

**MINUTES
TOWNSHIP OF MAHWAH
PLANNING BOARD
REGULAR MEETING OF AUGUST 10, 2009**

I. OPENING STATEMENT

The combined public/work session meeting of the Planning Board of the Township of Mahwah held at the Municipal Building, 475 Corporate Dr., Mahwah, N.J. was called to order at 7:10 P.M. by the Vice-Chairman. The Opening Statement was read according to the Sunshine Law followed by the flag salute and roll call.

These minutes are a synopsis of the meeting. A verbatim audio tape recording is on file with the Board Secretary at the Planning Board Office, 475 Corporate Dr., Mahwah, N. J. Copies of the tapes may be purchased for a fee.

PRESENT: Mr. Brotherton, Mr. DaPuzzo, Mayor Martel, Mr. Jandris, Mr. Spiech, Mr. Rudolph, and Mr. Donigian (arrived 7:55 P.M.), Mr. Sherer and Mr. Williams.

EXCUSED: Dr. Ross, Mr. Crean

ALSO IN ATTENDANCE WERE BOARD PROFESSIONALS:

Planning Board Attorney, Peter J. Scandariato, Esq., Township Engineering Consultant, Michael J. Kelly, P.E. and Planning Consultant, Joseph Burgis, and P.P.

Vice-Chairman Brotherton announced to the public that Docket #521, Major Subdivision Application of George & Deborah Kayal, Wyckoff Avenue has been postponed until September 14, 2009 at 7:00 P.M..

Mr. Robert Inghima, Jr., representing the applicants, **George & Deborah Kayal, Bayval Corp. and Laurmark Corp.**, involving Block 153, Lots 1, 2, 2.01 & 3 for a subdivision application. By letter dated August 10, 2009 he requested the matter be carried from the continued public hearing that was originally scheduled for this evening until the September 14, 2009 meeting of the Planning Board.

APPROVAL OF BILLS

7/13/09 Meeting Attendance	Peter J. Scandariato, Esq.	\$200.00
Period-June 2009	Phillips Nizer, LLP	\$297.00
5/18/09 Meeting Attendance	Burgis Associates, Inc.	\$200.00
6/8/09 Meeting Attendance	Burgis Associates, Inc.	\$200.00

A motion to approve the bills was made by Mr. DaPuzzo and seconded by Mr. Jandris. A voice vote of "aye" was heard from all Board members.

APPROVAL OF MINUTES: Re-Organization Meeting -7/13/09

A motion to approve the minutes was made by Mr. DaPuzzo and seconded by Mr. Williams. A voice vote of "aye" was heard from all eligible board members.

RESOLUTIONS FOR MEMORIALIZATION:

A motion to adopt the resolutions was made by Mr. DaPuzzo and seconded by Mr. Williams.

Motion to waive the reading of the resolutions was made by Mr. DaPuzzo, seconded by Mr. Williams.

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#E-BD-216-239-427- Resolution **granting** the Plot Plan and Soil Movement Permit Application of **Neil Aydin**, Block 23.03, Lot 13, 79 Bramshill Drive for adoption.

Roll call vote of eligible members showed the following: Messrs. Brotherton, DaPuzzo, Martel, Spiech, Scherer and Williams voting “aye”.

Dkt. #515-PF-A- Resolution **granting** the Amended Preliminary and Final Site Plan Application of **Short Line Bus Tours, Inc.**, Block 131, Lot 1, Stag Hill Road for adoption.

Roll call vote of eligible members showed the following: Messrs. Brotherton, Martel, Scherer and Williams voting “aye”. Mr. DaPuzzo and Mr. Spiech “abstained”.

OPEN TO THE PUBLIC – 15 MINUTES

A motion to open the meeting to the public was made by Mr. DaPuzzo and seconded by Mr. Jandris.

Mr. John J. Lamb, attorney at law appeared from the Law Firm of Beattie Padovano, LLC. His firm represented TSI Mahwah, LLC, located at 8 Leighton Place, Mahwah. His client was interested in the proposed Ordinance No. 1653 which was listed in the work session on tonight’s agenda.

