

BOROUGH OF PALISADES PARK  
ZONING BOARD OF ADJUSTMENT  
MONDAY, MAY 17, 2021  
7:00 p.m.

IN THE MATTER OF )  
Case No. 20-09 ) TRANSCRIPT OF  
Jack Sung An ) PROCEEDINGS  
50 Broad Avenue )  
Block 614; Lot 23 )  
Case No. 20-10 )  
V & R Developers )  
311 E. Edsall Blvd. )  
Block 412; Lot 15 )  
Case No. 21-04 )  
256 7th Street, LLC )  
256 7th Street )  
Block 405; Lot 2 )  
Case No. 20-12 )  
GPC Homes, LLC )  
36 Brinkerhoff Terrace )  
Block 214; Lot 3 )  
Case No. 21-03 )  
S-Platform Investments )  
72 West Ruby Avenue )  
Block 617; Lot 3 )  
Case No. 21-01 )  
George & Lolis Giannoula )  
22 West Washington Place )  
Block 218; Lot 1 )  
Case No. 21-02 )  
In Chang Chung Hae Jang )  
139 -145 Morningside Lane )  
Block 717; Lots 10,11,23&24 )  
Case No. 21-07 )  
Juan Pineda )  
67 Brinkerhoff Terrace )  
Block 29; Lot 17 )  
Case No. 21-05 )  
Won & Alexander Kim )  
16 Cleveland Place )  
Block 215; Lot 7 )

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

1 A P P E A R A N C E S :  
2 DIANE TESTA, ESQUIRE  
Counsel for the Board of Adjustment  
3  
4 MARK J. SOKOLICH, ESQUIRE  
1223 Anderson Avenue  
Fort Lee, New Jersey 07024  
5 Attorney for the Applicant  
V&R Developers  
6  
7 LAW OFFICE OF MARC D. MACRI, P.C.  
BY: MARC D. MACRI, ESQUIRE  
1000 Anderson Avenue  
8 Suite 1  
Fort Lee, New Jersey 07024  
9 Attorney for Applicants  
George and Lolis Giannoula  
10  
11 RAMUNDO LAW OFFICES  
BY: MARC D. RAMUNDO, ESQUIRE  
416 East Central Boulevard  
12 Palisades Park, New Jersey 07650  
Attorney for Applicants  
13 256-7th Street, LLC and  
Juan Pineda, 67 Brinkerhoff Terrace  
14  
15 BASILE, BIRCHWALE & PELLINO, LLC  
BY: STEPHEN F. PELLINO, ESQUIRE  
865 Broad Avenue  
16 Ridgefield, New Jersey 07657  
Attorney for the Applicant  
17

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

1 B E F O R E :  
2 JOSEPH FERGUSON, CHAIRMAN  
3 PAUL ALBANESE, VICE CHAIRMAN  
4 ELEFTERIOS ELEFTERIOU, MEMBER  
5 VINCENT CARNOVALE, MEMBER  
6 JOHN GRALA, MEMBER  
7 DAVID TERRANOVA, MEMBER (ABSENT)  
8 SEONGHYE YOON, MEMBER (ABSENT)  
9 STEVEN BROGNA, ALTERNATE MEMBER 1  
10 CHARLIE CHUNG, ALTERNATE MEMBER 2  
11 MICHAEL LEE, ALTERNATE MEMBER #3 (ABSENT)  
12 GYUHO CHO, ALTERNATE MEMBER #4 (RESIGNATION)  
13  
14  
15  
16  
17 A L S O P R E S E N T :  
18 ELENI LAMBRINIDES (REMOTE)  
19 LAND USE SECRETARY  
20 STEVE COLLAZUOL, P.E. (REMOTE)  
Board Engineer  
21 HAROLD SIMOFF, P.E. (REMOTE)  
Board Engineer  
22 MICHAEL KAUKER, P.P. (REMOTE)  
23 Board Planner  
24  
25

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. 21-02  
IN CHANG CHUNG HAE JANG  
139 -145 MORNINGSIDE LANE  
4 BLOCK 717; LOTS 10,11,23 & 24 13  
5 CASE NO. 20-09  
JACK SUNG AN  
6 50 BROAD AVENUE  
BLOCK 614; LOT 23 14  
7  
8 CASE NO. 20-12  
GPC HOMES, LLC  
9 36 BRINKERHOFF TERRACE  
BLOCK 214; LOT 3 16  
10 CASE NO. 21-03  
S-PLATFORM INVESTMENTS  
11 72 WEST RUBY AVENUE  
BLOCK 617; LOT 3 17  
12  
13 CASE NO. 20-10  
V & R DEVELOPERS  
14 311 E. EDSALL BLVD.  
BLOCK 412; LOT 15 18  
15 MARK MARTINS, P.E. 20  
Direct Examination by Mr. Sokolich 20  
16 Board/Professional Questions  
Chairman Ferguson 29  
17 Mr. Carnovale 34  
Mr. Collazuol 42  
18 Mr. Simoff 43  
Public Questions  
19 David Alexis 45  
517 8th Street  
20 Martin Maver 47  
531 8th Street  
21  
22 RAYMOND VIRGONA, AIA 52  
Direct Examination by Mr. Sokolich 52  
23 Board/Professional Questions  
24 Mr. Carnovale 61  
Mr. Collazuol 65  
25

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

		5
<u>I N D E X (Continued)</u>		
<u>WITNESS</u>	<u>SWORN</u>	<u>TESTIMONY</u>
<b>CASE NO. 20-10 (CONTINUED)</b>		
<b>V &amp; R DEVELOPERS</b>		
<b>311 E. EDSALL BLVD.</b>		
<b>BLOCK 412; LOT 15</b>		
DAVID SPATZ, P.P.	67	
Direct Examination by Mr. Sokolich		67
Board/Professional Questions		
Mr. Kauker	76	
Public Questions		
Bruna Grbic	80	
516 8th Street		
Martin Maver	84	
531 8th Street		
<b>CASE NO. 21-01</b>		
<b>GEORGE &amp; LOLIS GIANNOULA</b>		
<b>22 WEST WASHINGTON PLACE</b>		
<b>BLOCK 218; LOT 1</b>		
DAVID SPATZ, P.P.	93	
Direct Examination by Mr. Macri		94
Board/Professional Questions		
Mr. Kauker	99	
<b>CASE NO. 21-04</b>		
<b>256 7TH STREET, LLC</b>		
<b>256 7TH STREET</b>		
<b>BLOCK 405; LOT 2</b>		
VASSILIOS COCOROS, AIA	103	103
Board/Professional Questions		
Chairman Ferguson	111	
Mr. Carnovale	116	
Mr. Collazuol	120	100
DAVID SPATZ, P.P.	126	
Direct Examination by Mr. Ramundo		126
Board/Professional Questions		
Mr. Kauker	132	
<b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b>		
<b>201-641-1812</b>		

		6
<u>I N D E X (Continued)</u>		
<u>WITNESS</u>	<u>SWORN</u>	<u>TESTIMONY</u>
<b>CASE NO. 21-07</b>		
<b>JUAN PINEDA</b>		
<b>67 BRINKERHOFF TERRACE</b>		
<b>BLOCK 29; LOT 17</b>		
DEMETRIOS KALTSIS, AIA	136	
Direct Examination by Mr. Ramundo		138
Board/Professional Questions		
Chairman Ferguson	143	
Mr. Collazuol	144	
DAVID SPATZ, P.P.	147	
Direct Examination by Mr. Ramundo		147
Board/Professional Questions		
Mr. Kauker		
<b>CASE NO. 21-05</b>		
<b>WON &amp; ALEXANDER KIM</b>		
<b>16 CLEVELAND PLACE</b>		
<b>BLOCK 215; LOT 7</b>		
THOMAS W. SKRABLE, P.E.	156	
Direct Examination by Mr. Pellino		156
Board/Professional Questions		
Mr. Collazuol	161	
SEAN KIM, AIA	162	
Direct Examination by Mr. Pellino		163
Board/Professional Questions		
Chairman Ferguson	166	
Mr. Carnovale	170	
Mr. Collazuol	175	
KATHRYN GREGORY, P.P.	178	
Direct Examination by Mr. Pellino		178
Board/Professional Questions		
Mr. Kauker	182	
Public Questions		
Mr. DeVito	184	
<b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b>		
<b>201-641-1812</b>		

		7
<u>I N D E X (Continued)</u>		
<u>No.</u>	<u>Description</u>	<u>Ident/Evid</u>
<b>CASE NO. 20-10</b>		
<b>V &amp; R DEVELOPERS</b>		
<b>311 E. EDSALL BLVD.</b>		
<b>BLOCK 412; LOT 15</b>		
A-4	Revised Site Plan, Dated 4/08/21	22
A-5	Grading & Utilities Plan Dated 4/08/21	28
A-6	Setback Plan, Dated 4/08/21	33
A-7	NUMBER SKIPPED	
A-8	Architectural Plan, Sheet SK-1	52
A-9	Floor Plans, Sheet SK-2	55
A-10	First and Second Floor Plan	56
A-11	NUMBER SKIPPED	
A-12	Six Photographs entitled, "311 East Edsall Boulevard, Borough of Palisades Park, Community Housing & Planning Associates, Inc.	69
<b>CASE NO. 21-01</b>		
<b>GEORGE &amp; LOLIS GIANNOULA</b>		
<b>22 WEST WASHINGTON PLACE</b>		
<b>BLOCK 218; LOT 1</b>		
A-2	Photo Exhibit	93
<b>CASE NO. 21-04</b>		
<b>256 7TH STREET, LLC</b>		
<b>256 7TH STREET</b>		
<b>BLOCK 405; LOT 2</b>		
A-2	Photo Exhibit	127
<b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b>		
<b>201-641-1812</b>		

		8
<u>I N D E X (Continued)</u>		
<u>No.</u>	<u>Description</u>	<u>Ident/Evid</u>
<b>CASE NO. 21-07</b>		
<b>JUAN PINEDA</b>		
<b>67 BRINKERHOFF TERRACE</b>		
<b>BLOCK 29; LOT 17</b>		
A-2	Photo Exhibit	148
<b>CASE NO. 21-05</b>		
<b>WON &amp; ALEXANDER KIM</b>		
<b>16 CLEVELAND PLACE</b>		
<b>BLOCK 215; LOT 7</b>		
A-1	GoogleEarth Photo	179
<b>LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.</b>		
<b>201-641-1812</b>		

1 CHAIRMAN FERGUSON: I call the meeting  
 2 to order. Paul, do you want to lead us in the Flag  
 3 Salute?  
 4 VICE CHAIRMAN ALBANESE: Yes, sir.  
 5 (Whereupon, all rise for a Recitation  
 6 of the Pledge of Allegiance.)  
 7 CHAIRMAN FERGUSON: Okay. In  
 8 accordance with the Open Public Meetings Act, notice  
 9 of this meeting has been posted on the bulletin  
 10 board. Notice has been provided to the newspaper and  
 11 filed with the Borough Clerk's office.  
 12 So, Eleni, can you give us a roll?  
 13 MS. LAMBRINIDES: Sure.  
 14 Mr. Ferguson?  
 15 CHAIRMAN FERGUSON: Here.  
 16 MS. LAMBRINIDES: Mr. Albanese?  
 17 VICE CHAIRMAN ALBANESE: Here.  
 18 MS. LAMBRINIDES: Mr. Elefteriou?  
 19 MR. ELEFTERIOU: Here.  
 20 MS. LAMBRINIDES: Ms. Yoon?  
 21 (No response.)  
 22 MS. LAMBRINIDES: Mr. Carnovale?  
 23 MR. CARNOVALE: Here.  
 24 MS. LAMBRINIDES: Mr. Terranova?  
 25 (No response.)

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1 So can I get a motion to pay the bills?  
 2 VICE CHAIRMAN ALBANESE: I make a  
 3 motion to pay the bills.  
 4 CHAIRMAN FERGUSON: Second.  
 5 MR. ELEFTERIOU: Second.  
 6 MS. LAMBRINIDES: May I ask who was the  
 7 first?  
 8 MS. TESTA: Paul Albanese.  
 9 MS. LAMBRINIDES: Mr. Ferguson?  
 10 CHAIRMAN FERGUSON: Yes.  
 11 MS. LAMBRINIDES: Mr. Albanese?  
 12 VICE CHAIRMAN ALBANESE: Yes.  
 13 MS. LAMBRINIDES: Mr. Elefteriou?  
 14 MR. ELEFTERIOU: Yes.  
 15 MS. LAMBRINIDES: Mr. Carnovale?  
 16 MR. CARNOVALE: Yes.  
 17 MS. LAMBRINIDES: Mr. Grala?  
 18 MR. GRALA: Yes.  
 19 MS. LAMBRINIDES: Mr. Chung?  
 20 MR. CHUNG: Yes.  
 21 MS. LAMBRINIDES: Mr. Lee?  
 22 (No response.)  
 23 MS. LAMBRINIDES: Mr. Brogna?  
 24 MR. BROGNA: Yes.  
 25 MS. LAMBRINIDES: Sorry.

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**201-641-1812**

1 MS. LAMBRINIDES: No?  
 2 MS. TESTA: No.  
 3 MS. LAMBRINIDES: Mr. Grala?  
 4 MR. GRALA: Here.  
 5 MS. LAMBRINIDES: Mr. Brogna?  
 6 MR. BROGNA: Here.  
 7 MS. LAMBRINIDES: Mr. Chung?  
 8 MR. CHUNG: Here.  
 9 MS. LAMBRINIDES: Mr. Lee?  
 10 (No response.)  
 11 MS. TESTA: No.  
 12 MS. LAMBRINIDES: And I believe Mr. Cho  
 13 submitted his resignation.  
 14 CHAIRMAN FERGUSON: Mr. Cho has  
 15 submitted a letter of resignation.  
 16 Motion to accept the resignation.  
 17 VICE CHAIRMAN ALBANESE: I make a  
 18 motion to accept it.  
 19 CHAIRMAN FERGUSON: All in favor?  
 20 (Whereupon, all present members respond  
 21 in the affirmative.)  
 22 CHAIRMAN FERGUSON: The first thing  
 23 today we're going to pay some bills. We've got the  
 24 borough attorney, the board attorney is \$2,156.00 and  
 25 also parking expert engineering \$1,500.00.

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**201-641-1812**

1 CHAIRMAN FERGUSON: That's okay. Okay.  
 2 Next we have -- we all received minutes  
 3 of the previous meeting.  
 4 Everybody has had an opportunity to  
 5 review the minutes. Is there any corrections to the  
 6 minutes? Okay, can I get a motion to accept the  
 7 minutes.  
 8 VICE CHAIRMAN ALBANESE: I make a  
 9 motion to accept the minutes.  
 10 MR. CARNOVALE: Second.  
 11 CHAIRMAN FERGUSON: All right. A  
 12 motion and second.  
 13 All in favor?  
 14 (Whereupon, all present members respond  
 15 in the affirmative.)  
 16 MS. LAMBRINIDES: You don't want the  
 17 roll call?  
 18 CHAIRMAN FERGUSON: Okay, we'll do a  
 19 roll call.  
 20 I thought you only had to do roll calls  
 21 with money.  
 22 MS. LAMBRINIDES: We'll do all ayes,  
 23 okay.  
 24 MS. TESTA: We're good.  
 25 CHAIRMAN FERGUSON: Okay.

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**201-641-1812**

1 Next we have some -- we have an  
 2 adjournment tonight. And that adjournment is  
 3 Case No. 21-02, which is 139-145 Morningside Lane,  
 4 which is the one that we heard last meeting.  
 5 They're asking for an adjournment. No,  
 6 they don't have to advertise next meeting. And I'll  
 7 make that motion.  
 8 Can I get a second?  
 9 VICE CHAIRMAN ALBANESE: Second.  
 10 CHAIRMAN FERGUSON: Roll call?  
 11 MS. LAMBRINIDES: Mr. Ferguson?  
 12 CHAIRMAN FERGUSON: Yes.  
 13 MS. LAMBRINIDES: Mr. Albanese?  
 14 VICE CHAIRMAN ALBANESE: Yes.  
 15 MS. LAMBRINIDES: Mr. Elefteriou?  
 16 MR. ELEFTERIOU: Yes.  
 17 MS. LAMBRINIDES: Mr. Carnovale?  
 18 MR. CARNOVALE: Yes.  
 19 MS. LAMBRINIDES: Mr. Grala?  
 20 MR. GRALA: Yes.  
 21 MS. LAMBRINIDES: Mr. Brogna?  
 22 MR. BROGNA: Yes.  
 23 MS. LAMBRINIDES: Mr. Chung?  
 24 MR. CHUNG: Yes.  
 25 MS. TESTA: Okay.

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**201-641-1812**

1 this evening; however, if the applicant does not  
 2 submit revised plans with all the changes to the  
 3 satisfaction of the borough engineer, the resolution  
 4 of approval shall be rescinded and permits will not  
 5 be issued.  
 6 VICE CHAIRMAN ALBANESE: I'll make that  
 7 motion.  
 8 CHAIRMAN FERGUSON: Can I get a second?  
 9 MR. ELEFTERIOU: Second.  
 10 CHAIRMAN FERGUSON: Second, Elefteriou.  
 11 MS. TESTA: Okay, thank you.  
 12 MS. LAMBRINIDES: Mr. Ferguson?  
 13 CHAIRMAN FERGUSON: Yes.  
 14 MS. LAMBRINIDES: Mr. Albanese?  
 15 VICE CHAIRMAN ALBANESE: Yes.  
 16 MS. LAMBRINIDES: Mr. Elefteriou?  
 17 MR. ELEFTERIOU: Yes.  
 18 MS. LAMBRINIDES: Mr. Carnovale?  
 19 MR. CARNOVALE: Yes.  
 20 MS. LAMBRINIDES: Mr. Grala?  
 21 MR. GRALA: Yes.  
 22 MS. LAMBRINIDES: Mr. Brogna?  
 23 MR. BROGNA: Yes.  
 24 MS. LAMBRINIDES: Mr. Chung?  
 25 MR. CHUNG: Yes.

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**201-641-1812**

1 So Case No. 21-02, 139-145 Morningside  
 2 Lane, Block 717, Lots 10, 11, 23 and 24, at the  
 3 request of the applicant, In Chang Chung Hae Jang  
 4 will be carried to the June 15th -- no, I'm sorry --  
 5 June 21st, 2021 meeting at 7 p.m.  
 6 There will be no further notice to the  
 7 public. This is your notice.  
 8 CHAIRMAN FERGUSON: Okay. And we have  
 9 one other case, which is the first one, which is a  
 10 memorialization: 50 Broad Avenue, Jack Sung An, Case  
 11 No. 20-09.  
 12 Can I --  
 13 VICE CHAIRMAN ALBANESE: I make a  
 14 motion for the memorialization.  
 15 CHAIRMAN FERGUSON: Okay.  
 16 Before you make a motion, though, Paul,  
 17 I just want to make a brief statement.  
 18 At the last meeting, as a condition of  
 19 the approval of the resolution, the applicant was to  
 20 provide the borough engineer with a revised set of  
 21 plans setting forth the changes that the board had  
 22 requested.  
 23 The applicant has submitted the revised  
 24 plans; however, not all of the changes were shown.  
 25 I'm willing to vote on approval of the resolution

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**201-641-1812**

1 CHAIRMAN FERGUSON: Okay.  
 2 Next is Case No. 20-12, GPC Homes, LLC,  
 3 36 Brinkerhoff Terrace. It's the a memorialization.  
 4 Can I get a motion to memorialize.  
 5 VICE CHAIRMAN ALBANESE: I make a  
 6 motion.  
 7 MR. CARNOVALE: I second.  
 8 CHAIRMAN FERGUSON: Okay, we've got a  
 9 first and second.  
 10 Roll call?  
 11 MS. LAMBRINIDES: Mr. Ferguson?  
 12 CHAIRMAN FERGUSON: Yes.  
 13 MS. LAMBRINIDES: Mr. Albanese?  
 14 VICE CHAIRMAN ALBANESE: Yes.  
 15 MS. LAMBRINIDES: Mr. Elefteriou?  
 16 MR. ELEFTERIOU: Yes.  
 17 MS. LAMBRINIDES: Mr. Carnovale?  
 18 MR. CARNOVALE: Yes.  
 19 MS. LAMBRINIDES: Mr. Grala?  
 20 MR. GRALA: Yes.  
 21 MS. LAMBRINIDES: Mr. Brogna?  
 22 MR. BROGNA: Yes.  
 23 MS. LAMBRINIDES: Mr. Chung?  
 24 MR. CHUNG: Yes.  
 25 MS. LAMBRINIDES: And, Mr. Lee?

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**201-641-1812**

1 CHAIRMAN FERGUSON: Okay.  
 2 And the last one is Case No. 21-03,  
 3 S-Platform Investments, 72 West Ruby Avenue,  
 4 memorialization.  
 5 I make a motion to memorialize.  
 6 Can I get a second?  
 7 VICE CHAIRMAN ALBANESE: Second.  
 8 CHAIRMAN FERGUSON: Roll call?  
 9 MS. LAMBRINIDES: Who seconded, please?  
 10 VICE CHAIRMAN ALBANESE: Me, Paul.  
 11 CHAIRMAN FERGUSON: Paul.  
 12 MS. LAMBRINIDES: Mr. Ferguson?  
 13 CHAIRMAN FERGUSON: Yes.  
 14 MS. LAMBRINIDES: Mr. Albanese?  
 15 VICE CHAIRMAN ALBANESE: Yes.  
 16 MS. LAMBRINIDES: Mr. Elefteriou?  
 17 MR. ELEFTERIOU: Yes.  
 18 MS. LAMBRINIDES: Mr. Carnovale?  
 19 MR. CARNOVALE: Yes.  
 20 MS. LAMBRINIDES: Mr. Brogna?  
 21 MR. BROGNA: Yes.  
 22 MS. LAMBRINIDES: Mr. Chung?  
 23 MR. CHUNG: Yes.  
 24 MS. LAMBRINIDES: And, Mr. Lee?  
 25 (No response.)

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1 One of our board members needs to  
 2 recuse himself, so he'll step down at this time.  
 3 Mr. Brogna.  
 4 (Whereupon, Mr. Brogna recuses himself  
 5 from this matter.)  
 6 MR. SOKOLICH: Thank you.  
 7 So during that intervening period, the  
 8 application was amended to a much lower density  
 9 that's now before you for consideration.  
 10 For this evening's purposes, the  
 11 intentions are to present briefly the testimony of  
 12 Mark Martins, the site plan engineer, who testified  
 13 at length at the first hearing, who will also now  
 14 provide you with an update as to what the changes are  
 15 and before the board for consideration.  
 16 Then Mr. Virgona, and then hopefully  
 17 our planner.  
 18 Unless the board had any other  
 19 questions of me, we would ask for permission for  
 20 Mr. Martins to proceed.  
 21 MS. TESTA: Okay. Please raise your  
 22 right hand.  
 23 MR. SOKOLICH: Thank you.  
 24 MS. TESTA: Do you swear or affirm the  
 25 testimony you will give this application will be the

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**201-641-1812**

1 CHAIRMAN FERGUSON: Okay. So we'll  
 2 call the first case of the night, which is -- I think  
 3 it's Edsall Boulevard.  
 4 MS. TESTA: Right, 311 East Edsall  
 5 Boulevard.  
 6 CHAIRMAN FERGUSON: 311 East Edsall  
 7 Boulevard.  
 8 MR. SOKOLICH: It's good to see you,  
 9 Chairman.  
 10 Chairman, Members of the Board, on  
 11 behalf of the applicant V & R Developers, Inc., my  
 12 name is Mark Sokolich. It's nice to be here again.  
 13 Just by way of brief background, this  
 14 represents a continuation hearing from a prior  
 15 presentation that was made before this board, not at  
 16 the May hearing, but at the meeting prior -- excuse  
 17 me -- not at the April hearing, but the hearing prior  
 18 to that, where we initiated our application.  
 19 Since then and during the course of  
 20 that public hearing, there were some concerns that we  
 21 had heard from members of the board, in particular  
 22 the Chairman. We've taken into consideration some of  
 23 those comments that we've received and we have  
 24 amended our application accordingly.

MS. TESTA: May I just stop you?  
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**201-641-1812**

1 truth, the whole truth, and nothing but the truth, so  
 2 help you God?  
 3 MR. MARTINS: I do.  
 4 M A R K M A R T I N S,  
 5 55 Walnut Street, Norwood, New Jersey, having  
 6 been duly sworn, testifies as follows:  
 7 MS. TESTA: Please state your name for  
 8 the record.  
 9 MR. MARTINS: Mark Martins,  
 10 M-A-R-T-I-N-S.  
 11 My address is 55 Walnut Street in  
 12 Norwood, New Jersey.  
 13 CHAIRMAN FERGUSON: Okay. We're going  
 14 to accept --  
 15 MR. SOKOLICH: I'm sorry, I was trying  
 16 to get the public involved.  
 17 MR. MARTINS: I think they're on the...  
 18 MR. SOKOLICH: They are.  
 19 DIRECT EXAMINATION  
 20 BY MR. SOKOLICH:  
 21 Q. So, Mark, very briefly, you are a site  
 22 plan engineer engaged by V & R Developers, correct?  
 23 A. Yes, correct.  
 24 Q. And at the last hearing when we  
 25 actually made a presentation before this board, in

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**201-641-1812**

1 fact, you presented at length as the site plan  
2 engineer on behalf of V & R?  
3 **A. Yes, I did.**  
4 **Q.** Could you just very briefly -- because  
5 I don't want to rehash old news -- but could you just  
6 by way of summary what was previously before this  
7 board for consideration?

8 **A. Certainly, Mark.**  
9 **I can flip to the site plan.**

10 **Q.** Please.  
11 Now, this is a site plan that we marked  
12 as A-3 at the last hearing?

13 **A. I don't remember.**

14 **Q.** It was.

15 **A. A-3.**  
16 **Yes, this was the site plan that we**  
17 **submitted and presented at the last meeting.**  
18 **It depicted a total 11 units in two**  
19 **buildings, six units on the right side and five units**  
20 **on the left side with a driveway going through the**  
21 **middle of the two buildings, and a parking area to**  
22 **the rear of the property.**

23 So based on some of the comments that  
24 we heard at the prior meeting and some of the board's  
25 concerns, we have now amended our plan.

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

1 the new building structure. Parking, ingress and  
2 egress driveway. We've widened out the mouth of the  
3 driveway to provide for easier access into the  
4 property.

5 We've also provided for some parking  
6 space for guest parking. We have six on-site guest  
7 parking, including one which will be a handicap. It  
8 will be on the left of the westerly side of the  
9 property.

10 **Q.** Now, Mark, if I recall correctly, on  
11 A-3, the prior presentation there was parking that  
12 was also stacked to the far -- as you entered the far  
13 left corner?

14 **A. That's correct.**

15 **Q.** That's no longer the case, correct?

16 **A. Correct.**

17 **Q.** And also, because there isn't a cluster  
18 of buildings and now it's reduced to one, I believe  
19 there's more -- much more of a setback because  
20 there's no building, but there will also be ample  
21 landscaping, correct?

22 **A. Yes.**

23 **Just going back to the previous plan.**

24 **Q.** A-3.

25 **A. A-3. We have a setback of 10 feet to**  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**

**201-641-1812**

1 MR. SOKOLICH: I'm going to mark this.  
2 Diane, I believe we're up to A-4.

3 MS. TESTA: Yes.

4 MR. SOKOLICH: Okay, thank you.

5 (Whereupon, Revised Site Plan Dated  
6 April 8, 2021, is marked as Exhibit A-4 for  
7 identification.)

8 MR. MARTINS: This is the site plan,  
9 Sheet 3.

10 It's last dated April 8, 2021.

11 BY MR. SOKOLICH:

12 **Q.** Again, prepared by you, correct?

13 **A. Correct, Mark.**

14 **So what we've done is we've eliminated**  
15 **four units in total. We've also eliminated in the**  
16 **entirety Building Number 1, which was the westerly**  
17 **building or situated on the westerly side of the**  
18 **property.**

19 **And now we have only what was formerly**  
20 **known as Building Number 2 situated on the easterly**  
21 **side of the property.**

22 So what this has done now is provided  
23 for a much larger buffer to those residential  
24 buildings off of the 8th Street.

25 So we now have our driveway in front of  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**

**201-641-1812**

1 the building on that westerly side.

2 So now we do not have that building  
3 whatsoever. We have some parking, but we do have a  
4 buffer which is going 10 feet as well.

5 But that's to a parking area. We'll be  
6 able to landscape that buffer area with large  
7 evergreen trees to provide screening.

8 **Q.** I'm going to ask you to go through some  
9 of the variances in a second before Ray testifies.  
10 But the Residential Site Improvement Standards apply  
11 here, correct?

12 **A. Yes.**

13 **Q.** Are there any material waivers that are  
14 being sought?

15 What I mean by that, Mark, for example,  
16 do we hold to the 24-foot -- 24-foot cartway width?

17 **A. We do.**

18 **Q.** And the safety requirements that are  
19 imposed by the RSIS?

20 **A. We do.**

21 **In particular to parking, we meet all**  
22 **the parking requirements, including the guest**  
23 **parking, which many times for a townhouse use we do**  
24 **not meet.**

25 **But in this particular instance we do**  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**

**201-641-1812**

1 **comply with guest parking. And total parking, we**  
 2 have more than what is required.  
 3 **Q.** So long story short, we've reduced the  
 4 application from a total of 11 units, two buildings,  
 5 to a total of seven units, one building, correct?  
 6 **A. Correct.**  
 7 **Q.** We've centrally -- more centrally  
 8 located the building that contains the seven units.  
 9 We've incorporated more landscaping. More set back.  
 10 We've spread out the parking more.  
 11 We still have one means of ingress and  
 12 egress, but less demands on that one ingress and  
 13 egress because of the less amount of units?  
 14 **A. Correct.**  
 15 **Q.** And the salient variances that are  
 16 being sought, if you would?  
 17 **A. Yes.**  
 18 **We have our variance code. The**  
 19 **building is in Zone AA, one- and two-family zone.**  
 20 We're proposing seven townhouse units.  
 21 So that was the use variance we had  
 22 previously requested for 11. We've downsized now to  
 23 seven units.  
 24 Going through the lot area and lot  
 25 width. The front yard setback requirement is 25  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 previous version. And then we mentioned before the  
 2 parking is --  
 3 **Q.** Compliant.  
 4 **A. Compliant. I am indicating additional**  
 5 **variances.**  
 6 **For discussion at the last meeting, I**  
 7 **believe your engineer had discussed the existing**  
 8 wall. This is an existing retaining wall on the  
 9 northwest corner of the property, which is about  
 10 5-and-a-half feet in height. They may need to be  
 11 rebuilt. So that would exceed 4-foot minimum, so we  
 12 would need a variance for that.  
 13 There's also some new retaining walls  
 14 behind the structures, which are basically for a  
 15 lower patio area, which will be no more 6-feet high.  
 16 But that -- again, that would also  
 17 exceed the 4 feet, so we do request that particular  
 18 variance.  
 19 **Q.** Thank you, Mark.  
 20 I didn't mean to interrupt you.  
 21 Emergency vehicle access. This doesn't  
 22 seem like a difficult one for emergency vehicle  
 23 access; is that a fair statement?  
 24 **A. We have sufficient driveway ingress and**  
 25 **egress, Mark, yes.**  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 feet. We had 15 feet. We're a little bit closer to  
 2 the front porch here (indicating), about  
 3 13-and-a-half feet.  
 4 That's the entrance for that end unit  
 5 there (indicating). A similar entrance on the other  
 6 unit.  
 7 The rear yard requirement is 25 feet.  
 8 We are proposing 18 feet, and again to the overhang  
 9 there.  
 10 Side yard requirements are 5 feet,  
 11 minimum 14 feet total. Previously we had 10 and 10.  
 12 Now we have much more than that.  
 13 On our right side we have a setback of  
 14 18 feet.  
 15 And then we have a total setback of  
 16 combined yard setback of 68 feet, so way more than  
 17 the minimum setbacks that are required.  
 18 **Q.** And, Mark, I'm going to interrupt you  
 19 for a second. Oh, I'm sorry, finish that.  
 20 **A. So also lot coverage is reduced, 40**  
 21 **percent is the maximum. We're at 21.2 percent.**  
 22 **So we're almost half the maximum**  
 23 **permitted coverage for building coverage.**  
 24 Building height is still a variance.  
 25 Three stories, 34.9, a little bit lower than the  
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**201-641-1812**

1 **Q.** Anything else that you would like to  
 2 add with regard to A-4?  
 3 **A. No.**  
 4 **Q.** Any other?  
 5 **A. Yes.**  
 6 **So this is the Grading & Utility Plan.**  
 7 **This is a pretty, you know, technical plan here,**  
 8 **Mark. I don't know if there's really much to**  
 9 go over.  
 10 **Q.** There isn't. I'm going to mark it A-5  
 11 because we opened it up. I'm sorry, Mark. We don't  
 12 need to talk about it. It's the Grading & Utilities  
 13 Plan, last revised April 8, 2021.  
 14 That reflects the new changes, correct?  
 15 **A. Correct.**  
 16 (Whereupon, Grading & Utilities Plan  
 17 Dated April 8, 2021, is marked as Exhibit A-5  
 18 for identification.)  
 19 BY MR. SOKOLICH:  
 20 **Q.** And there were some comments that the  
 21 borough engineer and the planning board engineer had  
 22 to say, which we've addressed.  
 23 **A. We have provided a stormwater**  
 24 **management system.**  
 25 **We'll provide requisite calculations,**  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 **any additional inlets or any additional features you**  
 2 would like.  
 3 **Q.** Got it.  
 4 And to be clear, to be clear, now that  
 5 we're on this plan, if the board engineer, the  
 6 borough engineer, or any engaged professional of the  
 7 board had any additional comments or reasonable  
 8 conditions imposed on, the applicant will, in fact,  
 9 agree to the best of its ability and has no problem  
 10 with that being a condition of any action that this  
 11 board were to take, correct?  
 12 **A. Yes.**  
 13 **Q.** Anything else that you would like to  
 14 add?  
 15 **A. No.**  
 16 MR. SOKOLICH: Chairman, I offer  
 17 Mr. Martins.  
 18 Thank you.  
 19 CHAIRMAN FERGUSON: Okay, I just have a  
 20 couple quick ones.  
 21 Where your buildings are now, which  
 22 would be on the east side of your property, right?  
 23 MR. MARTINS: Yes.  
 24 CHAIRMAN FERGUSON: How close is it to  
 25 the property line?

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

1 At the last time your application was  
 2 heard, I was concerned because people that have  
 3 houses on each side of the property, your property,  
 4 which would be, I guess, 7th Street and...  
 5 MR. MARTINS: Yeah, 8th Street.  
 6 CHAIRMAN FERGUSON: 8th Street.  
 7 MR. MARTINS: Is the neighboring  
 8 property to the west. Bergen Boulevard to the east.  
 9 CHAIRMAN FERGUSON: Don't get me wrong,  
 10 I appreciate that you downsized.  
 11 I appreciate that you took the one side  
 12 off, right?  
 13 MR. MARTINS: Yes.  
 14 CHAIRMAN FERGUSON: But you didn't do  
 15 anything for the people on the east side of the  
 16 property.  
 17 In other words, they get to look out  
 18 their window and see a building where you used to be,  
 19 I assume, a backyard. They're still looking at a  
 20 building.  
 21 And just to me, I just -- I don't think  
 22 it's fair to those people that we should be looking  
 23 -- people should be looking out their back door and  
 24 seeing a building. That's just my observation.  
 25 But I do appreciate what you did. I

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

1 MR. MARTINS: The building, itself, is  
 2 18 feet from the property line.  
 3 We do have decks in the back, which  
 4 will be 8 feet.  
 5 CHAIRMAN FERGUSON: And how high is  
 6 that building?  
 7 MR. MARTINS: That building is 35 feet,  
 8 which is the average height measured from the grade  
 9 plane from the highest roof.  
 10 Now, don't forget, these units are  
 11 stepped. I believe we discussed this before. It's a  
 12 similar concept where the units are not at the same  
 13 elevation. It's not one level plane.  
 14 So we've taken the height from the  
 15 highest roof elevation to the average grade, which  
 16 actually includes the lower elevations as well.  
 17 CHAIRMAN FERGUSON: Okay. Now, to get  
 18 into the parking.  
 19 How big is that driveway?  
 20 MR. MARTINS: Twenty-four-foot wide.  
 21 CHAIRMAN FERGUSON: Twenty-four feet.  
 22 And that would be an entrance and exit?  
 23 MR. MARTINS: Yes, correct.  
 24 CHAIRMAN FERGUSON: So just speaking  
 25 for myself.

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

1 appreciate the work that you did.  
 2 But, you know, the location of the  
 3 property is -- because it's so deep, I mean, I don't  
 4 know why the town way back when didn't make zoning  
 5 and everything and eliminate that long stretch that  
 6 is your property.  
 7 MR. MARTINS: It is a very unusual  
 8 property. It does lead to some complications of  
 9 development, certainly.  
 10 CHAIRMAN FERGUSON: This is my own  
 11 opinion. If you backed up to the highway and there  
 12 was no -- I mean, one east side. There is a highway,  
 13 Bergen Boulevard, right. But there's no houses  
 14 there. I just don't think it's fair.  
 15 MR. SOKOLICH: To be clear, are there  
 16 side yards being sought, Mark, variances?  
 17 MR. MARTINS: No, no.  
 18 We are compliant with the side yard  
 19 setback. We did attempt to increase those setbacks.  
 20 You know, so previously we had 10 feet to the  
 21 building. Now we're at 18 feet. We had 3 feet.  
 22 So we did increase the setback on that  
 23 side. We pushed the buildings further away. As I  
 24 said, we eliminated the westerly building.  
 25 We feel that's still sufficient space.

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



1 We are going to landscape that space. We have a more  
2 dense buffer to provide screening from those  
3 neighbors whose backyards are looking onto our  
4 property.

5 So we do feel it's kind of enhanced.

6 MR. SOKOLICH: We condition this on a  
7 full-scale landscape plan also.

8 MR. MARTINS: We have a detailed plan  
9 involved here, Mark, which would be Sheet 5, as you  
10 can see.

11 MR. SOKOLICH: Chairman, I'm going to  
12 go back and mark this. I don't mean to interrupt  
13 you.

14 MS. TESTA: A-6.

15 MR. SOKOLICH: A-6, Mark. This is the  
16 same basic setback.

17 But I just want to go back to it, last  
18 revised of April 8, 2021.

19 MR. MARTINS: Correct.  
20 (Whereupon, Setback Plan, Dated April  
21 8, 2021, is marked as Exhibit A-6 for  
22 identification.)

23 MR. SOKOLICH: Where the Chairman was  
24 speaking about on side yards, can you just review  
25 that, if you can?

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

1 (indicating), who is going to plow it?

2 These people are going to pay taxes so  
3 they're going to expect the town to plow that.

4 What do you call that, deed this over  
5 to the town? How does that work?

6 MR. SOKOLICH: No, no, never. Never  
7 would we impose that on the town. This would be set  
8 up as a condominium form of ownership. So there  
9 would be an association that would be set up. There  
10 would be -- I don't want to say nominal, but there  
11 will be probably quarter maintenance fee.

12 And typically in these types of units,  
13 six units, seven units, eight units, the only  
14 expenses are typically landscaping, sprinkler and  
15 snow removal.

16 MR. CARNOVALE: Okay, sir. And then  
17 maybe for Mark Martins. You have an 18-foot backyard  
18 here.

19 MR. MARTINS: Yes. Well, it's  
20 technically the side yard.

21 MR. CARNOVALE: Yeah, well, okay, we'll  
22 call it a side yard. What is the back of the deck to  
23 the property line?

24 MR. MARTINS: Eight feet.

25 MR. CARNOVALE: Eight feet.

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

1 MR. MARTINS: So, again, we have  
2 provided a dense evergreen screening wall along that  
3 easterly yard as well.

4 CHAIRMAN FERGUSON: The frontage is 100  
5 feet.

6 MR. MARTINS: The frontage is 125 feet.

7 CHAIRMAN FERGUSON: All right.

8 Any other board members have anything  
9 for this witness?

10 MR. CARNOVALE: Possibly more for the  
11 attorney.

12 Are these rental units or for sale?

13 MR. SOKOLICH: I believe they are  
14 for-sale units.

15 I can't commit the applicant to that  
16 because that's generally subject to market  
17 conditions, but I believe at this point they are  
18 for-sale units.

19 MR. CARNOVALE: Okay, I have a question  
20 for you, sir.

21 I'm not that smart. I guess everybody  
22 knows that.

23 MR. SOKOLICH: I don't know that.

24 MR. CARNOVALE: Well, I'm telling you,  
25 I'm pretty stupid. This long driveway here

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

1 And so you'll save me the aggravation,  
2 how long is this building here, the actual unit front  
3 to back?

4 MR. MARTINS: We don't have a dimension  
5 on my plan. It's probably on the architectural plan.

6 MR. SOKOLICH: We're going to get that.

7 MR. MARTINS: The architect will  
8 discuss that.

9 MR. CARNOVALE: Then the front steps,  
10 right?

11 MR. MARTINS: Yeah.

12 MR. CARNOVALE: How many steps do you  
13 have there versus the front door?

14 Are you going to come into the 24-foot  
15 driveway if you run out of room to run the steps.

16 MR. MARTINS: I'll come over here so I  
17 can see.

18 No. You'll see it more on the  
19 architectural. I believe there's a mid-level  
20 landing.

21 So there's a set of stairs that will  
22 come down from that entry down to a pad, which is  
23 going to be about 4 or 5 feet from the driveway.

24 So you're not walking right onto the  
25 driveway. You're walking down to a landing and then

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

1 onto your driveway.  
 2 MR. CARNOVALE: All right. You're  
 3 saying the architect. How many steps are there, I  
 4 mean?  
 5 MR. MARTINS: Yeah. So we have one,  
 6 two -- approximately seven steps.  
 7 MR. CARNOVALE: But you're counting  
 8 them on here, Mark.  
 9 MR. MARTINS: Yes.  
 10 As we graphically depicted them on our  
 11 plans.  
 12 MR. CARNOVALE: Okay. So they won't  
 13 impede the 24-foot --  
 14 MR. MARTINS: No, not at all.  
 15 As you can see, they don't go right  
 16 down to the driveway. That hashed area is a little  
 17 paver landing at the bottom of the stairs. Then  
 18 again, we have a setback of about 3 or 4 feet from  
 19 that end of the landing to the driveway. There will  
 20 be a curb. There's a planting area there.  
 21 So we do have nice vegetated buffer,  
 22 a nice little, you know, curb appeal, if you will,  
 23 along that driveway.  
 24 So it's not just all hardscape. It's  
 25 a driveway, a little planting area, a little walkway,

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

1 the property.  
 2 Again, the property depth is 192 feet.  
 3 It's not excessively long. If there's any other  
 4 recommendations, though, from the fire department,  
 5 fire code official, we would certainly entertain any  
 6 improvement suggestions.  
 7 MR. CARNOVALE: I understand the state  
 8 standard. Practicality, if one these units catches  
 9 on fire, a truck is going to have to go in there,  
 10 whether you're not required to turn around. That was  
 11 my only concern.  
 12 MR. MARTINS: And they do. They have  
 13 the room to be able to do that. They can pull  
 14 certainly straight in. There's nothing to block  
 15 them. They have access all the way to the rear of  
 16 the property.  
 17 MR. CARNOVALE: What do they do at the  
 18 rear; are they going to back out?  
 19 MR. MARTINS: They would have to back  
 20 out.  
 21 MR. CARNOVALE: Okay, that's all I have  
 22 for now.  
 23 CHAIRMAN FERGUSON: Okay. Any other  
 24 board members have anything?  
 25 (No response.)

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

1 then the steps, half-level steps.  
 2 MR. CARNOVALE: One more question. I  
 3 had mentioned it a couple meetings ago. What about a  
 4 fire truck getting in there and out? The turning  
 5 radius on one of our trucks?  
 6 MR. MARTINS: We did widen the  
 7 driveway.  
 8 You can get a fire truck in there. And  
 9 I'm not a fire expert. I don't know if it's really  
 10 wide in there. I don't know if the building will be  
 11 sprinklered.  
 12 MR. CARNOVALE: Well, even if they are,  
 13 Mark, if something happens and you're going to have  
 14 to get a truck in there, and I don't think there's  
 15 enough room. You're saying that they're going to  
 16 have to make -- call it a K-turn, a three-point turn.  
 17 MR. MARTINS: Well, we don't have to --  
 18 our driveway is less than 100 feet.  
 19 So by RSIS requirements, we are not  
 20 required to have a turnaround area for the vehicular  
 21 -- for emergency vehicles as such.  
 22 We do have a 24-foot-wide aisle, which  
 23 is sufficient to be able to maneuver in. Of course  
 24 you'd have to back out of that in an emergency  
 25 condition, or you would just park right in front of

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

1 CHAIRMAN FERGUSON: Just one additional  
 2 question just to follow up. Now, when you have, you  
 3 know, 8 inches of snow, I assume the association is  
 4 going to be able to plow.  
 5 How much room is it from the end of  
 6 where the building is to where he can put snow?  
 7 MR. MARTINS: Oh, we have about a  
 8 10-foot strip behind the parking area, the driveway  
 9 area. We have about 20 feet to the property line.  
 10 We have over about 15 feet in the back area as well.  
 11 Of course, a private pickup, anytime  
 12 you have significant snow, the applicant, the owners  
 13 and the condominium association would be responsible  
 14 for cleaning, maintenance and snow removal.  
 15 So that entails trucking that off site.  
 16 If you really have significant heavy snowfalls, then  
 17 they would have to do that.  
 18 CHAIRMAN FERGUSON: Okay. Well, many  
 19 buildings in Palisades Park that have been  
 20 grandfathered in for years and years and years, they  
 21 have this tendency to put snow into the street,  
 22 right.  
 23 And because that fronts on Edsall  
 24 Boulevard, you know, from North Bergen and it goes  
 25 down on Edsall. And I just -- if the board was to

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

1 act on this, you would be okay with some wordage in  
 2 the memorialization that you would remove snow if  
 3 needed, and not put any --  
 4 MR. SOKOLICH: Unconditionally, yes.  
 5 CHAIRMAN FERGUSON: Yes.  
 6 MR. SOKOLICH: Yes. And 157 feet is  
 7 the length of the building. And Mr. Virgona will  
 8 tell you that.  
 9 MR. CARNOVALE: Sir, I meant from the  
 10 front steps to the deck. That's not 157 feet.  
 11 MR. SOKOLICH: Oh, we both thought you  
 12 meant the length of the building.  
 13 I'm sorry, my bad.  
 14 MR. CARNOVALE: Because my thing there  
 15 was, you're very close to the property line. The  
 16 building's kind of long. I mean, I know you're here  
 17 for a variance. But you have 8 feet back there with  
 18 the deck. What did you say?  
 19 MR. MARTINS: Eight feet to the  
 20 property line.  
 21 MR. CARNOVALE: Eight feet. I can't  
 22 tell you what to do.  
 23 Maybe the building should be a little  
 24 bit squished. This way it gives the people a little  
 25 more room. I don't know.

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

1 MR. COLLAZUOL: That was my only  
 2 question.  
 3 MR. MARTINS: Yeah, so there's plenty  
 4 sight there. You know, at the beginning here it's  
 5 relatively level. It does drop down as you go down  
 6 Bergen Boulevard. The high point is more or less on  
 7 the boulevard.  
 8 CHAIRMAN FERGUSON: Okay.  
 9 MR. COLLAZUOL: Okay, thank you.  
 10 MR. SOKOLICH: Thank you, Steve.  
 11 CHAIRMAN FERGUSON: So does anybody  
 12 from the audience have anything?  
 13 There is nobody on.  
 14 MR. SIMOFF: Mr. Chairman?  
 15 MS. TESTA: Hal.  
 16 CHAIRMAN FERGUSON: Who?  
 17 MS. TESTA: Hal, our traffic engineer.  
 18 CHAIRMAN FERGUSON: Okay.  
 19 MR. SIMOFF: Your grading plan shows a  
 20 wall that extends out to the curb on the east side of  
 21 the property.  
 22 MR. MARTINS: There is a low wall out  
 23 in front of the (inaudible) 101. So that's actually  
 24 below grade.  
 25 MR. SIMOFF: Oh, because the sidewalk

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

1 CHAIRMAN FERGUSON: Okay.  
 2 Any other board members have anything?  
 3 (No response.)  
 4 CHAIRMAN FERGUSON: Do any of our  
 5 experts have anything?  
 6 MR. COLLAZUOL: I just have one  
 7 question.  
 8 CHAIRMAN FERGUSON: Sure, Steve, go  
 9 ahead.  
 10 MR. COLLAZUOL: The sight distance from  
 11 the vehicles leaving the site, with respect to cars  
 12 coming off of Bergen Boulevard, what kind of sight  
 13 distance does this driveway actually provide?  
 14 MR. MARTINS: Yeah, there's sufficient  
 15 sight distance. It's clear sight.  
 16 Again, we're going to be -- there's  
 17 some existing vegetation in that area right now that  
 18 will be removed.  
 19 That's an improvement. You should be  
 20 able to see from the driveway almost all the way to  
 21 the traffic light on Bergen Boulevard.  
 22 I'm sorry. You would be able to see  
 23 sufficiently, see it from the exit, maneuver from the  
 24 driveway onto East Edsall all the way to the traffic  
 25 light on Bergen Boulevard.

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

1 stops there.  
 2 I was just questioning whether the  
 3 sidewalk can continue up to --  
 4 MR. MARTINS: Oh, I'm sorry.  
 5 I thought you were talking about the  
 6 entry sidewalk to the unit. You're talking the  
 7 public sidewalk.  
 8 Hal, we're ending at our easterly  
 9 property line.  
 10 MR. SIMOFF: Does that wall restrict  
 11 further construction of the sidewalk.  
 12 MR. MARTINS: No.  
 13 It's kind of a mounded rock area there.  
 14 So it should not. I mean, there's no other public  
 15 access to Bergen Boulevard as the curb exists.  
 16 MR. SIMOFF: I would suggest as part of  
 17 the sidewalk construction that that be brought down  
 18 to grade so that the sidewalk can continue up to  
 19 Bergen Boulevard.  
 20 MR. MARTINS: Sure.  
 21 So just to clarify, we will remove the  
 22 portion of that rock and level mound or wall in the  
 23 public right-of-way so to level the area.  
 24 So that if the neighboring property  
 25 owner would have to construct a walk, it would be

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

1 flush with our proposed sidewalk.  
 2 MR. SIMOFF: And the other question I  
 3 had, I would assume that the trash being on the north  
 4 side of the site, the same way the fire truck would  
 5 get in would be the way the trash vehicle would pick  
 6 up the trash and then have to back out?  
 7 MR. MARTINS: The trash will be stored  
 8 in the garages, Hal. So there will be a private  
 9 pickup. And they would enter the site and exit the  
 10 site.  
 11 MR. SIMOFF: Then they have to back  
 12 out.  
 13 MR. MARTINS: Yes.  
 14 Unless it's a smaller pickup and not a  
 15 large garbage truck. That will be determined.  
 16 MR. SIMOFF: Okay. The board should be  
 17 aware of that.  
 18 CHAIRMAN FERGUSON: Okay. Any other  
 19 people on the phone.  
 20 MR. SIMOFF: That's all I have.  
 21 IT MODERATOR: One public.  
 22 CHAIRMAN FERGUSON: Next.  
 23 Who is on the phone? Who called?  
 24 MR. ALEXIS: David Alexis.  
 25 I live on 8th Street, not too far away  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 2,500 square feet. So we have 24,400 square feet  
 2 with seven units. That comes out to just under 3,500  
 3 square feet per unit.  
 4 So we actually have less dense of a  
 5 development compared to your typical duplex house on  
 6 a 50-by-100 lot.  
 7 MS. TESTA: Right. Could you state  
 8 your name again for the record, please?  
 9 MR. ALEXIS: David Alexis.  
 10 CHAIRMAN FERGUSON: Okay, one more.  
 11 Okay. You're all set.  
 12 MR. MAVER: Hello.  
 13 CHAIRMAN FERGUSON: Yes, okay.  
 14 MR. MAVER: My name is Martin Maver.  
 15 Good evening, everyone.  
 16 And thank you for this opportunity to  
 17 speak.  
 18 As a property owner and a licensed  
 19 professional engineer, I have serious concerns  
 20 regarding this property's overdevelopment.  
 21 Even though it went from eleven to  
 22 seven, this proposal is an excess and noncompliant  
 23 with the existing zone plan in the AA residential  
 24 zone.  
 25 It's not like they're requesting one or  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 from where this property is.  
 2 I'm very concerned about -- I was very  
 3 concerned about having 11 units there.  
 4 But seven is still a crazy number, if  
 5 you really think realistically of that area. I don't  
 6 know if any one of you has been to that block during  
 7 (audio distortion). The traffic is -- it's very  
 8 congested (audio distortion) if you measure the cars  
 9 from seven units from that driveway into -- the into  
 10 -- if you go up or down Edgehill and the amount of  
 11 accidents, that I can think of, from making a right  
 12 off of Bergen Boulevard into the driveway it is just  
 13 crazy.  
 14 I mean, a two-unit -- a two-unit house  
 15 would be maximum, I would think, for that area. Has  
 16 anybody thought about the safety concerns of putting  
 17 in a huge unit in that area?  
 18 MR. MARTINS: Well, we're only talking  
 19 about seven units. That's not a lot. That's 24,400  
 20 square feet. It's really going to be a low-traffic  
 21 volume generator.  
 22 In addition, we're talking about the  
 23 density. Again, a typical duplex can be developed as  
 24 high as 5,500; you have two units on it.  
 25 So it's basically one unit for every  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 two minor variances. They're requesting several  
 2 variances and a parking waiver. They're requesting  
 3 much greater allowances than a two-family.  
 4 MR. SOKOLICH: Is there a question?  
 5 MR. MAVER: I feel very bad for the  
 6 property --  
 7 MR. SOKOLICH: Is there a question?  
 8 MS. TESTA: Sir, right now we're just  
 9 taking questions of the engineer, the applicant's  
 10 engineer. There will be a time later for comments.  
 11 MR. MAVER: Okay, let me ask a couple  
 12 questions, then.  
 13 Have you thought about the line of  
 14 sight that the previous resident also mentioned.  
 15 Because you said you can see up to Bergen Boulevard.  
 16 But you won't with the utility pole and  
 17 the trees on the adjacent property, you cannot see  
 18 going up the hill to 8th Street already from that  
 19 driveway. You also see utility poles and trees both  
 20 up the hill and down the hill.  
 21 Also, in terms the stormwater that's on  
 22 8th Street has clogged up and backed up on residents'  
 23 basements the past few years.  
 24 MR. SOKOLICH: Mr. Maver, let us  
 25 respond to your first question, if you would please.  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 Go ahead, Mark, on the sight triangle.  
 2 MR. MARTINS: From the people that  
 3 testified, it's my opinion there's sufficient sight  
 4 distance.  
 5 In regards to the sanitary sewer, we  
 6 are tying into the sewer. The volume generated by  
 7 this development is minor. It will not have any  
 8 significant impact on the sewer line itself.  
 9 MR. MAVER: Those seven additional  
 10 homes won't add to the storm system going down the  
 11 sanitary like that.  
 12 And the line of sight, with the utility  
 13 poles and all the vegetation on the adjacent  
 14 properties, how are you going to -- how can you  
 15 attest you can't see that if you're not able to  
 16 remove those trees from the adjacent properties?  
 17 MR. MARTINS: Well, you're referring to  
 18 the sight distance from Main Street, which is much  
 19 worse. We're much higher up in elevation up on the  
 20 hill. And we will have sufficient sight distance.  
 21 MR. MAVER: So you still have a utility  
 22 pole and bushes on the adjacent property when you're  
 23 coming out.  
 24 MR. MARTINS: The utility pole will not  
 25 cause any impact on the sight distance. And we will  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 be removing vegetation within the frontage of our  
 2 property as well.  
 3 MR. MAVER: Okay. But, sure, it does.  
 4 The utility pole and trees do block your line of  
 5 sight when you're trying to make a left turn from a  
 6 driveway.  
 7 Also, let's see, the impervious area,  
 8 you had 36.8, you double that to 72.78. That seems  
 9 excessive. Also, in exceeds what's allowed for the  
 10 impervious area for the property; is that true? What  
 11 is the maximum allowed impervious soil?  
 12 MR. MARTINS: There is no maximum  
 13 impervious coverage requirement in the Borough of  
 14 Palisades Park.  
 15 MR. MAVER: Okay. So Palisades Park  
 16 allows you to development 100 percent of the  
 17 impervious area, okay.  
 18 And the last one was -- well, I guess,  
 19 as stated in your planner's report, the Municipal  
 20 Land Use Law allows variances to be granted in  
 21 particular cases for special reasons.  
 22 No variances or other relief may be  
 23 granted unless such variance or relief can be granted  
 24 without substantial detriment to the public good and  
 25 without substantial impairment to the intent and  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 purposes of the zoning plan and ordinances.  
 2 MR. SOKOLICH: Question.  
 3 MS. TESTA: Yes. I'm sorry. Just  
 4 questions.  
 5 MR. SOKOLICH: The planner is on deck.  
 6 He'll be more than happy to respond to that,  
 7 Mr. Maver. This is our engineer. The planner is  
 8 more suited -- better suited to respond to that, and  
 9 he shall.  
 10 CHAIRMAN FERGUSON: Okay.  
 11 MR. MAVER: Okay, thank you.  
 12 MR. SOKOLICH: Thank you, sir.  
 13 CHAIRMAN FERGUSON: Anybody else?  
 14 (No response.)  
 15 CHAIRMAN FERGUSON: No.  
 16 Call your next witness.  
 17 MR. SOKOLICH: Chairman, thank you.  
 18 We call Mr. Virgona.  
 19 Thank you, Mark.  
 20 MR. MARTINS: You're welcome.  
 21 MS. TESTA: Please raise your right  
 22 hand.  
 23 Do you swear that the testimony you  
 24 will give this application will be the truth, the  
 25 whole truth, and nothing but the truth, so help you  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 God?  
 2 MR. VIRGONA: I do.  
 3 R A Y M O N D V I R G O N A, AIA  
 4 125 River Road, Edgewater, New Jersey, having  
 5 been duly sworn, testifies as follows:  
 6 MS. TESTA: State your name for the  
 7 record, please.  
 8 MR. VIRGONA: Raymond Virgona,  
 9 V-I-R-G-O-N-A, 125 River Road, Edgewater, New Jersey.  
 10 CHAIRMAN FERGUSON: Okay, Mr. Virgona  
 11 has been here many times.  
 12 We accept him as an expert.  
 13 MR. VIRGONA: Thank you.  
 14 MS. TESTA: A-7.  
 15 MR. SOKOLICH: We skipped one. A-7 was  
 16 the last one.  
 17 So I'm going to the last architectural.  
 18 Thank you, Diane. I'll make that  
 19 adjustment on the record.  
 20 (Whereupon, Architectural Plan, Sheet  
 21 SK-1 is marked as Exhibit A-8 for  
 22 identification.)  
 23 DIRECT EXAMINATION  
 24 BY MR. SOKOLICH:  
 25 **Q.** Welcome. Welcome back. Just by way of  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 brief background, you're the architect that's been  
2 engaged by V&R for this project, correct?

3 **A. I am.**

4 **Q.** And, in fact, I believe a meeting --  
5 two meetings ago you did testify before the board  
6 under oath concerning the 11-unit proposal that was  
7 initially submitted?

8 **A. That's correct.**

9 **Q.** And like Mark, in fact, you've amended  
10 your architectural plans to reflect a lesser density  
11 and also to reflect now the seven-unit proposal  
12 that's been the board for consideration?

13 **A. Yes.**

14 **Q.** So I'm not going to interrupt you, Ray,  
15 but just if you would please just generally speak to,  
16 if you would, the architectural design, how it's  
17 impacted now that we're reduced to a single building  
18 consisting of seven.

19 And I believe we also have an amendment  
20 that we would like to place on the record through  
21 your testimony?

22 **A. Yes. You'll see my drawing SK-1.**

23 **Q.** That we've marked as A-8. I'm sorry.

24 **A. Yes, yes.**

25 **You'll see the building elevations on**

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

**201-641-1812**

1 Going further on the sheet, on the  
2 upper part of the sheet to the left is the north  
3 elevation, which is essentially the same as the  
4 street elevation, the same materials. The building  
5 has the same look on all sides.

6 To the right, upper right, is the rear  
7 elevation. This would be the elevation that would be  
8 visible from the neighboring properties to the east.

9 And you'll see a combination of decks  
10 and sliding doors, gabled roofs. The building is  
11 stepped for architectural interest.

12 Again, the same materials. Primarily  
13 with HardiePlank siding on that elevation as well  
14 with decks and aluminum railings.

15 And then moving on to SK-2.

16 (Whereupon,, Floor Plans, Sheet SK-2,  
17 is marked as Exhibit A-9 for identification.)

