

**MINUTES OF THE  
MENDHAM BOROUGH JOINT LAND USE BOARD  
REGULAR MEETING  
TUESDAY NOVEMBER 12, 2024  
GRACE LUTHERAN CHURCH, 65 E MAIN ST, MENDHAM, NJ**

**CALL TO ORDER/FLAG SALUTE**

The regular meeting of the Mendham Borough Joint Land Use Board was called to order at 7:00 p.m. and the open public meeting statement was read into the record.

**ROLL CALL**

Mayor Glassner – Absent	Mr. Egerter – Present
Ms. Bushman – Present @7:04pm	Ms. Garbacz – Absent
Councilman Sullivan – Present	Mr. Molnar – Present @7:05pm
Mr. Smith – Present	Ms. Traut – Alternate 1 - Absent
Mr. Sprandel – Present	Mr. Kay- Alternate 2- Absent
Mr. D’Urso– Present	VACANT – Alternate 3
	Mr. Pace – Alternate 4 – Present

Also Present: Mr. Ferriero – Board Engineer  
Mr. Germinario –Board Attorney  
Ms. Caldwell – Board Planner

**APPROVAL OF MINUTES**

Motion by Mr. Egerter, seconded by Mr. Smith and unanimously carried by voice vote to adopt the minutes of the September 17, 2024, Joint Land Use Board Regular Meeting, as written.

**Roll Call:**

**In Favor:** Mr. Smith, Mr. Sprandel, Mr. Egerter, and Mr. Pace.

**Opposed:**

**Abstain:** Councilman Sullivan, and Mr. D’Urso.

**Motion Carried**

Motion by Mr. Smith, seconded by Mr. Egerter and unanimously carried by voice vote to adopt the minutes of the September 24, 2024, Joint Land Use Board Regular Meeting, as written.

**Roll Call:**

**In Favor:** Mr. Smith, Mr. Egerter, and Mr. Pace.

**Opposed:**

**Abstain:** Councilman Sullivan, Mr. Sprandel and Mr. D’Urso.

**Motion Carried**

October 15, 2024 – Tabled until the December 17, 2024 Regular Meeting

Mr. D’Urso noted that there will be a special meeting on December 3, 2024

**PUBLIC COMMENT**

Chairman D'Urso opened the meeting to the public for questions and comments on items not included on the agenda or any pending applications. There being none, the public session was closed.

Ms. Caldwell explained the Affordable Housing memo that was sent out to the Board.

**OLD BUSINESS**

**07-24 Thomas Veman**  
**465 Cherry Lane**  
**Blk 2401 Lot 28**

Mr. Ferriero explained that the Veman application was withdrawn, and the property is to be returned to the original condition.

Mr. D'Urso noted that Mendham TV was filming the meeting.

**RESOLUTION**

**19-24 Ben and Amy Heller**  
**105 Dean Rd**  
**Blk 702 Lot 12**

Mr. Germinario summarized the Ben and Amy Heller, 105 Dean Rd. application, and the conditions outlined in the resolution. Mr. Smith made a motion to memorialize the resolution and Mr. Kay seconded.

**Roll Call:**

**In Favor:** Mr. Smith, Mr. Sprandel, Mr. D'Urso, Mr. Egerter, and Mr. Pace.

**Opposed:**

**Abstain:** Ms. Bushman, and Councilman Sullivan.

**Motion Carried**

**The resolution follows.**

**BOROUGH OF MENDHAM JOINT LAND USE BOARD****RESOLUTION OF MEMORIALIZATION**

**Decided: October 15, 2024**

**Memorialized: November 12, 2024**

**IN THE MATTER OF BENJAMIN & AMY HELLER****"C" VARIANCE APPLICATION**

**BLOCK 702, LOT 12**

**APPLICATION NO. JLUB #19-24**

*WHEREAS, Benjamin & Amy Heller (hereinafter the "Applicant") applied to the Borough of Mendham Joint Land Use Board (hereinafter the "Board") for the grant of a variance pursuant to N.J.S.A. 40:55D-70c (hereinafter the "Variance") by application dated 9/10/24; and*

*WHEREAS, the application was deemed complete by the Board, and a public hearing was held on 10/15/24; and*

*WHEREAS, the Board has determined that the Applicant has complied with all land use procedural requirements of Chapter 124 of the Ordinance of the Borough of Mendham, and has complied with the procedural requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., including without limitation, public notice pursuant to N.J.S.A. 40:55D-12; and*

**WHEREAS**, the Board makes the following findings and conclusions, based on the documents, testimony and other evidence comprising the hearing record:

1. The property which is the subject of the application consists of 18,208 sf (0.418 acres) located at 105 Dean Road in the ½ Acre Residential Zone. The property is improved with an existing single-story frame dwelling with a rear wooden deck. The property exhibits pre-existing non-conformities for lot area and frontyard setback (30.9 ft. existing vs. 50 ft. minimum required).

2. The improvements to the subject property for which the Variance relief is sought comprise a second story addition over the existing building footprint, a minor extension to the rear deck and a new portico on the existing stoop. The frontyard setback to the stoop/portico will remain 30.9 ft.

3. The Applicant has submitted the following documents that depict and/or describe the improvements for which the Variance relief is required:

- Architectural Plans, consisting of five (5) sheets prepared by Daniel Encin, Architect, dated 9/6/24

4. In support of the application, the Applicant has submitted the following documents, which are part of the hearing record:

- Land Development Application, dated 9/10/24, signed by Benjamin Heller
- Zoning Officer Denial of Application, dated 8/14/24
- Application for reservation of allocated sewage capacity, dated 9/10/24
- Checklist
- Site Inspection Form, dated 9/11/24, signed by Benjamin Heller
- Certificate of Paid Taxes, dated 7/23/24
- Property Owners List, dated 6/28/24
- Site Photos
- Affidavit of Public Notice, dated 10/3/24

5. The Board's planning and engineering professionals and/or consultants have submitted the following reports concerning their reviews of the application, which are part of the hearing record:

Paul Ferriero, PE, CME, dated 9/25/24

6. In the course of the public hearings, the Applicant was represented by themselves, and the Applicant presented their own testimony and the testimony of the following witness, which testimony is part of the hearing record:

Dan Encin, architect

7. The documentary evidence and the testimony of the Applicant and/or Applicant's witnesses adduced the following facts:

While the proposed improvements don't extend further into the pre-existing non-conforming frontyard setback, the second story addition increases the building mass within that setback and therefore requires a C variance. The second-story addition enhances the appearance and functionality of the dwelling and is consistent with other homes in the neighborhood.

8. Based on the hearing record, the Board has made the following findings and conclusions relative to the Variance relief sought by the Applicant:

By reason of the pre-existing non-conforming setback of the subject property, the strict application of Ordinance Section 215, Schedule II would result in peculiar and exceptional difficulties to, and impose exceptional and undue hardship upon the Applicant. Therefore, the grant of the Variance is warranted pursuant to N.J.S.A. 40:55D-70c(1) so as to relieve such difficulties and hardship.

The following purposes of the Municipal Land Use Law and the Borough of Mendham Land Use Ordinance would be advanced by granting the Variance so as to allow the requested deviation from Ordinance Section 215, Schedule II:

- (i) To promote a desirable visual environment

The detriments associated with the deviation are considered minimal because the proposed improvements are consistent with those in the surrounding area.

Therefore, the grant of the Variance is warranted pursuant to N.J.S.A. 40:55D-70c(2), because the benefits of the deviation will substantially outweigh the detriments.

The Board further finds that this relief can be granted without substantial detriment to the public good and that the granting of this relief will not substantially impair the intent and purpose of the zone plan and/or the zoning ordinance.

11. In summary, the Board hereby grants a total of one (1) "C" variance in connection with this application.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board does hereby approve the application and grant the Variance requested by the Applicant, as described hereinabove, pursuant to N.J.S.A. 40:55D-70c(1) and 40:55D-70c(2).

This approval is subject to the following conditions, which shall, unless otherwise stated, be satisfied prior to the issuance of a zoning permit for the improvements requiring Variance relief.

1. The variance is granted for a front setback of 30.9', subject to the stoop/portico being constructed to the dimensions of the plan.

2. An as-built survey shall be submitted upon completion of the project.

3. For purposes of the issuance of a construction permit for the improvements, this approval will become effective as of 10/15/24.

4. All application, escrow and inspection fees shall be paid in full and current at the time of issuance of zoning permits and construction permits. Engineering inspection fees will be paid out of the Applicant's escrow account, and the Applicant will replenish said account to the extent required to pay for said inspection fees.

5. This approval is subject to all other approvals required by any governmental agency having jurisdiction over the subject property.

6. This approval is subject to the payment in full of all taxes and assessments due and owing to the Borough of Mendham and/or any agency thereof.

7. Pursuant to Ordinance Section 124-22, the Variance relief granted herein shall expire within one year of the memorialization of this Resolution unless the construction or alteration of the improvements requiring Variance relief has actually been commenced during that time period, provided that the running of the one-year time period shall be tolled during the pending of any appeal of the Board's decision to the Borough Council or to a court of competent jurisdiction.

The undersigned does hereby certify that the foregoing is a true copy of the Resolution adopted by the Borough of Mendham Joint Land Use Board memorializing the action taken by the Board at its meeting of 10/15/24.

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Lisa Smith  
Board Secretary

**15-24 Banasiak & Nettune  
5 Cold Hill South, Unit 12C  
Blk 2701 Lot 5 QC012C**

Mr. Germinario summarized the Banasiak & Nettune, 5 Cold Hill South, Unit 12C application, and the conditions outlined in the resolution. Mr. Smith made a motion to memorialize the resolution and Mr. Molnar seconded.

**Roll Call:**

**In Favor:** Mr. Smith, Mr. Sprandel, Mr. D'Urso, Mr. Egerter, Mr. Molnar and Mr. Kay.

**Opposed:**

**Abstain:** Ms. Bushman, and Councilman Sullivan.

**Motion Carried**

**The resolution follows.**

**RESOLUTION OF MEMORIALIZATION****Decided: October 15, 2024****Memorialized: November 12, 2024**

**IN THE MATTER OF BANASIAK & NETTUNE ORTHODONTIC ASSOCIATES, P.A.  
AMENDED SITE PLAN APPLICATION  
BLOCK 2701, LOTS 5 & 5.12  
APPLICATION NO. JLUB #15-24**

**WHEREAS**, Banasiak & Nettune Orthodontic Associates, P.A. (hereinafter the "Applicant") applied to the Borough of Mendham Joint Land Use Board (hereinafter the "Board") for an amended site plan by application dated 7/25/24; and

**WHEREAS**, the application was deemed complete by the Board, and a public hearing was held on 10/15/24; and

**WHEREAS**, the Board has determined that the Applicant has complied with all land use procedural requirements of Chapter 124 of the Ordinance of the Borough of Mendham, and has complied with the procedural requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., including without limitation, public notice pursuant to N.J.S.A. 40:55D-12; and

**WHEREAS**, the Board makes the following findings and conclusions, based on the documents, testimony and other evidence comprising the hearing record:

1. The property which is the subject of the application consists of a total lot area within Lot 5 of 5.89 acres (256, 568.4 sf), with primary frontage on Cold Hill Road and secondary frontage on East Main Street. It is developed with a condominium professional office complex of 9 buildings containing 29 units, designated Lots 5.01 through 5.29. The property is located in the Limited Business Zone. Medical offices currently occupy 8,400 sf. On 11/14/83, the Planning Board granted site plan approval for the professional office complex (the "1983 Approval"), and the approving resolution imposed a condition limiting the floor area allocated for medical offices to a maximum of 8,640 sf, to be confined to the units located along Cold Hill Road. This restriction was to be included in the condominium master deed and in the title to the property.

2. The Applicant now seeks the Board's approval of an amendment to the 1983 Approval so as to allow a total of 10,814 sf. of medical office space in the condominium professional office complex to account for the Applicant's orthodontic practice on Lot 5.12 (Unit 12), which does not front on Cold Hill Road.

3. The Applicant has submitted the following documents in support of its request for the modification of the 1983 Approval:

- Site Layout Plan, consisting of one (1) sheet, dated 7/15/24, prepared by Victor Vinegra, PE, PLS, of Harbor Consultants, Inc., revised 8/29/24
- Architectural Plan, consisting of one (1) sheet prepared by Mark Evan Teichman, Architect, dated 4/12/24

4. In support of the application, the Applicant has submitted the following documents, which are part of the hearing record:

- Land Development Application, dated 7/25/24, signed by the Applicant
- Site Inspection Form, dated and signed 7/25/24
- Copy of Change of Use or Occupancy Application, denial dated 5/29/24
- Certificate of Paid Taxes, dated 7/23/24
- Applicant Rider containing Statement of Principle Points
- Copy Previous Mendham Borough Planning Board Resolution (Application No. 392-1)
- Property Owners List, dated 7/29/24
- Application Checklist with Checklist Waiver Request Rider

5. The Board's planning and engineering professionals and/or consultants have submitted the following reports concerning their reviews of the application, which are part of the hearing record:

Paul Ferriero, PE, CME, dated 9/24/24  
Jessica Caldwell, PP, AICP, dated 10/7/24

6. In the course of the public hearings, no exhibits were marked as part of the hearing record.

7. In the course of the public hearings, the Applicant was represented by Joseph Paparo, Esq., and the Applicant presented the testimony of the following witnesses, which testimony is part of the hearing record:

Kenneth Banasiak, DD, principal owner  
Anthony Gallerano, PE, PP, civil engineer & planner

8. The documentary evidence and the testimony of the Applicant and/or Applicant's witnesses adduced the following facts:

The Applicant is proposing to convert a commercial space, which had previously been used for general office purposes, into a new location for Applicant's orthodontics practice. The property is located within the Limited Business Zone in which professional offices, including dental offices, are permitted. In 1983, when the Mendham Borough Planning Board granted final site plan approval for the office complex in which the Unit 12 is located, a condition of said approval was that only 8,640 square feet of medical offices would be allowed, and the medical office units were to be located exclusively along Cold Hill Road. Presently, the development has reached nearly the full medical square footage allowance under the original approval, and the unit in question is not located directly along Cold Hill Road, but rather, it is an interior unit. This Application is seeking to amend the prior site plan approval and modify the condition of that approval (Condition 3 in the 1983 Resolution) to allow for the additional medical office use in Unit 12.

The Applicant offered operational testimony concerning its orthodontics practice which is currently located in the Borough and serving Borough residents. Professional engineering/planning testimony was provided in support of this request to modify the condition regarding medical space in the premises, and this testimony specifically addressed the existing parking supply and its current rate of usage, along with the minimal change anticipated if the proposed orthodontist business is permitted to operate in Unit 12. As discussed by the project engineer/planner, an analysis and inventory of the parking lot has revealed that there is more than adequate available parking during the anticipated hours of operation of the orthodontics practice. The condominium association was presented with this request to allow for the additional medical office, and the request has received the full support of the association, which further supports the adequacy of the existing parking supply to meet the needs of all businesses in the office complex. The report of the Board's professional planner also supports the finding that the available off-street parking in the complex is sufficient to accommodate Applicant's orthodontic practice, and that the number of available spaces complies with the requirements of Ordinance §195-45A.

9. Based on the hearing record, the Board has made the following findings and conclusions relative to the request sought by the Applicant:

Based on the hearing record, the Board finds that the restriction on maximum medical office area required by the 1983 Approval was based a concern for the sufficiency of on-site parking. The Applicant's testimony has demonstrated, and the report of the Board Planner has confirmed, that the site can accommodate Applicant's request to increase the total medical office space to 10,814 sf. to account for its dental practice, and that no variance relief is required in connection with that request. As for the condition in the 1983 Approval restricting medical offices to the units fronting on Cold Hill Road, the Board can discern no reason for that restriction, and no such reasoning is set forth in the 1983 Resolution. The Applicant will be required, in conjunction with the Condominium Association, to file the requisite amendment to the Master Deed, consistent with this approval.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board does hereby approve the amendment to the 1983 Approval requested by the Applicant, as described hereinabove.

This approval is subject to the following conditions, which shall, unless otherwise stated, be satisfied prior to the issuance of a zoning permit for the Applicant's orthodontic practice.

1. Applicant, in conjunction with the Condominium Association, shall cause an amendment to the Condominium Master Deed, consistent with this Approval, to be ratified by the Association and filed prior to the issuance of a final Certificate of Occupancy.

2. The proposed floor areas for both the first floor and basement shall be added to the architectural plan.

3. The Certification of Approval block on the Site Layout Plan shall be corrected to read "Land Use Board."

4. The spelling of the Applicant's name shall be corrected to be "Nettune" in both the title block and the application.

5. The spelling of County name in the title block shall be corrected.

6. All application, escrow and inspection fees shall be paid in full and current at the time of issuance of zoning permits and construction permits. Engineering inspection fees will be paid

out of the Applicant's escrow account, and the Applicant will replenish said account to the extent required to pay for said inspection fees.

7. This approval is subject to all other approvals required by any governmental agency having jurisdiction over the subject property.

8. This approval is subject to the payment in full of all taxes and assessments due and owing to the Borough of Mendham and/or any agency thereof.

The undersigned does hereby certify that the foregoing is a true copy of the Resolution adopted by the Borough of Mendham Joint Land Use Board memorializing the action taken by the Board at its meeting of 10/15/24.

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Lisa Smith  
Board Secretary

## HEARING

**23-22 V-Fee Mendham Apartments  
84-86-88 East Main Street  
Blk 801 Lot 20**

Mr. D'Urso recused himself. Mr. Smith took over the meeting.

**Refer to attached transcript**

**This application is being carried to the Joint Land Use Board Special Meeting scheduled for December 3, 2024, without further notice needed.**

## ADJOURNMENT

There being no additional business to come before the Board, Motion was made by Mr. Smith, and seconded by Mr. Sprandel. On a voice vote, all were in favor. Mr. D'Urso adjourned the meeting at 10:20PM.

Respectfully submitted,

*Lisa J. Smith*

Lisa Smith  
Land Use Coordinator

**In The Matter Of:**  
*In Re; 23-22 V-Fee Mendham*

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*Transcript of Proceedings*  
*November 12, 2024*

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<p style="text-align: right;">Page 1</p> <p>1                               BOROUGH OF MENDHAM 2                               JOINT LAND USE BOARD 3                               Tuesday, November 12, 2024 4                               Commencing at 7:15 p.m.</p> <p>5                               ----- 6                               IN THE MATTER OF: 7                               23-22 V-FEE MENDHAM 8                               APARTMENTS                               Transcript of 9                               84-86-88 EAST MAIN                               Proceedings 10                               STREET 11                               BLOCK 801 LOT 20 12                               -----</p> <p>13                               B E F O R E: 14                               BOROUGH OF MENDHAM JOINT LAND USE BOARD 15                               THERE BEING PRESENT:</p> <p>16                               JOSEPH D'URSO, Chairman 17                               RICHARD SMITH, Vice Chairman 18                               NEIL SULLIVAN, Councilman 19                               JOYCE E. BUSHMAN, BOROUGH ADMINISTRATOR 20                               JAMES MOLNAR, MEMBER 21                               DAVE SPRANDEL, MEMBER 22                               JOHN EGERTER, MEMBER 23                               RICHARD PACE, ALTERNATE 4 MEMBER</p> <p>24   By: DIANE M. HOLMES, CCR</p>	<p style="text-align: right;">Page 2</p> <p>1   A P P E A R A N C E S: 2 3   THOMAS GERMINARIO, ESQ. 4   Counsel to the Joint Land Use Board</p> <p>5   INGLESINO TAYLOR 6   Attorneys for Applicant 7   600 Parsippany Road 8   Parsippany, New Jersey 07054 9   973.947.7111 10   BY: DEREK W. ORTH, ESQ.</p> <p>11   ALSO PRESENT: 12   JESSICA CALDWELL, Borough Planner 13   PAUL FERRIERO, Engineer 14   LISA SMITH, Board Secretary</p>
<p style="text-align: right;">Page 3</p> <p>1 2                               I N D E X 3   EXAMINATION                               PAGE 4   MATTHEW SECKLER 5   EXAMINATION BY MR. ORTH                               11 6 7   BRUCE STIEVE 8   EXAMINATION BY MR. ORTH                               29 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1   <b>CHAIRMAN D'URSO:</b> Next order of 2   business, we're going to a hearing. At this point, 3   I'm going to recuse myself for that hearing and Vice 4   Chair Smith will take over. 5   <b>VICE CHAIRMAN SMITH:</b> Let's see. 6   During the hearing portion of this meeting, the 7   public will have the opportunity to ask questions at 8   the end of each witness's testimony. 9   When called upon, step forward to the 10   microphone, please state and spell your name, 11   address for clarity for the record. If you're a 12   registered and covered person through the Office of 13   the Information of Privacy, you do not provide your 14   address. 15   Questions are limited to three minutes 16   per individual and one question per person per 17   witness. After the application -- after the 18   applicant, rather, has completed their presentation, 19   the public will have opportunity to comment on or 20   present evidence subject to the same rules. 21   I'd like to -- 22   <b>BOARD ATTORNEY:</b> Mr. Chairman, I think 23   we want to advise the public we're going to handle 24   this a little differently tonight. What we're going 25   to do is we're going to reserve the public comment</p>

<p style="text-align: right;">Page 5</p> <p>1 for -- for public cross-examination for the last 45 2 minutes of the hearing. 3 So there won't be opening for questions 4 after each witness. It will be opening for 5 questions during that final period. We may be able 6 to extend it slightly. We'll see what happens with 7 the testimony. We'll grant at least 45 minutes. 8 The three-minute rule will still apply. 9 I had correspondence, email that 10 questioned what the basis of that was, and there is 11 a provision in the Municipal Land Use Law Section 12 10(d) that gives the board and the chairman the 13 discretion to limit time-wise at the period for 14 cross-examination per person. 15 Now, we're not ruling anyone out. What 16 we're trying to do with that is make sure that 17 everyone who wants to ask a question has an 18 opportunity to do that. If everyone who wishes to 19 ask a question gets through with it, then people who 20 want to come back up and ask another question can do 21 it, but in the interest of giving everyone a fair 22 chance to ask the questions that they want, we're 23 going to limit the initial question period for each 24 person to three minutes, and you, sir -- 25 <b>MR. TURRINI:</b> My name is Elliot</p>	<p style="text-align: right;">Page 6</p> <p>1 Turrini. I have been a resident of Mendham Borough 2 since 1997. 3 I am stating my objection on the record 4 to the question limitations that you have just 5 announced. I think it is blatantly unfair, and it 6 risks a major lawsuit in terms of the unfairness 7 under the MLUL to limit these good people to one 8 question each in three minutes. 9 This is a very serious set of issues 10 with safety and environmental concerns, and it is 11 completely unfair, and I want my objection on the 12 record that this is -- in fact, I think it is a 13 mischaracterization of justice to limit these good 14 people to that type of restricted questions. 15 <b>BOARD ATTORNEY:</b> Sir -- 16 <b>MR. TURRINI:</b> There are over a hundred 17 excellent people here who all have -- and they've 18 organized their questions. 19 <b>BOARD ATTORNEY:</b> I'm listening to you. 20 Can you give me a chance to ask you a question? 21 What are you proposing? 22 <b>MR. TURRINI:</b> I propose that you allow 23 these good people to ask their questions not in 24 terms of after all of the witnesses are done, but 25 when -- after each witness which is the normal thing</p>
<p style="text-align: right;">Page 7</p> <p>1 to do in any kind of quasi-legal proceeding, and in 2 context, yes, I'm a former federal prosecutor. I've 3 been a trial attorney. I've been a litigator, and 4 all I want to do is see that there's a fair approach 5 so that all of their questions which I have -- 6 people have asked me about their questions. I've 7 seen it. 8 I've gone through transcripts. They're 9 very well prepared, and they're thoughtful people 10 and they're going to ask good questions, and this is 11 only in the borough's best interest to get all of 12 the good questions out. They have made an effort to 13 make sure that they're not going to be repeating 14 questions from each other. It will only serve 15 everyone's best interests to make sure that good 16 questions are asked thoroughly. 17 <b>BOARD ATTORNEY:</b> All right. But you're 18 against any time limit on those questions? 19 <b>MR. TURRINI:</b> The board does have the 20 right to have some reasonable time limits, but 21 reasonable is in this context. 22 This is a major application with 23 significant implications for the town -- I mean the 24 borough, and I think it's appropriate for the board 25 to -- as the questions are asked, to see what issues</p>	<p style="text-align: right;">Page 8</p> <p>1 are being raised, to see how the applicant's expert 2 is answering the questions. 3 You can't just limit it to one question 4 in three minutes per person because we don't know 5 how serious some of these issues are and we don't 6 know how the expert is going to respond. 7 I would trust that the good people on 8 the board will use their discretion to see and 9 understand and not cut off the good people in this 10 audience from being able to ask valid, important 11 questions, and any time that I see that the board is 12 not being fair, I will get up and I will lodge on 13 the record objections. I'm sorry, but I would hope 14 that you guys are -- 15 <b>BOARD ATTORNEY:</b> You would be out of 16 order if you did that, and we won't allow that, but 17 let me say this. If I allow -- please, if I allowed 18 five minutes instead of three minutes and we -- and 19 everyone here -- even half the people here wanted 20 to -- 21 <b>MR. TURRINI:</b> What's wrong with that, 22 sir? 23 <b>BOARD ATTORNEY:</b> Can you let me finish? 24 Even if half of the people wanted to ask questions, 25 we'd be here eight hours.</p>

<p style="text-align: right;">Page 9</p> <p>1 <b>MR. TURRINI:</b> What's wrong with that if  2 the situation requires a thorough analysis and  3 vetting?  4 <b>BOARD ATTORNEY:</b> And who makes that  5 determination, you?  6 <b>MR. TURRINI:</b> You know what. This is a  7 determination that, if you don't want to be fair to  8 these folks, it will be made in the Superior Court.  9 <b>BOARD ATTORNEY:</b> All right. So be it.  10 I've heard you. Thank you. Okay. I've heard you.  11 You wanted to be heard. You were heard.  12 <b>MR. TURRINI:</b> And I am already  13 disappointed with your attitude.  14 <b>BOARD ATTORNEY:</b> And I am disappointed  15 by yours.  16 <b>MR. TURRINI:</b> My attitude is for  17 fairness.  18 <b>BOARD ATTORNEY:</b> It's mutual, sir.  19 Have a seat.  20 <b>MR. TURRINI:</b> No. No. You're not  21 cutting me off.  22 My purpose here is for fairness. I  23 will be fair to the board. I want these people to  24 have -- to be treated fairly and get to the facts,  25 get to a good evaluation of all of the issues and it</p>	<p style="text-align: right;">Page 10</p> <p>1 should not be limited by three minutes or five  2 minutes based on an arbitrary decision.  3 <b>VICE CHAIRMAN SMITH:</b> Mr. Orth.  4 <b>MR. ORTH:</b> Thank you.  5 <b>VICE CHAIRMAN SMITH:</b> And I believe you  6 need to finish up with the traffic.  7 <b>MR. ORTH:</b> I do.  8 Before I get started, Derek Orth,  9 Inglesino Taylor here on behalf of the applicant  10 V-Fee Mendham Apartments.  11 I just want to announce, because I know  12 my wife announced these proceedings, two years ago  13 today, my wife and I got married. This is our  14 anniversary day today. I'm here tonight with all of  15 you. So happy anniversary to my wife tonight.  16 So with that said, I'd like to continue  17 with my next witness.  18 Actually, it's a continuation of my  19 traffic consultant Matt Seckler from Stonefield  20 Engineering. Mr. Seckler testified at the last  21 hearing. We're here to pick up on where he left  22 off.  23 Matt, are you able to get the computer  24 working?  25 <b>BOARD SECRETARY:</b> You might have to</p>
<p style="text-align: right;">Page 11</p> <p>1 turn that on. You can take it off of there.  2 <b>MR. ORTH:</b> Give us just a second here.  3 <b>MR. SECKLER:</b> Just waiting for the  4 screen to turn on.  5 <b>VICE CHAIRMAN SMITH:</b> If any members of  6 the board want to move to the opposite side to see  7 the screen more clearly, maybe that would be  8 beneficial for you. We seem to have a few empty  9 seats over here, and, Mr. Orth, if that could be  10 turned towards the audience just a little bit.  11 <b>MR. ORTH:</b> Yes. We'd be happy to do  12 that.  13 M A T T H E W S E C K L E R, having been  14 previously sworn, testifies as follows:  15 <b>EXAMINATION BY MR. ORTH:</b>  16 Q. Okay. Folks, just again, this is Matt  17 Seckler from Stonefield Engineering.  18 Matt, you've previously been sworn in  19 as an expert in the field of traffic engineering.  20 You're under oath.  21 A. Yes.  22 Q. Okay. So, Matt, you previously  23 testified. You closed at the last hearing which  24 took place at some point in September. There was a  25 couple of questions that remained outstanding as</p>	<p style="text-align: right;">Page 12</p> <p>1 part of your testimony.  2 Would you like to start to go through  3 them please?  4 A. Certainly, and I would like to mark  5 this exhibit, and it is titled vehicle maneuvering  6 exhibit various vehicles. It is dated November 11,  7 2024, prepared by Stonefield Engineering, and I'll  8 briefly go through --  9 <b>MR. ORTH:</b> Before you get started, Mr.  10 Germinario, do you recall what exhibit we were at or  11 Lisa?  12 <b>BOARD SECRETARY:</b> Stand by. I had it  13 written down. I think it's 5.  14 <b>BOARD ATTORNEY:</b> A-5, that seems low.  15 <b>BOARD SECRETARY:</b> A-5 I believe.  16 <b>MR. ORTH:</b> We can put a placeholder for  17 now. We can circle back on the exact number later  18 on when we get through the testimony.  19 A. This is a two-sheet exhibit, A-5. The  20 first sheet is showing a delivery truck, the largest  21 delivery truck to the Kings.  22 The second sheet is a delivery truck  23 delivering to the CVS which is the other large wheel  24 base vehicle that would frequent the site.  25 I just want to highlight some of the</p>

1 changes and some of the items that we're looking to  
2 resolve from the previous hearing. I'll zoom in to  
3 the area behind or to the rear of the CVS.

4 At the last hearing we discussed how we  
5 are adding a dumpster in the area to the rear of the  
6 CVS for all of the retail users on the -- to the  
7 eastern retail building to utilize. When we  
8 previously testified, we showed the delivery truck  
9 for the CVS and it potentially impacted a couple  
10 parking spaces. They're located to the north of the  
11 dumpster.

12 We've now striped those out. I'll  
13 actually go to the second sheet so you can see.  
14 When the CVS truck delivers, it could possibly block  
15 two of the vehicles in the parking spaces. So we  
16 have hatched out that area. That is one of the  
17 changes that we made to the plan since the previous  
18 hearing that I provided testimony at.

19 Again, this delivery truck comes  
20 between two and five times a week to the CVS, again,  
21 depending on how frequent they need their  
22 deliveries. So, again, less than one time a day  
23 this delivery truck will come to the site, and,  
24 again, we've now hatched out. So we now have two  
25 less spaces on the site than we previously testified

1 feet and 7.44 feet would be able to fit within that  
2 dimension. So, again, we've populated the parking  
3 lot to show that, you know, utilizing various size  
4 vehicles, they could all fit within the various  
5 parking spaces at 9 by 18.

6 We've also showed that two vehicles  
7 clearly could drive by one another in the center  
8 aisles along these 24-foot aisles without, again,  
9 having any impact to the parked vehicles. We've  
10 shown some turning templates, how vehicles could  
11 turn in and out of the drive aisles and entering the  
12 site how they'd also be able to enter these drive  
13 aisles as they drive into the site.

14 Q. So, Matt, in your opinion, all the  
15 vehicles that you just noted comfortably  
16 circumnavigate the site?

17 A. Correct. Yes. So, again, I think that  
18 was some questions about the 9-by-18 stalls and  
19 their functionality. So, again, we sought to  
20 provide this exhibit to kind of highlight that those  
21 vehicles could fit within the parking stalls.

22 There's also some discussion about the  
23 truck templates going to the Kings as well as the  
24 area in the rear of the easterly building. We had  
25 discussed that one of the goals of this was to

1 to.

2 We still have eight, excess of eight  
3 over what the ordinance requires. So we are still  
4 parking compliant. We just have two less spaces  
5 than we previously testified to.

6 Also, on the plan there was discussions  
7 of the parking space dimension and parking aisle  
8 dimensions. We were asked or at least I believe we  
9 were asked I believe by members of the board to kind  
10 of populate some of these parking spaces so, you  
11 know, the board could see what the site would look  
12 like with parking spaces occupied in terms of the  
13 vehicle dimensions.

14 We've populated the main parking field  
15 with various vehicles of various sizes. The larger  
16 vehicles in this lot measure up to Toyota Land  
17 Cruiser dimension, Ford Explorer, Volvo XC40, the  
18 Lexus I think it's the NX, all those vehicles, the  
19 largest of those I think is the Land Cruiser, the  
20 Cruiser or the Ford Explorer is a dimension of 16  
21 and a half feet long and 7.44 feet wide mirror to  
22 mirror.

23 The parking spaces we're proposing on  
24 the plan are 18-feet long and 9 feet in width. So,  
25 clearly, you know, even a vehicle at 16 and a half

1 remove the dumpsters that are behind basically every  
2 single tenant on the easterly side.

3 Again, I drove -- I was at the site  
4 today. I think there was a dumpster behind the  
5 restaurant area that -- I don't know if it was their  
6 dumpster, but it was in that general area that  
7 infringed, you know, probably blocked about half of  
8 the travel way if you're utilizing that easterly  
9 drive aisle. Again, our approach here is to remove  
10 those dumpsters, have one central dumpster in the  
11 rear.

12 In the area behind the buildings, what  
13 we are proposing, and we've kind of illustrated it  
14 in this dash mark, is a wooden guide rail that would  
15 be placed in certain areas behind the building to  
16 kind of provide a corral so that these tenants can  
17 have garbage bins, you know, cans of that measure so  
18 they could still store garbage outside during the  
19 day, and then when they're done ready to bring the  
20 garbage to the rear of the site, they'll be able to  
21 wheel it to the back of the site, and I'll discuss  
22 how we've accommodated that as well.

23 The idea of having these guide rail  
24 pieces is so that there could be defined area that  
25 is utilized by the tenant so it doesn't -- it's

1 clear that it's not allowed to be basically -- isn't  
2 allowed to infringe on the travel path for cars or  
3 pedestrians, but, also, that is a guide rail so that  
4 you can see beyond it so it doesn't become a dumping  
5 ground so you basically don't have a fence that can  
6 accumulate garbage. I don't want to say garbage  
7 because we are looking to accumulate garbage but in  
8 bins behind that fence.

9 We also are indicating in the areas  
10 around the building bump-outs, and if you remember,  
11 we testified that there are a couple of building  
12 bump-outs that exist about 4-foot deep in a couple  
13 locations that would require anyone walking along  
14 the back of the building with garbage or any other  
15 type of refuse that needs to reach the back of the  
16 site that they would have to enter a portion of the  
17 travel way.

18 We have indicated that we would install  
19 flexible delineators around these points so that  
20 vehicles would not drive basically up against these  
21 bump-outs, and there will always be a 3 to 4-foot  
22 space for any pedestrian that is pushing a refuse  
23 container to the rear of the site. So we have  
24 indicated that we will be having a wooden guide rail  
25 delineating the -- I would say the primary walkway

1 analysis and the way the drive aisles are going to  
2 work, but, again, I think that coming out of the  
3 last hearing, the points of clarification were the  
4 reduction of the two spaces near the dumpster, how  
5 we would accommodate or manage the area behind the  
6 easterly retail building and do the parking spaces  
7 that would be 9-by-18 work from a functionality  
8 standpoint for your standard vehicles that customers  
9 would utilize going in and out of the Kings or the  
10 retail centers.

11 So those were the points that we looked  
12 to clarify as part of tonight's testimony.  
13 Obviously, I know there's time at the end of the  
14 night for cross-examination for all my testimony,  
15 but I think these were the points that we requested  
16 further clarification on.

17 Q. Okay. Thanks, Matt. I appreciate  
18 that.

19 **MR. ORTH:** And as Mr. Germinario has  
20 noted, Matt will be here for questions at the end of  
21 the evening. I'd like to proceed on to my next  
22 witness, Mr. Chairman, if you don't have any  
23 questions for my witness.

24 **VICE CHAIRMAN SMITH:** I do have a  
25 couple questions. At the last meeting, I posed the

1 from the travel way, but then these delineators  
2 around the bump-out so that there is safe space for  
3 anyone walking along the site from the front of the  
4 site to the rear of the site in the side alley.

5 We've showed this section. This is the  
6 general section that will be behind the building.  
7 You'll have the 4-foot area that exists between the  
8 building and the guide rail, the 23.5-foot wide  
9 drive aisle that we discussed earlier along with the  
10 existing curb line, and the 5-foot area between the  
11 curb line and the right-of-way.

12 In the areas of the bump-outs,  
13 essentially, what you'll have is a delineator 3 feet  
14 into the drive aisle limiting the drive aisle to  
15 about 20 feet in length, and what we've showed is  
16 that at 20 feet in length the truck path for both  
17 the CVS delivery and the -- and the Kings delivery  
18 would not infringe upon that pedestrian path. So  
19 we've shown here these delineators are clear of any  
20 vehicle -- that pedestrian that's walking between  
21 the delineators and the building be free and clear  
22 of any of delivery vehicle that would be delivering  
23 to the back of the site.

24 So, again, this was a very technical  
25 change. Again, I gave a lot of testimony about

1 question as to why not widen that additional 5 feet?

2 The additional 5 feet from the curb to  
3 the property line would allot you more of a wider  
4 path there. You could properly have a walkway for  
5 the tenants to travel back to their dumpster without  
6 any close encounters with any potential traffic.

7 Now, what was the reason for not  
8 widening that road?

9 **THE WITNESS:** So the reason why, and  
10 I'll give a reason, and, again, we can still widen,  
11 but I want to explain why there's a very limited  
12 benefit to it.

13 In the front portion of the site, so  
14 the area closest to the front of the site, there is  
15 a large grade difference between our drive aisle and  
16 our property and the property to the east of us, and  
17 I think what I'm zooming in here is the stairway.  
18 There's a stairway that is kind of separating the  
19 two. Sorry. That was way too much zoom in.

20 **VICE CHAIRMAN SMITH:** I'm familiar with  
21 the grade area.

22 **THE WITNESS:** If we were to widen that  
23 area, we would have to install a wall and wouldn't  
24 be able to have a pedestrian connection basically  
25 between that site and our site. Again, there may or

<p style="text-align: right;">Page 21</p> <p>1 may not be needed to have a pedestrian connection.  2 <b>VICE CHAIRMAN SMITH:</b> I think the  3 pedestrian safety is more important than a stairway  4 connecting the properties.  5 <b>THE WITNESS:</b> Right, and there is also  6 utilities in that area. The area where it would be  7 let's say the easiest to widen would be where it's  8 flatter between the two which I guess would be the  9 back half of the building would be the area where,  10 again, we would have no problem widening in that  11 location if that's what the board wishes.  12 It's the front half where the grade is  13 different, and, basically, you have to build a wall  14 and eliminate the pedestrian connection between the  15 two.  16 <b>VICE CHAIRMAN SMITH:</b> I'm primarily  17 concerned about those 4-foot bump-outs that you  18 speak of, and you're going to put the wood-type  19 guardrail there. That's going to be for the tenants  20 to put things there.  21 Now, that's not going to be adequate  22 space for somebody to walk with a tote or dumpster  23 through there if other tenants have items in that  24 area. So you're going to need, in my opinion, a  25 wider area for them to safely walk to the back of</p>	<p style="text-align: right;">Page 22</p> <p>1 the dumpster.  2 <b>THE WITNESS:</b> So if that is the  3 request, we can widen in the areas of those  4 bump-outs if that's your concern. Those are areas  5 where I believe we could widen and not impact,  6 again, that pedestrian connection stairway in the  7 front.  8 So if that is the request, we can widen  9 basically in front and back of this bump-out which  10 is the rear bump-out and the front bump-out without  11 impacting that stairway.  12 <b>VICE CHAIRMAN SMITH:</b> Yeah. I think  13 widening it would be a better choice.  14 <b>THE WITNESS:</b> Okay. We have no issue  15 performing that.  16 <b>VICE CHAIRMAN SMITH:</b> Thank you.  17 Anyone else on the board have any questions?  18 <b>MR. PACE:</b> Just so we're clear, you're  19 talking about widening the whole thing, not just the  20 back half, correct?  21 <b>THE WITNESS:</b> We would widen in the  22 areas of the bump-outs because that's where the  23 pedestrian area is restricted the most.  24 <b>MR. PACE:</b> Why not just do the whole  25 thing and make it safe for everybody?</p>
<p style="text-align: right;">Page 23</p> <p>1 <b>MR. ORTH:</b> The architect is going to  2 have a better image of that, but if you're looking  3 up that portion of the drive aisle, there's probably  4 a 3 or 4 grade difference for the property to the  5 right until you get further on back to the site.  6 So for the front portion, there's quite  7 a grade difference there which Matt was alluding to.  8 Q. Is that correct, Matt?  9 A. Yes, and that's why there's a stair  10 connection between the two properties. I don't know  11 the legal rights to the stairs. I don't know if  12 there is a shared access, cross access, pedestrian  13 access that needs to be maintained. Obviously, we  14 can't put a wall there and cut that off.  15 <b>VICE CHAIRMAN SMITH:</b> Well, that  16 stairway, if your property line goes 5 feet beyond  17 that curb, that stairway probably belongs to the  18 Kings property. So I don't see a concern as to  19 eliminating that if need be just for a better plan.  20 <b>MR. ORTH:</b> That's a great point, Mr.  21 Chairman. So what we'll do, I don't believe we have  22 the rights to eliminate the grade cut there at the  23 front of the property where it adjoins the  24 neighboring property, but what we can do is see if  25 we have the ability to kind of grade it out a little</p>	<p style="text-align: right;">Page 24</p> <p>1 bit.  2 <b>VICE CHAIRMAN SMITH:</b> Taper it in you  3 mean?  4 <b>MR. ORTH:</b> Taper it in, correct. I'm  5 not sure that we can do that.  6 Certainly, for the back half of that  7 aisle, as Mr. Seckler testified, we're able to do  8 that. We had some trepidation as far as the front  9 portion just given what the site looks like.  10 <b>THE WITNESS:</b> And the other challenge  11 is the utility line. There is a utility line that  12 runs along that area.  13 <b>VICE CHAIRMAN SMITH:</b> Yeah. I observed  14 the utility poles there, the head wires.  15 <b>THE WITNESS:</b> So if we do widen and  16 remove the poles, obviously, whoever's getting  17 service from those poles would need to have that be  18 replaced, and right now it's on our property. We  19 would either -- they would have to go someplace else  20 because it would be in the middle of the drive  21 aisle.  22 Again, what we could do is widen areas  23 around it so it would almost be -- I'm going to put  24 this akin to a -- it's a neighborhood street when  25 all the leaves are on the street type of thing. You</p>

<p style="text-align: right;">Page 25</p> <p>1 may have a time where two cars are coming head to 2 head, you'll have an area where you could kind of 3 pull off and then the other vehicle come through. 4 That's an option that we can have as well. 5 <b>VICE CHAIRMAN SMITH:</b> I think that's a 6 convoluted way to try to do it. I don't think 7 that's a fair choice. 8 <b>THE WITNESS:</b> All right. Then we would 9 have to investigate how the utilities would get to 10 the rear of the site without the poles being in the 11 roadway. 12 <b>VICE CHAIRMAN SMITH:</b> Okay. 13 <b>BOARD ATTORNEY:</b> Derek, instead of us 14 trying to work out the details during the public 15 hearing, can you have your engineer maybe for a 16 subsequent hearing prepare an exhibit with some sort 17 of design change that we could consider? 18 <b>MR. ORTH:</b> Yes, we can. No problem at 19 all. 20 <b>MR. MOLNAR:</b> I just have one further 21 question for Matt. Is that drive aisle allotted for 22 two-way traffic? 23 <b>MR. SECKLER:</b> Yes. 24 <b>MR. MOLNAR:</b> So why couldn't that be 25 the main entrance into the back residential area</p>	<p style="text-align: right;">Page 26</p> <p>1 instead of the main drag right through the center of 2 the parking lot? 3 <b>THE WITNESS:</b> Because the fact that 4 it's utilized as the back alley for this retail 5 building. Basically, because the activity of the 6 delivery, the garbage, things like that isn't -- it 7 isn't inviting to have that be the access point for 8 the residential building. 9 <b>VICE CHAIRMAN SMITH:</b> But that drive 10 aisle does have access to the back building. So if 11 a resident back there chooses to either aisle -- 12 either entry or exit to use, they have the option to 13 use either one. Is that correct? 14 <b>THE WITNESS:</b> Unless there is a request 15 to sign it deliveries only or something of that 16 nature, but, obviously, it is available. 17 I know at last hearing I think the 18 mayor reminded me that, even though that aisle has 19 existed, most people had utilized -- the racquet 20 club in the rear didn't use that way. So, again, I 21 would assume that, similarly, the residents may not 22 use that way also. 23 <b>VICE CHAIRMAN SMITH:</b> That is true, but 24 at the same time, you're removing all the dumpsters 25 and it's two-way traffic the way it is now, but you</p>
<p style="text-align: right;">Page 27</p> <p>1 pretty much have to pull over to let an opposing car 2 come through because of the dumpsters and everything 3 that's there. 4 <b>THE WITNESS:</b> Correct. 5 <b>VICE CHAIRMAN SMITH:</b> If you make this 6 a true two-lane roadway or drive aisle, it may be 7 more appealing for people to use. 8 <b>THE WITNESS:</b> Understood. 9 <b>MR. ORTH:</b> It's certainly being 10 improved, Mr. Chairman, there's no doubt about that, 11 with the 23-and-a-half-foot drive aisle there, and 12 we can revisit that at a later date if the board 13 seems to be appropriate to have access going in 14 through that site for the residential portion. 15 We do have our architect testifying 16 later on this evening who will describe ingress and 17 egress to the residential building and how it all 18 functions. So we're happy to revisit that after he 19 testifies. 20 <b>VICE CHAIRMAN SMITH:</b> Anyone else on 21 the board, professionals? 22 Okay, Mr. Orth. 23 (Whereupon, the witness was excused.) 24 <b>MR. ORTH:</b> Thank you, Mr. Chairman. 25 My next witness is Mr. Bruce Stieve</p>	<p style="text-align: right;">Page 28</p> <p>1 from Marchetto Higgins Stieve. He's our project 2 architect. 3 I'm sorry. We're going to switch out 4 exhibits here, computers, so on and so forth. Give 5 us a couple minutes to accomplish that. Thank you. 6 <b>AUDIENCE MEMBER:</b> Can we utilize that 7 time for public questions of this witness rather 8 than waiting to the end of the meeting? 9 <b>VICE CHAIRMAN SMITH:</b> They'll be 10 available at the end of the meeting, and then what 11 I'm going to do is say 9, 9:15 I will open it up to 12 the public, and then the rest of the evening will be 13 available for public questions. 14 <b>AUDIENCE MEMBER:</b> The public's waited 15 60 days to question this witness. It doesn't seem 16 reasonable. Rather than -- rather than -- 17 <b>VICE CHAIRMAN SMITH:</b> I explained what 18 the process is going to be. Thank you. 19 <b>BOARD SECRETARY:</b> Derek, does he have 20 an exhibit? 21 <b>MR. ORTH:</b> He does. 22 <b>BOARD SECRETARY:</b> And it was A-5. So 23 if you want, that one was A-5. 24 <b>MR. ORTH:</b> We can go off the record. 25 (Whereupon, a discussion was held off</p>

