

BASS RIVER TOWNSHIP  
PLANNING BOARD  
RESOLUTION 2024-7

MARCH 20, 2024  
7:00 P.M.

NEW GREтна VOLUNTEER CO. FIREHOUSE  
5 North Maple Avenue  
New Gretna, New Jersey 08224

BOARD MEMBERS:  
CINDY ANN RUFFO, CHAIR  
RICHARD STEELE  
BONNIE J. ADAMS  
MARY DELOIS  
WINFIELD G. ALLEN, JR.  
ROBERT NEUWEILER  
CARRIE CROWLEY  
NATALIE LEWIS, PLANNING BOARD SECRETARY

HUDSON COURT REPORTING & VIDEO (732) 906-2078

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1 CHAIRWOMAN RUFFO: Call to order.  
 2 Would everyone please rise for the  
 3 flag salute.  
 4 (Whereupon, the Pledge of  
 5 Allegiance was recited.)  
 6 CHAIRWOMAN RUFFO: I'm going to  
 7 ask that anybody sitting here go out  
 8 into the audience and not be sitting  
 9 behind us, please.  
 10 MR. NORMAN: Oh, they're the fire  
 11 department.  
 12 CHAIRWOMAN RUFFO: Okay. Thank  
 13 you.  
 14 This meeting of the Bass River  
 15 Township Planning Board is being held in  
 16 conformance with the Open Public  
 17 Meetings Act with a notice published in  
 18 the Atlantic City Press and The Beacon  
 19 on December 31, 2023, and given to the  
 20 municipal clerk posted on the bulletin  
 21 board in the municipal building and the  
 22 township website.  
 23 The notice of the change of  
 24 meeting venue was published in The  
 25 Beacon Times, Bass River New Gretna, and

1 the Atlantic City Press on February 24,  
 2 2024, and given to the municipal clerk  
 3 posted on the bulletin board in the  
 4 municipal building and the township  
 5 website.  
 6 I'm going to go over some  
 7 guidelines for speaking tonight. So our  
 8 Resolution 2024-7. Public comment  
 9 guidelines have been established for  
 10 development hearings, including time  
 11 limits, and addressing remarks to the  
 12 Chair;  
 13 Emphasize the importance of the  
 14 proper decorum during the public  
 15 hearing, including respectful language  
 16 and no personal attacks or derogatory  
 17 speech;  
 18 The Board has the right to stop a  
 19 meeting and ask a disruptive member of  
 20 the public to leave if they fail to  
 21 follow the guidelines for conduct;  
 22 There is a -- going to be a  
 23 three-minute time limit for the  
 24 opportunity to make public comment;  
 25 There is a sign-in sheet to keep

1 track of those who want to speak to  
 2 provide their name before speaking to  
 3 avoid any confusion and chaos for those  
 4 who are speaking and to ensure their  
 5 comments are recorded accurately. It is  
 6 on the podium;  
 7 The podium is to be used to keep  
 8 things organized and to ensure  
 9 everyone's comment is heard.  
 10 Roll call, please.  
 11 BOARD SECRETARY LEWIS: Ms. Cope?  
 12 (No response.)  
 13 BOARD SECRETARY LEWIS: Mr.  
 14 Capriglione.  
 15 (No response.)  
 16 BOARD SECRETARY LEWIS: Ms. Ruffo?  
 17 CHAIRWOMAN RUFFO: Here.  
 18 BOARD SECRETARY LEWIS:  
 19 Ms. Spagnola?  
 20 (No response.)  
 21 BOARD SECRETARY LEWIS: Mr.  
 22 Neuweiler?  
 23 MR. NEUWEILER: Here.  
 24 BOARD SECRETARY LEWIS: Mr.  
 25 Steele?

1 MR. STEELE: Here.  
 2 BOARD SECRETARY LEWIS: Ms.  
 3 Delois?  
 4 MS. DELOIS: Here.  
 5 BOARD SECRETARY LEWIS: Mr. Allen?  
 6 MR. ALLEN: Here.  
 7 BOARD SECRETARY LEWIS: Ms. Adams?  
 8 MS. ADAMS: Here.  
 9 BOARD SECRETARY LEWIS:  
 10 Ms. Crowley?  
 11 MS. CROWLEY: Here.  
 12 BOARD SECRETARY LEWIS: Thank you.  
 13 CHAIRWOMAN RUFFO: We have new  
 14 resolutions to memorialize tonight, the  
 15 minutes for approval from the March 6,  
 16 2024, meeting at 6:00 p.m. Has everyone  
 17 gone over the minutes? Does anyone have  
 18 any questions or additions.  
 19 (No response.)  
 20 CHAIRWOMAN RUFFO: If not, we need  
 21 a motion to approve the minutes.  
 22 MS. DELOIS: Motion.  
 23 MR. STEELE: I'll second.  
 24 CHAIRWOMAN RUFFO: All in favor?  
 25 (Whereas, the Board voted aye in

1 favor of the motion.)  
 2 CHAIRWOMAN RUFFO: Opposed?  
 3 MR. NEUWEILER: Abstain. I missed  
 4 a meeting.  
 5 MS. ADAMS: Second.  
 6 CHAIRWOMAN RUFFO: Okay. Onto the  
 7 business of Maple River, LLC.  
 8 You're present.  
 9 MS. JENNINGS: Thank you. Good  
 10 evening. For the record, I'm Donna  
 11 Jennings from the law firm of Wilentz  
 12 Goldman & Spitzer on behalf the  
 13 Applicant.  
 14 Would you like me to go right into  
 15 it?  
 16 MR. NORMAN: Sure.  
 17 MS. JENNINGS: Okay. Thank you.  
 18 As everybody is aware, the Applicant is  
 19 here this evening seeking preliminary  
 20 and final major site plan approval and a  
 21 use variance to convert a portion of the  
 22 existing school for dormitory use in  
 23 connection with a private school of  
 24 approximately 42 students consisting of  
 25 35 full-time and seven daytime students

1 on property located at 11 North Maple  
 2 Avenue and identified as Block 56, lots  
 3 36 and 37 on the township's tax maps.  
 4 There will be approximately three  
 5 staff members. None of the students  
 6 will be permitted to park vehicles on  
 7 the property. The property is located  
 8 in the village residential zone, also  
 9 referred to as New Gretna Village  
 10 Residential Area, where school uses are  
 11 not permitted.  
 12 Therefore, Applicant's proposed  
 13 renovation of the existing school to  
 14 include a dormitory use is considered an  
 15 expansion of a preexisting nonconforming  
 16 use requiring a D variance of the  
 17 Municipal Land Use Law.  
 18 Additionally, there is an existing  
 19 nonconforming side yard setback  
 20 violation due to the building on  
 21 existing lot 36. Although both  
 22 variances are consumed under the grant  
 23 for the deed variance pursuant to a case  
 24 entitled Price v. Himeji, the record  
 25 will also show that the Applicant is

1 entitled to both variance approval if  
 2 deemed necessary.  
 3 As the record will show, the  
 4 Applicant satisfied both the positive  
 5 and the negative criteria for the  
 6 granting of the variance. Under the  
 7 positive criteria, the Applicant must  
 8 establish special reasons for the grant  
 9 of the variance.  
 10 With respect to the negative  
 11 criteria, the Applicant must satisfy the  
 12 two-prong analysis with proof that the  
 13 variance can be granted notwithstanding  
 14 judgment to the public good and that the  
 15 variance will not substantially impair  
 16 the intent and purpose of the zoning  
 17 plan and zoning ordinance.  
 18 With respect to the positive  
 19 criteria, it is clear that schools are  
 20 deemed inherently beneficial uses under  
 21 state law, thereby satisfying the  
 22 positive criteria as a matter of law.  
 23 As the record will show, the  
 24 proposed use is inherently beneficial on  
 25 three grounds: One, an institution of

1 religious learning; two, an institution  
 2 of religious practice; and, three, as an  
 3 institution of higher learning.  
 4 Both the State statute and case  
 5 law support these conclusions; that is,  
 6 section 4 of the municipal land use law  
 7 specifically defines a school as an  
 8 inherently beneficial use.  
 9 There can be no doubt that the  
 10 proposed yeshiva is a school that is an  
 11 institution for higher education of  
 12 study and practice of the Jewish Talmud.  
 13 It is analogous to a seminary or  
 14 monastery and other religious  
 15 traditions.  
 16 Case law also recognizes  
 17 universities as inherently beneficial.  
 18 In Hughes v. Monmouth University the  
 19 Court concluded there, "There is no  
 20 dispute that the University, as an  
 21 institution of higher learning,  
 22 qualifies as an inherently beneficial  
 23 use. Moreover, our courts have held  
 24 that a religious institution is an  
 25 inherently beneficial use."

1 Here, the record will demonstrate  
 2 that the operating, teaching at, and  
 3 studying at the yeshiva is a religious  
 4 activity and is motivated by the  
 5 yeshiva's sincerely held religious  
 6 beliefs.  
 7 More important, although Section 4  
 8 of the MLUL lists certain uses that are  
 9 inherently beneficial, that section  
 10 acknowledges that that list is not  
 11 exhaustive. In fact, that section  
 12 defines an inherently beneficial use as  
 13 a use which is universally considered a  
 14 value to the community because it  
 15 fundamentally serves the public good and  
 16 promotes the general welfare.  
 17 For instance, in a case called  
 18 State v. Cameron our New Jersey Supreme  
 19 Court stated that religious activity  
 20 itself is in furtherance of the public  
 21 morals and general welfare and that  
 22 religious institutions enjoy a highly  
 23 favored and protected status, which  
 24 severely curtails the permissible extent  
 25 of governmental regulation in this

1 area."  
 2 Here, an essential element of the  
 3 yeshiva is a requirement that the  
 4 students board at the school so that  
 5 students remain isolated and focused on  
 6 the academically and spiritually complex  
 7 subjects. This isolation is a scholarly  
 8 community. It is contemplated by the  
 9 Talmud and is an essential element of  
 10 the yeshiva's mission.  
 11 Importantly, as our appellate  
 12 division stated in a case entitled  
 13 Medical Center At Princeton V.  
 14 Princeton Township Zoning Board of  
 15 Adjustment: "Functions which are  
 16 accessory to the plaintiff's inherently  
 17 beneficial core uses are included under  
 18 its inherently beneficial umbrella."  
 19 Thus, the ancillary boarding of  
 20 students is part of the yeshiva's  
 21 religious activity and is protected  
 22 under the inherently beneficial  
 23 umbrella.  
 24 With respect to the negative  
 25 criteria, when dealing with an

1 inherently beneficial use, the Applicant  
 2 is relieved of the enhanced burden of  
 3 proof required under the Medici case.  
 4 Instead, the Board is to apply the Sica  
 5 balancing test. First, the Board should  
 6 identify the public interest at stake.  
 7 Second, the Board should identify the  
 8 detrimental effect that will ensue for  
 9 the grant of the variance. Third, the  
 10 Board is obligated to consider imposing  
 11 reasonable conditions on the use. And,  
 12 finally, the Board should then weigh the  
 13 positive and negative criteria and  
 14 determine whether unbalanced the grant  
 15 of the variance would cause substantial  
 16 detriment to the public good.  
 17 Here, the Applicant satisfies the  
 18 negative criteria because a proposed  
 19 private school is a less-intense use  
 20 than the former elementary school. The  
 21 record will show that the former  
 22 elementary school once had an enrollment  
 23 of approximately 183 students with 30  
 24 staff members.  
 25 Here, the Applicant proposes a

1 substantial reduction in attendance of  
 2 only 42 students. As noted the vast  
 3 majority of the students, 35, will live  
 4 on campus. Only one van is required to  
 5 transport the seven daytime students as  
 6 opposed to several school buses and  
 7 parents dropping off and picking up kids  
 8 every day.  
 9 Additionally, there's a  
 10 substantial reduction in staff proposed.  
 11 Only three members consisting of two  
 12 rabbis and one maintenance manager will  
 13 regularly work at that time at the  
 14 school.  
 15 Alternatively, and perhaps most  
 16 significantly, the Applicant is also  
 17 entitled to relief based on the federal  
 18 statute entitled the Religious Land Use  
 19 and Institutionalized Persons Act  
 20 referred to as RLUIPA.  
 21 To prevail on a RLUIPA claim, the  
 22 Applicant has the initial burden of  
 23 demonstrating that the land use  
 24 regulation actually imposes a  
 25 substantial burden on religious

1 activity. If the Applicant makes such a  
2 showing, then the burden shifts to the  
3 local government to demonstrate that the  
4 challenged regulation is in furtherance  
5 of a compelling governmental interest  
6 and is the least restrictive means of  
7 furthering that compelling governmental  
8 interest.

9 Here, the yeshiva's proposed land  
10 use, religious education, constitutes  
11 religious exercise. The whole school,  
12 including the dorms, is part of the  
13 religious exercise and constitutes a  
14 religious assembly and institution, and  
15 the building is a religious structure  
16 within the meaning of RLUIPA.

17 The statute defines religious  
18 exercise to include any exercise of  
19 religion whether or not compelled by or  
20 central to a system of religious beliefs  
21 and provides further that use, building,  
22 or conversion of real property for the  
23 purpose of religious exercise shall be  
24 considered religious exercise.

25 In a similar case involving am

1 Orthodox Jewish religious school, a  
2 federal court in New York held that the  
3 building of a rabbinical college of  
4 which student housing would be part  
5 falls squarely within the definition of  
6 religious exercise and that the  
7 multi-family dormitories that plaintiff  
8 sought to build were intended to  
9 facility religious exercise.

10 In another federal case, a federal  
11 court found that plaintiff's use, a  
12 religious conference and training  
13 facilities with 250 bedrooms as part of  
14 its fulfilment mission to train/educate  
15 lay and ordained people in the Catholic  
16 faith and, thus, part of its religious  
17 exercise.

18 Additionally, another federal  
19 court ruled that sleeping accommodations  
20 were central to a plaintiff's religious  
21 fellowship and that their absence would  
22 severely limit plaintiff's religious  
23 activities. Similarly here, the yeshiva  
24 will demonstrate that the boarding  
25 students is an essential element of its

1 religious exercise, entitling it to  
2 protection under that of federal statute  
3 under RLUIPA.

4 In support of the approval the  
5 Applicant will present the testimony of  
6 the following witnesses: My first  
7 witness will be Eli Blech, who is the  
8 owner and the Applicant, sitting to my  
9 left; we have Hudi Beck, who is our site  
10 engineer; Shimon Greenbaum, the  
11 architect; and then Andrew Janiw, the  
12 professional planner.

13 And just as a matter of  
14 recordkeeping, I am in receipt of one  
15 report, the board engineer planner  
16 review letter dated March 13, 2024,  
17 which we will address as we go through  
18 our witnesses.

19 Thank you.

20 CHAIRWOMAN RUFFO: Thank you.

21 MS. JENNINGS: Do you want to  
22 swear Eli in?

23 MR. NORMAN: Yes.

24 - - -

25 ELI BLECH, having first duly

1 affirmed according to law by the  
2 Officer, testifies as follows:

3 - - -

4 MR. NORMAN: And I'm also going to  
5 swear in Mr. Little, who is our board  
6 planner and engineer.

7 Mr. Little?

8 - - -

9 FRANK J. LITTLE, having been first  
10 duly sworn according to law by the  
11 Officer, testifies as follows:

12 - - -

13 MR. NORMAN: And your license as a  
14 planner and engineer is still in good  
15 standing.

16 MR. LITTLE: Yes, in the State of  
17 New Jersey.

18 MR. NORMAN: Okay. Thank you.

19 DIRECT EXAMINATION

20 BY MS. JENNINGS:

21 Q. Mr. Blech, if you could, for the  
22 record, just describe your role in the project?

23 A. Project lead.

24 Q. Keep your voice up so everybody can  
25 hear you.

1 A. I'm the project manager and I'm  
 2 working on the development of this yeshiva.  
 3 Q. And if you could describe the type  
 4 of school proposed.  
 5 A. The yeshiva for --  
 6 AUDIENCE MEMBER: We can't hear  
 7 him.  
 8 CHAIRWOMAN RUFFO: If you could  
 9 stand.  
 10 AUDIENCE MEMBER: Can he go up to  
 11 the podium?  
 12 BY MS. JENNINGS:  
 13 Q. Okay. So if you could, just briefly  
 14 describe the type of school proposed.  
 15 A. It's a post-high school yeshiva --  
 16 MS. JENNINGS: I don't think that  
 17 microphone's on.  
 18 MR. BLECH: It's a post-high  
 19 school yeshiva with dormitories for male  
 20 students approximately age of 18 to 21  
 21 for religious study.  
 22 BY MS. JENNINGS:  
 23 Q. And if you could describe the days  
 24 and hours of operation.  
 25 A. Classes are Sunday through Friday,

1 approximately 7:30 a.m. to 10:00 p.m.  
 2 Q. And what kind of classes are the  
 3 students studying basically?  
 4 A. Talmud.  
 5 Q. The Talmud.  
 6 And do they have any secular study  
 7 as well?  
 8 A. Primarily Talmud.  
 9 Q. All right. Keep your voice up.  
 10 Could you describe the enrollment  
 11 and staffing?  
 12 A. It's 35 full-time students living in  
 13 dorms with seven daytime students and the three  
 14 staff members at all times.  
 15 Q. And who are the three staff members?  
 16 A. It's primarily two rabbis and  
 17 primarily one manager.  
 18 Q. So there will be somebody on staff  
 19 24 hours a day?  
 20 A. Correct.  
 21 Q. It might not be three, it might be  
 22 one, but you have three total?  
 23 A. Rotation.  
 24 Q. They rotate? Okay.  
 25 And what about security and

1 supervision, do you have any security cameras?  
 2 A. Yes.  
 3 Q. What kind of security cameras?  
 4 A. It's a robust system that we  
 5 inherited from the school and the township.  
 6 Q. What about parking and bussing? Are  
 7 the students going to be driving to the school?  
 8 A. No.  
 9 Q. So as a condition of this approval,  
 10 if the Board were to grant it, you would agree  
 11 that no students would drive to the school?  
 12 There would be no parking onsite for the  
 13 students, correct?  
 14 A. Yeah. We don't want students to  
 15 come and have vehicles. It's part of the  
 16 purpose of having the secluded type of  
 17 environment.  
 18 Q. And what about other types of  
 19 deliveries to the site? What kind of vehicles  
 20 would come to the site?  
 21 A. Like UPS kind of vans, those kinds  
 22 of things to deliver.  
 23 Q. And what would they be bringing to  
 24 the site? I know the boys are living there  
 25 full time, so I assume you're feeding them?