For the record, Mr. DaPuzzo recused himself.

Mr. Lamb asked if it was appropriate to make a comment now or did the board have any intention to open the meeting for public comments during the work session in which case he would wait to make any comments.

Vice-Chairman Brotherton stated that the board has always confined their discussion among themselves in the work session.

Mr. Lamb had delivered to the planning board members a August 6, 2009 letter. He tried to provide the letter in advance to the board so that the members could see exactly what comments were made on the prior ordinance.

Vice-Chairman Brotherton acknowledged that all of the planning board members received Mr. Lamb’s letter of August 6, 2009.

Mr. Lamb urged the board to review the issues that they previously raised on the prior ordinance. Also when the board deliberates, he requested that if any of the board members or any of their immediate family members have a connection with any of the interested parties that they recuse themselves from the deliberations. He wanted to avoid a problem with that, so that is why he pointed it out to the board.

Mr. Bruce Whitaker, Attorney at law appeared on behalf of applicants that have been before the board before. He was asked to encourage the board to review the ordinance and to comment basically that this was an ordinance that the township has reviewed and from a substantive standpoint has accepted. He recognized that it was an ordinance that has been the subject of litigation. He also recognized the

litigation basically had nothing to do with merits of the ordinance but rather procedurally as to the way notices had gone out and modifications have been made.

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Mr. Whitaker stated for all of the reasons that have been found by this board and as well as the governing body in the past it was his client's hope that this type of ordinance becomes a part of the zoning ordinance in Mahwah so that the community of Mahwah and surrounding communities can have the benefit of what a fitness and wellness center can offer. He believed that type of use within the framework of a zoning ordinance is something as appropriate from a zoning perspective and proper.

A motion to close the meeting to the public was made by Mr. Spiech, motion seconded by Mr. DaPuzzo. All voted in favor.

PUBLIC HEARINGS

NEW BUSINESS

Dkt. #459-(A-2)-Amended Site Plan Application with Requested Variance Relief/Waivers

Applicant: KKTT Restaurant Corp. (T/A Roxanne's Restaurant)

Block 71, Lot 6, 150 Franklin Turnpike

Mr. Bruce Whitaker, attorney at law from the Law Firm of McDonnell & Whitaker, LLP represented the applicant. The applicant is seeking an amendment to a previously approved site plan to increase the number of parking spaces on the site from 42 to 57 spaces. The property in question is located in the General Business (B-12) Zone.

The applicant proposes certain variance/waivers requests as it pertains to the parking space size, 9' wide x 18' long, parking location where there is an infringement in the front yard as well as into the rear yard running along the railroad tracks.

Mr. Whitaker explained the concept of the variance/waiver approvals being requested by the applicant were approvals previously granted by the Planning Board as it pertains to the parking spaces in the initial application that Roxanne's made back in 2006. A copy of the resolution of approval is attached to the application submitted on behalf of the applicant.

Mayor Martel recused himself from this deliberation.

Mr. Whitaker called his first witness, Mr. Peter Kirsch, professional licensed land surveyor who was duly sworn in. The Board recognized Mr. Kirsch as an expert in the field of land surveying.

Mr. Kirsch began his testimony by identifying the site plan he prepared dated July 9, 2009. The plan was marked as Exhibit A-1. He explained that the amendments to the site plan being proposed were based upon a site that has existing conditions and a restaurant located there. No expansion or modifications are being proposed to the building envelope. The purpose of this application is to expand the number of parking spaces on the site from 42 to 57. Mr. Kirsch provided testimony to what was being proposed as far as the new parking spaces and how they would accomplish picking up the additional 15 spaces.

