

**BRIDGEWATER TOWNSHIP PLANNING BOARD**

**Special Meeting**

**Monday, June 30, 2014**

**—MINUTES—**

**1. CALL MEETING TO ORDER:**

Chairman Rusak called the meeting to order at 7:03 p.m. in the Bridgewater Raritan High School Auditorium, 600 Garretson Road, Bridgewater, New Jersey.

**2. OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT:**

Adequate notice of this special meeting has been given in accordance with the Open Public Meetings Act N.J.S.A. 10:4-6. On April 30, 2014 proper notice was sent to the Courier News and the Star-Ledger and filed with the Clerk at the Township of Bridgewater and posted on the bulletin board in the Municipal Building. Please be aware of the 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.

**3. SALUTE TO FLAG:**

There was salute to colors

**4. ROLL CALL:**

Stephen Rodzinak – present

James Franco – present

Walter Rusak – present

Councilman Matthew Moench – present

Ron Charles – **absent**

Barbara Kane – present

Mayor Dan Hayes – present

Tricia Casamento, Alt. #1 – **absent**

Others present: Board Attorney Thomas Collins, Board Engineer Robert C. Bogart, Board Planner, Scarlett Doyle, Traffic Engineer, Gordon Meth, PE, Recording Secretary Marianna Voorhees

**5. APPROVAL OF BOARD MINUTES:**

April 28, 2014 Regular Meeting - No Action was taken

May 13, 2014 Regular Meeting - No Action was taken

June 10, 2014 Regular Meeting - No Action was taken

June 23, 2014 Regular Meeting - No Action was taken

**6. MEMORIALIZATION OF RESOLUTIONS:**

Fox Chase- 713 Company-US Rt 22. (pending) - No action was taken.

Block 173 Lot 2

# 14-019-PB Preliminary and Final Site Plan

**7. LAND DEVELOPMENT APPLICATIONS**

AlFalah Center – 1475 Mountain Top Road

Block 653 Lots 36 & 37

#01-11-PB, PRELIMINARY Major Site Plan and Conditional Use

Time: 8/31/14 per extension

See attached Transcription dated June 30, 2014. Prepared by: Denise C. Clark, C.C.R. of Rizman Rappaport Dillon & Rose, 66 W. Mt. Pleasant Ave., Livingston, NJ 07039

**8. MEETING OPEN TO THE PUBLIC:**

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

**9. ADJOURNMENT:**

It was the consensus of the Board to adjourn the meeting at approximately 10:15 pm.

Respectfully submitted,

Marianna Voorhees, Secretary to Engineering/Planning Division

**In The Matter Of:**  
*In Re: Al Falah Center*

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*Transcript of Proceedings*  
*June 30, 2014*

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*Rizman Rappaport Dillon & Rose*  
*66 W. Mt. Pleasant Ave.*  
*Livingston, N.J. 07039*  
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Page 1

1 BRIDGEWATER TOWNSHIP PLANNING BOARD  
 2 Monday, June 30, 2014  
 3 7:00 p.m.  
 4  
 5  
 6 x - - - - - x  
 7 RE: ALFALAH CENTER, Preliminary Major Site Plan  
 Block 653, Lots 36 & 37  
 8 x - - - - - x  
 9  
 10  
 11 BOARD MEMBERS: WITNESSES:  
 12 DAN HAYES, Mayor BRIAN BOSENBERG, LLA  
 13 WALTER RUSAK, Chairman GEORGE FOLK, PE  
 14 GORDON METH, Member  
 15 SCARLETT DOYLE, Member  
 16 JAMES FRANCO, Member  
 17 MATTHEW MOENCH, Member  
 18 ROBERT BOGART, Member  
 19 STEPHEN RODZINAK, Member  
 20 BARBARA KANE, Member  
 21 THOMAS COLLINS, Attorney  
 22  
 23  
 24  
 25

19 A P P E A R A N C E S:  
 20 ARCHER & GREINER, P.C.  
 21 BY: GULIET HIRSCH, ESQ.,  
 101 Carnegie Center  
 Princeton, New Jersey 08540  
 22 Attorney for Applicant.  
 23  
 24 BY: DENISE C. CLARK,  
 25 CERTIFIED COURT REPORTER

Page 3

1 MS. HIRSCH: My name is Guliet  
 2 Hirsch. I am an attorney for Archer and Greiner.  
 3 Lloyd Tubman, the regular attorney for our law firm, is  
 4 not able to be here tonight.  
 5 We have two witnesses prepared for testimony  
 6 tonight. The first is Brian Bosenberg who will testify  
 7 concerning the revised landscape plan that has been  
 8 submitted to the board and last revised June 11, 2014.  
 9 MR. COLLINS: Mr. Bosenberg, please  
 10 raise your right hand.  
 11 (Whereupon Brian Bosenberg is duly  
 12 sworn/affirmed.)  
 13 MR. COLLINS: If you can please  
 14 state your name and business address at least and  
 15 please spell your last name.  
 16 MR. BOSENBERG: Brian Bosenberg, "B"  
 17 as in Bravo, o-s-e-n-b-e-r-g, 376 Main Street,  
 18 Bedminster, New Jersey.  
 19 MR. COLLINS: Thank you, Mr.  
 20 Bosenberg. Sorry I mispronounced your name, sir. Ms.  
 21 Hirsch, go ahead and do some qualifications. I'm sure  
 22 he's qualified.  
 23 MR. BOSENBERG: I have a degree in  
 24 landscape architecture 1980 from West Virginia  
 25 University. I've been presenting as a landscape

Page 2

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 2  
 3 I N D E X  
 4  
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 6  
 7 EXHIBITS MARKED FOR IDENTIFICATION  
 8  
 9  
 10 NUMBER DESCRIPTION PAGE NO  
 11  
 12 Exhibit 4 Color version of 6  
 13 landscape plan  
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Page 4

1 architect in New Jersey for 34 years. I'm licensed in  
 2 five other additional states.  
 3 I've appeared in front of approximately 100 plus  
 4 or more planning boards, boards of adjustment, land use  
 5 boards throughout New Jersey. I'm also the planning  
 6 board and board of adjustment landscape architect for  
 7 Clinton Township in Hunterdon County, New Jersey.  
 8 MR. COLLINS: The board will  
 9 recognize and accept Mr. Bosenberg's qualifications as  
 10 a landscape architect. Please go ahead.  
 11 MS. HIRSCH: Mr. Bosenberg, just a  
 12 couple of introductory questions. Were the plans  
 13 submitted under your seal dated June 11, 2014 prepared  
 14 by you and under your supervision?  
 15 MR. BOSENBERG: Yes, they were.  
 16 MS. HIRSCH: And could you just  
 17 start by telling the board how you came to prepare  
 18 those plans.  
 19 MR. BOSENBERG: The plans came to me  
 20 by sort of an unusual circumstance. The original  
 21 landscape architect, Mr. Chewey, went missing. We were  
 22 unable to locate him and his office was apparently  
 23 closed.  
 24 So I was retained to review the plans. I  
 25 retained a copy of his plan dated December 2010 and

Page 5

1 last revised February 7, 2011. We made our own plan.  
 2 We revised the plan to include a fence, additional  
 3 plantings and added our title block. The drawing is  
 4 dated April 10, 2014, last revised June 11, 2014.  
 5 MS. HIRSCH: Do you have an exhibit  
 6 that the board can look at as you describe the  
 7 landscape plan?  
 8 MR. BOSENBERG: I do. If the  
 9 projectionist can put the slide on the screen. That's  
 10 the wrong slide. Search the one that I gave you that's  
 11 today's date. The second from the bottom. Go all the  
 12 way down and let's try that one.  
 13 MS. HIRSCH: Mr. Collins, I'm just  
 14 not -- I'm not recalling. Are we marking these  
 15 exhibits that are up on the board or just identifying  
 16 them for the record?  
 17 MR. COLLINS: As long as they are  
 18 from your plan set that you've provided to the board  
 19 you don't have to separately mark them.  
 20 MS. HIRSCH: Okay.  
 21 MR. COLLINS: And I think this is  
 22 one of those, but if and when you have one that is  
 23 different or colorized we would mark them.  
 24 MS. HIRSCH: Very good, thank you.  
 25 Mr. Bosenberg, when the right one is up on the screen

Page 6

1 just identify it for the record by plan sheet and date  
 2 and title block.  
 3 MR. BOSENBERG: There we go. If you  
 4 can just reach up and expand the slide so it takes the  
 5 whole screen and go from the beginning on the left.  
 6 The other left. There we go, thank you.  
 7 MR. COLLINS: Is this the plan set  
 8 submitted to the board as part of its documents?  
 9 MS. KANE: It is not.  
 10 MR. BOSENBERG: This is the same  
 11 plan. The only difference is this is a colored version  
 12 for clarity.  
 13 MR. COLLINS: Then we do need to  
 14 call this the next exhibit number. I don't have the  
 15 exhibit handy.  
 16 MS. VOORHEES: Do you need a list?  
 17 It's number 4.  
 18 MR. COLLINS: We'll use today's date  
 19 so if we have a conflict we can change it. So it's  
 20 dated 6/30/2014 and it is a colorized rendering of the  
 21 landscape plan.  
 22 (Whereupon Exhibit 4 is marked for  
 23 identification.)  
 24 MR. COLLINS: Go ahead.  
 25 MR. BOSENBERG: The date on the plan

Page 7

1 is the same one submitted in the package last revised  
 2 June 11, 2014 prepared under my supervision.  
 3 To orient the board, Mountain Top Road is to your  
 4 left or to the west. North is to the top, east, south  
 5 and west. Here are the two driveways, the building and  
 6 associated parking to the south and the associated  
 7 landscape buffering and the fencing.  
 8 I'll go through that for you to help you  
 9 understand how we comply with the ordinances, and what  
 10 we've done with this plan when we start a project like  
 11 this we take it from the top and work it down.  
 12 The first thing we did was tree replacement,  
 13 126-191 C. (10). We are required to replace trees that  
 14 are greater than eight inches in diameter if  
 15 non-deciduous, twelve inches in diameter if deciduous  
 16 or four-inch dogwoods. The caliper of such replacement  
 17 trees should be 2 1/2 inches for deciduous, 1 1/2  
 18 inches for non-deciduous trees.  
 19 In the construction and reconstruction of this  
 20 project we are removing 11 evergreen trees and 20  
 21 deciduous trees. For compensation we are planting 23  
 22 evergreen trees and 20 deciduous trees, and therefore,  
 23 we comply with 126-191 C. (10) for the tree  
 24 replacement.  
 25 Then the next item would be the street trees,

Page 8

1 126-191 B. (13). The ordinance requires us to use more  
 2 than one variety of street tree along the roadway shall  
 3 be provided in order to avoid problems associated with  
 4 monoculture.  
 5 Use trees similar in form, height and character  
 6 along the roadway to promote uniformity and allow for a  
 7 smooth visual transition between species. We are  
 8 talking along Mountain Top Road and the entry.  
 9 Spacing between trees shall be determined based  
 10 on species and the proposed street location. In  
 11 general, trees should be between 30 and 50 feet on  
 12 center or roughly 40 feet on center.  
 13 The new proposed street trees should have a  
 14 minimum caliper of 2 1/2 inches to three inches in  
 15 size, that is the trunk size. We comply with this  
 16 section of the ordinance with the exception we made an  
 17 error.  
 18 We listed the trees at 2 1/4 inches instead of 2  
 19 1/2 to three inches in caliper. We will revise the  
 20 drawings to comply with the size compliance. We are in  
 21 compliance with 126-191 B. (13).  
 22 The next item we looked at is landscaping trees,  
 23 126-191 C. (2). Landscaping trees within the property  
 24 shall be planted at a rate of three trees per 5,000  
 25 square feet of disturbed lot area.

<p style="text-align: right;">Page 9</p> <p>1 When we reviewed the plan prepared by Garden 2 Associates they misstated the disturbed area as 41,837 3 where the area of disturbance truthfully is 51,679 4 square feet. 5 We have revised our plan to reflect this and 6 increased the required number of trees to 32 to 7 compensate for the correct area of disturbance. We now 8 comply with the 32 trees with 126-191 C. (2). 9 MS. HIRSCH: Mr. Bosenberg, just for 10 the record, where did you get the number about the 11 square footage of disturbance? 12 MR. BOSENBERG: They came from the 13 engineer site plan. We cross-checked back to the 14 submitted drawings for those numbers because we had the 15 same challenge under D, shrubbery. 16 The next title, 126-191 C. (3), your ordinance 17 requires that we plant a number of shrubs, and Garden 18 Associates for some reason on their submitted plan to 19 the board listed the impervious coverage at 51,876 20 where the impervious when we cross-checked the engineer 21 drawing was really 97,574 square feet. 22 So we have revised the plan to increase the 23 required number of shrubs to 195. This now compensates 24 for the correct impervious area, and the revised plan 25 now provides 372 shrubs or 177 extra shrubs. I'll</p>	<p style="text-align: right;">Page 11</p> <p>1 adjacent properties when necessary. 2 Buffering may consist of fencing, evergreens, 3 shrubs, berms, rocks, boulders, mounds, bushes, 4 deciduous trees or combinations thereof to achieve the 5 stated objectives. 6 This plan that is in front of you tonight 7 provides for a landscape buffer along the western 8 portion of the southern property line adjacent to the 9 parking lot. The buffer is more than 75 percent 10 evergreen, and I'll show you where that is on the plan. 11 If you remember, south is here. So this portion 12 of the property line we have a planted buffer to screen 13 the parking lot here. In order to comply with the rest 14 of the site and because of the existing wooded 15 conditions we have added a six-foot tall, 16 board-on-board fence stained a dark earth tone color 17 installed along the southern, eastern and northern 18 property lines outside of the wetlands and wetland 19 buffers. 20 So if you follow my pointer from the south this 21 is the wetland buffer line here and the fence goes like 22 this. Then it gets a little squirrely because this is 23 the limits of the wetland buffer. If you look at the 24 drawing in front of you it is hard to read, but the 25 buffers are labeled and it ends approximately right</p>
<p style="text-align: right;">Page 10</p> <p>1 explain why in a moment. We now comply with 126-191 C. 2 and we also provide 177 extra shrubs. 3 The foundation planting is around the building. 4 Your ordinance, 126-191 C. (5), requires that we 5 provide 319 shrubs where the revised plan only provides 6 for 153 shrubs, and the reason for that is due to the 7 configuration of the sidewalk and the driveway. 8 We have this facade here and these walks that are 9 existing. We are unable to completely comply with this 10 requirement. We do not have the space to plant all the 11 required shrubs and we are deficient by 166 shrubs. 12 In order to meet the intent of this section of 13 the ordinance we have provided 177 extra shrubs. We 14 have planted these throughout the site, and if we do 15 the math we end up with 11 extra shrubs more than 16 required to meet the intent of 126-191 C. (5), 17 foundation plantings. 18 We are, therefore, providing more than the number 19 of shrubs required. We request a waiver not for the 20 quantity, but for the location of these plantings. 21 Now we get to buffering, 121-161 A. (1). Your 22 ordinance requires buffering shall be located around 23 the perimeter of the site to minimize headlights of 24 vehicles, noise, light from structures, the movement of 25 people and vehicles and to shield activities from</p>	<p style="text-align: right;">Page 12</p> <p>1 there. 2 The remaining southern, eastern and northern 3 portions of the property will remain as they are as 4 heavily wooded and function as the buffer in 5 combination with the proposed fence. 6 In our opinion providing a planted buffer in the 7 remaining southern, eastern and northern portions is 8 impractical because of the heavy shade of the existing 9 woodland, the poorly drained soils, wetlands and the 10 wetland buffer. 11 If we are required to provide a buffer in these 12 areas extensive tree removal would be needed to provide 13 the necessary sunlight along with considerable drainage 14 work in order to ensure the survival of the planted 15 landscape buffer in the woodland. Therefore, we are 16 proposing a board-on-board fence along the existing 17 woodlands as the buffer to satisfy the ordinance, 18 121-161 A. (1). 19 Then one other thing that we added to the project 20 for the entry/exit drive here is we've added seven 21 additional evergreens planted in the right-of-way on 22 the western side of Mountain Top Road. 23 The evergreens will help provide screening for 24 vehicular headlights as cars exit the northern driveway 25 of the site for the neighboring property at 654 Mine</p>

Page 13

1 Brook Road which is Block 654, Lot 15. So here are  
 2 seven trees providing protection from headlights  
 3 exiting the site.  
 4 I would like to now move to Miss Doyle's review  
 5 memo. Miss Doyle's review memo identified the six-foot  
 6 tall, board-on-board fence, and after review of the  
 7 ordinance section we agree we will comply with her  
 8 request to move the fence to a setback of at least 50  
 9 feet to comply with 126-353 C. The fence will be  
 10 installed outside of any wetlands or wetland buffers.  
 11 What we are doing is taking this fence and  
 12 sliding it in 50 feet. We already comply here. There  
 13 is a little area here. We need to make an adjustment  
 14 in the fence. This side complies approximately here  
 15 and the fence will move in 50 feet. We have an  
 16 isolated patch of wetlands we have to fence around and  
 17 end at the wetland buffer line.  
 18 126-193 B. (1). Buffers other than fences should  
 19 be located along the property lines shielding various  
 20 uses from each other. By relocating the fence at least  
 21 50 feet from the property line the existing woodland  
 22 will now be in front of the fence and function as the  
 23 buffer along with the fence.  
 24 So, again, we are going to take the earth-toned,  
 25 six-foot tall, board-on-board fence and slide it in

Page 14

1 here and leave the existing woodlands as is. We will  
 2 not remove any trees.  
 3 Item 2 in Miss Doyle's review memo is 126-191 D.  
 4 (2) and (3), landscaping in all transitional buffers.  
 5 In our opinion this section of the ordinance does not  
 6 apply. This property is in the R-50 zone. This  
 7 section of the ordinance is for where a nonresidential  
 8 zone abuts a residential zone. In our opinion this  
 9 section does not apply to the project.  
 10 Number 3 she agrees with us that we've satisfied  
 11 the requirements for street trees. Number 4 she agrees  
 12 with us that we satisfied the requirements for  
 13 landscape trees. Number 5 she agrees that we satisfied  
 14 the requirements for shrubbery.  
 15 Number 6, foundation plantings. We are requiring  
 16 a design waiver for the location. Not all of the total  
 17 number of plants are planted around the foundation of  
 18 the building.  
 19 Item 7, parking lot trees. She agrees that we  
 20 satisfied that requirement. Number 8, deciduous  
 21 replacement trees. We satisfied that requirement.  
 22 Number 9, evergreen replacement trees. We satisfied  
 23 that requirement.  
 24 Number 10 she asked that we clearly identify the  
 25 trees that are in the buffer that are six to eight feet

