

BOROUGH OF PALISADES PARK  
ZONING BOARD OF ADJUSTMENT  
MONDAY, JUNE 27, 2022  
7:00 p.m.

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**Case No. 22-01** )  
 448 1st Street, LLC ) TRANSCRIPT OF  
 448 1st Street ) PROCEEDING  
 Block: 305; Lot: 11 )  
**Case No. 22-02** )  
 A.O.C. LLC/Ioannis Gelestathis )  
 113 Abbott Ave )  
 Block: 612; Lot: 8 )  
**Case No. 21-31** )  
 Fan Associates, LLC )  
 15 Grand Avenue )  
 Block: 505; Lot: 3 & 4 )  
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B E F O R E :

JOSEPH FERGUSON, CHAIRMAN  
 PAUL ALBANESE, VICE CHAIRMAN  
 ELEFTERIOS ELEFTERIOU, MEMBER  
 VINCENT CARNOVALE, MEMBER  
 DAVID TERRANOVA, MEMBER  
 JOHN GRALA, MEMBER (ABSENT)  
 SEONGHYE YOON, MEMBER  
 STEVEN BROGNA, ALTERNATE MEMBER 1  
 CHARLIE CHUNG, ALTERNATE MEMBER 2 (ABSENT)  
 MICHAEL LEE, ALTERNATE MEMBER 3 (ABSENT)

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
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**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
 201-641-1812

**1 I N D E X**

**2 WITNESS SWORN TESTIMONY**

**3 Case No. 21-31**  
**Fan Associates, LLC**  
**4 15 Grand Avenue**  
**Block: 505; Lot: 3 & 4 10**

**5 WILLIAM HAMILTON, PP, AICP 21**  
**6 Voir Dire Examination by Mr. Alampì 21**  
**Direct Examination by Mr. Alampì 22**

**7 Board/Professional Questions**  
**Chairman Ferguson 58**  
**8 Vice Chairman Albanese 59**  
**Mr. Carnovale 61**

**9 Public Questions**  
**Marsha Schor 54**

**10 50 Henry Avenue**  
**Susan Brauer 55**  
**11 50 Henry Avenue**

**12 DANIEL MCGINNIS, PE, PTOE 64**  
**13 Voir Dire Examination by Mr. Alampì 78**  
**Direct Examination by Mr. Alampì 64, 80**  
**Board/Professional Questions**  
**14 Vice Chairman Albanese 65, 76**  
**Mr. Carnovale 71, 117**  
**15 Chairman Ferguson 77, 127**  
**Mr. Collazuol 104, 120**

**16 Vice Chairman Albanese 130**  
**17 Mr. Terranova 134**  
**Public Questions 142**  
**18 Susan Brauer 138**  
**50 Henry Avenue**

**19**

**20**  
**21**  
**22**  
**23**  
**24**  
**25**

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
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**1 A P P E A R A N C E S :**

**2**

**3 DIANE TESTA, ESQUIRE**  
 Counsel for the Board of Adjustment (Case No. 22-02  
**4 Recused)**  
 -and-  
**5 MARC RAMUNDO, ESQUIRE**  
 Counsel for the Board of Adjustment, Case No. 22-02  
**6**

**7 CARMINE ALAMPI, ESQUIRE**  
 LAW OFFICE OF ALAMPI & DEMARRAIS  
**8 One University Plaza**  
 Suite 404  
**9 Hackensack, New Jersey 07601**  
 (201) 343-4600  
**10 Counsel for Applicant, Fan Associates, LLC**

**11**

**12**

**13 A L S O P R E S E N T :**

**14 ELENI LAMBRINIDES, LAND USE SECRETARY**

**15 STEVE COLLAZUOL, P.E., BOARD ENGINEER**

**16 MICHAEL KAUKER, P.P., BOARD PLANNER (ABSENT)**

**17 HAL SIMOFF, P.E., BOARD TRAFFIC ENGINEER**

**18**  
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**201-641-1812**

**1 I N D E X (Continuing)**

**2 E X H I B I T S**

**3 No. Description Ident/Evid**

**4 Case No. 21-31**  
**Fan Associates, LLC**  
**5 15 Grand Avenue**  
**Block: 505; Lot: 3 & 4**

**6**

**7 A-23 Computer Generated Image of**  
 Residential Amenity Spaces 19

**8 A-24 Proposed Signage Exhibit,**  
 Dated 6/15/22 34

**9**

**10 A-25 Traffic Report, dated 12/27/21 81**

**11 A-26 June 16th Response Letter to**  
 Mr. Simoff 82

**12 ZBA-1 Report of Mr. Simoff, dated**  
 3/18/22 105

**13**

**14 ZBA-2 Report of Mr. Kauker, dated**  
 3/18/22 105

**15 ZBA-3 Completeness Review, dated**  
 1/18/22 105

**16**

**17 ZBA-4 Report of Mr. Collazuol,**  
 Dated 3/15/22 105

**18 ZBA-5 Report of Mr. Collazuol,**  
 Dated 6/22/22 105

**19**  
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5

1 CHAIRMAN FERGUSON: Okay. Vinny, do  
 2 you want to lead us in the flag salute?  
 3 (Whereupon, all rise for a Recitation  
 4 of the Pledge of Allegiance as led by  
 00:-15 5 Mr. Carnovale.)  
 00:-15 6 CHAIRMAN FERGUSON: Okay. In  
 00:-15 7 accordance with the Open Public Meeting Act, notice  
 00:-15 8 of this meeting has been posted on the borough  
 00:-16 9 bulletin board. Notice has been provided to the  
 00:-16 10 official borough newspapers and filed in the Borough  
 00:-16 11 Clerk's office.  
 00:-16 12 Roll call.  
 00:-16 13 MS. LAMBRINIDES: Mr. Ferguson?  
 00:-16 14 CHAIRMAN FERGUSON: Here.  
 00:-14 15 MS. LAMBRINIDES: Mr. Albanese?  
 00:-14 16 VICE CHAIRMAN ALBANESE: Here.  
 17 MS. LAMBRINIDES: Mr. Terranova?  
 18 MR. TERRANOVA: Here.  
 19 MS. LAMBRINIDES: Mr. Chung?  
 20 (No response.)  
 21 MS. LAMBRINIDES: Ms. Yoon?  
 22 MS. YOON: Here.  
 00:-14 23 MS. LAMBRINIDES: Mr. Elefteriou?  
 00:-14 24 MR. ELEFTERIOU: Here.  
 25 MS. LAMBRINIDES: Mr. Grala?

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**201-641-1812**

6

1 (No response.)  
 2 MS. LAMBRINIDES: Mr. Carnovale?  
 3 MR. CARNOVALE: Here.  
 4 MS. LAMBRINIDES: Mr. Lee?  
 5 (No response.)  
 6 MS. LAMBRINIDES: Mr. Brogna?  
 00:-14 7 MR. BROGNA: Here.  
 00:-14 8 CHAIRMAN FERGUSON: Okay. So first on  
 00:-14 9 agenda tonight we're going to have the approval for  
 00:-14 10 the previous meeting. Everybody's got the minutes.  
 00:-14 11 Everybody had an opportunity to review the minutes.  
 00:-14 12 Is there any corrections on the  
 00:-14 13 minutes?  
 00:-14 14 VICE CHAIRMAN ALBANESE: I'd like to  
 00:-14 15 make a motion we accept the minutes.  
 00:-14 16 MR. CARNOVALE: I second the motion.  
 00:-14 17 CHAIRMAN FERGUSON: Okay.  
 00:-14 18 All in favor?  
 00:-14 19 (Whereupon, all present members respond  
 00:-14 20 in the affirmative.)  
 00:-14 21 CHAIRMAN FERGUSON: Next we're going to  
 00:-14 22 pay some bills. We have two from Diane Testa who's  
 00:-14 23 our attorney and it is -- it looks like \$2625.00.  
 00:-13 24 Can I get a motion to pay the bill?  
 00:-13 25 MR. CARNOVALE: I'll make a motion.

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**201-641-1812**

7

00:-13 1 VICE CHAIRMAN ALBANESE: Second.  
 00:-13 2 CHAIRMAN FERGUSON: Kauker & Kauker has  
 00:-13 3 one for \$455.00.  
 00:-13 4 And I made a correction -- I made a  
 00:-13 5 mistake. Let's start again.  
 00:-13 6 We got one from Diane Testa, \$1125.00.  
 00:-13 7 We got one from Birchwale & Pellino  
 00:-13 8 Associates for \$1500.00 because Diane had a conflict,  
 00:-13 9 so they covered.  
 00:-13 10 And then we had Kauker & Kauker is  
 00:-13 11 \$455.00.  
 00:-13 12 Can I get a motion?  
 00:-13 13 MR. CARNOVALE: I make a motion.  
 00:-13 14 VICE CHAIRMAN ALBANESE: Second.  
 00:-13 15 CHAIRMAN FERGUSON: Roll call.  
 00:-13 16 MS. LAMBRINIDES: Mr. Ferguson.  
 00:-13 17 CHAIRMAN FERGUSON: Yes.  
 00:-14 18 MS. LAMBRINIDES: Mr. Albanese?  
 00:-14 19 VICE CHAIRMAN ALBANESE: Yes.  
 00:-14 20 MS. LAMBRINIDES: Mr. Terranova?  
 00:-14 21 MR. TERRANOVA: Yes.  
 00:-14 22 MS. LAMBRINIDES: Ms. Yoon?  
 00:-14 23 MS. YOON: Yes.  
 00:-14 24 MS. LAMBRINIDES: Mr. Elefteriou?  
 00:-14 25 MR. ELEFTERIOU: Yes.

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**201-641-1812**

8

00:-14 1 MS. LAMBRINIDES: Mr. Carnovale?  
 00:-14 2 MR. CARNOVALE: Yes.  
 00:-14 3 MS. LAMBRINIDES: Mr. Brogna?  
 00:-12 4 MR. BROGNA: Yes.  
 00:-12 5 CHAIRMAN FERGUSON: Okay.  
 00:-12 6 Next we have two memorializations,  
 00:-12 7 Case No. 22-01 448 1st Street, LLC.  
 00:-12 8 Can I get a vote on the  
 00:-12 9 memorialization?  
 00:-12 10 VICE CHAIRMAN ALBANESE: I make a  
 00:-12 11 motion for memorialization.  
 00:-12 12 MR. CARNOVALE: I second.  
 00:-12 13 CHAIRMAN FERGUSON: Roll call.  
 00:-12 14 MS. LAMBRINIDES: Mr. Ferguson.  
 00:-12 15 CHAIRMAN FERGUSON: Yes.  
 00:-14 16 MS. LAMBRINIDES: Mr. Albanese?  
 00:-14 17 VICE CHAIRMAN ALBANESE: Yes.  
 00:-14 18 MS. LAMBRINIDES: Mr. Terranova?  
 00:-14 19 MR. TERRANOVA: Yes.  
 00:-14 20 MS. LAMBRINIDES: Ms. Yoon?  
 00:-14 21 MS. YOON: Yes.  
 00:-14 22 MS. LAMBRINIDES: Mr. Elefteriou?  
 00:-14 23 MR. ELEFTERIOU: Yes.  
 00:-14 24 MS. LAMBRINIDES: Mr. Carnovale?  
 00:-14 25 MR. CARNOVALE: Yes.

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**201-641-1812**

00:-14 1 MS. LAMBRINIDES: Mr. Brogna?  
 00:-12 2 MR. BROGNA: Abstain.  
 00:-12 3 CHAIRMAN FERGUSON: Next is  
 00:-12 4 Case No. 22-02 A.O.C., LLC, 113 Abbott Avenue.  
 00:-12 5 Can I get a motion?  
 00:-12 6 VICE CHAIRMAN ALBANESE: I'll make a  
 00:-12 7 motion.  
 00:-12 8 MR. CARNOVALE: Second.  
 00:-12 9 CHAIRMAN FERGUSON: All right, second.  
 00:-12 10 Roll call.  
 00:-12 11 MS. LAMBRINIDES: Mr. Ferguson.  
 00:-12 12 CHAIRMAN FERGUSON: Yes.  
 00:-14 13 MS. LAMBRINIDES: Mr. Albanese?  
 00:-14 14 VICE CHAIRMAN ALBANESE: Yes.  
 00:-14 15 MS. LAMBRINIDES: Mr. Terranova?  
 00:-14 16 MR. TERRANOVA: Yes.  
 00:-14 17 MS. LAMBRINIDES: Ms. Yoon?  
 00:-14 18 MS. YOON: Yes.  
 00:-14 19 MS. LAMBRINIDES: Mr. Elefteriou?  
 00:-14 20 MR. ELEFTERIOU: Yes.  
 00:-14 21 MS. LAMBRINIDES: Mr. Carnovale?  
 00:-14 22 MR. CARNOVALE: Yes.  
 00:-14 23 MS. LAMBRINIDES: Mr. Brogna?  
 00:-12 24 MR. BROGNA: Abstain.  
 00:-12 25 CHAIRMAN FERGUSON: Okay.

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**201-641-1812**

00:-10 1 Do you want to hit the button down below?  
 00:-10 2 MR. ALAMPI: How's this?  
 00:-10 3 CHAIRMAN FERGUSON: Yes.  
 00:-10 4 MR. ALAMPI: So as I was saying,  
 5 Chairman and Board Members, we had extensive  
 6 testimony from two professional witnesses, the civil  
 7 engineer who went through all the details of the  
 8 site, the existing conditions, the proposed layout of  
 9 the development and placement of the building,  
 10 drainage, lighting, landscaping indicating the  
 11 conditions surrounding the property.  
 12 Chairman, I think your earplugs are  
 13 spinning. I can hear -- now I can hear a buzz in my  
 14 ear.  
 15 (Laughter.)  
 16 MR. ALAMPI: Or is that you, Pauly?  
 17 VICE CHAIRMAN ALAMPI: To talk to me,  
 18 you got to go like this (indicating).  
 19 MS. LAMBRINIDES: Maybe because you're  
 20 holding it.  
 21 MS. TESTA: Yeah.  
 22 MR. ALAMPI: Because that or maybe his  
 23 earplugs are --  
 24 CHAIRMAN FERGUSON: The earplugs are  
 25 staying in, so you're going to have to deal with it.

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**201-641-1812**

00:-12 1 So the one and only case on the agenda  
 00:-11 2 for tonight is Case No. 21-31, Fan Associates, LLC,  
 00:-11 3 15 Grand Avenue.  
 00:-11 4 MR. ALAMPI: Thank you, Chairman.  
 00:-11 5 Chairman, my name is Carmine Alampi just like it was  
 00:-11 6 two weeks ago and I'm here to continue the  
 00:-11 7 presentation.  
 00:-11 8 We had gone through extensive testimony  
 00:-11 9 of the site civil engineer dealing with hydrology,  
 00:-11 10 drainage and things of that nature and details of the  
 00:-11 11 engineering, topography.  
 00:-11 12 We then turned the meeting over to the  
 00:-11 13 architect who did a very delicate presentation.  
 00:-11 14 CHAIRMAN FERGUSON: Can you use the  
 00:-11 15 mic?  
 00:-11 16 MR. ALAMPI: I'm sorry.  
 00:-11 17 CHAIRMAN FERGUSON: That's okay.  
 00:-11 18 MR. ALAMPI: Am I being picked up on  
 00:-11 19 the tape?  
 00:-11 20 I hope so, but we have the court  
 00:-11 21 reporter, the ever efficient court reporter.  
 00:-11 22 So we continued with the architectural  
 00:-11 23 testimony and she completed her testimony.  
 00:-11 24 Do you hear me, Chairman?  
 00:-11 25 CHAIRMAN FERGUSON: Is your thing on?

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 MR. ALAMPI: I had a hearing in  
 2 Ridgefield Park a few months ago where the attorney  
 3 was hard of hearing, but he forgot his earplugs, so I  
 4 made the other attorney who was challenging him stand  
 5 behind him to ask questions so he can hear and he was  
 6 insulted by that, but what could I do?  
 7 So we're doing the best we can.  
 8 We continued with the architectural  
 9 testimony, which was concluded, a great presentation  
 10 with many exhibits.  
 11 Tonight we continue with the traffic  
 12 engineer and with the planning consultant. I did  
 13 speak with Michael Kauker, your planner.  
 14 Unfortunately his son is undergoing a  
 15 serious operation tomorrow and he called me to tell  
 16 me that he could not come to the meeting under the  
 00:-08 17 circumstances. Of course we understand that.  
 00:-08 18 And he weighed in on our reports and  
 00:-08 19 our planning analysis, but we leave it to you,  
 00:-08 20 Chairman.  
 00:-08 21 Perhaps, you'll let us conclude that  
 00:-08 22 testimony and we'll get a transcript and we'll  
 00:-08 23 circulate it. We'll send it to Mr. Kauker, because I  
 00:-08 24 know you want his comments on the record. Good or  
 00:-08 25 bad, you want those comments and I understand that.

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**201-641-1812**

00:-08 1 We have two witnesses. The one who  
 00:-08 2 will probably take the longest is the traffic  
 00:-08 3 engineer, and then we'll go to the planning  
 00:-08 4 consultant.  
 00:-08 5 CHAIRMAN FERGUSON: Okay.  
 00:-08 6 MR. ALAMPI: I do have some handouts  
 00:-08 7 that we promised you at the last meeting. When we  
 00:-08 8 did -- the architect completed the testimony, she had  
 00:-08 9 all these details about the outdoor patio, the  
 00:-08 10 leisure area and whatever.  
 00:-08 11 So they made up a package and these are  
 00:-07 12 images and photographs computer generated. We can't  
 00:-07 13 say that they will be exactly what we'll do, but we  
 00:-07 14 intend to model all of these amenities on the  
 00:-07 15 properties for you.  
 00:-07 16 So I have to see where we left off,  
 00:-07 17 where we were.  
 00:-07 18 Diana, do you know if we were up to  
 00:-07 19 A-20 or something?  
 00:-07 20 MS. TESTA: A-22, material board.  
 00:-07 21 MR. ALAMPI: There you go. I knew I  
 00:-07 22 can count on you.  
 00:-07 23 CHAIRMAN FERGUSON: Counsel, before you  
 00:-07 24 put your first witness on I just have one question,  
 00:-07 25 did you get a report from Collazuol Engineering  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

00:-05 1 much.  
 00:-05 2 Chairman, perhaps you're right. I  
 00:-05 3 think we have received Mr. Collazuol's report on  
 00:-05 4 June 17th which was -- well, dated the 17th.  
 00:-05 5 I might have received it a few days  
 00:-05 6 later and I just have to confirm with my engineer  
 00:-05 7 whether we sent this around to him.  
 00:-05 8 Jacob, did you see this?  
 00:-05 9 MR. SCHULMAN: I did not.  
 00:-05 10 MR. ALAMPI: So that's a good point,  
 00:-05 11 Chairman.  
 00:-05 12 It looks like we have a report from  
 00:-04 13 Steve Collazuol, and it's fairly technical. And we  
 00:-04 14 can respond to those things.  
 00:-04 15 CHAIRMAN FERGUSON: Yeah, I think that  
 00:-04 16 would be helpful.  
 00:-04 17 MR. ALAMPI: It may have been that it  
 00:-04 18 didn't get circulated by my office.  
 00:-04 19 CHAIRMAN FERGUSON: I understand.  
 00:-04 20 MR. ALAMPI: So we will definitely  
 00:-04 21 respond to the June 17th -- Jacob, make a note.  
 00:-04 22 CHAIRMAN FERGUSON: Steve, are you okay  
 00:-04 23 with that?  
 00:-04 24 MR. COLLAZUOL: Yes.  
 00:-04 25 MR. ALAMPI: There's a follow-up  
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**201-641-1812**

00:-07 1 answering some -- asking some of your --  
 00:-07 2 MR. ALAMPI: Boswell or Collazuol?  
 00:-07 3 CHAIRMAN FERGUSON: Steve Collazuol.  
 00:-07 4 MR. ALAMPI: Collazuol?  
 00:-07 5 CHAIRMAN FERGUSON: Yeah.  
 00:-07 6 MR. ALAMPI: We got -- Steve, I think  
 00:-07 7 we got your report last week or so?  
 00:-07 8 MR. COLLAZUOL: I think so.  
 00:-07 9 MR. ALAMPI: Yeah, we did.  
 00:-07 10 We got a report and we responded to it.  
 00:-06 11 Let me just follow up and check my paperwork.  
 00:-06 12 We got the report from Mr. Collazuol's  
 00:-06 13 office initially on March 15th, but an update on  
 00:-06 14 June 17, 2022 and I think we did get a response for  
 00:-06 15 the Collazuol report.  
 00:-06 16 You did a comment letter, didn't you?  
 00:-06 17 CHAIRMAN FERGUSON: Well, at any rate,  
 00:-06 18 the board never received it.  
 00:-06 19 MR. ALAMPI: Didn't receive what?  
 00:-06 20 CHAIRMAN FERGUSON: Your comment to his  
 00:-06 21 -- we got his, right.  
 00:-06 22 MR. ALAMPI: Actually, let's see what  
 00:-06 23 we have. We have a comment to Mr. Simoff's report  
 00:-06 24 and let's just see what we have here.  
 00:-05 25 I might be confused, it doesn't take  
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**201-641-1812**

00:-04 1 correspondence and I didn't see anything problematic,  
 00:-04 2 but I think the board wants a written response to  
 00:-04 3 that. We'll do that.  
 00:-04 4 I think we have -- and you have our  
 00:-04 5 traffic engineering report, I believe, Chairman, it  
 00:-04 6 was provided.  
 00:-04 7 CHAIRMAN FERGUSON: Truthfully, no.  
 00:-04 8 MR. ALAMPI: It was provided with the  
 00:-04 9 initial package back in December 2021. I think the  
 00:-04 10 board should have it in their package.  
 00:-04 11 Diane, I think we have it in there,  
 00:-04 12 don't we?  
 00:-04 13 MS. TESTA: Right.  
 00:-03 14 CHAIRMAN FERGUSON: Hal wrote a  
 00:-03 15 response -- had questions listed.  
 00:-03 16 Did you --  
 00:-03 17 MR. ALAMPI: Yes.  
 00:-03 18 When it comes to Simoff and his review  
 00:-03 19 letter, we do have a response and it was sent with  
 00:-03 20 the last package, package of materials. Our response  
 00:-03 21 is dated June 16, 2022, that's responding to  
 00:-03 22 Mr. Simoff's critique.  
 00:-03 23 CHAIRMAN FERGUSON: Hal, did you get  
 00:-03 24 that?  
 00:-03 25 MR. SIMOFF: I haven't seen it.  
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**201-641-1812**

00:-03 1 MR. ALAMPI: I think we hand-delivered  
 00:-03 2 it to everyone.  
 00:-03 3 MR. SIMOFF: You hand-delivered to me,  
 00:-03 4 it was May 23?  
 00:-03 5 MR. ALAMPI: No, after that date.  
 00:-03 6 MS. LAMBRINIDES: Well, I have an extra  
 00:-03 7 one. It should be in your package, but I have a copy  
 00:-03 8 here.  
 00:-03 9 Diane, do you have it?  
 00:-03 10 MS. TESTA: No.  
 00:-03 11 Do you have a copy?  
 00:-03 12 MS. LAMBRINIDES: June 16th?  
 00:-03 13 MR. ALAMPI: June 16th.  
 00:-03 14 So I did file it. What I've been  
 00:-02 15 trying to do --  
 00:-02 16 CHAIRMAN FERGUSON: I'm not doubting  
 00:-02 17 it.  
 00:-02 18 MR. ALAMPI: No, no, what I've been  
 00:-02 19 trying to do to assist your secretary is when I  
 00:-02 20 submit everything here, I usually send a messenger  
 00:-02 21 directly to the consultants.  
 00:-02 22 CHAIRMAN FERGUSON: Oh, okay.  
 00:-02 23 MR. ALAMPI: But, again, not with  
 00:-02 24 everything.  
 00:-02 25 So there's a June 16th response.

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**201-641-1812**

00:-01 1 this way we can keep going.  
 00:-01 2 MR. ALAMPI: Thank you.  
 00:-01 3 (Whereupon, Computer Generated Image  
 00:-01 4 of Residential Amenity Spaces is received and  
 00:-01 5 marked as Exhibit A-23 for identification.)  
 00:-01 6 MR. ALAMPI: So this is A-23, I guess.  
 00:-01 7 Also, Chairman, we received a letter.  
 00:-01 8 We received an e-mail the other day to supplement the  
 00:00 9 escrow for professional fees.  
 00:00 10 CHAIRMAN FERGUSON: Right.  
 00:00 11 MR. ALAMPI: I have the check here.  
 00:00 12 CHAIRMAN FERGUSON: Oh, good.  
 00:00 13 MR. ALAMPI: But I'll mail it in  
 00:00 14 because I don't know who gets it.  
 00:00 15 Eleni, you don't take the escrow  
 00:00 16 checks, do you?  
 00:00 17 MS. LAMBRINIDES: No.  
 00:00 18 CHAIRMAN FERGUSON: No.  
 00:00 19 MR. ALAMPI: It goes to the clerk's  
 00:00 20 office?  
 00:00 21 CHAIRMAN FERGUSON: Just mail it in,  
 00:00 22 that's fine.  
 00:00 23 MS. LAMBRINIDES: Building department.  
 00:00 24 MR. ALAMPI: So that's a little bit of  
 00:00 25 housekeeping.

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**201-641-1812**

00:-02 1 So to keep the record clear, we did not  
 00:-02 2 respond to Mr. Collazuol's recent comment letter, but  
 00:-02 3 we will.  
 00:-02 4 We did respond to Mr. Simoff's letter,  
 00:-02 5 but if he didn't see it, I don't expect him to review  
 00:-02 6 it in five minutes.  
 00:-02 7 I'll give you eight minutes.  
 00:-02 8 CHAIRMAN FERGUSON: Well, how about  
 00:-02 9 this, can we start with your expert?  
 00:-02 10 MR. ALAMPI: Yeah, we're going to move  
 00:-02 11 along.  
 00:-02 12 CHAIRMAN FERGUSON: And that will give  
 00:-02 13 Simoff a chance to review it.  
 00:-02 14 How's that?  
 00:-02 15 MR. ALAMPI: Excellent.  
 00:-02 16 And Diane, we were up to what exhibit,  
 00:-01 17 A what?  
 00:-01 18 MS. TESTA: A-23 this would be.  
 00:-01 19 MR. ALAMPI: Thank you.  
 00:-01 20 So we're going to do two things,  
 00:-01 21 Chairman. A-23 is just a handout. It speaks for  
 00:-01 22 itself.  
 00:-01 23 I have many copies, so that it could be  
 00:-01 24 distributed to the board and --  
 00:-01 25 MS. LAMBRINIDES: I'll help do that,

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

00:00 1 With that, we have our representative  
 00:00 2 from Bowman Engineering with a traffic report.  
 00:00 3 We'll swear him in.  
 00:00 4 MR. MCGINNIS: I thought the Chairman  
 00:00 5 suggested that we do the planning before traffic to  
 00:00 6 give Mr. Simoff time to review the letter?  
 00:00 7 MR. ALAMPI: What do you want to do,  
 00:00 8 Chairman?  
 00:00 9 CHAIRMAN FERGUSON: I would prefer to  
 00:00 10 give Hal a chance to review it.  
 00:00 11 MR. ALAMPI: So you want to do the  
 00:00 12 planning first?  
 00:00 13 CHAIRMAN FERGUSON: Yeah, do the  
 00:00 14 planning.  
 00:00 15 MR. ALAMPI: No problem, okay.  
 00:00 16 That's what we'll do.  
 00:00 17 Chairman, this is Mr. William Hamilton  
 00:00 18 from Bowman Engineering. Don't be fooled by the  
 00:00 19 engineering company. He is the planning consultant.  
 00:00 20 It's a very big engineering company and  
 00:00 21 they have several different professionals in  
 00:00 22 different fields. This is Mr. William Hamilton.  
 00:00 23 We'll swear him in and then we'll  
 00:00 24 qualify him.  
 00:00 25 MS. TESTA: Do you swear that the

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

00:00 1 testimony you will give in this application will be  
 00:00 2 the truth, the whole truth and nothing but the truth?  
 00:00 3 MR. HAMILTON: I do.  
 00:00 4 W I L L I A M H A M I L T O N, PP, AICP  
 00:00 5 54 Horsehill Road, Suite 100, Cedar Knolls, New  
 00:00 6 Jersey 07927, having been duly sworn, testifies  
 00:00 7 as follows:  
 00:00 8 MS. TESTA: Please state your name for  
 00:00 9 the record and spell it.  
 00:00 10 MR. HAMILTON: William H. Hamilton,  
 00:00 11 H-A-M-I-L-T-O-N.  
 00:00 12 VOIR DIRE EXAMINATION  
 00:00 13 BY MR. ALAMPI:  
 00:00 14 Q. So, Bill, we're going to start with a  
 00:00 15 very quick voir dire with your credentials.  
 00:00 16 Could you please give us the benefit of  
 00:00 17 your educational background, your experience and your  
 00:00 18 licensing in the field of professional planning?  
 00:00 19 A. I'd be happy to.  
 00:00 20 Again, my name is William Hamilton.  
 00:00 21 I'm a principal with Bowman Consulting,  
 00:00 22 which is a multi-discipline firm with headquarters  
 00:00 23 throughout the country.  
 00:01 24 I'm a licensed professional planner in  
 00:01 25 New Jersey.  
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
 201-641-1812

00:01 1 I'm also a member of The American  
 00:01 2 Institute of Certified Planners and a licensed  
 00:01 3 landscape architect and have been so since, I guess,  
 00:01 4 1985, longer than I'd like to admit.  
 00:01 5 I've testified before boards like the  
 00:01 6 one here this evening throughout New Jersey  
 00:01 7 throughout my career.  
 00:01 8 I've worked on projects of a similar  
 00:01 9 nature to the one that's before you this evening and  
 00:01 10 I look forward to working with you.  
 00:01 11 CHAIRMAN FERGUSON: We'll accept you as  
 00:01 12 an expert.  
 00:01 13 DIRECT EXAMINATION  
 00:01 14 BY MR. ALAMPI:  
 00:01 15 Q. And, Bill, your license is still in  
 00:01 16 good standing in the State of New Jersey?  
 00:01 17 A. It is.  
 00:01 18 Q. And could you give us just a little  
 00:01 19 more of your experience, whether you worked on master  
 00:01 20 plans, organizing ordinances for a municipality, done  
 00:01 21 many local government consulting as well in the  
 00:01 22 public sector as well as the private?  
 00:01 23 A. Sure.  
 00:01 24 I'm currently the municipal planner in  
 00:01 25 Stanhope. And I have filled that position on a  
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
 201-641-1812

00:01 1 part-time basis for both Madison, as well as West  
 00:02 2 Caldwell.  
 00:02 3 Most of my work is in the private  
 00:02 4 sector, projects similar to the one that's before you  
 00:02 5 this evening, where I testified on variances and  
 00:02 6 things of that nature.  
 00:02 7 Q. Thank you.  
 00:02 8 MR. ALAMPI: Chairman, I know you  
 00:02 9 already accepted Mr. Hamilton.  
 00:02 10 CHAIRMAN FERGUSON: Right.  
 00:02 11 BY MR. ALAMPI:  
 00:02 12 Q. Bill, could you just tell us before you  
 00:02 13 go into your outline and your testimony what  
 00:02 14 documents you reviewed pertaining to the Borough of  
 00:02 15 Palisades Park, whether you reviewed their code of  
 00:02 16 ordinances, the overlay ordinance, the Master Plan,  
 00:02 17 what did you actually review?  
 00:02 18 A. So I reviewed, obviously, the site plan  
 00:02 19 that were part of the application package, as well as  
 00:02 20 the municipal code with respect to both the M-1 and  
 00:02 21 the M-1 residential zone in particular.  
 00:02 22 I looked at the Master Plan.  
 00:02 23 I have reviewed your planner's review  
 00:02 24 letter on this application as well and any other  
 00:02 25 documents that, you know, were in our file that  
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
 201-641-1812

00:02 1 backed up the site plan preparation.  
 00:03 2 Q. And you're familiar with Michael  
 00:03 3 Kauker, the borough's planner?  
 00:03 4 A. I am familiar with Mr. Kauker.  
 00:03 5 Q. Had you conferenced with him on this  
 00:03 6 project at all?  
 00:03 7 A. I have not.  
 00:03 8 Q. Have you had the opportunity to review  
 00:03 9 the overlay zone that applies to this district for  
 00:03 10 multiple dwelling unit --  
 00:03 11 A. I have.  
 00:03 12 Q. Okay. So why don't you tell the board,  
 00:03 13 once again, what the proposal is and the distinction  
 00:03 14 between the existing conditions and existing building  
 00:03 15 versus the proposed building on the site.  
 00:03 16 The board is very familiar with it.  
 00:03 17 They've heard a lot of testimony.  
 00:03 18 So, briefly, just an overview of what  
 00:03 19 the application is.  
 00:03 20 A. I'm not going to rehash old testimony.  
 00:03 21 You know, the proposal, again, is 122 units in a  
 00:03 22 three-story residential building over two stories of  
 00:03 23 parking, in addition to some commercial use within an  
 00:03 24 existing portion of the existing building on the  
 00:03 25 site.  
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
 201-641-1812

00:03 1 **Currently there is a maybe 18,500- or**  
 00:04 2 **700-square-foot footprint of the existing building.**  
 00:04 3 **That's going to be reduced by about**  
 00:04 4 **60 percent down to around 6100. So we're proposing**  
 00:04 5 **to keep that use, which has currently a liquor store,**  
 00:04 6 **as well as a gymnasium which we're going to talk**  
 00:04 7 **about and then there's a residential component**  
 00:04 8 **associated with the second building on the site,**  
 00:04 9 **which again, is 122 units of which 41 are one-bedroom**  
 00:04 10 **and 81 are two-bedroom, which you've heard testimony**  
 00:04 11 **from the architect with that regard.**  
 00:04 12 **Q.** Now, Bill, you understand that the  
 00:04 13 property, although it's more than two-and-a-half  
 00:04 14 acres, we've determined to keep the property as one  
 00:04 15 parcel at this time?  
 00:04 16 **A. Yes.**  
 00:04 17 **Q.** And because we did not seek a  
 00:04 18 subdivision and create a series of cross easements,  
 00:04 19 we were proposing two principal structures on one  
 00:04 20 building lot, even though it's a multi-acre lot,  
 00:04 21 correct?  
 00:04 22 **A. Correct.**  
 00:04 23 **Q.** Is that unusual?  
 00:05 24 **A. It's a little unusual, but when you**  
 00:05 25 **have a parking situation like we have where you have**  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

00:05 1 **some of the commercial space, you know, commingled**  
 00:05 2 **with the residential spaces, it seemed to make sense**  
 00:05 3 **to us.**  
 00:05 4 **Now, there are no standards with regard**  
 00:05 5 **to the M-1 zone with regard to lot areas and the**  
 00:05 6 **such.**  
 00:05 7 **So to us it seemed to make sense to**  
 00:05 8 **come in for the variance request.**  
 00:05 9 **Q.** Now, you mentioned the M-1 zone and I'm  
 00:05 10 not going to deviate from your outline much longer,  
 00:05 11 but you mentioned the M-1 zone, which is the existing  
 00:05 12 commercial zone?  
 00:05 13 **A. Yes.**  
 00:05 14 **Q.** And you say there are no standards per  
 00:05 15 se? There's no minimum lot size and things of that  
 00:05 16 that nature, correct?  
 00:05 17 **A. Correct.**  
 00:05 18 **Q.** And the property presently is used by  
 00:05 19 five or six different business enterprises at the  
 00:05 20 present time?  
 00:05 21 **A. Yes, it is.**  
 00:05 22 **Q.** The building that exists up on Grand  
 00:05 23 Avenue, is that a conforming structure as to setback  
 00:05 24 and height or is it nonconforming?  
 00:05 25 **A. It's nonconforming.**  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

00:05 1 **Q.** And when we put the application  
 00:05 2 together in collaboration with your office and mine  
 00:06 3 and with the notices, with regard to that building  
 00:06 4 since it doesn't conform and we're doing something  
 00:06 5 on-site, we decided to bite the bullet and also  
 00:06 6 declare an expansion of the nonconforming structure?  
 00:06 7 **A. That's correct.**  
 00:06 8 **Q.** Can you explain that to the board what  
 00:06 9 I did there with the application?  
 00:06 10 **A. So that existing building has been --**  
 00:06 11 **you know, we did a little research in terms of**  
 00:06 12 **historical aerial photographs and we found that that**  
 00:06 13 **building has been there probably well before the**  
 00:06 14 **zoning of the property, well before 1954.**  
 00:06 15 **The uses in it, I'm not exactly sure,**  
 00:06 16 **they changed over the years.**  
 00:06 17 **I'm not exactly sure how long the**  
 00:06 18 **current uses are, but it's existing nonconforming.**  
 00:06 19 **So we took basically a conservative**  
 00:06 20 **standpoint and we said, okay, let's legitimize, let's**  
 00:06 21 **legalize all the uses within that building as part of**  
 00:06 22 **this application so that we have a clean slate,**  
 00:06 23 **rather than to go back and forth to argue whether**  
 00:07 24 **it's an existing nonconforming use or not.**  
 00:07 25 **Q.** So focusing on that building for a  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

00:07 1 little while, the health club or gym, when we  
 00:07 2 reviewed the ordinance, there was no specific mention  
 00:07 3 of the gym as a principal permitted use, correct?  
 00:07 4 **A. That's correct.**  
 00:07 5 **Q.** So even though it had been in existence  
 00:07 6 for many years, we accepted the fact that that may be  
 00:07 7 a nonconforming use on the site?  
 00:07 8 **A. Correct.**  
 00:07 9 **Q.** The same thing with the height of the  
 00:07 10 building, the position compared with the rest of the  
 00:07 11 topography of the site and given the multi-level, I  
 00:07 12 think it's five stories or six stories --  
 00:07 13 **A. Seven stories.**  
 00:07 14 **Q.** Seven stories. It exceeded the height  
 00:07 15 and triggered what we call the D-6 height variance,  
 00:07 16 correct?  
 00:07 17 **A. Correct.**  
 00:07 18 **Q.** But the proposal that's before the  
 00:07 19 board for the residential building, that building  
 00:07 20 stays almost through to the height limitation, give  
 00:07 21 or take 2 or 3 feet?  
 00:07 22 **A. Correct.**  
 00:07 23 **Q.** And that height deviation would be a C  
 00:07 24 variance?  
 00:08 25 **A. It would be a C variance.**  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

00:08 1 Q. Not a D?

00:08 2 A. **That's right, it's less than**

00:08 3 **10 percent.**

00:08 4 Q. Is there anything that we're doing with

00:08 5 regard to the proposal for the new development and

00:08 6 phase that deviates from the overlay zone or the

00:08 7 permitted uses or the height or density or anything

00:08 8 like that or do we confirm in every way to that zone?

00:08 9 A. **So there's a couple of C variances**

00:08 10 **which I'm going to talk about as part of the**

00:08 11 **application, but for the most part we do conform.**

00:08 12 **Although there are reasons that we -- we're asking**

00:08 13 **fro deviations in certain areas.**

00:08 14 Q. Okay. So we're going to go with your

00:08 15 outline. You enumerated the variances first and

00:08 16 foremost, the D-1 for two principal uses.

00:08 17 Could you just express that?

00:08 18 Mr. Kauker is not here. We're keeping

00:08 19 a transcript.

00:08 20 Why do you articulate a D-1 for that?

00:08 21 A. **There is nothing specific in your**

00:08 22 **ordinance that prohibits two principal uses within a**

00:08 23 **lot.**

00:08 24 **Although Mr. Kauker, in his review**

00:09 25 **letter, did reference a statement within the**  
*LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*  
 201-641-1812

00:09 1 **ordinance that says specifically any use not**

00:09 2 **specifically permitted in a district established by**

00:09 3 **this chapter is hereby prohibited.**

00:09 4 **So we're taking, I think, that to heart**

00:09 5 **and we're filing for the D-1 variance.**

00:09 6 Q. Now, not only is it two principal uses,

00:09 7 but there will be two principal structures, primary

00:09 8 buildings on the entire parcel?

00:09 9 A. **That's correct.**

00:09 10 Q. And that would also trigger that part

00:09 11 of the D-1 concept, two principal structures on a

00:09 12 single building lot?

00:09 13 A. **Two principal structures, I misspoke.**

00:09 14 Q. It's okay.

00:09 15 Now, with regard to the D-2 variance,

00:09 16 that is any modification, alteration, expansion or

00:09 17 change of a nonconforming, that pertains to that

00:09 18 existing big building in the front, right?

00:09 19 A. **Yes.**

00:09 20 Q. It doesn't pertain to the application

00:09 21 for the new development we propose?

00:09 22 A. **No, it's the existing building.**

00:09 23 Q. And the same with the D-6, the height

00:10 24 of the D-6 is far in excess of the permitted height,

00:10 25 but it's existing?

*LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*  
 201-641-1812

00:10 1 A. **Correct, correct.**

00:10 2 Q. So let's go to the C variances that we

00:10 3 have triggered and I'll let you go with your outline.

00:10 4 A. **So there's really a couple of**

00:10 5 **C variances that are associated with the existing**

00:10 6 **building.**

00:10 7 **The first is front yard setback:**

00:10 8 **15 foot is required in the M-1 zone where 9.4 feet**

00:10 9 **and coverage is 50 percent where 82 percent -- we're**

00:10 10 **going to talk about that a little bit, because the**

00:10 11 **coverage is both commercial, as well as residential**

00:10 12 **and we're reducing the coverage of what is existing**

00:10 13 **from 87 percent down to 82 percent.**

00:10 14 **So we've got a reduction of about**

00:10 15 **5 percent, but we're going to talk about that in a**

00:10 16 **little more detail.**

00:10 17 **We also have a number of C variances**

00:10 18 **with respect to the M-1 residential district, which**

00:10 19 **the requirements are somewhat different than the**

00:10 20 **standard M-1 district.**

00:11 21 **Again, as you suggested, we're asking**

00:11 22 **for height relief. We have a five-story building.**

00:11 23 **Your ordinance is five stories or 50 feet. We're at**

00:11 24 **a proposed, I think, 54-and-a-half feet. So we're a**

00:11 25 **few feet over the ordinance. It's still within the**  
*LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*  
 201-641-1812

00:11 1 **C variance, you know, jurisdiction with that regard**

00:11 2 **and the reason for that, I'm going to get into a**

00:11 3 **little later in my testimony.**

00:11 4 **We also are asking for minor relief on**

00:11 5 **open space: 20 percent is required, we're 18**

00:11 6 **percent. And with that, there are certain standards**

00:11 7 **with regard to open space where there's front yard**

00:11 8 **areas and rear yard areas that we're also asking for**

00:11 9 **relief and, again, I will get into that as well.**

00:11 10 **And, finally, there are a couple of**

00:11 11 **sign variances that are proposed in the application.**

00:11 12 **You're allowed one sign within this zone, in the M-1**

00:11 13 **zone.**

00:11 14 **We're proposing two signs, so that's a**

00:12 15 **variance first of all; and the second is we're**

00:12 16 **proposing a non-residential sign of 45 square feet**

00:12 17 **where 24 square feet is existing. And thirdly, we're**

00:12 18 **proposing a residential sign, again, where it's not**

00:12 19 **allowed.**

00:12 20 **So although there's an existing sign on**

00:12 21 **the site that's 55 square feet, I'm going to show you**

00:12 22 **an exhibit that references that sign, as well as the**

00:12 23 **proposed sign. We are asking for those three reliefs**

00:12 24 **with respect to signage.**

00:12 25 Q. Now, Bill, we had marked many exhibits  
*LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*  
 201-641-1812



00:12 1 at the last meeting, but you were not here in  
00:12 2 attendance, but I know that you worked on this  
00:12 3 project over the last eight or nine months and you've  
00:12 4 seen these exhibits in these team meetings.

00:12 5 Do you need any of those to help you?

00:12 6 Maybe Jacob, your associate can mount them for you if  
00:12 7 you need them?

00:12 8 **A. Yeah, I think I'd like to call the one**  
00:12 9 **exhibit up and I don't know what number it is.**

00:12 10 **It's the existing site plan, I guess it**  
00:13 11 **is.**

00:13 12 **Q.** Hopefully they were -- I think they  
00:13 13 were marked somewhere in the corner.

00:13 14 **A. I don't see a marking.**

00:13 15 **Q.** Okay. All right, we'll find it.

00:13 16 **A. But it was -- again, I don't know what**  
00:13 17 **exhibit number it is, but it was proposed under the**  
00:13 18 **original site plan with Mr. Schulman.**

00:13 19 **Q.** Right. It's okay.

00:13 20 That's the existing conditions exhibit?

00:13 21 **A. Yeah.**

00:13 22 **No, this is the proposed conditions.**

00:13 23 **And what I was referring to on this**

00:13 24 **exhibit are the locations of the two signs and one is**

00:13 25 **located proposed on the -- I guess it's the north**

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**

**201-641-1812**

00:13 1 **side of the existing building at the main entrance**  
00:14 2 **road to the site.**

00:14 3 **And then a second sign, which is more**  
00:14 4 **residential in feel and nature, is proposed at the**  
00:14 5 **southern driveway.**

00:14 6 **So because we have two uses on the**  
00:14 7 **site, we felt it was appropriate to have two signs.**

00:14 8 **And we prepared an exhibit that -- this would be,**  
00:14 9 **what, A-24.**

00:14 10 **Q.** Yes, A-24.

00:14 11 Just tell us what it is?

00:14 12 **A. So this is A-24, I'll mark it on the**  
00:14 13 **corner.**

00:14 14 **It's called "Proposed Signage."**

00:14 15 (Whereupon, Proposed Signage Exhibit,  
00:14 16 dated 6/15/22 is received and marked as  
00:14 17 Exhibit A-24 for identification.)

00:14 18 THE WITNESS: The date is the 26th.

00:14 19 MS. TESTA: The 27th.

00:14 20 THE WITNESS: The 27th, thank you.

00:14 21 6/27/22.

00:14 22 It's dated 6/15/22 and what this shows

00:15 23 are the two proposed signage signs for the project,

00:15 24 one being the commercial sign, again, which is at the

00:15 25 northern driveway and the second being the more

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**

**201-641-1812**

00:15 1 residential feel is a lower, smaller sign at the

00:15 2 southern driveway.

00:15 3 And for comparison, we did show what

00:15 4 the existing signage is for the site. There's only

00:15 5 one current, what's called a pylon sign at the moment

00:15 6 with three different bases to it.

00:15 7 It's around -- I don't know, it's

00:15 8 around 60-foot tall and it's about 55 square foot in

00:15 9 area.

00:15 10 So just to give you a feel for what

00:15 11 we're proposing versus what's existing out there.

00:15 12 **Q.** And you want to tell us about the

00:15 13 signage. It's replacing -- there are several signs

00:15 14 existing, some, what we call, monument signs and some

00:15 15 pylon signs existing.

00:15 16 Are these replacing --

00:15 17 **A. Yeah, we feel that the signs that are**

00:15 18 **proposed are more in keeping with what's being**

00:16 19 **proposed for the site. You know, the existing sign**

00:16 20 **is outdated, it's oversized for the zone.**

00:16 21 **So although we were asking for some**

00:16 22 **relief with regard to the number of signs, as well as**

00:16 23 **the size of the signs. We feel it's appropriate for**

00:16 24 **Grand Avenue. We have a more residential feel on the**

00:16 25 **monument sign, again, for the southern entrance of**

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**

**201-641-1812**

00:16 1 **the site, which is the main entrance to the**

00:16 2 **residential units and the leasing area. And then we**

00:16 3 **have a more, you know, commercial sign proposed for**

00:16 4 **the northern driveway that would have, you know, a**

00:16 5 **listing of, you know, 15 Grand Avenue or whatever**

00:16 6 **it's called in the future, as well as two or three**

00:16 7 **tenants that are in the building.**

00:16 8 **Q.** Okay.

00:16 9 **A. So from a traffic safety perspective,**

00:16 10 **we feel that it's appropriate.**

00:16 11 **Q.** And you collaborated with Eric Keller

00:16 12 of your office regarding the placement location and

00:16 13 whether it would facilitate traffic safety as well?

00:16 14 **A. We did.**

00:16 15 **Q.** And do you believe based on those

00:17 16 conversations that the variance relief is warranted

00:17 17 because of those considerations?

00:17 18 **A. We do.**

00:17 19 **Q.** Thank you.

00:17 20 You can continue, Bill?

00:17 21 **A. So --**

00:17 22 **Q.** I'm taking you off track.

