

BRIDGEWATER TOWNSHIP PLANNING BOARD

Regular Meeting

Tuesday September 28, 2015

—MINUTES—

1. CALL MEETING TO ORDER:

Chairman Rusak called the meeting to order at 7:00 p.m. in the Municipal Courtroom, 100 Commons Way, Bridgewater, New Jersey.

2. OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT:

Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act N.J.S.A. 10:4-6. On January 19, 2015, proper notice was sent to the Courier Newspaper and the Star-Ledger and filed with the Clerk at the Township of Bridgewater and posted on the bulletin board in the Municipal Building.

Please be aware of the Planning Board policy for public hearings: no new applications will be heard after 10:00 pm and no new testimony will be taken after 10:15 pm. Hearing Assistance is available upon request.

Accommodation will be made for individuals with a disability, pursuant to the Americans With Disabilities Act (ADA), provided the individual with the disability provides 48 hours advance notice to the planning department secretary before the public meeting." However, if the individual should require special equipment or services, such as a CART transcriber, seven days advance notice, excluding weekends and holidays, may be necessary

3. SALUTE TO FLAG:

There was salute to the flag.

4. ROLL CALL:

Stephen Rodzinak – present

James Franco – present

Chairman Walter F. Rusak – present

Councilman Allen Kurdyla – present

Ron Charles – present

Tricia Casamento – absent

Mayor Dan Hayes – present

Evan Lerner, Alt. #1 – present

Others present: Board Attorney Tom Collins, Board Engineer Robert C. Bogart, Board Planner Scarlett Doyle, Recording Secretary Marianna Voorhees and Diane M. Holmes CCR.

5. APPROVAL OF BOARD MINUTES:

August 11, 2015, Regular Meeting (*pending*)

August 22, 2015, Regular Meeting (*pending*)

The foregoing minutes will be presented for Board consideration when completed.

No action was taken.

6. MEMORIALIZATION OF RESOLUTIONS:

BRIDGEWATER VENTURES, LLC

Block 303 Lot 6

#15-031-PB, Minor Site Plan

Time: 9/22/15

DECISION: Approved with conditions 9/22/15

Eligible to Vote: Mr. Rodzinak, Mr. Franco, Councilman Kurdyla, Mr. Rusak, Mayor Hayes, Mrs. Casamento

BRIDGEWATER TOWNSHIP PLANNING BOARD

Regular Meeting

Monday, September 28, 2015

—MINUTES—

Motion by Mr. Franco, second by Mr. Rodzinak the foregoing resolution memorializing the approval with conditions on 9/22/15 was adopted as presented on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Chairman Rusak, Mayor Hayes, Councilman Kurdyla, Mr. Franco
ABSENT: Mrs. Casamento
NOT ELIGIBLE: Mr. Charles, Mr. Lerner

7. **LAND DEVELOPMENT APPLICATIONS:**

Al Falah Center
Block 477 Lot 17 & 18
#15-025-PB, Preliminary and Final Site Plan
Time: 11/14/15

See attached Transcription dated September 28, 2015.

Prepared by: Diane M. Holmes, C.C.R. of Rizman Rappaport Dillon & Rose, 66 W. Mt. Pleasant Ave.,
Livingston, NJ 07039

Motion by Mr. Rodzinak, second by Mr. Rusak, the foregoing application was approved with conditions on the following roll call vote:

AFFIRMATIVE: Mr. Rodzinak, Mr. Charles, Mr. Franco, Councilman Kurdyla, Chairman
Rusak, Mayor Hayes, Mr. Lerner
ABSENT: Mrs. Casamento

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 9:00 pm.

Respectfully submitted,
Ann Marie Lehberger
Secretary to the Planning Division

In The Matter Of:

IN RE: Al Falah

Transcript of Proceedings

September 28, 2015

Rizman Rappaport Dillon & Rose

66 W. Mt. Pleasant Ave.

Livingston, N.J. 07039

(973) 992-7650

reporters@rizmanrappaport.com

1 PLANNING BOARD
2 TOWNSHIP OF BRIDGEWATER
3 COUNTY OF SOMERSET
4 STATE OF NEW JERSEY

5 -----
6 IN THE MATTER OF:
7
8 AL FALAH CENTER
9 BLOCK 477 LOT 5
10 #15-025-PB
11 PRELIMINARY AND FINAL
12 SITE PLAN
13 -----

14 TRANSCRIPT
15 OF
16 PROCEEDINGS

17
18 Bridgewater Township Municipal Building
19 100 Commons Way
20 Bridgewater, New Jersey
Monday, September 28, 2015
Commencing approximately 7 p.m.

21 B E F O R E :
22
23 BOARD MEMBERS
24
25 RON CHARLES
JAMES V. FRANCO
DANIEL J. HAYES, JR., Mayor
ALLEN KURDYLA, Councilman
EVAN LERNER
STEPHEN RODZINAK
WALTER F. RUSAK, Chairman

26 THOMAS F. COLLINS, JR., ESQ., Board Attorney
27 ROBERT BOGART, PE, Township Engineer
28 SCARLETT DOYLE, FP, Township Planner
29 MARIANNA VOORHEES, Board Secretary

30 A P P E A R A N C E S :
31
32 ARCHER & GREINER, P.C.
33 Attorneys for the Applicant
34 361 Route 31
35 Flemington, New Jersey 08822
BY: LLOYD H. TUBMAN, ESQ.

1 (Exhibit A-11, Ground floor plan,
2 9/28/15, is marked for Identification.)
3 (Exhibit A-12, Ground floor plan
4 rendered, 9/28/15, is marked for Identification.)
5 (Exhibit A-13, East and west elevation,
6 9/28/15, is marked for Identification.)
7 (Exhibit A-14, North and south
8 elevation, 9/28/15, is marked for Identification.)
9 (Exhibit A-15, Artist rendering,
10 9/28/15, is marked for Identification.)
11 CHAIRMAN RUSAK: The next item on the
12 agenda is the Al Falah Center.
13 Ms. Tubman, do you have anything to add
14 to it?
15 MS. TUBMAN: Is this microphone on?
16 Okay. Thank you. Yes, Mr. Chairman.
17 At the conclusion of the last hearing,
18 you had allowed Katharine Coffey representing a
19 neighbor to come forward and she started to make a
20 statement.
21 However, that was carried, and that
22 caused me to go back to my ordinance because the
23 observation had to do with cumulative parking
24 requirements, something that I had perhaps
25 overlooked in your ordinance because I consider a

1	I N D E X		
2	EXAMINATION		PAGE
3			
4	RALPH FINELLI		4
4	MITCH ARDMAN		8
5	GARY DEAN		24
6	E X H I B I T S		
7	NUMBER	DESCRIPTION	PAGE
8	A-11	Ground floor plan, 9/28/15	3
8	A-12	Ground floor plan rendered, 9/28/15	3
9	A-13	East and west elevation, 9/28/15	3
10	A-14	North and south elevation, 9/28/15	3
11	A-15	Artist rendering, 9/28/15	3
11	A-16	Partial site plan	9
12	A-17	Sheet F-1 dated 9/28/15	11

1 parochial school to be accessory to a house of
2 worship, not a use that requires its own parking.
3 Therefore, I have testimony on that point.
4 In addition, one member of the board
5 asked at the last meeting and we conceded that we
6 could look at the height of the minarets. So I have
7 my architect here this evening to show you the
8 elevations and floor plans since those have been
9 adjusted.

10 MR. COLLINS: Thank you, Ms. Tubman.
11 That will be fine, and we'll recall those witnesses,
12 and they may come forward in whatever order you'd
13 like to do that.

14 MS. TUBMAN: All have been sworn
15 already, and let me start with the most
16 straightforward, I think, which is the elevations
17 and floor plans with the mosque with the minaret
18 heights.

19 This is Ralph Finelli, our architect,
20 and you recall you're still under oath.

21 MR. FINELLI: Yes, and now we're up to
22 A-11.

23 MR. COLLINS: This is a prior exhibit.

24 MS. TUBMAN: This is A-11 according to
25 my reading of the transcript.

1 MR. COLLINS: That's what I have too.
 2 MS. TUBMAN: Would you describe that
 3 please for the record? And it has been marked.
 4 MR. FINELLI: These first two exhibits
 5 are really sort of just draftings. So I'll go over
 6 them pretty quickly.
 7 This is the main floor plan of the
 8 mosque, the ground floor plan, and as you recall, in
 9 addition to reduce the height of the minarets, we
 10 also eliminated the fifth minaret on the westward
 11 side of the building. So along what was this wall,
 12 the back wall where the education rooms are,
 13 previously there was a minaret that sort of jutted
 14 out below that wall.
 15 So the only difference that you see in
 16 this plan is that the back wall is flush. The
 17 minaret has been removed. That's the only
 18 difference on this plan.
 19 Likewise, on Exhibit A-12, which was
 20 the ground floor plan that we had rendered, in an
 21 effort to show you all of the spaces --
 22 MS. VOORHEES: Is your mike on?
 23 MS. TUBMAN: Maybe hold it closer to
 24 your face.
 25 MS. VOORHEES: Is the green light on?

1 MR. FINELLI: How's that?
 2 We had rendered this ground floor plan
 3 to show all of the areas that could combine into
 4 worship space. So, again, this is just the floor
 5 plan, and the only change between this exhibit and
 6 the previous exhibit is the elimination of that
 7 portion of the minaret. So there's really not much
 8 to look at, but it's just drafting.
 9 The Exhibit A-13 contains the east and
 10 west elevations. The east elevation is that
 11 elevation that would most logically be called the
 12 front elevation that faces Route 202/206, and the
 13 west elevation, of course, is that back elevation I
 14 was just referring to.
 15 The west elevation, you can see that
 16 the minaret itself has been completely eliminated
 17 where there is not a minaret in the back of the
 18 building, and the height of the minarets, we
 19 adjusted these second, third tier heights to make
 20 that reduction proportionate. We did reduce the
 21 overall height by eight feet. So we brought the
 22 height of the minaret down. Each minaret is 70 feet
 23 above the first floor and that represents that
 24 reduction.
 25 Exhibit A-14 are the north and south

1 elevations. What you're seeing there, again, on the
 2 south elevation to your left, you can see what we
 3 call the back wall, the westerly wall of this
 4 building, and the minaret has been eliminated. So
 5 other than that and, likewise, on the north side
 6 opposite hand on the far right, you see the minarets
 7 have been eliminated, the other minarets have all
 8 been reduced by eight feet, and that's the only
 9 difference you see there.
 10 MR. COLLINS: What exhibit number is
 11 that?
 12 MR. FINELLI: That is Exhibit A-14.
 13 MR. COLLINS: Thank you.
 14 MR. FINELLI: And then last Exhibit
 15 A-15, and we had shown you an artist rendering of
 16 the building taken, you know, generally speaking,
 17 from the access drive. So the road that you see
 18 here on your left is Route 202/206, our ingress
 19 drive -- our ingress/egress drive, and that is a
 20 view of the building with both minarets reduced in
 21 height, and that fifth minaret which you would have
 22 seen sort of behind the dome in that space had been
 23 eliminated entirely, and I think one of the
 24 gentleman in the audience asked the last time about
 25 the landscaping, and, again, we have -- I have

