

BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT

Special Meeting
Tuesday, May 28, 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 May 7, 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	James Weideli – present
Pushpavati Amin – present	Dawn Guttschall, Alternate #1- present
Paul Riga – absent	John Fallone Alternate #2 – present
Michael Kirsh – absent	Jeff Foose Alternate #3 - present
Evans Humenick – present	Daniel Ahern Alternate #4 – present
Alan Fross – present	

Others present: Board Attorney Steven K. Warner, Board Engineer Tom Forsythe, Board Planner Scarlett Doyle

MINUTES FOR APPROVAL:

There were no minutes presented for Board approval

MEMORIALIZING RESOLUTIONS:

There were no resolutions presented for Board approval

HEARING AND DELIBERATIONS:

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

Motion by Mrs. Amin, second by Mr. Weideli the foregoing application was approved with conditions 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. Kirsch
NOT ELIGIBLE: Mr. Foose, Mr. Ahern

See attached transcription dated May 28, 2019 prepared by: Michael Lombardozzi, CSR, CRR of Veritext Legal Solutions, 290 W Mt. Pleasant Avenue, Livingston, NJ 07039 located in Planning Divison office

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:

Discussion on Delany at Bridgewater between Mr. Foose and Tom Forsythe the Board Engineer regarding drainage

ADJOURNMENT:

It was the consensus of the Board to adjourn the meeting at approximately 9:46 pm.

Respectfully submitted,
Jacqueline Pino
Secretary of Municipal Services

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TOWNSHIP OF BRIDGEWATER
BOARD OF ADJUSTMENT

In the Matter of: : Transcript
CASE 43-08-2B : :
: : of
HINDU TEMPLE & CULTURAL SOCIETY : : Proceedings
1 Balaji Temple Drive : :
Block 483, Lot 2-5 & 12.02 : :
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Tuesday, May 28, 2019
100 Commons Way
Bridgewater, New Jersey 08807
Commencing at 7:34 p.m.

BOARD MEMBERS PRESENT:

DONALD SWEENEY, Chairman
PUSHPAVATI AMIN, Board Secretary
EVANS HUNENICK
ALAN FROSS
JAMES WEIDELI
DAWN GUTTSCHALL
JOHN FALLONE
JEFFREY FOOSE, Alternate
DANIEL AHEARN, Alternate

ALSO PRESENT:

SCARLETT DOYLE, Township Planner
THOMAS FORSYTHE, Board Engineer

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

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

STORZER & ASSOCIATES
BY: CHRISTOPHER K. COSTA, ESQUIRE
Attorneys for the Applicant

Transcript Prepared By:
MICHAEL LOMBARDOZZI, CSR, CRR
mlombardozzi92@gmail.com

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CHAIRMAN SWEENEY: Let's jump right
into the Hindu Temple and Cultural Society.
Mr. Costa?
MR. COSTA: Good evening, everyone.
Christopher Costa from the law firm of Storzer &
Associates, representing the --
COMMISSIONER WEIDELI: Can you turn
the microphone?
MR. COSTA: Yes, Christopher Costa
from the law firm of Storzer & Associates,
representing the applicant, Hindu Temple and
Cultural Society. This is our fifth meeting, and
we appreciate the board very much for coming on
this evening for a special meeting, we know
that's an imposition. We appreciate you helping
us move this process along.
We basically finished our planning
testimony at the last hearing on April 19th, when
we presented the testimony of our traffic
consultant and our planner. We also presented
testimony from our engineer, Nitin Nagrani, to
address some remaining engineering questions.
At the end of that hearing, and
throughout the hearing, to some extent, we were
asked to address a few additional matters, which

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we have, we believe, prepared for you this
evening. And my list of these additional matters
is:
You wanted ensure that the fire
marshal had reviewed and approved our plan. And
we were asked to meet with Mr. McAleer, or Karl
McAleer, and we did meet with him on May 26th --
I'm sorry, April 26th -- and we had our
representatives, and Mr. Warner, and Ms. Doyle
were on the phone during this meeting.
At that meeting, the parties agreed
on a methodology by which to allow him to have a
comfort level that he could reach the bottom
level of the parking deck, and that resulted in
some specific changes to the plans, very isolated
changes, but changes to the plans, which we're
going to present to you this evening.
Next, you asked us to have public
safety review and comment on the traffic plan and
parking manual that was prepared by the temple,
and by a report dated April 30, 2019, Kevin
Lamey, traffic safety sergeant, reported
positively on the traffic manual, stating that it
seems similar to what the temple currently has in
place. The plan has proven to be effective, but

1 it does not address large backup of northbound
2 traffic often caused when the lot reaches maximum
3 capacity. This issue may be corrected by the
4 addition of the parking deck, but if not, I would
5 recommend the following.

6 He then he went on to recommend a
7 number of different measures that may be helpful;
8 some of these we actually incorporated
9 independently in our updated traffic manual, and
10 we are a willing to agree to incorporate his
11 additional comments into the traffic manual.

12 And the only one that we can't just
13 directly incorporate is the final one, which
14 really talks about potential changes in the
15 actual road, which is an NJDOT issue. But we
16 certainly can bring that issue to NJDOT.

17 So we've reviewed his proposal, and
18 we appreciate his feedback.

19 The other matter that was raised was
20 open permits --

21 MR. WARNER: I'm sorry, if I may,
22 Mr. Chairman.

23 Before you leave that last one, so
24 those four items that I recall --

25 MR. COSTA: Let me read that into

1 the record --

2 MR. WARNER: You don't
3 necessarily -- well, they're on the record,
4 anyway, the report's a part of the record, the
5 April 30th, if I recall correctly, report --

6 MR. COSTA: Correct.

7 MR. WARNER: -- but those four items
8 you're stipulating as a condition of approval, to
9 all four items, the fourth being essentially
10 making a request of the DOT to extend the
11 left-turn lane north on 202/206, and in good
12 faith pursue same. Obviously, it's up to DOT
13 whether they do it or not.

14 MR. COSTA: Right. We would raise
15 this to DOT as a potential improvement.

16 MR. WARNER: You would stipulate to
17 doing so, and you would stipulate to the other
18 three items, which, to some degree, I think are
19 already in your most recent -- your most
20 recent was -- is it May 17th? I don't know why
21 I've memorized these dates -- I don't know if
22 I've memorized them correctly, but does May 17th
23 sound correct?

24 MR. COSTA: I believe so.

25 MR. WARNER: So May 17th. All four

1 stipulated to. Correct?

2 MR. COSTA: Well, with the proviso
3 on the fourth one, that it is a DOT decision.

4 MR. WARNER: Right, you're just
5 making the request, and pursuing in good faith
6 the possibility.

7 MR. COSTA: Correct. So our traffic
8 manual would be updated to include these points,
9 which, just quickly, one is to include two VMS
10 sign boards to direct people that the lot is
11 full, and where overflow parking should be
12 directed to. And if a VMS sign is not possible,
13 then a Lot Closed sign, we're fine with that.

14 And then, the utilization of cones
15 in the northbound left-turn lane. So that would
16 be -- you look --

17 CHAIRMAN SWEENEY: I'm ready to jump
18 in. I was going to hold off, but since you've
19 spent some time on this, I'll jump in. Just a
20 couple of minor details.

21 These variable message sign boards,
22 I don't know what the heck that is. Is that the
23 electronic board you see on the side that are
24 bigger than what they've been sticking in the
25 ground lately?

1 MR. FORSYTHE: Yeah, they're the
2 ones usually -- basically on a trailer.

3 CHAIRMAN SWEENEY: So they're a good
4 size.

5 MR. FORSYTHE: Yes.

6 CHAIRMAN SWEENEY: Okay. I just
7 wanted to make sure I understood what that was,
8 because they should be a lot more readable, and
9 provide some much more useful information than
10 the small things that have been stuck in the
11 ground along 202/206 in the past. So that's
12 great, just wanted to make sure what that was.

13 The last point, about this left-turn
14 lane on 202/206 northbound, and whether or not it
15 could be extended, I just want to point out that,
16 as I understand it -- you know, the COE is the
17 proposed development project next door to the
18 temple.

19 MR. COSTA: Correct.

20 CHAIRMAN SWEENEY: Up in the air,
21 who knows where it's going to land, what it's
22 going look like when it's finalized, or whatever
23 happens to it.

24 As I understand it, though, one
25 aspect of that development plan -- and Scarlett,

1 perhaps you can correct me if I'm wrong on
2 this -- is to widen 202/206, at least at some
3 point. Is that correct, Scarlett, or to add an
4 extra lane, or --

5 MS. DOYLE: No, it wasn't --

6 CHAIRMAN SWEENEY: Here's what I'm
7 thinking of. If there's a widening performed, or
8 something else that could better accommodate a
9 lengthening of the left-hand turn lane on 206
10 North, beyond what's there today, then let's work
11 with that whenever the COE gets to a point where
12 that's more fact than fiction.

13 MS. DOYLE: To respond, I have not
14 seen the details, because there aren't any final
15 details on that.

16 CHAIRMAN SWEENEY: Okay.

17 MS. DOYLE: You're right, we don't
18 know what's happening with the COE.

19 However, the last testimony that I
20 heard was that there will be portions of widening
21 to facilitate left-hand turn/right-hand turn. I
22 don't recall anything about widening the road for
23 a through -- straight through movement. There
24 could be, but it -- selective widening is what I
25 recall.

1 from the code enforcement officer, basically
2 highlighting which items are still -- which items
3 have been closed. These are the ones that are
4 listed as open; they've actually been closed.
5 And I have the actual approval that matches those
6 numbers, for these items that are closed.

7 The only thing we're waiting for is
8 the final certificate of occupancy, which will
9 come when we finish the final paving, which
10 hopefully we will get this approval, and they
11 will pave and do the whole thing at once. So
12 that's the only impediment to the permits, and
13 it's just not as -- you know, I'd love to give
14 you a list. You just gave me a list of open
15 looking permits, and this is a comparison. He's
16 crossed them out, he's sent us an e-mail. And my
17 client is the one who did this work, so I can
18 have him testify to that effect, but I just
19 wanted you to know the status of the permits,
20 that he's been actively working on it.

21 MR. WARNER: The final -- which
22 final CO?

23 MR. COSTA: The TCO for the cultural
24 center.

25 MR. WARNER: Okay.

1 CHAIRMAN SWEENEY: Okay. And that's
2 fine. I don't think there's more to it than
3 that, at this point, given the state of those
4 negotiations. But I just want to put it on the
5 record that, if, in fact, something is done to
6 202/206 that might allow a lengthening of that
7 left-hand turn lane into the temple off of 206
8 northbound, I want the temple to follow up on
9 that, and do whatever they possibly can to ebb
10 courage that development.

11 MR. COSTA: I think that would be in
12 their interests, so I don't see that as an
13 impediment.

14 The next item that was brought up as
15 a potential -- or an area where you wanted more
16 information, was the permits. And this -- I wish
17 this was a -- it's a clear story, in that it is,
18 I think, complete, but I wish the record was more
19 clear, in terms of the printout that has been
20 produced from code enforcement.

21 Through the past several hearings,
22 we've made efforts to close out the open items,
23 to clean the site, and have taken those steps.

24 And the only -- at this point, we've
25 received a markup of the list of open permits

1 MR. COSTA: Yeah, the final CO for
2 the cultural center. So they have a TCO, and
3 it's pending final paving, at this point.

4 CHAIRMAN SWEENEY: Now, will that
5 paving happen before or after the parking deck is
6 constructed? Assuming this application is
7 approved.

8 MR. COSTA: Right. We would propose
9 to do it simultaneous to that, because there's
10 going to be heavy equipment coming in and out of
11 the property. So we would propose to do it at
12 that time.

13 MR. WARNER: But is it your
14 representation, if I understand correctly, that
15 everything else is closed, or at least can be
16 closed? It hasn't been closed on the computer.

17 MR. COSTA: Yes, everything else is
18 closed, yes.

19 MR. WARNER: So, then, I take it you
20 would stipulate as a condition of approval,
21 should the board so desire, that all permits will
22 be closed, and all work completed, with the
23 exception of the final paving for the final CO
24 for the cultural center, which you propose to do
25 contemporaneous with the work that --

1 MR. COSTA: The proposed parking
 2 deck.
 3 MR. WARNER: -- would be approved,
 4 if the board approves it and the board requires a
 5 condition.
 6 MR. COSTA: Correct.
 7 MR. WARNER: That would be a
 8 stipulation.
 9 MR. COSTA: That is a stipulation.
 10 MR. WARNER: I'll write it better
 11 than I said it.
 12 MR. COSTA: Right. I mean, not
 13 right, you said that beautifully.
 14 MR. WARNER: Put that on the record,
 15 B-E-A-U...
 16 MR. COSTA: The next item we were
 17 asked to address was adding some additional
 18 detail to the proposed parking and traffic
 19 management plan to address the challenges of
 20 January 1st, and the potential challenges of
 21 other festival and holiday days, including coming
 22 up with a plan B. And we did supplement our
 23 traffic management plan to include those
 24 additional -- those additional pieces of
 25 information.

1 A lot of it involved communication,
 2 additional communication with the worshippers,
 3 encouraging carpooling, and some of it --
 4 encouraging, also, improving the performance of
 5 the security guards in the interim drives, and
 6 also ensuring that they are trained in parking
 7 management.
 8 We also -- "propose" is too strong a
 9 word, but we also want to put in front of the
 10 board the possibility that, on New Year's, with
 11 the busing traffic, if we were to enter the site
 12 on Old Farm Road, and exit on 202, that likely
 13 would alleviate some of the challenges at the
 14 intersection.
 15 MR. WARNER: That's for the buses.
 16 Correct?
 17 MR. COSTA: Just buses. And in
 18 reviewing the memorandum of understanding from
 19 2008, and the resolution that adopted that
 20 memorandum of understanding, that was approved at
 21 that time. So that was contemplated; that it was
 22 for busing and emergency use only. It's not a
 23 critical proposal, but we thought we would -- if
 24 we could -- if the board agreed to that, we would
 25 leave that to the discretion of the police, as to

1 whether they propose to allow that or not. But
 2 like I said, it was approved in the 2008-2009
 3 legal action.
 4 MR. WARNER: For the record, I did
 5 review the 2009, I think it was --
 6 MR. COSTA: The 2009 resolution.
 7 MR. WARNER: -- approval that
 8 reflected the MOU from 2008, et cetera, and it
 9 did provide Old Farm Road was restricted to
 10 emergency access and buses, for those days in
 11 which off-site parking was required -- which, if
 12 there's an approval here, as I understand it,
 13 would be limited, ideally --
 14 MR. COSTA: To New Year's.
 15 MR. WARNER: -- potentially, to one
 16 day, New Year's, so that would be your one day
 17 buses allowed, if it's -- if it proves to be of
 18 sufficient assistance to minimize the delays, I
 19 guess, northbound on 202.
 20 CHAIRMAN SWEENEY: 202/206.
 21 COMMISSIONER FROSS: Question. By
 22 doing that, would you rely more on the
 23 Bridgewater Police Department? Would you need
 24 more police presence? Because, right now, I
 25 think you have six on January -- on New Year's

1 Day. And would you need more now, since you're
 2 directing buses down to Old Farm Road?
 3 MR. COSTA: I know there's some
 4 element of police presence on Old Farm Road
 5 already. Whether we would potentially need a
 6 little bit more to direct the buses -- because,
 7 right now, the presence is there to keep people
 8 from parking there. So, conceivably, we could
 9 need one to two more officers, I would predict,
 10 to actually, one, keep the rest of the traffic
 11 out, and two, help buses maneuver.
 12 COMMISSIONER FROSS: My concern is
 13 if you need one, or two, maybe three more, that's
 14 basically 10 percent of our police force will be
 15 occupied by your New Year's Day. That's a lot.
 16 MR. COSTA: Right.
 17 MR. CHAVA: We can hire from outside
 18 too, outside county, outside the Bridgewater
 19 Township.
 20 COMMISSIONER WEIDELI: They can come
 21 from other departments.
 22 COMMISSIONER FROSS: Well, that's
 23 fine, but the testimony was from Bridgewater.
 24 CHAIRMAN SWEENEY: I think, if
 25 you're going to propose, A, for multiple police

1 officers at the Old Farm Road entrance, for
2 whatever reason -- and there's something else in
3 here about that, that we can talk about as
4 well -- you've got to get the police department
5 to sign off on that.