Mr. Whitaker asked the witness to address the comment in the Boswell report dated August 5, 2009 in connection with the additional handicap space. Mr. Kirsch indicated the site plan shows a total of

57 parking spaces including two (2) handicap spaces. The two handicapped spaces are located at the north side of the restaurant building. He explained that since the parking is now over 50 spaces, in accordance with ADA requirements, three (3) handicap spaces are required when 51-75 total parking spaces are provided. He pointed out on the site plan where modifications could be made in order to accommodate the additional one handicap space.

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Mr. Kirsch identified the waivers being requested from the site plan ordinance in connection with this application. Parking space size and parking space setback. He described what is currently on the site now and what was being proposed. He gave the projected amount of soil movement that would take place for the improvements being proposed. The applicant proposed to remove five (5) trees and replace no less than two (2) replacement trees.

Mr. Kirsch stated he had the opportunity to read the Boswell report dated August 5, 2009 and believed that the applicant had the ability to meet all of the requests contained in that report. Mr. Kelly had no comments since the applicant has agreed to address all of their comments. He asked the applicant to confirm that the number of seats in the restaurant is 105.

Mr. Whitaker stated that by going from 42 spaces to 57 spaces, the seating was being increased to 142. Based on code they are required to have 2.5 seats for each 1 parking space.

Mr. DaPuzzo believed the previous approvals were for 105 seats.

Mr. Sherer thought that the applicant was going to keep the same number of seats and provide the additional parking to address the parking problem on the site.

Mr. Whitaker explained that they are meeting the requirements of the township code.

Mr. Kelly stated the applicant must receive Bergen County Planning Board approval for the improvements proposed.

Mr. Burgis had no comments. His report raised the same issues as the Boswell report. He had the same understanding as the board that the applicant was improving a difficult parking situation. He did not see anything with the application filed that the applicant would be adding seats.

Mr. Whitaker explained the reason he did not mention the additional seating was because there was no extension of the building.

Mr. Jandris questioned Mr. Burgis on his report, Page 4, under 5h, which stated that 5 trees are to be removed and the applicant proposed to add 11 trees along the south side lot line and 5 trees in the front yard at the southeast corner of the restaurant building. The question was being raised because Mr. Burgis's report was not consistent with the Boswell report. Mr. Burgis stated he saw a note on the map that indicated that number of trees.

Mr. Kelly stated that the applicant proposed to remove five trees and provide two replacement trees. The applicant proposed additional landscaping throughout the site and the plan did show a number of trees on the south side. Mr. Whitaker stated the applicant would stipulate that they will comply with the Environmental Commission report.

Board members gave their comments on the application.

A motion to open the meeting for public comments was made by Mr. DaPuzzo and seconded by Mr. Rudolph. All voted in favor.

None were received.

A motion to close the public comments portion of the meeting was made by Mr. DaPuzzo, motion seconded by Mr. Rudolph. All voted in favor.

Motion to approve the application was made by Mr. DaPuzzo, motion seconded by Mr. Rudolph.

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Roll call vote showed the following: Messrs. Brotherton, DaPuzzo, Jandris, Rudolph and Williams voting “aye”. Mr. Spiech “abstained”. Mr. Sherer voting “nay”.

Resolution to be adopted at the September 14, 2009 meeting.

Mayor Martel resumed his seat with the board.

**Public Meeting
Draft Highlands Element for the Municipal Master Plan**

Mr. Burgis proceeded with his presentation. He asked that the record reflect that this was not a public hearing on this module. The purpose of this public meeting is to provide the public with an update as to where the township is today and to have any public input. The Highland Council requires every municipality that is participating in their plan conformance assessment holds two public meetings on these modules during the course of this process. There is no action required to be taken by the Planning Board at this point in time. The board is obligated by the Highland’s Council to take action no later than December 8 of this year as to whether or not the township wants to buy into the plan conformance process. The Township of Mahwah is one of 88 municipalities that is subject to the Highlands Planning Act.

Mr. Burgis gave a brief history on the Highlands Act which was enacted back in 2004 and explained its purpose. The Highland’s Act created the Highlands Water Protection and Planning Council (the “Highlands Council”) and charged it with crafting a comprehensive master plan for the Highlands Region. The Highlands Regional Master Plan was adopted by the Highlands Council on July 17, 2008 and became effective on September 8, 2008.