Page 15

1 tall. Your ordinance speaks to the fact that all  
 2 evergreens planted in the buffer need to be six to  
 3 eight feet. They are, but I will make that clear. The  
 4 plant list is a little confusing, but we will revise  
 5 that.  
 6 Number 11 is the last item in her review memo.  
 7 We will revise the plans to show all deciduous trees to  
 8 have a minimum planted size of 2 1/2 to three inches in  
 9 caliper.  
 10 MS. HIRSCH: Very good, thank you.  
 11 I didn't want to interrupt Mr. Bosenberg, but just to  
 12 point out from his testimony there is a site plan  
 13 exception that is being requested.  
 14 I guess Mr. Bosenberg described it as a design  
 15 waiver. I would describe it as a site plan exception  
 16 pursuant to Municipal Land Use Law and the Bridgewater  
 17 ordinance.  
 18 Exceptions from site plan requirements are  
 19 authorized where reasonable and within the general  
 20 purpose and intent of the provisions of the site plan  
 21 review and approval of the ordinance and if the literal  
 22 enforcement of one or more of the ordinances is  
 23 impracticable or will exact undue hardship because of  
 24 the peculiar hardships pertaining to the land in  
 25 question, that is the language of Section 51 of the

Page 16

1 Municipal Land Use Law.  
 2 In this case we believe that it is impracticable  
 3 to put all of the required foundation plantings at the  
 4 foundation as technically they are required to be  
 5 because of the sidewalks and other structures that are  
 6 immediately adjacent to the building.  
 7 So this is a site plan exception not from the  
 8 number of foundation plantings, but from the  
 9 requirement they be located at the base of the  
 10 building. In other words, at the foundation of the  
 11 building.  
 12 Additionally, Bridgewater's ordinance contains a  
 13 provision which allows the board for good and  
 14 sufficient reasons to vary or update or revise the  
 15 details as they might apply to a specific site plan  
 16 application, that is Section 166 of your site plan  
 17 ordinance.  
 18 So this is a site plan exception, not a variance,  
 19 and I believe Mr. Bosenberg has explained the reasons  
 20 why we are looking for that exception. Mr. Bosenberg,  
 21 did you go over how the plan deals with headlight  
 22 glare?  
 23 MR. BOSENBERG: I did. We talked  
 24 about we added the seven additional evergreens on the  
 25 right-of-way of Mountain Top Road to deal with that

Page 17

1 issue on exit.  
 2 MS. HIRSCH: And in terms of any of  
 3 the homes that may face around the site, will headlight  
 4 glare, if there is any, be dealt with through the  
 5 landscape and fencing provisions of the proposed  
 6 buffer?  
 7 MR. BOSENBERG: That's correct. The  
 8 landscape buffers and fencing will take care of this  
 9 issue.  
 10 MS. HIRSCH: Thank you. Chairman,  
 11 that is our direct testimony from Mr. Bosenberg.  
 12 MR. RUSAK: Thank you. Is there any  
 13 questions from the board?  
 14 MR. MOENCH: I have questions.  
 15 MR. RUSAK: Mr. Moench.  
 16 MR. MOENCH: Good evening. I hope I  
 17 don't get too much feedback. I have a few questions  
 18 for you.  
 19 Forgive me if some of them appear naive, but this  
 20 is not my area of expertise. When it comes to  
 21 landscaping and planting I leave that to my wife  
 22 generally. I just trust her judgment.  
 23 So a couple questions for you. First of all,  
 24 starting with the evergreen trees, the seven that you  
 25 referred to, my first question is just a really basic

Page 18

1 one. You mentioned the right-of-way. Is it the  
 2 township's right-of-way or is it owned by the  
 3 applicant?  
 4 MR. BOSENBERG: It is a township  
 5 right-of-way.  
 6 MR. MOENCH: How did these evergreen  
 7 trees -- I assume that while it is in the right-of-way  
 8 it is on essentially that neighbor's property.  
 9 Well, not legally on their property, but from a  
 10 visual standpoint it is on their -- abuts their  
 11 property, correct?  
 12 MR. BOSENBERG: That is correct.  
 13 MR. MOENCH: How did those seven  
 14 trees fit in with the landscaping that is currently on  
 15 that property?  
 16 MR. BOSENBERG: Well, the  
 17 landscaping on that property is varied. It is mostly  
 18 deciduous. It is made up of a number of evergreens,  
 19 but mostly deciduous and foundation plantings. It is  
 20 fairly open.  
 21 MR. MOENCH: Okay. I guess that is  
 22 my question or concern.  
 23 Certainly on this map the seven trees -- the map  
 24 -- on the diagram the seven trees certainly stand out  
 25 as they're highlighted and there's nothing else near

Page 19

1 them, but my concern is are we having a clump of seven  
 2 random trees that are out of character for the rest of  
 3 that -- out of character of the rest of the plantings  
 4 on that side?  
 5 MR. BOSENBERG: That's correct our  
 6 drawing doesn't show existing trees, but we will be  
 7 pleased to work with the homeowner to come to an  
 8 acceptable resolution.  
 9 MR. MOENCH: Have you reached out to  
 10 the homeowner with regard to this?  
 11 MR. BOSENBERG: No, we wanted to  
 12 present it to the board first.  
 13 MR. MOENCH: I suspect we will hear  
 14 if they like it or not at some point this evening.  
 15 The other question you mentioned -- please  
 16 explain this to me again. You talked about the  
 17 required plantings as they fit in with the fence.  
 18 I believe your testimony was something along the  
 19 lines of that the proposed fence would be adequate and  
 20 that the required plantings that would go in place of  
 21 the fence or with the fence would not be practical. Am  
 22 I paraphrasing your testimony correctly?  
 23 MR. BOSENBERG: Partially. We're  
 24 concerned about the existing conditions. It is very  
 25 heavily wooded with dense shade, a lot of root

Page 20

1 competition and many roots at the surface poorly  
 2 drained.  
 3 In order to put a successful landscape planting  
 4 we would have to put -- remove the trees to create  
 5 planting space and sunlight and drainage. In order for  
 6 that to work you could put an earth berm around the  
 7 area, but by doing that you cover the roots of existing  
 8 mature forest trees and it will eventually die.  
 9 So we will because of the density of the woodland  
 10 move the fence 50 feet so that the low-hanging branches  
 11 and the accomodation of the six-foot fence and the  
 12 existing woodland provides an adequate buffer.  
 13 MR. MOENCH: Could you show me what  
 14 area of the diagram you are talking about?  
 15 Is it just along that back portion that we are  
 16 talking about moving the fence 50 feet in and then not  
 17 putting the plantings that the ordinance would require?  
 18 MS. HIRSCH: I'm sorry, but as you  
 19 do that, Mr. Bosenberg, just describe for the record  
 20 the area that you are pointing to, thank you.  
 21 MR. BOSENBERG: We'll start in the  
 22 northwest portion of the site which is right here  
 23 bounded by the woodland, and then we have wetlands and  
 24 wetland buffer especially in that area.  
 25 The fence would start here in this area. We

Page 21

1 don't need to adjust the fence because we have to stay  
 2 outside the wetland buffer. We are not allowed to put  
 3 the fence by DEP regulations in the wetland buffer.  
 4 So we move in an easterly direction along the  
 5 northern property line following the wetlands buffer to  
 6 about right here, and instead of locating the fence  
 7 where it is shown on the drawing it will now be 50 feet  
 8 along the northern property line and make a right turn  
 9 and head southeast along the eastern property line  
 10 again 50 feet in from the property to the corner.  
 11 Then it will turn southwest and head along the  
 12 southern property line to the edge of the wetland  
 13 buffer, and then the fence will be installed in such a  
 14 way not to damage any existing trees. We will allow  
 15 the existing woodland and low-hanging branches to  
 16 remain on the woodland.  
 17 MR. MOENCH: What specific waiver  
 18 related to that issue are you asking the board to  
 19 consider waiving, what requirement?  
 20 MR. BOSENBERG: The requirement for  
 21 adding landscape planting in conjunction with the  
 22 fence.  
 23 MR. MOENCH: If we require you to do  
 24 that, how many plantings are we talking about or what  
 25 kind of plantings?

Page 22

1 MR. BOSENBERG: It would be very  
 2 similar to the density of this planting here, but I  
 3 don't have that number.  
 4 We never calculated because based on our field  
 5 investigation we deemed it not feasible, but we can get  
 6 that and supply it at a later date to the board.  
 7 MR. MOENCH: When you say "not  
 8 feasible" and I know you might be repeating, but for my  
 9 benefit, what makes it not feasible to put plantings as  
 10 you did in the lower portion of the diagram?  
 11 MR. BOSENBERG: Well, actually, it's  
 12 not just the lower portion of the diagram. It is the  
 13 eastern part of the southerly property line, the  
 14 eastern property line and most of the northern property  
 15 line.  
 16 It's based on three things. The soil, the  
 17 existing trees in the forest and it is a heavy and  
 18 dense forest. There is a lot of surface roots and  
 19 there is very poor drainage there.  
 20 So that in itself would make it difficult for  
 21 normal landscape material that is shown here to grow in  
 22 these types of conditions.  
 23 MR. MOENCH: How tall do you expect  
 24 the fence is going to be?  
 25 MR. BOSENBERG: We have the fence

Page 23

1 specified to the maximum, six feet, as per your  
 2 ordinance.  
 3 MR. MOENCH: What is the visual  
 4 going to look like for residents whose properties abut  
 5 any of those?  
 6 The right side of the diagram as we are looking  
 7 at it here exactly where you are pointing out, what is  
 8 the visual going to look like from a neighbor's  
 9 perspective?  
 10 MR. BOSENBERG: You are referring to  
 11 the east side of the drawing I believe.  
 12 MR. MOENCH: Yes.  
 13 MR. BOSENBERG: If you look this is  
 14 a diagram elevation of the board-on-board fence and it  
 15 is typical.  
 16 You see it in many neighborhoods in Bridgewater,  
 17 but the other thing is we would like to instead of just  
 18 putting a newly installed fence and let it weather  
 19 silver or gray stain it an earth tone to blend from the  
 20 same pallet.  
 21 MR. MOENCH: How often does a fence  
 22 like that need to be maintained so it doesn't  
 23 deteriorate?  
 24 MR. BOSENBERG: We have fences on  
 25 other projects performing the same tasks and ten,

Page 24

1 twelve years we see it needs to be re-stained.  
 2 MR. MOENCH: How many or can you  
 3 give me an idea how many trees or other plantings are  
 4 going to be from the fence to the property line?  
 5 MR. BOSENBERG: The existing trees  
 6 you are asking about?  
 7 MR. MOENCH: Yes.  
 8 MR. BOSENBERG: I don't have that  
 9 information.  
 10 MR. MOENCH: The concern that I have  
 11 is certainly at least from my opinion if I was a  
 12 neighbor on the back end or side there looking at, you  
 13 know, the fence and dense plantings like you have in  
 14 the lower left portion of the diagram it might be  
 15 referable to a giant fence which I assume is the intent  
 16 of our ordinance initially from a visual standpoint.  
 17 So I am trying to get an understanding of what  
 18 the conditions look like from a resident who is looking  
 19 in there.  
 20 MR. BOSENBERG: The ordinance does  
 21 allow for a fence, and if you go back to -- just give  
 22 me a moment.  
 23 If we go back to 121-161 A. (1) the second  
 24 sentence of that paragraph says that buffering may  
 25 consist of fencing, evergreens, shrubs, berms, rocks,

<p style="text-align: right;">Page 25</p> <p>1 boulders, et cetera, et cetera. We are a combination 2 thereof. 3 MR. MOENCH: Okay. What on the 4 other driveway besides the driveway where the seven 5 trees are proposed can be done or needs to be done 6 there to address headlights that are going to be facing 7 outwards from the property? 8 MR. BOSENBERG: I'm sorry, are you 9 referring to the southern driveway, sir? 10 MR. MOENCH: Yes. 11 MR. BOSENBERG: We would be willing 12 to plant if it is so required additional plants in the 13 right-of-way. 14 From my examination of the site I don't believe 15 this is a big issue, but we will be willing to work 16 with the neighbors to add additional plantings in the 17 right-of-way if there is a concern about the 18 headlights. 19 MR. MOENCH: I have no further 20 questions at the moment though some may come to me. 21 MR. BOSENBERG: Thank you. 22 MR. MOENCH: Thank you. 23 MR. RUSAK: Any other questions? 24 Mr. Bogart. 25 MR. BOGART: Would the applicant</p>	<p style="text-align: right;">Page 27</p> <p>1 care of through an agreement that, you know, an 2 easement on that property requires maintenance by the 3 owners up at the mosque. 4 MR. BOGART: In my mind the best 5 solution is to get permission and do it on the 6 adjoining owner's property. 7 If they want the shielding then that would be 8 easy to do, but at the moment I'm not at all inclined 9 to agree that they can be planted in the right-of-way. 10 Thank you. 11 MS. HIRSCH: I'm sorry, can I just 12 press you a little more so I understand your answer? 13 Your concern is with maintenance or is there some other 14 concern in terms of planting in the right-of-way? 15 MR. BOGART: Well, I think the 16 original suggestion may have come from me that that 17 would be a good way to shield the lights with either 18 fencing or landscaping or something. 19 Candidly I never envisioned it would be in the 20 town's right-of-way, and you could have the issue at 21 some point or another of maintenance. We're not 22 interested frankly in any other maintenance. 23 Second of all, if the road were to be widened or 24 improved in some fashion then there would be the issue 25 of replacing those trees. So I would be happy to</p>
<p style="text-align: right;">Page 26</p> <p>1 object to planting the trees outside of the 2 right-of-way on private property if permission were 3 granted? 4 MS. HIRSCH: If that were to be the 5 best thing for the homeowner and they were willing to 6 permit it we would do that. 7 You know how those problems develop. If we 8 cannot reach an agreement with the neighbor during the 9 course of the hearings and something that's 10 satisfactory to the board then we end up with a 11 condition that's impossible to satisfy, but we are 12 willing to try. 13 We'll meet with the neighbors if that is what the 14 board would like us to do, and it's really just one 15 neighbor we are talking about so that's not a difficult 16 thing to do before the next meeting. 17 MR. BOGART: The reason I am asking 18 I am not satisfied that it can be planted in the 19 right-of-way. 20 MS. HIRSCH: What, Mr. Bogart? 21 MR. BOGART: I am not satisfied that 22 they may be permitted in the right-of-way. Plus, then 23 the question is if they are in the right-of-way, who 24 maintains them? 25 MS. HIRSCH: That could be taken</p>	<p style="text-align: right;">Page 28</p> <p>1 discuss it with the town, but I just have a feeling 2 that it wouldn't get at least my endorsement. 3 MS. HIRSCH: Very good. Well, now 4 that I understand your concerns we will explore it more 5 and give you a more detailed answer at the next meeting 6 hopefully. 7 MR. BOGART: Thank you. 8 MS. HIRSCH: Thank you. 9 MR. RUSAK: Anything else? Yes. 10 I'll try to pass this down. 11 MS. DOYLE: Thank you, Mr. Chairman. 12 A few questions for the public as well as for myself. 13 Would you please identify the north and the south so 14 that I can reference my comments. 15 MR. BOSENBERG: Sure. 16 MS. DOYLE: I don't see a north 17 arrow. 18 MR. BOSENBERG: North arrow is here 19 on the drawing. 20 MS. DOYLE: Forgive me then. 21 MR. BOSENBERG: Actually, Mountain 22 Top Road runs north and south, that is a big area for 23 us. 24 MS. DOYLE: That is helpful. In the 25 center of the southern line it seems that you are</p>

Page 29

1 putting -- you've given information and it appears that  
 2 there is a fence that goes outside your property line.  
 3 Do you want to show that? It is a very small  
 4 triangular piece. I am just curious as to, A, why is  
 5 that there?  
 6 I noticed that your landscaping is right on the  
 7 line, but you do show -- you do show elements for  
 8 typical limits of disturbance that would go outside  
 9 your property line, those lines.  
 10 MR. BOSENBERG: Are you speaking of  
 11 this area?  
 12 MS. DOYLE: Yes, I am.  
 13 MR. BOSENBERG: Our fence doesn't go  
 14 that far.  
 15 MS. DOYLE: Excuse me, area of  
 16 disturbance.  
 17 MR. BOSENBERG: I can't speak to the  
 18 area of disturbance because I didn't prepare that, that  
 19 would be a question for Mr. Folk. He appears next.  
 20 MS. DOYLE: In that area of  
 21 disturbance identified on that plan, what is the type  
 22 of grasses you intend to place there?  
 23 MR. BOSENBERG: It would be seeded  
 24 with a native and naturalized mix.  
 25 MS. DOYLE: The next question or the

Page 30

1 comment is launching from the prior comment regarding a  
 2 buffer fence.  
 3 The fence that you have does not actually touch  
 4 if you will the proposed landscaping on the southerly  
 5 side because there is a wetland area there.  
 6 Could you please show the board where the fencing  
 7 will start and then show the board where the gap in any  
 8 buffering be it fencing or landscaping will be  
 9 provided?  
 10 MR. BOSENBERG: Sure, and I'll start  
 11 at the northeast corner of the property.  
 12 The fence starts approximately here and follows  
 13 continuously along the line of the northern property  
 14 line to the east to the corner and then turns right and  
 15 heads southeast along the easterly property line all  
 16 the way down to the corner and then turns again to the  
 17 southwest along the southern property line and stops at  
 18 the limit of the wetland buffer. There is no fence  
 19 from the edge of the wetland buffer and in this wetland  
 20 area here.  
 21 MS. DOYLE: Okay. So if I am a  
 22 property owner that has an abutting property to the  
 23 north I would see a fence to the east, and if I'm on  
 24 the southerly side of your property I am abutting your  
 25 southerly side and may or may not see a fence depending

Page 31

1 upon where I am located.  
 2 So how long is the run where parties can see into  
 3 the property that does not have a fence or proposed  
 4 buffering?  
 5 MR. BOSENBERG: Just give me one  
 6 moment and I'll have that answer for you.  
 7 It is approximately 105 feet long, and let me  
 8 point to the drawing again so everybody is clear. This  
 9 is the limit of the wetland buffer. Here is the  
 10 wetland and the wetland ends. So it is 105 feet  
 11 approximately along this line.  
 12 To help compensate for that because we did  
 13 consider that challenge is that we ran the landscape  
 14 planting along this portion of the property to help  
 15 provide some of those views of the areas across the  
 16 buffers, but we realized we can't plant in that area,  
 17 nor fence.  
 18 MS. DOYLE: So it is what?  
 19 MR. BOSENBERG: 105 feet.  
 20 MS. DOYLE: 105 feet.  
 21 MR. BOSENBERG: Approximately.  
 22 MS. DOYLE: The next comment I want  
 23 to be sure we characterize this accurately.  
 24 Buffers may be a combination of -- may be a  
 25 combination of different elements which include

Page 32

1 landscaping plants and berms and fences.  
 2 What is important to note is that from the  
 3 ordinance it also says and in my report, "Buffers  
 4 (other than fences) should be located along the  
 5 property lines shielding various uses from each other."  
 6 Is it your interpretation of the ordinance that  
 7 the applicant has the ability to determine its own form  
 8 of buffering or is it not in fact the board that would  
 9 make that determination?  
 10 MR. BOSENBERG: Can you help me and  
 11 tell me where you are reading that from or what section  
 12 of the ordinance so I can follow along?  
 13 MS. DOYLE: I would have to get that  
 14 for you because it is a quote from me. It may be  
 15 Section 126-193 B. (1), but I will get that to you.  
 16 My question, however, remains. Do you --  
 17 irrespective of that, is it your interpretation that  
 18 the board makes the determination of the appropriate  
 19 type of buffering be it shrubbery or fencing or do you  
 20 believe it is the applicant's right to do so?  
 21 MR. BOSENBERG: I believe it is the  
 22 board.  
 23 MS. DOYLE: Okay, that's fine. The  
 24 next item just so I understand all of the deciduous  
 25 trees will be changed to 2.5-inch caliper?

