

BRIDGEWATER TOWNSHIP PLANNING BOARD

Special Meeting

Monday July 28, 2014

—Minutes—

1. **CALL MEETING TO ORDER:**

Chairman Walter Rusak opened the Planning Board meeting at 7:00 p.m. in the Bridgewater Municipal Courtroom located at 100 Commons Way, Bridgewater, New Jersey 08807.

2. **OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT:**

The Chairman read the Open Public Meetings Act, as follows: “Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act N.J.S.A. 10:4-6. On July 14, 2014, proper notice was sent to the Courier Newspaper and the Star-Ledger and filed with the Clerk at the Township of Bridgewater and posted on the bulletin board in the Municipal Building. Please be aware of the Planning Board policy for public hearings: no new applications will be heard after 10:00 pm and no new testimony will be taken after 10:15 pm. Hearing Assistance is available upon request.

3. **SALUTE TO FLAG:**

There was a salute to the flag.

4. **ROLL CALL:**

James Franco - <b>Present</b>	Chairman Walter F. Rusak - <b>Present</b>
Steve Rodzinak - <b>Present</b>	Ron Charles - <b>Absent</b>
Mayor Dan Hayes- <b>Present</b>	Councilman Matthew Moench- <b>Present</b>
Barbara Kane- <b>Present</b>	Tricia Casamento- <b>Present</b>

Others in attendance were Robert C. Bogart, PE, Board and Township Engineer, Thomas Collins, Esq., Board Attorney, Scarlett Doyle, PP, Board and Township Planner, Gordon Meth, Traffic Engineer, and Jo-Ann Petruzzello, Secretary to the Planning Division

5. **APPROVAL OF BOARD MINUTES**

**May 13, 2014 Regular Meeting** – Motion by Mrs. Kane, second by Mr. Franco, the foregoing minutes were adopted on the following roll call vote:

AFFIRMATIVE:	Mr. Franco, Chairman Rusak, Mayor Hayes, Mrs. Kane, Mrs. Casamento
ABSENT:	Mr. Charles
NOT ELIGIBLE:	Mr. Rodzinak, Councilman Moench

**June 30, 2014 Special Meeting** – Motion by Mr. Rodzinak, second by Mr. Franco, the foregoing minutes were adopted on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Franco, Chairman Rusak, Mayor Hayes,  
Mrs. Kane  
ABSTAINED: Councilman Moench  
NOT ELIGIBLE: Mrs. Casamento

**6. MEMORIALIZATION OF RESOLUTIONS:**

Motion by Mayor Hayes, second by Councilman Moench, the following resolution memorializing the approval authorizing the Planning Board to enter into a Professional Services Agreement with Frank Banisch and Banisch Associates for Professional Planning Services regarding the application of CIP II/AR Bridgewater Holdings, LLC on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Franco, Councilman Moench, Chairman Rusak,  
Mayor Hayes, Mrs. Casamento.  
ABSENT: Mr. Charles

Motion by Mr. Rodzinak, second by Mayor Hayes, the foregoing resolution memorializing the approval authorizing the Escrow Fund Agreement with CIP II/AR Bridgewater Holdings, LLC and authorizing the Chairman And Secretary to sign the Escrow Fund Agreement on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Franco, Councilman Moench, Chairman Rusak,  
Mayor Hayes, Mrs. Casamento.  
ABSENT: Mr. Charles

**7. LAND DEVELOPMENT APPLICATIONS:**

AlFalah Center – 1475 Mountain Top Road  
Block 653 Lots 36 & 37  
#01-11-PB, PRELIMINARY Major Site Plan and Conditional Use  
Time: 3/31/14 per extension

See attached Transcription dated January 28, 2014. Prepared by: Denise C. Clark, C.C.R. of Rizman Rappaport Dillon & Rose, 66 W. Mt. Pleasant Ave., Livingston, NJ 07039

**8. MEETING OPEN TO THE PUBLIC:**

Chairman Rusak opened the meeting to members of the public wishing to address the Board on any matter not listed on the agenda. There were no members of the public wishing to address the Board.

**9. OTHER BOARD BUSINESS:**

None.

**10. ADJOURNMENT:**

The Board concurred to adjourn the meeting at 10:00 pm

Respectfully Submitted:  
Jo-Ann M. Petruzzello  
Secretary to Planning Division

**In The Matter Of:**  
*In Re: Al Falah Center*

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*Transcript of Proceedings*  
*July 28, 2014*

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*Rizman Rappaport Dillon & Rose*  
*66 W. Mt. Pleasant Ave.*  
*Livingston, N.J. 07039*  
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**Min-U-Script® with Word Index**

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1 BRIDGEWATER TOWNSHIP PLANNING BOARD  
 2 Monday, July 28, 2014  
 3 7:00 p.m.

4  
 5

6 x - - - - - x  
 7 RE: ALPALAH CENTER, Preliminary Major Site Plan  
 8 Block 653, Lots 36 & 37  
 9 x - - - - - x

10

11 BOARD MEMBERS: WITNESSES:  
 12 DAN HAYES, Mayor HENRY J. NEY, PE  
 13 WALTER RUSAK, Chairman  
 14 GORDON METH, Member  
 15 SCARLETT DOYLE, Member  
 16 JAMES FRANCO, Member  
 17 MATTHEW MOENCH, Member  
 18 ROBERT BOGART, Member  
 19 STEPHEN RODZINAK, Member  
 20 BARBARA KANE, Member  
 21 TRICIA CASAMENTO, Member  
 22 THOMAS COLLINS, Attorney

23

24 A P P E A R A N C E S:  
 25 ARCHER & GREINER, P.C.  
 BY: GULIET HIRSCH, ESQ.,  
 101 Carnegie Center  
 Princeton, New Jersey 08540  
 Attorney for Applicant.

BY: DENISE C. CLARK,  
 CERTIFIED COURT REPORTER

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1 MR. RUSAK: We'll now move to the  
 2 AlFalah Center. The attorney? Okay, there she is.  
 3 MS. HIRSCH: Good evening, Chairman  
 4 and board members. Is this on, doesn't sound like it  
 5 is? I'm sorry for the delay.  
 6 Guliet Hirsch from Archer and Greiner for the  
 7 applicant, AlFalah Congregation. Tonight we have one  
 8 witness, Henry Ney, a traffic engineer who is going to  
 9 be testifying concerning his report of April 24th on  
 10 his parking assessment for the mosque.  
 11 Now I apologize to the board for the lack of  
 12 continuity here with the witnesses, but unfortunately  
 13 the witness I would like to bring back tonight is not  
 14 available.  
 15 So we'll just make sure that we keep the  
 16 testimony moving and that anybody who hasn't finished  
 17 their cross-examination will have to come back and we  
 18 are aware of that.  
 19 MR. COLLINS: Mr. Ney, please raise  
 20 your right hand.  
 21 (Whereupon Henry Ney is duly sworn.)  
 22 MR. COLLINS: Please state your name  
 23 and address and spell your last name.  
 24 MR. NEY: Henry J. Ney, N-e-y, 241  
 25 Hunt, H-u-n-t, Road, Freehold, New Jersey.

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1 MS. HIRSCH: Okay. Just by way of a  
 2 little introduction here, we had originally submitted a  
 3 parking study by Dynamic Traffic from January.  
 4 I just wanted to explain to the board why Mr. Ney  
 5 has been substituted for the firm of Dynamic Traffic.  
 6 Essentially we are trying to avoid a situation that  
 7 someone in the future might feel there is a conflict  
 8 and here is why.  
 9 We understand that in August of 2011 a traffic  
 10 firm by the name of Staigar and Peregoy was hired by  
 11 Bridgewater Township to do some work in connection with  
 12 the AlFalah Mosque, and you probably recall that the  
 13 application was originally going to proceed in 2011  
 14 before the ordinance was changed.  
 15 Right around that time frame Joe Staigar from  
 16 that firm prepared some type of an outline we  
 17 understand for the township in August, and my  
 18 understanding is that there was nothing further done.  
 19 His firm's contract with Bridgewater expired at  
 20 the end of 2011, and then two full years later his  
 21 firm, Staigar and Peregoy, merged with Dynamic Traffic.  
 22 This all came to our attention after we already  
 23 had a report in front of you from Dynamic Traffic, and  
 24 our concern was someone might feel there was a conflict  
 25 because this group that had originally worked for

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1 Bridgewater Township is now merged with the traffic  
 2 engineer that we were working with and we wanted to  
 3 avoid that concern.  
 4 So we brought in Mr. Ney to do the study and  
 5 that's the general background on this, and Mr. Ney, if  
 6 we can please start with your qualifications, please.  
 7 MR. NEY: Certainly. I have an  
 8 undergraduate degree in civil engineering from  
 9 Rensselaer Polytechnic Institute and a traffic degree  
 10 from Yale University. I am a licensed, professional  
 11 engineer in the State of New Jersey.  
 12 I've served as a county traffic engineer and  
 13 county engineer and been in private practice serving  
 14 municipalities as well as public clients since 1972.  
 15 I have appeared before the majority of the  
 16 Superior Courts of the State of New Jersey on numerous  
 17 occasions and before Bridgewater Township's planning  
 18 and zoning board as well as most municipalities within  
 19 Somerset County.  
 20 MR. BOGART: We recognize him.  
 21 MR. COLLINS: The board confirms and  
 22 accepts the qualifications of Mr. Henry Ney as traffic  
 23 engineer and professional engineer.  
 24 MS. HIRSCH: Thank you very much.  
 25 Mr. Ney, I would like you first to just identify the

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1 April 24th report that's on your firm's letterhead.  
2 MR. NEY: That's my report.  
3 MS. HIRSCH: Okay. Just a couple of  
4 introductory questions about that report if you will.  
5 Who was responsible for selecting the various mosques  
6 that are studied in that report?  
7 MR. NEY: I was.  
8 MS. HIRSCH: Okay. Who was  
9 responsible for reviewing the architectural of those  
10 mosques and determining the gross square footage and  
11 the square footage?  
12 MR. NEY: I was.  
13 MS. HIRSCH: And prayer space?  
14 MR. NEY: I was.  
15 MS. HIRSCH: Who supervised the  
16 traffic counts that were done for those mosques?  
17 MR. NEY: I did.  
18 MS. HIRSCH: Okay, all right. I  
19 think just with that introduction I will let you go  
20 through, and if you have a question I will go from  
21 there.  
22 MR. NEY: Certainly.  
23 MS. HIRSCH: If you can briefly  
24 explain your report to the board.  
25 MR. NEY: Certainly. I think also

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1 for the board's edification and members of the public I  
2 should explain that the report is very similar to that  
3 which was prepared by Dynamic Traffic.  
4 The reason for that is one of the employees of  
5 Dynamic Traffic is a former employee of mine who  
6 actually worked with me on gathering the data and did  
7 the computer analyses under my supervision.  
8 I was leaving for the winter when I was contacted  
9 by the applicant, and I felt that I had a conflict  
10 making the planning board meeting so I asked Justin  
11 Taylor of Dynamic Traffic if he would prepare a report  
12 and testify.  
13 The outline of the report that is before you is  
14 very similar to that which I prepared for an  
15 application in an adjacent municipality, and so they're  
16 similar because Justin used my model to prepare his  
17 report.  
18 I then had to go back and prepare the report as I  
19 would have written it, and so we both were involved  
20 with the data collection. However, all of the work was  
21 done under my supervision.  
22 I have testified with regard to parking at  
23 mosques utilizing this data at several municipalities  
24 in the area itself. So there may be some confusion,  
25 but I have been involved with data collection and

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1 analyses of the information that was contained in both  
2 Dynamic's report and mine since the inception of it.  
3 In terms of our data collection, we selected four  
4 mosques to study based on a number of factors. There  
5 are numerous mosques within New Jersey, but they are  
6 limited in terms of sites that do not utilize existing  
7 on-street parking in the surrounding area, sites that  
8 were able to provide us with plans and known square  
9 footages of their mosques as well as their prayer areas  
10 and sites that were isolated so that people could not  
11 park in adjacent parking lots, and so when we did our  
12 parking recordings we were able to capture all of the  
13 vehicles entering and all the vehicles exiting as well  
14 as the vehicles that were parked.  
15 We looked at these mosques -- I'm trying to get  
16 the right distance for this, I'm sorry. We looked at  
17 these mosques on a Friday afternoon which is based on  
18 studies done by or published by The Institute of  
19 Transportation Engineers.  
20 In those studies I looked for the peak period of  
21 parking for a mosque and that is the standard prayer  
22 day that is the most trafficked.  
23 Our traffic counters arrived at the sites half an  
24 hour before services began and stayed until the parking  
25 lot emptied or was near empty to record the number of

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1 vehicles that were parked during that period of time.  
2 Of the sites that were looked at two were in Toms  
3 River, one on Route 9 and one on Whitesville Road. We  
4 looked at a site on Cedar Grove Lane in Franklin  
5 Township and a site in Morris County in Rockaway  
6 Township. Once we had gathered the data --  
7 MS. HIRSCH: Do you want to trade?  
8 MR. NEY: I don't know.  
9 MR. COLLINS: The mic at the table.  
10 If you both sit at the table I think it will work and  
11 get closer up.  
12 MS. HIRSCH: Sounds good, thank you.  
13 MR. COLLINS: You can turn that one  
14 off and sit by that mic and it should pick up very  
15 well.  
16 MR. NEY: Okay.  
17 MR. COLLINS: Jo-Ann, make sure  
18 she's hearing. Mr. Ney, go ahead. Mr. Ney, just do a  
19 test.  
20 MR. NEY: Can everyone hear me?  
21 MS. PETRUZZIELLO: That's good.  
22 MR. NEY: By way of comparison  
23 the --  
24 A VOICE: It's not on.  
25 MR. COLLINS: Should be a red

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1 button.  
2 MR. NEY: The red light is on.  
3 MS. PETRUZZIELLO: It's on.  
4 MR. NEY: By way of information of  
5 data, the Masjid Bilal of Toms River on Route 9 had a  
6 gross floor area of 3,838 square feet, a prayer hall  
7 floor area of 2,343 square feet.  
8 The Masjid Al-Mustafa project or mosque in Toms  
9 River which is on Whitesville Road had a gross floor  
10 area of 8,478 square feet with a prayer hall floor area  
11 of 3,712 square feet.  
12 The Masjid Ali in Franklin Township on Cedar  
13 Grove Lane had a gross floor area of 30,000 square feet  
14 and prayer hall floor area of 2,400 square feet, and I  
15 should explain that is a multistory mosque that has a  
16 food service area on one floor, had a classroom on the  
17 other and a mosque on the base of the floor. So it has  
18 multiple uses, but again, on Friday afternoon only the  
19 mosque was in use.  
20 Lastly, the Islamic Society of Morris County  
21 which is in Rockaway Township had a gross floor area of  
22 15,512 square feet and a prayer hall floor area of  
23 2,858 square feet.  
24 By comparison, the site in question has a floor  
25 area of 14,567 square feet, and when you add the

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1 multipurpose room, the women's prayer area and the main  
2 prayer area total prayer area of 3,890 square feet.  
3 MS. HIRSCH: Mr. Ney, if I might  
4 stop you for a moment just to reiterate to the board  
5 what the source of your information is about the size  
6 of the prayer hall in each of the four mosques that you  
7 studied in your report.  
8 A VOICE: We can't hear.  
9 MS. HIRSCH: Sorry about that. I'll  
10 say it again. My question to Mr. Ney was if he can  
11 just reiterate for the board --  
12 MR. RUSAK: Excuse me. Can we turn  
13 up the volume on that mic?  
14 MAYOR HAYES: Speak closer.  
15 MS. DOYLE: See if you can make that  
16 work.  
17 MS. HIRSCH: Can you hear me okay?  
18 MS. PETRUZZIELLO: No.  
19 MS. HIRSCH: Thank you.  
20 MS. PETRUZZIELLO: You're welcome.  
21 MS. HIRSCH: Okay. Just my question  
22 for Mr. Ney was if he can please just reiterate for the  
23 board and public the source of his knowledge about the  
24 prayer hall size of each of the four mosques that are  
25 studied and listed in Table I of his report.