1 A. Yeah. We're going to likely use  
 2 offsite catering, delivery, these kinds of  
 3 things, services, laundry services, these kinds  
 4 of things offsite.  
 5 Q. So the food for the boys are  
 6 basically brought in elsewhere through the UPS  
 7 van?  
 8 A. Yeah, they're warmed there.  
 9 Q. And they're warmed there.  
 10 And what about the school, would it  
 11 be open year round?  
 12 A. Year round?  
 13 Q. Yeah.  
 14 A. I mean, they're off around the  
 15 holiday months. We have the Jewish holiday  
 16 month cycle. It kind of goes around the Jewish  
 17 months, the Hebrew calendar. It roughly  
 18 correlates with the English calendar with  
 19 the -- it goes around the Passover and then  
 20 around the holiday and tabernacles, and there's  
 21 the summer months. But typically it's, like,  
 22 around a month around each holiday that they're  
 23 off.  
 24 Q. So there's no intention to have a  
 25 Summer Camp, this would just be the boys that

1 are at the school?  
 2 A. Yeah. That's not the intention.  
 3 MS. JENNINGS: Okay. That's all  
 4 the questions I really have for this  
 5 fact witness.  
 6 MR. NORMAN: Okay.  
 7 MR. BLECH: Thank you.  
 8 MR. NORMAN: Does anyone from the  
 9 Board have any questions for Mr. Blech?  
 10 MS. ADAMS: I have a simple  
 11 question. Bonnie Adams.  
 12 When you say they're going to be  
 13 catering offsite, they're going to be  
 14 bringing the food in, is that daily,  
 15 every day they'll be bringing food in,  
 16 or are you going to be housing food  
 17 there?  
 18 MR. BLECH: So I think the answer  
 19 to that is split. Probably breakfast  
 20 items are more easily stable and it's  
 21 easier to house breakfast items onsite.  
 22 Dinner, for sure, will be coming in  
 23 daily. You want it to be fresh. Lunch,  
 24 I guess, what's on the menu.  
 25 MS. ADAMS: Thank you.

1 there August of 2021 with a bachelor's of  
 2 science and civil engineering.  
 3 CHAIRWOMAN RUFFO: Yeah, the  
 4 microphone is not working.  
 5 MS. JENNINGS: Just talk loudly.  
 6 MR. BECK: Is that good?  
 7 AUDIENCE MEMBER: Yeah.  
 8 THE WITNESS: I graduated in  
 9 August of 2021 with a bachelor's of  
 10 science in civil engineering. I  
 11 submitted my years experience, I passed  
 12 the FD&P, the required tests. I  
 13 received my PE license around a year  
 14 ago. And since then have been  
 15 testifying, of course, with Ms. Jennings  
 16 my first time, and numerous  
 17 municipalities throughout New Jersey.  
 18 BY MS. JENNINGS:  
 19 Q. And your license is valid today?  
 20 MS. JENNINGS: I would like the  
 21 Board to accept his qualifications as a  
 22 professional engineer.  
 23 MR. NORMAN: Are you a licensed  
 24 professional planner?  
 25 THE WITNESS: I am not. Not yet.

1 MS. JENNINGS: At this time I  
 2 would like to call up the set engineer,  
 3 Hudi Beck.  
 4 MR. NORMAN: If you could just  
 5 spell your name. I'm sorry.  
 6 MR. BECK: Y-E-H-U-D-A-H, last  
 7 name is Beck, B-E-C-K.  
 8 MR. NORMAN: Okay. Mr. Beck, if  
 9 you could raise your right hand.  
 10 - - -  
 11 YEHUDAH BECK, having been first  
 12 duly sworn according to law by the  
 13 Officer, testifies as follows:  
 14 - - -  
 15 MR. NORMAN: Okay. Thank you.  
 16 DIRECT EXAMINATION  
 17 BY MS. JENNINGS:  
 18 Q. If you could, Hudi, for the benefit  
 19 of the Board, please give your background and  
 20 qualifications.  
 21 A. Sure. I started working with New  
 22 Lines Engineering in 2017, which is also when I  
 23 started school. Hence, the young looks. I  
 24 started at Ocean County College, and from there  
 25 I transferred to NJIT Newark. I graduated from

1 MS. JENNINGS: I have a separate  
 2 planner.  
 3 MR. NORMAN: Have a separate  
 4 planner.  
 5 MS. JENNINGS: Yes.  
 6 MR. NORMAN: Okay. That's fine.  
 7 BY MS. JENNINGS:  
 8 Q. If you could, Hudi, just confirm for  
 9 the record that you've had an opportunity to go  
 10 to the site and review the site plan?  
 11 A. Yes. The site plan has been  
 12 prepared directly under my supervision, and I  
 13 have walked the site right before this meeting.  
 14 Just to point out where we're  
 15 talking about, the dormitory, before we start,  
 16 so everybody's onboard, is this area in the  
 17 back of the building.  
 18 Q. Okay. Just so the record's clear,  
 19 can you describe what you're pointing to right  
 20 now?  
 21 A. Yes, I'd love to. The north is up  
 22 as we can see. Here's the site. Fronting the  
 23 site is North Maple. We are here.  
 24 Q. And what sheet is that of yours?  
 25 That's the site plan set that was submitted?

1 What sheet is that?  
 2 A. Yes. That's our site plan that was  
 3 submitted to the Board and public record.  
 4 Q. All right. Now, if you can just  
 5 describe the site more generally.  
 6 A. Currently onsite, I think everybody  
 7 knows, is a two-story elementary school  
 8 building with related improvements, including a  
 9 parking lot, outdoor recreation areas. In 1981  
 10 enrollment was with 183 students with 30 staff  
 11 members. Surrounding uses include the New  
 12 Gretna Volunteer Firehouse, Bass River Township  
 13 Park Municipal Building, and single-family  
 14 residential homes.  
 15 Q. And if you could discuss the  
 16 existing nonconforming conditions and required  
 17 variances for the record.  
 18 A. Yes. We are requesting a use  
 19 variance to permit the expansion of preexisting  
 20 nonconforming school use. The Applicant is  
 21 proposing to renovate approximately 4700 square  
 22 feet of the existing school for dormitory use.  
 23 That's one variance.  
 24 And both variance relief, if  
 25 necessary, from ordinance 89.8 with respect to

1 minimum side yard setback on lot 36, 18.64 feet  
 2 is proposed where 20 feet is required, and that  
 3 would be right up there.  
 4 Q. So just that small portion of one of  
 5 the existing buildings?  
 6 A. Yes.  
 7 MR. NORMAN: Is that a preexisting  
 8 condition?  
 9 MS. JENNINGS: Yes.  
 10 BY MS. JENNINGS:  
 11 Q. If you could, just describe the site  
 12 access and circulation for the record.  
 13 A. Yeah. There's two driveways  
 14 entering the site, one on the north, one on the  
 15 south. They're in relatively good condition.  
 16 We'd like to keep it as is. There will be no  
 17 access proposed from -- I think it's called  
 18 French Drive in the back.  
 19 Q. French Lane.  
 20 A. French Lane in the back.  
 21 Q. And what about parking?  
 22 A. Parking -- so the existing parking  
 23 is sufficient for our use. We had the  
 24 requirement that -- 27 or 28 spaces. We had  
 25 proposed 24, but we are proposing now to

1 re-stripe and we can accommodate 30 spaces.  
 2 Q. And, again, the students would not  
 3 be permitted to drive on site, so it's really  
 4 just our three staff people and the deliveries  
 5 that would come to the site in need of parking  
 6 space, correct?  
 7 A. Yes.  
 8 Q. Okay. And is it your opinion that  
 9 we don't need a loading area?  
 10 A. Correct.  
 11 Q. And can you tell us why?  
 12 A. Yeah. The deliveries are minimal,  
 13 as we spoke about. It's just delivery vans.  
 14 They can pull up in front of the building,  
 15 they can park in the parking spaces, and unload  
 16 the van. It's not a high level loading and  
 17 unloading.  
 18 Q. And what about solid waste storage  
 19 and handling, how is that going to be done?  
 20 A. The Applicant is responsible for any  
 21 solid waste storage and handling.  
 22 Q. And what about lighting and  
 23 landscaping?  
 24 A. Existing lighting is to remain.  
 25 Existing landscaping is to remain. There is

1 some landscaping, a buffer on the north side of  
 2 the site. Again, that is to remain.  
 3 Q. Okay. And what about utilities and  
 4 the septic system?  
 5 A. So the existing utilities are  
 6 sufficient. We are on well and well water and  
 7 septic. We have a letter from the Burlington  
 8 County Health Department certifying that the  
 9 proposed use -- the septic can handle our  
 10 proposed use.  
 11 We do have a letter from the  
 12 Pinelands with their criteria that we need to  
 13 meet with regard to water quality, and we  
 14 believe we can meet those criteria.  
 15 Q. Okay. What about any other outside  
 16 agency approvals?  
 17 A. The only other one I have is  
 18 the Board engineer's letter. We can and will  
 19 comply. There's two variances we are  
 20 requesting from that letter. One is to provide  
 21 entrance curbing and concrete aprons at the  
 22 site entrances. As I said, the current  
 23 entrance functions well. The design is  
 24 consistent with the neighboring sites along  
 25 North Maple Avenue.



1 A second waiver is going to provide  
 2 curbing and sidewalk along North Maple Avenue.  
 3 There currently is a sidewalk along the  
 4 frontage in good condition. And there is no  
 5 curbing anywhere along the frontage of North  
 6 Maple up and down the road.  
 7 Q. So you've reviewed the letter  
 8 prepared by Mr. Little's office dated March 13,  
 9 2024?  
 10 A. I have.  
 11 Q. And you believe you have addressed  
 12 all the concerns raised in that letter?  
 13 A. Yes.  
 14 MS. JENNINGS: We'll obviously ask  
 15 Mr. Little if that's correct. That's  
 16 all our direct testimony for this  
 17 witness.  
 18 MR. NORMAN: Okay.  
 19 CHAIRWOMAN RUFFO: Thank you.  
 20 MR. NEUWEILER: Were you involved  
 21 with the first application? I mean,  
 22 there's some minor areas that say that,  
 23 one, is public water available? You  
 24 have yes on your original application.  
 25 MR. BECK: I know. I wasn't

1 involved in that, but it's corrected  
 2 now. Sorry.  
 3 MR. NEUWEILER: Okay. And what  
 4 was the letter you had about the  
 5 Pinelands? What requirement was that,  
 6 the 2 percent dilution?  
 7 MR. BECK: So the township  
 8 requirement now is the 2 parts per  
 9 million. The Pinelands goes with what  
 10 the original approval was for, which is  
 11 7.3 parts per million.  
 12 MR. NEUWEILER: The previous  
 13 nonconforming use?  
 14 MR. BECK: Yes. As long as we're  
 15 not increasing the flow.  
 16 MR. NEUWEILER: And you're aware  
 17 that the building sat empty for almost  
 18 two years?  
 19 MR. BECK: Yes. And we had it  
 20 inspected since then.  
 21 MR. NEUWEILER: I understand.  
 22 But, you know, it's nonconforming -- I'm  
 23 not sure exactly the time, but when a  
 24 property is abandoned in use, the  
 25 nonconforming use is, like, disappearing

1 and needs to be revisited.  
 2 MS. JENNINGS: Well, the use  
 3 hasn't been abandoned, in our position.  
 4 We've been trying to get this approved  
 5 with the school, so that's not been  
 6 abandoned. That's being an intent to  
 7 abandon use. There was no intent to  
 8 abandon the school.  
 9 MR. NEUWEILER: No, I understand.  
 10 It sat empty for two years before you  
 11 bought it, though.  
 12 MS. JENNINGS: Right. But just  
 13 because it's empty doesn't mean there's  
 14 an attempt to abandon the use.  
 15 MR. NEUWEILER: Oh, yeah, I  
 16 understand. Maybe I'm confused about it  
 17 just not being in use.  
 18 MS. JENNINGS: Sure.  
 19 MR. NEUWEILER: Because those  
 20 systems tend to deteriorate without use.  
 21 MR. BECK: Yeah, we know. Again,  
 22 that's why we had it inspected. And it  
 23 is functioning. It functions well.  
 24 MR. LITTLE: Okay. So I have a  
 25 question. The Pinelands had some

1 comments in their Certificate of Filing,  
 2 and one was concerning the septic  
 3 dilution standards. But also it  
 4 mentioned not using the second floor of  
 5 the existing building with the exception  
 6 of storage. So I'm not sure what the  
 7 comment is on that.  
 8 But are you providing the  
 9 Pinelands with septic dilution  
 10 calculations to --  
 11 MR. BECK: Yes.  
 12 MR. LITTLE: -- ensure that you're  
 13 going to be in compliance with that  
 14 condition?  
 15 MR. BECK: They're going to  
 16 require that of us.  
 17 MR. LITTLE: They're going to  
 18 require it. Okay.  
 19 MR. NEUWEILER: Is that going to  
 20 be on a schedule? Is that going to be  
 21 ongoing testing?  
 22 MR. BECK: There is requirements  
 23 for ongoing testing. And, again, we'll  
 24 comply with all the requirements that --  
 25 MR. NEUWEILER: Because we had

1 Viking out. They ended up building a  
 2 sewage treatment plant a few years ago  
 3 because of their particular situation  
 4 across the street, but they're monitored  
 5 regularly by the State.  
 6 MR. BECK: Yeah. It depends on  
 7 the size of the systems. Larger systems  
 8 especially are monitored by the State.  
 9 Otherwise, I think we do the inspection  
 10 and we submit the paperwork to them.  
 11 MR. ALLEN: I have a question.  
 12 Winfield Allen.  
 13 The school portion -- the old  
 14 portion of the school, they stopped  
 15 using it for students some years ago. I  
 16 don't actually know when. Do you plan  
 17 on using that part? The two-story part  
 18 you're talking about, they stopped using  
 19 it for students.  
 20 MR. BLECH: Yeah, for the second  
 21 story. The second story is going to  
 22 stay storage.  
 23 MR. ALLEN: Oh, stay -- no, the  
 24 whole building. There was no students  
 25 in that whole building. All the

1 classrooms --  
 2 MR. BLECH: That section is  
 3 administrative.  
 4 MR. ALLEN: Okay. Thank you.  
 5 CHAIRWOMAN RUFFO: Any other  
 6 questions?  
 7 MR. LITTLE: I think you indicated  
 8 that you would provide sufficient  
 9 parking, so you don't require a variance  
 10 for the number of parking spots,  
 11 correct?  
 12 MR. BECK: Correct. We'll  
 13 re-stripe to get 30.  
 14 MR. LITTLE: Along with  
 15 handicapped parking, correct?  
 16 MR. BECK: Correct.  
 17 MR. LITTLE: Okay.  
 18 CHAIRWOMAN RUFFO: Anybody else?  
 19 (No response.)  
 20 CHAIRWOMAN RUFFO: Okay. Thank  
 21 you.  
 22 MS. JENNINGS: At this time, I'd  
 23 like to call the architect, Shimon  
 24 Greenbaum.  
 25 MR. NORMAN: Okay. Sir, can you

1 state your name for the record.  
 2 MR. GREENBAUM: My name is Shimon  
 3 Greenbaum.  
 4 MR. NORMAN: Could you spell that?  
 5 MR. GREENBAUM: First name is  
 6 S-H-I-M-O-N. Last name is Greenbaum,  
 7 G-R-E-E-N-B-A-U-M.  
 8 - - -  
 9 SHIMON GREENBAUM, having first  
 10 duly affirmed according to law by the  
 11 Officer, testifies as follows:  
 12 - - -  
 13 MR. GREENBAUM: I affirm.  
 14 MR. NORMAN: Or affirm. I'm  
 15 sorry.  
 16 DIRECT EXAMINATION  
 17 BY MS. JENNINGS:  
 18 Q. If you could, just for the benefit  
 19 of the Board, just give your background and  
 20 qualifications. And keep your voice up.  
 21 A. My name is Shimon Greenbaum, as I  
 22 stated before. I'm a licensed architect in the  
 23 State of New Jersey. I've been licensed in the  
 24 State of New Jersey for approximately five  
 25 years. I carry licenses in multiple other

1 states as well.  
 2 We've -- I am the managing  
 3 principal of Rise Architecture New Jersey, a  
 4 firm that works in multiple states and has  
 5 specific specialty in this type of school, the  
 6 yeshiva type of school. And I've testified in  
 7 front of multiple boards on this typology and  
 8 other building typologies as well.  
 9 Q. And your license is valid today?  
 10 A. My license is valid.  
 11 MS. JENNINGS: I'd ask the Board  
 12 to accept his qualifications as a  
 13 licensed architect in the State of New  
 14 Jersey.  
 15 MR. NORMAN: Yes.  
 16 BY MS. JENNINGS:  
 17 Q. Okay. If you could, Shimon, just go  
 18 through the floor plan and describe how the  
 19 Applicant is seeking to modify the interior of  
 20 the building to make it a yeshiva with a dorm  
 21 for the boys.  
 22 A. So we have -- I'm sure many people  
 23 in this room are familiar with the building.  
 24 There is an existing two-story structure on the  
 25 lower right of this image, which is going to

1 remain administrative, and the second floor  
 2 will remain storage.  
 3 There's a large assembly space in  
 4 the middle. That's old construction staying as  
 5 is. There's no change of use there. There  
 6 will still be a school. There are classroom  
 7 areas in the front over here that are remaining  
 8 classrooms. And then there is a gym/cafeteria,  
 9 which would remain the gym/cafeteria for the  
 10 school.  
 11 The area that we're talking about  
 12 changing is an area that seems to be a separate  
 13 structure that had been added on to the  
 14 building that had classrooms. There is now  
 15 going to be modified to be able to house  
 16 dormitory rooms.  
 17 We were able to convert the 4700  
 18 square feet into 11 dorm rooms, varying between  
 19 three beds and five bedrooms. Adequate shower  
 20 facilities and adequate bathroom facilities as  
 21 well as -- you know, the required means of  
 22 egress through the space.  
 23 MR. NORMAN: Did you say 11 dorm  
 24 rooms?  
 25 MR. GREENBAUM: Yes, I did.

1 MR. NORMAN: Okay. I want to make  
 2 sure I get it accurate. Thanks.  
 3 CHAIRWOMAN RUFFO: How many  
 4 showers will you be putting in?  
 5 MR. GREENBAUM: I believe  
 6 regulation is one to eight. So we would  
 7 be putting in showers based on code  
 8 requirements. So if we have 35 students  
 9 onsite, it would be five showers. I  
 10 would have to double check the code, but  
 11 it would be code compliant as per IBC.  
 12 MS. JENNINGS: That's really what  
 13 we're doing, so...  
 14 CHAIRWOMAN RUFFO: Is it possible  
 15 to show the Board the picture? We can't  
 16 see it from this angle.  
 17 MS. JENNINGS: Should have been in  
 18 your packets.  
 19 MR. NORMAN: We're going to mark  
 20 the floor plan Exhibit A-1.  
 21 (Exhibit A-1 was marked for  
 22 identification purposes.)  
 23 MS. JENNINGS: Okay. Or maybe --  
 24 what was submitted in the back because  
 25 we had the site plan.

