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2 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 1 B E F O R E: THE BOROUGH OF Palisades Park PLANNING BOARD, THERE BEING PRESENT: 2 3 ARLENE STAR, CHAIRWOMAN 4 CHRIS AUFIERO, VICE CHAIRMAN 5 C. PAUL KIM, MAYOR (ABSENT) 6 CHRISTOPHER KWAK, COUNCILMAN 7 JUSTIN KANG, MEMBER 8 MIRJANA TARABOCCHIA, MEMBER 9 EDWIN HAN, MEMBER (ABSENT) 10 SOPHIA JANG, MEMBER (ABSENT) 11 JENNIFER H. KIM, MEMBER 12 A L S O P R E S E N T: 13 LUCY HANRAHAN, Board Secretary 14 MICHAEL KAUKER, PP, AICP, Board Planner 15 NIKKI LOULLOUDIS, P.E., Board Engineer 16 HAL SIMOFF, P.E., Board Traffic Engineer 17 18 19 20 21 22 23 24 25 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	4 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 1 I N D E X 2 WITNESS SWORN TESTIMONY 3 Case #25-SP09 Site Plan 4 Fan Associates, LLC 5 15 Grand Avenue 10 6 Block 505, Lots 3 & 4 7 ERIC KELLER, P.E., P.P., LEED AP 12 8 Direct Examination by Mr. Flannery 13 9 Questions from the Board/Professionals 10 Chairwoman Star 18 11 Councilman Kwak 18 12 Mr. Simoff 25 13 Questions from the Public 14 Melanie Comas 42 15 83 West Harwood Terrace 16 Case #24-SP17 Extension 17 of Resolution #24-SP17 (Approved 9/25/24) 18 208 Columbus Avenue 19 Block 111, Lot 2 52 20 Board/Professional Questions 21 Ms. Tarabocchia 54 22 Councilman Kwak 54 23 Case #24-SP02 Site Plan 24 Shi Hyun Park 25 321 Hillside Avenue Block 203, Lot 1 56 NIKKI LOULLOUDIS, P.E. 57 MICHAEL KAUKER, PP, AICP 58 Board/Professional Questions Chairwoman Star 60 Ms. Tarabocchia 61 Mr. Kauker 61 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 INDEX AGENDA MEMORIALIZATIONS: Case #26- SP05 Change of Use Seonock Kim (MCO USA LLC) 391 Commercial Ave Block # 109.1 Lot #1 78 Case #26-SP07 Change of Use Super Burgers & Shakes 410 Bergen Boulevard Block #420 Lot #25 80 Case #26- SP08 Site Plan Julio Balmaseda 265 14th Street Block #430 Lot #11 Case #26- SP09 Change of Use 81 Case #26- SP10 Change of Use Edwin Han 411 Broad Avenue Block #218 Lot #5 84 EXHIBITS No. Description Ident/Evid (No Exhibits Marked.) LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	7 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 alternate, her name is Jennifer Kim. MR. NOH: I'll swear her in. Okay. Please raise your right hand, put your left hand on the Bible and please repeat after me. I. Jennifer H. Kim, do solemnly swear that I will support the Constitution of the United States. And the Constitution of the State of New Jersey. And that I will bear true faith and allegiance to the same. And to the government established in the United States and in this state, county and township. Under the authority of the people. And that I will faithfully, impartially and justly perform all the duties of the office of the Planning Board as Alternate Member I member of the Borough of Palisades Park according to the best of my ability, so help me God. MS. KIM: I. Jennifer H. Kim, do solemnly swear that I will support the Constitution of the United States. And the Constitution of the State of New Jersey. And that I will bear true faith and allegiance to the same. And to the government established in the United States and in this state, county and township. Under the authority of the people. And that I will faithfully, impartially and LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
6 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 CHAIRWOMAN STAR: Okay. This is the regular meeting of the Palisades Park Planning Board and I'd like to have Mr. Aufiero lead us in the Pledge of Allegiance. (Whereupon, all rise for a recitation of the Pledge of Allegiance as led by Vice Chairman Aufiero.) CHAIRWOMAN STAR: Good evening. This meeting has been duly advertised according to the New Jersey Open Public Meetings Act, Chapter 72 of the New Jersey public laws of 2025, and the amendments to Section 12 of the Municipal Land Use Law. Adequate notice of this meeting has been provided by posting a copy of the notice on the bulletin board on the first floor of the municipal building and on the borough legal posting website, and the statewide legal notices listing of the New Jersey Department of State. A copy of this notice is preserved in the clerk's office. Application documents and plans have been made available in the Planning Board office secretary's office in accordance with the law. Okay. Now we will have -- going to be swearing in a new Planning Board member, she's an LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	8 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 justly perform all the duties of the office of the Planning Board as Alternate Member I member of the Borough of Palisades Park according to the best of my ability, so help me God. MR. NOH: Congratulations. CHAIRWOMAN STAR: Okay. Roll call? SECRETARY HANRAHAN: Mayor Kim? (No Response.) SECRETARY HANRAHAN: Ms. Star? CHAIRWOMAN STAR: Here. SECRETARY HANRAHAN: Mr. Aufiero? VICE CHAIRMAN AUFIERO: Yes, here. SECRETARY HANRAHAN: Ms. Tarabocchia? MS. TARABOCCHIA: Here. SECRETARY HANRAHAN: Mr. Kang? (No Response.) SECRETARY HANRAHAN: Mr. Kang? MR. KANG: Yes, here. SECRETARY HANRAHAN: Mr. Kwak? COUNCILMAN KWAK: Just give me a second. I'll sit right there. SECRETARY HANRAHAN: Mr. Kwak? MS. TARABOCCHIA: Are you here, Mr. Kwak? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

9 1 COUNCILMAN KWAK: Yes, I am right here. 2 SECRETARY HANRAHAN: And, Ms. Kim? 3 MS. KIM: Yes. 4 CHAIRWOMAN STAR: Now, we all had time 5 to read the minutes, so may I have a motion to accept 6 the minutes from last month's meeting? 7 MS. TARABOCCHIA: I make a motion to 8 accept the minutes. 9 CHAIRWOMAN STAR: Thank you. 10 Do we have a second? 11 VICE CHAIRMAN AUFIERO: I'll second 12 them. 13 SECRETARY HANRAHAN: Star? 14 CHAIRWOMAN STAR: Yes. 15 SECRETARY HANRAHAN: Mr. Aufiero? 16 VICE CHAIRMAN AUFIERO: Yes. 17 COUNCILMAN KWAK: Yes. 18 SECRETARY HANRAHAN: Ms. Tarabocchia? 19 MS. TARABOCCHIA: Yes. 20 SECRETARY HANRAHAN: Mr. Kang? 21 MR. KANG: Yes. 22 SECRETARY HANRAHAN: Mr. Kwak? 23 COUNCILMAN KWAK: Yes. 24 CHAIRWOMAN STAR: Okay. And also the 25 bills from last month, may I have a motion that we LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	11 1 the July 22nd hearing. 2 At that hearing, we had discussed 3 comments from the Borough fire official. Last week 4 we did submit a response to that letter. It was 5 through Bowman through Mr. Eric Keller's office. 6 We've been in contact with the fire 7 official. We're going to be meeting with him next 8 week to go over those responses and hope to have 9 everything resolved before the next meeting in 10 September. 11 So we're not going to conclude this 12 evening. We'll address the fire comments at the next 13 hearing. We could, of course, provide a quick 14 overview of the response if the Board wishes to hear 15 that, Mr. Keller's available to do that, but we 16 thought this evening would be spent primarily 17 discussing the parking demand analysis that we had 18 submitted before the last hearing, as well as some 19 traffic issues. 20 I know that Mr. Kauker had not received 21 a copy of that submission before the last hearing and 22 Mr. Simoff was not available for that hearing. So we 23 thought this evening we'd have Mr. Keller testify 24 regarding those issues. 25 So without further ado, if I could have LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
10 1 pay the bills? 2 MR. KANG: I'll make a motion to pay 3 the bills. 4 CHAIRWOMAN STAR: Second? 5 VICE CHAIRMAN AUFIERO: I'll second. 6 COUNCILMAN KWAK: Second. 7 SECRETARY HANRAHAN: Star? 8 CHAIRWOMAN STAR: Yes. 9 SECRETARY HANRAHAN: Aufiero? 10 VICE CHAIRMAN AUFIERO: Yes. 11 SECRETARY HANRAHAN: Tarabocchia? 12 MS. TARABOCCHIA: Yes. 13 SECRETARY HANRAHAN: Mr. Kang? 14 MR. KANG: Yes. 15 SECRETARY HANRAHAN: Mr. Kwak? 16 COUNCILMAN KWAK: Yes. 17 CHAIRWOMAN STAR: Okay. 18 The first case tonight is SP09 site 19 plan, Fan Associations, LLC, 15 Grand Avenue. 20 MR. FLANNERY: Yes, good evening, Madam 21 Chair, Members of the Board. For the record, Peter 22 Flannery from the law firm of Bisgaier Hoff on behalf 23 of the applicant Fan Associates, 15 Grand Avenue 24 property here in Palisades Park. 25 This, of course, is a continuation from LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	12 1 Mr. Keller. He was previously sworn and qualified. 2 MR. KELLER: Good evening, everyone. 3 MR. NOH: Please raise your right hand, 4 sir. 5 Do you swear to tell the truth, nothing 6 but the truth pertaining to this application, so help 7 you God? 8 MR. KELLER: I do. 9 E R I C K E L L E R, P.E., P.P., LEED AP, 10 6 Campus Drive, 3rd Floor, Parsippany, New 11 Jersey, having been duly sworn, testifies as 12 Follows: 13 MR. NOH: Could you please give the 14 Board your name and spell your last name for the 15 record, sir? 16 MR. KELLER: Certainly. 17 Eric Keller, K-E-L-L-E-R, vice 18 president with Bowman Consulting. 19 MR. NOH: Thank you. 20 MR. FLANNERY: Thank you. 21 MR. KELLER: Do you want me to pull up 22 the site plan or -- 23 MR. FLANNERY: Yeah, I think we might. 24 So we're just going to present the rendered site plan 25 that we presented at the last hearing just to give LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

13 1 some context to the Board. 2 MR. KELLER: It is Exhibit A-16 that 3 was marked at the July 22nd meeting. 4 It's entitled "Site Plan Rendering" and 5 it's dated July 22nd of 2026. 6 MR. FLANNERY: Thank you. 7 DIRECT EXAMINATION 8 BY MR. FLANNERY: 9 Q. I know we might be repeating some 10 testimony from last hearing, but just to give you 11 another quick overview of the parking analysis and 12 then go into some of the site circulation use. 13 A. Yes. Here it is. 14 So we've prepared a transportation 15 demand management plan for the Grand Crossing. 16 It was dated July 8th of this year. 17 And it will go through all of the details that we're 18 focused on the shared parking which is on page 3. 19 Shared parking is the opportunity among 20 different individual uses to use the same parking 21 space. 22 Residential has its peak demand in the 23 evening, retail has that during the day and likewise 24 on the weekends. 25 So -- and the Urban Land Institute has LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	15 1 people are at work or out elsewhere, but they're not 2 available for use for anybody else, so they're not 3 part of our analysis. 4 So based upon that, we still have a 5 surplus based upon the Borough's parking standards 6 and the hourly variation as set forth by the ULI, we 7 have a minimum -- and this is at 7 o'clock at night, 8 of 14 available parking spaces. So we have enough 9 parking on site for the existing uses that are 10 remaining and the proposed residential use. 11 Now, on the weekend, which is in 12 Table 4, again we used the Borough parking standards. 13 For residential, we used data that is published by 14 Rutgers. They did a recent study on residential -- 15 on mid-rise multifamily buildings, because the RSIS 16 is not generally applicable and the RSIS also 17 publishes a maximum standard. 18 So using that, we come up with at 19 6 p.m., a surplus of 21 parking spaces. 20 Now, throughout most of the day, there 21 are many, many parking spaces available. So the site 22 is appropriately parked. We don't want to build more 23 parking than we need because that's a waste of land 24 and a waste of resources. 25 And we are in an urbanized environment, LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
14 1 a publication that they have called "Shared Parking, 2 Third Edition," and it lays out the hourly variation 3 of the various for each of the uses, and we use that 4 based upon the Borough -- well, in this case, we used 5 the Borough's parking standard which is not 6 applicable in the redevelopment zone. 7 In the redevelopment zone, this site 8 has a requirement for 329 parking spaces. It does 9 not establish the typical so many spaces per thousand 10 square feet or so many spaces per unit of 11 residential. We took that from the other parts of 12 the code for the purposes of doing our analysis. And 13 that is shown in Table 3 in a report. 14 And what that -- and that looks at the 15 residential units, the retail, which is the liquor 16 store, the fitness center, and the karaoke that is -- 17 those are three existing uses that will be remaining. 18 Karaoke is being relocated into the existing 19 multistory building. 20 Now, based upon that and looking at the 21 amount of parking required for each of the uses, 22 subtracting out those residential spaces that are 23 only for the residential. So at some points of the 24 day, there will be parking spaces set aside for the 25 residential uses that aren't being used because those LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	16 1 there is public transport available. And so we're 2 providing an appropriate amount of parking for all of 3 the uses on the site. 4 So that's what our transportation 5 demand management plan summarizes. There's a lot 6 more detail. I'm happy to answer any questions on 7 that. 8 BY MR. FLANNERY: 9 Q. And just one point of clarification, 10 this 329 total spaces, that contemplates the 175 11 residential units including affordables, as well as 12 all the commercial uses except for the restaurant -- 13 A. That is correct. 14 Q. -- on the property? 15 A. That's correct. 16 Q. And that's reflected in the 17 redevelopment plan and settlement agreement? 18 A. That is correct. 19 Q. Thank you. 20 A. So the other -- did you want me -- 21 Q. Sorry. There was a question from the 22 member of the public. I guess we can answer it now. 23 How many spaces, roughly, would be 24 allocated to the residential? I know there's a 25 shared parking concept. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

17 1 A. There's 186 reserved parking spaces. 2 When I did my site plan testimony, I guess two 3 meetings ago, we talked about that. 4 So we're providing a little over one 5 space for every unit. We have 175 units within the 6 building. 186 parking spaces will be reserved and 7 they're partially on the lowest level, the main 8 level, and then there's a few spaces on the first 9 residential level where there's parking. 10 Those spaces, they're gated, so they're 11 only accessible to the residents through either a key 12 card control, a key fob, some other -- some means 13 that only the residents will have access to that 14 portion of the garage. 15 The lowest level of the garage and all 16 of the spaces that are outside, whether they're on 17 the north side of the building or in front of the 18 residential lobby and to the south of the existing 19 building, all those surface spaces are available to 20 anybody on the property. They're reserved for 21 employees, for customers, for the people going to the 22 gym, and people going to the karaoke. 23 The residents can also use those 24 spaces, but primarily they're going to use the spaces 25 that are reserved for them. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	19 1 THE WITNESS: If you asked me this last 2 month, I would have had it right on the tip of my 3 tongue. 4 MR. SIMOFF: You just said 329. 5 THE WITNESS: 329 are required. 6 We have 334 provided. 7 COUNCILMAN KWAK: So we're at 152 right 8 now without the -- 9 THE WITNESS: We have 298 garage spaces 10 and there are 36 exterior spaces. 11 Now, out of the 298 spaces in the 12 garage, we have 112 that are available for anybody 13 coming to the site. 14 So we have 112 -- 148 parking spaces 15 that are available to employees, customers, patrons, 16 visitors, so... 17 COUNCILMAN KWAK: Now, regarding the 18 number of units, can you just -- I see we have 140 19 with 35. What's the breakdown on -- from your 20 knowledge, the study of how much per bedroom does 21 a -- on average does a family incur in terms of 22 number of cars? Because now we're looking at 23 175 units, 186 allotted to the residents. Some 24 people have many cars, two cars, three cars, whatever 25 you may have. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
18 1 CHAIRWOMAN STAR: And did you say that 2 they have -- you have designated guest parking for 3 someone who lives there has a person coming over? 4 THE WITNESS: There is visitor parking 5 and that would be in all the surface spaces; that 6 would be outside of that 186 reserved parking spaces. 7 The 186 spaces are just for residents. 8 I presume that if somebody -- a 9 resident gave their key fob or whatever to a friend 10 of theirs, they could park in that space, but that 11 would be up to the resident, so. But all of those 12 186 spaces are gate dropped. 13 COUNCILMAN KWAK: How many surface 14 parking spots are there? 15 THE WITNESS: Where is that? Sorry. I 16 testified before -- sorry, I've got to find my -- 17 okay. We have a total of 334 parking spaces on the 18 site. 19 COUNCILMAN KWAK: So you've got 186 out 20 of that? 21 THE WITNESS: Yeah, 186 and the garage, 22 and then there are -- 23 COUNCILMAN KWAK: So you've got 152. 24 THE WITNESS: Hold on. 25 COUNCILMAN KWAK: Sure. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	20 1 And then the other concern that I was 2 worried about was, as you said, sir, about the fob 3 key, giving it to a friend, that does happen and 4 whether they're using it -- 5 THE WITNESS: But they would have to 6 use it for their particular parking space. 7 COUNCILMAN KWAK: I'm sorry? 8 THE WITNESS: They would have to use it 9 for their particular parking space. 10 COUNCILMAN KWAK: Got it. 11 THE WITNESS: So the resident is going 12 to be assigned a space within that 186 and that's 13 going to be theirs. 14 So if they choose -- somebody may not 15 have a car. They may, you know, use Uber, you know, 16 public transportation, whatever. So if they have a 17 friend coming over, they can let them -- who has a 18 car, they can let them park in there. 19 The -- I don't recall the bedroom 20 breakdown, but the parking standards -- the 21 Borough's -- or RSIS parking standards, because the 22 Borough, that supercedes for residential, anything 23 that the Borough would have are based on the number 24 of bedrooms. 25 So -- but about three years ago, the LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

21 1 RSIS changed the standards to be a maximum. 2 Now, the Rutgers study that was done 3 probably around the same time found that one-bedroom 4 units were just -- had a parking demand of just under 5 one. I believe it was .98. Two bedrooms, I believe, 6 was 1.4. 7 The only three bedrooms we have are 8 what's required for the affordable units and those 9 are family units. So that third bedroom really is -- 10 or the second and third are for children. 11 So that's why when we use the 1.4 in 12 our shared parking analysis, that was based on the 13 Rutgers data. So that is a blend based upon the unit 14 mix within -- actually, hold on. 15 We have 98 one-bedroom units, we have 16 70 two-bedroom units, and we have seven three-bedroom 17 units. Those seven three-bedroom units are all 18 affordables, so... 19 COUNCILMAN KWAK: Yes. 20 THE WITNESS: Because we're required to 21 provide 35 affordable units, you have to provide at 22 least 20 percent three bedrooms, so we're providing 23 that. We're providing seven one-bedroom affordable 24 units, so we have 21 two-bedroom affordable units. 25 So there's 91 market one-bedroom units and 49 market LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	23 1 that, like home health aides, delivery services, 2 maintenance people, just family members, things like 3 that. 4 On top of the 36, would you say is that 5 sufficient enough, as well as -- also my follow-up 6 question was the 112 parking spaces, sir, where is -- 7 where are the additional outside resident parking 8 located? That's in the back, correct? In terms of 9 how ease of access is it for them to get to the 10 residential parking? 11 THE WITNESS: So the 112 unrestricted 12 parking spaces are on the ground level of the parking 13 structure. That's accessible from the driveway on 14 the north side of the building. 15 Now, when we submitted this plan, we 16 have an internal connection within the site. So you 17 can easily -- if entered the south driveway, travel 18 through the site underneath the building and come 19 down to these spaces, come into the garage and park 20 in these spaces. If you enter at the north driveway 21 and, you know, you want to come up to the top, you 22 can also do that. 23 So there is full circulation between 24 the northern parking -- surface parking area, the 25 open garage spaces, and those parking -- that parking LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
22 1 two-bedroom units. 2 COUNCILMAN KWAK: Thank you. 3 Now, regarding the surface area 4 parking -- I'm sorry to take everybody's time, I just 5 had some questions about this. 6 Regarding the 36 parking, surface 7 parking that will be -- I know that with these 8 large-scale developments, we have a lot of people in 9 terms of coming in and out. So a lot of guests, a 10 lot of people who are working from home, seniors, and 11 things of that nature. 12 MR. NOH: Councilman, would you mind 13 speaking up? 14 COUNCILMAN KWAK: Sure. Is this better 15 yeah? Good? 16 CHAIRWOMAN STAR: Would you use the 17 microphone? 18 MR. KANG: That one works, but 19 somehow -- 20 THE WITNESS: I mean, I can hear him. 21 I just don't know if you're having trouble. 22 COUNCILMAN KWAK: So regarding the 23 surface parking, I know that with these large-scale 24 developments, what we tend to have is a lot of high 25 traffic when it comes to guest parking, things of LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	24 1 in the front. 2 There's parking in the front is -- you 3 know, we have some handicap spots, we -- it would 4 be -- because the liquor store is very much in and 5 out, you know, they don't stay very long. 6 COUNCILMAN KWAK: They don't stay for 7 long. 8 THE WITNESS: Right. They get what 9 they need and they're out. 10 So we have parking spaces facing that 11 building that would be available. And also, should 12 there be any other spaces here, there would be 13 spaces -- there's a drop-off area right in front. So 14 if you have DoorDash, Uber Eats, the Amazon guy, they 15 have a spot right in front, they go in, they leave 16 the package with -- the front desk, the mail drops 17 off, you know, their stuff. 18 So, and there's also a loading area 19 down at the back, so that doubles for deliveries, 20 trash pick-up. The trash room is in the corner of 21 the building by the Number 4 that calls out 22 four-story building. So the trash, the truck would 23 park there, they would wheel -- the maintenance 24 people would bring the trash out, load it into the 25 truck, and the truck would then leave. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

