

1 TOWNSHIP OF HOWELL PLANNING BOARD
2 COUNTY OF MONMOUTH - STATE OF NEW JERSEY

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4 REGULAR MEETING FOR:

5 AAFFHW PROPERTY, LLC
6 BLOCK 164, LOT 5.01
7 29 HOWELL ROAD

8 CASE NO. SP-1085
9 - - - - -

10 THURSDAY, OCTOBER 21, 2021
11 COMMENCING AT 7:00 P.M.
12 VIRTUAL PUBLIC HEARING

13 CONTINUED
14 TRANSCRIPT OF PROCEEDINGS - FROM VIDEO

15
16 BOARD MEMBERS PRESENT:

- 17 BRIAN TANNENHAUS, Chairman
- 18 PAUL BOISVERT
- 19 LARA CASPER
- 20 JOSEPH CRISTIANO
- 21 PAUL DORATO
- 22 NICHOLAS HUSZAR, Vice-Chairman (Recused)
- 23 ANDREW KUDRICK, Chief of Police
- 24 ROBERT SEAMAN

25 ALSO PRESENT:

- 26 RONALD CUCCHIARO, ESQUIRE, Board Attorney
- 27 LAURA NEUMANN, P.E., Board Engineer
- 28 JENNIFER BEAHM, P.P., Board Planner
- 29 EILEEN RUBANO, Planning Board Secretary

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33 AB COURT REPORTING, LLC
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1 A P P E A R A N C E S: (Via Video Conference)

2

HEILBRUNN PAPE

3 BY: KENNETH L. PAPE, ESQUIRE

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--Counsel for the Applicant

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1 I N D E X

2

3 WITNESSES PAGE

4

5 Patrick Lynam, P.E. 143
 6 Colliers Engineering & Design

7 Raymond Walker, PhD 165
 8 Colliers Engineering & Design

9 Sean Naeger, RA 172
 10 M+H Architects

11 Joseph Fishinger, P.E. 207
 12 Bright View Engineering

13

14

15

16

17

18 PUBLIC COMMENT:

19 NAME ADDRESS PAGE

20 Albert Cestero 3 Howell Road 178,
 21 197

22 Jacquelin Cestero 3 Howell Road 194

23 Patricia Schweche 14 Morden Close 199

24 Anazette Ray 130 Lions Court 204

25 Marc Parisi 2 Castle Court 210

26

27

28

	E X H I B I T S		
	<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
1			
2			
3			
4	A-24	Lighting Plan	*
5	A-25	Garbage Truck Exhibit consisting of one sheet prepared by Colliers Engineering & Design, dated 4/6/21, last revised 9/30/21	*
6			
7	A-26	WB-67 Truck Exhibit consisting of one sheet prepared by Colliers Engineering & Design, dated 4/6/21, last revised 9/30/21	*
8			
9	A-27	Firefighting Exhibit consisting of one sheet, prepared by Colliers Engineering & Design, dated 4/6/21, last revised 9/30/01	*
10			
11			
12	A-28	Stormwater Management Report, consisting of Volume 1 and Volume 2, prepared by Colliers Engineering & Design, dated 3/26/21, last revised 9/30/21	*
13			
14			
15	A-29	Preliminary and Final Major Site Plans consisting of 34 sheets, prepared by Colliers Engineering & Design, dated 4/6/21, last revised 9/30/21	*
16			
17	A-30	Architectural Plans for Building A consisting of two sheets prepared by Mitchell & Hugeback Architects, Inc., dated 8/16/21, last revised 10/1/21	*
18			
19			
20	A-31	Architectural Plans for Building B consisting of two sheets prepared by Mitchell & Hugeback Architects, Inc., dated 8/16/21, last revised 10/1/21	*
21			
22	A-32	Architectural Rendering consisting of one sheet, prepared by Mitchell & Hugeback Architects, Inc., dated 10/1/21	*
23			
24			
25			

1 BY THE BOARD:
2

3	<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
4	B-19	Board engineer's review letter, dated 8/31/21	*
5			
6	B-20	Board planner's review letter, dated 8/31/21	*
7			
8	B-21	Monmouth County Board of Health memo, dated 8/30/21	*
9	B-22	Freehold Soil Conservation District review revisions, dated 8/25/21	*
10			
11	B-23	Fire Bureau site plan review dated 9/2/21	*
12	B-24	Environmental Commission site plan review dated 9/8/21	*
13			
14	B-25	Shade Tree Commission site plan review, dated 9/15/21	*

15

16

17 (*) Exhibits were premarked prior to commencement.

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1 STENOGRAPHER'S STATEMENT

2

3 The following represents a verbatim
4 transcript stenographically written from the
5 audio-taped proceeding provided.

6 The quality of the audio recording
7 largely determines the quality of the transcript.
8 Any background noise or other disturbance, such as,
9 but not limited to, environmental sounds (e.g.,
10 humming from other devices, sirens, alarms, ringing
11 sounds, papers shuffling), or any cross-talking or
12 coughing, or simply the distance of the speaker to
13 the microphone, all can lead to a marked reduction
14 in the quality of the audio recorded, which in turn
15 can, and generally does, impact the transcript
16 quality.

17 Having not been physically present at
18 this proceedings, please note throughout the
19 transcript the following will be used:

20 "VOICE" OR "BOARD MEMBER" to identify a
21 speaker.

22 "INAUDIBLE" to identify voices heard
23 but not clearly discernible within the context.

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25

138

1 CHAIRMAN TANNENHAUS: Okay. Let's get
 2 opening statement moving forward, Eileen.
 3 PLANNING BOARD SECRETARY: Planning
 4 board meeting, October 21st, 2021. I hereby declare
 5 this meeting of the Howell Township Planning Board
 6 to be open. Adequate notice having been given
 7 pursuant to the New Jersey Open Public Meeting Act
 8 in the following manner:
 9 First, on January 8th, 2021, a copy of
 10 said notice was mailed to the Asbury Park Press and
 11 the Tri-town news.
 12 Second, on January 8th, 2021, a copy of
 13 said notice was hand-delivered to the clerk of the
 14 Township of Howell.
 15 Third, on January 8th, 2021, said
 16 notice was posted in the office of the planning
 17 board and on the bulletin board in the Howell
 18 Township Municipal Building, 4567 Route 9, Howell
 19 Township, New Jersey.
 20 Members of the public will have a
 21 chance to ask questions and comment on applications
 22 once the Chairman opens the hearing up for members
 23 of the public. If you wish to ask questions or
 24 comment on an application, you will need to use the
 25 Raise Your Hand feature, and we'll bring you into

139

1 the meeting one at a time. You will need to have
 2 audio and video capability. You will be sworn in
 3 and you will need to provide your name and address.
 4 For anyone calling in, you can raise or
 5 lower your hand by dialing *9 and you can mute or
 6 unmute yourself doing *6.
 7 This meeting is being videotaped for
 8 possible future broadcast on Howell Township TV 77.
 9 CHAIRMAN TANNENHAUS: Thank you,
 10 Eileen. Roll-call, please.
 11 PLANNING BOARD SECRETARY: Mr.
 12 Boisvert?
 13 MEMBER BOISVERT: Here.
 14 PLANNING BOARD SECRETARY: Mr. Dorato?
 15 MEMBER DORATO: Here.
 16 PLANNING BOARD SECRETARY: Mr. Huszar?
 17 MEMBER HUSZAR: Here.
 18 PLANNING BOARD SECRETARY: Chief
 19 Kudrick?
 20 CHIEF KUDRICK: Here.
 21 PLANNING BOARD SECRETARY: Mr. Leggio
 22 has been excused. Mr. Nicastro has been excused.
 23 Councilwoman Richmond has been excused.
 24 PLANNING BOARD SECRETARY: Mr. Seaman?
 25 MEMBER SEAMAN: Here.

140

1 THE INTERPRETER: Ms. Casper?
 2 MEMBER CASPER: Here.
 3 THE INTERPRETER: Mr. Cristiano?
 4 MEMBER CRISTIANO: Here.
 5 THE INTERPRETER: And Chairman
 6 Tannenhaus?
 7 CHAIRMAN TANNENHAUS: Here.
 8 PLANNING BOARD SECRETARY: You have a
 9 quorum.
 10 CHAIRMAN TANNENHAUS: Thank you.
 11 Okay, could everyone raise for the Pledge of
 12 Allegiance and a moment of silence for all of our
 13 first-responders and those both serving here and
 14 abroad. Chief?
 15 (Pledge of Allegiance.)
 16 CHAIRMAN TANNENHAUS: Thank you.
 17 (The board proceeds with agenda items.)
 18 PLANNING BOARD SECRETARY: This is Mr.
 19 Pape's case.
 20 ATTORNEY PAPE: Good evening.
 21 CHAIRMAN TANNENHAUS: Mr Pape.
 22 ATTORNEY PAPE: Good evening, Mr.
 23 Chairman, board members and board professionals.
 24 Kenneth Pape on behalf of your applicant, AAFHW
 25 Property, LLC.

141

1 And Mr. Chair and board members, this
 2 application was started at the September 2nd, 2021,
 3 meeting. That evening we had considerable
 4 opportunity to present testimony to you. Patrick
 5 Lynam, the design engineer, took us through the
 6 entire process. Dr. Raymond Walker, the
 7 environmental scientist working on the project with
 8 us testified and so did Sean Naeger, our architect.
 9 There were questions and concerns
 10 brought to our attention by the board and the board
 11 professionals and we -- we recorded those and we
 12 went back as a team and -- and worked on those
 13 revisions. We had also made a commitment to have
 14 our plans -- revised plans submitted early so that
 15 your professionals would have an opportunity to
 16 review and write reports.
 17 And I'm also pleased to advise you
 18 that, in addition to getting the plans and reports
 19 in early and getting a response back from your
 20 staff, we have had the opportunity to review their
 21 reports and this evening we're prepared to be
 22 responsive to -- to those.
 23 I intend this evening, with the Chair's
 24 permission, to re-call Patrick Lynam. He'll present
 25 a brief outline of the revisions that he

142

1 memorialized as his responsibility, things that were
 2 changed on the plans.
 3 I also intend to re-call Dr. Walker.
 4 There are a couple of environmental questions for
 5 Dr. Walker that I think we can answer more
 6 completely.
 7 Sean Naeger made some minor revisions
 8 to the architectural plans. Although you may recall
 9 that his plans were well received by your
 10 professionals at the last meeting, there were a
 11 couple of tweaks that he did to be responsive.
 12 With me, also, this evening is Dan
 13 Disario and Joseph Fishinger. When we reach their
 14 scheduled slots I'll ask if there's any -- if
 15 there's a need for further traffic testimony. I
 16 think you're going to hear considerable traffic
 17 design elements from Patrick as he presents the
 18 revisions to the plan.
 19 So with your permission, Mr. Chairman,
 20 I would like to recall Mr. Lynam, who was qualified
 21 as an engineer, and I remind him that he is under
 22 oath.
 23 CHAIRMAN TANNENHAUS: Please proceed.
 24 ATTORNEY CUCCHIARO: Mr. Lynam, just
 25 state your name for the record again before you

P. Lynam, P.E.

143

1 begin.
 2 PATRICK LYNAM: Yes. Patrick Lynam.
 3 P-A-T-R-I-C-K, Lynam, L-Y-N-A-M.
 4 ATTORNEY CUCCHIARO: Okay, go ahead.
 5 ATTORNEY PAPE: Thank you.
 6
 7 E X A M I N A T I O N
 8
 9 BY ATTORNEY PAPE:
 10 Q. Mr. Lynam, if you could, I think
 11 probably the best thing is to just do a brief
 12 overview of the revisions that you've made or added
 13 to the plan, and then we'll go through each of them
 14 more specifically.
 15 A. Okay. Should I have control to show
 16 exhibits?
 17 PLANNING BOARD SECRETARY: You can.
 18 ATTORNEY CUCCHIARO: These are
 19 exhibits that were previously submitted to the
 20 board?
 21 THE WITNESS: Yes.
 22 ATTORNEY PAPE: Yes, everything was
 23 submitted, Counsel.
 24 ATTORNEY CUCCHIARO: Okay. So Eileen
 25 has premarked them. Ken, do you have the list of

P. Lynam, P.E.

144

1 exhibits?
 2 ATTORNEY PAPE: I do.
 3 ATTORNEY CUCCHIARO: Okay. So just as
 4 Mr. Lynam puts them up, if you could just tell us
 5 which exhibit it is.
 6 ATTORNEY PAPE: I'm looking.
 7 THE WITNESS: Eileen, are you going to
 8 give me permission?
 9 PLANNING BOARD SECRETARY: I don't
 10 need to. You can just go ahead.
 11 THE WITNESS: All right. All right.
 12 Can everyone see my screen? Excellent.
 13 BY ATTORNEY PAPE:
 14 Q. I'm looking on the updated exhibit list
 15 and looking for -- if you could read the title
 16 block?
 17 A. Yes. This is a new exhibit that has
 18 been updated since the last hearing.
 19 PLANNING BOARD SECRETARY: A-33.
 20 ATTORNEY PAPE: Thank you.
 21 PLANNING BOARD SECRETARY: You're
 22 welcome.
 23 BY ATTORNEY PAPE:
 24 Q. With A-33 in full view of the board and
 25 public, if you could just first do an overview of

P. Lynam, P.E.

145

1 the revisions that are on this plan.
 2 A. Okay. So based on the hearing we had
 3 previously and the board professionals' comments we
 4 had updated the plans. We updated the circulation
 5 based on comments by the board engineer. We have
 6 removed a guard shack that was at the
 7 northeast -- northwest corner of Building A. We
 8 included additional details regarding the fire tank,
 9 which is south of Building B. We also prepared an
 10 alternative lighting plan. We also included
 11 electric vehicle charging stations, as well as
 12 additional changes to the architectural plans, and
 13 as well as minor updates based on the technical
 14 comments.
 15 Q. There's one other point, I think we
 16 discussed this at the last one, if you could just
 17 emphasize, there was a request that we widen Howell
 18 Road in front of our client's property. Has that
 19 full road widening, as requested by the board and
 20 staff, been incorporated into the plan?
 21 A. Yes.
 22 Q. Okay.
 23 ATTORNEY PAPE: A little out of order,
 24 just because the charging stations came up during --
 25 during the prologue of tonight's hearing.

P. Lynam, P.E. 146

1 Mr. Chair and board members, we are
 2 aware of the pending Bill S3223 and that bill, as we
 3 understand it, requires that there be a finite
 4 number of charging stations on just about every
 5 project coming in the future. And then there's also
 6 provisions for more charging stations in the future.
 7 We -- as part of this, our client is prepared to
 8 voluntarily meet the goals of that bill.

9 The first goal is to have charging
 10 stations now, and the second goal is to have more in
 11 the future as their need increases.

12 BY ATTORNEY PAPE:

13 Q. And, Patrick, if you could confirm that
 14 there are charging stations shown and that there's
 15 conduit for future charging stations if that statute
 16 is --

17 ATTORNEY CUCCHIARO: Mr. Pape, just
 18 before you get to that --

19 ATTORNEY PAPE: Sure.

20 ATTORNEY CUCCHIARO: -- there's other
 21 portions of that bill as well. I just want to make
 22 sure -- so you will -- you will -- you're
 23 stipulating that the applicant will comply with
 24 providing the requisite number of charging stations.
 25 Are you asking -- you're going to

P. Lynam, P.E. 147

1 retain the total, the same total number of parking
 2 spaces? You're not seeking to adjust the number of
 3 parking spaces?

4 ATTORNEY PAPE: No. No. Not at all.

5 ATTORNEY CUCCHIARO: Okay. All right,
 6 thank you.

7 ATTORNEY PAPE: It just -- there's a
 8 lot about this application that is green
 9 initiatives. That one became available to us and we
 10 incorporated it into the plan.

11 ATTORNEY CUCCHIARO: Okay. All right,
 12 thank you.

13 BY ATTORNEY PAPE:

14 Q. So, Patrick, a little out of order but
 15 if you could describe the revisions that you've made
 16 to the plan to the on-site circulation.

17 A. Sure. So I just want to confirm that
 18 -- there is some clarity that we need to provide,
 19 that we are -- we have removed the left-turn lane
 20 from Howell Road. And it's our intention to
 21 restrict trucks from entering Howell Road as Howell
 22 Road has a weight restriction.

23 We do have wayfinding signage internal
 24 to the site directing trucks out the Okerson Road
 25 driveway. And we will agree to add further signage

P. Lynam, P.E. 148

1 at the driveway restricting trucks from entering the
 2 Howell Road driveway. So I just wanted to clarify
 3 that right off the bat.

4 As far as the internal circulation
 5 there is some overlap with some of the trucks
 6 traveling in either direction along the internal
 7 circulation lanes.

8 We have increased radii in a lot of
 9 areas to accommodate the trucks circulating without
 10 interfering with each other. The one major change
 11 is at the northern intersection -- internal
 12 intersection between Buildings A and B. We had
 13 split that into a sweeping right-turn lane and then
 14 a direct left-turn lane. And that was to
 15 accommodate the trucks traveling in either of those
 16 directions.

17 So that was the -- the only significant
 18 change. The others are minor radii changes to
 19 accommodate on-site circulation.

20 There was two areas that were further
 21 identified by the board engineer at the rear corners
 22 of each of the buildings, with some overlap
 23 traveling around the corners of the buildings and we
 24 -- we designed those to accommodate trucks leaving.
 25 And in order to, you know, preserve buffers we're --

P. Lynam, P.E. 149

1 we're looking to modify the internal radii and --
 2 and we're looking to work with your board engineer,
 3 if it's acceptable to the board, to come up with a
 4 solution to address those concerns at those
 5 locations.

6 Q. It's my understanding there's two-way
 7 traffic around those buildings?

8 A. Yes.

9 Q. And we have a landscaping plan designed
 10 to be consistent with the ordinance and especially
 11 consistent with Ms. Spero and what we're talking
 12 about is preserving the two-way traffic there and
 13 working on some modifications to the interior radii.

14 So we will not in any way compromise or
 15 touch the landscaping?

16 A. That's correct.

17 ATTORNEY PAPE: And we're asking
 18 for -- this came up in the staff -- the staff report
 19 when we met with your professionals last week. We
 20 remain very comfortable -- Patrick, help me here --
 21 but we remain very comfortable with -- that we can
 22 address those comments of Ms. Neumann without
 23 touching that landscaping.

24 THE WITNESS: Correct. **Pa095**

25 Q. Okay. If you would, I would like to

P. Lynam, P.E. 150

1 talk briefly about lighting, because that was a
 2 discussion point when we were before the board the
 3 last time. And one of the -- the board may recall
 4 that we were having some difficulty complying with
 5 the ordinance and having a plan that we felt was
 6 safe.

7 And it's my understanding, Patrick,
 8 that you've created two plans: One lighting plan
 9 100 percent consistent with the ordinance, and one
 10 which, maybe it is your opinion that is superior,
 11 but would require some limited relief?

12 A. That is correct.

13 Q. I'm going to ask if you could present
 14 both to the board.

15 ATTORNEY PAPE: And I'll say to the
 16 board members, we look to you for guidance. We can
 17 do either of these plans; 100 percent compliant or
 18 the one that we think might be even better.

19 Q. So, Patrick, if you would?

20 A. Yes. I'm bringing up the lighting
 21 plan that is within the Site Plan set, which is the
 22 compliant lighting plan. And as you can see we're
 23 providing the lighting levels in accordance with the
 24 ordinance, which requires a minimum of
 25 .3 foot-candles within the areas to be lighted, and

P. Lynam, P.E. 151

1 then a maximum of half-a-foot-candle for all the
 2 areas that have been lighted, so -- which is --
 3 which is compliant, you could see in the table here.

4 We also prepared an alternative
 5 lighting plan, which was brought up here. And we
 6 had shifted poles to be closer together to increase
 7 the minimum foot-candle within all the areas to be
 8 lighted, the travel ways, the walk -- sidewalks,
 9 parking areas and so forth. So we increased the
 10 minimum from .3 to .5 within those areas. However,
 11 it did result in an increase in the average to .9.

12 So that would be -- that's obviously
 13 greater than half-a-foot-candle, but it's still
 14 below one foot-candle. We do feel that this plan is
 15 superior as it does provide higher lighting levels
 16 within the critical areas of the project and also
 17 meets IES standards.

18 ATTORNEY PAPE: Mr. Chair and board
 19 members and board professionals, we are comfortable
 20 with either but would look to you for your guidance
 21 as to which you find to be the superior plan. And
 22 whichever you choose, is the one that we would then
 23 move forward with.

24 BY ATTORNEY PAPE:

25 Q. We talked about the -- the electric

P. Lynam, P.E. 152

1 vehicle charging station. Just -- if you could just
 2 identify where they're shown on the plan and how
 3 many are proposed for the first go around?

4 A. Sure. Just going to bring up the
 5 dimension plan of the site plan set.

6 So we positioned the electrical vehicle
 7 charging stations closer to the offices in the
 8 center of the parking fields on both buildings so it
 9 can be accessible from all the offices in one
 10 central location.

11 As you can see for Building B we have
 12 the charging station at this location. And then we
 13 will make additional conduit, anti-conduit along
 14 these bays of parking, provide additional need-ready
 15 electric vehicle charging stations.

16 Similarly on Building A, we have a
 17 charging station at this location for these
 18 vehicles. And that's in between the two -- the
 19 northern office and the center office. And we did
 20 provide another charging station between the middle
 21 office and the southern office for these vehicles,
 22 so they can share those charging stations.

23 And again, these will be -- have
 24 additional anti-conduit to allow for future
 25 need-ready electrical vehicle charging stations.

P. Lynam, P.E. 153

1 Q. And additional charging stations is
 2 contemplated in the statute and for that reason the
 3 conduit is proposed.

4 Mr. Lynam, if you could confirm on the
 5 record that we continue to have a greater number of
 6 parking stalls than the ordinance requires and
 7 there's no loss of parking as a result of this
 8 accommodation?

9 A. That is correct.

10 Q. There was also questions of the fire
 11 tank location and height. If you could identify for
 12 all where it is located and if you could identify
 13 how it is proposed to be painted and how it is
 14 proposed to be filtered with planting material?

15 A. Yes. I am going to bring up a new
 16 exhibit that we prepared. I'm not sure which one
 17 this is.

18 Q. This is --

19 ATTORNEY PAPE: Mrs. Rubano, could you
 20 help us with the number? This is the tank.

21 BY ATTORNEY PAPE:

22 Q. I think it's 30.

23 A. It's called the Water Tank Sight Line
 24 Exhibit. We had prepared this based on the comments
 25 that we received from the Board at the last hearing.

P. Lynam, P.E. 154

1 You can see where the circle is, where my hand is,
 2 and that is just south of Building B, in between the
 3 basin, the proposed wet pond and Building B, and
 4 close to the -- in between the driveway to Howell
 5 Road and the internal driveway.
 6 So that circle is the location. You
 7 can see here the dark dashed line representing where
 8 the sight line profile is taken, which is at the
 9 bottom of the page of the exhibit. The tank is
 10 proposed to be 25-foot tall, as you can see here.
 11 And the diameter is wide enough to accommodate the
 12 250,000-gallon fire tank that is proposed. And
 13 it's -- and it would be painted in order to match
 14 the architecture so it would blend into the
 15 buildings in the back. So that was the intention.
 16 Also you could see here in the exhibit,
 17 the darker trees or landscaping, is the trees at the
 18 -- the planting height, and then you could see the
 19 lighter trees, that is the mature height of the
 20 trees after ten years.
 21 Q. So the goal -- the water tower is
 22 visible. The goal was to have it not stand out but
 23 the goal was filter its view and not necessarily to
 24 block its view from the traveling public.
 25 A. That is correct.

P. Lynam, P.E. 155

1 Q. So I think -- I think, Mr. Lynam, that
 2 is the summary of the changes that we -- have been
 3 made to the plan. Did we miss anything?
 4 A. No.
 5 CHAIRMAN TANNENHAUS: At least in my
 6 notes -- I don't know if the professionals want to
 7 weigh in -- but I have in my notes outdoor storage.
 8 ATTORNEY PAPE: No outdoor storage.
 9 There are -- as you can see on the plan, there are
 10 trailers that could -- at loading docks but there is
 11 no trailer storage on this plan and there's no
 12 outdoor storage whatsoever.
 13 BOARD ENGINEER: Mr. Chairman, I have
 14 just three questions for the engineer.
 15 CHAIRMAN TANNENHAUS: Do we want to
 16 get you sworn in?
 17 Mr. Cucchiaro, will you swear in our
 18 professional?
 19 BOARD ENGINEER: I think I was
 20 previously sworn.
 21 ATTORNEY CUCCHIARO: We'll just swear
 22 you in again. Do you swear or affirm the testimony
 23 you are about to give this board is the truth, the
 24 whole truth, and nothing but the truth?
 25 BOARD ENGINEER: I do.

P. Lynam, P.E. 156

1 ATTORNEY CUCCHIARO: Go ahead.
 2 BOARD ENGINEER: So, Mr. Lynam, first
 3 I just want to confirm that the public sanitary
 4 sewer service will be provided to the site?
 5 THE WITNESS: That's correct.
 6 BOARD ENGINEER: And then two things.
 7 I had the opportunity to follow up with the in-house
 8 engineering department and they would like to
 9 request in addition to the sidewalk and the
 10 widening, that curbing be provided along Howell
 11 Road. Are you agreeable to that?
 12 THE WITNESS: Yes.
 13 BOARD ENGINEER: And given that the
 14 truck traffic is going to be filtering to Okerson
 15 Road, we would ask that the roadway be milled and
 16 overlaid.
 17 THE WITNESS: Okay.
 18 ATTORNEY PAPE: Go ahead.
 19 THE WITNESS: We agree to that. Are
 20 we talking about along the property frontage?
 21 Correct.
 22 BOARD ENGINEER: I think they would
 23 like to see it go the length. I understand that
 24 your obligation would just be your frontage.
 25 ATTORNEY PAPE: Yeah, we can go

P. Lynam, P.E. 157

1 further, Ms. Neumann.
 2 Okerson. What we would ask is this,
 3 first, Mr. Chair, board members, Ms. Neumann did
 4 alert us earlier that this was a request of the
 5 town. I had the opportunity to review it with our
 6 client and with Mr. Lynam. We are prepared to pave
 7 Okerson Road. We are prepared to mill it and to do
 8 a two-inch overlay.
 9 We would like to do it at the end of
 10 construction so that the road is in good shape when
 11 the project is finished. And a portion of Okerson
 12 Road is not in Howell. A portion is in another
 13 municipality. So we would be talking about milling
 14 and repave -- resurfacing all of Okerson Road that's
 15 in Howell.
 16 We're not deferring the jurisdiction.
 17 We're not, you know, but obviously we're not looking
 18 to limit it to our frontage. All of Okerson that is
 19 in Howell will be milled and resurfaced with a
 20 two-inch overlay.
 21 BOARD ENGINEER: And that would just
 22 be my request, echoing the engineering department's
 23 requirements, and I'm happy to hear that the
 24 applicant is agreeable to that. **Pa097**
 25 ATTORNEY PAPE: We are. And Mr.

P. Lynam, P.E. 158

1 Chairman and members of the board, the goal of this
 2 applicant has been to earn the approval by earning
 3 this board's approval.
 4 We -- when that was presented to us, we
 5 saw the benefits, we talked about them internally,
 6 and we confirmed that we can do it. So we're
 7 pleased to do it.
 8 BOARD ENGINEER: Beyond that, Mr.
 9 Chairman, I think I said three questions, I just
 10 want to also confirm on the record, Mr. Lynam,
 11 you've reviewed our technical engineering review and
 12 you agree to those comments?
 13 THE WITNESS: Yes.
 14 BOARD ENGINEER: With that, Mr.
 15 Chairman, I have nothing further at this time.
 16 ATTORNEY PAPE: Laura, if I could, you
 17 asked if we're bringing sanitary sewer. We're
 18 bringing sanitary sewer and potable water supply,
 19 both of those are being brought to the site a
 20 substantial distance.
 21 BOARD ENGINEER: Thank you for
 22 clarifying.
 23 ATTORNEY PAPE: Thank you.
 24 Mr. Chairman, when -- when ready, we'll
 25 recall Dr. Walker.

