

SPECIAL MEETING: 7:00 P.M. Township of Ocean High School Auditorium
550 West Park Avenue
Oakhurst

MEMBERS PRESENT: Maureen Bonney, Alt I
Jane Grabelle
Russell Malta
Eric Menell
John Napolitani, Alt II
Peter Siano, Alt III
Charles Theodora, Alt IV
Richard Van Wagner
James Worrell

MEMBERS ABSENT: Henry Schepiga, V Chair
Warren Goode, Chair

OTHERS PRESENT Mark A. Steinberg, Zoning Board Attorney
James Higgins, P.P. Board Planner
William Fitzgerald, P.E. Board Engineer
Marianne Wilensky, Planning Administrator
Rachel Montemarano, Board Secretary
Recording Secretary

Richard Van Wagner served as Chairman for this hearing.

Mr. Van Wagner announced that the notice requirements for the Open Public Meetings Act have been satisfied, a copy of the notice was sent to the Asbury Park Press and the Coaster, posted in the Township Hall, and filed in the Office of the Township Clerk on December 23, 2014.

CONTINUED CASE

**Yeshiva Gedola Na'os
Yaakov, Inc.**

Block 216 Lot 19
1515 Logan Road
Wanamassa
Zone R-4

This is an application for a "d" variance and for minor site plan approval for an advanced Talmudic academy.

Attorney for the applicant: Jennifer S. Krimko, Esquire

Jennifer Krimko, Esquire presented Rabbi Shlomo Lesin to continue his testimony. Rabbi Lesin said that his experiences at a similar type of operation in Long Beach, NY led to the reasons they keep the students cloistered with no interaction with the public. He explained that they don't want the students exposed to harm with the rise of anti-Semitic threats which is a result from his experience as an executive director in 1986 when a young student was murdered. After the incident the school had guards protecting the students. The other reason for isolating the students is to keep them sheltered from outside influences, such as immodest literature.

Rabbi Lesin explained that while the Jewish education typically ends with high school, this religious education continues on to a higher level. He said that this program is required before they can continue on to date and get married.

With regard to the location of the school, Rabbi Lesin said that students come from all over to study at the Yeshiva including Lakewood, Brooklyn, Deal and Oakhurst. He said that he lives in Lakewood as do the other Rabbis. He said that they chose a location away from Lakewood, where Yeshiva's are more common, to keep the students isolated, comparing it to an ivory tower. He said that it is an ideal setting to concentrate on their studies compared to Lakewood where they would have the distraction of family and friends nearby. He said that this is a nice community and the building required no structural renovations to accommodate their religious needs and the number of students.

Ms. Krimko addressed the state licensing for the school, explaining that the Yeshivas are licensed by the State Secretary of higher education and accredited by the ARTS association, a Federal agency that recognizes Yeshivas for higher education. The program would issue a bachelors degree in Talmudic studies. The school has not attained the licensure yet as there are no approvals in place for the location. Once they have Board approvals, they can apply for the license.

Mr. Van Wagner asked if it was a national accreditation. Ms. Krimko said that it is and that it is accepted by the US Department of Education and can issue a bachelors degree. Mr. Van Wagner asked if it should be accepted as an inherently beneficial use. Ms. Krimko said that it qualifies for two reasons including religion and higher education to which the planner will testify.

Mr. Napolitani asked how this location will offer students more safety from anti-Semitism, noting that Wanamassa is not a secluded area. Rabbi Lesin said that he was speaking about Long Beach not being safe for students walking around. Mr. Menell asked if the students were going to travel off campus. Rabbi Lesin said that they are not supposed to go off campus. He noted again that it is for their safety and to keep them away from inappropriate things.

Ms. Bonney asked about the number of students and staff. Rabbi Lesin said that there will be 96 students. One staff member will be there at night for emergencies. There will not be a security guard, but there will be security measures such as cameras. Ms. Bonney asked how they can fit 96 students when at one time there were approvals for only 30 students. Rabbi Lesin said that the architect advised him that he could fit that many students and possibly more.

Mr. Van Wagner said that under the law, the students can walk off campus at any point. Rabbi Lesin said that if the students do not adhere to the rules of the school they will be dismissed.

Ms. Bonney asked if students older than 18 to 22 years would be allowed at the school. Rabbi Lesin said that he cannot think of a time they would be older as they do not usually accept anyone that is 1 to 2 years post high school. Rabbi Lesin said that students could start at the school and then leave to finish their studies elsewhere, such as Israel. Mr. Van Wagner asked how the school will keep their licensure as a higher learning institution if students are not matriculating. Ms. Krimko compared it to students starting at Monmouth University and then transferring to another school. She said that they are not obligated to matriculate every student.

