

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Tuesday, March 19, 2019
—MINUTES—

CALL MEETING TO ORDER:

Chairman Sweeney called the meeting to order at 7:30 pm in the Bridgewater Municipal Courtroom, 100 Commons Way, Bridgewater, New Jersey.

OPEN PUBLIC MEETING ANNOUNCEMENT:

Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act N.J.S.A.10:4-6. On January 14, 2019 proper notice was sent to the Courier News 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 Zoning Board of Adjustment policy for public hearings: No new applications will be heard after 10:15 pm and no new testimony will be taken after 10:30 pm. Hearing assistance is available upon request. Accommodation will be made for individuals with a disability, pursuant to the Americans With Disabilities Act (ADA), provided the individual with the disability provides 48 hours advance notice to the Planning Board Secretary before the public meeting. However, if the individual should require special equipment or services, such as a CART transcriber, seven days advance notice, excluding weekends and holidays, may be necessary.

Others present: Board Attorney Steven K. Warner, Board Planner Scarlett Doyle, Municipal Services Secretary Jacqueline Pino.

ROLL CALL:

Don Sweeney – present	James Weideli, - present
Pushpavati Amin – present	Dawn Guttschall Alternate #1 – present
Paul Riga – absent	John Fallone Alternate #2 - present
Michael Kirsh – present	Jeff Foose Alternate #3 - present
Evans Humenick – absent	Daniel Ahern Alternate #4 - present
Alan Fross – absent	

MINUTES FOR APPROVAL:

March 5, 2019 Regular Meeting-Motion by Mr. Fallone, Second by Mr. Fross the foregoing minutes were adopted as written on the following roll call vote:

AFFIRMATIVE: Mr. Riga, Mr. Kirsh, Mr. Fross, Chairman Sweeney, Mr. Weideli, Ms. Guttschall,
Mr. Fallone

ABSENT: Mrs. Amin, Mr. Humenick,

NOT ELIGIBLE: Mr. Foose, Mr. Ahern

MEMORIALIZING RESOLUTIONS:

EDWARD AND CHRISTINE CIESLA -929 US Rt.202/206

Block 478 Lot 5

#18-025-ZB- Variance-Addition

Decision: Approved with conditions 03/5/19

Motion by Mr. Weideli, second by Ms. Guttschall the foregoing resolution memorializing the approval on 03/19/19 was adopted as amended on the following roll call vote:

AFFIRMATIVE: Mr. Kirsh, Chairman Sweeney, Mr. Weideli, Ms. Guttschall, Mr. Fallone

ABSENT: Mr. Riga, Mr. Humenick, Mr. Fross,

NOT ELIGIBLE: Mrs. Amin, Mr. Foose, Mr. Ahern

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Tuesday, March 19, 2019

—MINUTES—

KEVIN McCANN -747 Hawthorne Ave
Block 802 Lot 129
#17-024-ZB- Variance-Addition

Decision: Approved with conditions 03/5/19
Motion by Mr. Weideli, second by Mrs. Gutshall the foregoing resolution memorializing the approval on 4/19/19 was adopted as amended on the following roll call vote:

AFFIRMATIVE: Mr. Kirsh, Chairman Sweeney, Mr. Weideli, Ms. Guttschall, Mr. Fallone
ABSENT: Mr. Riga, Mr. Humenick, Mr. Fross,
NOT ELIGIBLE: Mrs. Amin, Mr. Foose, Mr. Ahern

HEARING AND DELIBERATIONS:

HINDU TEMPLE & CULTURAL SOCIETY OF USA, INC.-1 Balaji Temple Drive
Block 483 Lot 2,3,4,5, & 12.02
#43-08-ZB- Preliminary & Final Site Plan-Subdivision for Proposed Parking & Lot Consolidation

Hearing on the application was continued from the previous meeting.

See Attached Transcript dated March 19, 2019 prepared by Bridget Lombardozzi, CSR of Precision Reporting Service, 405 3rd Street, Jersey City, NJ 07302.

The application was carried to the meeting on April 16, 2019 at 7:30 pm without further notice.

MEETING OPEN TO THE PUBLIC:

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

OTHER BOARD BUSINESS:

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 10:28 pm.

Respectfully submitted,
Yorleny Moreno
Planning Division

TOWNSHIP OF BRIDGEWATER
BOARD OF ADJUSTMENT

In the Matter of: :
: Transcript
CASE 43-08-ZB :
: of
HINDU TEMPLE & CULTURAL SOCIETY :
1 Balaji Temple Drive : Proceedings
Block 483, Lots 2-5 & 12.02 :
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Tuesday, March 19, 2019
100 Commons Way
Bridgewater, New Jersey
Commencing at 7:37 p.m.

BOARD MEMBERS PRESENT:

DON SWEENEY, Chairman
MICHAEL KIRSH, Vice Chairman
PUSHPAVATI AMIN, Board Secretary
JAMES WEIDELI
DAWN GUTTSCHALL, Alternate #1
JOHN FALLONE, Alternate #2
JEFFREY FOOSE, Alternate #3
DANIEL AHEARN, Alternate #4

ALSO PRESENT:

SCARLETT DOYLE, Board Planner
THOMAS FORSYTHE, Board Engineer
JACQUELINE Pino, Board Secretary

MICHAEL LOMBARDOZZI, CSR, CRR
mlombardozzi92@gmail.com

1 A P P E A R A N C E S:

2

3 VENTURA, MIESOWITZ, KEOUGH & WARNER, P.C.
4 BY: STEVEN K. WARNER, ESQUIRE
5 Attorney for the Board

6

7 KENNY, CHASE & COSTA
8 BY: CHRISTOPHER K. COSTA, ESQUIRE
9 Attorneys for the Applicant

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1 CHAIRMAN SWEENEY: Okay. That brings us to the
2 Hindu Temple and Cultural Society.

3 MR. COSTA: Good evening.

4 CHAIRMAN SWEENEY: Good evening, Counselor.
5 How are you this evening?

6 MR. COSTA: I am good, thank you.

7 CHAIRMAN SWEENEY: Great.

8 MR. COSTA: Christopher Costa from the law firm
9 of Storz & Associates representing the Hindu Temple &
10 Cultural Society of USA, Inc. This is our first -- or
11 this is our third meeting, I'm sorry, and our goal is to
12 hopefully move through all of our testimony this evening.

13 This is an ambitious goal, but I believe it's
14 appropriate in this instance because my client and our
15 professionals have revised our plans extensively to
16 satisfy the comments of the Board engineer and planner.
17 So we feel like we'll be able to move through that
18 process very quickly with minimal need to respond to
19 those reports.

20 And we've also heeded the Board's advice to
21 produce an extensive photographic and rendering study of
22 the properties that surround the temple, both on Old Farm
23 Road and Cedar Brook Road.

24 The order of our testimony tonight will be
25 Cliff Horner and Sean Edwards, who are our architect and

1 project manager from Steve Cohen Architecture. Steve
2 Cohen was our architect previously and he's not available
3 this evening, so two people from this office are
4 testifying on his behalf.

5 Nitin Nagrani from Matrix New World Engineering
6 is our engineer. Umesh Avadhani is our traffic engineer
7 and Barbara Allen is our planner.

8 Before I go further, I just wanted to
9 double-check the Board composition in terms -- I heard --
10 I heard more absences than I wanted to. So I just want
11 to understand who we have and whether we have a full
12 Board at this point who've -- who've --

13 MR. WARNER: With the Chairman's permission,
14 and I've already spoken with Jackie, last meeting we had
15 eleven, all eleven Board members at the last hearing on
16 January 15, I believe it was.

17 MR. COSTA: Right.

18 MR. WARNER: And at that time, all eleven were
19 qualified. We have eight, I believe, this evening, so of
20 course then, by definition, all eight are qualified this
21 evening, so you have more than a complement -- full
22 complement of seven --

23 MR. COSTA: Right, good.

24 MR. WARNER: -- of regular Board members to
25 vote this evening if we get to that point.

1 MR. COSTA: Perfect.

2 MR. WARNER: If I could -- while I'm hot on the
3 administrative matters, if I may, Mr. Chairman, I just
4 wanted the record to reflect that at the last hearing,
5 January 15, we carried the meeting to February 19th, at
6 which time it was subsequently carried again, all without
7 further notice required, up until this evening.

8 And we do have an extension of time to act that
9 Mr. Costa was kind enough to provide to the Board in
10 writing through -- well, actually, beyond through the end
11 of this month to April 1st. So we do have that. So
12 procedurally we're fine to continue within the time to
13 act. The Board has the jurisdiction properly carried
14 after being properly noticed in my opinion.

15 And if we don't complete tonight, I suspect
16 we'll get an extension of time to a date so that we can
17 complete, but I understand the intention is to try to
18 complete this evening.

19 MR. COSTA: Yes, thank you.

20 Before I introduce our architect's testimony, I
21 wanted to just provide a little bit of background of what
22 we are presenting the Board tonight in terms of the
23 renderings. At the last hearing, the Board was concerned
24 that we did not show the proposed parking deck from
25 enough angles.

1 They also expressed an interest in just seeing
2 what the garage would look like if nothing impeded the
3 view of the garage so you could actually just see what
4 this structure looked like.

5 Based upon that input, we took photos from
6 every house in the vicinity of the temple and a few
7 extras along Old Farm Road where there weren't any
8 houses. Where the parking deck is not visible and would
9 not be conceivably visible because of the distance or
10 visual impediments such as trees and houses and things
11 like that, we just show you the picture, which it's a
12 good time to take the picture because there's absolutely
13 no foliage. We took the pictures in January. So if the
14 parking deck isn't visible in January, it's not going to
15 be visible any other time.

16 Where the deck could be seen or it was possible
17 that it could be seen, we included the following study.
18 A photo of -- you know, just a photo; a rendering of --
19 with everything removed except for the temple and the
20 garage. The temple's there already, so it's important to
21 just see that in terms of the perspective. And we put
22 the garage in there.

23 Then we add a rendering of the houses and then
24 we add a rendering which showed trees at planting height
25 and then trees at mature height.

1 And we've also shown -- we've also completed a
2 study showing the height of the garage and -- from
3 different sections of the surrounding neighborhood
4 because there were questions about how high the garage
5 was relative to the street level. So we have our
6 engineer testifying on that.

7 Finally, we were not allowed into the Advance
8 Realty site to take any photos. However, in seeing both
9 the planner's and engineer's report expressing an
10 interest in seeing the perspective from Advance Realty,
11 we, I guess, became the most creative and took from the
12 engineering plans that Advance Realty currently has in
13 place and our own engineering plans and created
14 renderings to show, as best we can, how the garage will
15 look like from the residential area of the Advance Realty
16 site. This is our most, again, creative area, but I
17 think we have a good rendering and I think it's
18 compelling that it's not of great concern.

19 It's also important to note we were asked a
20 number of questions about the Advance Realty application,
21 which we did entertain. We reviewed the plans, we
22 reviewed the traffic report. I went down and
23 specifically went through the plans. And probably the
24 most significant aspect of that application now is it
25 hasn't moved forward for several months. There's also

1 public objection to the application and we have no idea
2 what that application is ultimately going to look like.

3 So what we put on our plans is the latest site
4 plan for that application, which is a tremendously large
5 application and you'll see the scale of that application
6 compared to our application. It dwarfs our application.
7 So that application will have tremendous impacts on this
8 township, there's no question about it. And we don't
9 really have -- you'll see a significant impact on them
10 due to just the size of the application and the
11 continued, you know, basic same activities going on at
12 the temple site.

13 So I just wanted to provide that background as
14 to Advance Realty. We do have renderings. I have just
15 put them on a PowerPoint so we can give you a disk of
16 them, but I don't have -- I don't have paper renderings
17 of those at this point. But we'll show them tonight to
18 you.

19 COMMISSIONER KIRSH: Mr. Chairman, may I ask
20 Mr. Costa a question?

21 MR. COSTA: Yeah.

22 COMMISSIONER KIRSH: I want to make sure that I
23 heard a couple things right. A request was made of
24 Advance Realty to enter their property for the purposes
25 of taking photographs and that request was denied?

1 MR. COSTA: Correct.

2 CHAIRMAN SWEENEY: That's not terribly unusual.
3 I tried to get onto that property myself and was turned
4 away.

5 MR. COSTA: There probably would be a different
6 methodology for a Township official because they signed
7 the documentation that says the Township can go on and
8 their professionals can go on, but we don't fall in
9 that --

10 COMMISSIONER KIRSH: I understand the need for
11 individuals to have a right to go on another person's
12 property. I just think that it is important that the
13 answer to this question was that a neighbor within 200
14 feet, a direct neighbor of this property, denied a
15 request of the professionals to go onto the property for
16 the purposes of taking photographs.

17 MR. COSTA: Correct. And I will tell you on
18 the opposite side of that spectrum, the neighbors were
19 actually -- the residential neighbors were quite
20 welcoming to Sean Edwards, our project manager, in going
21 onto their front stoops to take the various photos. So
22 those we have very clear photos from specific locations.

23 COMMISSIONER KIRSH: And then the second quick
24 question, as you ran through your list. I know one of
25 the concerns that we had last time involved drainage and

1 water impacts. Is that going to be discussed as well?

2 MR. COSTA: Yes, that will be in our
3 engineering report.

4 COMMISSIONER KIRSH: Terrific.

5 MR. COSTA: One of the areas that we addressed,
6 which isn't as directly related to this application, but
7 there is, I guess, a defective swale on one of the newer
8 properties that the temple purchased on Cedar Brook Road
9 and we've engineered that to be corrected. So I think
10 that was the main water discussion, but we've got the new
11 plans that were submitted and our engineer will address
12 that.

13 Thank you.

14 COMMISSIONER KIRSH: Okay. Thank you.

15 MR. COSTA: With that, I'd like to introduce
16 our architect and our project manager.

17 MR. WARNER: I believe we have at least one new
18 witness here, Mr. Costa?

19 MR. COSTA: I think we have two new witnesses.

20 MR. WARNER: Good, I'm glad you said that
21 because I thought so, too.

22 MR. COSTA: So we have Cliff Horner, who is an
23 architect from Steve Cohen's office.

24 And, Cliff, if you could give us the benefit of
25 your education and professional background.

1 MR. WARNER: Before you do, I'm going to swear
2 you both in.

3 C L I F F H O R N E R, having been duly
4 sworn, was examined and testified as follows:

5 S E A N E D W A R D S, having been duly
6 sworn, was examined and testified as follows:

7 MR. WARNER: Thank you, both. And our Board
8 professionals were previously sworn in at the first of
9 these hearings. We're now on your third.

10 CHAIRMAN SWEENEY: Cliff, could you give us
11 your last name again?

12 THE WITNESS: Horner, H-O-R-N-E-R.

13 CHAIRMAN SWEENEY: Thank you.

14 MR. COSTA: And, Cliff, if you could give us
15 your educational background, your professional
16 background, your licenses and appearances before other
17 boards.

18 THE WITNESS: I have a Bachelor's of
19 architecture from New Jersey Institute of Technology.
20 I've been licensed since 2001. I've been before at least
21 a half dozen boards: Lawrence Township, Mullica
22 Township. Anything else?

23 CHAIRMAN SWEENEY: Not this Board, though?

24 THE WITNESS: No.

25 MR. WARNER: You were accepted as an expert in

1 the field of architecture by those boards?

2 THE WITNESS: Yes.

3 MR. WARNER: And that's what you're being
4 sought to be accepted as an expert in tonight, Chris,
5 correct?

6 MR. COSTA: Correct.

7 MR. WARNER: And our license remains in good
8 standing?

9 THE WITNESS: Yes.

10 MR. WARNER: I'll defer to the Board.

11 MR. COSTA: Okay.

12 CHAIRMAN SWEENEY: Anyone have any other
13 questions for Mr. Horner about his qualifications?

14 Okay. Very good.

15 MR. COSTA: And I'd like to also introduce Sean
16 Edwards, who is a project manager at Steven Cohen's
17 office. He is not an architect, but he is the one who
18 completed these photographs, the photographs and the
19 renderings under the guidance of Steve Cohen and Cliff
20 Horner.

21 MR. WARNER: So, effectively, he's a fact
22 witness, not an expert, working with the expert
23 architect, correct?

24 MR. COSTA: Correct. Correct.

25 MR. WARNER: There's no need to qualify him.

1 MR. COSTA: Correct.

2 MR. WARNER: We're all competent as fact
3 witnesses.

4 MR. COSTA: Right, exactly.

5 It was much more visible before. Can we --

6 SECRETARY PINO: Do you want me to shut off the
7 lights?

8 MR. COSTA: Yes.

9 CHAIRMAN SWEENEY: I mean, that's fine. People
10 can see that.

11 MR. COSTA: That might be a little much.

12 CHAIRMAN SWEENEY: That's fine.

13 MR. COSTA: Is there something in between?

14 MR. WARNER: You might want to keep these on
15 and maybe --

16 SECRETARY PINO: I'm trying to figure out which
17 one's too close.

18 MR. COSTA: That might work.

19 MR. WARNER: That's fine.

20 CHAIRMAN SWEENEY: That's not fine.

21 MR. COSTA: That's great. All right. We're
22 good.

23 MR. WARNER: Leave it, please. Thank you.

24 SECRETARY PINO: Just leave it?

25 MR. COSTA: Okay. You all have these materials

1 in your packet. It looks like maybe two of the pages got
2 mixed up, but they should be -- they should be pretty
3 clear to follow.

4 DIRECT-EXAMINATION

5 BY MR. COSTA:

6 Q. Sean, why don't you go through the methodology
7 and where you took the pictures and completed the
8 renderings from.

9 A. Okay. So in January I went out to the site and
10 I basically walked the entire neighborhood. Basically I
11 started down here, went up to the first house, knocked on
12 the door. Amazingly, I think everybody -- every resident
13 in the neighborhood was there. Knocked on the door,
14 explained to them that I was from the temple and that I
15 was here to provide photographs. And when they gave me
16 permission, I basically stood in front of their front
17 door, turned around and took a photograph.

18 And what I used as a point of reference is
19 basically the spire of the temple. I mean, that is the
20 most visible part of the temple from wherever you are in
21 the neighborhood. And then moved on to the next house,
22 knocked, got their permission, and I systematically went
23 through the entire neighborhood.

24 This is a temple property, 752, I knocked on
25 their door, got their permission to enter into their

1 backyard to take the photographs from their backyard.
2 The photograph I took from the backyard basically was
3 from their deck because I figured that's where they're
4 going to be most likely in their backyard.

