

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
Eric Menell
John Napolitani, Alt II
Peter Siano, Alt III
Richard Van Wagner
James Worrell
Warren Goode, Chair

MEMBERS ABSENT: Henry Schepiga, V Chair
Charles Theodora, Alt IV

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 October 1, 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

The audio expert, Steven Szuleki, returned to continue to answer the questions from the public on his testimony.

Brian Mullins, 107 Bimble Blvd., asked about the scientific methods used to perform the study and asked why Mr. Szuleki did not perform a blind study. Mr. Szuleki explained that the sound level meter does not discriminate between different sounds and it is important to know what you are collecting in order to analyze the data. He said that it is important to have communications with the client to know what activities are occurring. It is in his best interest to give the worst case scenario in order to establish compliance issues versus non-compliance issues. Mr. Szuleki said that he was surprised that there was concern over activity indoors without any amplification and closed windows. He said the results were what he expected. When asked why he only took one sample, Mr. Szuleki said that in his judgment it was sufficient. Mr. Mullins asked why

he did not set a wider range of controls such as to include screaming levels. Mr. Szuleki said that it would not have been representative of the proposed activities. Mr. Mullins asked if he knew of any events occurring in Lakewood or Ocean that would have created more traffic. Mr. Szuleki said that he did not because it was not important to assess the degree of traffic.

Mr. Mullins asked about the HVAC units. Mr. Szuleki said that the sound levels are within the State permissible limits and the units will be in the same location with a barrier interrupting the sound path. Mr. Mullins asked why he did not test the levels of the new units. Mr. Szuleki said that he could not test the units because they are not yet installed.

Mr. Mullins asked about the ceiling and why the slope of the ceiling at the Lakewood facility wouldn't dampen sound. Mr. Szuleki said that it is not a relevant issue, though it would be if they were discussing sound quality.

Mr. Mullins asked about the sounds of garbage trucks, including the beep of the truck in reverse and the shaking and banging of garbage bins. Mr. Szuleki said that the beep is a safety feature that is exempted by the Ordinance. With regard to the banging of garbage bins, Mr. Szuleki said that he would advise the client to end the contract with the company if they do this, as it is their responsibility who they hire. He also explained that there are allowances for short term intense noises.

Mr. Mullins asked about the reliability of this study. Mr. Szuleki said that he believes it is representative, sufficient, adequate and reasonable. He believes that the client can be in compliance with the noise ordinance.

Diane Nagy, 11 Mallard Lane, asked if an analysis was done about the number of the garbage trucks serving this many men compared to a residential area. Mr. Szuleki said that he did not do an analysis. She asked if he observed students during leisure time. Mr. Szuleki said that their leisure time is not recreational, but study time as individuals or small groups. He said that they will not engage in recreational activities such as basketball. Ms. Nagy asked if there was an analysis on alarms such as fire alarms. Mr. Szuleki said no.

John Waldron, 1207 Herbert Avenue, said that he is aware that there could be up to 120 students. Ms. Krimko said that there have never been that many and that it has always been 96 students. Mr. Waldron asked if it would make a difference with a greater number of students. Hypothetically, Mr. Szuleki said there would be an increase. Mr. Waldron asked if there would be an impact on the neighbors during fall and winter when the leaves have fallen. Mr. Szuleki said that there was no consideration for vegetation. It is common practice that with a facility that operates throughout the year, there is no need to consider changes in colder months.

Ben Mueller, 200 Highwood Road, asked if he was able to calculate the sound level of prayer service. Mr. Szuleki said that he could not because it was indistinguishable. They discussed the interior and exterior levels in which he found no correlations. He said that if sound is escaping, it is immeasurable and inaudible. Mr. Mueller asked why he did not do more theoretical studies. Mr. Szuleki explained that once compliance is determined, it would not help the client to continue with a research study. Mr. Mueller asked if the outside ambient levels were lower, could the prayer services be heard. Mr. Szuleki explained that if the ambient levels were in the low 30s, you may be able to perceive something, but it would never be that low in Ocean, where the ambient levels consistently average 44-45. He said that average level in Ocean is slightly less than the average in Lakewood. Mr. Mueller asked if there were insects present. Mr. Szuleki said that there were some summer insects towards the rear of the property with a moderate influence on the readings, and less so in the winter when there are no insects. They discussed minimum and maximum ambient levels and acoustical impacts. Mr. Szuleki explained that audibility is not tied to one second of a 20 minute period. Annoyance does not happen in 2-3 seconds, but over longer, consistent periods of time. They discussed different methods of measurement and the HVAC

acoustical impact. Mr. Szuleki said that there are mitigation techniques for levels that are reasonably inaudible.

Brent Borg, 22 Middlebrook Drive, asked about sound decibels of lawn mowers. Mr. Szuleki explained that the level while riding a lawn mower would be 85-90 decibels. Ten feet away from the mower, the decibel level of the lawn mower would be 80. He said that the decibel level drops by 6 as the distance doubles. Therefore, 20 feet away, the decibel level would be 74. He said that the daytime limit of 65 decibels is to protect human speech. Anything over 65 decibels would force you to speak louder or move closer to talk. He said that just because the level may be satisfied, it doesn't mean there is no impact or that it isn't audible. He said that what is proposed will be less of a disturbance than what is there now. Currently there are kids that play outside and daily buses. The trash container is moving to the middle of the property and new modern HVAC units are being installed. He said that from his perspective, the activity inside will also be quieter.

Ann Foster, 910 Berkeley Avenue, expressed concern over the impact to the neighborhood at a time of day that is most disturbing to neighbors. Mr. Szuleki explained that under its current use there is no discernable noise coming from the building in Ocean at the same time of night as the levels that were taken from the Lakewood facility, but there is no correlation between the indoor activities to the outside ambient levels. Ms. Foster asked if he had taken into account a speaker using a microphone. Mr. Szuleki said that there will be no amplification inside or outside the facility at night.

