

**MINUTES OF THE
MENDHAM BOROUGH JOINT LAND USE BOARD
SPECIAL MEETING
Wednesday, August 21, 2024
MOUNTAIN VIEW MIDDLE SCHOOL CAFETERIA
100 DEAN ROAD, Mendham, NJ**

CALL TO ORDER/FLAG SALUTE

The regular meeting of the Mendham Borough Joint Land Use Board was called to order at 7:30 p.m. and the open public meeting statement was read into the record.

ROLL CALL

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

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

PUBLIC COMMENT

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

RESOLUTION

V-Fee Consent Order- Whispering Woods

Mr. Germinario summarized the V-Fee Consent Order- Whispering Woods, and the conditions outlined in the resolution. Mr. Egerter made a motion to memorialize the resolution and Mr. Sprandel seconded.

Roll Call:

In Favor: Mayor Glassner, Councilman Sullivan, Mr. Smith, Mr. Sprandel, Mr. Egerter, Ms. Garbacz, Mr. Molnar, Ms. Traut, Mr. Kay, and Mr. Pace.

Opposed:

Abstain:

Motion Carried

The resolution follows.

WHEREAS, the Joint Land Use Board (the "Board") is a party defendant, along with the Borough of Mendham (the "Borough"), in litigation in the Superior Court, Law Division, Docket No. MRS-L-1319-23, in which V-Fee Mendham Apartments, LLC, is the plaintiff (the "V-Fee Litigation"); and

WHEREAS, V-Fee has filed an application with the Board seeking preliminary and final major site plan approval with bulk variance relief (the "Application") to permit construction of a project containing an inclusionary, multi-family residential component (the "Project") on property designated as Block 801, Lot 20, of the Borough's tax map (the "Property"); and

WHEREAS, pursuant to N.J.S.A. 40:55D-70(b), the Board has interpreted Ordinance §§215-12.6B(7) and (8) to require a variance under N.J.S.A. 40:55D-70d(3) (the "d(3) variance"), because the Project calls for construction of 75 residential dwellings within 250 feet of the existing cell tower on the Property; and

WHEREAS, in the V-Fee Litigation, V-Fee has challenged the Board's aforesaid requirement of the d(3) variance in connection with the Application, on the basis that said requirement is inconsistent with its affordable housing Settlement Agreement with the Borough of December 23, 2019 (the "2019 Settlement Agreement"), and

WHEREAS, the Borough Mayor and Council has approved Resolution #80-2024, authorizing the Municipal Attorney to enter into a Consent Order to settle the V-Fee Litigation on the basis of the Board's withdrawing the d(3) variance requirement and instead requiring V-Fee to submit to the Board competent documentary proof of the cell tower's operation in compliance with applicable FCC and NJDEP radio frequency exposure limits with respect to future residential occupants of the Project; and

WHEREAS, the Board Attorney and the Municipal Attorney have negotiated with counsel for V-Fee a Consent Order, a copy of which is attached hereto, which would effectuate the purposes of Resolution #80-2024, and the Board Attorney has reviewed the draft Consent Order with the Board in closed session; and

WHEREAS, the Board has conducted a public hearing, with public notice, in accordance with the holding of Whispering Woods v. Middleton Twp., 220 N.J. Super. 161 (Law Div. 1987) (the "Whispering Woods hearing"), in which the terms of the Consent Order and its background in the V-Fee Litigation were discussed by the Board, and in which the Board received and considered the questions and comments of members of the public; and

WHEREAS, having conducted the Whispering Woods hearing, the Board has determined that the settlement of the V-Fee Litigation embodied in the Consent Order would effectuate the purposes of Ordinance §§215-12.6B(7) and (8) in a manner consistent with the 2019 Settlement Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Joint Land Use Board approves the settlement of the V-Fee Litigation on the basis of the Consent Order, and authorizes the Board Attorney to execute it on behalf of the Board.

DATED: August 20, 2024

JOINT LAND USE BOARD
OF THE BOROUGH OF MENDHAM

Richard Smith, Vice Chairman

ATTEST:

Lisa Smith, Board Secretary

HEARING

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

Refer to attached transcript

This application was carried to the Joint Land Use Board Regular Meeting scheduled for September 17, 2024, without further notice needed.

ADJOURNMENT

There being no additional business to come before the Board, Motion was made by Mr. Egerter, and seconded by Mr. Molnar. On a voice vote, all were in favor. Vice Chair Smith adjourned the meeting at 9:50PM.

Respectfully submitted,

Lisa J. Smith

Lisa Smith
Land Use Coordinator

In The Matter Of:

IN RE: 23-22 V-Fee Mendham Apartments

Transcript Of Proceedings

August 21, 2024



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1 BOROUGH OF MENDHAM
2 JOINT LAND USE BOARD
3 REGULAR MEETING
4 Wednesday, August 21, 2024
5 Commencing at 7:33 p.m.

STENOGRAPHIC
TRANSCRIPT OF
PROCEEDINGS

6 - - - - -
7 IN THE MATTER OF

8 23-22 V-Fee Mendham Apartments, LLC
9 84-86-88 East Main Street
10 Block 801, Lot 20

11 B E F O R E:
12 BOROUGH OF MENDHAM JOINT LAND USE BOARD
13 THERE BEING PRESENT:

14 RICHARD SMITH, CHAIRMAN

15 CHRISTINE SERRANO GLASSNER, MAYOR

16 NEIL SULLIVAN, COUNCILMAN

17 JOYCE BUSHMAN, BOROUGH ADMINISTRATOR (ABSENT)

18 JAMES MOLNAR, MEMBER

19 DAVE SPRANDEL, MEMBER

20 JOHN EGERTER, MEMBER

21 MARRIE ROSE GARBACZ, MEMBER

22 JOE D'URSO, MEMBER (MEMBER)

23 ALEXANDRA HENRY TRAUT, ALTERNATE 1 MEMBER

24 KEITH KAY, ALTERNATE 2 MEMBER

25 JAMES BARKER, ALTERNATE 3 MEMBER

RICHARD PACE, ALTERNATE 4 MEMBER

1 A P P E A R A N C E S:

2 THOMAS GERMINARIO, ESQUIRE
3 Counsel to the Joint Land Use Board

4 INGLESINO, WEBSTER, WYCISKALA & TAYLOR, LLC
5 BY: DEREK W. ORTH, ESQUIRE
6 600 Parsippany Road
7 Suite 204
8 Parsippany, New Jersey 07054
9 (973) 947-7111
10 Counsel to the Applicant

11 A L S O P R E S E N T:

12 PAUL FERRIERO, PE, Board Engineer

13 JESSICA CALDWELL, PP, AICP, Board Planner

14 LISA SMITH, Planning and Land Use Coordinator

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1 I N D E X

2	W I T N E S S E S	SWORN	PAGE
3	AFTON SAVITZ, PE	13	
4	Direct Examination by Mr. Orth		13
	Board/Professional Questions		
5	Mr. Germinario		17, 29, 54
	Mayor Glassner		20, 30, 56
6	Mr. Ferriero		21, 57, 72
	Ms. Caldwell		23, 58, 69
7	Ms. Traut		31, 65
	Mr. Sprandel		33, 62, 77
8	Mr. Egerter		58, 68
	Chairman Smith		65, 78
9	Mr. Molnar		68, 82
	Ms. Garbacz		99
10	Mr. Kay		99
	Public Questions/Comments		
11	Mark Van Den Hende		37, 93
	11 Coventry Road		
12	Frank Zammataro		39
	41 Corey Lane		
13	Tom Tishman		41
	64 Dean Road		
14	Marcella Craver		42
	13 Knollwood Drive		
15	Margaret Burke		44
	8 Bockoven Road		
16	Bob Ritger		84
	14 Gunther Street		
17	Joseph Schmadel		90
	18 Franklin Road		
18	Robert Marino		91
	27 Florie Farm Road		
19	Rebecca Braun		94
	79 Lowery Lane		
20	Tom Pienciak		95
	16 Garabrant Street		

22 E X H I B I T S

23	NO.	DESCRIPTION	IDENT/EVID
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24 (No Exhibits Marked.)

25

1 CHAIRMAN SMITH: I'd like to call this
2 meeting to order with a salute to the flag.

3 (Whereupon, all rise for a recitation
4 of the Pledge of Allegiance.)

5 CHAIRMAN SMITH: Notice of this meeting
6 -- notice of this meeting has been published in The
7 Star-Ledger and The Daily Record and has been posted
8 in The Bowers Building in accordance with the Open
9 Public Meetings Act and furnished to all those who
10 have paid the required fee for notice.

11 Roll call, please.

12 MS. SMITH: Mayor Glassner?

13 MAYOR GLASSNER: Here.

14 MS. SMITH: Ms. Bushman?

15 (No Response.)

16 MS. SMITH: Councilman Sullivan?

17 COUNCILMAN SULLIVAN: Here.

18 MS. SMITH: Mr. Smith?

19 CHAIRMAN SMITH: Here.

20 MS. SMITH: Mr. Sprandel?

21 MR. SPRANDEL: Here.

22 MS. SMITH: Mr. D'Urso?

23 (No Response.)

24 MS. SMITH: Mr. Egerter?

25 MR. EGERTER: Here.

1 MS. SMITH: Ms. Garbacz?

2 MS. GARBACZ: Here.

3 MS. SMITH: Mr. Molnar?

4 MR. MOLNAR: Here.

5 MS. SMITH: Ms. Traut?

6 MS. TRAUT: Here.

7 MS. SMITH: Mr. Kay?

8 MR. KAY: Here.

9 MS. SMITH: Mr. Pace?

10 MR. PACE: Here.

11 MS. SMITH: This is a reminder, please,
12 everybody speak into your microphones. Make it as
13 close to your mouth as possible so that everybody can
14 hear.

15 Thank you.

16 (Whereupon, the board conducts agenda
17 items.)

18 CHAIRMAN SMITH: Hearing, we're going
19 to get right back into a continuation of the V-Fee
20 hearing that we started last evening and I believe --

21 MR. ORTH: Derek.

22 CHAIRMAN SMITH: Derek.

23 MR. ORTH: Yes, thank you.

24 MR. GERMINARIO: Mr. Chairman, before
25 we do that, I was thinking it might be better if we

1 took just a little time just to talk about the next
2 hearing date.

3 CHAIRMAN SMITH: That's right, yes, you
4 wanted to do that. So our next hearing scheduled is
5 for Tuesday, September 17th. That would be at Grace
6 Lutheran Church and you said the availability for the
7 church is Tuesdays and Thursdays.

8 So if we can maybe do the same Tuesday
9 and Thursday of that week, I'm not sure what the
10 availability is, Derek.

11 MR. ORTH: Let me just check my
12 calendar here.

13 CHAIRMAN SMITH: All right. I think
14 everybody needs to do that.

15 MS. SMITH: So that would be September
16 19th, would be the Thursday if everybody here on the
17 board can also vote.

18 MR. GERMINARIO: We don't have to do it
19 in that same week, I would assume, so if another week
20 works.

21 MS. SMITH: You can do the following
22 Tuesday, the 24th or the following Thursday, the
23 26th.

24 MR. ORTH: I'm good on the 17th, also
25 the 19th.

1 CHAIRMAN SMITH: I'm open any of those
2 days.

3 MR. ORTH: May I approach,
4 Mr. Chairman?

5 CHAIRMAN SMITH: Sure.

6 MR. ORTH: Thank you.

7 MS. SMITH: I don't know if that's on.

8 CHAIRMAN SMITH: Or if you want to go
9 to the podium, just make sure the green light is on.

10 MR. ORTH: Green light is on.

11 Can everyone hear me?

12 CHAIRMAN SMITH: Yes.

13 MR. ORTH: All right. Thanks,
14 everyone. Derek Orth on behalf of the applicant.

15 Just in terms of scheduling before I
16 get into the proceedings this evening, I am available
17 on the 17th, the 19th and the following Thursday,
18 which I believe if the 26th, and my next group of
19 anticipated witnesses are available on the 17, the
20 19th and the 26th as well.

21 CHAIRMAN SMITH: Well, I would suggest
22 let's set it up for the same week.

23 Lisa, would that work with you, so the
24 19th?

25 MR. ORTH: Yes, sir.

1 CHAIRMAN SMITH: Okay. I believe that
2 would be -- how are we doing with the board as far as
3 availability? Everyone's available? Anybody not
4 available, I should ask.

5 MR. SPRANDEL: I'm not on the 19th.

6 CHAIRMAN SMITH: You're not available.

7 MR. SPRANDEL: On the 19th, but I am on
8 the 26th.

9 CHAIRMAN SMITH: The 26th. So how
10 about is -- is anybody not available the 26th.

11 MR. EGERTER: That's the Thursday.

12 CHAIRMAN SMITH: Thursday, correct.

13 MR. FERRIERO: I'm not available on the
14 26th.

15 MS. TRAUT: I'm not either.

16 CHAIRMAN SMITH: Okay. So looks like
17 you're out.

18 (Laughter.)

19 MR. PACE: The 17th is no good?

20 CHAIRMAN SMITH: Well, the 17th is our
21 normal meeting. We want to put an additional meeting
22 in there.

23 MAYOR GLASSNER: I'm sorry, you're
24 saying Monday, the 26th.

25 MR. GERMINARIO: It's Tuesday the 17th,

1 Thursday --

2 CHAIRMAN SMITH: September.

3 MAYOR GLASSNER: Oh, sorry, okay.

4 Thursday, the 26th, okay.

5 MS. SMITH: So we're looking at the
6 19th.

7 CHAIRMAN SMITH: You're not available
8 the 19th, correct? I think the 19th would be best
9 for everybody, because Paul is available the 19th,
10 but not the 26th, correct.

11 MS. SMITH: Jess, are you okay.

12 MS. CALDWELL: I believe so, yes.

13 MAYOR GLASSNER: Chairman, I would like
14 to just offer up a suggestion that for these special
15 meetings is there a reason why we might not consider
16 meeting earlier, maybe bumping it, you know, a half
17 hour earlier? Since, you know, they are long
18 evenings.

19 CHAIRMAN SMITH: I do not have an issue
20 with that as long as the logistics of setting up and
21 everybody getting here on time.

22 MR. GERMINARIO: Well, the logistics --
23 the logistics for the next meetings are unknown,
24 because we're going to be in a totally different
25 venue. We're going to be in the Lutheran Church; is

1 that it?

2 CHAIRMAN SMITH: Yes.

3 MS. SMITH: Yes.

4 MR. GERMINARIO: So how that will work
5 out in terms of setting up, I have no idea.

6 MAYOR GLASSNER: Yeah, I don't think
7 there will be any issues. I have been there many
8 times.

9 CHAIRMAN SMITH: Oh, yeah.

10 MAYOR GLASSNER: Yeah.

11 CHAIRMAN SMITH: So if you want to say
12 7:00 then.

13 MR. ORTH: I think it's a great idea.

14 CHAIRMAN SMITH: And it will afford us
15 that extra half an hour, which would be beneficial.

16 MR. GERMINARIO: Just for special
17 meeting?

18 CHAIRMAN SMITH: Just for the special
19 meeting.

20 MAYOR GLASSNER: Just for the special
21 meeting.

22 CHAIRMAN SMITH: That would be
23 Thursday, the 19th then.

24 MR. GERMINARIO: Well, make sure that
25 we get a reminder of that, because I know I will

1 forget it.

2 MS. SMITH: Well, I'm going to confirm
3 that it is definitely available on that day and I
4 will send it out to everybody.

5 MR. GERMINARIO: We really only have to
6 announce the first carry date anyway.

7 MR. ORTH: Yes. And I will be bringing
8 our transcriber here and if we don't finish that
9 night, of course I'm happy to circulate the
10 transcripts so anyone who is not here can read it at
11 the next meeting.

12 CHAIRMAN SMITH: All right. That would
13 be great.

14 Now, Mr. Orth, do you want to continue
15 with your professional witness?

16 MR. ORTH: Yes, sir.

17 CHAIRMAN SMITH: You had your civil
18 engineer, correct.

19 MR. ORTH: Yes, yes, Mr. Chairman.
20 Just a brief thank you to all the members of the
21 board, the mayor, all the members of the public who
22 are here at this special meeting. I know everyone is
23 a volunteer on the board. So we do appreciate your
24 time and attention to this application and we look
25 forward to containing our presentation.

1 We had last left off with our civil
2 engineer. We're going to pick up with her. We're
3 going to do a page turn through the civil plans and
4 if at any point in the meeting -- by the way, I do
5 appreciate this revised setup. If at any point
6 anyone can not hear me or my witness, just shout out,
7 we'll repeat it just to make sure everyone is on
8 board with the testimony and can hear it.

9 So with no further ado, Mr. Chairman, I
10 would recall my engineer Afton Savitz of Stonefield
11 Engineering. We'll do a page turn through the plans.

12 CHAIRMAN SMITH: Okay.

13 MR. ORTH: Thank you very much.

14 A F T O N S A V I T Z, P.E.

15 92 Park Avenue, Rutherford, New Jersey 07070,
16 having been previously sworn, testifies as
17 follows:

18 MR. ORTH: Testing, testing. Okay.

19 Ms. Savitz -- can everyone hear me on this microphone
20 as well?

21 CHAIRMAN SMITH: Yes.

22 MR. ORTH: Thank you.

23 DIRECT EXAMINATION

24 BY MR. ORTH:

25 Q. So, Ms. Savitz, I just remind you, you

1 were sworn in under oath last evening. You remain
2 under oath and we look forward to your presentation
3 this evening and I turn it over to you.

4 As we move through your testimony this
5 evening, we are going to be looking at the civil
6 plans that were submitted as part of this
7 application. My understanding is there had been no
8 revisions to the plans as part of the presentation
9 this evening.

10 MR. ORTH: So Mr. Germinario, unless
11 you think to the contrary, I do not believe we need
12 to mark them as exhibits.

13 MR. GERMINARIO: They're part of the
14 record already.

15 MR. ORTH: Thank you very much.

16 BY MR. ORTH:

17 Q. And so, Afton, I'll turn it over to you
18 and just take it slowly, make sure everyone can hear
19 you and lead us through. And also, as you go through
20 your testimony, I do believe we have a copy of
21 Mr. Ferriero's report, if you would touch on that as
22 we go through each plan sheet, I think that would be
23 helpful. Thank you.

24 A. Sure.

25 Good evening, everyone. Everyone can

1 hear me well? Great.

2 So on the screen this evening, and we
3 also have a couple of full-size copies passed out to
4 the public, this is the preliminary and major final
5 site plan for the subject application. It is dated
6 July 2nd, 2024 as the most recent revision date and
7 it is a 29-page plan set.

8 So we'll begin with the cover sheet
9 zooming our for the full context of the page. On
10 your left-hand side somewhat centered on the screen
11 is an aerial. It's very similar to the exhibit
12 marked A-1 last evening, though rotated ever so
13 slightly showing the subject property with the darker
14 black line outlining it. I'll use the laser to show
15 that. Again, that is for context where the property
16 is to our east in relation to where we sit today.

17 On the right-hand side of the --

18 Q. Afton, just one second. I'm sorry to
19 interrupt.

20 MR. ORTH: Does anybody have any
21 questions regarding the cover sheet that they didn't
22 hear answered yesterday? It's simply a location of
23 the subject property with the zoning map and if not,
24 we can move on to the next sheet.

25 CHAIRMAN SMITH: I think us as the

1 board, we're all satisfied where the location of the
2 property and the surrounding area is.

3 So I think that's a good idea. Let's
4 just keep moving forward as far as what the project
5 application is.

6 MR. ORTH: Thank you, Mr. Chairman.

7 BY MR. ORTH:

8 Q. So, Afton, please go onto the next
9 sheet.

10 A. Okay.

11 And before doing so, I would just like
12 to zoom in here just for context for the board. I
13 know we saw an aerial with the wooded area. This
14 subject property is that of a hatched overlaid with
15 the senior housing directly to the west.

16 Again, with properties along East Main
17 Street, but the direct abutter is that of Lot 25.

18 So I'll transition to the second sheet
19 of the set. It is C-2 with the existing conditions
20 plan.

21 This plan is a background or a
22 reference of the project survey that was also
23 submitted to the board prepared by our office. It's
24 titled "ALTA/NSPS Land Title Survey."

25 It was prepared on September 30th, 2022

1 and most recently revised on October 30, 2023.

2 This plan is showing the existing
3 conditions of the property. I will zoom in to center
4 the page on the screen and what you see in the front
5 area that was touched on last night are those of the
6 three retail buildings in the front of the project
7 site.

8 What I want to note here as there was
9 testimony related to the parking and the
10 reconfiguration necessary is under existing
11 conditions, there's a center, a main driveway access,
12 again, circling it with the laser that's almost equal
13 distance along that property frontage where most of
14 the traffic is entering the property and in doing so,
15 you're centered on that of the retail space or that
16 in the forefront.

17 Access today in order to get to the
18 rear of the property, what you'll notice is there
19 isn't any direct connection and under existing
20 conditions with not only the signage on the eastern
21 side of the property, people that previously were
22 using the Mendham Racket Club were using the eastern
23 drive aisle and driving all the way to the rear.

24 Similarly on the western side, there's
25 also connectivity along the perimeter, but if you

1 were to -- I'm sure everyone has visited this
2 property, if you were to drive to the back, you do go
3 through a series of self way finding in order to get
4 there.

5 Comments received as it pertains to
6 this particular sheet from the board engineer related
7 to that of the professional surveyor signing it.
8 We'll ensure that the board, the board engineer has
9 the most recent survey which does match this and will
10 be signed and sealed by a licensed surveyor.

11 Are there any questions on this sheet?

12 CHAIRMAN SMITH: Not at this point.

13 Any board members have a question?

14 (No Response.)

15 CHAIRMAN SMITH: Okay. Move on.

16 MR. GERMINARIO: Just one question.

17 The signature on this would be a condition of
18 approval or would be a resubmitted plan.

19 THE WITNESS: We would work with the
20 board to ensure that there's a signed and sealed copy
21 of the project survey and if this sheet gets omitted
22 from the set or if this gets a duplicate signature,
23 whatever is preferable to the board, but there would
24 be consistency in the information.

25 The next sheet is the demolition plan.

1 As we continued through the site plan set, what I'll
2 note is for the series of sheets that follow, many of
3 them are split in half vertically noting that the lot
4 as it is very deep in that north/south direction,
5 each sheet takes half of it. So this is the
6 demolition plan as it focuses on the northern side of
7 the property.

8 As we zoom in for clarity, the property
9 line remains the dark black line with the double dash
10 that's surrounding the property and the project
11 extends and then what you'll also notice is there is
12 a line, I'll zoom in and I'll use the laser for
13 identification purposes. There's a line that has the
14 acronym or the letters "LOD," which is indicative of
15 the Limit of Disturbance associated with the project.

16 And I will clarify the limit of
17 disturbance as it pertains to the proposed work, not
18 to mention soil exposure, any mill and re-pave of
19 pavement that doesn't require any digging in the
20 ground or exposure of soil, there are clarifications
21 on both this sheet and the next that in some
22 instances the pavement will be resurfaced, but the
23 grading patterns will remain and the soil will not be
24 excavated. So that's where as you go to the bottom
25 of this sheet and you'll see it on the subsequent

1 sheet as well, you'll start to see circular or
2 different configurations of this LOD border
3 indicative of things there are being removed or
4 replaced.

5 In addition, zooming out on this sheet
6 as this is that northern sheet relative to the
7 property. The wetland boundary as we discussed last
8 evening is indicative here. It's a little difficult
9 to tell the indication as it relates to the wetland
10 is that of a triangle. Not to mention the
11 nomenclature with the WB and the subsequent numerical
12 number. I'll use the laser ever so slowly just to
13 show the boundary. It is indicated on the subsequent
14 sheets, but for the board's reference, I will
15 indicate that as steady as my hand can be this
16 evening. Going up to the left-hand side, it does
17 transition inward and then along the top it has in
18 that northeast direction and you'll notice it's
19 hugging that wood line or that semi-curved line is
20 indicative of the wooded line as it exists today out
21 there.

22 Q. And, Afton, that wetlands boundary was
23 -- the delineation of that line was verified by the
24 DEP, correct?

25 A. That's correct.

1 In addition, on the top left corner or
2 that being the northwest corner of the property line,
3 this somewhat diagonal, parallel line work is
4 indicative of that of the regulated water body or the
5 stream that cuts through the property with the
6 associated riparian zone.

7 For reference, on the property --

8 MR. GERMINARIO: What were these
9 triangles again in the upper --

10 THE WITNESS: They are the wetland
11 delineation and I will zoom in again just to --

12 MR. GERMINARIO: So those are
13 delineations, but the line that's marked "WB," that's
14 also the delineation as well.

15 THE WITNESS: So the -- to clarify,
16 there is a line that connects the triangles. The
17 triangles are indicative of any change in direction
18 as it relates to that boundary.

19 It is faint. It's a light gray, a
20 single dashed line that accompanies it.

21 MAYOR GLASSNER: Excuse me.

22 THE WITNESS: Sure.

23 MAYOR GLASSNER: While we're on the
24 stream, what is the plan for protection of the stream
25 during construction.

1 THE WITNESS: So that's a good
2 question. So as the board knows, as the public, I'm
3 sure, is also aware, the stream is under state
4 jurisdiction. As part of the approval process for
5 the permit, we have to ensure that we are going to
6 re-vegetate a portion of the riparian zone that
7 supports it and then in advance of construction, that
8 area gets staked out. There's a visit in advance of
9 any construction and it's in adherence with all state
10 property -- all state regulations.

11 MAYOR GLASSNER: So that's following
12 construction, re-vegetation, correct?

13 THE WITNESS: Final --
14 post-construction it will be re-vegetated and
15 established and it will be an easement.

16 MAYOR GLASSNER: So is there any other
17 plan for protection during construction?

18 THE WITNESS: Yes, during construction
19 and you'll see on a subsequent sheet, the project is
20 required to adhere to soil erosion sediment control
21 measure to ensure that sediment is not transported
22 into the regulated water body.

23 MAYOR GLASSNER: Thank you.

24 MR. FERRIERO: If I could just ask one
25 quick question, actually two. Will the silt fence be

1 a super silt fence.

2 THE WITNESS: In that area, it
3 definitely will be.

4 MR. FERRIERO: For the board's
5 edification, that's really a silt fence backed up by
6 the chain link fence, far more durable, less likely
7 to get knocked over.

8 And then the other question I have is:
9 The dashed line that runs parallel to the limit of
10 disturbance, what does that depict?

11 THE WITNESS: The dashed line that runs
12 parallel?

13 MR. FERRIERO: The LOD is the dark
14 line, correct.

15 THE WITNESS: Yes.

16 MR. FERRIERO: And then just outside of
17 that, you've got a dashed line that runs parallel,
18 it's offset.

19 THE WITNESS: Oh, this one.

20 MR. FERRIERO: Yes.

21 THE WITNESS: I will have to confirm
22 that. It looks as though that should be the LOD,
23 that it's offset relative to the edge of the
24 material.

25 CHAIRMAN SMITH: Would one be for the

1 silt fence.

2 MR. FERRIERO: No, you would have the
3 silt fence at the limit of disturbance.

4 CHAIRMAN SMITH: That would be right on
5 the same line.

6 MR. FERRIERO: And in some areas that
7 dashed line is a little bit into the wetlands or more
8 than a little bit into the wetlands, so that's why I
9 wanted to understand what it was. I didn't know if
10 it was a graphic effort during the preparation of the
11 plans or it actually depicts something related to
12 construction.

13 THE WITNESS: Thank you for your
14 patience as I look at this. And I don't want to skip
15 ahead on the sheets, but I do believe it's an offset
16 for the purposes of drafting that shouldn't be
17 displayed, but I will confirm that as we continue
18 through the plan set.

