

**BRIDGEWATER TOWNSHIP PLANNING BOARD**  
**Regular Meeting**  
**Monday, September 23, 2019**  
**—MINUTES—**

**1. CALL MEETING TO ORDER**

Chairperson Casamento called the meeting to order at 7:06 p.m. in the Municipal Courtroom, 100 Commons Way, Bridgewater, New Jersey.

**2. OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT**

Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act N.J.S.A. 10:4-6. On January 10, 2018 proper notice was sent to the Courier Newspaper and the Star-Ledger and filed with the Clerk at the Township of Bridgewater and posted on the bulletin board in the Municipal Building. Please be aware of the Planning Board policy for public hearings: no new applications will be heard after 10:00 pm and no new testimony will be taken after 10:15 pm. Hearing Assistance is available upon request. 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 Department 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.

**3. SALUTE TO FLAG**

There was salute to the flag.

**4. ROLL CALL**

Tricia Casamento – present  
Mayor Dan Hayes – present  
Councilman Howard Norgalis – present  
James V. Franco – present  
Stephen Rodzinak – present

Evan Lerner – present  
Beth Powers – present  
Urvin Pandya, Alt. #1 – present  
Debra Albanese, Alt. #2 – present

Others present: Board Attorney Thomas Collins, Township Engineer David Battaglia, Board Planner Scarlett Doyle, Board Planning Consultant Christopher Melick, Board Traffic Consultant Jay Troutman, Connell Foley, LLP, Kevin Coakley, Esq and Nicole Dory, Esq, Attorneys for the Applicant.

**5. APPROVAL OF BOARD MINUTES**

February 12, 2019 Regular Meeting (pending)  
April 9, 2019 Regular Meeting (pending)  
June 24, 2019 Regular Meeting (pending)  
July 9, 2019 Regular Meeting (pending)

July 22, 2019 Regular Meeting (pending)  
August 13, 2019 Regular Meeting (pending)  
August 26, 2019 (pending)

**6. MEMORIALIZATION OF RESOLUTIONS**

There were no resolutions presented for Board approval.

**7. LAND DEVELOPMENT APPLICATION**

CIP II/AR BRIDGEWATER HOLDINGS

Route 202/206

Block 483, Lots 17, 18 & 19

#18-012-PB - Preliminary and Final Major Site Plan-Mixed use development including retail, office, restaurant, residential and office research

—MINUTES—

See attached Transcript dated September 23, 2019 prepared by Michael Lombardozzi, CSR, CRR of Veritext Legal Solutions, 290 W Mt. Pleasant Avenue, Livingston, NJ 07039, which is available at the Planning office.

8. **MEETING OPEN TO THE PUBLIC**

See attached Transcript dated September 23, 2019 prepared by Michael Lombardozzi, CSR, CRR of Veritext Legal Solutions, 290 W Mt. Pleasant Avenue, Livingston, NJ 07039, which is available at the Planning office.

9. **OTHER BOARD BUSINESS**

10. **ADJOURNMENT**

It was the consensus of the Board to adjourn the meeting at 10:30 pm.

Respectfully submitted,  
D'Andrea Aytes  
Secretary to Municipal Services

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TOWNSHIP OF BRIDGEWATER  
PLANNING BOARD

In the Matter of: :  
FILE 18-012-PB : Transcript  
 : of  
CIP II/AR BRIDGEWATER HOLDINGS :  
Route 202/206 : Proceedings  
Block 483, Lots 17, 18 & 19 :  
-----x

Monday, September 23, 2019  
100 Commons Way  
Bridgewater, New Jersey 08807  
Commencing at 7:06 p.m.

BOARD MEMBERS PRESENT:

- TRICIA CASAMENTO
- DAN HAYES, Mayor
- HOWARD NORGALIS, Councilman
- JAMES V. FRANCO
- STEPHEN RODZINAK
- EVAN LERNER
- BETH POWERS
- URVIN PANDYA

- SCARLETT DOYLE, Township Planner
- DAVID BATTAGLIA, Board Engineer
- CHRISTOPHER MELICK, Board Planning Consultant
- JAY TROUTMAN, Board Traffic Consultant

MICHAEL LOMBARDOZZI, CSR, CRR

VERITEXT LEGAL SOLUTIONS  
290 W. Mt. Pleasant Avenue  
Livingston, New Jersey 07039  
(973) 410-1040  
www.veritext.com

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

THOMAS COLLINS, ESQUIRE  
Attorney for the Board

CONNELL FOLEY, LLP  
BY: KEVIN COAKLEY, ESQUIRE  
NICOLE DORY, ESQUIRE  
Attorneys for the Applicant

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(No public sworn.)

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(No exhibits marked.)

1                   COMMISSIONER CASAMENTO: Here the  
2                   only land development application on the agenda  
3                   for this evening is CIP II/AR Bridgewater  
4                   Holdings, LLC, Route 202/206, Block 483, Lots 17,  
5                   18, and 19. This is preliminary and final major  
6                   site plan, mixed-use development, including  
7                   retail, office, restaurant, residential, and  
8                   office research.

9                   Good evening.

10                  MR. COAKLEY: Good evening, Madame  
11                  Chairwoman. My name is Kevin Coakley. I'm here  
12                  on behalf of the co-applicants on this  
13                  application, which is AR Bridgewater and COE  
14                  Bridgewater. In referencing them, I'm going to  
15                  used the term Advance, in terms of AR  
16                  Bridgewater, because AR Bridgewater is owned by  
17                  the Advance Real Estate Investment Company, and  
18                  I'm going use the term Thor when I talk about COE  
19                  Bridgewater, which is owned by the Thor entity.

20                  Thor is principally interested in  
21                  the 47 acres in the ORD Zone, which is to the  
22                  rear of the R-Seed development; whereas, Advance  
23                  is primarily interested in the R-Seed  
24                  redevelopment area, but somewhat also in the ORD  
25                  Zone.

1                   What we're here tonight for is to --  
2                   is for preliminary and final approval as to the  
3                   primarily commercial part of the development to  
4                   the south of the boulevard, and we're here --  
5                   although I say "primarily commercial," there  
6                   is -- there are 26 residential units on that side  
7                   of the boulevard. So that's preliminary and  
8                   final approval.

9                   We're also seeking preliminary  
10                  approval for the residential part of the project,  
11                  primarily residential, which is to the north of  
12                  the boulevard, and there's 374 units in that  
13                  area.

14                 We're also seeking -- and this is  
15                 where the Thor aspect comes into play -- we're  
16                 also seeking a parking variance for the Thor  
17                 operation in the ORD Zone.

18                 So those are the three principal  
19                 parts of the application.

20                 Now, we were here in August,  
21                 September, October, and November of last year; we  
22                 had extensive hearings. Since last November, a  
23                 number of things have happened; I'd like to just  
24                 briefly hit on those things.

25                 First, and most favorable, and a

1 significant thing that happened, was we were able  
2 to procure from the Department of Transportation  
3 a waiver for a traffic signal at Fourth Street,  
4 which was a matter of much discussion with the  
5 board -- particularly Councilman Norgalis, but  
6 other members of the board -- and that was -- it  
7 took about six months to get that. So the time  
8 we were away from the board was not lost.

9 We had great assistance from  
10 Mr. Battaglia and other members of the department  
11 -- of the township's staff, but also from the  
12 commissioner of transportation. We twice  
13 reversed DOT staff to get that decision reversed,  
14 and ultimately get the -- a waiver from DOT,  
15 which is a binding right that we have regarding  
16 that traffic light. So that was a major  
17 development over the period of time.

18 The second thing that happened was  
19 that we -- if you remember, we were here back in  
20 November, and there was a gentleman from Avalon  
21 Bay who spent the evening asking questions.  
22 Well, that interest of Avalon Bay, who was suing  
23 the project at the time, that interest has been  
24 resolved. So Avalon Bay has no interest in the  
25 project going forward.



1                   Thirdly, one of the things that  
2                   happened is that Thor acquired the 47-acre  
3                   property to the rear of the R-Seed development,  
4                   and what they really acquired were two  
5                   condominium units, Condominiums 2 and 3, and they  
6                   acquired sometime over about the last 60 days.

7                   Thor and Advance are here requesting  
8                   a variance from the planning board for parking.  
9                   Right now, there's about 1,190 spaces on the  
10                  site, and after the R-Seed development goes  
11                  forward, there will be changes in the  
12                  entranceway, and there'll be about 1,168 spaces  
13                  left. You'll hear testimony about that.

14                  But the use of Thor of parking  
15                  spaces in this ORD Zone is much less than that,  
16                  it's probably less than half of that. So they  
17                  would like -- the parties would like a parking  
18                  variance to confirm that that level of parking,  
19                  1,168 spaces, is adequate for the site.

20                  The ordinances that the township has  
21                  adopted reflect the fact that the ORD Zone was to  
22                  be enhanced by the R-Seed development, and that's  
23                  in the ORD Zone, it's in the master plan. So  
24                  these two properties, it was always intended by  
25                  the ordinances that they would work together, and

1 this is part of working together. So even after,  
2 you know, the entranceway is changed, and the  
3 loop path is put through the ORD Zone, there will  
4 still be 1,168 spaces. There's no other changes  
5 being made to that property, and we're requesting  
6 that the -- that a variance be granted for that  
7 part of the property.

8 The other thrust of the reason for  
9 the variance is that, you know, the  
10 3.3-per-thousand ratio of parking spaces for  
11 office research properties is not appropriate for  
12 this property, given the way it's utilized and  
13 configured as a heavy equipment use of this  
14 property, and that's why we're seeking the  
15 variance.

16 Another development, and I think an  
17 important one, is that Advance has now acquired  
18 the entirety of the ownership interest of the  
19 condominiums in the R-Seed development. So there  
20 was a partner from New England that was involved  
21 in the project; that interest has been changed to  
22 an ownership in Advance of those condominiums.

23 And I think that's a very positive  
24 development for this project, because, after all,  
25 this is a mixed-use project, and I think we've

1 all seen over the years that there's -- there can  
2 be problems when you have non-unified ownership  
3 at this stage of the project development, and we  
4 certainly had that with Avalon Bay -- and that's  
5 not to cast blame on anybody, but just to state a  
6 fact. So, anyhow, we have a single owner of  
7 those interests.

8 So the interest in the property, and  
9 the overall property, 110 acres of the Sanofi  
10 site, are Thor, which owns the 47 acres, and  
11 Advance, which owns the balance of the property.

12 A few housekeeping matters just to  
13 hit on:

14 One is, I don't think it's clear in  
15 the variance report, but over the time since the  
16 last hearing, we did make sure that we were able  
17 to expand the parking spaces in front of the  
18 proposed supermarket to 9 and a half by 18. So  
19 we have over 440 spaces there. That was not the  
20 case, perhaps, on some of the prior iterations of  
21 this plan.

22 Secondly, the question has come up  
23 from Scarlett repeatedly about what entity is  
24 going to manage the common areas and open space.  
25 And so there's an existing entity called the

1 Peters Brook Village Association, which is  
2 responsible for the maintenance of all common  
3 elements -- lawns, the loop path, landscaping,  
4 known as Powelson Farms -- but all that will be  
5 managed by an existing condominium association,  
6 Peters Brook Village Association.

7 Another housekeeping matter, we've  
8 had some requests over time for -- to show the  
9 actual materials that will be used on the  
10 commercial part of the project to -- so that the  
11 board members could match them up against what we  
12 presented in our presentations to the board. So  
13 they're here, and Mr. Diamond, the architect,  
14 will be here to testify briefly about which  
15 buildings and which materials fit together.

16 So those -- those are the principal  
17 things to talk about, in terms of housekeeping.

18 Van Cleef Engineering did a report  
19 last week, which we received, and we talked to  
20 Van Cleef, and we agree that all the Van Cleef  
21 report can be either a condition of the approval,  
22 or dealt with through compliance with the  
23 approval. So those, I think, are resolved in  
24 that way.

25 A couple of other things to resolve:

1           One is that, in Ms. Doyle's report,  
2           and her phasing plan, we talked -- she talked  
3           about having submissions of construction plans by  
4           June 30 and December 31st. Obviously, she was  
5           working with some of the older documents, and so,  
6           you know, we have proposed that the construction  
7           plans be submitted, and Mr. Norgalis wanted a  
8           direct date that he could just put his finger on,  
9           so within six months of the day of any resolution  
10          that you should pass, we will deliver  
11          construction plans for the entire frontage of the  
12          property, including the traffic light at Fourth  
13          Street. So all that would be covered in plans  
14          delivered to DOT within six months.

15                 The rest of the construction plans,  
16                 which involve submission of plans to the township  
17                 and to the county, would be done six months  
18                 thereafter. Those plans would be submitted to  
19                 both -- to those agencies respectively within an  
20                 additional six-month period. That's a very  
21                 aggressive schedule, but one that the applicant  
22                 is willing to live by.

23                 One of the things in the phasing  
24                 schedule is the soil stockpile, and we would like  
25                 that to be -- to move that soil stockpile in

1 Phases 1 and 2, not just Phase 1. It can be used  
2 to surcharge as the project is developed. That's  
3 a minor point that Ms. Doyle has -- I've talked  
4 to her about.

5 And we would like to have the right  
6 to move forward with three buildings in Phase 2.  
7 We've always talked about having the grocer, the  
8 wellness building, and we would like to also be  
9 able to go ahead with the residential building,  
10 as we install the traffic improvements, and that  
11 we would have all the traffic improvements  
12 installed before the third of those buildings.  
13 So that would be all the traffic improvements  
14 along the frontage and the light at Fourth  
15 Street. So all the major affecting-the-project  
16 traffic improvements.

17 So with that brief introduction, I'd  
18 like to call -- we'll call five witnesses. Most  
19 of them have been previously sworn. They're here  
20 primarily to discuss the Thor parking variance,  
21 because we essentially finished with our  
22 witnesses previously, except for Mr. Diamond. So  
23 we'd --

24 COMMISSIONER CASAMENTO:  
25 Mr. Coakley, can I ask you one question?

1 MR. COAKLEY: Sure.

2 COMMISSIONER CASAMENTO: So when you  
3 were just discussing -- you said three buildings  
4 are going to be built in Phase 2. Is that what  
5 you said?

6 MR. COAKLEY: Yes.

7 COMMISSIONER CASAMENTO: Okay. Do  
8 you know which buildings?

9 MR. COAKLEY: Yes. It would be the  
10 grocer, the wellness building, and the  
11 residential building, also known as Building 11.  
12 Right now, Ms. Doyle's phasing plan calls for two  
13 buildings, so we'd like to be able to have the  
14 opportunity to do a third building in that Phase  
15 2 while we are doing the bulk of the traffic  
16 improvements.

17 MS. DOYLE: Madame Chairwoman, I'd  
18 like to make a slight --

19 MR. COAKLEY: Sure.

20 MS. DOYLE: -- clarification. When  
21 he said Ms. Doyle's chart for Phase 2, what that  
22 chart was is the chart that the applicant  
23 provided in the submission that was around end of  
24 January of this year. So I didn't create it  
25 myself.

1 MR. COAKLEY: Right. You edited it,  
2 that was my point.

3 COMMISSIONER CASAMENTO: Thank you.

4 MR. COAKLEY: But we accept your  
5 edits, except as I've noted.

6 COMMISSIONER CASAMENTO: Okay.  
7 Thank you.

8 MR. COAKLEY: So with that  
9 introduction, Mr. Collins, I have two witnesses  
10 who were not sworn of the five we intend to call.

11 MR. COLLINS: I'll swear them in.

12 MR. COAKLEY: Okay. Mr. Dan  
13 Loughlin and Craig Hermann, please step up and be  
14 sworn.

15 (Whereupon, Dan Loughlin and Craig  
16 Herman are sworn in.)

17 MR. COLLINS: And please, starting  
18 on my left, your right, state your name and give  
19 us an address.

20 MR. HERMANN: Craig Hermann,  
21 H-E-R-M-A-N-N. I work for PS&S. The address is  
22 67B Mountain Boulevard Extension, Warren, New  
23 Jersey.

24 MR. LOUGHLIN: Dan Loughlin,  
25 L-O-U-G-H-L-I-N. I work for JLL, and my office



1 is at 8 Campus Drive in Parsippany.

2 MR. COLLINS: Thank you, gentlemen.

3 MR. COAKLEY: All right. So I think  
4 Mr. Hermann will be the first witness, and  
5 Ms. Dory will ask him questions.

6 COMMISSIONER CASAMENTO: One more  
7 question, Mr. Coakley. You said there were five  
8 witnesses tonight. Correct.

9 MR. COAKLEY: Yes.

10 COMMISSIONER CASAMENTO: Can you  
11 just tell me the remaining three?

12 MR. COAKLEY: Yes, Mr. Gary Dean  
13 will testify regarding the parking variance, he  
14 did a report on parking on the site.

15 Mr. Phillips, Paul Phillips, is a  
16 planner, who will testify about the parking  
17 variance.

18 And Mr. Diamond will testify  
19 regarding the material boards.

20 COMMISSIONER CASAMENTO: Thank you.

21 MR. COAKLEY: Okay. Does anyone  
22 have any questions?

23 We'll proceed.

24 COMMISSIONER CASAMENTO: No, I just  
25 want to remind people that there's another room

1 down here with extra seating and TVs available to  
2 see what's going on in here. So if you'd like a  
3 seat, you can go down there and get an available  
4 seat.

5 Thank you, Mr. Coakley.

6 Good evening.

7 MS. DORY: Good evening, Madame  
8 Chair, members of the board, Nicole Dory, Connell  
9 Foley. It's nice to be before you all again on  
10 this application.

11 As Kevin mentioned, we have a few  
12 witnesses for the ORD parking variance. So  
13 there'll be four witnesses for that.

14 I'll start with Craig Hermann and  
15 Gary Dean. Craig will -- has been working on  
16 this, he's with PS&S, and will give you an  
17 overview of the existing parking, and the  
18 buildings in the ORD Zone.

19 And Gary will testify as to his  
20 parking study.

21 So I'd like to present Craig Hermann  
22 first. He has not been qualified yet, so I'll  
23 start with that.

24 MR. COLLINS: Yes, that would be  
25 fine.

1                   C R A I G    H E R M A N N, having  
2           been duly sworn, testified as follows:

3           DIRECT EXAMINATION

4           BY MS. DORY:

5                   Q.    Mr. Hermann, could you give the  
6           board the benefit of your educational background  
7           and experience?

8                   A.    Yes.  I am a 1996 graduate from the  
9           Rutgers University College of Engineering, BS in  
10          civil engineering, and I have been a New Jersey  
11          professional engineer since 2004.

12                  Q.    Okay.  And have you testified  
13          before other boards before?

14                  A.    Yes, I have.  I've been -- I've  
15          testified in front of many boards throughout the  
16          state: Montvale, Northvale, Emerson in Bergen  
17          County; Mt. Olive Township and Mine Hill  
18          Township in Morris County; and Belvedere and  
19          Hackettstown in Warren County, just to name a  
20          few.  I've been accepted as an expert witness  
21          both as the engineer for the applicant and as a  
22          board engineer.

23                  MR. COLLINS:  The board will accept  
24          and recognize Craig Hermann's qualifications as a  
25          professional engineer.

1 MS. DORY: Thank you.

2 BY MS. DORY:

3 Q. Mr. Hermann, were you involved in  
4 preparing the engineering plans for this  
5 application?

6 A. Yes, I was.

7 Q. Okay. And can you please describe  
8 for the board the location of the buildings in  
9 the ORD Zone and the existing parking, and how  
10 the parking will be modified as a result of the  
11 redevelopment?

12 A. Okay. So --

13 MR. COLLINS: Mr. Hermann, we don't  
14 mind if you stand on this side, so that when you  
15 point to things the public might be able to see  
16 it on some of them.

17 Also, if you want to go back a  
18 little bit further with the drawings, I think we  
19 can see it, and maybe more people will be able to  
20 see it.

21 A. So what we have in front of you  
22 right now is an aerial image of the existing  
23 property. This has already been provided as an  
24 exhibit in a past meeting.

25 Right now, it is an existing

1 109.58-acre site, and we're focusing on the ORD  
2 Zone of the site, which is located in the  
3 northwest corner of the site, which is located  
4 about this area right here.

5 Just to orient you to the property,  
6 to the west is 287. To the east is 202/206.  
7 There is residential properties on the opposite  
8 side of 202/206, to the east. To the north, we  
9 have residential properties and the temple. To  
10 the south, we have additional residential  
11 properties.

12 MR. COLLINS: What was that exhibit  
13 number again, Mr. Hermann?

14 MR. HERMANN: I don't know what the  
15 exhibit number was.

16 MS. DORY: It was previously marked,  
17 I can find out what it is.

18 MR. COLLINS: It might be on there  
19 somewhere, Mr. Hermann. Might be on the back  
20 there somewhere.

21 MR. HERMANN: Actually, I think I  
22 reprinted this.

23 MR. COLLINS: Okay. We'll receive  
24 it from Ms. Dory.

25 A. So what I have in front of you now

1 is a colorized version of sheet C-03.01 of the  
2 PS&S plan set. It's entitled ORD Zone Analysis  
3 Plan.

4 The ORD portion of the site is  
5 what's colored here. It is an R&D facility, and  
6 it includes approximately 10 buildings, labeled  
7 JD, JR-2, JR-1, Building M, Building N, Building  
8 K, L, G, and HY. And there's also Building F,  
9 which is essentially a utility plant.

10 Mr. Coakley had referenced the  
11 condominium units owned by Thor, and those are  
12 Condominium Units 2 and 3, which Condominium  
13 Unit 2 is located to the east of the existing  
14 13th Avenue, which will remain, and to the west  
15 is Condominium 3, which is basically the  
16 northwesterly corner of the property. The plan  
17 is to maintain this as it is now.

18 And as we reviewed the application  
19 since we were last here, we identified the  
20 parking variance requirement. Based on the  
21 654,753 square feet of combination office and  
22 laboratory use, at a rate of one parking stall  
23 for every 300 square feet, which is the  
24 ordinance requirement, 2,183 parking spaces are  
25 required for this use, to support this use,

1 based on the ordinance requirements.

2 At the existing time, there is a  
3 total of 1,190 stalls, and they're spread out  
4 pretty reasonably with the site. There's a few  
5 larger parked areas to the north of the  
6 buildings, and there's a parking garage to the  
7 southwest of the buildings.

8 Now, as for the past few months,  
9 few years, that we've been developing this plan,  
10 with the help of the planning board, we have  
11 realigned the entranceway to the R&D facility,  
12 for a few reasons:

13 Number one, what is now existing as  
14 Fourth Street will become Discovery Drive, and  
15 Discovery Drive has been extended to connect  
16 into the R&D facility. That, and wanting to  
17 provide a connection to the proposed  
18 redevelopment, we needed to realign this  
19 entranceway into the R&D facility or the ORD  
20 Zone.