P. Lynam, P.E. 159

1 CHAIRMAN TANNENHAUS: Okay. Let's get
 2 you an answer on the lighting. How about that?
 3 ATTORNEY PAPE: Terrific.
 4 CHAIRMAN TANNENHAUS: Do our
 5 professionals want to weigh in on the two plans that
 6 they have presented.
 7 BOARD ENGINEER: So, Mr. Chairman,
 8 Shari is not here tonight. She's at a conference.
 9 I had the opportunity to speak with her
 10 and our sense is that the alternative -- alternate
 11 lighting plan, although it requires a waiver and
 12 that's because it exceeds the minimum of .3 and
 13 provides just over the average of .5, that plan
 14 would provide -- the alternate plan provides a
 15 minimum of .5 and an average of .8 foot-candles, and
 16 Shari felt that, given the use of the property, that
 17 was appropriate.
 18 CHAIRMAN TANNENHAUS: Okay. I,
 19 personally, have no objections.
 20 Does anybody else on the board have any
 21 comments about that?
 22 MEMBER SEAMAN: I was just going to
 23 ask with the, you know, slightly higher average,
 24 does it have any effect in terms of spillage or
 25 anything to adjacent properties, but probably not.

P. Lynam, P.E. 160

1 BOARD ENGINEER: That is correct. But
 2 I would ask the applicant's engineer on the record
 3 to confirm that there is no light spillage.
 4 THE WITNESS: Correct. There is no
 5 light spillage. There are -- you know, there is
 6 some light spillage but it's not significant,
 7 crosses all on public right-of-ways where we want to
 8 concentrate light at intersections.
 9 CHAIRMAN TANNENHAUS: Okay. Mr. Pape,
 10 you got your answer.
 11 ATTORNEY PAPE: Thank you.
 12 CHAIRMAN TANNENHAUS: You're welcome.
 13 ATTORNEY PAPE: And I have a -- I am
 14 working from my notes and I have to make an apology
 15 to the board. A moment ago I said we're bringing in
 16 potable water supply. And I'm looking at my notes,
 17 what we agreed to do is to create a firefighting
 18 water supply and that was the tank.
 19 Extending the water line was not -- it
 20 was not part of the application. So I apologize.
 21 It's to create -- we will create a firefighting
 22 water supply to satisfy Chief Lewis and the township
 23 requirements, but it did not involve extending the
 24 line. And I apologize, that's my mistake from my
 25 notes.

P. Lynam, P.E. 161

1 CHAIRMAN TANNENHAUS: I have a
 2 question for our professionals. I have been trying
 3 to search for it on our township codes but I am
 4 unable to find it.
 5 If my memory serves me right that there
 6 was some ordinances, maybe a couple of years ago,
 7 that were put in place about these types of
 8 buildings and the location of the loading docks in
 9 relationship to being able to view them from a
 10 highway or roadway. Am I remembering that right,
 11 that these loading docks being able to be seen from
 12 Route 33 may not be in compliance with that
 13 ordinance?
 14 BOARD PLANNER: Go ahead.
 15 BOARD ENGINEER: I was going to defer
 16 to Jen. I think the only provision I can think of
 17 off the top of my head is that we don't permit
 18 loading in a front yard.
 19 BOARD PLANNER: Yes. I don't think it
 20 has to be -- I don't think it's likely to be seen.
 21 I think it's physically in the front yard.
 22 ATTORNEY CUCCHIARO: If you remember,
 23 Mr. Chairman, we actually did have that issue with a
 24 recent warehouse application where they did ask for
 25 relief from that requirement.

P. Lynam, P.E. 162

1 CHAIRMAN TANNENHAUS: Okay. Do we
 2 think we -- do we think that this -- the way the
 3 angle is for the one warehouse towards Route 33
 4 meets that requirement or is it just skewed enough
 5 that it doesn't?

6 ATTORNEY CUCCHIARO: I guess the
 7 question is, is it a front yard? I think that's,
 8 you know, the way our ordinance is written, that's
 9 the primary question.

10 So I would defer, you know, to Laura
 11 and Jen, but I think that's the beginning question;
 12 is that a front yard.

13 BOARD PLANNER: I did not find the
 14 loading configuration to require relief. My review
 15 of it was that it complied with that, that it was
 16 not located in the front yard.

17 Laura, do you disagree?

18 BOARD ENGINEER: No, I agree. We have
 19 that the property only has frontage on Howell Road
 20 or Okerson Road --

21 BOARD PLANNER: Yes.

22 BOARD ENGINEER: -- and that light at
 23 Michael Curtin Lane, so there technically is no
 24 frontage on 33, and that would act -- deferring to
 25 Jen, but as a side lot line.

P. Lynam, P.E. 163

1 CHAIRMAN TANNENHAUS: Okay.

2 ATTORNEY CUCCHIARO: Well, what is the
 3 -- what's the definition, if you guys know, of what
 4 a front yard is?

5 BOARD PLANNER: The property has to
 6 physically front on the roadway.

7 ATTORNEY CUCCHIARO: I didn't know. I
 8 mean, different towns have different definitions.

9 BOARD PLANNER: Yeah. No. It has to
 10 physically front on the roadway, not just facing the
 11 roadway. It has to physically front on it.

12 ATTORNEY PAPE: I don't want to
 13 interrupt this dialogue between the board and its
 14 professionals but I can point out that the area of
 15 concern, Mr. Chairman, is also very heavily
 16 landscaped. That's a -- it's a farm buffer
 17 landscaping requirement that we are in full
 18 compliance with.

19 CHAIRMAN TANNENHAUS: I have no
 20 further questions.

21 Does anybody else on the board have
 22 questions for this witness?

23 Seeing none, Mr. Pape.

24 ATTORNEY PAPE: Thank you. We
 25 intentionally did not revisit all of the testimony

164

1 that you heard at the last meeting but the summary
 2 was that we had designed without variances and your
 3 reports supported that. We had gone to your fire
 4 chief and shade tree officials and your
 5 Environmental Commission and we're very pleased that
 6 all the reports that were provided indicated that
 7 there were no outstanding concerns from those.

8 Dr. Walker, Dr. Raymond Walker, is our
 9 environmental consultant. He, too, was sworn and
 10 his credentials as an environmental scientist made
 11 part of the record. I remind Dr. Walker that he is
 12 under oath.

13 Counsel, do you wish for him to make
 14 any statements before he starts his testimony?

15 ATTORNEY CUCCHIARO: Just to state his
 16 -- state and spell his name again.

17 RAYMOND WALKER: Raymond Walker,
 18 R-A-Y-M-O-N-D, W-A-L-K-E-R.

19 ATTORNEY PAPE: Dr. Walker talked
 20 about the environmental concerns on the site. They
 21 were fairly minimal. We talked about the cemetery
 22 that was adjacent to our site. And there was some
 23 soil testing that was done and anomalies had been
 24 found on that cemetery.

25 I know there were a couple of

R. Walker, PhD 165

1 additional questions that the board had about those.
 2 We asked that Dr. Walker do further research and
 3 interview the individual who had actually tested
 4 that area.

5

6 E X A M I N A T I O N

7

8 BY ATTORNEY PAPE:

9 Q. I'm going to ask if, Dr. Walker, if you
 10 could address those concerns?

11 A. Sure. So a question was raised by a
 12 member of the board regarding the GPR anomalies that
 13 were found along the outside perimeter of the
 14 Jerseyville Cemetery and whether or not those
 15 anomalies could represent some type of environmental
 16 concern, such as an underground storage tank or
 17 buried debris.

18 So I checked with our GPR expert and he
 19 did prepare a report on his findings. And in the
 20 report he indicates that those anomalies have the
 21 same dimensions as a trench or -- or a grave. And
 22 they're approximately 3.5 to 6.5 feet deep.

23 In addition, the GPR analysis did not
 24 reveal the presence of any metal or solid waste
 25 material in those anomalies. And that based on a

R. Walker, PhD
166

1 review also of historic aerial photography there
 2 were no buildings in those areas which would
 3 normally be associated with an underground tank or
 4 there's no evidence of any type of garbage disposal,
 5 at least as far back as 1931.
 6 So he's -- he's 100 percent sure that
 7 those anomalies that are outside of the actual
 8 graveyard limits, represent old graves or graves
 9 that may have been excavated and moved back into the
 10 graveyard if they found out they were off the
 11 property. He can't say which is which, but he's 100
 12 percent sure that those anomalies represent
 13 graveyards activities or graves.
 14 Q. I know that was the question that was
 15 posed to you. There was a question posed at the
 16 last meeting that has already been answered and that
 17 was, what precautions were built into the design so
 18 that these graves that are on the common border of
 19 our client's property and the cemetery, what design
 20 criteria was built in to make certain that we do not
 21 disturb any of those graves?
 22 A. If you look at the design plan, you'll
 23 see that the development plan is set back from those
 24 anomalies by -- I mean, Patrick can confirm the
 25 distance -- but I think it's around about 10 feet or

R. Walker, PhD
167

1 more from any of those anomalies that were found
 2 outside of the actual graveyard property limits.
 3 PATRICK LYNAM: That is correct.
 4 ATTORNEY PAPE: That was on the record
 5 the last time.
 6 BY ATTORNEY PAPE:
 7 Q. And, Dr. Walker, I know that there was
 8 also some questions about the implementation of the
 9 RAO, the Response Action Outcome letter that is
 10 required when environmental cleanup is necessary.
 11 And in the reports that we provided we identified
 12 that there is some limited environmental cleanup
 13 required.
 14 If you could just speak to your
 15 communications with the LSRP and how that will be
 16 addressed?
 17 A. Sure. I testified last time that
 18 there were two areas in the farm field, one in the
 19 northeast corner and one in the central part of the
 20 state where he had some minor elevations of arsenic.
 21 The state standard for arsenic is around 19 parts
 22 per million. We found levels around 21 to 39 parts
 23 per million. And then for dieldrin the DEP limits
 24 are .034 parts per million and we found levels of
 25 .034 to .038 parts per million.

R. Walker, PhD
168

1 And there is an assigned LSRP for this
 2 project who is responsible for remediating those
 3 areas. And as I had testified last time, there
 4 could be a couple of different options, one could be
 5 a blending, one could be a removal or one could be a
 6 capping of those areas. And the LSRP will be
 7 preparing a remedial action outcome as to how the
 8 best way to remediate those areas will be, obviously
 9 submitted to DEP for review and approval.
 10 That remedial action -- or that
 11 remedial action outcome activity will occur during
 12 construction and it will be implemented, again, in
 13 accordance with DEP standards.
 14 Q. And that implementation of the soil
 15 remediation during construction for an industrial
 16 building is not an uncommon occurrence, Dr. Walker?
 17 A. No. It's usually because -- it's
 18 usually incorporated as part of that construction
 19 activity. When they're going to be disturbing the
 20 earth they'll decide whether to remove or excavate
 21 or whether or not they feel it's better to just cap
 22 the site with maybe the foundation of the building.
 23 That will have to be reviewed and
 24 approved by DEP. And once it is, that will be
 25 implemented as part of the construction activities.

R. Walker, PhD
169

1 ATTORNEY PAPE: Mr. Chair, members of
 2 the board, the commitment of your applicant to the
 3 board and to the township is that there will be a
 4 licensed site remediation professional, an LSRP,
 5 part of the team from the very beginning of the
 6 development through its conclusion. And that the
 7 applicant will stipulate that no occupancy, no
 8 Certificate of Occupancy, temporary or otherwise,
 9 will be requested until the RAO has been issued and
 10 filed with the DEP.
 11 BY ATTORNEY PAPE:
 12 Q. Dr. Walker, I think those were the two
 13 open items that the board had posed to you?
 14 A. Yes, I believe those were the only
 15 two.
 16 Q. Okay.
 17 ATTORNEY PAPE: I have nothing further
 18 of Dr. Walker. And he is available to the board and
 19 the board's professionals at this time, if you wish.
 20 BOARD PLANNER: I don't have any
 21 questions, Mr. Chair.
 22 CHAIRMAN TANNENHAUS: Okay. Thank
 23 you.
 24 Ms. Neumann? **Pa100**
 25 BOARD ENGINEER: I do not have any

R. Walker, PhD
170

1 questions either.

2 CHAIRMAN TANNENHAUS: Mr. Pape, I have

3 it in my notes that the anomaly that occurred at the

4 property line would be deed-restricted. Does that

5 need to be restated again?

6 ATTORNEY PAPE: It's on the record.

7 We will -- we'll restate it. That 10-foot swath

8 around our property will have a permanent deed

9 restriction, yes.

10 CHAIRMAN TANNENHAUS: Thank you.

11 Does anybody else from the Board have

12 any questions?

13 ATTORNEY PAPE: There was a question,

14 I think, that went to me to answer. We were talking

15 about what the potential uses of the building were

16 and we had indicated that we would be in strict

17 compliance with those that are permitted uses in the

18 SED zone. And amongst those uses there's -- there's

19 warehouse, there's distribution -- these are the

20 ones that are listed. There's warehouse, there's

21 distribution, there's packaging and there's

22 manufacturing. But manufacturing isn't an

23 overbroad, there's specific definitions of what --

24 what type of manufacturing in the actual table and

25 also in the notes.

171

1 And what we would stipulate to, Mr.

2 Chair, is we are not looking to do anything that is

3 not expressly permitted in the SED zone. And the

4 definitions that are in the township's ordinance we

5 agree that those are the definitions that are to be

6 followed for the interpretation of your ordinance.

7 But primarily we envision that this is

8 warehousing and distribution. And there may be some

9 packaging where large packages are opened and put

10 into smaller packages before being distributed.

11 ATTORNEY CUCCHIARO: I just want to

12 make clear that in -- I think we discussed it

13 before, in your view -- in the applicant's view of

14 warehouse, that does not include a fulfilment

15 center?

16 ATTORNEY PAPE: No, it's not a

17 fulfilment center. This is not a fulfilment

18 building. Thank you.

19 My -- Sean Naeger is the architect. He

20 made some minor revisions to the plan. I am going

21 to ask if Mr. Naeger can be recalled.

22 I will remind Mr. Naeger that he is

23 under oath and I will remind the board that he was

24 qualified as an architect as his area of expertise.

25 SEAN NAEGER: I want to make sure

S. Naeger, RA
172

1 everybody can see the screen.

2 ATTORNEY PAPE: So, Mrs. Rubano, could

3 you -- the screen that Mr. Naeger has just put up,

4 if you could tell us which one we're looking at.

5 Is this A -- is this Building A, Mr.

6 Naeger?

7 SEAN NAEGER: Yes, it is.

8 ATTORNEY CUCCHIARO: And, Mr. Naeger,

9 can you just please restate your name for us?

10 SEAN NAEGER: First name is Sean,

11 S-E-A-N, last name is Naeger, N-A-E-G-E-R.

12 ATTORNEY CUCCHIARO: Okay. Thank you.

13 ATTORNEY PAPE: So I think this is

14 A-30, Mrs. Rubano?

15

16 E X A M I N A T I O N

17

18 BY ATTORNEY PAPE:

19 Q. So if you could, Mr. Naeger, if you

20 could just point out the embellishments to this

21 building -- to these buildings that you have added

22 in response to the staff.

23 A. Certainly. One of the board members

24 had a request that the drawings use vision-obscuring

25 glass above the canopy, so we have accommodated

S. Naeger, RA
173

1 that. And the intent of that was so, you know,

2 from -- at night they won't see any construction

3 implements like wires and ductwork and things of

4 that nature.

5 We also added mechanical louvers.

6 Those mechanical louvers will not be taking the

7 place of the glass windows. The mechanical louvers

8 are -- will always occur above the man doors in

9 these recessed areas.

10 The -- there was a request in our

11 various meetings with Ms. Beahm that we add a water

12 table course at the base of the building per her

13 Plan Review Comments. And you can now see that we

14 have this water table course that runs the perimeter

15 of the building.

16 All of these revisions to -- to this

17 exhibit and to the other drawings were reviewed with

18 Ms. Beahm during the phone conversation on

19 September 15th of 2021.

20 Those were the only comments that I had

21 record of. Open to any questions.

22 ATTORNEY PAPE: That is our direct

23 presentation from Mr. Naeger, Mr. Chairman, and he's

24 now available.

25 **Pa101**

CHAIRMAN TANNENHAUS: Do any of our

174

1 professionals have any comments on the changes or
 2 the location of the louvers?
 3 BOARD PLANNER: No, sir. I think the
 4 representations made to the board is consistent with
 5 the conversations that we have had prior to the
 6 meeting.
 7 CHAIRMAN TANNENHAUS: Fair enough.
 8 Thank you.
 9 Anybody from the Board have comments?
 10 Hearing none, Mr. Pape.
 11 ATTORNEY PAPE: I'll defer, Mr.
 12 Chairman, to you at this point. Patrick did a
 13 description of the on-site circulation, the parking,
 14 the loading docks. He took us through the revisions
 15 that were made that were responsive to the board.
 16 He also described the widening of the road, the
 17 changing of the driveways, the driveway signage and
 18 also the paving and curbing that was requested.
 19 From our perspective, it was a fairly
 20 thorough presentation of the traffic elements of the
 21 plan but we do have Dan Disario and Joseph Fishinger
 22 who are a part of the team, if the board wishes to
 23 hear from them. I defer to you on that as to
 24 whether the testimony that you've heard adequately
 25 addresses those issues.

175

1 CHAIRMAN TANNENHAUS: I'll just ask my
 2 professionals if they have any questions or -- or
 3 other further comments, or do they feel that the
 4 application's complete?
 5 BOARD PLANNER: I have nothing.
 6 BOARD ENGINEER: Yeah, I have nothing
 7 further as well.
 8 CHAIRMAN TANNENHAUS: You guys are
 9 okay with the circulation plan, the size of
 10 the tanks, all that stuff?
 11 BOARD ENGINEER: That's correct. Mr.
 12 Chairman, as was indicated there were changes and we
 13 wanted to clarify, as Mr. Lynam had testified to,
 14 that the left-turn lane had been removed from Howell
 15 Road and that appropriate signage was going to be
 16 put up. That -- that was steering a lot of our
 17 traffic comments that were in our technical report.
 18 And we understand that they would like
 19 to maintain the two-way on-site circulation and
 20 don't want to have infringements into the buffer, so
 21 I'm happy to work with them to ensure that that
 22 works as well.
 23 So I have nothing further.
 24 CHAIRMAN TANNENHAUS: And if I
 25 understand the revised layout, Ms. Neumann, it looks

176

1 like they -- they widened the roads -- roadways
 2 towards the back of the property, which allows the
 3 trucks more turning radius; is that -- is that -- my
 4 understanding is -- am I reading the plans right?
 5 BOARD ENGINEER: Yeah, on the plans,
 6 yes. We had a little bit of concerns regarding
 7 conflicting movements, but given how the trucks will
 8 be circulating through the site and the provisions
 9 that trucks would not be exiting out of Howell Road
 10 and only going out to Okerson, I am satisfied.
 11 CHAIRMAN TANNENHAUS: Thank you very
 12 much. Appreciate that.
 13 Does anybody else from the Board have
 14 any comments?
 15 If not, we'll open it up to the public.
 16 Mr. Cucchiaro?
 17 ATTORNEY CUCCHIARO: Mr. Chair, is
 18 this -- is this for questions and comments?
 19 CHAIRMAN TANNENHAUS: For the public?
 20 ATTORNEY CUCCHIARO: Yes.
 21 CHAIRMAN TANNENHAUS: Well, I think --
 22 well, let's ask Mr. Pape.
 23 Mr. Pape, have you concluded -- this
 24 concludes your testimony, should we open it to the
 25 public?

177

1 ATTORNEY PAPE: Mr. Chair, that is the
 2 applicant's direct presentation. We remain
 3 available for further questions of the board and the
 4 board professionals, but we do rest on our direct
 5 presentation.
 6 CHAIRMAN TANNENHAUS: So we'll open it
 7 for questions and comments.
 8 Mrs. Rubano, do you want to unmute
 9 yourself and tell the public how they can go about
 10 raising their hand and unmuting themselves
 11 accordingly, and that we will give the customary
 12 minute, minute and a half for people to raise their
 13 hand.
 14 PLANNING BOARD SECRETARY: Okay. At
 15 this time the Chairman has opened up the hearing for
 16 members of the public. Anyone wishing to comment or
 17 ask questions regarding this application please use
 18 the Raise Your Hand feature. We will bring you into
 19 the meeting one at a time. We'll give everyone a
 20 minute in between just to get their hand raised.
 21 If you're calling in, you need to do *9
 22 to raise or lower your hand, and *6 to mute or
 23 unmute yourself. And we do have a caller with their
 24 hand raised. **Pa102**
 25 AJC, can you turn your camera on and

178

1 unmute yourself, please?

2 ALBERT CESTERO: Okay, now you can see

3 me?

4 PLANNING BOARD SECRETARY: Yes, we can.

5 ALBERT CESTERO: Okay. Thank you for

6 allowing me to participate.

7 ATTORNEY CUCCHIARO: Sir, sir, just

8 before you get started, let me swear you in.

9 Do you swear or affirm the testimony

10 you are about to give this board is the truth, the

11 whole truth, and nothing but the truth?

12 ALBERT CESTERO: So help me God.

13 ATTORNEY CUCCHIARO: Okay. And if you

14 could just state and spell your name and give us

15 your address.

16 ALBERT CESTERO: My name is Albert J.

17 Cestero, Jr. I live at 3 Howell Road, Freehold, New

18 Jersey 07728.

19 ATTORNEY CUCCHIARO: Mr. Cestero, how

20 do you spell your last name?

21 ALBERT CESTERO: C-E-S-T-E-R-O. I am

22 at --

23 ATTORNEY CUCCHIARO: Go ahead, sir.

24 ALBERT CESTERO: I live at 3 Howell

25 Road. And this project will be in my backyard.

179

1 I have a couple of concerns. One of

2 them is, in the description it describes this as a

3 one-story warehouse. It's supposed to be 45 feet

4 tall. To me that's four and a half stories because

5 I always considered most people -- most engineers

6 consider ten feet a story. If you live in a

7 building in New York City that's eight floors, it's

8 eight stories, 80 feet high, whatever. So the

9 description to me doesn't seem valid in -- in the

10 writings.

11 I have lived on this property for

12 38 years. I'm a business owner in Howell for

13 44 years. I started my shop when I was 23 years old

14 and I'm 67 years old now. The Jerseyville section

15 of Howell Township has had a quaintness about it.

16 I'm not opposed to progress. My wife

17 and I both went to bat for the swim club across the

18 street from us when they were turned down at their

19 prior locations, I believe off -- off of Merrick

20 Road or whatever. We also went to bat for the

21 baseball fields. They're family oriented.

22 If you leave my shop -- I'm in Howell

23 Minipark, I've been there for 44 years, I start my

24 45th year December 10th -- and you turn left and you

25 head towards our property -- you know, you'll pass

180

1 The Cabin on the left-hand side, you'll pass the --

2 I'm directly across from the Fire Academy -- you'll

3 pass the Bobcat dealer, the new Car Tech auto

4 auction. I'm in the area a long time so I know a

5 lot of what there used to be and everything. But

6 everything has been nicely done.

7 When you get to the traffic light on

8 Fairfield Road and the former 2R Cycle shop, now

9 it's a pool place, on the left-hand side is The

10 Grange, it looks like you could be in Maine or

11 Vermont. You continue on Route 33 and you'll hit

12 Saker's Industrial Park. It's been there forever.

13 It used to be an Allis Chalmers dealership. That's

14 how old I am. And across the street, the other

15 industrial parks, the Wawa on Okerson Road,

16 everything has been done nicely and in concert with

17 the lay of the land and the area. However, this

18 seems to be gargantuan. It seems to be a

19 monstrosity.

20 And I did a little research and today,

21 Port Authority has 223 loading bays, they call them

22 gates, for the buses. I was a little confused

23 because I thought that this project had 68 loading

24 docks for tractor-trailers.

25 And I -- I re-did it a little bit, I

181

1 think, if I'm correct; it's 55 loading docks in

2 Building A and 28 loading docks in Building B; is

3 that correct.

4 ATTORNEY PAPE: Patrick, that sounds

5 correct, right?

6 PATRICK LYNAM: Yes, that's correct.

7 ALBERT CESTERO: Okay. So that makes

8 83 loading docks. Now, the brand new Port Authority

9 that they -- I don't know if they broke ground on it

10 yet -- that has 160. They actually downgraded their

11 loading bays -- their gates, from 223 to 160.

12 Now, I've got to be honest with you, I

13 don't know why anyone in their right minds would be

14 wanting to bring tractor-trailers and a depot to

15 operate 24/7, 365 in this area.

16 I -- I know that Howell Road is a

17 four-ton road. I have lived on the property for

18 38 years. Plenty of tractor-trailers drive on it.

