

**MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
Thursday, October 30, 2025**

**Manchester Township
1 Colonial Drive
Manchester, NJ**

MINUTES OF MEETING

1. The special meeting of the Manchester Township Zoning Board of Adjustment was called to order at 6:37 p.m. by Chairwoman Linda Fazio.
2. This meeting had been duly advertised, filed and posted in accordance with the Open Public Meetings Act.
3. A Pledge of Allegiance and Salute to the Flag.
4. Roll Call: Members Present: L. Fazio, W. Cook, S. Galbreath, G. Georgiano, D. Tedeschi, B. Hay, G. Apgar, J. Petito, J. Markowski,
Members Absent: none

Also Present: Chris Reid, Board Attorney, Jason Worth, Board Engineer, Nick Dickerson, Township Planner, Michelle Briehoff, Township Traffic Engineer.

Memorializations:

Memorialization of WHISPERING WOODS HEARING: The purpose of this hearing is to present and discuss a proposed settlement agreement between the applicant and the Board. The settlement is intended to resolve the ongoing litigation, Docket no. OCN-L-402-25, Jeffrey R. Jerman v. Manchester Township Zoning Board of Adjustment. The Applicant is proposing revisions which will satisfy some concerns of the Board and increase safety. Those changes are eliminating the rear setback variance, moving the house forward, moving the stairs away from the driveway front and enhancing the interior. Approved at the August 28, 2025 meeting. Case 24-28. Applicant: Jeffrey Jerman. Second Avenue Block 1.26 Lot 16.

Motion to approve memorialization made by W. Cook and seconded by D. Tedeschi. Roll Call: W. Cook- yes, D. Tedeschi-yes, J. Petito-yes.

Memorialization of WHISPERING WOODS HEARING: The purpose of this hearing is to present and discuss a proposed settlement agreement between the applicant and the Board. The settlement is intended to resolve the ongoing litigation, Docket no. OCN-L-953-25, Jeffrey R. Jerman v. Manchester Township Zoning Board of Adjustment. The Applicant is proposing revisions which will satisfy some concerns of the Board and increase safety. Those changes are eliminating the rear setback variance, moving the house forward, moving the stairs away from the driveway front and enhancing the interior. Approved at the August 28, 2025 meeting. Case 24-29. Applicant: Jeffrey Jerman. Seventh Avenue Block 1.136 Lot 16.

Motion to approve memorialization made by W. Cook and seconded by J. Petito. Roll Call: W. Cook- yes, J. Petito-yes, D. Tedeschi-yes, G. Apgar.

Memorialization of WHISPERING WOODS HEARING: The purpose of this hearing is to present and discuss a proposed settlement agreement between the applicant and the Board. The settlement is intended to resolve the ongoing litigation, Docket no. OCN-L-766-25, Jeffrey R. Jerman v. Manchester Township Zoning Board of Adjustment. The Applicant is proposing revisions which will satisfy some concerns of the Board and increase safety. Those changes are eliminating the rear setback variance, moving the house forward, moving the stairs away from the driveway front and enhancing the interior. Approved at the August 28, 2025 meeting. Case 24-33. Applicant: Jeffrey Jerman. Seventh Avenue Block 1.127 Lot 19.

Motion to approve memorialization made by W. Cook and seconded by D. Tedecshi. Roll Call: W. Cook- yes, D. Tedeschi-yes, G. Apgar- yes, J. Petito-yes.

Memorialization of application to construct a single family dwelling where a lot area of 10,000sf is required and 7,500sf is proposed, where a lot frontage of 100ft. is required and 75ft is proposed, where a lot width of 100ft. is required and 75ft. is proposed, where a minimum improvable lot area of 5,800sf is required and 4,225sf is proposed. Applicant is requesting waivers for curb and sidewalk. Approved at the August 28, 2025 meeting. Case 24-50. Applicant: Jeffrey Jerman. Sixth Avenue Block 1.105 Lot 9.

Motion to approve memorialization made by W. Cook and seconded by D. Tedecshi. Roll Call: W. Cook- yes, D. Tedeschi-yes, B. Hay- yes, G. Apgar- yes, J. Petito-yes.

APPLICATION

Case 24-48	Congregation Mikvah of PLP	1209 Ninth Avenue
	1209 Ninth Avenue	Block 1.186 Lot 39
	Manchester, NJ	Zone R10

Chairwoman Linda Fazio announced the continued public hearing on Application No. 24-48, Congregation Mikvah of Pine Lake Park, concerning property located at 1209 Ninth Avenue, Block 1.186, Lot 39. She summarized the application as a request for minor site plan approval, a D(1) use variance to permit a mikvah within the R-10 Residential Zone, and multiple bulk variances relating to building setbacks, parking setbacks and dimensions, maximum lot coverage, minimum improvable lot area, existing accessory structure setbacks, and the required landscaping buffer adjacent to residential development.

Donna M. Jennings, Esq., of Wilentz Goldman & Spitzer, appeared on behalf of the applicant and reviewed the nature of the application. She explained that the proposal sought to convert the existing single-family residence into a mikvah, a religious ritual bath used in the Jewish faith.

She stated that while churches, houses of worship, and other institutional uses are permitted within the Township, a mikvah is not specifically permitted in any zoning district, thereby necessitating a use variance.

Ms. Jennings argued that the application involved a protected religious use and discussed the applicability of the Religious Land Use and Institutionalized Persons Act (RLUIPA). She maintained that the Township zoning ordinance effectively excluded mikvahs from all zoning districts, requiring every applicant seeking to establish such a facility to obtain use variance relief. She asserted that once the religious nature of the use is established, the burden shifts to the municipality to demonstrate a compelling governmental interest served by denying the application through the least restrictive means. She further emphasized the significance of the mikvah within the Jewish faith, describing it as a fundamental religious practice supported by congregational donations and operated as a nonprofit religious facility rather than a commercial enterprise.

During her opening statement, Ms. Jennings referenced discriminatory comments that had appeared on social media regarding the application. Board Attorney Christopher Reid advised that statements made by unidentified third parties were not appropriate for inclusion during opening remarks. Chairwoman Fazio noted that such conduct had not occurred during the prior hearing and reminded those present of the rules governing the proceedings. Ms. Jennings agreed to omit the specific comments and instead stated generally that the online postings reflected hostility toward the Orthodox Jewish community. She expressed her hope that all participants would conduct themselves respectfully throughout the hearing.

Ms. Jennings then summarized operational limitations previously offered by the applicant as proposed conditions of approval, including:

- The facility would serve adult women by appointment only.
- Users would primarily be residents from the surrounding neighborhood.
- Appointments would be staggered.
- Daily attendance would be limited.
- No more than three patrons would be present at one time.
- Operating hours would begin at sunset and extend approximately two to four hours each evening.
- No persons would remain in the building outside approved operating hours.
- Staffing would be limited to a maximum of two attendants.
- Deliveries would be limited to standard parcel-service vehicles.
- Laundry operations would either occur on-site or off-site, with that determination to be made later.
- No social functions, including weddings or bar mitzvahs, would be conducted at the property.
- No commercial signage or exterior commercial lighting was proposed other than required emergency lighting.

She advised that additional testimony would be presented from the applicant's engineer, traffic engineer, planner, and architect in support of the requested approvals and in response to comments contained in the Board Engineer's July 15, 2025 report and the Board Planner's October 24, 2025 report.

Before testimony resumed, Chairwoman Fazio observed that two mikvahs already existed within Manchester Township and questioned the assertion that such facilities were not permitted. Ms. Jennings clarified that those facilities existed as accessory uses associated with private residences rather than as principal permitted uses under the zoning ordinance. She maintained that the ordinance contained no provision permitting a standalone mikvah in any zoning district. Mr. Reid clarified for the record that the previously approved facilities had been considered accessory residential uses rather than specifically authorized principal uses. Chairwoman Fazio indicated that the Board Planner would address the issue later during the proceedings.

Ms. Jennings then called Yosef Portnoy, P.E., to testify. Mr. Portnoy was sworn by Board Attorney Reid and identified himself as a licensed Professional Engineer in the State of New Jersey. He summarized his educational background, professional credentials, and engineering experience, after which the Chair accepted him as an expert in civil engineering without objection.

Yosef Portnoy, P.E., testified that the proposed project involved the conversion of the existing single-family residence into a mikvah. He explained that because a mikvah is not identified as a permitted use within the R-10 Zone, or elsewhere within Manchester Township's zoning ordinance, the application required both a D(1) use variance and minor site plan approval. He further stated that, in response to comments contained in the Board Engineer's report, he would first explain why the application qualified as a minor site plan under the Township's Land Development Ordinance.

Mr. Portnoy testified that the proposal satisfied the Township's criteria for minor site plan approval because it did not constitute a major development. He explained that no stormwater management facilities were required, no additions to the existing building exceeding ordinance thresholds were proposed, parking demand would not increase beyond the ordinance limits requiring major site plan review, no new streets or roadway extensions were proposed, no off-tract improvements would be required, and total site disturbance would remain below 5,000 square feet. He noted that the applicant's traffic engineer would later testify regarding parking demand and the adequacy of the proposed parking supply.

Donna M. Jennings asked whether, based upon those factors, it was Mr. Portnoy's professional opinion that the application satisfied the Township's standards for minor site plan approval. Mr. Portnoy responded that it did. Jason Worth, P.E., then requested confirmation that the site disturbance calculations had been reviewed. Mr. Portnoy testified that he had reviewed the

calculations that morning and confirmed the proposed disturbance remained below the 5,000-square-foot threshold.

Ms. Jennings then directed Mr. Portnoy to begin his testimony regarding the existing site conditions and instructed him to identify each exhibit before discussing it. Mr. Portnoy advised that exhibit packets had been prepared for distribution to the Board. After the packets were distributed, the Board Secretary indicated the exhibits would be marked into the record as they were introduced. Ms. Jennings explained that each exhibit had already been identified by number within the packet and noted that Exhibits A-1 and A-2 had been introduced during the previous hearing.

Mr. Portnoy first identified Exhibits A-6 and A-7 as aerial photographs of the subject property and surrounding neighborhood. He explained that Exhibit A-6 depicted a closer aerial view of the property, while Exhibit A-7 provided a wider view of the surrounding neighborhood. As he began describing the exhibits, Board Attorney Reid interrupted to note that several Board members were having difficulty following the presentation. A Board member questioned whether Mr. Portnoy was referring to Exhibit A-5. Ms. Jennings clarified that Exhibits A-5 and A-6 had been placed together within the packet and that Mr. Portnoy was referring to Exhibit A-6 located behind Exhibit A-5. After confirming that everyone had located the correct exhibit, Mr. Portnoy continued his testimony.