21 With that, there was a parking area  
22 in the front of the cooling towers that we  
23 needed to reconstruct, and we lost 22 parking  
24 spaces when we did that. We were able to gain  
25 some back in this area, so we didn't lose the

1 whole parking lot, but at the end, we weren't  
2 able to provide the 22 parking spaces.

3 So with that being said, we need  
4 2,183 parking spaces, based on the ordinance  
5 requirements. We're providing a total of 1,168  
6 parking spaces, which includes 500 parking  
7 spaces in the major parking lots, which includes  
8 Parking Lot 8A, 8, 9, K, 13, and there's a few  
9 other small parking areas within the buildings  
10 themselves, and then a 668-parking-stall parking  
11 garage located to the southwest of the  
12 buildings. 668 in the parking garage and 500  
13 surface parking stalls provides us with the  
14 1,168 that we're proposing.

15 MS. DORY: Okay. I have no further  
16 questions for Mr. Hermann. Are there any  
17 questions from the board?

18 COMMISSIONER CASAMENTO: I have a  
19 question. And you may have said this, so I  
20 apologize. So you're providing -- you're going  
21 to provide 1,168. Correct?

22 MR. HERMANN: Yes.

23 COMMISSIONER CASAMENTO: Right now,  
24 there's 1,190?

25 MR. HERMANN: Yes.



1                   COMMISSIONER CASAMENTO: And why is  
2 it decreasing?

3                   MR. HERMANN: There is a parking  
4 stall -- parking lot in front of the cooling  
5 towers, right where I'm pointing, right here, and  
6 because we needed to realign the driveway, adding  
7 the stormwater detention system, we weren't able  
8 to provide the total number in there. We have a  
9 few additional parking areas that we were able to  
10 provide between these buildings, but at the end  
11 of the day, the result is 22 less parking stalls.

12                   COMMISSIONER CASAMENTO: And do you  
13 know, on average, how many of those spaces are  
14 occupied a day, now?

15                   MR. HERMANN: That will be provided  
16 through testimony from one of the other  
17 witnesses.

18                   COMMISSIONER CASAMENTO: Okay. And  
19 are you -- is there -- if the opportunity -- if  
20 you need to in the future, is there an area where  
21 you can provide additional parking?

22                   MR. HERMANN: There are some areas  
23 that we can provide additional parking, there's  
24 some open areas over here, around Parking Lot 9.  
25 There is also ability somewhere in the area just

1 to the back of the garage.

2 MS. DORY: And I just wanted to  
3 clarify that the variance is based upon the 1,168  
4 spaces.

5 COMMISSIONER CASAMENTO: Okay.

6 COUNCILMAN NORCALIS: I have one  
7 question.

8 That's considered a secured area.  
9 Right? The R&D is fenced in, security?

10 MR. HERMANN: Yes.

11 COUNCILMAN NORCALIS: So the  
12 requirement is that all the people who work in  
13 that area have to be able to park in that area.  
14 Right?

15 MR. HERMANN: Yes.

16 COUNCILMAN NORCALIS: Now, the  
17 overflow you're seeking is outside the protected  
18 -- that you identify as potential, is outside the  
19 protected area. Isn't that true?

20 MR. HERMANN: No, it's located  
21 inside the protected area.

22 COUNCILMAN NORCALIS: Okay. So the  
23 commitment, then, is everybody who works there  
24 can park there, in the protected area?

25 MR. HERMANN: Yes.

1 MS. DORY: And you'll hear  
2 additional testimony that the existing parking is  
3 more than sufficient for the use of the property.

4 COMMISSIONER CASAMENTO: Is there  
5 any other member of the board with a question for  
6 this witness?

7 Seeing none, I'm going to open it up  
8 to the public. If any member of the public has a  
9 question for this witness regarding his  
10 testimony, please come forward, state your name  
11 and address for the record.

12 Thank you.

13 MR. MOENCH: Good evening, Matthew  
14 Moench, 1303 Roger Avenue.

15 Sir, could you explain to the public  
16 what the scope of your job is, with regards to  
17 testimony -- that these plans were? I mean, you  
18 provided testimony regarding the number of  
19 parking spaces, but did you provide any analysis  
20 with regard to the number of spaces? where the  
21 spaces should go? help design where they should  
22 go? I'm not sure what your role, as part of the  
23 team dealing with the traffic the parking is.

24 MR. HERMANN: As far as the ORD  
25 Zone, my role was to look at the existing parking

1 stalls that are available, and compare that to  
2 the required parking calculation based on the  
3 ordinance requirements for the zone.

4 MR. MOENCH: Did you do any  
5 independent analysis as to whether or not the  
6 number of stalls available is sufficient?

7 MR. HERMANN: That will be reviewed  
8 by another person that will come up after me.

9 MR. MOENCH: Did you do any analysis  
10 about where -- if the planning board came back  
11 and said they weren't going to give you a waiver,  
12 where, from an engineering standpoint, would you  
13 put the required parking, or what impact would it  
14 have on the application if you had to put in the  
15 additional parking stalls?

16 MR. HERMANN: We took a look at  
17 that. We have some available areas, as I  
18 indicated before, there's some open areas around  
19 this parking area and behind the parking garage  
20 that we could possibly put some additional  
21 parking stalls. There is a number of things we  
22 would need to deal with, layout, to see how many  
23 we could get; there's also some permitting that  
24 would be involved, because there are  
25 environmental constraints in these areas. So

1           there's a lot that we would need to do, but those  
2           are some open areas that could possibly be used  
3           for future parking.

4                       MR. MOENCH:   Have you done any  
5           analysis as to how many spots you could get, if  
6           you were to utilize some of those open areas?

7                       MR. HERMANN:   Not at this point, no.

8                       MR. MOENCH:   Do you have any  
9           analysis as to what kind of permits would be  
10          needed, specifically, in order to accommodate  
11          those extra spots?

12                      MR. HERMANN:   Like I said, we would  
13          need to look at a few things.  There are some  
14          environmental constraints that would involve DEP,  
15          and the town of course, with their permitting.  
16          So we could take a look at that.

17                      MR. MOENCH:   I don't have exact  
18          numbers, but it's about a thousand units that  
19          you're short, sir?

20                      MR. HERMANN:   About that, yes.

21                      MR. MOENCH:   And is it your  
22          testimony before the board and the public today  
23          that, given the fact that you're a thousand units  
24          short, that you have not done any analysis as to  
25          how you can come closer to that number, or how

1       you would even meet that number, if you're denied  
2       the waiver?

3                   MR. HERMANN:   That will be addressed  
4       by the person that did that study.

5                   MR. MOENCH:   But I'm asking about it  
6       from an engineering standpoint.  You just  
7       testified regarding where you would put spaces.  
8       I'm assuming a planner will come up and testify  
9       about how often spaces will be used, and traffic  
10      flow, and those matters, but from an engineering  
11      standpoint, if you're required to put in 2,000  
12      units, is it your testimony that you don't have a  
13      plan to do that?

14                  MS. DORY:   Well, we have -- if I  
15      might interject, we have a traffic engineer  
16      that's going to be testifying next.

17                  MR. MOENCH:   I understand, but I'm  
18      asking an engineering question, which is from a  
19      planning/engineering standpoint:  Where would you  
20      put the units, or what changes would you have to  
21      make to the plan to accommodate the waiver?  
22      Because a waiver is not automatic.  This board  
23      could decide that it wants to uphold the  
24      ordinance that the township has in place, and  
25      require you to put in 2,000, you know, and change

1 units.

2 So my question is: Does the  
3 applicant have a plan to meet that 2,000 units,  
4 if the waiver is denied?

5 MR. HERMANN: We would need to look  
6 at exactly how we would lay out and how many  
7 parking stalls we can get in those possible areas  
8 that I just identified.

9 MR. MOENCH: With the testimony that  
10 you gave, you talk about the existing number of  
11 parking spaces, and then noted that we lost a  
12 couple with regard to the water tower. Have you  
13 done any engineering work to come even close to  
14 or improve the number of parking spaces from  
15 what's already there, or are you simply saying  
16 we're going to rest on what's there, and we have  
17 no plan to add additional parking spaces at all?

18 MS. DORY: If I just might interject  
19 here, I did clarify earlier that this variance  
20 request is based on the existing parking for  
21 1,168 spaces. We have generally identified other  
22 areas that could accommodate stalls, if needed,  
23 but this variance request is based on 1,168  
24 spaces being more than adequate for the existing  
25 use, and we will have a traffic engineer that

1 will provide that testimony.

2 Mr. Hermann has identified the  
3 existing parking and the ordinance  
4 requirements --

5 MS. DOYLE: Ma'am, there's a comment  
6 that I heard that they can't hear you. Perhaps  
7 either you get closer to the mic, or we have  
8 another -- maybe we should give her the second  
9 mic.

10 MS. DORY: Can you hear me now?

11 Okay. I just wanted to clarify that  
12 the parking variance request of the ORD Zone --  
13 (Technical issue.)

14 MS. DORY: Okay. Third time is a  
15 charm.

16 Okay. So I just wanted to clarify  
17 that the parking variance request for the ORD  
18 Zone is based upon 1,168 spaces being more than  
19 adequate for the existing use.

20 The purpose of Mr. Hermann's  
21 testimony was to identify the existing parking in  
22 the ORD Zone, and the parking areas, and the  
23 possible locations, if parking was ever required  
24 in the future. But the present application for a  
25 variance is based upon existing conditions and



1 existing parking. There's no contemplated future  
2 addition of parking at this time.

3 MR. MOENCH: Thank you.

4 And I just want to make sure, I  
5 didn't actually get an answer to the last  
6 question, which was: Have you done -- you have  
7 not looked at any alternatives specifically that  
8 would provide additional parking, such that it  
9 would get you closer to the number required by  
10 the ordinance. Am I correct?

11 MR. HERMANN: I apologize, I thought  
12 I answered that question before. So we  
13 identified, as we've talked about, certain areas,  
14 but no, we have not done a layout to see how many  
15 parking stalls I could get in those areas.

16 MR. MOENCH: Thank you. I have no  
17 further questions.

18 COMMISSIONER CASAMENTO: Thank you.

19 Please step forward with questions  
20 for this witness regarding his testimony.

21 MR. FRESCO: Andy Fresco, 15 Glen  
22 Eagles Drive, Bridgewater.

23 Just a quick question. Would  
24 curtailing or reducing any of the buildings help  
25 you meet the requirement without getting the

1 variance?

2 MR. HERMANN: From a calculations  
3 standpoint, if the square footage area goes down,  
4 the parking requirement.

5 PUBLIC SPEAKER: Talk into the mic.

6 MR. HERMANN: Is this better?

7 Sorry.

8 Can you ask that question again?

9 I'm sorry.

10 MR. FRESCO: Sure. So we're short  
11 parking spaces. If these folks don't grant you  
12 the variance, you'll need to figure out another  
13 way around it. To Matt's point, I'm asking: If  
14 you reduced the scope of this entire project,  
15 would you then be able to work with the parking  
16 spaces that meet the town's rules?

17 MR. HERMANN: I can't talk to any  
18 plan of any reduction in building, but from a  
19 mathematical standpoint, if you reduce the square  
20 foot, the parking requirement would go down.

21 MR. FRESCO: Great. Okay. Thank  
22 you.

23 COMMISSIONER CASAMENTO: Please step  
24 forward with questions for this witness regarding  
25 his testimony.

1 MS. GALLAGHER: Yeah, my name is  
2 Mary Gallagher. I live on Highland Avenue in  
3 Bridgewater. I just -- regarding all the  
4 parking, I'm wondering about truck delivery,  
5 you've got the grocery store, and boutiques and  
6 everything. We're talking about parking, but  
7 what about delivery or offsetting all of that? I  
8 just want to know if there's room.

9 MS. DORY: I just wanted to clarify  
10 that question, that this is -- this parking  
11 variance is only for the ORD Zone, which is  
12 currently a research and development campus.

13 COMMISSIONER CASAMENTO: Good  
14 evening.

15 MS. MINE: Good evening, Diane Mine,  
16 M-I-N-E, 743 Cedar Brook Road.

17 My question is, if you're not given  
18 approval, and you need to go to those areas that  
19 you designated as environmentally challenging,  
20 what are the environmental issues that you're  
21 thinking -- or you know are a concern?

22 MR. HERMANN: There are some  
23 environmental constraints. The flood hazard area  
24 does extend into that area. And there are some  
25 wetlands --

1                   COMMISSIONER RODZINAK: You need to  
2 hold it closer.

3                   MR. HERMANN: There are some  
4 wetlands -- there are some wetlands located along  
5 the Peters Brook, so we would need to address all  
6 the requirements with the DEP before any  
7 construction that we do within those concerned  
8 areas.

9                   MS. MINE: I live right across --  
10 diagonally behind it, and I'm very familiar with  
11 the wetland problems and the environmental  
12 concerns, that we don't have the turtles that we  
13 used to have. So are you claiming that you would  
14 disrupt an area that is already environmentally  
15 challenged, and put cars parked on that area?  
16 That would be your plan?

17                   MS. DORY: If I might just  
18 interject: The plan right now is not to add any  
19 additional parking. We're asking for an approval  
20 that the 1,168 spaces that exist are more than  
21 adequate. So we have testimony that will  
22 demonstrate that, and at this time, we're not  
23 proposing any additional parking.

24                   MS. MINE: Okay. I'm just concerned  
25 that the additional parking you're requesting

1 doesn't seem feasible, and then, from that step,  
2 your next step would be more of a problem. But  
3 as for wetlands, that is not a good issue.

4 Thank you.

5 COMMISSIONER CASAMENTO: Thank you.

6 COUNCILMAN NORCALIS: I have one  
7 more question. I thought the issue was not that  
8 the 1,100 was sufficient, but if the 1,100 is not  
9 sufficient, you have the property available to  
10 then add the necessary parking spots.

11 MS. DORY: Yes, that's correct.

12 COUNCILMAN NORCALIS: And I think  
13 the lady's question was, is there environmentally  
14 sensitive area that you're going to encroach upon  
15 if you attempt to get beyond the 1,100? And it  
16 sounded like we know there's 1,100, but you're  
17 not just asking for approval for 1,100, you're  
18 asking for approval for the 1,100 and whatever  
19 else number you need up to 1,900, and then you'll  
20 find the space for it somehow.

21 MS. DORY: No. I'm sorry if it was  
22 confusing, but we're just asking for approval for  
23 the 1,168 spaces, and we will have witnesses to  
24 testify that that's more than adequate, and we're  
25 not planning on any existing impervious coverage

1 to provide additional parking.

2 COUNCILMAN NORCALIS: Then I -- I'm  
3 sorry, I guess I don't understand. I thought my  
4 original thing was, you have 1,100, and you know  
5 they're there, but if you needed more, you  
6 could -- you could expand beyond the 1,100. But  
7 I think you're saying you never expect to expand  
8 beyond the 1,100.

9 MS. DORY: That's correct.

10 COUNCILMAN NORCALIS: So what you're  
11 really saying is you want an exception to the  
12 ordinance that says 1,100 is okay.

13 MS. DORY: Well, the applicant  
14 understands, if there was any change in the use  
15 of the ORD Zone portion of the property, they  
16 would have to return to the board, but at this  
17 time, they're asking for a variance based on  
18 1,168 spaces.

19 COMMISSIONER CASAMENTO: Good  
20 evening. How are you?

21 MR. KULAK: John Kulak, 13 Ramsey  
22 Street in Bridgewater.

23 Just a quick question. 1,168 spaces  
24 is what you're asking for to be approved. What  
25 did the ordinance call for? What's the gross

1 number that the ordinance calls for?

2 MR. HERMANN: 2,183.

3 MR. KULAK: So you're approximately  
4 1,000 short?

5 MR. HERMANN: 1,015 short.

6 MR. KULAK: 1,015. And your  
7 analysis is that the existing use for the  
8 property will be more than adequately served. So  
9 are you suggesting that the ordinance is off by  
10 50 percent?

11 MS. DORY: We will have an  
12 additional -- we will have an additional witness  
13 to testify as to the particular use here, but  
14 what we're testifying -- or will testify to is  
15 that the ordinance requirement for general office  
16 use did not contemplate this type of use that's  
17 existing on the property, and so the parking is  
18 more than adequate.

19 MR. KULAK: So the use that will  
20 be -- that is -- right now, is being projected,  
21 based on the future use or the current use, will  
22 never change, is what you're suggesting.

23 MS. DORY: No, the existing parking  
24 that's there is on the existing use of the  
25 property.

1 MR. KULAK: So if employers change,  
2 if usage slightly -- we don't know what  
3 technology is going to be, so if there are more  
4 people coming into the same existing facility  
5 requiring more parking, there's no adequate plan  
6 for it, there's just a future, we'll come back to  
7 you and ask.

8 MS. DORY: The applicant understands  
9 that if there's a substantial change that affects  
10 parking, they will have to return to the board.

11 MR. KULAK: Okay. Thank you.

12 (Mr. Troutman arrived.)

13 COMMISSIONER CASAMENTO: Is there  
14 any other member of the public with questions of  
15 this witness regarding his testimony?

16 Good evening.

17 MS. WHALEN: Hi, I'm Laura Whalen,  
18 1238 Mt. Vernon Road.

19 I have a question. Bridgewater is  
20 number 8 in the state in terms of redevelopment  
21 plans. Why should we want to give you a variance  
22 at all? People want to develop here. People  
23 want to own here. We're number 8 in the state  
24 out of 535 municipalities. What's for us?

25 MS. DORY: Madame Chair, I'm not



1           sure if the question relates to Mr. Hermann's  
2           expertise or testimony.

3                       MR. COLLINS:   Yeah, you have to ask  
4           questions related to what he talked about.

5                       MS. WHALEN:   So what's the -- so  
6           maybe it's a question for the planning board.

7                       MR. COLLINS:   You have to ask  
8           questions of this witness.

9                       COMMISSIONER CASAMENTO:  Yeah, right  
10          now, we're just asking questions of the witness  
11          regarding his testimony.  There's going to be an  
12          opportunity later for additional comments.

13                      MS. WHALEN:   Okay.  Great.

14                      So how many -- what is the projected  
15          employment numbers?  How many people will be  
16          employed in that zone?

17                      MS. DORY:   We will have another  
18          witness that will testify as to the use of the  
19          property and those types of questions.

20                      MS. WHALEN:   Could you tell me the  
21          number that was used in the calculations in order  
22          to calculate the parking spots?

23                      MR. HERMANN:   The number that was  
24          used to calculate -- the number that was used to  
25          calculate the required parking is based on the

1 ordinance requirement of one stall per every 300  
2 square feet for office and laboratory use. For  
3 654,738 square feet, that's equal to 2,183  
4 parking stalls required for those two uses within  
5 the R&D facility.

6 MS. WHALEN: So it's simply based on  
7 space and not the number of employees?

8 MR. HERMANN: Correct.

9 MS. WHALEN: Correct. So if there's  
10 3 to 4,000 people expected to be employed in the  
11 entire complex, is there a portion -- what  
12 portion of that is covered by this zone and what  
13 portion is the other zones? And do those other  
14 zones have a similar witness or expert testimony?

15 MS. DORY: Well, just to take the  
16 first part of your question, the ordinance  
17 requirement is based upon square footage and not  
18 the number of employees. And we previously  
19 testified as to parking requirements for the  
20 R-Seed, which is the redevelopment portion --

21 MS. WHALEN: So there's no more  
22 questions on that?

23 MS. DORY: There's no more testimony  
24 presented for that today. This testimony is only  
25 for the parking variance for the ORD Zone.

1 MS. WHALEN: Okay. All right.

2 Thank you.

3 COMMISSIONER CASAMENTO: Thank you.

4 Please come forward, state your name  
5 and address for the record.

6 MS. SELIKOFF: Patty Selikoff, 16  
7 Gibson Terrace, Bridgewater, New Jersey.

8 So my question I had, so you are  
9 pointing out that you have designated areas that  
10 you would put the additional, you know, parking,  
11 if you don't get the variance. What would you --  
12 let's say you can't touch the wetlands. Let's  
13 say DEP says, good luck, no. What would you --  
14 how -- I guess, to alleviate that -- or at least  
15 get to your number that you want, would you put a  
16 structure there? Like, would it be another  
17 parking garage, so that you could -- or is that  
18 completely out of your realm to accommodate those  
19 extra parking spaces?

20 MS. DORY: If we needed to provide  
21 additional spaces, we would return to the board.  
22 At this time, the parking variance is only for  
23 the existing stalls.

24 MS. SELIKOFF: But you guys haven't  
25 thought about whether or not it would need -- a

1 parking garage would be needed to put in there in  
2 those extra spaces that you're talking about.

3 MS. DORY: We would do that in the  
4 future, if we had to return to the board.

5 MS. SELIKOFF: And have you  
6 considered -- like, have you guys considered the  
7 growth that this particular site might have over  
8 the next 10, 15 years?

9 MS. DORY: There'll be an additional  
10 witness that will testify as to the current use  
11 of the property, and that it's likely to remain  
12 as it currently exists, because it would be not  
13 economically feasible to change it. So the  
14 current parking variance request is for the  
15 existing use, which is contemplated to remain.

16 MS. SELIKOFF: Okay. All right.  
17 Thanks.

18 COMMISSIONER CASAMENTO: Thank you.

19 MR. HOPF: Bill Hopf, 770 Mountain  
20 View Avenue, Bridgewater.

21 I'm just kind of getting hung up on  
22 the current usage, and I keep on hearing you say  
23 that, based on the current usage, which to me  
24 sounds like number of employees. I heard you say  
25 that the 301-square-foot spot in the current

1 ordinance doesn't necessarily apply to the way  
2 the space is currently being used.

3 Given that, could the current  
4 employers just put in more of the same type of  
5 employees, using the space the same way they're  
6 using now? And if so, how many more could they  
7 put in there without going to the board for any  
8 sort of changes in approval or -- I'm sorry, I'm  
9 not sure I'm using the right words -- variances  
10 for zoning? I'm just trying to figure out  
11 whether or not you've taken into account any sort  
12 of increase in employees, current usage, versus  
13 the 1,168 spots.

14 MS. DORY: Madame Chair, if I may,  
15 we will have another witness that will be able to  
16 address these sorts of questions. This is not  
17 within Mr. Hermann's expertise or scope of his  
18 testimony.

19 COMMISSIONER CASAMENTO: Who's going  
20 to be able to answer those questions, Mr. Dean?

21 MS. DORY: Mr. Dean will provide  
22 some testimony as to that, and also there'll be a  
23 real estate broker, Mr. Loughlin.

24 COMMISSIONER CASAMENTO: Okay.  
25 Thank you.

1 MR. HOPF: Thank you.

2 MR. PLACEK: Pawel Placek, 13 Claire  
3 Drive.

4 So my question is you're talking  
5 about car use. Right? And it's a little bit  
6 built up on the previous question. As you know,  
7 the companies are using the open space models  
8 right now, where they can fit three, four times  
9 as many people as they can in the fixed office  
10 model. What's the current use? Is it based on  
11 cubicles and offices? Is it open space? Can it  
12 skyrocket in the air, like, three, four times, or  
13 maybe five times?

