BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Tuesday, April 16, 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.

ROLL CALL:
Don Sweeney – present
Pushpavati Amin – present
Paul Riga – absent
Michael Kirsh – absent
Evans Humenick – present
Alan Fross – present
James Weideli – present
Dawn Guttschall, Alternate #1 - present
John Fallone Alternate #2 – absent
Jeff Foose Alternate #3 - present
Daniel Ahern Alternate #4 – present
Others present: Board Attorney Steven K. Warner, Board Engineer Tom Forsythe, and Municipal Services Secretary Jacqueline Pino

MINUTES FOR APPROVAL:
January 15, 2019, Reorganization & Regular Meeting-Motion by Mr. Weideli; Second by Mr. Fross the foregoing minutes were adopted as written on the following roll call vote:

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

March 19, 2019, Regular Meeting-Motion by Mr. Weideli; Second by Mrs. Amin the foregoing minutes were adopted as written on the following roll call vote:

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

MEMORIALIZING RESOLUTIONS:
There were no resolutions presented for Board approval

HEARING AND DELIBERATIONS:
HINDU TEMPLE & CULTURAL SOCIETY OF USA, INC.- 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
See attached transcription dated April 16, 2019 prepared by: Michael Lombardozzi, CSR, CRR of Veritext Legal Solutions, 290 W Mt. Pleasant Avenue, Livingston, NJ 07039 located in Planning Division office.

The application will be carried to May 7, 2019 at 7:30 pm. No New notice is required.

**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 10:12 pm.

Respectfully submitted,
Jacqueline Pino
Secretary of Municipal Services
TOWNSHIP OF BRIDGEWATER
BOARD OF APPEALS

In the Matter of:

CASE 43-08-29

SHREE TEMPLE & CULTURAL SOCIETY

1 Dahi Temple Drive

Block 485, Lot 2-3 & 2-02

Tuesday, April 16, 2019
100 Commons Way
Bridgewater, New Jersey
Commencing at 7:15 p.m.

BOARD MEMBERS PRESENT:

DON AMHERST, Chairman
PUSHPAVAI MALI, Board Secretary
ERASMUS MORENO
ASH FROSS
JAMES WEIDEL
DAWN GUTSCHOLL, Alternate #1
JEFFREY HOCH, Alternate #1
DANIEL AHEARN, Alternate #1

ALSO PRESENT:

JACQUELINE PENDO, Municipal Services Secretary
THOMAS FORBES, Board Engineer

Transcript Prepared By:

MICHAEL LOMBARDOII, CCR, CCR
mlombardosil92@gmail.com

TABLE OF CONTENTS

WITNESS PAGE

Umesh Avadhani 8
Nitin Nagrani 99
Barbara Ehlen 106

EXHIBITS

NO. DESCRIPTION PAGE

(No exhibits marked.)

1 APPEARANCES:

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

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

CHAIRMAN SWEENEY: All right. We have no resolutions to memorialize, so we'll dive right into the Hindu Temple and Cultural Society. Mr. Costa?

MR. COSTA: Thank you, Mr. Chairman, members of the board, this is our fourth appearance before this board. We appreciate your attention to this application.

This evening, we have two primary witnesses: Umesh Avadhani, who is our traffic engineer, and Barbara Ehlen, who is our planner. I'm going to do very little by way of introductions, I think everyone is familiar with the application, and then we'll move right into those two witnesses.

We also have our other witnesses who have previously been heard available, in the event we have additional questions that we need to have answered.

Based on prior testimony, I did want to address a couple of factual issues and procedural issues.

First off, I just wanted to review -- see the composition of the board, just to clarify, it looks like we have eight tonight.
1 and all are eligible to vote. Is that your
2 understanding?
3 MR. WARNER: That's correct, that's
4 my understanding. At the last meeting,
5 January -- I'm sorry, at the November 20 hearing,
6 we had two board members who weren't there, who
7 certified --
8 MR. FORSYTHE: I have seven.
9 MR. WARNER: We have one, two,
10 three, four, five, six, seven, eight. We have
11 eight.
12 MR. FORSYTHE: Oh, okay.
13 MR. WARNER: We will only have seven
14 to vote, because that's all that can vote, but we
15 have eight qualified to vote this evening.
16 The November 20, we had two board
17 members who weren't there, who certified, as of
18 January the 15th, the second hearing date,
19 everyone, all 11 were here and qualified to vote.
20 As of March 19th, we had three that
21 were not here. One of those board members, Board
22 Member Riga, is not here again this evening, but
23 Board Members Humenick and Fross have signed the
24 certifications, having listened to the tapes,
25 which brings us with, with Mr. Riga not here,

1 Mr. Kirsch not here, Mr. Fallone not here, brings
2 us from the full eleven down to eight, one more
3 than needed, as you well know, to vote, seven
4 vote.
5 MR. COSTA: Okay.
6 MR. WARNER: And there is at least
7 one D variance at issue in the application, so it
8 will be five out of seven for a passage, if we
9 complete this evening.
10 MR. COSTA: Right. Okay, Good.
11 Thank you.
12 And a couple of, I think, minor
13 matters I just wanted to address, which came up
14 late in the hearing. They were cleanup matters
15 for the site.
16 One is the lighting was noted to be
17 too bright at night, and that's been adjusted
18 down to security light levels. I don't know if
19 people who live near the temple have noticed
20 that, but it has been adjusted down to that
21 level. I am stipulating to that on behalf of the
22 applicant. I can bring the applicant up and we
23 can show photos, if necessary, but that was one
24 item that we wanted -- that the board asked to
25 have addressed.

1 supposed to be all turned off, except for 12, I
2 believe is the number, security lights, at 10:30.
3 And the statement that was made, I believe at the
4 last meeting, was that that would be rectified.
5 Has it?
6 MR. COSTA: It has been rectified,
7 yes.
8 CHAIRMAN SWEENEY: So all but the
9 specified number of security lights go off at
10 10:30?
11 MR. COSTA: Correct.
12 CHAIRMAN SWEENEY: Thank you.
13 MR. COSTA: With that, I'd like to
14 introduce our traffic engineer.
15 MR. WARNER: And I don't recall if,
16 as part of the initial mass swearing, you were
17 sworn in already or not, but the if there's no
18 harm, no foul, we'll swear you in again, that's
19 okay.
20 MR. AVADHANI: I was sworn in 2007,
21 for the driveway.
22 MR. WARNER: Okay.
23 U M E S H A V A D H A N I, having
24 been duly sworn, testified as follows:
25 MR. WARNER: Name and address,
<table>
<thead>
<tr>
<th>Page 9</th>
<th>Page 10</th>
<th>Page 11</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>business address is fine for the record.</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>THE SECRETARY: Please use the microphone.</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>MR. AVADHANI: You Umesh Avadhani, BA Engineering. I'm the traffic engineer. I have a professional engineer's license from the states of New Jersey, New York, and Connecticut.</td>
<td>4</td>
</tr>
<tr>
<td>4</td>
<td>As I mentioned --</td>
<td>5</td>
</tr>
<tr>
<td>5</td>
<td>MR. WARNER: I'm sorry, did you give your -- the business address?</td>
<td>6</td>
</tr>
<tr>
<td>6</td>
<td>MR. AVADHANI: I can give my card, 139 Fulton Street, New York, New York, 100038.</td>
<td>7</td>
</tr>
<tr>
<td>7</td>
<td>CHAIRMAN Sweeney: Would you spell your last name again?</td>
<td>8</td>
</tr>
<tr>
<td>9</td>
<td>CHAIRMAN Sweeney: Thank you.</td>
<td>10</td>
</tr>
<tr>
<td>10</td>
<td>Anyone on the board have any questions about qualifications or --</td>
<td>11</td>
</tr>
<tr>
<td>11</td>
<td>MR. COSTA: I would like to go through just a few, to qualify him.</td>
<td>12</td>
</tr>
<tr>
<td>12</td>
<td>CHAIRMAN Sweeney: Fine.</td>
<td>13</td>
</tr>
<tr>
<td>13</td>
<td>DIRECT EXAMINATION</td>
<td>14</td>
</tr>
<tr>
<td>14</td>
<td>BY MR. COSTA:</td>
<td>15</td>
</tr>
<tr>
<td>15</td>
<td>Q. If you could give us the benefit of your educational background, your licensure, and also boards that you have appeared before.</td>
<td>16</td>
</tr>
<tr>
<td>16</td>
<td>A. I have a master's in civil engineering, transportation engineering, from Virginia Tech, and I was -- as I mentioned earlier, I have a PE, professional engineering, license from the states of New Jersey, New York, and Connecticut.</td>
<td>17</td>
</tr>
<tr>
<td>17</td>
<td>Q. And you -- you've appeared before this board in 2007 --</td>
<td>18</td>
</tr>
<tr>
<td>18</td>
<td>A. 07 or 06, I think, for the driveway, the proposed driveway that's in place now for the traffic signal, and for the installation of the driveway itself.</td>
<td>19</td>
</tr>
<tr>
<td>19</td>
<td>A. Not recently, no.</td>
<td>20</td>
</tr>
<tr>
<td>20</td>
<td>MR. AVADHANI: I didn't understand your question.</td>
<td>21</td>
</tr>
<tr>
<td>21</td>
<td>MR. WARNER: Were you accepted as an expert by this board in 2007.</td>
<td>22</td>
</tr>
<tr>
<td>22</td>
<td>MR. AVADHANI: Yes.</td>
<td>23</td>
</tr>
<tr>
<td>23</td>
<td>MR. WARNER: I'm sorry, are you referring to a particular traffic report? Maybe we can get that identified for the record.</td>
<td>24</td>
</tr>
<tr>
<td>24</td>
<td>MR. AVADHANI: Yes.</td>
<td>25</td>
</tr>
</tbody>
</table>
MR. AVADHANI: Oh, yes, sorry.
MR. WARNER: Mr. Costa?
MR. COSTA: The report is the March 6, 2019 report, which has been submitted to the board. And we can mark it, if -- as an exhibit, if you --
MR. WARNER: We're more than -- well more than 10 days beyond, so I think we're fine there, as long as the board members have it. And we have it identified as March 6th, you said?
MR. COSTA: Yes, it was submitted prior, in anticipation of the last meeting.
MR. WARNER: And it -- I'm sorry, is that the Temple Traffic and Parking Management Plan?
MR. COSTA: No, that is the Traffic Impact Assessment For Parking Lot Expansion.
MR. AVADHANI: This one -- that's the one, correct.
MR. WARNER: Thank you.
MR. AVADHANI: It's dated March 6, 2019.
MR. WARNER: Would you happen to have an extra -- oh, nope. I take that back. My apologies. March 6th. We're good. Thank you.

MR. AVADHANI: Continue?
CHAIRMAN SWEENEY: Go ahead.

A. Okay. The parking lot expansion is projected to be completed and in operation in 2020, that's my understanding. And the -- to that end, to the -- the traffic volumes, the peak-hour traffic volumes were generated based on the existing traffic volumes, as I mentioned, for the Tuesday and for the Saturday that we counted.

The no-build and the build peak-hour volumes were generated based on the annual background traffic growth of 1.5 percent. NJDOT typically specifies 1 percent for this township, so we used a more conservative number of 1.5 percent.

The traffic report summarizes the four peak-hour results, and based on the expansion of 1,047 spaces. Currently, there are about 491 or 972 spaces there on site.

So during an event day, the Advanced Reality parking lot is used as part of the -- currently, without the expansion. So, as I said, we want to be independent, we don't want to go to off-site parking, which may not be available eventually -- I don't know the date yet; I'm presuming, by 2020, it will not be available.

So, based on that, we performed the capacity analysis, the traffic capacity analysis for the signalized intersection at the Brown Road/Route 202/206 and the temple drive.

So as you can see on the tables, we summarized the -- just a second -- on Table 1, shows the existing capacity analysis, and --
Q. And can you -- and Table 1 is on --
A. Page 12.
A. Page 12. Most of the -- all the movements are for the four peak hours, they operate at an acceptable level of service D or better.

Then, the next table -- that's Table 2 on page 13 -- shows the 2020 no-build and build capacity analysis summary for the street peak hour. The street peak hour was analyzed for 2020, for the p.m. and for the -- and for a typical Saturday on the p.m. peak hour.

Q. And how did you come up with the anticipated 2020 traffic volumes?
A. I said -- we used a factor -- a background growth factor of 1.5 percent per year. So 2018, we multiplied it with -- I have it here somewhere -- 1.03, so we multiplied that with 1.03, the existing 2018 volumes, to get 2020 traffic volumes, for the p.m. and for the Saturday.

Q. So you assumed a growth in the traffic going to 2020?
A. That's correct. That's how the typical traffic study is done, the traffic impact study is done based on typical growth in the area.

Q. Okay.
A. Okay. Where was I?
Table 2, that's page 13, shows the 2020 no-build and the build capacity analysis compared to the street peak hour and for the Saturday street peak hour -- for the p.m. street peak hour and Saturday street peak hour.

As you can see, the northbound left turn -- I don't know if everybody has this copy, I'm assuming -- the northbound left turn --
MR. WARNER: It's designated N B-L.
Is that correct?

MR. AVADHANI: That's correct.

Sorry, yes.

MR. WARNER: That's okay, just for everybody's benefit.

MR. AVADHANI: Sorry, yes.

A. The EB-LT is left-hand through.

Eastbound-R is eastbound right turns.

Westbound-LTR is left through and right. And then, northbound-L is northbound left, and northbound-TR is northbound through and right.

SB is -- SB-L is southbound left turn, and so on.

So during the 20 -- I thought you were going to say something.

During the 2020 weekday street peak hour, that's the p.m. peak hour, the level of service for the northbound left turn goes from C to F.

NJDOT has a -- has the criteria -- I forgot the section, they have a section somewhere, which we used in 2007 as well, but now, of course, we use the updated one, the 2018 -- I think the 2018, I forgot the actual year, but I think it's the latest one that we use for the NJDOT criteria on delay and for level of service.

So, based on that, we mitigated that northbound left turn, and at the same time, when we mitigated it, we got to see that the other movements don't suffer, because if the other movements suffer, then, again, we have to apply the NJDOT criteria to that.