6 I mean, I assume that all of these
7 police officer manpower requirements have been,
8 at least in one shape or another, talked over
9 with the police department. Is that right?

10 MR. COSTA: It is correct, and we
11 have a report from the police department signing
12 off on this. So this is not -- I mean this is
13 not new.

14 The only new part -- and, again,
15 it's not critical, it's specifically stated as
16 subject to police approval -- is the possibility
17 of buses coming through Old Farm Road, if the
18 police felt that was going to improve traffic
19 flow.

20 MR. WARNER: And that's presumably
21 one day, and you've already got one police
22 officer stationed at Old Farm, and if you needed
23 another one, the police approval would presumably
24 include the provision of, say, that additional
25 officer, or --

1 MR. COSTA: Or direction that we get
2 officers --

3 MR. WARNER: From somewhere else.

4 MR. COSTA: From somewhere else,
5 right.

6 CHAIRMAN SWEENEY: I think
7 Mr. Fross's point is a good one, so let's not
8 lose track of the point that we're not going to
9 require police officers well in excess of what
10 they're willing -- the police department is
11 willing to provide.

12 MR. COSTA: Absolutely. No, we have
13 no dispute about that.

14 MS. DOYLE: Several related
15 comments.

16 Isn't it true that you hire off-duty
17 police officers at a special rate?

18 MR. COSTA: We do.

19 MS. DOYLE: And they're not our
20 officers that are on duty?

21 MR. COSTA: Right.

22 MS. DOYLE: I'm asking, there's
23 special off-duty officers that get hired
24 independently?

25 MR. COSTA: Yes, they're off duty.

1 MS. DOYLE: They're off duty; they
2 get paid a good stipend.

3 MR. COSTA: Correct.

4 MS. DOYLE: That's the first
5 question.

6 How many buses?

7 MR. COSTA: How many buses on New
8 Year's?

9 MS. DOYLE: Because the people on
10 Old Farm Road are concerned, and have been
11 concerned, about the integrity of their road --
12 not the physical integrity, but just the quiet
13 nature of their road, especially on New Year's.
14 How many buses are you going to have?

15 MR. CHAVA: So as far, we've been
16 using --

17 MR. WARNER: Yeah, you better -- you
18 remain under oath.

19 CHAIRMAN SWEENEY: Mr. Chava, why
20 don't you come up to the microphone here, so we
21 can record your testimony, please.

22 MR. COSTA: So Rao Chava, a
23 representative of the temple.

24 Could you tell us how many buses you
25 expect on New Year's?

1 MR. CHAVA: This is the listing I
2 prepared working with our security staff. Two
3 police officers station at 202/206 and Brown
4 Road. Two police officers stationed at Sanofi
5 off site.

6 CHAIRMAN SWEENEY: Mr. Chava, all we
7 want to know about is buses.

8 MR. COSTA: Just answer the one
9 question, we already have the report in the
10 record: Do you know how many buses you
11 anticipate having come --

12 MR. CHAVA: Eleven buses.

13 MR. COSTA: Eleven bus on New
14 Year's?

15 MR. CHAVA: Yeah.

16 CHAIRMAN SWEENEY: That's 11 buses.

17 MR. CHAVA: Our security guards --
18 buses, about 11.

19 CHAIRMAN SWEENEY: How many bus
20 trips? How many bus trips? I mean, it's 11
21 buses, but if they're each making 17 trips, you
22 know, 11's kind of misleading. How many bus
23 trips are going to be on Old Farm Road, based on
24 your past experience with New Year's Day?

25 MR. WARNER: And you're free to

1 consult someone, if you need to, who might be
2 sitting behind you.

3 MR. CHAVA: Yeah, I need some help
4 on that one.

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

7 MR. CHAVA: Yeah, based on our past
8 experience, about three to four buses per hour.

9 CHAIRMAN SWEENEY: Three to four per
10 hour.

11 COMMISSIONER AMIN: How many hours
12 is the whole day, from what time to what time?

13 MR. CHAVA: The whole day on New
14 Year's Day.

15 COMMISSIONER AMIN: How many hours?

16 MR. COSTA: Would it be -- when
17 would people attend, start?

18 MR. CHAVA: Peak is 11 to 3. 11 to
19 3 is the peak.

20 MR. COSTA: And then it would be a
21 lesser volume --

22 MR. CHAVA: In the morning and
23 evening, it's lesser.

24 MR. COSTA: Okay. So the three to
25 four buses would be 11 to 3, and then earlier and

1 later could be one to two per hour. Is that a
2 fair statement?

3 MR. CHAVA: Yeah.

4 CHAIRMAN SWEENEY: And while we're
5 talking about bus traffic, one of the other
6 points that's raised in the revised traffic
7 management report is the entry through the Old
8 Farm Road entrance of volunteers, dignitaries,
9 and those with handicap decal holders. How much
10 traffic are we talking about altogether?

11 Here's the problem. Old Farm Road,
12 at one point, was a very local, very quiet road.
13 After the temple came in, it became inundated
14 with traffic, and with people parking along Old
15 Farm Road. We tried to take that into account 10
16 years ago, when we reached the MOU, and the
17 resolution formalizing same, which basically said
18 no parking on Old Farm Road, no access through
19 that entrance, except for emergency purposes.

20 Now, we're kind of backing off of
21 that. We're talking about I don't know how many
22 buses; we're talking about volunteers,
23 dignitaries, and handicap holders. What does
24 that mean, in terms of overall traffic on Old
25 Farm Road on January 1?

1 MR. CHAVA: Volunteers and handicap,
2 you could say about 100, 150 cars, buses.

3 MR. WARNER: How many?

4 MR. CHAVA: Passenger cars, under
5 150.

6 CHAIRMAN SWEENEY: You mean, like, 1
7 or 149? That doesn't help me much.

8 MR. CHAVA: Most of the volunteers,
9 when they come, they don't go in and out, they
10 park and they go in the temple.

11 CHAIRMAN SWEENEY: I got it. I'm
12 trying to figure out how many of those vehicles
13 there will be, and under 150 doesn't help me
14 much, because that's quite a range. Could you be
15 a bit more specific?

16 MR. COSTA: Is it 100 to 150?

17 MR. CHAVA: Yeah, that's what I was
18 saying.

19 CHAIRMAN SWEENEY: 100 to 150
20 vehicle on top of the buses, or in addition to
21 the bus traffic?

22 MR. CHAVA: That's correct.

23 COMMISSIONER AMIN: So these
24 volunteers come early in the morning? What time
25 do the volunteers --

1 MR. CHAVA: Volunteers, they come
2 early in the morning, they park, and they stay
3 there.

4 COMMISSIONER AMIN: At that time,
5 you don't have that much bus traffic. Right?

6 MR. CHAVA: That's correct, at that
7 time, there won't be buses early in the morning.

8 COMMISSIONER AMIN: I have one more
9 question. The volunteers and the other people
10 will be parking in your parking lot, and they
11 enter from 202/206. Right? They don't use the
12 Old Farm Road. I us just want to clarify which
13 entrance will they be using to get into the
14 temple parking lot.

15 MR. CHAVA: At this time, actually,
16 we are not using main 202/206 for regular
17 traffic.

18 Am I correct?

19 MR. COSTA: You're talking just on
20 New Year's. Correct?

21 MR. CHAVA: Just on New Year's. In
22 New Year's Day, everybody goes and parks Sanofi,
23 they take buses and come to the temple.

24 COMMISSIONER AMIN: Including the
25 volunteers?

1 MR. CHAVA: Except the volunteers.
 2 COMMISSIONER AMIN: My question is
 3 specific to the volunteers. Will they be allowed
 4 to park in the parking lot at the temple, or are
 5 they asked to go and park in the Sanofi parking
 6 lot? I'm just asking --

7 MR. CHAVA: No, volunteers can park
 8 at the temple. They come in the morning and park
 9 there --

10 COMMISSIONER AMIN: Okay. So
 11 continuing that thing, they will be entering the
 12 temple parking lot from 202/206?

13 MR. CHAVA: We can do that, but when
 14 others are coming, other people try to follow
 15 them. That's why we close the entrance.

16 MR. COSTA: What we try to do is
 17 just keep that so that people don't have any
 18 thought of going in that way. We can change
 19 that. I mean, we're -- this is not critical.
 20 We're trying to come up with the best traffic
 21 flow, and, for instance, the buses is an option
 22 that was in the MOU, so it was not restricted at
 23 that time, it was in the MOU; we are proposing to
 24 continue that.

25 However, if that is not acceptable

1 to the board, and they want to make that change,
 2 that's okay too. We are proposing to put this in
 3 the police hands, to make a decision on which is
 4 the safer entrance, and we think that is a good
 5 option to hold open for this one day of the year.
 6 And it was an option that was held open 10 years
 7 ago.

8 Again, it's not critical; we think
 9 it is a method to reduce traffic at that
 10 intersection on New Year's Day, the one day where
 11 it's --

12 CHAIRMAN SWEENEY: Yeah, I
 13 appreciate the comment and the context, and I
 14 understand what you're trying to do, and I think
 15 it makes sense.

16 What I might suggest here is, if we
 17 go along with your suggestion, which is basically
 18 allow the bus traffic, and also allow volunteers,
 19 dignitaries, and the handicapped to enter through
 20 the Old Farm Road entrance, let's provide some
 21 feedback. Let's get some feedback after next
 22 January 1, to see how it works. If it turns out
 23 that there's cars lined up and down Old Farm
 24 Road, then that's going to end. But if it works,
 25 fine.

1 MR. COSTA: I think that's fine. I
 2 think that's a good idea. We've proposed, at the
 3 board's request, that this traffic manual
 4 continue to be a live document, and that it
 5 continue to be updated, and that changes are
 6 approved as necessary. We're trying to get
 7 people in and out of the temple on these busy
 8 days the most efficient way possible.

9 CHAIRMAN SWEENEY: I think that's
 10 fine.

11 COMMISSIONER FOOSE: Chairman, with
 12 all due respect, what's our reconciliation of
 13 this? You know, once they have their approval
 14 and they go away -- you know, this is a group of
 15 individuals, as nice as they seem they are,
 16 they've had over 50 outstanding building permits
 17 that they wouldn't close until you forced them
 18 to. How do we reconcile this? How do we make
 19 sure -- how do we make sure we don't have other
 20 situations, like we've had in other cases, where
 21 we've had situations where we've had to go back
 22 and make changes? How do we reconcile this?

23 MR. WARNER: Enforcement is always
 24 an issue with every approval. Enforcement or
 25 concerns about prospective enforcement -- I just

1 want to put it in context -- are not viable to
 2 use in the analysis of whether or not an
 3 application is approved. It's incumbent upon the
 4 municipality to enforce.

5 That said --

6 COMMISSIONER FOOSE: Mr. Warner, my
 7 decision here will not be predicated on my last
 8 question. My question is simply -- and please
 9 let me finish.

10 MR. WARNER: Go ahead. Well,
 11 frankly, I was interrupted, but go ahead.

12 COMMISSIONER FOOSE: I would like to
 13 have some sort of mechanism that is separate from
 14 the approval process, that we can go back, T-plus
 15 one year, and go back and make sure that this is
 16 an effective way that doesn't upset the
 17 neighborhood.

18 MR. WARNER: And it's an excellent
 19 point, and to continue where I left off, was that
 20 while it cannot be -- for the benefit of all
 21 members of the board, and the public, and the
 22 applicant, everyone to understand -- while it
 23 cannot be part of the analysis of the approval,
 24 it certainly can be considered, and certainly
 25 ideas can be come up with.

1 So in that vein, with that
2 clarification that I just wanted to make sure the
3 board was aware, whether they needed it or not,
4 that could be discussed.

5 COMMISSIONER FOOSE: Well, the
6 applicant says they're willing to do it. So why
7 don't we make a prerequisite of a condition of a
8 pending approval that, T-plus one year, we're
9 going to come back and review this process, and
10 whether it's Scarlett, or somebody in her office,
11 that can work with the chairman, whoever we deem
12 applicable, to go and make sure this neighborhood
13 is not impacted and hurt.

14 MR. WARNER: Sure, and I was
15 wondering -- frankly, if it was annual or not,
16 that was one of the questions I was going to ask
17 when the comment was made that it be a living
18 document, if you will, and be revisited.
19 Whatever the frequency is that the board would
20 like, presumably, the applicant, if it's
21 reasonable -- and I'm sure it would be -- would
22 stipulate to it. And we should have that in the
23 resolution, how is it -- how frequently is it
24 revisited and what are the mechanisms by which
25 it's analyzed, who approves it, who makes

1 recommendations, et cetera.

2 MS. DOYLE: Mr. Chairman, I have a
3 recommendation. We've all lived through the
4 January 1 issues on 206. We know how backed up
5 it gets. We also don't have the advantage of
6 having the parking deck.

7 However, number 1, we have four
8 vehicles -- I don't know if it's in and out, so
9 that would be eight trips -- but I would like to
10 place them on the agenda for January 21. That
11 will give them time -- that will be -- number 1,
12 everything will be fresh in our mind; number 2,
13 we will just have recently gone through the
14 January 1 effect, and we will start the process.
15 On January 21st, they're on, public hearing. So
16 their approval does not extend forever; it
17 extends to January 21st.