14 MS. DORY: Again, Madame Chair, I  
15 think this question is more appropriate for the  
16 other two witnesses.

17 MR. PLACEK: Okay. But we're  
18 sitting in the room, and we're not getting the  
19 questions being answered. So we'll wait for the  
20 other witness.

21 COMMISSIONER CASAMENTO: Thank you.

22 Is there any other member of the  
23 public for questions of this witness regarding  
24 his testimony?

25 Seeing none -- oh, hang on. Hi, how

1 are you?

2 MR. OLENICK: Patrick Olenick, 458  
3 Foothill Road, Bridgewater.

4 My question to you, sir, is, with  
5 work-from-home detail, do we have any assurances  
6 from the businesses that are currently there that  
7 people are going to actually come to work, and  
8 they're going to destroy this property. Has  
9 there any studies been done -- I mean, a lot of  
10 employers are cutting back in many ways, and  
11 there's no need to really be excessive with  
12 parking spaces. Has that been a consideration?

13 MS. DORY: I'm sorry, sir, but the  
14 ordinance requirement for parking is based on  
15 square footage, and at this time, we don't have  
16 any information about the future, you know,  
17 employees, or whether the employees are actually  
18 using the space. Is that your question?

19 MR. OLENICK: That is my question,  
20 yeah. I think it's important to decide who's  
21 actually going to be employed in the future.

22 MS. DORY: Madame Chair, I don't  
23 believe this question is within the scope of  
24 Mr. Hermann's testimony.

25 MR. COLLINS: You have to focus

1 questions about testimony that Mr. Hermann gave,  
2 and he didn't talk about that.

3 MR. OLENICK: Okay. That's okay.  
4 No problem.

5 COMMISSIONER CASAMENTO: Thank you.

6 Any other member of the public with  
7 questions for this witness regarding his  
8 testimony, please come forward. Anyone?

9 Okay. Thank you.

10 MS. DORY: So if I may, if we could  
11 move on to Mr. Dean.

12 COMMISSIONER CASAMENTO: Yes,  
13 please.

14 G A R Y D E A N, having been  
15 previously sworn, remained under oath and  
16 testified as follows:

17 MR. DEAN: Good evening.

18 MR. COLLINS: Mr. Dean's  
19 qualifications as a professional engineer and a  
20 traffic engineer and expert have previously been  
21 accepted and are still accepted.

22 And Mr. Dean, you understand that  
23 you are still under oath?

24 MR. DEAN: Yes, I do.

25 MR. COLLINS: Thank you.



1 MS. DORY: And Mr. Dean submitted a  
2 parking variance report dated August 29th. It  
3 included a summary of a series of parking surveys  
4 that his firm completed, as well as the report,  
5 that demonstrates that the parking is more than  
6 adequate for this area of the property.

7 DIRECT EXAMINATION

8 BY MS. DORY:

9 Q. So, Mr. Dean, could you please give  
10 the board an overview of your parking variance  
11 study for the ORD Zone?

12 A. I will. Good evening. And I do  
13 understand I'm still under oath.

14 I'm going to refer to an aerial  
15 exhibit. It's an image from Mr. Hermann's firm,  
16 PS&S, that depicts the property in question.  
17 North is to the right-hand side of the  
18 exhibit -- I'll make it easier: North is now to  
19 the top, 287 is to the left, and Route 202/206  
20 is to the right.

21 You've heard a description as to  
22 the number of parking spaces that are presently  
23 on the campus. When I say "the campus," I'm  
24 referring to that section of the overall tract  
25 that essentially is the western side of the

1 overall property. That is a secured area that  
2 is gate and guard controlled. That is a  
3 research and development campus.

4 That particular portion of the  
5 site, lying in a different zone, as you've  
6 heard, requires roughly 2,200 parking spaces.  
7 The site doesn't have that today. The site is  
8 fully developed today. And the site, by and  
9 large, is fully occupied today.

10 The board is aware -- the public,  
11 perhaps, doesn't realize -- that an ordinance is  
12 a guiding planning tool, where we don't have  
13 specific information, where it's a guess, it's  
14 an estimate as to certain requirements. As a  
15 site is developed, and we see tenancy, we have  
16 the opportunity to go out and study, and see  
17 whether the ordinance, in fact, makes sense or  
18 not, given the particular land use.

19 My firm was retained about a year  
20 and a half ago to conduct that very study. And  
21 what we did, it was early to mid June of 2018,  
22 we actually surveyed, using a drone, the  
23 occupancy of every single parking space that's a  
24 surface space, and I also had personnel go  
25 within -- and I'm pointing to the multi-story

1 parking garage.

2           And we looked at the parking  
3 demands of this campus during peak periods --  
4 and those periods are generally concentrated at  
5 10 in the morning and around 2 o'clock in the  
6 afternoon -- and we studied exactly the parking  
7 demands and patterns for this site. We started  
8 on June 5th. We went to June 6th, 7th, 8th in  
9 the morning, Tuesday the 12th, and Wednesday,  
10 June 13th. We've compiled all of that data, and  
11 it's summarized in our report addressed to the  
12 board, dated August 29, 2019.

13           Given that a certain amount of time  
14 had elapsed since this presentation, we also did  
15 a test this summer, to identify whether we were  
16 reasonably close, and the findings were  
17 virtually identical.

18           The single peak day of use was on  
19 June 12th, and we identified a maximum use --  
20 I'm sorry, July 9th of this year -- a maximum  
21 use of 529 parking spaces, that's it, out of an  
22 ordinance requirement of close to 2,200. The  
23 campus, at the time of that study, was 93  
24 percent occupied, fully tenanted.

25           So we accounted for that 7 percent

1       vacancy to forecast what the site actually needs  
2       for parking -- not what the ordinance requires,  
3       but what it currently demands -- and that number  
4       is 569. It's less than half of the available  
5       parking that would be available in the future.

6               So in terms of the concerns of what  
7       if, maybe, employment trends change, we have 100  
8       percent surplus capacity, in terms of those  
9       types of tenancy fluctuations.

10              As I contrast that with the  
11       ordinance, your ordinance requires almost four  
12       times more parking than this site needs, and  
13       that is the basis for the variance request, that  
14       to provide additional parking to increase  
15       impervious coverage, to build blacktop that  
16       isn't needed, in my opinion, it's  
17       environmentally irresponsible, but more  
18       importantly, from a planning perspective, it's  
19       just wasted space, and there is little value in  
20       providing that.

21              And to me, it's clear that the  
22       ordinance hasn't kept pace with certain trends:  
23       the fact that there are buildings occupied with  
24       substantial laboratory space, equipment space,  
25       storage space, that just there's no people in

1       them, it's just it occupies that area. So your  
2       ordinance, I'll say, unfortunately, overstates  
3       the amount of parking that this particular site  
4       needs.

5                   And now that we have multiple years  
6       of ownership by the applicant, and I will say at  
7       least by studying the parking, I'm confident  
8       that sufficient justification exists to  
9       essentially grant the variance, which allows  
10      this use to continue as it has.

11                   And that is the essence of this  
12      application, to appropriately size the parking  
13      for the uses of these buildings. And so I'm  
14      confident, and our report shows, that the relief  
15      can be granted with no detriment to the zone  
16      plan or zoning ordinance, in that we have twice  
17      as much parking as the site needs, even to  
18      accommodate future -- not increase in building  
19      area, but we'll say employment increases. So I  
20      feel confident, as does ownership, that this  
21      site has sufficient parking.

22                   That's the essence of my testimony.

23                   MS. DORY: I have no further  
24      questions.

25                   COUNCILMAN NORCALIS: I have a

1 question.

2 COMMISSIONER CASAMENTO: Councilman?

3 COUNCILMAN NORVALIS: Mr. Dean, I  
4 know you as a very accomplished traffic person,  
5 but I'm surprised that you would use a July 9th  
6 date, a summer date adjacent to a July 4th  
7 holiday, as the traffic count for a building.

8 MR. DEAN: Of course, Mr. Norgalis.

9 COUNCILMAN NORVALIS: That seems to  
10 defy all creativity, so to speak.

11 MR. DEAN: That is the reason we  
12 started doing our study in June of last year,  
13 which was not during a summertime, and the  
14 results are consistent.

15 (Audience interruption.)

16 COUNCILMAN NORVALIS: So you're  
17 saying --

18 MR. DEAN: I'm having a hard time  
19 hearing you.

20 COUNCILMAN NORVALIS: -- it's so  
21 sufficient, that we should change the ordinance  
22 to go for one quarter of the number of spots as  
23 it relates to that facility?

24 MR. DEAN: We're not asking you to  
25 change the ordinance; we're asking you, given the

1 proofs of this particular case, and the fact that  
2 the use is here and the parking spaces are here,  
3 and it's twice as much parking as this site  
4 needs, I think that's sufficient justification to  
5 grant the relief.

6 And our study was conducted in early  
7 June of '18, which was a non-summer count. The  
8 only reason we took the count in July of this  
9 year is anticipation of this very evening, and it  
10 was when we needed to file our documents. And  
11 the results were consistent, so I feel confident  
12 in the data.

13 COMMISSIONER FRANCO: Mr. Dean,  
14 Ms. Dory, are you going to have someone testify  
15 as to the difference between laboratory use and  
16 office use, and the occupancy load of each type?

17 MS. DORY: We will have a witness  
18 that will testify as to the use of the property,  
19 and what portions are office; what portions are  
20 research and development.

21 COMMISSIONER FRANCO: But also the  
22 occupancy load?

23 MS. DORY: Right.

24 COMMISSIONER FRANCO: Because  
25 there's a requirement for each type of use.

1 MS. DORY: Yes.

2 COMMISSIONER FRANCO: Okay.

3 COMMISSIONER CASAMENTO: Mr. Dean,  
4 you said that, when you did the traffic study, 93  
5 percent of the buildings were occupied. Correct?

6 MR. DEAN: Correct.

7 COMMISSIONER CASAMENTO: So if that  
8 7 percent were to become occupied, and it was at  
9 full capacity, that 7 percent, is that similar  
10 space? And by that I mean is that also  
11 laboratories, as opposed to cubicles that would  
12 fill it quicker?

13 MR. DEAN: Fair point. We assumed  
14 that, given that 93 percent of the site is  
15 occupied, that the remaining 7 percent would be  
16 so-similarly used. If it went 100 percent  
17 office, I suspect that that number would go up  
18 slightly.

19 The difference was -- I don't know  
20 what 7 percent of 654,000 is, but it is roughly  
21 46,000 square feet. So if that went all office,  
22 at say four spaces per thousand, that's 90  
23 spaces. We have nearly 600 empty. So even if it  
24 were to go to that extreme, there's still  
25 sufficient capacity in the parking lot.



1 COMMISSIONER CASAMENTO: Thank you.

2 Any other member --

3 MR. COLLINS: I have a question.

4 Mr. Dean, was a variance previously  
5 granted for this parking arrangement?

6 MR. DEAN: I don't believe so, only  
7 because -- and I'll let Ms. Dory chime in -- that  
8 the zoning -- the split zone of the site was a  
9 relatively recent creation. So the creation of  
10 the Seed, or S-E-E-D Zone, put the OR-2 Zone  
11 (sic) into a variance situation.

12 MS. DORY: If I might just add to  
13 that, Mr. Collins, there was, indeed, a parking  
14 variance that was granted in 2008 by the planning  
15 board -- and I probably should have mentioned  
16 that into my introduction to this parking  
17 variance request -- but that variance was for the  
18 entire New Jersey Center of Excellence campus,  
19 which is the ORD Zone, and now the R-Seed zone.

20 And that, at that time, the board  
21 granted a variance for -- I believe it was about  
22 a little over 2,000 spaces was adequate for the  
23 entire 109-acre campus, based on the research --  
24 similar research and development type of use by  
25 Sanofi Aventis.

1                   So if you contrast that to the  
2                   current parking variance request for 1,168 spaces  
3                   for the approximately 47 acres in the ORD Zone,  
4                   it's pretty much comparable, if not more.

5                   MR. COLLINS:   And so is another  
6                   witness going to talk about that variance, and  
7                   the similarity of this?

8                   MS. DORY:    Yes.

9                   MR. COLLINS:   Okay.

10                  COMMISSIONER CASAMENTO:   Any other  
11                  member of the planning board with a question for  
12                  this witness?

13                  MAYOR HAYES:   I just have --  
14                  Ms. Dory, so you're saying that, when it was all  
15                  used as the back is used now, there was a  
16                  significant reduction in parking need from our  
17                  ordinance; hence, the board, then, had given a  
18                  similar -- similar, I don't know about the  
19                  numbers -- relief.  Is that what you're saying?

20                  MS. DORY:    Yes, and a copy of that  
21                  2008 -- the resolution for that 2008 approval was  
22                  included in the submission that we made on August  
23                  30th.

24                  COMMISSIONER CASAMENTO:   Okay.  
25                  Thank you.

1                   Is there any member --

2                   MR. COLLINS: I guess I do have some  
3 more questions for Mr. Dean, then.

4                   So, Mr. Dean, you know, hearing what  
5 Ms. Dory said, and then translating that to the  
6 property, are the spaces that are associated with  
7 these buildings generally proximate to these  
8 buildings, so that it's an easy walk for the  
9 occupants of the buildings to use these parking  
10 lots?

11                  MR. DEAN: Correct. As I indicated,  
12 when we did our study for the parking, we  
13 basically used the internal roadway that  
14 essentially bisects the campus -- that bisects  
15 the campus -- the answer is yes, Mr. Collins.

16                  MR. COLLINS: Why don't you sit by  
17 the table. I don't think I'll make you use the  
18 map. But I do just want to try to get a sense of  
19 where these thousand or 1,100-plus spaces,  
20 relative to the buildings in the zone that will  
21 remain, and where were the other thousand that  
22 will no longer be needed, because some buildings  
23 are no longer using them? So it's just basically  
24 geography of the spaces.

25                  MR. DEAN: I'm now referring to the

1 prior exhibit that Mr. Hermann used. It's a  
2 sheet labeled C-03.01.

3 The line that we used, the parking  
4 areas that we considered are identified on the  
5 plan as being Foundry Lane, which is to the  
6 right-hand side of the exhibit, and it  
7 basically -- the parking areas we studied are all  
8 of those in the colored area of this map.

9 So, yes, they are proximate to the  
10 building. They include the parking structure and  
11 the four or so larger paved parking areas that  
12 you'll see are distributed around the campus and  
13 the buildings.

14 MR. COLLINS: And so will the other  
15 buildings that are existing buildings that will  
16 be demolished as part of the overall development  
17 and redevelopment of the entire tract. Is that  
18 correct?

19 MR. DEAN: That is correct, and a  
20 security fence will be accordingly adjusted to  
21 segregate the ORD portion of the site from the  
22 R-Seed portion of the site.

23 MR. COLLINS: And so, actually, some  
24 of the existing parking lots that are servicing  
25 the existing buildings that are being demolished,

1           they will be rebuilt or maybe removed and new  
2           parking lots will be built in the other  
3           redevelopment portion of the total tract. Is  
4           that your understanding?

5                       MR. DEAN: That is correct.

6                       MR. COLLINS: Thank you.

7                       COMMISSIONER CASAMENTO: Any other  
8           questions from the board?

9                       Seeing none, I'll open it up to the  
10          public at this time. Any member of the public  
11          with a question for this witness regarding his  
12          testimony, please come forward.

13                      State your name and address for the  
14          record.

15                      MR. MOENCH: Good evening, Matthew  
16          Moench, 1303 Roger Avenue.

17                      Sir, if you wouldn't mind, can you  
18          just provide for me how you define occupancy?  
19          You've mentioned that a few times in your  
20          testimony.

21                      MR. DEAN: Sure. Whether we  
22          observed a car parked in the space or not. It's  
23          either occupied or vacant.

24                      MR. MOENCH: Sure. I should have  
25          clarified. You talked about occupancy of the

1 buildings. You talked about 93 percent, 7  
2 percent. So what do you mean when you say  
3 "occupied"?

4 MR. DEAN: That the space was leased  
5 and tenanted.

6 MR. MOENCH: Okay. Did you do  
7 any -- did you gather any information to  
8 understand whether or not those particular  
9 spaces, while leased, are being used at their  
10 maximum capacity? In other words, a company  
11 could own 40,000 square feet of site, but still  
12 be in the process of moving employees in, or  
13 otherwise building up that space.

14 MR. DEAN: And that's one of the  
15 reasons that we did the snapshot, if you will, of  
16 parking, both in 2018 and 2019, to eliminate the  
17 potential for that, say, marginal fluctuation.

18 MR. MOENCH: So is that a no, that  
19 you didn't get any data specifically from the  
20 companies regarding their individual usage of the  
21 space?

22 MR. DEAN: I did not poll the  
23 individual tenants, no.

24 MR. MOENCH: So do you have any  
25 knowledge about the tenants with regard to any

1 plans that they may have with regard to expanding  
2 their usage within the footprint of the building  
3 that they currently have now?

4 MR. DEAN: I did not, no.

5 MR. MOENCH: Do you have any  
6 knowledge regarding the leases for those tenants,  
7 to understand how long each tenant may or may not  
8 be planning on residing in the current space?

9 MR. DEAN: No.

10 MR. MOENCH: When you --  
11 Mr. Norgalis already commented on the timing of  
12 the study. Did you have any data from the  
13 companies, at the time that you took the study,  
14 with regard to their particular employees, and  
15 vacation time, or data with regard to employees  
16 working or not working at the times that you took  
17 the data?

18 MR. DEAN: No.

19 MR. MOENCH: Mr. Collins, there was  
20 some commentary by counsel with regard to this --  
21 I guess some kind of variance that was previously  
22 issued. I didn't hear whether or not there's  
23 going to be a witness to testify to that, or  
24 whether counsel is a witness with regard to the  
25 facts of that --

1 MR. COLLINS: That's more of a  
2 question for Ms. Dory.

3 MS. DORY: We'll have another  
4 witness to testify to that.

5 MR. MOENCH: Okay. Sir, have you  
6 done any analysis with regard to the condition or  
7 usage of the site as it existed at the time that  
8 that particular variance was granted by the  
9 planning board, compared to how it is now?

10 MR. DEAN: No.

11 MR. MOENCH: Could you clarify for  
12 me, within the site -- portion of the site that  
13 we're talking about here, what buildings are  
14 going up or coming down? Or are there no changes  
15 with regard to the buildings?

16 MR. DEAN: I can't speak to that  
17 definitively. I mean, the campus is comprised of  
18 numerous buildings, so I don't have an answer for  
19 that. I know that the total ORD Zone area is 654  
20 and change square feet.

21 MR. MOENCH: Okay. I heard  
22 testimony, I think it was from you, sir, but it  
23 may have been from the prior witness, with regard  
24 to two condominium buildings, I think, that were  
25 a part of this area.



1                   MR. DEAN: That was a different  
2 witness.

3                   MR. MOENCH: Am I correct, though,  
4 that those buildings are in this area?

5                   MR. DEAN: I don't know.

6                   MR. MOENCH: So you, in providing  
7 your parking study, don't know what buildings may  
8 or may not change within the site?

9                   MR. DEAN: I looked at the area that  
10 would remain and the parking as it's being used  
11 today.

12                   MR. MOENCH: Okay. But you don't  
13 know what areas are -- if you don't know what  
14 buildings are coming up or coming down, how do  
15 you know what areas are going to remain to  
16 calculate the parking?

17                   MR. DEAN: That's why Mr. Hermann  
18 and I consulted, and that's why, in our report  
19 from August 29th, I listed the 10 or so different  
20 parking lots for the ORD Zone that will remain,  
21 so that they're being used today, and they will  
22 continue to be in service for the campus. So  
23 assuming that that stasis continues, I have every  
24 expectation that that's a valid sample.

25                   If buildings are going down as part

1 of the redevelopment area, that's a different  
2 part of this discussion.

3 MR. MOENCH: And to be clear: I'm  
4 only asking you about the portions of the  
5 buildings that are in the ORD section. I'm not  
6 talking about the front portions of the  
7 buildings.

8 Is the security fence there now?

9 MR. DEAN: Yes.

10 MR. MOENCH: Was it there when the  
11 site was one tenant?

12 MR. DEAN: It's there today, yes.

13 MR. MOENCH: Was it there --

14 MR. DEAN: I don't know in the past.

15 MR. MOENCH: Okay. You don't know  
16 when the site -- when the fence was put up?

17 MR. DEAN: I don't know when the  
18 fence was put up.

19 MR. MOENCH: And did you do any  
20 analysis with regard to how those buildings could  
21 be used internally within their maximum -- within  
22 the current approvals, those tenants being able  
23 to change how they internally use those  
24 buildings?

25 MR. DEAN: That exists with any

1 tenanted building. And looking at the fact that  
2 this is a multi-tenanted facility -- much like a  
3 shopping center, tenants come and go, but the  
4 overall demands remain consistent. So if one  
5 lower tenant moves in, but a higher tenant moves  
6 out, that'll reduce parking; conversely, it could  
7 increase.

8 But the fact that we have more than  
9 twice as much parking as is needed, I'm pretty  
10 confident that those speculative changes can  
11 readily be absorbed in the surplus.

12 MR. MOENCH: But the concern that,  
13 certainly, I have here, is that we're talking  
14 about eliminating over half of what's required,  
15 and the concern being, of course, that those  
16 tenants change in some capacity over the course  
17 of time, and therefore, now, we have a shortness  
18 of parking, which otherwise impacts the rest of  
19 the site, because it backs up in terms of the  
20 rest of the site.

21 So if I understand correctly, your  
22 testimony is pretty much limited to two snapshots  
23 of time of counting parking spaces, but you have  
24 not done any analysis with regard to usage of the  
25 building or how that may impact or change parking

1 over time.

2 MR. DEAN: Just so we're clear, it's  
3 11 snapshots in time.

4 MR. MOENCH: Within summer months.  
5 We got it. Thank you, sir.

6 MR. DEAN: I disagree with you.  
7 June 5th is not a summer month.

8 MS. DORY: I just wanted to clarify  
9 the last question: There's no buildings in the  
10 ORD Zone that are to come down as part of this  
11 application. The applicant understands that, if  
12 there are any changes to the buildings in the ORD  
13 Zone, that they would have to return to the  
14 board.

15 COMMISSIONER CASAMENTO: Thank you.

16 Is there any member of the public  
17 with questions of this witness regarding his  
18 testimony.

19 MR. FRESCO: Hello, Andy Fresco, 15  
20 Glen Eagles Drive, Bridgewater.

21 Sir, you're obviously familiar with  
22 the ordinance. I'm quoting you roughly: You say  
23 that it overstates the amount needed. Is that  
24 correct?