25 1 So, you know, we have a lot of internal 2 circulation. We have enough parking to meet the 3 need. And that was the reason -- besides it's a 4 checklist requirement -- of doing the transportation 5 demand management report was to show that we had 6 enough parking, because this is a little different in 7 that there wasn't, you know, so many spaces per 8 square foot or so many spaces per unit. So we looked 9 at a methodology to come up and say yes, we have 10 enough parking based upon the Borough standard. 11 COUNCILMAN KWAK: Got it. Thank you. 12 THE WITNESS: You're welcome. 13 CHAIRWOMAN STAR: Do we have any 14 questions from the professionals? 15 MR. SIMOFF: Well, Eric, you have 194 16 occupants in the fitness center. 17 THE WITNESS: Right. 18 MR. SIMOFF: How did you calculate 19 that? 20 THE WITNESS: That's based on -- that's 21 the number we've always used. I believe it's the 22 occupancy of the building. 23 MR. SIMOFF: That's the fire occupancy? 24 THE WITNESS: I don't know if it's the 25 fire occupancy. It's, you know, based upon -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	27 1 THE WITNESS: I don't remember the 2 specific. 3 MR. SIMOFF: But there's one floor that 4 doesn't seem to be occupied from the outside that has 5 the entire floor? 6 THE WITNESS: Not that I'm aware of, 7 but, I mean, the fitness center occupies more than -- 8 I think three floors, three floors. So it may look 9 like it's not used, but -- 10 MR. SIMOFF: So that's the only use in 11 the building, the tower? 12 THE WITNESS: Well, in the -- in the 13 upper floors, the liquor store is on the ground 14 floor. The karaoke is in the basement along with the 15 storage and mechanical space and things like that. 16 And in the very top floor is the 17 cellular equipment and they have an office with it, 18 but, I mean, they're never there. It's a space for 19 them to work when they are testing equipment. 20 MR. SIMOFF: And there's three stories 21 of fitness? 22 THE WITNESS: Yes. 23 MR. SIMOFF: Okay. 24 COUNCILMAN KWAK: It gets packed in 25 there, Hal. It gets busy in there at 5 o'clock. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
26 1 MR. SIMOFF: Because the ordinance says 2 fire occupancy. 3 THE WITNESS: It's -- I don't recall 4 the specifics. That's the number we have used since 5 day one on this. 6 MR. SIMOFF: And another question I 7 raised in my memo, is does the fitness center take up 8 the whole building? 9 THE WITNESS: No. 10 MR. SIMOFF: Is there vacant space? 11 THE WITNESS: Well, it takes up most of 12 the building. It's on a couple of floors. 13 We have the liquor store. There is 14 storage space that doesn't generate any kind of 15 traffic or parking demand. And then we have the 16 karaoke in the basement. And then there's cellular 17 equipment on the upper floor. 18 MR. SIMOFF: Because when we're looking 19 at the -- I haven't been in the building, but looking 20 at the outside of the building, there's one or two 21 floors on the top. 22 THE WITNESS: The very top floor is all 23 the cellular tower and there's -- 24 MR. SIMOFF: That's a small portion, 25 right? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	28 1 MR. SIMOFF: So you might be more than 2 194. 3 COUNCILMAN KWAK: It gets packed. It 4 gets packed. It gets packed. 5 THE WITNESS: But remember, with the 6 residential -- 7 COUNCILMAN KWAK: The 112 that we're 8 going to have. 9 THE WITNESS: Well, I'm just talking 10 about the people who live in this building can become 11 patrons of this and they're not going to drive 12 because they're going to walk over and use that. 13 COUNCILMAN KWAK: Correct. I'm talking 14 about what's existing now, the members who are there, 15 you know, that's all. It's always tough to find 16 parking. 17 THE WITNESS: I don't remember where 18 the number came from, but we didn't just make it up. 19 COUNCILMAN KWAK: Okay. Thank you. 20 This may be just a suggestion, I 21 apologize, but is there a way to ask Fitness Factory 22 the number of active members they have now just to 23 get a baseline number of how much traffic is 24 currently ongoing on the site? 25 THE WITNESS: We can contact them. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

29 1 MR. FLANNERY: Yeah, we can get that 2 information. 3 COUNCILMAN KWAK: Thank you. 4 MR. SIMOFF: Or they probably have -- 5 they really have information on how many people show 6 up at peak times. 7 THE WITNESS: Yeah, we can see what 8 they have. We'll get what we can from them. 9 COUNCILMAN KWAK: Thank you. 10 MR. SIMOFF: And then the other 11 question or comment that I had, I downloaded the 12 Parking Generation Manual, the Sixth Edition, which 13 gives the ratio of parking. So their peaks are 14 different than your peaks. 15 THE WITNESS: I used ULI. I used 16 one -- 17 MR. SIMOFF: The ITE is a recent study 18 which would be more accurate, I would think more 19 accurate percentages of -- because they say that on 20 Saturday, the peak demand is about 10 o'clock in the 21 morning. 22 THE WITNESS: For what? For 23 residential? 24 MR. SIMOFF: No, for health, for the 25 health fitness, where you show -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	31 1 COUNCILMAN KWAK: All of that and then 2 some. 3 THE WITNESS: But it's not. 4 COUNCILMAN KWAK: Right, not all 194 5 are coming in at the same time. 6 THE WITNESS: Correct. 7 COUNCILMAN KWAK: But I will say that 8 when you're talking about the 6 o'clock, the three 9 levels that are active -- because I do use that gym, 10 it's \$30 a month, so it's the best deal out there, 11 so -- but it is a massive amount of influx when it 12 comes to around 6 o'clock. It doesn't die down till 13 maybe about 8, 9 o'clock. If I go from different 14 hours, that's just what I see on a weekly weekday 15 basis, sir. 16 And I even took some pictures outside 17 of -- on Grand Avenue just to see -- obviously, I'm 18 not going to enter it into the exhibit, but I will 19 let the Board know that the traffic that just pulls 20 up around 5:30, 6 o'clock just on Grand Avenue alone, 21 it stretches past West Ruby, it stretches past Henry, 22 and that traffic light really just brings a lot of 23 trepidation and stuff like that for that area. 24 THE WITNESS: Understood. I'm not 25 going to stand here and tell you that there's no LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
30 1 THE WITNESS: Well, I have a peak -- on 2 a weekend it's 9 a.m., it's 11 a.m., it's 12 noon. 3 MR. SIMOFF: Yeah, it's about half. 4 THE WITNESS: Actually, the ULI has it 5 in the afternoon peak. 6 MR. SIMOFF: And then on the weekday 7 peak hours, the ITE says that the peak occurs at 8 6 o'clock at night. 9 THE WITNESS: For which use? 10 MR. SIMOFF: The health club. 11 THE WITNESS: Okay. 12 MR. SIMOFF: So I guess that's 13 comparable to what you have, just a couple hours off, 14 but I think also -- 15 THE WITNESS: On the weekday we have a 16 peak at 6 o'clock. 17 MR. SIMOFF: Yeah, and I think that's 18 the same as the ITE, so -- but I think that maybe you 19 want to look at the ITE numbers because they're more 20 accurate, they're more later calculation, use those 21 percentages. 22 And then, you know, then also I think, 23 because you're saying the maximum occupancy is 194 24 people in the health club and if the occupancy is one 25 per car, you used up all the -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	32 1 traffic problems out there, but they're there today. 2 COUNCILMAN KWAK: Correct. 3 THE WITNESS: And, you know, we had 4 submitted a trip generation summary to both the 5 Borough and to the DOT using the DOT's trip rates 6 which are old. We're on the 12th edition of the Trip 7 Generation Manual, the State still uses the 10th, but 8 it's their highway, so we use that data. And you 9 have a restaurant use that's there today that is 10 going away. 11 COUNCILMAN KWAK: Correct. 12 THE WITNESS: And, yes, the 175 units 13 will generate traffic, but it's more than offset by 14 the traffic that will no longer be generated by the 15 restaurant. 16 I understand that the restaurant is not 17 open today, but if this project didn't happen, you 18 got a full restaurant in there, it's not going to sit 19 there vacant. It has a right to put it back into 20 operation, lease it out, have somebody operate it as 21 a restaurant, and it's going to generate more traffic 22 than what we're proposing. 23 MR. SIMOFF: If maybe I could get on 24 the soap box at this point. 25 We have, I believe at Leems, about LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

33 1 130 units of residential and 175,000 square feet of 2 commercial. 3 THE WITNESS: I thought it was 4 500 units. 5 COUNCILMAN KWAK: Yeah, 500, 489, 6 something like that. 7 MR. SIMOFF: Yeah, 500 and the 8 20 percent was affordable, but we have 500 units in 9 Loom, Leems, Looms. 10 COUNCILMAN KWAK: Leems. 11 MR. SIMOFF: We have 175,000 square 12 feet of retail commercial. We have this project and 13 we have gridlock. 14 COUNCILMAN KWAK: Existing, existing 15 gridlock. 16 MR. SIMOFF: And each says, well, we 17 don't have to do anything. Each applicant says, you 18 know, we're not -- we're not adding traffic beyond 19 what's existing. 20 But the reality is that the Borough has 21 to be concerned, the DOT has got to be concerned 22 about how do we cope with these problems and come up 23 with a fair analysis of how the impact should be 24 addressed between these two developments. And then 25 we have Tamares also, a third application further LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	35 1 So I'm not suggesting it. Alls I want 2 to do is this is a fact, this is a trip generation 3 that we're required to do in this case, and when we 4 talk about fair share, that's not what we're talking 5 about. 6 As far as the DOT goes and what our 7 obligation is just from a traffic volume perspective 8 is that we're comparing what is there today, what 9 exists, what they have rights to versus what is going 10 to be there with the proposed residential 11 development. 12 The highway improvements along Grand 13 Avenue are a separate, though related discussion. 14 We're not saying that there aren't needs out there. 15 There are existing needs that are -- you know, just 16 general background, there's a problem today. There's 17 been a problem -- I've been working on this site for 18 five years. There was a problem five years ago. 19 COUNCILMAN KWAK: Right. 20 THE WITNESS: Six years ago not so much 21 because it was the middle of the pandemic. 22 But, you know, there is an obligation 23 under the law under the State Highway Access 24 Management Code a responsible charge to anybody who 25 develops along the roadway, both from a design LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
34 1 north. 2 So, you know, just to put our head in 3 the sand and say nothing is -- we don't have to do 4 anything, we're satisfied with living what it is, it 5 doesn't work that way. 6 And that's the -- we have to come to a 7 way of developing a contribution issue where each 8 applicant does something and we have a -- because we 9 have two or three projects that are a go. 10 THE WITNESS: I'm not suggesting that 11 we're putting our heads in the sand and we're saying 12 that we have no obligation. What I'm talking about 13 is an accepted process what I have to submit, what we 14 have submitted to DOT. 15 COUNCILMAN KWAK: Right. 16 THE WITNESS: Grand Avenue is a State 17 highway, not that the Borough doesn't have skin in 18 the game, you certainly do, you live here, but we're 19 guided by what DOT says. 20 We have had discussions with them. We 21 had discussions among -- between Leems and Grand 22 Crossing. There are improvement plans. We have a 23 court settlement agreement. We have a 24 court-appointed engineer looking over this as well, 25 in addition to the Borough engineer. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	36 1 perspective and from a traffic perspective. And 2 we're not shirking that, but this is one aspect of it 3 of talking about how much traffic will be generated. 4 So believe me, we're having many, many 5 discussions about roadway improvements. Leems has 6 their own plan, I'm not going to talk about them, 7 their attorney is here. 8 Alls I'm saying is that we've had 9 meetings with them, with the court-appointed engineer 10 with the DOT. Those discussions are ongoing, but 11 that ultimately what happens along Grand Avenue, it's 12 the DOJ's -- well, it's their jurisdiction. They 13 will determine what any of us can do, so... 14 CHAIRWOMAN STAR: Okay. 15 MR. SIMOFF: Do you have a plan? 16 THE WITNESS: We're working on it. 17 MR. FLANNERY: Just to clarify, the 18 plan before the Board is this plan where it's a 19 self-contained site within the Fan property. And 20 that's what was approved by the Court and that's 21 what's approved by the redevelopment plan. 22 So this is an as-of-right application, 23 and that's what we're presenting to the Board 24 tonight. If there were any changes, we'd have to 25 file amended plans which is just not happening at LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

37 1 this time. 2 COUNCILMAN KWAK: Until maybe perhaps 3 after conferring with DOT, correct, if there are any 4 remediation to alter the plans? 5 MR. FLANNERY: To be clear, the 6 option -- the course right now is to get an approval 7 by this Board and then go to DOT. And if DOT 8 requires changes, we'll have to come back to this 9 Board. And if somehow we can reach an agreement on 10 an alternative plan, we'll submit revised plans. But 11 for now, we're presenting this plan, we're seeking 12 approval of this plan. 13 COUNCILMAN KWAK: And Counsel, may I 14 just ask just to confirm, you said that there was 15 discussion with Leems Corp. in order to -- perhaps 16 maybe do right by the Borough, right, Hal? 17 MR. SIMOFF: When we went to DOT about 18 a month ago, five weeks ago, there was talk of a 19 combined driveway. 20 COUNCILMAN KWAK: Shared driveway. 21 MR. SIMOFF: Shared driveway. 22 COUNCILMAN KWAK: And has that been -- 23 MR. FLANNERY: I'm not going to discuss 24 that in detail. Talks are ongoing, there's no 25 agreement right now, and there's no requirement of LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	39 1 gonna, oh, look, we have, you know -- 2 COUNCILMAN KWAK: 500 plus. 3 THE WITNESS: -- 675 units over here, 4 maybe we should run a bus down there. Until they, 5 you know, get an actual -- the buildings are built 6 and they see a demand, then -- they're a reactive 7 agency more so than they are in most cases proactive. 8 I mean, it's easier with buses because 9 they're not fixed to a route, you can modify the 10 route as long as it doesn't mess up -- and I'm not a 11 bus transit expert. Obviously, rail is a lot more 12 difficult to change. 13 I mean, sometime in the future, the -- 14 what is now the Hudson Light Rail system, which is 15 supposed to be the Bergen Hudson Light Rail, not one 16 part of it is in Bergen County yet. It runs on a 17 track behind us, so, you know, but... 18 COUNCILMAN KWAK: Correct. 19 THE WITNESS: That's -- that's out 20 there at some point. You know, that's a bigger 21 public policy thing; that's not a development-driven 22 entity. 23 COUNCILMAN KWAK: Okay. Thank you. 24 And with DOT, has there been any 25 discussion, whether ongoing or not, to create a new LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
38 1 doing that. DOT has not said that's what we want, 2 they just suggested, hey, look into it. 3 COUNCILMAN KWAK: Has there been any 4 discussion -- when you were talking about public 5 transportation -- 6 THE COURT REPORTER: Just speak a 7 little louder. 8 COUNCILMAN KWAK: Sorry. 9 THE COURT REPORTER: That's okay. It's 10 okay. 11 COUNCILMAN KWAK: So when it comes to 12 public transportation, has there been any discussion 13 with DOT in terms of adding -- I know we have one bus 14 line over there in front on Grand. Has there been 15 anything in terms of -- any alternatives to alleviate 16 any congestion from pick-up and drop-off in that area 17 or maybe adding another site, pick-up for people who 18 may be commuting? Because I'm sure we also have a 19 lot of commuters potentially in this building, not 20 just, you know, not just drivers. 21 THE WITNESS: You know, that's a New 22 Jersey Transit issue on that. And they're driven, 23 obviously, by ridership, so... 24 COUNCILMAN KWAK: Existing ridership. 25 THE WITNESS: Right. They're not LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	40 1 access way, whether through in conjunction of the 2 partnership with Leems and Fan to create a Route 46 3 on-ramp and off- -- I mean an off-ramp to alleviate 4 that Grand Avenue potential traffic? 5 Because that is our main concern, 6 right, that -- that cross intersection that's going 7 to -- where you have one yield here and then the 8 other crossway, and then you're going straight to 9 Ridgefield right by the bridge right next to your 10 property, has there been any discussions to maybe 11 find an alternative within your site or shared site 12 agreement to create something like that, by any 13 chance? 14 MR. SIMOFF: I think that Leems is 15 talking about that, about winding that off-ramp. 16 COUNCILMAN KWAK: Beautiful. Thank 17 you. 18 MR. FLANNERY: Just to be clear, look, 19 that's not what's proposed right now. 20 COUNCILMAN KWAK: No, correct. 21 MR. FLANNERY: It's possible DOT is 22 going to require it. 23 COUNCILMAN KWAK: That's all I'm 24 asking. 25 MR. FLANNERY: I know Leems has LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

41 1 improvements to that. 2 CHAIRWOMAN STAR: Okay. Do any of the 3 professionals -- no, we're not doing the public yet. 4 Professionals? 5 MR. KAUKER: I have nothing. 6 MS. LOULLOUDIS: I have nothing. 7 CHAIRWOMAN STAR: Any other concerns 8 from the Board now? 9 Now I'll have a motion to open to the 10 public. 11 COUNCILMAN KWAK: I'll make a motion. 12 MR. KANG: I'll second it. 13 MR. NOH: All in favor? 14 (Whereupon, all present members respond 15 in the affirmative.) 16 CHAIRWOMAN STAR: Okay. Does anyone 17 from the public would like to -- yes. 18 THE COURT REPORTER: Just remind me of 19 your name, ma'am. 20 MS. COMAS: Melanie Comes, C-O-M-A-S. 21 CHAIRWOMAN STAR: Excuse me. The 22 public has three minutes to speak. 23 MS. COMAS: First thing I wanted to 24 know is, do you have -- 25 CHAIRWOMAN STAR: You have to state LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	43 1 THE WITNESS: That's why we presented 2 what the building will look like, the different floor 3 elevations. I'm a site engineer. I'm showing the 4 circulation and where the surface parking is. The 5 architect described everything else. 6 MS. COMAS: But, I don't see it. 7 THE WITNESS: All the stuff inside the 8 building is not on my plan. That's not my -- 9 MS. COMAS: Even so, it just looks a 10 lot of gray and that's it, but one big page that says 11 what exactly is there. The 175 units, are they 12 individual, like houses? 13 THE WITNESS: They're apartments. 175 14 apartments. 15 MS. COMAS: And how many units? And 16 how many buildings? 17 THE WITNESS: One building. 18 MS. COMAS: Oh, the whole thing is just 19 one? 20 MR. FLANNERY: The residential 21 building. 22 THE WITNESS: This is a residential 23 building, this gray here, and it's four stories of 24 residential living over two levels of parking, and 25 then there's outdoor courtyards. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
42 1 your name, please. 2 COUNCILMAN KWAK: You have to state 3 your name, ma'am. 4 MS. COMAS: Melanie Comas. 5 MR. NOH: State your address, please. 6 MS. COMAS: 83 West Harwood Terrace. 7 Do you want me to stand up? 8 MR. FLANNERY: No, that's fine. 9 MS. COMAS: The one thing that I don't 10 see is a good rendition of what's going on in that 11 property. This to me looks like mumbo jumbo. I 12 can't figure out what the heck's going on. 13 Isn't there a clear rendition of where 14 your units are and where the parking would be and 15 where this would be and that would be, you know, 16 coming into the place, going out? 17 Now, are these units? 18 THE WITNESS: Well, just to answer 19 that, the architect discussed that at last month's 20 meeting. 21 MS. COMAS: Well, I was at last month's 22 meeting, but I don't remember this. But still, I 23 mean, what do I see there? I don't know what's what. 24 I mean, I'm very picky about what, you know, if I'm 25 looking at something, I want to make it clear. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	44 1 So the apartments are on the -- four 2 floors of the building. 3 MS. COMAS: So there's no individual 4 housing, no house. 5 THE WITNESS: No, there's no house. 6 It's an apartment. 7 MS. COMAS: And there are no garages, 8 the individual garages or anything? 9 THE WITNESS: No, it's a parking garage 10 underneath. 11 MS. COMAS: Oh, underground. 12 THE WITNESS: No, it's aboveground, but 13 it's underneath the building. 14 MS. COMAS: But still, you know, we're 15 talking about how many people would be -- first of 16 all, how many cars each apartment would have. I say 17 most people have two cars, so... 18 THE WITNESS: That's not what we find 19 in apartment living. We're using an average of 1.4 20 spaces required for every apartment. There's a lot 21 of one-bedroom apartments. Most of the building is 22 one-bedroom apartments. 23 MS. COMAS: I actually don't see that 24 that's enough parking. 25 THE WITNESS: It complies with the LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

45 1 code. 2 MS. COMAS: The code is not so good. 3 Now, let me ask you something, can we 4 see -- I mean, at the next meeting, if we're going to 5 have one, to bring something that really shows what's 6 there, even if it's little boxes where this is, where 7 that is, where the -- 8 THE WITNESS: We can, you know. 9 MR. FLANNERY: We can bring it again. 10 CHAIRWOMAN STAR: We did that already. 11 MR. FLANNERY: These are materials that 12 have been presented to the Board and they're actually 13 available at the Planning Board office. 14 MS. COMAS: Well, if this is what I'm 15 going to go there to look at, it doesn't help. 16 THE WITNESS: No, the -- 17 MR. FLANNERY: They're actual 18 elevations of the building and floor plans and a lot 19 of information. 20 MS. COMAS: Not looking at it. It's 21 just to take a big, big, you know, whatever you take 22 there. 23 THE WITNESS: There's -- what the 24 architect testified to at the last meeting, which are 25 on large-size plans, are all at the Planning Board LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	47 1 MS. TARABOCCHIA: She wants an actual 2 model. 3 MS. COMAS: All right. What's this? 4 COUNCILMAN KWAK: This is another 5 property, just -- 6 MS. COMAS: I know, but this is on that 7 one piece of property? 8 COUNCILMAN KWAK: Correct, but this 9 is -- these are not the general -- 10 MS. COMAS: But where are these extra 11 parking spaces for the residential units? 12 COUNCILMAN KWAK: I'll show you. See 13 right here? You see these things all -- 14 MS. COMAS: But where are the extra 15 ones? 16 COUNCILMAN KWAK: Extra ones? You have 17 to kind of take their information, right, in terms of 18 what they're providing or what they're asking in 19 terms of, oh, I got 112 here, that's what it will 20 show you. 21 So they'll -- you'll have that 22 information in these plans. So this is something 23 that we can do and you can actually look at all of 24 this and you'll see here, see parking spots, 25 everything that you wanted to see. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
46 1 office. All the floors, what the building will look 2 like. There's -- I don't know, it's a 16- or 3 17-sheet set, I believe. 4 MS. COMAS: Well, I don't think we need 5 that. I think we need one big, however big that will 6 be, and then you show where they could come in, where 7 they come out. 8 THE WITNESS: Well, it takes multiple 9 sheets. 10 MR. NOH: Okay, ma'am, finish up, 11 please. 12 MS. COMAS: You don't have to get 13 fancy. What? 14 COUNCILMAN KWAK: Council President, do 15 you mind if I just have her come over and I could 16 just show her what sheet she may be requesting? 17 MR. FLANNERY: Sure. 18 COUNCILMAN KWAK: Do you mind coming 19 over? Or I could come to you. Don't move. This 20 will be something that you will see that you can 21 provide on the plan. This is something that you can 22 see from the Planning Board. Okay? So you'll see 23 this once you go to the office. They'll give you -- 24 CHAIRWOMAN STAR: While she's doing 25 that, can we move on? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	48 1 MS. COMAS: But they're one parking? 2 COUNCILMAN KWAK: This is one, correct. 3 This is what was approved -- 4 MS. COMAS: But 175, what is it? 5 MR. FLANNERY: 175 -- 6 MS. COMAS: Apartments, you're saying 7 apartments, correct? 175 and 186 reserved, so 8 everybody gets one and then you get what? 9 COUNCILMAN KWAK: And then you get a 10 couple lower. 11 MS. COMAS: So where are they going to 12 park the extra cars? 13 COUNCILMAN KWAK: We have 112. 14 MS. COMAS: 25, 50 feet away? 15 COUNCILMAN KWAK: We have 112 extra 16 within this space here. So it's multilevel parking. 17 You see these guys, we got extra here. 18 MR. FLANNERY: And those apartments. 19 COUNCILMAN KWAK: So these are the 20 apartment colors, so you'll have all this. Go to the 21 Planning Board office. I'll give you my card. I'll 22 help you out to look over these plans and answer any 23 questions. All right? 24 MR. FLANNERY: And we can address any 25 questions at the next hearing too. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