He stated there are seven different modules or studies that they are preparing for this process. The Highlands anticipated that this process would lead to an easy decision on the part of each municipalities as to whether they want to buy in. From his experience working with these modules, he clearly saw where it did not do that. It does provide a tremendous amount of data, but they are finding that most of the boards and council are being overwhelmed by the information and the data alone does not allow them to make a conclusion. To address that issue, they are putting together a matrix which will help the Planning Board and Township Council at the end of the process weigh the pluses and minuses and help them make a decision as to whether or not the township wants to buy into the program. Technically, it is not part of this process, but Mr. Burgis thought it needed to be done to help the township in their decision making process. The Regional Master Plan encompasses well over 1,300 square miles in the 88 municipalities. The Highlands Act designates about half of the seven-county region as Preservation area (415,000 acres) and the other half as Planning Area (445,000 acres). The Act requires that jurisdictions having lands in the Preservation area conform to the Highland RMP with respect to that area, while for lands located in the Planning Area, conformance is voluntary. The Township of Mahwah has a little over 9,700 acres in the Preservation area and 7,100

acres are in the Planning area. He explained that the Township is obligated by the statutory regulations in the preservation area. It is with the acreage in the planning area that they must decide whether or not they want the more restrictive regulations to apply there as well.

He stated the module the Planning Board is discussing this evening is module number 5. It basically identifies all of the goals and objectives of the various plan elements that the Planning Board will have to adopt over the next year and half to adhere to all of the Highlands regulations. The Highlands Plan identifies eight specific plan elements that include things that are already in the Town's Master Plan. The goals and objectives are very similar to the Township Master Plan. But there is greater emphasis on environmental issues.

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The Township of Mahwah is broken up into three primary highland zones. The first zone is the Protection Zone which is the most restrictive area, the second zone is the Conservation Zone which relates to agricultural lands and farming land buffer areas adjacent to agricultural lands and the third zone is the Community Zone that is basically the mostly developed portions of the community.

He identified the three areas at issue that the board would need to have a detailed discussion at a later date. One is the issue of Transfer of developer's rights. The highland regulations is actively encouraging municipalities that are in the planning areas to give consideration to becoming receiving municipalities whereby the municipality would receive additional development from preservation area communities. The township would get additional funding and in certain instances get added points for other funding mechanisms that are state funded programs.

Mr. Burgis stated that in knowing the developed character of Mahwah, he was not certain that it represents a positive element for the township. He encouraged the board to read the sections in the document and then the board can discuss those issues at a later work session. The second issue is the section on Cluster development. They had identified in the document two areas where it applies to Mahwah and that is in the PRD-4 and PRD-6 Zones. They are fully developed zone districts with attached residential development which has some areas set aside as permanent open space in those developments. Because those zones are fully developed, Mr. Burgis did not see a need to separately designate these as cluster zones for the purposes of the highlands. The third issue relates to the township's housing obligation, which is a critical item. COAH has given Mahwah a housing obligation in excess of 800 units of affordable housing. A large portion of that obligation is addressed through existing housing. He ran through the township's numbers and felt that they can clearly justify a much lesser obligation than that given the fact of the township's fully developed character and the environmental constraints that affect the other vacant properties in the municipality.

He received a CD from the Highlands which identifies their assessment of Mahwah's housing obligations. The Highlands was charged through an executive order from the Governor to put together housing need numbers for every municipality in the Highlands region. If the municipality were to buy into the highlands plan, then the township would be able to use their assessment of housing obligation and not obligated to follow the COAH housing need numbers.