Using the aerial exhibits, Mr. Portnoy testified that the subject property is located at 1209 Ninth Avenue between Southampton Boulevard and Pemberton Street within the Pine Lake Park neighborhood. He explained that the property is not located within the Pinelands Area and therefore is not subject to review by the New Jersey Pinelands Commission. He stated that the 10,000-square-foot parcel is located within the R-10 Residential Zone and is presently improved with an existing single-family dwelling, a shed, and a driveway. He further testified that there are no curbs or sidewalks along the property's frontage or within the immediate neighborhood and that the surrounding properties are developed with single-family residences.

Mr. Portnoy then introduced Exhibits A-9, A-10, and A-11, which he explained had been prepared to illustrate walking distances between Pine Lake Park and existing mikvah facilities.

Referring to Exhibit A-9, Mr. Portnoy testified that the exhibit depicted a Google Maps analysis showing the walking distance from 2200 Riverside Avenue, located near the northwestern corner of Pine Lake Park, to the subject property. According to Google Maps, the distance measured approximately 1.4 miles with an estimated walking time of 31 minutes. He stated that he performed a similar analysis from 2140 First Avenue near the southeastern portion of the neighborhood, which also resulted in an approximate walking distance of 1.4 miles. Based upon those comparisons, Mr. Portnoy concluded that the proposed mikvah would be centrally located within the Pine Lake Park neighborhood for residents traveling on foot.

Mr. Portnoy next discussed Exhibit A-10, a Google Maps exhibit depicting the walking distance from the same location at 2200 Riverside Avenue to the nearest existing public mikvah located at 1767 Whitesville Road in Toms River. He testified that Google Maps calculated the distance at approximately 3.9 miles, requiring an estimated one hour and twenty-six minutes of walking each way over roadways having limited sidewalks.

Mr. Portnoy then reviewed Exhibit A-11, which illustrated the walking distance from Pine Lake Park to the Prospect Pines Mikvah in Lakewood. He testified that the distance measured approximately 8.2 miles, with an estimated walking time of two hours and fifty-nine minutes. He stated that the exhibit had been prepared in response to questions raised during the previous hearing concerning that facility and concluded that the proposed mikvah would provide the closest facility serving residents within the Pine Lake Park neighborhood.

Returning to Exhibit A-6, Mr. Portnoy reviewed the existing conditions of the property. He testified that the site contains several existing nonconformities, including a principal building rear yard setback of approximately 19.25 feet where 25 feet is required. He also identified existing nonconforming setbacks associated with the accessory shed, including a rear yard setback of approximately 3.01 feet where 15 feet is required and a side yard setback of approximately 2.46 feet where 5 feet is required. Mr. Portnoy further testified that the property contains an existing deficiency in improvable lot area. He explained that while 5,800 square feet of improvable lot area is required, the property contains approximately 3,520 square feet. He noted that both the Board Engineer and Township Planner had identified the condition in their review reports. Although the applicant believed the ordinance definition could support a different interpretation, he testified that the applicant was requesting continuation of the existing nonconformity out of an abundance of caution.

Mr. Portnoy next introduced Exhibit A-12, a color rendering of the proposed site plan. He testified that no additions to the existing residence were proposed other than entrance awnings that would be discussed later by the project architect. The project primarily consists of interior renovations necessary to convert the residence into a mikvah. Site improvements include construction of an ADA-accessible ramp at the rear of the building, entrance awnings requested by the Fire Marshal, a new septic system, trash enclosure, expanded driveway, vinyl fencing along the western property line, and additional landscaping. Mr. Portnoy testified that no exterior signage was proposed and that, aside from the required improvements, the structure would continue to maintain the appearance of a single-family residence. He also noted that no curbs or sidewalks presently exist within the neighborhood and, therefore, the applicant was requesting a waiver from constructing curb along the property frontage.

Mr. Portnoy further testified that, following review by the Fire Marshal, the plans had been revised to include an eight-foot-wide emergency access walkway extending from the street to the front entrance. He explained that the walkway would consist of pavers intended solely to provide emergency access and would not function as a driveway or parking area. Additional revisions

included protective awnings over the rear and side entrance landings to address snow accumulation concerns identified by the Fire Marshal. Because those covered landings would become attached to the building, they would be considered part of the principal structure rather than accessory improvements, thereby requiring additional side and rear yard setback variance relief. Mr. Portnoy emphasized that the footprint of the existing residence itself would not increase.

Mr. Portnoy then discussed the proposed parking layout. He testified that the Township zoning ordinance does not establish a parking standard specifically applicable to a mikvah. The site plan proposes seven parking spaces, including three tandem parking spaces intended for employees who would arrive before operating hours and depart after the facility closes. Those employees' vehicles would occupy the interior spaces while visitor vehicles would utilize the outer spaces. One ADA-compliant van-accessible parking space is also proposed in accordance with applicable accessibility requirements. Based upon the anticipated appointment scheduling system previously described, Mr. Portnoy testified that the proposed parking supply would adequately accommodate the expected level of activity. He noted that John Rea would provide additional professional testimony regarding parking demand and parking adequacy later in the hearing.

Addressing comments contained within the Board professionals' review letters, Mr. Portnoy testified that vehicle headlights would be directed toward the building in the same manner as a typical residential driveway and would not shine toward adjoining residential properties. He further explained that the applicant proposed installation of four- to six-foot-high solid vinyl fencing and evergreen landscaping along the western property line to provide additional screening for neighboring properties.

Mr. Portnoy testified that the applicant requested variance relief to permit parking spaces measuring 9 feet by 18 feet, whereas the ordinance requires 10-foot by 20-foot parking spaces for nonresidential uses. He explained that 9-foot by 18-foot parking spaces are recognized as the industry standard and are appropriate for a low-intensity use such as the proposed mikvah. In his professional opinion, the reduced parking dimensions would safely accommodate anticipated traffic while minimizing additional impervious coverage on the property.

Mr. Portnoy also testified that the applicant sought variance relief to permit parking five feet from the westerly side property line where the ordinance requires a ten-foot setback. He explained that the proposed screening fence and landscaping would buffer the adjacent residential property and stated that the applicant was willing to coordinate with the adjoining property owner regarding the specific landscaping materials to be installed. He further testified that variance relief was requested to permit parking within the required front yard setback. In his opinion, the proposed parking arrangement is consistent with the residential character of the neighborhood because vehicles would park within a driveway configuration like surrounding single-family homes.

Mr. Portnoy concluded this portion of his testimony by discussing building and lot coverage. He testified that the proposed building coverage would remain below the maximum permitted by ordinance, even after construction of the entrance awnings. The application, however, required variance relief for lot coverage. He explained that a difference of opinion existed regarding whether the proposed permeable paver walkways should be included when calculating lot coverage. While the Board Engineer's calculations treated the pavers as contributing to lot coverage, Mr. Portnoy testified that the permeable pavers permit stormwater infiltration and, in his opinion, should not be considered impervious in the same manner as traditional paved surfaces. Mr. Portnoy testified that, regardless of whether the Board accepted his interpretation of the ordinance, the applicant was requesting the necessary lot coverage variance. He explained that, even if the permeable pavers were included within the lot coverage calculation, the proposed system would effectively mitigate stormwater impacts because water would infiltrate directly through the pavers into the ground beneath the installation rather than create additional surface runoff. In his opinion, the proposed design represented a self-mitigating stormwater management feature that reduced the practical impacts typically associated with additional lot coverage.

Mr. Portnoy addressed the proposed lot coverage calculations and explained the basis for the applicant's requested variance. He testified that the zoning ordinance defines lot coverage as the surface area of a lot occupied by principal and accessory buildings and structures, parking areas, driveways, storage areas, and other improved surfaces. He explained that the applicant proposed permeable paver walkways rather than traditional paved surfaces and, in his professional opinion, those walkways should not be considered impervious because they allow stormwater to infiltrate directly into the underlying soil. He testified that the permeable pavers proposed for the project have a tested infiltration rate exceeding 700 inches per hour in accordance with applicable ASTM standards and are specifically designed to permit water to pass through the surface rather than run off the site.

As Mr. Portnoy discussed the technical characteristics of the permeable pavers, he further testified that, because stormwater passes through the pavers into the underlying soils, the proposed walkways function differently than conventional impervious pavement. He also referenced guidance utilized by the New Jersey Pinelands Commission and the United States Department of Agriculture Natural Resources Conservation Service, explaining that permeable pavement is treated differently from traditional impervious surfaces for stormwater purposes. Although the property is not located within the Pinelands Area, he offered those references as additional support for his professional opinion regarding the proposed permeable paving system.

Mr. Portnoy then addressed utility service for the property. He testified that the site is served by public water but not public sanitary sewer service. Wastewater would therefore continue to be handled through an on-site septic system. He explained that the applicant had applied to the Ocean County Health Department seeking approval to replace the existing septic system; however, the Health Department advised that it would not process the application until the

requested land use approvals had first been obtained from Manchester Township. Mr. Portnoy testified that the proposed replacement septic system would be designed in accordance with all applicable Ocean County Health Department requirements and would be installed only after receiving the necessary approvals.

Turning to landscaping, Mr. Portnoy testified that the applicant proposed additional evergreen plantings and other landscape improvements intended to supplement the existing residential character of the property while providing screening for adjoining residences. He explained that the proposed fencing and landscaping would work together to reduce the visibility of the parking area from neighboring properties and to address comments raised by the Board's professionals during their review of the application. He stated that the applicant remained willing to coordinate the final landscaping details with the Board's professionals during the plan review process should the application receive approval.

Ms. Jennings then asked Mr. Portnoy whether, based upon his review of the plans, the proposed improvements, and the applicant's agreement to the operational limitations previously described, he believed the requested site improvements could be constructed in a manner compatible with the surrounding residential neighborhood. Mr. Portnoy testified that, in his professional opinion, the proposed improvements represented a low-intensity use that would maintain the residential appearance of the property while accommodating the intended religious use. He stated that the exterior alterations were intentionally limited, the proposed parking was appropriate for the anticipated level of activity, and the combination of fencing, landscaping, and operational controls would minimize potential impacts upon neighboring properties.

Ms. Jennings concluded this portion of her direct examination by asking Mr. Portnoy.

Upon completion of Mr. Portnoy's direct testimony, Mr. Worth began his engineering review of the application. Referring to the proposed site improvements, he first confirmed that no freestanding commercial signage was proposed for the property. Mr. Portnoy testified that, other than the required accessible parking signage and any signage required by applicable codes, no exterior commercial signage was proposed. He reiterated that the applicant intended the property to maintain the appearance of a single-family residence despite its proposed use as a mikvah.

Mr. Worth next addressed the proposed site lighting. He asked whether any lighting beyond typical residential fixtures was planned for the property. Mr. Portnoy responded that lighting would be limited to fixtures located at the building entrances and beneath the proposed entrance awnings. No freestanding parking lot lighting or other commercial-style exterior lighting was proposed. He testified that the lighting plan was intended to provide safe access to the building during evening operating hours while remaining consistent with the surrounding residential neighborhood.