19 I have never seen one of them ticketed.

20 I'm pro police. I was actually citizen

21 of the year, a co-citizen of the year in 2016 for my

22 first response to a motor vehicle accident that

23 happened on my front lawn five minutes after I went

24 to my mailbox. So I'm pro police. I'm pro

25 business. I'm pro progress. I love the area. But

182

1 this is way too big a project to be putting in here.
 2 You're talking about 24-hour -- 24-hour a day,
 3 seven days a week, and you're talking about
 4 tractor-trailers.
 5 Now, we enjoy the children that ride
 6 their bicycles from the adjacent developments to the
 7 swim club. We hear the banter, the people having
 8 fun at the swim club.
 9 The ball fields, the same thing.
 10 There's been days when there's cars parallel-parked
 11 on both sides of the roads for a quarter of a mile
 12 in each direction when they have tournaments and
 13 what have you. And I'll be out in my yard and I'll
 14 hear the PA system going on and then I'll hear the
 15 roar of the crowd. And you know what? It puts a
 16 smile on my face. I love it.
 17 I love children. I love families. I
 18 love Howell Township and I love the Jerseyville
 19 section of Howell Township. Mr. Buck, from Bucks
 20 Mills Road, a descendant, grew up -- was born in
 21 what's our -- what's a bedroom in our home. Our
 22 home dates back to 1863. And we love the area.
 23 This is taking half the size of -- of
 24 Port Authority and putting it between two small
 25 country roads --

183

1 JACQUELINE CESTERO: 150 feet from our
 2 backyard.
 3 ALBERT CESTERO: That doesn't matter
 4 because they're allowed to do whatever they do.
 5 So that is my concern. My concern is
 6 smelling tractor-trailer -- tractor-trailers idling
 7 while they're loading --
 8 JACQUELINE CESTERO: Lights.
 9 ALBERT CESTERO: -- lights --
 10 JACQUELINE CESTERO: Travel.
 11 ALBERT CESTERO: Danger to -- those
 12 kids that -- that are in the Little League and
 13 riding their bicycles, that's not going to happen
 14 anymore. And it's just a way too big thing to be
 15 shoehorned in this area. It won't blend in.
 16 I'm appealing to the planning board
 17 here, as a Howell Township resident and lover of
 18 this area for my entire life. And a planning
 19 board's job is supposed to get something that
 20 benefits Howell Township and also blends into the
 21 area.
 22 You can put as many trees as you want
 23 but you're talking a 45-foot high building. That's
 24 tall. The new Port Authority that they plan in New
 25 York City is only five stories. And this building

184

1 that you're putting up -- you can call it one-story,
 2 but it's four and a half stories high. So that's a
 3 huge concern for me. And -- and I can't
 4 understand -- I'm appalled that -- that the planning
 5 board would even think of this.
 6 Now, you talk about ratables, you talk
 7 about ratables and bringing money into Howell
 8 Township. I did a little research again and
 9 Equestra has 483 living -- luxury homes and they
 10 start around 400,000 to 600,000. They're seniors.
 11 They don't have kids to impact the school systems of
 12 Howell Township. Our daughters went to the school
 13 system. They have a great school system.
 14 A little bit up the road, Four Seasons,
 15 they have 111 luxury homes that they're building and
 16 they start at 600,000. That's also over 55 with no
 17 impact to the -- to the infrastructure to the town
 18 at all, except for the police.
 19 JACQUELINE CESTERO: Traffic.
 20 ALBERT CESTERO: And the traffic,
 21 that's fine. That's fine. I'm not -- I'm not
 22 opposed to traffic, I have an auto body shop. But I
 23 am opposed to making a Port Authority in this small
 24 area.
 25 A little bit further up the road at --

185

1 what is it? Regency. Those homes are starting at
 2 715,000 to \$833,000. And they have 155 homes
 3 logged. So that's a lot of money for Howell
 4 Township to get, as far as ratables, and Howell
 5 Township doesn't have to put anything out. They
 6 don't have to put anything, no garbage, no anything.
 7 We have a great police force and -- but it's
 8 not -- these senior homes that are going in there
 9 aren't impacting our school systems -- which by the
 10 way, there's a few vacant buildings in Howell
 11 Township. Our daughters went to the Griebbling
 12 School and then the middle school, and there's
 13 vacant -- there's vacant buildings, a couple of
 14 vacant elementary school buildings.
 15 So I'm begging the planning board to
 16 reconsider this. The -- the professional
 17 presentation is amazing. It's wonderful. But this
 18 is not going to blend into the Jerseyville section
 19 of Howell, which was very strongly agricultural and
 20 industrial.
 21 There used to be an Indian Motorcycle
 22 dealership at the turn of -- in the 1930s, right on
 23 the corner where the Italian delicatessen was that's
 24 now gone, that the state bought the land.
 25 And, like I said, I'm an industrial

186

1 business myself. And -- and putting something in
 2 this size, with the operation being 24/7 with
 3 tractor-trailers, and even in the description the
 4 professional said it's not going to be an Amazon --
 5 which tells me that it looks like it could be an
 6 Amazon facility, it's sure going to be big enough to
 7 be a fulfillment center -- but it's not going to be.
 8 But what difference does it make if the structure is
 9 going to be there and the -- and the traffic is
 10 going to be there? Which is what I think is crazy.
 11 I believe Okerson Road is also a
 12 four-ton road. I could be wrong, but I don't know
 13 about that.
 14 JACQUELINE CESTERO: Our only
 15 driveway...
 16 ALBERT CESTERO: Oh, our frontage is on
 17 our back. We have frontage with Howell Road and
 18 Okerson Road and --
 19 CHAIRMAN TANNENHAUS: Mr. Cestero?
 20 ALBERT CESTERO: Yes.
 21 CHAIRMAN TANNENHAUS: Let's get that
 22 answer. Mr. Lynam?
 23 ALBERT CESTERO: Go ahead.
 24 PATRICK LYNAM: Yes?
 25 ALBERT CESTERO: Is Okerson Road --

187

1 CHAIRMAN TANNENHAUS: Mr. Pape, can
 2 you please respond to the weight rating on the road
 3 please, Okerson?
 4 ATTORNEY PAPE: I do not have the
 5 personal knowledge but working with the team I'm
 6 aware that Okerson handles the trucks that we're --
 7 we're proposing.
 8 Mr. Lynam, am I correct that it's only
 9 Howell Road that has the weight restriction?
 10 PATRICK LYNAM: Actually, I don't -- I
 11 don't know for 100 percent sure. I know Howell Road
 12 is and I know that Okerson Road does handle all the
 13 truck traffic currently.
 14 ALBERT CESTERO: Let me comment on
 15 handling the truck traffic.
 16 ATTORNEY PAPE: We'll get that for you,
 17 Mr. --
 18 ALBERT CESTERO: Okay. Because Howell
 19 Road handles truck traffic every day. If I took a
 20 video of Howell Road on a daily basis, you're going
 21 to see 20, 30 tractor-trailers on Howell Road. And
 22 they have never been ticketed. And we have lived on
 23 this property for 38 years. Even though it's
 24 posted, they don't enforce the law. And I'm not
 25 asking them to enforce the law.

188

1 But if you're going into a new project
 2 where you're going to have tractor-trailers -- that
 3 what it's specific for. You're making this project
 4 specific to be a Port Authority in Howell Township,
 5 in the Jerseyville section of Howell Township.
 6 This is way better suited to someplace
 7 like Huntsville, Alabama off of Route 64 or
 8 something like that.
 9 We have been in this house for a long
 10 time. We have an old house. It's small. But
 11 there's people that paid a lot of money for their
 12 homes in this area and they're within earshot,
 13 they're within smell shot because you know --
 14 everybody knows, when you go to New York City and
 15 you go to Port Authority, what does it smell like?
 16 It smells like diesel because that's what fuels
 17 these trucks.
 18 So I'm not, -- you know, I have no
 19 animosity towards anyone but I do ask, I mean, I
 20 implore the planning board to think about this.
 21 Take -- look at the site itself. Look at how this
 22 is not going to blend in. The swim club blends in
 23 beautifully. The ball field -- if we're going to
 24 develop this -- this land, make it something a
 25 family oriented or -- or single-family homes.

189

1 ATTORNEY PAPE: If I may, on behalf of
 2 the applicant and briefly, fully understand and
 3 respect the concerns of this family.
 4 This is an application that is
 5 100 percent consistent with the goals of the
 6 township as they're set forth in your zoning
 7 ordinance and your Master Plan. This is the area
 8 that was designated for Special Economic Development --
 9 ALBERT CESTERO: I'm aware of that. I
 10 have been in this area for --
 11 ATTORNEY PAPE: I didn't interrupt
 12 you, sir.
 13 JACQUELINE CESTERO: Let him finish.
 14 ALBERT CESTERO: I'm aware of that.
 15 JACQUELINE CESTERO: Let him finish.
 16 ATTORNEY PAPE: Mr. Chair, the
 17 applicant -- the presentation is an application that
 18 is consistent with your zoning ordinance and your
 19 Master Plan. It has no variance relief. The
 20 building height of 45 feet or less is the definition
 21 of building height for the zone.
 22 One-story means that there's one floor,
 23 there aren't separate floors in the building --
 24 ALBERT CESTERO: Excuse me. **Pa105** Your
 25 photograph shows two floors in the building, in the

190

1 office --

2 ATTORNEY CUCCHIARO: Hold on, Mr.

3 Chairman.

4 ALBERT CESTERO: -- but that's okay.

5 ATTORNEY CUCCHIARO: We have -- we

6 have to allow Mr. Pape to answer the questions

7 first.

8 ALBERT CESTERO: Sure.

9 ATTORNEY CUCCHIARO: Then there could

10 be a response.

11 Go ahead, Mr. Pape.

12 ATTORNEY PAPE: Thank you.

13 As the board is aware, the applicant

14 has followed all of the requirements that are in the

15 ordinance and all of the guidance and direction

16 provided by the board members and the staff. We

17 recognize that this is change but it's change that

18 is consistent with the Master Plan goals.

19 It's an interesting analogy to compare

20 us to a bus depot. Clearly we're not a bus depot.

21 And comparing the number of stalls in a bus depot to

22 the number of loading docks in a warehouse is an

23 interesting analogy. I don't know that it carries

24 very well.

25 But we stand on the application at

191

1 present. It is one that is consistent with the

2 zoning ordinance and the Master Plan.

3 ALBERT CESTERO: Could I reply?

4 ATTORNEY CUCCHIARO: Yes.

5 ALBERT CESTERO: As far as the analogy

6 between a bus depot and tractor-trailer loading

7 docks, tractor-trailers are actually longer than

8 buses. They take up more space. They're both

9 fueled by diesel.

10 And I used the analogy of Port

11 Authority because it's probably the biggest and

12 busiest bus terminal in the world. And you're

13 trying to turn this area here -- and I understand

14 that you're within all of your rights -- your legal

15 rights. Of course you are. Like I said, I'm a

16 businessman in the area for 44 years and I know

17 about variances and I know about the -- the -- the,

18 you know, the setbacks and the heights and

19 everything like that. That's why I'm not appealing

20 to you. That's why I'm appealing to the planning

21 board to do the right thing for Howell Township.

22 You know, if it -- if it's about money

23 and developing the land, I just showed you where

24 Howell Township is -- is -- has a cash cow with all

25 of these senior developments. And they're not cheap

192

1 homes. They're big-money homes. These people are

2 paying \$15-, \$20,000 property tax per year and

3 they're -- and they're getting a great police force

4 out of it. So I understand that.

5 CHAIRMAN TANNENHAUS: Mr. Cucchiaro,

6 could you please explain to Mr. Cestero that -- that

7 the planning board has no jurisdiction to -- to

8 weigh an application based upon possible or

9 potential tax income coming into -- we don't have

10 that. We don't have that to weigh.

11 ALBERT CESTERO: I get that. I get

12 that.

13 CHAIRMAN TANNENHAUS: That's not

14 something we can do --

15 ALBERT CESTERO: But I keep -- I hear

16 from people -- I hear from people about, "Well, it's

17 a good rateable for Howell Township." Just think

18 about where you're putting it.

19 ATTORNEY CUCCHIARO: Well, but the

20 point is that -- we understand your point, sir.

21 It's not something that we can consider. It's not

22 something anyone here has said, you know, on the

23 board, it's a good rateable. So we just -- it's not

24 something that we can continue to listen to.

25 ALBERT CESTERO: I understand. I

193

1 understand.

2 ATTORNEY PAPE: I have the answer on

3 the weight limits. Our --

4 ATTORNEY CUCCHIARO: Let's just wait

5 for -- Mr. Cestero, do you have anything else?

6 ALBERT CESTERO: I can listen to Mr.

7 Pape. Go ahead.

8 ATTORNEY CUCCHIARO: Okay. Mr. Pape.

9 ATTORNEY PAPE: Howell Road is the

10 only weight-restricted road. Okerson is not

11 weight-restricted. I got that information from our

12 engineering team.

13 ALBERT CESTERO: Okay. What about

14 Michael Curtin Lane?

15 CHAIRMAN TANNENHAUS: I don't -- I

16 don't think they're going on Michael Curtin Lane.

17 Can you confirm that, Mr. Pape?

18 ATTORNEY PAPE: Mr. Lynam, if you

19 could maybe show the screen and show our driveways

20 to show that we're not using Michael Curtin Lane.

21 MR. LYNAM: Sure. So you can see to

22 the north, Michael Curtin Lane is along the northern

23 property line.

24 ALBERT CESTERO: Right.

25 PATRICK LYNAM: And our driveway is

194

1 exiting onto Okerson, which passes the intersection
 2 with Michael Curtin Lane.
 3 ALBERT CESTERO: Okay. Okay. Thank
 4 you for showing me that.
 5 CHAIRMAN TANNENHAUS: Anything else,
 6 Mr. Cestero?
 7 JACQUELINE CESTERO: No, but I want to
 8 talk.
 9 ALBERT CESTERO: My wife, Jackie wants
 10 to talk, if it's okay.
 11 ATTORNEY CUCCHIARO: I just need to
 12 swear her in first.
 13 ALBERT CESTERO: Go ahead.
 14 ATTORNEY CUCCHIARO: Do you swear or
 15 affirm the testimony you are about to give this
 16 board is the truth, the whole truth, and nothing but
 17 the truth?
 18 JACQUELINE CESTERO: Yes, I do.
 19 ATTORNEY CUCCHIARO: Please state and
 20 spell your name for the record.
 21 JACQUELINE CESTERO: It's Jacqueline
 22 Cestero. J-A-C-Q-U-E-L-I-N-E, last name.
 23 ATTORNEY CUCCHIARO: Okay. Go ahead,
 24 ma'am.
 25 JACQUELINE CESTERO: So Albert and me

195

1 previously mentioned that we've lived here 38 years,
 2 happily. And our driveway -- because Howell Road is
 3 such a busy road, we use our driveway to the rear of
 4 the house because it --
 5 ALBERT CESTERO: Michael Curtin Lane.
 6 JACQUELINE CESTERO: -- it exits onto
 7 Michael Curtin Lane. Because Howell Road is so busy
 8 that, you know, with young children we never wanted
 9 to enter onto Howell Road if we didn't have to.
 10 So Michael Curtin Lane is where my
 11 seven grandchildren ride their bikes, play ball.
 12 They're still too little to walk to the ball field
 13 or to the swim club or to any of the -- you know,
 14 Wawa or anything like that, they're under seven.
 15 So I mean, that's a big concern for me
 16 with the quality of life that we have here. We're
 17 the only home here. There's a home on either side
 18 of us but they're businesses. So we don't have a
 19 lot of people behind us to say -- this is -- it's a
 20 monstrosity. This place is going to be literally
 21 150 feet from my back door.
 22 ALBERT CESTERO: Can I stop -- can I
 23 interrupt you for one second?
 24 JACQUELINE CESTERO: Sure.
 25 ALBERT CESTERO: I have a

196

1 question about --
 2 ATTORNEY CUCCHIARO: Actually, the way
 3 this works is it's one at a time.
 4 ALBERT CESTERO: Okay. That's fine.
 5 ATTORNEY CUCCHIARO: So let's defer to
 6 your wife and let her finish.
 7 ALBERT CESTERO: Then I want to come
 8 back.
 9 JACQUELINE CESTERO: So it's really --
 10 it's literally 150 feet from my back door out my
 11 backyard, which is -- obviously, if you're familiar
 12 with Howell Road and where our house is, it's only
 13 approximately 15 feet off of Howell Road.
 14 We do a lot of living in the backyard.
 15 We're going to be dealing with lights all night
 16 long, noise --
 17 ALBERT CESTERO: All night long.
 18 JACQUELINE CESTERO: -- all night long,
 19 all day long, 365 days a year. The smell is going
 20 to be horrendous.
 21 It's going to force -- we've already
 22 had our water contaminated by this property. It's
 23 going to be forcing us to leave.
 24 I mean, I'm near tears. I'm sick to my
 25 stomach because we have been here 38 years, finally

197

1 starting to retire, and this is what I'm left with.
 2 And I know appealing to you personally isn't
 3 supposed to do anything, but it's all that I have.
 4 So please reconsider or think about
 5 what this is going to look like and what it's going
 6 to do to our quality of life. We're not going to
 7 have quality of life. We're just not. I already
 8 know just from a few warehouses around, just the
 9 lights alone, we've managed to live with that and
 10 it's okay. But this is going to be horrendous.
 11 So just reconsider. I'm very
 12 disappointed in the Foremans. They've been my
 13 neighbors for a long time and I'm just very upset
 14 with them.
 15 That's all I have to say.
 16 ALBERT CESTERO: Can I come back now?
 17 ATTORNEY CUCCHIARO: Yes.
 18 ALBERT CESTERO: Thank you. As far as
 19 the 24-hour, seven day a week, 365 day a year, I
 20 don't understand if that's in the -- has that
 21 changed?
 22 Because the last one that they were
 23 developing on Okerson Road and Sea Free Plaza and
 24 these other areas here, there were **Pa107** there were
 25 restrictions as for what hours of the day they could

198

1 operate on. So has that been changed? Has
 2 the -- has the -- the laws in whatever, SED-3 zone,
 3 has that been changed at all?
 4 ATTORNEY CUCCHIARO: Mr. Pape?
 5 ATTORNEY PAPE: No. They're in the --
 6 the zoning ordinance for the SED zone. There are no
 7 hours -- there are no restriction on hours.
 8 ALBERT CESTERO: Okay. So the last
 9 times we went before the board, I guess it was just
 10 the courtesy of the people that were going for Sea
 11 Free Plaza to establish limits on their hours of
 12 operation?
 13 ATTORNEY PAPE: I don't know any other
 14 application -- an application before the zoning
 15 board, there could be restrictions on hours. But an
 16 application before the planning board for a use that
 17 is expressly permitted in a zone that doesn't have
 18 time constraints is --
 19 ALBERT CESTERO: Okay.
 20 ATTORNEY PAPE: -- that's what we
 21 have.
 22 ALBERT CESTERO: Like I said, I have
 23 no animosity towards the professionals, the
 24 planners. But I'm asking the planning board to --
 25 to give it some thought about doing the right thing

199

1 for Howell Township.
 2 CHAIRMAN TANNENHAUS: Thank you, Mr.
 3 Cestero.
 4 ALBERT CESTERO: I have nothing more
 5 to say.
 6 CHAIRMAN TANNENHAUS: Okay.
 7 ALBERT CESTERO: Thank you.
 8 CHAIRMAN TANNENHAUS: Thank you. Have
 9 a good night.
 10 Okay, Eileen?
 11 PLANNING BOARD SECRETARY: Is there
 12 anyone else who would like to comment or ask
 13 questions on this application? Please use the Raise
 14 Your Hand feature.
 15 CHAIRMAN TANNENHAUS: We'll give it
 16 about another 30 seconds, Eileen.
 17 PLANNING BOARD SECRETARY: Okay.
 18 CHAIRMAN TANNENHAUS: No one else is
 19 raising their hand?
 20 PLANNING BOARD SECRETARY: I have
 21 someone now. Hold on. Patricia.
 22 Patricia, can you unmute yourself and
 23 start your video, please?
 24 I moved her into the meeting but I
 25 don't see her.

200

1 ATTORNEY CUCCHIARO: I see her in the
 2 corner here.
 3 PLANNING BOARD SECRETARY: Okay.
 4 PATRICIA SCHWECKE: We're in now,
 5 right?
 6 ATTORNEY CUCCHIARO: We can hear you.
 7 Can you turn your camera on for us so I can swear
 8 you in, Trish.
 9 PATRICIA SCHWECKE: Like I said, I'm
 10 new at this. Maybe that's it; am I on?
 11 ATTORNEY CUCCHIARO: You got it, okay.
 12 One more -- I just need to swear you in first,
 13 ma'am.
 14 PATRICIA SCHWECKE: Sure.
 15 ATTORNEY CUCCHIARO: Do you swear or
 16 affirm the testimony you are about to give this
 17 board is the truth, the whole truth, and nothing but
 18 the truth?
 19 PATRICIA SCHWECKE: I do.
 20 ATTORNEY CUCCHIARO: Okay. If you
 21 could just spell your name for us and give us your
 22 address?
 23 PATRICIA SCHWECKE: Yes. My name is
 24 Patricia, P-A-T-R-I-C-I-A, Schwecke, S like in Sam,
 25 C-H-W-E-C-K-E. I live at 14 Morden Close -- well,

201

1 my mailing address is Freehold, but it's Howell, and
 2 that's Surrey Downs.
 3 ATTORNEY CUCCHIARO: Okay. Go ahead,
 4 Ms. Schwecke.
 5 PATRICIA SCHWECKE: Okay. This is my
 6 question, I'm only -- I'm a transplant of 50 years
 7 in Bergen County. I'm new down here, just about a
 8 year. I just got wind of this tonight. I don't
 9 know how far this place -- I know where Howell Road
 10 is. My question is, how much would this impact on
 11 Elton-Adelphia, the traffic, the increase in
 12 traffic?
 13 CHAIRMAN TANNENHAUS: Mr. Pape?
 14 ATTORNEY PAPE: Sure. I think --
 15 Patrick, if you could put -- put up on the screen,
 16 and then I'm going to ask if you feel capable of
 17 opining the distance from our site to -- is it 524
 18 that we're talking about?
 19 PATRICK LYNAM: Yes. So just take --
 20 just take Howell Road and go -- and go south and
 21 you'll run into 524. But it's quite a distance.
 22 CHAIRMAN TANNENHAUS: None of the
 23 trucks are going that way, are they, Chief?
 24 CHIEF KUDRICK: No. If **Pa108**
 25 Howell Road is weight-restricted there's not going

202

1 to be any type of truck traffic on Howell Road
 2 leading out to 524, also known as Elton-Adelphia.
 3 ATTORNEY PAPE: Yeah. So there's no
 4 -- there's no proposed truck movements from this
 5 site that would go towards 524.
 6 PATRICIA SCHWECKE: Like heading
 7 towards Route 9? Because, you know, this is a
 8 development where most of the people are -- I would
 9 say there are some young ones moving in that I've
 10 noticed, but most of the people are over 70. And
 11 it's getting -- it's a little hairy at rush hour but
 12 other than that -- I mean, I'm coming from Bergen
 13 County, Paramus, Route 17, this is nothing.
 14 But I'm just concerned about getting in
 15 and out of the driveway on Surrey Downs.
 16 CHIEF KUDRICK: Right. So Ms.
 17 Schwecke, I can, as the police chief, I can tell you
 18 this, knowing that area -- I grew up actually right
 19 by the Adelphia firehouse -- so I know exactly what
 20 you're talking about. And my grandmother lived in
 21 Surrey Downs so --
 22 PATRICIA SCHWECKE: Oh, I love it
 23 here. I'm very happy here.
 24 CHIEF KUDRICK: So I foresee all the
 25 trucks going down to Okerson. They're going to pick

203

1 up Halls Mills Road which -- and they're going to
 2 proceed south to -- to the new interchange there
 3 that they did at 524 and Halls Mills Road, which
 4 brings you out onto Edinburgh, which dumps out onto
 5 Route 9 so -- or they're just going to traverse onto
 6 33 Bypass or Regular Business 33 from the site.
 7 So I don't see -- I don't see this
 8 impacting Surrey Downs whatsoever.
 9 PATRICIA SCHWECKE: But if I could say
 10 something off the record, I mean, I lived in
 11 Paramus. I don't know if you're familiar with that
 12 area but it's very, very congested, many malls,
 13 whatever. And I saw this change in Paramus and I
 14 just -- I just listened to this couple speak and my
 15 heart goes out to them because once that building is
 16 in, it's a done deal. And I hope -- I hope that
 17 things go the way -- I don't know their names, but I
 18 hope things go the way they want them to.
 19 I'm sorry that you're going through
 20 this trauma.
 21 That's all I have to say. Thank you so
 22 much.
 23 CHAIRMAN TANNENHAUS: Thank you.
 24 ATTORNEY CUCCHIARO: Thank you, Ms.
 25 Schwecke.

204

1 PATRICIA SCHWECKE: Thank you.
 2 CHAIRMAN TANNENHAUS: Okay.
 3 PLANNING BOARD SECRETARY: I have
 4 Anazette Ray. I just let her into the --
 5 ATTORNEY CUCCHIARO: Okay. Is she on
 6 camera?
 7 PLANNING BOARD SECRETARY: Yes.
 8 ATTORNEY CUCCHIARO: Okay. Do you
 9 swear or affirm the testimony you are about to give
 10 this board is the truth, the whole truth, and
 11 nothing but the truth?
 12 You have to unmute yourself.
 13 ANAZETTE RAY: Yes, I do.
 14 ATTORNEY CUCCHIARO: Okay. Please
 15 spell your name for the record and give us your
 16 address.
 17 ANAZETTE RAY: Anazette,
 18 A-N-A-Z-E-T-T-E, last name is Ray. I live at 130
 19 Lions Court. The mailing address is Freehold but
 20 it's Howell. It's over off of Five Points Road by
 21 the Wawa.
 22 ATTORNEY CUCCHIARO: Okay. Go ahead.
 23 ANAZETTE RAY: I kind of had a
 24 followup as to Ms. Schwecke's question. Were there
 25 any studies as to the impact of traffic on Five

205

1 Points Road, mainly trucks coming off of Route 18
 2 taking Five Points down to Truck Route 33 and trying
 3 to get Okerson Road there?
 4 ATTORNEY PAPE: Were there -- well the
 5 traffic studies that were performed are part of the
 6 record. But this is a permitted use so it wasn't
 7 necessary to analyze the capacity of the surrounding
 8 roadways. It was necessary for us to identify the
 9 traffic movements that came out of the site.
 10 ANAZETTE RAY: Okay. Well, I guess
 11 the issue is on Five Points there are numerous bus
 12 stops for the kids that attend Howell Middle School
 13 North, Adelphia and Ardena. And during the winter
 14 the middle school bus comes at about 6:30 a.m. So
 15 there are kids out there on Five Points Road in the
 16 dark during most of the school year.
 17 And how is that going to -- is that
 18 going to be a danger to have all these trucks coming
 19 down Five Points to kids that are waiting in the
 20 dark for the school bus?
 21 Was there any consideration given to
 22 that?
 23 ATTORNEY PAPE: I think that the best
 24 way to answer it is to have Joseph Fishinger, who is
 25 the author of the traffic report, to join us and he

206

1 can respond to the -- to the question of Ms. Ray.
 2 So with -- with permission, we'll bring
 3 Mr. Fishinger in, share with you his credentials and
 4 have him answer the question.
 5 ATTORNEY CUCCHIARO: Just let me know
 6 when he -- let me know when he gets here.
 7 ATTORNEY PAPE: Joe, we need you on
 8 camera and unmute.
 9 JOSEPH FISHINGER: Good evening,
 10 everyone.
 11 ATTORNEY CUCCHIARO: I just remind you
 12 that you remain under oath and please just state and
 13 spell your name for the record again.
 14 ATTORNEY PAPE: I've got to put him
 15 under oath.
 16 ATTORNEY CUCCHIARO: Okay.
 17 ATTORNEY PAPE: Yeah. Mr. Fishinger
 18 is the author of -- one of the authors of the
 19 traffic report. Mr. Fishinger needs to be sworn.
 20 ATTORNEY CUCCHIARO: Do you swear or
 21 affirm the testimony you are about to give this
 22 board is the truth, the whole truth, and nothing but
 23 the truth?
 24 JOSEPH FISHINGER: I do.
 25 ATTORNEY CUCCHIARO: Please state and

J. Fishinger, P.E., PTOE
207

1 spell your name for the record.
 2 JOSEPH FISHINGER: Sure. It's Joseph
 3 Fishinger, F-I-S-H-I-N-G-E-R. I'm the director of
 4 traffic engineering with Bright View Engineering.
 5 Qualifications, very quickly, I have a bachelor's
 6 degree in civil engineering from Rutgers University,
 7 a licensed professional engineer in New Jersey, also
 8 certified professional traffic operations engineer,
 9 my license is in good standing and I have been
 10 qualified as a traffic expert in front of this board
 11 before. It's been a few years but I have been in
 12 front of you already.
 13 ATTORNEY PAPE: Mr. Chair, may he so
 14 testify?
 15 CHAIRMAN TANNENHAUS: Yes, we'll
 16 accept his credentials. Thank you.
 17
 18 E X A M I N A T I O N
 19
 20 BY ATTORNEY PAPE:
 21 Q. Mr. Fishinger, I think one of the most
 22 important facts you can share is the weight
 23 restrictions on Five Points Road. I think that
 24 might address a big part of the question.
 25 A. I am not aware, exactly, if there is a

J. Fishinger, P.E., PTOE
208

1 weight restriction all the way down to Five Points
 2 Road. I don't have that information immediately in
 3 front of me.
 4 Q. Okay. I'll have it for you in a
 5 moment. So if you could respond to the question
 6 about the impact of truck movements on Five Points
 7 Road?
 8 A. So in our traffic study we did look at
 9 the intersection of Route 33 and Howell Road/Five
 10 Points Road and without going through the entire
 11 traffic study we are only projecting a total of nine
 12 vehicles in the morning peak hour and ten vehicles
 13 in the evening peak hour to even use Five Points
 14 Road. And keep in mind that's total vehicles, not
 15 just heavy trucks. We're expecting that during --
 16 most of those vehicles will be just be passenger
 17 cars from employees coming to and from the site.
 18 So we do not anticipate a high number
 19 of trucks on that section of roadway. Most of the
 20 trucks that will be coming to and from this facility
 21 will be sticking to the state highways where they
 22 can -- where the roads are designed for them and
 23 they can move -- quite honestly, move the fastest.
 24 ATTORNEY PAPE: Okay. There
 25 is -- there is on -- just this is just for the

209

1 record, Mr. Chair. There is a weight limit of four
 2 tons sign that is posted on the property. It is on
 3 the Wawa property right at the intersection.
 4 So just worth -- that restriction is in
 5 place. If anyone wants to Google, you can see the
 6 -- the sign very clearly.
 7 CHIEF KUDRICK: So for the answer to
 8 Ms. Ray's inquiry is that tractor-trailers are
 9 prohibited on Five Points?
 10 ATTORNEY PAPE: Appears to be with a
 11 weight limit of four ton sign.
 12 ANAZETTE RAY: I can tell you, living
 13 off of Five Points, there are tractor-trailers every
 14 day.
 15 CHIEF KUDRICK: I agree.
 16 ANAZETTE RAY: Almost every hour.
 17 And I think it would be a big safety
 18 concern for the kids who are waiting for bus stops
 19 in the dark most of the school year with not
 20 sufficient lighting too.
 21 ATTORNEY PAPE: The position of the
 22 applicant is that the project has been properly
 23 designed and that the Master Plan identifies this as
 24 where this type of activity is to be constructed.
 25 And the applicant is entitled to rely on the

210

1 existing roadway system provided that they abide by
 2 all of those requirements.

