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HUDSON COUNTY
PLANNING BOARD

RE:

REGULAR MEETING : TRANSCRIPT OF
: PROCEEDINGS
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Hudson County Freeholders Chambers
Third Floor
567 Pavonia Avenue
Jersey City, New Jersey
Wednesday, November 16, 2015
6:30 p.m.

BEFORE:

- JAMES CRYAN, Chairperson
- JOSEPH GLEMOCKI, P.E., County Engineer
- ANTHONY ROMANO, Freeholder
- MICHAEL HOLLOWAY, Commissioner
- RUSHABH MEHTA, Commissioner
- BETINA PERALTA, Commissioner

ALSO PRESENT:

- JOHN J. CURLEY, ESQ., Board Attorney
- MASSIEL M. FERRARA, PE, ACIP
- BYRON A. NICHOLAS, Assistant Planner
- MARIO TRIDENTE, Inspector
- MEGAN MASSEY, PE, ACIP, Board Secretary
- ANTONIO PANAGOPOULOS, PE, CME

Job No. NJ2002376

1 CHAIRMAN CRYAN: Let's call the
2 meeting of the Hudson County Planning Board to
3 order. It's 6:55 p.m. Do you want to start with
4 the roll call?

5 MS. MASSEY: Commissioner Bettinger.
6 Commissioner Choffo. Commissioner Glembocki.

7 COMMISSIONER GLEMOCKI: Here.

8 MS. MASSEY: Commissioner Hernandez,
9 not present. Commissioner Holloway.

10 COMMISSIONER HOLLOWAY: Here.

11 MS. MASSEY: Commissioner Kopacz.
12 Commissioner Mehta.

13 COMMISSIONER MEHTA: Here.

14 MS. MASSEY: Commissioner Ng.
15 Commissioner Peralta.

16 COMMISSIONER PERALTA: Here.

17 MS. MASSEY: Commissioner Romano.
18 Commissioner Voinier. Chairman Cryan.

19 CHAIRMAN CRYAN: Here.

20 MS. MASSEY: We have a quorum.

21 CHAIRMAN CRYAN: Counsel, has this
22 meeting been properly noticed.

23 MR. CURLEY: Yes. The meeting has
24 been property advertised in accordance with the Open
25 Public Meetings Act. Notice of the meeting was

1 published in the Jersey Journal and the Star Ledger.
2 Notice was also posted with the Clerk of County of
3 Hudson and with the Clerk of Freeholders.

4 AUDIENCE MEMBER: Can you speak a
5 little louder? We can't hear you.

6 CHAIRMAN CRYAN: Sure. Let's stand
7 and salute the flag.

8 (Flag Salute.)

9 CHAIRMAN CRYAN: The next item on the
10 agenda is review and adoption of the meeting minutes
11 from October 21st, 2015. Have all the Commissioners
12 had an opportunity to take a look at the meeting
13 minutes from the last meeting? Any questions or
14 comments, concerns, any changes or anything? If
15 not, I'll take a motion.

16 MS. MASSEY: On a motion to approve
17 by Commissioner Holloway, and seconded by
18 Commissioner Peralta.

19 Commissioner Glembocki.

20 COMMISSIONER GLEMBOCKI: Yes.

21 MS. MASSEY: Commissioner Holloway.

22 COMMISSIONER HOLLOWAY: Yes.

23 MS. MASSEY: Commissioner Mehta.

24 COMMISSIONER MEHTA: Yes.

25 MS. MASSEY: Commissioner Peralta.

1 COMMISSIONER PERALTA: Yes.

2 MS. MASSEY: Chairman Cryan.

3 CHAIRMAN CRYAN: Yes.

4 MS. MASSEY: The minutes have been
5 approved. We also actually have to review and adopt
6 the meeting minutes of September 15th, 2015. We did
7 not have a quorum at the October 21st meeting to
8 adopt. Did everyone have a chance to review and
9 look over the September 16, 2015 minutes?

10 CHAIRMAN CRYAN: This is the meeting
11 minutes that were mailed to us.

12 MS. MASSEY: Do you have a motion?
13 On a motion made by Commissioner Peralta, and
14 seconded by Commissioner Mehta.

15 Commissioner Glembocki.

16 COMMISSIONER GLEMBOCKI: Yes.

17 MS. MASSEY: Commissioner Holloway.

18 COMMISSIONER HOLLOWAY: Yes.

19 MS. MASSEY: Commissioner Mehta.

20 COMMISSIONER MEHTA: Yes.

21 MS. MASSEY: Commissioner Peralta.

22 COMMISSIONER PERALTA: Yes.

23 MS. MASSEY: Chairman Cryan.

24 CHAIRMAN CRYAN: Yes.

25 MS. MASSEY: The meeting minutes have

1 been adopted.