So the mitigation that we recommended was to provide a leading green phase for all the northbound movements and the eastbound right turns with a green time of 9 seconds. It's shown in the table, Table 2 of page 13.

And then, at the same time, reduce the northbound/southbound green time from 60 seconds to 54 seconds, and reduce the eastbound/westbound green time from 18 seconds to 15 seconds.

However, I want to mention that this signal timing is not going to be physically adjusted in the controller, because this happens -- this situation happens only, like, what did we say, five times -- four or five times a year. So this would be achieved by the traffic police at the intersection, and that is mentioned in the traffic management plan, that this one that was submitted, when was it --

MR. COSTA: Ten days ago, before the hearing.

A. Ten days ago. So all the detail for the traffic management plan is in there.

So what I'm getting at is that the mitigation, although I have said in the report that you have to adjust the signal timing, it's not going to happen at the controller out there, because it's -- it's not program knowledge and practical to do it for four, five hours -- I mean, four, five days in a year.

Typically, if -- what I have learned in the past, at Newark Airport, at JFK Airport and everywhere, and New York City DOT projects, if we adjust the signal timing, we physically do it, because this happens every day. If it happens every day, we do it, but this is happening only, like, four or five times a year, and only for, like, two or three peak hours -- peak period during the p.m., during a festival day, or during on a Saturday.

Q. So just to clarify, when you talk about the timing where there is a need to adjust the traffic signal timing, you're talking about days when there are -- there's a heavier volume of traffic coming into the temple for a festival, and basically rush hour happening at the same time, when your volume is coming in. Is that what you're referring to?

A. That's what -- the p.m. street peak hour is based on the traffic volumes coming from the temple and going to the temple, and the street peak hour.

Q. Okay. So when those two events conflict -- which rush hour happens every day, you know, every weekday of the week, but the temple is only having their heavier volume festivals -- it's actually more like, probably -- it's more than five times a year, because as we're -- we're going through that with the traffic manual, but the few times a year they have that is when we would need the signal adjusted. Correct?

A. Signal adjusted, but it's not going to happen physically.

Q. And how will the adjustment of the signal take place?
A. The traffic cops will be there, as per this traffic management plan. The traffic cops -- how many did we say? I think about two -- two police officers will be stationed at the intersection on festival days, so they will manage the traffic at that intersection. I think that's what is happening now as well. Currently, that's happening, but, of course, all of the traffic is not entering the -- entering the temple, they're going -- some of them are going right past here as well.

Q. So the traffic police will be adjusting the wait times at the light to address the volume coming in and out of the temple, versus the volume going through rush hour. Is that correct?

A. That's correct.

CHAIRMAN SWEENEY: I've got a couple questions.

MR. AVADHANI: Yeah, sure.

CHAIRMAN SWEENEY: First of all, I'm trying to understand a couple things, one of which is the analysis you've performed -- and I think you said you -- you took into account -- or took traffic counts at one of the special events?

MR. AVADHANI: That's correct.

CHAIRMAN SWEENEY: Which special event and what day was it?

MR. AVADHANI: It was on December 18, 2018, and that is the -- I'm looking at Schedule A now.

CHAIRMAN SWEENEY: I'm looking at that, yes.

MR. WARNER: Yes, Schedule A, that's January 8, because the Hindu calendar, the festival dates keep changing.

CHAIRMAN SWEENEY: So it corresponds to January 8th?

MR. AVADHANI: That's correct.

CHAIRMAN SWEENEY: And that doesn't appear to be one of the major holidays. It doesn't say it requires police/traffic assistance. Is that correct?

MR. AVADHANI: No, it requires traffic assistance, because we cite it in the traffic management plan. If it happens during the peak weekday -- where is it here --

CHAIRMAN SWEENEY: Hang on a second.

You've got a number of dates highlighted, and also double asterisks. The double asterisk says, These four dates referenced above will require police traffic assistance, which to me says these are going to be busy days. Right?

MR. AVADHANI: That's correct.

CHAIRMAN SWEENEY: That's not one of the days, including January 8th. So I'm trying to figure out if you were actually there on one of the typically heavy days that the temple has during the year.

MR. AVADHANI: Okay. Let me address that in two ways.

One, it says in there, if you look under the -- there's a statement that the other holidays and festivals may require police assistance, depending on what day of the week they occur. So this -- if it occurs on a weekday, we will need police there as well. So this highlighting is slightly misleading, quote/unquote, but you may need -- you will need police on those days as well, if it happens --

COMMISSIONER WEDEL: I have a question. What Mr. Sweeney's saying now, if you're going January 1st and I'm reading two pages before that -- you have 11 buses that you need additional, and you have 12 -- 18 officers?
1 figure out, if your observation on January 8th is
2 typical of a very -- one of the very heavy dates
3 experienced by the temple -- and according to the
4 table on Schedule A, it would appear that it is
5 not, since it says -- it doesn't have that double
6 asterisk note, which requires police assistance.
7 MR. AVADHANI: But if you -- if it
8 occurs on a holiday, may require -- if it occurs
9 on a weekday, it depends --
10 MR. COSTA: So the answer --
11 MR. WARNER: Can I ask a question of
12 counsel?
13 MR. COSTA: Yeah.
14 MR. WARNER: And, Counsel, maybe you
15 can, by way of proffer, help clarify for your
16 client, and for the board, and all the members of
17 the public -- am I correct in my assumption as
18 follows: January 1st is one of, if not the
19 busiest day from your perspective. Correct?
20 MR. COSTA: It is the busiest day,
21 right.
22 MR. WARNER: The March -- for 2019,
23 on Schedule A, March 4th, April 13th, September
24 2nd, and October 27th are the four next busiest
25 days, and they're busy regardless of whether

26 they're on a weekday -- they fall on a weekend or
27 a weekend. Is that accurate?
28 MR. COSTA: Correct, they --
29 MR. WARNER: This is all from your
30 applicant's perspective?
31 MR. COSTA: That's correct.
32 MR. AVADHANI: That's correct.
33 MR. WARNER: And then, is there a --
34 we'll call it a third category; those are all the
35 holidays listed -- one, two, three, four, five,
36 six, seven --
37 MR. AVADHANI: Twelve.
38 MR. WARNER: Eight -- please -- the
39 eight others that are not double asterisked -- if
40 that's a word -- nor are they January 1st, that's
41 the third category. And is it your proffer, on
42 behalf of your client, that, on those eight
43 holidays, they rise to the level of being major
44 traffic holidays, and requiring police
45 assistance, if and only if those dates fall on a
46 weekday?
47 MR. COSTA: That's correct, if they
48 conflict --
49 MR. WARNER: And is that because of
50 rush-hour traffic occurring on weekdays as

51 opposed to weekends?
52 MR. COSTA: Correct.
53 MR. WARNER: Okay. And so, is it
54 fair for this board to assume that there's the
55 potential of one, two, three -- 13 -- excuse me,
56 I'm not a mathematician -- 13 potential days per
57 year that could be high-traffic holidays --
58 albeit, I suspect, mathematically, for those who
59 are much more inclined than I, that at least one
60 or two of those days a year are going to fall on
61 a weekend, so maybe it's more like around 17?
62 MR. COSTA: Correct, and several of
63 those days also fall on national holidays, such
64 as Thanksgiving and Christmas, which have
65 different traffic patterns that would not have
66 the intense rush hour. So those would be removed
67 from that category as well.
68 MR. WARNER: So your proffer on
69 behalf of your client, then, that that number,
70 approximate, might go down to ten, or nine, or
71 whatever.
72 MR. COSTA: Eight or so, yes.
73 MR. WARNER: And now, if that's the
74 proffer, maybe you want to elicit testimony
75 along -- from one of the representatives -- maybe

76 even this one -- just to get it on the record
77 under oath.
78 MR. COSTA: Right. I can do that.
79 I would -- I will do that, I guess, with -- I'm
80 trying to determine whether I want to -- why
81 don't I do that now with Rao Chava, and then
82 we'll come back to Umesh, in terms of --
83 MR. WARNER: You heard him, chair.
84 CHAIRMAN SWEENEY: Before we do
85 that, I want to go back to January 8th. That was
86 the day that you were present and took traffic
87 counts that you used as a representative special
88 event day.
89 MR. AVADHANI: That's correct.
90 COMMISSIONER WEIDEL: Were there
91 police officers assisting with traffic on January
92 8th?
93 MR. AVADHANI: On January 8th?
94 MR. COSTA: Let me just clarify
95 something: That holiday, in 2018, fell on
96 December 18th.
97 MR. AVADHANI: On a Tuesday.
98 MR. COSTA: Because the calendar
99 shifts.
100 MR. WARNER: Right, but it was a
1 Tuesday. It was a weekday.
2 MR. COSTA: Right, it was a weekday,
3 but it wasn't January 8th. I just want you to
4 know it wasn't January 8th.
5 This is a representation of 2019
6 holidays. So I just want to --
7 CHAIRMAN SWEENEY: It doesn't matter
8 what the exact day was, to tell you the truth.
9 MR. COSTA: Yeah, I know. I just
10 want to be clear.
11 CHAIRMAN SWEENEY: What I want to
12 know is, was there -- were there police present
13 providing traffic assistance on the day -- the
14 special event day you were there --
15 MR. AVADHANI: I understood. Yes.
16 CHAIRMAN SWEENEY: There were?
17 MR. AVADHANI: There were.
18 CHAIRMAN SWEENEY: Okay. So they
19 were there on a weekday. Is that correct?
20 MR. AVADHANI: Correct.
21 MR. COSTA: Correct.
22 CHAIRMAN SWEENEY: Okay. And how
23 would you compare, in terms of traffic volumes
24 that day, with New Year's Day.
25 MR. AVADHANI: With that day and New

1 Year's Day? New Year's Day is higher than on a
2 regular festival day.
3 CHAIRMAN SWEENEY: How much higher?
4 MR. AVADHANI: How much higher? I
5 think I would actually expect the temple
6 management to address that, because --
7 CHAIRMAN SWEENEY: You were going to
8 ask Mr. Chava to come up? Maybe he can answer
9 your question on this issue as well.
10 MR. COSTA: Correct.
11 And on New Year's Day, just to set
12 the groundwork for that -- the worshippers do not
13 come into the temple grounds, they park off site
14 and are bused on, which I think we've testified
15 to.
16 MR. WARNER: And just for the
17 record, Mr. Chava, you recognize you remain under
18 oath. Correct?
19 MR. CHAVA: Yes.
20 MR. WARNER: Thank you. Please
21 proceed -- well, you may want to wait for a
22 question from your counsel.
23 MR. COSTA: Mr. Chava, I'm going to
24 take you through the report, Temple Traffic and
25 Parking Management Plan that we submitted --

1 proposed mitigation measures. What exactly does
2 it mean to provide a leading green phase for all
3 northbound movements and eastbound Balaji Drive
4 right turns, with a green time of -- what does
5 that mean?
6 MR. AVADHANI: Typically, when
7 you're driving an intersection, you see
8 northbound and southbound, they go together, or
9 eastbound/westbound, they go at the same time.
10 CHAIRMAN SWEENEY: Meaning the green
11 lights go at the same time.
12 MR. AVADHANI: Correct, green lights
13 turn on at the same time.
14 I don't know if you've seen
15 sometimes, there's a sign we put on the traffic
16 signal pole saying "Delayed Green." That
17 "Delayed Green" means the opposing traffic will
18 get the green signal later -- say, for example,
19 in our case here, the northbound will go first,
20 and then the southbound will go at the same time
21 as northbound/southbound together. That's what
22 that means.
23 CHAIRMAN SWEENEY: Okay. And,
24 basically, what you're saying, then, is that the
25 police are going to do that, by halting one side
1 They're going to be driving up 202/206 at 50
2 miles an hour. I think might be the speed limit
3 on that road. Once they make that left-hand turn
4 into the temple property, and start their way
5 down to the garage, the parking garage, or
6 wherever it is they're going --
7 Mr. Avadhani: Wherever, yeah.
8 chairman Sweeney: -- the posted
9 spotlights within the temple area are what, 5
10 miles an hour?
11 Mr. Avadhani: Is it 57?
12 chairman Sweeney: Mr. Chava, are
13 they 5?
14 Mr. Avadhani: I just read that now
15 maybe a few minutes ago.
16 chairman Sweeney: Maybe.
17 Mr. Avadhani: I think it goes 15
18 miles per hour. I could be wrong.
19 chairman Sweeney: Did you get the
20 question?
21 Mr. Costa: Rao, do you know the
22 speed limits on the temple grounds.
23 Mr. Chava: Within the temple, it's
24 about 5 miles.
25 chairman Sweeney: Yeah, that's what

11 I thought, 5 miles an hour.
12 Mr. Avadhani: Okay.
13 chairman Sweeney: Is that going to
14 create a bottleneck; whereas, you've got cars
15 piling up, trying to -- coming northbound on
16 202/206, wanting to make a left-hand turn,
17 they're approaching that intersection at 50 miles
18 an hour. Once they make that left-hand turn,
19 they've got to slow down to 5 miles an hour.
20 Mr. Avadhani: Correct.
21 chairman Sweeney: In my mind, that
22 creates a situation where you've got people
23 approaching the intersection at a much greater
24 speed than they're actually clearing the
25 intersection after they make the left-hand turn. Why isn't that going to create a long delay at
26 the traffic light?
27 Mr. Avadhani: It will not be a long
28 delay at the traffic light, because there are two
29 lanes going into the temple driveway. So the
30 traffic can dissipate on two lanes. They'll keep
31 moving, they'll keep going forward, and there's a
32 long -- what should I say -- long access roadway
33 leading to the parking lot.
34 chairman Sweeney: So you've got two
MR. AVADHANI: So it's more than -- sorry to interrupt you.

CHAIRMAN SWEENY: It's okay.

MR. AVADHANI: I have that length of how much it was. I think it's more than 800 feet of two lanes. So you're talking the traffic impact can continue to queue up there.

COMMISSIONER FROSS: But don't you have the southbound people on 202 going into the first lane?

MR. AVADHANI: Yes, correct.

COMMISSIONER FROSS: So you're only going to be using one lane going into the temple for your left bound.

MR. AVADHANI: Not necessarily, because the police will be directing the traffic. He's going to stop the right turns as well from the southbound. So only the northbound left turns, he's going to allow. The northbound -- all the movements are northbound will keep going.