1 MR. NORMAN: It's in the site  
 2 plan.  
 3 MR. LITTLE: It's part of the  
 4 application. It's just a colorized  
 5 copy.  
 6 MR. NORMAN: That's fine.  
 7 MS. ADAMS: I have a question.  
 8 So if I look at the plan, I'm counting  
 9 11 bedrooms, correct?  
 10 MR. GREENBAUM: Yes.  
 11 MS. ADAMS: And then you have  
 12 something -- a dorm room. So is that 11  
 13 plus a dorm room, but it still has beds  
 14 in it?  
 15 MR. GREENBAUM: Yeah. It's --  
 16 that's the 11th, I believe.  
 17 MS. ADAMS: Somebody want to  
 18 correct me? How many do you have?  
 19 MR. GREENBAUM: That's 11.  
 20 There's a lounge there. That pink space  
 21 is a lounge, which would be a soda  
 22 machine, a couch, a place for the boys  
 23 to relax a little bit.  
 24 MS. JENNINGS: So all the blue  
 25 squares are the dorm rooms.

1 MS. ADAMS: Okay. Yes. Thank  
 2 you.  
 3 MR. LITTLE: Are you required  
 4 updated Board of Health approval for any  
 5 of these facilities as far as the food  
 6 goes?  
 7 MR. GREENBAUM: We're usually not  
 8 involved in that process. That's  
 9 usually operations. But whatever  
 10 regulations we will be required to meet,  
 11 we will meet.  
 12 MR. LITTLE: Okay.  
 13 (Indistinct conversation.)  
 14 CHAIRWOMAN RUFFO: On that  
 15 sheet -- on the packet sheet it shows  
 16 12. On here it shows 11.  
 17 MR. GREENBAUM: We've been working  
 18 on this project for quite some time.  
 19 MR. NORMAN: So is this more up to  
 20 date?  
 21 MS. JENNINGS: Yes.  
 22 (Indistinct conversation.)  
 23 MS. JENNINGS: Fair enough.  
 24 MR. GREENBAUM: As I was trying to  
 25 figure out where you were getting 12.

1 CHAIRWOMAN RUFFO: That was it.  
 2 MR. LITTLE: So on the plan  
 3 there's a yellow shaded area.  
 4 MR. GREENBAUM: That yellow shaded  
 5 area, I believe, is currently the  
 6 sprinkler room?  
 7 MR. BLECH: (Nods head up and  
 8 down.)  
 9 MR. GREENBAUM: It's going to  
 10 remain the sprinkler room. I believe  
 11 we're going to maintain egress for that.  
 12 We were not showing that. We didn't get  
 13 through construction documents.  
 14 MR. LITTLE: But that's a  
 15 mechanical room --  
 16 MR. GREENBAUM: That's a  
 17 mechanical room.  
 18 MR. LITTLE: -- not another dorm  
 19 room?  
 20 MR. GREENBAUM: That's a current  
 21 mechanical room.  
 22 MR. LITTLE: Okay.  
 23 CHAIRWOMAN RUFFO: Does the Board  
 24 have any other questions?  
 25 MS. ADAMS: So at this time it's

1 approximately five showers, correct?  
 2 CHAIRWOMAN RUFFO: That's what he  
 3 said.  
 4 MR. GREENBAUM: It's approximately  
 5 five showers, yeah.  
 6 MR. LITTLE: I have one other  
 7 question. Are you going to have to  
 8 provide fire suppression for this  
 9 building?  
 10 MR. GREENBAUM: I don't believe  
 11 that we have to change anything that we  
 12 currently have.  
 13 MR. LITTLE: As far as it being a  
 14 dormitory with people staying in it?  
 15 MR. GREENBAUM: I believe that  
 16 this area already had some minimal --  
 17 MR. BLECH: We're expanding --  
 18 MS. JENNINGS: Louder. We want to  
 19 hear you.  
 20 MR. BLECH: Yeah. There are plans  
 21 to review it together with Shimon's  
 22 office. We are going to be sprinklering  
 23 this section under 13R.5. But there is  
 24 a limited sprinkler system --  
 25 MR. GREENBAUM: So the way the

1 buildings are built --  
 2 (Overlapping speaking.)  
 3 MR. GREENBAUM: The way the  
 4 buildings are built they're actually  
 5 separate buildings, so we can actually  
 6 separate them legally. And this  
 7 becomes -- the dorm use doesn't have  
 8 sprinklers, but Eli was working with  
 9 the -- we were with the sprinkler guys  
 10 as to what system we could use and how  
 11 that would be compliant with the pumping  
 12 that's onsite.  
 13 MR. LITTLE: Are there multiple  
 14 wells onsite or just one well?  
 15 MR. BLECH: We're going to be  
 16 using a tank system.  
 17 MR. NORMAN: And just for the  
 18 public issues like showers and stuff in  
 19 the interior of the building are largely  
 20 construction code requirements. This  
 21 Board doesn't really have jurisdiction  
 22 on those types of issues. We deal with  
 23 the land use. That's the construction  
 24 department.  
 25 MR. NEUWEILER: Do you anticipate

1 having any difficulty finishing your  
 2 site plan with Pinelands or any --  
 3 especially as regards the dilution.  
 4 MR. GREENBAUM: Pinelands and site  
 5 would be Mr. Beck's jurisdiction. So  
 6 I --  
 7 MR. NEUWEILER: I know you're a  
 8 designer --  
 9 MR. GREENBAUM: I deal IBC and ADA  
 10 code and that stuff.  
 11 MR. NEUWEILER: But in terms of  
 12 your part in the building and  
 13 construction, I don't --  
 14 MR. GREENBAUM: We're staying  
 15 within the existing envelope.  
 16 MR. NEUWEILER: Very good. Thank  
 17 you.  
 18 MR. GREENBAUM: There's no  
 19 extensions, no expansions. This one's  
 20 easy for me, actually.  
 21 MR. NEUWEILER: But in the future,  
 22 it's been brought to us before, you hope  
 23 that maybe there will be as many as 149  
 24 students at -- in the future?  
 25 MR. GREENBAUM: So, again, I

1 believe that Mr. Blech testified and --  
 2 MR. NEUWEILER: I just got you --  
 3 MR. GREENBAUM: I believe  
 4 Ms. Jennings mentioned the inherent need  
 5 for the dormitory to be part and parcel  
 6 of the actual educational process. So  
 7 the student body would not expand much  
 8 more than what's currently approved.  
 9 And if they did want to expand, I  
 10 believe Ms. Jennings will say, as is her  
 11 standard refrain, they will be back in  
 12 front of you for that expansion.  
 13 MS. JENNINGS: You're considering  
 14 an application limited to the number of  
 15 students in the application. So if we  
 16 were to increase that, even by one, we  
 17 would have to come back to the Board and  
 18 get your permission.  
 19 MR. NORMAN: It would be an  
 20 amended use variance. So they're only  
 21 asking for permission for the 35  
 22 boarding students, the seven day school  
 23 students are going to be bussed, and the  
 24 three staff?  
 25 MS. JENNINGS: Correct.

1 We're now in our 25th year.  
 2 I have a bachelor's and master's  
 3 degree in civil engineering from the New Jersey  
 4 Institute of Technology. I am a licensed  
 5 professional planner in the State of New Jersey  
 6 as well as a member of the American Institute  
 7 of Certified Planners.  
 8 I'm currently serving as the  
 9 planner for the Borough of Carteret and  
 10 Middlesex County as well as Hillsborough and  
 11 Monmouth County. In 2022 I was appointed to  
 12 the State Board of Professional Planners by  
 13 Governor Murphy. I'm an advisor to the New  
 14 Jersey planning officials.  
 15 I have testified throughout the  
 16 State of New Jersey and been qualified as a  
 17 land use expert by the Superior Court of the  
 18 State of New Jersey.  
 19 MS. JENNINGS: I'd like the Board  
 20 to accept his qualifications as a  
 21 professional planner.  
 22 CHAIRWOMAN RUFFO: Yes.  
 23 MR. NORMAN: Yes.  
 24 MS. JENNINGS: Thank you.  
 25 BY MS. JENNINGS:

1 CHAIRWOMAN RUFFO: Any other  
 2 questions for this gentleman?  
 3 (No response.)  
 4 CHAIRWOMAN RUFFO: Thank you.  
 5 MS. JENNINGS: Okay. At this time  
 6 then I'll call up Andrew.  
 7 MR. JANIW: Good evening.  
 8 MR. NORMAN: Your name, sir?  
 9 THE WITNESS: It's Andrew Janiw,  
 10 J-A-N-I-W.  
 11 - - -  
 12 ANDREW JANIW, having been first  
 13 duly sworn according to law by the  
 14 Officer, testifies as follows:  
 15 - - -  
 16 MR. NORMAN: Okay.  
 17 DIRECT EXAMINATION  
 18 BY MS. JENNINGS:  
 19 Q. Andrew, if you could, for the  
 20 benefit of the Board, please give your  
 21 background and qualifications.  
 22 A. Certainly. I'm a principal and  
 23 managing member of the firm of Beacon Planning  
 24 and Consulting Services. We're located at  
 25 315 Highway 34 in Colts Neck, New Jersey.

1 Q. So, Andrew, just for the benefit of  
 2 the Board, can you confirm that you've had an  
 3 opportunity to review the application and the  
 4 supporting materials?  
 5 A. Yes. In preparation for this  
 6 evening's hearing I have reviewed the  
 7 application, and I reviewed, I believe, three  
 8 versions of Mr. Little's report. I've been to  
 9 the site. I've reviewed the ordinances, your  
 10 master plan, as well as the plans and the  
 11 evolution of the plans prepared for this  
 12 application.  
 13 Q. And you have an understanding of the  
 14 relief the Applicant is seeking this evening?  
 15 A. I do.  
 16 Q. And if you could go through your  
 17 planning analysis and indicate whether or not  
 18 in your professional opinion the Applicant has  
 19 satisfied both positive and negative criteria  
 20 for the granting of the requested relief.  
 21 A. Certainly. So the property is a  
 22 through lot located here along North Maple  
 23 Avenue, just next door, and it is in your NGV,  
 24 New Gretna Village zone, also known as the  
 25 village residential district. This district

1 permits single-family dwellings, general  
 2 agricultural uses and municipal uses.  
 3 Historically, the property was  
 4 operated as an elementary school and at one  
 5 time was occupied by as many as 183 students  
 6 and 30 staff members.  
 7 The application this evening is to  
 8 convert a portion of that building for  
 9 dormitory use in conjunction with a private  
 10 religious school use. The attendees at the  
 11 school will be young men aged, I believe, 18 to  
 12 early twenties, and they will be involved in an  
 13 immersive religious program, which does require  
 14 onsite residency.  
 15 As the school is no longer  
 16 permitted use of the district, however  
 17 municipal uses are, the application this  
 18 evening seeks a D variance for the expansion of  
 19 a preexisting nonconforming school.  
 20 For the record, there are no  
 21 proposed changes to the building, to the  
 22 exterior of the building, to the configuration  
 23 of the building. There is an existing  
 24 nonconformity with respect to a side yard  
 25 setback that was discussed by the site

1 engineer.  
 2 But, otherwise, the only  
 3 modifications that are proposed is some  
 4 striping to the parking lot in order to provide  
 5 for 30 delineated parking spaces, which are  
 6 more than are required for this use. And  
 7 everything else will happen internally within  
 8 the building.  
 9 MR. NORMAN: I want to interrupt  
 10 you just for a bit because it's on your  
 11 analysis that it's an expansion of a  
 12 nonconforming use, which is a D(2)  
 13 variance.  
 14 MR. JANIW: Yes.  
 15 MR. NORMAN: It was a public  
 16 school originally and the change of use  
 17 is to a private boarding school?  
 18 MR. JANIW: Yes.  
 19 MR. NORMAN: Is there a  
 20 distinction in the use, that maybe it's  
 21 a D(1) use variance?  
 22 MR. JANIW: So there is no  
 23 distinction in terms of its function as  
 24 a school. There cannot be, under  
 25 RLUIPA, a distinction between a public

1 or a private school, or a religious  
 2 school, for that matter. A school is a  
 3 school is a school.  
 4 MR. NORMAN: And I don't dispute  
 5 that. But what about the difference  
 6 between going to a daytime school  
 7 operation to an educational facility  
 8 where there's boarding overnight? The  
 9 use is spread out -- it's lengthier over  
 10 the course of the day.  
 11 MR. JANIW: So it is lengthier  
 12 over the course of the day; however, it  
 13 will operate as a substantially lower  
 14 intensity than it had as a public  
 15 school. I believe we had indicated that  
 16 at one time it housed 183 day students.  
 17 And I believe Donna also, in her  
 18 introductory statement, read into the  
 19 record case law regarding the  
 20 recognition of dormitories as an  
 21 accessory to an inherently beneficial  
 22 use as being something that's widely  
 23 accepted within the realm of a school  
 24 use.  
 25 MR. NORMAN: There's a -- and

1 brushing up for this because this is  
 2 very much a legal issue, and I don't  
 3 expect you all to know that.  
 4 There's a case called Satala (ph),  
 5 where they had basically a convenience  
 6 store next to a gas station on adjoining  
 7 properties, and the developer came in  
 8 and said we're going to tear it all down  
 9 and we're going to build a super Wawa,  
 10 which has a convenience store with gas  
 11 pumps.  
 12 And the courts ruled that the use  
 13 variance applications, all things being  
 14 equal, you err on the side of a D(1).  
 15 And I'm sort of wondering if this is  
 16 along the same lines, that you're going  
 17 from a public day school to a private  
 18 boarding school, is that a change of use  
 19 that -- you're going from one  
 20 non-permitted use to another. They're  
 21 similar.  
 22 MR. JANIW: Yeah, I was going to  
 23 say it's not a change in use. It's  
 24 still going to be an educational  
 25 facility. This will have the accessory

1 dormitory use.  
 2 And it is -- the distinction here,  
 3 I would say to that use, is this is an  
 4 inherently beneficial use. I'll get  
 5 into that, into the qualifications,  
 6 because I think that will trump whether  
 7 it's a D(1) or a (2) because under  
 8 inherently beneficial, the positive  
 9 criteria is satisfied because of the  
 10 nature of the school.  
 11 MR. NORMAN: Understood. Okay.  
 12 MR. JANIW: So moving on, the  
 13 application this evening, therefore, is  
 14 to permit the renovation of a portion of  
 15 the existing structure to accommodate  
 16 the religious school with a 35-bed  
 17 dormitory.  
 18 The remainder of the structure  
 19 will remain the same. The second floor  
 20 will remain for the sole purpose of  
 21 storage. The proposed dormitory will  
 22 occupy the southwest portion of the  
 23 building. There will be 11 rooms with  
 24 three to five beds each.  
 25 There will be sufficient bathing

1 and toilet facilities for the population  
 2 as well as a lounge for the residents.  
 3 And as indicated, there will be three  
 4 staff members. There is a cafeteria  
 5 associated with the building that will  
 6 be used as essentially a warming  
 7 kitchen.  
 8 There are operations -- testimony  
 9 this evening discussing how food  
 10 deliveries will be coming. Dinners will  
 11 be delivered fresh daily. There will be  
 12 the storage of some nonperishable goods  
 13 for breakfast and snacks and the like.  
 14 But that, in sum total, is the -- kind  
 15 of the nature of the use and, if you  
 16 will, the additional dormitory use and  
 17 what changes there will be to the  
 18 facility.  
 19 So, as I mentioned, in preparing  
 20 for this evening I did review your  
 21 master plan, I did review the purposes  
 22 within the municipal land use law.  
 23 Looking at your most recent  
 24 reexamination report, it includes the  
 25 following goals:

1 To encourage municipal action to  
 2 guide the appropriate use of land within  
 3 the township in a manner which will  
 4 promote the public health, safety,  
 5 morals, and general welfare. In this  
 6 case an institution is proposed that  
 7 will provide religious education as well  
 8 as good moral behavior of citizens.  
 9 We'll go on to the inherently  
 10 beneficial use. But the use itself is  
 11 something that promotes that very  
 12 objective within your master plan. And  
 13 as this board knows, a variance can not  
 14 be granted for the sole purpose of the  
 15 benefit of the Applicant. There has to  
 16 be a public purpose.  
 17 And then we turn to the municipal  
 18 land use law at 40:55D for those  
 19 purposes. There are multiple purposes  
 20 listed therein. They are listed by  
 21 letter, and I believe there are three  
 22 that are promoted by this application.  
 23 The first is listed as A to  
 24 encourage municipal action to guide the  
 25 appropriate use or development of all

1 lands in the State in a manner which  
 2 will promote the public health, safety,  
 3 morals, and general welfare.  
 4 And, again, going to the morals  
 5 and general welfare of the public, this  
 6 is a religious institution. It will  
 7 foster a religious and moral-based  
 8 education process. It is intended to  
 9 create goodwill amongst the community.  
 10 And I believe we are absolutely on point  
 11 with that.  
 12 G is to provide sufficient space  
 13 in appropriate locations for a variety  
 14 of agricultural, residential,  
 15 recreational, commercial, and industrial  
 16 uses in open space, both public and  
 17 private, according to their respective  
 18 environmental requirements in order to  
 19 meet the needs of all New Jersey  
 20 citizens.  
 21 In this case we have an existing  
 22 school building that is going to be  
 23 reused. The use was never abandoned.  
 24 It's going to be opening as an  
 25 educational facility. It will include a

1 dormitory facility.  
 2 And with respect to their  
 3 environmental requirements, there was  
 4 testimony requiring the supervision of  
 5 Pinelands as well as all the relative  
 6 dilution modeling for the septic system  
 7 here.  
 8 This facility will have to comply  
 9 with all the correct regulations in  
 10 order to do that, and to that extent it  
 11 intends to, and in some instances may be  
 12 limited by such regulations. But it  
 13 will be compliant with the environmental  
 14 regulations for the site.  
 15 And, finally, M is to encourage  
 16 the coordination of various public and  
 17 private procedures and activities  
 18 shaping land development with a view of  
 19 lessening the cost of such development  
 20 into the more efficient use of land.  
 21 And this, I think, we're  
 22 absolutely on point. We have an  
 23 existing facility that is an easy  
 24 conversion to dormitories and has  
 25 classrooms, assembly space, kitchen

