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
Pushpavati Amin – present
Paul Riga – absent
Michael Kirsh – absent
Evans Humenick – present
Alan Fross – present

James Weideli – present
Dawn Guttschall, Alternate #1 – present
John Fallone Alternate #2 – present
Jeff Foose Alternate #3 – present
Daniel Ahern Alternate #4 – 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 Division 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
**TOWNSHIP OF BRIDGWATER**

**BOARD OF ADJUSTMENT**

**In the Matter of:**

**CASE 43-08-20**

**of**

**HINDU TEMPLE & CULTURAL SOCIETY**

1 Balaji Temple Drive
Block 623, 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
Joseph A. Ronan, Board Secretary
Evan Horowich
Aiden Fagan
James Neidt
Gabe Guttenschw
John Falone
Jeffrey Hooge, Alternate
Daniel Anderson, Alternate

**ALSO PRESENT:**

Scarlett Doyle, Township Planner
Thomas Forsythe, Board Engineer

**APPEARANCES:**

Ventura, Ries, Keough & Warner, P.C.
Attorney for the Board

Storzer & Associates
By: Christopher F. Costa, Esquire
Attorneys for the Applicant

Transcript Prepared By:
Michael Sorensen, CA.
msorensen1318@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 WEIDEL: 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 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. McAteer, or Karl McAteer, 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 Lamay, 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...**
it does not address large backup of northbound
traffic often caused when the lot reaches maximum
capacity. This issue may be corrected by the
addition of the parking deck, but if not, I would
recommend the following.

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

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

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

The other matter that was raised was
open permits --

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

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

MR. COSTA: Let me read that into

the record --

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

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

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

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

MR. COSTA: I believe so.
MR. WARNER: So May 17th. All four

stipulated to. Correct?

MR. COSTA: Well, with the proviso
on the fourth one, that it is a DOT decision.
MR. WARNER: Right, you're just
making the request, and pursuing in good faith
the possibility.

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

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

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

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

MR. FORSYTHE: Yeah, they're the
ones usually -- basically on a trailer.
CHAIRMAN SWEENEY: So they're a good
size.

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

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

MR. COSTA: Correct.
CHAIRMAN SWEENEY: Up in the air,
who knows where it's going to land, what it's
going look like when it's finalized, or whatever
happens to it.

As I understand it, though, one
aspect of that development plan -- and Scarlett,
from the code enforcement officer, basically
highlighting which items are still -- which items
have been closed. These are the ones that are
listed as open; they've actually been closed.
And I have the actual approval that matches those
numbers, for these items that are closed.
The only thing we're waiting for is
the final certificate of occupancy, which will
come when we finish the final paving, which
hopefully we will get this approval, and they
will pave and do the whole thing at once. So
that's the only impediment to the permits, and
it's just not as -- you know, I'd love to give
you a list. You just gave me a list of open
looking permits, and this is a comparison. He's
crossed them out, he's sent us an e-mail. And my
client is the one who did this work, so I can
have him testify to that effect, but I just
wanted you to know the status of the permits,
that he's been actively working on it.
MR. WARNER: The final --
final CO?
MR. COSTA: The TCO for the cultural
center.
MR. WARNER: Okay.

MR. COSTA: Yeah, the final CO for
the cultural center. So they have a TCO, and
it's pending final paving, at this point.
CHAIRMAN SWEENEY: Now, will that
paving happen before or after the parking deck is
constructed? Assuming this application is
approved.
MR. COSTA: Right. We would propose
to do it simultaneous to that, because there's
going to be heavy equipment coming in and out of
the property. So we would propose to do it at
that time.
MR. WARNER: But is it your
representation, if I understand correctly, that
everything else is closed, or at least can be
closed? It hasn't been closed on the computer.
MR. COSTA: Yes, everything else is
closed, yes.
MR. WARNER: So, then, I take it you
would stipulate as a condition of approval,
should the board so desire, that all permits will
be closed, and all work completed, with the
exception of the final paving for the final CO
for the cultural center, which you propose to do
contemporaneous with the work that --
MR. COSTA: The proposed parking
deck.

MR. WARNER: -- would be approved,
if the board approves it and the board requires a
condition.

MR. COSTA: Correct.

MR. WARNER: That would be a
stipulation.

MR. COSTA: That is a stipulation.

MR. WARNER: I will write it better
than I said it.

MR. COSTA: Right. I mean, not
right, you said that beautifully.

MR. WARNER: Put that on the record,
B-E-A-U...

MR. COSTA: The next item we were
asked to address was adding some additional
detail to the proposed parking and traffic
management plan to address the challenges of
January 1st, and the potential challenges of
other festival and holiday days, including coming
up with a plan B. And we did supplement our
traffic management plan to include those
additional -- those additional pieces of
information.

A lot of it involved communication,
additional communication with the worshipers,
encouraging carpooling, and some of it --
encouraging, also, improving the performance of
the security guards in the interim drives, and
also ensuring that they are trained in parking
management.

We also -- "propose" is too strong a
word, but we also want to put in front of the
board the possibility that, on New Year's, with
the busing traffic, if we were to enter the site
on Old Farm Road, and exit on 202, that likely
would alleviate some of the challenges at the
intersection.

MR. WARNER: That's for the buses.

Correct?

MR. COSTA: Just buses. And in
reviewing the memorandum of understanding from
2008, and the resolution that adopted that
memorandum of understanding, that was approved at
that time. So that was contemplated; it was
for busing and emergency use only. It's not a
critical proposal, but we thought we would -- if
we could -- if the board agreed to that, we would
leave that to the discretion of the police, as to
whether they propose to allow that or not. But
like I said, it was approved in the 2008-2009
legal action.

