**MANCHESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT**
**SPECIAL MEETING**
**Thursday, January 29, 2026**

**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 Vice Chairman William Cook

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: W. Cook (noted as Chairman for this evening), G. Georgiano, D. Tedeschi, G. Apgar, J. Petito, J. Markowski, N. Charlton
   Members Absent: B. Hay

Also Present: Nick Dickerson, Township Planner, Jason Worth, Board Engineer, and Debra Rumpf, Board Attorney

APPLICATION

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

Chairman Cook outlined the procedures governing the hearing, emphasizing that questions and comments must be relevant to matters within the Board's jurisdiction. Public questions would be permitted following each witness's testimony and limited to the subject matter presented, with a separate public comment period at the conclusion of testimony. The Chairman advised that no new testimony would be accepted after 10:00 p.m., unless a majority of the Board agreed to continue, and that the meeting would conclude no later than 10:30 p.m. He further directed attendees to maintain order throughout the proceedings.

The Board continued its consideration of the application of Congregation Mikvah of PLP, Case No. 24-48, concerning Block 1.186, Lot 39, located at 1209 Ninth Avenue.

Ms. Jennings appeared on behalf of the applicant and noted that three prior public hearings had been conducted, during which the applicant presented testimony from its engineer, architect,

traffic engineer, and operations representative. She advised that the applicant's final witness would be a professional planner addressing the requested use and bulk variances, including the positive and negative criteria applicable to the requested relief.

Ms. Cofone was sworn and presented her professional qualifications as a licensed New Jersey professional planner with approximately 30 years of experience. She described her prior appearances before planning and zoning boards throughout New Jersey, including Manchester Township, her teaching responsibilities through the Rutgers Center for Government Services, her work as a court-appointed affordable housing special adjudicator, and her municipal planning experience. The Board accepted her qualifications as an expert in professional planning.

Ms. Cofone stated that, in preparation for her testimony, she had visited the subject property several times with the applicant and reviewed the Township's Master Plan, zoning ordinance, application materials, supporting submissions, and professional review letters prepared by Mr. Worth and Mr. Dickerson.

Ms. Cofone acknowledged that a use variance was required because a mikvah is not expressly permitted in the R-10 zone. Referring to page 13 of Mr. Dickerson’s November 18, 2025, review letter, she addressed the three considerations identified for determining whether the proposed facility qualifies as an inherently beneficial use.

Regarding the nature and function of the proposed use, Ms. Cofone relied upon Mr. Bloch’s prior testimony describing a mikvah as a religious ritual bath integral to Orthodox Jewish religious practice. She emphasized that the practice has existed for thousands of years and that the proposed facility is not commercial in nature. She further noted that the applicant's land development application classified the proposed construction under “other,” identifying it as a mikvah, or religious ritual bath, rather than a residential or commercial use.

Addressing the relationship between the facility and its religious purpose, Ms. Cofone testified that a mikvah is an essential component of observant Jewish religious life, rather than an optional religious amenity. She stated that Jewish communities must have access to facilities appropriate to their populations and that accessibility within walking distance is particularly important because of Sabbath observance. She maintained that the proposed facility directly advances the religious function for which it is intended.

With respect to the necessity of the proposed location, Ms. Cofone referenced Exhibit A-5, consisting of an aerial depiction of the subject property and 20 photographs. She described the property as centrally situated within Pine Lake Park, approximately 1.4 miles from the community's northern and southern boundaries. She testified that the location would allow residents to observe the religious practice without leaving the community or municipality and would eliminate the need for some women to walk three to four miles, potentially taking approximately 90 minutes, to reach another mikvah.

Ms. Cofone cited the Municipal Land Use Law's definition of an inherently beneficial use as one universally considered valuable to the community because it fundamentally serves the public good and promotes the general welfare. She noted that the statute identifies certain examples, including hospitals, schools, childcare centers, group homes, and renewable energy facilities, but maintained that the statutory examples are not exhaustive. She referenced other uses recognized through case law, including adult daycare and drug and alcohol rehabilitation facilities, to support her position that a use need not be expressly enumerated in the statute to qualify.

Ms. Cofone concluded that, in her professional planning opinion, the proposed mikvah satisfies the criteria for an inherently beneficial use. She stated that she would nevertheless address both the Sica balancing test and the Medici criteria to provide a comprehensive planning record.

Turning to the four-part Sica balancing test, Ms. Cofone first addressed the public interest served by the proposed facility. She relied upon prior testimony that approximately 500 families would be served and reiterated that the property's central location would provide reasonable walking access for members of the religious community.

Regarding potential detrimental effects, Ms. Cofone characterized the proposed use as relatively low intensity. She referenced prior testimony indicating that the facility would operate approximately two to four hours per day and generate limited additional traffic. She also addressed the consideration of reasonable conditions to mitigate potential impacts, noting testimony comparing approximately six daily vehicle trips associated with a single-family residence to approximately ten trips anticipated for the proposed facility.

Continuing her testimony regarding the Sica balancing test, Ms. Cofone characterized the anticipated increase in traffic as minimal, relying upon Mr. Rea’s testimony from the prior hearing. She then addressed the third consideration, identifying reasonable conditions intended to mitigate potential impacts of the proposed use.

Ms. Cofone reviewed 12 conditions to which the applicant had agreed on the record. These included limiting operations to two to four hours daily; restricting attendance to three to eight adult female visitors per day, with no more than three visitors present at one time; limiting staffing to two individuals; prohibiting children or other visitors from waiting inside the building; and prohibiting social events, including weddings and bar mitzvahs, within the building or on the property. Additional conditions included limiting deliveries to services such as UPS or laundry pickup and delivery, if necessary; prohibiting commercial lighting and signage; providing additional landscaping to buffer surrounding residences; reducing the proposed parking from seven spaces to six; installing a dry well; and replacing the perimeter vinyl fencing to provide consistent screening and appearance.

Ms. Cofone emphasized that the applicant had agreed to a substantial number of operational and site-related restrictions. In her professional opinion, these conditions would adequately address the potential impacts associated with the proposed facility. Addressing the fourth consideration

under Sica, she maintained that the public benefits of providing a religious facility within the community outweighed the anticipated detriments, particularly in light of the applicant's proposed restrictions. She concluded that the application satisfied all four elements of the Sica balancing test.

During Ms. Cofone's testimony, members of the public expressed difficulty hearing and following her presentation. Chairman Cook requested that she speak more slowly and directly into the microphone. Following the interruption, Ms. Cofone resumed her testimony.

Ms. Cofone next addressed the alternative standards applicable to a use variance under Medici, explaining that although she considered the mikvah an inherently beneficial use, she intended to establish that the application could also satisfy the requirements applicable to a non-inherently beneficial use.

She explained that the Medici analysis requires a demonstration that the property is particularly suitable for the proposed use. She stated that particular suitability does not require the property to be uniquely suited to that use or the applicant to establish that no other location or use would be appropriate.

Referring again to Exhibit A-5, Ms. Cofone testified that the property's central location within Pine Lake Park supported its particular suitability because it would provide convenient access for the religious community. She further noted that the property had previously received approval for a private mikvah and maintained that adapting the property for a facility available to the broader community was an appropriate extension of that approved use.

Ms. Cofone concluded that these circumstances established the property's particular suitability for the proposed facility. She further explained that, unlike an inherently beneficial use, which presumptively satisfies the positive criteria for a use variance, a non-inherently beneficial use requires an affirmative demonstration that those criteria are satisfied. She proceeded to address the positive criteria under the Municipal Land Use Law.

Continuing her testimony regarding the positive criteria applicable to a non-inherently beneficial use variance, Ms. Cofone identified three purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-2, that she believed were advanced by the application.

Ms. Cofone first addressed Purpose A, which promotes public health, safety, morals, and general welfare through appropriate land use and development. She testified that providing members of the community with a facility in which to practice their religious beliefs would promote the general welfare.

She next addressed Purpose G, which encourages sufficient space in appropriate locations for a variety of uses to meet the needs of New Jersey residents. Ms. Cofone maintained that the proposed mikvah was consistent with this purpose because it would reuse an existing developed property, generate limited traffic and parking demand, and retain a residential appearance. She

testified that the property could accommodate the proposed use without substantially changing the character of the surrounding neighborhood.

Regarding Purpose M, which encourages coordination of public and private development activities and efficient land use, Ms. Cofone emphasized the property's central location within Pine Lake Park and its previous approval for a private mikvah. She considered the proposed use an efficient utilization of the property.

Ms. Cofone explained that an applicant need only demonstrate advancement of one statutory purpose to satisfy this aspect of the positive criteria. Although she believed Purpose A alone was sufficient, she concluded that the application advanced Purposes A, G, and M.

Ms. Cofone then addressed the negative criteria, explaining that the applicant was required to demonstrate that the proposed use would not result in substantial detriment to the public good or substantially impair the intent and purpose of the zone plan and zoning ordinance.

She reviewed the uses permitted in the R-10 zone, including single-family residences, churches and places of worship, public parks and playgrounds, and certain governmental and public safety buildings. Ms. Cofone emphasized that churches and places of worship were permitted uses within the zone and reiterated that the mikvah was a form of religious expression within the Orthodox Jewish community.

In her opinion, the proposed mikvah, operating for only two to four hours daily and subject to the 12 conditions previously placed on the record, would have less impact on the surrounding neighborhood than certain permitted uses, including a single-family residence or church. She maintained that the operational restrictions would adequately limit potential impacts and that the proposal would not substantially impair the zone plan or cause substantial detriment to the public good.

Ms. Cofone concluded that the applicant satisfied both the positive and negative criteria applicable to a non-inherently beneficial use variance. She then addressed the additional reconciliation requirement established under Medici, explaining that an applicant must reconcile the proposed use with the municipality's decision not to include that use among those permitted by the zoning ordinance.

Referring to footnote 11 of the Medici decision, Ms. Cofone explained that the proofs necessary to satisfy this requirement depend upon the circumstances of the particular application. She discussed the Court's recognition that certain uses may not have been common or contemplated when a zoning ordinance was adopted and that evidence of subsequent changes may help establish that the omission was inadvertent rather than deliberate.

Ms. Cofone testified that, in her understanding, there was no location within Manchester Township where a mikvah open to the public could operate without obtaining a D(1) use variance. She suggested that when the R-10 zoning provisions were originally developed, the

governing body may not have specifically contemplated a mikvah as a distinct religious use, notwithstanding the ordinance's express allowance for churches and places of worship. She questioned whether the omission reflected an intentional decision to exclude mikvahs from the municipality's permitted uses.

Ms. Cofone concluded her discussion of the reconciliation requirement under Medici, maintaining that the circumstances supported the applicant’s request for a use variance under both the Sica balancing test for inherently beneficial uses and the Medici standards for non-inherently beneficial uses. She questioned whether the municipality had intentionally excluded mikvahs from the R-10 zone while permitting churches and other places of worship.

Ms. Cofone next addressed the application's consistency with the Township's Master Plan. She referenced a goal identified in the 2017 Master Plan Reexamination Report encouraging coordinated and managed residential and nonresidential development. She testified that the proposed mikvah would accommodate the needs of Manchester's growing Orthodox Jewish community and was consistent with that objective.

Ms. Cofone also reviewed the December 3, 2025, Master Plan Reexamination Report. She noted that although the report recommended examining lot sizes within Pine Lake Park, it did not specifically address mikvahs. She maintained that the absence of provisions for a mikvah in the Township's planning documents and zoning ordinance further supported the applicant's position that the use had not been contemplated when the zoning regulations were established.

Turning to the requested bulk variances, Ms. Cofone cited Preiss v. Himeji, explaining her understanding that bulk variance considerations may be subsumed within the proofs for a D variance when the proposed use was not contemplated by the underlying zoning district. Nevertheless, she proceeded to address the individual bulk variances to establish a complete record.

Ms. Cofone stated that the application had been noticed for a minimum improvable lot area variance but acknowledged that Mr. Dickerson's review letter indicated that such relief might not be necessary.

Regarding the rear yard setback, Ms. Cofone testified that 26 feet was required, the existing setback was 19.25 feet, and the proposed setback was 14.16 feet. She explained that the additional encroachment resulted from proposed exterior stairs providing rear access to the building, rather than an expansion of the building itself. She characterized the impact as limited because the stairs would not create the same mass or visual effect as an enclosed building addition.