1 eliminated some of the trees from the rendering just
 2 so that the building could be seen.
 3 So it's not an accurate depiction of
 4 the actual landscape plan which is quite a bit
 5 heavier, but just using the trees located per
 6 landscape plan, it's really obscured quite a bit
 7 more than that. That's the minarets reduced by
 8 eight feet and the fifth minaret eliminated
 9 entirely.
 10 MS. TUBMAN: Questions of Mr. Finelli?
 11 CHAIRMAN RUSAK: Any questions from any
 12 boards members?
 13 If not, any questions from the public?
 14 Any questions from the public?
 15 If none, we'll go to the next witness.
 16 (Witness excused.)
 17 MS. TUBMAN: If not, because there are
 18 none, the next witness will be Mitch Ardman who is
 19 our civil engineer on the topic of parking, and,
 20 again, you also remain under oath.
 21 MR. ARDMAN: Yes.
 22 MS. TUBMAN: I'm marking A-16 with
 23 today's date. You have copies to distribute?
 24 MR. ARDMAN: Yes. So the Exhibit A-16
 25 is a partial site plan which is our dimension plan

<p style="text-align: right;">Page 9</p> <p>1 on the site, and the purpose of this exhibit is to 2 show potential areas of existing parking, and if I 3 refer to our rendering that we provided which was 4 A-3, this is the one at the prior hearings, and as 5 we have outlined in red on that new exhibit that we 6 have, there's some additional parking that we've 7 added. 8 There are three stalls that were added 9 here in the corner of the parking space. This is 10 the southwesterly corner of the existing parking 11 lot, and there's additional seven stalls that we 12 show added along the -- over on the easterly 13 entrance, the backside entrance to the house of 14 worship where we can fit another seven parking 15 stalls. 16 (Exhibit A-16, Partial site plan, is 17 marked for Identification.) 18 MS. TUBMAN: And did -- you kept the 19 number of the additional 10 parking spaces as a 20 result of a series of email exchanges with Mr. Dean? 21 MR. ARDMAN: Yes, that's correct. 22 MS. TUBMAN: And those 10 spaces 23 supplement the already overparked condition? 24 MR. ARDMAN: That's correct. 25 MS. TUBMAN: You have 55 additional</p>	<p style="text-align: right;">Page 11</p> <p>1 see in red, basically, it's -- and I'm, again, on 2 the plan here I'm referring to Exhibit A-3. On the 3 westerly side of the site is our soccer field, and 4 one of the review comments and I believe asked by 5 Ms. Doyle during the prior testimony when we talked 6 about overflow areas, would that be a potential 7 area, and the answer was yes. 8 We went back and looked at it. We can 9 say comfortably, as you can see there, it can fit 10 180 additional parking spaces. So access would be 11 through the end of the existing parking lot. 12 Driveway would come down and be parked there. 13 (Exhibit A-17, Sheet P-1 dated 9/28/15, 14 is marked for Identification.) 15 MS. TUBMAN: Any questions of Mr. 16 Ardman? 17 MR. FRANCO: My understanding is this 18 is banked parking, correct? 19 MS. TUBMAN: This is banked parking, 20 absolutely. We think we will never need it. 21 MR. FRANCO: Okay. I understand. 22 MR. KURDYLA: Access to the field to 23 the driveway, wouldn't it be pretty much driving on 24 the existing turf to the parking area? 25 MS. TUBMAN: Hypothetically, we could</p>
<p style="text-align: right;">Page 10</p> <p>1 spaces not needed for the house of worship? 2 MR. ARDMAN: That is correct. The 3 total on the submitted site plan was 282 stalls. 4 This will bring the total to 292 stalls on the site. 5 MS. TUBMAN: And did you also prepare 6 another exhibit at my request? 7 MR. ARDMAN: Yes, I did. 8 MS. TUBMAN: And I marked that A-17. 9 The board will recall that Mr. 10 Abdelkader testified that during significant 11 services the school would not be in session, and he 12 also testified that on the two Eids which are the 13 equivalent of my Christmas, if necessary, there 14 would be off-site locations, or as he, referring to 15 Christmas, stated we will have simply another 16 service. 17 I, nevertheless, asked Mr. Ardman how 18 many parking spaces the soccer field would 19 accommodate if, in fact, an off-site location or 20 split services were not -- were not options that are 21 already in your record. 22 And can you describe what I had marked 23 as A-17. 24 MR. ARDMAN: So that exhibit we have 25 sheet number P-1. It's dated 9/28/15, and as you</p>	<p style="text-align: right;">Page 12</p> <p>1 pave all those spaces. We will never need them. 2 MR. KURDYLA: But they would just be 3 turf. 4 MS. TUBMAN: No. They could be -- 5 hypothetically, if we needed them, they could be 6 asphalt parking spaces. 7 MR. COLLINS: But they're not proposing 8 to do it. It's showing that it could be. 9 MS. TUBMAN: We are showing it is 10 possible to do that. 11 MR. COLLINS: It could be constructed. 12 MR. CHARLES: And that would still, 13 just for clarity, meet pervious and impervious 14 requirements? 15 MR. ARDMAN: Yes, it would. In my 16 prior testimony, we were well below on all our 17 coverage and it would still be below, and we 18 provided a supplemental area and whatever would need 19 to be done for additional stormwater management. So 20 we clearly didn't pave it to the edges. 21 MR. CHARLES: And what would the 22 process be just so I know to actually create macadam 23 if it was needed? 24 Would that be approved with this 25 application or is that something that you would have</p>

1 to go to the -- how would that go through that?
 2 MS. TUBMAN: In my opinion, we would
 3 have to come back for revised preliminary site plan
 4 because you would want your engineer to verify that
 5 the stormwater management and pavement
 6 specifications and layout are all acceptable.
 7 MR. CHARLES: Okay. All right. And
 8 then just refresh my memory. The additional eleven
 9 spaces, what drove that?
 10 MR. ARDMAN: Ten spaces.
 11 MS. TUBMAN: You'll hear that from Gary
 12 Dean who provided that. He is our traffic and
 13 parking expert.
 14 MR. CHARLES: Okay.
 15 CHAIRMAN RUSAK: Any other questions
 16 from the board?
 17 MR. COLLINS: I'll confirm what you're
 18 saying, Ms. Tubman, is that the applicant previously
 19 offered about no simultaneous school and large holy
 20 day like Eid worship services on the same days, and
 21 if there were a problem with parking on the main
 22 lot, the automatic requirement would be to go to
 23 more than one service in the event the need is
 24 greater than the parking lot.
 25 MS. TUBMAN: Or to move that service to

1 Americana I understand was used by Mr. Abdelkader.
 2 MR. COLLINS: And there would be no
 3 parking off-site, no parking on adjacent properties
 4 and no parking on streets, and that's been offered
 5 by the applicant, and that's still going to be the
 6 offered condition.
 7 MS. TUBMAN: That is a very acceptable
 8 condition. We are very comfortable with the parking
 9 we provided.
 10 MR. COLLINS: Thank you.
 11 CHAIRMAN RUSAK: Any questions from the
 12 public?
 13 MR. KURZ: Robert Kurz, 775 West
 14 Foothill Road. I was sworn in previously.
 15 MR. COLLINS: You're still under oath.
 16 Thank you.
 17 MR. KURZ: Sir, I believe you earlier
 18 testified that runoff is going to go to the catch
 19 basin, right?
 20 MR. ARDMAN: Runoff from the designed
 21 parking lot will come to all catch basins here in
 22 the stormwater management pond on the Lot 17
 23 easement.
 24 MR. KURZ: And I believe what was just
 25 said is, if they wanted to build the parking lot in

1 the thing, that would have to come under I guess
 2 further decision of where that runoff goes to?
 3 MR. ARDMAN: Yeah. We left room for a
 4 separate stormwater basin to handle that.
 5 MR. KURZ: Okay. So it won't go to --
 6 it will be under that location of showing where the
 7 new storm basin is?
 8 MR. ARDMAN: Correct.
 9 MR. KURZ: Our neighborhood just
 10 received a notice from the Reynolds Group. That's
 11 your group, correct?
 12 MR. ARDMAN: Correct.
 13 MR. KURZ: It's about the construction
 14 into the wetlands area.
 15 MR. ARDMAN: That's correct.
 16 MR. KURZ: I'm not an engineer.
 17 MR. ARDMAN: Sure.
 18 MR. KURZ: My question is -- the one I
 19 can understand is the catch basin -- and can I come
 20 over?
 21 MR. ARDMAN: Sure.
 22 MR. KURZ: I don't know what they call
 23 it. Outfall I guess they call it.
 24 MR. ARDMAN: That's correct.
 25 MR. KURZ: That's for the one requested

1 DEP, right?
 2 MR. ARDMAN: That's correct.
 3 MR. KURZ: Why is there something up
 4 here by the bridge?
 5 MR. ARDMAN: By the bridge, we are
 6 connecting the sanitary sewer just off the side of
 7 the pavement. We were overly cautious in our
 8 application. There's technically -- along the
 9 stream, there's a buffer or a riparian zone.
 10 Even though to everybody else that
 11 looks like the edge of the highway, technically,
 12 there's a bit of a riparian zone there.
 13 MR. KURZ: I apologize. What do you
 14 mean by a riparian zone?
 15 MR. ARDMAN: That's a stream in there.
 16 So besides the flood area, there's an area that they
 17 preserve alongside of the stream.
 18 MR. KURZ: In order to construct your
 19 sanitary sewer, you need to do something on that
 20 side.
 21 MR. ARDMAN: Correct.
 22 MR. KURZ: It has nothing to do with
 23 runoff into that side of the brook.
 24 MR. ARDMAN: Correct.
 25 MR. KURZ: All right. Thank you.

1 MS. COFFEY: Good evening. I'm Kate
2 Coffey from Porzio, Bromberg & Newman. I was here
3 two weeks ago on behalf of Woodmont Properties and
4 neighboring property owners on the site.

5 Can you show me again where the
6 driveway would be going to the soccer field parking
7 lot?

8 MR. ARDMAN: Certainly. On our site
9 plan we have the basketball court and the property
10 line. So in between those two, it would come off
11 the end of the existing aisle which is here at the
12 westerly end of the parking and curve and come back
13 to feed those parking spaces.

14 MS. COFFEY: And the large, white
15 building is curving around, is it a building? I'm
16 not able to see.

17 MR. ARDMAN: No. That's a basketball
18 court.

19 MS. COFFEY: Okay. Got it. Will the
20 driveway be wide enough to handle for snowplowing as
21 well?

22 MR. ARDMAN: Yeah, that will be a
23 standard 25-foot width driveway.

24 MS. COFFEY: And I just want to confirm
25 the application is not being rendered to include the

1 the neighbors, no valet, nothing like that?

2 MS. TUBMAN: No. We gave three viable
3 alternatives including splitting the service, and
4 I'll quote my witness who said just like Christmas.

5 MS. COFFEY: Okay. And, Mr. Collins, I
6 think you said there's condition language.

7 MR. COLLINS: Yes. The applicant has
8 offered a condition, and that seems to make a lot of
9 sense, that there will be no parking on off -- on
10 streets in the neighborhood and no parking on
11 202/206, no parking on the Woodmont property or the
12 nursing home property.

13 MS. TUBMAN: I would think, if we made
14 an arrangement to park on the nursing home property,
15 that would be acceptable.

16 MR. COLLINS: That might be an
17 arrangement that could be made.

18 MS. TUBMAN: Yes.

19 MR. COLLINS: But there would be none
20 that would be made without arrangements.

21 The point I'm trying to make is that
22 this would be a condition that -- a site plan
23 condition, and then it would trigger the moving to
24 more than one worship on the same day if there was a
25 need to park more than the now 292 parking spaces,

1 banked parking at this time, correct?