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1 MR. NEY: Available to me were the  
2 floor plans, the architectural floor plans, for all of  
3 the buildings.  
4 The Bilal Mosque in Toms River is an existing  
5 building that's being expanded. So what I actually had  
6 was the floor plan of the existing building, and the  
7 floor area was obtained by subtracting the hallways  
8 which I calculated the hallways, rest rooms, et cetera  
9 to get the prayer hall floor area.  
10 The other three were all floor plans prepared by  
11 the architects for this specific mosque itself  
12 containing the actual square footages of the prayer  
13 area as well as the total square footage of the mosque.  
14 MS. HIRSCH: Thank you.  
15 MR. NEY: In collecting our data we  
16 looked at peak parking during any 15-minute period of  
17 our count.  
18 So if we counted, for example, for an hour and  
19 one-half to two hours we would have somewhere in the  
20 neighborhood of six to eight quarter-hour data points.  
21 We collected the maximum numbers of parking at  
22 each of those locations based on the data points that  
23 we had, and the dates of traffic parking counts were  
24 January 18, 2013; January 25, 2013 and May 31, 2013.  
25 So that was Bilal Mosque in Toms River, and at

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1 Al-Mustafa also in Toms River the dates were February  
2 15, 2013 and May 31, 2013. Masjid Ali parking count  
3 was January 25, 2013 and February 15, 2013, and last,  
4 the Islamic Society of Morris County the date was  
5 February 15, 2013.  
6 I should explain that of the four mosques that  
7 were studied the Islamic Society of Morris County  
8 actually had two services. So we counted through the  
9 two services to get our peak period as you would expect  
10 which occurred just about on the switch-over time  
11 between services.  
12 The parking demands for the parking demand rate  
13 for each site was measured by dividing the maximum  
14 number of cars parked during that 15-minute period into  
15 either the total square footage or by the prayer area  
16 square footage.  
17 We then calculated using Excel what is termed  
18 "parking demand rates" based on the 33rd percentile,  
19 the average value and the 85th percentile. So it's  
20 calculated on the gross floor area as used and  
21 published in the ITE for parking generation and also  
22 using the prayer hall floor area which we call PFA.  
23 Now that was the only available published study  
24 that was in the ITE. In contacting them they did not  
25 have any other information than what was given to them

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1 as the gross floor area. So there was no way to look  
2 at and compare their prayer floor area. The reason I  
3 selected --  
4 A VOICE: We can't hear.  
5 MR. NEY: -- as an independent --  
6 MS. HIRSCH: Someone is saying they  
7 can't hear.  
8 MR. RUSAK: Can you pick the  
9 microphone up?  
10 MR. NEY: Can you hear me now?  
11 Okay.  
12 MR. RUSAK: Can you hear him now?  
13 A VOICE: I can hear you, but I  
14 can't hear him. Go to the podium mic.  
15 MS. DOYLE: Use that one.  
16 MR. NEY: Sorry, I'll go back to the  
17 static. Can you hear me now?  
18 MR. RUSAK: Yes, they can.  
19 MR. NEY: Thank you. I apologize  
20 for the technical difficulties.  
21 The Institute of Transportation Engineers  
22 publishes data that is presented to them using the 33rd  
23 percentile rate of parking, the average value rate of  
24 parking and then the 85th percentile parking rate.  
25 In looking at our research that has been

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1 published in publications we felt that the 85th  
2 percentile is best which is that rate at which parking  
3 is exceeded at 15 percent of the time, and 85 percent  
4 of the time parking will be less or equal to that which  
5 we calculated is recommended in a number of technical  
6 publications.  
7 The publication by the Parking Consultants  
8 Council on the recommended zoning ordinance provision  
9 states, "Shared parking and other references recommend  
10 that parking requirements be set using design day at  
11 the 85th percentile" is appropriate. In addition, the  
12 publication by Weant and Levinson on parking also  
13 recommends the concept of demand level at the 85th  
14 percentile.  
15 So based on these studies and that which was  
16 published by the Institute of Transportation Engineers  
17 we developed a standard for parking recommendation at  
18 the 85th percentile.  
19 In terms of parking rates based upon the  
20 information that we have collected, we found that the  
21 85th percentile rate based on prayerable area were more  
22 consistent and had less variations than looking at the  
23 parking rates based on gross floor area.  
24 The difference between the 33rd percentile, the  
25 average and the 85th percentile was relatively constant

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1 and there were not wide variations. So we feel that  
2 the prayer area is a better reference for looking at  
3 the parking demand.  
4 For example, if you note the Islamic Society had  
5 30,000 square feet. The facility in -- I'm sorry,  
6 that's Masjid Ali. The Islamic is 15,000 square feet  
7 and the others were relatively smaller, but the prayer  
8 area was fairly consistent in those areas, and again,  
9 since Friday is the prayer day and that's the maximum  
10 parking day it makes sense that utilizing the prayer  
11 area is more reliable in terms of parking numbers of  
12 parking predictions.  
13 Based on our calculations the prayer area parking  
14 ratio at the 85th percentile is 39.6 parking spaces per  
15 1,000 square feet. Applying that ratio to the proposed  
16 mosque gives us a parking accumulation of 154 spaces  
17 and 170 spaces are proposed.  
18 So I believe that the parking proposed is more  
19 than adequate to meet the 85th percentile demand which  
20 is the governing standard used by traffic engineers in  
21 recommending parking ratios and parking standards, and  
22 I would give you an example of some of the  
23 inconsistencies in parking ordinances and utilization  
24 of attendees and vehicle occupancy as the parking ratio  
25 number.

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1 If you take the Institute of Transportation  
2 Engineers' study or publication on published data for  
3 churches they come up with a standard of .25 parking  
4 spaces per seat. However, if it was for a 200-seat  
5 facility you would require 50 parking spaces.  
6 The Township of Bridgewater in their parking  
7 standard recommendation I believe it is one per three  
8 or .3. It's one per three. So if you have the same  
9 200 parking spaces you would need 200 seats and you  
10 need 67 parking spaces. If you use the ITE data of  
11 attendees you would need 120 parking spaces for a  
12 200-seat facility.  
13 So you can see that not necessarily --  
14 occupancies are not necessarily the correct number to  
15 predict parking. You can't assume one person per  
16 vehicle basically.  
17 So I feel comfortable that the parking proposed  
18 exceeds the 85th percentile demand and should  
19 accommodate parking demands at the facility without any  
20 negative impact to the neighborhood streets.  
21 I would also note that based on the information  
22 that I have heard at the last meeting concerning when  
23 traffic testimony was given the adjacent streets do not  
24 appear to be capable of accommodating parking and  
25 traffic at the same time. So I would anticipate that



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1 there would not be an issue created by this facility.  
2 MS. HIRSCH: Couple follow-up  
3 questions if I may.  
4 Of the mosques that you studied, Mr. Ney, are all  
5 of them or some of them -- if you can just kind of  
6 characterize them in terms of whether they're newly  
7 established or whether they've been around for a while.  
8 MR. NEY: All of the mosques that we  
9 studied have been around for a while.  
10 However, the facility on Cedar Grove Lane in  
11 Franklin Township was a fairly new building. It was  
12 about a year and a half old, but the actual  
13 congregation if you will had been established in that  
14 community for a long period of time.  
15 MS. HIRSCH: I don't know if you  
16 mentioned this, but were there any mosques that you  
17 identified but decided not to study because of parking  
18 conditions around the building?  
19 MR. NEY: Yes, we looked at a number  
20 of facilities. We looked at facilities in Paterson,  
21 Plainfield. There was one in -- I'm trying to think.  
22 It was in Morris County and I forget the community.  
23 The problem with the other ones we looked at were  
24 that street parking was a major component of the  
25 parking that was used for prayer hour services, and

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1 unless you can have somebody on every street within 500  
2 feet of the mosque and find out who is going in the  
3 mosque it becomes very difficult to count street  
4 parking as well as the small parking lot associated  
5 with it, and so you don't have a controlled situation  
6 where we did have that in the four mosques that we  
7 looked at.  
8 MS. HIRSCH: I have nothing further  
9 for Mr. Ney.  
10 MR. RUSAK: Are there any questions?  
11 We'll start from my left.  
12 MS. CASAMENTO: No.  
13 MR. RUSAK: Nothing on the left.  
14 MR. MOENCH: Mr. Chairman, I have  
15 some questions.  
16 MR. RUSAK: There you go.  
17 MR. MOENCH: Mr. Ney, you go through  
18 a lot of numbers, and I tried to follow along as  
19 closely as I could so I apologize.  
20 MR. NEY: That's quite all right.  
21 MR. MOENCH: First of all, if I  
22 understand the crux of your methodology is that you  
23 evaluated prayer space and compared it to the parking  
24 and that's how you ultimately came out with your  
25 recommendations.

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1 MR. NEY: I also looked at the gross  
2 floor area. I looked at the two.  
3 The variable that was used in the Institute of  
4 Transportation Engineers' parking generation study only  
5 contained gross floor area.  
6 So initially when we started our study we used  
7 gross floor area, but as we got into discussing the  
8 operation of the mosques with the different managers  
9 that we spoke with other than the prayer area the other  
10 areas of the mosque were not used on prayer days, on  
11 Friday.  
12 So we decided to look at not only the square  
13 total gross floor area, but the floor area of the  
14 prayer area which included not necessarily part of the  
15 prayer hall, but there were certain public spaces where  
16 they were adjacent to the prayer hall where somebody  
17 could use that if there was an opening.  
18 So we used the two of them, and when we looked at  
19 the results the consistency between the 33rd, the  
20 average and the 85th percentile consistency it was much  
21 closer. As I point out in my report, I think it's over  
22 100-percent difference when you use the gross floor  
23 area.  
24 So we feel based on the data that we have which  
25 we, by the way, sent to the Institute of Transportation

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1 Engineers which probably will be included in future  
2 publications is a much better method of predicting  
3 parking demand than using the gross floor area.  
4 MR. MOENCH: Are you familiar with  
5 Bridgewater's parking areas?  
6 MR. NEY: Just a few. I just looked  
7 at churches and places of worship. Other than that,  
8 no.  
9 MR. MOENCH: Do you know what  
10 Bridgewater's standard is?  
11 MR. NEY: Well, it's -- there's --  
12 based on the number of seats it's one per three I  
13 believe.  
14 Then there's a measurement of so many foot of pew  
15 if you will which I never seen anyone apply, and then  
16 the other one is --  
17 MS. HIRSCH: I am going to stop you  
18 right there. I'm sorry, I apologize.  
19 MR. NEY: That's okay.  
20 MS. HIRSCH: I am doing it for a  
21 reason.  
22 It's my understanding that Mr. Ney was just about  
23 to get to the next section of the ordinance which  
24 involves an amendment to the parking requirements that  
25 the Federal District Court has explained to us is not

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1 to be used in this hearing.  
2 MR. MOENCH: Okay.  
3 MR. NEY: I looked at that too.  
4 MR. MOENCH: Under Bridgewater's  
5 ordinance once you calculate the seating space I should  
6 say --  
7 MR. NEY: Right.  
8 MR. MOENCH: -- you then apply a one  
9 to three ratio in other words; am I correct? So that  
10 assumes using that one to three ratio that more or less  
11 three people are going to come in one car.  
12 So if you had 100 seats you would need 33 1/3  
13 parking spots because under our ordinance the  
14 presumption is three to one ratio of occupants to cars.  
15 MR. NEY: I don't know what the  
16 assumption is in the three people per car because there  
17 is also one space for each 72 inches.  
18 I was trying to figure out what my hips measured.  
19 I am not exactly sure what that entails. You think  
20 more than three people can fit in 216 inches, but that  
21 is also, you know, one of the measurements.  
22 As I said, the Institute of Transportation  
23 Engineers based upon seats came up with the 0.25 ratio,  
24 that is an empirical study, that is not theoretical.  
25 As I said, if you apply the -- if you take the

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1 100 seats at .25 you would need basically 25 seats --  
2 no, yeah, 25 parking spaces where if you use per  
3 attendees you need 60 parking spaces if you assume that  
4 they were all occupied.  
5 So there is a big difference there in empirical  
6 and theoretical data, and I can't tell you what the  
7 basis of one per three is. I think that goes back for  
8 many, many years of places of public assemblage,  
9 stadiums or whatever was one per three people.  
10 I guess it's an assumption that one per three get  
11 in a car, but that doesn't correlate to the actual  
12 parking demand studies. Again, it's less people per  
13 car than that.  
14 MR. MOENCH: Right, and that brings  
15 me to my next question which is did you do any  
16 independent analysis, and if you did and I missed it I  
17 apologize, but of the locations and the counts that you  
18 studied, did you look at your own ratio of occupants  
19 per vehicle?  
20 MR. NEY: Yes, we did that. I don't  
21 have -- I think, Gordon, you did it too.  
22 MR. METH: Yeah.  
23 MR. NEY: I think it was 1.37. I  
24 don't recall what I came up with, but I think Mr. Meth  
25 did an independent evaluation and came up with 1.37.

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1 MR. MOENCH: What you're saying is  
2 based on your observations on average there was 1.3  
3 people per car?  
4 MR. NEY: Yes.  
5 MR. MOENCH: And so I guess how does  
6 applying that 1.3 ratio or 1.37 that you mentioned, how  
7 does that compare with your gross area calculations?  
8 MR. NEY: Well --  
9 MR. MOENCH: What does that  
10 translate into?  
11 MR. NEY: -- there is not a  
12 comparison because the data is the same.  
13 In other words, the number of vehicles that  
14 arrived and were counted at the maximum period had 1.37  
15 persons per car. So that's the number of people that  
16 were in there. If I apply any other factor to it it is  
17 going to come out with the same parking demand.  
18 MR. MOENCH: What I'm trying to make  
19 sure I understand for purposes of the application is  
20 you evaluated four other sites at varying times.  
21 MR. NEY: Yes.  
22 MR. MOENCH: You used the size of  
23 the prayer space as what we should use to determine  
24 what the appropriate parking would be at our facility  
25 which is all in theoretical discussion.

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1 MR. NEY: That's not what I said.  
2 What I said is that the Institute of Transportation  
3 Engineers, Weant and Levinson and the Parking  
4 Consultants Council recommend 0.85, 85th percentile, as  
5 the parking standard.  
6 So you would apply that parking standard to a  
7 church if you have the data, to a shopping center if  
8 you have the data, to an office building if you have  
9 the data. So the 85th percentile is the standard that  
10 I am comparing it to.  
11 To say 100 percent, well, at 100 percent you  
12 don't know. You don't have -- for example, at 100  
13 percent, are you going to have the highest prayer, and  
14 if you are, are you going to have 1.37 persons per car  
15 or is the ratio going to be different when you have  
16 100-percent occupancy? You can't be at the site at all  
17 times.  
18 So we -- as a matter of fact, some of the data I  
19 used I incorporated my study because one of the  
20 municipalities where I testified had an opposing  
21 traffic engineer who went out and recounted two of the  
22 mosques that I counted.  
23 His results are similar. They're somewhat  
24 different, but I incorporated them in my data. I  
25 didn't change the base number but a tenth or something

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1 like that which wouldn't change the recommendation, but  
2 the data is fairly consistent six months apart or five  
3 months apart.  
4 The numbers are very -- still very consistent in  
5 terms of parking and the prayer area and that's one of  
6 those persons per vehicle.  
7 MR. MOENCH: I understand your  
8 approach.  
9 What I'm trying to understand here and I did some  
10 rough math and I didn't do it on every single one of  
11 your counts, but my calculations indicated between a  
12 one and two. One was 1.8, 1.78, one was lower when I  
13 did it in terms of ratio of cars to occupants, but I  
14 want to make sure I understand.  
15 If we had heard testimony that on a given day of  
16 worship or prayer service that they expect 100  
17 attendees I want to know how many cars when I apply  
18 that ratio because I might get different numbers.  
19 In other words, there's been some testimony that  
20 on the big prayer services -- I understand we are  
21 talking the exception -- they could get up to 500  
22 people. Well, applying some of these numbers gives us  
23 a parking demand of 343 spaces --  
24 MR. NEY: Well, you can't --  
25 MR. MOENCH: -- or in that range for

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1 looking at the number of people per car.  
2 MR. NEY: I don't have the -- I do  
3 have the floor plans here, but in the study that was  
4 done initially we actually -- the architect actually  
5 laid out prayer mats, and you can't have 500 people in  
6 the room that we have here or 250 or whatever the  
7 number is.  
8 For example, what Rockaway did is their services  
9 they went to two services because you only got so many  
10 square feet that you can put people in, and so I don't  
11 know that on that busiest day it is valid to assume  
12 everybody will be there at the same time.  
13 MR. MOENCH: Under your calculations  
14 for a 100-person Friday prayer service if there was to  
15 be 100 people attending this facility, how many cars  
16 would you expect that that would bring into the  
17 facility?  
18 MR. NEY: Well, again, it's based on  
19 -- my calculations are based upon the square footage of  
20 the prayer area.  
21 If you take the 1.37 that Mr. Meth calculated  
22 utilizing my data and I believe that's correct and if  
23 you had 100 people you would have 70-some people or  
24 70-some cars in that facility. I think that's right,  
25 about 70 cars.

