Blvd.  
Block 432 Lot 3  
Minor subdivision to create two lots

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

**ROLL CALL:** Mr. Herzl, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

- 6. SD #1488** (Variance requested)  
Applicant: Somerset Development  
Location: Pine Street, west of New Hampshire Avenue  
Block 961.02 Lot 1  
Final major subdivision to create two lots

On motion by Mr. Dolobowsky and seconded by Mr. Neiman, the resolution was here by memorialized.

**ROLL CALL:** Mr. Herzl, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

- 7. SD #1489** (No variance requested)  
Applicant: Somerset Development  
Location: Pine Street, west of New Hampshire Avenue  
Block 961.01 Lots 1.02 & 2  
Final major subdivision to create two lots

On motion by Mr. Neiman and seconded by Mr. Dolobowsky, the resolution was here by memorialized.

**ROLL CALL:** Mr. Herzl, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

- 8. SP #1818** (Variance requested)  
Applicant: Somerset Development  
Location: Pine Street, west of New Hampshire Avenue  
Block 961.01 Lots 1.02 & 2  
Final major subdivision to create two lots

On motion by Mr. Neiman and seconded by Mr. Dolobowsky, the resolution was here by memorialized.

**ROLL CALL:** Mr. Herzl, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

- 9. SD #1490** (Variance requested)  
Applicant: Mordechai Rozsansky  
Location: corner of East County Line Road and Brook Road  
Block 174 Lot 51  
Minor subdivision to create two lots

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

**ROLL CALL:** Mr. Herzl, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

## **V. CORRESPONDENCE**

None at this time.

## **VI. PUBLIC PORTION**

None at this time.

## **VII. APPROVAL OF BILLS**

On motion by Mr. Neiman and seconded by Mr. Miller, the submitted bills were hereby authorized for payment

**ROLL CALL:** Mr. Herzl, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Ackerman, yes.

## **VIII. APPROVAL OF MINUTES**

On motion by Mr. Neiman and seconded by Mr. Ackerman, the minutes of July 5, 2005 and July 19, 2005 were hereby approved.

**ROLL CALL:** Mr. Herzl, yes; Mr. Miller, abstain; Mr. Neiman, yes; Mr. Banas, yes; Mr. Dolobowsky, abstain on July 5, 2005 and yes on July 19, 2005; and Mr. Ackerman, yes.

## **IX. ADJOURNMENT**