5 MR. WARNER: If I could interrupt,
6 Mr. Chairman, just as an administrative matter, we'll
7 need to mark this as an exhibit. And if, for ease, if it
8 works, maybe we could mark the entire PowerPoint
9 presentation as Exhibit A-14. My -- well, the transcript
10 indicates we left off at A-13, the last one.

11 Is that okay with you, to mark it all as one,
12 A-14, and then it has its various identifications on the
13 bottom right corner, or do you want to break it up?

14 MR. COSTA: I don't want to break it any more
15 than -- a little bit more. I think we need to mark this
16 as neighbor properties. Because I have temple
17 properties, I have Advance Realty properties. So I think
18 if we do neighbor properties as A-14, that will be easier
19 to find.

20 MR. WARNER: A-14 will be photo simulation -- a
21 PowerPoint presentation neighbor -- views from neighbors'
22 properties?

23 MR. COSTA: Yep.

24 MR. WARNER: Thank you. Please continue. My
25 apologies.

1 MR. EDWARDS: And then the only neighbor that
2 was not at home was 722. So what I did for that property
3 is I came in on the temple property and I walked through
4 the trees just inside of the tree line from where their
5 line-of-sight would be from their backyard. I didn't
6 want to trespass on their backyard with nobody home.

7 BY MR. COSTA:

8 Q. So you took a picture that was actually closer?

9 A. Closer.

10 Q. Okay. This next slide shows the distance for
11 each picture, is that correct?

12 A. Correct.

13 Q. Okay. And how did you gauge those distances?

14 A. Okay. So those distances, the software package
15 that I have, I brought in the civil drawings into my CAD
16 package and then I brought in the aerial photograph and I
17 scaled it up to line up with the civil drawings and
18 everything in the software package. And then I could
19 actually take the measurement from the front porch of the
20 house to the nearest part of the temple property. So
21 this 822 feet goes from their front porch to this part of
22 the parking deck.

23 You know, so here, it's 258 feet from his deck
24 basically to the middle of the parking. So I tried to do
25 the distance to the nearest part of the parking deck to

1 the property. I didn't pick just one point. I felt it
2 would be best to do what would be the closest part of the
3 deck.

4 Q. Okay. So this is the first photo you took.
5 This is from where? Is that Number 1?

6 A. That's Number 1.

7 Q. Okay.

8 MR. COSTA: Why don't we make this A-15?

9 MR. WARNER: That will be A-16.

10 MR. COSTA: You know what, this is part of
11 that, that slideshow, so we don't need this separate.

12 MR. WARNER: That's fine.

13 MR. COSTA: So we're talking about Number 1
14 here from Old Farm Road.

15 BY MR. COSTA:

16 Q. And you took this from two slides -- two
17 angles, is that correct?

18 A. Correct.

19 Q. Okay. So you pointed the camera at the temple?

20 A. Right. So what you can see in all the slides,
21 I actually marked the temple and that arrow basically
22 marks where the spire is on the temple.

23 Q. And then you took one facing where the --

24 A. That's facing towards where the deck would be.

25 CHAIRMAN SWEENEY: I want to -- let me raise

1 what to me is a key point, and it's not about this
2 particular photo, but it's about some of the other photos
3 that you've included. And I want to do this now because
4 I don't want you wasting a whole lot of time if, in fact,
5 my point bears some commentary or some explanation.

6 This is Slide 3A. Okay? It's from 732 Cedar
7 Brook, which is one of the homes I think that the temple
8 bought. It's in Lot 3, 4, or 5.

9 MR. COSTA: That would be in a different
10 exhibit, in a different -- yeah, that would be a
11 different slideshow.

12 CHAIRMAN SWEENEY: Okay. When I saw this, and
13 it's followed by a couple of slides that I guess purport
14 to show what the parking garage is going to look like
15 from that perspective.

16 MR. COSTA: Right.

17 CHAIRMAN SWEENEY: Okay. When I asked for a
18 photo simulation, what I was trying to get my hands
19 around and what I'm trying to understand is the visual
20 impact that this garage is going to have on the
21 neighbors. And the way to do that is not by showing me
22 what the view is from this house. The way to do that is
23 to take this shot and superimpose the deck. I don't know
24 where it would be because I don't have anything to judge.

25 MR. COSTA: I think -- I think you're confused

1 because -- are you thinking that's a house that you're
2 looking at there?

3 CHAIRMAN SWEENEY: I know that's a garage.

4 MR. COSTA: Right. That garage is leaving.

5 CHAIRMAN SWEENEY: But it's taken from the
6 property of 732 Cedar Brook Road.

7 MR. COSTA: Okay. So when you flip the page --

8 CHAIRMAN SWEENEY: Right.

9 MR. COSTA: -- that is the -- and I think it
10 bears in mind that we go through this. That is the
11 perspective from exactly the same camera point, and I
12 think as we go through this, that will become clear.

13 CHAIRMAN SWEENEY: Okay. But here's my
14 question, then. If that's the perspective that you're
15 going to see or you're going to have of this garage from
16 this property, how does that compare with, for example,
17 the height of the garage? How does that compare with the
18 trees that are here?

19 MR. COSTA: We'll be able to tell you the
20 height as we go through the presentation.

21 CHAIRMAN SWEENEY: I want to see it.

22 THE WITNESS: That garage is being demolished.

23 MR. COSTA: That garage is going to be
24 demolished and you will see it, we will tell you as we
25 get to it. So we need to do the presentation in order to

1 show you.

2 CHAIRMAN SWEENEY: Okay. All right. That's
3 fine.

4 BY MR. COSTA:

5 Q. Okay. So this is facing the --

6 A. This is facing the deck.

7 Q. Okay. And the next slide is Slide 2 --

8 A. Which is the entry --

9 Q. -- which shows the entry from Old Farm Road.

10 A. And you can clearly see the temple spire.

11 Q. And the temple spire is some distance from
12 this, just to go back. The temple -- I guess we don't
13 have it from this one, but it's approximately the 822
14 feet.

15 MR. COSTA: The 822 feet is to the --

16 MR. HORNER: Is from that house, yeah.

17 BY MR. COSTA:

18 Q. Okay. So this next slide is --

19 A. Is the first neighbor's house.

20 Q. -- is from the first neighbor's house, which is
21 781.

22 A. And that is taken standing on their front porch
23 right in front of their front door.

24 Q. And your view from looking at this
25 perspective --

1 A. So the temple spire is here and the new parking
2 deck will be right there.

3 Q. Okay. And basically it's --

4 A. Not visible.

5 Q. -- not visible. Okay.

6 And the next one is from 771.

7 MR. WARNER: I'm sorry, may I ask a question,
8 Mr. Chairman?

9 That Slide 3 from 781 Old Farm, have you
10 superimposed on Slide 3 the parking deck and come to the
11 conclusion that it's invisible given the buffering there,
12 or have you just shown an existing view?

13 THE WITNESS: No. What I did is, in the model
14 that I set up, I actually have all of the houses laid out
15 in the model. And then I can tell by looking at the
16 model and the trees whether or not it would actually be
17 visible. There are some photographs in there where you
18 actually can see that I do have the deck showing through
19 the trees.

20 MR. WARNER: But to get to the point, this
21 isn't just a picture of what you see now from that view.
22 This is -- from your perspective, this is a picture of
23 what you would see now from this view if the deck were
24 built, correct?

25 THE WITNESS: Correct.

1 MR. WARNER: Okay. I just wanted to get that
2 clarification.

3 COMMISSIONER FOOSE: So this is output from a
4 model that's telling you that we will have no visual
5 impact to that neighbor and the model has confirmed it?

6 THE WITNESS: As we get further in, you'll see
7 the model that I constructed.

8 COMMISSIONER FOOSE: These are your words. So
9 yes or no?

10 THE WITNESS: Yes.

11 COMMISSIONER FOOSE: Okay. So this is the
12 model output that's telling us there will be no visual
13 impact to this address.

14 THE WITNESS: Correct.

15 COMMISSIONER FOOSE: Thank you.

16 BY MR. COSTA:

17 Q. Okay. Now we're looking at 771 Old Farm Road,
18 and I believe you took two pictures here, one facing the
19 temple and the other facing towards where the garage
20 would be, correct?

21 A. Correct.

22 Q. And this one is facing the temple?

23 A. This one is facing the temple.

24 CHAIRMAN SWEENEY: Mr. Costa, on that sheet
25 that you just held up, there are numbers in parens. What

1 do they mean?

2 THE WITNESS: Those are the slides that they
3 correspond with.

4 CHAIRMAN SWEENEY: Oh, okay.

5 MR. COSTA: So this is 4A and 4B.

6 CHAIRMAN SWEENEY: Gotcha. Thank you.

7 MR. WARNER: And there's a couple of twos and
8 there's -- that's because there's two sets, neighbors and
9 on the property?

10 THE WITNESS: Yes.

11 MR. WARNER: Gotcha.

12 BY MR. COSTA:

13 Q. And this is the view facing the proposed
14 garage, correct?

15 A. Correct.

16 Q. And it shows an extensive tree line that would
17 block the view from the --

18 A. Correct.

19 CHAIRMAN SWEENEY: Again, from 771 Old Farm
20 Road, you will not see the new garage?

21 THE WITNESS: You will not.

22 CHAIRMAN SWEENEY: Okay.

23 MR. COSTA: Okay.

24 BY MR. COSTA:

25 Q. 767 Old Farm Road, and this view is just facing

1 the garage although you do note the temple in the
2 background?

3 A. Right. In a lot of these photos, you note the
4 that temple spire that is here, you can't even see the
5 temple spire.

6 CHAIRMAN SWEENEY: And, again, your testimony
7 is that you will not see the garage from 767 Old Farm
8 Road?

9 THE WITNESS: Correct.

10 CHAIRMAN SWEENEY: Okay.

11 BY MR. COSTA:

12 Q. The next one is 752 Old Farm Road and that's a
13 corner house.

14 Okay. Now, this is -- we start with a
15 photograph, correct?

16 A. Correct.

17 Q. And then the next slide is a rendering of the
18 temple and the garage. Can you explain how you did that
19 and what we're looking at?

20 A. Okay. So this, this is a view of the model
21 that I constructed as if there was absolutely nothing in
22 the neighborhood. The only thing in the neighborhood was
23 the temple and the parking deck. This is what you would
24 see from looking at the deck -- looking from the deck of
25 that particular house.

1 Q. Okay. So this is just to give the Board an
2 idea of what this structure looks like and also gives you
3 the distance of the structure. In terms of the
4 perspective and size is -- is correct in terms of the
5 distance of the garage?

6 A. Correct.

7 Q. Okay.

8 CHAIRMAN SWEENEY: So, again, what -- what will
9 someone looking out towards the temple from 752 Cedar
10 Brook Road see once the garage is built?

11 THE WITNESS: Okay.

12 Q. Go ahead.

13 A. So I want to explain the methodology that I
14 used. That way you don't think that I just put a picture
15 up. I spent a lot of time walking around the
16 neighborhood out there and there's several tree lines
17 between the deck and the houses that are existing that
18 will remain there.

19 So this is as if there is nothing there. And
20 then, on the next slide --

21 Q. Sorry.

22 A. That's okay.

23 -- I modeled the houses in.

24 COMMISSIONER AMIN: I have a question for you.
25 The temple that's shown on the left side, right, the

1 white color, is that the actual color of the temple?

2 MR. COSTA: No, that's a computer model.

3 THE WITNESS: It's a computer model.

4 COMMISSIONER AMIN: So it's not the actual
5 color.

6 THE WITNESS: Correct.

7 COMMISSIONER AMIN: Because you see a contrast
8 between the new deck and that temple.

9 THE WITNESS: Right. I massed -- I massed in
10 the temple based off of drawings that Rao gave me for the
11 temple.

12 COMMISSIONER AMIN: Okay.

13 MR. COSTA: So let me just stay on that for a
14 second. The color of the garage in this rendering is the
15 basic intended color, correct?

16 MR. HORNER: Correct. And that's one of the
17 changes from the last meeting, is the color of the
18 garage.

19 MR. COSTA: Previously that was going to match
20 the temple color, which is a much whiter color. So we
21 were asked to make the garage a more natural color, which
22 we did.

23 CHAIRMAN SWEENEY: Is this going to be the
24 color of the garage?

25 MR. COSTA: Yes.

1 THE WITNESS: Yes.

2 COMMISSIONER FALLONE: Can you tell me the
3 elevation to the top of the wall on that deck, the plan
4 elevation?

5 THE WITNESS: Okay.

6 COMMISSIONER FALLONE: I know it's an
7 engineering question, but...

8 THE WITNESS: It's about 20 feet to the top of
9 the wall there. This house here is about 25 feet to the
10 ridge.

11 COMMISSIONER FALLONE: Okay. And do you know
12 what the elevation is at the ground at that point by any
13 chance?

14 THE WITNESS: The elevation?

15 MR. COSTA: We have a study from three
16 different angles showing the ground going away. So we
17 did cross-sections of the neighborhood. So we can give
18 you that when the engineer comes up. I just don't want
19 to kind of wing it. I mean, you may know it, but we
20 specifically charted that out because we got -- we were
21 asked that question last time.

22 COMMISSIONER FALLONE: Okay. I think I asked
23 it.

24 MR. COSTA: It might have been you. We
25 listened.

1 COMMISSIONER FALLONE: Yeah, because there's an
2 incline at that point.

3 MR. COSTA: Yes.

4 THE WITNESS: Yes.

5 COMMISSIONER FALLONE: And it just seems that
6 if you had property that's 20 feet higher than the
7 elevation, then with the incline, it should show a lot
8 taller than that. That's why --

9 THE WITNESS: Well, you can see the incline
10 here kind of -- it grades up.

11 COMMISSIONER FALLONE: I just looked at the
12 elevation from the house that you're saying and it
13 inclines from that house as well. So that's why I asked
14 the question again.

15 THE WITNESS: Okay.

16 MR. COSTA: Yeah.

17 THE WITNESS: When I did the model, I did my
18 best to make sure I had the proper topography in the
19 model. So I did -- I did not set the model as a flat
20 plain.

21 COMMISSIONER FALLONE: Okay. So, then, you
22 would assume there's a hump or something in the way there
23 the way that looks?

24 THE WITNESS: Oh, like a hump here?

25 COMMISSIONER FALLONE: Well, the parking deck

1 is not 20 feet high. So that's why I'm asking you. The
2 house you're saying is 20 feet, then that would mean
3 that --

4 THE WITNESS: The house is 25 feet, yes.

5 COMMISSIONER FALLONE: Twenty-five. So that
6 parking deck, it looks like you're showing about 10 feet.

7 MR. HORNER: Well, it's --

8 COMMISSIONER FALLONE: By view. No, I
9 understand, I understand. By view, though.

10 THE WITNESS: Correct.

11 COMMISSIONER FALLONE: Okay.

12 MR. COSTA: And that is an important factor
13 because it is in perspective and it's quite a distance
14 away.

15 THE WITNESS: Yes.

16 A. So in the next slide, if you look, right here
17 is that house that was in that model.

18 Q. I'll go back. Point at that so we can see.
19 Point at that house.

20 A. Right here.

21 Q. And then we go back.

22 A. So here's the house and then here's that house
23 right here. You have all these tree lines. And if you
24 look right through here, I am showing the deck that is
25 back in there through those trees.

1 Q. And where do you show trees planted?

2 COMMISSIONER AMIN: Are these trees new trees
3 that you'll be planting?

4 THE WITNESS: These are all existing trees.

5 COMMISSIONER AMIN: All existing that you
6 would --

7 THE WITNESS: And will remain.

8 COMMISSIONER AMIN: There will be less trees?

9 THE WITNESS: There are several tree lines
10 between this property and the temple deck.

11 BY MR. COSTA:

12 Q. But there will be new trees, correct?

13 MR. HORNER: There are young trees.

14 A. Yeah, there are young trees up along the deck.

15 Q. Okay. But, I mean, in the center of the photo,
16 it shows young trees.

17 And then the next photo I believe shows --

18 MR. WARNER: Before you go to the next one, if
19 I may, on 6D, just so I'm clear, are you saying that
20 you've already superimposed some of the young trees?

21 THE WITNESS: Yes.

22 COMMISSIONER FOOSE: This is what happened at
23 the last meeting and you upset us last time. We need an
24 accurate representation of what the neighbors are going
25 to see. I asked the question last time about CGI

1 elements, added elements. And you can't do that to us
2 without telling us. Nowhere on that slide does it say
3 that you've CGI'ed in more greenery and more trees than
4 are already existing. It's not fair to us and it's not
5 fair to the neighbors.

6 MR. COSTA: I'm sorry, I disagree with that.
7 It says it right in the title. "Parking Deck with Young
8 Trees."

9 COMMISSIONER FOOSE: We asked at the last
10 meeting for you not to do that. We wanted an accurate
11 representation of what truly existed through that lens of
12 that camera so we could show the neighbors in the
13 neighborhood. You did not do that.

14 MR. COSTA: We did. Here is the accurate
15 representation. That is the picture. And then we
16 rendered from there so that we could show you what the
17 garage looked like from there. That is a photo and then
18 we show -- want to show the Board what the garage looks
19 like, what the houses look like, and then we start
20 showing the trees that we're planting. This is young
21 trees which are identified, and there was a concern about
22 showing mature trees, so we identified, here's where
23 mature trees --

24 COMMISSIONER FOOSE: So what are you defining
25 as a mature tree, a young tree? I mean, frankly, we just

1 want to get at what is the truth. And last time we had
2 to pick apart your expert and we had to ask him, "Did you
3 put CGI elements into this?" And he finally admitted
4 yes. At this point we just want an accurate
5 representation and we're talking about models and
6 inserted trees.

7 MR. COSTA: Every one of these, stepwise --

8 MR. WARNER: Mr. Costa, I'm sorry to interrupt,
9 but if I may, and, Mr. Foose, I apologize for
10 interrupting you as well, but I think, if I'm hearing
11 correctly and understanding this correctly, 6A is
12 essentially what would be the existing condition with the
13 deck superimposed in it without anything else
14 superimposed in it. 6C would be the --

15 CHAIRMAN SWEENEY: Stop right there. Does 6A
16 have the deck?

17 THE WITNESS: 6A does not have the deck in it.
18 That is the existing photo of all of the trees that are
19 there.

20 MR. HORNER: This is existing condition.

21 MR. WARNER: Okay. So that does not have the
22 deck, okay.

23 MR. COSTA: These are all labeled.

24 MR. WARNER: I understand. I just want to
25 understand which one is which.

1 MR. COSTA: No, I understand. I appreciate
2 that.

3 MR. WARNER: If there's any confusion, it's not
4 going to help anybody.

5 The 6D has the deck superimposed, but it also
6 has the young trees superimposed?

7 THE WITNESS: Correct.

8 MR. WARNER: Okay. So we don't have anything
9 with the deck superimposed and no young or old trees
10 superimposed yet on this view?