MR. WARNER: For the record, I did
review the 2009, I think it was --

MR. COSTA: The 2009 resolution.

MR. WARNER: -- approval that
reflected the MOU from 2008, et cetera, and it
did provide Old Farm Road was restricted to
emergency access and buses, for those days in
which off-site parking was required -- which, if
there's an approval here, as I understand it,
would be limited, ideally --

MR. COSTA: To New Year's.

MR. WARNER: -- potentially, to one
day, New Year's, so that would be your one day
buses allowed, if it's -- if it proves to be of
sufficient assistance to minimize the delays, I
guess, northbound on 202.

CHAIRMAN SWEENEY: 202/206.

COMMISSIONER FROSS: Question. By
doing that, would you rely more on the
Bridgewater Police Department? Would you need
more police presence? Because, right now, I
think you have six on January -- on New Year's
Day. And would you need more now, since you're
directing buses down to Old Farm Road?

MR. COSTA: I know there's some
element of police presence on Old Farm Road
already. Whether we would potentially need a
little bit more to direct the buses -- because,
right now, the presence is there to keep people
from parking there. So, conceivably, we could
need one to two more officers, I would predict,
to actually, one, keep the rest of the traffic
out, and two, help buses maneuver.

COMMISSIONER FROSS: My concern is
if you need one, or two, maybe three more, that's
basically 10 percent of our police force will be
occupied by your New Year's Day. That's a lot.

MR. COSTA: Right.

MR. CHAVA: We can hire from outside
too, outside county, outside the Bridgewater
Township.

COMMISSIONER WEIDEL: They can come
from other departments.

COMMISSIONER FROSS: Well, that's
fine, but the testimony was from Bridgewater.

CHAIRMAN SWEENEY: I think, if
you're going to propose, A, for multiple police
officers at the Old Farm Road entrance, for
whatever reason -- and there's something else in
here about that, that we can talk about as
well -- you've got to get the police department
to sign off on that.
I mean, I assume that all of these
police officer manpower requirements have been,
at least in one shape or another, talked over
with the police department. Is that right?
MR. COSTA: It is correct, and we
have a report from the police department signing
off on this. So this is not -- I mean this is
not new.
The only new part -- and, again,
it's not critical, it's specifically stated as
subject to police approval -- is the possibility
of buses coming through Old Farm Road, if the
police felt that was going to improve traffic
flow.
MR. WARNER: And that's presumably
one day, and you've already got one police
officer stationed at Old Farm, and if you needed
another one, the police approval would presumably
include the provision of, say, that additional
officer, or --

MR. COSTA: Or direction that we get
officers --
MR. WARNER: From somewhere else.
MR. COSTA: From somewhere else,
right.
CHAIRMAN SWEENEY: I think
Mr. Foss's point is a good one, so let's not
lose track of the point that we're not going to
require police officers well in excess of what
they're willing -- the police department is
willing to provide.
MR. COSTA: Absolutely. No, we have
no dispute about that.
MS. DOYLE: Several related
comments.
Isn't it true that you hire off-duty
police officers at a special rate?
MR. COSTA: We do.
MS. DOYLE: And they're not our
officers that are on duty?
MR. COSTA: Right.
MS. DOYLE: I'm asking, there's
special off-duty officers that get hired
independently?
MR. COSTA: Yes, they're off duty.
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 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

later could be one to two per hour. Is that a
fair statement?
MR. CHAVA: Yeah.
CHAIRMAN SWEENEY: And while we're
talking about bus traffic, one of the other
points that's raised in the revised traffic
management report is the entry through the Old
Farm Road entrance of volunteers, dignitaries,
and those with handicap decal holders. How much
traffic are we talking about altogether?
Here's the problem. Old Farm Road,
at one point, was a very local, very quiet road.
After the temple came in, it became inundated
with traffic, and with people parking along Old
Farm Road. We tried to take that into account 10
years ago, when we reached the MOU, and the
resolution formalizing same, which basically said
no parking on Old Farm Road, no access through
that entrance, except for emergency purposes.
Now, we're kind of backing off of
that. We're talking about I don't know how many
buses; we're talking about volunteers,
dignitaries, and handicap holders. What does
that mean, in terms of overall traffic on Old
Farm Road on January 1?

MR. CHAVA: Volunteers and handicap,
you could say about 100, 150 cars, buses.
MR. WARNER: How many?
MR. CHAVA: Passenger cars, under
150.
CHAIRMAN SWEENEY: You mean, like, 1
or 149? That doesn't help me much.
MR. CHAVA: Most of the volunteers,
when they come, they don't go in and out, they
park and they go in the temple.
CHAIRMAN SWEENEY: I got it. I'm
trying to figure out how many of those vehicles
there will be, and under 150 doesn't help me
much, because that's quite a range. Could you be
a bit more specific?
MR. COSTA: Is it 100 to 150?
MR. CHAVA: Yeah, that's what I was
saying.
CHAIRMAN SWEENEY: 100 to 150
vehicle on top of the buses, or in addition to
the bus traffic?
MR. CHAVA: That's correct.
COMMISSIONER AMIN: So these
two --
volunteers come early in the morning? What time
do the volunteers --

MR. CHAVA: Volunteers, they come
early in the morning, they park, and they stay
there.
COMMISSIONER AMIN: At that time,
you don't have that much bus traffic. Right?
MR. CHAVA: That's correct, at that
time, there won't be buses early in the morning.
COMMISSIONER AMIN: I have one more
question. The volunteers and the other people
will be parking in your parking lot, and they
enter from 202/206. Right? They don't use the
Old Farm Road. I us just want to clarify which
entrance will they be using to get into the
temple parking lot.
MR. CHAVA: At this time, actually,
we are not using main 202/206 for regular
traffic.
Am I correct?
MR. COSTA: You're talking just on
New Year's. Correct?
MR. CHAVA: Just on New Year's. In
New Year's Day, everybody goes and parks Sanofi,
they take buses and come to the temple.
COMMISSIONER AMIN: Including the
volunteers?
MR. CHAVA: Except the volunteers.