Turning to the proposed parking layout, Mr. Worth questioned the operation of the seven-space parking configuration shown on the site plan. He observed that three interior tandem spaces were

designated for employees or attendants, while the remaining spaces would be available for visitors. Mr. Worth expressed concern that vehicles backing from the visitor parking spaces could have their view of Ninth Avenue obstructed by vehicles occupying the interior tandem spaces. He asked Mr. Portnoy whether the proposed arrangement would allow motorists to enter the roadway safely.

Mr. Portnoy acknowledged the concern and explained that the interior tandem spaces were intentionally reserved for employees or attendants who would arrive before operating hours and leave after the facility closed. Because those vehicles would remain stationary during operating hours, visitor vehicles would not be delayed by employee movements. He testified that motorists exiting the site would exercise the same degree of caution expected when backing from residential driveways throughout the neighborhood. In his professional opinion, the proposed parking arrangement could operate safely. He further advised that Mr. Rea, the applicant's traffic engineering expert, would provide a detailed analysis of parking demand, traffic generation, and vehicle circulation later in the hearing.

Mr. Worth continued by asking whether the proposed landscaping shown on the revised site plan differed from the plans previously submitted to the Board. Mr. Portnoy confirmed that the landscape plan had been revised to provide additional screening along the western property line in response to comments received during the review process. He testified that the applicant remained willing to supplement the landscaping if requested by the Board and intended the fencing and evergreen plantings to provide an effective visual buffer between the parking area and adjoining residential properties.

Mr. Worth observed that the revised landscaping represented a positive improvement and emphasized the importance of maintaining adequate sight distance at the driveway entrance. Mr. Portnoy agreed that all landscaping within the required sight triangle would be maintained at an appropriate height so as not to interfere with motorists entering or exiting the property. He stated that the applicant would comply with any reasonable landscaping conditions imposed by the Board as part of an approval.

Mr. Worth continued his review by asking whether the applicant intended to provide additional engineering information supporting the proposed permeable paver system should the Board require it. Mr. Portnoy responded that the applicant was prepared to submit any additional calculations, technical specifications, or supporting documentation requested by the Board. He explained that the purpose of the additional information would be to demonstrate that the proposed paving system functions differently from conventional impervious pavement by allowing stormwater to infiltrate into the underlying soils. Mr. Portnoy reiterated that the applicant nevertheless sought the requested lot coverage variance regardless of the Board's ultimate interpretation of the ordinance.

Continuing his review, Mr. Worth asked about the status of outside agency approvals associated with the project. Mr. Portnoy testified that applications had been submitted to the appropriate reviewing agencies, including the Ocean County Health Department for the replacement septic system. He explained that the Health Department had advised the applicant that its review would proceed after the necessary municipal land use approvals had been obtained. He further testified that all required agency approvals would be secured before construction commenced and that any conditions imposed by those agencies would be incorporated into the final engineering plans.

Mr. Worth then inquired whether additional revisions to the engineering plans were anticipated because of comments received during the hearing. In response, Mr. Portnoy explained that the applicant had already revised the plans several times during the review process to address comments from the Board's professionals, including modifications to the landscaping plan, emergency access improvements requested by the Fire Marshal, and additional operational details reflected on the site plan. He advised that the applicant would continue working with the Board's professionals and was willing to make any additional reasonable revisions required as part of the approval process.

Satisfied that his engineering concerns had been addressed, Mr. Worth advised that his remaining comments could be resolved through routine plan revisions and compliance with any conditions imposed by the Board. He indicated that questions relating to traffic generation, parking demand, vehicle circulation, and traffic safety would be more appropriately addressed by the applicant's traffic engineering expert. Mr. Worth then concluded his review of Mr. Portnoy's engineering testimony.

Chairwoman Linda Fazio advised that, before opening the floor for questions from the Board, a brief recess had been requested.

Motion for recess made by Mr. Cook and seconded by Mr. Tedeschi, Roll Call: All in Favor.

Motion to return made by Mr. Cook and seconded by Mr. Tedeschi, Roll Call: All in Favor.

Before questions began, Christopher Reid, Esq., explained the order of the proceedings for the benefit of those in attendance. He advised that each professional witness would first complete direct testimony, followed by questions from the Board's professionals, members of the Board, counsel participating in the matter, and finally the public. Mr. Reid emphasized that public participation during each witness's testimony was limited to questions concerning that witness's testimony or exhibits introduced into evidence. He reminded those present that public comments and personal statements would be reserved until the conclusion of the testimony and requested that participants avoid arguments or debates so the hearing could proceed in an orderly and efficient manner.

Chairwoman Fazio then opened the floor for questions from the Board.

Nick Dickerson, Township Planner, advised that, because they had joined the matter after portions of the testimony had already been presented, some questions might relate to operational matters. The Board member explained that they were reviewing the Board Planner's October 24, 2025, memorandum page by page and asked to be advised if any question extended beyond the scope of the engineering testimony. Christopher Reid reminded the Board member that questions should be directed to the testimony before the Board rather than becoming additional testimony. Mr. Dickerson acknowledged the clarification and proceeded with questions concerning the engineering plans.

Mr. Dickerson first asked for clarification regarding the maximum number of staff members who would be present at the facility. Ms. Jennings responded that the testimony established a maximum of two staff members and noted that any apparent discrepancy resulted from testimony presented during a prior hearing. Mr. Dickerson explained that the question arose from differences noted while reviewing earlier testimony and continued with questions relating to the site plans.

Mr. Dickerson asked whether calculations had been provided for the existing building coverage shown on the plans. Mr. Portnoy responded that revised plans including those calculations could be provided. Mr. Dickerson also inquired about the height of the existing accessory structure. Mr. Portnoy testified that he had measured the structure and that its height was approximately 7.83 feet. Mr. Dickerson thanked Mr. Portnoy and noted that Jason Worth, P.E., had previously requested that information during the application review process. Mr. Dickerson also asked whether any proposed signage would comply with the Township's residential sign regulations. Mr. Portnoy responded that only residential-style address signage was contemplated and that it would comply with the applicable ordinance requirements. Mr. Dickerson then indicated that many remaining questions related to operational issues and would therefore be reserved for later witnesses.

Michelle Briehoff, P.E., Board Traffic Engineer, began her review of the application. Ms. Briehoff stated that she would defer questions concerning the adequacy of the proposed tandem parking arrangement until after the testimony of the applicant's traffic engineer. She first requested clarification regarding the landscaping depicted on Exhibit A-12, noting that the exhibit appeared to differ from the site plan previously submitted to the Board.

Referring to the eastern frontage of the property, Ms. Briehoff asked whether a fence was proposed in that location, explaining that it was difficult to determine from Exhibit A-12 whether a fence was shown. She also requested clarification regarding the type of landscaping proposed along the eastern frontage because of potential distance concerns for vehicles entering and exiting the driveway.

Mr. Portnoy asked whether Ms. Briehoff was referring to the eastern or western side of the property. Ms. Briehoff clarified that she was referring to the eastern side of the site, to the right

of the residence when viewed from Ninth Avenue. Mr. Portnoy responded that the applicant would work with the Board's professionals to address any concerns regarding the proposed landscaping and, if necessary, modify the plans accordingly.

Ms. Briehoff then asked specifically whether a fence was proposed along the eastern frontage. Mr. Portnoy testified that no fence was proposed in that location. When asked about the proposed evergreen plantings, he acknowledged that evergreen trees were shown on the plan but advised that, if the Board preferred, those plantings could be eliminated and replaced with shade trees or other landscaping more suitable to maintain visibility at the driveway entrance.

Ms. Briehoff explained that her concern related to the mature height of the proposed evergreen trees and whether they could obstruct visibility for motorists entering and exiting the site. Mr. Portnoy agreed to revise the plans as necessary and proposed adding a sight triangle to the plans for the Board's review. He further testified that the landscaping within the sight triangle would be limited to plantings that would not interfere with sight distance.

Having addressed her immediate concerns regarding landscaping and sight distance, Ms. Briehoff stated that she would reserve additional comments concerning the adequacy and safety of the proposed parking layout until after the testimony of the applicant's traffic engineer. Mr. Portnoy acknowledged that those matters would be addressed during the traffic engineer's testimony.

Chairwoman Fazio then recognized objector's counsel, Jeffrey Cheney, Esq., to begin his questioning of the witness.

Mr. Cheney, attorney with the law firm of Connell Foley, appearing on behalf of Thomas Hardel. Mr. Cheney returned to the discussion concerning the proposed permeable pavers. He noted that several definitions of impervious coverage had been discussed during the hearing and asked Mr. Portnoy to clarify which definition and calculation methodology the applicant was asking the Board to accept.

Mr. Portnoy testified that the applicant relied upon its interpretation that the proposed porous pavers did not meet the definition of impervious coverage under either the applicable stormwater regulations or the Township ordinance. He acknowledged that the land use ordinance did not contain a specific definition applicable to the proposed pavers and stated that the applicant would defer to the Board's professionals regarding the appropriate interpretation. He further acknowledged that, regardless of which definition the Board ultimately applied, the applicant would still require variance relief.

Mr. Cheney questioned Mr. Portnoy next regarding the manufacturer's specifications for the proposed permeable pavers, specifically referring to testimony that the pavers were capable of a flow rate of approximately 700 inches per hour. Mr. Portnoy confirmed that the figure was based

upon the manufacturer's testing documentation previously supplied to the Board's professionals for review.

Mr. Cheney then asked Mr. Portnoy to clarify his earlier testimony that the proposed pavers were "more porous than the ground." Mr. Portnoy explained that water would pass through the permeable paver surface into the underlying stone bed, where it would be temporarily stored before infiltrating into the native soils below. As a result, he testified that the proposed pavers would permit a greater volume of water to pass through the paved surface than would naturally infiltrate through the existing grass area.

Turning to the issue of parking, Mr. Cheney referred to the testimony that the proposed development would not increase parking requirements by more than five spaces and asked Mr. Portnoy to identify the existing parking baseline for the property. Mr. Portnoy responded that, because the property presently existed as a single-family residence, he would defer that question to the applicant's traffic engineer. When asked to explain how the application nevertheless satisfied the five-space threshold, Mr. Portnoy testified that the plan proposed seven parking spaces and again stated that the applicant's traffic engineer would explain how the parking requirement had been calculated.

Mr. Cheney then shifted his questioning to stormwater management. Referring to the proposed conversion of the existing residence, he asked how roof runoff and site runoff would be managed and whether the increase in effective impervious coverage required additional stormwater controls. Mr. Portnoy testified that the project did not constitute a major development under the applicable ordinance and, therefore, was not subject to the stormwater management requirements applicable to major developments. Nevertheless, he explained that the proposed porous pavers would function as a stormwater management measure by allowing runoff to infiltrate through the paved surface into the stone base below. He further testified that the applicant proposed installation of a dry well to manage runoff from approximately one-quarter of the roof area, with the remaining runoff being managed through the combined function of the porous paver system and the proposed dry well.