11 MR. COSTA: We don't have that.

12 MR. WARNER: Okay. That's all I'm trying to
13 clarify.

14 MR. COSTA: That's understood. And what we did
15 is we went from the photo to the rendering of just the
16 deck, to the rendering of the deck and the houses, and
17 then we put in the elements that we were going to put in
18 to block it. Immediately with this application will come
19 the young trees. We will plant young trees.

20 MR. WARNER: And I understand that. Your
21 representation is that at installation, that's what the
22 young trees will --

23 MR. COSTA: That will be the size at
24 installation and then the size at maturity, which was one
25 of the concerns last time, was that we were showing

1 mature trees.

2 MR. WARNER: But also, if I may, to understand
3 this more completely, you put in 6B and C, and I take it,
4 correct me if I'm wrong, then, that, for example, 6B, you
5 factored in existing topography, what have you, but you
6 have not -- have you or have you not factored into this
7 computerized model existing trees?

8 THE WITNESS: In this one here?

9 MR. WARNER: Have you?

10 THE WITNESS: No.

11 MR. WARNER: No. So I take it your testimony
12 would be, correct me if I'm wrong, that visually the
13 existing condition, even without any young trees yet
14 installed, would be -- the parking deck would be less
15 visible than what you're showing us here on 6C.

16 THE WITNESS: Correct.

17 MR. WARNER: Because you would factor in the
18 existing trees. And then I take it you would tell me you
19 would also factor in, from your perspective, the
20 installation of the young trees or the young trees at
21 installed height, correct?

22 THE WITNESS: Correct.

23 MR. WARNER: Okay. So there is something to
24 consider. The Board will decide whether it needs more or
25 not, but there's something here in these depictions for

1 the Board to consider.

2 MR. COSTA: So it sounds like, if I'm hearing
3 it right, the slide in this that is missing in the
4 Board's -- in at least one Board member's view is that --
5 a picture of the rendering with no additional trees. Is
6 that the --

7 COMMISSIONER FOOSE: That is exactly what I
8 asked for at the last meeting and that's exactly what I'm
9 asking for at this meeting so we can have a true apples
10 to apples differential of two slides.

11 MR. COSTA: Okay.

12 COMMISSIONER FOOSE: And I do appreciate that
13 you added in greenery and foliage and that's a great
14 thing. But how can we possibly make an opinion on sight
15 lines from these different properties when we don't have
16 an accurate depiction to compare two pictures? We just
17 don't.

18 MR. COSTA: I understand that and I don't
19 object to providing that. I will tell you there will
20 never be a moment when those young trees are not planted.

21 MR. WARNER: Because you've already stipulated
22 to that, correct?

23 MR. COSTA: Exactly. So we do not believe it
24 is an inaccurate statement to show it with the young
25 trees because this is going in with the young trees

1 because that's part of the site plan.

2 MR. WARNER: If there's an approval, your
3 understanding is it would be with the stipulated
4 conditions, including the trees at the height of
5 installation, which you've already stipulated to, and
6 when I so "purportedly," I can't testify whether it's
7 done right or not. I didn't do it. But I assume you
8 utilized the stipulated to height at installation of the
9 trees in your model?

10 THE WITNESS: Yes, I based my trees in the
11 model off of the landscaping plan from the civil
12 engineers.

13 MS. DOYLE: Why don't you give the height of
14 that so that they understand.

15 THE WITNESS: The young trees going in are
16 about 7 feet tall.

17 CHAIRMAN SWEENEY: Not to beat a dead horse,
18 but I just want to confirm that on 6D and 6E, the parking
19 deck is there, you just can't see it because it's hidden
20 by existing and new trees?

21 THE WITNESS: If you look closely --

22 CHAIRMAN SWEENEY: What have you got there?

23 THE WITNESS: So this is 6D.

24 CHAIRMAN SWEENEY: Yep.

25 THE WITNESS: This area right here, I've

1 actually taken out a bunch of trees in this area because
2 those trees won't be there.

3 COMMISSIONER AMIN: I don't see any difference
4 between 6A and 6D.

5 THE WITNESS: So if you go back to 6A, see
6 right here how it's all dark?

7 MR. HORNER: You'll see it's much denser.

8 THE WITNESS: It's a much -- it's a much denser
9 wooded area. Now if you go to 6D --

10 MR. WARNER: Why did you take them out?

11 THE WITNESS: Because those trees are coming
12 out.

13 MR. WARNER: Oh, they are coming out, okay.

14 THE WITNESS: There's a tree line right along
15 where the parking deck is and that tree line is coming
16 out.

17 MR. WARNER: Okay.

18 THE WITNESS: And when I walked the site, I
19 made it a point to see where all the tree lines were.
20 Because I knew that when you were going to be looking
21 through these views, there's a lot of tree lines that are
22 going to be there, that are not coming out, and then
23 there's a tree line that will be coming out. So I made
24 it a point to try to take out those tree lines.

25 MR. WARNER: And if I may, the coloring of the

1 parking deck in the simulation on 6D and E has been
2 made -- how do you decide how to color it for visibility
3 purposes? Are you factoring in distance?

4 THE WITNESS: So the --

5 MR. WARNER: In other words, you could make it,
6 I guess, very light, you could make it very dark, you
7 could make it bold. How do you do that when you undergo
8 your process?

9 THE WITNESS: For the garage, I basically set
10 it as a beige concrete. And then in the program that I
11 have, you can actually set cameras in the program and it
12 gives you -- it gives you a camera shot looking from
13 where I set the camera towards what I'm looking at.

14 MR. WARNER: So you have distance inputted in?

15 THE WITNESS: Correct. So what I did is I took
16 the civil engineer's drawings and then I took the aerial
17 photograph and I overlaid them in my -- in my program so
18 that I can actually set the camera in my program on the
19 actual front porch of the house so that it is the correct
20 distance in software. And then it gives me a camera
21 image looking in that particular direction.

22 And since I walked the neighborhood and took
23 the photographs, I know exactly where I took the
24 photographs from.

25 BY MR. COSTA:

1 Q. So the renderings match distancewise and
2 locationwise and shadowing and all that, match the --

3 A. Match the photographs that I took.

4 MR. WARNER: The shadowing. That's a good
5 term. Thank you. Okay. I understand. Thank you.

6 CHAIRMAN SWEENEY: Please continue.

7 MR. COSTA: All right. I think I've moved to
8 the property. No, I'm on 752.

9 A. So we should be on 753.

10 Q. All right. 753 is across the street from 752.
11 We're on Cedar Brook now, on the corner of Cedar Brook
12 and Old Farm. So this is the existing conditions looking
13 at where the parking deck would be?

14 A. Correct.

15 Q. Okay. And then we eliminate all impediments
16 and that is the view of the deck and the temple?

17 A. That's a view of the deck and the temple with
18 no houses.

19 Q. Okay. And that would be the size perspective
20 that they would see from that distance?

21 A. Correct. And this is -- that's Cedar Brook.

22 MR. WARNER: Again, without the existing tree
23 line taken into consideration.

24 THE WITNESS: Right. This is as if there was
25 nothing in the neighborhood.

1 MR. WARNER: But the topography.

2 THE WITNESS: Exactly, right.

3 BY MR. COSTA:

4 Q. And this is adding the houses. What's the
5 reason you added the houses in at this point?

6 A. So I wanted to make sure that the perspectives
7 that I was giving of the temple in the model matched the
8 photographs. So I actually modeled up all the houses
9 that were on Cedar Brook based off of the footprints on
10 the civil drawings or based off the aerial photograph and
11 going around and through the photographs, you know,
12 figuring out the heights of all the houses so that these
13 houses are of appropriate size, scale and location in the
14 model.

15 Q. So if you put your pointer on that first
16 house --

17 A. So this house here.

18 Q. Right. And we go back, that's the dormer
19 there.

20 A. So here's the dormer of the particular house.

21 Q. If you leave it there, that's how that lines
22 up.

23 A. Now, so if you go back to the existing, from
24 this property there's substantial tree lines. And here,
25 that marks where the spire of the temple is. And you

1 can't see the spire of the temple from their front porch.
2 So since the deck is considerably lower than the spire
3 and with all of these tree lines, you're not going to see
4 the deck from that property.

5 MR. WARNER: Just for clarification -- I'm
6 sorry.

7 CHAIRMAN SWEENEY: No, that's -- go ahead.

8 MR. WARNER: Just for clarification, were all
9 the pictures taken from a first floor deck or
10 thereabouts? No second floor pictures, I take it.

11 THE WITNESS: They were all taken from their
12 front porch.

13 MR. WARNER: From the front porch, which would
14 presumably -- if they were two story homes, obviously,
15 this would be the first story, not the second story,
16 correct?

17 THE WITNESS: Correct.

18 MR. WARNER: Okay. Thank you.

19 BY MR. COSTA:

20 Q. Okay. So on this one it looks like you didn't
21 make a further rendering of that one because your view
22 was that there was no way to see the parking deck.

23 A. Correct.

24 Q. The next one is --

25 A. 743.

1 Q. -- 743. And this would be one of the more
2 impacted houses. It's right across Cedar Brook Road from
3 the proposed temple homes and the garage. So the first
4 shot is of the existing conditions and the next shot is
5 of the temple. I'm just going to go back to the first
6 shot so that there was some -- there's some trees
7 blocking the temple itself and there's some other tree
8 lines. Then you've got a view of the garage and those
9 are the houses.

10 A. Now, there's a substantial tree line between
11 these two properties.

12 MR. WARNER: Any reason you didn't take the
13 pictures similar to the pictures you took earlier where
14 here you would superimpose the young trees at planting
15 height and then the mature trees?

16 BY MR. COSTA:

17 Q. I think that's coming, right, Sean?

18 A. So on this particular image, there is a
19 substantial tree line right here with undergrowth.
20 You're not going to see the deck.

21 MR. WARNER: Right. There's no D and E here,
22 right?

23 THE WITNESS: Correct.

24 MR. WARNER: I'm just wondering why not?

25 THE WITNESS: This tree line right here, the

1 spire for the temple is right here. You're -- there's no
2 way that you're going to see --

3 MR. WARNER: Are you saying, basically, if you
4 were to do a D and an E, it would look like 8A?

5 THE WITNESS: It would look exactly like the
6 existing photograph.

7 MR. WARNER: That's your testimony, okay.
8 Thank you.

9 MR. COSTA: For example, for a house like this,
10 if there was a concern of the Board that once the project
11 got started, that we needed to consult with the planner
12 to potentially put in more trees if the screen was not
13 what we've said is true, we can do that. We're planting
14 lots of trees. We're willing to do that screening if
15 there's any, you know, problem with the visibility
16 issues.

17 MR. WARNER: We'll call that sort of a general
18 stipulation for landscape screening and tree planting
19 subject to the review and approval of the Township
20 planner within her reasonable discretion?

21 MR. COSTA: Right.

22 MR. WARNER: Or something along those lines?
23 Okay.

24 BY MR. COSTA:

25 Q. Okay.

1 A. We should be at 731.

2 Q. 731.

3 A. Okay. So this is the property directly across
4 from the deck.

5 Q. So this one is directly facing the deck.

6 MR. WARNER: Is that the closest home --

7 THE WITNESS: That one and then 722 --

8 MR. WARNER: I can see 722 is closer. Is that
9 also a neighboring home as opposed to an owned by the
10 applicant home?

11 THE WITNESS: Correct.

12 MR. WARNER: It's the second closest
13 neighboring home.

14 THE WITNESS: Yes.

15 MR. WARNER: Okay. Thank you.

16 BY MR. COSTA:

17 Q. So these are existing conditions and you're
18 basically looking across at the existing house. And then
19 if we remove that house and we just have the garage and
20 the temple, that is what the temple would look like?

21 A. Correct.

22 Q. Or the garage, I should say.

23 And then the next slide you put the house in,
24 which?

25 A. The house will provide some screening for the

1 garage.

2 Q. And then --

3 A. Okay. So then here, there was -- there was a
4 large tree line that used to pop up over the house. All
5 those trees are now removed.

6 Q. Let me go back to just show that.

7 A. So there's all of these trees right here --

8 Q. That are behind the house.

9 A. All of those trees basically sit where the deck
10 is going to be sitting, so all of those trees are going
11 to come out. So then when you go here --

12 MR. WARNER: On 9D you can see a little bit of
13 the deck on the right side of the photo.

14 A. Right. So here, all those trees, you're going
15 to see the deck a little bit looking straight up the
16 driveway and you're going to see the deck a little bit
17 looking down the side yard. And then right here, those
18 are the trees when they go in at their 7-foot height.

19 CHAIRMAN SWEENEY: Is that -- is the house
20 across the way, is that Lot 4? Can somebody tell me yes
21 or no?

22 MR. COSTA: It's Lot 5.

23 CHAIRMAN SWEENEY: No, I don't think it's Lot
24 5.

25 MR. WARNER: 731?

1 MR. COSTA: Let me look. Yeah, it's Lot 4.
2 It's the middle one, yeah.

3 CHAIRMAN SWEENEY: Thank you.

4 All right. So you can see some part of the
5 parking deck protruding from the side of that house
6 across the way, right?

7 THE WITNESS: Yes.

8 CHAIRMAN SWEENEY: All right. Very good.

9 MR. WARNER: And that house is 732 according to
10 your diagram, right?

11 THE WITNESS: Yes. This is 732 and I'm
12 standing on the front porch of 731.

13 MR. WARNER: Right. The house that's visible
14 in front of the deck is 732.

15 THE WITNESS: Correct.

16 MR. WARNER: Thank you.

17 BY MR. COSTA:

18 Q. So the next one the shows trees at mature
19 height.

20 A. Right, so these are the trees now at mature
21 growth.

22 Q. They're largely screening the garage at that
23 point.

24 MR. WARNER: Do we have a rough time frame for
25 the Board as to the difference between at installation

1 and mature growth? In other words, is that one year? ten
2 years?

3 MR. COSTA: Ten years. Approximately ten
4 years.

5 MR. WARNER: Ten years? That's what was
6 utilized for your model?

7 THE WITNESS: Those trees would be at their
8 mature height.

9 MR. WARNER: And it will take ten years to get
10 to their mature height?

11 THE WITNESS: Yes.

12 MR. WARNER: Okay. Thank you.

13 BY MR. COSTA:

14 Q. Okay. The next property -- so this one -- this
15 one's a little different perspective because we're no
16 longer in a front yard. We're in the backyard of 722 or
17 as close to the backyard of 722 as you can go without
18 trespassing.

19 A. Right. I'm standing right on the edge of 722's
20 property in their backyard.

21 CHAIRMAN SWEENEY: 722 is not a part of the
22 temple property?

23 THE WITNESS: Correct. Which is why I took it
24 from the edge of the temple property looking back through
25 the tree line that separates the properties.

1 MR. WARNER: And that is the neighbor lot that
2 is closest to --

3 THE WITNESS: Correct.

4 MR. WARNER: -- the deck, proposed deck?

5 THE WITNESS: Correct.

6 COMMISSIONER KIRSH: So looking at 10 -- did
7 you already go past 10 -- oh, at 10A the house that's to
8 the left, that's the back corner of 728, correct?

9 THE WITNESS: Correct, which is a temple
10 property.

11 BY MR. COSTA:

12 Q. Okay. So the next slide is?

13 A. That's what you would see if there was nothing
14 there.

15 Q. And, again, the sizing would be correct in
16 terms of the distance?

17 A. Correct.

18 Q. And then if we put the house there, that would
19 be -- the house, you'd see a little bit of the next house
20 as well?

21 A. Yeah, this is the neighboring house and this is
22 731.

23 Q. Okay. And then the next slide is a rendering
24 and this one looks very similar -- I'm going to go back
25 to just the photo. It looks similar to the photo. So if

1 you could show us where the rendering is, both the trees
2 and the parking garage.

3 A. So there's two sets of tree lines between 722
4 and the deck that are existing that are not going to be
5 touched. Okay? So you've got a tree line and you've got
6 a tree line and all those tree lines are staying. So
7 here you can see I have the deck in right here and
8 there's little small trees back in there. And that's
9 because you're going to be looking through two existing
10 sets of tree lines.

11 Q. They won't be disturbed by this application?

12 A. Correct. So from 722 you will see -- I mean,
13 in the wintertime, you will see -- you will see the deck,
14 but you're going to have to squint to see it through the
15 trees.

16 Q. And then the next slide I believe will be more
17 mature trees --

18 MR. WARNER: If I may, though, on 10D some of
19 the deck, then, is visible below the canopy of those
20 young -- even those young-at-installation-height trees.

21 THE WITNESS: Correct.

22 CHAIRMAN SWEENEY: That would seem to be a good
23 spot to put in some smaller evergreen-type shrubs that
24 would block the wall.

25 THE WITNESS: All the trees that are going in I

1 believe are evergreens.

2 CHAIRMAN SWEENEY: But, I mean, there aren't
3 any shown, are there, in front of the wall on either of
4 your 10D or 10E?

5 THE WITNESS: Yes.

6 MR. WARNER: The Chairman is saying shrubs, not
7 trees, shrubs.

8 MR. COSTA: They're shown, but they're hard to
9 see. But, yes, we can plant shrubs. Yes, we'd be happy
10 to work with Scarlett to plant shrubs, if necessary.

11 COMMISSIONER SWEENEY: Scarlett, make a point
12 of that, please.

13 MS. DOYLE: Yeah. In fact, that's in my
14 report. Those trees should go -- shrubs should be, I'll
15 call them foundation plantings, but they're providing
16 none. So we can work on that.

17 MR. WARNER: Okay. So that would help, then,
18 in areas which the deck is visible under the canopy of
19 the trees.

20 MS. DOYLE: Correct.

21 CHAIRMAN SWEENEY: Exactly so.

22 BY MR. COSTA:

23 Q. All right. And then, well, let me just --
24 we'll contrast these, too, so we have it with the young
25 trees in 10D and you can look at where the deck is. And

1 with the more mature trees, that's where you see the tree
2 line a little more clearly. Do you want to point down
3 there?

4 A. Yeah, it's right (indicating).

5 Q. So we go young trees, the wall is pretty
6 visible, and then with the bigger trees, it becomes less
7 visible.

8 MR. COSTA: And that is the presentation on the
9 neighbor properties.

10 I'm going to move to -- why don't we call this
11 A-15, Steve, and this is the Advance Realty property.

12 MR. WARNER: This is something the Board does
13 not yet have, correct.

14 MR. COSTA: Correct. We just put this together
15 based upon the professional reports that we received.

16 THE WITNESS: All right. So basically this is
17 an aerial photograph of what's existing out there. We
18 have the temple and then the whole neighboring property,
19 which is the Advance Realty property.