18 They'll come in at that time, make
19 their -- their findings, we'll make our
20 observations as well, and then we can continue it
21 perhaps until the next year, January, and by that
22 time they'll have their deck well up, and we'll
23 be, you know, having a good analysis at that
24 time.

25 But I think, unless we say a date

1 certain, we're just going to say, oh, well,
2 they'll come back, and that's not going to be --
3 it's not ever going to happen.

4 COMMISSIONER FALLONE: Mr. Chairman,
5 question.

6 Has Old Farm ever been opened yet by
7 the police? Has that ever been used?

8 MR. COSTA: Have the police ever
9 used Old Farm for -- as a busing entrance yet?

10 MR. CHAVA: No.

11 MR. COSTA: It has not.

12 COMMISSIONER FALLONE: It hasn't
13 been used to date? You're going to build a
14 parking deck. There's going to be, hopefully,
15 less buses coming into the property.

16 MR. COSTA: Correct.

17 COMMISSIONER FALLONE: So rather
18 than having you come back January 1st, why don't
19 we have you come back whenever you think or the
20 police think, somewhere down the road, that you
21 might need to open it up, and just don't allow
22 it, because you haven't been using it so far.
23 And it doesn't seem like, once the deck is built,
24 you're going to have as many buses.

25 MR. COSTA: So we would -- you would

1 recommend that, as a condition of us using Old
2 Farm Road as a busing entrance, that we come
3 before this board?

4 COMMISSIONER FALLONE: And have some
5 backup from the police, and the safety people.

6 MS. DOYLE: My recommendation,
7 Mr. Chairman, stands. Unless we have a date
8 certain --

9 CHAIRMAN SWEENEY: Yeah, I think it
10 has to be -- I think it has to be post January 1,
11 because that's what we're talking about, we're
12 talking about traffic on January 1. So that's --

13 MR. COSTA: I'm unclear -- I
14 apologize, I'm unclear of what the board is
15 asking.

16 COMMISSIONER FALLONE: Is that every
17 January 1? All I'm saying is, if they haven't
18 used it yet, January 1, they're probably not
19 going to use it anyway, so --

20 MS. DOYLE: On January 1, they're
21 intending to use it. Is that correct?

22 MR. COSTA: No, it's -- we're
23 looking for potential mitigation methods, and
24 we're putting in our traffic potential methods.

25 MS. DOYLE: But this January 1 --

1 those people on Old Farm Road do not know that
2 this is coming. I'm just -- we have to think
3 about them.

4 COMMISSIONER FALLONE: That's what
5 I'm saying.

6 MR. COSTA: And we can -- we can
7 agree that we won't use it unless we come before
8 this board. I mean, that's fine. I think that's
9 fine. We were really, sort of, stretching
10 ourselves to try to relieve traffic on January 1.
11 That's really -- we were trying to come up with
12 different ways to do that. And we won't consider
13 busing on Old Farm Road unless we -- unless we,
14 you know, have a -- you know, a basis for it,
15 based on experience, and we come before this
16 board. That's -- that's fine.

17 CHAIRMAN SWEENEY: My concern is not
18 so much with the buses -- although that's part of
19 my concern -- but I think Mr. Chava's point
20 earlier was a good one: If you allow people
21 coming up 202/206 North -- and let's say they're
22 just volunteers, dignitaries, or the
23 handicapped -- to make that left turn into the
24 temple, well, there's going to be all sorts of
25 people trying to follow, and that's going to

1 create the backup that we're definitely trying to
2 avoid.

3 So it's not clear to me that
4 utilizing the entrance off of 202/206, as opposed
5 to the Old Farm Road entrance, is a better
6 solution. I really don't know what the best
7 answer is.

8 That's why I think Scarlett's
9 comment might -- you know, might be worth
10 thinking about, in that, well, let's try it this
11 way, and then see what happens, and then we'll
12 come back and discuss it.

13 MR. COSTA: Why would we come before
14 the board on that, instead of in front of the --
15 instead of putting that in the authority of the
16 police, who are there specializing in that?

17 CHAIRMAN SWEENEY: Well, here's my
18 feel on that. The traffic backup on 202/206 on
19 January 1 is nothing new. It's happened every
20 New Year's Day since there's been a New Year's
21 Day celebration at the temple. I've never heard
22 word 1 from the police department about that.
23 So, in my mind, relying on the police department
24 to recognize and try to rectify that situation,
25 based on their past track record, may not be the

1 best way to go about doing that.

2 MR. COSTA: Okay.

3 MR. WARNER: Would a one-year --
4 it's not a one-year lookback, but at the end --
5 shortly after New Year's eve, a lookback, at
6 least initially, as a condition of approval,
7 leaving it to the board of adjustment's review,
8 while it's somewhat unique, would it not still be
9 reasonable? At least for this first year.

10 MR. COSTA: I don't have a problem
11 with a lookback as to this issue of entry on Old
12 Farm Road versus 202/206; my concern is the
13 application being contingent upon that. Us
14 having to come before this board, before we
15 consider opening Old Farm Road as an entrance?
16 Absolutely, no problem. Us coming before this
17 board to re-discuss whether it's better to go
18 this way or that way in terms of entrance?
19 That's no problem.

20 But making this application
21 conditioned upon that I don't think is a fair
22 burden. I mean, you're basically -- this
23 applicant has to invest in a parking deck. You
24 know, assuming they're approved, they will invest
25 in a parking deck. They will move that process

1 forward. We can't have an impediment in six
2 months --

3 MR. WARNER: I understand what
4 you're saying. That's why I'm wondering, in
5 essence, asking if the board can maybe indicate
6 through consensus -- I don't know if the board
7 was necessarily -- I don't know one way or the
8 other, whether the board is necessarily
9 considering this as the type of thing that, for
10 whatever reason, come mid January next year, the
11 board's going to revoke the entire approval, and
12 make you tear down parking decks. I don't know,
13 but I suspect that might not have been the case.

14 MR. COSTA: That's what I need to
15 understand, what's -- what you want after
16 January.

17 MR. WARNER: So maybe some
18 clarity --

19 CHAIRMAN SWEENEY: That's a valid
20 point, and I know the best way to get the
21 consensus of the entire board, but I'm not
22 looking to condition your approval on this
23 particular point. I'm just looking to see what
24 we can do at some point down the road to make
25 sure that we're doing the best we can, as far as

1 managing traffic. That's all.
 2 MR. WARNER: So the approval may be
 3 conditioned on you coming back, and there being a
 4 review and an addressing of the situation, and
 5 the potential for the board to impose
 6 modifications to the plan on January 1 for the
 7 next year, and January 1s thereafter, but it may
 8 not be -- but it wouldn't be -- if what I'm
 9 hearing is correct, it wouldn't be the board
 10 re-reviewing the entire application, and deciding
 11 whether or not you get to keep the parking deck
 12 you already built if you get an approval.

13 Is that acceptable to you, if that's
 14 what the board is considering as a condition of
 15 approval? In other words, you've just got to
 16 come back, and have the board make -- see if it's
 17 working or not, and suggest something better for
 18 January 1.

19 CHAIRMAN SWEENEY: I think the whole
 20 point here is what's the best way to get in and
 21 out of the temple property on January 1. Is it
 22 Old Farm Road for buses and these other people,
 23 or is it 202/206?

24 MR. WARNER: So it's that limited --

25 CHAIRMAN SWEENEY: That's all

1 we're --

2 MR. WARNER: -- review and approval
 3 that the board would have under that scenario.

4 MR. COSTA: If it's that limited --
 5 I'm just looking at my client -- if it's that
 6 limited, I think that's fine, because we all want
 7 the same thing there. But the idea of the -- and
 8 it could be limited, and the board could impose,
 9 for instance, that we can't use Old Farm Road for
 10 buses.

11 MR. WARNER: Or keep using it
 12 forever.

13 MR. COSTA: Or keep using it. Or
 14 try to do this or that, you know, and that's --
 15 that's fine.

16 COMMISSIONER FALLONE: Mr. Chairman,
 17 if I may, thinking this through a little bit,
 18 there's no light at Old Farm. So if you're
 19 talking about backing up traffic, people trying
 20 to make a left into Old Farm to get in there is
 21 going to really back up traffic. And then, when
 22 you've got traffic heading south at a red light,
 23 and you can't get through those people -- I mean,
 24 I personally think it's -- and I'm not a traffic
 25 expert, I don't pretend to be one, but that may

1 be a worse situation, because there's not even a
 2 light there.

3 MR. FORSYTHE: And there isn't a
 4 left-turn lane.

5 COMMISSIONER FALLONE: There's no
 6 left turn there, correct, so you're really in
 7 trouble.

8 MR. FORSYTHE: You're better off
 9 bringing them in at the light with a police
 10 officer.

11 MR. CHAVA: That is the one, the
 12 202/206.

13 MR. WARNER: Buses, dignitaries, the
 14 handicapped, or all of the above?
 15 (Indiscernible cross-talk.)

16 MR. FORSYTHE: You put the deck on,
 17 there'll be more parking, more people on site,
 18 there'd be figuratively less buses coming from
 19 Sanofi --

20 CHAIRMAN SWEENEY: Well, no, we're
 21 talking about January 1. So that's not the case,
 22 I don't think, because everybody on January 1 is
 23 going to be parking off site. Is that my
 24 understanding?

25 MR. COSTA: Yes.

1 Can I propose this? Just speaking
 2 to my client, what if we did not use Old Farm
 3 Road for buses, unless we came back to this board
 4 to have it approved? And we can -- we can come
 5 back after January 1st, and say we've done a
 6 study, we think it's going to be better, that can
 7 be a requirement, but at this point, we will --
 8 you know, this was a suggestion -- we will take
 9 that out of the traffic manual, unless we get
 10 board approval.

11 CHAIRMAN SWEENEY: So continue to
 12 operate as you have?

13 MR. COSTA: Correct.

14 CHAIRMAN SWEENEY: That's fine.

15 MR. WARNER: And just so I'm clear,
 16 are you still going to have handicapped,
 17 dignitaries, and volunteers coming on Old Farm,
 18 or not?

19 MR. COSTA: We would prefer to still
 20 have them come on Old Farm, for the reasons --

21 CHAIRMAN SWEENEY: How are they
 22 entering now?

23 MR. COSTA: Through Old Farm.

24 MR. CHAVA: Through Old Farm?

25 CHAIRMAN SWEENEY: Volunteers,

1 dignitaries --
 2 MR. CHAVA: Yes.
 3 CHAIRMAN SWEENEY: Have we heard
 4 anything, Scarlett, from people on Old Farm Road
 5 about traffic, on January 1, anyway?
 6 MS. DOYLE: No. Mine's only those
 7 that have complained, and they're individuals,
 8 nothing formal to the township.
 9 COMMISSIONER FALLONE: Mr. Chairman,
 10 I asked a simple question before, and that was,
 11 was Old Farm opened, and I was told no. So no
 12 you're saying it is open.
 13 COMMISSIONER FOOSE: This is the
 14 first we're hearing of this.
 15 CHAIRMAN SWEENEY: Well, there's an
 16 emergency entrance on Old Farm Road, which,
 17 according to the MOU, was to be only used for
 18 emergency purposes and buses.
 19 COMMISSIONER FALLONE: I understand
 20 that. The question was, has it ever been used,
 21 and the answer was no. So now I'm hearing,
 22 though, that it is being used for dignitaries and
 23 some other people. So I'd like the answer.
 24 MR. CHAVA: Once a year. Yeah, we
 25 are using only for cars, not for buses.

1 MR. COSTA: But once a year for
 2 those --
 3 MR. WARNER: So when you said it
 4 wasn't being used earlier, you meant for buses,
 5 it wasn't being used --
 6 MR. CHAVA: That's correct.
 7 MR. WARNER: -- but it was being --
 8 it has been used for volunteers, dignitaries, and
 9 handicapped?
 10 MR. CHAVA: That's correct.
 11 CHAIRMAN SWEENEY: Well, that's
 12 actually in contradiction of the MOU.
 13 COMMISSIONER FALLONE: Yes.
 14 Exactly.
 15 CHAIRMAN SWEENEY: You've got to
 16 stop it.
 17 MR. WARNER: Unless and until
 18 approval.
 19 MR. COSTA: Okay. We'll bring them
 20 in from 202/206.
 21 CHAIRMAN SWEENEY: Good.
 22 MR. COSTA: And if we need to ask
 23 for a change, we know we need to come back to the
 24 board for that.
 25 CHAIRMAN SWEENEY: Okay.

1 MR. WARNER: For all of the above.
 2 MR. COSTA: Yeah, for any Old Farm
 3 Road use. And so we are modifying the decision
 4 of the MOU at this point, which is basically, you
 5 know, the moratorium has expired, which is
 6 basically no entrance on Old Farm Road except for
 7 emergencies, and if we need to change that, we
 8 come back.
 9 MR. CHAVA: You're taking out buses
 10 also?
 11 MR. COSTA: Yes. Yeah, we're not
 12 using it now anyways, and so that's the way -- so
 13 that'll be a stipulation.
 14 MR. WARNER: So the traffic and
 15 parking management plan will be modified
 16 accordingly?
 17 MR. COSTA: Correct.
 18 CHAIRMAN SWEENEY: Okay.
 19 MR. COSTA: Okay. Well, I had
 20 planned to introduce one witness tonight, but I
 21 have two witnesses. But I'm going to go to my
 22 engineer at this point, I'd like to introduce
 23 him, to go over the changes to the plan that came
 24 as a result of our meeting with the fire marshal.
 25 And I also wanted to note one other

1 change that occurred. Between the time that we
 2 initially reviewed our plans, and the time that
 3 we actually submitted them, there was a zone
 4 change at the Advanced Reality site that made a
 5 portion of that site residential, right next to
 6 our property, and that impacted the setback line.
 7 Scarlett brought that up in her latest memo. And
 8 there's only one aspect of that setback line that
 9 impacts our application, and we want to review
 10 that as well.
 11 So we have the drive aisle to access
 12 the lower level, and we're going to show you the
 13 change in the setback line along the Center for
 14 Excellence of Advanced Reality site.
 15 MR. WARNER: And if I could, just
 16 for the record, we have an extension of time to
 17 act through the end of June, and we -- and this
 18 application continues to be properly noticed, in
 19 my opinion, so the board has jurisdiction to
 20 continue to hear the application, and to decide
 21 it tonight, if we get to that point.
 22 Also, on that note, it's my
 23 understanding that all nine board members on the
 24 dais this evening are qualified to vote, if you
 25 complete the application tonight. Of course,

1 only seven will be able to, but we have a full
2 complement of seven. And given all the D
3 variances, approval would require five out of
4 seven at a minimum for passage.