49 1 COUNCILMAN KWAK: Yes. 2 MS. COMAS: All right. But the other 3 thing is -- 4 CHAIRWOMAN STAR: No, ma'am, that's it. 5 MR. NOH: We need to move on. So you 6 can contact the Planning Board office and they'll 7 help you out. 8 MS. COMAS: I have one sentence. That 9 property and damage of these extra participants, 10 extra units does not help the traffic problem at all. 11 You can't -- there's no way. I don't care, the DOT 12 or who, they're not going to be able to stop the mess 13 that's over there by the corner. Your individual is 14 fine. 15 MR. NOH: All right, ma'am. 16 Thank you. 17 CHAIRWOMAN STAR: Okay. Anyone else 18 from the public? 19 (No Response.) 20 CHAIRWOMAN STAR: No? We'll close that 21 portion. 22 COUNCILMAN KWAK: I'll make a motion to 23 close. 24 MR. KANG: I'll second it. 25 MR. NOH: All in agreement? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	51 1 Second? 2 COUNCILMAN KWAK: I'll second. 3 CHAIRWOMAN STAR: Chris Number 2 4 second. 5 COUNCILMAN KWAK: Chris Number 2. 6 MR. NOH: Roll call. 7 SECRETARY HANRAHAN: Star? 8 CHAIRWOMAN STAR: Yes. 9 MR. HANRAHAN: Mr. Aufiero? 10 VICE CHAIRMAN AUFIERO: Yes. 11 SECRETARY HANRAHAN: Ms. Tarabocchia? 12 MS. TARABOCCHIA: Yes. 13 SECRETARY HANRAHAN: Mr. Kang? 14 MR. KANG: Yes. 15 SECRETARY HANRAHAN: Mr. Kwak? 16 COUNCILMAN KWAK: Yes. 17 MR. FLANNERY: Thank you. 18 MR. NOH: So Case 25-SP09, the site 19 plan for Fan Associates, LLC, is being carried to our 20 next regular meeting September 23rd, 2026, at 7 p.m. 21 at the Borough Hall right here. 22 CHAIRWOMAN STAR: Let's make a motion 23 to take a five-minute break. 24 MR. KANG: I'll make a motion. 25 COUNCILMAN KWAK: I'll second. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
50 1 (Whereupon, all present members respond 2 in the affirmative.) 3 MR. FLANNERY: That's all we have for 4 this evening in terms of direct testimony. Like I 5 said, we'll return the next meeting, we'll discuss 6 the fire issues by then, and may be in a position to 7 wrap up for a vote. 8 CHAIRWOMAN STAR: Okay. The next 9 meeting is? 10 SECRETARY HANRAHAN: The 23rd. 11 MR. NOH: September 23rd at 7 p.m. 12 here. We can make a motion to carry this to 13 September 23rd, 2026, at 7 p.m. And Peter, would you 14 mind doing the renotice? 15 MR. FLANNERY: Renotice, yeah, I can 16 renotice, that's fine. 17 MR. NOH: Make a motion to carry this 18 matter? 19 VICE CHAIRMAN AUFIERO: I'll make a 20 motion to carry it to next month's meeting. 21 CHAIRWOMAN STAR: To September 23rd. 22 MS. TARABOCCHIA: With a need to 23 renotice the public, is that what we're doing? 24 MR. NOH: Yes. 25 CHAIRWOMAN STAR: Chris made a motion. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	52 1 MR. NOH: All in agreement? 2 (Whereupon, all present members respond 3 in the affirmative.) 4 (Whereupon, a brief recess is held at 5 8:09 p.m. to 8:37 p.m. Vice Chairman Aufiero 6 is no longer present.) 7 CHAIRWOMAN STAR: Okay. Can we have a 8 motion, please, to reopen the meeting. 9 MR. KANG: I'll make a motion to open. 10 CHAIRWOMAN STAR: Second. 11 MS. TARABOCCHIA: I'll second. 12 MR. NOH: And let the record reflect 13 that the vice chairperson, Chris Aufiero, has left 14 the meeting. Okay? 15 MS. TARABOCCHIA: During the break. 16 MR. NOH: During the break. And we 17 still have a quorum, so we don't need to do a roll 18 call. 19 CHAIRWOMAN STAR: All right. So the 20 next case -- this one? 21 MR. NOH: Yeah, first. 22 CHAIRWOMAN STAR: Okay. SP17, 23 extension of Resolution 24-SP17, which was approved 24 on September 25th, 2024, located at 208 Columbus 25 Avenue. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

53 1 MR. LEE: Good evening, Madam Chair and 2 members of the Board. Daniel Lee representing the 3 applicant. 4 Yes, this resolution was approved by 5 the Board two years ago, 2024 in September, and 6 because of some family issues and health issues, the 7 applicant could not proceed with the construction as 8 originally planned, and is now here before the Board 9 to ask for an extension from the expiration date. 10 CHAIRWOMAN STAR: Did you say one year? 11 You said one year? 12 MR. LEE: It was one-year extension 13 granted. 14 MR. NOH: Well, first of all, it's good 15 for two years and then you can apply for one-year 16 extension for three times. 17 MR. LEE: That's right. So this time 18 will be the first extension request for one year. 19 CHAIRWOMAN STAR: First extension. 20 Okay. 21 MR. NOH: And the Board has to decide 22 if the reason is reasonable. So what was the reason 23 for the extension? 24 MR. LEE: Some family issues. The 25 principal of the LLC had some health issues, personal LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	55 1 MS. TARABOCCHIA: Is the current 2 residence still there? 3 MR. LEE: The current residence is 4 still there. 5 MS. TARABOCCHIA: Okay. 6 CHAIRWOMAN STAR: Any other questions? 7 No? Okay. 8 COUNCILMAN KWAK: I'm sorry, just have 9 there been any amendments to the proposal or anything 10 within the two years? No? 11 MR. LEE: No, no amendments, no, no. 12 MR. KANG: So just the extent, same 13 approval, right? 14 MR. LEE: Same approval, one-year 15 extension. 16 MR. NOH: So one year, that will take 17 us to September 25th, 2027. 18 MR. LEE: Correct. 19 CHAIRWOMAN STAR: Okay. 20 MR. NOH: Did we vote? 21 MR. KANG: Okay. I'll make a motion to 22 approve the extension. 23 CHAIRWOMAN STAR: Okay. Second? 24 Do we have a second? 25 MS. TARABOCCHIA: I'll second it. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
54 1 health issues. 2 MR. NOH: Okay. So does the Board have 3 any questions? 4 CHAIRWOMAN STAR: Does anyone have a 5 question or concern about this? 6 COUNCILMAN KWAK: Is there a reason -- 7 the medical condition, is he unable to work right 8 now? 9 MR. LEE: Yeah, the main principal was 10 in the hospital for three months. 11 COUNCILMAN KWAK: Three months? 12 MR. LEE: Okay. 13 COUNCILMAN KWAK: Okay. 14 CHAIRWOMAN STAR: Any other questions 15 or concerns? So you can make a motion to -- 16 MS. TARABOCCHIA: Could you just tell 17 me what you were doing -- what was the -- I wasn't 18 here for the application when it was approved in '24. 19 Can you just reiterate the -- was it a one-family? 20 Two-family? 21 MR. LEE: It's a two-family structure, 22 top and bottom. 23 MS. TARABOCCHIA: Top and bottom. 24 Six-over-six development? 25 MR. LEE: Correct. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	56 1 SECRETARY HANRAHAN: Star? 2 CHAIRWOMAN STAR: Yes. 3 SECRETARY HANRAHAN: Tarabocchia? 4 MS. TARABOCCHIA: Yes. 5 SECRETARY HANRAHAN: Mr. Kang? 6 MR. KANG: Yes. 7 SECRETARY HANRAHAN: Mr. Kwak? 8 COUNCILMAN KWAK: Yes. 9 SECRETARY HANRAHAN: And Ms. Kim? 10 MS. KIM: Yes. 11 CHAIRWOMAN STAR: Okay. 12 MR. LEE: Thank you. 13 CHAIRWOMAN STAR: All right. Now we're 14 going to -- now, next case, Case SP02, site plan, Shi 15 Hyun Park, 321 Hillside Avenue. 16 MR. LEE: Yes, this is an application 17 to construct a two-family structure on the property. 18 It's about 5500 square footage lot. 19 Now, as a way of background, this 20 application was submitted and before the Planning 21 Board and it was approved by the Planning Board about 22 seven and a half years ago. 23 The applicant, the owner of the 24 property was traveling back and forth between here 25 and Korea, so he neglected and he didn't have time to LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

57 1 pursue with the construction. And further, he didn't 2 know that the resolution was -- once approved has a 3 two-year limitation, he simply was unaware of it. So 4 he just let it lapse, so here we are. 5 So basically, at this point we are 6 asking for an extension because -- but what we are 7 planning is basically the same exact application, 8 with minor -- one minor detail. This instant 9 application has a height variance of over 10 percent; 10 that was done by mistake. We're going to bring it 11 down to below 10 percent. 12 And with that correction, this 13 application is virtually the same application which 14 has been approved by the Planning Board seven and a 15 half years ago. 16 Now, I heard just now and this case has 17 been tabled for like four months straight. And, you 18 know, one time we spent like four, five hours at this 19 Board waiting to be heard and only to be tabled to 20 the next meeting. So it's been some -- four months. 21 Now, I hear today for the first time 22 that the Planning Board has no jurisdiction. I did 23 -- my opinion is different on that issue. I do say 24 that the Planning Board does have the jurisdiction. 25 I know the engineer has a different opinion about LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	59 1 subdivision required for this application, it would 2 be the Board of Adjustment that has the jurisdiction. 3 In your code, a site plan approval -- 4 or a one- and two-family home are exempt from site 5 plan approval. So, therefore, there is no site plan 6 or subdivision approval required for the application 7 associated with it. So therefore, this Board would 8 not have jurisdiction. It's my opinion. 9 MR. LEE: Well, my opinion is 10 different. The statute ask for whether the 11 application involves a site plan. 12 And my question -- my answer to that is 13 yes, yes, this application involves a site plan. 14 Whether a site plan is exempt from this is a totally 15 different issues. It's an exemption issue, not the 16 involvement issue. 17 The statute asks whether the case 18 involves the site plan. The answer is yes, of course 19 it involves a site plan. Although, we may be exempt 20 from having a site plan, this does involve a site 21 plan. 22 So I think our interpretation is the 23 correct one, my interpretation is the correct one, 24 and that the Planning Board does have the 25 jurisdiction. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
58 1 that and I do respect that opinion, and just my 2 interpretation of the applicable statute seem to be 3 different from his. 4 MS. LOULLOUDIS: Just for the record, 5 it's the planner, not the engineer. 6 MR. LEE: I'm sorry, I'm sorry, I'm 7 sorry. What am I saying? 8 So that's where we are. This case was 9 heard by the Planning Board, it was approved by the 10 Planning Board, and I happen to think the Planning 11 Board still has the jurisdiction to hear this case. 12 MR. NOH: Well, honestly, we talked 13 about it a minute ago that -- with the help of the 14 Board planner, we believe that we do not have the 15 jurisdiction and this application properly belongs to 16 the Board of Adjustment. 17 And, Michael, would you mind just 18 explaining the reason? 19 MR. KAUKER: Sure. 20 You'll probably all remember from the 21 educational seminar that we had. 22 So the Planning Board, with respect to 23 C variances, only has jurisdiction when it's involved 24 with either a subdivision or site plan application. 25 So since there is no site plan required or LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	60 1 CHAIRWOMAN STAR: I have a question. 2 This was approved seven years ago you said? 3 MR. LEE: Seven and a half years ago, 4 yes. 5 CHAIRWOMAN STAR: Why didn't you move 6 forward with it seven and a half years ago? 7 MR. LEE: Why didn't they construct the 8 structure at that point? 9 CHAIRWOMAN STAR: Because what? I'm 10 sorry. 11 MR. LEE: What was the question? 12 CHAIRWOMAN STAR: The question was if 13 we approved it seven years ago, why is it taking all 14 this time now for you to come back here? 15 MR. LEE: Very good question. That was 16 the first question that I asked of my client when he 17 popped up in my office. 18 As I said, he didn't know that the 19 resolution has a two-year outside window with which 20 time he has to construct -- 21 CHAIRWOMAN STAR: So he wasn't 22 interested in constructing it back then? 23 MR. LEE: Well, his idea was that he 24 had indefinite time to construct once he got the 25 resolution, which he did. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

61 1 And number two, he was in and out of -- 2 he was between United States and Korea. He was 3 living in United States partially, he was living 4 outside the United States partially, so he was busy 5 with his own schedule, but mostly he was unaware. He 6 was unaware of the time factor here, two-year 7 limitation factor. 8 So that's a question -- that's the very 9 same question that I asked my client. 10 CHAIRWOMAN STAR: Yeah. 11 MS. TARABOCCHIA: I have a question. 12 If this was approved by the Planning 13 Board before, why was it okay to be before a Planning 14 Board seven and a half years ago? Has the rules and 15 regulations changed in the Municipal Land Use Law. 16 MR. KAUKER: They haven't, it was just 17 erroneously here. You know we've had a number of 18 applications that have been before the wrong board. 19 MS. TARABOCCHIA: That's what I'm 20 saying. If it was previously before the Planning 21 Board -- 22 MR. LEE: We were under the Planning 23 Board under the exact same statute back then and now 24 we're dealing with the same statute, same regulation, 25 same land use law. Nothing has changed. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	63 1 MR. KAUKER: No, nothing changed. 2 MS. TARABOCCHIA: But when it came into 3 the Building Department for approval where it was 4 supposed to go, did anybody review it then in March 5 to say that this is before the wrong board? 6 MR. KAUKER: I don't know. I mean, 7 it's an easy mistake to make because a lot of people 8 do think that the Planning Board has jurisdiction 9 when there's a -- when a C variance comes to it 10 because the Zoning Board hears applications when a D 11 variance is involved. 12 But when there isn't a site plan or 13 subdivision application involved, then it does go 14 back to the Board of Adjustment. 15 But I have a question for you if I 16 could just ask. When you were making your argument 17 with respect to the site plan, what in your mind 18 constitutes a site plan? Is it just a piece of paper 19 with a -- 20 MR. LEE: It's a plan to develop a 21 certain site. 22 MR. KAUKER: To develop a site. Okay. 23 So, but if you think about it there, that kind of 24 sets a dangerous precedent, because then what you're 25 saying is that if any application is a site plan. So LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
62 1 MS. TARABOCCHIA: So you're saying that 2 seven and a half years ago, they made an error and 3 they shouldn't have been before the Planning Board? 4 MR. KAUKER: Correct. Correct. 5 MS. TARABOCCHIA: But somewhere along 6 the line it did and it was approved? 7 MR. KAUKER: Well, no, it just -- there 8 were a number of applications. I mean, I don't 9 really review a lot of Planning Board applications, 10 but I know when I started getting involved, there 11 were a couple that we flagged. 12 There was actually an application that 13 was before the Zoning Board, maybe a couple of them, 14 you probably remember that, was erroneously before 15 that board and we sent them over here. 16 MS. TARABOCCHIA: Yeah, I understand 17 that, but I'm just saying, it was approved already 18 before the Planning Board. 19 MR. KAUKER: Yeah, the application was. 20 MS. TARABOCCHIA: That's what I'm 21 saying. So the Municipal Land Use Law didn't change. 22 MR. KAUKER: No, it did not. 23 MS. TARABOCCHIA: Like certain, you 24 know, sections or whatever modified or the ordinance 25 in the town hasn't -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	64 1 what you're saying if somebody submits an application 2 to construct -- to build a deck on their property, 3 that technically would require site plan approval. 4 So you're opening it. 5 MR. LEE: I have to look up here what 6 exactly. That's the same question -- 7 MR. KAUKER: Well, where it excludes 8 one- and two-family homes, it also excludes certain 9 accessory or pertinent structures that are associated 10 with those as well. So swimming pools, you know, 11 decks. 12 MR. LEE: Well, a plan to demolish -- 13 MR. KAUKER: Patio, shed. 14 MR. LEE: -- an existing structure and 15 construct a two-family structure there, a new 16 structure, I think that definitely qualifies and is a 17 site plan. It should be distinguished to -- from 18 building a deck in the backyard. 19 MR. KAUKER: But I think the reason why 20 they do it is because they understand a one- and 21 two-family home is not quite at the same level as a 22 multiple family or a large commercial structure, 23 whatever it would be there for, the impacts 24 associated wouldn't be as great, so, therefore, 25 you're basically exempting you from that. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

65 1 MR. LEE: I don't think the land use 2 law -- 3 MR. KAUKER: And actually, I just 4 reviewed the land use law briefly and it does state 5 the same thing. In the Municipal Land Use Law, it's 6 Section 40:55(d)-37. And I just read it very 7 briefly. I believe it might be Subsection A, but it 8 does also extend one- and two-family home as well. 9 MR. LEE: Well, that's exactly my 10 point, exemption is a different issue from having a 11 site plan. We may be exempt, one- or two-family may 12 be exempt from site -- from having a site plan, but 13 this does -- the applicable statute asks does it 14 involve -- it doesn't ask is it exempt a site plan, 15 does it involve a site plan, that's the question. 16 And the question, yes, it involves a site plan, but 17 we're exempt. That's two separate questions you're 18 asking. 19 MR. KAUKER: I would say if it's 20 exempt, then it doesn't involve a site plan. And, I 21 mean, that's the way that it's read. 22 MR. LEE: All right. You and I differ 23 in that interpretation. 24 MR. KAUKER: But as I said before quite 25 simply, the Board can just refer the matter LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	67 1 MR. LEE: Well, I'm just asking because 2 you're dealing with a jurisdictional issue. My basic 3 question is if the Planning Board deemed that it has 4 jurisdiction back then, why is it not having 5 jurisdiction now? Because we're dealing with the 6 same issue, same application. 7 MR. NOH: With all due respect, this 8 resolution is already expired. And back then, we 9 don't have any record of it at this time to look at 10 what happened. 11 MR. LEE: Okay. 12 MR. NOH: Wouldn't it be better for you 13 just to refer this case to the -- 14 MR. LEE: If I heard about this from 15 the first month, the first month I asked -- not first 16 month I heard about this Planning Board told me, 17 advised this office that you have to go to a Zoning 18 Board, a different board to address this matter, yes, 19 but after having it tabled for four month, five 20 month -- 21 MR. NOH: Sir. 22 MR. KANG: I understand your 23 frustration. 24 MR. LEE: How am I going to explain 25 this to my client? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
66 1 administratively over to the Board of Adjustment if 2 you choose to do that. He doesn't have to go file a 3 new application. 4 MS. TARABOCCHIA: Counsel? 5 MR. NOH: Mr. Lee, I mean, this 6 previous resolution, that was approved back in 7 December 18, 2018, right? 8 MS. TARABOCCHIA: Do you have that 9 resolution? 10 MR. LEE: Yes, I do. 11 MR. NOH: And, you know, obviously -- 12 MR. LEE: Would you like to see it? 13 MS. TARABOCCHIA: I would. 14 MR. NOH: Obviously, with the 15 extensions and all that, that all lapsed, and now 16 it's basically the resolution has expired and it's 17 basically no longer in effect and -- 18 MR. LEE: I understand. You're raising 19 a valid point, but, again, you're raising a 20 separation. 21 MR. NOH: I know, but you're filing an 22 entirely new application at this point, right? 23 MR. LEE: True. True. 24 MR. NOH: So why don't you go to the 25 right board and just -- LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	68 1 (Simultaneous Speaking.) 2 MR. KANG: It was approved seven years 3 ago. It was approved at the wrong place. So I don't 4 think the approval is -- 5 MR. NOH: This is a brand-new 6 application. 7 MR. KANG: It is brand new, but when 8 Mr. Lee keeps saying that it was approved, but 9 according to our Board planner, it is approved at the 10 wrong place. So I'm sorry. 11 MR. KAUKER: But if the Board doesn't 12 have any jurisdiction, then technically the approval 13 would be null and void. 14 MR. KANG: Yeah, that's what I was 15 going to say. 16 MR. KAUKER: So you don't want to get 17 two approvals from the wrong board. 18 MR. KANG: That's what I was going to 19 say, yes. 20 MR. LEE: What I'm saying is that the 21 Board does have jurisdiction, that's fundamentally 22 different. 23 MR. KANG: Unfortunately, we have to 24 take the advice, you know, from our Board planner and 25 our own counsel. I understand your frustration after LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

69 1 four months, but, yeah, we find out now. 2 MR. LEE: I mean, yeah, this is a new 3 application, but if the original application was 4 denied, the jurisdictional issue still remains. The 5 Board deemed that it had the jurisdiction and heard 6 the application seven and a half years ago and denied 7 it. We're still dealing with -- 8 MR. NOH: But that resolution, again, 9 that's already expired and this is a new application 10 and this one has to be done correctly. And, sir, 11 with respect -- 12 MR. KANG: First of all, approved it or 13 not, that decision was made by wrong place. So I 14 don't think it's, you know, meaningful anymore. 15 MR. LEE: Do you want to say that to 16 yourselves? I'm not sure if you want to say that to 17 yourself. 18 MR. KANG: But that's what our borough 19 planner advised. 20 MR. NOH: With all due respect, the 21 site plan you submitted has the D variance and -- 22 MR. KAUKER: No, that's going to be -- 23 MR. NOH: I know, but it hasn't been 24 amended. You didn't submit any amended plan. So as 25 it stands, it still requires a D variance which we LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	71 1 have jurisdiction or we have the jurisdiction. If 2 that's the case, you will have to refile, just refile 3 with the Board of Adjustment. 4 MR. LEE: Can you automatically 5 transfer? 6 MR. NOH: I don't believe we can. 7 MR. KAUKER: I don't remember the exact 8 -- I can't cite the exact section of the MLUL, but we 9 did talk about this before, and I believe that was -- 10 I don't know if there's anything specifically you 11 have to do. Let me look at the MLUL. 12 MR. NOH: Because we are not sure if 13 it's going to be automatically transferred if we make 14 a motion for that. So better thing is we can decide 15 we don't have the jurisdiction and so you can just 16 refile tomorrow with the Building Department, just 17 ask them to just docket this under the Board of 18 Adjustment and see what they say. 19 MR. LEE: So what you're saying is just 20 file a new case? 21 MR. NOH: Yeah, most likely. I don't 22 know what the Board is going to decide. If they 23 decide the Board is going to have jurisdiction to 24 hear this case, so be it. And you can go to the 25 Board -- the Building Department tomorrow morning and LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
70 1 cannot hear, so... 2 MR. LEE: Okay. I said what I need to 3 be said as an attorney. 4 MR. NOH: Okay. So Mr. Lee, the rest 5 belongs to the -- do you want the Board to transfer 6 this case over to the Board of Adjustment? 7 MR. LEE: What does it involve and -- 8 so the Board has the jurisdiction to send this to -- 9 MR. KAUKER: I believe so. I think the 10 Board -- I think the Planning Board could just say we 11 don't have jurisdiction over the application and we 12 transfer it to the Board of Adjustment. 13 MR. LEE: Okay. If that's the decision 14 of the Planning Board. 15 MR. KAUKER: Charlie is shaking his 16 head. 17 MR. LEE: You have the jurisdiction to 18 do that, so... 19 MR. NOH: Okay. 20 MR. LEE: I mean, if the Planning Board 21 deems that this case -- the Planning Board does not 22 have jurisdiction and it's the Zoning Board that has 23 the jurisdiction, then I guess. 24 MR. NOH: Why don't we do this, you 25 know, the Planning Board, we can decide if we don't LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	72 1 refile that under the Board of Adjustment. 2 MR. LEE: Okay. 3 MR. KAUKER: We have done that before, 4 I know, on cases, but... 5 MR. NOH: Yeah, but I don't want to 6 promise anything, because I don't know if it's going 7 to be. So I don't know if they will automatically 8 transfer this even if we make a motion. Probably 9 still might be a different escrow or different filing 10 fee. 11 So I think it would be safer for us 12 just to decide. Should the Board decide we don't 13 have jurisdiction, then we can't hear this case, 14 that's it. 15 MR. KAUKER: They can definitely carry 16 over, like the escrow can be carried over, all that 17 stuff can be carried over from this Board to that 18 board, so you wouldn't need to file any new plans. 19 I mean, what I would recommend is -- or 20 if you're going to the Board of Adjustment, are you 21 going to keep the D variance in it or are you going 22 to amend that? 23 MR. LEE: Probably reduce. 24 MR. KAUKER: So maybe what you want to 25 do is file -- but keep in mind you can request a D LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