Ms. Cofone also addressed the side yard setback associated with proposed stairs and an egress on the side of the building. She testified that the proposed setback was 6.6 feet where 10 feet was required. She indicated that fencing and screening would be provided to mitigate the impact on the adjoining property.

Two additional setback variances involved an existing shed. Ms. Cofone testified that the shed's rear yard setback was 3.91 feet and its side yard setback was 2.46 feet, where 5 feet was required for each. She emphasized that these were preexisting nonconforming conditions that would remain unchanged by the application.

Ms. Cofone then discussed a potential lot coverage variance. She testified that the proposed coverage was 42.37 percent, exceeding the 35 percent permitted by the ordinance, but maintained that the necessity for this variance depended upon the Board's interpretation of the lot coverage definition.

Referring to the Township's ordinance, Ms. Cofone explained that parking areas, automobile access driveways, and storage areas were expressly included in lot coverage calculations regardless of whether their surfaces were impervious. She distinguished these areas from pedestrian walkways, which were not specifically identified among the mandatory inclusions.

Ms. Cofone testified that the applicant proposed permeable pavers for the walkways and argued that these surfaces should not be counted toward lot coverage because they were not impervious and were not expressly included in the ordinance's definition. She acknowledged that the final determination regarding the applicability of the variance rested with the Board.

Ms. Cofone further testified that, should the Board determine that lot coverage relief was required, the applicant had presented engineering testimony supporting the proposal. She referenced Mr. Portnoy's prior testimony regarding drainage and the applicant's commitment, identified as Condition No. 11, to install a dry well. She maintained that the proposed drainage improvements and use of permeable pavers would address potential impacts associated with the additional coverage.

Continuing her testimony regarding lot coverage, Ms. Cofone maintained that the proposed permeable surfaces, together with the applicant's commitment to install a dry well, would mitigate potential drainage impacts associated with the development. She concluded that the requested lot coverage relief would not result in a substantial adverse impact.

Ms. Cofone next addressed the requested parking setback variance. She testified that a 10-foot setback was required and that the applicant proposed a setback of 5.05 feet, together with parking within the front yard area. To demonstrate the existing parking characteristics of the surrounding neighborhood, she introduced Exhibit A-5, consisting of 20 photographs taken by her or her office depicting parking arrangements throughout Pine Lake Park.

Ms. Cofone reviewed the photographs, identifying numerous properties with substantial front yard parking areas accommodating multiple vehicles. The examples included paved, gravel, stone, and paver parking surfaces, as well as areas containing passenger vehicles, trucks, trailers, and commercial-type vehicles. She noted that several properties appeared capable of accommodating six or more vehicles, even where fewer vehicles were present when the photographs were taken.

Ms. Cofone explained that Exhibit A-5 was not intended to represent an exhaustive survey of parking conditions throughout Pine Lake Park. Rather, the photographs constituted a sampling of conditions she had personally observed during multiple visits to the neighborhood while preparing for the hearing. Based upon those observations, she maintained that the applicant's proposed parking arrangement was not substantially different from existing parking conditions within the surrounding residential area.

Ms. Cofone then addressed the requested variance for parking space dimensions. She testified that the applicant proposed parking spaces measuring 9 feet by 18 feet, compared with the ordinance requirement of 10 feet by 20 feet. She characterized the proposed dimensions as commonly used in office, retail, and other commercial parking facilities. Considering the anticipated use of the property and the operational testimony previously presented, she expressed the opinion that the reduced parking space dimensions would not create a substantial detriment.

Summarizing her testimony concerning the bulk variances, Ms. Cofone reiterated her opinion that the requested relief was generally subsumed within the D variance analysis. Nevertheless, she maintained that the individual variances also satisfied the flexible C(2) variance criteria. She relied upon the positive criteria previously discussed in connection with the Medici analysis and the particular circumstances involving the proposed stairs, lot coverage, and parking layout.

Ms. Cofone testified that the requested bulk variances could be granted without substantial detriment to the public good or substantial impairment of the Township's zone plan and zoning ordinance. She emphasized that many of the dimensional conditions were associated with existing improvements on the property and that the proposed modifications would not create significant additional impacts.

Having concluded her discussion of the D and C variances, Ms. Cofone turned to the Religious Land Use and Institutionalized Persons Act (RLUIPA). She expressed the opinion that the application implicated federal protections applicable to religious land uses, including provisions concerning substantial burdens on religious exercise and the exclusion of religious assemblies from a municipality.

Ms. Cofone discussed the substantial burden provisions of RLUIPA and maintained that the Township had not demonstrated a compelling justification for excluding a mikvah from its zoning regulations. She further referenced the statute's total exclusion provisions, which prohibit governmental land use regulations that completely exclude religious assemblies from a jurisdiction.

Ms. Cofone asserted that Manchester Township's zoning regulations did not expressly permit a mikvah in any zoning district. She presented this circumstance as relevant to the applicant's request for relief and the protections afforded to religious uses under RLUIPA.

Continuing her testimony regarding the Religious Land Use and Institutionalized Persons Act (RLUIPA), Ms. Cofone expressed her opinion that the application was subject to federal

protections governing religious land uses. She discussed the substantial burden and total exclusion provisions of RLUIPA, maintaining that Manchester Township's land use regulations did not expressly permit a mikvah in any zoning district. She asserted that an applicant seeking approval for a community mikvah would therefore be required to obtain a D(1) use variance.

Ms. Cofone distinguished a private mikvah located within a residence from a facility intended to serve the broader religious community. She maintained that permitting a private residential mikvah would not adequately address the community's needs and, in her professional opinion, did not resolve what she characterized as the Township's exclusion of the proposed use.

Ms. Cofone further testified that she had reviewed the Township's December 2025 Master Plan and found no recommendation to amend the land use regulations to expressly permit a mikvah. Although the Master Plan contained recommendations concerning lot sizes in Pine Lake Park, she indicated that it did not specifically address mikvah facilities.

Discussing RLUIPA's requirements, Ms. Cofone acknowledged that municipalities may impose reasonable land use restrictions but maintained that such restrictions must satisfy applicable federal standards, including consideration of less restrictive alternatives. She expressed the opinion that the absence of an expressly permitted community mikvah use imposed a burden upon the applicant.

In concluding her direct testimony, Ms. Cofone reiterated her opinion that the application satisfied the positive and negative criteria for the requested variances. She maintained that the application met both the Sica balancing test applicable to inherently beneficial uses and the enhanced burden of proof under Medici for non-inherently beneficial uses. She further testified that the requested bulk variances were supportable under both the C(1) and C(2) provisions of the Municipal Land Use Law, citing existing lawful conditions on the property and the planning benefits previously identified.

Ms. Cofone concluded that the application should be approved, maintaining that the twelve proposed conditions of approval would mitigate potential impacts associated with the use. Ms. Jennings advised that this concluded Ms. Cofone's direct testimony.

Chairman Cook then invited questions from Mr. Dickerson.

Mr. Dickerson questioned Ms. Cofone regarding her site inspections, asking when she had most recently visited the property. Ms. Cofone responded that her last visit had likely occurred during November 2025, shortly before the November 20 hearing, when she had also visited a mikvah in Jackson Township.

Mr. Dickerson asked whether Ms. Cofone had inspected the neighborhood during the recent snowfall to evaluate street conditions. Ms. Cofone acknowledged that she had not visited the property during the preceding week. In response to further questioning regarding pedestrian access, she confirmed that there were no sidewalks in the neighborhood.

Mr. Dickerson next sought clarification concerning the applicant's proposed operational conditions, particularly the restriction against children or other visitors waiting inside the building. He questioned whether individuals would be permitted to wait elsewhere on the property, including in the yard. Ms. Jennings responded in the negative.

Mr. Dickerson also clarified that a previously referenced site improvement involved the installation of a dry well rather than a drive aisle.

Turning to the proposed fencing, Mr. Dickerson asked Ms. Cofone to explain the applicant's commitment following discussions at earlier hearings. Ms. Cofone testified that the applicant had initially considered different fencing materials, including vinyl fencing and chain-link fencing with privacy slats. She explained that concerns had been raised regarding the appearance of multiple fence types on the property.

Ms. Cofone stated that the applicant had agreed to provide consistent fencing treatment, which she understood would be vinyl fencing. She concurred that using one fence type would provide a more harmonious appearance.

Mr. Dickerson then questioned Ms. Cofone's earlier testimony that a mikvah was not a permitted use anywhere within Manchester Township. He asked whether a mikvah could qualify as an accessory use to a house of worship. Ms. Cofone responded that the Township's ordinance did not expressly identify a mikvah as either a permitted principal use or a permitted accessory use and indicated that such a determination would fall within the Zoning Officer's authority.

Mr. Dickerson further questioned whether Ms. Cofone had identified municipalities that expressly permitted a mikvah as a standalone principal use. Ms. Cofone identified Jackson Township. Ms. Jennings explained that litigation involving Jackson Township had resulted in amendments to its ordinance establishing a separate provision permitting mikvah facilities as standalone uses. Mr. Dickerson requested that the applicant provide him with the applicable ordinance provision.

Mr. Dickerson asked why the application had not been submitted as a house of worship, which could potentially eliminate the need for a D(1) use variance. Ms. Cofone responded that the Township had determined that a D(1) variance was required and that its ordinance did not define a house of worship. She explained that the ordinance contained definitions addressing institutional uses and religious worship, but that the proposed mikvah did not fit clearly within those definitions or the permitted uses of the R-10 zone. She further maintained that a church, which is permitted under the ordinance, could generate greater land use impacts than the proposed mikvah, which was anticipated to operate approximately two to four hours daily.

Mr. Dickerson next addressed the applicant's proposed conditions of approval, specifically the absence of a condition addressing exterior lighting and potential glare affecting neighboring properties. He referenced concerns raised during prior hearings and questioned whether

additional measures could mitigate light spillover while accommodating the applicant's desire to maintain lighting throughout the night.

Ms. Cofone acknowledged the concerns expressed by neighboring residents and referenced testimony from the October 30, 2025, hearing regarding existing lighting impacts in the neighborhood. She explained that downward-facing fixtures and house-side shields could be used to direct lighting away from adjoining properties. Although she did not believe the proposed lighting would spill beyond the property line, she indicated that the applicant could be consulted regarding the installation of additional shielding.

Ms. Jennings clarified that the applicant's proposed conditions already prohibited commercial lighting and provided for residential-style lighting consistent with other homes in Pine Lake Park.

Mr. Dickerson concluded his questioning, and Chairman Cook invited questions from Mr. Worth.

Mr. Worth questioned Ms. Cofone regarding her testimony concerning the property's particular suitability under the Medici criteria. He acknowledged her reliance upon the property's central location and accessibility to pedestrians but asked whether other locations within Pine Lake Park, including areas along Commonwealth Boulevard or other streets, might be better suited for the proposed facility.

Ms. Cofone responded that the legal standard governing a D(1) use variance did not require an applicant to identify and eliminate alternative sites. She characterized particular suitability as a legal concept that did not impose an obligation to conduct a comparative search of available properties or demonstrate that every other potential location was unsuitable.

Mr. Worth acknowledged her response and stated that he wanted the clarification included in the record.

Chairman Cook invited additional questions from the Board. Ms. Georgiano questioned whether the photographs submitted by the applicant depicted properties located on the same street as the proposed mikvah. Ms. Cofone clarified that the photographs represented properties within Pine Lake Park but did not encompass the entire neighborhood. Ms. Georgiano also sought confirmation regarding the proposed signage, and Ms. Jennings reiterated that the applicant had agreed to prohibit signage.

Ms. Apgar questioned whether the accessible parking sign would remain at the front of the property. Ms. Jennings explained that the sign was required under the Americans with Disabilities Act. Ms. Apgar expressed concern that the sign contributed to the property's commercial appearance. She also referenced the existing illuminated address sign displaying 1209, describing it as unusually large, and questioned whether the exterior lighting fixtures were consistent with the residential character of the neighborhood.

Ms. Apgar further expressed concern regarding the lighting at the rear of the property. She acknowledged the need to provide adequate illumination for women leaving the mikvah after dark but questioned whether brighter lighting could adversely affect the neighboring residence, particularly the adjoining property owner's use of her backyard and swimming pool. She noted that excessive lighting could intrude upon neighboring homes even when window coverings were used. Ms. Jennings suggested that low-level residential landscape lighting along the walkway could provide adequate visibility without creating excessive light spillovers. Ms. Apgar remained concerned about the potential impact.