19 MR. FERRIERO: Thank you.

20 MS. CALDWELL: Can you explain what
21 permits you need for the wetland disturbance and I
22 know there was some questions in the beginning of
23 this project about some encroachment potentially that
24 -- of pavement and development that wasn't supposed
25 to be there to begin with, so could you address that?

1 THE WITNESS: Certainly.

2 Yeah, so in this -- on this sheet what
3 you'll notice is there -- as mentioned, there's a
4 wetland boundary and there's an associated protection
5 buffer or an adjacent width of vegetation intended to
6 exist next to the wetland. What you'll notice is as
7 we zoom in just north of this existing or former swim
8 and racket club is there is an outdoor pool, there is
9 a gravel play area where the playground was formally
10 in operation, sheds, a paved -- a paved grass area
11 all in close proximity to this wooded line or the
12 limit of the wetland.

13 So as we transition into the subsequent
14 sheets, what you'll notice is this area is going to
15 change drastically and that's because from a state
16 standpoint, you're permitted a certain threshold as
17 it relates to disturbance within the wetland buffer.
18 And in comparison to the existing conditions, this
19 application will improve that to protect the
20 environmental feature.

21 BY MR. ORTH:

22 Q. So, Afton, just to take it from the
23 top, what are the -- as it pertains to DEP, what are
24 the permits that are required for the project?

25 Just summarize them because we've

1 obtained them.

2 I believe it entails an FHA. And also
3 we have a line verification from the DEP.

4 What else do we have?

5 A. Correct.

6 So we have a freshwater wetland LOI.
7 We also have an FHA, freshwater wetland land use
8 permit, which is comprised of an individual permit or
9 IP, a verification, as it relates to the flood hazard
10 area, a Freshwater Wetland General Permit 11 for
11 discharge for outfalls or intake structures, and then
12 a transition area waiver as it relates directly to
13 what you're asking in terms of the buffer.

14 Q. And so those permits have been
15 obtained. And can you just grab your laser pointer,
16 if you don't mind, and then just on the screen up
17 there, run your pointer over the areas that are
18 governed by DEP and under which we have obtained a
19 permit, because it's all outside of the disturbance
20 area for this project, correct?

21 A. The permits that are in place permit
22 any disturbance in the vicinity of the environmental
23 factors. The thresholds as it relates to improvement
24 from the existing condition, not to mention any
25 disturbance within those areas has been approved by

1 the state.

2 Q. So just run your laser pointer, if you
3 can, over that area.

4 A. So this is the regulated water body,
5 where an offset of 150 and then 300 feet is taken,
6 not to mention that the triangular line that I
7 denoted previously that circles around the building,
8 that offset into the property as well 150 feet.

9 So it is in this general vicinity, this
10 northern area of the property.

11 Q. Okay. Keep going. Thank you.

12 A. So I'll zoom out again. The building
13 or this rectangular somewhat L-shaped footprint is
14 that of the existing racket club building.
15 Immediately south of it is the parking and then I'll
16 zoom in or I'll note with the laser, this is the
17 enclosure for the existing cell tower as we
18 transition or think about the property from a
19 northern to a southern standpoint.

20 In addition to the structures, and by
21 the "structures," I mean, this specific building or
22 the buildings tied to the racket club to be removed,
23 the call outs and the content on this plan speaks to
24 that of utilities servicing the retail is to remain
25 and speaks to any other associated removals as part

1 of the project.

2 There are some -- and I don't know if
3 it's preferred, if I take it sheet by sheet or I'll
4 probably just transition to the next sheet unless the
5 board has questions prior to answering those of the
6 board engineer knowing that this sheet not to meant
7 subsequent one of the southern half of the property
8 really go hand in hand.

9 CHAIRMAN SMITH: Let's move to the
10 southern half and then we'll stop for questions.

11 THE WITNESS: Perfect.

12 Again, what you'll see here, and this
13 is the southern half or the front of retail center as
14 it exists today.

15 BY MR. ORTH:

16 Q. And we're on C-3, correct?

17 A. This is C-4.

18 Q. C-4, okay. Thank you.

19 A. So the front area, you'll notice a
20 series of dashed lines. Again, the dashed line is
21 indicative of the limit of disturbance, if there's an
22 associated LOD with it. In addition, you'll note
23 that there are dashed lines as it relates to the curb
24 or as it relates to the front streetscape. This area
25 will, as mentioned in the board engineer's review

1 letter, for curb replacement and improvement will
2 certainly be part of the application and then what
3 you'll notice as well is this front retail area as we
4 touch again on access to the property, and how that
5 gets reconfigured, this darker hatch that is vertical
6 on the page is an island, it's a decorative paver
7 island as it exists today that splits the parking and
8 what you'll notice when we transition to the next
9 sheet or that being of the overall site plan, when
10 the driveway -- you know, the reason the driveway
11 shifts over to the west is for vertical alignment
12 throughout the site. That is, again, under existing
13 conditions. People that were previously accessing
14 the Mendham Racket Club were utilizing that of the
15 eastern driveway, which tends to be a service
16 corridor just knowing the Kings operations, but the
17 reason I bring this up is once the drive aisle gets
18 reconfigured, so does the parking immediately to the
19 east of it, but it doesn't -- I would like to clarify
20 for the board that it is a reconfiguration. I know
21 there was a question last night as it related to the
22 size, are we losing parking, we will touch on the
23 number of parking spaces on the subsequent sheets,
24 but it is this area where you'll notice the planted
25 area or the decorative paving area. It almost

1 doesn't mirror, but it gets more focused against the
2 entryway that, again, is going to connect vertically
3 throughout the site.

4 MR. GERMINARIO: So there's no net
5 change in the number of parking stalls and this
6 parking field, it's just getting shifted further to
7 the west?

8 THE WITNESS: Across the site there is
9 an increase in retail parking being provided and in
10 this specific area that I'm highlighting with my
11 cursor, I will use the laser, my apologies. So when
12 we think about the project site, there are different,
13 we'll call them buckets or areas of retail parking.
14 So in this area, it will get reconfigured, so on the
15 west-hand side of the aisle, there's 90-degree
16 parking and then there's angled parking and overall
17 just, again, keeping it specific to that area,
18 there's -- there are eight spaces that get lost here,
19 but as you look on the subsequent pages to that of
20 the horizontal 90-degree parking, specific to that
21 area you are gaining seven in relation to the
22 existing condition and then as you move upward into
23 the site, specifically on the right-hand side you're
24 gaining parking spaces.

25 Yes, apologies, so the front horizontal

1 area, as mentioned this area in relation to existing
2 conditions, the proposed conditions will have seven
3 additional spaces. As you move your way up, again,
4 we are behind the eastern retail building. In this
5 location we're adding approximately seven -- 17
6 parking spaces. I know it is getting cut off as it
7 relates to the top of this page.

8 MR. ORTH: I think it's hard to say on
9 the existing conditions sheet, Mr. Germinario. Can
10 we just pick this up when we get to proposed
11 conditions.

12 MR. GERMINARIO: Yeah, but this helped
13 me understand what's happening.

14 MR. ORTH: Okay. Very good.

15 MAYOR GLASSNER: I do have one
16 question, sorry.

17 THE WITNESS: Sure.

18 MAYOR GLASSNER: The diagonal lines
19 that are on the existing conditions sheet, are those
20 supposed to mirror the current parking.

21 THE WITNESS: Correct, those are the
22 angled parking spaces.

23 MAYOR GLASSNER: In one of these
24 sections there's actually no angled parking. This
25 shows angled parking here, but there is no angled

1 parking.

2 THE WITNESS: In which section are you
3 referring to?

4 MAYOR GLASSNER: So anybody who drives
5 there knows -- yeah, not to the left of islands, but
6 the other barricade.

7 THE WITNESS: Oh, in this area?

8 MAYOR GLASSNER: And there are spots
9 that are just -- yeah. So it's -- I can see it up
10 here. I can't -- it's not on our sheet. On our
11 sheet it just shows it as parallel -- as angled
12 parking.

13 THE WITNESS: So there should be a row
14 of parallel parking that abuts that of angled
15 everywhere else. My apologies. I know there's a lot
16 of lines on here.

17 MAYOR GLASSNER: Okay. You know what,
18 I see it now, I see it. Thank you.

19 THE WITNESS: Of course.

20 CHAIRMAN SMITH: Is there any questions
21 of the board?

22 MS. TRAUT: I have a question. I have
23 a question and this might be better suited for when
24 we talk about the parking or the proposed plans, but
25 given that this is demolition, at any point during

1 demolition of this part of the property, how many
2 retail parking spaces will become unavailable to the
3 public during demolition.

4 THE WITNESS: That's a good question.
5 And --

6 MS. SMITH: I don't know if everybody
7 heard the question.

8 MS. TRAUT: Sure, I'll repeat myself.
9 So as it's pertaining to demolition, at
10 any point during the construction on this part of the
11 property, how many retail parking spaces will be lost
12 for the public wanting to come into to use retail?

13 THE WITNESS: Yes. And that is
14 consistent with one of the comments as it relates to
15 the board engineer letter we received. The question
16 is as it pertains to construction and phasing of the
17 property. Given that there are active retail tenants
18 in these spaces, the construction, the logistics will
19 be closely coordinated with the board, not to mention
20 the board engineer with the insurance that vehicular
21 access be maintained, not to mention pedestrian
22 safety and access.

23 MR. FERRIERO: I think the follow-up
24 question to that is that -- excuse me, the phasing
25 plan, I think the board would be interested in seeing

1 at least some additional concepts of that before the
2 hearings end, because it's certainly going to be
3 destruction of the site not only for the public's
4 ability to access, but for the retail tenants that
5 are in there and they're going to have difficulty
6 operating because if the parking is really
7 constrained. So I think somehow we got to get that
8 resolved as to how that gets done. It may take a
9 couple of iterations to get there.

10 THE WITNESS: We'll work with you on
11 that.

12 CHAIRMAN SMITH: Any other questions
13 from the board?

14 MR. SPRANDEL: Just -- if you just took
15 the --

16 MS. SMITH: Please speak into the
17 microphone, sorry.

18 MR. SPRANDEL: If you just took the
19 space that would be in front of Kings up to the
20 street, 24, currently how many parking spaces are
21 there and then after this reconfiguration, how many
22 parking spaces will there be? Is it a small
23 difference or what is it.

24 THE WITNESS: And just to clarify, your
25 question is if you drew a horizontal line or used

1 Kings building as that border, how many spaces
2 between Main Street and the building under existing
3 versus proposed?

4 MR. SPRANDEL: Yes.

5 THE WITNESS: Certainly. So under
6 existing conditions, and, again, we kind of treat it
7 as two parts, but overall there are 156 spaces, that
8 is 130 really comprised in that center area, not to
9 mention 26 in the front and then when you -- when you
10 see the subsequent sheets, how that gets impacted.
11 Overall, it's a net of minus one space specific to
12 this area.

13 MR. SPRANDEL: Okay. And that's
14 adjusting -- is that adjusting for the sizes too that
15 you're requesting.

16 THE WITNESS: It is -- it's based on
17 the reconfiguration and to explain it as best
18 possible, when you're alining drive aisles from an
19 access standpoint, the right angles really drive how
20 the rest of the site is laid out. So what the
21 applicant and what this design is looking to do is to
22 incorporate that spine or that main corridor for
23 access or circulation throughout the property and
24 then work backwards the parking spaces and the supply
25 that remains.

1 MR. SPRANDEL: Okay. So the difference
2 is one.

3 THE WITNESS: In that area
4 specifically, yes.

5 MR. SPRANDEL: Thank you.

6 CHAIRMAN SMITH: Anyone else?

7 (No Response.)

8 CHAIRMAN SMITH: I would like to open
9 this section to the public for any questions and --

10 MS. SMITH: Can you speak into your
11 microphone.

12 CHAIRMAN SMITH: I'd like to open up
13 the public session for any questions. Please come to
14 the podium, state your name, address and your time
15 will be limited to three minutes.

16 MR. FERRIERO: Now, Mr. Chairman,
17 you're talking about questions on the demolition
18 plan?

19 CHAIRMAN SMITH: Correct, questions on
20 the testimony that we just heard. I just want to
21 take this at pieces to kind of keep things in order.

22 MS. SMITH: Is it possible when the
23 people come up, they state their name and spell their
24 last name for the stenographer.

25 CHAIRMAN SMITH: Yes.

1 MS. SMITH: Thank you.

2 CHAIRMAN SMITH: State your name and
3 spell your last name.

4 MR. GERMINARIO: So it has to be
5 questions directly to the testimony we just heard.

6 MR. FERRIERO: I think frankly that's
7 most appropriate after all of the proposed conditions
8 get covered again in detail. I understand what
9 you're saying. Obviously there's going to be a lot
10 of questions about the testimony that was last night,
11 but I think the purpose of the testimony tonight is
12 to drill down in more detail on the overview from
13 last night. So, you know, maybe some of those
14 questions already get answered by the time the
15 testimony is finished tonight and that's why I think
16 if you focus in this section questions on the pages
17 or sets of pages that are reviewed, I think it flows
18 a little better. If you go back to last night, she's
19 going to be answering questions about Sheet 14 in the
20 plat set and she hasn't gotten there yet. So I think
21 frankly that's going to be smoothest way to go
22 through it.

23 CHAIRMAN SMITH: And if you want to
24 reserve your questions for later on, that's fine, but
25 I just want to try to answer any questions and filter

1 out anything specific to these sheets that we just
2 went over.

3 MS. SMITH: It would actually be better
4 if you go up to the podium, it works better.

5 MR. VAN DEN HENDE: Good evening, Mark
6 Van Den Hende, 11 Coventry Road.

7 THE COURT REPORTER: Please spell your
8 last name?

9 MS. SMITH: Please spell your last
10 name.

11 MR. VAN DEN HENDE: Last name is V-A-N
12 space D-E-N space H-E-N-D-E.

13 MS. SMITH: Thank you.

14 MR. VAN DEN HENDE: With the demolition
15 plan, are you planning on doing this -- are you
16 planning on doing this work after the construction is
17 done in the back? You're doing a reconfiguration on
18 paper --

19 THE WITNESS: Yes.

20 MR. VAN DEN HENDE: So you're going to
21 do this work afterwards.

22 THE COURT REPORTER: I'm sorry, speak
23 into the mic.

24 MR. VAN DEN HENDE: You're going to do
25 this work afterwards, correct?

1 THE WITNESS: The construction would --

2 MR. ORTH: The mic that you have is not
3 very strong, so you have to speak into loudly.

4 THE WITNESS: My apologies.

5 The construction for the front area
6 will be done in conjunction with the rear area.

7 It will be phased so that the retail in
8 the front can maintain operation, but the future
9 access, not to mention the design that supports the
10 rear construction will be done.

11 MR. VAN DEN HENDE: So my question is
12 related to you're going to have heavy trucks moving
13 in and out in the back. You're probably not going to
14 pave this and do this reconfiguration with heavy
15 trucks, correct.

16 THE WITNESS: Most likely.

17 MR. VAN DEN HENDE: So when you do
18 that, now you have no real direct access to the back.
19 How are those trucks traveling.

20 THE WITNESS: It's a good question. It
21 is consistent with the board's comment, the board
22 engineer --

23 FEMALE AUDIENCE MEMBER: We can't hear
24 you.

25 THE WITNESS: It's consistent with the

1 board engineer's comment or question about
2 construction logistics, that we'll be working closely
3 with him to make sure that the phasing plans are
4 coordinated.

5 MR. VAN DEN HENDE: And how are you
6 going to maintain --

7 MS. SMITH: Can you guys just share
8 that one mic.

9 (Laughter.)

10 MR. VAN DEN HENDE: So how are going to
11 maintain safety for the public while you're moving
12 construction trucks in the rear.

13 THE WITNESS: Again, that is
14 construction logistics means and methods as it
15 relates to operations on the property, whether
16 through temporary sidewalks or delineation noting
17 where public will travel, it will be coordinated, it
18 will ensure public safety and access for the retail
19 spaces.

20 MR. VAN DEN HENDE: Thank you.

21 CHAIRMAN SMITH: Thank you.

22 MR. ZAMMATARO: My name is Frank
23 Zammataro.

24 I represent the Mendham Alliance for
25 Preservation & Conservation. We're a small

1 non-for-profit.

2 MS. SMITH: Can you spell your last
3 name.

4 MR. ZAMMATARO: Yes. Z-A-double
5 M-A-T-A-R-O.

6 MR. FERRIERO: Address?

7 MR. ZAMMATARO: Nice Irish name.

8 MR. FERRIERO: Address.

9 MR. ZAMMATARO: 41 Corey Lane in the
10 township.

11 I have a question about, have you
12 identified the highest topographical spring of the
13 north branch of the Raritan River, which is within
14 50 feet of the back property line, it's actually, you
15 know, gurgling spring, have you identified that?

16 THE WITNESS: The --

17 MS. SMITH: Just go up to the podium.

18 (Laughter.)

19 THE WITNESS: The project to date has
20 obtained the DEP approval. The state jurisdiction
21 over regulated water bodies, those tributary to North
22 Raritan, which is indicative of the stream that cuts
23 across that diagonal northwestern property line with
24 the associated buffer.

25 MR. ZAMMATARO: Okay. My next question

1 would be: Can you include that spring, which is,
2 again, the highest topographical spring of the north
3 branch of the Raritan River, which serves two million
4 people in the State of New Jersey and the reason is
5 to make sure that through some accident and sediment
6 release, that it doesn't get clogged.

7 THE WITNESS: The spring you mentioned,
8 I'm not directly familiar with the exact spring. The
9 regulated water bodies or the environmental areas as
10 identified and approved noted and approved by the
11 state, will be protected and the proposed project
12 will comply with the permits obtained, which are in
13 accordance with the state requirements.

14 MR. ZAMMATARO: Okay. Well, thank you
15 for that. I just urge the board to have some kind of
16 a flag or stick and protect that spring religiously.
17 Thank you.

18 CHAIRMAN SMITH: Thank you.

19 (Applause.)

20 MR. TISHMAN: My name is Tom Tishman.
21 I live at 64 Dean Road.

22 CHAIRMAN SMITH: Spell your last name,
23 please.

24 MR. TISHMAN: Tishman, T as in
25 Tom-I-S-H-M-A-N.

1 And you had mentioned during your
2 presentation about moving the cell tower and I wonder
3 if you can be a little more specific of where that
4 movement is happening.

5 THE WITNESS: I will certainly clarify
6 that. The cell tower, as noted, the enclosure is
7 surveyed and is indicated on the demolition plan. It
8 will remain. There are no proposed improvements, nor
9 location proposed related to the cell tower as part
10 of this application.

11 MR. TISHMAN: Just the fence is
12 remaining.

13 THE WITNESS: The fence is remaining.
14 As surveyed given the access, the perimeter fencing
15 that surrounds the cell tower is noted on the
16 existing conditions or the survey plan, not to
17 mention the demolition plan and that will remain.

18 MS. CRAVER: Marcella Craver,
19 13 Knollwood Drive, C-R-A-V-E-R.

20 I guess I just have a question about
21 the wooded area. I'm curious to find out how much
22 wooded area is going to be taken down, you know,
23 that's a habitat and I was just curious as to how
24 much is going to be taken down and then how much
25 disturbance will the wooded area behind Kings be

1 subject to.

2 THE WITNESS: That's a great question.
3 The wooded area, and as noted or just to zoom out,
4 you know, it does populate that line.

5 I've got a lot of electronics in front
6 of me. Please bear with me.

7 On the prior sheet, the wooded area is
8 consistent with that of the freshwater wetland line
9 or the triangle, the dash as mentioned. That extent,
10 what you'll notice is it is along this perimeter
11 boundary and under existing conditions, there is a
12 path, not to mention improvements. While it will be
13 disturbed during construction for the purpose, it
14 will be for the purpose of replicating a vegetated
15 area to compliment the wetlands or almost go back in
16 time to put vegetation there where it does not exist
17 today.

18 So to answer your question, the wooded
19 are will not be disturbed. It is the area adjacent
20 to it that will be restored.

21 MS. CRAVER: So the restoration of the
22 wooded area is, can you just show.

23 MR. GERMINARIO: Please speak into the
24 microphone.

25 MS. CRAVER: So the restoration that

1 you're thinking about, where will that go.

2 THE WITNESS: Sure. That will be
3 centered or it will be focused on this northern area.
4 It will become apparent on the subsequent sheets, but
5 it is in the general northern vicinity along the
6 north property line.

7 MS. CRAVER: So the spot behind there
8 that's already cleared will become woods and the
9 wooded area that's behind it won't be touched.

10 THE WITNESS: Correct, the -- and,
11 again, you'll note, I'm just approximating with the
12 laser that area, that will be planted, of course new
13 vegetation that we'll get established, not to mention
14 put in an easement as per state requirements.

15 MS. CRAVER: Okay.

16 MS. BURKE: Margaret Burke, B-U-R-K-E,
17 8 Bockoven Road.

18 I just have a comment, a question about
19 what you were talking about, you referred to it
20 several times, the side alley behind the stores on
21 the right-hand side was not routinely used to access
22 the Mendham Racket Ball Club. That's a dangerous
23 road. It was usually blocked up with, you know,
24 dumpsters, delivery trucks, garbage trucks, garbage
25 collections. People did not use that as their main

1 path to the racket ball club, nor did they use that
2 alley on the other side as their main path to the
3 racket ball club. So just to clarify that, but most
4 people -- what I did for many years and my friends go
5 to the main entrance, go down to Kings, make a right,
6 don't run into CVS, make a left and go down that way
7 and no one ever come out of there on the side,
8 because that's a blind corner. As soon as you come
9 out right at the end on this corner, I guess there's
10 Piattino is there, that is a blind corner and there's
11 a stop sign there and if you attempt to come out
12 there or if you attempt to go across and turn there,
13 you will almost likely be in an accident. That's not
14 a safe way to access it.

15 MR. GERMINARIO: You've gone over into
16 testimony instead of questions. Is there a question?

17 MS. BURKE: I'm just -- what I said to
18 her, I said to her -- excuse me, I forgot your name.

19 MR. ORTH: Afton.

20 MS. BURKE: I said -- I said I want to
21 make a comment about a statement she gave. Her
22 statement was that the people accessed --

23 MR. GERMINARIO: I --

24 MS. BURKE: I just said I wanted to
25 make a comment. Can I make a comment or not.

1 MR. ORTH: It's questions at this
2 point, but wait until we get to proposed conditions,
3 because that's the next sheet and that's going to
4 show the access that we're proposing.

5 CHAIRMAN SMITH: Your comment is duly
6 noted and we acknowledge that.

7 MS. BURKE: Thank you.

8 Appreciate it, because it is a concern.
9 I'm sorry, I didn't phrase that in a question.

10 MR. GERMINARIO: That's okay.

11 CHAIRMAN SMITH: Thank you.

12 MR. ORTH: I think we're ready to go to
13 proposed conditions, if we may, Mr. Chairman.

14 CHAIRMAN SMITH: Sure, okay.

15 MR. ORTH: What I think most people are
16 waiting for. And the rest of the presentation is
17 really going to be proposed conditions. So I would
18 just ask, Mr. Chairman, for you to consider, for the
19 board to consider if we can get through proposed
20 conditions before we open it back up to questions
21 from the public, because I think there's going to be
22 -- I think everyone needs to see the entirety of the
23 presentation, just a suggestion.

24 CHAIRMAN SMITH: Very well.

25 THE WITNESS: For the record, I'm

1 opening a separate document, it's the same document
2 that was submitted to the board. I will go to the
3 fourth sheet. The reason being, I noticed one
4 annotation on the subsequent sheet not yet presented,
5 but I -- that was not previously submitted. So,
6 again, this is the site plan sheet. We are on the
7 site plan overall C-5.

8 What you'll notice on this sheet,
9 again, this is that zoomed out for the higher level
10 aerial that shows the entire property. You'll notice
11 that, again, the buildings, the three buildings in
12 the front, the retail buildings are not hashed,
13 they're white in that configuration and then there is
14 adjustment to the access. So while we're at this
15 zoomed level, what you'll notice is that that
16 vertical connectivity and taking the feedback heard,
17 the access as it exists today, we do have three
18 driveways along the frontage, the main driveway will
19 shift as part of the application over to the west and
20 that will be the central -- the centralized corridor
21 or the spine of the application that not only
22 centralizes access, there will be signage, which will
23 be touched on in future testimony, but it connects or
24 it interconnects that of the retail use in the front,
25 not to mention the proposed uses on the north of the

1 page or in the rear of the site.

2 So just to zoom in a little bit as it
3 relates to the proposed improvements, as it relates
4 specifically to zoning, which is what I'll stay on
5 from a high level on this sheet knowing the
6 subsequent two sheets will similarly split in half.
7 So any specific dimension or any specific notations
8 that are more refined will be covered on the
9 subsequent sheet, but from a zoning standpoint or
10 from an access standpoint, the driveway on the
11 eastern side will remain as it exists. The main
12 entrance as mentioned shifts over and then the
13 western most drive aisle as mentioned where
14 previously was an egress will now be that of an
15 ingress.

16 From a zoning perspective for the
17 property as mentioned, the application is located in
18 the east business affordable housing or the EBAH zone
19 and from a zoning standpoint where new development
20 weighs in, the application is predominately compliant
21 and the reason I state it that way is from a bulk
22 zoning standpoint the existing non-conformities that
23 we touched on last night as it relates to the side
24 yard setbacks, which are driven by the existing
25 retail buildings.

1 So for reference, and again, not to
2 repeat myself, but for reference, the existing side
3 yard setback along the eastern side is 28 feet where
4 50 feet is required. Noting that there's also
5 slightly wider, 32.3 feet on the western side where
6 50 feet is required.

7 From a bulk standpoint additionally as
8 it relates to the affordable housing, the zone -- the
9 ordinance cites that the minimum lot area be three
10 acres where this property is well above that.
11 Minimum lot width is required to be 200 linear feet
12 where per ordinance this is 509.4 feet.

13 In addition, the front yard as it
14 exists for the retail buildings is 130 feet where
15 50 feet is required. Also worth noting not on this
16 sheet, I know there's a bulk table. I'll zoom into
17 it just because the parameters I'm citing are from
18 it, was not noted on this sheet specifically or any
19 table specifically is the setback of the near or the
20 proposed building where it is nearest to East Main
21 Street. The ordinance requires 700 feet. You'll
22 note the dimension as taken to the closest building
23 element on this page is 719.4 feet, again, compliant
24 with the ordinance.

25 In looking at the proposed buildings as

1 we zoom out, again, back on the side yard setback,
2 the only -- the only occurrence where it is below
3 that of the required pertains to the existing
4 buildings, the proposed building minimum side yard
5 set back is 50.1 feet, that's located in this eastern
6 or northeast location where it increases from the
7 property line beyond that.

8 The minimum rear yard, 50 feet as
9 required, 143.8 feet is being proposed and that's an
10 increase of 11.6 feet from what exists today. Again,
11 specific to the building structure.

12 The proposed building height per
13 ordinance, the requirement is four stories over a
14 level of parking or a maximum of 60 feet. The
15 building proposed is exactly that, it is four stories
16 of residential above ground floor parking and when
17 taken from average grade, the proposed building
18 height is 59.6 feet.

19 As mentioned, and as received in
20 comment form, there's a discrepancy between that of
21 our zoning table and the architect's elevation.
22 You'll hear further testimony from the architect
23 noting that relative to the average grade or the
24 grade along the perimeter of the building, 59.6 feet
25 is the proposed building height.