<p style="text-align: right;">Page 29</p> <p>1 the record.)  2 <b>VICE CHAIRMAN SMITH:</b> All right. Mr.  3 Orth, continue.  4 <b>MR. ORTH:</b> Okay. All right. Thank  5 you, Mr. Chairman. Thank you members of the board,  6 members of the public.  7 My next witness is Mr. Bruce Stieve. I  8 guess, Mr. Germinario, I would ask you to swear him  9 in before he begins his testimony.  10 <b>BOARD ATTORNEY:</b> Mr. Stieve, do you  11 swear that your testimony this evening will be the  12 truth, the whole truth and nothing but the truth?  13 <b>MR. STIEVE:</b> I do.  14 <b>B R U C E S T I E V E</b>, having been first duly  15 Sworn, testifies as follows:  16 <b>EXAMINATION BY MR. ORTH:</b>  17 Q. Bruce, before you begin, why don't you  18 provide the board with a brief edification of your  19 professional qualifications confirming that your  20 licenses are in good standing and in effect in the  21 State of New Jersey? Thank you.  22 A. Yes. Good evening. My name is Bruce  23 Stieve. I'm a principal in the firm of MHS  24 Architecture, Marchetto Higgins &amp; Stieve.  25 I am -- I have a master's in</p>	<p style="text-align: right;">Page 30</p> <p>1 architecture from the Savannah College of Arts &amp;  2 Design, School of Building Arts. I've been licensed  3 in the State of New Jersey since 1996, and my  4 license is currently in good standing with the  5 state.  6 Q. Thank you.  7 <b>MR. ORTH:</b> With that, Mr. Chairman, I  8 proffer Mr. Stieve as an expert in the field of  9 architecture.  10 <b>VICE CHAIRMAN SMITH:</b> Very good. Thank  11 you.  12 <b>MR. ORTH:</b> Thank you, Mr. Chairman.  13 Q. Bruce, you prepared the plans in  14 connection with this application. Did you not?  15 A. I did.  16 Q. Okay. Why don't you just start taking  17 them -- taking the board through them please? Thank  18 you.  19 A. Sure, and I just also wanted to mention  20 that I've testified before many boards in the State  21 of New Jersey. A few of them being Bayonne, Jersey  22 City, Hoboken, Union City, West New York, North  23 Bergen, East Rutherford, Rutherford, Harrison,  24 Newark, Nutley, South Orange, Montclair.  25 Q. Not only does the board but also the</p>
<p style="text-align: right;">Page 31</p> <p>1 public agrees that you're an expert in the field of  2 architecture. Thank you.  3 A. I just wanted it to be on the record.  4 Q. No. I appreciate that. Go ahead,  5 Bruce.  6 A. So thank you for having us this  7 evening.  8 To begin this presentation, I just  9 wanted to give you all a -- share with you a couple  10 projects that we have done that are similar to  11 this -- the project that we're proposing here  12 tonight.  13 <b>VICE CHAIRMAN SMITH:</b> Excuse me. Let  14 this witness speak.  15 A. Again, the reason for doing this is  16 just to give the board and the public an  17 understanding of the scale of the detail and the  18 quality of materials that we use on projects and  19 that we'll be applying to the project that we'll be  20 presenting tonight.  21 This first project is Madison Kings  22 Road redevelopment. It's in Madison, New Jersey.  23 The design of this project responds to the rich  24 architecture of Madison's downtown and creates a new  25 street that opens the project to the public and</p>	<p style="text-align: right;">Page 32</p> <p>1 provides on-street parking and new retail and  2 community spaces.  3 <b>BOARD ATTORNEY:</b> Derek, before we go  4 any further with this slide show here, do we want to  5 identify each slide for the record? What do you  6 want to do?  7 <b>MR. ORTH:</b> I would like to just  8 identify the slide packet if that's okay. That  9 seems to be convenient with the other witnesses that  10 we have done so far. Per Lisa, I think we are at  11 A-6, correct?  12 <b>BOARD SECRETARY:</b> A-6.  13 <b>MR. ORTH:</b> A-6.  14 <b>BOARD ATTORNEY:</b> Okay. That's the  15 entire slide package?  16 <b>MR. ORTH:</b> Yes, sir. Thank you, Tom.  17 A. The next project is a project in  18 Morristown. This is a proposed project. Every  19 project we take on has different roles and levels of  20 importance. This project is directly adjacent to  21 the Morristown Train Station, and it's been designed  22 to reflect the architecture of the Morristown Train  23 Station, and it's been designed to call a grand  24 hotel at the train station.  25 There's a large plaza space between the</p>



<p style="text-align: right;">Page 33</p> <p>1 <b>train station and the building, and, again, you can</b>  2 <b>see the material pallet is reflective of the train</b>  3 <b>station, and, also, this project provides 15 percent</b>  4 <b>of affordable units.</b>  5 <b>MS. BUSHMAN:</b> May I ask a question  6 please?  7 Do you have any projects that were  8 built in smaller communities?  9 <b>THE WITNESS:</b> Yeah. We do have other  10 projects that are designed, but these are the ones I  11 thought would show the level of detail and quality I  12 wanted to represent for the project today. I'm  13 going to be showing you the project here that's  14 designed to fit within the community.  15 <b>MR. ORTH:</b> After this last example,  16 he's about to move into the presentation of the  17 project.  18 <b>MS. BUSHMAN:</b> Those are large urban  19 projects. I think it would be beneficial if it was  20 built in smaller areas.  21 <b>MR. ORTH:</b> Point taken. Thank you, Ms.  22 Bushman.  23 Q. Bruce, why don't you just move on to  24 the actual project that we're presenting? Thank  25 you.</p>	<p style="text-align: right;">Page 34</p> <p>1 <b>A. Sure.</b>  2 <b>So the proposed project 84 to 90 Main</b>  3 <b>Street, East Main Street, it's block number 801, lot</b>  4 <b>number 20. The area where the multi-family</b>  5 <b>residential is in the northern portion of the site.</b>  6 <b>It's approximately 206,190 square feet or 4.73</b>  7 <b>acres, and the total site including the shopping</b>  8 <b>center is 13.27 acres.</b>  9 <b>The site's located in the east business</b>  10 <b>with affordable housing overlay district, and the</b>  11 <b>bulk of the multi-family project would be</b>  12 <b>constructed behind the shopping center on the</b>  13 <b>portion of the site that once housed the Mendham</b>  14 <b>Racquet Club.</b>  15 <b>The project has been designed to comply</b>  16 <b>with the EBAH ordinance. That's the east business</b>  17 <b>and affordable housing overlay ordinance adopted by</b>  18 <b>the borough with a few minor exceptions that were</b>  19 <b>describing in the testimony of the civil engineer</b>  20 <b>and will be addressed further with the testimony of</b>  21 <b>our planner.</b>  22 <b>This is an aerial view of the site</b>  23 <b>looking southeast. From here, you can see the three</b>  24 <b>site access points at East Main Street, the service</b>  25 <b>and delivery area for the Kings Supermarket and the</b></p>
<p style="text-align: right;">Page 35</p> <p>1 <b>Mendham lumberyard, plywood lumbar yard on the east.</b>  2 Q. Bruce, do you have a pointer there?  3 There we go. Why don't you just identify Main  4 Street there in front of the site? There it is.  5 <b>A. It's at the top of the site.</b>  6 Q. And the access points to the property  7 as they exist today.  8 <b>A. There's the exit in the center and then</b>  9 <b>to the west we have an ingress route.</b>  10 <b>When we started looking at this</b>  11 <b>project, we identified a concern that, in order to</b>  12 <b>access the proposed area in the back of the site,</b>  13 <b>one had to travel through the parking field to get</b>  14 <b>to the back of the site where the residents would be</b>  15 <b>living, and we realized that there probably would be</b>  16 <b>conflicts between residents trying to reach the back</b>  17 <b>of the site and having to go through the shopping</b>  18 <b>parking fields where shoppers would be loading</b>  19 <b>vehicles and going back and forth to the retail</b>  20 <b>centers, and we saw an opportunity to help</b>  21 <b>reorganize the existing parking to allow for a</b>  22 <b>safer, better and more graceful entrance and access</b>  23 <b>to the residents at the site -- at the rear of the</b>  24 <b>site.</b>  25 <b>We were discussing earlier the access</b></p>	<p style="text-align: right;">Page 36</p> <p>1 <b>points and the grades on the eastern drive. This is</b>  2 <b>a Google Earth image that shows that accessway</b>  3 <b>leading back along the eastern edge of the property.</b>  4 Q. So, Bruce, just so we orient the board  5 and the public, if we're looking at the site from  6 Main Street, this is the entrance to the right?  7 <b>A. To the right.</b>  8 Q. Right? Okay. There we go.  9 <b>A. This is the sign for the lumber yard,</b>  10 <b>and this is the grade change that were discussed</b>  11 <b>just before in the testimony of the traffic</b>  12 <b>engineer.</b>  13 <b>Here you can see very clearly the</b>  14 <b>dumpster locations along that back area of the</b>  15 <b>retail. So with the revisions that have been</b>  16 <b>discussed by the civil engineer so far, these</b>  17 <b>dumpsters will be located in the back of the site,</b>  18 <b>and this will be cleared up, but this is, obviously,</b>  19 <b>not what we feel is an appropriate way to come to a</b>  20 <b>residential project. So we didn't think this would</b>  21 <b>be an appropriate driveway leading back to the</b>  22 <b>residential.</b>  23 <b>When we looked at the front of the</b>  24 <b>shopping center, again, the driveway was central to</b>  25 <b>the parking field. We looked at a way to perhaps</b></p>

1 relocate this driveway to the west so that it  
 2 aligned with this last parking row and went through  
 3 and back to the rear of the site. We felt that this  
 4 would create a boulevard-style entrance that would  
 5 service both the residential building and the  
 6 shopping center. It would create a main -- a new  
 7 street frontage along the western retail wing of the  
 8 campus, and it would travel alongside the Kings  
 9 Supermarket and finally end at the rear, a  
 10 controlled entry point at the rear for the  
 11 residential portion of the project.

12 This is a concept plan -- a very quick  
 13 concept plan we did early on in the project to study  
 14 how that boulevard or that main entry road would  
 15 lead back to the residential building at the back of  
 16 the campus.

17 This is the site plan from our  
 18 submission package, and this shows the actual  
 19 resolution of these ideas. Some of the other  
 20 benefits of this new configuration are there's  
 21 better pedestrian space in front of the western  
 22 retail frontage. There's a sidewalk now that runs  
 23 along that.

24 There's a small plaza space that begins  
 25 to define the access entry point to the residential

1 shopping center is in the center, and the current  
 2 Mendham Racquet Club is located -- or the defunct  
 3 Mendham Racquet Club is located at the back of the  
 4 site.

5 This is an artist rendering of the  
 6 proposed conditions in a similar view to the drone  
 7 photograph. It was very important to our team that,  
 8 while we were developing this project, while it's  
 9 located at the rear of a shopping center, we didn't  
 10 want it to feel like a community that was in the  
 11 back of a shopping center. We wanted it -- we  
 12 wanted it to feel like it reflected the community  
 13 that it's in and that was beautiful and dignified  
 14 where people would want to live and take advantage  
 15 of the unique ability to walk to shopping, dining  
 16 and service opportunities.

17 This is a ground floor plan from our  
 18 submission set. I'd like to talk a little bit about  
 19 access to the site. Residents will approach the  
 20 site from the new access boulevard. There will be  
 21 way-finding signs that will lead them back to this  
 22 location. The signs will note that access beyond  
 23 this point is for residents only.

24 As residents come along, they'll pass  
 25 under the buffer building in the front of the

1 portion of the project. There's an expanded  
 2 sidewalk network that leads back to the residential  
 3 building that will allow residents who live in this  
 4 property to walk through the parking areas up and  
 5 connect to the retail in front of the project.

6 I apologize. Another -- a feature of  
 7 this proposed residential development is the  
 8 introduction of a accessory premium parking and  
 9 automotive sales service building, and that's this  
 10 building that you see that provides a buffer between  
 11 the residential portion of the building and the  
 12 service areas at the back of the Kings retail area  
 13 and the cell tower equipment.

14 This building is a permitted use, and  
 15 it provides a necessary buffer between the functions  
 16 of the back of house of the retail and the main  
 17 living area of the residential building.

18 This revised concept will also provide  
 19 way-finding signage, and I'll talk about that later  
 20 in my presentation as well as the updating of the  
 21 monument signs leading into the property.

22 This is a drone photograph, an aerial  
 23 photograph taken of the existing site. So, again,  
 24 what you can see here, Main Street, East Main  
 25 Street comes along the bottom of the image, and the

1 project. To the left of the drive aisle will be a  
 2 service area for the outdoor amenities for the  
 3 residential building. There will be a pool area  
 4 with pool equipment and a men's and women's locker  
 5 room.

6 To the right of this porte-cochere  
 7 opening will be the premium parking and auto sales  
 8 service building. There will also be bicycle  
 9 storage areas for residents, and there will be a  
 10 small office and lounge for the auto sales building.

11 There's been some discussion.

12 MR. FERRIERO: Excuse me, Mr. Chairman.  
 13 I'm sorry. If I could, I'm getting a little older  
 14 and I'm having some trouble hearing, and there's a  
 15 constant murmur coming from the audience.

16 The board members have not made their  
 17 mind up on this application. It's very important  
 18 that they hear what's going on. So if you could  
 19 please keep it down, I know I would appreciate it.  
 20 I may be speaking for some members of the board and  
 21 public, but, please, keep your comments to yourself.  
 22 Thank you.

23 A. So there's been some discussion  
 24 previously --

25 AUDIENCE MEMBER: Put the mic closer so

<p style="text-align: right;">Page 41</p> <p>1 Mr. Ferriero can hear please.  2 <b>MR. ORTH:</b> Hold on. Everybody relax.  3 Okay. This is my witness.  4 <b>VICE CHAIRMAN SMITH:</b> Please,  5 everybody, if you want to have your time to ask  6 questions later, this is wasting time. Now, let's  7 just please be respectful for this professional and  8 let him go through with his testimony.  9 <b>BOARD SECRETARY:</b> Derek, just have him  10 speak into the microphone closer please.  11 Q. Bruce, you can pull the microphone off  12 from that.  13 <b>A. It's okay. I'll get closer.</b>  14 <b>There's been some discussion about the</b>  15 <b>premium parking and auto sales service building.</b>  16 <b>This is designed as a boutique car enthusiast space</b>  17 <b>that provides for climate-controlled and secured</b>  18 <b>accessory parking for residents of the development.</b>  19 <b>In addition, the auto sales designation</b>  20 <b>applies to select vehicle sales of specialty,</b>  21 <b>collector, exotic vehicles and antique vehicles.</b>  22 <b>This will be a low-volume operation.</b>  23 <b>The auto service will provide light</b>  24 <b>automotive service and vehicle maintenance such as</b>  25 <b>oil changes, fluid and filter checks, tire rotations</b></p>	<p style="text-align: right;">Page 42</p> <p>1 <b>and vehicle cleaning and detailing. It is</b>  2 <b>anticipated that these services will be available to</b>  3 <b>the cars for the auto sales facility and as well for</b>  4 <b>residents who take advantage of the accessory</b>  5 <b>premium parking.</b>  6 <b>No vehicle service or nor vehicle sales</b>  7 <b>will occur outside the subject building. All</b>  8 <b>vehicles related to those uses will be contained</b>  9 <b>inside the building. These are permitted uses in</b>  10 <b>the EB affordable housing overlay district.</b>  11 <b>There are 40 spaces --</b>  12 <b>BOARD ATTORNEY:</b> Could I jump in with a  13 question because this is of particular interest to  14 me?  15 <b>THE WITNESS:</b> Yes.  16 <b>BOARD ATTORNEY:</b> So you say that this  17 is for boutique -- storage of boutique car  18 enthusiasts' vehicles?  19 <b>THE WITNESS:</b> Yes, sir.  20 <b>BOARD ATTORNEY:</b> Do you expect all of  21 those car enthusiasts to be affordable housing  22 residents?  23 <b>THE WITNESS:</b> Not necessarily, no.  24 <b>BOARD ATTORNEY:</b> No, you don't, right?  25 <b>THE WITNESS:</b> No.</p>
<p style="text-align: right;">Page 43</p> <p>1 <b>BOARD ATTORNEY:</b> So how are we going to  2 distinguish between those and the premium parking  3 that you're affording to the housing people?  4 I mean how is that going to work?  5 <b>THE WITNESS:</b> I'll explain further how  6 the parking works for the project. These are only  7 premium accessory parking spaces. They're not --  8 they're not part of the required parking for the  9 project. They're in addition to the required  10 parking for the project.  11 <b>MS. BUSHMAN:</b> What do you mean by  12 premium? Do they have to pay for them?  13 <b>THE WITNESS:</b> That's correct.  14 <b>BOARD ATTORNEY:</b> But are people who are  15 not residents of this project going to be storing  16 their cars there also?  17 <b>THE WITNESS:</b> No. It's just for  18 residents of the project and the auto sales.  19 <b>BOARD ATTORNEY:</b> Okay. But then you  20 mentioned car enthusiasts. That doesn't seem to  21 fit. I don't understand where that fits in.  22 <b>THE WITNESS:</b> We're assuming that some  23 of the residents will be car enthusiasts.  24 <b>BOARD ATTORNEY:</b> So the only car  25 enthusiasts' vehicles would be here would be those</p>	<p style="text-align: right;">Page 44</p> <p>1 of the affordable housing people?  2 <b>THE WITNESS:</b> No. No. Any resident  3 that has a vehicle that wants to park their car in a  4 climate-controlled environment can park their car in  5 here. It doesn't necessarily have to be an exotic  6 car. It can be any car.  7 The auto sales and the auto service is  8 envisioned to be for collector cars.  9 <b>BOARD ATTORNEY:</b> The auto sales are  10 going to involve collector cars, not conventional  11 cars?  12 <b>THE WITNESS:</b> That's correct.  13 <b>BOARD ATTORNEY:</b> It's going to be  14 restricted to that.  15 <b>THE WITNESS:</b> Yes.  16 <b>BOARD ATTORNEY:</b> And those cars that  17 are being offered for sale will be stored separately  18 from the cars that are being offered premium  19 parking?  20 <b>THE WITNESS:</b> That's correct. It's  21 anticipated there's 40 spaces available within this  22 space. Initially, it's envisioned that 20 of these  23 spaces will be offered as premium parking spaces for  24 residents and 20 of those spaces will be available  25 for the auto sales.</p>

<p style="text-align: right;">Page 45</p> <p>1 <b>BOARD ATTORNEY:</b> And how is that going  2 to be -- will there be a barrier or a divider or --  3 <b>THE WITNESS:</b> Yes.  4 <b>BOARD ATTORNEY:</b> There will be a  5 permanent barrier.  6 <b>THE WITNESS:</b> It won't be a permanent  7 barrier. It will be a movable partition that can  8 be -- so depending on how things work between the  9 two uses, they'll be able to move that around, but  10 there will be --  11 <b>BOARD ATTORNEY:</b> Okay. So the split  12 between the residential premium and the auto sales  13 parking may not be 20/20. It may change over time.  14 <b>THE WITNESS:</b> It may change, but,  15 initially, that's the way it's conceived.  16 Q. But we did not count that toward the  17 parking ratio.  18 <b>A. That's not part of the required</b>  19 <b>parking.</b>  20 Q. So this would be in addition to there.  21 <b>A. Right.</b>  22 <b>MR. PACE:</b> I think you mentioned oil  23 change and general maintenance. Would that be for  24 general public or just for people who live in this  25 facility?</p>	<p style="text-align: right;">Page 46</p> <p>1 <b>THE WITNESS:</b> No. That is only for the  2 auto sales facility, and it could be offered to the  3 residents that use the premier parking.  4 <b>MS. BUSHMAN:</b> Is it available to the  5 public, the auto sales part?  6 <b>THE WITNESS:</b> Only the public that  7 would be purchasing a vehicle from that facility.  8 <b>MS. BUSHMAN:</b> So you're servicing what  9 you sell.  10 <b>THE WITNESS:</b> That's correct.  11 <b>MR. ORTH:</b> That's correct. Yes. That  12 is correct. We're only servicing what we're selling  13 there. Correct.  14 <b>MS. BUSHMAN:</b> You're only servicing  15 what you will sell.  16 <b>MR. ORTH:</b> That's correct, ma'am. Yes.  17 <b>A. As I mentioned earlier, this building</b>  18 <b>allows for unique opportunity to provide a buffer</b>  19 <b>between the retail center and the new residential</b>  20 <b>building with the use that is compatible and</b>  21 <b>supportive of the residential use.</b>  22 <b>The open -- the building has an open</b>  23 <b>and glass span structure like a barn or a stable and</b>  24 <b>supports the overall aesthetic of the project which</b>  25 <b>I will discuss in more detail as we move ahead.</b></p>
<p style="text-align: right;">Page 47</p> <p>1 <b>Once you have traveled under this barn</b>  2 <b>structure, you enter the main courtyard space. The</b>  3 <b>main courtyard space is a respite from the busy</b>  4 <b>parking area and allows for an area for drop-offs as</b>  5 <b>well as for Uber pick-ups and drop-offs, food</b>  6 <b>deliveries, visitor parking. There are 10 parking</b>  7 <b>spaces located in the courtyard, and, again, it's</b>  8 <b>anticipated that these parking spaces will be used</b>  9 <b>for quick stop delivery vehicles and visitors.</b>  10 <b>The main lobby for the project opens up</b>  11 <b>into this courtyard space. Access to the pool is</b>  12 <b>from that courtyard space, and then access to the</b>  13 <b>garage parking under the building is also accessed</b>  14 <b>off of this courtyard space.</b>  15 <b>Within the building, there are 146 --</b>  16 <b>I'm sorry. There are 146 spaces required by the</b>  17 <b>residential building. There's a 10 percent EV</b>  18 <b>credit applied to that count. So, therefore,</b>  19 <b>there's 132 required parking spaces for the</b>  20 <b>residential building.</b>  21 <b>These parking spaces are provided.</b>  22 <b>There are 106 spaces located in the garage under the</b>  23 <b>residential building. There are the 10 visitor</b>  24 <b>parking spaces located in the courtyard. There are</b>  25 <b>15 shared parking spaces in the retail lot by the</b></p>	<p style="text-align: right;">Page 48</p> <p>1 <b>pool and two employee parking spaces. So,</b>  2 <b>therefore, we have 133 parking spaces where 132 are</b>  3 <b>required, and, again, I want to just reiterate that</b>  4 <b>this does not include any of the accessory premium</b>  5 <b>parking spaces.</b>  6 <b>I mentioned the EV credit. We're</b>  7 <b>required to provide 15 percent of our parking spaces</b>  8 <b>as electric vehicle charging spaces. A third of</b>  9 <b>those spaces are required to be ready at the time of</b>  10 <b>CO. A third of those spaces can then be provided</b>  11 <b>three years after CO, and six years after that, all</b>  12 <b>of the EV charging spaces need to be provided for.</b>  13 <b>We'll be providing 22 EV charging spaces, and one of</b>  14 <b>the engineer's comments that -- the town's</b>  15 <b>engineer's comment was one of those we needed to</b>  16 <b>provide a handicap EV charging space which we'll be</b>  17 <b>doing as part of our resolution.</b>  18 <b>There's a loading zone on the northeast</b>  19 <b>side of the building. That's in this location here.</b>  20 <b>This will be the main area for move-ins and</b>  21 <b>move-outs for the building.</b>  22 <b>Trash will be collected inside the</b>  23 <b>building and sent down a chute into a trash holding</b>  24 <b>area in the garage level of the building. The</b>  25 <b>traffic vehicles will come from the service road</b></p>

<p style="text-align: right;">Page 49</p> <p>1 into that loading area to load trash from inside the 2 building directly into the truck.</p> <p>3 It's anticipated that we'll be using a 4 private hauler for the trash collection. The 5 current retail center uses a private hauler. So 6 this would be, again, a private hauler in the back 7 here as well, And it's anticipated the trash and 8 recycling will be picked up twice a week, and we can 9 schedule more if it's required. Sorry.</p> <p>10 The last thing I wanted to mention is 11 also that building utilities are located in the back 12 corner of this loading area as well. There's a 13 generator and transformers, and then there are 14 utility rooms inside the building on this garage 15 level.</p> <p>16 This is a render view of the courtyard 17 showing the lobby entrance which is located here. 18 The pedestrian circulation which is highlighted in a 19 paving pattern that has a different texture and 20 color from the drive aisles, this is anticipated to 21 be a shared space between residents and vehicles. 22 It's not anticipated to be a highly traveled, high 23 traffic area. Vehicles would just be moving from 24 here into the garage and then circulating through 25 this space and back out the drive aisles.</p>	<p style="text-align: right;">Page 50</p> <p>1 Again, right now it's anticipated that 2 the pedestrian ways will be just indicated with 3 textures and pavements. The idea will be that this 4 is a shared space between pedestrians and vehicles, 5 but if it's preferred, we can introduce bollards or 6 curbs to separate them.</p> <p>7 This is the second floor plan from the 8 submission set. The project proposes 75 units which 9 is the density permitted by the ordinance. Sixty of 10 those units will be market rate, and 15 of those 11 units will be affordable units with veteran's 12 preference. Twenty percent of the proposed units 13 are designed to be affordable.</p> <p>14 These units are going to be integrated 15 throughout the project. They will not be 16 concentrated in one location. They'll be spread out 17 on the floors. The market rate units, 30 of the 18 units will be one beds and 30 of the units will be 19 two-bedroom units.</p> <p>20 For the affordable units, three will be 21 one bedrooms, nine will be two bedrooms and three 22 will be three bedrooms. The affordable housing 23 requirements require that we provide 20 percent 24 minimum of the units as three-bedroom units, 20 25 percent maximum of the affordable units as one</p>
<p style="text-align: right;">Page 51</p> <p>1 bedroom units, and the remaining can be either 2 two-bedroom or three-bedroom units.</p> <p>3 Renters today are looking for great 4 amenity packages. This project is proposed to 5 provide that. There will be a -- sorry. There will 6 be a series of amenity spaces located on the second 7 floor of the building. They're located here in the 8 center. There will be a gymnasium, a fitness 9 center. There will be a lounge and business area. 10 There will be a library and a game room.</p> <p>11 Residents will also have access out to 12 an outdoor amenity space. Let's see if I can get 13 this. Over the rooftop of the garage, this area 14 adds up to approximately 4,600 square feet of 15 outdoor space that will be programmed with fire 16 pits, barbecue areas, and this combined with the 17 pool area down on the ground floor provide 18 approximately 12,600 square feet of outdoor 19 recreation space for the residents of the building. 20 Both market rate tenants and affordable tenants have 21 access to all of these amenities. There will also 22 be an area for tenant storage located on the attic 23 level of the car storage facility.</p> <p>24 This is a drone photo of the existing 25 conditions in the area where we're proposing to</p>	<p style="text-align: right;">Page 52</p> <p>1 provide the new entrance driveway that leads back to 2 the residential portion of the building. As was 3 described by the civil engineer earlier in the 4 testimony, parking would be reconfigured to allow 5 for the roadway leading back to the project. This 6 is a rendered view looking back from Main Street 7 down the new access driveway through the 8 porte-cochere under the barn building in the front 9 to the residential project in the back.</p> <p>10 The current design theme for the retail 11 center, it kind of has an equestrian theme with the 12 detailing at the top of the retail building. We're 13 looking to help build on that with the design of the 14 end character of the new residential project.</p> <p>15 This is the third floor plan from our 16 submission set. So the storage building in the 17 front drops off and then the residential building 18 wraps around. The affordable units are designated 19 with an AU designation. So you can see that they're 20 sprinkled throughout the floor plan in different 21 locations on each floor.</p> <p>22 This is a fourth floor plan, and this 23 is -- one of the important features I wanted to 24 point out on this -- on this plan is that the 25 building shrinks as it gets -- as it goes up. So at</p>

<p style="text-align: right;">Page 53</p> <p>1 the third floor -- at the fourth floor, the third --  2 the front wings of the building drop off. This  3 provides for a variety in the building design, and  4 so it provides a variety in the roof lines of the  5 building, and it also reduces the scale of the  6 building as it gets taller.  7 This is the fifth floor, and, again,  8 what you can see happens, the building gets narrower  9 as it goes up.  10 These are the building elevations.  11 This is the south and the north building elevation  12 from the submission package. The building  13 elevations, again, build on the sort of barn  14 equestrian theme. It also borrows detailing from  15 some of the fine Victorian homes along Main Street  16 in Mendham using wide trim boards, vertical board  17 and batten siding and decorative brickwork.  18 The stepped roof lines add interest and  19 break up the facades so you can see that the -- that  20 the building drops off at the third floor. As it  21 steps up, a mansard roof is introduced on portions  22 of the building, again, to make it feel like an  23 attic story on the building.  24 The materials are called out on each of  25 these building elevations, and I brought samples of</p>	<p style="text-align: right;">Page 54</p> <p>1 those materials with me that I can share with the  2 board.  3 Q. Please do, Bruce.  4 MS. BUSHMAN: I have a question please.  5 MR. ORTH: Yes, of course.  6 MS. BUSHMAN: You indicated in your  7 testimony that there will be a veterans' preference  8 for the affordable housing units. Are you  9 designating them all for veterans? What process are  10 you going through to do that?  11 MR. ORTH: Sure, absolutely.  12 MS. BUSHMAN: Because there's different  13 rules under the affordable housing laws regarding  14 this project. So I didn't think you could  15 differentiate. I thought you had to be all veterans  16 or whatever. Walk me through that and the board.  17 MR. ORTH: And the architect hasn't  18 testified to that. He mentioned it.  19 We are going to be provide the maximum  20 veterans preference as possible, and we'll work with  21 the borough's administrative agent which is a  22 marketing preference first and foremost. So that  23 means that, when the affordable units are marketed  24 and the reservations are open to the members of the  25 public, veterans are provided with an application</p>
<p style="text-align: right;">Page 55</p> <p>1 preference I think it's for a period of three or  2 four months. I don't recall the regulations.  3 MS. BUSHMAN: So they go higher up on  4 the list. You have that option to do that?  5 MR. ORTH: Yes, they do. Yes, they do.  6 MS. BUSHMAN: All right. I just wanted  7 to clarify that.  8 MR. ORTH: Absolutely. Good question.  9 A. So I mentioned that I brought material  10 samples. So at the base of the building and  11 extending up into the central portion of the  12 building is a light-colored masonry brick.  13 BOARD ATTORNEY: Excuse me. Derek, you  14 want to call this.  15 MR. ORTH: I'm sorry. I was taking  16 notes there. Yes. I think we're on A-7, Lisa.  17 BOARD SECRETARY: Uh-hmm, and I'll need  18 that.  19 MR. ORTH: This will be A-7 physical  20 exhibit. We do not have a PDF copy of this. This  21 is a physical copy.  22 BOARD SECRETARY: Write on the back of  23 it.  24 MR. ORTH: I will write on the back of  25 this A-7.</p>	<p style="text-align: right;">Page 56</p> <p>1 BOARD SECRETARY: Thank you.  2 VICE CHAIRMAN SMITH: You can pass that  3 around to the board.  4 Q. And these are the building material  5 samples?  6 A. That's correct.  7 Q. And, Bruce, why don't you just  8 identify -- you want to even label or is it on the  9 back there?  10 A. These are called out. So it's a  11 morning dove which is a light masonry tone. We  12 selected a light masonry to work with the existing  13 retail facility in the front of the project.  14 MS. BUSHMAN: Are those brick veneer or  15 solid bricks?  16 THE WITNESS: They're modular brick,  17 solid brick.  18 A. In addition to the -- to the masonry  19 portions of the building, we'll be using a siding  20 material. It's a cementitious siding, but it's  21 meant to look like clapboard or board and batten  22 siding that you would see traditionally, and we're  23 looking to use it in a series of colors that work  24 with the rest of the materials that we're  25 presenting.</p>

<p style="text-align: right;">Page 57</p> <p>1 <b>MR. ORTH:</b> If we may call this A-8.  2 <b>BOARD SECRETARY:</b> A-8, what are we  3 going to call it?  4 <b>THE WITNESS:</b> This is cementitious  5 siding.  6 <b>BOARD SECRETARY:</b> Siding samples.  7 <b>THE WITNESS:</b> Yes.  8 <b>A.</b> So the bulk or the large portion of the  9 building will be a white panel or siding, and then  10 there will be two accent colors that will be used in  11 portions of the building. So those are A-8.  12 <b>MR. ORTH:</b> I don't have a bag or  13 anything for this.  14 <b>A.</b> On the area -- on the entrance area to  15 the barn and on the two projecting wings -- I'm  16 sorry, the two projecting wings that come out at the  17 front, we're using a simulated wood panel. We don't  18 want to use wood just because of the maintenance,  19 but we have a metal panel that has a embossed wood  20 tone to it. That will be used as one of the accent  21 siding materials, and then we have two metal panel  22 colors, a darker color on a portion of the roof and  23 a lighter color on the portion of the roof. So I  24 think that these metal panel samples could be  25 entered as the final exhibit for the building</p>	<p style="text-align: right;">Page 58</p> <p>1 <b>materials.</b>  2 <b>BOARD SECRETARY:</b> A-9, metal panels.  3 <b>Q.</b> Bruce, what would you describe these as  4 A-9?  5 <b>A.</b> Yeah. Those are the metal panels and  6 roof color.  7 <b>One other thing that I wanted to</b>  8 <b>mention about basically the orientation of the</b>  9 <b>building, we've already entered the building so that</b>  10 <b>the longer facades are parallel with the retail</b>  11 <b>facility in the front and that the shorter facades</b>  12 <b>face the east and west direction and our closest</b>  13 <b>neighbors, and we did that to, again, minimize --</b>  14 <b>try and minimize the impact of this building to the</b>  15 <b>neighbors to the east and the west.</b>  16 <b>I did want to show this quickly,</b>  17 <b>because since this project has been advancing, the</b>  18 <b>project has gone through the state DEP application</b>  19 <b>process, and one of the things that happened since</b>  20 <b>the submission of our package to the board was that</b>  21 <b>the average grade around the building was adjusted</b>  22 <b>slightly to accommodate the revisions that the DEP</b>  23 <b>required.</b>  24 <b>So there is a minor adjustment to the</b>  25 <b>height of the building to accommodate the new</b></p>
<p style="text-align: right;">Page 59</p> <p>1 average grade around the building. The building is  2 59 feet 6 inches above the average grade where 60  3 feet is permitted. So we're under the permitted  4 building height for the ordinance.  5 This is a render view of the project  6 entry. So I mentioned that, as you come through the  7 drive aisle -- as you come through the drive aisle  8 along the front of the property towards the entry  9 portico at the rear of the site, the landscaping and  10 the sidewalks are improved on the western retail  11 building.  12 They're also improved along the  13 frontage of Kings leading back to the proposed  14 residential building, and one of the things that we  15 wanted to recommend is a feature that we would like  16 to install public art along the side wall of  17 Kings -- the Kings building to help improve and  18 enhance that area. These could be blow-ups of  19 historic Mendham photographs or murals by local  20 artists.  21 At the rear area between the Kings  22 service area and the proposed residential building,  23 we're proposing to build a fence with a green screen  24 or landscape buffer that helps separate that roadway  25 area and access point from the service area at the</p>	<p style="text-align: right;">Page 60</p> <p>1 back of Kings that helps hide and screen the loading  2 and trash collection of the Kings Supermarket.  3 These are the east and west elevations  4 of the submission package. Again, I wanted to show  5 how -- point out how these facades are narrower than  6 the long facades of the north and south elevations  7 and how the building steps, and there's a variety of  8 forms to the building so that it's not a monolithic  9 one five-story building across the back of the site.  10 These are elevations of the automobile  11 service and premium parking building along with the  12 pool building, and the materials are consistent with  13 the materials that are going around to you now.  14 This is just a cross-section that shows  15 how the parking lays out below the residential floor  16 areas, and it shows that double height space of the  17 automobile storage facility building.  18 <b>AUDIENCE MEMBER:</b> What's the overall  19 height?  20 <b>THE WITNESS:</b> 59.6 feet above average  21 grade.  22 <b>AUDIENCE MEMBER:</b> To peak?  23 <b>VICE CHAIRMAN SMITH:</b> You said 59.6 or  24 fifty-nine six inches.  25 <b>THE WITNESS:</b> 59.6 feet.</p>

<p style="text-align: right;">Page 61</p> <p>1 <b>MR. MOLNAR:</b> Is that to the ridge line?</p> <p>2 <b>THE WITNESS:</b> Pardon me?</p> <p>3 <b>MR. MOLNAR:</b> Is that to the ridge line?</p> <p>4 <b>THE WITNESS:</b> That's the roof line of</p> <p>5 the building, the flat portion of the roof. Yes.</p> <p>6 <b>AUDIENCE MEMBER:</b> Could you use your</p> <p>7 laser pointer?</p> <p>8 <b>THE WITNESS:</b> That's from here the flat</p> <p>9 portion of the roof to average grade.</p> <p>10 <b>MR. MOLNAR:</b> So the ridge itself is 10</p> <p>11 feet high?</p> <p>12 <b>THE WITNESS:</b> In addition. That's</p> <p>13 correct.</p> <p>14 <b>MS. BUSHMAN:</b> From the grade to the</p> <p>15 point of the roof?</p> <p>16 <b>BOARD SECRETARY:</b> Joyce, you need to</p> <p>17 talk into your microphone.</p> <p>18 <b>MS. BUSHMAN:</b> From the grade to the</p> <p>19 tippy top of the roof, what is it?</p> <p>20 <b>THE WITNESS:</b> We're permitted -- there</p> <p>21 is -- we're permitted to do rooftop amenities.</p> <p>22 <b>VICE CHAIRMAN SMITH:</b> Appurtenances.</p> <p>23 <b>THE WITNESS:</b> Appurtenances, that's</p> <p>24 correct, are not including in building height</p> <p>25 according to the ordinance.</p>	<p style="text-align: right;">Page 62</p> <p>1 <b>MS. BUSHMAN:</b> I understand that. I</p> <p>2 want to know how high it's going to stick up.</p> <p>3 <b>THE WITNESS:</b> Approximately 15 feet.</p> <p>4 <b>MS. BUSHMAN:</b> So 15 and 60, 75 feet.</p> <p>5 <b>THE WITNESS:</b> That's correct. Plus the</p> <p>6 cupola.</p> <p>7 <b>VICE CHAIRMAN SMITH:</b> Derek.</p> <p>8 <b>MR. ORTH:</b> Yes, sir.</p> <p>9 <b>VICE CHAIRMAN SMITH:</b> Does your</p> <p>10 stenographer need a rest at this point?</p> <p>11 <b>MR. ORTH:</b> I was about to say it's</p> <p>12 probably a good time to take a break for my -- you</p> <p>13 don't have to type this part.</p> <p>14 (Whereupon, a recess was taken.)</p> <p>15 <b>VICE CHAIRMAN SMITH:</b> Derek, before we</p> <p>16 continue, I think our planner has a few questions</p> <p>17 about our roof elevation --</p> <p>18 <b>MR. ORTH:</b> Absolutely.</p> <p>19 <b>VICE CHAIRMAN SMITH:</b> -- that's being</p> <p>20 discussed.</p> <p>21 <b>MR. ORTH:</b> There we go. Can everybody</p> <p>22 hear me? I know you love it. All right. I'm back.</p> <p>23 I'm sorry.</p> <p>24 Mr. Chairman, go ahead.</p> <p>25 <b>VICE CHAIRMAN SMITH:</b> Our planner</p>
<p style="text-align: right;">Page 63</p> <p>1 Jessica has some questions about the rooftop</p> <p>2 elevation and how that is allowable and what the</p> <p>3 considerations are for that extra height that</p> <p>4 you're, you know, proposing.</p> <p>5 <b>MR. ORTH:</b> Yes, sir.</p> <p>6 <b>MS. CALDWELL:</b> Hi. So under the</p> <p>7 ordinance the height is measured to the mean height</p> <p>8 between the eaves and the ridge for a gable roof.</p> <p>9 So -- and then there's an exception for rooftop</p> <p>10 amenities and rooftop features which I agree a</p> <p>11 cupola would fall under, but a ridged roof I don't</p> <p>12 believe falls under that.</p> <p>13 So it would need to be measured to the</p> <p>14 mean elevation of that ridge which puts you not in</p> <p>15 compliance with the ordinance on the height.</p> <p>16 <b>THE WITNESS:</b> So we can adjust the</p> <p>17 pitch of the roof to work to the mean point of the</p> <p>18 ridge. That can be an adjustment that we can make.</p> <p>19 Again, between the time that we did</p> <p>20 this submission package and the DEP submission,</p> <p>21 there was some adjustments to the grading that we</p> <p>22 weren't able to adjust all of the roof elements to,</p> <p>23 but we can do that.</p> <p>24 <b>VICE CHAIRMAN SMITH:</b> Question now.</p> <p>25 What is that 59.6 feet measured to? Is that to the</p>	<p style="text-align: right;">Page 64</p> <p>1 edge of the building?</p> <p>2 <b>THE WITNESS:</b> No. It's currently to</p> <p>3 the flat portion of the roof. So we will now --</p> <p>4 we'll make an adjustment to the building design to</p> <p>5 accommodate to the midpoint of that roof pitch.</p> <p>6 We'll make an adjustment.</p> <p>7 <b>MR. FERRIERO:</b> Don't you only have</p> <p>8 four-tenths of a foot to that midpoint?</p> <p>9 <b>THE WITNESS:</b> No. Again, there's a way</p> <p>10 to do it. We just have to do it, and we'll</p> <p>11 explain how -- I'll make that revision and bring it</p> <p>12 back to the board.</p> <p>13 <b>MR. PACE:</b> Just so we're clear, right</p> <p>14 now it's 60 feet plus 15 feet plus the cupola.</p> <p>15 <b>THE WITNESS:</b> That's correct, but no,</p> <p>16 but -- yes.</p> <p>17 <b>MR. ORTH:</b> Let me weigh in here for a</p> <p>18 second. The applicant is willing to remove the</p> <p>19 cupola, number one. I know everybody was concerned</p> <p>20 about that.</p> <p>21 Number two, we are also willing to</p> <p>22 adjust the pitch of the roof per my architect's</p> <p>23 testimony to ensure that the building height</p> <p>24 complies with the ordinance.</p> <p>25 <b>THE WITNESS:</b> That's correct, and,</p>