1 space, all the necessary elements for  
 2 the school to operate.  
 3 It operated as a school. It will  
 4 continue to be an educational facility,  
 5 albeit private, and it is on point with  
 6 respect to the sole purpose of looking  
 7 and shaping land development for an  
 8 efficient use of structures that are  
 9 already there, infrastructure building.  
 10 This is an efficient use of land.  
 11 MR. NORMAN: You're saying this is  
 12 an adapted reuse?  
 13 MR. JANIW: I would say it's an  
 14 adaptive reuse. I mean, in terms of --  
 15 the only things we're doing is we're  
 16 taking a portion of it and converting  
 17 classroom space to dormitory space.  
 18 But that portion of the building  
 19 is sprinklered, and as you heard, the  
 20 owner of the property testified that he  
 21 has met with the owner of the sprinkler  
 22 company. It can be readily adapted for  
 23 an R13 sprinkler system because it was  
 24 already sprinklered. It is something  
 25 that is not a heavy lift to create this

1 use.  
 2 We have sufficient infrastructure  
 3 on the property. The parking can  
 4 accommodate the use. There's recreation  
 5 facilities both inside and out in order  
 6 to accommodate the students that will  
 7 reside at this property.  
 8 So it is an ideal fit because of  
 9 the nature of the improvement, because  
 10 of the prior use, and because of the  
 11 configuration of the property and the  
 12 building.  
 13 Therefore, to qualify for the  
 14 variance relief for the D variance, and,  
 15 again, we can distinguish between a D(1)  
 16 and a D(2), but I think when we're  
 17 looking at inherently beneficial, we  
 18 have some language here that overrides.  
 19 The school will provide students  
 20 with foundational understanding of the  
 21 Jewish religion and culture and,  
 22 therefore, can be considered as an  
 23 inherently beneficial use.  
 24 In 2009 the legislature amended  
 25 NJS 40:55D-4 by L.2009 c.146 to define

1 inherently beneficial as follows:  
 2 "Inherently beneficial means a use which  
 3 is universally considered a value to the  
 4 community because it fundamentally  
 5 serves the public good and promotes the  
 6 general welfare. Such a use includes,  
 7 but is not limited to, a hospital, a  
 8 school, child care center, group home,  
 9 or wind, solar, or photovoltaic energy  
 10 facility or structure."  
 11 Therefore, when we're reviewing  
 12 this application, we must consider the  
 13 unique nature of the use where the  
 14 education is of religious nature, and  
 15 such institutions are also afforded  
 16 protections, not only by the State in  
 17 recognition of uses that are of good  
 18 moral character to the community, but  
 19 are also protected under the Religious  
 20 Land Use and Institution Person Act of  
 21 2000, which is commonly referred to as  
 22 RLUIPA. I'll discuss RLUIPA a little  
 23 bit more, but I'd like to focus now on  
 24 the inherently beneficial aspect as  
 25 defined by the State of New Jersey.



1 The issue of the use is how this  
 2 application meets the criteria of an  
 3 inherently beneficial use. An  
 4 inherently beneficial use means that it  
 5 satisfies the positive criteria of the  
 6 D(2) criteria as a matter of law. And  
 7 that's because the nature of the use is  
 8 of such a universally anticipated or  
 9 recognized benefit to the community that  
 10 it just satisfies the general welfare  
 11 and morals of the public, and that is  
 12 the case here.  
 13 Which leads us to the  
 14 concentration of, I'll call it, the  
 15 negative criteria. And when we're  
 16 looking at something in an inherently  
 17 beneficial use, the Sica criteria is  
 18 implemented in order to balance the use  
 19 with the site.  
 20 The Sica criteria, which was born  
 21 out of the case of Sica v. Wall  
 22 Township, which was a head trauma center  
 23 in Wall Township, held that "An  
 24 applicant's burden of proof with respect  
 25 to satisfying the negative criteria for

1 an inherently beneficial use is  
 2 significantly less with respect to the  
 3 typical non-inherently beneficial use.  
 4 Instead the Sica balancing test is  
 5 employed."  
 6 The Board must balance the  
 7 positive and negative criteria to  
 8 determine whether unbalanced the  
 9 variance can be granted without  
 10 substantial impairment and intent to the  
 11 purpose of the zone plan and zoning  
 12 ordinance.  
 13 The four criteria within Sica are  
 14 as follows: One, is to identify the  
 15 public interest at stake. In this case  
 16 the public interest at stake is the  
 17 development of citizens with a strong  
 18 sense of morals through religious  
 19 education. This benefits the community  
 20 at large as well as the community within  
 21 the religion itself and creating an  
 22 educational facility that will promote  
 23 good behavior, moral behavior, and  
 24 charitable behavior.  
 25 Criteria No. 2 under Sica is to

1 identify the detrimental effects that  
 2 would ensue from the granting of the  
 3 variance. Now, this facility is unique  
 4 in that it formerly operated as a school  
 5 in a much greater intensity than was  
 6 anticipated here.  
 7 We read into the record and we've  
 8 had documentation that as many as 183  
 9 students attended here on a daily basis  
 10 and 30 staff members. That implies a  
 11 significant amount of traffic with  
 12 respect to buses bringing students in,  
 13 with respect to staff members arriving  
 14 by vehicle.  
 15 This facility will operate at a  
 16 significantly lower intensity. The  
 17 configuration of the site is configured  
 18 to accommodate an educational use and is  
 19 readily adapted in order to convert a  
 20 portion of the building for dormitory  
 21 use. The site will be improved with a  
 22 better organized parking lot with  
 23 re-stripping of spaces.  
 24 And perhaps the only impact would  
 25 be from daily food deliveries such as

1 meals that would be prepared offsite and  
 2 delivered for onsite consumption. These  
 3 occur in vans and can be readily  
 4 accommodated on the site within the  
 5 parking configuration.  
 6 We'll note that the bus traffic to  
 7 the site will be significantly less than  
 8 when the school operated as a public  
 9 school, with seven students arriving  
 10 daily by a van and not a school bus.  
 11 So when we look at the detrimental  
 12 effects of the building, I would say  
 13 there are none. It is entirely housed  
 14 within the building without any exterior  
 15 reconfiguration or improvement. The  
 16 students are essentially sequestered  
 17 during their education period. You  
 18 heard the classroom schedule is 7:30 to  
 19 10:00 p.m. They are intended to be here  
 20 for an immersive experience with one  
 21 another. And if anyone has experienced  
 22 how yeshiva students study, they  
 23 essentially study in groups. They are  
 24 constantly challenging each other in  
 25 Talmudic studies.

1 They are very much insulated and  
 2 focused upon studies. There isn't a lot  
 3 of time for recreation and the like.  
 4 And essentially that's also why they are  
 5 not permitted to have vehicles. They  
 6 are intended to be onsite and focused on  
 7 their studies in a very intense manner.  
 8 So when you look at whether we can  
 9 reduce any of these detrimental impacts,  
 10 I would say the only concern we would  
 11 have is the reconfiguration of the  
 12 parking, which we are re-stripping,  
 13 perhaps reconfiguration of some of the  
 14 exterior amenities to be more age  
 15 appropriate.  
 16 Playgrounds and such were  
 17 configured for an elementary education.  
 18 We'll have young adults here at this  
 19 property. There is a basketball court  
 20 that is likely to be used from time to  
 21 time. Clearly the detrimental impacts  
 22 of this are negligible.  
 23 Finally, prong No. 4 would be to  
 24 balance the positive and the negative  
 25 and determine whether the grant of the

1 variance would cause substantial  
 2 detriment to the public good.  
 3 As there are no substantial  
 4 detriments identified, and when we're  
 5 looking at the balance test, I would say  
 6 that clearly the advent of this -- or  
 7 re-advent of this structure as a  
 8 religious educational facility is a  
 9 substantial benefit to the community  
 10 without any substantial impairment to  
 11 the intent and purpose of the zone plan.  
 12 The zone plan permits municipal  
 13 uses here and that presumably includes  
 14 uses with assembly purposes. This is  
 15 essentially a place of religious  
 16 assembly as well as education.  
 17 So when we're looking at it, it is  
 18 on point with how it operated, with how  
 19 it will continue to operate it, and  
 20 perhaps unintentionally in your  
 21 ordinance the fact that it doesn't allow  
 22 municipal uses, it will be an assembly  
 23 use that will function similarly to what  
 24 a municipal use may be.  
 25 Therefore, it's my professional

1 opinion that this is not a substantial  
 2 detriment to the public good, nor will  
 3 it impair the intent of the zone plan.  
 4 And as I said, the facility formerly  
 5 operated as a school. It will continue  
 6 to operate as a school. It will include  
 7 dormitory space for the immersive  
 8 religious education that will be taught  
 9 at the school. And at the end of the  
 10 day it is inherently beneficial and will  
 11 foster the community morals and welfare.  
 12 We talked about the suitability of  
 13 the site in a D(1), and I would proffer  
 14 that even if this wasn't recognized as  
 15 inherently beneficial, this would  
 16 satisfy the particular suitability test  
 17 under Medici and that the configuration  
 18 is ideal for continued education use on  
 19 this property. The use was never  
 20 abandoned. It is easily reopened  
 21 through just a simple cleaning  
 22 configuration and modernization of some  
 23 internal facilities.  
 24 And then as if it were a D(2), we  
 25 would look as to whether the use could

1 be accommodated on the site. Again,  
 2 because of the unique situation of the  
 3 infrastructure and the building already  
 4 being there and configured for  
 5 education, this would satisfy the  
 6 D criteria, whether it's adjudicated  
 7 under Coventry or under Medici.  
 8 And that brings us to the  
 9 discussion of RLUIPA. When reviewing  
 10 this application, we have to consider  
 11 that the nature of the use is a  
 12 continuation of the individual's  
 13 development in the Jewish faith. The  
 14 school fosters religious traditions in  
 15 the practices of the faith and intended  
 16 to develop character through an  
 17 immersive faith-based environment.  
 18 Such institutions of religion and  
 19 religious learnings and traditions are  
 20 afforded protections under the Religious  
 21 Land Use and Institutional Persons Act  
 22 of 2000.  
 23 The school in its nature is  
 24 exactly such a use and is protected by  
 25 federal law. RLUIPA provides that

1 government shall impose or implement a  
 2 land use regulation that excludes  
 3 religious assemblies from a  
 4 jurisdiction.  
 5 And that goes to the heart of  
 6 really, when we're looking at schools,  
 7 we can't distinguish between public and  
 8 private schools or public and religious  
 9 schools. A school is a school. And  
 10 regardless of whether it has religious  
 11 connotations or not, it's a school, and  
 12 the school will continue to be a school.  
 13 RLUIPA also mandates that no  
 14 government shall impose or implement a  
 15 land use regulation in a manner which  
 16 imposes a substantial burden on the  
 17 religious exercise of the person,  
 18 including religious assembly or  
 19 institution unless the government  
 20 demonstrates that, in position of the  
 21 burden on that person, assembly or  
 22 institution is a furtherance of  
 23 compelling government interest and is  
 24 the least restrictive means of  
 25 furthering that government interest.

1 The continuation of the religious  
 2 education through early adulthood is  
 3 viewed as essential in the development  
 4 of a young Jewish man and his continued  
 5 participation in the Jewish faith. The  
 6 outright prohibition of such an  
 7 immersive experience in a structure so  
 8 particularly suited would be a  
 9 substantial burden as it would imply a  
 10 government action intended to prohibit  
 11 the accommodation of faith-based  
 12 education and development of an  
 13 individual.  
 14 Finally, we have to consider that  
 15 the Board's intention would have to be  
 16 discussed under the equal terms  
 17 provision of RLUIPA. And this speaks to  
 18 the government favoring nonreligious  
 19 assemblies over religious assemblies.  
 20 The school is a preexisting,  
 21 nonconforming use that included assembly  
 22 and educational purposes. This use will  
 23 continue assembly and -- sorry,  
 24 educational purposes. This application  
 25 will continue assembly and education

1 with religious connotations.  
 2 The district permits municipal  
 3 uses here. Presumably these include  
 4 assembly. Therefore, when we're looking  
 5 at equal terms, we believe that we do  
 6 have protections under RLUIPA. This is  
 7 a good application because of the  
 8 particular suitability of the building  
 9 for this use and, therefore, should not  
 10 be restricted.  
 11 MS. JENNINGS: Thank you, Andrew.  
 12 CHAIRWOMAN RUFFO: Thank you.  
 13 Does the Board have any questions?  
 14 MR. NORMAN: Is there a use  
 15 distinction between public school and a  
 16 seminary?  
 17 MR. JANIW: A seminary is an  
 18 educational facility. It has religious  
 19 connotations. It includes the facility  
 20 that has onsite residency. So when  
 21 we're looking at schools, no, there is  
 22 not.  
 23 MS. ADAMS: I have a question. So  
 24 in regards to the students, 7:30 to  
 25 10:00 p.m. and then possibly any other

1 type of activity where outsiders would  
 2 be brought in, such as a religious  
 3 occasion or graduation, something of  
 4 that nature, how often would that happen  
 5 and does it happen on a weekly basis?  
 6 MR. JANIW: So that I would defer  
 7 in terms of operation testimony.  
 8 MR. BLECH: It won't be on a  
 9 weekly basis, no. Nothing significant.  
 10 MS. ADAMS: All right. Thank you.  
 11 MR. JANIW: And I would say over  
 12 my years of experience with such  
 13 facilities it is uncommon to have  
 14 outside influences coming in. Even  
 15 visitation by family members is  
 16 discouraged as the students are immersed  
 17 in their studies. The idea here is to  
 18 isolate and concentrate.  
 19 MS. ADAMS: Thank you.  
 20 MR. STEELE: I have a question.  
 21 What university will the students be  
 22 going to? You have in your packet  
 23 they're going to a university.  
 24 MR. JANIW: Well, the yeshiva is a  
 25 post-high school education similar to a

1 university.  
 2 MR. STEELE: I'm reading in the  
 3 packet, and I was a little confused on  
 4 that, what you --  
 5 MR. JANIW: Yeah, no. The  
 6 students here are post high school.  
 7 AUDIENCE MEMBER: That's a  
 8 college?  
 9 MR. NORMAN: Ah, ah, ah. No one  
 10 from the public speak until we open it  
 11 to the public. Thank you.  
 12 MR. JANIW: That's all I had to  
 13 say on that.  
 14 MS. ADAMS: I have another  
 15 question.  
 16 MR. JANIW: Yes.  
 17 MS. ADAMS: I'm not sure if this  
 18 is in the realm of your expertise, but  
 19 just curiosity, is there a name for this  
 20 school yet?  
 21 MR. JANIW: That, I would also  
 22 defer.  
 23 MR. BLECH: Yeshiva is a generic  
 24 term used for this type of education.  
 25 MS. ADAMS: I understand the

1 education component. But is there a  
 2 name --  
 3 MR. BLECH: We haven't assigned  
 4 that specifically yet.  
 5 MR. JANIW: I guess that's  
 6 probably determined by the benefactor.  
 7 MR. NORMAN: From a land use  
 8 perspective it's irrelevant.  
 9 MR. JANIW: That's correct.  
 10 MS. ADAMS: As I said, curiosity.  
 11 CHAIRWOMAN RUFFO: Any other  
 12 questions from the Board?  
 13 MR. NEUWEILER: Yeah. This all  
 14 sounds great and I agree with it. The  
 15 issue I have is the actual physics of  
 16 the waste septic system and gray water,  
 17 whatever -- that kind of -- waste  
 18 material.  
 19 I've lived here -- I'm a newcomer  
 20 to town, I've only lived here 30 years.  
 21 I really have, only 30 years. And  
 22 but -- and across the street. I'm  
 23 across the street.  
 24 So when the school was here, there  
 25 was overflow periodically from the

1 school. We live in a rural -- you know,  
 2 we put up with it, but the school had to  
 3 bring pump trucks in and remove  
 4 wastewater, of this approved septic, the  
 5 existing as he has a paper that says  
 6 it's okay, you know.  
 7 But, you know, any of us that have  
 8 lived here we recognize that seasonal  
 9 high-water changes, there will be  
 10 overflows. And the density I think, it  
 11 just -- even though it's approximately  
 12 the same, even though it's like you're  
 13 doing 24 hours instead of, like, six or  
 14 seven hours during the day for the  
 15 same -- approximately the same, but even  
 16 then, with the students we had overflow  
 17 issues into other people's yards  
 18 offsite, you know, the McGeochs. And,  
 19 of course, it's downhill this way.  
 20 So I need assurances that this --  
 21 the health and safety of the  
 22 community -- I don't want to have a  
 23 cholera outbreak because we have a leaky  
 24 septic. It happens. It's happened to  
 25 most people here because you have to

1 maintain -- because everyone here is on  
 2 well and septic.  
 3 MR. JANIW: I don't disagree with  
 4 you. The septic system, quite frankly,  
 5 will be ultimately the limiting factor  
 6 in terms of the population here, and it  
 7 has been considered with that.  
 8 As you heard from the engineer,  
 9 he's been in contact with the Pinelands  
 10 as well as the health department in  
 11 order to determine what testing and  
 12 operations are necessary for the -- for  
 13 this facility.  
 14 It has been deemed that the size  
 15 of the system is appropriate for the  
 16 population that's proposed here, and  
 17 there will be inspections and ongoing  
 18 testing in order to ensure that.  
 19 Having said that, it's not a  
 20 perfect world, but it meets all the  
 21 regulatory criteria and will continue to  
 22 have that scrutiny.  
 23 MR. NEUWEILER: I would like to  
 24 have some assurances written into any  
 25 resolution we may make tonight.