2 MS. TUBMAN: We are merely
3 demonstrating there would be ability to provide
4 banked parking which would require a separate
5 amendment to the application or actually a separate
6 supplemental site plan application in the future.

7 MS. COFFEY: The latter is what the
8 applicant is proposing. They're not currently
9 amending the application. It's a second
10 application.

11 MS. TUBMAN: That is correct.

12 MS. COFFEY: And am I correct that the
13 applicant is not seeking a parking variance despite
14 the future possible banking provisions?

15 MS. TUBMAN: We are asking for -- we
16 have asked for in prior meeting for a designed
17 standard waiver for 18-foot by 9-foot parking stall
18 widths which, if approved, reduces the number of our
19 parking spaces by 16, but we are 55 or 45 depending
20 upon whether you add the school. So we are not
21 asking for a variance there. We are overparked.

22 MS. COFFEY: And am I correct there's
23 been -- there is no firm contingency arrangement in
24 place in the event that the currently proposed
25 parking isn't sufficient? There's no agreement with

1 and that if that didn't work that they could also --
2 or if they wanted to, they could go to an off-site
3 location where they might rent parking spaces or
4 valet or to even a point of going to another place
5 for a larger service at a hotel or a parking lot
6 that is bigger, but the condition would be a
7 condition of the site plan, enforceable site plan
8 condition, and it would be a way to make sure that
9 nobody's parking on the Woodmont property or on the
10 residential streets.

11 MS. COFFEY: Thank you.

12 CHAIRMAN RUSAK: Any other questions
13 from the public?

14 MR. ROBERTS: Chris Roberts. I've been
15 sworn in before. 737 West Foothill Road.

16 I know you haven't asked the variance
17 yet, but on the soccer field, that's as close to my
18 house as possible. So my main concern would be
19 runoff. Could you show me where you would think the
20 catch basin would be?

21 MR. ARDMAN: Yes. We have on the
22 sketched plan that we provided it would be the down
23 slope location. So it would be on the westerly side
24 of the property. That would be where a stormwater
25 detention would be.

1 MR. ROBERTS: Would that run off into
2 that ditch that goes behind my house and my
3 neighbor's house?
4 MR. ARDMAN: Same thing is correct.
5 MR. ROBERTS: Would it be like the size
6 of that one? I know you can't do it to scale but --
7 MR. ARDMAN: It would be proportional.
8 So as you can see on the right half of the developed
9 site, it is proportionately more than twice as big.
10 So it would be a proportional size. So smaller than
11 that basin.
12 MR. ROBERTS: Would there be lighting
13 on that soccer field for the parking?
14 MR. ARDMAN: Oh, if there was parking
15 there, it would be required to be lighting. Yes.
16 MR. ROBERTS: So that would be very
17 close. I could probably see that very easily
18 because my house is the closest one to that.
19 MR. ARDMAN: Yes. It would be
20 potentially visible more so. Again, as I testified,
21 we tried to keep it as far away as possible with the
22 existing.
23 MR. ROBERTS: I do understand that
24 right now you have more than enough parking, but if
25 I was in this man's shoes, you know, if they build

1 it, they will come type of situation, and I really,
2 really hope and pray that this is not approved,
3 because that is not -- that's right in a residential
4 street. That would be in my backyard and my
5 neighbor's backyard, and, you know, that's all.
6 Thank you.
7 MS. COFFEY: I apologize for the return
8 visit. I had understood that the record was closed.
9 I wasn't prepared for cross-examination.
10 How far -- the parking that you could
11 build on the soccer field, how far to the property
12 line would that end up meeting the rear property
13 line?
14 MR. ARDMAN: From our property line,
15 the closest point would be approximately 30 feet.
16 MS. COFFEY: And is there a rear yard
17 setback?
18 MR. ARDMAN: For -- there's no parking
19 permitted in the front yard. It would be much
20 further from the rear yard setback. So we would not
21 be in any rear yard setbacks.
22 MS. COFFEY: Thank you.
23 MR. FRANCO: Is there an alternate for
24 doing less? You know, if you did have to go to this
25 concept, you know, doing 80 spaces or --

1 MS. TUBMAN: That would always be an
2 option if that's what we determined is necessary.
3 This is merely an exhibit to show how much we could
4 put on the site.
5 MR. FRANCO: So as far as I understand
6 it, this is like the fourth alternative. You have
7 all the other contingencies in the plan first.
8 MS. TUBMAN: That is absolutely
9 correct. We would not want an 180 spaces that sat
10 empty most of the year.
11 If the board wants to hear it, the only
12 other testimony I would provide is Gary Dean's
13 calculation of the nine additional spaces necessary
14 to accommodate the school if that's considered a
15 principal use as opposed to an accessory use
16 subsumed within the house of worship.
17 So I prefer to put that on the record
18 just so that it's here.
19 (Witness excused.)
20 MR. COLLINS: That would be very
21 convenient. Thank you.
22 MR. DEAN: Good evening.
23 MR. COLLINS: Mr. Dean, you're still
24 under oath.
25 MR. DEAN: I understand.

1 MS. TUBMAN: I just have a few
2 questions for you, Gary. Can you tell me why you
3 did not calculate the parking -- a parking
4 requirement for the school separately? Is that
5 because you considered it accessory?
6 MR. DEAN: Yes. As the board has
7 heard, the school as proposed is a component of the
8 mosque much in the same way as Ms. Tubman indicated
9 parochial schools are considered an accessory
10 component of a typical Catholic or Christian school.
11 So in looking at the definition of a
12 house of worship and the typical accessory
13 components that are included within that use, we did
14 not consider it from a planning or zoning
15 perspective as though it were a free-standing,
16 separate entity operated independently of the
17 mosque.
18 MS. TUBMAN: And assuming for argument
19 sake that it is a separate traffic generator, are
20 there ITE standards for a school?
21 MR. DEAN: There are several ITE
22 standards for a school and it's worth mentioning why
23 ITE is significant. In your off-street parking
24 requirements from your ordinance, a number of land
25 uses are included, including house of worship.

1 However, schools are omitted from your
2 ordinance with any parking requirement, and there is
3 a note in your ordinance that indicates, if parking
4 is not provided for a specific use, then, and I'm
5 going to quote from the ordinance, parking standard
6 publications by the Institute of Transportation
7 Engineers, ITE, may be utilized for those unique
8 parking circumstances and for uses not otherwise
9 addressed in this section provided the data
10 therefrom is deemed acceptable by the township
11 engineer.

12 So putting Mr. Bogart in the hot seat,
13 we researched three categories of school parking
14 requirements from ITE. The first one is for an
15 elementary school, and the ITE definition for an
16 elementary school indicates that, where bussing is
17 provided, both public and private elementary schools
18 are included in the land use, and we evaluated the
19 parking standards for an elementary school, and I
20 won't read all of them, but ITE has a category for
21 elementary school, middle school and for high
22 school.

23 Each type of school has a slightly
24 different parking requirement, and through
25 consultation with Mr. Ardman and the applicant, we

1 evaluated each one of those parking standards as
2 promulgated by ITE, and just for the record, the
3 parking requirement for an elementary school, again,
4 where bussing is provided, is 0.1 spaces per
5 student. For a middle school, it's 0.9 spaces per
6 student, and for a high school, it's 0.23 spaces per
7 student.

8 And what we did is we simply assumed
9 there would be an even distribution among those
10 three categories for students within the school, and
11 going through the math, that requires 13 -- excuse
12 me, 23 parking spaces for the elementary school
13 component of 133 students, 12 parking spaces for the
14 component of middle school and 31 spaces for the --
15 it would be 134, just due the rounding, for the high
16 school students for a total student body of 400
17 yielding a parking requirement just for the school
18 component if it were not considered accessory, but
19 additive to the house of worship requirement, 66
20 spaces added to which would be the 225 required for
21 the mosque for a total of 291, and for that reason,
22 you heard from Mr. Ardman that to ensure that
23 they're -- and we hope that there are no issues with
24 regard to the sufficiency of parking. Both
25 components have been treated separately, and the

1 amended sketch which provides 292 would satisfy that
2 standard, and that doesn't even include the soccer
3 field, and I forget how many were there, 180
4 additional spaces.

5 So I would hope that there is little
6 question that sufficient parking can absolutely be
7 provided for this site regardless of the calculation
8 or method chosen, in my opinion, and recognizing the
9 condition that has been offered that, when the
10 mosque is at peak worship capacity requiring the use
11 of all 225 spaces, the school would not be in
12 session.

13 So I think we certainly have
14 demonstrated the adequacy of parking I think to the
15 highest comfort level that we can provide.

16 MS. TUBMAN: Did you separately compute
17 parking requirements for the basketball court and
18 the soccer field, tennis courts?

19 MR. DEAN: No, I did not.

20 MS. TUBMAN: And why did you not?

21 MR. DEAN: Again, in my opinion, those
22 components are accessory to the house of worship
23 function, but if you were to somehow conclude that
24 they were not, they are absolutely without question
25 accessory to the school component, and, again, they

1 are not free-standing, commercial or noncommercial
2 recreational components, and your ordinance does
3 treat those slightly differently. I think they're
4 considered --

5 MS. TUBMAN: And before you go into
6 that even, when you say the ordinance doesn't treat
7 those separately, you were here, were you not, when
8 Mr. Abdelkader stated on the record that the public
9 could use the fields, they would not be rented and
10 they could be used only in off hours coordinated,
11 scheduled and organized?

12 MR. DEAN: Yes.

13 MS. TUBMAN: Correct?

14 MR. DEAN: Correct.

15 MS. TUBMAN: So these are not public
16 recreation fields you should address from an
17 ordinance standpoint, correct?

18 MR. DEAN: Correct.

19 MS. TUBMAN: Instead, the mosque has
20 made a generous offer to the community. I would
21 think that if the ARC were to say we have a
22 demonstration soccer game on a Sunday afternoon when
23 the mosque is not in use, the answer would be yes.
24 We probably expect as well might have some pick-up
25 games from our neighbors' children, but Mr.

1 Abdelkader clearly said that, if they're not a
 2 conflict and use is scheduled, yes, the field could
 3 be made available to the community as a whole.
 4 And, finally, the daycare facility.
 5 MR. DEAN: Yes.
 6 MS. TUBMAN: Did you look at the
 7 ordinance provisions for daycare centers?
 8 MR. DEAN: Yes.
 9 MS. TUBMAN: And what does that say?
 10 MR. DEAN: Again, considering -- the
 11 ordinance section indicates that the floor area
 12 occupied by a childcare center in any building or
 13 structure shall be excluded in calculating any
 14 parking requirements otherwise applicable to the
 15 amount of floor space.
 16 In simple language, it means, again,
 17 the daycare center being an accessory component
 18 would be in operation similar to the school when the
 19 mosque is not operating at full capacity for a
 20 particularly significant religious holiday. That,
 21 much like the same condition that was offered, it
 22 would be -- its use would extend to essentially
 23 nonprimary worship service times, nonholiday worship
 24 service times.
 25 MS. TUBMAN: I can say it even more

1 shortly. Your ordinance says you don't require
 2 parking for daycare within a larger structure.
 3 MR. COLLINS: Mr. Dean, just in terms
 4 of common sense, that makes common sense to you as a
 5 traffic engineer. Does it not?
 6 Is the parking lot sufficient for all
 7 the house of worship and the daycare when it's in
 8 normal operation?
 9 MR. DEAN: My expectation is that when
 10 an ordinance standards is drafted for a land use
 11 such as a house of worship and there is a definition
 12 for that house of worship and that definition
 13 includes all of the accessory components that the
 14 parking requirement for that land use or a house of
 15 worship is all inclusive.
 16 It's not intended to be treat those
 17 discrete components separately, and, in my opinion,
 18 the 225 would be the appropriate number required
 19 parking for all uses, but we, again, have put forth
 20 a super conservative calculation in the event anyone
 21 were to consider them to be separate uses.
 22 MS. TUBMAN: Questions of Mr. Dean?
 23 CHAIRMAN RUSAK: None from the board.
 24 Questions from the public.
 25 MS. COFFEY: Kate Coffey. Hello, Mr.