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1 MR. MOENCH: And so in doing your  
2 report, did you get any information about the expected  
3 attendance or occupancy of this specific facility at  
4 any given time during prayer service?  
5 MR. NEY: Other than what I read in  
6 the transcript, no, I did not personally get any  
7 information, and I quite frankly don't recall the  
8 numbers I read.  
9 MR. MOENCH: So your report is  
10 independent upon -- the parking engineer report is  
11 independent of any actual expected attendance of this  
12 facility?  
13 MR. NEY: That's correct.  
14 MR. MOENCH: On the facilities that  
15 you did study you mentioned that you studied them, but  
16 they did not have off-street parking, correct?  
17 MR. NEY: No, they did have  
18 off-street parking but controlled.  
19 I said the sites that I didn't select had  
20 on-street parking. So all the sites I selected had a  
21 parking lot and no adjacent parking so that whatever  
22 came in had to go in that parking lot.  
23 MR. MOENCH: These facilities are  
24 all on main roads. I mean, you can't park on Route 9  
25 in Toms River, correct?

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1 MR. NEY: No, Whitesville Road is a  
2 county road.  
3 If you look at -- I think it's Meadow Drive.  
4 Meadow Drive is a two-lane municipal street and it's  
5 surrounded by residential area. I think it's Route 10,  
6 but don't hold me to it.  
7 MR. MOENCH: Which facility are you  
8 talking about?  
9 MR. NEY: That's the one in  
10 Rockaway, Islamic Society of Morris County, and the one  
11 in Franklin Township has parking on one side of Cedar  
12 Grove Lane. It is the opposite side of the street and  
13 it's residential.  
14 MR. MOENCH: Is that the road that's  
15 right off Easton Avenue?  
16 MR. NEY: Yes, it's about a mile up  
17 that road.  
18 MR. MOENCH: Right, and the other  
19 one in Toms River, Al-Mustafa, that's on Route 70.  
20 MR. NEY: That is a county road.  
21 Whitesville Road is a two-lane county road that doesn't  
22 have ability to park.  
23 MR. MOENCH: Did you evaluate the  
24 traffic studies of -- I'm blanking on his name, forgive  
25 me, but on the traffic expert that provided testimony

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1 and reports in this case?  
2 MR. NEY: That was Al Ligwornia.  
3 MR. MOENCH: Yes.  
4 MR. NEY: Other than what I heard he  
5 was giving responses to questions from the audience,  
6 but other than that I have no --  
7 MR. MOENCH: Did you evaluate  
8 whether the calculations in his report of expected  
9 traffic or usage or parking comply with your report?  
10 MR. NEY: No.  
11 MR. MOENCH: Whether or not  
12 they're --  
13 MR. NEY: I did not.  
14 MR. MOENCH: I have no further  
15 questions at the moment, although I expect I will have  
16 more, thanks.  
17 MR. RUSAK: Anyone else? If not, we  
18 will open.  
19 MR. METH: Mr. Chairman.  
20 MR. RUSAK: I apologize.  
21 MR. METH: For the record Gordon  
22 Meth, the special traffic consultant for the board.  
23 Mr. Ney, those sample sites you looked at, do you  
24 have any sense of how full the prayer hall was in these  
25 facilities?

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1 MR. NEY: I know that in the prayer  
2 hall on Route 9 in Toms River it was fully occupied.  
3 MR. METH: But you don't know about  
4 the others?  
5 MR. NEY: I don't know the others.  
6 I was not there during --  
7 MR. METH: How about the parking  
8 lots? Were these lots -- were there excess spaces or  
9 were they full?  
10 MR. NEY: The Toms River was full,  
11 only had 25 spaces and mostly parked on the grass. I  
12 can't tell you about the others. The others were not  
13 100 percent.  
14 MR. METH: Okay. You said one site  
15 had multiple prayer services.  
16 MR. NEY: Rockaway, yes.  
17 MR. METH: Basically from your data,  
18 do you have any sense what percentage came to the first  
19 service versus the second?  
20 MR. NEY: The first service was the  
21 busier.  
22 MR. METH: I mean, based on the data  
23 it would be three to one?  
24 MR. NEY: Without looking at it --  
25 MR. METH: Could you?

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1 MR. NEY: Yes. Well, that is a  
2 pretty close ratio. Yes, about three to one, that's a  
3 pretty close ratio.  
4 MR. METH: And you made a comparison  
5 to a church in the ITE.  
6 MR. NEY: Yes.  
7 MR. METH: Based on your experience  
8 and averaging 1.37 per vehicle I know I calculated that  
9 and you agree, right?  
10 MR. NEY: I think I was pretty close  
11 to that.  
12 MR. METH: Do you have any sense of  
13 what the average occupancy is for a church category?  
14 MR. NEY: I'm sorry, what the  
15 average vehicle occupancy is?  
16 MR. METH: Yes, for a church.  
17 MR. NEY: Well, I don't have any  
18 personally, but if you look at the data published it's  
19 less than two per car.  
20 MR. METH: I'm sorry, the what?  
21 MR. NEY: If you look at data. In  
22 other words, the .6 per attendee is less than two per  
23 car.  
24 MR. METH: I'm sorry, are you  
25 talking about a church or a mosque?

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1 MR. NEY: Church.  
2 MR. METH: .6 per attendee?  
3 MR. NEY: .6 per attendee, less than  
4 two per car.  
5 MR. METH: You agree we quoted the  
6 number of parking spaces required per seat in ITE, but  
7 I guess there is a separate number for attendee,  
8 correct?  
9 MR. NEY: Yes. The ITE is  
10 published, and again, it is an interpretation and it is  
11 .25 per seat and then per attendee .6. So obviously  
12 the seats --  
13 MR. METH: Right, and that's the  
14 85th percentile number for both?  
15 MR. NEY: Yes.  
16 MR. METH: I guess my one last  
17 question is when you did data samples I know you had  
18 multiple counts for some sites, but did you treat each  
19 sample as an independent data point?  
20 MR. NEY: Yes.  
21 MR. METH: You didn't use the  
22 highest for the four sites?  
23 MR. NEY: I took the highest of that  
24 day from the -- from each four sites. I would have  
25 only had four data points if I just used the highest at

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1 each one.  
2 MR. METH: Wouldn't doing multiple  
3 sites and one site more often than others kind of  
4 skewed data to that one sample?  
5 MR. NEY: Well, if you look -- I  
6 don't believe it's skewed.  
7 If you look at the Masjid Ali on one day we had  
8 62 cars parked, the next day 63. If you look at Bilal  
9 which is Route 9 we went from 82 to 93, and if you look  
10 at Al-Mustafa we had 76 and 98.  
11 So the skew -- there is a skew. I don't think it  
12 is significant. If I recalculated the numbers it might  
13 impact it on the average 10 percent or so.  
14 MR. METH: Thank you, Mr. Ney.  
15 MR. RUSAK: Anyone else from the  
16 board?  
17 MR. COLLINS: We now would like to  
18 open the meeting up to the public. Please keep your  
19 questions in reference to the parking expert that we  
20 have, thank you.  
21 MR. EISDORFER: My name is Stephen  
22 Eisdorfer with the firm of Hill, Wallack, LLP. I'm  
23 here on behalf of Running Brook Homeowners Association  
24 and Manor at Running Brook Homeowners Association.  
25 Mr. Ney, I gather that you did not calculate the

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1 parking requirements based on Bridgewater's own  
2 ordinance; is that correct?  
3 MR. NEY: Well, I did only in one  
4 instance. Since there are not really seats in the --  
5 in a mosque I did look at the number that I'm not  
6 supposed to look at, the one per 30 square feet.  
7 MR. EISDORFER: But you didn't use  
8 the one -- the one for three seats?  
9 MR. NEY: No. As I said, there are  
10 no seats.  
11 MR. EISDORFER: What did you  
12 understand your legal justification is for disregarding  
13 that standard, that is the binding standard? What is  
14 your legal justification for that?  
15 MR. NEY: I am not an attorney. I'm  
16 only reporting the research that I did, and since there  
17 are no seats in a mosque there is no way to calculate  
18 the number of vehicles per seat.  
19 MR. EISDORFER: So your conclusion  
20 was the board couldn't actually apply that standard  
21 because there are no seats?  
22 MR. NEY: I had not made a  
23 conclusion as to what this board can or cannot do.  
24 I'm the traffic engineer. We collect data and  
25 analyze it, and we did it in the parameters of our

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1 profession, that's what I did. If I had seats I could  
2 have done a calculation, but I don't have seats.  
3 MR. EISDORFER: Now you made  
4 reference to the ITE data, ITE standard. The ITE  
5 recommends that you calculate based on gross floor; is  
6 that correct?  
7 MR. NEY: No. First of all, the ITE  
8 doesn't recommend anything. They don't even recommend  
9 you use their data. They're very clear the data is  
10 published as research and not a standard.  
11 Actually, the ITE I think had two or three  
12 studies, I forget the number, and I think it was three.  
13 They were in different parts of the country, and their  
14 published data only had floor area.  
15 MR. EISDORFER: Gross floor  
16 area?  
17 MR. NEY: Gross floor area. So  
18 they did their calculations based on gross floor  
19 area.  
20 MR. EISDORFER: But you didn't  
21 use that either?  
22 MR. NEY: No, I didn't.  
23 MR. EISDORFER: You formulated  
24 your own standard?  
25 MR. NEY: Yes, I did because my

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1 standard if you will or my study is based on  
2 sites in New Jersey reflective of New Jersey, and  
3 the ITE study is in -- I forget the states. I  
4 could look it up, but they're nowhere near New  
5 Jersey.  
6 MR. EISDORFER: Let me ask you  
7 about the sites that you studied. Now did you  
8 study the mosque in Piscataway on Hoes Landing?  
9 MR. NEY: No.  
10 MR. EISDORFER: Well, why not?  
11 MR. NEY: That mosque had a  
12 number of other buildings around it and shared  
13 parking with other uses and also as I recall had  
14 other things going on at the time of the services  
15 that were in business or were active.  
16 MR. EISDORFER: Well, other  
17 uses of the mosque building?  
18 MR. NEY: Yes. For example,  
19 there is a mosque on Route 1.  
20 MR. EISDORFER: I'm asking you  
21 about --  
22 MR. NEY: I'm trying to give  
23 you an example.  
24 MR. EISDORFER: I'm asking  
25 about Hoes Landing. You said other uses in the

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1 building.  
2 MR. NEY: Other activities  
3 going on at the same time that there were  
4 services.  
5 MR. EISDORFER: So that didn't  
6 fit your model of no other activities going on at  
7 the same time.  
8 MR. NEY: That's correct.  
9 MR. EISDORFER: How about the  
10 mosque in South Plainfield?  
11 MR. NEY: I know nothing about  
12 them particularly. I ruled the site out because  
13 of its location and its lack of parking.  
14 MR. EISDORFER: I'm sorry, you  
15 ruled it out because of the --  
16 MR. NEY: -- of the location  
17 and lack of parking.  
18 MR. EISDORFER: Well, how much  
19 parking did it have compared --  
20 MR. NEY: It had a small  
21 parking lot and it was using on-street parking.  
22 I forget the number, 20, 25 spaces.  
23 MR. EISDORFER: What kind of  
24 street is it located on?  
25 MR. NEY: Residential street.

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1 MR. EISDORFER: And so they  
2 were having overflow problems?  
3 MR. NEY: I don't know if they  
4 had any problems. I didn't study it.  
5 MR. EISDORFER: But you  
6 rejected it because you said it had parking  
7 problems.  
8 MR. NEY: No, I said it had  
9 on-street parking.  
10 The parking lots were not the only place  
11 where people parked, and without a controlled  
12 sample there's no way to know how accurate the  
13 parking calculation is.  
14 MR. EISDORFER: Would it be  
15 fair to say you rejected any site where the  
16 parking overflowed onto the streets?  
17 MR. NEY: No, that's not fair  
18 to say.  
19 MR. EISDORFER: How about  
20 Holmdel?  
21 MR. NEY: Holmdel has a lack of  
22 activity. If you're familiar with Holmdel at one  
23 time there was Bell Labs and five AT&T office  
24 buildings. All those facilities are now vacant.  
25 You go to Holmdel and it is the size of a

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1 parking lot. My one observation I showed very  
2 little activity.  
3 MR. EISDORFER: Not very many  
4 people attended the mosque?  
5 MR. NEY: During my  
6 observation, that's correct.  
7 MR. EISDORFER: So let me go  
8 back now to your sample, and I want to actually  
9 follow up a question that was asked by the board,  
10 a board member. So looking at the -- at Bilal --  
11 MR. NEY: Yes.  
12 MR. EISDORFER: -- what  
13 percentage of the lot was occupied when you  
14 looked at it?  
15 MR. NEY: Over 100 percent.  
16 MR. EISDORFER: When you say  
17 "over 100 percent," what does that mean?  
18 MR. NEY: People were parked on  
19 the grass and lawn area.  
20 They are -- I don't know if they completed  
21 construction, but at the time of my study they  
22 were before the planning board to expand the  
23 parking facilities. So people were parking  
24 basically on grout areas, gravel areas and grass  
25 areas.

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1 MR. EISDORFER: Were they  
2 expanding the mosque or just the parking lot?  
3 MR. NEY: They were doing some  
4 minor expansion to the mosque.  
5 MR. EISDORFER: So they were  
6 overflowing onto the grass?  
7 MR. NEY: Yes.  
8 MR. EISDORFER: How about  
9 Masjid Al-Mustafa in Toms River, what percentage  
10 of that lot was filled?  
11 MR. NEY: It was not 100  
12 percent. I don't know the percentage, but it was  
13 not 100 percent.  
14 MR. EISDORFER: So that lot had  
15 room for additional parking had there been a  
16 demand?  
17 MR. NEY: Yes.  
18 MR. EISDORFER: Do you know  
19 what percentage of the prayer occupancy was  
20 filled?  
21 MR. NEY: I just know the  
22 parking numbers and the vehicle occupancy. It  
23 was not 100 percent.  
24 MR. EISDORFER: How did you  
25 ascertain that?

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1 MR. NEY: Well, when I say "not  
2 100 percent," the analogy I am drawing 100  
3 percent from is based on the estimated prayer.  
4 MR. EISDORFER: I'm sorry?  
5 MR. NEY: The estimated prayer  
6 mats that would be in there.  
7 MR. EISDORFER: And how did you  
8 determine that?  
9 MR. NEY: Those were determined  
10 based upon architectural plans.  
11 MR. EISDORFER: Well, did you  
12 lay out floor mats?  
13 MR. NEY: No, the architects  
14 did, and the only site they didn't do that in is  
15 the Route 9. The three other sites had, as I  
16 indicated, architectural plans.  
17 MR. EISDORFER: What percentage  
18 of lot occupancy did the --  
19 MR. NEY: I don't know.  
20 MR. EISDORFER: You don't know?  
21 MR. NEY: I don't know.  
22 MR. EISDORFER: So you don't  
23 know what the parking demand would have been if  
24 it had been full occupancy?  
25 MR. NEY: No.

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1 MR. EISDORFER: How about  
2 Masjid Ali, what percentage of the parking lot  
3 was occupied?  
4 MR. NEY: Again, it was not 100  
5 percent.  
6 MR. EISDORFER: 50 percent, 20  
7 percent?  
8 MR. NEY: Actually, that  
9 parking area has I think around 80 spaces, and  
10 then there are another 100 that are on gravel  
11 area or grass area.  
12 MR. EISDORFER: And what  
13 percentage occupied was it?  
14 MR. NEY: It would have been  
15 about 80 percent occupied.  
16 MR. EISDORFER: And what  
17 percentage of usage was the prayer space?  
18 MR. NEY: I don't know.  
19 MR. EISDORFER: So you can't  
20 tell us how much parking would have been required  
21 if the prayer space had been fully utilized?  
22 MR. NEY: No.  
23 MR. EISDORFER: The Islamic  
24 Society of Morris County you said there were two  
25 different services.

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1 MR. NEY: Yes.  
2 MR. EISDORFER: Let's take them  
3 one at a time. What times were they?  
4 MR. NEY: I believe 12:30 and  
5 1:30.  
6 MR. EISDORFER: At the 12:30  
7 service, what percentage of the lot was occupied?  
8 MR. NEY: I don't know.  
9 MR. EISDORFER: How about of  
10 the prayer space, what percentage was in use?  
11 MR. NEY: I don't know.  
12 MR. EISDORFER: How about the  
13 1:30 service, what percentage of the lot was  
14 occupied?  
15 MR. NEY: I don't -- I did not  
16 -- I don't have a percentage for that.  
17 MR. EISDORFER: How about what  
18 percentage of the prayer space was occupied?  
19 MR. NEY: I don't have those  
20 percentages.  
21 MR. EISDORFER: Now if you had  
22 aggregated parking after those two services, what  
23 would the total have been?  
24 MR. NEY: If I used peak on the  
25 second service, 1:30, it would have been 151.