2 The next item on the agenda is 5A,
3 Memorialization of Resolutions to be Considered at
4 the Last Meeting. Application, 2015-29-SP;
5 Applicant, Promenade at Bayonne; Location, Avenue A
6 and West First Street; Block 332, Lot 3; Block 360,
7 Lot 2; Block 373, Lots 1, 2, 13, 14 and 15; Block
8 390, Lots 1 and RG 67; Block 391, Lots 1 and 2;
9 Block 511, Lot 6, in Bayonne.

10 On a motion by made by Commissioner
11 Holloway, and second by Commissioner Peralta.

12 Commissioner Holloway.

13 COMMISSIONER HOLLOWAY: Yes.

14 MS. MASSEY: Commissioner Mehta.

15 COMMISSIONER MEHTA: Yes.

16 MS. MASSEY: Commissioner Peralta.

17 COMMISSIONER PERALTA: Aye.

18 MS. MASSEY: Commissioner Glembocki.

19 COMMISSIONER GLEMBOCKI: Yes.

20 MS. MASSEY: Chairman Cryan.

21 CHAIRMAN CRYAN: Yes.

22 MS. MASSEY: Resolution has been
23 memorialized. The next item is Application
24 2015-46-SP; Applicant Jason Appello, located at 1427
25 Union Turnpike; Block 79, Lot 6.012, in North

1 Bergen. Do I have a motion?

2 On a motion made by Commissioner Peralta
3 and seconded by Commissioner Holloway.

4 Commissioner Holloway.

5 COMMISSIONER HOLLOWAY: Yes.

6 MS. MASSEY: Commissioner Peralta.

7 COMMISSIONER PERALTA: Aye.

8 MS. MASSEY: Commissioner Glembocki.

9 COMMISSIONER GLEMBOCKI: Yes.

10 MS. MASSEY: Chairman Cryan.

11 CHAIRMAN CRYAN: Yes.

12 MS. MASSEY: Okay. The next
13 application for memorialization is Application
14 2015-57-SP; Applicant, 7-Eleven, Incorporated;
15 located at 2380 John F. Kennedy Boulevard; Block
16 184.04, Lots 1 and 34, in Jersey City. Do we have a
17 motion?

18 On a motion made by Commissioner Peralta,
19 and seconded by Commissioner Holloway.

20 Commissioner Holloway.

21 COMMISSIONER HOLLOWAY: Yes.

22 MS. MASSEY: Commissioner Peralta.

23 COMMISSIONER PERALTA: Aye.

24 MS. MASSEY: Commissioner Glembocki.

25 COMMISSIONER GLEMBOCKI: Yes.

1 MS. MASSEY: Chairman Cryan.

2 CHAIRMAN CRYAN: Yes.

3 MS. MASSEY: Okay. Onto Section 5B,
4 Site Plan, Subdivisions and Other Matters Scheduled
5 for Public Hearing. The applicant's attorney for
6 Riverview Development, they have let the other
7 applications go before the them, and they will be
8 heard last.

9 So the first application is 2015-54-SP,
10 Applicant 450 New York Avenue, LLC, located at 376
11 Paterson Plank Road, Block 1702, Lot 1 in Jersey
12 City.

13 MR. MARINELLO: Good evening. My
14 name is Joseph Marinello. I represent the
15 applicant. I'm the attorney for the applicant. I
16 have with me Mr. Shortino, from Bertin Engineering.
17 We received a review letter today actually. I've
18 gone over it with my architect, and my engineer is
19 going to testify, but we will agree to all of the
20 conditions.

21 In fact, we think we have met, I don't
22 know if you have in front of you, we have meet Item
23 No. 4. We are willing to agree to the franchise
24 agreement because there's a small portion of sign
25 foundation that's in the County right-of-way. We'll

1 defer to your Board regarding streetscape standards.
2 We have to replace or we actually have to plant
3 three trees. The three trees should be on the
4 front, but engineer recommended that it not be so
5 because of the sight lines. It's just an
6 application to convert a gas station slash service
7 area into a gas station slash convenience store.

8 COMMISSIONER HOLLOWAY: Mr. Chairman,
9 I have a question. This store has already been
10 converted?

11 MR. MARINELLO: Yes, pretty much so,
12 yes. We're operating under a temporary certificate
13 of occupancy.

14 CHAIRMAN CRYAN: Thank you. Go
15 ahead.

16 MR. MARINELLO: Are you waiting for
17 us?

18 CHAIRMAN CRYAN: Yes.

19 MR. MARINELLO: Are you ready to call
20 my engineer?

21 CHAIRMAN CRYAN: Please do.

22 (The witness is sworn.)

23 MR. CURLEY: Can you please state
24 your name for the record and spell your last name.

25 MR. SHORTINO: First name is Brian,

1 last name is Shortino, S-h-o-r-t-i-n-o. I'm
2 employed by Bertin Engineering Associates, 66 Glen
3 Avenue, Glen Rock, New Jersey.