Mr. Menell asked how the students will get sunlight. Rabbi Lesin said that they can study in the backyard. Ms. Krimko said that the students are not locked in the building, but are kept on campus. The backyard is fenced.

Mr. Theodora asked if parents visit the students on campus. Rabbi Lesin said that they do not. The students go home on extended breaks between semesters.

With no more questions from the Board, Mr. Van Wagner opened the hearing to questions from the public for the Rabbi.

Roy Larsen, 1517 Logan Road, asked about the number of students studying in the gymnasium at one time and the noise level. He said that his greatest concern is noise. The noise ordinance begins at 11 PM and with students studying past then, it creates a noise problem. Rabbi Lesin said that in his experience, he has never had complaints due to noise. Mr. Larsen asked if there was a lights out policy. Rabbi Lesin said no. Ms. Krimko asked if in his experience, students have wandered at night. Rabbi Lesin said that they stay in to rest in order to continue their studies the next day.

Gina Ravaschiere, 1112 Interlaken Avenue, asked if the students have visitors and how they can be controlled here but not in Lakewood. Rabbi Lesin said that in Lakewood it is very different because the students are not isolated and they cannot

control who visits or where they go. Ms. Ravaschiere asked if the only control is expulsion if they leave campus at night and if one person supervising at night is enough. Rabbi Lesin said that it is enough and that there will be security features including cameras and magnet locks to get into the building to record students leaving.

Debbie Mansfield, 1106 Bendermere Avenue, asked if the school will be licensed and accredited before allowing students in the building. Rabbi Lesin said no. Ms. Mansfield asked for a timeline for licensure. Rabbi Lesin said that it will be done in due time in order to issue degrees. Ms. Mansfield asked if the murder case has been re-opened for re-investigation. Rabbi Lesin said that he is not aware of any detectives speaking to him about the case.

Ed Horn, 1901 Logan Road, asked if the school will follow the laws set forth by the Constitution, the State, the County and the Township or if they follow religious laws. Rabbi Lesin said that they follow all the laws of the United States. Mr. Horn asked about the murder case and referred to a newspaper article quoting the Chief of Detectives of the Nassau County Police Department. Ms. Krimko objected and Mr. Van Wagner advised that the article could not be read because the Chief is not here to be cross-examined. Mr. Horn asked if there should be a situation at the school, will they cooperate with the local authorities. Rabbi Lesin said yes, recalling that he called the police and worked with the detectives for months during the investigation. Mr. Horn asked if criminal background checks are done before enrollment. Rabbi Lesin said that they speak to the students' teachers, principals, and friends during their investigation, but there is no criminal check such as fingerprinting.

Cindy White, 240 Woodcrest Road, asked the Rabbi how long it was before he called the police after the body of the student was found. Rabbi Lesin said that he called the police immediately when they found out and that he spoke to the police and investigators immediately.

Richard Brawer, 1202 Lawrence Avenue, asked how the school is funded. Rabbi Lesin said that it is funded through donations.

Robert Siliato, 1304 Franklin Avenue, asked about the schedule and restrictions of the students. Rabbi Lesin confirmed that the students study for 12-13 hours per day and are not permitted to smoke or leave campus. Mr. Siliato asked what benefit the town receives if the students can't leave and spend money in local shops. Ms. Krimko said that the applicant does not need to prove benefit to the town. Rabbi Lesin said that they do have someone that will shop for the students and said that it is possible that they could buy food from a local kosher catering company.

Michael Palutis, 1506 Walnut Avenue, referred to the minutes from the October 23, 2014 meeting in which the Rabbi testified that the previous Yeshiva he worked at was isolated. Rabbi Lesin clarified that it was not isolated, but that the students were isolated from mingling with people that would distract them from their studies. He said that the school was 4 to 5 blocks from the community and the students were well liked by members of the community. He said that the students at this location will not be able to mingle with members of the community. Mr. Palutis asked about the temporary location of the school. Rabbi Lesin said that they were operating in the Catskills and then took temporary location in Lakewood after Sukkot. Mr. Palutis asked about tuition and payment-in-lieu of taxes. Board Attorney Mark Steinberg said that the Board cannot consider taxes as it is not a zoning issue.

Barbara Hanlon, 1109 Interlaken Avenue, asked about the services provided for the students who remain on campus when other students go home. Rabbi Lesin said that he never said students remain on campus and that they will all go home. If students were to stay on campus, all the rules would remain in place and normal services provided.