Continuing his cross-examination, Mr. Cheney questioned Mr. Portnoy regarding exterior mechanical equipment associated with the proposed mikvah. He asked whether the location of any exterior condensers, pumps, ventilation equipment, or similar HVAC components had been identified on the site plans. Ms. Jennings noted that Mr. Portnoy had not testified regarding those items. Mr. Portnoy further explained that the engineering plans did not identify any HVAC equipment and that such matters would fall within the architectural design of the project.

Mr. Cheney then turned to the proposed buffering of the site. Mr. Portnoy testified that the plans proposed a vinyl fence along the eastern property line within the front yard, consistent with the ordinance, increasing to a maximum permitted height adjacent to the building. He further testified that a row of evergreen plantings was proposed along that fence. Following comments

from Mr. Worth during the hearing, the applicant agreed to extend the evergreen buffer around the remainder of the rear and eastern property lines. Mr. Portnoy further testified that, where existing fencing was not already present and owned by the applicant, additional vinyl fencing would be installed in accordance with the ordinance.

Mr. Cheney asked Mr. Portnoy to identify the anticipated mature height of the proposed arborvitae plantings. Mr. Portnoy responded that he did not have that information available but confirmed that all proposed landscaping would be maintained by the applicant. Mr. Cheney then sought clarification regarding revisions to the buffering plan discussed during the hearing. Mr. Portnoy confirmed that the applicant had agreed to provide both fencing and additional plantings along the eastern property line.

Mr. Cheney next questioned whether the proposed building design satisfied the ordinance provisions requiring buildings to be attractive from all vantage points while maintaining a residential appearance. Ms. Jennings advised that the question concerned architectural design rather than engineering testimony and that Mr. Portnoy had not offered testimony regarding the architectural features of the building. Mr. Cheney acknowledged the clarification and proceeded to his remaining engineering questions.

Turning to the requested waiver from frontage improvements, Mr. Cheney confirmed that the applicant sought relief from the requirement to install curb and sidewalk improvements along the property frontage. Mr. Portnoy confirmed that the applicant was requesting a waiver from the sidewalk requirement. Mr. Cheney then questioned how stormwater runoff from the driveway would be managed without curbing. Mr. Portnoy testified that runoff from the proposed driveway would be discharged toward the street in the same manner as the existing driveway and similarly to other residential properties within the neighborhood where curbing was not present. He explained that the requested waiver would not alter the existing drainage pattern.

Mr. Cheney also questioned whether the proposed heated driveway could affect the rate of snowmelt and resulting runoff. Mr. Portnoy indicated that he could not offer an opinion regarding the effects of a heated driveway. Ms. Jennings stated that Mr. Portnoy was not an expert in heated driveway systems. Mr. Cheney accepted the explanation and concluded his cross-examination of Mr. Portnoy.

Chairwoman Fazio invited questions from the Board.

Ms. Apgar, Board Member, questioned Mr. Portnoy regarding existing conditions at the property. Ms. Apgar stated that she had observed an illuminated sign at the property displaying the address "1209 Ninth Avenue" and expressed concern that the appearance of the sign was more characteristic of a commercial property than a single-family residence. She also advised that she had observed significant flooding at the intersection of Oakdale Avenue and Ninth Avenue and asked whether the proposed development could contribute to existing drainage conditions in the area.

Mr. Portnoy testified that the proposed porous pavers and dry well were intended to manage the increase in stormwater runoff associated with the development. He further stated that, if requested, the applicant would prepare and submit a stormwater analysis for review by Mr. Worth.

Ms. Apgar then returned to the issue of exterior lighting and questioned whether the lighting proposed for the site would be more intensive than typical residential lighting. Mr. Portnoy responded that he could not comment on the existing lighting associated with the residence but reiterated that the applicant proposed only residential-style signage and lighting consistent with the applicable residential standards.

Ms. Apgar also questioned whether a handicap parking sign would be installed and expressed concern that required bollards could create a more commercial appearance. Mr. Portnoy testified that a handicap parking sign would be required and explained that the Fire Official had required protective bollards adjacent to the gas meter. He stated that the bollards would be located immediately adjacent to the building rather than near the street or parking area and would be screened with shrubs to maintain the residential character of the site. In response to Ms. Apgar's inquiry, Mr. Portnoy confirmed that the applicant was attempting to make the development appear as residential as possible.

Ms. Apgar next questioned the anticipated number of attendants at the facility, noting what she believed to be a discrepancy between testimony presented during the current hearing and testimony from the prior hearing. Ms. Jennings advised that staffing levels had not been part of Mr. Portnoy's testimony and suggested that the operations witness could address the issue if further clarification was necessary. Chairwoman Fazio observed that the question arose because Mr. Portnoy had referenced two attendants during his parking testimony. Mr. Reid directed that the question be asked, after which Mr. Portnoy deferred to the operational testimony, stating that staffing levels were outside the scope of his engineering testimony.

Ms. Jennings reminded the Board that, during her opening statement, the applicant had agreed to a condition limiting staffing to a maximum of two attendants and limiting occupancy to a maximum of three visitors at any one time. She explained that, based upon those agreed operational limitations, the proposed seven parking spaces, including one accessible space, were sufficient to accommodate the anticipated demand.

Mr. Worth then observed that, based upon those operational limitations, only two employee parking spaces appeared necessary and suggested that one parking space could potentially be eliminated, thereby reducing both impervious coverage and lot coverage. He also requested that the applicant supplement the plans to identify the location of all proposed exterior lighting, including fixture locations, photometric information, hours of operation, whether motion sensors would be utilized, and any anticipated off-site light spillage so the Board could verify the

residential character of the proposed lighting. Ms. Jennings agreed to provide the requested information and revised plans for the Board's review.

Mr. Hay, Board Member, questioned Mr. Portnoy regarding the proposed parking area and asked whether the ordinance required a stormwater detention basin, catch basin, or similar drainage structure in connection with the proposed parking improvements. Mr. Portnoy testified that no such facilities were required under the applicable ordinance.

Mr. Hay next questioned the proposed septic system, asking whether a specific location had been identified on the site and whether the septic system had been designed based upon the anticipated use of the facility. Mr. Portnoy testified that the septic system had been fully designed and that an application had been submitted to the Ocean County Health Department for review.

Mr. Cook asked Mr. Portnoy for clarification on the proposed location of the septic field on the site. Referring to the plans, Mr. Portnoy testified that the parking area was located on the west side of the property and that the proposed septic field would be located along the eastern frontage between the building and the street. He further testified that the proposed location corresponded with the location of the existing septic field serving the property.

Chairwoman Fazio then asked whether there were any additional questions from the Board. Dominick Tedeschi, Board Member, questioned Mr. Portnoy regarding the proposed exterior appearance of the building, specifically asking the color of the building façade. Mr. Portnoy responded that the question concerned the architectural design of the building and would be more appropriately addressed by the project architect. Mr. Tedeschi indicated that he had no further questions.

Joseph Pettino, Board Member, questioned Mr. Portnoy regarding the architectural plans, specifically asking whether the windows depicted on Exhibit A-2 indicated that a basement was proposed as part of the project. Ms. Jennings advised that the question concerned the architectural design of the building and had been addressed during the architect's testimony at the previous hearing.

Mr. Reid acknowledged that several questions raised during the Board's review pertained to testimony previously provided by the applicant's architect, operations witness, or traffic engineer. He explained that the applicant did not intend to recall those witnesses for the purpose of repeating testimony already presented but indicated that limited follow-up questions could be addressed if necessary. Mr. Reid encouraged the Board to review the transcript from the prior hearing for testimony previously presented and expressed the hope that the transcript from the current hearing would be available before the next hearing to avoid repetitive questioning. Ms. Jennings advised that she would attempt to make the transcript available, although its preparation was beyond her control.

Returning to the engineering testimony, Chairwoman Fazio questioned Mr. Portnoy regarding the design of the proposed septic system. She asked whether the system had been sized based upon the seven preparation rooms or upon the anticipated number of users. Mr. Portnoy testified that the septic system had been designed using anticipated daily flow, measured in gallons per day, based upon the projected daily usage of the facility rather than the number of preparation rooms. He explained that the calculations reflected total anticipated usage over the course of a day rather than simultaneous occupancy of the preparation rooms.

Chairwoman Fazio then asked Mr. Portnoy to identify the anticipated daily usage utilized in the septic calculations. Mr. Portnoy testified that the design was based upon a maximum anticipated usage of approximately eight attendees during an evening.

Ms. Jennings reminded the Board that extensive testimony had been presented during the previous hearing explaining the operation of the facility. She noted that one preparation room was designated as a bridal suite, another was designed to accommodate individuals with disabilities, and that the preparation rooms would not all be occupied simultaneously because each room would be cleaned between users.

Mr. Reid explained that the Board's questions were intended to better understand how the proposed septic design and operational characteristics of the mikvah differed from those of a typical single-family residence. He observed that the septic system would ultimately be reviewed by the Ocean County Health Department rather than the Township and suggested that additional testimony describing the operational aspects of the facility and the basis for the septic design would assist the Board in evaluating the application.

The discussion then turned to the operation of the mikvah itself, including the handling and filtration of the ritual bath water. Ms. Jennings- prior testimony that the mikvah functioned in a manner similar to a swimming pool and that the water was not discharged into the septic system. Mr. Reid emphasized that such testimony should be provided by the appropriate expert witness and asked Mr. Portnoy whether he was familiar with the operation of the filtration system. Mr. Portnoy deferred to the testimony previously provided by the project architect. Ms. Jennings confirmed that the mikvah water would not discharge into the septic system and explained that the water was filtered rather than discharged. When additional questions were raised concerning the sanitization of the mikvah water, Ms. Jennings again advised that those matters fell outside the scope of Mr. Portnoy's engineering testimony and had previously been addressed by the architect.

Mr. Worth noted a possible inconsistency between testimony presented during the current hearing and testimony from the previous hearing concerning the proposed hours of operation. Mr. Worth recalled that testimony presented during the prior hearing indicated the facility would operate for approximately one to two hours after sunset, whereas testimony presented during the

current hearing appeared to reference a longer operating period. He suggested that the transcript from the prior hearing be reviewed to verify the operational testimony.

Ms. Jennings referred to her notes from the prior hearing and stated that, according to the operational conditions she had summarized during her opening statement, the facility would begin operations at sunset and continue for approximately two to four hours. Mr. Worth will check transcript.

Finding no further questions from the Board, Chairwoman Fazio closed the Board's questioning of Mr. Portnoy and opened the meeting to questions from the public concerning the testimony presented during the evening's hearing.

Patrick Dambroski identified himself for the record and advised that he would attempt to avoid repeating questions previously asked. He first addressed questions to Mr. Worth concerning the characteristics of the surrounding neighborhood. Mr. Dambroski asked whether the subject property was located within one of the low-lying flood-prone areas commonly associated with the Pine Lake Park section of the Township. Mr. Worth responded that he did not believe the property was located within such an area but stated that he would verify that information.

Mr. Dambroski next asked Mr. Worth whether there were any other undersized lots on the subject block that had been developed. Mr. Worth testified that, based upon the Township tax map, there were undersized lots located on the block across the street but did not identify additional undersized lots on the subject block.