Page 33

1 MR. BOSENBERG: As per my testimony  
2 we will revise our drawings to reflect 2 1/2- to  
3 three-inch caliper to all shade trees.  
4 MS. DOYLE: Thank you. The next  
5 question is due to -- I think we both would agree  
6 there's a little potential for misunderstanding once we  
7 get into the construction phase in that there are two  
8 evergreens trees that you have by symbol and you have  
9 two different heights for those, but they're not --  
10 they're not specified where the six- to eight-foot  
11 height is and the four- to six-foot height is.  
12 You said that you would make that clear. In  
13 order to make that clear I would like you to tell me  
14 the seven trees that we were talking about earlier  
15 those trees were six to eight feet in height in  
16 installation; is that correct?  
17 MR. BOSENBERG: Which trees are you  
18 referring to?  
19 MS. DOYLE: The seven trees we were  
20 speaking about earlier along the road.  
21 MR. BOSENBERG: Yes.  
22 MS. DOYLE: That installation height  
23 is six to eight feet, correct?  
24 MR. BOSENBERG: That is correct.  
25 MS. DOYLE: Okay. All the evergreen

Page 34

1 trees on the southerly side abutting the residential  
2 properties, are all those evergreen trees intended to  
3 be six to eight feet similarly with the buffering that  
4 you proposed along the roadway?  
5 MR. BOSENBERG: Yes, they are.  
6 MS. HIRSCH: So when we -- you'll  
7 make that clear in this fashion on a revised set of  
8 plans.  
9 MR. BOSENBERG: We will clearly note  
10 that not only in the plant list, but we will also  
11 change the plant symbol to a smaller size with a  
12 special notation of the size of the plant underneath  
13 the plant symbol on the plan so when the contractor is  
14 executing the work there is no misunderstanding from  
15 the contractor's perspective and makes it easier for  
16 the township to inspect and understand.  
17 MS. DOYLE: Thank you. The next  
18 question is what was the driving force for not having a  
19 fully landscaped buffer area particularly along the  
20 easterly side in order to accommodate such things that  
21 actually might kill plants, kill trees and even the  
22 understory over the course of time? Why did you stop  
23 and not continue particularly on the southerly line?  
24 MR. BOSENBERG: Let me try to  
25 understand what you're asking. Are you asking why we

Page 35

1 stopped here, Ms. Doyle?  
2 MS. DOYLE: Why did you stop there  
3 and not go the entire length? No -- yes. Why did you  
4 not go the entire length of that line?  
5 I understand the 105 feet and you have said that  
6 you are not going to plant -- that you are not going to  
7 fence that. I'm including that in my comment. Why did  
8 you not include that entire run for having the triple  
9 row of evergreen plantings?  
10 MR. BOSENBERG: For two reasons.  
11 The most important is it is wetlands. We are not  
12 allowed to plant in the wetlands and it immediately  
13 changes in this area.  
14 I am pointing to the southerly property line at  
15 the end of the parking lot and heading east. This is  
16 heavily wooded and for the reasons I described of the  
17 shade, the root competition and poor drainage even if  
18 there was not wetlands or wetland buffer in our opinion  
19 it would be extremely difficult, if not impossible, to  
20 do the type of plants and to get that to grow in these  
21 conditions.  
22 MS. DOYLE: Have you investigated  
23 where you can plant wetland varieties in the wetland  
24 area?  
25 MR. BOSENBERG: In the wetland, no.

Page 36

1 In the wetland buffer we could plant some wetland  
2 varieties, but my opinion is that that will not work  
3 because of the root competition and the heavy shade and  
4 especially the deer browse in that area.  
5 MS. DOYLE: Would you be willing to  
6 look into that with me particularly in the 105 feet to  
7 come up with something that may be workable?  
8 MR. BOSENBERG: I would absolutely  
9 welcome the chance, but the other thing to remember is  
10 that we also turn the corner of the planting on the  
11 southeast side of the parking lot and head in a  
12 northerly direction and extended that planting.  
13 I would rather make this even denser here and  
14 continue the planting to here because I just worry  
15 having done a lot of wetland restoration and native  
16 plant work because it is one of our specialties, and we  
17 really struggle in these types of conditions.  
18 So when I first went out there I immediately  
19 thought this was going to be a challenge, and what I  
20 would rather propose we work together and I'll be happy  
21 to meet with you and explore density in this buffer so  
22 the place where we can't add the fence the neighbors  
23 here are completely shielded from parking lot lights or  
24 activities.  
25 MS. DOYLE: Okay. The next and the

Page 37

1 last question that I have now is relative to the  
 2 northerly portion and the fencing that you have there  
 3 abutting properties.  
 4 I think in this case it may be an association or  
 5 it may be a conservation area. I'm not absolutely  
 6 certain and you can mention that, but nevertheless,  
 7 what you are proposing is a fence that is visible from  
 8 the residential side and no intervening softening  
 9 through landscaping.  
 10 The landscaping that you've used for interest,  
 11 for clarity, for difference in color and texture is on  
 12 the applicant's side of the fence. There is nothing on  
 13 the residential side of the fence.  
 14 Typically in this town we have had planting put  
 15 on the residential side so they're not looking at a  
 16 blank fence in those areas which are visible, and I  
 17 recognize that not all cases it is going to be visible,  
 18 but in those areas that are visible, are you willing to  
 19 plant some shrubbery on the residential side in order  
 20 to mask the wall that has been created even though it  
 21 is 50 feet from the property line?  
 22 MR. BOSENBERG: Yes, we would be  
 23 willing to work with you on that issue.  
 24 MS. DOYLE: Thank you. Mr.  
 25 Chairman, that is it for me.

Page 38

1 MR. RUSAK: Anyone else at this end  
 2 of the table?  
 3 MR. MOENCH: I have one more  
 4 question as we pass it back. Sorry, another question.  
 5 On the southerly portion of the property, how tall are  
 6 the plantings that are there?  
 7 MR. BOSENBERG: They're installed as  
 8 Miss Doyle pointed out and required six to eight feet  
 9 tall on installation.  
 10 MR. MOENCH: How does a six- to  
 11 eight-foot planting shield or buffer the lighting in  
 12 the area which I understand in general there is going  
 13 to be 14-foot or 20-foot lighting fixtures?  
 14 MR. BOSENBERG: Well, my  
 15 understanding of the lighting plan is that it is  
 16 downward facing with shoebox-type lights. Any of the  
 17 lights that go off here should be captured by the plant  
 18 material.  
 19 I haven't looked in detail at the lighting plan  
 20 so I really can't answer zero foot and candled at the  
 21 property line.  
 22 MR. MOENCH: Do you know where the  
 23 nearest lights are to the property line?  
 24 MR. BOSENBERG: I can give you an  
 25 approximation here. If you look and it is a little

Page 39

1 hard to see on this drawing, but in your packet you  
 2 will see these symbols.  
 3 Those are the light fixtures that are along the  
 4 edge of the parking lot, and typically with those type  
 5 of light fixtures the light casts this way.  
 6 MR. MOENCH: How do you know that  
 7 the light casts that way generally?  
 8 MR. BOSENBERG: You can tell by --  
 9 if you look at the lighting plan there is an isobar of  
 10 the equal values of foot candles of light, and you can  
 11 read that diagram like a road map.  
 12 MR. MOENCH: When you put together  
 13 the landscape plan or reviewed it and modified as you  
 14 saw fit, did you study the lighting plan on the  
 15 property to determine what, if any, modifications need  
 16 to be made to the landscaping plan on the southerly  
 17 portion of the property?  
 18 MR. BOSENBERG: We looked at that  
 19 and we felt that as your buffer ordinance requires the  
 20 plantings that are required by the ordinance are  
 21 sufficient to help stop the light at the property line.  
 22 MR. MOENCH: So is it your testimony  
 23 that you did evaluate the lighting plan with specific  
 24 reference to this plan and determined that there was no  
 25 change necessary?

Page 40

1 MR. BOSENBERG: That is correct.  
 2 MR. MOENCH: Thank you.  
 3 MR. RUSAK: Any questions down  
 4 there? Barbara?  
 5 MS. KANE: No, I'm okay, thanks.  
 6 MR. RUSAK: Okay. We now would like  
 7 to move to the public portion.  
 8 If you have a question, could you please come  
 9 forward to the front and go up to the microphone and  
 10 say your name, your address? Speak slowly and clearly  
 11 and spell your name so we can do it correctly, thank  
 12 you.  
 13 MR. COLLINS: Please raise your  
 14 right hand.  
 15 (Whereupon Kim Orozco is duly  
 16 sworn/affirmed.)  
 17 MR. COLLINS: Please state your name  
 18 and address.  
 19 MS. OROZCO: I am Kim Orozco, 826  
 20 Mine Brook Road. I've been up here before.  
 21 MR. COLLINS: Please go ahead.  
 22 MS. OROZCO: May I proceed?  
 23 MR. COLLINS: Yes.  
 24 MR. RUSAK: Yes.  
 25 MS. OROZCO: Okay. I am a neighbor

Page 41

1 across the street who nobody's bothered to meet with on  
 2 the issue of the trees that you are planning to plant  
 3 there, the seven trees, you know, and there is a few  
 4 things I would like to discuss.  
 5 First of all, I really don't want that driveway  
 6 and I want that clear to the council, to the planners,  
 7 to the town. I protest having that driveway back and  
 8 forth facing the side of my house because it faces  
 9 quite a few of my windows.  
 10 So whether you put trees or not you are going to  
 11 -- when people are coming and leaving red lights are  
 12 going in, white lights coming out and dark hours.  
 13 The other issue is you propose to put a shield up  
 14 which sounds like a great idea, and you are looking at  
 15 seven trees kind of smack in the middle between the  
 16 side of my yard.  
 17 I have a very triangular yard. Those seven trees  
 18 would be in a really odd spot, not to mention behind  
 19 those trees I have shagbark, hickory trees, I have  
 20 mulberry trees, I have different types of shrubbery and  
 21 I have a fence.  
 22 I also have a drainage ditch. On the side of the  
 23 yard that faces the street there is a ditch that was  
 24 there when I moved there. I believe the town put it  
 25 there because it has some type of piping in there that

Page 42

1 when our yard gets wet from the rain the rain drains  
 2 into that area and that area is very wet.  
 3 I don't know how those trees will respond to the  
 4 wetness. It's not easy to grow things there on the  
 5 side of the house and that is where I was hoping to  
 6 plant a garden in my future, and we are talking about a  
 7 Norwood spruce did you say?  
 8 MR. BOSENBERG: Norway spruce.  
 9 MS. OROZCO: They grow 25 to 30  
 10 inches -- I have to double-check that -- I guess in  
 11 width or maybe that is feet. They're quite large.  
 12 They do grow to be 40 to 60 feet tall, that's quite  
 13 tall.  
 14 So over time I can expect to lose the sunrise in  
 15 my windows facing that side of the house which is  
 16 disappointing to me because one of the reasons I  
 17 purchased my home was abundant sunlight comes in my  
 18 windows.  
 19 I understand there has to be a shield for the  
 20 lights, but if you don't put the driveway that  
 21 circumvents that problem.  
 22 As a homeowner I also don't want to have trees on  
 23 pieces of the back or what I consider my backyard in  
 24 part of the backyard and the rest of the corners open.  
 25 My patio is there. Now I am going to have pine

Page 43

1 needles overgrowing into my lawn at times. If the tree  
 2 decides to shed or doesn't take those needles are all  
 3 over my lawn and kill my grass that I've been striving  
 4 to keep healthy and planted.  
 5 So they are going to provide excess shade on my  
 6 patio in addition to another thing. The deer come from  
 7 that area of my yard, and also, the other thing about  
 8 that tree it is a good windbreaker.  
 9 Well, over time that is going to remove any  
 10 breezes I get from that side of the house as well as it  
 11 is a change or inconvenience to my life and to my  
 12 living in my house in my elderly years which I would  
 13 like to live in, and well, the value of my home over  
 14 time.  
 15 Good luck selling my house with those ugly trees  
 16 on that part of the property and the grass being dead  
 17 and the light not coming in and breezes not coming  
 18 there, and in addition to the traffic coming back and  
 19 forth on the whole side and back of my yard.  
 20 I just want to make sure that goes on record. I  
 21 am not pleased with that. I don't want it. It is not  
 22 acceptable to me, and nobody has even bothered to talk  
 23 to me and do a soil sample to see if those trees will  
 24 grow on my property. Thank you.  
 25 MR. RUSAK: Thank you. Next.

Page 44

1 MS. BOBOWICZ: My name is Kristen  
 2 Bobowicz, B-o-b-o-w-i-c-z. I live on Papen Road in  
 3 Bridgewater and I have been up here before.  
 4 MR. COLLINS: Were you previously  
 5 sworn?  
 6 MS. BOBOWICZ: Yes.  
 7 MR. COLLINS: Thank you. You are  
 8 still under oath, but before we go forward let's just  
 9 do a housekeeping item.  
 10 Is there a Ms. Ivana Matkiwiski in the room,  
 11 M-a-t-k-i-w-i-s-k-i? Ivana Matkiwiski? Anybody know  
 12 Ivana Matkiwiski? Thank you, go ahead.  
 13 MS. HIRSCH: Mr. Collins, may I ask  
 14 briefly? I'm just not clear when the public is up here  
 15 they are sworn in, and yet the purpose of them coming  
 16 up at this point is to ask our landscape architect  
 17 questions.  
 18 Is there some way we can limit some of this to  
 19 questions and reasonable explanations in order to make  
 20 a question so that we don't have a public comment  
 21 period here and then we have later another public  
 22 comment period? You know, every meeting is a public  
 23 comment period basically.  
 24 MR. COLLINS: Not exactly, Ms.  
 25 Hirsch, because people tend to make statements when

Page 45

1 they ask a question and that is why they're sworn.  
2 This is not the public comment period though, and  
3 people should be aware of that and should try to follow  
4 that this is the time for questions of the witness who  
5 has given direct testimony.  
6 If you object to a particular statement and the  
7 objection is sustained then that will result in someone  
8 not continuing.  
9 MS. HIRSCH: Thank you for the  
10 direction.  
11 MS. BOBOWICZ: I do have a question  
12 about those seven trees, but I do have to give a little  
13 background because I live right at that corner of Papen  
14 so I drive up my road multiple times a day.  
15 Every single day when I get to my road I have to  
16 make a left-hand turn onto Papen before I can get into  
17 my driveway. In order to make that left-hand turn I  
18 stop and look to the right down towards the mosque  
19 location to see if any cars are coming before I can  
20 make my left-hand turn.  
21 As it is now it's very difficult to see if any  
22 cars are coming, and I can tell you that there's  
23 multiple horns that honk and people constantly slamming  
24 on brakes because it is difficult to see.  
25 I'm concerned about adding these giant trees into

Page 46

1 the sight line as I look down to make that left-hand  
2 turn safely to go into my driveway, and my question is  
3 is there a way to determine if these huge trees that  
4 are going to be planted here now are going to make it  
5 even more difficult to see if cars are coming down from  
6 that right-hand turn?  
7 MS. HIRSCH: I would just comment,  
8 Ms. Bobowicz, that this is our landscape architect, not  
9 our engineer or traffic engineer. I don't believe he  
10 is qualified to comment on sight-clearing distances and  
11 really respond to your question.  
12 MS. BOBOWICZ: Well, I guess my  
13 question is tree related and that is why I'm asking it  
14 here because he is the landscape architect, and he is  
15 choosing to put those types of trees in. If the  
16 question is supposed to go to somebody else I'm sorry.  
17 I guess maybe the question then is are there  
18 different trees that could go in that wouldn't allow  
19 for a blockage of sight as I am making that left-hand  
20 turn to go down to my driveway?  
21 MR. BOSENBERG: There are different  
22 trees that grow at different rates, and we could  
23 specify a different species that will grow smaller.  
24 MS. BOBOWICZ: That is just  
25 important to go on the record because it is already

Page 47

1 difficult to see.  
2 MR. BOSENBERG: Thank you.  
3 MR. MOENCH: Mr. Chairman, can I ask  
4 a quick question?  
5 MR. MCNAMARA: Good evening. My  
6 name is Patrick McNamara. I'm with the law office of  
7 Scarinci, Hollenbeck. I represent Mr. and Mrs. Philip  
8 Rinaldo.  
9 So I am clear, my clients' backyard is a  
10 significant part of that 105-foot gap that we are  
11 looking at here this evening. So now you understand  
12 the focus of my questions.  
13 MR. BOSENBERG: Can I just identify  
14 that area?  
15 MR. MCNAMARA: Oh, sure.  
16 MR. BOSENBERG: So we are talking  
17 about Lot 20 which is on West Brook Road behind the  
18 property.  
19 Basically that is the corner and their lot runs  
20 as best as I can estimate up to where the fence starts  
21 and about eight -- if those are posts for the intervals  
22 of the fencing about eight posts up will be the next  
23 property line.  
24 So when I say "up" I am going to use the compass  
25 point where east is this way. So northeasterly

