

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**YESHIVA GEDOLA NA'OS YAAKOV, INC.,
a New Jersey nonprofit corporation, and ZEBRA
HOLDINGS II LLC, a New Jersey Limited
Liability Company,**

Plaintiffs,

vs.

**TOWNSHIP OF OCEAN, N.J. and ZONING
BOARD OF ADJUSTMENT OF THE
TOWNSHIP OF OCEAN,**

Defendants.

Civil No. 3:16-00096

(FLW) (DEA)

ORDER

This Court, having held a case management conference on March 15, 2016 in the presence of counsel for Plaintiffs (Donna M. Jennings and Roman P. Storzer) and counsel for Defendants (Howard B. Mankoff), and for good cause shown,

It is hereby ORDERED that the Ocean Township Zoning Board of Adjustment ("ZBA") shall conduct additional public hearings on this matter on the following two evenings: April 5, 2016 and April 25, 2016. The conduct of the meetings shall be as follows:

1. Each hearing shall start at 7:00 p.m. and may be conducted until midnight, for a maximum of five hours per night and a total of ten hours.
2. The Township shall not present the testimony of any professional witnesses, other than comments by Board professionals.
3. The attorney representing several objectors shall be permitted to present no more than three professional witnesses as follows:
 - a. He shall have a maximum of five hours total between the two meetings to present their case; and

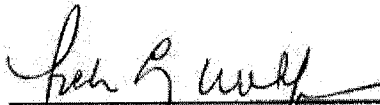
- b. No unrepresented members of the public shall be permitted cross-examination of the represented objectors' professional witnesses.
4. The unrepresented members of the public shall be permitted to testify as follows:
 - a. They are permitted a total of two hours between the two hearings for their testimony;
 - b. Their testimony shall be limited to five minutes each; and
 - c. The ZBA shall prioritize the unrepresented members of the public as follows: First, any interested party within 200 feet of the subject property; Second, any resident of Ocean Township beyond 200 feet of the subject property; Third, any other member of the public.
 5. Testimony on the application shall end no later than 10:00 p.m. on April 25, 2016, at which point the Objectors' attorney may present a fifteen-minute closing, followed by the Applicant attorney's fifteen-minute closing. The ZBA will subsequently deliberate and vote on the application before midnight at the April 25, 2016 hearing;
 6. The ZBA shall concurrently consider the Applicant's request for use variance and reinstate the application for minor site plan approval for handicap access;
 7. The ZBA shall also consider as a condition of approval the requirement that the Applicant must apply for preliminary and final major site plan approval within six months after the adoption of the resolution if approved, which shall comply with all ordinances and statutes, and incorporate the conditions previously agreed to on the record of the prior ZBA hearings, and enumerated in the last revised report of the Board Planner dated May 13, 2015 and all items set forth in the last revised report of the Board Engineer, dated May 15, 2015; and
 8. Plaintiffs' attorney shall arrange for legal notice for the April 5, 2016 to appear in the newspaper of general circulation, the Asbury Park Press, and individual notice to the interested parties on the Township's certified property owners' list; and

It is further ORDERED that the resolution memorializing the ZBA's vote shall be adopted at its May 19, 2016 meeting.

The Court shall retain jurisdiction over this matter until further order of the Court.

Dated:

3/16/16


Freda L. Wolfson, U.S.D.J.