Ms. Apgar then addressed the proposed parking arrangement, particularly the tandem spaces designated for employees and the additional vehicles parked behind them. She questioned whether vehicles could be moved promptly in an emergency if employees or visitors were inside the building. She expressed concern that the limited parking area and the property's proximity to neighboring residences could create unsafe conditions.

Ms. Cofone responded that the parking layout had been reviewed by the Board Engineer and that the Board's traffic professional had also evaluated the arrangement during the previous hearing. She stated that she did not recall the traffic professional identifying the parking configuration as unsafe and emphasized that the Board had independently retained a traffic expert to review the application.

Ms. Apgar acknowledged the professional testimony but maintained that her personal observations of the neighborhood raised concerns regarding pedestrian safety, vehicles turning near the property, and the proximity of the proposed parking to the adjoining residence. Ms. Cofone clarified that the subject property was an interior lot rather than a corner lot. Ms. Apgar responded that the property was located only one house away from the intersection and reiterated her concerns regarding the limited separation between the neighboring residence, fencing, and proposed facility.

Ms. Jennings stated for the record that two traffic engineering professionals had reviewed the parking arrangement without identifying an objection to the proposed layout. Ms. Georgiano suggested that the employees park their vehicles in a front-to-back arrangement that would allow them to leave more readily if necessary. Ms. Jennings indicated that the applicant would not object, and Ms. Cofone confirmed that the applicant was willing to accept a condition requiring that employee parking be arranged in that manner.

Chairman Cook then invited questions from the other side of the Board. Mr. Markowski questioned Ms. Cofone regarding her repeated references to the exclusion of mikvah facilities under Manchester Township's zoning regulations. Ms. Cofone explained that, in her opinion, the Township's ordinances presented a total-exclusion issue under the Religious Land Use and Institutionalized Persons Act (RLUIPA) because a mikvah was not expressly identified as a permitted use in any zoning district. She further noted that the ordinance contained no specific definition or parking standard for a mikvah, although standards existed for churches and houses

of worship. She maintained that relocating the application to another property within Manchester would not resolve that regulatory issue.

Mr. Markowski questioned how the applicant could characterize mikvah facilities as excluded when a mikvah had already been approved and was under construction at 1209 Ninth Avenue. Ms. Jennings clarified that the existing approval was for a private mikvah. Ms. Cofone distinguished the previously approved private facility from the proposed public mikvah, explaining that a private mikvah would be available only to the property's occupants, whereas the proposed facility would serve the broader religious community. She testified that approximately 500 families could potentially have access to the proposed facility and maintained that this distinction was central to the applicant's request.

Mr. Markowski challenged Ms. Cofone's description of the ordinance as a total exclusion, noting that a private mikvah had already been approved at the property. Ms. Cofone distinguished a private facility serving the occupants of a residence from the proposed community mikvah and maintained that no principal public mikvah use was expressly permitted in the Township's zoning districts.

Ms. Cofone maintained her professional opinion that the ordinance effectively excluded a public mikvah because it contained no provision permitting such a facility as a principal use. She distinguished the previously approved private mikvah, which would serve the occupants of a residence, from the proposed facility, which would be available to members of the religious community. She testified that permitting a private mikvah as an accessory residential use did not address the needs of individuals seeking access to a community facility.

Mr. Markowski also questioned whether the proposed operation should be considered commercial because multiple individuals would use the facility and could make payments. Ms. Cofone compared the proposed arrangement to religious services conducted at churches, where suggested donations may be requested for weddings, funerals, and other religious observances. She explained that accepting voluntary contributions did not necessarily transform a religious institution into a commercial business. Referring to Mr. Bloch's earlier testimony, she stated that she understood the proposed mikvah would operate under a similar arrangement.

Mr. Markowski suggested that describing the regulations as excluding a public mikvah would be more accurate than describing all mikvahs as excluded. He also questioned whether the absence of an expressly listed use necessarily meant it was prohibited. Ms. Cofone maintained that the ordinance did not expressly permit a mikvah open to the public.

Mr. Markowski then addressed Ms. Cofone's earlier testimony concerning the proposed hours of operation and their anticipated effect on the surrounding neighborhood. He questioned the suggestion that reduced activity during much of the day constituted a benefit to a residential community. He explained that residents often choose neighborhoods because of the opportunity to interact with neighbors and participate in an active residential environment. In his view,

limiting activity to several evening hours was not necessarily a positive characteristic of the proposed use.

Ms. Cofone clarified that her testimony concerned the intensity of the proposed operation rather than the desirability of having fewer people in the neighborhood. She explained that the limited hours were intended to demonstrate that the facility would generate less activity than certain other uses. She expressed her expectation that the mikvah and surrounding residences could coexist harmoniously and that individuals visiting the facility could interact positively with neighboring residents.

Mr. Markowski indicated that he had no further questions. Chairman Cook then questioned Ms. Cofone regarding the types of neighborhoods in which mikvah facilities were located in other municipalities. Ms. Cofone explained that her earlier references to other municipalities had concerned whether their zoning ordinances expressly permitted mikvahs as standalone uses, rather than the characteristics of the neighborhoods where those facilities operated.

Ms. Jennings stated that mikvah facilities in the municipalities being discussed were located within residential zoning districts and indicated that she had participated in drafting one of the relevant ordinances. Chairman Cook noted that the subject property was also located in a residential neighborhood. Mr. Worth then clarified that the Chairman's question appeared to relate to Ms. Cofone's earlier testimony concerning her personal visit to a mikvah in Jackson Township.

Chairman Cook continued questioning Ms. Cofone regarding her visit to a mikvah in Jackson Township and the conditions pedestrians would encounter when walking to the proposed facility during evening hours. He expressed concern that Pine Lake Park lacked sidewalks and had limited street lighting, particularly between intersections. Ms. Cofone acknowledged the absence of sidewalks but testified that residents already walked throughout the neighborhood for recreational and social purposes. Ms. Jennings added that residents who needed to visit mikvah facilities outside Pine Lake Park were already required to travel beyond their neighborhood. Chairman Cook stated that, based on his familiarity with the area, he did not ordinarily observe significant pedestrian activity after dark.

Ms. Cofone maintained that pedestrian activity was consistent with the residential character of Pine Lake Park and noted that residents commonly walked dogs, visited neighbors, and participated in outdoor activities despite the absence of sidewalks.

Board member Ms. Apgar questioned the appropriateness of introducing a religious facility into Pine Lake Park. She discussed the neighborhood's development beginning in approximately 1935 as a residential and recreational community and observed that churches, synagogues, and mosques had not been constructed there during its history. She suggested that this longstanding development pattern might reflect an intention to preserve the neighborhood's residential character, with residents traveling elsewhere for religious services.

Ms. Cofone responded that, notwithstanding the neighborhood's history, the Township had retained churches and houses of worship as permitted uses within the R-10 zone through successive Master Plan reexaminations. Ms. Apgar acknowledged that such uses were permitted.

Chairman Cook reminded those present that the Board was conducting a quasi-judicial hearing and requested that attendees refrain from applause and other interruptions.

Board Attorney Ms. Rumpf then sought clarification regarding the proposed parking arrangements for staff vehicles. Ms. Cofone and Ms. Jennings confirmed that the vehicles would be parked end to end. Ms. Rumpf also questioned whether the Township's Master Plan specifically excluded mikvahs. Ms. Cofone reiterated that a mikvah was not identified as a permitted use.

Ms. Rumpf returned to the issue of pedestrian safety, particularly the visibility of individuals walking to the facility after dark. She asked whether visitors might use cellphone flashlights, recognizing that religious observances could affect their use on the Sabbath. Ms. Cofone stated that she could not speak to visitors' cellphone practices but described observing a basket of reflective materials available to women at the mikvah she had visited in Jackson Township.

Ms. Rumpf asked whether providing or using reflective materials could be made a condition of approval. Ms. Jennings explained that the Board could not require individual pedestrians to wear reflective materials, as such a requirement would extend beyond its jurisdiction. However, she indicated that the materials could be made available voluntarily. Ms. Cofone confirmed that the applicant was willing to provide reflective materials for visitors.

Chairman Cook then opened the hearing to public questions concerning Ms. Cofone's planning testimony. He explained that this portion of the proceeding was limited to questions directed to the witness, rather than statements supporting or opposing the application, which would be permitted later. He established a four-minute limit per speaker and directed participants to identify themselves and provide their addresses.

Attorney Jeffrey Cheney of Connell Foley identified himself as counsel for objector Thomas Hardell, a resident of 416 Tenth Avenue, Manchester Township. Mr. Cheney asked Ms. Cofone to describe the uses permitted within Manchester Township's R-10 zoning district. Ms. Cofone testified that permitted uses included single-family residences, churches and places of worship, public parks and playgrounds, and certain governmental buildings, including municipal offices, first aid facilities, and firehouses. When asked what the designation “R” represented, she indicated that it likely referred to residential zoning.

Mr. Cheney questioned whether properties throughout Pine Lake Park generally had similar lot sizes and dimensions. Ms. Cofone responded affirmatively. He also asked whether she was aware of any other D(1) use variances within the R-10 zone. Ms. Cofone stated that she was not aware of any. When questioned about the location of the nearest synagogue, she indicated that she did not know.

Mr. Cheney then addressed the distinction between a mikvah, and the churches or places of worship expressly permitted under the Township's zoning ordinance. He asked whether the proposed mikvah qualified as a church or place of worship. Ms. Cofone explained that the Township's ordinance did not define a house of worship, place of worship, or mikvah. She characterized the proposed facility as a location for religious expression and ritual practice.

When Mr. Cheney pressed for clarification, Ms. Cofone maintained that the absence of applicable ordinance definitions prevented a straightforward classification. She acknowledged, however, that a mikvah functioned differently from a church or synagogue in its primary purpose and operation.

Mr. Cheney next questioned whether any published New Jersey judicial decision had specifically classified a mikvah as an inherently beneficial use. Ms. Cofone acknowledged that she was unaware of such a decision but maintained that the absence of a published case did not preclude the Board from determining that the proposed use was inherently beneficial.

In support of her position, Ms. Cofone referred to other uses, including adult day care facilities and drug and alcohol rehabilitation facilities, which she stated had been recognized as inherently beneficial through judicial decisions despite not being expressly identified in the statutory definition.

Ms. Cofone further referenced page 13 of Mr. Dickerson's November 18, 2025 review report. She explained that the report addressed the evaluation of inherently beneficial uses, including identification of the proposed use and its function, consideration of the applicable criteria, and the relationship between the proposed location and the advancement of the use's beneficial purpose.

She maintained that these considerations provided an appropriate framework for evaluating the application and that the Board's determination did not depend exclusively upon whether a prior court decision had addressed the identical use.

Mr. Cheney repeated his request for a published New Jersey decision expressly recognizing a mikvah as inherently beneficial; Ms. Cofone confirmed that she could not identify one.

Mr. Cheney also questioned whether any statutory provision expressly recognized a mikvah as an inherently beneficial use. Ms. Cofone responded that she was offering her professional planning opinion rather than a legal determination. She reiterated that, based upon approximately thirty years of experience providing expert planning testimony, she believed the proposed mikvah qualified as an inherently beneficial use.

When asked whether she had previously obtained a determination from a land use board that a mikvah constituted an inherently beneficial use, Ms. Cofone initially indicated that this was her first mikvah application. She then recalled having worked on another mikvah approximately seven years earlier. She acknowledged that mikvah applications had not represented a substantial

portion of her professional practice and explained that she had visited an operating mikvah in Jackson Township to better understand its operations.

Mr. Cheney then questioned how the public would benefit from a mikvah in comparison with other inherently beneficial uses, such as hospitals, schools, and group homes.

Ms. Cofone responded that the proposed facility would provide an important benefit to the religious community it was intended to serve. Referring to earlier testimony from Mr. Bloch, she stated that hundreds of families would benefit from the proposed mikvah. She maintained that the public benefit of the facility should not necessarily be ranked against that of other inherently beneficial uses.

Mr. Cheney questioned whether the proposed limitations on the number of users and the nature of the operation diminished the public benefit. Ms. Cofone responded that the limitations were conditions of approval intended to address potential impacts and did not eliminate the benefit to the families served. She maintained that the facility would continue to serve hundreds of families notwithstanding those restrictions.

