

**SPECIAL MEETING:** 7:00 P.M. Township of Ocean High School  
Gymnasium and Cafeteria  
550 West Park Avenue  
Oakhurst

MEMBERS PRESENT: Maureen Bonney, Alt I  
Jane Grabelle  
Russell Malta  
John Napolitani, Alt II  
Peter Siano, Alt III  
Charles Theodora, Alt IV  
James Worrell  
Warren Goode, Chair

MEMBERS ABSENT: Eric Menell  
Henry Schepiga, V Chair  
Richard Van Wagner

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

Chairman Goode 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 August 25, 2015.

**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 for an advanced Talmudic academy.

Attorney for the applicant: Jennifer S. Krimko, Esquire

John Poulos, Esquire the attorney representing objectors to the application, said that the application is defective for failure to pay taxes and sewer bills since 2013, noting that the ordinance requires that taxes must be paid to date as a checklist item for applications. Attorney for the applicant, Jennifer S. Krimko, Esquire said this application is for a use variance in which there is no checklist, noting that the application has been bifurcated. She said that she would argue that the application has been deemed complete and scheduled for a hearing, therefore, the Board waived the requirement. Ms. Krimko said that the applicant accepts that as a condition of this that the Board may require the payment of taxes and sewer bills when the applicant returns for site plan approval.

Board Attorney Mark Steinberg, Esquire said that it is not required as part of the application, but as a condition of approval and asked if the applicant was tax exempt. Ms. Krimko said that they were previously exempt but now the Tax Assessor has decided

that they are no longer exempt and taxes were levied. Mr. Sternberg said that the application can proceed and any approval would be conditioned upon all taxes and sewer payments being made.

Ms. Krimko said that they will continue with the sound expert who was introduced at the last meeting, Steven Szuleki, who performed an acoustical assessment. Mr. Szuleki said that he performed an assessment at the temporary facility in Lakewood since the proposed use is not currently in operation in Ocean. The State noise code emphasizes the protection of late night, overnight and early morning hours and has the greatest restriction on what is permitted. Mr. Szulecki explained that the study was to assess what is occurring inside the building and simultaneously measure the levels interior and exterior. He described his measurement techniques, including making adjustments for the differences in the Lakewood facility versus the Ocean facility. Those differences include the building type and the number of students. He said that there are about half the number of students in the Lakewood facility as there are proposed for this location.

Mr. Szuleki visited the Lakewood facility to do simultaneous measurements on June 22, 2015 from 10:09 PM- 11:01 PM when study and evening prayers were occurring. There were 46-54 students present. After 11:01 PM, the students broke up into smaller groups as it was the end of formal study for the evening. He said that the windows were closed, which would be the same in the Ocean facility.

Mr. Szuleki performed a study in Ocean on July 1, 2015 from 10:00 AM – 11:30 AM to measure the ambient sound levels. He described the building, which presently consists of brick and single-pane windows. He referred to Exhibit A-23 which shows an aerial of the Lakewood facility and a marker indicating the outdoor measurement location. Exhibit A-24 shows an aerial of the Ocean location with a marker for the ambient measurement location. Mr. Szuleki said that he also performed evening measurements at this location on July 7, 2015 from 10:00 PM – 11:15 PM. The measurement location is approximately 22 feet from the building.

Mr. Szuleki said that the Ocean facility provides a greater degree of attenuation, by at least three decibels, than the Lakewood facility, which he described as a wash, creating a direct comparison of what to expect in Ocean from the results in Lakewood. He said that the structure of the Ocean facility with more students would be equal to that of the Lakewood facility which has less students. He referred to A-25 showing a diagram of two simultaneous measurements conducted interior and exterior at the Lakewood facility. He said that the highest data point interior was during prayer with no correlation to the outside levels. The sound from interior was inaudible outside, except for short periods of high peaks that he was able to experience some level of sound, but nothing measurable. Mr. Szuleki said that sound would be immeasurable and inaudible at the closest residential property line.