25 MR. DEAN: Yes, we've proven that to

1 be the case.

2 MR. FRESCO: Are you aware of  
3 whether or not all the neighboring businesses on  
4 202/206 are required to meet the same ordinance?

5 MR. DEAN: I've only studied, and  
6 analyzed, and provided empirical data for this  
7 portion of this site. I don't know about any  
8 other uses.

9 MR. FRESCO: But it is an ordinance,  
10 though. So maybe somebody on the panel can  
11 clarify for us whether or not everybody has to  
12 live by these rules or not. I think that's  
13 important, because if all the businesses in this  
14 corridor have to work within this ordinance, I  
15 think it's crazy to think that you shouldn't. It  
16 just seems like fair business.

17 Sir, who chose the time, this June  
18 date? Is that you personally? Is that your  
19 firm? Is that the applicant?

20 MR. DEAN: That's when the issue  
21 arose, and my firm was retained at that point in  
22 time to evaluate the parking.

23 MR. FRESCO: Right. Right.

24 MR. DEAN: So that's --

25 MR. FRESCO: And just so I

1 understand -- I thought you said you used drones.  
2 Is that correct?

3 MR. DEAN: Yes.

4 MR. FRESCO: All of the -- the 11,  
5 as you say, instances -- although I thought I  
6 heard two -- the 11 instances were all done by  
7 drone? You didn't have any feet on the ground?

8 MR. DEAN: I had feet on the ground  
9 at the same time as the drone. I said that.

10 MR. FRESCO: Right. Is that the guy  
11 just controlling the drone, or is that actually  
12 people, like, looking and making sensible  
13 decisions, like, you know, that car is abandoned,  
14 or that may be -- some of these facilities have  
15 company cars, so maybe there were company cars  
16 there.

17 MR. DEAN: If it's a parked car, we  
18 saw it. The problem is there's a multi-level  
19 parking garage on the campus; the drone can't see  
20 through that. So I had to have personnel walk  
21 through the garage to count the number of parked  
22 vehicles in the garage.

23 MR. FRESCO: Okay. I just -- for  
24 the planning board, if anybody can answer my  
25 question, though, as to whether or not all the

1 businesses in Bridgewater are supposed to adhere  
2 to this ordinance, I think that's important for  
3 us to understand.

4 Thank you.

5 COMMISSIONER CASAMENTO: Thank you.

6 Any other member of the public with  
7 questions, please come forward.

8 Good evening.

9 MR. GANGOLI: Hi. Good evening.  
10 Gaurav Gangoli, 8 Garfield Avenue, Bridgewater.

11 MR. COLLINS: Could you spell your  
12 last name?

13 MR. GANGOLI: G-A-N-G-O-L-I.

14 Just to give you some context, I'm a  
15 business unit leader for a multinational in town,  
16 and I do data analytics and modeling all day, so  
17 this is fun for me. We have this saying that,  
18 you know, the only thing worse than no model is a  
19 poorly constructed model --

20 MR. DEAN: I'm having a hard time  
21 hearing you, so if you don't mind just slowing  
22 down and articulating just a bit.

23 MR. GANGOLI: Sure. So my job all  
24 day is data analytics and modeling. So this is  
25 exciting to me. So my questions come from that

1 context.

2 Can you tell us a little bit about  
3 the other data inputs you've had in here? So,  
4 for example, specifically incremental and  
5 decremental over time, let's say over the next  
6 five, ten-year time horizon. I'm not sure what  
7 time horizon the board looks at, but, for  
8 example, 10-year time horizon.

9 So what I mean by that is, just to  
10 give you some examples, you look over the past 25  
11 years, there's been an increase of 2.4 percent  
12 cars on the road in New Jersey. Right? So you  
13 extrapolate that out 10 years. Those are  
14 incrementals.

15 You've got decrementals, like snow  
16 in the wintertime doesn't always get picked up,  
17 so that's taking away space.

18 You've got changing workplace  
19 environments. So, for example, my multinational,  
20 we have a site in Titusville, New Jersey. They  
21 went open concept; tripled the capacity. So if  
22 that were to happen here, and if you pick up any  
23 business, periodically -- you'll see that it's  
24 the trend, there are various reasons for that, we  
25 won't get into that today -- but if that



1 happened, then your occupancy would automatically  
2 triple, then you'd be over.

3 I want to know what inputs in the  
4 model you've had, not over the past, but over the  
5 next 10-year time horizon.

6 MS. DORY: I'm sorry, can I use  
7 that?

8 MR. GANGOLI: Yeah.

9 MR. COAKLEY: Thank you.

10 Madame Chair, Mr. Dean is a traffic  
11 engineer, and he's provided his testimony in that  
12 field. I don't believe the question goes to  
13 his -- the scope of his testimony. You know,  
14 we've identified a parking variance that was  
15 previously granted for this entire site in 2008  
16 by the board, Sanofi used this entire property,  
17 pretty much in the same way.

18 We will have another witness that  
19 will provide information on the usage of the  
20 buildings in the ORD Zone, so I think these types  
21 of questions might be more appropriate for that.

22 COMMISSIONER CASAMENTO: Thank you.

23 Do you have a question regarding his  
24 specific testimony?

25 MR. GANGOLI: So if I -- correct me

1 if I'm wrong: So your scope is to look at  
2 current usage, and then project to the future  
3 based on that? What exactly is --

4 MR. DEAN: What I did was provide a  
5 snapshot of the current trends, and I accounted  
6 for non-rented space. So I assumed that the  
7 facility, at some point in its existence, would  
8 be fully occupied, and that is the adjustment I  
9 made.

10 MR. GANGOLI: But it's a -- so if  
11 the new occupants made no changes whatsoever, and  
12 kept the status quo, that's what your model is  
13 based on. Is that correct?

14 MR. DEAN: Correct.

15 MR. GANGOLI: So is it within your  
16 scope, then, to look what happens in the next,  
17 let's say, five years?

18 MR. DEAN: I cannot predict -- I  
19 wish we all could. There's no way to effectively  
20 model that, but for one caveat --

21 MR. GANGOLI: I would disagree.

22 MR. DEAN: -- and that is that I  
23 think I've demonstrated that there's sufficient  
24 buffer, there's sufficient reserve capacity in  
25 this parking lot, where the occupancy demands of

1 this entire campus could double, and there would  
2 still be sufficient parking.

3 After that, if it, for whatever  
4 reason, got to full occupancy, the market will  
5 then dictate the next step, and that is, does the  
6 applicant attract tenants who have higher  
7 employee parking demands? Perhaps they need to  
8 then consider, as counsel explained, an  
9 investment in going vertical, or finding other  
10 parking areas to accommodate those tenants;  
11 otherwise, those tenants can't be accommodated.  
12 So the market will ultimately dictate whether  
13 there's sufficient parking or not.

14 MR. GANGOLI: Right. And that's --  
15 I'm just projecting from market trends from the  
16 past. So if you look at the past, and how growth  
17 has happened over the future, you can somewhat  
18 use past trends to predict the future. So I'm  
19 just wondering if your model takes that into  
20 account.

21 So, for example, looking throughout  
22 the year, looking at, again, the increase in cars  
23 on the road, looking at shrinkage of -- or I  
24 should say increased density of workplaces,  
25 through open concept and other kinds of

1 arrangement --

2 MR. DEAN: Density ebbs and flows.  
3 Research and development facilities, as they have  
4 more elaborate technological needs, candidly,  
5 tend to wind up using more square footage with  
6 lower densities, contrasted with an office  
7 environment. Not universally, but this is a  
8 unique facility with -- I wouldn't characterize  
9 it as a traditional office environment.

10 MR. GANGOLI: Sure.

11 Last question: Besides the  
12 snapshots, what other inputs and assumptions and  
13 perimeters went into the model for your --

14 MR. DEAN: It's not a model, it was  
15 a study of actual conditions at the site,  
16 extrapolated to an assumed full occupancy. And  
17 the model itself is the site. It's not a  
18 prediction; it's what the site actually does.  
19 That provides us with a benchmark as to the  
20 parking demands of this particular site.

21 MR. GANGOLI: Just to save time, are  
22 there future testimony of folks that have done --  
23 that have looked out and said that, based on past  
24 trends, in the next five years, this is what it  
25 would look like, in terms of needs?

1 MS. DORY: We'll have another  
2 witness that will testify as to the use of the  
3 property and any anticipated -- you know, the  
4 fact that it would be unlikely for it to change  
5 from its current use.

6 MR. GANGOLI: Okay. Thank you.

7 COMMISSIONER CASAMENTO: Thank you.  
8 Good evening.

9 MR. BLAIR: Hello, Bart Blair, 856  
10 Bluestone Lane in Bridgewater.

11 I'm not an expert like you are, sir,  
12 with all the certifications and everything, but I  
13 have spent the last 14 and a half years working  
14 in the parking industry, specifically dealing  
15 with occupancy, scofflaw enforcement, and things  
16 like that. So I've got a little bit of  
17 experience.

18 We all have heard of the book Damn  
19 Lies in Statistics. We all know that statistics  
20 can be manipulated and shown to be used -- be  
21 used to show what we want to see.

22 You keep talking about June is not a  
23 summer month. Everybody in the room, when you  
24 said that, was kind of like, what? June is a  
25 summer month. And let's -- let's throw that out:

1       What statistics do you have that will show that  
2       that was a good time to sample, other than June  
3       is not a good -- a summer month?

4                   MR. DEAN:  I don't have a statistic,  
5       other than it is when schools are in session; it  
6       is what is widely considered to be pre-vacation  
7       time.  It's early June, so we don't have the  
8       vagaries of weather and snow, when people who  
9       elect to telecommute and don't come to the  
10      office.  So it is as representative -- as good  
11      representative a time as I can conceive, and I've  
12      spent 32 years conducting parking studies, and  
13      doing nothing but looking at traffic and parking  
14      trends, and June is absolutely a representative  
15      month --

16                   MR. BLAIR:  I think you're right  
17      about school --

18                   MR. COLLINS:  Sir, you have to --  
19      try to just ask questions at this time.  Okay?

20                   MR. BLAIR:  Sure.

21                   So you mentioned the July -- the  
22      studies you did in July had the highest numbers.

23                   MR. DEAN:  Correct.

24                   MR. BLAIR:  So why are we talking  
25      about that?  Because now, let's admit that July

1 is a summer month.

2 MR. DEAN: Sure.

3 MR. BLAIR: So what statistics do  
4 you have on what the occupancy percentage would  
5 be compared to June, or May, or April?

6 MR. DEAN: Well, the occupancy  
7 hasn't changed.

8 MR. BLAIR: The parking occupancy.

9 MR. DEAN: I can only share with you  
10 the data that I've collected, and that's been  
11 presented to the board --

12 MR. BLAIR: In your experience, do  
13 you have -- do you have an estimate of what  
14 July's occupancy would look like compared to an  
15 April?

16 MR. DEAN: Well, I have the actual  
17 number: It was 529 parking spaces out of 1,190.

18 MR. BLAIR: In what month?

19 MR. DEAN: July.

20 MR. BLAIR: Right. Do you have a  
21 comparison of July to April?

22 MR. DEAN: No.

23 MR. BLAIR: Traditionally.

24 MR. DEAN: I didn't study April.

25 MR. BLAIR: And not just here at

1 this site. You keep talking about how this site  
2 will be similar to other sites. So if that's  
3 true, is July 60 percent of an April?

4 MR. DEAN: No.

5 MR. BLAIR: What would you say it  
6 is, and what --

7 MR. DEAN: I've studied this site.  
8 I haven't looked at it for April, or November, or  
9 February. I haven't done that.

10 MR. BLAIR: So in 32 years, like you  
11 said, you don't have a way to tell us what July  
12 looks like compared to April?

13 MR. DEAN: Every site is different,  
14 and because this applicant is requesting a  
15 variance for this particular property, we've  
16 provided data when it was appropriate to do so.

17 MR. BLAIR: Okay. So your data, and  
18 not your expertise, is all we can get today?

19 MR. DEAN: Data, to me, is very  
20 compelling; buttressed by expert opinion.

21 MR. BLAIR: But you won't give me  
22 that expert opinion.

23 MR. DEAN: I haven't studied it.  
24 I've presented the data for this site.

25 MR. BLAIR: Thank you.



1 MR. DEAN: You're welcome.

2 MR. THAKKER: My name is Ketan  
3 Thakker. I live on 80 Shaffer Road in  
4 Bridgewater. I'm a resident from last 13 years  
5 in this town. Unfortunately, like the witness, I  
6 have not done any homework before coming here, I  
7 just came here to support the -- oppose the plan.

8 But as a professional, I am a real  
9 estate broker, and I know a little bit about  
10 Bridgewater real estate, how it's going on. When  
11 you say ordinance is not correct, it requiring  
12 some 2,000 some parking spaces, and you have  
13 shorted upon almost 50 percent, just a simple  
14 question is, in my mind -- most real estate in  
15 Bridgewater is 98 percent occupied. Now, if 98  
16 percent occupied, and you already short of almost  
17 50 percent parking, how can you accommodate? How  
18 can this variance can be granted? We're not  
19 developing in a third-world country; we're  
20 developing in Bridgewater.

21 MR. COLLINS: Sir, you asked a  
22 question. You have to --

23 MR. THAKKER: That's my question.

24 MR. COLLINS: Yeah, you have to wait  
25 and let him try to answer it.

1 MR. THAKKER: Okay. Go. Answer.

2 MR. DEAN: Sure. We're not  
3 developing this site; we're seeking approval for  
4 what's already there.

5 MR. THAKKER: Yes.

6 MR. COLLINS: For this -- this part  
7 of the application is just about the rear office  
8 research lab portion; not about the front  
9 portion.

10 MR. THAKKER: My question to you:  
11 Have you ever done study, recently, similar lab,  
12 how many -- how much occupancy in that lab?

13 MR. DEAN: We looked at the overall  
14 site; it was 93 percent occupied when we did our  
15 study. So the number that we got of 529, we then  
16 assumed it was at 100 percent occupancy, which  
17 brought us to 569 parking spaces.

18 MR. THAKKER: And how many ordinance  
19 requires parking space?

20 MR. DEAN: Roughly 2,200.

21 MR. THAKKER: And you think that's  
22 wrong. Right? You think ordinance is wrong.  
23 Right?

24 MR. DEAN: I think, when we study a  
25 site that's 93 percent occupied, and it only

1 requires a quarter of what the ordinance  
2 requires, I think there is a disconnect between  
3 that standard and this site's unique needs.  
4 That's the purpose of the variance request.

5 MR. THAKKER: Ladies and  
6 gentlemen --

7 MR. COLLINS: Sir, it's not time --

8 MR. THAKKER: -- I know, one second.  
9 I'm a taxpayer, and I have my opinion.

10 MR. COLLINS: Sir, it's not time --

11 MR. THAKKER: Every witness comes  
12 don't have answer --

13 MR. COLLINS: Sir. Sir.

14 MR. THAKKER: -- and they're proving  
15 you wrong, and this should not be approved.  
16 Thank you.

17 MR. COLLINS: Sir, you're not making  
18 statements at this time. You are asking  
19 questions at this time.

20 COMMISSIONER CASAMENTO: Just to  
21 remind everybody, this is the time to ask  
22 questions of the witness regarding his testimony.  
23 After all the witnesses are completed, we're  
24 going to have time for comments from the public.

25 Thank you.

1                   Is there any other member with a  
2                   question of the witness regarding his testimony?

3                   Come forward, please.

4                   MR. YU:   Hi name is Robert Yu and I  
5                   live at 1 Coventry Square.

6                   COMMISSIONER CASAMENTO:  Hi.

7                   MR. YU:   Hello.

8                   Sir, I just had a question.  You  
9                   had, I think, somewhere in your testimony, you  
10                  had mentioned that the timing of your survey,  
11                  back in 2018, in June, was related to when the  
12                  developer engaged your company to perform that  
13                  parking survey.  Correct?

14                  MR. DEAN:  Correct.

15                  MR. YU:   So they engaged you, and  
16                  then you, obviously wanting to serve them, you  
17                  performed the survey as soon as possible after  
18                  they engaged you.  Would that be correct?

19                  MR. DEAN:  Correct.

20                  MR. YU:   So if they had engaged you  
21                  in September, or December, or in March, you would  
22                  have performed your parking survey soon after  
23                  whenever they engaged you?

24                  MR. DEAN:  That's correct.

25                  MR. YU:   Okay.  So you had said that

1       you took empirical evidence of the parking demand  
2       in June, when you took your survey. Correct?

3               MR. DEAN: Correct.

4               MR. YU: So you've been very clear,  
5       because of that, you're very sure about what it  
6       is in June, and in July, but you can't give any  
7       testimony with regard to what it was empirically  
8       in September, or December, or March.

9               MR. DEAN: I did not study those  
10       periods, correct.

11              MR. YU: Okay. And you also --  
12       because you said it was a snapshot in time, that  
13       you're basing your analysis based on the existing  
14       situation with the existing tenants at the time  
15       of your survey, and that you're not looking  
16       either backyards or forwards. Is that correct?

17              MR. DEAN: Correct.

18              MR. YU: And you're not the correct  
19       witness for saying what the parking demand will  
20       be when the proposed changes are put into place.

21              MR. DEAN: The proposed change --  
22       there are no changes on the ORD campus, except  
23       for the removal of 22 parking spaces.

24              MR. YU: I'm sorry, I might have  
25       misheard, and I apologize for that. My

1 understanding, based on a question before, was  
2 that several buildings would be taken down in  
3 this zone, in the ORD.

4 MR. DEAN: That's incorrect.

5 MR. YU: That's incorrect?

6 MR. DEAN: That's incorrect.

7 MR. YU: And there are not going to  
8 be any other buildings erected in the ORD?

9 MR. DEAN: That is also correct.

10 MR. YU: And there's not going to be  
11 any adjoining properties that can access this  
12 parking space.

13 MR. DEAN: That is also correct.

14 MR. YU: Okay. I'm sorry, I just --  
15 I believe that I thought that there was some  
16 mention of condominiums in this space, in this  
17 zone -- not the large one, but the small one --

18 MR. COLLINS: I think Ms. Dory  
19 should help everyone. What is the condominium  
20 that you're referring to? It's not this  
21 particular reference, the condominium needs a  
22 little definition by the applicant's  
23 representative.

24 MR. COAKLEY: Yes, the property  
25 ownership scheme is that of a condominium. The

1           ORD Zone is held in two condominiums: Condominium  
2           2 and 3. You know, it's just a form of  
3           ownership.

4                       MR. COLLINS: It's not a  
5           multi-family housing unit.

6                       MR. COAKLEY: It's not a  
7           multi-family, no, it's not.

8                       MR. COLLINS: Okay.

9                       MR. COAKLEY: So you have the use is  
10          what it is, it has nothing to do with anything,  
11          in terms of the condominiums, other than that's  
12          the form of ownership.

13                      COMMISSIONER CASAMENTO: So the form  
14          of ownership are two condominiums in the ORD  
15          section.

16                      MR. COAKLEY: Yes.

17                      COMMISSIONER CASAMENTO: And how  
18          many buildings are in that section?

19                      MR. COAKLEY: As testified by  
20          Mr. Hermann, he testified as to the 10 buildings  
21          or so, whatever he testified to.

22                      COMMISSIONER CASAMENTO: So it could  
23          be five buildings are owned by Condo 2 and five  
24          owned by Condo 3, something like that?

25                      MR. COAKLEY: It could be, but I

1 think that's irrelevant to the board's  
2 consideration.

3 COMMISSIONER CASAMENTO: I'm just  
4 trying to get a clearer picture of -- that these  
5 are entities that own the different buildings.  
6 Is that --

7 MR. COAKLEY: Yes, they own  
8 different parts of the ORD Zone, and different  
9 buildings, and different parking areas, but they  
10 are in unified ownership under the entity we're  
11 calling Thor.

12 COMMISSIONER CASAMENTO: And there's  
13 no demolition in this area.

14 MR. COAKLEY: There's no demolition  
15 planned. There's no new building planned. It's  
16 what you have there right today, that's what this  
17 variance is about.

18 COMMISSIONER CASAMENTO: Okay.

19 MR. COLLINS: But there is going to  
20 be demolition of some -- of office research  
21 buildings in the front zone, the redevelopment  
22 zone. Is that correct?

23 MR. COAKLEY: Yes, that has -- this  
24 parking variance has nothing to do with the  
25 R-Seed development area.



1 MR. COLLINS: Does that help you,  
2 sir?

3 MR. YU: Yes, thank you.

4 COMMISSIONER CASAMENTO: Thank you.

5 MS. MINE: Hello. Diane Mine, 743  
6 Cedar Brook Road.

7 It seems like it's going around in  
8 circles, but the ORD area, you're claiming  
9 there's no new development. So, in my mind,  
10 there would be no need for a variance, because  
11 all you're doing is putting in a couple extra --  
12 7 percent since you were occupied in 93, 7 more  
13 percent, I'm not sure the need for that  
14 ordinance -- or that variance.

15 MR. DEAN: The reason is that the  
16 portion of the site which is in the ORD Zone is  
17 short on parking.

18 MS. MINE: You said there's twice  
19 as -- you already have two times more than you  
20 need.

21 MR. DEAN: That is my testimony.

22 MS. MINE: And, therefore, I  
23 question the variance, because you already have  
24 two times more than you need.

25 MS. DEAN: I'll say the rules, the

1 regulations under the land use code of the  
2 township, require 2,200 spaces for this campus.  
3 We only have 1,190. We only have, roughly, 1,200  
4 today. We're short today. We're just looking  
5 for formal approval of that deficiency. But it  
6 already exists. We're not creating anything new  
7 here. It already exists.

8 MS. MINE: Have you been asked to do  
9 a survey for the front part of the property?

10 MR. DEAN: Yes.

11 MS. MINE: And that will also  
12 probably require a variance to extend and expand?  
13 Maybe that's a question for the next people, but  
14 it sounds like you've had one variance already,  
15 years ago, and now you're requesting another one  
16 for what, to me, doesn't seem as if you've shown  
17 proof that you need it, other than what you're  
18 saying is already there for the variance.

19 MR. DEAN: That's our proof, is that  
20 we don't need the required amount of parking.

21 MS. MINE: Then don't put it in.

22 MR. DEAN: We're not putting any in.

23 MR. COLLINS: It's already there.

24 MS. MINE: Okay.

25 MR. COLLINS: They're not putting

1 any new building space in this section.

2 MS. MINE: And parking? No new  
3 parking?

4 MR. COLLINS: No new buildings, and  
5 they're reducing slightly the number of parking  
6 spaces in this section. The 7 percent is just  
7 that the buildings have 7 percent vacancy. The  
8 existing buildings in this section have 7 percent  
9 vacancy, so he's made a projection of how many  
10 additional parking spaces 7 percent would need.  
11 I think he's been very clear about that, so I  
12 hope you understand that.