18 BY MR. SOKOLICH:

19 **Q.** Which we're going to mark, Ray, if I  
20 may as A-9. These are the floor plans, correct?

21 **A. These are the floor plans. There are**

22 two types of units in the building. There's an end  
23 unit which is 19-foot-6-by-57 feet from the deck.

24 Then there are middle units which are labeled as "B  
25 units," which are 23-foot-7-by-47 feet.

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

**201-641-1812**

1 **both side. The lower right is the main entrance,**  
2 **which would be the west side of the building showing**  
3 **the entrances, the entrance stairway.**

4 The buildings are three stories in  
5 height. There are seven units in a row.

6 And, as was testified to a little while  
7 ago, the building is a total 157 feet in length.

8 The elevation -- the materials consist  
9 of stone and HardiePlank siding facades with asphalt  
10 shingle roofs. We have dormers. And we have similar  
11 decorative windows as well.

12 To the left of that elevation is the  
13 south or street elevation of the building. The  
14 entrance to that building or that unit is at ground  
15 level.

16 Again, the same materials on the  
17 building there. We have a fireplace boxed out.

18 You can see on this drawing the deck on  
19 the right side which projects into the yard. And  
20 you'll see the total height of the building, which  
21 we've given as 32 feet to the average unit, even  
22 though the building height is greater, because as  
23 Mark Martins testified --

24 **Q.** From highest to lowest.

25 **A. -- it's from highest to lowest.**

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

**201-641-1812**

1 So in total the units have about 2,000  
2 square feet of area, the living space plus the  
3 basement rec room and garage.

4 Every unit has a two-car garage. This  
5 shows the steps that lead up to the main entrance.

6 Behind the garage is a rec room with the mechanical  
7 space and powder room

8 Then moving on to the first floor plan  
9 and the second floor plan.

10 MR. SOKOLICH: I'm going to mark this,  
11 Diane, with your permission A-10.

12 MS. TESTA: Okay.

13 (Whereupon, First and Second Floor

14 Plan is marked as Exhibit A-10 for  
15 identification.)

16 BY MR. SOKOLICH:

17 **Q.** Again, the date of all your plans, Ray,  
18 just to be clear for the record, were initially dated

19 November 2, 2020, with a last revised date of  
20 September -- excuse me -- March 22, 2021; that's  
21 everything we've marked with you this evening, those  
22 dates apply?

23 **A. Yes, that's correct.**

24 MR. SOKOLICH: Excuse me, Diane.

25 MR. VIRGONA: At the bottom of this

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

**201-641-1812**

1 sheet is the first floor plan. You come up seven  
2 steps, you enter into the unit. There's an  
3 additional steps inside.  
4 You've got a living/dining room in the  
5 front, a powder room in the center of the stairs, and  
6 then a kitchen/family room at the rear.  
7 There are decks at the rear. You know,  
8 we were listening to the testimony. These decks are  
9 10 feet in depth.

10 But we certainly can reduce them.

11 To provide for a greater setback, we  
12 can reduce them to 8 feet to add 2 feet to the  
13 setback, so that we would have a 10-foot setback from  
14 the edge of the deck to the property line.

15 The other thing is that although we do  
16 have an 18-foot rear yard -- or not rear yard. It's  
17 technically a side yard. That's taken to the second  
18 floor overhang. And we have 20 feet from the main  
19 building wall to the property line. And the 20 feet  
20 is at the end units. And we break in 2 feet. So we  
21 have 22 feet typically in the majority of the  
22 building from the property line to the building wall.

23 So this is the first floor plan. Both  
24 the A unit and the B unit have the same general  
25 arrangement, same rooms on the first floor.

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

1 **A. Ten feet with an 8-foot deck.**  
2 **Q.** Correct.  
3 **A. We also have a very generous planting**  
4 **area on the westerly side of the property. The**  
5 **structure is a substantial distance from the -- from**  
6 **the westerly line to the face of the building.**

7 We have our 24-foot driveway, 18-foot  
8 parking space, 9-foot parking space, and a 10-foot  
9 planting strip along the entire west side.

10 In addition to that, that planting  
11 becomes 19 feet for the first approximately 40 feet  
12 or so from the street back. So we have a generous  
13 planting area in the very front left corner of the  
14 property, and a 10-foot planting strip there, and a  
15 great setback from building to the west property  
16 line.

17 We would also be amenable, if the board  
18 feels it would be advantageous, to move the building  
19 toward the west, where there's still going to be a  
20 very generous side yard. We could reduce the  
21 planting strip. Still do heavy planting.

22 But if the main concern is the  
23 neighbors to the east, we could further enhance that  
24 setback by moving the building.

25 **Q.** And just, if we could, because  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 And on the upper part of the sheet is  
2 the second floor plan. All the units have three  
3 bedrooms, two full baths, a master plus a hall bath,  
4 a laundry closet, stairs and walk-in closets,  
5 especially in the master.

6 So, generally, that's the layout of the  
7 building.

8 **Q.** So I want to explore -- we're done with  
9 the floor plans?

10 **A. Yes.**

11 **Q.** I just want to go back and we're going  
12 to -- I think it's a little simpler to look at it,  
13 Ray, on the revised site plan A-4.

14 **A. Yes.**

15 **Q.** So if you would just describe to the  
16 board in more detail as to the two reductions. I  
17 believe there's also some considerations you want the  
18 board to consider, correct?

19 **A. That's correct.**

20 **Q.** Okay. If you would.

21 **A. That's correct.**

22 **The first thing we're suggesting is**  
23 **that we would reduce the decks in depth to create a**  
24 **greater setback.**

25 **Q.** Of 2 feet?

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

1 everything we need to do, we can't deal with  
2 estimates, right? So it would be a 2-foot reduction  
3 in the deck. Approximately, to the best of your  
4 estimate -- and this will be subject to a more  
5 revised plan -- how much do you estimate you'd be  
6 able to the shift that building away from that  
7 adjacent property line?

8 **A. Oh, I'm thinking 5 feet in addition.**  
9 **So we would gain 5 feet to the east, and we would**  
10 **gain 2 feet further away from the deck.**

11 **So the deck would now gain 7 feet of**  
12 **property line to the edge of the deck by doing that.**

13 **Q.** And again, no side yard is being sought  
14 in that area?

15 **A. No. Both side yards are very generous**  
16 **for the zone.**

17 **Q.** Okay. Thank you, Ray.

18 Any other adjustments or amendments you  
19 want the board to consider concerning that?

20 **A. I think that was basically --**

21 **Q.** I do too.

22 **A. -- our discussion.**

23 **Q.** Are we done? Anything else you would  
24 like to add with regard to architectural?

25 **A. I think we've covered it.**

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

1 MR. SOKOLICH: I do too. Chairman, I  
 2 offer Mr. Virgona.  
 3 Thank you, Ray.  
 4 CHAIRMAN FERGUSON: Does any board  
 5 members have any additional questions?  
 6 MR. CARNOVALE: Yes, Mr. Chairman.  
 7 To the architect: Are those air  
 8 conditioner compressors to the side of the deck?  
 9 MR. VIRGONA: Yes. You'll see that on  
 10 the site plan, I think.  
 11 MR. CARNOVALE: Yeah, I caught a  
 12 miniature picture on one of these.  
 13 MR. VIRGONA: That's right. There's  
 14 one unit. And that is tucked in the corner in the --  
 15 in the yard.  
 16 MR. CARNOVALE: All right, sir.  
 17 With no disrespect, you have really in  
 18 the summer seven compressors whining back there.  
 19 Because I know you said about moving the building a  
 20 little bit. And I see you have a line of trees  
 21 there.  
 22 So what do you think about the easterly  
 23 property line versus the DBs those units are going to  
 24 put out. I mean, I know people need air  
 25 conditioning, but now you're talking seven units

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

1 MR. CARNOVALE: Two feet, okay.  
 2 And the other question is -- I don't  
 3 know if the engineer can answer me, or you can.  
 4 So if you take the elevation of the  
 5 roof of these buildings versus the elevation of the  
 6 westerly neighbor's backyard, will they actually be  
 7 staring at these buildings?  
 8 MR. VIRGONA: In other words, you're  
 9 referring to the property on the west now.  
 10 MR. CARNOVALE: Yes, sir.  
 11 The neighbors, they all have backyards  
 12 there, right.  
 13 MR. VIRGONA: That's right.  
 14 Well, it's the side yard for the  
 15 adjacent property. Then the others are --  
 16 MR. CARNOVALE: The rear yard.  
 17 MR. VIRGONA: The rear yard, yes.  
 18 MR. CARNOVALE: So the people are  
 19 looking out -- I mean, you can't hide everything.  
 20 Looking out their window, they will see most or all  
 21 of the building or...  
 22 MR. VIRGONA: Well, yes, I mean, these  
 23 properties are set a little bit lower. We have a  
 24 wall on that side. We have heavy planting along the  
 25 property line, the entire property line. And the

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

1 whining back there.  
 2 MR. VIRGONA: Well, we would have -- if  
 3 we were to shift as I have described, we would have  
 4 25 feet from the building wall to the property line.  
 5 Given the few feet for the condensing unit pad, we'd  
 6 still have 22 feet clear property line to the  
 7 condensing unit. And we could buffer those. We  
 8 would have planting.  
 9 MR. SOKOLICH: Sound attenuation.  
 10 MR. VIRGONA: Yeah, we could have sound  
 11 attenuation, buffering. In addition to that, we  
 12 could take the two end units and move those  
 13 condensing units to the side rather than the rear so  
 14 they would have less impact to those properties on  
 15 the east as well.  
 16 MR. CARNOVALE: One more question, you  
 17 mentioned something about the second floor to the  
 18 property line.  
 19 But are you talking from -- the  
 20 building is not cantilevered in the back, right?  
 21 MR. VIRGONA: The room, the bedroom on  
 22 the second floor is cantilevered.  
 23 MR. CARNOVALE: How many feet  
 24 cantilevered?  
 25 MR. VIRGONA: Two feet.

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

1 building is set quite, as I said, quite far away. I  
 2 don't have my scale, but let's see, 61 less 5. You  
 3 have 56 feet from the property line to the building  
 4 wall.  
 5 MR. CARNOVALE: Right.  
 6 But, obviously, sir, going more  
 7 easterly with the building, the property slopes up so  
 8 that elevates them even more, correct?  
 9 MR. VIRGONA: It does. It does. It  
 10 does.  
 11 MR. CARNOVALE: Okay.  
 12 MR. VIRGONA: They're not especially  
 13 high as compared to typical -- the typical two-family  
 14 structures.  
 15 MR. CARNOVALE: No, I understand, sir.  
 16 I'm just saying because of the topography in the  
 17 area. So the further you go east, the property goes  
 18 like this so the houses will be here.  
 19 MR. VIRGONA: Right, exactly. And, of  
 20 course, the opposite occurs on the easterly side.  
 21 MR. CARNOVALE: Right, right.  
 22 MR. VIRGONA: You know, we're below the  
 23 easterly properties.  
 24 MR. CARNOVALE: That's all I have.  
 25 CHAIRMAN FERGUSON: Okay, thank you.

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



1 Any other board members have anything?  
 2 (No response.)  
 3 CHAIRMAN FERGUSON: Okay. Now, we're  
 4 going to go to our experts.  
 5 Do our experts have anything?  
 6 MR. COLLAZUOL: One quick question,  
 7 Joe.  
 8 CHAIRMAN FERGUSON: Go ahead.  
 9 MR. COLLAZUOL: Ray, good evening. If  
 10 the building were to be moved 5 feet to the west,  
 11 would the garage floor elevation decrease or go down?  
 12 MR. VIRGONA: I believe they would be  
 13 the same. Because our driveway has a constant slope  
 14 up. I don't think it would make any material  
 15 change.  
 16 Perhaps Mark can answer that. If any,  
 17 very significant.  
 18 But probably no change in the garage  
 19 elevations.  
 20 MR. COLLAZUOL: Okay, thank you.  
 21 CHAIRMAN FERGUSON: Okay. Hal, do you  
 22 have anything?  
 23 MR. SIMOFF: No, nothing for me.  
 24 CHAIRMAN FERGUSON: Okay. Mr. Kauker,  
 25 I assume you're waiting for the planner.

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

1 truth, and nothing but the truth, so help you God?  
 2 MR. SPATZ: Yes, I do.  
 3 D A V I D S P A T Z, P.P.  
 4 60 Friend Terrace, Harrington Park, New Jersey,  
 5 having been duly sworn, testifies as follows:  
 6 MS. TESTA: State your name for the  
 7 record, please.  
 8 MR. SPATZ: David Spatz, S-P-A-T-Z.  
 9 CHAIRMAN FERGUSON: Okay.  
 10 Mr. Spatz has been here many times.  
 11 We'll accept him as an expert.  
 12 MR. SOKOLICH: Thank you, Chairman.  
 13 DIRECT EXAMINATION  
 14 BY MR. SOKOLICH:  
 15 **Q.** David, just your credentials have been  
 16 accepted as an expert in the field of planning. If  
 17 you would, for the benefit of the record, just  
 18 indicate what the scope of your engagement was.  
 19 **A. Sure.**  
 20 **I was asked to review the site plan,**  
 21 **the architectural renderings, visit the site, review**  
 22 **the Master Plan and the Zoning Ordinance and then**  
 23 **provide planning testimony for this evening.**  
 24 **Q.** In conjunction with your preparation of  
 25 that plan and assessment you've conducted physical

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

1 MR. KAUKER: Yeah.  
 2 I have nothing for the architect.  
 3 MR. SOKOLICH: Chairman, if I may?  
 4 CHAIRMAN FERGUSON: Yeah, sure.  
 5 MR. SOKOLICH: So, again, it's a net  
 6 shifting of 7 feet -- I want to be clear for record  
 7 -- correct.  
 8 MR. VIRGONA: Well, the building is  
 9 shifting 5 feet.  
 10 MR. SOKOLICH: Correct.  
 11 MR. VIRGONA: Then the deck is an  
 12 additional 2.  
 13 MR. SOKOLICH: But it's a net off of  
 14 the property line of 7 off the back of the deck.  
 15 MR. VIRGONA: Yes, that's correct.  
 16 MR. SOKOLICH: Got it. Thank you.  
 17 Thank you, Chairman.  
 18 We have one final witness, our  
 19 planner.  
 20 CHAIRMAN FERGUSON: Put him on.  
 21 MR. SOKOLICH: Thank you.  
 22 MS. TESTA: Please raise your right  
 23 hand.  
 24 Do you swear the testimony you will  
 25 give this application will be the truth, the whole

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

1 inspections of the property?  
 2 **A. Correct, I have.**  
 3 **Q.** You've also had the opportunity to  
 4 review, obviously, not only the site plan, but the  
 5 ordinances here in the Borough of Palisades Park?  
 6 **A. I have.**  
 7 **Q.** The Master Plans and all applicable  
 8 provisions to the same?  
 9 **A. Correct.**  
 10 **Q.** Taking all that into account in  
 11 preparing the assessment you're about to provide to  
 12 the board?  
 13 **A. I have, yes.**  
 14 **Q.** So wherever -- and, by the way, you  
 15 were present and/or did observe the testimony  
 16 previously presented to this board, both in the  
 17 connection with the 11-unit submission and now with  
 18 the seven-unit submission?  
 19 **A. I was here for the prior meeting with**  
 20 **the 11 units, and then here this evening for the**  
 21 **seven unit modifications.**  
 22 **Q.** Thank you.  
 23 So wherever you deem appropriate, which  
 24 I trust will be background and existing conditions?  
 25 MR. SOKOLICH: Also for the record, I'm

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

1 going to, Diane, with your permission, A-12, I  
 2 believe we're up to?  
 3 MS. TESTA: Yes.  
 4 MR. SOKOLICH: It's a series of six  
 5 photographs. It's undated. It's titled "311 East  
 6 Edsall Boulevard, Borough of Palisades Park,  
 7 Community Housing & Planning Associates, Inc."  
 8 (Whereupon, Six Photographs entitled  
 9 "311 East Edsall Boulevard, Borough of  
 10 Palisades Park, Community Housing & Planning  
 11 Associates, Inc.," is marked as Exhibit A-12  
 12 marked for identification.)

13 BY MR. SOKOLICH:

14 Q. David, these are a series of six  
 15 photographs that I presume you took?

16 A. **That's correct, yes.**

17 Q. Have you done anything to crop or  
 18 modify these photographs?

19 A. **Nope.**

20 **I just put them on the exhibit for**  
 21 **presentation this evening.**

22 Q. So they accurately depict what's  
 23 depicted on the four corners of the photo?

24 A. **They do.**

25 **It was a long time ago. There's a**  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 opposite side, but looking towards 8th, where there's  
 2 a series of newer two-family homes. Then the top  
 3 right-hand photograph is on Bergen Boulevard.  
 4 That is the building that is adjacent  
 5 to our rear yard on Bergen Boulevard. That's a  
 6 two-family. Adjacent to that heading towards the  
 7 north, there are actually some three-family homes.

8 So we are in the AA zone, which does  
 9 not permit the townhouse development that we are  
 10 proposing. The lot area and width do exceed the  
 11 zone. We do need one additional (d) variance, which  
 12 is for building height. With the various  
 13 modifications, the height is now 34.9 feet, where 25  
 14 feet is permitted. It's come down just about 2 feet  
 15 from our initial submission.

16 There are two (c) variances. We had a  
 17 (c) variance initially for lot area per unit. That  
 18 has been eliminated by reducing the number of units  
 19 from 11 down to 7. So we do need a setback for front  
 20 yard and rear yard. The side yards are conforming.  
 21 And as was described this evening by Mr. Virgona,  
 22 they've been significantly increased from our initial  
 23 submission.

24 Looking at the two (d) variances, I  
 25 think, what we're proposing does meet the purposes of  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 **little snow in the photographs.**  
 2 **But other than that, that's what's**  
 3 **there today.**

4 Q. You're going to be referring to this  
 5 during the course of your testimony?

6 A. **Correct.**

7 Q. We're going to identify it as A-12. If  
 8 you would, starting with background and existing  
 9 conditions?

10 A. **Certainly.**

11 **Looking at the photo exhibit, the top**  
 12 **center photograph is of the subject property. The**  
 13 **top left-hand photograph is looking to the left or to**  
 14 **the west of our site.**

15 **As was discussed, the property is**  
 16 **sloped down. And then the top right-hand photograph**  
 17 **is looking to the east upwards towards Bergen**  
 18 **Boulevard.**

19 **And there is the one dwelling up**  
 20 **towards Bergen Boulevard.**

21 The bottom series of photographs, the  
 22 left-hand photograph on the bottom row is directly  
 23 across the street from our property on the opposite  
 24 side of East Edsall.

25 The middle photograph is also the  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 zoning as stated in the Municipal Land Use Law. We  
 2 meet Purpose A, which is the promotion of public  
 3 health, safety, morals and general welfare.  
 4 Purpose E is the establishment of  
 5 appropriate population densities. Our townhouse  
 6 development is consistent with the development in the  
 7 surrounding neighborhoods, both in terms of height  
 8 and in terms of the density. It does provide needed  
 9 housing. Something a little bit smaller scale than  
 10 the two-family home that is typically being built.

11 We also meet Purpose F, which is the  
 12 encouragement of efficient expenditure of public  
 13 funds coordinating it with the private development  
 14 that's taking place here. We're making improvements  
 15 to the sidewalk. Mr. Martins described some further  
 16 improvements that are being made to the site which  
 17 will allow the sidewalks to be extended, if that is  
 18 something that would take place.

19 Then we also lastly meet the purpose of  
 20 Purpose I, which is the promotion of a desirable  
 21 visual environment. We're removing a structure  
 22 that's in fair condition. We're replacing it with a  
 23 modern, safe building that addresses the topography  
 24 of the site. It meets the development of the  
 25 surrounding properties and meets all building codes.

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

1 So I think the special reasons can be  
 2 met through the purposes of zoning. Our site is  
 3 particularly well suited for the proposed townhouse  
 4 development. We are nearly 20,000 square feet larger  
 5 than what is required within the zone. And I believe  
 6 that it can accommodate more units than what would be  
 7 typical on the property. The lot, I think, is  
 8 significantly larger than the surrounding properties,  
 9 which are all approximately 5,000 square feet in  
 10 size. So our density is actually less than most of  
 11 the surrounding properties.

12 The facade of the building closest to  
 13 East Edsall Boulevard has been designed to give the  
 14 appearance of a one- or two-family structure.

15 So driving up and looking at it, at  
 16 least from the streetscape point of view, it will be  
 17 similar to some of the other uses in the area.

18 We do exceed the height limitations,  
 19 both in terms of stories and feet. But we are  
 20 similar in height to the newer two-family dwellings  
 21 on East Edsall Boulevard, 8th Street and 9th Street.  
 22 The photograph, the center photograph at the bottom  
 23 indicates the height of the newer two-families, and  
 24 we are certainly consistent with that. The dwelling  
 25 to east is at a higher elevation so it will have less

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

1 have a significantly less density than the nearby  
 2 two-families, which are all on much smaller lots. So  
 3 I think we are consistent in terms of density, which  
 4 I think the lot, because of its extreme size for that  
 5 neighborhood, can easily handle the seven units.

6 So, lastly, looking at the negative  
 7 criteria, I don't think there's anything that is  
 8 substantially negative from what we're doing. We're  
 9 in character with the surrounding neighborhood. The  
 10 larger lot is a unique characteristic that allows us  
 11 to have additional units.

12 Setbacks in terms of the rear and side  
 13 are similar to what currently exists. The front yard  
 14 setback is being reduced, but it is nearly conforming  
 15 in terms of the building itself. There is buffering  
 16 being provided on either side of the property on the  
 17 eastern and the western side yards to screen those  
 18 units. And we talked about some additional  
 19 landscaping here.

20 In terms of parking, we are fully  
 21 conforming in terms of parking, which also provides  
 22 parking for visitors in addition to serving the seven  
 23 units. There is no parking permitted in front of our  
 24 property, so there is no loss of street parking.  
 25 There is a driveway, which is being a little enlarged

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

1 of an impact from our building. So I think that the  
 2 two (d) variances can be granted.

3 Looking at the (c) variances, I believe  
 4 they can be granted as well. The front and rear  
 5 yards are only minimally less than what is required  
 6 within the zone. The front porch on the end unit  
 7 does project into the front yard setback, but again,  
 8 it's been designed to give the appearance of a one-  
 9 or two-family dwelling. As I've indicated, the side  
 10 yards, which would have the greatest impact on the  
 11 adjacent properties, far out exceed what would be  
 12 required within the zone. And they've been increased  
 13 significantly by modifications we're making this  
 14 evening.

15 We do meet the coverage limitations of  
 16 the zone. Additional landscaping walls and fencing  
 17 are being provided to further buffer adjacent  
 18 properties. There was testimony at the original  
 19 meeting that drainage improvements are being proposed  
 20 that will improve impacts from drainage on adjacent  
 21 properties.

22 In terms of density, we did have a lot  
 23 area unit variance. That had been eliminated. Your  
 24 zone requires 2,500 square feet per unit. We  
 25 actually provide 3,500 square feet per unit. So we

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

1 by what we are proposing, but no loss of street  
 2 parking.

3 The frontage is actually 2-and-a-half  
 4 times what is required within the zone. And the  
 5 project has been designed to sort of fit in with the  
 6 building as looked directly from the street. That  
 7 facade will match some of the one- and two-families  
 8 in the area.

9 So on balance, I think that the  
 10 positive criteria is met. I think it far exceeds  
 11 anything that could be considered substantially  
 12 negative. And I believe that the variances could be  
 13 granted.

14 MR. SOKOLICH: Thank you, David.

15 MR. SPATZ: Any other questions, I'd be  
 16 happy to answer them.

17 CHAIRMAN FERGUSON: Okay.  
 18 Any board members have anything for the  
 19 planner?

20 (No response.)

21 CHAIRMAN FERGUSON: Okay, our experts?  
 22 Mr. Kauker?

23 MR. KAUKER: Yes, Mr. Chairman, I do  
 24 have a couple questions and then a couple comments  
 25 for the board's consideration.

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

1 Thanks for your testimony, Mr. Spatz.  
2 David, you talked about the project responding to the  
3 purposes of the zoning as contained in the Municipal  
4 Land Use Law and having further certain purposes.

5 But isn't it true you could develop the  
6 property with a conforming use or with fewer units  
7 and still further those purposes of zoning?

8 MR. SPATZ: It might be possible. This  
9 was the proposal that I provided the testimony on.  
10 It certainly could be divided. I think that with a  
11 lot that's more than -- nearly five times what is  
12 required within the zone, I think just developing it  
13 with a conforming two-family is probably not a  
14 reasonable development of that property.

15 MR. KAUKER: Okay. And then finally,  
16 I'm not sure if I heard you address in your  
17 testimony, but with respect to the enhanced quality  
18 of proof, did you you address that? I'm sorry if I  
19 missed it.

20 MR. SPATZ: I believe that I did. I  
21 talked about the purposes of zoning. I talked about  
22 the specific site suitability of our property given  
23 its size and the development that's in the  
24 neighborhood.

25 MR. KAUKER: I mean, are there any  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 this condition?

2 MR. SPATZ: Not in this direct area,  
3 again because our lot is so much bigger.

4 But there are a number of developments  
5 elsewhere down on Broad where these uses are  
6 permitted within that area. A number of the newer  
7 multiple dwellings that have been constructed there,  
8 the townhouses are all developed similarly to this  
9 with the building being turned on its side and the  
10 driveway entering the property. So in terms of  
11 townhouse development in the area, it is a typical  
12 type of development.

13 MR. KAUKER: Thank you.

14 And then I don't have any more  
15 questions, but just a few things, a few comments for  
16 the board to take into consideration. I know we  
17 talked about it earlier. The board had a number of  
18 questions regarding the impact of the proposed  
19 development to the property to the east. I know the  
20 applicant has offered to, I guess, move the project  
21 slightly away from that property line.

22 But although the applicant does meet  
23 the side yard setback, one thing I think the board  
24 should look at closely is the fact that this building  
25 is very long and it also needs a height variance.

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

1 changes that have occurred in the neighborhood that  
2 would warrant a use that's not consistent or  
3 permitted in the zoning ordinance anywhere.

4 MR. SPATZ: Excuse me.

5 There haven't been any changes in terms  
6 of the development pattern. But you've had some  
7 larger two-family homes being constructed nearby  
8 which are significantly taller than some of the older  
9 structures.

10 So think in terms of the height  
11 variance, our height is consistent with the  
12 development of the newer structures in the area. And  
13 again, I think that the exceedingly large site that  
14 we have in this area lends, itself, to development of  
15 more units. We do have a conforming density and, in  
16 fact, a lesser density than the development of the  
17 surrounding areas.

18 MR. KAUKER: Thank you.

19 And then finally with respect to the  
20 layout of the proposed development. Obviously the  
21 layout of the building, itself, is oriented toward  
22 the interior portion of the property and not toward  
23 the public street.

24 Are you aware of any other existing  
25 developments or homes in the area that would mirror  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 So, typically, when you have a setback  
2 along a yard area, it's for a slightly smaller  
3 portion of a building. And this is a little bit  
4 larger. And plus the impact is somewhat exacerbated  
5 because of the length in addition to the height  
6 deviation that the applicant is requesting.

7 So those are all the comments I have  
8 for the board and all the questions at this time.  
9 I'd be happy to answer questions if board member have  
10 any.

11 Thank you, Mr. Chairman.

12 CHAIRMAN FERGUSON: Okay. Any board  
13 members have anything for -- nothing?

14 Okay. So next up we're going to do all  
15 those that are listening that have any questions or  
16 comments in general.

17 Anybody?

18 MS. GRBIC: Hello?

19 CHAIRMAN FERGUSON: Yes.

20 MS. GRBIC: Hi. I live on 8th Street  
21 and the back of my yard is --

22 MS. TESTA: Excuse me. Excuse me.  
23 Could you state your name for the record.

24 MS. GRBIC: -- in the back of the  
25 property in question.

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

1 There's a retaining wall that already  
 2 came down, like, a year after I bought the property.  
 3 And I think if they're going to be working or  
 4 whatever, that that's not going to hold.  
 5 MS. TESTA: Can you state your name for  
 6 the record.  
 7 MS. GRBIC: Bruna Grbic, G-R-B-I-C.  
 8 MR. SOKOLICH: Chairman, we would  
 9 represent that any retaining wall that had to be  
 10 repaired and/or replaced will in fact be done as a  
 11 condition of any action of the board.  
 12 MS. GRBIC: Right.  
 13 I'm just saying, obviously, you have  
 14 ivy that's growing there. That's what's keeping the  
 15 rocks together. And the blasting definitely -- how  
 16 is that going to affect my house?  
 17 I'm right next door. Like, I'm  
 18 concerned about cracks and et cetera.  
 19 Also, when there's heavy rain. I get X  
 20 amount of water in the garage. And with the a  
 21 seven-unit building, I'm concerned especially where  
 22 that's going to go.  
 23 MR. SOKOLICH: So two quicks things, if  
 24 I may, Bruna.  
 25 With regard to the blasting, there's a

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

1 amount of water in the garage.  
 2 So now should this escalate into  
 3 something much more often and whatever, is the  
 4 builder going to be responsible?  
 5 MR. SOKOLICH: We would be, number one.  
 6 And number two, we do believe that the  
 7 utility system that we're proposing, and the catch  
 8 basin and the retention, you will no longer have that  
 9 problem. At least we're hopeful of that. We're  
 10 certainly not going to exacerbate anything that's  
 11 there now.  
 12 MS. GRBIC: I also know that the back  
 13 of my yard has all stones, like, boulders there.  
 14 So whatever you're going to be putting  
 15 back there, it's going to need more as far as  
 16 blasting and stuff than, like, you know, houses in  
 17 different areas.  
 18 And I think it's ridiculous to be  
 19 knocking down a one-family house and putting up seven  
 20 units. Palisades Park, I've been around here for  
 21 over 40 years, and, basically, all the one-family  
 22 homes are now duplexes where there's no yard, there's  
 23 no anything.  
 24 CHAIRMAN FERGUSON: Okay, thank you.  
 25 MS. GRBIC: Thank you.

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

1 pre-blast survey that's conducted of your site so  
 2 that even the most modest of damage, the most modest  
 3 damage of impact would be recorded, and it will be  
 4 the unconditional responsibility of the developer,  
 5 who is required by law, not by local ordinance, but  
 6 by state law, to maintain certain indemnity, certain  
 7 insurance, certain bonding capacity, and certain hold  
 8 harmless type of capacity so if there is any damage  
 9 as a result of and revealed by the pre-blast survey,  
 10 that will in fact be attended to 100 percent, number  
 11 one.  
 12 Number two, unless Mr. Martins corrects  
 13 me, I'm not aware of any formal stormwater runoff  
 14 system that's on the site now, other than the roof  
 15 leaders and gutters that are on the roof.  
 16 There is a sophisticated  
 17 state-of-the-art utility plan that's proposed for  
 18 these seven units, and we commit to a zero runoff.  
 19 So if there is water that's coming from  
 20 this site onto yours now, we do believe that were  
 21 this property approved as now presented it would  
 22 attend to that water situation because we'll put in a  
 23 state of the art system on the site.  
 24 MS. GRBIC: Well, like I said, when  
 25 it's heavy rain, a couple of times I do get a certain

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

1 CHAIRMAN FERGUSON: Any other comments?  
 2 One more?  
 3 MR. MAVER: Thank you.  
 4 A quick question. I noticed that  
 5 there's no revised elevations submitted with the  
 6 revised application. There were previous elevations  
 7 from the architect. I couldn't find them with the  
 8 other drawings.  
 9 MR. SOKOLICH: Yeah, they've been  
 10 marked as A-8, Mr. Maver.  
 11 MR. MAVER: As what?  
 12 MR. SOKOLICH: We've marked them as  
 13 A-8. There are revised elevations.  
 14 MR. MAVER: Where (audio distortion)  
 15 all the documents are the revised plans.  
 16 MR. SOKOLICH: Yes, sir.  
 17 March 22, 2021 is the last revised  
 18 date. It should be up there.  
 19 MR. MAVER: I mean, under the April  
 20 19th, that's where the last set of plans were, right.  
 21 There's nothing today under April 19, revised site  
 22 plans. I see floor plans and floor plans, no  
 23 elevations.  
 24 MR. SOKOLICH: I saw them earlier  
 25 because I double checked the website.

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

1 MR. MAVER: Does the board know if  
 2 there were revised elevations? The ones I see are  
 3 the ones that show the two buildings.  
 4 MR. SOKOLICH: We uploaded them in  
 5 anticipation of this meeting.  
 6 MS. TESTA: What is the date of last  
 7 revised, Mark.  
 8 MR. SOKOLICH: The date of the revised  
 9 -- and that's jurisdictional, so it would have been  
 10 great to hear that sooner than later.  
 11 The last revised date is March 22,  
 12 2021.  
 13 And I can represent that we asked and  
 14 had them uploaded in anticipation of your last  
 15 meeting in April.  
 16 MR. MAVER: I thought there was a  
 17 problem in the last meeting that they you were  
 18 postponed.  
 19 MR. SOKOLICH: No, no. The board had  
 20 agenda issues.  
 21 MS. TESTA: We had received them. We  
 22 had additional time to review them.  
 23 But they had been received. But they  
 24 were received.  
 25 MR. MAVER: April 19th, I couldn't find  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 the elevations. There are five documents, but no  
 2 elevations. So under that date there's no  
 3 elevations.  
 4 Also, the revised planning report does  
 5 not have the photos that you were talking about. I  
 6 had to go back to the previous report to find photos  
 7 you presented during his testimony. I don't know why  
 8 the photos weren't included in the revised report.  
 9 But if (audio distortion) you can see  
 10 the line-of-sight issue that was mentioned before.  
 11 When you look east up the hill, you'll see the  
 12 3-foot-high cobblestone wall, the utility pole, the  
 13 guide wire and all the other plantings and shrubbery  
 14 on the adjacent property.  
 15 So if you ever built to the  
 16 right-of-way lines, you will not be able to see up  
 17 the hill. Even now you may not be able to see up the  
 18 hill if you make a left turn out of that driveway.  
 19 CHAIRMAN FERGUSON: Okay, thank you.  
 20 Any other comments? No comments.  
 21 Counsel, do you want to sum up?  
 22 MR. SOKOLICH: Chairman, briefly,  
 23 because I know that we've now heard several hours of  
 24 testimony concerning this application.  
 25 As has been emphasized throughout the  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 application, this is an excessively large parcel of  
 2 property. It almost is five times larger than the  
 3 minimum requirement in this zone.  
 4 That's why we believe this to be  
 5 particularly well-suited for this type of  
 6 development.  
 7 When first before you, it was 11 units.  
 8 The message was sent back very clear as a bell that  
 9 the density was too high. We since have come back  
 10 with a seven-unit iteration that's now before you  
 11 that we believe very handled by a piece of property  
 12 that we believe to be particularly well suited to  
 13 handle these seven units because of it's excessive  
 14 size.  
 15 There was concern that was raised by  
 16 you, Chairman, on the location of the building.  
 17 We've agreed to amend the application so as to reduce  
 18 the size of the deck to shift the building, and to  
 19 also reduce the buffer, which was over 25 feet away  
 20 from the building as it is, which would bring a net  
 21 result of 7 feet in shifting, which we believe would  
 22 be in direct response to the concerns that you  
 23 raised.  
 24 Any other issues that we believe that  
 25 the board presented that we were able to address --  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 that we were able to address -- whether a sound  
 2 attenuation for the air conditioning units, whether  
 3 it was placement of landscaping and where we believe  
 4 to be critical areas for buffer purposes, so forth  
 5 and so on, this applicant has rose to the occasion  
 6 and has tried to deliver that.  
 7 The Residential Site Improvement  
 8 Standards dictate how a property is to be developed  
 9 and in a safe and coherent.  
 10 In this particular case, this developer  
 11 appears before you because of the excessive size of  
 12 the property with ample parking, including ample  
 13 visitor parking. With ample cartway width, which is  
 14 a condition and requirements of the RSIS which many  
 15 times waivers are sought because it's very difficult  
 16 to comply.  
 17 Again, there's been a residential look  
 18 that we've tried to grasp here. And I think what's  
 19 also important to emphasize, once the number of units  
 20 was reduced to seven so too did the density or the  
 21 square footage of land-to-unit increase dramatically  
 22 to 3,500 square feet per unit, which is considerable,  
 23 especially considering that the typical  
 24 land-to-building area is 2,500 square feet on a  
 25 typical duplex.  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 And, again, we would respectfully  
 2 request that this board consider this application,  
 3 take into account the size of the property, take into  
 4 account the reduction in the density, take into  
 5 account that this applicant will do anything it has  
 6 to, whether it's to comply with your residential  
 7 architect, whether it's to comply with any other  
 8 reasonable requirements that are imposed upon us,  
 9 whether it's to install a state-of-the-art utility  
 10 system to make sure there's no stormwater management  
 11 problems for any adjacent property owners.

12 And, lastly, we would ask that you  
 13 consider the special reasons that were articulated by  
 14 Mr. Spatz several minutes ago. I need not to rehash  
 15 all of them. Only to underscore that this applicant  
 16 did present the testimony of three very well  
 17 respected witnesses, that of Mark Martins, site plan  
 18 engineer; Raymond Virgona, our architect; and, of  
 19 course, David Spatz, our professional planner.

20 For those reasons and for the many  
 21 articulated during the course of this public hearing,  
 22 Chairman and Members of the Board, we would  
 23 respectfully ask for a favorable determination.

24 Thank you your consideration.  
 25 CHAIRMAN FERGUSON: Okay. So the board

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

1 MS. LAMBRINIDES: Mr. Carnovale?  
 2 MR. CARNOVALE: Yes for denial.  
 3 MS. LAMBRINIDES: Mr. Terranova came  
 4 in.  
 5 MS. TESTA: No.  
 6 MS. LAMBRINIDES: No.  
 7 Mr. Grala?  
 8 MR. GRALA: Yes.  
 9 MS. LAMBRINIDES: Mr. Brogna?  
 10 MS. TESTA: He recused himself.  
 11 MS. LAMBRINIDES: Mr. Chung?  
 12 MR. CHUNG: Yes.  
 13 MR. SOKOLICH: Thank you for your  
 14 consideration.

15 Have a goodnight. Be safe.  
 16 Oh, I'm sorry.  
 17 MS. TESTA: That's okay.  
 18 MR. SOKOLICH: Thank you. Goodnight.  
 19 Thank you. Goodnight, guys.

20 MR. CARNOVALE: A five-minute break.  
 21 CHAIRMAN FERGUSON: You want a  
 22 five-minute break?

23 MR. CARNOVALE: Just five.  
 24 (Whereupon, a brief recess is taken.)  
 25 CHAIRMAN FERGUSON: I call the meeting

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

1 is going to take into consideration comments from  
 2 surrounding homeowners.  
 3 My feeling is that you have not -- you  
 4 have addressed some of the concerns of the board, but  
 5 not all of the concerns of the board as those cars  
 6 pulling in back there, which was not the case  
 7 previously.

8 And also the residents' houses on  
 9 Bergen Boulevard, where they get to look at a  
 10 building now where in the past they didn't.

11 So I'm going to make a motion to deny  
 12 the application.

13 Can I get a second?  
 14 VICE CHAIRMAN ALBANESE: I'll second  
 15 it.

16 CHAIRMAN FERGUSON: A motion and a  
 17 second.

18 Roll call?  
 19 MS. LAMBRINIDES: Mr. Ferguson?  
 20 CHAIRMAN FERGUSON: Yes for denial.  
 21 MS. LAMBRINIDES: Mr. Albanese?  
 22 VICE CHAIRMAN ALBANESE: Yes for  
 23 denial.

24 MS. LAMBRINIDES: Mr. Elefteriou?  
 25 MR. ELEFTERIOU: Yes.

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

1 to order.  
 2 The next one is going to be Case  
 3 No. 21-01, George and Lolis Giannoula, 22 West  
 4 Washington.

5 Counsel?  
 6 MS. TESTA: Roll call.  
 7 CHAIRMAN FERGUSON: Yeah, roll call.

8 MS. LAMBRINIDES: Mr. Ferguson?  
 9 CHAIRMAN FERGUSON: Here.  
 10 MS. LAMBRINIDES: Mr. Albanese?

11 VICE CHAIRMAN ALBANESE: Here.  
 12 MS. LAMBRINIDES: Mr. Elefteriou?  
 13 MR. ELEFTERIOU: Here.

14 MS. LAMBRINIDES: Mr. Carnovale?  
 15 MR. CARNOVALE: Here.  
 16 MS. LAMBRINIDES: Mr. Grala?

17 MR. GRALA: Here.  
 18 MS. LAMBRINIDES: Mr. Brogna?  
 19 MR. BROGNA: Here.

20 MS. LAMBRINIDES: Mr. Chung?  
 21 MR. CHUNG: Here.  
 22 CHAIRMAN FERGUSON: Okay, Counsel?

23 MR. MACRI: Good evening, Mr. Chairman,  
 24 Members of the Board, for the record, my name is Marc  
 25 Macri. I represent the applicants, Mr. and Mrs.

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

1 George Giannoula.  
 2 Mr. Chairman, we were here last  
 3 meeting. We had presented our architect's testimony.  
 4 Our only remaining witness is the professional  
 5 planner, Mr. David. I'd like to have him sworn in  
 6 and proceed.  
 7 MS. TESTA: Raise your right hand.  
 8 Do you swear the testimony you will  
 9 give this application will be the truth, the whole  
 10 truth, and nothing but the truth, so help you God?  
 11 MR. SPATZ: Yes, I do.  
 12 D A V I D S P A T Z, P.P.  
 13 60 Friend Terrace, Harrington Park, New Jersey,  
 14 having been duly sworn, testifies as follows:  
 15 MR. SPATZ: David Spatz, S-P-A-T-Z.  
 16 CHAIRMAN FERGUSON: Okay. David has  
 17 been here many times.  
 18 He's accepted.  
 19 MR. MACRI: Thank you, Mr. Chairman.  
 20 We had just handed out a photoboard.  
 21 Each member should have it by now.  
 22 I'll mark that as A-2.  
 23 (Whereupon, Photo Board, is marked as  
 24 Exhibit A-2 for identification.)  
 25

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

1 We're looking to put up a four-unit  
 2 townhouse development which requires a use variance.  
 3 The site conforms to the lot area and lot width  
 4 requirements.  
 5 We do need one additional (d) variance,  
 6 which is the building height. We're at 32.75 feet,  
 7 where 25 feet is what is permitted.  
 8 Then there are a number of (c)  
 9 variances: Lot area per unit coverage, front yard and  
 10 rear yard.  
 11 So looking at our two (d) variances.  
 12 Again, I think our townhouse development is  
 13 consistent and supports the purposes of zoning as  
 14 stated in the Municipal Land Use Law as well as your  
 15 local ordinance.  
 16 Purpose A is for the promotion of  
 17 public, health, safety, morals and general welfare,  
 18 which we do by the new development.  
 19 Purpose E is the establishment of the  
 20 appropriate population densities. What we're  
 21 proposing, the proposed townhouse development, is  
 22 consistent with the neighborhood which has a number  
 23 of multifamily dwellings. We're actually reducing  
 24 the number of units on the property. Our density is  
 25 consistent with the neighborhood development.

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

1 DIRECT EXAMINATION  
 2 BY MR. MACRI:  
 3 **Q.** Mr. Spatz, can you please explain to  
 4 the board what is depicted on A-2?  
 5 **A. Certainly.**  
 6 **We have a series of four photographs.**  
 7 **The top left-hand photograph is of the subject**  
 8 **property, which is currently a five-unit multifamily**  
 9 **building.**  
 10 The top right-hand photograph is  
 11 looking to the left and to the east of our property,  
 12 which are a mixture of one- and two-family dwellings,  
 13 then a multifamily building up further to the east.  
 14 The bottom left-hand photograph is  
 15 directly across the street from our us, which is a  
 16 five-story, multifamily building, which has its  
 17 entrance on Highland.  
 18 And then the bottom right-hand  
 19 photograph is looking to the south of our property  
 20 off of Highland, which are a mixture of one- and  
 21 two-families and then a multifamily on the corner.  
 22 So we are in an area that contains a  
 23 number of multifamily buildings. The property,  
 24 itself, is multifamily. So we're located in the AA  
 25 zone.

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

1 Purpose F, we also meet, is encouraging  
 2 appropriate and efficient expenditure of public  
 3 funds, providing development on an existing  
 4 multifamily site. Drainage improvements are being  
 5 made as well.  
 6 We also meet Purpose I, which is  
 7 promoting a desirable visual environment. We're  
 8 reducing and eliminating a structure that's in fair  
 9 condition, replacing it with a new building that  
 10 addresses the topography of the site, which was  
 11 described by the project architect at the last  
 12 meeting. The development of surrounding properties.  
 13 And we also will meet all building codes.  
 14 Again, I think the site is particularly  
 15 well suited for the proposed townhouse development.  
 16 It does contain five units. We're reducing that down  
 17 to four units in a more modern structure. There were  
 18 the two multifamily buildings in direct proximity to  
 19 where we are located.  
 20 We do exceed the height limitation, but  
 21 it is similar in height to the new construction in  
 22 the neighborhood of the two-family homes. Directly  
 23 to the east of us is a two-family dwelling that is  
 24 three stories in height. And we are significantly  
 25 lower than the multifamily buildings, which are both

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



1 five-story buildings in direct proximity to our site.  
 2 So I think that the (d) variances can be granted.  
 3 In terms of the bulk variances, we do  
 4 need front and rear yards. Those are similar to what  
 5 exist in the neighborhood. They are also similar to  
 6 what -- and, in fact, improvements over what  
 7 currently exists on the property. The side yards are  
 8 fully conforming. And that reduces the impact on the  
 9 adjacent property.

10 We do exceed the coverage limitation.  
 11 But additional landscaping and fencing and walls are  
 12 being provided.

13 There are no drainage facilities on the  
 14 site, which we are providing, which will certainly  
 15 improve the drainage conditions, both on our site and  
 16 off site on the adjacent properties.

17 Those multifamily buildings that are  
 18 shown in the photographs have significantly greater  
 19 density than what we are proposing. We are, in fact,  
 20 reducing the density on the property so that is  
 21 certainly an improvement. I believe that the  
 22 positive criteria are met, therefore, for the bulk  
 23 variances.

24 Lastly, looking at the negative  
 25 criteria, I don't think there's anything that is

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

1 answer them, and the public.

2 CHAIRMAN FERGUSON: Thank you.

3 Any board members have any questions?

4 Mr. Kauker, are you on the...

5 MR. KAUKER: I'm here, Mr. Chairman.

6 CHAIRMAN FERGUSON: Do you have any  
 7 questions for Mr. Spatz.

8 MR. KAUKER: Not really.

9 The only -- if he could just clarify,

10 Mr. Spatz, with respect to the (d)(6) height  
 11 variances being requested, you had indicated that the  
 12 height of the structure is consistent with other  
 13 buildings in the area; that's correct?

14 MR. SPATZ: Yes.

15 MR. KAUKER: There are other multiple  
 16 family buildings, namely one across the street.

17 I don't have any other questions,  
 18 Mr. Chairman.

19 CHAIRMAN FERGUSON: Okay. Anybody on  
 20 -- on the -- want to hear comments? Yes? No? No,  
 21 good.

22 Okay, so I'm going make a motion to  
 23 accept this application. The only thing I would add  
 24 is \$2,000.00 to the Tree Preservation Fund.

25 MR. MACRI: Stipulated.

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

1 substantially detrimental to either the public good  
 2 or your zoning ordinance and Master Plan. We are in  
 3 character with surrounding residential land uses and  
 4 compatible with the existing neighborhood  
 5 development. It is a mixed development and area with  
 6 multifamilies with much more density than what we're  
 7 proposing.

8 The setbacks, themselves, are currently  
 9 similar to what is existing on the property. They're  
 10 being improved in terms of the side yard. There's  
 11 additional buffering being provided. So the impact  
 12 on the adjacent properties and their light, air and  
 13 open space is being improved.

14 We do have a conforming amount of  
 15 parking provided on site. There are -- there is a  
 16 small little parking area for the existing building.  
 17 We're now providing a conforming amount of parking on  
 18 site for a lesser number of units.

19 And on balance, I think that the  
 20 positive criteria are met and they far outweigh  
 21 anything that would be considered negative. And I  
 22 believe it would be appropriate to approve the  
 23 variances.

24 So that concludes my testimony. If  
 25 there are questions from the board, I'm happy to

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

1 CHAIRMAN FERGUSON: Okay, can I get a  
 2 second?

3 VICE CHAIRMAN ALBANESE: Second.

4 CHAIRMAN FERGUSON: Roll call?

5 MS. LAMBRINIDES: Mr. Ferguson?

6 CHAIRMAN FERGUSON: Yes.

7 MS. LAMBRINIDES: Mr. Albanese?

8 VICE CHAIRMAN ALBANESE: Yes.

9 MS. LAMBRINIDES: Mr. Elefteriou?

10 MR. ELEFTERIOU: Yes.

11 MS. LAMBRINIDES: Mr. Carnovale?

12 MR. CARNOVALE: Yes.

13 MS. LAMBRINIDES: Mr. Grala?

14 MR. GRALA: Yes.

15 MS. LAMBRINIDES: Mr. Brogna?

16 MR. BROGNA: Yes.

17 MS. LAMBRINIDES: Mr. Chung?

18 MR. CHUNG: Yes.

19 MR. MACRI: Thank you very much.

20 CHAIRMAN FERGUSON: Okay.

21 Next up is, I guess, 7th Street. That  
 22 would be Case 21-04, 256-7th Street, LLC.

23 MS. TESTA: Let the record reflect that  
 24 Board Member Steven Brogna has recused himself.

25 (Whereupon, Mr. Brogna recuses himself

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

1 from this matter.)  
 2 MS. LAMBRINIDES: Did you say  
 3 Mr. Brogna is recusing himself?  
 4 MS. TESTA: Yes.  
 5 CHAIRMAN FERGUSON: Yes.  
 6 MR. RAMUNDO: Ms. Testa?  
 7 MS. TESTA: Yes.  
 8 MR. RAMUNDO: Bring it up.  
 9 MS. TESTA: Yes.  
 10 CHAIRMAN FERGUSON: Okay, Counsel, do  
 11 you want to start.  
 12 MR. RAMUNDO: Thank you very much,  
 13 Mr. Chairman.  
 14 Good evening, Mr. Testa, Honorable  
 15 board Members, Members of the Public who are joining  
 16 us via, I guess, Zoom, my name is Marc Ramundo from  
 17 the Ramundo Law Offices, 416 East Central Boulevard,  
 18 Palisades Park.  
 19 I'm here humbly representing the  
 20 applicants tonight, 256-7th Street, LLC, by and  
 21 through their members who all actually reside here in  
 22 Palisades Park. They are the owners of the property  
 23 located at 256 7th Street commonly known as Block  
 24 405, Lot 2, in the AA zone.  
 25 The applicant is respectfully  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 the requested variances will advance the purpose of  
 2 the zoning and will not be a substantial detriment to  
 3 the public good, nor will it substantially impair the  
 4 intent and purpose of the zoning ordinances and the  
 5 Master Plan of the Borough of Palisades Park.  
 6 So without delay, I'd like to introduce  
 7 and have my first witness testify, Mr. Billy Cocoros.  
 8 MS. TESTA: Please raise your right  
 9 hand.  
 10 Do you swear the testimony you will  
 11 give this application will be the truth, the whole  
 12 truth, and nothing but the truth, so help you God?  
 13 MR. COCOROS: I do.  
 14 VASSILIOS COCOROS, AIA  
 15 468 Sylvan Avenue, Englewood Cliffs, New Jersey,  
 16 having been duly sworn, testifies as follows:  
 17 MS. TESTA: State your name and address  
 18 for the record.  
 19 MR. COCOROS: Vassilios,  
 20 V-A-S-S-I-L-I-O-S; Cocoros, C-O-C-O-R-O-S. 468  
 21 Sylvan Avenue, Englewood Cliffs, New Jersey 07632.  
 22 MR. RAMUNDO: Rather than a  
 23 question-and-answer session, I'd rather have  
 24 Mr. Cocoros testify.  
 25 So, Bill, you're at it.  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 requesting that this board approve a new three-unit  
 2 dwelling at 256 7th Street, which would require  
 3 certain variances, as set forth on the plans  
 4 submitted by Billy Cocoros from The VCA Group.  
 5 The variances being sought tonight,  
 6 which are listed in the zoning schedule, are zoning  
 7 table of the architect's plan, will also be explained  
 8 at length by Mr. Cocoros and Mr. Spatz, who is the  
 9 applicant's planner. But the variances are, number  
 10 of units.  
 11 We're going for three, two being the  
 12 permitted. Building coverage, combined side yard,  
 13 and building height.  
 14 In support of tonight's application,  
 15 the applicant will present testimony from its  
 16 architect, Billy Cocoros, who is here. He will go  
 17 over the proposed plans that were submitted as part  
 18 of the application and go over the variances that are  
 19 needed for the proposed dwelling and why they're  
 20 needed on this particular location.  
 21 The applicant has also retained a  
 22 planner, Mr. Spatz, who is sitting behind us, from  
 23 Community Housing & Planning. He will also testify  
 24 tonight and explain why the applicant's proposal  
 25 meets both the positive and negative criteria and why  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 MR. COCOROS: Okay. The existing  
 2 property is located on the east side of 7th Street.  
 3 The property is oversized lot consisting of a width  
 4 of 77.4-foot wide in the front; however it's a little  
 5 bit narrower in the back. It is 76.89 feet. It's  
 6 100-foot deep. It's slightly irregular. The one  
 7 side property line is on an angle. We have a total  
 8 lot area of 7,714.22 square feet.  
 9 It's located in the AA zone, which  
 10 allows a two-family; however, the lot is oversized.  
 11 And we proposing a three-unit townhouse-style  
 12 dwelling, which is basically a duplex with a mid-unit  
 13 between the two.  
 14 The property, itself, also has a  
 15 topography difference, from front to back  
 16 approximately 14 feet when you measure it from the  
 17 sidewalk on 7th Avenue -- I mean 7th Street. Sorry.  
 18 Also, the cross-pitch on 7th Street,  
 19 where on the north side, or the left side, we have an  
 20 elevation of 148.57 feet at the top of the curb, and  
 21 then on the right side, or the south portion, the  
 22 southwest portion, we have a curb elevation of  
 23 142.78. So it's almost a 6-foot difference across the  
 24 property.  
 25 We're proposing a three-unit townhouse  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 dwelling. Basically it's 65-feet-2-inches-wide-by-39  
2 -- I'm sorry -- by 54.8-inches deep at the outside  
3 units. And then we go down 51-feet-8 in the middle  
4 unit.

5 It's a three-level configuration. Plus  
6 we have a small roof deck and attic area to take  
7 advantage of the views out towards the Meadowlands on  
8 the west.

9 The units are relatively level. The  
10 basic level at the second floor level and a step-down  
11 partially at the first floor level. However, since  
12 the property, itself, does go down as you go to the  
13 south, we have the driveways stepped.

14 In addition, the reason why we raised  
15 the building out of the ground more than typical was  
16 to avoid the excavation on the property. So if you  
17 look at the garage, there's a good 4-foot difference  
18 from the garage up to the basement level. We've done  
19 that before on these types of properties, especially  
20 on the east side of these streets up on the hill  
21 above 46 to minimize the excavation and the  
22 possibility of blasting on those properties.

23 We've set it up where there's an A, B  
24 and C unit. On the left-hand side, which is Unit A,  
25 we have a setback of 6 feet.

**Laura A. Carucci, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 elevation. We're basically walking out the grade in  
2 the back. So the back has a two-story appearance.  
3 You see also from the side and the rear, we have a  
4 little penthouse area that's off the attic; however,  
5 it's set back a little bit further from the sides,  
6 the rear and the front.

7 So if you look at it from the street,  
8 you almost can't see it because it's set back more  
9 towards the middle of the proposed building, itself.

10 On the adjacent plan, on the right side  
11 of the sheet we are a two-car garage in front of each  
12 unit, two-car driveway up to a sidewalk to the entry.

13 However, on the to left side we have an  
14 opening under the stair platform to be able to get to  
15 the backyard. That's for maintenance access, for  
16 emergency personnel. So we do provide a minimum  
17 4-foot clearance on all sides to get up to the  
18 backyard safely, for various reasons.

19 You can see each unit has a 16-foot  
20 garage door on the outside unit. On the middle unit,  
21 we have a 17-foot garage door. And each of the units  
22 have a two-car driveway, or it can be used as a  
23 two-car driveway, and a two-car garage.

24 In back we have the typical set-up,  
25 home office, recreation room. We have a powder room,

**Laura A. Carucci, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 Since this is not a duplex, the minimum  
2 requirement is 5 feet. The same thing for the -- the  
3 same thing for the right-hand side. The right-hand  
4 side existing lot, itself, is slightly irregular. We  
5 have a stepped side yard setback where we have 7.25  
6 feet at the front, 6 feet in the middle, 5-foot-10 in  
7 the back. All of them not being a variance;  
8 however, there is a combined requirement that we're  
9 requesting a variance for: 15 feet is required. We  
10 have at the closest point 12 feet -- I'm sorry --  
11 11-feet-10-inches. I apologize.

12 Let's see. The building, itself, is an  
13 all-brick structure; however, we do have bay windows  
14 in front and the side broken up in either stucco or  
15 panelized to help break up the elevation of the sides  
16 and the front.

17 Each unit is a three-bedroom  
18 configuration. Sheet A-2 is the floor plans. You  
19 can see on the side profile. On the one portion  
20 we're a little bit -- we have basically the 4-foot  
21 step-up from the garage up to the basement level.  
22 That's also done to minimize the steps into the side  
23 yard and retaining walls against the adjacent  
24 properties.

25 On Sheet A-2, you can see the rear  
**Laura A. Carucci, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 no full bathroom, closets, utility room. You can see  
2 some of the basement also loses space because the  
3 steps do come up from the garage level. There's also  
4 a staircase up the first floor, which is the main  
5 living space.

6 Sheet A-3. So basically on the  
7 left-hand side, first floor, we have the entry steps  
8 up from the sidewalk level, a covered entry platform  
9 for each unit. A living room, dining room, kitchen.  
10 There's an eating area in the back. There's also a  
11 powder room that's accessed at the bottom of the  
12 staircase. The staircase at the back portion, you  
13 take the staircase back down to the basement, a  
14 staircase to the second floor.

15 Basically the layouts are very similar;  
16 however, the middle, since it's a little bit wider,  
17 has a slightly different configuration. But the  
18 amenities are the same as far as living room, dining  
19 room, kitchen, eating areas.

20 The top floor is the bedroom level. We  
21 have it set up with a master suite, a primary suite  
22 in the front, its own en suite bathroom, two  
23 secondary bedrooms. Full bathroom. Laundry, it's  
24 side-by-side. There's also a staircase that goes up  
25 to the attic level, which is stacked on top of the

**Laura A. Carucci, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 staircase that comes up from the first floor.  
2 The program is basically the same for  
3 all three units; however, the middle unit is a  
4 slightly different configuration.

5 Above that we have an attic level. We  
6 have roof decks at the front with a railing. The  
7 small finished attic is not that big. We tried to  
8 minimize the footprint on the second floor where we  
9 have an attic area, a small bar, an open railing  
10 staircase back down to the second floor, a small  
11 powder room, basically 3-and-a-half feet by, like,  
12 almost 8 feet, and a hallway. There's also access  
13 doors for mechanical equipment underneath the roof  
14 itself, which typically is set up.

15 So it's basically a two-level  
16 configuration. From the back it looks like a  
17 two-story house; however, we do have a small attic  
18 area up on top to take advantage of the views. We've  
19 done it up on 12th Street off Bergen Boulevard. It  
20 came out really nice. We've also built one on 7th  
21 Street on the corner. It's a nice feature. It gives  
22 pretty nice views out on the Meadowlands.

23 As far as the -- we'll go over the  
24 breakdown. Like I said, it's in the AA zone. Where  
25 5,000 square feet is required, we have an existing

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

1 requirement; however, we are within 2 inches of the  
2 requirement for the a duplex. So this is a 50-by-100  
3 lot. We could build a similar sized house with the  
4 setbacks that we have on the sides, and the height  
5 would basically comply. You know, we would just have  
6 to move the roof down 2 inches -- or 4 inches to make  
7 it comply with the height requirement.

8 So part of the height requirement is  
9 the ordinance calls out for 25 feet in this type of  
10 configuration or non-duplex. The proposal is  
11 basically 3-feet-2-inches over the requirement.  
12 However, it's 2 inches more than what a typical  
13 duplex would be on a 50-by-100 lot.

14 CHAIRMAN FERGUSON: Okay. Are you  
15 done?

16 MR. COCOROS: Yes.

17 CHAIRMAN FERGUSON: Good.

18 So as I look at the application, I am  
19 concerned about -- despite your testimony, I am  
20 concerned about the height, particularly when I'm  
21 looking at the plans in the front where I see a  
22 railing with doors coming out, right.