COMMISSIONER FROSS: So the people coming south can't turn in there while the left-hand -- while the northbound people are going in?

MR. AVADHANI: That's correct.

COMMISSIONER FROSS: How are you going to stop them? You're going to have a cop right there --

MR. AVADHANI: Yeah.

COMMISSIONER FROSS: -- saying you've got to hold up going southbound, and now tying up 202?

MR. AVADHANI: Not tying up -- well, that is what the analysis shows, that the delay will not be extensive -- is not predicted to be extensive on southbound, I believe, if we follow the mitigation measures according to the analysis.

CHAIRMAN SWEENY: Mr. Avadhani, have you seen what happens on New Year's Day in front of the temple on 202/206?

MR. AVADHANI: Not recently; many years ago.

CHAIRMAN SWEENY: Are you aware of what happens in front of the temple on 202/206 on January 1st?

MR. AVADHANI: I think I would defer that question to --

CHAIRMAN SWEENY: No, I want you to answer the question, because you're the guy that put together this traffic report. Are you aware of what happens in front of the temple on 202/206 on January 1st?

MR. AVADHANI: On January 1, on this traffic report, we did not do any analysis for January 1st.

CHAIRMAN SWEENY: I'll repeat it: Are you aware of what happens on January 1 on 202/206 in front of the temple, what --

MR. AVADHANI: No --

CHAIRMAN SWEENY: -- happens to traffic?

MR. AVADHANI: No, I'm not.

CHAIRMAN SWEENY: Okay, I have heard from other people that it's a disaster. I didn't know myself until this past January 1st, when I happened to be traveling north on Route 202/206. Traffic was backed up to Foothill Road. I mean dead stopped. I didn't even know why. I didn't know what the problem was. It took me half an hour to get from Foothill Road to Brown Road. Now, that's when people weren't even making a left-hand turn into the temple, they were supposed to be going straight, because that's one of the days when you utilize off-site parking.

MR. AVADHANI: Correct.

CHAIRMAN SWEENY: If traffic backs up like that when it's just going right past the temple, what's going to happen when they're stopping to make a left-hand turn?

MR. AVADHANI: The demand on New Year's Day, compared to the other days, is totally different. The demand on the regular festival day -- correct me, Rao, if I'm wrong -- for the parking, is not more than 800 to 900 spaces. Correct?

MR. CHAVA: Yes.

MR. AVADHANI: During January 1st, what I was told by the traffic -- by the temple management, is that the demand is between 1,300 to 1,500 parking spaces. So you're talking almost double, I would say -- not double, maybe --

MR. COSTA: A little more than one and a half.

MR. AVADHANI: More than one and a half, about 60 percent, 70 percent more.

So, yes, the traffic volume is much
higher on January 1st compared to any other festival day.

CHAIRMAN SWEENEY: Mm-hmm.

MR. AVADHANI: So from what I was told by the temple management is that January 1st, typically, traffic has been operating with the help of the police and the buses, that it was not that bad. So I'm not saying you haven't experienced it. You experienced it, you're saying that, but I wasn't there.

CHAIRMAN SWEENEY: I was.

MR. AVADHANI: I know.

CHAIRMAN SWEENEY: It's that bad.

It's that bad. It took half an hour to travel a mile and a half, from Foothill Road to Brown Road.

MR. AVADHANI: But isn't this January 1st been happening for many years now, or is it just --

CHAIRMAN SWEENEY: I don't know, it was --

MR. AVADHANI: Yeah, I know, I'm just saying --

CHAIRMAN SWEENEY: That time was the only time I've been on that road on January 1st.

I don't know what's happening prior years, I just know it happened on January 1st from this year, and it was an out-and-out disaster. The police were there; it was still a disaster. I'm not saying the police were at fault; I'm not saying the temple was at fault.

I just want to know, if that's what happens now on January 1st, what's going to happen when that traffic stops, because they want to get into the temple area?

MR. AVADHANI: As I said --

CHAIRMAN SWEENEY: It doesn't -- I haven't heard anything that makes me feel you're going to alleviate the problem. If I'm missing something, help me out.

MR. AVADHANI: Yeah, the missing part is that January -- you cannot compare January 1st with the normal festival days.

CHAIRMAN SWEENEY: I'm talking about January 1st.

MR. AVADHANI: January 1st, I would --

COMMISSIONER AMIN: I'm going to ask a question. Based on your report, you say, on January 1st, you have buses coming in, and no one is allowed to go in and park. So why would there be such a big line near the temple when people are supposed to go someplace else, catch the bus, and then come in? That's what I understand for January 1st, they're supposed to take a bus.

MR. AVADHANI: January 1st, yes, they will -- all the traffic's supposed to go to Sanofi parking lot, which you are aware.

COMMISSIONER AMIN: So how do you have traffic near the temple if people are supposed to go and take a bus from off-street parking, Sanofi?

MR. AVADHANI: Unless the northbound traffic is going past the temple, they go to the Sanofi lot.

COMMISSIONER AMIN: So you're saying that all the traffic that was built up on that day was all the way from Sanofi parking lot to Foothill Road? Is that how I'm understanding it?

MR. AVADHANI: No, Brown Road -- you said from 202/206 to Foothill Road, or Brown Road.

Correct?

CHAIRMAN SWEENEY: From Brown to Foothill Road, traffic -- I could have walked faster than I drove.

COMMISSIONER AMIN: I'm a little bit confused, because people are not supposed to go into the temple parking lot; they're supposed to go to the Sanofi parking lot, and take a bus, and then come in to the temple. So that's how I visualized it.

MR. AVADHANI: That's correct.

COMMISSIONER AMIN: For the cars that are backed up, from there, up to that point, Brown Road, what exactly were they doing at that point? That's the question I have.

MR. COSTA: And we don't have an analysis on that day. We don't know when this backup was. We don't know how long it was. You may know that, but we don't --

COMMISSIONER AMIN: Maybe the backup was some other reason? Maybe there was accident or something else?

CHAIRMAN SWEENEY: There was no accident.

MR. COSTA: But we don't have -- I mean, we just don't -- I don't have the specifics on that backup.

CHAIRMAN SWEENEY: No, and I -- all I can offer you is my firsthand anecdotal
experience, but I can’t ignore that. You’re not suggesting I should, are you?

MR. COSTA: No, I just need more details on it to understand where it fits.

CHAIRMAN SWEENEY: Well, it would have been helpful if your traffic guy was out there on the biggest traffic day of the year.

MR. COSTA: Understood.

CHAIRMAN SWEENEY: That’s my point.

I mean, you talk about January 8th, or December 19th, or whatever the day is, but why isn’t he there on the biggest traffic day of the year, so he can put together an analysis that’s relevant to today’s situation, and how we’re going to deal with that?

COMMISSIONER HUMENICK: Excuse me, let me ask a question -- in fact, let me just give a little bit of insight. There’s an old American expression, if you build it, they will come. I will tell you that, if you put another 500 on top of what you want, and try to get that put in, you’d even have bigger crowds. It’s going to keep bringing crowds.

Now, one of the ways -- I make a suggestion, but I don’t know the customs and everything else -- how do you -- do you use the internet or anything to warn people that, we all know that this is a big holiday, we all know that we get all this traffic all the time, maybe using the Internet to get to various other -- other mosques of the same faith, get to them and say, look, there’s a new policy -- as absurd if it sounds -- if you bring a car, it’s going to cost you a dollar to get in. That will stop people from coming in. But if you come by bus, there’ll be no charge to come in.

If you could get your Internet -- like, stop the problem where it begins, which is at the point of origin -- it seems to me that, if you publicize this -- and I say this not to be difficult -- if you can -- you can turn your radio on and you find out, well, listen, you better take public transportation into New York, because if you bring a car, you’re not going to be able to park. And we do this all these various holidays, and all these various towns where there’s parades or there’s services -- and I say with this all due respect -- isn’t it possible -- or is it possible to start a program where you’re identifying that people should only come by bus, and if they do that, it’s going to be a lot more comfortable experience for them?

CHAIRMAN SWEENEY: Evans, if I can interrupt for a second. To give them credit, I believe the temple does currently provide information about which are their holidays when they utilize off-site parking. So the attendees know they have to go off site in order to park their cars, because they can’t get in.

COMMISSIONER HUMENICK: And I’m sure that -- and I know -- and I appreciate the insight that I’m getting from everybody, but the thing is that you don’t need another -- you don’t need another garage. What you need is less cars, is really it.

I think that this program that you have, either it might be a mail program that has everything with the agenda that’s going to be on it, to notify everybody that, look, please, this is the agenda for the day, this is what we plan, but please don’t bring your -- sometimes I -- I don’t know -- I don’t know what other methods you can use, because you’re already using it, but I can tell you that you have to intensify it or something, because there’s no solution, with the existing roads, the amount of police that can be put to this, and the amount of spaces -- you can’t just keep expanding it, because this property that you’re on doesn’t justify the amount of people and the amount of cars, especially in our society today, where people will go two to a car, instead of six, and pile in.

So I’m saying that part of this problem -- what do you think you could do to address the situation? I’m glad that you have such a wonderful turnout, and I think that’s marvelous, but you can see why that maybe there’s something you can do to cause people not to take all their cars and make it a more uncomfortable experience for themselves.

That’s all I have to say.

CHAIRMAN SWEENEY: Mr. Avadhani, let me go back to one or two -- well, I want to go to one or two other things.

MR. AVADHANI: Sure.

CHAIRMAN SWEENEY: I’m -- I am a little disappointed in that you’ve given us a traffic study that doesn’t address the real issues, at least on the one day a year when
traffic is worse than all the others. Okay?
3 try to take into account how these traffic counts
4 may change going forward? And I'm not talking
5 about the 1 percent of your growth that you've
6 built in. I appreciate that, I'm glad you did
7 that, but I'm talking about the additional
8 buildings that are planned or are in the
9 discussion stages for 202/206 that could
10 literally add 10s of thousands of people going in
11 and out. You know, there's the COE right next
12 door to you, Center of Excellence right next door
13 to the temple. We don't know what's going to
14 happen that, it's up in the air, but, literally,
15 they're talking about 400 apartment units, a
16 humongous shopping store, a hotel, retail
17 outlets. It sounds like a lot of traffic, which
18 is why people are concerned.
19 I would suspect that's going to have
20 an impact on the traffic in front of the temple
21 as well. What about the mosque that -- the land
22 is being cleared as we speak just a little ways
23 further south on 202/206. I assume that's going
24 to bring additional traffic to the --
25 MR. COSTA: I just want to --

CHAIRMAN SWEENEY: What about the
2 Insmed building, which has just been renovated
3 and added to, and has not yet had people move in?
4 I mean, there are a lot of other --
5 MR. AVADHANI: Background traffic --
6 CHAIRMAN SWEENEY: -- developments
7 going on within a couple of miles of the temple
8 that sound as though they're going to have a big
9 impact on future traffic. Have you tried to take
10 any of that into account, other than your 1
11 percent assumed growth in traffic volumes?
12 MR. COSTA: I just want to make a
13 legal statement: That's off-site traffic
14 conditions which do not yet exist. My client is
15 not responsible for those. We're willing to talk
16 to you about them, but they don't exist; they're
17 not in place.
18 The Advanced Reality development has
19 not been approved, it's been stalled for some
20 period of time. So we don't know what's going
21 there. When Advanced Reality comes in, they will
22 need to do extensive, extensive road
23 improvements, there's no question about that.
24 But, right now, our development is
25 not making significantly different road demands,

and we're actually pulling traffic off the road.
2 So we don't think that we can, sort of, take this
3 from what about the mosque, what about the next
4 thing, what about the next thing. That's an
5 unfair thing to put on this small religious
6 group.
7 I also think that it's unfair, to
8 put upon this religious group, a different
9 standard of carpooling than to put on other
10 religious groups.
11 So I just want to lay out those two
12 legal issues, and just stick to the traffic. I
13 don't mind him discussing those issues, but I
14 think it's important that there's a lot of things
15 being heaped onto my client at this point that I
16 think are unfair regarding other Bridgewater
17 Township traffic conditions that are well beyond
18 the scope of this application.
19 MR. WARNER: Mr. Chairman, if I may
20 --
21 CHAIRMAN SWEENEY: Before counsel
22 jumps in -- no, I'm going to say something.
23 That's fine. I get it. I
24 understand. I just want to make sure that we all
25 understand as well that this doesn't take into

account any of the additional traffic that these
2 other developments may produce. And you don't
3 have to do that, but let's understand what it
4 accounts for and what it doesn't account for.
5 MR. WARNER: With respect to the
6 legal issues, which are important to address
7 immediately, the -- number one, nobody is
8 applying a different standard for traffic
9 purposes, or any purposes, to this use, from any
10 other use. There's no -- that is not happening
11 at all. There was a suggestion with respect to
12 mitigation, and a request to see if there's
13 anything that the applicant themselves could do
14 to help mitigate a traffic situation. That's
15 something that's asked of every applicant, with
16 respect to every use that comes before this board
17 and every board. No different whatsoever than
18 any other use and any other applicant, number
19 one.
20 Number two, if I understand
21 correctly -- and I'll -- and I'm interested,
22 Mr. Costa, in your opinion, but frankly, also, I
23 think it's -- we're both wise enough to know that
24 the expert on traffic should render this
25 opinion -- is it commonplace to have, in a build
situation, included therein, in the analysis,

already approved -- I'm not talking about the
Advanced Reality/Sanofi site, the Center For
Excellence, whatever we want to call it --
already approved sites that may already be in the
development -- post-approval development stage,

isn't -- aren't those, at least at times,
considered when you do a build analysis for
traffic purposes, as opposed to a no-build
analysis?

MR. AVADHANI: Let me ask you this
question --

MR. WARNER: No, please answer my
question.

MR. AVADHANI: Yes.
MR. WARNER: Yes, they are --

MR. AVADHANI: But --

MR. WARNER: Please let me
understand your answer.

MR. AVADHANI: Okay.

MR. WARNER: The yes, it is not
uncommon, in the build situation, to take into
consideration already -- other already approved
developments. Correct?