Mr. Cheney then asked whether granting the requested variance would undermine the residential character of the R-10 zoning district. Ms. Cofone questioned the basis for characterizing preservation of residential character as the district's exclusive purpose. She clarified that, although she had surmised that the letter “R” represented residential zoning, the district expressly permitted uses other than single-family residences. She identified churches and places of worship, public parks and playgrounds, and governmental facilities, including municipal offices, first aid facilities, and firehouses, as permitted uses.

Mr. Cheney next addressed the Religious Land Use and Institutionalized Persons Act (RLUIPA) and asked whether less restrictive alternatives were available to accommodate the applicant's religious exercise without granting a variance. Ms. Cofone responded that she was not aware of such alternatives within Manchester Township.

Chairman Cook interrupted to remind Mr. Cheney of the four-minute limitation on questioning. Mr. Cheney requested a brief extension, explaining that he was the only attorney representing objectors at the hearing. After Mr. Cheney indicated that he required approximately two additional minutes, Chairman Cook permitted him to continue.

Mr. Cheney asked whether locating a mikvah as an accessory use to a synagogue would constitute a less restrictive alternative. Ms. Cofone responded that the Township's ordinance did not expressly identify a mikvah as a permitted accessory use to a synagogue. She reiterated her earlier testimony that the Zoning Officer would be responsible for determining whether such an accessory use was permitted under the ordinance.

Mr. Cheney questioned whether New Jersey law required every accessory use to be specifically identified in a zoning ordinance. Ms. Cofone acknowledged that it did not.

Mr. Cheney then asked whether the possibility of operating a mikvah as an accessory use to a synagogue would undermine Ms. Cofone's position that mikvahs were entirely excluded from the Township. Ms. Cofone responded that the ordinance's interpretation remained uncertain and that she did not believe it could be assumed that a mikvah was automatically permitted as an accessory use to a synagogue.

Ms. Cofone further explained that, if the ordinance were interpreted to permit a mikvah as an accessory use to a house of worship, that interpretation could potentially apply to the subject property because houses of worship were expressly permitted in the R-10 district. She suggested that such an interpretation could eliminate the need for a D(1) use variance, although the applicant had proceeded with the variance application based upon the Township's determination that the variance was required.

Mr. Cheney clarified that he was asking about a mikvah operating as an accessory use to a permitted synagogue. Ms. Cofone acknowledged that a synagogue qualified as a place of worship and reiterated that the Board could potentially interpret the ordinance to permit a mikvah in connection with that use. She maintained that such an interpretation could support allowing the mikvah at the proposed location.

Mr. Cheney then questioned whether operating a mikvah as an accessory use to a synagogue would better advance the purposes of the Municipal Land Use Law, particularly the purposes identified in subsections G and M that Ms. Cofone had previously discussed. Ms. Cofone began responding that combining a mikvah with a place of worship would create more intensive use than the proposed standalone facility.

Mr. Cheney indicated that he had no further questions.

Chairman Cook opened the hearing to additional questions from the public.

Michelle Manzella, of 1401 Second Avenue, questioned Ms. Cofone regarding her characterization of the proposed mikvah as an inherently beneficial use. Ms. Manzella referenced prior testimony concerning the vetting process required for individuals seeking to use the facility and questioned how a use restricted to certain members of the community could be considered beneficial to the general public.

Ms. Cofone referred to the definition of an inherently beneficial use under N.J.S.A. 40:55D-4 of the Municipal Land Use Law, explaining that such uses are recognized as serving the public good and promoting the general welfare. She identified hospitals, schools, childcare centers, and group homes among the examples contained in the statute. Ms. Cofone explained that an inherently beneficial use need not be utilized by, or available to, every resident of a municipality to qualify for that designation.

Ms. Manzella maintained that the proposed vetting process restricted access and questioned whether the use served the general welfare. Ms. Cofone disagreed, stating that a facility serving hundreds of families could be inherently beneficial even if not available to every resident.

Ms. Manzella further questioned how the facility could serve hundreds of families when prior testimony indicated that approximately four or five individuals would use it on a given day. Ms. Cofone explained that the anticipated users would not all attend simultaneously and referenced Mr. Bloch's prior testimony concerning the number of families potentially served.

Ms. Manzella then questioned the importance placed upon the property's central location within the community. When she asked Ms. Cofone about the proximity of services in her personal life, Ms. Cofone responded that her personal circumstances were not relevant to the application.

Ms. Manzella next questioned whether the proposed change from a previously approved private mikvah to a facility serving additional users constituted a change to commercial or business use. Ms. Cofone disagreed, explaining that the proposed facility was intended for religious purposes and was not a for-profit commercial operation. She noted that the application identified the proposed use as a religious mikvah or ritual bath rather than a commercial establishment and compared its religious purpose to that of a church.

Ms. Manzella contrasted the proposed eligibility restrictions with hospitals and churches. Ms. Cofone cited veterans' hospitals as an example of facilities serving a defined eligible population.

Ms. Manzella then questioned the photographs previously introduced by Ms. Cofone depicting parking arrangements at other properties within Pine Lake Park. She asked whether the parking configurations shown had been reviewed by the Zoning Officer to determine whether they complied with applicable regulations.

Ms. Cofone explained that the photographs were not intended to establish whether other property owners were violating zoning requirements. Rather, they were submitted to illustrate existing neighborhood conditions and parking configurations similar to those proposed by the applicant. She stated that the photographs reflected observations made during several visits to the neighborhood.

Ms. Manzella questioned whether the photographs would remain relevant if the depicted parking arrangements were unlawful. Ms. Cofone responded that determining whether those properties violated zoning regulations was a matter between the Zoning Officer and the respective property owners.

Linda Chapman, of 1032 Fifth Avenue, questioned Ms. Cofone regarding her visit to an operating mikvah in Jackson Township. Ms. Chapman asked whether the facility was located within a residential neighborhood and whether it was situated in a house. Ms. Cofone confirmed that residences were located near the facility but could not recall the street address or zoning designation of the property. She explained that the purpose of her visit was to observe the interior

of an operating mikvah and gain an understanding of its physical characteristics and operations, rather than to evaluate the property's zoning classification.

Ms. Chapman questioned how the Jackson Township facility fits into its surrounding neighborhood and whether it provided a meaningful comparison for Pine Lake Park residents. Ms. Cofone expressed her opinion that the proposed Manchester Township facility would be compatible with the surrounding residential neighborhood because of its limited operating hours and scope of activity. She characterized the proposed use as relatively benign and noted that the Township's zoning ordinance permitted houses of worship. Ms. Chapman emphasized that the proposed facility was not a house of worship, and Ms. Cofone acknowledged that it was a mikvah used for religious ritual bathing.

Ms. Chapman also questioned Ms. Cofone regarding an earlier reference to a Catholic church in Pine Lake Park. Ms. Cofone clarified that she had not identified the location of such a church within Pine Lake Park.

Ms. Chapman then asked whether the Jackson Township mikvah had parking arrangements comparable to those proposed for the subject property. Ms. Cofone confirmed that parking was available at the Jackson facility but could not recall whether it included off-street parking. She acknowledged that its parking configuration was not identical to the applicant's proposal.

Ms. Cofone explained that her Jackson Township visit was not a traffic or parking assessment. She referred to the applicant’s traffic expert and Ms. Briehoff’s review for the Township, while distinguishing those professionals’ responsibilities from her planning testimony.

Ms. Chapman next raised concerns regarding winter weather conditions in Pine Lake Park, referencing Mr. Dickerson's earlier questions about snow accumulation and the absence of sidewalks. She described difficulties associated with vehicles traveling along narrow neighborhood streets when snow restricted available roadway space. She questioned whether the proposed parking arrangements and the potential inability to access parking spaces during snowy conditions had been considered in determining the suitability of the proposed use.

During the exchange, Chairman Cook repeatedly requested that Ms. Chapman frame her concerns as questions appropriate for cross-examination. Ms. Chapman expressed frustration with the manner in which the discussion was proceeding, Chairman Cook restored order and directed that questioning continue.

Ms. Rumpf clarified that Ms. Chapman was asking whether winter conditions had been considered. Ms. Cofone responded that, in her professional planning opinion, the presence of snow did not make the proposed use inappropriate for the neighborhood. She described Pine Lake Park as a densely developed residential area that functioned without sidewalks and observed that residents continued to travel, walk, and conduct their daily activities despite seasonal snowfall.

Ms. Chapman continued to express concern regarding the difficulty of navigating neighborhood roads during winter conditions, particularly at night. Chairman Cook reminded her that the proceeding remained in the questioning portion of the hearing and that she would have an opportunity to provide comments later.

Catherine Martineau, of 4C Cypress Street, Cedar Glen Homes, questioned Ms. Cofone regarding the proposed mikvah's intended users and whether the facility would remain limited to residents of Pine Lake Park or Manchester Township. Ms. Martineau referenced testimony from an earlier hearing concerning restrictions on who would be permitted to use the facility and questioned whether expanding access beyond Township residents would change the property's classification to a commercial use.

Chairman Cook clarified that approval of the application would not change the property's zoning designation. Rather, the Board was considering whether the proposed use could be permitted within the existing zone through the requested variance relief. Ms. Cofone further explained that the Zoning Board did not have the authority to rezone property, as that authority rested with the Township's governing body. She emphasized that the proposed mikvah was a religious use, not a commercial establishment, and that approval would not convert the property to commercial zoning.

Ms. Martineau continued questioning whether the facility would be available to individuals residing outside Manchester Township, including residents of Jackson Township. Ms. Cofone stated that the number of potential users had not been established as a limit of 500 individuals and explained that testimony regarding eligibility to use the facility had been provided by Mr. Bloch rather than herself. Chairman Cook acknowledged that previous testimony had indicated the facility would be limited to Pine Lake Park residents. Ms. Cofone reiterated that she could respond only to questions concerning her own planning testimony. Ms. Martineau again sought clarification regarding residency restrictions, but the discussion concluded without a definitive determination of whether access would be restricted to Manchester Township residents.

Randy Perez, of 1724 Third Avenue, questioned Ms. Cofone regarding the importance of locating the mikvah within walking distance of its intended users. Ms. Cofone explained that individuals observing the Sabbath could not drive during that period and that pedestrian access was therefore important to their religious practices. Mr. Perez questioned whether the need for walking access during a limited portion of the week justified the proposed location. Ms. Cofone maintained that proximity was significant to the religious observance of the population the facility was intended to serve.

Mr. Perez then questioned how the proposed limitations on the facility's operations would be monitored and enforced. Ms. Cofone explained that any restrictions imposed by the Board would be incorporated into the resolution of approval and enforced by the Township's Zoning Office, consistent with the enforcement of conditions imposed on other land use approvals. She stated that such conditions were common in applications before planning and zoning boards and

expressed her expectation that the proposed facility would be subject to the same municipal enforcement procedures.

Mr. Perez expressed skepticism regarding the effectiveness of municipal enforcement and questioned how the religious rights asserted in support of the application should be weighed against the rights of existing residents to maintain the residential character of their neighborhood. Ms. Cofone responded that Pine Lake Park was already located within a zoning district that permitted houses of worship as a matter of right. She explained that churches, synagogues, and mosques were among the religious uses permitted under the existing zoning regulations.

Mr. Perez further questioned how the proposed facility would benefit Pine Lake Park as a whole. Chairman Cook advised that the question was more appropriately presented as a public comment and reminded Mr. Perez that he would have an opportunity to express his position during the public comment portion of the hearing.

Kim Holland, of 1101 Champlain Street, questioned Ms. Cofone regarding the proposed mikvah's effect on Pine Lake Park. She referenced Veterans Park and asked whether the application would affect that property. Ms. Cofone explained that the application was limited to the property at 1209 Ninth Avenue and would have no bearing on Veterans Park.

Ms. Holland then questioned what benefit the proposed facility would provide to the broader Pine Lake Park community, particularly residents who would not use the mikvah. She expressed concern that the facility would serve only a small percentage of the neighborhood's population.

Ms. Cofone clarified that she had not offered testimony concerning property values or the financial value of the proposed use to surrounding properties. She explained that such testimony would ordinarily require a qualified real estate appraiser and was outside the scope of her professional planning testimony. Ms. Holland maintained that Ms. Cofone had characterized the proposal as adding value to the neighborhood, which Ms. Cofone disputed.