5 It's also my understanding that the
6 reflection of the fact that there is a
7 residential zone designation on the adjacent site
8 gives rise to one additional variance, according
9 to Scarlett. And that the variance, if I recall
10 correctly, is an accessory setback from a
11 residential zone, and that is a C variance.

12 And given the necessity for that
13 additional variance, it's my legal opinion that
14 the board still has jurisdiction, the notice is
15 sufficient, it had the catch-all language within
16 it, so we can subsume additional variances and
17 waivers of a certain degree and magnitude;
18 certainly, a C bulk variance is one that's --
19 that could be subsumed.

20 MR. COSTA: I think it's a d(3)
21 variance.

22 MS. DOYLE: Counsel, I need to jump
23 in there: A setback requirement is a requirement
24 that's typically a C variance, if it's not in the
25 conditional use; this one is.

1 MR. WARNER: Right. We also do --
2 thank you. We also do have the d(3) conditional
3 use deviations that include minimum yard
4 requirements, and while they make no
5 specification as between principal and accessory
6 structures -- we have to assume it's any
7 structures -- so, therefore, that C variance does
8 also constitute an additional d(3) variance,
9 still given the fact that we have about four or
10 five similar bulk requirements that constitute
11 conditions that are deviated from the in the
12 conditional use ordinance for houses of worship,
13 again, the board still -- even still, with that
14 additional d(3), has jurisdiction to hear the
15 application, without having to be renoticed.

16 So thank you, Scarlett.

17 N I T I N N A G R A N I, having
18 been duly sworn, testified as follows:

19 MR. COSTA: Nitin Nagrani, he is
20 already sworn in.

21 MR. WARNER: Remains under oath.

22 And I take it your license as a
23 professional engineer in the state of New Jersey
24 remains in good standing?

25 MR. NAGRANI: Yes.

1 **A. Good evening, everyone. So the**
2 **first change we did on the plans on the final**
3 **something comments is provide access to the**
4 **lower level parking. So we extended the**
5 **driveway towards the southern end of the**
6 **parking, to continue down to the lower level**
7 **parking.**

8 MR. WARNER: Which exhibit are you
9 using?

10 MR. COSTA: We'll mark this A-29.

11 MR. WARNER: I think we're up to
12 A-30, if this is a new exhibit.

13 (Whereupon, Exhibit A-30 is marked
14 for identification.)

15 MR. COSTA: This is a colorized
16 version of the site plan that was submitted on
17 the 17th of May?

18 MR. NAGRANI: Yes.

19 MR. COSTA: So it's Exhibit A-30.

20 MR. WARNER: Sheet 4 of 26, the
21 overall development plan?

22 MR. NAGRANI: No, this is just a --
23 yeah, it's a colorized rendering of that sheet.

24 MR. WARNER: I'm sorry. Continue,
25 please.

1 **A. And so this is an access to be used**
2 **only for emergency vehicles. And we have noted**
3 **on the site plan sheet that this access to the**
4 **lower level parking is for emergency vehicles**
5 **only.**

6 **And in addition, with the addition**
7 **of this drive access to the lower level, we**
8 **increased the pervious surface by 0.04 acres.**
9 **And we revised the stormwater management report,**
10 **to make sure our underground detention system**
11 **and water quality are still met. So the revised**
12 **stormwater management report was submitted with**
13 **the submission.**

14 MR. WARNER: And it still meets all
15 those requirements?

16 MR. NAGRANI: Yes, it does.

17 MR. WARNER: And the additional
18 impervious coverage doesn't call for an
19 additional variance for impervious coverage
20 overage. Correct?

21 MR. NAGRANI: No, it does not.

22 CHAIRMAN SWEENEY: So, Mr. Nagrani,
23 would you -- with that new proposed access to the
24 lower level of the garage, would you show us how
25 emergency vehicles, fire vehicles, will enter the

1 site, and then proceed to the -- let's say the
 2 lower deck, if they needed to get there?
 3 MR. NAGRANI: Sure. And this is the
 4 fire truck turning exhibit, and it's dated
 5 05/10/19.
 6 MR. COSTA: Can you mark that A-31?
 7 (Whereupon, Exhibit A-31 is marked
 8 for identification.)
 9 MR. COSTA: And what page is that?
 10 MR. NAGRANI: It's sheet 1 of 1.
 11 MR. COSTA: Okay. Just the fire
 12 truck turning exhibit.
 13 MR. NAGRANI: Yep, fire truck
 14 turning exhibit.
 15 **A. So in this one, we have a fire**
 16 **truck -- and this was submitted and approved by**
 17 **fire marshal as well. So we have the fire truck**
 18 **entering along 202/206 along the temple access**
 19 **drive, and accessing to the upper level, and**
 20 **then making a turn down to the lower level**
 21 **through the proposed access road.**
 22 **And this -- the fire truck**
 23 **dimensions, this is the big fire truck, ladder**
 24 **truck, 47 foot long, provided by the fire**
 25 **marshal.**

1 **Q.** And was the grade -- the grade down
 2 to the lower level, was it approved by the fire
 3 marshal?
 4 **A. Yes. We are around 5 percent grade**
 5 **on that lower level.**
 6 **Q.** Okay. And --
 7 CHAIRMAN SWEENEY: So the fire
 8 vehicles would enter the 202/206 entrance, not
 9 the Old Farm Road entrance?
 10 MR. NAGRANI: That is correct.
 11 CHAIRMAN SWEENEY: Are there any
 12 instances or types of vehicles that you foresee
 13 entering off of Old Farm Road?
 14 MR. NAGRANI: No.
 15 CHAIRMAN SWEENEY: Why don't we
 16 permanently close that driveway?
 17 MR. NAGRANI: There's an existing
 18 community building closer to Old Farm Road. So
 19 if fire -- it's at the discretion of the fire
 20 department, if they want to use that entrance to
 21 enter the site, because it's closer.
 22 CHAIRMAN SWEENEY: So they may still
 23 use that.
 24 MR. NAGRANI: Right.
 25 MS. DOYLE: We also have rescue

1 squad.
 2 CHAIRMAN SWEENEY: Okay. Thank you.
 3 I think, Mr. Nagrani, you were going
 4 to also talk to us about the trash compactor pad,
 5 and where that sits.
 6 MR. NAGRANI: Yes.
 7 MR. COSTA: This is going to be
 8 A-32.
 9 (Whereupon, Exhibit A-32 is marked
 10 for identification.)
 11 MR. WARNER: It's called Overall
 12 Development Plan Exhibit, sheet 1 of 1, and it's
 13 dated 05/28/19.
 14 **A. So this is the same plan as sheet 4**
 15 **that was previously submitted, but the only**
 16 **change we made to this plan was revised the side**
 17 **yard setback to 50 feet on the southern property**
 18 **boundary. Originally, we had the 50-foot side**
 19 **yard setback adjacent to the Lot 6, since there**
 20 **was a residential zone, but RCED has also**
 21 **changed -- before, it was RCED; now it's RSEED,**
 22 **which is residential.**
 23 **So we changed the side yard setback**
 24 **to a 50-foot setback, and in doing so, the trash**
 25 **compactor ends up being in a side yard setback.**

1 **So that's why we are seeking a variance for the**
 2 **trash compactor being closer than 50 feet to the**
 3 **property line.**
 4 **Q.** Let me just ask a couple questions.
 5 One is, with the ramp to the lower
 6 level, how many parking spots do we have?
 7 **A. We have 1,042.**
 8 **Q.** Okay. And, previously, we had
 9 1,047?
 10 **A. Forty-seven, yes.**
 11 **Q.** Okay. And if you put up this
 12 exhibit again, A-31, can you point out to the
 13 board where we lost those five parking spots?
 14 It's fairly obvious, but I just want you to
 15 clarify.
 16 **A. We lost four parking spaces where**
 17 **we enter the lower level, on the southern end,**
 18 **and we lost one parking on the upper level for**
 19 **the turnaround area, because we had to add a**
 20 **wall onto the -- along the western driveway**
 21 **access. So that driveway access was closed,**
 22 **because we walled this thing, to have our**
 23 **ability to drop the grades to the lower level**
 24 **parking. So one parking space we lost for upper**
 25 **level, and for the lower level, total of five.**

1 MR. WARNER: So the five spots were
2 lost all in conjunction with the fire marshal's
3 request to modify to get access of the ladder
4 truck to the lower level?

5 MR. NAGRANI: To the lower level,
6 that's correct.

7 BY MR. COSTA:

8 Q. So we dropped from 1,047 to 1,042
9 spots?

10 A. Yes.

11 Q. Okay. And the trash compactor is
12 in a location where we -- we currently do not
13 lose any additional parking spots. Correct?

14 A. That is correct.

15 Q. And you --

16 A. And it's a location that is
17 preferred by the temple, based on the proximity
18 to the temple and the cultural center building.

19 Q. And this trash compactor was
20 previously moved, because it was in the
21 township's --

22 A. Township flood hazard area
23 easement, yep.

24 Q. -- flood hazard easement, so we
25 moved it to its current location?

1 A. That is correct.

2 Q. And do you perceive this as having
3 a negative impact on the residential property
4 that is adjacent, which would be the Advanced
5 Reality property?

6 A. Not really. We can screen it with
7 evergreen trees behind the compactor, so that
8 it's screened from the neighboring properties.

9 MR. WARNER: If I may: How tall is
10 it?

11 MR. NAGRANI: It's 8- to
12 10-foot-tall walls.

13 MR. WARNER: Okay.

14 COMMISSIONER FALLONE: I know you've
15 redrawn your plans lots of times, but there's no
16 other place to put this compactor than near a
17 residential zone? I mean, again, I know you've
18 moved it for several reasons, but to me it seems
19 that that's probably a place where I personally
20 wouldn't put it, because it could be residential,
21 kids. There's nowhere on this property that
22 would make sense for --

23 MR. NAGRANI: There's nowhere that
24 anyone can walk to it. There's a grade change
25 between the neighboring properties. There's a

1 stream intervening between the two properties.
2 So the grade drops from 174 to, say, 165. So
3 there's a 5- to 10-foot drop between the
4 properties. It's a stream channel between the
5 two properties.

6 COMMISSIONER FALLONE: But it's a
7 compactor, it makes noise.

8 MR. NAGRANI: It's a compactor.

9 COMMISSIONER FALLONE: It makes
10 noise.

11 CHAIRMAN SWEENEY: The question is,
12 is there someplace else on site you could put it?

13 MR. NAGRANI: That's the location
14 which was close to the temple and the cultural
15 center, that's the reason we picked that
16 location.

17 CHAIRMAN SWEENEY: Suppose it's a
18 little further from the temple and the cultural
19 center, does that make it impossible to use or
20 access?

21 MR. COSTA: The only way to move it
22 would be to lose six additional parking spots.
23 So we could shift it to lose six additional
24 parking spots, which is possible.

25 CHAIRMAN SWEENEY: You're adding, as

1 I recall --

2 MR. NAGRANI: We could rotate it --
3 that's all. We would lose six spaces. We could
4 rotate, so that it's outside the 50-foot setback.

5 CHAIRMAN SWEENEY: As I recall, the
6 parking deck is adding 650, roughly, new parking
7 spots? Is that about right --

8 MR. COSTA: Yes.

9 CHAIRMAN SWEENEY: -- 648, 650?

10 MR. COSTA: Yes.

11 CHAIRMAN SWEENEY: If we lose five
12 or six, who cares? I mean, that's my feeling,
13 anyway.

14 And I think -- I think Mr. Fallone's
15 comment is a good one. That's a residential area
16 over there. Now, whether it's actually ever
17 going to be developed, or --

18 MR. COSTA: Or whether it's going to
19 be the residential portion of the development, we
20 don't know that.

21 That's fine. We can do that. We
22 prefer -- we think we justified the variance, we
23 think we'd prefer to keep the spots --

24 MR. WARNER: Can you at least show
25 the board, or explain to the board how it would

1 be shifted, so that it would be at least 50 feet
 2 away from the residential zone?
 3 MR. NAGRANI: Sure.
 4 MR. WARNER: And which six spaces it
 5 might be removing?
 6 (Whereupon, there is a brief
 7 discussion held off the record.)
 8 CHAIRMAN SWEENEY: I'm going to ask
 9 Mr. Forsythe to comment on what another potential
 10 or possible location may be.
 11 MR. FORSYTHE: I'm going to do this
 12 from your plan, so you can see where I'm
 13 pointing. You need to relocate this --
 14 MR. NAGRANI: So what I'm proposing
 15 is to rotate this --
 16 MR. FORSYTHE: Well, what I would --
 17 MR. WARNER: Tom, can you -- you
 18 remain under oath, of course. Can you do this in
 19 a descriptive way, so that it'll make sense
 20 when somebody reads the transcript?
 21 MR. FORSYTHE: All right. I just
 22 want to talk to him about it first.
 23 MR. WARNER: Okay. You want to take
 24 a quick break? Or you can do it offline. This
 25 isn't part of the testimony.

1 (Whereupon, there is a brief pause
 2 in the proceeding.)
 3 MR. FORSYTHE: Yeah, that ain't
 4 going to work. The space is there, but the
 5 elevation change is substantial.
 6 CHAIRMAN SWEENEY: All right. So
 7 that's not going to work?
 8 MR. FORSYTHE: That's not really
 9 going to work.
 10 CHAIRMAN SWEENEY: All right. So
 11 much for that idea.
 12 All right. So, Mr. Nagrani, you
 13 think you can rotate it, keeping it out of the
 14 50-foot setback --
 15 MR. NAGRANI: By losing six parking
 16 spaces --
 17 CHAIRMAN SWEENEY: -- and you lose
 18 more parking spaces. So be it.
 19 MR. WARNER: Okay. So you're no
 20 longer requesting that additional accessory side
 21 yard setback variance, which also would
 22 constitute a d(3) variance as well. Correct?
 23 MR. COSTA: Correct.
 24 MR. WARNER: And you're going to
 25 have six less spaces, bringing it down to 1,036?