MR. AVADHANI: See, that's why

you're not letting me finish: Yes, but our build
year is 2020. So these developments that you're
talking about, is it going to be built before
2020?

MR. WARNER: I'm talking about
the --

MR. AVADHANI: It all --

MR. WARNER: The developments that
were addressed by the board members, the chair
and others, were developments that, as I
understand it, are already approved, and actually
already being built, if I'm not mistaken, in my
understanding of the questions that were asked.

So, in other words, even before
2020, they're ahead of this proposed project.
Even before 2020, they're anticipated to be, if
not already, online. So those are the types of
approved and already being developed projects
that are routinely considered in a traffic
analysis under a build versus no-build scenario.

You don't just include your project, you include
all the others that exist and that are coming
online as we speak. Correct?

MR. AVADHANI: That's correct.

MR. WARNER: Thank you.
not increased. Is that what you're saying?

MR. CHAVA: That's correct.

MR. AVADHANI: Correct. So that's
why I'm saying that we are not adding any new
traffic because of the parking garage. The
traffic is already there on 202/206.

CHAIRMAN SWEENEY: That's the --

MR. AVADHANI: I understand you had
an experience on January 1st --

CHAIRMAN SWEENEY: That's the
problem. How -- see, I'm not going to argue with
your point about the temple not -- or the garage
not generating additional trips. I think that's
probably right.

My concern is how are we handling
the existing traffic? It's not how many trips
are being generated, it's how are you going to
handle the traffic that today, at least on
January 1, is not being handled? What is going
to be different once the garage is in place?

MR. AVADHANI: For January 1st or
for other days?

CHAIRMAN SWEENEY: January 1st.

MR. AVADHANI: January 1st, it will
continue to be what we are experiencing now --

when I say "experiences," what is being done now.

Like, all the traffic will keep going to Sanofi.
There will not be any on-site parking. There
will be police and there will be temple
volunteers guiding inside the temple for the
buses and everything at the Sanofi lot. So the
buses will go back and forth, and we will
hopefully --

CHAIRMAN SWEENEY: I get that. I
think you've misunderstood me.

What I want to understand is how is
the existence of a garage going to help alleviate
that situation on the highway?

MR. AVADHANI: On January 1st?

CHAIRMAN SWEENEY: Yes --

MR. AVADHANI: No, it's not going to
alleviate anything on January 1st.

CHAIRMAN SWEENEY: See, I -- when
this whole application was presented to us, one
of the reasons for the garage was to get that
traffic off of 202/206 into the garage, get it
off the highway and into the garage.

Now, I think you just contradicted
that. You told me there's going to be no change
in the traffic.
1 traffic guy. You got the traffic guy over there.
2 Let's get his input into how we may be able to
3 use the garage, if it's approved and built, along
4 with I don't know what else, to really address
5 the issues on January 1, because they're -- see,
6 on January 1, if you're living on one of the side
7 streets off of 202/206, one of the streets that
8 has no access other than via 202/206, you can't
9 get in or out. That's a public safety hazard.
10 Let's address that.
11            MR. COSTA: I think that that's -- I
12 mean, we can certainly stipulate to that. I
13 don't know the solution at this point, but we can
14 certainly stipulate to working with the township
15 to reach a solution.
16            CHAIRMAN SWEENEY: Good.
17            MR. AVADHANI: We could do that.
18            CHAIRMAN SWEENEY: Good.
19 Anything else you'd like to present,
20 Mr. Avadhani, either about your original report
21 or the traffic management plan?
22            MR. AVADHANI: I don't have any more
23 to present, unless you have any questions.
24            CHAIRMAN SWEENEY: Okay. I've got a
25 couple of other questions.

301
31 MR. AVADHANI: Sure.
32            CHAIRMAN SWEENEY: What's going to
33 happen on a day when -- I think -- I think you've
34 said that the max number of parking spaces you'd
35 require, or historically would have required, is
36 about 900. Is that right?
37            MR. AVADHANI: Correct.
38            CHAIRMAN SWEENEY: And with the
39 parking garage, you're a thousand, give or take.
40            MR. AVADHANI: 1,047, yeah.
41            CHAIRMAN SWEENEY: Okay. What
42 happens if there's a demand for parking on site
43 even with the garage? What do you do with the
44 overflow? Where do they go?
45            MR. AVADHANI: The overflow will go
46 back to -- what is it -- the Brown Road school,
47 you said?
48            MR. CHAVA: We're not expecting --
49 right now, based on what we have been using, we
50 have been using mostly as the something
51 festivals.
52 Now, we have 500 capacity right
53            CHAIRMAN SWEENEY: Okay.
54            MR. CHAVA: Off site, we are parking
55
56
need to plan for that? Yes. You know, is there
a system we could put in place? We can work on
that. I mean, that's --

CHAIRMAN SWEENEY: I think that's
something else that you need to add to your
traffic management plan, just in case there is a
demand for spots that exceeds the available
supply. Let's not respond by saying, oh, well,
we didn't think it was going to happen. That's
not go to help. All right? Let's have a plan in
place beforehand.

MR. COSTA: That's fine.

MR. CHAVA: We already have 100, 150
excess -- more than what we need. We're saying
800 to 900 is adequate for us.

CHAIRMAN SWEENEY: Yeah, I
understand there are enough spots off site. My
question is: What's the process going to be that
allows you to utilize those spots if the demand
turns out to be greater than you expected?
Because you know when that's going to happen.
Right? It's going to happen on the day of the
event; it's not going to happen three days before
the event. How are you going to deal with that
at the time of the event is my question.

MR. CHAVA: In the case --

CHAIRMAN SWEENEY: Okay, Terrific.

MR. WARNER: We didn't have to use
that information. I don't want to do it on the
fly, I want to give you --

CHAIRMAN SWEENEY: Okay. Terrific.

MR. WARNER: Makes sense. I believe
the legal term for that is a plan B.

MR. COSTA: That's fine, yes.

CHAIRMAN SWEENEY: Okay. One more
question from me, and then we'll see what else
other folks have for you.

So far this year, how many days have
you utilized off-site parking?

MR. CHAVA: There were five times.

CHAIRMAN SWEENEY: No, how many days
this year. So far this year, how many have you
used?


CHAIRMAN SWEENEY: This year, 2019.

MR. CHAVA: Two times.

MR. COSTA: So if you look at this
list, which holidays did you utilize off-site
parking?

CHAIRMAN SWEENEY: Okay. So we got
the three dates that you've used off-site parking
so far this year. Right?

MR. CHAVA: That's correct.

CHAIRMAN SWEENEY: What are the two
remaining dates going to be that you're going to
utilize off-site parking?

MR. AVADHANI: September 2nd.

MR. CHAVA: Yeah, September 2nd, and
October 27th.

CHAIRMAN SWEENEY: Okay.

MR. WARNER: Can I ask a question?

MR. COSTA: Sure.

MR. WARNER: Based on the prior
testimony -- if I may, based on the prior
2 testimony, are we certain that none of those
3 other holidays, if they fall on a weekday, are
4 going to require traffic assistance from the
5 police?
6 MR. COSTA: That was a -- they may
7 require traffic assistance, and that's set forth
8 in -- at the bottom of Schedule A, but that was a
9 different question than the off-site traffic.
10 CHAIRMAN SWEENEY: Yeah.
11 MR. COSTA: So that's why --
12 MR. WARNER: Got it. Thank you.
13 COMMISSIONER AMIN: I have a
14 question regarding the two other holidays, which
15 is April 5th, the lunar new year, and April 14th,
16 solar new year. Those are special days. So did
17 you have more than unusual number of cars coming?
18 MR. CHAVA: Again, normally, we were
19 able to accommodate on the premises.
20 COMMISSIONER AMIN: So the present
21 parking lot is able to accommodate that?
22 MR. AVADHANI: On-site parking was
23 able to accommodate for those two days.
24 COMMISSIONER AMIN: Okay. Thank
25 you.

1 CHAIRMAN SWEENEY: Did you have
2 anything that you'd like to say in response to
3 our engineer's response to your traffic
4 management plan, Mr. Avadhani, Mr. Chava? I
5 mean, it was -- it was quite positive. Right?
6 It says, In our opinion, the outlined plans
7 presented an effective approach to managing the
8 traffic and parking demands on the site
9 throughout the year, and I think, if you can
10 expand that plan to accommodate the couple of
11 points that we've been talking about, it would
12 make it that much better, the plan. So that's
13 what I hope you will do. Okay?
14 MR. AVADHANI: Yes.
15 MR. COSTA: I have a question. I
16 have not seen the response to our traffic manual.
17 MR. WARNER: I think it's April 11,
18 2019, William H. Burr IV, PE.
19 MR. COSTA: Yeah, I didn't receive
20 that, so I'd like to -- to take a look at it.
21 MR. WARNER: Certainly.
22 CHAIRMAN SWEENEY: I would give you
23 my copy, but I only ripped off the last page, so
24 I apologize.
25 MR. WARNER: April 11th was five

1 days ago. Did -- can we ask your traffic expert
2 if he got a copy?
3 MR. AVADHANI: No.
4 MR. COSTA: It would have come
5 through me.
6 MR. AVADHANI: It would go through
7 him first before it comes to me.
8 CHAIRMAN SWEENEY: I apologize for
9 not getting you a copy of that.
10 MR. COSTA: That's okay. You know,
11 if it's positive, I just want to see it. Give me
12 just a second.
13 CHAIRMAN SWEENEY: It's a very --
14 it's a very brief report. The conclusions
15 section is on page 2 of 2. And you can certainly
16 take a look at that page, if you'd like, I have
17 that.
18 (Whereupon, there is a brief pause
19 in the proceeding.)
20 MR. COSTA: We have no problem
21 agreeing with everything in that conclusion.
22 CHAIRMAN SWEENEY: Good. Thank you.
23 MR. WARNER: If I may, do you agree
24 with page 1, the factual characterization of the
25 parking management plan summary? Is it an

1 accurate characterization of the -- of your
2 parking management plan? Page 1. Is it an
3 accurate characterization of your parking
4 management plan?
5 MR. AVADHANI: Page 1 of our parking
6 management plan?
7 MR. WARNER: No, the April 11, 2019
8 report, the two-page report that your counsel
9 just put in front of you, is that an accurate
10 characterization of your parking management plan,
11 page 1? It's a few sentences.
12 MR. FORSYTHE: No, you're not
13 looking at the right report. You've got too many
14 pages.
15 MR. AVADHANI: I know, that's why --
16 MR. WARNER: Chris, you gave him the
17 April 11th that was just given to you?
18 THE SECRETARY: It's all the way at
19 the end.
20 MR. WARNER: Jackie, you gave him
21 the whole big package?
22 THE SECRETARY: That's what I was
23 given.
24 MR. COSTA: There you go. All
MR. WARNER: Now you're on page 1 of the April 11, 2019?
Is that an accurate characterization of the parking management plan, that page 1, those two paragraphs? It's a summary. Is that accurate?

MR. COSTA: The -- yes, it's accurate, because we have four highlighted in the Schedule A, and then we have New Year's Day as a fifth. So it goes to the days when we need the greatest security -- or the greatest police assistance on site.

MR. WARNER: Okay.

MR. COSTA: So that's accurate.

MR. WARNER: So page 1 is an accurate characterization, and you agree with all the conclusions on page 2. Correct?

MR. AVADHANI: Yeah, you already agreed to that.

MR. COSTA: Yes.

MR. WARNER: And you'll stipulate as a condition of approval, should the board approve the application, and should the board desire to accept the stipulation, you'll stipulate to the -- complying with recommendations made on page 2 of the April 11, 2019 report. Correct?

MR. COSTA: Yes, which let me just read those back to you, to make sure that we're on the same -- same page, which is that the board adopt the plan as a guiding document for traffic management on the temple property, and should condition any approval with a requirement that the temple operate their parking in accordance with the document. We agree to that.

This plan should also be evaluated periodically and updated as necessary if parking demands increase in the future. We agree to that.

Additionally, the applicant should submit all off-site parking agreements to the board for their review, and should attach these agreements to the traffic and parking management plan as appendices, which is acceptable.

I will tell you, we -- let me use the mic -- the temple does not have formal agreements with these other properties. What they do is -- and I have a sample e-mail -- they send an e-mail to the properties, asking for them to agree to allow them to park, and the properties ask for a certificate of insurance.

and then the temple is permitted to park there.

MR. WARNER: I suspect that constitutes from your perspective the agreements would be what would be anticipated to be submitted.

MR. COSTA: And that's fine, I just don't want to create -- there is not a formal easement or license agreement; it's an informal agreement, at this point, with the three different locations: Sanofi, Advanced Reality, and the elementary school.

MR. WARNER: And is there a plan B for what, if anything, happens when there is -- when they do not agree? Since there's no binding agreement prospectively.

MR. COSTA: We have three -- three places that already agreed, and there are many large parking areas in the area that we would approach, if they did not agree.

MR. WARNER: And so you have a reasonable expectation prospectively that one, two, or all three will continue to agree, and in the event they do not, you have a reasonable expectation that there are alternatives that would be available to you. Is that correct?

MR. COSTA: Correct. We have never had an issue with any of them at this point.

MR. WARNER: And you'll also stipulate as conditions of approval to the chairman's requests with respect to what I characterize as plan B -- and I apologize, Mr. Chairman, I recall there being a second one, I just can't recall exactly what it was.

CHAIRMAN SWEENEY: The first one was, you know, what can we possibly do, or what can possibly be done to address and alleviate the traffic situation on January 1.

MR. WARNER: And you'll make a good faith effort to come up with a plan consistent with the -- or in coordination with the township engineering department?

MR. COSTA: We will do that, correct.

MR. WARNER: Okay.

CHAIRMAN SWEENEY: And the second point was, what happens if there's a greater demand than you have slots available for parking?

MR. COSTA: We will come up with that what I'm going to call impromptu busing plan, or a planned busing plan for overflow.
CHAIRMAN SWEENEY: Sounds good.
MR. WARNER: Thank you.
MR. COSTA: We can include that, and amend our traffic plan to include those two items.
CHAIRMAN SWEENEY: Thank you.
Anyone on the board have any questions for Mr. Avadhani about his original traffic counts, or his traffic management plan, or --
COMMISSIONER FOOSE: Mrs. Amin, please.
COMMISSIONER AMIN: I have a question that might be answered by Mr. Chava.
In the past, do you -- if people park at the Hillside School, have we provided buses from Hillside School to the temple, or people just walk?
MR. CHAVA: They could walk, but we do arrange buses.
COMMISSIONER AMIN: From Hillside School, also you provide buses?
MR. CHAVA: Yes.
COMMISSIONER AMIN: Okay. That's what I wanted to clarify. Okay.