Ms. Holland further questioned whether permitting the mikvah would effectively introduce a commercial use into an established residential neighborhood. She raised concerns about additional traffic, deliveries, and the effect on residents who would not use the facility.

Chairman Cook reminded Ms. Holland that the proceeding was still limited to questions directed to the planning witness and that she would have an opportunity to present her objections during the public comment portion of the hearing.

Ms. Cofone reiterated that the application did not seek to change the property's zoning designation. She explained that the Zoning Board of Adjustment lacked authority to rezone property, which was a function reserved to the Township's governing body. The application instead sought variance relief for the proposed use within the existing zoning district.

In response to Ms. Holland's concerns regarding delivery vehicles, Ms. Jennings stated that the applicant had not proposed unrestricted truck traffic. Ms. Cofone added that the applicant had accepted a proposed condition of approval limiting truck traffic associated with the facility.

Ms. Holland continued expressing concern that existing residents would bear the effects of accommodating individuals traveling to the mikvah. Chairman Cook again advised that her statements were more appropriate for the public comment portion of the hearing and concluded her questioning.

Michael Caldarise, of 331 Stinson, Brick, questioned Ms. Cofone about the meaning of the term public, particularly as it related to the public good discussed in her planning testimony.

Ms. Cofone described the public as the general public or people within a community. Mr. Caldarise presented a definition of the public as the community or society generally, rather than individuals or private groups. Ms. Cofone agreed that the definition appeared accurate.

Mr. Caldarise asked how many people resided in Pine Lake Park. Ms. Cofone estimated several thousand residents, while Mr. Caldarise stated that the population was approximately 9,200. He questioned how the proposed facility could be described as open to the public when Ms. Cofone had also testified that it would serve a particular religious population. He asked whether the facility would be available to the general public or exclusively to a specific group of women.

Ms. Cofone explained that the proposed mikvah would be available to women who practiced the applicable religious tradition and wished to participate in the ritual bath. She distinguished between a privately operated mikvah within a single-family residence and the proposed facility, which would serve members of the religious community beyond the occupants of the property.

To illustrate that distinction, Ms. Cofone compared a private residential swimming pool with a swimming pool operated for public use. She explained that the public would not ordinarily have access to a private homeowner's swimming pool, whereas a facility intended to serve individuals outside a single household could be characterized as publicly accessible. She maintained that her previous testimony concerning public access had to be considered in the context of that distinction.

Chairman Cook requested a brief recess. Motion to recess made by D. Tedeschi and seconded by G. Georgiano. Roll Call- All in Favor.

Motion to Return made by D. Tedeschi and seconded by J. Markowski. Roll Call- All in Favor.

Ms. Rumpf, Board Attorney, advised remaining questions would be subject to the established four-minute limitation.

Mr. Caldarise returned to Ms. Cofone's swimming pool comparison and questioned whether a facility described as publicly accessible could restrict its use to a particular group. He maintained

that accessibility was central to determining whether the proposed mikvah should be considered a public use.

Ms. Cofone responded that the proposed facility would serve women participating in the religious practice. She compared that limitation to public facilities containing separate accommodations for men and women, explaining that restrictions based on the intended users did not necessarily make a facility private. She reiterated that the proposed mikvah was intended to serve a religious community rather than function as a private household amenity.

Mr. Caldarise challenged that explanation and referred to Ms. Cofone's earlier statements that the facility would be open to the public while operating on a limited basis. He questioned how the proposed use could simultaneously be described as publicly accessible, limited in operation, and intended to serve only a portion of the surrounding population.

Ms. Cofone clarified that she had not testified that the facility would be available to only 100 individuals. Rather, she had referred to approximately 500 families who could potentially benefit from the proposed mikvah, with the actual number of eligible individuals depending upon the composition of those families.

She maintained that the significance of the proposed religious use was not dependent upon the percentage of Pine Lake Park residents who would utilize it. In her professional planning opinion, a use could provide a benefit to the population it served even if that population represented a relatively small portion of the surrounding community.

Mr. Caldarise continued questioning the relationship between the estimated 500 families and the overall Pine Lake Park population. Ms. Cofone stated that she had not calculated the percentage of residents who might utilize the facility and did not consider that calculation relevant to the planning proofs she had presented.

Mr. Caldarise continued questioning Ms. Cofone regarding her characterization of the proposed mikvah as a public use. Referring to an estimated Pine Lake Park population of approximately 9,300 residents and the applicant's representation that the facility could serve approximately 500 families, he argued that the proposed use would benefit only a small percentage of the community and should therefore be considered exclusive rather than public.

Ms. Cofone disagreed with Mr. Caldarise's calculation and characterization. Mr. Caldarise maintained that approximately five to six percent of the population would benefit from the facility. Ms. Rumpf, Board Attorney, intervened and instructed Mr. Caldarise to allow Ms. Cofone to complete her responses without interruption.

Ms. Jennings objected to the continued questioning, stating that the population calculation was not relevant to Ms. Cofone's planning testimony. Mr. Caldarise maintained that the calculation was relevant because the applicant had characterized the proposed facility as open to the public. Ms. Jennings stated that the question had been asked and answered.

As the exchange continued, Chairman Cook directed Mr. Caldarise to moderate his tone. Mr. Caldarise disputed that he was being disruptive and reiterated his concern regarding the limited portion of the community that would utilize the facility. Ms. Jennings again indicated that the question had been addressed and requested that he proceed to another subject.

Mr. Caldarise then questioned Ms. Cofone regarding her testimony concerning permeable pavers and the calculation of lot coverage under Manchester Township's zoning ordinance. Identifying himself as a masonry contractor, he asked whether the Township distinguished between permeable and impermeable pavers or treated all paved surfaces as lot coverage.

Ms. Cofone explained that the treatment of such surfaces depended upon the language and interpretation of the applicable municipal ordinance. Mr. Caldarise challenged that explanation, referring to his professional experience with zoning applications and asserting that paved areas were included in lot coverage calculations regardless of permeability.

Ms. Jennings observed that the applicable definition depended upon the particular township ordinance. Mr. Caldarise clarified that his question concerned Manchester Township specifically.

Chairman Cook advised Mr. Caldarise that he had exceeded his allotted questioning time and instructed him to conclude promptly.

Ms. Cofone then addressed the Township's lot coverage definition in greater detail. She explained that, as part of her professional qualifications, she taught planning and zoning courses through the Rutgers Center for Government Services and regularly discussed the importance of municipal ordinance definitions.

Ms. Cofone stated that Manchester Township's definition of lot coverage included the surface area occupied by principal and accessory buildings and structures, parking areas, automobile access driveways, storage areas regardless of whether they were covered by impervious surfaces, and other impervious surfaces. Lot coverage was expressed as a percentage of the gross lot area.

She distinguished those expressly identified areas from the proposed walkways. Ms. Cofone explained that the ordinance did not specifically identify walkways among the surfaces required to be included in lot coverage calculations. Because the applicant proposed permeable pavers for the walkways, she believed the ordinance could reasonably be interpreted to exclude those areas from the lot coverage calculation.

Ms. Cofone emphasized that her testimony represented her professional interpretation of the ordinance rather than an assertion that all permeable paving was automatically exempt. She maintained that the wording of Manchester Township's definition supported excluding the proposed permeable walkways.

Mr. Caldarise then asked whether Ms. Cofone had personally applied for approval of a paver patio. Ms. Jennings objected to the question as irrelevant, and Ms. Rumpf stated that it did not relate to Ms. Cofone's testimony.

Mr. Caldarise continued questioning Ms. Cofone regarding her testimony that the proposed mikvah would serve the public good. He asked whether the property would remain subject to taxation if operated as a religious facility and questioned whether removing a residential property from the tax rolls would benefit the general public.

Ms. Jennings objected, stating that the question was irrelevant to Ms. Cofone's testimony. Chairman Cook advised Mr. Caldarise that Ms. Cofone had not testified regarding the property's tax status and that questions were required to relate to matters addressed in her testimony. Mr. Caldarise maintained that the potential loss of tax revenue was relevant to the applicant's assertion that the proposed use would benefit the public.

Chairman Cook clarified that the property's future tax status had not been established as part of the testimony. When Mr. Caldarise continued to question the potential financial impact on the Township, Chairman Cook advised that his allotted time had expired and that he would have an opportunity to return during the public comment portion of the hearing.

Marie Kulat-Hodges, of 1601 Ninth Avenue. Ms. Kulat-Hodges questioned why construction had commenced at the subject property before the Board considered and acted upon the applicant's requested variances. She expressed concern that improvements were being undertaken while the proposed change in use remained subject to Board approval.

Chairman Cook explained that the property had previously been approved for construction of a private mikvah within an existing residence. He stated that permits had been issued for that construction and that, to his understanding, the work presently being performed was limited to improvements authorized under those permits. He clarified that no variance had been granted for the proposed public mikvah use.

Ms. Kulat-Hodges questioned why the applicant was requesting numerous variances, including relief related to setbacks, parking, and other site improvements. She expressed concern that the cumulative effect of the requested deviations would substantially alter the residential character of the property.

Mr. Worth explained that any property owner or applicant had the right to submit an application to the Zoning Board of Adjustment requesting variance relief. He emphasized that the filing of an application did not constitute approval and that the Board had not authorized the variances presently under consideration. The Board was required to consider the application through the established hearing process.

Ms. Kulat-Hodges reiterated her concern that construction and improvements were proceeding before the requested approvals had been granted. Mr. Worth explained that the existing homeowner had obtained permits for a private mikvah and that work authorized under those permits was separate from the pending application.

Ms. Jennings clarified that the applicant was a contract purchaser of the property. Mr. Worth explained that the existing homeowner remained the property owner and that improvements being undertaken by that owner should not be confused with approval of the proposed use sought by the contract purchaser.

Ms. Kulat-Hodges questioned why a private homeowner would undertake improvements involving additional lighting, parking, and permeable paving if the property was intended solely for personal residential use. She maintained that the nature of those improvements appeared connected to the proposed public facility rather than an exclusively private mikvah.

Mr. Worth explained that, if the Board approved the application, the property could then be sold to the applicant and operated in accordance with the testimony and any conditions imposed by the Board. He distinguished the existing private ownership and permitted construction from the proposed future use, which remained subject to Board approval.

Ms. Kulat-Hodges questioned the characterization of the facility as being available to the public, reiterating concerns about restrictions on who could use it. She also referenced her long-standing residence in Pine Lake Park and expressed concern about changes to the neighborhood.

Chairman Cook reminded Ms. Kulat-Hodges that the proceeding remained in the public questioning portion of the hearing and directed her to confine her remarks to questions. Ms. Kulat-Hodges reiterated that her principal concern was the relationship between the previously permitted private mikvah, construction already underway, and the additional variances being requested.

Chairman Cook concluded the previous exchange by advising that additional comments could be presented when the public comment portion of the hearing was reopened. He then invited further questions regarding the testimony presented.

Michelle Manzella, of 1401 Second Avenue, requested clarification regarding the zoning implications of the proposed mikvah. She questioned whether approval of the application would change the property's residential zoning designation or result in its classification as a commercial property.

Ms. Cofone explained that the property would remain within the R-10 residential zone regardless of the Board's decision. She distinguished a zoning amendment from a use variance, explaining that the Zoning Board of Adjustment did not have authority to change the Township's zoning ordinance, which was the responsibility of the municipal governing body. If the application were approved, the Board would grant permission for the specific proposed use through a D(1) use variance rather than change the property's underlying zoning classification.

Ms. Cofone further explained that an approval would be memorialized in a resolution prepared by Board Attorney Ms. Rumpf. The resolution would identify the approved use as a mikvah for religious ritual bathing and incorporate the conditions agreed to during the hearing. Those

conditions would remain part of the property's approval record and would govern its operation. She stated that any future use inconsistent with the approval could result in zoning enforcement action.

Ms. Manzella questioned how a facility that would not be occupied as a residence could remain appropriate within a residential zone. She characterized the proposed operation as providing a service rather than functioning as a dwelling and questioned whether that distinction made the property commercial.

Ms. Cofone responded that the proposed mikvah was not a business and noted that the R-10 zone permitted houses of worship. She maintained that the proposed religious ritual bathing facility was not fundamentally inconsistent with the types of uses already permitted within the zone. She reiterated that approval would authorize only the specifically proposed use, subject to the conditions imposed by the Board, and would not convert the property to commercial zoning.