20 And I marked on here a Slide 4 photograph view.
21 Since we couldn't get onto this particular property, I
22 have a photograph of this existing tree line from the
23 other side so that you can see the tree line that exists
24 between the two properties.

25 CHAIRMAN SWEENEY: You mean from the temple

1 side.

2 THE WITNESS: From the temple side.

3 CHAIRMAN SWEENEY: All right.

4 MR. WARNER: And this entire A-15 is another
5 PowerPoint presentation of slides, correct?

6 MR. COSTA: Correct, from the Advance Realty
7 perspective, is what we called it.

8 MR. WARNER: Do you happen to know how many
9 slides?

10 THE WITNESS: Five.

11 MR. COSTA: Five.

12 MR. WARNER: Five. Okay. Thank you. I'm just
13 trying -- so the transcript has a nice record.

14 MR. COSTA: Yep, I appreciate that.

15 MR. WARNER: Thank you.

16 BY MR. COSTA:

17 Q. Okay. So the next slide.

18 A. Okay. So this is the new deck and then this is
19 the proposal from Advance Realty. And then right here --

20 Q. Let me just stop you there. How did you -- how
21 did you obtain the proposal from Advance Realty? How did
22 you come upon that?

23 A. From the public record.

24 Q. So you took --

25 A. So this is from Advance Realty's proposal and I

1 superimposed it on the aerial photograph.

2 MR. WARNER: Excuse me, Mr. Chairman. Their
3 last proposal at their -- at the time of their last
4 hearing before the other Board? Would that be accurate?

5 MR. COSTA: Correct. It was their most recent
6 proposal. I believe it was October, is when their plans
7 were from.

8 MR. WARNER: Not that you necessarily need it,
9 but you wouldn't have a last revised date or something to
10 try to correlate the -- if anybody ever needed to.

11 MR. COSTA: I can provide that to you because I
12 received -- I don't know if you might know that, Jackie.
13 I hate to put you on the spot.

14 SECRETARY PINO: I think that was the January
15 one when they submitted it, but I don't know what actual
16 date it was.

17 MR. COSTA: Okay. We could provide that
18 information. Okay. So it's a January -- thank you.
19 It's January 7th, 2019, is the site plan we used from the
20 Advance Realty proposal.

21 MR. WARNER: Is there a sheet -- is that A-4 --
22 I mean on the site plan from January, the site plan sheet
23 is what sheet?

24 MR. COSTA: C-03 of their --

25 MR. WARNER: Plan set?

1 MR. COSTA: Yeah, plan set.

2 MR. WARNER: Thank you. I'm sure that's enough
3 detail.

4 BY MR. COSTA:

5 Q. Okay. And you also put --

6 A. I marked it --

7 Q. -- the proposed garage as well?

8 A. Yeah. Here's the deck and then the shot that I
9 took to try to give an idea of what it would look like
10 from their property, I basically took from this courtyard
11 of the new residential housing -- the residential
12 townhomes that they're putting in.

13 Q. And when you did your rendering, did you take
14 into account the respective grading of the properties?

15 A. Yes.

16 Q. And were they roughly even in their grading?

17 A. Yes. Their grades are about even.

18 Q. Okay. And I believe there's a creek that runs
19 in between there, isn't there?

20 A. I think so.

21 Q. Okay.

22 A. So like we did before, this is what the view of
23 the deck would be as if there was nothing there.

24 Q. So unlike the neighbors, Advance Realty
25 residents, if they come to be, will be looking at the

1 upper level of the deck basically straight on?

2 A. Correct.

3 MR. WARNER: If I may, would that be assuming
4 that the neighbors were at first-story-level view?

5 THE WITNESS: Correct.

6 CHAIRMAN SWEENEY: Now, the upper level of that
7 deck from that perspective, the neighbors that may or may
8 not move into those residential units, it's going to look
9 like a surface level parking lot, correct?

10 THE WITNESS: That is correct.

11 MR. COSTA: Correct, which is preexisting in
12 that location. It's just extended out with the deck.

13 THE WITNESS: Right. This here is basically
14 the existing parking lot and then this is the top level
15 of the deck that's in line with the existing level
16 parking.

17 COMMISSIONER KIRSH: And the temple building
18 itself is off the screen to the right?

19 THE WITNESS: It's over here.

20 COMMISSIONER KIRSH: Okay. Now, the tower, the
21 elevator tower, the reason why we haven't seen that yet
22 is essentially because of the perspective of the garage
23 from the other locations that we essentially don't have
24 here?

25 THE WITNESS: That is correct.

1 MR. COSTA: Correct.

2 COMMISSIONER KIRSH: Okay.

3 BY MR. COSTA:

4 Q. And this -- this -- go ahead. Tell them.

5 A. So this is a photograph from the temple
6 property looking at the existing tree line between the
7 two properties. Now, what you can tell is there is
8 actually office buildings there right now on the other
9 side of the tree line that you really can't see.

10 So the new deck basically is here going out
11 that way in that photograph.

12 Q. So this is the tree line that you used to
13 create a model of what it will look like from the other
14 side?

15 A. Correct.

16 Q. And it's worth noting this was not a January
17 picture, correct? Because there's leaves.

18 A. No, this was more of an October.

19 MR. WARNER: But that is an actual -- the
20 actual tree line?

21 THE WITNESS: Yes. This is the temple parking
22 lot and that is the actual tree line.

23 MR. WARNER: A photograph. No simulations, no
24 add-ons or anything else.

25 THE WITNESS: No.

1 A. So then this is now looking from the other
2 side. From what we can tell, this is what it would look
3 like without actually being able to step onto their
4 property. This is the exact same tree line that I
5 flipped.

6 And then for the height, those trees are
7 roughly 30 feet tall. So in my model, I put a couple
8 pieces in there to set a 30-foot height so that I could
9 actually scale those trees to the appropriate height for
10 that vantage point.

11 MR. COSTA: This is a deduced model. This
12 one -- the other models are based on very strict,
13 stringent criteria. This, we had to deduce quite a bit,
14 but we wanted to give you an idea. I think the grading
15 is important and that there's a tree line and what
16 they're looking at is a surface parking area.

17 MR. WARNER: In your method of deduction, you
18 didn't increase the height of any trees?

19 THE WITNESS: No.

20 MR. WARNER: You didn't add any trees?

21 THE WITNESS: No. I made sure to give a proper
22 representation of the tree line.

23 MR. COSTA: So that's the photograph. And then
24 that is the...

25 COMMISSIONER FALLONE: That parking deck goes

1 almost to the opening, though. It seems like with your
2 clearing distances, there are only going to be about 10
3 feet of trees that you're saving. Would you agree with
4 that? Because that parking deck goes -- well, to drive
5 around the parking deck, you've got to clear it just to
6 put that in.

7 So just from your photo, your site plan
8 photo --

9 THE WITNESS: It's a very -- it's a very --

10 COMMISSIONER FALLONE: Very narrow.

11 THE WITNESS: It's a very narrow tree line with
12 some underbrush.

13 COMMISSIONER FALLONE: Okay, thank you.

14 MR. COSTA: And it's also located a little
15 differently than the existing. So there's not much tree
16 line between the existing either, but this pushes it
17 further back.

18 CHAIRMAN SWEENEY: Scarlett, when I look at
19 those residential units, they don't look right to me.

20 MS. DOYLE: They don't what?

21 CHAIRMAN SWEENEY: Don't look properly aligned
22 to me. I thought they were all kind of perpendicular to
23 the northern property line.

24 MS. DOYLE: I think they're going to have to
25 testify on that, but there would be a Google opportunity

1 on that, right?

2 THE WITNESS: So on their -- on their proposal
3 that I have, these buildings are in their proposal. So I
4 enlarged it and lined it up with the existing buildings
5 on the aerial.

6 MS. DOYLE: You took a scan of it and then
7 superimposed it? Is that how you did it?

8 THE WITNESS: We actually had a digital copy of
9 it.

10 MS. DOYLE: Yeah, okay. Okay. Did we give you
11 that digital copy?

12 THE WITNESS: Yes.

13 MS. DOYLE: Yes. Okay. So what we did is we
14 gave them a flash drive of the actual application. So it
15 would be accurate, is that correct?

16 THE WITNESS: Correct.

17 CHAIRMAN SWEENEY: All right.

18 MR. COSTA: And I do have this C-3, which,
19 again, this is not our plan. And there's nothing to say
20 this plan is going to stay the same, but I'm happy to
21 show it to the Board. I'm hesitant to put it in as an
22 exhibit because I...

23 MR. WARNER: Okay.

24 CHAIRMAN SWEENEY: That's fine. All right.
25 Please continue. You've got another set of slides, I

1 think?

2 MR. COSTA: We do. These I think we can
3 hopefully move through pretty quickly. These are the
4 temple properties, which we were -- we were asked to
5 provide renderings of so that you had an idea of the
6 perspective from the temple properties.

7 As you can see, there are four properties owned
8 by the temple: 770, 742, 732 and 728.

9 MR. WARNER: If I may, Mr. Chairman.
10 Mr. Costa, am I correct that the proposal, if granted in
11 its entirety, would include a lot consolidation such that
12 those four lots would be combined, consolidated with the
13 mother -- not the mother lot. This isn't a subdivision.
14 With the larger lot and all under common ownership?

15 MR. COSTA: That's correct. These would never
16 be residences for anybody who was not affiliated with the
17 temple. The intention of these houses is they're larger
18 than the condominiums and they're really intended for the
19 priests that have families and one or two children.

20 MR. WARNER: And that's part of the
21 requested -- if the approval -- if the application was
22 granted, that's what that housing would be for, correct?

23 MR. COSTA: Correct.

24 MR. WARNER: And under the one -- I'm sorry.
25 Under the one consolidated lot, short of someone trying

1 to subdivide and sell off under different ownership one
2 or more of those lots, presumably those homes would
3 remain clergy housing for the temple property.

4 MR. COSTA: Correct.

5 MR. WARNER: For the temple.

6 MR. COSTA: Correct.

7 MR. WARNER: Okay. Just to get the context
8 before we see the views of whose views they're going to
9 be.

10 MR. COSTA: Well, I appreciate that because,
11 yeah, these are views that are more challenging because
12 the properties are closer.

13 BY MR. COSTA:

14 Q. So, Sean, if you could.

15 A. Yeah. So you can tell that, you know, these
16 houses are substantially closer than the neighboring
17 properties. You know, the one house is only about 20
18 feet away from the deck.

19 MR. WARNER: Yeah. And this is going to be
20 A-16, this next set of photos -- excuse me, PowerPoint --
21 this PowerPoint presentation.

22 MR. COSTA: PowerPoint --

23 MR. WARNER: A-16. This will be -- how did you
24 do the other ones?

25 MR. COSTA: It would be temple -- PowerPoint

1 presentation of temple owned properties or residences.

2 MR. WARNER: Temple owned property views.

3 MR. COSTA: Right. Temple and property owned
4 views.

5 MR. WARNER: You'll clean it up for us, won't
6 you?

7 MR. COSTA: So the first perspective is from
8 770 Old Farm Road.

9 A. Okay. So this is basically standing at the
10 back of the house at 770 looking towards the deck. And
11 the temple spire is about right here. And there's two
12 existing tree lines in between the properties.

13 MR. WARNER: And that's the temple property
14 that's the furthest from the proposed deck?

15 THE WITNESS: Correct.

16 MR. COSTA: Correct. Actually, we can come
17 back here. 770 is the furthest one.

18 THE WITNESS: It's actually on Old Farm.

19 MR. COSTA: Right, it's on Old Farm.

20 BY MR. COSTA:

21 Q. Okay. And the next slide.

22 A. Basically as if there's nothing in the
23 neighborhood.

24 Q. And the next slide shows the homes. And then
25 going through the other one.

1 A. This one, it's a little tricky. You're not
2 going to see the deck from 770. The two tree lines that
3 are there are substantial tree lines, and from their
4 vantage point, those tree lines are going to block that
5 out. So this, right here, is the next house over, which
6 I believe that is 7 --

7 Q. -- 42.

8 A. 742.

9 MR. WARNER: And none of these trees is
10 proposed to be removed, correct?

11 THE WITNESS: Correct.

12 MR. WARNER: Are proposed to be removed.

13 THE WITNESS: Right. These are existing tree
14 lines that are staying.

15 Q. If you can't point out the tree lines.

16 A. Yeah. So here's 770. There's this tree line
17 right here, there's a tree line here, and there's a tree
18 line there, and they're all far away from the deck. You
19 know, so here's 742 and then right here you can sort of
20 see 731. You can sort of peek through.

21 MR. WARNER: If at all possible, can you speak
22 as directionally as possible just for the transcript?

23 THE WITNESS: Sure.

24 MR. WARNER: You know, you look at a transcript
25 and it says here this and here that and nobody knows

1 where here or there is.

2 THE WITNESS: Sure.

3 BY MR. COSTA:

4 Q. If you're facing from 770 towards the proposed
5 parking deck?

6 A. Yes, you can see part of 742 and 731.

7 Q. Okay. 742 Cedar Brook Road.

8 A. Okay. 742, the same thing from their backyard.

9 Here's the temple right here, so the deck, proposed deck,
10 will be coming out right through here. And then here,
11 this is the corner of 731.

12 Q. This may be a good point for you or Cliff to
13 point out the windows that have been put into this deck
14 and where they've been in --

15 MR. WARNER: Chris, I'm sorry, you might need
16 to get closer to the mic.

17 MR. COSTA: Yes. I think this is a good point
18 for Cliff to point out where the windows have been
19 installed in the parking deck.

20 MR. HORNER: Okay. On this side right here,
21 there's windows been installed where these -- the stairs
22 are on the one level up to the other.

23 MR. COSTA: Is that on basically the corner
24 area of the deck?

25 MR. HORNER: Correct.

1 MR. COSTA: Okay.

2 MR. HORNER: And then beyond -- there's
3 actually a better slide. You can see the windows going
4 down in perspective on the right-hand side of the garage.

5 MR. COSTA: Okay. So along Cedar Brook,
6 basically the whole section is covered with windows
7 except for areas where there are the drive aisles,
8 correct?

9 MR. HORNER: Correct.

10 MR. COSTA: Okay.

11 MR. HORNER: And the other thing that's been
12 added from the other plans is the 42-inch parapet wall
13 along the lower parking; that you can see in this view.

14 MR. COSTA: All right.

15 CHAIRMAN SWEENEY: If I might, I want to go
16 back to this picture again, which is the lower level
17 parking looking towards Old Farm Road. These windows
18 appear to have -- I don't know if it's glass, but some
19 kind of material in them.

20 MR. HORNER: Yes, glass.

21 CHAIRMAN SWEENEY: Do those have that?

22 THE WITNESS: Yes, right here.

23 MR. HORNER: That's those windows that you're
24 seeing --

25 CHAIRMAN SWEENEY: I'm talking about the

1 windows around the corner, on the other side.

2 MR. HORNER: Yes, they'll be the same windows.

3 THE WITNESS: This here is open area.

4 CHAIRMAN SWEENEY: That's what I'm trying to
5 get at. Those over there.

6 THE WITNESS: Yes, that's open.

7 CHAIRMAN SWEENEY: They're open.

8 THE WITNESS: Correct.

9 COMMISSIONER SWEENEY: Okay.

10 MR. COSTA: I'm sorry, I pulled this out of
11 that slide. I was going to get to that.

12 CHAIRMAN SWEENEY: The space is Cedar Brook.

13 MR. COSTA: I'm having a little tech problem
14 here. I'm sorry. Okay. 742 we went over.

15 BY MR. COSTA:

16 Q. All right. So this -- let me go back. So this
17 is with the houses and the garage. And then explain
18 this.

19 A. Okay. So this one here, the parking deck runs
20 right through here. It's a little -- it's hard to see,
21 but it actually is in that image.

22 Q. So it's a low -- it's a low profile that cuts
23 pretty much through the middle of the picture at the
24 lower property line?

25 A. Correct. The house, 731, is here and the deck

1 runs directly back from 731.

2 MR. WARNER: Can you point to the young trees
3 at installation for the Board?

4 THE WITNESS: They're the little dark sticks.

5 Q. Okay. So if we do the next one, it has the
6 more mature trees. So I'll go back.

7 A. You can see right here where it's light and
8 then it goes dark.

9 Q. That's where the mature trees grow in. And
10 that's where the tree line -- that's going to be planted
11 around the entire garage?

12 A. Correct. The landscape plans have an entire
13 tree line that is planted around the perimeter of the
14 deck.

15 Q. All right. This is 732. This is a house that
16 is the closest. And the elements that we're seeing, the
17 garage and the pieces of the brick patio, are going to be
18 removed, as I understand it?

19 COMMISSIONER AMIN: Are you saying that garage
20 is coming out?

21 THE WITNESS: Yes. The garage is going to be
22 removed. All this will be removed. All of those trees
23 are going to be removed.

24 BY MR. COSTA:

25 Q. And you can currently see the temple in the

1 background?

2 A. The edge of the temple is right there.

3 Q. Right. Okay. So this --

4 A. And this is -- this is why, when you look at
5 this view, that is what you will see from the back of
6 731.

7 COMMISSIONER AMIN: How far is the back of 732
8 house from this wall?

9 THE WITNESS: It's approximately 20 feet, I
10 believe. It is -- it's very close to the deck.

11 COMMISSIONER FALLONE: What kind of buffering
12 do you have at that point?

13 THE WITNESS: Excuse me?

14 COMMISSIONER FALLONE: What kind of tree
15 buffering do you have at that point proposed?

16 MR. COSTA: Okay.

17 COMMISSIONER FALLONE: That's it?

18 MR. COSTA: They're young trees. We may be
19 persuaded to add to that. And then that's mature.

20 COMMISSIONER FALLONE: Along the -- that, to
21 me, is a pinchpoint, it's only 150 feet off of Cedar
22 Brook at that point. It moves away pretty quickly, but
23 comes to a point at 732.

24 THE WITNESS: Right. And this is the part that
25 is actually screened by 731.

1 COMMISSIONER FALLONE: Yeah. 731 has a view,
2 too, because the front yard of 732 is also pretty well
3 open. Could the applicant be persuaded to plant some
4 larger trees along Cedar Brook at 732 to buffer that look
5 for 731 as well for the people driving along Cedar Brook?