COMMISSIONER HUMENICK: If I could ask a question here too.
Is it possible, because it isn't a garage -- this facility that you're not putting on the property, that's not attracting people.
Is it possible that maybe that should be built, but the money that's been dedicated for that project be used to purchase a piece of property -- as you alluded to, that there's a lot of parking lots available, places for parking -- is there any property close by that, for five days a year, that you own it all 365, but you can put a parking lot on that piece of property, and just have the jitneys go for those five days? Is there a piece of property available that they could purchase for the same cost as the garage?
MR. COSTA: The garage is -- the garage is what my client is seeking, because that's what the worshippers are looking for, in terms of being able to come on site, and park on site.
One of the conditions we're trying to avoid is having to bus people on and off site.
That is not a good condition for the worshippers.
They want to be on site, they want to go into the temple, they want to leave the temple; they don't want to wait in a busing line. It has to happen on New Year's, but they're not seeking to do that on other dates.
MR. WARNER: And Mr. Costa, would I be correct in my characterization of the prior memorandum of understanding and other related documents in connection with the prior litigation that was resolved by way of an approval and settlement and MOU, memorandum of understanding, that the -- there was a concern with the amount of times which off-site busing and off-site parking would have to take place, and there was an effort -- or at least perhaps an intent, you tell me -- from the applicant's perspective -- and perhaps even from the municipality's perspective -- to minimize the number of times that there would have to be off-site parking, and therefore the associated implications with same?
MR. COSTA: That's correct. That's correct.
MR. WARNER: So that was something that -- it's your position, your client's position, that that's something they're looking for, but it's also your client's position that that was something that the municipality was seeking to minimize back then. Correct?
MR. COSTA: Correct.
CHAIRMAN SWEENEY: Anyone else? Jeff?
COMMISSIONER FOOSE: Very quickly.
Obviously, I'm very concerned about the 202/206 corridor to our township. And I don't want to speak about the COE, because we don't know about the COE, but what I do know about is the Insmed property; there's 120-room hotel that's been approved as of last week in Bedminster, next to the Bridgewater Manor, that's on the border of our township, and the mosque, which is in existence, it's being constructed.
So I just want to really just hear you tell me what are those projects put into your calculation for something? I heard a 1 percent number thrown out for a 2019 over 2020 growth factor, but were any of these existing approved construction projects put into your traffic study which you testified to today?
MR. AVADHANI: It has not been included as background traffic in our traffic study, no.
COMMISSIONER FOOSE: Thank you very much.

MR. AVADHANI: However, we used the 1.5 percent, more than -- half a percent more than normal 1 percent that NDOT --

COMMISSIONER FOOSE: Since you offered, where did that half a percent come from?

Was that a number you came up with to be safe?

MR. AVADHANI: We just used that -- to tell you the truth, I don't know how we used it --

MR. COSTA: It was a more conservative -- a number that assumed growth, because this township has growth.

COMMISSIONER FOOSE: Since you offered again, I'll keep going there. Since the half a percent number is assuming growth, is there a town similar to Bridgewater where you've pulled that number from? I'm curious, because I am a medical person by trade and profession, so I'm curious what your basis for that growth factor is coming from.

MR. AVADHANI: I have no basis for that, it was just a 1.5 percent, we just wanted to be safe to have an increased traffic volume.

COMMISSIONER FOOSE: Sir, you sound --

MR. AVADHANI: The reason we do that, the reason is because I've done traffic impact studies in New York City and all, and typically, if the -- if the agency says 2 percent, we just go, as a safety factor, as a factor of safety, we say, okay, let's go with 3 percent. So things like that.

COMMISSIONER FOOSE: Okay.

MR. AVADHANI: That's the only reason.

MR. WARNER: It's basically 150 percent of what some agency requires. In this case, it's the DOT requires 1 percent --

COMMISSIONER FOOSE: Right.

MR. WARNER: -- 1 and a half --

COMMISSIONER FOOSE: So they built a buffer, and that buffer is not really subjective to the person doing the analysis.

MR. AVADHANI: That's correct. It was just a number that -- that's how we do traffic engineering, we just have a buffer to say that, okay, as a factor of safety -- I just didn't want somebody to say that, oh, it's going to be 2 percent, where did you come that from, 1 percent, 1 and a half. So we go 50 percent more than what NDOT recommends.

COMMISSIONER FOOSE: Great. That was helpful, thank you.

CHAIRMAN SWEENEY: Any other questions?

COMMISSIONER GUTTSCHALL: I have a question that's sort of related to the traffic, but may not be related. When you have a -- an event, do you know how many people are going to come to the event prior? Like, do you give, like, tickets, or passes, or do you have any idea how many people are going to come before it actually happens?

MR. AVADHANI: No.

COMMISSIONER GUTTSCHALL: So it's just like a free-for-all, anybody can come on any holiday they want? Is that how it works?

MR. COSTA: The -- I think "free-for-all" isn't quite right, but it is a -- as I understand it -- and I may not be the best person to describe it, so correct me if I'm wrong -- and this is in our manual -- it is a worship process where, basically, they go through the temple and worship -- and I'll let you, Rao, explain that further -- and then leave.

It's not a -- a service where everyone sits. So it's -- it's some people come early; some people come later. Sometimes it's a beautiful day, and more people come. So that's where you get the little bit of variation.

COMMISSIONER GUTTSCHALL: But you have -- also, you have a membership, I would imagine, and you wouldn't necessarily --

MR. CHAVA: No, you don't have to be a member.

COMMISSIONER GUTTSCHALL: You don't have a membership either?

MR. AVADHANI: The way it works is people just come there, they worship, and they leave. Of course, there's a cafeteria, people go there to eat, but other than that, they come there, they worship, and they leave. It is not like -- "event" is the wrong word, I would say. It's more for religious purpose, that people would come, they pray to the god, and they just leave.

MR. COSTA: And my understanding is, if it's one of the holidays, or festival days,
<table>
<thead>
<tr>
<th>85</th>
<th>86</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 that's not a day where people stop and socialize.</td>
<td></td>
</tr>
<tr>
<td>2 If it's a Saturday, there's more socializing,</td>
<td></td>
</tr>
<tr>
<td>3 where people linger on site. That's correct?</td>
<td></td>
</tr>
<tr>
<td>4 MR. CHAVA: That's correct. Yeah,</td>
<td></td>
</tr>
<tr>
<td>5 weekdays, there's less.</td>
<td></td>
</tr>
<tr>
<td>6 COMMISSIONER GUTSCHALL: So you</td>
<td></td>
</tr>
<tr>
<td>7 base your holidays, basically, on previous</td>
<td></td>
</tr>
<tr>
<td>8 holidays, how they've been, that's how you would</td>
<td></td>
</tr>
<tr>
<td>9 base the day that you're anticipating?</td>
<td></td>
</tr>
<tr>
<td>10 MR. COSTA: That's the anticipated</td>
<td></td>
</tr>
<tr>
<td>11 volume, correct.</td>
<td></td>
</tr>
<tr>
<td>12 MR. CHAVA: Yeah.</td>
<td></td>
</tr>
<tr>
<td>13 COMMISSIONER AMIN: I have a</td>
<td></td>
</tr>
<tr>
<td>14 question for Mr. Chava. You have listed here</td>
<td></td>
</tr>
<tr>
<td>15 January 1st, and if I remember correctly,</td>
<td></td>
</tr>
<tr>
<td>16 December 31st, at midnight, I've gone to the</td>
<td></td>
</tr>
<tr>
<td>17 temple in the past. So is that still being held</td>
<td></td>
</tr>
<tr>
<td>18 as a midnight kind of a thing, where you can</td>
<td></td>
</tr>
<tr>
<td>19 actually go inside --</td>
<td></td>
</tr>
<tr>
<td>20 MR. CHAVA: Yeah, people can go</td>
<td></td>
</tr>
<tr>
<td>21 inside --</td>
<td></td>
</tr>
<tr>
<td>22 COMMISSIONER AMIN: You still have</td>
<td></td>
</tr>
<tr>
<td>23 that?</td>
<td></td>
</tr>
<tr>
<td>24 MR. CHAVA: -- the temple.</td>
<td></td>
</tr>
<tr>
<td>25 COMMISSIONER AMIN: So how do people</td>
<td></td>
</tr>
<tr>
<td>26 come at that time? Do they use the bus?</td>
<td></td>
</tr>
<tr>
<td>27 MR. CHAVA: No, they drive. They</td>
<td></td>
</tr>
<tr>
<td>28 drive. How do they come to the temple, you mean?</td>
<td></td>
</tr>
<tr>
<td>29 COMMISSIONER AMIN: Yeah, on</td>
<td></td>
</tr>
<tr>
<td>30 December 31st, midnight, when the new year</td>
<td></td>
</tr>
<tr>
<td>31 switches, at 12 o'clock, people like to go into</td>
<td></td>
</tr>
<tr>
<td>32 the temple and pray. Right?</td>
<td></td>
</tr>
<tr>
<td>33 MR. CHAVA: Yes.</td>
<td></td>
</tr>
<tr>
<td>34 COMMISSIONER AMIN: Instead of going</td>
<td></td>
</tr>
<tr>
<td>35 to a bar and having a party, some people go and</td>
<td></td>
</tr>
<tr>
<td>36 pray to God. So the question is, do you still</td>
<td></td>
</tr>
<tr>
<td>37 have that?</td>
<td></td>
</tr>
<tr>
<td>38 MR. CHAVA: We still have that.</td>
<td></td>
</tr>
<tr>
<td>39 COMMISSIONER AMIN: How do --</td>
<td></td>
</tr>
<tr>
<td>40 MR. AVADHANI: Is it open at</td>
<td></td>
</tr>
<tr>
<td>41 midnight?</td>
<td></td>
</tr>
<tr>
<td>42 MR. CHAVA: They close after</td>
<td></td>
</tr>
<tr>
<td>43 midnight.</td>
<td></td>
</tr>
<tr>
<td>44 MR. COSTA: That's the only day of</td>
<td></td>
</tr>
<tr>
<td>45 the year --</td>
<td></td>
</tr>
<tr>
<td>46 MR. WARNER: Do you have sufficient</td>
<td></td>
</tr>
<tr>
<td>47 parking existing for the number of people --</td>
<td></td>
</tr>
<tr>
<td>48 MR. CHAVA: There's the time change.</td>
<td></td>
</tr>
<tr>
<td>49 After 12 o'clock, we close the temple.</td>
<td></td>
</tr>
<tr>
<td>50 COMMISSIONER AMIN: Yeah, so there's</td>
<td></td>
</tr>
<tr>
<td>51 enough parking for people to park --</td>
<td></td>
</tr>
<tr>
<td>52 MR. CHAVA: Not that many people</td>
<td></td>
</tr>
<tr>
<td>53 come at night.</td>
<td></td>
</tr>
<tr>
<td>54 COMMISSIONER AMIN: Very few people</td>
<td></td>
</tr>
<tr>
<td>55 come.</td>
<td></td>
</tr>
<tr>
<td>56 MR. AVADHANI: Yeah, there would be</td>
<td></td>
</tr>
<tr>
<td>57 on-site parking if it is open at that time, yes.</td>
<td></td>
</tr>
<tr>
<td>58 MR. WARNER: And if there's</td>
<td></td>
</tr>
<tr>
<td>59 sufficient on-site parking now with roughly 500</td>
<td></td>
</tr>
<tr>
<td>60 spots, there'll be more than sufficient on-site</td>
<td></td>
</tr>
<tr>
<td>61 parking with more than 1,000 spots, if you have</td>
<td></td>
</tr>
<tr>
<td>62 the approval. Correct?</td>
<td></td>
</tr>
<tr>
<td>63 MR. AVADHANI: Correct.</td>
<td></td>
</tr>
<tr>
<td>64 MR. FORSYTHE: Okay. I've got</td>
<td></td>
</tr>
<tr>
<td>65 two -- two or three quick comments.</td>
<td></td>
</tr>
<tr>
<td>66 One is, I think the police traffic</td>
<td></td>
</tr>
<tr>
<td>67 safety, and you should also comment on your --</td>
<td></td>
</tr>
<tr>
<td>68 your parking plan, since they're involved with</td>
<td></td>
</tr>
<tr>
<td>69 it, they've been involved with you for so many</td>
<td></td>
</tr>
<tr>
<td>70 years, they're going to have their own insights</td>
<td></td>
</tr>
<tr>
<td>71 into it. So I'll get them a copy.</td>
<td></td>
</tr>
<tr>
<td>72 MR. WARNER: Just so I'm clear, the</td>
<td></td>
</tr>
<tr>
<td>73 engineering department commented, but the police</td>
<td></td>
</tr>
<tr>
<td>74 have not yet --</td>
<td></td>
</tr>
<tr>
<td>75 MR. FORSYTHE: Correct.</td>
<td></td>
</tr>
</tbody>
</table>

---

<table>
<thead>
<tr>
<th>87</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 MR. WARNER: -- and traffic safety</td>
</tr>
<tr>
<td>2 have not yet. Do you have any objection to the</td>
</tr>
<tr>
<td>3 police and traffic safety having an opportunity</td>
</tr>
<tr>
<td>4 to comment and provide their input?</td>
</tr>
<tr>
<td>5 MR. COSTA: No objection.</td>
</tr>
<tr>
<td>6 CHAIRMAN SWEENEY: They may be able</td>
</tr>
<tr>
<td>7 to provide some useful input, in terms of the two</td>
</tr>
<tr>
<td>8 issues we talked about earlier.</td>
</tr>
<tr>
<td>9 MR. AVADHANI: I was about to say,</td>
</tr>
<tr>
<td>10 that would help us, actually.</td>
</tr>
<tr>
<td>11 MR. COSTA: Yes.</td>
</tr>
<tr>
<td>12 MR. FORSYTHE: And in regard to the</td>
</tr>
<tr>
<td>13 chairman's two issues, on the January 1st date,</td>
</tr>
<tr>
<td>14 although you have the off-site parking, you may</td>
</tr>
<tr>
<td>15 need to give specific directions to your people</td>
</tr>
<tr>
<td>16 in your publications, or however you get the word</td>
</tr>
<tr>
<td>17 out, that parking off site -- how to get there?</td>
</tr>
<tr>
<td>18 Because, a lot of times, people will still head</td>
</tr>
<tr>
<td>19 to the temple, look, can I park in there, and</td>
</tr>
<tr>
<td>20 that may be causing a lot of the bottlenecking</td>
</tr>
<tr>
<td>21 that the chairman saw this year. So, a lot of</td>
</tr>
<tr>
<td>22 times, if you give them specific directions,</td>
</tr>
<tr>
<td>23 people not sure how to get them, you give them</td>
</tr>
<tr>
<td>24 directions to come in from the north instead of</td>
</tr>
<tr>
<td>25 pass the temple, that might help alleviate some</td>
</tr>
</tbody>
</table>
of that traffic right at that intersection.