00:17 23 **A. That's okay. Let's go back, I guess,**

00:17 24 **to the D variances. We can knock those off first.**

00:17 25 **The D-1 is a little bit of a -- you**

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**

**201-641-1812**

00:17 **1** know, harder than the other variances, because you  
 00:17 **2** have to provide special reasons for the granting of  
 00:17 **3** the variances, and I'm sure you've heard testimony in  
 00:17 **4** the past with regard to that, to that wording, you  
 00:17 **5** know, that special reasons, that phrase and the  
 00:17 **6** applicant must prove special reasons for a variance  
 00:17 **7** for the two principal buildings on the site.  
 00:17 **8** Now, special reasons is a weird phrase  
 00:17 **9** and there's three -- there's three categories of  
 00:17 **10** special reasons that the legislation has outlined to  
 00:17 **11** be shown with this application.  
 00:17 **12** The first is where the use inherently  
 00:18 **13** serves the public good, such as hospitals and  
 00:18 **14** schools, which is not the case in this regard or the  
 00:18 **15** property owner would suffer undue hardship by the  
 00:18 **16** implementation of any of the requirements.  
 00:18 **17** And, again, that's not the case in this  
 00:18 **18** application or where the use would serve the general  
 00:18 **19** welfare because the proposed site is particularly  
 00:18 **20** suitable for the use and we believe that is the  
 00:18 **21** situation here and there's a number of reasons why we  
 00:18 **22** believe that site could be suitable.  
 00:18 **23** First is the existing use is in place,  
 00:18 **24** an existing building and established businesses that  
 00:18 **25** serve the community and have so for many, many years.  
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
 201-641-1812

00:18 **1** You know, as indicated before, we traced it back to  
 00:18 **2** 1953, but it's probably before that with this  
 00:18 **3** building.  
 00:18 **4** The proposed residential building will  
 00:18 **5** replace an auto salvage yard that is really a visual  
 00:19 **6** detriment to the area.  
 00:19 **7** Currently there are a number of uses  
 00:19 **8** within that site, and we're going to consolidate that  
 00:19 **9** into the two structures that are being -- the one  
 00:19 **10** that's being proposed, the other that's being  
 00:19 **11** modified.  
 00:19 **12** So the proposed site is particularly  
 00:19 **13** suited for the use, again, for a number of reasons.  
 00:19 **14** The property has direct access to  
 00:19 **15** Route 46 through the ramp that is located just south  
 00:19 **16** of the property.  
 00:19 **17** The topography of the site, for the  
 00:19 **18** residential building and the site improvements, it's  
 00:19 **19** recessed significantly below both Route 46, as well  
 00:19 **20** as Grand Avenue. It's about 15 feet or so beyond  
 00:19 **21** below Grand Avenue and it's about 30 feet or so below  
 00:19 **22** Route 46.  
 00:19 **23** So we feel that it's appropriate. It's  
 00:19 **24** an appropriate use for the site.  
 00:19 **25** There's going to be no disturbance on  
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
 201-641-1812

00:19 **1** environmentally sensitive land with this application.  
 00:19 **2** There's no wetland permits. We do have a permit  
 00:20 **3** that's outstanding with regard to flood hazard area  
 00:20 **4** of the Overpeck Creek, but certainly that is  
 00:20 **5** something that we're going to get.  
 00:20 **6** The site can accommodate the density  
 00:20 **7** with sufficient parking as you've heard from the  
 00:20 **8** architect and as you will hear from the traffic  
 00:20 **9** engineer, the parking is sufficient for both the  
 00:20 **10** commercial, as well as the residential use and the  
 00:20 **11** site has access to utilities in terms of water, sewer  
 00:20 **12** and the like.  
 00:20 **13** With regard to the other D variances,  
 00:20 **14** both the D-2 and the D-6, we don't have to show  
 00:20 **15** special reasons, but we have to show that the site  
 00:20 **16** can accommodate any problems that are associated with  
 00:20 **17** those uses and I think -- I think that's the case  
 00:20 **18** here.  
 00:20 **19** The nonconforming use with regard to,  
 00:20 **20** you know, the existing building that's being modified  
 00:20 **21** has sufficient parking and the height is existing and  
 00:20 **22** the height of that building, which exceeds the  
 00:20 **23** ordinance standard is existing and it has existed for  
 00:20 **24** many, many years.  
 00:21 **25** So with any variances, that's the  
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
 201-641-1812

00:21 **1** positive criteria. We also have the negative  
 00:21 **2** criteria with regard to, you know, will there be  
 00:21 **3** substantial detriment to the public good by the  
 00:21 **4** granting of the variance or will the purpose of the  
 00:21 **5** zone plan be impacted or impaired by the zone.  
 00:21 **6** Q. Now, the negative criteria, many  
 00:21 **7** planners gloss over it, but you're focusing on it.  
 00:21 **8** The negative criteria for the D-1 is amongst other  
 00:21 **9** requirements, whether it does harm or impairs the  
 00:21 **10** intent of the zone plan, correct?  
 00:21 **11** A. Correct.  
 00:21 **12** Q. And that the municipality passed about  
 00:21 **13** five years ago an overlay in this M-1 zone  
 00:21 **14** encouraging multiple dwelling limited to two levels  
 00:21 **15** of parking and three levels of the residential, could  
 00:21 **16** anyone say that by proposing a building that conforms  
 00:22 **17** that it impairs the intent of the zone?  
 00:22 **18** A. No, I would say no.  
 00:22 **19** And, in fact, Mr. Kauker in his letter  
 00:22 **20** indicates that, you know, the proposed change of use,  
 00:22 **21** which is residential in nature with the existing  
 00:22 **22** commercial land uses in the area is consistent with  
 00:22 **23** the Master Plan.  
 00:22 **24** So I would say that he agrees with us  
 00:22 **25** in regard to this use is appropriate for the site,  
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
 201-641-1812

00:22 1 **but, obviously, he will speak for himself.**  
 00:22 2 **Q.** Okay.  
 00:22 3 **A.** **So with regard to the negative**  
 00:22 4 **criteria, it will not have an impact to the**  
 00:22 5 **neighborhood, the fact that the commercial building**  
 00:22 6 **is higher than what's required.**  
 00:22 7 **Again, it's been there many, many years**  
 00:22 8 **and as such is part of the neighborhood.**  
 00:22 9 **Two principal structures on the lot are**  
 00:22 10 **not -- are not negative in terms of the -- I'm**  
 00:22 11 **sorry -- the impact to the neighborhood, because,**  
 00:22 12 **again, they've been there not only for many, many**  
 00:22 13 **years.**  
 00:23 14 **But also because of the size of the**  
 00:23 15 **site, the topography of the site, it makes sense to**  
 00:23 16 **have these two buildings as they're proposed.**  
 00:23 17 **Q.** Bill, you've been to the site more than  
 00:23 18 once, haven't you?  
 00:23 19 **A.** **I have.**  
 00:23 20 **Q.** And the neighboring properties, like  
 00:23 21 21 Grand and beyond that where there's the golf  
 00:23 22 driving range, at 21 Grand there are two, three  
 00:23 23 different buildings housing multiple tenants in each,  
 00:23 24 correct?  
 00:23 25 **A.** **Yes.**  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

00:24 1 **sure.**  
 00:24 2 **Q.** And are you influenced by those  
 00:24 3 properties surrounding it? I'm talking about an  
 00:24 4 industrial avenue going back to the north. In the  
 00:24 5 back area of the property, they need a lot of help  
 00:24 6 back there.  
 00:24 7 **A.** **They need help.**  
 00:24 8 **And this will certainly be the impetus,**  
 00:24 9 **hopefully, for the redevelopment of the area.**  
 00:24 10 **Q.** You know I got off track a little bit,  
 00:25 11 but the proposal does no harm to neighbors, to the  
 00:25 12 zone plan and, in fact, there's a significant  
 00:25 13 improvement to the area, is it?  
 00:25 14 **A.** **It is, yes.**  
 00:25 15 **Q.** So I'm going to let you dwell upon the  
 00:25 16 C variances, because we haven't articulated in detail  
 00:25 17 the need for any of these smaller setback variances,  
 00:25 18 but perhaps you could --  
 00:25 19 **A.** **So I'm going to talk about the**  
 00:25 20 **variances as a whole and then specific -- I'm going**  
 00:25 21 **to get into specific details for each variance as I**  
 00:25 22 **go through my testimony.**  
 00:25 23 **The first is, you know, the C-2**  
 00:25 24 **variance relief for the variances noted are granted**  
 00:25 25 **where the purpose of planning is advanced by the**  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

00:23 1 **Q.** And so is it unusual to have multiple  
 00:23 2 buildings on a single building lot in that area?  
 00:23 3 **A.** **No, not really, not really.**  
 00:23 4 **It's been that way for many, many years**  
 00:23 5 **in terms of multiple uses. This is simply multiple**  
 00:23 6 **structures.**  
 00:23 7 **Q.** I don't know if you continued in the  
 00:23 8 back of the property parallel to the railroad tracks,  
 00:23 9 but did you have an opportunity to see the condition  
 00:23 10 of some of these properties and the outlying area?  
 00:23 11 I'm talking about south or I guess it would be west  
 00:24 12 of Grand Avenue, but parallel with the railroad  
 00:24 13 tracks.  
 00:24 14 Did you ever get a chance to see the  
 00:24 15 condition of these old industrial warehouses and  
 00:24 16 such?  
 00:24 17 **A.** **Yeah.**  
 00:24 18 **I did drive around the area on a number**  
 00:24 19 **of occasions and I am familiar with the deteriorated**  
 00:24 20 **condition of some of those, some of those areas.**  
 00:24 21 **Q.** And would a new development of this  
 00:24 22 caliber be detrimental and drag down those properties  
 00:24 23 and the conditions or would this be a stimulation of  
 00:24 24 the property going in the right direction?  
 00:24 25 **A.** **Well, we hope it's a stimulation for**  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

00:25 1 **application and by the variance relief and there's a**  
 00:25 2 **number of purposes of planning that we feel would be**  
 00:25 3 **advanced by this application.**  
 00:25 4 **The first is which we talked about,**  
 00:25 5 **general welfare, free flow of traffic, which you're**  
 00:26 6 **going to hear from our traffic expert in a few**  
 00:26 7 **minutes and a desirable visual environment.**  
 00:26 8 **That is really to lift up this section**  
 00:26 9 **of town to a standard that it doesn't exist today.**  
 00:26 10 **We have -- we have variances with**  
 00:26 11 **regard to height. We're proposing, I think, 54, a**  
 00:26 12 **little bit over the 50-foot requirement and that is**  
 00:26 13 **really because of the topography of the site.**  
 00:26 14 **This isn't going to be -- we're going**  
 00:26 15 **to get into negative criteria later, but this isn't**  
 00:26 16 **going to be noticed by anyone, the extra couple of**  
 00:26 17 **feet, since the topography of the site is such that**  
 00:26 18 **it sits at such a low elevation with regard to both**  
 00:26 19 **Route 46 and Grand Avenue.**  
 00:26 20 **We do have relief on impervious**  
 00:26 21 **coverage. It's de minimis, it's about 2 percent over**  
 00:26 22 **what's required.**  
 00:26 23 **And, again, we're reducing that**  
 00:27 24 **impervious coverage by about 5 percent.**  
 00:27 25 **So we're making the situation not only**  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

00:27 **1 better, a lot of that impervious coverage is being**  
 00:27 **2 switched from surface parking, lots to roof water,**  
 00:27 **3 which is cleaner.**  
 00:27 **4 We are providing a stormwater**  
 00:27 **5 management system as you've heard from Mr. Schulman**  
 00:27 **6 with regard to -- you know, with respect to what's**  
 00:27 **7 being proposed and the fact that it conforms with**  
 00:27 **8 your municipal, as well as the NJDEP regulations.**  
 00:27 **9 With that, with that overage on**  
 00:27 **10 impervious coverage, naturally there is relief that**  
 00:27 **11 is requested with regard to open space because**  
 00:27 **12 there's 2 percent impervious coverage and then**  
 00:27 **13 there's 2 percent open space variance relief that's**  
 00:27 **14 required.**  
 00:27 **15 With regard to the open space, there's**  
 00:27 **16 two standards in your ordinance. One is that**  
 00:27 **17 50 percent of the required front yard area needs to**  
 00:27 **18 be -- it needs to be open space.**  
 00:28 **19 And by that it refers to, I think,**  
 00:28 **20 flowers or grass or some sort of impervious coverage.**  
 00:28 **21 That's impossible in the front simply**  
 00:28 **22 because of the existing commercial building.**  
 00:28 **23 We do, again, almost comply with the**  
 00:28 **24 requirement overall on the site, but we don't comply**  
 00:28 **25 specifically with regard to the front yard.**  
*LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*  
 201-641-1812

00:29 **1 water and control, that material is not natural**  
 00:29 **2 grass, so you took the worst case scenario by**  
 00:29 **3 classifying it as impervious coverage?**  
 00:29 **4 A. Exactly.**  
 00:29 **5 Q. But isn't it a recreational amenity?**  
 00:29 **6 A. It is.**  
 00:29 **7 And it's an open space and it's green.**  
 00:29 **8 But, you know, we -- again, we took the**  
 00:29 **9 conservative approach on that. We did ask for**  
 00:29 **10 relief.**  
 00:29 **11 Q. In your opinion, providing a dog park**  
 00:29 **12 for the residents that will live here, if they choose**  
 00:29 **13 to have pets, does that weigh against the de minimis**  
 00:29 **14 impervious coverage demand of the variance?**  
 00:29 **15 A. Yes, it does. It actually does.**  
 00:30 **16 Q. I mean, it's a quality-of-life issue;**  
 00:30 **17 isn't it?**  
 00:30 **18 A. Yup.**  
 00:30 **19 Q. So, okay, that's for the impervious**  
 00:30 **20 coverage. What other type of C variances did we**  
 00:30 **21 trigger?**  
 00:30 **22 A. I think that's it. They're fairly**  
 00:30 **23 minor with regard to particularly the residential**  
 00:30 **24 development.**  
 00:30 **25 And, again, with respect to the**  
*LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*  
 201-641-1812

00:28 **1 Q. Because you would have the knock down**  
 00:28 **2 that building?**  
 00:28 **3 A. You'd have to knock down the building.**  
 00:28 **4 And, again, we're knocking down a**  
 00:28 **5 portion of that building, but we're not knocking down**  
 00:28 **6 the whole building.**  
 00:28 **7 We're asking for relief in the rear as**  
 00:28 **8 well: 50 percent of the rear yard has to be open**  
 00:28 **9 space as well.**  
 00:28 **10 We would comply with that if we did not**  
 00:28 **11 have a dog park and we're taking a more -- I guess, a**  
 00:28 **12 conservative approach on that as well and then the**  
 00:28 **13 dog park -- dog park, itself, is pervious --**  
 00:28 **14 impervious material, it's -- what do you call it?**  
 00:29 **15 Q. Turf?**  
 00:29 **16 A. Yeah, it's turf instead of grass.**  
 00:29 **17 Q. AstroTurf?**  
 00:29 **18 A. Like AstroTurf, exactly.**  
 00:29 **19 So although that does absorb water,**  
 00:29 **20 there's no underdrain in that system and it does go**  
 00:29 **21 down into the system.**  
 00:29 **22 We are taking a position from a**  
 00:29 **23 conservative standpoint that that's impervious and**  
 00:29 **24 such that we need relief.**  
 00:29 **25 Q. So even though it allows the flow of**  
*LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*  
 201-641-1812

00:30 **1 negative criteria, it all relates to the topography**  
 00:30 **2 of the site and the fact that, you know, this**  
 00:30 **3 building is going to sit down below Grand Avenue.**  
 00:30 **4 So any impact on, you know, there's a**  
 00:30 **5 couple extra feet of height or anything else would**  
 00:30 **6 certainly be mitigated through the site design.**  
 00:30 **7 Q. Now, the existing conditions, although**  
 00:30 **8 there's no large buildings beyond the main building**  
 00:30 **9 that exists today, it's all impervious coverage,**  
 00:30 **10 isn't it?**  
 00:30 **11 A. Yeah, there's 87 percent impervious**  
 00:30 **12 coverage and we're bringing that down to about 82.**  
 00:30 **13 Q. And there's an open storage facility,**  
 00:31 **14 landscaping or contracting company has open storage**  
 00:31 **15 fenced in, in the back --**  
 00:31 **16 A. Yup.**  
 00:31 **17 Q. -- with that type of activity?**  
 00:31 **18 A. Yup.**  
 00:31 **19 Q. Is that considered a type of use that**  
 00:31 **20 is from a bygone era compared to modern planning**  
 00:31 **21 concepts?**  
 00:31 **22 A. Yeah, it would certainly not be allowed**  
 00:31 **23 under current zoning. I would think, and certainly**  
 00:31 **24 some of the activity that's associated with the**  
 00:31 **25 various uses of the site would be more appropriate**  
*LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*  
 201-641-1812

00:31 **1 for inside the building, rather than visible to the**  
 00:31 **2 public who is passing by on Grand Avenue and**  
 00:31 **3 Route 46.**  
 00:31 **4 Q.** Okay. If you want to continue with  
 00:31 **5** your outline.  
 00:31 **6 A. I think that's basically the variances**  
 00:31 **7 that are associated with the site plan.**  
 00:31 **8 I'd be happy to answer any questions.**  
 00:31 **9 Q.** On particular suitability, you  
 00:31 **10** mentioned that a few times and indicated, why do you  
 00:31 **11** think the topography constitutes a particular  
 00:32 **12** suitability? I know you said that, but could you  
 00:32 **13** expand a little bit?  
 00:32 **14 A. Well, with --**  
 00:32 **15 Q.** With regard to a multi-level building.  
 00:32 **16 A. Yeah, so, you know, it's very unusual**  
 00:32 **17 for a site of this size to have such a grade change**  
 00:32 **18 within the site.**  
 00:32 **19 You know, you're all familiar with the**  
 00:32 **20 site. It drops down from Grand Avenue, again, about**  
 00:32 **21 15 feet and it's up to Route 46 of about 30 feet.**  
 00:32 **22 So you have a tremendous change in**  
 00:32 **23 grade through the site and as such, certainly it's**  
 00:32 **24 appropriate that it's suitable for this type of use**  
 00:32 **25 for a large scale building.**

*LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*  
 201-641-1812

00:34 **1 development within the borough.**  
 00:34 **2 Q.** And, Bill, I know that you're not an  
 00:34 **3** attorney, maybe more knowledgeable than most  
 00:34 **4** attorneys, but you're not an attorney, but you're  
 00:34 **5** familiar with New Jersey's case law that deals with  
 00:34 **6** the Municipal Land Use statute and --  
 00:34 **7 A. A little bit.**  
 00:34 **8 Q.** -- the major reasoning behind the  
 00:34 **9** application of the what we call the MLUL?  
 00:34 **10 A. Yep.**  
 00:34 **11 Q.** So that reconciliation and consistency  
 00:34 **12** with the Master Plan, isn't that a major theme that's  
 00:34 **13** woven through New Jersey's case law by our courts?  
 00:34 **14 A. It is, absolutely.**  
 00:34 **15 Q.** And this project and the application,  
 00:34 **16** this follows that mainstream thread in our case law?  
 00:34 **17 A. It does.**  
 00:34 **18 Q.** And I have Mr. Kauker's report from  
 00:34 **19** March 18th, if you -- I don't know if you have a copy  
 00:34 **20** with you?  
 00:34 **21 A. I do.**  
 00:34 **22 Q.** Is there anything you would like to  
 00:34 **23** specifically point out?  
 00:34 **24** You did point out several of his  
 00:35 **25** comments, but just for purposes of the record, and I

*LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*  
 201-641-1812

00:32 **1 Q.** Now, finally, with regard to the Master  
 00:32 **2** Plan, have you had an opportunity to evaluate whether  
 00:32 **3** this proposal is consistent with the plan, with the  
 00:32 **4** objectives of the Master Plan and if you have, in  
 00:33 **5** what way is it consistent?  
 00:33 **6 A. Well, it's consistent with the goals of**  
 00:33 **7 the Master Plan and Mr. Kauker in his -- in his**  
 00:33 **8 review letter agreed with us in that regard and, in**  
 00:33 **9 fact, made a statement that the project is consistent**  
 00:33 **10 with your Master Plan.**  
 00:33 **11 So, certainly the goals and the**  
 00:33 **12 objectives of the Master Plan would be advanced by**  
 00:33 **13 the project and Mr. Kauker.**  
 00:33 **14 Q.** So as a professional planning  
 00:33 **15** consultant, is that important, the consistency with  
 00:33 **16** the Master Plan when a D variance is proposed, is  
 00:33 **17** that an important factor?  
 00:33 **18 A. Absolutely.**  
 00:33 **19 I mean, it's part of the negative**  
 00:33 **20 criteria and that there's no impairment to the zone**  
 00:33 **21 plan and zoning ordinance, but it's also important**  
 00:33 **22 with respect to, you know, when the board is**  
 00:33 **23 considering a variance of this nature, that it's**  
 00:33 **24 consistent with what this board has outlined in the**  
 00:33 **25 past in terms of your, you know, guidance to**

*LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*  
 201-641-1812

00:35 **1** know that after he reviews your testimony tonight,  
 00:35 **2** he'll comment further.  
 00:35 **3** But are there any other details?  
 00:35 **4 A. There are not.**  
 00:35 **5 Mr. Kauker was very detailed in terms**  
 00:35 **6 of, you know, what we have to show in terms or our**  
 00:35 **7 testimony and we tried to target our testimony to**  
 00:35 **8 address the issues that he raised in his report and**  
 00:35 **9 hopefully we've done that.**  
 00:35 **10 Q.** Now, have you noticed within eyesight  
 00:35 **11** of the subject property any other multiple dwellings  
 00:35 **12** along Grand Avenue or such in Palisades Park?  
 00:35 **13 A. Yes.**  
 00:35 **14 Q.** And so are you familiar with the more  
 00:35 **15** recent Supreme Court case, it's called Himeji versus  
 00:35 **16** Union City [sic] that talks about context. It's  
 00:35 **17** builds on the Grasso case. The height of a building  
 00:35 **18** has to be measured by the context of the whole  
 00:36 **19** neighborhood.  
 00:36 **20** Are you familiar with that general  
 00:36 **21** concept?  
 00:36 **22 A. A little bit.**  
 00:36 **23 Q.** All right. But it wouldn't be  
 00:36 **24** repugnant to you as a planning consultant if you saw  
 00:36 **25** multiple dwelling buildings in the immediate area

*LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*  
 201-641-1812

00:36 1 that this project would fit in in that neighborhood?  
 00:36 2 **A. Oh, absolutely.**  
 00:36 3 **Q.** This would be different, for example,  
 00:36 4 if we were in a one-family zone surrounded by all  
 00:36 5 one-family homes and we just isolated or bought five  
 00:36 6 or six properties and then built a mid-rise in the  
 00:36 7 middle, that wouldn't be consistent with planning?  
 00:36 8 **A. No, I think the borough was forward**  
 00:36 9 **thinking when they rezoned this or they put in the**  
 00:36 10 **overlay zone for residential use and it's certainly**  
 00:36 11 **appropriate for the site.**  
 00:36 12 MR. ALAMPI: Chairman, I have no  
 00:36 13 further direct testimony of the witness, but perhaps  
 00:36 14 the board has questions.  
 00:36 15 CHAIRMAN FERGUSON: Okay.  
 00:36 16 So as I said at the last meeting,  
 00:36 17 because of the size of this, I rely heavily on our  
 00:37 18 experts, because obviously they have the expertise.  
 00:37 19 So I don't have any questions, but I'll  
 00:37 20 be waiting for Mr. Kauker's comments at some point in  
 00:37 21 time.  
 00:37 22 Does anybody on the board have  
 00:37 23 anything?  
 00:37 24 (No response.)  
 00:37 25 CHAIRMAN FERGUSON: Steve, do you have  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

00:37 1 anything.  
 00:37 2 MR. COLLAZUOL: No, not at this time.  
 00:37 3 CHAIRMAN FERGUSON: Okay.  
 00:37 4 I'm going to open it up to the public.  
 00:37 5 Yes, name and address.  
 00:37 6 MS. SCHOR: Marsha Schor, Henry Avenue.  
 00:37 7 May I ask, which Master Plan did you  
 00:37 8 look at, the date on it?  
 00:37 9 THE WITNESS: You know, I don't -- let  
 00:37 10 me just see if I have the date here.  
 00:37 11 I don't have the date here, I'm sorry.  
 00:37 12 I don't remember the date.  
 00:37 13 MS. SCHOR: I ask because the Master  
 00:37 14 Plan everyone has been using is 20 years old.  
 00:37 15 THE WITNESS: It is an old document.  
 00:37 16 MS. SCHOR: It is.  
 00:37 17 Now things have changed in this town in  
 00:38 18 20 years. There is a newer Master Plan. It has not  
 00:38 19 quite -- I guess it hasn't been adopted yet, but  
 00:38 20 there are a lot of changes that have come to this  
 00:38 21 town since that Master Plan went into effect and  
 00:38 22 you're going by the old one.  
 00:38 23 THE WITNESS: Yes.  
 00:38 24 Well, by statute, I think, we have to  
 00:38 25 go by the old one. Although, certainly any changes  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

00:38 1 with regard to zoning with respect to what's been  
 00:38 2 proposed is --  
 00:38 3 THE COURT REPORTER: I'm sorry, is  
 00:38 4 what?  
 00:38 5 THE WITNESS: I'm sorry, any changes to  
 00:38 6 zoning that results from any new master planning or  
 00:38 7 items that we addressed with the application.  
 00:38 8 MS. SCHOR: There have been some  
 00:38 9 changes made to the Master Plan.  
 00:38 10 MR. ALAMPI: I'm not going to debate,  
 00:38 11 Chairman, but the governing body in concert with the  
 00:38 12 planning board adopted the overlay zone only about  
 00:38 13 five years ago -- six years ago and we're following  
 00:38 14 that overlay zone.  
 00:39 15 CHAIRMAN FERGUSON: Yes, name and  
 00:39 16 address.  
 00:39 17 MS. BRAUER: Susan Brauer, Henry  
 00:39 18 Avenue.  
 00:39 19 Yeah, that plan was adopted in August  
 00:39 20 2016. You're using the old Master Plan.  
 00:39 21 We have someone working on a new Master  
 00:39 22 Plan. Nothing of this size in the last six years has  
 00:39 23 come before the board. There have been smaller  
 00:39 24 buildings. There was one that some of us took to  
 00:39 25 court and went on because it was too big.  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

00:39 1 And, yes, the judge said use the  
 00:39 2 initial Master Plan.  
 00:39 3 MR. ALAMPI: That was on the Leonia  
 00:39 4 border, Grand Avenue?  
 00:39 5 MS. BRAUER: Yes.  
 00:39 6 MR. ALAMPI: But it's being built now.  
 00:39 7 MS. BRAUER: It's being built  
 00:39 8 unfortunately.  
 00:39 9 MR. ALAMPI: Right.  
 00:39 10 MS. BRAUER: But he did downsize it  
 00:39 11 considerably, but this is huge.  
 00:39 12 And we're concerned about with the  
 00:39 13 number of apartments you're putting in, 81  
 00:39 14 two-bedroom apartments, the volume of children you're  
 00:40 15 going to have, our schools now are falling apart.  
 00:40 16 MR. ALAMPI: This is not questioning.  
 00:40 17 This is now general statement.  
 00:40 18 MS. BRAUER: Yes, I'm sorry, I wasn't  
 00:40 19 here for anything.  
 00:40 20 CHAIRMAN FERGUSON: That's okay.  
 00:40 21 MS. BRAUER: And I'm very concerned  
 00:40 22 about the size of this, what it's going to do to  
 00:40 23 traffic.  
 00:40 24 Yeah, you're right, you know, you're  
 00:40 25 sleeping with Route 46. It's horrendous in the  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

00:40 **1** morning. It's horrendous during the day. It's  
 00:40 **2** horrendous and it's dangerous. And I don't know how  
 00:40 **3** you're going to possibly get traffic safely in and  
 00:40 **4** out of there and how you think --  
**5** MR. ALAMPI: I'm sorry, I don't mean to  
**6** interrupt --  
**7** MS. BRAUER: Yes, you do.  
**8** MS. TESTA: We're going to have a  
**9** traffic engineer, so perhaps you want to hold this  
 00:40 **10** line of questioning. This should just be for the  
 00:40 **11** planner.  
 00:40 **12** MS. BRAUER: We were not at your  
 00:40 **13** meeting, so we're playing catch up.  
 00:40 **14** MR. ALAMPI: But he's going to testify  
 00:41 **15** now.  
 00:41 **16** MS. BRAUER: Okay.  
 00:41 **17** CHAIRMAN FERGUSON: All right. Anybody  
 00:41 **18** else?  
 00:41 **19** (No response.)  
 00:41 **20** CHAIRMAN FERGUSON: Okay. We're going  
 00:41 **21** to take a break, 10-minute break for our reporter and  
 00:41 **22** then we'll come back.  
 00:41 **23** All right, 10 minutes.  
 00:51 **24** (Whereupon, a brief recess is taken.)  
 00:51 **25** CHAIRMAN FERGUSON: Okay. We're back

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

00:52 **1** So, number one, which is it? Is it --  
 00:52 **2** is there an easement on that property?  
 00:52 **3** MR. ALAMPI: There's no written deed of  
 00:52 **4** easement as we lawyers look for, there is no easement  
 00:52 **5** in the title records.  
 00:52 **6** CHAIRMAN FERGUSON: Okay.  
 00:52 **7** Now, who are the two people that share  
 00:53 **8** that agreement? You are one and who's the other?  
 00:53 **9** MR. ALAMPI: Yes, 21 Grand and 15  
 00:53 **10** Grand.  
 00:53 **11** CHAIRMAN FERGUSON: So 21 Grand.  
 00:53 **12** MR. ALAMPI: And 15 ourselves utilize  
 00:53 **13** that driveway; ingress, egress in that driveway.  
 00:53 **14** CHAIRMAN FERGUSON: So, you know, what  
 00:53 **15** happens down the road, five years from now, ten years  
 00:53 **16** from now, whenever, that due to increased traffic,  
 00:53 **17** can you -- can they throw you out of the easement  
 00:53 **18** because it's not recorded?  
 00:53 **19** MR. ALAMPI: There is no easement.  
 00:53 **20** So they can't interfere with our  
 00:53 **21** ingress/egress and we cannot interfere with theirs.  
 00:53 **22** VICE CHAIRMAN ALBANESE: Who owns the  
 00:53 **23** property, the property that you're talking about?  
 00:53 **24** MR. ALAMPI: I have to look at the  
 00:53 **25** survey and site plan, which I don't -- Jacob, do we

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

00:51 **1** in session.  
 00:51 **2** Do want to call the roll for  
 00:51 **3** attendance?  
 00:51 **4** MS. LAMBRINIDES: Mr. Ferguson.  
 00:51 **5** CHAIRMAN FERGUSON: Yes.  
 00:14 **6** MS. LAMBRINIDES: Mr. Albanese?  
 00:14 **7** VICE CHAIRMAN ALBANESE: Yes.  
 00:14 **8** MS. LAMBRINIDES: Mr. Terranova?  
 00:14 **9** MR. TERRANOVA: Here.  
 00:14 **10** MS. LAMBRINIDES: Ms. Yoon?  
 00:14 **11** MS. YOON: Here.  
 00:14 **12** MS. LAMBRINIDES: Mr. Elefteriou?  
 00:14 **13** MR. ELEFTERIOU: Here.  
 00:14 **14** MS. LAMBRINIDES: Mr. Carnovale?  
 00:14 **15** MR. CARNOVALE: Here.  
 00:14 **16** MS. LAMBRINIDES: Mr. Brogna?  
 00:51 **17** MR. BROGNA: Here.  
 00:51 **18** CHAIRMAN FERGUSON: Okay. So let me  
 00:51 **19** just say a couple of things.  
 00:52 **20** One important thing, I took the time to  
 00:52 **21** review the transcripts from the last meeting, and I'm  
 00:52 **22** on page 82 and 83 where Mr. Collazuol is talking  
 00:52 **23** about easements and on page 82 you say there is no  
 00:52 **24** easement, then on the next page, you say there is an  
 00:52 **25** easement.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

00:54 **1** have our engineering site plan and surveys here?  
 00:54 **2** MR. SCHULMAN: I have a small version  
 00:54 **3** of the site plan.  
 00:54 **4** MR. ALAMPI: Bring that up with you.  
 00:54 **5** You don't have anything else with you?  
 00:54 **6** Did you leave the exhibits or take them from the last  
 00:54 **7** meeting?  
 00:54 **8** MR. SCHULMAN: I believe I took them.  
 00:54 **9** MR. ALAMPI: So, Chairman, I don't have  
 00:54 **10** the large exhibits from last meeting.  
 00:54 **11** CHAIRMAN FERGUSON: Okay.  
 00:54 **12** MR. ALAMPI: But I have the reduced  
 00:54 **13** size ones.  
 00:54 **14** So I'm going to just answer your  
 00:54 **15** question preliminarily.  
 00:54 **16** So -- you're the man.  
 00:54 **17** MR. COLLAZUOL: And I have the survey,  
 00:54 **18** a large copy of the survey.  
 00:54 **19** MR. ALAMPI: Let's look at it. You can  
 00:55 **20** leave it there.  
 00:55 **21** The property line goes right down the  
 00:55 **22** middle of that driveway, but there's no easement  
 00:55 **23** agreement either way.  
 00:55 **24** Both properties utilize that as their  
 00:55 **25** main ingress/egress and the property line is shared.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

00:55 1 We're right down the middle.  
 00:56 2 It's what they used to call a common  
 00:56 3 driveway in Hudson County when you had two  
 00:56 4 three-family homes and in between them is one  
 00:56 5 driveway, it's called a common driveway, that's what  
 00:56 6 it's referred to.  
 00:56 7 CHAIRMAN FERGUSON: Well, just to be  
 00:56 8 clear, I'm not a lawyer.  
 00:56 9 I have -- there's no written  
 00:56 10 agreements. And I just -- as a nonlawyer, I don't  
 00:56 11 understand how you can have -- I mean, you're putting  
 00:56 12 up a building with 122 units, which is going to  
 00:56 13 increase the parking and, you know, when they had  
 00:56 14 this agreement at the beginning, I mean, it was just  
 00:56 15 --  
 00:56 16 MR. ALAMPI: There is no written  
 00:56 17 agreement.  
 00:56 18 CHAIRMAN FERGUSON: Here we go, there's  
 00:56 19 no -- that's my point, there is no written agreement.  
 00:56 20 MR. ALAMPI: Which means that it's in  
 00:56 21 common use for both properties.  
 00:56 22 MR. CARNOVALE: Who's going to stop it,  
 00:57 23 sir?  
 00:57 24 VICE CHAIRMAN ALBANESE: Can I say one  
 00:57 25 thing?

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

00:58 1 one lane -- the one lane that you're going to propose  
 00:58 2 to put now is on whose property?  
 00:58 3 MR. ALAMPI: It's on their side of the  
 00:58 4 --  
 00:58 5 VICE CHAIRMAN ALBANESE: It's their  
 00:58 6 property.  
 00:58 7 MR. ALAMPI: But they can't get in and  
 00:58 8 out without us and we can't get in and out without  
 00:58 9 them.  
 00:58 10 VICE CHAIRMAN ALBANESE: They don't get  
 00:58 11 in on there.  
 00:58 12 MR. MCGINNIS: We're adding the lane  
 00:58 13 along the egress.  
 00:58 14 MR. ALAMPI: You have to be sworn in  
 00:58 15 first.  
 00:58 16 So we'll have you sworn in.  
 00:58 17 Why don't we let the engineer answer  
 00:58 18 the question.  
 00:58 19 CHAIRMAN FERGUSON: So --  
 00:58 20 MR. ALAMPI: Mr. Ferguson, why don't we  
 00:58 21 swear in my civil engineer so he can answer you.  
 00:58 22 MS. TESTA: Okay.  
 00:58 23 Should we swear him in.  
 24 CHAIRMAN FERGUSON: Yeah, swear him in,  
 25 yes.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

00:57 1 The piece you're talking about, what  
 00:57 2 you're going to use to go out now, that was the one  
 00:57 3 that they were using to go in and out. That property  
 00:57 4 belongs to them.  
 00:57 5 The one where you got now where they're  
 00:57 6 coming up and they can go to the left or to the  
 00:57 7 right, that's the way they used to get in and out to  
 00:57 8 get onto, I think, 15 or whatever you want to call  
 00:57 9 it, whoever used that.  
 00:57 10 The property on the other side of that  
 00:57 11 belongings to 21 Grand. You're not using that  
 00:57 12 property, you're not using that property.  
 00:57 13 MR. ALAMPI: Mr. Albanese, I'm not  
 00:57 14 following you. You have an existing driveway. We're  
 00:57 15 making some modifications.  
 00:57 16 VICE CHAIRMAN ALBANESE: But who owns  
 00:57 17 that?  
 00:57 18 MR. ALAMPI: What do you mean "that"?  
 00:57 19 It's shared. Part of the property belongs to 21,  
 00:57 20 part of it belongs to 15.  
 00:58 21 Where we propose the egress, that is  
 00:58 22 going to be used by both 21 and 15 to get out and the  
 00:58 23 ingress is going to be used by both 15 and 21 to come  
 00:58 24 in. There's one lane in, two lanes out.  
 00:58 25 VICE CHAIRMAN ALBANESE: Where's the

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 Do you want to raise your hand, my  
 2 friend.  
 3 MS. TESTA: Please raise your right  
 4 hand.  
 5 Do you swear that the testimony you  
 6 will give in this application will be the truth, the  
 7 whole truth and nothing but the truth?  
 8 MR. MCGINNIS: I do.  
 9 D A N I E L M c G I N N I S, PE, PTOE  
 10 460 Veterans Drive, Suite 6A, Burlington, New  
 11 Jersey 08016, having been duly sworn, testifies  
 12 as follows:  
 13 MS. TESTA: Please state your name for  
 14 the record and spell it.  
 15 MR. MCGINNIS: Daniel McGinnis,  
 16 D-A-N-I-E-L M-C-G-I-N-N-I-S.  
 17 VOIR DIRE EXAMINATION  
 00:59 18 BY MR. ALAMPI:  
 00:59 19 Q. Mr. McGinnis, you're a licensed  
 00:59 20 engineer in the State of New Jersey?  
 00:59 21 A. I am.  
 00:59 22 Q. And your license is in good standing?  
 00:59 23 A. It is.  
 00:59 24 Q. And you're testifying in this  
 00:59 25 application as a traffic engineer, but you're also a

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**



00:59 1 civil engineer, correct?  
 00:59 2 **A. That's correct.**  
 00:59 3 MR. ALAMPI: So reviewing the  
 00:59 4 engineering plans, the existing survey, the existing  
 00:59 5 lot lines, the board has asked a number of questions  
 00:59 6 without giving me the opportunity to respond, so  
 00:59 7 we'll have the -- we'll have the engineer under oath  
 00:59 8 indicate what's what.  
 00:59 9 CHAIRMAN FERGUSON: Right.  
 00:59 10 DIRECT EXAMINATION  
 00:59 11 BY MR. ALAMPI:  
 00:59 12 **Q. Go ahead.**  
 00:59 13 **A. May I refer to an exhibit?**  
 00:59 14 **Q. Sure.**  
 00:59 15 **A. This is a site-plan-rendering exhibit.**  
 00:59 16 **It was previously presented, but I'm not sure which**  
 01:00 17 **exhibit number it is.**  
 01:00 18 **This is the driveway in question**  
 01:00 19 **(indicating), the northern site driveway that's**  
 01:00 20 **shared between the lot -- 15 Grand, the subject of**  
 01:00 21 **this application and then 21 Grand.**  
 01:00 22 **So the ingress is in 21 Grand's**  
 01:00 23 **property and the egress is in 15 Grand's property.**  
 01:00 24 **The improvements, the adding, splitting the egress**  
 01:00 25 **into a dedicated left-turn lane and right-turn lane,**  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:01 1 you're proposing, they are, is that the one coming in  
 01:01 2 and out, now it's going to be one out and we're going  
 01:01 3 to take more property off of 21?  
 01:01 4 MR. ALAMPI: No, no.  
 01:01 5 THE WITNESS: That's not --  
 01:01 6 VICE CHAIRMAN ALBANESE: So how are  
 01:01 7 they going to get on it?  
 01:01 8 THE WITNESS: So if there were a double  
 01:01 9 yellow line along that lot line dividing the two ways  
 01:01 10 of traffic.  
 01:01 11 And I can't recall whether that  
 01:01 12 striping exists or not, but if it were there, that  
 01:01 13 line is not moving. It's on the property --  
 01:01 14 VICE CHAIRMAN ALBANESE: Somebody  
 01:01 15 explain to me how they get onto -- how they're going  
 01:01 16 to get on?  
 01:01 17 THE WITNESS: When we're -- as we  
 01:01 18 propose to add the dedicated left- and right-turn  
 01:01 19 lanes, we're not moving that at all.  
 01:01 20 That's being accomplished within the  
 01:01 21 existing egress with -- so that's just getting  
 01:01 22 divided, but we're not touching the other property at  
 01:01 23 all as part of this application.  
 01:01 24 VICE CHAIRMAN ALBANESE: What I don't  
 01:01 25 understand is you got half 21-and-a-half of 15,  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:00 1 **that's all on the 15 Grand property.**  
 01:00 2 VICE CHAIRMAN ALBANESE: Can I ask a  
 01:00 3 question?  
 01:00 4 THE WITNESS: Sure.  
 01:00 5 VICE CHAIRMAN ALBANESE: You say the  
 01:00 6 one going out belongs to 15?  
 01:00 7 THE WITNESS: Correct.  
 01:00 8 VICE CHAIRMAN ALBANESE: And the one  
 01:00 9 going in belongs to 21?  
 01:00 10 THE WITNESS: That's correct.  
 01:00 11 VICE CHAIRMAN ALBANESE: That's the  
 01:00 12 agreement they got.  
 01:00 13 Now you want to take more of 21's  
 01:00 14 property to -- how are you going to get in there.  
 01:00 15 THE WITNESS: The ingress remains the  
 01:00 16 same, it's not being modified as part of this  
 01:00 17 application.  
 01:00 18 It's on their property and shared by  
 01:00 19 both properties.  
 01:01 20 VICE CHAIRMAN ALBANESE: How are they  
 01:01 21 going to get in if you got one going out from 15 and  
 01:01 22 one coming in from 21? That road going in and out is  
 01:01 23 half and half.  
 01:01 24 THE WITNESS: Right.  
 01:01 25 VICE CHAIRMAN ALBANESE: Now, what  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:01 1 you're using that to go in and out.  
 01:02 2 Now on the proposal you got traffic  
 01:02 3 going up using both lanes to go one way and one to go  
 01:02 4 the other way.  
 01:02 5 THE WITNESS: Well, that's just the  
 01:02 6 thing. It's the same width for the egress before and  
 01:02 7 after.  
 01:02 8 All we're doing is adding a stripe down  
 01:02 9 the middle of it to divide it. It's just a large  
 01:02 10 area of pavement. We're just formalizing the left  
 01:02 11 and right turn. We're not shifting --  
 01:02 12 VICE CHAIRMAN ALBANESE: I still don't  
 01:02 13 understand.  
 01:02 14 What I'm trying to say to you is you  
 01:02 15 got a piece of property, you got going out and coming  
 01:02 16 in, half and half.  
 01:02 17 This guy owns that half, that guy owns  
 01:02 18 that half. Now you're proposing to use both of them  
 01:02 19 to go out.  
 01:02 20 THE WITNESS: That's not --  
 01:02 21 MR. ALAMPI: No, no, no.  
 01:02 22 THE WITNESS: We're not shifting --  
 01:02 23 MR. ALAMPI: No, no, no, no, don't say  
 01:02 24 their and they and both. There is a driveway. The  
 01:02 25 north part belong to 21. The south part belongs to  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:02 1 15.  
 01:02 2 It's always been used for both  
 01:02 3 properties going in and for both properties going  
 01:02 4 out.  
 01:02 5 Now what we're doing on our property is  
 01:03 6 staying within our property and making two lanes  
 01:03 7 coming out instead of one. And the one lane going in  
 01:03 8 is untouched. It's the way it's always been. There  
 01:03 9 is no written deed of easement.  
 01:03 10 VICE CHAIRMAN ALBANESE: How wide is  
 01:03 11 that?  
 01:03 12 MR. ALAMPI: Well, that's a different  
 01:03 13 question. The first question is the legality of the  
 01:03 14 driveway --  
 01:03 15 VICE CHAIRMAN ALBANESE: In other  
 01:03 16 words, your piece of property you're making two lanes  
 01:03 17 going out.  
 01:03 18 MR. ALAMPI: You can't interrupt me  
 01:03 19 when I'm interrupting you.  
 01:03 20 (Laughter.)  
 01:03 21 VICE CHAIRMAN ALBANESE: Well, I can  
 01:03 22 interrupt you because I'm up here and you're over  
 01:03 23 there.  
 01:03 24 Okay?  
 01:03 25 (Laughter.)

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:04 1 VICE CHAIRMAN ALBANESE: And what  
 01:04 2 happens if he wants to make two going out his side?  
 01:04 3 How are you going to get in? You can, he can't.  
 01:04 4 That's what I don't understand.  
 01:04 5 MR. ALAMPI: He can't do it, because  
 01:04 6 it's been for decades --  
 01:04 7 MR. CARNOVALE: Sir, I'm sorry --  
 01:04 8 VICE CHAIRMAN ALBANESE: That's right,  
 01:04 9 it's been for decades, you going out and coming in.  
 01:04 10 Now you want to make two going out.  
 01:04 11 It's been, for decades, one.  
 01:05 12 CHAIRMAN FERGUSON: Pauly, let's not --  
 01:05 13 MR. CARNOVALE: Hold on, Pauly.  
 01:05 14 Sir, let me ask you a question. If  
 01:05 15 21 Grand decides that they don't want this no more,  
 01:05 16 since there is no written agreement, what happens if  
 01:05 17 they take you to court, what are you guys going to  
 01:05 18 do? I mean, that's a legal question.  
 01:05 19 MR. ALAMPI: Yeah, we would enforce the  
 01:05 20 ingress and egress as it has been for decades for the  
 01:05 21 mutual benefit.  
 01:05 22 MR. CARNOVALE: Sir, I'm not a lawyer,  
 01:05 23 but what leg do you have to stand on? It was a  
 01:05 24 gentleman's agreement.  
 01:05 25 MR. ALAMPI: No gentleman's agreement.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:03 1 MR. ALAMPI: Don't interrupt me when I  
 01:03 2 interrupt you.  
 01:03 3 What I'm trying to say is, we have a  
 01:03 4 title search and a review and both property owners  
 01:03 5 have been in cooperation and there is no written  
 01:03 6 formalized deed of easement or agreement.  
 01:03 7 I find that to be unusual in this  
 01:03 8 sense. These massive properties have a big  
 01:04 9 investment, all these people, but nobody saw fit to  
 01:04 10 create a document spelling it out, but it exists and  
 01:04 11 the way in and way out has been harmoniously shared  
 01:04 12 by 21, even though they've expanded their building  
 01:04 13 and -- like we're expanding.  
 01:04 14 Do you see anyone from 21 Grand  
 01:04 15 objecting to this application? No.  
 01:04 16 Were they contacted --  
 01:04 17 VICE CHAIRMAN ALBANESE: I don't care  
 01:04 18 about that. I don't care if they were objecting.  
 01:04 19 MR. ALAMPI: Please, please.  
 01:04 20 VICE CHAIRMAN ALBANESE: I'm  
 01:04 21 interrupting you because you've interrupted me.  
 01:04 22 I'm going to interrupt you now. You're  
 01:04 23 taking your lane and you're going to make it two  
 01:04 24 going out?  
 01:04 25 MR. ALAMPI: Yes.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:05 1 MR. CARNOVALE: I'm sorry?  
 01:05 2 MR. ALAMPI: It's been operating like  
 01:05 3 that for 50 years.  
 01:05 4 MR. CARNOVALE: So you're saying, let's  
 01:05 5 say, it's been grandfathered in?  
 01:05 6 MR. ALAMPI: It's what they call, in  
 01:05 7 the course of dealing between the two property  
 01:05 8 owners.  
 01:05 9 MR. CARNOVALE: And it could never ever  
 01:05 10 be debated?  
 01:05 11 MR. ALAMPI: They could attempt to. I  
 01:05 12 mean, we would --  
 01:05 13 MR. CARNOVALE: I know, sir. I don't  
 01:05 14 want to disrespect you, but that would be up to a  
 01:05 15 judge and a jury maybe.  
 01:05 16 MR. ALAMPI: There's no question.  
 01:05 17 I'm not the judge.  
 01:05 18 MR. CARNOVALE: Right.  
 01:06 19 MR. ALAMPI: But it could go to  
 01:06 20 litigation.  
 01:06 21 MR. CARNOVALE: But wouldn't that  
 01:06 22 impact the whole project?  
 01:06 23 MR. ALAMPI: Yes, but that's going  
 01:06 24 beyond your role as the planners for a zone that  
 01:06 25 permits this type of use.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:06 1 It's a concern, but it's more of a  
 01:06 2 private concern between the two property owners and  
 01:06 3 if it went to court and went the wrong way, we  
 01:06 4 couldn't capitalize on it, but these people would be  
 01:06 5 precluded by the doctrine of estoppel. They have  
 01:06 6 been given notice. They've been provided adequate  
 01:06 7 notice, we've communicated with them.  
 01:06 8 They haven't participated. They are  
 01:06 9 not permitted to sit back and wait until construction  
 01:06 10 and then say they object. So they're on notice.  
 01:06 11 MR. CARNOVALE: One more thing, sir.  
 01:06 12 If I remember correctly, a couple of months ago were  
 01:06 13 you guys trying to get an easement from the property  
 01:06 14 owner next door to get into this property by going  
 01:06 15 down, what was it, West Ruby Avenue or I was  
 01:06 16 hallucinating?  
 01:06 17 MR. ALAMPI: You weren't hallucinating,  
 01:06 18 but it wasn't part of this record.  
 01:07 19 We did contact them in a cooperative  
 01:07 20 spirit to work with each other and they were not  
 01:07 21 interested in extending a formal easement going out  
 01:07 22 to Ruby.  
 01:07 23 So we never did propose that in the  
 01:07 24 application, but we did have that communication.  
 01:07 25 MR. CARNOVALE: Okay.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:07 1 So one more thing that Pauly was --  
 01:07 2 addressed you or the traffic guy. The existing  
 01:07 3 driveway as you're going down Grand Avenue south,  
 01:07 4 there's one driveway which is used by both people in  
 01:07 5 and out.  
 01:07 6 Is that correct?  
 01:07 7 MR. ALAMPI: That's correct.  
 01:07 8 MR. CARNOVALE: Okay. So now you guys  
 01:07 9 want to take your side, we'll get into the width in a  
 01:07 10 minute, and make it -- split it down the middle,  
 01:07 11 which you're allowed to, of course. I personally  
 01:07 12 think it will be too narrow, but that will be up to  
 01:07 13 Steve to consider.  
 01:07 14 So you want to take your property,  
 01:07 15 split it in half, one lane coming in and one going  
 01:08 16 out?  
 01:08 17 MR. ALAMPI: No.  
 01:08 18 VICE CHAIRMAN ALBANESE: No, two going  
 01:08 19 out.  
 01:08 20 MR. CARNOVALE: I'm sorry, two going  
 01:08 21 out.  
 01:08 22 And as Pauly's been asking, how will  
 01:08 23 you get in from the man next door's property.  
 01:08 24 MR. ALAMPI: Of course, that's what  
 01:08 25 we've been using for all these years.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:08 1 MR. CARNOVALE: Right.  
 01:08 2 And my stipulation to you, sir, is, and  
 01:08 3 I don't want to give you a headache, you're not the  
 01:08 4 judge and I don't want to disrespect you, is that  
 01:08 5 you're saying that's beyond the scope of this board  
 01:08 6 to think about what kind of mess it's going to be,  
 01:08 7 should the project be approved.  
 01:08 8 MR. ALAMPI: It's beyond the board to  
 01:08 9 concern, itself, with the private property rights of  
 01:08 10 two cooperating property owners as far as -- as far  
 01:08 11 as deliberating on the merits of the application.  
 01:08 12 MR. CARNOVALE: Okay. Wouldn't it be  
 01:08 13 the board's legal right, and I could ask the lawyer,  
 01:08 14 to think about the traffic pattern involved?  
 01:08 15 MS. TESTA: That's a different issue.  
 01:08 16 MR. CARNOVALE: He's the traffic  
 01:08 17 engineer.  
 01:08 18 MR. ALAMPI: I understand.  
 01:08 19 The volume of traffic, the traffic  
 01:08 20 mobility is an issue that you should be permitted to  
 01:09 21 review liberally. The proprietary ownership, again  
 01:09 22 --  
 01:09 23 MR. CARNOVALE: Fine, okay.  
 01:09 24 I'll stop about that, but --  
 01:09 25 MR. ALAMPI: Again, like I'm saying,

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:09 1 sometimes a development goes forward, the board  
 01:09 2 concerns, itself, with the planning and zoning.  
 01:09 3 And then it's turns out that there's a  
 01:09 4 private dispute with the property owners, but we have  
 01:09 5 been in communication with 21 Grand, we've given them  
 01:09 6 proper legal notice several times. They have not  
 01:09 7 come to object to the application or by the way I  
 01:09 8 sent their attorney copies of the plans, so they're  
 01:09 9 fully aware.  
 01:09 10 MR. CARNOVALE: I'll stop on that, but  
 01:09 11 let's get into the traffic.  
 01:09 12 VICE CHAIRMAN ALBANESE: I want to ask  
 01:09 13 -- I got to ask one thing.  
 01:09 14 Do they have the right now that you  
 01:09 15 want to change what you've been doing for decades  
 01:09 16 going out and coming in, now you want to make it two  
 01:09 17 going out for you, can they now --  
 01:09 18 MR. ALAMPI: No, no, no, the two going  
 01:09 19 out is for both of us, 21 Grand also uses that.  
 01:09 20 VICE CHAIRMAN ALBANESE: Listen to me,  
 01:09 21 you're using it for you to go out.  
 01:10 22 MR. ALAMPI: And they will use it as  
 01:10 23 well.  
 01:10 24 VICE CHAIRMAN ALBANESE: I understand  
 01:10 25 that, but what I'm trying to say, being you're

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:10 1 changing that, can they change what the agreement  
 01:10 2 you've had, that common thing, I don't want to do it  
 01:10 3 no more, I'll go through my property?  
 01:10 4 MR. ALAMPI: We're not restricting.  
 01:10 5 In other words, we've made a  
 01:10 6 modification that improves the flow. They will be  
 01:10 7 benefited by it like we would, but we're not closing  
 01:10 8 off.  
 01:10 9 We're not closing off anything. If  
 01:10 10 that were the case, maybe they would take us to  
 01:10 11 court. If they were to close it off, we would take  
 01:10 12 them to court. It's been in operation for decades  
 01:10 13 and decades.  
 01:10 14 CHAIRMAN FERGUSON: So listen, I'm sure  
 01:10 15 there's -- just to be clear, you're saying that  
 01:10 16 21 Grand, you've been notifying them, there's no --  
 01:10 17 MR. ALAMPI: They received notice under  
 01:10 18 the application process and we've been in discussions  
 01:10 19 with them and their attorney and I sent them the  
 01:10 20 plans and I reviewed everything with them.  
 01:10 21 CHAIRMAN FERGUSON: Okay. Off the top  
 01:11 22 of your head you don't know who that attorney is,  
 01:11 23 would you?  
 01:11 24 MR. ALAMPI: I do, there's two  
 01:11 25 attorneys.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:11 1 One is out in Philadelphia.  
 01:11 2 CHAIRMAN FERGUSON: But you don't want  
 01:11 3 to give them?  
 01:11 4 MR. ALAMPI: No, one's in Philadelphia,  
 01:11 5 one's here in New York and I'll think of his name in  
 01:11 6 a minute, but, you know, I used to be able to  
 01:11 7 remember everybody's name and face, but I know this  
 01:11 8 attorney because he and I have had cases together and  
 01:11 9 I just can't think of -- his first name is Joseph.  
 01:11 10 CHAIRMAN FERGUSON: Okay.  
 01:11 11 So what we're going to do now is put  
 01:11 12 the expert on. You have approximately, you know,  
 01:11 13 maybe an hour-and-a-half, a little bit more.  
 01:11 14 MR. ALAMPI: Thank you.  
 01:11 15 THE WITNESS: Thank you.  
 01:11 16 I don't think I'll require all that  
 01:11 17 time.  
 01:11 18 CHAIRMAN FERGUSON: Oh, I think you  
 01:11 19 will.  
 01:11 20 (Laughter.)  
 01:11 21 VOIR DIRE EXAMINATION  
 01:11 22 BY MR. ALAMPI:  
 01:11 23 Q. Dan, we didn't really give you much --  
 01:11 24 A. Yeah.  
 01:11 25 Q. We qualified you only so you can answer

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:12 1 the question as a licensed engineer.  
 01:12 2 But, again, tell us who you're  
 01:12 3 affiliated with and I'll ask you a little bit about  
 01:12 4 your education and your license?  
 01:12 5 **A. Sure.**  
 01:12 6 **Again, my name is Dan McGinnis from**  
 01:12 7 **Bowman Consulting Group.**  
 01:12 8 **I have a bachelor of science in civil**  
 01:12 9 **engineering from North Carolina State University.**  
 01:12 10 **I've been practicing traffic**  
 01:12 11 **engineering in New Jersey since 2004.**  
 01:12 12 **I've been licensed as a professional**  
 01:12 13 **engineer in the New Jersey since 2008.**  
 01:12 14 **I've appeared before various land use**  
 01:12 15 **boards throughout the State of New Jersey, although**  
 01:12 16 **not this one.**  
 01:12 17 Q. And you specialize your engineering  
 01:12 18 practice in the field of traffic engineering?  
 01:12 19 **A. I do.**  
 01:12 20 Q. Do you have any certifications and  
 01:12 21 affiliations in the field of traffic engineering?  
 01:12 22 **A. I do.**  
 01:12 23 **I'm a Certified Professional Traffic**  
 01:12 24 **Operations Engineer.**  
 01:12 25 Q. What does that mean?