73 1 variance. 2 MR. NOH: There might be different 3 filing fee, different amount of escrow. So I don't 4 want to make any promises. I can just recommend the 5 Board, you know, to decide if we do have 6 jurisdiction. If they decide we don't have 7 jurisdiction, we can't hear this case, and Mr. Lee 8 can -- 9 MR. KAUKER: Maybe what you could do is 10 say -- you could do that and then say in the 11 alternative, you know, we would refer this 12 application to the Planning Board in the alternative. 13 If we can't do that, then they would file a new 14 application. 15 MS. TARABOCCHIA: May I make a 16 recommendation? 17 MR. NOH: Sure. 18 MS. TARABOCCHIA: If we, the Board 19 feels that it's improperly placed jurisdiction of the 20 Planning Board and it needs to go to the Zoning 21 Board, and if for some reason the Zoning Board 22 declares that it's not appropriate to be there and 23 they want it back here, and there's like this back 24 and forth, which you don't know, when they read this, 25 they may say no, I want it back to the Planning Board LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	75 1 you know, the authority to, you know, if that -- they 2 could always move the application up, that's not -- 3 that's easy to do. 4 MS. TARABOCCHIA: But I meant like does 5 it get a new number again if we say it's no longer 6 our jurisdiction, correct? 7 MR. KAUKER: If it ever came back, but 8 you're talking about a case where -- the problem is 9 it was not ever appropriately before this Board. 10 Like, for example, if it were, like a 11 lot of times you'll see a ZBA act on an application 12 or a Planning Board act on an application that they 13 have jurisdiction over, and then the applicant comes 14 back at a later date to make an amendment to the plan 15 or to do something else and even though -- so what 16 would happen is that board would retain jurisdiction. 17 MS. TARABOCCHIA: I'm just saying I 18 don't know what the Zoning Board -- 19 MR. LEE: Can you -- 20 MS. TARABOCCHIA: I just meant -- 21 MR. KAUKER: No, I understand. 22 MS. TARABOCCHIA: -- create further 23 hardship on the applicant because he's waited three 24 months for this decision or notification. 25 MR. LEE: Can we proceed -- if we go to LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
74 1 because it was previously before the Planning Board, 2 just foreseeing any future that this could be carried 3 upon the -- so you wouldn't have to renotice if it 4 comes back to this Board for whatever reason that 5 they say they believe that it should go back to the 6 Planning Board because it was previously. It's a 7 possibility. You don't know what the Zoning Board 8 may say versus what you're saying. 9 MR. KAUKER: Yeah, I understand what 10 you're saying. 11 MS. TARABOCCHIA: So not to lose his 12 spot in the calendar. 13 MR. KAUKER: You could just make that 14 if that were -- I don't think that would be the case, 15 but -- 16 MS. TARABOCCHIA: I'm saying it could 17 be a possibility, not for having him to renotice and 18 then just carry it upon and recommend that it goes 19 there. And if it's not there and it comes back here 20 for some reason, it's -- 21 MR. KAUKER: Well, you just don't want 22 him to lose his line in the queue? 23 MS. TARABOCCHIA: Yeah, line in the 24 queue and public notice. 25 MR. KAUKER: But the Chair also has, LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	76 1 the Zoning Board, can we proceed or can you help as 2 the Planning Board so that the neighbors don't have 3 to be renoticed? 4 MR. NOH: That's not our jurisdiction. 5 MR. KAUKER: Yeah, I think notice is 6 different. 7 MR. NOH: Totally separate division. 8 And then the -- 9 MR. LEE: And we have the engineer's 10 review that can be transferred, obviously. 11 MS. LOULLOUDIS: Our comments wouldn't 12 change. 13 MR. LEE: That's right. So that would 14 be transferred. 15 MR. KAUKER: And the Zoning Board 16 chairman is here, so... 17 MR. LEE: Can I get your personal, like 18 that this can be on top of your case next month? 19 All right. So what do we do now? 20 MR. NOH: So I think the Board can make 21 a motion to decide whether we have jurisdiction or 22 not. If we don't have jurisdiction, then we can't 23 hear this case. 24 MR. KANG: Okay. I'll make a motion 25 not to review this case because, according to our LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

77 1 Board planner, we don't have jurisdiction. 2 COUNCILMAN KWAK: Second. 3 MR. NOH: Roll call. 4 SECRETARY HANRAHAN: Chair? 5 CHAIRWOMAN STAR: Yes. 6 SECRETARY HANRAHAN: Tarabocchia? 7 MS. TARABOCCHIA: Yes. 8 SECRETARY HANRAHAN: Mr. Kang? 9 MR. KANG: Yes. 10 SECRETARY HANRAHAN: Mr. Kwak? 11 COUNCILMAN KWAK: Yes. 12 SECRETARY HANRAHAN: Ms. Kim? 13 MS. KIM: Yes. 14 MR. NOH: So Mr. Lee, would you be able 15 to refile tomorrow with the Board of Adjustment or 16 you can speak to the chairperson? 17 MR. LEE: I'll try to refile before the 18 Zoning Board as soon as possible. 19 COUNCILMAN KWAK: Thank you. 20 And apologies, Counsel. Thank you and 21 apologies. 22 MR. LEE: No apologies needed. 23 Thank you very much. 24 MS. TARABOCCHIA: Your client waited 25 seven and a half years. I think a little bit longer LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	79 1 space is 1,996 square foot. And the applicant has 2 the parking space within the site, about five parking 3 spaces, will have about three employees, and 4 mostly -- 90 percent or the vast majority of the 5 business will be done online. 6 And the hours of business, Monday 7 through Saturday, 10 a.m. to 7 p.m. And the Planning 8 Board has found that applicant's proposed use of the 9 premises and subsequently approved the application. 10 Okay. The next case is Case 26-SP06, 11 change of use. The applicant is named Sun Kim. This 12 concerns the property located on 216 Broad Avenue, 13 Unit B-1, Block 602, Lot 20. 14 Applicant submitted the application for 15 change of permitted use on June 9th, 2026, and the 16 application was subsequently deemed complete. 17 The applicant proposes to change the 18 formal use as a marketing office into an eyelash -- 19 eyelash extension studio. The applicant is a 20 licensed cosmetologist for over 20 years. And the 21 applicant will operate the business strictly on an 22 appointment basis only. 23 And there is one assigned parking in 24 the rear side of the building. The hours of 25 operation is from Monday to Saturday from 9 a.m. to LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
78 1 is not going to be too much harder. 2 MR. LEE: He's going to scream 3 tomorrow, at me. 4 MS. TARABOCCHIA: You know, it's a very 5 simple oversight. 6 MR. LEE: Thank you for everything, 7 members of the Board. 8 COUNCILMAN KWAK: Thank you, Counsel. 9 MR. NOH: Okay. 10 CHAIRWOMAN STAR: Okay. Now we have 11 the memorializations, six of them. 12 MR. NOH: All right. Memorialization, 13 first one, first case, Case No. 26-SP05, change of 14 use, Seonock Kim on behalf of MCO USA, LLC. This 15 application concerns the premises 391 Commercial 16 Avenue, Block 109.1, Lot 1. The applicant submitted 17 an application on May 29th, 2026. The application 18 was subsequently deemed complete. 19 This application requests a change of 20 use from a water storage to a massage chair storage 21 and retail store. And the applicant sells luxury 22 massage chairs and he has -- he already has a 23 business in Fort Lee. He's trying to use this as a 24 warehouse. 25 And the total square footage of the LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	80 1 7 p.m. And the applicant will be only employee for 2 now. 3 And the Board -- the Planning Board has 4 found that the applicant proposed use of the premises 5 meets all zoning requirements and subsequently 6 approved the application. 7 Next case, Case No. 26-SP07, change of 8 use. The applicant is Super Burgers & Shakes. This 9 concerns the property 410 Bergen Boulevard, Block 10 420, Lot 25. 11 The applicant submitted the change of 12 use application on June 5th, 2026, and the 13 application was subsequently deemed complete. 14 The applicant proposed a change of the 15 use from that sign store and Prudential Insurance 16 Brokerage, which was the former use, into a 17 hamburger, French fry, and shake store, basically 18 eat-in, take-out, and delivery store. 19 And the applicant is going to sell 20 hamburgers, French fries, hot dogs, deserts, 21 beverages, and homemade food product. And the hours 22 of operation from Monday to Wednesday from 11 a.m. to 23 11 p.m., from Thursday to Sunday, 11 -- from 11 a.m. 24 to 1 a.m. And the applicant's proposed use -- 25 CHAIRWOMAN STAR: To 1 a.m.? LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

81 1 MR. NOH: To 1 a.m. I'm sorry 11 a.m. 2 to 1 a.m. from Thursday to Sunday. 3 And the applicant's proposed use of the 4 premises meets all zoning requirement and the 5 Planning Board has subsequently approved the 6 application. 7 Next one is the site plan application, 8 Case No. 26-SP08. The applicant's name is Julio 9 Balmaseda, B-A-L-M-A-S-E-D-A. This site -- minor 10 subdivision approval is requested and the property in 11 question is 265 14th Street, Block 430, Lot 11. 12 The applicant is seeking to subdivide 13 the existing property which is currently a hundred 14 feet in front and a hundred feet in depth. So total 15 area is 10,000 square feet. 16 And the applicant wants to divide this 17 into equally conforming lots measuring 50 feet in 18 width and 50 feet in depth, for a total of 19 45,000 square feet per lot. And they submitted the 20 application for a minor subdivision approval on 21 July 2nd, 2026, and the Board heard this application 22 on its regular meeting on July 22nd, 2026. 23 The applicant presented the testimony 24 from its professionals, Steve Collazuol of Collazuol 25 Engineering & Surveying association -- Associates, LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	83 1 and the Planning Board notes that there was no 2 objection from any members of the public and the 3 approval was granted after the vote, creating two 4 conforming lots resulting in two separate lots of 100 5 feet wide by 50 feet deep. 6 Next case is change of use, Case Number 7 26-SP09. The applicant is Lillian Yoo, 8 L-I-L-L-I-A-N, Yoo, Y-O-O, Fashion & Taylor, LLC. 9 The property in question is filed in 10 Brinkerhoff Terrace, Lot 215, Lot 15. The applicant 11 filed this application for change of permitted use on 12 July 8th, 2026, and the Board has subsequently deemed 13 the application complete. 14 The applicant was represented by Daniel 15 Bae and the applicant presented testimony and here's 16 what the Board has found. 17 The former use was a bookstore and the 18 applicant proposed to change this to a tailoring 19 service or alteration shop for the clothes, basically 20 designing, making, and changing the clothes. 21 And applicant is actually moving her 22 existing business from one location in Palisades Park 23 to this location and the applicant will be the only 24 employee. And the space is about 1,000 square feet 25 and the hours of operation that's being proposed is LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
82 1 excuse me. And the applicant was represented by Marc 2 Macri, esquire. 3 And the property in question is Block 4 430 and Lot 11, mailing address 265 14th Street, 5 located in AA two-family zoning district. And 6 presently it's 100 feet by 100 feet. And presently 7 on-site is a one-story brick dwelling and the 8 existing structure will be demolished and proposed 9 subdivision line right down the middle with the 10 resulting equally conforming lot with 50 by 50. And 11 the applicant proposes eventually to develop or 12 construct a two-family dwelling, on each lot. 13 Pursuant to the N.J.S.A. 40:55(d)-47, 14 the Board has rights to waive the notice requirements 15 for the public hearing for the minor subdivision 16 application, and this application qualifies as a 17 minor subdivision application, and the Board has 18 considered all the evidence and the testimony of the 19 professionals and subsequently approved the minor 20 subdivision. And the applicant is asked to -- asked 21 to submit the subdivision deed and has 190 days from 22 the date of Planning Board approval to submit that. 23 And the applicant's presentation was 24 made and the Board found that the minor subdivision 25 criteria were met as defined in N.J.S.A 40:55(d)-5 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	84 1 from Monday to Friday from 9 a.m. to 6:30 p.m., on 2 Saturdays from 9 a.m. to 6:30 p.m. 3 And applicant does not plan to do any 4 structural alteration. And applicant plans to put 5 just some equipment and some workstations. And the 6 Planning Board has found that the applicant's 7 proposed use of the premises meets all zoning 8 requirements. 9 Last, but not least, Case 26-SP10, 10 another change of use. Applicant Edwin Han, sound 11 familiar. The property in question is 411 Broad 12 Avenue, Block 218, Lot 5. 13 Applicant submitted the change of 14 permitted use on July 8th, 2026, which the 15 application was subsequently deemed complete. And 16 the applicant appeared for our regular hearing on 17 July 22nd to this case, represented by Daniel Bae. 18 And the applicant proposed to change 19 the former use as a real estate office to a pastry 20 and dessert cafe. The applicant will have about two 21 to three part-time employees. And there is a parking 22 lot in the rear side of the building and there is 23 also a garage dedicated to the space which fits about 24 three to four cars. And applicant also noted that 25 there is a street parking available. LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

85 1 And the applicant stated that there 2 will be no cooking on the premises and will be just 3 on electric fire and toaster over mainly used to heat 4 up the prepackage bakery needs. And the applicant 5 plans to sell prepackaged pastries, teas, bubble 6 teas, coffees, and nonalcoholic beverages. And the 7 applicant also plans to sell ice cream in the future. 8 The applicant proposed to do business 9 with about 36 seating capacity. And the proposed 10 hours of operation are from Sunday to Thursday, 11 7 a.m. to 10 p.m., from Friday to Saturday from 12 7 a.m. to 11 p.m. 13 And the applicant's proposed use of the 14 premises meets all zoning requirements, so the 15 Planning Board has found to approve this application 16 for change of use. That's it. 17 CHAIRWOMAN STAR: Okay. Can we have a 18 motion to accept these resolutions? 19 Memorializations? I'm sorry. 20 MR. KANG: I'll make a motion to accept 21 all the memorializations. 22 MR. NOH: Okay. To be specific, the 23 Case Number 26-SP05, Case Number 26-SP06, Case 24 26-SP07, Case Number 26-SP08, Case Number 26-SP09, 25 and Case Number 26-SP10, those are the applications LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	87 1 adjourn. 2 MS. TARABOCCHIA: I second. 3 MR. NOH: All in agreement? 4 (Unanimous aye.) 5 (Whereupon, this meeting is concluded. 6 Time noted: 9:20 p.m.) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812
86 1 that are being memorialized that have been 2 memorialized, so asking you to approve them. 3 MR. KANG: Yes, correct. As Mr. Noh 4 said, SP05, SP06, SP07, SP08, SP09, SP10. Yes. 5 CHAIRWOMAN STAR: Second? Do I have a 6 second? 7 COUNCILMAN KWAK: I'll second that. 8 MR. NOH: And Jennifer cannot vote 9 today for this. 10 CHAIRWOMAN STAR: Yeah. 11 SECRETARY HANRAHAN: Star. 12 CHAIRWOMAN STAR: Yes. 13 SECRETARY HANRAHAN: Tarabocchia. 14 MS. TARABOCCHIA: Yes. 15 SECRETARY HANRAHAN: Mr. Kang. 16 MR. KANG: Yes. 17 SECRETARY HANRAHAN: Mr. Kwak. 18 COUNCILMAN KWAK: Yes. 19 SECRETARY HANRAHAN: And Ms. Kim. 20 MS. NOH: She cannot vote. 21 SECRETARY HANRAHAN: Oh, she cannot? 22 Oh, because you -- 23 CHAIRWOMAN STAR: Okay. Any old 24 business? New business? Motion to adjourn? 25 COUNCILMAN KWAK: I'll make a motion to LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812	88 <u>C E R T I F I C A T E</u> 1 2 3 I, LAURA A. CARUCCI, C.C.R., R.P.R., a Remote 4 Online Notary Public, Notary ID. #1810618, Certified 5 Court Reporter of the State of New Jersey, and a 6 Registered Professional Reporter, hereby certify that 7 the foregoing is a verbatim record of the testimony 8 provided under oath before any court, referee, board, 9 commission or other body created by statute of the 10 State of New Jersey. 11 I am not related to the parties 12 involved in this action; I have no financial 13 interest, nor am I related to an agent of or employed 14 by anyone with a financial interest in the outcome of 15 this action. 16 This transcript complies with 17 regulation 13:43-5.9 of the New Jersey Administrative 18 Code. 19 20 21 22 23 24 25 _____ LAURA A. CARUCCI, C.C.R., R.P.R. License #XI02050, and RON Notary Public Notary ID. #1810618, Notary Expiration Date May 27, 2028 17 Dated: _____ LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C. 201-641-1812

# #11 [2] - 1:18, 5:10 #15 [1] - 1:20 #1810618 [2] - 88:4, 88:15 #20 [1] - 1:14 #203 [1] - 1:10 #215 [1] - 1:20 #218 [2] - 1:22, 5:13 #24-SP02 [1] - 4:15 #24-SP17 [4] - 1:6, 1:7, 4:10, 4:11 #25 [2] - 1:16, 5:7 #25-SP09 [2] - 1:4, 4:3 #26 [9] - 1:11, 1:13, 1:17, 1:19, 1:21, 5:3, 5:8, 5:10, 5:11 #26-SP02 [1] - 1:8 #26-SP07 [2] - 1:15, 5:6 #420 [2] - 1:16, 5:7 #430 [2] - 1:18, 5:10 #602 [1] - 1:14 #X102050 [1] - 88:15	111 [2] - 1:8, 4:12 112 [8] - 19:12, 19:14, 23:6, 23:11, 28:7, 47:19, 48:13, 48:15 12 [3] - 4:5, 6:12, 30:2 125 [1] - 3:10 12th [1] - 32:6 13 [1] - 4:6 130 [1] - 33:1 13:43-5.9 [1] - 88:10 14 [1] - 15:8 140 [1] - 19:18 148 [1] - 19:14 14th [4] - 1:18, 5:9, 81:11, 82:4 15 [5] - 1:5, 4:4, 10:19, 10:23, 83:10 152 [2] - 18:23, 19:7 16 [1] - 46:2 17-sheet [1] - 46:3 175 [9] - 16:10, 17:5, 19:23, 32:12, 43:11, 43:13, 48:4, 48:5, 48:7 175,000 [2] - 33:1, 33:11 18 [3] - 4:7, 4:7, 66:7 186 [10] - 17:1, 17:6, 18:6, 18:7, 18:12, 18:19, 18:21, 19:23, 20:12, 48:7 190 [1] - 82:21 194 [4] - 25:15, 28:2, 30:23, 31:4	50:11, 50:13, 50:21, 51:20 24-SP17 [2] - 3:11, 52:23 25 [4] - 3:6, 4:8, 48:14, 80:10 25-SP09 [1] - 51:18 25th [2] - 52:24, 55:17 26 [1] - 1:2 26-SP05 [2] - 78:13, 85:23 26-SP06 [2] - 79:10, 85:23 26-SP07 [2] - 80:7, 85:24 26-SP08 [2] - 81:8, 85:24 26-SP09 [2] - 83:7, 85:24 26-SP10 [2] - 84:9, 85:25 265 [4] - 1:18, 5:9, 81:11, 82:4 27 [1] - 88:16 298 [2] - 19:9, 19:11 29th [1] - 78:17 2nd [1] - 81:21	46 [1] - 40:2 460 [1] - 3:3 489 [1] - 33:5 49 [1] - 21:25 5 5 [4] - 1:22, 5:13, 27:25, 84:12 50 [6] - 48:14, 81:17, 81:18, 82:10, 83:5 500 [5] - 33:4, 33:5, 33:7, 33:8, 39:2 505 [2] - 1:6, 4:4 52 [1] - 4:12 54 [2] - 4:13, 4:14 5500 [1] - 56:18 56 [1] - 4:16 57 [1] - 4:17 58 [1] - 4:18 5:30 [1] - 31:20 5B [1] - 1:20 5th [1] - 80:12 6 6 [7] - 12:10, 15:19, 30:8, 30:16, 31:8, 31:12, 31:20 60 [1] - 4:20 602 [1] - 79:13 61 [2] - 4:20, 4:21 675 [1] - 39:3 6:30 [2] - 84:1, 84:2	79:25, 84:1, 84:2 9/25/24 [2] - 1:7, 4:11 90 [1] - 79:4 91 [1] - 21:25 98 [2] - 21:5, 21:15 9:20 [1] - 87:6 9th [1] - 79:15 A A-16 [1] - 13:2 a.m [15] - 30:2, 79:7, 79:25, 80:22, 80:23, 80:24, 80:25, 81:1, 81:2, 84:1, 84:2, 85:11, 85:12 AA [1] - 82:5 ability [2] - 7:17, 8:4 able [2] - 49:12, 77:14 aboveground [1] - 44:12 ABSENT [3] - 2:4, 2:8, 2:9 accept [4] - 9:5, 9:8, 85:18, 85:20 accepted [1] - 34:13 Access [1] - 35:23 access [3] - 17:13, 23:9, 40:1 accessible [2] - 17:11, 23:13 accessory [1] - 64:9 accordance [1] - 6:23 according [5] - 6:10, 7:16, 8:3, 68:9, 76:25 accurate [3] - 29:18, 29:19, 30:20 act [2] - 75:11, 75:12 Act [1] - 6:10 action [2] - 88:8, 88:9 active [2] - 28:22, 31:9 actual [3] - 39:5, 45:17, 47:1 adding [3] - 33:18, 38:13, 38:17 addition [1] - 34:25 additional [1] - 23:7 address [5] - 11:12, 42:5, 48:24, 67:18, 82:4 addressed [1] - 33:24 adequate [1] - 6:14 adjourn [2] - 86:24, 87:1 Adjustment [11] - 58:16, 59:2, 63:14, 66:1, 70:6, 70:12, 71:3, 71:18, 72:1, 72:20, 77:15
\$ \$30 [1] - 31:10 ' '24 [1] - 54:18		3 3 [5] - 1:6, 3:7, 4:4, 13:18, 14:13 301 [1] - 3:3 321 [3] - 1:9, 4:16, 56:15 329 [4] - 14:8, 16:10, 19:4, 19:5 334 [2] - 18:17, 19:6 35 [2] - 19:19, 21:21 36 [4] - 19:10, 22:6, 23:4, 85:9 391 [3] - 1:12, 5:4, 78:15 3rd [1] - 12:10	7 7 [8] - 15:7, 50:11, 50:13, 51:20, 79:7, 80:1, 85:11, 85:12 70 [1] - 21:16 72 [1] - 6:11 78 [1] - 5:5 7:05 [1] - 1:2	
0 07650 [2] - 3:4, 3:11 08033 [1] - 3:7	2 2 [4] - 1:8, 4:12, 51:3, 51:5 20 [4] - 21:22, 33:8, 79:13, 79:20 2018 [1] - 66:7 2024 [2] - 52:24, 53:5 2025 [1] - 6:11 2026 [11] - 1:2, 13:5, 50:13, 51:20, 78:17, 79:15, 80:12, 81:21, 81:22, 83:12, 84:14 2027 [1] - 55:17 2028 [1] - 88:16 203 [1] - 4:16 208 [3] - 1:7, 4:11, 52:24 21 [2] - 15:19, 21:24 215 [1] - 83:10 216 [2] - 1:14, 79:12 218 [1] - 84:12 22nd [5] - 11:1, 13:3, 13:5, 81:22, 84:17 23rd [5] - 50:10,	4 4 [4] - 1:6, 4:4, 15:12, 24:21 40:55(d)-37 [1] - 65:6 40:55(d)-47 [1] - 82:13 40:55(d)-5 [1] - 82:25 410 [3] - 1:16, 5:7, 80:9 411 [3] - 1:22, 5:12, 84:11 42 [1] - 4:9 420 [1] - 80:10 430 [2] - 81:11, 82:4 45,000 [1] - 81:19	8 8 [1] - 31:13 80 [1] - 5:7 81 [1] - 5:10 83 [2] - 4:9, 42:6 84 [1] - 5:13 8:09 [1] - 52:5 8:37 [1] - 52:5 8th [3] - 13:16, 83:12, 84:14	
1 1 [9] - 1:10, 1:12, 4:16, 5:5, 78:16, 80:24, 80:25, 81:1, 81:2 1,000 [1] - 83:24 1,996 [1] - 79:1 1.4 [3] - 21:6, 21:11, 44:19 10 [6] - 4:4, 29:20, 57:9, 57:11, 79:7, 85:11 10,000 [1] - 81:15 100 [3] - 82:6, 83:4 107 [1] - 3:10 109.1 [3] - 1:12, 5:5, 78:16 10th [1] - 32:7 11 [9] - 30:2, 80:22, 80:23, 81:1, 81:11, 82:4, 85:12			9 9 [5] - 30:2, 31:13,	