<p style="text-align: right;">Page 65</p> <p>1 again, the cupola feature was to be kind of a tie in  2 to the cupola feature of the Kings building. It was  3 to be a recalled element and a focal point of the  4 project, but understanding that height is sensitive,  5 we can remove that.</p> <p>6 <b>BOARD ATTORNEY:</b> And at some future  7 hearing we'll see a rendering of that at some point?</p> <p>8 <b>MR. ORTH:</b> We will submit a revised  9 plan with an elevation depicting the revised  10 building height. Yes.</p> <p>11 <b>MS. BUSHMAN:</b> So does the mansard roof  12 meet the requirements? I'm just curious.</p> <p>13 <b>THE WITNESS:</b> Yes. The mansard roof  14 does.</p> <p>15 <b>MS. CALDWELL:</b> Because it drops down.</p> <p>16 <b>THE WITNESS:</b> That's correct. We just  17 have to adjust the pitch of the roof over the center  18 portion of the building.</p> <p>19 <b>MS. BUSHMAN:</b> So for the audience, the  20 pitch would be very close to the top of the mansard  21 roof. Is that what you're saying?</p> <p>22 <b>THE WITNESS:</b> That's correct.</p> <p>23 <b>MS. BUSHMAN:</b> So then you have eaves  24 that hang over or you just do a squatting roof?</p> <p>25 <b>THE WITNESS:</b> No. We have eaves that</p>	<p style="text-align: right;">Page 66</p> <p>1 hang over.</p> <p>2 <b>MS. BUSHMAN:</b> Okay.</p> <p>3 <b>MR. ORTH:</b> And the idea here is we  4 could do a flat roof, but we do not feel that that's  5 in keeping with the style of the borough.</p> <p>6 <b>MS. BUSHMAN:</b> We understand.</p> <p>7 I would just like to say I don't think  8 we're going to decide that tonight, but I understand  9 the purpose of the cupola, but looking at the  10 dimensions, I just see it as just something sticking  11 up in the air.</p> <p>12 <b>MR. ORTH:</b> Understood.</p> <p>13 <b>MS. BUSHMAN:</b> It's not like part of a  14 barn. I don't see it it's something that's  15 important. That's ultimately up to the board.</p> <p>16 <b>MR. ORTH:</b> No. I think the point is  17 well taken, and I think we need to come back with a  18 revised elevation to address that point.</p> <p>19 <b>THE WITNESS:</b> And we'll come back with  20 the adjusted roof line to reflect that.</p> <p>21 <b>MR. ORTH:</b> Go ahead, Mr. Chairman.</p> <p>22 Q. Bruce, did you have more? Go ahead.</p> <p>23 Yeah. I'm sorry to interrupt. Go ahead.</p> <p>24 <b>A. As part of this -- the submission</b>  25 <b>package, there's also some proposed improvements to</b></p>
<p style="text-align: right;">Page 67</p> <p>1 <b>the signage on the site, and we realize that the</b>  2 <b>current signs do not comply with the zoning</b>  3 <b>ordinance.</b></p> <p>4 Q. Pre-existing nonconforming.</p> <p>5 <b>A. Pre-existing nonconforming. So what we</b>  6 <b>are proposing is sort of to reconstruct those signs</b>  7 <b>in a similar manner, in a similar scale, but just</b>  8 <b>relocate them so that they work with the new entry</b>  9 <b>points into the project.</b></p> <p>10 <b>On this image, you can see there's a</b>  11 <b>red dashed line that indicates the location of the</b>  12 <b>current sign.</b></p> <p>13 Q. Can you zoom in a little bit, Bruce?</p> <p>14 Is that possible?</p> <p>15 <b>A. I'm not sure if I can -- yes, I can.</b></p> <p>16 Q. That's very good. Okay. Thank you.</p> <p>17 <b>A. So this red dashed line indicates the</b>  18 <b>current location of the existing monument sign to</b>  19 <b>the project, and we're proposing moving that back</b>  20 <b>away from Main Street further to enhance visibility</b>  21 <b>for drivers entering and exiting the entryway.</b></p> <p>22 <b>There's also an existing monument sign,</b>  23 <b>smaller scale for the racquet club that's up here.</b>  24 <b>We're proposing to relocate that and reconstruct it</b>  25 <b>down here in a similar manner to act as an entrance</b></p>	<p style="text-align: right;">Page 68</p> <p>1 <b>sign for the residential portion of the building,</b>  2 <b>and then I mentioned some way-finding signage.</b>  3 <b>Those are indicated in these areas with the light</b>  4 <b>blue, and those will be the signs that identify</b>  5 <b>where the residential entrance is.</b></p> <p>6 <b>This -- this exhibit shows the proposed</b>  7 <b>relocated and repurposed monument sign with some</b>  8 <b>adjustments to the signage to, A, give a name to the</b>  9 <b>retail center and then provide three smaller signs</b>  10 <b>for the signature tenants.</b></p> <p>11 Q. And, Bruce, this is the same size as  12 the existing sign but for the horse insignia there,  13 right, you're referring to?</p> <p>14 <b>A. That's correct, and then on the lower</b>  15 <b>left of the page you see a sign that is, again,</b>  16 <b>designed to identify the entrance to the residential</b>  17 <b>portion of the project, and, again, that is the</b>  18 <b>relocated sign in the same size and configuration as</b>  19 <b>the existing racquetball sign, and then we have the</b>  20 <b>wayfaring signs for the residential indicating</b>  21 <b>residential in this direction, residents access only</b>  22 <b>and deliveries and service for the residential</b>  23 <b>portion of the project.</b></p> <p>24 <b>BOARD ATTORNEY:</b> In what respect are  25 these signs -- I know you're asserting that they're</p>

<p style="text-align: right;">Page 69</p> <p>1 pre-existing nonconforming, but in what respects are 2 they nonconforming?</p> <p>3 <b>THE WITNESS:</b> Well, they're taller and 4 larger than what is permitted.</p> <p>5 <b>BOARD ATTORNEY:</b> Can you be a little 6 more specific about that? What is the current 7 standard and how do they deviate from that?</p> <p>8 <b>MR. ORTH:</b> Our planner will testify to 9 that unless you know, Bruce.</p> <p>10 Q. Go ahead.</p> <p>11 <b>A. I don't know specific -- I know that</b> 12 <b>we've sized the proposed signs to be similar in size</b> 13 <b>or exactly the same size as the monument signs that</b> 14 <b>are existing there now.</b></p> <p>15 <b>MS. CALDWELL:</b> We just received the 16 sign package. So maybe we can do a review and 17 provide the board with some guidance as to what's 18 being proposed.</p> <p>19 <b>MR. ORTH:</b> Yes, and we had submitted it 20 as an exhibit as part of this application. We have 21 no issue revisiting it at the next hearing.</p> <p>22 <b>MS. BUSHMAN:</b> Can you provide a color 23 rendering of any signage?</p> <p>24 <b>MR. ORTH:</b> Sure.</p> <p>25 <b>MS. BUSHMAN:</b> I couldn't figure out</p>	<p style="text-align: right;">Page 70</p> <p>1 what the stripes were.</p> <p>2 <b>MR. ORTH:</b> Yeah. No problem. We can 3 do that.</p> <p>4 <b>MS. BUSHMAN:</b> I think that would be 5 helpful.</p> <p>6 <b>MR. ORTH:</b> Sure.</p> <p>7 <b>A. And then, lastly, as part of the</b> 8 <b>refresh of the retail center, all of the signage for</b> 9 <b>the existing tenants of the building are anticipated</b> 10 <b>to be replaced with new signage. That would be in a</b> 11 <b>durable material such as MDF or AZEK which is a</b> 12 <b>simulated sort of like a composite material.</b></p> <p>13 <b>The signage would be carved into that</b> 14 <b>material and then the surface would be painted, and</b> 15 <b>the idea would be that each sign for each tenant</b> 16 <b>would be similar in size and uniform.</b></p> <p>17 Q. Uniform.</p> <p>18 <b>A. Uniform, that's correct.</b></p> <p>19 <b>In addition to that, those signs would</b> 20 <b>be lit by gooseneck lamp fixtures that would be</b> 21 <b>mounted to the sign band at the top of the retail</b> 22 <b>facility, and the last -- the last page shows the</b> 23 <b>diagram of each of then tenants' signage as they</b> 24 <b>would appear.</b></p> <p>25 <b>For the most part, the signs are</b></p>
<p style="text-align: right;">Page 71</p> <p>1 <b>consistent in height. Where the sign is -- the name</b> 2 <b>of the company is longer than the sign, the height</b> 3 <b>of the letters is reduced so that the sign fits</b> 4 <b>within consistent sign. So that each sign is the</b> 5 <b>same size.</b></p> <p>6 <b>MR. ORTH:</b> We just thought it was a 7 cleaner look to the center. We are happy to revisit 8 this at a later date.</p> <p>9 I know we just submitted it as an 10 exhibit. So if the board has any cross on the 11 signage package, we're happy to hear it now. 12 Otherwise, we can come back to it later.</p> <p>13 <b>BOARD ATTORNEY:</b> Yeah. We'll be having 14 a review by our planner. So we will revisit it.</p> <p>15 <b>MR. ORTH:</b> Thanks, Tom.</p> <p>16 <b>MR. MOLNAR:</b> I have one more question 17 for Bruce. Are they proposing a facelift on the 18 whole shopping mall?</p> <p>19 <b>THE WITNESS:</b> At this point, this is 20 limited to the signage.</p> <p>21 <b>MR. MOLNAR:</b> Okay.</p> <p>22 <b>VICE CHAIRMAN SMITH:</b> Any other 23 questions from the board, professionals?</p> <p>24 <b>MS. CALDWELL:</b> I have a couple other 25 questions if I may.</p>	<p style="text-align: right;">Page 72</p> <p>1 So for the premium parking, will there 2 be stacked parking or is it just one car per space?</p> <p>3 You mentioned the 40 spaces. Are they 4 going to be using lifts and things like that?</p> <p>5 <b>THE WITNESS:</b> It's anticipated 6 initially that they would be surface spaces, but 7 there is height within the space to provide stackers 8 that would increase that parking from 40 spaces to 9 80 spaces.</p> <p>10 <b>MS. CALDWELL:</b> You're proposing up to 11 80 spaces within that, and that would include this 12 same breakdown or you don't know between parking and 13 sales?</p> <p>14 <b>THE WITNESS:</b> Again, it's not -- we 15 don't have -- we don't have parking space or tenant 16 parking accounted for yet, but, again, I think that 17 the initial offering would be that it would be the 18 20 spaces and then the 20 additional spaces.</p> <p>19 <b>MS. CALDWELL:</b> How many employees are 20 proposed for this use? You said you had two 21 employee parking spaces.</p> <p>22 <b>THE WITNESS:</b> It's anticipated there be 23 two employees.</p> <p>24 <b>MS. CALDWELL:</b> Even if you go up to 80 25 cars?</p>

<p style="text-align: right;">Page 73</p> <p>1 <b>THE WITNESS:</b> Yes. It's definitely not  2 anticipated to be a high volume sales facility.  3 <b>MS. CALDWELL:</b> And for the regular  4 parking, all the other parking that's not premium  5 parking, is any of it proposed to be charged for?  6 <b>THE WITNESS:</b> Not that I'm aware of. I  7 don't know how the parking is going to be allocated.  8 <b>MR. ORTH:</b> I'm sorry. I was writing a  9 note. Can you ask the question again?  10 <b>MS. CALDWELL:</b> Is there a proposal to  11 charge for parking outside of the premium parking  12 for this building?  13 <b>MR. ORTH:</b> Not that I'm aware of at the  14 moment.  15 Having lived in apartments for the last  16 probably 15 years, I'm always charged for parking.  17 It's included in the rent or it's a separate fee.  18 So I wouldn't be surprised if it's included in that  19 regard, but I don't know the specifics with regard  20 to this community.  21 <b>MS. CALDWELL:</b> I guess what I'm seeing  22 that creates an issue is sometimes when they start  23 charging for parking people decide to go park  24 elsewhere which might be somewhere else and it could  25 create problems essentially.</p>	<p style="text-align: right;">Page 74</p> <p>1 <b>MS. BUSHMAN:</b> Can you verify that?  2 <b>MR. ORTH:</b> I can come back and verify  3 that. Yes, absolutely. Yes, I can.  4 <b>MS. BUSHMAN:</b> I just have one other  5 small question. If you only have two employees, are  6 they salespeople or service people?  7 <b>THE WITNESS:</b> I don't know.  8 <b>MS. CALDWELL:</b> Maybe you can clarify  9 that too.  10 <b>MS. BUSHMAN:</b> Yeah, because I don't  11 think if you're servicing and you're selling two  12 spaces and two employees is going to cover it. I  13 would think you'd have four, two for the servicing  14 and two for the sales. Just sounded odd to me.  15 <b>MR. ORTH:</b> Okay. I can come back with  16 a written response. Sure. No problem.  17 <b>MR. SULLIVAN:</b> Hi. I'd like to make a  18 comment. I think you guys should have better use of  19 that retail space, a community center or a  20 restaurant that's other than Italian in this town if  21 you want to have that community feel.  22 I don't know. An auto sales, I don't  23 know, it just doesn't -- that's just my opinion.  24 <b>MR. ORTH:</b> No. It's -- we'll take it  25 back to the client. No problem. Thank you.</p>
<p style="text-align: right;">Page 75</p> <p>1 <b>VICE CHAIRMAN SMITH:</b> Is there anyone  2 else from the board or professionals have a  3 question?  4 Okay. Derek, are you done with this?  5 <b>MR. ORTH:</b> I'm sorry, Mr. Chairman.  6 Yes, I am done. I finished my examination of Mr.  7 Stieve on direct. Thank you.  8 <b>MS. BUSHMAN:</b> Wait. Wait. Wait. I'm  9 sorry. I apologize.  10 <b>BOARD SECRETARY:</b> Joyce, pick the  11 microphone up.  12 <b>MS. BUSHMAN:</b> This thing doesn't work  13 for me. I'm sorry. Excuse me, audience.  14 On the fence that runs around on top of  15 the center, it has little horses.  16 <b>MR. ORTH:</b> Yes.  17 <b>MS. BUSHMAN:</b> Sorry.  18 <b>BOARD SECRETARY:</b> Keep going.  19 <b>MS. BUSHMAN:</b> I thought it had a little  20 horse.  21 <b>MR. MOLNAR:</b> It does.  22 <b>THE WITNESS:</b> Yeah.  23 <b>MS. BUSHMAN:</b> Are we keeping the  24 horses?  25 <b>MR. ORTH:</b> Are we keeping the horses?</p>	<p style="text-align: right;">Page 76</p> <p>1 <b>MS. BUSHMAN:</b> I mean I don't want to  2 sound like nit-picky.  3 <b>MR. ORTH:</b> Do you like the horses?  4 <b>MS. BUSHMAN:</b> No. I think they're  5 passe and outdated.  6 <b>MR. ORTH:</b> Because we have a lot of  7 other horses throughout this thing.  8 <b>MS. BUSHMAN:</b> Yeah, and, truthfully,  9 not to sound revolutionary, but I think the whole  10 fence thing is outdated too. That's not my call. I  11 think you can do something better if you're sprucing  12 it up.  13 <b>MR. ORTH:</b> Just is there kind of a  14 general feeling about that?  15 <b>BOARD SECRETARY:</b> Ask for a vote.  16 <b>VICE CHAIRMAN SMITH:</b> There is quite a  17 few horses there.  18 <b>MR. ORTH:</b> All right. We will leave it  19 at that. No further questions on the horses from  20 me.  21 <b>VICE CHAIRMAN SMITH:</b> Anything else,  22 Joyce?  23 <b>MS. BUSHMAN:</b> No. I was just trying to  24 upgrade us a little.  25 <b>VICE CHAIRMAN SMITH:</b> If we're done</p>

<p style="text-align: right;">Page 77</p> <p>1 here, I think I'd like to open it up to the 2 public --</p> <p>3 <b>MR. ORTH:</b> Yes, sir.</p> <p>4 <b>VICE CHAIRMAN SMITH:</b> -- and give them 5 ample opportunity to come forward and ask their 6 questions and try to efficiently give them enough 7 time, but I want to not -- I don't want redundant 8 questions is what I'm saying.</p> <p>9 <b>MR. ORTH:</b> No. I defer to you, Mr. 10 Chairman, and I have Mr. Stieve and Mr. Seckler 11 there as well.</p> <p>12 <b>MR. FERRIERO:</b> I would suggest that 13 maybe Mr. Seckler come up because they might be 14 getting asked questions at the same time. I don't 15 think the architect should leave either.</p> <p>16 <b>MR. ORTH:</b> No.</p> <p>17 <b>VICE CHAIRMAN SMITH:</b> Please state your 18 name, spell your name please.</p> <p>19 <b>MR. RITGER:</b> Bob Ritger, 14 Gunther 20 Street. R-I-T-G-E-R.</p> <p>21 Mr. Chairman, I would like to ask the 22 board to allow everyone to speak. We have a lot of 23 safety issues. They're very serious safety issues, 24 and there are some concerns I think everybody wants 25 to hear and be vetted.</p>	<p style="text-align: right;">Page 78</p> <p>1 With that, I have a couple of 2 questions. There's testimony, Mr. Seckler, I 3 believe, mentioned one width of the eastern I'll 4 call it alleyway, and then the architect offered a 5 different number, and I think we heard today yet a 6 third.</p> <p>7 The alleyway on the side is not 24 8 feet. It's less than that. It measures at 22 foot 9 10. I heard that it was 23 foot 6, 23 foot five, 10 something like that. It also changes, but no matter 11 how you look at it, that's the main entrance for a 12 fire truck to service the back building. It's also 13 two-way traffic which means you would need a 14 variance because this is lower than that.</p> <p>15 You've shown on the civil engineering 16 drawings a sidewalk in concrete which means you've 17 altered a nonconformity, and, therefore, the 18 distance between that driveway or that aisle needs 19 to be 20 feet from the neighboring driveway which 20 you can see clearly on the screen right now it is 21 not.</p> <p>22 So the idea of moving that curb even 23 further and closer to the property line absolutely 24 makes that driveway nonconforming even worse. So to 25 that end, how do you make that aisle -- that</p>
<p style="text-align: right;">Page 79</p> <p>1 alleyway safe?</p> <p>2 <b>MR. SECKLER:</b> Again, for the record, 3 Matt Seckler. The alleyway as exists today serves 4 two-way traffic. Again, as was mentioned, it is 5 impaired by various items that are left within the 6 alley. We're looking to clean that up, improving 7 that situation.</p> <p>8 I want to note that we're not proposing 9 any new concrete. That concrete is what exists.</p> <p>10 <b>MR. RITGER:</b> It's shown on the drawing 11 clearly, on the civil engineering drawing. Check 12 C-5.</p> <p>13 <b>MR. SECKLER:</b> Yes. There's concrete 14 currently in that area.</p> <p>15 <b>MR. RITGER:</b> No, there isn't. It's 16 asphalt.</p> <p>17 <b>MR. SECKLER:</b> Then we would look to 18 maintain the asphalt.</p> <p>19 Your question about deviations or 20 variances as it relates to widening this, again, 21 that was -- seems to be a request of the board. 22 Obviously, our planner will have to justify whether 23 that is a C-2 variance or has the appropriate proofs 24 to be granted a waiver being that that may be seen 25 as an improvement or improved condition.</p>	<p style="text-align: right;">Page 80</p> <p>1 That said, the fire truck, we have been 2 in contact with the fire chief. I think they are in 3 favor of us cleaning up the area in terms of the not 4 having dumpsters and having a defined area that is a 5 travel path versus what's out there today as shown 6 on the image on the screen right now.</p> <p>7 So, again, I do believe that we're 8 moving it to a much safer condition than what's out 9 there today.</p> <p>10 <b>MR. RITGER:</b> Well, with one delivery 11 truck, that fire truck is not getting in the back 12 there.</p> <p>13 <b>MR. SECKLER:</b> Again, the delivery 14 trucks would be delivering possibly in that location 15 today which would have that same issue.</p> <p>16 <b>MR. RITGER:</b> Tell all the delivery 17 drivers to comply. There are other --</p> <p>18 <b>BOARD ATTORNEY:</b> Bob, you're out of 19 time.</p> <p>20 <b>BOARD SECRETARY:</b> You can come back 21 around.</p> <p>22 <b>BOARD ATTORNEY:</b> No. Do you want to 23 ask a question? You're not going to come up here to 24 state objections.</p> <p>25 <b>MR. MARINO:</b> Actually, I wanted to ask</p>

<p style="text-align: right;">Page 81</p> <p>1 a question. My name is Robert Marino, 27 Florie  2 Farm Road. Marino is M-A-R-I-N-O.  3 Regarding the dual purpose road, that  4 would be the road that's heading from the  5 residential area, it's the new relocated driveway to  6 the -- through the parking lot and exit. It's  7 interesting because that road, if you are a resident  8 behind Kings, that's a driveway, an exit situation.  9 If you're a shopper, it's a part of a parking lot.  10 Mr. Egerter in the last meeting 60 days  11 ago noted that that was an inherently dangerous  12 situation in his opinion.  13 So my first question for Mr. Seckler is  14 what steps have you -- given the fact that Mr.  15 Egerter raised this concern 60 days ago, what steps  16 have you taken to mitigate that risk?  17 <b>MR. SECKLER:</b> Again, we've added two  18 speed tables to reduce the amount of the speed of  19 vehicles that would travel on that path.  20 I disagree that it is an inherently  21 dangerous condition. The amount of traffic that we  22 have that is being generated from the rear of the  23 site is less than the CVS. Customers drive through  24 this shopping center to get to the CVS through  25 parking aisles, through drive aisles and park</p>	<p style="text-align: right;">Page 82</p> <p>1 efficiently and get in and out of the site.  2 This is, again, generating the same  3 level of traffic or less than other similar retail  4 tenants in this center. So I do not see that being  5 an inherently dangerous conditioning, but we are  6 reducing the speeds, and we've added -- again, we  7 have that extra width of that aisle, again, to make  8 it easier for vehicles to turn in and out of any  9 parking spaces in that area.  10 <b>MR. MARINO:</b> The two speed tables were  11 on the design 60 days ago.  12 <b>MR. SECKLER:</b> Correct.  13 <b>MR. MARINO:</b> So that's not a change in  14 response to Mr. Egerter's concern.  15 <b>MR. SECKLER:</b> Correct. I don't believe  16 this is an inherently unsafe condition, but I'm  17 listing the measures we've made from the beginning  18 of the design process to now.  19 <b>MR. MARINO:</b> As noted in the engineer's  20 testimony, there are currently no stop signs listed  21 on the plans. Again, given the dual nature of this  22 road --  23 <b>BOARD SECRETARY:</b> You need to speak  24 into the microphone.  25 <b>MR. MARINO:</b> Sorry. Given the dual</p>
<p style="text-align: right;">Page 83</p> <p>1 nature of this road which is a exit driveway for the  2 residents in part of a parking lot for everyone  3 shopping at Kings, it would seem prudent to have  4 some type of traffic control stopping the traffic as  5 it enters this parking lot area.  6 To Mr. Seckler, is it correct that  7 there is -- are no stop signs on that road heading  8 from the residential area out to 24? Is that  9 correct?  10 <b>MR. SECKLER:</b> That's correct, but we  11 can add a stop sign at the location near the side of  12 the Kings where, basically, those vehicles would --  13 as they're exiting next to the Kings building would  14 be a location that, if the board wishes and the  15 engineer wishes, we can add a stop sign at that  16 location. I think that would be an appropriate  17 location for one.  18 <b>MR. MARINO:</b> There's another one --  19 <b>BOARD ATTORNEY:</b> Mr. Marino, you're out  20 of time.  21 <b>MR. MARINO:</b> Thank you.  22 <b>MR. PIENCIAK:</b> Tom Pienciak, 16  23 Garabrant Street. P-I-E-N-C-I-A-K.  24 I have two interrelated questions for  25 the traffic engineer, and I can get it all in in</p>	<p style="text-align: right;">Page 84</p> <p>1 three minutes. Kings is the anchor tenant for the  2 shopping center and is the only tenant that uses  3 shopping carts, and I'm going to give you the basis  4 for each question.  5 So the question is isn't it true that,  6 in addition to being less convenient for shoppers  7 with shopping carts, the new layout is inherently  8 more dangerous for pedestrians?  9 And here's the background of the basis.  10 The long island in front of Kings that has two  11 concrete sidewalks running on the length of it with  12 a grass strip down the middle, there are 34 parking  13 spaces directly abutting the island.  14 If we look at the existing parking lot  15 layout and assume I'm shopping at Kings and have  16 parked at the island furthest from the store and  17 opposite from Piattino's, I come out of the Kings,  18 push my shopping cart full of groceries and bags. I  19 got my two-year-old granddaughter sitting in the  20 seat. I got her five-year-old sister walking  21 alongside her. I come out of the store. I look at  22 the crosswalk area and I negotiate with the  23 five-year-old to hold my hand or you're going to  24 hold the cart as we push it across the drive aisles.  25 Then we get up to the sidewalk and we walk down</p>

<p style="text-align: right;">Page 85</p> <p>1 toward my car.  2 We have options. She can hold my hand.  3 She can push the cart. If she's feeling in the  4 right mood, she can walk ahead of me playing a game  5 called help pop pop remember where he left the car.  6 We get all they way down the sidewalk. We get to  7 the car where it's parked and now I have to play  8 let's make a deal with a two-year-old and a  9 five-year-old and who goes in the car first, who  10 goes in second, put the one in the car and the  11 groceries, but it's all fine because we're not in  12 harm's way. We're on a sidewalk out of traffic.  13 We get the kids in the car, the  14 groceries in the car. I leave the cart on the grass  15 so I'm not blocking in for the next person, and I  16 leave and the world is a happy place.  17 Let's look at the same route with the  18 new proposed scheme where there's no islands.  19 <b>BOARD ATTORNEY:</b> Is there a question  20 here soon?  21 <b>MR. PIENCIAK:</b> Absolutely.  22 <b>BOARD ATTORNEY:</b> Will you get to it  23 then?  24 <b>MR. PIENCIAK:</b> I'm giving you the  25 basis.</p>	<p style="text-align: right;">Page 86</p> <p>1 We take the same trip with the new  2 layout with the parking lot and the island missing.  3 I come out of the store with all my groceries and  4 the bags and the cart, the two-year-old in the seat,  5 the five-year-old next to me, and I have to  6 negotiate whether we're going to walk with the  7 length of this parking lot in the drive aisles hang  8 on to me or hang onto the cart.  9 As I'm doing that, I have to look at  10 the taillight of every car coming down now, because  11 now with the electric cars, you can't rely on  12 hearing the engine running. You can't rely on  13 seeing the exhaust coming out. So we try to make  14 sure we get to the car in the drive aisle pushing  15 the cart with the kids and avoiding cars that are  16 backing out.  17 I get to my car. Now I got a dilemma.  18 I got a freshly paved parking lot that slopes from  19 Main Street towards Kings. I can't let go of my  20 cart because it's going to start rolling away with  21 my two-year-old granddaughter in it. So now I got  22 to figure some way to get the two kids in my car and  23 not have my cart roll out into traffic, and assuming  24 it's not raining, maybe I take a bag of groceries  25 and put it behind the cart and then I take my</p>
<p style="text-align: right;">Page 87</p> <p>1 two-year-old, put her on my hip, carry her to the  2 one side of the car with the five-year-old in tow,  3 get her into her car seat, go to the other side of  4 the car, get in her into her car seat, get my  5 groceries into the car and now I got to go halfway  6 down the lot to the cart corral and I've got a  7 two-year-old and five-year-old that don't  8 necessarily like to be in the car without seeing an  9 adult.  10 <b>BOARD ATTORNEY:</b> There's no question  11 here.  12 <b>MR. PIENCIAK:</b> Dude, the question was  13 at the beginning. I'm giving you the basis. I'll  14 give you the summary at the end.  15 <b>BOARD ATTORNEY:</b> Well, you're out of  16 time.  17 <b>MR. PIENCIAK:</b> Well, answer the  18 question then.  19 <b>AUDIENCE MEMBER:</b> Sir, if we can't  20 finish and complete these thoughts, then this is  21 going to continue to come up. I don't know why we  22 can't --  23 <b>BOARD ATTORNEY:</b> He spent his three  24 minutes giving testimony. Your opportunity to give  25 testimony will be at the end.</p>	<p style="text-align: right;">Page 88</p> <p>1 <b>AUDIENCE MEMBER:</b> Excuse me.  2 <b>BOARD ATTORNEY:</b> Ma'am, you're out of  3 order. Okay. You'll have your opportunity to give  4 testimony after the applicant's case is completed.  5 <b>AUDIENCE MEMBER:</b> Don't you represent  6 us.  7 <b>BOARD ATTORNEY:</b> You're out of order.  8 If I have to warn you again, you'll leave the  9 building.  10 <b>MR. PIENCIAK:</b> I gave you my question  11 and I gave you the basis.  12 <b>BOARD ATTORNEY:</b> I'll give you a break.  13 Do either of you fellows have anything to add to  14 what he just told us.  15 <b>MR. PIENCIAK:</b> I'll repeat the  16 question.  17 <b>BOARD ATTORNEY:</b> No, not again.  18 <b>MR. PIENCIAK:</b> Not the story. Just the  19 question.  20 <b>BOARD ATTORNEY:</b> No. Let them answer.  21 <b>MR. SECKLER:</b> So there's still the  22 ability for somebody who is parking on the -- let's  23 say the right side of the building to have access to  24 a sidewalk if they were to wish to leave their cart  25 on the sidewalk and load up their car in that area.</p>

<p style="text-align: right;">Page 89</p> <p>1 I understand that the center island is  2 no longer able to have carts on it. Again, we do  3 have an entire row that is accessible to a sidewalk  4 in that location.  5 Same thing on the other side, if you  6 were to park along the westerly building side, that  7 has an area that has accessible sidewalk, and if you  8 had a cart corral -- a cart, you could leave it on  9 the sidewalk and load the car in the manner that you  10 were talking about earlier.  11 We just eliminated the one in the  12 center.  13 <b>MR. PIENCIAK:</b> So you haven't answered  14 the question, though. The question is isn't it  15 more -- well, less convenient for shoppers and  16 inherently more dangerous from pedestrians because  17 you've taken them off of a sidewalk and put them in  18 the driving lanes.  19 <b>MR. SECKLER:</b> Again, I think this is a  20 condition that is very similar to many, many other  21 shopping centers that have supermarkets and other  22 markets that have carts.  23 <b>MR. PIENCIAK:</b> You are taking an  24 existing condition --  25 <b>BOARD ATTORNEY:</b> No arguing with the</p>	<p style="text-align: right;">Page 90</p> <p>1 witness. You've gotten your answer. Please, sir.  2 Thank you.  3 <b>MR. PIENCIAK:</b> The second piece of the  4 question which absolutely ties into it, what is the  5 down side of leaving it exactly the way it is?  6 <b>BOARD ATTORNEY:</b> Look, if everyone else  7 takes their turn and we still have time, you can  8 come back. Okay. We have to provide an opportunity  9 for everyone to ask questions.  10 <b>MR. PIENCIAK:</b> So at the last meeting,  11 when we ended the meeting, we were in the middle of  12 questioning the traffic engineer, and tonight you  13 started with more testimony. Will the traffic  14 engineer come back next time?  15 <b>BOARD ATTORNEY:</b> We'll continue the  16 questioning period at the next meeting. Yes. Let  17 us have everyone have an opportunity.  18 <b>MR. PIENCIAK:</b> Thank you.  19 <b>BOARD ATTORNEY:</b> Okay. Thank you.  20 <b>MR. MORAN:</b> Good evening. Glenn Moran.  21 Two Ns on Glenn, M-O-R-A-N, 25 Florie, F-L-O-R-I-E,  22 Farm Road.  23 My questions are, and it will be within  24 the three minutes, of Mr. Seckler. It has to do  25 with --</p>
<p style="text-align: right;">Page 91</p> <p>1 <b>BOARD SECRETARY:</b> You have to speak  2 into the microphone.  3 <b>MR. MORAN:</b> -- his reports as well as  4 some information provided there.  5 All right. Now, in your October 2023  6 report, Mr. Seckler, you discussed a traffic count  7 that your company actually performed in March of  8 2019. That traffic count is now four years and  9 eight months old. Is that correct, sir?  10 <b>MR. SECKLER:</b> That is correct.  11 <b>MR. MORAN:</b> And the borough's expert  12 asked you in a memo dated July of 2024 to provide to  13 this board in writing how that traffic count was  14 conducted.  15 Have you provided a written answer to  16 that question to the borough engineer and/or this  17 board to date, sir?  18 <b>MR. SECKLER:</b> I provided testimony  19 accordingly, and I'd be happy to revise the report  20 and submit it to the board. I would like to,  21 obviously, have my testimony get questions so my  22 report that I resubmit is full of all the answers  23 that have been requested.  24 <b>MR. MORAN:</b> Okay. So the answer to my  25 question was, no, you have not submitted anything</p>	<p style="text-align: right;">Page 92</p> <p>1 new in writing that would have been available to me  2 and the public regarding how that traffic study was  3 conducted, correct?  4 <b>MR. SECKLER:</b> Correct. Nothing in  5 writing.  6 <b>MR. MORAN:</b> Okay. Thank you.  7 Now, from those  8 four-year-and-eight-month old traffic study that you  9 did conduct, you prepared projected traffic studies  10 of 2022 and 2024 based upon that old account.  11 You've already acknowledged, as I recall, in prior  12 testimony before this board that you used erroneous  13 rates of growth for the traffic based upon your 2019  14 report and your projections for 2022 and 2024 were  15 erroneous. Is that correct, sir?  16 <b>MR. SECKLER:</b> No. That's not correct.  17 The trip -- the traffic projections at  18 the time of the report in 2022 were accurate. The  19 Department of Transportation re-releases their  20 background growth rate factors on a two-year cycle.  21 So the reviewer was referring to the rates that were  22 released in 2024 which, again, were new data points  23 after this report was submitted. So this was not  24 erroneous data.  25 <b>MR. MORAN:</b> Your written report,</p>

<p style="text-align: right;">Page 93</p> <p>1 however, is one percent increase for each of those  2 years, correct?  3 <b>MR. SECKLER:</b> Correct.  4 <b>MR. MORAN:</b> And the new rate of 2.5  5 percent, which should have been utilized, the fact  6 that you did not ended up in a result of you  7 providing an undercount of the traffic.  8 <b>MR. SECKLER:</b> Again, that data that the  9 Department of Transportation provided about the 2  10 point I think you said 5 percent was released by the  11 Department of Transportation in 2023 or 2024  12 subsequent to this report.  13 So, again, I take issue with the fact  14 with you calling it erroneous as in the fact I  15 picked a wrong value. I used the values that were  16 valid at the time of the report issuance.  17 <b>BOARD ATTORNEY:</b> Time is up.  18 <b>MR. MORAN:</b> Sir, one more have.  19 Have you issued an amendment to your  20 report indicating in writing to this board and the  21 public that you utilized an incorrect for 2022 and  22 2024 percentage increase in growth rate? Did you  23 put it in writing, sir?  24 <b>MR. SECKLER:</b> Again, it is not  25 incorrect, but I also testified that we did counts</p>	<p style="text-align: right;">Page 94</p> <p>1 in 2024 along this roadway in September and found  2 the traffic volumes actually were lower than the  3 counts that we performed in 2019.  4 I'd be happy to provide a written  5 report to the board with that data included.  6 <b>MR. MORAN:</b> Why did you not provide a  7 written report already?  8 <b>BOARD ATTORNEY:</b> All right. That's it.  9 You can come back if everybody else gets a chance.  10 All right. Next question.  11 <b>MR. ZAMMATARO:</b> Frank Zammataro,  12 Z-A-M-M-A-T-A-R-O, 41 Corey Lane, representing the  13 Mendham Alliance for Preservation and Conservation.  14 Chairman, I'd like to just make sure my  15 letter that I sent earlier today is in the record.  16 May I approach Secretary Smith?  17 <b>MR. ORTH:</b> I haven't seen the letter.  18 <b>MR. ZAMMATARO:</b> I'll be happy to give  19 you it myself.  20 <b>MR. ORTH:</b> But it's not appropriate.  21 You can give me a copy of the letter. It's not  22 appropriate to enter it in the record.  23 <b>MR. ZAMMATARO:</b> Okay. Is that correct,  24 Mr. Chairman, that it's not appropriate?  25 <b>BOARD ATTORNEY:</b> You can ask the</p>
<p style="text-align: right;">Page 95</p> <p>1 questions based on your letter, but we need a  2 question from you. We don't have testimony at this  3 point in time.  4 <b>MR. ZAMMATARO:</b> Got it. Thank you,  5 sir.  6 Mr. Seckler, please, isn't it true that  7 your traffic study primarily focused on vehicular  8 traffic and did not fully consider the safety impact  9 on pedestrians and cyclists?  10 <b>MR. SECKLER:</b> The traffic analysis  11 performed was looking at delay.  12 <b>MR. ZAMMATARO:</b> Yes or no please?  13 <b>MR. SECKLER:</b> It was related to delay  14 related to vehicles. The impact.  15 <b>MR. ZAMMATARO:</b> Thank you, sir. Thank  16 you, sir.  17 Isn't it true that this development  18 will increase residential density leading to higher  19 pedestrian and cyclist activity in the area? Yes or  20 no please?  21 <b>MR. SECKLER:</b> Potentially, yes.  22 <b>MR. ZAMMATARO:</b> Thank you.  23 Given the increased residential  24 density, isn't it true that no comprehensive  25 analysis was conducted in your study to assess the</p>	<p style="text-align: right;">Page 96</p> <p>1 potential safety risk to pedestrians and cyclists?  2 <b>MR. SECKLER:</b> We did not perform a  3 safety analysis for pedestrians or cyclists.  4 <b>MR. ZAMMATARO:</b> Thank you. I'd like to  5 come back with other questions later. Thank you.  6 <b>VICE CHAIRMAN SMITH:</b> Okay.  7 <b>MR. VAN DEN HENDE:</b> Good evening. Mark  8 Van Den Henden, 11 Coventry Road. Last name  9 is V-A-N space D-E-N space H-E-N-D-E.  10 My question is for the architect. Are  11 you aware that this facility is going to be built on  12 or adjacent to wetlands?  13 <b>MR. STIEVE:</b> Our civil engineer  14 testified to the conditions with regard to wetlands  15 and the DEP application.  16 <b>MR. VAN DEN HENDE:</b> Your grading plan,  17 drawing C-8, lists test pit locations. Test pit  18 SPP-6 has seasonal ground -- high groundwater level  19 depth of 1.3 feet which is just over 15 inches and  20 is located just north of the building. This  21 building is being built on soft subsurface. Is that  22 correct?  23 <b>MR. STIEVE:</b> We have a geotechnical  24 report that does not give any recommendation for  25 foundation systems for this building yet. So that</p>



<p style="text-align: right;">Page 97</p> <p>1 will -- further investigation has to be done for 2 that.</p> <p>3 <b>MR. VAN DEN HENDE:</b> So is it correct to 4 state that you have not determined the foundation 5 for this new structure that is five stories tall?</p> <p>6 <b>MR. STIEVE:</b> The foundations have not 7 been designed for this project at this time.</p> <p>8 <b>MR. VAN DEN HENDE:</b> Is it correct that 9 you're replacing a single story steel structure with 10 a five-story structure that will require a 11 foundation?</p> <p>12 <b>MR. STIEVE:</b> Yes.</p> <p>13 <b>MR. VAN DEN HENDE:</b> On a wetlands or 14 soft subsurface, what are the types of foundations 15 you would use?</p> <p>16 <b>MR. STIEVE:</b> We would receive 17 recommendations from a soils engineer.</p> <p>18 <b>MR. VAN DEN HENDE:</b> Would the 19 recommendations include pile foundations possibly?</p> <p>20 <b>MR. STIEVE:</b> Again, I would rely on the 21 recommendations of a soils engineer at the time that 22 we're doing foundation designs for the project.</p> <p>23 <b>MR. VAN DEN HENDE:</b> How will this 24 foundation not impact -- if you're required to 25 install a foundation, not impact the high water</p>	<p style="text-align: right;">Page 98</p> <p>1 level in this area that is a feeder to the north 2 branch of the Raritan River?</p> <p>3 <b>MR. STIEVE:</b> We will be required to 4 follow all the regulations and building codes for 5 design of the foundations for this project.</p> <p>6 <b>MR. VAN DEN HENDE:</b> Again, pointing out 7 SPP-6 is 15 inches below grade. That's your water 8 level, and you're building a building within 40 feet 9 of that. Do you see any issues with your 10 construction and foundation designs that may require 11 you to put sheet piling to prevent water from 12 damaging your foundation?</p> <p>13 <b>MR. STIEVE:</b> Again, once -- if this 14 project is approved, we will go through the required 15 steps to design the building foundations and the 16 building structural system.</p> <p>17 <b>MR. VAN DEN HENDE:</b> Was the New Jersey 18 DEP made aware of this high water table when you 19 presented this and that you're going have to put a 20 foundation in this area at that water table?</p> <p>21 <b>MR. STIEVE:</b> I do not know the answer 22 to the DEP question. I was not involved in the DEP 23 application. The civil engineer was involved in the 24 DEP application.</p> <p>25 <b>BOARD ATTORNEY:</b> Sir, your time is up.</p>
<p style="text-align: right;">Page 99</p> <p>1 <b>MR. VAN DEN HENDE:</b> I just want to 2 state for the record that I have a long series of 3 clear questions that I would like to ask that are 4 professional and not repeat, but I cannot ask them. 5 I will hold them for future.</p> <p>6 <b>MR. ROBERTS:</b> Tim Roberts, 36 7 Mountainside Road. Roberts is R-O-B-E-R-T-S. So I 8 believe I have the ability to yield my time.</p> <p>9 <b>BOARD ATTORNEY:</b> No, you do not.</p> <p>10 <b>MR. ROBERTS:</b> Oh, I believe I do.</p> <p>11 <b>BOARD ATTORNEY:</b> Well, you may believe 12 that, but you do not.</p> <p>13 <b>MR. ROBERTS:</b> I'm going to object to 14 your refusal to allow me to yield my time. Maybe 15 you want to talk to the gentleman next to you before 16 you shut me down, sir.</p> <p>17 <b>BOARD ATTORNEY:</b> No. You cannot yield 18 your time. I've already discussed this with the 19 chairman.</p> <p>20 <b>MR. ROBERTS:</b> Are you sure? Has he 21 discussed this with you or is he making this 22 decision? It seems very arbitrary to me.</p> <p>23 <b>VICE CHAIRMAN SMITH:</b> Listen, I take 24 the advice of our attorney, and we have discussed 25 this earlier, but the thing is, if everybody gets</p>	<p style="text-align: right;">Page 100</p> <p>1 up, people will have a chance to come back to have a 2 second round.</p> <p>3 <b>MR. ROBERTS:</b> We were on a role. I'd 4 like to yield my time. You're kind of drawing this 5 out a little.</p> <p>6 <b>BOARD ATTORNEY:</b> Ask a question or 7 please take your seat.</p> <p>8 <b>VICE CHAIRMAN SMITH:</b> Do you have a 9 question?</p> <p>10 <b>MR. ROBERTS:</b> I do have a question.</p> <p>11 <b>VICE CHAIRMAN SMITH:</b> Then ask it 12 please.</p> <p>13 <b>MR. ROBERTS:</b> Gentlemen, is it true the 14 pictures you showed earlier were all -- appear to be 15 in the summer or during nice weather? Is that true? 16 It looks sunny. Was there snow in the 17 pictures?</p> <p>18 <b>MR. STIEVE:</b> There was no snow in the 19 pictures.</p> <p>20 <b>MR. ROBERTS:</b> That's right. Have your 21 assessments evaluated whether or not the potential 22 for snow or snow removal will further reduce the 23 number of parking spots in the parking lot further 24 endangering pedestrians?</p> <p>25 <b>MR. SECKLER:</b> Again, there would be a</p>

<p style="text-align: right;">Page 101</p> <p>1 snow removal plan. There are some locations where 2 snow could be placed. 3 <b>MR. ROBERTS:</b> The answer is no. 4 <b>MR. SECKLER:</b> The other times it would 5 have to be removed from the site. 6 <b>MR. ROBERTS:</b> That's right. So the 7 answer is no. Further, are you aware of the number 8 of young children that hang out at Frank's and 9 Starbucks in the afternoons? 10 <b>MR. SECKLER:</b> I've been in the shopping 11 center post school let out. So I have seen them. I 12 haven't done counts. 13 <b>MR. ROBERTS:</b> That's a yes. Okay. 14 Thank you. 15 Is it safe to assume you're going to 16 increase the number of cars on this site by probably 17 about 50 percent? 18 <b>MR. SECKLER:</b> That's false. 19 <b>MR. ROBERTS:</b> That's false? 20 <b>MR. SECKLER:</b> Yes. 21 <b>MR. ROBERTS:</b> How many parking spots 22 are in the Kings lot currently? Is it 283? 23 <b>MR. SECKLER:</b> The Kings lot currently 24 has -- 25 <b>MR. ROBERTS:</b> I would like -- please</p>	<p style="text-align: right;">Page 102</p> <p>1 don't count this against my time. He's fumbling for 2 answers. 3 <b>MR. SECKLER:</b> It's between 200 and 300 4 spaces. 5 <b>MR. ROBERTS:</b> And you're adding 146. 6 Is that correct? 7 <b>MR. SECKLER:</b> Correct. 8 <b>MR. ROBERTS:</b> So that's roughly 50 9 percent increase? 10 <b>MR. SECKLER:</b> But that's not the amount 11 of traffic via number of trips. 12 <b>MR. ROBERTS:</b> So those cars are never 13 going to leave from the back of the lot there? 14 They're going to stay back there? Plus the 80 in 15 the store. 16 <b>MR. SECKLER:</b> They do, but they turn 17 over less frequently than retail trips. As I 18 mentioned, the CVS on-site generates significantly 19 more traffic on a small footprint compared to the 20 entire back of the site which is the residential 21 development. 22 <b>MR. ROBERTS:</b> So what's the increase in 23 traffic then? If the 140 aren't going to leave, 24 then what do we consider the risk to be? 25 <b>MR. SECKLER:</b> In the busiest peak hour,</p>
<p style="text-align: right;">Page 103</p> <p>1 we're looking at about 30 trips in an hour. So 2 about one car every two minutes during the busiest 3 time periods. 4 <b>MR. ROBERTS:</b> So during rush hour, only 5 30 cars out of the possible 146 are going to leave 6 the premises? 7 <b>MR. SECKLER:</b> Yes. Yes. 8 <b>MR. ROBERTS:</b> I don't have any more 9 questions. It seems unreasonable. 10 I'd like to make just a comment to the 11 board. These answers and this sort of thought 12 process seems very unreasonable to me. 13 <b>MR. BLOOD:</b> Hello. Rick Blood, 14 B-L-O-O-D, 32 Tingley Road. 15 I got some questions about the easterly 16 lane. Starting with -- at the testimony today, you 17 mentioned that you're going to put the guardrail in 18 and bollards around the projections out into the 19 travel lane. How is snow removal going to occur 20 inside this fenced area? 21 <b>MR. SECKLER:</b> Again, you're referring 22 to the area -- the 4-foot area along the side of the 23 building? 24 <b>MR. BLOOD:</b> Yes. 25 <b>MR. SECKLER:</b> I imagine it would have</p>	<p style="text-align: right;">Page 104</p> <p>1 to be shoveled out. 2 <b>MR. BLOOD:</b> So the people hauling trash 3 from as far away as Piattino's, it has to travel 400 4 feet during all times of their operating hours will 5 be -- this walkway will be treated the same as the 6 sidewalks in front of the place as far as snow 7 removal, salting, et cetera. 8 <b>MR. SECKLER:</b> Yeah. It would have to 9 be part of the property maintenance. 10 <b>MR. BLOOD:</b> Okay. The -- on the CVS 11 large truck deliveries, you blocked off a couple of 12 parking spaces to -- because they were going -- the 13 truck was going to impact them. How will this truck 14 impact tenant access to the dumpster area? 15 It looks like, if you line up the pad 16 and the loading dock, you don't have much space. I 17 mean that truck's going to line up right across the 18 mouth of that dumpster area. 19 <b>MR. SECKLER:</b> You'd -- 20 <b>MR. BLOOD:</b> In fact, it looks like it 21 won't even clear it. It's not the projection from 22 the building. Sorry. 23 <b>MR. SECKLER:</b> You're referring to this 24 dumpster? 25 <b>MR. BLOOD:</b> Yes. Correct.</p>