6 MR. COSTA: Yes.

7 COMMISSIONER FALLONE: Because it's wide open.

8 MR. COSTA: Yeah. That was -- yes. That was,
9 in fact, with our first slides, we showed that gap and,
10 yes, we would plant in that. Yes, we could do that.

11 COMMISSIONER FALLONE: Okay. Thank you.

12 MR. WARNER: Scarlett, I see you reaching for
13 the mic. We might be thinking alike. Go ahead.

14 MS. DOYLE: My report said any buffering trees
15 that would be evergreens should not be 7 feet, they
16 should be 8 to 10s. I have that in my report, and I
17 think you agreed to work with me on that?

18 MR. COSTA: Yes.

19 MR. WARNER: And would we need a more specific
20 quantification of larger, substantially larger,
21 substantially more mature trees for this particular
22 location?

23 MS. DOYLE: Well, in terms of -- are you
24 talking about evergreen?

25 MR. WARNER: Whatever they're proposing for

1 this --

2 MS. DOYLE: Okay. In terms of evergreen, 10
3 feet is about right. If you get higher, if you get like
4 a 14-foot, my concern is that the 14-foot is not going to
5 survive and I'm not going to get them to replant it after
6 they're done with their maintenance period. So I'd
7 rather have them install it at 8 to 10 and get it
8 substantially fixed and it will have a better possibility
9 of survival. Because, as you know, after the maintenance
10 period, it's very difficult to get, not this applicant,
11 all applicants, to replace it. So I'm comfortable with 8
12 to 10s.

13 MR. WARNER: So the magnitude of the trees'
14 locations is subject to the reasonable discretion of the
15 Township planner.

16 MS. DOYLE: I'd have to see that. If the Board
17 wants to see that, that's fine, but I would have to see
18 that on a plan.

19 MR. WARNER: No, I'm saying is that the
20 stipulation that the applicant is providing to the Board?

21 MR. COSTA: We would do that, yes.

22 MR. WARNER: Thank you.

23 BY MR. COSTA:

24 Q. And then this is -- okay. So --

25 A. 728. It's the last temple property.

1 Q. Yes. So that's the existing condition,
2 correct?

3 A. Correct. So the temple is right about here.

4 Q. Right. And this is the span of the garage. I
5 guess this is the most direct line of sight --

6 A. 728 has a direct view at basically the rear
7 wall of the deck.

8 Q. Now, I am seeing windows through -- going left
9 to right. I'm seeing windows about more than
10 three-quarters of the way and then maybe no windows. Is
11 that where the -- can you explain that?

12 MR. HORNER: Correct. Where you're seeing
13 windows from the left side over to here --

14 MR. COSTA: Almost to the end of the right
15 side.

16 THE WITNESS: Correct. That last bay is
17 actually the drive aisle into the deck.

18 MR. COSTA: And so the intention of the windows
19 was to, I guess, mimic the windows on the Acura dealer
20 parking garage that's on Route 22, correct?

21 MR. HORNER: Correct.

22 MR. COSTA: And that's intended to cut down any
23 light coming out from this garage, correct?

24 MR. HORNER: Correct.

25 MS. DOYLE: Mr. Chairman, may I have the

1 privilege of adding to that?

2 CHAIRMAN SWEENEY: Yes, please.

3 MS. DOYLE: The purpose of the windows also
4 serve to muffle the interior activity for those people
5 that are in the area as well as the light and not appear
6 like an industrial parking deck. But the glass really
7 does help in mitigating any effect of people getting out
8 of their cars, banging, banging the doors, that type of
9 thing. So it does give a little more seclusion to the
10 residential users than they would have if it was, like,
11 an open deck.

12 MR. COSTA: Okay. Thank you.

13 THE WITNESS: Okay. So this is what would be
14 seen from 728. There's an existing tree line that would
15 be staying and then the trees in the back would be coming
16 out. And you can see the deck as it comes out to the
17 right of 728.

18 BY MR. COSTA:

19 Q. And it looks like over to the right, you have
20 some young trees planted?

21 A. Yes, those are some young trees.

22 Q. Are there other trees in this -- I just
23 don't -- are there other trees --

24 A. These young trees are planted along the whole
25 back side of the deck coming all the way across.

1 Q. Okay. And then the next slide shows them --

2 A. Shows them full height.

3 MR. COSTA: Cliff, if you could explain this
4 rendering. We'll make this A-17 and it is the lower
5 level parking area rendering.

6 MR. HORNER: So there's three changes in this
7 view. One is the glass. You can see it starting from
8 here over. From this point over to the right is actually
9 where you drive in. And there's another drive aisle at
10 the end.

11 The second change is the 42-inch parapet around
12 the lower level parking. And the change in the color of
13 the garage to a beige.

14 CHAIRMAN SWEENEY: Does that -- does that wall
15 that we're looking at, does it face Cedar Brook?

16 THE WITNESS: Yeah. This wall here is the wall
17 that faces Cedar Brook.

18 CHAIRMAN SWEENEY: Then what is that opening?
19 Is there an opening into the deck right there in the back
20 wall?

21 THE WITNESS: Yes.

22 MR. HORNER: That goes into the garage.

23 CHAIRMAN SWEENEY: Oh. I thought the only
24 entrances were on the southern side. I guess that's not
25 correct.

1 THE WITNESS: There are two drive aisles.

2 MR. HORNER: There's one here and there's one
3 at the end, just beyond that white truck shown in the
4 photo.

5 THE WITNESS: Right here.

6 CHAIRMAN SWEENEY: Okay. Let me ask you this
7 while we've got this picture up here. It's got nothing
8 to do with what these buildings look like. But there was
9 some -- there was an added exhibit that talked about
10 security lighting. And as I recall, there were two
11 proposed security lights for somewhere on this rear deck,
12 rear wall of the deck.

13 Can you -- can anybody show me where those
14 lights would be?

15 MR. NAGRANI: Chris, I have an exhibit.

16 MR. COSTA: Yes, we'll do it through the
17 engineer. Thank you.

18 CHAIRMAN SWEENEY: Okay, very good.

19 MR. COSTA: Any other questions on this
20 rendering?

21 I think that is all we need to show. We
22 submitted additional architectural plans, but they really
23 are almost identical to what we had before. So unless
24 the Board has questions on them, I'd like to move on to
25 our engineer.

1 CHAIRMAN SWEENEY: Okay. Before you do that,
2 does anyone else on the Board have any questions about
3 the photo sims? Jeff?

4 COMMISSIONER FOOSE: Very quickly. This is
5 more administrative than anything. Was at any time a
6 balloon test or a flag test done, kind of like an analog,
7 an old school visual test done in any of these pictures?
8 Because we've been talking about a lot of modeling. I
9 want to hear, you know, was that even considered? Was it
10 done? Are we going to see that evidence?

11 MR. COSTA: We did not do that. We went with
12 this rendering instead. So that -- that was not done.
13 We did hear that, but we thought that we could get the
14 perspective from the renderings that we have in the
15 photographs.

16 COMMISSIONER FOOSE: Got it. So no balloon
17 tests, no flag tests, no old school visualizations were
18 done.

19 MR. COSTA: No balloon tests or flag tests were
20 done, correct.

21 COMMISSIONER FOOSE: Great. Thank you.

22 MR. WARNER: If I may, is it your position that
23 what was provided would be the same or superior as far as
24 visual impact of the property? Why is it that you
25 provided what you provided versus something else?

1 MR. COSTA: Well, I think I'll let our experts
2 speak on the quality of the rendering program and the
3 accuracy of it.

4 THE WITNESS: So the rendering package and
5 program that we use, it's an architectural -- it's the
6 architectural industry's standard for the program. It's
7 not just an offshoot program. It's what most of the
8 firms in the country use.

9 MR. WARNER: And what's the name of it or how
10 would it be identified?

11 THE WITNESS: It's Autodesk Revit.

12 MR. WARNER: I'm sorry, one more.

13 THE WITNESS: It's R-E-V, as in Victor, I-T.
14 And its primary usage is for 3-D visualization.

15 MR. WARNER: Is it your position or your
16 position or both your positions that the -- that that
17 presentation would be as good, if not better, than some
18 of the alternatives that were mentioned?

19 THE WITNESS: Yes.

20 MR. HORNER: Yes.

21 MR. COSTA: The other thing that we will be
22 presenting with the engineer is a specific grading
23 showing the different grades from street level up to the
24 different levels of the garage, the distances. And we
25 take that study from three separate directions. So we

1 also address the height in that manner as well.

2 MR. WARNER: But on that note, did you two
3 witnesses utilize those elevations and those heights in
4 the context of the information you inputted into the
5 simulations that you've provided?

6 THE WITNESS: Yes. I worked with Nitin.

7 MR. HORNER: Yes.

8 MR. COSTA: That's yes.

9 CHAIRMAN SWEENEY: Any other questions from the
10 Board about the photo sims?

11 Does anyone in the audience have a question for
12 either Cliff or Sean about the photo simulations they've
13 just shown us?

14 No response.

15 Please proceed.

16 MR. COSTA: Okay. Our next witness is
17 Nitin Nagrani.

18 N I T I N N A G R A N I, having been
19 previously duly sworn, remained under oath and testified
20 as follows:

21 SECRETARY PINO: Chris, can you just make sure
22 you try to use -- unless you want to use that mic.

23 MR. COSTA: I will. Yeah, I think I'll stand
24 at the podium.

25 Mr. Nagrani has testified twice before this

1 Board. I think that --

2 MR. WARNER: He was previously sworn in.
3 Mr. Nagrani, you understand that you're under oath,
4 correct?

5 THE WITNESS: Yes.

6 MR. WARNER: Thank you.

7 And you were previously accepted by the Board
8 as an expert in the field of civil engineering. I take
9 it your license remains in good standing?

10 THE WITNESS: Yes.

11 MR. WARNER: So that the Board can be
12 comfortable in continuing to accept you as an expert in
13 that field, correct?

14 THE WITNESS: Yes.

15 MR. WARNER: Okay.

16 DIRECT-EXAMINATION

17 BY MR. COSTA:

18 Q. Okay, Nitin. If you could, start with an
19 explanation of these grading plans. And I think it's
20 probably best to start at the bottom of the plan, the
21 bottom --

22 A. Yes.

23 MR. WARNER: Will this be A-18?

24 MR. COSTA: Yes, A-18.

25 A. So this is a line-of-sight from 767 Old Farm

1 Road. So what we do -- did here is we drew an alignment
2 from the -- from 767 all the way up to the parking deck.
3 So it's an alignment with -- and in the profile -- in the
4 section view, we show whatever cuts through that
5 alignment.

6 So there are trees, there's a parking deck and
7 relative elevations of each of the features. So we start
8 with the existing house on 767 Old Farm Road. So roughly
9 that house is at elevation 180.5. That's where we start
10 here.

11 And as we move through our alignment, this is
12 Old Farm Road. We show that here. And as we continue to
13 move through the alignment, we go through the tree line
14 and there's a little bit of opening and, again, a big
15 tree line.

16 So basically the parking deck, which is roughly
17 800 feet from the house on 767 Old Farm Road, and the
18 elevation of the upper level parking deck is 170 to 172.
19 And the existing elevation of the house on 767 Old Farm
20 Road is roughly 180.

21 So basically the parking deck is actually 10
22 feet lower than the existing elevation. And, plus, you
23 have a big screen, existing screen, which is proposed to
24 remain. So basically there's nothing to be seen from the
25 house from 767 Old Farm Road to the parking deck.

1 Q. I think maybe, in summary, Old Farm Road houses
2 are less impacted because they're both further away and
3 their grade is higher or equal?

4 A. The existing grade of the houses is higher than
5 the parking deck.

6 MR. WARNER: That is -- both of those
7 statements are factually accurate with respect to all the
8 Old Farm Road homes on the -- well, on the previous
9 exhibits?

10 THE WITNESS: Well, what I'm -- here, what we
11 did is we cut through an alignment. So it's one line
12 that I'm showing here. But that's the relative
13 elevations on the Old Farm Road. So what you see in
14 these elevations is you are cutting a line, a section
15 through from the house all the way to the parking deck.
16 So you're cutting through whatever the elevation is at
17 the Old Farm Road, the house on 767, and all the way to
18 the parking deck.

19 MR. WARNER: Simple question. All those houses
20 are further away and all those houses are lower in
21 elevation than the grade for the deck, is that correct?

22 THE WITNESS: They're relatively higher than
23 the deck.

24 MR. WARNER: I'm sorry. The deck is lower,
25 correct?

1 THE WITNESS: Correct.

2 MR. WARNER: That's true for all of them,
3 correct?

4 THE WITNESS: Right.

5 MR. COSTA: And I guess the only qualifier is
6 that the actual measurement was from this particular
7 house. But if we were to review the overall grading
8 plan, we would see that --

9 THE WITNESS: That's the general elevation in
10 that area.

11 MR. COSTA: Okay.

12 BY MR. COSTA:

13 Q. So this one is A-19, I believe?

14 A. A-19?

15 Q. I'm sorry, I thought you put up -- yeah, A-19.
16 And this is a line-of-sight from where?

17 A. 767 Old Farm Road.

18 MR. WARNER: Again?

19 Q. Oh, I'm sorry, I thought you had switched. I
20 apologize. I thought you had already switched. That's
21 A-18.

22 A. A-18.

23 Q. I'm sorry, I was moving you along.

24 This is A-19 and it is a line-of-sight from
25 which property?

1 A. This is from 722 Cedar Brook Road. This is the
2 closest lot to the parking deck, Lot Number 6.

3 So, again, we started with a section starting
4 at 722 Cedar Brook Road and cutting through the parking
5 deck. So the existing elevation by the 722 Cedar Brook
6 Road is roughly 149.5. And as you can see from this
7 cross-section, there's a big strand of existing
8 vegetation and there's this blurb of cleared area and
9 there's another section of vegetation before you hit the
10 parking deck.

11 So this is the lower level parking. And as you
12 move along through the section, you see the lower and
13 upper level parking.

14 Q. And this exhibit shows the relative grades --

15 A. Correct.

16 Q. -- of the garage?

17 A. Right. The upper level garage is roughly,
18 like, 171, and the house is at 149.5. But, again,
19 there's existing vegetation in between the house and the
20 parking deck.

21 MS. DOYLE: Could you please -- Mr. Chairman,
22 may I?

23 CHAIRMAN SWEENEY: Uh-huh.

24 MS. DOYLE: Could you please give the height of
25 the upper level deck lighting, the light. How high up

1 will that be as it relates to 149.5? Will that -- will
2 the source of the light be visible?

3 THE WITNESS: I have another exhibit I can show
4 you.

5 MR. COSTA: Sure.

6 MS. DOYLE: Just so you get to it. I want the
7 Board just to get it eventually.

8 BY MR. COSTA:

9 Q. We're doing another line-of-sight, correct?

10 A. Yes.

11 Q. So this is A-20.

12 A. So that existing elevation is roughly 150,
13 149.5 for the house on 722 Cedar Brook Road. And the
14 light fixture -- so roughly the light is at elevation 172
15 and it's a 10-foot light pole. So the elevation of the
16 light fixture would be roughly 182. So comparing from
17 150 to 182.

18 MS. DOYLE: That's 30 feet.

19 THE WITNESS: Thirty-two feet high, right. So
20 if you see, I drew like a person standing at 150, like a
21 5 and 1/2 feet eye level, if a person tries to look at
22 the light fixture, it will be cutting through a big stand
23 of trees here, all the existing vegetation and proposed
24 trees.

25 And also the -- if you look at the lighting

1 plan, the spillage out beyond our property is zero. Per
2 ordinance we are allowed like a 1 footcandle spillage
3 across the property lines, but our spillage beyond the
4 property lines is zero. So in my opinion, I don't think
5 they will see any light.

6 MS. DOYLE: Okay. The importance -- the
7 purpose of the question is we know that spillage at the
8 property line, you've got zero, that's fine.

9 THE WITNESS: Correct.

10 MS. DOYLE: My concern is that those folks will
11 see the source of the light. In other words, they'll be
12 looking up into the light or they will see the source of
13 the light, which would not be picked up when you do your
14 photo metrics on the ground.

15 So if it's possible that they will see the
16 source of the light, what can be done to shield the
17 source of the light so that it's not an intrusion into
18 their homes or living spaces?

19 THE WITNESS: Because there's so many trees in
20 between, like, there's 100 feet off of existing
21 vegetation and there's secondary vegetation before we hit
22 the parking deck. So I think it will just go through the
23 trees. You might be able to see here and there, but I
24 don't think it will be a direct visual, like, of a light
25 fixture to the house.

1 MR. WARNER: Are there some downward shields --

2 THE WITNESS: These are all downward lights.

3 MR. WARNER: Is there shielding that can be
4 added to the lighting without negatively impacting the
5 use, the purpose of the light that can address the
6 concern expressed by Scarlett?

7 I apologize for jumping in, Scarlett. You can
8 probably express it better than I can.

9 MS. DOYLE: No, it's very important because
10 we're going to get those complaints if they can see that.
11 And I don't know if there's a filter that you -- these
12 are going to be LEDs likely, right?

13 THE WITNESS: Yes.

14 MS. DOYLE: So is there a filter or something
15 that we can plan now to assure these folks that if there
16 is a problem, all they have to is complain and this is
17 how you're going to solve that problem?

18 MR. WARNER: And it would be beneficial perhaps
19 not only to the neighbors, but to the individuals living
20 at the residences on the proposed consolidated lot.

21 THE WITNESS: All right. We can always install
22 house light shields on those lights if need be.

23 MR. COSTA: Can you say that more clearly?

24 THE WITNESS: House shields.

25 MR. COSTA: House shields?

1 THE WITNESS: Yes.

2 MR. COSTA: Okay. And what's the effect of the
3 house shield?

4 THE WITNESS: It would not direct light towards
5 there.

6 MS. DOYLE: Thank you.

7 MR. WARNER: We can take that as a stipulation,
8 correct?

9 THE WITNESS: What's that?

10 MR. COSTA: That's a stipulation --

11 MR. WARNER: We can take it up as a stipulation
12 on behalf of the applicant.

13 THE WITNESS: Right.

14 MR. WARNER: That if the application is
15 approved, they would have to shield the lights.

16 THE WITNESS: House shield the lights, yes.

17 MR. WARNER: Thank you.

18 MR. COSTA: And I think they would be shielded,
19 I guess, along -- as adjacent to Cedar Brook or Old Farm
20 Road?

21 THE WITNESS: Yeah, wherever the spillage --

22 MS. DOYLE: I would suggest that if there is
23 a -- the ordinance already has this, but if there is a
24 complaint for light, the Township engineer will evaluate
25 it. And if he determines that if, in fact, there is a

1 nuisance, he will then order the shielding irrespective
2 of where it is. I mean, we don't have to --

3 MR. COSTA: That's fine.

4 THE WITNESS: I can add that note to the plan,
5 also, so that it's on there.

6 MR. WARNER: Oh, A-20, that was line-of-sight,
7 that was again from the same address --

8 THE WITNESS: Yes, line-of-sight --

9 MR. WARNER: -- 722 Cedar Brook?

10 THE WITNESS: -- exhibit from Lot 6.

11 MR. WARNER: 722 Cedar Brook?

12 THE WITNESS: Correct.

13 BY MR. COSTA:

14 Q. And this is A-21?

15 A. A-21. And this is line-of-sight exhibit from
16 743 Cedar Brook. So, again, the --

17 MR. WARNER: I'm sorry, did you say 723?

18 THE WITNESS: 743.

19 MR. WARNER: Oh, okay. Thank you.

20 A. So the existing house elevation on 743 Cedar
21 Brook is roughly 155 and our parking deck is 171. And in
22 between there are existing trees and proposed trees. So,
23 I mean, this is a view where -- we also show it on the
24 architectural renderings -- where there might be a
25 slight -- you might be able to see a little bit from 743.