1 Impervious coverage, when we think
2 about building coverage, when we think about pavement
3 on the property or non-porus coverage specifically,
4 is decreasing as part of this application. The
5 requirement is a max of 80 percent. Under existing
6 conditions in comparison to proposed conditions,
7 there is a decrease or an increase in pervious area,
8 green area naturally occurring area of approximately
9 33,000 square feet or 33,023.

10 The max number of units is consistent
11 with that of the ordinance, there's 75 units. As it
12 relates to the unit matrix and the affordable
13 components, you will hear subsequent testimony on
14 that from the architect.

15 In addition, same thing with recreation
16 area where the requirement is 5,000 acres [sic],
17 you'll certainly hear testimony as to where that is
18 located and how that is being met as well.

19 There are a couple of other existing
20 non-conformities. Again, these are things that are
21 driven by the structures that will remain on the
22 property as it pertains to zoning. One of those --
23 one of those elements as mentioned was a side yard
24 setback. In addition, one is location from a
25 driveway to that of a driveway on an adjoining

1 property. That pertains to the eastern driveway that
2 will remain as it is. It will not be relocated, but
3 the proximity to that of the neighboring driveway is
4 below the requirement of 20 feet.

5 And in addition, as we've looked at the
6 western property line where this -- any -- where any
7 parking in proximity to a parking lot to a property
8 line is driven by the zone that they abut or the
9 standard requirements in the ordinance given that
10 this property is abutting the residential district
11 where there is a requirement for 20 -- 25 feet, there
12 are 13 feet as it exists today and just to use -- use
13 the laser, that is along this side where you have a
14 drive aisle and then you have parking.

15 From a parking standpoint --

16 BY MR. ORTH:

17 Q. Just take it -- just to quickly
18 summarize, Afton.

19 A. Sure.

20 Q. From a zoning perspective, this
21 proposal is complaint with all zone standards, all
22 bulk standards in the zone, other than a decreased
23 size of limited number of parking stalls, correct?

24 A. That's correct.

25 Q. And we are reducing impervious

1 coverage, correct?

2 A. That's correct.

3 Q. And we're compliant with the setback
4 standards for the new construction, correct?

5 A. Yes.

6 Q. And we're compliant with the building
7 height requirements, correct?

8 A. Yes.

9 Q. And we're compliant with the density
10 requirements or permissions, correct?

11 A. Yes.

12 Q. Thank you.

13 Please continue?

14 A. Sure.

15 From a parking standpoint, we discussed
16 the supply as it pertains to the comparison out there
17 as surveyed and that of the proposed condition.
18 Again, the area in front of Kings that you heard
19 testimony, questions on more recently, does get
20 reconfigured and by that I mean no loss to the
21 parking besides net one specific to this specific
22 area, but it is to complement that of the drive aisle
23 that's being proposed, again, in that vertical
24 location on the property.

25 From a proposed building standpoint in

1 terms of parking requirements, there is for the
2 residential units as broken down by RSIS, a total of
3 144 spaces required. In addition, and again I will
4 just pull the screen down for the record, there is
5 the multifamily building up to the top. Not to
6 mention, as mentioned last night, the auto sales
7 building and accessory parking building that is
8 rectangular to the bottom and to restate from a
9 residential standpoint, 144 spaces are required in
10 addition for the employee parking that supports the
11 auto sales building an additional two spaces are
12 required for a total of 146 spaces as it relates to
13 those two uses.

14 MR. GERMINARIO: Can I ask a question
15 about, you say the auto sales and service requires
16 two spaces for employees. How about for the vehicles
17 that are being serviced and or sold there, how are
18 those vehicles -- where are those vehicles going? Do
19 you know.

20 THE WITNESS: I will defer to the
21 architect as they talk to the interior of the
22 building specifically, but I know the parking
23 accessory to the residential structure has not been
24 counted as part of the supply, nor the requirement
25 and then the supply or the requirement as it pertains

1 to the auto sales given that there aren't any bays
2 specifically correlates with the employees.

3 MR. GERMINARIO: But there will be
4 preferred parking that is accessory to the
5 residential?

6 THE WITNESS: Yes.

7 MR. GERMINARIO: But you're not
8 counting that, I think, in the counts that you just
9 testified to?

10 THE WITNESS: That's correct.

11 MR. GERMINARIO: Okay.

12 THE WITNESS: So from a supply just to
13 tag onto that comment, from a supply standpoint, in
14 this northern area of the property there is the
15 ground floor enclosed parking that is in this area
16 and interior to the garage there are 106 parking
17 spaces. Exterior to the garage, there are 10 parking
18 spaces that I'm circling with the laser.

19 In addition to that, there are shared
20 spaces, 15 of which will be assigned or indicated.
21 Those are the first horizontal row that I'm
22 highlighting with the razer [sic] -- the laser as you
23 transition right near the residential building.

24 Again, overall, that accounts to a
25 total of 133 spaces. As there are proposed EV spaces

1 as indicated interior of the building to supply 15
2 percent as required for the residential use, there
3 are 17 in total and you'll hear additional testimony
4 from the architect as it relates that of the separate
5 building.

6 MAYOR GLASSNER: Quick question.

7 THE WITNESS: Sure.

8 MAYOR GLASSNER: When you say "shared
9 spaces," does that mean that the interior spaces are
10 assigned?

11 THE WITNESS: I heard the question last
12 night as well and I did -- I did refer to the traffic
13 testimony to follow. I don't have the answer as to
14 how they're assigned per unit or how that's being
15 distributed, but further professionals will certainly
16 clarify that for you.

17 MAYOR GLASSNER: So maybe I'll ask
18 another way. What does the shared space mean then?

19 THE WITNESS: For visitors, it is a
20 share between that of the visitors and the retail,
21 but, again, I don't want to speak on behalf of the
22 traffic professional who will further detail the
23 shared space and that intension.

24 MAYOR GLASSNER: So the 15 spaces that
25 are shared are not actually for the residential

1 units?

2 THE WITNESS: My understanding is they
3 are for visitor parking as it relates to the
4 residences.

5 MR. FERRIERO: If I can ask this
6 question, I don't know if you gave us these numbers
7 yet or not, how many spaces in its entirety are on
8 the property now and how many will be there when
9 you're done?

10 THE WITNESS: Yes. Please give me one
11 moment.

12 MR. FERRIERO: And I say that meaning
13 to back out the number of spaces that are directed
14 proximity to the tennis club.

15 And if you don't -- and I don't want to
16 kick all the testimony off the rails, because I know
17 this requires probably checking some numbers. What I
18 would suggest is, I don't think we're going the
19 entire meeting without a break or the court reporter
20 will start throwing things at us because her fingers
21 will cramp, but when we take a break, perhaps the
22 engineer can run up those numbers and we can have
23 that after the break.

24 THE WITNESS: Sure.

25 I will confirm the numbers prior to

1 putting them on the record.

2 This sheet specifically, again, we
3 spoke to the location of the building as it pertains
4 to both the zoning requirements, not to mention the
5 access. We do intend to transition to the two
6 subsequent sheets as it relates more directly to
7 those precise parameters of the site design, but if
8 there are any questions on this sheet where we show
9 the site in entirety, I'm happy to answer them.

10 MS. CALDWELL: Did you consider the
11 EVSE spaces for any new spaces in the commercial
12 parking area or shared parking as part of that
13 calculation?

14 THE WITNESS: So the proposal or as
15 previously submitted to the board, the EV as noted is
16 directly related to that of the residential use.

17 As it relates to the parking, and I do
18 want to confirm the number prior to further
19 discussing the allocation, if there's a 15 percent
20 associated with it, but that incremental increase or
21 the change, I think will be very pertinent to the
22 question as it relates to additional EV spaces.

23 MS. CALDWELL: Okay.

24 MR. EGERTER: I have a quick question
25 about the entrance and the exit that I just don't

1 really understand. The lady asked a question before
2 and I agree with her. I've lived in the town for 25
3 years. I could never figure out what those two
4 alleys on the east and the west were for.

5 What are they going to be for when this
6 is -- this is done? Because I can -- I can see the
7 main entrance, which makes perfect sense to me, but
8 what are the east and the west alleys -- I call them
9 alleys, because that's what they seem like to me.
10 What are they going to be for when this is done.

11 THE WITNESS: Sure. So we will -- the
12 alley and alleys drive aisles, the eastern alley
13 under existing conditions, Kings does have their
14 loading come from there, so there is a loading
15 portion of the program. Similarly as you continue up
16 the -- as you continue up the page, the loading area
17 for the proposed building, not to mention the trash,
18 where it will be picked up is immediately east --
19 immediately east of the building where I'm circling
20 with the laser. So that circulation or those areas
21 will be serviced by the eastern drive aisle, not to
22 mention emergency vehicles.

23 In addition to that, it really will
24 function as redundant access where the intention of
25 the application is to have everything centralized and

1 shared between the uses.

2 MR. EGERTER: Okay. So you're looking
3 for everybody in the building to come in the main
4 entrance.

5 THE WITNESS: It won't be -- to my
6 understanding, it won't be assigned, but the design
7 as proposed is to help identify the property and
8 provide access to the property in entirety there.

9 MR. EGERTER: Okay. And the west
10 alley, is that also used for garbage pickup and
11 stuff.

12 THE WITNESS: So the western alley does
13 provide access and circulation around the building.
14 As it exists today, it is an egress point. I know
15 we've heard comments on that this evening. It will
16 be reversed in order, so it will be an entry as
17 opposed to egress and, again, that does directly
18 correlate, it does correlate to the on-site
19 operations for circulation, for truck circulation.

20 MR. EGERTER: Okay. But not for
21 residents.

22 THE WITNESS: Correct. I don't want --

23 MAYOR GLASSNER: Where will the
24 dumpsters go that are there now for all the -- not
25 for Kings, for all of that retail up and down the

1 left, the west to east.

2 THE WITNESS: In this area or the area
3 where it exists behind the retail building?

4 MAYOR GLASSNER: There, yeah, on that
5 east side and then on the west side, because those
6 dumpsters are large and it's not that easy to get
7 around them. It's not really -- they're not really
8 driving routes.

9 CHAIRMAN SMITH: I think what the Mayor
10 is saying is that it's basically room enough for one
11 car to comfortably go through there, not two-way
12 traffic.

13 MAYOR GLASSNER: And on the west side,
14 not really, no really one car.

15 CHAIRMAN SMITH: Yeah, yeah, on the
16 west side a bicycle maybe.

17 (Laughter.)

18 MR. ORTH: And, no, we absolutely hear
19 you and we have another witness who's going to be
20 testifying extensively about ingress and egress
21 throughout the property.

22 Our engineer knows where things are on
23 the site, the civil engineer. She's doing her best
24 to answer the questions, but we are going to have
25 much more testimony on this hopefully in the near

1 future. Thank you very much.

2 MR. SPRANDEL: Well, let me just
3 comment too. I have never not gone down that east
4 alley to get to the lumbar yard and I've been down
5 there hundreds of times probably, so I know it's
6 usable. My worry was that maybe it will become
7 unusable, perhaps. So I would like some assurance
8 that we can still use that alley.

9 MR. FERRIERO: That east alley is an
10 important access not only for the delivery trucks to
11 Kings, but for the delivery trucks to Mendham
12 Plywood. So that's -- and one of my comments was,
13 how are the dumpster in both of these alleys being
14 addressed and that's to be heard.

15 MR. SPRANDEL: That needs to be
16 addressed, I agree.

17 CHAIRMAN SMITH: All right.

18 THE WITNESS: Are there any other
19 questions on the overall site plan?

20 CHAIRMAN SMITH: No, continue.

21 THE WITNESS: Similar format when
22 you're looking at Site Plan C-6, similar format to
23 that of the demolition plan. These two sheets do
24 split the site in half with the northern side of the
25 site coming first or on the screen as you see it.

1 To reiterate the question related to
2 the cell tower, the cell tower is in this transition
3 area or right behind the Kings. As it exists today,
4 that rectangular notation on the plan is that of the
5 enclosure specifically. The cell tower will remain
6 as will the enclosure. I will note and clarify that
7 the plan calls out reference to separate documents or
8 improvements related to the cell tower for
9 clarification and to be incorporated in future
10 submission is that -- that misrepresents reference to
11 that of the RP report documentation that you'll hear
12 more testimony on. Again, the cell tower will
13 remain. The callout will be clarified and you'll
14 hear testimony on it from the RF expert to come.

15 In addition, there were questions last
16 night and as we zoom into this area, there are
17 additional dimensions as it relates to drive aisles.
18 In terms of this plaza area where you see a series of
19 rectangles, not to mention paths between them, in
20 response to the board engineer's comment regarding
21 pedestrian safety and delineation, we will work to
22 ensure that there's a curbed -- a curbed condition.
23 I'll use the laser just to indicate those locations
24 near the building and as pedestrians circulate the
25 site. The decorative pavers as you see in the

1 longitude and rectangle shapes are for -- are a
2 complementary finished material, not to mention part
3 of the stormwater system.

4 In addition, that main entryway or the
5 division between that of the retail or to help retail
6 users identify the location on the property, there is
7 a gate as it relates to the residential use really
8 for that main entryway. There was a comment as it
9 relates to there not being a gate on the eastern
10 side, which it will be replicated and proposed just
11 the same.

12 Zooming out a little bit, you'll notice
13 that you're driving up again through that vertical
14 aisle. The main lobby of the building is where I'm
15 circling with the laser. The entry to the garage is
16 on the right-hand side. Not the mention, the parking
17 immediately in front of the building.

18 There will be additional testimony as
19 it relates to the building itself, the building
20 design, the building interior.

21 I mentioned briefly, but exterior to
22 the building on the eastern side is where the trash
23 collection will happen where the loading area is as
24 required per ordinance and the size of the loading is
25 compliant.

1 CHAIRMAN SMITH: I have a question
2 about the decorative paving. That's where you get
3 the added, you know, the decrease in impervious
4 coverage; is that correct.

5 THE WITNESS: That's actually not
6 correct. So to clarify, and to answer it in an
7 interesting way, is that is helping improve water
8 quality, because it's part of a storm system, but we
9 are not counting it as a pervious coverage.

10 So while water can still move through
11 the joints of the material and through that vertical
12 connection, help the quality of the water, it's still
13 paved surface in terms of the calculations. So
14 anywhere that's landscaped, anywhere that will have a
15 planted raised bed, those are the areas counting
16 towards the pervious increase as part of the project.

17 CHAIRMAN SMITH: Okay. Thank you.

18 MR. GERMINARIO: So you're saying that
19 the pavers are not counted towards impervious?

20 THE WITNESS: They're not counting
21 towards -- they are counting towards impervious per
22 zoning.

23 MS. TRAUT: I have a question.

24 I believe there was conversation last
25 night when we were doing the overview testimony

1 about, I believe there was a comment in the
2 engineer's report in adding or designating sidewalk
3 or bollards. Now that we're looking at this in a
4 little bit more detail, can you please identify which
5 areas could be, you know, designated as pedestrian
6 walkways.

7 THE WITNESS: Certainly.

8 So the areas -- and I'm going to zoom
9 in, a little too much, but just for the purpose of
10 noting the building line as it relates to a change in
11 material.

12 So you'll notice in the future plans
13 that there are areas adjacent to the building that
14 will be for planting purposes or foundation
15 plantings, but inboard or directly next to that,
16 you'll notice this hatch, it's very faint, it looks
17 like a series of dots, those are the locations where
18 the proposed pedestrian travel will either be raised
19 with a curb or there will be a rigid transition,
20 albeit a rated planter bed or bollard, something to
21 differentiate between where people are walking and
22 where people are driving.

23 MS. TRAUT: And how would you suggest
24 that be extended to the easterly side of the proposed
25 building like right in front of that loading zone?

1 Would it extend to or beyond the loading zone? Only
2 -- I'm only asking because the indication on the site
3 plan is consistent with what you were -- you had just
4 mentioned.

5 THE WITNESS: Yes, this would -- it
6 would extend consistent with the way this dotted
7 hatch is noted, where while most pedestrians are
8 probably not visiting this area east to the building,
9 there would be access there for anyone who's
10 egressing for maintenance to the utility rooms or
11 that of access to the exterior trash when being
12 loaded.

13 MS. TRAUT: Okay. And how or would
14 that impact any trash pickup or emergency services
15 turning into the building into that loading zone from
16 the easterly access point? It looks very tight right
17 now, so if we're making that pedestrian walkway, is
18 that going to impair service vehicles coming into
19 that zone.

20 THE WITNESS: It's a great question.
21 To answer without a visual aide, it will not, but we
22 do have -- the traffic engineer will show a truck
23 turning movement, which shows that the trash truck
24 will pull in here, it will back up and then it will
25 continue moving in that western direction.

1 MS. TRAUT: I'm sorry, one more
2 question. You mentioned that future iterations of
3 the plan will show a gate on the easterly access as I
4 know that will be coming, but as a civil engineer,
5 from your perspective where do you see that gate
6 being placed.

7 THE WITNESS: Yes. The gate, and
8 again, I will use the laser to highlight the gate as
9 it exists on the main entrance. The intension would
10 be that it be mirrored on the right-hand side noting
11 that entry to the garage would be beyond it.

12 MR. MOLNAR: I assume the gates are
13 automated, so they just open as you pull up to them?

14 THE WITNESS: That is my understanding.
15 The architect maybe able to elaborate on that.
16 Similarly, from an emergency services standpoint,
17 there would have to be a Knox-Box or something in
18 place to make sure that they get access.

19 MR. MOLNAR: Okay.

20 MR. EGERTER: You may not be the right
21 person to ask about this, but it says here premium
22 parking and office for auto service and you keep
23 referring to it as sales and auto and service, is
24 this a car dealership or for service.

25 THE WITNESS: So I believe the

1 architect will elaborate on the interior of the
2 building further. I do note that last night as
3 identified on the colorized version of this plan, the
4 physical or the text on top of the rectangle does not
5 reference sales. The intension is that there be a
6 sales, an auto sales use as part of this application.
7 We'll certainly correct the text and just for the
8 reference of --

9 MR. ORTH: The short answer is we're
10 going to provide operational testimony on that
11 building through our architect.

12 CHAIRMAN SMITH: Okay.

13 MS. CALDWELL: Can you talk about the
14 circulation aspect of having that courtyard? It
15 seems like a lot of pavement and access for cars for
16 10 spaces in front of the building. So I'm just
17 wondering what the design idea was behind that and if
18 you have 10 parking spaces and a lot of cars going
19 around and it seems to limit pedestrian access or
20 even to have more of an amenity space in front of the
21 building.

22 THE WITNESS: I can touch on it from a
23 civil engineering standpoint knowing that you'll hear
24 additional information from an architectural
25 standpoint. The overall design was intended to be

1 plaza-like knowing that there would be cars
2 circulating for both uses pulled away from that of
3 the residential building where you have that
4 additional duplicity near to the building for the
5 purpose of the separation. I know the decorative
6 pavers as proposed are that of somewhat geometric.
7 We'll work with the definition or the delineation
8 between that of the pedestrian and vehicular traffic,
9 but the overall design and the intension was to have
10 a plaza connectivity in this area for the purpose of
11 all of the users.

12 CHAIRMAN SMITH: Do you want to take a
13 short break?

14 MR. ORTH: Yes, may we take a short
15 break, Mr. Chairman.

16 CHAIRMAN SMITH: Sure.

17 MR. ORTH: Thank you. Rest some
18 fingers there.

19 Thank you.

20 CHAIRMAN SMITH: What do you need, 5,
21 10 minutes or --

22 THE COURT REPORTER: Yeah, that's fine.

23 CHAIRMAN SMITH: Ten.

24 THE COURT REPORTER: Ten is good.

25 CHAIRMAN SMITH: Okay. We'll break for

1 10 minutes.

2 MR. ORTH: Thank you, everyone.

3 (Whereupon, a brief recess is held.)

4 CHAIRMAN SMITH: I'd like to call this
5 meeting back to order.

6 Would you like to continue?

7 MR. ORTH: Thank you, Mr. Chairman.

8 Again, just for the record, this is the continued
9 application of the V-Fee Mendham Apartments.

10 During the break we did have a chance
11 to go back and check out the parking figures. We
12 just want to kick off with that before we get into
13 the continuation of the testimony.

14 BY MR. ORTH:

15 Q. So, Afton --

16 FEMALE AUDIENCE MEMBER: Please speak
17 up.

18 BY MR. ORTH:

19 Q. As the -- how's this? There we go,
20 okay. I just had to get closer, didn't have to talk
21 loud.

22 As the center exists today, how many
23 parking spaces are there?

24 A. Under existing conditions in
25 conjunction with the survey prepared, there are 336

1 total spaces.

2 Q. And we're going to get into how we
3 delineate that under new proposed conditions, but
4 under proposed conditions, how many total parking
5 spaces are there?

6 A. There are 459 proposed parking spaces.

7 Q. And so what is the net increase? I
8 asked you to do math on the spot. I couldn't do it
9 myself, so I'm hoping you could.

10 A. Between those two?

11 Q. Yes. Is it 123?

12 123, okay, thank you, folks. I'm just
13 a lawyer.

14 (Laughter.)

15 BY MR. ORTH:

16 Q. All right. And of the new supply of
17 parking spaces, how are they allocated and where?

18 MR. FERRIERO: Before you answer that
19 question, of those, that new number, does that
20 include the spaces in the auto service sales
21 building?

22 THE WITNESS: It included the two
23 spaces.

24 MR. FERRIERO: Just two of them in
25 there?

1 THE WITNESS: Correct, for the
2 employees specifically.

3 BY MR. ORTH:

4 Q. And so just go to the site plan and if
5 you would show the board where the new parking spaces
6 are going to be located.

7 A. Sure.

8 There are 106 interior parking spaces
9 that is interior to the multifamily building that is
10 along the northern side of the property. Immediately
11 to the south of that building there are 10 parking
12 spaces as shown with the laser. Zooming out, there
13 are 15, 15 spaces that are exterior to the building.
14 As mentioned, these are visitor to be shared between
15 that of a retail user or visitor of the multifamily
16 building.

17 In addition, independent of that, the
18 proposed parking supply as it relates to retail
19 spaces is 326 retail, but noting that does exclude
20 the shared. So given a shared proposition between
21 that of retail and that of the multifamily building,
22 that would then be 341 total retail spaces.

23 MR. ORTH: Paul, did that cover
24 everything you wanted us to cover on that issue.

25 MR. FERRIERO: Just with one

1 clarification, the total number existing today is
2 what?

3 THE WITNESS: 336.

4 MR. FERRIERO: Does that include the
5 spaces at the tennis center?

6 THE WITNESS: It does, yes.

7 MR. FERRIERO: Okay. Thank you.

8 BY MR. ORTH:

9 Q. Okay. Thank you, Afton.
10 Why don't you just return to where you
11 left off with your testimony?

12 A. Sure.

13 I will transition to the next sheet or
14 the second half of the site plan. That is Site Plan
15 C-7 for the southern half of the proposed
16 development.

17 So similarly, we're seeing the parking
18 reconfiguration. I know there were questions last
19 night as it related to the parking aisle size. This
20 vertical entry as we go in that north/south
21 direction, as noted on the site plan it does indicate
22 that this would be a raised island, it is 5 feet in
23 width and we'd like -- and we will clarify that it
24 will be flush noting that behind the 90-degree spaces
25 you'll have a 12-foot aisle, you'll have a 5-foot

1 decorative paver band and then a 12-foot aisle.

2 In addition, throughout the area, the
3 drive aisles remain noted on this plan, the
4 dimensions where the 60-degree angle parking has an
5 aisle width of 20 feet and those of the 90-degree
6 have that of 24 feet.

7 I already clarify from testimony last
8 night that the proposed parking spaces, while the
9 ordinance requires 10-by-20 or 200 square foot space,
10 I did testify to the fact that they were all 9-by-18.
11 To clarify, in the front area or the angled area
12 which is immediately in front of Kings where that
13 concentrated retail space area, those angled spaces
14 are 10-feet wide by a useable 18-foot length.

15 In addition, the ADA spaces as
16 indicated on this plan are consistent with the
17 existing conditions in the angled spaces
18 specifically. We received feedback from the board
19 engineer as it related to the access aisles noting
20 that some of them do not meet the width required. So
21 the applicant has every intension to work with the
22 board engineer not only to provide the number of ADA
23 spaces required, but concentrate them along the
24 perimeter to ensure that ADA access is provided and
25 it is a short path to that of the retail.

1 In the front area of the property, as
2 mentioned, there will be the access changes that are
3 shown sidewalks, there are shown new curbing all in
4 this area. We'll work with the board to ensure that
5 that granite curb block is compliant with the
6 ordinance. In addition, pedestrian access ways as
7 they connect to East Main Street, specifically that
8 sidewalk will ensure ADA compliance in terms of any
9 necessary handrails based on the grade change.

10 I mentioned last night and you'll hear
11 in future testimony as it relates to the signage, the
12 signage is noted on these plans to be refurbished.
13 The architect will provide testimony as it relates to
14 the proposed signage package with the intension of
15 keeping the same size of signage, but ensuring that
16 the location as proposed adds visibility to the
17 property, not to mention is coordinated based on that
18 of sight distance.

19 In addition, we've noted it on the
20 demolition plan that there previously was a paver
21 black that connected vertically in that north/south
22 direction under the existing parking configuration.
23 That is something that compliments the retail space
24 now on the western side immediately adjacent to that
25 retail. Again, adding the layer of pedestrian

1 connectivity, not to mention that cohesion between
2 the southern side of the property and that of the
3 northern side of the property.

4 Are there any questions?

5 MR. GERMINARIO: Excuse me, will it be
6 possible to walk from the retail area to the -- to
7 new development?

8 THE WITNESS: Yes, certainly, and that
9 is -- I'll indicate it with the pointer where this is
10 somewhat of a plaza, these are rectangular, these are
11 rectangular shapes that are white here. You'll
12 notice in the future landscaping plan as to their
13 intention from a design perspective, but we are
14 proposing a sidewalk that extends. It will then work
15 its way in between a planted island. You'll note
16 that the page does cut off, but there is continuation
17 with the previous sheet that takes you to the
18 building to the north.

19 MR. GERMINARIO: Thank you.

20 CHAIRMAN SMITH: Any questions by
21 anyone on the board?

22 MR. SPRANDEL: I noticed the angled
23 parking is 10-feet wide, but the rectangular ones,
24 the right angled ones are nine. Those will be harder
25 to get into, won't they, than the angled ones?

1 THE WITNESS: The proposed spaces --
2 and I do believe, you know, from an ordinance
3 standpoint I mentioned the 10-by-20 and then, again,
4 should you exceed 750 feet from the front property
5 line, that does go to nine, I believe it's 9-by-20.
6 Independent of that, the proposed parking spaces that
7 are 9-by-18 that are 90-degree parking, not to
8 mention 24-foot aisle between them, those are an
9 industry standard parking size as it relates to -- as
10 it relates to the industry and projects.

11 CHAIRMAN SMITH: Would you say the
12 difference in size between the parking, the 10-foot
13 wide and 9-foot wide, that the 10-foot wide is
14 primarily in front of the Kings where you have
15 shopping carts going in between cars where you would
16 need the extra space and on the side of retail you
17 wouldn't be as likely to have a shopping cart, would
18 that be a reasoning.

19 THE WITNESS: That is part of the
20 reasoning. In addition, where you have 90-degree
21 spaces, there are landscaping in the front of the
22 property where there might be buffer overhang. There
23 are some variability based on the placement.

24 CHAIRMAN SMITH: Thank you.

25 MS. CALDWELL: Can you explain the

1 crosswalk right across from the grocery store that
2 goes to a landscape island.