<p style="text-align: right;">Page 105</p> <p>1 <b>MR. SECKLER:</b> Again, if you happen to  2 be taking your garbage there, you know, once a day  3 or so, CVS delivery, you'd go around the vehicle and  4 you'd have access to the dumpster itself. This is a  5 hatched area in front of the dumpster.  6 <b>MR. BLOOD:</b> Yeah. My mistake. I  7 thought that bump out on the CVS building was a  8 loading dock. So that's my error.  9 The western -- okay. The westerly  10 enclosure, you have a -- again, the same issue. The  11 tenants there will drag their garbage all the way  12 down the 310 feet to that enclosure.  13 From looking at the traffic pattern,  14 and I don't know if it's included in your  15 maneuvering -- truck maneuvering sheet that you  16 entered in today, but I don't believe that a front  17 end loader can access that dumpster area given that  18 there's only approximately a 25-foot traffic lane,  19 and a typical front loader needs 35 to 45 foot of  20 radius to make that turn into that dumpster area.  21 <b>MR. SECKLER:</b> We could look at the  22 turning templates for that dumpster. The dumpster  23 may need to be angled slightly different than what's  24 shown there.  25 <b>MR. BLOOD:</b> As part of the -- as part</p>	<p style="text-align: right;">Page 106</p> <p>1 of the dumpster or trash, obviously, you've got  2 trash and recycling. Whether you commingle the  3 products single stream or you divide it up, you're  4 going to end up with, you know, a significant amount  5 or number of dumpsters that you will need there.  6 I understand your testimony is that  7 they're going to service these dumpsters as  8 frequently as they need to. What kind of frequency  9 do you think you'll start off with?  10 <b>MR. SECKLER:</b> I think you're starting  11 off with once a day on this dumpster, at least the  12 easterly dumpster.  13 <b>BOARD ATTORNEY:</b> Mr. Blood, you're out  14 of time.  15 <b>MR. BLOOD:</b> Okay. I reserve my time to  16 come back for the architect. Thank you.  17 <b>MS. DUARTE:</b> Amalia Duarte, 22 Brockden  18 Drive.  19 <b>BOARD SECRETARY:</b> Spell your last name  20 please.  21 <b>MS. DUARTE:</b> Sure. A-M-A-L-I-A is the  22 first name. D-U-A-R-T-E is the second name.  23 My time starts now.  24 <b>VICE CHAIRMAN SMITH:</b> Yeah.  25 <b>MS. DUARTE:</b> All right. A couple of</p>
<p style="text-align: right;">Page 107</p> <p>1 things. I have one question. So I'll keep it  2 short.  3 When you were reconfiguring the egress  4 and ingress to the parking lot which you've  5 radically changed from what it is now, did you take  6 into account that last year Morris County announced  7 that it received a million dollars to do a study to  8 have a traffic circle, a roundabout at the  9 intersection of Cold Hill and to have a traffic  10 light where the triangle is now at the end of Tempe  11 Wick and Main Street?  12 <b>MR. SECKLER:</b> Yes, and we've received  13 approval and we've provided our reports to the  14 county. The county has indicated that their initial  15 plan would be for this stretch of the roadway to  16 have basically a center left-turn lane down the  17 middle of the road here so that you would have a  18 left turn ability separate from the through traffic  19 on East Main Street to get into the site and for  20 people to turn out of the site, but, yes, it's been  21 provided to the county.  22 They have our traffic trip projections  23 which they would use for designing the roundabout  24 and the signal.  25 <b>MS. DUARTE:</b> Okay. That's news to the</p>	<p style="text-align: right;">Page 108</p> <p>1 community I'm sure. So is that indicated on your  2 plan?  3 <b>MR. SECKLER:</b> No, because we need to  4 make sure that, you know, if we go before the  5 county, we have a plan that is designed. The county  6 would take into account our access -- our access  7 into account for their design.  8 <b>MS. DUARTE:</b> Okay. Second question is  9 you talked about the number of bedrooms per unit.  10 So I would assume that with the two- and  11 three-bedroom units there will be school children  12 who are going to be moving into the residential  13 units. Did you also take into account -- I  14 understand the borough has subscription bus service  15 if you're within two miles. So it's a mile to the  16 Hilltop School.  17 So if anyone from that -- who moves in  18 there decides that they want to bus their children,  19 have you taken into account how the busses will get  20 in and out, how that will impact traffic?  21 <b>MR. SECKLER:</b> We have not designed a  22 bus stop location within the site. You'll hear from  23 the planner the expected number of school-age  24 children this would generate. As you mentioned, I  25 believe this would be a pay for bus, not a district</p>

<p style="text-align: right;">Page 109</p> <p>1 provided bus. So, again, we would look for a 2 location that would be appropriate. 3 Again, we do have, as the architect 4 mentioned, a large drop off and pick up area along 5 the front of the site that potentially could be 6 utilized for the school bus. We'd have to run the 7 templates, though. 8 <b>MS. DUARTE:</b> Okay. So you could 9 potentially have -- we have three different schools. 10 By my count, you could have at least 50 children of 11 varying ages. So you might have three different 12 routes coming through there morning and after 13 school. 14 <b>MR. SECKLER:</b> Again -- 15 <b>MR. ORTH:</b> A 75-unit project is not 16 going to yield 50 school children. That's 17 ridiculous. 18 <b>MS. DUARTE:</b> Excuse me. He's 19 interrupting me now. 20 <b>MR. ORTH:</b> I'm objecting to it. It's a 21 ridiculous question. 22 <b>BOARD ATTORNEY:</b> Mr. Orth, let her 23 finish her question. 24 <b>VICE CHAIRMAN SMITH:</b> Let her ask her 25 question.</p>	<p style="text-align: right;">Page 110</p> <p>1 <b>MS. DUARTE:</b> I'm just going to make a 2 comment. I sat on the township zoning board for a 3 number of years. I'm now on the town council. I've 4 gone to many planning board meetings, not just here 5 or the township, in other towns. I've never been 6 addressed like that or heard anyone addressed like 7 that by someone representing a builder. 8 I honestly can't believe you're putting 9 up with it. I really can't. 10 <b>BOARD ATTORNEY:</b> I will allow you to 11 continue your question. Go ahead. 12 <b>MS. DUARTE:</b> That was just unbelievably 13 rude. 14 So there are 32 bedroom units, right? 15 You know kids share rooms. 16 <b>MR. ORTH:</b> Ask the question of the 17 witness. 18 <b>MS. DUARTE:</b> Well, you just called my 19 question ridiculous. 20 So kids share bedrooms. All right. 21 And there are three units with three bedrooms and 22 nine units with two bedrooms. So there can 23 absolutely be that many children there. 24 <b>MR. SECKLER:</b> Rutgers has provided a 25 study of school-age children in multi-family</p>
<p style="text-align: right;">Page 111</p> <p>1 developments, and I'm sure the planner will testify 2 later on the expected number of school-age children 3 that this site would generate. 4 From those calculations, I believe it 5 will be much less than 30, but, again, you'll hear 6 from the planner. 7 <b>MS. DUARTE:</b> We don't know, but there 8 are such things called bunk beds. Okay. I'm done. 9 <b>LUNDE:</b> Hello. Harold Lunde spelled 10 L-U-N-D-E, Mendham Borough. 11 <b>BOARD SECRETARY:</b> Address. 12 <b>MR. LUNDE:</b> 34 Gunther Street, Mendham. 13 I'd like to know, in those spots where 14 EVs are parked and charged, if there's any 15 supplemental fire mitigation systems planned? 16 <b>MR. STIEVE:</b> The building is going to 17 be designed to meet all of the fire safety 18 requirements by the State of New Jersey and the IBC 19 building codes. 20 <b>MR. LUNDE:</b> What are the materials 21 surrounding the parking spots, the structural 22 materials? 23 <b>MR. STIEVE:</b> The podium of the building 24 is noncombustible material. So it all had to be 25 steel or concrete, and the roof or the ceiling of</p>	<p style="text-align: right;">Page 112</p> <p>1 the garage also has to be the same construction 2 type. 3 <b>MR. LUNDE:</b> Okay. Thank you. 4 <b>MS. ORTMAN:</b> Hey there. I'm Carol 5 Ortmann, 3 Loryn, L-O-R-Y-N Lane, Mendham Borough. 6 So I asked this I think like years ago. 7 The lifts and the oil changes, the hydraulic system, 8 can I ask that question? 9 <b>VICE CHAIRMAN SMITH:</b> Yeah, certainly. 10 <b>MS. ORTMAN:</b> Okay. So how is that 11 going to be addressed with all the wetlands back 12 there? Hydraulics are not known to be 13 environmentally friendly. Are they going to be 14 electric? 15 <b>MR. SECKLER:</b> We don't have a 16 specification for the lifts yet. They could 17 possibly be electric. They could have 18 self-containment systems. Some of these lift 19 systems come with self-contained trays. 20 <b>MS. ORTMAN:</b> So if they're hydraulic 21 lifts, they consume a lot of energy, a lot of oil 22 leaks. So I'm just pointing that out that it might 23 not be really good for our environment here in 24 Mendham. Thanks very much. 25 <b>MR. NEFF:</b> Hi. Chris Neff, 89 West</p>

<p style="text-align: right;">Page 113</p> <p>1 Main Street, Mendham.  2 You're building -- so bird strikes are  3 a big concern. I'm concerned about this building  4 because your building is next to green space that  5 have endangered and threatened species living there.  6 Buildings that are one to three stories are a danger  7 to birds. This is five stories. Do you plan on  8 doing a bird strike study?  9 <b>MR. STIEVE:</b> We have not done a bird  10 strike study.  11 <b>MR. NEFF:</b> Do you plan on doing one?  12 <b>MR. STIEVE:</b> I don't know if it's a  13 requirement. It's not a requirement of the zoning.  14 <b>MR. NEFF:</b> So you'll only do it if it's  15 a requirement. Thank you.  16 <b>MR. MAKO:</b> Hello. Elias Mako, 91 West  17 Main Street.  18 <b>BOARD SECRETARY:</b> Spell your last name  19 please.  20 <b>MR. MAKO:</b> M-A-K-O.  21 I'm concerned a little bit here. I was  22 wondering if the turn lane into the Kings parking  23 lot is going to necessitate a light, traffic light?  24 <b>MR. SECKLER:</b> The turn lane into the  25 site I was discussing is what I've heard that the</p>	<p style="text-align: right;">Page 114</p> <p>1 county's preliminarily considering for the redesign  2 of East Main Street between Tempe Wick and the  3 signalized intersection to the east.  4 <b>MR. MAKO:</b> When you redesign it, how  5 many lines is that going to be?  6 <b>MR. SECKLER:</b> It will be one lane each  7 direction. It will be one lane each direction with  8 the center lane being a turn lane.  9 <b>MR. MAKO:</b> So a center turn lane?  10 <b>MR. SECKLER:</b> A center turn lane. Yes.  11 <b>MR. MAKO:</b> How much wider is the street  12 going to be?  13 <b>MR. SECKLER:</b> I don't believe it is  14 getting any wider, but, again, that's a county  15 project unrelated to this project before the board.  16 <b>MR. MAKO:</b> You have 140 parking spaces  17 you're going to put in those residences. How many  18 times are those cars going to move per day?  19 <b>MR. SECKLER:</b> Typically, each unit  20 generates about four to five trips a day. So they  21 come and leave about twice per day per resident.  22 <b>MR. MAKO:</b> So it's five trips a day.  23 So that's five trips coming and going?  24 <b>MR. SECKLER:</b> Yes, per unit.  25 <b>MR. MAKO:</b> So it's the same as other</p>
<p style="text-align: right;">Page 115</p> <p>1 cars.  2 <b>MR. SECKLER:</b> No. No. Sorry. The  3 average is five trips per unit. So some people may  4 be four and some people six.  5 <b>MR. MAKO:</b> Define a trip. What is a  6 trip?  7 <b>MR. SECKLER:</b> A trip is either in or  8 out. So if you leave and you come back, that's two.  9 <b>MR. MAKO:</b> You have five trips. You  10 don't go home.  11 <b>MR. SECKLER:</b> Well, it's an average.  12 So --  13 <b>MR. MAKO:</b> Am I right?  14 <b>MR. SECKLER:</b> Yes. It's an average.  15 So half the units may have four trips a day. Half  16 the units may have six trips a day. The average is  17 about five trips per day per unit.  18 <b>MR. MAKO:</b> Five times 140.  19 <b>MR. SECKLER:</b> No, by unit. So times  20 the 75 units.  21 <b>MR. MAKO:</b> What about the parking  22 spaces?  23 <b>MR. SECKLER:</b> Again, the calculation is  24 by the number of units in the building.  25 <b>MR. MAKO:</b> The parking spaces don't</p>	<p style="text-align: right;">Page 116</p> <p>1 count.  2 <b>MR. SECKLER:</b> Correct. The generator  3 is the people in the building, not the parking  4 spaces.  5 <b>MR. MAKO:</b> So it's five times seven?  6 <b>MR. SECKLER:</b> Five times 75.  7 <b>MR. MAKO:</b> Five times 75.  8 <b>MR. SECKLER:</b> Yes.  9 <b>MR. MAKO:</b> All right. All I know is I  10 live on West Main Street, and I want to go to  11 Morristown at 7:30 in the morning. That's holy  12 hell. I know I'm in a church, but I got to say it.  13 It's brutal, and I'm just wandering, if you put this  14 thing in, we got to change the name of Main Street  15 to LIE. That's all. Thank you.  16 <b>MS. MAC NEIL:</b> Jane Mac Neil, Main  17 Street in Brookside.  18 <b>BOARD SECRETARY:</b> What's your address  19 in Brookside?  20 <b>MS. MAC NEIL:</b> 31 East Main Street.  21 <b>BOARD SECRETARY:</b> And spell your last  22 name please.  23 <b>MS. MAC NEIL:</b> M-A-C capital N-E-I-L.  24 I have a real concern about -- this is  25 just a statement, not a question. I have a real</p>

<p style="text-align: right;">Page 117</p> <p>1 concern about the emergency vehicles that would have 2 to get in say behind Piattino's. 3 If there is an emergency, the borough 4 fire department, the township fire department and 5 the Ralston Fire Department would all answer the 6 call in addition to the first aid squads. 7 Now, what if a CVS truck is unloading 8 at that time? How the heck are they going to get 9 through? Thank you. 10 <b>BOARD ATTORNEY:</b> Do you want to answer 11 that? 12 <b>MR. SECKLER:</b> Well, again, we've shown 13 the CVS truck delivery. It delivers while it's 14 delivering outside of the path that an emergency 15 vehicle would take around the building or to get to 16 the building in the rear. 17 <b>MR. SCHMADEL:</b> Hi. My name is Joseph 18 Schmadel, 18 Franklin Road. S-C-H-M-A-D-E-L. 19 We talked earlier about the number of 20 employees for the car center. Will the complex have 21 property managers on-site and other employees and 22 where will they be parking? 23 <b>MR. STIEVE:</b> I can find out about 24 property management. Often times property 25 management is done through a service off-site.</p>	<p style="text-align: right;">Page 118</p> <p>1 <b>MR. SCHMADEL:</b> The buildings I'm 2 familiar with, there's usually an office and it has 3 individuals on-site. Okay. But we'll get back to 4 that. The construction of the building itself, will 5 it be steel or will it be wood, the framing? 6 <b>MR. STIEVE:</b> It's intended to be a wood 7 frame structure above a noncombustible podium. 8 <b>MR. SCHMADEL:</b> That's all I have then. 9 Thank you. 10 <b>MS. BECK:</b> Good evening. Priscilla 11 Beck, B-E-C-K, 16 Coventry. My questions are for 12 the traffic engineer. 13 <b>BOARD SECRETARY:</b> Please speak into the 14 microphone. You can pull it down. There you go. 15 <b>MS. BECK:</b> I'm getting shorter every 16 day. 17 For the traffic engineer, my first 18 couple of questions are basically yes and no 19 questions. So, hopefully, that will speed things 20 up. 21 When you redesigned the traffic and 22 parking at the shopping center, did you prioritize 23 the ingress to the proposed apartments and auto 24 business to the rear of the lot as opposed to the 25 current usage?</p>
<p style="text-align: right;">Page 119</p> <p>1 <b>MR. SECKLER:</b> That plus the parking 2 supply available in the front of the site. That was 3 also a goal. 4 <b>MS. BECK:</b> So -- okay. So you 5 prioritized the apartments? 6 <b>MR. SECKLER:</b> And providing more 7 parking for the customers in the front of the site. 8 <b>MS. BECK:</b> Okay. Would you agree with 9 me that, from the perspective of the hundreds of 10 shoppers that use the shopping center each day, the 11 new design is not as good as what exists today? 12 <b>MR. SECKLER:</b> No. I believe that we're 13 adding more parking so they're able to find parking 14 in the front of the site. I believe that the access 15 routes are easier or you could get to parking easier 16 as opposed to the one-way circulation pattern, and 17 we are adding areas of additional green space and 18 hard space in the retail areas. 19 <b>MS. BECK:</b> Okay. So -- okay. You 20 don't agree with me. I happen to like the current 21 one. I've been going there for 29 years. Maybe 22 that's because it's familiar, but I think it has a 23 lot of advantages over what's proposed. 24 With the new ingress and egress, you 25 have completely eliminated 17 parking spaces along</p>	<p style="text-align: right;">Page 120</p> <p>1 one side, the westerly side. These were reasonably 2 safe parking spaces with minimal traffic exiting the 3 shopping center using that particular aisle. Are 4 you not concerned with how more dangerous it will be 5 for people to back out of the remaining spaces into 6 two-way traffic, especially when you consider that 7 some of the drivers, notably, some Kessler patients, 8 and I've been one and I've used it many times, are 9 elderly and dealing with physical problems, and they 10 have to back out, and if they can't get a parking 11 space there, they're going have to walk across the 12 two lanes, and there are many quick stops and 13 pick-ups at Starbucks, especially in the morning 14 commuting hours, lunchtime and dinnertime, pizza 15 pickups at Frank's. 16 Kessler generates easily about six cars 17 every hour all day long, and there are only 17 18 spaces along that particular aisle. What about the 19 spaces for Starbucks? What about the spaces for all 20 the other businesses? 21 I think the new parking space plan is 22 insufficient for these busy establishments and 23 restaurants, and I'm concerned about the viability 24 of the businesses in our shopping center that they 25 be there for us, and then, lastly, all of the</p>

<p style="text-align: right;">Page 121</p> <p>1 interior aisles are bidirectional on the new plan  2 rather than the current one way. Why did you design  3 this pattern?  4 <b>MR. SECKLER:</b> So pattern -- well, I  5 guess I'll start from the beginning. Again, the  6 number of parking spaces for the retail users are  7 actually being increased I believe by about 30  8 spaces to help support the businesses in the front  9 of the site.  10 <b>MS. BECK:</b> But not for the westerly  11 businesses on the westerly aisle.  12 <b>MR. SECKLER:</b> Well, again, they're free  13 to use any of the spaces in the lot.  14 <b>MS. BECK:</b> But then they have to cross  15 over two-way traffic to get to those businesses.  16 <b>MR. SECKLER:</b> Correct. Two-way traffic  17 that we added speed tables on either side to help  18 reduce the speeds. We've increased the width of  19 that aisle. So that you're concerned about people  20 backing out of those spaces, they have more room  21 than the standard drive aisle.  22 <b>MS. BECK:</b> But they still have to back  23 into two-way traffic.  24 <b>MR. SECKLER:</b> Correct. Yes.  25 <b>BOARD ATTORNEY:</b> Okay. I think that's</p>	<p style="text-align: right;">Page 122</p> <p>1 all the time we have.  2 <b>MS. BECK:</b> No answer for why it's  3 bidirectional rather than one way?  4 <b>MR. SECKLER:</b> Again, I believe if  5 you're someone going to Starbucks or any of those,  6 Frank's and things like that, you now have an easier  7 path to get into those units.  8 <b>MS. BECK:</b> How about for Kings itself?  9 They're all bidirectional.  10 <b>MR. SECKLER:</b> Correct. Correct.  11 <b>MS. BECK:</b> Which is more difficult and  12 less safe.  13 <b>MR. SECKLER:</b> I don't believe there's  14 any studies that show that that is an unsafe  15 condition of bidirectional drive aisle.  16 <b>AUDIENCE MEMBER:</b> So there's no study  17 to show a safer way.  18 <b>MR. SECKLER:</b> It's been designed -- the  19 aisle width has been designed per standard design  20 guidelines.  21 <b>BOARD SECRETARY:</b> Go for it.  22 <b>MR. LUPO:</b> Frank Lupo, 17 Dean Road,  23 Mendham, New Jersey.  24 <b>BOARD SECRETARY:</b> Spell your last name.  25 <b>MR. LUPO:</b> L-U-P-O.</p>
<p style="text-align: right;">Page 123</p> <p>1 Thank you for this time. Hello.  2 Just a quick question on trip  3 generation. I'm just trying to understand your  4 study. Your study calculates for the shopping  5 center and for the trips that were generated from  6 the racquetball club. Is that correct?  7 <b>MR. SECKLER:</b> For the existing  8 condition.  9 <b>MR. LUPO:</b> The racquetball club and the  10 shopping center, correct? Yes or no?  11 <b>MR. SECKLER:</b> The existing condition  12 has both uses, yes.  13 <b>MR. LUPO:</b> Are you familiar with block  14 801, lot 19?  15 <b>MR. SECKLER:</b> I would need a little  16 more hint on what you're referring to.  17 <b>MR. LUPO:</b> The Mendham lumberyard  18 plywood.  19 <b>MR. SECKLER:</b> Yes.  20 <b>MR. LUPO:</b> What are the access points  21 in and out of that land lock property?  22 <b>MR. SECKLER:</b> They have an easement on  23 the easterly side of the east building.  24 <b>MR. LUPO:</b> Were your numbers in the  25 traffic counts calculated that property's current</p>	<p style="text-align: right;">Page 124</p> <p>1 egress and ingress and future potentially what will  2 happen with that property when the lumberyard is  3 sold.  4 <b>MR. SECKLER:</b> Well, I can't speak to  5 what possibly could happen when it's sold.  6 When we did our counts in October of  7 20 -- sorry, 2019 -- sorry, March of 2019, we  8 counted the trips that entered and exited the  9 driveways to the site. So if a lumberyard customer,  10 user utilized one of the driveways to the site, they  11 were counted as part of our study.  12 <b>MR. LUPO:</b> Was that before or after  13 COVID?  14 <b>MR. SECKLER:</b> That was 2019. So that  15 was before.  16 <b>MR. LUPO:</b> Anything recent?  17 <b>MR. SECKLER:</b> Again, we most recently  18 did counts on the street in 2024 in September, but  19 we have not done new counts for the site driveways.  20 <b>MR. LUPO:</b> Your new counts -- your  21 current counts do not include Starbucks, correct?  22 <b>MR. SECKLER:</b> The roadway counts would  23 include -- the 2024 counts would include Starbucks  24 being open for the road itself, not the driveways.  25 The driveway counts were from 2019.</p>

<p style="text-align: right;">Page 125</p> <p>1 <b>MR. LUPO:</b> The current -- in the  2 current testimony, we've heard delivery vehicles,  3 quick stops, Ubers, daily pickup of trash vehicles.  4 This totally adds up to more than 30 trips just in  5 the testimony tonight.  6 <b>MR. SECKLER:</b> That's in a peak hour.  7 <b>MR. LUPO:</b> I'm confused. If you have  8 daily trips, daily pickups, Ubers, daily vehicles,  9 how could that be the peak?  10 When you have 135 bedrooms, so let's  11 say 60 percent of those are going to be somebody  12 going in and out. I mean doesn't it seem low, 30?  13 <b>MR. SECKLER:</b> Thirty trips are based on  14 the Institute of Transportation engineer's trip  15 generation manual. It's based on data collected on  16 operating sites like this in which people have  17 counted the number of cars coming in and out of  18 residential developments.  19 <b>MR. LUPO:</b> Do you have similar examples  20 of this type of trip generation of areas that are  21 similar, not that were presented earlier such as in  22 Hoboken, but similar in our area?  23 <b>MR. SECKLER:</b> I have to review my  24 notes. I know we have done counts in other areas  25 that have to determine if it's equal to a location</p>	<p style="text-align: right;">Page 126</p> <p>1 as this in terms of similar transit options or lack  2 thereof.  3 <b>BOARD ATTORNEY:</b> Time's up.  4 <b>MR. LUPO:</b> I do object to this  5 arbitrary time limit because I do have many safety  6 questions that --  7 <b>BOARD ATTORNEY:</b> You can come back if  8 everyone else gets their chance.  9 <b>MR. LUPO:</b> Very good. Thank you.  10 <b>MR. MASTORIS:</b> My name is Bill  11 Mastoris. My first name is spelled M-A-S-T-O-R-I-S,  12 and I live in The Commons.  13 <b>BOARD SECRETARY:</b> What's the address in  14 The Commons?  15 <b>MR. MASTORIS:</b> 19 Galway, G-A-L-W-A-Y.  16 So my question is very general in  17 nature. I think it's much more universal, and I  18 invite any of the petitioners who would like to  19 answer it.  20 I think we can all agree that the  21 amount of traffic is going to increase  22 substantially, particularly early in the morning  23 when people leave for work, and there will be a lot  24 more conflict between those who let's say go to  25 Mendham High School or any of the Mendham schools</p>
<p style="text-align: right;">Page 127</p> <p>1 and those just wanting to go to work from this  2 proposed new project, and so you can see it, and I  3 think everybody agrees, it's going to be far more  4 congestion, and it's probably going to require at  5 some point whether we acknowledge it or not right  6 now, but I think this will evolve, we're probably  7 going to have additional stop signs, maybe even a  8 traffic light, probably going to have additional  9 police support, and so it's a simple question.  10 Who's going pay for all this? Anybody can answer.  11 <b>MR. SECKLER:</b> Again, I'll testify that  12 we provided the analysis that we performed, the data  13 to the county who has their own project in this  14 area. They've not indicated any need for a traffic  15 light at this driveway.  16 So, again, I don't believe that any  17 traffic light is needed. Therefore, there would be  18 no need for anyone to pay for one.  19 <b>MR. MASTORIS:</b> If one were to be  20 needed, don't we face a predicament of where we have  21 one entity that benefits economically that the rest  22 of us are going to pay for? I mean it's simple  23 math. Yes, no?  24 <b>MR. SECKLER:</b> Again, I am a traffic  25 engineer. I don't deal with financial contributions</p>	<p style="text-align: right;">Page 128</p> <p>1 from developers or other private parties.  2 <b>MR. MASTORIS:</b> Counsel, would you care  3 to comment on that?  4 <b>MR. ORTH:</b> All on-site improvements  5 along with other improvements are governed by the  6 MLUL which requires, if they are imposed, a pro rata  7 contribution from the developer to which for a  8 limited category of items for which the particular  9 improvement is connected to.  10 <b>MR. MASTORIS:</b> In plain speak.  11 <b>MR. ORTH:</b> So there is no -- as our  12 traffic engineer testified, there is no anticipated  13 traffic light which is anticipated to be required as  14 part of this application.  15 <b>MR. MASTORIS:</b> Thank you.  16 <b>MS. BRAUN:</b> Rebecca Braun, B-R-A-U-N,  17 79 Lowry Lane.  18 I just want to piggyback on his  19 question, and it's more a question to the council.  20 I feel like every time I come up here I ask you guys  21 a question.  22 Seventy-five units. I grew up in a  23 two-bedroom apartment. I shared a room with my  24 brother until I was 24 years old. It happens. Low  25 income. Here I am.</p>



<p style="text-align: right;">Page 129</p> <p>1 Is the town prepared for this influx of 2 people, the infrastructure? Do we have the money to 3 pay for more police? 4 We have a hard time getting volunteers 5 for the First Aid Squad and the fire department. 6 How is your work going to be impacted in the Phoenix 7 House? Are you prepared? Like what is the plan for 8 that and how are we paying? How -- we're paying for 9 that, right? 10 Are schools able to house these people 11 which, obviously, will ebb and flow with people 12 moving in and moving out, but we are planning on 13 building an auditorium on Mountainview. Do we need 14 to scrap that and build a second story? 15 Like how are we going to move forward 16 with this huge property? That's why I'm here. Like 17 the shopping center, we'll figure it out, but our 18 way of life, like can we manage that? 19 <b>BOARD ATTORNEY:</b> Do the witnesses have 20 any response to that? I think it's outside the 21 scope of your testimony, but you can comment if you 22 wish. 23 <b>AUDIENCE MEMBER:</b> I think it's a board 24 question. 25 <b>BOARD ATTORNEY:</b> It may be an important</p>	<p style="text-align: right;">Page 130</p> <p>1 question but -- 2 <b>AUDIENCE MEMBER:</b> A board question. 3 Not important. A board. 4 <b>MS. BRAUN:</b> It's a question to the town 5 council. 6 <b>BOARD ATTORNEY:</b> Well, this is not the 7 town council. 8 <b>MS. BRAUN:</b> You're representing us 9 here. You invited us here. I'm happy to go to a 10 borough council meeting and ask the same question, 11 but tonight I'm here asking you. 12 While they're presenting their 13 testimony and we're listening and we've prepared our 14 questions, are you guys preparing for this and how 15 you're going to support us in this town? 16 <b>BOARD ATTORNEY:</b> That's not the job of 17 the MLUL board. We enforce the ordinance of the 18 municipal land use law. It's up to the council to 19 finance the things that you're talking about. 20 So, yes, your question is best brought 21 to the council. 22 <b>AUDIENCE MEMBER:</b> What is your role? 23 <b>BOARD ATTORNEY:</b> Sir, you've been up 24 here before. Is there anyone else? 25 <b>MS. MAC ASKIL:</b> My name is Fiona Mac</p>
<p style="text-align: right;">Page 131</p> <p>1 Askil, M-A-C capital A-S-K-I-L-L. I'm at 20 Cold 2 Hill Road in the borough. 3 So my question is this. Mendham in my 4 mind, and I've been here now 25 years, is a very 5 tight community where there's a lot of volunteering. 6 There's a lot -- you know, things to offer. 7 When I heard this description of this 8 entity which is a word that I would have used 9 another word for, this is to me an exclusive 10 compound so it seems that it is not very community 11 interactive. There's only resident this. Only 12 resident that. Not that I want anything to do with 13 this, but I think, as a community, in my mind, to 14 add something to our community is to add value, and 15 the value here I know is a tax revenue thing, but in 16 terms of community, activities, just by the 17 description that I heard here, there's nothing that 18 showed me that there's any interaction, any 19 engagement that's planned, that this is being put up 20 together as a compound, and I think, you know, as 21 far as Mendham is concerned, I think it's a 22 disservice to the community. 23 <b>BOARD ATTORNEY:</b> Is that the question? 24 <b>MS. MAS ASKIL:</b> Yes. Why are we doing 25 this then?</p>	<p style="text-align: right;">Page 132</p> <p>1 <b>MR. SULLIVAN:</b> I'd like to comment on 2 the last two ladies' comments. My name is Neil 3 Sullivan. I'm on town council. We, as a town, are 4 being forced to do this through the state affordable 5 housing obligations. We have to, you know, get our 6 numbers to a certain point, and it's -- you know, 7 sometimes, you know, I really think that my hands 8 are tied too. So -- 9 <b>AUDIENCE MEMBER:</b> It doesn't need to be 10 five stories. 11 <b>AUDIENCE MEMBER:</b> There are no other 12 options? 13 <b>AUDIENCE MEMBER:</b> Does it need to be 14 five stories? 15 <b>BOARD ATTORNEY:</b> We're getting beyond 16 the scope of what the land use board does. If you 17 know what the municipal land use board does, there's 18 a Municipal Land Use Law. You can look it up 19 online, and it will tell you. 20 So, ma'am, go ahead with your 21 questions. 22 <b>MS. FORD:</b> Alise, A-L-I-S-E F-O-R-D. I 23 live at 73 Hampshire Drive. 24 So my question is about this 25 construction for the architect. We're talking about</p>

<p style="text-align: right;">Page 133</p> <p>1 a five-story building very close to wetlands and a  2 lot of endangered and threatened species. How long  3 will the construction take and have we considered  4 what kind of vehicles are going to be used in the  5 construction of this building?  6 Are we talking a year? I mean we have  7 species that nest and breed, and, you know, we're  8 going to disrupt their habitat. The habitat is  9 threatened and how long will the construction --  10 <b>MR. STIEVE:</b> So the proposed  11 construction will take between 18 and 24 months, and  12 the basic footprint of the project that's being  13 proposed is basically on the footprint of the  14 racquet club and the surrounding activity areas of  15 the racquet club.  16 <b>MS. FORD:</b> Okay. Just considering, you  17 know, we're talking about large trucks coming in and  18 out for CVS or fire engines, but we're not talking  19 about large construction trucks and dump trucks and  20 crews and for two years. So, you know, it's kind of  21 a consideration.  22 That's my only question. Thank you.  23 <b>MR. VAN DEN HENDE:</b> I have one very  24 quick question and I've been wanting to ask this.  25 This is Mark Van Den Hende, V-A-N D-E-N H-E-N-D-E,</p>	<p style="text-align: right;">Page 134</p> <p>1 11 Coventry Road.  2 On your plans, the architectural plans,  3 over the Kings it is listed plan B. Can you bring  4 up that drawing and tell us what plan B is for the  5 Kings?  6 It says proposed plan B if I remember  7 correctly. It was on the drawing that you have.  8 Yeah.  9 <b>MR. STIEVE:</b> I believe it's just  10 referring to a portion of -- the back portion of the  11 site we were calling portion A and the front site,  12 portion B.  13 <b>MR. VAN DEN HENDE:</b> Yes, but it was  14 proposed plan A for the back, and the Kings unit --  15 the Kings facility was proposed plan B, and I wanted  16 to understand are you planning on building another  17 structure over Kings at a future date?  18 <b>MR. ORTH:</b> No. It's a subdivision,  19 potential subdivision if I had to guess.  20 <b>MR. ZAMMATARO:</b> Just a few more  21 questions if you don't mind. Frank Zammataro, 41  22 Corey Lane.  23 <b>BOARD SECRETARY:</b> We can't hear with  24 the people speaking back there.  25 <b>MR. ZAMMATARO:</b> Frank Zammataro, 41</p>
<p style="text-align: right;">Page 135</p> <p>1 Corey Lane representing the Mendham Alliance for  2 Preservation and Conservation. These questions are  3 for Mr. Seckler again.  4 Isn't it true that the intersection of  5 Cold Hill Road and East Main Street is approximately  6 690 feet away from the proposed eastern ingress/  7 egress entrance to the development site?  8 <b>MR. SECKLER:</b> Yes.  9 <b>MR. ZAMMATARO:</b> Isn't it true that you  10 did not take an actual measurement to confirm that  11 during your study?  12 <b>MR. SECKLER:</b> The physical measurement?  13 <b>MR. ZAMMATARO:</b> Correct.  14 <b>MR. SECKLER:</b> During our study, yes, I  15 physically measured on a map how far it is away.  16 I did not analysis that intersection if  17 that's your question.  18 <b>MR. ZAMMATARO:</b> Did you personally take  19 that measurement?  20 <b>MR. SECKLER:</b> On a map, yes.  21 <b>MR. ZAMMATARO:</b> In your traffic study  22 dated October 20, 2022, isn't it true that you did  23 not explicitly document this distance in relation to  24 the development site?  25 <b>MR. SECKLER:</b> Correct.</p>	<p style="text-align: right;">Page 136</p> <p>1 <b>MR. ZAMMATARO:</b> Isn't it true that,  2 given the proximity of the 697 feet, the turning  3 movement counts at the intersection of Cold Hill  4 Road and East Main Street would be highly relevant  5 to assessing the project's traffic impact? Yes or  6 no.  7 <b>MR. SECKLER:</b> I would say no. I could  8 explain, but if you want me to answer the questions  9 quick, I'll say no.  10 <b>MR. ZAMMATARO:</b> Isn't it true that your  11 traffic study dated October 20 did not include  12 turning movement counts for this intersection?  13 <b>MR. SECKLER:</b> Correct.  14 <b>MR. ZAMMATARO:</b> Isn't it true that,  15 including turning moving counts for an intersection  16 so close to the site would have provided a more  17 complete analysis of potential traffic congestion?  18 <b>MR. SECKLER:</b> I believe the analysis  19 included within the report is sufficient for the  20 this application.  21 <b>MR. ZAMMATARO:</b> Thank you.  22 <b>BOARD ATTORNEY:</b> Hold on, sir. I think  23 we have a lady who hasn't -- go ahead.  24 <b>MS. MASTORIS:</b> Hi. My name is Leslie  25 Mastoris, M-A-S-T-O-R-I-S. I'm at 19 Galway.</p>

1 I guess my biggest question is, and it  
 2 might be a nice way to close, is, before all of this  
 3 started, this is question for the developer, and I  
 4 assume that Tom Maoli (ph.) is not in the building,  
 5 was there ever any time before you started the plan  
 6 or hiring anyone -- was there at any time did you  
 7 have a town hall? Did you invite members of the  
 8 community to share their ideas for what you were  
 9 doing?  
 10 That's my biggest question. Did you  
 11 ever have a town hall back in 2018 or 2019 when this  
 12 was the first idea, like when it was just a light  
 13 idea.  
 14 **MR. ORTH:** I don't know, ma'am. I  
 15 don't know, ma'am. We were not involved at the  
 16 initial outset of this project, my firm.  
 17 I know that the governing body did have  
 18 at various occasions meetings on this project over  
 19 the years, but I couldn't tell you if the developer  
 20 actually ever hosted a town hall.  
 21 That would be unusual in my opinion.  
 22 **MS. MASTORIS:** It's not unusual. It's  
 23 very, very typical for a developer of any size, if  
 24 they want a successful project, and I'm speaking  
 25 from 35 years and the experience, you always meet

1 parking, and then it's four stories of apartments  
 2 above?  
 3 **MR. STIEVE:** Yes.  
 4 **MS. WESLEY:** How many parking spots  
 5 will be underneath?  
 6 **MR. STIEVE:** Underneath the building is  
 7 106 parking spaces.  
 8 **BOARD SECRETARY:** Before you come up,  
 9 is there anyone else that wants their first chance?  
 10 **MS. BURKE:** Peggy Burke, B-U-R-K-E, 8  
 11 Bockoven, B-O-C-K-O-V-E-N.  
 12 I'm not sure if I understood. Are we  
 13 going to revisit the alleyway? Is that something  
 14 that still has to be discussed as to if they're  
 15 going to widen it or what they're going to do? Is  
 16 that going to be discussed again?  
 17 **VICE CHAIRMAN SMITH:** That will be,  
 18 yes.  
 19 **MS. BURKE:** They'll come back with more  
 20 information or --  
 21 **VICE CHAIRMAN SMITH:** A revised plan is  
 22 the way I understand it.  
 23 **MS. BURKE:** Okay. So that was one  
 24 question.  
 25 You know, you said the fire -- did the

1 with the community first. You host. You have a  
 2 consensus of ideas. It's a way to get the project  
 3 approved.  
 4 **MS. WESLEY:** Hi. My name is Leann  
 5 Wesley, 145 Mountainside Road.  
 6 **BOARD SECRETARY:** Spell your last name.  
 7 **MS. WESLEY:** W-E-S-L-E-Y.  
 8 I have a question about the car  
 9 dealership. I'm understanding that it's going to be  
 10 like high performance vehicles. Will this also  
 11 include rentals?  
 12 Like say you want to rent a very fancy  
 13 car for the day and which will be loud coming in and  
 14 out, revving engines. Is this also going to be that  
 15 kind of a place?  
 16 **MR. STIEVE:** No.  
 17 **MS. WESLEY:** It's just sales?  
 18 **MR. STIEVE:** Yes.  
 19 **MS. WESLEY:** And another thing. The  
 20 parking, is there a level of packing underneath the  
 21 apartments or is it just all the cars going to be  
 22 out?  
 23 **MR. STIEVE:** It's underneath the  
 24 apartments.  
 25 **MS. WESLEY:** So it's the first floor is

1 fire department -- someone said that the fire  
 2 department said that they like the fact that you  
 3 were going to clean this up.  
 4 Did they say that they -- that that was  
 5 a good idea anyway to use the alley?  
 6 I don't believe they said that. I  
 7 believe they said it will be better to get back  
 8 there if you clean it up, but I don't think they  
 9 expressed the opinion that that was the best,  
 10 safest, quickest way to get back to the residents.  
 11 **MR. SECKLER:** I believe our civil  
 12 engineer has been working with the fire department  
 13 to get an agreement on items such as fire lanes and  
 14 things of that nature.  
 15 Obviously, when we come back with the  
 16 new design of the alleyway, we hope to have a  
 17 resolution with the fire department that would  
 18 include a letter, again, stating their position on  
 19 it.  
 20 **MS. BURKE:** So if you're going to have  
 21 fire lanes in the alley, does that mean that like,  
 22 you know, you see them in the grocery stores and  
 23 stuff, cars are not allowed to drive, park or, you  
 24 know, unload anything in a fire lane.  
 25 **MR. SECKLER:** Typically, it's parking

<p style="text-align: right;">Page 141</p> <p>1 or unloading, correct. You could drive through 2 them, but you can't stand in them. 3 <b>MS. BURKE:</b> So no one would be able to 4 stand, unload in those fire parking zones that 5 you're going to hash out? 6 <b>MR. SECKLER:</b> Again, yes. If they're 7 proposed -- whether they're proposed, that's the 8 regulation. 9 <b>MS. BURKE:</b> Okay. My other question 10 was I was at a board meeting I'd say a year ago and 11 I had a discussion with the mayor. She told -- she 12 told the board, I think many of you were there, 13 about how the state had approached them, had this 14 extra money for a traffic study and pleased to have 15 them come, and the borough was looking for an 16 enhancement of Tempe Wick Road and Main Street which 17 is where -- with people crossing. 18 So the question came up, I asked it, 19 and I said, well, are they going to change, you 20 know, the intersection there at Cold Hill and 24, 21 and she replied no. 22 Now, I want to know how this all -- you 23 know, I was surprised that the state just -- county 24 all of a sudden wanted to give this money. Did the 25 developer approach the state to put in changes at</p>	<p style="text-align: right;">Page 142</p> <p>1 Tempe Wick Road and Main Street? Did he approach 2 them and request the study? 3 <b>MR. SECKLER:</b> No. At least my 4 understanding is no as the traffic engineer. 5 <b>MS. BURKE:</b> You don't know. Well, it 6 just seems to me that it's -- somebody obviously 7 approached the state and said let's give Mendham 8 Borough money, and I have to believe that it was in 9 conjunction with this development. 10 <b>BOARD ATTORNEY:</b> Time's up, ma'am. 11 <b>MS. BURKE:</b> Well, okay. All right. 12 <b>MR. SULLIVAN:</b> Can I clarify something? 13 The borough is not getting the money. Morris County 14 received the money. 15 <b>BOARD SECRETARY:</b> Sir, you have to 16 wait. There's other people that want to go up 17 first. 18 <b>MS. HASTINGS:</b> Hello. Jennifer 19 Hastings, H-A-S-T-I-N-G-S, 5 Hillcrest Avenue in the 20 borough. 21 I have a couple of questions that came 22 to mind. One is for the architect. As you were 23 presenting your credentials earlier, you spouted out 24 several large projects that you've accomplished in 25 towns that have train stations such as Hoboken,</p>
<p style="text-align: right;">Page 143</p> <p>1 Piscataway, other places. 2 Have you ever completed a project in a 3 town of the size of Mendham, 6,000 roughly in the 4 borough and then we have our surrounding township of 5 a structure less than this size or something 6 similar. 7 <b>MR. STIEVE:</b> The project that we 8 presented complies with the zoning that is put in 9 place for this -- 10 <b>MS. HASTINGS:</b> I'm sorry. I asked you 11 a yes or no question. 12 <b>MR. STIEVE:</b> Yes. 13 <b>MS. HASTINGS:</b> Okay. So a follow-up 14 question. Can you provide us with a town of similar 15 size that you have completed such a project? 16 <b>MR. STIEVE:</b> We have projects in 17 Madison. 18 <b>MS. HASTINGS:</b> They have a train, and 19 that's not the same. I said similar, no train, 20 similar size, residential only community. 21 <b>AUDIENCE MEMBER:</b> No highway. 22 <b>MR. STIEVE:</b> We have a project in 23 Parsippany that's under -- 24 <b>MS. HASTINGS:</b> Again, Parsippany has 25 Highway 80. It is not a town such as this that's</p>	<p style="text-align: right;">Page 144</p> <p>1 only accessed through rural streets. 2 <b>MR. STIEVE:</b> Again, I've designed -- 3 <b>MS. HASTINGS:</b> So the answer is no. 4 I'm going to assume it's no. 5 So in follow-up to that, parking you 6 also brought up. So there's a parking garage that's 7 going to be 106 spaces on the first floor. How will 8 that be monitored, managed and gated or opened or 9 will we potentially have an element or people coming 10 in and out of that garage that don't belong there? 11 <b>MR. STIEVE:</b> It will be a secure 12 garage. 13 <b>MS. HASTINGS:</b> How? 14 <b>MR. STIEVE:</b> There will be a garage 15 door. There will be grills around the base of the 16 building. There will be security cameras inside the 17 garage. There will be building management that will 18 monitor the parking in the garage. 19 <b>MS. HASTINGS:</b> Okay. So that's 20 additional staff you didn't seem to understand 21 before. 22 <b>MR. STIEVE:</b> No, I didn't say that. I 23 said building management. Building management 24 doesn't necessarily have to be on site. 25 <b>MS. HASTINGS:</b> Well, management has to</p>