Administrative [1] - 88:10 administratively [1] - 66:1 ado [1] - 11:25 advertised [1] - 6:9 advice [1] - 68:24 advised [2] - 67:17, 69:19 Ae [1] - 1:13 affordable [5] - 21:8, 21:21, 21:23, 21:24, 33:8 affordables [2] - 16:11, 21:18 afternoon [1] - 30:5 agency [1] - 39:7 AGENDA [1] - 5:2 agent [1] - 88:8 ago [18] - 17:3, 20:25, 35:18, 35:20, 37:18, 53:5, 56:22, 57:15, 58:13, 60:2, 60:3, 60:6, 60:13, 61:14, 62:2, 68:3, 69:6 agreement [8] - 16:17, 34:23, 37:9, 37:25, 40:12, 49:25, 52:1, 87:3 AICP [2] - 2:14, 4:18 aides [1] - 23:1 allegiance [2] - 7:10, 7:22 Allegiance [2] - 6:4, 6:6 alleviate [2] - 38:15, 40:3 allocated [1] - 16:24 allotted [1] - 19:23 alls [2] - 35:1, 36:8 alone [1] - 31:20 alter [1] - 37:4 alteration [2] - 83:19, 84:4 alternate [1] - 7:1 Alternate [2] - 7:15, 8:2 alternative [4] - 37:10, 40:11, 73:11, 73:12 alternatives [1] - 38:15 Amazon [1] - 24:14 amend [1] - 72:22 amended [3] - 36:25, 69:24 amendment [1] - 75:14 amendments [3] - 6:12, 55:9, 55:11 amount [4] - 14:21,	16:2, 31:11, 73:3 analysis [6] - 11:17, 13:11, 14:12, 15:3, 21:12, 33:23 answer [6] - 16:6, 16:22, 42:18, 48:22, 59:12, 59:18 AP [2] - 4:5, 12:9 apartment [5] - 44:6, 44:16, 44:19, 44:20, 48:20 apartments [8] - 43:13, 43:14, 44:1, 44:21, 44:22, 48:6, 48:7, 48:18 apologies [3] - 77:20, 77:21, 77:22 apologize [1] - 28:21 appeared [1] - 84:16 applicable [4] - 14:6, 15:16, 58:2, 65:13 Applicant [2] - 3:8, 3:11 applicant [47] - 10:23, 33:17, 34:8, 53:3, 53:7, 56:23, 75:13, 75:23, 78:16, 78:21, 79:1, 79:11, 79:14, 79:17, 79:19, 79:21, 80:1, 80:4, 80:8, 80:11, 80:14, 80:19, 81:12, 81:16, 81:23, 82:1, 82:11, 82:20, 83:7, 83:10, 83:14, 83:15, 83:18, 83:21, 83:23, 84:3, 84:4, 84:10, 84:13, 84:16, 84:18, 84:20, 84:24, 85:1, 85:4, 85:7, 85:8 applicant's [7] - 79:8, 80:24, 81:3, 81:8, 82:23, 84:6, 85:13 application [57] - 6:21, 12:6, 33:25, 36:22, 54:18, 56:16, 56:20, 57:7, 57:9, 57:13, 58:15, 58:24, 59:1, 59:6, 59:11, 59:13, 62:12, 62:19, 63:13, 63:25, 64:1, 66:3, 66:22, 67:6, 68:6, 69:3, 69:6, 69:9, 70:11, 73:12, 73:14, 75:2, 75:11, 75:12, 78:15, 78:17, 78:19, 79:9, 79:14, 79:16, 80:6, 80:12, 80:13, 81:6, 81:7, 81:20, 81:21, 82:16,	82:17, 83:11, 83:13, 84:15, 85:15 applications [5] - 61:18, 62:8, 62:9, 63:10, 85:25 apply [1] - 53:15 appointed [2] - 34:24, 36:9 appointment [1] - 79:22 appropriate [2] - 16:2, 73:22 appropriately [2] - 15:22, 75:9 approval [15] - 37:6, 37:12, 55:13, 55:14, 59:3, 59:5, 59:6, 63:3, 64:3, 68:4, 68:12, 81:10, 81:20, 82:22, 83:3 approvals [1] - 68:17 approve [3] - 55:22, 85:15, 86:2 approved [25] - 36:20, 36:21, 48:3, 52:23, 53:4, 54:18, 56:21, 57:2, 57:14, 58:9, 60:2, 60:13, 61:12, 62:6, 62:17, 66:6, 68:2, 68:3, 68:8, 68:9, 69:12, 79:9, 80:6, 81:5, 82:19 Approved [2] - 1:7, 4:11 architect [3] - 42:19, 43:5, 45:24 area [7] - 22:3, 23:24, 24:13, 24:18, 31:23, 38:16, 81:15 argument [1] - 63:16 ARLENE [1] - 2:2 as-of-right [1] - 36:22 aside [1] - 14:24 aspect [1] - 36:2 assigned [2] - 20:12, 79:23 associated [3] - 59:7, 64:9, 64:24 Associates [6] - 1:5, 3:8, 4:3, 10:23, 51:19, 81:25 association [1] - 81:25 Associations [1] - 10:19 attorney [2] - 36:7, 70:3 Aufiero [8] - 6:3, 6:7, 8:12, 9:15, 10:9, 51:9, 52:5, 52:13	AUFIERO [8] - 2:3, 8:13, 9:11, 9:16, 10:5, 10:10, 50:19, 51:10 AUGUST [1] - 1:2 authority [3] - 7:12, 7:24, 75:1 automatically [3] - 71:4, 71:13, 72:7 available [13] - 6:22, 11:15, 11:22, 15:2, 15:8, 15:21, 16:1, 17:19, 19:12, 19:15, 24:11, 45:13, 84:25 Ave [1] - 5:4 Avenue [23] - 1:5, 1:7, 1:9, 1:12, 1:14, 1:22, 4:4, 4:11, 4:16, 5:12, 10:19, 10:23, 31:17, 31:20, 34:16, 35:13, 36:11, 40:4, 52:25, 56:15, 78:16, 79:12, 84:12 average [2] - 19:21, 44:19 aware [1] - 27:6 aye [1] - 87:4	behalf [2] - 10:22, 78:14 behind [1] - 39:17 BEING [2] - 1:24, 2:1 belongs [2] - 58:15, 70:5 below [1] - 57:11 Bergen [6] - 1:16, 3:3, 5:7, 39:15, 39:16, 80:9 best [3] - 7:16, 8:3, 31:10 better [3] - 22:14, 67:12, 71:14 between [5] - 23:23, 33:24, 34:21, 56:24, 61:2 beverages [2] - 80:21, 85:6 beyond [1] - 33:18 Bible [1] - 7:4 big [5] - 43:10, 45:21, 46:5 bigger [1] - 39:20 bills [3] - 9:25, 10:1, 10:3 BISGAIER [1] - 3:5 Bisgaier [1] - 10:22 bit [1] - 77:25 blend [1] - 21:13 Block [22] - 1:6, 1:8, 1:10, 1:12, 1:14, 1:16, 1:18, 1:20, 1:22, 4:4, 4:12, 4:16, 5:5, 5:7, 5:10, 5:13, 78:16, 79:13, 80:9, 81:11, 82:3, 84:12 board [10] - 6:16, 61:18, 62:15, 63:5, 66:25, 67:18, 68:17, 72:18, 75:16, 88:6 Board [123] - 2:13, 2:14, 2:15, 2:16, 3:4, 6:2, 6:22, 6:25, 7:15, 8:2, 10:21, 11:14, 12:14, 13:1, 31:19, 36:18, 36:23, 37:7, 37:9, 41:8, 45:12, 45:13, 45:25, 46:22, 48:21, 49:6, 53:2, 53:5, 53:8, 53:21, 54:2, 56:21, 57:14, 57:19, 57:22, 57:24, 58:9, 58:10, 58:11, 58:14, 58:16, 58:22, 59:2, 59:7, 59:24, 61:13, 61:14, 61:21, 61:23, 62:3, 62:9, 62:13, 62:18, 63:8, 63:10, 63:14, 65:25,
---	--	---	--	--

66:1, 67:3, 67:16, 67:18, 68:9, 68:11, 68:21, 68:24, 69:5, 70:5, 70:6, 70:8, 70:10, 70:12, 70:14, 70:20, 70:21, 70:22, 70:25, 71:3, 71:17, 71:22, 71:23, 71:25, 72:1, 72:12, 72:17, 72:20, 73:5, 73:12, 73:18, 73:20, 73:21, 73:25, 74:1, 74:4, 74:6, 74:7, 75:9, 75:12, 75:18, 76:1, 76:2, 76:15, 76:20, 77:1, 77:15, 77:18, 78:7, 79:8, 80:3, 81:5, 81:21, 82:14, 82:17, 82:22, 82:24, 83:1, 83:12, 83:16, 84:6, 85:15 BOARD [3] - 1:1, 1:24, 2:1 Board/Professional [2] - 4:13, 4:19 Board/Professionals [1] - 4:6 body [1] - 88:6 bookstore [1] - 83:17 Borough [14] - 7:16, 8:3, 11:3, 14:4, 15:12, 20:22, 20:23, 25:10, 32:5, 33:20, 34:17, 34:25, 37:16, 51:21 BOROUGH [3] - 1:1, 1:23, 2:1 borough [2] - 6:17, 69:18 Borough's [3] - 14:5, 15:5, 20:21 bottom [2] - 54:22, 54:23 Boulevard [5] - 1:16, 3:3, 3:10, 5:7, 80:9 Bowman [2] - 11:5, 12:18 box [1] - 32:24 boxes [1] - 45:6 brand [2] - 68:5, 68:7 brand-new [1] - 68:5 break [3] - 51:23, 52:15, 52:16 breakdown [2] - 19:19, 20:20 brick [1] - 82:7 bridge [1] - 40:9 brief [1] - 52:4 briefly [2] - 65:4, 65:7 bring [4] - 24:24, 45:5, 45:9, 57:10 brings [1] - 31:22 Brinkerhoff [2] - 1:20, 83:10 Broad [5] - 1:14, 1:22, 5:12, 79:12, 84:11 Brokerage [1] - 80:16 bubble [1] - 85:5 build [2] - 15:22, 64:2 building [31] - 6:17, 14:19, 17:6, 17:17, 17:19, 23:14, 23:18, 24:11, 24:21, 24:22, 25:22, 26:8, 26:12, 26:19, 26:20, 27:11, 28:10, 38:19, 43:2, 43:8, 43:17, 43:21, 43:23, 44:2, 44:13, 44:21, 45:18, 46:1, 64:18, 79:24, 84:22 Building [3] - 63:3, 71:16, 71:25 buildings [3] - 15:15, 39:5, 43:16 built [1] - 39:5 bulletin [1] - 6:16 Burgers [3] - 1:15, 5:6, 80:8 bus [3] - 38:13, 39:4, 39:11 buses [1] - 39:8 business [8] - 78:23, 79:5, 79:6, 79:21, 83:22, 85:8, 86:24 busy [2] - 27:25, 61:4 but.. [2] - 39:17, 72:4 BY [5] - 3:2, 3:6, 3:9, 13:8, 16:8	C	C-O-M-A-S [1] - 41:20 C.C.R [2] - 88:3, 88:14 cafe [1] - 84:20 calculate [1] - 25:18 calculation [1] - 30:20 calendar [1] - 74:12 Campus [1] - 12:10 cannot [4] - 70:1, 86:8, 86:20, 86:21 capacity [1] - 85:9 car [3] - 20:15, 20:18, 30:25 card [2] - 17:12, 48:21 care [1] - 49:11 carried [4] - 51:19, 72:16, 72:17, 74:2 carry [5] - 50:12, 50:17, 50:20, 72:15, 74:18 cars [8] - 19:22, 19:24, 44:16, 44:17, 48:12, 84:24 CARUCCI [2] - 88:3, 88:14 case [30] - 1:4, 4:3, 4:10, 10:18, 14:4, 35:3, 52:20, 56:14, 57:16, 58:8, 58:11, 59:17, 67:13, 70:6, 70:21, 71:2, 71:20, 71:24, 72:13, 73:7, 74:14, 75:8, 76:18, 76:23, 76:25, 78:13, 79:10, 80:7, 83:6, 84:17 Case [29] - 1:6, 1:8, 1:11, 1:13, 1:15, 1:17, 1:19, 1:21, 3:11, 4:15, 5:3, 5:6, 5:8, 5:10, 5:11, 51:18, 56:14, 78:13, 79:10, 80:7, 81:8, 83:6, 84:9, 85:23, 85:24, 85:25 cases [2] - 39:7, 72:4 cellular [3] - 26:16, 26:23, 27:17 center [4] - 14:16, 25:16, 26:7, 27:7 Central [1] - 3:10 certain [3] - 62:23, 63:21, 64:8 certainly [2] - 12:16, 34:18 Certified [1] - 88:4 certify [1] - 88:5 Chair [3] - 10:21, 53:1, 74:25 chair [2] - 77:4, 78:20 CHAIRMAN [8] - 2:3, 8:13, 9:11, 9:16, 10:5, 10:10, 50:19, 51:10 chairman [1] - 76:16 Chairman [2] - 6:7, 52:5 chairperson [2] - 52:13, 77:16 chairs [1] - 78:22 CHAIRWOMAN [60] - 2:2, 6:1, 6:8, 8:6, 8:11, 9:4, 9:9, 9:14, 9:24, 10:4, 10:8, 10:17, 18:1, 22:16, 25:13, 36:14, 41:2, 41:7, 41:16, 41:21, 41:25, 45:10, 46:24, 49:4, 49:17, 49:20, 50:8, 50:21, 50:25, 51:3, 51:8, 51:22, 52:7, 52:10, 52:19, 52:22, 53:10, 53:19, 54:4, 54:14, 55:6, 55:19, 55:23, 56:2, 56:11, 56:13, 60:1, 60:5, 60:9, 60:12, 60:21, 61:10, 77:5, 78:10, 80:25, 85:17, 86:5, 86:10, 86:12, 86:23 Chairwoman [2] - 4:7, 4:20 chance [1] - 40:13 CHANG [1] - 3:2 Change [9] - 1:11, 1:13, 1:15, 1:19, 1:21, 5:3, 5:6, 5:10, 5:11 change [18] - 39:12, 62:21, 76:12, 78:13, 78:19, 79:11, 79:15, 79:17, 80:7, 80:11, 80:14, 83:6, 83:11, 83:18, 84:10, 84:13, 84:18, 85:16 changed [4] - 21:1, 61:15, 61:25, 63:1 changes [2] - 36:24, 39:8 changing [1] - 83:20 Chapter [1] - 6:11 charge [1] - 35:24 Charlie [1] - 70:15 checklist [1] - 25:4 Chestnut [1] - 3:6 children [1] - 21:10 choose [2] - 20:14, 66:2 CHRIS [1] - 2:3 Chris [4] - 50:25, 51:3, 51:5, 52:13 CHRISTOPHER [1] - 2:5 circulation [4] - 13:12, 23:23, 25:2, 43:4 cite [1] - 71:8 clarification [1] - 16:9 clarify [1] - 36:17 clear [4] - 37:5, 40:18, 42:13, 42:25 clerk's [1] - 6:21 client [4] - 60:16, 61:9, 67:25, 77:24 close [2] - 49:20, 49:23 clothes [2] - 83:19, 83:20 club [2] - 30:10, 30:24 code [4] - 14:12, 45:1, 45:2, 59:3 Code [2] - 35:24, 88:11 coffees [1] - 85:6 Collazuol [2] - 81:24 colors [1] - 48:20 Columbus [3] - 1:7, 4:11, 52:24 Comas [2] - 4:9, 42:4 COMAS [31] - 41:20, 41:23, 42:4, 42:6, 42:9, 42:21, 43:6, 43:9, 43:15, 43:18, 44:3, 44:7, 44:11, 44:14, 44:23, 45:2, 45:14, 45:20, 46:4, 46:12, 47:3, 47:6, 47:10, 47:14, 48:1, 48:4, 48:6, 48:11, 48:14, 49:2, 49:8 combined [1] - 37:19 coming [7] - 18:3, 19:13, 20:17, 22:9, 31:5, 42:16, 46:18 comment [1] - 29:11 comments [3] - 11:3, 11:12, 76:11 commercial [4] - 16:12, 33:2, 33:12, 64:22 Commercial [3] - 1:12, 5:4, 78:15 commission [1] - 88:6 commuters [1] - 38:19 commuting [1] - 38:18 comparable [1] - 30:13 comparing [1] - 35:8 complete [5] - 78:18, 79:16, 80:13, 83:13, 84:15 complies [2] - 44:25, 88:10 concept [1] - 16:25 concern [3] - 20:1, 40:5, 54:5 concerned [2] - 33:21 concerns [5] - 41:7, 54:15, 78:15, 79:12, 80:9 conclude [1] - 11:11 concluded [1] - 87:5 condition [1] - 54:7 conferring [1] - 37:3 confirm [1] - 37:14 conforming [3] - 81:17, 82:10, 83:4 congestion [1] - 38:16 congratulations [1] - 8:5
---	----------	---

conjunction [1] - 40:1 connection [1] - 23:16 considered [1] - 82:18 constitutes [1] - 63:18 Constitution [4] - 7:7, 7:8, 7:19, 7:20 construct [7] - 56:17, 60:7, 60:20, 60:24, 64:2, 64:15, 82:12 constructing [1] - 60:22 construction [2] - 53:7, 57:1 Consulting [1] - 12:18 contact [3] - 11:6, 28:25, 49:6 contained [1] - 36:19 contemplates [1] - 16:10 context [1] - 13:1 continuation [1] - 10:25 contribution [1] - 34:7 control [1] - 17:12 cooking [1] - 85:2 cope [1] - 33:22 copy [3] - 6:15, 6:20, 11:21 corner [2] - 24:20, 49:13 Corp [1] - 37:15 correct [22] - 16:13, 16:15, 16:18, 23:8, 28:13, 31:6, 32:2, 32:11, 37:3, 39:18, 40:20, 47:8, 48:2, 48:7, 54:25, 55:18, 59:23, 62:4, 75:6, 86:3 correction [1] - 57:12 correctly [1] - 69:10 cosmetologist [1] - 79:20 council [1] - 46:14 Councilman [3] - 4:7, 4:14, 22:12 COUNCILMAN [83] - 2:5, 8:21, 9:1, 9:17, 9:23, 10:6, 10:16, 18:13, 18:19, 18:23, 18:25, 19:7, 19:17, 20:7, 20:10, 21:19, 22:2, 22:14, 22:22, 24:6, 25:11, 27:24, 28:3, 28:7, 28:13, 28:19, 29:3, 29:9, 31:1, 31:4, 31:7, 32:2, 32:11, 33:5, 33:10, 33:14, 34:15, 35:19, 37:2, 37:13,	37:20, 37:22, 38:3, 38:8, 38:11, 38:24, 39:2, 39:18, 39:23, 40:16, 40:20, 40:23, 41:11, 42:2, 46:14, 46:18, 47:4, 47:8, 47:12, 47:16, 48:2, 48:9, 48:13, 48:15, 48:19, 49:1, 49:22, 51:2, 51:5, 51:16, 51:25, 54:6, 54:11, 54:13, 55:8, 56:8, 77:2, 77:11, 77:19, 78:8, 86:7, 86:18, 86:25 counsel [2] - 66:4, 68:25 Counsel [6] - 3:4, 3:8, 3:11, 37:13, 77:20, 78:8 County [1] - 39:16 county [2] - 7:12, 7:24 couple [5] - 26:12, 30:13, 48:10, 62:11, 62:13 course [4] - 10:25, 11:13, 37:6, 59:18 Court [2] - 36:20, 88:4 court [4] - 34:23, 34:24, 36:9, 88:6 COURT [3] - 38:6, 38:9, 41:18 court-appointed [2] - 34:24, 36:9 courtyards [1] - 43:25 cream [1] - 85:7 create [4] - 39:25, 40:2, 40:12, 75:22 created [1] - 88:6 creating [1] - 83:3 criteria [1] - 82:25 cross [1] - 40:6 Crossing [2] - 13:15, 34:22 crossway [1] - 40:8 current [2] - 55:1, 55:3 customers [2] - 17:21, 19:15	Date [1] - 88:16 dated [2] - 13:5, 13:16 Dated [1] - 88:17 days [1] - 82:21 deal [1] - 31:10 dealing [4] - 61:24, 67:2, 67:5, 69:7 December [1] - 66:7 decide [10] - 53:21, 70:25, 71:14, 71:22, 71:23, 72:12, 73:5, 73:6, 76:21 decision [3] - 69:13, 70:13, 75:24 deck [2] - 64:2, 64:18 decks [1] - 64:11 declares [1] - 73:22 dedicated [1] - 84:23 deed [1] - 82:21 deemed [7] - 67:3, 69:5, 78:18, 79:16, 80:13, 83:12, 84:15 deems [1] - 70:21 deep [1] - 83:5 defined [1] - 82:25 definitely [2] - 64:16, 72:15 deliveries [1] - 24:19 delivery [2] - 23:1, 80:18 demand [9] - 11:17, 13:15, 13:22, 16:5, 21:4, 25:5, 26:15, 29:20, 39:6 demolish [1] - 64:12 demolished [1] - 82:8 denied [2] - 69:4, 69:6 Department [4] - 6:19, 63:3, 71:16, 71:25 depth [2] - 81:14, 81:18 described [1] - 43:5 Description [1] - 5:16 deserts [1] - 80:20 design [1] - 35:25 designated [1] - 18:2 designing [1] - 83:20 desk [1] - 24:16 dessert [1] - 84:20 detail [3] - 16:6, 37:24, 57:8 details [1] - 13:17 determine [1] - 36:13 develop [3] - 63:20, 63:22, 82:11 developing [1] - 34:7 development [3] - 35:11, 39:21, 54:24 development-driven	[1] - 39:21 developments [3] - 22:8, 22:24, 33:24 develops [1] - 35:25 die [1] - 31:12 differ [1] - 65:22 different [18] - 13:20, 25:6, 29:14, 31:13, 43:2, 57:23, 57:25, 58:3, 59:10, 59:15, 65:10, 67:18, 68:22, 72:9, 73:2, 73:3, 76:6 difficult [1] - 39:12 Direct [1] - 4:6 direct [1] - 50:4 DIRECT [1] - 13:7 discuss [2] - 37:23, 50:5 discussed [2] - 11:2, 42:19 discussing [1] - 11:17 discussion [5] - 35:13, 37:15, 38:4, 38:12, 39:25 discussions [5] - 34:20, 34:21, 36:5, 36:10, 40:10 distinguished [1] - 64:17 district [1] - 82:5 divide [1] - 81:16 division [1] - 76:7 docket [1] - 71:17 documents [1] - 6:21 dogs [1] - 80:20 DOJ's [1] - 36:12 done [5] - 21:2, 57:10, 69:10, 72:3, 79:5 DoorDash [1] - 24:14 DOT [15] - 32:5, 33:21, 34:14, 34:19, 35:6, 36:10, 37:3, 37:7, 37:17, 38:1, 38:13, 39:24, 40:21, 49:11 DOT's [1] - 32:5 doubles [1] - 24:19 down [6] - 23:19, 24:19, 31:12, 39:4, 57:11, 82:9 downloaded [1] - 29:11 Drive [1] - 12:10 drive [1] - 28:11 driven [2] - 38:22, 39:21 drivers [1] - 38:20 driveway [6] - 23:13, 23:17, 23:20, 37:19, 37:20, 37:21	drop [2] - 24:13, 38:16 drop-off [2] - 24:13, 38:16 dropped [1] - 18:12 drops [1] - 24:16 due [2] - 67:7, 69:20 duly [2] - 6:9, 12:11 during [3] - 13:23, 52:15, 52:16 duties [2] - 7:14, 8:1 dwelling [2] - 82:7, 82:12
E				
ease [1] - 23:9 easier [1] - 39:8 easily [1] - 23:17 easy [2] - 63:7, 75:3 eat [1] - 80:18 eat-in [1] - 80:18 Eats [1] - 24:14 Edition [2] - 14:2, 29:12 edition [1] - 32:6 educational [1] - 58:21 Edwin [3] - 1:21, 5:12, 84:10 EDWIN [1] - 2:8 effect [1] - 66:17 either [2] - 17:11, 58:24 electric [1] - 85:3 elevations [2] - 43:3, 45:18 elsewhere [1] - 15:1 employed [1] - 88:8 employee [2] - 80:1, 83:24 employees [4] - 17:21, 19:15, 79:3, 84:21 engineer [6] - 34:24, 34:25, 36:9, 43:3, 57:25, 58:5 Engineer [2] - 2:15, 2:16 engineer's [1] - 76:9 Engineering [1] - 81:25 enter [2] - 23:20, 31:18 entered [1] - 23:17 entire [1] - 27:5 entirely [1] - 66:22 entitled [1] - 13:4 entity [1] - 39:22 environment [1] - 15:25 equally [2] - 81:17,				