1 MR. NAGRANI: Yes, sir.
 2 MR. COSTA: Yes.
 3 (Whereupon, Exhibit A-33 is marked
 4 for identification.)
 5 MR. WARNER: And you've just handed
 6 out something. Is that Exhibit A-33?
 7 MR. COSTA: That is A-33, thank you,
 8 and that is the revised location.
 9 MR. NAGRANI: Trash compactor.
 10 MR. WARNER: Extraordinarily
 11 prescient of you to have it available.
 12 MS. DOYLE: Mr. Chairman, I have a
 13 quick question on that.
 14 CHAIRMAN SWEENEY: Yes, Scarlett.
 15 MS. DOYLE: Walls and fences have a
 16 maximum height of 6 feet in the ordinance, and
 17 the applicant is proposing a 9-foot-tall wall.
 18 So maybe the -- you could indicate the
 19 construction materials, and the reason for the
 20 height -- I think I know the reason for the
 21 height. Is it visual? Is it acoustical? And
 22 what kind of material will it be made out of?
 23 MR. NAGRANI: This trash
 24 compactor -- actually, this was previously
 25 approved by the township, but it was never

1 constructed by the applicant, and that's the
 2 reason -- it's a 9-foot-tall wall, and one is the
 3 garbage compactor; other is a recyclable.
 4 MS. DOYLE: Yes, I understand that.
 5 What I asked is the board should get some
 6 information on the technical construction of the
 7 wall. It's 9 feet masonry? It's 9 --
 8 MR. NAGRANI: Block walls, yes.
 9 MS. DOYLE: It's block walls.
 10 And the purpose of the 9 feet as
 11 opposed to 6 -- it's a variance, so --
 12 MR. NAGRANI: Because of the
 13 operation of the compactor itself.
 14 MS. DOYLE: The height of the
 15 compactor?
 16 MR. NAGRANI: Yes, that came from
 17 the manufacturer.
 18 MS. DOYLE: Is it anything to do
 19 with noise?
 20 MR. NAGRANI: No, it's just because
 21 of the operation of the compactor.
 22 MR. WARNER: It has no sound
 23 attenuation associated with it, the wall.
 24 MR. NAGRANI: The walls will
 25 attenuate some sound, yes.

1 CHAIRMAN SWEENEY: Mr. Nagrani, what
2 are some alternative walls? What are some other
3 walls around trash compactors composed of, other
4 than block walls?

5 MS. DOYLE: Well, the walls would be
6 made as the same material as the principal
7 structure it serves. So they could be block, but
8 they're going to be faced with stucco and
9 whatever, and be of the same color as the
10 principal structure it serves, which would be the
11 cultural center, because that's where the stuff's
12 coming from.

13 MR. NAGRANI: Right.

14 MS. DOYLE: So perhaps you could
15 tell the board what the surface -- what the
16 materials are at the facade, and that would be
17 the same for -- okay.

18 MR. NAGRANI: Okay.

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

21 BY MR. COSTA:

22 Q. Okay. Can you tell us what plan
23 you're looking at?

24 A. **It's construction details, sheet
25 number 24 of 26. And that's where we have the**

1 **detail for the gate that is going to be used at
2 the trash compactor.**

3 Q. And what is proposed in that
4 detail?

5 A. **It's EMCO Manufacturing
6 Corporation design -- it's EMCO [indiscernible]
7 design v-shaped extruded aluminum bars -- with
8 extruded aluminum bars. It's a heavy duty
9 steel. That's kind of a detail for the gate.
10 It's on sheet number 24 of 26.**

11 CHAIRMAN SWEENEY: Sir, is it going
12 to look like the walls on the cultural center?

13 MR. NAGRANI: It's going to be
14 walls, and at the opening, there will be a gate.

15 MR. COSTA: So the walls are going
16 to be painted what color?

17 MR. NAGRANI: Same as the cultural
18 center. It'll be white, same as cultural center.

19 MS. DOYLE: So same material,
20 same -- it'll be just --

21 MR. NAGRANI: Identical, that is
22 correct.

23 MR. WARNER: It's going to be the
24 same color. Is it actually going to be the same
25 facade material?

1 CHAIRMAN SWEENEY: He said it would
2 be.

3 MS. DOYLE: Let's be sure of that.

4 MR. NAGRANI: It's a block wall with
5 white painted.

6 MR. COSTA: It'll be a white painted
7 block wall.

8 MS. DOYLE: Why a block wall,
9 painted white block wall?

10 MR. COSTA: What would you like,
11 with stucco?

12 MS. DOYLE: Well, with a cinder
13 block wall, it's just a wall that you can see all
14 the --

15 MR. COSTA: Right. No, I
16 understand. But the temple's marble, it doesn't
17 really make sense to do a marble trash compactor.

18 MS. DOYLE: Oh, no, something like a
19 stucco. It's certainly up to the board, but a
20 block wall is certainly industrial.

21 CHAIRMAN SWEENEY: Something that
22 looks better than a concrete block wall.

23 MR. COSTA: We will do white stucco.

24 CHAIRMAN SWEENEY: Marble would
25 work --

1 MR. COSTA: It'll be in between
2 marble and block wall. Stucco.

3 MS. DOYLE: So that would be placed
4 on the --

5 MR. NAGRANI: I'll add that detail.

6 MS. DOYLE: -- as a revision to the
7 plan?

8 MR. NAGRANI: That's correct.

9 CHAIRMAN SWEENEY: And let's put
10 some -- you had mentioned, also, adding some kind
11 of buffer, vegetated buffer behind it.

12 MR. NAGRANI: Okay.

13 CHAIRMAN SWEENEY: Thank you.

14 BY MR. COSTA:

15 Q. If I could -- are you done on the
16 trash compactor?

17 A. Yes.

18 Q. I want to refer you to page 7 of
19 Ms. Doyle's report. The second item in the
20 chart refers to three plans, 10 linear feet
21 against residential, 126-18.D.2.6.B. Correct?

22 A. Yes. So --

23 Q. And that was the one where we said,
24 I believe, that we would comply with the
25 planner's requirements, and I just wanted to

1 clarify with the board exactly what we are doing
2 there, so we don't end up with confusion after
3 the fact.

4 **A. Yeah, just is it a waiver -- still**
5 **a waiver or not a waiver.**

6 MS. DOYLE: Could I -- this is a
7 little bit different than what we -- we spoke of
8 when we talked earlier, the applicant was willing
9 to put the 10 plants in accordance with the
10 ordinance, and if I could refer you to -- what
11 exhibit number is this?

12 MR. COSTA: Is that the one we just
13 put in?

14 MS. DOYLE: The first --

15 MR. COSTA: It's A-32.

16 MS. DOYLE: A-32?

17 MR. COSTA: Correct, yes.

18 MS. DOYLE: A-32, it would be along
19 the southerly side by the priest housing, not in
20 the front yard, but technically, to mask that,
21 but not in the area where we have a riparian
22 protection already, and then, again, in the area
23 that the chairman and the board mentioned that
24 you would have the parking and the compactor.

25 MR. NAGRANI: Right.

1 MS. DOYLE: But not the whole thing.

2 MR. NAGRANI: Okay.

3 MS. DOYLE: You'll see that the
4 entirety of this area is in the R-Seed zone,
5 which is something that means that it's against
6 the --

7 MR. NAGRANI: Right, so we'll work
8 with our planner and put the landscaping, and we
9 will seek a waiver.

10 MR. COSTA: Right. So last -- at
11 the last hearing, the way we recorded that is
12 that we wouldn't seek a waiver, and then -- that
13 we would just comply. But then, upon further
14 discussing with Scarlett, she thought -- she
15 thought that we don't need to plant certain
16 areas, they're already very wooded. So we are
17 asking for the waiver, but we are going to comply
18 in all of the relevant areas, and provide trees
19 as necessary.

20 CHAIRMAN SWEENEY: Scarlett, are you
21 good with that?

22 MS. DOYLE: An area where you have
23 the buffer, the 50-foot buffer, the protection,
24 DEP, they're not supposed to go in there anyway.

25 CHAIRMAN SWEENEY: Are you okay with

1 what they're proposing?

2 MS. DOYLE: Yes, so long as it's
3 those two areas that they will do in accordance
4 with the ordinance.

5 MR. COSTA: So that was one we
6 wanted to clarify.

7 The next one that I wanted to
8 clarify was foundation plantings, which is the
9 fifth one down, foundation plantings,
10 126-191.D.C.5, 10 shrubs for each 20 feet of
11 foundation. And there are some areas of this
12 garage, and any new structures, that are not
13 abutting anything residential, or that already
14 have a wooded area. We will comply with that in
15 any place that abuts any type of residential
16 area. So that would be, again, seeking the
17 waiver, but complying with every bit of planting
18 that is requested of us by the planner.

19 CHAIRMAN SWEENEY: Okay. You know,
20 while we're talking about planting, I think --
21 I'm just going to throw in -- I'm going to jump
22 to a condition, and that is all of the screening
23 and plantings that are proposed, it's really --
24 it's going to be the township planner that has
25 the authority to require additional plantings

1 wherever there are gaps and/or where erosion has
2 affected the intent of the planting screen, and
3 that authority will continue after installation
4 of the parking deck. Are you okay with that?

5 Because there -- we have left a lot
6 of questions about where these buffers are going
7 to be. And I think you've done an excellent job
8 in trying to come up with buffers that actually
9 buffer, and I very much appreciate that, but in
10 case we have missed certain areas, overlooked
11 certain areas, I would really like final
12 authority on that to rest with the township
13 planner. Are you guys okay with that?

14 MR. NAGRANI: We're fine with that.

15 MR. COSTA: We're okay with that,
16 yes.

17 MS. DOYLE: In furtherance of that,
18 Mr. Chairman, I do like some guidance, because I
19 don't want to make a mistake here. On Old Farm
20 Road -- this is on -- in my report, but we've
21 never talked about it. On Old Farm Road, if you
22 have looked at Old Farm Road, and done a site
23 inspection, you know where the gate is, you know
24 where the fencing is. To the left of that, to
25 the east of that, over time, there isn't much

1 landscaping anymore; yet, that's not part of this
2 application. I would like the board to direct me
3 to either make them do it, make them put in
4 landscaping in that section to the left of the
5 gate on Old Farm, or not to do it. But I would
6 like some guidance on that.

7 MR. COSTA: Moving towards 202/206,
8 is what you mean by to the left?

9 MS. DOYLE: It's really -- in the
10 front, there are some trees, the woodland -- a
11 third of the woodland is down on the ground, it's
12 not well, often that tends to happen, but behind
13 that is a lawn area where you can really see a
14 parking field. And I would like something to
15 hide -- to mask the parking, the trees -- the
16 cars, I would like something to screen that, but
17 only if the board says either do it or not do it.

18 COMMISSIONER FALLONE: Weren't they
19 expanding the parking a little in that area?

20 MS. DOYLE: No, they're not, they're
21 doing it on the other side. And I'll get them
22 there.

23 COMMISSIONER FALLONE: Yep.

24 CHAIRMAN SWEENEY: That's been
25 addressed.

1 You're good with that?

2 MR. COSTA: More Trees.

3 CHAIRMAN SWEENEY: Thank you very
4 much.

5 MR. COSTA: That's fine.

6 MS. DOYLE: I'm sorry?

7 CHAIRMAN SWEENEY: They're good with
8 that.

9 MS. DOYLE: Thank you very much.

10 MR. COSTA: Scarlett, one thing you
11 brought up in your letter was parking lot trees.
12 We were -- and this was for just the section of
13 parking -- if you could put up A-32 again --
14 actually, no, the colorized rendering, A-30.

15 MR. NAGRANI: So the parking lot
16 trees waiver is in the southern section of the
17 parking, where there are proximately 20
18 continuous spaces. Right?

19 MR. COSTA: Correct. And that is
20 right before you get to that --

21 MR. NAGRANI: Lower level access.

22 MR. COSTA: -- lower level access
23 ramp.

24 That's kind of, you know, an
25 isolated row of parking that we've added from the

1 beginning of this application. We would ask for
2 a waiver from additional parking -- from any
3 parking lot trees in that area. There's no
4 parking lot trees in general in that area, and
5 right behind that, we'll be adding extensive wood
6 coverage. So we would seek a waiver from that,
7 so as to avoid losing additional parking.

8 MR. WARNER: How do you describe
9 that, or delineate that area that you're -- from
10 which you're seeking the parking lot tree waiver?
11 Because, in essence, this is one more parable
12 waiver. You're doing it in some places, but
13 you're not doing it in this particular place that
14 you're asking to be excluded.

15 MR. COSTA: Right, we have -- we've
16 provided trees in any other surface parking that
17 we've provided.

18 MR. WARNER: So how do we describe
19 or delineate this area?

20 MR. NAGRANI: This is to the
21 southern edge of the parking. It's just before
22 the access road to the lower level parking.

23 MR. COSTA: And is it roughly
24 between the trash compactor and the access road?

25 MR. NAGRANI: Access road, yep.

1 MR. COSTA: So it's roughly between
2 the trash compactor and the access road. It's
3 parking in that area.

4 CHAIRMAN SWEENEY: So what are you
5 proposing, no trees there? some trees there?

6 MR. NAGRANI: It's just continuous
7 parking spaces, no trees -- no islands.

8 MR. COSTA: No islands. So it would
9 be a continuous group of parking.

10 CHAIRMAN SWEENEY: No islands. Will
11 there be any vegetation at all?

12 MS. DOYLE: Well, behind that, there
13 will be -- the whole side will be buffered.

14 CHAIRMAN SWEENEY: Okay.

15 MR. COSTA: Right, there'll be
16 extensive screening.

17 CHAIRMAN SWEENEY: Okay.

18 MR. COSTA: I think that that
19 addresses the open items that I had with
20 Scarlett's report.

21 MS. DOYLE: I have one more item,
22 Mr. Chairman, if I might. It's on page 5, number
23 8. In the past, there has been a brief
24 discussion about landscaping along the highway.
25 Now, more people get a perception of Bridgewater

1 along our highways than our interior roads, and
2 the town and this board wants to be sure that it
3 looks lovely.

4 In the past, on the prior
5 application, the standards weren't as strict when
6 it came to landscaping. The applicant originally
7 agreed to provide landscaping to meet his old --
8 his old approval; however, since that time, the
9 applicant now -- it's my understanding, now has
10 agreed to meet the standards of the ordinance, so
11 that, as we're going down the road, we're going
12 to have lush landscaping maintained, and it's
13 going to be bonded, and it's going to be --
14 they're going to have maintenance bonds, just
15 like -- because it's called a highway buffer, we
16 can do that, and they've agreed to do that, and I
17 just want that on the record that that's true.

18 CHAIRMAN SWEENEY: Yeah, you guys
19 agreed to that already. Right?

20 MR. COSTA: Yes.

21 MR. WARNER: Scarlett, did we get
22 number 10 on that page as well, to your
23 satisfaction?

24 MS. DOYLE: These -- the suggestion
25 that the street trees -- as the chairman has said

1 at the beginning, anything that you disagree with
2 should be mentioned; otherwise, everything is a
3 requirement. And I hope that that's still true.
4 This new -- this number 8, the reason I mentioned
5 it is because I just added it as a clarification.

6 But everything else has been on my report from --

7 CHAIRMAN SWEENEY: Right. Right.

8 MR. COSTA: And that's fine.

9 CHAIRMAN SWEENEY: Counselor,
10 anything else from Scarlett's report?

11 MR. WARNER: As long as we had that
12 reaffirmation from the applicant that they
13 stipulate to everything else on the report that
14 they didn't specifically call out, we're good. A
15 couple of them might have -- and that's fine. If
16 the board doesn't feel any of them need any
17 further testimony, that's fine.