<p style="text-align: right;">Page 145</p> <p>1 be there if you have a garage.  2 <b>MR. STIEVE:</b> It doesn't necessarily  3 have to be on site. No.  4 <b>MS. HASTINGS:</b> Okay. So it's going to  5 be gated and there will be building management  6 coming in occasionally to monitor.  7 So in addition of that, and I'm not  8 sure whether this is for you or someone else in this  9 group, the swimming pool that's being put in, is  10 that going to be exclusive use for the residents of  11 the apartment complex or will that also be sold  12 memberships elsewhere?  13 <b>MR. STIEVE:</b> It's for the use of the  14 tenants of the building.  15 <b>MS. HASTINGS:</b> Okay. Okay. Thank you.  16 <b>VICE CHAIRMAN SMITH:</b> We'll take one  17 more question. One more person because it's just  18 about 10:15 now, and we do want to wrap things up  19 for tonight.  20 <b>BOARD ATTORNEY:</b> There's no one else.  21 <b>VICE CHAIRMAN SMITH:</b> Is there anyone  22 else that hasn't spoken that would like to come up  23 at this point?  24 <b>MR. BLOOD:</b> Rick Blood, 32 Tingley  25 Road, B-L-O-O-D.</p>	<p style="text-align: right;">Page 146</p> <p>1 I've heard discussions about trash  2 being picked up daily at these dumpster locations.  3 You've talked about the easterly lane and possibly  4 widening it.  5 I would propose that the board  6 consider, one, widening the easterly lane to allow  7 for the dumpsters to stay where they are and  8 possibly doing that on the westerly side.  9 I think that will result in less truck  10 trips. Rather than coming every day, they'll get  11 emptied every week. I'll put my green hat on and  12 think of less truck trips coming in and out to  13 service the building.  14 <b>BOARD ATTORNEY:</b> Is there a question  15 there, Rick, please?  16 <b>MR. BLOOD:</b> There is. Well, the  17 question is I'd like to see that considered.  18 The second one is the -- for the  19 architect, do you have a trash room that's going to  20 service 75 units and how are you going to  21 containerize the trash that comes down this shoot  22 and prepare it for storage for its ultimate  23 disposal?  24 There's no outside location of  25 dumpsters. Are you using toters? Who's going to</p>
<p style="text-align: right;">Page 147</p> <p>1 staff this trash room every day when the trash comes  2 down the shoot?  3 <b>MR. STIEVE:</b> So it's anticipated there  4 will be a compactor in the trash room. So the trash  5 will come down. It will get compacted into sausage  6 bags. Those will be placed in either carts or into  7 containers, and those containers will be wheeled out  8 and loaded into the garbage trucks.  9 <b>MR. BLOOD:</b> So you're proposing two  10 shoots, one for single stream recycling and one for  11 trash?  12 <b>MR. STIEVE:</b> Sometimes buildings of  13 this type have recycling rooms on each floor in the  14 building. That's something that we would consider.  15 <b>MR. BLOOD:</b> I guess -- and then I would  16 say will the trash plan be approved by the borough  17 or the county's recycling coordinator to ensure  18 compliance with solid waste and recycling protocols  19 to Morris County?  20 <b>MR. STIEVE:</b> We would submit to  21 whatever agencies need to review the plans for their  22 approval.  23 <b>MR. BLOOD:</b> Okay. Thank you.  24 <b>VICE CHAIRMAN SMITH:</b> At this point,  25 I'm going to close the public session, and we're</p>	<p style="text-align: right;">Page 148</p> <p>1 going to wrap things up, Derek.  2 <b>BOARD ATTORNEY:</b> Can we announce the  3 carry date for this?  4 <b>AUDIENCE MEMBER:</b> I have a question.  5 When you start the next question, will it begin with  6 questions?  7 <b>BOARD ATTORNEY:</b> I think we went  8 through the -- everyone who had questions.  9 <b>AUDIENCE MEMBER:</b> I have more  10 questions.  11 <b>BOARD ATTORNEY:</b> We'll similarly have a  12 session. We went for an hour today. So we'll have  13 a similar session at the end of the next hearing  14 just as we had today.  15 Board secretary: The carry date is the  16 special meeting of December 3.  17 <b>MR. ORTH:</b> Yes. I would just request,  18 Mr. Germinario, Mr. Chairman, we would carry the  19 notice of the application to the next --  20 <b>BOARD SECRETARY:</b> Special meeting of  21 December 3.  22 <b>MR. ORTH:</b> Special meeting of December  23 3 without further need for public notice.  24 <b>VICE CHAIRMAN SMITH:</b> All right.  25 <b>MR. ORTH:</b> When does that commence,</p>

1 Lisa, 7 o'clock?  
2 **BOARD SECRETARY:** 7 o'clock.  
3 **MR. ORTH:** 7 o'clock it will be  
4 conducted here again?  
5 **BOARD SECRETARY:** Yes. Correct.  
6 **MR. ORTH:** Okay. Thank you.  
7 **VICE CHAIRMAN SMITH:** I'd like to make  
8 a motion to adjourn.  
9 **BOARD SECRETARY:** I'm sorry. The  
10 meeting is still going on. Until we're done, you  
11 have to sit or be quiet because I can't hear it.  
12 **MR. SPRANDEL:** I'll move it.  
13 **VICE CHAIRMAN SMITH:** I made a motion.  
14 He moved it.  
15 **BOARD SECRETARY:** All in favor.  
16 (All responded aye.)  
17 **BOARD SECRETARY:** Opposed.  
18 Okay. You're good.  
19 (Proceedings conclude at 10:20 p.m.)  
20  
21  
22  
23  
24  
25

## CERTIFICATE OF OFFICER

1  
2  
3  
4 I CERTIFY that the foregoing is a true  
5 and accurate transcript of the testimony and  
6 proceedings as reported stenographically by me at  
7 the time, place and on the date as hereinbefore set  
8 forth.

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

*Diane M. Holmes*

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

<b>A</b>				
	<b>account (6)</b> 92:10;107:6;108:6, 7,13,19	<b>adjourn (1)</b> 149:8	122:4;124:17;127:11, 16,24;135:3;139:16; 140:18;141:6;143:24; 144:2;149:4	20:3
<b>A-5 (5)</b> 12:14,15,19;28:22, 23	<b>accounted (1)</b> 72:16	<b>adjust (4)</b> 63:16,22;64:22; 65:17	<b>against (3)</b> 7:18;17:20;102:1	<b>allotted (1)</b> 25:21
<b>A-6 (3)</b> 32:11,12,13	<b>accumulate (2)</b> 17:6,7	<b>adjusted (2)</b> 58:21;66:20	<b>agencies (1)</b> 147:21	<b>allow (10)</b> 6:22;8:16,17;35:21; 38:3;52:4;77:22; 99:14;110:10;146:6
<b>A-7 (3)</b> 55:16,19,25	<b>accurate (2)</b> 92:18;150:5	<b>adjustment (4)</b> 58:24;63:18;64:4,6	<b>agent (1)</b> 54:21	<b>allowable (1)</b> 63:2
<b>A-8 (3)</b> 57:1,2,11	<b>acknowledge (1)</b> 127:5	<b>adjustments (2)</b> 63:21;68:8	<b>ages (1)</b> 109:11	<b>allowed (4)</b> 8:17;17:1,2;140:23
<b>A-9 (2)</b> 58:2,4	<b>acknowledged (1)</b> 92:11	<b>administrative (1)</b> 54:21	<b>ago (6)</b> 10:12;81:11,15; 82:11;112:6;141:10	<b>allows (2)</b> 46:18;47:4
<b>ability (5)</b> 23:25;39:15;88:22; 99:8;107:18	<b>acres (2)</b> 34:7,8	<b>ADMINISTRATOR (1)</b> 1:15	<b>agree (4)</b> 63:10;119:8,20; 126:20	<b>alluding (1)</b> 23:7
<b>able (14)</b> 5:5;8:10;10:23; 15:1,12;16:20;20:24; 24:7;45:9;63:22;89:2; 119:13;129:10;141:3	<b>across (4)</b> 60:9;84:24;104:17; 120:11	<b>adopted (1)</b> 34:17	<b>agreement (1)</b> 140:13	<b>almost (1)</b> 24:23
<b>above (4)</b> 59:2;60:20;118:7; 139:2	<b>act (1)</b> 67:25	<b>adult (1)</b> 87:9	<b>agrees (2)</b> 31:1;127:3	<b>along (23)</b> 15:8;17:13;18:3,9; 24:12;36:3,14;37:7, 23;38:25;39:24; 53:15;59:8,12,16; 60:11;89:6;94:1; 103:22;109:4;119:25; 120:18;128:5
<b>absolutely (8)</b> 54:11;55:8;62:18; 74:3;78:23;85:21; 90:4;110:23	<b>action (2)</b> 150:11,14	<b>advancing (1)</b> 58:17	<b>ahead (11)</b> 31:4;46:25;62:24; 66:21,22,23;69:10; 85:4;110:11;132:20; 136:23	<b>alongside (2)</b> 37:8;84:21
<b>abutting (1)</b> 84:13	<b>activities (1)</b> 131:16	<b>advantage (2)</b> 39:14;42:4	<b>aid (2)</b> 117:6;129:5	<b>altered (1)</b> 78:17
<b>accent (2)</b> 57:10,20	<b>activity (3)</b> 26:5;95:19;133:14	<b>advantages (1)</b> 119:23	<b>air (1)</b> 66:11	<b>ALTERNATE (1)</b> 1:19
<b>access (30)</b> 23:12,12,13;26:7, 10;27:13;34:24;35:6, 12,22,25;37:25;39:19, 20,22;47:11,12;51:11, 21;52:7;59:25;68:21; 88:23;104:14;105:4, 17;108:6,6;119:14; 123:20	<b>actual (3)</b> 33:24;37:18;135:10	<b>advise (1)</b> 99:24	<b>aisle (29)</b> 14:7;16:9;18:9,14, 14;20:15;23:3;24:7, 21;25:21;26:10,11, 18;27:6,11;40:1;59:7, 7;78:18,25;82:7; 86:14;120:3,18; 121:11,19,21;122:15, 19	<b>always (3)</b> 17:21;73:16;137:25
<b>accessed (2)</b> 47:13;144:1	<b>Actually (7)</b> 10:18;13:13;80:25; 91:7;94:2;121:7; 137:20	<b>aerial (2)</b> 34:22;38:22	<b>aisles (12)</b> 15:8,8,11,13;19:1; 49:20,25;81:25,25; 84:24;86:7;121:1	<b>Amalia (1)</b> 106:17
<b>accessible (2)</b> 89:3,7	<b>add (6)</b> 53:18;83:11,15; 88:13;131:14,14	<b>aesthetic (1)</b> 46:24	<b>akin (1)</b> 24:24	<b>A-M-A-L-I-A (1)</b> 106:21
<b>accessory (5)</b> 38:8;41:18;42:4; 43:7;48:4	<b>added (3)</b> 81:17;82:6;121:17	<b>affordable (17)</b> 33:4;34:10,17; 42:10,21;44:1;50:11, 13,20,22,25;51:20; 52:18;54:8,13,23; 132:4	<b>aligned (1)</b> 37:2	<b>amendment (1)</b> 93:19
<b>accessway (1)</b> 36:2	<b>adding (4)</b> 13:5;102:5;119:13, 17	<b>affording (1)</b> 43:3	<b>Alise (1)</b> 132:22	<b>amenities (4)</b> 40:2;51:21;61:21; 63:10
<b>accommodate (4)</b> 19:5;58:22,25;64:5	<b>addition (9)</b> 41:19;43:9;45:20; 56:18;61:12;70:19; 84:6;117:6;145:7	<b>afternoons (1)</b> 101:9	<b>A-L-I-S-E (1)</b> 132:22	<b>amenity (3)</b> 51:4,6,12
<b>accommodated (1)</b> 16:22	<b>additional (7)</b> 20:1,2;72:18; 119:17;127:7,8; 144:20	<b>again (87)</b> 11:16;13:19,20,22, 24;15:2,8,17,19;16:3, 9;18:24,25;19:2; 20:10,25;21:10;22:6; 24:22;26:20;31:15; 33:1;36:24;38:23; 47:7;48:3;49:6;50:1; 53:7,13,22;58:13; 60:4;63:19;64:9;65:1; 68:15,17;72:14,16; 73:9;79:2,4,20;80:7, 13;81:17;82:2,6,7,21; 88:8,17;89:2,19; 92:22;93:8,13,24; 97:20;98:6,13; 100:25;103:21;105:1, 10;109:1,3,14;111:5; 114:14;115:23; 117:12;121:5,12;	<b>alley (5)</b> 18:4;26:4;79:6; 140:5,21	<b>amount (5)</b> 81:18,21;102:10; 106:4;126:21
<b>accomplish (1)</b> 28:5	<b>address (6)</b> 4:11,14;66:18; 111:11;116:18; 126:13		<b>alleyway (6)</b> 78:4,7;79:1,3; 139:13;140:16	<b>ample (1)</b> 77:5
<b>accomplished (1)</b> 142:24	<b>addressed (4)</b> 34:20;110:6,6; 112:11		<b>Alliance (2)</b> 94:13;135:1	<b>analysis (9)</b> 9:2;19:1;95:10,25; 96:3;127:12;135:16; 136:17,18
<b>according (1)</b> 61:25	<b>adds (2)</b> 51:14;125:4		<b>allocated (1)</b> 73:7	<b>anchor (1)</b> 84:1
<b>accordingly (1)</b> 91:19	<b>adequate (1)</b> 21:21		<b>allot (1)</b>	<b>and/or (1)</b> 91:16
	<b>adjacent (2)</b> 32:20;96:12			<b>angled (1)</b> 105:23
	<b>adjoins (1)</b> 23:23			<b>anniversary (2)</b> 10:14,15
				<b>announce (2)</b> 10:11;148:2

<b>announced (3)</b> 6:5;10:12;107:6	<b>architect (12)</b> 23:1;27:15;28:2; 54:17;77:15;78:4; 96:10;106:16;109:3; 132:25;142:22; 146:19	<b>assess (1)</b> 95:25	<b>available (9)</b> 26:16;28:10,13; 42:2;44:21,24;46:4; 92:1;119:2	12:24;55:10;144:15
<b>answered (1)</b> 89:13	<b>architect's (1)</b> 64:22	<b>assessing (1)</b> 136:5	<b>Avenue (1)</b> 142:19	<b>based (6)</b> 10:2;92:10,13;95:1; 125:13,15
<b>anticipated (15)</b> 42:2;44:21;47:8; 49:3;7,20,22;50:1; 70:9;72:5,22;73:2; 128:12,13;147:3	<b>architectural (1)</b> 134:2	<b>assessments (1)</b> 100:21	<b>average (9)</b> 58:21;59:1,2;60:20; 61:9;115:3,11,14,16	<b>basic (1)</b> 133:12
<b>antique (1)</b> 41:21	<b>Architecture (6)</b> 29:24;30:1,9;31:2, 24;32:22	<b>assume (6)</b> 26:21;84:15; 101:15;108:10;137:4; 144:4	<b>avoiding (1)</b> 86:15	<b>basically (13)</b> 16:1;17:1,5,20; 20:24;21:13;22:9; 26:5;58:8;83:12; 107:16;118:18; 133:13
<b>apartment (2)</b> 128:23;145:11	<b>area (74)</b> 13:3,5,16;15:24; 16:5,6,12,24;18:7,10; 19:5;20:14,21,23; 21:6,6,9,24,25;22:23; 24:12;25:2,25;34:4, 25;35:12;36:14; 38:12,17;40:2,3;47:4, 4;48:20,24;49:1,12, 23;51:9,13,17,22,25; 57:14,14;59:18,21,22, 25,25;79:14;80:3,4; 81:5;82:9;83:5,8; 84:22;88:25;89:7; 95:19;98:1,20; 103:20,22,22;104:14, 18;105:5,17,20; 109:4;125:22;127:14	<b>assuming (2)</b> 43:22;86:23	<b>aware (5)</b> 73:6,13;96:11; 98:18;101:7	<b>basis (6)</b> 5:10;84:3,9;85:25; 87:13;88:11
<b>APARTMENTS (8)</b> 1;10:10;73:15; 118:23;119:5;138:21, 24;139:1	<b>areas (19)</b> 16:15;17:9;18:12; 22:3,4,22;24:22; 33:20;38:4,12;40:9; 51:16;60:16;68:3; 119:17,18;125:20,24; 133:14	<b>attic (2)</b> 51:22;53:23	<b>away (5)</b> 67:20;86:20;104:3; 135:6,15	<b>batten (2)</b> 53:17;56:21
<b>apologize (2)</b> 38:6;75:9	<b>arguing (1)</b> 89:25	<b>attitude (2)</b> 9:13,16	<b>aye (1)</b> 149:16	<b>Bayonne (1)</b> 30:21
<b>appealing (1)</b> 27:7	<b>around (16)</b> 17:10,19;18:2; 24:23;45:9;52:18; 56:3;58:21;59:1; 60:13;75:14;80:21; 103:18;105:3;117:15; 144:15	<b>ATTORNEY (84)</b> 4:22;6:15,19;7:3, 17;8:15,23;9:4,9,14, 18;12:14;25:13; 29:10;32:3,14;42:12, 16,20,24;43:1,14,19, 24;44:9,13,16;45:1,4, 11;55:13;65:6;68:24; 69:5;71:13;80:18,22; 83:19;85:19,22; 87:10,15,23;88:2,7, 12,17,20;89:25;90:6, 15,19;93:17;94:8,25; 98:25;99:9,11,17,24; 100:6;106:13;109:22; 110:10;117:10; 121:25;126:3,7; 129:19,25;130:6,16, 23;131:23;132:15; 136:22;142:10; 145:20;146:14;148:2, 7,11;150:10,12	<b>AZEK (1)</b> 70:11	<b>beautiful (1)</b> 39:13
<b>appear (2)</b> 70:24;100:14	<b>art (1)</b> 59:16	<b>Attorneys (1)</b> 2:	<b>B</b>	<b>BECK (12)</b> 118:10,11,15; 119:4,8,19;121:10,14, 22;122:2,8,11
<b>Applicant (4)</b> 2;4:18;10:9;64:18	<b>artist (1)</b> 39:5	<b>AU (1)</b> 52:19	<b>back (83)</b> 5:20;12:17;16:21; 17:14,15;18:23;20:5; 21:9,25;22:9,20;23:5; 24:6;25:25;26:4,10, 11;35:12,14,16,19; 36:3,14,17,21;37:3, 15,15;38:2,12,16; 39:3,11,21;49:6,11, 25;52:1,5,6,9;55:22, 24;56:9;59:13;60:1,9; 62:22;64:12;66:17, 19;67:19;71:12;74:2, 15,25;78:12;80:11, 20;90:8,14;94:9;96:5; 100:1;102:13,14,20; 106:16;112:11;115:8; 118:3;120:5,10; 121:22;126:7;134:10, 14,24;137:11;139:19; 140:7,10,15	<b>B-E-C-K (1)</b> 118:11
<b>applicant's (2)</b> 8:1;88:4	<b>artists (1)</b> 59:20	<b>audience (24)</b> 8:10;11:10;28:6,14; 40:15,25;60:18,22; 61:6;65:19;75:13; 87:19;88:1,5;122:16; 129:23;130:2,22; 132:9,11,13;143:21; 148:4,9	<b>background (2)</b> 84:9;92:20	<b>become (1)</b> 17:4
<b>application (13)</b> 4:17;7:22;30:14; 40:17;54:25;58:18; 69:20;96:15;98:23, 24;128:14;136:20; 148:19	<b>art (1)</b> 59:16	<b>auditorium (1)</b> 129:13	<b>backing (2)</b> 86:16;121:20	<b>bedroom (2)</b> 51:1;110:14
<b>applied (1)</b> 47:18	<b>artist (1)</b> 39:5	<b>auto (16)</b> 40:7,10;41:15,19, 23;42:3;43:18;44:7,7, 9,25;45:12;46:2,5; 74:22;118:23	<b>bag (2)</b> 57:12;86:24	<b>bedrooms (8)</b> 50:21,21,22;108:9; 110:20,21,22;125:10
<b>applies (1)</b> 41:20	<b>Arts (2)</b> 30:1,2	<b>automotive (1)</b> 38:9	<b>bags (3)</b> 84:18;86:4;147:6	<b>beds (2)</b> 50:18;111:8
<b>apply (1)</b> 5:8	<b>ASKIL (3)</b> 130:25;131:1,24	<b>automobile (2)</b> 60:10,17	<b>band (1)</b> 70:21	<b>begin (3)</b> 29:17;31:8;148:5
<b>applying (1)</b> 31:19	<b>A-S-K-I-L-L (1)</b> 131:1	<b>automotive (1)</b> 41:24	<b>barbecue (1)</b> 51:16	<b>beginning (3)</b> 82:17;87:13;121:5
<b>appreciate (3)</b> 19:17;31:4;40:19	<b>asphalt (2)</b> 79:16,18		<b>barn (6)</b> 46:23;47:1;52:8; 53:13;57:15;66:14	<b>begins (2)</b> 29:9;37:24
<b>approach (6)</b> 7:4;16:9;39:19; 94:16;141:25;142:1	<b>asserting (1)</b> 68:25		<b>barrier (3)</b> 45:2,5,7	<b>behalf (1)</b> 10:9
<b>approached (2)</b> 141:13;142:7			<b>base (3)</b>	<b>behind (12)</b> 13:3;16:1,4,12,15; 17:8;18:6;19:5;34:12; 81:8;86:25;117:2
<b>appropriate (10)</b> 7:24;27:13;36:19, 21;79:23;83:16; 94:20,22,24;109:2				<b>belong (1)</b> 144:10
<b>approval (2)</b> 107:13;147:22				<b>belongs (1)</b> 23:17
<b>approved (3)</b> 98:14;138:3;147:16				<b>below (2)</b> 60:15;98:7
<b>approximately (6)</b> 34:6;51:14,18;62:3; 105:18;135:5				<b>beneficial (2)</b> 11:8;33:19
<b>Appurtenances (2)</b> 61:22,23				<b>benefit (1)</b> 20:12
<b>arbitrary (3)</b> 10:2;99:22;126:5				<b>benefits (2)</b> 37:20;127:21
				<b>Bergen (1)</b> 30:23
				<b>best (4)</b>



7:11,15;130:20; 140:9 <b>better (8)</b> 22:13;23:2,19; 35:22;37:21;74:18; 76:11;140:7 <b>beyond (4)</b> 17:4;23:16;39:22; 132:15 <b>bicycle (1)</b> 40:8 <b>bidirectional (4)</b> 121:1;122:3,9,15 <b>big (1)</b> 113:3 <b>biggest (2)</b> 137:1,10 <b>Bill (1)</b> 126:10 <b>bins (2)</b> 16:17;17:8 <b>bird (3)</b> 113:2,8,9 <b>birds (1)</b> 113:7 <b>bit (5)</b> 11:10;24:1;39:18; 67:13;113:21 <b>blatantly (1)</b> 6:5 <b>BLOCK (4)</b> 1:7;13:14;34:3; 123:13 <b>blocked (2)</b> 16:7;104:11 <b>blocking (1)</b> 85:15 <b>BLOOD (17)</b> 103:13,13,24; 104:2,10,20,25;105:6, 25;106:13,15;145:24, 24;146:16;147:9,15, 23 <b>B-L-O-O-D (2)</b> 103:14;145:25 <b>blow-ups (1)</b> 59:18 <b>blue (1)</b> 68:4 <b>BOARD (179)</b> 1:,2:3,11;4:22; 5:12;6:15,19;7:17,19, 24;8:8,11,15,23;9:4,9, 14,18,23;10:25;11:6; 12:12,14,15;14:9,11; 21:11;22:17;25:13; 27:12,21;28:19,22; 29:5,10,18;30:17,25; 31:16;32:3,12,14; 36:4;40:16,20;41:9; 42:12,16,20,24;43:1, 14,19,24;44:9,13,16; 45:1,4,11;53:16;54:2,	16;55:13,17,22;56:1, 3,21;57:2,6;58:2,20; 61:16;64:12;65:6; 66:15;68:24;69:5,17; 71:10,13,23;75:2,10, 18;76:15;77:22; 79:21;80:18,20,22; 82:23;83:14,19; 85:19,22;87:10,15,23; 88:2,7,12,17,20; 89:25;90:6,15,19; 91:1,13,17,20;92:12; 93:17,20;94:5,8,25; 98:25;99:9,11,17; 100:6;103:11;106:13, 19;109:22;110:2,4, 10;111:11;113:18; 114:15;116:18,21; 117:10;118:13; 121:25;122:21,24; 126:3,7,13;129:19,23, 25;130:2,3,6,16,17, 23;131:23;132:15,16, 17;134:23;136:22; 138:6;139:8;141:10, 12;142:10,15;145:20; 146:5,14;148:2,7,11, 15,20;149:2,5,9,15,17 <b>boards (2)</b> 30:20;53:16 <b>Bob (2)</b> 77:19;80:18 <b>Bockoven (1)</b> 139:11 <b>B-O-C-K-O-V-E-N (1)</b> 139:11 <b>body (1)</b> 137:17 <b>bollards (2)</b> 50:5;103:18 <b>BOROUGH (21)</b> 1,1,15;2:10;6:1; 7:24;34:18;66:5; 91:16;108:14;111:10; 112:5;117:3;130:10; 131:2;141:15;142:8, 13,20;143:4;147:16 <b>borough's (3)</b> 7:11;54:21;91:11 <b>borrows (1)</b> 53:14 <b>both (4)</b> 18:16;37:5;51:20; 123:12 <b>bottom (1)</b> 38:25 <b>boulevard (2)</b> 37:14;39:20 <b>boulevard-style (1)</b> 37:4 <b>boutique (3)</b> 41:16;42:17,17 <b>branch (1)</b>	98:2 <b>Braun (4)</b> 128:16,16;130:4,8 <b>B-R-A-U-N (1)</b> 128:16 <b>break (3)</b> 53:19;62:12;88:12 <b>breakdown (1)</b> 72:12 <b>breed (1)</b> 133:7 <b>brick (4)</b> 55:12;56:14,16,17 <b>bricks (1)</b> 56:15 <b>brickwork (1)</b> 53:17 <b>brief (1)</b> 29:18 <b>briefly (1)</b> 12:8 <b>bring (3)</b> 16:19;64:11;134:3 <b>Brockden (1)</b> 106:17 <b>Brookside (2)</b> 116:17,19 <b>brother (1)</b> 128:24 <b>brought (4)</b> 53:25;55:9;130:20; 144:6 <b>BRUCE (19)</b> 3:,27:25;29:7,17, 22;30:13;31:5;33:23; 35:2;36:4;41:11;54:3; 56:7;58:3;66:22; 67:13;68:11;69:9; 71:17 <b>brutal (1)</b> 116:13 <b>buffer (5)</b> 38:10,15;39:25; 46:18;59:24 <b>build (5)</b> 21:13;52:13;53:13; 59:23;129:14 <b>builder (1)</b> 110:7 <b>building (145)</b> 13:7;15:24;16:15; 17:10,11,14;18:6,8, 21;19:6;21:9;26:5,8, 10;27:17;30:2;33:1; 37:5,15;38:3,9,10,11, 14,17;39:25;40:3,8, 10;41:15;42:7,9; 46:17,20,22;47:13,15, 17,20,23;48:19,21,23, 24;49:2,11,14;51:7, 19;52:2,8,12,16,17, 25;53:2,3,5,6,8,10,11, 12,20,22,23,25;55:10,	12;56:4,19;57:9,11, 25;58:9,9,14,21,25; 59:1,1,4,11,14,17,22; 60:7,8,9,11,12,17; 61:5,24;64:1,4,23; 65:2,10,18;68:1;70:9; 73:12;78:12;83:13; 88:9,23;89:6;96:20, 21,25;98:4,8,8,15,16; 103:23;104:22;105:7; 111:16,19,23;113:2,3, 4;115:24;116:3; 117:15,16;118:4; 123:23;129:13;133:1, 5;134:16;137:4; 139:6;144:16,17,23, 23;145:5,14;146:13; 147:14 <b>buildings (4)</b> 16:12;113:6;118:1; 147:12 <b>built (4)</b> 33:8,20;96:11,21 <b>bulk (2)</b> 34:11;57:8 <b>bump (1)</b> 105:7 <b>bump-out (4)</b> 18:2;22:9,10,10 <b>bump-outs (7)</b> 17:10,12,21;18:12; 21:17;22:4,22 <b>bunk (1)</b> 111:8 <b>BURKE (9)</b> 139:10,10,19,23; 140:20;141:3,9; 142:5,11 <b>B-U-R-K-E (1)</b> 139:10 <b>bus (6)</b> 108:14,18,22,25; 109:1,6 <b>BUSHMAN (39)</b> 1:15;33:5,18,22; 43:11;46:4,8,14;54:4, 6,12;55:3,6;56:14; 61:14,18;62:1,4; 65:11,19,23;66:2,6, 13;69:22,25;70:4; 74:1,4,10;75:8,12,17, 19,23;76:1,4,8,23 <b>busiest (2)</b> 102:25;103:2 <b>business (5)</b> 4:2;34:9,16;51:9; 118:24 <b>businesses (5)</b> 120:20,24;121:8, 11,15 <b>busses (1)</b> 108:19 <b>busy (2)</b>	47:3;120:22 <b>C</b> <b>C-2 (1)</b> 79:23 <b>C-5 (1)</b> 79:12 <b>C-8 (1)</b> 96:17 <b>calculated (1)</b> 123:25 <b>calculates (1)</b> 123:4 <b>calculation (1)</b> 115:23 <b>calculations (1)</b> 111:4 <b>CALDWELL (12)</b> 2:10;63:6;65:15; 69:15;71:24;72:10, 19,24;73:3,10,21;74:8 <b>call (7)</b> 32:23;55:14;57:1,3; 76:10;78:4;117:6 <b>called (6)</b> 4:9;53:24;56:10; 85:5;110:18;111:8 <b>calling (2)</b> 93:14;134:11 <b>came (2)</b> 141:18;142:21 <b>cameras (1)</b> 144:16 <b>campus (2)</b> 37:8,16 <b>can (90)</b> 5:20;6:20;8:23; 11:1;12:16,17;13:13; 16:16;17:4,5;20:10; 22:3,8;23:24;24:5; 25:4,15,18;27:12; 28:6,24;33:1;34:23; 36:13;38:24;41:1,11; 44:4,6;45:7;48:10; 49:8;50:5;51:1,12; 52:19;53:8,19;54:1; 56:2;62:21;63:16,18, 18,23;65:5;67:10,13, 15,15;69:5,16,22; 70:2;71:12;73:9;74:1, 2,3,8,15;76:11;78:20; 80:20;83:11,15,25; 85:2,3,4;90:7;94:9,21, 25;105:17;110:22; 112:8;117:23;118:14; 126:7,20;127:2,10; 129:18,21;132:18; 134:3;142:12;143:14; 148:2 <b>cans (1)</b> 16:17 <b>capital (2)</b>
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116:23;131:1	<b>Certainly (4)</b>	25;111:2	<b>club (9)</b>	71:2;91:7
<b>car (36)</b>	12:4;24:6;27:9;	<b>choice (2)</b>	26:20;34:14;39:2,3;	<b>compared (1)</b>
27:1;41:16;42:17,	112:9	22:13;25:7	67:23;123:6,9;	102:19
21;43:20,23,24;44:3,	<b>CERTIFICATE (2)</b>	<b>chooses (1)</b>	133:14,15	<b>compatible (1)</b>
4,6,6;51:23;72:2;	150:1,17	26:11	<b>CO (2)</b>	46:20
85:1,5,7,9,10,13,14;	<b>CERTIFY (2)</b>	<b>Chris (1)</b>	48:10,11	<b>complete (2)</b>
86:10,14,17,22;87:2,	150:4,9	112:25	<b>codes (2)</b>	87:20;136:17
3,4,4,5,8;88:25;89:9;	<b>cetera (1)</b>	<b>church (1)</b>	98:4;111:19	<b>completed (4)</b>
103:2;117:20;138:8,	104:7	116:12	<b>Cold (5)</b>	4:18;88:4;143:2,15
13	<b>Chair (1)</b>	<b>chute (1)</b>	107:9;131:1;135:5;	<b>completely (2)</b>
<b>care (1)</b>	4:4	48:23	136:3;141:20	6:11;119:25
128:2	<b>Chairman (78)</b>	<b>circle (2)</b>	<b>collected (2)</b>	<b>complex (2)</b>
<b>Carol (1)</b>	1:12,13;4:1,5,22;	12:17;107:8	48:22;125:15	117:20;145:11
112:4	5:12;10:3,5;11:5;	<b>circulating (1)</b>	<b>collection (2)</b>	<b>compliance (2)</b>
<b>carry (4)</b>	19:22,24;20:20;21:2,	49:24	49:4;60:2	63:15;147:18
87:1;148:3,15,18	16;22:12,16;23:15,	<b>circulation (2)</b>	<b>collector (3)</b>	<b>compliant (1)</b>
<b>cars (21)</b>	21:24;2,13;25:5,12;	49:18;119:16	41:21;44:8,10	14:4
17:2;25:1;42:3;	26:9,23;27:5,10,20,	<b>circumnavigate (1)</b>	<b>College (1)</b>	<b>complies (2)</b>
43:16;44:8,10,11,16,	24;28:9,17;29:2,5;	15:16	30:1	64:24;143:8
18;72:25;86:11,15;	30:7,10,12;31:13;	<b>City (2)</b>	<b>color (5)</b>	<b>comply (3)</b>
101:16;102:12;103:5;	40:12;41:4;56:2;	30:22,22	49:20;57:22,23;	34:15;67:2;80:17
114:18;115:1;120:16;	60:23;61:22;62:7,9,	<b>civil (8)</b>	58:6;69:22	<b>composite (1)</b>
125:17;138:21;	15,19,24,25;63:24;	34:19;36:16;52:3;	<b>colors (3)</b>	70:12
140:23	66:21;71:22;75:1,5;	78:15;79:11;96:13;	56:23;57:10,22	<b>compound (2)</b>
<b>cart (14)</b>	76:16,21,25;77:4,10,	98:23;140:11	<b>combined (1)</b>	131:10,20
84:18,24;85:3,14;	17,21;94:14,24;96:6;	<b>clapboard (1)</b>	51:16	<b>comprehensive (1)</b>
86:4,8,15,20,23,25;	99:19,23;100:8,11;	56:21	<b>comfortably (1)</b>	95:24
87:6;88:24;89:8,8	106:24;109:24;112:9;	<b>clarification (2)</b>	15:15	<b>computer (1)</b>
<b>carts (5)</b>	139:17,21;145:16,21;	19:3,16	<b>coming (14)</b>	10:23
84:3,7;89:2,22;	147:24;148:18,24;	<b>clarify (4)</b>	19:2;25:1;40:15;	<b>computers (1)</b>
147:6	149:7,13	19:12;55:7;74:8;	86:10,13;109:12;	28:4
<b>carved (1)</b>	<b>challenge (1)</b>	142:12	114:23;125:17;	<b>conceived (1)</b>
70:13	24:10	<b>clarity (1)</b>	133:17;138:13;144:9;	45:15
<b>case (1)</b>	<b>chance (6)</b>	4:11	145:6;146:10,12	<b>concentrated (1)</b>
88:4	5:22;6:20;94:9;	<b>clean (3)</b>	<b>commence (1)</b>	50:16
<b>category (1)</b>	100:1;126:8;139:9	79:6;140:3,8	148:25	<b>concept (3)</b>
128:8	<b>change (9)</b>	<b>cleaner (1)</b>	<b>Commencing (1)</b>	37:12,13;38:18
<b>CCR (2)</b>	18:25;25:17;36:10;	71:7	1:	<b>concern (8)</b>
1:24;150:	45:13,14,23;82:13;	<b>cleaning (2)</b>	<b>comment (9)</b>	22:4;23:18;35:11;
<b>ceiling (1)</b>	116:14;141:19	42:1;80:3	4:19,25;48:15;	81:15;82:14;113:3;
111:25	<b>changed (1)</b>	<b>clear (7)</b>	74:18;103:10;110:2;	116:24;117:1
<b>cell (1)</b>	107:5	17:1;18:19,21;	128:3;129:21;132:1	<b>concerned (8)</b>
38:13	<b>changes (6)</b>	22:18;64:13;99:3;	<b>comments (3)</b>	21:17;64:19;113:3,
<b>cementitious (2)</b>	13:1,17;41:25;	104:21	40:21;48:14;132:2	21;120:4,23;121:19;
56:20;57:4	78:10;112:7;141:25	<b>cleared (1)</b>	<b>commingle (1)</b>	131:21
<b>center (40)</b>	<b>character (1)</b>	36:18	106:2	<b>concerns (2)</b>
15:7;26:1;34:8,12;	52:14	<b>clearly (6)</b>	<b>Commons (2)</b>	6:10;77:24
35:8;36:24;37:6;39:1,	<b>charge (1)</b>	11:7;14:25;15:7;	126:12,14	<b>conclude (1)</b>
1,9,11;46:19;49:5;	73:11	36:13;78:20;79:11	<b>communities (1)</b>	149:19
51:8,9;52:11;65:17;	<b>charged (3)</b>	<b>client (1)</b>	33:8	<b>concrete (6)</b>
68:9;70:8;71:7;74:19;	73:5,16;111:14	74:25	<b>community (17)</b>	78:16;79:9,13;
75:15;81:24;82:4;	<b>charging (5)</b>	<b>climate-controlled (2)</b>	32:2;33:14;39:10,	84:11;111:25
84:2;89:1,12;101:11;	48:8,12,13,16;	41:17;44:4	12:73;20:74;19,21;	<b>condition (9)</b>
107:16;114:8,9,10;	73:23	<b>close (6)</b>	108:1;131:5,10,13,14,	79:25;80:8;81:21;
117:20;118:22;	<b>Check (1)</b>	20:6;65:20;133:1;	16,22;137:8;138:1;	82:16;89:20,24;
119:10;120:3,24;	79:11	136:16;137:2;147:25	143:20	122:15;123:8,11
123:5,10;129:17	<b>checks (1)</b>	<b>closed (1)</b>	<b>commuting (1)</b>	<b>conditioning (1)</b>
<b>centers (3)</b>	41:25	11:23	120:14	82:5
19:10;35:20;89:21	<b>chief (1)</b>	<b>closer (4)</b>	<b>compacted (1)</b>	<b>conditions (3)</b>
<b>central (3)</b>	80:2	40:25;41:10,13;	147:5	39:6;51:25;96:14
16:10;36:24;55:11	<b>children (9)</b>	78:23	<b>compactor (1)</b>	<b>conduct (1)</b>
<b>certain (2)</b>	101:8;108:11,18,	<b>closest (2)</b>	147:4	92:9
16:15;132:6	24;109:10,16;110:23,	20:14;58:12	<b>company (2)</b>	<b>conducted (4)</b>

91:14;92:3;95:25; 149:4 <b>configuration (2)</b> 37:20;68:18 <b>confirm (1)</b> 135:10 <b>confirming (1)</b> 29:19 <b>conflict (1)</b> 126:24 <b>conflicts (1)</b> 35:16 <b>confused (1)</b> 125:7 <b>congestion (2)</b> 127:4;136:17 <b>conjunction (1)</b> 142:9 <b>connect (1)</b> 38:5 <b>connected (1)</b> 128:9 <b>connecting (1)</b> 21:4 <b>connection (6)</b> 20:24;21:1,14;22:6; 23:10;30:14 <b>consensus (1)</b> 138:2 <b>Conservation (2)</b> 94:13;135:2 <b>consider (6)</b> 25:17;95:8;102:24; 120:6;146:6;147:14 <b>consideration (1)</b> 133:21 <b>considerations (1)</b> 63:3 <b>considered (2)</b> 133:3;146:17 <b>considering (2)</b> 114:1;133:16 <b>consistent (3)</b> 60:12;71:1,4 <b>constant (1)</b> 40:15 <b>constructed (1)</b> 34:12 <b>construction (9)</b> 98:10;112:1;118:4; 132:25;133:3,5,9,11, 19 <b>consultant (1)</b> 10:19 <b>consume (1)</b> 112:21 <b>contact (1)</b> 80:2 <b>contained (1)</b> 42:8 <b>container (1)</b> 17:23 <b>containerize (1)</b>	146:21 <b>containers (2)</b> 147:7,7 <b>context (2)</b> 7:2,21 <b>continuation (1)</b> 10:18 <b>continue (6)</b> 10:16;29:3;62:16; 87:21;90:15;110:11 <b>contribution (1)</b> 128:7 <b>contributions (1)</b> 127:25 <b>control (1)</b> 83:4 <b>controlled (1)</b> 37:10 <b>convenient (3)</b> 32:9;84:6;89:15 <b>conventional (1)</b> 44:10 <b>convoluted (1)</b> 25:6 <b>coordinator (1)</b> 147:17 <b>copy (3)</b> 55:20,21;94:21 <b>Corey (3)</b> 94:12;134:22;135:1 <b>corner (1)</b> 49:12 <b>corral (3)</b> 16:16;87:6;89:8 <b>correctly (1)</b> 134:7 <b>correspondence (1)</b> 5:9 <b>council (8)</b> 110:3;128:19; 130:5,7,10,18,21; 132:3 <b>Councilman (1)</b> 1:14 <b>Counsel (4)</b> 2:3;128:2;150:10, 13 <b>count (8)</b> 45:16;47:18;91:6,8, 13;102:1;109:10; 116:1 <b>counted (3)</b> 124:8,11;125:17 <b>counts (16)</b> 93:25;94:3;101:12; 123:25;124:6,18,19, 20,21,22,23,25; 125:24;136:3,12,15 <b>County (11)</b> 107:6,14,14,21; 108:5,5;114:14; 127:13;141:23; 142:13;147:19	<b>county's (2)</b> 114:1;147:17 <b>couple (13)</b> 11:25;13:9;17:11, 12;19:25;28:5;31:9; 71:24;78:1;104:11; 106:25;118:18; 142:21 <b>course (1)</b> 54:5 <b>Court (1)</b> 9:8 <b>courtyard (8)</b> 47:2,3,7,11,12,14, 24;49:16 <b>Coventry (3)</b> 96:8;118:11;134:1 <b>cover (1)</b> 74:12 <b>covered (1)</b> 4:12 <b>COVID (1)</b> 124:13 <b>create (3)</b> 37:4,6;73:25 <b>creates (2)</b> 31:24;73:22 <b>credentials (1)</b> 142:23 <b>credit (2)</b> 47:18;48:6 <b>crews (1)</b> 133:20 <b>cross (3)</b> 23:12;71:10;121:14 <b>cross-examination (3)</b> 5:1,14;19:14 <b>crossing (1)</b> 141:17 <b>cross-section (1)</b> 60:14 <b>crosswalk (1)</b> 84:22 <b>Cruiser (3)</b> 14:17,19,20 <b>cupola (7)</b> 62:6;63:11;64:14, 19;65:1,2;66:9 <b>curb (5)</b> 18:10,11;20:2; 23:17;78:22 <b>curbs (1)</b> 50:6 <b>curious (1)</b> 65:12 <b>current (14)</b> 39:1;49:5;52:10; 67:2,12,18;69:6; 118:25;119:20;121:2; 123:25;124:21;125:1, 2 <b>currently (6)</b> 30:4;64:2;79:14;	82:20;101:22,23 <b>customer (1)</b> 124:9 <b>customers (3)</b> 19:8;81:23;119:7 <b>cut (3)</b> 8:9;23:14,22 <b>cutting (1)</b> 9:21 <b>CVS (16)</b> 12:23;13:3,6,9,14, 20;18:17;81:23,24; 102:18;104:10;105:3, 7;117:7,13;133:18 <b>cycle (1)</b> 92:20 <b>cyclist (1)</b> 95:19 <b>cyclists (3)</b> 95:9;96:1,3	138:9 <b>dealing (1)</b> 120:9 <b>Dean (1)</b> 122:22 <b>December (3)</b> 148:16,21,22 <b>decide (2)</b> 66:8;73:23 <b>decides (1)</b> 108:18 <b>decision (2)</b> 10:2;99:22 <b>decorative (1)</b> 53:17 <b>deep (1)</b> 17:12 <b>defer (1)</b> 77:9 <b>define (2)</b> 37:25;115:5 <b>defined (2)</b> 16:24;80:4 <b>definitely (1)</b> 73:1 <b>defunct (1)</b> 39:2 <b>delay (2)</b> 95:11,13 <b>delineating (1)</b> 17:25 <b>delineator (1)</b> 18:13 <b>delineators (4)</b> 17:19;18:1,19,21 <b>deliveries (5)</b> 13:22;26:15;47:6; 68:22;104:11 <b>delivering (4)</b> 12:23;18:22;80:14; 117:14 <b>delivers (2)</b> 13:14;117:13 <b>delivery (18)</b> 12:20,21,22;13:8, 19,23;18:17,17,22; 26:6;34:25;47:9; 80:10,13,16;105:3; 117:13;125:2 <b>DEN (14)</b> 96:7,8,16;97:3,8,13, 18,23;98:6,17;99:1; 133:23,25;134:13 <b>D-E-N (2)</b> 96:9;133:25 <b>density (3)</b> 50:9;95:18,24 <b>DEP (8)</b> 58:18,22;63:20; 96:15;98:18,22,22,24 <b>Department (11)</b> 92:19;93:9,11; 117:4,4,5;129:5;
				<b>D</b>
				<b>daily (5)</b> 125:3,8,8,8;146:2 <b>damaging (1)</b> 98:12 <b>danger (1)</b> 113:6 <b>dangerous (6)</b> 81:11,21;82:5;84:8; 89:16;120:4 <b>darker (1)</b> 57:22 <b>dash (1)</b> 16:14 <b>dashed (2)</b> 67:11,17 <b>data (6)</b> 92:22,24;93:8;94:5; 125:15;127:12 <b>date (7)</b> 27:12;71:8;91:17; 134:17;148:3,15; 150:7 <b>dated (4)</b> 12:6;91:12;135:22; 136:11 <b>DAVE (1)</b> 1:17 <b>day (18)</b> 10:14;13:22;16:19; 105:2;106:11;114:18, 20,21,22;115:15,16, 17;118:16;119:10; 120:17;138:13; 146:10;147:1 <b>days (4)</b> 28:15;81:10,15; 82:11 <b>deal (2)</b> 85:8;127:25 <b>dealership (1)</b>