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:12 1 **A. It means I took a test administered by**  
 01:12 2 **The Institute of Transportation Engineers and it -- I**  
 01:12 3 **also have ongoing continuing education requirements**  
 01:13 4 **to satisfy that certification in traffic engineering.**  
 01:13 5 Q. And you consult various treatises, like  
 01:13 6 the Institute of Traffic Engineers Manual, the  
 01:13 7 parking demand for traffic studies nationwide and you  
 01:13 8 consult with different treatises as well?  
 01:13 9 **A. Yes.**  
 01:13 10 DIRECT EXAMINATION  
 01:13 11 BY MR. ALAMPI:  
 01:13 12 Q. And similarly, Mr. Simoff, he's a  
 01:13 13 colleague of yours, right?  
 01:13 14 Do you know each other?  
 01:13 15 **A. No.**  
 01:13 16 Q. Why not?  
 01:13 17 Everybody knows Hal Simoff?  
 01:13 18 With that, Dan, you were working with  
 01:13 19 your colleague Eric Keller from Bowman, correct?  
 01:13 20 **A. That's correct.**  
 01:13 21 Q. And he conducted some studies, you  
 01:13 22 collaborated with him and reviewed his report and his  
 01:13 23 study.  
 01:13 24 Is that correct?  
 01:13 25 **A. Yes, I have.**

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:13 1 MR. ALAMPI: Mr. Chairman --  
 01:13 2 CHAIRMAN FERGUSON: We're going to  
 01:13 3 accept him as an expert.  
 01:13 4 MR. ALAMPI: Thank you.  
 01:13 5 I don't know if we marked in the  
 01:13 6 traffic report from December 27, 2021.  
 01:14 7 This was circulated, I think, back in  
 01:14 8 March. I have an e-mail, March 18th when we did our  
 01:14 9 -- before we had our first hearing, but this was  
 01:14 10 done, you know, last year.  
 01:14 11 So we're going to mark this as A-25.  
 01:14 12 (Whereupon, Traffic Report, dated  
 01:14 13 December 27, 2021 is received and marked as  
 01:14 14 Exhibit A-25 for identification.)  
 01:14 15 BY MR. ALAMPI:  
 01:14 16 **Q.** You have a copy of this report?  
 01:14 17 **A.** **I do.**  
 01:14 18 MR. ALAMPI: I think it's A-25, right,  
 01:14 19 Diane.  
 01:14 20 MS. TESTA: Yes.  
 01:14 21 MR. ALAMPI: And with that report,  
 01:14 22 there are a lot of studies and statistics attached to  
 01:14 23 it.  
 01:14 24 We also have noted that Mr. Simoff had  
 01:14 25 prepared a memo on March 18th to review this for the  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:14 1 board, which we received at the March meeting, and  
 01:14 2 then we transmitted to your board's secretary on  
 01:15 3 June 16th the letter responding to Mr. Simoff's  
 01:15 4 concerns and with more report.  
 01:15 5 So we're going to mark the original  
 01:15 6 report, as I said, is A-25 and, Diane, with your  
 01:15 7 permission, June 16th responsive letter to Mr. Simoff  
 01:15 8 as A-26 with today's date for the record.  
 01:15 9 (Whereupon, June 16th Response Letter  
 01:15 10 to Mr. Simoff is received and marked as  
 01:15 11 Exhibit A-26 for identification.)  
 01:15 12 MR. ALAMPI: This was just handed to  
 01:15 13 you tonight, Hal.  
 01:15 14 MR. SIMOFF: Yes.  
 01:15 15 MR. ALAMPI: But I know that we mailed  
 01:15 16 it in June 16th to the board, but I neglected to  
 01:15 17 personally hand-deliver these to your office.  
 01:15 18 Unfortunately in Palisades Park they  
 01:15 19 want the plans to go to the clerk's office and then  
 01:15 20 they redistribute it to the appropriate people, which  
 01:16 21 sometimes they put them in a box on the floor and  
 01:16 22 whatever.  
 01:16 23 And I would personally send a messenger  
 01:16 24 here and I would bring them directly to the building  
 01:16 25 department to the secretary based on her schedule.  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:16 1 I always was afraid when you're told to  
 01:16 2 bring them upstairs and they don't get down there.  
 01:16 3 The one box gets down there, the other box stays up  
 01:16 4 here. But that's what happened. We have a June 16th  
 01:16 5 Response Letter.  
 01:16 6 Diane, do you have a copy of that?  
 01:16 7 MS. TESTA: Yes, I do.  
 01:16 8 MR. ALAMPI: So we're going to ask our  
 01:16 9 witness to go through the report, his analysis of the  
 01:16 10 traffic pattern and volume and then his response to  
 01:16 11 Mr. Simoff and that will give Mr. Simoff more time to  
 01:16 12 dig into this.  
 01:16 13 BY MR. ALAMPI:  
 01:16 14 **Q.** So with that, Dan, why don't you take  
 01:16 15 us through the original Bowman report of  
 01:16 16 December 27th, your findings, your evaluation and  
 01:17 17 then ultimately you can use whatever exhibits you  
 01:17 18 want and I won't interrupt you too much.  
 01:17 19 **A.** **Great.**  
 01:17 20 **Q.** Great that I won't interrupt you that  
 01:17 21 much?  
 01:17 22 **A.** **Thank you for the introduction.**  
 01:17 23 **I'll just refer to the overall site**  
 01:17 24 **plan rendering, which, again, I believe was**  
 01:17 25 **previously used. It is marked A-2.**  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:17 1 **So, yeah, I'll just summarize the**  
 01:17 2 **traffic study we prepared.**  
 01:17 3 **So, you know, like any traffic study**  
 01:17 4 **the purpose of a study is to analyze the existing**  
 01:17 5 **traffic and then determine what impacts, if any, the**  
 01:17 6 **site is going to have on that traffic.**  
 01:17 7 **We've talked at length about access and**  
 01:17 8 **I'll come back to it, but I'll focus on the traffic**  
 01:17 9 **impact study, the overall traffic counts.**  
 01:17 10 **The traffic counts were originally**  
 01:17 11 **obtained in September of 2021 during the morning peak**  
 01:17 12 **period and the afternoon peak period at four**  
 01:18 13 **different locations.**  
 01:18 14 **The eastbound off-ramp of Route 46 and**  
 01:18 15 **Maple Avenue, that signalized intersection, the**  
 01:18 16 **westbound -- I'm sorry, the signalized westbound**  
 01:18 17 **on-ramp to Route 46, Columbia Avenue, which is stop**  
 01:18 18 **control and, sort of, functions as an off-ramp, as**  
 01:18 19 **you're all probably aware and it opposes the -- the**  
 01:18 20 **northerly site access that we were just discussing**  
 01:18 21 **and then the fourth intersection analyzed was Ruby**  
 01:18 22 **and Grand. The four intersections along Grand**  
 01:18 23 **adjacent to the site.**  
 01:18 24 **And just to address one comment of**  
 01:18 25 **Mr. Simoff, he did point out that -- he did express**  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:18 **1** concerns that those counts obtained in September 2021  
 01:18 **2** might be lower than normal because of the ongoing  
 01:18 **3** pandemic.  
 01:18 **4** However, we obtained additional traffic  
 01:19 **5** counts during June and found that the counts were, in  
 01:19 **6** fact, lower in June.  
 01:19 **7** So, therefore, we think the counts that  
 01:19 **8** we based our study on are adequate and the  
 01:19 **9** conclusions remain valid.  
 01:19 **10** But based on these counts we determined  
 01:19 **11** that the morning peak hour is from 8 a.m. to 9, 8 and  
 01:19 **12** 9 a.m.  
 01:19 **13** The afternoon peak hour varies between  
 01:19 **14** 5 and 6:30 depending on which intersection you're  
 01:19 **15** looking at, but to provide a conservative analysis we  
 01:19 **16** used the peak at each intersection assuming they  
 01:19 **17** happen all at the same time for the purpose of this  
 01:19 **18** analysis and then just to summarize the results based  
 01:19 **19** on the level of service, which I'm sure you know the  
 01:19 **20** letter grade that's assigned based on delay at these  
 01:19 **21** intersections.  
 01:19 **22** In general, the intersections operate,  
 01:19 **23** each movement at these intersections operate at Level  
 01:19 **24** of Service D or better, which is pretty typical in an  
 01:19 **25** urban environment, which is considered acceptable  
*LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*  
 201-641-1812

01:19 **1** operating levels of service.  
 01:20 **2** Some of the side street intersections  
 01:20 **3** at Columbia and Ruby do operate at Level of Service E  
 01:20 **4** today, which is -- it's not surprising for an  
 01:20 **5** unsignalized approach especially when there's a lot  
 01:20 **6** of traffic as there is along Grand Avenue.  
 01:20 **7** So we took those counts and then  
 01:20 **8** projected the traffic out to the future as a baseline  
 01:20 **9** to evaluate the impacts of the site.  
 01:20 **10** For the purpose of the study, we're  
 01:20 **11** projecting the site will be open in 2024, so we  
 01:20 **12** projected traffic using traffic growth rates that are  
 01:20 **13** published by the New Jersey Department of  
 01:20 **14** Transportation just to reflect background growth  
 01:20 **15** throughout the region and the area and we also  
 01:20 **16** included traffic from a proposed warehouse south of  
 01:20 **17** Route 46, something just under 400,000 square feet, I  
 01:20 **18** believe, and projected that traffic and included that  
 01:21 **19** in the -- along with background traffic growth to  
 01:21 **20** generate to produce the no-build traffic volumes, the  
 01:21 **21** future traffic volumes before the site is developed.  
 01:21 **22** And they're similar to the existing  
 01:21 **23** traffic volumes, you know, some of the intersections  
 01:21 **24** around the cusp of Level of Service D, like eastbound  
 01:21 **25** Columbia Avenue approach go Level of Service E.  
*LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*  
 201-641-1812

01:21 **1** Ruby, I think, one of the approaches  
 01:21 **2** goes from E to F. It's similar to the way it  
 01:21 **3** operates today.  
 01:21 **4** Then we took -- then we analyzed the  
 01:21 **5** site for traffic to be generated by the proposed  
 01:21 **6** site.  
 01:21 **7** We based those projections on the data  
 01:21 **8** published by the Institute of Transportation  
 01:21 **9** Engineers for the various land uses. We analyzed  
 01:21 **10** both the proposed uses for the residential and then  
 01:21 **11** the existing uses that are going away with the  
 01:21 **12** demolition of the existing structure and these are  
 01:21 **13** standard uses from -- the data comes from urban and  
 01:21 **14** suburban locations throughout the country.  
 01:22 **15** So these are conservative traffic  
 01:22 **16** projections, trip generation data, because, you know,  
 01:22 **17** in suburban areas there's a lot more vehicle, a lot  
 01:22 **18** more motor vehicle traffic than there is in an area  
 01:22 **19** like Palisades Park where you'd expect more, some of  
 01:22 **20** that pedestrian traffic and some of the transit  
 01:22 **21** trips.  
 01:22 **22** Nevertheless, just to summarize the  
 01:22 **23** traffic expected from the 122 units of multifamily  
 01:22 **24** residential, we expect that to generate 44 trips in  
 01:22 **25** the morning peak hour or 54 trips in the afternoon  
*LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*  
 201-641-1812

01:22 **1** peak hour, so less than one vehicle per minute, does  
 01:22 **2** reach the total of in and out for the multifamily  
 01:22 **3** residential.  
 01:22 **4** So these are relatively low levels of  
 01:22 **5** traffic and particularly when you consider the uses  
 01:22 **6** that are being eliminated, including the restaurant,  
 01:22 **7** the bar, if you just look at the afternoon peak hour  
 01:23 **8** for the restaurant/bar alone, we would project 223  
 01:23 **9** peak hour trips in and out.  
 01:23 **10** So just in the afternoon peak hour, the  
 01:23 **11** -- with the development of this site that's proposed,  
 01:23 **12** 169 trips, 169 fewer trips will be generated in the  
 01:23 **13** afternoon peak hour alone.  
 01:23 **14** So in general, with the development of  
 01:23 **15** this site there will be a reduction in site traffic.  
 01:23 **16** And we didn't deduct any of the  
 01:23 **17** existing traffic generated when we did our proposed  
 01:23 **18** analysis, again, just to provide a conservative  
 01:23 **19** analysis.  
 01:23 **20** We also assumed that all the traffic  
 01:23 **21** would exit by the northern side driveway we were just  
 01:23 **22** discussing.  
 01:23 **23** Again, just for the purposes of  
 01:23 **24** analysis, conservatively project how that access will  
 01:23 **25** operate and how the opposing Columbia access will  
*LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*  
 201-641-1812

01:24 1 operate.

01:24 2 So just to summarize then, with the

01:24 3 additional site traffic, you know, there will be some

01:24 4 additional delay on some of the side street

01:24 5 approaches, but similar levels of service as there

01:24 6 was under the no-build scenario.

01:24 7 I think the westbound Columbia Avenue

01:24 8 approach would go from an E to an F, about nine

01:24 9 seconds per vehicle more of delay on average, but

01:24 10 again, it's a very conservative analysis. You know,

01:24 11 you can consider the worst case scenario.

01:24 12 I mean, this is really, as I mentioned,

01:24 13 a reduction in the overall site traffic.

01:24 14 So then I summarized the traffic impact

01:24 15 study. I would like to go back and discuss access a

01:24 16 little will bit more. So I'll go back to the site

01:24 17 plan rendering.

01:25 18 We discussed the northern access at

01:25 19 length. I don't want to beat a dead horse. I just

01:25 20 did want to point out that the egress, which again,

01:25 21 the egress side of this access entirely within the

01:25 22 subject property is 20-foot wide and is being

01:25 23 provided in two 10-foot wide travel lanes.

01:25 24 So, again, the egress width is not

01:25 25 changing. It's just being cut in half, just to

*LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*  
201-641-1812

01:25 1 improve the way it operates now, which already is

01:25 2 kind of the de facto, you know, the left turn --

01:25 3 people do sort of separate themselves, but this will

01:25 4 help make that movement more efficient.

01:25 5 Again, for both the users, both -- both

01:25 6 property owners to share this access.

01:25 7 The southern side driveway, this is

01:25 8 ingress only today. It's proposed to make it two way

01:25 9 now, so ingress and egress.

01:25 10 So ingress left turns are currently

01:25 11 permitted. They will remain permitted.

01:26 12 Right-turns in are permitted. They'll

01:26 13 remain permitted.

01:26 14 Right-turns out will be permitted.

01:26 15 Right -- I'm sorry, left turns out will be prohibited

01:26 16 and we acknowledge that traffic queues along the

01:26 17 approach to the Route 46 signals do often extend past

01:26 18 that driveway, but we expect with courtesy gaps, that

01:26 19 this driveway will operate acceptably much -- much

01:26 20 the way the northern driveway operates today, this is

01:26 21 the way it operates now.

01:26 22 And access to the liquor store we

01:26 23 should also discuss as well.

01:26 24 So there are currently perpendicular

01:26 25 parking spaces along the front of the building and

*LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*  
201-641-1812

01:26 1 diagonal parking spaces along the north side of the

01:26 2 building.

01:26 3 These are convenient spaces for liquor

01:26 4 store patrons who would naturally want to park

01:26 5 immediately adjacent to the building. You know, they

01:27 6 don't want to park out back in the -- in the

01:27 7 structure.

01:27 8 We acknowledge that the -- and the

01:27 9 board's traffic consult pointed out that the

01:27 10 perpendicular parking in front of the building is --

01:27 11 is not desirable.

01:27 12 So we revised the plans to remove those

01:27 13 parking spots, because naturally, you have to back

01:27 14 out onto Grand Avenue to use those.

01:27 15 We do -- we are preserving the diagonal

01:27 16 parking on the north side of the building. It

01:27 17 currently operates -- the way motorists use this now,

01:27 18 they do take K-turns to get out, but they're not

01:27 19 backing out onto Grand Avenue. That's what I

01:27 20 observed. I did it myself, the maneuver works.

01:27 21 We are widening this to better

01:27 22 accommodate that maneuver and to make it so that

01:27 23 drivers don't have to back out onto Grand Avenue and

01:27 24 we are proposing some additional parking along the

01:27 25 south side of the building that will be used by the

*LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*  
201-641-1812

01:27 1 liquor store operation as well, but we do need to

01:28 2 maintain that existing parking lot just to serve the

01:28 3 liquor store.

01:28 4 And then of course the -- just to sort

01:28 5 of summarize access and circulation a little further,

01:28 6 this access along the southern side of the building

01:28 7 will be turned into a two-way access. This enters

01:28 8 the parking structure on the second floor and

01:28 9 circulation is provided within the structure with the

01:28 10 ramp down to the other access on the northern side of

01:28 11 the building.

01:28 12 So for instance, if somebody wanted to

01:28 13 make a left out, but they couldn't because of the

01:28 14 proposed prohibition of left turns out of the

01:28 15 southern driveway, they would still have access

01:28 16 within the building to leave the northern side

01:28 17 driveway.

01:28 18 Q. So in the front, Dan, in the front of

01:29 19 the building, there are parking spaces that actually

01:29 20 hang into the right-of-way, correct?

01:29 21 A. I don't know whether they're

01:29 22 entirely --

01:29 23 Q. Not entirely, but the ones that are

01:29 24 parking now, it's very common practice the spaces are

01:29 25 actually encroaching into the right-of-way slightly?

*LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*  
201-641-1812

01:29 **1 A. Along the front side of the building?**  
 01:29 **2 Q.** Yes.  
 01:29 **3 A. It's not uncommon to find that.**  
 01:29 **4 Q.** And we propose to eliminate those and  
 01:29 **5** put three parallel parking spaces there, I believe,  
 01:29 **6** is that the proposal?  
 01:29 **7 A. I believe it's just going to be full**  
 01:29 **8 height curb and sidewalk there.**  
 01:29 **9 Q.** We still have three spaces there?  
 01:29 **10 A. I'm sorry, there are three spaces shown**  
 01:29 **11 on the rendering.**  
 01:29 **12 Q.** Right.  
 01:29 **13** So this will be three, but there will  
 01:29 **14** be parallel parking?  
 01:29 **15** MR. COLLAZUOL: No.  
 01:29 **16** THE WITNESS: I think they might be  
 01:29 **17** eliminated.  
 01:29 **18** BY MR. ALAMPI:  
 01:29 **19 Q.** Did we eliminate them? All right.  
 01:29 **20** So we were proposing originally three  
 01:29 **21** spaces, but now we've eliminated them?  
 01:29 **22 A. Right.**  
 01:29 **23 Q.** So there will be no parking in front of  
 01:30 **24** the existing building, correct?  
 01:30 **25 A. That's correct.**  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:30 **1 Q.** And we've made some site improvements,  
 01:30 **2** we did some curbing improvements and sidewalk  
 01:30 **3** improvements there?  
 01:30 **4 A. That's correct.**  
 01:30 **5 Q.** Now, on the north side of the existing  
 01:30 **6** building there is four or five parking spaces that  
 01:30 **7** are at a severe angle.  
 01:30 **8** Is that correct?  
 01:30 **9 A. That's correct.**  
 01:30 **10 Q.** We made some adjustments in that as  
 01:30 **11** well?  
 01:30 **12 A. That's right.**  
 01:30 **13 Q.** And would you just show the board with  
 01:30 **14** your hand what we're talking about?  
 01:30 **15 A. Certainly.**  
 01:30 **16 Q.** So on Grand Avenue in front of the --  
 01:30 **17** the white rectangle is the existing building,  
 01:30 **18** correct?  
 01:30 **19 A. That's right.**  
 01:30 **20 Q.** We've eliminated those parking spaces  
 01:30 **21** in front on Grand Avenue?  
 01:30 **22 A. That's right.**  
 01:30 **23 Q.** And originally we were proposing there  
 01:30 **24** would be three spaces, but now they're all gone?  
 01:30 **25 A. That's correct.**  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:30 **1 Q.** And on the north side of that building,  
 01:30 **2** not in the parking -- not in the driveway, but  
 01:30 **3** against the building there were five or six slanted  
 01:30 **4** parking spaces?  
 01:30 **5 A. Right.**  
 01:30 **6 Q.** We've made some adjustment to that by  
 01:30 **7** repairing the retaining wall and making an adjustment  
 01:31 **8** and making it more user friendly?  
 01:31 **9 A. That's right, widening it to allow more**  
 01:31 **10 room to back out.**  
 01:31 **11 Q.** And we're anticipating that the liquor  
 01:31 **12** store would wanted the customers to park there,  
 01:31 **13** right?  
 01:31 **14 A. Right.**  
 01:31 **15 Q.** On the south side of the existing  
 01:31 **16** building there's a second driveway existing, correct?  
 01:31 **17 A. That's right.**  
 01:31 **18 Q.** But we now plan to create a small  
 01:31 **19** parking lot area on the -- on the same grade as Grand  
 01:31 **20** Avenue?  
 01:31 **21 A. That's right.**  
 01:31 **22 Q.** Which eventually would allow vehicles  
 01:31 **23** to go into the second level of parking?  
 01:31 **24 A. That's correct.**  
 01:31 **25 Q.** Could you expand on that? I'm not sure  
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**201-641-1812**

01:31 **1** the board understood the function of that second  
 01:31 **2** driveway, the south driveway, the level at which it  
 01:31 **3** sits in comparison to Grand Avenue and how a vehicle  
 01:31 **4** would go into the second level of the garage.  
 01:31 **5 A. Certainly.**  
 01:31 **6 So, yes, this driveway which currently**  
 01:32 **7 drops down significantly, this area will be filled in**  
 01:32 **8 so that it's, you know, close to the Grand Street**  
 01:32 **9 [sic] elevation and traffic will be able to park in**  
 01:32 **10 the surface stalls here to access the liquor store,**  
 01:32 **11 for instance, or travel in the second floor of the**  
 01:32 **12 parking structure, access the main lobby there,**  
 01:32 **13 access the parking stalls or travel all the way**  
 01:32 **14 through down the ramp and out the northern access**  
 01:32 **15 here.**  
 01:32 **16 Q.** All right. But the second level of  
 01:32 **17** parking, it's main entrance is planned to be that  
 01:32 **18** level from the south side of the existing building?  
 01:32 **19 A. That's correct.**  
 01:32 **20 Q.** That's easier to facilitate?  
 01:32 **21 A. Indeed.**  
 01:32 **22 Q.** There are no ramps or anything, just a  
 01:32 **23** straight flat parking area and then the entrance to  
 01:32 **24** the garage?  
 01:32 **25 A. That's right.**  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**



01:32 1 **And Mr. Simoff has expressed concerns**  
 01:32 2 **about sight distance because of that grade and that**  
 01:32 3 **problem will be eliminated.**  
 01:33 4 **Q.** Right, we'll be eliminating the sight  
 01:33 5 distance problem.  
 01:33 6 **A. Right.**  
 01:33 7 **Q.** We'll be making it more functional and  
 01:33 8 they'll have easier access to the second --  
 01:33 9 **A. Absolutely.**  
 01:33 10 **Q.** Of course the residents can also go  
 01:33 11 down the ramp internally to the lower level if they  
 01:33 12 wish?  
 01:33 13 **A. That's right.**  
 01:33 14 **So I believe that covers the testimony**  
 01:33 15 **that I had planned to give. I would just like to**  
 01:33 16 **reiterate that this application does represent a**  
 01:33 17 **reduction in traffic from the existing site.**  
 01:33 18 **Q.** So the board finds that hard to  
 01:33 19 believe.  
 01:33 20 **A. I understand that.**  
 01:33 21 **Q.** So explain why it's a reduction.  
 01:33 22 **A. It's -- this is just a reduction**  
 01:33 23 **comparing -- in our analysis this is a reduction**  
 01:33 24 **comparing the bar and restaurant use that's going**  
 01:33 25 **away with the multifamily that's replacing it and**  
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 201-641-1812

01:33 1 **that represents, itself, a significant reduction just**  
 01:34 2 **from the bar and restaurant, particularly in the**  
 01:34 3 **afternoon peak hour.**  
 01:34 4 **We didn't account for the salvage**  
 01:34 5 **operation going away either in those numbers, which**  
 01:34 6 **would be a further reduction.**  
 01:34 7 **Q.** So, Dan, in the rear of the property  
 01:34 8 there is an outdoor storage and landscaping company,  
 01:34 9 salvage such with heavy trucks and materials and  
 01:34 10 landscaping going in and out, that operation will  
 01:34 11 cease?  
 01:34 12 **A. That's right.**  
 01:34 13 **Q.** And the traffic associated with that  
 01:34 14 would go away?  
 01:34 15 **A. That's correct.**  
 01:34 16 **Q.** Truck traffic crossing over passenger  
 01:34 17 vehicles as they do presently, heavy equipment, all  
 01:34 18 of that will be gone?  
 01:34 19 **A. That's right.**  
 01:34 20 **Q.** With the restaurant there is a  
 01:34 21 possibility that a more conventional restaurant will  
 01:34 22 remain as opposed to the nightclub and the outdoor  
 01:34 23 dining. So there will be at least a significant  
 01:34 24 lessening of the traffic, correct?  
 01:35 25 **A. That's correct, yes.**  
*LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*  
 201-641-1812

01:35 1 **Q.** But you're saying that when these other  
 01:35 2 uses are either eliminated completely or reduced in  
 01:35 3 scale significantly, that eliminates that parking.  
 01:35 4 You're replacing it, however, with the new building  
 01:35 5 and you're saying the net effect is a reduction?  
 01:35 6 **A. That's correct.**  
 01:35 7 **Q.** And just tell us again on the record  
 01:35 8 because we're keeping a transcript, how many  
 01:35 9 movements or how many spaces are associated, let's  
 01:35 10 say, with the restaurant, the restaurant was  
 01:35 11 operating outdoor during the weather permitting,  
 01:35 12 karaoke bar, nightclub type of operation, disco and  
 01:35 13 the restaurant, correct?  
 01:35 14 **A. That's correct, yes.**  
 01:35 15 **Q.** And how much parking and traffic did  
 01:35 16 you associate with that particular use, if you know?  
 01:35 17 You may not have broken it down.  
 01:35 18 **A. Well, I did mention the traffic**  
 01:35 19 **associated with the bar and restaurant in the**  
 01:35 20 **afternoon peak hour.**  
 01:35 21 **Q.** Right.  
 01:36 22 **A. So, again, the afternoon peak hour, we**  
 01:36 23 **would project 223 trips.**  
 01:36 24 **Q.** The afternoon peak hour is what hour  
 01:36 25 exactly?  
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 201-641-1812

01:36 1 **A. It's 5 to 6.**  
 01:36 2 **Q.** And so if they were to have a happy  
 01:36 3 hour or started to entertain the crowd, that would  
 01:36 4 conflict with the commuter peak hour as well?  
 01:36 5 **A. That's right.**  
 01:36 6 **Q.** So by eliminating that type of activity  
 01:36 7 or reducing it, it would help to offset the overall  
 01:36 8 parking and the overall traffic?  
 01:36 9 **A. That's right, the multifamily use is**  
 01:36 10 **less intense.**  
 01:36 11 **Q.** Okay. The health club and the liquor  
 01:36 12 store would remain?  
 01:36 13 **A. That's right.**  
 01:36 14 **Q.** You don't see any change in the  
 01:36 15 composition?  
 01:36 16 **A. That's correct.**  
 01:36 17 **Q.** And the board wants to focus on the  
 01:36 18 function of that shared driveway. Let's go over that  
 01:36 19 one more time.  
 01:37 20 The existing situation is that there's  
 01:37 21 one lane in the north driveway, north side of the  
 01:37 22 existing building that goes into the site and there  
 01:37 23 was one lane coming out. It's used by both 15 Grand  
 01:37 24 and 21 Grand?  
 01:37 25 **A. That's right.**  
*LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.*  
 201-641-1812

101

01:37 1 **Q.** And has been shared for decades. What  
01:37 2 will change? Will you widen the road, the pavement  
01:37 3 any?  
01:37 4 **A. No.**  
01:37 5 **Q.** And so using the existing width, you're  
01:37 6 able to create a two-lane egress and continue the  
01:37 7 one-lane ingress?  
01:37 8 **A. That's right.**  
01:37 9 **The ingress on the 21 Grand property**  
01:37 10 **will not be modified at all. The 20-foot egress on**  
01:37 11 **the 15 Grand property will be striped to provide**  
01:37 12 **dedicated left and right turns.**  
01:37 13 **Q.** That egress exiting the property is for  
01:37 14 the occupants of the commercial building in 21 Grand,  
01:38 15 as well as 15 to go out to Grand Avenue directly?  
01:38 16 **A. Yes.**  
01:38 17 **Q.** The other users on 21 Grand, because  
01:38 18 there are two or three buildings, also can go out the  
01:38 19 side to Ruby?  
01:38 20 **A. To Ruby, that's correct.**  
01:38 21 **Q.** But we cannot traverse Ruby from our  
01:38 22 property. We don't have an easement going in that  
01:38 23 direction?  
01:38 24 **A. That's my understanding.**  
01:38 25 **Q.** So we're completely utilizing the north  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

102

01:38 1 driveway and the south driveway, which divides the  
01:38 2 two levels of the parking garage, correct?  
01:38 3 **A. That's right.**  
01:38 4 **Q.** Did you talk about the -- you have  
01:38 5 attached to your report a significant number of  
01:38 6 diagrams and appendixes and traffic counts and things  
01:38 7 of that nature.  
01:38 8 Did your office get a chance to review  
01:38 9 these with Mr. Simoff? I know he reviewed it. I  
01:38 10 know he has all the plans and the exhibits, but did  
01:39 11 anyone, Eric Keller, specifically, along with you get  
01:39 12 a chance to speak with Mr. Simoff?  
01:39 13 **MR. SIMOFF:** Yeah, I raised some of the  
01:39 14 comments with Eric.  
01:39 15 **MR. ALAMPI:** Right.  
01:39 16 So now Mr. Simoff issued a report on  
01:39 17 March 18th.  
01:39 18 Diane, I don't think I've been marking  
01:39 19 the board's reports, have we?  
01:39 20 **MS. TESTA:** No, we have not. I think  
01:39 21 this is the first.  
01:39 22 **MR. ALAMPI:** Well, we have two from  
01:39 23 Steve Collazuol, one from Kauker and I think one  
01:39 24 report from you, Hal or two?  
01:39 25 **MR. SIMOFF:** Just one.  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

103

01:39 1 **MR. ALAMPI:** So far there's one report  
01:39 2 from your planner, I anticipate a second.  
01:39 3 One report from your traffic, I  
01:39 4 anticipate a second.  
01:39 5 And two reports from Mr. Collazuol.  
01:39 6 **MS. TESTA:** So we'll mark those  
01:39 7 accordingly. We'll start with Collazuol's report.  
01:39 8 **MR. ALAMPI:** I think we're going to --  
01:40 9 do you want to mark them PB?  
01:40 10 **MS. TESTA:** Correct.  
01:40 11 **MR. ALAMPI:** Okay. So let's use  
01:40 12 Simoff's March 18th is PB-1.  
01:40 13 **MS. TESTA:** Did you say PB?  
01:40 14 **MR. ALAMPI:** PB, planning board.  
01:40 15 **MS. TESTA:** But we're the board of  
01:40 16 adjustment.  
01:40 17 **MR. ALAMPI:** Didn't I say board of  
01:40 18 adjustment?  
01:40 19 (Laughter.)  
01:40 20 **MR. ALAMPI:** I'm sorry.  
01:40 21 **MS. TESTA:** No problem.  
01:40 22 **MR. ALAMPI:** That's tomorrow night's  
01:40 23 meeting I have to go to the planning board in North  
01:40 24 Bergen, it's on my mind.  
01:40 25 So ZBA-1 one and I think while we're at  
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**201-641-1812**

104

01:40 1 it, we want to mark all your professionals --  
01:40 2 **MS. TESTA:** Yes.  
01:40 3 **MR. ALAMPI:** With Kauker there's a  
01:40 4 March 18th also ZBA-2 and with Mr. Collazuol, there's  
01:41 5 actually three. The first one was just a  
01:41 6 completeness review back in January 18th, so we'll  
01:41 7 mark that ZBA-3, his March 15th will be ZBA-4 and his  
01:41 8 most current one that we did not respond to, I think  
01:41 9 I got it last week.  
01:41 10 Do you have it, Jacob, do you have the  
01:41 11 report? Let's mark that as ZBA-5.  
01:41 12 **MS. TESTA:** June 17th.  
01:41 13 **MR. COLLAZUOL:** I believe if I can  
01:41 14 interject, I think there was a revision to that date,  
01:41 15 the 22nd.  
01:41 16 **MR. ALAMPI:** Yeah, I saw it come in the  
01:41 17 two dates.  
01:41 18 **MR. COLLAZUOL:** There was a correction  
01:41 19 on the 17th to the 22nd, it was one comment.  
01:41 20 **MR. ALAMPI:** The one I have says  
01:41 21 June 17th but I saw it on my phone. Is there a  
01:41 22 correction?  
01:41 23 **MR. COLLAZUOL:** Yes.  
01:41 24 **MR. ALAMPI:** No, I'm sorry, June 17th I  
01:42 25 printed out, but I did not -- I think it was  
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**201-641-1812**

01:42 1 superceded by the June 22nd. I'm going to -- Steve,  
 01:42 2 can you send that to me again?  
 01:42 3 MR. COLLAZUOL: Yes.  
 01:42 4 MR. ALAMPI: Because I probably lost  
 01:42 5 it.  
 01:42 6 So there's a June 22nd and now that  
 01:42 7 reminds me why I didn't circulate it, because I was  
 01:42 8 reviewing it and I got confused as to which one, so  
 01:42 9 that's it.  
 01:42 10 So that's going to be ZBA-5. And so I  
 01:42 11 expect you will have two more comment reports from  
 01:42 12 your consultants.  
 13 (Whereupon, Report of Mr. Simoff, dated  
 14 March 18th is received and marked as Exhibit  
 15 ZBA-1 for identification.)  
 16 (Whereupon, Report of Mr. Kauker, dated  
 17 March 18th is received and marked as Exhibit  
 18 ZBA-2 for identification.)  
 19 (Whereupon, Completeness Review, dated  
 20 January 18th is received and marked as Exhibit  
 21 ZBA-3 for identification.)  
 22 (Whereupon, Report of Mr. Collazuol,  
 23 dated March 15 is received and marked as  
 24 Exhibit ZBA-4 for identification.)  
 25 (Whereupon, Report of Mr. Collazuol,  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:43 1 it. I'm sure you two will have another follow-up.  
 01:43 2 Tell us what you did.  
 01:43 3 **A. Sure.**  
 01:43 4 **We talked about the ownership of the**  
 01:43 5 **northern driveway in detail, he questioned that and**  
 01:43 6 **we had responded to it.**  
 01:43 7 **Of course he questioned the spaces, the**  
 01:43 8 **perpendicular spaces along Grand, we proposed**  
 01:43 9 **eliminating them. Requested turning templates for**  
 01:43 10 **deliveries and emergency equipment, which we**  
 01:44 11 **provided.**  
 01:44 12 **Q.** Explain that, turning templates are  
 01:44 13 what?  
 01:44 14 **A. These are exhibits showing the expected**  
 01:44 15 **path of trucks through the site.**  
 01:44 16 **Q.** And did we show those exhibits?  
 01:44 17 **A. We did.**  
 01:44 18 **We don't have them here with us this**  
 01:44 19 **evening, but we did provide those.**  
 01:44 20 **Q.** You did or did not?  
 01:44 21 **A. We did, yes.**  
 01:44 22 **Q.** Okay. You provided them to Mr. Simoff?  
 01:44 23 **A. We did.**  
 01:44 24 **Q.** I don't know if he got it.  
 01:44 25 MR. SIMOFF: I got it.  
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**201-641-1812**

1 dated June 22 is received and marked as  
 2 Exhibit ZBA-5 for identification.)  
 3  
 4 BY MR. ALAMPI:  
 01:42 5 **Q.** With that, Dan, this is the comment  
 01:42 6 letter of Mr. Simoff and I believe there was a  
 01:42 7 response that we just marked as A-26.  
 01:42 8 **A. The June 16th letter?**  
 01:42 9 **Q.** Yes.  
 01:42 10 Could you just comment on Mr. Simoff --  
 01:43 11 he's here, he's going to speak for himself.  
 01:43 12 But, briefly, just tell us how you  
 01:43 13 respond to his letter and if you did any other follow  
 01:43 14 up, like you mentioned you did a traffic -- another  
 01:43 15 traffic count in June because the one that you did in  
 01:43 16 2021, there was some concern with the pandemic it  
 01:43 17 might be off.  
 01:43 18 So just tell us how you respond to  
 01:43 19 Mr. Simoff and I think he's just looking at it  
 01:43 20 tonight?  
 01:43 21 MR. ALAMPI: Right, Hal, for the first  
 01:43 22 time?  
 01:43 23 MR. SIMOFF: Yes.  
 01:43 24 BY MR. ALAMPI:  
 01:43 25 **Q.** So he's not prepared today to go into  
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**201-641-1812**

01:44 1 MR. ALAMPI: Oh, you got the turning  
 01:44 2 template?  
 01:44 3 MR. SIMOFF: Yes.  
 01:44 4 I also asked for emergency equipment  
 01:44 5 circulation, which I think because of the size of  
 01:44 6 this project it should be forwarded to the emergency  
 01:44 7 services, ambulance and the fire so that we are  
 01:44 8 comfortable that first --  
 01:44 9 CHAIRMAN FERGUSON: We're going to  
 01:44 10 bring the fire department in.  
 01:45 11 MR. ALAMPI: Is that Mr. Chiurazzi?  
 01:45 12 CHAIRMAN FERGUSON: Chiurazzi, correct.  
 01:45 13 You had a comment last meeting.  
 01:45 14 MR. ALAMPI: I tried to communicate  
 01:45 15 with him, but I couldn't. I wanted his comments on  
 01:45 16 this project.  
 01:45 17 THE WITNESS: We can provide that  
 01:45 18 certainly.  
 01:45 19 MR. SIMOFF: Because the turning  
 01:45 20 templates that you have show a large truck at the  
 01:45 21 northern driveway and a smaller truck at the southern  
 01:45 22 driveway.  
 01:45 23 THE WITNESS: Right.  
 01:45 24 The intent was to show parcel delivery  
 01:45 25 using the southern driveway and larger deliveries  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:45 1 using the loading zone on the north side of the  
 01:45 2 building.  
 01:45 3 MR. SIMOFF: Okay.  
 01:45 4 I'll have more comments after I've  
 01:45 5 reviewed them. Okay.  
 01:45 6 BY MR. ALAMPI:  
 01:45 7 Q. With regard to, I think, the southern  
 01:45 8 driveway, you responded to the -- which you just did  
 01:45 9 in your testimony as well, right?  
 01:45 10 A. Correct.  
 01:45 11 Q. Okay.  
 01:45 12 With regard to the interior layout of  
 01:46 13 the garage, Hal raises some concern. I see you  
 01:46 14 responded to that.  
 01:46 15 Could you just put that on the record  
 01:46 16 how you responded?  
 01:46 17 A. Sure.  
 01:46 18 Q. I guess the question was, there's some  
 01:46 19 multiple dead-end parking aisles and how did you  
 01:46 20 respond?  
 01:46 21 A. Sure.  
 01:46 22 Well, Mr. Simoff pointed out that there  
 01:46 23 are multiple dead-end parking aisles, which he  
 01:46 24 expressed some concern about how they may operate.  
 01:46 25 We pointed out that the length of these  
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
 201-641-1812

01:46 1 aisles is no greater than seven spaces deep. A  
 01:46 2 driver should be able to see well enough within it to  
 01:46 3 determine that there's a parking spot available or  
 01:46 4 not and even if not and they go down and there's not,  
 01:46 5 it is not a long distance if they have to back out of  
 01:46 6 the access aisle.  
 01:46 7 Q. And your response was that because of  
 01:46 8 the length for multifamily access courts under RSIS,  
 01:46 9 these would be conforming?  
 01:46 10 A. Right.  
 01:47 11 Q. They would not be in violation of RSIS?  
 01:47 12 A. If they were multifamily access courts  
 01:47 13 under the Residential Site Improvement Standards,  
 01:47 14 they would not require a turnaround at the end.  
 01:47 15 Q. Do the RSIS control new construction  
 01:47 16 for municipal dwellings?  
 01:47 17 A. Residential construction?  
 01:47 18 Q. Yes.  
 01:47 19 A. So it's my opinion they would, yeah.  
 01:47 20 Q. I think one critique was that the  
 01:47 21 traffic evaluation were compared to the NJDOT  
 01:47 22 counting station, but they have -- the DOT has not  
 01:47 23 published the count conducted November 18th.  
 01:47 24 I'm not understanding that comment.  
 01:47 25 Could you explain it to us? It's at the bottom of  
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
 201-641-1812

01:47 1 page three of his report.  
 01:47 2 A. Mr. Simoff is comparing --  
 01:47 3 Q. Just tell us what it means. I don't  
 01:48 4 understand it.  
 01:48 5 MR. SIMOFF: If I may?  
 01:48 6 THE WITNESS: Please.  
 01:48 7 MR. ALAMPI: Nobody understands it.  
 01:48 8 MR. SIMOFF: Attached to my review of  
 01:48 9 March 18th, ZBA-1, there's a copy of a New Jersey  
 01:48 10 Department of Transportation output for a traffic  
 01:48 11 count that they conducted in November of 2018.  
 01:48 12 MR. ALAMPI: Right.  
 01:48 13 MR. SIMOFF: And it shows higher  
 01:48 14 volumes in 2018 compared to the volumes of September  
 01:48 15 2021, so I brought that up.  
 01:48 16 It's the same location. It's the off  
 01:48 17 ramp for the eastbound Grand Avenue exit.  
 01:48 18 MR. ALAMPI: It only took me 20 minutes  
 01:48 19 to get up that ramp Sunday night and there was no  
 01:48 20 ball game.  
 01:48 21 You're talking about eastbound coming  
 01:48 22 down the old Jingle Inn, right?  
 01:48 23 MR. SIMOFF: Right.  
 01:49 24 So that was one of my review comments  
 01:49 25 was the report -- in their report it says Level of  
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
 201-641-1812

01:49 1 Service D and I question how can it be Level of  
 01:49 2 Service D when every day you go by and you see it all  
 01:49 3 backed up onto Route 46 eastbound.  
 01:49 4 MR. ALAMPI: Did you see that ship  
 01:49 5 that's in the parking lot at the Hampton Inn?  
 01:49 6 MR. SIMOFF: So I questioned what you  
 01:49 7 see and what you calculate.  
 01:49 8 MR. ALAMPI: Right.  
 01:49 9 So their response was that there was a  
 01:49 10 traffic count in June and their table. I think  
 01:49 11 you're asking us to take another look, because it  
 01:49 12 just doesn't seem -- what you see every day, right,  
 01:49 13 it doesn't seem to reconcile.  
 01:50 14 THE WITNESS: Yeah, I understand that  
 01:50 15 and like I said, in response to this comment, we took  
 01:50 16 the supplemental counts and found that they were  
 01:50 17 substantially similar.  
 01:50 18 MR. SIMOFF: But it could be that it's  
 01:50 19 at the maximum and that's why it backs up onto  
 01:50 20 Route 46.  
 01:50 21 The gridlock just doesn't allow more  
 01:50 22 cars to go through the intersection. That could be  
 01:50 23 one of the reasons why the counts are what they are.  
 01:50 24 THE WITNESS: That is a fair point.  
 01:50 25 Certainly, we acknowledge this, that this movement is  
 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.  
 201-641-1812

01:50 **1** a problem today.  
 01:50 **2** There's a -- there is a force off loop  
 01:50 **3** for that ramp that's provided. If the traffic backs  
 01:50 **4** up along that ramp, it's supposed to actually a  
 01:50 **5** loop -- that -- that could be a goal to then provide  
 01:50 **6** more time to push traffic off the ramp on Grand.  
 01:50 **7** Grand Avenue is already, you know, is  
 01:50 **8** gridlock, so we acknowledge that the traffic is --  
 01:50 **9** there are existing traffic problems out there.  
 01:50 **10** MR. SIMOFF: But when you have a force  
 01:51 **11** off loop, it stops the traffic on Grand Avenue.  
 01:51 **12** If the DOT doesn't want the traffic to  
 01:51 **13** back up on Route 46, which it obviously does, so they  
 01:51 **14** put in what's called a four soft loop, so when it  
 01:51 **15** gets to a certain point at the top of the ramp, it  
 01:51 **16** turns the traffic light going through the ramp to  
 01:51 **17** green and stops the north and southbound on Grand  
 01:51 **18** Avenue and then what happens is that kicks off more  
 01:51 **19** higher backup on Grand Avenue going north and south.  
 01:51 **20** So it's -- it's a problem. The board should be aware  
 01:51 **21** of those issues in their deliberations.  
 01:51 **22** CHAIRMAN FERGUSON: Okay. If it's a  
 01:51 **23** good time, I'd like to take a five-minute break for  
 01:51 **24** our reporter, because somewhere -- you know, 9:20,  
 01:51 **25** then we'll go another 40 minutes or so and then we're

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:01 **1** for you.  
 02:01 **2** CHAIRMAN FERGUSON: All right. You  
 02:01 **3** have anything else, Counsel?  
 02:01 **4** MR. ALAMPI: I completed the direct  
 02:01 **5** testimony for the traffic engineer, so it's open for  
 02:01 **6** questions.  
 02:01 **7** CHAIRMAN FERGUSON: So we'll open it  
 02:01 **8** for questions now?  
 02:01 **9** MR. ALAMPI: Yes.  
 02:01 **10** CHAIRMAN FERGUSON: Hal, do you want to  
 02:01 **11** reserve your comments to --  
 02:01 **12** MR. SIMOFF: On the break I brought up  
 02:01 **13** some questions, he has to correct the sight distance  
 02:01 **14** lines, because they were -- they have to be cleared  
 02:01 **15** up.  
 02:01 **16** CHAIRMAN FERGUSON: Okay. Are you  
 02:01 **17** going to furnish an answer to his questions?  
 02:01 **18** MR. SIMOFF: Yes.  
 02:01 **19** CHAIRMAN FERGUSON: You are? That will  
 02:01 **20** be next meeting?  
 02:01 **21** MR. SIMOFF: Correct.  
 02:01 **22** MR. ALAMPI: And we'll respond to him  
 02:01 **23** as well. We'll get the transcript so that we don't  
 02:02 **24** miss any points, but Mr. Simoff brought up three or  
 02:02 **25** four items that we can in the next week, we can

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

01:52 **1** going to call it a night. So we'll take a  
 01:52 **2** five-minute break now.  
 01:52 **3** (Whereupon, a brief recess is taken.)  
 01:52 **4** CHAIRMAN FERGUSON: Can I get a roll  
 02:00 **5** call for attendance?  
 02:00 **6** MS. LAMBRINIDES: Mr. Ferguson?  
 02:00 **7** (No response.)  
 00:-14 **8** MS. LAMBRINIDES: Mr. Albanese?  
 00:-14 **9** VICE CHAIRMAN ALBANESE: Here.  
 00:-14 **10** MS. LAMBRINIDES: Mr. Terranova?  
 00:-14 **11** MR. TERRANOVA: Here.  
 00:-14 **12** MS. LAMBRINIDES: Ms. Yoon?  
 00:-14 **13** MS. YOON: Here.  
 00:-14 **14** MS. LAMBRINIDES: Mr. Elefteriou?  
 00:-14 **15** MR. ELEFTERIOU: Here.  
 00:-14 **16** MS. LAMBRINIDES: Mr. Carnovale?  
 00:-14 **17** MR. CARNOVALE: Here.  
 00:-14 **18** MS. LAMBRINIDES: Mr. Brogna?  
 02:01 **19** MR. BROGNA: Here.  
 02:01 **20** CHAIRMAN FERGUSON: Okay. Can I get a  
 02:01 **21** roll call for attendance, please?  
 02:01 **22** MS. LAMBRINIDES: We did.  
 02:01 **23** MR. CARNOVALE: We did.  
 02:01 **24** CHAIRMAN FERGUSON: I voted?  
 02:01 **25** MS. LAMBRINIDES: You did, I said yes

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:02 **1** respond to those questions that he raised.  
 02:02 **2** CHAIRMAN FERGUSON: If you can respond  
 02:02 **3** between --  
 02:02 **4** MR. ALAMPI: Yeah, we will, we'll do  
 02:02 **5** that.  
 02:02 **6** CHAIRMAN FERGUSON: Save some time at  
 02:02 **7** the meeting, that would be helpful.  
 02:02 **8** MR. SIMOFF: Let's put a date so that I  
 02:02 **9** don't send mine in before they send theirs. When do  
 02:02 **10** you expect to have your additional comments?  
 02:02 **11** MR. ALAMPI: Well, we don't have your  
 02:02 **12** comments in writing. So you have this --  
 02:02 **13** MR. SIMOFF: I'm first?  
 02:02 **14** MR. ALAMPI: Yeah, you have this  
 02:02 **15** letter. I think maybe you want to review it and when  
 02:02 **16** you send us a follow-up comment, we'll respond to  
 02:02 **17** you.  
 02:02 **18** MR. SIMOFF: All right.  
 02:02 **19** CHAIRMAN FERGUSON: All right, good.  
 02:02 **20** So you have no more comments tonight, Hal, correct?  
 02:02 **21** MR. SIMOFF: Correct.  
 02:02 **22** CHAIRMAN FERGUSON: Hal, if you want to  
 02:02 **23** hit the road, I know you got a trip. If you want to  
 02:02 **24** stay, it's fine.  
 02:02 **25** MR. SIMOFF: I'll stay a little while

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:03 1 longer.