Michelle MacFarland, 1317 Garven Avenue, asked if there would be someone to supervise the students that stay. Rabbi Lesin said that the students will not be left alone.

Ms. MacFarland said that she is concerned that only one person will be on site to monitor the students and asked if there will be a nurse on staff for medical emergencies. Rabbi Lesin said that a doctor would be called and that there will be no permanent doctor or nurse on premises. Ms. MacFarland asked if they will be using the local first aid squad. Rabbi Lesin said that they will call whoever they need. Mr. Fitzgerald asked if there is a nurse's room in order to isolate sick students. Rabbi Lesin said no, that the students will be moved into their own room or be sent home.

Brian Mullins, 107 Bimble Boulevard, asked about admission requirements. Rabbi Lesin referred to the catalog previously marked into evidence as A-8 and outlined the requirements for a student to be considered for the program, including completion of a certain number of pages of the Talmud, interviews and an oral exam and recommendations. Mr. Mullins asked how many current students are from Ocean Township and if there would be a requirement for a certain number of residents of Ocean to be enrolled. Rabbi Lesin said that he did not know how many students were from Ocean Township and that there would not be a requirement.

Debbie Conley, 1509 Spruce Avenue, asked if there was a reason that students would enroll in a more restrictive program compared to a less restrictive program. Rabbi Lesin said that the students that enroll in this school want that kind of environment because they want to enhance their education. Ms. Conley asked if students ever get held back. Rabbi Lesin said that the students are at a very high level scholastically and that when they apply they have completed K-12 schooling and are 17 to 18 years old. Ms. Conley asked if the prospective students smoke. Rabbi Lesin said that the students are not allowed to smoke. He said that the prospective students could smoke, but that he does not know. Ms. Conley asked how the students will get home for breaks if they are not allowed to have vehicles. Rabbi Lesin said that buses take them to a certain point closer to home where they are picked up by their parents. Ms. Conley asked if it is possible that their parents could pick them up at the school. Rabbi Lesin said that he has never had that happen. Ms. Conley asked if the school is associated with a local temple. Rabbi Lesin said no.

Paul Drucker, 20 Oak Avenue, asked if they plan to have more than 96 students. Rabbi Lesin said that the architect advised that they can legally have 121 students, but that they are only requesting approvals for 96 students. Mr. Drucker asked how many students are not chosen out of those that apply, to which the Rabbi responded that there are hundreds. Mr. Drucker asked if he anticipates the school getting bigger. Rabbi Lesin said that he did not because he wanted it to be a hands on experience. Mr. Van Wagner said that the application is for 96 students and that it cannot be changed. Ms. Krimko said that they would have to come back before the Board to change it.

The Board took a break at 8:30 PM and resumed at 8:45 PM.

Maurice Rached, the traffic engineer for the applicant, submitted two sheets of trip generation and parking comparisons that was marked into evidence A-14. Mr. Rached said that he conducted two studies. The first was a site survey of the trips in the AM and PM peak hours at the existing school. The second was a site survey at the temporary location in Lakewood. The survey at the existing school yielded a total of 26 trips in the AM and 20 trips in the PM. The trips included parked cars of staff and student pick-up and drop-off. The survey at the temporary location in Lakewood yielded a total of 5 trips in the AM and 4 trips in the PM. The trips included food deliveries and staff parking. Mr. Rached explained that the Lakewood location has 73 students with only 50 living on campus. The operation at this location will have approximately 25% more students, though the number of trips would not change due to the same daily deliveries and operations.

Mr. Rached described the ITE standards that he used to compare the results. The standards for a private school K-8 such as what is currently at the proposed location could generate 97 trips in the AM and 59 trips in the PM. The proposed use, using standards for higher education, would generate 37 AM trips and 49 PM trips. Mr. Rached said that there would be a reduction in the number of trips with the proposed

use. Mr. Rached said that the ITE standards are inflated to what actually exists especially based on the Lakewood survey. He said that the building appeared to have no activity until the delivery van arrived. Mr. Rached said that there would be a beneficial traffic impact on the site.

Mr. Fitzgerald asked how the staff gets to work at the Lakewood location. Mr. Rached said that they drive. There was a total of 10 staff members, but only 3 or 4 on site at a time.

Chris Moriarty, 1107 Bendermere Avenue, asked if qualitative factors or off-peak hours were considered in the study. Mr. Rached said that off-peak hours will have less trips, which is why they look at the peak hours with the most trips. Mr. Moriarty asked about weekends and said that traffic increases on the weekends with Monmouth University students. Mr. Rached said that a permitted use would create more traffic.