140:1,2,12,17 <b>depending (2)</b> 13:21;45:8 <b>depicting (1)</b> 65:9 <b>depth (1)</b> 96:19 <b>DEREK (11)</b> 2::10:8;25:13; 28:19;32:3;41:9; 55:13;62:7,15;75:4; 148:1 <b>describe (2)</b> 27:16;58:3 <b>described (1)</b> 52:3 <b>describing (1)</b> 34:19 <b>description (2)</b> 131:7,17 <b>design (16)</b> 25:17;30:2;31:23; 52:10,13;53:3;64:4; 82:11,18;98:5,15; 108:7;119:11;121:2; 122:19;140:16 <b>designated (1)</b> 52:18 <b>designating (1)</b> 54:9 <b>designation (2)</b> 41:19;52:19 <b>designed (15)</b> 32:21,23;33:10,14; 34:15;41:16;50:13; 68:16;97:7;108:5,21; 111:17;122:18,19; 144:2 <b>designing (1)</b> 107:23 <b>designs (2)</b> 97:22;98:10 <b>detail (3)</b> 31:17;33:11;46:25 <b>detailing (3)</b> 42:1;52:12;53:14 <b>details (1)</b> 25:14 <b>determination (2)</b> 9:5,7 <b>determine (1)</b> 125:25 <b>determined (1)</b> 97:4 <b>developer (5)</b> 128:7;137:3,19,23; 141:25 <b>developers (1)</b> 128:1 <b>developing (1)</b> 39:8 <b>development (7)</b> 38:7;41:18;95:17;	102:21;135:7,24; 142:9 <b>developments (2)</b> 111:1;125:18 <b>deviate (1)</b> 69:7 <b>deviations (1)</b> 79:19 <b>diagram (1)</b> 70:23 <b>DIANE (2)</b> 1:24;150: <b>difference (3)</b> 20:15;23:4,7 <b>different (9)</b> 21:13;32:19;49:19; 52:20;54:12;78:5; 105:23;109:9,11 <b>differentiate (1)</b> 54:15 <b>differently (1)</b> 4:24 <b>difficult (1)</b> 122:11 <b>dignified (1)</b> 39:13 <b>dilemma (1)</b> 86:17 <b>dimension (4)</b> 14:7,17,20;15:2 <b>dimensions (3)</b> 14:8,13;66:10 <b>dining (1)</b> 39:15 <b>dinnertime (1)</b> 120:14 <b>direct (1)</b> 75:7 <b>direction (4)</b> 58:12;68:21;114:7, 7 <b>directly (3)</b> 32:20;49:2;84:13 <b>disagree (1)</b> 81:20 <b>disappointed (2)</b> 9:13,14 <b>discretion (2)</b> 5:13;8:8 <b>discuss (2)</b> 16:21;46:25 <b>discussed (12)</b> 13:4;15:25;18:9; 36:10,16;62:20;91:6; 99:18,21,24;139:14, 16 <b>discussing (2)</b> 35:25;113:25 <b>discussion (6)</b> 15:22;28:25;40:11, 23;41:14;141:11 <b>discussions (2)</b> 14:6;146:1	<b>disposal (1)</b> 146:23 <b>disrupt (1)</b> 133:8 <b>disservice (1)</b> 131:22 <b>distance (2)</b> 78:18;135:23 <b>distinguish (1)</b> 43:2 <b>district (3)</b> 34:10;42:10;108:25 <b>divide (1)</b> 106:3 <b>divider (1)</b> 45:2 <b>dock (2)</b> 104:16;105:8 <b>document (1)</b> 135:23 <b>dollars (1)</b> 107:7 <b>done (15)</b> 6:24;16:19;31:10; 32:10;75:4,6;76:25; 97:1;101:12;111:8; 113:9;117:25;124:19; 125:24;149:10 <b>door (1)</b> 144:15 <b>double (1)</b> 60:16 <b>doubt (1)</b> 27:10 <b>dove (1)</b> 56:11 <b>down (20)</b> 12:13;40:19;48:23; 51:17;52:7;65:15; 67:25;84:12,25;85:6; 86:10;87:6;90:5; 99:16;105:12;107:16; 118:14;146:21;147:2, 5 <b>downtown (1)</b> 31:24 <b>drag (2)</b> 26:1;105:11 <b>drawing (6)</b> 79:10,11;96:17; 100:4;134:4,7 <b>drawings (1)</b> 78:16 <b>drive (34)</b> 15:7,11,12,13;16:9; 17:20;18:9,14,14; 19:1;20:15;23:3; 24:20;25:21;26:9; 27:6,11;36:1;40:1; 49:20,25;59:7,7; 81:23,25;84:24;86:7, 14;106:18;121:21; 122:15;132:23;	140:23;141:1 <b>drivers (3)</b> 67:21;80:17;120:7 <b>driveway (13)</b> 36:21,24;37:1;52:1, 7;78:18,19,24;81:5,8; 83:1;124:25;127:15 <b>driveways (4)</b> 124:9,10,19,24 <b>driving (1)</b> 89:18 <b>drone (3)</b> 38:22;39:6;51:24 <b>drop (2)</b> 53:2;109:4 <b>drop-offs (2)</b> 47:4,5 <b>drops (3)</b> 52:17;53:20;65:15 <b>drove (1)</b> 16:3 <b>dual (3)</b> 81:3;82:21,25 <b>Duarte (12)</b> 106:17,17,21,25; 107:25;108:8;109:8, 18;110:1,12,18;111:7 <b>D-U-A-R-T-E (1)</b> 106:22 <b>Dude (1)</b> 87:12 <b>duly (1)</b> 29:14 <b>dump (1)</b> 133:19 <b>dumping (1)</b> 17:4 <b>dumpster (23)</b> 13:5,11;16:4,6,10; 19:4;20:5;21:22;22:1; 36:14;104:14,18,24; 105:4,5,17,20,22,22; 106:1,11,12;146:2 <b>dumpsters (10)</b> 16:1,10;26:24;27:2; 36:17;80:4;106:5,7; 146:7,25 <b>durable (1)</b> 70:11 <b>During (10)</b> 4:6;5:5;16:18; 25:14;100:15;103:2, 4;104:4;135:11,14 <b>D'URSO (2)</b> 1:12;4:1	<b>early (2)</b> 37:13;126:22 <b>Earth (1)</b> 36:2 <b>easement (1)</b> 123:22 <b>easier (4)</b> 82:8;119:15,15; 122:6 <b>easiest (1)</b> 21:7 <b>easily (1)</b> 120:16 <b>EAST (19)</b> 1:6;20:16;30:23; 34:3,9,16,24;35:1; 38:24;58:12,15;60:3; 107:19;114:2,3; 116:20;123:23;135:5; 136:4 <b>easterly (9)</b> 15:24;16:2,8;19:6; 103:15;106:12; 123:23;146:3,6 <b>eastern (5)</b> 13:7;36:1,3;78:3; 135:6 <b>eaves (3)</b> 63:8;65:23,25 <b>EB (1)</b> 42:10 <b>EBAH (1)</b> 34:16 <b>ebb (1)</b> 129:11 <b>economically (1)</b> 127:21 <b>edge (2)</b> 36:3;64:1 <b>edification (1)</b> 29:18 <b>effect (1)</b> 29:20 <b>efficiently (2)</b> 77:6;82:1 <b>effort (1)</b> 7:12 <b>EGERTER (3)</b> 1:18;81:10,15 <b>Egert's (1)</b> 82:14 <b>egress (5)</b> 27:17;107:3; 119:24;124:1;135:7 <b>eight (4)</b> 8:25;14:2,2;91:9 <b>either (10)</b> 24:19;26:11,12,13; 51:1;77:15;88:13; 115:7;121:17;147:6 <b>elderly (1)</b> 120:9 <b>electric (4)</b>
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48:8;86:11;112:14, 17 <b>element (2)</b> 65:3;144:9 <b>elements (1)</b> 63:22 <b>elevation (6)</b> 53:11;62:17;63:2, 14;65:9;66:18 <b>elevations (6)</b> 53:10,13,25;60:3,6, 10 <b>Elias (1)</b> 113:16 <b>eliminate (2)</b> 21:14;23:22 <b>eliminated (2)</b> 89:11;119:25 <b>eliminating (1)</b> 23:19 <b>Elliot (1)</b> 5:25 <b>else (14)</b> 22:17;24:19;27:20; 73:24;75:2;76:21; 90:6;94:9;126:8; 130:24;139:9;145:8, 20,22 <b>elsewhere (2)</b> 73:24;145:12 <b>email (1)</b> 5:9 <b>embossed (1)</b> 57:19 <b>emergency (3)</b> 117:1,3,14 <b>employee (4)</b> 48:1;72:21;150:10, 12 <b>employees (6)</b> 72:19,23;74:5,12; 117:20,21 <b>emptied (1)</b> 146:11 <b>empty (1)</b> 11:8 <b>enclosure (2)</b> 105:10,12 <b>encounters (1)</b> 20:6 <b>end (14)</b> 4:8;19:13,20;28:8, 10;37:9;52:14;78:25; 87:14,25;105:17; 106:4;107:10;148:13 <b>endangered (2)</b> 113:5;133:2 <b>endangering (1)</b> 100:24 <b>ended (2)</b> 90:11;93:6 <b>energy (1)</b> 112:21	<b>enforce (1)</b> 130:17 <b>engagement (1)</b> 131:19 <b>engine (1)</b> 86:12 <b>Engineer (21)</b> 2::25:15;34:19; 36:12,16;52:3;83:15, 25;90:12,14;91:16; 96:13;97:17,21; 98:23;118:12,17; 127:25;128:12; 140:12;142:4 <b>Engineering (6)</b> 10:20;11:17,19; 12:7;78:15;79:11 <b>engineer's (4)</b> 48:14,15;82:19; 125:14 <b>engines (2)</b> 133:18;138:14 <b>enhance (2)</b> 59:18;67:20 <b>enhancement (1)</b> 141:16 <b>enough (1)</b> 77:6 <b>ensure (2)</b> 64:23;147:17 <b>enter (4)</b> 15:12;17:16;47:2; 94:22 <b>entered (4)</b> 57:25;58:9;105:16; 124:8 <b>entering (2)</b> 15:11;67:21 <b>enters (1)</b> 83:5 <b>enthusiast (1)</b> 41:16 <b>enthusiasts (3)</b> 42:21;43:20,23 <b>enthusiasts' (2)</b> 42:18;43:25 <b>entire (3)</b> 32:15;89:3;102:20 <b>entity (2)</b> 127:21;131:8 <b>entrance (12)</b> 25:25;35:22;36:6; 37:4;49:17;52:1; 57:14;67:25;68:5,16; 78:11;135:7 <b>entry (7)</b> 26:12;37:10,14,25; 59:6,8;67:8 <b>entryway (1)</b> 67:21 <b>environment (2)</b> 44:4;112:23 <b>environmental (1)</b>	6:10 <b>environmentally (1)</b> 112:13 <b>envisioned (2)</b> 44:8,22 <b>equal (1)</b> 125:25 <b>equestrian (2)</b> 52:11;53:14 <b>equipment (2)</b> 38:13;40:4 <b>erroneous (4)</b> 92:12,15,24;93:14 <b>error (1)</b> 105:8 <b>especially (2)</b> 120:6,13 <b>ESQ (2)</b> 2:, <b>essentially (2)</b> 18:13;73:25 <b>establishments (1)</b> 120:22 <b>et (1)</b> 104:7 <b>EV (5)</b> 47:17;48:6,12,13, 16 <b>evaluated (1)</b> 100:21 <b>evaluation (1)</b> 9:25 <b>even (10)</b> 8:19,24;14:25; 26:18;56:8;72:24; 78:22,24;104:21; 127:7 <b>evening (9)</b> 19:21;27:16;28:12; 29:11,22;31:7;90:20; 96:7;118:10 <b>everybody (9)</b> 22:25;41:2,5;62:21; 64:19;77:24;94:9; 99:25;127:3 <b>everyone (11)</b> 5:17,18,21;8:19; 77:22;83:2;90:6,9,17; 126:8;148:8 <b>everyone's (1)</b> 7:15 <b>evidence (1)</b> 4:20 <b>evolve (1)</b> 127:6 <b>EVs (1)</b> 111:14 <b>exact (1)</b> 12:17 <b>exactly (2)</b> 69:13;90:5 <b>EXAMINATION (6)</b> 3:,3,6;11:15;29:16;	75:6 <b>example (1)</b> 33:15 <b>examples (1)</b> 125:19 <b>excellent (1)</b> 6:17 <b>exception (1)</b> 63:9 <b>exceptions (1)</b> 34:18 <b>excess (1)</b> 14:2 <b>exclusive (2)</b> 131:9;145:10 <b>Excuse (6)</b> 31:13;40:12;55:13; 75:13;88:1;109:18 <b>excused (1)</b> 27:23 <b>exhaust (1)</b> 86:13 <b>exhibit (12)</b> 12:5,6,10,19;15:20; 25:16;28:20;55:20; 57:25;68:6;69:20; 71:10 <b>exhibits (1)</b> 28:4 <b>exist (2)</b> 17:12;35:7 <b>existed (1)</b> 26:19 <b>existing (15)</b> 18:10;35:21;38:23; 51:24;56:12;67:18, 22;68:12,19;69:14; 70:9;84:14;89:24; 123:7,11 <b>exists (4)</b> 18:7;79:3,9;119:11 <b>exit (5)</b> 26:12;35:8;81:6,8; 83:1 <b>exited (1)</b> 124:8 <b>exiting (3)</b> 67:21;83:13;120:2 <b>exotic (2)</b> 41:21;44:5 <b>expanded (1)</b> 38:1 <b>expect (1)</b> 42:20 <b>expected (2)</b> 108:23;111:2 <b>experience (1)</b> 137:25 <b>expert (6)</b> 8:1,6;11:19;30:8; 31:1;91:11 <b>explain (4)</b> 20:11;43:5;64:11;	136:8 <b>explained (1)</b> 28:17 <b>explicitly (1)</b> 135:23 <b>Explorer (2)</b> 14:17,20 <b>expressed (1)</b> 140:9 <b>extend (1)</b> 5:6 <b>extending (1)</b> 55:11 <b>extra (3)</b> 63:3;82:7;141:14
<b>F</b>				
<b>facades (5)</b> 53:19;58:10,11; 60:5,6 <b>face (2)</b> 58:12;127:20 <b>facelift (1)</b> 71:17 <b>facility (12)</b> 42:3;45:25;46:2,7; 51:23;56:13;58:11; 60:17;70:22;73:2; 96:11;134:15 <b>fact (8)</b> 6:12;26:3;81:14; 93:5,13,14;104:20; 140:2 <b>factors (1)</b> 92:20 <b>facts (1)</b> 9:24 <b>fair (6)</b> 5:21;7:4;8:12;9:7, 23;25:7 <b>fairly (1)</b> 9:24 <b>fairness (2)</b> 9:17,22 <b>fall (1)</b> 63:11 <b>falls (1)</b> 63:12 <b>false (2)</b> 101:18,19 <b>familiar (4)</b> 20:20;118:2; 119:22;123:13 <b>fancy (1)</b> 138:12 <b>far (8)</b> 24:8;32:10;36:16; 104:3,6;127:3; 131:21;135:15 <b>Farm (2)</b> 81:2;90:22 <b>favor (2)</b>				

80:3;149:15 <b>feature (4)</b> 38:6;59:15;65:1,2 <b>features (2)</b> 52:23;63:10 <b>federal (1)</b> 7:2 <b>fee (1)</b> 73:17 <b>feeder (1)</b> 98:1 <b>feel (7)</b> 36:19;39:10,12; 53:22;66:4;74:21; 128:20 <b>feeling (2)</b> 76:14;85:3 <b>feet (32)</b> 14:21,21,24;15:1,1; 18:13,15,16;20:1,2; 23:16;34:6;51:14,18; 59:2,3;60:20,25; 61:11;62:3,4;63:25; 64:14,14;78:8,19; 96:19;98:8;104:4; 105:12;135:6;136:2 <b>fellows (1)</b> 88:13 <b>felt (1)</b> 37:3 <b>fence (5)</b> 17:5,8;59:23;75:14; 76:10 <b>fenced (1)</b> 103:20 <b>FERRIERO (5)</b> 2;;40:12;41:1;64:7; 77:12 <b>few (6)</b> 11:8;30:21;34:18; 62:16;76:17;134:20 <b>field (6)</b> 11:19;14:14;30:8; 31:1;35:13;36:25 <b>fields (1)</b> 35:18 <b>fifth (1)</b> 53:7 <b>fifty-nine (1)</b> 60:24 <b>figure (3)</b> 69:25;86:22;129:17 <b>filter (1)</b> 41:25 <b>final (2)</b> 5:5;57:25 <b>finally (1)</b> 37:9 <b>finance (1)</b> 130:19 <b>financial (1)</b> 127:25 <b>financially (1)</b>	150:13 <b>find (2)</b> 117:23;119:13 <b>fine (2)</b> 53:15;85:11 <b>finish (4)</b> 8:23;10:6;87:20; 109:23 <b>finished (1)</b> 75:6 <b>Fiona (1)</b> 130:25 <b>fire (21)</b> 51:15;78:12;80:1,2, 11;111:15,17;117:4,4, 5;129:5;133:18; 139:25;140:1,1,12,13, 17,21,24;141:4 <b>firm (2)</b> 29:23;137:16 <b>first (17)</b> 12:20;29:14;31:21; 54:22;81:13;85:9; 106:22;117:6;118:17; 126:11;129:5;137:12; 138:1,25;139:9; 142:17;144:7 <b>fit (5)</b> 15:1,4,21;33:14; 43:21 <b>fitness (1)</b> 51:8 <b>fits (2)</b> 43:21;71:3 <b>five (18)</b> 8:18;10:1;13:20; 78:9;97:5;113:7; 114:20,22,23;115:3,9, 17,18;116:5,6,7; 132:10,14 <b>five-story (3)</b> 60:9;97:10;133:1 <b>five-year-old (6)</b> 84:20,23;85:9;86:5; 87:2,7 <b>fixtures (1)</b> 70:20 <b>flat (4)</b> 61:5,8;64:3;66:4 <b>flatter (1)</b> 21:8 <b>flexible (1)</b> 17:19 <b>floor (16)</b> 39:17;50:7;51:7,17; 52:15,20,21,22;53:1, 1,7,20;60:15;138:25; 144:7;147:13 <b>floors (1)</b> 50:17 <b>Florie (2)</b> 81:1;90:21 <b>F-L-O-R-I-E (1)</b>	90:21 <b>flow (1)</b> 129:11 <b>fluid (1)</b> 41:25 <b>focal (1)</b> 65:3 <b>focused (1)</b> 95:7 <b>folks (2)</b> 9:8;11:16 <b>follow (1)</b> 98:4 <b>follows (2)</b> 11:14;29:15 <b>follow-up (2)</b> 143:13;144:5 <b>food (1)</b> 47:5 <b>foot (5)</b> 64:8;78:8,9,9; 105:19 <b>footprint (3)</b> 102:19;133:12,13 <b>forced (1)</b> 132:4 <b>Ford (4)</b> 14:17,20;132:22; 133:16 <b>F-O-R-D (1)</b> 132:22 <b>foregoing (1)</b> 150:4 <b>foremost (1)</b> 54:22 <b>former (1)</b> 7:2 <b>forms (1)</b> 60:8 <b>forth (3)</b> 28:4;35:19;150:8 <b>forward (3)</b> 4:9;77:5;129:15 <b>found (1)</b> 94:1 <b>foundation (9)</b> 96:25;97:4,11,22, 24,25;98:10,12,20 <b>foundations (5)</b> 97:6,14,19;98:5,15 <b>four (7)</b> 55:2;74:13;91:8; 114:20;115:4,15; 139:1 <b>four-tenths (1)</b> 64:8 <b>fourth (2)</b> 52:22;53:1 <b>four-year-and-eight-month (1)</b> 92:8 <b>frame (1)</b> 118:7 <b>framing (1)</b>	118:5 <b>Frank (4)</b> 94:11;122:22; 134:21,25 <b>Franklin (1)</b> 117:18 <b>Frank's (3)</b> 101:8;120:15;122:6 <b>free (2)</b> 18:21;121:12 <b>frequency (1)</b> 106:8 <b>frequent (2)</b> 12:24;13:21 <b>frequently (2)</b> 102:17;106:8 <b>freshly (1)</b> 86:18 <b>friendly (1)</b> 112:13 <b>front (33)</b> 18:3;20:13,14; 21:12;22:7,9,10;23:6, 23;24:8;35:4;36:23; 37:21;38:5;39:25; 52:8,17;53:2;56:13; 57:17;58:11;59:8; 84:10;104:6;105:5, 16,19;109:5;119:2,7, 14;121:8;134:11 <b>frontage (3)</b> 37:7,22;59:13 <b>full (2)</b> 84:18;91:22 <b>fully (1)</b> 95:8 <b>fumbling (1)</b> 102:1 <b>functionality (2)</b> 15:19;19:7 <b>functions (2)</b> 27:18;38:15 <b>further (15)</b> 19:16;23:5;25:20; 32:4;34:20;43:5; 67:20;76:19;78:23; 97:1;100:22,23; 101:7;148:23;150:9 <b>furthest (1)</b> 84:16 <b>future (4)</b> 65:6;99:5;124:1; 134:17	51:10;85:4 <b>Garabrant (1)</b> 83:23 <b>garage (14)</b> 47:13,22;48:24; 49:14,24;51:13; 112:1;144:6,10,12,14, 17,18;145:1 <b>garbage (11)</b> 16:17,18,20;17:6,6, 7,14;26:6;105:2,11; 147:8 <b>gated (2)</b> 144:8;145:5 <b>gave (3)</b> 18:25;88:10,11 <b>general (6)</b> 16:6;18:6;45:23,24; 76:14;126:16 <b>generate (2)</b> 108:24;111:3 <b>generated (2)</b> 81:22;123:5 <b>generates (3)</b> 102:18;114:20; 120:16 <b>generating (1)</b> 82:2 <b>generation (3)</b> 123:3;125:15,20 <b>generator (2)</b> 49:13;116:2 <b>gentleman (1)</b> 99:15 <b>Gentlemen (1)</b> 100:13 <b>geotechnical (1)</b> 96:23 <b>GERMINARIO (5)</b> 2;;12:10;19:19; 29:8;148:18 <b>gets (7)</b> 5:19;52:25;53:6,8; 94:9;99:25;126:8 <b>given (7)</b> 24:9;81:14;82:21, 25;95:23;105:17; 136:2 <b>gives (1)</b> 5:12 <b>giving (4)</b> 5:21;85:24;87:13, 24 <b>glass (1)</b> 46:23 <b>Glenn (2)</b> 90:20,21 <b>goal (1)</b> 119:3 <b>goals (1)</b> 15:25 <b>goes (5)</b> 23:16;52:25;53:9;
			<b>G</b>	
			<b>gable (1)</b> 63:8 <b>Galway (2)</b> 126:15;136:25 <b>G-A-L-W-A-Y (1)</b> 126:15 <b>game (2)</b>	

85:9,10 <b>good (24)</b> 6:7,13,23;7:10,12, 15:8;7:9;9:25;29:20, 22:30;4:10;55:8; 62:12;67:16;90:20; 96:7;112:23;118:10; 119:11;126:9;140:5; 149:18 <b>Google (1)</b> 36:2 <b>gooseneck (1)</b> 70:20 <b>governed (1)</b> 128:5 <b>governing (1)</b> 137:17 <b>graceful (1)</b> 35:22 <b>grade (16)</b> 20:15,21;21:12; 23:4,7,22,25;36:10; 58:21;59:1,2;60:21; 61:9,14,18;98:7 <b>grades (1)</b> 36:1 <b>grading (2)</b> 63:21;96:16 <b>grand (1)</b> 32:23 <b>granddaughter (2)</b> 84:19;86:21 <b>grant (1)</b> 5:7 <b>granted (1)</b> 79:24 <b>grass (2)</b> 84:12;85:14 <b>great (2)</b> 23:20;51:3 <b>green (4)</b> 59:23;113:4; 119:17;146:11 <b>grew (1)</b> 128:22 <b>grills (1)</b> 144:15 <b>groceries (6)</b> 84:18;85:11,14; 86:3,24;87:5 <b>grocery (1)</b> 140:22 <b>ground (4)</b> 17:5;39:17;51:17; 96:18 <b>groundwater (1)</b> 96:18 <b>group (1)</b> 145:9 <b>growth (3)</b> 92:13,20;93:22 <b>guardrail (2)</b> 21:19;103:17	<b>guess (7)</b> 21:8;29:8;73:21; 121:5;134:19;137:1; 147:15 <b>guidance (1)</b> 69:17 <b>guide (5)</b> 16:14,23;17:3,24; 18:8 <b>guidelines (1)</b> 122:20 <b>Gunther (2)</b> 77:19;111:12 <b>guys (4)</b> 8:14;74:18;128:20; 130:14 <b>gymnasium (1)</b> 51:8	<b>hash (1)</b> 141:5 <b>HASTINGS (12)</b> 142:18,19;143:10, 13,18,24;144:3,13,19, 25;145:4,15 <b>H-A-S-T-I-N-G-S (1)</b> 142:19 <b>hat (1)</b> 146:11 <b>hatched (3)</b> 13:16,24;105:5 <b>hauler (3)</b> 49:4,5,6 <b>hauling (1)</b> 104:2 <b>head (3)</b> 24:14;25:1,2 <b>heading (2)</b> 81:4;83:7 <b>hear (9)</b> 40:18;41:1;62:22; 71:11;77:25;108:22; 111:5;134:23;149:11 <b>heard (12)</b> 9:10,10,11,11;78:5, 9;110:6;113:25; 125:2;131:7,17;146:1 <b>hearing (18)</b> 4:2,3,6;5:2;10:21; 11:23;13:2,4,18;19:3; 25:15,16;26:17; 40:14;65:7;69:21; 86:12;148:13 <b>heck (1)</b> 117:8 <b>height (15)</b> 58:25;59:4;60:16, 19;61:24;63:3,7,15; 64:23;65:4,10;71:1,2; 72:7 <b>held (1)</b> 28:25 <b>hell (1)</b> 116:12 <b>Hello (5)</b> 103:13;111:9; 113:16;123:1;142:18 <b>help (6)</b> 35:20;52:13;59:17; 85:5;121:8,17 <b>helpful (1)</b> 70:5 <b>helps (2)</b> 59:24;60:1 <b>HENDE (14)</b> 96:7,8,16;97:3,8,13, 18,23;98:6,17;99:1; 133:23,25;134:13 <b>H-E-N-D-E (2)</b> 96:9;133:25 <b>hereinbefore (1)</b> 150:7	<b>here's (1)</b> 84:9 <b>Hey (1)</b> 112:4 <b>Hi (6)</b> 63:6;74:17;112:25; 117:17;136:24;138:4 <b>hide (1)</b> 60:1 <b>Higgins (2)</b> 28:1;29:24 <b>high (9)</b> 49:22;61:11;62:2; 73:2;96:18;97:25; 98:18;126:25;138:10 <b>higher (2)</b> 55:3;95:18 <b>highlight (2)</b> 12:25;15:20 <b>highlighted (1)</b> 49:18 <b>highly (2)</b> 49:22;136:4 <b>highway (2)</b> 143:21,25 <b>Hill (5)</b> 107:9;131:2;135:5; 136:3;141:20 <b>Hillcrest (1)</b> 142:19 <b>Hilltop (1)</b> 108:16 <b>hint (1)</b> 123:16 <b>hip (1)</b> 87:1 <b>hiring (1)</b> 137:6 <b>historic (1)</b> 59:19 <b>Hoboken (3)</b> 30:22;125:22; 142:25 <b>Hold (6)</b> 41:2;84:23,24;85:2; 99:5;136:22 <b>holding (1)</b> 48:23 <b>HOLMES (2)</b> 1:24;150: <b>holy (1)</b> 116:11 <b>home (1)</b> 115:10 <b>homes (1)</b> 53:15 <b>honestly (1)</b> 110:8 <b>hope (2)</b> 8:13;140:16 <b>hopefully (1)</b> 118:19 <b>horse (2)</b>	68:12;75:20 <b>horses (7)</b> 75:15,24,25;76:3,7, 17,19 <b>host (1)</b> 138:1 <b>hosted (1)</b> 137:20 <b>hotel (1)</b> 32:24 <b>hour (6)</b> 102:25;103:1,4; 120:17;125:6;148:12 <b>hours (3)</b> 8:25;104:4;120:14 <b>house (3)</b> 38:16;129:7,10 <b>housed (1)</b> 34:13 <b>housing (10)</b> 34:10,17;42:10,21; 43:3,44:1;50:22;54:8, 13;132:5 <b>huge (1)</b> 129:16 <b>hundred (1)</b> 6:16 <b>hundreds (1)</b> 119:9 <b>hydraulic (2)</b> 112:7,20 <b>Hydraulics (1)</b> 112:12
<b>I</b>				
<b>IBC (1)</b> 111:18 <b>idea (8)</b> 16:23;50:3;66:3; 70:15;78:22;137:12, 13;140:5 <b>ideas (3)</b> 37:19;137:8;138:2 <b>identified (1)</b> 35:11 <b>identify (6)</b> 32:5,8;35:3;56:8; 68:4,16 <b>illustrated (1)</b> 16:13 <b>image (5)</b> 23:2;36:2;38:25; 67:10;80:6 <b>imagine (1)</b> 103:25 <b>impact (11)</b> 15:9;22:5;58:14; 95:8,14;97:24,25; 104:13,14;108:20; 136:5 <b>impacted (2)</b> 13:9;129:6				

<b>impacting (1)</b> 22:11	<b>infrastructure (1)</b> 129:2	141:20	2::29:21;30:3,21, 21:31:22;98:17; 111:18;122:23	<b>ladies' (1)</b> 132:2
<b>impaired (1)</b> 79:5	<b>infringe (2)</b> 17:2;18:18	<b>into (40)</b> 15:13;18:14;25:25; 33:16;38:21;41:10; 47:11;48:23;49:1,2, 24:55:11;61:17;67:9; 70:13;82:24;86:23; 87:3,4,5;90:4;91:2; 103:18;105:20;107:6, 19;108:6,7,12,13,19; 113:22,24;118:13; 120:5;121:23;122:7; 147:5,6,8	<b>JESSICA (2)</b> 2:10;63:1	<b>lady (1)</b> 136:23
<b>implications (1)</b> 7:23	<b>infringed (1)</b> 16:7		<b>job (1)</b> 130:16	<b>lamp (1)</b> 70:20
<b>importance (1)</b> 32:20	<b>INGLESINO (2)</b> 2:5;10:9		<b>JOHN (1)</b> 1:18	<b>LAND (11)</b> 1::2:3;5:11;14:16, 19;123:21;130:18; 132:16,17,18
<b>important (8)</b> 8:10;21:3;39:7; 40:17;52:23;66:15; 129:25;130:3	<b>ingress (6)</b> 27:16;35:9;107:4; 118:23;119:24;124:1		<b>JOINT (3)</b> 1::2:3	<b>landscape (1)</b> 59:24
<b>imposed (1)</b> 128:6	<b>ingress/ (1)</b> 135:6		<b>JOSEPH (2)</b> 1:12;117:17	<b>landscaping (1)</b> 59:9
<b>improve (1)</b> 59:17	<b>inherently (6)</b> 81:11,20;82:5,16; 84:7;89:16	<b>introduce (1)</b> 50:5	<b>JOYCE (4)</b> 1:15;61:16;75:10; 76:22	<b>Lane (20)</b> 94:12;103:16,19; 105:18;107:16;112:5; 113:22,24;114:6,7,8, 8,9,10;128:17; 134:22;135:1;140:24; 146:3,6
<b>improved (4)</b> 27:10;59:10,12; 79:25	<b>initial (4)</b> 5:23;72:17;107:14; 137:16	<b>introduced (1)</b> 53:21	<b>July (1)</b> 91:12	<b>lanes (4)</b> 89:18;120:12; 140:13,21
<b>improvement (2)</b> 79:25;128:9	<b>Initially (3)</b> 44:22;45:15;72:6	<b>introduction (1)</b> 38:8	<b>jump (1)</b> 42:12	<b>large (10)</b> 12:23;20:15;32:25; 33:18;57:8;104:11; 109:4;133:17,19; 142:24
<b>improvements (3)</b> 66:25;128:4,5	<b>inside (6)</b> 42:9;48:22;49:1,14; 103:20;144:16	<b>investigate (1)</b> 25:9	<b>justice (1)</b> 6:13	<b>larger (2)</b> 14:15;69:4
<b>improving (1)</b> 79:6	<b>insignia (1)</b> 68:12	<b>invitation (1)</b> 97:1	<b>justify (1)</b> 79:22	<b>largest (2)</b> 12:20;14:19
<b>inches (4)</b> 59:2;60:24;96:19; 98:7	<b>install (4)</b> 17:18;20:23;59:16; 97:25	<b>invite (2)</b> 126:18;137:7	<b>K</b>	<b>laser (1)</b> 61:7
<b>include (9)</b> 48:4;72:11;97:19; 124:21,23,23;136:11; 138:11;140:18	<b>instead (3)</b> 8:18;25:13;26:1	<b>invited (1)</b> 130:9	<b>keep (4)</b> 40:19,21;75:18; 107:1	<b>last (23)</b> 5:1;10:20;11:23; 13:4;19:3,25;26:17; 33:15;37:2;49:10; 70:22,22;73:15; 81:10;90:10;96:8; 106:19;107:6;113:18; 116:21;122:24;132:2; 138:6
<b>included (5)</b> 73:17,18;94:5; 105:14;136:19	<b>Institute (1)</b> 125:14	<b>inviting (1)</b> 26:7	<b>keeping (3)</b> 66:5;75:23,25	<b>lastly (2)</b> 70:7;120:25
<b>including (3)</b> 34:7;61:24;136:15	<b>insufficient (1)</b> 120:22	<b>involved (3)</b> 98:22,23;137:15	<b>Kessler (2)</b> 120:7,16	<b>later (9)</b> 12:17;27:12,16; 38:19;41:6;71:8,12; 96:5;111:2
<b>income (1)</b> 128:25	<b>integrated (1)</b> 50:14	<b>island (5)</b> 84:10,13,16;86:2; 89:1	<b>kids (5)</b> 85:13;86:15,22; 110:15,20	<b>Law (3)</b> 5:11;130:18;132:18
<b>incorrect (2)</b> 93:21,25	<b>intended (1)</b> 118:6	<b>islands (1)</b> 85:18	<b>kind (16)</b> 7:1;14:9;15:20; 16:13,16;20:18; 23:25;25:2;52:11; 65:1;76:13;100:4; 106:8;133:4,20; 138:15	<b>laws (1)</b> 54:13
<b>increase (8)</b> 72:8;93:1,22;95:18; 101:16;102:9,22; 126:21	<b>interaction (1)</b> 131:18	<b>issuance (1)</b> 93:16	<b>Kings (34)</b> 12:21;15:23;18:17; 19:9;23:18;31:21; 34:25;37:8;38:12; 59:13,17,17,21;60:1, 2;65:2;81:8;83:3,12, 13;84:1,10,15,17; 86:19;101:22,23; 113:22;122:8;134:3, 5,14,15,17	<b>lawsuit (1)</b> 6:6
<b>increased (3)</b> 95:23;121:7,18	<b>interactive (1)</b> 131:11	<b>issue (6)</b> 22:14;69:21;73:22; 80:15;93:13;105:10	<b>known (1)</b> 112:12	<b>layout (3)</b> 84:7,15;86:2
<b>indicated (8)</b> 17:18,24;50:2;54:6; 68:3;107:14;108:1; 127:14	<b>interest (4)</b> 5:21;7:11;42:13; 53:18	<b>issued (1)</b> 93:19	<b>L</b>	<b>lays (1)</b> 60:15
<b>indicates (2)</b> 67:11,17	<b>interested (1)</b> 150:13	<b>issues (7)</b> 6:9;7:25;8:5;9:25; 77:23,23;98:9	<b>label (1)</b> 56:8	<b>lead (2)</b> 37:15;39:21
<b>indicating (3)</b> 17:9;68:20;93:20	<b>interesting (1)</b> 81:7	<b>Italian (1)</b> 74:20	<b>lack (1)</b> 126:1	<b>leading (6)</b>
<b>individual (1)</b> 4:16	<b>interests (1)</b> 7:15	<b>items (5)</b> 13:1;21:23;79:5; 128:8;140:13		
<b>individuals (1)</b> 118:3	<b>interior (1)</b> 121:1	<b>J</b>		
<b>influx (1)</b> 129:1	<b>interrelated (1)</b> 83:24	<b>JAMES (1)</b> 1:16		
<b>Information (3)</b> 4:13;91:4;139:20	<b>interrupt (1)</b> 66:23	<b>Jane (1)</b> 116:16		
	<b>interrupting (1)</b> 109:19	<b>Jennifer (1)</b> 142:18		
	<b>intersection (8)</b> 107:9;114:3;135:4, 16;136:3,12,15;	<b>Jersey (9)</b>		



36:3,21;38:21;52:5; 59:13;95:18	<b>lift (1)</b> 112:18	35:15;38:17;113:5	47:25;76:6;77:22; 81:6,9;83:2,5;84:14; 86:2,7,18;87:6; 100:23;101:22,23; 102:13;107:4;112:21, 21;113:23;118:24; 119:23;121:13; 123:14;126:23;131:5, 6;133:2	36:6;37:6,14;38:16, 24,24;47:2,3,10; 48:20;52:6;53:15; 67:20;78:11;86:19; 107:11,19;113:1,17; 114:2;116:10,14,16, 20;135:5;136:4; 141:16;142:1
<b>leads (2)</b> 38:2;52:1	<b>lifts (4)</b> 72:4;112:7,16,21	<b>load (3)</b> 49:1;88:25;89:9	<b>loud (1)</b> 138:13	<b>maintain (1)</b> 79:18
<b>leaks (1)</b> 112:22	<b>light (12)</b> 41:23;56:11,12; 68:3;107:10;113:23, 23;127:8,15,17; 128:13;137:12	<b>loaded (1)</b> 147:8	<b>lounge (2)</b> 40:10;51:9	<b>maintained (1)</b> 23:13
<b>Leann (1)</b> 138:4	<b>light-colored (1)</b> 55:12	<b>loader (2)</b> 105:17,19	<b>love (1)</b> 62:22	<b>maintenance (4)</b> 41:24;45:23;57:18; 104:9
<b>least (5)</b> 5:7;14:8;106:11; 109:10;142:3	<b>lighter (1)</b> 57:23	<b>loading (7)</b> 35:18;48:18;49:1, 12;60:1;104:16;105:8	<b>low (3)</b> 12:14;125:12; 128:24	<b>major (2)</b> 6:6;7:22
<b>leave (13)</b> 76:18;77:15;85:14, 16;88:8,24;89:8; 102:13,23;103:5; 114:21;115:8;126:23	<b>limit (7)</b> 5:13,23;6:7,13; 7:18;8:3;126:5	<b>lobby (2)</b> 47:10;49:17	<b>lower (3)</b> 68:14;78:14;94:2	<b>makes (2)</b> 9:4;78:24
<b>leaves (1)</b> 24:25	<b>limitations (1)</b> 6:4	<b>local (1)</b> 59:19	<b>Lowry (1)</b> 128:17	<b>making (1)</b> 99:21
<b>leaving (1)</b> 90:5	<b>limited (5)</b> 4:15;10:1;20:11; 71:20;128:8	<b>located (15)</b> 13:10;34:9;36:17; 39:2,3,9;47:7,22,24; 49:11,17;51:6,7,22; 96:20	<b>low-volume (1)</b> 41:22	<b>Mako (18)</b> 113:16,16,20; 114:4,9,11,16,22,25; 115:5,9,13,18,21,25; 116:5,7,9
<b>left (6)</b> 10:21;40:1;68:15; 79:5;85:5;107:18	<b>limiting (1)</b> 18:14	<b>location (16)</b> 21:11;39:22;48:19; 50:16;67:11,18; 80:14;83:11,14,16,17; 89:4;108:22;109:2; 125:25;146:24	<b>lumbar (1)</b> 35:1	<b>M-A-K-O (1)</b> 113:20
<b>left-turn (1)</b> 107:16	<b>limits (1)</b> 7:20	<b>locations (6)</b> 17:13;36:14;52:21; 96:17;101:1;146:2	<b>lumber (1)</b> 36:9	<b>mall (1)</b> 71:18
<b>legal (1)</b> 23:11	<b>line (15)</b> 18:10,11;20:3; 23:16;24:11,11;61:1, 3,4;66:20;67:11,17; 78:23;104:15,17	<b>lock (1)</b> 123:21	<b>lumberyard (4)</b> 35:1;123:17;124:2, 9	<b>manage (2)</b> 19:5;129:18
<b>length (4)</b> 18:15,16;84:11; 86:7	<b>lines (3)</b> 53:4,18;114:5	<b>locker (1)</b> 40:4	<b>lunchtime (1)</b> 120:14	<b>managed (1)</b> 144:8
<b>Leslie (1)</b> 136:24	<b>LISA (5)</b> 2:11;12:11;32:10; 55:16;149:1	<b>lodge (1)</b> 8:12	<b>Lunde (5)</b> 111:9,9,12,20; 112:3	<b>management (7)</b> 117:24,25;144:17, 23,23,25;145:5
<b>less (14)</b> 13:22,25;14:4;78:8; 81:23;82:3;84:6; 89:15;102:17;111:5; 122:12;143:5;146:9, 12	<b>list (1)</b> 55:4	<b>long (8)</b> 14:21,24;60:6; 84:10;99:2;120:17; 133:2,9	<b>L-U-N-D-E (1)</b> 111:10	<b>managers (1)</b> 117:21
<b>letter (5)</b> 94:15,17,21;95:1; 140:18	<b>listed (2)</b> 82:20;134:3	<b>longer (3)</b> 58:10;71:2;89:2	<b>Lupo (16)</b> 122:22,22,25; 123:9,13,17,20,24; 124:12,16,20;125:1,7, 19;126:4,9	<b>maneuvering (3)</b> 12:5;105:15,15
<b>letters (1)</b> 71:3	<b>Listen (1)</b> 99:23	<b>look (13)</b> 14:11;56:21;71:7; 78:11;79:17;84:14, 21;85:17;86:9;90:6; 105:21;109:1;132:18	<b>L-U-P-O (1)</b> 122:25	<b>manner (3)</b> 67:7,25;89:9
<b>level (9)</b> 33:11;48:24;49:15; 51:23;82:3;96:18; 98:1,8;138:20	<b>listening (2)</b> 6:19;130:13	<b>looked (3)</b> 19:11;36:23,25	<b>M</b>	<b>mansard (4)</b> 53:21;65:11,13,20
<b>levels (1)</b> 32:19	<b>listing (1)</b> 82:17	<b>looking (16)</b> 13:1;17:7;23:2; 34:23;35:10;36:5; 51:3;52:6,13;56:23; 66:9;79:6;95:11; 103:1;105:13;141:15		<b>manual (1)</b> 125:15
<b>Lexus (1)</b> 14:18	<b>lists (1)</b> 96:17	<b>looks (4)</b> 24:9;100:16; 104:15,20	<b>ma'am (6)</b> 46:16;88:2;132:20; 137:14,15;142:10	<b>many (14)</b> 30:20;72:19;89:20, 20;101:21;110:4,23; 114:5,17;120:8,12; 126:5;139:4;141:12
<b>library (1)</b> 51:10	<b>lit (1)</b> 70:20	<b>Loryn (1)</b> 112:5	<b>Mac (6)</b> 116:16,16,20,23; 130:25,25	<b>Maoli (1)</b> 137:4
<b>license (1)</b> 30:4	<b>litigator (1)</b> 7:3	<b>L-O-R-Y-N (1)</b> 112:5	<b>M-A-C (2)</b> 116:23;131:1	<b>map (2)</b> 135:15,20
<b>licensed (1)</b> 30:2	<b>little (13)</b> 4:24;11:10;23:25; 39:18;40:13;67:13; 69:5;75:15,19;76:24; 100:5;113:21;123:15	<b>LOT (34)</b> 1:7;14:16;15:3; 18:25;26:2;34:3;	<b>Madison (3)</b> 31:21,22;143:17	<b>March (2)</b> 91:7;124:7
<b>licenses (1)</b> 29:20	<b>live (6)</b> 38:3;39:14;45:24; 116:10;126:12; 132:23		<b>Madison's (1)</b> 31:24	<b>Marchetto (2)</b> 28:1;29:24
<b>LIE (1)</b> 116:15	<b>lived (1)</b> 73:15		<b>MAIN (36)</b> 1:6;14:14;25:25; 26:1;34:2,3,24;35:3;	<b>MARINO (10)</b> 80:25;81:1,2;82:10, 13,19,25;83:18,19,21
<b>life (1)</b> 129:18	<b>living (3)</b>			