13 MS. MINE: It just sounds like it's  
14 contradictory, when you're saying you already  
15 have twice as many as you need.

16 MR. COLLINS: You're sort of helping  
17 him. That's his point.

18 She doesn't quite understand, but I  
19 think he's answered the question.

20 MR. KULAK: John Kulak, 13 Ramsey  
21 Street. Couple of quick questions for you.

22 You testified just now that you will  
23 also -- you have conducted studies for the other  
24 part of this development. Is that correct?

25 MR. DEAN: That's correct.

1 MR. KULAK: And as you're  
2 contemplating the work that you've done on this  
3 part -- I think the reason we're here -- and  
4 correct me if I'm wrong -- is that, after that  
5 parcel was sold off, you were employed by both  
6 Thor -- am I -- I don't know where the attorney  
7 went, but were you employed by Thor, or still  
8 employed by Advance?

9 MR. DEAN: I have been employed  
10 since this project's inception, which I think  
11 started in 2013, by the applicant, AR II/CIP  
12 (sic) -- whatever the acronym is, but not by  
13 Advance.

14 MR. KULAK: But you do know who they  
15 are, other than their acronym.

16 MR. DEAN: I do, yes.

17 MR. KULAK: So do you work for them,  
18 or do you work for Thor?

19 MR. DEAN: I have been retained by  
20 Advance.

21 MR. KULAK: So on behalf of Thor,  
22 you're being paid by Advance; you're making this  
23 assertion and requesting this variance to the  
24 planning board. I'm not sure that I follow the  
25 logic there.

1 MR. DEAN: Okay.

2 MS. DORY: Excuse me. Madame Chair,  
3 I'm not sure that this question relates to  
4 Mr. Dean's testimony or his expertise.

5 MR. KULAK: Well, he did testify  
6 that he was also the representative for the other  
7 part of the development. He just said that.

8 MS. DORY: Yes, he's presenting on  
9 behalf of both applicants.

10 MR. COLLINS: Let's just let -- the  
11 questions could relate to credibility or  
12 something.

13 So, Mr. Kulak, let's try to -- try  
14 to focus in on what the witness testified about,  
15 and then, if you really have something about  
16 his -- who's paying him, you know, you -- it's  
17 somewhat relevant, about credibility, sometimes,  
18 but I don't think he actually said he's been  
19 retained by Thor. So you might want to --

20 MR. KULAK: No, he did not. He said  
21 he was being retained by the --

22 MR. COLLINS: You said that he  
23 was --

24 MR. KULAK: I'm sorry, if I said  
25 that, I misspoke. I meant to find out who he's

1 being employed by.

2 MR. COLLINS: Go ahead, but try to  
3 bring it into what is -- how does this help the  
4 board understand something about this witness's  
5 testimony. Okay?

6 MR. KULAK: Well, given his  
7 expertise, and given his knowledge of both  
8 aspects of the site, I'm trying to make sense, in  
9 my head, out of his representation of this part  
10 of the development, as it compares to the other  
11 part of the development, when he'll come back and  
12 make, maybe, different assertions, I don't know,  
13 but he's going to have something to say,  
14 hopefully.

15 So I'm trying to figure out, if Thor  
16 is making this representation, this request, why  
17 are they using an expert who is paid by somebody  
18 else?

19 MR. COLLINS: You have to ask the  
20 witness, sir.

21 MR. KULAK: Do you know?

22 MR. DEAN: I don't know. Thor is a  
23 relatively recent purchaser of a portion of the  
24 site that may be subsequent to when I did my  
25 analysis. So my findings don't change depending

1 on who happens to be the applicant.

2 MR. KULAK: Right. But do you know  
3 for whom he's testifying today?

4 MS. DORY: Yes, Mr. Dean is here on  
5 behalf of both Thor and Advance.

6 MR. KULAK: Both parties.

7 MS. DORY: Yes.

8 MR. KULAK: Okay. One question  
9 about what you had said earlier. You said that  
10 there's a security fence that's going to  
11 segregate this portion from the other portion of  
12 the proposed development.

13 MR. DEAN: That's correct.

14 MR. KULAK: Could you outline where  
15 that would be? Because none of us --

16 MR. DEAN: I cannot. Candidly, I  
17 don't know where it is.

18 MR. KULAK: Does it exist today?

19 MR. DEAN: It exists around the  
20 perimeter of the entire campus, and, essentially,  
21 should the front portion receive the approvals,  
22 the fence around, I'll call it, the easterly  
23 perimeter, will then be moved and essentially  
24 bisect the site, separating the ORD westerly  
25 portion of the site with the R-Seed redevelopment

1 portion on the easterly side of the site.

2 MR. KULAK: And the purpose of that  
3 fence is to have no interaction between the two  
4 parcels. Is that fair to say?

5 MR. DEAN: It's a security protocol.  
6 The interaction, as far as it does segregate  
7 parking and circulation, but it's principally to  
8 keep the R&D campus secure.

9 MR. KULAK: Because there may be  
10 questions, and certainly I will have them, about  
11 the interaction between the two parcels, now that  
12 you've bifurcated the site with the new owner, as  
13 it pertains to overflow parking from the proposed  
14 development of the other parking site. So if  
15 there's no fence currently, and we don't know  
16 where it's going to be, I don't see how the  
17 planning board can make a decision to grant a  
18 variance based on this testimony, when there are  
19 other mitigating factors or other dependencies  
20 which haven't been testified to.

21 Thank you.

22 COMMISSIONER CASAMENTO: Thank you.

23 MR. RING: Timothy Ring, 17 Lawton  
24 Road.

25 Sir, you just testified that there



1 was going to be a security fence that would  
2 bifurcate the two parcels. Is that correct?

3 MR. DEAN: Correct.

4 MR. RING: Can you tell me a little  
5 bit more how the security fence will accomplish  
6 that?

7 MR. DEAN: I cannot answer that.

8 MR. RING: But yet you're able to  
9 testify that it will do that.

10 MR. DEAN: Well, there's a security  
11 fence today.

12 MR. RING: Okay.

13 MR. DEAN: That restricts access to  
14 the site, but for a few, I'll call them, publicly  
15 accessible areas. As part of the zone boundary  
16 that was created for the R-Seed district to the  
17 east and the ORD Zone to the west, that fence, by  
18 and large -- and I'm not testifying as to its  
19 precise location -- will by and large stick to  
20 that zone line. So it will have -- whatever its  
21 materials are, it will have a guard, it will have  
22 employee keycards, as part of the redevelopment.

23 MR. RING: I'm not so much  
24 interested in where it's going to be located; I'm  
25 more interested, because you're doing a parking

1 study, you would want to know -- while I  
2 understand this is now separated, basically, into  
3 two different projects, there's obviously still  
4 connections, and parking in one area can impact  
5 the other.

6 So, for example, if we're  
7 bifurcating this -- if I understand what you're  
8 trying to suggest, the people that work in the  
9 ORD Zone would be able to park behind that  
10 bifurcated -- behind that fence, but the folks  
11 that utilize the rest of the property would not  
12 access to that. But if there's an overflow  
13 situation, because there's not enough parking in  
14 the ORD area, then employees could park out in  
15 the front portion and still traverse to the back.  
16 I'm just trying to understand the bifurcation of  
17 it.

18 MS. DORY: If I could just --

19 MR. RING: Sure.

20 MS. DORY: -- interject here a  
21 minute.

22 We testified to the Condominium  
23 Units 2 and 3, and the buildings that are on  
24 those condominium units are required to use the  
25 parking in Units 2 and 3, and not on the

1 remaining portions of the property.

2 MR. RING: Thank you.

3 My other question, sir, you  
4 testified that July, generally, in your research,  
5 is a lighter month for parking in corporate  
6 facilities, research type facilities. Is that  
7 correct?

8 MR. DEAN: I don't believe that was  
9 my testimony, no.

10 MR. RING: I apologize, I thought I  
11 heard reference that July was relatively -- can  
12 be relatively light. Sorry.

13 I heard the number 529.

14 MR. DEAN: Correct.

15 MR. RING: Was that for July 2019 or  
16 June --

17 MR. DEAN: It was.

18 MR. RING: What was the number in  
19 June 2018?

20 MR. DEAN: 483.

21 MR. RING: So in July, when families  
22 are on vacation, children are away, people take  
23 time off from work, we saw a higher parking count  
24 than in June, when you did clearly testify is a  
25 statistically accurate month for testing parking.

1       Would that make you question why? Did tenants  
2       bring in additional -- did tenants bring in  
3       additional employees? Anything related to that?

4               Like, I guess if I was doing  
5       parking, I'm not a parking expert, but knowing  
6       July is a quiet month, if I saw 483 versus 529, I  
7       might say why is that.

8               MR. DEAN: Well, one of the things  
9       we found is that, while regular employees take  
10      summer vacations and go with families, work still  
11      needs to be done, and so that is augmented by  
12      interns, college staff, and summer hires, to  
13      supplant those that are on vacation. So for that  
14      reason, trends generally balance.

15              I don't know what the occupancy was  
16      when I did my counts in June at the 483.

17              MR. RING: I wasn't aware research  
18      companies could bring in summer help to take over  
19      a research project that they've been working on  
20      for years, but thank you.

21              MR. DEAN: You're welcome.

22              MR. PLACEK: Pawel Placek, 13 Claire  
23      Drive.

24              So let's talk about the study. And  
25      so you had the study, the first sample in June of

1 2018, and then you repeated in July 2019. Did I  
2 understand correctly?

3 MR. DEAN: Yes, you did.

4 MR. PLACEK: And we didn't run  
5 anything for the whole year in between.

6 MR. DEAN: Correct.

7 MR. PLACEK: How many similar  
8 studies did you perform or oversee in the past  
9 three years?

10 MR. DEAN: This was the only parking  
11 study or studies, these two that I've conducted,  
12 for this site.

13 MR. PLACEK: This is one study.  
14 Right? With two different samples. One in June,  
15 one in July. So you've performed -- in the past  
16 three years, this is the only single study you've  
17 performed or parking study you've done.

18 MR. DEAN: It's not a single study.  
19 We sampled parking twice a day for five days in  
20 2018, and one day, admittedly, in 2019, just as a  
21 litmus test, to see if we were still in the  
22 general ballpark.

23 MR. PLACEK: I understand. From the  
24 definition of a study, it's one study. We're  
25 doing studies by thousands. So you've done one

1 study in the past three years, one parking study.

2 MR. DEAN: I'll agree to disagree.

3 I have sampled more than once, but fewer than 100  
4 times.

5 MR. PLACEK: But this was the single  
6 site you sampled in June and July over the past  
7 three years.

8 MR. DEAN: That's the purpose of  
9 this hearing, is for this site.

10 MR. PLACEK: I'm asking about your  
11 expertise. Have you done other studies like this  
12 for other clients?

13 MR. DEAN: Oh, of course, yes.

14 MR. PLACEK: In the past three  
15 years?

16 MR. DEAN: Yes.

17 MR. PLACEK: Okay. And how many of  
18 those -- how many, roughly? Do you know? Are we  
19 talking about -- I don't want to say the wrong  
20 number, but tens? hundreds?

21 MR. DEAN: Over the past three  
22 years, I would venture to say 50 to 60 different  
23 studies.

24 MR. PLACEK: How many of those were  
25 only on the data from June?

1 MR. DEAN: Some of them have to be  
2 conducted in the middle of summer.

3 MR. PLACEK: How many, roughly?

4 MR. DEAN: I would say -- a smaller  
5 sample, but I would say, of those 50 or 60, 10  
6 percent required specific study during the  
7 summer.

8 MR. PLACEK: Okay. I have question  
9 for counsel, because one of the questions  
10 before -- and I don't know if I can ask it -- was  
11 to -- when we ask about will there ever be need  
12 to increase the parking spots, we've been told  
13 that the next witness will testify to it. Is it  
14 this witness or the next one?

15 MS. DORY: We have another witness  
16 that will testify as to the current use of the  
17 property, and that it will largely remain the  
18 same use, and that'll be the next witness.

19 MR. PLACEK: Okay. So it will be  
20 next. Thank you.

21 COMMISSIONER CASAMENTO: Thank you.

22 MS. SMITH: Hi, my name is Michelle  
23 Smith. I live on Foothill Road. I have a  
24 question.

25 And I know everybody's going back

1 over the June, July, and I appreciate it, but one  
2 of the questions I have is, when you do a parking  
3 study, do you take into account the business  
4 that's there currently, and their deadlines?

5 MR. DEAN: I don't know what you  
6 mean by "deadlines," but we take into  
7 consideration the tenancy as it exists, yes.

8 MS. SMITH: Okay. Because what I'm  
9 asking is, for a research and development  
10 company, during August and September, they're  
11 usually working on grants, government grants, to  
12 get paid, which come out of the October 1st. So  
13 I'm just wondering why research isn't done into  
14 what type of business it is, and the  
15 accountability that they have.

16 MR. DEAN: I don't have an answer  
17 for that, and I can't corroborate your opinion.

18 MS. SMITH: Okay.

19 COMMISSIONER CASAMENTO: Is there  
20 any other member of the public that has a  
21 question for this witness regarding his  
22 testimony? If there is, please step forward,  
23 state your name and address.

24 MR. WONG: Sammy Wong, 36 Danberry.

25 Regarding the study or the snapshots



1 that you took, what prevented you guys from  
2 taking a monthly snapshot, or was it just a lack  
3 of resources, or a time constraint?

4 MR. DEAN: It's not designed to give  
5 us to an infinite percentile how close we are  
6 with parking. The purpose of doing a snapshot --  
7 and, candidly, to do it over two weeks in June,  
8 one early week, and then going into the next  
9 week -- was to not come before this board and  
10 testify and say, you know, I looked at this  
11 parking for one day, here's what I found. So now  
12 I've studied it 10 different times over a  
13 two-week period, and I came up with a number.

14 And when I resampled it this past  
15 July, I'm still pretty close to the same number,  
16 so it tells me that, look, maybe April is 10  
17 percent higher in terms of parking than June.

18 We have 100 percent more parking on  
19 this site. So we can accommodate whatever  
20 marginal seasonal fluctuation there could  
21 exist -- and I don't think it does -- but if I'm  
22 wrong, okay, I'm wrong, I can be off by a factor  
23 of 100 percent, and we still have enough parking  
24 on this campus to support the variance.

25 MR. WONG: So, in your opinion, it's

1 better to sample two weeks at a time, as opposed  
2 to sampling it once a month, or once a quarter,  
3 et cetera?

4 MR. DEAN: I don't have the luxury,  
5 unfortunately, in land use proceedings, to come  
6 in with a year's worth of data. That seldom  
7 presents itself. So we provide a snapshot, and  
8 we consult with the applicant, and we look at  
9 things like occupancy, to make sure that the  
10 building was full, and we adjust accordingly.

11 But in my opinion, data that I  
12 collected in early June is certainly  
13 representative of any other month of the year for  
14 an employment-based center. It's not a golf  
15 course, it's not a school that might be out for  
16 the summer, it's a place where people come to  
17 work, and I expect that that trend in early June  
18 is the same as it is every other month.

19 MR. WONG: Okay. Thank you.

20 COMMISSIONER CASAMENTO: Thank you.

21 Is there any other member of the  
22 public with a question for this witness?

23 COUNCILMAN NORGALIS: I have a  
24 question.

25 COMMISSIONER CASAMENTO: Yes.

1 COUNCILMAN NORCALIS: Why is this  
2 application even before this board as part of  
3 this overall plan? Why wouldn't -- we have  
4 separate ownership and a separate parking issue.  
5 Why isn't it handled as a separate application?

6 MS. DORY: The reason for this  
7 variance request is it's a technical variance  
8 that was identified since we were last before the  
9 board. We previously testified to variances  
10 created as a result of existing conditions in the  
11 split zoning of the property. So this was just  
12 another variance that was picked up in our review  
13 --

14 COUNCILMAN NORCALIS: The previous  
15 application has nothing to do with that part of  
16 the property. Right?

17 MS. DORY: No, the previous  
18 application was actually for the entire property.  
19 So we did have testimony previously as to the  
20 conditions in the ORD Zone, and variances in the  
21 ORD Zone.

22 COMMISSIONER CASAMENTO: Any other  
23 questions from the board?

24 From the public?

25 Seeing none, Ms. Dory, at this time,

1 we have our -- Mr. Troutman, who we would like to  
2 bring forward.

3 MS. DORY: Okay. We actually have  
4 additional witnesses for this variance request.  
5 Could we proceed with those?

6 COMMISSIONER CASAMENTO: You think  
7 we'll have time to --

8 MR. COLLINS: I think it would be  
9 best -- well, Jay -- it might be best to hear  
10 these witnesses on this variance, if Jay could  
11 stay.

12 COMMISSIONER CASAMENTO: Okay.  
13 Thank you.

14 MS. DORY: And Mr. Coakley will  
15 finish the remaining witnesses for this variance.

16 MR. COAKLEY: I'd like to call  
17 Daniel Loughlin.

18 I just -- and, Councilman, in answer  
19 to your question, this application always  
20 involved the entirety of this 100-plus-acre  
21 property, it involved these three tax lots, 17,  
22 18, and 19. And we did discuss this very  
23 question with board staff before we filed this  
24 application.

25 COUNCILMAN NORCALIS: Okay. Thank

1       you.

2                               D A N I E L   L O U G H L I N,  
3       having been duly sworn, testified as follows:

4       DIRECT EXAMINATION

5       BY MR. COAKLEY:

6                       Q.   Mr. Loughlin, you've been sworn.

7       Correct?

8                       A.   Yes.

9                       Q.   Okay.  So, first, just tell the  
10      board:  What is your professional background?

11                      A.   I am a corporate real estate broker  
12      advisor, and I've been involved in this property  
13      since the sale of it, I represented Sanofi  
14      Aventis at the time in the sale of the property  
15      to Advance.

16                      Prior to selling the property to  
17      Advance, we leased two buildings in the ORD Zone  
18      to Ashland Chemical and Kashiv Pharma.

19                      Q.   Let me slow you down for a second.  
20      So you're a professional real estate broker --

21                      A.   Yeah, I'm the broker of record for  
22      Jones Lang LaSalle.  We're a Fortune 250 global  
23      company.  I co-chair our life science practice  
24      group.  I'm the broker of record in New Jersey.  
25      And I'm a Bridgewater High School graduate.

1 West.

2 Q. So in your capacity as a broker,  
3 have you concentrated in office and pharma  
4 projects?

5 A. Yes, both. And the unique thing  
6 about this ORD property is that this 800,000  
7 square feet was really designed as laboratory  
8 research space, not office space. Out of the  
9 roughly 650,000 square feet of net area, there's  
10 only one building out of the 10 buildings that's  
11 office space. Everything else is lab space.

12 Q. All right. And are you familiar  
13 with what the market normally requires for  
14 parking for an office use?

15 A. Yes.

16 Q. What's a ratio that's typical?

17 A. It's normally three to four per  
18 thousand.

19 Q. Okay. And for space like this, do  
20 you have a rule of thumb as to what ratio would  
21 be appropriate for this type of utilization?

22 A. I think the practical ratio is one  
23 per thousand.

24 Q. And the Bridgewater ordinance is --

25 A. 3.3, I believe.

1 Q. 3.3 per thousand.

2 A. But that's for office and lab.

3 Q. So you mentioned a minute ago that  
4 you were involved for Sanofi in the initial sale  
5 of the property. Is that to CIP?

6 A. To Advance.

7 Q. Okay. To Advance.

8 A. We also -- go ahead.

9 Q. When did that happen, what year?  
10 Approximately five or six years ago?

11 A. Seems like a long time ago, but  
12 it's probably five, six years ago.

13 Q. Okay. And you were also involved  
14 in the property when it was sold more recently  
15 to Thor?

16 A. That's correct.

17 Q. Okay. Were you also involved in  
18 leasing the property to tenants?

19 A. Yes, we leased all of the space  
20 that's currently occupied in the ORD Zone.

21 Q. All right. So you -- you're very  
22 familiar with how this property is used and who  
23 the tenants are?

24 A. Yes.

25 Q. All right. In general, could you

1 describe how this property operates? Just in  
2 general.

3 A. Yeah, it's primarily a research and  
4 development use. The buildings are specifically  
5 designed to function as research space. Nestle  
6 Health Sciences operates what they call a pilot  
7 plant in the facility, which is predominantly  
8 what they call a clinical-scale manufacturing  
9 research function. So, you know, all the  
10 buildings are designed around laboratory,  
11 research, and as I mentioned, only one of the  
12 buildings at Ashland Chemical occupies as an  
13 office building.

14 Q. And would you say that the  
15 utilization of research equipment characterizes  
16 this type of space?

17 A. Yes. Typically, a scientist will  
18 have an office, but he'll also have a lab. So  
19 he moves from his office to his lab, and inside  
20 the lab, there's normally a service corridor,  
21 and then there's a host of different types of  
22 equipment, benchtop equipment, fume hoods, hot  
23 and cold boxes, autoclaves, a number of  
24 different equipment and functional uses go on in  
25 these labs.



1 Q. And so your basic point is this  
2 type of equipment doesn't demand parking. Is  
3 that fair to say?

4 A. Correct.

5 Q. Now, you mentioned Nestle. And  
6 they have how many square feet?

7 A. Roughly 180,000 square feet.

8 Q. All right. And what about a  
9 company called Clinical Geonomics?

10 A. You know, they're in one of --  
11 they're one of our smaller tenants, they're  
12 probably in 15,000 feet.

13 Q. Okay. PTC Therapeutics?

14 A. PTC Therapeutics is a new company  
15 to the campus; they're roughly 40,000 square  
16 feet.

17 Q. All right. And they'd be similar  
18 laboratory types of uses?

19 A. They are in JR-1, which is 100  
20 percent a laboratory building.

21 Q. All right. And Ashland, how much  
22 space do they have?

23 A. Ashland is roughly 200,000 feet:  
24 150 of it is lab, and 45 to 50 of it is an  
25 office building.

1 Q. All right. So, now, there was some  
2 testimony about how -- what is the level of  
3 occupancy. Do you have a feeling for that?

4 A. It's roughly 90 percent.

5 Q. So that was consistent with  
6 Mr. Dean's testimony?

7 A. Yes.

8 Q. All right.

9 A. I think we have one floor left in  
10 JR-1, I believe.

11 Q. That's one of the buildings.  
12 Right?

13 A. Right, roughly 40,000 feet.

14 Q. And you're trying to lease that  
15 space?

16 A. Correct.

17 Q. And is the parking on the campus a  
18 problem in leasing the space?

19 A. No.

20 Q. There's enough parking?

21 A. There's enough parking.

22 MR. COAKLEY: No further questions.

23 COMMISSIONER CASAMENTO: Thank you.

24 Does any member of the board have a  
25 question of this witness regarding his testimony?

1 COMMISSIONER LERNER: I do.

2 COMMISSIONER CASAMENTO: Mr. Lerner,  
3 go ahead.

4 COMMISSIONER LERNER: Is converting  
5 a lab building to an office building normally  
6 feasible, should somebody come in and decide they  
7 want to change the use?