18 CHAIRMAN SWEENEY: I did have --
19 while we're talking about reports, I did have one
20 comment about the engineer's report, which is
21 dated May 24. And it's on page 3 of 3, second
22 paragraph of the conclusion. The engineer notes
23 that a number of the technical comments presented
24 in our letter of March 18 were still outstanding.
25 I assume you will comply with whatever those

1 comments were?

2 MR. NAGRANI: Yes, we will comply.

3 CHAIRMAN SWEENEY: Thank you.

4 Mr. Nagrani, anything else that you
5 wanted to cover while you're up?

6 MR. NAGRANI: No.

7 CHAIRMAN SWEENEY: Anyone have any
8 questions for Mr. Nagrani? Anyone on the board
9 have any questions for Mr. Nagrani?

10 Anyone in the audience have any
11 questions for Mr. Nagrani, based on his
12 testimony?

13 No response, thank you very much.

14 Counselor, before you move on, I
15 have one or two very quick questions about the
16 traffic management report. You covered most of
17 them; I just want to confirm one or two things.

18 On Schedule A, which is the list of
19 temple festivals and national holidays in 2019,
20 you've already indicated to us that September 2nd
21 and October 27th are the two remaining days this
22 year when you will be utilizing off-site parking.

23 I would like to add a condition that
24 you will also provide, when it's available, a
25 calendar of the 2020 dates when you will utilize

1 off-site parking. I understand you may not have
2 those dates now, since it's based on the lunar
3 calendar, and that's fine. Let's make sure we
4 get those dates, though, whenever they become
5 available.

6 MR. COSTA: Okay.

7 CHAIRMAN SWEENEY: And if the
8 parking deck is not built at the end of 2020,
9 same thing holds for 2021, and whatever years
10 come after that, when the deck is not up and
11 running.

12 MR. COSTA: Right.

13 CHAIRMAN SWEENEY: Okay?

14 MR. COSTA: Yes.

15 CHAIRMAN SWEENEY: Anyone on the
16 board have any other questions or comments about
17 the revised traffic management report, or the
18 police -- the traffic control -- Kevin Lamey's
19 report? No?

20 MR. WARNER: Actually, I have one,
21 if no board members --

22 CHAIRMAN SWEENEY: I see no one else
23 raising their --

24 MR. WARNER: If I -- and I apologize
25 if I'm, Mr. Forsythe, putting you on the spot,

1 but at least it was my review of Bill Burr --
2 who's not here -- his engineering report, with
3 respect to that traffic management plan, that, in
4 his view, it covered all the -- the fire truck
5 emergency access, excuse me, covered all the fire
6 marshal's comments satisfactorily, and it was his
7 view the Temple Traffic and Parking Management
8 Plan appeared to satisfy all of the traffic
9 safety sergeant's reviewing comments.

10 But since you're the engineer who's
11 here this evening, and not Bill Burr, was I
12 accurately reading his comments with respect to
13 both the fire truck emergency access exhibits and
14 the traffic management and parking plan?

15 MR. FORSYTHE: Yes.

16 MR. WARNER: Thank you.

17 CHAIRMAN SWEENEY: Mr. Costa?

18 MR. COSTA: Okay. Before -- I have
19 a brief conclusion, but I wanted to check,
20 Mr. Warner, do we need to open it to the public
21 at this point, or is that after I conclude? How
22 would you like to --

23 MR. WARNER: Normally -- it may not
24 matter this evening, but normally we would open
25 up to the public first before you give a

1 summation.

2 MR. COSTA: Okay. So I'm about to
3 give a summation, so...

4 CHAIRMAN SWEENEY: All right. Does
5 anyone in the audience care to speak either in
6 favor of or in opposition to this application?

7 No response.

8 Mr. Costa?

9 MR. COSTA: Okay. I want to thank
10 the board for your efforts on this application.
11 You've put an admirable amount of effort into
12 understanding the application and the potential
13 impact on the neighboring properties.

14 In response to this inquiry, we've
15 provided extensive testimony to address the
16 board's concern in the area of engineering,
17 lighting, landscaping, architecture, in terms of
18 showing mass, color, and location of the proposed
19 deck. We've provided traffic studies, and
20 limited off-site parking to one event of the
21 year. We've listened to the neighbors and
22 incorporated their concerns.

23 And notwithstanding this extensive
24 analysis, I wanted to point out, I think one of
25 the important things is that the variance relief

1 that we're actually seeking is very limited. As
2 our planner, Barbara Ehlen, stated in her
3 testimony, a house of worship is a conditional
4 use in the R-50 zone. We're before this board,
5 instead of the planning board, because we do not
6 meet all of those conditions, and because of the
7 history of the application with this board, and
8 the prior federal lawsuit.

9 Ultimately, this application reduces
10 or leaves the same all of the previously approved
11 variances, except, actually, one of them, and
12 that variance pertains to the distance between a
13 temple-owned residence, which is on Lot 5, and
14 the adjacent resident on Lot 6, that is not owned
15 by the temple. It has nothing to do directly
16 with the parking deck. It pertains to a
17 residential property owned by the temple, and
18 which the temple will continue to keep
19 residential use as.

20 The variances we're seeking are for
21 the minimum lot area -- Steve, did you want me to
22 go through these in detail, or are you going to
23 lay them out?

24 MR. WARNER: We can do it either
25 way. I can do it and you can confirm, or you

1 can -- you can run through it and I'll --

2 MR. COSTA: Yeah, I'll run through
3 it, make sure we're on the same page.

4 The minimum lot area, 1,779,220
5 square feet are required; whereas, 1,065,913
6 square feet exist, and 1,329,693 square feet are
7 proposed with the consolidated lot. This is an
8 improvement of the variance condition.

9 The FAR --

10 MR. WARNER: Before you move on, if
11 I may, just so everybody's keeping score, that is
12 both a bulk variance, but it is also under our
13 conditional use ordinance for houses of worship,
14 it is also a condition. So, therefore, it is
15 part of the d(3) conditional use variance
16 request, not just a bulk variance.

17 MR. COSTA: And all of these that I
18 will read will be d(3) variances. I know there's
19 one C that we talked about.

20 So the next one is the FAR, which is
21 0.05 is permitted, whereas 0.081 exists, and
22 0.077 is proposed. This, again, is an
23 improvement over the existing condition.

24 The minimum side yard setback, 50
25 feet is required; whereas, 7 feet 41 inches (sic)

1 exist, and that's that one lot, Lot 5, and is
2 proposed to remain. This is the one variance
3 that's exacerbated, just because of the location
4 of the house relative to the lot line.

5 The minimum side yard setback
6 variance is another one -- there's a couple side
7 yard setback variances. There's another one of
8 26 feet 6 inches. This is for Lot 2. It's
9 preexisting. The temple already owns this
10 property. So that's an unchanged condition.

11 The minimum side yard setback, 50
12 feet is required; whereas, 42.5 feet exists.
13 Again, this is Lot 3.

14 And then, there's the minimum total
15 of two yards setback, where they add together the
16 size of two yards -- two side setbacks: 70 feet
17 is required; whereas, 34.01 feet exists. This is
18 the addition of Lot 2 setback and Lot 5 setback.
19 This one, again, relates to Lot 5 being so close
20 to the property line.

21 Minimum front yard: 75 feet is
22 required; whereas, 71.9 inches exists, and is
23 proposed to remain. That's Lot 2. That's
24 unchanged from the prior approval.

25 Lot width, this is the -- this is

1 the one C variance -- it's 200 feet is required,
2 where 67.2 exists. This is for Lot 2. It's
3 unchanged, but with the consolidation of the
4 lots, should we be approved, it will be
5 eliminated.

6 So none of the variances, as our
7 planner pointed out, directly pertain to the
8 parking deck; they pertain to the preexisting
9 features of the three houses.

10 In terms of the waivers, we've tried
11 to eliminate as many of them as possible. And at
12 the beginning of the application, we proposed
13 waivers for lighting and landscaping. We've
14 since agreed to comply with all ordinance
15 requirements for landscaping subject to -- I
16 guess we're seeking some waivers, but subject to
17 planner approval, and we've agreed to comply with
18 ordinance requirements for lighting and
19 foot-candle requirements. We've also agreed to
20 undertake additional screening and planting in
21 consultation with the planner, and to provide
22 additional shielding for the lights, again, to
23 meet township ordinance requirements.

24 And I'm going to -- Steve, I'm going
25 to let us -- I'm going to wait to list the

1 waivers, because they've changed a bit.

2 Much of the board's focus throughout
3 the hearing has been devoted to understanding and
4 minimizing the impact of the parking deck on the
5 neighboring property owners on Old Farm/Cedar
6 Brook Road. To this end, the temple's architect
7 has presented extensive photographic and
8 rendering studies, which show whether and to what
9 extent the temple can be seen from the
10 neighboring houses, in order to show the massing
11 and distance of the proposed parking deck.

12 Where the deck was conceivably
13 visible, we showed you a series of images: We
14 showed a photo of the existing image; we showed a
15 rendering of the deck and the temple with all
16 vegetation and houses removed; we showed a
17 rendering of the deck and the temple with
18 vegetation, but not the houses removed; and then,
19 we showed the rendering of the deck and the
20 temple with trees at the size they will be
21 planted at the time of construction; and then a
22 final rendering of the deck with the mature
23 trees.

24 This series of photos and renderings
25 was provided to the board to show, again, the

1 appearance of the deck and the mass. While other
2 methods of analysis were discussed, such as
3 balloon tests, or flag tests, our architect and
4 project manager explained to the board that the
5 process they used to overlay the engineering
6 plans with their CAD renderings, and Google Maps,
7 and then put it into a CAD program, created an
8 accurate representation of the likely appearance
9 and size of the garage, and they felt it was more
10 descriptive than these other methods, of what the
11 garage would actually look like.

12 The board also questioned the impact
13 of the slope of the land on the appearance of the
14 parking deck, because there's different portions
15 of the neighborhood that were at a lower grade.
16 In response, the temple completed and presented
17 an engineering elevation study of the deck
18 relative to the deck to the neighborhood, from
19 different vantage points throughout the
20 neighborhood.

21 In addition to providing the
22 information set forth above, and agreeing to
23 modify the lighting shields and landscaping, the
24 temple also agreed, at tremendous cost, to
25 extensively modify the garage, by adding windows

1 between the first and second levels throughout
2 much of the span of the garage. This was modeled
3 after the Acura dealer on Route 22, and is
4 intended to limit light, noise, and other
5 interference between -- you know, that would come
6 from between the floors of the two garages.

7 I mentioned the planting.

8 In this regard, I think the temple
9 has shown a tremendous degree of respect for the
10 board, and expects to continue to be a
11 contributing member of the Bridgewater Township
12 community, and continuing to report to this
13 board, as we've agreed, in terms of the traffic
14 manual updates.

15 In terms of the standards to be
16 applied, real standards to be applied to this
17 application, this temple is a religious use, and
18 qualifies as an inherently beneficial use under
19 New Jersey law, and is further protected by the
20 federal standards established by the Religious
21 Land Use and Institutionalized Persons Act. The
22 temple is seeking only bulk or conditional use
23 variance relief, and site plan and subdivision
24 approval.

25 The positive criteria for the

1 variance is established by the fact that the use
2 is inherently beneficial.

3 As for the negative criteria, the
4 temple must still demonstrate the compliance with
5 the negative criteria; however, under Sica, the
6 seminal case by the New Jersey Supreme Court
7 addressing inherently beneficial uses, the test
8 for the negative criteria is altered, in that a
9 board must evaluate the public interest served by
10 the inherently beneficial use, identify any
11 adverse consequences of granting the variance,
12 consider conditions which might be imposed to
13 mitigate any adverse consequences -- which I will
14 say this board has done, and we appreciate -- and
15 then balance the public interest in granting the
16 variance versus the adverse impact as lessened by
17 the conditions imposed by the board, and then
18 determine whether, on balance, there would be a
19 substantial detriment to the public good if the
20 variances were granted.

21 The negative criteria is also
22 further amended by the Coventry Square opinion,
23 which provides that, for a conditional use, the
24 applicant need only show that, notwithstanding
25 the failure of one of the conditional use

1 conditions, the proposed use was reconcilable
2 with the zone.

3 Finally, the temple is protected by
4 federal law under RLUIPA, which, again, requires
5 that the boards have -- seek the least
6 restrictive means of furthering the compelling
7 governmental interest.

8 Finally, we thank the board, again,
9 and its professionals, for their efforts, and we
10 are seeking, as we've stated, preliminary and
11 final site plan approval, subdivision approval
12 for the lot consolidation, and we ask that the
13 board grant the variances we've set forth herein,
14 and grant the waivers that we will shortly set
15 forth herein.

16 And that's it.

17 And subject to the conditions which
18 we've discussed, and will be elicited.

19 CHAIRMAN SWEENEY: Counselor, do you
20 want to review those conditions? I think we
21 should all be aware of what they are before we
22 get to a vote.

23 MR. WARNER: Certainly, happy to do
24 so, if I could also require you to do that, just
25 run through the waivers, to make sure that we

1 have confirmation as to the waivers we are being
2 asked for.

3 The recitation of the variances was,
4 in my estimation, correct, especially since we
5 excluded what we almost included; that accessory
6 side yard setback for the trash enclosures,
7 there's compliance, so that doesn't need to be
8 included.

9 The waivers I have are development
10 within the 50-foot of the flood hazard area. It
11 was primarily the corner of the deck, if you
12 will, that encroached.

13 The location of buildings and
14 structures within 500 feet of the right-of-way is
15 a second waiver.

16 The third waiver I have is the size
17 of parking stalls, some parking stalls are
18 proposed -- that are required to be 9.5 feet wide
19 are proposed to be 9 feet wide, which I believe
20 the testimony was it complies with RSIS, but not
21 with our ordinance.

22 MR. COSTA: Correct.

23 MR. WARNER: The fourth waiver I
24 have is the provision of bike racks.

25 And then, the additional waivers

1 that I have as a result of clarification this
2 evening are:

3 A partial waiver for 10 shrubs every
4 20 feet is one.

5 Another is three plants for every 10
6 linear feet -- that's within the parking decks --
7 and also parking lot trees, one per every 10
8 spaces.

9 MR. COSTA: And that's only in that
10 one section of the parking lot.

11 MR. WARNER: Right, I have those
12 three as -- I'll refer to them as partial
13 waivers, waivers to a certain extent, but those
14 extents have been delineated already.