1 MS. JENNINGS: Yeah. So that  
 2 would normally happen. You have to get  
 3 approval subject to all other outside  
 4 agency approvals, and the septic system  
 5 is a --  
 6 MR. NEUWEILER: And, you know, the  
 7 engineering, we just lightly covered  
 8 that. Really, that's the physics of  
 9 this small lot in this rural  
 10 neighborhood, bucolic as it is, is  
 11 pretty organic in terms of wastewater  
 12 treatment.  
 13 MR. NORMAN: Would you be amenable  
 14 to maybe an annual inspection of the  
 15 septic as a condition of approval?  
 16 MS. JENNINGS: Yeah. I don't  
 17 think that should be a problem.  
 18 MR. BLECH: Similar, yes, similar  
 19 to what we've -- we've already did that.  
 20 We tested it with -- I had them tested  
 21 also with the --  
 22 MR. NEUWEILER: I'm not hearing.  
 23 I've got some background noise.  
 24 MR. NORMAN: The suggestion is, as  
 25 a condition of approval, that they

1 submit to annual inspections of the  
 2 septic system.  
 3 MR. NEUWEILER: I would say at  
 4 least that, especially during the  
 5 start-up phases because it's been dry  
 6 for a long time. You get away with --  
 7 it will be like a sponge when you first  
 8 start out. So it will look like it's  
 9 pretty easy.  
 10 And then -- you know, it limits  
 11 your use of cleaners. You can't use  
 12 Clorox with a septic system. We're all  
 13 aware of priming our septic systems with  
 14 bacteria and, you know, various organic  
 15 animals, bacterias and stuff, and to  
 16 maintain them.  
 17 And there's a limited life. It's  
 18 just -- it's a very old and simple  
 19 system.  
 20 MR. ALLEN: And when you were  
 21 quoting the 183 people, did I hear that  
 22 right, that's 1981, was the year when it  
 23 was --  
 24 MR. BLECH: Yes.  
 25 MR. ALLEN: So it's over 40 years

1 ago, when you're using a high number?  
 2 MR. BLECH: Yes.  
 3 MR. ALLEN: That's a long time.  
 4 MR. NEUWEILER: I understand. I  
 5 would guess, not being a professional,  
 6 but from personal use I would guess  
 7 you're going to be spending some money.  
 8 MR. BECK: Probably sooner rather  
 9 than later.  
 10 MR. NEUWEILER: Yes, sir. Yeah, I  
 11 didn't see the actual septic location on  
 12 the plan, on the site plan.  
 13 MR. ALLEN: Do you know where it's  
 14 at?  
 15 MR. BECK: It's in the rear of the  
 16 building. We don't know the exact  
 17 limits of the leaching field, but the  
 18 septic itself can be -- we can determine  
 19 it based on the manholes that are in the  
 20 back of the building. It's mostly in  
 21 this area, the tanks themselves  
 22 (indicating).  
 23 MR. NEUWEILER: This is the kind  
 24 of thing that I would -- I'm not  
 25 comfortable granting a go-ahead on this

1 without knowing the details of that.  
 2 MR. BECK: Right. Again, it's  
 3 under the regulations of the Pinelands,  
 4 which we all know, they're very strict.  
 5 I don't know if anybody has to deal with  
 6 the Pinelands.  
 7 MR. NEUWEILER: Yeah. We have all  
 8 the time.  
 9 MR. BECK: They're tough. They're  
 10 going to be the same tough on us as --  
 11 MR. NORMAN: We do have limited  
 12 jurisdiction of the issues of septic  
 13 because it is not really within the  
 14 purview of this board to review the  
 15 adequacy of the septic system.  
 16 The Applicant's agreeing to the  
 17 annual inspections to address the  
 18 concern that it might fail because it is  
 19 an older system. But we really don't  
 20 have authority to consider that on this  
 21 application.  
 22 MR. NEUWEILER: Okay.  
 23 MR. LITTLE: Can I make a comment,  
 24 though? You have an Ordinance 17.20 --  
 25 AUDIENCE MEMBER: Can you speak

1 up?  
 2 MR. LITTLE: I'm sorry, we do have  
 3 an ordinance that requires inspections  
 4 currently every three years. So I'm  
 5 assuming we're asking now for it to be  
 6 done every year?  
 7 MS. JENNINGS: Correct.  
 8 MR. LITTLE: Is that what we're  
 9 talking about, a condition? Instead of  
 10 a three-year term -- right now the  
 11 ordinance says "... have the facility  
 12 inspected by a technician at least once  
 13 every three years, have it cleaned every  
 14 three years, and every three years  
 15 submit to the Board of Health a sworn  
 16 statement that the inspection has been  
 17 inspected, cleaned, and is functional,  
 18 setting forth the name of the person who  
 19 performed the inspection and cleaning  
 20 and the date of such inspection."  
 21 So --  
 22 MR. NORMAN: What section of  
 23 the --  
 24 MR. LITTLE: 17.20.190. So now  
 25 the testimony is we're going to do this

1 every year.  
 2 MR. NORMAN: As opposed to once  
 3 every three years.  
 4 MR. LITTLE: Yeah. I want to make  
 5 sure that's on the record.  
 6 MR. NEUWEILER: For the safety of  
 7 the community.  
 8 MR. LITTLE: And that is in my  
 9 review letter. That is in my review  
 10 letter.  
 11 MR. NORMAN: Okay.  
 12 CHAIRWOMAN RUFFO: Are there any  
 13 other questions?  
 14 MR. NORMAN: Well, I guess I have  
 15 a question through our planner engineer.  
 16 What is your opinion -- is this a D(1)  
 17 or a D(2)?  
 18 MR. LITTLE: I think as the expert  
 19 said, I think you're in the middle. I  
 20 mean, it's probably a combination of  
 21 both. And you've heard testimony about  
 22 it, about the inherently beneficial use.  
 23 MR. NORMAN: Yeah. Obviously, I  
 24 think it meets the inherently  
 25 beneficial. It's got the school and the

1 religious use.  
 2 MR. LITTLE: It's a combination.  
 3 MR. YANIW: It's a two-for.  
 4 MR. LITTLE: I think it's been  
 5 addressed by the plan.  
 6 MR. YANIW: Yeah.  
 7 MS. ADAMS: I just have a  
 8 clarifying question. So I'm looking at  
 9 the land use application form, and it  
 10 was submitted on June 30, '23, heard on  
 11 July 19th, '23.  
 12 And I'm assuming, so just correct  
 13 me if I'm wrong, that the application  
 14 should be complete. It doesn't appear  
 15 to be complete. There's a number of  
 16 things that are not answered; am I  
 17 correct?  
 18 MR. LITTLE: What in particular --  
 19 MS. ADAMS: If you look at the  
 20 land use application that's in our  
 21 packet.  
 22 MR. LITTLE: The actual  
 23 application itself?  
 24 MS. ADAMS: So there's a number of  
 25 things that are not answered. I'm not

1 sure if they're -- since they're on the  
 2 application, I'm sure they have some  
 3 sort of importance.  
 4 But for this board, if it is  
 5 incomplete, it would be hard for me to  
 6 make a decision. One in which it says,  
 7 "Certificate of Filing for Pinelands  
 8 application is not answered."  
 9 MR. NORMAN: No, we have that.  
 10 MS. ADAMS: Right. But we know it  
 11 was. So how many other questions have  
 12 been answered?  
 13 MR. LITTLE: The only thing I can  
 14 say is, based on my review, we prepared  
 15 the review letter with the intent that  
 16 the application was complete and to be  
 17 heard by the Board. And so we did  
 18 receive --  
 19 MS. ADAMS: Okay. But what we  
 20 have in our packet is not so.  
 21 MR. LITTLE: We did receive a  
 22 Certificate of Filing, we did receive a  
 23 copy of the health department letter,  
 24 although that is technically outside of  
 25 agency approval, but...

1 MR. NORMAN: I mean, you have to  
 2 take into consideration that everything  
 3 is there. Usually the checklist things  
 4 are more important when you're making  
 5 site changes, to make sure that all the  
 6 things really for our board engineer, to  
 7 write a report that he has enough  
 8 information to give you a thorough  
 9 report. And I believe it's complete.  
 10 MR. LITTLE: Yes.  
 11 MS. ADAMS: But you would agree  
 12 that the packet that we have, because  
 13 it's not complete, it would be difficult  
 14 for myself to make a decision if I'm  
 15 looking at something that's not  
 16 complete.  
 17 MR. NORMAN: I wouldn't hang your  
 18 hat on that.  
 19 MS. ADAMS: Okay.  
 20 CHAIRWOMAN RUFFO: Any other  
 21 questions?  
 22 MR. ALLEN: I do have one. On  
 23 this rider it says, "The proposed  
 24 private school is expected to serve 149  
 25 students and 25 staff members.

1 Initially only 38 students are expected  
 2 to attend and live onsite. The school  
 3 only employed five staffs initially."  
 4 So if we approve it, does that  
 5 mean that they have --  
 6 MR. NORMAN: No, they're only  
 7 asking approval for 35.  
 8 MR. BECK: Thirty-five live plus  
 9 seven.  
 10 CHAIRWOMAN RUFFO: And that's what  
 11 they're asking for tonight. If they  
 12 were to make it 36 students, they would  
 13 have to come back before us.  
 14 MR. ALLEN: I understand.  
 15 CHAIRWOMAN RUFFO: Are there any  
 16 other questions from the Board?  
 17 Mr. Little?  
 18 MR. LITTLE: No.  
 19 CHAIRWOMAN RUFFO: Okay. Thank  
 20 you.  
 21 THE WITNESS: Thank you.  
 22 MS. JENNINGS: That's all our  
 23 direct testimony.  
 24 CHAIRWOMAN RUFFO: Okay. At this  
 25 time we're going to open it up to the

1 public. Again, I'm going to remind you  
 2 to keep your questions brief. You only  
 3 have three minutes. Choose your words  
 4 carefully.  
 5 MR. NORMAN: And if you agree with  
 6 someone else, just -- we don't need to  
 7 hear the same thing three times. It's  
 8 part of the record. Just say you agree  
 9 with the testimony.  
 10 And the reason we have the  
 11 three-minute limitation is there's a lot  
 12 of people, and a lot of people may have  
 13 a chance to speak publicly. So we're  
 14 trying to be fair and treat everyone the  
 15 same.  
 16 The one thing I will compliment  
 17 you, that the conduct of this meeting is  
 18 much better than the first one we had a  
 19 couple of months ago, and I thank you  
 20 for that.  
 21 CHAIRWOMAN RUFFO: Some people  
 22 have already signed up, if you'll line  
 23 up at the podium.  
 24 MR. NEUWEILER: I'll make a motion  
 25 to open up to the public.

1 MS. ADAMS: Second.  
 2 CHAIRWOMAN RUFFO: Thank you. All  
 3 in favor?  
 4 (Whereas, the Board voted aye in  
 5 favor of the motion.)  
 6 MS. SUSAN DASTI: Hi. My name is  
 7 Susan Dasti and my --  
 8 MR. NORMAN: Susan...  
 9 MS. SUSAN DASTI: Dasti,  
 10 D-A-S-T-I.  
 11 MR. NORMAN: Okay.  
 12 - - -  
 13 SUSAN DASTI, having been first  
 14 duly sworn according to law by the  
 15 Officer, testifies as follows:  
 16 - - -  
 17 MR. NORMAN: Okay.  
 18 MS. SUSAN DASTI: My main concern  
 19 is environmental, the septic being my  
 20 main concern. It wasn't functioning  
 21 correctly when the school was here.  
 22 And, yes, they did have 181 people. And  
 23 you're only applying for 35, but  
 24 initially it was 145. And it's a little  
 25 concerning to me that there's such a

1 fluctuation.  
 2 And I'm thinking that maybe that  
 3 was done to benefit the Board  
 4 presentation. And I think that it would  
 5 be difficult to monitor that. I think  
 6 that there's a lot of space in there  
 7 that could be utilized for serving more  
 8 students.  
 9 And I think it would be difficult  
 10 fiscally to keep things going with only  
 11 35 students and bringing your laundry  
 12 out and getting everything catered. I  
 13 just wonder how sound the financial plan  
 14 is for this.  
 15 And, you know, there's a lot of  
 16 people in this town that have tried to  
 17 get variances through Pinelands and  
 18 stuff and maybe didn't have the  
 19 opportunity to fight so legally like  
 20 you're able to. And I would -- you  
 21 know, myself included. I would love to  
 22 subdivide my property and get a variance  
 23 and stuff like that, but it would cost  
 24 me thousands and thousands of dollars.  
 25 And I don't think the Board should

1 fold under that legal threatening  
 2 from -- not threatening, but, you know,  
 3 the organization and stuff.  
 4 I am concerned that the population  
 5 of your school could grow unbeknownst to  
 6 everybody, even though you had promised,  
 7 if you're getting 36 students, you would  
 8 say something. I find it hard to  
 9 believe that you would be ordering food  
 10 in three times a day for these  
 11 gentlemen.  
 12 And in terms of the community  
 13 benefit, they're using words like  
 14 isolation, immersive experience, and I'm  
 15 wondering what the community benefit  
 16 would be to us. What are you going to  
 17 do for our community?  
 18 I mean, I'm a religious person.  
 19 It's not the same religion as you, but I  
 20 do respect religious beliefs and I  
 21 studied religion in college also. But  
 22 so, you know, I would like to know what  
 23 you're going to do to benefit our  
 24 community. And I'd like some assurances  
 25 that you're not going to grow your

1 school to the size where it's going to  
 2 have environmental impact on us.  
 3 And you know, maybe it grows to a  
 4 size where you know they're not parking  
 5 here in the parking lot, but maybe  
 6 they're parking somewhere else. So  
 7 those are all my concerns for the town.  
 8 MR. NORMAN: Your first comment  
 9 was regarding the septic and in the  
 10 expansion. If they come in for an  
 11 amended use variance to expand it after  
 12 a couple of years -- I have no idea what  
 13 their plans are. I really don't.  
 14 They would have to address those  
 15 issues with Pinelands again and the  
 16 county Board of Health for any expansion  
 17 of the septic. If the capacity of the  
 18 septic can't accommodate that, that will  
 19 be addressed as an outside agency  
 20 approval. They have to satisfy those  
 21 outside agencies.  
 22 MS. SUSAN DASTI: But it might be  
 23 after the fact, once the damage is done  
 24 and once the septic --  
 25 MR. NORMAN: Well, they're not

1 allowed to expand until they get  
 2 the authorization --  
 3 MS. SUSAN DASTI: I mean, how are  
 4 we going to know if they're expanding or  
 5 not? Is someone going to go in there  
 6 and do head counts, count beds, count  
 7 cots? You know, why would they send  
 8 their laundry out when they can do it in  
 9 the school? Why would they order food  
 10 out when they can cook in the kitchen?  
 11 MR. NORMAN: I think it's like any  
 12 other situation with zoning enforcement,  
 13 they're matters of zoning enforcement.  
 14 When there's an obvious breach and  
 15 there's complaints from residents,  
 16 that's how zoning enforcement goes.  
 17 We don't have zoning police, we're  
 18 not looking for violations. It's only  
 19 when the violations are brought to the  
 20 zoning office's intension, that's when  
 21 it's investigated. And if there's a  
 22 violation, they can be taken to  
 23 municipal court.  
 24 MS. SUSAN DASTI: And I'm curious,  
 25 do your students pay tuition? And, if



1 so, how much is the tuition?  
 2 MR. NORMAN: I don't think that's  
 3 relevant -- we really can't consider  
 4 that.  
 5 MS. SUSAN DASTI: Well, in terms  
 6 of being fiscally able --  
 7 MR. NORMAN: This is the Board of  
 8 Land Use.  
 9 MS. SUSAN DASTI: Yeah, you're  
 10 right.  
 11 MR. NORMAN: We can only consider  
 12 land use considerations.  
 13 MS. SUSAN DASTI: Okay. Thank  
 14 you.  
 15 MR. MEL ROBERTSON: Mel Robertson,  
 16 124 North Maple Avenue.  
 17 - - -  
 18 MEL ROBERTSON, having been first  
 19 duly sworn according to law by the  
 20 Officer, testifies as follows:  
 21 - - -  
 22 MR. MEL ROBERTSON: I want to give  
 23 all my questions to you so you can ask  
 24 them because I've got more than three  
 25 minutes.

1 MR. MEL ROBERTSON: Can one of my  
 2 children apply to that school?  
 3 MR. NORMAN: I don't know.  
 4 MR. MEL ROBERTSON: I want you to  
 5 ask them that. If it's inherently  
 6 beneficial for the town, should somebody  
 7 in the town be able to apply to that  
 8 school?  
 9 MR. NORMAN: I think the courts  
 10 have taken a more global view of  
 11 religious studies and education, that in  
 12 and of themselves those types of  
 13 facilities, whether it's church or a  
 14 school, they're inherently beneficial  
 15 because they generate -- they benefit  
 16 society.  
 17 It doesn't have to be just the  
 18 people in Bass River, it's the people  
 19 within the whole region. Okay?  
 20 MR. MEL ROBERTSON: Okay. Are  
 21 they accredited by the State Department  
 22 of Education?  
 23 MS. JENNINGS: Private schools  
 24 don't need accreditation.  
 25 MR. MEL ROBERTSON: All right.

1 As far as whether they charge the  
 2 students to attend and is the school for  
 3 profit, in a quoted Municipal Land Use  
 4 Law 40:55D-66(b), "No zoning ordinance  
 5 governing the use of land by or for  
 6 schools shall, by any of its provisions  
 7 or by any of its regulations, adopt in  
 8 accordance therewith discrimination  
 9 between public and private nonprofit  
 10 schools of elementary or high school  
 11 grade."  
 12 There's is beyond high school,  
 13 correct? So I can't see how this  
 14 applies to them.  
 15 MR. NORMAN: Well, Rutgers  
 16 University is an inherently beneficial  
 17 use. I don't think this is much  
 18 different.  
 19 MR. MEL ROBERTSON: Really?  
 20 MR. NORMAN: It's a boarding  
 21 school.  
 22 MR. MEL ROBERTSON: Okay.  
 23 MR. NORMAN: Whether it's -- the  
 24 content of the teachings is irrelevant  
 25 from a land use perspective.

1 The county Board of Health, I know  
 2 you can't use the Board -- the septic  
 3 system for part of the thing, but I  
 4 don't know if any of you ever sold a  
 5 house lately. A 40-year-old septic  
 6 system -- you're never going to sell a  
 7 house with a 40-year-old septic system.  
 8 They're going to make you go with the  
 9 2-parts-per-million dilution thing, not  
 10 seven. So I can't even see how they're  
 11 going to do that.  
 12 So they've got the rooms for the  
 13 students. Where do their teachers live?  
 14 I assume the teachers are there all the  
 15 time.  
 16 MR. NORMAN: Right now the  
 17 application before this board is for two  
 18 rabbis and one maintenance person.  
 19 MR. MEL ROBERTSON: But all the  
 20 rooms are for the students. Where are  
 21 the rooms for the other people?  
 22 MR. NORMAN: Well, they have 30  
 23 parking spaces.  
 24 CHAIRWOMAN RUFFO: They said they  
 25 were going to rotate.