8 MR. LOUGHLIN: Not really. Most of  
9 these buildings are designed with service  
10 corridors, and loading docks, and mechanically,  
11 the HVAC equipment, it's designed for  
12 once-through air. So it's -- to operate these  
13 buildings is about twice as much as it is to  
14 operate an office building, to give you a sense.

15 MR. COAKLEY: So your testimony is  
16 it would be very expensive to --

17 MR. LOUGHLIN: Well, the highest and  
18 best use is the R&D that goes on there right now.

19 COMMISSIONER CASAMENTO: Any other  
20 member of the board?

21 COMMISSIONER PANDYA: Is it accurate  
22 to say that, of the 650,000 square feet, 600,000  
23 is research, and only 50,000 is office?

24 MR. LOUGHLIN: There is some pockets  
25 of office space inside each of the lab buildings,

1 but it's minimal.

2 COMMISSIONER PANDYA: So what  
3 percentage of the 650,000 is office space?

4 MR. LOUGHLIN: Ten to fifteen  
5 percent.

6 COMMISSIONER CASAMENTO: Any other  
7 member of the board?

8 Is there any member of the public  
9 with a question for this witness regarding his  
10 testimony?

11 Please come forward.

12 MR. MOENCH: Good evening, Matthew  
13 Moench, 1303 Roger Avenue.

14 I had a question, I guess, for  
15 Mr. Collins. I didn't hear whether this  
16 expert -- this witness was actually sworn in as  
17 an expert. I heard testimony that sounded as if  
18 it was --

19 MR. COLLINS: He wasn't.

20 MR. MOENCH: So given that,  
21 Mr. Collins, I would suggest to you that all the  
22 testimony is nothing but net opinion that hasn't  
23 been backed up by either expertise or a finding  
24 by this board, or some sort of facts to back that  
25 up. So if that's the point, I'm not sure what

1 value the expert -- what value this testimony  
2 has.

3 MR. COLLINS: Mr. Coakley, you want  
4 to address that?

5 MR. COAKLEY: Let me offer  
6 Mr. Loughlin as an expert in the field of  
7 commercial brokerage for research and development  
8 and lab-type properties.

9 MR. COLLINS: And Mr. Moench, would  
10 you like to voir dire him as to those  
11 qualifications, ask him questions as to those  
12 qualifications?

13 MR. MOENCH: Yeah, I don't have  
14 any -- well, back it up.

15 Sir, can you give us the benefit of  
16 your background? I heard you're from West; I was  
17 when it was still combined. So what was it --

18 MR. LOUGHLIN: Yeah, so I'm in  
19 business 33 years. I represented Hoffman LaRoche  
20 in the sale of their Nutley campus. I  
21 represented Merck in the sale of their Union,  
22 Summit, and Whitehouse headquarters. I currently  
23 represent Bristol-Myers Squibb in the disposition  
24 of their 1.2-million-square-foot campus in  
25 Hopewell, which we just signed a lease with PTC

1 Therapeutics there as well for 200,000 feet.

2 So this is what I do, and, you know,  
3 as I mentioned, I co-chair a life science  
4 practice group nationally for JLL.

5 MR. MOENCH: Understood. Where did  
6 you go to school, sir? After West, where did you  
7 go?

8 MR. LOUGHLIN: Long Island  
9 University.

10 MR. MOENCH: What did you get a  
11 degree in there?

12 MR. LOUGHLIN: Business.

13 MR. MOENCH: Okay. I don't have any  
14 objections to this witness being qualified as an  
15 expert in the subject matter with which  
16 Mr. Coakley has offered him for, but Mr. Collins,  
17 I still object to the fact that nothing that I've  
18 heard so far would indicate to me that this is a  
19 witness who can testify regarding the sufficiency  
20 of parking to the extent that this witness has.

21 We've heard from engineers; we've  
22 heard from somebody with 33 years of experience  
23 in parking. I don't understand what somebody who  
24 is what sounds to be a relatively experienced  
25 broker in this field is going to be able to tell

1 us about the sufficiency of parking under our  
2 ordinances, and whether or not this meets the  
3 criteria for planning purposes as to whether or  
4 not this is, in fact, valid parking here.

5 There's nothing in his experience or background  
6 that suggests that that testimony is included  
7 within his scope as an expert witness.

8 MR. COLLINS: I don't determine what  
9 the value to an applicant is of their witness,  
10 and Mr. Coakley has presented him, and what he's  
11 presenting him for is up to Mr. Coakley. If you  
12 want to make a statement later about what you  
13 think is the probative value of this witness, you  
14 can do that, but you can't do it when you're  
15 cross-examining a witness. But you might be able  
16 to elicit something from him on this subject that  
17 would help your cause. I think it's clear that  
18 he is an expert in real estate.

19 MR. MOENCH: Understood. Okay.  
20 Thank you.

21 MR. COLLINS: Yeah, so Mr. Coakley's  
22 offer is that he's an expert in real estate.

23 MR. MOENCH: Yes, with that, I don't  
24 disagree.

25 Sir, could you just clarify for me,

1 for the audience, what is your -- what, if any,  
2 is your current role with regard to this site?

3 MR. LOUGHLIN: We are currently the  
4 leasing agents on behalf of Thor equities, the  
5 new owner.

6 MR. MOENCH: Okay. And you've been  
7 involved with the site continuously from the time  
8 it was first sold?

9 MR. LOUGHLIN: Yes.

10 MR. MOENCH: Okay. I asked a  
11 witness earlier who didn't know, but can you  
12 provide for us information with regard to what,  
13 if any -- what new tenants, if any, have come on  
14 to the site within the past five years?

15 MR. LOUGHLIN: Past five years, all  
16 of them.

17 MR. MOENCH: Okay. So anything that  
18 existed prior to that time -- it was a completely  
19 different site prior to approximately five or six  
20 years ago?

21 MR. LOUGHLIN: You know, I think the  
22 way Sanofi designed and built the site, and the  
23 parking that they allocated for, is what we're  
24 using now.

25 MR. MOENCH: I understand.



1 MR. LOUGHLIN: It's the same use.

2 MR. MOENCH: I understand, but my  
3 question is anything that predates about five or  
4 six years ago was a single use Sanofi site, as  
5 opposed to what we currently have. So  
6 comparisons to looking at the site 10 years ago,  
7 towards now, it's two completely different sites.

8 MR. LOUGHLIN: You know, the front  
9 of the site was always office space; the back of  
10 the site is the ORD site. And that's why it's  
11 been bifurcated, because that's what the highest  
12 and best use is for the back portion of the site.

13 MR. MOENCH: Thank you. I don't  
14 have any more questions.

15 MR. LOUGHLIN: All right. Thanks.

16 MR. STANDER: Hello. I'm Ross  
17 Stander, 662 Cedar Brook Road, Bridgewater, also  
18 chairman of the Crisis Environmental Group for  
19 the last 30 years or so. We've been dealing with  
20 the American Hoechst site.

21 You may be aware from the past  
22 planning board meetings that there's a very high  
23 degree of benzene --

24 MR. COLLINS: Mr. Stander, you have  
25 to ask a question.

1 MR. STANDER: I'm going to ask a  
2 question.

3 MR. COLLINS: That's all you can do.

4 MR. STANDER: I promise. One more  
5 sentence, and I will ask a question, sir.

6 MR. COLLINS: No, you can't make a  
7 statement.

8 MR. STANDER: All right. I will ask  
9 the question.

10 MR. COLLINS: You can ask this  
11 witness a question related to his testimony.

12 MR. STANDER: All right. Witness,  
13 can you tell us who, which of the companies,  
14 Sanofi, Ashland, et cetera, is responsible for  
15 the high degree of benzene contamination under  
16 this site?

17 MR. LOUGHLIN: I'm not aware of it.

18 MR. STANDER: Well, we are.

19 MR. COAKLEY: Not a proper question,  
20 obviously.

21 MR. STANDER: I'm sorry?

22 MR. COLLINS: Yeah, the witness  
23 doesn't know anything to answer your question, so  
24 you have to --

25 MR. STANDER: Thank you.

1 MR. COLLINS: -- focus on what he  
2 testified to.

3 MR. FRESCO: Hello. Andy Fresco,  
4 Glen Eagles Drive, Bridgewater.

5 So, Mr. Loughlin, do you still live  
6 in Bridgewater?

7 MR. LOUGHLIN: No, I live in North  
8 Branch.

9 MR. FRESCO: Okay. Yeah, I'm an  
10 East guy, actually, and I do live in Bridgewater  
11 still, for 40 years, as do my parents.

12 Okay. So can you tell us what  
13 percent of this ORD portion is occupied by  
14 Nestle? Do you know, roughly? Maybe you know,  
15 sir.

16 MR. LOUGHLIN: Yeah, it's the entire  
17 JR-2 building.

18 MR. FRESCO: Exactly. And it is a  
19 Nestle pilot program. Right?

20 MR. LOUGHLIN: Yes.

21 MR. FRESCO: You're aware of that?

22 MR. LOUGHLIN: Yes.

23 MR. FRESCO: So the nature of how  
24 the program, it's a test. Right?

25 MR. LOUGHLIN: It's research, yes.

1 MR. FRESCO: But it's not like it's  
2 Nestle candy bars, or water, or things that we're  
3 familiar with. It is R&D. So what would you say  
4 the likelihood was that they are even here in  
5 five years?

6 MR. LOUGHLIN: I think it's actually  
7 Nestle Nutritional Health Sciences is the name of  
8 the entity, and it's all about nutrition, and  
9 pharmaceuticals and nutraceuticals meeting each  
10 other. I think they're going to be here for a  
11 while.

12 MR. FRESCO: Okay. Good. Because  
13 the press release that I read, you know, said  
14 that -- it implied that it was a new program that  
15 they were investing and exploring.

16 MR. LOUGHLIN: They signed a 17-year  
17 lease.

18 MR. FRESCO: Seventeen years. Okay.  
19 Good. Well, that's helpful.

20 Sir, how many times have you  
21 testified on behalf of a client, I suppose, for a  
22 parking variance?

23 MR. LOUGHLIN: Not often. This is  
24 actually my second testimony in the last two  
25 months.

1                   MR. FRESCO: Okay. So then I think  
2 we can call into question, then -- no offense, of  
3 course, I'm not an attorney -- but this isn't  
4 really your thing. I mean, you're a realtor. I  
5 mean, you sell all high-end realty.

6                   MR. LOUGHLIN: Yeah, so you really  
7 can't, you know, finalize a lease without  
8 addressing parking. Parking is, you know, a key  
9 component of any lease transaction.

10                  MR. FRESCO: That's right. So you  
11 haven't seen a lot of this, and you're saying --  
12 I'm asking -- this is the only time, just to  
13 clarify, that you've ever had to testify on  
14 behalf of a client --

15                  MR. LOUGHLIN: In front of a board  
16 on this kind of site.

17                  MR. FRESCO: Do you think it's fair,  
18 sir, that businesses in Bridgewater all have to  
19 adhere to this ordinance, yet this applicant is  
20 asking for a variance? Do you think so it's fair  
21 to the other businesses?

22                  MR. COAKLEY: Objection to the  
23 question.

24                  MR. FRESCO: He's not an expert.  
25 He's giving his opinion --

1 MR. COAKLEY: Objection to the  
2 statement.

3 COMMISSIONER CASAMENTO: If you  
4 could just direct your questions to his  
5 testimony, that would be helpful.

6 MR. FRESCO: Okay. I own a business  
7 nearby. I don't think it's fair --

8 MR. COLLINS: You have to ask a  
9 question.

10 MR. FRESCO: Do you think it's  
11 fair -- okay. That's fine. I think we all agree  
12 it's not fair to any of the other businesses in  
13 this corridor.

14 COMMISSIONER CASAMENTO: Thank you.

15 Is there any other members of the  
16 public with questions of this witness regarding  
17 his testimony?

18 Please come forward.

19 MS. SMITH: Hi, my name is Michelle  
20 Smith. I just have a couple of different  
21 questions.

22 You indicated that it's a research  
23 and manufacturing plant, Nestle?

24 MR. LOUGHLIN: Research and pilot  
25 plant.

1 MS. SMITH: No, you used --  
2 somebody -- you used the word manufacturing.

3 MR. LOUGHLIN: Clinical-scale  
4 manufacturing, which is kind of a research  
5 function.

6 MS. SMITH: Okay. Because, living  
7 in this area, I'm sure you grew up, and that  
8 company was where Sanofi is, where there is  
9 contamination in the ground. That was my first  
10 question.

11 My second question is, in the past,  
12 you and Advance have had testimony in Bedminster,  
13 when I lived there, about solar panel plants. Is  
14 that still an issue that's going to be reviewed?

15 MR. LOUGHLIN: I'm not aware of  
16 that.

17 MR. COAKLEY: Objection.

18 MR. LOUGHLIN: I wasn't involved in  
19 that.

20 MS. SMITH: You were. Okay. So  
21 we're two for two. Thank you.

22 COMMISSIONER CASAMENTO: Any other  
23 member with a question?

24 MR. PLACEK: Pawel Placek, 13 Claire  
25 Drive.

1                   It might not be related to  
2           testimony, so I apologize, but this testimony was  
3           offered as outside the question whether there  
4           would be future request for the parking increase.  
5           So I wanted to ask, which -- how can you -- which  
6           part of your testimony proves that point, that  
7           there will not be future requests for additional  
8           parking?

9                   MR. COAKLEY: I don't think that  
10          that was his testimony at all. It's a  
11          misstatement, mischaracterization of his  
12          testimony, and it should not be allowed.

13                   What we've said repeatedly is, if  
14          there's -- if they come in for a new building,  
15          then it comes before the board, but that's not  
16          the case here. This application is based on the  
17          existing buildings; the existing parking. It  
18          seems a variance based on those two existing  
19          conditions.

20                   MR. PLACEK: I agree with the  
21          statement on the testimony --

22                   MR. COLLINS: Sir, you have to --  
23          you cannot -- you have to just ask questions.

24                   MR. PLACEK: I understand, but --

25                   MR. COLLINS: You can ask them, and



1           then, if there's an objection, because it's  
2           outside the scope of the direct testimony, we'll  
3           have to decide that. Go ahead and ask questions,  
4           but don't make statements. Don't try to tell him  
5           what he's supposed to tell you. Ask him what you  
6           want to hear, and see if he answers it.

7                       MR. PLACEK: I understand that. And  
8           I don't have a question for the --

9                       MR. COLLINS: Then you're done. If  
10          you don't have any questions, you can't speak at  
11          this stage, because this witness is just open for  
12          questions. But if you do have a question, and  
13          it's within the scope of his direct testimony,  
14          ask, and ask him, and then, if there's an  
15          objection, we'll deal with it.

16                      MR. PLACEK: Okay. I have question  
17          for counsel, then, when the time comes, because  
18          they offered --

19                      MR. COLLINS: They don't have to  
20          answer questions. Counsel, they might answer  
21          questions, but they don't have to.

22                      So you're saying you would like to  
23          ask Mr. Coakley a question; maybe you want to ask  
24          him that during a break.

25                      MR. PLACEK: No, it wasn't -- we

1 asked the question --

2 MR. COLLINS: I understand your  
3 point, but that's a statement.

4 MR. PLACEK: Okay.

5 MR. COLLINS: Just go ahead and ask  
6 questions.

7 MR. PLACEK: Thank you.

8 COMMISSIONER CASAMENTO: Is there  
9 any other member of the public with a question  
10 for this witness regarding his testimony?

11 MR. GARDNER: Jay Gardner, 31 Ray  
12 Street.

13 You've made some great deals. I'm  
14 in the pharmaceutical industry; you've been  
15 involved in most of the big ones.

16 You know, we've talked -- heard a  
17 lot about 93 percent occupancy. Right? But  
18 that's really tenants, or that's the -- like, if  
19 we could take ten tenants there; we have nine  
20 tenants now. Do I understand that correctly?

21 MR. LOUGHLIN: No, I mean, I think  
22 what I'm -- what 90 percent occupancy means is  
23 that 90 percent of the space is committed to by  
24 leases.

25 MR. GARDNER: Right. So is there a

1 restriction in the lease? Does the lease spell  
2 out how many people they can have in there? Is  
3 there a restriction in the lease on that?

4 MR. LOUGHLIN: Not necessarily, but  
5 that's usually based on the current plan of the  
6 building, and the use of the building, which is  
7 for R&D functions.

8 MR. GARDNER: Right, I understand  
9 the use.

10 Okay. Thank you.

11 MR. GANGOLI: Hello, Gaurav Gangoli,  
12 Garfield Avenue. I'm also an industry man  
13 myself, so I've been on a few sites all around  
14 New Jersey.

15 What can you tell us about any  
16 studies, or analyses, or your expert opinion on  
17 transient traffic, that's different from R&D  
18 facilities like this versus office buildings?

19 So as an example, there's things  
20 that are transient across all office parks.  
21 Right? Snow piles up; you can't park there.

22 Then there are ones that are more  
23 specific to R&D facilities. So if you think  
24 about the cooling trucks that have to come in,  
25 the chemical trucks that have to come in, so

1 they're a lot different than the WB Mason who  
2 just has to drop off office supplies.

3 So what can you tell us about this  
4 that's different, and was that accounted for in  
5 the parking analyses that are done for this?

6 MR. LOUGHLIN: I think there's  
7 several liquid nitrogen tanks on the property,  
8 but they're designed and already approved -- you  
9 know, when they were built --

10 MR. GANGOLI: No, it's not that, I'm  
11 sorry. So it means there's transient traffic,  
12 meaning -- like, when the previous gentleman  
13 spoke, he's talking about, I guess, like, you  
14 know, how the parking was occupied by workers  
15 there. What about delivery trucks and other  
16 sorts of parties that have to come in, which are  
17 greater need for an R&D facility versus an office  
18 building, because they've got to drop off  
19 chemicals; they've got to stay there longer. I  
20 also don't know how many of them show up, you  
21 know, in the summertime.

22 MR. LOUGHLIN: I mean, we're 90  
23 percent occupied and each building has its own  
24 separate loading areas dedicated for loading.

25 MR. GANGOLI: Okay. I just

1 want folks to be aware -- again, speaking from  
2 personal experience, you kind of have that --

3 MR. COLLINS: Sir, you can't testify  
4 at this stage. When it's open to the public for  
5 testimony, you'll be able to make statements.

6 MR. GANGOLI: Okay. Thank you.

7 MR. TERI: Hi, my name is Mike Teri.  
8 I am a resident of 1048 Route 202, right across  
9 the street.

10 Just a question for you, because I  
11 think the timeline with the 90 percent occupancy  
12 has been coming into question a bit. Did  
13 Mr. Dean's organization contact you? You seem to  
14 have a lot of understanding of the tenants that  
15 are in the building, the square footage that has  
16 been occupied, the timeline of the occupation of  
17 that square footage. Has his firm worked with  
18 yours at all to determine, although leases may  
19 have been in effect, what occupancy or what  
20 tenants were actually occupying the buildings  
21 that were under lease?

22 MR. LOUGHLIN: They didn't consult  
23 me, but I assume they consulted the owner of the  
24 building, Advance and Thor.

25 MR. TERI: Well, he already said he

1 didn't do that, so that's why I'm asking you if  
2 he contacted you about it.

3 The second question I have is, there  
4 has been probably over 30 percent of that space,  
5 that commercial space, of that 800,000 square  
6 footage, offered for lease on commercial real  
7 estate platforms. And from my perspective as a  
8 resident, that, to me, means that you have some  
9 tenants that are leaving, tenants that are coming  
10 in, especially over the last two-year period.  
11 Some of these listings, at least  
12 250,000-square-foot of these listings, have been  
13 up since 2018.

14 MR. LOUGHLIN: Actually, before  
15 that --

16 MR. TERI: It's about two years.

17 MR. LOUGHLIN: -- we're marketing  
18 the property --

19 MR. TERI: And the representative of  
20 JLL, which is your company --

21 MR. LOUGHLIN: Yeah, which is us,  
22 right, and we've signed -- I don't know how many  
23 square feet, but maybe 150,000 feet of leases in  
24 the last year.

25 MR. TERI: And what is the typical

1       turnaround time, after a lease is executed, to  
2       where, you know, you have -- obviously, one  
3       company is not doing the exact same thing as  
4       another, they have to come in, they have to  
5       reconfigure the building, air lines, whatever --  
6       what is the typical turnaround time between a  
7       lease being executed and somebody entering and  
8       occupying fully their business?

9               MR. LOUGHLIN:  These buildings are  
10       so well equipped with what Sanofi left behind,  
11       most of the tenants -- other than Nestle had to  
12       do a lot of work with their pilot plant -- but  
13       most of the tenants have actually just moved in  
14       and used a lot of the equipment, and the  
15       furniture, and other things that were left behind  
16       by Sanofi.  Everybody's different, but,  
17       predominantly, most of them have just moved right  
18       in fairly quickly after the lease was signed.

19              MR. TERI:  So was that fairly  
20       quickly, relatively speaking --

21              MR. LOUGHLIN:  Sixty to ninety days.

22              MR. TERI:  So during the last two  
23       years, would you say that about 30 percent of  
24       that space that is available in total, that  
25       800,000, would have been in transitional periods?

1 MR. LOUGHLIN: No, I think, you  
2 know, we've leased 150,000 feet in the last year,  
3 and once they signed the lease, they're occupying  
4 in 90 days.

5 MR. TERI: That's understood. So my  
6 question there would be -- you said 150,000  
7 square feet. Okay? That's -- without a  
8 calculator, that's about 20 percent of the size  
9 of the property in the last year. And Mr. Dean's  
10 readings were taken June 5th of 2018, which is a  
11 year ago. Okay?

12 So now you have 20 percent of the  
13 total square footage of the property that was  
14 unused within the last year, or in transition,  
15 and now you go from -- and I don't want to put  
16 you on the spot for what Mr. Dean said, because I  
17 can't get you guys here together, but Mr. Dean  
18 alleges that, although his number of parking  
19 spaces that were actually used went up from July  
20 of 2018 -- or 2019, from June of 2018, he doesn't  
21 see that whole summer month thing to be any type  
22 of -- alarming to him, because, in his essence,  
23 you know, his first numbers, which he took when  
24 the properties were all in transition, or listed  
25 as being available, those numbers he took are now



1 being replicated by a summer month in July.

2 So my question to you would be --  
3 and this is based on your expert opinion -- those  
4 numbers going up during the timeline of these  
5 companies coming and occupying space, would you  
6 argue that that is an increase in occupancy that  
7 is driving up those numbers from June 2018?