23 MR. COCOROS: This side, as you look  
24 here, this is street level here. If you're looking  
25 up, you won't really see that bulkhead because the

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

1 lot area of 7,714 square feet. A lot width with  
2 77.4, where 50 feet is required. However, we are  
3 requesting three dwellings units where two are  
4 allowed. However, the configuration is similar to a  
5 side-by-side-type duplex, as typically built in the  
6 AA zone.

7 The front yard setback, we comply.

8 Building coverage, we're over. We're  
9 at 44.96 percent. We're at 3,168 square feet.

10 The right side yard setback and left  
11 side yard setback, we comply. However, we do need a  
12 variance for the combined. At the closest point  
13 we're at 11.10 inches, where 10 feet is required.

14 The rear yard setback, we do meet.  
15 We're at 25 feet, which complies.

16 In addition, a typical duplex would  
17 have a deck in the back that would be 9-by-12.  
18 There's no decks on these. They're basically walkout  
19 patios from the kitchen level at the first floor.

20 Building height, since this is a not a  
21 duplex, the height requirement goes down to 25 feet  
22 and 2-and-a-half stories. Here we're 3 feet, even  
23 with the attic space because we're so buried into the  
24 ground. And we're at 28-feet-2-inches.

25 It's a variance from the non-duplex

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

1 bulkhead is set back about -- that penthouse bulkhead  
2 where the sliding glass door is, is set back on the  
3 outside units 15 feet from the building line. And  
4 the one in the middle is set back almost  
5 17-and-a-half feet.

6 So if you're looking at -- you won't  
7 notice it unless you're higher up above them.

8 But from the street it's not as -- you  
9 know, not as noticeable. That's why we also, instead  
10 of going across the full width of the building, we  
11 set the penthouses in from the side.

12 CHAIRMAN FERGUSON: You have decks in  
13 the back, I assume.

14 MR. COCOROS: No. There's only a deck  
15 in the front. There's no decks in the back. The  
16 decks -- there's actually a patio in the back. If  
17 you look at the rear elevation on the side here,  
18 basically the top of the foundation is almost level  
19 with the grade.

20 CHAIRMAN FERGUSON: Okay. So here's --  
21 I heard your explanation. I've been Chairman now for  
22 three years. We never approve anything in front of  
23 the building, as far as, you know, walkways or views,  
24 whatever you want to call it. We do approve, though,  
25 decks in the back.

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

1 So from where I'm sitting -- it's up to  
 2 the board -- but I would like to eliminate this what  
 3 you have 8-foot attic on your plans.  
 4 So I would like to eliminate that, that  
 5 walkway, if you want to call it a walkway, whatever  
 6 you want to call it. As a matter of fact, I would  
 7 like to eliminate that whole 8 feet.  
 8 Now, your testimony was that there's  
 9 other stuff going to be stored there?  
 10 MR. COCOROS: Well, we need attic space  
 11 like HVAC equipment. It's not really storage. It's  
 12 really just HVAC equipment and ductwork.  
 13 CHAIRMAN FERGUSON: Okay. So how many  
 14 feet do you need for that?  
 15 MR. COCOROS: I mean, you know, we did  
 16 -- like, if we did a regular roof on top of that  
 17 thing, we would be similar.  
 18 If we put a full roof in the front, it  
 19 might -- it might technically look bigger looking at  
 20 siding instead of a railing.  
 21 CHAIRMAN FERGUSON: Okay. So that  
 22 would be my recommendation.  
 23 Now, if you don't have decks in the  
 24 back -- and I don't have a problem with you putting  
 25 decks in the back.

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

1 MR. COCOROS: No.  
 2 I mean, I would like to salvage some of  
 3 the -- what we've done before in some cases where  
 4 they were concerned about the attic space is we  
 5 reduced it basically just to a stair up and a small  
 6 hallway, where you cut this whole thing down to maybe  
 7 8-feet wide. And then you, you know, put more roof  
 8 on it to, kind of, camouflage it.  
 9 Then, you know, you basically would  
 10 have not a roof up there, just an accessway with a  
 11 staircase, a railing and just a single door out to  
 12 the deck.  
 13 CHAIRMAN FERGUSON: No.  
 14 We don't want no railings out the  
 15 front. You're not listening. We want to eliminate  
 16 that thing in the front.  
 17 Okay? You got it?  
 18 MR. COCOROS: Understood. I would like  
 19 to keep it, but...  
 20 CHAIRMAN FERGUSON: Well, it was nice.  
 21 I appreciate it.  
 22 We want to eliminate it, okay?  
 23 MR. COCOROS: Okay.  
 24 CHAIRMAN FERGUSON: All right. Okay.  
 25 Any other board members have anything?

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

1 MR. COCOROS: The only thing is usually  
 2 -- I know what you mean.  
 3 But we do the decks in the back when we  
 4 have the opposite effect. We put decks in the back  
 5 when the lot, itself, is on the west side.  
 6 CHAIRMAN FERGUSON: But the key is, we  
 7 don't put these things in front of the building, you  
 8 know. We only allow decks on the back of the  
 9 building. If you don't want to put the decks in the  
 10 back, that's okay. I would have a problem.  
 11 But I want to eliminate that 8 feet.  
 12 The other thing is -- let me just give  
 13 you what my concern is, when I drove past the  
 14 property, it looks like the house that's there now is  
 15 sitting on a hill. I don't know if the hill is 15  
 16 feet, 20 feet.  
 17 MR. COCOROS: Yeah, about a 14-foot  
 18 difference.  
 19 CHAIRMAN FERGUSON: And I understand  
 20 you're digging this out. That's fine. You know,  
 21 I've got no problem with that.  
 22 But that's where my concern is for the  
 23 -- where I sit.  
 24 Now, you don't have -- looking at the  
 25 plans, you have no bathrooms behind the garage?

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

1 MR. CARNOVALE: Yes.  
 2 CHAIRMAN FERGUSON: Go ahead.  
 3 MR. CARNOVALE: Just for the architect.  
 4 Your front yard setback is 20 feet, correct.  
 5 MR. COCOROS: Yes.  
 6 MR. CARNOVALE: Okay. You have a  
 7 basement height here of 11.5.  
 8 MR. COCOROS: Yes.  
 9 MR. CARNOVALE: Okay. I mean,  
 10 typically it's 8 foot --  
 11 MR. COCOROS: No, no. That's the  
 12 garage door.  
 13 But if you look at the back, you know,  
 14 it steps up 4 feet. We have a 7-foot-10 basement,  
 15 the garage. And the reason we do that. We terraced  
 16 the excavation. If we didn't terrace this thing, we  
 17 would have to put retaining walls in the back. These  
 18 guys already built a couple houses on those hills,  
 19 and it's -- you know, it's disturbing their  
 20 neighbors. It becomes an engineering issue.  
 21 So what we do, you know, it's really  
 22 just -- it's 11 feet just not from the front porch.  
 23 Basically, once you get past a certain point you  
 24 have, you know, the regular basement.  
 25 MR. CARNOVALE: Right.

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

1 But two questions for you. The visual  
 2 aspect from the front -- and by the way, you have  
 3 done plenty of these three whatever they're called.  
 4 The 8 feet up on the top -- I mean, I'm only one  
 5 board member. I thought possibly if you did your  
 6 typical roof structure, you've got plenty of room for  
 7 the HVAC.  
 8 Now, let me ask you another question.  
 9 The stairs, with a height of 11-foot-5, how far does  
 10 that platform stick out? Isn't it a 4-foot?  
 11 MR. COCOROS: Yeah, it's a 4-foot  
 12 platform.  
 13 MR. CARNOVALE: Okay, 4 foot.  
 14 So your run on the steps is 8-on-12,  
 15 right, 8-rise, 12-run.  
 16 MR. COCOROS: You can't go more than 12  
 17 feet. The maximum run we that have on these  
 18 staircases I think is 11.4.  
 19 So I usually take one step short of  
 20 what the maximum is.  
 21 MR. CARNOVALE: Right.  
 22 What I'm trying to say is you're not  
 23 going to run into the right-of-way since you're only  
 24 20 --  
 25 MR. COCOROS: No, no.

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

1 But I'm not sure because I'm not too  
 2 knowledgeable on any of this. You know, I watch This  
 3 Old House and Home Time, so I pick this stuff up.  
 4 I'm not really that smart.  
 5 Is there any kind of building code that  
 6 says if you go over 11 feet, or is it 10, that  
 7 something happens with the fire code?  
 8 MR. COCOROS: I think it's 12 feet with  
 9 the stories. You know, since we're buried into the  
 10 ground.  
 11 MR. CARNOVALE: But in the front you're  
 12 not buried under the ground.  
 13 MR. COCOROS: No.  
 14 But they take the average out. I have  
 15 it basically set up we're at the limit -- plus if we  
 16 do something with the roof and not to the roof deck,  
 17 you know, the structure, itself, would come down a  
 18 little bit because of the roof line.  
 19 MR. CARNOVALE: That would be the total  
 20 height. I don't know.  
 21 Like I said, I'm not a building  
 22 inspector. I don't really know too much. I've been  
 23 on the board a couple years.  
 24 Okay. So you're saying it 4 foot to  
 25 the bottom of the floor joists?

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

1 Basically the worst case scenario is  
 2 the step on the left-hand side. And I've got 4 inches  
 3 to the first step. So we've got a footing within the  
 4 right-of-way line. There's plenty of room between  
 5 that and the sidewalk. And there's 17 risers up to  
 6 the platform, which is 11-foot-4-inches.  
 7 MR. CARNOVALE: How many stairs do you  
 8 have there, so I don't have to count them? I mean,  
 9 is that just visually drawn like that?  
 10 MR. COCOROS: Yeah, you can see it. It  
 11 says 16 steps. So 16 steps is 17 risers. So it's  
 12 17.  
 13 MR. CARNOVALE: That brings it up to  
 14 16 feet plus the 4-foot platform, right?  
 15 MR. COCOROS: Yeah.  
 16 That's how I got 20. I got  
 17 20-feet-4-inches to the building line.  
 18 MR. CARNOVALE: You mean your...  
 19 MR. COCOROS: Setback.  
 20 MR. CARNOVALE: Okay. Then one other  
 21 question. I'm not sure, 11-foot-5 ceiling height on  
 22 the ground floor --  
 23 MR. COCOROS: That's just in the  
 24 basement in the front room.  
 25 MR. CARNOVALE: Right, I understand.

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

1 MR. COCOROS: Yeah, something like  
 2 that.  
 3 We've done it before on the hill with  
 4 two-families. We've never had the issue with the  
 5 Building Department.  
 6 MR. CARNOVALE: Yeah, right.  
 7 I'm not the building inspector. I  
 8 guess you're aware because you're an architect. I  
 9 thought there was a fire code violation. I thought  
 10 it was at 11 feet. You're saying it's 12, right?  
 11 Like I said, I don't know.  
 12 So like I said, for me, one member on  
 13 the board, this extra 8 feet on the top -- I know the  
 14 Chairman was talking about the railing.  
 15 But you've done a lot of these before.  
 16 And don't you put those gabled roofs on there, and  
 17 you have plenty of room for HVAC.  
 18 That's all I've got.  
 19 CHAIRMAN FERGUSON: Okay.  
 20 Any other board members have anything?  
 21 (No response.)  
 22 CHAIRMAN FERGUSON: Okay.  
 23 Mr. Collazuol, do you have anything?  
 24 MR. COLLAZUOL: Yes.  
 25 We have a report dated May 5th.

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

1 Bill, turning your attention to Item  
 2 Number 6 on the first page, there's a lot of driveway  
 3 water coming out into the street. So can you place,  
 4 for example, trench drains at the right-of-way line  
 5 to pick up the water to send it back into the  
 6 retention system.  
 7 MR. COCOROS: Sure.  
 8 Do you want, like, a roadway-rated  
 9 Fiberglass.  
 10 MR. COLLAZUOL: A trench drain at the  
 11 right-of-way. How ever you typically come up with  
 12 the trench drain detail.  
 13 MR. COCOROS: So do you want it put on  
 14 our property or at the right-of-way.  
 15 MR. COLLAZUOL: It should be on the  
 16 subject property, yeah.  
 17 MR. COCOROS: Okay.  
 18 MR. COLLAZUOL: There's walls that are  
 19 shown that haven't been addressed in your site plan,  
 20 such as the wall in the front left alongside the  
 21 existing garage.  
 22 I'll get to that in a little bit.  
 23 But the wall, for example --  
 24 MR. COCOROS: That would have to get  
 25 engineered because of the proximity to the neighbor

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

1 MR. COCOROS: That's on the garage side  
 2 or on the retaining wall on the left-hand -- on the  
 3 right-hand side.  
 4 MR. COLLAZUOL: It's on the left-hand  
 5 side on the face of the wall.  
 6 MR. COCOROS: Okay.  
 7 MR. COLLAZUOL: Right. I'm not certain  
 8 about Item Number 5, which is on page 2, Number 5 and  
 9 6.  
 10 But it appears that we have a proposed  
 11 wall on the left of Unit A at the landing. It looks  
 12 like that wall is going to be about 6.8 feet in  
 13 height.  
 14 MR. COCOROS: Yeah.  
 15 MR. COLLAZUOL: So I think that that  
 16 might require a variance for that height. As well as  
 17 along the front right corner of the property where  
 18 you have the return at the right-of-way line. I  
 19 think that wall is going to be about 4.8 feet in  
 20 height.  
 21 MR. COCOROS: Okay.  
 22 MR. COLLAZUOL: So those two wall  
 23 points may require variances.  
 24 MR. COCOROS: I guess we have to amend  
 25 the application then to include those, and the

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

1 of next door to us.  
 2 MR. COLLAZUOL: Well, up on the left  
 3 you said is block line plus/minus.  
 4 MR. COCOROS: Correct.  
 5 MR. COLLAZUOL: But you're not saying  
 6 that wall is going to be removed.  
 7 MR. COCOROS: That wall on the left is  
 8 on the neighbor's property, so I can't touch that  
 9 unless they work something out with the neighbor.  
 10 MR. COLLAZUOL: The one beyond the rear  
 11 line on the building is shown on the subject property  
 12 so...  
 13 MR. COCOROS: Yeah.  
 14 We're building a wall in front of that  
 15 not to disturb that wall.  
 16 MR. COLLAZUOL: It might be a question.  
 17 Let me get to that. Let's see.  
 18 When I looked at Google Maps, there was  
 19 a storm drain on the face of the wall on the left  
 20 front corner of the existing to the left of the  
 21 existing garage. That drainage is spilling out to  
 22 daylight.  
 23 So we would ask you to address that  
 24 with a storm drainage system. I mean, it might be a  
 25 roof leader from the existing home. We don't know.

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

1 existing grade of the neighbors.  
 2 MR. COLLAZUOL: Okay. Now, under  
 3 Miscellaneous on the bottom of page 2, when that  
 4 detached, or what you want to call it, an attached  
 5 garage gets demolished, there's an adjacent wall next  
 6 to that. And it looks like the demolition of that  
 7 garage wall may undermine that retaining wall.  
 8 So if the board would approve this, I  
 9 think you would have to address that somehow.  
 10 MR. COCOROS: We'll probably have to  
 11 get and engineer involved, you know, with the design  
 12 of that wall. That's the same thing we did on Sunset  
 13 where we had the same situation where there was a  
 14 detached garage right on the line holding up the  
 15 neighbor also.  
 16 MR. COLLAZUOL: Right, right, I  
 17 remember that. Two other side questions. I'm not  
 18 certain. There were a couple applications in the  
 19 past.  
 20 But under the RSIS, would you need an  
 21 extension for a visitor parking area? Because this  
 22 is now not a duplex; it is a townhouse development.  
 23 So you should normally have a visitor parking  
 24 designation.  
 25 So I would think you would need an

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

1 exception from that standard.  
 2 MR. COCOROS: I don't know.  
 3 Does RSIS include visitors in their  
 4 calculations?  
 5 MR. COLLAZUOL: It may be included in  
 6 your calculation, but it's supposed to in a  
 7 designated parking area.  
 8 MR. COCOROS: Okay.  
 9 MR. COLLAZUOL: So I think you would  
 10 need an exception on that. I would defer to Mike  
 11 Kauker on that.  
 12 Then the last item, again it's been a  
 13 while, but one of the provisions of the code says  
 14 that increased side yard is a requirement due to an  
 15 oversized lot.  
 16 Does that apply to duplexes?  
 17 MR. COCOROS: That's duplexes only.  
 18 That's duplexes.  
 19 MR. COLLAZUOL: Okay, just checking.  
 20 Thank you.  
 21 I have nothing else.  
 22 MR. COCOROS: Thank you.  
 23 CHAIRMAN FERGUSON: Okay.  
 24 Hal, do you have anything?  
 25 MR. SIMOFF: We'll wait for the

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

1 board the scope of your engagement and what you  
 2 observed at the property?  
 3 **A. Certainly.**  
 4 **I was asked to review the plans, visit**  
 5 **the property, review the Master Plan and the zoning**  
 6 **ordinance, and then prepare exhibits and testimony**  
 7 **for this evening.**  
 8 I have a photo exhibit, which I handed  
 9 out. A-2?  
 10 MS. TESTA: Yes.  
 11 (Whereupon, Photoboard is marked as  
 12 Exhibit A-2 for identification.)  
 13 BY MR. RAMUNDO:  
 14 **Q.** I'll go over that. The top left-hand  
 15 photograph is of the subject property. They have an  
 16 existing old smaller house, which is over to the left  
 17 side of the property, and then a lot of vacant open  
 18 space.  
 19 The top right-hand photograph is  
 20 looking adjacent to our property. And it's a  
 21 two-family home.  
 22 The bottom left-hand photograph, you  
 23 can see the detached garage that is on our property  
 24 that's being removed.  
 25 And then a series of two-family homes

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

1 planner, when your planner goes.  
 2 MR. RAMUNDO: Is that it?  
 3 CHAIRMAN FERGUSON: Yeah.  
 4 Next one up.  
 5 MR. RAMUNDO: All right.  
 6 The applicant calls Mr. David Spatz.  
 7 CHAIRMAN FERGUSON: Mr. Spatz is very  
 8 busy today.  
 9 MR. SPATZ: Yes, which is standard.  
 10 MS. TESTA: Please raise your right  
 11 hand.  
 12 Do you swear the testimony you will  
 13 give this application will be the truth, the whole  
 14 truth, and nothing but the truth, so help you God?  
 15 MR. SPATZ: Yes, I do.  
 16 D A V I D S P A T Z, P.P.  
 17 60 Friend Terrace, Harrington Park, New Jersey,  
 18 having been duly sworn, testifies as follows:  
 19 MS. TESTA: State your name for the  
 20 record.  
 21 MR. SPATZ: David Spatz, S-P-A-T-Z.  
 22 DIRECT EXAMINATION  
 23 BY MR. RAMUNDO:  
 24 **Q.** The same thing, Mr. Spatz.  
 25 Would you please just explain to the

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

1 adjacent to that. And then the bottom right-hand  
 2 side of the photograph is looking directly across the  
 3 street. And that is a three-family dwelling that is  
 4 currently under construction.  
 5 So we are listed in -- we are in the AA  
 6 zone, which does not permit three-family dwellings.  
 7 The lot area and lot width are conforming. We need  
 8 one additional (d) variance, which is building  
 9 height, although there was a discussion this evening  
 10 about reducing that height. Then two (c) variances.  
 11 Only two (c) variances, maximum building coverage and  
 12 then combined side yards. The side yards  
 13 individually are conforming.  
 14 So looking at the two (d) variances  
 15 that we're seeking. We think our site is  
 16 particularly well suited for the proposed  
 17 three-family development. We are 2,700 square feet  
 18 larger than what is required in the zone for a  
 19 two-family.  
 20 And we exceed the lot area per unit  
 21 that is required. So I think we can certainly  
 22 accommodate that additional unit.  
 23 We are significantly larger than the  
 24 surrounding properties, which are primarily 4,000 to  
 25 5,000 square feet, developed primarily with

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



1 two-family homes that are at a greater density than  
2 what we are proposing.

3 The only larger site in the surrounding  
4 properties is the one directly across the street that  
5 is being developed with a three-family dwelling.

6 We do meet the purposes of the zoning  
7 as stated in the Municipal Land Use Law and your  
8 zoning ordinance and Master Plan. Purpose A, which  
9 promotes the public health, safety, morals and  
10 general welfare.

11 Purpose I is the establishment of  
12 appropriate population densities. We are consistent  
13 with the neighborhood development. And in terms of  
14 density, we are better than some of the other  
15 dwellings, which are 4,000 or 5,000 square feet  
16 containing two-family homes.

17 Purpose I, promoting a desirable visual  
18 environment. We're removing a structure that is in  
19 poor condition, getting rid of a garage which is  
20 right at the street line, and creating a front yard  
21 setback with replacing what is on the property with a  
22 new modern dwelling that meets all the topography of  
23 the site.

24 The photographs and the testimony from  
25 Mr. Cocoros indicate the difficulties of developing

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

1 will be additional landscaping walls and fencing.

2 Mr. Cocoros described the drainage  
3 improvements that were being made. Through testimony  
4 there will be some additional drainage improvements  
5 which should satisfy the conditions both on site and  
6 off site.

7 The lot, as I have indicated, is more  
8 than 2,700 square feet, larger than what is required  
9 for a two-family. There are -- the dwellings  
10 directly to the north of us are on smaller lots and  
11 produce densities greater than us. So I think the  
12 bulk variances can be granted as well.

13 Looking lastly at the negative  
14 criteria. There is nothing that I believe is  
15 substantially negative. We're in character with the  
16 surrounding land uses, including the three-family  
17 dwelling being constructed directly across the  
18 street. The setbacks are improvements over what  
19 currently exists on our property. All setbacks  
20 themselves, front, rear and side yards, are  
21 conforming with only the combined side yards.

22 Our height is similar to the adjacent  
23 structures, as can be seen from the photographs. As  
24 was discussed earlier, there will be some  
25 modifications to the height which will bring it down

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

1 the site. So I think purposes of zoning are met.

2 We do exceed the height limitation,  
3 both in terms of stories and feet. But we are  
4 similar to both the newer and older two-family  
5 dwellings. The building has been designed to  
6 acknowledge the topographical conditions on the  
7 property.

8 And the properties to the left of our  
9 property are at a higher elevation, as can be seen  
10 from the photographs. They are two-and-a-half to  
11 three stories in height. They all have additional  
12 structures on the roof of their properties, penthouse  
13 or other rooms to give the view, what we were seeking  
14 to do earlier.

15 In terms of the bulk variances, the  
16 front and rear yards both conform. The side yards  
17 conform. It's only the combined side yards that  
18 don't. The dwelling to the south of us faces  
19 Brinkerhoff Terrace. That is the rear yard is  
20 adjacent to our side yard. So there is an even  
21 greater setback that is typical. And both -- the  
22 detached garage is right up to the street line.

23 So we will be improving the side yard  
24 on that as well as the front yard. We exceed the  
25 coverage limitations by about 400 square feet. There

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

1 from what is there.

2 We do have a conforming amount of  
3 parking on the site to serve the units. There is  
4 one driveway into that garage that currently exists  
5 on the property. And there is parking on the street,  
6 both to the left and right side of our property.

7 And on balance, I think the positive  
8 criteria is met. And I think it exceeds anything  
9 that would be considered negative. And I believe  
10 that the variances could be granted.

11 So that concludes my testimony, and  
12 I'll be happy to answer any questions.

13 CHAIRMAN FERGUSON: Okay. Mr. Kauker,  
14 do you have anything?

15 MR. KAUKER: Just two quick questions.

16 Mr. Spatz, could you reiterate the  
17 coverage variances?

18 MR. SPATZ: I'm sorry, I didn't hear  
19 the question.

20 MR. KAUKER: You said there was a  
21 variance required for building coverage, right?

22 MR. SPATZ: Correct.

23 MR. KAUKER: What was the deviation?

24 MR. SPATZ: We're about 400 square feet  
25 over what is the permitted within the zone. There

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

1 will be some additional landscaping and fences to  
2 help screen and buffer the property. Then the  
3 drainage conditions on the site will be greatly  
4 improved, and that would compensate for the slightly  
5 larger building.

6 MR. KAUKER: Then in terms of other  
7 three-family homes in the area -- I think you  
8 mentioned one across the street -- are there any  
9 others; is this going to be the only one?

10 MR. SPATZ: No.  
11 The properties to the left of our  
12 property, one of them is a three-family, and the  
13 other one is a four-family. They are older  
14 structures. And then the newer three-family directly  
15 across the street.

16 MR. KAUKER: And the lots that those  
17 are on, are they bigger or smaller than your lot.

18 MR. SPATZ: They are smaller than our  
19 property. They are approximately 5,000 square feet  
20 with three or four units. We are 7,700 square feet  
21 with only three units.

22 So our density is less than those two  
23 structures adjacent to us.

24 MR. KAUKER: I have no other questions.

25 CHAIRMAN FERGUSON: Okay. Anybody on

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

**201-641-1812**

1 VICE CHAIRMAN ALBANESE: Yes.

2 CHAIRMAN FERGUSON: Okay. On the  
3 motion, do we have any -- the only thing I would add  
4 is \$2,000.00 to the Tree Preservation Fund, and also  
5 any variances that are required, the board is going  
6 to grant, right?

7 So I'll second.

8 MS. TESTA: The amended application  
9 moving the roof deck.

10 CHAIRMAN FERGUSON: Right, okay.

11 So I've got a motion, a second.

12 Roll call?

13 MS. LAMBRINIDES: Mr. Ferguson?

14 CHAIRMAN FERGUSON: Yes.

15 MS. LAMBRINIDES: Mr. Albanese?

16 VICE CHAIRMAN ALBANESE: Yes.

17 MS. LAMBRINIDES: Mr. Elefteriou?

18 MR. ELEFTERIOU: Yes.

19 MS. LAMBRINIDES: Mr. Carnovale?

20 MR. CARNOVALE: Yes.

21 MS. LAMBRINIDES: Mr. Grala?

22 MR. GRALA: Yes.

23 MS. LAMBRINIDES: Mr. Chung?

24 MR. CHUNG: Yes.

25 CHAIRMAN FERGUSON: Okay, thank you.

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

**201-641-1812**

1 the phone looking for comment?

2 (No response.)

3 CHAIRMAN FERGUSON: No?

4 Okay. Counsel, do you want to sum up?

5 MR. RAMUNDO: Mr. Chairman, I know this  
6 board. I've been here many, many times. I know this  
7 board is very well prepared. Take copious notes. I  
8 submit to the board.

9 CHAIRMAN FERGUSON: Okay. So can I get  
10 a motion to approve?

11 MS. TESTA: One second.

12 MR. COCOROS: We've spoken with the  
13 client. We will remove the roof deck. We have the  
14 roof deck, the attic roof. I guess the roof deck  
15 would just be a traditional roof. The height would  
16 be almost the same, because we try to match the  
17 regular -- it will still be a height variance;  
18 however, it would be without the roof deck.

19 CHAIRMAN FERGUSON: Okay, no problem.

20 Can I get a motion for approval of this  
21 application?

22 VICE CHAIRMAN ALBANESE: I make a  
23 motion we approve it.

24 CHAIRMAN FERGUSON: You're making a  
25 motion to approve?

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

**201-641-1812**

1 MR. COCOROS: Thank you.

2 MR. RAMUNDO: Thank you.

3 CHAIRMAN FERGUSON: You have the next  
4 one, too.

5 MR. COCOROS: Goodnight.

6 MS. TESTA: Goodnight.

7 MR. RAMUNDO: Thank you.

8 Good job.

9 CHAIRMAN FERGUSON: Before we hear the  
10 next case, we've got two more cases on, so anything  
11 -- I know you guys have to put your case on, but  
12 anything we can do to move this along so we can get  
13 out at a decent hour.

14 MR. RAMUNDO: Yeah, will do.

15 CHAIRMAN FERGUSON: Okay. So I'm going  
16 to call Case No. 21-07, 67 Brinkerhoff Terrace.

17 MR. RAMUNDO: All right.

18 Good evening, Mr. Chairman, Ms. Testa,  
19 Honorable Board Members, Members of the Public via  
20 Zoom, my name is Marc Ramundo, 416 East Central  
21 Boulevard.

22 I'm here humbly representing Juan  
23 Pineda, who has lived here at the subject property  
24 for over probably 25 years. He is a local business  
25 owner in town on 118 Union Street. He runs a

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

**201-641-1812**

1 mechanic shop there.  
2 The applicant is respectfully  
3 requesting that this board approve a two-family  
4 6-over-6 dwelling at the property located at  
5 67 Brinkerhoff, Block 29, Lot 17, which would require  
6 certain variances, which the architect and our  
7 planner, David Spatz, will explain each one in  
8 detail.

9 Like I said, our architect is here  
10 tonight as well, and we have Mr. Spatz.

11 But without any further ado, I'd like  
12 to call the architect, Mr. Demetrios Kaltsis, who is  
13 here and ready to be sworn.

14 MS. TESTA: Okay.

15 Will you please raise your right hand?

16 Do you swear the testimony you will  
17 give this application will be the truth, the whole  
18 truth, and nothing but the truth, so help you God?

19 MR. KALTSIS: Yes.

20 D E M E T R I O S K A L T S I S,  
21 8005 Kennedy Boulevard, North Bergen, New Jersey,  
22 having been duly sworn, testifies as follows:

23 MS. TESTA: State your name for the  
24 record.

25 MR. KALTSIS: Demetrios Kaltsis.

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

1 This existing property is located on  
2 the north side of Brinkerhoff Terrace, about 85 feet  
3 east of Hillside Avenue. There is an existing  
4 two-and-a-half-story block frame dwelling with a  
5 detached garage on this property.

6 The property is  
7 40-feet-wide-by-120-feet in depth. So it is narrower  
8 than the minimum lot width requirement for a  
9 two-family duplex, but it is deeper than the minimum  
10 100-foot requirement.

11 So the existing lot size is 4,831  
12 square feet. And we are just shy of the minimum  
13 requirement of 5,000 square feet for a new two-family  
14 dwelling.

15 As a result of this, we are requesting  
16 several variances that are preexisting conditions,  
17 that are nonconforming. They include minimum lot  
18 area, lot area per dwelling unit, and minimum lot  
19 frontage.

20 We are proposing to demolish the  
21 existing structure that's on the property and  
22 construct a new two-family dwelling. It is an  
23 up-and-down two-family.

24 The footprint of this property is 2,386  
25 square feet. We are proposing a 25-foot front yard

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

1 The last name is spelled K-A-L-T-S-I-S.  
2 My business address is Demetrios Kaltsis 8005 Kennedy  
3 Boulevard in North Bergen.

4 CHAIRMAN FERGUSON: Have you appeared  
5 before this board or any other boards in Palisades  
6 Park?

7 MR. KALTSIS: I have not appeared  
8 before this board in Palisades Park before. I've  
9 been licensed for 15 years. I've appeared before  
10 more than 30 municipalities in the State of New  
11 Jersey.

12 CHAIRMAN FERGUSON: Okay, we're going  
13 the accept him.

14 MR. KALTSIS: Thank you.

15 DIRECT EXAMINATION

16 BY MR. RAMUNDO:

17 Q. Mr. Kaltsis, please describe the scope  
18 of your engagement, go through the plan and what is  
19 proposed and what variances are needed.

20 A. **Certainly.**

21 **We were retained to design a new**  
22 **three-story, two-family dwelling.**

23 **Our plans consist of four sheets,**  
24 **Sheets A-1, A-2, A-3 and A-4, with the last revision**  
25 **date of January 5th of this year.**

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

1 setback, side yard setbacks on either side of 3 feet  
2 2 inches, a 24-foot rear yard setback to the  
3 principal structure, and 14 feet to the proposed wood  
4 deck that extends out beyond the footprint of the  
5 building.

6 We're also proposing to provide a  
7 stormwater detention system, both in the front yard  
8 as well as the rear yard, which has been -- which is  
9 depicted on a site plan that was provided.

10 We are also proposing to provide some  
11 landscaping in the front yard as a buffer to the  
12 adjoining neighbors on the left side of the proposed  
13 driveway and then in between the stairwell and the  
14 proposed driveway.

15 Moving on to Sheet A-3 of our plans.  
16 This depicts the floor plans of the proposed  
17 two-family dwelling. Starting with the upper unit,  
18 which you can see on the right-hand side of the  
19 plans. What we decided to do is, as is typically  
20 done with a large open space, a common area in the  
21 front of each unit. The bedrooms located to the  
22 back. We decided to provide the common areas located  
23 on the right side of the floor plan.

24 By doing this, this gives all the --  
25 all the occupants in this unit direct access to the

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

1 rear deck, which has access from a sliding glass door  
2 in the rear facade of the building. Then all the  
3 bedrooms are located on left-hand side of the  
4 proposed plan.

5 So each floor consists of three  
6 bedrooms and two bathrooms. We have a master bedroom  
7 suite in the back left-hand corner with its own bath  
8 and walk-in closets. And then we have two common  
9 bedrooms, one in the center and one in the front left  
10 corner.

11 And these two bedrooms have access to a  
12 full bath that is in between these two bedrooms.

13 The kitchen, the L-shaped kitchen with  
14 an island in the center location. With a living room  
15 area and the dining room area to the front and behind  
16 the kitchen.

17 The first floor, or the center floor  
18 between this unit and the ground floor, is  
19 essentially an identical layout. Everything is  
20 consistent with the three bedrooms and the two  
21 bathrooms, as I described before on the upper level.

22 The only difference is this unit has direct access to  
23 the ground floor below, which you can see here with  
24 the stairwell.

25 And on the ground floor we have a  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 Does anybody have any questions?

2 MR. RAMUNDO: Mr. Chairman, any  
3 questions?

4 CHAIRMAN FERGUSON: The only -- your  
5 air conditioning units, are they going to be in the  
6 backyard.

7 MR. KALTSIS: So we're locating them  
8 here in the backyard immediately adjacent to the wood  
9 deck, in a central location of the backyard.

10 CHAIRMAN FERGUSON: I assume that's  
11 covered, everything.

12 MR. KALTSIS: Yes.

13 CHAIRMAN FERGUSON: Okay.  
14 The only other is side yards are going  
15 to be how long?

16 MR. KALTSIS: The side yards are  
17 3-feet-2-inches.

18 CHAIRMAN FERGUSON: How many.

19 MR. KALTSIS: Three-feet-two-inches.

20 CHAIRMAN FERGUSON: Okay. On each  
21 side.

22 MR. KALTSIS: Yes.

23 CHAIRMAN FERGUSON: All right, I have  
24 nothing else. Does anybody else on the board have  
25 any questions? Okay.

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

1 two-car garage located in the front portion of the  
2 building. We have some utility spaces in the center  
3 with a mechanical room and a small kitchenette and  
4 laundry. Then we have a recreation room towards the  
5 back, towards the back of the ground floor. And  
6 then some storage spaces and office space as well as  
7 a half bath.

8 Moving onto the elevations on Sheet  
9 A-4. We are proposing a structure that is all brick  
10 on all four sides. As you can see here, we have the  
11 hip roof throughout. We also have a bump-outs in the  
12 front that have a stucco finish that are in line with  
13 the overhead doors of the proposed garage, the  
14 decorative front entrance roof cover, and then  
15 casement windows throughout as well as the rear deck  
16 that you can see here.

17 So this deck is on two levels coming  
18 out from the lower residential floor and then the  
19 upper residential floor you can see here.

20 With regards to the other variances,  
21 other than the one that I have mentioned prior, the  
22 preexisting conditions, they include side yard  
23 setback, rear yard setback, as well as building  
24 height. We are at 28.81 with three stories, where 25  
25 feet is permitted and two-and-a-half stories.

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

1 Steve, take it away?

2 MR. COLLAZUOL: Thank you.

3 Good evening, Mr. Kaltsis.

4 MR. KALTSIS: Good evening.

5 MR. COLLAZUOL: I received a Grading &  
6 Drainage Plan from Mr. Koestner's office in the  
7 middle of last week, which is preliminarily  
8 submitted. And it looks like it's not complete.

9 Are you aware of that plan that was  
10 sent to my office?

11 MR. KALTSIS: Yes, I am.

12 I actually have a copy of it here.

13 MR. COLLAZUOL: Okay. He's addressed  
14 the drainage in the rear. He's provided a detention  
15 -- retention system in the back.

16 He's showing the system beneath the  
17 corner of the deck.

18 So I'm wondering if the column or the  
19 post that would support the deck would be interfering  
20 with the drainage system?

21 MR. KALTSIS: Yes, it appears that it  
22 would be. And we would have to relocate the  
23 stormwater detention system to not conflict with the  
24 column of the wooden deck.

25 MR. COLLAZUOL: Okay. All right.

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

1 MR. KALTSIS: We would either rotate  
2 that or push it back slightly, so that it does not  
3 interfere.

4 MR. COLLAZUOL: All right.  
5 There appears to be on the easterly  
6 side a wall that's on the common property line with a  
7 -- adjacent to a paver walk and what might be a  
8 window well.

9 Between yourself and Mr. Koestner's  
10 office, this position of that wall has to be  
11 addressed, whether it's demolished or rebuilt,  
12 because it is shown on the subject property.

13 MR. KALTSIS: Yeah, that wall appears  
14 to be right on the property line.

15 But, yes, we can address that.

16 MR. COLLAZUOL: Okay. This plan as yet  
17 does not show the sanitary sewer. I assume that's  
18 going to be added to the plan next, or at the second  
19 submission.

20 Is it correct that the maximum height  
21 of the wall adjoining the driveway is 1 foot in  
22 height?

23 MR. KALTSIS: Yes.

24 The property is relatively flat with a  
25 very slight difference in elevation. As indicated

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

1 here, from the right-of-way in the front, 47.24, to a  
2 high point in the rear of about 49.

3 So it is -- it has a very -- it has a  
4 gradual slope, a gradual incline as you go towards  
5 the rear.

6 So, yes, that is correct, just 1 foot.

7 MR. COLLAZUOL: And the trench drain  
8 that's shown on both of your plans, due to the slope  
9 of Brinkerhoff Terrace, it appears that that trench  
10 drain is going to more

11 Is that correct?

12 He carried your grade of 47.25, but it  
13 doesn't look like the eastern side can be that low.

14 So I just point it out to you. I think  
15 that needs to be addressed as well.

16 MR. KALTSIS: Okay. Yes, we can  
17 address that.

18 MR. COLLAZUOL: Okay. Thank you.

19 I have nothing further.

20 CHAIRMAN FERGUSON: Okay, Counsel.

21 Anybody on the phone want to say anything?

22 (No response.)

23 CHAIRMAN FERGUSON: No? Okay.

24 MR. RAMUNDO: Okay, Mr. Spatz.

25 MS. TESTA: Do you swear the testimony

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

1 you will give this application will be the truth, the  
2 whole truth, and nothing but the truth?

3 MR. SPATZ: Yes, I do.

4 D A V I D S P A T Z, P.P.

5 60 Friend Terrace, Harrington Park, New Jersey,  
6 having been duly sworn, testifies as follows:

7 MS. TESTA: State your name please for  
8 the record.

9 MR. SPATZ: David Spatz, S-P-A-T-Z.

10 CHAIRMAN FERGUSON: Okay. I guess  
11 tonight we'll accept him as an expert.

12 MR. SPATZ: Thank you.

13 I'm glad one was adjourned so...

14 DIRECT EXAMINATION

15 BY MR. RAMUNDO:

16 **Q.** Okay. Mr. Spatz, please explain to the  
17 board the scope of your engagement and what variances  
18 are being proposed, and why they're needed, and how  
19 they affect the Master Plan?

20 **A. Certainly.**

21 **We were requested to review the plans,**  
22 **the site plan, the architectural plans, the Master**  
23 **Plan and the Zoning Ordinance.**

24 **I visited the property to take some**  
25 **photograph and to prepare my testimony.**

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

1 So we have a series of four  
2 photographs.

3 MR. SPATZ: I think it's A-2. It's  
4 marked?

5 MS. TESTA: Yes.

6 (Whereupon, Photoboard is marked as  
7 Exhibit A-2 for identification.)

8 MR. SPATZ: The top left-hand  
9 photograph is of the subject property.

10 The top right-hand is looking to the  
11 right of our site. There is a new two-family  
12 dwelling on that.

13 The bottom left-hand photograph is  
14 looking to the left, to the west of our property.

15 That is a three-family. The newer structure that you  
16 can see the side and rear yard that is a three-family  
17 that fronts on Hillside.

18 And then the bottom right-hand  
19 photograph is directly across the street from us with  
20 the single-family homes.

21 Brinkerhoff has a mixture of ones and  
22 twos primarily.

23 The two-family is permitted within the  
24 zone. The lot, itself, is slightly undersized, which  
25 does not conform to lot area and lot width. We do

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

1 need one (d) variance, which is for building height,  
2 and then several (c) variances, which were described  
3 by Mr. Kaltsis and I'll provide testimony on.

4 So looking at the height variance, what  
5 we need to look at is whether we are consistent with  
6 the surrounding properties. We do exceed the height  
7 limitation by less than 4 feet and one-half story.

8 The topography is the principal cause  
9 of this. The property slopes from east to west and  
10 then towards the rear of the property.

11 As can be seen from the photographs,  
12 the newer two-family home directly adjacent to us is  
13 a three-story building and is similar in height to  
14 what we're proposing.

15 The driveway slopes a little bit  
16 further down. The property has been recessed, but  
17 ours is at grade.

18 Then also that three-family home just  
19 up the street is three stories in height.

20 And the bottom right-hand photograph  
21 which shows across the street, you can see the very  
22 edge of another newer two-family home that is three  
23 stories in height. So we are consistent with the  
24 neighborhood.

25 Looking at the bulk variances, our  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 So I think that the (d) and (c)  
2 variances can be granted.

3 The negative criteria. There's nothing  
4 that's substantially negative. We are in character  
5 with the surrounding land uses. It is a permitted  
6 use within the zone.

7 The setbacks are consistent with what  
8 is in the neighborhood as well as especially the  
9 newer structures. We actually have an improved rear  
10 and side yard due to the removal of the detached  
11 garage. We will have landscaping to further buffer  
12 the surrounding properties.

13 There is a conforming amount of parking  
14 on site. We do have a driveway to serve the detached  
15 garage. At most it will be the loss of one curbside  
16 space, as can be seen from the photograph of the  
17 two-family dwelling. The driveway width of our  
18 property is consistent with the neighborhood. And  
19 what guests included as far as a two-family use.

20 So I think on balance the positive  
21 criteria is met for the several variances and as far  
22 as anything that could be considered negative. And I  
23 believe that the variances could be granted.

24 So if there's any questions, I will be  
25 happy to answer any.

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

1 property, as I indicated, is undersized. The  
2 properties on either side of us are fully developed  
3 so we don't have the ability to acquire additional  
4 property to bring us into conformity without making  
5 those lots nonconforming.

6 In terms of the setbacks, there are  
7 varying setbacks along Brinkerhoff. The setback is  
8 similar distances that adjacent to a two-family  
9 structure.

10 By eliminating the garage, the detached  
11 garage to the rear, there's actually a greater rear  
12 yard and a greater side yard on the west than  
13 currently exists.

14 In terms of parking, we have a  
15 conforming amount of parking on site. In order to  
16 put the cars within the garage, it becomes a little  
17 bit wider. And that's where the side yard variances  
18 come from as well as the nonconforming lot width.

19 In terms of coverage, we exceed your  
20 permitted coverage by about 450 square feet. And  
21 this is being mitigated by buffering, other  
22 landscaping, as well as drainage improvements to the  
23 site. There are currently no drainage facilities on  
24 the site. They're being provided, so that will  
25 improve both on- and off-site conditions.

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

1 CHAIRMAN FERGUSON: Any board members?  
2 (No response.)

3 CHAIRMAN FERGUSON: Experts?  
4 (No response.)

5 CHAIRMAN FERGUSON: Anybody?

6 MR. KAUKER: I have nothing,  
7 Mr. Chairman.

8 CHAIRMAN FERGUSON: Okay. Do you want  
9 to sum up?

10 Oh, open to the public. Does anybody  
11 in the public have anything to say.

12 (No response.)

13 CHAIRMAN FERGUSON: No?

14 MR. RAMUNDO: The same as before. I  
15 know this board is very diligent. And I submit to  
16 the board's discretion and consideration.

17 CHAIRMAN FERGUSON: Okay.

18 So I'll make a motion we accept the  
19 application as submitted with \$2,000.00 to the Tree  
20 Preservation Fund.

21 MR. CARNOVALE: I second.

22 CHAIRMAN FERGUSON: Roll call.

23 MS. LAMBRINIDES: Can I ask who made  
24 the second?

25 MR. CARNOVALE: I did, Vinnie.

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

1 MS. LAMBRINIDES: Thank you.  
 2 Mr. Ferguson?  
 3 CHAIRMAN FERGUSON: Yes.  
 4 MS. LAMBRINIDES: Mr. Albanese?  
 5 VICE CHAIRMAN ALBANESE: Yes.  
 6 MS. LAMBRINIDES: Mr. Elefteriou?  
 7 MR. ELEFTERIOU: Yes.  
 8 MS. LAMBRINIDES: Mr. Carnovale?  
 9 MR. CARNOVALE: Yes.  
 10 MS. LAMBRINIDES: Mr. Grala?  
 11 MR. GRALA: Yes.  
 12 MS. LAMBRINIDES: Mr. Brogna?  
 13 MR. BROGNA: Yes.  
 14 MS. LAMBRINIDES: Mr. Chung?  
 15 MR. CHUNG: Yes.  
 16 MS. LAMBRINIDES: Thank you.  
 17 CHAIRMAN FERGUSON: Okay, we've got a  
 18 new team coming up.  
 19 MS. TESTA: I'm going to recuse myself,  
 20 and Marc Ramundo will sit in as the board attorney.  
 21 MR. RAMUNDO: It will be my pleasure  
 22 and my honor.  
 23 (Whereupon, Ms. Testa recuses herself  
 24 from this matter.)  
 25 MR. PELLINO: Mr. Chairman, Members of

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

1 Mr. Kim, will tell you about.  
 2 We need variances for side yards. I  
 3 think they're minor. And we need a height variance,  
 4 which is dictated in large part by the slope of the  
 5 property from east to west.  
 6 So on hand tonight I have our engineer,  
 7 Mr. Skrable. I'm going to lead off with Sean Kim,  
 8 who is our architect, who will testify next to  
 9 explain the building to be constructed. And, lastly,  
 10 our planner -- we have a new planner for you now, not  
 11 Mr. Spatz -- we have Kathryn Gregory.  
 12 And Ms. Gregory will explain to you the  
 13 rationales and the proofs for the variances required,  
 14 which I think are minor in nature.  
 15 So unless there's anything else, my  
 16 first witness is Mr. Thomas Skrable, who is standing  
 17 to my right.  
 18 Would you please be sworn, Mr. Skrable?  
 19 MR. RAMUNDO: Yes, sir.  
 20 Can you please raise your hand?  
 21 Do you solemnly swear the testimony you  
 22 present tonight will be the truth, the whole  
 23 truth, and nothing but the truth?  
 24 MR. SKRABLE: Yes, I do.  
 25

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

1 the Board, good evening. Thank you for your  
 2 patience. My name is Stephen Pellino. I'm with the  
 3 Law Firm of Basile, Birchwale & Pellino. We're on  
 4 Broad Avenue in Ridgefield, just down the block.  
 5 What I'd first like to do, we haven't  
 6 previously submit the Affidavit of Service,  
 7 Mr. Chairman, if I could give that to Mr. Ramundo.  
 8 You'll find it in order.  
 9 MR. RAMUNDO: Thank you, sir.  
 10 MR. PELLINO: As I think said, this  
 11 application is for 16 Cleveland Place.  
 12 It's actually right around the corner.  
 13 It's a lot that is slightly oversized. It's roughly  
 14 50-by-107. Existing on that lot presently is an  
 15 older home, I'd say in moderate condition. There's  
 16 what appears to be a four-bay commercial garage at  
 17 the rear of the property.  
 18 It seems to violate the rear yard  
 19 setback. And the existing home on the property  
 20 actually has a 3-foot side yard to the property to  
 21 the west. To the east we have a parking lot.  
 22 Our proposal, I think you'll find is  
 23 relatively easy and straightforward, is to take down  
 24 of course the existing structures and replace them  
 25 with a new duplex structure, which our architect,

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

1 T O M S K R A B L E, P.E.  
 2 65 Ramapo Valley Road, Mahwah, New Jersey, having  
 3 been duly sworn, testifies as follows:  
 4 MR. RAMUNDO: Please state your name  
 5 and spell it for the record.  
 6 MR. SKRABLE: Tom Skrable, "S" as in  
 7 Sam, K-R-A-B as in boy, L-E.  
 8 CHAIRMAN FERGUSON: Okay. Has he --  
 9 have you...  
 10 MR. SKRABLE: I have.  
 11 CHAIRMAN FERGUSON: Yeah. Okay, we  
 12 accept him.  
 13 DIRECT EXAMINATION  
 14 BY MR. PELLINO:  
 15 Q. You're a licensed engineer. Your  
 16 license is in good standing, Mr. Skrable, correct?  
 17 A. Yes, it is.  
 18 Q. Okay.  
 19 I see you have a plan up Mr. Skrable.  
 20 Would you identify that, please?  
 21 A. I do.  
 22 It's called, "Soil Erosion Sediment  
 23 Control Plan, Proposed Duplex, 257 Broad Avenue,  
 24 LLC." The signature date is 11-19-20. And  
 25 no revisions.

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

1 Q. That was prepared by you, correct?

2 A. Yes.

3 Q. Would you explain basically the plan

4 and what we have?

5 A. Sure.

6 **As we look at it Cleveland Place is on**

7 **the right. So we're basically on the opposite side**

8 **of the street as you look out the side of the**

9 **building. The slope is from right to left as you**

10 look at the property from the street. It's about a

11 10-percent slope across the property.

12 We're proposing a duplex unit with two

13 garage spaces each, a driveway space in front. We're

14 collecting all roof water, driveway water, via a

15 trench drain. That will be piped to a seepage pit --

16 two seepage pits actually in the front yard. If we

17 get a real large storm what the seepage pits can't

18 accommodate, the trench drain actually acts as an

19 overflow as well because that's the lowest point on

20 the system.

21 The AC units are in the rear. Decks in

22 the rear. We are requesting variances for side yard

23 on both sides. We're asking for a 5-foot side yard

24 on either side, and the building height.

25 Q. Mr. Skrable, you heard me explain to  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 actually it was provided directly to you -- a review

2 letter by Mr. Collazuol, the engineer for the board?

3 A. Yes.

4 Q. And that letter is dated May 5, 2021,

5 correct?

6 A. Yes.

7 Q. Have you had an opportunity to review

8 that letter?

9 A. I have.

10 Q. And you have had an opportunity to

11 discuss it with me?

12 A. I have.

13 Q. Okay. And you have discussed it with

14 the client.

15 Is it fair to say, Mr. Skrable, we are

16 ready, willing and able to comply with each of

17 Mr. Collazuol's suggestions?

18 A. Yes, we are.

19 Q. In particular Mr. Collazuol has

20 recommended -- I'm just going to pick a couple that I

21 think are pertinent. That we give a maintenance

22 schedule for the detention system.

23 We're prepared to do that post-hearing,

24 correct?

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

1 the board that on the east side of our intended

2 structure is a parking lot.

3 Is that correct, sir?

4 A. Yes.

5 Q. Okay. And you also heard me explain

6 that we have an existing truly nonconforming garage

7 at the rear of the property. You would concur with

8 that?

9 A. Yeah.

10 **The garage runs the entire width of the**

11 **property. The setbacks are .6 feet on one side and**

12 **2.1 on the other. And the rear yard is anywhere from**

13 **1.6 to 1.8. So it's right up against both side yard**

14 **and rear yard.**

15 Q. That has four bays. It appears to be a

16 commercial garage of some kind?

17 A. Yes.

18 Q. Also, would you concur the existing

19 side yard on our westerly side is, I think, 3 feet.

20 Is that's correct, Mr. Skrable?

21 A. Three feet, correct.

22 Q. That's what's existing with the

23 property?

24 A. It exists today, yeah.

25 Q. Now, Mr. Skrable, I provided you --  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 Q. He indicates we should address rear and

2 side yard drainage to prevent runoff to adjacent

3 properties. We're prepared to do that again with the

4 plan?

5 A. Yes.

6 Q. And he's indicated, if you know, there

7 are existing perimeter walls along the lot line.

8 Do you know what we're going to do with

9 those? He's asking about the disposition.

10 A. **The perimeter walls are actually the**

11 **neighbor's walls, as best I can tell. The higher one**

12 **is on, I guess we're calling it the east side. And**

13 **that definitely is holding up the parking lot**

14 **adjacent to us. So that's their wall. We're not**

15 **going to touch it.**

16 We're not over-excavating, because

17 that's actually the high side of our property.

18 So we're not going down underground

19 significantly where we would be undermining that

20 wall. So we're just leaving it. We're not touching

21 it.

22 Q. Anything else significant you think we

23 haven't touched on at this point, Mr. Skrable?

24 A. I don't think so.

25 MR. PELLINO: I would rest  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**



1 Mr. Skrable's testimony.  
 2 CHAIRMAN FERGUSON: Any board members  
 3 have anything?  
 4 (No response.)  
 5 CHAIRMAN FERGUSON: Mr. Collazuol, do  
 6 you have anything?  
 7 MR. COLLAZUOL: Just to go back,  
 8 Mr. Chairman, to the point about the wall on the  
 9 westerly lot line. That looks like it returns to the  
 10 existing area where the deck is from. It looks like  
 11 the wall is straddling the lot line from the front of  
 12 it. Or the street side on the property as it  
 13 approaches the garage, it looks like it's off the  
 14 property in part.  
 15 So that's my question. What are  
 16 you going to do with that wall?  
 17 MR. SKRABLE: We're actually meeting  
 18 the grade as it exists on the top of that wall on our  
 19 side.  
 20 So we can literally saw cut them at the  
 21 property line, a foot off the property line, and  
 22 remove whatever is on our lot and leave the rest of  
 23 it so it's not affecting the neighbor at all  
 24 Because it does look like it does serve  
 25 some purpose for the neighbor.

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

1 MR. KIM: Yeah, I have been here. I  
 2 have testified.  
 3 CHAIRMAN FERGUSON: That's fine.  
 4 We accept him.  
 5 MR. PELLINO: Thank you.  
 6 DIRECT EXAMINATION  
 7 BY MR. PELLINO:  
 8 Q. Mr. Kim, you are the architect on this  
 9 project.  
 10 Is that correct?  
 11 A. Yes.  
 12 Q. I see you have put up drawings on the  
 13 easel, sir?  
 14 A. Yes.  
 15 Q. These are part of the same plans that  
 16 were submitted?  
 17 A. Yeah.  
 18 Q. This was part of our application?  
 19 A. Right.  
 20 Q. For the record, would you just identify  
 21 the plan, give us the date and the number of sheets?  
 22 A. This is dated November 23rd, 2020.  
 23 Q. Okay. And there are how many sheets?  
 24 A. Three.  
 25 Q. Okay. Those are from your office?

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

1 If that's not acceptable, obviously we  
 2 could reconstruct that wall right on our property  
 3 line if we had to.  
 4 MR. COLLAZUOL: Very good. Thank you.  
 5 I have nothing further, Mr. Chairman.  
 6 CHAIRMAN FERGUSON: Okay. Anybody on  
 7 the phone want to ask any questions? No.  
 8 Okay, next witness.  
 9 MR. PELLINO: Thank you, Mr. Skrable.  
 10 Sean Kim is the next witness.  
 11 MR. RAMUNDO: Please raise your right  
 12 hand.  
 13 Do you swear or affirm that the  
 14 testimony you're about to give will be the truth, the  
 15 whole truth, and nothing but the truth?  
 16 MR. KIM: Yes, I do.  
 17 S E A N K I M, AIA  
 18 650 East Palisade Avenue, Englewood Cliffs, New  
 19 Jersey, having been duly sworn, testifies as  
 20 follows:  
 21 MR. RAMUNDO: Okay. Please state your  
 22 name and spell it for the court reporter.  
 23 MR. KIM: Sean Kim, from 650 East  
 24 Palisade Avenue, Englewood Cliffs.  
 25 CHAIRMAN FERGUSON: You have been here.

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

1 A. Yes.  
 2 Q. Okay.  
 3 You have heard me explain to the board  
 4 that basically we're going to take down the existing  
 5 structures -- we'd like to -- and construct a duplex  
 6 dwelling.  
 7 Would you explain the plan in more  
 8 detail, please?  
 9 A. Yes.  
 10 **We want to demolish the existing**  
 11 **building, and we want to build a three-story duplex**  
 12 **house.**  
 13 This is a very typical duplex house.  
 14 On the ground floor we have a two-car garage,  
 15 electric room, a half bathroom, utility room, and a  
 16 storage area for each unit.  
 17 Q. This is Sheet 2 you're going to now?  
 18 A. Yeah, Sheet 2, Sheet A-2.  
 19 **This is the second floor plan and third**  
 20 **floor plan.**  
 21 So on the second floor plan, we have a  
 22 dining area with a deck, and guest room, and living  
 23 room and eat-in kitchen for each unit.  
 24 On the third floor we have three  
 25 bedrooms, and two bathrooms, a laundry room and

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

1 closets for each unit.

2 **Q.** Sheet A-3?

3 **A. A-3 is the building elevations. This**  
 4 **is the front elevation, and the side, side, and rear**  
 5 **elevation.**

6 So we are proposing stucco, brick, the  
 7 same material.

8 The building height, so somebody  
 9 already mentioned about the building height. The  
 10 building height for each floor. The ground floor, we  
 11 have an 8-foot ceiling height. The second floor,  
 12 9.6. And the third floor, 8-foot ceiling height.

13 **Q.** Now, as I told the board, we need a  
 14 height variance.

15 Is that correct?

16 **A. Yes, sir.**

17 **It's not insignificant.**

18 **Q.** Would you explain from an architect's  
 19 point of view why we --

20 **A. Yes.**

21 **This property is sloped down from the**  
 22 **left side to the right side, meaning every grade**  
 23 **is lower than the project slope. That's why we're**  
 24 **looking -- we are looking for a building height**  
 25 **variance.**

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

1 I'll leave that to you.

2 But that's the concern, because I'm not  
 3 sure with 5 feet bump-outs if there's going to be  
 4 enough room if the fire department has to get in.  
 5 But I'll leave that to you if you want to do...

6 MR. PELLINO: I'll just maybe take a  
 7 minute and speak to the architect. A question,  
 8 though, Mr. Chairman. I appreciate the feedback.

9 On the east side we have a parking lot  
 10 next to us. Is there as much a concern on the east  
 11 side as there is on the west side?

12 CHAIRMAN FERGUSON: I think both sides  
 13 need -- however you want to handle eliminating the  
 14 bump-outs.

15 MR. KIM: It's a two bay window area.  
 16 So we only having a bump-out, not the full area.

17 CHAIRMAN FERGUSON: Your plans show  
 18 bump-outs, no.

19 MR. KIM: Only the bay window area.

20 CHAIRMAN FERGUSON: Yeah.

21 On both sides you've got bump-outs. So  
 22 the question is, do you want to eliminate the  
 23 bump-outs, or do you want to make them 6 foot?

24 I'll leave that to you, whatever you  
 25 want to do.

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

1 So we're proposing 32.83 feet so you  
 2 can have a positive driveway slope to the project.

3 **Q.** So the pitch of our garage relative to  
 4 the street is pretty much flat?

5 **A. Yeah. It gently goes up to the**  
 6 **driveway.**

7 **Q.** Gently up. What about the side yards?  
 8 We're short a foot on either side, Mr. Kim?

9 **A. Yeah.**

10 **So it requires 6 feet. We're proposing**  
 11 **5 feet for each side.**

12 MR. PELLINO: I have nothing further  
 13 for Mr. Kim.

14 CHAIRMAN FERGUSON: I've got one  
 15 concern with the application and two questions.

16 Here's the concern first. I see the  
 17 side yards, you're at 5 feet. The problem that I  
 18 have is the bump-outs. The plans show bump-outs  
 19 which would actually make that 5 feet short.

20 MR. PELLINO: Less.

21 CHAIRMAN FERGUSON: So I'll defer to  
 22 you.

23 Either we've got to increase the side  
 24 yards by a foot, which I guess you would do by  
 25 cutting down the house, or eliminate the bump-out.

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

1 MR. KIM: How about this?

2 So we have bumping out 3 feet from  
 3 bumping out to the property line. This is a very  
 4 typical situation in this property for a duplex  
 5 house. I know your concern is it's too close to the  
 6 property.

7 So if we move 1 foot the bottom area  
 8 and bumping out, means bumping out the bottom 4 feet  
 9 from the second floor to the property line.