15 So I would count out seven waivers
16 in total.

17 MR. COSTA: Do we need a waiver for
18 the height of the trash compactor fence,
19 Scarlett?

20 MR. WARNER: Oh, the height of the
21 trash compactor -- or the wall.

22 MR. COSTA: Right, the wall.

23 MR. WARNER: Right, 6 feet max;
24 proposed is 9 feet. So we're up to 8.

25 MS. DOYLE: And it'll be stucco.

1 MR. COSTA: It'll be stucco,
2 correct.

3 MR. WARNER: It'll be stucco, unless
4 you want to put marble.

5 As far as conditions that I have, if
6 the board wishes to hear conditions before
7 deliberating, bear with me. I have a lot of
8 them.

9 The applicant will provide all
10 required insurance related to the development and
11 use of the parking deck.

12 The light pole heights on the deck
13 shall not exceed 10 feet.

14 A landscape plan subject to the
15 review and approval of the township planner
16 within a reasonable discretion, including but not
17 limited to screening the parking deck from the
18 rear/Cedar Brook neighbors with 6 to
19 8-foot-tall-at-planting trees, as well as
20 6-to-8-foot-tall-at-planting trees west of the
21 parking deck, between Old Farm Road and the
22 parking deck. And the applicant shall maintain
23 all landscaping and shall bond for all
24 landscaping.

25 Both levels of parking deck lighting

1 shut off, except for the designated
2 security-level lighting, shall be at 8:30 p.m.
3 Monday through Thursday, non-holidays, and 10:30
4 p.m. Friday, Saturday -- Sunday?

5 MR. COSTA: Friday, Saturday, and
6 holidays.

7 MR. WARNER: Friday, Saturday, and
8 holidays. Right?

9 MR. CHAVA: Saturdays and Sundays.

10 MR. WARNER: They did ask for
11 Sunday. Right?

12 MR. COSTA: Sundays.

13 MR. WARNER: So Friday, Saturday,
14 Sunday, and holidays, at 10:30 p.m.

15 There'll be compliance with the
16 traffic management and parking plan, dated May
17 27, 2019.

18 And all conditions in the April 30,
19 2019 traffic safety sergeant's report.

20 And the traffic management and
21 parking plan, unless otherwise suggested, in my
22 opinion, might need to be, or perhaps should be,
23 attached to the resolution of approval.

24 MR. COSTA: That's fine.

25 MR. WARNER: So it's set forth

1 there.

2 MR. COSTA: And that'll be amended
3 to remove the Old Farm Road reference.

4 MR. WARNER: As amended.

5 The compliance with the fire
6 official's May 21 approval memo, and all comments
7 in his memo.

8 There'll be a lot consolidation
9 merger, and the deeds will be recorded with the
10 Somerset County clerk, and all deeds will be
11 reviewed and approved by the township and/or the
12 board attorney, and the metes and bounds approved
13 by the board engineer.

14 The parking deck shall be used for
15 parking only, and for parking associated with
16 temple events and uses only, and shall not be
17 used, for example, for staging of vehicles, or
18 for music or other non-parking-related
19 activities.

20 There'll be a good-faith effort on
21 the part of the applicant to work with Scarlett
22 Doyle to reestablish the landscaping required by
23 prior approvals, which is in need of
24 reestablishment.

25 The applicant will install

1 foundation plantings and shrubs below the tree
2 lines between 722 Cedar Brook Road and the
3 parking deck.

4 The applicant will plant trees at 8-
5 to 10-foot height at planting along Cedar Brook
6 at 730 -- excuse me, along 732 -- the property
7 line with 732 Cedar Brook, to buffer the view
8 from 732 Cedar Brook, and Cedar Brook Road
9 pass-by traffic. That was, as I recall, a gap
10 area.

11 MR. COSTA: Yes.

12 MR. WARNER: Lighting on the deck
13 shall be shielded, utilizing house light shields;
14 should be downward lit to prevent neighboring
15 residents from viewing the source of the
16 lighting.

17 The swale on newly acquired Lot 3
18 will be directed to reduce the runoff/flooding
19 over Cedar Brook Road that's been observed.

20 Code enforcement official will
21 approve sewer lateral extensions.

22 DOT will provide a letter of no
23 interest or something similar thereto.

24 Soil erosion and sediment control
25 approval.

1 All permits and violations will be
2 closed out; all violations will be corrected,
3 with the exception of the final paving for the
4 final CO for the --

5 MR. COSTA: Cultural center.

6 MR. WARNER: -- cultural center,
7 which would be done contemporaneous with the work
8 associated with this development proposal, if so
9 approved.

10 MR. COSTA: Correct.

11 MR. WARNER: All required outside
12 approvals, as always, would be obtained.

13 Parking deck shall be compliant with
14 all final engineering plans and architectural
15 renderings, including but not limited to the
16 4-foot-tall spandrel glass and other
17 architectural features, as earlier referenced, to
18 reduce visual detriment, noise, odor, et cetera.

19 There will be no access to the
20 parking deck or the temple property through Cedar
21 Brook Road, other than to the temple-related
22 residences -- I'm not going to state -- limit
23 them to temple clergy residences, but temple
24 official --

25 MR. COSTA: Right.

1 MR. WARNER: We'll come up with a
2 term. I don't know that we're limiting it only
3 to those who would constitute clergy. I don't
4 know that we would have anybody who's going to
5 make determinations as to who constitutes clergy
6 versus some other temple official, but in any
7 Event, we'll come up with an appropriate term,
8 unless the board wishes to suggest one.

9 There'll be no renting out of the
10 parking deck or temple facilities, it'll only be
11 used for temple devotees and guests for temple
12 activities.

13 The single-family dwellings on Lots
14 2, 3, 4, and 5 will be used only for
15 temple-associated housing.

16 All debris will be removed prior to
17 the certificate of occupancy.

18 All screening -- landscape screening
19 will be subject to the review and approval of the
20 township planner, within her reasonable
21 discretion.

22 The applicant will provide annual --
23 on an annual basis, the applicant will provide
24 the dates on which temple holidays and
25 festivities --

1 MR. COSTA: Will occur.

2 MR. WARNER: Will occur, thank you.

3 There will be continuous board of
4 adjustment jurisdiction over all subsequent land
5 use board development applications. It's my
6 opinion, under the Puleo case, we would have that
7 jurisdiction anyway, but if the board wishes to
8 explicitly state it, it would be my
9 recommendation that the board do so as a
10 condition of approval, if the board so approves
11 the application.

12 All conditions stipulated to by or
13 on behalf of the applicant shall be acknowledged
14 by the applicant, as it was in the prior
15 approval, that they would not constitute a
16 substantial burden on religious -- the
17 religious -- on religious exercise, nor would
18 they discriminate against the temple, nor
19 otherwise be unreasonable.

20 Those are all the stipulated-to
21 conditions of approval, if you follow me.

22 MR. COSTA: I don't.

23 MR. WARNER: Okay. In the
24 memorandum of understanding, and/or the 2009
25 approval, the applicant stipulated that the

1 conditions thereof did not constitute a
2 substantial burden on religious exercise --
3 MR. COSTA: Okay.
4 MR. WARNER: -- nor did they
5 constitute discrimination against the temple, nor
6 were they unreasonable, which essentially is
7 implied whenever you stipulate to the condition
8 as an applicant, but nevertheless, belt and
9 suspenders. Is that --

10 MR. COSTA: As to these conditions
11 you've done -- you've reviewed today?

12 MR. WARNER: Thus far, yes.

13 MR. COSTA: Yes, that's fine.

14 MR. WARNER: All conditions of the
15 MOU of April 2008 and of the prior approval,
16 including the 2009 board of adjustment approval,
17 shall continue to remain in full force and
18 effect, to the extent they are not inconsistent
19 herewith. And that's also a standard -- all
20 prior approvals -- all conditions of all prior
21 approvals not inconsistent with this approval
22 would continue.

23 MR. COSTA: The only clarification I
24 would make on that is -- and I think it has
25 terminated of its own course, but there was a

1 moratorium on development, and there's no
2 intention of the board to -- of the temple to
3 further develop this site, but there's no basis
4 to impose a 10-year moratorium. So we just want
5 to make sure that we're not scooping up that
6 moratorium with this approval, because any
7 approval would require variance relief at this
8 point. So there's really -- we would come back
9 to this board anyways. So that that would be one
10 part of the prior approval that we would not --

11 MR. WARNER: Right. Factually, at
12 least it's my understanding that the 10-year
13 moratorium expired in April --

14 MR. COSTA: Correct.

15 MR. WARNER: -- which is about a
16 month or so ago.

17 MR. COSTA: Right.

18 MR. WARNER: So what you're saying
19 is you're not stipulating to any additional
20 moratorium?

21 MR. COSTA: Right. Correct.

22 MR. WARNER: So if the board
23 proposed such a condition, it would be a
24 board-imposed condition, not a stipulated-to
25 condition?

1 MR. COSTA: Right.

2 MR. WARNER: Or the board may choose
3 not to impose.

4 MR. COSTA: Right.

5 MR. WARNER: Okay. Also, there was
6 discussion of one other potential condition --
7 and I don't know where the board is on that
8 condition -- if the board approves the
9 application, and that condition was, at a certain
10 point, there was the discussion of the
11 possibility of closing some or all of the deck on
12 the non-holiday major event -- there's
13 approximately 13 dates during the year in which
14 the -- there's at least the potential for
15 off-site parking, according to this plan --
16 whether or not a portion thereof would be closed.

17 And it's my recollection, and review
18 of the transcript confirms that there was
19 discussion at one point that, if any portion of
20 the deck were to be closed on the non-holiday
21 major event dates, the request was that it be the
22 lower subgrade portion, as opposed to the upper
23 grade-level portion.

24 But correct me if I'm wrong, it's my
25 understanding it's your current position that

1 you're not stipulating to that, and feel that
2 it's not necessary at this stage.

3 MR. COSTA: Correct. At this stage,
4 yeah, we've created much screening around the
5 deck, we've glassed the lower level, so that
6 it's -- it's virtually invisible when there's a
7 car in there, and it is going to -- not the lower
8 level so much, but this parking area is going to
9 be the desired parking area for people who come
10 to the temple.

11 So we would -- we would not agree to
12 have portions of it closed off. I think that's
13 an unnecessary enforcement process. We've been
14 very clear on the volumes. And I don't know that
15 there's anyplace else where a similar group has
16 their parking opened and closed at different
17 times. I just don't think there's a basis for,
18 you know, monitoring where this group can park on
19 their own lot, once they've built their parking
20 lot.

21 MR. WARNER: So subject to the
22 board's deliberations, and potential approval,
23 and potential addition -- or subtraction, for
24 that matter -- of any or all of the above
25 conditions, what I've delineated are the

1 conditions I have, taking note, having gone
2 through the transcripts, and you've stipulated to
3 all of them, except any further moratorium on
4 development, and any closing of any portion of
5 the deck on non-holiday major event dates.
6 Correct?

7 MR. COSTA: Correct.

8 MS. DOYLE: Mr. Chairman?

9 CHAIRMAN SWEENEY: Scarlett?

10 MS. DOYLE: I have additional. I
11 would appreciate -- I didn't notice whether or
12 not enhanced screening of the parking area
13 visible from Old Farm Road east of the emergency
14 gate was mentioned.

15 MR. WARNER: Oh, the one -- it
16 wasn't, because that was the one from today.

17 MR. COSTA: Oh, the one that you
18 brought up. Yes. Okay. Yes.

19 MS. DOYLE: I'd appreciate that.

20 And I would also -- because I have
21 amplified a lot of the comments in my letter of
22 May 22nd, I would appreciate if the applicant
23 would have to comply with my May 22nd --

24 MR. WARNER: Oh, absolutely, I'm
25 sorry. I meant to -- yes, the May 22nd of

1 Scarlett Doyle, and the May 24th, thank you.

2 MS. DOYLE: And it should also be
3 the March 18th, because in his May 24th letter,
4 he said our letter of March 18, 2019 are still
5 outstanding.

6 MR. WARNER: Right. Well, hang on.
7 We had the May 22 of Scarlett Doyle; all
8 conditions therein. And the engineer's memo of
9 May 24, and March 18th, you're saying?

10 MS. DOYLE: Correct.

11 MR. WARNER: And there, frankly, was
12 an April 11th in the interim, so just to be safe,
13 I'm going to add that one in there as well.

14 MR. COSTA: That's fine, all - yes.

15 MR. WARNER: And, actually, you've
16 stipulated to those, as well as the one added
17 today, the enhanced screening along Old Farm east
18 of the gate, to paraphrase.

19 CHAIRMAN SWEENEY: I had one or two
20 questions.

21 Scarlett, I think Steve talked about
22 trees for screening that would be 6 to 8 feet.

23 MS. DOYLE: I looked on that.

24 CHAIRMAN SWEENEY: I thought 8 to 10
25 feet.

1 MS. DOYLE: I said 8 to 10. I
2 looked on my -- I think I said it verbally, but
3 on my report, I don't mention it, and I know it's
4 8 --

5 MR. COSTA: It is 8 to 10. That was
6 in my notes. Yeah, we know it's 8 to 10.

7 MR. WARNER: No, 8 to 10, you're
8 right.

9 CHAIRMAN SWEENEY: And the other
10 thing was, as far as the properties on Cedar
11 Brook, the newly acquired properties on Cedar
12 Brook, you know that they'll be used only for
13 priest housing. I think we should add to that
14 condition, that they will remain single-family
15 residences.

16 MR. WARNER: Oh, absolutely.

17 MR. COSTA: Yeah, that's fine.

18 MR. WARNER: In fact, that was
19 stipulated to, no multifamily, or apartment-type
20 use --

21 MR. COSTA: Yep. Correct.

22 CHAIRMAN SWEENEY: Okay. Anyone on
23 the board --

24 COMMISSIONER FOOSE: For lot
25 consolidation, we're talking about Lots 2, 3, 4,

1 and 5. Correct?

2 MR. WARNER: Correct, added to the
3 existing larger Lot 12.02 and 3, I think, at some
4 point.

5 COMMISSIONER FOOSE: And just the
6 merger between 1 and 6 are not consolidated.
7 Correct?

8 MR. COSTA: We don't own them.

9 COMMISSIONER FOOSE: So they
10 wouldn't be consolidated.

11 MR. COSTA: That would surprise
12 somebody.

13 MR. WARNER: Those are probably the
14 most immediately nearby adjacent residential, not
15 owned by the temple.

16 CHAIRMAN SWEENEY: In addition to
17 12.

18 COMMISSIONER FOOSE: Thank you.

19 MR. WARNER: Yeah, and 12 right
20 smack in the middle, yeah.

21 COMMISSIONER FALLONE: As far as the
22 final pavement is concerned, I'd rather not leave
23 it open if the deck never gets built. Can we put
24 in a date of October 2021 or something, as a
25 final date, in case the deck doesn't -- as read,

1 it's left open until the date --

2 MR. WARNER: I got you, the time the
3 final paving --

4 COMMISSIONER FOOSE: -- because if
5 they never build it --

6 MR. WARNER: The earlier of --

7 COMMISSIONER FALLONE: That's what
8 I'm thinking, maybe kind of the end of the year
9 of 2021 --

10 MR. WARNER: Do you understand?

11 MR. COSTA: Yeah, I do. They want
12 to make sure you final pave -- say you don't
13 decide to build the deck, you still need to do
14 the final pavement, so maybe put an end date to
15 that.