COMMISSIONER AMIN: My question is specific to the volunteers. Will they be allowed to park in the parking lot at the temple, or are they asked to go and park in the Sanofi parking lot? I'm just asking --

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

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

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

MR. COSTA: What we try to do is just keep that so that people don't have any thought of going in that way. We can change that. I mean, we're -- this is not critical.

We're trying to come up with the best traffic flow, and, for instance, the buses is an option that was in the MOU, so it was not restricted at that time, it was in the MOU; we are proposing to continue that.

However, if that is not acceptable to the board, and they want to make that change, that's okay too. We are proposing to put this in the police hands, to make a decision on which is the safer entrance, and we think that is a good option to hold open for this one day of the year. And it was an option that was held open 10 years ago.

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

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

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

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

CHAIRMAN SWEENEY: I think that's fine.

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

MR. WARNER: Enforcement is always an issue with every approval. Enforcement or concerns about prospective enforcement -- I just want to put it in context -- are not viable to use in the analysis of whether or not an application is approved. It's incumbent upon the municipality to enforce.

That said --

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

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

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

MR. WARNER: And it's an excellent point, and to continue where I left off, was that while it cannot be -- for the benefit of all members of the board, and the public, and the applicant, everyone to understand -- while it cannot be part of the analysis of the approval, it certainly can be considered, and certainly ideas can be come up with.
So in that vein, with that clarification that I just wanted to make sure the board was aware, whether they needed it or not, that could be discussed.

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

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

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

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

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

But I think, unless we say a date certain, we're just going to say, oh, well, they'll come back, and that's not going to be -- it's not ever going to happen.

COMMISSIONER FALLONE: Mr. Chairman, question.

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

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

MR. CHAVA: No.

MR. COSTA: It has not.

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

MR. COSTA: Correct.

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

MR. COSTA: So we would -- you would recommend that, as a condition of us using Old Farm Road as a busing entrance, that we come before this board?

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

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

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

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

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

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

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

MS. DOYLE: But this January 1 --
those people on Old Farm Road do not know that
this is coming. I'm just -- we have to think
about them.

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

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

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

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

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

MR. COSTA: Why would we come before
the board on that, instead of in front of the --
instead of putting that in the authority of the
police, who are there specializing in that?
CHAIRMAN SWEENEY: Well, here's my
feel on that. The traffic backup on 202/206 on
January 1 is nothing new. It's happened every
New Year's Day since there's been a New Year's
Day celebration at the temple. I've never heard
word 1 from the police department about that.
So, in my mind, relying on the police department
to recognize and try to rectify that situation,
based on their past track record, may not be the
best way to go about doing that.

MR. COSTA: Okay.

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

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

But making this application
conditioned upon that I don't think is a fair
burden. I mean, you're basically --
applicant has to invest in a parking deck. You
know, assuming they're approved, they will invest
in a parking deck. They will move that process
forward. We can't have an impediment in six
months --

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

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

MR. WARNER: So maybe some
clarity --
CHAIRMAN SWEENEY: That's a valid
point, and I know the best way to get the
consensus of the entire board, but I'm not
looking to condition your approval on this
particular point. I'm just looking to see what
we can do at some point down the road to make
sure that we're doing the best we can, as far as
MANAGING TRAFFIC. THAT'S ALL.

MR. WARNER: SO THE APPROVAL MAY BE
CONDITIONED ON YOU COMING BACK, AND THERE BEING A
REVIEW AND AN ADDRESSING OF THE SITUATION, AND
THE POTENTIAL FOR THE BOARD TO IMPOSE
MODIFICATIONS TO THE PLAN ON JANUARY 1 FOR THE
NEXT YEAR, AND JANUARY 15 THEREAFTER, BUT IT MAY
NOT BE -- BUT IT WOULDN'T BE -- IF WHAT I'M
HEARING IS CORRECT, IT WOULDN'T BE THE BOARD
RE-REVIEW THE ENTIRE APPLICATION, AND DECIDING
WHETHER OR NOT YOU GET TO KEEP THE PARKING DECK
YOU ALREADY BUILT IF YOU GET AN APPROVAL.

IS THAT ACCEPTABLE TO YOU, IF THAT'S
WHAT THE BOARD IS CONSIDERING AS A CONDITION OF
APPROVAL? IN OTHER WORDS, YOU'VE JUST GOT TO
COME BACK, AND HAVE THE BOARD MAKE -- SEE IF IT'S
WORKING OR NOT, AND SUGGEST SOMETHING BETTER FOR
JANUARY 1.

CHAIRMAN SWEENEY: I THINK THE WHOLE
POINT HERE IS WHAT'S THE BEST WAY TO GET IN AND
OUT OF THE TEMPLE PROPERTY ON JANUARY 1. IS IT
OLD FARM ROAD FOR BUSES AND THESE OTHER PEOPLE,
or IS IT 202/205?