Page 48

1 direction.  
2 MR. MCNAMARA: Yes, right.  
3 MR. BOSENBERG: So you are stating  
4 that if I count these --  
5 MR. MCNAMARA: About eight or nine  
6 up.  
7 MR. BOSENBERG: It is worse in that  
8 area, sir.  
9 MR. MCNAMARA: Right, about 200 feet  
10 give or take.  
11 MR. BOSENBERG: So 105 feet that I  
12 measured for Miss Doyle to here.  
13 MR. MCNAMARA: Because their  
14 property line runs parallel to the stormwater detention  
15 basin that also runs from this side directly adjacent  
16 to the property line that they are on.  
17 MR. BOSENBERG: Thank you.  
18 MR. MCNAMARA: Okay. First question  
19 regarding the topography of the site and types of  
20 plantings you are putting in that -- putting in that  
21 corner.  
22 The site does significantly slope down from I  
23 guess it would be the southwest corner going roughly  
24 southeast by about 18 to 20 feet.  
25 Is there an adjustment that is being made for the

<p style="text-align: right;">Page 49</p> <p>1 landscaping you are placing in that corner to account 2 for that height differential in terms of creating a 3 better buffer for the people living directly behind 4 there? 5 MR. BOSENBERG: Again so I am clear, 6 you are identifying -- 7 MR. MCNAMARA: Yes. 8 MR. BOSENBERG: -- this area that is 9 midway in along the southern property line where the 10 buffer makes a turn to the north. 11 MR. MCNAMARA: Yes, sir. 12 MR. BOSENBERG: No, we are planting 13 at the proposed grade. There is no -- if you're asking 14 if there is a berm there is no berm. 15 MR. MCNAMARA: Has there been any 16 thought of creating a berm in that area to try to lift 17 the trees a little higher to create more of an offset 18 and a better visual buffer from stale lights or 19 headlights from vehicles parking there? 20 MR. BOSENBERG: There's been no 21 consideration for a berm. 22 MR. MCNAMARA: Has there been 23 consideration to removing the vegetative strip and 24 landscaping that entire length and using another 25 Stormceptor unit in lieu of the vegetative strip?</p>	<p style="text-align: right;">Page 51</p> <p>1 the right landscape and follow the requirements of the 2 ordinance. The ordinance has specific requirements 3 that we have to select from. 4 MR. MCNAMARA: Could you describe in 5 a little greater detail the exact types of plantings in 6 that corner? I've been able to decipher some, but I 7 think I need a new set of bifocals after this. 8 MR. BOSENBERG: I would refer you to 9 the upper right-hand side of our plan. If you look at 10 the upper right there is the plant list for the buffer, 11 and I'll point where that is on the drawing. 12 MR. MCNAMARA: Okay. 13 MR. BOSENBERG: The plants there -- 14 I'll use the common names -- are Norway spruce, 15 Colorado Blue spruce, Leland cypress, Redbud tree, 16 flowering dogwood and red oak. 17 MR. MCNAMARA: And is there any 18 issue about the proximity of the planting in terms of 19 would you prefer to see an area bermed or the area 20 expanded in some manner so you don't have overlap 21 specifically on the lower left obviously as they 22 mature? 23 MR. BOSENBERG: I think the 24 plantings are spaced to achieve the density that the 25 ordinance speaks to.</p>
<p style="text-align: right;">Page 50</p> <p>1 MR. BOSENBERG: I am not sure I 2 understand your question. 3 MR. MCNAMARA: The area directly 4 north of that corner running there, that's where I 5 believe the vegetative strip has been proposed to start 6 the stormwater management measures. 7 Has there been any thought to replacing that with 8 additional landscaping given your testimony about the 9 105-foot gap and using a Stormceptor instead to treat 10 the stormwater? 11 MR. BOSENBERG: As I said to Miss 12 Doyle, I would be willing to work with her to talk 13 about the potential screening in the wetland buffer or 14 the other option would be to do what you are 15 suggesting, increase the density of the landscape 16 planting at the eastern end of the parking lot. 17 MR. MCNAMARA: The type of plant 18 species you have particularly in that corner, are they 19 the right phrase is deer unfriendly? 20 MR. BOSENBERG: Well, the joke in 21 our office is there is no deer resistant plants. 22 I mean, last winter was a good measure. Even 23 pachysandra and boxwoods were chewed too, but we are 24 trying to select things highly deer resistant and 25 trying to use those plants also but trying to create</p>	<p style="text-align: right;">Page 52</p> <p>1 MR. MCNAMARA: Okay. The other 2 question I had -- I'm not sure if I'm phrasing this one 3 right. The design waiver that is being sought for lack 4 of planting along the frontage of the building. 5 There's no plantings along the rear of the 6 building, and I am not sure if that is where the 7 original Redwood Inn is. If you can just elaborate on 8 that. 9 MR. BOSENBERG: Yes. We're 10 challenged with the architecture of the building. 11 The ordinance is very specific that it requires a 12 foundation planting. There is sidewalk around the 13 majority of the building. We have foundation planting 14 on the south side. We've added plantings on the north 15 side to help satisfy a portion of that requirement. 16 MR. MCNAMARA: But the sidewalk is 17 something that is being installed. The original 18 Redwood Inn I don't believe has sidewalk running around 19 those three sides; am I correct? 20 MR. BOSENBERG: I don't remember. I 21 know there is sidewalk in the back of the building, but 22 the specifics of that I can't testify to, that I don't 23 remember. 24 MR. MCNAMARA: So then why is there 25 no planting of any type along the rear of the building?</p>

Page 53

1 MR. BOSENBERG: Because there is a  
 2 sidewalk in this area here, and then we start to get  
 3 into very poorly drained areas.  
 4 MR. MCNAMARA: So where you have a  
 5 separate fence I guess going around the proposed play  
 6 area --  
 7 MR. BOSENBERG: That is correct.  
 8 MR. MCNAMARA: -- you don't think  
 9 there could be any additional plantings along the fence  
 10 line along what I'll call the southerly part?  
 11 There is two maple trees that are 13 and 14 feet  
 12 where the line kind of takes a turn between there and  
 13 the building.  
 14 MR. BOSENBERG: Are you speaking --  
 15 MR. MCNAMARA: From there to the  
 16 left, in that area.  
 17 MR. BOSENBERG: So from here heading  
 18 in a westerly direction.  
 19 MR. MCNAMARA: Yes.  
 20 MR. BOSENBERG: On the playground.  
 21 MR. MCNAMARA: Right.  
 22 MR. BOSENBERG: That is the same  
 23 problem that we have with planting the buffer that I  
 24 just discussed with Miss Doyle. It is the same  
 25 character of the woodland and that is a densely wooded

Page 54

1 area.  
 2 MR. MCNAMARA: I thought that was  
 3 out of the buffer. I'm trying -- it looks like the  
 4 line overlaps literally with the fence.  
 5 MR. BOSENBERG: That is correct, but  
 6 the character -- maybe I should start by saying this  
 7 green area is the entire woodland, and the conditions  
 8 that I described that exist around the edge of the  
 9 property are the same that exist around the proposed  
 10 fence area there and it would be difficult. It is the  
 11 same situation. It would be difficult to plant and  
 12 have the plants survive.  
 13 MR. MCNAMARA: The fencing around  
 14 the play area, is that identical to the detail that  
 15 shows the perimeter or is that a different type of  
 16 fence in the playground area?  
 17 MR. BOSENBERG: I believe that is  
 18 detailed on the engineer's drawing, and he can answer  
 19 that question on his testimony.  
 20 MR. MCNAMARA: Okay, thank you. I  
 21 have no further questions at this time.  
 22 MR. EISDORFER: My name is Stephen  
 23 Eisdorfer of the firm of Hill, Wallack, LLP. I am the  
 24 attorney for the Running Brook Homeowners Association  
 25 and the Manors at Running Brook Homeowners Association.

Page 55

1 Is this site going to be sprinklered?  
 2 MR. BOSENBERG: No.  
 3 MR. EISDORFER: What undertaking is  
 4 the applicant making concerning the replacement of  
 5 trees and landscaping that dies?  
 6 MR. BOSENBERG: Sheet 2 of our  
 7 drawing shows the plant material guarantee which is two  
 8 years.  
 9 MR. EISDORFER: And will any of the  
 10 plantings affect the visibility of the minaret from the  
 11 south side of the property?  
 12 MR. BOSENBERG: So you are speaking  
 13 of this view this way, sir?  
 14 MR. EISDORFER: That's correct.  
 15 MR. BOSENBERG: Not initially, no.  
 16 MR. EISDORFER: Ever? There was  
 17 testimony that it will be 70 feet above the property  
 18 line at that point.  
 19 MR. BOSENBERG: Maybe some day; 20,  
 20 25 years.  
 21 MR. EISDORFER: I have no further  
 22 questions.  
 23 MR. OROZCO: Wilson Orozco, 826 Mine  
 24 Road. Question number one, what factors came into play  
 25 when the decision was made to propose to put these

Page 56

1 seven elephants -- I mean, trees up here?  
 2 MR. BOSENBERG: I'm sorry, could you  
 3 repeat that question?  
 4 MR. OROZCO: What factors came into  
 5 play when the proposed decision or decision was made to  
 6 put this seven elephants -- I mean, trees up there?  
 7 MR. BOSENBERG: If I understand your  
 8 question correctly you are asking me why.  
 9 MR. OROZCO: Yes.  
 10 MR. BOSENBERG: As I testified  
 11 previously, it was for the headlights coming out of the  
 12 driveway.  
 13 MR. OROZCO: All right, thank you.  
 14 What is the -- looking at the topographical drawing up  
 15 there, what is the height difference between the  
 16 entrance on Mine Road right here and back here? What  
 17 is the height difference?  
 18 MR. BOSENBERG: I didn't prepare  
 19 that plan. You will have to ask the engineer.  
 20 MR. OROZCO: Okay. From what I'm  
 21 seeing on the proposed drainage area map from David  
 22 Stires Associates just reading some of the -- some of  
 23 the topographical lines -- as a matter of fact, as I am  
 24 looking at your drawing I am going to need some  
 25 bifocals. Can you read some of those lines in your

Page 57

1 drawing?  
2 MR. BOSENBERG: Are you asking me to  
3 tell you what the elevation lines are on the drawing  
4 that the engineer prepared?  
5 MR. OROZCO: Yes. I mean, I'm sure  
6 somebody else made it, but I can't read it. I am sure  
7 you can because you have a bigger map.  
8 MR. BOSENBERG: Well, at the  
9 entrance the engineer has stated on his plan that is  
10 433, and down here by the lower corner of the parking  
11 lot on the southerly portion of the property line it is  
12 416.  
13 MR. OROZCO: So what's the  
14 difference between the two? I don't have my  
15 calculator.  
16 MR. BOSENBERG: I don't have my  
17 calculator.  
18 MR. OROZCO: Huh?  
19 MR. BOSENBERG: I don't have my  
20 calculator and I am not good at mental math. The  
21 engineer will be testifying next. He will be able to  
22 answer that question for you.  
23 MR. OROZCO: This is a Q&A session,  
24 isn't it?  
25 MR. BOSENBERG: As it pertains to

Page 58

1 the landscaping.  
2 A VOICE: Here is a calculator.  
3 MR. OROZCO: What is the difference?  
4 MR. BOSENBERG: Seventeen feet.  
5 MR. OROZCO: As you were designing  
6 this landscaping system, did you do some type of light  
7 analysis to see how far the lights would go all the way  
8 to the -- I think it is the left side or the right side  
9 of your drawing?  
10 MR. BOSENBERG: Again, can you point  
11 to the drawing to illustrate what you are asking?  
12 MR. OROZCO: Over here.  
13 MR. BOSENBERG: And your question,  
14 sir, is what?  
15 MR. OROZCO: If there is a vehicle  
16 here and they have the lights on, did you see how far  
17 the lights would shine?  
18 MR. BOSENBERG: I did not.  
19 MR. OROZCO: The reason I ask the  
20 question is a six-foot fence going to do any good with  
21 a 17-foot difference on the topography?  
22 MR. BOSENBERG: I think that would  
23 be better answered by the engineer so he can discuss  
24 the topography.  
25 MR. OROZCO: I am trying to

Page 59

1 understand the factors that came into doing the  
2 landscaping and doing shading and then how, you know,  
3 it was designed and what factors came into play, but I  
4 am hearing that this is not my job, it's somebody  
5 else's.  
6 MR. BOSENBERG: Well, it is an area  
7 outside my expertise, the draining and grading of the  
8 site.  
9 MR. OROZCO: In other words, there  
10 was no analysis of how far the light is going to travel  
11 and if the six-foot fence is really going to do any  
12 good or not?  
13 MR. BOSENBERG: If that is your  
14 question, sir, we did not do analysis of headlights of  
15 cars entering the site and traveling down towards the  
16 building.  
17 MR. OROZCO: I think if you do a  
18 topography theorem for some who know that you are going  
19 to find out that some of the six-foot fence will  
20 probably don't do any good to all the neighbors that  
21 are on --  
22 MS. HIRSCH: I'm sorry, sir, I must  
23 interrupt you and interpose an objection.  
24 MR. OROZCO: A question is coming,  
25 right? Am I allowed to make a question?

Page 60

1 MS. HIRSCH: Well, that was the  
2 point of my objection was to see if there is a  
3 question.  
4 MR. OROZCO: The question is coming  
5 up if you allow me to and give me the courtesy. So  
6 there was no analysis, correct?  
7 MR. BOSENBERG: As I previously  
8 stated, no, there was no analysis.  
9 MR. OROZCO: All right. So looking  
10 at the seven elephants -- I mean, seven trees that  
11 are --  
12 MR. RUSAK: Mr. Orozco, excuse me,  
13 but sarcasm is not necessary. He is treating you with  
14 respect so please treat him with respect.  
15 MR. OROZCO: Thank you. So the  
16 seven trees basically the decision was made that, okay,  
17 there is going to be some light glare so let's pop  
18 seven trees there, right? I mean, yes, no?  
19 MR. BOSENBERG: Your question is why  
20 did we put the trees there?  
21 MR. OROZCO: Yeah.  
22 MR. BOSENBERG: The reason was to  
23 help mitigate the lights coming from the cars at a  
24 close distance exiting the driveway.  
25 MR. OROZCO: Okay. I have no

Page 61

1 further questions at this moment.  
 2 MR. RUSAK: Thank you. Next,  
 3 please.  
 4 MR. LU: Hi, William Lu from  
 5 Bridgewater. I came in little previous. I'm sorry,  
 6 your name is Mr. Bosenberg?  
 7 MR. BOSENBERG: Bosenberg.  
 8 MR. LU: Bosenberg, sorry. I came  
 9 in a little late and Ms. Tubman is not here today. It  
 10 is Ms. Hirsch?  
 11 MS. HIRSCH: Yes.  
 12 MR. LU: Hi. What happened to Ms.  
 13 Tubman?  
 14 MS. HIRSCH: She is unable to be  
 15 here tonight.  
 16 MR. RUSAK: Sir, our job is for you  
 17 to ask questions of the witness and that was explained  
 18 earlier. I'm sorry you didn't arrive on time, but can  
 19 you please move forward?  
 20 MR. LU: I'm sorry. I'm wondering  
 21 if she's specialized in landscaping attorney.  
 22 MS. HIRSCH: I am not on the spot.  
 23 You are supposed to be posing questions to our witness.  
 24 MR. LU: Okay. There was some  
 25 questions you were not able to answer.

Page 62

1 Could you please explain to me what a landscaping  
 2 architect consists of and what kind of educational  
 3 training and test is required or licensed?  
 4 MR. BOSENBERG: I have a degree in  
 5 landscape architecture. I sat before the State's board  
 6 exam back in 1983 or 4 and received my professional  
 7 license.  
 8 MR. LU: Okay. Have you done  
 9 projects in Bridgewater before?  
 10 MR. BOSENBERG: I'm sorry?  
 11 MR. LU: Have you done a project in  
 12 Bridgewater before?  
 13 MR. BOSENBERG: Yes, we have.  
 14 MR. LU: Okay. This project was  
 15 originally designed by Garden Associates; is that  
 16 correct?  
 17 MR. BOSENBERG: Yes, they were the  
 18 original landscape architects for the project.  
 19 MR. LU: And what happened to them?  
 20 When did you took over?  
 21 MR. BOSENBERG: Did you miss my  
 22 introduction, sir?  
 23 MR. LU: Yes, I'm sorry.  
 24 MR. BOSENBERG: I testified that we  
 25 can't locate him. We believe he went out of business.