82:10 equipment [4] - 26:17, 27:17, 27:19, 84:5 ERIC [1] - 4:5 Eric [3] - 11:5, 12:17, 25:15 erroneously [2] - 61:17, 62:14 error [1] - 62:2 escrow [3] - 72:9, 72:16, 73:3 esquire [1] - 82:2 ESQUIRE [3] - 3:2, 3:6, 3:9 establish [1] - 14:9 established [2] - 7:11, 7:23 estate [1] - 84:19 evening [9] - 6:8, 10:20, 11:12, 11:16, 11:23, 12:2, 13:23, 50:4, 53:1 eventually [1] - 82:11 evidence [1] - 82:18 exact [4] - 57:7, 61:23, 71:7, 71:8 exactly [3] - 43:11, 64:6, 65:9 EXAMINATION [1] - 13:7 Examination [1] - 4:6 example [1] - 75:10 except [1] - 16:12 excludes [2] - 64:7, 64:8 excuse [2] - 41:21, 82:1 exempt [8] - 59:4, 59:14, 59:19, 65:11, 65:12, 65:14, 65:17, 65:20 exempting [1] - 64:25 exemption [2] - 59:15, 65:10 exhibit [1] - 31:18 Exhibit [1] - 13:2 Exhibits [1] - 5:17 existing [14] - 14:17, 14:18, 15:9, 17:18, 28:14, 33:14, 33:19, 35:15, 38:24, 64:14, 81:13, 82:8, 83:22 exists [1] - 35:9 expert [1] - 39:11 Expiration [1] - 88:16 expiration [1] - 53:9 expired [3] - 66:16, 67:8, 69:9 explain [1] - 67:24 explaining [1] - 58:18	extend [1] - 65:8 Extension [2] - 1:6, 4:10 extension [11] - 52:23, 53:9, 53:12, 53:16, 53:18, 53:19, 53:23, 55:15, 55:22, 57:6, 79:19 extensions [1] - 66:15 extent [1] - 55:12 exterior [1] - 19:10 extra [8] - 47:10, 47:14, 47:16, 48:12, 48:15, 48:17, 49:9, 49:10 eyelash [2] - 79:18, 79:19 F facing [1] - 24:10 fact [1] - 35:2 factor [2] - 61:6, 61:7 Factory [1] - 28:21 fair [2] - 33:23, 35:4 faith [2] - 7:9, 7:21 faithfully [2] - 7:13, 7:25 familiar [1] - 84:11 family [18] - 19:21, 21:9, 23:2, 53:6, 53:24, 54:19, 54:20, 54:21, 56:17, 59:4, 64:8, 64:15, 64:21, 64:22, 65:8, 65:11, 82:5, 82:12 Fan [8] - 1:5, 3:8, 4:3, 10:19, 10:23, 36:19, 40:2, 51:19 fancy [1] - 46:13 far [1] - 35:6 Fashion [2] - 1:19, 83:8 favor [1] - 41:13 fee [2] - 72:10, 73:3 feet [15] - 14:10, 33:1, 33:12, 48:14, 81:14, 81:15, 81:17, 81:18, 81:19, 82:6, 83:5, 83:24 few [1] - 17:8 figure [1] - 42:12 file [6] - 36:25, 66:2, 71:20, 72:18, 72:25, 73:13 filed [2] - 83:9, 83:11 filing [3] - 66:21, 72:9, 73:3 financial [2] - 88:8, 88:9	fine [3] - 42:8, 49:14, 50:16 finish [1] - 46:10 fire [8] - 11:3, 11:6, 11:12, 25:23, 25:25, 26:2, 50:6, 85:3 firm [1] - 10:22 first [17] - 6:16, 10:18, 17:8, 41:23, 44:15, 52:21, 53:14, 53:18, 53:19, 57:21, 60:16, 67:15, 69:12, 78:13 fitness [6] - 14:16, 25:16, 26:7, 27:7, 27:21, 29:25 Fitness [1] - 28:21 fits [1] - 84:23 five [7] - 35:18, 37:18, 51:23, 57:18, 67:19, 79:2 five-minute [1] - 51:23 fixed [1] - 39:9 flagged [1] - 62:11 FLANNERY [26] - 3:6, 10:20, 12:20, 12:23, 13:6, 13:8, 16:8, 29:1, 36:17, 37:5, 37:23, 40:18, 40:21, 40:25, 42:8, 43:20, 45:9, 45:11, 45:17, 46:17, 48:5, 48:18, 48:24, 50:3, 50:15, 51:17 Flannery [2] - 4:6, 10:22 Floor [1] - 12:10 floor [9] - 6:16, 26:17, 26:22, 27:3, 27:5, 27:14, 27:16, 43:2, 45:18 floors [7] - 26:12, 26:21, 27:8, 27:13, 44:2, 46:1 fob [3] - 17:12, 18:9, 20:2 focused [1] - 13:18 follow [1] - 23:5 follow-up [1] - 23:5 follows [1] - 12:12 food [1] - 80:21 foot [2] - 25:8, 79:1 footage [2] - 56:18, 78:25 foregoing [1] - 88:5 foreseeing [1] - 74:2 formal [1] - 79:18 former [3] - 80:16, 83:17, 84:19 Fort [1] - 78:23 forth [3] - 15:6, 56:24,	73:24 forward [1] - 60:6 four [9] - 24:22, 43:23, 44:1, 57:17, 57:18, 57:20, 67:19, 69:1, 84:24 four-story [1] - 24:22 French [2] - 80:17, 80:20 Friday [2] - 84:1, 85:11 friend [3] - 18:9, 20:3, 20:17 fries [1] - 80:20 front [8] - 17:17, 24:1, 24:2, 24:13, 24:15, 24:16, 38:14, 81:14 frustration [2] - 67:23, 68:25 fry [1] - 80:17 full [2] - 23:23, 32:18 fundamentally [1] - 68:21 future [3] - 39:13, 74:2, 85:7 G game [1] - 34:18 garage [9] - 17:14, 17:15, 18:21, 19:9, 19:12, 23:19, 23:25, 44:9, 84:23 garages [2] - 44:7, 44:8 gate [1] - 18:12 gated [1] - 17:10 general [2] - 35:16, 47:9 generally [1] - 15:16 generate [3] - 26:14, 32:13, 32:21 generated [2] - 32:14, 36:3 Generation [2] - 29:12, 32:7 generation [2] - 32:4, 35:2 God [3] - 7:17, 8:4, 12:7 gonna [1] - 39:1 government [2] - 7:10, 7:22 Grand [13] - 1:5, 4:4, 10:19, 10:23, 13:15, 31:17, 31:20, 34:16, 34:21, 35:12, 36:11, 38:14, 40:4 granted [2] - 53:13, 83:3	gray [2] - 43:10, 43:23 great [1] - 64:24 gridlock [2] - 33:13, 33:15 ground [2] - 23:12, 27:13 guess [4] - 16:22, 17:2, 30:12, 70:23 guest [2] - 18:2, 22:25 guests [1] - 22:9 guided [1] - 34:19 guy [1] - 24:14 guys [1] - 48:17 gym [2] - 17:22, 31:9 H Haddonfield [1] - 3:7 Hal [2] - 27:25, 37:16 HAL [1] - 2:16 half [9] - 30:3, 56:22, 57:15, 60:3, 60:6, 61:14, 62:2, 69:6, 77:25 Hall [1] - 51:21 hamburger [1] - 80:17 hamburgers [1] - 80:20 Han [3] - 1:21, 5:12, 84:10 HAN [1] - 2:8 hand [3] - 7:3, 7:4, 12:3 handicap [1] - 24:3 HANRAHAN [42] - 2:13, 8:8, 8:10, 8:12, 8:14, 8:16, 8:18, 8:20, 8:23, 9:2, 9:13, 9:15, 9:18, 9:20, 9:22, 10:7, 10:9, 10:11, 10:13, 10:15, 50:10, 51:7, 51:9, 51:11, 51:13, 51:15, 56:1, 56:3, 56:5, 56:7, 56:9, 77:4, 77:6, 77:8, 77:10, 77:12, 86:11, 86:13, 86:15, 86:17, 86:19, 86:21 happy [1] - 16:6 harder [1] - 78:1 hardship [1] - 75:23 Harwood [2] - 4:9, 42:6 head [2] - 34:2, 70:16 heads [1] - 34:11 health [8] - 23:1, 29:24, 29:25, 30:10, 30:24, 53:6, 53:25, 54:1
--	--	---	---	---

hear [9] - 11:14, 22:20, 57:21, 58:11, 70:1, 71:24, 72:13, 73:7, 76:23 heard [7] - 57:16, 57:19, 58:9, 67:14, 67:16, 69:5, 81:21 hearing [11] - 11:1, 11:2, 11:13, 11:18, 11:21, 11:22, 12:25, 13:10, 48:25, 82:15, 84:16 hears [1] - 63:10 heat [1] - 85:3 heck's [1] - 42:12 height [1] - 57:9 held [1] - 52:4 help [9] - 7:17, 8:4, 12:6, 45:15, 48:22, 49:7, 49:10, 58:13, 76:1 Henry [1] - 31:21 hereby [1] - 88:5 high [1] - 22:24 Highway [1] - 35:23 highway [3] - 32:8, 34:17, 35:12 Hillside [3] - 1:9, 4:16, 56:15 Hoff [1] - 10:22 HOFF [1] - 3:5 hold [2] - 18:24, 21:14 home [5] - 22:10, 23:1, 59:4, 64:21, 65:8 homemade [1] - 80:21 homes [1] - 64:8 honestly [1] - 58:12 hope [1] - 11:8 hospital [1] - 54:10 hot [1] - 80:20 hourly [2] - 14:2, 15:6 hours [9] - 30:7, 30:13, 31:14, 57:18, 79:6, 79:24, 80:21, 83:25, 85:10 house [2] - 44:4, 44:5 houses [1] - 43:12 housing [1] - 44:4 Hudson [2] - 39:14, 39:15 hundred [2] - 81:13, 81:14 Hyun [3] - 1:9, 4:15, 56:15	idea [1] - 60:23 Ident/Evid [1] - 5:16 impact [1] - 33:23 impacts [1] - 64:23 impartially [2] - 7:13, 7:25 improperly [1] - 73:19 improvement [1] - 34:22 improvements [3] - 35:12, 36:5, 41:1 IN [1] - 1:3 including [1] - 16:11 incur [1] - 19:21 indefinite [1] - 60:24 individual [5] - 13:20, 43:12, 44:3, 44:8, 49:13 influx [1] - 31:11 information [5] - 29:2, 29:5, 45:19, 47:17, 47:22 inside [1] - 43:7 instant [1] - 57:8 Institute [1] - 13:25 Insurance [1] - 80:15 interest [2] - 88:8, 88:9 interested [1] - 60:22 internal [2] - 23:16, 25:1 interpretation [4] - 58:2, 59:22, 59:23, 65:23 intersection [1] - 40:6 involve [5] - 59:20, 65:14, 65:15, 65:20, 70:7 involved [5] - 58:23, 62:10, 63:11, 63:13, 88:8 involvement [1] - 59:16 involves [5] - 59:11, 59:13, 59:18, 59:19, 65:16 issue [9] - 34:7, 38:22, 57:23, 59:15, 59:16, 65:10, 67:2, 67:6, 69:4 issues [9] - 11:19, 11:24, 50:6, 53:6, 53:24, 53:25, 54:1, 59:15 ITE [4] - 29:17, 30:7, 30:18, 30:19	JENNIFER [1] - 2:10 Jennifer [4] - 7:1, 7:6, 7:18, 86:8 Jersey [13] - 3:4, 3:7, 3:11, 6:10, 6:11, 6:19, 7:9, 7:21, 12:11, 38:22, 88:4, 88:7, 88:10 Julio [3] - 1:17, 5:9, 81:8 July [9] - 11:1, 13:3, 13:5, 13:16, 81:21, 81:22, 83:12, 84:14, 84:17 jumbo [1] - 42:11 June [2] - 79:15, 80:12 jurisdiction [35] - 36:12, 57:22, 57:24, 58:11, 58:15, 58:23, 59:2, 59:8, 59:25, 63:8, 67:4, 67:5, 68:12, 68:21, 69:5, 70:8, 70:11, 70:17, 70:22, 70:23, 71:1, 71:15, 71:23, 72:13, 73:6, 73:7, 73:19, 75:6, 75:13, 75:16, 76:4, 76:21, 76:22, 77:1 jurisdictional [2] - 67:2, 69:4 JUSTIN [1] - 2:6 justly [2] - 7:14, 8:1	68:16, 69:22, 70:9, 70:15, 71:7, 72:3, 72:15, 72:24, 73:9, 74:9, 74:13, 74:21, 74:25, 75:7, 75:21, 76:5, 76:15 Kauker [2] - 4:21, 11:20 keep [2] - 72:21, 72:25 keeps [1] - 68:8 KELLER [7] - 4:5, 12:2, 12:8, 12:16, 12:17, 12:21, 13:2 Keller [3] - 11:23, 12:1, 12:17 Keller's [2] - 11:5, 11:15 key [4] - 17:11, 17:12, 18:9, 20:3 KIM [6] - 2:4, 2:10, 7:18, 9:3, 56:10, 77:13 Kim [13] - 1:11, 1:13, 5:4, 7:1, 7:6, 7:18, 8:8, 9:2, 56:9, 77:12, 78:14, 79:11, 86:19 kind [3] - 26:14, 47:17, 63:23 knowledge [1] - 19:20 Korea [2] - 56:25, 61:2 Kwak [11] - 4:7, 4:14, 8:20, 8:23, 8:25, 9:22, 10:15, 51:15, 56:7, 77:10, 86:17 KWAK [83] - 2:5, 8:21, 9:1, 9:17, 9:23, 10:6, 10:16, 18:13, 18:19, 18:23, 18:25, 19:7, 19:17, 20:7, 20:10, 21:19, 22:2, 22:14, 22:22, 24:6, 25:11, 27:24, 28:3, 28:7, 28:13, 28:19, 29:3, 29:9, 31:1, 31:4, 31:7, 32:2, 32:11, 33:5, 33:10, 33:14, 34:15, 35:19, 37:2, 37:13, 37:20, 37:22, 38:3, 38:8, 38:11, 38:24, 39:2, 39:18, 39:23, 40:16, 40:20, 40:23, 41:11, 42:2, 46:14, 46:18, 47:4, 47:8, 47:12, 47:16, 48:2, 48:9, 48:13, 48:15, 48:19, 49:1, 49:22, 51:2, 51:5, 51:16, 51:25, 54:6, 54:11, 54:13, 55:8, 56:8, 77:2, 77:11,	77:19, 78:8, 86:7, 86:18, 86:25
L				
land [4] - 15:23, 61:25, 65:1, 65:4 Land [5] - 6:12, 13:25, 61:15, 62:21, 65:5 lapse [1] - 57:4 lapsed [1] - 66:15 large [4] - 22:8, 22:23, 45:25, 64:22 large-scale [2] - 22:8, 22:23 large-size [1] - 45:25 last [13] - 9:6, 9:25, 11:3, 11:18, 11:21, 12:14, 12:25, 13:10, 19:1, 42:19, 42:21, 45:24, 84:9 LAURA [2] - 88:3, 88:14 Law [4] - 6:13, 61:15, 62:21, 65:5 law [6] - 6:23, 10:22, 35:23, 61:25, 65:2, 65:4 LAW [1] - 3:9 laws [1] - 6:11 lays [1] - 14:2 lead [1] - 6:3 lease [1] - 32:20 least [2] - 21:22, 84:9 leave [2] - 24:15, 24:25 led [1] - 6:6 LEE [60] - 3:9, 3:9, 53:1, 53:12, 53:17, 53:24, 54:9, 54:12, 54:21, 54:25, 55:3, 55:11, 55:14, 55:18, 56:12, 56:16, 58:6, 59:9, 60:3, 60:7, 60:11, 60:15, 60:23, 61:22, 63:20, 64:5, 64:12, 64:14, 65:1, 65:9, 65:22, 66:10, 66:12, 66:18, 66:23, 67:1, 67:11, 67:14, 67:24, 68:20, 69:2, 69:15, 70:2, 70:7, 70:13, 70:17, 70:20, 71:4, 71:19, 72:2, 72:23, 75:19, 75:25, 76:9, 76:13, 76:17, 77:17, 77:22, 78:2, 78:6 Lee [3] - 53:2, 68:8, 78:23				
I				
ice [1] - 85:7 ID [2] - 88:4, 88:15				
J				
JANG [1] - 2:9				
K				
Kang [7] - 8:16, 8:18, 9:20, 51:13, 56:5, 77:8, 86:15 KANG [28] - 2:6, 3:2, 8:19, 9:21, 10:2, 10:14, 22:18, 41:12, 49:24, 51:14, 51:24, 52:9, 55:12, 55:21, 56:6, 67:22, 68:2, 68:7, 68:14, 68:18, 68:23, 69:12, 69:18, 76:24, 77:9, 85:20, 86:3, 86:16 kang [1] - 10:13 karaoke [5] - 14:16, 14:18, 17:22, 26:16, 27:14 KAUKER [36] - 2:14, 4:18, 41:5, 58:19, 61:16, 62:4, 62:7, 62:19, 62:22, 63:1, 63:6, 63:22, 64:7, 64:13, 64:19, 65:3, 65:19, 65:24, 68:11,				