MR. WARNER: SO IT'S THAT LIMITED --
CHAIRMAN SWEENEY: THAT'S ALL

WELL, NO, WE'RE TALKING ABOUT JANUARY 1. SO THAT'S NOT THE CASE,
I DON'T THINK, BECAUSE EVERYBODY ON JANUARY 1 IS
GOING TO BE PARKING OFF SITE. IS THAT MY
UNDERSTANDING?

MR. COSTA: YES.

CAN I PROPOSE THIS? JUST SPEAKING
TO MY CLIENT, WHAT IF WE DID NOT USE OLD FARM
ROAD FOR BUSES, UNLESS WE CAME BACK TO THIS BOARD
TO HAVE IT APPROVED? AND WE CAN -- WE CAN COME
BACK AFTER JANUARY 1ST, AND SAY WE'VE DONE A
STUDY, WE THINK IT'S GOING TO BE BETTER, THAT CAN
BE A REQUIREMENT, BUT AT THIS POINT, WE WILL --
YOU KNOW, THIS WAS A SUGGESTION -- WE WILL TAKE
THAT OUT OF THE TRAFFIC MANUAL, UNLESS WE GET
BOARD APPROVAL.

CHAIRMAN SWEENEY: SO CONTINUE TO
OPERATE AS YOU HAVE?

MR. COSTA: CORRECT.

CHAIRMAN SWEENEY: THAT'S FINE.

MR. WARNER: AND JUST SO I'M CLEAR,
ARE YOU STILL GOING TO HAVE HANDICAPPED,
DIGNITARIES, AND VOLUNTEERS COMING ON OLD FARM,
or not?

MR. COSTA: WE WOULD PREFER TO STILL
HAVE THEM COME ON OLD FARM, FOR THE REASONS --
CHAIRMAN SWEENEY: HOW ARE THEY
ENTERING NOW?

MR. COSTA: THROUGH OLD FARM.

MR. CHAVA: THROUGH OLD FARM?

CHAIRMAN SWEENEY: VOLUNTEERS,
MR. WARNER: For all of the above.

MR. COSTA: Yeah, for any Old Farm Road use. And so we are modifying the decision of the MOU at this point, which is basically, you know, the moratorium has expired, which is basically no entrance on Old Farm Road except for emergencies, and if we need to change that, we come back.

MR. CHAVA: You’re taking out buses also?

MR. COSTA: Yes. Yeah, we’re not using it now anyways, and so that’s the way -- so that’ll be a stipulation.

MR. WARNER: So the traffic and parking management plan will be modified accordingly?

MR. COSTA: Correct.

CHAIRMAN SWEENEY: Okay.

MR. COSTA: Okay. Well, I had planned to introduce one witness tonight, but I have two witnesses. But I’m going to go to my engineer at this point, I’d like to introduce him, to go over the changes to the plan that came as a result of our meeting with the fire marshal.

And I also wanted to note one other change that occurred. Between the time that we initially reviewed our plans, and the time that we actually submitted them, there was a zone change at the Advanced Reality site that made a portion of that site residential, right next to our property, and that impacted the setback line. Scarlett brought that up in her latest memo. And there’s only one aspect of that setback line that impacts our application, and we want to review that as well.

So we have the drive aisle to access the lower level, and we’re going to show you the change in the setback line along the Center for Excellence of Advanced Reality site.

MR. WARNER: And if I could, just for the record, we have an extension of time to act through the end of June, and we -- and this application continues to be properly noticed, in my opinion, so the board has jurisdiction to continue to hear the application, and to decide it tonight, if we get to that point.

Also, on that note, it’s my understanding that all nine board members on the dais this evening are qualified to vote, if you complete the application tonight. Of course,
only seven will be able to, but we have a full complement of seven. And given all the D variances, approval would require five out of seven at a minimum for passage.

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

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

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

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

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

So thank you, Scarlett.

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

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

MR. WARNER: Remains under oath. And I take it your license as a professional engineer in the state of New Jersey remains in good standing?

MR. NAGRANI: Yes.
MR. NAGRANI: Sure. And this is the fire truck turning exhibit, and it's dated 05/10/19.

MR. COSTA: Can you mark that A-31? (Whereupon, Exhibit A-31 is marked for identification.)

MR. COSTA: And what page is that?

MR. NAGRANI: It's sheet 1 of 1.

MR. COSTA: Okay. Just the fire truck turning exhibit.

MR. NAGRANI: Yep, fire truck turning exhibit.

A. So in this one, we have a fire truck -- and this was submitted and approved by the fire marshal as well. So we have the fire truck entering along 202/206 along the temple access drive, and accessing to the upper level, and then making a turn down to the lower level through the proposed access road.

And this -- the fire truck dimensions, this is the big fire truck, ladder truck, 47 feet long, provided by the fire marshal.

Q. And was the grade -- the grade down to the lower level, was it approved by the fire marshal?

A. Yes. We are around 5 percent grade on that lower level.

Q. Okay. And --

CHAIRMAN SWEENEY: So the fire vehicles would enter the 202/206 entrance, not the Old Farm Road entrance?

MR. NAGRANI: That is correct.

CHAIRMAN SWEENEY: Are there any instances or types of vehicles that you foresee entering off of Old Farm Road?

MR. NAGRANI: No.

CHAIRMAN SWEENEY: Why don't we permanently close that driveway?

MR. NAGRANI: There's an existing community building closer to Old Farm Road. So if fire -- it's at the discretion of the fire department, if they want to use that entrance to enter the site, because it's closer.

CHAIRMAN SWEENEY: So they may still use that.