MR. CHAVA: Sure. Sure.

MR. FORSYTHE: On the other holy
days, where you're expecting 2 traffic or the
parking to just be on site, if you do arrange
with the Hillside School, you can walk down that
hill, there is sidewalk along one side of Brown
Road, to bring you to the temple. You know, so
that may be an easier way to adjust or to address
that kind of situation.

MR. WARNER: If I may, it's my
understanding that there may be safe pedestrian
access from Hillside Elementary School --
MR. CHAVA: There's sidewalk.
MR. WARNER: -- to the -- to the
temple property?

MR. FORSYTHE: Mm-hmm.
MR. WARNER: And if I recall
correctly, there's about 100 spaces, was that
correct, available at the Hillside?

MR. COSTA: 300.

MR. AVADHANI: 150.

MR. WARNER: 150. Okay.

MR. AVADHANI: At the Brown Road
school.

1 stop up 202 every minute and a half, so that we
can clear out that queue lane.

MR. AVADHANI: That's why I said,
the northbound -- the entire roadway, entire
approach, traffic will be moving. The police is
going to allow them to keep going; not just the
left turns, even the through and the right turns
as well.

COMMISSIONER FROSS: But you will be
stopping the southbound lane.

MR. AVADHANI: That's correct.

COMMISSIONER FROSS: Okay.

CHAIRMAN SWEENEY: I want to -- I
just want to add a comment. The traffic
situation today is not a good one, at least once
or twice a year.

MR. COSTA: Mm-hmm.

CHAIRMAN SWEENEY: I give -- I give
the temple community a lot of credit for trying
to work with us, in terms of listening to our
earlier comments about what this parking garage
is going to look like, how it's going to work,
how it was going to be camouflaged with
vegetative buffers, and so forth and so on. I
really -- I do appreciate all the cooperation
that you've shown the board in that respect.
And I think we can make some real
good progress, in terms of handling this traffic
issue, because if we can leave this with a
feeling that, you know, we've really done enough
to make the traffic situation better than it is
today, that's a -- that's a very good thing, and
I think we're headed in that direction.

MR. COSTA: Well, our goal was to
take cars off the road, so that should be the end
result.

CHAIRMAN SWEENEY: Well, that will
help, but I think one of the things you need to
do, for example, is -- I think you've talked
about having -- especially your own security
people on site during these heavy special event
days. They need to be, I would think, all along
that roadway that leads from 202/206 to the
parking garage, to keep that flow of traffic
moving, so it doesn't stop, because once it
stops, it only takes about five or six cars that
stop in that left-hand turn lane, because then
nobody goes anywhere northbound on 202/206.

So, you know, there's a lot of --

MR. CHAVA: Yeah, that's our main

concern.

CHAIRMAN SWEENEY: Excuse me?
MR. CHAVA: At the traffic light, we
always plan to have township police.
CHAIRMAN SWEENEY: Not the -- I'm
not talking -- yes, and that's great. Terrific.
Keep doing that. But on site, you need to have
people doing whatever is necessary to keep
that -- keep those --

MR. AVADHANI: Traffic flow, yes.

MR. CHAVA: We're going to have more
parking, that makes it move -- people move
faster.

MR. COSTA: So I think he's talking
about, once they move into the --

MR. AVADHANI: Yes, we will have
more people.

MR. COSTA: -- having security

MR. AVADHANI: -- guiding traffic,
yes.

MR. COSTA: -- how to collect
through the lane towards the garage.

CHAIRMAN SWEENEY: Don't count on
people in their cars doing that for you. Ain't

going to happen. They need to be cajoled,
directed, pushed, yelled at, whatever it takes to
get them going.

Did you have anything else?

MR. WARNER: When you're done,
Mr. Chairman, and all the board members are done.

CHAIRMAN SWEENEY: Anybody else,
anything traffic related?

I guess that means it's your turn.

MR. WARNER: Just a couple of quick
ones, if I may.

Just for my own edification, maybe
others, the security guards and/or other people
you're going to have helping on site with the
traffic, not the Bridgewater Police and traffic
safety, do they have any particular expertise,
experience, qualifications, knowledge, in doing
what they're doing?

MR. COSTA: Rao, what's the training
of your on-site security?

MR. CHAVA: Yeah, we look at that
regard, and we hire from company which is
qualified.

MR. COSTA: So you are hiring from a
qualified security company that provides trained

security guards on site?

MR. CHAVA: That's correct.

MR. WARNER: Transportation and
transit oriented, not just security? They have
experience in transportation, parking, traffic
management?

MR. CHAVA: Yeah, we'll look into
that.

MR. COSTA: Yeah, we don't -- I
don't know that they do at this point, but we can
certainly stipulate that they have that skill
set.

MR. WARNER: I'm looking
prospectively, and I expect the board will
appreciate that stipulation.

MR. COSTA: That's fine.

MR. WARNER: And I guess I'm
apologizing before I do it, but I noticed a
couple other F situations turning into a little
bit better than Fs, if you will. On page 14, the
Route 202/206 overall goes from a B to an F, but
with mitigation becomes a C.

And then, eastbound right-hand turn
below that on the 2020 no-build Saturday temple
peak hour goes from a C to an A, but then makes
97
1 it way to a D with mitigation.
2 I take it you're -- correct me if
3 I'm wrong, I take it your general testimony would
4 be the same as it was with respect to the
5 northbound left-hand turn on 2020 no-build
6 weekday street peak hour, that the mitigation
7 would be -- and changes in the green time on the
8 signalization, but in actuality, it's not going
9 to be changes, it's going to be handled by
10 traffic management, by the Bridgewater Police in
11 traffic, as well as on site. Would that be an
12 accurate characterization of your testimony for
13 those items as well?
14 MR. AVADHANI: That's correct.
15 MR. WARNER: Nothing further.
16 CHAIRMAN SWEENEY: I have one last
17 parking-related point. We now know what the five
18 days are you're going to be using off-site
19 parking for this year. I don't know when, in
20 2020, the garage will be finished, but on --
21 could you get to us at some point later this
22 year, towards the end of this year, or early in
23 2020, what the five days may be that year? Just
24 in case your garage runs longer than you expect
25 it'll take to build it.

98
1 MR. CHAVA: Okay. Sure.
2 MR. WARNER: That would be
3 information based on the lunar holiday that would
4 already be available. Correct? Lunar calendar,
5 excuse me.
6 MR. CHAVA: Yeah. Yeah.
7 CHAIRMAN SWEENEY: Mr. Costa, you
8 had talked about having your -- your planner, at
9 this point. Before we do that, I've got a
10 question or two for Mr. Chava and Mr. Nagrani.
11 Can we handle those now?
12 MR. COSTA: No problem, yeah.
13 CHAIRMAN SWEENEY: Mr. Avachani,
14 you're off the hook for the moment. Go take your
15 seat back in the yard.
16 Oh yeah, I'm sorry, I should have
17 asked: Does anyone in the public have a question
18 for our traffic expert or Mr. Chava about their
19 traffic study or traffic management report?
20 No response. Okay. Thank you.
21 MR. AVADHANI: Thank you.
22 MR. COSTA: I believe Nitin has been
23 sworn in multiple occasions.
24 CHAIRMAN SWEENEY: Yes, that is
25 correct.
MR. NAGRANI: Yes.

MR. WARNER: Okay. So to the extent that may not have come to one or more of the board members and/or professional, I'm seeing Mr. Costa has copies --

MR. COSTA: I do have copies, yes.

MR. WARNER: We'll make sure we get it.

THE SECRETARY: I just made them for him.

MR. COSTA: Yeah.

MR. WARNER: Is it safe to assume that, if we don't finish this evening, that there's a very reasonable expectation you'll be able to address those issues in coordination with the fire official, and get back to us at the next hearing, if we don't finish this hearing?

MR. NAGRANI: Yes.

MR. WARNER: Thank you. Nothing further.

CHAIRMAN Sweeney: Good. Thank you.

The MOU included a 10-year moratorium on future expanding, the 10-year-old MOU. I guess this is a question for Mr. Chava and anyone else that can answer it: Would you be willing to entertain a similar moratorium on additional expansion at this point in time?

MR. CHAVA: Sure.

CHAIRMAN Sweeney: Similar to the one that was signed -- agreed to, rather, 10 years ago?

MR. CHAVA: Yes.

CHAIRMAN Sweeney: Okay. Thank you.

MR. WARNER: If I may, for clarification, is that a stipulation to such an agreement for that same period of time?

MR. CHAVA: Yes.

MR. COSTA: Can I -- I don't object to that in concept, but there's some nuance to that restriction that I'd want to discuss with my client before we just put it on the record. So it's certainly something we can look into, but there were issues with that, in terms of if any additional property was purchased, it wasn't just the restriction. So I'd want to talk about that further with him, and then we can address that.

CHAIRMAN Sweeney: Okay. Very good.

MR. WARNER: I think that's prudent.

CHAIRMAN Sweeney: That's excellent.

Would it be possible to make sure that the lights on the upper level of the garage go off earlier than 10:30? And the only reason I bring this up is because those are the lights that are most likely to be seen by your neighbors on Cedar Brook. Could we say the lights on the upper deck of the garage would go off at 8:30, except for your special dates when people are on site later than -- or as late as 10 p.m.?

MR. CHAVA: 8:30 at night?

CHAIRMAN Sweeney: 8:30 p.m.

MR. COSTA: So I think 8:30 on weekdays would be fine; on weekends, it would be -- weekends and festival days it would be 10:30, but 8:30 on weekdays would be fine.

CHAIRMAN Sweeney: Very good.

Got that?

MR. WARNER: I'm getting them all.

MR. COSTA: And that's in the -- I think that's in the traffic management report as well, and was in the last transcript.

MR. WARNER: Belt and suspenders.

CHAIRMAN Sweeney: Okay. I have no additional questions at this point, so take us wherever you would like to.

MR. COSTA: Okay. If I could take a five-minute break, and have a conversation with my client, I would appreciate it.

MR. WARNER: Just for the formality, perhaps we could open the discussion --

CHAIRMAN Sweeney: Oh, I'm sorry, I appreciate your prompting my ignorance of all this administrivia.

Anyone in the public have a question for Mr. Chava or Mr. Nagrani about their most recent testimony?

No response.

Okay. Five minutes, Counselor.

MR. COSTA: Good. Thank you.

CHAIRMAN Sweeney: Thank you.

(Whereupon, there is a brief pause in the proceeding.)

CHAIRMAN Sweeney: Jackie, will you once again call attendance, roll call, please?

THE SECRETARY: Mrs. Amin?

COMMISSIONER AMIN: Here.

THE SECRETARY: Mr. Humenick?

COMMISSIONER HUMENICK: Here.
THE SECRETARY: Mr. Fross?
COMMISSIONER FROSS: Here.
THE SECRETARY: Chairman Sweeney?
CHAIRMAN SWEENEY: Here.
THE SECRETARY: Mr. Weidell?
COMMISSIONER WEIDELI: Here.
THE SECRETARY: Ms. Guttschall?
COMMISSIONER GUTTSCHAL: Here.
THE SECRETARY: Mr. Foose?
COMMISSIONER FOOSE: Here.
THE SECRETARY: Mr. Ahearman?
COMMISSIONER AHEARMAN: Here.
CHAIRMAN SWEENEY: Counselor, please proceed.
MR. COSTA: Okay. Thank you. Our next witness this evening is Barbara Ehlen from Beacon Planning, she is our planner.
And Ms. Ehlen, can you give us the benefit of your education background, and professional licenses, and appearances before other boards, please?
MR. WARNER: After we confirm that I previously sworn you in.
CHAIRMAN SWEENEY: No, I don’t think so.

BARB ARA E HLEN, having been duly sworn, testified as follows:
MR. WARNER: Thank you, please proceed. Name and address, business address is fine, for the record.
MS. EHLEN: My name is Barbara Ehlen. My last name is E-H-L-E-N. I'm a licensed professional planner in the state of New Jersey, and an AICP. I've worked for Beacon Planning since 2008, and I've worked my way up all the way to project manner. I've been recognized as a professional planner by numerous boards, including Neptune City, Ocean Township, Long Branch, Carteret, Red Bank, Holmdel, Berkeley, Loch Arbour, West Long Branch, Jackson, Jamesburg.

MR. WARNER: And your license remains in good standing this evening?
MS. EHLEN: Yes, it does.
MR. WARNER: And the business address at beacon?
MS. EHLEN: Is 315 Route 34, Suite 129, Colts Neck, New Jersey.
MR. WARNER: Unless you have anything further, I defer to the board, if they wish to accept you as a professional planner.

CHAIRMAN SWEENEY: Any questions from the board about her qualifications or background?
None. Please proceed.
MS. EHLEN: Thank you.
A. This evening, as I’m sure we’ve heard plenty of testimony about, we are proposing the parking deck at the subject property. The property is located in the R-50 residential zone, which does conditionally permit houses of worship. So the use is conditionally permitted within the zone. The temple recently acquired additional property, and is seeking to obviously construct supplemental parking.