1 Q. Yeah, this is --

2 A. This is the one which --

3 Q. -- really from this?

4 A. Right.

5 Q. And this is also one where we propose in the
6 architectural renderings additional plantings.

7 A. Correct.

8 Q. A-22.

9 A. This is a line-of-sight from proposed Advance
10 Realty residential building. So we drew like a section
11 through the residential building, I believe it's
12 Residential Building 10 that is the closest to our
13 property. So basically the elevation is like 174 and our
14 parking deck elevation is roughly 172. So it's kind of
15 roughly the same elevation if not slightly lower than the
16 Advance Realty site. And, again, as Sean showed on the
17 renderings, there's existing trees. And this will be
18 kind of an extension of a surface parking.

19 MR. WARNER: And if I -- do you know -- well,
20 the last proposed Residential Building Number 10 on the
21 Advance Realty plans, for lack of a better term, how many
22 stories of a residential building was that and how high
23 was it, if you recall or know?

24 THE WITNESS: I'm not sure. I know the
25 elevation was 174, but that was a ground elevation,

1 proposed ground elevation.

2 MR. WARNER: Ground elevation. Right. You
3 don't know what the top of the building would be?

4 THE WITNESS: No.

5 MR. COSTA: I mean, they were three or four
6 stories. I don't know exactly, but they weren't one
7 story. They were apartment buildings.

8 THE WITNESS: So from Advance Realty, and,
9 again, there's Peters Brook stream that's in between the
10 two properties. And we have trees on the temple
11 property, but there's no trees or vegetation on the
12 Advance Realty site. So it will be blocked through this
13 existing vegetation on temple property.

14 MR. WARNER: Do you know, and if so do you
15 recall, what proposed tree line, if any, was on the
16 Advance Realty property?

17 THE WITNESS: They don't have any trees there.

18 MS. DOYLE: Perhaps I should comment on this
19 because the residential side was going -- the request was
20 to go in for preliminary only. And their information was
21 scant on the residential side.

22 So to ask these folks to comment on it would
23 not be fair because they were not on the plans.

24 MR. WARNER: Okay. Thank you.

25 MR. COSTA: Another factor, just to touch on

1 Advance Realty, which I may not have mentioned before,
2 that has a build-out that's going to be several years
3 from now, too. So it is not an immediate build. If we
4 are approved with this application, this would be a 2020
5 construction project. So there's a difference
6 timingwise, too, as that application develops. We're
7 unsure of what --

8 MR. WARNER: When you say "this" would be a
9 2020 build-out, you're talking about the subject
10 application --

11 MR. COSTA: Correct.

12 MR. WARNER: -- for the temple would be?

13 MR. COSTA: Right. Whereas the other one is
14 unknown at this point, but based on what information we
15 have, it's a phased development over several years.

16 THE WITNESS: Shall we go through the letters?

17 MR. COSTA: Yes.

18 BY MR. COSTA:

19 Q. If you could go through the review letters.

20 A. Do you want me to go point by point or just
21 where it says further testimony is required, those items?

22 CHAIRMAN SWEENEY: Which one are you looking at
23 first?

24 THE WITNESS: Engineer's letter.

25 CHAIRMAN SWEENEY: Okay. That's dated March

1 18, 2019?

2 THE WITNESS: That's correct.

3 CHAIRMAN SWEENEY: All right. I don't think
4 there's a need to go through them point by point.
5 However, there are a number of areas where additional
6 testimony is required and we'll touch on those.

7 Other than those points, though, we will assume
8 that you're going to comply with whatever comments and/or
9 suggestions are included in this report unless you tell
10 us differently now.

11 THE WITNESS: We will comply.

12 CHAIRMAN SWEENEY: All right. Good. Let's --

13 MR. COSTA: And may I -- may I recommend that
14 perhaps the witness goes through the points he thinks
15 need to be addressed. Hopefully we'll catch everything
16 and then we can --

17 CHAIRMAN SWEENEY: That may be -- I mean, I
18 don't have a problem with that. I suspect, though, he
19 may want to touch on more than I do, but if that's what
20 you want to do, go right ahead.

21 MR. COSTA: Okay. That makes me less
22 enthusiastic about it, but go ahead.

23 THE WITNESS: Comment Number 5, this is in
24 regards to the NJDOT permits and "testimony to this fact
25 should be provided in the course of the hearing

1 addressing traffic impacts."

2 Yeah, we confirm it's DOT. The --

3 MR. FORSYTHE: Excuse me, this is under Policy
4 Item 5?

5 THE WITNESS: Yes.

6 MR. FORSYTHE: Because there's a lot of Item 5s
7 as you go through --

8 THE WITNESS: I'm sorry, yeah, it's under
9 policy.

10 So we contacted DOT. And since we're not
11 impacting any drainage or any curb or anything on the
12 State highway, we do not need a DOT permit.

13 MR. WARNER: Is it safe to assume that 3 and 4,
14 since it says "further testimony to be provided," that's
15 going to be provided by the traffic engineer?

16 THE WITNESS: That's correct.

17 MR. WARNER: Okay. Thank you.

18 THE WITNESS: Under -- this is Number 7. So
19 this is regarding the easements. Now, we're proposing a
20 sanitary sewer connection to the Cedar Brook Road and
21 storm sewer connection. And those utilities will be
22 privately owned. So in our opinion, no new easements
23 will be required.

24 CHAIRMAN SWEENEY: Is that all right?

25 MR. FORSYTHE: Yeah.

1 THE WITNESS: And under Site Plan B, Comment
2 Number 1, it looks like there's some confusion on the
3 total number of parking spaces. In the letter it's
4 called out 1,110 parking spaces. Our count is 1,047.
5 And I double-checked that --

6 CHAIRMAN SWEENEY: Don't you include somewhere
7 on your plans a tabulation that gets to 1,047? Because I
8 know that has changed since your earlier submission.

9 THE WITNESS: Last time we had 1,049. We lost
10 two spaces.

11 CHAIRMAN SWEENEY: Right, I know that.

12 THE WITNESS: I have the summary. I can
13 distribute that.

14 MR. WARNER: The -- I'm sorry to go backwards,
15 but Number 9 under whatever the last one -- on page 5, is
16 somebody going to be presenting that exhibit other than
17 you on snowplowing? It said should be presented at the
18 March 19 meeting.

19 THE WITNESS: Okay. I can present that
20 exhibit. I have it.

21 MR. WARNER: You have it?

22 MR. COSTA: Okay. So I'm going to hold off
23 marking the parking summary.

24 THE WITNESS: Sure.

25 MR. COSTA: So this next exhibit is going to be

1 A-23.

2 BY MR. COSTA:

3 Q. And what is that called?

4 A. Snow storage area exhibit.

5 Q. Snow storage area exhibit?

6 A. Yes.

7 Q. And A-24 will be a parking summary.

8 A. A-23.

9 SECRETARY PINO: Can you just say A-23 again
10 for the record?

11 MR. COSTA: Yes. Snow storage area exhibit.

12 MR. FORSYTHE: Is there a last revised date on
13 that or a first date on that one?

14 THE WITNESS: It's dated March 1st, 2019. It's
15 called snow storage area exhibit.

16 MR. WARNER: Okay.

17 THE WITNESS: So on this map I have identified
18 the areas on the parking deck where we will keep the snow
19 until it melts and goes to the underground detention
20 system. The purpose is for it to be collected in the
21 underground system so it can be treated for water
22 quality. So across the deck and the surface parking area
23 I have identified the areas for the snow storage. That's
24 the purpose for this exhibit.

25 MR. FORSYTHE: Can you point them out on the

1 exhibit? Because I can't really see from here.

2 THE WITNESS: Sure. For the area near the
3 prior house of worship, it's on the northern parking
4 aisle. And in the parking deck, on the upper level,
5 it's -- it's spread in four different places. One is
6 along the western edge and other is in the middle aisle,
7 parking aisle.

8 A. As far as the number of parking spaces, so
9 total number of parking spaces after these improvements
10 will be 1,047. Currently existing there are 439 parking
11 spaces. Forty parking spaces are proposed to be removed
12 and so the net proposed parking spaces are 648. So the
13 net of 1,047 spaces is going to be at the end of the
14 project.

15 COMMISSIONER AMIN: Forty spaces, where exactly
16 are they going to be taken out from?

17 THE WITNESS: Let me pull up the plans. So the
18 plans of the prior house of worship, there are 24 parking
19 spaces, those are proposed to be removed.

20 BY MR. COSTA:

21 Q. Did we mark that exhibit? Where are we?

22 A. Do we need to mark that exhibit?

23 Q. Is that a new plan, though? Have you made
24 changes to it since --

25 A. No.

1 Q. Okay. So that's the original site plan, okay.

2 COMMISSIONER AMIN: That's when you come
3 from Route 206 down --

4 THE WITNESS: This is coming from Old Farm
5 Road.

6 COMMISSIONER AMIN: Okay.

7 THE WITNESS: So the prior house of worship or
8 the Cultural Center building. So to the north of that,
9 there's a small parking spot. It contains 24 spaces.

10 And towards the -- let's say south of the
11 Cultural Center building, we are proposing a dumpster
12 location. So five spaces on either side of the aisle are
13 proposed to be removed. So that brings to 24 plus ten,
14 34. And just to the west of the Cultural Center, six
15 parking spaces are proposed to be removed and they will
16 be converted to ADA handicap-accessible spaces. So that
17 brings us to 40 spaces that are proposed to be removed.

18 And if you count all the proposed spaces, they
19 add up to 648. And that's how we arrive at 1,047.

20 MS. DOYLE: Mr. Chairman, may I ask something?

21 CHAIRMAN SWEENEY: Yes, please, Scarlett.

22 MS. DOYLE: You're in the area, so I'm bringing
23 it up now. The old or the original house of worship,
24 that tiny little building that was supposed to be torn
25 down, but your application requests that it remain?

1 THE WITNESS: Correct.

2 MS. DOYLE: Okay. In front of that -- by that,
3 I mean from that building towards Old Farm Road, you're
4 going to -- it sounds like you're going to remove spaces.
5 But are you going to add spaces there to expand that
6 parking lot?

7 THE WITNESS: Yes, 86 spaces will be added in
8 that area.

9 MS. DOYLE: Okay. From those 86 spaces they're
10 going towards Old Farm Road, correct?

11 THE WITNESS: Yes.

12 MS. DOYLE: Okay. How much of the tree line
13 between Old Farm Road, the right-of-way of Old Farm Road
14 now onto your property, what is the existing dimension,
15 the depth of the trees and what will the proposed depth
16 of the trees be once you have installed those spaces?

17 THE WITNESS: So the existing is 65.3.

18 MS. DOYLE: That's the width of the trees?

19 THE WITNESS: That's the existing setback of
20 the parking lot right now.

21 MS. DOYLE: No, no. I'm looking at how much of
22 the trees will be removed in order to install the 88
23 spaces, the 80-some spaces, and how much of the trees
24 will remain between your property line and where those
25 new spaces start?

1 THE WITNESS: So the close -- so the existing
2 parking is at an angle. And -- it will be easier to show
3 you. So the existing parking lot is at an angle. So the
4 closest point of the parking lot to the property line is
5 65.3. And if I show you the proposed --

6 MR. COSTA: Now, if you could just tell us what
7 you're looking at right now. What page of the site plan
8 are you looking at now?

9 THE WITNESS: The site plan Sheet Number 3 of
10 26.

11 And the closest point here is 80.9 feet.

12 MS. DOYLE: How much?

13 THE WITNESS: Eighty.

14 MS. DOYLE: Eighty, okay. So in other words,
15 there will be 80 feet of undisturbed vegetation, trees,
16 between the property line and your finished product of
17 the parking deck, correct?

18 THE WITNESS: Yes.

19 MS. DOYLE: Okay. Is all of that treed?

20 THE WITNESS: Yes, it is.

21 MS. DOYLE: Thank you.

22 THE WITNESS: And plus we are proposing much
23 more extensive landscaping in that area as well.

24 MS. DOYLE: Yes, we'll go through that.

25 CHAIRMAN SWEENEY: How about under traffic

1 accessways and parking, Number 7. You've touched on this
2 in the past. Tell us again that there's going to be no
3 pedestrian connection between the temple and Lots 3, 4 or
4 5.

5 THE WITNESS: That is true. There is no
6 pedestrian or vehicular connection between Lots 3, 4, 5
7 and the parking deck.

8 CHAIRMAN SWEENEY: Thank you.

9 MR. COSTA: And we can certainly stipulate to
10 that.

11 CHAIRMAN SWEENEY: I think the next points that
12 I had marked that I was looking for some comment is on
13 page 10 and they're all about parking. So I don't know
14 if you want to talk to those or if you want your parking
15 guy to talk to those. I'm looking at letters A and B at
16 the top of page 10.

17 THE WITNESS: Those will be the traffic.

18 MR. WARNER: I think it specifically refers to
19 the traffic impact assessment.

20 MR. COSTA: That's right. We'll have the
21 traffic engineer address those.

22 THE WITNESS: The traffic engineer will handle
23 those.

24 CHAIRMAN SWEENEY: Mr. Nagrani, those are all
25 the points that I had marked looking for some additional

1 comments from you unless you want to throw some more out
2 there. That's fine, too.

3 THE WITNESS: I think those were it. I can go
4 to the planner's letter.

5 MR. WARNER: Just again, though, everything
6 elsewhere where there were open items for comment, the
7 Board is taking your blanket statement as a stipulation
8 to all of those.

9 THE WITNESS: Yes, we'll comply.

10 MR. WARNER: Thank you.

11 CHAIRMAN SWEENEY: Now, the planner's letter
12 that we're talking about from Scarlett Doyle and dated
13 March 14th, correct?

14 MR. COSTA: Correct.

15 CHAIRMAN SWEENEY: Okay.

16 MR. COSTA: The early part of the letter
17 addresses the different variance and waiver relief, which
18 I would like to leave to our planner, although we're
19 certainly open to answering any questions.

20 CHAIRMAN SWEENEY: I didn't have anything that
21 I was going to ask you to comment on until page 7.

22 THE WITNESS: Okay. I'm on page number 6 where
23 it says, on the chart, "three plants per 10 linear feet,
24 testimony is needed" --

25 CHAIRMAN SWEENEY: Yeah. I -- quite frankly,

1 when we touched on that same point at an earlier meeting,
2 you indicated that you would comply.

3 THE WITNESS: Correct.

4 CHAIRMAN SWEENEY: But I believe in your
5 letter, you stated you wanted a waiver. So I'm not sure
6 what it is you want.

7 MR. WARNER: And, I'm sorry, which one is this
8 Mr. Chairman?

9 CHAIRMAN SWEENEY: We're talking about the
10 point under three plants per 10 linear feet against
11 residential. It's on page 6. In Scarlett's table, it's
12 the -- one, two, three, four, five -- sixth row across.

13 THE WITNESS: Well, this one, there's a waiver
14 needed on this one because there's existing vegetation
15 between the residential properties that we want to keep.

16 MS. DOYLE: Why don't you show the Board where
17 because clearly that's important to the residents.

18 THE WITNESS: What's that?

19 CHAIRMAN SWEENEY: Tell us what it is we're
20 talking about, "against residential."

21 MR. COSTA: Be specific as to what residential
22 plantings we're trying to keep. Is this -- this is a
23 site plan that we've used before, correct?

24 THE WITNESS: This is updated.

25 MR. COSTA: So this has been updated. Let's

1 mark this as a new exhibit. We're on A-25?

2 MR. WARNER: Yep.

3 BY MR. COSTA:

4 Q. And what is it, colorized site plan?

5 A. Yeah, colorized rendering.

6 Q. Colorized rendering. And what's the date on
7 this?

8 A. March 14th, 2019.

9 Q. Okay. March 14th, 2019.

10 MR. WARNER: Does it correlate to any other
11 site plan?

12 THE WITNESS: Yeah, this is the overall site
13 plan which was submitted. It's just a colorized
14 rendering of it, of the plan view.

15 BY MR. COSTA:

16 Q. Is this the most recent site plan we submitted?

17 A. Yes, it is.

18 Q. Okay. So this is updated from the last
19 hearing?

20 A. Yeah, because we moved the trash compactor from
21 the flood hazard easement to outside.

22 Q. Okay.

23 A. So if you look at the existing vegetation
24 between temple property and Lot 6, the darker represents
25 like existing tree line. That's what I meant when I said

1 existing vegetation is to be preserved. That's where I
2 was saying we need a waiver because there is existing
3 vegetation. And we can supplement more trees as needed.
4 We can work with the planner to plant more trees, but I'm
5 not sure if we need three for every 10 linear feet.

6 MS. DOYLE: This is my concern. The trees that
7 are in that area, if they're deciduous trees, the canopy
8 is high and you have browsing and you have dead limbs in
9 trees that are on the forest floor, which is fine. But
10 the problem is when people get -- feel this feeling of
11 intrusion, it's in the first 6 feet. And so when you
12 don't add that buffering, you're not getting the first 6
13 feet. You're expecting them to look high, but their
14 backyards or their yards are affected by the first 6
15 feet. So I'm a little uncomfortable with recommending
16 that you don't put those buffers there.

17 MR. COSTA: We don't have an objection to
18 putting those buffers in. I think we probably just need
19 to work with you so that we're putting them in a way that
20 doesn't disturb the existing trees.

21 MS. DOYLE: I would suggest, then, that if
22 we're going to do it that way, that putting it on a plan
23 is one thing, but we really have to do it in the field as
24 well and that those plants should be installed prior to
25 receipt of a TCO so that we're sure that they get put in,

1 if that's reasonable to you.