Turning to Mr. Portnoy's testimony, Mr. Dambroski questioned the buffering requirements applicable between residential and commercial uses. After a brief discussion regarding the scope of the question, Ms. Jennings reminded those present that public questions should relate to the testimony of the applicant's site engineer. Mr. Portnoy testified that no buffer was required for the proposed development under the applicable ordinance. When Mr. Dambroski asked about buffering requirements applicable in other zoning districts, Mr. Portnoy explained that, although he had previously identified zoning districts where buffers were required, he had not testified regarding the specific buffer widths applicable to those districts.

Mr. Dambroski then questioned the proximity of the subject property to nearby commercial zoning districts, including areas along Route 37 and Route 571, and asked whether the proposed use would be more appropriately located within a commercial area. Mr. Portnoy testified that he had not measured the distance from the property to a commercial zoning district. As Mr. Dambroski continued that line of questioning, Ms. Jennings advised that the question fell outside the scope of Mr. Portnoy's engineering testimony, and Chairwoman Fazio reminded the public that questions should relate to the testimony presented by the witness.

Mr. Dambroski next questioned Mr. Portnoy regarding comments previously attributed to the Fire Official. Mr. Portnoy identified Mike Martin as the individual who had provided the comments referenced during his testimony. When Mr. Dambroski questioned Mr. Martin's title, the discussion was clarified by members of the Board, with Mr. Reid confirming that Mr. Martin served as the Township Fire Marshal.

Returning to the engineering plans, Mr. Dambroski asked about the proposed 4-foot by 10-foot refuse enclosure shown on the site plan and questioned whether the enclosure was intended to accommodate commercial refuse containers. Mr. Portnoy testified that the enclosure was intended to accommodate standard residential refuse containers rather than commercial dumpsters.

Matt Cavalier identified himself for the record and questioned Mr. Portnoy regarding the relationship between the proposed site plan and the design of the mikvah. Mr. Cavalier first asked whether the site plans identified the location of the mikvah bath within the building. Mr. Portnoy testified that the bath was located within the building and, therefore, was not depicted on the site plan.

Mr. Cavalier next questioned whether the proposed septic system had been designed to account for the mikvah itself, including the size and operation of the ritual bath. Mr. Portnoy testified that the septic system had been designed based upon the anticipated use of the bathrooms and showers within the facility and was not sized based upon the design or operation of the mikvah. He explained that the design and operation of the ritual bath had been addressed during the architect's testimony rather than his engineering testimony.

Mr. Cavalier then asked whether the mikvah bath was discharged into the proposed septic system. Mr. Portnoy testified that the mikvah was not connected to the septic system.

Finally, Mr. Cavalier referred to the map previously presented depicting the locations of other mikvahs and questioned the relevance of that exhibit considering what he believed to be available commercial properties outside the Pine Lake Park section of the Township. Ms. Jennings responded that the question did not relate to Mr. Portnoy's engineering testimony and stated that the applicant would be required to appear before the Board for the requested approvals regardless of whether the proposed facility was in a commercial zoning district. Mr. Cavalier thanked the witness and concluded his questions.

Following the conclusion of Mr. Cavalier's questions, Mr. Reid addressed those in attendance regarding the public questioning process. He encouraged members of the public to consider their questions while listening to the testimony to avoid repeating matters that had already been addressed. Mr. Reid noted that several questions concerning the operation of the approximately 200-gallon mikvah bath had already been answered during the hearing and requested that future questions focus on matters not previously covered. He explained that doing so would allow the hearing to proceed more efficiently and avoid interrupting questioners when previously addressed topics were repeated.

Chris Barnes identified himself for the record and stated that he resided at 1201 Ninth Avenue, immediately adjacent to the subject property on the west side. Mr. Barnes first questioned Mr. Portnoy regarding stormwater runoff from the proposed parking area. Referring to the existing grade between the properties, he expressed concern that runoff could discharge onto the

adjoining property and asked whether that condition had been evaluated. Mr. Portnoy testified that the grading had been evaluated and acknowledged that minor revisions to the proposed grading might be necessary to ensure that stormwater would not discharge onto neighboring properties. He advised that the applicant would coordinate any necessary grading revisions with Mr. Worth.

Mr. Barnes next questioned the proposed dry well, asking whether it would be located at the northeast corner of the building. After Mr. Portnoy confirmed its location, Mr. Barnes observed that a dry well serving only that corner would appear to capture runoff from only a portion of the roof and questioned how runoff from the remaining roof areas would be managed. Mr. Portnoy explained that, while the proposed dry well would not directly receive runoff from every roof leader, the combination of the dry well and the proposed porous pavers would mitigate stormwater runoff throughout the site by allowing runoff to infiltrate before leaving the property.

Mr. Worth noted that the Township's residential ordinance typically requires roof leaders from all corners of the roof to be connected to the dry well system. Ms. Jennings agreed that the applicant would revise the plans, if necessary, to comply with that requirement.

Mr. Barnes then questioned the proposed septic system, asking whether the applicant intended to install a conventional septic system or an alternative treatment system requiring additional maintenance. Mr. Portnoy testified that the applicant proposed a conventional septic system and that no specialized treatment system was proposed.

Finally, Mr. Barnes addressed exterior lighting. He acknowledged the applicant's testimony that no commercial-style site lighting was proposed but advised that existing lighting associated with security cameras already produced some illumination onto the adjoining property. He requested that the proposed lighting be evaluated as part of the application, including the preparation of a lighting analysis. Chairwoman Fazio indicated that the requested information should be provided for the Board's review. Mr. Barnes thanked the Board and concluded his questions.

Mr. Damato identified himself for the record and questioned Mr. Portnoy regarding the proposed parking layout. Referring to the six-space parking arrangement discussed during the hearing, including the tandem parking configuration and the required accessible parking space, Mr. Damato questioned why additional parking spaces were necessary if the applicant had represented that the facility would be staffed by a maximum of two attendants and accommodate no more than three visitors at one time.

Before Mr. Portnoy responded, Mr. Worth clarified that, based upon the applicant's earlier testimony, one employee parking space had already been eliminated from the original layout, reducing the parking area from seven spaces to six, including the required accessible parking space. Mr. Damato acknowledged the clarification but questioned whether the parking area could be reduced further.

Mr. Portnoy explained that Mr. Damato was misunderstanding the tandem parking configuration. He testified that each tandem arrangement consisted of two individual parking spaces and that the revised layout provided a total of six parking spaces, including two tandem parking pairs and the remaining individual spaces.

Mr. Damato next questioned Mr. Portnoy regarding the proposed septic system and the previously referenced design capacity of 350 gallons per day. Mr. Portnoy clarified that the 350-gallon figure represented the design capacity of the septic system rather than the anticipated daily domestic water consumption. He further testified that the septic system had been designed in accordance with the applicable design criteria and that he had not calculated the total daily domestic water usage for the facility.

Mr. Damato then questioned whether the anticipated water usage associated with the preparation rooms could place additional demand on the Township's water supply. Mr. Portnoy responded that he had not performed those calculations but stated that the anticipated domestic water usage would be comparable to, and potentially less than, that of a typical single-family residence utilizing showers.

Mr. Damato expressed his opinion that the proposed use functioned more like a commercial use than residential use. Chairwoman Fazio reminded Mr. Damato that the public questioning period was intended for questions directed to the witness and requested that he confine his remarks to questions. Mr. Damato acknowledged the Chair's instruction and concluded this portion of his questioning.

Jean Marie Moustafa identified herself for the record and questioned Mr. Portnoy regarding the anticipated water usage associated with the proposed facility. Referring to periodic water restrictions experienced within Manchester Township, Ms. Moustafa questioned whether the applicant had calculated the maximum daily water consumption, including the anticipated use of the showers and the mikvah. Mr. Portnoy responded that the applicant would provide calculations identifying the anticipated domestic water usage for the facility.

Ms. Moustafa next questioned Mr. Portnoy regarding the proposed parking area and its compatibility with the surrounding residential neighborhood. She expressed the opinion that the size of the proposed parking area appeared more characteristic of a parking lot than a residential driveway and questioned how the proposed design would maintain the residential appearance of the property. Chairwoman Fazio reminded Ms. Moustafa to direct her questions to the witness.

Mr. Reid then addressed those in attendance, reminding everyone that the proceeding was quasi-judicial in nature and emphasizing the importance of allowing only one person to speak at a time so an accurate transcript could be prepared. He explained that members of the public would each have an opportunity to present their concerns and suggested that questions be directed to the witness's professional opinion rather than general comments.

Responding to Ms. Moustafa's question, Mr. Portnoy testified that the applicant had intentionally designed the parking area to avoid the appearance of a commercial parking lot. He explained that the proposed parking surface would consist of concrete with decorative paver bands delineating the individual parking spaces rather than traditional asphalt striping. He testified that the proposed design was intended to provide the required parking while maintaining a more residential appearance.

Ms. Moustafa then questioned whether the applicant had previously received approval for the application. Ms. Jennings clarified that the applicant had not received approval from the Board and explained that, during her opening statement, she had merely summarized conditions the applicant had voluntarily agreed to in the event the Board ultimately granted approval. Mr. Portnoy further clarified that the application had received conditional approval from the Ocean County Planning Board and explained that the Board's action on the application would remain subject to the County's review and approval where applicable.

Finally, Ms. Moustafa questioned how the proposed use could be characterized as residential if it would operate as a business. Ms. Jennings advised that the question was outside the scope of Mr. Portnoy's engineering testimony. Mr. Reid explained that questions concerning the planning aspects of the application and its relationship to the surrounding neighborhood would be more appropriately addressed by the applicant's planner. When Ms. Moustafa asked whether the planner would testify that evening, Mr. Reid advised that the planner would be available either later that evening or at a subsequent hearing. Ms. Moustafa thanked the Board and concluded her questions.

Mark Dennery identified himself for the record and questioned Mr. Portnoy regarding the anticipated operation of the proposed facility, expressing concern that the level of usage could affect parking demand. Mr. Reid advised that the question related to the operational testimony previously presented rather than Mr. Portnoy's engineering testimony. Ms. Jennings reiterated the applicant's prior testimony that the facility would operate after sunset, would serve women by appointment only, would be limited to members of the mikvah, and would accommodate no more than the previously testified number of users during any given operating period.

Mr. Dennery then questioned how membership would be established and whether members of the general public could utilize the facility. Ms. Jennings advised that those operational matters had been addressed during the prior hearing. Acknowledging that this was the first hearing he had attended, Mr. Dennery explained that he had not been present for the earlier testimony. Mr. Reid recognized that members of the public could not always attend every hearing and advised that questions concerning the operation of the facility would be more appropriately directed to the applicant's operations witness. He further explained that the public would have an opportunity to comment at the conclusion of the hearing and encouraged anyone unable to attend the entire proceeding to review the transcript from the prior hearing.