What's interesting about the application this evening is, though we have centered on the parking garage -- and I am not diminishing its importance -- the variances are actually triggered by the existing homes. So the parking garage itself doesn't trigger the request for a D variance, it's actually the existing homes that do.
So I want to just walk through --

with the exception -- two small exceptions, which is the minimum lot area and the FAR. So minimum lot area is 1,779,220 square feet required, where 1,329,693 square feet is proposed, which is actually an increase over the previously approved 1,065,913.

Q. So that is a decrease in --
MR. WARNER: May I ask a question on that: Is the lot area, then -- in your opinion, is a lot area variance required, if you’ve been previously approved for a lower lot area?
MS. EHLEN: We always restate them, but in this case, it would be an improvement to an existing condition. So I don't believe it would be a variance.

BY MR. COSTA:
Q. So the variance is actually reduced from the previously --

A. The variance is actually reduced from what was previously --
MR. WARNER: In your professional planning opinion, the variance is not required. Is that correct?
MS. EHLEN: Yes.
MR. WARNER: And, Counsel, from a
MR. COSTA: Yes, I agree.
MR. WARNER: So on behalf of the applicant, are you asking for the variance or are you not asking for the variance?
MR. COSTA: We ask for the variance to belt and suspenders.
MR. WARNER: Okay. And that's a C variance, bulk variance. Correct?
MS. EHLEN: That is actually -- I believe it's part of the stipulation as a conditional, so it's part of the D variance.
MR. WARNER: So then it's one of the multiple conditions, if there's a deviation from which, that triggers the d(3) conditional use -- nonconforming conditional use variance. Is that correct?
MS. EHLEN: That is correct.

A. We are also seeking a FAR, floor area ratio variance: 0.05 is permitted, where 0.081 exists, and 0.077 is proposed. So, again, we are improving an existing condition.
MR. WARNER: But, again, with the same analysis or colloquy, without it, you're asking for the floor area ratio variance from this board, notwithstanding the fact that you previously received approval for a floor area ratio that was greater.
MS. EHLEN: Correct.
MR. WARNER: Okay. And the floor area ratio is under a slightly different standard, the d(4) standard of the Randolph Town Center case. Correct? Well, it's a d(4) for floor area ratio, not a d(3). Correct?
MR. COSTA: Correct.
MS. EHLEN: Correct.
MR. WARNER: Okay. Thank you.

A. All right. So I would just like to quickly go through what the bulk variances are -- or d(3), in this case -- relating to the existing structures. For that, I've borrowed the preliminary and final major subdivision and lot consolidation plot prepared by Matrix New World, and dated with revisions through March 1, 2019.
MR. WARNER: And that's more than 10 days in advance of this evening, and it hasn't changed. Correct? That's what was submitted to the board?
MS. EHLEN: Correct.
versus, I guess, 200 feet?

MS. EHLEN: Yes, I just discussed and said that we were requesting that one, but upon consolidation --

MR. WARNER: Okay. That's what you were referring to?

MS. EHLEN: Yeah, it will disappear.

MR. WARNER: So if I may, we have a lot width; we have the FAR, floor area ratio; we have the combined side yard setback for Lots 2 and 5; we have minimum one side yard setback for Lot 3, for Lot 2, and for Lot 5; and we have a minimum front yard setback for Lot 2; and we have a lot area for the entirety of the site.

MS. EHLEN: Mm-hmm.

MR. WARNER: And are those all the bulk variances, before we get into the fact that some of them relate to conditions that require a conditional use variance? Those are all the bulk variances, the C variances?

MS. EHLEN: Yes, but those will all be --

MR. WARNER: Some of them are conditions of the use which also require you to get a d(3) conditional use variance. Correct?

MS. EHLEN: Yes, those are the ones that trigger the d(3).

MR. WARNER: The FAR is also a d(3) variance as well. Correct?

MR. COSTA: Correct.

MR. WARNER: And in addition to the variances, you're asking for relief of preliminary and final major site plan. Correct?

Approval. Correct?

MS. EHLEN: Yes.

MR. COSTA: Correct; yes, and subdivision.

MR. WARNER: I will get there, thank you.

And you're also asking for preliminary and final major subdivision approval; by "subdivision," I mean by way of lot consolidation or merger, as opposed to subdivision, but they're both, for the benefit of the board and members of the public, when you have a lot consolidation, it's viewed as a subdivision, even though you're not dividing the lots further; in fact, you're doing the reverse, you're consolidating or merging them.

But that's a -- so you're also seeking preliminary and final major subdivision relief as well. Correct?

MR. COSTA: That is correct.

MR. WARNER: Thank you. And that gets us moving on to the waivers.

BY MR. COSTA:

Q. Barbara, I'm just going to ask you a couple questions on the variances. If you could just go through them just quickly, and explain to the board which ones are caused by this application, and which ones are either reduced or unchanged?

And I think we addressed the first two, minimum lot area, that variance is actually reduced, because more lot area was acquired with the three additional lots?

FAR is slightly reduced, but I believe that was just a rounding correction. So FAR was previously -- or is currently 0.081, and now it's going to be 0.077. So that was reduced --

MR. WARNER: Excuse me, if I could ask you on that one, are you certain that was a rounding error?

MR. COSTA: No, I'm not. I'm going to --

MR. WARNER: Mr. Costa, might it instead have been the result of increasing the lot area, and also increasing the floor area by way of at least continuing the community center that is no longer proposed to be eliminated, but that the net result was you were adding that much more in lot area, as opposed to the increase in the floor area from the community center; that, proportionately, you are actually bringing the floor area ratio down? Might it have been that?

MR. COSTA: It very definitely was that, and I was thinking of a different one that was a rounding situation. So thank you for the clarification on that. So that's also a reduction.

BY MR. COSTA:

Q. If we look at the setbacks, the 50-foot setback requirement, and we have Lot 5, which is one of the newly acquired lots, can you explain why we now have a variance required for the 7.41-foot variance on that lot?

A. Yes. So this is an existing condition; it's just due to the consolidation of the lots that -- and proposed use as clergy
housing, but these now become, for lack of a 
better term, like, renewed. So although they're 
existing conditions that, pursuant to tax 
records, were probably established in the '50s 
and '60s, just due to the application and how 
the lots were consolidated, it's been trigged 
again.

Q. So we are not changing these 
houses; in fact, when the neighbor -- if this 
garage is built, the neighbor's going to look at 
their neighbor's house, and it's going to be in 
the same place and look at the same, as it did 
prior to the approval of this application; 
however, because these houses are now part of a 
temple property, a 50-foot setback variance is 
now triggered. Is that correct?

A. Correct.

MR. WARNER: In fact, would it be 
correct that some of those -- or all of the 
residences, with respect to the lots that are 
proposed to become part of the temple property, 
will be -- the residents will be temple clergy 
and/or their family.

MR. COSTA: Correct, so they will 
be -- they will continue their residential use.

MS. EHLEN: Yeah, no changes are 
proposed to the footprints of the homes, or their 
character as residential, they'll continue to be 
used, but in this case for clergy and their 
families.

BY MR. COSTA:

Q. That's all I have.

A. Okay. So moving on to waivers, the 
board planner had noted that we -- there was a 
requirement for bike racks, which are not being 
proposed, although I do note that, at the 
current clergy housing on the current site, 
there is -- there are bike racks provided. 
There's also a waiver for 
development within 50 feet of the flood hazard 
area, which was previously discussed, and the 
applicant is improving, by removing the proposed 
trash compactor from that area.

MR. WARNER: I'm sorry, removing the 
what?

MS. EHLEN: The trash compactor.

CHAIRMAN SWEENEY: That doesn't --

that doesn't eliminate that violation, though.

MS. EHLEN: No, it doesn't, but it 

reduces it.

MR. WARNER: There's still a corner 
of the parking deck that's still encroaching.

Correct?

MS. EHLEN: Correct.

MR. COSTA: It's really more a 
corner of the very crooked flood hazard area that 
is encroaching on a straight section of the 
parking deck. That's really -- it's not like 
there's a corner we can move. The flood hazard 
area zigzags a little bit.

MR. WARNER: There's an old 
commercial, you got your chocolate in my peanut 
butter.

In any event...

MS. EHLEN: I'm going to actually 
roll with that.

A. And then, we also note a waiver for 
parking stall size, where 9.5 feet by 18 is 
required, and 9 feet by 18 feet is proposed at 
the parking.

Were there any other questions up 
until this point?

MR. WARNER: If I may, was there one 
other exception, waiver for location of all 
buildings and structures, et cetera, within 500 
feet of a right-of-way? I don't know -- I'm not 
saying that is or is not one, I'm just asking at 
this point.

MS. EHLEN: I noted that one as 
well, I'm sorry.

MR. WARNER: That's also a waiver?

MS. EHLEN: Yes.

MR. WARNER: And there were several 
other waivers, if I recall correctly, with 
respect to landscaping and lighting, that were, 
at least initially, requested, and set forth in 
Scarlett Doyle's various memos. But have all 
those others, in your -- is it your contention 
that all those have been eliminated as a result 
of stipulations by the applicant and/or other 
modifications?

MS. EHLEN: Yes, during prior 
testimony, they were addressed, and the applicant 
agreed to work with the planner to address same.

MR. WARNER: So we're down to just 
four, by your count, is that correct, four 
waivers?

MS. EHLEN: Yes.

MR. WARNER: Thank you.

A. All right. So the current
configuration of the parcel is actually as a result of several development applications over the years. It was originally purchased by the temple in 1992, and in 1995, the temple obtained approval to construct a new -- a temple.

In 2002, the temple obtained approval to construction paved parking. And in 2009, the temple obtained approval to expand the temple, the cultural center, and the on-site parking.

The latest approval was a result of the settlement with the community and the temple over an RLUIPA claim.

The current application seeks to construct additional parking on site, as well as retain the community center. As we know, they're proposing to construct a two-level parking deck, the first level being equal with what is currently there, and then expanding below, to a second level beneath.

The deck will only be accessible from the temple site. Separate access from Cedar Brook Road will not be provided. Neither vehicular nor pedestrian access will be provided from Cedar Brook Road.

As we've had extensive testimony on it before, the visual intrusion of the deck will be mitigated.

First, from the existing tree lines that are proposed to remain, there is -- there will be a few isolated locations that were previously identified where the deck will be partially visible, but they will be providing plantings at those points as well.

We've also added the glass panelling, to help, kind of, diminish the impact of the view of the deck.

Lighting will also have -- be appropriately scaled, and also they're proposing light caps, if needed, to further shield the lighting.

And, also, not least of which, the single-family homes, which will be -- which will remain, and also help shield the deck.

The application is proposing to construct the parking in response to an identified need. So outside of New Year's, we understand that people are parking off site and being bused in. At this point, at some -- not everyone is waiting for that busing, so we're having pedestrians walk along a major highway to get to the temple, and this impediment has led to this unsafe condition of pedestrians walking, but also it limits people's ability to actually get to the temple and worship. So we're impinging on their religion to actually get there and participate.

With the current configuration, except for New Year's, people may arrive on site, go circulate looking for parking, then leave. So it's creating, kind of, like, a double. They come, they search, they go, and they go park off site. In this manner, as stated by the traffic engineer, we're hoping to capture everyone on site throughout the majority of the year, with the exception of New Year's. So this circulation is causing unnecessary traffic, when it can be captured on site.

So in order to accommodate the proposed parking, the temple has purchased the adjoining residential lots. As I'd mentioned, the single-family homes on these lots will remain unchanged, and be utilized as housing for the clergy.

Before going back into the variances, I just want to take a brief look into your master plan. Looking at the 1990 master plan, stated goals and objectives include:

To promote a balanced variety of residential, recreational, public, commercial, industrial, conservation land uses. The land use element includes the policy of preserving and maintaining the integrity of existing residential areas, and seeks to accomplish same by preventing the inclusion of incompatible nonresidential land uses into residential neighborhoods, and by assuring the compatibility of adjacent land uses.

The applicant is seeking to maintain the residential character of this area.

As I said, they are maintaining the single-family homes; they are not proposing any connection between Cedar Brook and the temple.

And the parking deck itself is shielded, as I said, by existing treelines, by proposed landscaping, and by the residential homes themselves. And if it were visible, the appearance has been softened by adding glass panels, and by trying to reduce the light.
impacts to any adjoining neighbors.

The circulation plan element of the
master plan encourages the safe pathways for
pedestrians. And as I've mentioned, we have
pedestrians walking along the highway corridor,
which is not where we want them to be on any day
of the year.

Under the community's facilities
plan element, there's a policy to provide
facilities for community groups and cultural
activities. That's what this is about. It's
about a religion; it's also about their culture.
The February 8, 2011 re-examination
report specifically discusses the impacts of
houses of worship on residential communities --

MR. WARNER: I'm sorry, that
re-examination report was what year?

MS. EHLEN: February 8, 2011.

MR. WARNER: Okay. So now we're up
to the -- okay, the master plan re-examination
report of 2011.

MS. EHLEN: Yes.

MR. WARNER: Okay. And is that the
most recent?

MS. EHLEN: I believe so; I'd have
to double check.

A. It notes that houses of worship may
serve the residents of the county, or even a
larger region, and that services have expanded
to include such things as social and cultural
festivals, schools, and community centers.

Part of the recommendations include
that, were it located in a residential zone,
houses of worship have principle access from a
state highway, a county roadway, or from a
specific list of roadways. The temple complies
with this standard.

We can also turn to the Municipal
Land Use Laws to find special reasons, which I
would argue would include:

A. to encourage municipal action to
guide the appropriate use or development of all
lands in this state in a manner which will
promote the public health, safety, morals, and
general welfare.

It is important to note that
religious uses are often viewed as inherently
beneficial, because they promote the general
welfare.

Additionally, as described, the
parishioners are walking along the highway
corridor, so the proposed consolidation of
people on site will help eliminate this unsafe
condition.

MR. WARNER: Mr. Chairman, if I may,
the special reasons analysis you're referring to,
that's for the D variance relief?

MS. EHLEN: We also -- generally,
when we're talking about variance in general, we
like to support ours with special reasons from
the Municipal Land Use Law.

MR. WARNER: Advancing the purposes
of the Municipal Land Use Law, under Section 2 of
the MLUL?