8 MR. LOUGHLIN: I mean, if more  
9 people are moving in from 2018 to 2019, there  
10 should be more cars parked there.

11 MR. TERI: So would Mr. Dean's  
12 numbers then be apples to oranges? Because the  
13 tenancy -- he argues the occupancy in 2018 was 93  
14 percent. You argue that you've leased 150,000  
15 square footage of space in the last --

16 MR. LOUGHLIN: In the last year --  
17 from 2018, yeah.

18 MR. TERI: So that 7 percent  
19 occupancy -- 150,000 square feet, you would  
20 agree, is 20 percent occupancy. Correct?

21 MR. COAKLEY: This is much more  
22 appropriate for making a statement or argument --

23 MR. TERI: I'm not allowed to make a  
24 statement now, sir.

25 MR. COAKLEY: No, you're not, so

1           rather than asking a witness --

2                       MR. COLLINS:  The objection is  
3           correct.  You have to focus your attention on the  
4           questions of this witness.  And that does allow  
5           you to make a preface to a question, but not to  
6           make an argumentative statement to the witness.

7                       MR. TERI:  I haven't made a  
8           statement.  I've been asking questions of this  
9           man, and he's been answering them, which I  
10          appreciate.  Thank you.

11                      So my last question, then, is from  
12          the date that -- let's say June 5, 2018, not even  
13          referencing Mr. Dean's numbers that he came up  
14          with earlier, from that date until now, you have  
15          leased at least 100,000 square footage --

16                      MR. LOUGHLIN:  I don't know the  
17          exact number of square footage --

18                      MR. TERI:  You seem to.

19                      MR. LOUGHLIN:  -- but it's around --

20                      MR. TERI:  You seem to.  You seem to  
21          have a very good understanding --

22                      MR. LOUGHLIN:  My position is that  
23          it's one space per thousand square feet that gets  
24          leased for lab space.  It's kind of a practical  
25          rule of thumb in my opinion.

1 MR. TERI: Understood. Thank you.

2 MR. RING: Timothy Ring, 17 Lawton  
3 Road.

4 Sir, I don't -- all of the buildings  
5 in the ORD Zone, what is the total occupancy load  
6 as rated by the fire construction official in the  
7 town?

8 MR. LOUGHLIN: I don't know.

9 MR. RING: Okay. Are you aware of  
10 anyone that would know?

11 MR. LOUGHLIN: I would think the  
12 owners or the property managers might know.

13 MR. RING: So then you're not aware  
14 of anyone that would have looked at that -- that  
15 you're aware of, that would have looked at that,  
16 as to how many occupants are allowed -- this room  
17 is allowed 254 people in it -- if we added that  
18 up for all the buildings -- that no one you're  
19 aware of looked at that for the number of parking  
20 spaces.

21 MR. LOUGHLIN: I think each tenant  
22 gets their own individual certificate of  
23 occupancy, which I believe addresses those  
24 issues.

25 MR. RING: I understand, I'm just

1       trying to understand if anybody's looked at --  
2       there was testimony earlier about additional  
3       people moving in. We don't know if that may or  
4       may not happen, but if there's -- and I'm sure  
5       you would agree, if the town gives Nestle, and  
6       says out of your total space, your load occupancy  
7       on each floor is 200 people, times however many  
8       floors, Nestle, theoretically, needs that number  
9       of parking spaces.

10                    When you do sign your leases, is  
11       there any commitment to each tenant as to how  
12       many parking spaces they get?

13                    MR. LOUGHLIN: We give them, like, a  
14       pro rata share.

15                    MR. RING: So it is spelled out in  
16       the lease?

17                    MR. LOUGHLIN: Sometimes.

18                    MR. RING: But not always?

19                    MR. LOUGHLIN: Not always.

20                    MR. RING: Okay. So, potentially,  
21       somebody could come in with more people; based  
22       upon the occupancy load, they could need more  
23       parking, possibly?

24                    MR. LOUGHLIN: You know, if somebody  
25       changed the buildings to another use --

1 MR. RING: Without changing them,  
2 because we don't know if anybody's actually  
3 looked at the occupancy loads that the town's --

4 MR. LOUGHLIN: I think you have --  
5 the COs do that.

6 MR. RING: But not overall for the  
7 project.

8 MR. LOUGHLIN: I'm sorry?

9 MR. RING: Not overall for the  
10 project.

11 MR. LOUGHLIN: I believe each  
12 tenant --

13 MR. RING: Each tenant, but nobody  
14 overall for the project, for the ORD area  
15 collectively.

16 MR. LOUGHLIN: I don't know. That's  
17 not something I'm aware of.

18 MR. RING: Okay. Thank you.

19 MR. LOUGHLIN: You're welcome.

20 COMMISSIONER CASAMENTO: Is there  
21 any other member of the public with a question  
22 for this witness?

23 Mayor Hayes?

24 MAYOR HAYES: I've got a question.  
25 Thank you.

1           So, in short, so you are -- so it's  
2           your testimony that availability or  
3           unavailability of parking has never been a  
4           problem in leasing the space?

5           MR. LOUGHLIN: That's correct.

6           MAYOR HAYES: And that the use of  
7           the space tends to drive the parking requirement.  
8           Correct?

9           MR. LOUGHLIN: That's correct.

10          MAYOR HAYES: And then, lastly,  
11          you're saying that the use of this space, or the  
12          volume of this space, is not likely to change for  
13          years to come.

14          MR. LOUGHLIN: I don't see it. I  
15          mean, we leased 800,000 feet at this part,  
16          roughly. It's successful.

17          MAYOR HAYES: So, in your opinion,  
18          how parking has been, the parking as it will be,  
19          is not going to be an impact in your ability to  
20          rent the space?

21          MR. LOUGHLIN: No.

22          MAYOR HAYES: Thank you.

23          COMMISSIONER CASAMENTO: Is there  
24          any other questions from the public?

25          Seeing none, thank you.

1 MR. LOUGHLIN: Thank you.

2 COMMISSIONER CASAMENTO: At this  
3 time, I'd like to take a five-minute recess. We  
4 will reconvene -- that clock is fast on the wall  
5 in the back. I have 9:27. So we'll reconvene in  
6 five minutes.

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

9 COMMISSIONER CASAMENTO: Scarlett,  
10 can you please do a roll call?

11 MS. DOYLE: Yes.

12 Mr. Rodzinak?

13 COMMISSIONER RODZINAK: Here.

14 MS. DOYLE: Ms. Casamento?

15 COMMISSIONER CASAMENTO: Here.

16 MS. DOYLE: Mr. Franco?

17 COMMISSIONER FRANCO: Here.

18 MS. DOYLE: Councilman Norgalis?

19 COUNCILMAN NORCALIS: Here.

20 MS. DOYLE: Ms. Powers?

21 COMMISSIONER POWERS: Here.

22 MS. DOYLE: Mr. Lerner?

23 COMMISSIONER LERNER: Here.

24 MS. DOYLE: Mayor Hayes?

25 MAYOR HAYES: Here.

1 MS. DOYLE: Mr. Pandya?

2 COMMISSIONER PANDYA: Here.

3 COMMISSIONER CASAMENTO:

4 Mr. Coakley, your next witness?

5 MR. COAKLEY: Yes, Paul Phillips.

6 He's been previously sworn; he's been previously  
7 qualified by this board as an expert witness in  
8 the field of land use planning, and I offer him  
9 as such.

10 MR. COLLINS: Yes. Mr. Phillips,  
11 you understand you're still under oath?

12 MR. PHILLIPS: I do, Mr. Collins.

13 MR. COLLINS: Go ahead, gentlemen.

14 P A U L P H I L L I P S, having  
15 been previously sworn, remained under oath and  
16 testified as follows:

17 DIRECT EXAMINATION

18 BY MR. COAKLEY:

19 Q. Mr. Phillips, have you heard the  
20 testimony this evening of the three prior  
21 witnesses?

22 A. I have.

23 Q. And you're familiar with the  
24 project? You've testified about this property  
25 previously, have you not?





1 up, and perhaps this is more a point of  
2 information, but the planning board did  
3 previously grant a variance, a parking variance,  
4 back in 2008, which was for the then entire  
5 110-acre Sanofi campus, and that variance would  
6 be -- was to allow as many as 655 fewer spaces  
7 than was required by ordinance. So the board,  
8 back in 2008, recognized that there was a basis  
9 to relax the ordinance with regard to parking,  
10 and at least for the Sanofi R&D use which  
11 existed on the property roughly 10 years ago.

12 I will also point out, I've read  
13 that resolution from 2008, there was already a  
14 parking variance that had previously been  
15 granted to Sanofi, which is cited in that 2008  
16 resolution. There was actually a parking  
17 variance originally granted to Sanofi back in  
18 2000. So at least two instances, the parking  
19 standard was relaxed in connection with  
20 applications involving the full 110-acre Sanofi  
21 application.

22 Secondly, the R&D or the ORD  
23 portion of the campus, as you've heard, is now  
24 almost fully leased. So there's a reliable base  
25 of information regarding the type of tenants,

1 the space utilization, and the actual parking  
2 demands. So what we now know is that most of  
3 the space is leased for research and development  
4 and laboratory-type activities, which typically  
5 do not generate as many employees on a  
6 per-square-foot basis, as compared to strictly  
7 office use.

8 And by way of example, and you  
9 heard this from Mr. Loughlin, you have certain  
10 amounts of floor area that are devoted to things  
11 such as the clinical trials for the product of  
12 manufacturing; you have incidental storage; you  
13 have a lot of specialized equipment for the R&D  
14 and lab-type use. None of these type uses on  
15 their own generate any or very little parking  
16 demand.

17 I would also concur with the  
18 testimony of Mr. Loughlin that, in many of these  
19 facilities, scientists often have their own  
20 office and lab space, which essentially provides  
21 a more generous amount of space on a  
22 per-employee basis.

23 Now, Mr. Dean's parking counts  
24 indicate that only about half of the available  
25 supply is likely to be occupied based on the

1 current tenant mix, and his basically upping  
2 that figure to an 100 percent occupancy rate. I  
3 think it was at 93 percent when he did the  
4 study, but he basically upped that to 100  
5 percent.

6 I calculated, on a-square-foot  
7 basis, that amounts to about one space per every  
8 1,150 square feet. That's the empirical  
9 evidence of parking based on Mr. Dean's counts.

10 The proposed parking supply on the  
11 site in the ORD Zone is at a rate of one space  
12 per 560 square feet. So, essentially, there's  
13 double the amount of available parking in ORD as  
14 compared to what the empirical counts basically  
15 indicate.

16 I will also offer for you, since  
17 I've been doing this a long time, I draft zoning  
18 ordinances, I review zoning ordinances, I will  
19 say that, with regard to parking ratios for  
20 research and development and lab use throughout  
21 the state, if you look at zoning ordinances, I  
22 will acknowledge that they are all over the map.  
23 They are all over the map.

24 I will also say that, based on my  
25 experience, that the Bridgewater requirement of

1 one space per 300 square feet is highly  
2 conservative. Interestingly, Bridgewater,  
3 basically, has the same parking ratio for  
4 research/lab-type use as it does for office use.  
5 This is atypical, and quite frankly it is  
6 onerous, all else being equal.

7 Just to give you an example -- and  
8 I've seen other municipalities with one per 300.  
9 You're not the only one out there with one per  
10 300, but more typically defined standards, you  
11 can see one per 500. I've seen one per 800.  
12 I've seen one per 1,000, for this type of use.

13 Importantly, notwithstanding the  
14 existing conditions, I think the fact that the  
15 actual parking demand -- parking supply, rather,  
16 is still roughly double what the most recent  
17 empirical evidence shows, in terms of demand or  
18 need, will provide appropriate safeguards for  
19 the site, and ultimately for the municipality,  
20 even if the tenant mix changes over time, which  
21 is obviously something that can happen,  
22 notwithstanding the fact that there may be  
23 long-term leases on this property.

24 But the key is, I think, what  
25 Mr. Loughlin mentioned, which is that you have

1 to understand that these buildings have been  
2 basically designed for research and development  
3 and lab-type use with very little office space.  
4 It goes hand in hand with that predominant use.

5 So I think, as a practical matter,  
6 considering that this R&D space has been used  
7 this way historically, it's been proposed this  
8 way, I think there's basically little or  
9 virtually no chance that there's going to be a  
10 parking issue in the future on this site, based  
11 upon how these buildings have been designed and  
12 how they've historically been used.

13 I think the parking variance can be  
14 granted on both the c(1) and c(2) grounds.

15 With regard to the former, I think  
16 the strict application of the parking standard  
17 does present some practical difficulty for this  
18 applicant, as, again, the generic ordinance  
19 standard of one per 300 would require this  
20 applicant to construct significantly greater  
21 parking than is actually needed, based on the  
22 evidence.

23 I also believe that, to ask this  
24 applicant to construct what I characterize as  
25 unnecessary parking would add new paved surfaces

1 to the site. And I would note that, in the ORD  
2 portion of the development, as proposed, the  
3 applicant is well below the allowable improved  
4 lot coverage at this point. So in that sense, I  
5 think the benefits that would be gained,  
6 basically, by allowing these couple areas to  
7 stay as green space, in terms of aesthetics,  
8 keeping within the coverage, well below the  
9 coverage requirement, and also, basically  
10 providing -- or not having the applicant to go  
11 provide additional stormwater management to  
12 service these unnecessary paved areas, would  
13 substantially outweigh any detriments associated  
14 with the variance relief.

15 I think the number of purposes of  
16 the statute would be advanced:

17 I think purpose A, which is to  
18 guide development in a manner that promotes the  
19 public welfare.

20 Purposes C and J, which basically  
21 have to do with providing adequate open space,  
22 and promoting open space.

23 And purpose M, which is to  
24 encourage a more efficient use of the land.

25 And lastly, as there will still be

1 roughly double the amount of parking available  
2 relative to the current demand, I would see no  
3 substantial detriment to the public good or  
4 substantial impairment of the zone plan and  
5 zoning ordinance if this variance is granted.

6 MR. COAKLEY: No further questions.

7 COMMISSIONER CASAMENTO: Thank you.

8 Is there any member of the board  
9 with a question of this witness regarding his  
10 testimony?

11 COUNCILMAN NORCALIS: Can you give  
12 us the numbers -- you said there's other towns  
13 that happen to use 300 square foot. Do you know,  
14 offhand, who they are?

15 MR. PHILLIPS: I don't know offhand,  
16 but I will state that I am familiar with other  
17 ordinances that are as low as the one per 300.  
18 But, again, the point I was trying to make is  
19 that I think planners basically don't have a good  
20 handle on what the right standard is, and I think  
21 Bridgewater has probably been very, very  
22 conservative in that regard, which is why we're  
23 here requesting the variance relief. Other towns  
24 are not so conservative, and they're more in  
25 line -- which I think is more the empirical



1 demand, which is at anywhere from maybe one per  
2 500 to one per thousand.

3 COMMISSIONER CASAMENTO: Any other  
4 questions?

5 Seeing none, is there any member of  
6 the public with questions of this witness  
7 regarding his testimony?

8 MR. FRESCO: Good evening, Andy  
9 Fresco, 15 Glen Eagles Drive.

10 Sir, I can't -- you guys, man. You  
11 guys are -- it's -- you can't blame you for  
12 trying.

13 Sir, in 2008, sir, was there -- was  
14 there a retail component on this parcel?

15 MR. PHILLIPS: No.

16 MR. FRESCO: Sir, in 2008, were  
17 there 400 apartments being applied for?

18 MR. PHILLIPS: No.

19 MR. FRESCO: Sir, in 2008 --

20 MR. COAKLEY: Mr. Chairman, this has  
21 nothing to do with 400 units --

22 MR. COLLINS: Yeah, you are way  
23 beyond the scope of the direct testimony, sir.

24 MR. FRESCO: Why? It's one  
25 application. Correct?

1                   MR. COLLINS:  It's one application,  
2                   but this is not about the commercial parking or  
3                   the condominium --

4                   MR. FRESCO:  Sir, I think that the  
5                   residents of Bridgewater are concerned -- this is  
6                   on the same parcel of land.  Come on, planning  
7                   board.

8                   MR. COLLINS:  The question -- the  
9                   only testimony by this witness tonight is about  
10                  the ORD parking variance for the buildings that  
11                  exist there now.

12                  MR. FRESCO:  I understand.

13                  MR. COLLINS:  So you can ask  
14                  questions that --

15                  MR. FRESCO:  I get it.

16                  MR. COLLINS:  -- focus on that  
17                  subject, but you can't focus on something --  
18                  they're not even asking for relief on the  
19                  parking --

20                  MR. FRESCO:  Right, but it has to be  
21                  considered, sir, that --

22                  MR. COLLINS:  No, it does not --

23                  MR. FRESCO:  -- 11 years ago --

24                  MR. COLLINS:  In other words,  
25                  there's already been a hearing about the parking

1 for the residential and the --

2 MR. FRESCO: Fair enough. I yield,  
3 sir.

4 Okay. So, sir, in 2008, was there a  
5 parking garage adjacent to this property, which  
6 is -- and I'm eluding to the parking garage at  
7 the Indian temple. Was that --

8 MR. PHILLIPS: You're talking about  
9 something off site?

10 MR. FRESCO: That's correct.

11 MR. PHILLIPS: I have no idea.

12 MR. FRESCO: Okay. It was not.

13 Sir, do you think that the planning  
14 board should consider this when making a decision  
15 about the retail component?

16 MR. PHILLIPS: What is -- what do  
17 you mean by "this"?

18 MR. FRESCO: This, as in this  
19 variance request.

20 MR. PHILLIPS: No.

21 MR. FRESCO: Okay.

22 MR. PHILLIPS: I do not.

23 MR. FRESCO: Sir, I just want you to  
24 tell me if you can identify what -- for the  
25 record, this is a -- this is an overhead map of

1 the applicant's COE. I just want to make sure  
2 you can see that. And let the record show that  
3 this property is surrounded --

4 MR. COLLINS: You have to -- you  
5 have to try --

6 MR. FRESCO: I have to ask him a  
7 question, you're right.

8 MR. COLLINS: You can preface a  
9 question, and you can show him something, and you  
10 can ask him if he recognizes --

11 MR. FRESCO: I don't want to waste  
12 time. I want to get through it quickly, that's  
13 all. I'm just trying to move quickly.

14 Sir, do you see any other ORDs in  
15 that image?

16 MR. PHILLIPS: Well, this is an  
17 aerial map that shows, basically, the existing  
18 uses on the ground. It doesn't show overlay  
19 zoning.

20 What I will say is that it appears  
21 to show a portion of the subject property, as  
22 well as certain surrounding areas which look to  
23 be largely residential.

24 MR. FRESCO: Largely residential,  
25 that's correct, sir. And that's why Bridgewater

1 has a very strict ordinance about the 1 for 300,  
2 is because we don't want unnecessary parking lots  
3 in our residential communities.

4 No further.

5 MR. MOENCH: Good evening, Matthew  
6 Moench, 1303 Roger Avenue.

7 Sir, would you mind describing for  
8 the board and the audience what the conditions of  
9 the site were in 2008? And I'm talking about the  
10 entire site, sir.

11 MR. PHILLIPS: Yeah, the site was  
12 basically one campus, 110 acres, and included the  
13 buildings, which are still a part of the rear ORD  
14 campus, and the buildings in the front of the  
15 campus, which have subsequently been placed  
16 within the R-Seed zone.

17 MR. MOENCH: And do you know, in  
18 2008, at that time, specifically, was the  
19 building still occupied, or was it -- the campus  
20 still occupied at that time, or was it available?  
21 Do you know?

22 MR. PHILLIPS: I'm not sure. I  
23 believe it was, but I can't tell you with any  
24 accuracy how much may have been vacant at the  
25 time.

1 MR. MOENCH: Sure. And so we talk  
2 about 2008. The current proposal for the site is  
3 significantly different than existed in 2008.  
4 Correct? There was no hotel proposed in 2008.

5 MR. PHILLIPS: Yeah, the front  
6 portion of the site, as part of this overall  
7 proposal, is consistent with the change in the  
8 land use designation for the front portion of the  
9 property, correct.

10 MR. MOENCH: Sure. No residential  
11 component in 2008?

12 MR. PHILLIPS: I don't believe so.

13 MR. COAKLEY: Again, this has  
14 nothing to do with the residential application --

15 MR. MOENCH: Sure. Mr. Collins,  
16 we've heard, now, testimony -- we've heard  
17 quasi-testimony from counsel earlier; we've now  
18 heard testimony tonight from this witness  
19 regarding a 2008 planning board waiver regarding  
20 parking, which the witness specifically indicated  
21 was for the entire site.

22 So, therefore, if they're trying to  
23 use the waiver in 2008 as some sort of precedent  
24 for this board to grant this parking waiver, we  
25 should be entitled to delve into what the

1 conditions were in 2008, and what was predicated  
2 in that 2008 waiver, and how it exists with the  
3 current site. Because if the two sites aren't  
4 the same, then the --

5 MR. COLLINS: You can go ahead and  
6 asked the questions, but keep it focused on the  
7 direct.

8 MR. MOENCH: Sure.

9 So just to make sure the record's  
10 complete, I don't want to be repetitive, but  
11 there was no residential component in 2008?

12 MR. PHILLIPS: That's correct.

13 MR. MOENCH: No retail in 2008?

14 MR. PHILLIPS: That's my  
15 understanding, yes.

16 MR. MOENCH: Okay. So the parking  
17 waiver that you referenced earlier in 2008, that  
18 was for the entire site, you testified. Correct,  
19 sir?

20 MR. PHILLIPS: Correct.

21 MR. MOENCH: Did you review the  
22 submissions before the board in 2008 to  
23 understand the dynamics of the parking  
24 application at that time?

25 MR. PHILLIPS: I reviewed only the

1 resolution and the magnitude of the variance  
2 relief, as I so testified this evening.

3 MR. MOENCH: And that variance --  
4 that magnitude was for the entire 110-acre site?

5 MR. PHILLIPS: Correct.

6 MR. MOENCH: Did you look at what,  
7 if any, discussion occurred at the board, with  
8 regard to that parking waiver in 2008, as it  
9 applies to the back portion of the now designated  
10 ORD Zone?

11 MR. PHILLIPS: I only reviewed the  
12 resolution, and again, that resolution and the  
13 parking relief went with the entirety of the  
14 site.

15 MR. MOENCH: Okay. So to answer my  
16 question, you did not review whether there were  
17 any comments with -- at the time that the board  
18 passed the resolution in 2008, that dealt with  
19 parking or traffic specifically in this section  
20 of the site.

21 MR. PHILLIPS: When you say  
22 "comments" --

23 MR. MOENCH: Well, there's board  
24 discussion --

25 MR. PHILLIPS: As I mentioned, I



1           only reviewed the resolution of approval granting  
2           the parking variance.

3                       MR. MOENCH:   You didn't review any  
4           submissions, parking reports, traffic studies,  
5           parking studies, in 2008?

6                       MR. PHILLIPS:   If there was, I  
7           didn't review them.

8                       MR. MOENCH:   Okay.   Was there a  
9           fence up in 2008?   We've heard discussion about  
10          the security fence.