In reviewing the highlands numbers, they project based on their build out assessment of water and sewer availability in Mahwah township, that the township's residential growth from the year 2004 through 2014 would only be an additional 174 dwelling units. When you factor in the 20% set aside which would be required for affordable housing that means that the township residential growth in those years would only account for an additional 35 housing units. The non-residential growth was projected, based on their assessment the township would wind up with an additional 611 jobs in Mahwah between 2004 and the end of 2018. That was based on non-residential development that was already approved between January of 2004 and mid 2009. The 611 jobs would translate into another

38 affordable housing units. So the township would end up with a total obligation based on the highlands obligation analysis of 73 units, which is a far cry from the greater number of 800 units that COAH had given the township.

As Mr. Burgis stated earlier, the board will be going through this matrix to decide the benefits versus the detriments of participating in the highlands plan. That differential is a significant factor in the board's deliberations.

The fourth issue Mr. Burgis stated had to do with the issues of variances. The Highlands rules state that variances in areas that require septic systems or have water and nitrate depleted areas, any use variance and specific bulk variances would be required to obtain board approval and highlands council approval before an approving action would be final.

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So when the township is weighing all of their issues that is another fact to consider, that the township is losing some control on those variance applications.

At the conclusion of his presentation, Mr. Burgis advised the board that a separate work session would be needed to review this document in much greater detail and some of the other modules as they get completed.

He explained that the board's decision was simply to decide whether or not the township wants to participate in the Highland's program for the Planning area which is basically the area that is East of Route 202. The township is obligated by law to adhere to the Highland's regulation for the Preservation area.

Mr. Donigian arrived at 7:55 P.M.

At the request of the board, Mr. Burgis reviewed the timelines involved. The board was obligated to hold this public meeting for public comments. Prior to October 1st, the Planning Board is obligated to hold a public meeting on the Housing Plan to get public input. Prior to December 8th, the board is obligated to make a formal determination as to whether or not the township will be participating in the process. Basically, over the year 2010, the township will be preparing a lot of formal documents that will have to be adopted and implemented.

At the end of the board discussion, the meeting was opened for public comments.

A motion to open the meeting to the public was made by Mr. DaPuzzo and seconded by Mr. Rudolph.

No public comments were received.

A motion to close the meeting to the public was made by Mr. DaPuzzo, motion seconded by Mr. Williams. All voted in favor.

Mr. Burgis will report to the Highlands Council that the Planning Board held the first public meeting. He requested a copy of the meeting minutes to send back to the Highlands Council.

He is preparing the data on the Housing Element which is Module #3. An informational public meeting should be held sometime in September.

WORK SESSION:

A. COMMITTEE REPORTS

1) NEW BUSINESS

Referral from Governing Body

Proposed Amendment to Chapter 24 Entitled “Zoning”

ORDINANCE NO. 1653- AN ORDINANCE TO AMEND CHAPTER 24 ENTITLED “ZONING” OF THE TOWNSHIP OF MAHWAH CODE AND THE SCHEDULE OF DISTRICT USE REGULATIONS FOR THE GI-80 GENERAL INDUSTRY ZONE AND IP-120 INDUSTRIAL PARK ZONE TO ADD “HEALTH AND WELLNESS CENTERS” AND “FITNESS AND HEALTH CLUB” AS PERMITTED USES IN THOSE ZONING DISTRICTS.

Mr. Burgis, Mr. DaPuzzo and Mr. Jandris were excused from participating in the Board’s discussion on proposed Ordinance #1653.

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Mr. Scandariato gave the board his recollection of what took place back in 2007 when the Township Council introduced a similar Ordinance #1589 to permit “Health and Wellness” and “Fitness and Health Clubs” in the GI-80 General Industry Zone and IP-120 Industrial Park Zone Districts in the Township. There was no mention made of the fact that under the current township code that any permitted use in the IP-120 Zone is also a permitted use in the B-40 Zone. So by virtue of that pass through Ordinance #1589 made those uses permitted in the B-40 Zone as well.