Page 63

1 He is missing so we don't know what happened. I was  
 2 retained to review this plan and make the adjustments  
 3 that I presented tonight.  
 4 MR. LU: Okay, thank you. Going  
 5 back to the buffering, what's required for the  
 6 buffering to block the noise and light from the  
 7 property to neighbors?  
 8 MR. BOSENBERG: The ordinance is  
 9 very specific.  
 10 MR. LU: I am not talking about  
 11 ordinance, from your landscaping.  
 12 MR. BOSENBERG: We are required to  
 13 follow the ordinance as is what we did for this  
 14 application. It meets the standards of the ordinance.  
 15 MR. LU: In reality, what's the  
 16 science behind it? What kind of -- you have a natural  
 17 degree in landscaping, right?  
 18 MR. BOSENBERG: Yes.  
 19 MR. LU: The ordinance doesn't  
 20 always, you know, fit reality. We have, you know,  
 21 human beings live around this property here.  
 22 So in reality, what is -- in reality, what is  
 23 required to block the sounds and lights from the  
 24 property to neighbors so be friendly to the neighbors?  
 25 MR. BOSENBERG: The ordinance is

Page 64

1 actually quite complete. It has a very stringent  
 2 requirement.  
 3 So if you asked me to design a buffer to do the  
 4 things you are asking for the ordinance would be a  
 5 model that I would achieve to use those goals.  
 6 MR. LU: Okay. How tall the tree  
 7 has to be to block completely?  
 8 MR. BOSENBERG: The ordinance  
 9 requires upon installation six to eight feet.  
 10 MR. LU: Okay. What kind of --  
 11 what kind of material does it take six to eight feet  
 12 can block the --  
 13 MR. BOSENBERG: Are you asking me  
 14 what are the species, the types of trees?  
 15 MR. LU: Are we talking about trees,  
 16 fence or something else?  
 17 MR. BOSENBERG: Well, I'm confused  
 18 because I am not sure where you are.  
 19 I think you are talking about the southern  
 20 property line, and if that is the case the previous  
 21 gentleman asked me the composition of the buffer.  
 22 I read off the plant list and the names of the  
 23 trees, and so that would be what we would use to  
 24 provide the things that you are asking about.  
 25 MR. LU: Okay. Is there any way it

Page 65

1 can be -- study can be done to -- scientific study can  
2 be done to see if the ordinance fits reality?  
3 MR. BOSENBERG: In my opinion it  
4 does.  
5 MR. LU: Your opinion, oh, okay.  
6 What do you base it on?  
7 MR. BOSENBERG: My professional  
8 experience of 34 years as a landscape architect and  
9 designed hundreds of buffers throughout the tristate  
10 area.  
11 MR. LU: Is it report in some way?  
12 MR. BOSENBERG: Are you asking when  
13 was the last buffer we designed?  
14 MR. LU: No. Is there scientific  
15 study published saying six to eight feet of whatever  
16 the species you are providing would block the sound and  
17 the noise?  
18 MS. HIRSCH: I'm sorry, Mr. Lu, I  
19 have to object to this line of questioning because as  
20 Mr. Bosenberg has indicated this applicant is required  
21 to comply with the terms and requirements of the  
22 Bridgewater ordinance, not some concept of reality or  
23 some other ordinance or some other set of principles  
24 and that is what has been done.  
25 MR. LU: Don't you think we, the

Page 66

1 people, live around the place? It's not reality?  
2 MS. HIRSCH: I am not looking for --  
3 you know, I don't think the board wants me to go back  
4 and forth with any member of the public.  
5 I am interposing an objection to this line of  
6 questioning. I think Mr. Bosenberg has answered the  
7 question that the plan has been designed to conform  
8 with the Bridgewater ordinance and that is as far as  
9 you can make him go.  
10 MR. COLLINS: The objection is  
11 sustained. Mr. Lu, please move forward with questions  
12 that are relevant.  
13 MR. LU: Okay. How much is the  
14 budget for the landscaping?  
15 MR. BOSENBERG: We have not done a  
16 construction cost analysis as of yet.  
17 MR. LU: So what would happen if  
18 it's over your budget? Are you getting more donations  
19 from people?  
20 MS. HIRSCH: Let me answer that for  
21 the client. The AlFalah has not provided Mr. Bosenberg  
22 with any type of limit on the cost or extent of  
23 landscaping.  
24 The fence that you see that has been added to the  
25 plans which was not originally part of the plans that

Page 67

1 were done by Garden Associates is a very major expense.  
2 It is being done because we feel that it is necessary  
3 to meet the requirements of the ordinance and to  
4 properly buffer the site.  
5 There is no dollar limit on what can or should be  
6 done with landscaping on the site, no direction from  
7 the client in that regard.  
8 MR. COLLINS: Again, the objection  
9 is sustained. Please move to relevant questions.  
10 MR. LU: So based on this plan, how  
11 much would it cost?  
12 MR. BOSENBERG: I haven't done an  
13 analysis.  
14 MR. LU: Okay. Have you seen this  
15 site?  
16 MR. BOSENBERG: I'm sorry, could you  
17 repeat that?  
18 MR. LU: Have you visited the  
19 property?  
20 MR. BOSENBERG: Have I visited the  
21 site? Yes, on a number of occasions.  
22 MR. LU: Okay. In order to complete  
23 the project, how much trees are you planning to cut  
24 down?  
25 MR. BOSENBERG: I previously

Page 68

1 testified to that.  
2 MR. LU: I'm sorry, can you repeat  
3 that, please?  
4 MR. BOSENBERG: We are removing 11  
5 evergreen trees and 20 deciduous trees.  
6 MR. LU: And you are replacing with  
7 all these. How is the water drainage from these trees  
8 you are cutting down compare with the water -- I mean,  
9 water absorption from those trees you are cutting down  
10 compare with these shrubs you are putting in?  
11 MR. BOSENBERG: I think you are  
12 asking me what is the difference in the water  
13 absorption rate.  
14 MR. LU: Correct.  
15 MR. BOSENBERG: We are required by  
16 ordinance to replace those trees.  
17 We are planting -- remember, we are removing 11  
18 evergreens. We are putting 23 back and we are  
19 replacing the 20 trees that we are removing. So my  
20 guess is there would be more water uptake with the  
21 additional evergreen trees.  
22 MR. LU: But the roots of the new  
23 trees will be smaller than the old trees, right?  
24 MR. BOSENBERG: Yes.  
25 MR. LU: So if I understand that the

Page 69

1 bigger the roots absorbs more water faster.  
2 MR. BOSENBERG: At a small degree.  
3 Remember, the engineer can testify to this further that  
4 we meet the stormwater regulations and requirements.  
5 MR. LU: So do you see any  
6 difference having this particular project with such a  
7 large parking lot here in terms of I guess ecology or  
8 the water absorption drainage from the rainstorms  
9 compared with five residential houses?  
10 MS. HIRSCH: Mr. Lu, this is simply  
11 well beyond this gentleman's area of expertise. He has  
12 described it to the board tonight.  
13 MR. LU: Okay. So what's the  
14 landscape architect do?  
15 MR. BOSENBERG: We prepared the  
16 plan.  
17 MR. COLLINS: Sir, that is enough.  
18 Please focus on questions that are relevant to the  
19 proceeding and that was -- that objection is sustained.  
20 MR. LU: I'm sorry, I just don't  
21 understand what a landscape architect do, what his job  
22 consist of.  
23 MR. BOSENBERG: We prepared the plan  
24 that is in front of the board this evening.  
25 MR. LU: Consist of planting grass,

Page 70

1 trees?  
2 MR. BOSENBERG: It is a complete  
3 landscape plan that we prepared.  
4 MR. LU: Okay. I hope everybody  
5 understands, thank you.  
6 MR. RUSAK: Thank you. Next.  
7 MR. MILLALA: Good evening. My name  
8 is Shiv Millala(ph). I have done paperwork and  
9 testified before. I have a question.  
10 Could you point out where you are removing the 11  
11 evergreens? What area is that because I missed that, I  
12 didn't see?  
13 MR. BOSENBERG: The removals are  
14 located throughout the site. If you visited the  
15 property there are a number of large evergreens close  
16 to the building. There are a number of trees along the  
17 old driveway. When the new driveway is installed those  
18 will be removed.  
19 So it's generally in the area where the driveway  
20 is modified as per the plan, and also, the cleaning up  
21 of the overgrown landscaping.  
22 MR. MILLALA: Would you -- are any  
23 of them between the new -- newer driveway and the north  
24 boundary of the plot?  
25 MR. BOSENBERG: If I'm understanding

Page 71

1 your question correct, sir, you are speaking from this  
2 edge of the driveway?  
3 MR. MILLALA: Right up there, yes.  
4 MR. BOSENBERG: I believe there is  
5 one evergreen tree there. Extending that line back  
6 across here next to the building there are two  
7 overgrown evergreens, that's really south of the line  
8 that you described to me.  
9 MR. MILLALA: Because there is only  
10 one evergreen tree north of that line basically.  
11 MR. BOSENBERG: Yes, from the  
12 northern edge of the driveway to the northern property  
13 line there is only one evergreen tree that I can see  
14 that is located there.  
15 MR. MILLALA: And where are you  
16 planting the new trees that are -- I mean, you are  
17 replacing them. So where are you planting, scattered  
18 around?  
19 MR. BOSENBERG: Yes, it is all part  
20 of the overall plan. It is blended in here because  
21 there's -- if you were here earlier, sir, for my  
22 testimony --  
23 MR. MILLALA: I was here ever since  
24 you put that up.  
25 MR. BOSENBERG: Thank you. I went

Page 72

1 through it step-by-step discussing the various things  
2 we are complying with.  
3 So the plan is a blend of street trees, the  
4 parking lot and a number of areas. So this is mostly  
5 scattered throughout this area.  
6 MR. MILLALA: Now is the pond new?  
7 Is that a pond?  
8 MR. BOSENBERG: The pond is  
9 existing.  
10 MR. MILLALA: It is an existing  
11 pond?  
12 MR. BOSENBERG: Yes, sir.  
13 MR. MILLALA: So the question I have  
14 is the trees that you are removing -- now I know the  
15 ordinance says if it is greater than six or eight  
16 inches in diameter you have to replace them. How big  
17 are they? They must be pretty tall if they are  
18 overgrown.  
19 MR. BOSENBERG: You are speaking to  
20 the tree we are removing here?  
21 MR. MILLALA: In general on the  
22 property.  
23 MR. BOSENBERG: They are various  
24 sizes. We measure them by caliper inches and they are  
25 roughly eight, ten inches in caliper.

Page 73

1 MR. MILLALA: So the height would be  
2 about 20 feet in height.  
3 MR. BOSENBERG: Some are smaller,  
4 some may be larger.  
5 MR. MILLALA: So the ones that you  
6 are planting they will -- to replace the size will take  
7 ten, fifteen years maybe.  
8 MR. BOSENBERG: Yes, ten, fifteen  
9 years, that would be correct. We are meeting the  
10 ordinance standard of the replacement trees at two to  
11 2 1/2 inches in caliper.  
12 MR. MILLALA: Now one of the  
13 questions I have is the ordinance requires you to plant  
14 the trees whether they live or die and that's not part  
15 of the requirement, right?  
16 MR. BOSENBERG: It's required and  
17 our drawing says there is a two-year plant material  
18 guarantee after the planting is installed and that the  
19 trees have to be alive at the end of the two-year  
20 maintenance period.  
21 MR. MILLALA: But then what if after  
22 that something were to happen, that's all, that's the  
23 way it is then?  
24 MR. BOSENBERG: Well, my experience  
25 on other projects that usually the applicant takes

Page 74

1 pride in the way a property looks and replaces a tree  
2 when it dies because it is an important part of the  
3 landscape.  
4 MR. MILLALA: Okay. Now I want to  
5 comment to the buffering in that area since you've seen  
6 that area. Have you seen a lot of houses with fences?  
7 MR. BOSENBERG: I'm sorry, sir, you  
8 are asking if I've seen --  
9 MR. MILLALA: You know, the area,  
10 the particular site. You've gone to the site and  
11 you've looked at and driven around and seen like  
12 neighborhood houses and so on?  
13 I am sure you can observe things. So do you see  
14 fences, that like a lot of houses have fences over  
15 there?  
16 MR. BOSENBERG: I observed a few  
17 fences, not many.  
18 MR. MILLALA: Now if the neighbors  
19 who are around the properties, you know, if they really  
20 don't like to see a fence there is nothing that can be  
21 done because of the restrictions on where the fence --  
22 MR. BOSENBERG: I think what you are  
23 asking me, sir, you are asking me if there is nothing  
24 that can be done if the neighbors object to the fence  
25 that we are installing.

Page 75

1 MR. MILLALA: If I'm a neighbor and  
2 I don't want to see a six-foot fence behind my house  
3 there is really nothing much I can -- you can fix that  
4 because that is the limitation of the land.  
5 MR. BOSENBERG: If you are asking  
6 can we install a taller than six-foot fence --  
7 MR. MILLALA: No, I don't like the  
8 fence, period.  
9 MR. BOSENBERG: I'm sorry?  
10 MR. MILLALA: I don't like the  
11 fence, period. There's really nothing you can do in  
12 the sense of fixing it.  
13 MR. BOSENBERG: That is correct.  
14 MR. MILLALA: So basically they just  
15 have to live with it.  
16 MR. BOSENBERG: Yes, and that was  
17 one of the reasons when we thought about the fence that  
18 we were going through or asking the applicant to go  
19 through the extra expense and instead of putting a  
20 fence in the woods which will weather sort of a silver  
21 color, a white color, would be to stain it the color of  
22 the tree trunks.  
23 MR. MILLALA: But still, the fence  
24 looks like a fence.  
25 MR. BOSENBERG: But it does help.

Page 76

1 We try to make things fit in.  
2 So to make the six-foot fence blend into the wood  
3 the best we can we are recommending it be stained a  
4 dark earth tone or tree trunk color.  
5 MR. MILLALA: Okay. So that is the  
6 problem with if I am a neighbor that would be my  
7 problem. I don't like a fence, but that is the only  
8 thing you can do, okay.  
9 The final question I have is one of the things  
10 you said is we can work with the neighbors, we can work  
11 with people. Is that something that will be part of  
12 your application, something you are held to, or  
13 something you say and then may happen?  
14 MS. HIRSCH: Mr. Millala, I think  
15 there were specific instances especially at the request  
16 of Miss Doyle where landscaping be enhanced.  
17 For example, some landscaping was requested to be  
18 put on the neighbors' side of some of the fences that  
19 are proposed, and those are the kinds of things that  
20 the applicant has agreed to do.  
21 If there is some process that can be created, not  
22 an open-ended one, I think we would be willing to  
23 listen to comments and add and subtract from  
24 landscaping for effective neighbors, but it couldn't be  
25 an open-ended process because when all of the testimony

Page 77

1 is finished here we can't be in a position where we are  
2 negotiating landscaping. I hope that answers your  
3 questions.  
4 MR. MILLALA: So coming back to  
5 another question considering the wetlands extend to the  
6 boundary of this property in the back it's likely that  
7 also extends into that neighbor's property, right?  
8 MR. BOSENBERG: I didn't have a  
9 chance to examine that neighbor's property.  
10 MR. MILLALA: But the probability.  
11 It is kind of hard to imagine it stops at the boundary  
12 of this property.  
13 MR. BOSENBERG: I don't know.  
14 MR. MILLALA: Okay. So it's quite  
15 possible that there will be no solution where you can  
16 put things on the neighbor's property either.  
17 I'm not saying it is, but I find it very hard to  
18 believe that the wetland tracks exactly the boundary of  
19 this property.  
20 MR. BOSENBERG: Well, we do have an  
21 instance of an isolated wetlands on the site in the  
22 corner of the site on the eastern part so that is  
23 possible.  
24 One of the other gentlemen that spoke earlier we  
25 discussed extending part of the buffer along the edge

Page 78

1 of the parking lot on the south side towards the north,  
2 and we said we would be willing with Miss Doyle to look  
3 at alternatives including possible planting in the  
4 wetlands buffer.  
5 MR. MILLALA: Then my final question  
6 is coming back to things which are planted as buffers.  
7 So you were saying that the property owner can  
8 take pride in it and something died they replace it,  
9 but they don't have to as part of this application,  
10 right?  
11 MR. BOSENBERG: They are required to  
12 present the site in a growing, thriving and living  
13 manner that meets the proof plans at the end of two  
14 years.  
15 MR. MILLALA: After two years  
16 nothing is binding?  
17 MR. BOSENBERG: That is correct.  
18 MR. MILLALA: Okay, thank you.  
19 MR. RUSAK: Thank you, sir. We  
20 would like to take a ten-minute break and resume  
21 exactly at nine o'clock, thank you.  
22 (Whereupon a short recess is taken.)  
23 MR. RUSAK: Thank you. We would  
24 like to resume. Next, ma'am.  
25 MS. HOZNY: Good evening. My name

Page 79

1 is Fran Hozny and I live at --  
2 MR. RUSAK: One minute. Could you  
3 spell your name for the court reporter?  
4 MS. HOZNY: H-o, "Z" as in zebra,  
5 "N" as in Nancy, "Y" as in yes.  
6 MR. RUSAK: Thank you.  
7 MS. HOZNY: Mr. Bosenberg, the area  
8 that fronts Mountain Top Road it looks like it is going  
9 to be a grassy area as well as some deciduous trees and  
10 plantings; is that correct?  
11 MR. BOSENBERG: It is comprised of  
12 shade trees, flowering trees, evergreen trees and turf.  
13 MS. HOZNY: And turf, okay. What is  
14 the footage of that?  
15 MR. BOSENBERG: I am going to refer  
16 to the drawing so we are all clear. So from the edge  
17 of Mountain Top Road to the east you are asking?  
18 MS. HOZNY: Yes. What is the actual  
19 footage of that grassy and planted area?  
20 MR. BOSENBERG: If I'm  
21 understanding --  
22 MS. HOZNY: From Mountain Top Road  
23 inward to the plantings there because it looks like the  
24 grass stops there obviously with the -- with the  
25 parking area.

Page 80

1 MR. BOSENBERG: I lost my scale. I  
2 am going to scale off for you. This corner here to the  
3 buffer it's approximately 90 to 100 feet depending on  
4 where you specifically measured to the edge of the  
5 buffer.  
6 MS. HOZNY: Okay. There is an  
7 existing pond and it looks like that will remain. Will  
8 it be irrigated so that water is moving? Not  
9 irrigated, that is the wrong term, aerated.  
10 MR. BOSENBERG: I don't know the  
11 answer to that.  
12 MS. HOZNY: And I am going to assume  
13 -- I hate to do that -- both sides of the fence will be  
14 painted or stained.  
15 MR. BOSENBERG: That is a very good  
16 question. Yes, both sides will be painted. It's not  
17 only the sides, but the tops and the edges of the  
18 board.  
19 So the reason why you are asking because with  
20 this type of fence if you don't stain the other side  
21 then you will see that. We are going 360 degrees.  
22 MS. HOZNY: Okay.  
23 MR. BOSENBERG: All edges will be  
24 stained.  
25 MS. HOZNY: And then my last

Page 81

1 question is all of this extensive landscaping, will it  
2 be done at one time or will it be done in phases?  
3 MR. BOSENBERG: My understanding is  
4 as part of the requirements for the building permit  
5 and/or the certificate of occupancy that the  
6 landscaping will have to be done in its entirety.  
7 MS. HOZNY: Thank you very much.  
8 MR. BOSENBERG: Thank you.  
9 MR. RUSAK: Thank you. Next.  
10 MR. OROZCO: Wilson Orozco.  
11 Question. The seven trees that are proposed to be  
12 planted to mitigate any light going into Lot 15, what  
13 is the distance of those trees to the corner of Mine  
14 Road and Papen?  
15 MR. BOSENBERG: I don't have that  
16 information available on my drawings. Possibly the  
17 engineer when he testifies will have the larger site  
18 plan and can put that into context for you.  
19 MR. OROZCO: Is there a way to scale  
20 the center of those trees to the edge of this property  
21 line from here to there?  
22 MR. BOSENBERG: If I'm understanding  
23 your question correctly you would like a distance from  
24 that tree to that corner, sir.  
25 MR. OROZCO: Please, yes.