lee [4] - 66:5, 70:4, 73:7, 77:14 LEED [2] - 4:5, 12:9 Leems [9] - 32:25, 33:9, 33:10, 34:21, 36:5, 37:15, 40:2, 40:14, 40:25 left [2] - 7:4, 52:13 legal [2] - 6:17, 6:18 letter [1] - 11:4 level [6] - 17:7, 17:8, 17:9, 17:15, 23:12, 64:21 levels [2] - 31:9, 43:24 License [1] - 88:15 licensed [1] - 79:20 light [1] - 31:22 Light [2] - 39:14, 39:15 likely [1] - 71:21 likewise [1] - 13:23 LILLIAN [1] - 83:8 Lillian [2] - 1:19, 83:7 limitation [2] - 57:3, 61:7 line [5] - 38:14, 62:6, 74:22, 74:23, 82:9 liquor [4] - 14:15, 24:4, 26:13, 27:13 listing [1] - 6:18 live [2] - 28:10, 34:18 lives [1] - 18:3 living [5] - 34:4, 43:24, 44:19, 61:3 LLC [12] - 1:5, 1:11, 1:19, 3:8, 3:9, 4:3, 5:4, 10:19, 51:19, 53:25, 78:14, 83:8 LLP [1] - 3:2 load [1] - 24:24 loading [1] - 24:18 lobby [1] - 17:18 located [4] - 23:8, 52:24, 79:12, 82:5 location [2] - 83:22, 83:23 look [13] - 27:8, 30:19, 38:2, 39:1, 40:18, 43:2, 45:15, 46:1, 47:23, 48:22, 64:5, 67:9, 71:11 looked [1] - 25:8 looking [7] - 14:20, 19:22, 26:18, 26:19, 34:24, 42:25, 45:20 looks [3] - 14:14, 42:11, 43:9 Loom [1] - 33:9 Looms [1] - 33:9 lose [2] - 74:11, 74:22	louder [1] - 38:7 LOULUDIS [5] - 2:15, 4:17, 41:6, 58:4, 76:11 lower [1] - 48:10 lowest [2] - 17:7, 17:15 LUCY [1] - 2:13 luxury [1] - 78:21	measuring [1] - 81:17 mechanical [1] - 27:15 medical [1] - 54:7 meet [1] - 25:2 meeting [20] - 6:2, 6:9, 6:14, 9:6, 11:7, 11:9, 13:3, 42:20, 42:22, 45:4, 45:24, 50:5, 50:9, 50:20, 51:20, 52:8, 52:14, 57:20, 81:22, 87:5 meetings [2] - 17:3, 36:9 Meetings [1] - 6:10 meets [4] - 80:5, 81:4, 84:7, 85:14 Melanie [3] - 4:9, 41:20, 42:4 Member [2] - 7:15, 8:2 MEMBER [5] - 2:6, 2:7, 2:8, 2:9, 2:10 member [4] - 6:25, 7:15, 8:2, 16:22 members [9] - 23:2, 28:14, 28:22, 41:14, 50:1, 52:2, 53:2, 78:7, 83:2 Members [1] - 10:21 memo [1] - 26:7 memorialization [1] - 78:12 MEMORIALIZATION S [2] - 1:10, 5:3 memorializations [3] - 78:11, 85:19, 85:21 memorialized [2] - 86:1, 86:2 mess [2] - 39:10, 49:12 met [1] - 82:25 methodology [1] - 25:9 MICHAEL [2] - 2:14, 4:18 Michael [1] - 58:17 microphone [1] - 22:17 mid [1] - 15:15 mid-rise [1] - 15:15 middle [2] - 35:21, 82:9 might [6] - 12:23, 13:9, 28:1, 65:7, 72:9, 73:2 mind [7] - 22:12, 46:15, 46:18, 50:14, 58:17, 63:17, 72:25 minimum [1] - 15:7 minor [8] - 57:8, 81:9,	81:20, 82:15, 82:17, 82:19, 82:24 minute [2] - 51:23, 58:13 minutes [4] - 9:5, 9:6, 9:8, 41:22 MIRJANA [1] - 2:7 mistake [2] - 57:10, 63:7 mix [1] - 21:14 MLUL [2] - 71:8, 71:11 model [1] - 47:2 modified [1] - 62:24 modify [1] - 39:9 Monday [4] - 79:6, 79:25, 80:22, 84:1 month [10] - 9:25, 19:2, 31:10, 37:18, 67:15, 67:16, 67:19, 67:20, 76:18 month's [4] - 9:6, 42:19, 42:21, 50:20 months [6] - 54:10, 54:11, 57:17, 57:20, 69:1, 75:24 morning [2] - 29:21, 71:25 most [6] - 15:20, 26:11, 39:7, 44:17, 44:21, 71:21 mostly [2] - 61:5, 79:4 motion [25] - 9:5, 9:7, 9:25, 10:2, 41:9, 41:11, 49:22, 50:12, 50:17, 50:20, 50:25, 51:22, 51:24, 52:8, 52:9, 54:15, 55:21, 71:14, 72:8, 76:21, 76:24, 85:18, 85:20, 86:24, 86:25 move [5] - 46:19, 46:25, 49:5, 60:5, 75:2 moving [1] - 83:21 MR [239] - 7:2, 8:5, 8:19, 9:21, 10:2, 10:14, 10:20, 12:2, 12:3, 12:8, 12:13, 12:16, 12:19, 12:20, 12:21, 12:23, 13:2, 13:6, 13:8, 16:8, 19:4, 22:12, 22:18, 25:15, 25:18, 25:23, 26:1, 26:6, 26:10, 26:18, 26:24, 27:3, 27:10, 27:20, 27:23, 28:1, 29:1, 29:4, 29:10, 29:17, 29:24, 30:3, 30:6, 30:10, 30:12, 30:17, 32:23,	33:7, 33:11, 33:16, 36:15, 36:17, 37:5, 37:17, 37:21, 37:23, 40:14, 40:18, 40:21, 40:25, 41:5, 41:12, 41:13, 42:5, 42:8, 43:20, 45:9, 45:11, 45:17, 46:10, 46:17, 48:5, 48:18, 48:24, 49:5, 49:15, 49:24, 49:25, 50:3, 50:11, 50:15, 50:17, 50:24, 51:6, 51:9, 51:14, 51:17, 51:18, 51:24, 52:1, 52:9, 52:12, 52:16, 52:21, 53:1, 53:12, 53:14, 53:17, 53:21, 53:24, 54:2, 54:9, 54:12, 54:21, 54:25, 55:3, 55:11, 55:12, 55:14, 55:16, 55:18, 55:20, 55:21, 56:6, 56:12, 56:16, 58:6, 58:12, 58:19, 59:9, 60:3, 60:7, 60:11, 60:15, 60:23, 61:16, 61:22, 62:4, 62:7, 62:19, 62:22, 63:1, 63:6, 63:20, 63:22, 64:5, 64:7, 64:12, 64:13, 64:14, 64:19, 65:1, 65:3, 65:9, 65:19, 65:22, 65:24, 66:5, 66:10, 66:11, 66:12, 66:14, 66:18, 66:21, 66:23, 66:24, 67:1, 67:7, 67:11, 67:12, 67:14, 67:21, 67:22, 67:24, 68:2, 68:5, 68:7, 68:11, 68:14, 68:16, 68:18, 68:20, 68:23, 69:2, 69:8, 69:12, 69:15, 69:18, 69:20, 69:22, 69:23, 70:2, 70:4, 70:7, 70:9, 70:13, 70:15, 70:17, 70:19, 70:20, 70:24, 71:4, 71:6, 71:7, 71:12, 71:19, 71:21, 72:2, 72:3, 72:5, 72:15, 72:23, 72:24, 73:2, 73:9, 73:17, 74:9, 74:13, 74:21, 74:25, 75:7, 75:19, 75:21, 75:25, 76:4, 76:5, 76:7, 76:9, 76:13, 76:15, 76:17, 76:20, 76:24, 77:3, 77:9, 77:14, 77:17, 77:22, 78:2, 78:6,
---	--	--	---	--

78:9, 78:12, 81:1, 85:20, 85:22, 86:3, 86:8, 86:16, 87:3 MS [80] - 7:18, 8:15, 8:24, 9:3, 9:7, 9:19, 10:12, 41:6, 41:20, 41:23, 42:4, 42:6, 42:9, 42:21, 43:6, 43:9, 43:15, 43:18, 44:3, 44:7, 44:11, 44:14, 44:23, 45:2, 45:14, 45:20, 46:4, 46:12, 47:1, 47:3, 47:6, 47:10, 47:14, 48:1, 48:4, 48:6, 48:11, 48:14, 49:2, 49:8, 50:22, 51:12, 52:11, 52:15, 54:16, 54:23, 55:1, 55:5, 55:25, 56:4, 56:10, 58:4, 61:11, 61:19, 62:1, 62:5, 62:16, 62:20, 62:23, 63:2, 66:4, 66:8, 66:13, 73:15, 73:18, 74:11, 74:16, 74:23, 75:4, 75:17, 75:20, 75:22, 76:11, 77:7, 77:13, 77:24, 78:4, 86:14, 86:20, 87:2 multifamily [1] - 15:15 multilevel [1] - 48:16 multiple [2] - 46:8, 64:22 multistory [1] - 14:19 mumbo [1] - 42:11 Municipal [4] - 6:12, 61:15, 62:21, 65:5 municipal [1] - 6:16	3:11, 6:10, 6:11, 6:18, 7:8, 7:21, 12:10, 38:21, 88:4, 88:7, 88:10 new [14] - 6:25, 39:25, 64:15, 66:3, 66:22, 68:5, 68:7, 69:2, 69:9, 71:20, 72:18, 73:13, 75:5, 86:24 next [18] - 11:7, 11:9, 11:12, 40:9, 45:4, 48:25, 50:5, 50:8, 50:20, 51:20, 52:20, 56:14, 57:20, 76:18, 79:10, 80:7, 81:7, 83:6 night [2] - 15:7, 30:8 NIKKI [2] - 2:15, 4:17 NO [1] - 5:2 Noh [1] - 86:3 NOH [62] - 3:2, 3:2, 7:2, 8:5, 12:3, 12:13, 12:19, 22:12, 41:13, 42:5, 46:10, 49:5, 49:15, 49:25, 50:11, 50:17, 50:24, 51:6, 51:18, 52:1, 52:12, 52:16, 52:21, 53:14, 53:21, 54:2, 55:16, 55:20, 58:12, 66:5, 66:11, 66:14, 66:21, 66:24, 67:7, 67:12, 67:21, 68:5, 69:8, 69:20, 69:23, 70:4, 70:19, 70:24, 71:6, 71:12, 71:21, 72:5, 73:2, 73:17, 76:4, 76:7, 76:20, 77:3, 77:14, 78:9, 78:12, 81:1, 85:22, 86:8, 86:20, 87:3 nonalcoholic [1] - 85:6 noon [1] - 30:2 north [4] - 17:17, 23:14, 23:20, 34:1 northern [1] - 23:24 Notary [5] - 88:4, 88:15, 88:15 noted [2] - 84:24, 87:6 notes [1] - 83:1 nothing [6] - 12:5, 34:3, 41:5, 41:6, 61:25, 63:1 notice [6] - 6:14, 6:15, 6:20, 74:24, 76:5, 82:14 notices [1] - 6:18 notification [1] - 75:24 null [1] - 68:13	Number [9] - 24:21, 51:3, 51:5, 83:6, 85:23, 85:24, 85:25 number [12] - 19:18, 19:22, 20:23, 25:21, 26:4, 28:18, 28:22, 28:23, 61:1, 61:17, 62:8, 75:5 numbers [1] - 30:19	53:18, 54:19, 55:14, 55:16, 57:8, 57:18, 59:4, 59:23, 64:8, 64:20, 65:8, 65:11, 69:10, 78:13, 79:23, 81:7, 82:7, 83:22 one-bedroom [6] - 21:3, 21:15, 21:23, 21:25, 44:21, 44:22 one-family [1] - 54:19 one-story [1] - 82:7 one-year [3] - 53:12, 53:15, 55:14 ones [2] - 47:15, 47:16 ongoing [4] - 28:24, 36:10, 37:24, 39:25 online [1] - 79:5 Online [1] - 88:4 open [4] - 23:25, 32:17, 41:9, 52:9 Open [1] - 6:10 opening [1] - 64:4 operate [2] - 32:20, 79:21 operation [5] - 32:20, 79:25, 80:22, 83:25, 85:10 opinion [5] - 57:23, 57:25, 58:1, 59:8, 59:9 opportunity [1] - 13:19 option [1] - 37:6 order [1] - 37:15 ordinance [2] - 26:1, 62:24 original [1] - 69:3 originally [1] - 53:8 outcome [1] - 88:9 outdoor [1] - 43:25 outside [8] - 17:16, 18:6, 23:7, 26:20, 27:4, 31:16, 60:19, 61:4 oversight [1] - 78:5 overview [2] - 11:14, 13:11 own [3] - 36:6, 61:5, 68:25 owner [1] - 56:23	P.P [2] - 4:5, 12:9 package [1] - 24:16 packed [4] - 27:24, 28:3, 28:4 page [2] - 13:18, 43:10 PAGE [1] - 5:2 Palisades [9] - 1:23, 2:1, 3:4, 3:11, 6:2, 7:16, 8:3, 10:24, 83:22 PALISADES [1] - 1:1 pandemic [1] - 35:21 paper [1] - 63:18 park [5] - 18:10, 20:18, 23:19, 24:23, 48:12 PARK [1] - 1:1 Park [12] - 1:9, 1:23, 2:1, 3:4, 3:11, 4:15, 6:2, 7:16, 8:3, 10:24, 56:15, 83:22 parked [1] - 15:22 parking [69] - 11:17, 13:11, 13:18, 13:19, 13:20, 14:5, 14:8, 14:21, 14:24, 15:5, 15:8, 15:9, 15:12, 15:19, 15:21, 15:23, 16:2, 16:25, 17:1, 17:6, 17:9, 18:2, 18:4, 18:6, 18:14, 18:17, 19:14, 20:6, 20:9, 20:20, 20:21, 21:4, 21:12, 22:4, 22:6, 22:7, 22:23, 22:25, 23:6, 23:7, 23:10, 23:12, 23:24, 23:25, 24:2, 24:10, 25:2, 25:6, 25:10, 26:15, 28:16, 29:13, 42:14, 43:4, 43:24, 44:9, 44:24, 47:11, 47:24, 48:1, 48:16, 79:2, 79:23, 84:21, 84:25 Parking [2] - 14:1, 29:12 Parsippany [1] - 12:10 part [3] - 15:3, 39:16, 84:21 part-time [1] - 84:21 partially [3] - 17:7, 61:3, 61:4 participants [1] - 49:9 particular [2] - 20:6, 20:9 parties [1] - 88:7 partnership [1] - 40:2 parts [1] - 14:11 past [2] - 31:21
N	N.J.S.A [2] - 82:13, 82:25 name [7] - 7:1, 12:14, 41:19, 42:1, 42:3, 81:8 named [1] - 79:11 nature [1] - 22:11 need [10] - 15:23, 24:9, 25:3, 46:4, 46:5, 49:5, 50:22, 52:17, 70:2, 72:18 needed [1] - 77:22 needs [4] - 35:14, 35:15, 73:20, 85:4 neglected [1] - 56:25 neighbors [1] - 76:2 never [1] - 27:18 New [13] - 3:4, 3:7,	o'clock [9] - 15:7, 27:25, 29:20, 30:8, 30:16, 31:8, 31:12, 31:13, 31:20 oath [1] - 88:6 objection [1] - 83:2 obligation [3] - 34:12, 35:7, 35:22 obviously [6] - 31:17, 38:23, 39:11, 66:11, 66:14, 76:10 occupancy [6] - 25:22, 25:23, 25:25, 26:2, 30:23, 30:24 occupants [1] - 25:16 occupied [1] - 27:4 occupies [1] - 27:7 occurs [1] - 30:7 OF [6] - 1:1, 1:3, 1:4, 1:23, 2:1, 3:9 off-ramp [2] - 40:3, 40:15 OFFICE [1] - 3:9 office [16] - 6:21, 6:22, 6:23, 7:14, 8:1, 11:5, 27:17, 45:13, 46:1, 46:23, 48:21, 49:6, 60:17, 67:17, 79:18, 84:19 official [2] - 11:3, 11:7 offset [1] - 32:13 old [2] - 32:6, 86:23 on-ramp [1] - 40:3 on-site [1] - 82:7 once [3] - 46:23, 57:2, 60:24 one [54] - 16:9, 17:4, 21:3, 21:5, 21:15, 21:23, 21:25, 22:18, 26:5, 26:20, 27:3, 29:16, 30:24, 36:2, 38:13, 39:15, 40:7, 42:9, 43:10, 43:17, 43:19, 44:21, 44:22, 45:5, 46:5, 47:7, 48:1, 48:2, 48:8, 49:8, 52:20, 53:10, 53:11, 53:12, 53:15,	P	P.E [5] - 2:15, 2:16, 4:5, 4:17, 12:9 p.m [15] - 1:2, 15:19, 50:11, 50:13, 51:20, 52:5, 79:7, 80:1, 80:23, 84:1, 84:2, 85:11, 85:12, 87:6

pastries [1] - 85:5 pastry [1] - 84:19 patio [1] - 64:13 patrons [2] - 19:15, 28:11 PAUL [1] - 2:4 pay [2] - 10:1, 10:2 peak [8] - 13:22, 29:6, 29:20, 30:1, 30:5, 30:7, 30:16 peaks [2] - 29:13, 29:14 people [17] - 7:13, 7:25, 15:1, 17:21, 17:22, 19:24, 22:8, 22:10, 23:2, 24:24, 28:10, 29:5, 30:24, 38:17, 44:15, 44:17, 63:7 per [7] - 14:9, 14:10, 19:20, 25:7, 25:8, 30:25, 81:19 percent [5] - 21:22, 33:8, 57:9, 57:11, 79:4 percentages [2] - 29:19, 30:21 perform [2] - 7:14, 8:1 perhaps [2] - 37:2, 37:15 permitted [3] - 79:15, 83:11, 84:14 person [1] - 18:3 personal [2] - 53:25, 76:17 perspective [3] - 35:7, 36:1 pertaining [1] - 12:6 pertinent [1] - 64:9 PETER [1] - 3:6 Peter [2] - 10:21, 50:13 pick [3] - 24:20, 38:16, 38:17 pick-up [3] - 24:20, 38:16, 38:17 picky [1] - 42:24 pictures [1] - 31:16 piece [2] - 47:7, 63:18 place [4] - 42:16, 68:3, 68:10, 69:13 placed [1] - 73:19 plan [51] - 10:19, 12:22, 12:24, 13:15, 16:5, 16:17, 17:2, 23:15, 36:6, 36:15, 36:18, 36:21, 37:10, 37:11, 37:12, 43:8, 46:21, 51:19, 56:14, 58:24, 58:25, 59:3,	59:5, 59:11, 59:13, 59:14, 59:18, 59:19, 59:20, 59:21, 63:12, 63:17, 63:18, 63:20, 63:25, 64:3, 64:12, 64:17, 65:11, 65:12, 65:14, 65:15, 65:16, 65:20, 69:21, 69:24, 75:14, 81:7, 84:3 Plan [7] - 1:4, 1:8, 1:17, 4:3, 4:15, 5:8, 13:4 planned [1] - 53:8 planner [6] - 58:5, 58:14, 68:9, 68:24, 69:19, 77:1 Planner [1] - 2:14 PLANNING [3] - 1:1, 1:23, 2:1 planning [1] - 57:7 Planning [50] - 3:4, 6:2, 6:22, 6:25, 7:15, 8:2, 45:13, 45:25, 46:22, 48:21, 49:6, 56:20, 56:21, 57:14, 57:22, 57:24, 58:9, 58:10, 58:22, 59:24, 61:12, 61:13, 61:20, 61:22, 62:3, 62:9, 62:18, 63:8, 67:3, 67:16, 70:10, 70:14, 70:20, 70:21, 70:25, 73:12, 73:20, 73:25, 74:1, 74:6, 75:12, 76:2, 79:7, 80:3, 81:5, 82:22, 83:1, 84:6, 85:15 plans [13] - 6:21, 34:22, 36:25, 37:4, 37:10, 45:18, 45:25, 47:22, 48:22, 72:18, 84:4, 85:5, 85:7 Pledge [2] - 6:4, 6:6 plus [1] - 39:2 point [8] - 16:9, 32:24, 39:20, 57:5, 60:8, 65:10, 66:19, 66:22 points [1] - 14:23 policy [1] - 39:21 pools [1] - 64:10 popped [1] - 60:17 portion [3] - 17:14, 26:24, 49:21 position [1] - 50:6 possibility [2] - 74:7, 74:17 possible [2] - 40:21, 77:18 posting [2] - 6:15, 6:17	potential [1] - 40:4 potentially [1] - 38:19 PP [2] - 2:14, 4:18 precedent [1] - 63:24 premises [7] - 78:15, 79:9, 80:4, 81:4, 84:7, 85:2, 85:14 prepackage [1] - 85:4 prepackaged [1] - 85:5 prepared [1] - 13:14 PRESENT [2] - 1:24, 2:1 present [5] - 12:24, 41:14, 50:1, 52:2, 52:6 presentation [1] - 82:23 presented [5] - 12:25, 43:1, 45:12, 81:23, 83:15 presenting [2] - 36:23, 37:11 presently [2] - 82:6 preserved [1] - 6:20 President [1] - 46:14 president [1] - 12:18 presume [1] - 18:8 previous [1] - 66:6 previously [4] - 12:1, 61:20, 74:1, 74:6 primarily [2] - 11:16, 17:24 principal [2] - 53:25, 54:9 proactive [1] - 39:7 problem [5] - 35:16, 35:17, 35:18, 49:10, 75:8 problems [2] - 32:1, 33:22 proceed [3] - 53:7, 75:25, 76:1 PROCEEDINGS [1] - 1:4 process [1] - 34:13 product [1] - 80:21 Professional [1] - 88:5 professionals [5] - 25:14, 41:3, 41:4, 81:24, 82:19 project [2] - 32:17, 33:12 projects [1] - 34:9 promise [1] - 72:6 promises [1] - 73:4 properly [1] - 58:15 property [19] - 10:24, 16:14, 17:20, 36:19,	40:10, 42:11, 47:5, 47:7, 49:9, 56:17, 56:24, 64:2, 79:12, 80:9, 81:10, 81:13, 82:3, 83:9, 84:11 proposal [1] - 55:9 proposed [16] - 15:10, 35:10, 40:19, 79:8, 80:4, 80:14, 80:24, 81:3, 82:8, 83:18, 83:25, 84:7, 84:18, 85:8, 85:9, 85:13 proposes [2] - 79:17, 82:11 proposing [1] - 32:22 provide [4] - 11:13, 21:21, 46:21 provided [3] - 6:15, 19:6, 88:6 providing [5] - 16:2, 17:4, 21:22, 21:23, 47:18 Prudential [1] - 80:15 Public [4] - 4:8, 6:10, 88:4, 88:15 public [16] - 6:11, 16:1, 16:22, 20:16, 38:4, 38:12, 39:21, 41:3, 41:10, 41:17, 41:22, 49:18, 50:23, 74:24, 82:15, 83:2 publication [1] - 14:1 published [1] - 15:13 publishes [1] - 15:17 pull [1] - 12:21 pulls [1] - 31:19 purposes [1] - 14:12 pursuant [1] - 82:13 pursue [1] - 57:1 put [4] - 7:4, 32:19, 34:2, 84:4 putting [1] - 34:11	quorum [1] - 52:17
R				
R.P.R [2] - 88:3, 88:14 rail [1] - 39:11 Rail [2] - 39:14, 39:15 raise [2] - 7:3, 12:3 raised [1] - 26:7 raising [2] - 66:18, 66:19 ramp [3] - 40:3, 40:15 rates [1] - 32:5 ratio [1] - 29:13 reach [1] - 37:9 reactive [1] - 39:6 read [4] - 9:5, 65:6, 65:21, 73:24 real [1] - 84:19 reality [1] - 33:20 really [5] - 21:9, 29:5, 31:22, 45:5, 62:9 rear [2] - 79:24, 84:22 reason [9] - 25:3, 53:22, 54:6, 58:18, 64:19, 73:21, 74:4, 74:20 reasonable [1] - 53:22 received [1] - 11:20 recent [2] - 15:14, 29:17 recess [1] - 52:4 recitation [1] - 6:5 recommend [3] - 72:19, 73:4, 74:18 recommendation [1] - 73:16 record [6] - 10:21, 12:15, 52:12, 58:4, 67:9, 88:5 redevelopment [4] - 14:6, 14:7, 16:17, 36:21 reduce [1] - 72:23 refer [3] - 65:25, 67:13, 73:11 referee [1] - 88:6 refile [6] - 71:2, 71:16, 72:1, 77:15, 77:17 reflect [1] - 52:12 reflected [1] - 16:16 regarding [5] - 11:24, 19:17, 22:3, 22:6, 22:22 Registered [1] - 88:5 regular [4] - 6:2, 51:20, 81:22, 84:16 regulation [2] - 61:24, 88:10 regulations [1] - 61:15				
Q				
qualified [1] - 12:1 qualifies [2] - 64:16, 82:16 questions [9] - 16:6, 22:5, 25:14, 48:23, 48:25, 54:3, 54:14, 55:6, 65:17 Questions [4] - 4:6, 4:8, 4:13, 4:19 queue [2] - 74:22, 74:24 quick [2] - 11:13, 13:11 quite [2] - 64:21, 65:24				

reiterate [1] - 54:19
related [3] - 35:13, 88:7, 88:8
relocated [1] - 14:18
remaining [2] - 14:17, 15:10
remains [1] - 69:4
remediation [1] - 37:4
remember [7] - 27:1, 28:5, 28:17, 42:22, 58:20, 62:14, 71:7
remind [1] - 41:18
Remote [1] - 88:3
rendered [1] - 12:24
Rendering [1] - 13:4
rendition [2] - 42:10, 42:13
renotice [6] - 50:14, 50:15, 50:16, 50:23, 74:3, 74:17
renoticed [1] - 76:3
reopen [1] - 52:8
repeat [1] - 7:4
repeating [1] - 13:9
report [2] - 14:13, 25:5
Reporter [2] - 88:4, 88:5
REPORTER [3] - 38:6, 38:9, 41:18
represented [3] - 82:1, 83:14, 84:17
representing [1] - 53:2
request [2] - 53:18, 72:25
requested [1] - 81:10
requesting [1] - 46:16
requests [1] - 78:19
require [2] - 40:22, 64:3
required [9] - 14:21, 19:5, 21:8, 21:20, 35:3, 44:20, 58:25, 59:1, 59:6
requirement [4] - 14:8, 25:4, 37:25, 81:4
requirements [4] - 80:5, 82:14, 84:8, 85:14
requires [2] - 37:8, 69:25
reserved [6] - 17:1, 17:6, 17:20, 17:25, 18:6, 48:7
residence [2] - 55:2, 55:3
resident [4] - 18:9, 18:11, 20:11, 23:7
residential [23] -