The Planning Board conducted its consistency review at that time and found that Ordinance #1589 was inconsistent with the Township’s Master Plan because the particular uses were not specifically mentioned in the Master Plan. The Planning Board in a resolution that was adopted found that it would provide a service to the residents of the township and the planning board recommended to the Township Council to adopt Ordinance #1589. The ordinance was challenged in a litigation matter and was invalidated because neither the township council nor the planning board considered the effect of the pass through provision of the code which made the “health and wellness” and “fitness and health clubs” permitted in the B-40 Zone. The importance of that fact was that under the Municipal Land Use Law, if the township is amending a zoning ordinance which will result in a change of a classification for a zone, notification must be given of that introduction of that ordinance to property owners located in the zone where the township is changing the character of. Because the township council did not give notice of the introduction of Ordinance #1589 to property owners in the B-40 Zone the courts found that was enough to invalidate the ordinance.

Mr. Scandariato explained that the new Ordinance #1653 is essentially the exact same ordinance as Ordinance #1589 with one exception. Ordinance #1653 specifically provides that notwithstanding the pass through provisions “health and wellness” and “fitness and health clubs” shall not be permitted principle uses in the B-40 Zone. In all other respects including the bulk requirements applicable to the two different uses, the two ordinances are the same.

The board was briefed on the judge’s decision. Mr. Scandariato stated that Judge Harris ruled “that the failure to provide notice of introduction to the property owners in the B-40 Zone invalidated Ordinance #1589. This eliminates the need to provide notice to the property owners in the B-40 Zone because the particular uses will not be applicable in that B-40 zone.

The board discussed the prior Ordinance #1589 and the new proposed Ordinance #1653 in length.

Mr. Scandariato stated at this point, the Planning Board may choose to make the same recommendation or choose to make a different recommendation.

Mr. Donigian made a motion that the Planning Board finds that proposed Ordinance No. 1653 was inconsistent with the Township's Master Plan. The Board further found that the ordinance would provide needed services to the residents of Mahwah. The Planning Board recommends to the Township Council that Ordinance No. 1653 be adopted. Motion was seconded by Mr. Sherer.

Roll call vote showed the following: Mr. Brotherton, Mayor Martel, Mr. Spiech, Mr. Donigian, Mr. Rudolph, Mr. Sherer and Mr. Williams voting "aye".

Mr. Scandariato stated for the record that since the Planning Board was not holding another meeting to adopt a resolution until after the Township Council act on Ordinance #1653, the Administrative Officer will send a memorandum to the Mayor and Township Council giving the board's recommendation to adopt Ordinance #1653.

Mr. DaPuzzo and Mr. Jandris resumed their seat with the board.

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Vice-Chairman Brotherton announced there were three tenant applications for 17 Franklin Turnpike listed for the board's consideration.

1) Application #TA09-0010; Block 69, Lot 1, 17 Franklin Turnpike, Tenant Space #6: Applicant: Franklin 711, LLC.

2) Application #TA09-0011; Block 69, Lot 1, 17 Franklin Turnpike, Tenant Space #3: Applicant: Nonna's Pizza

3) Application #TA09-0012; Block 69, Lot 1, 17 Franklin Turnpike, Tenant Space #4: Applicant: Biz E Bee Cleaners

Mr. Bruce Whitaker appeared on behalf of the applicants. He stated that the applications were self-explanatory. The signs will be conforming for each of the applications. He recalled the signage plan was part of the original site plan for 17 Franklin Turnpike. He described the type of operation for each of the tenants; Franklin 711, LLC, Nonna's Pizza and Biz E Bee Cleaners.

Mr. DaPuzzo asked to have the number of parking spaces for each use shown on a parking plan to make sure that there is not a much higher use and parking is anticipated for the establishment.

Mr. Whitaker will provide an overall parking plan for the site, depicting the number and location of the parking spaces designated for the use of each tenant in the building.

Mr. Spiech recalled at a prior hearing, the board changed the entrances to this site because the applicant did not have any tenants. He asked now that there are three tenants, what will happen to the entrance at the other end of the site.

Mr. Kelly explained that the other end of the site was closed because the County did not want it opened until they redo the traffic signal at that location. Once the signal is in and operational then it will go back to the original traffic flow that was approved by the board. At this point, the north driveway is closed until the County does the signal improvements.