Mr. Dennery next questioned the appearance of the proposed building, expressing the opinion that the site plan depicted a development more characteristic of a commercial facility than a single-family residence. He also expressed concern regarding the potential effect of the development on the peaceful enjoyment of neighboring residential properties. Mr. Reid advised that those questions were more appropriately directed to the applicant's professional planner, who would testify regarding the planning and aesthetic aspects of the application. When Mr. Dennery indicated that he might not be able to remain for the planner's testimony, Chairwoman Fazio reminded him that the public questioning period was limited to questions rather than comments.

Continuing his questioning, Mr. Dennery referred to testimony concerning existing residential mikvahs and asked why the applicant was proposing a community mikvah requiring variances rather than utilizing the type of single-family residential mikvahs that already existed. Ms. Jennings advised that the question did not relate to engineering testimony and instead concerned the applicant's planning decisions. During the discussion, Ms. Jennings explained that community mikvahs served residents who could not reasonably construct private mikvahs within their own homes because of the significant cost associated with such facilities. She stated that the community facility allowed members to share the expense of constructing and maintaining the mikvah.

Mr. Dennery then questioned whether approval of the application could lead to additional community mikvahs being developed in the future and expressed concern regarding the potential long-term effects on traffic and the surrounding neighborhood. Mr. Reid explained that those broader planning considerations had not been evaluated by Mr. Portnoy as part of his engineering testimony and therefore could not be addressed by the witness. Mr. Dennery acknowledged the explanation, stating that his concern related to the future impact such facilities could have on the Township. Chairwoman Fazio thanked Mr. Dennery for his questions and concluded his participation.

Joe Renga identified himself for the record and questioned Mr. Portnoy regarding construction activity that had already commenced at the subject property. Mr. Renga asked whether construction had begun before the necessary land use approvals had been obtained. Mr. Portnoy testified that the construction underway related to the existing single-family residence and was not being performed pursuant to the pending application before the Board.

Ms. Jennings further explained that the property's current owner had previously obtained the necessary approvals and building permits to construct a private residential mikvah. She advised that the current applicant was seeking approval to acquire the property and convert the project into a community mikvah, which required the variances and approvals then before the Board. Mr. Renga questioned whether the applicant was attempting to modify an approval previously granted for a private facility. Mr. Reid reminded Mr. Renga that the public questioning should remain focused on Mr. Portnoy's engineering testimony.

Mr. Renga next sought clarification regarding the proposed facility, questioning whether the application involved multiple mikvah baths. Ms. Jennings responded that the application proposed a single mikvah bath. During the discussion, Mr. Worth clarified the operational layout previously presented during the first hearing, explaining that the facility would contain one mikvah bath together with seven preparation rooms equipped with typical bathroom fixtures used by patrons before entering the mikvah. He explained that the preparation rooms were separate from the mikvah itself and did not constitute multiple mikvah baths.

Mr. Renga then expressed concern regarding pedestrian safety, noting that the facility was intended to be within walking distance for users who would travel to the site after sunset. He questioned whether the applicant had considered the safety of pedestrians walking along the narrow, unlit neighborhood streets during evening hours. Mr. Portnoy responded that pedestrian access and the location of existing mikvahs had been discussed during the prior hearing. He explained that his engineering testimony had addressed the distances between the proposed facility and the surrounding neighborhood from an engineering standpoint.

Mr. Renga also questioned testimony he believed indicated that appointments could occur at ten-minute intervals. Mr. Portnoy responded that such operational matters were outside the scope of his testimony. Ms. Jennings reiterated that the applicant's operational testimony limited the facility to a maximum of eight users during an evening.

Finally, Mr. Renga questioned the illuminated sign presently located at the property and asked whether it would remain as part of the proposed development. Mr. Portnoy testified that he was not familiar with the existing sign but reiterated that any signage associated with the application would conform to the residential signage standards applicable to the property. Mr. Renga acknowledged the response and concluded his questions.

Michelle Manzella identified herself for the record and questioned Mr. Portnoy regarding the proposed parking facilities. Referring to Exhibit A-6 and the testimony concerning walking distances to existing mikvahs, Ms. Manzella asked why off-street parking was necessary if many users would be expected to walk to the facility. Mr. Portnoy testified that the operational aspects of the facility had been addressed during the prior hearing but explained that, while observant users would walk to the mikvah on the Sabbath when driving was prohibited, parking would be available for use during other operating periods. He further stated that individuals living nearby could also choose to walk rather than drive.

Ms. Manzella next questioned the dimensions of the proposed tandem parking spaces. Mr. Portnoy explained that each tandem parking arrangement consisted of two standard parking spaces aligned one behind the other and confirmed that the tandem configuration extended approximately 36 feet in length. In response to additional questions, he testified that the existing residence was set back approximately 45 feet from the street.

Turning to the proposed stormwater management improvements, Ms. Manzella asked whether the permeable pavers previously discussed would be installed throughout the parking area or only along the pedestrian walkways. Mr. Portnoy testified that the permeable pavers were proposed only for the walkways. He further explained that, in addition to the paver system, the applicant had agreed to revise the drainage design by directing all roof leaders from the building into the proposed dry well. He testified that this modification would capture roof runoff that presently discharged toward the street and would improve overall stormwater management on the site.

Ms. Manzella next questioned the operation of the mikvah water filtration system, comparing it to the maintenance of a residential swimming pool and asking how frequently the mikvah water would require replacement or backwashing. Mr. Portnoy testified that those matters had been addressed during the architect's testimony at the prior hearing. Ms. Jennings advised that the architect would be available to answer additional questions concerning the operation of the mikvah.

Ms. Manzella then questioned the application of residential and commercial ordinance standards to the proposed development. She expressed concern that the applicant frequently referred to residential design elements while simultaneously seeking approval for a nonresidential use within the R-10 Zone. Mr. Portnoy explained that the proposed use was nonresidential and that the applicant was required to comply with all ordinance standards applicable to nonresidential development. He further testified that certain commercial ordinance provisions discussed during the hearing, including buffering requirements, applied only within specified commercial zoning districts and therefore were not applicable to the subject property.

Mr. Worth then provided additional clarification regarding the applicable ordinance standards. He explained that the application sought approval for a nonresidential use within a residential zoning district and therefore required a use variance. He further explained that, although the applicable ordinance standards for a nonresidential use governed the application, the applicant had proposed several site design elements intended to preserve the residential character of the neighborhood, including residential-style lighting rather than typical commercial parking lot lighting. Mr. Worth observed that, notwithstanding those design choices, the Board would still require sufficient information, including lighting details, to evaluate the application's compliance with the applicable ordinance requirements. Ms. Manzella acknowledged the explanation and concluded her questions.

Richard Huntsiner identified himself for the record and advised that he had been a lifelong Pine Lake Park resident with many years of experience in the commercial swimming pool industry, including work involving bathhouse filtration systems. Based upon that experience, Mr. Huntsiner questioned Mr. Portnoy regarding the proposed dehumidification system for the mikvah, including the size and location of the equipment. Mr. Portnoy testified that those mechanical design elements had not been part of his engineering testimony.

Mr. Huntsiner next questioned the operation and maintenance of the mikvah filtration system, including the anticipated frequency of filter backwashing. Mr. Portnoy responded that those matters had been addressed during the architect's testimony at the previous hearing and were outside the scope of his engineering testimony.

Mr. Huntsiner then advised that, because his work schedule prevented him from attending every hearing, he wished to obtain a copy of the prior hearing transcript. Chairwoman Fazio advised that transcript requests could be made through the Township, and the Board Secretary explained that a copy of the transcript could be requested from the Municipal Clerk's Office through the Open Public Records Act (OPRA) process.

Turning to site lighting, Mr. Huntsiner expressed concern that residential-style lighting could nevertheless generate significant illumination affecting neighboring properties if numerous fixtures were installed on the building. He questioned when the proposed lighting plan would be submitted for review. Mr. Portnoy testified that the applicant had agreed to prepare a lighting plan identifying the proposed exterior lighting and to submit it to Mr. Worth for review. Mr. Huntsiner thanked the Board and concluded his questions.

Courtney Bottone identified herself for the record and questioned Mr. Portnoy regarding his testimony concerning walking distances between the proposed mikvah and other existing facilities. Referring to the exhibits presented during the hearing, Ms. Bottone asked how he had determined that Pine Lake Park was a "walkable" community for purposes of comparing the proposed facility with other Mikvah locations.

Mr. Portnoy testified that his presentation was limited to calculating and presenting walking distances between the proposed site and existing mikvahs. He explained that he had not offered an engineering opinion regarding whether those distances or routes should be considered "walkable" and had not evaluated the walking conditions within the neighborhood.

Ms. Bottone next questioned whether the proposed mikvah would be listed on the same public website that identified other existing mikvahs referenced during the hearing. Ms. Jennings advised that the question was outside the scope of Mr. Portnoy's engineering testimony. Ms. Bottone indicated that she had no further questions on that subject.

Ms. Bottone then attempted to question Mr. Portnoy regarding another nearby building visible from Ninth Avenue, asking about its use and whether it was residential in nature. Chairwoman Fazio reminded Ms. Bottone that the public questioning period was limited to matters relating to Mr. Portnoy's engineering testimony presented that evening. As the additional questions concerned matters outside the scope of the witness's testimony, no further response was provided. Chairwoman Fazio thanked Ms. Bottone and recognized the next speaker.

Colleen Goetz identified herself for the record and questioned Mr. Portnoy regarding anticipated water usage at the facility. Referring to seasonal water restrictions experienced within the

Township, Ms. Goetz asked whether water usage during the Sabbath had been considered in calculating the anticipated demand on the proposed septic system and overall water consumption.

Chairwoman Fazio noted that the question appeared to relate to the facility's operation rather than the engineering testimony. Mr. Portnoy nevertheless responded by referring to the operational testimony presented during the prior hearing. He explained that, according to that testimony, less water would be used during the Sabbath because users completed their preparation activities earlier, resulting in reduced shower usage on Friday evenings compared to other operating days. Ms. Goetz thanked Mr. Portnoy and concluded her questions.

Kirk Goebel identified himself for the record and questioned Mr. Portnoy regarding several aspects of the applicant's engineering testimony. Mr. Goebel first sought clarification regarding the number of anticipated users and the proposed site improvements, including whether any sidewalks were proposed as part of the application. Mr. Portnoy clarified that the anticipated number of users had been summarized by Ms. Jennings during her opening statement and confirmed that no new sidewalks were proposed because none presently existed along the property frontage.

Mr. Goebel next questioned whether the proposed landscaping adjacent to the driveway could obstruct motorists' visibility when exiting the site. Mr. Portnoy testified that the proposed landscaping would be reviewed with the Board's Traffic Engineer to ensure that appropriate sight distances were maintained and that any necessary revisions would be made.