16 MR. WARNER: So the final paving
17 would be done contemporaneous with the --

18 MR. COSTA: '22? Can we do --

19 UNIDENTIFIED SPEAKER: '23.

20 MR. COSTA: Here's a question on
21 that. The deck could get started -- I guess the
22 question is whether it triggers off -- if the
23 deck is started, we don't want to hit this
24 deadline, and have to pave, and then beat it all
25 up with the deck. So I'm just trying to think of

1 how to --

2 MR. FORSYTHE: When do you expect to
3 start the deck?

4 MR. COSTA: I'll pin that down.
5 (Whereupon, there is a brief pause
6 in the proceeding.)

7 MR. COSTA: Yeah, I guess we'd like
8 it to be '23, because we've got to finish the
9 deck. And this is just the final level of
10 pavement, it's not -- I mean, if you've driven on
11 the temple property, it's not a hazardous
12 condition, it's just the final layer of pavement.

13 Otherwise, we're --

14 MR. WARNER: But you're stipulating
15 to -- I guess, for the time being, the earlier of
16 the completion of the parking deck or December
17 31, 2022?

18 UNIDENTIFIED SPEAKER: '23.

19 MR. WARNER: Oh, December 31, '23?
20 I thought you meant by '23. Okay. That's
21 the stipulation.

22 MR. COSTA: And if there's -- I
23 mean, yeah, we could add to that, if there's
24 something showing that the deck's not commenced
25 before that date, you know, we can accelerate

1 that date. We're just trying to get to the end
2 of it. For instance, if the deck hasn't been
3 commenced by 2022, then that date triggers -- I
4 mean, not quite sure how I'm going to write that
5 out --

6 MR. WARNER: That's up to the board.

7 COMMISSIONER FALLONE: Well, once
8 the deck is there, that's the heavy equipment.

9 MR. COSTA: Yeah.

10 COMMISSIONER FALLONE: Anything
11 after that is a couple streetlights and all. So
12 I don't know that that's...

13 MR. COSTA: I mean, I think --

14 COMMISSIONER FALLONE: Once the deck
15 is up, accompanying structure is up, there's no
16 more heavy equipment --

17 MR. COSTA: I mean, there's going to
18 be some heavy equipment, because there's going to
19 be the landscaping and things like that. So
20 that's the challenge.

21 CHAIRMAN SWEENEY: It's fine.

22 MR. WARNER: These are all -- these
23 are all stipulated-to conditions with, the two
24 exceptions, and obviously all subject to the
25 board granting the approval.

1 MR. COSTA: Right.

2 MR. WARNER: Just as a reminder to
3 the board before deliberations begin, without
4 going through all the variances again, you heard
5 them -- I'm happy to do so if you want me to --
6 but the bottom line is there multiple D variances
7 at issue, so the passage of this application in
8 its entirety would require five out of seven
9 affirmative votes.

10 And, again, it's preliminary and
11 final site plan, preliminary and final
12 subdivision by way of lot consolidation, d(3),
13 d(4), FAR, and C variances, and the eight, I
14 believe, waivers, along with all the
15 stipulated-to conditions.

16 Please do let me know, if there is a
17 motion for approval, whether it includes all the
18 stipulated-to conditions, and if so, whether
19 there are one or more not stipulated-to
20 conditions.

21 CHAIRMAN SWEENEY: So we're at
22 our we're-going-to-talk-about-it phase. All
23 right?

24 I'm going to kick off the commentary
25 on this one. I have to confess that, when I

1 first heard the proposal of putting a parking
2 deck on this property -- and it actually was
3 first proposed 10 years ago with the original
4 proposed cultural center -- I thought it was an
5 absolutely horrible idea, putting that kind of
6 structure in the middle of a residential area.

7 But I have to say that I think the
8 temple has gone to great lengths to meet the
9 concerns of the board with respect to adverse
10 impacts, potential adverse impacts on the
11 neighbors, and with respect to traffic, with
12 respect to appearances of the parking deck. And
13 I recognize that the variances requested are not
14 for the parking deck itself. But when you talk
15 about adverse impacts, you have to list that
16 parking deck at the top of the list.

17 But, anyway, I think the temple has
18 bent over backwards to ameliorate those adverse
19 impacts. I think the conditions we propose to
20 attach to the approval will further ameliorate
21 those adverse impacts, and protect the
22 immediately surrounding neighbors.

23 I want to thank the temple for all
24 the work that they've done to work with us on
25 this, to make it what I think is a good

1 application.

2 So I'm in favor of the application,
3 I will vote for it. I think they've taken great
4 steps, in terms of the negative criteria, to
5 ameliorate the potentially adverse impacts. And
6 as I say, I am in favor of the application.

7 Dawn? You're next.

8 COMMISSIONER GUTTSCHALL: I want to
9 thank the temple as well, they put a lot of
10 money, and effort, and time, as we have all into
11 this application. I think that it will help
12 alleviate a lot of the traffic concerns during
13 not just the holiday, but during all the times,
14 being able to park on location, rather than
15 alternate situations that were happening before.
16 And I would be in favor of this application.

17 CHAIRMAN SWEENEY: Thank you.

18 John?

19 COMMISSIONER FALLONE: Thank you,
20 Mr. Chairman.

21 This was a tough one for me as well.
22 You know, I think the variances were underplayed
23 a little bit with the houses, the houses could
24 have been demolished, a lot of these variances
25 could have went away, and then the parking deck

1 built, to offset some of the neighboring
2 concerns, and more buffering where the houses
3 even are. So I don't want to underplay the
4 variances, because they are existing, even though
5 they're on the homes, we're using the property --
6 they're using the property here to expand the
7 parking deck -- or their impervious.

8 I want to thank you for doing a
9 great job. I thought you kept everything in
10 order. I think the entire board asked a lot of
11 really good questions, and I think the applicant
12 answered a lot of them, and answered them pretty
13 well. Sorry to lose a couple of spots by the
14 compactor, but a compactor by a residential and
15 also by a stream, those are two concerns that I
16 had. I'd prefer if you didn't lose parking
17 spaces, but I thought for sure there was a better
18 spot on the site to put a compactor, but I guess
19 we weren't able to do that.

20 I would prefer to somehow close part
21 of the parking for most of the year, except
22 during certain holiday times.

23 Other than that, I also am in favor
24 of it, because I'm not a big proponent of the
25 busing on and off all the time, I think it'll be

1 a lot easier to get in and out, but I would like
2 to somehow try to control the amount of use, on a
3 general basis, if it's only eight or nine dates
4 during the year.

5 Thank you.

6 CHAIRMAN SWEENEY: Mr. Foose?

7 COMMISSIONER FOOSE: Thank you,
8 Mr. Chairman.

9 This was a long case. It was a
10 tough call for me. From the numbers, you're
11 moving 60 percent of your parking closer to the
12 residential neighborhood; specifically, Cedar
13 Brook.

14 And with the architect, during their
15 testimony, had I not asked the question, were
16 those trees inserted into your photographs, we
17 never would have known. The architect, in my
18 opinion, lost all credibility. And that lost
19 credibility I think is important here, because
20 they didn't provide the flag test, nor did they
21 provide the balloon test.

22 And what that deprived this board of
23 is the ability to have an analog, a non-digital
24 way of looking at how this facility would look
25 from Cedar Brook Road. I think that's so

1 important.

2 And as much as I do appreciate what
3 the applicant did do here, and I think they
4 really went out of their way to accommodate this
5 project, 60 percent of the parking now is closer
6 to the residential neighborhood. That's a big
7 one for me.

8 When a paid expert comes before this
9 board, you know, that's the most important person
10 in the room, when they speak, and to have those
11 digital renderings essentially be incorrect, that
12 testimony is just gone.

13 So I can't make a clear judgment now
14 that this will not impact 20, 19, 18, 6, 7, 8, 9,
15 16, on Cedar Brook Road, those lots. And that's
16 everything. And when an architect loses
17 credibility, that's a real problem for me.

18 I'm not in favor.

19 CHAIRMAN SWEENEY: Mr. Ahearn?

20 COMMISSIONER AHEARN: Thank you.

21 I appreciate all the steps that the
22 applicant took to address the concerns of the
23 board, and, you know, you definitely put your due
24 diligence into the process.

25 I do have a number of concerns, to

1 follow up on my colleague's statement as well.
2 Considering this is a residential area, and in
3 terms of what we're looking at, proposing
4 additional traffic around the area, which is a
5 residential area, I think there are a lot of
6 questions that may be unanswered. I mean, again,
7 you guys have taken the proper steps to address
8 our concerns, but we won't really know what
9 impact is going to be seen in this residential
10 area until the entire project is completed.

11 Having said that, I know that
12 there's good faith effort on your side, and on
13 our side, to try to make this work; however,
14 based on the fact that, again, to reiterate, this
15 being a residential area, overall, I can't
16 support the application for approval.

17 CHAIRMAN SWEENEY: Mr. Weideli?

18 COMMISSIONER WEIDELI: I'm not going
19 to -- I'm going to agree with Mr. Sweeney, how he
20 started out. When I first saw this application
21 several months ago, we sat through all these
22 meetings, and the concept of a parking garage
23 there, it wasn't the most appealing thing to me
24 at the time.

25 Just to -- maybe a quick summary is

1 I really think you've bent over backwards to
2 accommodate what we've asked you to do, and
3 overall, at this point, I'm in favor of the
4 application.

5 CHAIRMAN SWEENEY: Thank you.
6 Mr. Fross?

7 COMMISSIONER FROSS: Yeah, I also
8 concur with Chairman Sweeney on it, almost word
9 for word what he said. The applicant has bent
10 over backwards, they've complied with every one
11 of our requests without hesitation, and they've
12 tried to make this parking deck as -- I won't
13 use -- the most appealing it can be for the
14 community.

15 I also look at the safety aspect
16 that this is going to serve. I've watched people
17 try to cross 202/206 at Brown Street (sic), for
18 festivities or for prayer, and I believe it's a
19 safety hazard. This will solve that.

20 I've also witnessed families trying
21 to maneuver the little grass lane they have
22 between the one office building and the temple.
23 And, again, it's not a pretty sight, watching
24 these people trying to walk through heavy grass,
25 especially in the morning, if it's wet or

1 snowing, with families in tow. I think this,
2 again, solves that problem.

3 So I'm in favor of the application,
4 but I'm also in favor of no restrictions on the
5 parking, not at all.

6 CHAIRMAN SWEENEY: Thank you.
7 Mr. Humenick?

8 COMMISSIONER HUMENICK: In this
9 application, there were a lot of disparate
10 elements, some of it cosmetic, some of it very
11 appropriate, in what's required and necessary. A
12 lot of history was taken into consideration. And
13 this was really a completely new application for
14 the board, in the scope of it, and what the
15 neighborhood wanted, what the members of the
16 temple wanted. And I think everybody put
17 together a good faith effort.

18 And I think this is going to work
19 out. I think -- I think there are going to be
20 bumps in the road, and I think there are going to
21 be necessary changes. For instance, what would
22 happen during, you know, these emergency vehicles
23 or whatever. So we wait until after January 1st,
24 and let's say we do an evaluation. That was
25 something that would seem to be obvious, that

1 after an event occurs, we evaluate, we see what
2 we have to change, and we do it.

3 I really -- I think everybody put a
4 lot of work into it, and I agree with everything
5 Chairman Sweeney put together on this, and I
6 think it's going to be a good project for
7 everybody, but I really do expect a bump in the
8 road here or there, and I hope everybody is just
9 as patient, including the community, as what
10 everybody that came to these last five meetings.

11 I'm in favor.

12 CHAIRMAN SWEENEY: Thank you.

13 Ms. Amin?

14 COMMISSIONER AMIN: I agree with
15 everything Chairman Sweeney said, and I would
16 like to add a few more things.

17 This application is for three
18 different things. One is the lot consolidation,
19 and then the second one is to keep the community
20 center, not demolish it, and the third part is
21 the parking lot.

22 If we didn't have the first two,
23 there is no reason for this application, just for
24 the parking lot to be here. So to base the
25 comments that the parking lot is going to be very

1 close to the houses and all that is a moot issue
2 from my perspective. If the temple came only for
3 the parking lot, it will not have any reason --
4 the variances that are created by consolidating
5 those properties that are houses, those are --
6 there's a long list of those variances associated
7 with that consolidation. So we are focusing on
8 the variances for that particular aspect.

9 So having added that, I'm in favor
10 of the application.

11 CHAIRMAN SWEENEY: Thank you.

12 It sounds like we're going to look
13 for a motion to approve the application,
14 including all of the stipulated-to conditions.

15 MR. WARNER: If I could just confirm
16 with counsel for the applicant, Mr. Chairman,
17 that, as was stated during your representations,
18 Counselor, the annual review of the traffic
19 management and parking plan is a stipulated-to
20 condition of approval. Correct?

21 MR. COSTA: Yes. I'm sorry, yeah, I
22 was thinking about the Old Farm Road exit. Yes,
23 absolutely.

24 MR. WARNER: Thank you.

25 CHAIRMAN SWEENEY: Could I get such

1 a motion to approve subject to the stipulated-to
2 conditions?

3 COMMISSIONER AMIN: I would make
4 that motion.

5 MR. WEIDELI: I would second.

6 CHAIRMAN SWEENEY: And Mr. Weideli
7 is going to second.

8 Thank you very much.

9 Scarlett, you want to call a roll
10 call vote for the seven eligible votes-- voters?

11 MS. DOYLE: Ms. Amin?

12 COMMISSIONER AMIN: Yes.

13 MS. DOYLE: Mr. Humenick?

14 COMMISSIONER HUMENICK: Yes.

15 MS. DOYLE: Mr. Fross?

16 COMMISSIONER FROSS: Yes.

17 MS. DOYLE: Mr. Weideli?

18 COMMISSIONER WEIDELI: Yes.

19 MS. DOYLE: Ms. Guttschall?

20 COMMISSIONER GUTTSCHALL: Yes.

21 MS. DOYLE: Mr. Fallone?

22 COMMISSIONER FALLONE: Yes.

23 MS. DOYLE: Chairman Sweeney?

24 CHAIRMAN SWEENEY: Yes.

25 MS. DOYLE: Pass.

1 MR. COSTA: Thank you.

2 CHAIRMAN SWEENEY: Okay.

3 (Whereupon, the hearing concluded at
4 9:46 p.m.)

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I, Michael Lombardozi, 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 Lombardozi,
Certified Court Reporter, State of New Jersey
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Date: 2019-06-10