3 THE WITNESS: I believe this is the one
4 you're mentioning.

5 MS. CALDWELL: Yes.

6 THE WITNESS: It's a good point. It's
7 consistent with the board engineer comment as well as
8 it relates to ADA accessibility. So as part of our
9 future coordination again should the board act
10 favorably on the application, we'll ensure that ADA
11 access is provided. I note that raised paver island
12 that's being removed that previously was no southern
13 connectivity either, so we will work with the board
14 to ensure that the ADA spaces are compliant, there's
15 access aisles and connectivity to the Kings as well.

16 MS. TRAUT: I notice that on the
17 driveway along East Main Street on the western side
18 of the property is now becoming a two-way driveway.
19 Does that mean you are eliminating the drive-through
20 functionality of that retail on the corner there?
21 It's currently a bank and there is a drive-up window.

22 THE WITNESS: In this location that
23 you're mentioning?

24 MS. TRAUT: Yes.

25 THE WITNESS: There is no proposed

1 revision to the bank use.

2 MS. TRAUT: Well, it's a two-way street
3 now. So is it still going to have the drive-up
4 window? Because that would be going against traffic
5 or I guess or rotating the way you go through the
6 drive-through window then.

7 CHAIRMAN SMITH: I believe it's
8 currently two-way at this point now.

9 MS. TRAUT: It is two-way now? Okay.

10 CHAIRMAN SMITH: Yeah.

11 MR. PACE: It does say "no right turn."

12 CHAIRMAN SMITH: Well, if you're parked
13 in those parking places directly adjacent to the bank
14 on the Main Street side, then you can go -- then you
15 can go the other way, go two ways and then out the
16 west side driveway.

17 MS. TRAUT: So you can come up the
18 aisle and take a right and go out the --

19 CHAIRMAN SMITH: No, you can't come up
20 the aisle, but if you're parked in those parking
21 places that face Main Street, you can back out of
22 those, you can go out the west side driveway then.
23 So it is technically two-way at this point.

24 MS. TRAUT: But it's enough width to
25 allow for the drive-through window and the two-way --

1 CHAIRMAN SMITH: I do see people pull
2 up to the drive-through window. They just -- you
3 know, they just kind of avoid each other at this
4 point.

5 MAYOR GLASSNER: It's pretty wide.

6 CHAIRMAN SMITH: It is.

7 MS. TRAUT: Huh.

8 CHAIRMAN SMITH: It's not engineered
9 the best, but it's been working.

10 MR. SPRANDEL: I think there's a "no
11 right turn" sign.

12 MS. TRAUT: Understood.

13 CHAIRMAN SMITH: And the way that
14 two-way looks now, you can't go out that west side of
15 the driveway, because that's an ingress only. So
16 there would be no reason to even go that way, unless
17 you're going to go behind the buildings and dodge the
18 dumpsters. So you can't go out that way, it's
19 one-way in.

20 MR. EGERTER: There's no notation on
21 there for the driveway, is there?

22 (Whereupon, off-the-record board
23 discussion is held.)

24 MR. ORTH: Should we keep going,
25 Mr. Chairman.

1 CHAIRMAN SMITH: Yeah, I think -- I
2 think we've answered that question.

3 MR. ORTH: Okay. Thank you.

4 CHAIRMAN SMITH: Continue.

5 THE WITNESS: Are there other questions
6 on the site plan sheet specifically.

7 MR. MOLNAR: I just have one question
8 on the parking in front of the retail on the west
9 side mall there. Yeah, the five, yeah, where you
10 are. The 90-degree parking size.

11 THE WITNESS: Yes.

12 MR. MOLNAR: So they're supposed to
13 back out and cross the median to get out and
14 continue.

15 THE WITNESS: So the median -- and it's
16 a great question, consistent with what the board
17 engineer as well, not to mention the plan
18 discrepancy. So this median is for the purpose of
19 that vertical connectivity, that at-grade finished
20 material that helps highlight the path. It will be
21 flush, so you would back into the aisle.

22 MR. MOLNAR: I'm just saying, so not
23 only are you backing out into the exiting traffic,
24 but across into the entering traffic too in that --
25 it just seems like it's going to be chaos right

1 there.

2 THE WITNESS: It's meant to function
3 similar to a 24-foot drive aisle, so it's even wider.

4 MR. MOLNAR: Well, I'm just saying,
5 you'll literally be backing into two-way traffic with
6 those parking spots. That's going to be -- that's
7 going to be really bad. I can see chaos there. I
8 mean, you know, a main thoroughfare. I consider that
9 basically a new street basically going through the
10 mall and you're basically backing in and out of a
11 street. That just does not seem like it's safe or
12 viable. I think that needs to be revisited.

13 MR. ORTH: Comment noted and we're
14 going to be back, I'm sure, many other occasions, and
15 so we'll take a look at that.

16 CHAIRMAN SMITH: Okay. Continue.

17 THE WITNESS: So that concludes the
18 site plan set of sheets.

19 So we'll transition to the grading
20 plan, this is C-8.

21 CHAIRMAN SMITH: I think that would be
22 a good idea, let me open this up to the public for
23 the site plan testimony and I want to make a note
24 that it's almost 9:30. We're not going to start any
25 new testimony at 9:30, after 9:30, rather, okay?

1 Because we need to vacate from the building by 10.

2 So, I'm going to open this up to the
3 public and then maybe we'll -- just may close out the
4 evening. It depends on how the public is.

5 MR. ORTH: Yes, we understand,
6 Mr. Chairman, and just so the board is aware, in
7 advance of the next meeting, we are going to be
8 submitting a response letter to all of the
9 professional review comments.

10 So the board will have written
11 responses, which hopefully will expedite or at least
12 clarify things going forward.

13 Thank you.

14 CHAIRMAN SMITH: All right. State your
15 name.

16 MR. RITGER: Hi, I'm Bob Ritger. I'm
17 at 14 Gunther Street.

18 CHAIRMAN SMITH: Spell your last name,
19 please, for the record.

20 MR. RITGER: If you need that.

21 R-I-T-G-E-R.

22 I'm going to rattle off my questions,
23 because I know my time is tight, so hopefully you can
24 handle them after I'm done.

25 There is a note that there's a row of

1 parking spaces that are within 25 feet of a
2 residential use. I don't see or know if a variance
3 has been requested, but I believe one is required.

4 There's on the right-hand side,
5 effectively the eastern side of the shopping center,
6 there's a one-way, well, there's currently an alley,
7 as John put it, it's indicated as a two-way traffic
8 aisle. It will effectively be the main entrance for
9 those in the residences that want to get out to
10 Route 24. It measures only 22-foot-10. The
11 ordinance in town specifies that that has to be a
12 24-foot-wide aisle even though it's existing. You've
13 indicated, although you didn't state it, that a
14 series of effectively sidewalk is going to be placed
15 against that building and that is an alteration of
16 that existing drive aisle. So I believe that's going
17 to require the variance and also enters out onto
18 Route 24 within 20 feet of the next door neighbor and
19 because you're altering that drive, I believe you're
20 going to have to be 20 feet away. It's now, I don't
21 know, 5 feet away at the most. So you're going to
22 probably need a variance for that as well.

23 Additionally, you've got angled
24 parking, but if you do need more, you could have done
25 90-degree parking. The issue that most people are

1 going to have is the safety of the patron coming in
2 and parking in front of Kings, because there's no
3 longer that kind of landscape sidewalk feature. It's
4 now pushed off on the side where nobody is going to
5 use it.

6 MR. GERMINARIO: Bob, is there a
7 question here.

8 MR. RITGER: I asked about the
9 variances. Are variances required in the instances
10 that I noted.

11 MR. GERMINARIO: But I mean, the last
12 statements you were making.

13 MR. RITGER: Why would you do that?
14 Why would you move a safe corridor for people going
15 from the parking lot to Kings and move it off to the
16 side, thereby endangering the patrons? That's the
17 question.

18 There is a block wall indicated towards
19 the right-hand side, this would be the eastern side
20 towards the back, which actually extends far enough
21 to obviate the passage of trucks, cars or anybody
22 trying to patronize Mendham Plywood. So I think that
23 block wall has to go away. Do you agree? That is a
24 question.

25 (Laughter.)

1 MR. RITGER: There is a transformer and
2 a generator indicated on the western side of the
3 building, both of which are noncompliant code-wise.
4 Can they be moved? And if they are moved, can you
5 justify the increase in impervious coverage that will
6 result.

7 MR. ORTH: That's too much for my
8 witness to answer in one breath.

9 MR. RITGER: We're going to need it,
10 we're going to need the answers.

11 MR. ORTH: So I'll take the mic back.

12 CHAIRMAN SMITH: Thank you, Bob.

13 MR. ORTH: Thank you.

14 So with respect to the variances, I'll
15 just -- this witness is -- you know, she's my civil
16 engineer, she's not my planner. I do have my planner
17 here who will testify at a later date, obviously not
18 tonight and he'll respond to those questions.

19 BY MR. ORTH:

20 Q. That's as far as I got in my notes.
21 Did you hear any question that you can respond to
22 from a civil engineering perspective that's not
23 related to a -- you know, suggests the need for a
24 variance?

25 A. I heard questions as it related to --

1 as it related to grading on the property and as it
2 related to utilities and we'll cover those on future
3 sheets. So I anticipate your questions will be
4 answered then as it relates to both the block wall,
5 not to mention the utility line.

6 Q. And the pedestrian access?

7 A. Yes. The pedestrian access point
8 question was as it related to the decorative
9 connection -- connectivity or the decorative paver
10 band. Under existing conditions, yes, there was
11 northern connectivity from it, but not any of the
12 southern or continuous throughout the property. So
13 you heard through testimony that we're going to work
14 with the board engineer, not to mention the planner
15 to ensure that the ADA access as it exists in striped
16 spaces is brought up to code, complaint and that
17 there be a safe, an ADA complaint path to the retail
18 spaces.

19 MR. RITGER: What about the drive
20 aisle.

21 MR. GERMINARIO: Could you use the
22 podium microphone.

23 THE WITNESS: What was that.

24 MR. RITGER: The drive aisle on the
25 east side being non-compliant.

1 THE WITNESS: The drive aisle on the
2 east side, again, it will remain as it relates to an
3 existing non-conformity or that of a variance.
4 You'll hear from the planner on that specificity.

5 MR. RITGER: And the 25 or the spaces
6 that are within 25 feet of residential.

7 THE WITNESS: Those along the western
8 side, is the question.

9 MR. RITGER: Yes.

10 THE WITNESS: So those along the
11 western side as they exist or as they're being
12 proposed, the spaces will coincide with that of the
13 curb line as it exists or that proximity to the
14 property, the driver aisle specifically will remain
15 as it exists today.

16 MR. RITGER: So therefore, you will
17 need a variance for those.

18 THE WITNESS: The proposed parking --
19 the proposed parking spaces are not anticipated to
20 require a variance.

21 MR. RITGER: It's --

22 MS. SMITH: We can't have this. It's
23 not picking it up.

24 MR. ORTH: Bob, I have my planner later
25 who is going to address those, not tonight.

1 MALE AUDIENCE MEMBER: How do we know
2 which questions to address to the civil and which
3 ones to address to the planner related to parking?

4 MR. ORTH: So I can answer. So the
5 questions related to the physical layout of the
6 parking, where things are, how many of them that they
7 are, the angles that they are at, that is her area of
8 expertise.

9 Questions related to variance relief
10 that -- I should be address the board.

11 Questions related to variance relief
12 that may or may not be required are addressed to the
13 planner.

14 MR. SCHMADEL: Joseph Schmadel,
15 S-C-H-M-A-D-E-L, 18 Franklin Road.

16 The question I have is 75 units, is 15
17 shared spaces enough for visitors? You have 75
18 units, so does that mean that visitors will park in
19 the retail area, thus causing frustration and loss of
20 business to the businesses there? What is the
21 thought there for visitors to the apartments?

22 THE WITNESS: So the subsequent
23 testimony you'll hear is specifically from the
24 traffic engineer, will speak to how the spaces are
25 shared, how the spaces -- how the units, whether

1 assigned or how the operational operation to the
2 building specifically that of a multifamily are
3 arranging their parking.

4 MR. MARINO: Robert Marino, 27 Florie
5 Farm Road, that's M-A-R-I-N-O.

6 Regarding the -- regarding the
7 entranceway, when I looked at the map, I did not see
8 any speed control for vehicles entering or exiting.
9 Is that correct? Is there any speed control
10 whatsoever? And if there isn't, does that make the
11 parking spaces that were highlighted earlier even
12 more problematic?

13 THE WITNESS: I can speak to, from an
14 access standpoint, we noted the access points as they
15 remain, as they're being adjusted and then as they're
16 being changed specifically on the western side, in
17 terms of speed reduction measures, the application
18 has been reviewed and approved by Morris County,
19 they're aware of the adjustments being proposed and
20 they're --

21 MR. FERRIERO: I think the question
22 really is, is there any traffic calming that can be
23 envisioned for this main access aisle to slow the
24 vehicles down with this 90-degree parking.

25 THE WITNESS: Internal to the site?

1 MR. FERRIERO: Yes.

2 THE WITNESS: We can certainly -- we
3 accept -- we understand the comment.

4 As it is proposed on the plan, there is
5 not, but we'll certainly look into it.

6 MR. MARINO: And then has the parking
7 lot been -- has the owner given authorization for
8 policing within the parking lot? And I suppose I
9 could ask --

10 MR. ORTH: Title 39?

11 My understanding -- hello. All right.

12 So my understanding is -- sorry.

13 My understanding is we did offer
14 Title 39 and I believe the municipality has accepted
15 Title 39 jurisdiction for the existing shopping
16 center.

17 And, certainly, it would be a condition
18 of approval if that has not yet happened, but I
19 believe that they have.

20 MR. MARINO: Thank you.

21 FEMALE AUDIENCE MEMBER: Can you
22 explain what Title 39 is?

23 MR. ORTH: It is just a -- I couldn't
24 even tell you what's the full statute, the full
25 statute is, but it is a statutory reference that

1 authorizes, not the private land owner to enforce the
2 law, but it authorizes the municipality to undertake
3 policing operations on private property generally.

4 MR. VAN DEN HENDE: Mark Van Den Hende,
5 V-A-N D-E-N H-E-N-D-E, 11 Coventry Road.

6 In yesterday's testimony you said you
7 were going to tell us the width of the mountable
8 island. How wide is that?

9 THE WITNESS: It's 5 feet wide.

10 MR. VAN DEN HENDE: It is 5 feet.

11 What kind of access are you providing
12 to the rear of the structure for fire emergency
13 access?

14 THE WITNESS: I'm just going to grab
15 the mic.

16 MR. ORTH: I don't think it's working.

17 THE WITNESS: Yeah, so the access
18 component, I can tell you from a fire standpoint,
19 they will enter on the east side, they will cycle
20 through the rear of the property and then exit back
21 traveling in a counterclockwise orientation, but
22 again, there will be subsequent testimony specific to
23 vehicular circulation on the property as proposed by
24 the traffic engineer.

25 MR. VAN DEN HENDE: So my question is

1 related to the north of the structure and the west
2 side of the structure where there's no road access,
3 how do they get back.

4 THE WITNESS: Again, I understand the
5 question and I know that the question would be better
6 suited for a visual aide as it shows where the
7 emergency vehicles are traversing the property.

8 MS. BRAUN: Rebecca Braun, B-R-A-U-N,
9 79 Lowery Lane.

10 Has a study been done on -- over the
11 last five to ten years of emergency callouts or motor
12 vehicle accidents as the site exists now?

13 THE WITNESS: Not to my understanding.

14 MS. BRAUN: And then can you clarify to
15 the west of the structure currently where Alean
16 (phonetic) is, we have parking, is it my
17 understanding that that is now a pedestrian walkway?
18 It's right here, is this parking or --

19 THE WITNESS: That will be -- that will
20 be --

21 MR. FERRIERO: Afton.

22 THE WITNESS: That will be additional
23 parking. Where you're noting immediately north of
24 the western retail building, that will be parking.
25 The hatching or why it looks a little atypical will

1 be discussed when we talk about stormwater
2 management.

3 MS. BRAUN: And is the number of
4 parking spots in that area remaining the same or is
5 it going to be reduced.

6 THE WITNESS: So in that area
7 specifically -- and for the record, that is the area
8 that is immediately west of the Kings or immediately
9 north of the western -- the western retail building.
10 Under existing conditions, there are 86 spaces,
11 again, just located relative to that area.
12 Specifically, in comparison of existing and proposed
13 conditions, in that area where there's 86, there will
14 be 82 proposed for a negative loss of four specific
15 to that location noting an overall increase on the
16 property.

17 MR. PIENCIAK: Tom Pienciak,
18 16 Garabrant Street, P-I-E-N-C-I-A-K.

19 The existing parking lot has a major
20 pedestrian path as Bob Ritger mentioned that lines up
21 directly with Kings entrance and exit and it's
22 separated by a grass planting area.

23 On any given shopping day, the grass
24 area is full of shopping carts, because we use it as
25 a cart carrel the entire length of the parking lot.

1 Once you move everything over to the side where the
2 Wicker Basket is, what are you planning on doing with
3 all of those shopping carts? That's one question.

4 The other is the -- what's currently
5 the exit aisle way has nine parallel parking spaces,
6 which are commonly used by the contractors, like the
7 landscapers pulling their trailers to park when they
8 go into the Wicker Basket or the bagel shop to get
9 their breakfast and lunch. I don't see anywhere in
10 this scheme that can accommodate a truck pulling a
11 trailer like it currently does.

12 The last question is: If the ordinance
13 requires 20-foot-deep spaces and you're proposing
14 18-foot-deep spaces, have you done a comparative
15 analysis to show what an ordinance compliant layout
16 would look like so that you can understand what
17 you're gaining and what you're losing by going with
18 the smaller spaces?

19 THE WITNESS: To take it one piece at a
20 time, I believe the questions as posed, there were
21 parallel parking spaces and the question was in
22 relation to access or truck circulation relative to
23 the western building; is that correct.

24 MR. PIENCIAK: Parking, somebody
25 pulling a trailer, a landscaper pulling a trailer

1 parking so they can run in for a sandwich, where is
2 he parking.

3 THE WITNESS: The proposed spaces, the
4 9-by-18 spaces, those are industry standard specific
5 spaces. They're not sized for that of a truck
6 pulling something that would act as a loading.

7 MR. PIENCIAK: The question is: The
8 existing versus the proposed, how -- the existing
9 accommodates it, the proposed does not.

10 MR. ORTH: She's coming back again.

11 Just put that into the mic, though.

12 THE WITNESS: Sure. We understand
13 there's existing conditions that are parallel striped
14 spaces that may be used by a vehicle traversing that
15 boundary, but we will review it.

16 MR. PIENCIAK: How about shopping
17 carts.

18 MR. ORTH: Same thing.

19 THE WITNESS: Correct, that in
20 conjunction with the alternative analysis you
21 mentioned related to the parking width.

22 MR. FERRIERO: Afton, there was some
23 questions on the fire access and emergency access.
24 There was an old report from the fire official from
25 December of 2022. I don't know if you've seen that

1 yet or not, but at some point there are some points
2 in there that I think need to be addressed relative
3 to site circulation, whether that's you or the
4 traffic engineer, I just want to make sure you have
5 that report and are prepared to address it, because I
6 think that will get into some of the questions that
7 have been asked by the public, talked about fire
8 protection, sprinkler systems, those kinds of things.
9 Some of those are clearly the architect. Some of
10 them relate to site circulation.

11 THE WITNESS: Certainly.

12 And one of those items is related to
13 their access to the property. You'll hear more on
14 site circulation. In general, I alluded to an
15 emergency vehicle accessing the property through that
16 eastern drive aisle. The fire department will
17 require the minimum 20-foot clear space, so the
18 applicant is prepared to ensure that that remain
19 clear.

20 MR. ORTH: We're going to -- Paul,
21 we're going to address the report.

22 Afton, put on the record we're going to
23 address that.

24 THE WITNESS: And we will address the
25 report, the letter as received by the fire

1 department.

2 MR. FERRIERO: I just want to make sure
3 you had that, because it's a little long.

4 MS. GARBACZ: Question: What are those
5 six rectangular -- the two rows of parking in front
6 of Kings, if you can zoom in for the public. Yes.

7 COUNCILMAN SULLIVAN: Those are
8 rectangles.

9 THE WITNESS: The boxes?

10 MS. GARBACZ: Yes.

11 THE WITNESS: Those would be shade
12 trees.

13 MR. KAY: I have a question about some
14 of the parking spaces. On the east side north of the
15 retail area, there's four, maybe five parking spaces
16 that are hatched out up into --

17 THE WITNESS: Do you mind clarifying
18 the four or the five specifically?

19 MR. KAY: Where's your cursor? To the
20 right.

21 THE WITNESS: Oh.

22 MR. KAY: Those, yeah.

23 THE WITNESS: Is the question the use
24 or the purpose.

25 MR. KAY: Why are they hatched out and

1 not used as parking spaces.

2 THE WITNESS: So we -- those are
3 striped in that capacity as it relates to the loading
4 for the Kings specifically for the larger truck as it
5 will enter the site on the eastern aisle and then
6 navigate once it drops off or it unloads, that allows
7 for the truck turning movement.

8 MR. KAY: Thank you.

9 CHAIRMAN SMITH: Any other comments
10 from the public or board?

11 MS. GARBACZ: Yes.

12 Storage for shopping carts, did you
13 consider that, because I have not seen that.

14 THE WITNESS: Yes.

15 MS. GARBACZ: Okay.

16 THE WITNESS: So we will look further
17 into that understanding that was a comment posed by
18 the public as well.

19 CHAIRMAN SMITH: Okay. I'll close the
20 public comment.

21 MR. ORTH: Thank you, Mr. Chairman,
22 Members of the Board, it was -- again, thank you for
23 coming out on a special meeting two nights back to
24 back. We appreciate your time and attention and the
25 questions that were raised. We'll be back in

1 September. Prior to that meeting, we'll be
2 submitting response letters and we look forward to
3 recalling our civil engineer to go through the rest
4 of the plan sheets.

5 CHAIRMAN SMITH: Very good.

6 MR. ORTH: Oh, and I would just ask
7 respectfully, Mr. Chairman, or Mr. Germinario to
8 announce the carry of this application to the regular
9 meeting in September.

10 MR. GERMINARIO: Yeah, the next meeting
11 would be September 9th, our regular meeting.

12 MS. SMITH: September 17th.

13 MR. GERMINARIO: I'm sorry.

14 September 17th at 7:30 and no further
15 notice will be given.

16 MR. ORTH: But we're going to the
17 Lutheran Church.

18 CHAIRMAN SMITH: That will be Grace
19 Lutheran Church, 65 East Main Street.

20 MR. ORTH: Thank you.

21 (Whereupon, this matter is continuing
22 at a future date. Time noted: 9:47 p.m.)

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C E R T I F I C A T E

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I, LAURA A. CARUCCI, C.C.R., R.P.R., a Remote Online Notary Public, Notary ID. #1810618, Certified Court Reporter of the State of New Jersey, and a Registered Professional Reporter, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

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

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



LAURA A. CARUCCI, C.C.R., R.P.R.
License #XI02050, and RON Notary
Public Notary ID. #1810618, Notary
Expiration Date May 27, 2028

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[4:8;41:13 accounts (1) 55:24	adjustment (1) 47:14	alining (1) 34:18	7:19;89:19 Apartments (2) 71:9;90:21
[sic] (2) 51:16;55:22	acknowledge (1) 46:6	adjustments (1) 91:19	Allegiance (1) 4:4	apologies (4) 29:11,25;31:15; 38:4
A	acres (2) 49:10;51:16	ado (1) 12:9	alley (10) 44:20;45:2;59:12, 12:60:10,12;62:4,8,9; 85:6	apparent (1) 44:4
A-1 (1) 14:12	acronym (1) 18:14	advance (3) 21:7,8;84:7	alleys (5) 59:4,8,9,12;62:13	Applause (1) 41:19
ability (1) 33:4	Across (5) 29:8;40:23;45:12; 79:1;82:24	aerial (3) 14:11;15:13;47:10	Alliance (1) 39:24	applicant (4) 7:14;34:21;75:21; 98:18
able (1) 68:15	Act (3) 4:9;79:9;97:6	afford (1) 10:14	allocated (1) 72:17	application (18) 11:24;13:7;14:5; 15:5;24:19;28:2; 42:10;47:19,21; 48:17,20;51:4;59:25; 69:6;71:9;79:10; 91:17;101:8
above (2) 49:10;50:16	active (1) 32:17	affordable (3) 48:18;49:8;51:12	allocation (1) 58:19	appreciate (4) 11:23;12:5;46:8; 100:24
absolutely (1) 61:18	actually (8) 21:25;23:11;30:24; 37:3;40:14;56:25; 65:5;86:20	afterwards (2) 37:21,25	allow (1) 80:25	approach (1) 7:3
abut (1) 52:8	ADA (9) 75:15,22,24;76:8; 79:8,10,14;88:15,17	Afton (13) 12:10;13:17;14:18; 15:8;19:22;24:22; 45:19;52:18;71:15; 74:9;94:21;97:22; 98:22	allows (1) 100:6	appropriate (1) 36:7
abuts (1) 31:14	added (1) 65:3	Again (46) 14:15;15:16;16:12; 20:9,11;26:12;27:12, 20;28:4,12;29:2,17; 30:3;34:6;36:8;39:13; 41:2;44:11;47:6,9,11; 49:1,23;50:1,10; 51:20;53:18,23;54:3; 55:24;56:21;58:2; 60:17;63:12;64:13; 68:8;71:8;76:25;78:3; 79:9;89:2;93:22;94:4; 95:11;97:10;100:22	alluded (1) 98:14	approval (4) 17:18;21:4;40:20; 92:18
abutter (1) 15:17	adding (3) 30:5;66:2;76:25	against (3) 29:1;80:4;85:15	almost (5) 16:12;28:25;43:15; 45:13;83:24	approved (4) 25:25;41:10,10; 91:18
abutting (1) 52:10	addition (20) 19:5;20:1;26:20; 27:22;49:13;51:15, 24;52:5;54:3,10; 55:19;59:23;63:15; 64:4;73:17;75:2,15; 76:6,19;78:20	agenda (1) 5:16	along (15) 15:16;16:13,25; 19:17;43:10;44:5; 47:18;49:3;50:24; 52:13;73:10;75:23; 79:17;89:7,10	approximate (2) 30:5;51:8
accept (1) 92:3	additional (11) 8:21;30:3;33:1; 54:11;56:3;58:22; 63:17;64:18;69:24; 70:4;94:22	agree (3) 59:2;62:16;86:23	ALTA/NSPS (1) 15:24	approximating (1) 44:11
accepted (1) 92:14	address (12) 23:25;35:14;40:6,8; 89:25;90:2,3,10;98:5, 21,23,24	ahead (1) 23:15	alteration (1) 85:15	architect (9) 50:22;51:14;54:21; 56:4;68:15;69:1,11; 76:13;98:9
access (51) 16:11,17;28:4; 32:21,22;33:4;34:19, 23;38:9,18;39:18; 42:14;44:21;45:14; 46:4;47:14,17,22; 48:10;58:5;59:24; 60:8,13;62:10;67:9, 11,16;68:3,18;69:15, 19;75:19,24;76:2,6; 79:11,15;88:6,7,15; 91:14,14,23;93:11,13, 17;94:2;96:22;97:23, 23;98:13	additionally (2) 49:7;85:23	aid (2) 67:21;94:6	altering (1) 85:19	architect's (1) 50:21
accessed (1) 45:22	addressed (4) 62:14,16;90:12; 98:2	aisle (28) 16:23;28:17;29:15; 48:13;52:14;53:22; 59:21;64:14;74:19, 25;75:1,5;78:8;80:18, 20;82:21;83:3;85:8, 12,16;88:20,24;89:1, 14;91:23;96:5;98:16; 100:5	amenity (1) 69:20	architectural (1) 69:24
accessibility (1) 79:8	adds (1) 76:16	aisles (6) 34:18;59:12;63:17; 75:3,19;79:15	analysis (2) 96:15;97:20	area (78) 15:2,13;16:5;21:8; 22:2;24:9,10,14; 25:10,12,20;26:3,10; 27:19,24;28:3,24,25, 25;29:10,14,17,21; 30:1,1;31:7;34:8,12; 35:3;38:5,6;42:21,22, 25;43:3,7,15,19,22; 44:3,9,12;49:9;51:7,8, 8,16;53:18,22;55:14, 15;58:12;59:16;61:2, 2,6;3,16,18;64:23; 67:8;70:10;75:2,11, 11,13;76:1,4;77:6; 90:7,19;95:4,6,7,11, 13,22,24;99:15
accessing (2) 28:13;98:15	adhere (1) 21:20	albeit (1) 66:20	angle (1) 75:4	areas (10)
accessory (3) 54:7,23;55:4	adherence (1) 21:9	Alean (1) 94:15	angled (14) 29:16;30:22,24,25, 25;31:11,14;75:11,13, 17;77:22,24,25;85:23	
accident (2) 41:5;45:13	adjacent (5) 24:5;43:19;66:13; 76:24;80:13	alinement (1) 28:11	angles (2) 34:19;90:7	
accidents (1) 94:12	adjoining (1) 51:25		annotation (1) 47:4	
accommodate (1) 96:10	adjusted (1) 91:15		announce (2) 11:6;101:8	
accommodates (1) 97:9	adjusting (2) 34:14,14		answered (4) 14:22;36:14;82:2; 88:4	
accompanies (1) 20:20			anticipate (1) 88:3	
accordance (2)			anticipated (2)	