3 ANAZETTE RAY: And I can tell you, as
 4 a construction attorney, there are other
 5 considerations besides properly designing such as
 6 the impact and safety to the community members that
 7 the board can take into consideration when
 8 determining whether to approve or deny the
 9 application.

10 CHAIRMAN TANNENHAUS: Thank you.
 11 ANAZETTE RAY: Thank you.
 12 CHAIRMAN TANNENHAUS: Thank you,
 13 Ms. Ray. Anything -- okay. Can I ask her if you
 14 have anything else?

15 ANAZETTE RAY: No. That's it. Thank
 16 you.

17 CHAIRMAN TANNENHAUS: You got it.
 18 Have a good night.

19 Ms. Rubano, anybody else have their
 20 hand raised?

21 PLANNING BOARD SECRETARY: Not right
 22 at the moment. If there's anyone else that
 23 has -- hold on. I have Marc Parisi coming in.
 24 ATTORNEY CUCCHIARO: Mr. Parisi, do
 25 you swear or affirm the testimony you are about to

211

1 give this board is the truth, the whole truth, and
 2 nothing but the truth?

3 MARC PARISI: Yes.
 4 ATTORNEY CUCCHIARO: Please state and
 5 spell your name and give us your address.

6 MARC PARISI: Marc Parisi, M-A-R-C,
 7 P-A-R-I-S-I, 2 Castle Court.
 8 ATTORNEY CUCCHIARO: Okay. Go ahead.
 9 MARC PARISI: Yeah, so I -- I had a
 10 question tonight. I've listened to the testimony
 11 tonight. The planning board is in the process of
 12 redoing -- reexamining their Circulation Element.
 13 It's my understanding, the town council has
 14 appropriated money to, I believe, the firm that Ms.
 15 Beahm works for.

16 I was just curious as to potential
 17 impacts of the Circulation Element that, I believe,
 18 if I'm not mistaken, has not been reexamined since
 19 the Master Plan was adopted in 1994. Potential --
 20 potentially impacts if the Circulation Element comes
 21 to conclusions that could, like, that could impact
 22 this application. That if they approve this
 23 application and then say, four to six months from
 24 now the Circulation Element is -- is done and comes
 25 to conclusions that maybe changes the designation of

212

1 some of these roads in this area, whether or not it
 2 might be prudent for this board, who's having their
 3 Circulation Element done, to postpone making a
 4 decision on this pending the -- the findings of a
 5 Circulation Element.

6 I mean, it would seem as though that if
 7 this decision is made then it's going to probably
 8 impact the Circulation Element in some way with
 9 setbacks, whatnot, the designation of roads. But if
 10 this decision is not made, then the Circulation
 11 Element would not consider this approval in that
 12 element.

13 Could someone speak to that?
 14 ATTORNEY CUCCHIARO: Mr. Chair, just
 15 from a purely legal perspective, I just want to make
 16 one correction. The planning board has reexamined
 17 its Master Plan. It used to be every six years and
 18 sometimes less than that. The requirement is every
 19 ten years. That element hasn't been amended but
 20 it's certainly been reexamined pursuant to the
 21 statutory requirements.

22 In terms of the impact that an
 23 amendment would have immediately, it would have no
 24 impact on an application because it's not an
 25 amendment to the zoning ordinance. So that, you

213

1 know, you would -- we would have to wait to see
 2 whether any amendment to the Circulation Element
 3 would lead to an amendment to the zoning ordinance
 4 which would be some time.

5 In terms of delaying a decision, the
 6 Municipal Land Use Law provides a certain amount of
 7 time that a board has to make a decision. And it
 8 can't get an extension of that unless it is so
 9 granted by an applicant. And if you do not make a
 10 decision and that time expires the applicant can get
 11 an automatic approval.

12 So that's just sort of the legal
 13 background. But, Mr. Pape, do you have anything
 14 that you would like to add?

15 ATTORNEY PAPE: I just want one
 16 additional statement, Mr. Cucchiaro. I think that
 17 all of your statements were accurate from our
 18 perspective. But there's also -- there's the time
 19 of filing rule. And the time of filing rule is that
 20 the laws that are applicable to any given
 21 application are the laws that are in place on the
 22 day that the application is properly filed.

23 There was -- there used to be laws that
 24 allowed the towns to change the ordinances while
 25 applications were pending, but all of those laws

214

1 have been set-aside. So this applicant has the
 2 right to rely on laws of the township as they exist
 3 today throughout the application.
 4 ATTORNEY CUCCHIARO: That is a true
 5 statement.
 6 MARC PARISI: Okay. I just wanted to
 7 ask the question.
 8 ATTORNEY CUCCHIARO: No problem. That
 9 was a legitimate question.
 10 MARC PARISI: Yeah, no, I guess my
 11 only other comment would be, you know, I understand
 12 that this property owner and the applicant has a
 13 right to develop in accordance with, you know, the
 14 laws, that is within their right.
 15 You know, but it was recently that
 16 there was another, you know, warehouse application,
 17 which I won't mention but I think we all know what
 18 it was, and that was challenged in court and I'll
 19 paraphrase that, you know, the judge in that
 20 decision said, Just because you can build something
 21 that big doesn't mean that you should.
 22 And it seems as though this applicant
 23 is building something very intense. And, you know,
 24 I'm mindful of the people that live in that area and
 25 the potential regional impacts. I mean, there's a

215

1 reason why our state legislature is taking up, you
 2 know, possible bills about regional warehouse
 3 impacts. And I just would ask the planning board to
 4 consider that in their decision.
 5 That's all.
 6 ATTORNEY CUCCHIARO: Just on that, you
 7 know, I did live through that application you are
 8 referring to.
 9 MARC PARISI: I know.
 10 ATTORNEY CUCCHIARO: I wrote the
 11 brief. I argued it. In that case there was also a
 12 dispute as to whether variance relief was required
 13 and the applicant did not think so, the board did.
 14 And the court agreed with the board. There were
 15 also several design waivers that were required there
 16 that are not required here.
 17 So you are correct, the board did win
 18 the case. But there were some differences in -- in
 19 the facts, you know, that are on the ground.
 20 MARC PARISI: Understood. You know,
 21 that's fair. That was my comment. And that's all I
 22 have tonight.
 23 ATTORNEY CUCCHIARO: Okay.
 24 CHAIRMAN TANNENHAUS: Thank you.
 25 MARC PARISI: All right, thank you.

216

1 CHAIRMAN TANNENHAUS: Anybody else?
 2 PLANNING BOARD SECRETARY: If there's
 3 anyone else that needs to comment on this
 4 application or ask questions, please use the Raise
 5 Your Hand feature before the Chairman closes the
 6 public portion of the hearing.
 7 CHAIRMAN TANNENHAUS: Okay, Ms.
 8 Rubano, anybody raise their hand?
 9 PLANNING BOARD SECRETARY: I don't see
 10 anyone with their hand raised.
 11 CHAIRMAN TANNENHAUS: Okay. That
 12 being said, we will close the public portion of the
 13 meeting.
 14 Does anybody from the Board have any
 15 comments they'd like to bring up?
 16 Anything further from the public
 17 comment? Somebody want to --
 18 ATTORNEY PAPE: Mr. Chair, given the
 19 opportunity, I would ask for just two minutes to
 20 make some summation points.
 21 CHAIRMAN TANNENHAUS: Okay. Fair
 22 enough.
 23 ATTORNEY PAPE: With your permission,
 24 Mr. Chair, this is an applicant that has shown
 25 tremendous respect to the town's requirements and

217

1 has worked within the four corners of the ordinance.
 2 Not only within the four corners but has gone
 3 beyond, when asked to go beyond what the ordinance
 4 requirements are, without exception, this applicant
 5 has said yes.
 6 The lighting is not an issue. You
 7 heard that the lighting is not going to be spilling
 8 off the property. That's the design. And the town
 9 has the ability to make sure of that.
 10 As far as the sound, there are state
 11 standards that are also embedded in your ordinance
 12 about nighttime sound emissions from the site and
 13 daytime sounds. There's no variance relief that is
 14 allowed from that at all. So we are obligated to
 15 comply with that.
 16 And as -- as your professionals have
 17 indicated in their reports and on the record,
 18 there's no variance relief requested. And I think
 19 the one waiver that we're asking for is the only --
 20 was the one that was created by working with the
 21 board and the board's professionals on the lighting
 22 plan.
 23 For all of those reasons we
 24 respectfully ask that this board consider this
 25 application this evening favorably.

218

1 Thank you.

2 CHAIRMAN TANNENHAUS: The other thing

3 I would -- Mr. Pape, I would recommend to provide

4 absolute certainty that you don't have any light

5 spillage off the property, I'd like to ask if your

6 professional could opine that if adding house-side

7 shields to the lights would help eliminate that

8 possibility and if that would be something that

9 would be recommended.

10 ATTORNEY PAPE: As a guarantee,

11 Patrick, can you place please on the record?

12 PATRICK LYNAM: Yes.

13 CHAIRMAN TANNENHAUS: Yes, that's an

14 agreement?

15 ATTORNEY PAPE: Yes.

16 PATRICK LYNAM: Yes, an agreement.

17 CHAIRMAN TANNENHAUS: Okay. So if you

18 could -- is that done; is that your completion?

19 ATTORNEY PAPE: Yes, Mr. Chair.

20 CHAIRMAN TANNENHAUS: Could we just

21 quickly go through all of the things that the

22 applicant has agreed to?

23 ATTORNEY CUCCHIARO: It's all -- it's

24 all on the record, Mr. Chair, and it will all be in

25 the resolution.

219

1 CHAIRMAN TANNENHAUS: Fair enough.

2 ATTORNEY CUCCHIARO: Okay.

3 CHAIRMAN TANNENHAUS: Okay. If the

4 board doesn't have any further questions I'll

5 entertain a motion.

6 ATTORNEY CUCCHIARO: So just, Mr.

7 Chair, what the applicant is seeking is Preliminary

8 and Final Site Plan approval with ancillary design

9 waiver relief, so it would either be a motion to

10 approve or to deny that.

11 CHAIRMAN TANNENHAUS: As Mr. Cucchiaro

12 said, I'll entertain a motion, please.

13 CHIEF KUDRICK: I'm going to make a

14 motion to approve Case Number SP-1085, AAFHHW

15 Property, LLC.

16 I understand the -- Mr. Cestero. I

17 grew up in a very busy area of Howell, too. I saw

18 it get developed. But as the planning board, this

19 is a permitted use and the applicant satisfied all

20 of the requirements and actually went overboard.

21 It's the first time I've seen an applicant actually

22 agree to pave an entire street. So that's

23 beneficial to the township as well.

24 And, hopefully, they're a good neighbor

25 to those in that area.

220

1 CHAIRMAN TANNENHAUS: Thank you,

2 Chief. Well said.

3 Anyone have a second?

4 MEMBER SEAMAN: Second.

5 CHAIRMAN TANNENHAUS: Roll-call,

6 please.

7 PLANNING BOARD SECRETARY: Before I do

8 the roll-call, Mr. Boisvert has advised me that he

9 has watched the prior hearing so he has certified to

10 vote.

11 CHAIRMAN TANNENHAUS: Thank you, Mr.

12 Boisvert.

13 MEMBER BOISVERT: You're welcome.

14 PLANNING BOARD SECRETARY: Mr.

15 Boisvert?

16 MEMBER BOISVERT: No.

17 PLANNING BOARD SECRETARY: Mr. Dorato?

18 MEMBER DORATO: No.

19 PLANNING BOARD SECRETARY: Chief

20 Kudrick?

21 CHIEF KUDRICK: Yes.

22 PLANNING BOARD SECRETARY: Mr. Seaman?

23 MEMBER SEAMAN: Yes.

24 PLANNING BOARD SECRETARY: Mr.

25 Cristiano?

221

1 MEMBER CRISTIANO: No.

2 PLANNING BOARD SECRETARY: Chairman

3 Tannenhaus?

4 CHAIRMAN TANNENHAUS: Yes.

5 PLANNING BOARD SECRETARY: We have

6 three yes, three no.

7 ATTORNEY CUCCHIARO: That's a denial,

8 Mr. Chairman.

9 CHAIRMAN TANNENHAUS: Okay. Well,

10 that's what the board said. That's their right.

11 ATTORNEY PAPE: For the record, the

12 applicant was not aware that you had a short board

13 this evening, and I wish that we had been so

14 advised.

15 Mr. Chairman, I thank you and good

16 night.

17 CHAIRMAN TANNENHAUS: Thank you.

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I, ANGELA C. BUONANTUONO, a Certified Court Reporter and Notary Public in the State of New Jersey and a Registered Professional Reporter, Certified LiveNote Reporter, certify that the foregoing is a true and accurate transcript of the audio-taped proceeding provided to me and stenographically written to the best of my abilities.

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

Angela C. Buonantuono

Angela C. Buonantuono

23 Angela C. Buonantuono, CCR, RPR, CLR
24 License No. 30XI00233100
25 Dated: November 9, 2021

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\$

\$15 [1] - 192:2
\$20,000 [1] - 192:2
\$833,000 [1] - 185:2

0

034 [2] - 167:24, 167:25
038 [1] - 167:25
07728 [1] - 178:18
08535 [2] - 132:24, 133:4

1

1 [1] - 135:12
10 [1] - 166:25
10-foot [1] - 170:7
10/1/21 [3] - 135:19, 135:21, 135:24
100 [6] - 150:9, 150:17, 166:6, 166:11, 187:11, 189:5
10th [1] - 179:24
111 [1] - 184:15
130 [2] - 134:21, 204:18
14 [2] - 134:20, 200:25

<p>143 [1] - 134:4 15 [1] - 196:13 150 [3] - 183:1, 195:21, 196:10 155 [1] - 185:2 15th [1] - 173:19 160 [2] - 181:10, 181:11 164 [1] - 132:5 165 [1] - 134:6 17 [1] - 202:13 172 [1] - 134:7 178 [1] - 134:17 18 [1] - 205:1 1863 [1] - 182:22 19 [1] - 167:21 1930 s [1] - 185:22 1931 [1] - 166:5 194 [1] - 134:19 197 [1] - 134:18 199 [1] - 134:20 1994 [1] - 211:19</p>	<p>178:24 3.5 [1] - 165:22 3/26/21 [1] - 135:13 30 [3] - 153:22, 187:21, 199:16 30XI00233100 [1] - 222:24 33 [9] - 133:3, 161:12, 162:3, 162:24, 180:11, 203:6, 205:2, 208:9 34 [1] - 135:15 365 [3] - 181:15, 196:19, 197:19 38 [5] - 179:12, 181:18, 187:23, 195:1, 196:25 39 [1] - 167:22</p>	<p>732)-679-6554 [1] - 133:5 732)-679-8844 [1] - 133:4 732)882-3590 [1] - 132:25 77 [1] - 139:8 7:00 [1] - 132:9</p>	<p>absolute [1] - 218:4 Academy [1] - 180:2 accept [1] - 207:16 acceptable [1] - 149:3 accessible [1] - 152:9 accident [1] - 181:22 accommodate [5] - 148:9, 148:15, 148:19, 148:24, 154:11 accommodated [1] - 172:25 accommodation [1] - 153:8 accordance [3] - 150:23, 168:13, 214:13 accordingly [1] - 177:11 accurate [2] - 213:17, 222:7 act [1] - 162:24 Act [1] - 138:7 Action [1] - 167:9 action [5] - 168:7, 168:10, 168:11, 222:13, 222:16 activities [2] - 166:13, 168:25 activity [3] - 168:11, 168:19, 209:24 actual [3] - 166:7, 167:2, 170:24 add [3] - 147:25, 173:11, 213:14 added [3] - 143:12, 172:21, 173:5 adding [1] - 218:6 addition [3] - 141:18, 156:9, 165:23 additional [8] - 145:8, 145:12, 152:13, 152:14, 152:24, 153:1, 165:1, 213:16 ADDRESS [1] - 134:16 address [11] - 139:3, 149:4, 149:22, 165:10, 178:15, 200:22, 201:1, 204:16, 204:19, 207:24, 211:5 addressed [1] - 167:16 addresses [1] - 174:25 Adelpia [4] - 201:11, 202:2, 202:19, 205:13 adequate [1] - 138:6 adequately [1] -</p>	<p>174:24 adjacent [3] - 159:25, 164:22, 182:6 adjust [1] - 147:2 adopted [1] - 211:19 advise [1] - 141:17 advised [2] - 220:8, 221:14 aerial [1] - 166:1 affirm [7] - 155:22, 178:9, 194:15, 200:16, 204:9, 206:21, 210:25 agenda [1] - 140:17 ago [2] - 160:15, 161:6 agree [7] - 147:25, 156:19, 158:12, 162:18, 171:5, 209:15, 219:22 agreeable [2] - 156:11, 157:24 agreed [3] - 160:17, 215:14, 218:22 agreement [2] - 218:14, 218:16 agricultural [1] - 185:19 ahead [14] - 143:4, 144:10, 156:1, 156:18, 161:14, 178:23, 186:23, 190:11, 193:7, 194:13, 194:23, 201:3, 204:22, 211:8 AJC [1] - 177:25 Alabama [1] - 188:7 alarms [1] - 137:10 Albert [3] - 134:17, 178:16, 194:25 ALBERT [46] - 178:2, 178:5, 178:12, 178:16, 178:21, 178:24, 181:7, 183:3, 183:9, 183:11, 184:20, 186:16, 186:20, 186:23, 186:25, 187:14, 187:18, 189:9, 189:14, 189:24, 190:4, 190:8, 191:3, 191:5, 192:11, 192:15, 192:25, 193:6, 193:13, 193:24, 194:3, 194:9, 194:13, 195:5, 195:22, 195:25, 196:4, 196:7, 196:17, 197:16, 197:18, 198:8</p>
2	4	8		
<p>2 [3] - 134:22, 135:12, 211:7 20 [1] - 187:21 2016 [1] - 181:21 2021 [8] - 132:8, 138:4, 138:9, 138:12, 138:15, 141:2, 173:19, 222:25 204 [1] - 134:21 207 [1] - 134:9 21 [2] - 132:8, 167:22 210 [1] - 134:22 21st [1] - 138:4 223 [2] - 180:21, 181:11 23 [1] - 179:13 24-hour [3] - 182:2, 197:19 24/7 [2] - 181:15, 186:2 25-foot [1] - 154:10 250,000-gallon [1] - 154:12 26 [1] - 132:24 28 [1] - 181:2 29 [1] - 132:6 2nd [1] - 141:2 2R [1] - 180:8</p>	<p>4/6/21 [4] - 135:5, 135:8, 135:10, 135:16 400,000 [1] - 184:10 44 [3] - 179:13, 179:23, 191:16 45 [2] - 179:3, 189:20 45-foot [1] - 183:23 4567 [1] - 138:18 45th [1] - 179:24 483 [1] - 184:9</p>	<p>8 [1] - 159:15 8/16/21 [2] - 135:19, 135:21 8/25/21 [1] - 136:9 8/30/21 [1] - 136:8 8/31/21 [2] - 136:5, 136:6 80 [1] - 179:8 83 [1] - 181:8 8th [3] - 138:9, 138:12, 138:15</p>	9	
<p>2 [3] - 134:22, 135:12, 211:7 20 [1] - 187:21 2016 [1] - 181:21 2021 [8] - 132:8, 138:4, 138:9, 138:12, 138:15, 141:2, 173:19, 222:25 204 [1] - 134:21 207 [1] - 134:9 21 [2] - 132:8, 167:22 210 [1] - 134:22 21st [1] - 138:4 223 [2] - 180:21, 181:11 23 [1] - 179:13 24-hour [3] - 182:2, 197:19 24/7 [2] - 181:15, 186:2 25-foot [1] - 154:10 250,000-gallon [1] - 154:12 26 [1] - 132:24 28 [1] - 181:2 29 [1] - 132:6 2nd [1] - 141:2 2R [1] - 180:8</p>	5	<p>9 [7] - 138:18, 139:5, 151:11, 177:21, 202:7, 203:5, 222:25 9/15/21 [1] - 136:14 9/2/21 [1] - 136:11 9/30/01 [1] - 135:11 9/30/21 [4] - 135:6, 135:8, 135:14, 135:16 9/8/21 [1] - 136:12</p>	A	
<p>3 [7] - 134:17, 134:19, 150:25, 151:10, 159:12, 178:17,</p>	6	<p>A-24 [1] - 135:3 A-25 [1] - 135:4 A-26 [1] - 135:7 A-27 [1] - 135:9 A-28 [1] - 135:12 A-29 [1] - 135:15 A-30 [2] - 135:17, 172:14 A-31 [1] - 135:20 A-32 [1] - 135:22 A-33 [2] - 144:19, 144:24 a.m [1] - 205:14 AAFFHW [3] - 132:5, 140:24, 219:14 AB [1] - 132:23 abide [1] - 210:1 abilities [1] - 222:9 ability [1] - 217:9 able [2] - 161:9, 161:11 abroad [1] - 140:14</p>	3	
3	7		115	
<p>3 [7] - 134:17, 134:19, 150:25, 151:10, 159:12, 178:17,</p>	<p>5 [3] - 151:10, 159:13, 159:15 5.01 [1] - 132:5 50 [1] - 201:6 516 [1] - 133:3 524 [5] - 201:17, 201:21, 202:2, 202:5, 203:3 55 [2] - 181:1, 184:16</p>		115	
	<p>6 [2] - 139:6, 177:22 6.5 [1] - 165:22 600,000 [2] - 184:10, 184:16 64 [1] - 188:7 67 [1] - 179:14 68 [1] - 180:23 6:30 [1] - 205:14</p>		115	
	<p>70 [1] - 202:10 715,000 [1] - 185:2</p>		115	

<p>198:19, 198:22, 199:4, 199:7 alert [1] - 157:4 Algonquin [1] - 132:24 Allegiance [2] - 140:12, 140:15 Allis [1] - 180:13 allow [2] - 152:24, 190:6 allowed [3] - 183:4, 213:24, 217:14 allowing [1] - 178:6 allows [1] - 176:2 almost [1] - 209:16 alone [1] - 197:9 ALSO [1] - 132:18 alternate [2] - 159:10, 159:14 alternative [3] - 145:10, 151:4, 159:10 amazing [1] - 185:17 Amazon [2] - 186:4, 186:6 amended [1] - 212:19 amendment [4] - 212:23, 212:25, 213:2, 213:3 amount [1] - 213:6 analogy [4] - 190:19, 190:23, 191:5, 191:10 analysis [1] - 165:23 analyze [1] - 205:7 Anazette [2] - 134:21, 204:4 ANAZETTE [10] - 204:13, 204:17, 204:18, 204:23, 205:10, 209:12, 209:16, 210:3, 210:11, 210:15 anazette [1] - 204:17 ancillary [1] - 219:8 ANDREW [1] - 132:16 ANGELA [1] - 222:3 angela [1] - 222:23 angelabuonocsr @ gmail.com [1] - 132:25 angle [1] - 162:3 animosity [2] - 188:19, 198:23 anomalies [9] - 164:23, 165:12, 165:15, 165:20, 165:25, 166:7, 166:12, 166:24, 167:1</p>	<p>anomaly [1] - 170:3 answer [10] - 142:5, 159:2, 160:10, 170:14, 186:22, 190:6, 193:2, 205:24, 206:4, 209:7 answered [1] - 166:16 anti [2] - 152:13, 152:24 anti-conduit [2] - 152:13, 152:24 anticipate [1] - 208:18 apologize [2] - 160:20, 160:24 apology [1] - 160:14 appalled [1] - 184:4 appealing [4] - 183:16, 191:19, 191:20, 197:2 applicable [1] - 213:20 applicant [24] - 140:24, 146:23, 157:24, 158:2, 169:2, 169:7, 189:2, 189:17, 190:13, 209:22, 209:25, 213:9, 213:10, 214:1, 214:12, 214:22, 215:13, 216:24, 217:4, 218:22, 219:7, 219:19, 219:21, 221:12 Applicant [1] - 133:6 applicant 's [3] - 160:2, 171:13, 177:2 application [25] - 138:24, 141:2, 147:8, 160:20, 161:24, 177:17, 189:4, 189:17, 190:25, 192:8, 198:14, 198:16, 199:13, 210:9, 211:22, 211:23, 212:24, 213:21, 213:22, 214:3, 214:16, 215:7, 216:4, 217:25 application 's [1] - 175:4 applications [2] - 138:21, 213:25 Appreciate [1] - 176:12 appropriate [2] - 159:17, 175:15 appropriated [1] - 211:14</p>	<p>approval [6] - 158:2, 158:3, 168:9, 212:11, 213:11, 219:8 approve [4] - 210:8, 211:22, 219:10, 219:14 approved [1] - 168:24 architect [3] - 141:8, 171:19, 171:24 Architects [4] - 134:8, 135:18, 135:21, 135:23 Architectural [3] - 135:17, 135:20, 135:22 architectural [2] - 142:8, 145:12 architecture [1] - 154:14 Ardena [1] - 205:13 area [23] - 163:14, 165:4, 171:24, 180:4, 180:17, 181:15, 181:25, 182:22, 183:15, 183:18, 183:21, 184:24, 188:12, 189:7, 189:10, 191:13, 191:16, 202:18, 203:12, 212:1, 214:24, 219:17, 219:25 areas [15] - 148:9, 148:20, 150:25, 151:2, 151:7, 151:9, 151:10, 151:16, 166:2, 167:18, 168:3, 168:6, 168:8, 173:9, 197:24 argued [1] - 215:11 arsenic [2] - 167:20, 167:21 Asbury [1] - 138:10 aside [1] - 214:1 assigned [1] - 168:1 associated [1] - 166:3 AT [1] - 132:9 attend [1] - 205:12 attention [1] - 141:10 attorney [3] - 210:4, 222:12, 222:14 Attorney [1] - 132:19 ATTORNEY [150] - 140:20, 140:22, 142:24, 143:4, 143:5, 143:9, 143:18, 143:22, 143:24, 144:2, 144:3, 144:6,</p>	<p>144:13, 144:20, 144:23, 145:23, 146:12, 146:17, 146:19, 146:20, 147:4, 147:5, 147:7, 147:11, 147:13, 149:17, 150:15, 151:18, 151:24, 153:19, 153:21, 155:8, 155:21, 156:1, 156:18, 156:25, 157:25, 158:16, 158:23, 159:3, 160:11, 160:13, 161:22, 162:6, 163:2, 163:7, 163:12, 163:24, 164:15, 164:19, 165:8, 167:4, 167:6, 169:1, 169:11, 169:17, 170:6, 170:13, 171:11, 171:16, 172:2, 172:8, 172:12, 172:13, 172:18, 173:22, 174:11, 176:17, 176:20, 177:1, 178:7, 178:13, 178:19, 178:23, 181:4, 187:4, 187:16, 189:1, 189:11, 189:16, 190:2, 190:5, 190:9, 190:12, 191:4, 192:19, 193:2, 193:4, 193:8, 193:9, 193:18, 194:11, 194:14, 194:19, 194:23, 196:2, 196:5, 197:17, 198:4, 198:5, 198:13, 198:20, 200:1, 200:6, 200:11, 200:15, 200:20, 201:3, 201:14, 202:3, 203:24, 204:5, 204:8, 204:14, 204:22, 205:4, 205:23, 206:5, 206:7, 206:11, 206:14, 206:16, 206:17, 206:20, 206:25, 207:13, 207:20, 208:24, 209:10, 209:21, 210:24, 211:4, 211:8, 212:14, 213:15, 214:4, 214:8, 215:6,</p>	<p>215:10, 215:23, 216:18, 216:23, 218:10, 218:15, 218:19, 218:23, 219:2, 219:6, 221:7, 221:11 auction [1] - 180:4 audio [5] - 137:5, 137:6, 137:14, 139:2, 222:8 audio -taped [2] - 137:5, 222:8 author [2] - 205:25, 206:18 Authority [8] - 180:21, 181:8, 182:24, 183:24, 184:23, 188:4, 188:15, 191:11 authors [1] - 206:18 auto [2] - 180:3, 184:22 automatic [1] - 213:11 available [4] - 147:9, 169:18, 173:24, 177:3 average [4] - 151:11, 159:13, 159:15, 159:23 aware [7] - 146:2, 187:6, 189:9, 189:14, 190:13, 207:25, 221:12</p>
B				
<p>B-19 [1] - 136:4 B-20 [1] - 136:6 B-21 [1] - 136:7 B-22 [1] - 136:9 B-23 [1] - 136:10 B-24 [1] - 136:12 B-25 [1] - 136:13 bachelor 's [1] - 207:5 background [2] - 137:8, 213:13 backyard [4] - 178:25, 183:2, 196:11, 196:14 ball [4] - 182:9, 188:23, 195:11, 195:12 banter [1] - 182:7 base [1] - 173:12 baseball [1] - 179:21 based [6] - 145:2, 145:5, 145:13, 153:24, 165:25, 192:8 basin [4] - 154:3</p>				