With regard to the HVAC units, Mr. Szuleki said that without any mitigation the sound levels of all the units running simultaneously would be below the State limit of 50 dba. He proposed a simple sound barrier on the West side which would create a drop of 7 decibels. Mr. Szuleki said that the facility can comply with State and local codes with regard to sound and that sounds at this facility will not be audible at the adjoining property. He said that if the windows were open, voices would be audible, but there has been testimony that the windows would remain closed. In addition, he made recommendations to replace the antiquated emergency doors that have gaps for sound to escape. Mr. Szuleki read the tonnage numbers for the new HVAC units as recommended by the architect which totaled 38 tons. Mr. Fitzgerald asked if they could replace the windows with windows that could not be opened. Ms. Krimko said that the applicant agrees to any reasonable conditions.

Board Member John Napolitani said that he works in a middle school and that there is no way that 50 students make 3 decibels of sound, to which Mr. Szuleki said that it is a matter physics. Mr. Napolitani asked if the students knew he was coming, and noted that when staff know they are being observed they alter their behavior. Mr.

Szuleki said that they did know and that it is not uncommon and he assesses each situation in the most realistic way.

Board Member James Worrell asked if there is going to be a back-up generator. Mr. Szuleki said that he was told there would not be one.

Board Member Peter Siano referred to A-25 which shows levels between 10:44 PM and 11:04 PM that are above the state nighttime limit of 50 dba. Mr. Szuleki said that the limit is often exceeded in urban and suburban areas and can be due to traveling cars. He said that he assesses what is occurring in the area at the time of the measurements. Mr. Siano asked about the Lakewood facility. Mr. Szuleki said that the gym in Ocean will be renovated with similar finishes to that of the Lakewood facility and the floor will be carpeted.

Board Engineer William Fitzgerald asked if the speed on the road would have an impact on sound. Mr. Szuleki said no.

Board Member Russell Malta asked about decibel attenuation. Mr. Szuleki explained the STC ratings which are a function of the structural components of the walls and windows. He said that the components of the Ocean facility are much more substantive than Lakewood. Mr. Malta asked if he kept a log of when vehicles passed. Mr. Szuleki said that he collected field notes on a real time basis. Mr. Malta referred to A-23 and asked if the measurement location was within the wooded area. Mr. Szuleki said that the trees are about 10-15 ft behind the measurement location which was in a grassy area.

Jason Timmerman, of the Poulos Firm, asked if he was a licensed engineer and if a written report was submitted. Mr. Szuleki said that he is not an engineer and that he did not submit a report. Ms. Krimko said that the applicant chooses what to submit to the Board and that if the Board required a report, they would submit one. Mr. Timmerman referred to A-25 and asked about the activities taking place during the measurements taken on June 22, 2015 at the Lakewood facility. Mr. Szuleki said that there was a study period where the students interacted one-on-one or small groups where they discussed different topics. A central figure led prayer from time to time who would make statements to which students would respond. Mr. Timmerman asked if this twenty minute observation was representative of a typical prayer service to which Mr. Szuleki said it was. Mr. Timmerman asked if it was his first time observing a Yeshiva. Mr. Szuleki said that it was. He said that he was there until 11:40 PM to take additional ambient measurements after hours with no activity. He said that the data was slightly higher than when there was activity occurring, which was more proof that there is no correlation between the inside and outside levels. Mr. Szuleki said that this was representative of a typical prayer service as he understood them to be from his observations, discussions and research. He said that he often goes to a project that he has never experienced before and asks his clients to fully disclose the activity of their operation. He said that he did not go back again unexpectedly because he did not find it necessary.

Mr. Timmerman asked about specific points on the measurements. Mr. Szuleki gave the approximate number of cars he observed passing during the measurements. Approximately 61 cars passed in the ten minute period on Logan Road during the daytime observation on July 1, 2015. Approximately 58 vehicles passed during a 30 minute period from 10:10 PM – 10:40 PM and 36 vehicles from 10:45 – 11:15 PM on July 7, 2015. Mr. Timmerman asked what the impact would be from the prayer service at the Ocean facility where there currently isn't any activity at night. Mr. Szuleki said that there would not be any impact and that the service would not be plainly audible from the outside. Mr. Timmerman referred to A-25 and said that he does see correlation. Mr. Szuleki said that there are some spots where it may be coincidental that a car passed by causing a high external spike.