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1 MR. EISDORFER: And what would  
2 that ratio have been to the floor space?  
3 MR. NEY: I don't know.  
4 MR. EISDORFER: Now you --  
5 MR. NEY: To which floor space?  
6 MR. EISDORFER: Well, we'll do  
7 it your way. The floor space for the prayer.  
8 MR. NEY: What would the  
9 parking have been if I added them together?  
10 MR. EISDORFER: If you added  
11 them together.  
12 MR. NEY: It's about a little  
13 under .5 per square feet, about 50 square feet  
14 per car.  
15 MR. EISDORFER: Now it seems to  
16 me -- tell me if I'm getting it wrong, but it  
17 seems to me that that -- that that mosque fits  
18 into your model only because they made a  
19 voluntary choice to split their services.  
20 MR. NEY: That has nothing to  
21 do with it.  
22 For example, if I studied a Catholic church  
23 that had a nine a.m. and eleven a.m. mass I'd do  
24 it the same way, and I assume that they have two  
25 masses because it is either more convenient for

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1 someone to go or they don't have enough space for  
 2 the main mass.  
 3 I don't know what the policy of the church  
 4 that I used as an example is or the policy of the  
 5 mosque, but I do know in discussing the  
 6 operations that they went to two services because  
 7 it would ease the parking and that's maybe the  
 8 reason why some churches have two services.  
 9 MR. EISDORFER: Now you  
 10 indicated at least one of your mosques you said  
 11 they used other public spaces, that you counted  
 12 other public spaces in addition to the prayer  
 13 space itself. Which mosque was that?  
 14 MR. NEY: Actually, all of  
 15 them.  
 16 Any place that had what is called a  
 17 multipurpose room which is usually next to the  
 18 prayer area we included since it could be used  
 19 for prayers in the calculations.  
 20 MR. EISDORFER: Now is it your  
 21 understanding -- well, is it your understanding  
 22 that any part of the floor space occupied by the  
 23 present application other than the day-care  
 24 center is unavailable for prayer space?  
 25 MR. NEY: My understanding --

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1 I'll go the reverse.  
 2 My understanding available for prayer area  
 3 is the main prayer room which has 2,525 square  
 4 feet, the women's prayer area which is 520 square  
 5 feet and the multipurpose area which is 845  
 6 square feet. My understanding those are the only  
 7 areas that can be used for prayers.  
 8 MR. EISDORFER: When you say  
 9 the only two that can be used, do you mean for  
 10 religious obligations?  
 11 MR. NEY: I don't know.  
 12 MR. EISDORFER: When you say  
 13 those are the only places that can be used tell  
 14 me what you mean.  
 15 MR. NEY: I think you should  
 16 ask someone who is of the Muslim faith that, but  
 17 that was explained to me in all of the situations  
 18 where I interviewed the people who operated and  
 19 maintained the mosque that prayers had to take  
 20 place in the prayer area. You couldn't go down  
 21 the hall and pray in the other building.  
 22 MR. EISDORFER: We have had  
 23 testimony by the president of this mosque that  
 24 there are no religious objections to using other  
 25 spaces. You can pipe it in, you can stream it

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1 in. You don't have to be in sight of somebody.  
 2 We had testimony from the architect there  
 3 are no architectural objections to using other  
 4 spaces. So I want to know why you think those  
 5 places are unavailable for prayer.  
 6 MR. NEY: This is what I was  
 7 told. I asked for the prayer area that would be  
 8 used, and this is the number that I was given.  
 9 If there were other areas I did not use them.  
 10 MR. EISDORFER: Now did you do  
 11 any -- did you yourself do any analysis of what  
 12 the occupancy -- what the capacity of this mosque  
 13 is for prayer?  
 14 MR. NEY: In terms of the  
 15 number of prayer mats, no, I did not do any  
 16 count. I did not do any count there.  
 17 MR. EISDORFER: Okay. I don't  
 18 have any further questions of this witness.  
 19 MR. RUSAK: Anyone else in the  
 20 courtroom? Please come forward. Your name?  
 21 MR. MALLELA: My name is Shiv,  
 22 S-h-i-v, Mallela, M-a-l-l-e-l-a. I have a couple  
 23 questions.  
 24 The first thing is based on your prayer  
 25 space calculations, would this particular mosque

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1 be the biggest in terms of area?  
 2 MR. NEY: It's 3,890. Yes,  
 3 it's about 100-some square feet than the largest  
 4 one we looked at.  
 5 MR. MALLELA: I forget how many  
 6 parking spaces are supposed to be in this -- in  
 7 this area.  
 8 MR. NEY: My understanding is  
 9 that there are 170 parking spaces.  
 10 MR. MALLELA: 170. Now when  
 11 you did your study of these different mosques,  
 12 did you select like the holy month as one of the  
 13 months to do the survey?  
 14 MR. NEY: I don't know the holy  
 15 months. We selected the months I gave you;  
 16 January, February and May.  
 17 MR. MALLELA: Because I  
 18 understand that's when the largest number of --  
 19 MR. NEY: I don't know what  
 20 that is.  
 21 MR. MALLELA: Well --  
 22 MR. NEY: You understand I  
 23 don't know what that is?  
 24 MR. MALLELA: Ramadan which is  
 25 just ending, that's what I meant by holy month



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1 meaning Ramadan.  
2 MR. NEY: To my knowledge I did  
3 not study it during Ramadan.  
4 MR. MALLELA: So then the  
5 question is whatever you observed would not be  
6 the worst case. It would be the normal case.  
7 MR. NEY: It would be a normal  
8 case.  
9 For example, when parking standards for  
10 shopping centers are developed they don't include  
11 pre-Christmas. Church standards don't include  
12 the Christmas service or Easter service.  
13 Those are not the normal standard and there  
14 are probably different vehicle occupancy  
15 characteristics on those days at churches.  
16 I'm not sure about shopping centers, but  
17 certainly I know from experience on Christmas and  
18 Easter with the family gathering at Christmas for  
19 churches as opposed to Ramadan.  
20 I don't know what happens at Ramadan. I  
21 don't know if it is a family holiday or whether  
22 it is just --  
23 MR. MALLELA: The reason I  
24 asked is because the worst case definitely has  
25 impact on --

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1 MR. NEY: You never -- you  
2 don't even -- you don't do parking for a house  
3 based upon the 30-year parking demand.  
4 You don't -- a kid graduates from high  
5 school and you have a party, but you don't put  
6 the parking ratio for a single family.  
7 MR. MALLELA: But the thing --  
8 MR. NEY: So basically none of  
9 the parking standards that you see published in  
10 any ordinance is based upon the worst condition.  
11 It's based upon normal condition.  
12 The 85th percentile number is the number  
13 that is applied, and so you've got that  
14 encompassing number and that is not the worst  
15 case, but it does include well within the  
16 majority of cases.  
17 MR. MALLELA: But the worst  
18 case can cause hazardous conditions.  
19 MR. NEY: If the parking -- the  
20 vehicle occupancy is the same at the worst case  
21 there will be a parking deficiency.  
22 MR. MALLELA: Okay. Now  
23 another question I have is I imagine that when  
24 you did the study you did a study of other  
25 mosques obviously, but you didn't do a study of

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1 any of the other temples or like the Hindu  
2 temples because the congregations grow in size.  
3 MR. NEY: I've done four  
4 studies on Hindu temples.  
5 MR. MALLELA: My question to  
6 you is when you come up with these numbers  
7 they're based on a snapshot of what you see  
8 today. I mean, the number that you calculated  
9 and you are observing are a snapshot.  
10 Now I think when you compare with churches  
11 I'm curious. A church, what does a church  
12 typically draw because all the churches --  
13 MR. NEY: I have no idea what  
14 the draw is for a church or a temple or a  
15 mosque --  
16 MR. MALLELA: Okay.  
17 MR. NEY: -- or a synagogue. I  
18 have no idea what the draw is. I guess it  
19 depends on how many of that particular faith you  
20 have in the area.  
21 MR. MALLELA: Now typically I  
22 thought this would come out of the category of  
23 mega-churches in the sense a mega-church is -- is  
24 not less than temples because, you know, it's not  
25 like you look at Bridgewater and how many

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1 churches are there in Bridgewater?  
2 Look in any town and how many churches do  
3 you find? You don't have mosques and temples  
4 from every town.  
5 MR. NEY: You are asking an  
6 interesting question because what you're opening  
7 up now you have to answer the question how many  
8 Muslims are in the same area that the churches  
9 are, and unless you have all of the information  
10 there's no way to call this a mega whatever.  
11 I was quite frankly shocked to find out how  
12 many mosques there are in the State because I  
13 don't recall seeing one before I did the study,  
14 okay? So there are hundreds of them or at least  
15 I just couldn't believe there were that many  
16 because I never saw them.  
17 So there is a substantial number, and if you  
18 are going to do those kinds of comparisons you  
19 have to look at the population base statistically  
20 of how many Muslims there are.  
21 MR. MALLELA: But you have to  
22 project rates and growth rates.  
23 MR. NEY: There's no way I have  
24 that information.  
25 MR. MALLELA: So that means

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1 whatever you present it is a snapshot.  
 2 MR. NEY: Every parking study  
 3 is a snapshot.  
 4 MR. MALLELA: That means  
 5 whatever you say you may come right now and say  
 6 this is okay, five years from now it may not be  
 7 okay.  
 8 MR. NEY: Five years from now  
 9 it could be the reverse. It could be too much  
 10 because somebody opened a mosque in the adjoining  
 11 community and split the congregation. You don't  
 12 know what is going to happen.  
 13 Obviously if this is a very successful  
 14 facility you are going to have to apply parking  
 15 management techniques and have multiple services  
 16 if you exceed your parking demand because you  
 17 don't have alternative parking places.  
 18 MR. MALLELA: The reason I am  
 19 asking this question, my final question, is that  
 20 all traffic studies none of them actually project  
 21 any growth. They just take a snapshot of right  
 22 now what it is and this is what it is.  
 23 MR. NEY: Well, parking studies  
 24 you are correct. Traffic studies we do growth  
 25 projections with historical growth information,

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1 but in parking studies you are correct that they  
 2 are point in time.  
 3 As I indicated, I submitted my data to the  
 4 Institute of Transportation Engineers and I am  
 5 sure other people have. So the next time they  
 6 come out with a new parking study you may have 50  
 7 mosques in the study.  
 8 So the bigger the sample the better off you  
 9 are, and I think for New Jersey I think we got a  
 10 very good sample of the churches.  
 11 MR. MALLELA: So you said you  
 12 are a traffic engineer, but what you presented is  
 13 a parking study.  
 14 MR. NEY: Well, traffic  
 15 engineers deal with parking.  
 16 MR. MALLELA: I understand.  
 17 MR. NEY: He presented parking.  
 18 MR. MALLELA: I have one more  
 19 question. Even though it is true that there are  
 20 no seats in a mosque and people pray on mats and  
 21 next to each other or whatever, how did you come  
 22 up with how many people will be there?  
 23 MR. NEY: I didn't project  
 24 people. I did a count of vehicles parking. As  
 25 part of that count I also counted how many people

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1 were in the cars as they arrived.  
 2 So the statistical information that we have  
 3 for so many persons per car are actually the  
 4 counts of the cars that went into the site.  
 5 MR. MALLELA: So the number  
 6 1.37 are what you observed?  
 7 MR. NEY: It's what we  
 8 recorded.  
 9 MR. MALLELA: So for  
 10 calculation purposes you consider that to be a  
 11 valid number?  
 12 I mean, if somebody were to take let's say  
 13 the area and divide it by the area of the prayer  
 14 mat and come up with a number, would I use 1.37?  
 15 MR. NEY: No, you are doing  
 16 apples to oranges. I am only -- I am recording  
 17 the number of persons per vehicle.  
 18 For example, where we had 93 parking  
 19 occupied at the facility if you multiplied that  
 20 by 1.37 you would have approximately 130 to 135  
 21 people that are in the facility. How many can  
 22 fit there? I don't know.  
 23 MR. MALLELA: So you won't go  
 24 the other way. Suppose I tell you this place can  
 25 fit 300 people? You will not back up with --

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1 MR. NEY: That's why I tried to  
 2 show you the difference or show the board the  
 3 difference applying the 85th percentile based on  
 4 seats and attendees at church.  
 5 If you use seats you get a ratio for 200  
 6 seats you need 50 parking spaces. You assume  
 7 every seat is occupied you need 120 parking  
 8 spaces.  
 9 So I think that it points out that you  
 10 should not use vehicle occupancy or occupied  
 11 seats to estimate your parking.  
 12 MR. MALLELA: The only problem  
 13 I have is that you don't take into account what  
 14 time of day you are looking at. These numbers to  
 15 me don't make sense and I give you an example.  
 16 A church at Sunday service usually you are  
 17 talking about families going, but if you look at  
 18 some Friday afternoon prayer services at two  
 19 o'clock you don't necessarily have that much  
 20 because kids are in school.  
 21 MR. NEY: Correct. The  
 22 majority of the -- the majority of people we  
 23 counted in the entirety were men. There were no  
 24 females.  
 25 Several of the mosques like Rockaway has a

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1 women's prayer area and so does -- so does  
2 Franklin Township, but that facility does not --  
3 it only has one prayer room. It's very small.  
4 MR. MALLELA: The only thing I  
5 was thinking on a Friday afternoon when people  
6 are coming from work, men, I think it may show  
7 two people per car.  
8 So anything more than that, I mean, even  
9 though you can come up with numbers and theories  
10 I just feel like from a practical point of view  
11 that --  
12 MR. NEY: My numbers are not  
13 theory. Your number is theory. You think it is  
14 reasonable to assume two. I say 1.37 is the  
15 occupancy.  
16 MR. MALLELA: Thank you.  
17 MR. MOENCH: Mr. Chairman, I  
18 had a couple follow-up questions.  
19 MR. RUSAK: Come up, sir.  
20 MR. MOENCH: I'll go after you.  
21 MR. OROZCO: Wilson Orozco, 826  
22 Mine Road. Question number one. You studied a  
23 number of mosques and then disregarded other ones  
24 because of some issues.  
25 What was the number of mosques total

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1 including those that you looked at including the  
2 ones that you disregarded?  
3 MR. NEY: I disregarded --  
4 let's see if I can --  
5 MR. OROZCO: Four out of ten?  
6 MR. NEY: No, no. There were  
7 two in Plainfield, I disregarded Holmdel after I  
8 visited the site, I disregarded Piscataway and  
9 then I disregarded South Brunswick. So those are  
10 the ones -- those are the only ones I looked at.  
11 MR. OROZCO: So that's five you  
12 disregarded.  
13 MR. NEY: If that's the number,  
14 yes.  
15 MR. OROZCO: Then you  
16 concentrated on how many?  
17 MR. NEY: There were four  
18 mosques that I did.  
19 MR. OROZCO: So you did a total  
20 of I am getting nine mosques and you disregarded  
21 five.  
22 MR. NEY: I did not count the  
23 other mosques. I disregarded counting them. I  
24 did not count them.  
25 MR. OROZCO: I want a total

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1 number.  
2 MR. NEY: Well, understanding  
3 why I didn't count them --  
4 MR. OROZCO: I understand for  
5 certain issues.  
6 MR. NEY: There were four  
7 mosques that met my criteria out of the nine that  
8 I mentioned.  
9 MR. OROZCO: All right. So  
10 other than nine that you were going to go back to  
11 you disregarded five and you concentrated on  
12 four.  
13 Out of those four I heard that they were  
14 successful or they were quite busy in the parking  
15 lot and went to a second service, one went to a  
16 second service.  
17 So in your professional opinion, would it be  
18 reasonable to assume if and when a mosque gets  
19 popular they are going to go to a second service?  
20 MR. NEY: My experience is only  
21 based on testimony I heard from some people in  
22 the business that that is an option they would  
23 look at.  
24 MR. OROZCO: So it would be  
25 reasonable to assume eventually they will go to a

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1 second service?  
2 MR. NEY: In my mind it's  
3 reasonable. I don't know factually what the case  
4 is.  
5 MR. OROZCO: I understand.  
6 Having said that, what are the implications of a  
7 second service have on the traffic around the  
8 area, that's question number one?  
9 The second one would be how do you -- how do  
10 you physically manage that? Is there a time in  
11 between or do they overlap?  
12 MR. NEY: My understanding is  
13 that there is about 15 minutes to half an hour  
14 between services.  
15 MR. OROZCO: Okay. No further  
16 questions.  
17 MR. MOENCH: You can do the  
18 audience.  
19 MR. RUSAK: Anyone else?  
20 MS. THARP: Margaret Tharp. I  
21 appeared here before.  
22 MR. RUSAK: Have you been sworn  
23 in?  
24 MS. THARP: Yes. Hi.  
25 MR. NEY: Hi.