2 MR. COSTA: That's acceptable.

3 MR. WARNER: And just so I understand, then,
4 technically we're still asking for a waiver, it's just
5 the magnitude of the waiver is a little uncertain? But
6 it's all going to be subject to the review and approval
7 of the Township planner within her reasonable discretion.

8 MS. DOYLE: That's up to the Board. I'm
9 telling you because --

10 CHAIRMAN SWEENEY: No, that's exactly right.

11 MR. WARNER: But there's still a waiver
12 technically being requested, correct, Scarlett?

13 MS. DOYLE: It is and it's up to the Board to
14 see whether they wish to do that.

15 MR. WARNER: Oh, absolutely.

16 MR. COSTA: Well, let me just explore that. Is
17 there a way to do this planting without a waiver?
18 Because we're not objecting to the planting. We're just
19 trying to plant in a way that preserves the existing
20 trees.

21 MR. WARNER: Are you agreeing to three plants
22 for every 10 linear feet I guess is the question. If
23 you're not, then it's a waiver, but you're offering
24 something to resolve it.

25 MR. COSTA: We'll plant every 10 linear feet.

1 That's fine. I mean --

2 MS. DOYLE: And then we can adjust as needed.

3 MR. COSTA: That's fine.

4 MS. DOYLE: But, in other words, you'll give
5 the number of plants that are required?

6 MR. COSTA: That's fine.

7 MR. WARNER: So now we're back to no waiver for
8 that one?

9 MS. DOYLE: Yes.

10 MR. COSTA: That's fine.

11 MS. DOYLE: Thank you.

12 MR. WARNER: We'll still take the stip, though.

13 MR. COSTA: The stip?

14 MR. WARNER: Stipulation, the subject to
15 location.

16 MR. COSTA: That's fine.

17 MR. WARNER: Subject to review and approval of
18 the Township planner.

19 MR. COSTA: Correct.

20 COMMISSIONER AMIN: Basically, the way I
21 understand, it's a waiver, but you're putting in three
22 plants per 10 feet, right?

23 MR. COSTA: Correct.

24 COMMISSIONER AMIN: But you will work with
25 Scarlett to decide where --

1 MR. COSTA: Where they go.

2 MR. WARNER: Right. Yeah, so it's technically
3 not a waiver anymore.

4 MR. COSTA: Correct.

5 MS. DOYLE: It will be in a stag fashion.

6 COMMISSIONER AMIN: So no waiver.

7 MR. WARNER: Got it. Thank you.

8 CHAIRMAN SWEENEY: Can we go to page 7,
9 general, Number 1. I think you've done this. You've
10 shown us an aerial. You've looked at the proximity of
11 the parking deck to the residential buildings at COE as
12 well as the R & D buildings at COE. Right, you did that?

13 THE WITNESS: Yes, that was done by our
14 architect.

15 CHAIRMAN SWEENEY: Okay. The next one I have
16 noted is Number 3, and that's about the encroachment on
17 the flood hazard easement, the municipality's flood
18 hazard easement.

19 I know there's been some discussion of this in
20 the past. I don't think, though, that, Tom, I've asked
21 you if this is an issue or not that we need to be
22 concerned with.

23 MR. FORSYTHE: No, it's not. There had been
24 two encroachments before: One was the dumpster location
25 that they've relocated to the other side of the site.

1 The other is just a little bit of the parking deck, which
2 is very minimal --

3 THE WITNESS: It's really minor. It's like 400
4 square feet, like .009 acres. It's like very minimal
5 amount.

6 CHAIRMAN SWEENEY: All right. So we're okay
7 with that. All right.

8 The next one I had noted is Number 5 under
9 general. And this deals with is there going to be some
10 kind of access that would encourage people to park on
11 lot -- I think, Scarlett, you meant Lot 4. You wrote
12 down Lot 5.

13 MS. DOYLE: Yes, I think it's on the next page,
14 I have a little photo scanned from your plans, and I know
15 there's some topographic issues. But you specified that
16 there will be no -- there will be no entrance of vehicles
17 or pedestrians from that road onto --

18 THE WITNESS: Correct. Because what you're
19 seeing on there, what she marked with an arrow, that's an
20 existing condition plan. Those -- all garage and
21 driveways, everything is proposed to be removed and
22 that's where the deck is going to be constructed. That's
23 an existing condition which is -- and we call out those
24 as existing to be removed.

25 MS. DOYLE: Are you going to take out the

1 parking area there?

2 THE WITNESS: Yeah, this old garage.

3 MS. DOYLE: Will it be grassed over?

4 THE WITNESS: What's that?

5 MS. DOYLE: Well, you're taking down
6 structures, buildings, but I didn't see that you're going
7 to be removing the gravel.

8 THE WITNESS: Yeah, the gravel parking --
9 that's where the parking deck is going. So it's on --
10 it's on this lot, Lot 4. This is an extension right
11 there. So that's where the parking deck is coming.

12 MR. COSTA: And on that area, you saw from the
13 architectural rendering, it was a significantly high
14 wall, so that would not be an area where people could
15 access.

16 MS. DOYLE: It relates to being a permitted
17 use. So if you say there's not going to be any access,
18 we're good.

19 THE WITNESS: No access.

20 MR. COSTA: There absolutely will not be.

21 CHAIRMAN SWEENEY: Mr. Nagrani, the next one I
22 had noted is Number 8 and it's about the handicap ramp
23 grading in front of the prior house of worship. Just
24 tell us a little bit about what's going on there, please.

25 THE WITNESS: We have provided handicap ramps.

1 And also all the details have been added on Sheet Number
2 26 of our plans. So there might not be shots on the
3 grading plan because we included, like, a blowup version,
4 like 1 inch equals 10 feet so everybody can read those.
5 Those are on Sheet Number 26.

6 CHAIRMAN SWEENEY: It's all there.

7 THE WITNESS: Yes.

8 CHAIRMAN SWEENEY: All right. Mr. Nagrani, if
9 there's anything else on page 7 or page 8 that you wanted
10 to address, go right ahead. I didn't have anything else.

11 BY MR. COSTA:

12 Q. I wanted to bring you back to page 6 as well.

13 A. This one?

14 Q. Yeah. So we're back on page 6 in the chart.

15 A. And we are looking at the parking lot trees.
16 Eight trees required and it says six provided. During
17 these last revisions, we provided two more trees, so we
18 do have eight trees in the parking lot north of the prior
19 house of worship.

20 MS. DOYLE: Okay.

21 MR. WARNER: So that's another waiver that's
22 eliminated -- another required waiver that's going to be
23 eliminated.

24 MR. COSTA: Correct.

25 THE WITNESS: And the other thing is the

1 lighting levels. Required 1.5 footcandles average
2 maintained and we have 1.5 footcandles average lighting
3 in the area, parking lot north of the prior house of
4 worship and 2.1 footcandles on the upper and lower decks.

5 MS. DOYLE: And the 2.1 is where the problem
6 arises. And this is not new to most applications. This
7 was discussed. What does 1.5 average mean? The
8 engineers stated very clearly, the township engineer --

9 and I know Mr. Forsythe agrees -- 1.5 average means 1.5.
10 It doesn't mean 1.4 and it doesn't mean 1.6. So I would
11 suggest that you just simply give the rationale as to why
12 it has to be the 2 and the Board will make a decision.
13 It's a very, very difficult standard to meet.

14 THE WITNESS: Yeah. Because 1.5 everywhere
15 definitely cannot be met. So the footcandle if you
16 measure right underneath the light would be higher. And
17 if you measure a footcandle which is, like, 15 feet away
18 from the light fixture, it would be significantly lower.

19 MS. DOYLE: Yeah, but this is average. Average
20 --

21 THE WITNESS: So average, we run the
22 calculations on all the impervious, all the parking area
23 and the sidewalks. That's where the program tells us
24 what's an average footcandle based on -- like, some areas
25 is 5, some areas is .7. So the average footcandle in the

1 parking area is 2.1. That's what we have.

2 COMMISSIONER AMIN: Why is it 2.1 and not 1.5?
3 Isn't 2.1 a little --

4 THE WITNESS: It's not too high, but it's more
5 than 1.5. It doesn't say it has to be only 1.5, but it's
6 greater than 1.5. I would think it's more safe for
7 pedestrians and people.

8 MS. DOYLE: I'm not going to debate because I'm
9 not really qualified to debate the 2. However, there are
10 applicants that come before the Board that have LED
11 lighting, like you're proposing, and they have a tablet
12 that they bring out in the field and they can modulate
13 that lighting to get the 1.5. So we do have applicants
14 that come here to the town and they say we will meet the
15 1.5 because we can jigger it, if you will, to get there.

16 THE WITNESS: But that's an average, you're
17 saying, 1.5, right?

18 MS. DOYLE: The average of 1.5, yes.

19 THE WITNESS: Right. So it won't be 1.5
20 everywhere, but average 1.5, we can try to pin it down to
21 1.5 if that's what is needed.

22 MR. WARNER: You have that modulating ability?

23 THE WITNESS: I'll have to change maybe the
24 light fixture, like the wattage of the bulbs, instead of
25 what I'm proposing, lower the wattage so that it

1 changes -- lowers the average to 1.5.

2 MR. WARNER: Do you feel comfortable that you
3 can remove your request for that waiver, then, and then
4 comply?

5 THE WITNESS: Yeah, I think I'll be able to do
6 that.

7 MR. WARNER: That's a yes?

8 THE WITNESS: Yes.

9 CHAIRMAN SWEENEY: While we're talking about
10 lights, I don't believe this is in Scarlett's report. I
11 think it was either our last meeting or the one before
12 that, I asked about the significant number of lights that
13 remain lit after 10:30 when they're supposed to go off.
14 And you said you'd put together an exhibit showing --

15 THE WITNESS: Correct.

16 CHAIRMAN SWEENEY: -- emergency lights,
17 security lights. And I think there were 14 or so such
18 lights noted on that exhibit. And of those 14 or so,
19 seven are existing, is that right? About right?

20 MR. COSTA: So this is a new -- a new exhibit
21 from our last set. So this will be --

22 MR. WARNER: Twenty-six, I think.

23 MR. COSTA: -- A-26. What's it called and
24 what's it state?

25 THE WITNESS: It's called security lighting

1 exhibit. It's dated March 1st, 2019.

2 CHAIRMAN SWEENEY: And it notes 14 existing and
3 proposed security lights, eight of which are existing,
4 right? All the other lights are supposed to go off at
5 10:30, right?

6 THE WITNESS: So every other light except those
7 specified on this exhibit are supposed to be turned off
8 at 10:30.

9 CHAIRMAN SWEENEY: Okay. I took a ride over to
10 the temple last night after 11 p.m. and every light was
11 on. Every light on every pole, on every driveway, on
12 every walkway around every building was on. Help me
13 understand why you're not complying with this. This is
14 the third time I've asked. What's the problem? Has this
15 been going on for ten years, all of those lights?

16 THE WITNESS: The applicant says they're on a
17 timer --

18 MR. COSTA: We can stipulate that we'll correct
19 the timer so that they go off.

20 CHAIRMAN SWEENEY: Okay. When will it be
21 corrected?

22 MR. COSTA: Within two weeks. We just need to
23 make sure that's not a technical issue.

24 MR. WARNER: We're 35 minutes away from 10:30.

25 MR. COSTA: It won't be corrected before 10:30,

1 but within two weeks we can correct that.

2 CHAIRMAN SWEENEY: Within two weeks. Okay.

3 Thank you.

4 THE WITNESS: Any other questions on the
5 lighting, security lighting exhibit?

6 CHAIRMAN SWEENEY: You need a break?

7 Your stenographer needs a break, so we're going
8 to take a ten-minute break.

9 (Whereupon, a recess is taken.)

10 CHAIRMAN SWEENEY: Jackie, would you call the
11 roll, please?

12 SECRETARY PINO: Ms. Amin?

13 COMMISSIONER AMIN: Yeah.

14 SECRETARY PINO: Roll call.

15 COMMISSIONER AMIN: I'm here.

16 SECRETARY PINO: Mr. Kirsh?

17 COMMISSIONER KIRSH: Here.

18 SECRETARY PINO: Chairman Sweeney?

19 CHAIRMAN SWEENEY: Here.

20 SECRETARY PINO: Mr. Weideli?

21 COMMISSIONER WEIDELI: Here.

22 SECRETARY PINO: Ms. Guttshall?

23 COMMISSIONER GUTTSCHALL: Here.

24 SECRETARY PINO: Mr. Fallone?

25 COMMISSIONER FALLONE: Here.

1 SECRETARY PINO: Mr. Foose?

2 COMMISSIONER FOOSE: Here.

3 SECRETARY PINO: Mr. Ahearn?

4 COMMISSIONER AHEARN: Here.

5 CHAIRMAN SWEENEY: Okay. Mr. Nagrani, I think
6 we were in the midst of going through Scarlett's revised
7 report.

8 ~~The next point that I had wanted to address is~~
9 on page 9 of her report, General Number 11. And this
10 is -- you apparently already agreed to settle up any
11 outstanding code concerns. It's been brought to my
12 attention that there are some 27 open construction
13 permits at the temple. You need to close them all.

14 THE WITNESS: Okay.

15 CHAIRMAN SWEENEY: All right. Do you agree to
16 that?

17

18 MR. CHAVA: We are working -- we are in the
19 process.

20 THE WITNESS: Okay, yes.

21 CHAIRMAN SWEENEY: You will close them all?

22 THE WITNESS: Yes.

23 CHAIRMAN SWEENEY: Thank you. Before they get
24 their memorialization.

25 Also, there's an enormous amount of debris that

1 Scarlett noted. When I was back there yesterday, it
2 looked as though you'd started cleaning that up.

3 THE WITNESS: Yeah, before the CO they will
4 remove all the debris.

5 CHAIRMAN SWEENEY: Just make sure that all gets
6 done. All right?

7 THE WITNESS: Yes.

8 CHAIRMAN SWEENEY: Thank you very much.

9 MR. WARNER: Is the time frame on that per the
10 stipulation prior to -- what are we thinking?

11 MR. COSTA: I want to just be clear on that
12 because there are two different things.

13 MS. DOYLE: If the applicant is being required
14 to finish up all of the building permits, one would think
15 that the debris that's there -- and there's a lot of it
16 there -- that that could be removed prior to the
17 commencement of construction maybe?

18 MR. COSTA: We can do that. And also the --
19 that, certainly we can do. And the closing out of the
20 permits, I know that can take a little time. And I heard
21 you say prior to memorialization.

22 CHAIRMAN SWEENEY: Well, let's say prior to the
23 start of construction.

24 MR. COSTA: That's fine. I just wanted to
25 clarify that.

1 CHAIRMAN SWEENEY: Very good.

2 MR. COSTA: Okay.

3 THE WITNESS: Number 17 --

4 CHAIRMAN SWEENEY: Yeah, that's the next one I
5 had indicated, also. So that your traffic guy's going to
6 talk about traffic.

7 THE WITNESS: Yes. The off-site parking, there
8 will be parking at Sanofi.

9 CHAIRMAN SWEENEY: Have you ever used any of
10 the COE property for parking in the past?

11 MR. COSTA: Have you ever used any of the
12 Advance Realty --

13 MR. CHAVA: For what?

14 MR. COSTA: For overflow parking. Have you
15 used Advance Realty for overflow parking in the past?

16 MR. CHAVA: Yeah, we have used it.

17 MR. COSTA: Okay. But you'll be using Sanofi
18 now, correct?

19 MR. CHAVA: Sanofi we use one a year for New
20 Year's.

21 MR. COSTA: For New Year's, okay, which is the
22 only time you need off-site parking. Okay.

23 So, yes, the parking for New Year's will be at
24 Sanofi.

25 MR. WARNER: I'm sorry, for New Year's?

1 MR. COSTA: For the New Year's celebration.

2 MR. WARNER: The next one.

3 MR. COSTA: Yes. Each year New Year's
4 celebration, we're seeking the off-site parking for one
5 event each year.

6 MR. WARNER: Right, New Year's day.

7 MR. COSTA: Right.

8 MR. WARNER: And pardon my ignorance, but --

9 CHAIRMAN SWEENEY: Excuse me? I have no idea
10 when Sanofi is going to be here.

11 There were issues on this New Year's day, but
12 we can talk about those with the traffic expert.

13 COMMISSIONER KIRSH: Can I ask a question about
14 New Year's day? After you anticipated the anticipated
15 volume on New Year's day, presuming that we grant relief
16 for the parking structure, how many more spots are needed
17 on that one particularly high capacity day?

18 MR. COSTA: I'm going to let our traffic
19 engineer discuss that, but my understanding is it's
20 spots, but it's also the inflow and outflow. So it's
21 more than spots. It's Sanofi has a larger aisle to go in
22 and out for traffic. So it's a different -- it's a
23 different issue than just the number of spots.

24 CHAIRMAN SWEENEY: And I think -- I don't
25 recall where it was, but I guess it was in the revised

1 engineer's report, required or suggested strongly that we
2 come up with -- that the temple comes up with a traffic
3 management and a parking management report. What are you
4 going to do if you're not using off-site parking and the
5 garage fills up? How are you going to handle it? Those
6 kind of deals. But we'll talk about that with the
7 traffic guy.

8 MR. COSTA: Okay.

9 CHAIRMAN SWEENEY: All right. The next points
10 that I had noted were on page 11 and they deal with
11 landscaping. The first one, Number 20, Scarlett, was it
12 7 to 8 or 8 to 10 feet you wanted for now?

13 MS. DOYLE: Eight to ten.

14 CHAIRMAN SWEENEY: Eight to ten. So we'll
15 change that.

16 THE WITNESS: Yes.

17 CHAIRMAN SWEENEY: Are you all right with that?

18 THE WITNESS: Yes.

19 CHAIRMAN SWEENEY: Okay. And the upper deck
20 lighting, I think we talked about this earlier also,
21 Scarlett, right?

22 MS. DOYLE: Correct.

23 CHAIRMAN SWEENEY: Okay. The landscaping that
24 I had just mentioned is actually mentioned on page 12 in
25 a couple different spots. And I think the concern here

1 is, can you give Scarlett the authorization to handle
2 with -- working with you, whatever gaps appear in the
3 buffers that you plant? And even if they show up shortly
4 after all construction is finished, let's let Scarlett,
5 working in conjunction with your folks, handle all those
6 issues.