Mr. Timmerman referred to exhibits A-26 and A-27 and asked questions regarding the design of the facilities and how that data was considered in the models. Mr. Szuleki described how the data was collected and input into the models. He said that he did not perform any models as if windows were open as it was not pertinent to his study. He said that it is obvious that sound would be audible if windows were open and that his client has stipulated that the windows would be closed. Mr. Timmerman asked about the size of the rooms and the design of the ceiling. Mr. Szuleki said that the ceiling of the room in Lakewood is sloping but the sound effect is minimal. He said that the height of the ceiling in Ocean is about the same.

Mr. Timmerman asked about the Township noise ordinance and decibel levels. Mr. Szuleki discussed decibel levels of human voice, the HVAC units and garbage trucks. He said that garbage truck sound was not measured on this site, but that it does not violate the Township ordinance because it is exempt when on the road. Mr. Timmerman asked the distance of the proposed driveway to the nearest residential property across the street. Ms. Krimko said that they do not have an exhibit that has a scale to determine that. Mr. Szuleki explained that there are allowances for momentary events such as the sound when the truck is loading and dumping. The state noise code allows up to 80 dba.

Board member Maureen Bonney asked why he did not take measurements at the Ocean facility while students were using the gym. Mr. Szuleki said that the students currently use the gym for recreation, which is different than what is proposed. In addition, they are making changes to the interior.

With no more questions from the Board and it's professionals, Chairman Goode opened the hearing to the public for questions on Mr. Szuleki's testimony.

Paul Mayerowitz, Cedar Village Blvd, asked why he performed the readings at 10:50 PM in Lakewood. Mr. Szuleki said that he went at that time based on the activities that take place during those hours, which represented the most intense activities. Mr. Mayerowitz asked about the materials in the room and set-up the room. Mr. Szuleki said that he did not testify to materials such as drapes. He said that the students were facing east away from the windows. Mr. Mayerowitz asked about the standards for maximum exposure to sound. Mr. Szuleki said that it was not a function of this setting. Mr. Mayerowitz asked if the measuring device was calibrated. Mr. Szuleki said that it was calibrated within its yearly laboratory calibration period.

Roy Larsen, 1517 Logan Road, asked about the nature of the room in Lakewood as a study hall. Ms. Krimko said that the expert never represented that the room was constructed to be a study hall. Mr. Szuleki said that what exists now in Ocean is a gym with brick walls and hard floors. He said that he had suggested that it would be much like the finishes of the Lakewood facility when renovated because they would be using it similarly. Mr. Larsen asked why they did not create an apples-to-apples comparison to create a similar scenario by bringing 50 students to the Ocean location. Mr. Szuleki said that the existing conditions are not consistent with what will be the finished product and would not be a good representation. Mr. Larsen asked for assurances that he will not be woken up at 11 PM. Mr. Szuleki said that the activities inside are inaudible outside and that he will not be bothered.

Marc Comer, 3 Marisa Court, asked if there were any periods of silence shown in the data. Mr. Szuleki said that there were periods during individual prayer that were quiet with levels of 41-42 decibels which are representative of AC units.

Robert McMahon, Interlaken Avenue, asked about the tonnage of the HVAC units. Mr. Szuleki repeated the tonnage estimates as determined by the architect. Mr. McMahon asked if there will be a kitchen. Mr. Szuleki said that he does not believe there will be a kitchen as prepared food will be brought in. Mr. McMahon asked if the HVAC units were all going to be in the courtyard and if the courtyard will be used for recreation. Mr. Szuleki said that they are all in the courtyard area, and there will be no

outside recreation. Mr. McMahon asked if the neighbors will hear the units running. Mr. Szuleki said that some units cycle down at night, but he did not make that assumption doing his assessment.

Barbara Gruezke, 601 Dow Avenue, asked if he measured sound levels when the students were leaving from prayers. Mr. Szuleki said that he did not because in the Ocean facility they will not be leaving. Ms. Gruezke asked if there will be additional noise from traffic of buses leaving to the facility. Ms. Krimko said that there has already been testimony that students will only be picked up and dropped off for vacations and at the beginning and end of semesters. Ms. Gruezke asked if the students will ever be outdoors. Ms. Krimko said that there has been testimony that there will be no occasion for the students to be recreating outdoors at night.

Chairman Goode carried this application to October 7, 2015 at 7:00 PM.

Meeting adjourned at 10:00 P.M.

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Rachel Montemarano  
Board Secretary  
Recording Secretary