1 Dean.
 2 Does ITE have a parking standard for K
 3 through 12 schools?
 4 MR. DEAN: It does for a private
 5 school.
 6 MS. COFFEY: And we're dealing with a
 7 private K through 12 school here, correct?
 8 MR. DEAN: Correct. Yes.
 9 MS. COFFEY: And what is the standard
 10 or what is the ITE rate for that?
 11 MR. DEAN: Well, it's different only
 12 because that particular land use from ITE does not
 13 include the presumption of bussing to the facility.
 14 MS. COFFEY: In your experience, how
 15 many students avail themselves of the bussing
 16 option?
 17 MR. DEAN: It depends on the school.
 18 MS. COFFEY: In your private K through
 19 12 school.
 20 MR. DEAN: If bussing is provided, I
 21 think most students avail themselves of it, and in
 22 the case where the ITE has discrete and
 23 statistically valid samples for private elementary
 24 schools, middle schools and high schools where
 25 statistically there's a much higher correlation of

1 data, my opinion is that's certainly far more
 2 accurate than one study that was conducted in
 3 California for a K through 12 private school.
 4 MS. TUBMAN: In 2005.
 5 MR. DEAN: Correct.
 6 MS. COFFEY: Are the other studies for
 7 the other types of schools in New Jersey?
 8 MR. DEAN: I don't know about the high
 9 schools, but it does not appear as though the other
 10 ones are.
 11 MS. COFFEY: And are any of them more
 12 recent than 2005?
 13 MR. DEAN: Yes.
 14 MS. COFFEY: I think there was
 15 testimony that the fields were to be accessory to
 16 the school and the worship area?
 17 MR. DEAN: Correct.
 18 MS. COFFEY: Although, there was also
 19 testimony previously that they would be made
 20 available to the community.
 21 MR. DEAN: Correct.
 22 MS. COFFEY: And are you aware of
 23 whether -- would the field be made available to the
 24 community, for example, when the school is in
 25 session?

1 MR. DEAN: No, because my assumption is
2 that the school would need to use those facilities
3 for their programs.
4 MS. TUBMAN: There was specific
5 testimony for off hours, Mr. Abdelkader. I don't
6 believe you were there. I think Peter Wolfson was
7 here at that first meeting.
8 MS. COFFEY: My understanding was the
9 testimony was referring to the fields not be
10 available to the public at all.
11 MR. ROBERTS: That's correct.
12 MS. TUBMAN: On August 24, transcript
13 page 118 and 119, there will be access for the
14 public during school hours just for the students.
15 For adults and children of the community, in off
16 hours, it will be coordinated, scheduled and
17 organized.
18 MS. COFFEY: So the fields will be --
19 MS. TUBMAN: I'm quoting.
20 MS. COFFEY: Just to be clear, it
21 sounds like the fields would be available to the
22 public, adults and children while school is in
23 session.
24 MS. TUBMAN: No. It says it will be
25 just the students. For adults and children of the

1 community, in off hours, it will be coordinated,
2 scheduled and organized.
3 MS. COFFEY: I'm sorry.
4 MS. TUBMAN: I'm sorry. I
5 mispunctuated verbally.
6 MS. COFFEY: I think there was
7 testimony there would be Sunday school provided by
8 the mosque?
9 MS. TUBMAN: There was testimony. You
10 did not receive -- did you look at the transcript?
11 MS. COFFEY: I did not. So is it
12 possible the fields could be in use on weekends?
13 The school could be offering other programs?
14 MS. TUBMAN: I don't know.
15 MS. COFFEY: The daycare center is
16 going to be available to members of the public,
17 correct?
18 MS. TUBMAN: That is correct. That was
19 the testimony.
20 MS. COFFEY: So it will not be used,
21 for example, for worshippers to place their children
22 during the service as well. It is going to be used
23 for more than just worship hours?
24 MS. TUBMAN: Yes.
25 MS. COFFEY: Switching gears. Two

1 weeks ago, Mr. Dean had talked about the application
2 to the Department of Transportation for the driveway
3 access.
4 MR. DEAN: Correct.
5 MS. COFFEY: I think you said it was a
6 major permit, correct?
7 MR. DEAN: For the mosque application,
8 yes.
9 MS. COFFEY: This is the application
10 we're talking about now, correct?
11 MR. DEAN: No, just for the house of
12 worship. I testified that a second application
13 would be forthcoming at whatever time the mosque
14 elects to proceed forward with the school proposal.
15 MS. COFFEY: It will be using the same
16 driveway?
17 MR. DEAN: Correct, and an amended
18 permit would be required from DOT.
19 MS. COFFEY: So what happens if the DOT
20 says now the driveway -- it's too much traffic
21 generated from the school and the mosque at the same
22 time for the one driveway you have?
23 MR. DEAN: I've never known DOT to
24 opine or make such a decision, but if that were the
25 case, the school could be scaled back. We would

1 have to address that at the time with whatever DOT
2 regulations are in effect.
3 MS. COFFEY: Thank you.
4 MR. DEAN: Thank you.
5 MR. COLLINS: Any further testimony,
6 Lloyd?
7 MS. TUBMAN: Not from me. Thank you.
8 MR. COLLINS: Mr. Chairman, we should
9 open to the public for questions and comments.
10 CHAIRMAN RUSAK: Any questions,
11 comments from the public?
12 MR. COLLINS: Were you previously
13 sworn?
14 MR. AHMED: Yes, not for this one.
15 MR. COLLINS: You have to be sworn
16 again. Please raise your right hand. Do you swear
17 or affirm to tell the truth, the whole truth and
18 nothing but the truth so help you God?
19 MR. AHMED: Yes, I do.
20 MR. COLLINS: Please state your name
21 and address.
22 MR. AHMED: Kawsar Ahmed, 1770 Cedar
23 Crest Road.
24 MR. COLLINS: Mr. Ahmed, please spell
25 your last name.

1 MR. AHMED: A-H-M-E-D.
 2 MR. COLLINS: Thank you.
 3 MR. AHMED: So, basically, just a
 4 comment from the community and as a Muslim member of
 5 the Bridgewater Township using it, and we
 6 desperately need a institution, brick and mortar
 7 place for us to teach our kids. I mean that's what
 8 we need. We're a fabric of this society, fabric of
 9 this diverse township. So we're proud of it.
 10 As you're all aware of what's going on
 11 around the world, it is imperative that we take care
 12 of our kids and teach them what is right, what is
 13 wrong, and for many years we haven't been able to do
 14 it in our community.
 15 So whatever the details of the issues
 16 as far as -- you know, I'm not part of the board,
 17 but I'm sure the board is doing their due diligence,
 18 but part of the community, we do feel that, at the
 19 end of the day, we do need a place to cohabit with
 20 the diverse background of this township, and we need
 21 to have a open exchange between people so people
 22 understand what we're doing. It's an open door so
 23 we can be better part of the society, and in order
 24 for us to be that far, we need a place to organize
 25 ourselves, to hold a Sunday school to teach our kid

1 their religion as we see it, not from something that
 2 they can get from Internet.
 3 So it is very important. So we'd like
 4 to understand where we come from, and we do
 5 appreciate all of your help so far and all the help
 6 of the community members and the distinguished
 7 township has provided us. We thank you, and we do
 8 appreciate the help that you have given us so far,
 9 but do consider that we do really need this facility
 10 to be able to do what we need to do to teach our
 11 kids.
 12 Thank you so much.
 13 MR. ROBERTS: Chris Roberts, 737 West
 14 Foothill Road. Just a couple of statements.
 15 I understand the worship space. I
 16 really don't have much of a problem with the worship
 17 space except the fact that it's in my neighborhood,
 18 but, obviously, I really can't do anything about it.
 19 My main issue right now is that soccer
 20 field. I've been here three times and three times
 21 they've changed their tune about how the soccer
 22 field is going to be used.
 23 The first time this gentleman stood
 24 right up here, and we asked him point blank. Will
 25 it be used by anyone else but the people of your --

1 I'm sorry, your community. Thank you. And the
 2 answer was no.
 3 The second time was, well, we might let
 4 other people use it, and now, all of a sudden, it's
 5 neighborhood children, Sunday afternoon soccer
 6 games.
 7 My house is -- the back of my yard is
 8 probably the back goal line there. When I bought my
 9 house, I knew I wasn't buying a house anywhere near
 10 a school that was going to have events on the
 11 weekends. It's a quiet street. I don't want to be
 12 hearing whistles going on at practices and stuff
 13 like that, you know.
 14 I live at the end of a very quiet
 15 block, and I'm sure, if I bought a house and knew a
 16 school was right there, I wouldn't have a problem
 17 with it. Nobody back here remembers any statement
 18 about, quote, neighborhood kids using that soccer
 19 field ever day one, day two, day three.
 20 MS. TUBMAN: You are correct. I said
 21 that.
 22 MR. ROBERTS: You said it was said
 23 during a statement. That's exactly what you said.
 24 MS. TUBMAN: The statement I am reading
 25 is, so when school is in session, school hours, they

1 are just for students at the school. For the adults
 2 of the community and the children and the youth,
 3 they would be used after hours, off hours, and it
 4 will always be, you know, coordinated, scheduled and
 5 organized. It's not going to be like open for
 6 anybody.
 7 MR. ROBERTS: That was during one of
 8 the --
 9 MS. TUBMAN: That was the first
 10 hearing, and then I asked -- I said one member of
 11 the audience and all of them want the answer, will
 12 you be leasing that soccer field to outside
 13 entities, and the response is no. I'm only gone as
 14 far as the statement I'm making and whatever I'm
 15 explaining and obviously right now, and I am reading
 16 from the transcript page 119 of the hearing of
 17 August 24.
 18 MR. ROBERTS: I mean, honestly, I don't
 19 remember and nobody sitting over there remembers
 20 that because I was the one that asked that specific
 21 question and I was told no, and I remember that
 22 gentleman -- looking at that gentleman back there
 23 for assurance, and he shook his head no, but I mean
 24 is this part of what you guys would give a yea or
 25 nay to or is it the whole project, either yea or

1 nay?

2 MR. COLLINS: Generally speaking, it's
3 the whole project. There can be conditions, but a
4 soccer field is customary, and it's an accessory to
5 a house of worship. You can have a soccer field
6 when you have a mosque or a house of worship.

7 MR. ROBERTS: I mean I trust your word
8 on that.

9 MR. COLLINS: The conditions that
10 helped here are the soccer field limiting the use to
11 what they describe.

12 MR. ROBERTS: I understand that if it
13 was in an area like a school, say Hillside School.
14 You knew that was there when you bought a house or
15 Hamilton or any of the schools. This -- if you come
16 down -- I would love for you guys to come down our
17 block. Please, ring my doorbell. I'll bring you in
18 the backyard. I'll show you what I'm talking about.