The Board took a break beginning at 9:00 PM and resuming at 9:10 PM.

Don Clare, 1111 Logan Road, asked if he had submitted a report. Mr. Szuleki said that he did not submit a report to the Board or his client. Mr. Clare asked about the occupancy levels during the time of the measurement as depicted on A-25. Mr. Szuleki said that he already testified to the interior occupancy, which included 48, 46 and 54 students between 10:00 PM and 11:00 PM. There were no students exterior. Mr. Clare asked if he performed any acoustical models. Mr. Szuleki said that he did not do any modeling. Mr. Clare asked if the report could be biased due to the way it was produced. Mr. Szuleki said that there was no bias in the analysis. Mr. Clare referred to A-25 to ask about the time frame of the measurements. Mr. Szuleki said that exhibit A-25 represents a 20 minute period and that he did not need more data. Mr. Clare asked about the building in Lakewood and if it had noise control. Mr. Szuleki said that it does not, and that it is wood frame construction with glazing. Mr. Clare asked what the decibel level would be with 100 men. Mr. Szuleki said that exhibit A-25 shows half as many men, therefore, twice as many would be 3 decibels more. Mr. Clare asked additional questions regarding the equipment used and the HVAC units, to which Mr. Szuleki said that he had already testified.

Chris Tilton, 1104 Brower Blvd., asked about decibel levels. Mr. Szuleki explained that generally two people speaking about 3 feet apart would be 62 decibels. He said that it is a level of distance and intensity and that a normal voice outside in the evening is inaudible and immeasurable. Mr. Tilton asked about his collection method. Mr. Szuleki said that he keeps his certification as a noise enforcement officer and in an enforcement situation, he wouldn't tell the subject he was coming to collect noise samples. He said that his samples could be as little as half an hour.

Sylvia Sylvia-Cioffi, 200 Lincoln Drive, asked about sound readings of students outside. Mr. Szuleki said that it was not relevant to measure sound levels of students outside. Ms. Krimko said that he is only testifying to what he did and no sound recordings were done anticipating outside activities. Ms. Sylvia-Cioffi asked if he did any measurements of fire alarms during drills as there are strict drill requirements in New Jersey for higher education. Mr. Szuleki said he did not. Ms. Sylvia-Cioffi asked if the number of students living in the Lakewood facility is comparable to the number of students proposed in Ocean. Mr. Szuleki said that there are up to 36 students living in the Lakewood facility and he has already testified to the measures that were taken to

account for the difference in the number of students that are proposed in Ocean. He said that no readings were taken with 96 men present

Frank McCann, 1300 Bloomfield Avenue, asked if any consideration was made for trees. Mr. Szuleki said no. Mr. McCann asked if it would be loud if the windows were left open or if the students were to go outside to smoke a cigarette. Mr. Szuleki said that if the doors remain closed, there should be no issue and the sound would be inaudible. If a door is propped open, it would be a matter of administrative control. The Rabbi would have to ensure that the doors and windows are kept closed. He said that should the windows be left open, sound would be audible at the northern property line.

Gina Ravaschiere, Interlaken Avenue, asked if she can conclude that the acoustical impact of prayer service is contingent upon the representation of the prayer service. Mr. Szuleki said that he has already testified that the activities studied were representative of the most intense activities which could be most impactful. She asked how he could determine if it was representative if he has never before measured another prayer service and if he considered that the client may not have given a fair representation. Mr. Szuleki said that he determined that it was representative through discussions with the client and that he often relies on information from other sources. When asked if he felt that it was appropriate to verify the data by going on a different day or different Yeshiva, Mr. Szuleki said that he did not.

Joe Britton, 25 Lynn Drive, asked if there is going to be a back-up generator and what would happen during a power outage. Mr. Szuleki said that there will not be a back-up generator. Mr. Steinberg advised that Mr. Britton can only ask questions regarding his sound testimony. Mr. Britton asked if the applicant is bound to his recommendations. Mr. Szuleki said that they will be bound by the resolution approving the application.

Debbie Mansfield, Bendermere Avenue, asked if he took into consideration the increased population during the summer with their seasonal summer residents. Mr. Szuleki said no.

Tara Manning, Bendermere Avenue, asked if there were houses near the Lakewood facility. Mr. Szuleki said yes. Ms. Manning asked what the impact would be with a microphone. Mr. Szuleki said that he already stipulated that there would be no amplification. She asked how they can hear without microphones. Mr. Steinberg said that the applicant agrees as a condition of approval that there will be no amplification. Ms. Manning asked how she can hear her neighbors fighting when their windows are closed and her windows open. Mr. Szuleki said that it is a matter of intensity and proximity.

Fred Palumbo, Franklin Avenue, asked if wind speed measurements were taken. Mr. Szuleki said that wind speeds were all in compliance and less than 2 mph.

Roy Larsen, 1517 Logan Road, asked about the location of the HVAC units and if he noticed an echo in the courtyard area. Mr. Szuleki said that he observed the location where the HVAC units are located and said that he did not notice an echo, which he described as a complex phenomena. Mr. Szuleki explained intense short occurrences. He said that if ambient levels dropped for a moment, there could be an opportunity for sound to be heard if it corresponds with the spike, though it would not be plainly audible. He said it would not be practical for those events to line up that way. Mr. Larsen asked that he will never hear anything from the building. Mr. Szuleki said that he agrees with him.

Chairman Goode carried this application to the next regular meeting of the Board of Adjustment on November 24, 2015 when they will announce the date and location of the next special meeting.

Meeting adjourned at 10:00 P.M.

Rachel Montemarano

Board Secretary

Recording Secretary