Ms. Manzella asked whether the Board would ultimately consider the property commercial because of the conditions and requirements associated with the requested variance. Ms. Rumpf advised that the Board had not reached a decision and that questions concerning its eventual determination were premature.

Mr. Worth clarified that approval of the application would not establish commercial zoning or permit unrelated commercial development. He explained that the property could not subsequently be converted to a convenience store, office building, or other unpermitted commercial use based upon approval of the mikvah. He identified the residential home, house of worship, park, and government building as permitted uses discussed for the property and explained that, if approved, the mikvah would become an additional specifically authorized use subject to conditions. Any future proposal to change that use would require the appropriate approvals.

Ms. Manzella then questioned whether the applicant's nonprofit status required registration with the State in a manner similar to a business. Ms. Cofone stated that she was unfamiliar with the applicant's registration requirements and that such matters were outside the scope of her professional planning testimony. She explained that her responsibilities concerned the requested variances and their relationship to the Township's zoning ordinance and Master Plan.

Ms. Manzella maintained that providing services at a property not occupied as a residence appeared to constitute a business activity. Ms. Cofone responded that religious institutions also provided services, including weddings and other ceremonies, without necessarily being classified as businesses.

Chairman Cook asked whether any other members of the public wished to question the planner. Receiving no response, he closed the public portion of questions to MS. Cofone and invited any additional questions from the Board.

Ms. Apgar questioned Ms. Cofone regarding the meaning of residential use. Referring to definitions from Webster's Dictionary, she described residential property as being associated with homes and residents rather than businesses or visitors. Ms. Jennings asked Ms. Apgar to identify the source of the definitions. Ms. Cofone responded that the definitions and terminology relied upon in her planning testimony were derived from Manchester Township's Land Use Code.

Ms. Cofone continued responding to Ms. Apgar's questions regarding the definition of residential use. She explained that zoning determinations must be guided by the definitions contained in Manchester Township's Land Use Ordinance rather than general dictionary definitions. She stated that professional planners may consult specialized planning reference materials when a term is not defined in the ordinance, but emphasized that Webster's Dictionary definitions were not controlling for purposes of interpreting municipal zoning regulations. Ms. Cofone referenced a professional planning definitions publication, which Mr. Dickerson had available during the discussion.

Ms. Georgiano requested clarification regarding earlier testimony that the proposed mikvah would serve Pine Lake Park residents only. She questioned Ms. Cofone's characterization of the facility as being open to the public.

Ms. Cofone explained that she had not testified that use of the facility would be restricted exclusively to Pine Lake Park residents. She understood the proposed mikvah would primarily serve women practicing their faith who resided in Pine Lake Park, but believed that individuals from outside the neighborhood would not necessarily be turned away. She emphasized that the specific eligibility requirements and operational restrictions were matters addressed in Mr. Bloch's earlier testimony and should be clarified through him.

Ms. Cofone further distinguished the proposed facility from the previously approved private mikvah at the property. She explained that the prior approval permitted a mikvah for the personal use of the homeowner, whereas the pending application sought authorization for a facility available to a broader religious community. She maintained that this distinction was the basis for describing the proposed use as a public rather than private mikvah.

Mr. Worth expressed concern regarding consistency in the testimony presented throughout the hearings. He recalled earlier testimony indicating that use of the proposed facility would be by appointment and limited to Pine Lake Park residents. He acknowledged that the prior transcript could be reviewed to confirm the precise testimony, but emphasized the importance of ensuring that statements from different witnesses did not create conflicting understandings of the proposed operation.

Ms. Cofone reiterated that, from a planning perspective, the facility was intended to serve members of the public rather than remain restricted to the private use of a homeowner.

Chairman Cook asked whether any Board members had additional questions. Receiving none, Chairman Cook opened the hearing to public comment. He advised that members of the public

could express support for or opposition to the application and explain their reasons. He established a five-minute limit for each speaker and stated that individuals providing testimony would be sworn.

Ms. Fogel stated that women supporting the application sought reasonable access to a facility required by their religious practice without altering the neighborhood's residential character.

Ms. Fogel addressed earlier statements concerning the percentage of Jewish households in Pine Lake Park. She stated that approximately 550 Jewish families resided in the neighborhood, which she estimated contained approximately 3,000 homes. Based on those figures, she calculated that Jewish families represented approximately 18 percent of Pine Lake Park households, rather than the smaller percentage previously referenced during the hearing.

Ms. Fogel described a women's mikvah as a quiet, private religious facility operating through scheduled appointments. She explained that women generally arrive and depart individually, without social gatherings or interaction among patrons. She emphasized the confidential nature of the religious practice and stated that, ordinarily, only a woman's husband would know when she attended the mikvah. She expressed concern that the hearing required public discussion of a practice traditionally observed in private.

Drawing upon her upbringing in Baltimore, Maryland, Ms. Fogel recalled that a mikvah had operated several blocks from her parents' home and served women throughout the surrounding Jewish community. She stated that, despite regularly passing the property, she had not known it was a mikvah until she reached adulthood. She offered this experience to illustrate her position that such facilities can operate unobtrusively within residential neighborhoods.

Chairman Cook requested that Ms. Fogel conclude. She described 1209 Ninth Avenue as a well-maintained ranch-style building consistent with nearby homes and stated that, without the controversy surrounding the application, passersby would likely perceive it as an ordinary residence.

Levy Lemmo, of 1408 Birmingham Avenue, was sworn by Board Attorney Ms. Rumpf and opposed the proposed location, while stating that he did not oppose the religious practice itself.

Mr. Lemmo contrasted the proposed capacity of up to eight users with testimony estimating approximately 550 Jewish families in Pine Lake Park. He questioned whether one community facility could meet future demand.

Referring to two previously approved private mikvahs, Mr. Lemmo expressed concern that approval might encourage applications to convert private facilities to community use. He believed a community mikvah should be located elsewhere rather than immediately adjoining residences.

Mark Dennery, of 1832 Third Avenue, was sworn by Ms. Rumpf and opposed the D(1) use variance. He argued that approval of a nonresidential use in the R-10 zone could encourage

similar applications and affect residential character, traffic safety, infrastructure, stormwater management, and septic conditions.

Mr. Dennery asserted that the applicant had not demonstrated an undue hardship or practical difficulty preventing reasonable use of the property under existing residential zoning regulations. He noted that private mikvahs were already permitted within residences and questioned whether the proposed community facility was necessary to accommodate the limited number of women anticipated to use it on Friday evenings. He characterized the requested variance as a matter of convenience rather than necessity.

Mr. Dennery further questioned whether the proposed use would advance the general welfare sufficiently to justify departing from the Township's zoning regulations. Referring to earlier testimony estimating that Jewish families represented approximately 18 percent of Pine Lake Park households, he argued that the facility would serve a limited portion of the community rather than the general public. He maintained that granting the variance would substantially impair the intent and purpose of the Master Plan and zoning ordinance and would negatively affect the established residential character of the neighborhood.

Mr. Dennery stated that alternative locations were available in commercially zoned areas within or near Pine Lake Park. He believed that locating the facility in an appropriately zoned area would accommodate the proposed religious use without disturbing the quiet enjoyment of neighboring residential properties. He emphasized that residents purchased their homes with the expectation that the surrounding neighborhood would remain residential.

Patrick Dambroski, of 901 Seventh Avenue, was sworn by Board Attorney Ms. Rumpf. He thanked the Board for its service and asked how many members had attended every hearing. Four members indicated that they had; Ms. Rumpf explained that members who missed sessions had reviewed the transcripts and could participate in the decision.

Mr. Dambroski then addressed what he considered the negative criteria associated with the requested variance. He identified potential adverse effects on neighboring properties, including traffic and parking safety, lighting, noise, and interference with residents' peaceful enjoyment of their homes. He expressed concern that the proposed facility could affect surrounding property values, comparing its potential neighborhood impacts to those associated with a salon, private club, or other nonresidential establishment located among single-family homes.

Mr. Dambroski questioned whether serving approximately five to eight visitors per evening satisfied the positive criteria and expressed concern that approval could lead to additional community mikvah applications. He cited the neighborhood’s history of accommodating residents of varied backgrounds while remaining subject to R-10 zoning and urged the Board to consider the asserted negative impacts.

Matt Cavalier, 1034 Second Avenue, Pine Lake Park, was sworn by Board Attorney Ms. Rumpf and addressed the Board in opposition to the application.

Mr. Cavalier characterized the proposed mikvah as a commercial use because money would be exchanged for services at the facility. He argued that permitting such an operation within an established single-family residential neighborhood would result in substantial detriment to the public good, including potential adverse effects on property values, loss of residential character, and the establishment of a precedent for further nonresidential development.

Mr. Cavalier stated that a petition opposing the variance had obtained signatures from more residents than the number of individuals he believed would be eligible to utilize the proposed facility. He questioned the characterization of the mikvah as a public use, asserting that access would be limited by the nature of the religious practice and the characteristics of its intended users.

Mr. Cavalier further maintained that approval would substantially impair the intent and purpose of Manchester Township's Master Plan, which designated Pine Lake Park for R-10 single-family residential development. Referring to provisions of the Township's land use ordinance and the New Jersey Municipal Land Use Law, he argued that an inherently beneficial use could nevertheless be denied where the negative effects substantially outweighed the benefits or substantially impaired the zone plan.

Addressing the applicant's stated need for a location within walking distance of the community, Mr. Cavalier reported that he had personally walked from a distant portion of Pine Lake Park to an area immediately outside the neighborhood. During that visit, he identified three alternative sites that he believed were available and accessible within the walking-distance parameters previously discussed during the hearings. He maintained that these alternatives demonstrated that the proposed religious use could be accommodated without locating the facility within the R-10 residential zone.

Mr. Cavalier emphasized that his opposition concerned the introduction of what he considered a commercial operation into a residential neighborhood rather than the religious nature of the proposed facility. He objected to suggestions that opposition to the application was religiously motivated and expressed concern that the possibility of litigation could influence municipal land use decisions.

Mr. Cavalier also referred to other activities within Pine Lake Park that he characterized as unauthorized commercial uses, including clothing sales and warehouse operations. He argued that approval of the proposed facility could encourage additional departures from established residential zoning requirements.

Turning to the Religious Land Use and Institutionalized Persons Act (RLUIPA), Mr. Cavalier maintained that federal protections for religious exercise did not automatically exempt religious institutions from municipal zoning regulations. He referenced federal court decisions that he believed supported the authority of municipalities to enforce zoning restrictions where reasonable alternative locations were available.

Mr. Cavalier discussed a Seventh Circuit decision involving a religious facility in a residential zone, asserting that the court had recognized the availability of alternative locations as relevant to determining whether zoning restrictions unlawfully burdened religious exercise.

He also referenced an Eleventh Circuit decision involving the Town of Surfside, Florida, concerning zoning restrictions on churches and synagogues. Mr. Cavalier stated that the decision addressed the religious practices of individuals who could not drive or use public transportation on the Sabbath or religious holidays. He maintained that the court had concluded that requiring individuals to walk additional distances to a religious facility did not necessarily constitute a substantial burden under RLUIPA.

Mariah Prokop, of 1321 Bayonne Avenue, was sworn by Board Attorney Ms. Rumpf and addressed the Board. Ms. Prokop referred to earlier questions concerning construction at the subject property and the distinction between the existing homeowner and the applicant. She stated that she remained unclear about the property's ownership, the improvements underway, and the relationship between those improvements and the pending application.

Ms. Prokop asserted that the property had been sold in October 2023 and that Congregation Mikvah of Pine Lake Park had obtained federal tax-exempt status under Section 501(c)(3) for the operation of a Jewish ritual bath. She questioned how that information related to the earlier explanation that the property was privately owned and that construction was proceeding under permits for a private mikvah.

Ms. Prokop expressed concern that approval of the application could establish a precedent for additional religious facilities within Pine Lake Park. She questioned whether future applications might result in multiple residential properties being converted to tax-exempt uses and how such changes would affect the Township's property tax base.

Ms. Prokop maintained that the loss of taxable properties could shift additional financial responsibility to remaining taxpayers. She referenced the importance of property tax revenue in supporting municipal services, including police, fire protection, emergency medical services, and schools. She also expressed frustration regarding increases in local property taxes and the level of municipal services received by residents.