1 MR. MEL ROBERTSON: So you're  
2 going to bring people in at night? All  
3 right.  
4 MR. NORMAN: As far as we know,  
5 there's delivery vans, maybe three  
6 people with cars, and a bus.  
7 MR. MEL ROBERTSON: Okay. So the  
8 thing for the rooms, for the teachers,  
9 that's off the table, I guess.  
10 What are the students going to do  
11 outside the school when they're off  
12 campus? What are they going to do here  
13 in New Gretna?  
14 CHAIRWOMAN RUFFO: Well, they  
15 stated that most of their time is going  
16 to be developing their studies and that  
17 the most they would probably use is the  
18 basketball court behind the school.  
19 MR. MEL ROBERTSON: So, again, how  
20 is that inherently beneficial to New  
21 Gretna?  
22 MR. NORMAN: Same as any other  
23 school.  
24 MR. MEL ROBERTSON: One more  
25 thing. You had up here -- you talked

1 Van Orden. She's got it. Don't spell  
2 that wrong. You think you do, but you  
3 don't.  
4 I'm going to address these people,  
5 not you --  
6 MR. NORMAN: You're under oath. I  
7 didn't hear you say --  
8 MR. WILLIAM VAN ORDEN: I said  
9 that. You're not listening at all.  
10 MR. NORMAN: Well, I'm trying to  
11 get your name down.  
12 MR. WILLIAM VAN ORDEN: Did you  
13 get my name (turning to court reporter)?  
14 CHAIRWOMAN RUFFO: Address?  
15 MR. WILLIAM VAN ORDEN: Yes,  
16 5881 Route 9.  
17 All right. What I want to know is  
18 how is this going to benefit the  
19 community? You said several times that  
20 this benefits our community. I don't  
21 see that happening. That's one thing.  
22 The other thing is what would you  
23 need 30 spaces for if you're only going  
24 to have X-amount of students with no  
25 cars?

1 with inherently beneficial uses means --  
2 use means -- which is "... universally  
3 considered a value to the community  
4 because it fundamentally serves the  
5 public good and promotes the general  
6 welfare. A use" --  
7 BOARD SECRETARY LEWIS: Time.  
8 MR. NORMAN: You're going to have  
9 to finish up.  
10 MR. MEL ROBERTSON: Okay. Okay.  
11 But, again, if they're basically inside  
12 the school all the time, not outside,  
13 how are they benefitting us by  
14 interacting with us and improving our --  
15 MR. NORMAN: A couple of judges in  
16 Trenton said it's inherently beneficial,  
17 so it is.  
18 MR. MEL ROBERTSON: Okay. Thank  
19 you.  
20 MR. WILLIAM VAN ORDEN: Good  
21 evening. William Van Orden, 5811  
22 Route 9.  
23 MR. NORMAN: Say your name again?  
24 I'm sorry.  
25 MR. WILLIAM VAN ORDEN: William

1 MS. JENNINGS: That's the  
2 township's ordinance requirement. We  
3 have to have 30 spaces.  
4 MR. WILLIAM VAN ORDEN: Thirty  
5 spaces for nobody there but the couple  
6 of people --  
7 MS. JENNINGS: That's the  
8 township's ordinance. That's why we  
9 need a parking variance.  
10 MR. WILLIAM VAN ORDEN: Well, you  
11 already have parking over there,  
12 correct?  
13 MS. JENNINGS: And we're adding a  
14 couple of space to meet the ordinance  
15 requirements. We don't have to ask for  
16 a variance.  
17 MR. WILLIAM VAN ORDEN: Okay. So  
18 can you tell me anything positive that's  
19 going to happen for our community with  
20 you people being next door? Because I  
21 imagine it's going to be -- being it's  
22 religious, close knit and nobody else  
23 will be allowed on premises, I imagine,  
24 right? You're not going to come outside  
25 and play basketball -- you mentioned

1 there's a basketball court there.  
 2 I don't think kids from over here  
 3 going to be able to go over there,  
 4 correct? Am I right? I mean, it's a  
 5 religious thing, so it's -- from what  
 6 I'm seeing, I'm seeing racist. It's  
 7 religion, but you wouldn't want Muslims  
 8 being -- have a building two miles down  
 9 the road here, half a mile down the road  
 10 here.  
 11 I'm sure the same arguments that  
 12 you're giving this town tonight and  
 13 these people here tonight, you wouldn't  
 14 want to hear that argument from them to  
 15 build something a mile down the road  
 16 here. See, and then all this stuff  
 17 would go away and it shouldn't happen  
 18 for them, but it wants to happen for you  
 19 people.  
 20 I should have brought pizza. It  
 21 worked once.  
 22 But, anyway, can you please tell  
 23 me, how are you people going to  
 24 benefit -- and I'm saying "you people"  
 25 because it's a private clique, whatever,

1 going to benefit at all. I think this  
 2 is just a sham. That's my opinion. I  
 3 didn't really get a good answer. You're  
 4 not going to be able to benefit this  
 5 community.  
 6 MR. BLECH: I think any adult  
 7 that's being educated in morals, law,  
 8 and proper conduct is a great, great,  
 9 great contribution for any society --  
 10 MR. WILLIAM VAN ORDEN: So then  
 11 anybody should be able to take a walk  
 12 into the school to learn --  
 13 MR. BLECH: -- and I think we  
 14 should all encourage it.  
 15 MR. WILLIAM VAN ORDEN: That's a  
 16 good idea. You're absolutely right.  
 17 Can these people go in there too? Can I  
 18 send them over to your school?  
 19 MS. JENNINGS: You want to send  
 20 them over and pay the tuition?  
 21 MR. WILLIAM VAN ORDEN: Oh,  
 22 there's tuition now.  
 23 MS. JENNINGS: Of course, there's  
 24 tuition. It's a private school.  
 25 MR. WILLIAM VAN ORDEN: Okay. So

1 church. I'm religious myself, but I  
 2 don't preach. This is something that's  
 3 going to be stuffed into this community.  
 4 I'm sure you don't pay any taxes once  
 5 you're over there.  
 6 So I don't see any benefit to the  
 7 community that you talked about. Can  
 8 somebody please tell me -- not you  
 9 people. I don't want to hear from you  
 10 people. I heard -- I want to hear from  
 11 these people how these people are going  
 12 to benefit from them in this school.  
 13 That's all.  
 14 MR. BLECH: I think a nice -- we  
 15 preach friendship and peace and love,  
 16 and I think the community seems like it  
 17 could benefit from inclusiveness. So I  
 18 think the inclusiveness inherently is  
 19 something the community will greatly  
 20 benefit from.  
 21 MR. WILLIAM VAN ORDEN: You think  
 22 so? Inclusive, in a private religious  
 23 setting, we're going to benefit,  
 24 Christians, Muslims, whoever's out  
 25 there, Buddhists? I don't think they're

1 then anybody here who wants to go to  
 2 that private school --  
 3 MS. JENNINGS: Just like the  
 4 Catholic school, they charge tuition.  
 5 It's not free. Private schools are not  
 6 free.  
 7 MR. WILLIAM VAN ORDEN: You know,  
 8 I'm getting danced around with no music.  
 9 I love dancing, but not with no music.  
 10 And you people haven't given me any  
 11 music tonight, okay, or pizza.  
 12 And this is it. When you're over  
 13 there, the doors are going to be shut,  
 14 you might have a wall around the place,  
 15 and that's it. You're in your own --  
 16 BOARD SECRETARY LEWIS: Time.  
 17 MR. WILLIAM VAN ORDEN: Time for  
 18 what, pizza, pizza time?  
 19 CHAIRWOMAN RUFFO: Okay. Thank  
 20 you.  
 21 (Applause.)  
 22 CHAIRWOMAN RUFFO: Do we have  
 23 anybody else from the public?  
 24 MR. KARL SWANSEEN: I think I have  
 25 to follow that.

1 CHAIRWOMAN RUFFO: Did you sign  
 2 the paper that's up there?  
 3 MR. KARL SWANSEEN: Yes.  
 4 MR. NORMAN: Sir, your name?  
 5 MR. KARL SWANSEEN: Karl Swanseen,  
 6 14 North Maple Avenue, New Gretna.  
 7 First of all --  
 8 MR. NORMAN: Wait.  
 9 - - -  
 10 KARL SWANSEEN, having been first  
 11 duly sworn according to law by the  
 12 Officer, testifies as follows:  
 13 - - -  
 14 MR. KARL SWANSEEN: I'm not  
 15 testifying, but --  
 16 MR. NORMAN: In case you do. This  
 17 is what I do. Okay. Thank you.  
 18 MR. KARL SWANSEEN: First, I'd  
 19 like to thank all you folks, all  
 20 volunteers not being paid. And you've  
 21 got a hell of a job in front of you. So  
 22 thank you guys.  
 23 I hope -- you know, I live right  
 24 across the street. We're neighbors. I  
 25 hope that the school is successful and

1 of New Gretna is 390 people, according  
 2 to the 2020 census. One hundred  
 3 seventy-four people is going to be a 44  
 4 percent increase in our population.  
 5 And there's going to be no -- it's  
 6 a nonprofit I would assume; is that  
 7 correct? Is that correct, it's a  
 8 nonprofit or it's a for-profit school?  
 9 UNIDENTIFIED SPEAKER: There's  
 10 tuition.  
 11 MR. KARL SWANSEEN: Well, that  
 12 doesn't delineate. Is it a for-profit  
 13 or nonprofit --  
 14 MR. NORMAN: Well, that's not a  
 15 land use consideration. We can't get  
 16 into that. We're not allowed to  
 17 consider the taxation for land use  
 18 purposes.  
 19 MR. KARL SWANSEEN: Okay. And  
 20 from the silence I assume that it is.  
 21 MR. NORMAN: The other part is --  
 22 MR. KARL SWANSEEN: I'll have to  
 23 assume that --  
 24 MR. NORMAN: They're only here for  
 25 35 students. They would have to --

1 amenable and is acceptable to everybody.  
 2 With that said, my concern, my  
 3 major concern is with the -- can you all  
 4 hear me?  
 5 (Audience members respond "yes" an  
 6 "no.")  
 7 MR. KARL SWANSEEN: My major  
 8 concern is with the rider that's  
 9 included in the package that I read.  
 10 And it alludes to what has been spoken  
 11 about before, the 174 additional people  
 12 that could be residing at that facility.  
 13 It's true that there was 180 -- I  
 14 was here at that time. I was on the  
 15 school board at that time. The school  
 16 was pretty much bursting at the seams,  
 17 but it was manageable. But 100 percent  
 18 of the school was used for educational  
 19 purposes.  
 20 To put -- if you think there's 38  
 21 people in that piece of it and you  
 22 multiply that by four, I think my math  
 23 is right, that takes up just about the  
 24 entire school. I'm really concerned.  
 25 And if you put -- the total population

1 MR. KARL SWANSEEN: No, no. I'm  
 2 addressing the rider. It's 174 people.  
 3 And my concern is that having the rider  
 4 included in this opens the gates for a  
 5 massive enlargement, nonprofit, that  
 6 isn't equipped to handle 180 full-time  
 7 students living there 24 hours a day,  
 8 taking showers, eating, living there.  
 9 We had 180 little kids, they were  
 10 eight-year-old average and --  
 11 MS. JENNINGS: So if I can make a  
 12 suggestion, and we can certainly submit  
 13 an amended rider as a condition of the  
 14 approval, so it's in writing. Plus, we  
 15 have a transcript that's being  
 16 transcribed. That can be part of the  
 17 record. You will have it.  
 18 We are only asking for the 35  
 19 students that live there and the seven  
 20 coming, that's it, and the three staff.  
 21 That's all we're asking for.  
 22 If we were to come back in the  
 23 future, one, we'd have to deal with the  
 24 septic. The septic is only for the  
 25 number of students we have now. We

1 would have to make major revisions to  
 2 the septic to increase the number of  
 3 students in the school.  
 4 MR. KARL SWANSEEN: Yes, and I  
 5 think --  
 6 MS. JENNINGS: And, yes, could we  
 7 do that in the future? Maybe.  
 8 MR. KARL SWANSEEN: I think  
 9 the Board should consider not having any  
 10 reference to that in the rider. If you  
 11 want to come back at some later date, it  
 12 should not be any kind of incorporation  
 13 into this so that they feel there's a  
 14 feel that --  
 15 CHAIRWOMAN RUFFO: It would not be  
 16 in the resolution.  
 17 MR. KARL SWANSEEN: Excuse me?  
 18 CHAIRWOMAN RUFFO: It would not be  
 19 in the resolution.  
 20 MR. NORMAN: The resolution is  
 21 only going to reflect 35 boarding, seven  
 22 daytime.  
 23 MR. KARL SWANSEEN: And it won't  
 24 reference an indication that it may  
 25 grow?

1 recommend to the Board that they do not  
 2 open any doors to expansion. I see this  
 3 plan, I think it may be feasible pending  
 4 all the regulatory things, but --  
 5 And, additionally, with the septic  
 6 and sewer I don't want to see a sewage  
 7 processing plant in a residential area.  
 8 If that's what was required, that's  
 9 going to be a major problem.  
 10 CHAIRWOMAN RUFFO: That's at a  
 11 later date. That wouldn't be now.  
 12 MR. KARL SWANSEEN: Yes, but I  
 13 don't want -- I think the Board needs to  
 14 make clear that there's, you know -- you  
 15 have to meet certain standards, but  
 16 we're not going to put up with a sewage  
 17 treatment plant in the center of town.  
 18 MR. NORMAN: I think that's a --  
 19 if they proposed such thing, they could  
 20 consider that on an amended application.  
 21 And if that's a problem, that's  
 22 something the Board can consider.  
 23 MR. KARL SWANSEEN: Okay.  
 24 CHAIRWOMAN RUFFO: Okay. Thank  
 25 you, sir.

1 MR. NORMAN: The resolution will  
 2 reference that they're amending the  
 3 rider to reflect that's all it is.  
 4 BOARD SECRETARY LEWIS: Time.  
 5 Thank you.  
 6 CHAIRWOMAN RUFFO: So it's not  
 7 going to be able to grow without --  
 8 MR. KARL SWANSEEN: So it won't --  
 9 MR. NORMAN: You're worried about  
 10 being boot strapped.  
 11 MR. KARL SWANSEEN: Is there  
 12 another document that would come in that  
 13 would replace the existing document that  
 14 will address my concerns in the rider?  
 15 CHAIRWOMAN RUFFO: Yes.  
 16 MR. KARL SWANSEEN: And I'll get  
 17 another letter, so --  
 18 MR. NORMAN: Yes.  
 19 MR. KARL SWANSEEN: -- I'll have a  
 20 chance to review that as a local --  
 21 MR. NORMAN: Any amended approval  
 22 would require them to come before  
 23 the Board on full notice with a 200-foot  
 24 list just like tonight.  
 25 MR. KARL SWANSEEN: Okay. I just

1 MR. KARL SWANSEEN: And just  
 2 quickly, no kitchen on the plan, no  
 3 laundry facilities. That wasn't  
 4 addressed at all. No dining area and --  
 5 CHAIRWOMAN RUFFO: They stated  
 6 that the cafeteria would be used to --  
 7 MR. NORMAN: They have a  
 8 cafeteria.  
 9 CHAIRWOMAN RUFFO: There is a  
 10 cafeteria in the school.  
 11 MR. KARL SWANSEEN: Not on this  
 12 plan.  
 13 CHAIRWOMAN RUFFO: But they  
 14 discussed -- they stated --  
 15 MS. JENNINGS: Well, no, it's all  
 16 the shaded area. It exists. We're not  
 17 changing it.  
 18 CHAIRWOMAN RUFFO: They're not  
 19 changing --  
 20 MR. KARL SWANSEEN: There's no  
 21 school. There's no classrooms or  
 22 anything like that.  
 23 MS. JENNINGS: It's all in that  
 24 shaded area.  
 25 MR. NORMAN: It's on the floor

1 plan.  
 2 CHAIRWOMAN RUFFO: They're not  
 3 showing what is staying --  
 4 MR. KARL SWANSEEN: They're not  
 5 required to show --  
 6 MS. DELOIS: They're not changing  
 7 it.  
 8 CHAIRWOMAN RUFFO: They're not  
 9 changing it. They're only showing us  
 10 what they're changing.  
 11 MR. KARL SWANSEEN: Thank you for  
 12 your time and letting me go past a  
 13 little bit. I appreciate it. Thank  
 14 you.  
 15 CHAIRWOMAN RUFFO: Next? Is there  
 16 anybody else?  
 17 MR. JOSHUA COLLINS: Joshua  
 18 Collins, 5658 Route 9.  
 19 - - -  
 20 JOSHUA COLLINS, having been first  
 21 duly sworn according to law by the  
 22 Officer, testifies as follows:  
 23 - - -  
 24 MR. JOSHUA COLLINS: Without  
 25 beating a dead horse, considering I've

1 heard everybody bring up septic and  
 2 everything else, I heard the one  
 3 gentleman say it's a perfect world, but  
 4 it is our world, and it's not exactly  
 5 perfect, so...  
 6 Back to the septic issue, it's  
 7 common knowledge, if a septic doesn't  
 8 get utilized after a few years, then  
 9 similar to the sponge effect, it will  
 10 end up failing. My concern would be  
 11 back in the '80s water levels weren't  
 12 exactly as high as they are now, which  
 13 would call for a raised septic system.  
 14 Now you're talking about runoff  
 15 water. Runoff's going to go into  
 16 people's properties surrounding the  
 17 areas. It's going to flood the streets.  
 18 We already have issues with streets  
 19 collecting up of water and not being  
 20 able to get kids on the school bus. And  
 21 God forbid we start mixing septic water  
 22 and gray water in with our well water.  
 23 They were saying that the septic  
 24 system is somewhere in the back of the  
 25 school. They don't know where the

1 location is. How far is that from that  
 2 well? I think right now for a  
 3 single-family home it's like 150 feet  
 4 from the building and then another 150  
 5 feet from their well source.  
 6 And if we had to consider a raised  
 7 system in for 35 students or the 50,  
 8 whatever they're asking for, a  
 9 single-family home requires, like, a  
 10 quarter acre raised bed. How big of a  
 11 system are we talking and how much of  
 12 that grade level are we going to be  
 13 moving now runoff?  
 14 MR. NORMAN: I believe the  
 15 testimony tonight is just for the 35  
 16 students. They don't need to make any  
 17 kind of improvements to the septic.  
 18 It's being approved as --  
 19 Is it being approved as is  
 20 essentially?  
 21 MS. JENNINGS: Yes.  
 22 MR. JOSHUA COLLINS: All right.  
 23 MR. NORMAN: And that's from the  
 24 county Board of Health.  
 25 MR. JOSHUA COLLINS: The next