<p style="text-align: right;">Page 61</p> <p>1 MS. THARP: You have used the 2 term "85th percentile." 3 MR. NEY: Yes. 4 MS. THARP: I'm familiar with 5 that in reporting test scores where it means 85 6 percent of the students who took the test got a 7 score lower than my kid scored if they are at the 8 85th percentile, but I would like clarification 9 on what exactly you are talking about the 85th 10 percentile of. 11 MR. NEY: 85th percentile 12 meaning that 15 percent -- 13 MS. THARP: I understand that. 14 85th percentile of what? What is the -- 15 MR. NEY: It is 85th percentile 16 of the results of my study. It's not -- I have 17 not based my study on the worst condition. I've 18 based it on 85 percent of the data. 19 MS. THARP: So is it reasonable 20 to assume -- I think this kind of follows what 21 you were saying -- that when a body like the ITE 22 I think you quoted talks about using the 85th 23 percentile they're talking about setting your 24 parking standard at 85 percent of the true worst 25 case --</p>	<p style="text-align: right;">Page 63</p> <p>1 For example, shopping centers in the 2 Institute of Transportation Engineers' 3 publication. I forget the numbers, but there are 4 numerous shopping centers. They're rating them 5 from under 20,000 or whatever putting gradations 6 in. 7 They have probably hundreds of studies that 8 they use to base their data on, but it's still 9 based upon the data points that are given to 10 them. 11 So you never -- but they do, for example, in 12 retail they have a pre-Christmas calculation as 13 well, but using those standards it's still the 14 85th percentile we use in terms of parking. 15 MS. THARP: So are you saying 16 that for a shopping center, for example, they 17 would size their parking lot so that it would fit 18 85 percent of the projected number of cars on a 19 typical day? 20 MR. NEY: No, no, they would 21 have 85th percentile for the peak parking they 22 have studied. 23 MS. THARP: On a typical day? 24 MR. NEY: On a typical day. 25 MS. THARP: Which basically</p>
<p style="text-align: right;">Page 62</p> <p>1 MR. NEY: No. 2 MS. THARP: Let me finish. 3 -- which in this case would be the parking demand 4 during Ramadan? 5 MR. NEY: No, they're not. 6 They're talking 85th percentile of the data they 7 have. The ITE published three studies and did an 8 85th percentile on -- 9 MS. THARP: So they said if you 10 do a study and you find that at a particular 11 facility. 12 Let's just assume you only have to survey 13 one to get statistically reasonable results, but 14 just for purposes of this question if you did a 15 study and you found that during the -- at the 16 peak parking load was 100 cars you would say that 17 that parking lot should be planned for 85 cars? 18 MR. NEY: I think statistically 19 it becomes 86, but you are right, yes, if you had 20 one study. 21 MS. THARP: Does that make 22 sense to you? 23 MR. NEY: No, that's why I said 24 to you the more data you have historically the 25 more reliable you become.</p>	<p style="text-align: right;">Page 64</p> <p>1 guarantees you will have a major problem on a 2 nontypical day. 3 MR. NEY: I don't know if that 4 is. You shop, not me. 5 MS. THARP: I do, that's why I 6 know there is tremendous parking problems at 7 Bridgewater Commons and in the surrounding 8 streets and areas during Christmas, but when you 9 are talking about putting a mosque in the -- in a 10 residential area where having those kinds of 11 problems is just not acceptable that would seem 12 to be an invalid basis for making a 13 recommendation. 14 MR. NEY: It is the standard of 15 our industry whether you consider it or not. 16 MS. THARP: But you consider it 17 that. 18 MR. NEY: Yes. 19 MS. THARP: Okay. Next 20 question is you mentioned that the majority of 21 the attendees were men at the mosque. 22 MR. NEY: At the Friday prayer, 23 yes. 24 MS. THARP: Right. So does 25 that seem to you to suggest that the 1.37 people</p>

<p style="text-align: right;">Page 65</p> <p>1 per car is probably an accurate -- I guess it was 2 measured clearly accurate, but is it a reasonable 3 expectation for the number of attendees per car? 4 MR. NEY: On an average day, 5 yes, but I have no knowledge as to what would 6 happen, for example, on Ramadan which is the same 7 point I made that if you look at a church they 8 don't base the parking on Christmas or Easter. 9 MS. THARP: So we use the 1.37 10 people per car. 11 You mentioned that in the mosques that you 12 studied or most of them, all but one I think of 13 the four, you had a count of the expected number 14 of prayer mats that the prayer spaces could hold. 15 MR. NEY: Yes. 16 MS. THARP: Do you have such a 17 number for this mosque? 18 MR. NEY: No. 19 MS. THARP: Okay. If you had 20 such a number for this mosque, would you say that 21 the -- that a parking specialist would suggest 22 having that number divided by 1.37 for the number 23 of parking spaces? 24 MR. NEY: No, I would not. 25 MS. THARP: Could you explain</p>	<p style="text-align: right;">Page 67</p> <p>1 MS. THARP: But we don't know 2 that. As far as I know we don't have a measure 3 of an actual observed number of people per car at 4 a typical service at a church. 5 MR. NEY: I am reporting based 6 on records and based on the ITE statistics, but 7 it is not a church. 8 MS. THARP: Okay. You 9 mentioned that you based your number on the total 10 prayer space available. 11 MR. NEY: Yes. 12 MS. THARP: Actually, I am 13 going to back up a second. The mosque as I 14 understand it has specified amounts of people 15 that they expect to attend. 16 If we use that number, would you say it was 17 valid to expect to have one parking space for 18 every 1.37 of those people? 19 MR. NEY: No, I don't know that 20 it's valid. 21 Again, I don't -- again, following the 22 example I gave you with the church the empirical 23 study is based upon reality and the number of 24 people there. I don't know if you can carry that 25 to 200-percent occupancy.</p>
<p style="text-align: right;">Page 66</p> <p>1 that, please? 2 MR. NEY: Sure. First of all, 3 I don't know what the parking characteristics 4 would be if you are at 100 percent because based 5 on testimony that I heard there are only a number 6 of days per year where you have 100-percent 7 occupancy of the mosque. 8 So without having that statistical 9 information the data we have can't be applied to 10 the worst case situation because you haven't 11 looked at the worst case situation. 12 The data we have is applied the same way the 13 Institute of Transportation Engineers, Parking 14 Consultants Council and Weant and Levinson 15 recommend with point studies using 85th 16 percentile and that is what I followed. 17 I tried to give you an example of the church 18 situation that if you had -- if you used the 19 vehicle occupancy and persons per seat in a 20 church you would have twice as much parking as 21 you would have based upon your ordinance. 22 In other words, if you use your example and 23 apply it to a church they would have to have 24 twice as many parking spaces as your ordinance 25 requires.</p>	<p style="text-align: right;">Page 68</p> <p>1 MS. THARP: If we were to use 2 the number of prayer mats that could be fit in 3 the prayer -- in the prayer areas, would that not 4 be a reasonable proxy for the number of seats and 5 then be able to apply the township's ordinance 6 for parking spaces per seat? 7 MR. NEY: That is -- that to me 8 is more believable, but that is something that 9 the township has to answer. 10 I'm merely reporting on the statistical 11 information that I have for mosques and what the 12 standard would be based upon the methodology used 13 in our industry, but how that is interpreted in 14 your ordinance for 1.3 seats I am not prepared to 15 discuss. 16 MS. THARP: But you didn't 17 apply that because there are no seats in the 18 mosque. 19 MR. NEY: Right, I have no way 20 to know. Well, I mean, your ordinance actually 21 has two tests, 72 inches and one per three seats. 22 I have no idea what 72 inches would 23 calculate in seating space on a pew. I have no 24 clue as to how many people can fit in 72 inches. 25 MS. THARP: Well, I'm not</p>

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1 familiar with the ordinance so perhaps you can  
2 enlighten me. One parking space for 72 inches,  
3 is that what you're saying?  
4 MR. NEY: Yes. As I recall,  
5 the ordinance reads under churches and other  
6 places of worship one space for each three seats  
7 or one space for each 72 inches of seating spaces  
8 when benches rather than seats are used.  
9 MS. THARP: Well, we know there  
10 aren't benches so I think we can throw that one  
11 out.  
12 MR. NEY: Would you then use 72  
13 inches for a mat?  
14 MS. THARP: Well, no. First of  
15 all, you are not -- people are not going to share  
16 prayer mats I don't think.  
17 MR. NEY: Well, 72 inches is  
18 one space.  
19 MS. THARP: I don't think so.  
20 If it's one parking space for three people then I  
21 assume after figuring --  
22 MR. NEY: -- that three people  
23 can get in there.  
24 MS. THARP: Okay, yeah. It's  
25 20-some inches per person and most people can

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1 fit.  
2 Would you expect that before the mosque  
3 ended up having to go to two services, one to two  
4 services I think you alluded to, that there would  
5 have been serious parking problems which entailed  
6 some kind of overflow?  
7 MR. NEY: I haven't -- I have  
8 no knowledge as to what the parking conditions  
9 were. I know they went to two services because  
10 of the number of attendees.  
11 MS. THARP: I should say they  
12 went to two services because of serious parking  
13 problems.  
14 MR. NEY: Yes, they had parking  
15 problems. The number of attendees might have  
16 exceeded based on parking.  
17 MS. THARP: A previous engineer  
18 stated he based some of his conclusions on the  
19 assumption that if the parking lot was full when  
20 people came they would turn around and go home.  
21 MR. NEY: Yes.  
22 MS. THARP: If that were the  
23 truth, if that were the case, it would seem like  
24 the mosque would never have serious parking  
25 problems because they would never have more

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1 people attempting to attend. Do you think that  
2 his assumption is a valid one?  
3 MR. NEY: I don't know that  
4 that is valid. You can park people. You can  
5 have a very simple valet system and park people  
6 in aisles if you wanted to assuming you had the  
7 fire code.  
8 MS. THARP: So you could -- in  
9 your professional opinion you could have more  
10 cars present than the number of parking spaces  
11 that are allocated?  
12 MR. NEY: Well, for example, in  
13 Toms River that is the case. They park on the  
14 lawn area and gravel areas.  
15 MS. THARP: Okay, that's all I  
16 have, thank you.  
17 MR. NEY: You're welcome.  
18 MR. RUSAK: Yes.  
19 MR. MCNAMARA: Good evening,  
20 Mr. Chairman, members of the board. My name is  
21 Patrick McNamara. I am here on behalf of Mr. and  
22 Mrs. Philip Rinaldo.  
23 A couple of questions I have for you. Mr.  
24 Ney, did you review the reports that were  
25 presented by Gary Dean to this board?

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1 MR. NEY: No.  
2 MR. MCNAMARA: Did you review  
3 the transcripts reflecting the hearing and  
4 cross-examination of Mr. Dean in these  
5 proceedings?  
6 MR. NEY: I was here for one of  
7 the hearings at which you cross-examined. I did  
8 leaf through a number of transcripts, but I  
9 didn't read them verbatim.  
10 MR. MCNAMARA: Did you do any  
11 type of comparative analysis by using the actual  
12 formula in the ordinance and getting an estimate  
13 from the architects as to the seating capacity of  
14 the prayer space and then running the analysis?  
15 MR. NEY: No, I didn't.  
16 MR. MCNAMARA: The analytical  
17 framework that you presented tonight has been  
18 presented to you -- by you to other boards in the  
19 State of New Jersey?  
20 MR. NEY: Yes, they have.  
21 MR. MCNAMARA: Which boards  
22 were they?  
23 MR. NEY: You're testing my  
24 memory. Bernards Township, Raritan Township,  
25 Somerset County.

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1 MR. MCNAMARA: Were there other  
2 alternative methodologies in conformance with the  
3 ordinance done in comparison to the methodology  
4 you presented?  
5 MR. NEY: In Bernards Township  
6 they applied the one per three rule which they  
7 had parking for, and the board decided not to  
8 apply that.  
9 MR. MCNAMARA: Decided not to  
10 apply your formula?  
11 MR. NEY: Decided not to apply  
12 their formula.  
13 MR. MCNAMARA: In preparing the  
14 analysis, do you consult with the architect or  
15 anyone else on the project to determine the  
16 actual maximum capacity of the occupancy for the  
17 entire building, not just the prayer areas?  
18 MR. NEY: I spoke to the  
19 architect about the total square footage and the  
20 prayer area. Those are the two statistical  
21 members I had. They also provided me with the  
22 plan of those areas.  
23 MR. MCNAMARA: I have no  
24 further questions, thank you.  
25 MS. APGAR: I'm Kelly Apgar,

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1 1111 Crim Road, and I've been sworn in  
2 previously. When did you visit the proposed site  
3 for this project?  
4 MR. NEY: Never have.  
5 MS. APGAR: Oh, because my next  
6 question was going to be which of the sites  
7 studied were similar. I guess I'll forget that  
8 question.  
9 I understand you were saying that the  
10 standard for doing your parking lot study is to  
11 not take the most intense use, for instance,  
12 Ramadan as some of the people suggested and I  
13 understand that, but is it typically a standard  
14 for you to pick a day that is part of a holiday  
15 weekend?  
16 MR. NEY: No.  
17 MS. APGAR: Then why would you  
18 pick January 18, 2013 and February 15, 2013?  
19 Both of those were Fridays of holiday  
20 weekends in which that Friday and sometimes also  
21 the Monday are holiday weekends so you are not  
22 going to get normal anything.  
23 You are not going to have normal attendance  
24 at the mosque, and you are not going to have  
25 normal attendance of traffic. It's just not

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1 normal.  
2 MR. NEY: All of those counts  
3 were done when school was in session. It was not  
4 a holiday. You might as well say people are not  
5 going to school because it is a holiday weekend  
6 coming up.  
7 MS. APGAR: Many school  
8 districts including our own for particularly the  
9 February holiday we get off. Bernards Township  
10 we get a long weekend. We get Friday and Monday.  
11 MR. NEY: If you'll excuse me,  
12 but what I said all the schools were in session  
13 in the communities that we did the study.  
14 MS. APGAR: Do you know if they  
15 had a normal attendance? For instance, it is not  
16 uncommon --  
17 MR. NEY: I don't.  
18 MS. APGAR: -- if kids are not  
19 in school Monday parents will frequently extend  
20 the three-day weekend to a four-day weekend and  
21 get out of dodge. Do you know if they had a  
22 normal attendance for school that week?  
23 MR. NEY: I don't.  
24 MS. APGAR: A question  
25 frequently asked by me and others in the

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1 community in response to testimony given from  
2 representatives of the mosque is what happens  
3 when more cars show up than the parking can  
4 handle, and one of the various answers we  
5 received is they are going to park in the  
6 streets.  
7 As the traffic engineer who has done a  
8 parking study, what is your plan, recommendation,  
9 strategy? What can we expect when that happens?  
10 MR. NEY: Well --  
11 MS. HIRSCH: Mr. Ney, is that  
12 within the scope of the report you prepared for  
13 the board?  
14 MR. NEY: It's not within my  
15 scope, no. I have not looked at the area of the  
16 overflow parking in this area.  
17 MS. APGAR: To the planning  
18 board, there seems to be a gap.  
19 The traffic guy hasn't considered it and  
20 said he didn't consider it because he is not the  
21 parking lot guy. The parking lot person didn't  
22 consider it because it wasn't in his scope of  
23 work.  
24 Will someone have this in their scope of  
25 work because it not only affects the parking