Mr. Whitaker was asked to get an update from the County as far as when the signal improvements will be completed.

Mr. Donigian asked if there would be a rear entrance with signage to the Seven Eleven Store. He commented they had a very limited parking situation in the front of the site.

The applicant stated the majority of the public would be entering through the front entrance. The rear entrance would become a known entrance to the rear lobby that will be used for the second floor. The patrons would go up the ramp to enter the building. It was pointed out that on the original elevations drawings from the architectural plans, the retail space number was shown on a rear awning, but was not signage. The applicant would agree to add the name of the tenants on all of the awnings. There is a separate awning over the rear entrance to the lobby area and there are awnings for all of the other tenant spaces. He put on record that every use has a rear entrance and was handicap accessible. There are over 45 parking spaces in the front of the building which he felt could handle all of the parking.

After some discussion between the board and the applicant to find a way to limit access to the closed rear lobby area, the board suggested looking into putting in an emergency exit only for after hours.

Mr. Whitaker stated that could be made subject to the Fire Sub-Code Official's review. With regard to the pizzeria, the rear entrance would be used by employees and for a fire exit. The board asked if the plan could be revised to provide a rear access to the pizzeria from the rear parking lot. Mr. Whitaker stated the plan could be revised to eliminate the shelving and storage area and put in a hallway.

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There were no further questions for the applicant. Motion to conditionally approve the three tenant applications for 17 Franklin Turnpike was made by Mr. DaPuzzo:

#TA09-0010; Block 69, Lot 1, 17 Franklin Turnpike, **Applicant: Franklin 711, LLC.**

#TA09-0011; Block 69, Lot 1, 17 Franklin Turnpike, **Applicant: Nonna's Pizza**

#TA09-0012; Block 69, Lot 1, 17 Franklin Turnpike, **Applicant: Biz E Bee Cleaners**

motion was seconded by Mr. Donigian.

Roll call vote showed the following: Messrs. Brotherton, DaPuzzo, Jandris, Martel, Spiech, Donigian, Rudolph, Sherer and Williams voting "aye".

Resolutions to be adopted at the September 14, 2009 meeting.

OTHER BUSINESS

Discussion on Proposed Planning Board By-Laws

Vice-Chairman Brotherton entertained discussion on a memorandum received from the Administrative Officer, Patricia Puorro on the proposed adoption of new By-Laws and a letter from Planning Board Attorney Peter Scandariato dated July 29, 2009 in which he makes certain comments about the memorandum list.

Ms. Puorro stated that under the current application fee schedule there is no provision for a "special meeting fee". She suggested amending the fee schedule, which would need to be revised by ordinance, to implement an additional fee to cover expenses associated with special meetings. She also asked that when the new by-laws are adopted that a provision be included for a "special meeting fee" to help cover the costs incurred when a meeting is convened for the benefit of an applicant.

Mr. Kelly suggested they could break it down into two separate fees. One as a meeting fee that goes to the township as a facilities fee and an additional escrow fee to cover the board professional services. The amount of the fee(s) can be discussed by the board at a future date.

Mr. Brotherton asked for comments from the board members on how the board handles the status of alternate members in the board's deliberations and votes on applications. He spoke in reference to Rule 2:3. Voting, that was in the proposed by-laws. After a brief discussion, the board agreed to continue their present practice on voting.

Mr. Scandariato directed the board's attention to the by-laws in reference to the role of the Board Secretary. The duties described in these by-laws have traditionally been performed by the Administrative Officer, not the Board Secretary. He asked the board to read this section to see if they may want to consider making any changes to this designation. There were no further comments from the board members. The board asked Mr. Scandariato to put together a revised version of the by-laws for their review.

There being no further business, a motion to adjourn was made by Mr. DaPuzzo, seconded by Mr. Williams. The meeting was adjourned at 9:05 P.M. All voted in favor.

Respectfully submitted,

Patricia A. Puorro
Administrative Officer