19 I don't know if any of you know West
20 Foothill Road. A lot of people live there all their
21 lives, don't know where it is. I have people come
22 up my block all the time looking for the middle
23 school. So they really get lost.

24 So what I'm saying is it would be
25 great. Any of you guys come by. I mean I live at

1 building being renovated to all of this.

2 Now, the gentleman earlier said he
3 loves the town of Bridgewater, but he sued the town
4 of Bridgewater for a lot of money and got a lot of
5 money. Okay. Now, what this did, it split the town
6 of Bridgewater. We have friends that live up the
7 mountain. None of them wanted to come and support
8 us because they knew that, if this doesn't get
9 approved, it automatically goes back to the Redwood
10 Inn. That's a fact. That's a statement, and I
11 asked it last time and was told that's not
12 necessarily true. It's in black and white in
13 articles, in newspapers.

14 I really hope -- you know, I love this
15 town. I've lived here 20 years, and, you know, this
16 is going to cause traffic nightmares. No matter
17 what this gentleman says, it's going to cause
18 traffic nightmares. The entrance to that -- I hope
19 you guys drive it by it one day. It's a hill that
20 goes like this and a hill that comes like this, and
21 it's right at the top of the hill. If you're
22 standing at the entrance of West Foothill Road, you
23 can't see anything coming until they crest the hill,
24 and that is what you're going to have with this
25 facility.

1 the end of the block, last house on the right. You
2 can walk in my backyard and envision -- I went back
3 there when I got off of work today. Envision where
4 that soccer field would be. You stand in my shed.
5 It's a quiet backyard. You look straight across.
6 That's where the soccer field would be, and like
7 this lady said, Sunday morning, Sunday afternoon
8 soccer matches or practices with whistles blowing.
9 I work in Manhattan. Sunday is my day of rest. I
10 really don't want to hear that. If this was at the
11 Redwood Inn, none of this would be happening.

12 Now, one other statement I had, and it
13 came from the Indian Eye. I don't know if I have to
14 submit it, but it's written in black and white that,
15 if the Al Falah is not approved by the township,
16 that they would automatically go back to the Redwood
17 Inn site automatically. I asked that question at
18 the last hearing and was told, well, that's not
19 absolutely true. It's in black and white.

20 Now, what happens here is people that
21 are against this knew, because the other people in
22 the Redwood Inn, they hired a lawyer to fight it
23 which caused the planning board to change the ruling
24 which gave them a huge monetary settlement which
25 helped them fund all this. It went from one little

1 Up at Redwood Inn you wouldn't have any
2 of this. There's no other traffic up there, and
3 according to these guys, it only on two days a year
4 it will be a problem. So why don't we use it on a
5 small area. You know, I kind of know what the
6 answer is, you know, but it's a shame that, you
7 know, he sits here and he says he loves the town,
8 but he sued the town and got \$5.8 million from the
9 town to do this, and now we're talking about -- you
10 know, we spent more time today talking about a
11 soccer field than we did talking about the house of
12 worship.

13 The soccer field is worse than the
14 house of worship. You know, I'm sure any of you
15 guys, wherever you live, you wouldn't want something
16 like that in your backyard when it was never zoned
17 for that. You know, I understand you want to have a
18 house of worship. I understand that. My church,
19 Blessed Sacrament, they wouldn't let us to build a
20 basketball arena, an indoor basketball court,
21 because it would affect the neighborhood. It got
22 shot down.

23 I just hope you guys think about this
24 before you just rubber stamp and it give it
25 approval. I really do.

1 MR. KURZ: Robert Kurz, 775 West
 2 Foothill Road.
 3 I'd like to echo what my neighborhood
 4 just said. I live about halfway down the block. If
 5 at a time you buy something and you knew it was
 6 there, what would you do if you complain about it
 7 later on?
 8 First one to say it's kind of
 9 ridiculous. If you bought a house in a neighborhood
 10 of a church or an airport, now you complain about
 11 the planes, that's your problem.
 12 This is a chance for our neighborhood
 13 to say wait a minute. We didn't buy this house -- I
 14 didn't buy into this neighborhood because there's
 15 going to be a church, there's going to be a mosque,
 16 there's going to be a school, there's going to be a
 17 large amount of parking.
 18 I lived at that house for 24 years now,
 19 about 24 years. Since the day we moved in, one of
 20 my other neighbors said be careful of turning into
 21 our street. Be careful if you're going northbound
 22 on 206, because if you stop or forget to put your
 23 turn signal on far enough in advance, you will have
 24 an accident. I've had one accident a little bit
 25 farther down just somebody turning into one of the

1 businesses south of that location. The car going
 2 northbound had turned into my vehicle as I was going
 3 southbound. It was the same kind of a street. It
 4 was a single driveway entrance and exit.
 5 Now, I don't know how somebody turns
 6 into your vehicle, but he managed to do it. I was
 7 driving a minivan. He hit right in the middle of
 8 the car. So either he misjudged, tried to go too
 9 fast. I don't know. I didn't even know I was hit.
 10 I didn't even know what was happening until my
 11 vehicle started spinning around.
 12 I can foresee that's what's going to
 13 happen here. Now, I'm not saying that to look out
 14 for myself. I'm not looking out for, you know, the
 15 mosque, the attendees, but I'm saying, in the
 16 general sense, you're going to be putting more
 17 traffic into that zone of the street by approving a
 18 single entrance which is, apparently, the only kind
 19 of entrance that can be allowed here, which I can
 20 understand, but if I had any entrance on the roadway
 21 there -- as my neighbor had said before, I had
 22 lobbied with the board of education for a long time
 23 when my boys were younger to just not have the bus
 24 stop down at our street corner because busses would
 25 come over that rise and start down.

1 I went and I said -- at that time, it
 2 was a video. It wasn't my cell phone, and I took
 3 pictures to go before the board of ed, and they
 4 moved the park -- the stop, because as you're coming
 5 over, the camera on my dash of my car and as I came
 6 over this rise going the opposite direction
 7 southbound, you did not see the school bus until you
 8 were at the top of the rise which was less than a
 9 hundred feet away from that school bus.
 10 You're driving 50 miles an hour. I
 11 questioned the traffic gentleman about how far cars
 12 would go in that manner of time span. You're going
 13 to have accidents. Turn this around, it's the same
 14 thing. People are speeding up to go over that rise.
 15 Go down there and watch. They speed up to go over
 16 the rise, and as they go over the rise, they're
 17 going to be coming to the other side.
 18 There's been testimony by a woman who
 19 lived on Carnoustie. Now, she was making a right
 20 turn, not even a left turn, and she was making a
 21 right turn, and somebody ran into the side of her.
 22 They were passing her on the right thinking she was
 23 going to be making a left. I presume. I was not
 24 there. I'm not going to go into the exact testimony
 25 of what happened with the accident, but here she

1 says twice she's had accidents where people run into
 2 the side of her vehicle as they're going around the
 3 side of her.
 4 You're now going to be putting traffic
 5 slowing down to make a left. I don't care if it's
 6 five cars, 10 cars, a hundred cars. One car can
 7 cause the accident. One car can cause a fatal
 8 accident. By traveling over that rise coming to the
 9 stop or slowing to make the turn into the parking
 10 lot, traffic coming over that hill is going to miss
 11 what's happening in front of them. Distracted
 12 driving and the whole bit of that, I'm not even
 13 going to get into that part of it.
 14 The question I have is the that -- I
 15 drove that street. I walked it the other day. The
 16 center of the roadway there has a rumble strip --
 17 rumble strip down the double yellow line. Now, I
 18 don't know why the state put that in. I'm sure it's
 19 not the town put it in. It would be the state. My
 20 only presumption is, at that stop and going down the
 21 slope, it also makes a slight bend to the right. If
 22 they put a rumble strip in the middle of the road,
 23 it's only because they want to have people that be
 24 distracted or notice, hey, you're starting to cross
 25 over the double yellow.

1 You can ask the gentleman who does the
2 traffic study if I'm in the ballpark of it, and the
3 rumble strip on the side of the road is to attract
4 your attention as you're going off the side. You're
5 not watching what you're doing. You're going off to
6 the side a little bit. The only reason I can think
7 of a rumble strip in the middle of the highway is
8 for that reason. The traffic coming one side is
9 crossing the double yellow and it's to draw your
10 attention to it. Why would the state put rumble
11 strips in the middle of a highway if there's not a
12 need for it, and if there's a need for it, could it
13 be because of speed, distraction, roadway
14 conditions?

15 I measured the roadway there. Non --
16 I don't know what the word, nonsworn or absolute. I
17 approximated with a roll around tape. It's 43-feet
18 wide. It's 41.4-feet wide at Crim and Washington
19 Valley Road. There's nowhere near the same kind of
20 traffic, but, yet, the road is the same width as
21 Washington Valley, but, yet, we're doing 50 miles an
22 hour compared to 45. Down here you're in an area
23 where there's a lot of congestion, a lot of
24 businesses. Up there it's all residential.

25 So, yeah, people who live up in that

1 area off of Washington Valley know where they're
2 driving. Down there people don't know where they're
3 driving. Anybody coming off to go north on 202 from
4 the mall, how many times have you driven and people
5 in front of you are going like this trying to see
6 which way do I turn, do I go up 287 or do I go down
7 202. They don't know, and once they get on 202,
8 they keep going. They see a sign there that says 50
9 miles an hour and they're going to do 50 miles and
10 hour and they're going to do more.

11 My concern is that the traffic cannot
12 handle what's going on in that area. I can't turn
13 into my street. My neighbors can't turn into my
14 street. I can't turn out of my street to go north.
15 Forget that. At least you're sitting on the
16 highway, you're going north, you want to make that
17 left into my street, you got one lane, but now we
18 have two lanes. You have a turn lane. Everybody
19 tries to do that favor for you as they're coming up
20 and they're going to make the left onto regular
21 Foothill. They're waving, come on, go ahead, and
22 that's cars flying by you. What am I supposed to
23 do, start my turn and stick out there? No, you
24 can't do that.

25 I taught my boys when they were driving

1 don't even turn your wheel until you're ready to
2 make the turn. They said why? I said, because if
3 you have your wheel turned and that car comes around
4 and hits you in the back, it's going to shove you in
5 the other lane of travel. So I told my boys to keep
6 your wheel straight. At least if you get hit from
7 behind, you're going to go straight up.

8 The one thing I have about parking, my
9 concern is not what happens in their construction
10 period of let's say the next two years. As was
11 stated by the gentleman, the hope is that it becomes
12 a nice place, more people will come because they
13 don't have a set congregation. They want to bring
14 in more people. Anybody would want to bring in more
15 people to worship with you.

16 So we're not discussing what's going to
17 happen today or in the next year. You're planning
18 is what's happening in five years, 10 years.
19 They're planning 292 parking spaces for the plan of
20 having a school and having a large congregation.
21 Well, the testimony was right now 14, 15 extra cars
22 a day. What about in 10 years when they have a
23 congregation that's three times, four times the
24 amount of people that show up here? Now you're
25 talking 60, 70 cars added into that area, and that's

1 what I'm -- I mean, my golden age there, you know,
2 maybe I won't even be driving anymore, but people
3 will still be driving in the area.