13:22, 14:11, 14:15, 14:22, 14:23, 14:25, 15:10, 15:13, 15:14, 16:11, 16:24, 17:9, 17:18, 20:22, 23:10, 28:6, 29:23, 33:1, 35:10, 43:20, 43:22, 43:24, 47:11
residents [5] - 17:11, 17:13, 17:23, 18:7, 19:23
Resolution [3] - 1:7, 4:11, 52:23
resolution [9] - 53:4, 57:2, 60:19, 60:25, 66:6, 66:9, 66:16, 67:8, 69:8
resolutions [1] - 85:18
resolved [1] - 11:9
resources [1] - 15:24
respect [6] - 58:1, 58:22, 63:17, 67:7, 69:11, 69:20
respond [3] - 41:14, 50:1, 52:2
Response [3] - 8:9, 8:17, 49:19
response [2] - 11:4, 11:14
responses [1] - 11:8
responsible [1] - 35:24
rest [1] - 70:4
restaurant [6] - 16:12, 32:9, 32:15, 32:16, 32:18, 32:21
resulting [2] - 82:10, 83:4
retail [4] - 13:23, 14:15, 33:12, 78:21
retain [1] - 75:16
return [1] - 50:5
review [4] - 62:9, 63:4, 76:10, 76:25
reviewed [1] - 65:4
revised [1] - 37:10
ridership [2] - 38:23, 38:24
Ridgefield [1] - 40:9
rights [2] - 35:9, 82:14
rise [2] - 6:5, 15:15
roadway [2] - 35:25, 36:5
roll [4] - 8:7, 51:6, 52:17, 77:3
RON [1] - 88:15
room [1] - 24:20
roughly [1] - 16:23
route [2] - 39:9, 39:10
Route [1] - 40:2

RSIS [4] - 15:15, 15:16, 20:21, 21:1
Ruby [1] - 31:21
rules [1] - 61:14
run [1] - 39:4
runs [1] - 39:16
Rutgers [3] - 15:14, 21:2, 21:13

S

safer [1] - 72:11
sand [2] - 34:3, 34:11
satisfied [1] - 34:4
Saturday [4] - 29:20, 79:7, 79:25, 85:11
Saturdays [1] - 84:2
scale [2] - 22:8, 22:23
schedule [1] - 61:5
scream [1] - 78:2
seating [1] - 85:9
second [23] - 8:22, 9:10, 9:11, 10:4, 10:5, 10:6, 21:10, 41:12, 49:24, 51:1, 51:2, 51:4, 51:25, 52:10, 52:11, 55:23, 55:24, 55:25, 77:2, 86:5, 86:6, 86:7, 87:2
Secretary [1] - 2:13
SECRETARY [40] - 8:8, 8:10, 8:12, 8:14, 8:16, 8:18, 8:20, 8:23, 9:2, 9:13, 9:15, 9:18, 9:20, 9:22, 10:7, 10:9, 10:11, 10:13, 10:15, 50:10, 51:7, 51:11, 51:13, 51:15, 56:1, 56:3, 56:5, 56:7, 56:9, 77:4, 77:6, 77:8, 77:10, 77:12, 86:11, 86:13, 86:15, 86:17, 86:19, 86:21
secretary's [1] - 6:23
Section [2] - 6:12, 65:6
section [1] - 71:8
sections [1] - 62:24
see [22] - 19:18, 29:7, 31:14, 31:17, 39:6, 42:10, 42:23, 43:6, 44:23, 45:4, 46:20, 46:22, 47:12, 47:13, 47:24, 47:25, 48:17, 66:12, 71:18, 75:11
seeking [2] - 37:11, 81:12
seem [2] - 27:4, 58:2

self [1] - 36:19
self-contained [1] - 36:19
sell [3] - 80:19, 85:5, 85:7
sells [1] - 78:21
seminar [1] - 58:21
send [1] - 70:8
seniors [1] - 22:10
sent [1] - 62:15
sentence [1] - 49:8
Seonock [3] - 1:11, 5:4, 78:14
separate [4] - 35:13, 65:17, 76:7, 83:4
separation [1] - 66:20
September [8] - 11:10, 50:11, 50:13, 50:21, 51:20, 52:24, 53:5, 55:17
service [1] - 83:19
services [1] - 23:1
set [3] - 14:24, 15:6, 46:3
sets [1] - 63:24
settlement [2] - 16:17, 34:23
seven [14] - 21:16, 21:17, 21:23, 56:22, 57:14, 60:2, 60:3, 60:6, 60:13, 61:14, 62:2, 68:2, 69:6, 77:25
shake [1] - 80:17
Shakes [3] - 1:15, 5:6, 80:8
shaking [1] - 70:15
share [1] - 35:4
shared [7] - 13:18, 13:19, 16:25, 21:12, 37:20, 37:21, 40:11
Shared [1] - 14:1
shed [1] - 64:13
sheet [1] - 46:16
sheets [1] - 46:9
Shi [3] - 1:9, 4:15, 56:14
shirking [1] - 36:2
shop [1] - 83:19
show [7] - 25:5, 29:5, 29:25, 46:6, 46:16, 47:12, 47:20
showing [1] - 43:3
shown [1] - 14:13
shows [1] - 45:5
side [4] - 17:17, 23:14, 79:24, 84:22
sign [1] - 80:15
Simoff [2] - 4:8, 11:22
SIMOFF [32] - 2:16,

19:4, 25:15, 25:18, 25:23, 26:1, 26:6, 26:10, 26:18, 26:24, 27:3, 27:10, 27:20, 27:23, 28:1, 29:4, 29:10, 29:17, 29:24, 30:3, 30:6, 30:10, 30:12, 30:17, 32:23, 33:7, 33:11, 33:16, 36:15, 37:17, 37:21, 40:14
simple [1] - 78:5
simply [2] - 57:3, 65:25
Simultaneous [1] - 68:1
sit [2] - 8:22, 32:18
Site [7] - 1:4, 1:8, 1:17, 4:3, 4:15, 5:8, 13:4
site [54] - 10:18, 12:22, 12:24, 13:12, 14:7, 15:9, 15:21, 16:3, 17:2, 18:18, 19:13, 23:16, 23:18, 28:24, 35:17, 36:19, 38:17, 40:11, 43:3, 51:18, 56:14, 58:24, 58:25, 59:3, 59:4, 59:5, 59:11, 59:13, 59:14, 59:18, 59:19, 59:20, 63:12, 63:17, 63:18, 63:21, 63:22, 63:25, 64:3, 64:17, 65:11, 65:12, 65:14, 65:15, 65:16, 65:20, 69:21, 79:2, 81:7, 81:9, 82:7
six [4] - 35:20, 54:24, 78:11
six-over-six [1] - 54:24
Sixth [1] - 29:12
size [1] - 45:25
skin [1] - 34:17
small [1] - 26:24
so.. [8] - 19:16, 21:18, 36:13, 38:23, 44:17, 70:1, 70:18, 76:16
soap [1] - 32:24
solemnly [2] - 7:6, 7:19
someone [1] - 18:3
sometime [1] - 39:13
somewhere [1] - 62:5
soon [1] - 77:18
SOPHIA [1] - 2:9
sorry [14] - 16:21, 18:15, 18:16, 20:7, 22:4, 38:8, 55:8,

58:6, 58:7, 60:10, 68:10, 81:1, 85:19 sound [1] - 84:10 south [2] - 17:18, 23:17 SP02 [1] - 56:14 SP05 [3] - 1:11, 5:3, 86:4 SP06 [2] - 1:13, 86:4 SP07 [1] - 86:4 SP08 [3] - 1:17, 5:8, 86:4 SP09 [4] - 1:19, 5:10, 10:18, 86:4 SP10 [3] - 1:21, 5:11, 86:4 SP17 [1] - 52:22 space [15] - 13:21, 17:5, 18:10, 20:6, 20:9, 20:12, 26:10, 26:14, 27:15, 27:18, 48:16, 79:1, 79:2, 83:24, 84:23 spaces [40] - 14:8, 14:9, 14:10, 14:22, 14:24, 15:8, 15:19, 15:21, 16:10, 16:23, 17:1, 17:6, 17:8, 17:10, 17:16, 17:19, 17:24, 18:5, 18:6, 18:7, 18:12, 18:17, 19:9, 19:10, 19:11, 19:14, 23:6, 23:12, 23:19, 23:20, 23:25, 24:10, 24:12, 24:13, 25:7, 25:8, 44:20, 47:11, 79:3 speaking [1] - 22:13 Speaking [1] - 68:1 specific [2] - 27:2, 85:22 specifically [1] - 71:10 specifics [1] - 26:4 spell [1] - 12:14 spent [2] - 11:16, 57:18 spot [2] - 24:15, 74:12 spots [3] - 18:14, 24:3, 47:24 square [10] - 14:10, 25:8, 33:1, 33:11, 56:18, 78:25, 79:1, 81:15, 81:19, 83:24 stand [2] - 31:25, 42:7 standard [3] - 14:5, 15:17, 25:10 standards [5] - 15:5, 15:12, 20:20, 20:21, 21:1 stands [1] - 69:25	STAR [60] - 2:2, 6:1, 6:8, 8:6, 8:11, 9:4, 9:9, 9:14, 9:24, 10:4, 10:8, 10:17, 18:1, 22:16, 25:13, 36:14, 41:2, 41:7, 41:16, 41:21, 41:25, 45:10, 46:24, 49:4, 49:17, 49:20, 50:8, 50:21, 50:25, 51:3, 51:8, 51:22, 52:7, 52:10, 52:19, 52:22, 53:10, 53:19, 54:4, 54:14, 55:6, 55:19, 55:23, 56:2, 56:11, 56:13, 60:1, 60:5, 60:9, 60:12, 60:21, 61:10, 77:5, 78:10, 80:25, 85:17, 86:5, 86:10, 86:12, 86:23 star [2] - 9:13, 10:7 Star [6] - 4:7, 4:20, 8:10, 51:7, 56:1, 86:11 started [1] - 62:10 State [8] - 6:19, 7:8, 7:21, 32:7, 34:16, 35:23, 88:4, 88:7 state [6] - 7:11, 7:23, 41:25, 42:2, 42:5, 65:4 States [7] - 7:8, 7:11, 7:20, 7:23, 61:2, 61:3, 61:4 statewide [1] - 6:18 statute [7] - 58:2, 59:10, 59:17, 61:23, 61:24, 65:13, 88:6 stay [2] - 24:5, 24:6 Steve [1] - 81:24 still [12] - 15:4, 32:7, 42:22, 44:14, 52:17, 55:2, 55:4, 58:11, 69:4, 69:7, 69:25, 72:9 stop [1] - 49:12 storage [4] - 26:14, 27:15, 78:20 store [8] - 14:16, 24:4, 26:13, 27:13, 78:21, 80:15, 80:17, 80:18 stories [2] - 27:20, 43:23 story [2] - 24:22, 82:7 straight [2] - 40:8, 57:17 street [1] - 84:25 Street [5] - 1:18, 3:6, 5:9, 81:11, 82:4 stretches [2] - 31:21	strictly [1] - 79:21 structural [1] - 84:4 structure [9] - 23:13, 54:21, 56:17, 60:8, 64:14, 64:15, 64:16, 64:22, 82:8 structures [1] - 64:9 studio [1] - 79:19 study [4] - 15:14, 19:20, 21:2, 29:17 stuff [4] - 24:17, 31:23, 43:7, 72:17 subdivide [1] - 81:12 subdivision [12] - 58:24, 59:1, 59:6, 63:13, 81:10, 81:20, 82:9, 82:15, 82:17, 82:20, 82:21, 82:24 submission [1] - 11:21 submit [6] - 11:4, 34:13, 37:10, 69:24, 82:21, 82:22 submits [1] - 64:1 submitted [11] - 11:18, 23:15, 32:4, 34:14, 56:20, 69:21, 78:16, 79:14, 80:11, 81:19, 84:13 Subsection [1] - 65:7 subsequently [9] - 78:18, 79:9, 79:16, 80:5, 80:13, 81:5, 82:19, 83:12, 84:15 subtracting [1] - 14:22 sufficient [1] - 23:5 suggested [1] - 38:2 suggesting [2] - 34:10, 35:1 suggestion [1] - 28:20 Suite [3] - 3:3, 3:7, 3:10 summarizes [1] - 16:5 summary [1] - 32:4 Sun [2] - 1:13, 79:11 Sunday [3] - 80:23, 81:2, 85:10 Super [3] - 1:15, 5:6, 80:8 supercedes [1] - 20:22 support [2] - 7:7, 7:19 supposed [2] - 39:15, 63:4 surface [8] - 17:19, 18:5, 18:13, 22:3, 22:6, 22:23, 23:24, 43:4 surplus [2] - 15:5,	15:19 Surveying [1] - 81:25 swear [4] - 7:2, 7:6, 7:19, 12:5 swearing [1] - 6:25 swimming [1] - 64:10 SWORN [1] - 4:2 sworn [2] - 12:1, 12:11 system [1] - 39:14	THE [73] - 1:3, 1:23, 2:1, 18:4, 18:15, 18:21, 18:24, 19:1, 19:5, 19:9, 20:5, 20:8, 20:11, 21:20, 22:20, 23:11, 24:8, 25:12, 25:17, 25:20, 25:24, 26:3, 26:9, 26:11, 26:22, 27:1, 27:6, 27:12, 27:22, 28:5, 28:9, 28:17, 28:25, 29:7, 29:15, 29:22, 30:1, 30:4, 30:9, 30:11, 30:15, 31:3, 31:6, 31:24, 32:3, 32:12, 33:3, 34:10, 34:16, 35:20, 36:16, 38:6, 38:9, 38:21, 38:25, 39:3, 39:19, 41:18, 42:18, 43:1, 43:7, 43:13, 43:17, 43:22, 44:5, 44:9, 44:12, 44:18, 44:25, 45:8, 45:16, 45:23, 46:8 theirs [2] - 18:10, 20:13 THERE [2] - 1:24, 2:1 therefore [3] - 59:5, 59:7, 64:24 third [3] - 21:9, 21:10, 33:25 Third [1] - 14:2 thousand [1] - 14:9 three [20] - 14:17, 19:24, 20:25, 21:7, 21:16, 21:17, 21:22, 27:8, 27:20, 31:8, 34:9, 41:22, 53:16, 54:10, 54:11, 75:23, 79:3, 84:21, 84:24 three-bedroom [2] - 21:16, 21:17 throughout [1] - 15:20 Thursday [3] - 80:23, 81:2, 85:10 tip [1] - 19:2 toaster [1] - 85:3 today [7] - 32:1, 32:9, 32:17, 35:8, 35:16, 57:21, 86:9 tomorrow [4] - 71:16, 71:25, 77:15, 78:3 tongue [1] - 19:3 tonight [2] - 10:18, 36:24 took [2] - 14:11, 31:16 top [8] - 23:4, 23:21, 26:21, 26:22, 27:16, 54:22, 54:23, 76:18
---	---	---	--	---

total [5] - 16:10, 18:17, 78:25, 81:14, 81:18 totally [2] - 59:14, 76:7 tough [1] - 28:15 tower [2] - 26:23, 27:11 town [1] - 62:25 township [2] - 7:12, 7:24 track [1] - 39:17 Traffic [1] - 2:16 traffic [16] - 11:19, 22:25, 26:15, 28:23, 31:19, 31:22, 32:1, 32:13, 32:14, 32:21, 33:18, 35:7, 36:1, 36:3, 40:4, 49:10 TRANSCRIPT [1] - 1:3 transcript [1] - 88:10 transfer [4] - 70:5, 70:12, 71:5, 72:8 transferred [3] - 71:13, 76:10, 76:14 transit [1] - 39:11 Transit [1] - 38:22 transport [1] - 16:1 transportation [6] - 13:14, 16:4, 20:16, 25:4, 38:5, 38:12 trash [4] - 24:20, 24:22, 24:24 travel [1] - 23:17 traveling [1] - 56:24 trepidation [1] - 31:23 trip [3] - 32:4, 32:5, 35:2 Trip [1] - 32:6 trouble [1] - 22:21 truck [3] - 24:22, 24:25 true [4] - 7:9, 7:21, 66:23 truth [2] - 12:5, 12:6 try [1] - 77:17 trying [1] - 78:23 two [34] - 17:2, 19:24, 21:5, 21:16, 21:24, 22:1, 26:20, 33:24, 34:9, 43:24, 44:17, 53:5, 53:15, 54:20, 54:21, 55:10, 56:17, 57:3, 59:4, 60:19, 61:1, 61:6, 64:8, 64:15, 64:21, 65:8, 65:11, 65:17, 68:17, 82:5, 82:12, 83:3, 83:4, 84:20 two-bedroom [3] - 21:16, 21:24, 22:1	two-family [11] - 54:20, 54:21, 56:17, 59:4, 64:8, 64:15, 64:21, 65:8, 65:11, 82:5, 82:12 two-year [3] - 57:3, 60:19, 61:6 typical [1] - 14:9 U Uber [2] - 20:15, 24:14 ULI [3] - 15:6, 29:15, 30:4 ultimately [1] - 36:11 unable [1] - 54:7 unanimous [1] - 87:4 unaware [3] - 57:3, 61:5, 61:6 under [10] - 7:12, 7:24, 21:4, 35:23, 61:22, 61:23, 71:17, 72:1, 88:6 underground [1] - 44:11 underneath [3] - 23:18, 44:10, 44:13 understood [1] - 31:24 unfortunately [1] - 68:23 Unit [1] - 79:13 unit [4] - 14:10, 17:5, 21:13, 25:8 United [7] - 7:7, 7:11, 7:20, 7:23, 61:2, 61:3, 61:4 units [28] - 14:15, 16:11, 17:5, 19:18, 19:23, 21:4, 21:8, 21:9, 21:15, 21:16, 21:17, 21:21, 21:24, 21:25, 22:1, 32:12, 33:1, 33:4, 33:8, 39:3, 42:14, 42:17, 43:11, 43:15, 47:11, 49:10 unrestricted [1] - 23:11 up [25] - 12:21, 15:18, 18:11, 22:13, 23:5, 23:21, 24:20, 25:9, 26:7, 26:11, 28:18, 29:6, 30:25, 31:20, 33:22, 38:16, 38:17, 39:10, 42:7, 46:10, 50:7, 60:17, 64:5, 75:2, 85:4 upper [2] - 26:17, 27:13	Urban [1] - 13:25 urbanized [1] - 15:25 USA [3] - 1:11, 5:4, 78:14 uses [9] - 13:20, 14:3, 14:17, 14:21, 14:25, 15:9, 16:3, 16:12, 32:7 V vacant [2] - 26:10, 32:19 valid [1] - 66:19 variance [7] - 57:9, 63:9, 63:11, 69:21, 69:25, 72:21, 73:1 variances [1] - 58:23 variation [2] - 14:2, 15:6 various [1] - 14:3 vast [1] - 79:4 verbatim [1] - 88:5 versus [2] - 35:9, 74:8 VICE [8] - 2:3, 8:13, 9:11, 9:16, 10:5, 10:10, 50:19, 51:10 vice [2] - 12:17, 52:13 Vice [2] - 6:6, 52:5 virtually [1] - 57:13 visitor [1] - 18:4 visitors [1] - 19:16 void [1] - 68:13 volume [1] - 35:7 vote [5] - 50:7, 55:20, 83:3, 86:8, 86:20 W waited [2] - 75:23, 77:24 waiting [1] - 57:19 waive [1] - 82:14 walk [1] - 28:12 wants [2] - 47:1, 81:16 warehouse [1] - 78:24 waste [2] - 15:23, 15:24 water [1] - 78:20 website [1] - 6:17 WEDNESDAY [1] - 1:2 Wednesday [1] - 80:22 week [2] - 11:3, 11:8 weekday [3] - 30:6, 30:15, 31:14 weekend [2] - 15:11, 30:2 weekends [1] - 13:24 weekly [1] - 31:14	weeks [1] - 37:18 welcome [1] - 25:12 West [3] - 4:9, 31:21, 42:6 wheel [1] - 24:23 whole [2] - 26:8, 43:18 wide [1] - 83:5 width [1] - 81:18 winding [1] - 40:15 window [1] - 60:19 wishes [1] - 11:14 WITNESS [68] - 4:2, 18:4, 18:15, 18:21, 18:24, 19:1, 19:5, 19:9, 20:5, 20:8, 20:11, 21:20, 22:20, 23:11, 24:8, 25:12, 25:17, 25:20, 25:24, 26:3, 26:9, 26:11, 26:22, 27:1, 27:6, 27:12, 27:22, 28:5, 28:9, 28:17, 28:25, 29:7, 29:15, 29:22, 30:1, 30:4, 30:9, 30:11, 30:15, 31:3, 31:6, 31:24, 32:3, 32:12, 33:3, 34:10, 34:16, 35:20, 36:16, 38:21, 38:25, 39:3, 39:19, 42:18, 43:1, 43:7, 43:13, 43:17, 43:22, 44:5, 44:9, 44:12, 44:18, 44:25, 45:8, 45:16, 45:23, 46:8 works [1] - 22:18 workstations [1] - 84:5 worried [1] - 20:2 wrap [1] - 50:7 Y year [11] - 13:16, 53:10, 53:11, 53:12, 53:15, 53:18, 55:14, 55:16, 57:3, 60:19, 61:6 years [19] - 20:25, 35:18, 35:20, 53:5, 53:15, 55:10, 56:22, 57:15, 60:2, 60:3, 60:6, 60:13, 61:14, 62:2, 68:2, 69:6, 77:25, 79:20 yield [1] - 40:7 YOO [1] - 83:8 Yoo [3] - 1:19, 83:7, 83:8 yourself [1] - 69:17	yourselves [1] - 69:16 Z ZBA [1] - 75:11 zone [2] - 14:6, 14:7 Zoning [11] - 62:13, 63:10, 67:17, 70:22, 73:20, 73:21, 74:7, 75:18, 76:1, 76:15, 77:18 zoning [5] - 80:5, 81:4, 82:5, 84:7, 85:14
--	---	--	--	--