<p>23:6;25:17,25; 29:13;41:9;59:20; 65:15;66:5,8,13 around (4) 26:7;60:13;61:7; 69:19 arranging (1) 91:3 aspect (1) 69:14 assigned (5) 55:20;56:10,14; 60:6;91:1 associated (7) 18:15;20:6;24:4; 26:25;27:22;40:24; 58:20 assume (2) 6:19;68:12 assurance (1) 62:7 at-grade (1) 82:19 attempt (2) 45:11,12 attention (2) 11:24;100:24 atypical (1) 94:25 AUDIENCE (4) 38:23;71:16;90:1; 92:21 authorization (1) 92:7 authorizes (2) 93:1,2 auto (8) 54:6,11,15;55:1; 68:22,23;69:6;72:20 automated (1) 68:13 availability (3) 6:6,10;8:3 available (10) 7:16,19;8:3,4,6,10, 13;9:7,9;11:3 Avenue (1) 12:15 average (2) 50:17,23 avid (1) 81:3 aware (3) 21:3;84:6;91:19 away (4) 70:2;85:20,21; 86:23</p>	<p>40:14;43:15;46:20; 50:1,5;57:13;67:24; 71:5,11;80:21;82:13, 21;83:14;86:20; 87:11;93:20;94:3; 97:10;100:23,24,25 backed (1) 22:5 background (1) 15:21 backing (3) 82:23;83:5,10 backwards (1) 34:24 bad (1) 83:7 bagel (1) 96:8 Ball (3) 44:22;45:1,3 band (2) 75:1;88:10 bank (3) 79:21;80:1,13 barricade (1) 31:6 based (4) 34:16;76:9,17; 78:23 basically (4) 61:10;83:9,9,10 Basket (2) 96:2,8 bays (1) 55:1 bear (1) 43:6 become (4) 32:2;44:4,8;62:6 becoming (1) 79:18 bed (2) 65:15;66:20 begin (2) 14:8;23:25 beginning (1) 23:22 behalf (2) 7:14;56:21 behind (10) 30:4;42:25;44:7,9, 20;61:3;63:3;69:17; 74:24;81:17 below (2) 50:2;52:4 beneficial (1) 10:15 besides (1) 53:21 best (4) 9:8;34:17;61:23; 81:9 better (6)</p>	<p>5:25;31:23;36:18; 37:3,4;94:5 beyond (3) 50:7;67:1;68:11 bicycle (1) 61:16 bit (5) 23:7,8;48:2;64:12; 66:4 black (3) 14:14;18:9;76:21 blind (2) 45:8,10 block (4) 76:5;86:18,23;88:4 blocked (1) 44:23 board (49) 5:16;6:17;8:2; 11:21,23;12:8;15:1, 12,23;17:6,8,8,13,20, 23;21:2;27:5,6,25; 28:20;31:21;32:15, 19,20,25;33:13; 38:21;39:1;41:15; 46:19;47:2;58:15; 63:20;73:5;75:18,22; 76:4;77:21;79:7,9,13; 81:22;82:16;84:6,10; 88:14;90:10;100:10, 22 board's (3) 19:14;22:4;38:21 Bob (5) 84:16;86:6;87:12; 89:24;95:20 Bockoven (1) 44:17 bodies (2) 40:21;41:9 body (3) 20:4;21:22;26:4 bollard (1) 66:20 bollards (1) 66:3 border (2) 19:2;34:1 both (6) 18:21;58:4;62:13; 70:2;87:3;88:4 bottom (2) 18:24;54:8 boundary (7) 19:7,13,22;20:18; 24:4;43:11;97:15 Bowers (1) 4:8 boxes (1) 99:9 branch (2) 40:13;41:3 Braun (4)</p>	<p>94:8,8,14;95:3 B-R-A-U-N (1) 94:8 break (7) 57:19,21,23;70:13, 15,25;71:10 breakfast (1) 96:9 breath (1) 87:8 brief (2) 11:20;71:3 briefly (1) 64:21 bring (1) 28:17 bringing (1) 11:7 broken (1) 54:2 brought (1) 88:16 buckets (1) 29:13 buffer (5) 24:5,17;25:13; 40:24;78:22 Building (66) 4:8;26:7,12,14,21; 30:4;34:1,2;49:20,22; 50:4,11,12,15,17,24, 25;51:2;53:6,25;54:5, 7,7,11,22;55:23;56:1, 5;58:3;59:17,19;60:3, 13;61:3;63:24;64:14, 17,19,19,20,22;66:10, 13,25;67:8,15;69:2, 11,16,21;70:3,4; 72:21;73:9,11,13,16, 21;77:18;84:1;85:15; 87:3;91:2;94:24;95:9; 96:23 buildings (10) 16:6;26:22;47:11, 11,12;48:25;49:14, 25;50:4;81:17 bulk (4) 48:21;49:7,16; 52:22 bumping (1) 9:16 Burke (6) 44:16,16;45:17,20, 24;46:7 B-U-R-K-E (1) 44:16 Bushman (1) 4:14 business (2) 48:18;90:20 businesses (1) 90:20</p>	<p style="text-align: center;">C</p> <p>C-2 (1) 15:19 C-3 (1) 27:16 C-4 (2) 27:17,18 C-5 (1) 47:7 C-6 (1) 62:22 C-7 (1) 74:15 C-8 (1) 83:20 calculation (1) 58:13 calculations (1) 65:13 CALDWELL (7) 9:12;23:20;58:10, 23;69:13;78:25;79:5 calendar (1) 6:12 call (6) 4:1,11;26:23;29:13; 59:8;71:4 callout (1) 63:13 callouts (1) 94:11 calls (1) 63:7 calming (1) 91:22 can (60) 5:13;6:8,17,21; 7:11;11:10;12:6,8,19; 13:18,25;14:24; 19:15;23:20;25:15; 26:3;30:9;31:9;35:10; 38:8;39:7;40:2;41:1; 42:3;43:22;45:25; 46:19;54:14;57:5,22, 22;59:6,6;62:8;65:10; 66:4;69:13,22;78:25; 80:14,15,17,21,22; 83:7;84:23;87:4,4,21; 90:4;91:13,22;92:2, 21;93:18;94:14; 96:10,16;97:1;99:6 capacity (1) 100:3 car (3) 61:11,14;68:24 carrel (1) 95:25 carry (2) 11:6;101:8 cars (5) 69:15,18;70:1;</p>
<p style="text-align: center;">B</p> <p>back (27) 5:19;17:2;36:18; 37:17;38:13,18;</p>				

78:15;86:21 cart (2) 78:17;95:25 carts (5) 78:15;95:24;96:3; 97:17;100:12 causing (1) 90:19 cell (10) 26:17;42:2,6,9,15; 63:2,2,5,8,12 center (8) 16:3,11;27:13;34:8; 71:22;74:5;85:5; 92:16 centered (3) 14:10;16:15;44:3 central (1) 47:20 centralized (2) 47:20;59:25 centralizes (1) 47:22 certain (1) 24:16 Certainly (14) 24:1;28:2;33:2; 34:5;42:5;51:17; 56:15;66:7;69:7;77:8; 92:2,5,17;98:11 chain (1) 22:6 CHAIRMAN (103) 4:1,5,19;5:18,22, 24;6:3,13;7:1,4,5,8, 12,21;8:1,6,9,12,16, 20;9:2,7,13,19;10:2,9, 11,14,18,22;11:12,17, 19;12:9,12,21;14:25; 15:6;17:12,15;22:25; 23:4;27:9;31:20; 33:12,35;6,8,12,16, 19,25;36:2,23;39:21; 41:18,22;46:5,11,13, 14,18,24;61:9,15; 62:17,20;65:1,17; 69:12;70:12,15,16,20, 23,25;71:4,7;77:20; 78:11,24;80:7,10,12, 19;81:1,6,8,13,25; 82:1,4;83:16,21;84:6, 14,18;87:12;100:9,19, 21;101:5,7,18 chance (1) 71:10 change (6) 20:17;24:15;29:5; 58:21;66:10;76:9 changed (1) 91:16 changes (1) 76:2 chaos (2)	82:25;83:7 check (2) 6:11;71:11 checking (1) 57:17 Church (5) 6:6,7;9:25;101:17, 19 circles (1) 26:7 circling (4) 16:12;55:18;59:19; 64:15 circular (1) 19:1 circulate (2) 11:9;63:24 circulating (1) 70:2 circulation (11) 34:23;59:20;60:13, 19,19;69:14;93:23; 96:22;98:3,10,14 cites (1) 49:9 citing (1) 49:17 civil (11) 11:17;12:1,3;13:5; 61:23;68:4;69:23; 87:15,22;90:2;101:3 clarification (2) 63:9;74:1 clarifications (1) 18:20 clarified (1) 63:13 clarify (14) 18:16;20:15;28:19; 33:24;42:5;45:3; 56:16;63:6;65:6; 74:23;75:7,11;84:12; 94:14 clarifying (1) 99:17 clarity (1) 18:8 clear (2) 98:17,19 cleared (1) 44:8 clearly (1) 98:9 clogged (1) 41:6 close (4) 5:13;24:11;84:3; 100:19 closely (2) 32:19;39:2 closer (1) 71:20 closest (1)	49:22 Club (9) 16:22;24:8;26:14, 22;28:14;44:22;45:1, 3;57:14 code (1) 88:16 code-wise (1) 87:3 cohesion (1) 77:1 coincide (1) 89:12 collection (1) 64:23 collections (1) 44:25 colorized (1) 69:3 comfortably (1) 61:11 coming (6) 62:25;67:18;68:4; 86:1;97:10;100:23 comment (18) 38:21;39:1;44:18; 45:21,25,25;46:5; 50:20;55:13;62:3; 63:20;64:8;66:1;79:7; 83:13;92:3;100:17,20 Comments (6) 17:5;32:14;60:15; 62:12;84:9;100:9 commercial (1) 58:11 commonly (1) 96:6 comparative (1) 96:14 comparison (4) 24:18;51:6;53:16; 95:12 complaint (3) 52:21;88:16,17 complement (1) 53:22 complementary (1) 64:2 compliance (1) 76:8 compliant (9) 48:20;49:23;53:3,6, 9;64:25;76:5;79:14; 96:15 compliment (1) 43:15 compliments (1) 76:23 comply (1) 41:12 component (1) 93:18 components (1)	51:13 comprised (2) 25:8;34:8 concentrate (1) 75:23 concentrated (1) 75:13 concepts (1) 33:1 concern (1) 46:8 concludes (1) 83:17 condition (6) 17:17;25:24;29:22; 53:17;63:22;92:17 conditions (30) 15:19;16:3,11,20; 24:18;28:13;30:2,2,9, 11,19;34:6;36:7; 42:16;43:11;46:2,13, 17,20;51:6,6;59:13; 71:24;72:3,4;75:17; 88:10;95:10,13;97:13 conducts (1) 5:16 configuration (2) 47:13;76:22 configurations (1) 19:2 confirm (5) 11:2;22:21;23:17; 57:25;58:18 conjunction (3) 38:6;71:25;97:20 connect (2) 29:2;76:7 connected (1) 76:21 connection (3) 16:19;65:12;88:9 connectivity (9) 16:25;47:16;70:10; 77:1;79:13,15;82:19; 88:9,11 connects (2) 20:16;47:23 Conservation (1) 39:25 consider (6) 9:15;46:18,19; 58:10;83:8;100:13 consistency (1) 17:24 consistent (10) 32:14;38:21,25; 43:8;51:10;67:3,6; 75:16;79:7;82:16 constrained (1) 33:7 construction (19) 20:25;21:7,9,12,17, 18;23:12;32:10,16,	18:37;16;38:1,5,10; 39:2,12,14;43:13; 53:4 containing (1) 11:25 content (1) 26:23 context (3) 14:9,15;15:12 continuation (3) 5:19;71:13;77:16 continue (11) 11:14;23:17;53:13; 59:15,16;62:20; 67:25;71:6;82:4,14; 83:16 continued (2) 18:1;71:8 continuing (1) 101:21 continuous (1) 88:12 contractors (1) 96:6 contrary (1) 13:11 control (3) 21:20;91:8,9 conversation (1) 65:24 coordinated (4) 32:19;39:4,17; 76:17 coordination (1) 79:9 copies (1) 14:3 copy (2) 13:20;17:20 Corey (1) 40:9 corner (6) 20:1,2;45:8,9,10; 79:20 correlate (2) 60:18,18 correlates (1) 55:2 corridor (4) 28:16;34:22;47:20; 86:14 Councilman (3) 4:16,17;99:7 counted (2) 54:24;65:19 counterclockwise (1) 93:21 counting (5) 55:8;65:9,15,20,21 counts (1) 55:8 County (1) 91:18
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<p>couple (3) 14:3;33:9;51:19</p> <p>course (3) 11:9;31:19;44:12</p> <p>COURT (5) 37:7,22;57:19; 70:22,24</p> <p>courtyard (1) 69:14</p> <p>Coventry (2) 37:6;93:5</p> <p>cover (5) 14:8,21;73:23,24; 88:2</p> <p>coverage (7) 51:1,2,3;53:1;65:4, 9;87:5</p> <p>covered (2) 36:8;48:8</p> <p>cramp (1) 57:21</p> <p>CRAVER (6) 42:18,18;43:21,25; 44:7,15</p> <p>C-R-A-V-E-R (1) 42:19</p> <p>cross (1) 82:13</p> <p>crosswalk (1) 79:1</p> <p>curb (5) 27:23;28:1;66:19; 76:5;89:13</p> <p>curbed (2) 63:22,22</p> <p>curbing (1) 76:3</p> <p>curious (2) 42:21,23</p> <p>current (1) 30:20</p> <p>currently (7) 33:20;79:21;80:8; 85:6;94:15;96:4,11</p> <p>cursor (2) 29:11;99:19</p> <p>cut (2) 30:6;77:16</p> <p>cuts (2) 20:5;40:22</p> <p>CVS (1) 45:6</p> <p>cycle (1) 93:19</p>	<p>darker (2) 14:13;28:5</p> <p>dash (2) 18:9;43:9</p> <p>dashed (8) 20:20;22:9,11,17; 23:7;27:20,20,23</p> <p>date (6) 6:2;11:6;14:6; 40:19;87:17;101:22</p> <p>dated (1) 14:5</p> <p>day (2) 11:3;95:23</p> <p>days (1) 7:2</p> <p>dealership (1) 68:24</p> <p>Dean (1) 41:21</p> <p>December (1) 97:25</p> <p>decorative (8) 28:6,25;63:25;65:2; 70:5;75:1;88:8,9</p> <p>decrease (2) 51:7;65:3</p> <p>decreased (1) 52:22</p> <p>decreasing (1) 51:4</p> <p>deep (1) 18:4</p> <p>defer (1) 54:20</p> <p>definitely (2) 11:3;22:3</p> <p>definition (1) 70:7</p> <p>delineate (1) 72:3</p> <p>delineation (6) 19:23;20:11,14; 39:16;63:21;70:7</p> <p>delineations (1) 20:13</p> <p>delivery (3) 44:24;62:10,11</p> <p>demolition (12) 17:25;18:6;31:25; 32:1,3,9;35:17;37:14; 42:7,17;62:23;76:20</p> <p>DEN (15) 37:5,6,11,14,20,24; 38:11,17;39:5,10,20; 93:4,4,10,25</p> <p>D-E-N (2) 37:12;93:5</p> <p>denoted (1) 26:7</p> <p>density (1) 53:9</p> <p>DEP (5)</p>	<p>19:24;24:23;25:3, 18;40:20</p> <p>department (2) 98:16;99:1</p> <p>depends (1) 84:4</p> <p>depict (1) 22:10</p> <p>depicts (1) 23:11</p> <p>Derek (4) 5:21,22;6:10;7:14</p> <p>design (9) 34:21;38:9;58:7; 60:6;64:20;69:17,25; 70:9;77:13</p> <p>designated (1) 66:5</p> <p>designating (1) 66:2</p> <p>destruction (1) 33:3</p> <p>detail (4) 36:8,12;56:22;66:4</p> <p>development (4) 23:24;48:19;74:16; 77:7</p> <p>diagonal (3) 20:3;30:18;40:23</p> <p>difference (3) 33:23;35:1;78:12</p> <p>differ (3) 9:24;19:2;29:12</p> <p>differentiate (1) 66:21</p> <p>difficult (1) 19:8</p> <p>difficulty (1) 33:5</p> <p>digging (1) 18:19</p> <p>dimension (2) 48:7;49:22</p> <p>dimensions (2) 63:17;75:4</p> <p>DIRECT (4) 12:23;15:17;16:19; 38:18</p> <p>directed (1) 57:13</p> <p>direction (6) 18:4;19:18;20:17; 67:25;74:21;76:22</p> <p>directly (10) 15:15;25:12;36:5; 41:8;58:6,16;60:17; 66:15;80:13;95:21</p> <p>discharge (1) 25:11</p> <p>discrepancy (2) 50:20;82:18</p> <p>discussed (3) 19:7;53:15;95:1</p>	<p>discussing (1) 58:19</p> <p>discussion (1) 81:23</p> <p>displayed (1) 23:17</p> <p>distance (2) 16:13;76:18</p> <p>distributed (1) 56:15</p> <p>district (1) 52:10</p> <p>Disturbance (11) 18:15,17;22:10; 23:3,21;24:17;25:19, 22,25;27:21;42:25</p> <p>disturbed (2) 43:13,19</p> <p>division (1) 64:5</p> <p>document (2) 47:1,1</p> <p>documentation (1) 63:11</p> <p>documents (1) 63:7</p> <p>dodge (1) 81:17</p> <p>done (11) 33:8;37:17;38:6,10; 57:9;59:6,10;84:24; 85:24;94:10;96:14</p> <p>door (1) 85:18</p> <p>dots (1) 66:17</p> <p>dotted (1) 67:6</p> <p>double (1) 18:9</p> <p>down (11) 36:12;42:22,24; 45:5,6;54:2,4;60:25; 62:3,4;91:24</p> <p>drafting (1) 23:16</p> <p>drastically (1) 24:15</p> <p>drew (1) 33:25</p> <p>drill (1) 36:12</p> <p>drive (20) 16:23;17:2;28:17; 34:18,19;42:19; 48:13;52:14;53:22; 59:12,21;63:17;75:3; 83:3;85:16,19;88:19, 24;89:1;98:16</p> <p>driven (3) 48:24;51:21;52:8</p> <p>driver (1) 89:14</p>	<p>drives (1) 31:4</p> <p>drive-through (4) 79:19;80:6,25;81:2</p> <p>drive-up (2) 79:21;80:3</p> <p>driveway (16) 16:11;28:10,10,15; 47:18;48:10;51:25, 25;52:1,3;79:17,18; 80:16,22;81:15,21</p> <p>driveways (1) 47:18</p> <p>driving (4) 16:23;61:8;64:13; 66:22</p> <p>drops (1) 100:6</p> <p>duly (1) 46:5</p> <p>dumpster (1) 62:13</p> <p>dumpsters (4) 44:24;60:24;61:6; 81:18</p> <p>duplicate (1) 17:22</p> <p>duplicity (1) 70:4</p> <p>durable (1) 22:6</p> <p>during (10) 20:25;21:17,18; 23:10;31:25;32:3,10; 42:1;43:13;71:10</p> <p>D'Urso (1) 4:22</p>
E				
<p style="text-align: center;">D</p> <p>Daily (1) 4:7</p> <p>dangerous (1) 44:22</p> <p>dark (2) 18:9;22:13</p>	<p>D-E-N (2) 37:12;93:5</p> <p>denoted (1) 26:7</p> <p>density (1) 53:9</p> <p>DEP (5)</p>	<p>discussed (3) 19:7;53:15;95:1</p>	<p>driven (3) 48:24;51:21;52:8</p> <p>driver (1) 89:14</p>	<p>earlier (3) 9:16,17;91:11</p> <p>easement (2) 21:15;44:14</p> <p>east (21) 14:16;15:16;28:19; 48:18;49:20;59:4,8, 18,19;61:1,5;62:3,9; 67:8;76:7;79:17; 88:25;89:2;93:19; 99:14;101:19</p> <p>eastery (3) 66:24;67:16;68:3</p> <p>eastern (16) 16:20,22;28:15; 30:4;48:11;49:3;50:5; 52:1;59:12,21;64:9, 22;85:5;86:19;98:16; 100:5</p> <p>easy (1) 61:6</p> <p>EBAH (1) 48:18</p>

<p>edge (1) 22:23</p> <p>edification (1) 22:5</p> <p>effectively (3) 85:5,8,14</p> <p>effort (1) 23:10</p> <p>Egarter (9) 4:24,25;8:11;58:24; 60:2,9,20;68:20; 81:20</p> <p>egress (4) 48:14;60:14,17; 61:20</p> <p>egressing (1) 67:10</p> <p>eight (1) 29:18</p> <p>either (3) 8:15;66:18;79:13</p> <p>elaborate (2) 68:15;69:1</p> <p>electronics (1) 43:5</p> <p>element (1) 49:23</p> <p>elements (1) 51:23</p> <p>elevation (1) 50:21</p> <p>eliminating (1) 79:19</p> <p>else (3) 25:4;31:15;35:6</p> <p>emergency (8) 59:22;67:14;68:16; 93:12;94:7,11;97:23; 98:15</p> <p>employee (1) 54:10</p> <p>employees (3) 54:16;55:2;73:2</p> <p>enclosed (1) 55:15</p> <p>enclosure (4) 26:17;42:6;63:5,6</p> <p>encroachment (1) 23:23</p> <p>end (2) 33:2;45:9</p> <p>endangering (1) 86:16</p> <p>enforce (1) 93:1</p> <p>engineer (24) 11:18;12:2,10;17:6, 8:27;6:32;15:20; 38:22;57:22;61:22, 23;67:22;68:4;75:19, 22;79:7;82:17;87:16; 88:14;90:24;93:24; 98:4;101:3</p>	<p>engineered (1) 81:8</p> <p>Engineering (3) 12:11;69:23;87:22</p> <p>engineer's (4) 27:25;39:1;63:20; 66:2</p> <p>enough (4) 61:10;80:24;86:20; 90:17</p> <p>ensure (13) 17:8,20;21:5,21; 39:18;63:22;75:24; 76:4,8;79:10,14; 88:15;98:18</p> <p>ensuring (1) 76:15</p> <p>entails (1) 25:2</p> <p>enter (2) 93:19;100:5</p> <p>entering (3) 16:14;82:24;91:8</p> <p>enters (1) 85:17</p> <p>entire (3) 47:10;57:19;95:25</p> <p>entirety (4) 46:22;57:7;58:9; 60:8</p> <p>entrance (8) 45:5;48:12;58:25; 59:7;60:4;68:9;85:8; 95:21</p> <p>entranceway (1) 91:7</p> <p>entry (4) 60:16;64:15;68:11; 74:20</p> <p>entryway (3) 29:2;64:4,8</p> <p>environmental (3) 24:20;25:22;41:9</p> <p>envisioned (1) 91:23</p> <p>equal (1) 16:12</p> <p>erosion (1) 21:20</p> <p>established (2) 21:15;44:13</p> <p>EV (3) 55:25;58:15,22</p> <p>even (6) 69:20;81:16;83:3; 85:12;91:11;92:24</p> <p>evening (14) 5:20;7:16;13:1,3,5, 9,25;14:2,12;19:8,16; 37:5;60:15;84:4</p> <p>evenings (1) 9:18</p> <p>everybody (9)</p>	<p>5:12,13;6:14,16; 9:9,21;11:4;32:6;60:3</p> <p>everyone (11) 7:11,14;11:22;12:7, 19;13:18,25,25;17:1; 46:22;71:2</p> <p>Everyone's (1) 8:3</p> <p>everywhere (1) 31:15</p> <p>EVSE (1) 58:11</p> <p>exact (1) 41:8</p> <p>exactly (1) 50:15</p> <p>EXAMINATION (1) 12:23</p> <p>excavated (1) 18:24</p> <p>exceed (1) 78:4</p> <p>exclude (1) 73:19</p> <p>Excuse (4) 20:21;32:24;45:18; 77:5</p> <p>exhibit (1) 14:11</p> <p>exhibits (1) 13:12</p> <p>exist (3) 24:6;43:16;89:11</p> <p>existing (40) 15:19;16:2,10,19; 24:7,18;25:24;26:14, 17;28:12;29:22;30:1, 9,19;34:2,6;42:16; 43:11;48:22,24;49:2; 50:3;51:5,19;59:13; 71:24;74:1;75:17; 76:22;85:12,16; 88:10;89:3;92:15; 95:10,12,19;97:8,8,13</p> <p>exists (17) 19:20;27:14;28:7; 47:17;48:11;49:14; 50:10;52:12;60:14; 61:3;63:3;68:9;71:22; 88:15;89:13,15;94:12</p> <p>exit (4) 58:25;93:20;95:21; 96:5</p> <p>exiting (2) 82:23;91:8</p> <p>expedite (1) 84:11</p> <p>expert (1) 63:14</p> <p>expertise (1) 90:8</p> <p>explain (4) 23:20;34:17;78:25;</p>	<p>92:22</p> <p>exposure (2) 18:18,20</p> <p>extend (2) 67:1,6</p> <p>extended (1) 66:24</p> <p>extends (3) 18:11;77:14;86:20</p> <p>extensively (1) 61:20</p> <p>extent (1) 43:9</p> <p>Exterior (4) 55:17;64:21;67:11; 73:13</p> <p>extra (2) 10:15;78:16</p>	<p>40:6,8;57:5,12;62:9; 72:18,24;73:25;74:4, 7:91;21;92:1;94:21; 97:22;99:2</p> <p>Ferriero's (1) 13:21</p> <p>FHA (2) 25:2,7</p> <p>field (1) 29:6</p> <p>figure (1) 59:3</p> <p>figures (1) 71:11</p> <p>filter (1) 36:25</p> <p>final (2) 14:4;21:13</p> <p>find (1) 42:21</p> <p>finding (1) 17:3</p> <p>fine (2) 36:24;70:22</p> <p>fingers (2) 57:20;70:18</p> <p>finish (1) 11:8</p> <p>finished (3) 36:15;64:2;82:19</p> <p>fire (7) 93:12,18;97:23,24; 98:7,16,25</p> <p>first (3) 11:6;55:21;62:25</p> <p>five (4) 82:9;94:11;99:15, 18</p> <p>flag (2) 4:2;41:16</p> <p>flood (1) 25:9</p> <p>floor (2) 50:16;55:15</p> <p>Florie (1) 91:4</p> <p>flows (1) 36:17</p> <p>flush (2) 74:24;82:21</p> <p>focus (1) 36:16</p> <p>focused (2) 29:1;44:3</p> <p>focuses (1) 18:6</p> <p>folks (1) 72:12</p> <p>follow (2) 18:2;56:13</p> <p>following (4) 6:21,22;7:17;21:11</p> <p>follows (1)</p>
			F	