Mr. Goebel then challenged the applicant's testimony concerning the extent of site disturbance. Referring to the plans before the Board, he questioned Mr. Portnoy's testimony that the project involved less than 5,000 square feet of disturbance, asserting that the plans appeared to depict disturbance over a substantially larger portion of the property. Mr. Portnoy responded that the exhibit being discussed was not intended to represent the final disturbance calculations and testified that the applicant would submit a detailed disturbance exhibit for review by Mr. Worth.

Mr. Goebel continued to question whether the proposed grading, landscaping, drainage improvements, and stormwater facilities would result in disturbance exceeding the 5,000-square-foot threshold applicable to the project. Mr. Portnoy acknowledged that the applicant would provide revised disturbance calculations and supporting documentation for review.

Mr. Worth clarified that the applicant would be required to identify precisely those portions of the property proposed to be disturbed and those areas that would remain undisturbed. During the discussion, Mr. Portnoy acknowledged that one of the exhibits under review did not accurately depict the proposed disturbance limits. Mr. Goebel requested that Mr. Worth carefully review the applicant's revised disturbance calculations before the Board considered the application further. Mr. Worth agreed and advised that his review could result in modifications to the site plan if necessary to ensure compliance with the applicable ordinance requirements.

Mr. Goebel thanked the Board and concluded his questions. Chairwoman Fazio then determined that no further members of the public wished to question the witness and closed the public questioning portion of Mr. Portnoy's testimony.

Before proceeding, Mr. Reid advised those present that Mr. Tedeschi would be stepping down from further participation in the matter. He reminded everyone that any Board member who had not been present for portions of the hearing would be required to review the audio recordings or transcripts before participating further in the application, consistent with the Board's procedures.

Ms. Jennings, called John Rea as the applicant's traffic engineering expert.

Mr. Rea identified himself for the record, stating that he resided at 1431 Lakewood Road, Manasquan, New Jersey. After being duly sworn, Mr. Rea testified regarding his professional qualifications. He stated that he was a licensed Professional Engineer specializing in traffic engineering, had practiced traffic engineering in New Jersey for approximately forty years, held a Bachelor of Science degree in Civil Engineering from the New Jersey Institute of Technology and a Master's degree in Transportation Engineering from New York University, and had previously testified before numerous planning and zoning boards throughout the State. Chairwoman Fazio accepted Mr. Rea as an expert in the field of traffic engineering.

Continuing her direct examination, Ms. Jennings established that Mr. Rea had personally visited the subject property and surrounding neighborhood, reviewed the applicant's plans, attended both the previous and current hearings, and listened to the testimony and questions presented by Board members and members of the public.

Mr. Rea first addressed parking demand associated with the proposed use. Relying upon the operational testimony previously presented, he testified that the facility would be staffed by a maximum of two attendants and accommodate no more than three visitors at any one time, for a maximum occupancy of five people. He explained that the original parking layout had been designed with seven spaces to provide flexibility for early arrivals and overlapping appointments. Based upon the discussion during the hearing, he understood that the applicant intended to reduce the parking supply to six spaces and testified that six parking spaces would remain sufficient to accommodate the anticipated demand.

Mr. Rea next addressed the anticipated traffic generated by the proposed facility. Based upon the operational testimony, he estimated that the facility would typically accommodate approximately six visitors during an operating day, resulting in approximately twelve vehicle trips, together with four additional trips generated by the two attendants, for an estimated total of approximately sixteen daily vehicle trips. He testified that a typical single-family residence generally generates approximately ten daily vehicle trips and concluded that the proposed use would not create a significant traffic impact. He further observed that certain uses already permitted within the zoning district, including houses of worship, could reasonably be expected to generate substantially greater traffic volumes than the proposed mikvah.

Mr. Rea also addressed questions raised during the hearing concerning vehicle maneuvering and sight distance. He testified that vehicles existing the proposed tandem parking spaces could do so safely and compared the maneuver to backing from a parking space within a conventional parking lot, although with fewer adjacent vehicles. He further agreed that the proposed landscaping should not obstruct visibility and testified that the applicant would submit a revised landscaping plan demonstrating that all vegetation within the required sight triangle would be maintained at a height of thirty inches or less to preserve adequate sight distance.

Finally, Mr. Rea addressed the proposed tandem parking arrangement. He testified that tandem parking configurations are commonly utilized in residential developments, including townhome and apartment communities, and expressed the opinion that the proposed arrangement would operate safely. He further explained that assigning the tandem spaces to the facility's attendants would allow the remaining parking spaces to remain readily available for visitors using the mikvah. Ms. Jennings concluded her direct examination.

Following the conclusion of direct examination, Ms. Briehoff, the Board's Traffic Engineer, questioned Mr. Rea regarding several aspects of his traffic testimony.

Ms. Briehoff first requested that the applicant prepare and submit a formal written statement of operations describing the proposed operation of the facility, including the maximum number of attendants, the maximum number of visitors permitted at any one time, and other operational details discussed during the hearings. She explained that, although portions of the operational testimony had been presented during the previous hearing, a written statement would provide the Board with a clear and complete record of the proposed operation.

Ms. Briehoff also requested that the applicant memorialize its commitment to maintain all landscaping located within the required sight triangle at a height of less than thirty inches to preserve adequate visibility for vehicles entering and leaving the site. Mr. Rea agreed to both requests. Ms. Briehoff noted that, from a traffic engineering standpoint, her primary concern involved maintaining safe sight distance at the driveway rather than the overall traffic volume generated by the proposed use.

Ms. Briehoff then questioned Mr. Rea regarding the basis for his testimony that a typical single-family residence generates approximately ten vehicle trips per day. Mr. Rea testified that the estimate was derived from the Institute of Transportation Engineers (ITE) Trip Generation Manual, which is also utilized by the State of New Jersey in applying the Residential Site Improvement Standards.

Ms. Briehoff next revisited the proposed tandem parking arrangement. She noted that the proposed driveway connected directly to a residential street rather than to the internal drive aisle of a commercial parking lot and questioned whether that distinction affected Mr. Rea's opinion regarding traffic safety. Mr. Rea acknowledged the difference in roadway characteristics but maintained his professional opinion that backing from the proposed tandem parking spaces

would be a safe maneuver when performed with appropriate caution, comparing the movement to backing from parking spaces in larger commercial parking facilities.

Finally, Ms. Briehoff questioned how the applicant intended to manage parking if visitors arrived before scheduled appointment times, noting that no on-street parking was proposed as part of the application. Mr. Rea confirmed that the application did not include on-street parking and explained that parking management would be governed through the facility's operational procedures. He further testified that, although on-street parking was presently permitted, the Township Committee retained the authority to impose parking restrictions in the future if conditions are warranted. Ms. Briehoff thanked Mr. Rea and concluded her questions.

Following direct examination, Mr. Cheney, attorney for the objector, cross-examined Mr. Rea regarding his traffic engineering opinions.

Mr. Cheney first questioned Mr. Rea concerning the proposed parking space dimensions. He noted that nonresidential developments within Manchester Township generally require parking spaces measuring 10 feet by 20 feet and asked whether the proposed 9-foot by 18-foot parking spaces were appropriate for the application. Mr. Rea acknowledged the Township's standard but testified that, in his professional opinion, 9-foot by 18-foot parking spaces were adequate for the proposed use because the facility would not generate the type of activity associated with larger commercial developments, such as shopping centers or supermarkets. He further testified that the use of tandem parking spaces did not alter his opinion regarding the adequacy of the proposed parking dimensions.

Mr. Cheney next questioned Mr. Rea regarding pedestrian safety. Referring to the proposed operation of the facility, he asked whether the anticipated pedestrian activity associated with the mikvah presented any greater safety concerns than those associated with a neighboring residence. Mr. Rea testified that he did not believe the proposed use created a greater pedestrian safety risk and noted that residents already walked throughout the Pine Lake Park neighborhood. He further stated that, in his opinion, it would be safer for nearby residents to walk to the proposed facility than to travel to more distant mikvahs located along or near major roadways.

Turning to the proposed operations, Mr. Cheney questioned whether the appointment system included any physical controls to prevent visitors from arriving early or creating overlapping appointments that could affect parking demand. Mr. Rea testified that, based upon his discussions with the applicant's operations representative, appointments would be staggered to minimize the likelihood of overlapping arrivals. He acknowledged that additional testimony concerning the operation of the appointment system would be provided by the applicant's operations witness.

Mr. Cheney questioned the assumptions underlying Mr. Rea's traffic generation analysis. Mr. Rea testified that pedestrian trips would reduce the number of vehicle trips generated by the

facility and further stated that, because observant users would walk on Friday evenings, vehicular traffic would be reduced during those periods.

Mr. Cheney also questioned whether delivery vehicles had been considered in the traffic analysis and whether adequate accommodation was provided for such vehicles. Mr. Rea testified that anticipated deliveries would consist primarily of routine package deliveries by carriers such as UPS and FedEx and would generally occur during daytime hours when the facility was not operating. He acknowledged that no separate loading area was proposed but testified that he did not anticipate delivery activity would create a traffic concern. When questioned regarding emergency vehicle access, Mr. Rea stated that the proposed layout had been reviewed by the Fire Official and understood that the necessary approvals had been obtained.

Finally, Mr. Cheney questioned whether any analysis had been performed regarding prevailing traffic speeds on the surrounding residential streets. Mr. Rea testified that Pine Lake Park's grid street network and staggered stop sign configuration tended to moderate vehicle speeds. He acknowledged that speeding could occur in any residential neighborhood but did not believe it altered his overall opinion concerning the traffic safety of the proposed development. Mr. Cheney advised that he had no further questions.

Chairwoman Fazio opened the questioning by the Board.

Ms. Apgar questioned Mr. Rea regarding pedestrian safety, expressing concern that individuals walking to the mikvah after dark could be at risk and asking whether reflective clothing could be recommended or required for patrons. Mr. Rea responded that such operational matters were beyond the scope of his responsibilities as the applicant's traffic engineer. Ms. Apgar acknowledged that her suggestion was intended as a safety measure to help prevent pedestrians from being struck by vehicles. Mr. Rea reiterated that, while he understood the concern, he could not offer an opinion regarding such operational requirements.

Ms. Apgar then questioned Mr. Rea regarding his comparison of the proposed mikvah to other religious uses, including churches, synagogues, and mosques. She expressed concern that approval of the application could encourage similar nonresidential or religious uses to seek approval within residential neighborhoods, potentially resulting in increased traffic and parking demands over time.

Mr. Rea advised that his professional role was limited to evaluating traffic impacts associated with the specific application before the Board and that his opinions were based solely upon the anticipated traffic generated by the proposed use.

Ms. Jennings clarified that any approval granted by the Board would apply only to the specific application and congregation before the Board. She explained that any future proposal by another religious organization or for another use would require its own application and independent review by the Board based upon the facts and circumstances of that proposal.

Ms. Apgar reiterated her concern regarding the potential cumulative effect of similar applications within Pine Lake Park. Chairwoman Fazio responded that each application must be evaluated individually on its own merits and emphasized that the Board's consideration that evening was limited to the traffic impacts associated with the proposed mikvah based upon the evidence presented. Ms. Apgar acknowledged the Chair's explanation, and the questioning concluded.