Page 82

1 MR. BOSENBERG: Approximately 67  
2 feet.  
3 MR. OROZCO: So 67 feet.  
4 MR. BOSENBERG: Approximately 67  
5 feet.  
6 MR. OROZCO: Question. Is there any  
7 analysis done on the effect those trees would have on  
8 anybody who is making a left- or right-hand turn on  
9 Mine Road?  
10 MS. HIRSCH: That would not be a  
11 question, Mr. Orozco, for this witness who is a  
12 landscape architect.  
13 MR. OROZCO: Yes. Being it is  
14 proposed to put those trees there as a landscaping  
15 item, who should the question be asked to if there is a  
16 safety issue relating to the position or location of  
17 any trees that are going to mitigate any kind of  
18 lighting or glaring into Lot 15?  
19 MS. HIRSCH: I believe our next  
20 witness, Mr. Folk, who is a professional engineer will  
21 be able to address that if you ask it in the way you  
22 asked this witness.  
23 MR. OROZCO: Thank you.  
24 MR. RUSAK: Next.  
25 MS. THARP: Hi, I'm Margaret Tharp,

Page 83

1 1175 Crim Road, Bridgewater. I was sworn in at the  
2 last meeting.  
3 MR. RUSAK: Just spell the last  
4 name.  
5 MS. THARP: T-h-a-r-p like Peter.  
6 MR. COLLINS: Please go ahead.  
7 MS. THARP: Hi. Am I correct in  
8 assuming that you received a site plan and you  
9 developed a landscape plan based on that?  
10 In other words, the position of the driveways was  
11 fixed, the slope or the contour of the land and so  
12 forth. Those were already fixed when you attacked the  
13 problem of developing a landscape plan; is that  
14 correct?  
15 MR. BOSENBERG: Yes, and the other  
16 part of that is Garden Associates was the original  
17 landscape architect on the project.  
18 We were unable to locate him, and so I took the  
19 project over and refined the plan and corrected it to  
20 what you see today.  
21 MS. THARP: Okay. Along those  
22 lines, is it correct to say that your objective in  
23 developing this plan and in making revisions to the  
24 original architect's plan was to satisfy all the  
25 requirements and the ordinances that applied, that was

Page 84

1 your primary objective?  
2 MR. BOSENBERG: That is my  
3 objective.  
4 MS. THARP: Okay. So the number of  
5 trees and shrubs, the height of the fence and so forth  
6 were basically determined to satisfy the requirements  
7 of the ordinances?  
8 MR. BOSENBERG: Yes, but we also in  
9 a couple instances where we felt we needed to add an  
10 extra tree or something for aesthetic reasons we did  
11 that because from my testimony in a few small instances  
12 we exceed the numbers by five, seven, ten.  
13 So there are a few extra plants here that go  
14 beyond the ordinance, and in discussions with the  
15 applicant we felt that little extra bit made it that  
16 much nicer.  
17 MS. THARP: Okay. If your primary  
18 objective had been to screen all the surrounding  
19 properties to provide maximum deer resistance, for  
20 example, and to basically create a plan from scratch to  
21 look the nicest that you thought it could, would you  
22 have done anything different?  
23 MR. BOSENBERG: As I previously  
24 testified, the ordinance is a good model for the  
25 buffering.

Page 85

1 So if we were faced with the same objective for  
 2 another project without any municipal requirements we  
 3 would more than likely do something very similar to  
 4 this.  
 5 MS. THARP: Okay. Now changing the  
 6 subject slightly.  
 7 From your experience, what percentage of this  
 8 landscaping will survive four, five years with no --  
 9 because you indicated that the applicant is not  
 10 obligated to perform any particular maintenance or  
 11 replacement if I understood you.  
 12 MR. BOSENBERG: Usually my  
 13 experience has been if the project is executed  
 14 correctly by a competent contractor and if the  
 15 applicant provides reasonable maintenance we usually  
 16 look for a survival rate in the high 90s; 95, 97  
 17 percent.  
 18 MS. THARP: Really? Even in the  
 19 presence of deer because that is not my experience  
 20 right around the corner at all?  
 21 MR. BOSENBERG: That has been our  
 22 experience and we work throughout the northeast and  
 23 Somerset County especially down in Mercer County where  
 24 the deer browse is as bad as it is there on that site.  
 25 So will the deer eat the plants and the tops be

Page 86

1 alive? Yes, that may be possible in a few instances,  
 2 but again, we try to work with plants that are deer  
 3 resistant.  
 4 MS. THARP: I saw you had dogwood.  
 5 Is dogwood resistant in your opinion?  
 6 MR. BOSENBERG: No, but they're  
 7 specified tall enough that the plants will be -- the  
 8 lower branches of two or three feet or the four feet or  
 9 so will be eaten, but the top branches will survive.  
 10 So as the tree grows in the forest the deciduous  
 11 trees grow above too, that is why your ordinance asked  
 12 for that.  
 13 MS. THARP: I see. What about the  
 14 effect of the deer because I noticed you said 2 1/2- to  
 15 three-inch diameter?  
 16 MR. BOSENBERG: Yes.  
 17 MS. THARP: Don't the deer erode --  
 18 not erode, that's not the right word -- grind away the  
 19 trunk of the tree when it is that size?  
 20 MR. BOSENBERG: You are speaking  
 21 about the buck rub where the deer are removing the felt  
 22 from the antlers.  
 23 MS. THARP: Yeah.  
 24 MR. BOSENBERG: Our detail on sheet  
 25 2 contemplates that situation, and there is a tree

Page 87

1 guard on the deciduous trees that can stay on the tree  
 2 and it is not tied to the tree.  
 3 It will expand as the tree grows because we do  
 4 work in deer areas and that is a standard detail in our  
 5 office, all deciduous trees get a tree guard.  
 6 MS. THARP: What about the bushes?  
 7 You may have this on your plan, but I'm sorry, I didn't  
 8 see it. Are the bushes large enough that they can  
 9 survive that kind of deer browsing?  
 10 MR. BOSENBERG: We try to specify  
 11 plants that will survive some browsing even deciduous  
 12 or evergreen that are either deer resistant or lose  
 13 their leaves in the wintertime when the browse is high,  
 14 hence, helping their survival.  
 15 MS. THARP: Okay. And when you say  
 16 that about 90 percent should survive, are you assuming  
 17 any -- you mentioned with proper maintenance. What  
 18 kind of maintenance are you assuming for that kind of  
 19 survival figure?  
 20 MR. BOSENBERG: Well, I would be  
 21 hopeful if it's in the high 90s that is during dry  
 22 periods. This year is unusual, it's been very wet, but  
 23 during dry periods the trees get a drink.  
 24 The detail contemplates that. If you look that  
 25 is a water back called a gator back around the trees.

Page 88

1 So it is filled and slowly trickles. So it is a very  
 2 sufficient and efficient and green way.  
 3 Someone fills the gator box and over a 24-hour  
 4 period that is absorbed in the ground, and when we get  
 5 the July times the tree will do just fine.  
 6 MS. THARP: Do you know if there is  
 7 some commitment to do that either on the part of the  
 8 contractors who are installing this or on the part of  
 9 the applicant?  
 10 MR. BOSENBERG: Yes, there is.  
 11 MS. THARP: And did you design the  
 12 hardscaping, the sidewalks for example, around the  
 13 building?  
 14 MR. BOSENBERG: No, I did not.  
 15 MS. THARP: Is some of that existing  
 16 and some of it to be put in, the sidewalks around the  
 17 building, or is it all currently present?  
 18 MR. BOSENBERG: I don't know the  
 19 answer to that.  
 20 MS. THARP: But you assumed there  
 21 were going to be sidewalks where you showed them.  
 22 MR. BOSENBERG: I used the  
 23 architect's and engineer's plan which is based on the  
 24 built conditions. We base our drawings on those  
 25 conditions.

Page 89

1 MS. THARP: I understand. Thank you  
 2 very much.  
 3 MR. BOSENBERG: Thank you.  
 4 MR. MILLALA: Shiv Millala. Sorry,  
 5 I forget to ask you a couple questions the last time.  
 6 The first question. You mentioned that you were  
 7 removing like one evergreen tree from like the  
 8 northwest corner of the property, and I am just curious  
 9 as to why because it's not affecting anything.  
 10 Why remove a tree? When I asked north of the  
 11 driveway at the top you said you are going to remove  
 12 one evergreen tree over there.  
 13 MR. BOSENBERG: I would have to go  
 14 back and check my notes, but I believe there is a side  
 15 condition or there is a reason.  
 16 The tree is not in good condition, and just to  
 17 help you just to the south of that we are replacing  
 18 that with a shade tree. Then adjacent to the east of  
 19 that there are three evergreen trees in that area.  
 20 So the change will be, yes, we are removing the  
 21 one tree, but in this area there is a substantial area  
 22 of planting that is going to go back in there.  
 23 MR. MILLALA: Another question and  
 24 something which I didn't quite understand. The seven  
 25 evergreens that you are planting for headlight

Page 90

1 buffering, are they west of Mountain Top or east of  
 2 Mountain Top?  
 3 MR. BOSENBERG: You are referring to  
 4 these trees, sir?  
 5 MR. MILLALA: Yeah.  
 6 MR. BOSENBERG: Again, this is  
 7 north, that's east.  
 8 MR. MILLALA: Right.  
 9 MR. BOSENBERG: This is west and  
 10 Mountain Top is here. So they will be planted to the  
 11 west.  
 12 MR. MILLALA: So will they be like  
 13 on the property of whoever lives across the street or  
 14 not?  
 15 MR. BOSENBERG: They will be planted  
 16 in the right-of-way of the adjoining neighbor.  
 17 MR. MILLALA: So the question is how  
 18 does that fit in with the rest of the landscaping along  
 19 that? You've seen that obviously. Would you think it  
 20 looks nice?  
 21 The reason I am asking the question is in the  
 22 front of my house somebody came and plunked those seven  
 23 things I would think it looks ugly, and I want to know  
 24 your opinion as a professional.  
 25 MR. BOSENBERG: I think it helps

Page 91

1 solve an important question.  
 2 MR. MILLALA: I understand. Does it  
 3 look ugly or not?  
 4 MR. BOSENBERG: I don't think it  
 5 will look ugly because the Norway spruce is a pretty  
 6 tree.  
 7 MR. MILLALA: But in the middle to  
 8 fit with? I mean, honest, does it fit with the  
 9 surroundings?  
 10 MR. BOSENBERG: There are other  
 11 evergreens that are randomly placed along the road.  
 12 MR. MILLALA: But still randomly  
 13 placed as opposed to clumped in the middle. I mean, I  
 14 hope you give me an honest answer. Would you want that  
 15 on your property like that?  
 16 MR. BOSENBERG: Well, the answer to  
 17 that is that in this situation I think it is an  
 18 appropriate solution.  
 19 MR. MILLALA: Appropriate solution  
 20 to one person's problem, not the other person's  
 21 problem, right? Okay, thank you.  
 22 MS. THARP: I'm sorry, I forgot to  
 23 ask you one thing.  
 24 I am curious if in your opinion the existing  
 25 heavily forested area actually provides as good or

Page 92

1 better buffering for surrounding properties compared to  
 2 taking out those trees and putting in new landscaping.  
 3 MR. BOSENBERG: Just so we are  
 4 clear, you are speaking about the area to the east of  
 5 the building going to the easterly property line?  
 6 MS. THARP: Right, the part that  
 7 you've colored in the green and indicated is heavily  
 8 wooded.  
 9 MR. BOSENBERG: Yes, that was my  
 10 testimony that I feel in order to install the landscape  
 11 buffer that the woods -- the combination of the  
 12 woodland, branches of the trees and six-foot fence will  
 13 do an equal or superior job.  
 14 MS. THARP: But without the fence it  
 15 would not provide as much buffering as the landscaping  
 16 that the township normally would be asking for in terms  
 17 of trees and bushes that were able to be planted there;  
 18 is that correct?  
 19 MR. BOSENBERG: So you are asking in  
 20 my opinion if we remove the fence and just had the  
 21 woodland?  
 22 MS. THARP: I know you can't. I'm  
 23 just curious.  
 24 I mean, I hate to see trees removed, and we got  
 25 woodland around our house and provides very good, you

Page 93

1 know, buffering and sight. I don't know the right  
2 word, but we can't see our neighbors because of it.  
3 So I'm just wondering if the town were to require  
4 you to put in landscaping there either around the fence  
5 because the fence is only six foot, and I assume the  
6 trees that are there are taller and there is  
7 undergrowth there, but correct me if I'm wrong.  
8 MR. BOSENBERG: There's not much  
9 undergrowth and that was the reason for the fence.  
10 MS. THARP: Oh, I see.  
11 MR. BOSENBERG: The deer are  
12 browsing at five feet, the fence is six feet and the  
13 branches from the tree hang down.  
14 The branches themselves create crisscross  
15 patterns, and as you described very well, it provides a  
16 good buffer against the neighbor.  
17 MS. THARP: Sir, I'm sorry, but if  
18 the deer are browsing up to five feet high, is  
19 shrubbery going to survive anywhere?  
20 MR. BOSENBERG: We are back to when  
21 you asked me the question about the dogwood and what  
22 happens to the deciduous leaves.  
23 MS. THARP: Because that is a tree.  
24 I'm talking about the shrubs.  
25 MR. BOSENBERG: Well, the shrubs are

Page 94

1 picked from a list that are deer resistant, and our  
2 experience has been that the shrubs we have picked will  
3 survive fairly well in the situation.  
4 MS. THARP: Thank you.  
5 MR. LU: William Lu, Bridgewater. I  
6 just Googled it. I found Norway spruce tree. They  
7 have different varieties. I would like you to show me  
8 which one you are planting.  
9 MR. BOSENBERG: Norway spruce we are  
10 planting.  
11 MR. LU: This one?  
12 MR. BOSENBERG: I don't know. There  
13 is no identification to that tree or scientific name so  
14 I don't know if that is accurate or not.  
15 MR. LU: Landscape architect don't  
16 recognize the tree?  
17 MR. BOSENBERG: Well, I believe it  
18 is a species of Norway spruce, but which variety I  
19 don't know from a photo.  
20 MR. LU: Which one are you going to  
21 plant?  
22 MR. BOSENBERG: We are planting  
23 regular Norway spruce.  
24 MR. LU: This one?  
25 MR. BOSENBERG: Well, you are

Page 95

1 showing me many different pictures of many different  
2 trees with many different habits, and from those  
3 pictures it is hard to determine.  
4 MS. HIRSCH: I'm sorry, I have to  
5 object to this particular approach to questioning, you  
6 know, by Googling something and showing these  
7 photographs of trees. There is no way we can preserve  
8 this whole discussion as part of the record.  
9 MR. COLLINS: Mr. Lu, please move  
10 on. It is an appropriate objection and is sustained.  
11 MR. LU: Chairman, as a landscape  
12 architect, how can he not recognize the Norway spruce  
13 tree?  
14 MR. COLLINS: Mr. Lu, that is not  
15 the issue.  
16 The issue is what method by which you are  
17 cross-examining the witness is using a picture from  
18 Google which is not identifiable or provable by anyone  
19 in this room and not by you. So you have been  
20 instructed to move on with a relevant question and move  
21 away from this question.  
22 MR. LU: Okay. My question is there  
23 are different kind of trees for Norway spruce tree, but  
24 the Norway spruce tree grow all the way from the ground  
25 up or has the space between the bottom of the tree and

Page 96

1 the ground so you lost your buffering or whatever you  
2 want to call the shield and the light from the neighbor  
3 and that was my question.  
4 You see as a grown tree the size of the tree.  
5 How far the right-of-way are you going to use to plant  
6 those seven trees as they do grow up and huge?  
7 MR. BOSENBERG: So you are asking me  
8 two questions I believe. Well, let me restate those so  
9 I can understand.  
10 You are asking me the tree, the Norway spruce we  
11 are specifying, will it not have bottom branches; is  
12 that correct?  
13 MR. LU: Yes.  
14 MR. BOSENBERG: The Norway spruce  
15 tree we are specifying will have bottom branches.  
16 MR. LU: And when it grow as mature,  
17 what is the diameter of the bottom of the tree?  
18 MR. BOSENBERG: I have one in my  
19 yard that's 35 or 40 feet tall, and it must have about  
20 a 20-foot diameter.  
21 MR. LU: 20-foot diameter. So you  
22 have seven trees there. How much right-of-way space  
23 you will need? Do we have enough right-of-way space?  
24 MR. BOSENBERG: Planted  
25 approximately ten feet from the edge of the

Page 97

1 right-of-way or the edge of the pavement, I'm sorry.  
2 MR. LU: And how far back to the --  
3 how much space do you have from the edge of the  
4 pavement to the end of the right-of-way?  
5 MR. BOSENBERG: I believe about 24  
6 feet.  
7 MR. LU: Oh. You say the diameter  
8 of the trees mature about 20 feet. So you have -- the  
9 way you design it it's going to require 40 feet when it  
10 grow up. You don't have enough space, do you?  
11 MR. BOSENBERG: The edge of the tree  
12 is ten feet from the edge of the pavement. Based on  
13 the example I cited at 35 feet tall, the edge of the  
14 branches will be at the edge of the pavement.  
15 MR. LU: I am talking about the west  
16 end of the right-of-way.  
17 MR. BOSENBERG: So I understand --  
18 MR. LU: You have ten feet from the  
19 edge of pavement and you have two rows of trees. Each  
20 row is 20 feet and two rows that is 40 feet, plus ten  
21 feet from the edge of the pavement. So you need  
22 minimum of 50 feet from the edge of pavement. Do you  
23 have enough space there?  
24 MR. BOSENBERG: I think you are  
25 misunderstanding my explanation. It is a double,

Page 98

1 staggered row.  
2 So what will happen is that the trees are planted  
3 on center of approximately 11 feet which means they are  
4 going to be staggered piggy-wiggly styled.  
5 MR. LU: So how much width?  
6 MR. BOSENBERG: Ten feet between the  
7 trees. So when these trees grow they are going to fill  
8 the right-of-way of approximately 24 feet.  
9 MR. LU: It's 24 feet? So from the  
10 end of pavement is to -- to the edge of the second row  
11 24 feet?  
12 MR. BOSENBERG: Again, I am not  
13 completely following what you are saying.  
14 MR. LU: If I may use that.  
15 MR. BOSENBERG: Sure, the button is  
16 on the top.  
17 MR. LU: I am talking about the edge  
18 of the pavement to the edge of the second row 24 feet.  
19 You need ten feet from that to the edge of  
20 pavement, that's what you said, right, and the diameter  
21 of each tree when it is matured is about 20 feet?  
22 MR. BOSENBERG: That's all correct.  
23 MR. LU: How much right-of-way space  
24 do you have over there?  
25 MR. BOSENBERG: It's 24 feet.

Page 99

1 MR. LU: That's on the map, 24 feet  
2 on the map?  
3 MR. BOSENBERG: Approximately to  
4 edge of pavement.  
5 MR. LU: You might invade into the  
6 neighbors or that property owner. Will you?  
7 MR. BOSENBERG: Well, eventually  
8 over time the tree might grow a little bit into the  
9 yard, yes.  
10 MR. LU: Okay. I made my point,  
11 thank you.  
12 MR. TART: I have not yet been sworn  
13 in. Murray Tart, T-a-r-t.  
14 MR. COLLINS: Sir, please raise your  
15 right hand.  
16 (Whereupon Murray Tart is duly  
17 sworn/affirmed.)  
18 MR. COLLINS: Mr. Tart, please spell  
19 your last name.  
20 MR. TART: "T" as in Thomas, a-r-t,  
21 775 Papen Road.  
22 Just one question regarding the site and the  
23 trees, and I don't believe that the landscape architect  
24 can answer that. I think the planning board must  
25 answer it.