<p>12:17 follow-up (1) 32:23 foot (1) 75:9 footprint (1) 26:13 forefront (1) 16:16 forget (1) 11:1 forgot (1) 45:18 form (1) 50:20 formally (1) 24:9 format (2) 62:21,22 former (1) 24:7 forward (5) 11:25;13:2;15:4; 84:12;101:2 foundation (1) 66:14 four (5) 50:13,15;95:14; 99:15,18 fourth (1) 47:3 Frank (1) 39:22 Franklin (1) 90:15 frankly (2) 36:6,21 freshwater (4) 25:6,7,10;43:8 friends (1) 45:4 front (29) 16:4,6;27:13,19,24; 28:3;29:25;33:19; 34:9;38:5,8;43:5; 47:12,24;49:13; 53:18;64:17;66:25; 69:16,20;75:11,12; 76:1;78:4,14,21;82:8; 86:2;99:5 frontage (2) 16:13;47:18 frustration (1) 90:19 full (4) 14:9;92:24,24; 95:24 full-size (1) 14:3 function (2) 59:24;83:2 functionality (1) 79:20</p>	<p>furnished (1) 4:9 further (9) 12:9;29:6;50:22; 56:15,22;58:18;69:2; 100:16;101:14 future (11) 38:8;47:23;62:1; 63:9;66:12;68:2; 76:11;77:12;79:9; 88:2;101:22</p>	<p>8,17,24;60:23;61:4, 13;81:5 goes (1) 79:2 good (13) 6:24;8:19;13:25; 15:3;21:1;30:14;32:4; 37:5;38:20;70:24; 79:6;83:22;101:5 governed (1) 25:18 grab (2) 25:15;93:14 Grace (2) 6:5;101:18 grade (4) 50:17,23,24;76:9 grading (3) 18:23;83:19;88:1 granite (1) 76:5 graphic (1) 23:10 grass (3) 24:10;95:22,23 gravel (1) 24:9 gray (1) 20:19 great (6) 10:13;11:13;14:1; 43:2;67:20;82:16 green (3) 7:9,10;51:8 grocery (1) 79:1 ground (3) 18:20;50:16;55:15 group (1) 7:18 guess (3) 42:20;45:9;80:5 Gunther (1) 84:17 gurgling (1) 40:15 guys (1) 39:7</p>	<p>happen (1) 64:23 happened (1) 92:18 happening (2) 30:13;42:4 happy (2) 11:9;58:9 hard (1) 30:8 harder (1) 77:24 hashed (1) 47:12 hatch (3) 28:5;66:16;67:7 hatched (3) 15:14;99:16,25 hatching (1) 94:25 hazard (1) 25:9 hear (22) 5:14;7:11;12:6,8, 19;13:18;14:1,22; 38:23;50:22;51:13, 17;56:3;61:18;63:11, 14;69:23;76:10; 87:21;89:4;90:23; 98:13 heard (10) 32:7;35:20;36:5; 47:16;53:18;56:11; 60:15;62:14;87:25; 88:13 Hearing (4) 5:18,20;6:2,4 hearings (1) 33:2 heavy (2) 38:12,14 height (4) 50:12,18,25;53:7 held (2) 71:3;81:23 hello (1) 92:11 help (3) 60:7;64:5;65:12 helped (1) 30:12 helpful (1) 13:23 helping (1) 65:7 helps (1) 82:20 HENDE (15) 37:5,6,11,14,20,24; 38:11,17;39:5,10,20; 93:4,4,10,25 H-E-N-D-E (2) 37:12;93:5</p>	<p>Hi (1) 84:16 high (1) 48:5 higher (1) 47:9 highest (2) 40:12;41:2 highlight (2) 68:8;82:20 highlighted (1) 91:11 highlighting (2) 29:10;55:22 hopefully (3) 61:25;84:11,23 hoping (1) 72:9 horizontal (4) 29:20,25;33:25; 55:21 hour (2) 9:17;10:15 housing (3) 15:15;48:18;49:8 how's (1) 71:19 hugging (1) 19:19 Huh (1) 81:7 hundreds (1) 62:5</p>
	<p>G</p>			
	<p>gaining (3) 29:21,24;96:17 Garabrant (1) 95:18 garage (4) 55:16,17;64:15; 68:11 Garbacz (6) 5:1,2;99:4,10; 100:11,15 garbage (3) 44:24,24;60:10 gate (6) 64:7,9;68:3,5,7,8 gates (1) 68:12 gave (2) 45:21;57:6 General (4) 25:10;26:9;44:5; 98:14 generally (1) 93:3 generator (1) 87:2 geometric (1) 70:6 GERMINARIO (34) 5:24;6:18;8:25; 9:22;10:4,16,24;11:5; 13:10,13;17:16;20:8, 12;29:4;30:9,12;36:4; 43:23;45:15,23; 46:10;54:14;55:3,7, 11;65:18;77:5,19; 86:6,11;88:21;101:7, 10,13 gets (8) 17:21,22;21:8;28:5, 17;29:1;33:8;34:10 given (9) 31:25;32:17;42:14; 52:9;55:1;73:20;92:7; 95:23;101:15 Glassner (27) 4:12,13;8:23;9:3, 13;10:6,10,20;20:21, 23;21:11,16,23;30:15, 18,23;31:4,8,17;56:6,</p>	<p>H</p>		
				<p>I</p>
				<p>idea (5) 10:5,13;15:3;69:17; 83:22 identification (1) 18:13 identified (4) 40:12,15;41:10; 69:3 identify (3) 60:7;64:6;66:4 Immediately (11) 26:15;28:18;59:18, 19;64:17;73:10; 75:12;76:24;94:23; 95:8,8 impact (1) 67:14 impacted (1) 34:10 impair (1) 67:18 Impervious (6) 51:1;52:25;65:3,19, 21;87:5 important (1) 62:10 improve (2)</p>

<p>24:19;65:7 improvement (2) 25:23;28:1 improvements (4) 42:8;43:12;48:3; 63:8 inboard (1) 66:15 include (3) 41:1;72:20;74:4 included (1) 72:22 incorporate (1) 34:22 incorporated (1) 63:9 increase (8) 29:9;50:10;51:7; 58:20;65:16;72:7; 87:5;95:15 increases (1) 50:6 incremental (1) 58:20 independent (2) 73:17;78:6 indicate (4) 19:15;63:23;74:21; 77:9 indicated (9) 19:13;42:7;55:20; 56:1;75:16;85:7,13; 86:18;87:2 indication (2) 19:9;67:2 indicative (8) 18:14;19:3,8,20; 20:4,17;27:21;40:22 individual (1) 25:8 industry (3) 78:9,10;97:4 information (2) 17:24;69:24 ingress (3) 48:15;61:20;81:15 instances (2) 18:22;86:9 instead (1) 45:16 insurance (1) 32:20 intake (1) 25:11 intend (1) 58:5 intended (2) 24:5;69:25 intension (6) 56:23;68:9;69:5; 70:9;75:21;76:14 intention (2) 59:24;77:13</p>	<p>interconnects (1) 47:24 interested (1) 32:25 interesting (1) 65:7 interior (8) 54:21;55:16;56:1,9; 64:20;69:1;73:8,9 Internal (1) 91:25 interrupt (1) 14:19 into (35) 5:12,19;7:16;21:22; 23:7,8;24:13;26:8; 29:22;32:12;33:16; 35:10;37:23;38:3; 43:23;45:6,15;49:16; 63:16;67:15,15,18; 71:12;72:2;77:25; 82:21,23,24;83:5; 92:5;96:8;97:11;98:6; 99:16;100:17 inward (1) 19:17 IP (1) 25:9 Irish (1) 40:7 island (7) 28:6,7;74:22;77:15; 79:2,11;93:8 islands (1) 31:5 issue (3) 9:19;73:24;85:25 issues (1) 10:7 items (2) 5:17;98:12 iterations (2) 33:9;68:2</p>	<p style="text-align: center;">K</p> <p>Kay (7) 5:7,8;99:13,19,22, 25;100:8 keep (5) 15:4;26:11;35:21; 68:22;81:24 keeping (2) 29:17;76:15 kick (2) 57:16;71:12 kind (6) 34:6;35:21;41:15; 81:3;86:3;93:11 kinds (1) 98:8 Kings (19) 28:16;33:19;34:1; 42:25;45:5;53:18; 59:13;60:25;62:11; 63:3;75:12;78:14; 79:15;86:2,15;95:8, 21;99:6;100:4 knocked (1) 22:7 Knollwood (1) 42:19 knowing (5) 27:6;28:16;48:5; 69:23;70:1 knows (3) 21:2;31:5;61:22 Knox-Box (1) 68:17</p>	<p>19:12;25:15;26:2,16; 29:11;44:12;52:13; 55:18,22;59:20; 63:23;64:15;68:8; 73:12 last (30) 5:20;12:1;13:1; 14:12;16:5;19:7; 28:21;35:24;36:3,10, 13,18;37:8,9,11;40:2; 41:22;48:23;54:6; 56:11;63:15;65:24; 69:2;74:18;75:7; 76:10;84:18;86:11; 94:11;96:12 later (3) 36:24;87:17;89:24 Laughter (6) 8:18;39:9;40:18; 61:17;72:14;86:25 law (1) 93:2 lawyer (1) 72:13 layer (1) 76:25 layout (2) 90:5;96:15 lead (1) 13:19 least (2) 33:1;84:11 left (6) 12:1;20:1;31:5; 45:6;61:1;74:11 left-hand (2) 14:10;19:16 length (2) 75:14;95:25 less (1) 22:6 letter (4) 28:1;32:15;84:8; 98:25 letters (2) 18:14;101:2 level (4) 47:9,15;48:5;50:14 licensed (1) 17:10 light (3) 7:9,10;20:19 likely (4) 22:6;38:16;45:13; 78:17 Limit (7) 18:15,16;22:9;23:3; 24:12;27:21;69:19 limited (2) 35:15;52:23 line (37) 14:14;18:9,12,13; 19:19,19,20,23;20:2,</p>	<p>3,13,16,20;22:9,11, 14,17;23:5,7;24:11; 25:3;26:6;27:20; 33:25;40:14,23;43:4, 8;44:6;50:7;52:6,8; 66:10;78:5;88:5; 89:13 linear (1) 49:11 lines (5) 27:20,23;30:18; 31:16;95:20 link (1) 22:6 Lisa (1) 7:23 literally (1) 83:5 little (12) 6:1;19:8;23:7,8; 36:18;42:3;48:2; 64:12;66:4,9;94:25; 99:3 live (1) 41:21 lived (1) 59:2 loaded (1) 67:12 loading (10) 59:14,14,16;64:23, 24;66:25;67:1,15; 97:6;100:3 lobby (1) 64:14 located (5) 48:17;50:5;51:18; 73:6;95:11 location (12) 14:22;15:1;30:5; 42:9;50:6;51:24; 53:24;58:3;64:6; 76:16;79:22;95:15 locations (2) 63:23;66:17 LOD (5) 18:14;19:2;22:13, 22;27:22 logistics (6) 9:20,22,23;32:18; 39:2,14 LOI (1) 25:6 long (3) 9:17,20;99:3 longer (1) 86:3 longitude (1) 64:1 look (9) 11:24;13:2;23:14; 29:19;83:15;92:5; 96:16;100:16;101:2</p>
	<p style="text-align: center;">J</p> <p>Jersey (2) 12:15;41:4 Jess (1) 9:11 John (1) 85:7 joints (1) 65:11 Joseph (1) 90:14 July (1) 14:6 jurisdiction (3) 21:4;40:20;92:15 justify (1) 87:5</p>	<p style="text-align: center;">L</p> <p>lady (1) 59:1 laid (1) 34:20 Land (3) 15:24;25:7;93:1 landscape (2) 79:2;86:3 landscaped (1) 65:14 landscaper (1) 96:25 landscapers (1) 96:7 landscaping (2) 77:12;78:21 Lane (2) 40:9;94:9 large (1) 61:6 larger (1) 100:4 laser (17) 14:14;16:12;18:12;</p>	<p>19:12;25:15;26:2,16; 29:11;44:12;52:13; 55:18,22;59:20; 63:23;64:15;68:8; 73:12 last (30) 5:20;12:1;13:1; 14:12;16:5;19:7; 28:21;35:24;36:3,10, 13,18;37:8,9,11;40:2; 41:22;48:23;54:6; 56:11;63:15;65:24; 69:2;74:18;75:7; 76:10;84:18;86:11; 94:11;96:12 later (3) 36:24;87:17;89:24 Laughter (6) 8:18;39:9;40:18; 61:17;72:14;86:25 law (1) 93:2 lawyer (1) 72:13 layer (1) 76:25 layout (2) 90:5;96:15 lead (1) 13:19 least (2) 33:1;84:11 left (6) 12:1;20:1;31:5; 45:6;61:1;74:11 left-hand (2) 14:10;19:16 length (2) 75:14;95:25 less (1) 22:6 letter (4) 28:1;32:15;84:8; 98:25 letters (2) 18:14;101:2 level (4) 47:9,15;48:5;50:14 licensed (1) 17:10 light (3) 7:9,10;20:19 likely (4) 22:6;38:16;45:13; 78:17 Limit (7) 18:15,16;22:9;23:3; 24:12;27:21;69:19 limited (2) 35:15;52:23 line (37) 14:14;18:9,12,13; 19:19,19,20,23;20:2,</p>	<p>3,13,16,20;22:9,11, 14,17;23:5,7;24:11; 25:3;26:6;27:20; 33:25;40:14,23;43:4, 8;44:6;50:7;52:6,8; 66:10;78:5;88:5; 89:13 linear (1) 49:11 lines (5) 27:20,23;30:18; 31:16;95:20 link (1) 22:6 Lisa (1) 7:23 literally (1) 83:5 little (12) 6:1;19:8;23:7,8; 36:18;42:3;48:2; 64:12;66:4,9;94:25; 99:3 live (1) 41:21 lived (1) 59:2 loaded (1) 67:12 loading (10) 59:14,14,16;64:23, 24;66:25;67:1,15; 97:6;100:3 lobby (1) 64:14 located (5) 48:17;50:5;51:18; 73:6;95:11 location (12) 14:22;15:1;30:5; 42:9;50:6;51:24; 53:24;58:3;64:6; 76:16;79:22;95:15 locations (2) 63:23;66:17 LOD (5) 18:14;19:2;22:13, 22;27:22 logistics (6) 9:20,22,23;32:18; 39:2,14 LOI (1) 25:6 long (3) 9:17,20;99:3 longer (1) 86:3 longitude (1) 64:1 look (9) 11:24;13:2;23:14; 29:19;83:15;92:5; 96:16;100:16;101:2</p>

<p>looked (2) 52:5;91:7</p> <p>looking (7) 9:5;13:5;34:21; 49:25;60:2;62:22; 66:3</p> <p>looks (6) 8:16;22:22;66:16; 67:16;81:14;94:25</p> <p>losing (2) 28:22;96:17</p> <p>loss (3) 53:20;90:19;95:14</p> <p>lost (2) 29:18;32:11</p> <p>Lot (15) 15:17;18:3;31:15; 36:9;43:5;49:9,11; 52:7;69:15,18;86:15; 92:7,8;95:19,25</p> <p>loud (1) 71:21</p> <p>loudly (1) 38:3</p> <p>Lowery (1) 94:9</p> <p>L-shaped (1) 26:13</p> <p>lumbar (1) 62:4</p> <p>lunch (1) 96:9</p> <p>Lutheran (4) 6:6;9:25;101:17,19</p>	<p>many (14) 10:7;18:2;32:1,11; 33:20,21;34:1;45:4; 57:7,8;71:22;72:4; 83:14;90:6</p> <p>map (2) 14:23;91:7</p> <p>Marcella (1) 42:18</p> <p>Margaret (1) 44:16</p> <p>MARINO (4) 91:4,4;92:6,20</p> <p>M-A-R-I-N-O (1) 91:5</p> <p>mark (3) 13:12;37:5;93:4</p> <p>marked (2) 14:12;20:13</p> <p>M-A-T-A-R-O (1) 40:5</p> <p>match (1) 17:9</p> <p>material (5) 22:24;64:2;65:11; 66:11;82:20</p> <p>math (1) 72:8</p> <p>matrix (1) 51:12</p> <p>matter (1) 101:21</p> <p>max (2) 51:5,10</p> <p>maximum (1) 50:14</p> <p>May (9) 7:3;33:8;46:13; 68:20;70:14;84:3; 90:12,12;97:14</p> <p>maybe (9) 6:8;9:16;36:13; 56:17;61:16;62:6; 68:15;84:3;99:15</p> <p>Mayor (29) 4:12,13;8:23;9:3, 13;10:6,10,20;11:21; 20:21,23;21:11,16,23; 30:15,18,23;31:4,8, 17;56:6,8,17,24; 60:23;61:4,9,13;81:5</p> <p>mean (8) 26:21;53:20;56:9, 18;79:19;83:8;86:11; 90:18</p> <p>meaning (1) 57:12</p> <p>means (1) 39:14</p> <p>meant (2) 27:6;83:2</p> <p>measure (1) 21:21</p>	<p>measures (2) 85:10;91:17</p> <p>median (3) 82:13,15,18</p> <p>meet (1) 75:20</p> <p>meeting (20) 4:2,5,6;8:21,21; 9:16;10:17,19,21; 11:11,22;12:4;57:19; 71:5;84:7;100:23; 101:1,9,10,11</p> <p>Meetings (3) 4:9;9:15,23</p> <p>MEMBER (4) 38:23;71:16;90:1; 92:21</p> <p>members (4) 11:20,21;17:13; 100:22</p> <p>Mendham (7) 16:22;28:14;39:24; 44:22;62:11;71:9; 86:22</p> <p>mention (25) 18:18;19:10;25:24; 26:6;32:19,21;34:9; 38:9;42:17;43:12; 44:13;47:25;54:6; 58:4;59:17,22;63:19; 64:2,16;76:17;77:1; 78:8;82:17;88:5,14</p> <p>mentioned (21) 24:3;27:25;30:1; 41:7;42:1;43:9;48:12, 13,17;50:19;51:23; 54:6;64:21;67:4;68:2; 73:14;76:2,10;78:3; 95:20;97:21</p> <p>mentioning (2) 79:4,23</p> <p>met (1) 51:18</p> <p>methods (1) 39:14</p> <p>mic (6) 37:23;38:2;39:8; 87:11;93:15;97:11</p> <p>microphone (5) 12:19;33:17;35:11; 43:24;88:22</p> <p>microphones (1) 5:12</p> <p>might (4) 5:25;9:15;31:23; 78:22</p> <p>mill (1) 18:18</p> <p>million (1) 41:3</p> <p>mind (2) 25:16;99:17</p> <p>minimum (5) 49:9,11;50:4,8; 98:17</p>	<p>minus (1) 34:11</p> <p>minutes (3) 35:15;70:21;71:1</p> <p>mirror (2) 29:1;30:20</p> <p>mirrored (1) 68:10</p> <p>misrepresents (1) 63:10</p> <p>Molnar (8) 5:3,4;68:12,19; 82:7,12,22;83:4</p> <p>moment (1) 57:11</p> <p>Monday (1) 8:24</p> <p>more (16) 22:6;23:7;29:1; 36:12;42:3;48:8; 53:19;58:6;61:25; 63:12;66:4;68:1; 69:20;85:24;91:12; 98:13</p> <p>Morris (1) 91:18</p> <p>most (12) 14:6;16:1,13;17:9; 36:7;38:16;45:3; 46:15;48:13;67:7; 85:21,25</p> <p>motor (1) 94:11</p> <p>mountable (1) 93:7</p> <p>mouth (1) 5:13</p> <p>move (10) 13:4;14:24;17:15; 27:9;29:22;30:3; 65:10;86:14,15;96:1</p> <p>moved (2) 87:4,4</p> <p>movement (3) 42:4;67:23;100:7</p> <p>moving (5) 15:4;38:12;39:11; 42:2;67:25</p> <p>much (9) 12:13;13:15;42:21, 24,24;61:25;62:1; 66:9;87:7</p> <p>multifamily (5) 54:5;73:9,15,21; 91:2</p> <p>municipality (2) 92:14;93:2</p> <p>myself (3) 32:8;49:2;72:9</p>	<p>N</p> <p>name (16) 35:14,23,24;36:2,3; 37:8,10,11;39:22; 40:3,7;41:20,22; 45:18;84:15,18</p> <p>naturally (1) 51:8</p> <p>navigate (1) 100:6</p> <p>near (5) 49:19;55:23;61:25; 63:24;70:4</p> <p>nearest (1) 49:20</p> <p>necessary (2) 16:10;76:9</p> <p>need (13) 13:11;23:21;70:20; 78:16;84:1,20;85:22, 24;87:9,10,23;89:17; 98:2</p> <p>needs (4) 6:14;46:22;62:15; 83:12</p> <p>negative (1) 95:14</p> <p>neighbor (1) 85:18</p> <p>neighboring (1) 52:3</p> <p>net (4) 29:4;34:11;53:21; 72:7</p> <p>New (14) 12:15;41:4;44:12; 48:19;53:4;58:11; 72:3,16,19;73:5;76:3; 77:7;83:9,25</p> <p>next (19) 6:1,4;7:18;9:23; 11:11;14:24;15:8; 17:25;18:21;24:6; 27:4;28:8;40:25;46:3; 66:15;74:13;84:7; 85:18;101:10</p> <p>Nice (1) 40:7</p> <p>night (15) 11:9;16:5;28:21; 36:10,13,18;48:23; 54:6;56:12;63:16; 65:25;69:2;74:19; 75:8;76:10</p> <p>nights (1) 100:23</p> <p>nine (3) 77:24;78:5;96:5</p> <p>nobody (1) 86:4</p> <p>nomenclature (1)</p>
M				
<p>Main (24) 15:16;16:11;34:2, 22;44:25;45:2,5; 47:18;48:11;49:20; 59:7;60:3;64:4,8,14; 68:9;76:7;79:17; 80:14,21;83:8;85:8; 91:23;101:19</p> <p>maintain (3) 38:8;39:6,11</p> <p>maintained (1) 32:21</p> <p>maintenance (1) 67:10</p> <p>major (2) 14:4;95:19</p> <p>makes (1) 59:7</p> <p>making (2) 67:17;86:12</p> <p>MALE (1) 90:1</p> <p>mall (2) 82:9;83:10</p> <p>management (1) 95:2</p>				

<p>19:11 noncompliant (1) 87:3 non-compliant (1) 88:25 non-conformities (2) 48:22;51:20 non-conformity (1) 89:3 non-for-profit (1) 40:1 non-porus (1) 51:3 nor (3) 42:8;45:1;54:24 normal (1) 8:21 north (11) 24:7;40:13,21;41:2; 44:6;47:25;77:18; 94:1,23;95:9;99:14 north/south (3) 18:4;74:20;76:21 northeast (2) 19:18;50:6 northern (11) 18:6;19:6;26:10,19; 44:3,5;55:14;62:24; 73:10;77:3;88:11 northwest (1) 20:2 northwestern (1) 40:23 notation (2) 63:4;81:20 notations (1) 48:7 note (12) 16:8;18:2;26:16; 27:22;44:11;49:22; 63:6;69:2;77:15; 79:11;83:23;84:25 noted (16) 41:10;42:6,15;43:3; 46:6;49:18;58:15; 67:7;74:21;75:3; 76:12,19;83:13; 86:10;91:14;101:22 notes (1) 87:20 Notice (23) 4:5,6,10;16:18; 18:11;19:18;24:3,6, 14;27:19;28:3,8,24; 43:10;47:8,10,15; 64:12;66:12,16; 77:12;79:16;101:15 noticed (2) 47:3;77:22 noting (12) 18:3;39:16;49:4,15; 50:23;66:10;68:10; 73:19;74:24;75:19;</p>	<p>94:23;95:15 number (11) 19:12;28:23;29:5; 51:10;52:23;57:13; 58:18;72:19;74:1; 75:22;95:3 numbers (4) 57:6,17,22,25 numerical (1) 19:11</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>oath (2) 13:1,2 obtained (5) 25:1,15,18;40:20; 41:12 obviate (1) 86:21 Obviously (2) 36:9;87:17 occasions (1) 83:14 occurrence (1) 50:2 occurring (1) 51:8 October (1) 16:1 off (10) 12:1;30:6;57:16; 71:12;74:11;77:16; 84:22;86:4,15;100:6 offer (2) 9:14;92:13 office (2) 15:23;68:22 official (1) 97:24 offset (5) 22:18,23;23:15; 26:5,8 off-the-record (1) 81:22 old (1) 97:24 omitted (1) 17:21 once (3) 28:17;96:1;100:6 one (31) 14:18;17:16;21:24; 22:19,25;27:7;30:15, 23;32:14;34:11;35:2; 39:8;45:7;47:3;51:22, 23,24;53:21;57:10; 61:10,14;62:12;68:1; 73:25;79:3;82:7;85:3; 87:8;96:3,19;98:12 ones (4) 77:23,24,25;90:3 one-way (2)</p>	<p>81:19;85:6 only (13) 11:5;16:20;33:3; 47:21;50:2,2;62:10; 67:1,2;75:22;81:15; 82:23;85:10 on-site (1) 60:18 onto (3) 15:8;55:13;85:17 Open (8) 4:8;7:1;35:8,12; 46:20;68:13;83:22; 84:2 opening (1) 47:1 operating (1) 33:6 operation (3) 24:10;38:8;91:1 operational (2) 69:10;91:1 operations (4) 28:16;39:15;60:19; 93:3 opposed (1) 60:17 order (6) 4:2;16:17;17:3; 35:21;60:16;71:5 ordinance (14) 49:9,12,21,24; 50:13;51:11;52:9; 64:24;75:9;76:6;78:2; 85:11;96:12,15 orientation (1) 93:21 ORTH (67) 5:21,23;6:11,24; 7:3,6,10,13,14,25; 10:13;11:7,14,16,19; 12:13,18,22,24;13:10, 15,16;14:20;15:6,7; 24:21;27:15;30:8,14; 38:2;45:19;46:1,12, 15;52:16;61:18;69:9; 70:14,17;71:2,7,14, 18;72:15;73:3,23; 74:8;81:24;82:3; 83:13;84:5;87:7,11, 13,19;89:24;90:4; 92:10,23;93:16; 97:10,18;98:20; 100:21;101:6,16,20 out (42) 8:17;10:5;11:4; 12:6;14:3;19:5,20; 21:8;26:12;34:20; 37:1;38:13;42:21; 43:3;45:7,9,11;47:9; 50:1;53:16;57:13; 59:3;63:7;64:12; 71:11;73:12;80:15,</p>	<p>18,21,22;81:14,18; 82:13,13,23;83:10; 84:3;85:9,17;99:16, 25;100:23 outdoor (1) 24:8 outfalls (1) 25:11 outlining (1) 14:14 outs (1) 26:23 outside (2) 22:16;25:19 over (14) 13:3,17;22:7;25:17; 26:3;28:11;37:2; 40:21;45:15;47:19; 48:12;50:13;94:10; 96:1 overall (10) 28:9;29:16;34:7,11; 47:7;55:24;62:19; 69:25;70:9;95:15 overhang (1) 78:22 overlaid (1) 15:14 overview (2) 36:12;65:25 owner (2) 92:7;93:1</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>Pace (4) 5:9,10;8:19;80:11 package (1) 76:14 page (10) 12:3,11;14:9;16:4; 28:6;30:7;48:1;49:23; 59:16;77:16 pages (3) 29:19;36:16,17 paid (1) 4:10 paper (1) 37:18 parallel (9) 20:3;22:9,12,17; 31:11,14;96:5,21; 97:13 parameters (2) 49:17;58:7 Park (3) 12:15;90:18;96:7 parked (2) 80:12,20 parking (108) 16:9;26:15;28:7,18, 22,23;29:5,6,9,13,16, 16,20,24;30:6,20,22,</p>	<p>24,25;31:1,12,14,24; 32:2,11;33:6,20,22; 34:24;50:14,16;52:7, 7,14,15,23;53:15,21; 54:1,7,10,22;55:4,15, 16,17;57:3;58:12,12, 17;64:16;68:22; 69:18;71:11,23;72:4, 6,17;73:5,8,11,18; 74:17,19;75:4,8; 76:22;77:23;78:6,7,9, 12;80:13,20;82:8,10; 83:6;85:1,24,25;86:2, 15;89:18,19;90:3,6; 91:3,11,24;92:6,8; 94:16,18,23,24;95:4, 19,25;96:5,21,24; 97:1,2,21;99:5,14,15; 100:1 part (19) 13:6,8,13;21:4; 26:25;28:2;32:1,10; 42:9;47:19;51:4; 54:24;58:12;64:2; 65:8,16;69:6;78:19; 79:8 particular (1) 17:6 parts (1) 34:7 passage (1) 86:21 passed (1) 14:3 path (7) 43:12;45:1,2;75:25; 82:20;88:17;95:20 paths (1) 63:19 patience (1) 23:14 patron (1) 86:1 patronize (1) 86:22 patrons (1) 86:16 patterns (1) 18:23 Paul (3) 9:9;73:23;98:20 pave (1) 38:14 paved (3) 24:10,10;65:13 pavement (5) 18:19,22;23:24; 51:2;69:15 paver (5) 28:6;75:1;76:20; 79:11;88:9 pavers (3) 63:25;65:19;70:6</p>
--	--	---	---	---