Rachel Auerbach, of 817 Seventh Avenue, Pine Lake Park, was sworn by Ms. Rumpf and spoke in support of the application.

Ms. Auerbach stated that she had personally used a mikvah on numerous occasions and wished to respond to concerns expressed by other residents regarding the proposed facility's characterization as a commercial use. She explained that use of a mikvah was a private religious practice and that women generally did not discuss their attendance with others beyond their husbands.

Ms. Auerbach stated that the proposed facility would operate by appointment and would not involve social events, public gatherings, or communal activities. She maintained that its operations would be quiet and limited in nature, potentially generating less activity than an ordinary residential property.

Ms. Auerbach continued her comments regarding the proposed mikvah, emphasizing that ritual bathing was an essential and nonoptional component of religious observance within her community. She explained that a centrally located mikvah was particularly important for women observing the Sabbath, when religious restrictions limited transportation options. She stated that facilities in neighboring communities were intended primarily to serve their own members and could not accommodate outside users on a continuing basis. Ms. Auerbach further expressed concern about the safety of walking long distances along unlit or hazardous roads, particularly after dark or during inclement weather. She concluded her remarks.

Christopher Lawrence, 1201 Ninth Avenue, was sworn and addressed the Board. Mr. Lawrence explained that he resided with his mother and brother on the property immediately adjoining the proposed mikvah at 1209 Ninth Avenue. He acknowledged and expressed appreciation for the applicant's efforts to address neighboring property owners' concerns, including modifications to the proposed improvements and the incorporation of a dry well to mitigate stormwater runoff.

Mr. Lawrence requested clarification regarding the proposed lighting plan. Mr. Worth explained that the applicant had agreed to provide a lighting plan as a condition of any approval and that the lighting would be required to prevent illumination from spilling onto neighboring properties.

Mr. Lawrence stated that lighting had already been installed at the property, although he recognized that some lighting was associated with ongoing construction and security needs. His primary concern involved two wall-mounted light fixtures near the proposed entrance on the side of the building facing his family's residence. He explained that the fixtures had not yet been illuminated and were located almost directly opposite a window in his mother's bedroom.

Mr. Lawrence expressed concern that, once operational, the fixtures could shine into the bedroom and interfere with his mother's ability to sleep. Although he understood that fencing and privacy landscaping were proposed along the property boundary, he observed that vegetation would require time to mature and might not immediately provide adequate screening.

Referring to previous testimony concerning a proposed awning over the entrance, Mr. Lawrence suggested that downward-facing lighting installed beneath the awning might provide adequate entrance illumination while reducing potential impacts on his family's property. He also questioned whether the existing wall fixtures could be adjusted or dimmed to prevent light intrusion. Mr. Lawrence emphasized that his concern was specifically directed toward the placement and direction of the entrance lighting and requested that it be considered in the overall lighting plan.

Ariella Gluck, of 600 Eighth Avenue, was sworn by Board Attorney Ms. Rumpf and spoke in support. She described positive relationships with neighbors of different religious backgrounds and expressed concern about divisions arising during the hearings.

Ms. Gluck described mikvah attendance as an individual, discreet religious practice rather than a social gathering. She stated that the building would retain a residential appearance and that appointments would limit activity visible to neighbors.

Ms. Gluck maintained that the expected evening vehicle trips would be limited and comparable to visits at a home with several adult occupants.

Ms. Gluck further explained that access to a mikvah was necessary not only during the regular week but also on Saturdays and certain religious holidays when observant members of the Jewish community were prohibited from driving. She estimated that approximately ten additional religious holidays throughout the year involved similar transportation restrictions. She emphasized that religious observance required women to use the facility on particular dates, making the availability of a location within walking distance essential.

Ms. Gluck stated that the proposed location was centrally situated to serve women residing throughout Pine Lake Park, including those living near First Avenue and Grinnell Avenue. She expressed concern about pedestrian safety because many neighborhood streets lacked sidewalks. She explained that families regularly encountered difficulties walking safely along the edges of local roads and maintained that locating the facility within the residential community would help minimize the distances women needed to travel on foot.

Yeshaya Bloch, of 352 Laurel, was sworn by Board Attorney Ms. Rumpf and spoke in support of the application.

Mr. Bloch began by discussing the growth of the Jewish community in Pine Lake Park and its effect on the neighborhood. Referring to earlier testimony concerning the percentage of residents who would benefit directly from the proposed facility, he maintained that the community's presence had contributed positively to Pine Lake Park, including through increased housing values. He acknowledged that population changes could produce both benefits and challenges but argued that a facility serving a particular segment of the population could nevertheless benefit the community as a whole.

Mr. Bloch disputed the suggestion that a facility must be available to every resident to provide a public or community benefit. He compared the proposed mikvah to other facilities, including group homes and hospitals, that serve individuals with particular needs or eligibility requirements. He maintained that the limited number of individuals directly using the mikvah should not diminish the significance of the benefit it would provide.

Addressing previous comments regarding the existence of private mikvahs, Mr. Bloch explained that the applicants had deliberately chosen to pursue formal municipal approval rather than

attempt to accommodate broader community use through a privately operated facility. He asserted that a private mikvah could potentially serve numerous individuals with fewer municipal restrictions but stated that the applicants believed proceeding through the public approval process was the appropriate course of action.

Mr. Bloch stated that the application involved significant time, expense, and fundraising. He characterized the applicant's decision to seek formal approval and accept operational conditions as an effort to proceed transparently and address neighbors' concerns.

Mr. Bloch expressed his opinion that a denial could lead to litigation and associated costs. His remarks concerned possible consequences of a decision and were not a statement of the Board's legal obligations.

Gitty Rushnawitz, of 14 Karen Court, Pine Lake Park, was sworn and supported the application. She described mikvah use as an essential, private religious observance based on approximately fifteen years of personal experience.

Ms. Rushnawitz stated that mikvah facilities typically operate through carefully scheduled appointments designed to protect the privacy and dignity of each woman. She recalled occasions when the entrances to such facilities were so unobtrusive that she had difficulty locating them. She further stated that she had never encountered another patron during her visits and had not experienced noise, gatherings, or other activity that would draw attention to the use.

Ms. Rushnawitz maintained that the proposed facility would operate quietly and respectfully within the neighborhood. She expressed concern for neighboring residents but believed that the mikvah would be among the least disruptive uses on the street. She urged the Board to support the application, emphasizing the importance of allowing women to observe their religious obligations in a safe, private, and dignified setting.

Aaron Wieder, 1508 Broadway Boulevard, was sworn by Ms. Rumpf and addressed the Board in support of the application. Mr. Wieder stated that mikvah facilities had historically been an important component of Jewish communities, regardless of whether Jewish residents constituted a majority or minority of the surrounding population. He acknowledged the existence of private mikvahs but maintained that a properly operated community facility was preferable to relying upon numerous private facilities. He expressed concern that the absence of a community mikvah could encourage the establishment or increased use of private facilities without the same coordinated oversight.

Mr. Wieder explained that members of the Jewish community had pooled financial resources and undertaken fundraising efforts to establish a professionally operated mikvah. He stated that the applicants intended to maintain high religious and operational standards while complying with applicable municipal codes and regulations.

Mr. Wieder further emphasized that the applicants had made numerous concessions and agreed to restrictions in response to concerns raised during the hearing. He characterized those efforts as evidence of the community's desire to proceed responsibly and cooperatively. He rejected suggestions that the applicants intended to undermine the residential neighborhood, avoid tax obligations, or encourage the proliferation of community mikvah facilities throughout Pine Lake Park.

Addressing prior testimony concerning the proportion of Jewish residents in the neighborhood, Mr. Wieder acknowledged that the population seeking to use the facility represented a minority of Pine Lake Park residents. He maintained, however, that the needs of a minority should not be disregarded solely because a larger percentage of residents did not require the same religious accommodation.

Mr. Wieder referenced the Pledge of Allegiance recited at the beginning of the meeting and expressed his belief that American principles required consideration of minority interests alongside those of the majority. He argued that denying the application solely because the proposed facility would serve a relatively small segment of the population would be inconsistent with those principles.

Yehuda Rubin, of 1301 South Hampton Boulevard in Pine Lake Park, continued his public comments in support of the application. Mr. Rubin stated that he had not originally intended to speak but felt compelled to respond to earlier remarks concerning the proposed mikvah and the Jewish community.

Mr. Rubin described incidents he believed reflected hostility toward Jewish residents, including negative comments made on social media regarding a construction-themed birthday party he had organized for his three-year-old son. He also recounted an incident in which he was verbally confronted after parking his vehicle at a friend's residence. He expressed concern that opposition to the application had, in some instances, extended beyond legitimate land use considerations.

Mr. Rubin emphasized that he and his family did not intend to change the character of Pine Lake Park but simply wished to live peacefully within the community. He also questioned the potential financial consequences to the Township if denial of the application resulted in litigation. He urged the Board to set aside hostility and reach what he considered an appropriate decision.

Kim Holland, of 1101 Champlain Street, was sworn by Board Attorney Ms. Rumpf and addressed the Board in opposition to the application. Ms. Holland expressed concern about existing activities at 840 Eleventh Avenue, a property near her residence. She described what she believed to be daycare, school, and temporary lodging activities occurring at that location, particularly on weekends. She reported frequent vehicle parking near her home, excessive lighting, and people arriving and departing at various hours, including late at night and early in the morning.

Ms. Holland stated that the activities at the neighboring property had substantially affected her ability to enjoy her residence. She maintained that the frequent turnover of visitors prevented her from developing the ordinary relationships she associated with a residential neighborhood. She offered to provide photographs and videos documenting the activities and conditions she had observed.

Ms. Holland explained that she had lived in her home for approximately twenty-one years and had invested considerable time and effort in maintaining the property. She expressed concern that continued changes in neighborhood activities could diminish property values and eventually make long-term residents feel compelled to relocate.

Ms. Holland further alleged that she had experienced harassment and intimidation in her neighborhood, including incidents involving children who had shouted at or taunted her near her property. She stated that she possessed photographs documenting some of these incidents and believed that the situation had become increasingly difficult to manage.

Ms. Holland advised the Board that she had prepared a letter to President Donald Trump seeking assistance with her concerns and offered to provide a copy. She expressed frustration that her attendance at municipal meetings had not resulted in meaningful changes to the conditions she described.

Addressing comments made by earlier speakers concerning religious discrimination, Ms. Holland stated that her objections were not motivated by hatred toward Jewish residents or religious practices. She explained that she had grown up in a family with both Jewish and Christian traditions and was familiar with Jewish religious observances. She maintained that her concerns related to changes in neighborhood conditions and their effects on existing residents rather than opposition to any particular religion.

Ms. Holland reiterated that she supported having neighbors and maintaining a welcoming community but objected to what she characterized as the increasing use of residential properties for activities involving frequent visitors and associated disturbances. She identified additional properties on Eleventh Avenue that she believed were operating as daycare facilities and referenced another property that appeared to have a storefront.

Ms. Holland described recurring disturbances involving vehicle doors closing, engines running, horns sounding, and loud conversations during nighttime hours. She stated that she had previously sought assistance with signage and other measures to address neighborhood conditions but felt that her concerns had not received adequate attention.

Ms. Holland concluded by expressing disappointment that, in her view, the proceedings had not sufficiently addressed the conditions experienced by residents living near properties with increased activity. She urged the Board to consider the cumulative effects of neighborhood changes and the concerns of established homeowners when deciding the application.

Michael Caldarise, of 331 Stinson, Brick, New Jersey, was sworn by Board Attorney Ms. Rumpf and addressed the Board in opposition to the application.

Mr. Caldarise stated that his opposition was not intended to prevent anyone from practicing their religion but concerned what he perceived as unequal application of municipal zoning regulations. He maintained that all property owners should be subject to the same land use requirements regardless of religious affiliation.

Mr. Caldarise questioned the applicant's characterization of the proposed mikvah as a public use. Referring to an estimated 9,200 residents in Pine Lake Park and approximately 500 anticipated users, he argued that the facility would serve only about five to six percent of the population and questioned whether a use serving that limited group should be considered public.

To illustrate his concerns, Mr. Caldarise compared the proposed facility to a nail salon or spa serving a limited group of women. He asserted that such businesses would not ordinarily be permitted within the R-10 residential zone and questioned why the proposed mikvah should receive different consideration. He emphasized that his objections related to consistent enforcement of zoning requirements rather than religious discrimination.