1 question would be security. I myself,  
 2 right out of high school, joined the  
 3 military. And boys between the ages of  
 4 17 and their thirties, regardless of  
 5 whatever their situation is, are going  
 6 to make ill choices.  
 7 If there is dormitories -- I love  
 8 the idea of a school. I really do. I  
 9 think it's great to utilize the building  
 10 as it was originally. But dormitories,  
 11 you've got now 35 boys, young adults, of  
 12 that certain age. They're going to get  
 13 bored inside. They don't have vehicles  
 14 to go anywhere.  
 15 Now they're going to be wondering  
 16 the streets. Now I have to worry  
 17 about -- you know, if we seen a bus of  
 18 anybody drop off 50 people on the side  
 19 of Route 9 walking the streets, it's  
 20 going to raise concern.  
 21 Rutgers, Rowan, Stockton, they all  
 22 have security. They haven't spoken of  
 23 any security. They expect -- I don't  
 24 know what the age groups of these rabbis  
 25 are, but we're going to talk --

1 CHAIRWOMAN RUFFO: Eighteen to 21.  
 2 MR. JOSHUA COLLINS: Rabbis, 18 to  
 3 21?  
 4 CHAIRWOMAN RUFFO: Oh, the rabbis.  
 5 That, I don't --  
 6 MR. JOSHUA COLLINS:  
 7 Seventy-year-old men are going to take  
 8 care of 35 young boys?  
 9 MR. NORMAN: That's the testimony.  
 10 MS. JENNINGS: And just so you  
 11 understand, these are not students that  
 12 are going to Rutgers and joining a frat  
 13 and -- they're here to study. They're  
 14 studying from --  
 15 MR. JOSHUA COLLINS: I find that  
 16 hard to believe. It's boys.  
 17 MS. JENNINGS: It is a private  
 18 school. They will be kicked out. They  
 19 have a Code of Conduct that they must  
 20 follow. They will be removed from the  
 21 school. The parents aren't sending them  
 22 to that school to get sent home.  
 23 MR. JOSHUA COLLINS: I find it  
 24 hard to believe. I mean, there was --  
 25 the same thing. We still had security

1 in the military, regardless of how many  
 2 people were there.  
 3 I also think the idea of the  
 4 entire town, the public, as a member of  
 5 the public, we don't like the idea of  
 6 dormitories coming in. We all agree  
 7 that the school being utilized, I think  
 8 the beautification of the property --  
 9 BOARD SECRETARY LEWIS: Time.  
 10 MR. JOSHUA COLLINS: -- that would  
 11 be great.  
 12 (Applause.)  
 13 CHAIRWOMAN RUFFO: Is there anyone  
 14 else from the public?  
 15 UNIDENTIFIED SPEAKER: Can I  
 16 donate my time to that gentleman?  
 17 CHAIRWOMAN RUFFO: No.  
 18 MR. NORMAN: No.  
 19 UNIDENTIFIED SPEAKER: Can I give  
 20 another guy one of them?  
 21 MR. NORMAN: No.  
 22 CHAIRWOMAN RUFFO: We don't do  
 23 that. That's not part of this  
 24 resolution.  
 25 MR. NORMAN: Okay. Sir, your

1 name?  
 2 MR. DAVID MCGEOCH: David McGeoch.  
 3 I live at 13 North Maple Avenue.  
 4 ---  
 5 DAVID MCGEOCH, having been first  
 6 duly sworn according to law by the  
 7 Officer, testifies as follows:  
 8 ---  
 9 MR. NORMAN: Okay.  
 10 MR. DAVID MCGEOCH: Basically,  
 11 same concerns as everybody. There's an  
 12 issue with the septic. I was on  
 13 the Board of Ed for 12 years at that  
 14 school in the early 2000s.  
 15 AUDIENCE MEMBER: Can you speak  
 16 louder, please?  
 17 MR. DAVID MCGEOCH: Sorry. I know  
 18 there is an issue of septic over there.  
 19 I was on the Board of Ed for 12 years in  
 20 the early 2000s. The septic had been  
 21 redone. It was done wrong, and we have  
 22 major issues there.  
 23 It was finally fixed. When they  
 24 fixed it, they found there was a problem  
 25 with -- the property was built on an old

1 dump. There's old tree stumps under  
 2 there. There's a toxic waste issue  
 3 there. So, you know, if any work is to  
 4 be done over there, that's something  
 5 that needs to be investigated and looked  
 6 into.  
 7 There's also the question of there  
 8 was an old septic that was attached to  
 9 the original building. That septic is  
 10 still there. I don't know if it's still  
 11 connected or not, but it is still there.  
 12 Unfortunately, he's not here  
 13 because he doesn't live in town anymore,  
 14 but Robert Sprague, one of the  
 15 maintenance people there had expressed  
 16 at one time that that septic was still  
 17 in use, it was fenced off so nobody fell  
 18 in.  
 19 Then, again, you're saying benefit  
 20 the community. I don't see a benefit,  
 21 okay. I don't see how sequestering  
 22 yourself in that building -- that means,  
 23 okay, are you paying taxes? That would  
 24 be a benefit to the town. Are you  
 25 spending any money in the town? If

1 you're not, that's no benefit to us.  
 2 Okay?  
 3 Basically you're taking -- you're  
 4 putting a group of people in isolation  
 5 here that you say it's for the good of  
 6 us. Well, there is no good. I do not  
 7 see anything that benefits us.  
 8 So I'm asking, what is our benefit  
 9 here? And don't give me the greater  
 10 good thing because that's not what we're  
 11 talking about. How does that benefit  
 12 us?  
 13 And I'm not bringing it up here  
 14 because it's not appropriate. But a  
 15 conversation that I had with you that I  
 16 thought was very inappropriate on your  
 17 side (turning to Mr. Blech). And that's  
 18 all I'm going to say.  
 19 But that's all I have to say. I  
 20 don't see a benefit. I don't see how a  
 21 private school that does not meet the  
 22 criteria of a public school or even a  
 23 private elementary or high school meets  
 24 any of the legal criteria that you put  
 25 up. I felt Mel put up a very good

1 well.  
 2 MR. DAVID MCGEOCH: If they want  
 3 to do that, that's up to them. However,  
 4 again, the thing is you said it --  
 5 (Overlapping conversation.)  
 6 MR. BLECH: -- many kosher  
 7 products.  
 8 MR. DAVID MCGEOCH: You said the  
 9 students are going to be on campus, in  
 10 class, from 7:30 a.m. to 11:00 p.m. --  
 11 MR. BLECH: There are breaks.  
 12 Let's not overexaggerate what that  
 13 means. There are breaks during the day,  
 14 and it would be normal for a student to  
 15 take a walk and --  
 16 BOARD SECRETARY LEWIS: Time.  
 17 MR. BLECH: -- go to that  
 18 convenience store and buy something.  
 19 (Applause.)  
 20 MS. JOANN FRUTIGER: My name is  
 21 Joann Frutiger, it's F-R-U-T-I-G-E-R.  
 22 I'm at 62 West Greenbush.  
 23 MR. NORMAN: Joann, do you swear  
 24 or affirm?  
 25 (Laughter)

1 argument there and he was basically  
 2 railroaded.  
 3 MR. NORMAN: There's a lot of case  
 4 law by judges who have said that it is.  
 5 MR. DAVID MCGEOCH: Yeah --  
 6 MR. NORMAN: And we can't ignore  
 7 that. We have to follow the law.  
 8 MR. DAVID MCGEOCH: I understand  
 9 that. Believe it or not, I do.  
 10 MR. BLECH: I do think the  
 11 community will benefit financially.  
 12 MR. DAVID MCGEOCH: How?  
 13 AUDIENCE MEMBER: How?  
 14 MR. DAVID MCGEOCH: Please  
 15 explain.  
 16 MR. BLECH: You mentioned the  
 17 grocery store, the convenience store. I  
 18 know that you guys have trouble keeping  
 19 that convenience store open.  
 20 (Laughter).  
 21 CHAIRWOMAN RUFFO: Quiet.  
 22 MR. BLECH: I would actually  
 23 recommend that convenience store start  
 24 carrying kosher food and kosher snacks.  
 25 And I think they would actually do very

1 MS. JOANN FRUTIGER: I honestly  
 2 just have a question. What was paid for  
 3 the school?  
 4 MR. NORMAN: That's not a relevant  
 5 land use consideration. We can't  
 6 consider that.  
 7 MS. JOANN FRUTIGER: We weren't  
 8 allowed to know what it was assessed at,  
 9 what taxes were going to be paid for at  
 10 all?  
 11 MR. NORMAN: Nope. This is a land  
 12 use board. All we decide is the use,  
 13 the impacts, the parking, the lighting.  
 14 MS. JOANN FRUTIGER: Okay.  
 15 MR. NORMAN: We have limited  
 16 jurisdiction.  
 17 MS. JOANN FRUTIGER: Thank you.  
 18 MS. STACY TURLISH: Stacy Turlish,  
 19 Stage Road.  
 20 ---  
 21 STACY TURLISH, having been first  
 22 duly sworn according to law by the  
 23 Officer, testifies as follows:  
 24 ---  
 25 MS. STACY TURLISH: How often do



1 the 35 students rotate?  
 2 MR. BECK: I don't know what that  
 3 means.  
 4 MS. STACY TURLISH: So they come  
 5 in when they're 17? And how long do  
 6 they learn for before they --  
 7 MR. BLECH: That's a great  
 8 question. Typically it's a three-year  
 9 program.  
 10 MS. STACY TURLISH: Three years?  
 11 MR. BLECH: Three- to four-year  
 12 program.  
 13 MS. STACY TURLISH: The same  
 14 students are at that school for three  
 15 years --  
 16 MR. BLECH: Again, you'll have  
 17 them -- they'll typically go to Israel  
 18 afterwards, so you'll have a student  
 19 come in in the upper teens. By the time  
 20 they're in the twenties they're off to  
 21 Israel. So you'll -- you know, as  
 22 students graduate, you'll have other  
 23 students filling that slot.  
 24 MS. STACY TURLISH: Will there be  
 25 a graduation ceremony there where family

1 comes and parents and friends, and  
 2 things of that sort?  
 3 MR. BLECH: I don't see a problem  
 4 with something like that.  
 5 MS. STACY TURLISH: Well, I do if  
 6 there's a parking issue.  
 7 MR. NORMAN: Well, would you have  
 8 a problem with that if it was a school  
 9 having a graduation?  
 10 MS. STACY TURLISH: There would be  
 11 a parking issue, yes.  
 12 MR. NORMAN: We're talking about  
 13 30 students.  
 14 MS. STACY TURLISH: I understand  
 15 it's 30 students. I'm asking a  
 16 question.  
 17 MR. NORMAN: Well, I'm trying to  
 18 keep it --  
 19 MS. STACY TURLISH: Yes, I would  
 20 have an issue.  
 21 MR. NORMAN: -- apples to apples.  
 22 Because if it was a public school,  
 23 there's public school graduations.  
 24 MS. CROWLEY: It's no different  
 25 than our graduation. If people came

1 in --  
 2 MS. DELOIS: Tonight, right here  
 3 with all these cars.  
 4 MS. STACY TURLISH: There's a  
 5 parking issue. I'd like to say  
 6 something about the septic. Why do they  
 7 not have to conform to 9A?  
 8 MR. NEUWEILER: They do.  
 9 MS. STACY TURLISH: They do? If  
 10 we all buy a house in town and it's not  
 11 to today's standards, you have to  
 12 upgrade it. Is that not true?  
 13 MR. LITTLE: They have to meet the  
 14 county Board of Health regulations and  
 15 the Pinelands' regulations. So far they  
 16 have a letter from the county Board of  
 17 Health saying that there's no increase  
 18 in flow based on what they're proposing.  
 19 So the Board of Health is not requiring  
 20 anything additional right now.  
 21 MS. STACY TURLISH: Do they have  
 22 to -- did I read something where they  
 23 have to make it parts per million?  
 24 MR. LITTLE: Yes. They have to  
 25 comply with whatever the regs are for

1 that.  
 2 MS. STACY TURLISH: And may I ask  
 3 how you plan on doing that?  
 4 MR. LITTLE: They have to provide  
 5 calculations and show the Pinelands that  
 6 they can meet those requirements.  
 7 MS. STACY TURLISH: But they don't  
 8 even know where it is, they don't know  
 9 where the -- is that right?  
 10 MR. LITTLE: Again, that has to be  
 11 a condition of --  
 12 MR. NORMAN: That's not our job.  
 13 MR. LITTLE: If it's approved,  
 14 that would be a condition of approval.  
 15 You would have to get, I guess, a  
 16 Certificate of Occupancy through the  
 17 building department to occupy the  
 18 school.  
 19 If they can't provide that proof,  
 20 then even if they get an approval from  
 21 here, they can't provide that proof,  
 22 they can't occupy the school and  
 23 operate.  
 24 MS. STACY TURLISH: But the Board  
 25 is notified of that, correct?

1 MR. NORMAN: Yes. The Pinelands  
2 process, you get the Certificate of  
3 Filing up front, and then it goes to the  
4 local board, which is where it is now.  
5 And then after this board takes  
6 action, if it's approved, it goes back  
7 to Pinelands for what's called a Do Not  
8 Call Up review. Basically they have to  
9 address the nitrate dilution. If they  
10 don't, they won't get the Do Not Call  
11 Up.  
12 MS. STACY TURLISH: Okay. I want  
13 the Board to know that I am not in favor  
14 of any of this. Even the site plan --  
15 that is not a site plan. That is a  
16 survey with wording on it. Where is the  
17 lighting?  
18 MR. NORMAN: They're not proposing  
19 any improvements.  
20 MS. STACY TURLISH: Is the  
21 lighting adequate?  
22 MR. NORMAN: Typically -- and I've  
23 been doing zoning and land use for 30  
24 years. If someone is moving into a site  
25 and it's very turnkey for the use, it's

1 very common to submit a survey, existing  
2 conditions plan, and that's what gets  
3 approved.  
4 Because nothing is being --  
5 nothing new is being proposed. It's  
6 already there.  
7 MS. STACY TURLISH: Thank you.  
8 MR. WILLIAM VAN ORDEN: One last  
9 thing, please, before I take the  
10 podium -- I swear to God. I swear to  
11 God on my grandchildren.  
12 MR. NORMAN: Make it quick.  
13 MR. WILLIAM VAN ORDEN: Make it  
14 quick. I got the impression, I'm sure  
15 that everybody else did, that you're in  
16 favor of this, just by the way that  
17 you're answering all --  
18 (Applause).  
19 MR. WILLIAM VAN ORDEN: These  
20 people only -- and I didn't get a hill  
21 of beans from them. But everybody who  
22 came up here -- listen, I can tell right  
23 now -- Chris, you said you know me. I  
24 know you. You are for this and it's  
25 going to pass. I guarantee it passes --

1 CHAIRWOMAN RUFFO: You have to  
2 understand that we have to go, not by  
3 what we feel, we have to go by the law.  
4 And if they meet the criteria, we have  
5 to vote accordingly by the law. We  
6 can't use our judgment or our feelings.  
7 MR. WILLIAM VAN ORDEN:  
8 Understood, but these questions are  
9 directed to these people. We listened  
10 to you people, all -- or ask questions  
11 of these people. Now we have questions  
12 for these people, not for you people.  
13 For them. I want them to answer. Like  
14 everybody has asked so far, what's going  
15 to benefit this town --  
16 MR. NORMAN: All right. That's --  
17 MR. WILLIAM VAN ORDEN: I know,  
18 you want to cut me off. I know I used  
19 my three minutes already, but I swore --  
20 MR. NORMAN: Because you're making  
21 the same speech as last time.  
22 MR. WILLIAM VAN ORDEN: But I just  
23 swore myself in, so don't I get another  
24 three minutes?  
25 (Applause.)

1 MR. WILLIAM VAN ORDEN: It's  
2 crazy.  
3 CHAIRWOMAN RUFFO: Anybody else?  
4 (Indicating).  
5 CHAIRWOMAN RUFFO: Yes, sir.  
6 Bobby, B-O-B-B-Y, Madaan, M-A-D-A-A-N,  
7 5649 Route 9.  
8 - - -  
9 BOBBY MADAAN, having been first  
10 duly sworn according to law by the  
11 Officer, testifies as follows:  
12 - - -  
13 MR. BOBBY MADAAN: I've gotta  
14 question directly to you. You said to  
15 benefit the town you were going to help  
16 the convenience store stay open?  
17 MR. BLECH: You run the  
18 convenience store?  
19 MR. BOBBY MADAAN: Yeah, I know  
20 the owner very well.  
21 MR. BLECH: I went in there and  
22 told them -- recommend that when we come  
23 in, that they should start carrying some  
24 kosher food.  
25 MR. BOBBY MADAAN: You recommended

1 it, and not an agreement being made or  
 2 anything?  
 3 MR. BLECH: No.  
 4 MR. BOBBY MADAAN: No? Okay. I  
 5 just want to put it out there. I'm  
 6 actually Bobby, I'm the owner of the  
 7 store.  
 8 MR. BLECH: I left a message for  
 9 you.  
 10 MR. BOBBY MADAAN: I completely  
 11 got the message and just did not look at  
 12 it. But if you're going to say that you  
 13 recommended it, I just wanted everybody  
 14 to be clear because I don't want any  
 15 misunderstanding that there's an inside  
 16 job here or anything.  
 17 MR. BLECH: No, not at all. I  
 18 never even met you. I went in there and  
 19 spoke to that girl behind the counter.  
 20 MR. BOBBY MADAAN: So you  
 21 recommended it to some random employee?  
 22 MR. BLECH: Yes.  
 23 MR. BOBBY MADAAN: Oh, okay. I  
 24 appreciate it. I just wanted to  
 25 clarify.