<p>paving (2) 28:25;65:2</p> <p>PE (1) 12:14</p> <p>pedestrian (13) 32:21;63:21;66:5, 18:67:17;69:19;70:8; 76:6,25;88:6,7;94:17; 95:20</p> <p>pedestrians (2) 63:24;67:7</p> <p>people (13) 16:21;28:13;35:23; 41:4;44:25;45:4,22; 46:15;66:21,22;81:1; 85:25;86:14</p> <p>per (6) 44:14;49:12;50:12; 56:14;64:24;65:21</p> <p>percent (3) 51:5;56:2;58:19</p> <p>Perfect (2) 27:11;59:7</p> <p>perhaps (2) 57:21;62:7</p> <p>perimeter (5) 16:25;42:14;43:10; 50:24;75:24</p> <p>permissions (1) 53:10</p> <p>permit (6) 21:5;25:8,8,10,19, 21</p> <p>permits (5) 23:21;24:24;25:14, 21;41:12</p> <p>permitted (1) 24:16</p> <p>person (1) 68:21</p> <p>perspective (5) 48:16;52:20;68:5; 77:13;87:22</p> <p>pertaining (1) 32:9</p> <p>pertains (10) 17:5;18:17;24:23; 32:16;50:3;51:22; 52:1;53:16;54:25; 58:3</p> <p>pertinent (1) 58:21</p> <p>pervious (3) 51:7;65:9,16</p> <p>phased (1) 38:7</p> <p>phasing (3) 32:16,24;39:3</p> <p>phonetic (1) 94:16</p> <p>phrase (1) 46:9</p> <p>physical (2) 69:4;90:5</p>	<p>Piattino (1) 45:10</p> <p>pick (2) 12:2;30:10</p> <p>picked (1) 59:18</p> <p>picking (1) 89:23</p> <p>pickup (2) 60:10;67:14</p> <p>piece (1) 96:19</p> <p>pieces (1) 35:21</p> <p>Pienciak (5) 95:17,17;96:24; 97:7,16</p> <p>P-I-E-N-C-I-A-K (1) 95:18</p> <p>place (2) 25:21;68:18</p> <p>placed (2) 68:6;85:14</p> <p>placement (1) 78:23</p> <p>places (2) 80:13,21</p> <p>plan (46) 13:22;14:5,7;15:20, 21;16:2;17:18,25; 18:1,6;20:24;21:17; 23:18;26:23;28:9; 32:25;35:18;37:15; 42:7,16,17;47:6,7; 62:19,22,23;63:4,7; 67:3;68:3;69:3;73:4; 74:14,14,21;75:3,16; 76:20;77:12;82:6,17; 83:18,20,23;92:4; 101:4</p> <p>planner (7) 87:16,16;88:14; 89:4,24;90:3,13</p> <p>planning (3) 37:15,16;96:2</p> <p>plans (9) 12:3,11;13:6,8; 23:11;31:24;39:3; 66:12;76:12</p> <p>planted (4) 28:24;44:12;65:15; 77:15</p> <p>planter (1) 66:20</p> <p>planting (2) 66:14;95:22</p> <p>plantings (1) 66:15</p> <p>plat (1) 36:20</p> <p>play (1) 24:9</p>	<p>playground (1) 24:9</p> <p>plaza (3) 63:18;70:10;77:10</p> <p>plaza-like (1) 70:1</p> <p>please (15) 4:11;5:11;15:8; 33:16;35:13;37:7,9; 41:23;43:6,23;53:13; 57:10;66:4;71:16; 84:19</p> <p>Pledge (1) 4:4</p> <p>Plywood (2) 62:12;86:22</p> <p>pm (1) 101:22</p> <p>podium (5) 7:9;35:14;37:4; 40:17;88:22</p> <p>point (14) 12:4,5;17:12;31:25; 32:10;46:2;60:14; 67:16;79:6;80:8,23; 81:4;88:7;98:1</p> <p>pointer (4) 25:15,17;26:2;77:9</p> <p>points (2) 91:14;98:1</p> <p>policing (2) 92:8;93:3</p> <p>pool (1) 24:8</p> <p>populate (1) 43:4</p> <p>portion (2) 21:6;59:15</p> <p>posed (2) 96:20;100:17</p> <p>possible (4) 5:13;34:18;35:22; 77:6</p> <p>post-construction (1) 21:14</p> <p>posted (1) 4:7</p> <p>potentially (1) 23:23</p> <p>precise (1) 58:7</p> <p>predominately (1) 48:20</p> <p>preferable (1) 17:23</p> <p>preferred (2) 27:3;55:4</p> <p>preliminary (1) 14:4</p> <p>premium (1) 68:21</p> <p>preparation (1) 23:10</p>	<p>prepared (5) 15:23,25;71:25; 98:5,18</p> <p>presentation (6) 11:25;13:2,8;42:2; 46:16,23</p> <p>presented (1) 47:4</p> <p>Preservation (1) 39:25</p> <p>pretty (1) 81:5</p> <p>previous (1) 77:17</p> <p>previously (9) 12:16;16:21;26:7; 28:13;47:5;48:14; 58:15;76:20;79:12</p> <p>primarily (1) 78:14</p> <p>prior (5) 27:5;43:7;57:25; 58:18;101:1</p> <p>private (2) 93:1,3</p> <p>probably (6) 27:4;38:13;57:17; 62:5;67:8;85:22</p> <p>problematic (1) 91:12</p> <p>proceedings (1) 7:16</p> <p>process (1) 21:4</p> <p>professional (4) 11:15;17:7;56:22; 84:9</p> <p>professionals (1) 56:15</p> <p>program (1) 59:15</p> <p>project (15) 15:4,22;16:6;17:21; 18:10,15;21:19; 23:23;24:24;25:20; 27:1;29:12;40:19; 41:11;65:16</p> <p>projects (1) 78:10</p> <p>properties (1) 15:16</p> <p>property (67) 14:13,15,23;15:2, 14;16:3,13,14,18,21; 17:2;18:7,8,10;19:7; 20:2,5,7;21:10;26:8, 10,18;27:7;28:4;32:1, 11,17;34:23;39:15; 40:14,23;44:6;47:10; 48:17;49:10;50:7; 51:3,22;52:1,6,7,10; 53:24;55:14;57:8; 60:7,8;61:21;64:6;</p>	<p>73:10;76:1,17;77:2,3; 78:4,22;79:18;88:1, 12;89:14;93:3,20,23; 94:7;95:16;98:13,15</p> <p>proposal (2) 52:21;58:14</p> <p>proposed (56) 18:17;30:2,10; 31:24;34:3;36:7; 41:11;42:8,9;46:2,13, 17,19;47:25;48:3; 49:20,25;50:4,9,12, 15,17,25;51:6;53:17, 23,25;55:25;59:17; 60:7;64:10;66:18,24; 70:6;72:3,4,6;73:18; 74:15;75:8;76:14,16; 78:1,6;79:25;89:12, 18,19;91:19;92:4; 93:23;95:12,14;97:3, 8,9</p> <p>proposing (3) 46:4;77:14;96:13</p> <p>proposition (1) 73:20</p> <p>protect (2) 24:19;41:16</p> <p>protected (1) 41:11</p> <p>protection (4) 20:24;21:17;24:4; 98:8</p> <p>provide (5) 60:8,13;69:10; 75:22;76:13</p> <p>provided (3) 29:9;75:24;79:11</p> <p>providing (1) 93:11</p> <p>proximity (5) 24:11;52:3,7;57:14; 89:13</p> <p>Public (20) 4:9;11:21;14:4; 21:2;32:3,12;35:9,13; 39:11,17,18;46:21; 83:22;84:3,4;98:7; 99:6;100:10,18,20</p> <p>public's (1) 33:3</p> <p>published (1) 4:6</p> <p>pull (4) 54:4;67:24;68:13; 81:1</p> <p>pulled (1) 70:2</p> <p>pulling (5) 96:7,10,25,25;97:6</p> <p>purpose (8) 36:11;43:13,14; 66:9;70:5,10;82:18; 99:24</p>
---	---	--	---	---

<p>purposes (3) 18:13;23:16;66:14</p> <p>pushed (1) 86:4</p> <p>put (6) 8:21;43:16;44:14; 85:7;97:11;98:22</p> <p>putting (1) 58:1</p>	<p>12:10</p> <p>recalling (1) 101:3</p> <p>received (5) 17:5;32:15;50:19; 75:18;98:25</p> <p>recent (2) 14:6;17:9</p> <p>recently (2) 16:1;53:19</p> <p>recess (1) 71:3</p> <p>recitation (1) 4:3</p> <p>reconfiguration (7) 16:10;28:20;33:21; 34:17;37:17;38:14; 74:18</p> <p>reconfigured (4) 28:5,18;29:14; 53:20</p> <p>Record (9) 4:7;13:14;46:25; 54:4;58:1;71:8;84:19; 95:7;98:22</p> <p>recreation (1) 51:15</p> <p>rectangle (2) 64:1;69:4</p> <p>rectangles (2) 63:19;99:8</p> <p>rectangular (7) 26:13;54:8;63:4; 77:10,11,23;99:5</p> <p>reduced (1) 95:5</p> <p>reducing (1) 52:25</p> <p>reduction (1) 91:17</p> <p>redundant (1) 59:24</p> <p>refer (1) 56:12</p> <p>reference (10) 15:22;19:14;20:7; 49:1,2;63:7,10;69:5, 8;92:25</p> <p>referred (1) 44:19</p> <p>referring (2) 31:3;68:23</p> <p>refined (1) 48:8</p> <p>refurbished (1) 76:12</p> <p>regarding (4) 14:21;63:20;91:6,6</p> <p>regular (2) 101:8,11</p> <p>regulated (5) 20:4;21:22;26:4; 40:21;41:9</p>	<p>regulations (1) 21:10</p> <p>reiterate (1) 63:1</p> <p>relate (1) 98:10</p> <p>related (23) 16:9;17:6;23:11; 28:21;38:12;42:9; 58:16;63:1,8;74:19; 75:19;87:23,25;88:1, 2,8;90:3,5,9,11;94:1; 97:21;98:12</p> <p>relates (36) 19:9;20:18;24:17; 25:9,12,23;27:23,24; 30:7;32:14;39:15; 48:3,3,23;49:8;51:12; 54:12;56:4;57:3;58:6, 17,22;63:17;64:7,9, 19;66:10;73:18; 76:11,13;78:9,10; 79:8;88:4;89:2;100:3</p> <p>relation (4) 14:16;29:21;30:1; 96:22</p> <p>relative (6) 19:6;22:23;50:23; 95:11;96:22;98:2</p> <p>release (1) 41:6</p> <p>relief (2) 90:9,11</p> <p>religiously (1) 41:16</p> <p>relocated (1) 52:2</p> <p>remain (15) 13:1;18:23;26:24; 42:8,17;48:11;51:21; 52:2;63:5,13;75:3; 89:2,14;91:15;98:18</p> <p>remaining (3) 42:12,13;95:4</p> <p>remains (2) 18:9;34:25</p> <p>remind (1) 12:25</p> <p>reminder (2) 5:11;10:25</p> <p>removals (1) 26:25</p> <p>removed (3) 19:3;26:22;79:12</p> <p>re-pave (1) 18:18</p> <p>repeat (3) 12:7;32:8;49:2</p> <p>replaced (1) 19:4</p> <p>replacement (1) 28:1</p> <p>replicated (1)</p>	<p>64:10</p> <p>replicating (1) 43:14</p> <p>report (7) 13:21;63:11;66:2; 97:24;98:5,21,25</p> <p>REPORTER (5) 37:7,22;57:19; 70:22,24</p> <p>represent (1) 39:24</p> <p>requested (1) 85:3</p> <p>requesting (1) 34:15</p> <p>require (4) 18:19;85:17;89:20; 98:17</p> <p>required (19) 4:10;21:20;24:24; 49:4,6,11,15;50:3,9; 54:3,9,12;56:2;64:24; 75:20,23;85:3;86:9; 90:12</p> <p>requirement (7) 50:13;51:5,16;52:4, 11;54:24,25</p> <p>requirements (7) 41:13;44:14;52:9; 53:7,10;54:1;58:4</p> <p>requires (5) 49:21;54:15;57:17; 75:9;96:13</p> <p>reserve (1) 36:24</p> <p>residences (2) 57:4;85:9</p> <p>residential (14) 50:16;52:10;54:2,9, 23;55:5,23;56:2,25; 58:16;64:7;70:3;85:2; 89:6</p> <p>residents (1) 60:21</p> <p>resolved (1) 33:8</p> <p>respect (1) 87:14</p> <p>respectfully (1) 101:7</p> <p>respond (2) 87:18,21</p> <p>Response (7) 4:15,23;17:14;35:7; 63:20;84:8;101:2</p> <p>responses (1) 84:11</p> <p>rest (4) 34:20;46:16;70:17; 101:3</p> <p>restate (1) 54:8</p> <p>restoration (2)</p>	<p>43:21,25</p> <p>restored (1) 43:20</p> <p>resubmitted (1) 17:18</p> <p>result (1) 87:6</p> <p>resurfaced (1) 18:22</p> <p>retail (42) 16:6,15;26:24; 27:13;28:3;29:9,13; 30:4;32:2,11,12,17; 33:4;38:7;39:18; 47:12,24;48:25; 49:14;56:20;60:25; 61:3;64:5,5;73:15,18, 19,21,22;75:13,25; 76:23,25;77:6;78:16; 79:20;82:8;88:17; 90:19;94:24;95:9; 99:15</p> <p>return (1) 74:10</p> <p>re-vegetate (1) 21:6</p> <p>re-vegetated (1) 21:14</p> <p>re-vegetation (1) 21:12</p> <p>reversed (1) 60:16</p> <p>review (3) 27:25;84:9;97:15</p> <p>reviewed (2) 36:17;91:18</p> <p>revised (2) 12:5;16:1</p> <p>revision (2) 14:6;80:1</p> <p>revisions (1) 13:8</p> <p>revisited (1) 83:12</p> <p>RF (1) 63:14</p> <p>right (26) 5:19;6:3,13;7:13; 11:12;23:4;34:19; 45:5,9;55:23;62:17; 63:3;66:25;67:16; 68:20;72:16;77:24; 79:1;80:11,18;81:11; 82:25;84:14;92:11; 94:18;99:20</p> <p>right-hand (7) 14:17;29:23;44:21; 64:16;68:10;85:4; 86:19</p> <p>rigid (1) 66:19</p> <p>riparian (2) 20:6;21:6</p>
Q				
<p>quality (2) 65:8,12</p> <p>quick (3) 21:25;56:6;58:24</p> <p>quickly (1) 52:17</p>				
R				
<p>Racket (8) 16:22;24:8;26:14, 22;28:14;44:22;45:1, 3</p> <p>rails (1) 57:16</p> <p>raised (5) 65:15;66:18;74:22; 79:11;100:25</p> <p>Raritan (3) 40:13,22;41:3</p> <p>rated (1) 66:20</p> <p>rather (1) 83:25</p> <p>rattle (1) 84:22</p> <p>razer (1) 55:22</p> <p>read (1) 11:10</p> <p>ready (1) 46:12</p> <p>real (1) 38:18</p> <p>really (16) 11:5;22:5;27:8; 33:6;34:8,19;46:17; 59:1,23;61:7,7,14,14; 64:7;83:7;91:22</p> <p>rear (9) 16:18,23;38:6,10; 39:12;48:1;50:8; 93:12,20</p> <p>reason (7) 9:15;28:10,17;41:4; 47:3;48:21;81:16</p> <p>reasoning (2) 78:18,20</p> <p>Rebecca (1) 94:8</p> <p>recall (1)</p>				

<p>rise (1) 4:3</p> <p>RITGER (14) 84:16,16,20;86:8, 13:87:1,9;88:19,24; 89:5,9,16,21;95:20</p> <p>R-I-T-G-E-R (1) 84:21</p> <p>River (2) 40:13;41:3</p> <p>Road (8) 37:6;41:21;44:17, 23:90:15;91:5;93:5; 94:2</p> <p>Robert (1) 91:4</p> <p>Roll (1) 4:11</p> <p>room (1) 61:10</p> <p>rooms (1) 67:10</p> <p>rotated (1) 14:12</p> <p>rotating (1) 80:5</p> <p>Route (2) 85:10,18</p> <p>routes (1) 61:8</p> <p>routinely (1) 44:21</p> <p>row (3) 31:13;55:21;84:25</p> <p>rows (1) 99:5</p> <p>RP (1) 63:11</p> <p>RSIS (1) 54:2</p> <p>run (5) 25:17;26:2;45:6; 57:22;97:1</p> <p>runs (3) 22:9,11,17</p> <p>Rutherford (1) 12:15</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>safe (4) 45:14;83:11;86:14; 88:17</p> <p>safety (5) 32:22;39:11,18; 63:21;86:1</p> <p>sales (9) 54:6,11,15;55:1; 68:23;69:5,6,6;72:20</p> <p>salute (1) 4:2</p> <p>same (10) 6:8,19;7:22;23:5;</p>	<p>47:1;51:15;64:11; 76:15;95:4;97:18</p> <p>sandwich (1) 97:1</p> <p>satisfied (1) 15:1</p> <p>Savitz (3) 12:10,19,25</p> <p>saw (1) 15:13</p> <p>saying (6) 8:24;36:9;61:10; 65:18;82:22;83:4</p> <p>scheduled (1) 6:4</p> <p>scheduling (1) 7:15</p> <p>scheme (1) 96:10</p> <p>SCHMADEL (2) 90:14,14</p> <p>S-C-H-M-A-D-E-L (1) 90:15</p> <p>screen (6) 14:2,10;16:4;25:16; 54:4;62:25</p> <p>sealed (2) 17:10,20</p> <p>second (3) 14:18;15:18;74:14</p> <p>section (3) 31:2;35:9;36:16</p> <p>sections (1) 30:24</p> <p>sediment (3) 21:20,21;41:5</p> <p>seeing (2) 32:25;74:17</p> <p>seem (2) 59:9;83:11</p> <p>seems (3) 69:15,19;82:25</p> <p>self (1) 17:3</p> <p>semi-curved (1) 19:19</p> <p>send (1) 11:4</p> <p>senior (1) 15:15</p> <p>sense (1) 59:7</p> <p>separate (3) 47:1;56:4;63:7</p> <p>separated (1) 95:22</p> <p>separation (1) 70:5</p> <p>September (9) 6:5,15;9:2;15:25; 101:1,9,11,12,14</p> <p>series (6) 17:3;18:2;27:20;</p>	<p>63:18;66:17;85:14</p> <p>serves (1) 41:3</p> <p>service (7) 28:15;54:15;67:18; 68:22,23,24;72:20</p> <p>serviced (2) 54:17;59:21</p> <p>services (2) 67:14;68:16</p> <p>servicing (1) 26:24</p> <p>session (1) 35:13</p> <p>set (9) 7:22;14:7;15:19; 17:22;18:1;23:18; 36:20;50:5;83:18</p> <p>setback (5) 49:3,19;50:1;51:24; 53:3</p> <p>setbacks (1) 48:24</p> <p>sets (1) 36:17</p> <p>setting (2) 9:20;10:5</p> <p>setup (1) 12:5</p> <p>seven (3) 29:21;30:2,5</p> <p>several (1) 44:20</p> <p>shade (1) 99:11</p> <p>shapes (2) 64:1;77:11</p> <p>share (2) 39:7;56:20</p> <p>shared (12) 55:19;56:8,18,23, 25;58:12;60:1;73:14, 20,20;90:17,25</p> <p>sheds (1) 24:10</p> <p>sheet (43) 13:22;14:8,21,24; 15:9,18;17:6,11,21, 25;18:5,21,25;19:1,5, 6;21:19;24:2;27:3,3, 4,6;28:9;30:9,19; 31:10,11;36:19;43:7; 46:3;47:3,4,6,8;48:5, 9;49:16,18;58:2,8; 74:13;77:17;82:6</p> <p>sheets (14) 18:2;19:14;23:15; 24:14;28:23;34:10; 37:1;44:4;48:6;58:6; 62:23;83:18;88:3; 101:4</p> <p>shift (1) 47:19</p>	<p>shifted (1) 29:6</p> <p>shifts (2) 28:11;48:12</p> <p>shop (1) 96:8</p> <p>shopping (9) 78:15,17;85:5; 92:15;95:23,24;96:3; 97:16;100:12</p> <p>short (4) 69:9;70:13,14; 75:25</p> <p>shout (1) 12:6</p> <p>show (9) 14:14;19:13;43:22; 46:4;58:8;67:22;68:3; 73:5;96:15</p> <p>showing (2) 14:13;16:2</p> <p>shown (3) 73:12;76:3,3</p> <p>shows (5) 30:25;31:11;47:10; 67:23;94:6</p> <p>side (58) 14:10,17;16:21,24; 18:6;19:16;29:15,23; 44:20,21;45:2,7; 48:11,23;49:2,3,5; 50:1,4;51:23;52:13; 61:5,5,13,16;62:24; 64:10,16,22;66:24; 68:10;73:10;76:24; 77:2,3;78:16;79:17; 80:14,16,22;81:14; 82:9;85:4,5;86:4,16, 19,19;87:2;88:25; 89:2,8,11;91:16; 93:19;94:2;96:1; 99:14</p> <p>sidewalk (5) 66:2;76:8;77:14; 85:14;86:3</p> <p>sidewalks (2) 39:16;76:3</p> <p>sight (1) 76:18</p> <p>sign (2) 45:11;81:11</p> <p>signage (6) 16:20;47:22;76:11, 12,14,15</p> <p>signature (2) 17:17,22</p> <p>signed (2) 17:10,20</p> <p>signing (1) 17:7</p> <p>silt (5) 21:25;22:1,5;23:1,3</p> <p>similar (4) 14:11;62:21,22; 83:3</p> <p>Similarly (5) 16:24;48:6;59:15; 68:16;74:17</p> <p>simply (1) 14:22</p> <p>single (1) 20:20</p> <p>sit (1) 14:16</p> <p>site (36) 14:5;16:7;18:1; 28:9,12;29:3,8,12,23; 33:3;34:20;47:6,7; 48:1;58:7,9;61:23; 62:19,22,24,25;63:25; 67:2;73:4;74:14,14, 21;82:6;83:18,23; 91:25;94:12;98:3,10, 14;100:5</p> <p>six (1) 99:5</p> <p>size (8) 28:22;52:23;64:24; 74:19;76:15;78:9,12; 82:10</p> <p>sized (1) 97:5</p> <p>sizes (1) 34:14</p> <p>skip (1) 23:14</p> <p>slightly (2) 14:13;49:5</p> <p>slow (1) 91:23</p> <p>slowly (2) 13:18;19:12</p> <p>small (2) 33:22;39:25</p> <p>smaller (1) 96:18</p> <p>SMITH (122) 4:1,5,12,14,16,18, 18,19,20,22,24;5:1,3, 5,7,9,11,18,22;6:3,13, 15,21;7:1,5,7,8,12,21; 8:1,6,9,12,16,20;9:2, 5,7,11,19;10:2,3,9,11, 14,18,22;11:2,12,17; 12:12,21;14:25; 17:12,15;22:25;23:4; 27:9;31:20;32:6; 33:12,16;35:6,8,10, 12,19,22,25;36:1,2, 23;37:3,9,13;39:7,21; 40:2,17;41:18,22; 46:5,11,14,24;61:9, 15;62:17,20;65:1,17; 69:12;70:12,16,20,23, 25;71:4;77:20;78:11, 24;80:7,10,12,19;</p>
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<p>81:1,6,8,13;82:1,4; 83:16,21;84:14,18; 87:12;89:22;100:9, 19;101:5,12,18 smoothest (1) 36:21 soil (4) 18:18,20,23;21:20 sold (1) 54:17 somebody (1) 96:24 somehow (1) 33:7 somewhat (5) 14:10;20:3;26:13; 70:6;77:10 soon (1) 45:8 sorry (10) 8:23;9:3;14:18; 30:16;33:17;37:22; 46:9;68:1;92:12; 101:13 south (2) 26:15;73:11 southern (8) 26:19;27:7,10,13; 74:15;77:2;79:12; 88:12 space (13) 16:15;33:19;34:11; 37:12,12;56:18,23; 69:20;75:9,13;76:23; 78:16;98:17 spaces (82) 28:23;29:18,24; 30:3,6,22;32:2,11,18; 33:20,22;34:1,7,24; 39:19;54:3,9,11,12, 16;55:17,18,20,25,25; 56:9,9,24;57:7,13; 58:11,11,22;69:16,18; 71:23;72:1,5,6,17,20, 23;73:5,8,12,13,19, 22;74:5,24;75:8,13, 15,17,23;78:1,6,21; 79:14;85:1;88:16,18; 89:5,12,19;90:17,24, 25;91:11;95:10;96:5, 13,14,18,21;97:3,4,5, 14;99:14,15;100:1 speak (10) 5:12;33:16;35:10; 37:22;38:3;43:23; 56:21;71:16;90:24; 91:13 speaks (2) 26:23,25 special (6) 9:14;10:16,18,20; 11:22;100:23 specific (15)</p>	<p>26:21;29:10,17,20; 34:11;37:1;42:3;48:7, 7;50:11;53:21,21; 93:22;95:14;97:4 specifically (22) 29:23;35:4;48:4; 49:18,19;51:3;54:22; 55:2;58:2;63:5;73:2; 75:18;76:7;82:6; 89:14;90:23;91:2,16; 95:7,12;99:18;100:4 specificity (1) 89:4 specifies (1) 85:11 speed (3) 91:8,9,17 spell (7) 35:23;36:3;37:7,9; 40:2;41:22;84:18 spine (2) 34:22;47:21 split (3) 18:3;48:6;62:24 splits (1) 28:7 spoke (1) 58:3 spot (2) 44:7;72:8 spots (3) 31:8;83:6;95:4 Sprandel (14) 4:20,21;8:5,7; 33:14,18;34:4,13; 35:1,5;62:2,15;77:22; 81:10 spring (7) 40:12,15;41:1,2,7,8, 16 sprinkler (1) 98:8 square (2) 51:9;75:9 staked (1) 21:8 stalls (2) 29:5;52:23 standard (3) 52:9;78:9;97:4 standards (3) 52:21,22;53:4 standpoint (19) 24:16;26:19;34:19; 48:9,10,19,22;49:7; 52:15;53:15,25;54:9; 55:13;68:16;69:23, 25;78:3;91:14;93:18 Star-Ledger (1) 4:7 start (3) 19:1;57:20;83:24 started (1)</p>	<p>5:20 state (16) 21:3,9,10;24:15; 26:1;35:14,23;36:2; 40:20;41:4,11,13; 44:14;48:21;84:14; 85:13 statement (2) 45:21,22 statements (1) 86:12 statute (2) 92:24,25 statutory (1) 92:25 stay (1) 48:4 steady (1) 19:15 stenographer (1) 35:24 stick (1) 41:16 still (4) 62:8;65:10,12;80:3 Stonefield (1) 12:10 stop (2) 27:10;45:11 Storage (1) 100:12 store (1) 79:1 stores (1) 44:20 stories (2) 50:13,15 storm (1) 65:8 stormwater (2) 64:3;95:1 stream (5) 20:5,24,24;21:3; 40:22 Street (14) 15:17;33:20;34:2; 49:21;76:7;79:17; 80:2,14,21;83:9,11; 84:17;95:18;101:19 streetscape (1) 27:24 striped (3) 88:15;97:13;100:3 strong (1) 38:3 structure (6) 50:11;54:23;93:12; 94:1,2,15 structures (4) 25:11;26:20,21; 51:21 study (1) 94:10</p>	<p>stuff (1) 60:11 subject (5) 14:5,13,23;15:14; 43:1 submission (1) 63:10 submitted (5) 13:6;15:23;47:2,5; 58:15 submitting (2) 84:8;101:2 subsequent (17) 18:25;19:11,13; 21:19;24:13;27:7; 28:23;29:19;34:10; 44:4;47:4;48:6,9; 51:13;58:6;90:22; 93:22 suggest (3) 7:21;57:18;66:23 suggestion (2) 9:14;46:23 suggests (1) 87:23 suited (2) 31:23;94:6 Sullivan (3) 4:16,17;99:7 summarize (2) 24:25;52:18 super (1) 22:1 supply (9) 34:24;53:16;54:24, 25;55:12,13;56:1; 72:16;73:18 supports (3) 21:7;38:9;54:10 suppose (1) 92:8 supposed (3) 23:24;30:20;82:12 sure (29) 6:9;7:5,9;10:24; 12:7;13:18,24;17:1; 20:22;21:3;30:17; 32:8;39:3;41:5;44:2; 46:14;52:19;53:14; 56:7;57:24;59:11; 68:18;70:16;73:7; 74:12;83:14;97:12; 98:4;99:2 surface (1) 65:13 surrounding (2) 15:2;18:10 surrounds (1) 42:15 survey (6) 15:22,24;17:9,21; 42:16;71:25 surveyed (3)</p>	<p>42:7,14;53:17 surveyor (2) 17:7,10 swim (1) 24:7 sworn (2) 12:16;13:1 system (2) 64:3;65:8 systems (1) 98:8</p>
T				
				<p>table (3) 49:16,19;50:21 tag (1) 55:13 talk (6) 6:1;31:24;54:21; 69:13;71:20;95:1 talked (1) 98:7 talking (2) 35:17;44:19 technically (1) 80:23 temporary (1) 39:16 Ten (3) 70:23,24;94:11 tenants (2) 32:17;33:4 tends (1) 28:15 tennis (2) 57:14;74:5 terms (8) 7:15;10:5;25:13; 54:1;63:18;65:13; 76:8;91:17 testified (1) 55:9 testifies (1) 12:16 testify (2) 75:10;87:17 testifying (1) 61:20 testimony (35) 12:8;13:4,20;16:9; 35:20;36:5,10,11,15; 45:16;47:23;50:22; 51:13,17;53:19;56:3, 13;57:16;61:25; 63:12,14;64:18; 65:25;69:10;71:13; 74:11;75:7;76:11,13; 83:23,25;88:13; 90:23;93:6,22 Testing (2) 12:18,18 Thanks (1)</p>