MS. EHLEN: Yes, so we want to -- we
buttress them even if it's a use variance. Or
even in it's a bulk, we like to bring out --
after with our discussion with --

MR. WARNER: Right now, you're on
the bulk variances.

MS. EHLEN: No, I'm about to dive
back into them, but at first I like to go through
the master plan and the Municipal Land Use Law,
just to kind of establish a little bit of a
background.

BY MR. COSTA:

Q. So you are identifying the special
reasons that --

A. Yes.

Q. -- support this application?

All right. Thank you.

A. And then I would also argue G to
provide sufficient space in appropriate
locations for a variety of agricultural,
residential, recreational, commercial, and
industrial uses, and open space, both private
and public, according to their respective
environmental requirements, in order to meet the
needs of all New Jersey citizens.

And M, to encourage coordination
with the various public and private procedures
and activities shaping the land development with
a view of lessening the cost of such
development, and to the more efficient use of
land.

So, in both these cases, I would
say that, conditionally, the use is permitted
within the zone; so it was anticipated. And now
they're proposing to utilize that space in an
efficient manner to consolidate their parking.
So now I'd like to go on to the use
variance. We are seeking a d(3) variance, which
I'll go to in a little bit more detail in just a
moment.
This is the opportunity -- the
opportune time to discuss the use in context
with the community. While this does not
necessarily -- this is not necessarily an aspect
of the variance test, it does put the
application into context.
The New Jersey legislature has
recognized that some uses are inherently
beneficial in nature and deserve special
treatment; thus, N.J.S.A. 40:55D-4 defines an
inherently beneficial use as a use which
universally is considered a value to the
community, because the use fundamentally serves
the public good and promotes the general
welfare. There is no dispute that a use such as
a temple qualifies as inherently beneficial.
When reviewing this application, we
must also consider the unique nature of a use,
where a religious use is also afforded
protections under the Religious Land Use and
Institutional Persons Act of 2000, RLUIPA. The
temple is just such a use, and is protected by
federal law.

When reviewing an issue related to
conditional -- the conditional in the context of
a D variance, we actually turn to Coventry
Square versus Westwood, and not Medici. The
issue is whether or not the law can accommodate
the deviation. In essence, the Coventry
standard shifts the focus of the negative
criteria away from the impact of the use, to the
impact of the deviation. So we're not looking
at the use itself; we're looking at the
development from the standards.

MR. WARNER: If I may, just for
clarification, those are the conditions that make
this a conditional use, and not a non-permitted
use. It is a permitted use, so long as it meets
certain conditions, and there are a few
conditions under the ordinance that it does not
specifically meet; it deviates from. Correct?

MS. EHLEN: Correct.

MR. WARNER: So the board is to
focus on those deviations, and not on the use as
a whole. Correct?

they currently are configured, and as was
established in the 1950s and '60; they will
continue to be used as residential homes.

As the 50-foot side yard setback is
coordinated into the township's conditional for
houses of worship, a D variance is required. As
I said previously, these homes have existed,
it's just that the incorporation into the parcel
owned by the house of worship that triggers the
need for a d(3) variance in connection with
these homes.

As we've also discussed, the
current FAR, the applicant is proposing to
reduce the previously permitted 0.081.

MR. WARNER: I'm sorry, before you
get to the FAR variance, if I may, did you cover
all the conditions that are deviated with respect
to the d(3) conditional use variance?

MS. EHLEN: The d(3), yes -- well,
we've discussed -- the d(3) use variance is
actually triggered by the minimum side yard
setbacks associated with Lots 5 -- 2, 3, and 5.

MR. WARNER: Correct.

MS. EHLEN: The combined setbacks
associated with Lots 2 and 5.
1. MR. WARNER: Correct.
2. MS. EHLEN: The minimum front yard setback associated with Lot 2.
3. MR. WARNER: Correct.
4. MS. EHLEN: And the lot width associated with Lot 2.
5. MR. WARNER: Okay. If I may, is it factually correct that all of those deviations already exist?
6. MS. EHLEN: Yes.
7. MR. WARNER: Okay. And is part of your argument, then, that the site -- under the Coventry Square standard, that the site can accommodate the problems associated with the deviation of the conditions, is part of your argument that -- or your contention that the site is already accommodating those conditions?
8. MS. EHLEN: Yes, these conditions were established, as I said, in the '50s and '60s, and the neighborhood has -- has grown around them and accommodated them.
9. MR. WARNER: Thank you.

A. In this instance, additionally, we're asking for a floor area ratio, though we are reducing the existing condition from 0.081 to 0.077.

I would like to note, at this time, that the proposed development is actually substantially below lot coverage, 15 percent permitted, where 5.55 percent is proposed, and impervious coverage standards, 50 percent permitted, where 33.18 percent is proposed. So I would argue that the site is not being overdeveloped; it's just that this is -- it's being triggered not by the parking garage itself, but by retaining the former smaller temple as a community center used for classes and such.

MR. WARNER: Before you leave the floor area ratio, if I may, the -- would it be your testimony that the -- or would it be your expert opinion that the -- as a professional planner -- that the site can accommodate the floor area ratio greater than 0.05, at 0.077, which, itself, is less than what was previously approved, 0.081.

MS. EHLEN: Yes, I would argue that it can accommodate it, since it was previously found to be able to accommodate 0.081.

MR. WARNER: Same type of analysis with respect to the deviation of the conditions of the d(3). Correct?

MS. EHLEN: Correct.

MR. WARNER: And assuming, arguing, that the legal standard, or d(4), floor area ratio variance, was the same Coventry Square standard, hypothetically, if that were the case under the Randolph Town Center decision, that would jive with your testimony. Correct?

MS. EHLEN: That is correct.

MR. WARNER: Thank you.

A. So, again, I would like to mention that the actual parking deck itself does not trigger any variances or violate any conditional use standards.

So with regards to negative criteria, we've had a pretty big discussion about it so far, and the town -- and the temple has worked with the town to establish additional landscaping, to soften the appearance of the garage, and will continue to work with the board on establishing traffic contingency plans.

So, again, under Coventry, the detriment is examining the impact of the deviation, which, again, was the setbacks, and

1. not the parking deck.

In connection with the parking deck, we discussed how the visual intrusions will be limited; how the facade has been softened; how lighting will not present an impact to the residential neighbors.

We also must satisfy the burden of granting this relief will not have a detrimental impact on Bridgewater's zoning ordinance and master plan.

So the master plan and the re-examination report have anticipated this use, particularly the re-examination report. It said, you know, when a -- sorry, when a house of worship is located within a residential zone, it should be fronting along the major roadway, and should limit the impacts to the residential areas, and that is exactly what the applicant is proposing with this application. All traffic will continue to come through the highway. No traffic is proposed along Old Farm Road or Cedar Brook Road. So they are following the basis of your master plan and zoning ordinances.

The only deviations are those for existing structures, and those structures are
residential homes that are proposed to remain. 

Lastly, we must consider the nature 
of the use. The temple provides a community 
benefit, as it bolsters good character and 
morals. In a straight use variance application, 
the temple would be considered an inherently 
beneficial use, satisfying positive criteria by 
statute. Under the Municipal Land Use Law, the 
temple advances the public good.

If I were to also justify these 
variances for the setbacks in connection with a 
c(1) -- c(1) criteria, which would be the 
hardship criteria for a bulk standard, I would 
state that these are existing conditions 
associated with homes that are not proposed to 
be changed or moved, and date back to the 1950s 
and '60s, when, actually, zoning and planning 
were gaining their momentum, and they've already 
been incorporated into the fabric of the 
neighborhood. And I would, again, argue that I 
do not see any substantial detriment to their 
continuance.

With respect to the waivers -- 

MR. WARNER: I'm sorry, before you 
go to the waivers, if I may, with respect to the 

various bulk regulations that you've addressed, 
as to the FAR and also the d(3) conditional use 
variance, we're just addressing them also in the 
alternative as C variances. Correct?

MS. EHLEN: C, yes.

MR. WARNER: And you submitted that 
they would -- that the applicant has established 
the positive criteria for c(1) or undue hardship 
variance relief thereunder. Correct?

MS. EHLEN: Correct.

MR. WARNER: Would you also 
alternatively give the opinion that the applicant 
has established c(2) or flexible C variance 
relief, by way of the MUUL purposes being 
advanced, including those that you previously 
mentioned, as well as the benefits from the 
zoning and planning perspective substantially 
outweigh the detriments associated with the 
development project?

MS. EHLEN: Yes, I would.

MR. WARNER: Okay. So you're 
arguing both alternatively, c(1) and c(2), 
looking at all those bulk regulations in 
isolation, but you're also arguing the d(3), with 
respect to conditional use variance relief, when 
you're looking at cumulatively in the context of 
it being a conditional use?

MS. EHLEN: Yes.

MR. WARNER: Okay. Thank you.

BY MR. COSTA:

Q. One other item. You indicated that 
these are inherently beneficial uses, so -- or 
this is an inherently beneficial use, so it 
satisfies the positive criteria. Under Sica 
versus Board of Adjustment of Wall, isn't it 
also true that the negative criteria analysis 
has changed to a balancing test, versus the 
standard negative criteria test?

A. Yes, it is. So you balance the 
positive and negative criteria, that's correct.

MR. WARNER: And take into 
consideration the conditions stipulated to as 
mitigating the magnitude of the detriments in the 
Sica balancing?

MS. EHLEN: Yes, I would.

MR. COSTA: Correct.

A. All right. Then we're going to 
discuss the waivers, they're up next. 
The first one is no development 
permitted within 50 feet of a flood hazard area,
MR. COSTA: I don't know why she would need to make an opinion on that.
MR. WARNER: Well, if they're all stipulated to, frankly, technically, they could be unreasonable.
MR. COSTA: Right.
MR. WARNER: But I think it might behoove everyone if the professional planner were of the opinion that all the stipulated to conditions were reasonable; have a logical nexus. But that's up to the planner.
MR. COSTA: I think -- yeah, the challenge with that is that we have very limited variances, and the variances, frankly, are related to the housing, and so the applicant has been accommodating, and as has the board, and we're trying to reach a solution, but I'm not sure that we can legally -- or from a planning perspective, tie those every single condition we're agreeing to, to the variances caused by the housing.
MR. WARNER: If I could ask -- modify the question: Is it your opinion that any of the conditions stipulated to by or on behalf of the applicant were unreasonable?

MS. EHLEN: Again, I would like to reserve the right, as we go through all the conditions at the end -- although I was here throughout the hearings, there were a number of conditions throughout all the hearings, and I would like to see a summary of them before I stipulate to anything.
MR. WARNER: You wouldn't be stipulating; you'd be rendering an opinion.
MS. EHLEN: Yes, before I render an opinion.
MR. WARNER: Nothing further.
CHAIRMAN SWEENEY: Okay. No questions from the board.

Does anyone in the audience have a question for this witness based on her testimony?
No response.
Please continue.
MR. COSTA: Okay. Thank you.
MS. EHLEN: Thank you.
MR. COSTA: All right. That concludes our testimony, unless the board has any other questions, I'd like to -- like to conclude.
CHAIRMAN SWEENEY: That's fine.
Do you expect us to vote on this
MR. COSTA: Okay. Anything else?

CHAIRMAN SWEENEY: No. And I -- you know, going back, again, to the -- the additional thought, and work, and analysis, as far as traffic is concerned, I don't -- I don't expect that's going to be completed before we vote on this, but I would like to hear back how you're going to proceed on that. Who are you going to talk to? What kinds of things are you going to think about? That would certainly help us reach a better mental feel for what you're going to do.

MR. COSTA: Okay. We can do that.

CHAIRMAN SWEENEY: So we talk, then, about when you're going to return.

MR. COSTA: Yes.

CHAIRMAN SWEENEY: We have a meeting scheduled for May 7 and May 21. And, Jackie, I see nothing on the calendar at this point.

THE SECRETARY: There is nothing.

CHAIRMAN SWEENEY: And if you want to do it later than that, I think June is wide open as well, which would be the 4th and the 18th. We don't have a planning -- or zoning board meeting noted on June 4th. Is there a reason for that?

THE SECRETARY: That's the election.

MR. WARNER: If I can ask one other related question: Do we have a reasonable expectation of there being an application on to be heard other than this application, on either May 7th or 21st?

THE SECRETARY: Not to my knowledge.

MR. WARNER: In other words, there's nothing in the pipeline that's about ready to pop, so to speak?

THE SECRETARY: Yeah, I would ask Scarlett, but she's not here. But not to my knowledge.

MR. WARNER: As far as you know.

THE SECRETARY: Yeah.

MR. COSTA: May 7th would be our preference.

CHAIRMAN SWEENEY: So we will continue on May 7th at 7:30 --

MR. WARNER: Also, Mr. Chairman, hold on, because I'm being handed something right now -- oh, extension of time to act. They do have an extension of time to act in writing, we got it on the record last time, we got it in writing recently through the end of April. So...
thank you, Jackie, I think we'll need one a
little further.

MR. COSTA: Yes, I will provide
that. On the record, I'll provide it, we'll
extend to the end of May, and I'll provide it in
writing too.

MR. WARNER: Thank you.

CHAIRMAN SWEENEY: Thank you very
much.

THE SECRETARY: So confirming that
the meeting will be on May 7th for Hindu temple.
Correct?

MR. WARNER: Right. For purposes of
all the public that is here, we're announcing
that it's carried without further notice to May
7th, 7:30 p.m., this same location.

CHAIRMAN SWEENEY: And, again, I
just want to thank the Temple Society for working
with us tonight. Thank you.

MR. COSTA: Thank you.
(Whereupon, the hearing concluded at
10:12 p.m.)

CERTIFICATE

I, Michael Lombardozzi, a Notary
Public and Certified Court Reporter of the State
of New Jersey, do hereby certify that the
foregoing is a true and accurate transcript of
the testimony as taken stenographically by and
before me at the time, place, and on the date
hereinbefore set forth.

I do further certify that I am
neither a relative nor employee nor attorney nor
counsel of any of the parties to this action, and
that I am neither a relative nor employee of such
attorney or counsel and that I am not financially
interested in this action.

Michael Lombardozzi,
Certified Court Reporter, State of New Jersey

CERT #: 30X100239700
Date: 2019-04-28