Mr. Cook questioned Mr. Rea regarding the scope of his traffic analysis, noting that many traffic reports presented to the Board included projections of future traffic conditions. The Board member asked why the analysis for the proposed application did not include a projection of future traffic growth.

Mr. Rea explained that long-range traffic projections are typically prepared for larger developments, such as office buildings, townhouse developments, apartment complexes, or other projects expected to generate substantial traffic increases over time. As an example, he referenced a recently approved apartment development near Route 37 that required a ten-year traffic projection as part of the review process. He testified that such an analysis was unnecessary for the proposed mikvah because the anticipated traffic generation was known and expected to remain relatively constant. Mr. Rea further noted that Pine Lake Park was a substantially built-out neighborhood and, absent significant redevelopment, he did not anticipate future changes that would materially affect his traffic analysis.

Mr. Cook thanked Mr. Rea for the explanation. Chairwoman Fazio then asked whether there were any additional questions from the Board. Hearing none, she announced that the Board would open the hearing for questions from the public directed to the traffic engineer.

Chris Lawrence, a member of the public, questioned Mr. Rea regarding his traffic generation analysis. Referring to Mr. Rea's testimony that a typical single-family residence generates approximately ten vehicle trips per day, Mr. Lawrence noted that Mr. Rea had estimated the proposed mikvah would generate approximately sixteen trips per day. He asked whether the proposed use would therefore increase traffic on Ninth Avenue.

Mr. Rea acknowledged that the proposed use would result in approximately six additional vehicle trips per day compared to a typical single-family residence.

Mr. Lawrence further observed that, unlike the traffic associated with a residence, which is generally distributed throughout the day, traffic generated by the proposed mikvah would be concentrated after sunset during its hours of operation. He questioned whether that concentration of vehicle trips, particularly during periods when residents were returning home from work and sunset occurred earlier in the day, had been considered in the traffic analysis.

Mr. Rea agreed that the traffic associated with the proposed use would be concentrated during the facility's operating hours after sunset. He noted, however, that the facility would generate little or no traffic during much of the daytime and testified that, even with the concentration of

trips during the evening, he considered the resulting impact on the surrounding neighborhood to be minimal.

Mr. Lawrence acknowledged Mr. Rea's response, stated that his questions had been answered, and concluded his examination.

Michelle Manzella, a member of the public, questioned Mr. Rea regarding the assumptions underlying his traffic analysis. She asked how the applicant could ensure that the projected traffic volumes would remain unchanged if the use expanded in the future. Mr. Rea responded that no traffic projection could be guaranteed and explained that his opinions were based upon the applicant's stated operations, as presented during the hearings and reflected in the proposed Statement of Operations.

Ms. Manzella next questioned the operation of the proposed tandem parking arrangement during an emergency, asking how a blocked vehicle could exit if the owner of the vehicle parked behind it was inside the facility. Mr. Rea testified that, because only a small number of people would be present in the building at any one time, the occupants would know whose vehicles were parked in the tandem spaces and could move the blocking vehicle if necessary. He noted that tandem parking was a common parking arrangement.

Ms. Manzella also asked whether any activities or events associated with the mikvah, including bridal use, would generate additional traffic beyond that described in the applicant's operational testimony. Mr. Rea testified that no such additional activities were anticipated. Ms. Jennings clarified that use of the bridal suite was private to the bride and was not intended for gatherings or parties.

Ms. Manzella then questioned whether outside service providers, including water treatment or similar maintenance personnel, would generate additional traffic. After the Chair determined that broader operational questions were outside the scope of the witness's testimony, Mr. Rea responded that any such services would likely result in only an occasional additional trip. Mr. Worth asked where service vehicles would park. Mr. Rea testified that such work would be scheduled during daytime hours when the facility was not operating and that service personnel could utilize the on-site parking spaces.

Ms. Manzella next questioned whether early arrivals or longer-than-anticipated appointments could result in parking overflow onto neighboring properties or surrounding streets. Mr. Rea testified that, based upon the applicant's proposed operations, he believed the likelihood of such an occurrence was minimal. He further noted that, if on-street parking later became problematic, the Township governing body retained the authority to establish parking restrictions and enforce them through appropriate measures.

Seeking clarification, Ms. Manzella asked whether the facility would accommodate five or eight people at one time. Mr. Rea explained that no more than five individuals would occupy the

building simultaneously, while up to eight appointments could be scheduled over the course of an evening through staggered appointment times. Ms. Manzella observed that the resulting vehicle movements would therefore occur primarily during nighttime hours and could be disruptive to neighboring residents. Mr. Rea acknowledged that the traffic associated with the facility would occur during the evening operating hours.

Finally, Mr. Worth asked whether the applicant would object if, at some future date, the Township determined that parking restrictions should be established along the roadway because of conditions associated with the use. Mr. Rea stated that he could not answer that question on behalf of the applicant and indicated that the matter would have to be addressed by the applicant's representatives.

Kirk Goebel, a member of the public, questioned Mr. Rea regarding pedestrian safety and the applicant's request for a waiver from the sidewalk requirement. Referring to testimony that the proposed mikvah would provide a safer walking destination for residents of Pine Lake Park than more distant facilities located along County roadways, Mr. Goebel asked why the applicant was simultaneously requesting a waiver from constructing sidewalks.

Mr. Rea responded that there were no existing sidewalks in the surrounding neighborhood and testified that, in his professional opinion, sidewalks were not warranted under the circumstances. He explained that the proposed site design did not lend itself to sidewalk construction in the manner suggested and reiterated that the request for a sidewalk waiver reflected the character of the surrounding area.

Mr. Goebel then attempted to ask whether the Board should consider requiring sidewalks as a condition of approval. Chairwoman Fazio advised that questions during this portion of the hearing were limited to cross-examination of the traffic expert rather than requests directed to the Board. Mr. Reid further explained that Mr. Goebel would have the opportunity to raise such recommendations during the public comment portion of the hearing.

Returning to Mr. Rea's testimony, Mr. Goebel asked whether there was a threshold level of pedestrian traffic that would warrant installation of sidewalks or other pedestrian improvements. Mr. Rea testified that such improvements are generally associated with busy commercial areas or locations where substantial numbers of pedestrians regularly cross roadways, such as between residential developments and shopping centers. He stated that, in his professional opinion, the anticipated pedestrian activity associated with the proposed mikvah did not justify those types of pedestrian facilities.

Jean Marie Moustafa, a member of the public, questioned Mr. Rea regarding the adequacy of the proposed tandem parking spaces. Referring to the anticipated use of larger passenger vehicles, including minivans, she expressed concern that two vehicles parked in tandem might extend into the street because motorists typically leave space between vehicles rather than parking bumper-to-bumper.

Mr. Rea responded that the proposed 9-foot by 18-foot parking spaces conformed to the Residential Site Improvement Standards and represented the standard parking stall dimensions used for most passenger vehicles. He acknowledged that motorists generally leave some distance between vehicles but testified that the proposed tandem spaces provided sufficient length to accommodate typical vehicles without encroaching into the roadway. While he stated that he could not guarantee that encroachment would never occur, he testified that the standard parking dimensions were intended to accommodate the vehicles commonly found on today's roadways and that roadway encroachment should not occur under normal conditions.

Ms. Moustafa continued to question whether the tandem parking configuration, combined with the narrow residential street, increased the likelihood of vehicles extending into the roadway. Mr. Rea reiterated that the proposed parking dimensions were appropriate for the intended use and maintained his opinion that the design was adequate.

Ms. Moustafa then questioned Mr. Rea's earlier comparison of the proposed mikvah to churches. She noted that there were no churches located within Pine Lake Park and asked how that comparison was relevant to the application. Mr. Rea clarified that he was referring to traffic studies he had prepared for churches of comparable building size, explaining that those facilities typically accommodated substantially more occupants at one time than the maximum of five people anticipated within the proposed mikvah. Chairwoman Fazio thanked the speaker and concluded the questioning.

Patric Dambroski, a member of the public, questioned Mr. Rea regarding the installation of traffic signals within Pine Lake Park. Referring to recent traffic signal installations in the neighborhood, he asked what conditions or criteria must be satisfied before a new traffic signal is warranted.

Mr. Rea explained that traffic signal installations are based upon established engineering warrants. He testified that traffic counts are conducted at an intersection and compared against nationally recognized traffic signal warrants. If the required traffic volumes and other applicable criteria are met, the appropriate reviewing agency, such as the County or the New Jersey Department of Transportation, may approve installation of a traffic signal. If the warrants are not satisfied, a signal generally would not be approved.

Mr. Dambroski then asked whether the recent installation of a traffic signal at Commonwealth Boulevard suggested that increasing traffic volumes or population density within the neighborhood had justified the improvement. Mr. Rea responded that the population had likely existed for some time and suggested that the County had simply reached the point of addressing the intersection based upon the applicable traffic warrant analysis. Mr. Dambroski thanked the witness, concluding his questions.

Chairwoman Fazio announced that, there being no further questions from the public for the traffic engineer, that portion of the hearing was closed. She then turned to Board business and

requested a motion to adjourn the meeting. A motion was made, seconded, and approved by those present.

Before the meeting was formally concluded, Ms. Jennings requested that the continuation of the application be carried to the November 20 meeting without requiring additional public notice. She asserted that, because the matter had been carried to a certain date during the public meeting, additional notice under the Municipal Land Use Law was not required and noted the expense associated with re-noticing the application.

Mr. Reid expressed a different view, observing that the hearing had been conducted as a special meeting attended by several hundred members of the public. He stated that, although he understood Ms. Jennings' legal position, he preferred that the applicant provide additional public notice of the continued hearing to avoid any potential jurisdictional challenge arising from the special meeting status. Mr. Reid emphasized that the decision whether to re-notice the hearing rested with the applicant and its counsel and that any risk associated with proceeding without additional notice would likewise rest with the applicant.

During the discussion, members of the audience attempted to participate. Mr. Reid directed the audience to refrain from interrupting the proceedings and requested that everyone allow the Board to complete its business in an orderly manner. He reiterated that the issue of providing additional notice was a legal matter between the applicant and the Board and that public interruptions would not assist in resolving the issue.

A Board member inquired whether formal Board action was required regarding additional notice. Chairwoman Fazio stated that she believed the applicant should provide renewed notice of the continued hearing. Mr. Reid responded that the Board did not possess the authority to require the applicant to provide additional notice if the applicant elected to rely upon its legal position under the Municipal Land Use Law. He again stated that, while he personally recommended providing renewed notice, the decision ultimately belonged to the applicant.

Chairwoman Fazio then returned to the pending motion to adjourn. Ms. Mathioudakis advised that the motion and second had already been made by Mr. Cook and Mr. Galbreath.

Adjournment: The meeting was adjourned at 10:22 p.m. on motion by W. Cook and seconded by S. Galbreath. All in favor.

Respectfully submitted,

Erin Mathioudakis
Zoning Board Secretary