<p>basis [1] - 187:20</p> <p>bat [3] - 148:3, 179:17, 179:20</p> <p>bays [3] - 152:14, 180:21, 181:11</p> <p>BEAHM [1] - 132:20</p> <p>Beahm [3] - 173:11, 173:18, 211:15</p> <p>beautifully [1] - 188:23</p> <p>became [1] - 147:9</p> <p>bedroom [1] - 182:21</p> <p>begging [1] - 185:15</p> <p>begin [1] - 143:1</p> <p>beginning [2] - 162:11, 169:5</p> <p>behalf [2] - 140:24, 189:1</p> <p>behind [1] - 195:19</p> <p>below [1] - 151:14</p> <p>beneficial [1] - 219:23</p> <p>benefits [2] - 158:5, 183:20</p> <p>Bergen [2] - 201:7, 202:12</p> <p>best [4] - 143:11, 168:8, 205:23, 222:9</p> <p>better [3] - 150:18, 168:21, 188:6</p> <p>between [9] - 148:12, 152:18, 152:20, 154:2, 154:4, 163:13, 177:20, 182:24, 191:6</p> <p>beyond [3] - 158:8, 217:3</p> <p>bicycles [2] - 182:6, 183:13</p> <p>big [8] - 182:1, 183:14, 186:6, 192:1, 195:15, 207:24, 209:17, 214:21</p> <p>big-money [1] - 192:1</p> <p>biggest [1] - 191:11</p> <p>bikes [1] - 195:11</p> <p>Bill [1] - 146:2</p> <p>bill [3] - 146:2, 146:8, 146:21</p> <p>bills [1] - 215:2</p> <p>bit [4] - 176:6, 180:25, 184:14, 184:25</p> <p>blend [4] - 154:14, 183:15, 185:18, 188:22</p> <p>blending [1] - 168:5</p> <p>blends [2] - 183:20, 188:22</p> <p>BLOCK [1] - 132:5</p> <p>block [2] - 144:16, 154:24</p>	<p>Board [13] - 132:19, 132:19, 132:20, 132:20, 136:4, 136:6, 136:7, 138:5, 153:25, 170:11, 174:9, 176:13, 216:14</p> <p>BOARD [65] - 132:1, 132:12, 136:1, 137:20, 138:3, 139:11, 139:14, 139:16, 139:18, 139:21, 139:24, 140:8, 140:18, 143:17, 144:9, 144:19, 144:21, 155:13, 155:19, 155:25, 156:2, 156:6, 156:13, 156:22, 157:21, 158:8, 158:14, 158:21, 159:7, 160:1, 161:14, 161:15, 161:19, 162:13, 162:18, 162:21, 162:22, 163:5, 163:9, 169:20, 169:25, 174:3, 175:5, 175:6, 175:11, 176:5, 177:14, 178:4, 199:11, 199:17, 199:20, 200:3, 204:3, 204:7, 210:21, 216:2, 216:9, 220:7, 220:14, 220:17, 220:19, 220:22, 220:24, 221:2, 221:5</p> <p>board [79] - 138:4, 138:17, 140:17, 140:23, 141:1, 141:10, 143:20, 144:24, 145:3, 145:5, 145:19, 146:1, 148:21, 149:2, 149:3, 150:2, 150:3, 150:14, 150:16, 151:18, 151:19, 155:23, 157:3, 158:1, 159:20, 160:15, 163:13, 163:21, 165:1, 165:12, 169:2, 169:3, 169:13, 169:18, 171:23, 172:23, 174:4, 174:15, 174:22, 177:3, 177:4, 178:10, 183:16, 184:5,</p>	<p>185:15, 188:20, 190:13, 190:16, 191:21, 192:7, 192:23, 194:16, 198:9, 198:15, 198:16, 198:24, 200:17, 204:10, 206:22, 207:10, 210:7, 211:1, 211:11, 212:2, 212:16, 213:7, 215:3, 215:13, 215:14, 215:17, 217:21, 217:24, 219:4, 219:18, 221:10, 221:12</p> <p>board 's [4] - 158:3, 169:19, 183:19, 217:21</p> <p>Bobcat [1] - 180:3</p> <p>body [1] - 184:22</p> <p>Boisvert [4] - 139:12, 220:8, 220:12, 220:15</p> <p>BOISVERT [4] - 132:14, 139:13, 220:13, 220:16</p> <p>border [1] - 166:18</p> <p>born [1] - 182:20</p> <p>bottom [1] - 154:9</p> <p>bought [1] - 185:24</p> <p>brand [1] - 181:8</p> <p>BRIAN [1] - 132:13</p> <p>brief [3] - 141:25, 143:11, 215:11</p> <p>briefly [2] - 150:1, 189:2</p> <p>Bright [2] - 134:9, 207:4</p> <p>bring [7] - 138:25, 152:4, 153:15, 177:18, 181:14, 206:2, 216:15</p> <p>bringing [5] - 150:20, 158:17, 158:18, 160:15, 184:7</p> <p>brings [1] - 203:4</p> <p>broadcast [1] - 139:8</p> <p>broke [1] - 181:9</p> <p>brought [3] - 141:10, 151:5, 158:19</p> <p>Buck [1] - 182:19</p> <p>Bucks [1] - 182:19</p> <p>buffer [2] - 163:16, 175:20</p> <p>buffers [1] - 148:25</p> <p>build [1] - 214:20</p> <p>building [17] - 168:16, 168:22, 170:15, 171:18, 172:21,</p>	<p>173:12, 173:15, 179:7, 183:23, 183:25, 184:15, 189:20, 189:21, 189:23, 189:25, 203:15, 214:23</p> <p>Building [12] - 135:17, 135:20, 138:18, 145:7, 145:9, 152:11, 152:16, 154:2, 154:3, 172:5, 181:2</p> <p>Buildings [1] - 148:12</p> <p>buildings [11] - 148:22, 148:23, 149:7, 152:8, 154:15, 161:8, 166:2, 172:21, 185:10, 185:13, 185:14</p> <p>built [2] - 166:17, 166:20</p> <p>bulletin [1] - 138:17</p> <p>BUONANTUONO [1] - 222:3</p> <p>Buonantuono [1] - 222:23</p> <p>Bureau [1] - 136:10</p> <p>buried [1] - 165:17</p> <p>bus [9] - 190:20, 190:21, 191:6, 191:12, 205:11, 205:14, 205:20, 209:18</p> <p>buses [2] - 180:22, 191:8</p> <p>busiest [1] - 191:12</p> <p>Business [1] - 203:6</p> <p>business [3] - 179:12, 181:25, 186:1</p> <p>businesses [1] - 195:18</p> <p>businessman [1] - 191:16</p> <p>busy [3] - 195:3, 195:7, 219:17</p> <p>BY [14] - 133:3, 136:1, 143:9, 144:13, 144:23, 146:12, 147:13, 151:24, 153:21, 165:8, 167:6, 169:11, 172:18, 207:20</p> <p>Bypass [1] - 203:6</p>	<p>200:25</p> <p>Cabin [1] - 180:1</p> <p>caller [1] - 177:23</p> <p>camera [4] - 177:25, 200:7, 204:6, 206:8</p> <p>candle [4] - 151:1, 151:7, 151:13, 151:14</p> <p>candles [2] - 150:25, 159:15</p> <p>canopy [1] - 172:25</p> <p>cap [1] - 168:21</p> <p>capability [1] - 139:2</p> <p>capable [1] - 201:16</p> <p>capacity [1] - 205:7</p> <p>capping [1] - 168:6</p> <p>Car [1] - 180:3</p> <p>carries [1] - 190:23</p> <p>cars [2] - 182:10, 208:17</p> <p>CASE [1] - 132:7</p> <p>case [3] - 140:19, 215:11, 215:18</p> <p>Case [1] - 219:14</p> <p>cash [1] - 191:24</p> <p>CASPER [2] - 132:14, 140:2</p> <p>Casper [1] - 140:1</p> <p>Castle [2] - 134:22, 211:7</p> <p>CCR [1] - 222:23</p> <p>cemetery [3] - 164:21, 164:24, 166:19</p> <p>Cemetery [1] - 165:14</p> <p>center [5] - 152:8, 152:19, 171:15, 171:17, 186:7</p> <p>central [2] - 152:10, 167:19</p> <p>certain [2] - 166:20, 213:6</p> <p>certainly [2] - 172:23, 212:20</p> <p>certainty [1] - 218:4</p> <p>Certificate [1] - 169:8</p> <p>Certified [2] - 222:3, 222:6</p> <p>certified [3] - 132:23, 207:8, 220:9</p> <p>certify [1] - 222:6</p> <p>CERTIFY [1] - 222:11</p> <p>CESTERO [61] - 178:2, 178:5, 178:12, 178:16, 178:21, 178:24, 181:7, 183:1, 183:3, 183:8, 183:9, 183:10, 183:11, 184:19, 184:20, 186:14, 186:16,</p>
			C	
			C-E-S-T-E-R-O [1] - 178:21	
			C-H-W-E-C-K-E [1] -	

<p>186:20, 186:23, 186:25, 187:14, 187:18, 189:9, 189:13, 189:14, 189:15, 189:24, 190:4, 190:8, 191:3, 191:5, 192:11, 192:15, 192:25, 193:6, 193:13, 193:24, 194:3, 194:7, 194:9, 194:13, 194:18, 194:21, 194:25, 195:5, 195:6, 195:22, 195:24, 195:25, 196:4, 196:7, 196:9, 196:17, 196:18, 197:16, 197:18, 198:8, 198:19, 198:22, 199:4, 199:7</p> <p>Cestero [11] - 134:17, 134:19, 178:17, 178:19, 186:19, 192:6, 193:5, 194:6, 194:22, 199:3, 219:16</p> <p>Chair [18] - 141:1, 146:1, 151:18, 157:3, 169:1, 169:21, 171:2, 176:17, 177:1, 189:16, 207:13, 209:1, 212:14, 216:18, 216:24, 218:19, 218:24, 219:7</p> <p>Chair's [1] - 141:23</p> <p>CHAIRMAN [68] - 138:1, 139:9, 140:7, 140:10, 140:16, 140:21, 142:23, 155:5, 155:15, 159:1, 159:4, 159:18, 160:9, 160:12, 161:1, 162:1, 163:1, 163:19, 169:22, 170:2, 170:10, 173:25, 174:7, 175:1, 175:8, 175:24, 176:11, 176:19, 176:21, 177:6, 186:19, 186:21, 187:1, 192:5, 192:13, 193:15, 194:5, 199:2, 199:6, 199:8, 199:15, 199:18, 201:13, 201:22, 203:23, 204:2,</p>	<p>207:15, 210:10, 210:12, 210:17, 215:24, 216:1, 216:7, 216:11, 216:21, 218:2, 218:13, 218:17, 218:20, 219:1, 219:3, 219:11, 220:1, 220:5, 220:11, 221:4, 221:9, 221:17</p> <p>Chairman [23] - 132:13, 132:16, 138:22, 140:5, 140:23, 142:19, 155:13, 158:1, 158:9, 158:15, 158:24, 159:7, 161:23, 163:15, 173:23, 174:12, 175:12, 177:15, 190:3, 216:5, 221:2, 221:8, 221:15</p> <p>challenged [1] - 214:18</p> <p>Chalmers [1] - 180:13</p> <p>chance [1] - 138:21</p> <p>change [6] - 148:10, 148:18, 190:17, 203:13, 213:24</p> <p>changed [4] - 142:2, 197:21, 198:1, 198:3</p> <p>changes [6] - 145:12, 148:18, 155:2, 174:1, 175:12, 211:25</p> <p>changing [1] - 174:17</p> <p>charging [17] - 145:11, 145:24, 146:4, 146:6, 146:9, 146:14, 146:15, 146:24, 152:1, 152:7, 152:12, 152:15, 152:17, 152:20, 152:22, 152:25, 153:1</p> <p>cheap [1] - 191:25</p> <p>checked [1] - 165:18</p> <p>chief [2] - 164:4, 202:17</p> <p>CHIEF [8] - 139:20, 201:24, 202:16, 202:24, 209:7, 209:15, 219:13, 220:21</p> <p>Chief [7] - 132:16, 139:18, 140:14, 160:22, 201:23, 220:2, 220:19</p> <p>children [3] - 182:5,</p>	<p>182:17, 195:8</p> <p>choose [1] - 151:22</p> <p>circle [2] - 154:1, 154:6</p> <p>circulating [2] - 148:9, 176:8</p> <p>Circulation [9] - 211:12, 211:17, 211:20, 211:24, 212:3, 212:5, 212:8, 212:10, 213:2</p> <p>circulation [8] - 145:4, 147:16, 148:4, 148:7, 148:19, 174:13, 175:9, 175:19</p> <p>citizen [2] - 181:20, 181:21</p> <p>City [3] - 179:7, 183:25, 188:14</p> <p>civil [1] - 207:6</p> <p>clarify [2] - 148:2, 175:13</p> <p>clarifying [1] - 158:22</p> <p>clarity [1] - 147:18</p> <p>cleanup [2] - 167:10, 167:12</p> <p>clear [1] - 171:12</p> <p>clearly [3] - 137:23, 190:20, 209:6</p> <p>clerk [1] - 138:13</p> <p>client [2] - 146:7, 157:6</p> <p>client's [2] - 145:18, 166:19</p> <p>close [2] - 154:4, 216:12</p> <p>Close [2] - 134:20, 200:25</p> <p>closer [2] - 151:6, 152:7</p> <p>closes [1] - 216:5</p> <p>CLR [1] - 222:23</p> <p>club [5] - 179:17, 182:7, 182:8, 188:22, 195:13</p> <p>co [1] - 181:21</p> <p>co-citizen [1] - 181:21</p> <p>codes [1] - 161:3</p> <p>Colliers [7] - 134:5, 134:6, 135:5, 135:7, 135:10, 135:13, 135:16</p> <p>comfortable [3] - 149:20, 149:21, 151:19</p> <p>coming [8] - 146:5, 192:9, 202:12, 205:1, 205:18, 208:17, 208:20,</p>	<p>210:23</p> <p>commencement [1] - 136:17</p> <p>COMMENCING [1] - 132:9</p> <p>COMMENT [1] - 134:15</p> <p>comment [9] - 138:21, 138:24, 177:16, 187:14, 199:12, 214:11, 215:21, 216:3, 216:17</p> <p>Comments [1] - 173:13</p> <p>comments [16] - 145:3, 145:5, 145:14, 149:22, 153:24, 158:12, 159:21, 173:20, 174:1, 174:9, 175:3, 175:17, 176:14, 176:18, 177:7, 216:15</p> <p>Commission [3] - 136:12, 136:13, 164:5</p> <p>commitment [2] - 141:13, 169:2</p> <p>common [1] - 166:18</p> <p>communications [1] - 167:15</p> <p>community [1] - 210:6</p> <p>compare [1] - 190:19</p> <p>comparing [1] - 190:21</p> <p>complete [1] - 175:4</p> <p>completely [1] - 142:6</p> <p>completion [1] - 218:18</p> <p>compliance [3] - 161:12, 163:18, 170:17</p> <p>compliant [3] - 150:17, 150:22, 151:3</p> <p>complied [1] - 162:15</p> <p>comply [2] - 146:23, 217:15</p> <p>complying [1] - 150:4</p> <p>compromise [1] - 149:14</p> <p>concentrate [1] - 160:8</p> <p>concern [7] - 163:15, 165:16, 183:5, 184:3, 195:15, 209:18</p> <p>concerned [1] - 202:14</p> <p>concerns [8] - 141:9,</p>	<p>149:4, 164:7, 164:20, 165:10, 176:6, 179:1, 189:3</p> <p>concert [1] - 180:16</p> <p>concluded [1] - 176:23</p> <p>concludes [1] - 176:24</p> <p>conclusion [1] - 169:6</p> <p>conclusions [2] - 211:21, 211:25</p> <p>conduit [5] - 146:15, 152:13, 152:24, 153:3</p> <p>Conference [1] - 133:1</p> <p>conference [1] - 159:8</p> <p>configuration [1] - 162:14</p> <p>confirm [8] - 146:13, 147:17, 153:4, 156:3, 158:10, 160:3, 166:24, 193:17</p> <p>confirmed [1] - 158:6</p> <p>conflicting [1] - 176:7</p> <p>confused [1] - 180:22</p> <p>congested [1] - 203:12</p> <p>Conservation [1] - 136:9</p> <p>consider [5] - 179:6, 192:21, 212:11, 215:4, 217:24</p> <p>considerable [2] - 141:3, 142:16</p> <p>consideration [2] - 205:21, 210:7</p> <p>considerations [1] - 210:5</p> <p>considered [1] - 179:5</p> <p>consistent [8] - 149:10, 149:11, 150:9, 174:4, 189:5, 189:18, 190:18, 191:1</p> <p>consisting [8] - 135:4, 135:7, 135:9, 135:12, 135:15, 135:18, 135:20, 135:22</p> <p>constraints [1] - 198:18</p> <p>constructed [1] - 209:24</p> <p>construction [7] - 157:10, 168:12, 168:15, 168:18, 168:25, 173:2, 210:4</p> <p>consultant [1] - 164:9</p>
---	---	---	--	---

<p>contaminated [1] - 196:22</p> <p>contemplated [1] - 153:2</p> <p>context [1] - 137:23</p> <p>continue [3] - 153:5, 180:11, 192:24</p> <p>CONTINUED [1] - 132:10</p> <p>control [1] - 143:15</p> <p>conversation [1] - 173:18</p> <p>conversations [1] - 174:5</p> <p>copy [2] - 138:9, 138:12</p> <p>corner [4] - 145:7, 167:19, 185:23, 200:2</p> <p>corners [4] - 148:21, 148:23, 217:1, 217:2</p> <p>Correct [1] - 156:21</p> <p>correct [16] - 149:16, 149:24, 150:12, 153:9, 154:25, 156:5, 160:1, 160:4, 167:3, 175:11, 181:1, 181:3, 181:5, 181:6, 187:8, 215:17</p> <p>correction [1] - 212:16</p> <p>coughing [1] - 137:12</p> <p>council [1] - 211:13</p> <p>Councilwoman [1] - 139:23</p> <p>Counsel [2] - 133:6, 143:23</p> <p>counsel [3] - 164:13, 222:12, 222:14</p> <p>country [1] - 182:25</p> <p>COUNTY [1] - 132:2</p> <p>County [3] - 136:7, 201:7, 202:13</p> <p>couple [8] - 142:4, 142:11, 161:6, 164:25, 168:4, 179:1, 185:13, 203:14</p> <p>course [3] - 173:12, 173:14, 191:15</p> <p>court [2] - 214:18, 215:14</p> <p>COURT [1] - 132:23</p> <p>Court [6] - 132:23, 134:21, 134:22, 204:19, 211:7, 222:4</p> <p>courtesy [1] - 198:10</p> <p>cow [1] - 191:24</p> <p>crazy [1] - 186:10</p> <p>create [3] - 160:17, 160:21</p>	<p>created [2] - 150:8, 217:20</p> <p>credentials [3] - 164:10, 206:3, 207:16</p> <p>CRISTIANO [3] - 132:15, 140:4, 221:4</p> <p>Cristiano [2] - 140:3, 220:25</p> <p>criteria [1] - 166:20</p> <p>critical [1] - 151:16</p> <p>cross [1] - 137:11</p> <p>cross -talking [1] - 137:11</p> <p>crosses [1] - 160:7</p> <p>crowd [1] - 182:15</p> <p>Cucchiaro [5] - 155:17, 176:16, 192:5, 213:16, 219:11</p> <p>CUCCHIARO [70] - 132:19, 142:24, 143:4, 143:18, 143:24, 144:3, 146:17, 146:20, 147:5, 147:11, 155:21, 156:1, 161:22, 162:6, 163:2, 163:7, 164:15, 171:11, 172:8, 172:12, 176:17, 176:20, 178:7, 178:13, 178:19, 178:23, 190:2, 190:5, 190:9, 191:4, 192:19, 193:4, 193:8, 194:11, 194:14, 194:19, 194:23, 196:2, 196:5, 197:17, 198:4, 200:1, 200:6, 200:11, 200:15, 200:20, 201:3, 203:24, 204:5, 204:8, 204:14, 204:22, 206:5, 206:11, 206:16, 206:20, 206:25, 210:24, 211:4, 211:8, 212:14, 214:4, 214:8, 215:6, 215:10, 215:23, 218:23, 219:2, 219:6, 221:7</p> <p>curbing [2] - 156:10, 174:18</p> <p>curious [1] - 211:16</p> <p>Curtin [9] - 162:23, 193:14, 193:16,</p>	<p>193:20, 193:22, 194:2, 195:5, 195:7, 195:10</p> <p>customary [1] - 177:11</p> <p>Cycle [1] - 180:8</p>	<p>D</p> <p>daily [1] - 187:20</p> <p>Dan [2] - 142:12, 174:21</p> <p>danger [2] - 183:11, 205:18</p> <p>dark [4] - 154:7, 205:16, 205:20, 209:19</p> <p>darker [1] - 154:17</p> <p>dashed [1] - 154:7</p> <p>Dated [1] - 222:25</p> <p>dated [15] - 135:5, 135:8, 135:10, 135:13, 135:16, 135:19, 135:21, 135:23, 136:4, 136:6, 136:8, 136:9, 136:10, 136:12, 136:14</p> <p>dates [1] - 182:22</p> <p>daughters [2] - 184:12, 185:11</p> <p>days [3] - 182:3, 182:10, 196:19</p> <p>daytime [1] - 217:13</p> <p>deal [1] - 203:16</p> <p>dealer [1] - 180:3</p> <p>dealership [2] - 180:13, 185:22</p> <p>dealing [1] - 196:15</p> <p>debris [1] - 165:17</p> <p>December [1] - 179:24</p> <p>decide [1] - 168:20</p> <p>decision [8] - 212:4, 212:7, 212:10, 213:5, 213:7, 213:10, 214:20, 215:4</p> <p>declare [1] - 138:4</p> <p>deed [2] - 170:4, 170:8</p> <p>deed -restricted [1] - 170:4</p> <p>deep [1] - 165:22</p> <p>defer [5] - 161:15, 162:10, 174:11, 174:23, 196:5</p> <p>deferring [2] - 157:16, 162:24</p> <p>definition [2] - 163:3, 189:20</p> <p>definitions [4] - 163:8,</p>	<p>170:23, 171:4, 171:5</p> <p>degree [1] - 207:6</p> <p>delaying [1] - 213:5</p> <p>delicatessen [1] - 185:23</p> <p>delivered [1] - 138:13</p> <p>denial [1] - 221:7</p> <p>deny [2] - 210:8, 219:10</p> <p>DEP [5] - 167:23, 168:9, 168:13, 168:24, 169:10</p> <p>department [1] - 156:8</p> <p>department 's [1] - 157:22</p> <p>depot [5] - 181:14, 190:20, 190:21, 191:6</p> <p>descendant [1] - 182:20</p> <p>describe [1] - 147:15</p> <p>described [1] - 174:16</p> <p>describes [1] - 179:2</p> <p>DESCRIPTION [2] - 135:2, 136:3</p> <p>description [4] - 174:13, 179:2, 179:9, 186:3</p> <p>design [8] - 141:5, 142:17, 166:17, 166:19, 166:22, 215:15, 217:8, 219:8</p> <p>Design [7] - 134:5, 134:6, 135:5, 135:8, 135:10, 135:13, 135:16</p> <p>designated [1] - 189:8</p> <p>designation [2] - 211:25, 212:9</p> <p>designed [5] - 148:24, 149:9, 164:2, 208:22, 209:23</p> <p>designing [1] - 210:5</p> <p>details [1] - 145:8</p> <p>determines [1] - 137:7</p> <p>determining [1] - 210:8</p> <p>develop [2] - 188:24, 214:13</p> <p>developed [1] - 219:18</p> <p>developing [2] - 191:23, 197:23</p> <p>Development [1] - 189:8</p> <p>development [3] - 166:23, 169:6, 202:8</p> <p>developments [2] - 182:6, 191:25</p> <p>devices [1] - 137:10</p>	<p>dialing [1] - 139:5</p> <p>dialogue [1] - 163:13</p> <p>diameter [1] - 154:11</p> <p>dieldrin [1] - 167:23</p> <p>diesel [2] - 188:16, 191:9</p> <p>difference [1] - 186:8</p> <p>differences [1] - 215:18</p> <p>different [3] - 163:8, 168:4</p> <p>difficulty [1] - 150:4</p> <p>dimension [1] - 152:5</p> <p>dimensions [1] - 165:21</p> <p>direct [4] - 148:14, 173:22, 177:2, 177:4</p> <p>directing [1] - 147:24</p> <p>direction [3] - 148:6, 182:12, 190:15</p> <p>directions [1] - 148:16</p> <p>directly [1] - 180:2</p> <p>director [1] - 207:3</p> <p>disagree [1] - 162:17</p> <p>disappointed [1] - 197:12</p> <p>Disario [2] - 142:13, 174:21</p> <p>discernible [1] - 137:23</p> <p>discussed [2] - 145:16, 171:12</p> <p>discussion [1] - 150:2</p> <p>disposal [1] - 166:4</p> <p>dispute [1] - 215:12</p> <p>distance [5] - 137:12, 158:20, 166:25, 201:17, 201:21</p> <p>distributed [1] - 171:10</p> <p>distribution [3] - 170:19, 170:21, 171:8</p> <p>District [1] - 136:9</p> <p>disturb [1] - 166:21</p> <p>disturbance [1] - 137:8</p> <p>disturbing [1] - 168:19</p> <p>DO [1] - 222:11</p> <p>docks [10] - 155:10, 161:8, 161:11, 174:14, 180:24, 181:1, 181:2, 181:8, 190:22, 191:7</p> <p>done [7] - 164:23, 180:6, 180:16, 203:16, 211:24, 212:3, 218:18</p> <p>door [2] - 195:21,</p>
--	---	---	---	--	---