<p style="text-align: right;">Page 77</p> <p>1 question, but then we go back to the traffic flow 2 question. So although it's not part of my -- 3 MS. HIRSCH: I'm sorry, is 4 there a question pending? 5 MR. COLLINS: You have to make 6 things a question. 7 MS. APGAR: Okay. Will there 8 be a study -- 9 MR. COLLINS: You have to focus 10 the question on the witness, but just because the 11 witness said it was not in his scope of work does 12 not mean your area of inquiry may not be 13 appropriate for cross-examination. We will deal 14 with that as you ask questions. 15 MS. APGAR: Okay. 16 MR. COLLINS: You got an answer 17 that it wasn't in his scope of work, but that 18 doesn't mean you can't ask further questions. 19 So you are instructed to go ahead and ask 20 questions. Then you'll see if there is an 21 objection, and then we'll see if you can get an 22 answer. 23 MS. APGAR: Okay, thank you. 24 When more cars show up and they can't fit in the 25 parking lot, what is the ITE standard or someone</p>	<p style="text-align: right;">Page 79</p> <p>1 issues you can arrange parking. 2 For example, in one of the communities that 3 I testified to the church allows -- a church in 4 the neighborhood allows parking for retail uses 5 on Saturday night, and so there may be a church 6 in the area that doesn't use its parking lot on a 7 Friday. 8 So the private individual has a lot of 9 options available to manage its parking, and if 10 someone parks on the street it becomes a 11 municipal issue to manage and can be managed 12 through parking restrictions. 13 MS. APGAR: Okay, thank you. 14 Based on the site plan that you said you saw, 15 were you using that? 16 MR. NEY: No, I looked at 17 architectural. I haven't studied the site plan. 18 MS. APGAR: Did the 19 architectural show the streets in the area? 20 MR. NEY: No, just shows the 21 building. 22 MS. APGAR: Just showed the 23 building and the parking lot? 24 MR. NEY: Just the building. 25 MS. APGAR: Just showed the</p>
<p style="text-align: right;">Page 78</p> <p>1 else's standard regarding how parking occurs? 2 MR. NEY: You are getting into 3 parking management now and there are two issues. 4 One, the municipality has within its power, 5 for example, to prohibit parking on Fridays 6 between twelve and two on any of the local 7 streets. 8 It has within its power to do parking for 9 neighbors. In other words, you get basically a 10 parking pass to park in front of your own house, 11 and so if someone parks there who doesn't have a 12 pass they can be ticketed. So you have that 13 opportunity. 14 On the owner's end there are numerous things 15 that you can do with a captive audience that you 16 can't do with a shopping center. You can try to 17 get ride-sharing instituted and work through zip 18 codes or information on your own of people who 19 attend the services on Friday. 20 My understanding the majority of the men 21 that arrive arrive from work and take their lunch 22 hour and go during their lunch hour, and so you 23 can do a ride-sharing program. 24 If you are having parking issues you can go 25 to a second service or if you are having parking</p>	<p style="text-align: right;">Page 80</p> <p>1 building, didn't show the parking lot? 2 MR. NEY: Right. 3 MS. APGAR: So you had the 4 parking lot studied based on the building? You 5 didn't have the parking lots? 6 MR. NEY: The building was used 7 for the square footage area calculations. I was 8 given a number of 170 spaces and I haven't 9 counted them. If it's wrong then I apologize. 10 MS. APGAR: Do you know if your 11 scope of work will be increased or will there be 12 someone among the team representing this project 13 that will address the question of overflow 14 parking in that particular location and 15 neighborhood? 16 MR. NEY: Well, I don't think 17 at this point in time based on the studies we've 18 done there's a reason to present a plan to this 19 board to manage parking, but if there is an issue 20 that can be enforced for the zoning officer or 21 whatever then the applicant depending on what the 22 ordinances say if he wants to do additional 23 parking or valet park and double-park on-site he 24 would have to come back to the planning board for 25 the use on-site of that.</p>



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1 I'm not sure if arrangements were made, for  
2 example, for someplace else to park like a church  
3 or something like that. I don't know if that  
4 would require the board's approval. I don't know  
5 the ordinance that well.  
6 MS. APGAR: Typically in your  
7 industry as a traffic engineer if the applicant  
8 tells the community that that is a possibility  
9 and that that is one of the answers to the  
10 question, what will happen? What will happen?  
11 Does that typically become criteria for that  
12 kind of assessment to be done when it is the  
13 applicant proposing that scenario and does that  
14 often trigger that kind of study?  
15 MR. NEY: Well, it can be  
16 triggered by the board. They can say, What's  
17 your plan for the parking issue?  
18 MS. APGAR: But if the  
19 applicant tells the community that's an option,  
20 would that typically in another project perhaps  
21 that you have done -- you've named some other  
22 ones that you have worked with.  
23 Would that have triggered that question and  
24 study when the applicant is the one proposing  
25 that scenario?

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1 MR. NEY: I don't know what the  
2 question and study is.  
3 MS. APGAR: Okay, thank you.  
4 MR. NEY: I'm not sure what  
5 you're asking me.  
6 MS. APGAR: Well, I'm asking  
7 you if you are working on a project and the  
8 applicant for the project says that one of our  
9 ways of handling parking overflow is parking on  
10 the street on behalf of the applicant, does the  
11 applicant then hire a professional to work  
12 through that scenario, that's the question?  
13 MR. NEY: I don't recommend  
14 that any particular use rely on on-street  
15 parking, that's why -- that's why we check the  
16 parking against what is happening at other  
17 locations because the applicant can't count on  
18 on-street parking.  
19 The municipality has within its power to  
20 restrict those parking spaces on the street that  
21 can serve his site, and so he has to have his  
22 parking contained on-site in accordance with the  
23 ordinance or if the ordinance doesn't help the  
24 situation then based upon information that can be  
25 provided that gives the board guidance as to the

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1 number of parking spaces.  
2 MS. APGAR: Okay, thank you.  
3 MR. RUSAK: We would like to  
4 take a five-minute break and resume at ten  
5 minutes of nine.  
6 (Whereupon a short recess is  
7 taken.)  
8 MR. RUSAK: We will call the  
9 meeting back to order. Are there any members of  
10 the public that would like to question the  
11 parking witness or engineer? Your name and spell  
12 it for the record.  
13 MR. REBER: Gene Reber,  
14 R-e-b-e-r. I live at 41 Fuller Court. I've been  
15 sworn in previously. Can you help me understand  
16 that 1.37 people per car?  
17 MR. NEY: Yes, I'll be glad to.  
18 When we get our traffic counts we counted the  
19 number of cars going in, plus the number of  
20 people in each car.  
21 We then if you want to call it calculate the  
22 number of persons per car. You take the number  
23 of people you count in the peak 15-minute period  
24 or in the hour we took it for and divide it by  
25 the number of cars you counted.

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1 MR. REBER: So these were  
2 actual numbers that you derived from the data,  
3 that you counted from those four?  
4 MR. NEY: Yes, that's correct.  
5 MR. REBER: So my concern is  
6 that we've heard in previous testimony that we  
7 don't -- in the Catholic church, for example, or,  
8 you know, in most other faiths you have a list of  
9 congregants.  
10 You pretty much know on a regular basis  
11 almost to the time that they're going to attend a  
12 service, who's going to be at that service, how  
13 many people they are going to have in their cars,  
14 but we've heard in testimony here that there  
15 isn't really a congregant list and that the men  
16 do come from businesses and that we can't quite  
17 pinpoint what businesses or how far they'll be  
18 coming from.  
19 So I'm just wondering. We're a little bit  
20 of a suburban area than most of those other  
21 places that you named, and so I'm wondering if  
22 the 1.37 is actually a good -- as accurate as it  
23 can be as to how many people will actually come  
24 in those cars.  
25 MR. NEY: On a community basis

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1 I don't think that Bridgewater is significantly  
2 different in persons per square mile than Toms  
3 River or Franklin Township or Rockaway.  
4 I mean, there are rural areas of Rockaway  
5 and rural areas of Toms River, and there are  
6 populated areas with high-density housing in  
7 those communities as well.  
8 The location on Route 9 is away from the  
9 major part of the community. It is away from the  
10 major part of the community next to the Garden  
11 State Parkway. It's certainly an isolated area.  
12 So I think there is a legitimate comparison.  
13 In terms of the neighborhood, for example, I  
14 would question data that I would get in let's say  
15 a town like Paterson or Newark where most of the  
16 congregants might be walkers because of the  
17 density of the community.  
18 MR. REBER: Right.  
19 MR. NEY: So I try to pick I  
20 think communities that are not distant.  
21 MR. REBER: I think I agree  
22 with you on the size of the community, but  
23 perhaps I think our location is quite different.  
24 I think the major difference honestly is we  
25 have a huge wealth of businesses here in

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1 Bridgewater and the surrounding communities, and  
2 people are not all working at one plant.  
3 They're working at many different office  
4 buildings from as north as Pluckemin to as south  
5 as Branchburg, and so I think to assume 1.37 my  
6 personal opinion is I just don't see that  
7 happening.  
8 MR. NEY: It could be higher.  
9 Primarily looking at office uses it could be  
10 higher, depends on the density of the office  
11 buildings so could be higher.  
12 I think and I don't know that I -- with the  
13 experience that I've had in talking to the  
14 various personnel from the other mosques they do  
15 have a base congregant if you will, but those  
16 people may not work.  
17 The people who come on Friday prayers which  
18 is the busiest time basically come from the area.  
19 So if you live in Bridgewater and you are working  
20 in Newark you won't come here, but if you live in  
21 Newark and you work somewhere along the 287  
22 corridor you may come.  
23 MR. REBER: Right.  
24 MR. NEY: So, I mean, that's  
25 the makeup and that's -- for example, I mentioned

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1 Holmdel.  
2 The Holmdel location was adjacent to Bell  
3 Labs and several hundred large office buildings.  
4 They're all -- I mean, Bell Labs is being  
5 converted to housing. The other office buildings  
6 are significantly vacant.  
7 I didn't choose to look at that location,  
8 although it's very near my residence and where I  
9 work, because when I looked at it on a Friday it  
10 had very little activity compared to what we had.  
11 So it will vary.  
12 MR. REBER: Okay, thank you.  
13 MR. RUSAK: Sir.  
14 MR. JACKEWICZ: Chris  
15 Jackewicz.  
16 MR. RUSAK: You've been sworn.  
17 MR. JACKEWICZ: I wanted a  
18 quick clarification. Both the civil engineer and  
19 the traffic engineer said they relied on your  
20 information and your calculations for the 170  
21 spaces. Did you provide them with that  
22 information?  
23 MR. NEY: I provided -- well, I  
24 provided the attorney with that information. I  
25 worked on another project so it is the same basic

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1 data that I provided, yes.  
2 MR. JACKEWICZ: And what they  
3 said was they are expecting for a typical Friday  
4 whenever it opens, but it's 510 divided by three  
5 people per car. This was said on January 28th,  
6 that's how they divided 167 spaces.  
7 Now that we have an empirically derived  
8 1.37, are you going to be informing them that you  
9 need 365 spaces?  
10 MR. NEY: No, I am not. I  
11 think what I -- I didn't listen to that  
12 testimony, but I know in the instance in Bernards  
13 Township where it was studied I assumed the  
14 parking lot would turn over in 15 minutes.  
15 So I had parking lot capacity of 50 vehicles  
16 and assumed to do a worst case analysis. My  
17 assumption was that there would be two services  
18 and 50 cars would go out while 50 cars came in  
19 and I analyzed traffic conditions.  
20 Then to be conservative I doubled it from a  
21 traffic capacity analysis standpoint because I  
22 didn't have the counts at that time. So I don't  
23 know what they were talking about with 500.  
24 MS. HIRSCH: If I can just add  
25 to this, Mr. Jackewicz, according to my notes

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1 George Folk who was our civil engineer talked  
2 about a theoretical maximum occupancy of 500. He  
3 then divided it by three using the house of  
4 worship standard.  
5 Now whether that is right or wrong this is  
6 what he said was yielding his projection of a  
7 need for 167 spaces. Mr. Abdo Caldiber(ph)  
8 testified that the current congregation was 90 to  
9 100 people.  
10 So that 50-year projection was that they  
11 might get up to 250 congregants and that would be  
12 their hope, but, you know, no expectation that it  
13 would start or get to that number at any time in  
14 the near future. So I think it was a little bit  
15 misleading what you told Mr. Ney.  
16 MR. JACKEWICZ: So there's not  
17 going to be any more traffic analysis changes in  
18 here?  
19 MR. NEY: Unless I do another  
20 count, no.  
21 MR. JACKEWICZ: Second question  
22 is I just want a little more clarification on why  
23 the Hoes Landing mosque was thrown out because I  
24 don't know if you know, but right now New Jersey  
25 Department of Transportation is spending a whole

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1 lot of money.  
2 They're adding a pedestrian bridge over Hoes  
3 Landing right now, and they took pedestrian  
4 counts and parking counts, and all that data is  
5 available to the public.  
6 The problem was they had ten years ago 500  
7 attendees and now it's closer to 1,000, and  
8 they're parking in the residential areas across  
9 the street and coming over. So I wanted to make  
10 sure have you looked at or requested the State  
11 data already done?  
12 MR. NEY: The reason I didn't  
13 do a parking count is it was already done.  
14 I indicated there was more than one activity  
15 occurring during the prayer. There was another  
16 mosque I excluded for the same reason. They have  
17 a school goes on every day of the week even  
18 though they have a Friday prayer.  
19 So I excluded that because when you count  
20 cars you don't know whether the person in there  
21 is going to the school or to the mosque, same way  
22 with the other activities that were occurring in  
23 Hoes Landing. There's no way to segregate who is  
24 a mosque attendee and who is doing the other  
25 activity.

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1 MR. JACKEWICZ: There are some  
2 ways if you have enough people to collect data.  
3 I think that is what the State did because I had  
4 a chance to review that before.  
5 MR. NEY: I am sure the State  
6 just counted cars. I'm sure they didn't  
7 segregate the counts by who went where.  
8 MR. JACKEWICZ: It was actually  
9 a safety project because people were coming  
10 across the street and took the license plates and  
11 saw where they were coming from.  
12 MR. NEY: That is a count.  
13 They still can't tell you -- they can't stand  
14 before you and tell you exactly where that person  
15 went.  
16 MR. JACKEWICZ: Okay, that's  
17 all I have.  
18 MR. RUSAK: Can you just wait  
19 because you've already been up? Is there anyone  
20 else that would like to come up? Is there anyone  
21 else that would like to come up?  
22 Okay, sir, sorry. Your turn, yes, sir. I  
23 just wanted to give everyone a fair chance.  
24 MR. OROZCO: Mr. Ney, were you  
25 aware that that traffic study was available to

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1 the public as my previous neighbor mentioned?  
2 MR. NEY: No.  
3 MR. OROZCO: With your  
4 professional background and experience in traffic  
5 studies and the study of the mosque it didn't  
6 even -- there's no central location that you can  
7 just go and see any information relevant to  
8 traffic?  
9 MR. NEY: No, not with a  
10 library search, no.  
11 I found a few studies, but I did not find  
12 any central data bank with mosque studies, and  
13 again, I had no problem doing the study at Hoes  
14 Landing and reporting what the results are, but I  
15 can't stand in front of this board and say that  
16 the mosque prayer area generated this parking.  
17 I can say that that mosque parked "X" number  
18 of cars and that more than one activity was  
19 ongoing.  
20 MR. OROZCO: What was the scope  
21 of your work for this particular location, for  
22 the AlFalah Center?  
23 MR. NEY: My scope of work was  
24 to report the results of the study I had done on  
25 a number of mosques in New Jersey.

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1 MR. OROZCO: What about the  
 2 parking lot?  
 3 MR. NEY: I did not look at the  
 4 parking lot design. I know I've been informed  
 5 there are 170 spaces.  
 6 MR. OROZCO: Thank you.  
 7 MS. JACKEWICZ: Brooke  
 8 Jackewicz. I've been sworn in. I would just  
 9 like to clarify.  
 10 Do you have any intent to talk to the  
 11 traffic engineer to bridge some of the gaps  
 12 between your study and his?  
 13 MR. NEY: I'm not aware of any  
 14 gaps, and if my attorney asks me or the board  
 15 asks me a specific question I would like to  
 16 address it.  
 17 MS. JACKEWICZ: Did you do the  
 18 traffic study for the proposed Basking Ridge  
 19 mosque?  
 20 MR. NEY: Yes.  
 21 MS. JACKEWICZ: Did you do any  
 22 graft model related to that mosque?  
 23 MR. NEY: No, I did not.  
 24 MS. JACKEWICZ: Do you know if  
 25 the traffic engineer was there, a separate

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1 traffic engineer for that?  
 2 MR. NEY: The board did not  
 3 have a traffic engineer.  
 4 MS. JACKEWICZ: So were you the  
 5 only one?  
 6 MR. NEY: The opposition hired  
 7 a traffic engineer.  
 8 MS. JACKEWICZ: Do you know if  
 9 they did it?  
 10 MR. NEY: They studied the two  
 11 mosques in Toms River, and I included their data  
 12 in this analysis.  
 13 MS. JACKEWICZ: Now is it your  
 14 impression that this proposed mosque, the AlFalah  
 15 Center, is only going to be used for a mosque and  
 16 like one function at one time?  
 17 MR. NEY: My understanding is  
 18 that the Friday prayer will be the only function  
 19 occurring during that period of time.  
 20 There will be -- in my traffic study in  
 21 Bernards Township there is the morning prayer  
 22 time I looked at. There is also a Friday -- I'm  
 23 sorry, a Sunday school. I looked at the Sunday  
 24 generation and did an analyses of those.  
 25 So for the information that was given to me

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1 at that mosque when I did my traffic study I  
 2 looked at those other periods. They were all  
 3 lesser in traffic intensity than the Friday  
 4 period, but I did look at them.  
 5 MS. JACKEWICZ: Okay. In  
 6 previous testimony and it's maybe unclear to me,  
 7 but it's been said that this facility may be used  
 8 as a day-care, it may be used as a community  
 9 center and it is going to be used potentially as  
 10 a mosque.  
 11 Now are you certain that none of those three  
 12 things will overlap at the same period of time  
 13 and potentially affect your traffic counts?  
 14 MR. NEY: As far as the  
 15 day-care facility is concerned I understand that,  
 16 again, none of the -- what I looked at is not  
 17 able -- did not include a day-care facility at  
 18 that time so I haven't studied that.  
 19 MS. JACKEWICZ: So the  
 20 potential is there that if this day-care facility  
 21 is used for day-care in the future it could  
 22 overlap with a Friday prayer service which would  
 23 increase your traffic count, and if there was a  
 24 community center or any community functions going  
 25 on at the same time those may potentially

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1 increase your count as well.  
 2 MR. NEY: It might impact my  
 3 counts, yes.  
 4 I don't know if it's required under the  
 5 basis of the ordinance, but if I were to do a  
 6 parking study and there was a day-care facility I  
 7 would include that data in my analysis.  
 8 MS. JACKEWICZ: Is that  
 9 something you can potentially go back to your  
 10 clients and discuss?  
 11 MR. NEY: I don't have any  
 12 mosques that have a day-care center.  
 13 MS. JACKEWICZ: But you  
 14 eliminated Hoes Landing because there were other  
 15 things going on.  
 16 MR. NEY: There were multiple  
 17 items. I believe there was some teaching there.  
 18 There is also -- there are other facilities  
 19 there.  
 20 MS. JACKEWICZ: So a community  
 21 center and a day-care going on at the same time  
 22 as a prayer service would not make the Hoes  
 23 Landing similar to this one?  
 24 MR. NEY: I don't know what  
 25 this mosque is similar to.