02:03 2 CHAIRMAN FERGUSON: Okay. So we're

02:03 3 going to open it up to the board members and to the

02:03 4 public.

02:03 5 MR. CARNOVALE: I have some questions,

02:03 6 Mr. Chairman.

02:03 7 CHAIRMAN FERGUSON: Sure, fire away

02:03 8 there, Vinny.

02:03 9 MR. CARNOVALE: I don't know the guys

02:03 10 name, but Mr. Traffic Expert, being a 60-year

02:03 11 resident of Palisades Park, you talk about courtesy,

02:03 12 nobody's going to give a courtesy to pull in and out

02:03 13 of that project as it is and what did you say that

02:03 14 you're going to generate 44 -- 44 traffic whatever

02:03 15 out of the 122 units? Was I correct, was it 44 or

02:03 16 54?

02:03 17 THE WITNESS: Yes, 44 morning peak hour

02:03 18 trips.

02:03 19 MR. CARNOVALE: Okay. And you say your

02:03 20 morning peak you're picking 8 to 9?

02:03 21 THE WITNESS: That's right.

02:03 22 MR. CARNOVALE: Okay. I don't have my

02:03 23 own traffic analysis group like in my basement, but I

02:03 24 can tell you from personal experience, the traffic

02:03 25 pattern probably starts, I would say, easily at 7:00

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:03 1 and as you know the southbound Grand Avenue, which is

02:04 2 more of the mess than the northbound, it's very

02:04 3 industrial and that will take you all the way down

02:04 4 past Jersey City.

02:04 5 So the traffic pattern there probably

02:04 6 starts a little earlier and I have no analytical data

02:04 7 to debate your 44 traffic coming out of 122 units. I

02:04 8 think that's very, very light.

02:04 9 Also, you eliminated how many traffic

02:04 10 things because of the restaurant, 269, you said? I'm

02:04 11 sorry.

02:04 12 THE WITNESS: I mentioned 223 afternoon

02:04 13 peak hour trips.

02:04 14 MR. CARNOVALE: Okay.

02:04 15 That bar/restaurant, whatever, you

02:04 16 couldn't get in and out of that place in 223 trips.

02:04 17 Most of that stuff is going to start at 7:30 to 1 or

02:04 18 2 in the morning, which probably wouldn't -- you

02:04 19 know, the fact that you say you're taking away all of

02:04 20 those traffic ins and outs, I don't want to call you

02:04 21 a liar, I don't want to call you a liar, but I think

02:05 22 you're grossly wrong on that and the fact that you're

02:05 23 going to -- the attorney there said that they're

02:05 24 debating whether they're going to stick a restaurant

02:05 25 back in there that will add to some of that.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:05 1 I think you've talked about that, but

02:05 2 my big thing is I think your numbers where you're

02:05 3 eliminating a lot of that traffic is false and like I

02:05 4 said, I don't have my own traffic department to back

02:05 5 it up. I don't know if our traffic expert can come

02:05 6 up with something like that and the traffic count,

02:05 7 the debate on the traffic count, unfortunately, a lot

02:05 8 of people are still working from their house.

02:05 9 So the traffic count that you guys took

02:05 10 is probably -- it's probably accurate, but when

02:05 11 things get rolling again, you're probably going to

02:05 12 see a lot more traffic and I've been on Grand Avenue

02:05 13 at 6, 7, 8 in the morning.

02:05 14 Most of the problem is going

02:05 15 southbound, which affects this project here.

02:05 16 So my one thing to you, do you have any

02:06 17 analytical data, how do you come up with 44 traffic

02:06 18 things out of 122 units.

02:06 19 THE WITNESS: It's based on similar

02:06 20 multifamily developments.

02:06 21 MR. CARNOVALE: But when you say

02:06 22 "multifamily," multifamily, I don't consider 122

02:06 23 units multifamily, maybe in a legal -- legalese you

02:06 24 do, but it's not practical.

02:06 25 THE WITNESS: Based on other mid-rise

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:06 1 apartment buildings.

02:06 2 MR. CARNOVALE: Okay. Mid-rise, but

02:06 3 not exactly in that location, which you can't do

02:06 4 because the building is not there and you can't count

02:06 5 things that are not there, but my stipulation to you,

02:06 6 like I said, I don't mean to disrespect, but I think

02:06 7 wherever you got your data from, it's

02:06 8 overexaggerating how much traffic you're taking away

02:06 9 and you're saying that you're only -- the end result

02:06 10 is whatever, I think those numbers are grossly wrong.

02:07 11 And one thing for Mr. Collazuol, the

02:07 12 width of the driveway, I thought that we would have

02:07 13 to have a driveway that was 24-foot wide.

02:07 14 Is that right, Steve?

02:07 15 MR. COLLAZUOL: Typical driveway is

02:07 16 two-way traffic is 24-foot wide.

02:07 17 MR. CARNOVALE: Right, which would mean

02:07 18 that it's 12. So you said this driveway is going to

02:07 19 be 10 and 10, right?

02:07 20 THE WITNESS: That's right.

02:07 21 MR. CARNOVALE: Is a variance required

02:07 22 for that?

02:07 23 THE WITNESS: A variance, I'm not sure

02:07 24 if relief is required.

02:07 25 MR. CARNOVALE: I don't know, I just

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:07 **1** sit on the board.  
 02:07 **2** CHAIRMAN FERGUSON: Well, he asked you  
 02:07 **3** a question. The question is: What's the width of  
 02:07 **4** your side of the thing, is it is 20 feet, is it  
 02:07 **5** 22 feet?  
 02:07 **6** MR. CARNOVALE: It's 10 and 10.  
 02:07 **7** It's 20 feet, so right there it's  
 02:07 **8** under.  
 02:07 **9** CHAIRMAN FERGUSON: So you have 20 feet  
 02:07 **10** and you need 24.  
 02:07 **11** MR. CARNOVALE: Steve, we need 24?  
 02:07 **12** MR. COLLAZUOL: I think this would fall  
 02:07 **13** under the RSIS standards and Hal is going to check  
 02:08 **14** that. It's a one way, so it may not have to be, but  
 02:08 **15** we can check that.  
 02:08 **16** MR. CARNOVALE: Okay. And the other  
 02:08 **17** thing is, I know we're going to get the fire guy in  
 02:08 **18** here. With the traffic templates, turning templates,  
 02:08 **19** there's probably a higher probability putting 122  
 02:08 **20** units in there that God forbid there will be some  
 02:08 **21** sort of fire or emergency that maybe our hook and  
 02:08 **22** ladder is going to have to get in there and with the  
 02:08 **23** fact that the traffic from a practical standpoint  
 02:08 **24** I've been there backs up in the southbound lane, it's  
 02:08 **25** going to be pretty hard to get a fire truck in there,  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:08 **1** possibly an ambulance, a police car could probably  
 02:08 **2** get in riding on the sidewalk. I'm concerned about  
 02:08 **3** the fire -- the fire department.  
 02:08 **4** MR. COLLAZUOL: Well, I would refer  
 02:08 **5** back to architect also, Vinny, because the building  
 02:08 **6** might be sprinklered. I'm uncertain if that was  
 02:08 **7** discussed before.  
 02:08 **8** MR. CARNOVALE: Okay.  
 02:08 **9** Well, my big thing is the increased  
 02:09 **10** traffic and like I said, no disrespect, sir, taking  
 02:09 **11** away those 200-and-some-odd between 5 and 6, it's  
 02:09 **12** impossible to get into a restaurant and out in an  
 02:09 **13** hour and you're going to eliminate 220 trips, that's  
 02:09 **14** all I got.  
 02:09 **15** CHAIRMAN FERGUSON: Okay. Thanks.  
 02:09 **16** So just a couple of things from me.  
 02:09 **17** Maybe it would be helpful if you can give us the  
 02:09 **18** breakdown of the old building, how many people, you  
 02:09 **19** know, in the old building and, you know, this way we  
 02:09 **20** have a breakdown of, you know, your parking and --  
 02:09 **21** MR. ALAMPI: I think we did, Chairman.  
 02:09 **22** I think we did work on not only the square footage,  
 02:09 **23** but the occupancy and my client commissioned a study  
 02:09 **24** of the existing building. I'm not sure if that was  
 02:10 **25** part of our public application but we did do all of  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:10 **1** that, right?  
 02:10 **2** MALE AUDIENCE MEMBER: Yeah.  
 02:10 **3** MR. ALAMPI: So we already have that  
 02:10 **4** information that we needed to review internally with  
 02:10 **5** our architects and engineers and it was not an  
 02:10 **6** exhibit for here. I think I can dig it out with the  
 02:10 **7** doctor's help and review it.  
 02:10 **8** CHAIRMAN FERGUSON: Yeah, just so we  
 02:10 **9** know what we're talking about --  
 02:10 **10** MR. ALAMPI: I think it might be  
 02:10 **11** helpful to document it.  
 02:10 **12** So we went through that, we went  
 02:10 **13** through that work and expense. I'm trying to think  
 02:10 **14** for what reason. It might have been for financing  
 02:10 **15** with the property, et cetera, but we do have that  
 02:10 **16** study and I know specifically it's not part of our  
 02:10 **17** package for the planning board, but you're requesting  
 02:10 **18** it, we can do that for you.  
 02:10 **19** CHAIRMAN FERGUSON: Right.  
 02:10 **20** Now, the other thing, maybe I was  
 02:10 **21** taking a nap up here, but did I hear any testimony  
 02:11 **22** about the number of parking that your building is  
 02:11 **23** going to provide, how many you need, what you're  
 02:11 **24** going to provide.  
 02:11 **25** THE WITNESS: I have a summary.  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:11 **1** CHAIRMAN FERGUSON: Okay. Well --  
 02:11 **2** MR. ALAMPI: But I think that was in  
 02:11 **3** the report.  
 02:11 **4** CHAIRMAN FERGUSON: I understand, but  
 02:11 **5** I'd like to hear it now.  
 02:11 **6** MR. ALAMPI: Okay.  
 02:11 **7** THE WITNESS: Certainly.  
 02:11 **8** So the proposed development provided  
 02:11 **9** 306 parking spaces total, 262 in the structure and 44  
 02:11 **10** surface spaces.  
 02:11 **11** So it's 306 proposed, 296 are required  
 02:11 **12** based on the mix of uses and the credit for electric  
 02:11 **13** vehicle charging stations. So the site complies with  
 02:11 **14** the parking ordinance.  
 02:11 **15** And for the board's edification, it's  
 02:11 **16** our experience based on previous developments of this  
 02:11 **17** type that RSIS requirements are somewhat conservative  
 02:11 **18** and these developments actually generate a parking  
 02:11 **19** demand of more like one-and-a-half to 1.7 spaces per  
 02:11 **20** unit, rather than the higher RSIS requirements.  
 02:12 **21** CHAIRMAN FERGUSON: There's a formula,  
 02:12 **22** correct, a requirement if it's a two-family, a  
 02:12 **23** two-bedroom or --  
 02:12 **24** MR. ALAMPI: Right.  
 02:12 **25** CHAIRMAN FERGUSON: Right? So you have  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:12 1 that data.  
 02:12 2 THE WITNESS: We calculated our -- the  
 02:12 3 requirement.  
 02:12 4 CHAIRMAN FERGUSON: Now, what's this  
 02:12 5 about 15 percent because of charging --  
 02:12 6 THE WITNESS: There is a credit for  
 02:12 7 electric vehicle parking spaces.  
 02:12 8 CHAIRMAN FERGUSON: Yeah, and who gave  
 02:12 9 you the credit and so they're giving you a credit  
 02:12 10 because you're putting charging --  
 02:12 11 MR. ALAMPI: The State of New Jersey  
 02:12 12 passed a statute that supercedes municipal  
 02:12 13 ordinances.  
 02:12 14 CHAIRMAN FERGUSON: Okay.  
 02:12 15 MR. ALAMPI: It mandates, we don't even  
 02:12 16 have a choice. We're obligated to put in electrical  
 02:12 17 charging stations and there's a formula up to  
 02:12 18 15 percent of the required parking have to be what  
 02:12 19 they call EV, electric vehicle stations.  
 02:12 20 That doesn't mean that an electrical  
 02:12 21 vehicle parks there all the time. It's just that the  
 02:13 22 charging station is in that stall and it could be  
 02:13 23 used a couple hours a day, it could be three hours,  
 02:13 24 five hours, whatever, on and off, but when you do  
 02:13 25 bring in the electrical stations for these parking

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:13 1 spaces and they require you to do it, it's not your  
 02:13 2 choice and you get credit of two parking spaces for  
 02:13 3 every one.  
 02:13 4 So, for example, if we have to put in  
 02:13 5 32 electric vehicle parking spaces, we get credit for  
 02:13 6 64, even though there's not 64 for real. So this is  
 02:13 7 the brilliance of the green initiative and by the  
 02:13 8 State of New Jersey, the legislature and it's going  
 02:13 9 to grow.  
 02:13 10 In a few years the requirement is going  
 02:13 11 to be, say, 25 percent. It's going to continue, but  
 02:13 12 it's mandated for all new construction that the  
 02:13 13 developer create these EV stations and whether  
 02:14 14 they're used fully or partially and you get a two for  
 02:14 15 one credit on those parking spaces. So that's been  
 02:14 16 calculated. When we say we have 306 spaces, that's  
 02:14 17 including the utilization of that statute for the EV  
 02:14 18 stations, right, Dan?

**A. That's right. We have 306 are proposed  
 and those include the electric vehicle spaces.**

BY MR. ALAMPI:

**Q.** How many electric vehicle spaces do we  
 have, if you know?

**A. Sixteen, you know, fully-activated  
 electric vehicle spaces with an additional 32**

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:14 1 **make-ready spaces.**  
 02:14 2 CHAIRMAN FERGUSON: So there's 32  
 02:14 3 parking spaces that you're getting credit for, but  
 02:14 4 you really only have 16?  
 02:14 5 THE WITNESS: The requirement is --  
 02:14 6 CHAIRMAN FERGUSON: Right, no, I  
 02:14 7 understand, but again, I'm saying, in other words,  
 02:14 8 you got -- you got 16, right, that you can count, but  
 02:14 9 you're getting credit for 32, but it's not your fault  
 02:14 10 because the State of New Jersey --  
 02:14 11 MR. ALAMPI: It's mandated.  
 02:14 12 CHAIRMAN FERGUSON: It's mandated.  
 02:15 13 MR. ALAMPI: If we didn't want to do  
 02:15 14 it, we have to do it, that's the promoting electric  
 02:15 15 vehicles and battery vehicles and --  
 02:15 16 CHAIRMAN FERGUSON: Okay. No, I get  
 02:15 17 it.  
 02:15 18 Now, the other thing is, going in into  
 02:15 19 the southern driveway, it goes up to the second  
 02:15 20 level. I think I asked this question. What's the  
 02:15 21 height of that opening? In other words, a car could  
 02:15 22 make it obviously. Can a fire truck make it in there  
 02:15 23 or they can't?  
 02:15 24 THE WITNESS: Unfortunately I don't  
 02:15 25 know the clearance.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:15 1 CHAIRMAN FERGUSON: You know what I'm  
 02:15 2 talking about?  
 02:15 3 THE WITNESS: The vertical.  
 02:15 4 CHAIRMAN FERGUSON: Yeah, the vertical.  
 02:15 5 THE WITNESS: I don't have that  
 02:15 6 information.  
 02:15 7 CHAIRMAN FERGUSON: I would recommend  
 02:15 8 that you should get --  
 02:15 9 MR. ALAMPI: I think the architect went  
 02:15 10 through all of that with the levels and the ramping  
 02:15 11 and the heights, but we'll see if we find it in the  
 02:15 12 transcript and it might be easier for us to just  
 02:15 13 answer your question --  
 02:15 14 CHAIRMAN FERGUSON: Right.  
 02:16 15 MR. ALAMPI: -- by way of a follow-up.  
 02:16 16 CHAIRMAN FERGUSON: Yeah, because the  
 02:16 17 transcripts are big.  
 02:16 18 MR. ALAMPI: Well, yeah, we know, for  
 02:16 19 example, that you have to have a certain clearance on  
 02:16 20 each level and on the ramps and they have to abide by  
 02:16 21 handicap vehicles where somebody who's in a  
 02:16 22 wheelchair is driving their own vehicle, they have  
 02:16 23 the mechanism on their car roof that flips down so  
 02:16 24 the door opens and they can roll out.  
 02:16 25 CHAIRMAN FERGUSON: Right.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**



02:16 1 MR. ALAMPI: So it has to have that  
 02:16 2 clearance. You have to have for ambulances, because  
 02:16 3 --  
 02:16 4 CHAIRMAN FERGUSON: No, I understand,  
 02:16 5 but -- I understand that's between the levels. I'm  
 02:16 6 talking about the actual opening. I mean, obviously  
 02:16 7 --  
 02:16 8 MR. ALAMPI: The width of the ramp?  
 02:16 9 CHAIRMAN FERGUSON: No, the height of  
 02:16 10 it.  
 02:16 11 MR. CARNOVALE: Floor-to-ceiling, sir,  
 02:16 12 floor-to-ceiling.  
 02:16 13 MR. ALAMPI: I'm looking at the  
 02:16 14 clearance from every aspect.  
 02:16 15 CHAIRMAN FERGUSON: Right, no, I  
 02:16 16 understand.  
 02:16 17 MR. ALAMPI: Because it's no good if  
 02:17 18 you have an 8-foot clearance in one spot, because  
 02:17 19 that can jam up anybody wherever they go.  
 02:17 20 CHAIRMAN FERGUSON: So, and you're  
 02:17 21 going to talk to Chiurazzi. I'm going to call  
 02:17 22 Chiurazzi too and advise him to get -- because he's  
 02:17 23 the fire expert.  
 02:17 24 MR. ALAMPI: You call him to expect a  
 02:17 25 call from me, because we're going to ask him -- I

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:18 1 MR. ALAMPI: Presently.  
 02:18 2 MR. COLLAZUOL: Now, if I'm not  
 02:18 3 mistaken, the DPW is having a problem down here  
 02:18 4 during heavy storms. I don't know if there was a  
 02:18 5 combination of storms, but one of these manholes  
 02:18 6 seems to blow over during a storm.  
 02:18 7 MR. ALAMPI: Okay.  
 02:18 8 MR. COLLAZUOL: So the original plans  
 02:18 9 show that the sewer is going to connect to that  
 02:18 10 manhole that's shown filled with water. Now the plan  
 02:18 11 shows that the sewer is going to connect a little  
 02:18 12 further north, about 75 feet north to that same  
 02:18 13 sewer. So I would ask your engineer to contact the  
 02:18 14 Borough's DPW or check themselves that that sewer is  
 02:18 15 not full of water and inoperable so that this project  
 02:18 16 is feasible, that's number one.  
 02:19 17 MR. ALAMPI: Jacob is here. I hope  
 02:19 18 he's understanding you.  
 02:19 19 MR. SCHULMAN: Yes.  
 02:19 20 CHAIRMAN FERGUSON: Jacob doesn't have  
 02:19 21 to do it today. Jacob can do it the next meeting.  
 02:19 22 MR. ALAMPI: No, I just want to make  
 02:19 23 sure he understands.  
 02:19 24 MR. SCHULMAN: I understand.  
 02:19 25 CHAIRMAN FERGUSON: He got it.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:17 1 want to send him the plans. I asked the clerk back  
 02:17 2 in -- the previous administrative secretary and I  
 02:17 3 couldn't get to first base. I wanted to get these  
 02:17 4 plans over to Andy Chiurazzi.  
 02:17 5 CHAIRMAN FERGUSON: Okay.  
 02:17 6 MR. COLLAZUOL: Mr. Chairman?  
 02:17 7 CHAIRMAN FERGUSON: Yes.  
 02:17 8 MR. COLLAZUOL: I have three questions  
 02:17 9 I'd like to --  
 02:17 10 CHAIRMAN FERGUSON: Sure, fire away.  
 02:17 11 MR. COLLAZUOL: If it's all right?  
 02:17 12 CHAIRMAN FERGUSON: Yeah, sure.  
 02:17 13 MR. COLLAZUOL: Mr. Alampi, the survey  
 02:17 14 that was provided indicated that the sanitary sewer  
 02:17 15 manhole shown for the original connection with the  
 02:17 16 force main was full of water. The new plans indicate  
 02:17 17 that a gravity sewer is going to be connected. I'd  
 02:18 18 like to ask that that sewer be checked so that it's  
 02:18 19 feasible that the sewer can be connected to that  
 02:18 20 sewer and that sewer is capable of accepting the  
 02:18 21 sewage flow that the building will generate.  
 02:18 22 MR. ALAMPI: Explain that again.  
 02:18 23 MR. COLLAZUOL: The manhole shown on  
 02:18 24 the survey indicates that the manhole is filled, the  
 02:18 25 sanitary sewer is full with water.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:19 1 MR. COLLAZUOL: Question No. 2 is, we  
 02:19 2 had in our first report asked for an easement for the  
 02:19 3 48-inch storm drain that runs from the ramp to the  
 02:19 4 headwall where it becomes an open channel. The  
 02:19 5 easement was shown on the set of plans, but what's  
 02:19 6 come up since that is that in reviewing the plans a  
 02:19 7 little further, the area behind the building is close  
 02:19 8 to that 48-inch storm drain and the question is --  
 02:19 9 MR. ALAMPI: The proposed building?  
 02:19 10 MR. COLLAZUOL: The proposed building.  
 02:19 11 MR. ALAMPI: Between Route 46 and --  
 02:19 12 MR. COLLAZUOL: Yes, between the ramp  
 02:19 13 and the proposed building. And the question is: If  
 02:19 14 the Borough were to require to replace that pipe, how  
 02:19 15 would they get access from through the site to  
 02:19 16 replace that pipe? So it's a serious question on  
 02:20 17 access with the location of the proposed building.  
 02:20 18 MR. ALAMPI: Steve, there's a pipe that  
 02:20 19 I can see from the headwall. It goes underneath  
 02:20 20 Grand Avenue and looks like it goes under part of the  
 02:20 21 ramp on 46.  
 02:20 22 MR. COLLAZUOL: Yes.  
 02:20 23 MR. ALAMPI: And there's an open  
 02:20 24 headwall there that you can see.  
 02:20 25 MR. COLLAZUOL: Yes.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:20 1 MR. ALAMPI: Is that what you're  
 02:20 2 talking about?  
 02:20 3 MR. COLLAZUOL: That's the pipe I'm  
 02:20 4 talking about. If the Borough in the future would  
 02:20 5 have to replace that pipe, how would they access that  
 02:20 6 and do it?  
 02:20 7 And then the last question I have,  
 02:20 8 which I think the board or the engineering department  
 02:20 9 as part of this application is, the existing building  
 02:20 10 is well known to be very, very old. The sanitary  
 02:20 11 connection for that building and the storm drainage  
 02:20 12 connections for that building should be investigated  
 02:20 13 a little further as part of this application to be  
 02:20 14 sure that there's not elicited connections.  
 02:20 15 MR. ALAMPI: We didn't show that?  
 02:20 16 MR. COLLAZUOL: No, none of that's been  
 02:20 17 shown.  
 02:20 18 MR. ALAMPI: For the existing building?  
 02:20 19 MR. COLLAZUOL: For the existing  
 02:21 20 building to remain. The section of the existing  
 02:21 21 building to remain. So if you can look into that, I  
 02:21 22 think that would be prudent on your part.  
 02:21 23 MR. ALAMPI: Is that in your comment  
 02:21 24 letter.  
 02:21 25 MR. COLLAZUOL: It's not, that's why  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:21 1 I'm bringing it up this evening to make sure it's out  
 02:21 2 there.  
 02:21 3 MR. ALAMPI: Jacob, did you get those  
 02:21 4 three issues.  
 02:21 5 CHAIRMAN FERGUSON: He got it.  
 02:21 6 Paul, you got something?  
 02:21 7 VICE CHAIRMAN ALBANESE: You got  
 02:21 8 10 feet going up on each side, he recommends that it  
 02:21 9 should be 12 feet.  
 02:21 10 Are you going to change that?  
 02:21 11 MR. CARNOVALE: Well, he's going to  
 02:21 12 look --  
 02:21 13 MR. ALAMPI: No, no, no, he's going to  
 02:21 14 research that. He has to research it, because it's  
 02:21 15 in one direction. When you have 12 feet, if you have  
 02:21 16 two directions, you need 24 feet. If you're going in  
 02:21 17 one direction, the RSIS might allow 10 foot --  
 02:21 18 VICE CHAIRMAN ALBANESE: Is that what  
 02:21 19 he said? Okay.  
 02:21 20 MR. ALAMPI: He's going to research it  
 02:21 21 and otherwise, we would have to request relief for  
 02:21 22 that.  
 02:21 23 VICE CHAIRMAN ALBANESE: Well, whatever  
 02:21 24 he recommends are you going to do that?  
 02:21 25 MR. ALAMPI: Yes.  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:21 1 VICE CHAIRMAN ALBANESE: Okay. That's  
 02:21 2 all I'm asking.  
 02:21 3 MR. SIMOFF: I have a couple more.  
 02:21 4 VICE CHAIRMAN ALBANESE: He might say  
 02:21 5 14 feet.  
 02:21 6 (Laughter.)  
 02:21 7 MR. CARNOVALE: No, he said they're  
 02:22 8 going to ask for relief, Pauly, meaning they can't  
 02:22 9 physically do it, they got to ask for, I'm going to  
 02:22 10 use word "variance relief."  
 02:22 11 Is that true, Mr. Alampi?  
 02:22 12 MR. ALAMPI: Yes, it might be, what  
 02:22 13 they call, a site plan waiver as opposed to a  
 02:22 14 variance and it might be that we can make a  
 02:22 15 modification.  
 02:22 16 VICE CHAIRMAN ALBANESE: Carmine, the  
 02:22 17 reason why I'm saying that, you got the one-way  
 02:22 18 coming in. I mean, it's only one lane.  
 02:22 19 MR. ALAMPI: That's right.  
 02:22 20 VICE CHAIRMAN ALBANESE: So if you made  
 02:22 21 it a little wider, what's the difference if the other  
 02:22 22 side is 16 feet, that's more than enough.  
 02:22 23 MR. ALAMPI: We'll figure it out.  
 02:22 24 VICE CHAIRMAN ALBANESE: You know what  
 02:22 25 I'm saying? If you made it 12 and 12 is 24, you got  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:22 1 40 feet, 16 feet just one.  
 02:22 2 MR. ALAMPI: I understand it, but I'm  
 02:22 3 not an engineer. I'll look at the plan and they'll  
 02:22 4 tell me what the dimensions are, but I understand.  
 02:22 5 MR. SIMOFF: One more quick comment.  
 02:22 6 The -- if I'm reading it correctly, the architectural  
 02:22 7 has gates to section off the residential from the  
 02:22 8 commercial.  
 02:23 9 MALE AUDIENCE MEMBER: That's correct.  
 02:23 10 MR. ALAMPI: Yes.  
 02:23 11 MR. SIMOFF: So what I read is in the  
 02:23 12 lower level there's 13 spaces for residential and on  
 02:23 13 the upper level there's 128, which gives 131 within  
 02:23 14 the gated area and the requirement is 236 for the  
 02:23 15 residential. Just how does that function?  
 02:23 16 MR. ALAMPI: I can't answer you like  
 02:23 17 that. We have so many parking spaces and then we  
 02:23 18 have an allocation and then we have surface parking  
 02:23 19 as well outside of the garage. So the residential  
 02:23 20 will be in the garage obviously. Commercial will be  
 02:23 21 out in the --  
 02:23 22 MR. SIMOFF: Right, but --  
 02:23 23 MR. ALAMPI: But there will be some  
 02:23 24 commercial in the garage as well.  
 02:23 25 MR. SIMOFF: I think it's the other way  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:23 1 around, it will be residential outside.  
 02:23 2 MR. ALAMPI: I have to ask the  
 02:23 3 engineers.  
 02:23 4 MR. SIMOFF: But I'm just saying -- but  
 02:23 5 I'm just bringing it up as a point.  
 02:24 6 MR. ALAMPI: So part of the residential  
 02:24 7 that's outside is for visitor parking and the second  
 02:24 8 car, but I'll break it down for you.  
 02:24 9 MR. SIMOFF: Right, that's what I'm  
 02:24 10 asking.  
 02:24 11 MR. ALAMPI: Yeah, we'll do a  
 02:24 12 breakdown, but the residential is not the primary  
 02:24 13 parking space of the resident. It's the visitor  
 02:24 14 space and if they have a second vehicle.  
 02:24 15 MR. SIMOFF: Right.  
 02:24 16 MR. ALAMPI: We want to make sure every  
 02:24 17 unit owner, every unit resident has at least one  
 02:24 18 space inside.  
 02:24 19 MR. SIMOFF: Correct, and those spaces  
 02:24 20 are gated off?  
 02:24 21 MR. ALAMPI: Yes.  
 02:24 22 CHAIRMAN FERGUSON: Okay. You got any  
 02:24 23 more, Hal?  
 02:24 24 MR. SIMOFF: No, that was it.  
 02:24 25 CHAIRMAN FERGUSON: Okay. We'll go to

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:24 1 the audience.  
 02:24 2 Name and address.  
 02:25 3 MS. BRAUER: Just a quick question.  
 02:25 4 MS. TESTA: Your name first just for  
 02:25 5 the record.  
 02:25 6 MS. BRAUER: Susan Brauer.  
 02:25 7 MS. TESTA: Thank you.  
 02:25 8 MS. BRAUER: He just said he wanted to  
 02:25 9 make sure that every apartment has at least one  
 02:25 10 space, but there's some that might have two spaces.  
 02:25 11 MR. ALAMPI: No, we have it for each  
 02:25 12 resident there will be one space in the garage.  
 02:25 13 There is residential parking that's out in the  
 02:25 14 parking lot that Mr. Simoff brought up that is  
 02:25 15 primarily visitor parking and for a second vehicle  
 02:25 16 for a resident.  
 02:25 17 MS. BRAUER: So if a resident has a  
 02:25 18 two-bedroom unit, our ordinance says he has to have  
 02:25 19 two spaces. So he has one space or she has one  
 02:25 20 space?  
 02:25 21 MR. ALAMPI: The RSIS standard is the  
 02:25 22 controlling --  
 02:25 23 MR. SIMOFF: But that's two, also.  
 02:25 24 MR. ALAMPI: Well, whatever it is,  
 02:25 25 we'll comply.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:26 1 MS. BRAUER: Because it's 1.8 for a  
 02:26 2 one-bedroom and two spaces for a two-bedroom.  
 02:26 3 MR. ALAMPI: We have the full amount of  
 02:26 4 parking, plus we have --  
 02:26 5 THE COURT REPORTER: I'm sorry, "we  
 02:26 6 have the full amount of parking"?  
 02:26 7 MR. ALAMPI: We have the full amount of  
 02:26 8 parking, plus, I believe, 10 in overage.  
 02:26 9 MS. BRAUER: Is that -- I'm sorry, is  
 02:26 10 that by our ordinance from our Master Plan that  
 02:26 11 you've been talking about, the overlap that I have  
 02:26 12 right here?  
 02:26 13 MR. ALAMPI: It's the RSIS requirement.  
 02:26 14 MS. BRAUER: So --  
 02:26 15 CHAIRMAN FERGUSON: Which has  
 02:26 16 precedence over the town ordinance.  
 02:26 17 MR. ALAMPI: Yes, state regulations.  
 02:26 18 MS. BRAUER: So why does a town bother  
 02:26 19 to do an ordinance that overlaps into the Master Plan  
 02:27 20 that your people have done everything by and you  
 02:27 21 don't use it?  
 02:27 22 MR. ALAMPI: Some towns recognize and  
 02:27 23 understand that the RSIS is preemptive, it  
 02:27 24 supercedes. Other towns still try to cling to their  
 02:27 25 ordinance. We try to tell them that the RSIS is

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:27 1 controlling and if we can, we try to comply with the  
 02:27 2 ordinance, if we can, but we -- we are required to go  
 02:27 3 to the RSIS standard.  
 02:27 4 MS. BRAUER: You said some towns do and  
 02:27 5 some towns don't. How do those towns --  
 02:27 6 MR. ALAMPI: It depends on how they're  
 02:27 7 being advised and how they understand the law.  
 02:27 8 MS. BRAUER: Mr. Ferguson, how are you  
 02:27 9 being advised?  
 02:27 10 CHAIRMAN FERGUSON: We always went by  
 02:27 11 the standard, the RSIS standard.  
 02:27 12 MR. ALAMPI: RSIS.  
 02:27 13 MS. BRAUER: RSIS?  
 02:28 14 CHAIRMAN FERGUSON: So I don't know,  
 02:28 15 Hal, do they meet the standards?  
 02:28 16 MR. SIMOFF: According to the schedule,  
 02:28 17 they do. I was just questioning how they were going  
 02:28 18 to divide the outside parking.  
 02:28 19 CHAIRMAN FERGUSON: I can't hear you,  
 02:28 20 Hal.  
 02:28 21 MR. SIMOFF: How they -- the question  
 02:28 22 is, how they divide or designate the outside parking.  
 02:28 23 MR. ALAMPI: He wants to know how we  
 02:28 24 allocate it.  
 02:28 25 CHAIRMAN FERGUSON: Right.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:28 1 MR. SIMOFF: If they conform to RSIS  
 02:28 2 and they conform to the ordinance for the commercial,  
 02:28 3 which they suggest they do, then how is it allocated,  
 02:28 4 because there's only 131 spaces in the garage. I was  
 02:28 5 just asking how they allocate the outside parking.  
 02:28 6 MS. TESTA: So there's sufficient  
 7 space, it's just some are in the garage and some will  
 8 be outside?  
 9 MR. SIMOFF: Correct.  
 10 MR. ALAMPI: And he just wants to know  
 11 how we --  
 12 MS. TESTA: Right.  
 02:28 13 MR. ALAMPI: -- allocate them, which we  
 02:28 14 will provide him with that.  
 02:29 15 CHAIRMAN FERGUSON: Anything else?  
 02:29 16 MS. BRAUER: So Diane, I'm sorry.  
 02:29 17 MS. TESTA: Yeah?  
 02:29 18 MS. BRAUER: So because we have the  
 02:29 19 ordinance that was established six years ago that  
 02:29 20 opened up this whole -- this ridiculous project can  
 02:29 21 come here, we just throw this to the wind?  
 02:29 22 MS. TESTA: No, it's not that they  
 02:29 23 don't have sufficient parking. It's just some are in  
 02:29 24 the parking garage and some will be outside on the  
 02:29 25 lot, but it's still sufficient parking. They're not

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:30 1 basically said we're comparing what was there before.  
 02:30 2 MR. ALAMPI: We did a census report of  
 02:30 3 the number of occupants and square footage. We'll  
 02:30 4 dig it up for you.  
 02:30 5 MR. TERRANOVA: No, I understand that.  
 02:30 6 In that report or maybe you have to do a second  
 02:30 7 report, could you add the amount of parking spaces  
 02:30 8 that are currently now?  
 02:30 9 MR. ALAMPI: That's why we did that  
 02:30 10 report.  
 02:30 11 MR. TERRANOVA: Right, I understand.  
 02:30 12 So I just want to see on the report what --  
 02:30 13 MR. ALAMPI: I think it's in there, how  
 02:30 14 we calculated the parking.  
 02:30 15 MR. TERRANOVA: Well, not how we  
 02:30 16 calculated, but I want to know how many parking  
 02:30 17 spaces are there now and how many parking -- I mean,  
 02:30 18 I realize, I know how many parking spaces you're  
 02:30 19 providing. I want to know how many are on the site  
 02:30 20 right now.  
 02:30 21 MR. ALAMPI: Presently?  
 02:30 22 MR. TERRANOVA: Yeah, presently.  
 02:30 23 MR. ALAMPI: Okay.  
 02:30 24 MR. TERRANOVA: Right. That's all.  
 02:30 25 MR. ALAMPI: We'll send somebody out.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:29 1 decreasing the amount of parking spaces, that's my  
 02:29 2 understanding. So the number is correct, it's just  
 02:29 3 that some are inside the garage and some are outside,  
 02:29 4 but if you add up the parking spaces, it meets the --  
 02:29 5 my understanding, it, meets the ordinance and RSIS.  
 02:29 6 MR. ALAMPI: It meets the ordinance for  
 02:29 7 commercial and RSIS for residential.  
 02:29 8 MS. TESTA: Okay.  
 02:29 9 MS. BRAUER: No, it's not commercial.  
 02:29 10 MS. TESTA: Well, there's some  
 02:29 11 commercial on the lot.  
 02:29 12 MR. ALAMPI: There's commercial on the  
 02:29 13 property.  
 02:29 14 MS. TESTA: You have the liquor store  
 02:29 15 and the gym.  
 02:29 16 CHAIRMAN FERGUSON: Right.  
 02:29 17 MS. TESTA: And the restaurant if it  
 02:29 18 stays.  
 02:29 19 CHAIRMAN FERGUSON: Anybody else?  
 02:29 20 (No response.)  
 02:30 21 CHAIRMAN FERGUSON: Well, if we have  
 02:30 22 anything, we can do it next month.  
 02:30 23 I'm sorry, go.  
 02:30 24 MR. TERRANOVA: On the report, Joe had  
 02:30 25 asked for a report that you're going to dig up that

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:30 1 We have it on the survey, but we'll recount  
 02:30 2 everything.  
 02:30 3 MR. TERRANOVA: That's all, that's what  
 02:30 4 I'm saying, you put it on a report and just tell me  
 02:31 5 how many are there now.  
 02:31 6 VICE CHAIRMAN ALBANESE: Do you want me  
 02:31 7 to go count for you?  
 02:31 8 MR. ALAMPI: We'll send Mr. Albanese  
 02:31 9 there tonight with a flashlight.  
 02:31 10 MS. LAMBRINIDES: Mr. Ferguson, this  
 11 will be continued to next month, the next meeting in  
 12 July?  
 13 CHAIRMAN FERGUSON: I can't hear you.  
 14 MS. LAMBRINIDES: They're going to  
 15 continue to July?  
 02:31 16 MS. TESTA: Are you coming back for the  
 02:31 17 July meeting or August meeting?  
 02:31 18 MR. ALAMPI: Well, it seems that I've  
 02:31 19 got to review my notes on the open items. So what we  
 02:31 20 have left is we concluded our primary witnesses, but  
 02:31 21 there are some questions, for example, you want to  
 02:31 22 defer to Mr. Kauker to give him the opportunity to  
 02:31 23 review the testimony for his comments.  
 02:31 24 CHAIRMAN FERGUSON: Absolutely.  
 02:31 25 MR. ALAMPI: We need Hal to send us an

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:31 1 updated comment letter so we can respond to that.  
 02:31 2 CHAIRMAN FERGUSON: Right.  
 02:31 3 MR. ALAMPI: My man Jacob is going to  
 02:31 4 follow up on five or six engineering questions that  
 02:31 5 Mr. Collazuol brought up and then we want to get a  
 02:31 6 transcript and we want to do that for the meeting.  
 02:32 7 Now, of course we have the 4th of July  
 02:32 8 holiday.  
 02:32 9 CHAIRMAN FERGUSON: Right.  
 02:32 10 MR. ALAMPI: So today is the 27th.  
 02:32 11 CHAIRMAN FERGUSON: Yes.  
 02:32 12 MR. ALAMPI: The 18th would be a push.  
 02:32 13 It could be done, but it would be a push. If we  
 02:32 14 don't make the 18th, we have to go onto the August  
 02:32 15 meeting.  
 02:32 16 CHAIRMAN FERGUSON: So then what would  
 02:32 17 you prefer, because we could --  
 02:32 18 MR. ALAMPI: We prefer the 18th, but I  
 02:32 19 know that you're not going to want us here if we  
 02:32 20 don't get all the information that you're asking for  
 02:32 21 in time.  
 02:32 22 CHAIRMAN FERGUSON: Right, because I  
 02:32 23 think and maybe Eleni can help me, there seems to be  
 02:32 24 something in the contract with the --  
 02:32 25 MS. LAMBRINIDES: The court reporter.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

(Laughter.)  
 02:33 2 MS. LAMBRINIDES: So Mr. Ferguson,  
 02:33 3 we're going to carry this to July, you're going to be  
 02:33 4 heard in July?  
 02:33 5 MR. ALAMPI: July 18th. We're going to  
 02:34 6 expedite the transcript. And you pay that in the  
 02:34 7 escrow? Eleni, are they paid out of the escrow fees?  
 02:34 8 MS. LAMBRINIDES: Yes.  
 02:34 9 MR. ALAMPI: Because I haven't seen any  
 02:34 10 bills myself.  
 02:34 11 MS. LAMBRINIDES: No, they come to  
 02:34 12 Diane. They come to us, right, the court reporter?  
 02:34 13 MS. TESTA: Yes.  
 02:34 14 MR. ALAMPI: Mr. Chairman, I'm  
 02:34 15 delivering the supplemental escrow money and we'll  
 02:34 16 expedite the transcript and we intend to answer all  
 02:34 17 the questions. We're on for the 18th.  
 02:34 18 CHAIRMAN FERGUSON: We're on for the  
 02:34 19 18th.  
 02:34 20 MS. LAMBRINIDES: Okay.  
 21 CHAIRMAN FERGUSON: All right.  
 22 Motion to adjourn.  
 23 VICE CHAIRMAN ALBANESE: Second and  
 24 third.  
 25 MS. TESTA: Carmine, your client waives

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

02:32 1 CHAIRMAN FERGUSON: -- the court  
 02:32 2 reporter, it's two -- what do they require, two  
 3 weeks?  
 4 MS. LAMBRINIDES: They can do an  
 5 expedited service for an extra fee, right, Candice?  
 6 THE COURT REPORTER: Yes.  
 7 CHAIRMAN FERGUSON: How much is the  
 8 extra fee?  
 9 THE COURT REPORTER: I don't know, you  
 10 have to ask Laura.  
 11 MR. ALAMPI: So what is it, that you  
 02:33 12 take two weeks to do the transcript?  
 02:33 13 MS. LAMBRINIDES: You can ask for it on  
 02:33 14 an expedited basis, but there's an additional charge  
 02:33 15 and she's not aware of it, Laura would know that.  
 02:33 16 MR. ALAMPI: Right. So what they  
 02:33 17 normally do, like they do in court, if we need it to  
 02:33 18 be expedited, there's an enhanced fee, there's an  
 02:33 19 increased cost to do that, because people have to  
 02:33 20 work overtime. So we'll expedite the transcript and  
 02:33 21 we'll pay for the extra cost.  
 02:33 22 We're used to either working within the  
 02:33 23 two-week cycle, but if it's important for us to get  
 02:33 24 it done faster, we're willing to pay. I can easily  
 02:33 25 spend my client's money.

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 all time constraints?  
 02:34 2 MR. ALAMPI: We'll extend the time for  
 02:34 3 review through August 30th. You know what, if I  
 02:34 4 don't get up here on the 18th and you're not around,  
 02:34 5 August 30th.  
 6 (Whereupon, the meeting is adjourned.)  
 7 Time noted: 9:52 p.m.)  
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**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

C E R T I F I C A T E

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I, LAURA A. CARUCCI, C.C.R., R.P.R., a Notary Public of the State of New Jersey, Notary ID.#50094914, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with regulation 13:43-5.9 of the New Jersey Administrative Code.