10 MR. PELLINO: I'm not sure if I  
 11 understood that.

12 Explain again.

13 CHAIRMAN FERGUSON: Yeah.

14 MR. KIM: I'm sorry.

15 So 3 feet bumping out and 3 feet from  
 16 the property line to the bumping out area.

17 CHAIRMAN FERGUSON: Right.

18 MR. KIM: This is very typical  
 19 situation in Palisades Park for a duplex house.

20 So I understand your concern. This is  
 21 really close to each other. The building is so  
 22 close to each other.

23 So I can reduce 1 foot on the ground  
 24 floor and the bumping out 2 feet, like, other duplex  
 25 house.

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

1 And that means on the second floor we  
 2 have 4 feet from the property line to the bumping  
 3 out.  
 4 CHAIRMAN FERGUSON: Is there a reason  
 5 why you don't want to eliminate the bump-outs.  
 6 MR. KIM: They are part of the standard  
 7 duplex house. It means most duplex houses are  
 8 bumping out, so we want to match the situation.  
 9 CHAIRMAN FERGUSON: We're talking about  
 10 this house. Forget the rest of the houses in  
 11 Palisades Park. I'm talking about this house.  
 12 So you want to eliminate the bump-outs  
 13 on the bottom and keep the bump-outs on the top?  
 14 MR. PELLINO: I think he was proposing  
 15 to --  
 16 MR. KIM: The ground floor we don't  
 17 have any bumping out.  
 18 From the second floor we have  
 19 bumping out.  
 20 CHAIRMAN FERGUSON: Your plans now  
 21 show --  
 22 MR. KIM: The second and third floor.  
 23 CHAIRMAN FERGUSON: Not on the ground  
 24 floor.  
 25 MR. KIM: No.

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

1 floor there's no bump-out.  
 2 I agree. He's talking about the ground  
 3 floor is the first floor.  
 4 We consider it the ground room. So  
 5 there's a little communication problem there.  
 6 CHAIRMAN FERGUSON: Okay.  
 7 MR. CARNOVALE: So it's the second and  
 8 third floor.  
 9 CHAIRMAN FERGUSON: But the first floor  
 10 there's no bump-outs.  
 11 MR. CARNOVALE: No. That's the ground  
 12 where the garage is.  
 13 MR. KIM: That's the ground floor.  
 14 CHAIRMAN FERGUSON: Okay. So now the  
 15 next question is, I see on the plan it says, "Open  
 16 Deck."  
 17 MR. KIM: Yes. This is a typical  
 18 wooden deck.  
 19 CHAIRMAN FERGUSON: What is it now.  
 20 MR. KIM: A typical wooden deck, open  
 21 deck.  
 22 CHAIRMAN FERGUSON: Well, you have --  
 23 you have decks on the second floor, no.  
 24 MR. KIM: Yeah, we have a deck on the  
 25 second floor behind the dining area.

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

1 CHAIRMAN FERGUSON: Well, I don't know.  
 2 MR. PELLINO: Can you show us on the  
 3 plan?  
 4 MR. KIM: Yeah.  
 5 This is the ground floor. So this is a  
 6 straight line of wall. The only bumping out is the  
 7 stair.  
 8 On the second floor we have bumping out  
 9 at the bay window area, like the dining area and the  
 10 office area.  
 11 CHAIRMAN FERGUSON: Yeah, you've got  
 12 bump-outs.  
 13 MR. KIM: Yeah, on the second floor.  
 14 CHAIRMAN FERGUSON: But you're telling  
 15 me on the first floor you don't have it.  
 16 MR. KIM: No, we don't have any on the  
 17 first floor.  
 18 MR. CARNOVALE: So it's considered --  
 19 I'm sorry, sir. The first floor being the ground  
 20 level.  
 21 So the living room is bumped out,  
 22 that's what you're talking about?  
 23 CHAIRMAN FERGUSON: Yeah, right.  
 24 MR. KIM: Yes.  
 25 MR. CARNOVALE: He's saying the first

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

1 CHAIRMAN FERGUSON: Right.  
 2 So that's the second floor. What's  
 3 this? When you say "open deck," what is that?  
 4 MR. KIM: The deck is just no structure  
 5 above the deck, just open deck.  
 6 VICE CHAIRMAN ALBANESE: It's just a  
 7 deck, nothing -- walls or ceiling? No roof.  
 8 CHAIRMAN FERGUSON: In other words,  
 9 you're going to come out the back door.  
 10 MR. KIM: Right, right.  
 11 CHAIRMAN FERGUSON: You're going to  
 12 10-feet-by-6 feet.  
 13 MR. KIM: Yeah, we have 12.  
 14 CHAIRMAN FERGUSON: What is it, 10  
 15 feet.  
 16 MR. KIM: Yeah, 10 feet.  
 17 CHAIRMAN FERGUSON: Okay. And the last  
 18 question is on the -- on the -- where the bathrooms  
 19 are, I know you don't have a tub in there.  
 20 But it has next to the bathrooms in the  
 21 ground floor where the garage is, is the bathroom --  
 22 next to the bathroom, that little -- what is that?  
 23 MR. KIM: The closet.  
 24 CHAIRMAN FERGUSON: It's a closet.  
 25 With no door.

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

1 MR. KIM: No door. It's a door. At  
 2 the corridor you have a door.  
 3 CHAIRMAN FERGUSON: Okay. So in it --  
 4 the bathroom is a powder room.  
 5 MR. KIM: Right, half a bathroom.  
 6 CHAIRMAN FERGUSON: Right.  
 7 And next to it it's just a closet.  
 8 MR. KIM: Right.  
 9 CHAIRMAN FERGUSON: Any other  
 10 questions? Questions.  
 11 MR. CARNOVALE: Joe, are you happy? I  
 12 just want to reiterate what's going on with these  
 13 windows.  
 14 So the living room window sticks out.  
 15 CHAIRMAN FERGUSON: What.  
 16 MR. CARNOVALE: The bump-outs.  
 17 Sir, how many feet does the bump-out  
 18 stick out in the living room.  
 19 MR. KIM: Two-hundred-seventy-eight  
 20 feet.  
 21 MR. CARNOVALE: Remember, typically on  
 22 a duplex you have 6-foot side yards.  
 23 Here you only have 5, but can you walk  
 24 underneath these windows, sir.  
 25 Do you know the elevation? Can you

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

1 VICE CHAIRMAN ALBANESE: It's above  
 2 your head, yeah.  
 3 It's not sticking out.  
 4 MR. CARNOVALE: What do you like, Joe?  
 5 CHAIRMAN FERGUSON: No. I'm just  
 6 concerned that if the fire department is fighting a  
 7 fire --  
 8 VICE CHAIRMAN ALBANESE: They'll be all  
 9 right, Joe.  
 10 CHAIRMAN FERGUSON: They'll be all  
 11 right?  
 12 MR. CARNOVALE: If they have 5 feet  
 13 side yards and the thing is up here, the guys can get  
 14 back with the air pack. He should be able to walk by  
 15 it.  
 16 Unless their property went up like this  
 17 (indicating), they would bang their head if they went  
 18 by.  
 19 MR. PELLINO: It doesn't actually.  
 20 CHAIRMAN FERGUSON: Okay, all right.  
 21 Mr. Collazuol, are you on?  
 22 MR. COLLAZUOL: Joe, just a question  
 23 with regard to the bump-outs.  
 24 I don't see the dimensions on any of  
 25 the sheets, A-1 or A-2.

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

1 walk on the side of the house and not bump your head?  
 2 MR. KIM: Yeah. Because the ground  
 3 floor ceiling height is 8 feet. It means the  
 4 structure starts -- the second floor starts from the  
 5 8 feet.  
 6 So nobody can...  
 7 MR. CARNOVALE: Actually, it's -- okay,  
 8 so you can walk underneath it, right?  
 9 MR. KIM: Yes.  
 10 CHAIRMAN FERGUSON: From the first --  
 11 so I'm clear on this. You're saying from the garage  
 12 floor --  
 13 MR. CARNOVALE: Has nothing sticking  
 14 out.  
 15 CHAIRMAN FERGUSON: Has nothing stick  
 16 out.  
 17 MR. CARNOVALE: No. So the next floor  
 18 up, which is the living room, sticks out a couple  
 19 feet. So when you're walking on the sidewalk, you  
 20 won't bang your head.  
 21 VICE CHAIRMAN ALBANESE: The bump-out  
 22 is, like, 8 feet.  
 23 CHAIRMAN FERGUSON: I know.  
 24 MR. CARNOVALE: Actually, probably 9,  
 25 isn't it?

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

1 But A-2 only for the dimension of the  
 2 cantilevered bay or bump-outs, as you're calling  
 3 them. Can Mr. Park [sic] explain the dimension on  
 4 the cantilever?  
 5 MR. KIM: Yeah.  
 6 I'm saying this is showing a bay window  
 7 for each bumping out area. And the bumping out is  
 8 2-feet maximum.  
 9 MR. PELLINO: Mr. Collazuol, that's  
 10 2 feet -- I don't know if you heard -- was the  
 11 answer.  
 12 MR. COLLAZUOL: What's 2 feet? Those  
 13 extensions are 2 feet?  
 14 MR. KIM: Yes, quite.  
 15 MR. COLLAZUOL: And that's the way  
 16 they're going to remain.  
 17 MR. PELLINO: Yes.  
 18 MR. KIM: Yes.  
 19 MR. COLLAZUOL: So I would just suggest  
 20 that they be delineated on the plan as such so the  
 21 Building Department knows what they are.  
 22 MR. KIM: Yes.  
 23 MR. PELLINO: That's fine. We're happy  
 24 to do that.  
 25 CHAIRMAN FERGUSON: Anything else?

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

1 MR. COLLAZUOL: No. That's it.  
 2 Thank you.  
 3 CHAIRMAN FERGUSON: Okay. Do we have a  
 4 planner?  
 5 MR. PELLINO: Yes. My last witness is  
 6 Kathryn Gregory.  
 7 MR. RAMUNDO: Please raise your right  
 8 hand.  
 9 Do you swear or affirm that the  
 10 testimony you're about to give will be the truth, the  
 11 whole truth, and nothing, but the truth?  
 12 MS. GREGORY: Yes, I do.  
 13 KATHRYN GREGORY, P.P.,  
 14 96 Linwood Plaza, Number 350, Fort Lee, New  
 15 Jersey, having been duly sworn, testifies as  
 16 follows:  
 17 MR. RAMUNDO: All right. Please state  
 18 your name and spell it for the court reporter.  
 19 MS. GREGORY: Kathryn Gregory.  
 20 My first name is actually spelled  
 21 K-A-T-H-R-Y-N. Last name, Gregory, G-R-E-G-O-R-Y.  
 22 My business address is 96 Linwood Plaza, Number 350,  
 23 in Fort Lee, New Jersey.  
 24 CHAIRMAN FERGUSON: Okay. And have you  
 25 ever appeared before this board or any board in  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 So clearly your professionals can pull  
 2 it up on their computer right now, if that's okay.  
 3 So this should be marked. Did we mark...  
 4 **Q.** Yeah, we haven't marked anything.  
 5 We'll mark this as A-1, if that's okay.  
 6 (Whereupon, GoogleEarth Photo is marked  
 7 as Exhibit A-1 for identification.)  
 8 MS. GREGORY: All right.  
 9 So what everyone is getting is a photo  
 10 exhibit. I'll just -- for the record I'll state that  
 11 it's entitled, "Surrounding Conditions, 16 Cleveland  
 12 Place, Palisades Park, New Jersey."  
 13 It was prepared by me, but it's an  
 14 excerpt from GoogleEarth.  
 15 And it basically gives the context of  
 16 the property. I know that was described a little bit  
 17 earlier through our professionals, particularly  
 18 relating to the fact that we abut two commercial  
 19 properties and we have one residential property to  
 20 the right of us.  
 21 So I think this gives you a good idea  
 22 of the context of our specific property. You can see  
 23 that nonconforming four-car garage that's in back of  
 24 the line, the back of the property. Accessory uses  
 25 are supposed to be 4 feet from the property line.  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 Palisades Park before?  
 2 MS. GREGORY: I have, but it's been a  
 3 long time.  
 4 I used to be, actually, partners with  
 5 Mr. Kauker --  
 6 CHAIRMAN FERGUSON: We'll accept her.  
 7 MS. GREGORY: Thank you.  
 8 DIRECT EXAMINATION  
 9 BY MR. PELLINO:  
 10 **Q.** Ms. Gregory, we asked you to serve as  
 11 professional planner on this project.  
 12 Is that correct?  
 13 **A. Yes.**  
 14 **Q.** In connection with preparing for  
 15 tonight's hearing and your testimony, tell us what  
 16 you did.  
 17 **A. I reviewed the Master Plan and the**  
 18 **Zoning Ordinance.** I did a site visit. I prepared a  
 19 testimony outline for this evening. And I actually  
 20 prepared a photo exhibit. And I know that, like,  
 21 your professionals are, like, on line, and I didn't  
 22 really know that.  
 23 But I do have just a small thing that I  
 24 wanted to hand out to the board.  
 25 But it's from it's from GoogleEarth.  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 And as was discussed earlier, the setbacks are either  
 2 nothing or very, very small.  
 3 What we'll also notice in this  
 4 photograph is that -- which is around the corner so  
 5 I'm sure you guys know -- that basically there  
 6 happens to be a lot of similar type homes, two-family  
 7 duplexes located on our side of street, and more  
 8 particularly the public lot that the Municipal  
 9 Building is actually located on. There's 11 that are  
 10 located on this block. And there's already five that  
 11 are located on that block. And that actually will go  
 12 to my testimony in a little bit.  
 13 The first variance that we need is the  
 14 (d)(6) height variance. We are proposing 32.83 feet  
 15 where 28 feet is permitted.  
 16 As was discussed earlier, we do have a  
 17 grade differential. And we feel that this is a  
 18 better design solution than actually regrading the  
 19 property and having some type of retaining wall or  
 20 sinking the building so that we have one of those  
 21 sloped kind of driveways that usually creates all  
 22 kinds of drainage problems on properties.  
 23 So we think it's a better design  
 24 solution. And it's very similar to all the homes  
 25 that you can see here on the GoogleEarth photograph.  
**LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.**  
**201-641-1812**

1 Obviously, if you just walk outside you're going to  
 2 see that as well.  
 3 We need two (c) variances. One is the  
 4 side yard setback that was just discussed. We do  
 5 feel it's de minimis. We are increasing that side  
 6 yard setback from the home on the one side. And we  
 7 think that that's an improvement of the existing  
 8 condition.  
 9 And we're also asking for a story  
 10 variance, because we are proposing three stories  
 11 where 2-and-a-half is proposed. Again, if we take  
 12 a look at the GoogleEarth photo, you'll see that all  
 13 the two-family duplexes seem to be three stories in  
 14 height. So we're really not doing anything different  
 15 here. We're not setting a precedent.  
 16 So, in essence, when we talk about the  
 17 positive criteria, I think that we promote Purpose A,  
 18 which talks about the promotion of public health,  
 19 safety and general welfare. We are eliminating that  
 20 nonconforming garage.  
 21 And I also believe that we provide  
 22 adequate light, air and open space, which is Purpose  
 23 C. I don't believe that the one difference in the  
 24 side yard or the slight increase in height based on  
 25 the grade differential is going to significantly

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

1 Kathryn, the height variance that you're  
 2 requesting, I think you indicated in your testimony,  
 3 and correct me if I'm wrong, but you said it is  
 4 similar to other projects for other existing  
 5 buildings in the area?  
 6 MS. GREGORY: Yes.  
 7 MR. KAUKER: Okay. And I was just  
 8 looking into, Mr. Chairman, that projection required  
 9 yard. When you were talking about the bay window  
 10 before. This may be a variance. You're permitted --  
 11 a bay window is permitted to project into a yard not  
 12 to exceed 2 feet. And it projects 2 feet.  
 13 But given the fact that this is already  
 14 1-foot deficient, it exceeds essentially 3 feet into  
 15 the yard.  
 16 So I think, technically, they would  
 17 need relief for that as well, which can just be  
 18 lumped in with the (c) variances if the board sees  
 19 fit to grant the application.  
 20 MR. PELLINO: Yeah, I don't think that  
 21 should be a major issue. We kind of tie it into  
 22 together.  
 23 MS. GREGORY: Right.  
 24 CHAIRMAN FERGUSON: That's it.  
 25 MR. PELLINO: Yes, sir.

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

1 impact any adequate light, air and open space on this  
 2 or adjacent properties.  
 3 I also believe that we're providing a  
 4 desirable visual environment, which is Purpose I.  
 5 The reason I say that is I think that now what we're  
 6 doing is we're sort of really starting to complete  
 7 that streetscape, because obviously this area has  
 8 gone through a transition into the two-family  
 9 duplexes.  
 10 In terms the negative criteria, I don't  
 11 believe there's any substantial detriment to the  
 12 public good or any substantial impairment to the  
 13 intent and purpose of your zone plan and zoning  
 14 ordinance.  
 15 Like I said earlier, we're eliminating  
 16 what looks almost like a commercial garage in the  
 17 back of a residential property. So we believe that  
 18 we're actually completely improving this property  
 19 with the building that we're proposing to you this  
 20 evening. So we would hope that you would grant the  
 21 variances as proposed.  
 22 CHAIRMAN FERGUSON: Okay. Mr. Kauker,  
 23 do you have anything?  
 24 MR. KAUKER: Yeah, just one question  
 25 and one clarification.

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

1 CHAIRMAN FERGUSON: Okay. Any board  
 2 members have anything for the planner?  
 3 (No response.)  
 4 CHAIRMAN FERGUSON: Okay.  
 5 The only thing is I neglected to ask  
 6 the audience in the previous if they have any  
 7 questions.  
 8 MR. PELLINO: They're all here.  
 9 CHAIRMAN FERGUSON: Here.  
 10 MR. DeVITO: I have a question for the  
 11 planner from the fire department.  
 12 How do you intend to deal with the fire  
 13 trucks that go in and out? Because currently the  
 14 fire trucks when they pull in, they actually go into  
 15 that driveway that they have there and then they use  
 16 that to back up. And also during a fire call, they  
 17 park in front of the house that's currently there  
 18 with their own cars and emergency vehicles.  
 19 So now putting two driveways, you're  
 20 taking that parking away.  
 21 MR. PELLINO: I don't know what to say.  
 22 But we can't develop properties so that  
 23 we provide access for trucks to back up. I mean, I  
 24 understand the problem.  
 25 But to follow that logic, we would have

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

1 -- the property would have to stay the way it is,  
 2 right?  
 3 So I don't know.  
 4 CHAIRMAN FERGUSON: Would it help if we  
 5 said you can move the house back.  
 6 MR. PELLINO: A smaller rear yard.  
 7 CHAIRMAN FERGUSON: A smaller rear  
 8 yard.  
 9 MR. SKRABLE: Mr. Chairman, we're  
 10 actually further back than the existing home now.  
 11 So the situation isn't really going to  
 12 change.  
 13 MR. DeVITO: Most of the time people  
 14 park in the duplexes. They park right near the curb  
 15 line so the fire truck -- because they have to swing  
 16 to back into there because it's already tight on that  
 17 street.  
 18 So my concern is when they're making  
 19 the swing, if a car is parked all the way back on the  
 20 driveway, you know, they might hit or, you know,  
 21 something might happen there.  
 22 MR. SKRABLE: But right now all we have  
 23 is that narrow driveway that goes to the big garage  
 24 in the back. The one that's being proposed will  
 25 actually have asphalt all along the frontage.

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

1 it set back further.  
 2 CHAIRMAN FERGUSON: It will give the  
 3 fire department a couple more. You know, I'm looking  
 4 to accommodate -- obviously accommodate the fire  
 5 department, because they were here putting -- yes.  
 6 MR. CARNOVALE: How about if we talk to  
 7 the town engineer and we slope the sidewalk and drop  
 8 the curb so the fire department could do one of these  
 9 and pull in? I don't know. Ask Mr. Collazuol.  
 10 Do you follow me?  
 11 MR. COLLAZUOL: Well, yeah,  
 12 Mr. Carnovale, one of the things that comes to my  
 13 mind is, isn't there a yellow striped zone there  
 14 we're not seeing right now?  
 15 MR. CARNOVALE: Yeah.  
 16 That's for no parking. I think that  
 17 would probably remain the same for fire, law or  
 18 police law. I don't know.  
 19 But Mr. DeVito was talking about them  
 20 pulling that driveway. I don't know the turning  
 21 radius on the truck.  
 22 But I was wondering if they had to --  
 23 in other words, if you use Class B concrete on the  
 24 sidewalk versus these guys use 2500 PSI, maybe the  
 25 fire truck could go on the sidewalk and not kill

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

1 So I would think you would have more  
 2 room to maneuver honestly than you do under current  
 3 conditions. You know, unless there was something  
 4 going on at the house and there were cars parked side  
 5 by side.  
 6 But that's not going to be a normal  
 7 occurrence.  
 8 CHAIRMAN FERGUSON: Are you okay with  
 9 it?  
 10 So you don't think it will be  
 11 beneficial to move the house back a couple feet?  
 12 MR. PELLINO: Yeah.  
 13 I think we're already back pretty far.  
 14 Sean? The question is, how would it  
 15 affect us if we push the house a little further back  
 16 and had a smaller rear yard?  
 17 MR. KIM: This is 20 feet is where the  
 18 setback line is this block. So we will make the same  
 19 straight line in the street.  
 20 CHAIRMAN FERGUSON: I'm having trouble.  
 21 I guess my batteries are going.  
 22 MR. PELLINO: I think the testimony,  
 23 Mr. Chairman, was that we're following pretty much  
 24 the setback line along that block as it is.  
 25 It probably wouldn't look right to have

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

1 anybody and make that turn. I don't know. You're  
 2 the engineer. I'm just a simple simpleton.  
 3 MR. COLLAZUOL: Well, I think PSIs are  
 4 called for the aprons anyway, Vinnie.  
 5 But I think that pushing the house back  
 6 2 feet is irrelevant. Really the fire department is  
 7 not supposed to go beyond that right-of-way line.  
 8 That would be the apron, concrete apron and sidewalk,  
 9 and that's it.  
 10 MR. CARNOVALE: Right. They have 10  
 11 foot, 10 feet right-of-way there.  
 12 MR. COLLAZUOL: I'm not familiar with  
 13 the width on Cleveland. It might be more like 9  
 14 feet.  
 15 But, yes, in that neighborhood,  
 16 Cleveland is only 45-feet wide and not 50-feet wide.  
 17 Perhaps Mr. Skrable can tell us on his plan.  
 18 But I would estimate that the curb  
 19 width curb to curb is approximately 30.  
 20 Then you have about maybe 8, 8 feet  
 21 from the curb to the right-of-way line.  
 22 MR. CARNOVALE: So, Steve, typically on  
 23 a duplex what's left in the middle? Hardly anything.  
 24 What's left there, 4 feet?  
 25 MR. COLLAZUOL: Sometimes nothing

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

1 almost.  
 2 MR. CARNOVALE: So would it be  
 3 advantageous to have that as a complete drop curb  
 4 from one -- the beginning of one driveway all the way  
 5 across the front of the house to the other, or would  
 6 that be detrimental?  
 7 What about the water runoff? Would it  
 8 just go down -- I think there's a catch basin down  
 9 there somewhere, isn't it?  
 10 MR. COLLAZUOL: It's not shown on  
 11 either drawing but.  
 12 MR. CARNOVALE: I mean, on -- what's  
 13 that lower street, Highland? Is there a catch basin?  
 14 I'm just thinking, if they want to try  
 15 and accommodate the fire department, if you thought  
 16 that the fire department, fire truck, could run up on  
 17 those aprons and even eliminate that little piece of  
 18 curb there, would it be -- I don't know --  
 19 detrimental? Even that's -- I don't know. It's not  
 20 my call, Steve.  
 21 MR. COLLAZUOL: Well, Mr. Skrable is  
 22 showing a 44-foot drop curb as it is, Vinnie.  
 23 We can take a look at that certainly.  
 24 And I guess if the board were to look favorably on  
 25 it, it could be in conjunction in meeting with

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

1 someone from the fire department to further examine  
 2 that. And during the time of the construction, the  
 3 curb gets laid out in such a way that the fire  
 4 department is satisfied, as best they can.  
 5 MR. SKRABLE: Steve, the survey is  
 6 showing a full 10 feet on our side from the face of  
 7 the curb to the right-of-way line.  
 8 MR. COLLAZUOL: It is.  
 9 MR. SKRABLE: It is. So I'm guessing  
 10 when this fire truck pulls in under current  
 11 conditions, it's probably not going beyond the  
 12 right-of-way anyway.  
 13 But even if it were --  
 14 MR. DeVITO: There's workers here  
 15 during the day.  
 16 MR. CARNOVALE: It's yellow there,  
 17 Robert.  
 18 MR. SKRABLE: I'm saying, the first 10  
 19 feet behind the curb you'd still be able to use.  
 20 MR. COLLAZUOL: Exactly. That's what  
 21 I'm saying.  
 22 MR. SKRABLE: Plus we're adding an  
 23 additional paved area that's not there now. I feel  
 24 the situation, it's getting better than it currently  
 25 is.

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

1 MR. COLLAZUOL: That's right. It  
 2 certainly is getting better, yes.  
 3 CHAIRMAN FERGUSON: All right. So I  
 4 make -- do you want to sum up, Counsel?  
 5 MR. PELLINO: I know the board has  
 6 listened. I think this is a reasonable plan. The  
 7 minor variances are justified.  
 8 CHAIRMAN FERGUSON: Okay. So I'll make  
 9 --  
 10 VICE CHAIRMAN ALBANESE: The \$2,000.00.  
 11 CHAIRMAN FERGUSON: I'll a make a  
 12 motion to approve the application.  
 13 In addition to, you know, \$2,000.00 for  
 14 the Tree Preservation Fund, something close to my  
 15 heart, and also any variances that are require will  
 16 be granted.  
 17 MR. CARNOVALE: I second.  
 18 CHAIRMAN FERGUSON: Roll call.  
 19 MS. LAMBRINIDES: Mr. Ferguson?  
 20 CHAIRMAN FERGUSON: Yes.  
 21 MS. LAMBRINIDES: Mr. Albanese?  
 22 VICE CHAIRMAN ALBANESE: Yes.  
 23 MS. LAMBRINIDES: Mr. Elefteriou?  
 24 MR. ELEFTERIOU: Yes.  
 25 MS. LAMBRINIDES: Mr. Carnovale?

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

1 MR. CARNOVALE: Yes.  
 2 MS. LAMBRINIDES: Mr. Grala?  
 3 MR. GRALA: Yes.  
 4 MS. LAMBRINIDES: Mr. Brogna?  
 5 MR. BROGNA: Yes.  
 6 MS. LAMBRINIDES: Mr. Chung?  
 7 MR. CHUNG: Yes.  
 8 MR. PELLINO: Thank you, all.  
 9 Have a good night.  
 10 Thank you very much.  
 11 MR. CARNOVALE: Motion to adjourn.  
 12 CHAIRMAN FERGUSON: Adjourn?  
 13 (Whereupon, all present members respond  
 14 in the affirmative.)  
 15 (Whereupon, this meeting is adjourned.  
 16 Time noted: 10:13 p.m.)  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

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**201-641-1812**



1 CERTIFICATE

2

3 I, RONDA L. REINSTEIN, a Certified Court  
4 Reporter of the State of New Jersey, authorized to  
5 administer oaths pursuant to R.S.41:2-2, do hereby  
6 certify that the foregoing is a true and accurate  
7 transcript of the testimony as taken stenographically  
8 by and before me at the time, place and on the date  
9 herein before set forth, to the best of my ability.

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

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24 -----

RONDA L. REINSTEIN, CCR No. 30X100217800

25

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

<b>\$</b>	<p><b>11-unit</b> [2] - 53:6, 68:17</p> <p><b>11.10</b> [1] - 110:13</p> <p><b>11.4</b> [1] - 117:18</p> <p><b>11.5</b> [1] - 116:7</p> <p><b>111</b> [1] - 5:20</p> <p><b>116</b> [1] - 5:20</p> <p><b>118</b> [1] - 136:25</p> <p><b>12</b> [5] - 106:10, 117:16, 119:8, 120:10, 172:13</p> <p><b>12-run</b> [1] - 117:15</p> <p><b>120</b> [1] - 5:21</p> <p><b>1223</b> [1] - 3:4</p> <p><b>125</b> [3] - 34:6, 52:4, 52:9</p> <p><b>126</b> [2] - 5:22, 5:22</p> <p><b>127</b> [1] - 7:22</p> <p><b>12th</b> [1] - 109:19</p> <p><b>13</b> [1] - 4:4</p> <p><b>13-and-a-half</b> [1] - 26:3</p> <p><b>132</b> [1] - 5:23</p> <p><b>136</b> [2] - 6:4, 6:5</p> <p><b>138</b> [1] - 6:5</p> <p><b>139</b> [2] - 1:17, 4:3</p> <p><b>139-145</b> [2] - 13:3, 14:1</p> <p><b>14</b> [4] - 4:6, 26:11, 104:16, 140:3</p> <p><b>14-foot</b> [1] - 114:17</p> <p><b>142.78</b> [1] - 104:23</p> <p><b>143</b> [1] - 6:6</p> <p><b>144</b> [1] - 6:7</p> <p><b>145</b> [2] - 1:17, 4:3</p> <p><b>147</b> [2] - 6:8, 6:8</p> <p><b>148</b> [1] - 8:5</p> <p><b>148.57</b> [1] - 104:20</p> <p><b>15</b> [10] - 1:7, 4:14, 5:5, 7:4, 26:1, 40:10, 106:9, 112:3, 114:15, 138:9</p> <p><b>153</b> [1] - 6:12</p> <p><b>156</b> [2] - 6:14, 6:14</p> <p><b>157</b> [3] - 41:6, 41:10, 54:7</p> <p><b>15th</b> [1] - 14:4</p> <p><b>16</b> [9] - 1:21, 4:9, 6:12, 8:7, 118:11, 118:14, 154:11, 179:11</p> <p><b>16-foot</b> [1] - 107:19</p> <p><b>161</b> [1] - 6:15</p> <p><b>162</b> [1] - 6:16</p> <p><b>163</b> [1] - 6:17</p> <p><b>166</b> [1] - 6:18</p> <p><b>17</b> [9] - 1:2, 1:19, 4:11, 6:4, 8:4, 118:5, 118:11, 118:12, 137:5</p>	<p><b>17-and-a-half</b> [1] - 112:5</p> <p><b>17-foot</b> [1] - 107:21</p> <p><b>170</b> [1] - 6:18</p> <p><b>175</b> [1] - 6:19</p> <p><b>178</b> [2] - 6:20, 6:20</p> <p><b>179</b> [1] - 8:9</p> <p><b>18</b> [5] - 4:14, 26:8, 26:14, 30:2, 32:21</p> <p><b>18-foot</b> [3] - 35:17, 57:16, 59:7</p> <p><b>182</b> [1] - 6:21</p> <p><b>184</b> [1] - 6:22</p> <p><b>19</b> [2] - 59:11, 84:21</p> <p><b>19-foot-6-by-57</b> [1] - 55:23</p> <p><b>192</b> [1] - 39:2</p> <p><b>19th</b> [2] - 84:20, 85:25</p>	<p><b>2021</b> [12] - 1:2, 14:5, 22:6, 22:10, 28:13, 28:17, 33:18, 33:21, 56:20, 84:17, 85:12, 159:4</p> <p><b>21-01</b> [4] - 1:14, 5:11, 7:16, 92:3</p> <p><b>21-02</b> [4] - 1:16, 4:2, 13:3, 14:1</p> <p><b>21-03</b> [2] - 4:10, 17:2</p> <p><b>21-04</b> [4] - 1:8, 5:16, 7:20, 100:22</p> <p><b>21-05</b> [3] - 1:20, 6:11, 8:6</p> <p><b>21-07</b> [4] - 1:18, 6:2, 8:2, 136:16</p> <p><b>21.2</b> [1] - 26:21</p> <p><b>214</b> [2] - 1:11, 4:9</p> <p><b>215</b> [3] - 1:21, 6:12, 8:8</p> <p><b>218</b> [3] - 1:15, 5:13, 7:18</p> <p><b>21st</b> [1] - 14:5</p> <p><b>22</b> [10] - 1:15, 5:12, 7:5, 7:17, 56:20, 57:21, 62:6, 84:17, 85:11, 92:3</p> <p><b>23</b> [3] - 1:5, 4:6, 14:2</p> <p><b>23-foot-7-by-47</b> [1] - 55:25</p> <p><b>23rd</b> [1] - 163:22</p> <p><b>24</b> [2] - 4:4, 14:2</p> <p><b>24,400</b> [2] - 46:19, 47:1</p> <p><b>24-foot</b> [6] - 24:16, 36:14, 37:13, 59:7, 140:2</p> <p><b>24-foot-wide</b> [1] - 38:22</p> <p><b>25</b> [11] - 25:25, 26:7, 62:4, 71:13, 87:19, 95:7, 110:15, 110:21, 111:9, 136:24, 142:24</p> <p><b>25-foot</b> [1] - 139:25</p> <p><b>2500</b> [1] - 187:24</p> <p><b>256</b> [8] - 1:8, 1:9, 5:17, 5:17, 7:20, 7:21, 101:23, 102:2</p> <p><b>256-7th</b> [3] - 3:13, 100:22, 101:20</p> <p><b>257</b> [1] - 156:23</p> <p><b>28</b> [2] - 7:6, 180:15</p> <p><b>28-feet-2-inches</b> [1] - 110:24</p> <p><b>28.81</b> [1] - 142:24</p> <p><b>29</b> [5] - 1:19, 4:16, 6:4, 8:4, 137:5</p> <p><b>21-03</b> [1] - 1:12</p>	<b>3</b>
<b>0</b>	<p><b>07024</b> [2] - 3:4, 3:8</p> <p><b>07632</b> [1] - 103:21</p> <p><b>07650</b> [1] - 3:12</p> <p><b>07657</b> [1] - 3:16</p>	<b>2</b>	<p><b>2</b> [28] - 1:9, 2:10, 5:18, 7:21, 22:20, 56:19, 57:12, 57:20, 58:25, 60:10, 66:12, 71:14, 101:24, 111:1, 111:6, 111:12, 123:8, 124:3, 140:2, 164:17, 164:18, 168:24, 176:10, 176:12, 176:13, 183:12, 188:6</p> <p><b>2,000</b> [1] - 56:1</p> <p><b>2,386</b> [1] - 139:24</p> <p><b>2,500</b> [3] - 47:1, 74:24, 88:24</p> <p><b>2,700</b> [2] - 128:17, 131:8</p> <p><b>2-and-a-half</b> [3] - 76:3, 110:22, 181:11</p> <p><b>2-feet</b> [1] - 176:8</p> <p><b>2-foot</b> [1] - 60:2</p> <p><b>2.1</b> [1] - 158:12</p> <p><b>20</b> [10] - 4:15, 4:15, 40:9, 57:18, 57:19, 114:16, 116:4, 117:24, 118:16, 186:17</p> <p><b>20,000</b> [1] - 73:4</p> <p><b>20-09</b> [3] - 1:4, 4:5, 14:11</p> <p><b>20-10</b> [4] - 1:6, 4:12, 5:4, 7:2</p> <p><b>20-12</b> [3] - 1:10, 4:7, 16:2</p> <p><b>20-feet-4-inches</b> [1] - 118:17</p> <p><b>2020</b> [2] - 56:19, 163:22</p>	<p><b>3</b> [15] - 1:11, 1:13, 2:11, 4:9, 4:11, 22:9, 32:21, 37:18, 110:22, 140:1, 158:19, 168:2, 168:15, 183:14</p> <p><b>3,168</b> [1] - 110:9</p> <p><b>3,500</b> [3] - 47:2, 74:25, 88:22</p> <p><b>3-and-a-half</b> [1] - 109:11</p> <p><b>3-foot-2-inches</b> [2] - 111:11, 143:17</p> <p><b>3-foot</b> [1] - 154:20</p> <p><b>3-foot-high</b> [1] - 86:12</p> <p><b>30</b> [2] - 138:10, 188:19</p> <p><b>30X100217800</b> [1] - 193:24</p> <p><b>311</b> [9] - 1:7, 4:13, 5:5, 7:3, 7:14, 18:4, 18:6, 69:5, 69:9</p> <p><b>32</b> [1] - 54:21</p> <p><b>32.75</b> [1] - 95:6</p> <p><b>32.83</b> [2] - 166:1, 180:14</p> <p><b>33</b> [1] - 7:7</p> <p><b>34</b> [1] - 4:17</p> <p><b>34.9</b> [2] - 26:25, 71:13</p> <p><b>35</b> [1] - 30:7</p> <p><b>350</b> [2] - 177:14, 177:22</p> <p><b>36</b> [3] - 1:11, 4:8, 16:3</p> <p><b>36.8</b> [1] - 50:8</p>
<b>1</b>	<p><b>1</b> [10] - 1:15, 2:9, 3:8, 5:13, 7:18, 22:16, 145:21, 146:6, 168:7, 168:23</p> <p><b>1-foot</b> [1] - 183:14</p> <p><b>1.6</b> [1] - 158:13</p> <p><b>1.8</b> [1] - 158:13</p> <p><b>10</b> [15] - 14:2, 23:25, 24:4, 26:11, 32:20, 57:9, 110:13, 119:6, 172:14, 172:16, 188:10, 188:11, 190:6, 190:18</p> <p><b>10,11,23</b> [1] - 4:4</p> <p><b>10,11,23&amp;24</b> [1] - 1:17</p> <p><b>10-feet-by-6</b> [1] - 172:12</p> <p><b>10-foot</b> [4] - 40:8, 57:13, 59:8, 59:14</p> <p><b>10-percent</b> [1] - 157:11</p> <p><b>100</b> [5] - 5:18, 34:4, 38:18, 50:16, 82:10</p> <p><b>100-feet</b> [1] - 104:6</p> <p><b>100-foot</b> [1] - 139:10</p> <p><b>1000</b> [1] - 3:7</p> <p><b>101</b> [1] - 43:23</p> <p><b>103</b> [2] - 5:19</p> <p><b>10:13</b> [1] - 192:16</p> <p><b>11</b> [12] - 14:2, 21:18, 25:4, 25:22, 46:3, 68:20, 71:19, 87:7, 116:22, 119:6, 120:10, 180:9</p> <p><b>11-19-20</b> [1] - 156:24</p> <p><b>11-feet-10-inches</b> [1] - 106:11</p> <p><b>11-foot-4-inches</b> [1] - 118:6</p> <p><b>11-foot-5</b> [2] - 117:9, 118:21</p>	<p><b>4</b> [14] - 2:12, 27:17, 36:23, 37:18, 111:6, 116:14, 117:13, 118:2, 119:24, 149:7, 168:8, 169:2, 179:25, 188:24</p> <p><b>4,000</b> [2] - 128:24, 129:15</p> <p><b>4,831</b> [1] - 139:11</p> <p><b>4-foot</b> [7] - 27:11, 105:17, 106:20, 107:17, 117:10, 117:11, 118:14</p> <p><b>4.8</b> [1] - 123:19</p> <p><b>4/08/21</b> [3] - 7:5, 7:6, 7:7</p> <p><b>40</b> [3] - 26:20, 59:11, 83:21</p> <p><b>40-feet-wide-by-120-feet</b> [1] - 139:7</p>	<b>4</b>	

<p><b>400</b> [2] - 130:25, 132:24  <b>405</b> [4] - 1:9, 5:18, 7:21, 101:24  <b>412</b> [4] - 1:7, 4:14, 5:5, 7:4  <b>416</b> [3] - 3:11, 101:17, 136:20  <b>42</b> [1] - 4:17  <b>43</b> [1] - 4:18  <b>44-foot</b> [1] - 189:22  <b>44.96</b> [1] - 110:9  <b>45</b> [1] - 4:19  <b>45-feet</b> [1] - 188:16  <b>450</b> [1] - 150:20  <b>46</b> [1] - 105:21  <b>468</b> [2] - 103:15, 103:20  <b>47</b> [1] - 4:20  <b>47.24</b> [1] - 146:1  <b>47.25</b> [1] - 146:12  <b>49</b> [1] - 146:2</p>	<p style="text-align: center;"><b>6</b></p> <p><b>6</b> [7] - 105:25, 106:6, 121:2, 123:9, 158:11, 166:10, 167:23  <b>6-feet</b> [1] - 27:15  <b>6-foot</b> [2] - 104:23, 173:22  <b>6-over-6</b> [1] - 137:4  <b>6.8</b> [1] - 123:12  <b>60</b> [4] - 67:4, 93:13, 126:17, 147:5  <b>61</b> [2] - 4:23, 64:2  <b>614</b> [2] - 1:5, 4:6  <b>617</b> [2] - 1:13, 4:11  <b>65</b> [2] - 4:24, 156:2  <b>65-feet-2-inches-wide-by-39</b> [1] - 105:1  <b>650</b> [2] - 162:18, 162:23  <b>67</b> [8] - 1:19, 3:13, 5:6, 5:7, 6:3, 8:3, 136:16, 137:5  <b>68</b> [1] - 26:16  <b>69</b> [1] - 7:15</p>	<p style="text-align: center;"><b>8</b></p> <p><b>8</b> [21] - 22:6, 22:10, 28:13, 28:17, 30:4, 33:18, 33:21, 40:3, 41:17, 57:12, 109:12, 113:7, 114:11, 116:10, 117:4, 120:13, 174:3, 174:5, 174:22, 188:20  <b>8-feet</b> [2] - 113:3, 115:7  <b>8-foot</b> [3] - 59:1, 165:11, 165:12  <b>8-on-12</b> [1] - 117:14  <b>8-rise</b> [1] - 117:15  <b>80</b> [1] - 5:9  <b>8005</b> [2] - 137:21, 138:2  <b>84</b> [1] - 5:10  <b>85</b> [1] - 139:2  <b>865</b> [1] - 3:15  <b>8th</b> [13] - 4:19, 4:20, 5:9, 5:10, 22:24, 31:5, 31:6, 45:25, 48:18, 48:22, 71:1, 73:21, 80:20</p>	<p>176:1  <b>A-3</b> [10] - 21:12, 21:15, 23:11, 23:24, 23:25, 108:6, 138:24, 140:15, 165:2, 165:3  <b>A-4</b> [7] - 7:5, 22:2, 22:6, 28:2, 58:13, 138:24, 142:9  <b>A-5</b> [3] - 7:6, 28:10, 28:17  <b>A-6</b> [4] - 7:7, 33:14, 33:15, 33:21  <b>A-7</b> [3] - 7:8, 52:14, 52:15  <b>A-8</b> [5] - 7:9, 52:21, 53:23, 84:10, 84:13  <b>A-9</b> [3] - 7:10, 55:17, 55:20  <b>AA</b> [9] - 25:19, 47:23, 71:8, 94:24, 101:24, 104:9, 109:24, 110:6, 128:5  <b>ability</b> [3] - 29:9, 150:3, 193:9  <b>able</b> [16] - 24:6, 38:23, 39:13, 40:4, 42:20, 42:22, 49:15, 60:6, 86:16, 86:17, 87:25, 88:1, 107:14, 159:16, 175:14, 190:19  <b>ABSENT</b> [3] - 2:7, 2:8, 2:11  <b>abut</b> [1] - 179:18  <b>AC</b> [1] - 157:21  <b>accept</b> [14] - 10:16, 10:18, 12:6, 12:9, 20:14, 52:12, 67:11, 99:23, 138:13, 147:11, 152:18, 156:12, 163:4, 178:6  <b>acceptable</b> [1] - 162:1  <b>accepted</b> [2] - 67:16, 93:18  <b>access</b> [12] - 23:3, 27:21, 27:23, 39:15, 44:15, 107:15, 109:12, 140:25, 141:1, 141:11, 141:22, 184:23  <b>accessed</b> [1] - 108:11  <b>Accessory</b> [1] - 179:24  <b>accessway</b> [1] - 115:10  <b>accidents</b> [1] - 46:11  <b>accommodate</b> [6] - 73:6, 128:22, 157:18, 187:4, 189:15</p>	<p><b>accordance</b> [1] - 9:8  <b>accordingly</b> [1] - 18:24  <b>account</b> [4] - 68:10, 89:3, 89:4, 89:5  <b>accurate</b> [1] - 193:6  <b>accurately</b> [1] - 69:22  <b>acknowledge</b> [1] - 130:6  <b>acquire</b> [1] - 150:3  <b>act</b> [1] - 41:1  <b>Act</b> [1] - 9:8  <b>action</b> [4] - 29:10, 81:11, 193:12, 193:15  <b>acts</b> [1] - 157:18  <b>actual</b> [1] - 36:2  <b>add</b> [7] - 28:2, 29:14, 49:10, 57:12, 60:24, 99:23, 135:3  <b>added</b> [1] - 145:18  <b>adding</b> [1] - 190:22  <b>addition</b> [9] - 46:22, 59:10, 60:8, 62:11, 75:22, 80:5, 105:14, 110:16, 191:13  <b>Additional</b> [1] - 74:16  <b>additional</b> [24] - 27:4, 29:1, 29:7, 40:1, 49:9, 57:3, 61:5, 66:12, 71:11, 75:11, 75:18, 85:22, 95:5, 97:11, 98:11, 128:8, 128:22, 130:11, 131:1, 131:4, 133:1, 150:3, 190:23  <b>address</b> [13] - 20:11, 77:16, 77:18, 87:25, 88:1, 103:17, 122:23, 124:9, 138:2, 145:15, 146:17, 160:1, 177:22  <b>addressed</b> [6] - 28:22, 90:4, 121:19, 144:13, 145:11, 146:15  <b>addresses</b> [2] - 72:23, 96:10  <b>adequate</b> [2] - 181:22, 182:1  <b>adjacent</b> [30] - 48:17, 49:13, 49:16, 49:22, 60:7, 63:15, 71:4, 74:11, 74:17, 74:20, 86:14, 89:11, 97:9, 97:16, 98:12, 106:23, 107:10, 124:5, 127:20, 128:1, 130:20,</p>
<p style="text-align: center;"><b>5</b></p>	<p style="text-align: center;"><b>7</b></p>	<p style="text-align: center;"><b>9</b></p>	<p style="text-align: center;"><b>A</b></p>	
<p><b>5</b> [18] - 26:10, 33:9, 36:23, 60:8, 60:9, 64:2, 65:10, 66:9, 106:2, 123:8, 159:4, 166:11, 166:17, 166:19, 167:3, 173:23, 175:12  <b>5,000</b> [6] - 73:9, 109:25, 128:25, 129:15, 133:19, 139:13  <b>5,500</b> [1] - 46:24  <b>5-and-a-half</b> [1] - 27:10  <b>5-foot</b> [1] - 157:23  <b>5-foot-10</b> [1] - 106:6  <b>50</b> [4] - 1:5, 4:6, 14:10, 110:2  <b>50-by-100</b> [3] - 47:6, 111:2, 111:13  <b>50-by-107</b> [1] - 154:14  <b>50-feet</b> [1] - 188:16  <b>51-feet-8</b> [1] - 105:3  <b>516</b> [1] - 5:9  <b>517</b> [1] - 4:19  <b>52</b> [3] - 4:22, 4:22, 7:9  <b>531</b> [2] - 4:20, 5:10  <b>54.8-inches</b> [1] - 105:2  <b>55</b> [3] - 7:10, 20:5, 20:11  <b>56</b> [2] - 7:11, 64:3  <b>5th</b> [2] - 120:25, 138:25</p>	<p><b>7</b> [9] - 1:21, 6:12, 8:8, 14:5, 60:11, 66:6, 66:14, 71:19, 87:21  <b>7,700</b> [1] - 133:20  <b>7,714</b> [1] - 110:1  <b>7,714.22</b> [1] - 104:8  <b>7-foot-10</b> [1] - 116:14  <b>7.25</b> [1] - 106:5  <b>717</b> [3] - 1:17, 4:4, 14:2  <b>72</b> [3] - 1:13, 4:11, 17:3  <b>72.78</b> [1] - 50:8  <b>76</b> [1] - 5:8  <b>76.89</b> [1] - 104:5  <b>77.4</b> [1] - 110:2  <b>77.4-feet</b> [1] - 104:4  <b>7:00</b> [1] - 1:2  <b>7TH</b> [4] - 5:17, 5:17, 7:20, 7:21  <b>7th</b> [11] - 1:8, 1:9, 31:4, 100:21, 101:23, 102:2, 104:2, 104:17, 104:18, 109:20</p>	<p><b>9</b> [2] - 174:24, 188:13  <b>9-by-12</b> [1] - 110:17  <b>9-foot</b> [1] - 59:8  <b>9.6</b> [1] - 165:12  <b>92</b> [1] - 5:13  <b>93</b> [2] - 5:14, 7:19  <b>94</b> [1] - 5:14  <b>96</b> [2] - 177:14, 177:22  <b>99</b> [1] - 5:15  <b>9th</b> [1] - 73:21</p> <p><b>A</b></p> <p><b>A-1</b> [5] - 8:9, 138:24, 175:25, 179:5, 179:7  <b>A-10</b> [3] - 7:11, 56:11, 56:14  <b>A-11</b> [1] - 7:12  <b>A-12</b> [4] - 7:13, 69:1, 69:11, 70:7  <b>A-2</b> [16] - 7:19, 7:22, 8:5, 93:22, 93:24, 94:4, 106:18, 106:25, 127:9, 127:12, 138:24, 148:3, 148:7, 164:18, 175:25,</p>		

<p>131:22, 133:23, 143:8, 145:7, 149:12, 150:8, 160:2, 160:14, 182:2</p> <p><b>Adjacent</b> [1] - 71:6</p> <p><b>adjoining</b> [2] - 140:12, 145:21</p> <p><b>adjourn</b> [1] - 192:11</p> <p><b>Adjourn</b> [1] - 192:12</p> <p><b>adjourned</b> [2] - 147:13, 192:15</p> <p><b>adjournment</b> [3] - 13:2, 13:5</p> <p><b>ADJUSTMENT</b> [1] - 1:1</p> <p><b>Adjustment</b> [1] - 3:2</p> <p><b>adjustment</b> [1] - 52:19</p> <p><b>adjustments</b> [1] - 60:18</p> <p><b>administer</b> [1] - 193:5</p> <p><b>ado</b> [1] - 137:11</p> <p><b>advance</b> [1] - 103:1</p> <p><b>advantage</b> [2] - 105:7, 109:18</p> <p><b>advantageous</b> [2] - 59:18, 189:3</p> <p><b>advertise</b> [1] - 13:6</p> <p><b>affect</b> [3] - 81:16, 147:19, 186:15</p> <p><b>affecting</b> [1] - 161:23</p> <p><b>Affidavit</b> [1] - 154:6</p> <p><b>affirm</b> [3] - 19:24, 162:13, 177:9</p> <p><b>agenda</b> [1] - 85:20</p> <p><b>aggravation</b> [1] - 36:1</p> <p><b>ago</b> [5] - 38:3, 53:5, 54:7, 69:25, 89:14</p> <p><b>agree</b> [2] - 29:9, 171:2</p> <p><b>agreed</b> [1] - 87:17</p> <p><b>ahead</b> [4] - 42:9, 49:1, 65:8, 116:2</p> <p><b>AIA</b> [7] - 4:22, 5:19, 6:5, 6:16, 52:3, 103:14, 162:17</p> <p><b>air</b> [8] - 61:7, 61:24, 88:2, 98:12, 143:5, 175:14, 181:22, 182:1</p> <p><b>aisle</b> [1] - 38:22</p> <p><b>ALBANESE</b> [32] - 2:3, 9:4, 9:17, 10:17, 11:2, 11:12, 12:8, 13:9, 13:14, 14:13, 15:6, 15:15, 16:5, 16:14, 17:7, 17:10, 17:15, 90:14, 90:22, 92:11, 100:3, 100:8, 134:22, 135:1, 135:16, 153:5, 172:6, 174:21,</p>	<p>175:1, 175:8, 191:10, 191:22</p> <p><b>Albanese</b> [13] - 9:16, 11:8, 11:11, 13:13, 15:14, 16:13, 17:14, 90:21, 92:10, 100:7, 135:15, 153:4, 191:21</p> <p><b>ALEXANDER</b> [2] - 6:11, 8:7</p> <p><b>Alexander</b> [1] - 1:20</p> <p><b>ALEXIS</b> [2] - 45:24, 47:9</p> <p><b>Alexis</b> [3] - 4:19, 45:24, 47:9</p> <p><b>all-brick</b> [1] - 106:13</p> <p><b>Allegiance</b> [1] - 9:6</p> <p><b>allow</b> [2] - 72:17, 114:8</p> <p><b>allowances</b> [1] - 48:3</p> <p><b>allowed</b> [3] - 50:9, 50:11, 110:4</p> <p><b>allows</b> [4] - 50:16, 50:20, 75:10, 104:10</p> <p><b>almost</b> [11] - 26:22, 42:20, 87:2, 104:23, 107:8, 109:12, 112:4, 112:18, 134:16, 182:16, 189:1</p> <p><b>alongside</b> [1] - 121:20</p> <p><b>ALTERNATE</b> [4] - 2:9, 2:10, 2:11, 2:12</p> <p><b>aluminum</b> [1] - 55:14</p> <p><b>amenable</b> [1] - 59:17</p> <p><b>amend</b> [2] - 87:17, 123:24</p> <p><b>amended</b> [5] - 18:24, 19:8, 21:25, 53:9, 135:8</p> <p><b>amendment</b> [1] - 53:19</p> <p><b>amendments</b> [1] - 60:18</p> <p><b>amenities</b> [1] - 108:18</p> <p><b>amount</b> [9] - 25:13, 46:10, 81:20, 83:1, 98:14, 98:17, 132:2, 150:15, 151:13</p> <p><b>ample</b> [4] - 23:20, 88:12, 88:13</p> <p><b>AN</b> [1] - 4:5</p> <p><b>and..</b> [1] - 31:4</p> <p><b>Anderson</b> [2] - 3:4, 3:7</p> <p><b>angle</b> [1] - 104:7</p> <p><b>answer</b> [9] - 63:3, 65:16, 76:16, 80:9, 99:1, 103:23, 132:12, 151:25,</p>	<p>176:11</p> <p><b>anticipation</b> [2] - 85:5, 85:14</p> <p><b>anytime</b> [1] - 40:11</p> <p><b>anyway</b> [2] - 188:4, 190:12</p> <p><b>apologize</b> [1] - 106:11</p> <p><b>appeal</b> [1] - 37:22</p> <p><b>appearance</b> [3] - 73:14, 74:8, 107:2</p> <p><b>appeared</b> [4] - 138:4, 138:7, 138:9, 177:25</p> <p><b>applicable</b> [1] - 68:7</p> <p><b>Applicant</b> [2] - 3:5, 3:16</p> <p><b>applicant</b> [19] - 14:3, 14:19, 14:23, 15:1, 18:11, 29:8, 34:15, 40:12, 79:20, 79:22, 80:6, 88:5, 89:5, 89:15, 101:25, 102:15, 102:21, 126:6, 137:2</p> <p><b>applicant's</b> [3] - 48:9, 102:9, 102:24</p> <p><b>Applicants</b> [2] - 3:9, 3:12</p> <p><b>applicants</b> [2] - 92:25, 101:20</p> <p><b>application</b> [32] - 18:18, 18:24, 19:8, 19:25, 25:4, 31:1, 51:24, 66:25, 84:6, 86:24, 87:1, 87:17, 89:2, 90:12, 93:9, 99:23, 102:14, 102:18, 103:11, 111:18, 123:25, 126:13, 134:21, 135:8, 137:17, 147:1, 152:19, 154:11, 163:18, 166:15, 183:19, 191:12</p> <p><b>applications</b> [1] - 124:18</p> <p><b>apply</b> [3] - 24:10, 56:22, 125:16</p> <p><b>appreciate</b> [6] - 31:10, 31:11, 31:25, 32:1, 115:21, 167:8</p> <p><b>approaches</b> [1] - 161:13</p> <p><b>appropriate</b> [6] - 68:23, 72:5, 95:20, 96:2, 98:22, 129:12</p> <p><b>approval</b> [4] - 14:19, 14:25, 15:4, 134:20</p> <p><b>approve</b> [10] - 98:22, 102:1, 112:22,</p>	<p>112:24, 124:8, 134:10, 134:23, 134:25, 137:3, 191:12</p> <p><b>approved</b> [1] - 82:21</p> <p><b>April</b> [11] - 18:17, 22:6, 22:10, 28:13, 28:17, 33:18, 33:20, 84:19, 84:21, 85:15, 85:25</p> <p><b>apron</b> [2] - 188:8</p> <p><b>aprons</b> [2] - 188:4, 189:17</p> <p><b>architect</b> [19] - 36:7, 37:3, 53:1, 61:7, 66:2, 84:7, 89:7, 89:18, 96:11, 102:16, 116:3, 120:8, 137:6, 137:9, 137:12, 154:25, 155:8, 163:8, 167:7</p> <p><b>architect's</b> [3] - 93:3, 102:7, 165:18</p> <p><b>Architectural</b> [2] - 7:9, 52:20</p> <p><b>architectural</b> [8] - 36:5, 36:19, 52:17, 53:10, 53:16, 55:11, 67:21, 147:22</p> <p><b>architecturals</b> [1] - 60:24</p> <p><b>area</b> [79] - 21:21, 24:5, 24:6, 25:24, 27:15, 37:16, 37:20, 37:25, 38:20, 40:8, 40:9, 40:10, 42:17, 44:13, 44:23, 46:5, 46:15, 46:17, 50:7, 50:10, 50:17, 56:2, 59:4, 59:13, 60:14, 64:17, 71:10, 71:17, 73:17, 74:23, 76:8, 78:12, 78:14, 78:25, 79:2, 79:6, 79:11, 80:2, 88:24, 94:22, 95:3, 95:9, 98:5, 98:16, 99:13, 104:8, 105:6, 107:4, 108:10, 109:9, 109:18, 110:1, 124:21, 125:7, 128:7, 128:20, 133:7, 139:18, 140:20, 141:15, 148:25, 161:10, 164:16, 164:22, 167:15, 167:16, 167:19, 168:7, 168:16, 170:9, 170:10, 171:25, 176:7,</p>	<p>182:7, 183:5, 190:23</p> <p><b>areas</b> [5] - 78:17, 83:17, 88:4, 108:19, 140:22</p> <p><b>arrangement</b> [1] - 57:25</p> <p><b>art</b> [3] - 82:17, 82:23, 89:9</p> <p><b>articulated</b> [2] - 89:13, 89:21</p> <p><b>aspect</b> [1] - 117:2</p> <p><b>asphalt</b> [2] - 54:9, 185:25</p> <p><b>assessment</b> [2] - 67:25, 68:11</p> <p><b>Associates</b> [3] - 7:15, 69:7, 69:11</p> <p><b>association</b> [3] - 35:9, 40:3, 40:13</p> <p><b>assume</b> [7] - 31:19, 40:3, 45:3, 65:25, 112:13, 143:10, 145:17</p> <p><b>attached</b> [1] - 124:4</p> <p><b>attempt</b> [1] - 32:19</p> <p><b>attend</b> [1] - 82:22</p> <p><b>attended</b> [1] - 82:10</p> <p><b>attention</b> [1] - 121:1</p> <p><b>attenuation</b> [3] - 62:9, 62:11, 88:2</p> <p><b>attest</b> [1] - 49:15</p> <p><b>attic</b> [12] - 105:6, 107:4, 108:25, 109:5, 109:7, 109:9, 109:17, 110:23, 113:3, 113:10, 115:4, 134:14</p> <p><b>Attorney</b> [4] - 3:5, 3:9, 3:12, 3:16</p> <p><b>attorney</b> [6] - 10:24, 34:11, 153:20, 193:11, 193:13</p> <p><b>audience</b> [2] - 43:12, 184:6</p> <p><b>audio</b> [4] - 46:7, 46:8, 84:14, 86:9</p> <p><b>authorized</b> [1] - 193:4</p> <p><b>Avenue</b> [15] - 1:5, 1:13, 3:4, 3:7, 3:15, 14:10, 17:3, 103:15, 103:21, 104:17, 139:3, 154:4, 156:23, 162:18, 162:24</p> <p><b>AVENUE</b> [2] - 4:6, 4:11</p> <p><b>average</b> [4] - 30:8, 30:15, 54:21, 119:14</p> <p><b>avoid</b> [1] - 105:16</p> <p><b>aware</b> [5] - 45:17,</p>
--	---	---	--	--