Mr. Caldarise also raised concerns regarding construction activities at the subject property. He stated that he had recently observed numerous contractors working at the location and alleged that certain improvements associated with the proposed mikvah, including lighting and plumbing, had already been installed. He questioned whether the applicant was proceeding with improvements intended for the proposed use before obtaining the necessary variance approval.

Mr. Caldarise compared these circumstances to the requirements imposed on other homeowners seeking permits for accessory structures and property improvements. Drawing upon his experience as a masonry contractor, he stated that he had previously been denied permission to install paving because of impervious lot coverage limitations. He maintained that permeable paving materials remained subject to Township lot coverage requirements and expressed concern that the applicant appeared to be seeking relief unavailable to other property owners.

Mr. Caldarise further objected to references made during the hearing to potential litigation under the Religious Land Use and Institutionalized Persons Act (RLUIPA). He argued that ordinary homeowners denied permission for sheds, paving, or other improvements did not have comparable statutory protections available to challenge zoning decisions. He characterized this distinction as unfair to residents who were required to comply with existing regulations.

Addressing the applicant's testimony concerning the religious need for a mikvah within walking distance, Mr. Caldarise expressed sympathy for women who wished to utilize the facility but questioned whether the absence of a nearby mikvah constituted a hardship attributable to the Township. He maintained that individuals who moved into an established residential neighborhood without such a facility could not reasonably expect the municipality to alter its zoning requirements to accommodate that circumstance.

Mr. Caldarise concluded by emphasizing the importance of equal treatment and a unified community. He expressed concern that granting exceptions perceived as preferential treatment could create divisions among residents, discourage existing homeowners from remaining in the neighborhood, and ultimately change the composition and character of Pine Lake Park. He urged the Board to apply the zoning regulations consistently when considering the requested variance.

Michelle Manzella was sworn by Board Attorney Ms. Rumpf and addressed the Board in opposition to the application. Ms. Manzella stated that she had researched the religious significance of a mikvah and understood its importance to the Jewish community. She emphasized that her objection concerned the requested variance in a residential neighborhood, not the religious practice.

Ms. Manzella suggested that other available properties, including commercially zoned locations, might accommodate the facility without the requested residential zoning relief. She expressed frustration that residents had attended multiple lengthy hearings to address the proposal.

Ms. Manzella also objected to statements made during the proceedings concerning potential litigation if the application were denied. She urged the Board not to allow legal action to influence its decision, noting that litigation expenses could ultimately affect Township taxpayers. She reiterated that residents' concerns centered on the proposed location and requested variance rather than religious opposition and asked the Board to evaluate the application on that basis.

Maria Weils, 248 Oak Lane, was sworn by Ms. Rumpf and addressed the Board. Ms. Weils referred to the estimate of approximately 550 Jewish families in the area and observed that those families had moved to the neighborhood without a local community mikvah. She questioned the number of potential users, noting that use would be limited to women within certain age ranges and could be further affected by periods of pregnancy.

Pinchus Breun, 1509 Second Avenue, was sworn by Ms. Rumpf and addressed the Board in support of the application. Mr. Breun explained that he had moved to the neighborhood because he valued its residential character, the opportunity to own a private home, and the ability to maintain and improve his property.

Responding to Ms. Weils' comments concerning the number of potential users, Mr. Breun maintained that the limited frequency of mikvah attendance supported the applicant's position that the facility would generate minimal traffic. He compared the religious function of a mikvah to that of a church or other house of worship, explaining that both served as places through which individuals could strengthen their relationship with God.

Mr. Breun also addressed concerns regarding exterior lighting. He questioned whether ordinary residential-style lighting would create an adverse impact and expressed appreciation that Mr. Bloch had addressed neighboring residents' concerns regarding illumination.

Turning to comments about property taxes, Mr. Breun offered his perspective on rising property values and taxation within the community. An audience member interrupted his remarks to challenge the relevance of his statements. Chairman Cook directed the audience member to refrain from interrupting and explained that anyone wishing to comment could approach the Board after the current speaker had finished.

Mr. Breun continued by explaining that, through his work as a contractor, he had visited mikvah facilities in several communities, including Englewood, Union, Morris County, Bucks County, and Marlboro. Based upon those experiences, he described mikvah operations as quiet, private, and designed to minimize their visibility and impact on surrounding neighborhoods. He maintained that the proposed facility would operate in a similarly discreet manner.

Terri Fox-Cavalier, 1034 Second Avenue, continued her public comments in opposition to the application. Ms. Fox-Cavalier emphasized that her concerns were not directed toward the particular religious use or whether the proposed facility would operate quietly. Rather, she expressed concern that granting the requested variance would establish a precedent for additional non-residential uses within the neighborhood. She objected to references to potential litigation against the Township and urged the Board to preserve the existing residential zoning standards. She stated that residents had purchased their homes with the understanding that the neighborhood was residential and requested that the Board maintain those established expectations.

Attorney Jeffrey Cheney, representing objector Thomas Hardell, addressed the Board in opposition. Mr. Cheney asserted that the applicant had not met the requirements for a D(1) use variance. He disputed the claim that the proposed mikvah qualified as an inherently beneficial use, stating that a mikvah had not been specifically recognized as such and referring to the applicant's planner's testimony.

Mr. Cheney argued that a use serving the religious needs of some residents did not, by itself, satisfy the variance standard. He maintained that approval would substantially impair the R-10 zoning scheme by removing residential housing stock amid the Township's affordable housing needs. He cited the Township's Fourth Round Affordable Housing Element and Fair Share Plan, including a reported net reduction of 101 residential units between 2013 and 2024 and a fourth-round obligation of 412 units.

Mr. Cheney asserted that synagogues were permitted or conditionally permitted elsewhere in the Township and that a mikvah might be accommodated as an accessory use at such a location. He argued that this would serve the religious community without departing from the residential zoning plan and requested that the Board deny the application.

Henoch Cohn, 540 Riverside Avenue, Pine Lake Park, was sworn by Board Attorney Ms. Rumpf and addressed the Board in support of the application. Mr. Cohn stated that he had moved to Pine Lake Park approximately three years earlier because of its quiet residential character. He

explained that he had not initially intended to speak but wished to respond to repeated comments suggesting that individuals moving into the neighborhood should not expect additional religious facilities to become available.

Mr. Cohn emphasized that religious freedom was a fundamental principle of the United States and maintained that individuals should be able to practice their religion regardless of where they chose to reside. He disagreed with the suggestion that members of a religious community should remain in areas where facilities already existed rather than relocate to another neighborhood. He stated that his decision to live in Manchester Township reflected both his appreciation for the residential environment and his expectation that his religious freedoms would be respected.

Mr. Cohn also expressed concern about the apparent tension among residents arising from the application. He stated that he valued peaceful relationships with his neighbors and believed that residents of different religious backgrounds should be able to live together while exercising their respective religious freedoms. He concluded by emphasizing the importance of equal treatment and religious liberty.

Following Mr. Cohn's remarks, the Board took a brief recess to allow the court reporter to change recording equipment. Upon resumption, Ms. Rumpf noted the recess for the record.

Yatzy Katz, 629 Eleventh Avenue, was sworn by Ms. Rumpf and addressed the Board. Mr. Katz stated that he had moved into the neighborhood approximately two and one-half months earlier and expressed concern about the strained relationships among residents resulting from the application.

Mr. Katz emphasized his desire to maintain positive relationships with his neighbors and encouraged residents to communicate directly when disagreements arose. He referred to an incident involving discarded fire alarms on his lawn and expressed disappointment that tensions had reached a point where neighbors appeared reluctant to approach one another. Addressing earlier comments regarding potential litigation, Mr. Katz suggested that statements perceived as threats might instead reflect frustration or deeply held concerns.

Eliezer Gewirtzman, 97 North Hampton Boulevard, Toms River, was sworn by Board Attorney Ms. Rumpf and addressed the Board in support of the application. Mr. Gewirtzman explained that the proposed mikvah was intended for Orthodox Jewish women observing specific religious requirements. He compared its specialized purpose to other services that, by their nature, were relevant only to individuals with particular needs. He maintained that the limited group of intended users should not be viewed as evidence that the facility was improperly restricted.

Marie Kulat-Hodges, 1601 Ninth Avenue, addressed the Board in opposition to the application. Ms. Kulat-Hodges emphasized that her concerns were not based on religion or the particular purpose of the proposed building. Rather, she maintained that the central issue was compliance with the Township's established approval procedures.

Ms. Kulat-Hodges stated that residents seeking to construct sheds, garages, or other improvements were required to obtain the necessary permits and approvals before proceeding with construction. She expressed concern that construction associated with the proposed facility had begun before the requested zoning approval was obtained. She maintained that the same rules should apply to all property owners and requested that the Board deny the application.

Mr. Rubin, previously sworn in, addressed the Board to clarify earlier references to potential litigation. He stated that pursuing legal action was an available right rather than necessarily a threat. Referring to his own experience with litigation following an explosion several years earlier, he explained that parties dissatisfied with the outcome of a legal or administrative process could choose whether to pursue available remedies. He maintained that discussion of possible litigation should not automatically be interpreted as an attempt to intimidate the Board.

Kirk Goebel, 1301 Eighth Avenue, was sworn by Ms. Rumpf and addressed questions to the Board Engineer, Mr. Worth, concerning the applicant's designation of the project as a minor site plan.

Mr. Goebel questioned whether the proposed development satisfied the applicable limitation of less than 5,000 square feet of land disturbance. He stated that an earlier version of the applicant's plans had shown a disturbance area exceeding that threshold. According to Mr. Goebel, revised plans subsequently reduced the reported disturbance area to approximately 4,000 square feet, placing the project below the maximum permitted for minor site plan consideration.

Mr. Goebel disputed the accuracy of the revised disturbance calculations. He maintained that the proposed limits of disturbance were drawn extremely close to areas where construction activities would occur and appeared to omit portions of the work, including excavation associated with the installation of a new septic tank. He asserted that accounting for the omitted areas could cause the total disturbance to exceed 5,000 square feet.

Mr. Goebel asked whether the Board Engineer had reviewed and verified the applicant's disturbance calculations. Mr. Worth responded that the applicant had testified that the total disturbance would remain below 5,000 square feet. He explained that the final plans would be reviewed to verify compliance with that representation. If the submitted plans failed to satisfy the applicable requirements, they would not be signed, and the applicant would not be permitted to proceed to building permits on that basis.

Mr. Goebel then asked whether the Board Engineer could require construction fencing or other physical controls to ensure that work remained within the approved limits of disturbance. He expressed concern that even a relatively small amount of additional excavation could cause the project to exceed the applicable threshold.

Mr. Goebel further asked whether a project exceeding 5,000 square feet of disturbance could continue to be considered a minor site plan. Mr. Worth confirmed that a project exceeding that threshold would not qualify under the minor site plan classification.

Mr. Goebel questioned whether excavation for the proposed underground tank could remain within the limits of disturbance shown on the plans. Referring to the size of the excavation and the space needed for equipment, tank placement, and surrounding stone, he maintained that the construction work would require more area than depicted.

Mr. Goebel asserted that the additional construction area could push land disturbance beyond the 5,000-square-foot threshold. He asked Mr. Worth to review whether the proposed limits realistically accounted for the work.

Mr. Goebel asked whether exceeding the threshold would require major rather than minor site plan review. Mr. Worth confirmed that major and minor site plans were different and stated that the applicant bore the burden of demonstrating full compliance with the final site plan requirements.

Mr. Goebel advised the Board that he had submitted a marked-up plan to the Board Engineer identifying several locations where he believed the proposed disturbance limits were insufficient. He maintained that relatively small additional areas of disturbance could collectively cause the project to exceed the applicable threshold. He urged Board members to review those concerns with Mr. Worth before deciding on the application.

Chairman Cook closed the public portion of comment. Chairman Cook asked Ms. Jennings if she intended to present her closing summation, Ms. Jennings requested that be held until the next meeting as the Board would not be voting this evening. Chairman Cook announced that the application would be carried to February 19, 2026, at 6:30 p.m., with no further notice to be provided.

**Adjournment:** Motion to adjourn at 10:32 pm made by Mr. Tedeschi and seconded by Ms Georgiano. Roll Call: All in Favor.

Respectfully submitted,

Erin Mathioudakis
Zoning Board Secretary