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LAURA A. CARUCCI, C.C.R., R.P.R.  
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of New Jersey #50094914, Notary  
Expiration Date December 3, 2023

Dated: \_\_\_\_\_

**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

<b>#</b>	<p><b>142</b> [1] - 3:17  <b>15</b> [27] - 1:8, 3:4, 4:5, 10:3, 31:8, 36:5, 38:20, 49:21, 59:9, 59:12, 62:8, 62:20, 62:22, 62:23, 65:20, 65:23, 66:1, 66:6, 66:21, 67:25, 69:1, 100:23, 101:11, 101:15, 105:23, 125:5, 125:18  <b>15th</b> [2] - 14:13, 104:7  <b>16</b> [5] - 16:21, 127:4, 127:8, 135:22, 136:1  <b>169</b> [2] - 88:12  <b>16th</b> [10] - 4:10, 17:12, 17:13, 17:25, 82:3, 82:7, 82:9, 82:16, 83:4, 106:8  <b>17</b> [1] - 14:14  <b>17th</b> [7] - 15:4, 15:21, 104:12, 104:19, 104:21, 104:24  <b>18</b> [1] - 32:5  <b>18,500</b> [1] - 25:1  <b>18th</b> [19] - 51:19, 81:8, 81:25, 102:17, 103:12, 104:4, 104:6, 105:14, 105:17, 105:20, 110:23, 111:9, 145:12, 145:14, 145:18, 147:5, 147:17, 147:19, 148:4  <b>19</b> [1] - 4:7  <b>1953</b> [1] - 38:2  <b>1954</b> [1] - 27:14  <b>1985</b> [1] - 22:4  <b>1st</b> [3] - 1:4, 1:4, 8:7</p>	<p><b>2018</b> [2] - 111:11, 111:14  <b>2021</b> [7] - 16:9, 81:6, 81:13, 84:11, 85:1, 106:16, 111:15  <b>2022</b> [3] - 1:2, 14:14, 16:21  <b>2023</b> [1] - 149:16  <b>2024</b> [1] - 86:11  <b>21</b> [26] - 3:5, 3:6, 41:21, 41:22, 59:9, 59:11, 62:11, 62:19, 62:22, 62:23, 65:21, 65:22, 66:9, 66:22, 67:3, 68:25, 70:12, 70:14, 71:15, 76:5, 76:19, 77:16, 100:24, 101:9, 101:14, 101:17  <b>21's</b> [1] - 66:13  <b>21-31</b> [4] - 1:7, 3:3, 4:4, 10:2  <b>21-and-a-half</b> [1] - 67:25  <b>22</b> [3] - 3:6, 106:1, 121:5  <b>22-01</b> [2] - 1:3, 8:7  <b>22-02</b> [4] - 1:5, 2:3, 2:5, 9:4  <b>220</b> [1] - 122:13  <b>223</b> [4] - 88:8, 99:23, 118:12, 118:16  <b>22nd</b> [4] - 104:15, 104:19, 105:1, 105:6  <b>23</b> [1] - 17:4  <b>236</b> [1] - 136:14  <b>24</b> [5] - 32:17, 121:10, 121:11, 134:16, 135:25  <b>24-feet</b> [1] - 120:16  <b>24-foot</b> [1] - 120:13  <b>25</b> [1] - 126:11  <b>262</b> [1] - 124:9  <b>269</b> [1] - 118:10  <b>26th</b> [1] - 34:18  <b>27</b> [3] - 1:2, 81:6, 81:13  <b>27th</b> [4] - 34:19, 34:20, 83:16, 145:10  <b>296</b> [1] - 124:11</p>	<p><b>306</b> [4] - 124:9, 124:11, 126:16, 126:19  <b>30th</b> [2] - 148:3, 148:5  <b>32</b> [4] - 126:5, 126:25, 127:2, 127:9  <b>34</b> [1] - 4:8  <b>343-4600</b> [1] - 2:9</p>	<p><b>6/22/22</b> [1] - 4:18  <b>6/27/22</b> [1] - 34:21  <b>60</b> [1] - 25:4  <b>60-foot</b> [1] - 35:8  <b>60-year</b> [1] - 117:10  <b>61</b> [1] - 3:8  <b>6100</b> [1] - 25:4  <b>612</b> [1] - 1:7  <b>64</b> [4] - 3:12, 3:13, 126:6  <b>65</b> [1] - 3:14  <b>6:30</b> [1] - 85:14  <b>6A</b> [1] - 64:10</p>
<b>\$</b>	<p><b>\$1125.00</b> [1] - 7:6  <b>\$1500.00</b> [1] - 7:8  <b>\$2625.00</b> [1] - 6:23  <b>\$455.00</b> [2] - 7:3, 7:11</p>		<b>4</b>	
<b>0</b>	<p><b>07601</b> [1] - 2:9  <b>07663</b> [1] - 1:24  <b>07927</b> [1] - 21:6  <b>08016</b> [1] - 64:11</p>		<p><b>4</b> [3] - 1:9, 3:4, 4:5  <b>40</b> [2] - 113:25, 136:1  <b>400,000</b> [1] - 86:17  <b>404</b> [1] - 2:8  <b>41</b> [1] - 25:9  <b>44</b> [8] - 87:24, 117:14, 117:15, 117:17, 118:7, 119:17, 124:9  <b>448</b> [3] - 1:4, 1:4, 8:7  <b>45</b> [1] - 32:16  <b>46</b> [16] - 38:15, 38:19, 38:22, 44:19, 49:3, 49:21, 56:25, 84:14, 84:17, 86:17, 90:17, 112:3, 112:20, 113:13, 132:11, 132:21  <b>460</b> [1] - 64:10  <b>48-inch</b> [2] - 132:3, 132:8  <b>4th</b> [1] - 145:7</p>	<b>7</b>
<b>1</b>	<p><b>1</b> [2] - 1:18, 118:17  <b>1.7</b> [1] - 124:19  <b>1.8</b> [1] - 139:1  <b>1/18/22</b> [1] - 4:15  <b>10</b> [10] - 3:4, 29:3, 57:23, 120:19, 121:6, 134:8, 134:17, 139:8  <b>10-foot</b> [1] - 89:23  <b>10-minute</b> [1] - 57:21  <b>100</b> [1] - 21:5  <b>104</b> [1] - 3:15  <b>105</b> [5] - 4:12, 4:14, 4:15, 4:17, 4:18  <b>11</b> [1] - 1:5  <b>113</b> [2] - 1:6, 9:4  <b>117</b> [1] - 3:14  <b>12</b> [5] - 120:18, 134:9, 134:15, 135:25  <b>12/27/21</b> [1] - 4:9  <b>120</b> [1] - 3:15  <b>122</b> [9] - 24:21, 25:9, 61:12, 87:23, 117:15, 118:7, 119:18, 119:22, 121:19  <b>127</b> [1] - 3:15  <b>128</b> [1] - 136:13  <b>13</b> [1] - 136:12  <b>130</b> [1] - 3:16  <b>131</b> [2] - 136:13, 141:4  <b>134</b> [1] - 3:16  <b>138</b> [1] - 3:18  <b>13:43-5.9</b> [1] - 149:10  <b>14</b> [1] - 135:5</p>	<p><b>2</b> [7] - 1:19, 28:21, 44:21, 45:12, 45:13, 118:18, 132:1  <b>20</b> [7] - 32:5, 54:14, 54:18, 111:18, 121:4, 121:7, 121:9  <b>20-feet</b> [1] - 89:22  <b>20-foot</b> [1] - 101:10  <b>200-and-some-odd</b> [1] - 122:11  <b>2004</b> [1] - 79:11  <b>2008</b> [1] - 79:13  <b>201</b> [1] - 2:9  <b>201-641-1812</b> [1] - 1:25  <b>2016</b> [1] - 55:20</p>	<p><b>3</b> [6] - 1:9, 1:20, 3:4, 4:5, 28:21, 149:16  <b>3/15/22</b> [1] - 4:17  <b>3/18/22</b> [2] - 4:12, 4:14  <b>30</b> [2] - 38:21, 49:21  <b>305</b> [1] - 1:5</p>	<b>5</b>
			<b>6</b>	<b>8</b>
			<p><b>5</b> [5] - 31:15, 44:24, 85:14, 100:1, 122:11  <b>50</b> [8] - 3:10, 3:11, 3:18, 31:9, 31:23, 45:17, 46:8, 72:3  <b>50-foot</b> [1] - 44:12  <b>505</b> [4] - 1:9, 1:24, 3:4, 4:5  <b>54</b> [5] - 3:9, 21:5, 44:11, 87:25, 117:16  <b>54-and-a-half</b> [1] - 31:24  <b>55</b> [3] - 3:10, 32:21, 35:8  <b>58</b> [1] - 3:7  <b>59</b> [1] - 3:8</p>	<p><b>7</b> [1] - 119:13  <b>700-square-foot</b> [1] - 25:2  <b>71</b> [1] - 3:14  <b>75</b> [1] - 131:12  <b>76</b> [1] - 3:14  <b>77</b> [1] - 3:15  <b>78</b> [1] - 3:12  <b>7:00</b> [2] - 1:2, 117:25  <b>7:30</b> [1] - 118:17</p>
				<b>9</b>
				<b>A</b>
			<p><b>6</b> [3] - 100:1, 119:13, 122:11  <b>6/15/22</b> [3] - 4:8, 34:16, 34:22</p>	<p><b>8</b> [5] - 1:7, 85:11, 117:20, 119:13  <b>8-foot</b> [1] - 129:18  <b>80</b> [1] - 3:13  <b>81</b> [3] - 4:9, 25:10, 56:13  <b>82</b> [6] - 4:11, 31:9, 31:13, 48:12, 58:22, 58:23  <b>83</b> [1] - 58:22  <b>87</b> [2] - 31:13, 48:11</p>
				<p><b>9</b> [3] - 85:11, 85:12, 117:20  <b>9.4</b> [1] - 31:8  <b>9:20</b> [1] - 113:24  <b>9:52</b> [1] - 148:7</p>
				<p><b>A-2</b> [1] - 83:25  <b>A-20</b> [1] - 13:19  <b>A-22</b> [1] - 13:20  <b>a-23</b> [1] - 18:21  <b>A-23</b> [4] - 4:6, 18:18, 19:5, 19:6</p>

<p><b>A-24</b> [5] - 4:8, 34:9, 34:10, 34:12, 34:17</p> <p><b>A-25</b> [5] - 4:9, 81:11, 81:14, 81:18, 82:6</p> <p><b>A-26</b> [4] - 4:10, 82:8, 82:11, 106:7</p> <p><b>a.m</b> [2] - 85:11, 85:12</p> <p><b>A.O.C</b> [2] - 1:6, 9:4</p> <p><b>Abbott</b> [2] - 1:6, 9:4</p> <p><b>abide</b> [1] - 128:20</p> <p><b>able</b> [4] - 78:6, 96:9, 101:6, 110:2</p> <p><b>ABSENT</b> [4] - 1:16, 1:19, 1:20, 2:16</p> <p><b>absolutely</b> [5] - 50:18, 51:14, 53:2, 97:9, 144:24</p> <p><b>absorb</b> [1] - 46:19</p> <p><b>abstain</b> [2] - 9:2, 9:24</p> <p><b>accept</b> [3] - 6:15, 22:11, 81:3</p> <p><b>acceptable</b> [1] - 85:25</p> <p><b>acceptably</b> [1] - 90:19</p> <p><b>accepted</b> [2] - 23:9, 28:6</p> <p><b>accepting</b> [1] - 130:20</p> <p><b>access</b> [27] - 38:14, 39:11, 84:7, 84:20, 88:24, 88:25, 89:15, 89:18, 89:21, 90:6, 90:22, 92:5, 92:6, 92:7, 92:10, 92:15, 96:10, 96:12, 96:13, 96:14, 97:8, 110:6, 110:8, 110:12, 132:15, 132:17, 133:5</p> <p><b>accommodate</b> [3] - 39:6, 39:16, 91:22</p> <p><b>accomplished</b> [1] - 67:20</p> <p><b>accordance</b> [1] - 5:7</p> <p><b>according</b> [1] - 140:16</p> <p><b>accordingly</b> [1] - 103:7</p> <p><b>account</b> [1] - 98:4</p> <p><b>accurate</b> [1] - 119:10</p> <p><b>acknowledge</b> [4] - 90:16, 91:8, 112:25, 113:8</p> <p><b>acre</b> [1] - 25:20</p> <p><b>acres</b> [1] - 25:14</p> <p><b>Act</b> [1] - 5:7</p> <p><b>action</b> [2] - 149:8, 149:9</p> <p><b>activated</b> [1] - 126:24</p> <p><b>activity</b> [3] - 48:17, 48:24, 100:6</p> <p><b>actual</b> [1] - 129:6</p> <p><b>add</b> [4] - 67:18,</p>	<p>118:25, 142:4, 143:7</p> <p><b>adding</b> [3] - 63:12, 65:24, 68:8</p> <p><b>addition</b> [1] - 24:23</p> <p><b>additional</b> [7] - 85:4, 89:3, 89:4, 91:24, 116:10, 126:25, 146:14</p> <p><b>address</b> [5] - 52:8, 54:5, 55:16, 84:24, 138:2</p> <p><b>addressed</b> [2] - 55:7, 74:2</p> <p><b>adequate</b> [2] - 73:6, 85:8</p> <p><b>adjacent</b> [2] - 84:23, 91:5</p> <p><b>adjourn</b> [1] - 147:22</p> <p><b>adjourned</b> [1] - 148:6</p> <p><b>ADJUSTMENT</b> [1] - 1:1</p> <p><b>Adjustment</b> [2] - 2:3, 2:5</p> <p><b>adjustment</b> [4] - 95:6, 95:7, 103:16, 103:18</p> <p><b>adjustments</b> [1] - 94:10</p> <p><b>administered</b> [1] - 80:1</p> <p><b>administrative</b> [1] - 130:2</p> <p><b>Administrative</b> [1] - 149:10</p> <p><b>admit</b> [1] - 22:4</p> <p><b>adopted</b> [3] - 54:19, 55:12, 55:19</p> <p><b>advanced</b> [3] - 43:25, 44:3, 50:12</p> <p><b>advise</b> [1] - 129:22</p> <p><b>advised</b> [2] - 140:7, 140:9</p> <p><b>aerial</b> [1] - 27:12</p> <p><b>affects</b> [1] - 119:15</p> <p><b>affiliated</b> [1] - 79:3</p> <p><b>affiliations</b> [1] - 79:21</p> <p><b>afraid</b> [1] - 83:1</p> <p><b>afternoon</b> [1] - 84:12, 85:13, 87:25, 88:7, 88:10, 88:13, 98:3, 99:20, 99:22, 99:24, 118:12</p> <p><b>agenda</b> [2] - 6:9, 10:1</p> <p><b>agent</b> [1] - 149:8</p> <p><b>ago</b> [7] - 10:6, 12:2, 40:13, 55:13, 73:12, 141:19</p> <p><b>agreed</b> [1] - 50:8</p> <p><b>agreement</b> [1] - 59:8, 60:23, 61:14, 61:17, 61:19, 66:12, 70:6,</p>	<p>71:16, 71:24, 71:25, 77:1</p> <p><b>agreements</b> [1] - 61:10</p> <p><b>agrees</b> [1] - 40:24</p> <p><b>ahead</b> [1] - 65:12</p> <p><b>AICP</b> [2] - 3:5, 21:4</p> <p><b>aisle</b> [1] - 110:6</p> <p><b>aisles</b> [3] - 109:19, 109:23, 110:1</p> <p><b>Alampi</b> [7] - 3:6, 3:6, 3:12, 3:13, 10:5, 130:13, 135:11</p> <p><b>ALAMPI</b> [231] - 2:7, 2:7, 10:4, 10:16, 10:18, 11:2, 11:4, 11:16, 11:17, 11:22, 12:1, 13:6, 13:21, 14:2, 14:4, 14:6, 14:9, 14:19, 14:22, 15:10, 15:17, 15:20, 15:25, 16:8, 16:17, 17:1, 17:5, 17:13, 17:18, 17:23, 18:10, 18:15, 18:19, 19:2, 19:6, 19:11, 19:13, 19:19, 19:24, 20:7, 20:11, 20:15, 21:13, 22:14, 23:8, 23:11, 53:12, 55:10, 56:3, 56:6, 56:9, 56:16, 57:5, 57:14, 59:3, 59:9, 59:12, 59:19, 59:24, 60:4, 60:9, 60:12, 60:19, 61:16, 61:20, 62:13, 62:18, 63:3, 63:7, 63:14, 63:20, 64:18, 65:3, 65:11, 67:4, 68:21, 68:23, 69:12, 69:18, 70:1, 70:19, 70:25, 71:5, 71:19, 71:25, 72:2, 72:6, 72:11, 72:16, 72:19, 72:23, 73:17, 74:7, 74:17, 74:24, 75:8, 75:18, 75:25, 76:18, 76:22, 77:4, 77:17, 77:24, 78:4, 78:14, 78:22, 80:11, 81:1, 81:4, 81:15, 81:18, 81:21, 82:12, 82:15, 83:8, 83:13, 93:18, 102:15, 102:22, 103:1, 103:8, 103:11, 103:14, 103:17, 103:20, 103:22, 104:3, 104:16, 104:20, 104:24, 105:4,</p>	<p>106:4, 106:21, 106:24, 108:1, 108:11, 108:14, 109:6, 111:7, 111:12, 111:18, 112:4, 112:8, 115:4, 115:9, 115:22, 116:4, 116:11, 116:14, 122:21, 123:3, 123:10, 124:2, 124:6, 124:24, 125:11, 125:15, 126:21, 127:11, 127:13, 128:9, 128:15, 128:18, 129:1, 129:8, 129:13, 129:17, 129:24, 130:22, 131:1, 131:7, 131:17, 131:22, 132:9, 132:11, 132:18, 132:23, 133:1, 133:15, 133:18, 133:23, 134:3, 134:13, 134:20, 134:25, 135:12, 135:19, 135:23, 136:2, 136:10, 136:16, 136:23, 137:2, 137:6, 137:11, 137:16, 137:21, 138:11, 138:21, 138:24, 139:3, 139:7, 139:13, 139:17, 139:22, 140:6, 140:12, 140:23, 141:10, 141:13, 142:6, 142:12, 143:2, 143:9, 143:13, 143:21, 143:23, 143:25, 144:8, 144:18, 144:25, 145:3, 145:10, 145:12, 145:18, 146:11, 146:16, 147:5, 147:9, 147:14, 148:2</p> <p><b>ALBANESE</b> [49] - 1:12, 5:16, 6:14, 7:1, 7:14, 7:19, 8:10, 8:17, 9:6, 9:14, 58:7, 59:22, 61:24, 62:16, 62:25, 63:5, 63:10, 66:2, 66:5, 66:8, 66:11, 66:20, 66:25, 67:6, 67:14, 67:24, 68:12, 69:10, 69:15, 69:21, 70:17, 70:20, 71:1, 71:8, 74:18,</p>	<p>76:12, 76:20, 76:24, 114:9, 134:7, 134:18, 134:23, 135:1, 135:4, 135:16, 135:20, 135:24, 144:6, 147:23</p> <p><b>Albanese</b> [11] - 3:8, 3:14, 3:16, 5:15, 7:18, 8:16, 9:13, 58:6, 62:13, 114:8, 144:8</p> <p><b>Allegiance</b> [1] - 5:4</p> <p><b>allocate</b> [3] - 140:24, 141:5, 141:13</p> <p><b>allocated</b> [1] - 141:3</p> <p><b>allocation</b> [1] - 136:18</p> <p><b>allow</b> [4] - 95:9, 95:22, 112:21, 134:17</p> <p><b>allowed</b> [4] - 32:12, 32:19, 48:22, 74:11</p> <p><b>allows</b> [1] - 46:25</p> <p><b>almost</b> [2] - 28:20, 45:23</p> <p><b>alone</b> [2] - 88:8, 88:13</p> <p><b>alteration</b> [1] - 30:16</p> <p><b>ALTERNATE</b> [3] - 1:18, 1:19, 1:20</p> <p><b>ambulance</b> [2] - 108:7, 122:1</p> <p><b>ambulances</b> [1] - 129:2</p> <p><b>amenities</b> [1] - 13:14</p> <p><b>Amenity</b> [2] - 4:7, 19:4</p> <p><b>amenity</b> [1] - 47:5</p> <p><b>American</b> [1] - 22:1</p> <p><b>amount</b> [5] - 139:3, 139:6, 139:7, 142:1, 143:7</p> <p><b>analysis</b> [10] - 12:19, 83:9, 85:15, 85:18, 88:18, 88:19, 88:24, 89:10, 97:23, 117:23</p> <p><b>analytical</b> [2] - 118:6, 119:17</p> <p><b>analyze</b> [1] - 84:4</p> <p><b>analyzed</b> [3] - 84:21, 87:4, 87:9</p> <p><b>Andy</b> [1] - 130:4</p> <p><b>angle</b> [1] - 94:7</p> <p><b>answer</b> [9] - 49:8, 60:14, 63:17, 63:21, 78:25, 115:17, 128:13, 136:16, 147:16</p> <p><b>answering</b> [1] - 14:1</p> <p><b>anticipate</b> [2] - 103:2, 103:4</p> <p><b>anticipating</b> [1] - 95:11</p>
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<p><b>apart</b> [1] - 56:15  <b>apartment</b> [2] - 120:1, 138:9  <b>apartments</b> [2] - 56:13, 56:14  <b>appeared</b> [1] - 79:14  <b>appendixes</b> [1] - 102:6  <b>applicant</b> [1] - 37:6  <b>Applicant</b> [1] - 2:10  <b>application</b> [32] - 21:1, 23:19, 23:24, 24:19, 27:1, 27:9, 27:22, 29:11, 30:20, 32:11, 37:11, 37:18, 39:1, 44:1, 44:3, 51:9, 51:15, 55:7, 64:6, 64:25, 65:21, 66:17, 67:23, 70:15, 73:24, 75:11, 76:7, 77:18, 97:16, 122:25, 133:9, 133:13  <b>applies</b> [1] - 24:9  <b>approach</b> [6] - 46:12, 47:9, 86:5, 86:25, 89:8, 90:17  <b>approaches</b> [2] - 87:1, 89:5  <b>appropriate</b> [10] - 34:7, 35:23, 36:10, 38:23, 38:24, 40:25, 48:25, 49:24, 53:11, 82:20  <b>approval</b> [1] - 6:9  <b>approved</b> [1] - 75:7  <b>architect</b> [7] - 10:13, 13:8, 22:3, 25:11, 39:8, 122:5, 128:9  <b>architects</b> [1] - 123:5  <b>architectural</b> [3] - 10:22, 12:8, 136:6  <b>area</b> [22] - 13:10, 35:9, 36:2, 38:6, 39:3, 40:22, 42:2, 42:10, 42:18, 43:5, 43:9, 43:13, 45:17, 52:25, 68:10, 86:15, 87:18, 95:19, 96:7, 96:23, 132:7, 136:14  <b>areas</b> [6] - 26:5, 29:13, 32:8, 42:20, 87:17  <b>argue</b> [1] - 27:23  <b>articulate</b> [1] - 29:20  <b>articulated</b> [1] - 43:16  <b>aspect</b> [1] - 129:14  <b>assigned</b> [1] - 85:20  <b>assist</b> [1] - 17:19  <b>associate</b> [2] - 33:6, 99:16</p>	<p><b>associated</b> [8] - 25:8, 31:5, 39:16, 48:24, 49:7, 98:13, 99:9, 99:19  <b>Associates</b> [6] - 1:8, 2:10, 3:3, 4:4, 7:8, 10:2  <b>assumed</b> [1] - 88:20  <b>assuming</b> [1] - 85:16  <b>AstroTurf</b> [2] - 46:17, 46:18  <b>attached</b> [3] - 81:22, 102:5, 111:8  <b>attempt</b> [1] - 72:11  <b>attendance</b> [4] - 33:2, 58:3, 114:5, 114:21  <b>attorney</b> [10] - 6:23, 12:2, 12:4, 51:3, 51:4, 76:8, 77:19, 77:22, 78:8, 118:23  <b>attorneys</b> [2] - 51:4, 77:25  <b>AUDIENCE</b> [2] - 123:2, 136:9  <b>audience</b> [1] - 138:1  <b>August</b> [5] - 55:19, 144:17, 145:14, 148:3, 148:5  <b>auto</b> [1] - 38:5  <b>available</b> [1] - 110:3  <b>Ave</b> [1] - 1:6  <b>avenue</b> [1] - 43:4  <b>Avenue</b> [45] - 1:8, 3:4, 3:10, 3:11, 3:18, 4:5, 9:4, 10:3, 26:23, 35:24, 36:5, 38:20, 38:21, 42:12, 44:19, 48:3, 49:2, 49:20, 52:12, 54:6, 55:18, 56:4, 73:15, 74:3, 84:15, 84:17, 86:6, 86:25, 89:7, 91:14, 91:19, 91:23, 94:16, 94:21, 95:20, 96:3, 101:15, 111:17, 113:7, 113:11, 113:18, 113:19, 118:1, 119:12, 132:20  <b>average</b> [1] - 89:9  <b>aware</b> [4] - 76:9, 84:19, 113:20, 146:15</p>	<p><b>background</b> [3] - 21:17, 86:14, 86:19  <b>backing</b> [1] - 91:19  <b>backs</b> [3] - 112:19, 113:3, 121:24  <b>backup</b> [1] - 113:19  <b>bad</b> [1] - 12:25  <b>ball</b> [1] - 111:20  <b>bar</b> [5] - 88:7, 97:24, 98:2, 99:12, 99:19  <b>bar/restaurant</b> [1] - 118:15  <b>base</b> [1] - 130:3  <b>based</b> [11] - 36:15, 82:25, 85:8, 85:10, 85:18, 85:20, 87:7, 119:19, 119:25, 124:12, 124:16  <b>baseline</b> [1] - 86:8  <b>basement</b> [1] - 117:23  <b>bases</b> [1] - 35:6  <b>basis</b> [2] - 23:1, 146:14  <b>battery</b> [1] - 127:15  <b>beat</b> [1] - 89:19  <b>becomes</b> [1] - 132:4  <b>bedroom</b> [7] - 25:9, 25:10, 56:14, 124:23, 138:18, 139:2  <b>beginning</b> [1] - 61:14  <b>behind</b> [3] - 12:5, 51:8, 132:7  <b>belong</b> [1] - 68:25  <b>belongings</b> [1] - 62:11  <b>belongs</b> [6] - 62:4, 62:19, 62:20, 66:6, 66:9, 68:25  <b>below</b> [5] - 11:1, 38:19, 38:21, 48:3  <b>benefit</b> [2] - 21:16, 71:21  <b>benefited</b> [1] - 77:7  <b>Bergen</b> [1] - 103:24  <b>best</b> [1] - 12:7  <b>better</b> [3] - 45:1, 85:24, 91:21  <b>between</b> [11] - 24:14, 61:4, 65:20, 72:7, 73:2, 85:13, 116:3, 122:11, 129:5, 132:11, 132:12  <b>beyond</b> [6] - 38:20, 41:21, 48:8, 72:24, 75:5, 75:8  <b>big</b> [7] - 20:20, 30:18, 55:25, 70:8, 119:2, 122:9, 128:17  <b>bill</b> [3] - 6:24, 23:12, 41:17</p>	<p><b>Bill</b> [6] - 21:14, 22:15, 25:12, 32:25, 36:20, 51:2  <b>bills</b> [2] - 6:22, 147:10  <b>Birchwale</b> [1] - 7:7  <b>bit</b> [11] - 19:24, 31:10, 36:25, 43:10, 44:12, 49:13, 51:7, 52:22, 78:13, 79:3, 89:16  <b>bite</b> [1] - 27:5  <b>Block</b> [5] - 1:5, 1:7, 1:9, 3:4, 4:5  <b>blow</b> [1] - 131:6  <b>board</b> [36] - 5:9, 13:20, 14:18, 16:2, 16:10, 18:24, 24:12, 24:16, 27:8, 28:19, 50:22, 50:24, 53:14, 53:22, 55:12, 55:23, 65:5, 75:5, 75:8, 76:1, 82:1, 82:16, 94:13, 96:1, 97:18, 100:17, 103:14, 103:15, 103:17, 103:23, 113:20, 117:3, 121:1, 123:17, 133:8, 149:6  <b>BOARD</b> [4] - 1:1, 2:15, 2:16, 2:17  <b>Board</b> [3] - 2:3, 2:5, 11:5  <b>board's</b> [5] - 75:13, 82:2, 91:9, 102:19, 124:15  <b>Board/Professional</b> [2] - 3:7, 3:13  <b>boards</b> [2] - 22:5, 79:15  <b>body</b> [2] - 55:11, 149:7  <b>border</b> [1] - 56:4  <b>borough</b> [4] - 5:8, 5:10, 51:1, 53:8  <b>BOROUGH</b> [1] - 1:1  <b>Borough</b> [4] - 5:10, 23:14, 132:14, 133:4  <b>borough's</b> [1] - 24:3  <b>Borough's</b> [1] - 131:14  <b>Boswell</b> [1] - 14:2  <b>bother</b> [1] - 139:18  <b>bottom</b> [1] - 110:25  <b>bought</b> [1] - 53:5  <b>Bowman</b> [6] - 20:2, 20:18, 21:21, 79:7, 80:19, 83:15  <b>box</b> [3] - 82:21, 83:3  <b>BOX</b> [1] - 1:24  <b>Brauer</b> [4] - 3:10, 3:18, 55:17, 138:6  <b>BRAUER</b> [23] - 55:17,</p>	<p>56:5, 56:7, 56:10, 56:18, 56:21, 57:7, 57:12, 57:16, 138:3, 138:6, 138:8, 138:17, 139:1, 139:9, 139:14, 139:18, 140:4, 140:8, 140:13, 141:16, 141:18, 142:9  <b>break</b> [6] - 57:21, 113:23, 114:2, 115:12, 137:8  <b>breakdown</b> [3] - 122:18, 122:20, 137:12  <b>brief</b> [2] - 57:24, 114:3  <b>briefly</b> [2] - 24:18, 106:12  <b>brilliance</b> [1] - 126:7  <b>bring</b> [5] - 60:4, 82:24, 83:2, 108:10, 125:25  <b>bringing</b> [3] - 48:12, 134:1, 137:5  <b>Brogna</b> [6] - 6:6, 8:3, 9:1, 9:23, 58:16, 114:18  <b>BROGNA</b> [7] - 1:18, 6:7, 8:4, 9:2, 9:24, 58:17, 114:19  <b>broken</b> [1] - 99:17  <b>BROOK</b> [1] - 1:24  <b>brought</b> [5] - 111:15, 115:12, 115:24, 138:14, 145:5  <b>build</b> [2] - 86:20, 89:6  <b>building</b> [88] - 11:9, 19:23, 24:14, 24:15, 24:22, 24:24, 25:2, 25:8, 25:20, 26:22, 27:3, 27:10, 27:13, 27:21, 27:25, 28:10, 28:19, 30:12, 30:18, 30:22, 31:6, 31:22, 34:1, 36:7, 37:24, 38:3, 38:4, 38:18, 39:20, 39:22, 40:16, 41:5, 42:2, 45:22, 46:2, 46:3, 46:5, 46:6, 48:3, 48:8, 49:1, 49:15, 49:25, 52:17, 61:12, 70:12, 82:24, 90:25, 91:2, 91:5, 91:10, 91:16, 91:25, 92:6, 92:11, 92:16, 92:19, 93:1, 93:24, 94:6, 94:17, 95:1, 95:3, 95:16, 96:18, 99:4, 100:22, 101:14, 109:2,</p>
	<b>B</b>			
	<p><b>bachelor</b> [1] - 79:8  <b>backed</b> [2] - 24:1, 112:3</p>			

<p>120:4, 122:5, 122:18, 122:19, 122:24, 123:22, 130:21, 132:7, 132:9, 132:10, 132:13, 132:17, 133:9, 133:11, 133:12, 133:18, 133:20, 133:21</p> <p><b>buildings</b> [10] - 30:8, 37:7, 41:16, 41:23, 42:2, 48:8, 52:25, 55:24, 101:18, 120:1</p> <p><b>builds</b> [1] - 52:17</p> <p><b>built</b> [3] - 53:6, 56:6, 56:7</p> <p><b>bullet</b> [1] - 27:5</p> <p><b>bulletin</b> [1] - 5:9</p> <p><b>Burlington</b> [1] - 64:10</p> <p><b>business</b> [1] - 26:19</p> <p><b>businesses</b> [1] - 37:24</p> <p><b>button</b> [1] - 11:1</p> <p><b>buzz</b> [1] - 11:13</p> <p><b>BY</b> [14] - 21:13, 22:14, 23:11, 64:18, 65:11, 78:22, 80:11, 81:15, 83:13, 93:18, 106:4, 106:24, 109:6, 126:21</p> <p><b>bygone</b> [1] - 48:20</p>	<p>9:8, 9:22, 58:15, 61:22, 71:7, 71:13, 71:22, 72:1, 72:4, 72:9, 72:13, 72:18, 72:21, 73:11, 73:25, 74:8, 74:20, 75:1, 75:12, 75:16, 75:23, 76:10, 114:17, 114:23, 117:5, 117:9, 117:19, 117:22, 118:14, 119:21, 120:2, 120:17, 120:21, 120:25, 121:6, 121:11, 121:16, 122:8, 129:11, 134:11, 135:7</p> <p><b>Carnovale</b> [9] - 3:8, 3:14, 5:5, 6:2, 8:1, 8:24, 9:21, 58:14, 114:16</p> <p><b>Carolina</b> [1] - 79:9</p> <p><b>carry</b> [1] - 147:3</p> <p><b>cars</b> [1] - 112:22</p> <p><b>CARUCCI</b> [3] - 1:23, 149:3, 149:14</p> <p><b>case</b> [12] - 10:1, 37:14, 37:17, 39:17, 47:2, 51:5, 51:13, 51:16, 52:15, 52:17, 77:10, 89:11</p> <p><b>Case</b> [10] - 1:3, 1:5, 1:7, 2:3, 2:5, 3:3, 4:4, 8:7, 9:4, 10:2</p> <p><b>cases</b> [1] - 78:8</p> <p><b>catch</b> [1] - 57:13</p> <p><b>categories</b> [1] - 37:9</p> <p><b>cease</b> [1] - 98:11</p> <p><b>Cedar</b> [1] - 21:5</p> <p><b>ceiling</b> [2] - 129:11, 129:12</p> <p><b>census</b> [1] - 143:2</p> <p><b>certain</b> [4] - 29:13, 32:6, 113:15, 128:19</p> <p><b>certainly</b> [14] - 39:4, 43:8, 48:6, 48:22, 48:23, 49:23, 50:11, 53:10, 54:25, 94:15, 96:5, 108:18, 112:25, 124:7</p> <p><b>certification</b> [1] - 80:4</p> <p><b>certifications</b> [1] - 79:20</p> <p><b>Certified</b> [3] - 22:2, 79:23, 149:4</p> <p><b>CERTIFIED</b> [1] - 1:23</p> <p><b>certify</b> [1] - 149:5</p> <p><b>cetera</b> [1] - 123:15</p> <p><b>CHAIRMAN</b> [194] - 1:11, 1:12, 5:1, 5:6,</p>	<p>5:14, 5:16, 6:8, 6:14, 6:17, 6:21, 7:1, 7:2, 7:14, 7:15, 7:17, 7:19, 8:5, 8:10, 8:13, 8:15, 8:17, 9:3, 9:6, 9:9, 9:12, 9:14, 9:25, 10:14, 10:17, 10:25, 11:3, 11:17, 11:24, 13:5, 13:23, 14:3, 14:5, 14:17, 14:20, 15:15, 15:19, 15:22, 16:7, 16:14, 16:23, 17:16, 17:22, 18:8, 18:12, 19:10, 19:12, 19:18, 19:21, 20:9, 20:13, 22:11, 23:10, 53:15, 53:25, 54:3, 55:15, 56:20, 57:17, 57:20, 57:25, 58:5, 58:7, 58:18, 59:6, 59:11, 59:14, 59:22, 60:11, 61:7, 61:18, 61:24, 62:16, 62:25, 63:5, 63:10, 63:19, 63:24, 65:9, 66:2, 66:5, 66:8, 66:11, 66:20, 66:25, 67:6, 67:14, 67:24, 68:12, 69:10, 69:15, 69:21, 70:17, 70:20, 71:1, 71:8, 71:12, 74:18, 76:12, 76:20, 76:24, 77:14, 77:21, 78:2, 78:10, 78:18, 81:2, 108:9, 108:12, 113:22, 114:4, 114:9, 114:20, 114:24, 115:2, 115:7, 115:10, 115:16, 115:19, 116:2, 116:6, 116:19, 116:22, 117:2, 117:7, 121:2, 121:9, 122:15, 123:8, 123:19, 124:1, 124:4, 124:21, 124:25, 125:4, 125:8, 125:14, 127:2, 127:6, 127:12, 127:16, 128:1, 128:4, 128:7, 128:14, 128:16, 128:25, 129:4, 129:9, 129:15, 129:20, 130:5, 130:7, 130:10, 130:12, 131:20, 131:25, 134:5, 134:7, 134:18, 134:23, 135:1,</p>	<p>135:4, 135:16, 135:20, 135:24, 137:22, 137:25, 139:15, 140:10, 140:14, 140:19, 140:25, 141:15, 142:16, 142:19, 142:21, 144:6, 144:13, 144:24, 145:2, 145:9, 145:11, 145:16, 145:22, 146:1, 146:7, 147:18, 147:21, 147:23</p> <p><b>chairman</b> [3] - 15:2, 20:17, 53:12</p> <p><b>Chairman</b> [25] - 3:7, 3:8, 3:14, 3:15, 3:16, 10:4, 10:5, 10:24, 11:5, 11:12, 12:20, 15:11, 16:5, 18:21, 19:7, 20:4, 20:8, 23:8, 55:11, 60:9, 81:1, 117:6, 122:21, 130:6, 147:14</p> <p><b>challenging</b> [1] - 12:4</p> <p><b>chance</b> [5] - 18:13, 20:10, 42:14, 102:8, 102:12</p> <p><b>change</b> [9] - 30:17, 40:20, 49:17, 49:22, 76:15, 77:1, 100:14, 101:2, 134:10</p> <p><b>changed</b> [2] - 27:16, 54:17</p> <p><b>changes</b> [4] - 54:20, 54:25, 55:5, 55:9</p> <p><b>changing</b> [2] - 77:1, 89:25</p> <p><b>channel</b> [1] - 132:4</p> <p><b>chapter</b> [1] - 30:3</p> <p><b>charge</b> [1] - 146:14</p> <p><b>charging</b> [5] - 124:13, 125:5, 125:10, 125:17, 125:22</p> <p><b>CHARLIE</b> [1] - 1:19</p> <p><b>check</b> [5] - 14:11, 19:11, 121:13, 121:15, 131:14</p> <p><b>checked</b> [1] - 130:18</p> <p><b>checks</b> [1] - 19:16</p> <p><b>children</b> [1] - 56:14</p> <p><b>Chiurazzi</b> [5] - 108:11, 108:12, 129:21, 129:22, 130:4</p> <p><b>choice</b> [2] - 125:16, 126:2</p> <p><b>choose</b> [1] - 47:12</p> <p><b>Chung</b> [1] - 5:19</p> <p><b>CHUNG</b> [1] - 1:19</p>	<p><b>circulate</b> [2] - 12:23, 105:7</p> <p><b>circulated</b> [2] - 15:18, 81:7</p> <p><b>circulation</b> [3] - 92:5, 92:9, 108:5</p> <p><b>circumstances</b> [1] - 12:17</p> <p><b>City</b> [2] - 52:16, 118:4</p> <p><b>civil</b> [5] - 10:9, 11:6, 63:21, 65:1, 79:8</p> <p><b>classifying</b> [1] - 47:3</p> <p><b>clean</b> [1] - 27:22</p> <p><b>cleaner</b> [1] - 45:3</p> <p><b>clear</b> [3] - 18:1, 61:8, 77:15</p> <p><b>clearance</b> [5] - 127:25, 128:19, 129:2, 129:14, 129:18</p> <p><b>cleared</b> [1] - 115:14</p> <p><b>clerk</b> [1] - 130:1</p> <p><b>Clerk's</b> [1] - 5:11</p> <p><b>clerk's</b> [2] - 19:19, 82:19</p> <p><b>client</b> [2] - 122:23, 147:25</p> <p><b>client's</b> [1] - 146:25</p> <p><b>cling</b> [1] - 139:24</p> <p><b>close</b> [3] - 77:11, 96:8, 132:7</p> <p><b>closing</b> [2] - 77:7, 77:9</p> <p><b>club</b> [2] - 28:1, 100:11</p> <p><b>code</b> [2] - 23:15, 23:20</p> <p><b>Code</b> [1] - 149:11</p> <p><b>collaborated</b> [2] - 36:11, 80:22</p> <p><b>collaboration</b> [1] - 27:2</p> <p><b>COLLAZUOL</b> [29] - 2:15, 14:8, 15:24, 54:2, 60:17, 93:15, 104:13, 104:18, 104:23, 105:3, 120:15, 121:12, 122:4, 130:6, 130:8, 130:11, 130:13, 130:23, 131:2, 131:8, 132:1, 132:10, 132:12, 132:22, 132:25, 133:3, 133:16, 133:19, 133:25</p> <p><b>Collazuol</b> [17] - 3:15, 4:16, 4:18, 13:25, 14:2, 14:3, 14:4, 14:15, 15:13, 58:22, 102:23, 103:5, 104:4, 105:22, 105:25, 120:11,</p>
<b>C</b>				
<p><b>C-2</b> [1] - 43:23</p> <p><b>C.C.R</b> [2] - 149:3, 149:14</p> <p><b>C.S.R</b> [1] - 1:23</p> <p><b>calculate</b> [1] - 112:7</p> <p><b>calculated</b> [4] - 125:2, 126:16, 143:14, 143:16</p> <p><b>Caldwell</b> [1] - 23:2</p> <p><b>caliber</b> [1] - 42:22</p> <p><b>Candice</b> [1] - 146:5</p> <p><b>cannot</b> [2] - 59:21, 101:21</p> <p><b>capable</b> [1] - 130:20</p> <p><b>capitalize</b> [1] - 73:4</p> <p><b>car</b> [4] - 122:1, 127:21, 128:23, 137:8</p> <p><b>care</b> [2] - 70:17, 70:18</p> <p><b>career</b> [1] - 22:7</p> <p><b>CARMINE</b> [1] - 2:7</p> <p><b>Carmine</b> [3] - 10:5, 135:16, 147:25</p> <p><b>CARNOVALE</b> [49] - 1:14, 6:3, 6:16, 6:25, 7:13, 8:2, 8:12, 8:25,</p>				

<p>145:5  <b>Collazuol's</b> [4] - 14:12, 15:3, 18:2, 103:7  <b>colleague</b> [2] - 80:13, 80:19  <b>Columbia</b> [5] - 84:17, 86:3, 86:25, 88:25, 89:7  <b>combination</b> [1] - 131:5  <b>comfortable</b> [1] - 108:8  <b>coming</b> [13] - 62:6, 66:22, 67:1, 68:15, 69:7, 71:9, 74:15, 76:16, 100:23, 111:21, 118:7, 135:18, 144:16  <b>comment</b> [17] - 14:16, 14:20, 14:23, 18:2, 52:2, 84:24, 104:19, 105:11, 106:5, 106:10, 108:13, 110:24, 112:15, 116:16, 133:23, 136:5, 145:1  <b>comments</b> [13] - 12:24, 12:25, 51:25, 53:20, 102:14, 108:15, 109:4, 111:24, 115:11, 116:10, 116:12, 116:20, 144:23  <b>commercial</b> [19] - 24:23, 26:1, 26:12, 31:11, 34:24, 36:3, 39:10, 40:22, 41:5, 45:22, 101:14, 136:8, 136:20, 136:24, 141:2, 142:7, 142:9, 142:11, 142:12  <b>commingled</b> [1] - 26:1  <b>commission</b> [1] - 149:6  <b>commissioned</b> [1] - 122:23  <b>common</b> [5] - 61:2, 61:5, 61:21, 77:2, 92:24  <b>communicate</b> [1] - 108:14  <b>communicated</b> [1] - 73:7  <b>communication</b> [2] - 73:24, 76:5  <b>community</b> [1] - 37:25  <b>commuter</b> [1] - 100:4  <b>company</b> [4] - 20:19,</p>	<p>20:20, 48:14, 98:8  <b>compared</b> [4] - 28:10, 48:20, 110:21, 111:14  <b>comparing</b> [4] - 97:23, 97:24, 111:2, 143:1  <b>comparison</b> [2] - 35:3, 96:3  <b>completed</b> [3] - 10:23, 13:8, 115:4  <b>completely</b> [2] - 99:2, 101:25  <b>Completeness</b> [2] - 4:15, 105:19  <b>completeness</b> [1] - 104:6  <b>complies</b> [2] - 124:13, 149:10  <b>comply</b> [5] - 45:23, 45:24, 46:10, 138:25, 140:1  <b>component</b> [1] - 25:7  <b>composition</b> [1] - 100:15  <b>Computer</b> [2] - 4:6, 19:3  <b>computer</b> [1] - 13:12  <b>concept</b> [2] - 30:11, 52:21  <b>concepts</b> [1] - 48:21  <b>concern</b> [6] - 73:1, 73:2, 75:9, 106:16, 109:13, 109:24  <b>concerned</b> [3] - 56:12, 56:21, 122:2  <b>concerns</b> [4] - 76:2, 82:4, 85:1, 97:1  <b>concert</b> [1] - 55:11  <b>conclude</b> [1] - 12:21  <b>concluded</b> [2] - 12:9, 144:20  <b>conclusions</b> [1] - 85:9  <b>condition</b> [3] - 42:9, 42:15, 42:20  <b>conditions</b> [7] - 11:8, 11:11, 24:14, 33:20, 33:22, 42:23, 48:7  <b>conducted</b> [3] - 80:21, 110:23, 111:11  <b>conferenced</b> [1] - 24:5  <b>confirm</b> [2] - 15:6, 29:8  <b>conflict</b> [2] - 7:8, 100:4  <b>conform</b> [4] - 27:4, 29:11, 141:1, 141:2  <b>conforming</b> [2] - 26:23, 110:9  <b>conforms</b> [2] - 40:16, 45:7</p>	<p><b>confused</b> [2] - 14:25, 105:8  <b>connect</b> [2] - 131:9, 131:11  <b>connected</b> [2] - 130:17, 130:19  <b>connection</b> [2] - 130:15, 133:11  <b>connections</b> [2] - 133:12, 133:14  <b>conservative</b> [9] - 27:19, 46:12, 46:23, 47:9, 85:15, 87:15, 88:18, 89:10, 124:17  <b>conservatively</b> [1] - 88:24  <b>consider</b> [4] - 74:13, 88:5, 89:11, 119:22  <b>considerably</b> [1] - 56:11  <b>considerations</b> [1] - 36:17  <b>considered</b> [2] - 48:19, 85:25  <b>considering</b> [1] - 50:23  <b>consistency</b> [2] - 50:15, 51:11  <b>consistent</b> [7] - 40:22, 50:3, 50:5, 50:6, 50:9, 50:24, 53:7  <b>consolidate</b> [1] - 38:8  <b>constitutes</b> [1] - 49:11  <b>constraints</b> [1] - 148:1  <b>construction</b> [4] - 73:9, 110:15, 110:17, 126:12  <b>consult</b> [3] - 80:5, 80:8, 91:9  <b>consultant</b> [5] - 12:12, 13:4, 20:19, 50:15, 52:24  <b>consultants</b> [2] - 17:21, 105:12  <b>Consulting</b> [2] - 21:21, 79:7  <b>consulting</b> [1] - 22:21  <b>contact</b> [2] - 73:19, 131:13  <b>contacted</b> [1] - 70:16  <b>context</b> [2] - 52:16, 52:18  <b>continue</b> [7] - 10:6, 12:11, 36:20, 49:4, 101:6, 126:11, 144:15  <b>continued</b> [4] - 10:22, 12:8, 42:7, 144:11  <b>continuing</b> [1] - 80:3  <b>Continuing</b> [1] - 4:1</p>	<p><b>contract</b> [1] - 145:24  <b>contracting</b> [1] - 48:14  <b>control</b> [3] - 47:1, 84:18, 110:15  <b>controlling</b> [2] - 138:22, 140:1  <b>convenient</b> [1] - 91:3  <b>conventional</b> [1] - 98:21  <b>conversations</b> [1] - 36:16  <b>cooperating</b> [1] - 75:10  <b>cooperation</b> [1] - 70:5  <b>cooperative</b> [1] - 73:19  <b>copies</b> [2] - 18:23, 76:8  <b>copy</b> [7] - 17:7, 17:11, 51:19, 60:18, 81:16, 83:6, 111:9  <b>corner</b> [2] - 33:13, 34:13  <b>correct</b> [59] - 25:21, 25:22, 26:16, 26:17, 27:7, 28:3, 28:4, 28:8, 28:16, 28:17, 28:22, 30:9, 31:1, 40:10, 40:11, 41:24, 65:1, 65:2, 66:7, 66:10, 74:6, 74:7, 80:19, 80:20, 80:24, 92:20, 93:24, 93:25, 94:4, 94:8, 94:9, 94:18, 94:25, 95:16, 95:24, 96:19, 98:15, 98:24, 98:25, 99:6, 99:13, 99:14, 100:16, 101:20, 102:2, 103:10, 108:12, 109:10, 115:13, 115:21, 116:20, 116:21, 117:15, 124:22, 136:9, 137:19, 141:9, 142:2  <b>correction</b> [3] - 7:4, 104:18, 104:22  <b>corrections</b> [1] - 6:12  <b>correctly</b> [2] - 73:12, 136:6  <b>correspondence</b> [1] - 16:1  <b>cost</b> [2] - 146:19, 146:21  <b>Counsel</b> [4] - 2:3, 2:5, 2:10, 115:3  <b>counsel</b> [1] - 13:23  <b>count</b> [11] - 13:22,</p>	<p>106:15, 110:23, 111:11, 112:10, 119:6, 119:7, 119:9, 120:4, 127:8, 144:7  <b>counting</b> [1] - 110:22  <b>country</b> [2] - 21:23, 87:14  <b>counts</b> [11] - 84:9, 84:10, 85:1, 85:5, 85:7, 85:10, 86:7, 102:6, 112:16, 112:23  <b>County</b> [1] - 61:3  <b>couple</b> [10] - 29:9, 31:4, 32:10, 44:16, 48:5, 58:19, 73:12, 122:16, 125:23, 135:3  <b>course</b> [8] - 12:17, 72:7, 74:11, 74:24, 92:4, 97:10, 107:7, 145:7  <b>Court</b> [2] - 52:15, 149:4  <b>court</b> [12] - 10:20, 10:21, 55:25, 71:17, 73:3, 77:11, 77:12, 145:25, 146:1, 146:17, 147:12, 149:6  <b>COURT</b> [5] - 1:23, 55:3, 139:5, 146:6, 146:9  <b>courtesy</b> [3] - 90:18, 117:11, 117:12  <b>courts</b> [3] - 51:13, 110:8, 110:12  <b>coverage</b> [14] - 31:9, 31:11, 31:12, 44:21, 44:24, 45:1, 45:10, 45:12, 45:20, 47:3, 47:14, 47:20, 48:9, 48:12  <b>covered</b> [1] - 7:9  <b>covers</b> [1] - 97:14  <b>create</b> [5] - 25:18, 70:10, 95:18, 101:6, 126:13  <b>created</b> [1] - 149:7  <b>credentials</b> [1] - 21:15  <b>credit</b> [9] - 124:12, 125:6, 125:9, 126:2, 126:5, 126:15, 127:3, 127:9  <b>Creek</b> [1] - 39:4  <b>criteria</b> [8] - 40:1, 40:2, 40:6, 40:8, 41:4, 44:15, 48:1, 50:20  <b>critique</b> [2] - 16:22,</p>
--	---	---	---	---