78:24, 82:13, 120:8, 144:9 <b>ayes</b> [1] - 12:22	141:6 <b>bedrooms</b> [10] - 58:3, 108:23, 140:21, 141:3, 141:6, 141:9, 141:11, 141:12, 141:20, 164:25 <b>beginning</b> [2] - 43:4, 189:4 <b>behalf</b> [2] - 18:11, 21:2 <b>behind</b> [7] - 27:14, 40:8, 102:22, 114:25, 141:15, 171:25, 190:19 <b>Behind</b> [1] - 56:6 <b>bell</b> [1] - 87:8 <b>below</b> [3] - 43:24, 64:22, 141:23 <b>beneath</b> [1] - 144:16 <b>beneficial</b> [1] - 186:11 <b>benefit</b> [1] - 67:17 <b>Bergen</b> [19] - 31:8, 32:13, 40:24, 42:12, 42:21, 42:25, 43:6, 44:15, 44:19, 46:12, 48:15, 70:17, 70:20, 71:3, 71:5, 90:9, 109:19, 137:21, 138:3 <b>best</b> [5] - 29:9, 60:3, 160:11, 190:4, 193:9 <b>better</b> [6] - 51:8, 129:14, 180:18, 180:23, 190:24, 191:2 <b>between</b> [5] - 104:13, 118:4, 140:13, 141:12, 141:18 <b>Between</b> [1] - 145:9 <b>beyond</b> [4] - 122:10, 140:4, 188:7, 190:11 <b>big</b> [3] - 30:19, 109:7, 185:23 <b>bigger</b> [3] - 79:3, 113:19, 133:17 <b>Bill</b> [2] - 103:25, 121:1 <b>bills</b> [3] - 10:23, 11:1, 11:3 <b>Billy</b> [3] - 102:4, 102:16, 103:7 <b>BIRCHWALE</b> [1] - 3:14 <b>Birchwale</b> [1] - 154:3 <b>bit</b> [17] - 26:1, 26:25, 41:24, 61:20, 63:23, 72:9, 80:3, 104:5, 106:20, 107:5, 108:16, 119:18, 121:22, 149:15, 150:17, 179:16,	180:12 <b>blast</b> [2] - 82:1, 82:9 <b>blasting</b> [4] - 81:15, 81:25, 83:16, 105:22 <b>block</b> [10] - 39:14, 46:6, 50:4, 122:3, 139:4, 154:4, 180:10, 180:11, 186:18, 186:24 <b>BLOCK</b> [15] - 4:4, 4:6, 4:9, 4:11, 4:14, 5:5, 5:13, 5:18, 6:4, 6:12, 7:4, 7:18, 7:21, 8:4, 8:8 <b>Block</b> [12] - 1:5, 1:7, 1:9, 1:11, 1:13, 1:15, 1:17, 1:19, 1:21, 14:2, 101:23, 137:5 <b>BLVD</b> [3] - 4:13, 5:5, 7:3 <b>Blvd</b> [1] - 1:7 <b>board</b> [81] - 9:10, 10:24, 14:21, 18:15, 18:21, 19:1, 19:15, 19:18, 20:25, 21:7, 28:21, 29:5, 29:7, 29:11, 34:8, 39:24, 40:25, 42:2, 45:16, 53:5, 53:12, 58:16, 58:18, 59:17, 60:19, 61:4, 65:1, 68:12, 68:16, 76:18, 79:16, 79:17, 79:23, 80:8, 80:9, 80:12, 81:11, 85:1, 85:19, 87:25, 89:2, 89:25, 90:4, 90:5, 94:4, 98:25, 99:3, 101:15, 102:1, 113:2, 115:25, 117:5, 119:23, 120:13, 120:20, 124:8, 127:1, 134:6, 134:7, 134:8, 135:5, 137:3, 138:5, 138:8, 143:24, 147:17, 152:1, 152:15, 153:20, 158:1, 159:2, 161:2, 164:3, 165:13, 177:25, 178:24, 183:18, 184:1, 189:24, 191:5 <b>Board</b> [11] - 2:20, 2:21, 2:23, 3:2, 18:10, 89:22, 92:24, 93:23, 100:24, 136:19, 154:1 <b>BOARD</b> [1] - 1:1 <b>board's</b> [3] - 21:24, 76:25, 152:16 <b>Board/Professional</b>	[11] - 4:16, 4:23, 5:7, 5:15, 5:19, 5:23, 6:6, 6:9, 6:15, 6:17, 6:21 <b>boards</b> [1] - 138:5 <b>bonding</b> [1] - 82:7 <b>BOROUGH</b> [1] - 1:1 <b>borough</b> [5] - 10:24, 14:20, 15:3, 28:21, 29:6 <b>Borough</b> [7] - 7:14, 9:11, 50:13, 68:5, 69:6, 69:9, 103:5 <b>bottom</b> [18] - 37:17, 56:25, 70:21, 70:22, 73:22, 94:14, 94:18, 108:11, 119:25, 124:3, 127:22, 128:1, 148:13, 148:18, 149:20, 168:7, 168:8, 169:13 <b>bought</b> [1] - 81:2 <b>boulders</b> [1] - 83:13 <b>boulevard</b> [1] - 43:7 <b>Boulevard</b> [30] - 3:11, 7:14, 18:3, 18:5, 18:7, 31:8, 32:13, 40:24, 42:12, 42:21, 42:25, 43:6, 44:15, 44:19, 46:12, 48:15, 69:6, 69:9, 70:18, 70:20, 71:3, 71:5, 73:13, 73:21, 90:9, 101:17, 109:19, 136:21, 137:21, 138:3 <b>boxed</b> [1] - 54:17 <b>boy</b> [1] - 156:7 <b>break</b> [4] - 57:20, 91:20, 91:22, 106:15 <b>breakdown</b> [1] - 109:24 <b>brick</b> [3] - 106:13, 142:9, 165:6 <b>brief</b> [4] - 14:17, 18:13, 53:1, 91:24 <b>briefly</b> [4] - 19:11, 20:21, 21:4, 86:22 <b>Bring</b> [1] - 101:8 <b>bring</b> [3] - 87:20, 131:25, 150:4 <b>brings</b> [1] - 118:13 <b>BRINKERHOFF</b> [3] - 4:8, 6:3, 8:3 <b>Brinkerhoff</b> [11] - 1:11, 1:19, 3:13, 16:3, 130:19, 136:16, 137:5, 139:2, 146:9, 148:21, 150:7 <b>BROAD</b> [1] - 4:6	<b>Broad</b> [6] - 1:5, 3:15, 14:10, 79:5, 154:4, 156:23 <b>BROGNA</b> [11] - 2:9, 10:6, 11:24, 13:22, 15:23, 16:22, 17:21, 92:19, 100:16, 153:13, 192:5 <b>Brogna</b> [16] - 10:5, 11:23, 13:21, 15:22, 16:21, 17:20, 19:3, 19:4, 91:9, 92:18, 100:15, 100:24, 100:25, 101:3, 153:12, 192:4 <b>broken</b> [1] - 106:14 <b>brought</b> [1] - 44:17 <b>Bruna</b> [3] - 5:9, 81:7, 81:24 <b>buffer</b> [12] - 22:23, 24:4, 24:6, 33:2, 37:21, 62:7, 74:17, 87:19, 88:4, 133:2, 140:11, 151:11 <b>buffering</b> [4] - 62:11, 75:15, 98:11, 150:21 <b>build</b> [2] - 111:3, 164:11 <b>builder</b> [1] - 83:4 <b>Building</b> [9] - 22:16, 22:20, 26:24, 102:12, 110:8, 110:20, 120:5, 176:21, 180:9 <b>building</b> [116] - 22:17, 23:1, 23:20, 24:1, 24:2, 25:5, 25:8, 25:19, 26:23, 30:1, 30:6, 30:7, 31:18, 31:20, 31:24, 32:21, 32:24, 36:2, 38:10, 40:6, 41:7, 41:12, 41:23, 53:17, 53:25, 54:2, 54:7, 54:13, 54:14, 54:17, 54:20, 54:22, 55:4, 55:10, 55:22, 57:19, 57:22, 58:7, 59:6, 59:15, 59:18, 59:24, 60:6, 61:19, 62:4, 62:20, 63:21, 64:1, 64:3, 64:7, 65:10, 66:8, 71:4, 71:12, 72:23, 72:25, 73:12, 74:1, 75:15, 76:6, 78:21, 79:9, 79:24, 80:3, 81:21, 87:16, 87:18, 87:20, 88:24, 90:10, 94:9, 94:13, 94:16, 95:6, 96:9, 96:13,
--	---	--	--	---

<p>98:16, 102:13, 105:15, 106:12, 107:9, 112:3, 112:10, 112:23, 114:7, 114:9, 118:17, 119:5, 119:21, 120:7, 122:11, 122:14, 128:8, 128:11, 130:5, 132:21, 133:5, 140:5, 141:2, 142:2, 142:23, 149:1, 149:13, 155:9, 157:9, 157:24, 164:11, 165:3, 165:8, 165:9, 165:10, 165:24, 168:21, 180:20, 182:19</p> <p><b>building's</b> [1] - 41:16</p> <p><b>buildings</b> [20] - 21:19, 21:21, 22:24, 23:18, 25:4, 29:21, 32:23, 40:19, 54:4, 63:5, 63:7, 85:3, 94:23, 96:18, 96:25, 97:1, 97:17, 99:13, 99:16, 183:5</p> <p><b>built</b> [5] - 72:10, 86:15, 109:20, 110:5, 116:18</p> <p><b>bulk</b> [5] - 97:3, 97:22, 130:15, 131:12, 149:25</p> <p><b>bulkhead</b> [3] - 111:25, 112:1</p> <p><b>bulletin</b> [1] - 9:9</p> <p><b>bump</b> [22] - 142:11, 166:18, 166:25, 167:3, 167:14, 167:16, 167:18, 167:21, 167:23, 169:5, 169:12, 169:13, 170:12, 171:1, 171:10, 173:16, 173:17, 174:1, 174:21, 175:23, 176:2</p> <p><b>bump-out</b> [5] - 166:25, 167:16, 171:1, 173:17, 174:21</p> <p><b>bump-outs</b> [16] - 142:11, 166:18, 167:3, 167:14, 167:18, 167:21, 167:23, 169:5, 169:12, 169:13, 170:12, 171:10, 173:16, 175:23,</p>	<p>176:2</p> <p><b>bumped</b> [1] - 170:21</p> <p><b>bumping</b> [15] - 168:2, 168:3, 168:8, 168:15, 168:16, 168:24, 169:2, 169:8, 169:17, 169:19, 170:6, 170:8, 176:7</p> <p><b>buried</b> [3] - 110:23, 119:9, 119:12</p> <p><b>bushes</b> [1] - 49:22</p> <p><b>business</b> [3] - 136:24, 138:2, 177:22</p> <p><b>busy</b> [1] - 126:8</p> <p><b>but..</b> [1] - 115:19</p> <p><b>BY</b> [18] - 3:7, 3:11, 20:20, 22:11, 28:19, 52:24, 55:18, 56:16, 67:14, 69:13, 94:2, 126:23, 127:13, 138:16, 147:15, 156:14, 163:7, 178:9</p>	<p>63:18, 64:5, 64:11, 64:15, 64:21, 64:24, 91:2, 91:20, 91:23, 92:15, 100:12, 116:1, 116:3, 116:6, 116:9, 116:25, 117:13, 117:21, 118:7, 118:13, 118:18, 118:20, 118:25, 119:11, 119:19, 120:6, 135:20, 152:21, 152:25, 153:9, 170:18, 170:25, 171:7, 171:11, 173:11, 173:16, 173:21, 174:7, 174:13, 174:17, 174:24, 175:4, 175:12, 187:6, 187:15, 188:10, 188:22, 189:2, 189:12, 190:16, 191:17, 192:1, 192:11</p>	<p><b>caught</b> [1] - 61:11</p> <p><b>CCR</b> [1] - 193:24</p> <p><b>ceiling</b> [5] - 118:21, 165:11, 165:12, 172:7, 174:3</p> <p><b>center</b> [7] - 57:5, 70:12, 73:22, 141:9, 141:14, 141:17, 142:2</p> <p><b>Central</b> [3] - 3:11, 101:17, 136:20</p> <p><b>central</b> [1] - 143:9</p> <p><b>centrally</b> [2] - 25:7</p> <p><b>certain</b> [11] - 77:4, 82:6, 82:7, 82:25, 102:3, 116:23, 123:7, 124:18, 137:6</p> <p><b>certainly</b> [12] - 32:9, 39:5, 39:14, 57:10, 73:24, 77:10, 83:10, 97:14, 97:21, 128:21, 189:23, 191:2</p> <p><b>Certainly</b> [6] - 21:8, 70:10, 94:5, 127:3, 138:20, 147:20</p> <p><b>Certified</b> [1] - 193:3</p> <p><b>CERTIFY</b> [1] - 193:10</p> <p><b>certify</b> [1] - 193:6</p> <p><b>cetera</b> [1] - 81:18</p> <p><b>Chairman</b> [43] - 4:16, 5:20, 6:6, 6:18, 18:9, 18:10, 18:22, 29:16, 33:11, 33:23, 43:14, 51:17, 61:1, 61:6, 66:3, 66:17, 67:12, 76:23, 80:11, 81:8, 86:22, 87:16, 89:22, 92:23, 93:2, 93:19, 99:5, 99:18, 101:13, 112:21, 120:14, 134:5, 136:18, 143:2, 152:7, 153:25, 154:7, 161:8, 162:5, 167:8, 183:8, 185:9, 186:23</p> <p><b>CHAIRMAN</b> [240] - 2:2, 2:3, 9:1, 9:4, 9:7, 9:15, 9:17, 10:14, 10:17, 10:19, 10:22, 11:2, 11:4, 11:10, 11:12, 12:1, 12:8, 12:11, 12:18, 12:25, 13:9, 13:10, 13:12, 13:14, 14:8, 14:13, 14:15, 15:6, 15:8, 15:10, 15:13, 15:15, 16:1, 16:5, 16:8, 16:12, 16:14, 17:1, 17:7, 17:8, 17:10,</p>	<p>17:11, 17:13, 17:15, 18:1, 18:6, 20:13, 29:19, 29:24, 30:5, 30:17, 30:21, 30:24, 31:6, 31:9, 31:14, 32:10, 34:4, 34:7, 39:23, 40:1, 40:18, 41:5, 42:1, 42:4, 42:8, 43:8, 43:11, 43:16, 43:18, 45:18, 45:22, 47:10, 47:13, 51:10, 51:13, 51:15, 52:10, 61:4, 64:25, 65:3, 65:8, 65:21, 65:24, 66:4, 66:20, 67:9, 76:17, 76:21, 80:12, 80:19, 83:24, 84:1, 86:19, 89:25, 90:14, 90:16, 90:20, 90:22, 91:21, 91:25, 92:7, 92:9, 92:11, 92:22, 93:16, 99:2, 99:6, 99:19, 100:1, 100:3, 100:4, 100:6, 100:8, 100:20, 101:5, 101:10, 111:14, 111:17, 112:12, 112:20, 113:13, 113:21, 114:6, 114:19, 115:13, 115:20, 115:24, 116:2, 120:19, 120:22, 125:23, 126:3, 126:7, 132:13, 133:25, 134:3, 134:9, 134:19, 134:22, 134:24, 135:1, 135:2, 135:10, 135:14, 135:16, 135:25, 136:3, 136:9, 136:15, 138:4, 138:12, 143:4, 143:10, 143:13, 143:18, 143:20, 143:23, 146:20, 146:23, 147:10, 152:1, 152:3, 152:5, 152:8, 152:13, 152:17, 152:22, 153:3, 153:5, 153:17, 156:8, 156:11, 161:2, 161:5, 162:6, 162:25, 163:3, 166:14, 166:21, 167:12, 167:17, 167:20, 168:13, 168:17, 169:4, 169:9, 169:20,</p>
<b>C</b>				
<p><b>building's</b> [1] - 41:16</p> <p><b>buildings</b> [20] - 21:19, 21:21, 22:24, 23:18, 25:4, 29:21, 32:23, 40:19, 54:4, 63:5, 63:7, 85:3, 94:23, 96:18, 96:25, 97:1, 97:17, 99:13, 99:16, 183:5</p> <p><b>built</b> [5] - 72:10, 86:15, 109:20, 110:5, 116:18</p> <p><b>bulk</b> [5] - 97:3, 97:22, 130:15, 131:12, 149:25</p> <p><b>bulkhead</b> [3] - 111:25, 112:1</p> <p><b>bulletin</b> [1] - 9:9</p> <p><b>bump</b> [22] - 142:11, 166:18, 166:25, 167:3, 167:14, 167:16, 167:18, 167:21, 167:23, 169:5, 169:12, 169:13, 170:12, 171:1, 171:10, 173:16, 173:17, 174:1, 174:21, 175:23, 176:2</p> <p><b>bump-out</b> [5] - 166:25, 167:16, 171:1, 173:17, 174:21</p> <p><b>bump-outs</b> [16] - 142:11, 166:18, 167:3, 167:14, 167:18, 167:21, 167:23, 169:5, 169:12, 169:13, 170:12, 171:10, 173:16, 175:23,</p>	<p><b>C-O-C-O-R-O-S</b> [1] - 103:20</p> <p><b>calculation</b> [1] - 125:6</p> <p><b>calculations</b> [2] - 28:25, 125:4</p> <p><b>camouflage</b> [1] - 115:8</p> <p><b>can..</b> [1] - 174:6</p> <p><b>cannot</b> [1] - 48:17</p> <p><b>cantilever</b> [1] - 176:4</p> <p><b>cantilevered</b> [4] - 62:20, 62:22, 62:24, 176:2</p> <p><b>capacity</b> [2] - 82:7, 82:8</p> <p><b>car</b> [10] - 56:4, 107:11, 107:12, 107:22, 107:23, 142:1, 164:14, 179:23, 185:19</p> <p><b>CARNOVALE</b> [89] - 2:5, 9:23, 11:16, 12:10, 13:18, 15:19, 16:7, 16:18, 17:19, 34:10, 34:19, 34:24, 35:16, 35:21, 35:25, 36:9, 36:12, 37:2, 37:7, 37:12, 38:2, 38:12, 39:7, 39:17, 39:21, 41:9, 41:14, 41:21, 61:6, 61:11, 61:16, 62:16, 62:23, 63:1, 63:10, 63:16,</p>	<p><b>Carnovale</b> [17] - 4:17, 4:23, 5:20, 6:18, 9:22, 11:15, 13:17, 15:18, 16:17, 17:18, 91:1, 92:14, 100:11, 135:19, 153:8, 187:12, 191:25</p> <p><b>carried</b> [2] - 14:4, 146:12</p> <p><b>cars</b> [6] - 42:11, 46:8, 90:5, 150:16, 184:18, 186:4</p> <p><b>cartway</b> [2] - 24:16, 88:13</p> <p><b>Case</b> [17] - 1:4, 1:6, 1:8, 1:10, 1:12, 1:14, 1:16, 1:18, 1:20, 13:3, 14:1, 14:10, 16:2, 17:2, 92:2, 100:22, 136:16</p> <p><b>CASE</b> [15] - 4:2, 4:5, 4:7, 4:10, 4:12, 5:4, 5:11, 5:16, 6:2, 6:11, 7:2, 7:16, 7:20, 8:2, 8:6</p> <p><b>case</b> [8] - 14:9, 18:2, 23:15, 88:10, 90:6, 118:1, 136:10, 136:11</p> <p><b>casement</b> [1] - 142:15</p> <p><b>cases</b> [3] - 50:21, 115:3, 136:10</p> <p><b>catch</b> [3] - 83:7, 189:8, 189:13</p> <p><b>catches</b> [1] - 39:8</p>	<p><b>caught</b> [1] - 61:11</p> <p><b>CCR</b> [1] - 193:24</p> <p><b>ceiling</b> [5] - 118:21, 165:11, 165:12, 172:7, 174:3</p> <p><b>center</b> [7] - 57:5, 70:12, 73:22, 141:9, 141:14, 141:17, 142:2</p> <p><b>Central</b> [3] - 3:11, 101:17, 136:20</p> <p><b>central</b> [1] - 143:9</p> <p><b>centrally</b> [2] - 25:7</p> <p><b>certain</b> [11] - 77:4, 82:6, 82:7, 82:25, 102:3, 116:23, 123:7, 124:18, 137:6</p> <p><b>certainly</b> [12] - 32:9, 39:5, 39:14, 57:10, 73:24, 77:10, 83:10, 97:14, 97:21, 128:21, 189:23, 191:2</p> <p><b>Certainly</b> [6] - 21:8, 70:10, 94:5, 127:3, 138:20, 147:20</p> <p><b>Certified</b> [1] - 193:3</p> <p><b>CERTIFY</b> [1] - 193:10</p> <p><b>certify</b> [1] - 193:6</p> <p><b>cetera</b> [1] - 81:18</p> <p><b>Chairman</b> [43] - 4:16, 5:20, 6:6, 6:18, 18:9, 18:10, 18:22, 29:16, 33:11, 33:23, 43:14, 51:17, 61:1, 61:6, 66:3, 66:17, 67:12, 76:23, 80:11, 81:8, 86:22, 87:16, 89:22, 92:23, 93:2, 93:19, 99:5, 99:18, 101:13, 112:21, 120:14, 134:5, 136:18, 143:2, 152:7, 153:25, 154:7, 161:8, 162:5, 167:8, 183:8, 185:9, 186:23</p> <p><b>CHAIRMAN</b> [240] - 2:2, 2:3, 9:1, 9:4, 9:7, 9:15, 9:17, 10:14, 10:17, 10:19, 10:22, 11:2, 11:4, 11:10, 11:12, 12:1, 12:8, 12:11, 12:18, 12:25, 13:9, 13:10, 13:12, 13:14, 14:8, 14:13, 14:15, 15:6, 15:8, 15:10, 15:13, 15:15, 16:1, 16:5, 16:8, 16:12, 16:14, 17:1, 17:7, 17:8, 17:10,</p>	<p>17:11, 17:13, 17:15, 18:1, 18:6, 20:13, 29:19, 29:24, 30:5, 30:17, 30:21, 30:24, 31:6, 31:9, 31:14, 32:10, 34:4, 34:7, 39:23, 40:1, 40:18, 41:5, 42:1, 42:4, 42:8, 43:8, 43:11, 43:16, 43:18, 45:18, 45:22, 47:10, 47:13, 51:10, 51:13, 51:15, 52:10, 61:4, 64:25, 65:3, 65:8, 65:21, 65:24, 66:4, 66:20, 67:9, 76:17, 76:21, 80:12, 80:19, 83:24, 84:1, 86:19, 89:25, 90:14, 90:16, 90:20, 90:22, 91:21, 91:25, 92:7, 92:9, 92:11, 92:22, 93:16, 99:2, 99:6, 99:19, 100:1, 100:3, 100:4, 100:6, 100:8, 100:20, 101:5, 101:10, 111:14, 111:17, 112:12, 112:20, 113:13, 113:21, 114:6, 114:19, 115:13, 115:20, 115:24, 116:2, 120:19, 120:22, 125:23, 126:3, 126:7, 132:13, 133:25, 134:3, 134:9, 134:19, 134:22, 134:24, 135:1, 135:2, 135:10, 135:14, 135:16, 135:25, 136:3, 136:9, 136:15, 138:4, 138:12, 143:4, 143:10, 143:13, 143:18, 143:20, 143:23, 146:20, 146:23, 147:10, 152:1, 152:3, 152:5, 152:8, 152:13, 152:17, 152:22, 153:3, 153:5, 153:17, 156:8, 156:11, 161:2, 161:5, 162:6, 162:25, 163:3, 166:14, 166:21, 167:12, 167:17, 167:20, 168:13, 168:17, 169:4, 169:9, 169:20,</p>

<p>169:23, 170:1, 170:11, 170:14, 170:23, 171:6, 171:9, 171:14, 171:19, 171:22, 172:1, 172:6, 172:8, 172:11, 172:14, 172:17, 172:24, 173:3, 173:6, 173:9, 173:15, 174:10, 174:15, 174:21, 174:23, 175:1, 175:5, 175:8, 175:10, 175:20, 176:25, 177:3, 177:24, 178:6, 182:22, 183:24, 184:1, 184:4, 184:9, 185:4, 185:7, 186:8, 186:20, 187:2, 191:3, 191:8, 191:10, 191:11, 191:18, 191:20, 191:22, 192:12</p> <p><b>CHANG</b> [1] - 4:3  <b>Chang</b> [2] - 1:16, 14:3  <b>change</b> [3] - 65:15, 65:18, 185:12  <b>changes</b> [7] - 14:21, 14:24, 15:2, 19:14, 28:14, 78:1, 78:5  <b>character</b> [4] - 75:9, 98:3, 131:15, 151:4  <b>characteristic</b> [1] - 75:10  <b>CHARLIE</b> [1] - 2:10  <b>checked</b> [1] - 84:25  <b>checking</b> [1] - 125:19  <b>Cho</b> [2] - 10:12, 10:14  <b>CHO</b> [1] - 2:12  <b>Chung</b> [14] - 1:16, 10:7, 11:19, 13:23, 14:3, 15:24, 16:23, 17:22, 91:11, 92:20, 100:17, 135:23, 153:14, 192:6  <b>CHUNG</b> [14] - 2:10, 4:3, 10:8, 11:20, 13:24, 15:25, 16:24, 17:23, 91:12, 92:21, 100:18, 135:24, 153:15, 192:7  <b>clarification</b> [1] - 182:25  <b>clarify</b> [2] - 44:21, 99:9  <b>Class</b> [1] - 187:23  <b>cleaning</b> [1] - 40:14  <b>clear</b> [9] - 29:4, 32:15, 42:15, 56:18, 62:6, 66:6, 87:8, 174:11</p>	<p><b>clearance</b> [1] - 107:17  <b>clearly</b> [1] - 179:1  <b>Clerk's</b> [1] - 9:11  <b>Cleveland</b> [6] - 1:21, 154:11, 157:6, 179:11, 188:13, 188:16  <b>CLEVELAND</b> [2] - 6:12, 8:7  <b>client</b> [2] - 134:13, 159:14  <b>Cliffs</b> [4] - 103:15, 103:21, 162:18, 162:24  <b>clogged</b> [1] - 48:22  <b>close</b> [6] - 29:24, 41:15, 168:5, 168:21, 168:22, 191:14  <b>closely</b> [1] - 79:24  <b>closer</b> [1] - 26:1  <b>closest</b> [3] - 73:12, 106:10, 110:12  <b>closet</b> [4] - 58:4, 172:23, 172:24, 173:7  <b>closets</b> [4] - 58:4, 108:1, 141:8, 165:1  <b>cluster</b> [1] - 23:17  <b>cobblestone</b> [1] - 86:12  <b>COCOROS</b> [47] - 5:19, 103:13, 103:19, 104:1, 111:16, 111:23, 112:14, 113:10, 113:15, 114:1, 114:17, 115:1, 115:18, 115:23, 116:5, 116:8, 116:11, 117:11, 117:16, 117:25, 118:10, 118:15, 118:19, 118:23, 119:8, 119:13, 120:1, 121:7, 121:13, 121:17, 121:24, 122:4, 122:7, 122:13, 123:1, 123:6, 123:14, 123:21, 123:24, 124:10, 125:2, 125:8, 125:17, 125:22, 134:12, 136:1, 136:5  <b>Cocoros</b> [8] - 102:4, 102:8, 102:16, 103:7, 103:20, 103:24, 129:25, 131:2</p>	<p><b>code</b> [6] - 25:18, 39:5, 119:5, 119:7, 120:9, 125:13  <b>codes</b> [2] - 72:25, 96:13  <b>coherent</b> [1] - 88:9  <b>Collazuol</b> [13] - 4:17, 4:24, 5:21, 6:7, 6:15, 6:19, 120:23, 159:2, 159:19, 161:5, 175:21, 176:9, 187:9  <b>COLLAZUOL</b> [49] - 2:20, 42:6, 42:10, 43:1, 43:9, 65:6, 65:9, 65:20, 120:24, 121:10, 121:15, 121:18, 122:2, 122:5, 122:10, 122:16, 123:4, 123:7, 123:15, 123:22, 124:2, 124:16, 125:5, 125:9, 125:19, 144:2, 144:5, 144:13, 144:25, 145:4, 145:16, 146:7, 146:18, 161:7, 162:4, 175:22, 176:12, 176:15, 176:19, 177:1, 187:11, 188:3, 188:12, 188:25, 189:10, 189:21, 190:8, 190:20, 191:1  <b>Collazuol's</b> [1] - 159:17  <b>collecting</b> [1] - 157:14  <b>column</b> [2] - 144:18, 144:24  <b>combination</b> [1] - 55:9  <b>combined</b> [7] - 26:16, 102:12, 106:8, 110:12, 128:12, 130:17, 131:21  <b>coming</b> [7] - 42:12, 49:23, 82:19, 111:22, 121:3, 142:17, 153:18  <b>comment</b> [1] - 134:1  <b>comments</b> [14] - 18:23, 21:23, 28:20, 29:7, 48:10, 76:24, 79:15, 80:7, 80:16, 84:1, 86:20, 90:1, 99:20  <b>commercial</b> [4] - 154:16, 158:16, 179:18, 182:16  <b>commit</b> [2] - 34:15,</p>	<p>82:18  <b>common</b> [4] - 140:20, 140:22, 141:8, 145:6  <b>commonly</b> [1] - 101:23  <b>communication</b> [1] - 171:5  <b>Community</b> [4] - 7:15, 69:7, 69:10, 102:23  <b>compared</b> [2] - 47:5, 64:13  <b>compatible</b> [1] - 98:4  <b>compensate</b> [1] - 133:4  <b>complete</b> [3] - 144:8, 182:6, 189:3  <b>completely</b> [1] - 182:18  <b>compliant</b> [1] - 32:18  <b>Compliant</b> [2] - 27:3, 27:4  <b>complications</b> [1] - 32:8  <b>complies</b> [1] - 110:15  <b>comply</b> [9] - 25:1, 88:16, 89:6, 89:7, 110:7, 110:11, 111:5, 111:7, 159:16  <b>compressors</b> [2] - 61:8, 61:18  <b>computer</b> [1] - 179:2  <b>concept</b> [1] - 30:12  <b>concern</b> [12] - 39:11, 59:22, 87:15, 114:13, 114:22, 166:15, 166:16, 167:2, 167:10, 168:5, 168:20, 185:18  <b>concerned</b> [9] - 31:2, 46:2, 46:3, 81:18, 81:21, 111:19, 111:20, 115:4, 175:6  <b>concerning</b> [3] - 53:6, 60:19, 86:24  <b>concerns</b> [7] - 18:20, 21:25, 46:16, 47:19, 87:22, 90:4, 90:5  <b>concludes</b> [2] - 98:24, 132:11  <b>concrete</b> [2] - 187:23, 188:8  <b>concur</b> [2] - 158:7, 158:18  <b>condensing</b> [3] - 62:5, 62:7, 62:13  <b>condition</b> [12] - 14:18, 29:10, 33:6, 38:25, 72:22, 79:1, 81:11, 88:14, 96:9, 129:19,</p>	<p>154:15, 181:8  <b>conditioner</b> [1] - 61:8  <b>conditioning</b> [3] - 61:25, 88:2, 143:5  <b>conditions</b> [13] - 29:8, 34:17, 68:24, 70:9, 97:15, 130:6, 131:5, 133:3, 139:16, 142:22, 150:25, 186:3, 190:11  <b>Conditions</b> [1] - 179:11  <b>condominium</b> [2] - 35:8, 40:13  <b>conducted</b> [2] - 67:25, 82:1  <b>configuration</b> [7] - 105:5, 106:18, 108:17, 109:4, 109:16, 110:4, 111:10  <b>conflict</b> [1] - 144:23  <b>conform</b> [3] - 130:16, 130:17, 148:25  <b>conforming</b> [15] - 71:20, 75:14, 75:21, 77:6, 77:13, 78:15, 97:8, 98:14, 98:17, 128:7, 128:13, 131:21, 132:2, 150:15, 151:13  <b>conformity</b> [1] - 150:4  <b>conforms</b> [1] - 95:3  <b>congested</b> [1] - 46:8  <b>conjunction</b> [2] - 67:24, 189:25  <b>connection</b> [2] - 68:17, 178:14  <b>consider</b> [5] - 58:18, 60:19, 89:2, 89:13, 171:4  <b>considerable</b> [1] - 88:22  <b>consideration</b> [11] - 18:22, 19:9, 19:15, 21:7, 53:12, 76:25, 79:16, 89:24, 90:1, 91:14, 152:16  <b>considerations</b> [1] - 58:17  <b>considered</b> [5] - 76:11, 98:21, 132:9, 151:22, 170:18  <b>considering</b> [1] - 88:23  <b>consist</b> [2] - 54:8, 138:23  <b>consistent</b> [15] - 72:6, 73:24, 75:3, 78:2, 78:11, 95:13, 95:22,</p>
--	---	--	---	--

<p>95:25, 99:12, 129:12, 141:20, 149:5, 149:23, 151:7, 151:18 <b>consisting</b> [2] - 53:18, 104:3 <b>consists</b> [1] - 141:5 <b>constant</b> [1] - 65:13 <b>construct</b> [3] - 44:25, 139:22, 164:5 <b>constructed</b> [4] - 78:7, 79:7, 131:17, 155:9 <b>construction</b> [5] - 44:11, 44:17, 96:21, 128:4, 190:2 <b>contain</b> [1] - 96:16 <b>contained</b> [1] - 77:3 <b>containing</b> [1] - 129:16 <b>contains</b> [2] - 25:8, 94:22 <b>context</b> [2] - 179:15, 179:22 <b>continuation</b> [1] - 18:14 <b>continue</b> [2] - 44:3, 44:18 <b>Continued</b> [4] - 5:2, 6:1, 7:1, 8:1 <b>CONTINUED</b> [1] - 5:4 <b>Control</b> [1] - 156:23 <b>coordinating</b> [1] - 72:13 <b>copious</b> [1] - 134:7 <b>copy</b> [1] - 144:12 <b>corner</b> [13] - 23:13, 27:9, 59:13, 61:14, 94:21, 109:21, 122:20, 123:17, 141:7, 141:10, 144:17, 154:12, 180:4 <b>corners</b> [1] - 69:23 <b>correct</b> [38] - 20:22, 20:23, 22:12, 23:14, 23:15, 23:21, 24:11, 25:5, 28:14, 29:11, 30:23, 53:2, 53:8, 55:20, 56:23, 58:18, 58:19, 58:21, 64:8, 66:7, 66:15, 69:16, 99:13, 116:4, 145:20, 146:6, 146:11, 156:16, 157:1, 158:3, 158:20, 158:21, 159:5, 159:24, 163:10, 165:15, 178:12, 183:3</p>	<p><b>Correct</b> [13] - 22:13, 23:16, 25:6, 25:14, 28:15, 33:19, 59:2, 66:10, 68:2, 68:9, 70:6, 122:4, 132:22 <b>corrections</b> [1] - 12:5 <b>correctly</b> [1] - 23:10 <b>corrects</b> [1] - 82:12 <b>corridor</b> [1] - 173:2 <b>Counsel</b> [8] - 3:2, 86:21, 92:5, 92:22, 101:10, 134:4, 146:20, 191:4 <b>counsel</b> [2] - 193:11, 193:13 <b>count</b> [1] - 118:8 <b>counting</b> [1] - 37:7 <b>couple</b> [13] - 29:20, 38:3, 48:11, 76:24, 82:25, 116:18, 119:23, 124:18, 159:20, 174:18, 186:11, 187:3 <b>course</b> [8] - 18:19, 38:23, 40:11, 64:20, 70:5, 89:19, 89:21, 154:24 <b>court</b> [2] - 162:22, 177:18 <b>Court</b> [1] - 193:3 <b>cover</b> [1] - 142:14 <b>coverage</b> [15] - 26:20, 26:23, 50:13, 74:15, 95:9, 97:10, 102:12, 110:8, 128:11, 130:25, 132:17, 132:21, 150:19, 150:20 <b>covered</b> [3] - 60:25, 108:8, 143:11 <b>cracks</b> [1] - 81:18 <b>crazy</b> [2] - 46:4, 46:13 <b>create</b> [1] - 58:23 <b>creates</b> [1] - 180:21 <b>creating</b> [1] - 129:20 <b>credentials</b> [1] - 67:15 <b>criteria</b> [12] - 75:7, 76:10, 97:22, 97:25, 98:20, 102:25, 131:14, 132:8, 151:3, 151:21, 181:17, 182:10 <b>critical</b> [1] - 88:4 <b>crop</b> [1] - 69:17 <b>cross</b> [1] - 104:18 <b>cross-pitch</b> [1] - 104:18 <b>curb</b> [18] - 37:20, 37:22, 43:20, 44:15, 104:20, 104:22,</p>	<p>185:14, 187:8, 188:18, 188:19, 188:21, 189:3, 189:18, 189:22, 190:3, 190:7, 190:19 <b>curbside</b> [1] - 151:15 <b>current</b> [2] - 186:2, 190:10 <b>cut</b> [2] - 115:6, 161:20 <b>cutting</b> [1] - 166:25</p> <p style="text-align: center;"><b>D</b></p> <p><b>d)(6)</b> [2] - 99:10, 180:14 <b>damage</b> [3] - 82:2, 82:3, 82:8 <b>date</b> [11] - 56:17, 56:19, 84:18, 85:6, 85:8, 85:11, 86:2, 138:25, 156:24, 163:21, 193:8 <b>dated</b> [5] - 22:10, 56:18, 120:25, 159:4, 163:22 <b>Dated</b> [6] - 7:5, 7:6, 7:7, 22:5, 28:17, 33:20 <b>dates</b> [1] - 56:22 <b>DAVID</b> [5] - 2:7, 5:6, 5:14, 5:22, 6:8 <b>David</b> [16] - 4:19, 45:24, 47:9, 67:8, 67:15, 69:14, 76:14, 77:2, 89:19, 93:5, 93:15, 93:16, 126:6, 126:21, 137:7, 147:9 <b>daylight</b> [1] - 122:22 <b>DBs</b> [1] - 61:23 <b>de</b> [1] - 181:5 <b>deal</b> [2] - 60:1, 184:12 <b>decent</b> [1] - 136:13 <b>decided</b> [2] - 140:19, 140:22 <b>Deck</b> [1] - 171:16 <b>deck</b> [45] - 35:22, 41:10, 41:18, 51:5, 54:18, 55:23, 57:14, 59:1, 60:3, 60:10, 60:11, 60:12, 61:8, 66:11, 66:14, 87:18, 105:6, 110:17, 112:14, 115:12, 119:16, 134:13, 134:14, 134:18, 135:9, 140:4, 141:1, 142:15, 142:17, 143:9, 144:17, 144:19, 144:24,</p>	<p>161:10, 164:22, 171:18, 171:20, 171:21, 171:24, 172:3, 172:4, 172:5, 172:7 <b>decks</b> [19] - 30:3, 55:9, 55:14, 57:7, 57:8, 58:23, 109:6, 110:18, 112:12, 112:15, 112:16, 112:25, 113:23, 113:25, 114:3, 114:4, 114:8, 114:9, 171:23 <b>Decks</b> [1] - 157:21 <b>decorative</b> [2] - 54:11, 142:14 <b>decrease</b> [1] - 65:11 <b>deed</b> [1] - 35:4 <b>deem</b> [1] - 68:23 <b>deep</b> [3] - 32:3, 104:6, 105:2 <b>deeper</b> [1] - 139:9 <b>defer</b> [2] - 125:10, 166:21 <b>deficient</b> [1] - 183:14 <b>definitely</b> [2] - 81:15, 160:13 <b>delay</b> [1] - 103:6 <b>delineated</b> [1] - 176:20 <b>deliver</b> [1] - 88:6 <b>demands</b> [1] - 25:12 <b>Demetrius</b> [3] - 137:12, 137:25, 138:2 <b>DEMETRIOS</b> [1] - 6:5 <b>demolish</b> [2] - 139:20, 164:10 <b>demolished</b> [2] - 124:5, 145:11 <b>demolition</b> [1] - 124:6 <b>denial</b> [3] - 90:20, 90:23, 91:2 <b>dense</b> [3] - 33:2, 34:2, 47:4 <b>densities</b> [4] - 72:5, 95:20, 129:12, 131:11 <b>density</b> [20] - 19:8, 46:23, 53:10, 72:8, 73:10, 74:22, 75:1, 75:3, 78:15, 78:16, 87:9, 88:20, 89:4, 95:24, 97:19, 97:20, 98:6, 129:1, 129:14, 133:22 <b>deny</b> [1] - 90:11 <b>Department</b> [2] - 120:5, 176:21</p>	<p><b>department</b> [12] - 39:4, 167:4, 175:6, 184:11, 187:3, 187:5, 187:8, 188:6, 189:15, 189:16, 190:1, 190:4 <b>depict</b> [1] - 69:22 <b>depicted</b> [5] - 21:18, 37:10, 69:23, 94:4, 140:9 <b>depicts</b> [1] - 140:16 <b>depth</b> [4] - 39:2, 57:9, 58:23, 139:7 <b>describe</b> [2] - 58:15, 138:17 <b>described</b> [8] - 62:3, 71:21, 72:15, 96:11, 131:2, 141:21, 149:2, 179:16 <b>Description</b> [2] - 7:1, 8:1 <b>design</b> [5] - 53:16, 124:11, 138:21, 180:18, 180:23 <b>designated</b> [1] - 125:7 <b>designation</b> [1] - 124:24 <b>designed</b> [4] - 73:13, 74:8, 76:5, 130:5 <b>desirable</b> [4] - 72:20, 96:7, 129:17, 182:4 <b>despite</b> [1] - 111:19 <b>detached</b> [8] - 124:4, 124:14, 127:23, 130:22, 139:5, 150:10, 151:10, 151:14 <b>detail</b> [4] - 58:16, 121:12, 137:8, 164:8 <b>detailed</b> [1] - 33:8 <b>detention</b> [4] - 140:7, 144:14, 144:23, 159:22 <b>determination</b> [1] - 89:23 <b>determined</b> [1] - 45:15 <b>detriment</b> [3] - 50:24, 103:2, 182:11 <b>detrimental</b> [3] - 98:1, 189:6, 189:19 <b>develop</b> [2] - 77:5, 184:22 <b>developed</b> [6] - 46:23, 79:8, 88:8, 128:25, 129:5, 150:2 <b>developer</b> [2] - 82:4, 88:10 <b>DEVELOPERS</b> [3] - 4:13, 5:4, 7:3 <b>Developers</b> [4] - 1:6,</p>
--	--	--	---	--



<p>3:5, 18:11, 20:22  <b>developing</b> [2] -  77:12, 129:25  <b>development</b> [34] -  32:9, 47:5, 49:7,  50:16, 71:9, 72:6,  72:13, 72:24, 73:4,  77:14, 77:23, 78:6,  78:12, 78:14, 78:16,  78:20, 79:11, 79:12,  79:19, 87:6, 95:2,  95:12, 95:18, 95:21,  95:25, 96:3, 96:12,  96:15, 98:5, 124:22,  128:17, 129:13  <b>developments</b> [2] -  78:25, 79:4  <b>deviation</b> [2] - 80:6,  132:23  <b>DeVito</b> [5] - 6:22,  184:10, 185:13,  187:19, 190:14  <b>DIANE</b> [1] - 3:2  <b>Diane</b> [5] - 22:2,  52:18, 56:11, 56:24,  69:1  <b>dictate</b> [1] - 88:8  <b>dictated</b> [1] - 155:4  <b>difference</b> [7] -  104:15, 104:23,  105:17, 114:18,  141:22, 145:25,  181:23  <b>different</b> [4] - 83:17,  108:17, 109:4,  181:14  <b>differential</b> [2] -  180:17, 181:25  <b>difficult</b> [2] - 27:22,  88:15  <b>difficulties</b> [1] -  129:25  <b>digging</b> [1] - 114:20  <b>diligent</b> [1] - 152:15  <b>dimension</b> [3] - 36:4,  176:1, 176:3  <b>dimensions</b> [1] -  175:24  <b>dining</b> [6] - 108:9,  108:18, 141:15,  164:22, 170:9,  171:25  <b>Direct</b> [10] - 4:15,  4:22, 5:7, 5:14, 5:22,  6:5, 6:8, 6:14, 6:17,  6:20  <b>DIRECT</b> [10] - 20:19,  52:23, 67:13, 94:1,  126:22, 138:15,  147:14, 156:13,</p>	<p>163:6, 178:8  <b>direct</b> [6] - 79:2,  87:22, 96:18, 97:1,  140:25, 141:22  <b>Directly</b> [1] - 96:22  <b>directly</b> [11] - 70:22,  76:6, 94:15, 128:2,  129:4, 131:10,  131:17, 133:14,  148:19, 149:12,  159:1  <b>discretion</b> [1] - 152:16  <b>discuss</b> [2] - 36:8,  159:11  <b>discussed</b> [8] - 27:7,  30:11, 70:15,  131:24, 159:13,  180:1, 180:16, 181:4  <b>discussion</b> [3] - 27:6,  60:22, 128:9  <b>disposition</b> [1] - 160:9  <b>disrespect</b> [1] - 61:17  <b>distance</b> [8] - 42:10,  42:13, 42:15, 49:4,  49:18, 49:20, 49:25,  59:5  <b>distances</b> [1] - 150:8  <b>distortion</b> [3] - 46:8,  84:14, 86:9  <b>distortion</b> [1] - 46:7  <b>disturb</b> [1] - 122:15  <b>disturbing</b> [1] -  116:19  <b>divided</b> [1] - 77:10  <b>DO</b> [1] - 193:10  <b>do..</b> [1] - 167:5  <b>documents</b> [2] -  84:15, 86:1  <b>done</b> [15] - 22:14,  22:22, 58:8, 60:23,  69:17, 81:10,  105:18, 106:22,  109:19, 111:15,  115:3, 117:3, 120:3,  120:15, 140:20  <b>door</b> [15] - 31:23,  36:13, 81:17,  107:20, 107:21,  112:2, 115:11,  116:12, 122:1,  141:1, 172:9,  172:25, 173:1, 173:2  <b>doors</b> [4] - 55:10,  109:13, 111:22,  142:13  <b>dormers</b> [1] - 54:10  <b>double</b> [2] - 50:8,  84:25  <b>down</b> [40] - 19:2,  36:22, 36:25, 37:16,</p>	<p>40:25, 43:5, 44:17,  46:10, 48:20, 49:10,  65:11, 70:16, 71:14,  71:19, 79:5, 81:2,  83:19, 96:16, 105:3,  105:10, 105:12,  108:13, 109:10,  110:21, 111:6,  115:6, 119:17,  131:25, 139:23,  149:16, 154:4,  154:23, 160:18,  164:4, 165:21,  166:25, 189:8  <b>downsized</b> [2] - 25:22,  31:10  <b>drain</b> [7] - 121:10,  121:12, 122:19,  146:7, 146:10,  157:15, 157:18  <b>Drainage</b> [2] - 96:4,  144:6  <b>drainage</b> [15] - 74:19,  74:20, 97:13, 97:15,  122:21, 122:24,  131:2, 131:4, 133:3,  144:14, 144:20,  150:22, 150:23,  160:2, 180:22  <b>drains</b> [1] - 121:4  <b>dramatically</b> [1] -  88:21  <b>drawing</b> [3] - 53:22,  54:18, 189:11  <b>drawings</b> [2] - 84:8,  163:12  <b>drawn</b> [1] - 118:9  <b>driveway</b> [50] - 21:20,  22:25, 23:2, 23:3,  27:24, 30:19, 34:25,  36:15, 36:23, 36:25,  37:1, 37:16, 37:19,  37:23, 37:25, 38:7,  38:18, 40:8, 42:13,  42:20, 42:24, 46:9,  46:12, 48:19, 50:6,  59:7, 65:13, 75:25,  79:10, 86:18,  107:12, 107:22,  107:23, 121:2,  132:4, 140:13,  140:14, 145:21,  149:15, 151:14,  151:17, 157:13,  157:14, 166:2,  166:6, 184:15,  185:20, 185:23,  187:20, 189:4  <b>driveways</b> [3] -  105:13, 180:21,</p>	<p>184:19  <b>driving</b> [1] - 73:15  <b>drop</b> [4] - 43:5, 187:7,  189:3, 189:22  <b>drove</b> [1] - 114:13  <b>ductwork</b> [1] - 113:12  <b>due</b> [3] - 125:14,  146:8, 151:10  <b>duly</b> [11] - 20:6, 52:5,  67:5, 93:14, 103:16,  126:18, 137:22,  147:6, 156:3,  162:19, 177:15  <b>Duplex</b> [1] - 156:23  <b>duplex</b> [26] - 46:23,  47:5, 88:25, 104:12,  106:1, 110:5,  110:16, 110:21,  110:25, 111:2,  111:10, 111:13,  124:22, 139:9,  154:25, 157:12,  164:5, 164:11,  164:13, 168:4,  168:19, 168:24,  169:7, 173:22,  188:23  <b>duplexes</b> [8] - 83:22,  125:16, 125:17,  125:18, 180:7,  181:13, 182:9,  185:14  <b>during</b> [9] - 18:19,  19:7, 46:6, 70:5,  86:7, 89:21, 184:16,  190:2, 190:15  <b>dwelling</b> [23] - 70:19,  73:24, 74:9, 96:23,  102:2, 102:19,  104:12, 105:1,  128:3, 129:5,  129:22, 130:18,  131:17, 137:4,  138:22, 139:4,  139:14, 139:18,  139:22, 140:17,  148:12, 151:17,  164:6  <b>dwelling</b> [9] - 73:20,  79:7, 94:12, 95:23,  110:3, 128:6,  129:15, 130:5, 131:9</p>	<p>55:8, 59:23, 60:9,  62:15, 64:17, 70:17,  73:25, 79:19, 86:11,  94:11, 94:13, 96:23,  104:2, 105:20,  139:3, 149:9,  154:21, 155:5,  158:1, 160:12,  167:9, 167:10  <b>East</b> [14] - 3:11, 7:14,  18:4, 18:6, 42:24,  69:5, 69:9, 70:24,  73:13, 73:21,  101:17, 136:20,  162:18, 162:23  <b>easterly</b> [8] - 22:20,  34:3, 44:8, 61:22,  64:7, 64:20, 64:23,  145:5  <b>eastern</b> [2] - 75:17,  146:13  <b>easy</b> [1] - 154:23  <b>eat</b> [1] - 164:23  <b>eat-in</b> [1] - 164:23  <b>eating</b> [2] - 108:10,  108:19  <b>edge</b> [3] - 57:14,  60:12, 149:22  <b>Edgehill</b> [1] - 46:10  <b>Edgewater</b> [2] - 52:4,  52:9  <b>Edsall</b> [13] - 1:7, 7:14,  18:3, 18:4, 18:6,  40:23, 40:25, 42:24,  69:6, 69:9, 70:24,  73:13, 73:21  <b>EDSALL</b> [3] - 4:13,  5:5, 7:3  <b>effect</b> [1] - 114:4  <b>efficient</b> [2] - 72:12,  96:2  <b>egress</b> [4] - 23:2,  25:12, 25:13, 27:25  <b>eight</b> [6] - 35:13,  35:24, 35:25, 41:19,  41:21, 173:19  <b>Either</b> [1] - 166:23  <b>either</b> [10] - 75:16,  98:1, 106:14, 140:1,  145:1, 150:2,  157:24, 166:8,  180:1, 189:11  <b>electric</b> [1] - 164:15  <b>ELEFTERIOS</b> [1] - 2:4  <b>Elefteriou</b> [13] - 9:18,  11:13, 13:15, 15:10,  15:16, 16:15, 17:16,  90:24, 92:12, 100:9,  135:17, 153:6,  191:23</p>
<b>E</b>				
<p><b>easel</b> [1] - 163:13  <b>easier</b> [1] - 23:3  <b>easily</b> [1] - 75:5  <b>east</b> [27] - 29:22, 31:8,  31:15, 32:12, 43:20,</p>				

<p><b>ELEFTERIOU</b> [15] - 2:4, 9:19, 11:5, 11:14, 13:16, 15:9, 15:17, 16:16, 17:17, 90:25, 92:13, 100:10, 135:18, 153:7, 191:24</p> <p><b>Eleni</b> [1] - 9:12</p> <p><b>ELENI</b> [1] - 2:18</p> <p><b>elevates</b> [1] - 64:8</p> <p><b>elevation</b> [25] - 30:13, 30:15, 49:19, 54:8, 54:12, 54:13, 55:3, 55:4, 55:7, 55:13, 63:4, 63:5, 65:11, 73:25, 104:20, 104:22, 106:15, 107:1, 112:17, 130:9, 145:25, 165:4, 165:5, 173:25</p> <p><b>elevations</b> [13] - 30:16, 53:25, 65:19, 84:5, 84:6, 84:13, 84:23, 85:2, 86:1, 86:2, 86:3, 142:8, 165:3</p> <p><b>eleven</b> [1] - 47:21</p> <p><b>eliminate</b> [12] - 32:5, 113:2, 113:4, 113:7, 114:11, 115:15, 115:22, 166:25, 167:22, 169:5, 169:12, 189:17</p> <p><b>eliminated</b> [5] - 22:14, 22:15, 32:24, 71:18, 74:23</p> <p><b>eliminating</b> [5] - 96:8, 150:10, 167:13, 181:19, 182:15</p> <p><b>elsewhere</b> [1] - 79:5</p> <p><b>Emergency</b> [1] - 27:21</p> <p><b>emergency</b> [5] - 27:22, 38:21, 38:24, 107:16, 184:18</p> <p><b>emphasize</b> [1] - 88:19</p> <p><b>emphasized</b> [1] - 86:25</p> <p><b>employee</b> [2] - 193:11, 193:13</p> <p><b>en</b> [1] - 108:22</p> <p><b>encouragement</b> [1] - 72:12</p> <p><b>encouraging</b> [1] - 96:1</p> <p><b>end</b> [7] - 26:4, 37:19, 40:5, 55:22, 57:20, 62:12, 74:6</p> <p><b>ending</b> [1] - 44:8</p> <p><b>engaged</b> [3] - 20:22, 29:6, 53:2</p>	<p><b>engagement</b> [4] - 67:18, 127:1, 138:18, 147:17</p> <p><b>engineer</b> [23] - 14:20, 15:3, 19:12, 20:22, 21:2, 27:7, 28:21, 29:5, 29:6, 43:17, 47:19, 48:9, 48:10, 51:7, 63:3, 89:18, 124:11, 155:6, 156:15, 159:2, 187:7, 188:2</p> <p><b>Engineer</b> [2] - 2:20, 2:21</p> <p><b>engineered</b> [1] - 121:25</p> <p><b>engineering</b> [2] - 10:25, 116:20</p> <p><b>Englewood</b> [4] - 103:15, 103:21, 162:18, 162:24</p> <p><b>enhance</b> [1] - 59:23</p> <p><b>enhanced</b> [2] - 33:5, 77:17</p> <p><b>enlarged</b> [1] - 75:25</p> <p><b>entails</b> [1] - 40:15</p> <p><b>enter</b> [2] - 45:9, 57:2</p> <p><b>entered</b> [1] - 23:12</p> <p><b>entering</b> [1] - 79:10</p> <p><b>entertain</b> [1] - 39:5</p> <p><b>entire</b> [3] - 59:9, 63:25, 158:10</p> <p><b>entirety</b> [1] - 22:16</p> <p><b>entitled</b> [3] - 7:13, 69:8, 179:11</p> <p><b>entrance</b> [9] - 26:4, 26:5, 30:22, 54:1, 54:3, 54:14, 56:5, 94:17, 142:14</p> <p><b>entrances</b> [1] - 54:3</p> <p><b>entry</b> [5] - 36:22, 44:6, 107:12, 108:7, 108:8</p> <p><b>environment</b> [4] - 72:21, 96:7, 129:18, 182:4</p> <p><b>equipment</b> [3] - 109:13, 113:11, 113:12</p> <p><b>Erosion</b> [1] - 156:22</p> <p><b>escalate</b> [1] - 83:2</p> <p><b>especially</b> [6] - 58:5, 64:12, 81:21, 88:23, 105:19, 151:8</p> <p><b>ESQUIRE</b> [5] - 3:2, 3:3, 3:7, 3:11, 3:15</p> <p><b>essence</b> [1] - 181:16</p> <p><b>essentially</b> [3] - 55:3, 141:19, 183:14</p> <p><b>establishment</b> [3] - 72:4, 95:19, 129:11</p>	<p><b>estimate</b> [3] - 60:4, 60:5, 188:18</p> <p><b>estimates</b> [1] - 60:2</p> <p><b>et</b> [1] - 81:18</p> <p><b>evening</b> [19] - 15:1, 47:15, 56:21, 65:9, 67:23, 68:20, 69:21, 71:21, 74:14, 92:23, 101:14, 127:7, 128:9, 136:18, 144:3, 144:4, 154:1, 178:19, 182:20</p> <p><b>evening's</b> [1] - 19:10</p> <p><b>evergreen</b> [2] - 24:7, 34:2</p> <p><b>exacerbate</b> [1] - 83:10</p> <p><b>exacerbated</b> [1] - 80:4</p> <p><b>Exactly</b> [1] - 190:20</p> <p><b>exactly</b> [1] - 64:19</p> <p><b>Examination</b> [10] - 4:15, 4:22, 5:7, 5:14, 5:22, 6:5, 6:8, 6:14, 6:17, 6:20</p> <p><b>EXAMINATION</b> [10] - 20:19, 52:23, 67:13, 94:1, 126:22, 138:15, 147:14, 156:13, 163:6, 178:8</p> <p><b>examine</b> [1] - 190:1</p> <p><b>example</b> [3] - 24:15, 121:4, 121:23</p> <p><b>excavating</b> [1] - 160:16</p> <p><b>excavation</b> [3] - 105:16, 105:21, 116:16</p> <p><b>exceed</b> [13] - 27:11, 27:17, 71:10, 73:18, 74:11, 96:20, 97:10, 128:20, 130:2, 130:24, 149:6, 150:19, 183:12</p> <p><b>exceedingly</b> [1] - 78:13</p> <p><b>exceeds</b> [4] - 50:9, 76:10, 132:8, 183:14</p> <p><b>exception</b> [2] - 125:1, 125:10</p> <p><b>excerpt</b> [1] - 179:14</p> <p><b>excess</b> [1] - 47:22</p> <p><b>excessive</b> [3] - 50:9, 87:13, 88:11</p> <p><b>excessively</b> [2] - 39:3, 87:1</p> <p><b>Excuse</b> [4] - 56:24, 78:4, 80:22</p> <p><b>excuse</b> [2] - 18:16, 56:20</p> <p><b>exhibit</b> [5] - 69:20, 70:11, 127:8,</p>	<p>178:20, 179:10</p> <p><b>Exhibit</b> [14] - 7:19, 7:22, 8:5, 22:6, 28:17, 33:21, 52:21, 55:17, 56:14, 69:11, 93:24, 127:12, 148:7, 179:7</p> <p><b>exhibits</b> [1] - 127:6</p> <p><b>exist</b> [1] - 97:5</p> <p><b>existing</b> [36] - 27:7, 27:8, 42:17, 47:23, 68:24, 70:8, 78:24, 96:3, 98:4, 98:9, 98:16, 104:1, 106:4, 109:25, 121:21, 122:20, 122:21, 122:25, 124:1, 127:16, 139:1, 139:3, 139:11, 139:21, 154:19, 154:24, 158:6, 158:18, 158:22, 160:7, 161:10, 164:4, 164:10, 181:7, 183:4, 185:10</p> <p><b>Existing</b> [1] - 154:14</p> <p><b>exists</b> [8] - 44:15, 75:13, 97:7, 131:19, 132:4, 150:13, 158:24, 161:18</p> <p><b>exit</b> [3] - 30:22, 42:23, 45:9</p> <p><b>expect</b> [1] - 35:3</p> <p><b>expenditure</b> [2] - 72:12, 96:2</p> <p><b>expenses</b> [1] - 35:14</p> <p><b>expert</b> [6] - 10:25, 38:9, 52:12, 67:11, 67:16, 147:11</p> <p><b>experts</b> [4] - 42:5, 65:4, 65:5, 76:21</p> <p><b>Experts</b> [1] - 152:3</p> <p><b>explain</b> [14] - 94:3, 102:24, 126:25, 137:7, 147:16, 155:9, 155:12, 157:3, 157:25, 158:5, 164:3, 164:7, 165:18, 176:3</p> <p><b>Explain</b> [1] - 168:12</p> <p><b>explained</b> [1] - 102:7</p> <p><b>explanation</b> [1] - 112:21</p> <p><b>explore</b> [1] - 58:8</p> <p><b>extended</b> [1] - 72:17</p> <p><b>extends</b> [2] - 43:20, 140:4</p> <p><b>extension</b> [1] - 124:21</p> <p><b>extensions</b> [1] - 176:13</p>	<p><b>extra</b> [1] - 120:13</p> <p><b>extreme</b> [1] - 75:4</p> <hr/> <p style="text-align: center;"><b>F</b></p> <hr/> <p><b>facade</b> [3] - 73:12, 76:7, 141:2</p> <p><b>facades</b> [1] - 54:9</p> <p><b>face</b> [4] - 59:6, 122:19, 123:5, 190:6</p> <p><b>faces</b> [1] - 130:18</p> <p><b>facilities</b> [2] - 97:13, 150:23</p> <p><b>fact</b> [13] - 21:1, 29:8, 53:4, 53:9, 78:16, 79:24, 81:10, 82:10, 97:6, 97:19, 113:6, 179:18, 183:13</p> <p><b>fair</b> [6] - 27:23, 31:22, 32:14, 72:22, 96:8, 159:15</p> <p><b>familiar</b> [1] - 188:12</p> <p><b>families</b> [5] - 73:23, 75:2, 76:7, 94:21, 120:4</p> <p><b>family</b> [56] - 25:19, 48:3, 64:13, 71:2, 71:6, 71:7, 72:10, 73:14, 73:20, 74:9, 77:13, 78:7, 83:19, 83:21, 94:12, 96:22, 96:23, 99:16, 104:10, 127:21, 127:25, 128:3, 128:6, 128:17, 128:19, 129:1, 129:5, 129:16, 130:4, 131:9, 131:16, 133:7, 133:12, 133:13, 133:14, 137:3, 138:22, 139:9, 139:13, 139:22, 139:23, 140:17, 148:11, 148:15, 148:16, 148:20, 148:23, 149:12, 149:18, 149:22, 150:8, 151:17, 151:19, 180:6, 181:13, 182:8</p> <p><b>far</b> [15] - 23:12, 45:25, 64:1, 74:11, 76:10, 83:15, 98:20, 108:18, 109:23, 112:23, 117:9, 151:19, 151:21, 186:13</p> <p><b>favor</b> [2] - 10:19, 12:13</p>
--	---	---	--	---