MR. NAGRANI: Right.

MS. DOYLE: We also have rescue

1 squad.

CHAIRMAN SWEENEY: Okay. Thank you.

I think, Mr. Nagran, you were going to also talk to us about the trash compactor pad, and where that sits.

MR. NAGRANI: Yes.

MR. COSTA: This is going to be A-32.

(Whereupon, Exhibit A-32 is marked for identification.)

MR. WARNER: It's called Overall Development Plan Exhibit, sheet 1 of 1, and it's dated 05/28/19.

A. So this is the same plan as sheet 4 that was previously submitted, but the only change we made to this plan was revised the side yard setback to 50 feet on the southern property boundary. Originally, we had the 50-foot side yard setback adjacent to the Lot 6, since there was a residential zone, but RCED has also changed -- before, it was RCED; now it's RSEED, which is residential.

So we changed the side yard setback to a 50-foot setback, and in doing so, the trash compactor ends up being in a side yard setback.

So that's why we are seeking a variance for the trash compactor being closer than 50 feet to the property line.

Q. Let me just ask a couple questions.

One is, with the ramp to the lower level, how many parking spots do we have?

A. We have 1,042.

Q. Okay. And, previously, we had 1,047?

A. Forty-seven, yes.

Q. Okay. And if you put up this exhibit again, A-31, can you point out to the board where we lost those five parking spots?

It's fairly obvious, but I just want you to clarify.

A. We lost four parking spaces where we enter the lower level, on the southern end, and we lost one parking on the upper level for the turnaround area, because we had to add a wall onto the -- along the western driveway access. So that driveway access was closed, because we walled this thing, to have our ability to drop the grades to the lower level parking. So one parking space we lost for upper level, and for the lower level, total of five.
MR. WARNER: So the five spots were lost in conjunction with the fire marshal's request to modify to get access of the ladder truck to the lower level?

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

BY MR. COSTA:

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

A. Yes.

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

A. That is correct.

Q. And you --

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

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

A. Township flood hazard area easement, yep.

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

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stream intervening between the two properties.

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

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

MR. NAGRANI: It's a compactor.

COMMISSIONER FALLONE: It makes noise.

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

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

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

MR. COSTA: The only way to move it would be to lose six additional parking spots.

So we could shift it to lose six additional parking spots, which is possible.

CHAIRMAN SWEENEY: You're adding, as

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A. That is correct.

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

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

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

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

MR. WARNER: Okay.

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

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

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I recall --

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

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

MR. COSTA: Yes.

CHAIRMAN SWEENEY: -- 648, 650?

MR. COSTA: Yes.

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

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

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

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

MR. WARNER: Can you at least show 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 spark 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 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.
CHAIRMAN SWEENEY: Mr. Nagrani, what are some alternative walls? What are some other walls around trash compactors composed of, other than block walls?

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

MR. NAGRANI: Right.

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

MR. NAGRANI: Okay.

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

BY MR. COSTA:

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

A. It's construction details, sheet number 24 of 26. And that's where we have the detail for the gate that is going to be used at the trash compactor.

Q. And what is proposed in that detail?

A. It's EMCO Manufacturing Corporation design -- it's EMCO [indiscernible] design v-shaped extruded aluminum bars -- with extruded aluminum bars. It's a heavy duty steel. That's kind of a detail for the gate.

It's on sheet number 24 of 26.

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

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

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

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

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

MR. NAGRANI: Identical, that is correct.

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

CHAIRMAN SWEENEY: He said it would be.

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

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

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

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

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

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

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

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

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

MR. COSTA: We will do white stucco.

CHAIRMAN SWEENEY: Marble would work --
clarify with the board exactly what we are doing there, so we don't end up with confusion after the fact.

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

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

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

MS. DOYLE: The first --

MR. COSTA: It's A-32.

MS. DOYLE: A-32?

MR. COSTA: Correct, yes.

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

MR. NAGRANI: Right.

MS. DOYLE: But not the whole thing.

MR. NAGRANI: Okay.

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

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

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

CHAIRMAN SWEENEY: Scarlett, are you good with that?

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

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

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

MR. NAGRANI: We're fine with that.

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

MS. DOYLE: In furtherance of that, Mr. Chairman, I do like some guidance, because I don't want to make a mistake here. On Old Farm Road -- this is on -- in my report, but we've never talked about it. On Old Farm Road, if you have looked at Old Farm Road, and done a site inspection, you know where the gate is, you know where the fencing is. To the left of that, to the east of that, over time, there isn't much
landscaping anymore; yet, that's not part of this application. I would like the board to direct me to either make them do it, make them put in landscaping in that section to the left of the gate on Old Farm, or not to do it. But I would like some guidance on that.

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

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

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

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

COMMISSIONER FALLONE: Yep.

CHAIRMAN SWEENEY: That's been addressed.

You're good with that?

MR. COSTA: More Trees.

CHAIRMAN SWEENEY: Thank you very much.

MR. COSTA: That's fine.

MS. DOYLE: I'm sorry?

CHAIRMAN SWEENEY: They're good with that.

MS. DOYLE: Thank you very much.

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

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

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

MR. NAGRANI: Lower level access.

MR. COSTA: -- lower level access ramp.

That's kind of, you know, an isolated row of parking that we've added from the beginning of this application. We would ask for a waiver from additional parking -- from any parking lot trees in that area. There's no parking lot trees in general in that area, and right behind that, we'll be adding extensive wood coverage. So we would seek a waiver from that, so as to avoid losing additional parking.

MR. WARNER: How do you describe that, or delineate that area that you're -- from which you're seeking the parking lot tree waiver?