<p>110:20  <b>cross</b> [1] - 25:18  <b>crossing</b> [1] - 98:16  <b>crowd</b> [1] - 100:3  <b>curb</b> [1] - 93:8  <b>curbing</b> [1] - 94:2  <b>current</b> [4] - 27:18,  35:5, 48:23, 104:8  <b>cusps</b> [1] - 86:24  <b>customers</b> [1] - 95:12  <b>cut</b> [1] - 89:25  <b>cycle</b> [1] - 146:23</p>	<p><b>debated</b> [1] - 72:10  <b>debating</b> [1] - 118:24  <b>decades</b> [8] - 71:6,  71:9, 71:11, 71:20,  76:15, 77:12, 77:13,  101:1  <b>December</b> [5] - 16:9,  81:6, 81:13, 83:16,  149:16  <b>decided</b> [1] - 27:5  <b>decides</b> [1] - 71:15  <b>declare</b> [1] - 27:6  <b>decreasing</b> [1] - 142:1  <b>dedicated</b> [3] - 65:25,  67:18, 101:12  <b>deduct</b> [1] - 88:16  <b>deed</b> [3] - 59:3, 69:9,  70:6  <b>deep</b> [1] - 110:1  <b>defer</b> [1] - 144:22  <b>definitely</b> [1] - 15:20  <b>delay</b> [3] - 85:20, 89:4,  89:9  <b>deliberating</b> [1] -  75:11  <b>deliberations</b> [1] -  113:21  <b>delicate</b> [1] - 10:13  <b>deliver</b> [1] - 82:17  <b>delivered</b> [2] - 17:1,  17:3  <b>deliveries</b> [2] - 107:10,  108:25  <b>delivering</b> [1] - 147:15  <b>delivery</b> [1] - 108:24  <b>demand</b> [3] - 47:14,  80:7, 124:19  <b>DEMARRAIS</b> [1] - 2:7  <b>demolition</b> [1] - 87:12  <b>density</b> [2] - 29:7, 39:6  <b>department</b> [6] -  19:23, 82:25,  108:10, 119:4,  122:3, 133:8  <b>Department</b> [2] -  86:13, 111:10  <b>Description</b> [1] - 4:3  <b>design</b> [1] - 48:6  <b>designate</b> [1] - 140:22  <b>desirable</b> [2] - 44:7,  91:11  <b>detail</b> [3] - 31:16,  43:16, 107:5  <b>detailed</b> [1] - 52:5  <b>details</b> [5] - 10:10,  11:7, 13:9, 43:21,  52:3  <b>deteriorated</b> [1] -  42:19  <b>determine</b> [2] - 84:5,</p>	<p>110:3  <b>determined</b> [2] -  25:14, 85:10  <b>detriment</b> [2] - 38:6,  40:3  <b>detrimental</b> [1] - 42:22  <b>developed</b> [1] - 86:21  <b>developer</b> [1] - 126:13  <b>development</b> [10] -  11:9, 29:5, 30:21,  42:21, 47:24, 51:1,  76:1, 88:11, 88:14,  124:8  <b>developments</b> [3] -  119:20, 124:16,  124:18  <b>deviate</b> [1] - 26:10  <b>deviates</b> [1] - 29:6  <b>deviation</b> [1] - 28:23  <b>deviations</b> [1] - 29:13  <b>diagonal</b> [2] - 91:1,  91:15  <b>diagrams</b> [1] - 102:6  <b>diana</b> [1] - 13:18  <b>DIANE</b> [1] - 2:3  <b>Diane</b> [12] - 6:22, 7:6,  7:8, 16:11, 17:9,  18:16, 81:19, 82:6,  83:6, 102:18,  141:16, 147:12  <b>difference</b> [1] - 135:21  <b>different</b> [11] - 20:21,  20:22, 26:19, 31:19,  35:6, 41:23, 53:3,  69:12, 75:15, 80:8,  84:13  <b>dig</b> [4] - 83:12, 123:6,  142:25, 143:4  <b>dimensions</b> [1] -  136:4  <b>dining</b> [1] - 98:23  <b>dire</b> [1] - 21:15  <b>Dire</b> [2] - 3:6, 3:12  <b>DIRE</b> [3] - 21:12,  64:17, 78:21  <b>direct</b> [3] - 38:14,  53:13, 115:4  <b>DIRECT</b> [3] - 22:13,  65:10, 80:10  <b>Direct</b> [2] - 3:6, 3:13  <b>direction</b> [4] - 42:24,  101:23, 134:15,  134:17  <b>directions</b> [1] - 134:16  <b>directly</b> [3] - 17:21,  82:24, 101:15  <b>discipline</b> [1] - 21:22  <b>disco</b> [1] - 99:12  <b>discuss</b> [2] - 89:15,  90:23</p>	<p><b>discussed</b> [2] - 89:18,  122:7  <b>discussing</b> [2] -  84:20, 88:22  <b>discussions</b> [1] -  77:18  <b>dispute</b> [1] - 76:4  <b>disrespect</b> [4] - 72:14,  75:4, 120:6, 122:10  <b>distance</b> [4] - 97:2,  97:5, 110:5, 115:13  <b>distinction</b> [1] - 24:13  <b>distributed</b> [1] - 18:24  <b>district</b> [4] - 24:9,  30:2, 31:18, 31:20  <b>disturbance</b> [1] -  38:25  <b>divide</b> [3] - 68:9,  140:18, 140:22  <b>divided</b> [1] - 67:22  <b>divides</b> [1] - 102:1  <b>dividing</b> [1] - 67:9  <b>doctor's</b> [1] - 123:7  <b>doctrine</b> [1] - 73:5  <b>document</b> [3] - 54:15,  70:10, 123:11  <b>documents</b> [2] -  23:14, 23:25  <b>dog</b> [4] - 46:11, 46:13,  47:11  <b>done</b> [6] - 22:20, 52:9,  81:10, 139:20,  145:13, 146:24  <b>door</b> [2] - 73:14,  128:24  <b>door's</b> [1] - 74:23  <b>DOT</b> [2] - 110:22,  113:12  <b>double</b> [1] - 67:8  <b>doubting</b> [1] - 17:16  <b>down</b> [32] - 11:1, 25:4,  31:13, 42:22, 46:1,  46:3, 46:4, 46:5,  46:21, 48:3, 48:12,  49:20, 59:15, 60:21,  61:1, 68:8, 73:15,  74:3, 74:10, 83:2,  83:3, 92:10, 96:7,  96:14, 97:11, 99:17,  110:4, 111:22,  118:3, 128:23,  131:3, 137:8  <b>downsize</b> [1] - 56:10  <b>DPW</b> [2] - 131:3,  131:14  <b>drag</b> [1] - 42:22  <b>drain</b> [2] - 132:3,  132:8  <b>drainage</b> [3] - 10:10,  11:10, 133:11</p>	<p><b>Drive</b> [1] - 64:10  <b>drive</b> [1] - 42:18  <b>driver</b> [1] - 110:2  <b>drivers</b> [1] - 91:23  <b>driveway</b> [43] - 34:5,  34:25, 35:2, 36:4,  59:13, 60:22, 61:3,  61:5, 62:14, 65:18,  65:19, 68:24, 69:14,  74:3, 74:4, 88:21,  90:7, 90:18, 90:19,  90:20, 92:15, 92:17,  95:2, 95:16, 96:2,  96:6, 100:18,  100:21, 102:1,  107:5, 108:21,  108:22, 108:25,  109:8, 120:12,  120:13, 120:15,  120:18, 127:19  <b>driving</b> [2] - 41:22,  128:22  <b>drops</b> [2] - 49:20, 96:7  <b>due</b> [1] - 59:16  <b>duly</b> [2] - 21:6, 64:11  <b>during</b> [6] - 57:1,  84:11, 85:5, 99:11,  131:4, 131:6  <b>dwelt</b> [1] - 43:15  <b>dwelling</b> [3] - 24:10,  40:14, 52:25  <b>dwellings</b> [2] - 52:11,  110:16</p>
<b>D</b>				
<p><b>D-1</b> [6] - 29:16, 29:20,  30:5, 30:11, 36:25,  40:8  <b>D-2</b> [2] - 30:15, 39:14  <b>D-6</b> [4] - 28:15, 30:23,  30:24, 39:14  <b>Dan</b> [8] - 78:23, 79:6,  80:18, 83:14, 92:18,  98:7, 106:5, 126:18  <b>dangerous</b> [1] - 57:2  <b>Daniel</b> [1] - 64:15  <b>DANIEL</b> [2] - 3:12,  64:16  <b>data</b> [7] - 87:7, 87:13,  87:16, 118:6,  119:17, 120:7, 125:1  <b>Date</b> [1] - 149:16  <b>date</b> [9] - 17:5, 34:18,  54:8, 54:10, 54:11,  54:12, 82:8, 104:14,  116:8  <b>dated</b> [17] - 4:8, 4:9,  4:12, 4:13, 4:15,  4:17, 4:18, 15:4,  16:21, 34:16, 34:22,  81:12, 105:13,  105:16, 105:19,  105:23, 106:1  <b>Dated</b> [1] - 149:17  <b>dates</b> [1] - 104:17  <b>DAVID</b> [1] - 1:15  <b>days</b> [1] - 15:5  <b>de</b> [3] - 44:21, 47:13,  90:2  <b>dead</b> [3] - 89:19,  109:19, 109:23  <b>dead-end</b> [2] - 109:19,  109:23  <b>deal</b> [1] - 11:25  <b>dealing</b> [2] - 10:9,  72:7  <b>deals</b> [1] - 51:5  <b>debate</b> [3] - 55:10,  118:7, 119:7</p>	<p><b>debated</b> [1] - 72:10  <b>debating</b> [1] - 118:24  <b>decades</b> [8] - 71:6,  71:9, 71:11, 71:20,  76:15, 77:12, 77:13,  101:1  <b>December</b> [5] - 16:9,  81:6, 81:13, 83:16,  149:16  <b>decided</b> [1] - 27:5  <b>decides</b> [1] - 71:15  <b>declare</b> [1] - 27:6  <b>decreasing</b> [1] - 142:1  <b>dedicated</b> [3] - 65:25,  67:18, 101:12  <b>deduct</b> [1] - 88:16  <b>deed</b> [3] - 59:3, 69:9,  70:6  <b>deep</b> [1] - 110:1  <b>defer</b> [1] - 144:22  <b>definitely</b> [1] - 15:20  <b>delay</b> [3] - 85:20, 89:4,  89:9  <b>deliberating</b> [1] -  75:11  <b>deliberations</b> [1] -  113:21  <b>delicate</b> [1] - 10:13  <b>deliver</b> [1] - 82:17  <b>delivered</b> [2] - 17:1,  17:3  <b>deliveries</b> [2] - 107:10,  108:25  <b>delivering</b> [1] - 147:15  <b>delivery</b> [1] - 108:24  <b>demand</b> [3] - 47:14,  80:7, 124:19  <b>DEMARRAIS</b> [1] - 2:7  <b>demolition</b> [1] - 87:12  <b>density</b> [2] - 29:7, 39:6  <b>department</b> [6] -  19:23, 82:25,  108:10, 119:4,  122:3, 133:8  <b>Department</b> [2] -  86:13, 111:10  <b>Description</b> [1] - 4:3  <b>design</b> [1] - 48:6  <b>designate</b> [1] - 140:22  <b>desirable</b> [2] - 44:7,  91:11  <b>detail</b> [3] - 31:16,  43:16, 107:5  <b>detailed</b> [1] - 52:5  <b>details</b> [5] - 10:10,  11:7, 13:9, 43:21,  52:3  <b>deteriorated</b> [1] -  42:19  <b>determine</b> [2] - 84:5,</p>	<p>110:3  <b>determined</b> [2] -  25:14, 85:10  <b>detriment</b> [2] - 38:6,  40:3  <b>detrimental</b> [1] - 42:22  <b>developed</b> [1] - 86:21  <b>developer</b> [1] - 126:13  <b>development</b> [10] -  11:9, 29:5, 30:21,  42:21, 47:24, 51:1,  76:1, 88:11, 88:14,  124:8  <b>developments</b> [3] -  119:20, 124:16,  124:18  <b>deviate</b> [1] - 26:10  <b>deviates</b> [1] - 29:6  <b>deviation</b> [1] - 28:23  <b>deviations</b> [1] - 29:13  <b>diagonal</b> [2] - 91:1,  91:15  <b>diagrams</b> [1] - 102:6  <b>diana</b> [1] - 13:18  <b>DIANE</b> [1] - 2:3  <b>Diane</b> [12] - 6:22, 7:6,  7:8, 16:11, 17:9,  18:16, 81:19, 82:6,  83:6, 102:18,  141:16, 147:12  <b>difference</b> [1] - 135:21  <b>different</b> [11] - 20:21,  20:22, 26:19, 31:19,  35:6, 41:23, 53:3,  69:12, 75:15, 80:8,  84:13  <b>dig</b> [4] - 83:12, 123:6,  142:25, 143:4  <b>dimensions</b> [1] -  136:4  <b>dining</b> [1] - 98:23  <b>dire</b> [1] - 21:15  <b>Dire</b> [2] - 3:6, 3:12  <b>DIRE</b> [3] - 21:12,  64:17, 78:21  <b>direct</b> [3] - 38:14,  53:13, 115:4  <b>DIRECT</b> [3] - 22:13,  65:10, 80:10  <b>Direct</b> [2] - 3:6, 3:13  <b>direction</b> [4] - 42:24,  101:23, 134:15,  134:17  <b>directions</b> [1] - 134:16  <b>directly</b> [3] - 17:21,  82:24, 101:15  <b>discipline</b> [1] - 21:22  <b>disco</b> [1] - 99:12  <b>discuss</b> [2] - 89:15,  90:23</p>	<p><b>discussed</b> [2] - 89:18,  122:7  <b>discussing</b> [2] -  84:20, 88:22  <b>discussions</b> [1] -  77:18  <b>dispute</b> [1] - 76:4  <b>disrespect</b> [4] - 72:14,  75:4, 120:6, 122:10  <b>distance</b> [4] - 97:2,  97:5, 110:5, 115:13  <b>distinction</b> [1] - 24:13  <b>distributed</b> [1] - 18:24  <b>district</b> [4] - 24:9,  30:2, 31:18, 31:20  <b>disturbance</b> [1] -  38:25  <b>divide</b> [3] - 68:9,  140:18, 140:22  <b>divided</b> [1] - 67:22  <b>divides</b> [1] - 102:1  <b>dividing</b> [1] - 67:9  <b>doctor's</b> [1] - 123:7  <b>doctrine</b> [1] - 73:5  <b>document</b> [3] - 54:15,  70:10, 123:11  <b>documents</b> [2] -  23:14, 23:25  <b>dog</b> [4] - 46:11, 46:13,  47:11  <b>done</b> [6] - 22:20, 52:9,  81:10, 139:20,  145:13, 146:24  <b>door</b> [2] - 73:14,  128:24  <b>door's</b> [1] - 74:23  <b>DOT</b> [2] - 110:22,  113:12  <b>double</b> [1] - 67:8  <b>doubting</b> [1] - 17:16  <b>down</b> [32] - 11:1, 25:4,  31:13, 42:22, 46:1,  46:3, 46:4, 46:5,  46:21, 48:3, 48:12,  49:20, 59:15, 60:21,  61:1, 68:8, 73:15,  74:3, 74:10, 83:2,  83:3, 92:10, 96:7,  96:14, 97:11, 99:17,  110:4, 111:22,  118:3, 128:23,  131:3, 137:8  <b>downsize</b> [1] - 56:10  <b>DPW</b> [2] - 131:3,  131:14  <b>drag</b> [1] - 42:22  <b>drain</b> [2] - 132:3,  132:8  <b>drainage</b> [3] - 10:10,  11:10, 133:11</p>	<p><b>Drive</b> [1] - 64:10  <b>drive</b> [1] - 42:18  <b>driver</b> [1] - 110:2  <b>drivers</b> [1] - 91:23  <b>driveway</b> [43] - 34:5,  34:25, 35:2, 36:4,  59:13, 60:22, 61:3,  61:5, 62:14, 65:18,  65:19, 68:24, 69:14,  74:3, 74:4, 88:21,  90:7, 90:18, 90:19,  90:20, 92:15, 92:17,  95:2, 95:16, 96:2,  96:6, 100:18,  100:21, 102:1,  107:5, 108:21,  108:22, 108:25,  109:8, 120:12,  120:13, 120:15,  120:18, 127:19  <b>driving</b> [2] - 41:22,  128:22  <b>drops</b> [2] - 49:20, 96:7  <b>due</b> [1] - 59:16  <b>duly</b> [2] - 21:6, 64:11  <b>during</b> [6] - 57:1,  84:11, 85:5, 99:11,  131:4, 131:6  <b>dwelt</b> [1] - 43:15  <b>dwelling</b> [3] - 24:10,  40:14, 52:25  <b>dwellings</b> [2] - 52:11,  110:16</p>
<b>E</b>				
<p><b>e-mail</b> [2] - 19:8, 81:8  <b>ear</b> [1] - 11:14  <b>earplugs</b> [4] - 11:12,  11:23, 11:24, 12:3  <b>easement</b> [15] - 58:24,  58:25, 59:2, 59:4,  59:17, 59:19, 60:22,  69:9, 70:6, 73:13,  73:21, 101:22,  132:2, 132:5  <b>easements</b> [2] - 25:18,  58:23  <b>easier</b> [3] - 96:20,  97:8, 128:12  <b>easily</b> [2] - 117:25,  146:24  <b>eastbound</b> [5] - 84:14,  86:24, 111:17,  111:21, 112:3  <b>edification</b> [1] -  124:15  <b>education</b> [2] - 79:4,  80:3</p>	<p><b>debated</b> [1] - 72:10  <b>debating</b> [1] - 118:24  <b>decades</b> [8] - 71:6,  71:9, 71:11, 71:20,  76:15, 77:12, 77:13,  101:1  <b>December</b> [5] - 16:9,  81:6, 81:13, 83:16,  149:16  <b>decided</b> [1] - 27:5  <b>decides</b> [1] - 71:15  <b>declare</b> [1] - 27:6  <b>decreasing</b> [1] - 142:1  <b>dedicated</b> [3] - 65:25,  67:18, 101:12  <b>deduct</b> [1] - 88:16  <b>deed</b> [3] - 59:3, 69:9,  70:6  <b>deep</b> [1] - 110:1  <b>defer</b> [1] - 144:22  <b>definitely</b> [1] - 15:20  <b>delay</b> [3] - 85:20, 89:4,  89:9  <b>deliberating</b> [1] -  75:11  <b>deliberations</b> [1] -  113:21  <b>delicate</b> [1] - 10:13  <b>deliver</b> [1] - 82:17  <b>delivered</b> [2] - 17:1,  17:3  <b>deliveries</b> [2] - 107:10,  108:25  <b>delivering</b> [1] - 147:15  <b>delivery</b> [1] - 108:24  <b>demand</b> [3] - 47:14,  80:7, 124:19  <b>DEMARRAIS</b> [1] - 2:7  <b>demolition</b> [1] - 87:12  <b>density</b> [2] - 29:7, 39:6  <b>department</b> [6] -  19:23, 82:25,  108:10, 119:4,  122:3, 133:8  <b>Department</b> [2] -  86:13, 111:10  <b>Description</b> [1] - 4:3  <b>design</b> [1] - 48:6  <b>designate</b> [1] - 140:22  <b>desirable</b> [2] - 44:7,  91:11  <b>detail</b> [3] - 31:16,  43:16, 107:5  <b>detailed</b> [1] - 52:5  <b>details</b> [5] - 10:10,  11:7, 13:9, 43:21,  52:3  <b>deteriorated</b> [1] -  42:19  <b>determine</b> [2] - 84:5,</p>	<p>110:3  <b>determined</b> [2] -  25:14, 85:10  <b>detriment</b> [2] - 38:6,  40:3  <b>detrimental</b> [1] - 42:22  <b>developed</b> [1] - 86:21  <b>developer</b> [1] - 126:13  <b>development</b> [10] -  11:9, 29:5, 30:21,  42:21, 47:24, 51:1,  76:1, 88:11, 88:14,  124:8  <b>developments</b> [3] -  119:20, 124:16,  124:18  <b>deviate</b> [1] - 26:10  <b>deviates</b> [1] - 29:6  <b>deviation</b> [1] - 28:23  <b>deviations</b> [1] - 29:13  <b>diagonal</b> [2] - 91:1,  91:15  <b>diagrams</b> [1] - 102:6  <b>diana</b> [1] - 13:18  <b>DIANE</b> [1] - 2:3  <b>Diane</b> [12] - 6:22, 7:6,  7:8, 16:11, 17:9,  18:16, 81:19, 82:6,  83:6, 102:18,  141:16, 147:12  <b>difference</b> [1] - 135:21  <b>different</b> [11] - 20:21,  20:22, 26:19, 31:19,  35:6, 41:23, 53:3,  69:12, 75:15, 80:8,  84:13  <b>dig</b> [4] - 83:12, 123:6,  142:25, 143:4  <b>dimensions</b> [1] -  136:4  <b>dining</b> [1] - 98:23  <b>dire</b> [1] - 21:15  <b>Dire</b> [2] - 3:6, 3:12  <b>DIRE</b> [3] - 21:12,  64:17, 78:21  <b>direct</b> [3] - 38:14,  53:13, 115:4  <b>DIRECT</b> [3] - 22:13,  65:10, 80:10  <b>Direct</b> [2] - 3:6, 3:13  <b>direction</b> [4] - 42:24,  101:23, 134:15,  134:17  <b>directions</b> [1] - 134:16  <b>directly</b> [3] - 17:21,  82:24, 101:15  <b>discipline</b> [1] - 21:22  <b>disco</b> [1] - 99:12  <b>discuss</b> [2] - 89:15,  90:23</p>	<p><b>discussed</b> [2] - 89:18,  122:7  <b>discussing</b> [2] -  84:20, 88:22  <b>discussions</b> [1] -  77:18  <b>dispute</b> [1] - 76:4  <b>disrespect</b> [4] - 72:14,  75:4, 120:6, 122:10  <b>distance</b> [4] - 97:2,  97:5, 110:5, 115:13  <b>distinction</b> [1] - 24:13  <b>distributed</b> [1] - 18:24  <b>district</b> [4] - 24:9,  30:2, 31:18, 31:20  <b>disturbance</b> [1] -  38:25  <b>divide</b> [3] - 68:9,  140:18, 140:22  <b>divided</b> [1] - 67:22  <b>divides</b> [1] - 102:1  <b>dividing</b> [1] - 67:9  <b>doctor's</b> [1] - 123:7  <b>doctrine</b> [1] - 73:5  <b>document</b> [3] - 54:15,  70:10, 123:11  <b>documents</b> [2] -  23:14, 23:25  <b>dog</b> [4] - 46:11, 46:13,  47:11  <b>done</b> [6] - 22:20, 52:9,  81:10, 139:20,  145:13, 146:24  <b>door</b> [2] - 73:14,  128:24  <b>door's</b> [1] - 74:23  <b>DOT</b></p>	

<p><b>educational</b> [1] - 21:17</p> <p><b>effect</b> [2] - 54:21, 99:5</p> <p><b>efficient</b> [2] - 10:21, 90:4</p> <p><b>egress</b> [15] - 59:13, 62:21, 63:13, 65:23, 65:24, 67:21, 68:6, 71:20, 89:20, 89:21, 89:24, 90:9, 101:6, 101:10, 101:13</p> <p><b>eight</b> [2] - 18:7, 33:3</p> <p><b>either</b> [4] - 60:23, 98:5, 99:2, 146:22</p> <p><b>electric</b> [8] - 124:12, 125:7, 125:19, 126:5, 126:20, 126:22, 126:25, 127:14</p> <p><b>electrical</b> [3] - 125:16, 125:20, 125:25</p> <p><b>ELEFTERIOS</b> [1] - 1:13</p> <p><b>Elefteriou</b> [6] - 5:23, 7:24, 8:22, 9:19, 58:12, 114:14</p> <p><b>ELEFTERIOU</b> [7] - 1:13, 5:24, 7:25, 8:23, 9:20, 58:13, 114:15</p> <p><b>ELENI</b> [1] - 2:14</p> <p><b>Eleni</b> [3] - 19:15, 145:23, 147:7</p> <p><b>elevation</b> [2] - 44:18, 96:9</p> <p><b>elicit</b> [1] - 133:14</p> <p><b>eliminate</b> [3] - 93:4, 93:19, 122:13</p> <p><b>eliminated</b> [7] - 88:6, 93:17, 93:21, 94:20, 97:3, 99:2, 118:9</p> <p><b>eliminates</b> [1] - 99:3</p> <p><b>eliminating</b> [4] - 97:4, 100:6, 107:9, 119:3</p> <p><b>emergency</b> [4] - 107:10, 108:4, 108:6, 121:21</p> <p><b>employed</b> [1] - 149:8</p> <p><b>encouraging</b> [1] - 40:14</p> <p><b>encroaching</b> [1] - 92:25</p> <p><b>end</b> [4] - 109:19, 109:23, 110:14, 120:9</p> <p><b>enforce</b> [1] - 71:19</p> <p><b>Engineer</b> [1] - 79:24</p> <p><b>ENGINEER</b> [2] - 2:15, 2:17</p> <p><b>engineer</b> [19] - 10:9,</p>	<p>11:7, 12:12, 13:3, 15:6, 39:9, 57:9, 63:17, 63:21, 64:20, 64:25, 65:1, 65:7, 75:17, 79:1, 79:13, 115:5, 131:13, 136:3</p> <p><b>Engineering</b> [3] - 13:25, 20:2, 20:18</p> <p><b>engineering</b> [14] - 10:11, 16:5, 20:19, 20:20, 60:1, 65:4, 79:9, 79:11, 79:17, 79:18, 79:21, 80:4, 133:8, 145:4</p> <p><b>engineers</b> [2] - 123:5, 137:3</p> <p><b>Engineers</b> [3] - 80:2, 80:6, 87:9</p> <p><b>enhanced</b> [1] - 146:18</p> <p><b>enterprises</b> [1] - 26:19</p> <p><b>enters</b> [1] - 92:7</p> <p><b>entertain</b> [1] - 100:3</p> <p><b>entire</b> [1] - 30:8</p> <p><b>entirely</b> [3] - 89:21, 92:22, 92:23</p> <p><b>entrance</b> [5] - 34:1, 35:25, 36:1, 96:17, 96:23</p> <p><b>enumerated</b> [1] - 29:15</p> <p><b>environment</b> [2] - 44:7, 85:25</p> <p><b>environmentally</b> [1] - 39:1</p> <p><b>equipment</b> [3] - 98:17, 107:10, 108:4</p> <p><b>era</b> [1] - 48:20</p> <p><b>Eric</b> [4] - 36:11, 80:19, 102:11, 102:14</p> <p><b>escrow</b> [5] - 19:9, 19:15, 147:7, 147:15</p> <p><b>especially</b> [1] - 86:5</p> <p><b>ESQUIRE</b> [3] - 2:3, 2:5, 2:7</p> <p><b>established</b> [3] - 30:2, 37:24, 141:19</p> <p><b>estoppel</b> [1] - 73:5</p> <p><b>et</b> [1] - 123:15</p> <p><b>EV</b> [3] - 125:19, 126:13, 126:17</p> <p><b>evaluate</b> [2] - 50:2, 86:9</p> <p><b>evaluation</b> [2] - 83:16, 110:21</p> <p><b>evening</b> [5] - 22:6, 22:9, 23:5, 107:19, 134:1</p> <p><b>eventually</b> [1] - 95:22</p> <p><b>exactly</b> [7] - 13:13, 27:15, 27:17, 46:18,</p>	<p>47:4, 99:25, 120:3</p> <p><b>Examination</b> [4] - 3:6, 3:6, 3:12, 3:13</p> <p><b>EXAMINATION</b> [6] - 21:12, 22:13, 64:17, 65:10, 78:21, 80:10</p> <p><b>example</b> [4] - 53:3, 126:4, 128:19, 144:21</p> <p><b>exceeded</b> [1] - 28:14</p> <p><b>exceeds</b> [1] - 39:22</p> <p><b>excellent</b> [1] - 18:15</p> <p><b>excess</b> [1] - 30:24</p> <p><b>exhibit</b> [11] - 18:16, 32:22, 33:9, 33:17, 33:20, 33:24, 34:8, 65:13, 65:15, 65:17, 123:6</p> <p><b>Exhibit</b> [11] - 4:8, 19:5, 34:15, 34:17, 81:14, 82:11, 105:14, 105:17, 105:20, 105:24, 106:2</p> <p><b>exhibits</b> [9] - 12:10, 32:25, 33:4, 60:6, 60:10, 83:17, 102:10, 107:14, 107:16</p> <p><b>exist</b> [1] - 44:9</p> <p><b>existed</b> [1] - 39:23</p> <p><b>existence</b> [1] - 28:5</p> <p><b>existing</b> [60] - 11:8, 24:14, 24:24, 25:2, 26:11, 27:10, 27:18, 27:24, 30:18, 30:22, 30:25, 31:5, 31:12, 32:17, 32:20, 33:10, 33:20, 34:1, 35:4, 35:11, 35:14, 35:15, 35:19, 37:23, 37:24, 39:20, 39:21, 39:23, 40:21, 45:22, 48:7, 62:14, 65:4, 67:21, 74:2, 84:4, 86:22, 87:11, 87:12, 88:17, 92:2, 93:24, 94:5, 94:17, 95:15, 95:16, 96:18, 97:17, 100:20, 100:22, 101:5, 113:9, 122:24, 133:9, 133:18, 133:19, 133:20</p> <p><b>exists</b> [4] - 26:22, 48:9, 67:12, 70:10</p> <p><b>exit</b> [2] - 88:21, 111:17</p> <p><b>exiting</b> [1] - 101:13</p> <p><b>expand</b> [2] - 49:13, 95:25</p>	<p><b>expanded</b> [1] - 70:12</p> <p><b>expanding</b> [1] - 70:13</p> <p><b>expansion</b> [2] - 27:6, 30:16</p> <p><b>expect</b> [7] - 18:5, 87:19, 87:24, 90:18, 105:11, 116:10, 129:24</p> <p><b>expected</b> [2] - 87:23, 107:14</p> <p><b>expedite</b> [3] - 146:20, 147:6, 147:16</p> <p><b>expedited</b> [3] - 146:5, 146:14, 146:18</p> <p><b>expense</b> [1] - 123:13</p> <p><b>experience</b> [4] - 21:17, 22:19, 117:24, 124:16</p> <p><b>expert</b> [7] - 18:9, 22:12, 44:6, 78:12, 81:3, 119:5, 129:23</p> <p><b>Expert</b> [1] - 117:10</p> <p><b>expertise</b> [1] - 53:18</p> <p><b>experts</b> [1] - 53:18</p> <p><b>Expiration</b> [1] - 149:16</p> <p><b>explain</b> [6] - 27:8, 67:15, 97:21, 107:12, 110:25, 130:22</p> <p><b>express</b> [2] - 29:17, 84:25</p> <p><b>expressed</b> [2] - 97:1, 109:24</p> <p><b>extend</b> [2] - 90:17, 148:2</p> <p><b>extending</b> [1] - 73:21</p> <p><b>extensive</b> [2] - 10:8, 11:5</p> <p><b>extra</b> [6] - 17:6, 44:16, 48:5, 146:5, 146:8, 146:21</p> <p><b>eyesight</b> [1] - 52:10</p>	<p><b>fall</b> [1] - 121:12</p> <p><b>falling</b> [1] - 56:15</p> <p><b>false</b> [1] - 119:3</p> <p><b>familiar</b> [8] - 24:2, 24:4, 24:16, 42:19, 49:19, 51:5, 52:14, 52:20</p> <p><b>family</b> [4] - 53:4, 53:5, 61:4, 124:22</p> <p><b>Fan</b> [5] - 1:8, 2:10, 3:3, 4:4, 10:2</p> <p><b>far</b> [4] - 30:24, 75:10, 103:1</p> <p><b>faster</b> [1] - 146:24</p> <p><b>fault</b> [1] - 127:9</p> <p><b>favor</b> [1] - 6:18</p> <p><b>feasible</b> [2] - 130:19, 131:16</p> <p><b>fee</b> [3] - 146:5, 146:8, 146:18</p> <p><b>fees</b> [2] - 19:9, 147:7</p> <p><b>feet</b> [28] - 28:21, 31:8, 31:23, 31:24, 31:25, 32:16, 32:17, 32:21, 38:20, 38:21, 44:17, 48:5, 49:21, 86:17, 121:4, 121:5, 121:7, 121:9, 131:12, 134:8, 134:9, 134:15, 134:16, 135:5, 135:22, 136:1</p> <p><b>felt</b> [1] - 34:7</p> <p><b>fenced</b> [1] - 48:15</p> <p><b>FERGUSON</b> [144] - 1:11, 5:1, 5:6, 5:14, 6:8, 6:17, 6:21, 7:2, 7:15, 7:17, 8:5, 8:13, 8:15, 9:3, 9:9, 9:12, 9:25, 10:14, 10:17, 10:25, 11:3, 11:24, 13:5, 13:23, 14:3, 14:5, 14:17, 14:20, 15:15, 15:19, 15:22, 16:7, 16:14, 16:23, 17:16, 17:22, 18:8, 18:12, 19:10, 19:12, 19:18, 19:21, 20:9, 20:13, 22:11, 23:10, 53:15, 53:25, 54:3, 55:15, 56:20, 57:17, 57:20, 57:25, 58:5, 58:18, 59:6, 59:11, 59:14, 60:11, 61:7, 61:18, 63:19, 63:24, 65:9, 71:12, 77:14, 77:21, 78:2, 78:10, 78:18, 81:2, 108:9, 108:12, 113:22, 114:4, 114:20, 114:24, 115:2,</p>
<b>F</b>				
			<p><b>face</b> [1] - 78:7</p> <p><b>facilitate</b> [2] - 36:13, 96:20</p> <p><b>facility</b> [1] - 48:13</p> <p><b>fact</b> [11] - 28:6, 40:19, 41:5, 43:12, 45:7, 48:2, 50:9, 85:6, 118:19, 118:22, 121:23</p> <p><b>facto</b> [1] - 90:2</p> <p><b>factor</b> [1] - 50:17</p> <p><b>fair</b> [1] - 112:24</p> <p><b>fairly</b> [2] - 15:13, 47:22</p>	

<p>115:7, 115:10, 115:16, 115:19, 116:2, 116:6, 116:19, 116:22, 117:2, 117:7, 121:2, 121:9, 122:15, 123:8, 123:19, 124:1, 124:4, 124:21, 124:25, 125:4, 125:8, 125:14, 127:2, 127:6, 127:12, 127:16, 128:1, 128:4, 128:7, 128:14, 128:16, 128:25, 129:4, 129:9, 129:15, 129:20, 130:5, 130:7, 130:10, 130:12, 131:20, 131:25, 134:5, 137:22, 137:25, 139:15, 140:10, 140:14, 140:19, 140:25, 141:15, 142:16, 142:19, 142:21, 144:13, 144:24, 145:2, 145:9, 145:11, 145:16, 145:22, 146:1, 146:7, 147:18, 147:21</p> <p><b>Ferguson</b> [12] - 3:7, 3:15, 5:13, 7:16, 8:14, 9:11, 58:4, 63:20, 114:6, 140:8, 144:10, 147:2</p> <p><b>few</b> [6] - 12:2, 15:5, 31:25, 44:6, 49:10, 126:10</p> <p><b>fewer</b> [1] - 88:12</p> <p><b>field</b> [3] - 21:18, 79:18, 79:21</p> <p><b>fields</b> [1] - 20:22</p> <p><b>figure</b> [1] - 135:23</p> <p><b>file</b> [2] - 17:14, 23:25</p> <p><b>filed</b> [1] - 5:10</p> <p><b>filing</b> [1] - 30:5</p> <p><b>filled</b> [4] - 22:25, 96:7, 130:24, 131:10</p> <p><b>finally</b> [2] - 32:10, 50:1</p> <p><b>financial</b> [2] - 149:8, 149:9</p> <p><b>financing</b> [1] - 123:14</p> <p><b>findings</b> [1] - 83:16</p> <p><b>fine</b> [3] - 19:22, 75:23, 116:24</p> <p><b>fire</b> [11] - 108:7, 108:10, 117:7, 121:17, 121:21,</p>	<p>121:25, 122:3, 127:22, 129:23, 130:10</p> <p><b>firm</b> [1] - 21:22</p> <p><b>first</b> [23] - 6:8, 13:24, 20:12, 29:15, 31:7, 32:15, 36:24, 37:12, 37:23, 43:23, 44:4, 63:15, 69:13, 78:9, 81:9, 102:21, 104:5, 106:21, 108:8, 116:13, 130:3, 132:2, 138:4</p> <p><b>fit</b> [2] - 53:1, 70:9</p> <p><b>five</b> [15] - 18:6, 26:19, 28:12, 31:22, 31:23, 40:13, 53:5, 55:13, 59:15, 94:6, 95:3, 113:23, 114:2, 125:24, 145:4</p> <p><b>five-minute</b> [2] - 113:23, 114:2</p> <p><b>five-story</b> [1] - 31:22</p> <p><b>flag</b> [1] - 5:2</p> <p><b>flashlight</b> [1] - 144:9</p> <p><b>flat</b> [1] - 96:23</p> <p><b>flips</b> [1] - 128:23</p> <p><b>flood</b> [1] - 39:3</p> <p><b>floor</b> [5] - 82:21, 92:8, 96:11, 129:11, 129:12</p> <p><b>floor-to-ceiling</b> [2] - 129:11, 129:12</p> <p><b>flow</b> [4] - 44:5, 46:25, 77:6, 130:21</p> <p><b>flowers</b> [1] - 45:20</p> <p><b>focus</b> [2] - 84:8, 100:17</p> <p><b>focusing</b> [2] - 27:25, 40:7</p> <p><b>follow</b> [7] - 14:11, 15:25, 106:13, 107:1, 116:16, 128:15, 145:4</p> <p><b>follow-up</b> [4] - 15:25, 107:1, 116:16, 128:15</p> <p><b>following</b> [2] - 55:13, 62:14</p> <p><b>follows</b> [3] - 21:7, 51:16, 64:12</p> <p><b>fooled</b> [1] - 20:18</p> <p><b>foot</b> [3] - 31:8, 35:8, 134:17</p> <p><b>footage</b> [2] - 122:22, 143:3</p> <p><b>footprint</b> [1] - 25:2</p> <p><b>forbid</b> [1] - 121:20</p> <p><b>force</b> [3] - 113:2, 113:10, 130:16</p>	<p><b>foregoing</b> [1] - 149:5</p> <p><b>foremost</b> [1] - 29:16</p> <p><b>forgot</b> [1] - 12:3</p> <p><b>formal</b> [1] - 73:21</p> <p><b>formalized</b> [1] - 70:6</p> <p><b>formalizing</b> [1] - 68:10</p> <p><b>formula</b> [2] - 124:21, 125:17</p> <p><b>forth</b> [1] - 27:23</p> <p><b>forward</b> [3] - 22:10, 53:8, 76:1</p> <p><b>forwarded</b> [1] - 108:6</p> <p><b>four</b> [5] - 84:12, 84:22, 94:6, 113:14, 115:25</p> <p><b>fourth</b> [1] - 84:21</p> <p><b>free</b> [1] - 44:5</p> <p><b>friend</b> [1] - 64:2</p> <p><b>friendly</b> [1] - 95:8</p> <p><b>fro</b> [1] - 29:13</p> <p><b>front</b> [14] - 30:18, 31:7, 32:7, 45:17, 45:21, 45:25, 90:25, 91:10, 92:18, 93:1, 93:23, 94:16, 94:21</p> <p><b>full</b> [7] - 93:7, 130:16, 130:25, 131:15, 139:3, 139:6, 139:7</p> <p><b>fully</b> [3] - 76:9, 126:14, 126:24</p> <p><b>fully-activated</b> [1] - 126:24</p> <p><b>function</b> [3] - 96:1, 100:18, 136:15</p> <p><b>functional</b> [1] - 97:7</p> <p><b>functions</b> [1] - 84:18</p> <p><b>furnish</b> [1] - 115:17</p> <p><b>future</b> [4] - 36:6, 86:8, 86:21, 133:4</p>	<p><b>Generated</b> [2] - 4:6, 19:3</p> <p><b>generated</b> [4] - 13:12, 87:5, 88:12, 88:17</p> <p><b>generation</b> [1] - 87:16</p> <p><b>gentleman's</b> [2] - 71:24, 71:25</p> <p><b>given</b> [3] - 28:11, 73:6, 76:5</p> <p><b>gloss</b> [1] - 40:7</p> <p><b>goal</b> [1] - 113:5</p> <p><b>goals</b> [2] - 50:6, 50:11</p> <p><b>God</b> [1] - 121:20</p> <p><b>golf</b> [1] - 41:21</p> <p><b>governing</b> [1] - 55:11</p> <p><b>government</b> [1] - 22:21</p> <p><b>grade</b> [5] - 49:17, 49:23, 85:20, 95:19, 97:2</p> <p><b>Grala</b> [1] - 5:25</p> <p><b>GRALA</b> [1] - 1:16</p> <p><b>Grand</b> [59] - 1:8, 3:4, 4:5, 10:3, 26:22, 35:24, 36:5, 38:20, 38:21, 41:21, 41:22, 42:12, 44:19, 48:3, 49:2, 49:20, 52:12, 56:4, 59:9, 59:10, 59:11, 62:11, 65:20, 65:21, 66:1, 70:14, 71:15, 74:3, 76:5, 76:19, 77:16, 84:22, 86:6, 91:14, 91:19, 91:23, 94:16, 94:21, 95:19, 96:3, 96:8, 100:23, 100:24, 101:9, 101:11, 101:14, 101:15, 101:17, 107:8, 111:17, 113:6, 113:7, 113:11, 113:17, 113:19, 118:1, 119:12, 132:20</p> <p><b>Grand's</b> [2] - 65:22, 65:23</p> <p><b>grandfathered</b> [1] - 72:5</p> <p><b>granted</b> [1] - 43:24</p> <p><b>granting</b> [2] - 37:2, 40:4</p> <p><b>grass</b> [3] - 45:20, 46:16, 47:2</p> <p><b>Grasso</b> [1] - 52:17</p> <p><b>gravity</b> [1] - 130:17</p> <p><b>great</b> [3] - 12:9, 83:19, 83:20</p> <p><b>greater</b> [1] - 110:1</p> <p><b>green</b> [3] - 47:7,</p>	<p>113:17, 126:7</p> <p><b>gridlock</b> [2] - 112:21, 113:8</p> <p><b>grossly</b> [2] - 118:22, 120:10</p> <p><b>Group</b> [1] - 79:7</p> <p><b>group</b> [1] - 117:23</p> <p><b>grow</b> [1] - 126:9</p> <p><b>growth</b> [3] - 86:12, 86:14, 86:19</p> <p><b>guess</b> [9] - 19:6, 22:3, 33:10, 33:25, 36:23, 42:11, 46:11, 54:19, 109:18</p> <p><b>guidance</b> [1] - 50:25</p> <p><b>guy</b> [4] - 68:17, 74:2, 121:17</p> <p><b>guys</b> [5] - 71:17, 73:13, 74:8, 117:9, 119:9</p> <p><b>gym</b> [3] - 28:1, 28:3, 142:15</p> <p><b>gymnasium</b> [1] - 25:6</p>
<b>H</b>				
<p><b>H-A-M-I-L-T-O-N</b> [1] - 21:11</p> <p><b>Hackensack</b> [1] - 2:9</p> <p><b>Hal</b> [16] - 16:14, 16:23, 20:10, 80:17, 82:13, 102:24, 106:21, 109:13, 115:10, 116:20, 116:22, 121:13, 137:23, 140:15, 140:20, 144:25</p> <p><b>HAL</b> [1] - 2:17</p> <p><b>half</b> [12] - 25:13, 66:23, 67:25, 68:16, 68:17, 68:18, 74:15, 78:13, 89:25, 124:19</p> <p><b>hallucinating</b> [2] - 73:16, 73:17</p> <p><b>HAMILTON</b> [3] - 3:5, 21:3, 21:10</p> <p><b>Hamilton</b> [5] - 20:17, 20:22, 21:10, 21:20, 23:9</p> <p><b>Hampton</b> [1] - 112:5</p> <p><b>hand</b> [6] - 17:1, 17:3, 64:1, 64:4, 82:17, 94:14</p> <p><b>hand-deliver</b> [1] - 82:17</p> <p><b>hand-delivered</b> [2] - 17:1, 17:3</p> <p><b>handed</b> [1] - 82:12</p> <p><b>handicap</b> [1] - 128:21</p>				

<p><b>handout</b> [1] - 18:21  <b>handouts</b> [1] - 13:6  <b>hang</b> [1] - 92:20  <b>happy</b> [3] - 21:19, 49:8, 100:2  <b>hard</b> [3] - 12:3, 97:18, 121:25  <b>harder</b> [1] - 37:1  <b>hardship</b> [1] - 37:15  <b>harm</b> [2] - 40:9, 43:11  <b>harmoniously</b> [1] - 70:11  <b>hazard</b> [1] - 39:3  <b>head</b> [1] - 77:22  <b>headache</b> [1] - 75:3  <b>headquarters</b> [1] - 21:22  <b>headwall</b> [3] - 132:4, 132:19, 132:24  <b>health</b> [2] - 28:1, 100:11  <b>hear</b> [10] - 10:24, 11:13, 12:5, 39:8, 44:6, 123:21, 124:5, 140:19, 144:13  <b>heard</b> [6] - 24:17, 25:10, 37:3, 39:7, 45:5, 147:4  <b>hearing</b> [3] - 12:1, 12:3, 81:9  <b>heart</b> [1] - 30:4  <b>heavily</b> [1] - 53:17  <b>heavy</b> [3] - 98:9, 98:17, 131:4  <b>height</b> [18] - 26:24, 28:9, 28:14, 28:15, 28:20, 28:23, 29:7, 30:23, 30:24, 31:22, 39:21, 39:22, 44:11, 48:5, 52:17, 93:8, 127:21, 129:9  <b>heights</b> [1] - 128:11  <b>help</b> [8] - 18:25, 33:5, 43:5, 43:7, 90:4, 100:7, 123:7, 145:23  <b>helpful</b> [4] - 15:16, 116:7, 122:17, 123:11  <b>Henry</b> [5] - 3:10, 3:11, 3:18, 54:6, 55:17  <b>hereby</b> [2] - 30:3, 149:5  <b>higher</b> [5] - 41:6, 111:13, 113:19, 121:19, 124:20  <b>Himeji</b> [1] - 52:15  <b>himself</b> [2] - 41:1, 106:11  <b>historical</b> [1] - 27:12  <b>hit</b> [2] - 11:1, 116:23</p>	<p><b>hold</b> [2] - 57:9, 71:13  <b>holding</b> [1] - 11:20  <b>holiday</b> [1] - 145:8  <b>homes</b> [2] - 53:5, 61:4  <b>hook</b> [1] - 121:21  <b>hope</b> [3] - 10:20, 42:25, 131:17  <b>hopefully</b> [3] - 33:12, 43:9, 52:9  <b>horrendous</b> [3] - 56:25, 57:1, 57:2  <b>horse</b> [1] - 89:19  <b>Horsehill</b> [1] - 21:5  <b>hospitals</b> [1] - 37:13  <b>hour</b> [19] - 78:13, 85:11, 85:13, 87:25, 88:1, 88:7, 88:9, 88:10, 88:13, 98:3, 99:20, 99:22, 99:24, 100:3, 100:4, 117:17, 118:13, 122:13  <b>hour-and-a-half</b> [1] - 78:13  <b>hours</b> [3] - 125:23, 125:24  <b>house</b> [1] - 119:8  <b>housekeeping</b> [1] - 19:25  <b>housing</b> [1] - 41:23  <b>Hudson</b> [1] - 61:3  <b>huge</b> [1] - 56:11  <b>hydrology</b> [1] - 10:9</p>	<p>44:20, 44:24, 45:1, 45:10, 45:12, 45:20, 46:14, 46:23, 47:3, 47:14, 47:19, 48:9, 48:11  <b>impetus</b> [1] - 43:8  <b>implementation</b> [1] - 37:16  <b>important</b> [5] - 50:15, 50:17, 50:21, 58:20, 146:23  <b>impossible</b> [2] - 45:21, 122:12  <b>improve</b> [1] - 90:1  <b>improvement</b> [1] - 43:13  <b>Improvement</b> [1] - 110:13  <b>improvements</b> [5] - 38:18, 65:24, 94:1, 94:2, 94:3  <b>improves</b> [1] - 77:6  <b>include</b> [1] - 126:20  <b>included</b> [2] - 86:16, 86:18  <b>including</b> [2] - 88:6, 126:17  <b>increase</b> [1] - 61:13  <b>increased</b> [3] - 59:16, 122:9, 146:19  <b>indeed</b> [1] - 96:21  <b>indicate</b> [2] - 65:8, 130:16  <b>indicated</b> [3] - 38:1, 49:10, 130:14  <b>indicates</b> [2] - 40:20, 130:24  <b>indicating</b> [2] - 11:10, 65:19  <b>indicating</b> [1] - 11:18  <b>industrial</b> [3] - 42:15, 43:4, 118:3  <b>influenced</b> [1] - 43:2  <b>information</b> [3] - 123:4, 128:6, 145:20  <b>ingress</b> [10] - 59:13, 62:23, 65:22, 66:15, 71:20, 90:8, 90:9, 90:10, 101:7, 101:9  <b>ingress/egress</b> [2] - 59:21, 60:25  <b>inherently</b> [1] - 37:12  <b>initial</b> [2] - 16:9, 56:2  <b>initiative</b> [1] - 126:7  <b>Inn</b> [2] - 111:22, 112:5  <b>inoperable</b> [1] - 131:15  <b>inside</b> [3] - 49:1, 137:18, 142:3  <b>instance</b> [2] - 92:12,</p>	<p>96:11  <b>instead</b> [2] - 46:16, 69:7  <b>Institute</b> [4] - 22:2, 80:2, 80:6, 87:8  <b>insulted</b> [1] - 12:6  <b>intend</b> [2] - 13:14, 147:16  <b>intense</b> [1] - 100:10  <b>intent</b> [3] - 40:10, 40:17, 108:24  <b>interest</b> [2] - 149:8, 149:9  <b>interested</b> [1] - 73:21  <b>interfere</b> [2] - 59:20, 59:21  <b>interior</b> [1] - 109:12  <b>interject</b> [1] - 104:14  <b>internally</b> [2] - 97:11, 123:4  <b>interrupt</b> [8] - 57:6, 69:18, 69:22, 70:1, 70:2, 70:22, 83:18, 83:20  <b>interrupted</b> [1] - 70:21  <b>interrupting</b> [2] - 69:19, 70:21  <b>intersection</b> [5] - 84:15, 84:21, 85:14, 85:16, 112:22  <b>intersections</b> [6] - 84:22, 85:21, 85:22, 85:23, 86:2, 86:23  <b>introduction</b> [1] - 83:22  <b>investigated</b> [1] - 133:12  <b>investment</b> [1] - 70:9  <b>involved</b> [2] - 75:14, 149:8  <b>isolated</b> [1] - 53:5  <b>issue</b> [3] - 47:16, 75:15, 75:20  <b>issued</b> [1] - 102:16  <b>issues</b> [3] - 52:8, 113:21, 134:4  <b>items</b> [3] - 55:7, 115:25, 144:19  <b>itself</b> [5] - 18:22, 46:13, 75:9, 76:2, 98:1</p>	<p><b>jam</b> [1] - 129:19  <b>January</b> [2] - 104:6, 105:20  <b>Jersey</b> [22] - 1:24, 2:9, 21:6, 21:25, 22:6, 22:16, 64:11, 64:20, 79:11, 79:13, 79:15, 86:13, 111:9, 118:4, 125:11, 126:8, 127:10, 149:4, 149:5, 149:7, 149:10, 149:15  <b>Jersey's</b> [2] - 51:5, 51:13  <b>Jingle</b> [1] - 111:22  <b>Joe</b> [1] - 142:24  <b>JOHN</b> [1] - 1:16  <b>Joseph</b> [1] - 78:9  <b>JOSEPH</b> [1] - 1:11  <b>judge</b> [4] - 56:1, 72:15, 72:17, 75:4  <b>July</b> [7] - 144:12, 144:15, 144:17, 145:7, 147:3, 147:4, 147:5  <b>June</b> [24] - 4:10, 14:14, 15:4, 15:21, 16:21, 17:12, 17:13, 17:25, 82:3, 82:7, 82:9, 82:16, 83:4, 85:5, 85:6, 104:12, 104:21, 104:24, 105:1, 105:6, 106:1, 106:8, 106:15, 112:10  <b>JUNE</b> [1] - 1:2  <b>jurisdiction</b> [1] - 32:1  <b>jury</b> [1] - 72:15</p>
	<b>I</b>			<b>K</b>
<p><b>ID.#50094914</b> [1] - 149:4  <b>Ident/Evid</b> [1] - 4:3  <b>identification</b> [9] - 19:5, 34:17, 81:14, 82:11, 105:15, 105:18, 105:21, 105:24, 106:2  <b>Image</b> [2] - 4:6, 19:3  <b>images</b> [1] - 13:12  <b>immediate</b> [1] - 52:25  <b>immediately</b> [1] - 91:5  <b>impact</b> [6] - 41:4, 41:11, 48:4, 72:22, 84:9, 89:14  <b>impacted</b> [1] - 40:5  <b>impacts</b> [2] - 84:5, 86:9  <b>impaired</b> [1] - 40:5  <b>impairment</b> [1] - 50:20  <b>impairs</b> [2] - 40:9, 40:17  <b>impervious</b> [13] -</p>		<p>44:20, 44:24, 45:1, 45:10, 45:12, 45:20, 46:14, 46:23, 47:3, 47:14, 47:19, 48:9, 48:11  <b>impetus</b> [1] - 43:8  <b>implementation</b> [1] - 37:16  <b>important</b> [5] - 50:15, 50:17, 50:21, 58:20, 146:23  <b>impossible</b> [2] - 45:21, 122:12  <b>improve</b> [1] - 90:1  <b>improvement</b> [1] - 43:13  <b>Improvement</b> [1] - 110:13  <b>improvements</b> [5] - 38:18, 65:24, 94:1, 94:2, 94:3  <b>improves</b> [1] - 77:6  <b>include</b> [1] - 126:20  <b>included</b> [2] - 86:16, 86:18  <b>including</b> [2] - 88:6, 126:17  <b>increase</b> [1] - 61:13  <b>increased</b> [3] - 59:16, 122:9, 146:19  <b>indeed</b> [1] - 96:21  <b>indicate</b> [2] - 65:8, 130:16  <b>indicated</b> [3] - 38:1, 49:10, 130:14  <b>indicates</b> [2] - 40:20, 130:24  <b>indicating</b> [2] - 11:10, 65:19  <b>indicating</b> [1] - 11:18  <b>industrial</b> [3] - 42:15, 43:4, 118:3  <b>influenced</b> [1] - 43:2  <b>information</b> [3] - 123:4, 128:6, 145:20  <b>ingress</b> [10] - 59:13, 62:23, 65:22, 66:15, 71:20, 90:8, 90:9, 90:10, 101:7, 101:9  <b>ingress/egress</b> [2] - 59:21, 60:25  <b>inherently</b> [1] - 37:12  <b>initial</b> [2] - 16:9, 56:2  <b>initiative</b> [1] - 126:7  <b>Inn</b> [2] - 111:22, 112:5  <b>inoperable</b> [1] - 131:15  <b>inside</b> [3] - 49:1, 137:18, 142:3  <b>instance</b> [2] - 92:12,</p>	<p>96:11  <b>instead</b> [2] - 46:16, 69:7  <b>Institute</b> [4] - 22:2, 80:2, 80:6, 87:8  <b>insulted</b> [1] - 12:6  <b>intend</b> [2] - 13:14, 147:16  <b>intense</b> [1] - 100:10  <b>intent</b> [3] - 40:10, 40:17, 108:24  <b>interest</b> [2] - 149:8, 149:9  <b>interested</b> [1] - 73:21  <b>interfere</b> [2] - 59:20, 59:21  <b>interior</b> [1] - 109:12  <b>interject</b> [1] - 104:14  <b>internally</b> [2] - 97:11, 123:4  <b>interrupt</b> [8] - 57:6, 69:18, 69:22, 70:1, 70:2, 70:22, 83:18, 83:20  <b>interrupted</b> [1] - 70:21  <b>interrupting</b> [2] - 69:19, 70:21  <b>intersection</b> [5] - 84:15, 84:21, 85:14, 85:16, 112:22  <b>intersections</b> [6] - 84:22, 85:21, 85:22, 85:23, 86:2, 86:23  <b>introduction</b> [1] - 83:22  <b>investigated</b> [1] - 133:12  <b>investment</b> [1] - 70:9  <b>involved</b> [2] - 75:14, 149:8  <b>isolated</b> [1] - 53:5  <b>issue</b> [3] - 47:16, 75:15, 75:20  <b>issued</b> [1] - 102:16  <b>issues</b> [3] - 52:8, 113:21, 134:4  <b>items</b> [3] - 55:7, 115:25, 144:19  <b>itself</b> [5] - 18:22, 46:13, 75:9, 76:2, 98:1</p>	<p><b>K-turns</b> [1] - 91:18  <b>karaoke</b> [1] - 99:12  <b>KAUKER</b> [1] - 2:16  <b>Kauker</b> [19] - 4:13, 7:2, 7:10, 12:13, 12:23, 24:3, 24:4, 29:18, 29:24, 40:19, 50:7, 50:13, 52:5, 102:23, 104:3, 105:16, 144:22  <b>Kauker's</b> [2] - 51:18, 53:20  <b>keep</b> [4] - 18:1, 19:1, 25:5, 25:14  <b>keeping</b> [3] - 29:18, 35:18, 99:8  <b>Keller</b> [3] - 36:11, 80:19, 102:11</p>
	<b>J</b>		<p><b>Jacob</b> [10] - 15:8, 15:21, 33:6, 59:25, 104:10, 131:17, 131:20, 131:21, 134:3, 145:3</p>	