<p><b>favorable</b> [1] - 89:23  <b>favorably</b> [1] - 189:24  <b>feature</b> [1] - 109:21  <b>features</b> [1] - 29:1  <b>fee</b> [1] - 35:11  <b>feedback</b> [1] - 167:8  <b>feet</b> [186] - 23:25, 24:4, 26:1, 26:3, 26:7, 26:8, 26:10, 26:11, 26:14, 26:16, 27:10, 27:17, 30:2, 30:4, 30:7, 30:20, 30:21, 32:20, 32:21, 34:5, 34:6, 35:24, 35:25, 36:23, 37:18, 38:18, 39:2, 40:9, 40:10, 41:6, 41:10, 41:17, 41:19, 41:21, 46:20, 47:1, 47:3, 54:7, 54:21, 55:23, 55:25, 56:2, 57:9, 57:12, 57:18, 57:19, 57:20, 57:21, 58:25, 59:1, 59:11, 60:8, 60:9, 60:10, 60:11, 62:4, 62:5, 62:6, 62:23, 62:25, 63:1, 64:3, 65:10, 66:6, 66:9, 71:13, 71:14, 73:4, 73:9, 73:19, 74:24, 74:25, 87:19, 87:21, 88:22, 88:24, 95:6, 95:7, 104:5, 104:8, 104:16, 104:20, 105:25, 106:2, 106:6, 106:9, 106:10, 109:11, 109:12, 109:25, 110:1, 110:2, 110:9, 110:13, 110:15, 110:21, 110:22, 111:9, 112:3, 112:5, 113:7, 113:14, 114:11, 114:16, 116:4, 116:14, 116:22, 117:4, 117:17, 118:14, 119:6, 119:8, 120:10, 120:13, 123:12, 123:19, 128:17, 128:25, 129:15, 130:3, 130:25, 131:8, 132:24, 133:19, 133:20, 139:2, 139:12, 139:13, 139:25, 140:1, 140:3, 142:25, 143:19, 149:7, 150:20, 158:11,</p>	<p>158:19, 158:21, 166:1, 166:10, 166:11, 166:17, 166:19, 167:3, 168:2, 168:8, 168:15, 168:24, 169:2, 172:12, 172:15, 172:16, 173:17, 173:20, 174:3, 174:5, 174:19, 174:22, 175:12, 176:10, 176:12, 176:13, 179:25, 180:14, 180:15, 183:12, 183:14, 186:11, 186:17, 188:6, 188:11, 188:14, 188:20, 188:24, 190:6, 190:19  <b>fences</b> [1] - 133:1  <b>fencing</b> [3] - 74:16, 97:11, 131:1  <b>FERGUSON</b> [208] - 2:2, 9:1, 9:7, 9:15, 10:14, 10:19, 10:22, 11:4, 11:10, 12:1, 12:11, 12:18, 12:25, 13:10, 13:12, 14:8, 14:15, 15:8, 15:10, 15:13, 16:1, 16:8, 16:12, 17:1, 17:8, 17:11, 17:13, 18:1, 18:6, 20:13, 29:19, 29:24, 30:5, 30:17, 30:21, 30:24, 31:6, 31:9, 31:14, 32:10, 34:4, 34:7, 39:23, 40:1, 40:18, 41:5, 42:1, 42:4, 42:8, 43:8, 43:11, 43:16, 43:18, 45:18, 45:22, 47:10, 47:13, 51:10, 51:13, 51:15, 52:10, 61:4, 64:25, 65:3, 65:8, 65:21, 65:24, 66:4, 66:20, 67:9, 76:17, 76:21, 80:12, 80:19, 83:24, 84:1, 86:19, 89:25, 90:16, 90:20, 91:21, 91:25, 92:7, 92:9, 92:22, 93:16, 99:2, 99:6, 99:19, 100:1, 100:4, 100:6, 100:20, 101:5, 101:10, 111:14, 111:17, 112:12, 112:20, 113:13, 113:21, 114:6, 114:19, 115:13, 115:20,</p>	<p>115:24, 116:2, 120:19, 120:22, 125:23, 126:3, 126:7, 132:13, 133:25, 134:3, 134:9, 134:19, 134:24, 135:2, 135:10, 135:14, 135:25, 136:3, 136:9, 136:15, 138:4, 138:12, 143:4, 143:10, 143:13, 143:18, 143:20, 143:23, 146:20, 146:23, 147:10, 152:1, 152:3, 152:5, 152:8, 152:13, 152:17, 152:22, 153:3, 153:17, 156:8, 156:11, 161:2, 161:5, 162:6, 162:25, 163:3, 166:14, 166:21, 167:12, 167:17, 167:20, 168:13, 168:17, 169:4, 169:9, 169:20, 169:23, 170:1, 170:11, 170:14, 170:23, 171:6, 171:9, 171:14, 171:19, 171:22, 172:1, 172:8, 172:11, 172:14, 172:17, 172:24, 173:3, 173:6, 173:9, 173:15, 174:10, 174:15, 174:23, 175:5, 175:10, 175:20, 176:25, 177:3, 177:24, 178:6, 182:22, 183:24, 184:1, 184:4, 184:9, 185:4, 185:7, 186:8, 186:20, 187:2, 191:3, 191:8, 191:11, 191:18, 191:20, 192:12  <b>Ferguson</b> [16] - 4:16, 5:20, 6:6, 6:18, 9:14, 11:9, 13:11, 15:12, 16:11, 17:12, 90:19, 92:8, 100:5, 135:13, 153:2, 191:19  <b>few</b> [4] - 48:23, 62:5, 79:15  <b>fewer</b> [1] - 77:6  <b>Fiberglass</b> [1] - 121:9</p>	<p><b>field</b> [1] - 67:16  <b>fighting</b> [1] - 175:6  <b>filed</b> [1] - 9:11  <b>final</b> [1] - 66:18  <b>finally</b> [2] - 77:15, 78:19  <b>financially</b> [1] - 193:14  <b>fine</b> [3] - 114:20, 163:3, 176:23  <b>finish</b> [2] - 26:19, 142:12  <b>finished</b> [1] - 109:7  <b>fire</b> [29] - 38:4, 38:8, 38:9, 39:4, 39:5, 39:9, 45:4, 119:7, 120:9, 167:4, 175:6, 175:7, 184:11, 184:12, 184:14, 184:16, 185:15, 187:3, 187:4, 187:8, 187:17, 187:25, 188:6, 189:15, 189:16, 190:1, 190:3, 190:10  <b>fireplace</b> [1] - 54:17  <b>Firm</b> [1] - 154:3  <b>First</b> [2] - 7:11, 56:13  <b>first</b> [36] - 10:22, 11:7, 14:9, 16:9, 18:2, 19:13, 48:25, 56:8, 57:1, 57:23, 57:25, 58:22, 59:11, 87:7, 103:7, 105:11, 108:4, 108:7, 109:1, 110:19, 118:3, 121:2, 141:17, 154:5, 155:16, 166:16, 170:15, 170:17, 170:19, 170:25, 171:3, 171:9, 174:10, 177:20, 180:13, 190:18  <b>fit</b> [2] - 76:5, 183:19  <b>five</b> [12] - 21:19, 77:11, 86:1, 87:2, 91:20, 91:22, 91:23, 94:8, 94:16, 96:16, 97:1, 180:10  <b>five-minute</b> [2] - 91:20, 91:22  <b>five-story</b> [2] - 94:16, 97:1  <b>five-unit</b> [1] - 94:8  <b>Flag</b> [1] - 9:2  <b>flat</b> [2] - 145:24, 166:4  <b>flip</b> [1] - 21:9  <b>floor</b> [75] - 55:20, 55:21, 56:8, 56:9, 57:1, 57:18, 57:23,</p>	<p>57:25, 58:2, 58:9, 62:17, 62:22, 65:11, 84:22, 105:10, 105:11, 106:18, 108:4, 108:7, 108:14, 108:20, 109:1, 109:8, 109:10, 110:19, 118:22, 119:25, 140:16, 140:23, 141:5, 141:17, 141:18, 141:23, 141:25, 142:5, 142:18, 142:19, 164:14, 164:19, 164:20, 164:21, 164:24, 165:10, 165:11, 165:12, 168:9, 168:24, 169:1, 169:16, 169:18, 169:22, 169:24, 170:5, 170:8, 170:13, 170:15, 170:17, 170:19, 171:1, 171:3, 171:8, 171:9, 171:13, 171:23, 171:25, 172:2, 172:21, 174:3, 174:4, 174:12, 174:17  <b>Floor</b> [4] - 7:10, 7:11, 55:16, 56:13  <b>flush</b> [1] - 45:1  <b>follow</b> [3] - 40:2, 184:25, 187:10  <b>following</b> [1] - 186:23  <b>follows</b> [11] - 20:6, 52:5, 67:5, 93:14, 103:16, 126:18, 137:22, 147:6, 156:3, 162:20, 177:16  <b>foot</b> [12] - 116:10, 117:13, 119:24, 145:21, 146:6, 161:21, 166:8, 166:24, 167:23, 168:7, 168:23, 188:11  <b>footage</b> [1] - 88:21  <b>footing</b> [1] - 118:3  <b>footprint</b> [3] - 109:8, 139:24, 140:4  <b>for-sale</b> [2] - 34:14, 34:18  <b>foregoing</b> [1] - 193:6  <b>forget</b> [1] - 30:10  <b>Forget</b> [1] - 169:10  <b>form</b> [1] - 35:8</p>
---	--	---	--	---

<p><b>formal</b> [1] - 82:13  <b>formerly</b> [1] - 22:19  <b>Fort</b> [4] - 3:4, 3:8, 177:14, 177:23  <b>forth</b> [4] - 14:21, 88:4, 102:3, 193:9  <b>foundation</b> [1] - 112:18  <b>four</b> [15] - 22:15, 30:20, 30:21, 69:23, 94:6, 95:1, 96:17, 133:13, 133:20, 138:23, 142:10, 148:1, 154:16, 158:15, 179:23  <b>four-bay</b> [1] - 154:16  <b>four-car</b> [1] - 179:23  <b>four-family</b> [1] - 133:13  <b>four-unit</b> [1] - 95:1  <b>frame</b> [1] - 139:4  <b>Friend</b> [4] - 67:4, 93:13, 126:17, 147:5  <b>front</b> [65] - 22:25, 25:25, 26:2, 36:2, 36:9, 36:13, 38:25, 41:10, 43:23, 57:5, 59:13, 71:19, 74:4, 74:6, 74:7, 75:13, 75:23, 95:9, 97:4, 104:4, 104:15, 106:6, 106:14, 106:16, 107:6, 107:11, 108:22, 109:6, 110:7, 111:21, 112:15, 112:22, 113:18, 114:7, 115:15, 115:16, 116:4, 116:22, 117:2, 118:24, 119:11, 121:20, 122:14, 122:20, 123:17, 129:20, 130:16, 130:24, 131:20, 139:25, 140:7, 140:11, 140:21, 141:9, 141:15, 142:1, 142:12, 142:14, 146:1, 157:13, 157:16, 161:11, 165:4, 184:17, 189:5  <b>frontage</b> [6] - 34:4, 34:6, 50:1, 76:3, 139:19, 185:25  <b>fronts</b> [2] - 40:23, 148:17  <b>full</b> [8] - 33:7, 58:3, 108:1, 112:10,</p>	<p>113:18, 141:12, 167:16, 190:6  <b>Full</b> [1] - 108:23  <b>full-scale</b> [1] - 33:7  <b>fully</b> [3] - 75:20, 97:8, 150:2  <b>Fund</b> [4] - 99:24, 135:4, 152:20, 191:14  <b>funds</b> [2] - 72:13, 96:3  <b>FURTHER</b> [1] - 193:10</p> <p style="text-align: center;"><b>G</b></p> <p><b>G-R-B-I-C</b> [1] - 81:7  <b>G-R-E-G-O-R-Y</b> [1] - 177:21  <b>gabled</b> [2] - 55:10, 120:16  <b>gain</b> [3] - 60:9, 60:10, 60:11  <b>garage</b> [51] - 56:3, 56:4, 56:6, 65:11, 65:18, 81:20, 83:1, 105:17, 105:18, 106:21, 107:11, 107:20, 107:21, 107:23, 108:3, 114:25, 116:12, 116:15, 121:21, 122:21, 123:1, 124:5, 124:7, 124:14, 127:23, 129:19, 130:22, 132:4, 139:5, 142:1, 142:13, 150:10, 150:11, 150:16, 151:11, 151:15, 154:16, 157:13, 158:6, 158:10, 158:16, 161:13, 164:14, 166:3, 171:12, 172:21, 174:11, 179:23, 181:20, 182:16, 185:23  <b>garages</b> [1] - 45:8  <b>garbage</b> [1] - 45:15  <b>general</b> [6] - 57:24, 72:3, 80:16, 95:17, 129:10, 181:19  <b>generally</b> [3] - 34:16, 53:15, 58:6  <b>generated</b> [1] - 49:6  <b>generator</b> [1] - 46:21  <b>generous</b> [4] - 59:3, 59:12, 59:20, 60:15  <b>gently</b> [1] - 166:5  <b>Gently</b> [1] - 166:7</p>	<p><b>George</b> [4] - 1:14, 3:9, 92:3, 93:1  <b>GEORGE</b> [2] - 5:12, 7:17  <b>GIANNOULA</b> [2] - 5:12, 7:17  <b>Giannoula</b> [4] - 1:14, 3:9, 92:3, 93:1  <b>given</b> [3] - 54:21, 77:22, 183:13  <b>Given</b> [1] - 62:5  <b>glad</b> [1] - 147:13  <b>glass</b> [2] - 112:2, 141:1  <b>God</b> [7] - 20:2, 52:1, 67:1, 93:10, 103:12, 126:14, 137:18  <b>goodnight</b> [1] - 91:15  <b>Goodnight</b> [4] - 91:18, 91:19, 136:5, 136:6  <b>Google</b> [1] - 122:18  <b>GoogleEarth</b> [6] - 8:9, 178:25, 179:6, 179:14, 180:25, 181:12  <b>GPC</b> [3] - 1:10, 4:8, 16:2  <b>grade</b> [13] - 30:8, 30:15, 43:24, 44:18, 107:1, 112:19, 124:1, 146:12, 149:17, 161:18, 165:22, 180:17, 181:25  <b>grading</b> [1] - 43:19  <b>Grading</b> [5] - 7:6, 28:6, 28:12, 28:16, 144:5  <b>gradual</b> [2] - 146:4  <b>Grala</b> [11] - 10:3, 11:17, 13:19, 15:20, 16:19, 91:7, 92:16, 100:13, 135:21, 153:10, 192:2  <b>GRALA</b> [12] - 2:6, 10:4, 11:18, 13:20, 15:21, 16:20, 91:8, 92:17, 100:14, 135:22, 153:11, 192:3  <b>grandfathered</b> [1] - 40:20  <b>grant</b> [3] - 135:6, 182:20, 183:19  <b>granted</b> [12] - 50:20, 50:23, 74:2, 74:4, 76:13, 97:2, 131:12, 132:10, 151:2, 151:23, 191:16  <b>graphically</b> [1] - 37:10</p>	<p><b>grasp</b> [1] - 88:18  <b>Grbic</b> [2] - 5:9, 81:7  <b>GRBIC</b> [8] - 80:18, 80:20, 80:24, 81:7, 81:12, 82:24, 83:12, 83:25  <b>great</b> [2] - 59:15, 85:10  <b>greater</b> [10] - 48:3, 54:22, 57:11, 58:24, 97:18, 129:1, 130:21, 131:11, 150:11, 150:12  <b>greatest</b> [1] - 74:10  <b>greatly</b> [1] - 133:3  <b>GREGORY</b> [8] - 6:20, 177:12, 177:19, 178:2, 178:7, 179:8, 183:6, 183:23  <b>Gregory</b> [6] - 155:11, 155:12, 177:6, 177:19, 177:21, 178:10  <b>ground</b> [23] - 54:14, 105:15, 110:24, 118:22, 119:10, 119:12, 141:18, 141:23, 141:25, 142:5, 164:14, 165:10, 168:23, 169:16, 169:23, 170:5, 170:19, 171:2, 171:4, 171:11, 171:13, 172:21, 174:2  <b>Group</b> [1] - 102:4  <b>growing</b> [1] - 81:14  <b>guess</b> [14] - 31:4, 34:21, 50:18, 79:20, 100:21, 101:16, 120:8, 123:24, 134:14, 147:10, 160:12, 166:24, 186:21, 189:24  <b>guessing</b> [1] - 190:9  <b>guest</b> [5] - 23:6, 24:22, 25:1, 164:22  <b>guests</b> [1] - 151:19  <b>guide</b> [1] - 86:13  <b>gutters</b> [1] - 82:15  <b>guys</b> [6] - 91:19, 116:18, 136:11, 175:13, 180:5, 187:24  <b>GYUHO</b> [1] - 2:12</p> <p style="text-align: center;"><b>H</b></p> <p><b>HAE</b> [1] - 4:3</p>	<p><b>Hae</b> [2] - 1:16, 14:3  <b>Hal</b> [6] - 43:15, 43:17, 44:8, 45:8, 65:21, 125:24  <b>half</b> [9] - 26:22, 38:1, 130:10, 139:4, 142:7, 142:25, 149:7, 164:15, 173:5  <b>half-level</b> [1] - 38:1  <b>hall</b> [1] - 58:3  <b>hallway</b> [2] - 109:12, 115:6  <b>hand</b> [40] - 19:22, 51:22, 66:23, 70:13, 70:16, 70:22, 71:3, 93:7, 94:7, 94:10, 94:14, 94:18, 103:9, 105:24, 106:3, 108:7, 118:2, 123:2, 123:3, 123:4, 126:11, 127:14, 127:19, 127:22, 128:1, 137:15, 140:18, 141:3, 141:7, 148:8, 148:10, 148:13, 148:18, 149:20, 155:6, 155:20, 162:12, 177:8, 178:24  <b>handed</b> [2] - 93:20, 127:8  <b>handicap</b> [1] - 23:7  <b>handle</b> [3] - 75:5, 87:13, 167:13  <b>handled</b> [1] - 87:11  <b>happy</b> [8] - 51:6, 76:16, 80:9, 98:25, 132:12, 151:25, 173:11, 176:23  <b>HardiePlank</b> [2] - 54:9, 55:13  <b>Hardly</b> [1] - 188:23  <b>hardscape</b> [1] - 37:24  <b>harmless</b> [1] - 82:8  <b>HAROLD</b> [1] - 2:21  <b>Harrington</b> [4] - 67:4, 93:13, 126:17, 147:5  <b>hashed</b> [1] - 37:16  <b>head</b> [4] - 174:1, 174:20, 175:2, 175:17  <b>heading</b> [1] - 71:6  <b>health</b> [4] - 72:3, 95:17, 129:9, 181:18  <b>hear</b> [4] - 85:10, 99:20, 132:18, 136:9  <b>heard</b> [11] - 13:4, 18:21, 21:24, 31:2, 77:16, 86:23,</p>
---	--	---	--	--

<p>112:21, 157:25, 158:5, 164:3, 176:10 <b>hearing</b> [11] - 18:14, 18:16, 18:17, 18:20, 19:13, 20:24, 21:12, 89:21, 159:23, 178:15 <b>heart</b> [1] - 191:15 <b>heavy</b> [5] - 40:16, 59:21, 63:24, 81:19, 82:25 <b>height</b> [68] - 26:24, 27:10, 30:8, 30:14, 54:5, 54:20, 54:22, 71:12, 71:13, 72:7, 73:18, 73:20, 73:23, 78:10, 78:11, 79:25, 80:5, 95:6, 96:20, 96:21, 96:24, 99:10, 99:12, 102:13, 110:20, 110:21, 111:4, 111:7, 111:8, 111:20, 116:7, 117:9, 118:21, 119:20, 123:13, 123:16, 123:20, 128:9, 128:10, 130:2, 130:11, 131:22, 131:25, 134:15, 134:17, 142:24, 145:20, 145:22, 149:1, 149:4, 149:6, 149:13, 149:19, 149:23, 155:3, 157:24, 165:8, 165:9, 165:10, 165:11, 165:12, 165:14, 165:24, 174:3, 180:14, 181:14, 181:24, 183:1 <b>Hello</b> [2] - 47:12, 80:18 <b>help</b> [10] - 20:2, 51:25, 67:1, 93:10, 103:12, 106:15, 126:14, 133:2, 137:18, 185:4 <b>hereby</b> [1] - 193:5 <b>herein</b> [1] - 193:9 <b>herself</b> [1] - 153:23 <b>Hi</b> [1] - 80:20 <b>hide</b> [1] - 63:19 <b>high</b> [8] - 27:15, 30:5, 43:6, 46:24, 64:13, 87:9, 146:2, 160:17 <b>higher</b> [5] - 49:19, 73:25, 112:7, 130:9, 160:11 <b>highest</b> [4] - 30:9,</p>	<p>30:15, 54:24, 54:25 <b>Highland</b> [3] - 94:17, 94:20, 189:13 <b>highway</b> [2] - 32:11, 32:12 <b>hill</b> [11] - 48:18, 48:20, 49:20, 86:11, 86:17, 86:18, 105:20, 114:15, 120:3 <b>hills</b> [1] - 116:18 <b>Hillside</b> [2] - 139:3, 148:17 <b>himself</b> [6] - 19:2, 19:4, 91:10, 100:24, 100:25, 101:3 <b>hip</b> [1] - 142:11 <b>hit</b> [1] - 185:20 <b>hold</b> [3] - 24:16, 81:4, 82:7 <b>holding</b> [2] - 124:14, 160:13 <b>home</b> [11] - 72:10, 107:25, 122:25, 127:21, 149:12, 149:18, 149:22, 154:15, 154:19, 181:6, 185:10 <b>Home</b> [1] - 119:3 <b>homeowners</b> [1] - 90:2 <b>HOMES</b> [1] - 4:8 <b>homes</b> [14] - 49:10, 71:2, 71:7, 78:7, 78:25, 83:22, 96:22, 127:25, 129:1, 129:16, 133:7, 148:20, 180:6, 180:24 <b>Homes</b> [2] - 1:10, 16:2 <b>honestly</b> [1] - 186:2 <b>honor</b> [1] - 153:22 <b>Honorable</b> [2] - 101:14, 136:19 <b>hope</b> [1] - 182:20 <b>hopeful</b> [1] - 83:9 <b>hopefully</b> [1] - 19:16 <b>hour</b> [1] - 136:13 <b>hours</b> [1] - 86:23 <b>house</b> [25] - 46:14, 47:5, 81:16, 83:19, 109:17, 111:3, 114:14, 127:16, 164:12, 164:13, 166:25, 168:5, 168:19, 168:25, 169:7, 169:10, 169:11, 174:1, 184:17, 185:5, 186:4, 186:11, 186:15, 188:5, 189:5</p>	<p><b>House</b> [1] - 119:3 <b>houses</b> [8] - 31:3, 32:13, 64:18, 83:16, 90:8, 116:18, 169:7, 169:10 <b>Housing</b> [4] - 7:15, 69:7, 69:10, 102:23 <b>housing</b> [1] - 72:9 <b>huge</b> [1] - 46:17 <b>humbly</b> [2] - 101:19, 136:22 <b>hundred</b> [1] - 173:19 <b>HVAC</b> [4] - 113:11, 113:12, 117:7, 120:17</p> <p style="text-align: center;"><b>I</b></p> <p><b>idea</b> [1] - 179:21 <b>Ident/Evid</b> [2] - 7:1, 8:1 <b>identical</b> [1] - 141:19 <b>identification</b> [11] - 22:7, 28:18, 33:22, 52:22, 55:17, 56:15, 69:12, 93:24, 127:12, 148:7, 179:7 <b>identify</b> [3] - 70:7, 156:20, 163:20 <b>immediately</b> [1] - 143:8 <b>impact</b> [11] - 49:8, 49:25, 62:14, 74:1, 74:10, 79:18, 80:4, 82:3, 97:8, 98:11, 182:1 <b>impacted</b> [1] - 53:17 <b>impacts</b> [1] - 74:20 <b>impair</b> [1] - 103:3 <b>impairment</b> [2] - 50:25, 182:12 <b>impede</b> [1] - 37:13 <b>impervious</b> [5] - 50:7, 50:10, 50:11, 50:13, 50:17 <b>important</b> [1] - 88:19 <b>impose</b> [1] - 35:7 <b>imposed</b> [3] - 24:19, 29:8, 89:8 <b>improve</b> [3] - 74:20, 97:15, 150:25 <b>improved</b> [4] - 98:10, 98:13, 133:4, 151:9 <b>improvement</b> [4] - 39:6, 42:19, 97:21, 181:7 <b>Improvement</b> [2] - 24:10, 88:7 <b>improvements</b> [9] -</p>	<p>72:14, 72:16, 74:19, 96:4, 97:6, 131:3, 131:4, 131:18, 150:22 <b>improving</b> [2] - 130:23, 182:18 <b>IN</b> [2] - 1:3, 4:3 <b>inaudible</b> [1] - 43:23 <b>Inc</b> [4] - 7:15, 18:11, 69:7, 69:11 <b>inches</b> [9] - 40:3, 110:13, 111:1, 111:6, 111:12, 118:2, 140:2, 143:19 <b>incline</b> [1] - 146:4 <b>include</b> [4] - 123:25, 125:3, 139:17, 142:22 <b>included</b> [3] - 86:8, 125:5, 151:19 <b>includes</b> [1] - 30:16 <b>including</b> [4] - 23:7, 24:22, 88:12, 131:16 <b>incorporated</b> [1] - 25:9 <b>increase</b> [5] - 32:19, 32:22, 88:21, 166:23, 181:24 <b>increased</b> [3] - 71:22, 74:12, 125:14 <b>increasing</b> [1] - 181:5 <b>indemnity</b> [1] - 82:6 <b>indicate</b> [2] - 67:18, 129:25 <b>indicated</b> [7] - 74:9, 99:11, 131:7, 145:25, 150:1, 160:6, 183:2 <b>indicates</b> [2] - 73:23, 160:1 <b>indicating</b> [4] - 26:2, 27:4, 35:1, 175:17 <b>indicating</b> [1] - 26:5 <b>individually</b> [1] - 128:13 <b>ingress</b> [4] - 23:1, 25:11, 25:12, 27:24 <b>initial</b> [2] - 71:15, 71:22 <b>initiated</b> [1] - 18:18 <b>inlets</b> [1] - 29:1 <b>inside</b> [1] - 57:3 <b>insignificant</b> [1] - 165:17 <b>inspections</b> [1] - 68:1 <b>inspector</b> [2] - 119:22, 120:7 <b>install</b> [1] - 89:9 <b>instance</b> [1] - 24:25 <b>instead</b> [2] - 112:9,</p>	<p>113:20 <b>insurance</b> [1] - 82:7 <b>intend</b> [1] - 184:12 <b>intended</b> [1] - 158:1 <b>intent</b> [3] - 50:25, 103:4, 182:13 <b>intentions</b> [1] - 19:11 <b>interest</b> [1] - 55:11 <b>interested</b> [1] - 193:14 <b>interfere</b> [1] - 145:3 <b>interfering</b> [1] - 144:19 <b>interior</b> [1] - 78:22 <b>interrupt</b> [4] - 26:18, 27:20, 33:12, 53:14 <b>intervening</b> [1] - 19:7 <b>introduce</b> [1] - 103:6 <b>Investments</b> [2] - 1:12, 17:3 <b>INVESTMENTS</b> [1] - 4:10 <b>involved</b> [3] - 20:16, 33:9, 124:11 <b>irregular</b> [2] - 104:6, 106:4 <b>irrelevant</b> [1] - 188:6 <b>island</b> [1] - 141:14 <b>issue</b> [4] - 86:10, 116:20, 120:4, 183:21 <b>issued</b> [1] - 15:5 <b>issues</b> [2] - 85:20, 87:24 <b>IT</b> [1] - 45:21 <b>item</b> [1] - 125:12 <b>Item</b> [2] - 121:1, 123:8 <b>iteration</b> [1] - 87:10 <b>itself</b> [15] - 30:1, 49:8, 75:15, 78:14, 78:21, 94:24, 104:14, 105:12, 106:4, 106:12, 107:9, 109:14, 114:5, 119:17, 148:24 <b>ivy</b> [1] - 81:14</p> <p style="text-align: center;"><b>J</b></p> <p><b>JACK</b> [1] - 4:5 <b>Jack</b> [2] - 1:4, 14:10 <b>JANG</b> [1] - 4:3 <b>Jang</b> [2] - 1:16, 14:3 <b>January</b> [1] - 138:25 <b>Jersey</b> [22] - 3:4, 3:8, 3:12, 3:16, 20:5, 20:12, 52:4, 52:9, 67:4, 93:13, 103:15, 103:21, 126:17, 137:21, 138:11,</p>
---	--	--	---	--

<p>147:5, 156:2, 162:19, 177:15, 177:23, 179:12, 193:4 <b>job</b> [1] - 136:8 <b>Joe</b> [5] - 65:7, 173:11, 175:4, 175:9, 175:22 <b>JOHN</b> [1] - 2:6 <b>joining</b> [1] - 101:15 <b>joists</b> [1] - 119:25 <b>JOSEPH</b> [1] - 2:2 <b>JUAN</b> [2] - 6:3, 8:3 <b>Juan</b> [3] - 1:18, 3:13, 136:22 <b>June</b> [2] - 14:4, 14:5 <b>jurisdictional</b> [1] - 85:9 <b>justified</b> [1] - 191:7</p>	<p><b>key</b> [1] - 114:6 <b>kill</b> [1] - 187:25 <b>Kim</b> [8] - 1:20, 155:1, 155:7, 162:10, 162:23, 163:8, 166:8, 166:13 <b>KIM</b> [39] - 6:11, 6:16, 8:7, 162:16, 162:23, 163:1, 167:15, 167:19, 168:1, 168:14, 168:18, 169:6, 169:16, 169:22, 169:25, 170:4, 170:13, 170:16, 170:24, 171:13, 171:17, 171:20, 171:24, 172:4, 172:10, 172:13, 172:16, 172:23, 173:1, 173:5, 173:8, 173:19, 174:2, 174:9, 176:5, 176:14, 176:18, 176:22, 186:17 <b>kind</b> [9] - 33:5, 41:16, 42:12, 44:13, 115:8, 119:5, 158:16, 180:21, 183:21 <b>kinds</b> [1] - 180:22 <b>kitchen</b> [7] - 108:9, 108:19, 110:19, 141:13, 141:16, 164:23 <b>kitchen/family</b> [1] - 57:6 <b>kitchenette</b> [1] - 142:3 <b>knocking</b> [1] - 83:19 <b>knowledgeable</b> [1] - 119:2 <b>known</b> [2] - 22:20, 101:23 <b>knows</b> [2] - 34:22, 176:21 <b>Koestner's</b> [2] - 144:6, 145:9 <b>KRAB</b> [1] - 156:7</p>	<p>10:12, 11:6, 11:9, 11:11, 11:13, 11:15, 11:17, 11:19, 11:21, 11:23, 11:25, 12:16, 12:22, 13:11, 13:13, 13:15, 13:17, 13:19, 13:21, 13:23, 15:12, 15:14, 15:16, 15:18, 15:20, 15:22, 15:24, 16:11, 16:13, 16:15, 16:17, 16:19, 16:21, 16:23, 16:25, 17:9, 17:12, 17:14, 17:16, 17:18, 17:20, 17:22, 17:24, 90:19, 90:21, 90:24, 91:1, 91:3, 91:6, 91:9, 91:11, 92:8, 92:10, 92:12, 92:14, 92:16, 92:18, 92:20, 100:5, 100:7, 100:9, 100:11, 100:13, 100:15, 100:17, 101:2, 135:13, 135:15, 135:17, 135:19, 135:21, 135:23, 152:23, 153:1, 153:4, 153:6, 153:8, 153:10, 153:12, 153:14, 153:16, 191:19, 191:21, 191:23, 191:25, 192:2, 192:4, 192:6 <b>Land</b> [5] - 50:20, 72:1, 77:4, 95:14, 129:7 <b>land</b> [5] - 88:21, 88:24, 98:3, 131:16, 151:5 <b>LAND</b> [1] - 2:19 <b>land-to-building</b> [1] - 88:24 <b>land-to-unit</b> [1] - 88:21 <b>landing</b> [5] - 36:20, 36:25, 37:17, 37:19, 123:11 <b>landscape</b> [3] - 24:6, 33:1, 33:7 <b>landscaping</b> [12] - 23:21, 25:9, 35:14, 74:16, 75:19, 88:3, 97:11, 131:1, 133:1, 140:11, 150:22, 151:11 <b>LANE</b> [1] - 4:3 <b>Lane</b> [3] - 1:17, 13:3, 14:2 <b>large</b> [7] - 24:6, 45:15, 78:13, 87:1, 140:20, 155:4, 157:17 <b>larger</b> [12] - 22:23,</p>	<p>73:4, 73:8, 75:10, 78:7, 80:4, 87:2, 128:18, 128:23, 129:3, 131:8, 133:5 <b>last</b> [29] - 13:4, 14:18, 17:2, 20:24, 21:12, 21:17, 22:10, 27:6, 28:13, 31:1, 33:17, 50:18, 52:16, 52:17, 56:19, 84:17, 84:20, 85:6, 85:11, 85:14, 85:17, 93:2, 96:11, 125:12, 138:1, 138:24, 144:7, 172:17, 177:5 <b>Last</b> [1] - 177:21 <b>Lastly</b> [1] - 97:24 <b>lastly</b> [5] - 72:19, 75:6, 89:12, 131:13, 155:9 <b>laundry</b> [3] - 58:4, 142:4, 164:25 <b>Laundry</b> [1] - 108:23 <b>law</b> [4] - 82:5, 82:6, 187:17, 187:18 <b>LAW</b> [2] - 3:6, 3:10 <b>Law</b> [7] - 50:20, 72:1, 77:4, 95:14, 101:17, 129:7, 154:3 <b>layout</b> [4] - 58:6, 78:20, 78:21, 141:19 <b>layouts</b> [1] - 108:15 <b>lead</b> [4] - 9:2, 32:8, 56:5, 155:7 <b>leader</b> [1] - 122:25 <b>leaders</b> [1] - 82:15 <b>least</b> [2] - 73:16, 83:9 <b>leave</b> [4] - 161:22, 167:1, 167:5, 167:24 <b>leaving</b> [2] - 42:11, 160:20 <b>LEE</b> [1] - 2:11 <b>Lee</b> [8] - 3:4, 3:8, 10:9, 11:21, 16:25, 17:24, 177:14, 177:23 <b>left</b> [45] - 21:20, 23:8, 23:13, 50:5, 54:12, 55:2, 59:13, 70:13, 70:22, 86:18, 94:7, 94:11, 94:14, 104:19, 105:24, 107:13, 108:7, 110:10, 118:2, 121:20, 122:2, 122:7, 122:19, 122:20, 123:2, 123:4, 123:11, 127:14, 127:16, 127:22, 130:8, 132:6, 133:11, 140:12, 141:3,</p>	<p>141:7, 141:9, 148:8, 148:13, 148:14, 157:9, 165:22, 188:23, 188:24 <b>left-hand</b> [15] - 70:13, 70:22, 94:7, 94:14, 105:24, 108:7, 118:2, 123:2, 123:4, 127:14, 127:22, 141:3, 141:7, 148:8, 148:13 <b>lends</b> [1] - 78:14 <b>length</b> [7] - 19:13, 21:1, 41:7, 41:12, 54:7, 80:5, 102:8 <b>Less</b> [1] - 166:20 <b>less</b> [13] - 25:12, 25:13, 38:18, 43:6, 47:4, 62:14, 64:2, 73:10, 73:25, 74:5, 75:1, 133:22, 149:7 <b>lesser</b> [3] - 53:10, 78:16, 98:18 <b>letter</b> [4] - 10:15, 159:2, 159:4, 159:8 <b>level</b> [25] - 30:13, 36:19, 38:1, 43:5, 44:22, 44:23, 54:15, 105:5, 105:9, 105:10, 105:11, 105:18, 106:21, 108:3, 108:8, 108:20, 108:25, 109:5, 109:15, 110:19, 111:24, 112:18, 141:21, 170:20 <b>levels</b> [1] - 142:17 <b>license</b> [1] - 156:16 <b>licensed</b> [3] - 47:18, 138:9, 156:15 <b>light</b> [5] - 42:21, 42:25, 98:12, 181:22, 182:1 <b>limit</b> [1] - 119:15 <b>limitation</b> [4] - 96:20, 97:10, 130:2, 149:7 <b>limitations</b> [3] - 73:18, 74:15, 130:25 <b>line</b> [65] - 29:25, 30:2, 35:23, 40:9, 41:15, 41:20, 44:9, 48:13, 49:8, 49:12, 50:4, 57:14, 57:19, 57:22, 59:6, 59:16, 60:7, 60:12, 61:20, 61:23, 62:4, 62:6, 62:18, 63:25, 64:3, 66:14, 79:21, 86:10, 104:7, 112:3, 118:4,</p>					
<b>K</b>									
<p><b>K-A-L-T-S-I-S</b> [1] - 138:1 <b>K-A-T-H-R-Y-N</b> [1] - 177:21 <b>K-turn</b> [1] - 38:16 <b>Kaltsis</b> [6] - 137:12, 137:25, 138:2, 138:17, 144:3, 149:3 <b>KALTSIS</b> [17] - 6:5, 137:19, 137:25, 138:7, 138:14, 143:7, 143:12, 143:16, 143:19, 143:22, 144:4, 144:11, 144:21, 145:1, 145:13, 145:23, 146:16 <b>Kathryn</b> [4] - 155:11, 177:6, 177:19, 183:1 <b>KATHRYN</b> [1] - 6:20 <b>Kauker</b> [12] - 5:8, 5:15, 5:23, 6:9, 6:21, 65:24, 76:22, 99:4, 125:11, 132:13, 178:5, 182:22 <b>KAUKER</b> [19] - 2:22, 66:1, 76:23, 77:15, 77:25, 78:18, 79:13, 99:5, 99:8, 99:15, 132:15, 132:20, 132:23, 133:6, 133:16, 133:24, 152:6, 182:24, 183:7 <b>keep</b> [2] - 115:19, 169:13 <b>keeping</b> [1] - 81:14 <b>Kennedy</b> [2] - 137:21, 138:2</p>	<p><b>key</b> [1] - 114:6 <b>kill</b> [1] - 187:25 <b>Kim</b> [8] - 1:20, 155:1, 155:7, 162:10, 162:23, 163:8, 166:8, 166:13 <b>KIM</b> [39] - 6:11, 6:16, 8:7, 162:16, 162:23, 163:1, 167:15, 167:19, 168:1, 168:14, 168:18, 169:6, 169:16, 169:22, 169:25, 170:4, 170:13, 170:16, 170:24, 171:13, 171:17, 171:20, 171:24, 172:4, 172:10, 172:13, 172:16, 172:23, 173:1, 173:5, 173:8, 173:19, 174:2, 174:9, 176:5, 176:14, 176:18, 176:22, 186:17 <b>kind</b> [9] - 33:5, 41:16, 42:12, 44:13, 115:8, 119:5, 158:16, 180:21, 183:21 <b>kinds</b> [1] - 180:22 <b>kitchen</b> [7] - 108:9, 108:19, 110:19, 141:13, 141:16, 164:23 <b>kitchen/family</b> [1] - 57:6 <b>kitchenette</b> [1] - 142:3 <b>knocking</b> [1] - 83:19 <b>knowledgeable</b> [1] - 119:2 <b>known</b> [2] - 22:20, 101:23 <b>knows</b> [2] - 34:22, 176:21 <b>Koestner's</b> [2] - 144:6, 145:9 <b>KRAB</b> [1] - 156:7</p>	<p>10:12, 11:6, 11:9, 11:11, 11:13, 11:15, 11:17, 11:19, 11:21, 11:23, 11:25, 12:16, 12:22, 13:11, 13:13, 13:15, 13:17, 13:19, 13:21, 13:23, 15:12, 15:14, 15:16, 15:18, 15:20, 15:22, 15:24, 16:11, 16:13, 16:15, 16:17, 16:19, 16:21, 16:23, 16:25, 17:9, 17:12, 17:14, 17:16, 17:18, 17:20, 17:22, 17:24, 90:19, 90:21, 90:24, 91:1, 91:3, 91:6, 91:9, 91:11, 92:8, 92:10, 92:12, 92:14, 92:16, 92:18, 92:20, 100:5, 100:7, 100:9, 100:11, 100:13, 100:15, 100:17, 101:2, 135:13, 135:15, 135:17, 135:19, 135:21, 135:23, 152:23, 153:1, 153:4, 153:6, 153:8, 153:10, 153:12, 153:14, 153:16, 191:19, 191:21, 191:23, 191:25, 192:2, 192:4, 192:6 <b>Land</b> [5] - 50:20, 72:1, 77:4, 95:14, 129:7 <b>land</b> [5] - 88:21, 88:24, 98:3, 131:16, 151:5 <b>LAND</b> [1] - 2:19 <b>land-to-building</b> [1] - 88:24 <b>land-to-unit</b> [1] - 88:21 <b>landing</b> [5] - 36:20, 36:25, 37:17, 37:19, 123:11 <b>landscape</b> [3] - 24:6, 33:1, 33:7 <b>landscaping</b> [12] - 23:21, 25:9, 35:14, 74:16, 75:19, 88:3, 97:11, 131:1, 133:1, 140:11, 150:22, 151:11 <b>LANE</b> [1] - 4:3 <b>Lane</b> [3] - 1:17, 13:3, 14:2 <b>large</b> [7] - 24:6, 45:15, 78:13, 87:1, 140:20, 155:4, 157:17 <b>larger</b> [12] - 22:23,</p>	<p>73:4, 73:8, 75:10, 78:7, 80:4, 87:2, 128:18, 128:23, 129:3, 131:8, 133:5 <b>last</b> [29] - 13:4, 14:18, 17:2, 20:24, 21:12, 21:17, 22:10, 27:6, 28:13, 31:1, 33:17, 50:18, 52:16, 52:17, 56:19, 84:17, 84:20, 85:6, 85:11, 85:14, 85:17, 93:2, 96:11, 125:12, 138:1, 138:24, 144:7, 172:17, 177:5 <b>Last</b> [1] - 177:21 <b>Lastly</b> [1] - 97:24 <b>lastly</b> [5] - 72:19, 75:6, 89:12, 131:13, 155:9 <b>laundry</b> [3] - 58:4, 142:4, 164:25 <b>Laundry</b> [1] - 108:23 <b>law</b> [4] - 82:5, 82:6, 187:17, 187:18 <b>LAW</b> [2] - 3:6, 3:10 <b>Law</b> [7] - 50:20, 72:1, 77:4, 95:14, 101:17, 129:7, 154:3 <b>layout</b> [4] - 58:6, 78:20, 78:21, 141:19 <b>layouts</b> [1] - 108:15 <b>lead</b> [4] - 9:2, 32:8, 56:5, 155:7 <b>leader</b> [1] - 122:25 <b>leaders</b> [1] - 82:15 <b>least</b> [2] - 73:16, 83:9 <b>leave</b> [4] - 161:22, 167:1, 167:5, 167:24 <b>leaving</b> [2] - 42:11, 160:20 <b>LEE</b> [1] - 2:11 <b>Lee</b> [8] - 3:4, 3:8, 10:9, 11:21, 16:25, 17:24, 177:14, 177:23 <b>left</b> [45] - 21:20, 23:8, 23:13, 50:5, 54:12, 55:2, 59:13, 70:13, 70:22, 86:18, 94:7, 94:11, 94:14, 104:19, 105:24, 107:13, 108:7, 110:10, 118:2, 121:20, 122:2, 122:7, 122:19, 122:20, 123:2, 123:4, 123:11, 127:14, 127:16, 127:22, 130:8, 132:6, 133:11, 140:12, 141:3,</p>	<p>141:7, 141:9, 148:8, 148:13, 148:14, 157:9, 165:22, 188:23, 188:24 <b>left-hand</b> [15] - 70:13, 70:22, 94:7, 94:14, 105:24, 108:7, 118:2, 123:2, 123:4, 127:14, 127:22, 141:3, 141:7, 148:8, 148:13 <b>lends</b> [1] - 78:14 <b>length</b> [7] - 19:13, 21:1, 41:7, 41:12, 54:7, 80:5, 102:8 <b>Less</b> [1] - 166:20 <b>less</b> [13] - 25:12, 25:13, 38:18, 43:6, 47:4, 62:14, 64:2, 73:10, 73:25, 74:5, 75:1, 133:22, 149:7 <b>lesser</b> [3] - 53:10, 78:16, 98:18 <b>letter</b> [4] - 10:15, 159:2, 159:4, 159:8 <b>level</b> [25] - 30:13, 36:19, 38:1, 43:5, 44:22, 44:23, 54:15, 105:5, 105:9, 105:10, 105:11, 105:18, 106:21, 108:3, 108:8, 108:20, 108:25, 109:5, 109:15, 110:19, 111:24, 112:18, 141:21, 170:20 <b>levels</b> [1] - 142:17 <b>license</b> [1] - 156:16 <b>licensed</b> [3] - 47:18, 138:9, 156:15 <b>light</b> [5] - 42:21, 42:25, 98:12, 181:22, 182:1 <b>limit</b> [1] - 119:15 <b>limitation</b> [4] - 96:20, 97:10, 130:2, 149:7 <b>limitations</b> [3] - 73:18, 74:15, 130:25 <b>line</b> [65] - 29:25, 30:2, 35:23, 40:9, 41:15, 41:20, 44:9, 48:13, 49:8, 49:12, 50:4, 57:14, 57:19, 57:22, 59:6, 59:16, 60:7, 60:12, 61:20, 61:23, 62:4, 62:6, 62:18, 63:25, 64:3, 66:14, 79:21, 86:10, 104:7, 112:3, 118:4,</p>					
<b>L</b>		<p><b>L-E</b> [1] - 156:7 <b>L-shaped</b> [1] - 141:13 <b>labeled</b> [1] - 55:24 <b>laid</b> [1] - 190:3 <b>LAMBRINIDES</b> [100] - 2:18, 9:13, 9:16, 9:18, 9:20, 9:22, 9:24, 10:1, 10:3, 10:5, 10:7, 10:9,</p>		<p>10:12, 11:6, 11:9, 11:11, 11:13, 11:15, 11:17, 11:19, 11:21, 11:23, 11:25, 12:16, 12:22, 13:11, 13:13, 13:15, 13:17, 13:19, 13:21, 13:23, 15:12, 15:14, 15:16, 15:18, 15:20, 15:22, 15:24, 16:11, 16:13, 16:15, 16:17, 16:19, 16:21, 16:23, 16:25, 17:9, 17:12, 17:14, 17:16, 17:18, 17:20, 17:22, 17:24, 90:19, 90:21, 90:24, 91:1, 91:3, 91:6, 91:9, 91:11, 92:8, 92:10, 92:12, 92:14, 92:16, 92:18, 92:20, 100:5, 100:7, 100:9, 100:11, 100:13, 100:15, 100:17, 101:2, 135:13, 135:15, 135:17, 135:19, 135:21, 135:23, 152:23, 153:1, 153:4, 153:6, 153:8, 153:10, 153:12, 153:14, 153:16, 191:19, 191:21, 191:23, 191:25, 192:2, 192:4, 192:6 <b>Land</b> [5] - 50:20, 72:1, 77:4, 95:14, 129:7 <b>land</b> [5] - 88:21, 88:24, 98:3, 131:16, 151:5 <b>LAND</b> [1] - 2:19 <b>land-to-building</b> [1] - 88:24 <b>land-to-unit</b> [1] - 88:21 <b>landing</b> [5] - 36:20, 36:25, 37:17, 37:19, 123:11 <b>landscape</b> [3] - 24:6, 33:1, 33:7 <b>landscaping</b> [12] - 23:21, 25:9, 35:14, 74:16, 75:19, 88:3, 97:11, 131:1, 133:1, 140:11, 150:22, 151:11 <b>LANE</b> [1] - 4:3 <b>Lane</b> [3] - 1:17, 13:3, 14:2 <b>large</b> [7] - 24:6, 45:15, 78:13, 87:1, 140:20, 155:4, 157:17 <b>larger</b> [12] - 22:23,</p>	<p>73:4, 73:8, 75:10, 78:7, 80:4, 87:2, 128:18, 128:23, 129:3, 131:8, 133:5 <b>last</b> [29] - 13:4, 14:18, 17:2, 20:24, 21:12, 21:17, 22:10, 27:6, 28:13, 31:1, 33:17, 50:18, 52:16, 52:17, 56:19, 84:17, 84:20, 85:6, 85:11, 85:14, 85:17, 93:2, 96:11, 125:12, 138:1, 138:24, 144:7, 172:17, 177:5 <b>Last</b> [1] - 177:21 <b>Lastly</b> [1] - 97:24 <b>lastly</b> [5] - 72:19, 75:6, 89:12, 131:13, 155:9 <b>laundry</b> [3] - 58:4, 142:4, 164:25 <b>Laundry</b> [1] - 108:23 <b>law</b> [4] - 82:5, 82:6, 187:17, 187:18 <b>LAW</b> [2] - 3:6, 3:10 <b>Law</b> [7] - 50:20, 72:1, 77:4, 95:14, 101:17, 129:7, 154:3 <b>layout</b> [4] - 58:6, 78:20, 78:21, 141:19 <b>layouts</b> [1] - 108:15 <b>lead</b> [4] - 9:2, 32:8, 56:5, 155:7 <b>leader</b> [1] - 122:25 <b>leaders</b> [1] - 82:15 <b>least</b> [2] - 73:16, 83:9 <b>leave</b> [4] - 161:22, 167:1, 167:5, 167:24 <b>leaving</b> [2] - 42:11, 160:20 <b>LEE</b> [1] - 2:11 <b>Lee</b> [8] - 3:4, 3:8, 10:9, 11:21, 16:25, 17:24, 177:14, 177:23 <b>left</b> [45] - 21:20, 23:8, 23:13, 50:5, 54:12, 55:2, 59:13, 70:13, 70:22, 86:18, 94:7, 94:11, 94:14, 104:19, 105:24, 107:13, 108:7, 110:10, 118:2, 121:20, 122:2, 122:7, 122:19, 122:20, 123:2, 123:4, 123:11, 127:14, 127:16, 127:22, 1</p>				

<p>118:17, 119:18, 121:4, 122:3, 122:11, 123:18, 124:14, 129:20, 130:22, 142:12, 145:6, 145:14, 160:7, 161:9, 161:11, 161:21, 162:3, 168:3, 168:9, 168:16, 169:2, 170:6, 178:21, 179:24, 179:25, 185:15, 186:18, 186:19, 186:24, 188:7, 188:21, 190:7</p> <p><b>line-of-sight</b> [1] - 86:10</p> <p><b>lines</b> [1] - 86:16</p> <p><b>Linwood</b> [2] - 177:14, 177:22</p> <p><b>listed</b> [2] - 102:6, 128:5</p> <p><b>listened</b> [1] - 191:6</p> <p><b>listening</b> [3] - 57:8, 80:15, 115:15</p> <p><b>literally</b> [1] - 161:20</p> <p><b>live</b> [2] - 45:25, 80:20</p> <p><b>lived</b> [1] - 136:23</p> <p><b>living</b> [10] - 56:2, 108:5, 108:9, 108:18, 141:14, 164:22, 170:21, 173:14, 173:18, 174:18</p> <p><b>living/dining</b> [1] - 57:4</p> <p><b>LLC</b> [11] - 1:8, 1:10, 3:13, 3:14, 4:8, 5:17, 7:20, 16:2, 100:22, 101:20, 156:24</p> <p><b>local</b> [3] - 82:5, 95:15, 136:24</p> <p><b>located</b> [16] - 25:8, 94:24, 96:19, 101:23, 104:2, 104:9, 137:4, 139:1, 140:21, 140:22, 141:3, 142:1, 180:7, 180:9, 180:10, 180:11</p> <p><b>locating</b> [1] - 143:7</p> <p><b>location</b> [5] - 32:2, 87:16, 102:20, 141:14, 143:9</p> <p><b>logic</b> [1] - 184:25</p> <p><b>LOLIS</b> [2] - 5:12, 7:17</p> <p><b>Lolis</b> [3] - 1:14, 3:9, 92:3</p> <p><b>look</b> [24] - 31:17, 55:5, 58:12, 79:24, 86:11, 88:17, 90:9, 105:17,</p>	<p>107:7, 111:18, 111:23, 112:17, 113:19, 116:13, 146:13, 149:5, 157:6, 157:8, 157:10, 161:24, 181:12, 186:25, 189:23, 189:24</p> <p><b>looked</b> [2] - 76:6, 122:18</p> <p><b>Looking</b> [6] - 63:20, 70:11, 71:24, 74:3, 131:13, 149:25</p> <p><b>looking</b> [31] - 31:19, 31:22, 31:23, 33:3, 63:19, 70:13, 70:17, 71:1, 73:15, 75:6, 94:11, 94:19, 95:1, 95:11, 97:24, 111:21, 111:24, 112:6, 113:19, 114:24, 127:20, 128:2, 128:14, 134:1, 148:10, 148:14, 149:4, 165:24, 183:8, 187:3</p> <p><b>looks</b> [9] - 109:16, 114:14, 123:11, 124:6, 144:8, 161:9, 161:10, 161:13, 182:16</p> <p><b>loses</b> [1] - 108:2</p> <p><b>loss</b> [3] - 75:24, 76:1, 151:15</p> <p><b>LOT</b> [14] - 4:6, 4:9, 4:11, 4:14, 5:5, 5:13, 5:18, 6:4, 6:12, 7:4, 7:18, 7:21, 8:4, 8:8</p> <p><b>LOTS</b> [1] - 4:4</p> <p><b>low</b> [3] - 43:22, 46:20, 146:13</p> <p><b>low-traffic</b> [1] - 46:20</p> <p><b>lower</b> [10] - 19:8, 26:25, 27:15, 30:16, 54:1, 63:23, 96:25, 142:18, 165:23, 189:13</p> <p><b>lowest</b> [3] - 54:24, 54:25, 157:19</p> <p><b>lumped</b> [1] - 183:18</p>	<p><b>Mahwah</b> [1] - 156:2</p> <p><b>Main</b> [1] - 49:18</p> <p><b>main</b> [5] - 54:1, 56:5, 57:18, 59:22, 108:4</p> <p><b>maintain</b> [1] - 82:6</p> <p><b>maintenance</b> [4] - 35:11, 40:14, 107:15, 159:21</p> <p><b>major</b> [1] - 183:21</p> <p><b>majority</b> [1] - 57:21</p> <p><b>management</b> [2] - 28:24, 89:10</p> <p><b>maneuver</b> [3] - 38:23, 42:23, 186:2</p> <p><b>Maps</b> [1] - 122:18</p> <p><b>Marc</b> [4] - 92:24, 101:16, 136:20, 153:20</p> <p><b>MARC</b> [3] - 3:6, 3:7, 3:11</p> <p><b>March</b> [3] - 56:20, 84:17, 85:11</p> <p><b>Mark</b> [26] - 18:12, 19:12, 20:9, 20:21, 21:8, 22:13, 23:10, 24:15, 26:18, 27:19, 27:25, 28:8, 28:11, 32:16, 33:9, 33:15, 35:17, 37:8, 38:13, 49:1, 51:19, 53:9, 54:23, 65:16, 85:7, 89:17</p> <p><b>MARK</b> [2] - 3:3, 4:15</p> <p><b>mark</b> [7] - 22:1, 28:10, 33:12, 55:19, 56:10, 93:22, 179:5</p> <p><b>mark..</b> [1] - 179:3</p> <p><b>marked</b> [20] - 21:11, 22:6, 28:17, 33:21, 52:21, 53:23, 55:17, 56:14, 56:21, 69:11, 69:12, 84:10, 84:12, 93:23, 127:11, 148:4, 148:6, 179:3, 179:4, 179:6</p> <p><b>market</b> [1] - 34:16</p> <p><b>Martin</b> [3] - 4:20, 5:10, 47:14</p> <p><b>Martins</b> [9] - 19:12, 19:20, 20:9, 29:17, 35:17, 54:23, 72:15, 82:12, 89:17</p> <p><b>MARTINS</b> [48] - 4:15, 20:3, 20:9, 20:17, 22:8, 29:23, 30:1, 30:7, 30:20, 30:23, 31:5, 31:7, 31:13, 32:7, 32:17, 33:8, 33:19, 34:1, 34:6, 35:19, 35:24, 36:4,</p>	<p>36:7, 36:11, 36:16, 37:5, 37:9, 37:14, 38:6, 38:17, 39:12, 39:19, 40:7, 41:19, 42:14, 43:3, 43:22, 44:4, 44:12, 44:20, 45:7, 45:13, 46:18, 49:2, 49:17, 49:24, 50:12, 51:20</p> <p><b>master</b> [4] - 58:3, 58:5, 108:21, 141:6</p> <p><b>Master</b> [9] - 67:22, 68:7, 98:2, 103:5, 127:5, 129:8, 147:19, 147:22, 178:17</p> <p><b>match</b> [3] - 76:7, 134:16, 169:8</p> <p><b>material</b> [3] - 24:13, 65:14, 165:7</p> <p><b>materials</b> [4] - 54:8, 54:16, 55:4, 55:12</p> <p><b>matter</b> [4] - 19:5, 101:1, 113:6, 153:24</p> <p><b>MATTER</b> [1] - 1:3</p> <p><b>MAVER</b> [16] - 47:12, 47:14, 48:5, 48:11, 49:9, 49:21, 50:3, 50:15, 51:11, 84:3, 84:11, 84:14, 84:19, 85:1, 85:16, 85:25</p> <p><b>Maver</b> [6] - 4:20, 5:10, 47:14, 48:24, 51:7, 84:10</p> <p><b>maximum</b> [10] - 26:21, 26:22, 46:15, 50:11, 50:12, 117:17, 117:20, 128:11, 145:20, 176:8</p> <p><b>MAY</b> [1] - 1:2</p> <p><b>Meadowlands</b> [2] - 105:7, 109:22</p> <p><b>mean</b> [25] - 24:15, 27:20, 32:3, 32:12, 33:12, 37:4, 41:16, 44:14, 46:14, 61:24, 63:19, 63:22, 77:25, 84:19, 104:17, 113:15, 114:2, 115:2, 116:9, 117:4, 118:8, 118:18, 122:24, 184:23, 189:12</p> <p><b>meaning</b> [1] - 165:22</p> <p><b>means</b> [5] - 25:11, 168:8, 169:1, 169:7, 174:3</p> <p><b>meant</b> [2] - 41:9, 41:12</p> <p><b>measure</b> [2] - 46:8,</p>	<p>104:16</p> <p><b>measured</b> [1] - 30:8</p> <p><b>mechanic</b> [1] - 137:1</p> <p><b>mechanical</b> [3] - 56:6, 109:13, 142:3</p> <p><b>meet</b> [13] - 24:21, 24:24, 71:25, 72:2, 72:11, 72:19, 74:15, 79:22, 96:1, 96:6, 96:13, 110:14, 129:6</p> <p><b>meeting</b> [23] - 9:1, 9:9, 12:3, 13:4, 13:6, 14:5, 14:18, 18:16, 21:17, 21:24, 27:6, 53:4, 68:19, 74:19, 85:5, 85:15, 85:17, 91:25, 93:3, 96:12, 161:17, 189:25, 192:15</p> <p><b>meetings</b> [2] - 38:3, 53:5</p> <p><b>Meetings</b> [1] - 9:8</p> <p><b>meets</b> [4] - 72:24, 72:25, 102:25, 129:22</p> <p><b>member</b> [4] - 80:9, 93:21, 117:5, 120:12</p> <p><b>MEMBER</b> [9] - 2:4, 2:5, 2:6, 2:7, 2:8, 2:9, 2:10, 2:11, 2:12</p> <p><b>Member</b> [1] - 100:24</p> <p><b>members</b> [19] - 10:20, 12:14, 18:21, 19:1, 34:8, 39:24, 42:2, 61:5, 65:1, 76:18, 80:13, 99:3, 101:21, 115:25, 120:20, 152:1, 161:2, 184:2, 192:13</p> <p><b>Members</b> [8] - 18:10, 89:22, 92:24, 101:15, 136:19, 153:25</p> <p><b>memorialization</b> [5] - 14:10, 14:14, 16:3, 17:4, 41:2</p> <p><b>memorialize</b> [2] - 16:4, 17:5</p> <p><b>mentioned</b> [8] - 27:1, 38:3, 48:14, 62:17, 86:10, 133:8, 142:21, 165:9</p> <p><b>message</b> [1] - 87:8</p> <p><b>met</b> [7] - 73:2, 76:10, 97:22, 98:20, 130:1, 132:8, 151:21</p> <p><b>MICHAEL</b> [2] - 2:11, 2:22</p> <p><b>mid</b> [2] - 36:19, 104:12</p> <p><b>mid-level</b> [1] - 36:19</p>
	<b>M</b>			
	<p><b>M-A-R-T-I-N-S</b> [1] - 20:10</p> <p><b>Macri</b> [2] - 5:14, 92:25</p> <p><b>MACRI</b> [7] - 3:6, 3:7, 92:23, 93:19, 94:2, 99:25, 100:19</p>			