Barbara Hanlon, 1109 Interlaken Avenue, asked what type of buses are used to transport students. Mr. Rached said that buses are not used on a daily basis, but a few trips a year. He said that he does not know what type of bus. Ms. Krimko said that Rabbi Lesin previously testified that it would be a bus or a van.

Debbie Conley, 1509 Spruce Avenue, asked if the stop sign at Park Boulevard and Logan Road would be sufficient with the highest level of traffic and asked if the intersection should be modified. Mr. Rached said that he does not know what would happen if a permitted use were to occupy the space.

David Dempsey, Park Boulevard, said that the students will have no option but to wander the neighborhood. Mr. Rached said that he is only able to testify as to vehicular traffic.

Michael Palutis, 1506 Walnut Avenue, asked if he considered other modes of transportation and the impact it will have at the park across the street. Mr. Rached said that they do not impact traffic and that this location will not have bike or walking traffic. Ms. Krimko said that some of the students in Lakewood walk to school, but at this location they won't.

Michelle MacFarland, 1317 Garven Avenue, asked if there will be 96 students on campus. Mr. Rached said yes.

Stephen Carlidge, the architect for the applicant, is an expert in school design. He said that he assessed the building for upgrades needed to accommodate the number of students. Mr. Carlidge referred to the architectural plans previously marked into evidence A-12 to describe the existing building and layout and the proposed changes. Mr. Carlidge explained that the building required a use change from use group E for a school K-12 to a mixed use building consisting of a dormitory and an A-3 assembly use. He said that now that the applicant is the contract purchaser of the property, they are proposing to make improvements to the building. He explained that due to code, some rooms are large enough to hold more, but they are only proposing to have a maximum of four students in each room. He clarified that he advised Rabbi Lesin that the building could accommodate a maximum of 120 students in addition to a resident advisor suite with its own bathroom and shower, though they are proposing less.

Mr. Carlidge said that there will be toilets and showers located throughout the building, comparing the required building code to what they are providing, including 12 showers, 26 water closets and 15 lavatories. He notes that lavatories are necessary for the students to wash their hands before and after prayer. With regard to the gymnasium, Mr. Carlidge said that the backboards are being removed because there will be no athletic activity, and the space is being converted into a study hall. The storage room behind the gym will be used as a library. The multipurpose room will become the dining hall, moving dining to the southwest wing. The building will have two handicap accessible entrances as required, one in the south parking lot and one in the

front. A 56 sq ft addition at the south entrance is proposed to allow for the proper clearance for the handicap accessible entrance. Mr. Carlidge referred to the elevations, indicating that they are proposing to repair the stucco façade and the roof. Lighting and signage will be added to enhance the building. They are upgrading the mechanical systems and adding sprinkler piping in the attic space. All the restrooms will be ADA accessible. All upgrades are being done in accordance with the NJ Rehabilitation subcode, which rates this use conversion as a higher hazard.

Mr. Carlidge said that he contacted ARTS and they have no specific facility requirements. When he contacted the Middlestates Association and Regional Accreditation Body, they have no facility standards but they must meet building codes.

Mr. Van Wagner asked if there will be a back-up generator. Mr. Carlidge said that they are not required by code to include emergency generators, but that they are required to have emergency egress lighting.

Mr. Siano asked about the dining room occupancy. Ms. Krimko said that Rabbi Lesin testified that the students will be eating in shifts, not all together. Mr. Carlidge said that the occupancy is based on tables and chairs with 15 sq ft per person.

Mr. Malta asked about the hazard designations. Mr. Carlidge explained that when there is a change of use you could move from a lower hazard to a higher hazard, in which case you would have to meet higher standards for items such as egress and sprinklers.

Mr. Menell asked about the noise aspect of the kitchen and service entrance. Mr. Carlidge said that the kitchen will not be used as prepared meals are delivered.

Ms. Bonney asked if the meals will need to be reheated if not all the students are eating at the same time. Mr. Carlidge could not answer that.

Mr. Carlidge said that the students in the study hall will not generate a lot of noise as the walls are masonry walls. Board Planner James Higgins, P.P. noted that if the students remain in the study hall, it could get loud. He asked if they could provide information on the walls and the sound levels.

Mr. Van Wagner announced that the architect will be back to answer questions at the next hearing. Mr. Van Wagner carried the application to the next regular meeting of March 12, 2015. The application will not be heard that night, but the special meeting date will be announced.

Meeting adjourned at 10:10 P.M.

Rachel Montemmarano
Board Secretary
Recording Secretary