<p>196:10 doors [1] - 173:8 Dorato [2] - 139:14, 220:17 DORATO [3] - 132:15, 139:15, 220:18 down [6] - 179:18, 201:7, 202:25, 205:2, 205:19, 208:1 downgraded [1] - 181:10 Downs [4] - 201:2, 202:15, 202:21, 203:8 Dr [14] - 141:6, 142:3, 142:5, 158:25, 164:8, 164:11, 164:19, 165:2, 165:9, 167:7, 168:16, 169:12, 169:18 drawings [2] - 172:24, 173:17 drive [1] - 181:18 driveaway [10] - 147:25, 148:1, 148:2, 154:4, 154:5, 174:17, 193:25, 195:2, 195:3, 202:15 driveway .. [1] - 186:15 driveways [2] - 174:17, 193:19 ductwork [1] - 173:3 dumps [1] - 203:4 during [8] - 145:24, 145:25, 168:11, 168:15, 173:18, 205:13, 205:16, 208:15</p>	<p>either [7] - 148:6, 148:15, 150:17, 151:20, 170:1, 195:17, 219:9 electric [3] - 145:11, 151:25, 152:15 electrical [2] - 152:6, 152:25 Element [9] - 211:12, 211:17, 211:20, 211:24, 212:3, 212:5, 212:8, 212:11, 213:2 element [2] - 212:12, 212:19 elementary [1] - 185:14 elements [2] - 142:17, 174:20 elevations [1] - 167:20 eliminate [1] - 218:7 Elton [2] - 201:11, 202:2 Elton -Adelphia [2] - 201:11, 202:2 Email :kpape @hpnjlaw .com [1] - 133:5 embedded [1] - 217:11 embellishments [1] - 172:20 emissions [1] - 217:12 emphasize [1] - 145:17 employee [2] - 222:12, 222:14 employees [1] - 208:17 end [1] - 157:9 enforce [2] - 187:24, 187:25 Engineer [1] - 132:19 engineer [9] - 141:5, 142:21, 145:5, 148:21, 149:2, 155:14, 160:2, 207:7, 207:8 ENGINEER [20] - 155:13, 155:19, 155:25, 156:2, 156:6, 156:13, 156:22, 157:21, 158:8, 158:14, 158:21, 159:7, 160:1, 161:15, 162:18, 162:22, 169:25, 175:6, 175:11, 176:5</p>	<p>engineer 's [1] - 136:4 engineering [6] - 156:8, 157:22, 158:11, 193:12, 207:4, 207:6 Engineering [9] - 134:5, 134:6, 134:9, 135:5, 135:7, 135:10, 135:13, 135:16, 207:4 engineers [1] - 179:5 enjoy [1] - 182:5 ensure [1] - 175:21 enter [1] - 195:9 entering [2] - 147:21, 148:1 entertain [2] - 219:5, 219:12 entire [4] - 141:6, 183:18, 208:10, 219:22 entitled [1] - 209:25 Environmental [2] - 136:12, 164:5 environmental [9] - 137:9, 141:7, 142:4, 164:9, 164:10, 164:20, 165:15, 167:10, 167:12 envision [1] - 171:7 Equestra [1] - 184:9 especially [1] - 149:10 ESQUIRE [2] - 132:19, 133:3 establish [1] - 198:11 evening [10] - 140:20, 140:22, 141:3, 141:21, 141:23, 142:12, 206:9, 208:13, 217:25, 221:13 evidence [1] - 166:4 exactly [2] - 202:19, 207:25 excavate [1] - 168:20 excavated [1] - 166:9 exceeds [1] - 159:12 excellent [1] - 144:12 except [1] - 184:18 exception [1] - 217:4 excuse [1] - 189:24 excused [3] - 139:22, 139:23 EXHIBIT [2] - 135:2, 136:3 exhibit [7] - 144:5, 144:14, 144:17, 153:16, 154:9, 154:16, 173:17 Exhibit [4] - 135:4,</p>	<p>135:7, 135:9, 153:24 Exhibits [1] - 136:17 exhibits [3] - 143:16, 143:19, 144:1 exist [1] - 214:2 existing [1] - 210:1 exiting [2] - 176:9, 194:1 exits [1] - 195:6 expecting [1] - 208:15 expert [2] - 165:18, 207:10 expertise [1] - 171:24 expires [1] - 213:10 explain [1] - 192:6 expressly [2] - 171:3, 198:17 extending [2] - 160:19, 160:23 extension [1] - 213:8</p>	<p>197:8, 207:11 field [3] - 167:18, 188:23, 195:12 fields [3] - 152:8, 179:21, 182:9 filed [2] - 169:10, 213:22 filing [2] - 213:19 filter [1] - 154:23 filtered [1] - 153:14 filtering [1] - 156:14 Final [2] - 135:15, 219:8 finally [1] - 196:25 financially [1] - 222:15 findings [2] - 165:19, 212:4 fine [3] - 184:21, 196:4 finish [3] - 189:13, 189:15, 196:6 finished [1] - 157:11 finite [1] - 146:3 fire [4] - 145:8, 153:10, 154:12, 164:3 Fire [2] - 136:10, 180:2 firefighting [2] - 160:17, 160:21 Firefighting [1] - 135:9 firehouse [1] - 202:19 firm [1] - 211:14 first [13] - 138:9, 140:13, 144:25, 146:9, 152:3, 156:2, 157:3, 172:10, 181:22, 190:7, 194:12, 200:12, 219:21 first-responders [1] - 140:13 FISHINGER [3] - 206:9, 206:24, 207:2 Fishinger [9] - 134:9, 142:13, 174:21, 205:24, 206:3, 206:17, 206:19, 207:3, 207:21 five [2] - 181:23, 183:25 Five [12] - 204:20, 204:25, 205:2, 205:11, 205:15, 205:19, 207:23, 208:1, 208:6, 208:13, 209:9, 209:13 floor [1] - 189:22 floors [3] - 179:7,</p>
E			F	
<p>e.g [1] - 137:9 early [2] - 141:14, 141:19 earn [1] - 158:2 earning [1] - 158:2 earshot [1] - 188:12 earth [1] - 168:20 echoing [1] - 157:22 Economic [1] - 189:8 Edinburgh [1] - 203:4 effect [1] - 159:24 eight [2] - 179:7, 179:8 EILEEN [1] - 132:20 Eileen [6] - 138:2, 139:10, 143:24, 144:7, 199:10, 199:16</p>		<p>entitled [1] - 209:25 Environmental [2] - 136:12, 164:5 environmental [9] - 137:9, 141:7, 142:4, 164:9, 164:10, 164:20, 165:15, 167:10, 167:12 envision [1] - 171:7 Equestra [1] - 184:9 especially [1] - 149:10 ESQUIRE [2] - 132:19, 133:3 establish [1] - 198:11 evening [10] - 140:20, 140:22, 141:3, 141:21, 141:23, 142:12, 206:9, 208:13, 217:25, 221:13 evidence [1] - 166:4 exactly [2] - 202:19, 207:25 excavate [1] - 168:20 excavated [1] - 166:9 exceeds [1] - 159:12 excellent [1] - 144:12 except [1] - 184:18 exception [1] - 217:4 excuse [1] - 189:24 excused [3] - 139:22, 139:23 EXHIBIT [2] - 135:2, 136:3 exhibit [7] - 144:5, 144:14, 144:17, 153:16, 154:9, 154:16, 173:17 Exhibit [4] - 135:4,</p>	<p>F-I-S-H-I-N-G-E-R [1] - 207:3 face [1] - 182:16 facility [2] - 186:6, 208:20 facing [1] - 163:10 facts [2] - 207:22, 215:19 fair [4] - 174:7, 215:21, 216:21, 219:1 Fairfield [1] - 180:8 fairly [2] - 164:21, 174:19 familiar [2] - 196:11, 203:11 families [1] - 182:17 family [4] - 179:21, 188:25, 189:3 far [7] - 148:4, 166:5, 185:4, 191:5, 197:18, 201:9, 217:10 farm [2] - 163:16, 167:18 fastest [1] - 208:23 favorably [1] - 217:25 feature [4] - 138:25, 177:18, 199:14, 216:5 feet [10] - 165:22, 166:25, 179:3, 179:6, 179:8, 183:1, 189:20, 195:21, 196:10, 196:13 felt [2] - 150:5, 159:16 few [3] - 185:10,</p>	<p>197:8, 207:11 field [3] - 167:18, 188:23, 195:12 fields [3] - 152:8, 179:21, 182:9 filed [2] - 169:10, 213:22 filing [2] - 213:19 filter [1] - 154:23 filtered [1] - 153:14 filtering [1] - 156:14 Final [2] - 135:15, 219:8 finally [1] - 196:25 financially [1] - 222:15 findings [2] - 165:19, 212:4 fine [3] - 184:21, 196:4 finish [3] - 189:13, 189:15, 196:6 finished [1] - 157:11 finite [1] - 146:3 fire [4] - 145:8, 153:10, 154:12, 164:3 Fire [2] - 136:10, 180:2 firefighting [2] - 160:17, 160:21 Firefighting [1] - 135:9 firehouse [1] - 202:19 firm [1] - 211:14 first [13] - 138:9, 140:13, 144:25, 146:9, 152:3, 156:2, 157:3, 172:10, 181:22, 190:7, 194:12, 200:12, 219:21 first-responders [1] - 140:13 FISHINGER [3] - 206:9, 206:24, 207:2 Fishinger [9] - 134:9, 142:13, 174:21, 205:24, 206:3, 206:17, 206:19, 207:3, 207:21 five [2] - 181:23, 183:25 Five [12] - 204:20, 204:25, 205:2, 205:11, 205:15, 205:19, 207:23, 208:1, 208:6, 208:13, 209:9, 209:13 floor [1] - 189:22 floors [3] - 179:7,</p>

<p>189:23, 189:25 follow [1] - 156:7 followed [2] - 171:6, 190:14 following [3] - 137:3, 137:19, 138:8 followup [1] - 204:24 foot [6] - 150:25, 151:1, 151:7, 151:13, 151:14, 159:15 foot-candle [2] - 151:7, 151:14 foot-candles [2] - 150:25, 159:15 FOR [1] - 132:4 force [3] - 185:7, 192:3, 196:21 forcing [1] - 196:23 foregoing [1] - 222:7 Foremans [1] - 197:12 foresee [1] - 202:24 forever [1] - 180:12 former [1] - 180:8 forth [2] - 151:9, 189:6 forward [2] - 138:2, 151:23 foundation [1] - 168:22 Four [1] - 184:14 four [9] - 179:4, 181:17, 184:2, 186:12, 209:1, 209:11, 211:23, 217:1, 217:2 four-ton [2] - 181:17, 186:12 Free [2] - 197:23, 198:11 Freehold [4] - 136:9, 178:17, 201:1, 204:19 FROM [1] - 132:11 front [14] - 145:18, 161:18, 161:21, 162:7, 162:12, 162:16, 163:4, 163:6, 163:10, 163:11, 181:23, 207:10, 207:12, 208:3 frontage [7] - 156:20, 156:24, 157:18, 162:19, 162:24, 186:16, 186:17 fueled [1] - 191:9 fuels [1] - 188:16 fulfilment [4] - 171:14, 171:17, 186:7 full [3] - 144:24,</p>	<p>145:19, 163:17 fully [1] - 189:2 fun [1] - 182:8 FURTHER [1] - 222:11 future [6] - 139:8, 146:5, 146:6, 146:11, 146:15, 152:24</p> <p style="text-align: center;">G</p> <p>Garbage [1] - 135:4 garbage [2] - 166:4, 185:6 gargantuan [1] - 180:18 gates [2] - 180:22, 181:11 generally [1] - 137:15 given [7] - 138:6, 156:13, 159:16, 176:7, 205:21, 213:20, 216:18 glass [2] - 172:25, 173:7 goal [6] - 146:9, 146:10, 154:21, 154:22, 154:23, 158:1 goals [3] - 146:8, 189:5, 190:18 God [1] - 178:12 Google [1] - 209:5 GPR [3] - 165:12, 165:18, 165:23 grandchildren [1] - 195:11 grandmother [1] - 202:20 Grange [1] - 180:10 granted [1] - 213:9 grave [1] - 165:21 graves [5] - 166:8, 166:13, 166:18, 166:21 graveyard [3] - 166:8, 166:10, 167:2 graveyards [1] - 166:13 great [3] - 184:13, 185:7, 192:3 greater [2] - 151:13, 153:5 green [1] - 147:8 grew [3] - 182:20, 202:18, 219:17 Griebing [1] - 185:11 ground [2] - 181:9, 215:19 guarantee [1] - 218:10</p>	<p>guard [1] - 145:6 guess [4] - 162:6, 198:9, 205:10, 214:10 guidance [3] - 150:16, 151:20, 190:15 guys [2] - 163:3, 175:8</p> <p style="text-align: center;">H</p> <p>hairly [1] - 202:11 half [6] - 151:1, 151:13, 177:12, 179:4, 182:23, 184:2 half-a-foot-candle [2] - 151:1, 151:13 Halls [2] - 203:1, 203:3 hand [14] - 138:13, 139:5, 154:1, 177:10, 177:13, 177:20, 177:22, 177:24, 180:1, 180:9, 199:19, 210:20, 216:8, 216:10 Hand [4] - 138:25, 177:18, 199:14, 216:5 hand-delivered [1] - 138:13 handle [1] - 187:12 handles [2] - 187:6, 187:19 handling [1] - 187:15 happily [1] - 195:2 happy [3] - 157:23, 175:21, 202:23 head [2] - 161:17, 179:25 heading [1] - 202:6 Health [1] - 136:7 hear [9] - 142:16, 157:23, 174:23, 182:7, 182:14, 192:15, 192:16, 200:6 heard [4] - 137:22, 164:1, 174:24, 217:7 HEARING [1] - 132:9 hearing [9] - 138:22, 144:18, 145:2, 145:25, 153:25, 174:10, 177:15, 216:6, 220:9 heart [1] - 203:15 heavily [1] - 163:15 heavy [1] - 208:15 height [5] - 153:11, 154:18, 154:19,</p>	<p>189:20, 189:21 heights [1] - 191:18 HEILBRUNN [1] - 133:2 help [4] - 149:20, 153:20, 178:12, 218:7 hereby [1] - 138:4 high [4] - 179:8, 183:23, 184:2, 208:18 higher [2] - 151:15, 159:23 Highway [1] - 133:3 highway [1] - 161:10 highways [1] - 208:21 historic [1] - 166:1 hit [1] - 180:11 hold [3] - 190:2, 199:21, 210:23 home [4] - 182:21, 182:22, 195:17 homes [9] - 184:9, 184:15, 185:1, 185:2, 185:8, 188:12, 188:25, 192:1 honest [1] - 181:12 honestly [1] - 208:23 hope [3] - 203:16, 203:18 hopefully [1] - 219:24 horrendous [2] - 196:20, 197:10 hour [4] - 202:11, 208:12, 208:13, 209:16 hours [5] - 197:25, 198:7, 198:11, 198:15 house [6] - 156:7, 188:9, 188:10, 195:4, 196:12, 218:6 house-side [1] - 218:6 HOWELL [2] - 132:1, 132:6 Howell [63] - 134:17, 134:19, 138:5, 138:14, 138:17, 138:18, 139:8, 145:17, 147:20, 147:21, 148:2, 154:4, 156:10, 157:12, 157:15, 157:19, 162:19, 175:14, 176:9, 178:17, 178:24, 179:12, 179:15, 179:22, 181:16, 182:18, 182:19,</p>	<p>183:17, 183:20, 184:7, 184:12, 185:3, 185:4, 185:10, 185:19, 186:17, 187:9, 187:11, 187:18, 187:20, 187:21, 188:4, 188:5, 191:21, 191:24, 192:17, 193:9, 195:2, 195:7, 195:9, 196:12, 196:13, 199:1, 201:1, 201:9, 201:20, 201:25, 202:1, 204:20, 205:12, 208:9, 219:17 huge [1] - 184:3 Hugeback [3] - 135:18, 135:21, 135:23 humming [1] - 137:10 Huntsville [1] - 188:7 Huszar [1] - 139:16 HUSZAR [2] - 132:16, 139:17</p> <p style="text-align: center;">I</p> <p>identified [2] - 148:21, 167:11 identifies [1] - 209:23 identify [6] - 137:20, 137:22, 152:2, 153:11, 153:12, 205:8 idling [1] - 183:6 IES [1] - 151:17 immediately [2] - 208:2, 212:23 impact [11] - 137:15, 184:11, 184:17, 201:10, 204:25, 208:6, 210:6, 211:21, 212:8, 212:22, 212:24 impacting [2] - 185:9, 203:8 impacts [4] - 211:17, 211:20, 214:25, 215:3 implementation [2] - 167:8, 168:14 implemented [2] - 168:12, 168:25 implements [1] - 173:3 implore [1] - 188:20 important [1] - 207:22 in-ho Pa 121 156:7</p>
---	---	---	--	---

<p>INAUDIBLE [1] - 137:22</p> <p>Inc [3] - 135:18, 135:21, 135:23</p> <p>inch [2] - 157:8, 157:20</p> <p>include [1] - 171:14</p> <p>included [2] - 145:8, 145:10</p> <p>income [1] - 192:9</p> <p>incorporated [3] - 145:20, 147:10, 168:18</p> <p>increase [3] - 151:6, 151:11, 201:11</p> <p>increased [2] - 148:8, 151:9</p> <p>increases [1] - 146:11</p> <p>Indian [1] - 185:21</p> <p>indicated [4] - 164:6, 170:16, 175:12, 217:17</p> <p>indicates [1] - 165:20</p> <p>individual [1] - 165:3</p> <p>Industrial [1] - 180:12</p> <p>industrial [4] - 168:15, 180:15, 185:20, 185:25</p> <p>information [2] - 193:11, 208:2</p> <p>infrastructure [1] - 184:17</p> <p>infringements [1] - 175:20</p> <p>initiatives [1] - 147:9</p> <p>inquiry [1] - 209:8</p> <p>intend [2] - 141:23, 142:3</p> <p>intense [1] - 214:23</p> <p>intent [1] - 173:1</p> <p>intention [2] - 147:20, 154:15</p> <p>intentionally [1] - 163:25</p> <p>interchange [1] - 203:2</p> <p>interested [1] - 222:15</p> <p>interesting [2] - 190:19, 190:23</p> <p>interfering [1] - 148:10</p> <p>interior [1] - 149:13</p> <p>internal [6] - 147:23, 148:4, 148:6, 148:11, 149:1, 154:5</p> <p>internally [1] - 158:5</p> <p>interpretation [1] - 171:6</p> <p>INTERPRETER [3] - 140:1, 140:3, 140:5</p>	<p>interrupt [3] - 163:13, 189:11, 195:23</p> <p>intersection [5] - 148:11, 148:12, 194:1, 208:9, 209:3</p> <p>intersections [1] - 160:8</p> <p>interview [1] - 165:3</p> <p>involve [1] - 160:23</p> <p>issue [3] - 161:23, 205:11, 217:6</p> <p>issued [1] - 169:9</p> <p>issues [1] - 174:25</p> <p>Italian [1] - 185:23</p> <p>items [2] - 140:17, 169:13</p> <p>itself [1] - 188:21</p>	<p style="text-align: center;">K</p> <p>keep [2] - 192:15, 208:14</p> <p>Ken [1] - 143:25</p> <p>KENNETH [1] - 133:3</p> <p>Kenneth [1] - 140:24</p> <p>kids [6] - 183:12, 184:11, 205:12, 205:15, 205:19, 209:18</p> <p>kind [1] - 204:23</p> <p>knowing [1] - 202:18</p> <p>knowledge [1] - 187:5</p> <p>known [1] - 202:2</p> <p>knows [1] - 188:14</p> <p>KUDRICK [9] - 132:16, 139:20, 201:24, 202:16, 202:24, 209:7, 209:15, 219:13, 220:21</p> <p>Kudrick [2] - 139:19, 220:20</p>	<p>178:20, 194:22, 197:22, 198:8, 204:18</p> <p>Laura [2] - 162:10, 162:17</p> <p>LAURA [1] - 132:19</p> <p>laura [1] - 158:16</p> <p>law [2] - 187:24, 187:25</p> <p>Law [1] - 213:6</p> <p>lawn [1] - 181:23</p> <p>laws [7] - 198:2, 213:20, 213:21, 213:23, 213:25, 214:2, 214:14</p> <p>lay [1] - 180:17</p> <p>layout [1] - 175:25</p> <p>lead [2] - 137:13, 213:3</p> <p>leading [1] - 202:2</p> <p>League [1] - 183:12</p> <p>least [2] - 155:5, 166:5</p> <p>leave [2] - 179:22, 196:23</p> <p>leaving [1] - 148:24</p> <p>left [7] - 147:19, 148:14, 175:14, 179:24, 180:1, 180:9, 197:1</p> <p>left-hand [2] - 180:1, 180:9</p> <p>left-turn [3] - 147:19, 148:14, 175:14</p> <p>legal [3] - 191:14, 212:15, 213:12</p> <p>Leggio [1] - 139:21</p> <p>legislature [1] - 215:1</p> <p>legitimate [1] - 214:9</p> <p>length [1] - 156:23</p> <p>less [2] - 189:20, 212:18</p> <p>letter [3] - 136:4, 136:6, 167:9</p> <p>levels [4] - 150:23, 151:15, 167:22, 167:24</p> <p>Lewis [1] - 160:22</p> <p>License [1] - 222:24</p> <p>license [1] - 207:9</p> <p>licensed [2] - 169:4, 207:7</p> <p>life [4] - 183:18, 195:16, 197:6, 197:7</p> <p>light [7] - 160:3, 160:5, 160:6, 160:8, 162:22, 180:7, 218:4</p> <p>lighted [3] - 150:25, 151:2, 151:8</p> <p>lighter [1] - 154:19</p> <p>lighting [14] - 145:10,</p>	<p>150:1, 150:8, 150:20, 150:22, 150:23, 151:5, 151:15, 159:2, 159:11, 209:20, 217:6, 217:7, 217:21</p> <p>Lighting [1] - 135:3</p> <p>lights [5] - 183:8, 183:9, 196:15, 197:9, 218:7</p> <p>likely [1] - 161:20</p> <p>limit [3] - 157:18, 209:1, 209:11</p> <p>limited [3] - 137:9, 150:11, 167:12</p> <p>limits [5] - 166:8, 167:2, 167:23, 193:3, 198:11</p> <p>Line [1] - 153:23</p> <p>line [7] - 154:7, 154:8, 160:19, 160:24, 162:25, 170:4, 193:23</p> <p>Lions [2] - 134:21, 204:19</p> <p>list [2] - 143:25, 144:14</p> <p>listed [1] - 170:20</p> <p>listen [2] - 192:24, 193:6</p> <p>listened [2] - 203:14, 211:10</p> <p>literally [2] - 195:20, 196:10</p> <p>live [8] - 178:17, 178:24, 179:6, 197:9, 200:25, 204:18, 214:24, 215:7</p> <p>lived [6] - 179:11, 181:17, 187:22, 195:1, 202:20, 203:10</p> <p>LiveNote [1] - 222:6</p> <p>living [3] - 184:9, 196:14, 209:12</p> <p>LLC [4] - 132:5, 132:23, 140:25, 219:15</p> <p>loading [15] - 155:10, 161:8, 161:11, 161:18, 162:14, 174:14, 180:21, 180:23, 181:1, 181:2, 181:8, 181:11, 183:7, 190:22, 191:6</p> <p>located [2] - 153:12, 162:16</p> <p>location [1] - 152:10,</p>
	<p style="text-align: center;">J</p>	<p style="text-align: center;">L</p>		
	<p>Jackie [1] - 194:9</p> <p>Jacquelin [1] - 134:19</p> <p>JACQUELINE [16] - 183:1, 183:8, 183:10, 184:19, 186:14, 189:13, 189:15, 194:7, 194:18, 194:21, 194:22, 194:25, 195:6, 195:24, 196:9, 196:18</p> <p>Jacqueline [1] - 194:21</p> <p>January [3] - 138:9, 138:12, 138:15</p> <p>Jen [3] - 161:16, 162:11, 162:25</p> <p>JENNIFER [1] - 132:20</p> <p>JERSEY [1] - 132:2</p> <p>Jersey [7] - 132:24, 133:4, 138:7, 138:19, 178:18, 207:7, 222:5</p> <p>Jerseyville [5] - 165:14, 179:14, 182:18, 185:18, 188:5</p> <p>job [1] - 183:19</p> <p>Joe [1] - 206:7</p> <p>join [1] - 205:25</p> <p>Joseph [5] - 134:9, 142:13, 174:21, 205:24, 207:2</p> <p>JOSEPH [4] - 132:15, 206:9, 206:24, 207:2</p> <p>Jr [1] - 178:17</p> <p>judge [1] - 214:19</p> <p>jurisdiction [2] - 157:16, 192:7</p>	<p>L-Y-N-A-M [1] - 143:3</p> <p>land [4] - 180:17, 185:24, 188:24, 191:23</p> <p>Land [1] - 213:6</p> <p>landscaped [1] - 163:16</p> <p>landscaping [5] - 149:9, 149:15, 149:23, 154:17, 163:17</p> <p>lane [4] - 147:19, 148:13, 148:14, 175:14</p> <p>Lane [9] - 162:23, 193:14, 193:16, 193:20, 193:22, 194:2, 195:5, 195:7, 195:10</p> <p>lanes [1] - 148:7</p> <p>LARA [1] - 132:14</p> <p>large [1] - 171:9</p> <p>largely [1] - 137:7</p> <p>last [24] - 135:6, 135:8, 135:11, 135:13, 135:16, 135:19, 135:21, 142:10, 144:18, 145:16, 149:19, 150:3, 153:25, 164:1, 166:16, 167:5, 167:17, 168:3, 172:11,</p>	<p>180:1, 180:9</p> <p>left-hand [2] - 180:1, 180:9</p> <p>left-turn [3] - 147:19, 148:14, 175:14</p> <p>legal [3] - 191:14, 212:15, 213:12</p> <p>Leggio [1] - 139:21</p> <p>legislature [1] - 215:1</p> <p>legitimate [1] - 214:9</p> <p>length [1] - 156:23</p> <p>less [2] - 189:20, 212:18</p> <p>letter [3] - 136:4, 136:6, 167:9</p> <p>levels [4] - 150:23, 151:15, 167:22, 167:24</p> <p>Lewis [1] - 160:22</p> <p>License [1] - 222:24</p> <p>license [1] - 207:9</p> <p>licensed [2] - 169:4, 207:7</p> <p>life [4] - 183:18, 195:16, 197:6, 197:7</p> <p>light [7] - 160:3, 160:5, 160:6, 160:8, 162:22, 180:7, 218:4</p> <p>lighted [3] - 150:25, 151:2, 151:8</p> <p>lighter [1] - 154:19</p> <p>lighting [14] - 145:10,</p>	<p>150:1, 150:8, 150:20, 150:22, 150:23, 151:5, 151:15, 159:2, 159:11, 209:20, 217:6, 217:7, 217:21</p> <p>Lighting [1] - 135:3</p> <p>lights [5] - 183:8, 183:9, 196:15, 197:9, 218:7</p> <p>likely [1] - 161:20</p> <p>limit [3] - 157:18, 209:1, 209:11</p> <p>limited [3] - 137:9, 150:11, 167:12</p> <p>limits [5] - 166:8, 167:2, 167:23, 193:3, 198:11</p> <p>Line [1] - 153:23</p> <p>line [7] - 154:7, 154:8, 160:19, 160:24, 162:25, 170:4, 193:23</p> <p>Lions [2] - 134:21, 204:19</p> <p>list [2] - 143:25, 144:14</p> <p>listed [1] - 170:20</p> <p>listen [2] - 192:24, 193:6</p> <p>listened [2] - 203:14, 211:10</p> <p>literally [2] - 195:20, 196:10</p> <p>live [8] - 178:17, 178:24, 179:6, 197:9, 200:25, 204:18, 214:24, 215:7</p> <p>lived [6] - 179:11, 181:17, 187:22, 195:1, 202:20, 203:10</p> <p>LiveNote [1] - 222:6</p> <p>living [3] - 184:9, 196:14, 209:12</p> <p>LLC [4] - 132:5, 132:23, 140:25, 219:15</p> <p>loading [15] - 155:10, 161:8, 161:11, 161:18, 162:14, 174:14, 180:21, 180:23, 181:1, 181:2, 181:8, 181:11, 183:7, 190:22, 191:6</p> <p>located [2] - 153:12, 162:16</p> <p>location [1] - 152:10,</p>