<p><b>kicks</b> [1] - 113:18  <b>kind</b> [2] - 75:6, 90:2  <b>knock</b> [3] - 36:24, 46:1, 46:3  <b>knocking</b> [2] - 46:4, 46:5  <b>Knolls</b> [1] - 21:5  <b>knowledgeable</b> [1] - 51:3  <b>known</b> [1] - 133:10  <b>knows</b> [1] - 80:17</p>	<p>108:20  <b>larger</b> [1] - 108:25  <b>last</b> [14] - 13:7, 14:7, 16:20, 33:1, 33:3, 53:16, 55:22, 58:21, 60:6, 60:10, 81:10, 104:9, 108:13, 133:7  <b>laughter</b> [7] - 11:15, 69:20, 69:25, 78:20, 103:19, 135:6, 147:1  <b>Laura</b> [2] - 146:10, 146:15  <b>LAURA</b> [3] - 1:23, 149:3, 149:14  <b>LauraACaruccill@gmail.com</b> [1] - 1:25  <b>law</b> [4] - 51:5, 51:13, 51:16, 140:7  <b>LAW</b> [1] - 2:7  <b>lawyer</b> [3] - 61:8, 71:22, 75:13  <b>lawyers</b> [1] - 59:4  <b>layout</b> [2] - 11:8, 109:12  <b>lead</b> [1] - 5:2  <b>leasing</b> [1] - 36:2  <b>least</b> [3] - 98:23, 137:17, 138:9  <b>leave</b> [4] - 12:19, 60:6, 60:20, 92:16  <b>led</b> [1] - 5:4  <b>Lee</b> [1] - 6:4  <b>LEE</b> [1] - 1:20  <b>left</b> [12] - 13:16, 62:6, 65:25, 67:18, 68:10, 90:2, 90:10, 90:15, 92:13, 92:14, 101:12, 144:20  <b>left-turn</b> [1] - 65:25  <b>leg</b> [1] - 71:23  <b>legal</b> [4] - 71:18, 75:13, 76:6, 119:23  <b>legalese</b> [1] - 119:23  <b>legality</b> [1] - 69:13  <b>legalize</b> [1] - 27:21  <b>legislation</b> [1] - 37:10  <b>legislature</b> [1] - 126:8  <b>legitimize</b> [1] - 27:20  <b>leisure</b> [1] - 13:10  <b>length</b> [4] - 84:7, 89:19, 109:25, 110:8  <b>Leonia</b> [1] - 56:3  <b>less</b> [3] - 29:2, 88:1, 100:10  <b>lessening</b> [1] - 98:24  <b>Letter</b> [3] - 4:10, 82:9, 83:5  <b>letter</b> [19] - 14:16, 16:19, 18:2, 18:4, 19:7, 20:6, 23:24,</p>	<p>29:25, 40:19, 50:8, 82:3, 82:7, 85:20, 106:6, 106:8, 106:13, 116:15, 133:24, 145:1  <b>level</b> [13] - 28:11, 49:15, 85:19, 95:23, 96:2, 96:4, 96:16, 96:18, 97:11, 127:20, 128:20, 136:12, 136:13  <b>Level</b> [6] - 85:23, 86:3, 86:24, 86:25, 111:25, 112:1  <b>levels</b> [8] - 40:14, 40:15, 86:1, 88:4, 89:5, 102:2, 128:10, 129:5  <b>liar</b> [2] - 118:21  <b>liberally</b> [1] - 75:21  <b>license</b> [3] - 22:15, 64:22, 79:4  <b>License</b> [1] - 149:15  <b>licensed</b> [5] - 21:24, 22:2, 64:19, 79:1, 79:12  <b>licensing</b> [1] - 21:18  <b>life</b> [1] - 47:16  <b>lift</b> [1] - 44:8  <b>light</b> [2] - 113:16, 118:8  <b>lighting</b> [1] - 11:10  <b>limitation</b> [1] - 28:20  <b>limited</b> [1] - 40:14  <b>line</b> [6] - 57:10, 60:21, 60:25, 67:9, 67:13  <b>lines</b> [2] - 65:5, 115:14  <b>liquor</b> [9] - 25:5, 90:22, 91:3, 92:1, 92:3, 95:11, 96:10, 100:11, 142:14  <b>listed</b> [1] - 16:15  <b>listen</b> [2] - 76:20, 77:14  <b>listing</b> [1] - 36:5  <b>litigation</b> [1] - 72:20  <b>live</b> [1] - 47:12  <b>LLC</b> [8] - 1:4, 1:8, 2:10, 3:3, 4:4, 8:7, 9:4, 10:2  <b>LLC/loannis</b> [1] - 1:6  <b>loading</b> [1] - 109:1  <b>lobby</b> [1] - 96:12  <b>local</b> [1] - 22:21  <b>located</b> [2] - 33:25, 38:15  <b>location</b> [4] - 36:12, 111:16, 120:3, 132:17  <b>locations</b> [3] - 33:24,</p>	<p>84:13, 87:14  <b>longest</b> [1] - 13:2  <b>look</b> [10] - 22:10, 54:8, 59:4, 59:24, 60:19, 88:7, 112:11, 133:21, 134:12, 136:3  <b>looked</b> [1] - 23:22  <b>looking</b> [3] - 85:15, 106:19, 129:13  <b>looks</b> [3] - 6:23, 15:12, 132:20  <b>loop</b> [4] - 113:2, 113:5, 113:11, 113:14  <b>lost</b> [1] - 105:4  <b>low</b> [2] - 44:18, 88:4  <b>lower</b> [5] - 35:1, 85:2, 85:6, 97:11, 136:12</p>	<p><b>MARC</b> [1] - 2:5  <b>March</b> [14] - 14:13, 51:19, 81:8, 81:25, 82:1, 102:17, 103:12, 104:4, 104:7, 105:14, 105:17, 105:23, 111:9  <b>mark</b> [8] - 34:12, 81:11, 82:5, 103:6, 103:9, 104:1, 104:7, 104:11  <b>marked</b> [14] - 19:5, 32:25, 33:13, 34:16, 81:5, 81:13, 82:10, 83:25, 105:14, 105:17, 105:20, 105:23, 106:1, 106:7  <b>marking</b> [2] - 33:14, 102:18  <b>Marsha</b> [2] - 3:9, 54:6  <b>massive</b> [1] - 70:8  <b>master</b> [2] - 22:19, 55:6  <b>Master</b> [20] - 23:16, 23:22, 40:23, 50:1, 50:4, 50:7, 50:10, 50:12, 50:16, 51:12, 54:7, 54:13, 54:18, 54:21, 55:9, 55:20, 55:21, 56:2, 139:10, 139:19  <b>material</b> [3] - 13:20, 46:14, 47:1  <b>materials</b> [2] - 16:20, 98:9  <b>maximum</b> [1] - 112:19  <b>McGinnis</b> [8] - 3:12, 20:4, 63:12, 64:8, 64:15, 64:19, 79:6  <b>mean</b> [16] - 47:16, 50:19, 57:5, 61:11, 61:14, 62:18, 71:18, 72:12, 79:25, 89:12, 120:6, 120:17, 125:20, 129:6, 135:18, 143:17  <b>meaning</b> [1] - 135:8  <b>means</b> [3] - 61:20, 80:1, 111:3  <b>measured</b> [1] - 52:18  <b>mechanism</b> [1] - 128:23  <b>meet</b> [1] - 140:15  <b>Meeting</b> [1] - 5:7  <b>meeting</b> [23] - 5:8, 6:10, 10:12, 12:16, 13:7, 33:1, 53:16, 57:13, 58:21, 60:7, 60:10, 82:1, 103:23,</p>
<b>L</b>			<b>M</b>	
<p><b>L.L.C</b> [1] - 1:23  <b>ladder</b> [1] - 121:22  <b>LAMBRINIDES</b> [63] - 2:14, 5:13, 5:15, 5:17, 5:19, 5:21, 5:23, 5:25, 6:2, 6:4, 6:6, 7:16, 7:18, 7:20, 7:22, 7:24, 8:1, 8:3, 8:14, 8:16, 8:18, 8:20, 8:22, 8:24, 9:1, 9:11, 9:13, 9:15, 9:17, 9:19, 9:21, 9:23, 11:19, 17:6, 17:12, 18:25, 19:17, 19:23, 58:4, 58:6, 58:8, 58:10, 58:12, 58:14, 58:16, 114:6, 114:8, 114:10, 114:12, 114:14, 114:16, 114:18, 114:22, 114:25, 144:10, 144:14, 145:25, 146:4, 146:13, 147:2, 147:8, 147:11, 147:20  <b>Land</b> [1] - 51:6  <b>LAND</b> [1] - 2:14  <b>land</b> [4] - 39:1, 40:22, 79:14, 87:9  <b>landscape</b> [1] - 22:3  <b>landscaping</b> [4] - 11:10, 48:14, 98:8, 98:10  <b>lane</b> [15] - 62:24, 63:1, 63:12, 65:25, 69:7, 70:23, 74:15, 100:21, 100:23, 101:6, 101:7, 121:24, 135:18  <b>lanes</b> [6] - 62:24, 67:19, 68:3, 69:6, 69:16, 89:23  <b>large</b> [6] - 48:8, 49:25, 60:10, 60:18, 68:9,</p>			<p><b>M-1</b> [10] - 23:20, 23:21, 26:5, 26:9, 26:11, 31:8, 31:18, 31:20, 32:12, 40:13  <b>M-C-G-I-N-N-I-S</b> [1] - 64:16  <b>Madison</b> [1] - 23:1  <b>mail</b> [4] - 19:8, 19:13, 19:21, 81:8  <b>mailed</b> [1] - 82:15  <b>main</b> [7] - 34:1, 36:1, 48:8, 60:25, 96:12, 96:17, 130:16  <b>mainstream</b> [1] - 51:16  <b>maintain</b> [1] - 92:2  <b>major</b> [2] - 51:8, 51:12  <b>make-ready</b> [1] - 127:1  <b>MALE</b> [2] - 123:2, 136:9  <b>man</b> [3] - 60:16, 74:23, 145:3  <b>management</b> [1] - 45:5  <b>mandated</b> [3] - 126:12, 127:11, 127:12  <b>mandates</b> [1] - 125:15  <b>maneuver</b> [2] - 91:20, 91:22  <b>manhole</b> [4] - 130:15, 130:23, 130:24, 131:10  <b>manholes</b> [1] - 131:5  <b>Manual</b> [1] - 80:6  <b>Maple</b> [1] - 84:15</p>	



<p>108:13, 115:20, 116:7, 131:21, 144:11, 144:17, 145:6, 145:15, 148:6 <b>meetings</b> [1] - 33:4 <b>meets</b> [3] - 142:4, 142:5, 142:6 <b>member</b> [1] - 22:1 <b>MEMBER</b> [10] - 1:13, 1:14, 1:15, 1:16, 1:17, 1:18, 1:19, 1:20, 123:2, 136:9 <b>members</b> [2] - 6:19, 117:3 <b>Members</b> [1] - 11:5 <b>memo</b> [1] - 81:25 <b>memorialization</b> [2] - 8:9, 8:11 <b>memorializations</b> [1] - 8:6 <b>mention</b> [2] - 28:2, 99:18 <b>mentioned</b> [6] - 26:9, 26:11, 49:10, 89:12, 106:14, 118:12 <b>merits</b> [1] - 75:11 <b>mess</b> [2] - 75:6, 118:2 <b>messenger</b> [2] - 17:20, 82:23 <b>mic</b> [1] - 10:15 <b>MICHAEL</b> [2] - 1:20, 2:16 <b>Michael</b> [2] - 12:13, 24:2 <b>mid</b> [3] - 53:6, 119:25, 120:2 <b>mid-rise</b> [3] - 53:6, 119:25, 120:2 <b>middle</b> [5] - 53:7, 60:22, 61:1, 68:9, 74:10 <b>might</b> [14] - 14:25, 15:5, 85:2, 93:16, 106:17, 122:6, 123:10, 123:14, 128:12, 134:17, 135:4, 135:12, 135:14, 138:10 <b>mind</b> [1] - 103:24 <b>mine</b> [2] - 27:2, 116:9 <b>minimis</b> [2] - 44:21, 47:13 <b>minimum</b> [1] - 26:15 <b>minor</b> [2] - 32:4, 47:23 <b>minute</b> [5] - 74:10, 78:6, 88:1, 113:23, 114:2 <b>minutes</b> [10] - 6:10, 6:11, 6:13, 6:15, 18:6, 18:7, 44:7,</p>	<p>57:23, 111:18, 113:25 <b>miss</b> [1] - 115:24 <b>misspoke</b> [1] - 30:13 <b>mistake</b> [1] - 7:5 <b>mistaken</b> [1] - 131:3 <b>mitigated</b> [1] - 48:6 <b>mix</b> [1] - 124:12 <b>MLUL</b> [1] - 51:9 <b>mobility</b> [1] - 75:20 <b>model</b> [1] - 13:14 <b>modern</b> [1] - 48:20 <b>modification</b> [3] - 30:16, 77:6, 135:15 <b>modifications</b> [1] - 62:15 <b>modified</b> [4] - 38:11, 39:20, 66:16, 101:10 <b>moment</b> [1] - 35:5 <b>MONDAY</b> [1] - 1:2 <b>money</b> [2] - 146:25, 147:15 <b>month</b> [2] - 142:22, 144:11 <b>months</b> [3] - 12:2, 33:3, 73:12 <b>monument</b> [2] - 35:14, 35:25 <b>morning</b> [8] - 57:1, 84:11, 85:11, 87:25, 117:17, 117:20, 118:18, 119:13 <b>most</b> [6] - 23:3, 29:11, 51:3, 104:8, 118:17, 119:14 <b>motion</b> [10] - 6:15, 6:16, 6:24, 6:25, 7:12, 7:13, 8:11, 9:5, 9:7, 147:22 <b>motor</b> [1] - 87:18 <b>motorists</b> [1] - 91:17 <b>mount</b> [1] - 33:6 <b>move</b> [1] - 18:10 <b>movement</b> [3] - 85:23, 90:4, 112:25 <b>movements</b> [1] - 99:9 <b>moving</b> [2] - 67:13, 67:19 <b>MR</b> [379] - 5:18, 5:24, 6:3, 6:7, 6:16, 6:25, 7:13, 7:21, 7:25, 8:2, 8:4, 8:12, 8:19, 8:23, 8:25, 9:2, 9:8, 9:16, 9:20, 9:22, 9:24, 10:4, 10:16, 10:18, 11:2, 11:4, 11:16, 11:22, 12:1, 13:6, 13:21, 14:2, 14:4, 14:6, 14:8, 14:9, 14:19, 14:22, 15:9,</p>	<p>15:10, 15:17, 15:20, 15:24, 15:25, 16:8, 16:17, 16:25, 17:1, 17:3, 17:5, 17:13, 17:18, 17:23, 18:10, 18:15, 18:19, 19:2, 19:6, 19:11, 19:13, 19:19, 19:24, 20:4, 20:7, 20:11, 20:15, 21:3, 21:10, 21:13, 22:14, 23:8, 23:11, 53:12, 54:2, 55:10, 56:3, 56:6, 56:9, 56:16, 57:5, 57:14, 58:9, 58:13, 58:15, 58:17, 59:3, 59:9, 59:12, 59:19, 59:24, 60:2, 60:4, 60:8, 60:9, 60:12, 60:17, 60:19, 61:16, 61:20, 61:22, 62:13, 62:18, 63:3, 63:7, 63:12, 63:14, 63:20, 64:8, 64:15, 64:18, 65:3, 65:11, 67:4, 68:21, 68:23, 69:12, 69:18, 70:1, 70:19, 70:25, 71:5, 71:7, 71:13, 71:19, 71:22, 71:25, 72:1, 72:2, 72:4, 72:6, 72:9, 72:11, 72:13, 72:16, 72:18, 72:19, 72:21, 72:23, 73:11, 73:17, 73:25, 74:7, 74:8, 74:17, 74:20, 74:24, 75:1, 75:8, 75:12, 75:16, 75:18, 75:23, 75:25, 76:10, 76:18, 76:22, 77:4, 77:17, 77:24, 78:4, 78:14, 78:22, 80:11, 81:1, 81:4, 81:15, 81:18, 81:21, 82:12, 82:14, 82:15, 83:8, 83:13, 93:15, 93:18, 102:13, 102:15, 102:22, 102:25, 103:1, 103:8, 103:11, 103:14, 103:17, 103:20, 103:22, 104:3, 104:13, 104:16, 104:18, 104:20, 104:23, 104:24, 105:3, 105:4, 106:4, 106:21, 106:23, 106:24, 107:25, 108:1, 108:3, 108:11, 108:14, 108:19, 109:3,</p>	<p>109:6, 111:5, 111:7, 111:8, 111:12, 111:13, 111:18, 111:23, 112:4, 112:6, 112:8, 112:18, 113:10, 114:11, 114:15, 114:17, 114:19, 114:23, 115:4, 115:9, 115:12, 115:18, 115:21, 115:22, 116:4, 116:8, 116:11, 116:13, 116:14, 116:18, 116:21, 116:25, 117:5, 117:9, 117:19, 117:22, 118:14, 119:21, 120:2, 120:15, 120:17, 120:21, 120:25, 121:6, 121:11, 121:12, 121:16, 122:4, 122:8, 122:21, 123:3, 123:10, 124:2, 124:6, 124:24, 125:11, 125:15, 126:21, 127:11, 127:13, 128:9, 128:15, 128:18, 129:1, 129:11, 129:13, 129:17, 129:24, 130:6, 130:8, 130:11, 130:13, 130:22, 130:23, 131:1, 131:2, 131:7, 131:8, 131:17, 131:19, 131:22, 131:24, 132:1, 132:9, 132:10, 132:11, 132:12, 132:18, 132:22, 132:23, 132:25, 133:1, 133:3, 133:15, 133:16, 133:18, 133:19, 133:23, 133:25, 134:3, 134:11, 134:13, 134:20, 134:25, 135:3, 135:7, 135:12, 135:19, 135:23, 136:2, 136:5, 136:10, 136:11, 136:16, 136:22, 136:23, 136:25, 137:2, 137:4, 137:6, 137:9, 137:11, 137:15, 137:16, 137:19,</p>	<p>137:21, 137:24, 138:11, 138:21, 138:23, 138:24, 139:3, 139:7, 139:13, 139:17, 139:22, 140:6, 140:12, 140:16, 140:21, 140:23, 141:1, 141:9, 141:10, 141:13, 142:6, 142:12, 142:24, 143:2, 143:5, 143:9, 143:11, 143:13, 143:15, 143:21, 143:22, 143:23, 143:24, 143:25, 144:3, 144:8, 144:18, 144:25, 145:3, 145:10, 145:12, 145:18, 146:11, 146:16, 147:5, 147:9, 147:14, 148:2 <b>MS</b> [131] - 5:13, 5:15, 5:17, 5:19, 5:21, 5:22, 5:23, 5:25, 6:2, 6:4, 6:6, 7:16, 7:18, 7:20, 7:22, 7:23, 7:24, 8:1, 8:3, 8:14, 8:16, 8:18, 8:20, 8:21, 8:22, 8:24, 9:1, 9:11, 9:13, 9:15, 9:17, 9:18, 9:19, 9:21, 9:23, 11:19, 11:21, 13:20, 16:13, 17:6, 17:10, 17:12, 18:18, 18:25, 19:17, 19:23, 20:25, 21:8, 34:19, 54:6, 54:13, 54:16, 55:8, 55:17, 56:5, 56:7, 56:10, 56:18, 56:21, 57:7, 57:8, 57:12, 57:16, 58:4, 58:6, 58:8, 58:10, 58:11, 58:12, 58:14, 58:16, 63:22, 64:3, 64:13, 75:15, 81:20, 83:7, 102:20, 103:6, 103:10, 103:13, 103:15, 103:21, 104:2, 104:12, 114:6, 114:8, 114:10, 114:12, 114:13, 114:14, 114:16, 114:18, 114:22, 114:25, 138:3, 138:4, 138:6, 138:7, 138:8, 138:17, 139:1, 139:9,</p>
--	---	---	---	--

<p>139:14, 139:18, 140:4, 140:8, 140:13, 141:6, 141:12, 141:16, 141:17, 141:18, 141:22, 142:8, 142:9, 142:10, 142:14, 142:17, 144:10, 144:14, 144:16, 145:25, 146:4, 146:13, 147:2, 147:8, 147:11, 147:13, 147:20, 147:25 <b>multi</b> [4] - 21:22, 25:20, 28:11, 49:15 <b>multi-acre</b> [1] - 25:20 <b>multi-discipline</b> [1] - 21:22 <b>multi-level</b> [2] - 28:11, 49:15 <b>multifamily</b> [10] - 87:23, 88:2, 97:25, 100:9, 110:8, 110:12, 119:20, 119:22, 119:23 <b>multiple</b> [10] - 24:10, 40:14, 41:23, 42:1, 42:5, 52:11, 52:25, 109:19, 109:23 <b>Municipal</b> [1] - 51:6 <b>municipal</b> [5] - 22:24, 23:20, 45:8, 110:16, 125:12 <b>municipality</b> [2] - 22:20, 40:12 <b>must</b> [1] - 37:6 <b>mutual</b> [1] - 71:21</p> <p style="text-align: center;"><b>N</b></p>	<p>121:11, 123:23, 134:16, 144:25, 146:17 <b>needed</b> [1] - 123:4 <b>needs</b> [2] - 45:17, 45:18 <b>negative</b> [8] - 40:1, 40:6, 40:8, 41:3, 41:10, 44:15, 48:1, 50:19 <b>neglected</b> [1] - 82:16 <b>neighborhood</b> [5] - 41:5, 41:8, 41:11, 52:19, 53:1 <b>neighboring</b> [1] - 41:20 <b>neighbors</b> [1] - 43:11 <b>net</b> [1] - 99:5 <b>never</b> [3] - 14:18, 72:9, 73:23 <b>nevertheless</b> [1] - 87:22 <b>New</b> [24] - 1:24, 2:9, 21:5, 21:25, 22:6, 22:16, 51:5, 51:13, 64:10, 64:20, 78:5, 79:11, 79:13, 79:15, 86:13, 111:9, 125:11, 126:8, 127:10, 149:4, 149:5, 149:7, 149:10, 149:15 <b>new</b> [9] - 29:5, 30:21, 42:21, 55:6, 55:21, 99:4, 110:15, 126:12, 130:16 <b>newer</b> [1] - 54:18 <b>newspapers</b> [1] - 5:10 <b>next</b> [12] - 6:21, 8:6, 9:3, 58:24, 73:14, 74:23, 115:20, 115:25, 131:21, 142:22, 144:11 <b>night</b> [2] - 111:19, 114:1 <b>night's</b> [1] - 103:22 <b>nightclub</b> [2] - 98:22, 99:12 <b>nine</b> [2] - 33:3, 89:8 <b>NJDEP</b> [1] - 45:8 <b>NJDOT</b> [1] - 110:21 <b>no-build</b> [2] - 86:20, 89:6 <b>nobody</b> [2] - 70:9, 111:7 <b>nobody's</b> [1] - 117:12 <b>non</b> [1] - 32:16 <b>non-residential</b> [1] - 32:16 <b>nonconforming</b> [8] -</p>	<p>26:24, 26:25, 27:6, 27:18, 27:24, 28:7, 30:17, 39:19 <b>none</b> [1] - 133:16 <b>nonlawyer</b> [1] - 61:10 <b>normal</b> [1] - 85:2 <b>normally</b> [1] - 146:17 <b>north</b> [15] - 33:25, 43:4, 68:25, 91:1, 91:16, 94:5, 95:1, 100:21, 101:25, 109:1, 113:17, 113:19, 131:12 <b>North</b> [2] - 79:9, 103:23 <b>northbound</b> [1] - 118:2 <b>northerly</b> [1] - 84:20 <b>northern</b> [11] - 34:25, 36:4, 65:19, 88:21, 89:18, 90:20, 92:10, 92:16, 96:14, 107:5, 108:21 <b>Notary</b> [4] - 149:3, 149:4, 149:15, 149:15 <b>note</b> [1] - 15:21 <b>noted</b> [3] - 43:24, 81:24, 148:7 <b>notes</b> [1] - 144:19 <b>nothing</b> [4] - 21:2, 29:21, 55:22, 64:7 <b>notice</b> [7] - 5:7, 5:9, 73:6, 73:7, 73:10, 76:6, 77:17 <b>noticed</b> [2] - 44:16, 52:10 <b>notices</b> [1] - 27:3 <b>notifying</b> [1] - 77:16 <b>November</b> [2] - 110:23, 111:11 <b>number</b> [18] - 31:17, 33:9, 33:17, 35:22, 37:21, 38:7, 38:13, 42:18, 44:2, 56:13, 59:1, 65:5, 65:17, 102:5, 123:22, 131:16, 142:2, 143:3 <b>numbers</b> [3] - 98:5, 119:2, 120:10</p>	<p>50:12 <b>obligated</b> [1] - 125:16 <b>observed</b> [1] - 91:20 <b>obtained</b> [3] - 84:11, 85:1, 85:4 <b>obviously</b> [7] - 23:18, 41:1, 53:18, 113:13, 127:22, 129:6, 136:20 <b>occasions</b> [1] - 42:19 <b>occupancy</b> [1] - 122:23 <b>occupants</b> [2] - 101:14, 143:3 <b>OF</b> [4] - 1:1, 1:1, 1:4, 2:7 <b>off-ramp</b> [2] - 84:14, 84:18 <b>OFFICE</b> [1] - 2:7 <b>office</b> [9] - 5:11, 14:13, 15:18, 19:20, 27:2, 36:12, 82:17, 82:19, 102:8 <b>official</b> [1] - 5:10 <b>offset</b> [1] - 100:7 <b>often</b> [1] - 90:17 <b>old</b> [11] - 24:20, 42:15, 54:14, 54:15, 54:22, 54:25, 55:20, 111:22, 122:18, 122:19, 133:10 <b>on-ramp</b> [1] - 84:17 <b>on-site</b> [1] - 27:5 <b>once</b> [2] - 24:13, 41:18 <b>One</b> [1] - 2:8 <b>one</b> [98] - 7:3, 7:6, 7:7, 10:1, 13:1, 13:24, 17:7, 22:6, 22:9, 23:4, 25:9, 25:14, 25:19, 32:12, 33:8, 33:24, 34:24, 35:5, 38:9, 45:16, 53:4, 53:5, 54:22, 54:25, 55:24, 58:20, 59:1, 59:8, 61:4, 61:24, 62:2, 62:5, 62:24, 63:1, 66:6, 66:8, 66:21, 66:22, 67:1, 67:2, 68:3, 69:7, 71:11, 73:11, 74:1, 74:4, 74:15, 76:13, 78:1, 79:16, 83:3, 84:24, 87:1, 88:1, 100:19, 100:21, 100:23, 101:7, 102:23, 102:25, 103:1, 103:3, 103:25, 104:5, 104:8, 104:19, 104:20, 105:8,</p>	<p>106:15, 110:20, 111:24, 112:23, 119:16, 120:11, 121:14, 124:19, 126:3, 126:15, 129:18, 131:5, 131:16, 134:15, 134:17, 135:17, 135:18, 136:1, 136:5, 137:17, 138:9, 138:12, 138:19, 139:2 <b>one's</b> [2] - 78:4, 78:5 <b>one-and-a-half</b> [1] - 124:19 <b>one-bedroom</b> [2] - 25:9, 139:2 <b>one-family</b> [2] - 53:4, 53:5 <b>one-lane</b> [1] - 101:7 <b>one-way</b> [1] - 135:17 <b>ones</b> [2] - 60:13, 92:23 <b>ongoing</b> [2] - 80:3, 85:2 <b>Open</b> [1] - 5:7 <b>open</b> [18] - 32:5, 32:7, 45:11, 45:13, 45:15, 45:18, 46:8, 47:7, 48:13, 48:14, 54:4, 86:11, 115:5, 115:7, 117:3, 132:4, 132:23, 144:19 <b>opened</b> [1] - 141:20 <b>opening</b> [2] - 127:21, 129:6 <b>opens</b> [1] - 128:24 <b>operate</b> [7] - 85:22, 85:23, 86:3, 88:25, 89:1, 90:19, 109:24 <b>operates</b> [5] - 87:3, 90:1, 90:20, 90:21, 91:17 <b>operating</b> [3] - 72:2, 86:1, 99:11 <b>operation</b> [6] - 12:15, 77:12, 92:1, 98:5, 98:10, 99:12 <b>Operations</b> [1] - 79:24 <b>opinion</b> [2] - 47:11, 110:19 <b>opportunity</b> [6] - 6:11, 24:8, 42:9, 50:2, 65:6, 144:22 <b>opposed</b> [2] - 98:22, 135:13 <b>opposes</b> [1] - 84:19 <b>opposing</b> [1] - 88:25 <b>ordinance</b> [20] - 23:16, 28:2, 29:22, 30:1, 31:23, 31:25,</p>
<p><b>name</b> [13] - 10:5, 21:8, 21:20, 54:5, 55:15, 64:13, 78:5, 78:7, 78:9, 79:6, 117:10, 138:2, 138:4 <b>nap</b> [1] - 123:21 <b>narrow</b> [1] - 74:12 <b>nationwide</b> [1] - 80:7 <b>natural</b> [1] - 47:1 <b>naturally</b> [3] - 45:10, 91:4, 91:13 <b>nature</b> [8] - 10:10, 22:9, 23:6, 26:16, 34:4, 40:21, 50:23, 102:7 <b>need</b> [13] - 33:5, 33:7, 43:5, 43:7, 43:17, 46:24, 92:1, 121:10,</p>	<p><b>oath</b> [2] - 65:7, 149:6 <b>object</b> [2] - 73:10, 76:7 <b>objecting</b> [2] - 70:15, 70:18 <b>objectives</b> [2] - 50:4,</p>			

<p>39:23, 45:16, 50:21, 124:14, 138:18, 139:10, 139:16, 139:19, 139:25, 140:2, 141:2, 141:19, 142:5, 142:6</p> <p><b>ordinances</b> [3] - 22:20, 23:16, 125:13</p> <p><b>organizing</b> [1] - 22:20</p> <p><b>original</b> [5] - 33:18, 82:5, 83:15, 130:15, 131:8</p> <p><b>originally</b> [3] - 84:10, 93:20, 94:23</p> <p><b>otherwise</b> [1] - 134:21</p> <p><b>ourselves</b> [1] - 59:12</p> <p><b>outcome</b> [1] - 149:9</p> <p><b>outdated</b> [1] - 35:20</p> <p><b>outdoor</b> [4] - 13:9, 98:8, 98:22, 99:11</p> <p><b>outline</b> [5] - 23:13, 26:10, 29:15, 31:3, 49:5</p> <p><b>outlined</b> [2] - 37:10, 50:24</p> <p><b>outlying</b> [1] - 42:10</p> <p><b>output</b> [1] - 111:10</p> <p><b>outs</b> [1] - 118:20</p> <p><b>outside</b> [9] - 136:19, 137:1, 137:7, 140:18, 140:22, 141:5, 141:8, 141:24, 142:3</p> <p><b>outstanding</b> [1] - 39:3</p> <p><b>overage</b> [2] - 45:9, 139:8</p> <p><b>overall</b> [6] - 45:24, 83:23, 84:9, 89:13, 100:7, 100:8</p> <p><b>overexaggerating</b> [1] - 120:8</p> <p><b>overlap</b> [1] - 139:11</p> <p><b>overlaps</b> [1] - 139:19</p> <p><b>overlay</b> [7] - 23:16, 24:9, 29:6, 40:13, 53:10, 55:12, 55:14</p> <p><b>Overpeck</b> [1] - 39:4</p> <p><b>oversized</b> [1] - 35:20</p> <p><b>overtime</b> [1] - 146:20</p> <p><b>overview</b> [1] - 24:18</p> <p><b>own</b> [3] - 117:23, 119:4, 128:22</p> <p><b>owner</b> [3] - 37:15, 73:14, 137:17</p> <p><b>owners</b> [6] - 70:4, 72:8, 73:2, 75:10, 76:4, 90:6</p> <p><b>ownership</b> [2] - 75:21, 107:4</p> <p><b>owns</b> [4] - 59:22,</p>	<p>62:16, 68:17</p> <p style="text-align: center;"><b>P</b></p> <p><b>P.E</b> [2] - 2:15, 2:17</p> <p><b>p.m</b> [2] - 1:2, 148:7</p> <p><b>P.O</b> [1] - 1:24</p> <p><b>P.P</b> [1] - 2:16</p> <p><b>package</b> [8] - 13:11, 16:9, 16:10, 16:20, 17:7, 23:19, 123:17</p> <p><b>page</b> [4] - 58:22, 58:23, 58:24, 111:1</p> <p><b>paid</b> [1] - 147:7</p> <p><b>Palisades</b> [5] - 23:15, 52:12, 82:18, 87:19, 117:11</p> <p><b>PALISADES</b> [1] - 1:1</p> <p><b>pandemic</b> [2] - 85:3, 106:16</p> <p><b>paperwork</b> [1] - 14:11</p> <p><b>parallel</b> [4] - 42:8, 42:12, 93:5, 93:14</p> <p><b>parcel</b> [3] - 25:15, 30:8, 108:24</p> <p><b>park</b> [8] - 46:11, 46:13, 47:11, 91:4, 91:6, 95:12, 96:9</p> <p><b>Park</b> [6] - 12:2, 23:15, 52:12, 82:18, 87:19, 117:11</p> <p><b>PARK</b> [1] - 1:1</p> <p><b>parking</b> [75] - 24:23, 25:25, 39:7, 39:9, 39:21, 40:15, 45:2, 61:13, 80:7, 90:25, 91:1, 91:10, 91:13, 91:16, 91:24, 92:2, 92:8, 92:19, 92:24, 93:5, 93:14, 93:23, 94:6, 94:20, 95:2, 95:4, 95:19, 95:23, 96:12, 96:13, 96:17, 96:23, 99:3, 99:15, 100:8, 102:2, 109:19, 109:23, 110:3, 112:5, 122:20, 123:22, 124:9, 124:14, 124:18, 125:7, 125:18, 125:25, 126:2, 126:5, 126:15, 127:3, 136:17, 136:18, 137:7, 137:13, 138:13, 138:14, 138:15, 139:4, 139:6, 139:8, 140:18, 140:22,</p>	<p>141:5, 141:23, 141:24, 141:25, 142:1, 142:4, 143:7, 143:14, 143:16, 143:17, 143:18</p> <p><b>parks</b> [1] - 125:21</p> <p><b>part</b> [22] - 23:1, 23:19, 27:21, 29:10, 29:11, 30:10, 41:8, 50:19, 62:19, 62:20, 66:16, 67:23, 68:25, 73:18, 122:25, 123:16, 132:20, 133:9, 133:13, 133:22, 137:6</p> <p><b>part-time</b> [1] - 23:1</p> <p><b>partially</b> [1] - 126:14</p> <p><b>participated</b> [1] - 73:8</p> <p><b>particular</b> [4] - 23:21, 49:9, 49:11, 99:16</p> <p><b>particularly</b> [5] - 37:19, 38:12, 47:23, 88:5, 98:2</p> <p><b>parties</b> [1] - 149:7</p> <p><b>passed</b> [2] - 40:12, 125:12</p> <p><b>passenger</b> [1] - 98:16</p> <p><b>passing</b> [1] - 49:2</p> <p><b>past</b> [4] - 37:4, 50:25, 90:17, 118:4</p> <p><b>path</b> [1] - 107:15</p> <p><b>patio</b> [1] - 13:9</p> <p><b>patrons</b> [1] - 91:4</p> <p><b>pattern</b> [4] - 75:14, 83:10, 117:25, 118:5</p> <p><b>paul</b> [1] - 134:6</p> <p><b>PAUL</b> [1] - 1:12</p> <p><b>Pauly</b> [5] - 11:16, 71:12, 71:13, 74:1, 135:8</p> <p><b>Pauly's</b> [1] - 74:22</p> <p><b>pavement</b> [2] - 68:10, 101:2</p> <p><b>pay</b> [5] - 6:22, 6:24, 146:21, 146:24, 147:6</p> <p><b>PB</b> [3] - 103:9, 103:13, 103:14</p> <p><b>PB-1</b> [1] - 103:12</p> <p><b>PE</b> [2] - 3:12, 64:9</p> <p><b>peak</b> [19] - 84:11, 84:12, 85:11, 85:13, 85:16, 87:25, 88:1, 88:7, 88:9, 88:10, 88:13, 98:3, 99:20, 99:22, 99:24, 100:4, 117:17, 117:20, 118:13</p> <p><b>pedestrian</b> [1] - 87:20</p> <p><b>Pellino</b> [1] - 7:7</p>	<p><b>people</b> [10] - 59:7, 70:9, 73:4, 74:4, 82:20, 90:3, 119:8, 122:18, 139:20, 146:19</p> <p><b>per</b> [4] - 26:14, 88:1, 89:9, 124:19</p> <p><b>percent</b> [19] - 25:4, 29:3, 31:9, 31:13, 31:15, 32:5, 32:6, 44:21, 44:24, 45:12, 45:13, 45:17, 46:8, 48:11, 125:5, 125:18, 126:11</p> <p><b>perhaps</b> [5] - 12:21, 15:2, 43:18, 53:13, 57:9</p> <p><b>period</b> [2] - 84:12</p> <p><b>permission</b> [1] - 82:7</p> <p><b>permit</b> [1] - 39:2</p> <p><b>permits</b> [2] - 39:2, 72:25</p> <p><b>permitted</b> [11] - 28:3, 29:7, 30:2, 30:24, 73:9, 75:20, 90:11, 90:12, 90:13, 90:14</p> <p><b>permitting</b> [1] - 99:11</p> <p><b>perpendicular</b> [3] - 90:24, 91:10, 107:8</p> <p><b>personal</b> [1] - 117:24</p> <p><b>personally</b> [3] - 74:11, 82:17, 82:23</p> <p><b>perspective</b> [1] - 36:9</p> <p><b>pertain</b> [1] - 30:20</p> <p><b>pertaining</b> [1] - 23:14</p> <p><b>pertains</b> [1] - 30:17</p> <p><b>pervious</b> [1] - 46:13</p> <p><b>pets</b> [1] - 47:13</p> <p><b>phase</b> [1] - 29:6</p> <p><b>Philadelphia</b> [2] - 78:1, 78:4</p> <p><b>phone</b> [1] - 104:21</p> <p><b>photographs</b> [2] - 13:12, 27:12</p> <p><b>phrase</b> [2] - 37:5, 37:8</p> <p><b>physically</b> [1] - 135:9</p> <p><b>picked</b> [1] - 10:18</p> <p><b>picking</b> [1] - 117:20</p> <p><b>piece</b> [3] - 62:1, 68:15, 69:16</p> <p><b>pipe</b> [5] - 132:14, 132:16, 132:18, 133:3, 133:5</p> <p><b>place</b> [2] - 37:23, 118:16</p> <p><b>placement</b> [2] - 11:9, 36:12</p> <p><b>Plan</b> [20] - 23:16, 23:22, 40:23, 50:2, 50:4, 50:7, 50:10,</p>	<p>50:12, 50:16, 51:12, 54:7, 54:14, 54:18, 54:21, 55:9, 55:20, 55:22, 56:2, 139:10, 139:19</p> <p><b>plan</b> [21] - 23:18, 24:1, 33:10, 33:18, 40:5, 40:10, 43:12, 49:7, 50:3, 50:21, 55:19, 59:25, 60:1, 60:3, 65:15, 83:24, 89:17, 95:18, 131:10, 135:13, 136:3</p> <p><b>planned</b> [2] - 96:17, 97:15</p> <p><b>PLANNER</b> [1] - 2:16</p> <p><b>planner</b> [6] - 12:13, 21:24, 22:24, 24:3, 57:11, 103:2</p> <p><b>planner's</b> [1] - 23:23</p> <p><b>Planners</b> [1] - 22:2</p> <p><b>planners</b> [2] - 40:7, 72:24</p> <p><b>planning</b> [20] - 12:12, 12:19, 13:3, 20:5, 20:12, 20:14, 20:19, 21:18, 43:25, 44:2, 48:20, 50:14, 52:24, 53:7, 55:6, 55:12, 76:2, 103:14, 103:23, 123:17</p> <p><b>plans</b> [13] - 22:20, 65:4, 76:8, 77:20, 82:19, 91:12, 102:10, 130:1, 130:4, 130:16, 131:8, 132:5, 132:6</p> <p><b>playing</b> [1] - 57:13</p> <p><b>Plaza</b> [1] - 2:8</p> <p><b>Pledge</b> [1] - 5:4</p> <p><b>plus</b> [2] - 139:4, 139:8</p> <p><b>point</b> [10] - 15:10, 51:23, 51:24, 53:20, 61:19, 84:25, 89:20, 112:24, 113:15, 137:5</p> <p><b>pointed</b> [3] - 91:9, 109:22, 109:25</p> <p><b>points</b> [1] - 115:24</p> <p><b>police</b> [1] - 122:1</p> <p><b>portion</b> [2] - 24:24, 46:5</p> <p><b>position</b> [3] - 22:25, 28:10, 46:22</p> <p><b>positive</b> [1] - 40:1</p> <p><b>possibility</b> [1] - 98:21</p> <p><b>possibly</b> [2] - 57:3, 122:1</p> <p><b>posted</b> [1] - 5:8</p> <p><b>PP</b> [2] - 3:5, 21:4</p>
--	--	---	--	--

<p><b>practical</b> [2] - 119:24, 121:23</p> <p><b>practice</b> [2] - 79:18, 92:24</p> <p><b>practicing</b> [1] - 79:10</p> <p><b>precedence</b> [1] - 139:16</p> <p><b>precluded</b> [1] - 73:5</p> <p><b>preemptive</b> [1] - 139:23</p> <p><b>prefer</b> [3] - 20:9, 145:17, 145:18</p> <p><b>preliminarily</b> [1] - 60:15</p> <p><b>preparation</b> [1] - 24:1</p> <p><b>prepared</b> [4] - 34:8, 81:25, 84:2, 106:25</p> <p><b>present</b> [2] - 6:19, 26:20</p> <p><b>presentation</b> [3] - 10:7, 10:13, 12:9</p> <p><b>presented</b> [1] - 65:16</p> <p><b>presently</b> [5] - 26:18, 98:17, 131:1, 143:21, 143:22</p> <p><b>preserving</b> [1] - 91:15</p> <p><b>pretty</b> [2] - 85:24, 121:25</p> <p><b>previous</b> [3] - 6:10, 124:16, 130:2</p> <p><b>previously</b> [2] - 65:16, 83:25</p> <p><b>primarily</b> [1] - 138:15</p> <p><b>primary</b> [3] - 30:7, 137:12, 144:20</p> <p><b>principal</b> [11] - 21:21, 25:19, 28:3, 29:16, 29:22, 30:6, 30:7, 30:11, 30:13, 37:7, 41:9</p> <p><b>printed</b> [1] - 104:25</p> <p><b>private</b> [5] - 22:22, 23:3, 73:2, 75:9, 76:4</p> <p><b>probability</b> [1] - 121:19</p> <p><b>problem</b> [8] - 20:15, 97:3, 97:5, 103:21, 113:1, 113:20, 119:14, 131:3</p> <p><b>problematic</b> [1] - 16:1</p> <p><b>problems</b> [2] - 39:16, 113:9</p> <p><b>PROCEEDING</b> [1] - 1:4</p> <p><b>process</b> [1] - 77:18</p> <p><b>produce</b> [1] - 86:20</p> <p><b>Professional</b> [2] - 79:23, 149:5</p> <p><b>professional</b> [6] -</p>	<p>11:6, 19:9, 21:18, 21:24, 50:14, 79:12</p> <p><b>professionals</b> [2] - 20:21, 104:1</p> <p><b>prohibited</b> [2] - 30:3, 90:15</p> <p><b>prohibition</b> [1] - 92:14</p> <p><b>prohibits</b> [1] - 29:22</p> <p><b>project</b> [18] - 24:6, 33:3, 34:23, 50:9, 50:13, 51:15, 53:1, 72:22, 75:7, 88:8, 88:24, 99:23, 108:6, 108:16, 117:13, 119:15, 131:15, 141:20</p> <p><b>projected</b> [3] - 86:8, 86:12, 86:18</p> <p><b>projecting</b> [1] - 86:11</p> <p><b>projections</b> [2] - 87:7, 87:16</p> <p><b>projects</b> [2] - 22:8, 23:4</p> <p><b>promised</b> [1] - 13:7</p> <p><b>promoting</b> [1] - 127:14</p> <p><b>proper</b> [1] - 76:6</p> <p><b>properties</b> [12] - 13:15, 41:20, 42:10, 42:22, 43:3, 53:6, 60:24, 61:21, 66:19, 69:3, 70:8</p> <p><b>property</b> [56] - 11:11, 25:13, 25:14, 26:18, 27:14, 37:15, 38:14, 38:16, 42:8, 42:24, 43:5, 52:11, 59:2, 59:23, 60:21, 60:25, 62:3, 62:10, 62:12, 62:19, 63:2, 63:6, 65:23, 66:1, 66:14, 66:18, 67:3, 67:13, 67:22, 68:15, 69:5, 69:6, 69:16, 70:4, 72:7, 73:2, 73:13, 73:14, 74:14, 74:23, 75:9, 75:10, 76:4, 77:3, 89:22, 90:6, 98:7, 101:9, 101:11, 101:13, 101:22, 123:15, 142:13</p> <p><b>proposal</b> [8] - 24:13, 24:21, 28:18, 29:5, 43:11, 50:3, 68:2, 93:6</p> <p><b>propose</b> [6] - 30:21, 62:21, 63:1, 67:18, 73:23, 93:4</p> <p><b>proposed</b> [37] - 11:8, 24:15, 31:24, 32:11,</p>	<p>32:23, 33:17, 33:22, 33:25, 34:4, 34:23, 35:18, 35:19, 36:3, 37:19, 38:4, 38:10, 38:12, 40:20, 41:16, 45:7, 50:16, 55:2, 86:16, 87:5, 87:10, 88:11, 88:17, 90:8, 92:14, 107:8, 124:8, 124:11, 126:19, 132:9, 132:10, 132:13, 132:17</p> <p><b>Proposed</b> [3] - 4:8, 34:14, 34:15</p> <p><b>proposing</b> [13] - 25:4, 25:19, 32:14, 32:16, 32:18, 35:11, 40:16, 44:11, 67:1, 68:18, 91:24, 93:20, 94:23</p> <p><b>proprietary</b> [1] - 75:21</p> <p><b>prove</b> [1] - 37:6</p> <p><b>provide</b> [10] - 37:2, 85:15, 88:18, 101:11, 107:19, 108:17, 113:5, 123:23, 123:24, 141:14</p> <p><b>provided</b> [12] - 5:9, 16:6, 16:8, 73:6, 89:23, 92:9, 107:11, 107:22, 113:3, 124:8, 130:14, 149:6</p> <p><b>providing</b> [3] - 45:4, 47:11, 143:19</p> <p><b>prudent</b> [1] - 133:22</p> <p><b>PTOE</b> [2] - 3:12, 64:9</p> <p><b>public</b> [7] - 22:22, 37:13, 40:3, 49:2, 54:4, 117:4, 122:25</p> <p><b>Public</b> [5] - 3:9, 3:17, 5:7, 149:4, 149:15</p> <p><b>published</b> [3] - 86:13, 87:8, 110:23</p> <p><b>pull</b> [1] - 117:12</p> <p><b>purpose</b> [5] - 40:4, 43:25, 84:4, 85:17, 86:10</p> <p><b>purposes</b> [3] - 44:2, 51:25, 88:23</p> <p><b>push</b> [3] - 113:6, 145:12, 145:13</p> <p><b>put</b> [13] - 13:24, 27:1, 53:9, 63:2, 78:11, 82:21, 93:5, 109:15, 113:14, 116:8, 125:16, 126:4, 144:4</p> <p><b>putting</b> [4] - 56:13, 61:11, 121:19, 125:10</p> <p><b>pylon</b> [2] - 35:5, 35:15</p>	<p style="text-align: center;"><b>Q</b></p> <p><b>qualified</b> [1] - 78:25</p> <p><b>qualify</b> [1] - 20:24</p> <p><b>quality</b> [1] - 47:16</p> <p><b>quality-of-life</b> [1] - 47:16</p> <p><b>questioned</b> [3] - 107:5, 107:7, 112:6</p> <p><b>questioning</b> [3] - 56:16, 57:10, 140:17</p> <p><b>Questions</b> [4] - 3:7, 3:9, 3:13, 3:17</p> <p><b>questions</b> [16] - 12:5, 16:15, 49:8, 53:14, 53:19, 65:5, 115:6, 115:8, 115:13, 115:17, 116:1, 117:5, 130:8, 144:21, 145:4, 147:17</p> <p><b>queues</b> [1] - 90:16</p> <p><b>quick</b> [3] - 21:15, 136:5, 138:3</p> <p><b>quite</b> [1] - 54:19</p>	<p><b>realize</b> [1] - 143:18</p> <p><b>really</b> [9] - 31:4, 38:5, 42:3, 44:8, 44:13, 78:23, 89:12, 127:4</p> <p><b>rear</b> [4] - 32:8, 46:7, 46:8, 98:7</p> <p><b>reason</b> [3] - 32:2, 123:14, 135:17</p> <p><b>reasoning</b> [1] - 51:8</p> <p><b>reasons</b> [10] - 29:12, 37:2, 37:5, 37:6, 37:8, 37:10, 37:21, 38:13, 39:15, 112:23</p> <p><b>receive</b> [1] - 14:19</p> <p><b>received</b> [16] - 14:18, 15:3, 15:5, 19:4, 19:7, 19:8, 34:16, 77:17, 81:13, 82:1, 82:10, 105:14, 105:17, 105:20, 105:23, 106:1</p> <p><b>recent</b> [2] - 18:2, 52:15</p> <p><b>recess</b> [2] - 57:24, 114:3</p> <p><b>recessed</b> [1] - 38:19</p> <p><b>Recitation</b> [1] - 5:3</p> <p><b>recognize</b> [1] - 139:22</p> <p><b>recommend</b> [1] - 128:7</p> <p><b>recommends</b> [2] - 134:8, 134:24</p> <p><b>reconcile</b> [1] - 112:13</p> <p><b>reconciliation</b> [1] - 51:11</p> <p><b>record</b> [11] - 12:24, 18:1, 21:9, 51:25, 64:14, 73:18, 82:8, 99:7, 109:15, 138:5, 149:6</p> <p><b>recorded</b> [1] - 59:18</p> <p><b>records</b> [1] - 59:5</p> <p><b>recount</b> [1] - 144:1</p> <p><b>recreational</b> [1] - 47:5</p> <p><b>rectangle</b> [1] - 94:17</p> <p><b>Recused</b> [1] - 2:4</p> <p><b>redevelopment</b> [1] - 43:9</p> <p><b>redistribute</b> [1] - 82:20</p> <p><b>reduced</b> [3] - 25:3, 60:12, 99:2</p> <p><b>reducing</b> [3] - 31:12, 44:23, 100:7</p> <p><b>reduction</b> [10] - 31:14, 88:15, 89:13, 97:17, 97:21, 97:22, 97:23, 98:1, 98:6, 99:5</p> <p><b>refer</b> [3] - 65:13, 83:23, 122:4</p>
<b>R</b>				
<p><b>R.P.R</b> [3] - 1:23, 149:3, 149:14</p> <p><b>railroad</b> [2] - 42:8, 42:12</p> <p><b>raise</b> [2] - 64:1, 64:3</p> <p><b>raised</b> [3] - 52:8, 102:13, 116:1</p> <p><b>raises</b> [1] - 109:13</p> <p><b>ramp</b> [18] - 38:15, 84:14, 84:17, 84:18, 92:10, 96:14, 97:11, 111:17, 111:19, 113:3, 113:4, 113:6, 113:15, 113:16, 129:8, 132:3, 132:12, 132:21</p> <p><b>ramping</b> [1] - 128:10</p> <p><b>ramps</b> [2] - 96:22, 128:20</p> <p><b>RAMUNDO</b> [1] - 2:5</p> <p><b>range</b> [1] - 41:22</p> <p><b>rate</b> [1] - 14:17</p> <p><b>rates</b> [1] - 86:12</p> <p><b>rather</b> [3] - 27:23, 49:1, 124:20</p> <p><b>reach</b> [1] - 88:2</p> <p><b>read</b> [1] - 136:11</p> <p><b>reading</b> [1] - 136:6</p> <p><b>ready</b> [1] - 127:1</p> <p><b>real</b> [1] - 126:6</p>				