11                      MR. PHILLIPS:   I can't answer that  
12          with 100 percent certainty.   I wasn't here, I  
13          didn't participate in that application, so I'm  
14          not going to delve into that.

15                      MR. MOENCH:   Last question on this  
16          topic:   Do you know whether or not the flow of  
17          traffic within the site in 2008 was unencumbered,  
18          or was there some barrier that stopped cars from  
19          getting to this back portion of the site compared  
20          to the front?

21                      MR. PHILLIPS:   Again, I didn't  
22          study, specifically, the internal flows as part  
23          of the 2008; I focused on the parking variance  
24          relief that was granted by the board.

25                      MR. MOENCH:   Understood.

1                   You testified tonight about -- you  
2                   gave some conclusions regarding your opinion  
3                   about parking, and the sufficiency of parking.  
4                   Did you conduct any independent analysis with  
5                   regard to occupancy of the buildings?

6                   MR. PHILLIPS:   No.

7                   MR. MOENCH:    Okay.  Did you use  
8                   Mr. Dean's figures or Mr. Loughlin's figures, or  
9                   did you use any figures, in terms of -- whose  
10                  figures did you use?

11                  MR. PHILLIPS:   Well, the testimony  
12                  that I provided, in terms of the existing parking  
13                  ratios, were based on Mr. Dean's report.

14                  MR. MOENCH:    Okay.  You heard the  
15                  testimony earlier this evening?

16                  MR. PHILLIPS:   I was here the whole  
17                  evening, yes.

18                  MR. MOENCH:    Did you hear testimony  
19                  from Mr. Loughlin -- I apologize if I'm not  
20                  saying that right, to the witness -- but did you  
21                  hear testimony from that witness about the amount  
22                  of retail space that has been -- or amount of  
23                  space, I should say, that has been leased between  
24                  2018 and 2019?

25                  MR. PHILLIPS:   I heard the

1 testimony, yes.

2 MR. MOENCH: Okay. Do you have any  
3 opinion with regard to whether or not the figures  
4 Mr. Dean offered for consideration and the  
5 testimony of Mr. Loughlin are compatible?

6 MR. PHILLIPS: Well, I think they  
7 are, based upon what I heard from Mr. Dean. And  
8 Mr. Dean, if I understand his testimony  
9 correctly, his count from 2019 basically  
10 supported his counts from 2018, there was very  
11 little change in the existing parking demand over  
12 the course of that time frame, which is -- as I  
13 understand the time frame, which Mr. Loughlin  
14 testified with regards to leasing of space.

15 MR. MOENCH: We heard some testimony  
16 that suggested that there was a significant  
17 amount of space leased within 2018-2019, which  
18 would suggest that, I heard, we're at a higher  
19 occupancy than 93 percent now, or we were at a  
20 lower occupancy in 2018. Do you agree with that,  
21 sir?

22 MR. PHILLIPS: What I based my  
23 testimony on was Mr. Dean's report, was that, at  
24 the time of his counts, there was 93 percent  
25 occupancy.

1 MR. MOENCH: Understood.

2 What's the -- can you provide some  
3 explanation as to what exactly is the change in  
4 the entranceway that's predicating the reduction  
5 of 24 spots?

6 MR. PHILLIPS: I mean, I'm familiar  
7 with it, but I'd really defer any specifics to  
8 Mr. Hermann. I know the general area where it's  
9 located, which is basically here, but he would  
10 have to bring up the site plan, to kind of go  
11 through the actual loss of parking and where it  
12 is. I'll defer to him on the specifics as the  
13 site engineer.

14 MR. MOENCH: What -- are you able to  
15 provide any testimony as to where the  
16 entranceway -- or how that road would be  
17 configured, if you weren't permitted to eliminate  
18 those 24 parking spots?

19 MR. PHILLIPS: No, I didn't review  
20 that or study that at all.

21 MR. MOENCH: More broadly, if the  
22 planning board were to require you to comply with  
23 the ordinance as it stands right now, what would  
24 the impact be on the application?

25 MR. PHILLIPS: The board can deny

1 the application, obviously. And I think you  
2 heard from another witness that, should there be  
3 a need for additional parking, there may be areas  
4 on the site that presently aren't improved. But,  
5 again, I didn't independently study that.

6 MR. MOENCH: Okay. Have you seen  
7 any data from anybody else that would indicate  
8 what would happen, what buildings might have to  
9 be taken down, or changes to the site  
10 configuration to --

11 MR. PHILLIPS: No.

12 MR. MOENCH: Sir, you talked about a  
13 c(1) variance, and you went through some  
14 discussion about why you thought that the current  
15 number of -- ratio in the ordinance is really too  
16 high for the use of this site. Correct?

17 MR. PHILLIPS: Yes.

18 MR. MOENCH: Okay. And c(1) is a  
19 hardship variance?

20 MR. PHILLIPS: C(1) is hardship.

21 MR. MOENCH: So I guess my question  
22 to you, sir, is the predicate of a c(1) hardship  
23 variance is not could the number be less than  
24 what it is, but the applicant first has the  
25 burden of proving that there is, in fact, a

1 hardship to them, that would otherwise get to the  
2 second phase, which is could it be reduced.

3 But how do we get to whether there's  
4 a hardship to the applicant if nobody here,  
5 including yourself, has testified to what the  
6 hardship would be to the applicant, since nobody  
7 has studied what would the impact to the site be  
8 for the parking spaces, what changes would have  
9 to be made, or what the alternative plan would be  
10 for the parking spaces?

11 MR. PHILLIPS: You don't, in my  
12 professional opinion, have to provide those  
13 proofs to basically put forth the hardship  
14 argument. In the MLUL, if you can basically  
15 demonstrate that there is a unique or  
16 extraordinary situation affecting a particular  
17 property -- and here, I think we have that, we  
18 have a built condition, we have an established  
19 parking area -- we're only talking about the net  
20 loss of 22 parking spaces here -- we have the  
21 history of the use, and we have prior precedent,  
22 where variances were granted for similar uses on  
23 the entirety of the site -- albeit, 10 years  
24 ago -- which indicate to me that the strict  
25 application of that one-per-300 standard, as

1 applied to this unique particular property, given  
2 its context, would result in practical  
3 difficulties for this applicant.

4 MR. MOENCH: Certainly, the board,  
5 at some point, will make their conclusions on  
6 that, except, you know, what I have not heard  
7 from you, sir, is I still, in my reading of the  
8 language, require a hardship, and I have not yet  
9 heard what hardship, if any, actually applies to  
10 this applicant.

11 I have no further questions. Thank  
12 you.

13 MR. PHILLIPS: Thank you.

14 MR. BROOKNER: I almost just said  
15 good morning. Good afternoon -- or good evening.

16 MR. PHILLIPS: The hours just go by  
17 quickly.

18 MR. BROOKNER: It's been quite a  
19 day. Jeffrey Brookner, 60 Nicole Terrace in  
20 Bridgewater.

21 I have a series of questions. You  
22 mentioned the rezoning of the property from the  
23 front part of the property to the R-Seed, the  
24 newly designed R-Seed development. When the  
25 township council did that, did that impact the

1 buildings that can be built legally in the back  
2 of the property, behind the fence that you're  
3 talking about?

4 MR. PHILLIPS: I'm not sure I  
5 understand the basis of your question.

6 MR. BROOKNER: So the R-Seed zoning  
7 impacted what can be built in the front of the  
8 property.

9 MR. PHILLIPS: Correct.

10 MR. BROOKNER: And all of the stuff  
11 about the ability to build a hotel, and the  
12 ability to build apartments, and retail, and the  
13 supermarket, all of that came from the ordinance  
14 that the township council passed creating the  
15 R-Seed district.

16 My question is, did that ordinance  
17 also impact what can be built in the -- I forget  
18 the name -- the ORD Zone?

19 MR. PHILLIPS: Well, it did to the  
20 extent that it reduced the land area within what  
21 was part of the ORD Zone. So any zoning  
22 requirement that goes with land area, whether  
23 it's floor area ratio, how much you can build,  
24 what the coverage is, all those kinds of things  
25 are obviously affected, because there's less



1 land.

2 But, basically, most -- basically,  
3 all the buildings existed at the time that zone  
4 line was created, which are now still left within  
5 the ORD Zone portion.

6 MR. BROOKNER: So the existing  
7 number of spaces, is that number -- I believe  
8 it's 1,190, I believe it was.

9 MR. PHILLIPS: It's 1,190 right now,  
10 in the ORD.

11 MR. BROOKNER: In the ORD. Is that  
12 a preexisting condition that's grandfathered in,  
13 to your understanding?

14 MR. PHILLIPS: Well, it's an  
15 interesting legal question. I'm going to defer  
16 to counsel. But, obviously, the governing body  
17 decided to put the line where the line was.  
18 There was an existing parking variance that went  
19 with the whole site. The fact that now we have a  
20 lesser amount of land area within ORD, I don't  
21 know how that dovetails with the prior variance,  
22 so I'm not so sure it's a -- you know, I  
23 characterize it as a preexisting non-condition,  
24 but I'll defer to learned counsel on that.

25 MR. BROOKNER: Understood.

1           I guess the point I'm making is that  
2           the situation that exists with the parking is not  
3           because, all of a sudden, there's an actual  
4           shortfall in parking; it's because, all of a  
5           sudden, the property was rezoned.

6           MR. PHILLIPS: Not entirely,  
7           because, remember, when you looked at the  
8           entirety of the site, the 110 acres, there was a  
9           significant parking variance that was granted  
10          back in 2008, to the tune of 655 spaces. So I  
11          don't know exactly what those ratios are; the  
12          resolution of approval basically didn't provide  
13          the square footage of the entire campus at the  
14          time. But, clearly, the parking standard that  
15          went part and parcel with that variance back in  
16          2008 provided for a much more relaxed parking  
17          standard than the one per 300 which exists.

18          And, obviously, on the site now,  
19          meaning the ORD campus, the existing parking  
20          ratio also is short of that one per 300 standard.

21          MR. BROOKNER: Fair enough.

22          Last question: All of the  
23          development that's being talked about on this  
24          application for the front of the property, the  
25          hotel, the apartments, all of that, it's my

1 understanding -- and I just want you to confirm  
2 this -- your testimony has nothing to do with any  
3 of that, your testimony here today.

4 MR. PHILLIPS: Correct.

5 MR. BROOKNER: So you have  
6 previously provided testimony, and you may again  
7 provide testimony at a later date on the parking  
8 for the other property; that's completely  
9 separate from what we're talking about here  
10 today. Is that correct?

11 MR. PHILLIPS: That's correct.

12 MR. BROOKNER: Okay. Thank you.

13 MR. GANGOLI: Gaurav Gangoli,  
14 Garfield Avenue.

15 Just so I can make sure my questions  
16 are focused, can you please just recap your scope  
17 here, your role here and responsibility? Just so  
18 I'm not keeping my questioning --

19 MR. PHILLIPS: I'm a professional  
20 planner, and I provided testimony in support of  
21 the parking variance on the ORD portion of the  
22 site, hopefully consistent with the statutory  
23 proofs for same.

24 MR. GANGOLI: How certain are you  
25 that you're correct? I'm not being facetious --

1                   MR. PHILLIPS: I'm highly confident  
2                   that I'm correct.

3                   MR. GANGOLI: Close to 100 percent?

4                   MR. PHILLIPS: I'm highly confident.  
5                   You can put whatever percentage you want on that.  
6                   I'm highly confident that I'm correct.

7                   MR. GANGOLI: With that degree of  
8                   certainty, would you say that an OBA, an  
9                   outcomes-based agreement, would help grease the  
10                  wheels of the process?

11                  MR. PHILLIPS: I'm not familiar with  
12                  the terminology.

13                  MR. GANGOLI: It's very common in  
14                  the healthcare manufacturing industry -- I myself  
15                  put together a lot of these; I'm not offering my  
16                  services, I'm just saying -- but basically, if  
17                  you're correct, then a variance gets approved,  
18                  and you get what you're looking for; if you're  
19                  incorrect, in a lot of these outcomes-based  
20                  agreements -- and there's precedence for that  
21                  outside Bridgewater -- that the applicant would  
22                  then pay recurring fees for that. So that's an  
23                  outcomes-based agreement. It satisfies both  
24                  parties, because, then, if you're right, you get  
25                  what you want, but if you're incorrect, is



1 the resolution that I reviewed didn't, basically,  
2 list the total square footage of the entire  
3 110-acre campus, it just gave the magnitude of  
4 the parking variance, which was 655 spaces.

5 MR. PLACEK: Does anyone know the  
6 ratio, what was the relief of the ordinance in  
7 2008?

8 MR. PHILLIPS: I just indicated,  
9 without knowing what the total square footage  
10 was, I can't do that calculation. Maybe  
11 someone -- maybe Scarlett or someone has that; I  
12 don't.

13 MR. PLACEK: Okay. But 655 of the  
14 total amount, that is probably -- you had less  
15 relief in 2008 than you're asking right now. How  
16 much bigger relief are you asking right now  
17 compared to 2008?

18 MR. PHILLIPS: Again, I can't answer  
19 that without knowing what the square footage was.  
20 The only other thing which I think is somewhat  
21 pertinent to the 2008 is that, as opposed to the  
22 rear existing campus, whereas you heard from  
23 Mr. Loughlin that the bulk of the space is R&D,  
24 and only about 10 to 15 percent office, there was  
25 more office space in that front portion of the

1 premises back in 2008.

2 So it may not be an apples and  
3 apples comparison; even if we did know the total  
4 square footage, we might want to also potentially  
5 investigate how that space was broken down. But,  
6 again, I didn't do the calculation --

7 MR. PLACEK: Understand. I mean, I  
8 would like to understand it, because we're  
9 missing the 650 for the total campus. Right now,  
10 you're missing over a thousand for a much smaller  
11 portion of it. So the relief -- the ratio you're  
12 asking is much greater than it was in 2008.

13 MR. PHILLIPS: Well, I don't know  
14 that, you may or may not be right, but again, my  
15 point of bringing up the 2008 approval is  
16 basically to indicate to the board and the public  
17 that, for an R&D use, largely R&D use, even back  
18 in 2008, the board saw fit to basically grant  
19 relief from that one per 300-square-foot  
20 standard, which I think is a highly conservative  
21 if not onerous standard for R&D type use, as  
22 opposed to exclusively or predominantly office  
23 use. That was my point.

24 MR. PLACEK: So last question. So  
25 what's the ratio we're asking for relief for

1 right now?

2 MR. PHILLIPS: So the parking  
3 requirement is one per 300, and I've calculated  
4 the proposed parking supply at a rate of one  
5 space per 560.

6 MR. PLACEK: Thank you.

7 MR. PHILLIPS: You're welcome.

8 COMMISSIONER CASAMENTO: Is there  
9 any other member of the public with a question  
10 for this witness?

11 MR. GARDNER: Jay Gardner, 31 Ray  
12 Street.

13 I'm confused about what variance --  
14 what ordinance are you looking for a variance to.  
15 So is it the 126-169?

16 MR. COAKLEY: Yes.

17 MR. GARDNER: Okay. And you're  
18 looking for a variance of -- help me -- what's  
19 the variance that you're looking for here?

20 MR. PHILLIPS: So we're looking for  
21 relief from the one space per 300 square foot  
22 parking standard.

23 MR. GARDNER: When I look at this  
24 variance -- and I could have this wrong -- it  
25 says, for research and development facilities,



1 right, it's one space per thousand feet. Right?

2 MR. PHILLIPS: I don't know what  
3 you're referring to.

4 MR. GARDNER: I'm just seeking  
5 clarity on what's in the ordinance.

6 MR. PHILLIPS: Well, my reading of  
7 the ordinance is that the use here, research and  
8 development, is one space per 300 square feet,  
9 that's the requirement. I don't know what you're  
10 reading.

11 MR. GARDNER: All right. I mean,  
12 that is the ordinance, though. Right? I mean, I  
13 don't know how we proceed with this --

14 MR. COLLINS: I think what you  
15 should do is, if you're looking at something, and  
16 you have something, you should show him what  
17 you're looking at, and he will just tell you  
18 whether he's looking at the same thing.

19 MR. GARDNER: Sure.

20 MR. PHILLIPS: Where do you see one  
21 per thousand?

22 MR. GARDNER: (Indicating).

23 MR. PHILLIPS: It's one per 300.

24 MR. GARDNER: It is one per 300.

25 Okay.

1 MR. PHILLIPS: Okay. Thank you.

2 COMMISSIONER CASAMENTO: Is there  
3 any other -- are there any other questions for  
4 this witness from the public?

5 Seeing none, Mr. Coakley?

6 MR. COAKLEY: All right. So we have  
7 one more witness to call on regarding the other  
8 aspect of this overall case. I don't know  
9 whether you want to do that tonight or --

10 COMMISSIONER CASAMENTO: We cannot  
11 do that tonight.

12 MR. COAKLEY: Okay. Do you have a  
13 date in mind.

14 MR. COLLINS: Scarlett, October  
15 28th?

16 MS. DOYLE: We have two possible  
17 dates. October 28th and October 29th are the two  
18 possible dates, or both dates.

19 MR. COAKLEY: I'd heard a rumor  
20 about October 15th --

21 MS. DOYLE: Unfortunately, October  
22 15th, we have an issue of membership.

23 MR. COAKLEY: I see.

24 MS. DOYLE: Attendance. But I don't  
25 even know about the 28th and 29th. Well, the

1 28th is the normal, regular planning board  
2 meeting. The 29th happens to be the fifth  
3 Tuesday of the month, and we don't have a  
4 scheduled meeting on that night.

5 MR. COAKLEY: Well, we'll be  
6 available whenever the board is available.

7 MAYOR HAYES: I'm comfortable with  
8 the 28th, and being prepared for the 29th as  
9 well.

10 COMMISSIONER CASAMENTO: 28th,  
11 everybody good?

12 MS. DOYLE: The 28th is a regular  
13 meeting.

14 MAYOR HAYES: And I'm saying that  
15 we, the board members, I'm comfortable holding  
16 the 29th in reserve on my schedule.

17 COMMISSIONER CASAMENTO: Is  
18 everybody good for the 28th and 29th?

19 Okay. Mr. Coakley?

20 MR. COAKLEY: Okay.

21 COMMISSIONER CASAMENTO: That work?

22 MR. COAKLEY: We'll be here.

23 COMMISSIONER CASAMENTO: Okay.

24 Thank you.

25 MR. COLLINS: So this application

1 will be carried without additional notices to  
2 October 28th at 7 p.m. Sounds like it'll also be  
3 on for October 29th.

4 MR. COAKLEY: And we waive time  
5 periods to that date.

6 COMMISSIONER CASAMENTO: I'm sorry?

7 MR. COAKLEY: We waive time periods  
8 to that date.

9 COMMISSIONER CASAMENTO: Okay.

10 MR. COLLINS: Thank you.

11 (Whereupon, the hearing concluded at  
12 10:19 p.m.)

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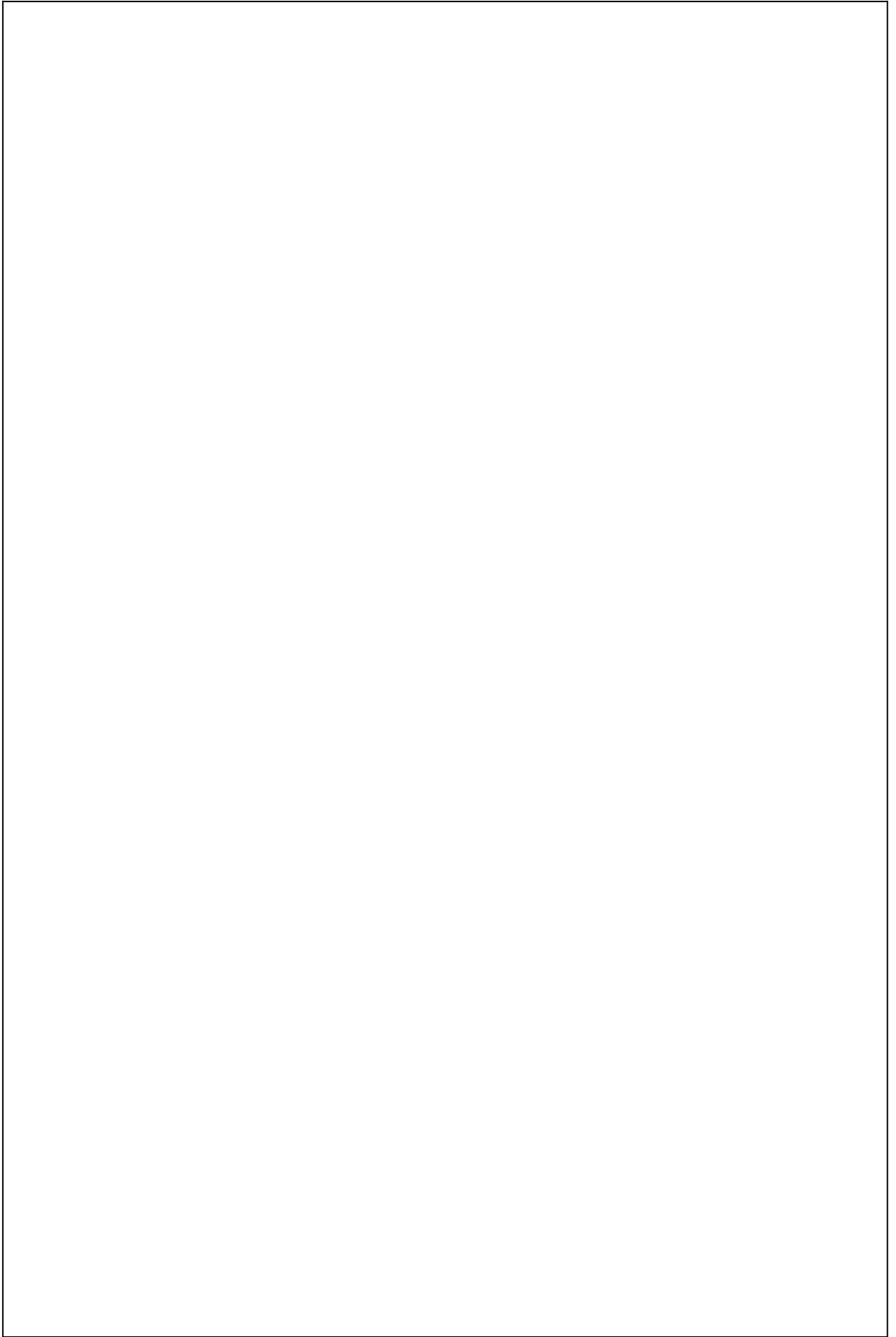
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C E R T I F I C A T E

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

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

---

Michael Lombardozzi,  
Certified Court Reporter, State of New Jersey  
CERT #: 30X100239700  
Date: 2019-10-07

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