<p>152:12, 152:17, 153:11, 154:6, 161:8, 174:2</p> <p>locations [2] - 149:5, 179:19</p> <p>logged [1] - 185:3</p> <p>look [7] - 150:16, 151:20, 166:22, 188:21, 197:5, 208:8</p> <p>looking [9] - 144:6, 144:14, 144:15, 149:1, 149:2, 157:17, 160:16, 171:2, 172:4</p> <p>looks [3] - 175:25, 180:10, 186:5</p> <p>loss [1] - 153:7</p> <p>LOT [1] - 132:5</p> <p>louvers [4] - 173:5, 173:6, 173:7, 174:2</p> <p>love [8] - 181:25, 182:16, 182:17, 182:18, 182:22, 202:22</p> <p>lover [1] - 183:17</p> <p>lower [2] - 139:5, 177:22</p> <p>LSRP [4] - 167:15, 168:1, 168:6, 169:4</p> <p>luxury [2] - 184:9, 184:15</p> <p>LYNAM [10] - 143:2, 167:3, 181:6, 186:24, 187:10, 193:21, 193:25, 201:19, 218:12, 218:16</p> <p>Lynam [18] - 134:4, 141:5, 141:24, 142:20, 142:24, 143:2, 143:3, 143:10, 144:4, 153:4, 155:1, 156:2, 157:6, 158:10, 175:13, 186:22, 187:8, 193:18</p>	<p>malls [1] - 203:12</p> <p>man [1] - 173:8</p> <p>managed [1] - 197:9</p> <p>Management [1] - 135:12</p> <p>manner [1] - 138:8</p> <p>manufacturing [3] - 170:22, 170:24</p> <p>MARC [9] - 211:3, 211:6, 211:9, 214:6, 214:10, 215:9, 215:20, 215:25</p> <p>Marc [3] - 134:22, 210:23, 211:6</p> <p>marked [1] - 137:13</p> <p>Master [7] - 189:7, 189:19, 190:18, 191:2, 209:23, 211:19, 212:17</p> <p>match [1] - 154:13</p> <p>material [2] - 153:14, 165:25</p> <p>matter [1] - 183:3</p> <p>mature [1] - 154:19</p> <p>maximum [1] - 151:1</p> <p>mean [10] - 163:8, 166:24, 188:19, 195:15, 196:24, 202:12, 203:10, 212:6, 214:21, 214:25</p> <p>means [1] - 189:22</p> <p>mechanical [3] - 173:5, 173:6, 173:7</p> <p>meet [1] - 146:8</p> <p>MEETING [1] - 132:4</p> <p>meeting [12] - 138:4, 138:5, 139:1, 139:7, 141:3, 142:10, 164:1, 166:16, 174:6, 177:19, 199:24, 216:13</p> <p>Meeting [1] - 138:7</p> <p>meetings [1] - 173:11</p> <p>meets [2] - 151:17, 162:4</p> <p>MEMBER [14] - 137:20, 139:13, 139:15, 139:17, 139:25, 140:2, 140:4, 159:22, 220:4, 220:13, 220:16, 220:18, 220:23, 221:1</p> <p>member [1] - 165:12</p> <p>MEMBERS [1] - 132:12</p> <p>members [14] - 138:20, 138:22, 140:23, 141:1,</p>	<p>146:1, 150:16, 151:19, 157:3, 158:1, 169:1, 172:23, 177:16, 190:16, 210:6</p> <p>memo [1] - 136:7</p> <p>memorialized [1] - 142:1</p> <p>memory [1] - 161:5</p> <p>mention [1] - 214:17</p> <p>mentioned [1] - 195:1</p> <p>Merrick [1] - 179:19</p> <p>met [1] - 149:19</p> <p>metal [1] - 165:24</p> <p>Michael [9] - 162:23, 193:14, 193:16, 193:20, 193:22, 194:2, 195:5, 195:7, 195:10</p> <p>microphone [1] - 137:13</p> <p>middle [3] - 152:20, 185:12, 205:14</p> <p>Middle [1] - 205:12</p> <p>might [3] - 150:18, 207:24, 212:2</p> <p>mile [1] - 182:11</p> <p>mill [1] - 157:7</p> <p>milled [2] - 156:15, 157:19</p> <p>milling [1] - 157:13</p> <p>million [4] - 167:22, 167:23, 167:24, 167:25</p> <p>Mills [3] - 182:20, 203:1, 203:3</p> <p>Millstone [2] - 132:24, 133:4</p> <p>mind [1] - 208:14</p> <p>mindful [1] - 214:24</p> <p>minds [1] - 181:13</p> <p>minimal [1] - 164:21</p> <p>minimum [5] - 150:24, 151:7, 151:10, 159:12, 159:15</p> <p>Minipark [1] - 179:23</p> <p>minor [5] - 142:7, 145:13, 148:18, 167:20, 171:20</p> <p>minute [3] - 177:12, 177:20</p> <p>minutes [2] - 181:23, 216:19</p> <p>miss [1] - 155:3</p> <p>mistake [1] - 160:24</p> <p>mistaken [1] - 211:18</p> <p>Mitchell [3] - 135:18, 135:21, 135:23</p> <p>modifications [1] - 149:13</p>	<p>modify [1] - 149:1</p> <p>moment [4] - 140:12, 160:15, 208:5, 210:22</p> <p>money [6] - 184:7, 185:3, 188:11, 191:22, 192:1, 211:14</p> <p>Monmouth [1] - 136:7</p> <p>MONMOUTH [1] - 132:2</p> <p>monstrosity [2] - 180:19, 195:20</p> <p>months [1] - 211:23</p> <p>Morden [2] - 134:20, 200:25</p> <p>morning [1] - 208:12</p> <p>most [9] - 179:5, 202:8, 202:10, 205:16, 207:21, 208:16, 208:19, 209:19</p> <p>motion [4] - 219:5, 219:9, 219:12, 219:14</p> <p>motor [1] - 181:22</p> <p>Motorcycle [1] - 185:21</p> <p>move [3] - 151:23, 208:23</p> <p>moved [2] - 166:9, 199:24</p> <p>movements [4] - 176:7, 202:4, 205:9, 208:6</p> <p>moving [2] - 138:2, 202:9</p> <p>MR [1] - 193:21</p> <p>Municipal [2] - 138:18, 213:6</p> <p>municipality [1] - 157:13</p> <p>mute [2] - 139:5, 177:22</p>	<p>142:25, 164:16, 172:9, 172:10, 172:11, 178:14, 178:16, 178:20, 194:20, 194:22, 200:21, 200:23, 204:15, 204:18, 206:13, 207:1, 211:5</p> <p>names [1] - 203:17</p> <p>nature [1] - 173:4</p> <p>near [1] - 196:24</p> <p>necessarily [1] - 154:23</p> <p>necessary [3] - 167:10, 205:7, 205:8</p> <p>need [14] - 138:24, 139:1, 139:3, 142:15, 144:10, 146:11, 147:18, 152:14, 152:25, 170:5, 177:21, 194:11, 200:12, 206:7</p> <p>need -ready [2] - 152:14, 152:25</p> <p>needs [2] - 206:19, 216:3</p> <p>neighbor [1] - 219:24</p> <p>neighbors [1] - 197:13</p> <p>Neumann [5] - 149:22, 157:1, 157:3, 169:24, 175:25</p> <p>NEUMANN [1] - 132:19</p> <p>never [3] - 181:19, 187:22, 195:8</p> <p>NEW [1] - 132:2</p> <p>new [9] - 144:17, 153:15, 180:3, 181:8, 183:24, 188:1, 200:10, 201:7, 203:2</p> <p>New [10] - 132:24, 133:4, 138:7, 138:19, 178:17, 179:7, 183:24, 188:14, 207:7, 222:4</p> <p>news [1] - 138:11</p> <p>Nicastro [1] - 139:22</p> <p>nicely [2] - 180:6, 180:16</p> <p>NICHOLAS [1] - 132:16</p> <p>night [7] - 173:2, 196:15, 196:17, 196:18, 199:9, 210:18, 221:16</p> <p>nighttime [1] - 217:12</p> <p>nine [1] - 208:11</p> <p>NO [1] - 132:2</p>
M			N	
<p>M+H [1] - 134:8</p> <p>ma'am [2] - 194:24, 200:13</p> <p>mailbox [1] - 181:24</p> <p>mailed [1] - 138:10</p> <p>mailing [2] - 201:1, 204:19</p> <p>Maine [1] - 180:10</p> <p>maintain [1] - 175:19</p> <p>Major [1] - 135:15</p> <p>major [1] - 148:10</p>	<p>MEMBER [14] - 137:20, 139:13, 139:15, 139:17, 139:25, 140:2, 140:4, 159:22, 220:4, 220:13, 220:16, 220:18, 220:23, 221:1</p> <p>member [1] - 165:12</p> <p>MEMBERS [1] - 132:12</p> <p>members [14] - 138:20, 138:22, 140:23, 141:1,</p>	<p>minor [5] - 142:7, 145:13, 148:18, 167:20, 171:20</p> <p>minute [3] - 177:12, 177:20</p> <p>minutes [2] - 181:23, 216:19</p> <p>miss [1] - 155:3</p> <p>mistake [1] - 160:24</p> <p>mistaken [1] - 211:18</p> <p>Mitchell [3] - 135:18, 135:21, 135:23</p> <p>modifications [1] - 149:13</p>	<p>N-A-E-G-E-R [1] - 172:11</p> <p>Naeger [12] - 134:7, 141:8, 142:7, 171:19, 171:21, 171:22, 172:3, 172:6, 172:8, 172:11, 172:19, 173:23</p> <p>NAEGER [3] - 171:25, 172:7, 172:10</p> <p>NAME [1] - 134:16</p> <p>name [18] - 139:3,</p>	<p>news [1] - 138:11</p> <p>Nicastro [1] - 139:22</p> <p>nicely [2] - 180:6, 180:16</p> <p>NICHOLAS [1] - 132:16</p> <p>night [7] - 173:2, 196:15, 196:17, 196:18, 199:9, 210:18, 221:16</p> <p>nighttime [1] - 217:12</p> <p>nine [1] - 208:11</p> <p>NO [1] - 132:2</p>

<p>noise [2] - 137:8, 196:16 none [3] - 163:23, 174:10, 201:22 normally [1] - 166:3 North [1] - 205:13 north [1] - 193:22 northeast [2] - 145:7, 167:19 northern [3] - 148:11, 152:19, 193:22 northwest [1] - 145:7 Notary [1] - 222:4 note [1] - 137:18 notes [7] - 155:6, 155:7, 160:14, 160:16, 160:25, 170:3, 170:25 nothing [14] - 155:24, 158:15, 169:17, 175:5, 175:6, 175:23, 178:11, 194:16, 199:4, 200:17, 202:13, 204:11, 206:22, 211:2 notice [4] - 138:6, 138:10, 138:13, 138:16 noticed [1] - 202:10 November [1] - 222:25 number [9] - 146:4, 146:24, 147:1, 147:2, 153:5, 153:20, 190:21, 190:22, 208:18 Number [1] - 219:14 numerous [1] - 205:11</p>	<p>OCTOBER [1] - 132:8 OF [4] - 132:1, 132:2, 132:11 office [6] - 138:16, 152:19, 152:21, 190:1 offices [2] - 152:7, 152:9 officials [1] - 164:4 Okerson [21] - 147:24, 156:14, 157:2, 157:7, 157:11, 157:14, 157:18, 162:20, 176:10, 180:15, 186:11, 186:18, 186:25, 187:3, 187:6, 187:12, 193:10, 194:1, 197:23, 202:25, 205:3 old [5] - 166:8, 179:13, 179:14, 180:14, 188:10 on-site [4] - 147:16, 148:19, 174:13, 175:19 once [3] - 138:22, 168:24, 203:15 one [44] - 135:5, 135:7, 135:9, 135:23, 139:1, 145:15, 145:16, 147:9, 148:10, 150:3, 150:8, 150:9, 150:18, 151:14, 151:22, 152:9, 153:16, 162:3, 167:18, 167:19, 168:4, 168:5, 172:4, 172:23, 177:19, 179:1, 179:3, 181:19, 184:1, 189:22, 191:1, 195:23, 196:3, 197:22, 199:18, 200:12, 206:18, 207:21, 212:16, 213:15, 217:19, 217:20 one-story [3] - 179:3, 184:1, 189:22 ones [2] - 170:20, 202:9 open [6] - 138:6, 169:13, 173:21, 176:15, 176:24, 177:6 Open [1] - 138:7 opened [2] - 171:9, 177:15</p>	<p>opening [1] - 138:2 opens [1] - 138:22 operate [2] - 181:15, 198:1 operation [2] - 186:2, 198:12 operations [1] - 207:8 opine [1] - 218:6 opining [1] - 201:17 opinion [1] - 150:10 opportunity [7] - 141:4, 141:15, 141:20, 156:7, 157:5, 159:9, 216:19 opposed [3] - 179:16, 184:22, 184:23 options [1] - 168:4 OR [1] - 137:20 order [4] - 145:23, 147:14, 148:25, 154:13 ordinance [19] - 149:10, 150:5, 150:9, 150:24, 153:6, 161:13, 162:8, 171:4, 171:6, 189:7, 189:18, 190:15, 191:2, 198:6, 212:25, 213:3, 217:1, 217:3, 217:11 ordinances [2] - 161:6, 213:24 oriented [2] - 179:21, 188:25 otherwise [1] - 169:8 Outcome [1] - 167:9 outcome [2] - 168:7, 168:11 outdoor [3] - 155:7, 155:8, 155:12 outline [1] - 141:25 outside [3] - 165:13, 166:7, 167:2 outstanding [1] - 164:7 overboard [1] - 219:20 overbroad [1] - 170:23 overlaid [1] - 156:16 overlap [2] - 148:5, 148:22 overlay [2] - 157:8, 157:20 overview [2] - 143:12, 144:25 owner [2] - 179:12, 214:12</p>	<p>P</p> <p>P.E [3] - 132:19, 134:4, 134:9 P.M [1] - 132:9 P.P [1] - 132:20 PA [1] - 182:14 packages [2] - 171:9, 171:10 packaging [2] - 170:21, 171:9 page [1] - 154:9 PAGE [4] - 134:3, 134:16, 135:2, 136:3 paid [1] - 188:11 painted [2] - 153:13, 154:13 PAPE [83] - 133:2, 133:3, 140:20, 140:22, 143:5, 143:9, 143:22, 144:2, 144:6, 144:13, 144:20, 144:23, 145:23, 146:12, 146:19, 147:4, 147:7, 147:13, 149:17, 150:15, 151:18, 151:24, 153:19, 153:21, 155:8, 156:18, 156:25, 157:25, 158:16, 158:23, 159:3, 160:11, 160:13, 163:12, 163:24, 164:19, 165:8, 167:4, 167:6, 169:1, 169:11, 169:17, 170:6, 170:13, 171:16, 172:2, 172:13, 172:18, 173:22, 174:11, 177:1, 181:4, 187:4, 187:16, 189:1, 189:11, 189:16, 190:12, 193:2, 193:9, 193:18, 198:5, 198:13, 198:20, 201:14, 202:3, 205:4, 205:23, 206:7, 206:14, 206:17, 207:13, 207:20, 208:24, 209:10, 209:21, 213:15, 216:18, 216:23, 218:10, 218:15, 218:19, 221:11 Pape [19] - 140:21, 140:24, 146:17,</p>	<p>160:9, 163:23, 170:2, 174:10, 176:22, 176:23, 187:1, 190:6, 190:11, 193:7, 193:8, 193:17, 198:4, 201:13, 213:13, 218:3 Pape's [1] - 140:19 papers [1] - 137:11 parallel [1] - 182:10 parallel-parked [1] - 182:10 Paramus [3] - 202:13, 203:11, 203:13 paraphrase [1] - 214:19 PARISI [9] - 211:3, 211:6, 211:7, 211:9, 214:6, 214:10, 215:9, 215:20, 215:25 Parisi [4] - 134:22, 210:23, 210:24, 211:6 Park [2] - 138:10, 180:12 parked [1] - 182:10 parking [8] - 147:1, 147:3, 151:9, 152:8, 152:14, 153:6, 153:7, 174:13 parks [1] - 180:15 part [10] - 146:7, 160:20, 164:11, 167:19, 168:18, 168:25, 169:5, 174:22, 205:5, 207:24 participate [1] - 178:6 parties [1] - 222:13 parts [4] - 167:21, 167:22, 167:24, 167:25 pass [3] - 179:25, 180:1, 180:3 passenger [1] - 208:16 passes [1] - 194:1 Patricia [4] - 134:20, 199:21, 199:22, 200:24 PATRICIA [11] - 200:4, 200:9, 200:14, 200:19, 200:23, 200:24, 201:5, 202:6, 202:22, 203:9, 204:1 Patrick [15] - 134:4, 141:1, 141:24,</p>
<p>O</p>				
<p>oath [5] - 142:22, 164:12, 171:23, 206:12, 206:15 objections [1] - 159:19 obligated [1] - 217:14 obligation [1] - 156:24 obscuring [1] - 172:24 obviously [4] - 151:12, 157:17, 168:8, 196:11 occupancy [1] - 169:7 Occupancy [1] - 169:8 occur [2] - 168:11, 173:8 occurred [1] - 170:3 occurrence [1] - 168:16 October [1] - 138:4</p>				

<p>142:17, 143:2, 146:13, 147:14, 149:20, 150:7, 150:19, 166:24, 174:12, 181:4, 201:15, 218:11</p> <p>PATRICK [10] - 143:2, 143:3, 167:3, 181:6, 186:24, 187:10, 193:25, 201:19, 218:12, 218:16</p> <p>PAUL [2] - 132:14, 132:15</p> <p>pave [2] - 157:6, 219:22</p> <p>paving [1] - 174:18</p> <p>paying [1] - 192:2</p> <p>peak [2] - 208:12, 208:13</p> <p>pending [3] - 146:2, 212:4, 213:25</p> <p>people [12] - 177:12, 179:5, 182:7, 188:11, 192:1, 192:16, 195:19, 198:10, 202:8, 202:10, 214:24</p> <p>per [6] - 167:22, 167:23, 167:24, 167:25, 173:12, 192:2</p> <p>percent [6] - 150:9, 150:17, 166:6, 166:12, 187:11, 189:5</p> <p>performed [1] - 205:5</p> <p>perimeter [2] - 165:13, 173:14</p> <p>permanent [1] - 170:8</p> <p>permission [5] - 141:24, 142:19, 144:8, 206:2, 216:23</p> <p>permit [1] - 161:17</p> <p>permitted [5] - 170:17, 171:3, 198:17, 205:6, 219:19</p> <p>personal [1] - 187:5</p> <p>personally [2] - 159:19, 197:2</p> <p>perspective [3] - 174:19, 212:15, 213:18</p> <p>PhD [1] - 134:6</p> <p>phone [1] - 173:18</p> <p>photograph [1] - 189:25</p> <p>photography [1] - 166:1</p> <p>physically [5] - 137:17, 161:21,</p>	<p>163:6, 163:10, 163:11</p> <p>pick [1] - 202:25</p> <p>place [8] - 161:7, 173:7, 180:9, 195:20, 201:9, 209:5, 213:21, 218:11</p> <p>plan [34] - 136:10, 136:12, 136:13, 142:18, 143:13, 145:1, 145:10, 145:20, 147:10, 147:16, 149:9, 150:5, 150:8, 150:21, 150:22, 151:5, 151:14, 151:21, 152:2, 152:5, 155:3, 155:9, 155:11, 159:11, 159:13, 159:14, 166:22, 166:23, 171:20, 174:21, 175:9, 183:24, 217:22</p> <p>Plan [11] - 135:3, 150:21, 173:13, 189:7, 189:19, 190:18, 191:2, 209:23, 211:19, 212:17, 219:8</p> <p>Planner [1] - 132:20</p> <p>PLANNER [9] - 161:14, 161:19, 162:13, 162:21, 163:5, 163:9, 169:20, 174:3, 175:5</p> <p>planner's [1] - 136:6</p> <p>planners [1] - 198:24</p> <p>planning [15] - 138:3, 138:16, 183:16, 183:18, 184:4, 185:15, 188:20, 191:20, 192:7, 198:16, 198:24, 211:11, 212:16, 215:3, 219:18</p> <p>PLANNING [33] - 132:1, 138:3, 139:11, 139:14, 139:16, 139:18, 139:21, 139:24, 140:8, 140:18, 143:17, 144:9, 144:19, 144:21, 177:14, 178:4, 199:11, 199:17, 199:20, 200:3, 204:3, 204:7, 210:21, 216:2,</p>	<p>216:9, 220:7, 220:14, 220:17, 220:19, 220:22, 220:24, 221:2, 221:5</p> <p>Planning [2] - 132:20, 138:5</p> <p>Plans [3] - 135:15, 135:17, 135:20</p> <p>plans [13] - 141:14, 141:18, 142:2, 142:8, 142:9, 145:4, 145:12, 150:8, 150:17, 159:5, 176:4, 176:5</p> <p>planting [2] - 153:14, 154:18</p> <p>play [1] - 195:11</p> <p>Plaza [2] - 197:23, 198:11</p> <p>pleased [3] - 141:17, 158:7, 164:5</p> <p>Pledge [2] - 140:11, 140:15</p> <p>plenty [1] - 181:18</p> <p>point [7] - 145:15, 150:2, 163:14, 172:20, 174:12, 192:20</p> <p>Points [13] - 204:20, 205:1, 205:2, 205:11, 205:15, 205:19, 207:23, 208:1, 208:6, 208:10, 208:13, 209:9, 209:13</p> <p>points [1] - 216:20</p> <p>poles [1] - 151:6</p> <p>police [6] - 181:20, 181:24, 184:18, 185:7, 192:3, 202:17</p> <p>Police [1] - 132:16</p> <p>pond [1] - 154:3</p> <p>pool [1] - 180:9</p> <p>Port [8] - 180:21, 181:8, 182:24, 183:24, 184:23, 188:4, 188:15, 191:10</p> <p>portion [4] - 157:11, 157:12, 216:6, 216:12</p> <p>portions [1] - 146:21</p> <p>posed [3] - 166:15, 169:13</p> <p>position [1] - 209:21</p> <p>positioned [1] - 152:6</p> <p>possibility [1] - 218:8</p> <p>possible [3] - 139:8, 192:8, 215:2</p> <p>posted [3] - 138:16,</p>	<p>187:24, 209:2</p> <p>postpone [1] - 212:3</p> <p>potable [2] - 158:18, 160:16</p> <p>potential [5] - 170:15, 192:9, 211:16, 211:19, 214:25</p> <p>potentially [1] - 211:20</p> <p>precautions [1] - 166:17</p> <p>Preliminary [2] - 135:15, 219:7</p> <p>premarked [2] - 136:17, 143:25</p> <p>prepare [1] - 165:19</p> <p>prepared [16] - 135:5, 135:7, 135:10, 135:13, 135:15, 135:18, 135:20, 135:23, 141:21, 145:9, 146:7, 151:4, 153:16, 153:24, 157:6, 157:7</p> <p>preparing [1] - 168:7</p> <p>presence [1] - 165:24</p> <p>present [5] - 137:17, 141:4, 141:24, 150:13, 191:1</p> <p>PRESENT [2] - 132:12, 132:18</p> <p>presentation [6] - 173:23, 174:20, 177:2, 177:5, 185:17, 189:17</p> <p>presented [2] - 158:4, 159:6</p> <p>presents [1] - 142:17</p> <p>preserve [1] - 148:25</p> <p>preserving [1] - 149:12</p> <p>Press [1] - 138:10</p> <p>previously [4] - 143:19, 145:3, 155:20, 195:1</p> <p>primarily [1] - 171:7</p> <p>primary [1] - 162:9</p> <p>pro [4] - 181:20, 181:24, 181:25</p> <p>problem [1] - 214:8</p> <p>proceed [2] - 142:23, 203:2</p> <p>proceeding [2] - 137:5, 222:8</p> <p>PROCEEDINGS [1] - 132:11</p> <p>proceedings [1] - 137:18</p> <p>proceeds [1] - 140:17</p> <p>process [2] - 141:6,</p>	<p>211:11</p> <p>Professional [1] - 222:5</p> <p>professional [7] - 155:18, 169:4, 185:16, 186:4, 207:7, 207:8, 218:6</p> <p>professionals [17] - 140:23, 141:11, 141:15, 142:10, 149:19, 151:19, 155:6, 159:5, 161:2, 163:14, 169:19, 174:1, 175:2, 177:4, 198:23, 217:16, 217:21</p> <p>professionals ' [1] - 145:3</p> <p>profile [1] - 154:8</p> <p>progress [2] - 179:16, 181:25</p> <p>prohibited [1] - 209:9</p> <p>project [11] - 141:7, 146:5, 151:16, 157:11, 168:2, 178:25, 180:23, 182:1, 188:1, 188:3, 209:22</p> <p>projecting [1] - 208:11</p> <p>prologue [1] - 145:25</p> <p>properly [3] - 209:22, 210:5, 213:22</p> <p>properties [1] - 159:25</p> <p>property [23] - 145:18, 156:20, 159:16, 162:19, 163:5, 166:11, 166:19, 167:2, 170:4, 170:8, 176:2, 179:11, 179:25, 181:17, 187:23, 192:2, 193:23, 196:22, 209:2, 209:3, 214:12, 217:8, 218:5</p> <p>PROPERTY [1] - 132:5</p> <p>Property [2] - 140:25, 219:15</p> <p>proposed [8] - 152:3, 153:3, 153:13, 153:14, 154:3, 154:10, 154:12, 202:4</p> <p>proposing [1] - 187:7</p> <p>provide [7] - 139:3, 147:18, 151:15, 152:14, 152:20, 159:14, 218:3</p> <p>provided [8] - 137:5, 156:15, 156:15,</p>
---	--	---	--	--

164:6, 167:11,
190:16, 210:1, 222:8
provides [3] - 159:13,
159:14, 213:6
providing [2] - 146:24,
150:23
provision [1] - 161:16
provisions [2] - 146:6,
176:8
prudent [1] - 212:2
PUBLIC [2] - 132:9,
134:15
Public [2] - 138:7,
222:4
public [14] - 138:20,
138:23, 144:25,
154:24, 156:3,
160:7, 176:15,
176:19, 176:25,
177:9, 177:16,
216:6, 216:12,
216:16
purely [1] - 212:15
pursuant [2] - 138:7,
212:20
put [10] - 161:7, 171:9,
172:3, 175:16,
183:22, 185:5,
185:6, 201:15,
206:14
puts [2] - 144:4,
182:15
putting [5] - 182:1,
182:24, 184:1,
186:1, 192:18

Q

quaintness [1] -
179:15
qualifications [1] -
207:5
qualified [3] - 142:20,
171:24, 207:10
quality [7] - 137:6,
137:7, 137:14,
137:16, 195:16,
197:6, 197:7
quarter [1] - 182:11
questions [24] -
138:21, 138:23,
141:9, 142:4,
153:10, 155:14,
158:9, 163:20,
163:22, 165:1,
167:8, 169:21,
170:1, 170:12,
173:21, 175:2,
176:18, 177:3,
177:7, 177:17,

190:6, 199:13,
216:4, 219:4
quickly [2] - 207:5,
218:21
quite [2] - 201:21,
208:23
quorum [1] - 140:9