Page 100

1 MR. COLLINS: You have to ask the  
2 witness, sir.  
3 MR. TART: Well, I'm asking if he  
4 knows the answer. You've asked the planning board to  
5 consider that as a solution to a problem.  
6 Since it is off the site and on the township  
7 right-of-way, is it appropriate for the planning board  
8 to make that decision or the township committee or some  
9 other agency within the township?  
10 MS. HIRSCH: Mr. Tart, I think the  
11 first decision would be made by the planning board as  
12 to whether this is an appropriate solution to the  
13 lighting problem that has been identified, and from  
14 there it would be the township committee that would  
15 have to approve this as being within the right-of-way.  
16 So it would be a two-step approval.  
17 MR. TART: So in essence if this  
18 were approved by the planning board and still an  
19 objection there is still a field process or appeals  
20 process.  
21 MS. HIRSCH: No, not appeals, just  
22 the township controls the right-of-way which is what  
23 you are identifying.  
24 MR. TART: That's what I thought.  
25 MS. HIRSCH: But the planning board

Page 101

1 in the first instance would have to approve the  
 2 landscape solution.  
 3 MR. TART: And the right-of-way is  
 4 ten feet wide; is that correct?  
 5 MR. BOSENBERG: It's approximately  
 6 24 feet wide.  
 7 MR. TART: It's 24 feet wide? I  
 8 thought I heard you say earlier in part of your  
 9 testimony that it was ten feet. Am I mistaken?  
 10 MR. BOSENBERG: Yeah, I believe  
 11 there is -- there is confusion.  
 12 We were talking about the diameter of the tree  
 13 was 20 feet and half is ten. So we were talking about  
 14 the distance from the edge of the right-of-way with the  
 15 other gentleman. There was a lot of numbers back and  
 16 forth.  
 17 MR. TART: Does that regulation  
 18 apply to all properties in the township, 24 feet on one  
 19 side, and the township has the right-of-way?  
 20 MR. BOSENBERG: I don't know the  
 21 answer to that.  
 22 MR. TART: But it does here.  
 23 MR. BOSENBERG: In that one instance  
 24 where I measured it to the edge of pavement is 24 feet.  
 25 So whether that pavement is consistent with that

Page 102

1 in that right-of-way because sometimes the road shifts  
 2 left or right, but the engineer who is going to testify  
 3 next will be able to answer your question better.  
 4 MR. TART: I understand. I thank  
 5 you very much.  
 6 MR. BOSENBERG: Thank you.  
 7 MR. AHMED: Hi, my name is --  
 8 MR. COLLINS: Please raise your  
 9 right hand.  
 10 (Whereupon Kawsar Ahmed is duly  
 11 sworn/affirmed.)  
 12 MR. COLLINS: Please state your name  
 13 again and spell your last name.  
 14 MR. AHMED: Kawsar, K-a-w-s-a-r,  
 15 last name Ahmed, A-h-m-e-d, 1770 Cedar Crest Road,  
 16 Bound Brook.  
 17 MR. COLLINS: Please spell your last  
 18 name again.  
 19 MR. AHMED: A-h-m-e-d.  
 20 MR. COLLINS: Thank you.  
 21 MR. AHMED: Couple of questions.  
 22 Have you visited any of the places of worship in  
 23 Bridgewater Township when you did your landscape  
 24 design?  
 25 MR. BOSENBERG: Are you speaking of

Page 103

1 this faith?  
 2 MR. AHMED: No, in general like  
 3 churches. There are churches around here. Have you  
 4 looked at any of their landscape solutions that are  
 5 existing in the township?  
 6 MR. BOSENBERG: No.  
 7 MR. AHMED: Are you aware that many  
 8 of the churches that are in Bridgewater Township have  
 9 similar proximity to the residential areas?  
 10 MR. BOSENBERG: I am not aware of  
 11 that. I did not research the churches or the proximity  
 12 to residential areas in the preparation of this design.  
 13 MR. AHMED: So this was mainly your  
 14 basis for the designing on the landscape architecture  
 15 based on aesthetics.  
 16 Also, if you were to say the main theme of your  
 17 design, was it based on the proximity to residential  
 18 areas or to the aesthetics of the place itself?  
 19 MR. BOSENBERG: What guides us in  
 20 the preparation of the design is, first, the ordinance  
 21 gives very specific requirements for this application,  
 22 and then secondly, we look at the aesthetics of the  
 23 compositions that we create.  
 24 MR. AHMED: So based on your design  
 25 you feel that you've met all the ordinance that is

Page 104

1 required to have site plan permitted based on the  
 2 ordinance that is existing?  
 3 MR. BOSENBERG: As it pertains to  
 4 the landscape, yes, except for the small design waiver.  
 5 Ms. Hirsch calls it site plan exception if I remember  
 6 correctly.  
 7 MR. AHMED: And that is the spruce  
 8 trees which is a solution?  
 9 MR. BOSENBERG: No, that pertains to  
 10 the foundation plantings of the building.  
 11 We don't meet the requirements of that particular  
 12 section of the ordinance because the sidewalk  
 13 essentially surrounds the building so we aren't able to  
 14 plant directly adjacent to the foundation, hence, we  
 15 calculated the required number of shrubs.  
 16 We are using those in other places in the  
 17 landscape, and so we are asking for an exception for  
 18 the location, not the quantity.  
 19 MR. AHMED: I see. Then in your  
 20 estimates that should suffice as far as the requirement  
 21 per ordinance that is in existence?  
 22 MR. BOSENBERG: Yes. I actually  
 23 think it will add to the aesthetics to the entire site.  
 24 MR. AHMED: Thank you.  
 25 MR. BOSENBERG: Thank you, sir.

Page 105

1 MR. RUSAK: Next witness. Any other  
2 witnesses from the public?  
3 MR. COLLINS: Next witness for Ms.  
4 Hirsch.  
5 MR. RUSAK: Any questions from the  
6 public? Mrs. Hirsch, could you bring your next  
7 witness?  
8 MS. HIRSCH: Yes, thank you. Mr.  
9 Folk. With the board's permission Mr. Bosenberg is  
10 going to leave since we are finished with him tonight,  
11 thank you.  
12 MR. COLLINS: Before he leaves, Ms.  
13 Hirsch, could you just address that question that was  
14 asked by a member of the public about the distance of  
15 the seven trees from the intersection and whether there  
16 would -- these trees would block the sight line from  
17 the intersection that was referred to by the  
18 questioner?  
19 So if you can focus on that earlier on and then  
20 let Mr. Bosenberg leave I think that would be  
21 advisable. So is that all right with Ms. Hirsch?  
22 MS. HIRSCH: I'm sorry?  
23 MR. COLLINS: I think she was asking  
24 me did I need Mr. Bosenberg to answer the question.  
25 The answer is, no, I need Mr. Folk to answer

Page 106

1 those questions that were raised earlier, but Mr. Folk  
2 can come forward. Mr. Folk, do you understand you are  
3 still under oath?  
4 MR. FOLK: Yes, okay.  
5 MR. COLLINS: Please state your name  
6 and spell your last name for the record.  
7 MR. FOLK: George Folk, F-o-l-k,  
8 Dave Stires Associates.  
9 MR. COLLINS: Thank you, Mr. Folk.  
10 Maybe Ms. Hirsch can lead you through those questions  
11 asked previously and that Mr. Bosenberg said would be  
12 best answered by you. Mr. Folk.  
13 MR. FOLK: No problem. Are you  
14 looking for the distance from Mine Road looking to the  
15 south down Mountain Top Road to where the driveway  
16 exits onto Mountain Top Road? The distance there is  
17 approximately 240 feet.  
18 MR. COLLINS: And how about the  
19 distance to the -- from Mine Road to the first of the  
20 seven new evergreen trees, the northernmost evergreen  
21 tree?  
22 MR. FOLK: That is what I'm  
23 referring to, sir.  
24 MR. COLLINS: So that's 240 feet?  
25 MR. FOLK: Yes, 240.

Page 107

1 MR. COLLINS: And will those trees  
2 block the sight line for that intersection?  
3 MR. FOLK: We don't locate the stop  
4 bar on Mine Road on these plans right now in front of  
5 me.  
6 I would have to get back to you with the answer  
7 to that for that location of the stop bar in order to  
8 do an assessment of the stop bar and sight distance for  
9 that. So at this time I can't answer that question,  
10 sir.  
11 MR. COLLINS: Thank you. If you  
12 would make that calculation and provide it in writing  
13 to the board before the July meeting that would be  
14 helpful to Mr. Bogart especially.  
15 MR. FOLK: I certainly will.  
16 MR. METH: Can I interject a  
17 question on the sight triangle?  
18 MR. COLLINS: Yes.  
19 MR. METH: I think I need the  
20 microphone, thank you. For the record Gordon Meth,  
21 traffic consultant with the board.  
22 Mr. Folk, when you measure sight triangles you  
23 mentioned the stop bar. Are you measuring it from the  
24 stop bar or at a certain distance behind the stop bar?  
25 MR. FOLK: Typically we measure ten

Page 108

1 feet behind the stop bar.  
2 MR. METH: Okay. I did notice on  
3 the plans in question the sight triangles that are  
4 drawn happen to be drawn to the stop bars. Was that so  
5 -- was that --  
6 MR. FOLK: Actually, we do measure  
7 from the edge of the traveled way which is the AASHTO  
8 definition.  
9 MR. METH: I'm sorry, could you just  
10 slowly walk through exactly how you measure the sight  
11 triangle?  
12 MR. FOLK: I believe you are  
13 familiar with AASHTO.  
14 MR. METH: Yes, I am.  
15 MR. FOLK: Their designation for  
16 stop bars is measured from the edge of the traveled way  
17 which is the edge of pavement.  
18 MR. METH: I'm sorry, what is  
19 measured from the edge of pavement?  
20 MR. FOLK: The beginning calculation  
21 for the sight triangle.  
22 MR. METH: I mean, I believe that  
23 AASHTO requires that to be 14.5 feet behind the edge of  
24 traveled way, but if you have a stop bar it's also  
25 supposed to be eight feet behind the stop bar because

<p style="text-align: right;">Page 109</p> <p>1 of where the driver's eye is relative to the stopping 2 position of the car. Is that not correct? 3 MR. FOLK: Yes. 4 MR. METH: Okay. And were they 5 measured that way on the site plan in question? 6 MR. FOLK: We measured it from the 7 edge of traveled way. 8 MR. METH: From the edge of traveled 9 way or distance back from the edge of traveled way? 10 MR. FOLK: Traveled way. The stop 11 bars or sight triangles were measured from the edge of 12 traveled way. 13 MR. METH: I'm sorry, 14.5 feet back 14 from the edge of traveled way or at the traveled way? 15 MR. FOLK: It's 14 feet -- 14.5 feet 16 back from the edge of traveled way. 17 MR. METH: Okay, thank you. 18 MR. RUSAK: Continue, sir. 19 MS. HIRSCH: May we continue with 20 his testimony? 21 MR. RUSAK: Yes. 22 MS. HIRSCH: Thank you. All right. 23 Mr. Folk has been called back tonight in order to deal 24 with one very brief loose end which is to explain a 25 revised parking layout plan sheet that was submitted on</p>	<p style="text-align: right;">Page 111</p> <p>1 show eliminating of a parking aisle and moving the 2 parking spaces in, and this was a suggestion to limit 3 the impact on the neighbors so that the parking lot 4 could be narrower. Is that an accurate description, 5 Mr. Folk? 6 MR. FOLK: Yes. 7 MS. HIRSCH: Mr. Folk, we went 8 through the transcript and the earlier transcript had 9 shown your testimony as stating that the impervious 10 coverage of the site with the proposed development 11 would be 34 percent. 12 Is that an accurate number, and if not, could you 13 please tell the board what the accurate number is? 14 MR. FOLK: That was not an accurate 15 number, the 34 percent. The accurate number is 30.7 16 percent reduction in impervious coverage. 17 MS. HIRSCH: Okay. Mr. Folk, with 18 respect to the plans that are before the board, can you 19 tell the board members why the project is considered a, 20 quote/unquote, major development under the Bridgewater 21 stormwater ordinance? 22 MR. FOLK: Recalculation after my 23 first meeting here to include disturbance areas 24 associated with landscaping placed the limited 25 disturbance over one acre, 1.18 acres, and by ordinance</p>
<p style="text-align: right;">Page 110</p> <p>1 April 10th. 2 He was not there to explain it at the time, and 3 also, to deal with a stormwater management report and 4 plans which were submitted on June 17th. Those are the 5 two specific areas we planned to cover tonight. 6 So let me start first with the revised parking 7 area plan. It was submitted to the board. I don't 8 think we have an exhibit to put up to explain this, but 9 Mr. Folk, if you can just briefly describe that plan 10 sheet. The board should have copies of it. 11 MR. FOLK: You can put that plan 12 back on, maybe that will help. 13 The center island in the parking lot was 14 eliminated at the request of one of the board members 15 to pull the southerly parking area tighter into the 16 building and increase the separation of the parking 17 area to the neighbors to the south of the site, that's 18 basically what the activity was for. 19 MS. HIRSCH: And I just want to 20 identify that plan for the record so that if the board 21 members want to look at that. 22 It is -- the date on it is shown as March 26, 23 2014, and it was submitted with a couple other 24 documents on April 10th. 25 It is the concept plan and shows hatched lines to</p>	<p style="text-align: right;">Page 112</p> <p>1 definition the project became a major project with over 2 one acre of disturbance. 3 MS. HIRSCH: Please describe the 4 major components of the stormwater management plan for 5 this site. 6 MR. FOLK: The proposed 7 redevelopment will achieve the goals of the township 8 stormwater management by increasing infiltration, 9 decreasing impervious coverage and providing a 10 manufactured treatment device for water quality. 11 MS. HIRSCH: Okay. Just in terms of 12 the engineered aspects of the plan, what types of 13 stormwater controls are shown on the development plan? 14 MR. FOLK: We have the catch basins 15 to collect runoff from the parking area to the north of 16 the site that then flows into a manufactured treatment 17 device that will treat the runoff for total suspended 18 solids. It is a water quality measure. 19 Then we have the parking lot to the south and 20 that is intended to flow over a vegetated buffer strip 21 to again remove any suspended solids in the runoff. 22 There will be a maintenance program with the 23 landscaping that will address any kind of trash and 24 debris in the parking area. We intend to have the site 25 policed for trash and rubbish.</p>

Page 113

1 The eco-type grades for the collection of  
2 floatable solids and the reduction of impervious  
3 coverage is really key to the site, and it increases  
4 the amount of groundwater infiltration and groundwater  
5 recharge.  
6 MS. HIRSCH: I am going to ask you a  
7 series of four questions that deal with the runoff  
8 standards in Section 126-280.  
9 First of all, as a result of development of the  
10 site with stormwater controls shown on the plans, will  
11 the drainage of any adjacent area be adversely  
12 affected, and if not, why not?  
13 MR. FOLK: The adjacent areas will  
14 not be adversely affected. The project drains will not  
15 cause adverse impact to adjacent areas. The adjacent  
16 areas will receive less runoff than current conditions.  
17 MS. HIRSCH: And why is that that  
18 there will be less runoff?  
19 MR. FOLK: That's a factor of the  
20 decrease in impervious coverage.  
21 MS. HIRSCH: And with regard to  
22 that, are you referring to the removal of existing  
23 blacktop from the site and replacement of that with  
24 grassed areas?  
25 MR. FOLK: Yes, that's correct.

Page 114

1 MS. HIRSCH: A second question.  
2 Will the drainage pattern of the area be significantly  
3 altered?  
4 MR. FOLK: The proposed plan is to  
5 mimic the existing conditions out there that currently  
6 exist, and we will maintain the natural drainage  
7 pattern that is currently there in today's condition.  
8 MS. HIRSCH: Will soil erosion after  
9 development be increased over the existing conditions?  
10 MR. FOLK: No, the project will  
11 incorporate soil erosion.  
12 Sheet 4 is designed to identify areas to mitigate  
13 any erosion concerns during construction, and  
14 subsequent to construction all disturbed lands will be  
15 planted to minimize soil erosion and planted with the  
16 landscaping as shown.  
17 MS. HIRSCH: Okay. And last  
18 question dealing with Section 280, runoff standards.  
19 Will any downstream area be subjected to an increase in  
20 flooding or erosion as a result of the proposed  
21 development?  
22 MR. FOLK: No downstream areas will  
23 be subject to increase in flooding due to the  
24 redevelopment of the project which consists of reducing  
25 impervious coverage, and therefore, reducing the runoff

Page 115

1 rates and maintaining the existing drainage patterns  
2 for redevelopment and providing an expensive landscape  
3 program that will stabilize areas and absorb runoff so  
4 that flooding downstream areas will not be an issue  
5 with this project.  
6 MS. HIRSCH: Which of the runoff  
7 controls that are listed in Section 126-281 of the  
8 Bridgewater ordinance is included in this plan?  
9 MR. FOLK: Runoff controls included  
10 with this project are preservation of natural  
11 vegetation, and most importantly, decrease of  
12 impervious coverage and that's removal of the parking  
13 areas and planting of lawn areas and landscaped areas.  
14 MS. HIRSCH: Mr. Folk, 126-228 of  
15 the ordinance requires that stormwater detention  
16 facilities be designed in a specific manner, and then  
17 there are a series of substandards that are required to  
18 be followed. Has the design of this plan incorporated  
19 those standards?  
20 MR. FOLK: Yes, we have. The  
21 project utilized the TR-55 approach for stormwater for  
22 two-, ten- and 100-year storms and their impacts to the  
23 project for the existing condition, and the proposed  
24 condition for the redevelopment of the site will reduce  
25 proposed runoff by the reduction of impervious

Page 116

1 coverage.  
2 MS. HIRSCH: Has a maintenance  
3 manual for the various components of the stormwater  
4 system been submitted and does it comply with the  
5 township's ordinance requirements?  
6 MR. FOLK: A maintenance manual has  
7 been submitted, and I believe it meets the township  
8 ordinance and requirements of 285.10.  
9 MS. HIRSCH: Thank you. I just want  
10 to briefly say to the board I am sorry. This is a bit  
11 difficult to go through, but we don't have a review  
12 memo of this plan.  
13 So we are going through the specific requirements  
14 of the Bridgewater ordinance, and I don't see any other  
15 way to do it so I apologize because it is a bit  
16 tedious.  
17 Now I am referring to Section 126-285.4. Does  
18 the design avoid the concentration of flow to any  
19 endangered or threatened habitat?  
20 MR. FOLK: I worked on this site  
21 back in 2006 and I believe 2007 when it was a proposed  
22 subdivision, and with that subdivision we got several  
23 freshwater wetland general permits. As part of that  
24 record no areas were found to include endangered or  
25 threatened habitat.