<b>M-A-R-I-N-O (1)</b> 81:2	7:23;24:3;43:4,11; 63:7,14,17;76:1; 104:17;125:12; 127:22;133:6;140:21	40:25	<b>monolithic (1)</b> 60:8	136:3,12
<b>mark (4)</b> 12:4;16:14;96:7; 133:25	<b>means (3)</b> 54:23;78:13,16	<b>microphone (8)</b> 4:10;41:10,11; 61:17;75:11;82:24; 91:2;118:14	<b>Montclair (1)</b> 30:24	<b>move-outs (1)</b> 48:21
<b>market (3)</b> 50:10,17;51:20	<b>meant (1)</b> 56:21	<b>middle (4)</b> 24:20;84:12;90:11; 107:17	<b>months (3)</b> 55:2;91:9;133:11	<b>moves (1)</b> 108:17
<b>marketed (1)</b> 54:23	<b>measure (2)</b> 14:16;16:17	<b>midpoint (2)</b> 64:5,8	<b>monument (5)</b> 38:21;67:18,22; 68:7;69:13	<b>moving (8)</b> 49:23;67:19;78:22; 80:8;108:12;129:12, 12;136:15
<b>marketing (1)</b> 54:22	<b>measured (4)</b> 63:7,13,25;135:15	<b>might (6)</b> 10:25;73:24;77:13; 109:11;112:22;137:2	<b>mood (1)</b> 85:4	<b>much (8)</b> 20:19;27:1;80:8; 104:16;111:5;112:24; 114:11;126:17
<b>markets (1)</b> 89:22	<b>measurement (3)</b> 135:10,12,19	<b>mile (1)</b> 108:15	<b>Moran (10)</b> 90:20,20;91:3,11, 24;92:6,25;93:4,18; 94:6	<b>multi-family (3)</b> 34:4,11;110:25
<b>married (1)</b> 10:13	<b>measures (2)</b> 78:8;82:17	<b>miles (1)</b> 108:15	<b>M-O-R-A-N (1)</b> 90:21	<b>Municipal (4)</b> 5:11;130:18; 132:17,18
<b>MAS (1)</b> 131:24	<b>meet (3)</b> 65:12;111:17; 137:25	<b>million (1)</b> 107:7	<b>more (35)</b> 11:7;20:3;21:3; 27:7;35:22;46:25; 49:9;66:22;69:6; 71:16;84:8;89:15,16; 90:13;93:18;102:19; 103:8;119:6,13; 120:4;121:20;122:11; 123:16;125:4;126:17, 24;127:3;128:19; 129:3;134:20;136:16; 139:19;145:17,17; 148:9	<b>murals (1)</b> 59:19
<b>masonry (4)</b> 55:12;56:11,12,18	<b>meeting (14)</b> 4:6;19:25;28:8,10; 81:10;90:10,11,16; 130:10;141:10; 148:16,20,22;149:10	<b>mind (5)</b> 40:17;131:4,13; 134:21;142:22	<b>morning (5)</b> 56:11;109:12; 116:11;120:13; 126:22	<b>murmur (1)</b> 40:15
<b>master's (1)</b> 29:25	<b>meetings (2)</b> 110:4;137:18	<b>minimal (1)</b> 120:2	<b>Morris (3)</b> 107:6;142:13; 147:19	<b>mutual (1)</b> 9:18
<b>MASTORIS (10)</b> 126:10,11,15; 127:19;128:2,10,15; 136:24,25;137:22	<b>MEMBER (23)</b> 1:16,17,18,19;28:6, 14;40:25;60:18,22; 61:6;87:19;88:1,5; 122:16;129:23;130:2, 22;132:9,11,13; 143:21;148:4,9	<b>minimize (2)</b> 58:13,14	<b>Morristown (4)</b> 32:18,21,22;116:11	<b>myself (2)</b> 4:3;94:19
<b>M-A-S-T-O-R-I-S (2)</b> 126:11;136:25	<b>members (8)</b> 11:5;14:9;29:5,6; 40:16,20;54:24;137:7	<b>minimum (1)</b> 50:24	<b>most (4)</b> 22:23;26:19;70:25; 124:17	<b>N</b>
<b>material (8)</b> 33:2;55:9;56:4,20; 70:11,12,14;111:24	<b>memberships (1)</b> 145:12	<b>minor (2)</b> 34:18;58:24	<b>motion (2)</b> 149:8,13	<b>name (24)</b> 4:10;5:25;29:22; 68:8;71:1;77:18,18; 81:1;96:8;106:19,22, 22;113:18;116:14,22; 117:17;122:24; 126:10,11;130:25; 132:2;136:24;138:4,6
<b>materials (10)</b> 31:18;53:24;54:1; 56:24;57:21;58:1; 60:12,13;111:20,22	<b>memo (1)</b> 91:12	<b>minutes (15)</b> 4:15;5:2,7,24;6:8; 8:4,18,18;10:1,2; 28:5;84:1;87:24; 90:24;103:2	<b>Morris (3)</b> 107:6;142:13; 147:19	<b>narrower (2)</b> 53:8;60:5
<b>math (1)</b> 127:23	<b>MENDHAM (26)</b> 1:1,5;6:1;10:10; 34:13;35:1;39:2,3; 53:16;59:19;94:13; 111:10,12;112:5,24; 113:1;122:23;123:17; 126:25,25;131:3,21; 135:1;142:7;143:3	<b>mirror (2)</b> 14:21,22	<b>Morristown (4)</b> 32:18,21,22;116:11	<b>nature (5)</b> 26:16;82:21;83:1; 126:17;140:14
<b>Matt (12)</b> 10:19,23;11:16,18, 22;15:14;19:17,20; 23:7,8;25:21;79:3	<b>men's (1)</b> 40:4	<b>mischaracterization (1)</b> 6:13	<b>most (4)</b> 22:23;26:19;70:25; 124:17	<b>near (2)</b> 19:4;83:11
<b>MATTER (2)</b> 1:4;78:10	<b>mention (3)</b> 30:19;49:10;58:8	<b>missing (1)</b> 86:2	<b>motion (2)</b> 149:8,13	<b>necessarily (5)</b> 42:23;44:5;87:8; 144:24;145:2
<b>MATTHEW (1)</b> 3:4	<b>mentioned (15)</b> 43:20;45:22;46:17; 48:6;54:18;55:9;59:6; 68:2;72:3;78:3;79:4; 102:18;103:17; 108:24;109:4	<b>mistake (1)</b> 105:6	<b>Mountainside (2)</b> 99:7;138:5	<b>necessary (1)</b> 38:15
<b>maximum (2)</b> 50:25;54:19	<b>metal (5)</b> 57:19,21,24;58:2,5	<b>mitigate (1)</b> 81:16	<b>Mountainview (1)</b> 129:13	<b>necessitate (1)</b> 113:23
<b>may (22)</b> 5:5;20:25;21:1; 25:1;26:21;27:6;33:5; 40:20;45:13,13,14; 57:1;71:25;79:24; 94:16;98:10;99:11; 105:23;115:3,15,16; 129:25	<b>MHS (1)</b> 29:23	<b>mitigation (1)</b> 111:15	<b>mouth (1)</b> 104:18	<b>need (26)</b> 10:6;13:21;21:24; 23:19;24:17;48:12; 55:17;61:16;62:10; 63:13;66:17;78:13; 82:23;95:1;105:23; 106:5,8;108:3; 123:15;127:14,18; 129:13;132:9,13; 147:21;148:23
<b>maybe (9)</b> 11:7;25:15;69:16; 74:8;77:13;86:24; 99:14;119:21;127:7	<b>mic (1)</b>	<b>MLUL (3)</b> 6:7;128:6;130:17	<b>mounted (1)</b> 70:21	<b>needed (4)</b> 21:1;48:15;127:17,
<b>mayor (2)</b> 26:18;141:11		<b>modular (1)</b> 56:16	<b>move (8)</b> 11:6;33:16,23;45:9; 46:25;114:18;129:15; 149:12	
<b>MDF (1)</b> 70:11		<b>MOLNAR (9)</b> 1:16;25:20,24;61:1, 3,10;71:16,21;75:21	<b>moved (1)</b> 149:14	
<b>mean (13)</b>		<b>moment (1)</b> 73:14	<b>move-ins (1)</b> 48:20	
		<b>money (6)</b> 129:2;141:14,24; 142:8,13,14	<b>movement (2)</b>	
		<b>monitored (1)</b> 144:8		

20 <b>needs (4)</b> 17:15;23:13;78:18; 105:19 <b>Neff (4)</b> 112:25;25;113:11, 14 <b>negotiate (2)</b> 84:22;86:6 <b>neighborhood (1)</b> 24:24 <b>neighboring (2)</b> 23:24;78:19 <b>neighbors (2)</b> 58:13,15 <b>NEIL (6)</b> 1:14;116:16,16,20, 23;132:2 <b>N-E-I-L (1)</b> 116:23 <b>neither (2)</b> 150:9,12 <b>nest (1)</b> 133:7 <b>network (1)</b> 38:2 <b>New (38)</b> 2::29:21;30:3,21, 22;31:22,24;32:1; 37:6,20;39:20;46:19; 52:1,7,14;58:25;67:8; 70:10;79:9;81:5;84:7; 85:18;86:1;92:1,22; 93:4;97:5;98:17; 111:18;119:11,24; 120:21;121:1;122:23; 124:19,20;127:2; 140:16 <b>Newark (1)</b> 30:24 <b>news (1)</b> 107:25 <b>Next (18)</b> 4:1;10:17;19:21; 27:25;29:7;32:17; 69:21;83:13;85:15; 86:5;90:14,16;94:10; 99:15;113:4;148:5, 13,19 <b>nice (2)</b> 100:15;137:2 <b>night (1)</b> 19:14 <b>nine (2)</b> 50:21;110:22 <b>nit-picky (1)</b> 76:2 <b>noncombustible (2)</b> 111:24;118:7 <b>nonconforming (5)</b> 67:4,5;69:1,2;78:24 <b>nonconformity (1)</b> 78:17	<b>nor (4)</b> 42:6;150:10,10,12 <b>normal (1)</b> 6:25 <b>north (6)</b> 13:10;30:22;53:11; 60:6;96:20;98:1 <b>northeast (1)</b> 48:18 <b>northern (1)</b> 34:5 <b>notably (1)</b> 120:7 <b>note (3)</b> 39:22;73:9;79:8 <b>noted (4)</b> 15:15;19:20;81:11; 82:19 <b>notes (2)</b> 55:16;125:24 <b>notice (2)</b> 148:19,23 <b>November (2)</b> 1:2;12:6 <b>Ns (1)</b> 90:21 <b>number (19)</b> 12:17;34:3,4;64:19, 21;78:5;100:23; 101:7,16;102:11; 106:5;108:9,23; 110:3;111:2;115:24; 117:19;121:6;125:17 <b>numbers (2)</b> 123:24;132:6 <b>Nutley (1)</b> 30:24 <b>NX (1)</b> 14:18	<b>occasions (1)</b> 137:18 <b>occupied (1)</b> 14:12 <b>occur (2)</b> 42:7;103:19 <b>o'clock (3)</b> 149:1,2,3 <b>October (4)</b> 91:5;124:6;135:22; 136:11 <b>odd (1)</b> 74:14 <b>off (18)</b> 8:9;9:21;10:22; 11:1;23:14;25:3; 28:24,25;41:11; 47:14;52:17;53:2,20; 89:17;104:11;106:9, 11;109:4 <b>offer (1)</b> 131:6 <b>offered (5)</b> 44:17,18,23;46:2; 78:4 <b>offering (1)</b> 72:17 <b>Office (3)</b> 4:12;40:10;118:2 <b>OFFICER (1)</b> 150:1 <b>off-site (1)</b> 117:25 <b>Often (1)</b> 117:24 <b>oil (4)</b> 41:25;45:22;112:7, 21 <b>old (4)</b> 91:9;92:8,10; 128:24 <b>older (1)</b> 40:13 <b>once (5)</b> 34:13;47:1;98:13; 105:2;106:11 <b>one (63)</b> 4:16;6:7;8:3;13:16, 22;15:7,25;16:10; 25:20;26:13;28:23; 35:13;48:13,15; 50:16,18,21,25;52:23; 57:20;58:7,19;59:14; 60:9;64:19;71:16; 72:2;74:4;78:3;80:10; 83:17,18;85:10;87:2; 89:11;93:1,18;103:2; 107:1;113:6,11; 114:6,7;119:21; 120:1,8;121:2;122:3; 124:10;127:18,19,21; 133:23;139:23;141:3; 142:22;145:16,17,20;	146:6,18;147:10,10 <b>ones (1)</b> 33:10 <b>one-way (1)</b> 119:16 <b>online (1)</b> 132:19 <b>only (24)</b> 7:11,14;26:15; 30:25;39:23;43:6,24; 46:1,6,12,14;64:7; 68:21;74:5;84:2; 103:4;105:18;113:14; 120:17;131:11,11; 133:22;143:20;144:1 <b>on-site (4)</b> 102:18;117:21; 118:3;128:4 <b>on-street (1)</b> 32:1 <b>onto (1)</b> 86:8 <b>open (6)</b> 28:11;46:22,22; 54:24;77:1;124:24 <b>opened (1)</b> 144:8 <b>opening (3)</b> 5:3,4;40:7 <b>opens (2)</b> 31:25;47:10 <b>operating (2)</b> 104:4;125:16 <b>operation (1)</b> 41:22 <b>opinion (6)</b> 15:14;21:24;74:23; 81:12;137:21;140:9 <b>opportunities (1)</b> 39:16 <b>opportunity (10)</b> 4:7,19;5:18;35:20; 46:18;77:5;87:24; 88:3;90:8,17 <b>opposed (3)</b> 118:24;119:16; 149:17 <b>opposing (1)</b> 27:1 <b>opposite (2)</b> 11:6;84:17 <b>option (3)</b> 25:4;26:12;55:4 <b>options (3)</b> 85:2;126:1;132:12 <b>Orange (1)</b> 30:24 <b>order (5)</b> 4:1;8:16;35:11; 88:3,7 <b>ordinance (11)</b> 14:3;34:16,17;50:9; 59:4;61:25;63:7,15;	64:24;67:3;130:17 <b>organized (1)</b> 6:18 <b>orient (1)</b> 36:4 <b>orientation (1)</b> 58:8 <b>ORTH (94)</b> 2::3:,6;10:3,4,7,8; 11:2,9,11,15;12:9,16; 19:19;23:1,20;24:4; 25:18;27:9,22,24; 28:21,24;29:3,4,16; 30:7,12;32:7,13,16; 33:15,21;41:2;46:11, 16;54:5,11,17;55:5,8, 15,19,24;57:1,12; 62:8,11,18,21;63:5; 64:17;65:8;66:3,12, 16,21;69:8,19,24; 70:2,6;71:6,15;73:8, 13;74:2,15,24;75:5, 16,25;76:3,6,13,18; 77:3,9,16;94:17,20; 109:15,20,22;110:16; 128:4,11;134:18; 137:14;148:17,22,25; 149:3,6 <b>ORTMAN (4)</b> 112:4,5,10,20 <b>Otherwise (1)</b> 71:12 <b>out (69)</b> 5:15;7:12;8:15; 13:12,16,24;15:11; 19:2,9;23:25;25:14; 28:3;49:25;50:16; 51:11;52:24;53:24; 56:10;57:16;60:5,15; 69:25;80:5,8,18;82:1, 8;83:8,19;84:17,21; 85:12;86:3,13,16,23; 87:15;88:2,7;98:6; 100:5;101:8,11; 103:5,18;104:1; 105:7;106:13;107:20; 108:20;112:22;115:8; 117:23;120:5,10; 121:20;123:21; 125:12,17;129:12,17; 133:18;138:14,22; 141:5;142:23;144:10; 146:12;147:7 <b>outdated (2)</b> 76:5,10 <b>outdoor (4)</b> 40:2;51:12,15,18 <b>outset (1)</b> 137:16 <b>outside (6)</b> 16:18;42:7;73:11; 117:14;129:20; 146:24
--	---	---	--	---

<b>outstanding (1)</b> 11:25	24,25;48:1,2,5,7;52:4; 60:11,15;72:1,2,8,12, 15,16,21;73:4,4,5,7, 11,11,16,23;81:6,9, 25;82:9;83:2,5;84:12, 14;86:2,7,18;88:22; 100:23,23;101:21; 104:12;107:4;111:21; 113:22;114:16; 115:21,25;116:3; 117:22;118:22;119:1, 7,13,13,15,25;120:2, 10,21;121:6;138:20; 139:1,4,7;140:25; 141:4;144:5,6,18	125:6,9	<b>perspective (1)</b> 119:9	<b>placed (3)</b> 16:15;101:2;147:6
<b>over (17)</b> 4:4;6:16;11:9;14:3; 27:1;45:13;51:13; 65:17,24;66:1;96:19; 102:17;119:23; 121:15;134:3,17; 137:18		<b>pedestrian (14)</b> 17:22;18:18,20; 20:24;21:1,3,14;22:6, 23;23:12;37:21; 49:18;50:2,95:19	<b>petitioners (1)</b> 126:18	<b>placeholder (1)</b> 12:16
<b>overall (2)</b> 46:24;60:18		<b>pedestrians (8)</b> 17:3;50:4;84:8; 89:16;95:9;96:1,3; 100:24	<b>ph (1)</b> 137:4	<b>places (1)</b> 143:1
<b>overlay (3)</b> 34:10,17;42:10		<b>Peggy (1)</b> 139:10	<b>Phoenix (1)</b> 129:6	<b>plain (1)</b> 128:10
<b>own (1)</b> 127:13		<b>people (38)</b> 5:19;6:7,14,17,23; 7:6,9;8:7,9,19,24; 9:23;26:19;27:7; 39:14;43:3,14;44:1; 45:24;73:23;74:6; 100:1;104:2;107:20; 115:3,4;116:3;120:5; 121:19;125:16; 126:23;129:2,10,11; 134:24;141:17; 142:16;144:9	<b>photo (1)</b> 51:24	<b>plan (32)</b> 13:17;14:6,24; 23:19;37:12,13,17; 39:17;50:7;52:15,20, 22,24;65:9;96:16; 101:1;107:15;108:2, 5;113:7,11;120:21; 121:1;129:7;134:3,4, 6,14,15;137:5; 139:21;147:16
<b>P</b>	<b>Parsippany (4)</b> 2:,6;143:23,24		<b>photographs (1)</b> 59:19	<b>planned (2)</b> 111:15;131:19
<b>PACE (5)</b> 1:19;22:18,24; 45:22;64:13	<b>part (19)</b> 12:1;19:12;43:8; 45:18;46:5;48:17; 62:13;66:13,24; 69:20;70:7,25;81:9; 83:2;104:9;105:25, 25;124:11;128:14	<b>per (17)</b> 4:16,16,16;5:14; 8:4;32:10;64:22;72:2; 108:9;114:18,21,21, 24;115:3,17,17; 122:19	<b>Piattino's (3)</b> 84:17;104:3;117:2	<b>Planner (10)</b> 2:10;34:21;62:16, 25;69:8;71:14;79:22; 108:23;111:1,6
<b>package (9)</b> 32:15;37:18;53:12; 58:20;60:4;63:20; 66:25;69:16;71:11	<b>particular (4)</b> 42:13;120:3,18; 128:8	<b>percent (12)</b> 33:3;47:17;48:7; 50:12,23,25;93:1,5, 10;101:17;102:9; 125:11	<b>pick (3)</b> 10:21;75:10;109:4	<b>planning (3)</b> 110:4;129:12; 134:16
<b>packages (1)</b> 51:4	<b>particularly (1)</b> 126:22	<b>percentage (1)</b> 93:22	<b>picked (3)</b> 49:8;93:15;146:2	<b>plans (5)</b> 30:13;82:21;134:2, 2;147:21
<b>packet (1)</b> 32:8	<b>parties (2)</b> 128:1;150:11	<b>perform (1)</b> 96:2	<b>pickup (1)</b> 125:3	<b>play (1)</b> 85:7
<b>packing (1)</b> 138:20	<b>partition (1)</b> 45:7	<b>performance (1)</b> 138:10	<b>pickups (2)</b> 120:15;125:8	<b>playing (1)</b> 85:4
<b>pad (1)</b> 104:15	<b>pass (2)</b> 39:24;56:2	<b>performed (4)</b> 91:7;94:3;95:11; 127:12	<b>pick-ups (2)</b> 47:5;120:13	<b>plaza (2)</b> 32:25;37:24
<b>PAGE (3)</b> 3:3;68:15;70:22	<b>passe (1)</b> 76:5	<b>performing (1)</b> 22:15	<b>pictures (3)</b> 100:14,17,19	<b>please (27)</b> 4:10;8:17;12:3; 30:17;33:6;40:19,21; 41:1,4,7,10;54:3,4; 77:17,18;90:1;95:6, 12,20;100:7,12; 101:25;106:20; 113:19;116:22; 118:13;146:15
<b>painted (1)</b> 70:14	<b>path (8)</b> 17:2;18:16,18;20:4; 80:5;81:19;117:14; 122:7	<b>perhaps (1)</b> 36:25	<b>piece (1)</b> 90:3	<b>pledged (1)</b> 141:14
<b>pallet (1)</b> 33:2	<b>patients (1)</b> 120:7	<b>period (5)</b> 5:5,13,23;55:1; 90:16	<b>pieces (1)</b> 16:24	<b>Plus (5)</b> 62:5;64:14,14; 102:14;119:1
<b>panel (5)</b> 57:9,17,19,21,24	<b>pattern (5)</b> 49:19;105:13; 119:16;121:3,4	<b>periods (1)</b> 103:3	<b>Pienciak (14)</b> 83:22,22;85:21,24; 87:12,17;88:10,15,18; 89:13,23;90:3,10,18	<b>plywood (2)</b> 35:1;123:18
<b>panels (2)</b> 58:2,5	<b>PAUL (1)</b> 2:	<b>permanent (2)</b> 45:5,6	<b>P-I-E-N-C-I-A-K (1)</b> 83:23	<b>pm (2)</b> 1:;149:19
<b>parallel (1)</b> 58:10	<b>paved (1)</b> 86:18	<b>permitted (8)</b> 38:14;42:9;50:9; 59:3,3;61:20,21;69:4	<b>piggyback (1)</b> 128:18	<b>podium (2)</b> 111:23;118:7
<b>Pardon (1)</b> 61:2	<b>pavements (1)</b> 50:3	<b>person (7)</b> 4:12,16;5:14,24; 8:4;85:15;145:17	<b>pile (1)</b> 97:19	<b>point (25)</b> 4:2;11:24;23:20; 26:7;33:21;37:10,25; 39:23;52:24;59:25; 60:5;61:15;62:10; 63:17;65:3,7;66:16, 18;71:19;93:10;95:3;
<b>park (6)</b> 44:3,4;73:23;81:25; 89:6;140:23	<b>paving (1)</b> 49:19	<b>personally (1)</b> 135:18	<b>piling (1)</b> 98:11	
<b>parked (4)</b> 15:9;84:16;85:7; 111:14	<b>pay (6)</b> 43:12;108:25; 127:10,18,22;129:3		<b>Piscataway (1)</b> 143:1	
<b>parking (112)</b> 13:10,15;14:4,7,7, 10,12,14,23;15:2,5, 21;19:6;26:2;32:1; 35:13,18,21;36:25; 37:2;38:4,8;40:7; 41:15,18;42:5;43:2,6, 7,8,10;44:19,23; 45:13,17,19;46:3; 47:4,6,8,13,19,21,	<b>PDF (1)</b> 55:20		<b>pit (2)</b> 96:17,17	
	<b>paying (2)</b> 129:8,8		<b>pitch (5)</b> 63:17;64:5,22; 65:17,20	
	<b>peak (4)</b> 60:22;102:25;		<b>pits (1)</b> 51:16	
			<b>pizza (1)</b> 120:14	
			<b>place (6)</b> 11:24;85:16;104:6; 138:15;143:9;150:7	

<p>127:5;132:6;145:23; 147:24</p> <p><b>pointer (2)</b> 35:2;61:7</p> <p><b>pointing (2)</b> 98:6;112:22</p> <p><b>points (10)</b> 17:19;19:3,11,15; 34:24;35:6;36:1;67:9; 92:22;123:20</p> <p><b>poles (4)</b> 24:14,16,17;25:10</p> <p><b>police (2)</b> 127:9;129:3</p> <p><b>pool (7)</b> 40:3,4;47:11;48:1; 51:17;60:12;145:9</p> <p><b>pop (2)</b> 85:5,5</p> <p><b>populate (1)</b> 14:10</p> <p><b>populated (2)</b> 14:14;15:2</p> <p><b>porte-cochere (2)</b> 40:6;52:8</p> <p><b>portico (1)</b> 59:9</p> <p><b>portion (28)</b> 4:6;17:16;20:13; 23:3,6;24:9;27:14; 34:5,13;37:11;38:1, 11;52:2;55:11;57:8, 22;23:61;59:64;3; 65:18;68:1,17,23; 134:10,10,11,12</p> <p><b>portions (3)</b> 53:21;56:19;57:11</p> <p><b>posed (1)</b> 19:25</p> <p><b>position (1)</b> 140:18</p> <p><b>possible (3)</b> 54:20;67:14;103:5</p> <p><b>possibly (7)</b> 13:14;80:14;97:19; 112:17;124:5;146:3,8</p> <p><b>post (1)</b> 101:11</p> <p><b>potential (5)</b> 20:6;96:1;100:21; 134:19;136:17</p> <p><b>potentially (6)</b> 13:9;95:21;109:5,9; 124:1;144:9</p> <p><b>predicament (1)</b> 127:20</p> <p><b>Pre-existing (3)</b> 67:4,5;69:1</p> <p><b>preference (5)</b> 50:12;54:7,20,22; 55:1</p> <p><b>preferred (1)</b> 50:5</p>	<p><b>preliminarily (1)</b> 114:1</p> <p><b>premier (1)</b> 46:3</p> <p><b>premises (1)</b> 103:6</p> <p><b>premium (15)</b> 38:8;40:7;41:15; 42:5;43:2,7,12;44:18, 23;45:12;48:4;60:11; 72:1;73:4,11</p> <p><b>prepare (2)</b> 25:16;146:22</p> <p><b>prepared (7)</b> 7:9;12:7;30:13; 92:9;129:1,7;130:13</p> <p><b>preparing (1)</b> 130:14</p> <p><b>PRESENT (3)</b> 1:10;2:;4:20</p> <p><b>presentation (4)</b> 4:18;31:8;33:16; 38:20</p> <p><b>presented (3)</b> 98:19;125:21;143:8</p> <p><b>presenting (5)</b> 31:20;33:24;56:25; 130:12;142:23</p> <p><b>Preservation (2)</b> 94:13;135:2</p> <p><b>pretty (1)</b> 27:1</p> <p><b>prevent (1)</b> 98:11</p> <p><b>previous (2)</b> 13:2,17</p> <p><b>previously (7)</b> 11:14,18,22;13:8, 25;14:5;40:24</p> <p><b>primarily (2)</b> 21:16;95:7</p> <p><b>primary (1)</b> 17:25</p> <p><b>principal (1)</b> 29:23</p> <p><b>prior (1)</b> 92:11</p> <p><b>prioritize (1)</b> 118:22</p> <p><b>prioritized (1)</b> 119:5</p> <p><b>Priscilla (1)</b> 118:10</p> <p><b>Privacy (1)</b> 4:13</p> <p><b>private (4)</b> 49:4,5,6;128:1</p> <p><b>pro (1)</b> 128:6</p> <p><b>probably (10)</b> 16:7;23:3,17;35:15; 62:12;73:16;101:16; 127:4,6,8</p>	<p><b>problem (5)</b> 21:10;25:18;70:2; 74:16,25</p> <p><b>problems (2)</b> 73:25;120:9</p> <p><b>proceed (1)</b> 19:21</p> <p><b>proceeding (1)</b> 7:1</p> <p><b>Proceedings (4)</b> 1:6;10:12;149:19; 150:6</p> <p><b>process (5)</b> 28:18;54:9;58:19; 82:18;103:12</p> <p><b>products (1)</b> 106:3</p> <p><b>professional (3)</b> 29:19;41:7;99:4</p> <p><b>professionals (3)</b> 27:21;71:23;75:2</p> <p><b>proffer (1)</b> 30:8</p> <p><b>programmed (1)</b> 51:15</p> <p><b>project (68)</b> 28:1;31:11,19,21, 23,25;32:17,17,18,19, 20;33:3,12,13,17,24; 34:2,11,15;35:11; 36:20;37:11,13;38:1, 5;39:8;40:1;43:6,9, 10,15,18;46:24; 47:10;50:8,15;51:4; 52:5,9,14;54:14; 56:13;58:17,18;59:5; 65:4;67:9,19;68:17, 23;97:7,22;98:5,14; 109:15;114:15,15; 127:2,13;133:12; 137:16,18,24;138:2; 143:2,7,15,22</p> <p><b>projected (1)</b> 92:9</p> <p><b>projecting (2)</b> 57:15,16</p> <p><b>projection (1)</b> 104:21</p> <p><b>projections (4)</b> 92:14,17;103:18; 107:22</p> <p><b>projects (7)</b> 31:10,18;33:7,10, 19;142:24;143:16</p> <p><b>project's (1)</b> 136:5</p> <p><b>proofs (1)</b> 79:23</p> <p><b>properly (1)</b> 20:4</p> <p><b>properties (2)</b> 21:4;23:10</p> <p><b>property (22)</b></p>	<p>20:3,16,16;23:4,16, 18,23,24;24:18;35:6; 36:3;38:4,21;59:8; 78:23;104:9;117:21, 24,24;123:21;124:2; 129:16</p> <p><b>property's (1)</b> 123:25</p> <p><b>proposal (1)</b> 73:10</p> <p><b>propose (2)</b> 6:22;146:5</p> <p><b>proposed (26)</b> 32:18;34:2;35:12; 38:7;39:6;50:12;51:4; 59:13,22;66:25;68:6; 69:12,18;72:20;73:5; 85:18;118:23;119:23; 127:2;133:10,13; 134:6,15;135:6; 141:7,7</p> <p><b>proposes (1)</b> 50:8</p> <p><b>proposing (14)</b> 6:21;14:23;16:13; 31:11;51:25;59:23; 63:4;67:6,19,24; 71:17;72:10;79:8; 147:9</p> <p><b>prosecutor (1)</b> 7:2</p> <p><b>prosed (1)</b> 134:14</p> <p><b>protocols (1)</b> 147:18</p> <p><b>provide (23)</b> 4:13;15:20;16:16; 29:18;38:18;41:23; 46:18;48:7,16;50:23; 51:5,17;52:1;54:19; 68:9;69:17,22;72:7; 90:8;91:12;94:4,6; 143:14</p> <p><b>provided (15)</b> 13:18;47:21;48:10, 12;54:25;91:4,15,18; 93:9;107:13,21; 109:1;110:24;127:12; 136:16</p> <p><b>provides (7)</b> 32:1;33:3;38:10,15; 41:17;53:3,4</p> <p><b>providing (3)</b> 48:13;93:7;119:6</p> <p><b>provision (1)</b> 5:11</p> <p><b>proximity (1)</b> 136:2</p> <p><b>prudent (1)</b> 83:3</p> <p><b>public (25)</b> 4:7,19,23,25;5:1; 25:14;28:7,12,13;</p>	<p>29:6;31:1,16,25;36:5; 40:21;45:24;46:5,6; 54:25;59:16;77:2; 92:2;93:21;147:25; 148:23</p> <p><b>public's (1)</b> 28:14</p> <p><b>pull (4)</b> 25:3;27:1;41:11; 118:14</p> <p><b>purchasing (1)</b> 46:7</p> <p><b>purpose (3)</b> 9:22;66:9;81:3</p> <p><b>push (3)</b> 84:18,24;85:3</p> <p><b>pushing (2)</b> 17:22;86:14</p> <p><b>put (21)</b> 12:16;21:18,20; 23:14;24:23;40:25; 85:10;86:25;87:1; 89:17;93:23;98:11, 19;103:17;114:17; 116:13;131:19; 141:25;143:8;145:9; 146:11</p> <p><b>puts (1)</b> 63:14</p> <p><b>putting (1)</b> 110:8</p>
<b>Q</b>				
<p><b>qualifications (1)</b> 29:19</p> <p><b>quality (2)</b> 31:18;33:11</p> <p><b>quasi-legal (1)</b> 7:1</p> <p><b>quick (7)</b> 37:12;47:9;120:12; 123:2;125:3;133:24; 136:9</p> <p><b>quickest (1)</b> 140:10</p> <p><b>quickly (1)</b> 58:16</p> <p><b>quiet (1)</b> 149:11</p> <p><b>quite (2)</b> 23:6;76:16</p>				
<b>R</b>				
<p><b>racquet (7)</b> 26:19;34:14;39:2,3; 67:23;133:14,15</p> <p><b>racquetball (3)</b> 68:19;123:6,9</p> <p><b>radically (1)</b> 107:5</p> <p><b>radius (1)</b></p>				