Because, in essence, this is one more parable waiver. You're doing it in some places, but you're not doing it in this particular place that you're asking to be excluded.

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

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

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

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

MR. NAGRANI: Access road, yep.
along our highways than our interior roads, and
the town and this board wants to be sure that it
looks lovely.

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

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

MR. COSTA: Yes.

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

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

at the beginning, anything that you disagree with
should be mentioned; otherwise, everything is a
requirement. And I hope that that's still true.
This new -- this number 8, the reason I mentioned
it is because I just added it as a clarification.
But everything else has been on my report from --

CHAIRMAN SWEENEY: Right. Right.

MR. COSTA: And that's fine.

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

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

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

comments were?

MR. NAGRANI: Yes, we will comply.

CHAIRMAN SWEENEY: Thank you.

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

MR. NAGRANI: No.

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

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

No response, thank you very much.

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

On Schedule A, which is the list of
temple festivals and national holidays in 2019,
you've already indicated to us that September 2nd
and October 27th are the two remaining days this
year when you will be utilizing off-site parking.
I would like to add a condition that
you will also provide, when it's available, a
calendar of the 2020 dates when you will utilize

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

MR. COSTA: Okay.

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

MR. COSTA: Right.

CHAIRMAN SWEENEY: Okay?

MR. COSTA: Yes.

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

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

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

MR. WARNER: If I -- and I apologize
if I'm, Mr. Forsythe, putting you on the spot,
but at least it was my review of Bill Burr --
who's not here -- his engineering report, with
respect to that traffic management plan, that, in
his view, it covered all the -- the fire truck
emergency access, excuse me, covered all the fire
marshal's comments satisfactorily, and it was his
view the Temple Traffic and Parking Management
Plan appeared to satisfy all of the traffic
safety sergeant's reviewing comments.

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

MR. FORSYTHE: Yes.
MR. WARNER: Thank you.
CHAIRMAN SWEENEY: Mr. Costa?
MR. COSTA: Okay. Before -- I have
a brief conclusion, but I wanted to check,
Mr. Warner, do we need to open it to the public
at this point, or is that after I conclude? How
would you like to --

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

MR. COSTA: Okay. So I'm about to
give a summation, so...
CHAIRMAN SWEENEY: All right. Does
anyone in the audience care to speak either in
favor of or in opposition to this application?
No response.
Mr. Costa?
MR. COSTA: Okay. I want to thank
the board for your efforts on this application.
You've put an admirable amount of effort into
understanding the application and the potential
impact on the neighboring properties.
In response to this inquiry, we've
provided extensive testimony to address the
board's concern in the area of engineering,
lighting, landscaping, architecture, in terms of
showing mass, color, and location of the proposed
deck. We've provided traffic studies, and
limited off-site parking to one event of the
year. We've listened to the neighbors and
incorporated their concerns.

And notwithstanding this extensive
analysis, I wanted to point out, I think one of
the important things is that the variance relief
that we're actually seeking is very limited. As
our planner, Barbara Ehlen, stated in her
testimony, a house of worship is a conditional
use in the R-50 zone. We're before this board,
instead of the planning board, because we do not
meet all of those conditions, and because of the
history of the application with this board, and
the prior federal lawsuit.

Ultimately, this application reduces
or leaves the same all of the previously approved
variances, except, actually, one of them, and
that variance pertains to the distance between a
temple-owned residence, which is on Lot 5, and
the adjacent resident on Lot 6, that is not owned
by the temple. It has nothing to do directly
with the parking deck. It pertains to a
residential property owned by the temple, and
which the temple will continue to keep
residential use as.
The variances we're seeking are for
the minimum lot area -- Steve, did you want me to
go through these in detail, or are you going to
lay them out?

MR. WARNER: We can do it either
way. I can do it and you can confirm, or you
can -- you can run through it and I'll --
MR. COSTA: Yeah, I'll run through
it, make sure we're on the same page.
The minimum lot area, 1,779,220
square feet are required; whereas, 1,065,913
square feet exist, and 1,329,693 square feet are
proposed with the consolidated lot. This is an
improvement of the variance condition.

The FAR --

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

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

So the next one is the FAR, which is
0.05 is permitted, whereas 0.081 exists, and
0.077 is proposed. This, again, is an
improvement over the existing condition.
The minimum side yard setback, 50
feet is required; whereas, 7 feet 41 inches (sic)
exist, and that's that one lot, Lot 5, and is
proposed to remain. This is the one variance
that's exacerbated, just because of the location
of the house relative to the lot line.

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

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

And then, there's the minimum total
of two yards setback, where they add together the
size of two yards -- two side setbacks: 70 feet
is required; whereas, 34.01 feet exists. This is
the addition of Lot 2 setback and Lot 5 setback.

This one, again, relates to Lot 5 being so close
to the property line.

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

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

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

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

And I'm going to -- Steve, I'm going
to let us -- I'm going to wait to list the
 waivers, because they've changed a bit.

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

Where the deck was conceivably
visible, we showed you a series of images: We
showed a photo of the existing image; we showed a
rendering of the deck and the temple with all
vegetation and houses removed; we showed a
rendering of the deck and the temple with
vegetation, but not the houses removed; and then,
we showed the rendering of the deck and the
temple with trees at the size they will be
planted at the time of construction; and then a
final rendering of the deck with the mature
trees.