<p><b>mid-unit</b> [1] - 104:12</p> <p><b>middle</b> [12] - 21:21, 55:24, 70:25, 105:3, 106:6, 107:9, 107:20, 108:16, 109:3, 112:4, 144:7, 188:23</p> <p><b>might</b> [10] - 77:8, 113:19, 122:16, 122:24, 123:16, 145:7, 185:20, 185:21, 188:13</p> <p><b>Mike</b> [1] - 125:10</p> <p><b>mind</b> [1] - 187:13</p> <p><b>miniature</b> [1] - 61:12</p> <p><b>minimally</b> [1] - 74:5</p> <p><b>minimis</b> [1] - 181:5</p> <p><b>minimize</b> [3] - 105:21, 106:22, 109:8</p> <p><b>minimum</b> [11] - 26:11, 26:17, 27:11, 87:3, 106:1, 107:16, 139:8, 139:9, 139:12, 139:17, 139:18</p> <p><b>minor</b> [5] - 48:1, 49:7, 155:3, 155:14, 191:7</p> <p><b>minute</b> [3] - 91:20, 91:22, 167:7</p> <p><b>minutes</b> [6] - 12:2, 12:5, 12:6, 12:7, 12:9, 89:14</p> <p><b>mirror</b> [1] - 78:25</p> <p><b>Miscellaneous</b> [1] - 124:3</p> <p><b>missed</b> [1] - 77:19</p> <p><b>mitigated</b> [1] - 150:21</p> <p><b>mixed</b> [1] - 98:5</p> <p><b>mixture</b> [3] - 94:12, 94:20, 148:21</p> <p><b>moderate</b> [1] - 154:15</p> <p><b>MODERATOR</b> [1] - 45:21</p> <p><b>modern</b> [3] - 72:23, 96:17, 129:22</p> <p><b>modest</b> [2] - 82:2</p> <p><b>modifications</b> [4] - 68:21, 71:13, 74:13, 131:25</p> <p><b>modify</b> [1] - 69:18</p> <p><b>MONDAY</b> [1] - 1:2</p> <p><b>money</b> [1] - 12:21</p> <p><b>morals</b> [3] - 72:3, 95:17, 129:9</p> <p><b>Morningside</b> [3] - 1:17, 13:3, 14:1</p> <p><b>MORNINGSIDE</b> [1] - 4:3</p> <p><b>most</b> [6] - 63:20, 73:10, 82:2, 151:15,</p>	<p>169:7</p> <p><b>Most</b> [1] - 185:13</p> <p><b>Motion</b> [2] - 10:16, 192:11</p> <p><b>motion</b> [24] - 10:18, 11:1, 11:3, 12:6, 12:9, 12:12, 13:7, 14:14, 14:16, 15:7, 16:4, 16:6, 17:5, 90:11, 90:16, 99:22, 134:10, 134:20, 134:23, 134:25, 135:3, 135:11, 152:18, 191:12</p> <p><b>mound</b> [1] - 44:22</p> <p><b>mounded</b> [1] - 44:13</p> <p><b>mouth</b> [1] - 23:2</p> <p><b>move</b> [8] - 59:18, 62:12, 79:20, 111:6, 136:12, 168:7, 185:5, 186:11</p> <p><b>moved</b> [1] - 65:10</p> <p><b>moving</b> [5] - 55:15, 56:8, 59:24, 61:19, 135:9</p> <p><b>Moving</b> [2] - 140:15, 142:8</p> <p><b>MR</b> [556] - 9:19, 9:23, 10:4, 10:6, 10:8, 11:5, 11:14, 11:16, 11:18, 11:20, 11:24, 12:10, 13:16, 13:18, 13:20, 13:22, 13:24, 15:9, 15:17, 15:19, 15:21, 15:23, 15:25, 16:7, 16:16, 16:18, 16:20, 16:22, 16:24, 17:17, 17:19, 17:21, 17:23, 18:8, 19:6, 19:23, 20:3, 20:9, 20:15, 20:17, 20:18, 20:20, 22:1, 22:4, 22:8, 22:11, 28:19, 29:16, 29:23, 30:1, 30:7, 30:20, 30:23, 31:5, 31:7, 31:13, 32:7, 32:15, 32:17, 33:6, 33:8, 33:11, 33:15, 33:19, 33:23, 34:1, 34:6, 34:10, 34:13, 34:19, 34:23, 34:24, 35:6, 35:16, 35:19, 35:21, 35:24, 35:25, 36:4, 36:6, 36:7, 36:9, 36:11, 36:12, 36:16, 37:2, 37:5, 37:7, 37:9, 37:12, 37:14, 38:2, 38:6, 38:12, 38:17, 39:7, 39:12, 39:17,</p>	<p>39:19, 39:21, 40:7, 41:4, 41:6, 41:9, 41:11, 41:14, 41:19, 41:21, 42:6, 42:10, 42:14, 43:1, 43:3, 43:9, 43:10, 43:14, 43:19, 43:22, 43:25, 44:4, 44:10, 44:12, 44:16, 44:20, 45:2, 45:7, 45:11, 45:13, 45:16, 45:20, 45:24, 46:18, 47:9, 47:12, 47:14, 48:4, 48:5, 48:7, 48:11, 48:24, 49:2, 49:9, 49:17, 49:21, 49:24, 50:3, 50:12, 50:15, 51:2, 51:5, 51:11, 51:12, 51:17, 51:20, 52:2, 52:8, 52:13, 52:15, 52:24, 55:18, 56:10, 56:16, 56:24, 56:25, 61:1, 61:6, 61:9, 61:11, 61:13, 61:16, 62:2, 62:9, 62:10, 62:16, 62:21, 62:23, 62:25, 63:1, 63:8, 63:10, 63:13, 63:16, 63:17, 63:18, 63:22, 64:5, 64:9, 64:11, 64:12, 64:15, 64:19, 64:21, 64:22, 64:24, 65:6, 65:9, 65:12, 65:20, 65:23, 66:1, 66:3, 66:5, 66:8, 66:10, 66:11, 66:13, 66:15, 66:16, 66:21, 67:2, 67:8, 67:12, 67:14, 68:25, 69:4, 69:13, 76:14, 76:15, 76:23, 77:8, 77:15, 77:20, 77:25, 78:4, 78:18, 79:2, 79:13, 81:8, 81:23, 83:5, 84:3, 84:9, 84:11, 84:12, 84:14, 84:16, 84:19, 84:24, 85:1, 85:4, 85:8, 85:16, 85:19, 85:25, 86:22, 90:25, 91:2, 91:8, 91:12, 91:13, 91:18, 91:20, 91:23, 92:13, 92:15, 92:17, 92:19, 92:21, 92:23, 93:11, 93:15, 93:19, 94:2, 99:5, 99:8, 99:14, 99:15, 99:25, 100:10, 100:12, 100:14, 100:16, 100:18, 100:19, 101:6, 101:8,</p>	<p>101:12, 103:13, 103:19, 103:22, 104:1, 111:16, 111:23, 112:14, 113:10, 113:15, 114:1, 114:17, 115:1, 115:18, 115:23, 116:1, 116:3, 116:5, 116:6, 116:8, 116:9, 116:11, 116:25, 117:11, 117:13, 117:16, 117:21, 117:25, 118:7, 118:10, 118:13, 118:15, 118:18, 118:19, 118:20, 118:23, 118:25, 119:8, 119:11, 119:13, 119:19, 120:1, 120:6, 120:24, 121:7, 121:10, 121:13, 121:15, 121:17, 121:18, 121:24, 122:2, 122:4, 122:5, 122:7, 122:10, 122:13, 122:16, 123:1, 123:4, 123:6, 123:7, 123:14, 123:15, 123:21, 123:22, 123:24, 124:2, 124:10, 124:16, 125:2, 125:5, 125:8, 125:9, 125:17, 125:19, 125:22, 125:25, 126:2, 126:5, 126:9, 126:15, 126:21, 126:23, 127:13, 132:15, 132:18, 132:20, 132:22, 132:23, 132:24, 133:6, 133:10, 133:16, 133:18, 133:24, 134:5, 134:12, 135:18, 135:20, 135:22, 135:24, 136:1, 136:2, 136:5, 136:7, 136:14, 136:17, 137:19, 137:25, 138:7, 138:14, 138:16, 143:2, 143:7, 143:12, 143:16, 143:19, 143:22, 144:2, 144:4, 144:5, 144:11, 144:13, 144:21, 144:25, 145:1, 145:4,</p>	<p>145:13, 145:16, 145:23, 146:7, 146:16, 146:18, 146:24, 147:3, 147:9, 147:12, 147:15, 148:3, 148:8, 152:6, 152:14, 152:21, 152:25, 153:7, 153:9, 153:11, 153:13, 153:15, 153:21, 153:25, 154:9, 154:10, 155:19, 155:24, 156:4, 156:6, 156:10, 156:14, 160:25, 161:7, 161:17, 162:4, 162:9, 162:11, 162:16, 162:21, 162:23, 163:1, 163:5, 163:7, 166:12, 166:20, 167:6, 167:15, 167:19, 168:1, 168:10, 168:14, 168:18, 169:6, 169:14, 169:16, 169:22, 169:25, 170:2, 170:4, 170:13, 170:16, 170:18, 170:24, 170:25, 171:7, 171:11, 171:13, 171:17, 171:20, 171:24, 172:4, 172:10, 172:13, 172:16, 172:23, 173:1, 173:5, 173:8, 173:11, 173:16, 173:19, 173:21, 174:2, 174:7, 174:9, 174:13, 174:17, 174:24, 175:4, 175:12, 175:19, 175:22, 176:5, 176:9, 176:12, 176:14, 176:15, 176:17, 176:18, 176:19, 176:22, 176:23, 177:1, 177:5, 177:7, 177:17, 178:9, 182:24, 183:7, 183:20, 183:25, 184:8, 184:10, 184:21, 185:6, 185:9, 185:13, 185:22, 186:12, 186:17, 186:22, 187:6, 187:11,</p>
---	---	---	--	--



<p>187:15, 188:3, 188:10, 188:12, 188:22, 188:25, 189:2, 189:10, 189:12, 189:21, 190:5, 190:8, 190:9, 190:14, 190:16, 190:18, 190:20, 190:22, 191:1, 191:5, 191:17, 191:24, 192:1, 192:3, 192:5, 192:7, 192:8, 192:11</p> <p><b>MS</b> [166] - 9:13, 9:16, 9:18, 9:20, 9:22, 9:24, 10:1, 10:2, 10:3, 10:5, 10:7, 10:9, 10:11, 10:12, 11:6, 11:8, 11:9, 11:11, 11:13, 11:15, 11:17, 11:19, 11:21, 11:23, 11:25, 12:16, 12:22, 12:24, 13:11, 13:13, 13:15, 13:17, 13:19, 13:21, 13:23, 13:25, 15:11, 15:12, 15:14, 15:16, 15:18, 15:20, 15:22, 15:24, 16:11, 16:13, 16:15, 16:17, 16:19, 16:21, 16:23, 16:25, 17:9, 17:12, 17:14, 17:16, 17:18, 17:20, 17:22, 17:24, 18:4, 18:25, 19:21, 19:24, 20:7, 22:3, 33:14, 43:15, 43:17, 47:7, 48:8, 51:3, 51:21, 52:6, 52:14, 56:12, 66:22, 67:6, 69:3, 80:18, 80:20, 80:22, 80:24, 81:5, 81:7, 81:12, 82:24, 83:12, 83:25, 85:6, 85:21, 90:19, 90:21, 90:24, 91:1, 91:3, 91:5, 91:6, 91:9, 91:10, 91:11, 91:17, 92:6, 92:8, 92:10, 92:12, 92:14, 92:16, 92:18, 92:20, 93:7, 100:5, 100:7, 100:9, 100:11, 100:13, 100:15, 100:17, 100:23, 101:2, 101:4, 101:7, 101:9, 103:8, 103:17, 126:10, 126:19, 127:10, 134:11, 135:8, 135:13, 135:15, 135:17, 135:19,</p>	<p>135:21, 135:23, 136:6, 137:14, 137:23, 146:25, 147:7, 148:5, 152:23, 153:1, 153:4, 153:6, 153:8, 153:10, 153:12, 153:14, 153:16, 153:19, 177:12, 177:19, 178:2, 178:7, 179:8, 183:6, 183:23, 191:19, 191:21, 191:23, 191:25, 192:2, 192:4, 192:6</p> <p><b>multifamilies</b> [1] - 98:6</p> <p><b>multifamily</b> [11] - 94:8, 94:13, 94:16, 94:21, 94:23, 94:24, 95:23, 96:4, 96:18, 96:25, 97:17</p> <p><b>multiple</b> [2] - 79:7, 99:15</p> <p><b>Municipal</b> [6] - 50:19, 72:1, 77:3, 95:14, 129:7, 180:8</p> <p><b>municipalities</b> [1] - 138:10</p>	<p>155:3, 165:13, 167:13, 180:13, 181:3, 183:17</p> <p><b>needed</b> [6] - 41:3, 72:8, 102:19, 102:20, 138:19, 147:18</p> <p><b>needs</b> [3] - 19:1, 79:25, 146:15</p> <p><b>negative</b> [13] - 75:6, 75:8, 76:12, 97:24, 98:21, 102:25, 131:13, 131:15, 132:9, 151:3, 151:4, 151:22, 182:10</p> <p><b>neglected</b> [1] - 184:5</p> <p><b>neighbor</b> [5] - 121:25, 122:9, 124:15, 161:23, 161:25</p> <p><b>neighbor's</b> [3] - 63:6, 122:8, 160:11</p> <p><b>neighborhood</b> [14] - 75:5, 75:9, 77:24, 78:1, 95:22, 95:25, 96:22, 97:5, 98:4, 129:13, 149:24, 151:8, 151:18, 188:15</p> <p><b>neighborhoods</b> [1] - 72:7</p> <p><b>neighboring</b> [3] - 31:7, 44:24, 55:8</p> <p><b>neighbors</b> [6] - 33:3, 59:23, 63:11, 116:20, 124:1, 140:12</p> <p><b>net</b> [3] - 66:5, 66:13, 87:20</p> <p><b>never</b> [3] - 35:6, 112:22, 120:4</p> <p><b>Never</b> [1] - 35:6</p> <p><b>new</b> [15] - 23:1, 27:13, 28:14, 95:18, 96:9, 96:21, 102:1, 129:22, 138:21, 139:13, 139:22, 148:11, 153:18, 154:25, 155:10</p> <p><b>New</b> [22] - 3:4, 3:8, 3:12, 3:16, 20:5, 20:12, 52:4, 52:9, 67:4, 93:13, 103:15, 103:21, 126:17, 137:21, 138:10, 147:5, 156:2, 162:18, 177:14, 177:23, 179:12, 193:4</p> <p><b>newer</b> [11] - 71:2, 73:20, 73:23, 78:12,</p>	<p>79:6, 130:4, 133:14, 148:15, 149:12, 149:22, 151:9</p> <p><b>news</b> [1] - 21:5</p> <p><b>newspaper</b> [1] - 9:10</p> <p><b>Next</b> [6] - 12:2, 13:1, 16:2, 45:22, 100:21, 126:4</p> <p><b>next</b> [19] - 13:6, 51:16, 80:14, 81:17, 92:2, 122:1, 124:5, 136:3, 136:10, 145:18, 155:8, 162:8, 162:10, 167:10, 171:15, 172:20, 172:22, 173:7, 174:17</p> <p><b>nice</b> [7] - 18:12, 37:21, 37:22, 109:20, 109:21, 109:22, 115:20</p> <p><b>night</b> [2] - 18:2, 192:9</p> <p><b>NO</b> [15] - 4:2, 4:5, 4:7, 4:10, 4:12, 5:4, 5:11, 5:16, 6:2, 6:11, 7:2, 7:16, 7:20, 8:2, 8:6</p> <p><b>nobody</b> [2] - 43:13, 174:6</p> <p><b>nominal</b> [1] - 35:10</p> <p><b>non</b> [2] - 110:25, 111:10</p> <p><b>non-duplex</b> [2] - 110:25, 111:10</p> <p><b>noncompliant</b> [1] - 47:22</p> <p><b>nonconforming</b> [6] - 139:17, 150:5, 150:18, 158:6, 179:23, 181:20</p> <p><b>normal</b> [1] - 186:6</p> <p><b>normally</b> [1] - 124:23</p> <p><b>North</b> [3] - 40:24, 137:21, 138:3</p> <p><b>north</b> [6] - 45:3, 55:2, 71:7, 104:19, 131:10, 139:2</p> <p><b>northwest</b> [1] - 27:9</p> <p><b>Norwood</b> [2] - 20:5, 20:12</p> <p><b>noted</b> [1] - 192:16</p> <p><b>notes</b> [1] - 134:7</p> <p><b>nothing</b> [29] - 20:1, 39:14, 51:25, 65:23, 66:2, 67:1, 80:13, 84:21, 93:10, 103:12, 125:21, 126:14, 131:14, 137:18, 143:24, 146:19, 147:2, 151:3, 152:6,</p>	<p>155:23, 162:5, 162:15, 166:12, 172:7, 174:13, 174:15, 177:11, 180:2, 188:25</p> <p><b>notice</b> [5] - 9:8, 14:6, 14:7, 112:7, 180:3</p> <p><b>Notice</b> [1] - 9:10</p> <p><b>noticeable</b> [1] - 112:9</p> <p><b>noticed</b> [1] - 84:4</p> <p><b>November</b> [2] - 56:19, 163:22</p> <p><b>Number</b> [8] - 22:16, 22:20, 82:12, 121:2, 123:8, 177:14, 177:22</p> <p><b>NUMBER</b> [2] - 7:8, 7:12</p> <p><b>number</b> [16] - 46:4, 71:18, 79:4, 79:6, 79:17, 82:10, 83:5, 83:6, 88:19, 94:23, 95:8, 95:22, 95:24, 98:18, 102:9, 163:21</p>
<p style="text-align: center;"><b>N</b></p> <p><b>name</b> [22] - 18:12, 20:7, 47:8, 47:14, 52:6, 67:6, 80:23, 81:5, 92:24, 101:16, 103:17, 126:19, 136:20, 137:23, 138:1, 147:7, 154:2, 156:4, 162:22, 177:18, 177:20, 177:21</p> <p><b>namely</b> [1] - 99:16</p> <p><b>narrow</b> [1] - 185:23</p> <p><b>narrower</b> [2] - 104:5, 139:7</p> <p><b>nature</b> [1] - 155:14</p> <p><b>near</b> [1] - 185:14</p> <p><b>nearby</b> [2] - 75:1, 78:7</p> <p><b>nearly</b> [3] - 73:4, 75:14, 77:11</p> <p><b>need</b> [27] - 27:10, 27:12, 28:12, 60:1, 61:24, 71:11, 71:19, 83:15, 89:14, 95:5, 97:4, 110:11, 113:10, 113:14, 124:20, 124:25, 125:10, 128:7, 149:1, 149:5, 155:2,</p>		<p><b>neighboring</b> [3] - 31:7, 44:24, 55:8</p> <p><b>neighbors</b> [6] - 33:3, 59:23, 63:11, 116:20, 124:1, 140:12</p> <p><b>net</b> [3] - 66:5, 66:13, 87:20</p> <p><b>never</b> [3] - 35:6, 112:22, 120:4</p> <p><b>Never</b> [1] - 35:6</p> <p><b>new</b> [15] - 23:1, 27:13, 28:14, 95:18, 96:9, 96:21, 102:1, 129:22, 138:21, 139:13, 139:22, 148:11, 153:18, 154:25, 155:10</p> <p><b>New</b> [22] - 3:4, 3:8, 3:12, 3:16, 20:5, 20:12, 52:4, 52:9, 67:4, 93:13, 103:15, 103:21, 126:17, 137:21, 138:10, 147:5, 156:2, 162:18, 177:14, 177:23, 179:12, 193:4</p> <p><b>newer</b> [11] - 71:2, 73:20, 73:23, 78:12,</p>	<p><b>no</b> [15] - 4:2, 4:5, 4:7, 4:10, 4:12, 5:4, 5:11, 5:16, 6:2, 6:11, 7:2, 7:16, 7:20, 8:2, 8:6</p> <p><b>nobody</b> [2] - 43:13, 174:6</p> <p><b>nominal</b> [1] - 35:10</p> <p><b>non</b> [2] - 110:25, 111:10</p> <p><b>non-duplex</b> [2] - 110:25, 111:10</p> <p><b>noncompliant</b> [1] - 47:22</p> <p><b>nonconforming</b> [6] - 139:17, 150:5, 150:18, 158:6, 179:23, 181:20</p> <p><b>normal</b> [1] - 186:6</p> <p><b>normally</b> [1] - 124:23</p> <p><b>North</b> [3] - 40:24, 137:21, 138:3</p> <p><b>north</b> [6] - 45:3, 55:2, 71:7, 104:19, 131:10, 139:2</p> <p><b>northwest</b> [1] - 27:9</p> <p><b>Norwood</b> [2] - 20:5, 20:12</p> <p><b>noted</b> [1] - 192:16</p> <p><b>notes</b> [1] - 134:7</p> <p><b>nothing</b> [29] - 20:1, 39:14, 51:25, 65:23, 66:2, 67:1, 80:13, 84:21, 93:10, 103:12, 125:21, 126:14, 131:14, 137:18, 143:24, 146:19, 147:2, 151:3, 152:6,</p>	<p style="text-align: center;"><b>O</b></p> <p><b>oath</b> [1] - 53:6</p> <p><b>oaths</b> [1] - 193:5</p> <p><b>observation</b> [1] - 31:24</p> <p><b>observe</b> [1] - 68:15</p> <p><b>observed</b> [1] - 127:2</p> <p><b>obviously</b> [6] - 64:6, 68:4, 81:13, 162:1, 182:7, 187:4</p> <p><b>Obviously</b> [2] - 78:20, 181:1</p> <p><b>occasion</b> [1] - 88:5</p> <p><b>occupants</b> [1] - 140:25</p> <p><b>occurred</b> [1] - 78:1</p> <p><b>occurrence</b> [1] - 186:7</p> <p><b>occurs</b> [1] - 64:20</p> <p><b>OF</b> [5] - 1:1, 1:1, 1:3, 1:4, 3:6</p> <p><b>off-site</b> [1] - 150:25</p> <p><b>offer</b> [2] - 29:16, 61:2</p> <p><b>offered</b> [1] - 79:20</p> <p><b>office</b> [8] - 9:11, 107:25, 142:6, 144:6, 144:10, 145:10, 163:25, 170:10</p> <p><b>OFFICE</b> [1] - 3:6</p> <p><b>Offices</b> [1] - 101:17</p> <p><b>OFFICES</b> [1] - 3:10</p> <p><b>official</b> [1] - 39:5</p> <p><b>often</b> [1] - 83:3</p>

<p><b>Old</b> [1] - 119:3  <b>old</b> [2] - 21:5, 127:16  <b>older</b> [4] - 78:8, 130:4, 133:13, 154:15  <b>on-site</b> [1] - 23:6  <b>once</b> [2] - 88:19, 116:23  <b>one</b> [85] - 13:4, 14:9, 17:2, 23:7, 23:18, 25:5, 25:11, 25:12, 25:19, 27:22, 30:13, 31:11, 32:12, 37:5, 38:5, 39:8, 40:1, 42:6, 46:6, 46:25, 47:10, 47:25, 50:18, 52:15, 52:16, 61:12, 61:14, 66:18, 70:19, 71:11, 73:14, 74:8, 76:7, 79:23, 82:11, 83:5, 83:19, 83:21, 92:2, 94:12, 94:20, 95:5, 99:16, 104:6, 106:19, 109:20, 112:4, 117:4, 117:19, 118:20, 120:12, 122:10, 125:13, 126:4, 128:8, 129:4, 132:4, 133:8, 133:9, 133:12, 133:13, 136:4, 137:7, 141:9, 142:21, 147:13, 149:1, 149:7, 151:15, 158:11, 160:11, 166:14, 179:19, 180:20, 181:6, 181:23, 182:24, 182:25, 185:24, 187:8, 187:12, 189:4  <b>One</b> [8] - 19:1, 38:2, 45:21, 62:16, 65:6, 84:2, 134:11, 181:3  <b>one-family</b> [2] - 83:19, 83:21  <b>one-half</b> [1] - 149:7  <b>ones</b> [4] - 29:20, 85:2, 85:3, 148:21  <b>open</b> [10] - 98:13, 109:9, 127:17, 140:20, 152:10, 171:20, 172:3, 172:5, 181:22, 182:1  <b>Open</b> [2] - 9:8, 171:15  <b>opened</b> [1] - 28:11  <b>opening</b> [1] - 107:14  <b>opinion</b> [2] - 32:11, 49:3  <b>opportunity</b> [5] - 12:4, 47:16, 68:3, 159:7,</p>	<p>159:10  <b>opposite</b> [5] - 64:20, 70:23, 71:1, 114:4, 157:7  <b>or..</b> [1] - 63:21  <b>order</b> [4] - 9:2, 92:1, 150:15, 154:8  <b>ordinance</b> [8] - 78:3, 82:5, 95:15, 98:2, 111:9, 127:6, 129:8, 182:14  <b>Ordinance</b> [3] - 67:22, 147:23, 178:18  <b>ordinances</b> [3] - 51:1, 68:5, 103:4  <b>oriented</b> [1] - 78:21  <b>original</b> [1] - 74:18  <b>outline</b> [1] - 178:19  <b>outs</b> [16] - 142:11, 166:18, 167:3, 167:14, 167:18, 167:21, 167:23, 169:5, 169:12, 169:13, 170:12, 171:10, 173:16, 175:23, 176:2  <b>outside</b> [4] - 105:2, 107:20, 112:3, 181:1  <b>outweigh</b> [1] - 98:20  <b>over-excavating</b> [1] - 160:16  <b>overdevelopment</b> [1] - 47:20  <b>overflow</b> [1] - 157:19  <b>overhang</b> [2] - 26:8, 57:18  <b>overhead</b> [1] - 142:13  <b>oversized</b> [4] - 104:3, 104:10, 125:15, 154:13  <b>own</b> [4] - 32:10, 108:22, 141:7, 184:18  <b>owner</b> [3] - 44:25, 47:18, 136:25  <b>owners</b> [3] - 40:12, 89:11, 101:22  <b>ownership</b> [1] - 35:8</p>	<p>147:4, 177:13  <b>pack</b> [1] - 175:14  <b>pad</b> [2] - 36:22, 62:5  <b>page</b> [3] - 121:2, 123:8, 124:3  <b>Palisade</b> [2] - 162:18, 162:24  <b>PALISADES</b> [1] - 1:1  <b>Palisades</b> [18] - 3:12, 7:14, 40:19, 50:14, 50:15, 68:5, 69:6, 69:10, 83:20, 101:18, 101:22, 103:5, 138:5, 138:8, 168:19, 169:11, 178:1, 179:12  <b>panelized</b> [1] - 106:15  <b>parcel</b> [1] - 87:1  <b>PARK</b> [1] - 1:1  <b>park</b> [4] - 38:25, 184:17, 185:14  <b>Park</b> [23] - 3:12, 7:14, 40:19, 50:14, 50:15, 67:4, 68:5, 69:6, 69:10, 83:20, 93:13, 101:18, 101:22, 103:5, 126:17, 138:6, 138:8, 147:5, 168:19, 169:11, 176:3, 178:1, 179:12  <b>parked</b> [2] - 185:19, 186:4  <b>parking</b> [45] - 10:25, 21:21, 23:5, 23:6, 23:7, 23:11, 24:3, 24:5, 24:21, 24:22, 24:23, 25:1, 25:10, 27:2, 30:18, 40:8, 48:2, 59:8, 75:20, 75:21, 75:22, 75:23, 75:24, 76:2, 88:12, 88:13, 98:15, 98:16, 98:17, 124:21, 124:23, 125:7, 132:3, 132:5, 150:14, 150:15, 151:13, 154:21, 158:2, 160:13, 167:9, 184:20, 187:16  <b>Parking</b> [1] - 23:1  <b>part</b> [10] - 44:16, 55:2, 58:1, 102:17, 111:8, 155:4, 161:14, 163:15, 163:18, 169:6  <b>partially</b> [1] - 105:11  <b>particular</b> [8] - 18:21, 24:21, 24:25, 27:17, 50:21, 88:10,</p>	<p>102:20, 159:19  <b>particularly</b> [8] - 73:3, 87:5, 87:12, 96:14, 111:20, 128:16, 179:17, 180:8  <b>parties</b> [1] - 193:12  <b>partners</b> [1] - 178:4  <b>past</b> [5] - 48:23, 90:10, 114:13, 116:23, 124:19  <b>patience</b> [1] - 154:2  <b>patio</b> [2] - 27:15, 112:16  <b>patios</b> [1] - 110:19  <b>pattern</b> [1] - 78:6  <b>PAUL</b> [1] - 2:3  <b>Paul</b> [5] - 9:2, 11:8, 14:16, 17:10, 17:11  <b>paved</b> [1] - 190:23  <b>paver</b> [2] - 37:17, 145:7  <b>pay</b> [4] - 10:23, 11:1, 11:3, 35:2  <b>Pellino</b> [5] - 6:14, 6:17, 6:20, 154:2, 154:3  <b>PELLINO</b> [30] - 3:14, 3:15, 153:25, 154:10, 156:14, 160:25, 162:9, 163:5, 163:7, 166:12, 166:20, 167:6, 168:10, 169:14, 170:2, 175:19, 176:9, 176:17, 176:23, 177:5, 178:9, 183:20, 183:25, 184:8, 184:21, 185:6, 186:12, 186:22, 191:5, 192:8  <b>penthouse</b> [3] - 107:4, 112:1, 130:12  <b>penthouses</b> [1] - 112:11  <b>people</b> [11] - 31:2, 31:15, 31:22, 31:23, 35:2, 41:24, 45:19, 49:2, 61:24, 63:18, 185:13  <b>per</b> [8] - 47:3, 71:17, 74:24, 74:25, 88:22, 95:9, 128:20, 139:18  <b>percent</b> [5] - 26:21, 50:16, 82:10, 110:9  <b>Perhaps</b> [2] - 65:16, 188:17  <b>perimeter</b> [2] - 160:7, 160:10  <b>period</b> [1] - 19:7</p>	<p><b>permission</b> [3] - 19:19, 56:11, 69:1  <b>permit</b> [2] - 71:9, 128:6  <b>permits</b> [1] - 15:4  <b>permitted</b> [15] - 26:23, 71:14, 75:23, 78:3, 79:6, 95:7, 102:12, 132:25, 142:25, 148:23, 150:20, 151:5, 180:15, 183:10, 183:11  <b>personnel</b> [1] - 107:16  <b>pertinent</b> [1] - 159:21  <b>phone</b> [5] - 45:19, 45:23, 134:1, 146:21, 162:7  <b>photo</b> [6] - 69:23, 70:11, 127:8, 178:20, 179:9, 181:12  <b>Photo</b> [6] - 7:19, 7:22, 8:5, 8:9, 93:23, 179:6  <b>Photoboard</b> [2] - 127:11, 148:6  <b>photoboard</b> [1] - 93:20  <b>photograph</b> [24] - 70:12, 70:13, 70:16, 70:22, 70:25, 71:3, 73:22, 94:7, 94:10, 94:14, 94:19, 127:15, 127:19, 127:22, 128:2, 147:25, 148:9, 148:13, 148:19, 149:20, 151:16, 180:4, 180:25  <b>Photographs</b> [2] - 7:13, 69:8  <b>photographs</b> [12] - 69:5, 69:15, 69:18, 70:1, 70:21, 94:6, 97:18, 129:24, 130:10, 131:23, 148:2, 149:11  <b>photos</b> [3] - 86:5, 86:6, 86:8  <b>physical</b> [1] - 67:25  <b>pick</b> [4] - 45:5, 119:3, 121:5, 159:20  <b>pickup</b> [3] - 40:11, 45:9, 45:14  <b>picture</b> [1] - 61:12  <b>piece</b> [2] - 87:11, 189:17  <b>Pineda</b> [3] - 1:18, 3:13, 136:23  <b>PINEDA</b> [2] - 6:3, 8:3</p>
	<b>P</b>			
	<p><b>P.C</b> [1] - 3:6  <b>P.E</b> [5] - 2:20, 2:21, 4:15, 6:14, 156:1  <b>p.m</b> [3] - 1:2, 14:5, 192:16  <b>P.P</b> [11] - 2:22, 5:6, 5:14, 5:22, 6:8, 6:20, 67:3, 93:12, 126:16,</p>			

<p><b>piped</b> [1] - 157:15</p> <p><b>pit</b> [1] - 157:15</p> <p><b>pitch</b> [2] - 104:18, 166:3</p> <p><b>pits</b> [2] - 157:16, 157:17</p> <p><b>place</b> [5] - 53:20, 72:14, 72:18, 121:3, 193:8</p> <p><b>Place</b> [5] - 1:15, 1:21, 154:11, 157:6, 179:12</p> <p><b>PLACE</b> [4] - 5:12, 6:12, 7:17, 8:7</p> <p><b>placement</b> [1] - 88:3</p> <p><b>Plan</b> [22] - 7:5, 7:6, 7:7, 7:9, 7:11, 22:5, 28:6, 28:13, 28:16, 33:20, 52:20, 56:14, 67:22, 98:2, 103:5, 127:5, 129:8, 144:6, 147:19, 147:23, 156:23, 178:17</p> <p><b>plan</b> [56] - 19:12, 20:22, 21:1, 21:9, 21:11, 21:16, 21:25, 22:8, 23:23, 28:7, 29:5, 33:7, 33:8, 36:5, 43:19, 47:23, 51:1, 56:8, 56:9, 57:1, 57:23, 58:2, 58:13, 60:5, 61:10, 67:20, 67:25, 68:4, 82:17, 89:17, 102:7, 107:10, 121:19, 138:18, 140:9, 140:23, 141:4, 144:9, 145:16, 145:18, 147:22, 156:19, 157:3, 160:4, 163:21, 164:7, 164:19, 164:20, 164:21, 170:3, 171:15, 176:20, 182:13, 188:17, 191:6</p> <p><b>plane</b> [2] - 30:9, 30:13</p> <p><b>Planner</b> [1] - 2:23</p> <p><b>planner</b> [19] - 19:17, 51:5, 51:7, 65:25, 66:19, 76:19, 89:19, 93:5, 102:9, 102:22, 126:1, 137:7, 155:10, 177:4, 178:11, 184:2, 184:11</p> <p><b>planner's</b> [1] - 50:19</p> <p><b>planning</b> [4] - 28:21, 67:16, 67:23, 86:4</p> <p><b>Planning</b> [4] - 7:15,</p>	<p>69:7, 69:10, 102:23</p> <p><b>plans</b> [32] - 14:21, 14:24, 15:2, 37:11, 53:10, 55:20, 55:21, 56:17, 58:9, 84:15, 84:20, 84:22, 102:3, 102:17, 106:18, 111:21, 113:3, 114:25, 127:4, 138:23, 140:15, 140:16, 140:19, 146:8, 147:21, 147:22, 163:15, 166:18, 167:17, 169:20</p> <p><b>Plans</b> [3] - 7:10, 55:16, 68:7</p> <p><b>planting</b> [11] - 37:20, 37:25, 59:3, 59:9, 59:10, 59:13, 59:14, 59:21, 62:8, 63:24</p> <p><b>plantings</b> [1] - 86:13</p> <p><b>platform</b> [6] - 107:14, 108:8, 117:10, 117:12, 118:6, 118:14</p> <p><b>Platform</b> [2] - 1:12, 17:3</p> <p><b>PLATFORM</b> [1] - 4:10</p> <p><b>Plaza</b> [2] - 177:14, 177:22</p> <p><b>pleasure</b> [1] - 153:21</p> <p><b>Pledge</b> [1] - 9:6</p> <p><b>plenty</b> [5] - 43:3, 117:3, 117:6, 118:4, 120:17</p> <p><b>plow</b> [3] - 35:1, 35:3, 40:4</p> <p><b>Plus</b> [2] - 105:5, 190:22</p> <p><b>plus</b> [5] - 56:2, 58:3, 80:4, 118:14, 119:15</p> <p><b>plus/minus</b> [1] - 122:3</p> <p><b>point</b> [13] - 34:17, 38:16, 43:6, 73:16, 106:10, 110:12, 116:23, 146:2, 146:14, 157:19, 160:23, 161:8, 165:19</p> <p><b>points</b> [1] - 123:23</p> <p><b>pole</b> [5] - 48:16, 49:22, 49:24, 50:4, 86:12</p> <p><b>poles</b> [2] - 48:19, 49:13</p> <p><b>police</b> [1] - 187:18</p> <p><b>poor</b> [1] - 129:19</p> <p><b>population</b> [3] - 72:5, 95:20, 129:12</p> <p><b>porch</b> [3] - 26:2, 74:6,</p>	<p>116:22</p> <p><b>portion</b> [8] - 44:22, 78:22, 80:3, 104:21, 104:22, 106:19, 108:12, 142:1</p> <p><b>position</b> [1] - 145:10</p> <p><b>positive</b> [8] - 76:10, 97:22, 98:20, 102:25, 132:7, 151:20, 166:2, 181:17</p> <p><b>possibility</b> [1] - 105:22</p> <p><b>possible</b> [1] - 77:8</p> <p><b>possibly</b> [1] - 117:5</p> <p><b>Possibly</b> [1] - 34:10</p> <p><b>post</b> [2] - 144:19, 159:23</p> <p><b>post-hearing</b> [1] - 159:23</p> <p><b>posted</b> [1] - 9:9</p> <p><b>postponed</b> [1] - 85:18</p> <p><b>powder</b> [6] - 56:7, 57:5, 107:25, 108:11, 109:11, 173:4</p> <p><b>Practicality</b> [1] - 39:8</p> <p><b>pre</b> [2] - 82:1, 82:9</p> <p><b>pre-blast</b> [2] - 82:1, 82:9</p> <p><b>precedent</b> [1] - 181:15</p> <p><b>preexisting</b> [2] - 139:16, 142:22</p> <p><b>preliminarily</b> [1] - 144:7</p> <p><b>preparation</b> [1] - 67:24</p> <p><b>prepare</b> [2] - 127:6, 147:25</p> <p><b>prepared</b> [8] - 22:12, 134:7, 157:1, 159:23, 160:3, 178:18, 178:20, 179:13</p> <p><b>preparing</b> [2] - 68:11, 178:14</p> <p><b>present</b> [8] - 10:20, 12:14, 19:11, 68:15, 89:16, 102:15, 155:22, 192:13</p> <p><b>presentation</b> [4] - 18:15, 20:25, 23:11, 69:21</p> <p><b>presented</b> [7] - 21:1, 21:17, 68:16, 82:21, 86:7, 87:25, 93:3</p> <p><b>presently</b> [1] - 154:14</p> <p><b>Preservation</b> [4] - 99:24, 135:4, 152:20, 191:14</p>	<p><b>presume</b> [1] - 69:15</p> <p><b>pretty</b> [6] - 28:7, 34:25, 109:22, 166:4, 186:13, 186:23</p> <p><b>prevent</b> [1] - 160:2</p> <p><b>previous</b> [7] - 12:3, 23:23, 27:1, 48:14, 84:6, 86:6, 184:6</p> <p><b>previously</b> [6] - 21:6, 25:22, 32:20, 68:16, 90:7, 154:6</p> <p><b>Previously</b> [1] - 26:11</p> <p><b>Primarily</b> [1] - 55:12</p> <p><b>primarily</b> [3] - 128:24, 128:25, 148:22</p> <p><b>primary</b> [1] - 108:21</p> <p><b>principal</b> [2] - 140:3, 149:8</p> <p><b>private</b> [3] - 40:11, 45:8, 72:13</p> <p><b>problem</b> [10] - 29:9, 83:9, 85:17, 113:24, 114:10, 114:21, 134:19, 166:17, 171:5, 184:24</p> <p><b>problems</b> [2] - 89:11, 180:22</p> <p><b>proceed</b> [2] - 19:20, 93:6</p> <p><b>PROCEEDINGS</b> [1] - 1:4</p> <p><b>produce</b> [1] - 131:11</p> <p><b>professional</b> [5] - 29:6, 47:19, 89:19, 93:4, 178:11</p> <p><b>professionals</b> [3] - 178:21, 179:1, 179:17</p> <p><b>profile</b> [1] - 106:19</p> <p><b>program</b> [1] - 109:2</p> <p><b>project</b> [11] - 53:2, 74:7, 76:5, 77:2, 79:20, 96:11, 163:9, 165:23, 166:2, 178:11, 183:11</p> <p><b>projection</b> [1] - 183:8</p> <p><b>projects</b> [3] - 54:19, 183:4, 183:12</p> <p><b>promote</b> [1] - 181:17</p> <p><b>promotes</b> [1] - 129:9</p> <p><b>promoting</b> [2] - 96:7, 129:17</p> <p><b>promotion</b> [4] - 72:2, 72:20, 95:16, 181:18</p> <p><b>proof</b> [1] - 77:18</p> <p><b>proofs</b> [1] - 155:13</p> <p><b>properties</b> [3] - 49:14, 49:16, 55:8, 62:14, 63:23, 64:23,</p>	<p>72:25, 73:8, 73:11, 74:11, 74:18, 74:21, 96:12, 97:16, 98:12, 105:19, 105:22, 106:24, 128:24, 129:4, 130:8, 130:12, 133:11, 149:6, 150:2, 151:12, 160:3, 179:19, 180:22, 182:2, 184:22</p> <p><b>property</b> [168] - 21:22, 22:18, 22:21, 23:4, 23:9, 27:9, 29:22, 29:25, 30:2, 31:3, 31:8, 31:16, 32:3, 32:6, 32:8, 33:4, 35:23, 39:1, 39:2, 39:16, 40:9, 41:15, 41:20, 43:21, 44:9, 44:24, 46:1, 47:18, 48:6, 48:17, 49:22, 50:2, 50:10, 57:14, 57:19, 57:22, 59:4, 59:14, 59:15, 60:7, 60:12, 61:23, 62:4, 62:6, 62:18, 63:9, 63:15, 63:25, 64:3, 64:7, 64:17, 66:14, 68:1, 70:12, 70:15, 70:23, 73:7, 75:16, 75:24, 77:6, 77:14, 77:22, 78:22, 79:10, 79:19, 79:21, 80:25, 81:2, 82:21, 86:14, 87:2, 87:11, 88:8, 88:12, 89:3, 89:11, 94:8, 94:11, 94:19, 94:23, 95:24, 97:7, 97:9, 97:20, 98:9, 101:22, 104:2, 104:3, 104:7, 104:14, 104:24, 105:12, 105:16, 114:14, 121:14, 121:16, 122:8, 122:11, 123:17, 127:2, 127:5, 127:15, 127:17, 127:20, 127:23, 129:21, 130:7, 130:9, 131:19, 132:5, 132:6, 133:2, 133:12, 133:19, 136:23, 137:4, 139:1, 139:5, 139:6, 139:21, 139:24, 145:6, 145:12, 145:14, 145:24, 147:24, 148:9, 148:14, 149:9,</p>
---	--	---	---	--

<p>149:10, 149:16, 150:1, 150:4, 151:18, 154:17, 154:19, 154:20, 155:5, 157:10, 157:11, 158:7, 158:11, 158:23, 160:17, 161:12, 161:14, 161:21, 162:2, 165:21, 168:3, 168:4, 168:6, 168:9, 168:16, 169:2, 175:16, 179:16, 179:19, 179:22, 179:24, 179:25, 180:19, 182:17, 182:18, 185:1</p> <p><b>property's</b> [1] - 47:20</p> <p><b>proposal</b> [7] - 47:22, 53:6, 53:11, 77:9, 102:24, 111:10, 154:22</p> <p><b>proposed</b> [24] - 45:1, 73:3, 74:19, 78:20, 79:18, 82:17, 95:21, 96:15, 102:17, 102:19, 107:9, 123:10, 128:16, 138:19, 140:3, 140:12, 140:14, 140:16, 141:4, 142:13, 147:18, 181:11, 182:21, 185:24</p> <p><b>Proposed</b> [1] - 156:23</p> <p><b>proposing</b> [26] - 25:20, 26:8, 71:10, 71:25, 76:1, 83:7, 95:21, 97:19, 98:7, 104:11, 104:25, 129:2, 139:20, 139:25, 140:6, 140:10, 142:9, 149:14, 157:12, 165:6, 166:1, 166:10, 169:14, 180:14, 181:10, 182:19</p> <p><b>provide</b> [19] - 14:20, 19:14, 23:3, 24:7, 28:25, 33:2, 42:13, 57:11, 67:23, 68:11, 72:8, 74:25, 107:16, 140:6, 140:10, 140:22, 149:3, 181:21, 184:23</p> <p><b>provided</b> [16] - 9:10, 22:22, 23:5, 28:23, 34:2, 74:17, 75:16,</p>	<p>77:9, 97:12, 98:11, 98:15, 140:9, 144:14, 150:24, 158:25, 159:1</p> <p><b>provides</b> [1] - 75:21</p> <p><b>providing</b> [4] - 96:3, 97:14, 98:17, 182:3</p> <p><b>provisions</b> [2] - 68:8, 125:13</p> <p><b>proximity</b> [3] - 96:18, 97:1, 121:25</p> <p><b>PSI</b> [1] - 187:24</p> <p><b>PSIs</b> [1] - 188:3</p> <p><b>Public</b> [6] - 4:18, 5:8, 6:22, 9:8, 101:15, 136:19</p> <p><b>public</b> [23] - 14:7, 18:20, 20:16, 44:7, 44:14, 44:23, 45:21, 50:24, 72:2, 72:12, 78:23, 89:21, 95:17, 96:2, 98:1, 99:1, 103:3, 129:9, 152:10, 152:11, 180:8, 181:18, 182:12</p> <p><b>pull</b> [4] - 39:13, 179:1, 184:14, 187:9</p> <p><b>pulling</b> [2] - 90:6, 187:20</p> <p><b>pulls</b> [1] - 190:10</p> <p><b>Purpose</b> [14] - 72:2, 72:4, 72:11, 72:20, 95:16, 95:19, 96:1, 96:6, 129:8, 129:11, 129:17, 181:17, 181:22, 182:4</p> <p><b>purpose</b> [5] - 72:19, 103:1, 103:4, 161:25, 182:13</p> <p><b>purposes</b> [12] - 19:10, 51:1, 71:25, 73:2, 77:3, 77:4, 77:7, 77:21, 88:4, 95:13, 129:6, 130:1</p> <p><b>pursuant</b> [1] - 193:5</p> <p><b>push</b> [2] - 145:2, 186:15</p> <p><b>pushed</b> [1] - 32:23</p> <p><b>pushing</b> [1] - 188:5</p> <p><b>put</b> [18] - 40:6, 40:21, 41:3, 61:24, 69:20, 82:22, 95:1, 113:18, 114:4, 114:7, 114:9, 115:7, 116:17, 120:16, 121:13, 136:11, 150:16, 163:12</p> <p><b>Put</b> [1] - 66:20</p> <p><b>putting</b> [6] - 46:16,</p>	<p>83:14, 83:19, 113:24, 184:19, 187:5</p> <p style="text-align: center;"><b>Q</b></p> <p><b>quality</b> [1] - 77:17</p> <p><b>quarter</b> [1] - 35:11</p> <p><b>question-and-answer</b> [1] - 103:23</p> <p><b>questioning</b> [1] - 44:2</p> <p><b>Questions</b> [15] - 4:16, 4:18, 4:23, 5:7, 5:8, 5:15, 5:19, 5:23, 6:6, 6:9, 6:15, 6:17, 6:21, 6:22, 173:10</p> <p><b>questions</b> [29] - 19:19, 48:9, 48:12, 51:4, 61:5, 76:15, 76:24, 79:15, 79:18, 80:8, 80:9, 80:15, 98:25, 99:3, 99:7, 99:17, 117:1, 124:17, 132:12, 132:15, 133:24, 143:1, 143:3, 143:25, 151:24, 162:7, 166:15, 173:10, 184:7</p> <p><b>quick</b> [4] - 29:20, 65:6, 84:4, 132:15</p> <p><b>quicks</b> [1] - 81:23</p> <p><b>quite</b> [3] - 64:1, 176:14</p> <p style="text-align: center;"><b>R</b></p> <p><b>R.S.41:2-2</b> [1] - 193:5</p> <p><b>radius</b> [2] - 38:5, 187:21</p> <p><b>railing</b> [6] - 109:6, 109:9, 111:22, 113:20, 115:11, 120:14</p> <p><b>railings</b> [2] - 55:14, 115:14</p> <p><b>rain</b> [2] - 81:19, 82:25</p> <p><b>raise</b> [9] - 19:21, 51:21, 66:22, 103:8, 126:10, 137:15, 155:20, 162:11, 177:7</p> <p><b>Raise</b> [1] - 93:7</p> <p><b>raised</b> [3] - 87:15, 87:23, 105:14</p> <p><b>Ramapo</b> [1] - 156:2</p> <p><b>Ramundo</b> [8] - 5:22, 6:5, 6:8, 101:16, 101:17, 136:20,</p>	<p>153:20, 154:7</p> <p><b>RAMUNDO</b> [28] - 3:10, 3:11, 101:6, 101:8, 101:12, 103:22, 126:2, 126:5, 126:23, 127:13, 134:5, 136:2, 136:7, 136:14, 136:17, 138:16, 143:2, 146:24, 147:15, 152:14, 153:21, 154:9, 155:19, 156:4, 162:11, 162:21, 177:7, 177:17</p> <p><b>rated</b> [1] - 121:8</p> <p><b>rather</b> [2] - 62:13, 103:23</p> <p><b>Rather</b> [1] - 103:22</p> <p><b>rationales</b> [1] - 155:13</p> <p><b>Ray</b> [8] - 24:9, 53:14, 55:19, 56:17, 58:13, 60:17, 61:3, 65:9</p> <p><b>Raymond</b> [2] - 52:8, 89:18</p> <p><b>RAYMOND</b> [1] - 4:22</p> <p><b>ready</b> [2] - 137:13, 159:16</p> <p><b>real</b> [1] - 157:17</p> <p><b>realistically</b> [1] - 46:5</p> <p><b>Really</b> [1] - 188:6</p> <p><b>really</b> [19] - 28:8, 38:9, 40:16, 46:5, 46:20, 61:17, 99:8, 109:20, 111:25, 113:11, 113:12, 116:21, 119:4, 119:22, 168:21, 178:22, 181:14, 182:6, 185:11</p> <p><b>rear</b> [53] - 21:22, 26:7, 39:15, 39:18, 55:6, 57:6, 57:7, 57:16, 62:13, 63:16, 63:17, 71:5, 71:20, 74:4, 75:12, 95:10, 97:4, 106:25, 107:3, 107:6, 110:14, 112:17, 122:10, 130:16, 130:19, 131:20, 140:2, 140:8, 141:1, 141:2, 142:15, 142:23, 144:14, 146:2, 146:5, 148:16, 149:10, 150:11, 151:9, 154:17, 154:18, 157:21, 157:22, 158:7, 158:12, 158:14,</p>	<p>160:1, 165:4, 185:6, 185:7, 186:16</p> <p><b>reason</b> [4] - 105:14, 116:15, 169:4, 182:5</p> <p><b>reasonable</b> [4] - 29:7, 77:14, 89:8, 191:6</p> <p><b>reasons</b> [5] - 50:21, 73:1, 89:13, 89:20, 107:18</p> <p><b>rebuilt</b> [2] - 27:11, 145:11</p> <p><b>rec</b> [2] - 56:3, 56:6</p> <p><b>received</b> [6] - 12:2, 18:23, 85:21, 85:23, 85:24, 144:5</p> <p><b>recess</b> [1] - 91:24</p> <p><b>recessed</b> [1] - 149:16</p> <p><b>Recitation</b> [1] - 9:5</p> <p><b>recommendation</b> [1] - 113:22</p> <p><b>recommendations</b> [1] - 39:4</p> <p><b>recommended</b> [1] - 159:20</p> <p><b>reconstruct</b> [1] - 162:2</p> <p><b>record</b> [21] - 20:8, 47:8, 52:7, 52:19, 53:20, 56:18, 66:6, 67:7, 67:17, 68:25, 80:23, 81:6, 92:24, 100:23, 103:18, 126:20, 137:24, 147:8, 156:5, 163:20, 179:10</p> <p><b>recorded</b> [1] - 82:3</p> <p><b>recreation</b> [2] - 107:25, 142:4</p> <p><b>recuse</b> [2] - 19:2, 153:19</p> <p><b>recused</b> [2] - 91:10, 100:24</p> <p><b>recuses</b> [3] - 19:4, 100:25, 153:23</p> <p><b>recusing</b> [1] - 101:3</p> <p><b>reduce</b> [7] - 57:10, 57:12, 58:23, 59:20, 87:17, 87:19, 168:23</p> <p><b>reduced</b> [7] - 23:18, 25:3, 26:20, 53:17, 75:14, 88:20, 115:5</p> <p><b>reduces</b> [1] - 97:8</p> <p><b>reducing</b> [6] - 71:18, 95:23, 96:8, 96:16, 97:20, 128:10</p> <p><b>reduction</b> [2] - 60:2, 89:4</p> <p><b>reductions</b> [1] - 58:16</p> <p><b>referring</b> [3] - 49:17, 63:9, 70:4</p>
---	---	---	--	--

<p><b>reflect</b> [3] - 53:10, 53:11, 100:23</p> <p><b>reflects</b> [1] - 28:14</p> <p><b>regard</b> [4] - 28:2, 60:24, 81:25, 175:23</p> <p><b>regarding</b> [2] - 47:20, 79:18</p> <p><b>regards</b> [2] - 49:5, 142:20</p> <p><b>regrading</b> [1] - 180:18</p> <p><b>regular</b> [3] - 113:16, 116:24, 134:17</p> <p><b>rehash</b> [2] - 21:5, 89:14</p> <p><b>REINSTEIN</b> [2] - 193:3, 193:24</p> <p><b>reiterate</b> [2] - 132:16, 173:12</p> <p><b>relating</b> [1] - 179:18</p> <p><b>relative</b> [3] - 166:3, 193:11, 193:13</p> <p><b>relatively</b> [4] - 43:5, 105:9, 145:24, 154:23</p> <p><b>relief</b> [3] - 50:22, 50:23, 183:17</p> <p><b>relocate</b> [1] - 144:22</p> <p><b>remain</b> [2] - 176:16, 187:17</p> <p><b>remaining</b> [1] - 93:4</p> <p><b>Remember</b> [1] - 173:21</p> <p><b>remember</b> [2] - 21:13, 124:17</p> <p><b>REMOTE</b> [4] - 2:18, 2:20, 2:21, 2:22</p> <p><b>removal</b> [3] - 35:15, 40:14, 151:10</p> <p><b>remove</b> [5] - 41:2, 44:21, 49:16, 134:13, 161:22</p> <p><b>removed</b> [3] - 42:18, 122:6, 127:24</p> <p><b>removing</b> [3] - 50:1, 72:21, 129:18</p> <p><b>renderings</b> [1] - 67:21</p> <p><b>rental</b> [1] - 34:12</p> <p><b>repaired</b> [1] - 81:10</p> <p><b>replace</b> [1] - 154:24</p> <p><b>replaced</b> [1] - 81:10</p> <p><b>replacing</b> [3] - 72:22, 96:9, 129:21</p> <p><b>report</b> [5] - 50:19, 86:4, 86:6, 86:8, 120:25</p> <p><b>Reporter</b> [1] - 193:4</p> <p><b>reporter</b> [2] - 162:22, 177:18</p> <p><b>represent</b> [3] - 81:9, 85:13, 92:25</p>	<p><b>representing</b> [2] - 101:19, 136:22</p> <p><b>represents</b> [1] - 18:14</p> <p><b>request</b> [3] - 14:3, 27:17, 89:2</p> <p><b>requested</b> [5] - 14:22, 25:22, 99:11, 103:1, 147:21</p> <p><b>requesting</b> [11] - 47:25, 48:1, 48:2, 80:6, 102:1, 106:9, 110:3, 137:3, 139:15, 157:22, 183:2</p> <p><b>require</b> [5] - 102:2, 123:16, 123:23, 137:5, 191:15</p> <p><b>required</b> [21] - 25:2, 26:17, 38:20, 39:10, 73:5, 74:5, 74:12, 76:4, 77:12, 82:5, 106:9, 109:25, 110:2, 110:13, 128:18, 128:21, 131:8, 132:21, 135:5, 155:13, 183:8</p> <p><b>requirement</b> [16] - 25:25, 26:7, 50:13, 87:3, 106:2, 106:8, 110:21, 111:1, 111:2, 111:7, 111:8, 111:11, 125:14, 139:8, 139:10, 139:13</p> <p><b>requirements</b> [7] - 24:18, 24:22, 26:10, 38:19, 88:14, 89:8, 95:4</p> <p><b>requires</b> [3] - 74:24, 95:2, 166:10</p> <p><b>requisite</b> [1] - 28:25</p> <p><b>rescinded</b> [1] - 15:4</p> <p><b>reside</b> [1] - 101:21</p> <p><b>resident</b> [1] - 48:14</p> <p><b>residential</b> [9] - 22:23, 47:23, 88:17, 89:6, 98:3, 142:18, 142:19, 179:19, 182:17</p> <p><b>Residential</b> [2] - 24:10, 88:7</p> <p><b>residents'</b> [2] - 48:22, 90:8</p> <p><b>RESIGNATION</b> [1] - 2:12</p> <p><b>resignation</b> [3] - 10:13, 10:15, 10:16</p> <p><b>resolution</b> [3] - 14:19, 14:25, 15:3</p> <p><b>respect</b> [4] - 42:11,</p>	<p>77:17, 78:19, 99:10</p> <p><b>respected</b> [1] - 89:17</p> <p><b>respectfully</b> [4] - 89:1, 89:23, 101:25, 137:2</p> <p><b>respond</b> [6] - 10:20, 12:14, 48:25, 51:6, 51:8, 192:13</p> <p><b>responding</b> [1] - 77:2</p> <p><b>response</b> [19] - 9:21, 9:25, 10:10, 11:22, 17:25, 39:25, 42:3, 51:14, 65:2, 76:20, 87:22, 120:21, 134:2, 146:22, 152:2, 152:4, 152:12, 161:4, 184:3</p> <p><b>responsibility</b> [1] - 82:4</p> <p><b>responsible</b> [2] - 40:13, 83:4</p> <p><b>rest</b> [3] - 160:25, 161:22, 169:10</p> <p><b>restrict</b> [1] - 44:10</p> <p><b>result</b> [3] - 82:9, 87:21, 139:15</p> <p><b>retained</b> [2] - 102:21, 138:21</p> <p><b>retaining</b> [9] - 27:8, 27:13, 81:1, 81:9, 106:23, 116:17, 123:2, 124:7, 180:19</p> <p><b>retention</b> [3] - 83:8, 121:6, 144:15</p> <p><b>return</b> [1] - 123:18</p> <p><b>returns</b> [1] - 161:9</p> <p><b>revealed</b> [1] - 82:9</p> <p><b>review</b> [11] - 12:5, 33:24, 67:20, 67:21, 68:4, 85:22, 127:4, 127:5, 147:21, 159:1, 159:7</p> <p><b>reviewed</b> [1] - 178:17</p> <p><b>revised</b> [20] - 14:20, 14:23, 15:2, 28:13, 33:18, 56:19, 58:13, 60:5, 84:5, 84:6, 84:13, 84:15, 84:17, 84:21, 85:2, 85:7, 85:8, 85:11, 86:4, 86:8</p> <p><b>Revised</b> [2] - 7:5, 22:5</p> <p><b>revision</b> [1] - 138:24</p> <p><b>revisions</b> [1] - 156:25</p> <p><b>rid</b> [1] - 129:19</p> <p><b>Ridgefield</b> [2] - 3:16, 154:4</p> <p><b>ridiculous</b> [1] - 83:18</p> <p><b>right-hand</b> [13] - 70:16, 71:3, 94:10, 94:18, 106:3, 123:3,</p>	<p>127:19, 128:1, 140:18, 148:10, 148:18, 149:20</p> <p><b>right-of-way</b> [14] - 44:23, 86:16, 117:23, 118:4, 121:4, 121:11, 121:14, 123:18, 146:1, 188:7, 188:11, 188:21, 190:7, 190:12</p> <p><b>rise</b> [1] - 9:5</p> <p><b>risers</b> [2] - 118:5, 118:11</p> <p><b>River</b> [2] - 52:4, 52:9</p> <p><b>Road</b> [3] - 52:4, 52:9, 156:2</p> <p><b>roadway</b> [1] - 121:8</p> <p><b>roadway-rated</b> [1] - 121:8</p> <p><b>Robert</b> [1] - 190:17</p> <p><b>rock</b> [2] - 44:13, 44:22</p> <p><b>rocks</b> [1] - 81:15</p> <p><b>roll</b> [5] - 9:12, 12:17, 12:19, 12:20, 92:7</p> <p><b>Roll</b> [9] - 13:10, 16:10, 17:8, 90:18, 92:6, 100:4, 135:12, 152:22, 191:18</p> <p><b>RONDA</b> [2] - 193:3, 193:24</p> <p><b>roof</b> [30] - 30:9, 30:15, 63:5, 82:14, 82:15, 105:6, 109:6, 109:13, 111:6, 113:16, 113:18, 115:7, 115:10, 117:6, 119:16, 119:18, 122:25, 130:12, 134:13, 134:14, 134:15, 134:18, 135:9, 142:11, 142:14, 157:14, 172:7</p> <p><b>roofs</b> [3] - 54:10, 55:10, 120:16</p> <p><b>room</b> [42] - 36:15, 38:15, 39:13, 40:5, 41:25, 56:3, 56:6, 56:7, 57:4, 57:5, 57:6, 62:21, 107:25, 108:1, 108:9, 108:11, 108:18, 108:19, 109:11, 117:6, 118:4, 118:24, 120:17, 141:14, 141:15, 142:3, 142:4, 164:15, 164:22, 164:23, 164:25,</p>	<p>167:4, 170:21, 171:4, 173:4, 173:14, 173:18, 174:18, 186:2</p> <p><b>rooms</b> [2] - 57:25, 130:13</p> <p><b>rose</b> [1] - 88:5</p> <p><b>rotate</b> [1] - 145:1</p> <p><b>roughly</b> [1] - 154:13</p> <p><b>row</b> [2] - 54:5, 70:22</p> <p><b>RSIS</b> [5] - 24:19, 38:19, 88:14, 124:20, 125:3</p> <p><b>RUBY</b> [1] - 4:11</p> <p><b>Ruby</b> [2] - 1:13, 17:3</p> <p><b>run</b> [6] - 36:15, 117:14, 117:17, 117:23, 189:16</p> <p><b>runoff</b> [4] - 82:13, 82:18, 160:2, 189:7</p> <p><b>runs</b> [2] - 136:25, 158:10</p>
<b>S</b>				
<p><b>S-P-A-T-Z</b> [4] - 67:8, 93:15, 126:21, 147:9</p> <p><b>S-Platform</b> [2] - 1:12, 17:3</p> <p><b>S-PLATFORM</b> [1] - 4:10</p> <p><b>safe</b> [3] - 72:23, 88:9, 91:15</p> <p><b>safely</b> [1] - 107:18</p> <p><b>safety</b> [6] - 24:18, 46:16, 72:3, 95:17, 129:9, 181:19</p> <p><b>sale</b> [3] - 34:12, 34:14, 34:18</p> <p><b>salient</b> [1] - 25:15</p> <p><b>Salute</b> [1] - 9:3</p> <p><b>salvage</b> [1] - 115:2</p> <p><b>Sam</b> [1] - 156:7</p> <p><b>sanitary</b> [3] - 49:5, 49:11, 145:17</p> <p><b>satisfaction</b> [1] - 15:3</p> <p><b>satisfied</b> [1] - 190:4</p> <p><b>satisfy</b> [1] - 131:5</p> <p><b>save</b> [1] - 36:1</p> <p><b>saw</b> [2] - 84:24, 161:20</p> <p><b>scale</b> [3] - 33:7, 64:2, 72:9</p> <p><b>scenario</b> [1] - 118:1</p> <p><b>schedule</b> [2] - 102:6, 159:22</p> <p><b>scope</b> [4] - 67:18, 127:1, 138:17, 147:17</p>				