4 My last statements are going to be in
5 reference to the height. I moved into this area
6 because it was a nice residential area. Yes, there
7 is some businesses up the highway there. There's
8 some businesses down along the highway. They're two
9 stories. There's some three stories there. There's
10 industry. There's office buildings, but next strip
11 there's nothing as visible as what this proposal is
12 going to be.

13 I mean they graciously took one of the
14 towers out, because at the time, the statement was
15 made, I believe, that from the back it's going to
16 look even taller. So they took the one tower out,
17 and they lowered the other towers by 10 percent.
18 That's less than eight feet. That's less than the
19 height of you standing up on your podium there to
20 me, but it's going to change the aesthetics of the
21 design.

22 I looked around our neighborhood. I
23 went to what I could find on the old Internet, the
24 amount of religious organizations or facilities in
25 Bridgewater except for one which was out of

1 Bridgewater. I did a -- took my old cell phone and
 2 I found a program that said how tall things are and
 3 how far you are, and I took some measurements.
 4 First off, I only found two churches
 5 that have any kind of a steeple. There's the North
 6 Branch Reformed, and I did a quick measurement with
 7 my unofficial measurements of that was 93-feet tall,
 8 and the reason I did this was because I wanted to be
 9 able to say to you that's 93 feet. If I questioned
 10 each of you now, what your impression of what 78 or
 11 70 feet is going to be, we will all have different
 12 opinions without -- until somebody gets their little
 13 tape measure.
 14 So what I ask you to do is consider
 15 what I'm saying. Ask maybe the engineer's office or
 16 somebody else who can provide you with a comparable
 17 height of what 70 or 78-feet height is going to be.
 18 I did a measurement of the North Branch Church was
 19 93 feet. The Pluckemin Church, Presbyterian Church
 20 up in Pluckemin, I know it is not part of our town,
 21 but I did it just for comparison purposes. That
 22 church is 124 feet. Now, that's a single spire.
 23 The Pluckemin Church is a single spire 124 feet up,
 24 93 feet up. It's one thing. The neighborhood sees
 25 one thing.

1 The proposal here is to have four, four
 2 things are going to be sticking up out from this
 3 church. Now, testimony given was that there is no
 4 requirement by religion, social anxiety or any
 5 reason that they have to have the four. They just
 6 designed it that way. So why do we have to have
 7 four? Why is there a need for four? Why can't they
 8 have one? They don't need five because they already
 9 gave up one which I graciously thank because they're
 10 willing to participate in the dialogue.
 11 Now, if one can be taken away because
 12 they thought it was going to look too high, that was
 13 before I even made the proposal at one point about
 14 the old balloon thing and all that, the cell towers
 15 and stuff like that. That's one thing I should have
 16 measured were the cell towers, because there was a
 17 big discussion about the cell towers down at the
 18 Green Knoll Fire Department. Oh, we can't have
 19 that. It's going to be noisy. It's going to be a
 20 flag.
 21 Well, I'm here saying why can't there
 22 be the same discussion about the four towers in our
 23 neighborhood, and I say our neighborhood because it
 24 is yours. I don't know what neighborhood you all
 25 come from specifically, but Bridgewater is our

1 neighborhood.
 2 I went to 11 different religious
 3 structures in Bridgewater a week ago Saturday, drove
 4 around town whatever period of time it took me, but
 5 I went to each one just to see what was available
 6 and what they looked like. Most of the buildings
 7 are roughly two stories tall. Didn't even have any
 8 kind of tower or spire. One or two had small bell
 9 towers. Blessed Sacrament has a small bell tower
 10 barely above the top of the second floor. I didn't
 11 even measure it because it was not even worth it.
 12 It's not above the three stories that the Green
 13 Knoll nursing home is going to be or is at right
 14 now.
 15 What I'm asking this gentleman to do is
 16 to consider not the physical details, but the
 17 aesthetic value of the neighborhood, what people
 18 will say. I don't care whether it's a mosque, a
 19 temple, a church, whatever it is. My consideration
 20 is, when I'm sitting on my back patio, I'm going to
 21 see -- I'm going to say it this way now. I'm going
 22 to see four towers sticking up at me over the trees.
 23 This is what I've had discussed with my
 24 wife or discussed with my other neighbors. Now, I'm
 25 not passionate about it, but I'm just here to say,

1 if I didn't come and speak to you now, what would be
 2 made of the town if I made no effort? A couple of
 3 my neighbors and I have been here each -- this will
 4 be the fourth meeting we've been to. Four meetings
 5 we've come to this meeting to see what's going on.
 6 Four meetings we've asked questions. Four meetings
 7 we've had answers. Now is our opportunity to voice
 8 why we asked these questions.
 9 Our aesthetic value of our neighborhood
 10 is such that we like it the way it is. If you came
 11 to me and said I'm going to build a five-story or
 12 seven-story office building, I'd be standing here
 13 just the same. I don't care what the structure is.
 14 I'm going to have something 70 to 78 feet tall.
 15 I'm lucky because my house is on the
 16 backside of the basin. So, yes, I'm going to be
 17 seeing headlights and stuff in the parking lot. I
 18 don't live as close as my neighbor Chris is. I feel
 19 sorry for him, because if this goes through, he's --
 20 this is 30 feet from the property line there. Well,
 21 his property line is that white area right there,
 22 just one block -- one section below. He's less than
 23 a hundred feet from that parking -- from that
 24 proposed parking.
 25 The other question I had about the

1 proposed parking is how do you know when you are
2 going to need to make plans? The gentleman stated
3 he has no set congregation. So if one day they have
4 their service, they have an event, 400 cars show up.
5 When do you make the plans to set up where it's
6 going to go? Nothing has been set up about this.
7 They said they don't make plans. They don't have a
8 set congregation. How do they know when they're
9 going to make those plans?

10 Today they have 20 cars. That's great.
11 Four years from now they have 400 cars. Who's going
12 to make that decision in four years from now and
13 when will they make the decision? Will they be able
14 to make a decision far enough in advance or is it
15 going to be cars parked all over the place? We
16 should do something. We should have somebody out
17 there in the streets. Let's make those plans now.
18 I think that's part of what the planning board can
19 do as the gentleman said. They can make proposals
20 or make concessions. There should be a concession
21 made that on those days they should have someone set
22 right now for the overflow. You can't wait until
23 the overflow happens to make the plan.

24 Anybody who makes any plans -- the
25 mayor knows that. You can't plan tomorrow to say

1 what's going to happen tomorrow if there's a flood.
2 You have to plan for it in advance. You have to
3 know what you're going to do. You have to make that
4 plan, make that decision. I think that's part of
5 the -- it's a layered system. Parking is going to
6 happen. It's going to happen.

7 If you can say to them, okay, now we're
8 going to go down to the soccer field. Now we're
9 going to have more there. We can park four more
10 cars on the basketball court. We can put three more
11 cars on the volleyball court. Where does it end?
12 They squeezed another in the -- your map there, it
13 shows I think it's like six spots there over by
14 where the garbage section was, And one of the things
15 that I did notice in the original -- I picked up the
16 thing that you guys were all presented with.

17 Somebody did say the garbage thing was
18 facing the wrong way. I don't see that changed,
19 but, yet, we put eight more, 10 more spots there.
20 Somebody said, hey, the garbage spot, facing the
21 wrong way. The garbage truck is going to have to go
22 out and backed up, but I don't see that changed.
23 That was right in the statements I saw. I'm not
24 sure who it came from. I don't know whether it came
25 from Ms. Doyle or not, but somebody did make that

1 request that there should be some consideration of
2 that.

3 It's the little things that don't get
4 done that affect the big decisions you gentlemen
5 have to make. So consider the little questions,
6 whether or not the traffic can handle not just what
7 the gentleman who has testified it can, but drive
8 the roadway. You have driven that roadway. Whether
9 you can use that as a rationale for your decision, I
10 think that sits in your own hearts. I'm not saying
11 to just blindly say, no, we're not going to have it,
12 but consider traffic, parking, the neighborhood,
13 and, to me, the time frame you have to consider it.

14 The time frame to me is the biggest
15 issue. We can sit here right now and talk about
16 what's going to happen the next two years, but you
17 have to decide what's going to happen in five years
18 when they apply to the school, the school opens up,
19 and now you have that extra traffic, and we're all
20 going to be saying we should have thought about this
21 before. Now is the time for the gentlemen to think
22 about it.

23 Thank you very much.

24 CHAIRMAN RUSAK: Any others?

25 MS. COFFEY: Before the record is

1 closed, I wanted to say that my client has requested
2 that we have the opportunity to return at a
3 subsequent hearing potentially with an expert after
4 we've had a chance --

5 CHAIRMAN RUSAK: Can you speak louder?

6 MS. COFFEY: Sure. Better.

7 CHAIRMAN RUSAK: Yes, ma'am.

8 MS. COFFEY: My client has requested
9 that before the testimony is closed that they have
10 the right to return after consulting with an expert
11 in light of the revisions to the plan and the new
12 testimony that we heard tonight.

13 MR. COLLINS: You're requesting that,
14 Ms. Coffey?

15 MS. COFFEY: Yes.

16 MR. COLLINS: The board will consider
17 it. Is there anything else you wanted to --

18 MS. COFFEY: You're not ready for
19 closing statements?

20 MR. COLLINS: We are ready for closing
21 statements.

22 MS. COFFEY: Well, I'd like to know if
23 I'm going to have the opportunity to bring --

24 MR. COLLINS: This is the point here
25 tonight on the fourth or so hearing on an

1 application for development, and we have a whole
2 night, and so we're going to devote that to this
3 meeting.

4 So if you'd like to present anything,
5 you have to present it tonight. It's 8:30. The
6 case goes to 10:15. So I assume that's an hour and
7 15.

8 MS. COFFEY: Mr. Collins, I was here
9 two weeks ago. The record had been closed, and I
10 had come up to start making a closing statement and
11 tonight --

12 MR. COLLINS: We allowed that to be
13 happening tonight, and you're here tonight, and if
14 you'd like to make a statement, it's time to make
15 it.

16 MS. TUBMAN: You also offered me on the
17 record at the conclusion of the last meeting the
18 opportunity to offer rebuttal testimony which I did
19 in response to an expressed parking concern.

20 MR. COLLINS: In fact, many of these --
21 the information provided tonight addresses the
22 issues raised by the public and are concessions or
23 proposed conditions that accommodate Woodmont's
24 interests.

25 So my recommendation is that, if you

1 don't present something now, it will be over
2 tonight.

3 MS. COFFEY: There will not be an
4 opportunity --

5 MR. COLLINS: That's my expectation.
6 You're asking for it to be carried, but this is the
7 continuing case that was requested by you at the
8 last meeting, and, frankly, you've had the
9 opportunity to participate throughout, and so the
10 applicant has tried to accommodate some of the
11 concerns raised by Woodmont. So let's move it
12 along.

13 MS. COFFEY: Well, for the record,
14 I'll, again, say that we received a photocopy of the
15 plan tonight with revisions that we had not had the
16 chance to review with any of our own consultants,
17 and I think I'll start by saying that, to be clear,
18 Woodmont Properties does not have an objection to
19 the applicant's use of this parcel as a mosque.

20 The concerns are related to the number
21 and intensity of the combination of the uses that
22 the applicant is proposing to conduct on the same
23 site as the mosque, and, secondly, something that
24 one of the members of the public testified about or
25 commented about which is the lack of really planning

1 for all of these uses to co-exist together
2 simultaneously.