<p style="text-align: right;">Page 97</p> <p>1 My testimony is based upon the use of the 2 prayer area as the primary use and that the other 3 portions of the facility are not in use at the 4 same time, that's what my study is based on. 5 MS. JACKEWICZ: So there will 6 be one function performed at one time and no 7 other functions will overlap is what you've been 8 told? 9 MR. NEY: I haven't been told 10 anything. I'm telling you what my study is based 11 upon and my reporting to this board is based upon 12 looking at four mosques that did not run 13 concurrent activities with Friday prayer. 14 MS. JACKEWICZ: Thank you very 15 much. 16 MR. RUSAK: Anyone else in the 17 public? If not, we'll go to Mr. Moench. 18 MR. MOENCH: I defer to the 19 mayor. 20 MAYOR HAYES: Thank you. Mr. 21 Ney, some of your responses have confused me a 22 little bit so I would like to get them cleared 23 up. 24 MR. NEY: I didn't know where 25 the voice was coming from.</p>	<p style="text-align: right;">Page 99</p> <p>1 MR. NEY: My study -- my 2 numbers are based upon what I've studied which 3 would indicate that there are no other concurrent 4 uses. 5 MAYOR HAYES: Correct. So let 6 me -- I'm slow. 7 So essentially the earlier question was you 8 are saying that the parking spaces being in the 9 site plan are adequate for the function based on 10 your study. 11 MR. NEY: Yes. 12 MAYOR HAYES: Does that assume 13 -- if we are to apply your study to this 14 application, are we to assume that the only 15 function taking place is the prayer function? 16 MR. NEY: Yes. 17 MAYOR HAYES: Okay. We need to 18 probably come back and verify that with the 19 applicant then or, Counsel, can you comment on 20 that? 21 MS. HIRSCH: Certainly, Mayor. 22 If I just might follow up with that. 23 I believe the testimony -- we're dealing 24 with midday Friday service here in Mr. Ney's 25 study, and I believe the testimony is that there</p>
<p style="text-align: right;">Page 98</p> <p>1 MAYOR HAYES: First, I would 2 like to follow up. Are you testifying that the 3 parking spaces in this -- provided in the site 4 plan are adequate for it to function? 5 MR. NEY: Yes. 6 MAYOR HAYES: Now you are doing 7 that based on your testimony tonight and your 8 report? 9 MR. NEY: Yes. 10 MAYOR HAYES: The question came 11 up about overlapping functions that are based on 12 -- that you are basing your study on. 13 I believe you are basing it on the fact that 14 the prayer floor area -- essentially the prayer 15 activity is the sole function or activity taking 16 place at any one time and the largest use. 17 MR. NEY: That is the use. 18 MAYOR HAYES: The use. So 19 there is no additional use going on when that use 20 is happening? 21 MR. NEY: At the locations that 22 I studied there were no additional activities 23 ongoing. 24 MAYOR HAYES: That's different. 25 I want to come back.</p>	<p style="text-align: right;">Page 100</p> <p>1 is a child care center on the premises or planned 2 on the premises that would be in operation midday 3 Friday. 4 I'm looking at Bridgewater Township's 5 parking requirements and what I see is, "Child 6 Care Center. The floor area which is occupied as 7 a child care center in any building or structure 8 shall be excluded in calculating any parking 9 requirements otherwise applicable to the floor 10 space." 11 Then the next sentence is, "If it's used 12 only for child care purposes it has a parking 13 requirement, but if child care is one of the uses 14 of the building," as is the case here, "there is 15 no parking requirement assigned to it." 16 So that is the other use that would be going 17 on at the same time of the Friday midday service. 18 MAYOR HAYES: Let me go back 19 then to Mr. Ney. You are told now there is going 20 to be another activity happening. Does your 21 statement still stand? 22 MR. NEY: My statement stands 23 as I've indicated. 24 MAYOR HAYES: So that the site 25 plan -- the request of the site plan works even</p>

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1 though day-care happens?  
 2 MR. NEY: My testimony is that  
 3 based upon prayer floor area the studies that I  
 4 have done show that we need the 85th percentile,  
 5 154 spaces.  
 6 MAYOR HAYES: I understand. Do  
 7 you understand what I'm saying? You are choosing  
 8 not to answer my question, that's okay.  
 9 MR. NEY: No, it's not that I'm  
 10 choosing not to answer your question. I said it  
 11 before.  
 12 I haven't studied a mosque with a child care  
 13 or day-care facility so I don't know what impact,  
 14 if any, it would have.  
 15 MAYOR HAYES: If you don't know  
 16 then I would assume you are not saying that it  
 17 fits the building.  
 18 MR. NEY: I am saying within  
 19 the limits of what I've indicated, the limits of  
 20 the study I've done, that 157 spaces are adequate  
 21 for the prayer area.  
 22 If this town has an ordinance requiring more  
 23 parking spaces for a day-care facility I would  
 24 suspect you would add that on, but I have not  
 25 studied a facility that has a day-care -- a

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1 mosque that has a day-care so I don't know if  
 2 there's any impact at all.  
 3 MAYOR HAYES: So, again, you  
 4 used two different terms. One was "use" and one  
 5 was "ordinance." I was asking more about use,  
 6 regarding use.  
 7 MR. NEY: Well, on a use basis  
 8 I can't quantify parking at a mosque that has a  
 9 day-care facility.  
 10 MAYOR HAYES: Very good.  
 11 MR. NEY: So I can't give you  
 12 an answer as to whether this number is inclusive  
 13 of that because I don't know.  
 14 MAYOR HAYES: So what we do  
 15 know, right, is there will be other activity, and  
 16 you are saying that you are making no comment  
 17 about the impact of that?  
 18 MR. NEY: I cannot. I have not  
 19 -- I have no basis to make the comment.  
 20 MAYOR HAYES: That would be  
 21 accurate?  
 22 MR. NEY: Yes.  
 23 MAYOR HAYES: Thank you. I  
 24 would like to come back to the data that you did  
 25 present.

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1 So I am looking at that data, and I'm trying  
 2 to get my handle on the 85th percentile work that  
 3 you did when you figure out the 85th percentile,  
 4 and I am trying to understand what that means.  
 5 Can you give me another shot at explaining  
 6 what the 85th percentile is in regards to the  
 7 data and the calculation you've used?  
 8 MR. NEY: I'll try to do it in  
 9 a mathematical manner --  
 10 MAYOR HAYES: Please.  
 11 MR. NEY: -- based on the new  
 12 math.  
 13 MAYOR HAYES: No.  
 14 MR. NEY: If I had 15 numbers  
 15 they range from --  
 16 MAYOR HAYES: But you have  
 17 eight. How many numbers do you have, help me?  
 18 MR. NEY: I believe it's eight  
 19 or nine.  
 20 MAYOR HAYES: I have here --  
 21 MR. NEY: I have eight data  
 22 points.  
 23 MAYOR HAYES: I have a question  
 24 about that. You have eight data points, you have  
 25 four sites.

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1 Did you use four -- are they four data  
 2 points or did you choose to use each one of your  
 3 observations as a single data point; is that  
 4 correct?  
 5 MR. NEY: Correct, but that  
 6 data point is not the number. The data point is  
 7 divided by the square footage.  
 8 MAYOR HAYES: So you chose --  
 9 MR. NEY: So it is a ratio.  
 10 I'm using the 85th percentile of the existing  
 11 parking ratios.  
 12 MAYOR HAYES: Thank you.  
 13 Again, I need to be walked through this. Thank  
 14 you for your time. So let's just go through  
 15 that.  
 16 You took the maximum parking accumulation,  
 17 and so that number on your report -- so what you  
 18 did is you took the square footage and divided it  
 19 by the number of cars parked and that would be  
 20 the parking accumulation.  
 21 MR. NEY: Right.  
 22 MAYOR HAYES: And that is the  
 23 prayer square footage.  
 24 MR. NEY: Well, I did both. My  
 25 data -- if you look at Table III my data shows

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1 gross floor area and prayer area.  
2 MAYOR HAYES: But that data is  
3 averaged and aggregated. Let's go back to the  
4 regular data to get to the 85th percentile, still  
5 working on that one.  
6 MR. NEY: You will get it by  
7 just looking at Table II. What you have to do is  
8 take the square footage and that is reported in  
9 Table I.  
10 MAYOR HAYES: Yes.  
11 MR. NEY: You divide it into  
12 93. If you're looking at, for example, Bilal you  
13 take the 3,838 and 2,343 and divide that into the  
14 maximum parking accumulation to get the ratio.  
15 MAYOR HAYES: So what you did  
16 -- that's good, thank you.  
17 For the first data point let's choose to use  
18 -- I'm bad at pronunciation. So you took that  
19 one and you didn't use the full area ratio, the  
20 3,838, you used the 2,343.  
21 MR. NEY: No, I did both.  
22 MAYOR HAYES: You did both?  
23 MR. NEY: Yes.  
24 MAYOR HAYES: Very good. So  
25 then you divided that by 93 and that would be

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1 your first --  
2 MR. NEY: Yes.  
3 MAYOR HAYES: You made two  
4 columns, but you didn't use them together.  
5 MR. NEY: Correct.  
6 MAYOR HAYES: So that gave you  
7 a ranking then.  
8 MR. NEY: Yes.  
9 MAYOR HAYES: So you have a  
10 ranking of eight points.  
11 MR. NEY: Yes.  
12 MAYOR HAYES: And then what did  
13 you do then?  
14 MR. NEY: Well, then basically  
15 I was trying to simplify it.  
16 MAYOR HAYES: That's okay.  
17 MR. NEY: If you went from zero  
18 to ten the 85th percentile is 8.5.  
19 MAYOR HAYES: Right.  
20 MR. NEY: So if you went from  
21 23 -- let's say you went from 23 parking spaces  
22 per 1,000 square foot to 40 parking spaces per  
23 1,000 square foot.  
24 You would look at the difference, the 17,  
25 and you would take the 85th percentile. Now it

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1 doesn't quite work out that way, don't ask me  
2 why.  
3 MAYOR HAYES: So let's say you  
4 then ranked the numbers from high to low.  
5 MR. NEY: Yes.  
6 MAYOR HAYES: And then if you  
7 had -- let's just say, for example, if I had ten  
8 numbers, right, you would go to the number  
9 between eight and nine?  
10 MR. NEY: Yes.  
11 MAYOR HAYES: That would be  
12 your 85th percentile.  
13 MR. NEY: Correct.  
14 MAYOR HAYES: So in this case  
15 you have eight numbers ranked and you go to  
16 wherever 85 is, right?  
17 MR. NEY: Right.  
18 MAYOR HAYES: So is that type  
19 of analysis of eight points statistically  
20 accurate?  
21 MR. NEY: Well, it's more  
22 accurate than three which is what ITE has.  
23 Is it statistically accurate? I can't give  
24 you -- I didn't run a test on the statistical  
25 accuracy of the numbers. However, I think

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1 they're representative and they're fairly  
2 consistent.  
3 What I tried to say is that looking at the  
4 spread in the numbers between gross square area  
5 and the spread between prayer area square footage  
6 the numbers are much more tightly grouped.  
7 There's less variation. Let's take the ideal  
8 situation. Let's say every --  
9 MAYOR HAYES: Do you know  
10 they're more tightly grouped? What are you  
11 looking at?  
12 MR. NEY: I'm looking at the  
13 33rd percentile, the difference between the 33rd  
14 percentile, the 85th percentile and the average.  
15 If you look at gross floor area you run from  
16 eight to 22.5. If you look at the 33rd  
17 percentile for the prayer area you go from 26 to  
18 39.  
19 So the variation is much tighter, and when  
20 they tell you that's basically what you're  
21 looking for, looking for consistency in the  
22 numbers.  
23 MAYOR HAYES: And is there a  
24 tightness limit that you would expect?  
25 MR. NEY: No, there is not one

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1 in trip generation.  
2 I'm sure there is statistical analyses you  
3 can run as to the significance, but I have to  
4 research that. Obviously the more data points  
5 you have the tighter it is unless all data points  
6 range.  
7 MAYOR HAYES: Well, a couple  
8 things that I think are general. Are you a  
9 statistician?  
10 MR. NEY: No, I'm not.  
11 MAYOR HAYES: Did you do a plot  
12 to see how they looked, what was the  
13 distribution, was it uniform in the data points  
14 when you did your eight data points?  
15 MR. NEY: I would have to look.  
16 I didn't bring the original data. I don't think  
17 -- you know, it's not a straight line curve.  
18 For example, Bilal has -- if you look at the  
19 data the second highest accumulation in points of  
20 parking per 1,000 square feet per area is Bilal  
21 and the highest Islamic Society of Morris County,  
22 that's partially due to the overlap in services  
23 you think, but those are the two highest.  
24 As a matter of fact, if you apply the  
25 highest ratio we have I think you're at -- in

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1 other words, if we take our worst condition and  
2 say what is the worst condition for all the  
3 locations that you studied the worst condition is  
4 157 spaces at 30 percent point something for  
5 parking spaces per 1,000 square feet.  
6 Again, the 85th percentile is 39.60. So you  
7 can see how close the 39.60 is to the 40.25 I  
8 believe it was.  
9 MAYOR HAYES: Well, let's --  
10 the challenge -- I have some challenges and the  
11 challenge I have in general is that it's unclear  
12 to me the statistical significance of what you  
13 did.  
14 I'm not a statistician. I am comfortable  
15 with experimental data, but it's just generally  
16 comforting to know that somebody with a  
17 statistical background has looked to see.  
18 You've chosen eight points which is better  
19 than two, but I don't know how much better. I do  
20 know 20 is better.  
21 MR. NEY: I got honors in  
22 statistics at Yale, but it would take me time to  
23 go through all the data.  
24 MAYOR HAYES: That's one  
25 concern I have is that you are choosing to take a

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1 certain number of points and look at 85 percent  
2 for applying the method, but you are unable to  
3 comment on the statistical accuracy of the method  
4 using the number of data points you have.  
5 MR. NEY: I think I did discuss  
6 the significance of it.  
7 As I indicated, if you look at ITE's trip  
8 generation publication they talk about the spread  
9 between the 33rd percentile, the 85th percentile  
10 and the consistency of data and I mentioned that.  
11 I talk about the difference being over  
12 100-percent difference when you are looking at  
13 the gross floor area. So it's less statistically  
14 reliable.  
15 As to the statistical reliability, I  
16 sometimes wonder how somebody can do 1,500  
17 interviews and tell you the president will win by  
18 1.2 percent, but they do.  
19 I'm sure I can run a number and it will be a  
20 fairly decent percent, but as I look at data it's  
21 much more consistent when you consider prayer  
22 area as opposed to the floor area.  
23 MAYOR HAYES: So I just want to  
24 make sure I understand.  
25 You said a lot of things, but basically I