105:20 <b>rail (5)</b> 16:14,23;17:3,24; 18:8 <b>raining (1)</b> 86:24 <b>raised (2)</b> 8:1;81:15 <b>Ralston (1)</b> 117:5 <b>Raritan (1)</b> 98:2 <b>rata (1)</b> 128:6 <b>rate (6)</b> 50:10,17;51:20; 92:20;93:4,22 <b>rates (2)</b> 92:13,21 <b>rather (7)</b> 4:18;28:7,16,16; 121:2;122:3;146:10 <b>ratio (1)</b> 45:17 <b>reach (2)</b> 17:15;35:16 <b>ready (2)</b> 16:19;48:9 <b>real (2)</b> 116:24,25 <b>realize (1)</b> 67:1 <b>realized (1)</b> 35:15 <b>really (3)</b> 110:9;112:23;132:7 <b>rear (20)</b> 13:3,5;15:24;16:11, 20;17:23;18:4;22:10; 25:10;26:20;35:23; 37:3,9,10;39:9;59:9, 21;81:22;117:16; 118:24 <b>reason (4)</b> 20:7,9,10;31:15 <b>reasonable (3)</b> 7:20,21;28:16 <b>reasonably (1)</b> 120:1 <b>Rebecca (1)</b> 128:16 <b>recall (3)</b> 12:10;55:2;92:11 <b>recalled (1)</b> 65:3 <b>receive (1)</b> 97:16 <b>received (4)</b> 69:15;107:7,12; 142:14 <b>recent (1)</b> 124:16 <b>recently (1)</b>	124:17 <b>recess (1)</b> 62:14 <b>recommend (1)</b> 59:15 <b>recommendation (1)</b> 96:24 <b>recommendations (3)</b> 97:17,19,21 <b>reconfigured (1)</b> 52:4 <b>reconfiguring (1)</b> 107:3 <b>reconstruct (2)</b> 67:6,24 <b>record (12)</b> 4:11;6:3,12;8:13; 28:24;29:1;31:3;32:5; 79:2;94:15,22;99:2 <b>recreation (1)</b> 51:19 <b>recuse (1)</b> 4:3 <b>recycling (6)</b> 49:8;106:2;147:10, 13,17,18 <b>red (2)</b> 67:11,17 <b>redesign (2)</b> 114:1,4 <b>redesigned (1)</b> 118:21 <b>redevelopment (1)</b> 31:22 <b>reduce (3)</b> 81:18;100:22; 121:18 <b>reduced (1)</b> 71:3 <b>reduces (1)</b> 53:5 <b>reducing (1)</b> 82:6 <b>reduction (1)</b> 19:4 <b>redundant (1)</b> 77:7 <b>referring (6)</b> 68:13;92:21; 103:21;104:23; 123:16;134:10 <b>reflect (2)</b> 32:22;66:20 <b>reflected (1)</b> 39:12 <b>reflective (1)</b> 33:2 <b>refresh (1)</b> 70:8 <b>refusal (1)</b> 99:14 <b>refuse (2)</b> 17:15,22	<b>regard (3)</b> 73:19,19;96:14 <b>regarding (3)</b> 54:13;81:3;92:2 <b>registered (1)</b> 4:12 <b>regular (1)</b> 73:3 <b>regulation (1)</b> 141:8 <b>regulations (2)</b> 55:2;98:4 <b>reiterate (1)</b> 48:3 <b>related (3)</b> 42:8;95:13,14 <b>relates (1)</b> 79:20 <b>relation (1)</b> 135:23 <b>relative (2)</b> 150:10,12 <b>relax (1)</b> 41:2 <b>released (2)</b> 92:22;93:10 <b>relevant (1)</b> 136:4 <b>relocate (3)</b> 37:1;67:8,24 <b>relocated (3)</b> 68:7,18;81:5 <b>rely (3)</b> 86:11,12;97:20 <b>remained (1)</b> 11:25 <b>remaining (2)</b> 51:1;120:5 <b>remember (3)</b> 17:10;85:5;134:6 <b>reminded (1)</b> 26:18 <b>removal (4)</b> 100:22;101:1; 103:19;104:7 <b>remove (5)</b> 16:1,9;24:16;64:18; 65:5 <b>removed (1)</b> 101:5 <b>removing (1)</b> 26:24 <b>render (2)</b> 49:16;59:5 <b>rendered (1)</b> 52:6 <b>rendering (3)</b> 39:5;65:7;69:23 <b>rent (2)</b> 73:17;138:12 <b>rentals (1)</b> 138:11 <b>Renters (1)</b>	51:3 <b>reorganize (1)</b> 35:21 <b>repeat (2)</b> 88:15;99:4 <b>repeating (1)</b> 7:13 <b>replaced (2)</b> 24:18;70:10 <b>replacing (1)</b> 97:9 <b>replied (1)</b> 141:21 <b>report (14)</b> 91:6,19,22;92:14, 18,23,25;93:12,16,20; 94:5,7;96:24;136:19 <b>reported (1)</b> 150:6 <b>reports (2)</b> 91:3;107:13 <b>represent (2)</b> 33:12;88:5 <b>representing (4)</b> 94:12;110:7;130:8; 135:1 <b>repurposed (1)</b> 68:7 <b>request (6)</b> 22:3,8;26:14;79:21; 142:2;148:17 <b>requested (2)</b> 19:15;91:23 <b>require (5)</b> 17:13;50:23;97:10; 98:10;127:4 <b>required (14)</b> 43:8,9;45:18;47:16, 19;48:3,7,9;49:9; 58:23;97:24;98:3,14; 128:13 <b>requirement (3)</b> 113:13,13,15 <b>requirements (3)</b> 50:23;65:12;111:18 <b>requires (3)</b> 9:2;14:3;128:6 <b>re-releases (1)</b> 92:19 <b>reservations (1)</b> 54:24 <b>reserve (2)</b> 4:25;106:15 <b>residences (1)</b> 114:17 <b>resident (7)</b> 6:1;26:11;44:2; 81:7;114:21;131:11, 12 <b>residential (43)</b> 25:25;26:8;27:14, 17;34:5;36:20,22; 37:5,11,15,25;38:2,7,	11,17;40:3;45:12; 46:19,21;47:17,20,23; 52:2,9,14,17;59:14, 22;60:15;68:1,5,16, 20,21,22;81:5;83:8; 95:18,23;102:20; 108:12;125:18; 143:20 <b>residents (24)</b> 26:21;35:14,16,23; 38:3;39:19,23,24; 40:9;41:18;42:4,22; 43:15,18,23;44:24; 46:3;49:21;51:11,19; 68:21;83:2;140:10; 145:10 <b>resolution (3)</b> 37:19;48:17;140:17 <b>resolve (1)</b> 13:2 <b>respect (1)</b> 68:24 <b>respectful (1)</b> 41:7 <b>respects (1)</b> 69:1 <b>respite (1)</b> 47:3 <b>respond (1)</b> 8:6 <b>responded (1)</b> 149:16 <b>responds (1)</b> 31:23 <b>response (3)</b> 74:16;82:14;129:20 <b>rest (4)</b> 28:12;56:24;62:10; 127:21 <b>restaurant (2)</b> 16:5;74:20 <b>restaurants (1)</b> 120:23 <b>restricted (3)</b> 6:14;22:23;44:14 <b>resubmit (1)</b> 91:22 <b>result (2)</b> 93:6;146:9 <b>retail (29)</b> 13:6,7;19:6,10; 26:4;32:1;35:19; 36:15;37:7,22;38:5, 12,16;46:19;47:25; 49:5;52:10,12;56:13; 58:10;59:10;68:9; 70:8,21;74:19;82:3; 102:17;119:18;121:6 <b>revenue (1)</b> 131:15 <b>review (4)</b> 69:16;71:14; 125:23;147:21
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<b>reviewer (1)</b> 92:21 <b>revise (1)</b> 91:19 <b>revised (5)</b> 38:18;65:8,9;66:18; 139:21 <b>revision (1)</b> 64:11 <b>revisions (2)</b> 36:15;58:22 <b>revisit (5)</b> 27:12,18;71:7,14; 139:13 <b>revisiting (1)</b> 69:21 <b>revolutionary (1)</b> 76:9 <b>revving (1)</b> 138:14 <b>rich (1)</b> 31:23 <b>RICHARD (2)</b> 1:13,19 <b>Rick (3)</b> 103:13;145:24; 146:15 <b>ridge (6)</b> 61:1,3,10;63:8,14, 18 <b>ridged (1)</b> 63:11 <b>ridiculous (3)</b> 109:17,21;110:19 <b>right (41)</b> 7:17,20;9:9;21:5; 23:5;24:18;25:8;26:1; 29:2,4;36:6,7,8;40:6; 42:24;45:21;50:1; 55:6;62:22;64:13; 68:13;76:18;78:20; 80:6;85:4;88:23;91:5; 94:8,10;100:20; 101:6;104:17;106:25; 110:14,20;115:13; 116:9;127:5;129:9; 142:11;148:24 <b>right-of-way (1)</b> 18:11 <b>rights (2)</b> 23:11,22 <b>risk (3)</b> 81:16;96:1;102:24 <b>risks (1)</b> 6:6 <b>Ritger (6)</b> 77:19,19;79:10,15; 80:10,16 <b>R-I-T-G-E-R (1)</b> 77:20 <b>River (1)</b> 98:2 <b>Road (28)</b>	2:6;20:8;31:22; 37:14;48:25;81:2,3,4, 7;82:22;83:1,7;90:22; 96:8;99:7;103:14; 107:17;117:18; 122:22;124:24;131:2; 134:1;135:5;136:4; 138:5;141:16;142:1; 145:25 <b>roadway (7)</b> 25:11;27:6;52:5; 59:24;94:1;107:15; 124:22 <b>Robert (1)</b> 81:1 <b>Roberts (22)</b> 99:6,6,7,10,13,20; 100:3,10,13,20;101:3, 6,13,19,21,25;102:5, 8,12,22;103:4,8 <b>R-O-B-E-R-T-S (1)</b> 99:7 <b>role (2)</b> 100:3;130:22 <b>roles (1)</b> 32:19 <b>roll (1)</b> 86:23 <b>rolling (1)</b> 86:20 <b>roof (27)</b> 53:4,18,21;57:22, 23;58:6;61:4,5,9,15, 19;62:17;63:8,11,17, 22;64:3,5,22;65:11, 13,17,21,24;66:4,20; 111:25 <b>rooftop (5)</b> 51:13;61:21;63:1,9, 10 <b>room (7)</b> 40:5;51:10;121:20; 128:23;146:19;147:1, 4 <b>rooms (3)</b> 49:14;110:15; 147:13 <b>rotations (1)</b> 41:25 <b>roughly (2)</b> 102:8;143:3 <b>round (1)</b> 100:2 <b>roundabout (2)</b> 107:8,23 <b>route (2)</b> 35:9;85:17 <b>routes (2)</b> 109:12;119:15 <b>row (2)</b> 37:2;89:3 <b>rude (1)</b> 110:13	<b>rule (1)</b> 5:8 <b>rules (2)</b> 4:20;54:13 <b>ruling (1)</b> 5:15 <b>run (1)</b> 109:6 <b>running (2)</b> 84:11;86:12 <b>runs (3)</b> 24:12;37:22;75:14 <b>rural (1)</b> 144:1 <b>rush (1)</b> 103:4 <b>Rutgers (1)</b> 110:24 <b>Rutherford (2)</b> 30:23,23  <b>S</b>  <b>safe (6)</b> 18:2;22:25;79:1; 101:15;120:2;122:12 <b>safely (1)</b> 21:25 <b>safer (3)</b> 35:22;80:8;122:17 <b>safest (1)</b> 140:10 <b>safety (9)</b> 6:10;21:3;77:23,23; 95:8;96:1,3;111:17; 126:5 <b>sale (1)</b> 44:17 <b>sales (20)</b> 38:9;40:7,10;41:15, 19,20;42:3,6;43:18; 44:7,9,25;45:12;46:2, 5;72:13;73:2;74:14, 22;138:17 <b>salespeople (1)</b> 74:6 <b>salting (1)</b> 104:7 <b>same (19)</b> 4:20;26:24;68:11, 18;69:13;71:5;72:12; 77:14;80:15;82:2; 85:17;86:1;89:5; 104:5;105:10;112:1; 114:25;130:10; 143:19 <b>samples (5)</b> 53:25;55:10;56:5; 57:6,24 <b>sat (1)</b> 110:2 <b>sausage (1)</b> 147:5	<b>Savannah (1)</b> 30:1 <b>saw (1)</b> 35:20 <b>saying (2)</b> 65:21;77:8 <b>scale (4)</b> 31:17;53:5;67:7,23 <b>schedule (1)</b> 49:9 <b>scheme (1)</b> 85:18 <b>SCHMADEL (4)</b> 117:17,18;118:1,8 <b>S-C-H-M-A-D-E-L (1)</b> 117:18 <b>School (8)</b> 30:2;101:11; 108:11,16;109:6,13, 16;126:25 <b>school-age (3)</b> 108:23;110:25; 111:2 <b>schools (3)</b> 109:9;126:25; 129:10 <b>scope (2)</b> 129:21;132:16 <b>scrap (1)</b> 129:14 <b>screen (6)</b> 11:4,7;59:23;60:1; 78:20;80:6 <b>seasonal (1)</b> 96:18 <b>seat (6)</b> 9:19;84:20;86:4; 87:3,4;100:7 <b>seats (1)</b> 11:9 <b>SECKLER (117)</b> 3:4;10:19,20;11:3, 17;24:7;25:23;77:10, 13;78:2;79:2,3,13,17; 80:13;81:13,17; 82:12,15;83:6,10; 88:21;89:19;90:24; 91:6,10,18;92:4,16; 93:3,8,24;95:6,10,13, 21;96:2;100:25; 101:4,10,18,20,23; 102:3,7,10,16,25; 103:7,21,25;104:8,19, 23;105:1,21;106:10; 107:12;108:3,21; 109:14;110:24; 112:15;113:24;114:6, 10,13,19,24;115:2,7, 11,14,19,23;116:2,6, 8;117:12;119:1,6,12; 121:4,12,16,24;122:4, 10,13,18;123:7,11,15, 19,22;124:4,14,17,22;	125:6,13,23;127:11, 24;135:3,8,12,14,20, 25;136:7,13,18; 140:11,25;141:6; 142:3 <b>second (13)</b> 11:2;12:22;13:13; 50:7;51:6;64:18; 85:10;90:3;100:2; 106:22;108:8;129:14; 146:18 <b>Secretary (42)</b> 2:11;10:25;12:12, 15;28:19,22;32:12; 41:9;55:17,22;56:1; 57:2,6;58:2;61:16; 75:10,18;76:15; 80:20;82:23;91:1; 94:16;106:19;111:11; 113:18;116:18,21; 118:13;122:21,24; 126:13;134:23;138:6; 139:8;142:15;148:15, 20;149:2,5,9,15,17 <b>Section (3)</b> 5:11;18:5,6 <b>secure (1)</b> 144:11 <b>secured (1)</b> 41:17 <b>security (1)</b> 144:16 <b>seeing (3)</b> 73:21;86:13;87:8 <b>seem (6)</b> 11:8;28:15;43:20; 83:3;125:12;144:20 <b>seems (9)</b> 12:14;27:13;32:9; 79:21;99:22;103:9, 12;131:10;142:6 <b>select (1)</b> 41:20 <b>selected (1)</b> 56:12 <b>self-contained (1)</b> 112:19 <b>self-containment (1)</b> 112:18 <b>sell (2)</b> 46:9,15 <b>selling (2)</b> 46:12;74:11 <b>sensitive (1)</b> 65:4 <b>sent (2)</b> 48:23;94:15 <b>separate (4)</b> 50:6;59:24;73:17; 107:18 <b>separately (1)</b> 44:17 <b>separating (1)</b>
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20:18 <b>September (3)</b> 11:24;94:1;124:18 <b>series (3)</b> 51:6;56:23;99:2 <b>serious (3)</b> 6:9;8:5;77:23 <b>serve (1)</b> 7:14 <b>serves (1)</b> 79:3 <b>service (25)</b> 24:17;34:24;37:5; 38:9,12;39:16;40:2,8; 41:15,23,24;42:6; 44:7;48:25;59:22,25; 60:11;68:22;74:6; 78:12;106:7;108:14; 117:25;146:13,20 <b>services (1)</b> 42:2 <b>servicing (5)</b> 46:8,12,14;74:11, 13 <b>session (3)</b> 147:25;148:12,13 <b>set (5)</b> 6:9;39:18;50:8; 52:16;150:7 <b>seven (1)</b> 116:5 <b>Seventy-five (1)</b> 128:22 <b>several (1)</b> 142:24 <b>share (5)</b> 31:9;54:1;110:15, 20;137:8 <b>shared (5)</b> 23:12;47:25;49:21; 50:4;128:23 <b>sheet (5)</b> 12:20,22;13:13; 98:11;105:15 <b>shoot (2)</b> 146:21;147:2 <b>shoots (1)</b> 147:10 <b>shopper (1)</b> 81:9 <b>shoppers (4)</b> 35:18;84:6;89:15; 119:10 <b>shopping (26)</b> 34:7,12;35:17; 36:24;37:6;39:1,9,11, 15;71:18;81:24;83:3; 84:2,3,7,15,18;89:21; 101:10;118:22; 119:10;120:3,24; 123:4,10;129:17 <b>short (1)</b> 107:2	<b>shorter (2)</b> 58:11;118:15 <b>shoveled (1)</b> 104:1 <b>show (7)</b> 15:3;32:4;33:11; 58:16;60:4;122:14,17 <b>showed (6)</b> 13:8;15:6;18:5,15; 100:14;131:18 <b>showing (3)</b> 12:20;33:13;49:17 <b>shown (7)</b> 15:10;18:19;78:15; 79:10;80:5;105:24; 117:12 <b>shows (6)</b> 36:2;37:18;60:14, 16;68:6;70:22 <b>shrinks (1)</b> 52:25 <b>shut (1)</b> 99:16 <b>side (19)</b> 11:6;16:2;18:4; 48:19;59:16;78:7; 83:11;87:2,3;88:23; 89:5,6;90:5;103:22; 120:1,1;121:17; 123:23;146:8 <b>sidewalk (12)</b> 37:22;38:2;78:16; 84:25;85:6,12;88:24, 25;89:3,7,9,17 <b>sidewalks (3)</b> 59:10;84:11;104:6 <b>siding (8)</b> 53:17;56:19,20,22; 57:5,6,9,21 <b>sign (21)</b> 26:15;36:9;67:12, 18,22;68:1,7,12,15, 18,19;69:16;70:15, 21;71:1,2,3,4,4;83:11, 15 <b>signage (11)</b> 38:19;67:1;68:2,8; 69:23;70:8,10,13,23; 71:11,20 <b>signal (1)</b> 107:24 <b>signalized (1)</b> 114:3 <b>signature (1)</b> 68:10 <b>significant (2)</b> 7:23;106:4 <b>significantly (1)</b> 102:18 <b>signs (16)</b> 38:21;39:21,22; 67:2,6;68:4,9,20,25; 69:12,13;70:19,25;	82:20;83:7;127:7 <b>similar (18)</b> 31:10;39:6;67:7,7, 25;69:12;70:16;82:3; 89:20;125:19,21,22; 126:1;143:6,14,19,20; 148:13 <b>similarly (2)</b> 26:21;148:11 <b>simple (2)</b> 127:9,22 <b>simulated (2)</b> 57:17;70:12 <b>single (4)</b> 16:2;97:9;106:3; 147:10 <b>sister (1)</b> 84:20 <b>sit (1)</b> 149:11 <b>site (72)</b> 12:24;13:23,25; 14:11;15:12,13,16; 16:3,20,21;17:16,23; 18:3,4,4,23;20:13,14, 25,25;23:5;24:9; 25:10;27:14;34:5,7, 13,22,24;35:4,5,12, 14,17,23,24;36:5,17; 37:3,17;38:23;39:4, 19,20;59:9;60:9;67:1; 81:23;82:1;101:5,16; 102:20;107:19,20; 108:22;109:5;111:3; 113:25;119:2,7,14; 121:9;124:9,10,19; 134:11,11;135:7,24; 136:16;144:24;145:3 <b>sites (1)</b> 125:16 <b>site's (1)</b> 34:9 <b>sitting (1)</b> 84:19 <b>situation (4)</b> 9:2;79:7;81:8,12 <b>six (5)</b> 48:11;60:24;115:4, 16;120:16 <b>Sixty (1)</b> 50:9 <b>size (12)</b> 15:3;68:11,18; 69:12,13;70:16;71:5; 137:23;143:3,5,15,20 <b>sized (1)</b> 69:12 <b>sizes (1)</b> 14:15 <b>slide (4)</b> 32:4,5,8,15 <b>slightly (3)</b> 5:6;58:22;105:23	<b>slopes (1)</b> 86:18 <b>small (4)</b> 37:24;40:10;74:5; 102:19 <b>smaller (4)</b> 33:8,20;67:23;68:9 <b>SMITH (60)</b> 1:13;2:11;4:4,5; 10:3,5;11:5;19:24; 20:20;21:2,16;22:12, 16;23:15;24:2,13; 25:5,12;26:9,23;27:5, 20;28:9,17;29:2; 30:10;31:13;41:4; 56:2;60:23;61:22; 62:7,9,15,19,25; 63:24;71:22;75:1; 76:16,21,25;77:4,17; 94:16;96:6;99:23; 100:8,11;106:24; 109:24;112:9;139:17, 21;145:16,21;147:24; 148:24;149:7,13 <b>snow (8)</b> 100:16,18,22,22; 101:1,2;103:19;104:6 <b>soft (2)</b> 96:21;97:14 <b>soils (2)</b> 97:17,21 <b>sold (3)</b> 124:3,5;145:11 <b>solid (3)</b> 56:15,17;147:18 <b>somebody (4)</b> 21:22;88:22; 125:11;142:6 <b>someone (4)</b> 110:7;122:5;140:1; 145:8 <b>someplace (1)</b> 24:19 <b>sometimes (3)</b> 73:22;132:7;147:12 <b>somewhere (1)</b> 73:24 <b>soon (1)</b> 85:20 <b>sorry (23)</b> 8:13;20:19;28:3; 40:13;47:16;49:9; 51:5;55:15;57:16; 62:23;66:23;73:8; 75:5,9,13,17;82:25; 104:22;115:2;124:7, 7;143:10;149:9 <b>sort (5)</b> 25:16;53:13;67:6; 70:12;103:11 <b>sought (1)</b> 15:19 <b>sound (2)</b>	76:2,9 <b>sounded (1)</b> 74:14 <b>South (3)</b> 30:24;53:11;60:6 <b>southeast (1)</b> 34:23 <b>space (34)</b> 14:7;17:22;18:2; 21:22;32:25;37:21, 24;41:16;44:22;47:2, 3,11,12,14;48:16; 49:21,25;50:4;51:12, 15,19;60:16;72:2,7, 15;74:19;96:9,9; 104:16;113:4;119:17, 18;120:11,21 <b>spaces (64)</b> 13:10,15,25;14:4, 10,12,23;15:5;19:4,6; 32:2;42:11;43:7; 44:21,23,24;47:7, 8,16,19,21,22,24,25; 48:1,2,5,7,8,9,10,12, 13;51:6;72:3,6,8,9,11, 18,18,21;74:12;82:9; 84:13;102:4;104:12; 114:16;115:22,25; 116:4;119:25;120:2, 5,18,19,19;121:6,8, 13,20;139:7;144:7 <b>span (1)</b> 46:23 <b>speak (9)</b> 21:18;31:14;41:10; 77:22;82:23;91:1; 118:13;124:4;128:10 <b>speaking (3)</b> 40:20;134:24; 137:24 <b>special (3)</b> 148:16,20,22 <b>specialty (1)</b> 41:20 <b>species (3)</b> 113:5;133:2,7 <b>specific (2)</b> 69:6,11 <b>specification (1)</b> 112:16 <b>specifics (1)</b> 73:19 <b>speed (5)</b> 81:18,18;82:10; 118:19;121:17 <b>speeds (2)</b> 82:6;121:18 <b>spell (7)</b> 4:10;77:18;106:19; 113:18;116:21; 122:24;138:6 <b>spelled (2)</b> 111:9;126:11
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<b>spent (1)</b> 87:23 <b>split (1)</b> 45:11 <b>spoken (1)</b> 145:22 <b>spots (5)</b> 100:23;101:21; 111:13,21;139:4 <b>spouted (1)</b> 142:23 <b>SPP-6 (2)</b> 96:18;98:7 <b>SPRANDEL (2)</b> 1:17;149:12 <b>spread (1)</b> 50:16 <b>sprinkled (1)</b> 52:20 <b>sprucing (1)</b> 76:11 <b>Squad (1)</b> 129:5 <b>squads (1)</b> 117:6 <b>square (3)</b> 34:6;51:14,18 <b>squatting (1)</b> 65:24 <b>stable (1)</b> 46:23 <b>stacked (1)</b> 72:2 <b>stackers (1)</b> 72:7 <b>staff (2)</b> 144:20;147:1 <b>stair (1)</b> 23:9 <b>stairs (1)</b> 23:11 <b>stairway (7)</b> 20:17,18;21:3;22:6, 11:23;16,17 <b>stalls (2)</b> 15:18,21 <b>Stand (3)</b> 12:12;141:2,4 <b>standard (4)</b> 19:8;69:7;121:21; 122:19 <b>standing (2)</b> 29:20;30:4 <b>standpoint (1)</b> 19:8 <b>Starbucks (6)</b> 101:9;120:13,19; 122:5;124:21,23 <b>start (7)</b> 12:2;30:16;73:22; 86:20;106:9;121:5; 148:5 <b>started (6)</b>	10:8;12:9;35:10; 90:13;137:3,5 <b>Starting (2)</b> 103:16;106:10 <b>starts (1)</b> 106:23 <b>state (16)</b> 4:10;29:21;30:3,5, 20:58;18;77:17; 80:24;97:4;99:2; 111:18;132:4;141:13, 23,25;142:7 <b>statement (1)</b> 116:25 <b>stating (2)</b> 6:3;140:18 <b>Station (5)</b> 32:21,23,24;33:1,3 <b>stations (1)</b> 142:25 <b>stay (2)</b> 102:14;146:7 <b>steel (3)</b> 97:9;111:25;118:5 <b>stenographer (1)</b> 62:10 <b>stenographically (1)</b> 150:6 <b>step (1)</b> 4:9 <b>stepped (1)</b> 53:18 <b>steps (5)</b> 53:21;60:7;81:14, 15;98:15 <b>stick (1)</b> 62:2 <b>sticking (1)</b> 66:10 <b>STIEVE (47)</b> 3:;27:25;28:1;29:7, 10,13,23,24;30:8; 75:7;77:10;96:13,23; 97:6,12,16,20;98:3, 13,21;100:18;111:16, 23;113:9,12;117:23; 118:6;133:10;134:9; 138:16,18,23;139:3,6; 143:7,12,16,22;144:2, 11,14,22;145:2,13; 147:3,12,20 <b>still (10)</b> 5:8;14:2,3;16:18; 20:10;88:21;90:7; 121:22;139:14; 149:10 <b>Stonefield (3)</b> 10:19;11:17;12:7 <b>stop (7)</b> 47:9;82:20;83:7,11, 15;108:22;127:7 <b>stopping (1)</b> 83:4	<b>stops (2)</b> 120:12;125:3 <b>storage (7)</b> 40:9;42:17;51:22, 23;52:16;60:17; 146:22 <b>store (5)</b> 16:18;84:16,21; 86:3;102:15 <b>stored (1)</b> 44:17 <b>stores (1)</b> 140:22 <b>stories (6)</b> 97:5;113:6,7; 132:10,14;139:1 <b>storing (1)</b> 43:15 <b>story (4)</b> 53:23;88:18;97:9; 129:14 <b>stream (2)</b> 106:3;147:10 <b>STREET (34)</b> 1:;24:24,25;31:25; 34:3,3,24;35:4;36:6; 37:7;38:24,25;52:6; 53:15;67:20;77:20; 83:23;86:19;107:11, 19;111:12;113:1,17; 114:2,11;116:10,14, 17,20;124:18;135:5; 136:4;141:16;142:1 <b>streets (1)</b> 144:1 <b>stretch (1)</b> 107:15 <b>strike (2)</b> 113:8,10 <b>strikes (1)</b> 113:2 <b>strip (1)</b> 84:12 <b>striped (1)</b> 13:12 <b>stripes (1)</b> 70:1 <b>structural (2)</b> 98:16;111:21 <b>structure (8)</b> 46:23;47:2;97:5,9, 10;118:7;134:17; 143:5 <b>studies (2)</b> 92:9;122:14 <b>study (19)</b> 37:13;92:2,8;95:7, 25;107:7;110:25; 113:8,10;122:16; 123:4,4;124:11; 135:11,14,21;136:11; 141:14;142:2 <b>stuff (1)</b>	140:23 <b>style (1)</b> 66:5 <b>subdivision (2)</b> 134:18,19 <b>subject (2)</b> 4:20;42:7 <b>submission (10)</b> 37:18;39:18;50:8; 52:16;53:12;58:20; 60:4;63:20,20;66:24 <b>submit (3)</b> 65:8;91:20;147:20 <b>submitted (4)</b> 69:19;71:9;91:25; 92:23 <b>subscription (1)</b> 108:14 <b>subsequent (2)</b> 25:16;93:12 <b>substantially (1)</b> 126:22 <b>subsurface (2)</b> 96:21;97:14 <b>successful (1)</b> 137:24 <b>sudden (1)</b> 141:24 <b>sufficient (1)</b> 136:19 <b>suggest (1)</b> 77:12 <b>SULLIVAN (5)</b> 1:14;74:17;132:1,3; 142:12 <b>summary (1)</b> 87:14 <b>summer (1)</b> 100:15 <b>sunny (1)</b> 100:16 <b>Superior (1)</b> 9:8 <b>Supermarket (3)</b> 34:25;37:9;60:2 <b>supermarkets (1)</b> 89:21 <b>supplemental (1)</b> 111:15 <b>supply (1)</b> 119:2 <b>support (3)</b> 121:8;127:9;130:15 <b>supportive (1)</b> 46:21 <b>supports (1)</b> 46:24 <b>sure (20)</b> 5:16;7:13,15;24:5; 30:19;34:1;54:11; 67:15;69:24;70:6; 74:16;86:14;94:14; 99:20;106:21;108:1,	4;111:1;139:12;145:8 <b>surface (2)</b> 70:14;72:6 <b>surprised (2)</b> 73:18;141:23 <b>surrounding (3)</b> 111:21;133:14; 143:4 <b>swear (2)</b> 29:8,11 <b>swimming (1)</b> 145:9 <b>switch (1)</b> 28:3 <b>sworn (3)</b> 11:14,18;29:15 <b>system (2)</b> 98:16;112:7 <b>systems (4)</b> 96:25;111:15; 112:18,19
<b>T</b>				
<b>table (2)</b> 98:18,20 <b>tables (3)</b> 81:18;82:10;121:17 <b>taillight (1)</b> 86:10 <b>talk (4)</b> 38:19;39:18;61:17; 99:15 <b>talked (3)</b> 108:9;117:19;146:3 <b>talking (7)</b> 22:19;89:10; 130:19;132:25;133:6, 17,18 <b>tall (1)</b> 97:5 <b>taller (2)</b> 53:6;69:3 <b>Taper (2)</b> 24:2,4 <b>tax (1)</b> 131:15 <b>TAYLOR (2)</b> 2:5;10:9 <b>team (1)</b> 39:7 <b>technical (1)</b> 18:24 <b>Tempe (4)</b> 107:10;114:2; 141:16;142:1 <b>templates (4)</b> 15:10,23;105:22; 109:7 <b>tenant (8)</b> 16:2,25;51:22; 70:15;72:15;84:1,2; 104:14				

<b>tenants (11)</b> 16:16;20:5;21:19; 23:51;20:20;68:10; 70:9;82:4;105:11; 145:14	<b>thoughtful (1)</b> 7:9	31:12;20;66:8;90:12; 125:5;130:11;145:19	1;;150:5	8:7
<b>tenants' (1)</b> 70:23	<b>thoughts (1)</b> 87:20	<b>tonight's (1)</b> 19:12	<b>transcripts (1)</b> 7:8	<b>truth (3)</b> 29:12,12,12
<b>terms (6)</b> 6:6,24;14:12;80:3; 126:1;131:16	<b>threatened (3)</b> 113:5;133:2,9	<b>took (1)</b> 11:24	<b>transformers (1)</b> 49:13	<b>truthfully (1)</b> 76:8
<b>Test (2)</b> 96:17,17	<b>three (21)</b> 4:15;5:24;6:8;8:4; 18;10:1;34:23;48:11; 50:20,21,22;55:1; 68:9;84:1;87:23; 90:24;109:9,11; 110:21,21;113:6	<b>top (6)</b> 35:5;52:12;61:19; 65:20;70:21;75:14	<b>transit (1)</b> 126:1	<b>try (4)</b> 25:6;58:14;77:6; 86:13
<b>testified (12)</b> 10:20;11:23;13:8; 25:14;5;17:11;24:7; 30:20;54:18;93:25; 96:14;128:12	<b>three-bedroom (3)</b> 50:24;51:2;108:11	<b>total (1)</b> 34:7	<b>Transportation (4)</b> 92:19;93:9,11; 125:14	<b>trying (5)</b> 5:16;25:14;35:16; 76:23;123:3
<b>testifies (3)</b> 11:14;27:19;29:15	<b>three-minute (1)</b> 5:8	<b>totally (1)</b> 125:4	<b>Trash (19)</b> 48:22,23;49:1,4,7; 60:2;104:2;106:1,2; 125:3;146:1,19,21; 147:1,1,4,4,11,16	<b>Tuesday (1)</b> 1:2
<b>testify (3)</b> 69:8;111:1;127:11	<b>throughout (3)</b> 50:15;52:20;76:7	<b>tote (1)</b> 21:22	<b>travel (11)</b> 16:8;17:2,17;18:1; 20:5;35:13;37:8;80:5; 81:19;103:19;104:3	<b>turn (14)</b> 11:1,4;15:11;82:8; 90:7;102:16;105:20; 107:18,20;113:22,24; 114:8,9,10
<b>testifying (1)</b> 27:15	<b>tie (1)</b> 65:1	<b>tow (1)</b> 87:2	<b>traveled (2)</b> 47:1;49:22	<b>turned (1)</b> 11:10
<b>testimony (34)</b> 4:8;5:7;12:1,18; 13:18;18:25;19:12; 14:29;9,11;34:19,20; 36:11;41:8;52:4;54:7; 64:23;78:2;82:20; 87:24,25;88:4;90:13; 91:18,21;92:12;95:2; 103:16;106:6;125:2; 5;129:21;130:13; 150:5	<b>tied (1)</b> 132:8	<b>towards (3)</b> 11:10;59:8;86:19	<b>trays (1)</b> 112:19	<b>turning (5)</b> 15:10;105:22; 136:2,12,15
<b>texture (1)</b> 49:19	<b>ties (1)</b> 90:4	<b>tower (1)</b> 38:13	<b>treated (2)</b> 9:24;104:5	<b>TURRINI (11)</b> 5:25;6:1,16,22; 7:19;8:21;9:1,6,12,16, 20
<b>textures (1)</b> 50:3	<b>tight (1)</b> 131:5	<b>town (15)</b> 7:23;74:20;110:3; 129:1;130:4,7,15; 132:3,3;137:7,11,20; 143:3,14,25	<b>trepidation (1)</b> 24:8	<b>Twenty (1)</b> 50:12
<b>Thanks (3)</b> 19:17;71:15;112:24	<b>Tim (1)</b> 99:6	<b>towns (2)</b> 110:5;142:25	<b>trial (1)</b> 7:3	<b>twice (2)</b> 49:8;114:21
<b>theme (3)</b> 52:10,11;53:14	<b>times (11)</b> 13:20;101:4;104:4; 114:18;115:18,19; 116:5,6,7;117:24; 120:8	<b>town's (1)</b> 48:14	<b>triangle (1)</b> 107:10	<b>two (41)</b> 10:12;13:15,20,24; 14:4;15:6;19:4;20:19; 21:8,15;23:10;25:1; 45:9;48:1;50:21; 57:10,15,16,21;64:21; 72:20,23;74:5,11,12, 13,14;81:17;82:10; 83:24;84:10;86:22; 90:21;103:2;108:15; 110:22;115:8;120:12; 132:2;133:20;147:9
<b>therefore (4)</b> 47:18;48:2;78:17; 127:17	<b>Time's (2)</b> 126:3;142:10	<b>township (4)</b> 110:2,5;117:4; 143:4	<b>trim (1)</b> 53:16	<b>two- (1)</b> 108:10
<b>thereof (1)</b> 126:2	<b>time-wise (1)</b> 5:13	<b>Toyota (1)</b> 14:16	<b>trip (9)</b> 86:1;92:17;107:22; 115:5,6,7;123:2; 125:14,20	<b>two-bedroom (3)</b> 50:19;51:2;128:23
<b>third (7)</b> 48:8,10;52:15;53:1, 1,20;78:6	<b>Tingley (2)</b> 103:14;145:24	<b>traditionally (1)</b> 56:22	<b>trips (18)</b> 102:11,17;103:1; 114:20,22,23;115:3,9, 15,16,17;123:5; 124:8;125:4,8,13; 146:10,12	<b>two-lane (1)</b> 27:6
<b>Thirty (1)</b> 125:13	<b>tippy (1)</b> 61:19	<b>traffic (66)</b> 10:6,19;11:19;20:6; 25:22;26:25;36:11; 48:25;49:23;78:13; 79:4;81:21;82:3;83:4, 4,25;85:12;86:23; 90:12,13;91:6,8,13; 92:2,8,9,13,17;93:7; 94:2;95:7,8,10; 102:11,19,23;105:13, 18;107:8,9,18,22; 108:20;113:23; 118:12,17,21;120:2,6; 121:15,16,23;123:25; 126:21;127:8,14,17, 24;128:12,13;135:21; 136:5,11,17;141:14; 142:4	<b>trouble (1)</b> 40:14	<b>two-sheet (1)</b> 12:19
<b>THOMAS (1)</b> 2:	<b>tire (1)</b> 41:25	<b>Train (8)</b> 32:21,22,24;33:1,2; 142:25;143:18,19	<b>truck (22)</b> 12:20,21,22;13:8, 14,19,23;15:23; 18:16;49:2;78:12; 80:1,11,11;104:11,13, 13;105:15;117:7,13; 146:9,12	<b>two-way (8)</b> 25:22;26:25;78:13; 79:4;120:6;121:15, 16,23
<b>thorough (1)</b> 9:2	<b>titled (1)</b> 12:5	<b>Transcript (2)</b>	<b>truck's (1)</b> 104:17	<b>two-year (1)</b> 92:20
<b>thoroughly (1)</b> 7:16	<b>today (17)</b> 10:13,14;16:4; 33:12;35:7;51:3;78:5; 79:3;80:5,9,15;94:15; 103:16;105:16; 119:11;148:12,14		<b>true (15)</b> 26:23;27:6;84:5; 95:6,17,24;100:13,15; 135:4,9,22;136:1,10, 14;150:4	<b>two-year-old (6)</b> 84:19;85:8;86:4,21; 87:1,7
<b>though (3)</b> 26:18;89:14;109:7	<b>together (1)</b> 131:20		<b>trust (1)</b>	<b>type (8)</b> 6:14;17:15;24:25; 62:13;83:4;112:2;
<b>thought (6)</b> 33:11;54:15;71:6; 75:19;103:11;105:7	<b>told (3)</b> 88:14;141:11,12			
	<b>Tom (4)</b> 32:16;71:15;83:22; 137:4			
	<b>tone (2)</b> 56:11;57:20			
	<b>tonight (10)</b> 4:24;10:14,15;			

125:20;147:13 <b>types (1)</b> 97:14 <b>typical (2)</b> 105:19;137:23 <b>Typically (2)</b> 114:19;140:25	103:9,12 <b>unrelated (1)</b> 114:15 <b>unsafe (2)</b> 82:16;122:14 <b>unusual (2)</b> 137:21,22 <b>up (67)</b> 5:20;8:12;10:6,21; 14:16;17:20;23:3; 28:11;36:18;38:4; 40:17;47:10;49:8; 51:14;52:25;53:9,19, 21;55:3,11;62:2; 66:11,15;67:23; 72:10,24;75:11; 76:12;77:1,13;79:6; 80:3,23;84:25;87:21; 88:25;93:6,17;98:25; 100:1;104:15,17; 106:3,4;109:4;110:9; 118:20;125:4;126:3; 128:20,22;130:18,23; 131:19;132:18;134:4; 139:8;140:3,8; 141:18;142:10,16; 144:6;145:18,22; 146:2;148:1 <b>updating (1)</b> 38:20 <b>upgrade (1)</b> 76:24 <b>upon (4)</b> 4:9;18:18;92:10,13 <b>urban (1)</b> 33:18 <b>usage (1)</b> 118:25 <b>USE (31)</b> 1,.;2:3;5:11;8:8; 26:12,13,20,22;27:7; 31:18;38:14;46:3,20, 21;56:23;57:18;61:6; 72:20;74:18;97:15; 107:23;119:10; 121:13;130:18; 132:16,17,18;140:5; 145:10,13 <b>used (8)</b> 47:8;57:10,20; 92:12;93:15;120:8; 131:8;133:4 <b>user (1)</b> 124:10 <b>users (2)</b> 13:6;121:6 <b>uses (6)</b> 42:8,9;45:9;49:5; 84:2;123:12 <b>using (7)</b> 49:3;53:16;56:19; 57:17;72:4;120:3; 146:25	<b>usually (1)</b> 118:2 <b>utilities (3)</b> 21:6;25:9;49:11 <b>utility (4)</b> 24:11,11,14;49:14 <b>utilize (3)</b> 13:7;19:9;28:6 <b>utilized (7)</b> 16:25;26:4,19;93:5, 21;109:6;124:10 <b>utilizing (2)</b> 15:3;16:8	<b>vertical (1)</b> 53:16 <b>veterans (4)</b> 54:9,15,20,25 <b>veterans' (1)</b> 54:7 <b>veteran's (1)</b> 50:11 <b>vetted (1)</b> 77:25 <b>vetting (1)</b> 9:3 <b>V-FEE (2)</b> 1:5;10:10 <b>via (1)</b> 102:11 <b>viability (1)</b> 120:23 <b>Vice (58)</b> 1:13;4:3,5;10:3,5; 11:5;19:24;20:20; 21:2,16;22:12,16; 23:15;24:2,13;25:5, 12;26:9,23;27:5,20; 28:9,17;29:2;30:10; 31:13;41:4;56:2; 60:23;61:22;62:7,9, 15,19,25;63:24; 71:22;75:1;76:16,21, 25;77:4,17;96:6; 99:23;100:8,11; 106:24;109:24;112:9; 139:17,21;145:16,21; 147:24;148:24;149:7, 13 <b>Victorian (1)</b> 53:15 <b>view (5)</b> 34:22;39:6;49:16; 52:6;59:5 <b>visibility (1)</b> 67:20 <b>visitor (2)</b> 47:6,23 <b>visitors (1)</b> 47:9 <b>volume (1)</b> 73:2 <b>volumes (1)</b> 94:2 <b>volunteering (1)</b> 131:5 <b>volunteers (1)</b> 129:4 <b>Volvo (1)</b> 14:17 <b>vote (1)</b> 76:15	<b>waited (1)</b> 28:14 <b>waiting (2)</b> 11:3;28:8 <b>waiver (1)</b> 79:24 <b>walk (9)</b> 21:22,25;38:4; 39:15;54:16;84:25; 85:4;86:6;120:11 <b>walking (4)</b> 17:13;18:3,20; 84:20 <b>walkway (3)</b> 17:25;20:4;104:5 <b>wall (4)</b> 20:23;21:13;23:14; 59:16 <b>wandering (1)</b> 116:13 <b>wants (4)</b> 5:17;44:3;77:24; 139:9 <b>warn (1)</b> 88:8 <b>waste (1)</b> 147:18 <b>wasting (1)</b> 41:6 <b>water (5)</b> 97:25;98:7,11,18, 20 <b>way (26)</b> 16:8;17:17;18:1; 19:1;20:19;25:6; 26:20,22,25;36:19,25; 45:15;64:9;85:6,12; 86:22;90:5;105:11; 121:2;122:3,17; 129:18;137:2;138:2; 139:22;140:10 <b>wayfaring (1)</b> 68:20 <b>way-finding (3)</b> 38:19;39:21;68:2 <b>ways (1)</b> 50:2 <b>weather (1)</b> 100:15 <b>week (3)</b> 13:20;49:8;146:11 <b>weigh (1)</b> 64:17 <b>weren't (1)</b> 63:22 <b>WESLEY (7)</b> 138:4,5,7,17,19,25; 139:4 <b>W-E-S-L-E-Y (1)</b> 138:7 <b>West (9)</b> 30:22;35:9;37:1; 58:12,15;60:3;
<b>U</b>		<b>V</b>	<b>W</b>	
<b>Uber (1)</b> 47:5 <b>Ubers (2)</b> 125:3,8 <b>Uh-hmm (1)</b> 55:17 <b>ultimate (1)</b> 146:22 <b>ultimately (1)</b> 66:15 <b>unbelievably (1)</b> 110:12 <b>under (13)</b> 6:7;11:20;39:25; 47:1,13,22;52:8; 54:13;59:3;63:6,11, 12;143:23 <b>undercount (1)</b> 93:7 <b>underneath (4)</b> 138:20,23;139:5,6 <b>Understood (3)</b> 27:8;66:12;139:12 <b>unfair (2)</b> 6:5,11 <b>unfairness (1)</b> 6:6 <b>uniform (3)</b> 70:16,17,18 <b>Union (1)</b> 30:22 <b>unique (2)</b> 39:15;46:18 <b>unit (7)</b> 108:9;114:19,24; 115:3,17,19;134:14 <b>units (32)</b> 33:4;50:8,10,11,11, 12,14,17,18,18,19,20, 24,24,25;51:1,2; 52:18;54:8,23; 108:11,13;110:14,21, 22;115:15,16,20,24; 122:7;128:22;146:20 <b>universal (1)</b> 126:17 <b>Unless (2)</b> 26:14;69:9 <b>unload (2)</b> 140:24;141:4 <b>unloading (2)</b> 117:7;141:1 <b>unreasonable (2)</b>		<b>valid (2)</b> 8:10;93:16 <b>value (3)</b> 93:15;131:14,15 <b>values (1)</b> 93:15 <b>VAN (14)</b> 96:7,8,16;97:3,8,13, 18,23;98:6,17;99:1; 133:23,25;134:13 <b>V-A-N (2)</b> 96:9;133:25 <b>variance (2)</b> 78:14;79:23 <b>variances (1)</b> 79:20 <b>variety (3)</b> 53:3,4;60:7 <b>various (7)</b> 12:6;14:15,15;15:3, 4;79:5;137:18 <b>varying (1)</b> 109:11 <b>vehicle (17)</b> 12:5,24;14:13,25; 18:20,22;25:3;41:20, 24;42:1,6,6;44:3; 46:7;48:8;105:3; 117:15 <b>vehicles (34)</b> 12:6;13:15;14:15, 16,18;15:4,6,9,10,15, 21;17:20;19:8;35:19; 41:21,21;42:8,18; 43:25;47:9;48:25; 49:21,23;50:4;81:19; 82:8;83:12;95:14; 117:1;125:2,3,8; 133:4;138:10 <b>vehicular (1)</b> 95:7 <b>veneer (1)</b> 56:14 <b>verify (2)</b> 74:1,2 <b>versus (1)</b> 80:5	<b>Wait (4)</b> 75:8,8,8;142:16	

			2:	
			1	2
112:25;113:16; 116:10 <b>westerly (6)</b> 89:6;105:9;120:1; 121:10,11;146:8 <b>western (4)</b> 37:7,21;59:10; 105:9 <b>wetlands (5)</b> 96:12,14;97:13; 112:11;133:1 <b>What's (12)</b> 8:21;9:1;40:18; 60:18;69:17;80:5,8; 102:22;105:23; 116:18;119:23; 126:13 <b>wheel (2)</b> 12:23;16:21 <b>wheeled (1)</b> 147:7 <b>Whereupon (3)</b> 27:23;28:25;62:14 <b>white (1)</b> 57:9 <b>whoever's (1)</b> 24:16 <b>whole (5)</b> 22:19,24;29:12; 71:18;76:9 <b>Who's (2)</b> 127:10;146:25 <b>Wick (4)</b> 107:11;114:2; 141:16;142:1 <b>wide (3)</b> 14:21;18:8;53:16 <b>widen (11)</b> 20:1,10,22;21:7; 22:3,5,8,21;24:15,22; 139:15 <b>widening (7)</b> 20:8;21:10;22:13, 19;79:20;146:4,6 <b>wider (4)</b> 20:3;21:25;114:11, 14 <b>width (5)</b> 14:24;78:3;82:7; 121:18;122:19 <b>wife (3)</b> 10:12,13,15 <b>willing (2)</b> 64:18,21 <b>wing (1)</b> 37:7 <b>wings (3)</b> 53:2;57:15,16 <b>wires (1)</b> 24:14 <b>wish (2)</b> 88:24;129:22 <b>wishes (4)</b>	5:18;21:11;83:14, 15 <b>within (15)</b> 15:1,4,21;33:14; 44:21;47:15;71:4; 72:7,11;79:5;90:23; 98:8;108:15,22; 136:19 <b>without (6)</b> 15:8;20:5;22:10; 25:10;87:8;148:23 <b>witness (79)</b> 4:17;5:4;6:25; 10:17;19:22,23;20:9, 22;21:5;22:2,14,21; 24:10,15;25:8;26:3, 14;27:4,8,23,25;28:7, 15;29:7;31:14;33:9; 41:3;42:15,19,23,25; 43:5,13,17,22;44:2, 12,15,20;45:3,6,14; 46:1,6,10;56:16;57:4, 7;60:20,25;61:2,4,8, 12,20,23;62:3,5; 63:16;64:2,9,15,25; 65:13,16,22,25;66:19; 69:3;71:19;72:5,14, 22;73:1,6;74:7;75:22; 90:1;110:17 <b>witnesses (3)</b> 6:24;32:9;129:19 <b>witness's (1)</b> 4:8 <b>women's (1)</b> 40:4 <b>wondering (1)</b> 113:22 <b>wood (5)</b> 57:17,18,19;118:5, 6 <b>wooden (2)</b> 16:14;17:24 <b>wood-type (1)</b> 21:18 <b>word (2)</b> 131:8,9 <b>work (14)</b> 19:2,7;25:14;43:4; 45:8;54:20;56:12,23; 63:17;67:8;75:12; 126:23;127:1;129:6 <b>working (2)</b> 10:24;140:12 <b>works (1)</b> 43:6 <b>world (1)</b> 85:16 <b>worse (1)</b> 78:24 <b>wrap (2)</b> 145:18;148:1 <b>wraps (1)</b> 52:18	<b>Write (2)</b> 55:22,24 <b>writing (6)</b> 73:8;91:13;92:1,5; 93:20,23 <b>written (6)</b> 12:13;74:16;91:15; 92:25;94:4,7 <b>wrong (3)</b> 8:21;9:1;93:15  <b>X</b>  <b>XC40 (1)</b> 14:17 <b>XI01660 (1)</b> 150:17  <b>Y</b>  <b>yard (2)</b> 35:1;36:9 <b>year (3)</b> 107:6;133:6;141:10 <b>years (14)</b> 10:12;48:11,11; 73:16;91:8;93:2; 110:3;112:6;119:21; 128:24;131:4;133:20; 137:19,25 <b>yield (5)</b> 99:8,14,17;100:4; 109:16 <b>York (1)</b> 30:22 <b>young (1)</b> 101:8  <b>Z</b>  <b>Zammataro (21)</b> 94:11,11,18,23; 95:4,12,15,22;96:4; 134:20,21,25,25; 135:9,13,18,21;136:1, 10,14,21 <b>Z-A-M-M-A-T-A-R-O (1)</b> 94:12 <b>zone (1)</b> 48:18 <b>zones (1)</b> 141:4 <b>zoning (4)</b> 67:2;110:2;113:13; 143:8 <b>zoom (3)</b> 13:2;20:19;67:13 <b>zooming (1)</b> 20:17  <b>0</b>  <b>07054 (1)</b>	2:  <b>1</b>  <b>1.3 (1)</b> 96:19 <b>10 (5)</b> 47:6,17,23;61:10; 78:9 <b>10:15 (1)</b> 145:18 <b>10:20 (1)</b> 149:19 <b>106 (3)</b> 47:22;139:7;144:7 <b>10d (1)</b> 5:12 <b>11 (4)</b> 3;12:6;96:8;134:1 <b>12 (1)</b> 1:2 <b>12,600 (1)</b> 51:18 <b>13.27 (1)</b> 34:8 <b>132 (2)</b> 47:19;48:2 <b>133 (1)</b> 48:2 <b>135 (1)</b> 125:10 <b>14 (1)</b> 77:19 <b>140 (3)</b> 102:23;114:16; 115:18 <b>145 (1)</b> 138:5 <b>146 (4)</b> 47:15,16;102:5; 103:5 <b>15 (10)</b> 33:3;47:25;48:7; 50:10;62:3,4;64:14; 73:16;96:19;98:7 <b>16 (4)</b> 14:20,25;83:22; 118:11 <b>17 (3)</b> 119:25;120:17; 122:22 <b>18 (3)</b> 15:5;117:18;133:11 <b>18-feet (1)</b> 14:24 <b>19 (3)</b> 123:14;126:15; 136:25 <b>1996 (1)</b> 30:3 <b>1997 (1)</b> 6:2	<b>2 (1)</b> 93:9 <b>2.5 (1)</b> 93:4 <b>20 (15)</b> 1:7;18:15,16;34:4; 44:22,24;50:23,24; 72:18,18;78:19; 124:7;131:1;135:22; 136:11 <b>20/20 (1)</b> 45:13 <b>200 (1)</b> 102:3 <b>2018 (1)</b> 137:11 <b>2019 (8)</b> 91:8;92:13;94:3; 124:7,7,14,25;137:11 <b>2022 (5)</b> 92:10,14,18;93:21; 135:22 <b>2023 (2)</b> 91:5;93:11 <b>2024 (11)</b> 1:2;12:7;91:12; 92:10,14,22;93:11,22; 94:1;124:18,23 <b>206,190 (1)</b> 34:6 <b>22 (3)</b> 48:13;78:8;106:17 <b>23 (2)</b> 78:9,9 <b>23.5-foot (1)</b> 18:8 <b>23-22 (1)</b> 1:5 <b>23-and-a-half-foot (1)</b> 27:11 <b>24 (5)</b> 78:7;83:8;128:24; 133:11;141:20 <b>24-foot (1)</b> 15:8 <b>25 (2)</b> 90:21;131:4 <b>25-foot (1)</b> 105:18 <b>27 (1)</b> 81:1 <b>283 (1)</b> 101:22 <b>29 (2)</b> 3:6;119:21  <b>3</b>  <b>3 (7)</b> 17:21;18:13;23:4;

112:5;148:16,21,23 <b>30 (8)</b> 50:17,18;103:1,5; 111:5;121:7;125:4,12 <b>300 (1)</b> 102:3 <b>31 (1)</b> 116:20 <b>310 (1)</b> 105:12 <b>32 (3)</b> 103:14;110:14; 145:24 <b>34 (2)</b> 84:12;111:12 <b>35 (2)</b> 105:19;137:25 <b>36 (1)</b> 99:6	28:15;59:2;62:4; 64:14;81:10,15; 82:11;125:11 <b>600 (1)</b> 2:6 <b>690 (1)</b> 135:6 <b>697 (1)</b> 136:2			
<b>4</b>	<b>7</b>			
<b>4 (2)</b> 1:19;23:4 <b>4,600 (1)</b> 51:14 <b>4.73 (1)</b> 34:6 <b>40 (5)</b> 42:11;44:21;72:3,8; 98:8 <b>400 (1)</b> 104:3 <b>41 (3)</b> 94:12;134:21,25 <b>45 (3)</b> 5:1,7;105:19 <b>4-foot (5)</b> 17:12,21;18:7; 21:17;103:22	<b>7 (3)</b> 149:1,2,3 <b>7.44 (2)</b> 14:21;15:1 <b>7:15 (1)</b> 1: <b>7:30 (1)</b> 116:11 <b>73 (1)</b> 132:23 <b>75 (6)</b> 50:8;62:4;115:20; 116:6,7;146:20 <b>75-unit (1)</b> 109:15 <b>79 (1)</b> 128:17			
<b>5</b>	<b>8</b>			
<b>5 (6)</b> 12:13;20:1,2;23:16; 93:10;142:19 <b>50 (4)</b> 101:17;102:8; 109:10,16 <b>59 (1)</b> 59:2 <b>59.6 (4)</b> 60:20,23,25;63:25 <b>5-foot (1)</b> 18:10	<b>8 (1)</b> 139:10 <b>80 (5)</b> 72:9,11,24;102:14; 143:25 <b>801 (3)</b> 1:7;34:3;123:14 <b>84 (1)</b> 34:2 <b>84-86-88 (1)</b> 1:6 <b>89 (1)</b> 112:25			
<b>6</b>	<b>9</b>			
<b>6 (2)</b> 59:2;78:9 <b>6,000 (1)</b> 143:3 <b>60 (8)</b>	<b>9 (3)</b> 14:24;15:5;28:11 <b>9:15 (1)</b> 28:11 <b>90 (1)</b> 34:2 <b>91 (1)</b> 113:16 <b>973.947.7111 (1)</b> 2:7 <b>9-by-18 (2)</b> 15:18;19:7			