This series of photos and renderings
was provided to the board to show, again, the
appearance of the deck and the mass. While other
methods of analysis were discussed, such as
balloon tests, or flag tests, our architect and
project manager explained to the board that the
process they used to overlay the engineering
plans with their CAD renderings, and Google Maps,
and then put it into a CAD program, created an
accurate representation of the likely appearance
and size of the garage, and they felt it was more
descriptive than these other methods, of what the
garage would actually look like.

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

In addition to providing the
information set forth above, and agreeing to
modify the lighting shields and landscaping, the
temple also agreed, at tremendous cost, to
extensively modify the garage, by adding windows
between the first and second levels throughout much of the span of the garage. This was modeled after the Acura dealer on Route 22, and is intended to limit light, noise, and other interference between -- you know, that would come from between the floors of the two garages.

I mentioned the planting.

In this regard, I think the temple has shown a tremendous degree of respect for the board, and expects to continue to a contributing member of the Bridgewater Township community, and continuing to report to this board, as we’ve agreed, in terms of the traffic manual updates.

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

The positive criteria for the variance is established by the fact that the use is inherently beneficial.

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

The negative criteria is also further amended by the Coventry Square opinion, which provides that, for a conditional use, the applicant need only show that, notwithstanding the failure of one of the conditional use conditions, the proposed use was reconcilable with the zone.

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

Finally, we thank the board, again, and its professionals, for their efforts, and we are seeking, as we’ve stated, preliminary and final site plan approval, subdivision approval for the lot consolidation, and we ask that the board grant the variances we’ve set forth herein, and grant the waivers that we will shortly set forth herein.

And that’s it.

And subject to the conditions which we’ve discussed, and will be elicited.

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

MR. WARNER: Certainly, happy to do so, if I could also require you to do that, just run through the waivers, to make sure that we have confirmation as to the waivers we are being asked for.

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

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

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

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

MR. COSTA: Correct.

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

And then, the additional waivers
that I have as a result of clarification this
evening are:
A partial waiver for 10 shrubs every
20 feet is one.
Another is three plants for every 10
linear feet -- that's within the parking decks --
and also parking lot trees, one per every 10
spaces.
MR. COSTA: And that's only in that
one section of the parking lot.
MR. WARNER: Right, I have those
three as -- I'll refer to them as partial
waivers, waivers to a certain extent, but those
extents have been delineated already.
So I would count out seven waivers
in total.
MR. COSTA: Do we need a waiver for
the height of the trash compactor fence,
Scarlett?
MR. WARNER: Oh, the height of the
trash compactor -- or the wall.
MR. COSTA: Right, the wall.
MR. WARNER: Right, 6 feet max;
proposed is 9 feet. So we're up to 8.
MS. DOYLE: And it'll be stucco.

MR. COSTA: It'll be stucco,
correct.
MR. WARNER: It'll be stucco, unless
you want to put marble.
As far as conditions that I have, if
the board wishes to hear conditions before
deliberating, bear with me. I have a lot of
them.
The applicant will provide all
required insurance related to the development and
use of the parking deck.
The light pole heights on the deck
shall not exceed 10 feet.
A landscape plan subject to the
review and approval of the township planner
within a reasonable discretion, including but not
limited to screening the parking deck from the
rear/Cedar Brook neighbors with 6 to
8-foot-tall-at-planting trees, as well as
6-to-8-foot-tall-at-planting trees west of the
parking deck, between Old Farm Road and the
parking deck. And the applicant shall maintain
all landscaping and shall bond for all
landscaping.
Both levels of parking deck lighting
shut off, except for the designated
security-level lighting, shall be at 8:30 p.m.
Monday through Thursday, non-holidays, and 10:30
p.m. Friday, Saturday -- Sunday?
MR. COSTA: Friday, Saturday, and
holidays.
MR. WARNER: Friday, Saturday, and
holidays. Right?
MR. CHAVA: Saturdays and Sundays.
MR. WARNER: They did ask for
Sunday. Right?
MR. COSTA: Sundays.
MR. WARNER: So Friday, Saturday,
Sunday, and holidays, at 10:30 p.m.
There'll be compliance with the
traffic management and parking plan, dated May
27, 2019.
And all conditions in the April 30,
2019 traffic safety sergeant's report.
And the traffic management and
parking plan, unless otherwise suggested, in my
opinion, might need to be, or perhaps should be,
attached to the resolution of approval.
MR. COSTA: That's fine.
MR. WARNER: So it's set forth
there.
MR. COSTA: And that'll be amended
to remove the Old Farm Road reference.
MR. WARNER: As amended.
The compliance with the fire
official's May 21 approval memo, and all comments
in his memo.
There'll be a lot consolidation
merger, and the deeds will be recorded with the
Somerset County clerk, and all deeds will be
reviewed and approved by the township and/or the
board attorney, and the metes and bounds approved
by the board engineer.
The parking deck shall be used for
parking only, and for parking associated with
temple events and uses only, and shall not be
used, for example, for staging of vehicles, or
for music or other non-parking-related
activities.
There'll be a good-faith effort on
the part of the applicant to work with Scarlett
Doyle to reestablish the landscaping required by
prior approvals, which is in need of
reestablishment.
The applicant will install
foundation plantings and shrubs below the tree
lines between 722 Cedar Brook Road and the
parking deck.

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

MR. COSTA: Yes.

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

The swale on newly acquired Lot 3
will be directed to reduce the runoff/flooding
over Cedar Brook Road that's been observed.
Code enforcement official will
approve sewer lateral extensions.
DOT will provide a letter of no
interest or something similar thereto.

Soil erosion and sediment control
approval.

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

MR. COSTA: Cultural center.

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

MR. COSTA: Correct.