<p>7:13 thereby (1) 86:16 therefore (1) 89:16 thinking (2) 5:25;44:1 thoroughfare (1) 83:8 though (4) 14:12;22:22;85:12; 97:11 thought (1) 90:21 three (5) 16:6;35:15;47:11, 17:49:9 threshold (1) 24:16 thresholds (1) 25:23 throughout (6) 28:12;29:3;34:23; 61:21;75:2;88:12 throwing (1) 57:20 Thursday (9) 6:9,16,22;7:17; 8:11,12;9:1,4;10:23 Thursdays (1) 6:7 thus (1) 90:19 tied (1) 26:22 tight (2) 67:16;84:23 times (3) 10:8;44:20;62:5 TISHMAN (5) 41:20,20,24,24; 42:11 Title (5) 15:24;92:10,14,15, 22 titled (1) 15:24 today (14) 14:16;16:17;19:20; 27:14;28:7;43:17; 47:17;50:10;52:12; 60:14;63:3;71:22; 74:1;89:15 Tom (2) 41:20;95:17 Tom-I-S-H-M-A-N (1) 41:25 tonight (4) 36:11,15;87:18; 89:25 took (3) 6:1;33:14,18 top (6)</p>	<p>19:17;20:1;24:23; 30:7;54:5;69:4 topographical (2) 40:12;41:2 total (8) 54:2,12;55:25;56:3; 72:1,4;73:22;74:1 totally (1) 9:24 touch (4) 13:21;28:4,22; 69:22 touched (4) 16:5;44:9;47:23; 48:23 towards (6) 65:16,19,21,21; 86:18,20 tower (10) 26:17;42:2,6,9,15; 63:2,2,5,8,12 town (2) 59:2;85:11 township (1) 40:10 traffic (15) 16:14;56:12,22; 61:12;67:22;70:8; 80:4;82:23,24;83:5; 85:7;90:24;91:22; 93:24;98:4 trailer (3) 96:11,25,25 trailers (1) 96:7 transcriber (1) 11:8 transcripts (1) 11:10 transformer (1) 87:1 transition (13) 15:18;19:17;24:13; 25:12;26:18;27:4; 28:8;55:23;58:5;63:2; 66:19;74:13;83:19 transported (1) 21:21 trash (5) 59:17;64:22;67:11, 14,23 Traut (17) 5:5,6,8;15;31:22; 32:8;65:23;66:23; 67:13;68:1;79:16,24; 80:2,9,17,24;81:7,12 travel (2) 39:17;66:18 traveling (2) 38:19;93:21 traversing (2) 94:7;97:14 treat (1)</p>	<p>34:6 trees (1) 99:12 triangle (2) 19:10;43:9 triangles (3) 20:9,16,17 triangular (1) 26:6 tributary (1) 40:21 truck (8) 60:19;67:22,23; 96:10,22;97:5;100:4, 7 trucks (9) 38:12,15,19;39:12; 44:24,24;62:10,11; 86:21 try (1) 36:25 trying (1) 86:22 Tuesday (4) 6:5,8,22;8:25 Tuesdays (1) 6:7 turn (7) 12:3,11;13:3,17; 45:12;80:11;81:11 turning (3) 67:15,23;100:7 two (16) 21:25;34:7;41:3; 48:6;54:11,13,16; 58:5;59:3;62:23; 72:10,22,24;80:15; 99:5;100:23 two-way (10) 61:11;79:18;80:2,8, 9,23,25;81:14;83:5; 85:7</p>	<p>9:23 unless (3) 13:10;27:4;81:16 unloads (1) 100:6 unusable (1) 62:7 up (38) 7:22;9:14,20;10:5; 12:2;19:16;22:5; 25:16;28:17;30:3,10; 31:9;33:19;35:12,23; 37:4;40:17;44:23; 46:20;54:5;57:22; 59:15,16,18;60:25; 64:13;67:24;68:13; 71:17;80:17,19;81:2; 83:22;84:2;88:16; 89:23;95:20;99:16 upper (1) 20:9 upward (1) 29:22 urge (1) 41:15 usable (1) 62:6 use (24) 14:14;18:12;19:12; 25:7;29:11;32:12; 44:25;45:1;47:24; 52:12,12;56:2;58:16; 62:8;63:23;64:7;68:8; 69:6;80:1;85:2;86:5; 88:21;95:24;99:23 useable (1) 75:14 used (6) 33:25;44:21;60:10; 96:6;97:14;100:1 user (1) 73:15 users (2) 64:6;70:11 uses (4) 47:25;54:13;60:1; 70:2 using (2) 16:22,22 usually (1) 44:23 utilities (2) 26:24;88:2 utility (2) 67:10;88:5 utilizing (1) 28:14</p>	<p>37:5,6,11,14,20,24; 38:11,17;39:5,10,20; 93:4,4,10,25 V-A-N (2) 37:11;93:5 variability (1) 78:23 variance (9) 85:2,17,22;87:24; 89:3,17,20;90:9,11 variances (3) 86:9,9;87:14 vegetated (1) 43:14 vegetation (3) 24:5;43:16;44:13 vehicle (3) 94:12;97:14;98:15 vehicles (8) 54:16,18,18;59:22; 67:18;91:8,24;94:7 vehicular (3) 32:20;70:8;93:23 venue (1) 9:25 verification (2) 25:3,9 verified (1) 19:23 version (1) 69:3 versus (2) 34:3;97:8 vertical (8) 28:5,11;47:16; 53:23;64:13;65:11; 74:20;82:19 vertically (3) 18:3;29:2;76:21 V-Fee (2) 5:19;71:9 viable (1) 83:12 vicinity (3) 25:22;26:9;44:5 visibility (1) 76:16 visit (1) 21:8 visited (1) 17:1 visiting (1) 67:8 visitor (3) 57:3;73:14,15 visitors (5) 56:19,20;90:17,18, 21 visual (2) 67:21;94:6 volunteer (1) 11:23 vote (1)</p>
		U		
		<p>unavailable (1) 32:2 under (18) 13:1,2;16:10,19; 21:3;25:18;28:12; 34:2,5;43:11;51:5; 59:13;71:24;72:3,4; 76:22;88:10;95:10 Understood (1) 81:12 undertake (1) 93:2 unit (2) 51:12;56:14 units (7) 51:10,11;54:2;57:1; 90:16,18,25 unknown (1)</p>	<p style="text-align: center;">V</p> <p>vacate (1) 84:1 VAN (15)</p>	

6:17	99:19	19:19		6:16,25;7:17,20,24; 8:5,7;9:6,8,8,9;10:23
W	Whereupon (5) 4:3;5:16;71:3; 81:22;101:21	wooded (11) 15:13;19:20;24:11; 42:21,22,25;43:3,7, 18,22;44:9	0	2
wait (1) 46:2	white (2) 47:13;77:11	woods (1) 44:8	07070 (1) 12:15	20 (5) 52:4,11;75:5;85:18, 20
waiting (1) 46:16	who's (2) 61:19;67:9	work (17) 7:23;10:4;17:19; 18:17;20:3;33:10; 34:24;37:16,21,25; 63:21;70:7;75:21; 76:4;77:14;79:13; 88:13	1	200 (2) 49:11;75:9
waiver (1) 25:12	Wicker (2) 96:2,8	working (3) 39:2;81:9;93:16	10 (7) 55:17;69:16,18; 70:21;71:1;73:11; 84:1	2022 (2) 15:25;97:25
walk (1) 77:6	wide (8) 75:14;77:23;78:13, 13,13;81:5;93:8,9	works (2) 6:20;37:4	106 (2) 55:16;73:8	2023 (1) 16:1
walking (1) 66:21	wider (2) 49:5;83:3	worry (1) 62:6	10-by-20 (2) 75:9;78:3	2024 (1) 14:6
walkway (2) 67:17;94:17	width (8) 24:5;49:11;74:23; 75:5,20;80:24;93:7; 97:21	worth (1) 49:15	10-foot (2) 75:14;77:23	20-foot (1) 98:17
walkways (1) 66:6	window (5) 79:21;80:4,6,25; 81:2	written (1) 84:10	10-foot (2) 78:12,13	20-foot-deep (1) 96:13
wall (3) 86:18,23;88:4	within (7) 24:17;25:25;40:13; 85:1,18;89:6;92:8	Y	11 (3) 25:10;37:6;93:5	22-foot-10 (1) 85:10
water (8) 20:4;21:22;26:4; 40:21;41:9;65:7,10, 12	without (2) 57:19;67:21	yard (8) 48:24;49:3,13;50:1, 4,8;51:23;62:4	11.6 (1) 50:10	24 (4) 33:20;75:6;85:10, 18
way (18) 12:4;16:23;17:3; 30:3;36:21;45:6,14; 48:21;56:18;65:7; 67:6;77:15;80:5,15; 81:13,16,18;96:5	witness (124) 11:15;12:6;17:19; 20:10,15,22;21:1,13, 18;22:2,11,15,19,21; 23:13;24:1;27:11; 29:8;30:17,21;31:2,7, 13,19;32:4,13;33:10, 24;34:5,16;35:3; 37:19;38:1,4,16,20, 25;39:13;40:16,19; 41:7;42:5,13;43:2; 44:2,10;46:25;54:20; 55:6,10,12;56:7,11, 19;57:2,10,24;58:14; 59:11;60:5,12,22; 61:2,19;62:18,21; 65:5,20;66:7;67:5,20; 68:7,14,25;69:22; 72:22;73:1;74:3,6; 77:8;78:1,19;79:3,6, 22,25;82:5,11,15; 83:2,17;87:8,15; 88:23;89:1,7,10,18; 90:22;91:13,25;92:2; 93:9,14,17;94:4,13, 19,22;95:6;96:19; 97:3,12,19;98:11,24; 99:9,11,17,21,23; 100:2,14,16	years (3) 45:4;59:3;94:11	123 (2) 72:11,12	24-foot (2) 78:8;83:3
ways (2) 76:6;80:15	witness (124) 11:15;12:6;17:19; 20:10,15,22;21:1,13, 18;22:2,11,15,19,21; 23:13;24:1;27:11; 29:8;30:17,21;31:2,7, 13,19;32:4,13;33:10, 24;34:5,16;35:3; 37:19;38:1,4,16,20, 25;39:13;40:16,19; 41:7;42:5,13;43:2; 44:2,10;46:25;54:20; 55:6,10,12;56:7,11, 19;57:2,10,24;58:14; 59:11;60:5,12,22; 61:2,19;62:18,21; 65:5,20;66:7;67:5,20; 68:7,14,25;69:22; 72:22;73:1;74:3,6; 77:8;78:1,19;79:3,6, 22,25;82:5,11,15; 83:2,17;87:8,15; 88:23;89:1,7,10,18; 90:22;91:13,25;92:2; 93:9,14,17;94:4,13, 19,22;95:6;96:19; 97:3,12,19;98:11,24; 99:9,11,17,21,23; 100:2,14,16	yesterday (1) 14:22	12-foot (2) 74:25;75:1	24-foot-wide (1) 85:12
WB (2) 19:11;20:13	without (2) 57:19;67:21	yesterday's (1) 93:6	13 (2) 42:19;52:12	24th (1) 6:22
week (4) 6:9,19,19;7:22	without (2) 57:19;67:21	Z	130 (2) 34:8;49:14	25 (6) 15:17;52:11;59:2; 85:1;89:5,6
weights (1) 48:20	witness (124) 11:15;12:6;17:19; 20:10,15,22;21:1,13, 18;22:2,11,15,19,21; 23:13;24:1;27:11; 29:8;30:17,21;31:2,7, 13,19;32:4,13;33:10, 24;34:5,16;35:3; 37:19;38:1,4,16,20, 25;39:13;40:16,19; 41:7;42:5,13;43:2; 44:2,10;46:25;54:20; 55:6,10,12;56:7,11, 19;57:2,10,24;58:14; 59:11;60:5,12,22; 61:2,19;62:18,21; 65:5,20;66:7;67:5,20; 68:7,14,25;69:22; 72:22;73:1;74:3,6; 77:8;78:1,19;79:3,6, 22,25;82:5,11,15; 83:2,17;87:8,15; 88:23;89:1,7,10,18; 90:22;91:13,25;92:2; 93:9,14,17;94:4,13, 19,22;95:6;96:19; 97:3,12,19;98:11,24; 99:9,11,17,21,23; 100:2,14,16	Z-A-double (1) 40:4	133 (1) 55:25	26 (1) 34:9
west (18) 15:15;28:11;29:7; 47:19;59:4,8;60:9; 61:1,5,13,16;80:16, 22;81:14;82:8;94:1, 15;95:8	witness (124) 11:15;12:6;17:19; 20:10,15,22;21:1,13, 18;22:2,11,15,19,21; 23:13;24:1;27:11; 29:8;30:17,21;31:2,7, 13,19;32:4,13;33:10, 24;34:5,16;35:3; 37:19;38:1,4,16,20, 25;39:13;40:16,19; 41:7;42:5,13;43:2; 44:2,10;46:25;54:20; 55:6,10,12;56:7,11, 19;57:2,10,24;58:14; 59:11;60:5,12,22; 61:2,19;62:18,21; 65:5,20;66:7;67:5,20; 68:7,14,25;69:22; 72:22;73:1;74:3,6; 77:8;78:1,19;79:3,6, 22,25;82:5,11,15; 83:2,17;87:8,15; 88:23;89:1,7,10,18; 90:22;91:13,25;92:2; 93:9,14,17;94:4,13, 19,22;95:6;96:19; 97:3,12,19;98:11,24; 99:9,11,17,21,23; 100:2,14,16	Z-A-double (1) 40:4	14 (2) 36:19;84:17	26th (10) 6:23;7:18,20;8:8,9, 10,14,24;9:4,10
west-hand (1) 29:15	witness (124) 11:15;12:6;17:19; 20:10,15,22;21:1,13, 18;22:2,11,15,19,21; 23:13;24:1;27:11; 29:8;30:17,21;31:2,7, 13,19;32:4,13;33:10, 24;34:5,16;35:3; 37:19;38:1,4,16,20, 25;39:13;40:16,19; 41:7;42:5,13;43:2; 44:2,10;46:25;54:20; 55:6,10,12;56:7,11, 19;57:2,10,24;58:14; 59:11;60:5,12,22; 61:2,19;62:18,21; 65:5,20;66:7;67:5,20; 68:7,14,25;69:22; 72:22;73:1;74:3,6; 77:8;78:1,19;79:3,6, 22,25;82:5,11,15; 83:2,17;87:8,15; 88:23;89:1,7,10,18; 90:22;91:13,25;92:2; 93:9,14,17;94:4,13, 19,22;95:6;96:19; 97:3,12,19;98:11,24; 99:9,11,17,21,23; 100:2,14,16	ZAMMATARO (7) 39:22,23;40:4,7,9, 25;41:14	143.8 (1) 50:9	27 (1) 91:4
wetland (12) 19:7,9;20:10;23:21; 24:4,6,12,17;25:6,7, 10;43:8	witness (124) 11:15;12:6;17:19; 20:10,15,22;21:1,13, 18;22:2,11,15,19,21; 23:13;24:1;27:11; 29:8;30:17,21;31:2,7, 13,19;32:4,13;33:10, 24;34:5,16;35:3; 37:19;38:1,4,16,20, 25;39:13;40:16,19; 41:7;42:5,13;43:2; 44:2,10;46:25;54:20; 55:6,10,12;56:7,11, 19;57:2,10,24;58:14; 59:11;60:5,12,22; 61:2,19;62:18,21; 65:5,20;66:7;67:5,20; 68:7,14,25;69:22; 72:22;73:1;74:3,6; 77:8;78:1,19;79:3,6, 22,25;82:5,11,15; 83:2,17;87:8,15; 88:23;89:1,7,10,18; 90:22;91:13,25;92:2; 93:9,14,17;94:4,13, 19,22;95:6;96:19; 97:3,12,19;98:11,24; 99:9,11,17,21,23; 100:2,14,16	zone (11) 20:6;21:6;48:18; 49:8;52:8,21,22; 66:25;67:1,15,19	144 (2) 54:3,9	28 (1) 49:3
wetlands (4) 19:22;23:7,8;43:15	witness (124) 11:15;12:6;17:19; 20:10,15,22;21:1,13, 18;22:2,11,15,19,21; 23:13;24:1;27:11; 29:8;30:17,21;31:2,7, 13,19;32:4,13;33:10, 24;34:5,16;35:3; 37:19;38:1,4,16,20, 25;39:13;40:16,19; 41:7;42:5,13;43:2; 44:2,10;46:25;54:20; 55:6,10,12;56:7,11, 19;57:2,10,24;58:14; 59:11;60:5,12,22; 61:2,19;62:18,21; 65:5,20;66:7;67:5,20; 68:7,14,25;69:22; 72:22;73:1;74:3,6; 77:8;78:1,19;79:3,6, 22,25;82:5,11,15; 83:2,17;87:8,15; 88:23;89:1,7,10,18; 90:22;91:13,25;92:2; 93:9,14,17;94:4,13, 19,22;95:6;96:19; 97:3,12,19;98:11,24; 99:9,11,17,21,23; 100:2,14,16	zoning (11) 14:23;48:4,9,16,19, 22;50:21;51:22; 52:20;58:4,65:22	146 (1) 54:12	29-page (1) 14:7
what's (3) 30:13;92:24;96:4	witness (124) 11:15;12:6;17:19; 20:10,15,22;21:1,13, 18;22:2,11,15,19,21; 23:13;24:1;27:11; 29:8;30:17,21;31:2,7, 13,19;32:4,13;33:10, 24;34:5,16;35:3; 37:19;38:1,4,16,20, 25;39:13;40:16,19; 41:7;42:5,13;43:2; 44:2,10;46:25;54:20; 55:6,10,12;56:7,11, 19;57:2,10,24;58:14; 59:11;60:5,12,22; 61:2,19;62:18,21; 65:5,20;66:7;67:5,20; 68:7,14,25;69:22; 72:22;73:1;74:3,6; 77:8;78:1,19;79:3,6, 22,25;82:5,11,15; 83:2,17;87:8,15; 88:23;89:1,7,10,18; 90:22;91:13,25;92:2; 93:9,14,17;94:4,13, 19,22;95:6;96:19; 97:3,12,19;98:11,24; 99:9,11,17,21,23; 100:2,14,16	zoom (15) 15:12;16:3;18:8,12; 20:11;24:7;26:12,16; 43:3;48:2;49:16;50:1; 63:16;66:8;99:6	15 (7) 55:20;56:1,24; 58:19;73:13,13;90:16	2nd (1) 14:6
whatsoever (1) 91:10	witness (124) 11:15;12:6;17:19; 20:10,15,22;21:1,13, 18;22:2,11,15,19,21; 23:13;24:1;27:11; 29:8;30:17,21;31:2,7, 13,19;32:4,13;33:10, 24;34:5,16;35:3; 37:19;38:1,4,16,20, 25;39:13;40:16,19; 41:7;42:5,13;43:2; 44:2,10;46:25;54:20; 55:6,10,12;56:7,11, 19;57:2,10,24;58:14; 59:11;60:5,12,22; 61:2,19;62:18,21; 65:5,20;66:7;67:5,20; 68:7,14,25;69:22; 72:22;73:1;74:3,6; 77:8;78:1,19;79:3,6, 22,25;82:5,11,15; 83:2,17;87:8,15; 88:23;89:1,7,10,18; 90:22;91:13,25;92:2; 93:9,14,17;94:4,13, 19,22;95:6;96:19; 97:3,12,19;98:11,24; 99:9,11,17,21,23; 100:2,14,16	zoomed (2) 47:9,15	150 (2) 26:5,8	3 (1) 16:1
Where's (1)	witness (124) 11:15;12:6;17:19; 20:10,15,22;21:1,13, 18;22:2,11,15,19,21; 23:13;24:1;27:11; 29:8;30:17,21;31:2,7, 13,19;32:4,13;33:10, 24;34:5,16;35:3; 37:19;38:1,4,16,20, 25;39:13;40:16,19; 41:7;42:5,13;43:2; 44:2,10;46:25;54:20; 55:6,10,12;56:7,11, 19;57:2,10,24;58:14; 59:11;60:5,12,22; 61:2,19;62:18,21; 65:5,20;66:7;67:5,20; 68:7,14,25;69:22; 72:22;73:1;74:3,6; 77:8;78:1,19;79:3,6, 22,25;82:5,11,15; 83:2,17;87:8,15; 88:23;89:1,7,10,18; 90:22;91:13,25;92:2; 93:9,14,17;94:4,13, 19,22;95:6;96:19; 97:3,12,19;98:11,24; 99:9,11,17,21,23; 100:2,14,16	zooming (4) 14:9;19:5;64:12; 73:12	156 (1) 34:7	30 (1) 16:1
	witnesses (1) 7:19	zooming (4) 14:9;19:5;64:12; 73:12	16 (1) 95:18	300 (1) 26:5
	wonder (1) 42:2		16 (1) 95:18	30th (1) 15:25
	wondering (1) 69:17		17 (3) 7:19;30:5;56:3	32.3 (1) 49:5
	wood (1)		17th (8) 6:5,24;7:17;8:19, 20,25;101:12,14	326 (1) 73:19
			18 (1) 90:15	33,000 (1) 51:9
			18-foot (1) 75:14	33,023 (1)
			18-foot-deep (1) 96:14	
			19th (12)	

51:9			
336 (2) 71:25;74:3	8		
341 (1) 73:22	8 (1) 44:17		
39 (4) 92:10,14,15,22	80 (1) 51:5		
4	82 (1) 95:14		
41 (1) 40:9	86 (2) 95:10,13		
459 (1) 72:6	9		
5	9:30 (3) 83:24,25,25		
5 (5) 70:20;74:22;85:21; 93:9,10	9:47 (1) 101:22		
5,000 (1) 51:16	90-degree (9) 29:15,20;74:24; 75:5;78:7,20;82:10; 85:25;91:24		
50 (5) 40:14;49:4,6,15; 50:8	92 (1) 12:15		
50.1 (1) 50:5	9-by-18 (3) 75:10;78:7;97:4		
509.4 (1) 49:12	9-by-20 (1) 78:5		
59.6 (2) 50:18,24	9-foot (1) 78:13		
5-foot (1) 74:25	9th (1) 101:11		
6			
60 (1) 50:14			
60-degree (1) 75:4			
64 (1) 41:21			
65 (1) 101:19			
7			
7:00 (1) 10:12			
7:30 (1) 101:14			
700 (1) 49:21			
719.4 (1) 49:23			
75 (3) 51:11;90:16,17			
750 (1) 78:4			
79 (1) 94:9			