3 So we heard testimony from the
4 applicant that the project had been designed to be
5 as big as permissible in the ordinance and that it
6 has not been designed to address any specific needs
7 of the applicant's current congregation or the
8 anticipated needs of the congregation in the future,
9 and perhaps because this facility has not been
10 tailored to address any specific current or future
11 needs, the applicant has been unable to describe to
12 the public how in particular it's going to be used.

13 The testimony regarding the
14 congregation's current needs and attendance at
15 services thus far is not especially relevant because
16 we know the buildings have been designed to
17 accommodate a bigger congregation and to add
18 additional uses that they currently do not offer to
19 the public or to their congregation.

20 The applicant does not know and we have
21 not heard testimony regarding the hours of the
22 daycare. We haven't heard anything about the number
23 of teachers, administrators, staff, maintenance
24 people that will be employed there, driving there,
25 parking. We haven't heard how the daycare space is

1 going to be used outside of daycare hours. We know
2 it's going to be used for a Sunday school, but we
3 don't know the hours of the Sunday school. We don't
4 know whether that's for adults or children. We
5 don't know about the evening education, what the
6 hours of that are and who's going to be attending.

7 We don't know when Phase II of this
8 project is going to be commenced which includes the
9 school, and we learned tonight it was -- I for the
10 first time understood tonight that the DOT
11 application does not currently provide for the
12 school and that the plan is at some future point in
13 time which has not been disclosed to the board or
14 the public. There will be a subsequent application
15 to the DOT which will hopefully allow them to
16 continue to use the driveway as they designed it
17 with the proposed additional 16,000 square foot
18 building to the DOT which their currently not aware
19 of.

20 We don't know the hours of the school.
21 We don't know if there's going to be after school
22 program. Again, we don't know the number of
23 teachers, administrators, staff, maintenance people,
24 who will be driving there and parking. I think
25 there's still confusion about how the athletic

1 facilities are going to be used, by whom and during
2 what hours. The applicant said they were not able
3 to describe the process by which the athletic
4 facilities will be made available to the public.
5 There would be a way to reserve the fields, what
6 hours they would be made available, et cetera.
7 I think the board needs to consider
8 this project as a whole built out with a maximum
9 intensity of the impact from the multiple operations
10 are. With so many unknowns, it's impossible for
11 this board and the public to evaluate the impact of
12 the combination of these uses and to evaluate this
13 application.

14 We have a serious concern about
15 parking. We've talked tonight about the required
16 code which requires that the parking requirements,
17 an application for each use computed separately and
18 then such requirement shall be added together to
19 compute the total number of required parking spaces,
20 and I know there's been some testimony to attempt to
21 address that tonight after the last time we were
22 here.

23 The testimony is that this offers
24 multiple daily services each day of the week to its
25 worshippers with its most attended service held

1 midday on Fridays which means that the worship
2 services will be concurrent with the operation of
3 the school and the daycare and concurrent with the
4 daycare skills and school and each of these will be
5 operating separately from each other as opposed to
6 being complimentary where worshippers are also using
7 the daycare during the service.

8 Despite the availability of ITE
9 calculations specifically for a private K through 12
10 school, the applicant has chosen to instead use
11 lower rates that are available to elementary, middle
12 and high school and use an averaging process of some
13 kind.

14 In response to questions about the
15 potential for an underparked property, we only heard
16 potential plans to address a parking problem. We've
17 not heard anything concrete. We've heard that they
18 may have a parking lot site. They may make
19 arrangements with the neighboring parcel, have valet
20 services. Add religious services to try to reduce
21 the attendance of any service. None of these are
22 currently planned or there's no provisions in place
23 for them.

24 Again, as a member of the public said,
25 you don't wait until your most important religious

1 service and then worry where all of your people are
2 going to park. The appropriate way to plan for a
3 use is to put those provisions in place now, and
4 we've heard about the possibility of banked parking,
5 but the applicant is not proposing to bank any
6 parking at this time. There's no concrete proposal
7 to deal with any of these issues. The applicant is
8 not planning for them. Instead, they're providing
9 hypotheticals that nobody can rely on including the
10 public. The applicant's solutions to the parking
11 problem are half-baked. We don't have that
12 information to understand how serious the parking
13 problem is, and we don't have enough information to
14 understand how any of these potential solutions
15 could address it if at all.

16 As there haven't been any sufficient
17 details about how all these uses are going to
18 operate together or to when they're going to come
19 on-line for that matter, we would ask that the board
20 enforce the township ordinance requirement that the
21 applicant provide parking sufficient for all of the
22 uses on-site, the school, the daycare, the fields
23 and the mosque even if some of the uses or some of
24 the improvements need to be eliminated or downsized
25 to ensure space for all of them.

1 This is the provision that's provided
2 by the MLUL in Bridgewater's ordinances and is
3 designed to ensure that the board and the public are
4 to fully understand the development and to manage
5 its impact to the community. Without the
6 information that's provided and without a concrete
7 plan offered by the applicant as to how it's going
8 to address these issues, the board and the public
9 cannot evaluate whether the application can be
10 granted without a substantial detriment to the
11 zoning ordinance, the master plan and the public
12 good.

13 Thank you.

14 MR. ABDELKADER: Good evening, members
15 of the board. May I make a statement?

16 MR. COLLINS: You may, Mr. Abdelkader,
17 but why don't you do it by having your attorney ask
18 you to make a statement.

19 The problem you have, if you make a
20 statement, it will be subject to cross-examination.

21 MR. ABDELKADER: I thought these are
22 public comments.

23 MR. COLLINS: They are public, but
24 you're the applicant. I want you to confer with
25 your attorney, make sure you want to do it and just

1 be aware that you open up cross-examination any time
 2 you make a statement. Whereas, Ms. Tubman does not
 3 open up cross-examination.
 4 MR. ABDELKADER: All right. I decline.
 5 MR. COLLINS: State your name.
 6 MS. AMIN: Pushpa Amin, P-U-S-H-P-A
 7 A-M-I-N.
 8 MR. COLLINS: You understand you're
 9 still under oath.
 10 MS. AMIN: The school is something that
 11 really was not included in the previous application
 12 at different location. Now, if we compare the other
 13 location, it had 7.8 acres and now here we're
 14 getting 10.85 acres. So there's a little bit more
 15 land for the applicant to be able to put in a
 16 school.
 17 So my question to you would be was that
 18 part of the land swap deal that was really agreed to
 19 or is it something that the applicant is coming up
 20 with now with this school building? So that is
 21 something which really the board has to evaluate.
 22 We just heard today that the school
 23 part will not be an accessory to the house of
 24 worship. It will most likely be a different
 25 operation. So are there special rules on the same

1 lot that have two separate usages? Is there
 2 something that really requires them to have a
 3 certain piece of property for the school usage and
 4 so much per the mosque and they will be sharing
 5 parking lot and all the facilities? So was that
 6 included in the ordinance application that we have
 7 or is this something that just came up?
 8 I really have a big concern with the
 9 school because it adds on a lot of activity in this
 10 area, the soccer field, the lots of traffic created
 11 by the students being dropped, picked up. The
 12 mosque might have had that much traffic, you
 13 could -- the way we heard, so that's fine, but with
 14 the school added in there, I think it creates a lot
 15 of traffic, a lot of activity. And is that
 16 something that was agreed to between the township
 17 and the applicant in the land swapping?
 18 That's my question, and that's
 19 something which the board can look at.
 20 MR. ROBERTS: Mr. Collins, can I just
 21 approach one more time or no?
 22 MR. COLLINS: Sure.
 23 MR. ROBERTS: I'm a little confused.
 24 The gentleman wanted to make a statement that might
 25 have cleared some things up, and you pretty much

1 stopped him from making a statement.
 2 Can you explain why? Are you allowed
 3 to explain why?
 4 MR. COLLINS: I didn't stop him. I
 5 suggested that he speak with his attorney before he
 6 makes a statement, because when he does that, he's
 7 testifying for the applicant and then he's subject
 8 to cross-examination. So that's the reason, and he
 9 talked to his attorney and he decided to wait.
 10 MR. ROBERTS: It seems like he's trying
 11 to hide something then.
 12 MR. COLLINS: No, it doesn't.
 13 MS. TUBMAN: No, he has been here and
 14 subject to questioning by the board and the public
 15 in two previous meetings, and the testimony portion
 16 has closed, and we really do not want to reopen it.
 17 MR. ROBERTS: So that doesn't seem
 18 like -- you know, he's more than willing to speak
 19 and you told him not to speak.
 20 MS. TUBMAN: He'll happily speak to you
 21 in the hall.
 22 MR. COLLINS: Sir, he has his rights
 23 and you have your rights. You can go ahead and make
 24 your statement.
 25 MR. AHMED: May I make my comments?

1 MR. COLLINS: Sure. Please state your
 2 name and address.
 3 MR. AHMED: I'm Kawsar Ahmed, 1770
 4 Cedar Crest Road.
 5 MS. TUBMAN: You've already been sworn.
 6 You don't have to raise your hand.
 7 MR. AHMED: I'm part of the community.
 8 I'm not part of the board. I'm not officially part
 9 of any of the plannings, but I am a Muslim American
 10 that live -- been living in this community for a
 11 long, long time, and I do understand some of the
 12 questions that are being raised. I'm not here to
 13 talk professionally for the vote, obviously, because
 14 I don't get involved in any of the planning or
 15 details, but I do attend the mosque, and I can tell
 16 you the last 15 years that I've been attending the
 17 parish service that we have had at many different
 18 rental facilities, there hasn't been a ballooning
 19 amount of people that comes in.
 20 I mean twice a year we have issues.
 21 It's probably been managed. Bridgewater Police
 22 Department sometimes gets involved. They help.
 23 There hasn't been any issues so far. If the
 24 congregation does really get really big, and what we
 25 have seen in the past in many different parts of the

1 country, they just build another masjid. That have
2 been the case. We're not lucky enough to have
3 established churches that have been established for
4 hundreds of years.

5 We have to take initiative now to build
6 them and we start it. You know, it's probably less
7 than a hundred families, even less than that. Many
8 of them don't even come to the masjid all the time.
9 Maybe Friday, wherever they work, they come and they
10 use the facility for 45 minutes or so. These are
11 the things from the community that we can tell you
12 who have been using these facilities.

13 So come in. It's an open place and
14 have that discussion. So we're not really here to
15 hide anything from the community. We are here to
16 provide a place for our kids to learn, for them to
17 have activities just like any other activities a
18 worship would have.

19 As far as the number of people, 25
20 years, 50 years from now, same thing can go for any
21 other churches or any other house of worships. You
22 know, if it exceeds the capacity at some point,
23 obviously, there will be enough money for people to
24 go and build something else. We have seen that
25 masjid here was in Piscataway for many, many number

1 of years, and they're expanding and we're expanding
2 here. People expanding in Boonton and Hillsborough
3 and many other places so we don't have to travel too
4 far, and there will be more mosques to accommodate
5 their needs as they're like churches.

6 So that's from the layman's perspective
7 from the part of the community. We like to have
8 interactions with our neighbors. At the end of the
9 day, we're not adversaries from my perspective as a
10 layman. We understand needs and nobody wants things
11 in their backyard. We understand that, but at the
12 same time, looking at the community, you know, if
13 every neighbor comes in and says no, where would you
14 go?