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1 agree that the consistency when you look at the  
2 33rd percentile and 85th percentile is tighter  
3 when you look at prayer area versus gross floor  
4 area.  
5 However, I do not know the significance of  
6 that. I do not know -- I mean, I know the  
7 number. I know that it says almost three times.  
8 I know the other one says it is roughly 26 to 39  
9 over the percentages.  
10 What I don't know -- I hear what you are  
11 saying unless I missed it -- is the standard for  
12 saying it is consistent is. I missed that. Did  
13 you say there was a standard for that?  
14 MR. NEY: No. I'll go through  
15 parking generation again, but I have to tell you  
16 that in my review of it they do not specifically  
17 address a statistical standard.  
18 They talk of the variation of data and that  
19 the less the variation the more reliable the  
20 projection is.  
21 MAYOR HAYES: On that end --  
22 MR. NEY: And I don't disagree  
23 with you that I'd like to have more data points,  
24 all right?  
25 Every engineer or every scientist always



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1 wants more information because it will be more  
 2 reliable. I'd like to get it down to the exact  
 3 number of vehicles.  
 4 MAYOR HAYES: Okay.  
 5 MR. NEY: But I'm presenting  
 6 more data than is used in half the recommended  
 7 standards in your ordinance.  
 8 For example, I can find no statistical data  
 9 supporting seats anywhere versus public  
 10 assemblage. So you have more statistical  
 11 information here than you have on a lot of the  
 12 standards within your zoning ordinance.  
 13 So I think it is more reliable than looking  
 14 at your zoning ordinance and suppose this  
 15 happens, suppose that happens.  
 16 MAYOR HAYES: Great, that was  
 17 one comment that I have, and if you would run  
 18 those numbers I would be glad to hear them.  
 19 MR. NEY: I'll give it a shot.  
 20 MAYOR HAYES: Thank you.  
 21 Lastly, the last concern I have is the lack of  
 22 your comment as to -- oh, I did have one more  
 23 before that.  
 24 When you looked at the other sites that you  
 25 have that you observed and you listed the parking

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1 data in Table II that is the parking that you --  
 2 MR. NEY: Yes.  
 3 MAYOR HAYES: What was the  
 4 ratio or did you record data as to the size of  
 5 the parking lot and so how many spaces occupied?  
 6 MR. NEY: No, I did not. For  
 7 example, I didn't because I looked -- I know that  
 8 Rockaway is an existing office building. It has  
 9 about four spaces per 1,000.  
 10 It has a fairly large lot, but I didn't look  
 11 at the number of spaces because if you can't park  
 12 on the site you can't park and same thing with  
 13 the other sites.  
 14 MAYOR HAYES: Thank you. Then  
 15 the last thing I mentioned is my concern about  
 16 your lack of comment on -- I understand it, but  
 17 it is just a concern to me -- your lack of  
 18 comment on how many spaces should be added or  
 19 reserved or the impact of spaces being used  
 20 because it would be another operation and that's  
 21 all, thank you.  
 22 MR. RUSAK: Mr. Moench.  
 23 MR. MOENCH: I just have a few.  
 24 The mayor covered some of the same concerns that  
 25 I had.

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1 When you did the analysis compared to the  
 2 other four mosques Mayor Hayes was asking you  
 3 about how many parking spaces were in all and you  
 4 said you didn't know.  
 5 Do you know how many -- did you generate an  
 6 analysis of the number of worshippers in services  
 7 so you had a snapshot in time of two specific  
 8 services at a location?  
 9 Did you get any other information from the  
 10 mosque with regard to how many typically  
 11 worshipped there?  
 12 MR. NEY: Other than they were  
 13 typical days, that was the only information. I  
 14 made sure that there was a normally attended  
 15 service on each day.  
 16 MR. MOENCH: Did you -- other  
 17 than calculating the entire prayer area, did you  
 18 do any calculations on those sites to see if they  
 19 had done a calculation based on prayer mat size  
 20 or apply the ordinance?  
 21 MR. NEY: I did not. As I  
 22 indicated, I did not do any prayer mat  
 23 calculations.  
 24 There was a prayer mat plan presented in  
 25 Bernards Township that the architect drew, and I

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1 believe it was around the same number as they  
 2 had, somewhere around 150 prayer mats in the  
 3 facility, which was close to the 50 spaces that  
 4 they originally suggesting was the right number.  
 5 MR. MOENCH: For one of the  
 6 sites that you mentioned it was in the process of  
 7 both expanding its parking lot and the mosque as  
 8 well.  
 9 MR. NEY: Primarily parking  
 10 lot, but there was some superficial access  
 11 improvements to the mosque.  
 12 MR. MOENCH: So it wasn't  
 13 expanding prayer area of the mosque?  
 14 MR. NEY: No, it was redoing  
 15 the access. It was an old retail store so they  
 16 were just redoing the access and some of the  
 17 facade.  
 18 MR. MOENCH: Have you gotten  
 19 any data from the applicant in this case with  
 20 regard to how many worshippers they currently  
 21 have showing up on a Friday service?  
 22 MR. NEY: No, I haven't.  
 23 MR. MOENCH: Have you gotten  
 24 any data from the applicant or somebody served  
 25 you with regard to the current average attendees

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1 per car for this applicant?  
2 MR. NEY: I'll go back. Ms.  
3 Tubman indicated -- I forget the number, but it  
4 was an insignificantly expected -- an  
5 insignificant number of attendees based on their  
6 experience.  
7 I didn't use that in any calculations. I  
8 forget if they mentioned it to me as the persons  
9 per car. No, not at all.  
10 MR. MOENCH: You made analysis  
11 before, but did you know or factor in your  
12 analysis here the total number of people that  
13 this proposed site can accommodate?  
14 MR. NEY: No, I did not.  
15 MR. MOENCH: And I believe you  
16 also testified and I want to make sure I am clear  
17 on this that you have not and will not -- you  
18 have not and are not providing any analysis with  
19 regard to safety impacts with regard to potential  
20 off-street parking.  
21 MR. NEY: No, I have not looked  
22 at off-street parking.  
23 MR. MOENCH: And you have also  
24 not evaluated the specific site plan itself with  
25 regard to the parking, correct?

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1 MR. NEY: No, that was not my  
2 assignment.  
3 MR. MOENCH: Am I correct that  
4 the only factor that we're using to draw  
5 comparisons between the other sites and this site  
6 is simply the size of the building and size of  
7 the prayer area?  
8 MR. NEY: Size of the building  
9 and size of the prayer area.  
10 MR. MOENCH: So how do we know  
11 whether or not any of the other locations have --  
12 whether the size of their prayer area meets the  
13 needs of and uses of that particular mosque?  
14 In other words, how do we know that the  
15 mosque isn't bigger than needed or smaller than  
16 needed?  
17 MR. NEY: Well, how do I count  
18 cars at a shopping center? How do I know that  
19 it's at its busiest?  
20 MR. MOENCH: I guess --  
21 MR. NEY: You know, this is  
22 unfortunately not an approach to rocket science.  
23 It is an empirical study of existing facilities,  
24 that's the process that is followed.  
25 If I were to count shopping center variables

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1 as to how did you consider this mix of uses or  
2 that mix of uses, but we don't do that.  
3 We take a facility, we get the number of  
4 square feet. If it's not fully occupied we use  
5 the occupied square footage. We do the  
6 calculations based upon the information we can  
7 obtain.  
8 We don't do suppositions. We don't do  
9 hypotheticals. It's an empirical study on the  
10 hard basis of trip generation and parking  
11 generation.  
12 Are empirical studies done at facilities of  
13 similar use of mosques that have been changed  
14 from being a house of worship to being a specific  
15 use? There isn't much data with them, not by my  
16 library search.  
17 I probably in the last year or two started  
18 this and there's a lot more data. I have a lot  
19 more data up until a year ago of anyone in the  
20 country that had anything in the way of mosques  
21 as far as I can see.  
22 MR. MOENCH: It strikes me, the  
23 gap. My thinking is that -- from my thinking I  
24 don't see how looking at the size of prayer space  
25 divorced from other factors such as congregation

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1 size, other plan activities, surrounding mosques  
2 how this can affect the draw and is going to give  
3 a realistic expectation as to what will happen on  
4 this site with this application.  
5 It's like to me saying, well, you have an  
6 office building that's 50,000 square feet and  
7 saying that because this building has that many  
8 spaces coming up the next building has that many  
9 coming up.  
10 MR. NEY: That's exactly what  
11 it's based on. You may not like that, but that's  
12 exactly the criteria that establishes office  
13 building parking.  
14 You take an office building that's occupied,  
15 you count the number of spaces and the square  
16 footage and keep doing that until you have a  
17 repetitive sample.  
18 In some cases the ITE parking generation  
19 only has one or two examples and says, Caution,  
20 don't use the data. It's invalid or not  
21 significant, but that's the process.  
22 MR. MOENCH: I think it goes  
23 back to Mayor Hayes' point. In this instance the  
24 number of data points we have is significant.  
25 We're talking about office spaces.

1 MR. NEY: You have more data  
 2 points before you than you do for churches. In  
 3 your ordinance you have no data. I guarantee you  
 4 won't find it probably more than for how many.  
 5 Have you seen day-care studies? You know,  
 6 somebody comes in and says the ordinance says  
 7 nine spaces. How many spaces? Do you have any  
 8 statistical information to tell us the ordinance  
 9 is correct? You don't.  
 10 I'm giving you the information. I'm giving  
 11 you the information because right now there isn't  
 12 an accepted ratio that is available because there  
 13 isn't a lot of data, but you got more data in  
 14 front of you than you have for most of the things  
 15 you regulate on a regular basis.  
 16 MR. MOENCH: You believe your  
 17 method is a better method than looking at people  
 18 per car?  
 19 MR. NEY: Yes, because it's not  
 20 a precursor. You don't estimate trip generation  
 21 on people per car.  
 22 You don't say, Let me see. This is an area  
 23 where 1.1 persons per car. Oh, I'll use that.  
 24 You use studies of how many cars came into an  
 25 office building and how many went out.

1 and we can develop a ratio everybody is  
 2 comfortable with, and I think it will be fairly  
 3 close.  
 4 MR. MOENCH: Thank you.  
 5 MR. METH: Mr. Chairman, if I  
 6 can ask one last question.  
 7 So, Mr. Ney, your collusion that 154 spaces  
 8 is adequate for this site is based entirely on  
 9 3,890 square feet available for prayer space  
 10 within the multiuse.  
 11 MR. NEY: It's based on prayer.  
 12 MR. METH: Based on the floor  
 13 plan. So if square footage available for prayer  
 14 increased based on your methodology the number of  
 15 spaces would increase; is that correct?  
 16 MR. NEY: Yes.  
 17 MR. METH: Thank you.  
 18 MS. HIRSCH: Mr. Chairman, I  
 19 have a follow-up question for Mr. Ney if the  
 20 board members are finished. I don't want to  
 21 interrupt you.  
 22 MR. RUSAK: Please continue.  
 23 MS. HIRSCH: May I?  
 24 MR. RUSAK: Go ahead.  
 25 MS. HIRSCH: Thank you. Mr.

1 You don't do windshield counts that often or  
 2 as one of my ex-military guys used to say body  
 3 counts, but anyway, we don't do that many  
 4 windshield counts because the data we looked at  
 5 is vehicles; vehicles parked, vehicles entering,  
 6 vehicles exiting.  
 7 It's not -- for example, we don't have a  
 8 projector of parking demand for residential. You  
 9 don't see a number of bedrooms to project  
 10 parking. You may see it for schoolchildren, but  
 11 not for parking.  
 12 So if you are in an apartment complex with  
 13 two-bedroom units you apply the ratio of 1.8 --  
 14 2.2, I'm sorry, but the point is this standard  
 15 ratio we don't count how many kids you are going  
 16 to have driving. Well, that's true, but it  
 17 balances out over the different units.  
 18 It is the same here. We gave you five data  
 19 points and they're fairly tight. As far as it's  
 20 not as tight if I were to use gross floor area,  
 21 but I would be less sure of the number if I had  
 22 used gross floor area because the variation is  
 23 very significant, but for the prayer area I found  
 24 a fairly tight correlation.  
 25 Hopefully others are looking in other places

1 Ney, your report based on the study of the four  
 2 mosques there is a parking space ratio per 1,000  
 3 square feet of prayer area, correct?  
 4 MR. NEY: Correct.  
 5 MS. HIRSCH: And then that  
 6 ratio is 39.6 spaces per 1,000 square feet of  
 7 parking -- excuse me, prayer space area and that  
 8 is at the 85th percentile, correct?  
 9 MR. NEY: Yes.  
 10 MS. HIRSCH: When we took a  
 11 break I asked you to take a look and see if you  
 12 could provide me with a 100-percent percentile if  
 13 you will since I'm more used to dealing with that  
 14 concept in terms of parking needs, although I  
 15 understand why the 85 percent is used.  
 16 Did you do that calculation and could you  
 17 explain it to the board, please?  
 18 MR. NEY: Yes. The calculation  
 19 was based upon the highest ratio in my report and  
 20 that was for the Rockaway mosque where we had 115  
 21 parking spaces for parking accumulation at peak,  
 22 that's the highest ratio.  
 23 In other words, that's the high number, and  
 24 if I apply that high number it's 40.27 I believe  
 25 if my math is correct so it would be 157 spaces.

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1 MS. HIRSCH: In other words, if  
 2 the 100th percentile number is used for AlFalah  
 3 given the prayer space area that we're using  
 4 which is a total of 3,890 square foot, that's  
 5 been the testimony.  
 6 MR. NEY: Right.  
 7 MS. HIRSCH: Then the required  
 8 number of parking spaces would be?  
 9 MR. NEY: 157.  
 10 MS. HIRSCH: 157 based on 100  
 11 percent?  
 12 MR. NEY: Yes.  
 13 MS. HIRSCH: Thank you very  
 14 much.  
 15 MR. MOENCH: Mr. Chairman, I  
 16 have one question.  
 17 The traffic analysis that Mr. Dean performed  
 18 was done with 250 as the number used for  
 19 attendance purposes. If we apply the 1.37 ratio  
 20 to that that would make 182 parking spaces.  
 21 MR. NEY: I didn't do the math,  
 22 but I'll accept it.  
 23 MR. MOENCH: You have no reason  
 24 to dispute that?  
 25 MR. NEY: You want me to do it?

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1 MR. MOENCH: Please. I mean, I  
 2 trust my calculator.  
 3 MR. NEY: 250?  
 4 MR. MOENCH: 250 is his number.  
 5 MR. NEY: It would be 182.  
 6 MR. MOENCH: Thank you, that's  
 7 all I have.  
 8 MR. RUSAK: Okay, that would  
 9 conclude the AlFalah hearing for this evening.  
 10 However, there's other board business that we  
 11 have to cover.  
 12 The next meeting on AlFalah will be August  
 13 25th, and the next planning board meeting will be  
 14 August 12th.  
 15 MS. DOYLE: Site to be  
 16 determined.  
 17 MR. COLLINS: Well, I want to  
 18 make sure, Mrs. Hirsch, you don't have anything  
 19 further for this witness tonight?  
 20 MS. HIRSCH: No, thank you, we  
 21 do not.  
 22 MR. COLLINS: When you come  
 23 back you will have other witnesses that you  
 24 either had before or that you are bringing, and  
 25 right now we're scheduled for what date again?

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1 MR. RUSAK: August 25th.  
 2 MR. COLLINS: August 25th.  
 3 Based upon tonight's attendance I think we could  
 4 come back here because this is our regular  
 5 meeting night, and we have air-conditioning as we  
 6 do not have air-conditioning at the high school  
 7 it is my understanding.  
 8 So I think we are going to come back here.  
 9 We will come back here and we will carry this  
 10 AlFalah case to a date certain of August 25, 2014  
 11 at 7 p.m. at this meeting room in the municipal  
 12 building. There will be no further notice.  
 13 MR. NEY: I would like to thank  
 14 you.  
 15 (Whereupon the matter is  
 16 adjourned for the evening.)  
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 4 **CERTIFICATE**  
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 8  
 9 **I, DENISE C. CLARK, a Certified Court**  
 10 **Reporter and Notary Public of the State of New Jersey,**  
 11 **hereby certify the foregoing to be a true and accurate**  
 12 **transcript of the proceedings as taken stenographically**  
 13 **by me on the date and place hereinbefore set forth.**  
 14  
 15  
 16  
 17  
 18 **DENISE C. CLARK, CCR**  
 19 **License No. XI 02138**  
 20  
 21  
 22  
 23  
 24 **My Commission expires**  
 25 **November 14, 2017.**