7 Are you good with that?

8 MR. COSTA: Yes.

9 CHAIRMAN SWEENEY: Okay.

10 MR. COSTA: Correct.

11 CHAIRMAN SWEENEY: And that also applies to the
12 screening around Lot 12. Okay?

13 THE WITNESS: Yes.

14 CHAIRMAN SWEENEY: And you reviewed the
15 line-of-sight exhibit. So that was it as far as what I
16 had noted.

17 Was there anything else, Mr. Nagrani, or,
18 Chris, that you wanted to talk to in Scarlett's revised
19 report?

20 THE WITNESS: No, I think that's it. We'll
21 comply with those comments.

22 CHAIRMAN SWEENEY: What I would like to do,
23 then, is go next to your letter of March 7th. It raised
24 a couple of questions in my mind. I had issues about the
25 flood hazard easement, but we've dealt with that.

1 There was a question about the composition of
2 your pavement, but we're okay with that.

3 I'm looking at Number 11, 11G. And I don't
4 know what page it's on because you don't have numbers.
5 It's about proposed inlets on the upper level that are
6 going to be provided on a structural plan that will be
7 submitted at a separate date, a later date.

8 THE WITNESS: Yes.

9 CHAIRMAN SWEENEY: Do we have that yet?

10 THE WITNESS: No, because those will be
11 designed by a structural engineer, the deck plans. So
12 they will have the drainage collection system which will
13 ultimately drain to the underground system or to the
14 lower system. So our system is designed at the lower
15 level, but the structural designer will put the inlets on
16 the upper level.

17 CHAIRMAN SWEENEY: So that's still to come.

18 THE WITNESS: Correct.

19 CHAIRMAN SWEENEY: Okay. You did provide --
20 I'm looking now under accessways and parking, Number 1.
21 You did provide an exhibit indicating fire truck
22 circulation.

23 Do you have that handy? Could you review that
24 with us one more time, please?

25 MR. COSTA: Is this going to be an exhibit that

1 has changed since the last hearing?

2 THE WITNESS: Yes, because the layout changed.

3 MR. COSTA: Okay. So this will be A-27.

4 THE WITNESS: A-27.

5 MR. COSTA: The name and the date.

6 THE WITNESS: It's a fire truck turning
7 exhibit. It's dated November 9, 2018, last revised March
8 1st.

9 MR. WARNER: I'm sorry, this is A-27 did you
10 say?

11 MR. COSTA: November 9, 2018 and revised March
12 1st, is that correct?

13 THE WITNESS: Yes.

14 MR. WARNER: Are you marking this as an
15 exhibit?

16 MR. COSTA: Yes.

17 THE WITNESS: A-27.

18 MR. WARNER: A-27.

19 THE WITNESS: So on this one we simulated a
20 fire truck getting into the property and circulating
21 through the drive aisles and getting out of the property.
22 And we did various routes, one along this existing
23 parking lot and the proposed parking deck, and the third
24 route near the proposed parking by the existing house of
25 worship, or prior house of worship. So in each of these

1 situations, a fire truck is able to maneuver the access
2 roads.

3 CHAIRMAN SWEENEY: Okay. One of the reasons
4 why I brought this up is that you know that in the fire
5 marshal's report, he had an objection that there was not
6 full 360-degree access.

7 THE WITNESS: Yes, I had talked to him about
8 that. And because of the stream and the buffers, we
9 cannot have the 360-degree access. And he had agreed on
10 that we will provide the standpipes and the fire hydrant.
11 That's what we propose in these revised plans.

12 CHAIRMAN SWEENEY: So he's okay with that?

13 THE WITNESS: I have not gotten any more
14 comments from him yet.

15 CHAIRMAN SWEENEY: Has he said he's okay with
16 that to you?

17 THE WITNESS: No, I have not gotten any more
18 comments.

19 CHAIRMAN SWEENEY: You have to get that in
20 writing from him, because you can't just tell us that you
21 can't do it because we're not going to overrule the fire
22 marshal. Okay?

23 THE WITNESS: Okay.

24 MR. COSTA: Did you have a conversation with
25 him regarding --

1 THE WITNESS: That was at the time of the first
2 hearing. But after that we submitted plans 10 days prior
3 to the hearing, I did not get any more comments.

4 MR. COSTA: Okay. But you had a conversation
5 with him discussing this as a resolution?

6 THE WITNESS: Right, like a standpipe and a
7 fire hydrant.

8 MR. COSTA: Okay. So we need to follow up with
9 a written confirmation.

10 CHAIRMAN SWEENEY: Right. Exactly so.

11 Okay. Let's see. This is under stormwater
12 management, grading and utilities, number 6. The runoff
13 rate to the inlet in Cedar Brook Road has been reduced
14 from existing conditions.

15 Has that happened yet or --

16 MR. FORSYTHE: No, not yet.

17 CHAIRMAN SWEENEY: I didn't think so. So that
18 has not yet occurred, has it?

19 THE WITNESS: You're on Number 6?

20 CHAIRMAN SWEENEY: I am on Number 6 under
21 stormwater management.

22 THE WITNESS: Yeah. So in the stormwater
23 management report, we compared the flows to the existing
24 inlet in Cedar Brook Road. So the existing flows and the
25 proposed flows. So the proposed flows are lower than the

1 existing --

2 MR. FORSYTHE: Off of the site, your site
3 drainage.

4 THE WITNESS: Yeah, the proposed underground
5 system that connects to the Cedar Brook inlet on Cedar
6 Brook Road. So the proposed runoff rate is lower than
7 existing because of the underground detention system that
8 we're proposing.

9 CHAIRMAN SWEENEY: All right. And they're also
10 going to work with you about the berm or swale or
11 whatever.

12 THE WITNESS: Which we -- which we did show on
13 these revised plans.

14 CHAIRMAN SWEENEY: That's going to take care of
15 the current flooding that occurs towards the rear of that
16 property onto Cedar Brook Road.

17 THE WITNESS: On Lot 4, yeah.

18 CHAIRMAN SWEENEY: Okay. Good.

19 COMMISSIONER KIRSH: Mr. Chairman, just on this
20 point, I wanted to make sure that I'm fully understanding
21 that when the underground system is constructed, that the
22 situation to the west of your property with the water
23 flow will be improved compared to the current state.

24 THE WITNESS: Yes.

25 COMMISSIONER KIRSH: And -- okay.

1 THE WITNESS: Yes, we had compared runoff rates
2 from existing to the proposed. And that's why we're
3 proposing this detention system, to lower the runoff
4 rates.

5 MR. WARNER: And it will be lowered both in
6 volume and rate of --

7 THE WITNESS: No, the flow rates, not the
8 volume.

9 MR. WARNER: Flow rates only, not the volume.

10 THE WITNESS: Not the volume. Because the
11 rules require either -- the rules, per DEP rules, you are
12 allowed to reduce either the rate or the volume. So we
13 are reducing the rate, runoff rate.

14 MR. WARNER: Because of the magnitude of the --

15 MR. FORSYTHE: It's almost impossible to reduce
16 the volume.

17 THE WITNESS: And because we don't have
18 recharge on site, it's --

19 MR. WARNER: There's no groundwater recharge?

20 THE WITNESS: Correct, because it's less than
21 .2 inch per hour permeable there, so we cannot lower the
22 volume.

23 MR. WARNER: You don't have that as an option.

24 THE WITNESS: Right.

25 COMMISSIONER KIRSH: And there was previous

1 comment about treatment of that.

2 THE WITNESS: Yes. We have a water quality
3 device that will treat at 80 percent TSS removal rate.
4 It's a strong filter proposed downstream of the
5 underground detention system.

6 MR. WARNER: Eighty percent TS --

7 THE WITNESS: TSS, total suspended solids,
8 removal. That's a requirement from the DEP.

9 MR. WARNER: Did you get that? Why don't you
10 say that again more slowly.

11 THE WITNESS: Eighty percent TSS removal rate.

12 MR. WARNER: TSS --

13 THE WITNESS: TSS.

14 MR. WARNER: -- removal rate.

15 THE WITNESS: Total suspended solids.

16 MR. WARNER: You don't want total suspended
17 solids.

18 THE WITNESS: Total suspended solids.

19 COMMISSIONER KIRSH: So are we satisfied that
20 concerns particularly with, you know, freezes that occur
21 down on -- I'm sorry, I forgot the name of the street.

22 THE WITNESS: Cedar Brook Road.

23 COMMISSIONER KIRSH: Cedar Brook. Are we
24 satisfied that that situation will be significantly
25 improved?

1 MR. FORSYTHE: The drainage for the site
2 overall is being reduced. The actual situation that we
3 have currently -- the actual situation on Cedar Brook
4 Road has to do with more off-site drainage coming across.
5 There was a swale that used to be along the roadside
6 that's gotten filled in over the years and they're going
7 to recreate that and put in a catch basin as well to pick
8 up that water so it's not going across the road. It will

9 stay on the temple side of Cedar Brook and then go into
10 the catch basin and out into the stream on that side.

11 COMMISSIONER KIRSH: Okay. So really it's a
12 combination of items.

13 MR. FORSYTHE: Correct.

14 COMMISSIONER KIRSH: The swale, the reduced
15 flow and --

16 THE WITNESS: Additional stormwater inlet and
17 the pipe connection.

18 COMMISSIONER KIRSH: Okay. Thank you.

19 CHAIRMAN SWEENEY: Okay. Continuing on with
20 your letter, Mr. Nagrani. I'm on the page that has
21 variances and design waivers and I'm looking at a couple
22 of points above that that talk about landscaping on Route
23 202/206, as well as along Lot 12. I think you've dealt
24 with that, Scarlett, right? You're going to see if
25 anything's --

1 MS. DOYLE: I want to be sure that that
2 includes shrubbery as well as trees. I think I mentioned
3 trees, but I meant to say shrubbery and trees that were
4 required on the prior site plan. I've checked and there
5 are several that have either died or been removed. That
6 we'll get them back to snuff.

7 CHAIRMAN SWEENEY: Okay. So you don't mind
8 working with Scarlett to take care of that?

9 MR. COSTA: We will agree to work with Scarlett
10 on that.

11 CHAIRMAN SWEENEY: I guess -- where am I at
12 here now? You need page numbers.

13 THE WITNESS: Sorry.

14 CHAIRMAN SWEENEY: I'm still under variances
15 and design waivers, but I'm on about the third page there
16 and it's got to do with foundation plantings. Landscape
17 plan has been revised to add foundation plantings around
18 the one-story community center.

19 Scarlett, are you okay with that?

20 MS. DOYLE: Yes. That was something that was
21 also in my report. Yes, they are short in the area in
22 the back where there's sidewalk and there's a reason not
23 to have them.

24 THE WITNESS: Stormwater basin.

25 MS. DOYLE: I'm going to covet a little bit and

1 say perhaps where they're deficient, we can relocate them
2 elsewhere on the property, either landscaping along Old
3 Farm Road or foundation plantings at the base of the
4 parking deck.

5 CHAIRMAN SWEENEY: And I'm sure the applicant's
6 agreeable to that, right?

7 THE WITNESS: Yes.

8 MR. COSTA: Yes.

9 CHAIRMAN SWEENEY: Talk to me about the
10 lighting that's going to appear on the upper deck of the
11 garage. I know you've lowered what was initially
12 proposed to be -- was it 12- or 14-foot poles to 10?

13 THE WITNESS: And we lowered it to 10-foot
14 mounting.

15 CHAIRMAN SWEENEY: Okay. And are those going
16 to be along both sides of the upper deck or just the one
17 side that -- explain where that lighting is going to be.

18 MR. COSTA: I think we should show that because
19 it will be helpful.

20 CHAIRMAN SWEENEY: And maybe you can grab that
21 security lighting exhibit as well that shows two lights
22 on that rear wall kind of shining towards or pointing
23 towards Cedar Brook Road.

24 THE WITNESS: Yes.

25 MR. COSTA: Is this plan altered from our last?

1 THE WITNESS: This is the plan we submitted
2 recently.

3 MR. COSTA: Okay. So this one is A-28. And is
4 it lighting plan?

5 THE WITNESS: Yes.

6 MR. COSTA: And the revision date?

7 THE WITNESS: March 1st, 2019.

8 MR. COSTA: Thanks. March 1st, 2019.

9 THE WITNESS: It's A-28? A-28?

10 MR. COSTA: Yes. I'm sorry, A-28. Yes.

11 THE WITNESS: So in this one, this is the upper
12 deck lighting plan. So the light fixtures are going to
13 be -- they're not along the western edge of the parking
14 deck, but it's on the other side of the parking bay.

15 It's 60 feet east of the periphery. So these lights will
16 be -- like on the pole will be two lights on either side.

17 MR. COSTA: So let me just say that a different
18 way. They are not along the parapet wall that's closest
19 to Cedar Brook?

20 THE WITNESS: Correct. They are 60 feet away.

21 MR. COSTA: They're 60 feet away.

22 THE WITNESS: Yeah. And these will be -- on a
23 single pole they'll be dual light fixtures, in two
24 directions and facing down.

25 CHAIRMAN SWEENEY: Okay. Now, the other point

1 was, and I don't think you show it on that diagram, or
2 maybe you do, it's the security lights, the two security
3 lights that are proposed for the, I'll call it the rear
4 wall.

5 THE WITNESS: Yes, those are on the lower
6 level. I can show you those.

7 CHAIRMAN SWEENEY: Yes.

8 MR. COSTA: And this would be A-26, I think,
9 that you're going back to, correct? Is this A-26 or is
10 this a different -- this is the lower level lighting
11 plan?

12 THE WITNESS: Yes.

13 MR. COSTA: So A-28 is upper level lighting
14 plan and A -- or A-29 is lower level lighting plan.

15 THE WITNESS: So these were the two light
16 fixtures on the westernmost of the lower-level parking?
17 This light Fixture B and this Light Fixture A.

18 CHAIRMAN SWEENEY: Where are they going to
19 point?

20 THE WITNESS: Towards the parking.

21 CHAIRMAN SWEENEY: Towards the parking.

22 THE WITNESS: Towards the parking.

23 CHAIRMAN SWEENEY: All right.

24 MR. COSTA: And I believe those were the ones
25 that we agreed, if necessary, we would add additional

1 shielding as dictated by the engineer for the Board.

2 MR. WARNER: You said that's the lower level.

3 THE WITNESS: That's the lower.

4 MR. WARNER: Wasn't there also house shielding
5 for the upper level?

6 THE WITNESS: Yes.

7 MR. WARNER: Which would be more visible?

8 THE WITNESS: Yes, wherever it will be needed
9 we'll provide.

10 MR. COSTA: Wherever necessary.

11 MR. WARNER: Okay. Thank you.

12 CHAIRMAN SWEENEY: Oh. The lights on the upper
13 level parking deck, have we talked about those going off
14 at 8:30? Or is that something I've written down and we
15 haven't talked about?

16 MR. COSTA: The lights on the upper level, and
17 actually the lower level, too, will go off at --

18 THE WITNESS: 10:30.

19 MR. COSTA: Well, my understanding, let me make
20 sure, on weekends and on any festival date, they'll be on
21 until 10:30, but on a regular weekday, they'll be off
22 until 8:30, correct?

23 MR. CHAVA: Yes.

24 MR. COSTA: So let me just say that clearly.
25 On weekends they'll be on until 10:30. That will be

1 Friday, Saturday and Sunday. They would be on up until
2 10:30. On weekdays they'll be off at 8:30 unless there's
3 one of the -- one of the festival-type events.

4 CHAIRMAN SWEENEY: Mr. Nagrani, these are your
5 comments in response to the sewer utility letter. The
6 existing pump station is proposed to be removed and a
7 lateral is proposed to be connected by gravity to the
8 existing sewer main in Cedar Brook Road.

9 THE WITNESS: Correct.

10 CHAIRMAN SWEENEY: Has the sewer utility guy
11 signed off on that?

12 THE WITNESS: Again, we have submitted the
13 revised plans, but after these comments, I have not heard
14 back from them.

15 CHAIRMAN SWEENEY: You will follow up on that
16 and get that in writing from him?

17 THE WITNESS: Sure.

18 CHAIRMAN SWEENEY: Thank you. That was all I
19 had.

20 Does anyone else on the Board have any other
21 questions for Mr. Nagrani?

22 Does anyone in the audience have any questions
23 for this witness?

24 No response.

25 All right. We're pretty close to our witching

1 hour, our 10:30 cutoff time. I know you wanted to get to
2 the traffic guy. I don't think that's going to happen.
3 I apologize.

4 MR. COSTA: No, no reason. It's true. We'll
5 do it next time.

6 CHAIRMAN SWEENEY: Let's take a look at the
7 calendar. Our next meeting is on Tuesday, April 2nd,
8 which is just a couple weeks away.

9 MR. WARNER: Do we have any -- we're open on
10 the 2nd and the 16th?

11 SECRETARY PINO: We're open both on the 2nd and
12 the 16th.

13 MS. DOYLE: We have to get an extension,
14 though.

15 MR. COSTA: We'll give you an extension, of
16 course. But I am not in town on the 2nd.

17 MR. WARNER: Does it look like we're going
18 to -- I'm sorry, Mr. Chairman, if I may. Does it look
19 like we're going to likely stay open on the 16th? Stay
20 open meaning --

21 SECRETARY PINO: Yeah, so far to my knowledge.

22 MR. WARNER: It doesn't look like anything's
23 about ready to pop and be available for the 16th?

24 SECRETARY PINO: No.

25 COMMISSIONER KIRSH: We do have a challenge on

1 the 16th, though.

2 CHAIRMAN SWEENEY: Yeah, I may not be here. I
3 can probably make sure I'm here if I have to, though.
4 The 2nd or the 16th. The 2nd's not good for you?

5 MR. COSTA: The 2nd doesn't work for me. Okay.
6 The 16th.

7 CHAIRMAN SWEENEY: The 16th is better?

8 MR. COSTA: Yes, thank you.

9 CHAIRMAN SWEENEY: Okay. And did we say we
10 needed an extension?

11 MR. WARNER: We'll get an extension of time
12 through the end of the month of April?

13 MR. COSTA: Yes.

14 MR. WARNER: And you'll shoot a letter to
15 Jackie?

16 MR. COSTA: Yes, I will do that.

17 MR. WARNER: Thank you. So the matter will be
18 carried to April 16, 7:30 p.m. in this same location. No
19 further notice required.

20 MR. COSTA: Correct. Thank you.

21 CHAIRMAN SWEENEY: Okay.

22 (Whereupon, the hearing on this application was
23 adjourned at 10:28 p.m. to April 16, 2019, 7:30 p.m.)

24

25

C E R T I F I C A T E

I, BRIDGET LOMBARDOZZI, Notary Public
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I DO FURTHER CERTIFY that I am neither
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