R

RA [1] - 134:7
radii [4] - 148:8,
148:18, 149:1,
149:13
radius [1] - 176:3
Raise [4] - 138:25,
177:18, 199:13,
216:4
raise [5] - 139:4,
140:11, 177:12,
177:22, 216:8
raised [5] - 165:11,
177:20, 177:24,
210:20, 216:10
raising [2] - 177:10,
199:19
RAO [2] - 167:9, 169:9
ratables [3] - 184:6,
184:7, 185:4
rateable [2] - 192:17,
192:23
rating [1] - 187:2
Ray [5] - 134:21,
204:4, 204:18,
206:1, 210:13
RAY [9] - 204:13,
204:17, 204:23,
205:10, 209:12,
209:16, 210:3,
210:11, 210:15
Ray's [1] - 209:8
Raymond [4] - 134:6,
141:6, 164:8, 164:17
RAYMOND [2] -
164:17, 164:18
re [3] - 141:24, 142:3,
180:25
re-call [2] - 141:24,
142:3
re-did [1] - 180:25
reach [1] - 142:13
read [1] - 144:15
reading [1] - 176:4
ready [3] - 152:14,
152:25, 158:24
really [1] - 196:9
rear [2] - 148:21,
195:3
reason [2] - 153:2,
215:1

reasons [1] - 217:23
recalled [1] - 171:21
received [2] - 142:9,
153:25
recent [1] - 161:24
recently [1] - 214:15
recessed [1] - 173:9
recognize [1] - 190:17
recommend [1] -
218:3
recommended [1] -
218:9
reconsider [3] -
185:16, 197:4,
197:11
record [19] - 142:25,
153:5, 158:10,
160:2, 164:11,
167:4, 170:6,
173:21, 194:20,
203:10, 204:15,
205:6, 206:13,
207:1, 209:1,
217:17, 218:11,
218:24, 221:11
recorded [2] - 137:14,
141:11
recording [1] - 137:6
Recused [1] - 132:16
redoing [1] - 211:12
reduction [1] - 137:13
reexamined [3] -
211:18, 212:16,
212:20
reexamining [1] -
211:12
referring [1] - 215:8
regarding [4] - 145:8,
165:12, 176:6,
177:17
regency [1] - 185:1
regional [2] - 214:25,
215:2
Registered [1] - 222:5
Regular [1] - 203:6
REGULAR [1] - 132:4
relationship [1] -
161:9
relative [2] - 222:12,
222:14
relief [8] - 150:11,
161:25, 162:14,
189:19, 215:12,
217:13, 217:18,
219:9
rely [2] - 209:25, 214:2
remain [4] - 149:20,
149:21, 177:2,
206:12
remedial [3] - 168:7,

168:10, 168:11
remediate [1] - 168:8
remediating [1] -
168:2
remediation [2] -
168:15, 169:4
remember [1] - 161:22
remembering [1] -
161:10
remind [5] - 142:21,
164:11, 171:22,
171:23, 206:11
removal [1] - 168:5
remove [1] - 168:20
removed [3] - 145:6,
147:19, 175:14
Rendering [1] -
135:22
repave [1] - 157:14
reply [1] - 191:3
Report [1] - 135:12
report [6] - 149:18,
165:19, 165:20,
175:17, 205:25,
206:19
Reporter [3] - 222:4,
222:5, 222:6
Reporters [1] - 132:23
REPORTING [1] -
132:23
reports [7] - 141:16,
141:18, 141:21,
164:3, 164:6,
167:11, 217:17
represent [3] - 165:15,
166:8, 166:12
representations [1] -
174:4
representing [1] -
154:7
represents [1] - 137:3
request [6] - 145:17,
156:9, 157:4,
157:22, 172:24,
173:10
requested [4] -
145:19, 169:9,
174:18, 217:18
require [2] - 150:11,
162:14
required [5] - 167:10,
167:13, 215:12,
215:15, 215:16
requirement [4] -
161:25, 162:4,
163:17, 212:18
requirements [8] -
157:23, 160:23,
190:14, 210:2,
212:21, 216:25,

217:4, 219:20
requires [4] - 146:3,
150:24, 153:6,
159:11
requisite [1] - 146:24
research [3] - 165:2,
180:20, 184:8
resident [1] - 183:17
resolution [1] - 218:25
respect [2] - 189:3,
216:25
respectfully [1] -
217:24
respond [3] - 187:2,
206:1, 208:5
responders [1] -
140:13
Response [1] - 167:9
response [4] - 141:19,
172:22, 181:22,
190:10
responsibility [1] -
142:1
responsible [1] -
168:2
responsive [3] -
141:22, 142:11,
174:15
rest [1] - 177:4
restate [2] - 170:7,
172:9
restated [1] - 170:5
restrict [1] - 147:21
restricted [4] - 170:4,
193:10, 193:11,
201:25
restricting [1] - 148:1
restriction [6] -
147:22, 170:9,
187:9, 198:7, 208:1,
209:4
restrictions [3] -
197:25, 198:15,
207:23
result [2] - 151:11,
153:7
resurfaced [1] -
157:19
resurfacing [1] -
157:14
retain [1] - 147:1
retire [1] - 197:1
reveal [1] - 165:24
Review [1] - 173:13
review [13] - 136:4,
136:6, 136:9,
136:10, 136:12,
136:14, 141:16,
141:20, 157:5,
158:11, 162:14,

<p>166:1, 168:9 reviewed [3] - 158:11, 168:23, 173:17 revised [9] - 135:6, 135:8, 135:11, 135:13, 135:16, 135:19, 135:21, 141:14, 175:25 revisions [11] - 136:9, 141:13, 141:25, 142:7, 142:18, 143:12, 145:1, 147:15, 171:20, 173:16, 174:14 revisit [1] - 163:25 Richmond [1] - 139:23 ride [2] - 182:5, 195:11 riding [1] - 183:13 right-of-ways [1] - 160:7 right-turn [1] - 148:13 rights [2] - 191:14, 191:15 ringing [1] - 137:10 ROAD [1] - 132:6 road [10] - 145:19, 157:10, 174:16, 181:17, 184:14, 184:25, 186:12, 187:2, 193:10, 195:3 Road [57] - 134:17, 134:19, 145:18, 147:20, 147:21, 147:22, 147:24, 148:2, 154:5, 156:11, 156:15, 157:7, 157:12, 157:14, 162:19, 162:20, 175:15, 176:9, 178:17, 178:25, 179:20, 180:8, 180:15, 181:16, 182:20, 186:11, 186:17, 186:18, 186:25, 187:9, 187:11, 187:12, 187:19, 187:20, 187:21, 193:9, 195:2, 195:7, 195:9, 196:12, 196:13, 197:23, 201:9, 201:20, 201:25, 202:1, 203:1, 203:3, 204:20, 205:1, 205:3, 205:15, 207:23, 208:2, 208:7, 208:10,</p>	<p>208:14 Road /Five [1] - 208:9 roads [6] - 176:1, 182:11, 182:25, 208:22, 212:1, 212:9 roadway [7] - 156:15, 161:10, 163:6, 163:10, 163:11, 208:19, 210:1 roadways [2] - 176:1, 205:8 roar [1] - 182:15 ROBERT [1] - 132:17 roll [3] - 139:10, 220:5, 220:8 roll-call [3] - 139:10, 220:5, 220:8 RONALD [1] - 132:19 Route [11] - 138:18, 161:12, 162:3, 180:11, 188:7, 202:7, 202:13, 203:5, 205:1, 205:2, 208:9 RPR [1] - 222:23 rubano [1] - 172:2 Rubano [5] - 153:19, 172:14, 177:8, 210:19, 216:8 RUBANO [1] - 132:20 rule [2] - 213:19 run [1] - 201:21 runs [1] - 173:14 rush [1] - 202:11 Rutgers [1] - 207:6</p>	<p>205:12 Schweche [1] - 134:20 SCHWECKE [10] - 200:4, 200:9, 200:14, 200:19, 200:23, 201:5, 202:6, 202:22, 203:9, 204:1 Schwecke [3] - 200:24, 201:4, 203:25 schwecke [1] - 202:17 Schwecke 's [1] - 204:24 scientist [2] - 141:7, 164:10 screen [5] - 144:12, 172:1, 172:3, 193:19, 201:15 Sea [2] - 197:23, 198:10 SEAMAN [5] - 132:17, 139:25, 159:22, 220:4, 220:23 Seaman [2] - 139:24, 220:22 SEAN [4] - 171:25, 172:7, 172:10, 172:11 Sean [5] - 134:7, 141:8, 142:7, 171:19, 172:10 search [1] - 161:3 Seasons [1] - 184:14 second [5] - 138:12, 146:10, 195:23, 220:3, 220:4 seconds [1] - 199:16 SECRETARY [32] - 138:3, 139:11, 139:14, 139:16, 139:18, 139:21, 139:24, 140:8, 140:18, 143:17, 144:9, 144:19, 144:21, 177:14, 178:4, 199:11, 199:17, 199:20, 200:3, 204:3, 204:7, 210:21, 216:2, 216:9, 220:7, 220:14, 220:17, 220:19, 220:22, 220:24, 221:2, 221:5 Secretary [1] - 132:20 section [5] - 179:14, 182:19, 185:18, 188:5, 208:19 SED [3] - 170:18,</p>	<p>171:3, 198:6 SED-3 [1] - 198:2 see [25] - 144:12, 150:22, 151:3, 152:11, 154:1, 154:7, 154:10, 154:16, 154:18, 155:9, 156:23, 166:23, 172:1, 173:2, 173:13, 178:2, 187:21, 193:21, 199:25, 200:1, 203:7, 209:5, 213:1, 216:9 seeing [1] - 163:23 seeking [2] - 147:2, 219:7 seem [2] - 179:9, 212:6 senior [2] - 185:8, 191:25 seniors [1] - 184:10 sense [1] - 159:10 separate [1] - 189:23 September [2] - 141:2, 173:19 serves [1] - 161:5 service [1] - 156:4 servicing [1] - 140:13 set [5] - 150:21, 152:5, 166:23, 189:6, 214:1 set-aside [1] - 214:1 setback s [2] - 191:18, 212:9 seven [4] - 182:3, 195:11, 195:14, 197:19 several [1] - 215:15 sewer [3] - 156:4, 158:17, 158:18 shack [1] - 145:6 Shade [1] - 136:13 shade [1] - 164:4 shape [1] - 157:10 share [3] - 152:22, 206:3, 207:22 Shari [2] - 159:8, 159:16 sheet [4] - 135:5, 135:7, 135:10, 135:23 sheets [3] - 135:15, 135:18, 135:20 shields [1] - 218:7 shifted [1] - 151:6 shoehorned [1] - 183:15 shop [4] - 179:13, 179:22, 180:8, 184:22</p>	<p>short [1] - 221:12 shot [1] - 188:13 show [4] - 143:15, 193:19, 193:20 showed [1] - 191:23 showing [1] - 194:4 shown [3] - 146:14, 152:2, 216:24 shows [1] - 189:25 shuffling [1] - 137:11 sick [1] - 196:24 side [5] - 162:25, 180:1, 180:9, 195:17, 218:6 sides [1] - 182:11 sidewalk [1] - 156:9 sidewalks [1] - 151:8 Sight [1] - 153:23 sight [1] - 154:8 sign [3] - 209:2, 209:6, 209:11 signage [4] - 147:23, 147:25, 174:17, 175:15 significant [2] - 148:17, 160:6 silence [1] - 140:12 similarly [1] - 152:16 simply [1] - 137:12 single [1] - 188:25 single-family [1] - 188:25 sirens [1] - 137:10 Site [3] - 135:15, 150:21, 219:8 site [23] - 136:10, 136:12, 136:13, 147:16, 147:24, 148:19, 152:5, 156:4, 158:19, 164:20, 164:22, 168:22, 169:4, 174:13, 175:19, 176:8, 188:21, 201:17, 202:5, 203:6, 205:9, 208:17, 217:12 six [2] - 211:23, 212:17 size [3] - 175:9, 182:23, 186:2 skewed [1] - 162:4 slightly [1] - 159:23 slots [1] - 142:14 small [3] - 182:24, 184:23, 188:10 smaller [1] - 171:10 smell [3] - 188:13, 188:15, 196:19 smelling [1] - 183:6</p>
	S			
	<p>S3223 [1] - 146:2 safe [1] - 150:6 safety [2] - 209:17, 210:6 Saker's [1] - 180:12 Sam [1] - 200:24 sanitary [3] - 156:3, 158:17, 158:18 satisfied [2] - 176:10, 219:19 satisfy [1] - 160:22 saw [3] - 158:5, 203:13, 219:17 scheduled [1] - 142:14 school [10] - 184:11, 184:12, 184:13, 185:9, 185:12, 185:14, 205:14, 205:16, 205:20, 209:19 School [2] - 185:12,</p>			

smells [1] - 188:16
smile [1] - 182:16
Soil [1] - 136:9
soil [2] - 164:23, 168:14
solid [1] - 165:24
solution [1] - 149:4
someone [2] - 199:21, 212:13
someplace [1] - 188:6
sometimes [1] - 212:18
sorry [1] - 203:19
sort [1] - 213:12
sound [2] - 217:10, 217:12
sounds [4] - 137:9, 137:11, 181:4, 217:13
south [4] - 145:9, 154:2, 201:20, 203:2
southern [1] - 152:21
SP-1085 [2] - 132:7, 219:14
space [1] - 191:8
spaces [2] - 147:2, 147:3
speaker [2] - 137:12, 137:21
Special [1] - 189:8
specific [3] - 170:23, 188:3, 188:4
specifically [1] - 143:14
spell [9] - 164:16, 178:14, 178:20, 194:20, 200:21, 204:15, 206:13, 207:1, 211:5
Spero [1] - 149:11
spillage [5] - 159:24, 160:3, 160:5, 160:6, 218:5
spilling [1] - 217:7
split [1] - 148:13
staff [6] - 141:20, 145:20, 149:18, 172:22, 190:16
stalls [2] - 153:6, 190:21
stand [2] - 154:22, 190:25
standard [1] - 167:21
standards [3] - 151:17, 168:13, 217:11
standing [1] - 207:9
start [4] - 179:23, 184:10, 184:16, 199:23

started [3] - 141:2, 178:8, 179:13
starting [2] - 185:1, 197:1
starts [1] - 164:14
State [2] - 133:3, 222:4
STATE [1] - 132:2
state [14] - 142:25, 164:15, 164:16, 167:20, 167:21, 178:14, 185:24, 194:19, 206:12, 206:25, 208:21, 211:4, 215:1, 217:10
STATEMENT [1] - 137:1
statement [3] - 138:2, 213:16, 214:5
statements [2] - 164:14, 213:17
station [4] - 152:1, 152:12, 152:17, 152:20
stations [13] - 145:11, 145:24, 146:4, 146:6, 146:10, 146:14, 146:15, 146:24, 152:7, 152:15, 152:22, 152:25, 153:1
statute [2] - 146:15, 153:2
statutory [1] - 212:21
steering [1] - 175:16
STENOGRAPHER 'S [1] - 137:1
stenographically [2] - 137:4, 222:9
sticking [1] - 208:21
still [2] - 151:13, 195:12
stipulate [2] - 169:7, 171:1
stipulating [1] - 146:23
stomach [1] - 196:25
stop [1] - 195:22
stops [2] - 205:12, 209:18
storage [5] - 155:7, 155:8, 155:11, 155:12, 165:16
stories [4] - 179:4, 179:8, 183:25, 184:2
Stormwater [1] - 135:12
story [4] - 179:3, 179:6, 184:1, 189:22
street [3] - 179:18,

180:14, 219:22
strict [1] - 170:16
strongly [1] - 185:19
structure [1] - 186:8
studies [2] - 204:25, 205:5
study [2] - 208:8, 208:11
stuff [1] - 175:10
submitted [4] - 141:14, 143:19, 143:23, 168:9
substantial [1] - 158:20
sufficient [1] - 209:20
suited [1] - 188:6
summary [2] - 155:2, 164:1
summation [1] - 216:20
superior [3] - 150:10, 151:15, 151:21
supply [4] - 158:18, 160:16, 160:18, 160:22
supported [1] - 164:3
supposed [3] - 179:3, 183:19, 197:3
Surrey [4] - 201:2, 202:15, 202:21, 203:8
surrounding [1] - 205:7
swath [1] - 170:7
swear [13] - 155:17, 155:21, 155:22, 178:8, 178:9, 194:12, 194:14, 200:7, 200:12, 200:15, 204:9, 206:20, 210:25
sweeping [1] - 148:13
swim [5] - 179:17, 182:7, 182:8, 188:22, 195:13
sworn [5] - 139:2, 155:16, 155:20, 164:9, 206:19
system [4] - 182:14, 184:13, 210:1
systems [2] - 184:11, 185:9

T

table [4] - 151:3, 170:24, 173:12, 173:14
tall [3] - 154:10, 179:4, 183:24

tank [8] - 145:8, 153:11, 153:20, 154:9, 154:12, 160:18, 165:16, 166:3
Tank [1] - 153:23
tanks [1] - 175:10
Tannenhaus [2] - 140:6, 221:3
TANNENHAUS [69] - 132:13, 138:1, 139:9, 140:7, 140:10, 140:16, 140:21, 142:23, 155:5, 155:15, 159:1, 159:4, 159:18, 160:9, 160:12, 161:1, 162:1, 163:1, 163:19, 169:22, 170:2, 170:10, 173:25, 174:7, 175:1, 175:8, 175:24, 176:11, 176:19, 176:21, 177:6, 186:19, 186:21, 187:1, 192:5, 192:13, 193:15, 194:5, 199:2, 199:6, 199:8, 199:15, 199:18, 201:13, 201:22, 203:23, 204:2, 207:15, 210:10, 210:12, 210:17, 215:24, 216:1, 216:7, 216:11, 216:21, 218:2, 218:13, 218:17, 218:20, 219:1, 219:3, 219:11, 220:1, 220:5, 220:11, 221:4, 221:9, 221:17
taped [2] - 137:5, 222:8
tax [2] - 192:2, 192:9
team [5] - 141:12, 169:5, 174:22, 187:5, 193:12
tears [1] - 196:24
Tech [1] - 180:3
technical [3] - 145:13, 158:11, 175:17
technically [1] - 162:23
Tel [1] - 132:25
temporary [1] - 169:8
ten [4] - 154:20, 179:6, 208:12, 212:19

terminal [1] - 191:12
terms [3] - 159:24, 212:22, 213:5
Terrace [1] - 132:24
terrific [1] - 159:3
tested [1] - 165:3
testified [4] - 141:8, 167:17, 168:3, 175:13
testify [1] - 207:14
testimony [14] - 141:4, 142:15, 155:22, 163:25, 164:14, 174:24, 176:24, 178:9, 194:15, 200:16, 204:9, 206:21, 210:25, 211:10
testing [1] - 164:23
THE [14] - 136:1, 140:1, 140:3, 140:5, 143:21, 144:7, 144:11, 149:24, 156:5, 156:12, 156:17, 156:19, 158:13, 160:4
themselves [1] - 177:10
they've [1] - 197:12
third [1] - 138:15
thorough [1] - 174:20
three [4] - 155:14, 158:9, 221:6
throughout [2] - 137:18, 214:3
THURSDAY [1] - 132:8
ticketed [2] - 181:19, 187:22
title [1] - 144:15
today [2] - 180:20, 214:3
together [1] - 151:6
ton [3] - 181:17, 186:12, 209:11
tonight [5] - 159:8, 201:8, 211:10, 211:11, 215:22
tonight's [1] - 145:25
tons [1] - 209:2
took [3] - 141:5, 174:14, 187:19
top [1] - 161:17
total [4] - 147:1, 208:11, 208:14
touch [1] - 149:15
touching [1] - 149:23
tournaments [1] - 182:12
towards [7] - 162:3,

176:2, 179:25, 188:19, 198:23, 202:5, 202:7 tower [1] - 154:21 town [5] - 138:11, 157:5, 184:17, 211:13, 217:8 town 's [1] - 216:25 towns [2] - 163:8, 213:24 TOWNSHIP [1] - 132:1 township [6] - 160:22, 161:3, 169:3, 189:6, 214:2, 219:23 Township [23] - 132:24, 133:4, 138:5, 138:14, 138:18, 138:19, 139:8, 179:15, 182:18, 182:19, 183:17, 183:20, 184:8, 184:12, 185:4, 185:5, 185:11, 188:4, 188:5, 191:21, 191:24, 192:17, 199:1 township 's [1] - 171:4 tractor [13] - 180:24, 181:14, 181:18, 182:4, 183:6, 186:3, 187:21, 188:2, 191:6, 191:7, 209:8, 209:13 tractor-trailer [2] - 183:6, 191:6 tractor-trailers [11] - 180:24, 181:14, 181:18, 182:4, 183:6, 186:3, 187:21, 188:2, 191:7, 209:8, 209:13 traffic [28] - 142:15, 142:16, 149:7, 149:12, 156:14, 174:20, 175:17, 180:7, 184:19, 184:20, 184:22, 186:9, 187:13, 187:15, 187:19, 201:11, 201:12, 202:1, 204:25, 205:5, 205:9, 205:25, 206:19, 207:4, 207:8, 207:10, 208:8, 208:11 trailer [3] - 155:11, 183:6, 191:6 trailers [12] - 155:10,	180:24, 181:14, 181:18, 182:4, 183:6, 186:3, 187:21, 188:2, 191:7, 209:8, 209:13 TRANSCRIPT [1] - 132:11 transcript [5] - 137:4, 137:7, 137:15, 137:19, 222:7 transplant [1] - 201:6 trauma [1] - 203:20 travel [2] - 151:8, 183:10 traveling [4] - 148:6, 148:15, 148:23, 154:24 traverse [1] - 203:5 Tree [1] - 136:13 tree [1] - 164:4 trees [5] - 154:17, 154:19, 154:20, 183:22 tremendous [1] - 216:25 trench [1] - 165:21 Tri [1] - 138:11 Tri-town [1] - 138:11 Trish [1] - 200:8 Truck [3] - 135:4, 135:7, 205:2 truck [7] - 156:14, 187:13, 187:15, 187:19, 202:1, 202:4, 208:6 trucks [19] - 147:21, 147:24, 148:1, 148:5, 148:9, 148:15, 148:24, 176:3, 176:7, 176:9, 187:6, 188:17, 201:23, 202:25, 205:1, 205:18, 208:15, 208:19, 208:20 true [2] - 214:4, 222:7 truth [21] - 155:23, 155:24, 178:10, 178:11, 194:16, 194:17, 200:17, 200:18, 204:10, 204:11, 206:22, 206:23, 211:1, 211:2 trying [3] - 161:2, 191:13, 205:2 turn [10] - 137:14, 147:19, 148:13, 148:14, 175:14, 177:25, 179:24, 185:22, 191:13,	200:7 turned [1] - 179:18 turning [1] - 176:3 TV [1] - 139:8 tweaks [1] - 142:11 two [18] - 135:18, 135:20, 148:20, 149:6, 149:12, 150:8, 152:18, 156:6, 157:8, 157:20, 159:5, 167:18, 169:12, 169:15, 175:19, 182:24, 189:25, 216:19 two-inch [2] - 157:8, 157:20 two-way [3] - 149:6, 149:12, 175:19 type [5] - 165:15, 166:4, 170:24, 202:1, 209:24 types [1] - 161:7	upset [1] - 197:13 uses [3] - 170:15, 170:17, 170:18	Walker [16] - 134:6, 141:6, 142:3, 142:5, 158:25, 164:8, 164:11, 164:17, 164:19, 165:2, 165:9, 167:7, 168:16, 169:12, 169:18 WALKER [1] - 164:17 wants [2] - 194:9, 209:5 warehouse [9] - 161:24, 162:3, 170:19, 170:20, 171:14, 179:3, 190:22, 214:16, 215:2 warehouses [1] - 197:8 warehousing [1] - 171:8 waste [1] - 165:24 watched [1] - 220:9 Water [1] - 153:23 water [9] - 154:21, 158:18, 160:16, 160:18, 160:19, 160:22, 173:11, 173:14, 196:22 Wawa [4] - 180:15, 195:14, 204:21, 209:3 wayfinding [1] - 147:23 ways [2] - 151:8, 160:7 WB-67 [1] - 135:7 week [3] - 149:19, 182:3, 197:19 weigh [4] - 155:7, 159:5, 192:8, 192:10 weight [11] - 147:22, 187:2, 187:9, 193:3, 193:10, 193:11, 201:25, 207:22, 208:1, 209:1, 209:11 weight-restricted [3] - 193:10, 193:11, 201:25 welcome [3] - 144:22, 160:12, 220:13 wet [1] - 154:3 whatnot [1] - 212:9 whatsoever [2] - 155:12, 203:8 whichever [1] - 151:22 whole [7] - 155:24, 178:11, 194:16, 200:17, 204:10, 206:22, 214:1
			V	
			vacant [4] - 185:10, 185:13, 185:14 valid [1] - 179:9 variance [4] - 189:19, 215:12, 217:13, 217:18 variances [2] - 164:2, 191:17 various [1] - 173:11 vehicle [6] - 145:11, 152:1, 152:6, 152:15, 152:25, 181:22 vehicles [6] - 152:18, 152:21, 208:12, 208:14, 208:16 verbatim [1] - 137:3 Vermont [1] - 180:11 Via [1] - 133:1 Vice [1] - 132:16 Vice-Chairman [1] - 132:16 video [3] - 139:2, 187:20, 199:23 Video [1] - 133:1 VIDEO [1] - 132:11 videotaped [1] - 139:7 view [6] - 144:24, 154:23, 154:24, 161:9, 171:13 View [2] - 134:9, 207:4 VIRTUAL [1] - 132:9 visible [1] - 154:22 vision [1] - 172:24 vision-obscuring [1] - 172:24 VOICE [1] - 137:20 voices [1] - 137:22 Volume [2] - 135:12 voluntarily [1] - 146:8 vote [1] - 220:10	
		U		
		unable [1] - 161:4 uncommon [1] - 168:16 under [6] - 142:21, 164:12, 171:23, 195:14, 206:12, 206:15 underground [2] - 165:16, 166:3 understood [1] - 215:20 University [1] - 207:6 unless [1] - 213:8 unmute [7] - 139:6, 177:8, 177:23, 178:1, 199:22, 204:12, 206:8 unmuted [1] - 177:10 up [25] - 138:22, 144:4, 145:24, 149:3, 149:18, 150:20, 151:5, 152:4, 153:15, 156:7, 172:3, 175:16, 176:15, 177:15, 182:20, 184:1, 184:14, 184:25, 191:8, 201:15, 202:18, 203:1, 215:1, 216:15, 219:17 updated [4] - 144:14, 144:18, 145:4 updates [1] - 145:13		
			W	
			W-A-L-K-E-R [1] - 164:18 wait [2] - 193:4, 213:1 waiting [2] - 205:19, 209:18 waiver [3] - 159:11, 217:19, 219:9 waivers [1] - 215:15 walk [2] - 151:8, 195:12	

<p>wide [1] - 154:11 widen [1] - 145:17 widened [1] - 176:1 widening [3] - 145:19, 156:10, 174:16 wife [3] - 179:16, 194:9, 196:6 win [1] - 215:17 wind [1] - 201:8 windows [1] - 173:7 winter [1] - 205:13 wires [1] - 173:3 wish [4] - 138:23, 164:13, 169:19, 221:13 wishes [1] - 174:22 wishing [1] - 177:16 witness [1] - 163:22 WITNESS [10] - 143:21, 144:7, 144:11, 149:24, 156:5, 156:12, 156:17, 156:19, 158:13, 160:4 WITNESSES [1] - 134:3 wonderful [1] - 185:17 works [3] - 175:22, 196:3, 211:15 world [1] - 191:12 worth [1] - 209:4 write [1] - 141:16 writings [1] - 179:10 written [3] - 137:4, 162:8, 222:9 wrote [1] - 215:10</p>	<p>yourself [6] - 139:6, 177:9, 177:23, 178:1, 199:22, 204:12</p>
Z	
<p>yard [7] - 161:18, 161:21, 162:7, 162:12, 162:16, 163:4, 182:13 year [9] - 179:24, 181:21, 192:2, 196:19, 197:19, 201:8, 205:16, 209:19 years [16] - 154:20, 161:6, 179:12, 179:13, 179:14, 179:23, 181:18, 187:23, 191:16, 195:1, 196:25, 201:6, 207:11, 212:17, 212:19 York [3] - 179:7, 183:25, 188:14 young [2] - 195:8, 202:9</p>	<p>zone [6] - 170:18, 171:3, 189:21, 198:2, 198:6, 198:17 zoning [7] - 189:6, 189:18, 191:2, 198:6, 198:14, 212:25, 213:3</p>
Y	