Page 117

1 The letter of interpretation also issued for this  
2 site also identifies the limited amount of wetland area  
3 as either ordinary resource value with no buffers or  
4 intermediate resource value with 50-foot buffer.  
5 The project is also not designed to concentrate  
6 runoff of flows, and the site is tributary to the west  
7 branch or the middle branch which the NJDEP has  
8 determined to be non-traveled waters.  
9 So in answering the question we are not  
10 concentrating flows to any endangered or threatened  
11 habitat that I am aware of.  
12 MS. HIRSCH: Okay. Let's go through  
13 the nonstructural stormwater management strategies that  
14 are built into this plan as required by the Bridgewater  
15 ordinance. If you can just briefly list those.  
16 MR. FOLK: The following are  
17 nonstructural stormwater management strategies that we  
18 have incorporated into the site plan.  
19 The project will not disturb any areas that are  
20 in their natural condition, and the area within the  
21 existing vegetative drainage ditch will be protected to  
22 provide water quality benefits to the adjoining  
23 tributary.  
24 The project has been designed to reduce  
25 impervious coverage to approximately 30.7 percent from

Page 118

1 an existing 37.3 percent where 50 percent is allowed by  
2 zoning. The proposed design enabled the project to  
3 have a positive impact to impervious coverage.  
4 The design has also included a stormwater  
5 drainage system. This enhances the water quality by  
6 reduction of suspended solids prior to leaving the  
7 site. The design of the project by minimizing  
8 impervious coverage maximizes the protection of natural  
9 drainage features and vegetation.  
10 The site is a very small watershed, and by  
11 removing impervious coverage on-site we are able to  
12 increase the time of concentration slightly which  
13 reduces the site runoff.  
14 The project has been designed to minimize land  
15 disturbance including clearing and grading by  
16 minimizing impervious coverage allowed on-site and  
17 locating all redevelopment areas previously disturbed  
18 by existing Redwood Inn facility.  
19 The project provides 69 percent impervious  
20 coverage, and most of the coverage is lands left in  
21 their natural condition. The project will incorporate  
22 low maintenance landscaping that encourages retention  
23 and plant native species, and the project also  
24 minimizes the extent of lawn areas.  
25 The project will maintain the naturally vegetated

Page 119

1 open channel flow condition for the redevelopment  
2 proposed runoff prior to said runoff reaching the  
3 adjoining drainage easement. The project provides  
4 approximately 160 linear feet of stable vegetative  
5 swale.  
6 The system was designed using the latest  
7 ecological storm grades to reduce storm and debris into  
8 the mosque grounds. They will also be maintained by a  
9 professional maintenance provider and routinely  
10 maintained to clean up rubbish, trash and other  
11 materials.  
12 Those are the nine items of the nonstructural  
13 management strategies that the township requires.  
14 MS. HIRSCH: Can you briefly explain  
15 how the groundwater recharge on the site is being  
16 maintained or improved by the redevelopment that is  
17 proposed?  
18 MR. FOLK: The groundwater recharge  
19 is being maintained and improved by the redevelopment  
20 of the site achieved through reduction in existing  
21 impervious coverage. More pervious areas results in  
22 greater recharge is the bottom line there.  
23 MS. HIRSCH: Okay. I'm sorry, did  
24 you describe the Stormceptor that is being used in the  
25 project either tonight or in prior testimony?

Page 120

1 MR. FOLK: The Stormceptor is  
2 proposed in our end of our pipe network to catch any  
3 suspended solids in the system.  
4 It's actually an added benefit with a requirement  
5 of the township that if you have over one-quarter acre  
6 of new impervious coverage you have to provide  
7 stormwater quality measures.  
8 Again, we are reducing the amount of impervious  
9 coverage, and therefore, would not be required to  
10 provide those stormwater quality measures as dictated.  
11 So, therefore, it is an added benefit to the site.  
12 MS. HIRSCH: In summary, Mr. Folk,  
13 has the stormwater management design and report that  
14 you've submitted complied fully with the Bridgewater  
15 Township ordinance, and separate question, are there  
16 any waivers or variances from those ordinance  
17 requirements that you are aware of?  
18 MR. FOLK: In my opinion I believe  
19 it meets the township ordinance requirements in that we  
20 are not seeking any waivers or variances therefrom.  
21 MS. HIRSCH: Thank you, Mr. Folk,  
22 and that completes our direct testimony.  
23 MR. RUSAK: Thank you. We'll start  
24 with the board. Are there any questions?  
25 MR. MOENCH: Good evening, sir. The

Page 121

1 plan that you have up there right now which I know was  
 2 the landscape plan that we talked about earlier this  
 3 evening, but am I correct that it -- that it shows the  
 4 old configuration of the parking?  
 5 MR. FOLK: Yes.  
 6 MR. MOENCH: Okay. And is it the  
 7 area where I'm calling them circles in the middle  
 8 there?  
 9 MR. FOLK: Yes.  
 10 MR. MOENCH: That would be removed  
 11 and closed in so it would be a straight line?  
 12 MR. FOLK: Yes, sir.  
 13 MR. MOENCH: I have that on a piece  
 14 of paper. Obviously the audience can't see my question  
 15 for you, and if not for you, then for Counsel. I don't  
 16 know if the witness is coming back to address it.  
 17 The landscaping plan we talked about right now is  
 18 designed under the old configuration. Do you know  
 19 whether there is any plans to change the location of  
 20 any of those plantings to correspond with the new plan?  
 21 MS. HIRSCH: I believe we would need  
 22 some direction from the board that, you know, you  
 23 prefer either this parking lot layout with the  
 24 landscaping that is shown here or you prefer to  
 25 eliminate that aisle in the middle.

Page 122

1 If you prefer to eliminate the aisle in the  
 2 middle, that alternative, then we can take a look at  
 3 whether that landscaping proposed in that area could be  
 4 placed somewhere else.  
 5 MR. MOENCH: I don't know what the  
 6 board's opinion is on that. I know it was brought up  
 7 at a previous meeting which is why you presented the  
 8 plan.  
 9 My concern is that if the island is eliminated  
 10 but the plantings stayed the same when I look at the  
 11 diagram that I see it almost looks like if the  
 12 applicant wanted to over-park -- I'm not sure if it  
 13 would -- he could go there.  
 14 So looks like there would be room for another 17  
 15 parking spaces that could be used in an event where  
 16 there is overflow parking and someone wants to pull on  
 17 the grass and double-park.  
 18 So my question or concern is if we pull that  
 19 island in and the vegetation remains the same as is  
 20 shown here, what is going to go in that space where  
 21 there used to be parking?  
 22 Is it grass to allow cars to essentially park on  
 23 the grass for overflow events or is it going to be some  
 24 barrier to stop parking where there is no designated  
 25 parking spot in those sites?

Page 123

1 MR. FOLK: I believe the landscape  
 2 architect would put an enhanced buffer and eliminate  
 3 the ability for cars to park there.  
 4 We would have light poles I'm sure, and he would  
 5 have vegetation pulled up tighter to what he has in  
 6 this plan that you see here.  
 7 MR. MOENCH: Well, for whatever  
 8 witness testifies going forward that is a concern I  
 9 have.  
 10 All the testimony we have heard so far is for a  
 11 certain number of parking spots, but from a traffic  
 12 standpoint we've been hearing about traffic with a  
 13 certain number of cars.  
 14 When I do a quick count -- it is hard to  
 15 demonstrate without having the map up there -- it  
 16 appears there would be room for cars to double-park on  
 17 that spot.  
 18 The other question is you mentioned, sir, and I  
 19 am not going to spend too much time on it, but you  
 20 mentioned that you worked on this property previously  
 21 on a prior subdivision. Was that for this applicant?  
 22 MR. FOLK: No.  
 23 MR. MOENCH: Who was that? Do you  
 24 remember when that was?  
 25 MR. FOLK: No, was Northwind's

Page 124

1 application with the Hughes that owned the project.  
 2 MR. MOENCH: Was that -- just  
 3 briefly, can you refresh my recollection what the  
 4 application was for?  
 5 MR. FOLK: Six-lot residential  
 6 subdivision.  
 7 MR. MOENCH: Was that approved?  
 8 MR. FOLK: Yes.  
 9 MR. MOENCH: Thank you. I have no  
 10 further questions.  
 11 MR. RUSAK: We will open the floor  
 12 to the public. Any questions?  
 13 MR. EISDORFER: Steve Eisdorfer from  
 14 the firm of Hill, Wallack once again representing  
 15 Running Brook Homeowners Associates and Manors at  
 16 Running Brook Homeowners Association. I want to bring  
 17 back the landscape plan we just had there.  
 18 MS. VOORHEES: It automatically  
 19 turns down our system. It is an automatic thing. It  
 20 happens every meeting.  
 21 MR. EISDORFER: Can we get the  
 22 landscape plan back?  
 23 A VOICE: The school district shuts  
 24 us down automatically. It is part of the power-saving  
 25 program. It happened when you walked up. It comes on

Page 125

1 in two minutes. You are just very timely.  
2 MR. EISDORFER: Lucky as always.  
3 Mr. Folk, what I would like you to do is look at the  
4 landscape plan and look at the south driveway.  
5 On the south side of the south driveway just as  
6 the south driveway hits Mountain Top Road the landscape  
7 plan shows the planting of a large tree.  
8 Have you done any assessment of what the impact  
9 of that tree would have on the sight lines for people  
10 turning in and out of that driveway?  
11 MR. FOLK: That's really hard to  
12 look at, but I would assume that Mr. Bosenberg had our  
13 plan with the sight triangles located.  
14 MR. EISDORFER: Mr. Bosenberg  
15 testified he didn't do any analysis of sight lines,  
16 that he was relying on you to do that analysis.  
17 MR. FOLK: I don't think you  
18 understood my response.  
19 MR. EISDORFER: I'm sorry.  
20 MR. FOLK: I didn't ask him to  
21 assess any sight triangles. We showed on our plan a  
22 line that showed the sight line.  
23 I assume from his professional qualifications he  
24 kept the trees to the east of that line, and it looks  
25 like that tree is to the east of that line from where I

Page 126

1 am sitting.  
2 MR. EISDORFER: Is that an  
3 evaluation that you performed?  
4 MR. FOLK: Of what?  
5 MR. EISDORFER: Of whether that tree  
6 affects the sight lines.  
7 MR. FOLK: I just visibly saw it  
8 right now. Is that what your question is?  
9 MR. EISDORFER: I am asking for your  
10 professional opinion. Is this a professional opinion  
11 that you formed?  
12 MR. FOLK: On what?  
13 MR. EISDORFER: Whether the tree  
14 affects the sight lines.  
15 MR. FOLK: If that tree is beyond  
16 the -- on the property side of the easement it will not  
17 affect the sight line, per se.  
18 MR. COLLINS: Can we go back? Mr.  
19 Folk, isn't there some way for you to look at the plan  
20 and just answer whether --  
21 MR. FOLK: I don't have that plan,  
22 Mr. Bogart.  
23 MR. COLLINS: This is Mr. Collins,  
24 but isn't there a way to use your engineer plan to  
25 compare that landscape plan to answer whether the tree

Page 127

1 is or is not in the sight triangle? Why don't you take  
2 a few minutes just to do that?  
3 MR. FOLK: Sure, I will. Mr.  
4 Bogart, I have Mr. Bosenberg's plan in front of me.  
5 MR. BOGART: I'm not the one who  
6 asked the question.  
7 MR. FOLK: I'm just letting you know  
8 I have it, and yes, I can affirm that that tree is  
9 outside of the sight triangle as we have shown it on  
10 our plan.  
11 MR. EISDORFER: Now what I would  
12 like you to do is to look at your existing drainage map  
13 which I believe is shown as sheet 1 of 1. It is not  
14 helpful, but it's described as existing drainage area  
15 map. Is that a map you are familiar with?  
16 MR. FOLK: Yes.  
17 MR. EISDORFER: Is that a map you  
18 have access to?  
19 MR. FOLK: If he can put that on the  
20 screen we have it here.  
21 A VOICE: Which one do you want?  
22 MR. FOLK: Existing drainage area  
23 map. I think it was down at the bottom or maybe next  
24 file up. One more file up. That's it, thank you.  
25 MR. EISDORFER: Okay. Now your

Page 128

1 existing drainage area map shows the site divided into  
2 two areas for analysis; is that correct?  
3 MR. FOLK: That's correct.  
4 MR. EISDORFER: A small area up in  
5 the northwest corner and a larger area that encompasses  
6 the rest of the site.  
7 MR. FOLK: Correct.  
8 MR. EISDORFER: And that site --  
9 that area drains primarily to a point, and at the  
10 southern edge of the site it shows one of your  
11 concentration lines.  
12 MR. FOLK: Correct.  
13 MR. EISDORFER: And whereabouts does  
14 that water go?  
15 MR. FOLK: Downstream to the  
16 easement at Geiger Lane.  
17 MR. EISDORFER: Does that drainage  
18 also cause flooding downstream?  
19 MR. FOLK: Not to my knowledge.  
20 MR. EISDORFER: Are you aware of --  
21 have you checked with any of the property owners  
22 downstream to answer that question?  
23 MR. FOLK: No, I have not.  
24 MR. EISDORFER: And I take it that  
25 part of your analysis you've measured the amount of

Page 129

1 stormwater that goes off the site in various types of  
 2 storm conditions under existing conditions.  
 3 MR. FOLK: That's correct.  
 4 MR. EISDORFER: And is that number  
 5 affected by the existing development on the property?  
 6 MR. FOLK: That number is from the  
 7 existing development on the property.  
 8 MR. EISDORFER: Okay. Are those the  
 9 numbers shown at page 10 of your engineering report?  
 10 MR. FOLK: Yes.  
 11 MR. EISDORFER: Drain off to area --  
 12 MR. FOLK: Correct.  
 13 MR. EISDORFER: That is measured in  
 14 cubic feet per second.  
 15 MR. FOLK: Correct.  
 16 MR. EISDORFER: So it's 6.53 cubic  
 17 feet per second in a two-year storm, 10.67 cubic feet  
 18 per second in a ten-year storm and 19.15 cubic feet per  
 19 second in a 100-year storm.  
 20 Are you with me now? Your drainage plan or  
 21 stormwater management plan is going to mitigate that  
 22 runoff; is that correct?  
 23 MR. FOLK: By a reduction of  
 24 impervious coverage, yes.  
 25 MR. EISDORFER: And the mitigation

Page 130

1 is also shown on this chart.  
 2 MR. FOLK: That's correct.  
 3 MR. EISDORFER: So we won't get  
 4 19.15 cubic feet per second coming off the site in a  
 5 100-year storm. It will be 18.19 cubic feet per  
 6 second.  
 7 MR. FOLK: Correct.  
 8 MR. EISDORFER: Now I am not sure if  
 9 I understood quite the impervious coverage issue. Let  
 10 me go to an issue that was raised by the landscape  
 11 architect on this and perhaps you can clarify it for  
 12 me.  
 13 I looked at your proposed drainage plan, and it  
 14 looks like it shows a sidewalk all the way around the  
 15 building; is that correct?  
 16 MR. FOLK: Correct.  
 17 MR. EISDORFER: And is that an  
 18 existing sidewalk all the way around the building?  
 19 MR. FOLK: I'd say sidewalk exists  
 20 probably for 50, 60 percent around the building today,  
 21 maybe more, maybe less. There is sidewalk around the  
 22 building today.  
 23 MR. EISDORFER: How about in the  
 24 back on the side with the woods?  
 25 MR. FOLK: No.

Page 131

1 MR. EISDORFER: No. So that's new,  
 2 that's going to be in addition to the impervious  
 3 coverage. Is that required for engineering reasons,  
 4 that sidewalk?  
 5 MR. FOLK: It's for access into the  
 6 building, yes.  
 7 MR. EISDORFER: Is it your  
 8 requirement to have a sidewalk around the building?  
 9 MR. FOLK: Yes, ADA accessibility.  
 10 MR. EISDORFER: It's not just  
 11 sufficient to have a sidewalk going into the door?  
 12 MR. FOLK: I'm not following you.  
 13 MR. EISDORFER: I'm just trying to  
 14 understand how much of that is a design judgment and  
 15 how much of it is mandated by engineering requirements.  
 16 MR. FOLK: The sidewalk is an  
 17 element of the architectural design of the building.  
 18 MR. EISDORFER: Well, that's not  
 19 quite answering my question. I know that is true, but  
 20 how much of it's required to be?  
 21 MR. FOLK: As much as or as little  
 22 as the architect and the client wants to have sidewalk.  
 23 MR. EISDORFER: Okay. So when the  
 24 landscape architect says that that's a constraint on  
 25 the project of being able to put foundation plantings

Page 132

1 that is the client's own choice?  
 2 MR. FOLK: I think you would have to  
 3 bring that up with him. He made that opinion, not I.  
 4 MR. EISDORFER: I have no further  
 5 questions.  
 6 MR. COLLINS: We will now adjourn  
 7 for the night, but we will be carrying this application  
 8 without additional notice unless the locations change.  
 9 We are carrying it and it's not back to the high  
 10 school where we originally planned to go, but back to  
 11 the municipal building. We know it's available on July  
 12 25th at seven p.m., and it has air-conditioning which  
 13 we are not certain about this building especially after  
 14 tonight's experience.  
 15 I'm sorry, July 28th at seven p.m. We know that  
 16 the high school is working on its air-conditioning this  
 17 summer and probably will not have air-conditioning in  
 18 July and August.  
 19 So we will use the municipal building unless the  
 20 applicant prefers -- unless the Vo-Tech is available.  
 21 If we find the Vo-Tech is both available and  
 22 air-conditioned, but for now this case is carried  
 23 without additional notices to July 28th at seven p.m.  
 24 If it changes the location the applicant will be  
 25 noticing, but for now it is carried without additional

1 notices to July 28th at seven p.m., thank you.  
2 (Whereupon the matter is adjourned  
3 for the evening.)

4

5

6 CERTIFICATE

7

8

9 I, DENISE C. CLARK, a Certified Court  
10 Reporter and Notary Public of the State of New Jersey,  
11 hereby certify the foregoing to be a true and accurate  
12 transcript of the proceedings as taken stenographically  
13 by me on the date and place hereinbefore set forth.

14

15

16

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18 DENISE C. CLARK, CCR

19 License No. XI 02138

20

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22

23

24 My Commission expires

25 November 14, 2017.