<p><b>screen</b> [2] - 75:17, 133:2</p> <p><b>screening</b> [3] - 24:7, 33:2, 34:2</p> <p><b>Sean</b> [4] - 155:7, 162:10, 162:23, 186:14</p> <p><b>SEAN</b> [1] - 6:16</p> <p><b>second</b> [42] - 12:12, 13:8, 15:8, 16:7, 16:9, 17:6, 24:9, 26:19, 56:9, 57:17, 58:2, 62:17, 62:22, 90:13, 90:14, 90:17, 100:2, 105:10, 108:14, 109:8, 109:10, 134:11, 135:7, 135:11, 145:18, 152:21, 152:24, 164:19, 164:21, 165:11, 168:9, 169:1, 169:18, 169:22, 170:8, 170:13, 171:7, 171:23, 171:25, 172:2, 174:4, 191:17</p> <p><b>Second</b> [10] - 7:11, 11:4, 11:5, 12:10, 13:9, 15:9, 15:10, 17:7, 56:13, 100:3</p> <p><b>secondary</b> [1] - 108:23</p> <p><b>seconded</b> [1] - 17:9</p> <p><b>SECRETARY</b> [1] - 2:19</p> <p><b>Sediment</b> [1] - 156:22</p> <p><b>see</b> [57] - 18:8, 31:18, 33:10, 36:17, 36:18, 37:15, 42:20, 42:22, 42:23, 48:15, 48:17, 48:19, 49:15, 50:7, 53:22, 53:25, 54:18, 54:20, 55:9, 61:9, 61:20, 63:20, 64:2, 84:22, 85:2, 86:9, 86:11, 86:16, 86:17, 106:12, 106:19, 106:25, 107:3, 107:8, 107:19, 108:1, 111:21, 111:25, 118:10, 122:17, 127:23, 140:18, 141:23, 142:10, 142:16, 142:19, 148:16, 149:21, 156:19, 163:12, 166:16, 171:15, 175:24, 179:22, 180:25,</p>	<p>181:2, 181:12</p> <p><b>seeing</b> [2] - 31:24, 187:14</p> <p><b>seeking</b> [2] - 128:15, 130:13</p> <p><b>seem</b> [2] - 27:22, 181:13</p> <p><b>seepage</b> [3] - 157:15, 157:16, 157:17</p> <p><b>sees</b> [1] - 183:18</p> <p><b>send</b> [1] - 121:5</p> <p><b>sent</b> [2] - 87:8, 144:10</p> <p><b>SEONGHYE</b> [1] - 2:8</p> <p><b>September</b> [1] - 56:20</p> <p><b>series</b> [7] - 69:4, 69:14, 70:21, 71:2, 94:6, 127:25, 148:1</p> <p><b>serious</b> [1] - 47:19</p> <p><b>serve</b> [4] - 132:3, 151:14, 161:24, 178:10</p> <p><b>Service</b> [1] - 154:6</p> <p><b>serving</b> [1] - 75:22</p> <p><b>session</b> [1] - 103:23</p> <p><b>set</b> [23] - 14:20, 25:9, 35:7, 35:9, 36:21, 47:11, 63:23, 64:1, 84:20, 102:3, 105:23, 107:5, 107:8, 107:24, 108:21, 109:14, 112:1, 112:2, 112:4, 112:11, 119:15, 187:1, 193:9</p> <p><b>set-up</b> [1] - 107:24</p> <p><b>setback</b> [40] - 23:19, 23:25, 25:25, 26:13, 26:15, 26:16, 32:19, 32:22, 33:16, 37:18, 57:11, 57:13, 58:24, 59:15, 59:24, 71:19, 74:7, 75:14, 79:23, 80:1, 105:25, 106:5, 110:7, 110:10, 110:11, 110:14, 116:4, 129:21, 130:21, 140:1, 140:2, 142:23, 150:7, 154:19, 181:4, 181:6, 186:18, 186:24</p> <p><b>Setback</b> [3] - 7:7, 33:20, 118:19</p> <p><b>setbacks</b> [12] - 26:17, 32:19, 98:8, 111:4, 131:18, 131:19, 140:1, 150:6, 150:7, 151:7, 158:11, 180:1</p> <p><b>Setbacks</b> [1] - 75:12</p> <p><b>setting</b> [2] - 14:21,</p>	<p>181:15</p> <p><b>seven</b> [28] - 25:5, 25:8, 25:20, 25:23, 35:13, 37:6, 46:4, 46:9, 46:19, 47:2, 47:22, 49:9, 53:11, 53:18, 54:5, 57:1, 61:18, 61:25, 68:18, 68:21, 75:5, 75:22, 81:21, 82:18, 83:19, 87:10, 87:13, 88:20</p> <p><b>seven-unit</b> [4] - 53:11, 68:18, 81:21, 87:10</p> <p><b>seventy</b> [1] - 173:19</p> <p><b>several</b> [6] - 48:1, 86:23, 89:14, 139:16, 149:2, 151:21</p> <p><b>sewer</b> [4] - 49:5, 49:6, 49:8, 145:17</p> <p><b>shall</b> [2] - 15:4, 51:9</p> <p><b>shaped</b> [1] - 141:13</p> <p><b>sheet</b> [5] - 55:1, 55:2, 57:1, 58:1, 107:11</p> <p><b>Sheet</b> [15] - 7:9, 7:10, 22:9, 33:9, 52:20, 55:16, 106:18, 106:25, 108:6, 140:15, 142:8, 164:17, 164:18, 165:2</p> <p><b>sheets</b> [4] - 138:23, 163:21, 163:23, 175:25</p> <p><b>Sheets</b> [1] - 138:24</p> <p><b>shift</b> [3] - 60:6, 62:3, 87:18</p> <p><b>shifting</b> [3] - 66:6, 66:9, 87:21</p> <p><b>shingle</b> [1] - 54:10</p> <p><b>shop</b> [1] - 137:1</p> <p><b>short</b> [4] - 25:3, 117:19, 166:8, 166:19</p> <p><b>show</b> [6] - 85:3, 145:17, 166:18, 167:17, 169:21, 170:2</p> <p><b>showing</b> [5] - 54:2, 144:16, 176:6, 189:22, 190:6</p> <p><b>shown</b> [7] - 14:24, 97:18, 121:19, 122:11, 145:12, 146:8, 189:10</p> <p><b>shows</b> [3] - 43:19, 56:5, 149:21</p> <p><b>shrubbery</b> [1] - 86:13</p> <p><b>shy</b> [1] - 139:12</p> <p><b>sic</b> [1] - 176:3</p>	<p><b>Side</b> [1] - 26:10</p> <p><b>side</b> [148] - 21:19, 21:20, 22:17, 22:21, 23:8, 24:1, 26:13, 29:22, 31:3, 31:11, 31:15, 32:12, 32:16, 32:18, 32:23, 33:24, 35:20, 35:22, 43:20, 45:4, 54:1, 54:2, 54:19, 57:17, 59:4, 59:9, 59:20, 60:13, 60:15, 61:8, 62:13, 63:14, 63:24, 64:20, 70:24, 71:1, 71:20, 74:9, 75:12, 75:16, 75:17, 79:9, 79:23, 97:7, 98:10, 102:12, 104:2, 104:7, 104:19, 104:21, 105:20, 105:24, 106:3, 106:4, 106:5, 106:14, 106:19, 106:22, 107:3, 107:10, 107:13, 108:7, 108:24, 110:5, 110:10, 110:11, 111:23, 112:11, 112:17, 114:5, 118:2, 123:1, 123:3, 123:5, 124:17, 125:14, 127:17, 128:2, 128:12, 130:16, 130:17, 130:20, 130:23, 131:20, 131:21, 132:6, 139:2, 140:1, 140:12, 140:18, 140:23, 141:3, 142:22, 143:14, 143:16, 143:21, 145:6, 146:13, 148:16, 150:2, 150:12, 150:17, 151:10, 154:20, 155:2, 157:7, 157:8, 157:22, 157:23, 157:24, 158:1, 158:11, 158:13, 158:19, 160:2, 160:12, 160:17, 161:12, 161:19, 165:4, 165:22, 166:7, 166:8, 166:11, 166:17, 166:23, 167:9, 167:11, 173:22, 174:1, 175:13, 180:7, 181:4, 181:5, 181:6, 181:24, 186:4, 186:5, 190:6</p>	<p><b>side-by-side</b> [1] - 108:24</p> <p><b>side-by-side-type</b> [1] - 110:5</p> <p><b>sides</b> [9] - 55:5, 106:15, 107:5, 107:17, 111:4, 142:10, 157:23, 167:12, 167:21</p> <p><b>sidewalk</b> [18] - 43:25, 44:3, 44:6, 44:7, 44:11, 44:17, 44:18, 45:1, 72:15, 104:17, 107:12, 108:8, 118:5, 174:19, 187:7, 187:24, 187:25, 188:8</p> <p><b>sidewalks</b> [1] - 72:17</p> <p><b>siding</b> [3] - 54:9, 55:13, 113:20</p> <p><b>sight</b> [14] - 42:10, 42:12, 42:15, 43:4, 48:14, 49:1, 49:3, 49:12, 49:18, 49:20, 49:25, 50:5, 86:10</p> <p><b>signature</b> [1] - 156:24</p> <p><b>significant</b> [5] - 40:12, 40:16, 49:8, 65:17, 160:22</p> <p><b>significantly</b> [10] - 71:22, 73:8, 74:13, 75:1, 78:8, 96:24, 97:18, 128:23, 160:19, 181:25</p> <p><b>similar</b> [21] - 26:5, 30:12, 54:10, 73:17, 73:20, 75:13, 96:21, 97:4, 97:5, 98:9, 108:15, 110:4, 111:3, 113:17, 130:4, 131:22, 149:13, 150:8, 180:6, 180:24, 183:4</p> <p><b>similarly</b> [1] - 79:8</p> <p><b>Simoff</b> [1] - 4:18</p> <p><b>SIMOFF</b> [12] - 2:21, 43:14, 43:19, 43:25, 44:10, 44:16, 45:2, 45:11, 45:16, 45:20, 65:23, 125:25</p> <p><b>simple</b> [1] - 188:2</p> <p><b>simpler</b> [1] - 58:12</p> <p><b>simpleton</b> [1] - 188:2</p> <p><b>single</b> [3] - 53:17, 115:11, 148:20</p> <p><b>single-family</b> [1] - 148:20</p> <p><b>sinking</b> [1] - 180:20</p> <p><b>sit</b> [2] - 114:23, 153:20</p> <p><b>site</b> [58] - 19:12,</p>
--	---	--	---	--

20:21, 21:1, 21:9, 21:11, 21:16, 22:8, 23:6, 40:15, 42:11, 45:4, 45:9, 45:10, 58:13, 61:10, 67:20, 67:21, 68:4, 70:14, 72:16, 72:24, 73:2, 77:22, 78:13, 82:1, 82:14, 82:20, 82:23, 84:21, 89:17, 95:3, 96:4, 96:10, 96:14, 97:1, 97:14, 97:15, 97:16, 98:15, 98:18, 121:19, 128:15, 129:3, 129:23, 130:1, 131:5, 131:6, 132:3, 133:3, 140:9, 147:22, 148:11, 150:15, 150:23, 150:24, 150:25, 151:14, 178:18 <b>Site</b> [4] - 7:5, 22:5, 24:10, 88:7 <b>sitting</b> [3] - 102:22, 113:1, 114:15 <b>situated</b> [2] - 22:17, 22:20 <b>situation</b> [7] - 82:22, 124:13, 168:4, 168:19, 169:8, 185:11, 190:24 <b>six</b> [5] - 21:19, 23:6, 35:13, 69:4, 69:14 <b>Six</b> [2] - 7:13, 69:8 <b>size</b> [8] - 73:10, 75:4, 77:23, 87:14, 87:18, 88:11, 89:3, 139:11 <b>sized</b> [1] - 111:3 <b>SK-1</b> [3] - 7:9, 52:21, 53:22 <b>SK-2</b> [3] - 7:10, 55:15, 55:16 <b>skipped</b> [1] - 52:15 <b>SKIPPED</b> [2] - 7:8, 7:12 <b>Skrable</b> [14] - 155:7, 155:16, 155:18, 156:6, 156:16, 156:19, 157:25, 158:20, 158:25, 159:15, 160:23, 162:9, 188:17, 189:21 <b>SKRABLE</b> [11] - 6:14, 155:24, 156:6, 156:10, 161:17, 185:9, 185:22, 190:5, 190:9, 190:18, 190:22 <b>Skrable's</b> [1] - 161:1	<b>sliding</b> [3] - 55:10, 112:2, 141:1 <b>slight</b> [2] - 145:25, 181:24 <b>slightly</b> [10] - 79:21, 80:2, 104:6, 106:4, 108:17, 109:4, 133:4, 145:2, 148:24, 154:13 <b>slope</b> [9] - 65:13, 146:4, 146:8, 155:4, 157:9, 157:11, 165:23, 166:2, 187:7 <b>sloped</b> [3] - 70:16, 165:21, 180:21 <b>slopes</b> [3] - 64:7, 149:9, 149:15 <b>small</b> [10] - 98:16, 105:6, 109:7, 109:9, 109:10, 109:17, 115:5, 142:3, 178:23, 180:2 <b>smaller</b> [11] - 45:14, 72:9, 75:2, 80:2, 127:16, 131:10, 133:17, 133:18, 185:6, 185:7, 186:16 <b>smart</b> [2] - 34:21, 119:4 <b>snow</b> [8] - 35:15, 40:3, 40:6, 40:12, 40:14, 40:21, 41:2, 70:1 <b>snowfalls</b> [1] - 40:16 <b>so..</b> [2] - 122:12, 147:13 <b>soil</b> [1] - 50:11 <b>Soil</b> [1] - 156:22 <b>SOKOLICH</b> [65] - 3:3, 18:8, 19:6, 19:23, 20:15, 20:18, 20:20, 22:1, 22:4, 22:11, 28:19, 29:16, 32:15, 33:6, 33:11, 33:15, 33:23, 34:13, 34:23, 35:6, 36:6, 41:4, 41:6, 41:11, 43:10, 48:4, 48:7, 48:24, 51:2, 51:5, 51:12, 51:17, 52:15, 52:24, 55:18, 56:10, 56:16, 56:24, 61:1, 62:9, 66:3, 66:5, 66:10, 66:13, 66:16, 66:21, 67:12, 67:14, 68:25, 69:4, 69:13, 76:14, 81:8, 81:23, 83:5, 84:9, 84:12, 84:16, 84:24, 85:4, 85:8, 85:19, 86:22, 91:13, 91:18	<b>Sokolich</b> [4] - 4:15, 4:22, 5:7, 18:12 <b>solemnly</b> [1] - 155:21 <b>solution</b> [2] - 180:18, 180:24 <b>someone</b> [1] - 190:1 <b>Sometimes</b> [1] - 188:25 <b>somewhat</b> [1] - 80:4 <b>somewhere</b> [1] - 189:9 <b>sooner</b> [1] - 85:10 <b>sophisticated</b> [1] - 82:16 <b>Sorry</b> [2] - 11:25, 104:17 <b>sorry</b> [16] - 14:4, 20:15, 26:19, 28:11, 41:13, 42:22, 44:4, 51:3, 53:23, 77:18, 91:16, 105:2, 106:10, 132:18, 168:14, 170:19 <b>sort</b> [2] - 76:5, 182:6 <b>sought</b> [6] - 24:14, 25:16, 32:16, 60:13, 88:15, 102:5 <b>Sound</b> [1] - 62:9 <b>sound</b> [2] - 62:10, 88:1 <b>south</b> [5] - 54:13, 94:19, 104:21, 105:13, 130:18 <b>southwest</b> [1] - 104:22 <b>space</b> [20] - 23:6, 32:25, 33:1, 56:2, 56:7, 59:8, 98:13, 108:2, 108:5, 110:23, 113:10, 115:4, 127:18, 140:20, 142:6, 151:16, 157:13, 181:22, 182:1 <b>spaces</b> [3] - 142:2, 142:6, 157:13 <b>Spatz</b> [22] - 67:8, 67:10, 77:1, 89:14, 89:19, 93:15, 94:3, 99:7, 99:10, 102:8, 102:22, 126:6, 126:7, 126:21, 126:24, 132:16, 137:7, 137:10, 146:24, 147:9, 147:16, 155:11 <b>SPATZ</b> [27] - 5:6, 5:14, 5:22, 6:8, 67:2, 67:8, 76:15, 77:8, 77:20, 78:4, 79:2, 93:11,	93:15, 99:14, 126:9, 126:15, 126:21, 132:18, 132:22, 132:24, 133:10, 133:18, 147:3, 147:9, 147:12, 148:3, 148:8 <b>speaking</b> [2] - 30:24, 33:24 <b>special</b> [3] - 50:21, 73:1, 89:13 <b>specific</b> [2] - 77:22, 179:22 <b>spell</b> [3] - 156:5, 162:22, 177:18 <b>spelled</b> [2] - 138:1, 177:20 <b>spilling</b> [1] - 122:21 <b>spoken</b> [1] - 134:12 <b>spread</b> [1] - 25:10 <b>sprinkler</b> [1] - 35:14 <b>sprinklered</b> [1] - 38:11 <b>square</b> [28] - 46:20, 47:1, 47:3, 56:2, 73:4, 73:9, 74:24, 74:25, 88:21, 88:22, 88:24, 104:8, 109:25, 110:1, 110:9, 128:17, 128:25, 129:15, 130:25, 131:8, 132:24, 133:19, 133:20, 139:12, 139:13, 139:25, 150:20 <b>squished</b> [1] - 41:24 <b>stacked</b> [2] - 23:12, 108:25 <b>stair</b> [3] - 107:14, 115:5, 170:7 <b>staircase</b> [9] - 108:4, 108:12, 108:13, 108:14, 108:24, 109:1, 109:10, 115:11 <b>staircases</b> [1] - 117:18 <b>stairs</b> [6] - 36:21, 37:17, 57:5, 58:4, 117:9, 118:7 <b>stairway</b> [1] - 54:3 <b>stairwell</b> [2] - 140:13, 141:24 <b>standard</b> [4] - 39:8, 125:1, 126:9, 169:6 <b>Standards</b> [2] - 24:10, 88:8 <b>standing</b> [2] - 155:16, 156:16 <b>staring</b> [1] - 63:7 <b>start</b> [1] - 101:11	<b>starting</b> [2] - 70:8, 182:6 <b>Starting</b> [1] - 140:17 <b>starts</b> [2] - 174:4 <b>state</b> [13] - 20:7, 39:7, 47:7, 80:23, 81:5, 82:6, 82:17, 82:23, 89:9, 156:4, 162:21, 177:17, 179:10 <b>State</b> [8] - 52:6, 67:6, 103:17, 126:19, 137:23, 138:10, 147:7, 193:4 <b>state-of-the-art</b> [2] - 82:17, 89:9 <b>statement</b> [2] - 14:17, 27:23 <b>stay</b> [1] - 185:1 <b>stenographically</b> [1] - 193:7 <b>step</b> [6] - 19:2, 105:10, 106:21, 117:19, 118:2, 118:3 <b>step-down</b> [1] - 105:10 <b>step-up</b> [1] - 106:21 <b>Stephen</b> [1] - 154:2 <b>STEPHEN</b> [1] - 3:15 <b>stepped</b> [4] - 30:11, 55:11, 105:13, 106:5 <b>steps</b> [18] - 36:9, 36:12, 36:15, 37:3, 37:6, 38:1, 41:10, 56:5, 57:2, 57:3, 106:22, 108:3, 108:7, 116:14, 117:14, 118:11 <b>STEVE</b> [1] - 2:20 <b>Steve</b> [6] - 42:8, 43:10, 144:1, 188:22, 189:20, 190:5 <b>Steven</b> [1] - 100:24 <b>STEVEN</b> [1] - 2:9 <b>stick</b> [3] - 117:10, 173:18, 174:15 <b>sticking</b> [2] - 174:13, 175:3 <b>sticks</b> [2] - 173:14, 174:18 <b>still</b> [11] - 25:11, 26:24, 31:19, 32:25, 46:4, 49:21, 59:19, 62:6, 77:7, 134:17, 190:19 <b>Still</b> [1] - 59:21 <b>Stipulated</b> [1] - 99:25 <b>stone</b> [1] - 54:9 <b>stones</b> [1] - 83:13 <b>stop</b> [1] - 18:25 <b>stops</b> [1] - 44:1
--	---	---	---	--

<p><b>storage</b> [3] - 113:11, 142:6, 164:16</p> <p><b>stored</b> [2] - 45:7, 113:9</p> <p><b>stories</b> [14] - 26:25, 54:4, 73:19, 96:24, 110:22, 119:9, 130:3, 130:11, 142:24, 142:25, 149:19, 149:23, 181:10, 181:13</p> <p><b>storm</b> [4] - 49:10, 122:19, 122:24, 157:17</p> <p><b>stormwater</b> [6] - 28:23, 48:21, 82:13, 89:10, 140:7, 144:23</p> <p><b>story</b> [11] - 25:3, 94:16, 97:1, 107:2, 109:17, 138:22, 139:4, 149:7, 149:13, 164:11, 181:9</p> <p><b>straddling</b> [1] - 161:11</p> <p><b>straight</b> [3] - 39:14, 170:6, 186:19</p> <p><b>straightforward</b> [1] - 154:23</p> <p><b>STREET</b> [4] - 5:17, 5:17, 7:20, 7:21</p> <p><b>street</b> [34] - 40:21, 54:13, 55:4, 59:12, 70:23, 75:24, 76:1, 76:6, 78:23, 94:15, 99:16, 107:7, 111:24, 112:8, 121:3, 128:3, 129:4, 129:20, 130:22, 131:18, 132:5, 133:8, 133:15, 148:19, 149:19, 149:21, 157:8, 157:10, 161:12, 166:4, 180:7, 185:17, 186:19, 189:13</p> <p><b>Street</b> [31] - 1:8, 1:9, 3:13, 4:19, 4:20, 5:9, 5:10, 20:5, 20:11, 22:24, 31:4, 31:5, 31:6, 45:25, 48:18, 48:22, 49:18, 73:21, 80:20, 100:21, 100:22, 101:20, 101:23, 102:2, 104:2, 104:17, 104:18, 109:19, 109:21, 136:25</p> <p><b>streets</b> [1] - 105:20</p> <p><b>streetscape</b> [2] -</p>	<p>73:16, 182:7</p> <p><b>stretch</b> [1] - 32:5</p> <p><b>strip</b> [4] - 40:8, 59:9, 59:14, 59:21</p> <p><b>striped</b> [1] - 187:13</p> <p><b>structure</b> [20] - 23:1, 59:5, 72:21, 73:14, 96:8, 96:17, 99:12, 106:13, 117:6, 119:17, 129:18, 139:21, 140:3, 142:9, 148:15, 150:9, 154:25, 158:2, 172:4, 174:4</p> <p><b>structures</b> [11] - 27:14, 64:14, 78:9, 78:12, 130:12, 131:23, 133:14, 133:23, 151:9, 154:24, 164:5</p> <p><b>stucco</b> [3] - 106:14, 142:12, 165:6</p> <p><b>stuff</b> [3] - 83:16, 113:9, 119:3</p> <p><b>stupid</b> [1] - 34:25</p> <p><b>style</b> [1] - 104:11</p> <p><b>subject</b> [10] - 34:16, 60:4, 70:12, 94:7, 121:16, 122:11, 127:15, 136:23, 145:12, 148:9</p> <p><b>submission</b> [5] - 68:17, 68:18, 71:15, 71:23, 145:19</p> <p><b>submit</b> [4] - 15:2, 134:8, 152:15, 154:6</p> <p><b>submitted</b> [11] - 10:13, 10:15, 14:23, 21:17, 53:7, 84:5, 102:4, 102:17, 144:8, 152:19, 163:16</p> <p><b>substantial</b> [6] - 50:24, 50:25, 59:5, 103:2, 182:11, 182:12</p> <p><b>substantially</b> [6] - 75:8, 76:11, 98:1, 103:3, 131:15, 151:4</p> <p><b>sufficient</b> [6] - 27:24, 32:25, 38:23, 42:14, 49:3, 49:20</p> <p><b>sufficiently</b> [1] - 42:23</p> <p><b>suggest</b> [2] - 44:16, 176:19</p> <p><b>suggesting</b> [1] - 58:22</p> <p><b>suggestions</b> [2] - 39:6, 159:17</p> <p><b>suitability</b> [1] - 77:22</p> <p><b>suite</b> [4] - 108:21,</p>	<p>108:22, 141:7</p> <p><b>Suite</b> [1] - 3:8</p> <p><b>suited</b> [7] - 51:8, 73:3, 87:5, 87:12, 96:15, 128:16</p> <p><b>sum</b> [4] - 86:21, 134:4, 152:9, 191:4</p> <p><b>summary</b> [1] - 21:6</p> <p><b>summer</b> [1] - 61:18</p> <p><b>Sung</b> [2] - 1:4, 14:10</p> <p><b>SUNG</b> [1] - 4:5</p> <p><b>Sunset</b> [1] - 124:12</p> <p><b>support</b> [2] - 102:14, 144:19</p> <p><b>supports</b> [1] - 95:13</p> <p><b>supposed</b> [3] - 125:6, 179:25, 188:7</p> <p><b>Surrounding</b> [1] - 179:11</p> <p><b>surrounding</b> [15] - 72:7, 72:25, 73:8, 73:11, 75:9, 78:17, 90:2, 96:12, 98:3, 128:24, 129:3, 131:16, 149:6, 151:5, 151:12</p> <p><b>survey</b> [3] - 82:1, 82:9, 190:5</p> <p><b>swear</b> [11] - 19:24, 51:23, 66:24, 93:8, 103:10, 126:12, 137:16, 146:25, 155:21, 162:13, 177:9</p> <p><b>swing</b> [2] - 185:15, 185:19</p> <p><b>SWORN</b> [3] - 4:1, 5:3, 6:1</p> <p><b>sworn</b> [14] - 20:6, 52:5, 67:5, 93:5, 93:14, 103:16, 126:18, 137:13, 137:22, 147:6, 155:18, 156:3, 162:19, 177:15</p> <p><b>Sylvan</b> [2] - 103:15, 103:21</p> <p><b>system</b> [15] - 28:24, 49:10, 82:14, 82:23, 83:7, 89:10, 121:6, 122:24, 140:7, 144:15, 144:16, 144:20, 144:23, 157:20, 159:22</p>	<p><b>taller</b> [1] - 78:8</p> <p><b>taxes</b> [1] - 35:2</p> <p><b>team</b> [1] - 153:18</p> <p><b>technical</b> [1] - 28:7</p> <p><b>technically</b> [4] - 35:20, 57:17, 113:19, 183:16</p> <p><b>ten</b> [1] - 59:1</p> <p><b>tendency</b> [1] - 40:21</p> <p><b>terms</b> [23] - 48:21, 72:7, 72:8, 73:19, 74:22, 75:3, 75:12, 75:15, 75:20, 75:21, 78:5, 78:10, 79:10, 97:3, 98:10, 129:13, 130:3, 130:15, 133:6, 150:6, 150:14, 150:19, 182:10</p> <p><b>TERRACE</b> [3] - 4:8, 6:3, 8:3</p> <p><b>terrace</b> [1] - 116:16</p> <p><b>Terrace</b> [12] - 1:11, 1:19, 3:13, 16:3, 67:4, 93:13, 126:17, 130:19, 136:16, 139:2, 146:9, 147:5</p> <p><b>terraced</b> [1] - 116:15</p> <p><b>Terranova</b> [2] - 9:24, 91:3</p> <p><b>TERRANOVA</b> [1] - 2:7</p> <p><b>Testa</b> [4] - 101:6, 101:14, 136:18, 153:23</p> <p><b>TESTA</b> [53] - 3:2, 10:2, 10:11, 11:8, 12:24, 13:25, 15:11, 18:4, 18:25, 19:21, 19:24, 20:7, 22:3, 33:14, 43:15, 43:17, 47:7, 48:8, 51:3, 51:21, 52:6, 52:14, 56:12, 66:22, 67:6, 69:3, 80:22, 81:5, 85:6, 85:21, 91:5, 91:10, 91:17, 92:6, 93:7, 100:23, 101:4, 101:7, 101:9, 103:8, 103:17, 126:10, 126:19, 127:10, 134:11, 135:8, 136:6, 137:14, 137:23, 146:25, 147:7, 148:5, 153:19</p> <p><b>testified</b> [5] - 19:12, 49:3, 54:6, 54:23, 163:2</p> <p><b>testifies</b> [12] - 20:6, 24:9, 52:5, 67:5, 93:14, 103:16,</p>	<p>126:18, 137:22, 147:6, 156:3, 162:19, 177:15</p> <p><b>testify</b> [5] - 53:5, 102:23, 103:7, 103:24, 155:8</p> <p><b>TESTIMONY</b> [3] - 4:1, 5:3, 6:1</p> <p><b>testimony</b> [42] - 19:11, 19:25, 51:23, 53:21, 57:8, 66:24, 67:23, 68:15, 70:5, 74:18, 77:1, 77:9, 77:17, 86:7, 86:24, 89:16, 93:3, 93:8, 98:24, 102:15, 103:10, 111:19, 113:8, 126:12, 127:6, 129:24, 131:3, 132:11, 137:16, 146:25, 147:25, 149:3, 155:21, 161:1, 162:14, 177:10, 178:15, 178:19, 180:12, 183:2, 186:22, 193:7</p> <p><b>THE</b> [1] - 1:3</p> <p><b>the..</b> [2] - 20:17, 99:4</p> <p><b>themselves</b> [2] - 98:8, 131:20</p> <p><b>therefore</b> [1] - 97:22</p> <p><b>they've</b> [3] - 71:22, 74:12, 84:9</p> <p><b>thinking</b> [2] - 60:8, 189:14</p> <p><b>third</b> [5] - 164:19, 164:24, 165:12, 169:22, 171:8</p> <p><b>THOMAS</b> [1] - 6:14</p> <p><b>Thomas</b> [1] - 155:16</p> <p><b>three</b> [42] - 38:16, 54:4, 58:2, 71:7, 89:16, 98:24, 102:1, 102:11, 104:11, 104:25, 105:5, 106:17, 109:3, 110:3, 112:22, 117:3, 128:3, 128:6, 128:17, 129:5, 130:11, 131:16, 133:7, 133:12, 133:14, 133:20, 133:21, 138:22, 141:5, 141:20, 142:24, 143:19, 148:15, 148:16, 149:13, 149:18, 149:19, 149:22, 164:11, 164:24, 181:10, 181:13</p>
		<b>T</b>		
		<b>table</b> [1] - 102:7	<b>talks</b> [1] - 181:18	



<p><b>Three</b> <sup>[3]</sup> - 26:25, 158:21, 163:24</p> <p><b>three-bedroom</b> <sup>[1]</sup> - 106:17</p> <p><b>three-family</b> <sup>[12]</sup> - 71:7, 128:3, 128:6, 128:17, 129:5, 131:16, 133:7, 133:12, 133:14, 148:15, 148:16, 149:18</p> <p><b>three-feet-two-inches</b> <sup>[1]</sup> - 143:19</p> <p><b>three-level</b> <sup>[1]</sup> - 105:5</p> <p><b>three-point</b> <sup>[1]</sup> - 38:16</p> <p><b>three-story</b> <sup>[3]</sup> - 138:22, 149:13, 164:11</p> <p><b>three-unit</b> <sup>[3]</sup> - 102:1, 104:11, 104:25</p> <p><b>throughout</b> <sup>[3]</sup> - 86:25, 142:11, 142:15</p> <p><b>tie</b> <sup>[1]</sup> - 183:21</p> <p><b>tight</b> <sup>[1]</sup> - 185:16</p> <p><b>titled</b> <sup>[1]</sup> - 69:5</p> <p><b>today</b> <sup>[5]</sup> - 10:23, 70:3, 84:21, 126:8, 158:24</p> <p><b>together</b> <sup>[2]</sup> - 81:15, 183:22</p> <p><b>Tom</b> <sup>[1]</sup> - 156:6</p> <p><b>tonight</b> <sup>[8]</sup> - 13:2, 101:20, 102:5, 102:24, 137:10, 147:11, 155:6, 155:22</p> <p><b>tonight's</b> <sup>[2]</sup> - 102:14, 178:15</p> <p><b>took</b> <sup>[2]</sup> - 31:11, 69:15</p> <p><b>top</b> <sup>[20]</sup> - 70:11, 70:13, 70:16, 71:2, 94:7, 94:10, 104:20, 108:20, 108:25, 109:18, 112:18, 113:16, 117:4, 120:13, 127:14, 127:19, 148:8, 148:10, 161:18, 169:13</p> <p><b>topographical</b> <sup>[1]</sup> - 130:6</p> <p><b>topography</b> <sup>[6]</sup> - 64:16, 72:23, 96:10, 104:15, 129:22, 149:8</p> <p><b>total</b> <sup>[12]</sup> - 21:18, 22:15, 25:1, 25:4, 25:5, 26:11, 26:15, 54:7, 54:20, 56:1, 104:7, 119:19</p>	<p><b>touch</b> <sup>[2]</sup> - 122:8, 160:15</p> <p><b>touched</b> <sup>[1]</sup> - 160:23</p> <p><b>touching</b> <sup>[1]</sup> - 160:20</p> <p><b>toward</b> <sup>[3]</sup> - 59:19, 78:21, 78:22</p> <p><b>towards</b> <sup>[10]</sup> - 70:17, 70:20, 71:1, 71:6, 105:7, 107:9, 142:4, 142:5, 146:4, 149:10</p> <p><b>town</b> <sup>[6]</sup> - 32:4, 35:3, 35:5, 35:7, 136:25, 187:7</p> <p><b>townhouse</b> <sup>[13]</sup> - 24:23, 25:20, 71:9, 72:5, 73:3, 79:11, 95:2, 95:12, 95:21, 96:15, 104:11, 104:25, 124:22</p> <p><b>townhouse-style</b> <sup>[1]</sup> - 104:11</p> <p><b>townhouses</b> <sup>[1]</sup> - 79:8</p> <p><b>traditional</b> <sup>[1]</sup> - 134:15</p> <p><b>traffic</b> <sup>[5]</sup> - 42:21, 42:24, 43:17, 46:7, 46:20</p> <p><b>transcript</b> <sup>[1]</sup> - 193:7</p> <p><b>TRANSCRIPT</b> <sup>[1]</sup> - 1:4</p> <p><b>transition</b> <sup>[1]</sup> - 182:8</p> <p><b>trash</b> <sup>[4]</sup> - 45:3, 45:5, 45:6, 45:7</p> <p><b>Tree</b> <sup>[4]</sup> - 99:24, 135:4, 152:19, 191:14</p> <p><b>trees</b> <sup>[6]</sup> - 24:7, 48:17, 48:19, 49:16, 50:4, 61:20</p> <p><b>trench</b> <sup>[7]</sup> - 121:4, 121:10, 121:12, 146:7, 146:9, 157:15, 157:18</p> <p><b>triangle</b> <sup>[1]</sup> - 49:1</p> <p><b>tried</b> <sup>[3]</sup> - 88:6, 88:18, 109:7</p> <p><b>trouble</b> <sup>[1]</sup> - 186:20</p> <p><b>truck</b> <sup>[11]</sup> - 38:4, 38:8, 38:14, 39:9, 45:4, 45:15, 185:15, 187:21, 187:25, 189:16, 190:10</p> <p><b>trucking</b> <sup>[1]</sup> - 40:15</p> <p><b>trucks</b> <sup>[4]</sup> - 38:5, 184:13, 184:14, 184:23</p> <p><b>true</b> <sup>[3]</sup> - 50:10, 77:5, 193:6</p> <p><b>truly</b> <sup>[1]</sup> - 158:6</p> <p><b>trust</b> <sup>[1]</sup> - 68:24</p> <p><b>truth</b> <sup>[33]</sup> - 20:1, 51:24, 51:25, 66:25, 67:1, 93:9, 93:10,</p>	<p>103:11, 103:12, 126:13, 126:14, 137:17, 137:18, 147:1, 147:2, 155:22, 155:23, 162:14, 162:15, 177:10, 177:11</p> <p><b>try</b> <sup>[2]</sup> - 134:16, 189:14</p> <p><b>trying</b> <sup>[3]</sup> - 20:15, 50:5, 117:22</p> <p><b>tub</b> <sup>[1]</sup> - 172:19</p> <p><b>tucked</b> <sup>[1]</sup> - 61:14</p> <p><b>turn</b> <sup>[6]</sup> - 38:16, 39:10, 50:5, 86:18, 188:1</p> <p><b>turnaround</b> <sup>[1]</sup> - 38:20</p> <p><b>turned</b> <sup>[1]</sup> - 79:9</p> <p><b>turning</b> <sup>[3]</sup> - 38:4, 121:1, 187:20</p> <p><b>twenty</b> <sup>[2]</sup> - 30:20, 30:21</p> <p><b>twenty-four</b> <sup>[1]</sup> - 30:21</p> <p><b>twenty-four-feet</b> <sup>[1]</sup> - 30:20</p> <p><b>two</b> <sup>[108]</sup> - 21:18, 21:21, 25:4, 25:19, 37:6, 46:14, 46:24, 48:1, 48:3, 53:5, 55:22, 56:4, 58:3, 58:16, 62:12, 64:13, 71:2, 71:6, 71:16, 71:24, 72:10, 73:14, 73:20, 73:23, 74:2, 74:9, 75:2, 76:7, 77:13, 78:7, 81:23, 82:12, 83:6, 85:3, 94:12, 94:21, 95:11, 96:18, 96:22, 96:23, 102:11, 104:10, 104:13, 107:2, 107:11, 107:12, 107:22, 107:23, 108:22, 109:15, 109:17, 110:3, 117:1, 120:4, 123:22, 127:21, 127:25, 128:10, 128:11, 128:14, 128:19, 129:1, 129:16, 130:4, 130:10, 131:9, 132:15, 133:22, 136:10, 137:3, 138:22, 139:4, 139:9, 139:13, 139:22, 139:23, 140:17, 141:6, 141:8, 141:11, 141:12, 141:20, 142:1, 142:17, 142:25, 143:19,</p>	<p>148:11, 148:23, 149:12, 149:22, 150:8, 151:17, 151:19, 157:12, 157:16, 164:14, 164:25, 166:15, 167:15, 173:19, 179:18, 180:6, 181:3, 181:13, 182:8, 184:19</p> <p><b>Two</b> <sup>[3]</sup> - 62:25, 63:1, 124:17</p> <p><b>two-and-a-half</b> <sup>[2]</sup> - 130:10, 142:25</p> <p><b>two-and-a-half-story</b> <sup>[1]</sup> - 139:4</p> <p><b>two-car</b> <sup>[8]</sup> - 56:4, 107:11, 107:12, 107:22, 107:23, 142:1, 164:14</p> <p><b>two-families</b> <sup>[5]</sup> - 73:23, 75:2, 76:7, 94:21, 120:4</p> <p><b>two-family</b> <sup>[39]</sup> - 25:19, 48:3, 64:13, 71:2, 71:6, 72:10, 73:14, 73:20, 74:9, 77:13, 78:7, 94:12, 96:22, 96:23, 104:10, 127:21, 127:25, 128:19, 129:1, 129:16, 130:4, 131:9, 137:3, 138:22, 139:9, 139:13, 139:22, 139:23, 140:17, 148:11, 148:23, 149:12, 149:22, 150:8, 151:17, 151:19, 180:6, 181:13, 182:8</p> <p><b>two-hundred-seventy-eight</b> <sup>[1]</sup> - 173:19</p> <p><b>two-level</b> <sup>[1]</sup> - 109:15</p> <p><b>two-story</b> <sup>[2]</sup> - 107:2, 109:17</p> <p><b>two-unit</b> <sup>[2]</sup> - 46:14</p> <p><b>twos</b> <sup>[1]</sup> - 148:22</p> <p><b>tying</b> <sup>[1]</sup> - 49:6</p> <p><b>type</b> <sup>[7]</sup> - 79:12, 82:8, 87:5, 110:5, 111:9, 180:6, 180:19</p> <p><b>types</b> <sup>[3]</sup> - 35:12, 55:22, 105:19</p> <p><b>typical</b> <sup>[19]</sup> - 46:23, 47:5, 64:13, 73:7, 79:11, 88:23, 88:25, 105:15, 107:24, 110:16, 111:12,</p>	<p>117:6, 130:21, 164:13, 168:4, 168:18, 171:17, 171:20</p> <p><b>typically</b> <sup>[12]</sup> - 35:12, 35:14, 57:21, 72:10, 80:1, 109:14, 110:5, 116:10, 121:11, 140:19, 173:21, 188:22</p>
<b>U</b>				
<p><b>unconditional</b> <sup>[1]</sup> - 82:4</p> <p><b>Unconditionally</b> <sup>[1]</sup> - 41:4</p> <p><b>undated</b> <sup>[1]</sup> - 69:5</p> <p><b>under</b> <sup>[12]</sup> - 47:2, 53:6, 84:19, 84:21, 86:2, 107:14, 119:12, 124:2, 124:20, 128:4, 186:2, 190:10</p> <p><b>underground</b> <sup>[1]</sup> - 160:18</p> <p><b>undermine</b> <sup>[1]</sup> - 124:7</p> <p><b>undermining</b> <sup>[1]</sup> - 160:19</p> <p><b>underneath</b> <sup>[3]</sup> - 109:13, 173:24, 174:8</p> <p><b>underscore</b> <sup>[1]</sup> - 89:15</p> <p><b>undersized</b> <sup>[2]</sup> - 148:24, 150:1</p> <p><b>understood</b> <sup>[1]</sup> - 168:11</p> <p><b>Understood</b> <sup>[1]</sup> - 115:18</p> <p><b>Union</b> <sup>[1]</sup> - 136:25</p> <p><b>unique</b> <sup>[1]</sup> - 75:10</p> <p><b>unit</b> <sup>[59]</sup> - 26:4, 26:6, 36:2, 44:6, 46:14, 46:17, 46:25, 47:3, 53:11, 54:14, 54:21, 55:23, 56:4, 57:2, 57:24, 61:14, 62:5, 62:7, 68:18, 68:21, 71:17, 74:6, 74:23, 74:24, 74:25, 81:21, 87:10, 88:21, 88:22, 94:8, 95:1, 95:9, 102:1, 104:11, 104:12, 104:25, 105:4, 105:24, 106:17, 107:12, 107:19, 107:20, 108:9, 109:3, 128:20, 128:22, 139:18, 140:17, 140:21, 140:25,</p>				

<p>141:18, 141:22, 157:12, 164:16, 164:23, 165:1 <b>Unit</b> [2] - 105:24, 123:11 <b>units</b> [67] - 21:18, 21:19, 22:15, 25:4, 25:5, 25:8, 25:13, 25:20, 25:23, 30:10, 30:12, 34:12, 34:14, 34:18, 35:12, 35:13, 39:8, 46:3, 46:9, 46:19, 46:24, 47:2, 54:5, 55:22, 55:24, 55:25, 56:1, 57:20, 58:2, 61:23, 61:25, 62:12, 62:13, 68:20, 71:18, 73:6, 75:5, 75:11, 75:18, 75:23, 77:6, 78:15, 82:18, 83:20, 87:7, 87:13, 88:2, 88:19, 95:24, 96:16, 96:17, 98:18, 102:10, 105:3, 105:9, 107:21, 109:3, 110:3, 112:3, 132:3, 133:20, 133:21, 143:5, 157:21 <b>unless</b> [6] - 50:23, 82:12, 112:7, 122:9, 155:15, 186:3 <b>Unless</b> [3] - 19:18, 45:14, 175:16 <b>unusual</b> [1] - 32:7 <b>up</b> [90] - 22:2, 28:11, 32:11, 35:8, 35:9, 40:2, 44:3, 44:18, 45:6, 46:10, 48:15, 48:18, 48:20, 48:22, 49:19, 56:5, 57:1, 64:7, 65:14, 69:2, 70:19, 73:15, 80:14, 83:19, 84:18, 86:11, 86:16, 86:17, 86:21, 94:13, 95:1, 100:21, 101:8, 105:18, 105:20, 105:23, 106:14, 106:15, 106:21, 107:12, 107:17, 107:24, 108:3, 108:4, 108:8, 108:21, 108:24, 109:1, 109:14, 109:18, 109:19, 111:25, 112:7, 113:1, 115:5, 115:10, 116:14, 117:4, 118:5, 118:13, 119:3,</p>	<p>119:15, 121:5, 121:11, 122:2, 124:14, 126:4, 130:22, 134:4, 139:23, 149:19, 152:9, 153:18, 156:19, 158:13, 160:13, 163:12, 166:5, 166:7, 174:18, 175:13, 175:16, 179:2, 184:16, 184:23, 189:16, 191:4 <b>up-and-down</b> [1] - 139:23 <b>update</b> [1] - 19:14 <b>uploaded</b> [2] - 85:4, 85:14 <b>upper</b> [6] - 55:2, 55:6, 58:1, 140:17, 141:21, 142:19 <b>upwards</b> [1] - 70:17 <b>USE</b> [1] - 2:19 <b>uses</b> [6] - 73:17, 79:5, 98:3, 131:16, 151:5, 179:24 <b>Utilities</b> [3] - 7:6, 28:12, 28:16 <b>Utility</b> [1] - 28:6 <b>utility</b> [13] - 48:16, 48:19, 49:12, 49:21, 49:24, 50:4, 82:17, 83:7, 86:12, 89:9, 108:1, 142:2, 164:15</p>	<p>97:3, 97:23, 98:23, 99:11, 102:3, 102:5, 102:9, 102:18, 103:1, 123:23, 128:10, 128:11, 128:14, 130:15, 131:12, 132:10, 132:17, 135:5, 137:6, 138:19, 139:16, 142:20, 147:17, 149:2, 149:25, 150:17, 151:2, 151:21, 151:23, 155:2, 155:13, 157:22, 181:3, 182:21, 183:18, 191:7, 191:15 <b>various</b> [2] - 71:12, 107:18 <b>varying</b> [1] - 150:7 <b>VASSILIOS</b> [2] - 5:19, 103:20 <b>Vassilios</b> [1] - 103:19 <b>VCA</b> [1] - 102:4 <b>vegetated</b> [1] - 37:21 <b>vegetation</b> [3] - 42:17, 49:13, 50:1 <b>vehicle</b> [3] - 27:21, 27:22, 45:5 <b>vehicles</b> [3] - 38:21, 42:11, 184:18 <b>vehicular</b> [1] - 38:20 <b>version</b> [1] - 27:1 <b>versus</b> [4] - 36:13, 61:23, 63:5, 187:24 <b>via</b> [3] - 101:16, 136:19, 157:14 <b>VICE</b> [32] - 2:3, 9:4, 9:17, 10:17, 11:2, 11:12, 12:8, 13:9, 13:14, 14:13, 15:6, 15:15, 16:5, 16:14, 17:7, 17:10, 17:15, 90:14, 90:22, 92:11, 100:3, 100:8, 134:22, 135:1, 135:16, 153:5, 172:6, 174:21, 175:1, 175:8, 191:10, 191:22 <b>view</b> [3] - 73:16, 130:13, 165:19 <b>views</b> [4] - 105:7, 109:18, 109:22, 112:23 <b>VINCENT</b> [1] - 2:5 <b>Vinnie</b> [3] - 152:25, 188:4, 189:22 <b>violate</b> [1] - 154:18</p>	<p><b>violation</b> [1] - 120:9 <b>Virgona</b> [8] - 19:16, 41:7, 51:18, 52:8, 52:10, 61:2, 71:21, 89:18 <b>VIRGONA</b> [24] - 4:22, 52:2, 52:8, 52:9, 52:13, 56:25, 61:9, 61:13, 62:2, 62:10, 62:21, 62:25, 63:8, 63:13, 63:17, 63:22, 64:9, 64:12, 64:19, 64:22, 65:12, 66:8, 66:11, 66:15 <b>visible</b> [1] - 55:8 <b>visit</b> [3] - 67:21, 127:4, 178:18 <b>visited</b> [1] - 147:24 <b>visitor</b> [3] - 88:13, 124:21, 124:23 <b>visitors</b> [2] - 75:22, 125:3 <b>visual</b> [5] - 72:21, 96:7, 117:1, 129:17, 182:4 <b>visually</b> [1] - 118:9 <b>volume</b> [2] - 46:21, 49:6 <b>vote</b> [1] - 14:25</p>	<p>123:12, 123:19, 123:22, 124:5, 124:7, 124:12, 145:6, 145:10, 145:13, 145:21, 160:14, 160:20, 161:8, 161:11, 161:16, 161:18, 162:2, 170:6, 180:19 <b>walls</b> [11] - 27:13, 74:16, 97:11, 106:23, 116:17, 121:18, 131:1, 160:7, 160:10, 160:11, 172:7 <b>Walnut</b> [2] - 20:5, 20:11 <b>warrant</b> [1] - 78:2 <b>WASHINGTON</b> [2] - 5:12, 7:17 <b>Washington</b> [2] - 1:15, 92:4 <b>watch</b> [1] - 119:2 <b>water</b> [9] - 81:20, 82:19, 82:22, 83:1, 121:3, 121:5, 157:14, 189:7 <b>website</b> [1] - 84:25 <b>week</b> [1] - 144:7 <b>welcome</b> [1] - 51:20 <b>Welcome</b> [2] - 52:25 <b>welfare</b> [4] - 72:3, 95:17, 129:10, 181:19 <b>well-suited</b> [1] - 87:5 <b>West</b> [4] - 1:13, 1:15, 17:3, 92:3 <b>west</b> [16] - 31:8, 54:2, 59:9, 59:15, 59:19, 63:9, 65:10, 70:14, 105:8, 114:5, 148:14, 149:9, 150:12, 154:21, 155:5, 167:11 <b>WEST</b> [3] - 4:11, 5:12, 7:17 <b>westerly</b> [10] - 22:16, 22:17, 23:8, 24:1, 32:24, 59:4, 59:6, 63:6, 158:19, 161:9 <b>western</b> [1] - 75:17 <b>whatsoever</b> [1] - 24:3 <b>whining</b> [2] - 61:18, 62:1 <b>whole</b> [13] - 20:1, 51:25, 66:25, 93:9, 103:11, 113:7, 115:6, 126:13, 137:17, 147:2, 155:22, 162:15,</p>
	<b>V</b>		<b>W</b>	
	<p><b>V&amp;R</b> [2] - 3:5, 53:2 <b>vacant</b> [1] - 127:17 <b>Valley</b> [1] - 156:2 <b>variance</b> [32] - 25:18, 25:21, 26:24, 27:12, 27:18, 41:17, 50:23, 71:11, 71:17, 74:23, 78:11, 79:25, 95:2, 95:5, 106:7, 106:9, 110:12, 110:25, 123:16, 128:8, 132:21, 134:17, 149:1, 149:4, 155:3, 165:14, 165:25, 180:13, 180:14, 181:10, 183:1, 183:10 <b>variances</b> [53] - 24:9, 25:15, 27:5, 32:16, 48:1, 48:2, 50:20, 50:22, 71:16, 71:24, 74:2, 74:3, 76:12, 95:9, 95:11, 97:2,</p>		<p><b>wait</b> [1] - 125:25 <b>waiting</b> [1] - 65:25 <b>waiver</b> [1] - 48:2 <b>waivers</b> [2] - 24:13, 88:15 <b>walk</b> [9] - 44:25, 58:4, 141:8, 145:7, 173:23, 174:1, 174:8, 175:14, 181:1 <b>walk-in</b> [2] - 58:4, 141:8 <b>walking</b> [4] - 36:24, 36:25, 107:1, 174:19 <b>walkout</b> [1] - 110:18 <b>walkway</b> [3] - 37:25, 113:5 <b>walkways</b> [1] - 112:23 <b>wall</b> [45] - 27:8, 34:2, 43:20, 43:22, 44:10, 44:22, 57:19, 57:22, 62:4, 63:24, 64:4, 81:1, 81:9, 86:12, 121:20, 121:23, 122:6, 122:7, 122:14, 122:15, 122:19, 123:2, 123:5, 123:11,</p>	

<p>177:11  <b>wide</b> [6] - 30:20,  38:10, 104:4, 115:7,  188:16  <b>widen</b> [1] - 38:6  <b>widened</b> [1] - 23:2  <b>wider</b> [2] - 108:16,  150:17  <b>width</b> [16] - 24:16,  25:25, 71:10, 88:13,  95:3, 104:3, 110:1,  112:10, 128:7,  139:8, 148:25,  150:18, 151:17,  158:10, 188:13,  188:19  <b>willing</b> [2] - 14:25,  159:16  <b>window</b> [10] - 31:18,  63:20, 145:8,  167:15, 167:19,  170:9, 173:14,  176:6, 183:9, 183:11  <b>windows</b> [5] - 54:11,  106:13, 142:15,  173:13, 173:24  <b>wire</b> [1] - 86:13  <b>WITNESS</b> [3] - 4:1,  5:3, 6:1  <b>witness</b> [9] - 34:9,  51:16, 66:18, 93:4,  103:7, 155:16,  162:8, 162:10, 177:5  <b>witnesses</b> [1] - 89:17  <b>Won</b> [1] - 1:20  <b>WON</b> [2] - 6:11, 8:7  <b>wondering</b> [2] -  144:18, 187:22  <b>wood</b> [2] - 140:3,  143:8  <b>wooden</b> [3] - 144:24,  171:18, 171:20  <b>wordage</b> [1] - 41:1  <b>words</b> [4] - 31:17,  63:8, 172:8, 187:23  <b>workers</b> [1] - 190:14  <b>worse</b> [1] - 49:19  <b>worst</b> [1] - 118:1</p>	<p>80:21, 83:13, 83:22,  95:9, 95:10, 98:10,  102:12, 106:5,  106:23, 110:7,  110:10, 110:11,  110:14, 116:4,  125:14, 129:20,  130:19, 130:20,  130:23, 130:24,  139:25, 140:1,  140:2, 140:7, 140:8,  140:11, 142:22,  142:23, 148:16,  150:12, 150:17,  151:10, 154:18,  154:20, 157:16,  157:22, 157:23,  158:12, 158:13,  158:14, 158:19,  160:2, 181:4, 181:6,  181:24, 183:9,  183:11, 183:15,  185:6, 185:8, 186:16  <b>yards</b> [24] - 32:16,  33:24, 60:15, 71:20,  74:5, 74:10, 75:17,  97:4, 97:7, 128:12,  130:16, 130:17,  131:20, 131:21,  143:14, 143:16,  155:2, 166:7,  166:17, 166:24,  173:22, 175:13  <b>year</b> [2] - 81:2, 138:25  <b>years</b> [9] - 40:20,  48:23, 83:21,  112:22, 119:23,  136:24, 138:9  <b>yellow</b> [2] - 187:13,  190:16  <b>Yoon</b> [1] - 9:20  <b>YOON</b> [1] - 2:8  <b>you..</b> [1] - 156:9  <b>your..</b> [1] - 118:18  <b>yourself</b> [1] - 145:9</p>	<p>182:13, 187:13  <b>Zoning</b> [3] - 67:22,  147:23, 178:18  <b>zoning</b> [19] - 32:4,  51:1, 72:1, 73:2,  77:3, 77:7, 77:21,  78:3, 95:13, 98:2,  102:6, 103:2, 103:4,  127:5, 129:6, 129:8,  130:1, 182:13  <b>ZONING</b> [1] - 1:1  <b>Zoom</b> [2] - 101:16,  136:20</p>
<p style="text-align: center;"><b>Y</b></p> <p><b>yard</b> [77] - 25:25, 26:7,  26:10, 26:16, 32:18,  34:3, 35:20, 35:22,  54:19, 57:16, 57:17,  59:20, 60:13, 61:15,  63:14, 63:16, 63:17,  71:5, 71:20, 74:7,  75:13, 79:23, 80:2,</p>	<p style="text-align: center;"><b>Z</b></p> <p><b>zero</b> [1] - 82:18  <b>Zone</b> [1] - 25:19  <b>zone</b> [26] - 25:19,  47:23, 47:24, 60:16,  71:8, 71:11, 73:5,  74:6, 74:12, 74:16,  74:24, 76:4, 77:12,  87:3, 94:25, 101:24,  104:9, 109:24,  110:6, 128:6,  128:18, 132:25,  148:24, 151:6,</p>	