15 So that's what I want you to
16 understand, and we're not asking certain individuals
17 to burden their shoulders, but at the same time, you
18 know, we all have to make some kind of a sacrifice,
19 you know, and that's something we want you to think
20 also in making a decision.

21 Thank you.

22 CHAIRMAN RUSAK: Any other members of
23 the public?

24 MR. COLLINS: We're going to close the
25 public hearing now and move on to some board action.

1 So if the board is interested, you
2 could consider a motion to approve the preliminary
3 and final site plan and conditional use application
4 for the Al Falah Center for the house of worship and
5 the private religious school and related accessory
6 facilities and the variance -- C-2 variances and the
7 site plan exceptions for that.

8 You might consider the rest of the
9 conditions. You can talk about throughout the
10 hearing. Some of them are your standard conditions
11 such as the engineer's report and the other reports
12 of the professionals except as clarified in the
13 hearing or modified, and they are also going to be
14 removal of the fifth minaret and eliminating the
15 height of the minaret to 70 feet as proposed from
16 the details and revisions to the plans and explained
17 by their architect.

18 They also offered a condition and the
19 board is considering adding this condition that the
20 approval is subject to a condition that the
21 applicant will not allow parking on Route 202/206,
22 West Foothill Road, adjoining or nearby streets or
23 properties including, but not limited to, the nearby
24 Woodmont apartment complex, and in the event parking
25 exceeds in excess of the property in question, the

1 parking lot -- the parking lot approved in this
2 plan, the main parking lot is 292 parking spaces,
3 the applicant shall -- shall show compliance with
4 this condition by adding services to allow to impart
5 two or more services per day, arrange for off-site
6 parking and shuttle busses or a parking valet
7 service or hold larger services at off-site
8 locations such as a hotel to ensure compliance with
9 this condition. The other standard conditions would
10 apply.

11 He said there would be no lights on the
12 soccer field. There is no lights on the soccer
13 field.

14 MR. FRANCO: Mr. Collins, wasn't there
15 also something with landscaping?

16 MR. COLLINS: There is a requirement
17 for working with the township planner and her
18 reports on the additional landscaping and tree
19 plantings. Any dispute with her and the applicant
20 shall be returned to the board for final
21 determination.

22 MS. TUBMAN: May I add a condition that
23 was important to the board, and that is when there
24 are nondaylight services that parking lights will be
25 on only in those areas required to accommodate the

1 parked cars and in the vicinity of the building.
 2 MR. COLLINS: That will be a condition
 3 then. Thank you, Ms. Tubman.
 4 MR. BOGART: I'm going to add I'll
 5 propose the condition, propose in there that the
 6 applicant advises the town when it is going to have
 7 meetings with the DOT.
 8 MR. COLLINS: The applicant will advise
 9 the town when it's going to have meetings with the
 10 DOT on the DOT permit or permits.
 11 MR. CHARLES: And just for clarity, Mr.
 12 Collins, the landscaping we talked about would both
 13 be landscaped trees, design waiver, the number that
 14 are deciduous as well as the foundation plantings
 15 that you'll work with them. They're very low right
 16 now.
 17 MS. DOYLE: That's right. I think
 18 that's in my report.
 19 MR. CHARLES: Can we just stipulate on
 20 the parking situation that those plans that you
 21 outlined are in place prior to the opening of the
 22 mosque?
 23 MS. TUBMAN: I didn't understand the
 24 question.
 25 MR. CHARLES: The statement about

1 having backup plans for when the parking lot gets
 2 full, that such plans are in place at the time the
 3 mosque is opened, that there is an agreement with
 4 someone off-site, there is an agreement for someone
 5 to do that. I think that's --
 6 MS. TUBMAN: I think right now we are
 7 proposing better than double the number of parking
 8 spaces that are required and making a plan at this
 9 time would be premature.
 10 MR. CHARLES: But I think the point
 11 was, on those two days, there is the possibility
 12 from the numbers which I think were pretty detailed
 13 the number of people who could show up in the Eid,
 14 300 to 350 head count was all dependent upon how
 15 many people in one car versus two. I think it would
 16 make sense prior to the first Eid holiday to have
 17 that plan in place.
 18 MS. TUBMAN: Let me -- if I may
 19 clarify, our architect testified that, based upon
 20 your ordinance requirements which require only that
 21 we provide one parking space per 30 square feet of
 22 worship area that we have not provided just that, we
 23 have also provided 30 square feet of parking area
 24 for that worship space as it may be expanded through
 25 the hallway and into the community center and gym to

1 accommodate as many people as the ordin -- as the
 2 building will hold, and now we are proposing, in
 3 addition to the enhanced -- enhanced number of
 4 parking spaces, the possibility of another 190
 5 total.
 6 It really would be premature today to
 7 make arrangements to rent a hall.
 8 MR. CHARLES: I think the arrangements
 9 were if, in fact, your parking lot fills up on the
 10 first Eid, and I think lots of people are going to
 11 want to come to the first one, I think that you
 12 should have a plan in place so that, once it's
 13 filled, those people are not going to know there's a
 14 rule now that they can't park on any adjacent
 15 streets or anything like that, have an agreement
 16 with one of the office buildings nearby that, when
 17 that happens, you know, you'll be able to park
 18 there.
 19 MS. TUBMAN: If you are asking for a
 20 one-time arrangement for an opening near Eid --
 21 MR. CHARLES: I'm not. I'm asking that
 22 the plan that we stated in this condition is nothing
 23 without some substance behind it and some timelines
 24 behind it. So if it's not at opening, when is it?
 25 That gets to the point about how fast

1 you're going to grow which you don't know. So why
 2 not have the plan prior to opening, an agreement, a
 3 what if agreement that, if, in fact, our lot fills
 4 up, we're ready. We got two busses standing by to
 5 shuttle people. We have an agreement with office
 6 space so and so that we can make sure that, right
 7 out of the gate, we don't immediately have a bad
 8 situation with the neighbors because people who
 9 don't know they can't park there have no other
 10 option but to park there.
 11 MS. TUBMAN: I fully understand your
 12 concern, but are we talking about a permanent
 13 arrangement or are we talking about a situation that
 14 might happen and may be demonstrated on the first
 15 time to be total overkill?
 16 MR. CHARLES: And that's fine. That's
 17 your opinion. I'm thinking that the stipulation in
 18 the agreement is meaningless in my estimation
 19 without a plan and timeline behind it.
 20 MS. TUBMAN: I will leave that to the
 21 board then.
 22 MAYOR HAYES: I would be comfortable
 23 with a plan for the first one that then covers --
 24 then there's an evaluation. I think the plan, we
 25 would agree, is more of a living plan.

<p style="text-align: right;">Page 81</p> <p>1 MR. CHARLES: Absolutely.</p> <p>2 MAYOR HAYES: You don't want to get</p> <p>3 caught unaware on a first event. So it's really you</p> <p>4 want to make sure that a plan -- so someone has</p> <p>5 thought about it prior to the event, and I think</p> <p>6 that is something that should readily be agreed to,</p> <p>7 because it's a committee within the organization or</p> <p>8 somebody in the organization. This is a big topic.</p> <p>9 I think it's easy enough. Everybody agreed or</p> <p>10 should agree we're going to think about it before it</p> <p>11 happens, and we'll try to get our best estimate as</p> <p>12 to what's going to happen, have a plan in place and</p> <p>13 deal with people, because if they come on the first</p> <p>14 time, it is not easy to turn someone away who is</p> <p>15 coming and say this is the plan we have to make now.</p> <p>16 That is very difficult.</p> <p>17 MS. TUBMAN: I concur with you. We</p> <p>18 will plan for the event.</p> <p>19 MAYOR HAYES: I think that's all that's</p> <p>20 being asked, and then an evaluation from that date</p> <p>21 and continue.</p> <p>22 MR. CHARLES: Absolutely.</p> <p>23 MS. TUBMAN: That's fine. I was</p> <p>24 overreacting then. I apologize.</p> <p>25 MR. CHARLES: Thank you, Mayor.</p>	<p style="text-align: right;">Page 83</p> <p>1 know -- clearly, it wouldn't -- you know, having a</p> <p>2 soccer field -- I think having the facility is a</p> <p>3 plus for any community, but I think a good balance</p> <p>4 would be something along those lines. So if that</p> <p>5 could be taken back to the board?</p> <p>6 MS. TUBMAN: It will be taken back to</p> <p>7 the board. I cannot answer for the board.</p> <p>8 MR. CHARLES: I think that's</p> <p>9 probably -- when I look at from a noise perspective,</p> <p>10 having coached soccer for 17 years, that probably</p> <p>11 would affect the most number of people along that</p> <p>12 area.</p> <p>13 Thank you.</p> <p>14 MR. COLLINS: Roll call vote please.</p> <p>15 MS. VOORHEES: Mr. Rodzinak.</p> <p>16 MR. RODZINAK: Yes.</p> <p>17 MS. VOORHEES: Mr. Charles.</p> <p>18 MR. CHARLES: Yes.</p> <p>19 MS. VOORHEES: Mr. Franco.</p> <p>20 MR. FRANCO: Yes.</p> <p>21 MS. VOORHEES: Councilman Kurdyla.</p> <p>22 MR. KURDYLA: Yes.</p> <p>23 MS. VOORHEES: Chairman Rusak.</p> <p>24 CHAIRMAN RUSAK: Yes.</p> <p>25 MS. VOORHEES: Mayor Hayes.</p>
<p style="text-align: right;">Page 82</p> <p>1 CHAIRMAN RUSAK: So we can add that?</p> <p>2 MR. COLLINS: Yes.</p> <p>3 CHAIRMAN RUSAK: Any other concerns?</p> <p>4 MR. COLLINS: Is there such a motion?</p> <p>5 Is there such a motion?</p> <p>6 MR. RODZINAK: I'll move the motion</p> <p>7 with the conditions that you stipulated.</p> <p>8 MR. COLLINS: Is there a second?</p> <p>9 CHAIRMAN RUSAK: I'll second it.</p> <p>10 Okay. Roll call vote.</p> <p>11 MR. CHARLES: I think the only question</p> <p>12 was whether or not the soccer field seems to have</p> <p>13 gotten a lot of attention. I think more so than I</p> <p>14 expected clearly, and I think more so than the</p> <p>15 applicant expected also.</p> <p>16 Ms. Tubman, would your client consider</p> <p>17 no use of the soccer field on Sundays?</p> <p>18 MS. TUBMAN: You'll have to give me a</p> <p>19 moment, but I don't think one person in the audience</p> <p>20 can answer for a board. You will not make that a</p> <p>21 condition. The board will take it back, and I</p> <p>22 guaranty you give it serious consideration. It's</p> <p>23 unfair to make Yasser try to speak for the rest of</p> <p>24 the board.</p> <p>25 MR. CHARLES: I think it would, you</p>	<p style="text-align: right;">Page 84</p> <p>1 MAYOR HAYES: Yes.</p> <p>2 MS. VOORHEES: Mr. Lerner.</p> <p>3 MR. LERNER: Yes.</p> <p>4 MS. TUBMAN: Thank you, Mr. Chairman,</p> <p>5 the board members.</p> <p>6 (Proceedings conclude at 8:54 p.m.)</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

CERTIFICATE OF OFFICER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I CERTIFY that the foregoing is a true and accurate transcript of the testimony and proceedings as reported stenographically by me at the time, place and on the date as hereinbefore set forth.

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

DIANE M. HOLMES, C.C.R.
Certificate No. XI01660