1 there's going to be any added expense  
 2 because of the influx of people or  
 3 anything else like that. We're not  
 4 sure.  
 5 But we are sure that taxes most  
 6 likely won't be paid because of the  
 7 religious...  
 8 MS. DELOIS: Taxes weren't paid  
 9 before. It was a school before.  
 10 MR. TOM TURLISH: Excuse me?  
 11 MS. DELOIS: It was a school  
 12 before. We didn't get taxes.  
 13 MR. TOM TURLISH: We paid dearly  
 14 for that school. And now we're paying  
 15 Little Egg for that school. But the  
 16 thing is, are they going to pay the  
 17 town? I mean, are you going to pay  
 18 taxes?  
 19 MR. NORMAN: We can't consider  
 20 that from a land use perspective.  
 21 AUDIENCE MEMBER: Well, they're a  
 22 business.  
 23 MR. TOM TURLISH: I'm talking  
 24 about benefitting to the town. That's  
 25 what I was talking about. I don't see

1 MR. TOM TURLISH: Tom Turlish, 701  
 2 Stage Road.  
 3 My question is for you guys --  
 4 MR. NORMAN: Tom.  
 5 ---  
 6 TOM TURLISH, having been first  
 7 duly sworn according to law by the  
 8 Officer, testifies as follows:  
 9 ---  
 10 MR. TOM TURLISH: Believe me, I  
 11 swear.  
 12 Do you have any idea if this will  
 13 create any added expense for the town,  
 14 this school in any way? It won't cost  
 15 us one penny if they come in?  
 16 MR. NEUWEILER: Nope.  
 17 MR. TOM TURLISH: Nobody has any  
 18 idea?  
 19 MR. NEUWEILER: What would -- when  
 20 you moved in this town -- when you  
 21 bought your house, did it cost the town  
 22 any money?  
 23 MR. TOM TURLISH: No, it made  
 24 money. I pay taxes. That's my point.  
 25 I don't know -- you don't know if

1 no benefit in it.  
 2 (Applause.)  
 3 MR. TOM TURLISH: And if you don't  
 4 believe it's going to cost us somehow or  
 5 another, it's going to cost us.  
 6 CHAIRWOMAN RUFFO: Is there  
 7 anybody else that would like to speak?  
 8 MS. PAM MILLER: Pam Miller, 73  
 9 West Road.  
 10 I just wanted to --  
 11 MR. NORMAN: Pam.  
 12 ---  
 13 PAM MILLER, having been first duly  
 14 sworn according to law by the Officer,  
 15 testifies as follows:  
 16 ---  
 17 MS. PAM MILLER: They said --  
 18 CHAIRWOMAN RUFFO: Quiet please.  
 19 MS. PAM MILLER: They said they  
 20 were going to take care of their own  
 21 trash. I just want to make sure they're  
 22 not taking care of their own trash by  
 23 taking it to the transfer station  
 24 because we're already in trouble with  
 25 the transfer station.

1 MR. WILLIAM VAN ORDEN: That's a  
 2 good point.  
 3 CHAIRWOMAN RUFFO: No, they would  
 4 have to use some kind of outside source.  
 5 MR. NORMAN: Private source.  
 6 MS. PAM MILLER: So we're going to  
 7 add a trash truck coming to their  
 8 property too, when you're counting --  
 9 CHAIRWOMAN RUFFO: We have trash  
 10 trucks going all over New Gretna now.  
 11 They go up and down my street.  
 12 MS. PAM MILLER: Oh, I know, but  
 13 I'm just saying if you're counting --  
 14 CHAIRWOMAN RUFFO: It would just  
 15 be once a week probably.  
 16 MS. PAM MILLER: I mean, just to  
 17 make sure they're not using the transfer  
 18 station.  
 19 CHAIRWOMAN RUFFO: They would not  
 20 be using the transfer station.  
 21 MR. JAMES ADAMS: How are you  
 22 doing? 27 Frenchs, James Adams.  
 23 - - -  
 24 JAMES ADAMS, having been first  
 25 duly sworn according to law by the

1 Officer, testifies as follows:  
 2 - - -  
 3 MR. JAMES ADAMS: So there's a few  
 4 things. One is, you have to go by --  
 5 since this is actually a business, it's  
 6 not a school, because you just said you  
 7 have tuition, correct?  
 8 MR. NORMAN: It still makes it a  
 9 school.  
 10 MS. JENNINGS: Lots of schools  
 11 have tuition.  
 12 MR. JAMES ADAMS: It's still a  
 13 school, but --  
 14 MR. NORMAN: A lot of schools  
 15 require you to pay tuition, any private  
 16 school --  
 17 MR. JAMES ADAMS: But it's a  
 18 college.  
 19 MR. NORMAN: Private high schools  
 20 charge you tuition too.  
 21 MR. JAMES ADAMS: Okay. So with  
 22 that, you also have to use -- you have a  
 23 maximum setting for application -- or  
 24 occupancy, right? What's your maximum,  
 25 180 what, 180 people?

1 CHAIRWOMAN RUFFO: No, they're  
 2 coming before us for 42 students, 35  
 3 full time and seven that are coming in.  
 4 MR. NORMAN: There's a difference  
 5 between building occupancy and what --  
 6 this is the zoning approval. The zoning  
 7 approval will limit the number of  
 8 students, regardless of the occupancy of  
 9 the building.  
 10 MR. JAMES ADAMS: But you still  
 11 have to keep that in consideration  
 12 because of the one side -- because of  
 13 the front part, not the dormitory. Like  
 14 you said, it's two separate things. You  
 15 have the D(1) and D(2). And what I'm  
 16 saying is, because you don't have  
 17 parking, it doesn't meet the criteria  
 18 for parking.  
 19 MR. NORMAN: Parking spaces.  
 20 MR. JAMES ADAMS: Thirty parking  
 21 spaces for the 180 -- like the other  
 22 people said --  
 23 CHAIRWOMAN RUFFO: We're not  
 24 going -- that's not before us.  
 25 MR. NORMAN: Forty-two students,

1 none of whom will have cars.  
 2 MR. JAMES ADAMS: But if I was to  
 3 come in -- because if I was to go in  
 4 with a -- to purchase a piece of  
 5 property and I said this business is  
 6 only going to have these many people  
 7 coming in and out of here, whether they  
 8 have cars or not, whether they walk in  
 9 or not, they still have to go before and  
 10 say this is your -- you have to have  
 11 that many parking spaces for this many  
 12 people -  
 13 MR. NORMAN: We have an ordinance  
 14 for the use --  
 15 MR. LITTLE: According to our  
 16 ordinance, you need one space for four  
 17 beds if you have a dormitory. So they  
 18 need nine and a half parking spaces for  
 19 the dormitory. The school requires one  
 20 space per thousand square feet of floor  
 21 area. It doesn't count the number of  
 22 students.  
 23 The school is 18,000 square feet.  
 24 It needs one space per thousand square  
 25 foot, it needs 18 spaces. So that

1 totals roughly 28 spaces. They're  
 2 providing 30. So they're meeting the  
 3 ordinance. The ordinance doesn't count  
 4 the number of kids in the school.  
 5 MR. JAMES ADAMS: How many of  
 6 that --  
 7 MR. LITTLE: It's based on square  
 8 footage of floor area.  
 9 MR. JAMES ADAMS: So how many of  
 10 that 30 is ADA?  
 11 MR. LITTLE: Well, they have to  
 12 have at least one ADA parking and  
 13 possibly two --  
 14 MR. JAMES ADAMS: You have to have  
 15 two mandatory.  
 16 MR. LITTLE: Between 25 and 50,  
 17 and they're going to have to provide --  
 18 MR. JAMES ADAMS: So you have to  
 19 have the 28 --  
 20 MR. LITTLE: Plus two.  
 21 MR. JAMES ADAMS: Plus two.  
 22 MR. LITTLE: Counts 30 total and  
 23 includes the handicap.  
 24 MR. JAMES ADAMS: In other words,  
 25 I thought it was not including --

1 we're all here.  
 2 MR. NORMAN: We're not the Board  
 3 of Health. You're asking all the  
 4 questions you would ask to the Board of  
 5 Health.  
 6 MR. JAMES ADAMS: But here's the  
 7 thing, it goes back to zoning because  
 8 there's no way they put in a true  
 9 application to conform with the existing  
 10 septic system. There's no way.  
 11 MR. LITTLE: The septic system,  
 12 unfortunately, is an outside agency  
 13 approval between the Pinelands and  
 14 county health department.  
 15 MR. JAMES ADAMS: But that's what  
 16 they submitted, correct?  
 17 MR. LITTLE: Based on the number  
 18 of students and the dilution  
 19 requirement. Now, we're not saying it  
 20 complies. We're saying they have to go  
 21 get that outside agency approval.  
 22 MR. NORMAN: To the right agency.  
 23 It's not us.  
 24 MR. JAMES ADAMS: So you're  
 25 familiar with Offshore Manor, correct?

1 MR. LITTLE: The handicap count  
 2 and the parking count.  
 3 MR. JAMES ADAMS: And then what  
 4 are you going to do about the drainage  
 5 also on the site?  
 6 MR. LITTLE: They're not changing  
 7 the parking lot. They're re-striping  
 8 it, including the 30 parking spaces.  
 9 MR. JAMES ADAMS: But in the back  
 10 right there with the septic -- and  
 11 that's another thing I want to talk  
 12 about.  
 13 So you talked about the septic  
 14 system. You don't know where the septic  
 15 system is, you don't know how big the  
 16 leach field is. You're going in with  
 17 the original septic system -- because  
 18 we're beating a dead horse here now.  
 19 The original septic system did not  
 20 include showers, laundry, or anything  
 21 like that.  
 22 So when you -- now, because it's a  
 23 new purchase, you're changing it, right,  
 24 because you have to change. We're  
 25 changing things, right? That's why

1 So the amount of -- think about Offshore  
 2 Manor. So take each one of those --  
 3 BOARD SECRETARY LEWIS: That's  
 4 time.  
 5 MR. JAMES ADAMS: -- rooms -- all  
 6 right.  
 7 BOARD SECRETARY LEWIS: Thank you.  
 8 MS. SANDRA VAN ORDEN: Sandra Van  
 9 Orden, 5881 Route 9.  
 10 ---  
 11 SANDRA VAN ORDEN, having been  
 12 first duly sworn according to law by the  
 13 Officer, testifies as follows:  
 14 ---  
 15 MS. SANDRA VAN ORDEN: Okay. I  
 16 just want to know the lot size of the  
 17 building, the land. Anybody know that?  
 18 MR. LITTLE: I think it's four  
 19 acres.  
 20 MS. SANDRA VAN ORDEN: And then  
 21 what percentage does the building take  
 22 up on that land?  
 23 CHAIRWOMAN RUFFO: It's four and a  
 24 half acres.  
 25 MS. SANDRA VAN ORDEN: How much?

1 MR. NORMAN: Four and a half  
 2 acres.  
 3 MS. SANDRA VAN ORDEN: Okay. And  
 4 what about the building, how much does  
 5 it take up on the...  
 6 MR. BLECH: A little over half an  
 7 acre, 23,000 square feet.  
 8 MS. SANDRA VAN ORDEN: Okay.  
 9 Thank you very much.  
 10 CHAIRWOMAN RUFFO: Is there anyone  
 11 else who would like to speak before we  
 12 close it to the public?  
 13 MR. WILLIAM VAN ORDEN: Can I use  
 14 her two and a half minutes she has left?  
 15 (Laughter)  
 16 MR. NORMAN: Ma'am, I believe you  
 17 already spoke.  
 18 MS. PAM MILLER: Yeah. I just  
 19 want to ask the Board one more question.  
 20 Is there any way to look into how a  
 21 septic like that could pass through  
 22 the Board of Health when --  
 23 CHAIRWOMAN RUFFO: You would have  
 24 to contact Burlington County. That's --  
 25 MR. NORMAN: As my wife would say,

1 not my monkey, not my circus.  
 2 MS. PAM MILLER: I understand  
 3 that. But it doesn't seem right, does  
 4 it?  
 5 CHAIRWOMAN RUFFO: I built a house  
 6 in Offshore Manor. We had to go through  
 7 Burlington County. Everything goes  
 8 through them.  
 9 MS. PAM MILLER: And did you have  
 10 to change the septic?  
 11 CHAIRWOMAN RUFFO: No.  
 12 Okay. At this time --  
 13 MR. SCOTT SCHOOLS: Scott Schools,  
 14 159 Leektown Road.  
 15 - - -  
 16 SCOTT SCHOOLS, having been first  
 17 duly sworn according to law by the  
 18 Officer, testifies as follows:  
 19 - - -  
 20 MR. SCOTT SCHOOLS: So I am with  
 21 everybody else saying, like, what's the  
 22 benefit?  
 23 MS. JENNINGS: Well, we feel like  
 24 we have asked and answered the question.  
 25 MR. NORMAN: They have.

1 MS. JENNINGS: You just don't like  
 2 our answer. So the answer isn't going  
 3 to change.  
 4 MR. SCOTT SCHOOLS: No, the  
 5 answer isn't going to change. So I have  
 6 seven kids, like I have a whole  
 7 basketball team. How can I apply to the  
 8 school?  
 9 MS. JENNINGS: You have to pass a  
 10 test. Your kid's going to take the test  
 11 and pass the admissions.  
 12 MR. SCOTT SCHOOLS: Where can I  
 13 get the information?  
 14 MS. JENNINGS: Give them an  
 15 application and see if they pass.  
 16 MR. SCOTT SCHOOLS: Then,  
 17 obviously, the septic issue. How is  
 18 that not a land issue?  
 19 MR. NORMAN: This board does not  
 20 have jurisdiction over septic systems.  
 21 MR. SCOTT SCHOOLS: Well, they  
 22 pass them.  
 23 MR. NORMAN: The county Board of  
 24 Health has jurisdiction over that.  
 25 MR. SCOTT SCHOOLS: So what part

1 of the land do you have to deal with?  
 2 MR. LITTLE: It still would be a  
 3 condition if the Board approved the site  
 4 plan, if they comply with that, with the  
 5 county Board of Health and the  
 6 Pinelands. They would have to show us  
 7 that they met that standard. Everything  
 8 has to work for us to sign off on site  
 9 plan approval under a resolution.  
 10 MR. NORMAN: Before they can get a  
 11 CO.  
 12 MR. LITTLE: Before they can get a  
 13 CO.  
 14 MR. NORMAN: We have to get proof  
 15 from the Board of Health and finance,  
 16 that they granted their outside agency  
 17 approval. Otherwise, the school doesn't  
 18 open.  
 19 MR. LITTLE: Right. And they  
 20 could potentially get approval here, but  
 21 not meet the conditions and not be able  
 22 to comply with what the resolution would  
 23 require.  
 24 MR. NORMAN: Correct.  
 25 MR. SCOTT SCHOOLS: Okay. And

1 that's the answer I was hoping for. I  
 2 appreciate that.  
 3 MR. LITTLE: You're welcome.  
 4 CHAIRWOMAN RUFFO: Okay. Last  
 5 one?  
 6 MR. PHIL NAYLOR: I've got one  
 7 quick question. Phil Naylor, 111 North  
 8 Maple Avenue.  
 9 - - -  
 10 PHIL NAYLOR, having been first  
 11 duly sworn according to law by the  
 12 Officer, testifies as follows:  
 13 - - -  
 14 MR. PHIL NAYLOR: Are we allowed  
 15 to have multi-family homes in New  
 16 Gretna?  
 17 AUDIENCE MEMBER: Can't hear you,  
 18 Phil.  
 19 MR. PHIL NAYLOR: Are we allowed  
 20 to have multi-family homes in New  
 21 Gretna? (Audience members respond  
 22 "no.")  
 23 MR. PHIL NAYLOR: How is this any  
 24 different?  
 25 MR. NORMAN: They're asking for a

1 use variance. It's not a permitted use.  
 2 MR. PHIL NAYLOR: We don't take  
 3 that into consideration, right?  
 4 MR. NEUWEILER: No, we do.  
 5 CHAIRWOMAN RUFFO: It's two  
 6 different things. This is a dorm versus  
 7 a multi-family home.  
 8 MR. PHIL NAYLOR: It's multiple  
 9 people living in one area.  
 10 CHAIRWOMAN RUFFO: But it's still  
 11 two different things.  
 12 Can I have a motion to close the  
 13 meeting to the public?  
 14 (No response.)  
 15 CHAIRWOMAN RUFFO: We need a  
 16 motion to close the meeting to the  
 17 public.  
 18 MS. ADAMS: Motion.  
 19 MR. ALLEN: Second.  
 20 CHAIRWOMAN RUFFO: All in favor?  
 21 (Whereas, the Board voted aye in  
 22 favor of the motion.)  
 23 CHAIRWOMAN RUFFO: Opposed?  
 24 (No response.)  
 25 CHAIRWOMAN RUFFO: So carried.

1 MR. NORMAN: Basically this is an  
 2 application for use variance and site  
 3 plan approval.  
 4 If you were to entertain a motion  
 5 to grant approval, the conditions I have  
 6 outlined is annual inspections of the  
 7 septic system, private trash service,  
 8 two ADA parking spaces, compliance with  
 9 our board engineer's report. And those  
 10 would be the conditions. You would need  
 11 five affirmative votes out of seven.  
 12 MR. KARL SWANSEEN: Modification  
 13 of the rider as promised.  
 14 MR. NORMAN: Yes, modification of  
 15 the rider.  
 16 CHAIRWOMAN RUFFO: Does anyone  
 17 want to make that motion?  
 18 MR. NORMAN: My suggestion is  
 19 this: Use variances -- you're better  
 20 off with a motion to approve. If you  
 21 make the motion and you second it, you  
 22 can vote whichever way you want on the  
 23 actual vote. Just because you make the  
 24 motion, doesn't mean you have to vote  
 25 yes, doesn't mean you have to vote no.

1 But what I don't want a situation is, if  
 2 there was a motion to deny it and you  
 3 don't get enough votes, then we'll have  
 4 to go through multiple votes, and it  
 5 gets very confusing.  
 6 I prefer it to be a motion to  
 7 grant approval and then whatever way you  
 8 want to vote, you can vote. But you're  
 9 supposed to follow the law.  
 10 MR. NEUWEILER: Motion to grant  
 11 the approval.  
 12 CHAIRWOMAN RUFFO: Do we have a  
 13 second?  
 14 MR. ALLEN: I'll second.  
 15 MR. NORMAN: Okay. Roll call.  
 16 BOARD SECRETARY LEWIS: Ms. Cope?  
 17 MR. NORMAN: She's not eligible.  
 18 BOARD SECRETARY LEWIS: Ms. Ruffo?  
 19 CHAIRWOMAN RUFFO: Yes.  
 20 AUDIENCE MEMBER: Please speak up.  
 21 CHAIRWOMAN RUFFO: Yes.  
 22 BOARD SECRETARY LEWIS:  
 23 Ms. Spagnola?  
 24 (No response.)  
 25

1 CHAIRWOMAN RUFFO: Yes.  
 2 BOARD SECRETARY LEWIS: Mr.  
 3 Neuweiler?  
 4 MR. NEUWEILER: Yes.  
 5 BOARD SECRETARY LEWIS: Mr.  
 6 Steele? Ms. Delois?  
 7 MS. DELOIS: Yes.  
 8 BOARD SECRETARY LEWIS: Mr. Allen?  
 9 MR. ALLEN: Yes.  
 10 BOARD SECRETARY LEWIS: Ms. Adams?  
 11 MS. ADAMS: Abstain.  
 12 BOARD SECRETARY LEWIS:  
 13 Ms. Crowley?  
 14 MS. CROWLEY: Yes.  
 15 BOARD SECRETARY LEWIS: Thank you.  
 16 MS. JENNINGS: Thank you very  
 17 much.  
 18  
 19  
 20 (Proceedings adjourned at 9:10 p.m.)  
 21  
 22  
 23  
 24  
 25

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