<p><b>referee</b> [1] - 149:6  <b>reference</b> [1] - 29:25  <b>references</b> [1] - 32:22  <b>referred</b> [1] - 61:6  <b>referring</b> [1] - 33:23  <b>refers</b> [1] - 45:19  <b>reflect</b> [1] - 86:14  <b>regard</b> [30] - 25:11, 26:4, 26:5, 27:3, 29:5, 30:15, 32:1, 32:7, 35:22, 37:4, 37:14, 39:3, 39:13, 39:19, 40:2, 40:25, 41:3, 44:11, 44:18, 45:6, 45:11, 45:15, 45:25, 47:23, 49:15, 50:1, 50:8, 55:1, 109:7, 109:12  <b>regarding</b> [1] - 36:12  <b>region</b> [1] - 86:15  <b>Registered</b> [1] - 149:5  <b>regulation</b> [1] - 149:10  <b>regulations</b> [2] - 45:8, 139:17  <b>rehash</b> [1] - 24:20  <b>reiterate</b> [1] - 97:16  <b>related</b> [2] - 149:7, 149:8  <b>relates</b> [1] - 48:1  <b>relatively</b> [1] - 88:4  <b>relief</b> [17] - 31:22, 32:4, 32:9, 35:22, 36:16, 43:24, 44:1, 44:20, 45:10, 45:13, 46:7, 46:24, 47:10, 120:24, 134:21, 135:8, 135:10  <b>reliefs</b> [1] - 32:23  <b>rely</b> [1] - 53:17  <b>remain</b> [7] - 85:9, 90:11, 90:13, 98:22, 100:12, 133:20, 133:21  <b>remains</b> [1] - 66:15  <b>remember</b> [3] - 54:12, 73:12, 78:7  <b>reminds</b> [1] - 105:7  <b>remove</b> [1] - 91:12  <b>rendering</b> [4] - 65:15, 83:24, 89:17, 93:11  <b>repairing</b> [1] - 95:7  <b>replace</b> [4] - 38:5, 132:14, 132:16, 133:5  <b>replacing</b> [4] - 35:13, 35:16, 97:25, 99:4  <b>Report</b> [10] - 4:9, 4:12, 4:13, 4:16, 4:18, 81:12, 105:13, 105:16, 105:22,</p>	<p>105:25  <b>report</b> [40] - 13:25, 14:7, 14:10, 14:12, 14:15, 14:23, 15:3, 15:12, 16:5, 20:2, 51:18, 52:8, 80:22, 81:6, 81:16, 81:21, 82:4, 82:6, 83:9, 83:15, 102:5, 102:16, 102:24, 103:1, 103:3, 103:7, 104:11, 111:1, 111:25, 124:3, 132:2, 142:24, 142:25, 143:2, 143:6, 143:7, 143:10, 143:12, 144:4  <b>reporter</b> [7] - 10:21, 57:21, 113:24, 145:25, 146:2, 147:12  <b>REPORTER</b> [4] - 55:3, 139:5, 146:6, 146:9  <b>Reporter</b> [2] - 149:4, 149:5  <b>REPORTERS</b> [1] - 1:23  <b>reports</b> [4] - 12:18, 102:19, 103:5, 105:11  <b>represent</b> [1] - 97:16  <b>representative</b> [1] - 20:1  <b>represents</b> [1] - 98:1  <b>repugnant</b> [1] - 52:24  <b>request</b> [2] - 26:8, 134:21  <b>requested</b> [2] - 45:11, 107:9  <b>requesting</b> [1] - 123:17  <b>require</b> [5] - 78:16, 110:14, 126:1, 132:14, 146:2  <b>required</b> [11] - 31:8, 32:5, 41:6, 44:22, 45:14, 45:17, 120:21, 120:24, 124:11, 125:18, 140:2  <b>requirement</b> [8] - 44:12, 45:24, 124:22, 125:3, 126:10, 127:5, 136:14, 139:13  <b>requirements</b> [6] - 31:19, 37:16, 40:9, 80:3, 124:17, 124:20  <b>research</b> [4] - 27:11,</p>	<p>134:14, 134:20  <b>reserve</b> [1] - 115:11  <b>resident</b> [6] - 117:11, 137:13, 137:17, 138:12, 138:16, 138:17  <b>Residential</b> [3] - 4:7, 19:4, 110:13  <b>residential</b> [33] - 23:21, 24:22, 25:7, 26:2, 28:19, 31:11, 31:18, 32:16, 32:18, 34:4, 35:1, 35:24, 36:2, 38:4, 38:18, 39:10, 40:15, 40:21, 47:23, 53:10, 87:10, 87:24, 88:3, 110:17, 136:7, 136:12, 136:15, 136:19, 137:1, 137:6, 137:12, 138:13, 142:7  <b>residents</b> [2] - 47:12, 97:10  <b>respect</b> [7] - 23:20, 31:18, 32:24, 45:6, 47:25, 50:22, 55:1  <b>respond</b> [15] - 6:19, 15:14, 15:21, 18:2, 18:4, 65:6, 104:8, 106:13, 106:18, 109:20, 115:22, 116:1, 116:2, 116:16, 145:1  <b>responded</b> [5] - 14:10, 107:6, 109:8, 109:14, 109:16  <b>responding</b> [2] - 16:21, 82:3  <b>Response</b> [3] - 4:10, 82:9, 83:5  <b>response</b> [18] - 5:20, 6:1, 6:5, 14:14, 16:2, 16:15, 16:19, 16:20, 17:25, 53:24, 57:19, 83:10, 106:7, 110:7, 112:9, 112:15, 114:7, 142:20  <b>responsive</b> [1] - 82:7  <b>rest</b> [1] - 28:10  <b>restaurant</b> [13] - 88:6, 97:24, 98:2, 98:20, 98:21, 99:10, 99:13, 99:19, 118:10, 118:24, 122:12, 142:17  <b>restaurant/bar</b> [1] - 88:8  <b>restricting</b> [1] - 77:4  <b>result</b> [1] - 120:9</p>	<p><b>results</b> [2] - 55:6, 85:18  <b>retaining</b> [1] - 95:7  <b>Review</b> [2] - 4:15, 105:19  <b>review</b> [25] - 6:11, 16:18, 18:5, 18:13, 20:6, 20:10, 23:17, 23:23, 24:8, 29:24, 50:8, 58:21, 70:4, 75:21, 81:25, 102:8, 104:6, 111:8, 111:24, 116:15, 123:4, 123:7, 144:19, 144:23, 148:3  <b>reviewed</b> [9] - 23:14, 23:15, 23:18, 23:23, 28:2, 77:20, 80:22, 102:9, 109:5  <b>reviewing</b> [3] - 65:3, 105:8, 132:6  <b>reviews</b> [1] - 52:1  <b>revised</b> [1] - 91:12  <b>revision</b> [1] - 104:14  <b>rezoned</b> [1] - 53:9  <b>Ridgefield</b> [1] - 12:2  <b>ridiculous</b> [1] - 141:20  <b>riding</b> [1] - 122:2  <b>right-of-way</b> [2] - 92:20, 92:25  <b>right-turn</b> [2] - 65:25, 67:18  <b>right-turns</b> [2] - 90:12, 90:14  <b>rights</b> [1] - 75:9  <b>rise</b> [4] - 5:3, 53:6, 119:25, 120:2  <b>road</b> [5] - 34:2, 59:15, 66:22, 101:2, 116:23  <b>Road</b> [1] - 21:5  <b>role</b> [1] - 72:24  <b>Roll</b> [1] - 5:12  <b>roll</b> [7] - 7:15, 8:13, 9:10, 58:2, 114:4, 114:21, 128:24  <b>rolling</b> [1] - 119:11  <b>roof</b> [2] - 45:2, 128:23  <b>room</b> [1] - 95:10  <b>Route</b> [15] - 38:15, 38:19, 38:22, 44:19, 49:3, 49:21, 56:25, 84:14, 84:17, 86:17, 90:17, 112:3, 112:20, 113:13, 132:11  <b>RSIS</b> [18] - 110:8, 110:11, 110:15, 121:13, 124:17, 124:20, 134:17,</p>	<p>138:21, 139:13, 139:23, 139:25, 140:3, 140:11, 140:12, 140:13, 141:1, 142:5, 142:7  <b>Ruby</b> [8] - 73:15, 73:22, 84:21, 86:3, 87:1, 101:19, 101:20, 101:21  <b>runs</b> [1] - 132:3</p> <p style="text-align: center;"><b>S</b></p> <p><b>SADDLE</b> [1] - 1:24  <b>safely</b> [1] - 57:3  <b>safety</b> [2] - 36:9, 36:13  <b>salute</b> [1] - 5:2  <b>salvage</b> [3] - 38:5, 98:4, 98:9  <b>sanitary</b> [3] - 130:14, 130:25, 133:10  <b>satisfy</b> [1] - 80:4  <b>save</b> [1] - 116:6  <b>saw</b> [4] - 52:24, 70:9, 104:16, 104:21  <b>scale</b> [2] - 49:25, 99:3  <b>scenario</b> [3] - 47:2, 89:6, 89:11  <b>schedule</b> [2] - 82:25, 140:16  <b>schools</b> [2] - 37:14, 56:15  <b>SCHOR</b> [4] - 54:6, 54:13, 54:16, 55:8  <b>Schor</b> [2] - 3:9, 54:6  <b>Schulman</b> [2] - 33:18, 45:5  <b>SCHULMAN</b> [5] - 15:9, 60:2, 60:8, 131:19, 131:24  <b>science</b> [1] - 79:8  <b>scope</b> [1] - 75:5  <b>se</b> [1] - 26:15  <b>search</b> [1] - 70:4  <b>second</b> [26] - 6:16, 7:1, 7:14, 8:12, 9:8, 9:9, 25:8, 32:15, 34:3, 34:25, 92:8, 95:16, 95:23, 96:1, 96:4, 96:11, 96:16, 97:8, 103:2, 103:4, 127:19, 137:7, 137:14, 138:15, 143:6, 147:23  <b>seconds</b> [1] - 89:9  <b>SECRETARY</b> [1] - 2:14  <b>secretary</b> [4] - 17:19, 82:2, 82:25, 130:2</p>
---	--	---	--	--

<p><b>section</b> [3] - 44:8, 133:20, 136:7</p> <p><b>sector</b> [2] - 22:22, 23:4</p> <p><b>see</b> [23] - 13:16, 14:22, 14:24, 15:8, 16:1, 18:5, 33:14, 42:9, 42:14, 54:10, 70:14, 100:14, 109:13, 110:2, 112:2, 112:4, 112:7, 112:12, 119:12, 128:11, 132:19, 132:24, 143:12</p> <p><b>seek</b> [1] - 25:17</p> <p><b>seem</b> [2] - 112:12, 112:13</p> <p><b>send</b> [11] - 12:23, 17:20, 82:23, 105:2, 116:9, 116:16, 130:1, 143:25, 144:8, 144:25</p> <p><b>sense</b> [4] - 26:2, 26:7, 41:15, 70:8</p> <p><b>sensitive</b> [1] - 39:1</p> <p><b>sent</b> [4] - 15:7, 16:19, 76:8, 77:19</p> <p><b>SEONGHYE</b> [1] - 1:17</p> <p><b>separate</b> [1] - 90:3</p> <p><b>September</b> [3] - 84:11, 85:1, 111:14</p> <p><b>series</b> [1] - 25:18</p> <p><b>serious</b> [2] - 12:15, 132:16</p> <p><b>serve</b> [3] - 37:18, 37:25, 92:2</p> <p><b>serves</b> [1] - 37:13</p> <p><b>service</b> [4] - 85:19, 86:1, 89:5, 146:5</p> <p><b>Service</b> [6] - 85:24, 86:3, 86:24, 86:25, 112:1, 112:2</p> <p><b>services</b> [1] - 108:7</p> <p><b>session</b> [1] - 58:1</p> <p><b>set</b> [1] - 132:5</p> <p><b>setback</b> [3] - 26:23, 31:7, 43:17</p> <p><b>seven</b> [3] - 28:13, 28:14, 110:1</p> <p><b>several</b> [4] - 20:21, 35:13, 51:24, 76:6</p> <p><b>severe</b> [1] - 94:7</p> <p><b>sewage</b> [1] - 130:21</p> <p><b>sewer</b> [12] - 39:11, 130:14, 130:17, 130:18, 130:19, 130:20, 130:25, 131:9, 131:11, 131:13, 131:14</p> <p><b>share</b> [2] - 59:7, 90:6</p>	<p><b>shared</b> [7] - 60:25, 62:19, 65:20, 66:18, 70:11, 100:18, 101:1</p> <p><b>shifting</b> [2] - 68:11, 68:22</p> <p><b>ship</b> [1] - 112:4</p> <p><b>show</b> [11] - 32:21, 35:3, 39:14, 39:15, 52:6, 94:13, 107:16, 108:20, 108:24, 131:9, 133:15</p> <p><b>showing</b> [1] - 107:14</p> <p><b>shown</b> [7] - 37:11, 93:10, 130:15, 130:23, 131:10, 132:5, 133:17</p> <p><b>shows</b> [3] - 34:22, 111:13, 131:11</p> <p><b>sic</b> [2] - 52:16, 96:9</p> <p><b>side</b> [27] - 34:1, 62:10, 63:3, 71:2, 74:9, 86:2, 88:21, 89:4, 89:21, 90:7, 91:1, 91:16, 91:25, 92:6, 92:10, 92:16, 93:1, 94:5, 95:1, 95:15, 96:18, 100:21, 101:19, 109:1, 121:4, 134:8, 135:22</p> <p><b>sidewalk</b> [3] - 93:8, 94:2, 122:2</p> <p><b>sight</b> [3] - 97:2, 97:4, 115:13</p> <p><b>sign</b> [14] - 32:11, 32:12, 32:16, 32:18, 32:20, 32:22, 32:23, 34:3, 34:24, 35:1, 35:5, 35:19, 35:25, 36:3</p> <p><b>Signage</b> [3] - 4:8, 34:14, 34:15</p> <p><b>signage</b> [4] - 32:24, 34:23, 35:4, 35:13</p> <p><b>signalized</b> [2] - 84:15, 84:16</p> <p><b>signals</b> [1] - 90:17</p> <p><b>significant</b> [4] - 43:12, 98:1, 98:23, 102:5</p> <p><b>significantly</b> [3] - 38:19, 96:7, 99:3</p> <p><b>signs</b> [10] - 32:14, 33:24, 34:7, 34:23, 35:13, 35:14, 35:15, 35:17, 35:22, 35:23</p> <p><b>similar</b> [7] - 22:8, 23:4, 86:22, 87:2, 89:5, 112:17, 119:19</p> <p><b>similarly</b> [1] - 80:12</p> <p><b>Simoff</b> [26] - 4:11, 4:12, 16:18, 18:13,</p>	<p>20:6, 80:12, 80:17, 81:24, 82:7, 82:10, 83:11, 84:25, 97:1, 102:9, 102:12, 102:16, 105:13, 106:6, 106:10, 106:19, 107:22, 109:22, 111:2, 115:24, 138:14</p> <p><b>SIMOFF</b> [41] - 2:17, 16:25, 17:3, 82:14, 102:13, 102:25, 106:23, 107:25, 108:3, 108:19, 109:3, 111:5, 111:8, 111:13, 111:23, 112:6, 112:18, 113:10, 115:12, 115:18, 115:21, 116:8, 116:13, 116:18, 116:21, 116:25, 135:3, 136:5, 136:11, 136:22, 136:25, 137:4, 137:9, 137:15, 137:19, 137:24, 138:23, 140:16, 140:21, 141:1, 141:9</p> <p><b>Simoff's</b> [5] - 14:23, 16:22, 18:4, 82:3, 103:12</p> <p><b>simply</b> [2] - 42:5, 45:21</p> <p><b>single</b> [2] - 30:12, 42:2</p> <p><b>sit</b> [3] - 48:3, 73:9, 121:1</p> <p><b>Site</b> [1] - 110:13</p> <p><b>site</b> [73] - 10:9, 11:8, 23:18, 24:1, 24:15, 24:25, 25:8, 27:5, 28:7, 28:11, 32:21, 33:10, 33:18, 34:2, 34:7, 35:4, 35:19, 36:1, 37:7, 37:19, 37:22, 38:8, 38:12, 38:17, 38:18, 38:24, 39:6, 39:11, 39:15, 40:25, 41:15, 41:17, 44:13, 44:17, 45:24, 48:2, 48:6, 48:25, 49:7, 49:17, 49:18, 49:20, 49:23, 53:11, 59:25, 60:1, 60:3, 65:15, 65:19, 83:23, 84:6, 84:20, 84:23, 86:9, 86:11, 86:21, 87:5, 87:6, 88:11, 88:15, 89:3, 89:13, 89:16, 94:1, 97:17,</p>	<p>100:22, 107:15, 124:13, 132:15, 135:13, 143:19</p> <p><b>site-plan-rendering</b> [1] - 65:15</p> <p><b>sits</b> [2] - 44:18, 96:3</p> <p><b>situation</b> [4] - 25:25, 37:21, 44:25, 100:20</p> <p><b>six</b> [8] - 26:19, 28:12, 53:6, 55:13, 55:22, 95:3, 141:19, 145:4</p> <p><b>sixteen</b> [1] - 126:24</p> <p><b>size</b> [9] - 26:15, 35:23, 41:14, 49:17, 53:17, 55:22, 56:22, 60:13, 108:5</p> <p><b>slanted</b> [1] - 95:3</p> <p><b>slate</b> [1] - 27:22</p> <p><b>sleeping</b> [1] - 56:25</p> <p><b>slightly</b> [1] - 92:25</p> <p><b>small</b> [2] - 60:2, 95:18</p> <p><b>smaller</b> [4] - 35:1, 43:17, 55:23, 108:21</p> <p><b>soft</b> [1] - 113:14</p> <p><b>someone</b> [1] - 55:21</p> <p><b>sometimes</b> [2] - 76:1, 82:21</p> <p><b>somewhat</b> [2] - 31:19, 124:17</p> <p><b>somewhere</b> [2] - 33:13, 113:24</p> <p><b>son</b> [1] - 12:14</p> <p><b>sorry</b> [20] - 10:16, 41:11, 54:11, 55:3, 55:5, 56:18, 57:5, 71:7, 72:1, 74:20, 84:16, 90:15, 93:10, 103:20, 104:24, 118:11, 139:5, 139:9, 141:16, 142:23</p> <p><b>sort</b> [5] - 45:20, 84:18, 90:3, 92:4, 121:21</p> <p><b>south</b> [11] - 38:15, 42:11, 68:25, 74:3, 86:16, 91:25, 95:15, 96:2, 96:18, 102:1, 113:19</p> <p><b>southbound</b> [4] - 113:17, 118:1, 119:15, 121:24</p> <p><b>southern</b> [10] - 34:5, 35:2, 35:25, 90:7, 92:6, 92:15, 108:21, 108:25, 109:7, 127:19</p> <p><b>space</b> [17] - 26:1, 32:5, 32:7, 45:11, 45:13, 45:15, 45:18, 46:9, 47:7, 137:13,</p>	<p>137:14, 137:18, 138:10, 138:12, 138:19, 138:20, 141:7</p> <p><b>Spaces</b> [2] - 4:7, 19:4</p> <p><b>spaces</b> [44] - 26:2, 90:25, 91:1, 91:3, 92:19, 92:24, 93:5, 93:9, 93:10, 93:21, 94:6, 94:20, 94:24, 95:4, 99:9, 107:7, 107:8, 110:1, 124:9, 124:10, 124:19, 125:7, 126:1, 126:2, 126:5, 126:15, 126:16, 126:20, 126:22, 126:25, 127:1, 127:3, 136:12, 136:17, 137:19, 138:10, 138:19, 139:2, 141:4, 142:1, 142:4, 143:7, 143:17, 143:18</p> <p><b>speaks</b> [1] - 18:21</p> <p><b>special</b> [6] - 37:2, 37:5, 37:6, 37:8, 37:10, 39:15</p> <p><b>specialize</b> [1] - 79:17</p> <p><b>specific</b> [4] - 28:2, 29:21, 43:20, 43:21</p> <p><b>specifically</b> [6] - 30:1, 30:2, 45:25, 51:23, 102:11, 123:16</p> <p><b>spell</b> [2] - 21:9, 64:14</p> <p><b>spelling</b> [1] - 70:10</p> <p><b>spend</b> [1] - 146:25</p> <p><b>spinning</b> [1] - 11:13</p> <p><b>spirit</b> [1] - 73:20</p> <p><b>split</b> [2] - 74:10, 74:15</p> <p><b>splitting</b> [1] - 65:24</p> <p><b>spot</b> [2] - 110:3, 129:18</p> <p><b>spots</b> [1] - 91:13</p> <p><b>sprinklered</b> [1] - 122:6</p> <p><b>square</b> [7] - 32:16, 32:17, 32:21, 35:8, 86:17, 122:22, 143:3</p> <p><b>stall</b> [1] - 125:22</p> <p><b>stalls</b> [2] - 96:10, 96:13</p> <p><b>stand</b> [2] - 12:4, 71:23</p> <p><b>standard</b> [8] - 31:20, 39:23, 44:9, 87:13, 138:21, 140:3, 140:11</p> <p><b>Standards</b> [1] - 110:13</p> <p><b>standards</b> [6] - 26:4, 26:14, 32:6, 45:16, 121:13, 140:15</p>
---	--	--	---	--

<p><b>standing</b> [2] - 22:16, 64:22</p> <p><b>standpoint</b> [3] - 27:20, 46:23, 121:23</p> <p><b>Stanhope</b> [1] - 22:25</p> <p><b>start</b> [5] - 7:5, 18:9, 21:14, 103:7, 118:17</p> <p><b>started</b> [1] - 100:3</p> <p><b>starts</b> [2] - 117:25, 118:6</p> <p><b>state</b> [3] - 21:8, 64:13, 139:17</p> <p><b>State</b> [10] - 22:16, 64:20, 79:9, 79:15, 125:11, 126:8, 127:10, 149:4, 149:4, 149:7</p> <p><b>statement</b> [3] - 29:25, 50:9, 56:17</p> <p><b>station</b> [2] - 110:22, 125:22</p> <p><b>stations</b> [6] - 124:13, 125:17, 125:19, 125:25, 126:13, 126:18</p> <p><b>statistics</b> [1] - 81:22</p> <p><b>statute</b> [5] - 51:6, 54:24, 125:12, 126:17, 149:7</p> <p><b>stay</b> [2] - 116:24, 116:25</p> <p><b>staying</b> [2] - 11:25, 69:6</p> <p><b>stays</b> [3] - 28:20, 83:3, 142:18</p> <p><b>Steve</b> [11] - 14:3, 14:6, 15:13, 15:22, 53:25, 74:13, 102:23, 105:1, 120:14, 121:11, 132:18</p> <p><b>STEVE</b> [1] - 2:15</p> <p><b>STEVEN</b> [1] - 1:18</p> <p><b>stick</b> [1] - 118:24</p> <p><b>still</b> [8] - 22:15, 31:25, 68:12, 92:15, 93:9, 119:8, 139:24, 141:25</p> <p><b>stimulation</b> [2] - 42:23, 42:25</p> <p><b>stipulation</b> [2] - 75:2, 120:5</p> <p><b>stop</b> [4] - 61:22, 75:24, 76:10, 84:17</p> <p><b>stops</b> [2] - 113:11, 113:17</p> <p><b>storage</b> [3] - 48:13, 48:14, 98:8</p> <p><b>store</b> [9] - 25:5, 90:22, 91:4, 92:1, 92:3, 95:12, 96:10,</p>	<p>100:12, 142:14</p> <p><b>stories</b> [6] - 24:22, 28:12, 28:13, 28:14, 31:23</p> <p><b>storm</b> [4] - 131:6, 132:3, 132:8, 133:11</p> <p><b>storms</b> [2] - 131:4, 131:5</p> <p><b>stormwater</b> [1] - 45:4</p> <p><b>story</b> [2] - 24:22, 31:22</p> <p><b>straight</b> [1] - 96:23</p> <p><b>street</b> [2] - 86:2, 89:4</p> <p><b>Street</b> [4] - 1:4, 1:4, 8:7, 96:8</p> <p><b>stripe</b> [1] - 68:8</p> <p><b>striped</b> [1] - 101:11</p> <p><b>striping</b> [1] - 67:12</p> <p><b>structure</b> [8] - 26:23, 27:6, 87:12, 91:7, 92:8, 92:9, 96:12, 124:9</p> <p><b>structures</b> [7] - 25:19, 30:7, 30:11, 30:13, 38:9, 41:9, 42:6</p> <p><b>studies</b> [3] - 80:7, 80:21, 81:22</p> <p><b>study</b> [10] - 80:23, 84:2, 84:3, 84:4, 84:9, 85:8, 86:10, 89:15, 122:23, 123:16</p> <p><b>stuff</b> [1] - 118:17</p> <p><b>subdivision</b> [1] - 25:18</p> <p><b>subject</b> [3] - 52:11, 65:20, 89:22</p> <p><b>submit</b> [1] - 17:20</p> <p><b>substantial</b> [1] - 40:3</p> <p><b>substantially</b> [1] - 112:17</p> <p><b>suburban</b> [2] - 87:14, 87:17</p> <p><b>suffer</b> [1] - 37:15</p> <p><b>sufficient</b> [6] - 39:7, 39:9, 39:21, 141:6, 141:23, 141:25</p> <p><b>suggest</b> [1] - 141:3</p> <p><b>suggested</b> [2] - 20:5, 31:21</p> <p><b>suitability</b> [2] - 49:9, 49:12</p> <p><b>suitable</b> [3] - 37:20, 37:22, 49:24</p> <p><b>Suite</b> [3] - 2:8, 21:5, 64:10</p> <p><b>suited</b> [1] - 38:13</p> <p><b>summarize</b> [5] - 84:1, 85:18, 87:22, 89:2, 92:5</p>	<p><b>summarized</b> [1] - 89:14</p> <p><b>summary</b> [1] - 123:25</p> <p><b>Sunday</b> [1] - 111:19</p> <p><b>superceded</b> [1] - 105:1</p> <p><b>supercedes</b> [2] - 125:12, 139:24</p> <p><b>supplement</b> [1] - 19:8</p> <p><b>supplemental</b> [2] - 112:16, 147:15</p> <p><b>supposed</b> [1] - 113:4</p> <p><b>Supreme</b> [1] - 52:15</p> <p><b>surface</b> [4] - 45:2, 96:10, 124:10, 136:18</p> <p><b>surprising</b> [1] - 86:4</p> <p><b>surrounded</b> [1] - 53:4</p> <p><b>surrounding</b> [2] - 11:11, 43:3</p> <p><b>survey</b> [7] - 59:25, 60:17, 60:18, 65:4, 130:13, 130:24, 144:1</p> <p><b>surveys</b> [1] - 60:1</p> <p><b>Susan</b> [4] - 3:10, 3:18, 55:17, 138:6</p> <p><b>swear</b> [7] - 20:3, 20:23, 20:25, 63:21, 63:23, 63:24, 64:5</p> <p><b>switched</b> [1] - 45:2</p> <p><b>SWORN</b> [1] - 3:2</p> <p><b>sworn</b> [4] - 21:6, 63:14, 63:16, 64:11</p> <p><b>system</b> [3] - 45:5, 46:20, 46:21</p>	<p><b>TERRANOVA</b> [14] - 1:15, 5:18, 7:21, 8:19, 9:16, 58:9, 114:11, 142:24, 143:5, 143:11, 143:15, 143:22, 143:24, 144:3</p> <p><b>test</b> [1] - 80:1</p> <p><b>Testa</b> [2] - 6:22, 7:6</p> <p><b>TESTA</b> [37] - 2:3, 11:21, 13:20, 16:13, 17:10, 18:18, 20:25, 21:8, 34:19, 57:8, 63:22, 64:3, 64:13, 75:15, 81:20, 83:7, 102:20, 103:6, 103:10, 103:13, 103:15, 103:21, 104:2, 104:12, 138:4, 138:7, 141:6, 141:12, 141:17, 141:22, 142:8, 142:10, 142:14, 142:17, 144:16, 147:13, 147:25</p> <p><b>testified</b> [2] - 22:5, 23:5</p> <p><b>testifies</b> [2] - 21:6, 64:11</p> <p><b>testify</b> [1] - 57:14</p> <p><b>testifying</b> [1] - 64:24</p> <p><b>TESTIMONY</b> [1] - 3:2</p> <p><b>testimony</b> [26] - 10:8, 10:23, 11:6, 12:9, 12:22, 13:8, 21:1, 23:13, 24:17, 24:20, 25:10, 32:3, 37:3, 43:22, 52:1, 52:7, 53:13, 64:5, 97:14, 109:9, 115:5, 123:21, 144:23, 149:6</p> <p><b>THE</b> [43] - 34:18, 34:20, 54:9, 54:15, 54:23, 55:3, 55:5, 66:4, 66:7, 66:10, 66:15, 66:24, 67:5, 67:8, 67:17, 68:5, 68:20, 68:22, 78:15, 93:16, 108:17, 108:23, 111:6, 112:14, 112:24, 117:17, 117:21, 118:12, 119:19, 119:25, 120:20, 120:23, 123:25, 124:7, 125:2, 125:6, 127:5, 127:24, 128:3, 128:5, 139:5, 146:6, 146:9</p>	<p><b>theirs</b> [2] - 59:21, 116:9</p> <p><b>theme</b> [1] - 51:12</p> <p><b>themselves</b> [2] - 90:3, 131:14</p> <p><b>therefore</b> [1] - 85:7</p> <p><b>they've</b> [4] - 24:17, 41:12, 70:12, 73:6</p> <p><b>test</b> [1] - 80:1</p> <p><b>Testa</b> [2] - 6:22, 7:6</p> <p><b>third</b> [1] - 147:24</p> <p><b>thirdly</b> [1] - 32:17</p> <p><b>thread</b> [1] - 51:16</p> <p><b>three</b> [22] - 24:22, 32:23, 35:6, 36:6, 37:9, 40:15, 41:22, 61:4, 93:5, 93:9, 93:10, 93:13, 93:20, 94:24, 101:18, 104:5, 111:1, 115:24, 125:23, 130:8, 134:4</p> <p><b>three-family</b> [1] - 61:4</p> <p><b>three-story</b> [1] - 24:22</p> <p><b>throughout</b> [6] - 21:23, 22:6, 22:7, 79:15, 86:15, 87:14</p> <p><b>throw</b> [2] - 59:17, 141:21</p> <p><b>title</b> [2] - 59:5, 70:4</p> <p><b>today</b> [10] - 44:9, 48:9, 86:4, 87:3, 90:8, 90:20, 106:25, 113:1, 131:21, 145:10</p> <p><b>today's</b> [1] - 82:8</p> <p><b>together</b> [2] - 27:2, 78:8</p> <p><b>tomorrow</b> [2] - 12:15, 103:22</p> <p><b>tonight</b> [8] - 6:9, 10:2, 12:11, 52:1, 82:13, 106:20, 116:20, 144:9</p> <p><b>took</b> [12] - 27:19, 47:2, 47:8, 55:24, 58:20, 60:8, 80:1, 86:7, 87:4, 111:18, 112:15, 119:9</p> <p><b>top</b> [2] - 77:21, 113:15</p> <p><b>topography</b> [8] - 10:11, 28:11, 38:17, 41:15, 44:13, 44:17, 48:1, 49:11</p> <p><b>total</b> [2] - 88:2, 124:9</p> <p><b>touching</b> [1] - 67:22</p> <p><b>town</b> [5] - 44:9, 54:17, 54:21, 139:16, 139:18</p> <p><b>towns</b> [5] - 139:22, 139:24, 140:4, 140:5</p>
<b>T</b>				
<p><b>table</b> [1] - 112:10</p> <p><b>talks</b> [1] - 52:16</p> <p><b>tall</b> [1] - 35:8</p> <p><b>tape</b> [1] - 10:19</p> <p><b>target</b> [1] - 52:7</p> <p><b>team</b> [1] - 33:4</p> <p><b>technical</b> [1] - 15:13</p> <p><b>template</b> [1] - 108:2</p> <p><b>templates</b> [5] - 107:9, 107:12, 108:20, 121:18</p> <p><b>ten</b> [1] - 59:15</p> <p><b>tenants</b> [2] - 36:7, 41:23</p> <p><b>terms</b> [7] - 27:11, 39:11, 41:10, 42:5, 50:25, 52:5, 52:6</p> <p><b>Terranova</b> [7] - 3:17, 5:17, 7:20, 8:18, 9:15, 58:8, 114:10</p>				

<p><b>traced</b> <sup>[1]</sup> - 38:1  <b>track</b> <sup>[2]</sup> - 36:22, 43:10  <b>tracks</b> <sup>[2]</sup> - 42:8, 42:13  <b>traffic</b> <sup>[105]</sup> - 12:11, 13:2, 16:5, 20:2, 20:5, 36:9, 36:13, 39:8, 44:5, 44:6, 56:23, 57:3, 57:9, 59:16, 64:25, 67:10, 68:2, 74:2, 75:14, 75:16, 75:19, 76:11, 79:10, 79:18, 79:21, 80:4, 80:7, 81:6, 83:10, 84:2, 84:3, 84:5, 84:6, 84:8, 84:9, 84:10, 85:4, 86:6, 86:8, 86:12, 86:16, 86:18, 86:19, 86:20, 86:21, 86:23, 87:5, 87:15, 87:18, 87:20, 87:23, 88:5, 88:15, 88:17, 88:20, 89:3, 89:13, 89:14, 90:16, 91:9, 96:9, 97:17, 98:13, 98:16, 98:24, 99:15, 99:18, 100:8, 102:6, 103:3, 106:14, 106:15, 110:21, 111:10, 112:10, 113:3, 113:6, 113:8, 113:9, 113:11, 113:12, 113:16, 115:5, 117:14, 117:23, 117:24, 118:5, 118:7, 118:9, 118:20, 119:3, 119:4, 119:5, 119:6, 119:7, 119:9, 119:12, 119:17, 120:8, 120:16, 121:18, 121:23, 122:10  <b>Traffic</b> <sup>[5]</sup> - 4:9, 79:23, 80:6, 81:12, 117:10  <b>TRAFFIC</b> <sup>[1]</sup> - 2:17  <b>TRANSCRIPT</b> <sup>[1]</sup> - 1:4  <b>transcript</b> <sup>[11]</sup> - 12:22, 29:19, 99:8, 115:23, 128:12, 145:6, 146:12, 146:20, 147:6, 147:16, 149:10  <b>transcripts</b> <sup>[2]</sup> - 58:21, 128:17  <b>transit</b> <sup>[1]</sup> - 87:20  <b>transmitted</b> <sup>[1]</sup> - 82:2  <b>Transportation</b> <sup>[4]</sup> - 80:2, 86:14, 87:8, 111:10</p>	<p><b>travel</b> <sup>[3]</sup> - 89:23, 96:11, 96:13  <b>traverse</b> <sup>[1]</sup> - 101:21  <b>treatises</b> <sup>[2]</sup> - 80:5, 80:8  <b>tremendous</b> <sup>[1]</sup> - 49:22  <b>tried</b> <sup>[2]</sup> - 52:7, 108:14  <b>trigger</b> <sup>[2]</sup> - 30:10, 47:21  <b>triggered</b> <sup>[2]</sup> - 28:15, 31:3  <b>trip</b> <sup>[2]</sup> - 87:16, 116:23  <b>trips</b> <sup>[11]</sup> - 87:21, 87:24, 87:25, 88:9, 88:12, 99:23, 117:18, 118:13, 118:16, 122:13  <b>truck</b> <sup>[5]</sup> - 98:16, 108:20, 108:21, 121:25, 127:22  <b>trucks</b> <sup>[2]</sup> - 98:9, 107:15  <b>true</b> <sup>[1]</sup> - 135:11  <b>truth</b> <sup>[6]</sup> - 21:2, 64:6, 64:7  <b>truthfully</b> <sup>[1]</sup> - 16:7  <b>try</b> <sup>[3]</sup> - 139:24, 139:25, 140:1  <b>trying</b> <sup>[7]</sup> - 17:15, 17:19, 68:14, 70:3, 73:13, 76:25, 123:13  <b>turf</b> <sup>[2]</sup> - 46:15, 46:16  <b>turn</b> <sup>[5]</sup> - 65:25, 67:18, 68:11, 90:2  <b>turnaround</b> <sup>[1]</sup> - 110:14  <b>turned</b> <sup>[2]</sup> - 10:12, 92:7  <b>turning</b> <sup>[5]</sup> - 107:9, 107:12, 108:1, 108:19, 121:18  <b>turns</b> <sup>[9]</sup> - 76:3, 90:10, 90:12, 90:14, 90:15, 91:18, 92:14, 101:12, 113:16  <b>two</b> <sup>[75]</sup> - 6:22, 8:6, 10:6, 11:6, 13:1, 18:20, 24:22, 25:10, 25:13, 25:19, 29:16, 29:22, 30:6, 30:7, 30:11, 30:13, 32:14, 33:24, 34:6, 34:7, 34:23, 36:6, 37:7, 38:9, 40:14, 41:9, 41:16, 41:22, 45:16, 56:14, 59:7, 61:3, 62:24, 67:9, 69:6, 69:16, 70:23, 71:2, 71:10, 72:7, 73:2,</p>	<p>74:18, 74:20, 75:10, 76:16, 76:18, 77:24, 89:23, 90:8, 92:7, 101:6, 101:18, 102:2, 102:22, 102:24, 103:5, 104:17, 105:11, 107:1, 120:16, 124:22, 124:23, 126:2, 126:14, 134:16, 138:10, 138:18, 138:19, 138:23, 139:2, 146:2, 146:12, 146:23  <b>two-and-a-half</b> <sup>[1]</sup> - 25:13  <b>two-bedroom</b> <sup>[5]</sup> - 25:10, 56:14, 124:23, 138:18, 139:2  <b>two-family</b> <sup>[1]</sup> - 124:22  <b>two-lane</b> <sup>[1]</sup> - 101:6  <b>two-way</b> <sup>[2]</sup> - 92:7, 120:16  <b>two-week</b> <sup>[1]</sup> - 146:23  <b>type</b> <sup>[8]</sup> - 47:20, 48:17, 48:19, 49:24, 72:25, 99:12, 100:6, 124:17  <b>typical</b> <sup>[2]</sup> - 85:24, 120:15</p>	<p>25:9, 36:2, 61:12, 87:23, 117:15, 118:7, 119:18, 119:23, 121:20  <b>University</b> <sup>[2]</sup> - 2:8, 79:9  <b>unsignalized</b> <sup>[1]</sup> - 86:5  <b>untouched</b> <sup>[1]</sup> - 69:8  <b>unusual</b> <sup>[5]</sup> - 25:23, 25:24, 42:1, 49:16, 70:7  <b>up</b> <sup>[55]</sup> - 10:18, 13:11, 13:18, 14:11, 15:25, 18:16, 24:1, 26:22, 33:9, 44:8, 49:21, 54:4, 57:13, 60:4, 61:12, 62:6, 68:3, 69:22, 72:14, 74:12, 83:3, 106:14, 107:1, 111:15, 111:19, 112:3, 112:19, 113:4, 113:13, 115:12, 115:15, 115:24, 116:16, 117:3, 119:5, 119:6, 119:17, 121:24, 123:21, 125:17, 127:19, 128:15, 129:19, 132:6, 134:1, 134:8, 137:5, 138:14, 141:20, 142:4, 142:25, 143:4, 145:4, 145:5, 148:4  <b>update</b> <sup>[1]</sup> - 14:13  <b>updated</b> <sup>[1]</sup> - 145:1  <b>upper</b> <sup>[1]</sup> - 136:13  <b>upstairs</b> <sup>[1]</sup> - 83:2  <b>urban</b> <sup>[2]</sup> - 85:25, 87:13  <b>USE</b> <sup>[1]</sup> - 2:14  <b>user</b> <sup>[1]</sup> - 95:8  <b>users</b> <sup>[2]</sup> - 90:5, 101:17  <b>uses</b> <sup>[21]</sup> - 27:15, 27:18, 27:21, 29:7, 29:16, 29:22, 30:6, 34:6, 38:7, 39:17, 40:22, 42:5, 48:25, 76:19, 87:9, 87:10, 87:11, 87:13, 88:5, 99:2, 124:12  <b>utilities</b> <sup>[1]</sup> - 39:11  <b>utilization</b> <sup>[1]</sup> - 126:17  <b>utilize</b> <sup>[2]</sup> - 59:12, 60:24  <b>utilizing</b> <sup>[1]</sup> - 101:25</p>	<p style="text-align: center;"><b>V</b></p> <p><b>valid</b> <sup>[1]</sup> - 85:9  <b>variance</b> <sup>[22]</sup> - 26:8, 28:15, 28:24, 28:25, 30:5, 30:15, 32:1, 32:15, 36:16, 37:6, 40:4, 43:21, 43:24, 44:1, 45:13, 47:14, 50:16, 50:23, 120:21, 120:23, 135:10, 135:14  <b>variances</b> <sup>[19]</sup> - 23:5, 29:9, 29:15, 31:2, 31:5, 31:17, 32:11, 36:24, 37:1, 37:3, 39:13, 39:25, 43:16, 43:17, 43:20, 43:24, 44:10, 47:20, 49:6  <b>varies</b> <sup>[1]</sup> - 85:13  <b>various</b> <sup>[4]</sup> - 48:25, 79:14, 80:5, 87:9  <b>vehicle</b> <sup>[16]</sup> - 87:17, 87:18, 88:1, 89:9, 96:3, 124:13, 125:7, 125:19, 125:21, 126:5, 126:20, 126:22, 126:25, 128:22, 137:14, 138:15  <b>vehicles</b> <sup>[5]</sup> - 95:22, 98:17, 127:15, 128:21  <b>verbatim</b> <sup>[1]</sup> - 149:6  <b>version</b> <sup>[1]</sup> - 60:2  <b>versus</b> <sup>[3]</sup> - 24:15, 35:11, 52:15  <b>vertical</b> <sup>[2]</sup> - 128:3, 128:4  <b>Veterans</b> <sup>[1]</sup> - 64:10  <b>Vice</b> <sup>[3]</sup> - 3:8, 3:14, 3:16  <b>VICE</b> <sup>[50]</sup> - 1:12, 5:16, 6:14, 7:1, 7:14, 7:19, 8:10, 8:17, 9:6, 9:14, 11:17, 58:7, 59:22, 61:24, 62:16, 62:25, 63:5, 63:10, 66:2, 66:5, 66:8, 66:11, 66:20, 66:25, 67:6, 67:14, 67:24, 68:12, 69:10, 69:15, 69:21, 70:17, 70:20, 71:1, 71:8, 74:18, 76:12, 76:20, 76:24, 114:9, 134:7, 134:18, 134:23, 135:1, 135:4, 135:16, 135:20, 135:24,</p>
<b>U</b>				
<p><b>ultimately</b> <sup>[1]</sup> - 83:17  <b>uncertain</b> <sup>[1]</sup> - 122:6  <b>uncommon</b> <sup>[1]</sup> - 93:3  <b>under</b> <sup>[13]</sup> - 12:16, 33:17, 48:23, 65:7, 77:17, 86:17, 89:6, 110:8, 110:13, 121:8, 121:13, 132:20, 149:6  <b>underdrain</b> <sup>[1]</sup> - 46:20  <b>undergoing</b> <sup>[1]</sup> - 12:14  <b>underneath</b> <sup>[1]</sup> - 132:19  <b>understood</b> <sup>[1]</sup> - 96:1  <b>undue</b> <sup>[1]</sup> - 37:15  <b>unfortunately</b> <sup>[5]</sup> - 12:14, 56:8, 82:18, 119:7, 127:24  <b>Union</b> <sup>[1]</sup> - 52:16  <b>unit</b> <sup>[5]</sup> - 24:10, 124:20, 137:17, 138:18  <b>units</b> <sup>[10]</sup> - 24:21,</p>				



<p>144:6, 147:23  <b>VINCENT</b> [1] - 1:14  <b>Vinny</b> [3] - 5:1, 117:8, 122:5  <b>violation</b> [1] - 110:11  <b>visible</b> [1] - 49:1  <b>visitor</b> [3] - 137:7, 137:13, 138:15  <b>visual</b> [2] - 38:5, 44:7  <b>voir</b> [1] - 21:15  <b>Voir</b> [2] - 3:6, 3:12  <b>VOIR</b> [3] - 21:12, 64:17, 78:21  <b>volume</b> [3] - 56:14, 75:19, 83:10  <b>volumes</b> [5] - 86:20, 86:21, 86:23, 111:14  <b>vote</b> [1] - 8:8  <b>voted</b> [1] - 114:24</p> <p style="text-align: center;"><b>W</b></p>	<p>64:7, 72:22, 141:20  <b>wide</b> [5] - 69:10, 89:22, 89:23, 120:13, 120:16  <b>widen</b> [1] - 101:2  <b>widening</b> [2] - 91:21, 95:9  <b>wider</b> [1] - 135:21  <b>width</b> [7] - 68:6, 74:9, 89:24, 101:5, 120:12, 121:3, 129:8  <b>William</b> [4] - 20:17, 20:22, 21:10, 21:20  <b>WILLIAM</b> [1] - 3:5  <b>willing</b> [1] - 146:24  <b>wind</b> [1] - 141:21  <b>wish</b> [1] - 97:12  <b>WITNESS</b> [40] - 3:2, 34:18, 34:20, 54:9, 54:15, 54:23, 55:5, 66:4, 66:7, 66:10, 66:15, 66:24, 67:5, 67:8, 67:17, 68:5, 68:20, 68:22, 78:15, 93:16, 108:17, 108:23, 111:6, 112:14, 112:24, 117:17, 117:21, 118:12, 119:19, 119:25, 120:20, 120:23, 123:25, 124:7, 125:2, 125:6, 127:5, 127:24, 128:3, 128:5  <b>witness</b> [3] - 13:24, 53:13, 83:9  <b>witnesses</b> [3] - 11:6, 13:1, 144:20  <b>word</b> [1] - 135:10  <b>wording</b> [1] - 37:4  <b>words</b> [4] - 69:16, 77:5, 127:7, 127:21  <b>works</b> [1] - 91:20  <b>worst</b> [2] - 47:2, 89:11  <b>woven</b> [1] - 51:13  <b>writing</b> [1] - 116:12  <b>written</b> [8] - 16:2, 59:3, 61:9, 61:16, 61:19, 69:9, 70:5, 71:16  <b>wrote</b> [1] - 16:14</p> <p style="text-align: center;"><b>Y</b></p>	<p>28:6, 37:25, 39:24, 40:13, 41:7, 41:13, 42:4, 54:14, 54:18, 55:13, 55:22, 59:15, 72:3, 74:25, 126:10, 141:19  <b>yellow</b> [1] - 67:9  <b>Yoon</b> [6] - 5:21, 7:22, 8:20, 9:17, 58:10, 114:12  <b>YOON</b> [7] - 1:17, 5:22, 7:23, 8:21, 9:18, 58:11, 114:13  <b>York</b> [1] - 78:5  <b>yup</b> [3] - 47:18, 48:16, 48:18</p>
<p><b>wait</b> [1] - 73:9  <b>waiting</b> [1] - 53:20  <b>waiver</b> [1] - 135:13  <b>waives</b> [1] - 147:25  <b>wall</b> [1] - 95:7  <b>wants</b> [5] - 16:2, 71:2, 100:17, 140:23, 141:10  <b>warehouse</b> [1] - 86:16  <b>warehouses</b> [1] - 42:15  <b>warranted</b> [1] - 36:16  <b>water</b> [8] - 39:11, 45:2, 46:19, 47:1, 130:16, 130:25, 131:10, 131:15  <b>ways</b> [1] - 67:9  <b>weather</b> [1] - 99:11  <b>week</b> [4] - 14:7, 104:9, 115:25, 146:23  <b>weeks</b> [3] - 10:6, 146:3, 146:12  <b>weigh</b> [1] - 47:13  <b>weighed</b> [1] - 12:18  <b>weird</b> [1] - 37:8  <b>welfare</b> [2] - 37:19, 44:5  <b>west</b> [1] - 42:11  <b>West</b> [2] - 23:1, 73:15  <b>westbound</b> [3] - 84:16, 89:7  <b>wetland</b> [1] - 39:2  <b>wheelchair</b> [1] - 128:22  <b>white</b> [1] - 94:17  <b>whole</b> [7] - 21:2, 43:20, 46:6, 52:18,</p>	<p style="text-align: center;"><b>Z</b></p> <p><b>ZBA-1</b> [4] - 4:12, 103:25, 105:15, 111:9  <b>ZBA-2</b> [3] - 4:13, 104:4, 105:18  <b>ZBA-3</b> [3] - 4:15, 104:7, 105:21  <b>ZBA-4</b> [3] - 4:16, 104:7, 105:24  <b>ZBA-5</b> [4] - 4:18, 104:11, 105:10, 106:2  <b>zone</b> [25] - 23:21, 24:9, 26:5, 26:9, 26:11, 26:12, 29:6, 29:8, 31:8, 32:12, 32:13, 35:20, 40:5, 40:10, 40:13, 40:17, 43:12, 50:20, 53:4, 53:10, 55:12, 55:14, 72:24, 109:1  <b>zoning</b> [6] - 27:14, 48:23, 50:21, 55:1, 55:6, 76:2  <b>ZONING</b> [1] - 1:1</p> <p><b>yard</b> [7] - 31:7, 32:7, 32:8, 38:5, 45:17, 45:25, 46:8  <b>year</b> [1] - 81:10  <b>years</b> [19] - 27:16,</p>	