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

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

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

MR. COSTA: Right.
MR. COSTA: Right.

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

MR. COSTA: Right.

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

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

But correct me if I'm wrong, it's my understanding it's your current position that you're not stipulating to that, and feel that it's not necessary at this stage.

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

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

MR. WARNER: So subject to the board's deliberations, and potential approval, and potential addition -- or subtraction, for that matter -- of any or all of the above conditions, what I've delineated are the.
conditions I have, taking note, having gone
through the transcripts, and you've stipulated to
all of them, except any further moratorium on
development, and any closing of any portion of
the deck on non-holiday major event dates.
Correct?
MR. COSTA: Correct.
MS. DOYLE: Mr. Chairman?
CHAIRMAN SWEENEY: Scarlett?
MS. DOYLE: I have additional. I
would appreciate -- I didn't notice whether or
not enhanced screening of the parking area
visible from Old Farm Road east of the emergency
gate was mentioned.
MR. WARNER: Oh, the one -- it
wasn't, because that was the one from today.
MR. COSTA: Oh, the one that you
brought up. Yes. Okay. Yes.
MS. DOYLE: I'd appreciate that.
And I would also -- because I have
amplified a lot of the comments in my letter of
May 22nd, I would appreciate if the applicant
would have to comply with my May 22nd --
MR. WARNER: Oh, absolutely, I'm
sorry. I meant to -- yes, the May 22nd of
Scarlett Doyle, and the May 24th, thank you.
MS. DOYLE: And it should also be
the March 18th, because in his May 24th letter,
his letter of March 18, 2019 are still
outstanding.
MR. WARNER: Right. Well, hang on.
We had the May 22 of Scarlett Doyle; all
conditions therein. And the engineer's memo of
May 24, and March 18th, you're saying?
MS. DOYLE: Correct.
MR. WARNER: And there, frankly, was
an April 11th in the interim, so just to be safe,
I'm going to add that one in there as well.
MR. COSTA: That's fine, all - yes.
MR. WARNER: And, actually, you've
stipulated to those, as well as the one added
today, the enhanced screening along Old Farm east
of the gate, to paraphrase.
CHAIRMAN SWEENEY: I had one or two
questions.
Scarlett, I think Steve talked about
trees for screening that would be 6 to 8 feet.
MS. DOYLE: I looked on that.
CHAIRMAN SWEENEY: I thought 8 to 10
feet.
it's left open until the date --

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

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

MR. WARNER: The earlier of --

COMMISSIONER FALLOONE: That's what
I'm thinking, maybe kind of the end of the year
of 2021 --

MR. WARNER: Do you understand?

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

MR. WARNER: So the final paving
would be done contemporaneous with the --
MR. COSTA: '22? Can we do --

UNIDENTIFIED SPEAKER: '23.

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

how to --

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

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

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

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

UNIDENTIFIED SPEAKER: '23.

MR. WARNER: Oh, December 31, '23?

I thought you meant by '23. Okay. That's
the stipulation.

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

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

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

COMMISSIONER FALLOONE: Well, once
the deck is there, that's the heavy equipment.

MR. COSTA: Yeah.

COMMISSIONER FALLOONE: Anything
after that is a couple streetlights and all. So
I don't know that that's...

MR. COSTA: I mean, I think --

COMMISSIONER FALLOONE: Once the deck
is up, accompanying structure is up, there's no
more heavy equipment --

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

CHAIRMAN SWEENEY: It's fine.

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

MR. COSTA: Right.

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

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

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

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

I'm going to kick off the commentary
on this one. I have to confess that, when I
1. first heard the proposal of putting a parking
dock 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.
8. COMMISSIONER GUTTSCHELL: 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
important.

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

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

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

I'm not in favor.

CHAIRMAN SWEENEY: Mr. Ahearn?

COMMISSIONER AHEARN: Thank you.

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

I do have a number of concerns, to

follow up on my colleague's statement as well.

Considering this is a residential area, and in
terms of what we're looking at, proposing
additional traffic around the area, which is a
residential area, I think there are a lot of
questions that may be unanswered. I mean, again,
you guys have taken the proper steps to address
our concerns, but we don't really know what
impact is going to be seen in this residential
area until the entire project is completed.

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

CHAIRMAN SWEENEY: Mr. Weideli?

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

Just to -- maybe a quick summary is

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

CHAIRMAN SWEENEY: Thank you.

Mr. Fross?

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

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

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

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

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

CHAIRMAN SWEENEY: Thank you.

Mr. Humenick?

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

And I think this is going to work
out. I think -- I think there are going to be
bumps in the road, and I think there are going to
be necessary changes. For instance, what would
happen during, you know, these emergency vehicles
or whatever. So we wait until after January 1st,
and let's say we do an evaluation. That was
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. Weidel
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. Weidel?
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.

1 MR. COSTA: Thank you.
2 CHAIRMAN SWEENEY: Okay,
3 (Whereupon, the hearing concluded at
4 9:46 p.m.)
CERTIFICATE

I, Michael Lombardozzi, a Notary
Public and Certified Court Reporter of the State
of New Jersey, do hereby certify that the
foregoing is a true and accurate transcript of
the testimony as taken stenographically by and
before me at the time, place, and on the date
hereinbefore set forth.
I do further certify that I am
neither a relative nor employee nor attorney nor
counsel of any of the parties to this action, and
that I am neither a relative nor employee of such
attorney or counsel and that I am not financially
interested in this action.

______________________________
Michael Lombardozzi,
Certified Court Reporter, State of New Jersey
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Date: 2019-06-10