4 MR. MARINELLO: Mr. Shortino, are you
5 an engineer?

6 MR. SHORTINO: Yes, I'm a licensed
7 engineer in New Jersey.

8 MR. MARINELLO: How long have you
9 been so licensed?

10 MR. SHORTINO: Twenty-seven years.

11 MR. MARINELLO: Have you appeared
12 before Boards such as the Hudson County Planning
13 Board or municipal boards in furtherance of
14 applications and plans?

15 MR. SHORTINO: Yes, I have.

16 MR. MARINELLO: Can you tell us how
17 many, if necessary.

18 MR. SHORTINO: How many towns and
19 boards? At least a hundred.

20 MR. MARINELLO: I proffer
21 Mr. Shortino as an expert in the field of
22 engineering.

23 CHAIRMAN CRYAN: We accept him as an
24 expert.

25 MR. MARINELLO: Thank you.

1 Mr. Shortino, have you or do you have a site plan
2 for this project?

3 MR. SHORTINO: Yes. All our site
4 plans are shown. This the duplication.

5 MR. MARINELLO: That is the plan that
6 has been submitted to the Board?

7 MR. SHORTINO: That's correct.

8 MR. MARINELLO: And they were timely
9 filed?

10 MR. SHORTINO: Yes.

11 MR. MARINELLO: I'm sorry, go ahead.

12 MR. SHORTINO: Our office prepared a
13 site plan for the project. We were requested to do
14 certified sites because the project was already
15 completed. It was an existing gas station located
16 at the intersection of New York Avenue and Paterson
17 Plank Road, and what was done there was the building
18 was converted to a convenience store, and there were
19 improvements to the pump islands. It's my
20 understanding these were done. It was not necessary
21 to have site plan approval from Jersey City. There
22 was approval required from the Hudson County
23 Planning Board.

24 MR. MARINELLO: We received permits
25 for the construction from the Jersey City?

1 MR. SHORTINO: Yes, we did. So we
2 were instructed by Hudson County Planning Board to
3 submit the application, and in addition to that, we
4 were at a technical review meeting, and we were
5 asked to do certain request requirements which we
6 believe are indicated on the revised drawing which
7 were submitted by Hudson County. We did receive a
8 review letter from T & M Associates, November 16,
9 2015. I believe the attorney has mentioned that we
10 will comply with all items.

11 I reviewed the letter when I received it
12 this morning, the only item I think that needs
13 possibly clarification is Item No. 4 of said letter
14 which mentions that the ADA space is noncompliant,
15 but I believe it is. Our plan, we've indicated
16 there's an existing space that's there which isn't
17 compliant, but our plan indicates that we will
18 restripe it for ADA requirements with the eight-foot
19 aisle, and I believe that's in conformance.

20 We recognize that there's a franchise
21 agreement necessary for the sign. There's an
22 encroachment of the sign base at the intersection.
23 Also, we did two green techniques. We have the bike
24 rack and the rain barrel shown on the plan, and as
25 the attorney stated, we will comply with all other

1 requirements of the review letter from T & M, also a
2 review of November 9, 2015, from Hudson County
3 Division of Planning.

4 MR. MARINELLO: And we complied with
5 that letter also?

6 MR. SHORTINO: Well, we comply with
7 all the items or agreed to as I mentioned the
8 bonding for the trees. We were required to have
9 three trees, but due to the location on Paterson
10 Plank Road, there's a fire hydrant. We did have
11 trees shown there. At the technical review
12 committee, we requested to remove them so we have to
13 post contribution for three trees.

14 MR. MARINELLO: Is there any other
15 items that we were asked to comply with that we
16 haven't complied with?

17 MR. SHORTINO: No. I believe we
18 addressed all of the items that were requested by us
19 in their review of their technical review meeting,
20 and we submitted the drawings. We had a specific
21 day that we had to submit them by with the
22 applications which we did. So it's my understanding
23 I believe that we're all in compliance with the
24 Hudson County Planning Board requirements.

25 MR. MARINELLO: This property does

1 not exceed one acre. Therefore, it's not considered
2 a major development; is that correct?

3 MR. SHORTINO: That's correct.
4 That's in the review letter.

5 MR. MARINELLO: That's all I have,
6 Mr. Chairman.

7 MR. PANAGOPOULOS: Yes, I believe I
8 must have missed up some of the sets of plans that I
9 reviewed. I reviewed the October 20th set, which
10 did not show the handicapped space, thus does not
11 show the correct dimensions for a handicapped
12 parking space. The only thing that jumps out at me
13 right now is that I believe we asked for bollards by
14 the fire hydrant where this bump-out is.

15 MR. SHORTINO: I did a summary letter
16 that I submitted to Mr. Nicholas, and I did have
17 that in there. There's no reason. It's going to be
18 a condition of approval. We'll put the bollards in
19 if you request them. I don't think it was in the
20 review letter or it was stated at the technical
21 review. I did do a summary all of the items we
22 discussed, and I forwarded it over to Mr. Nicholas.
23 I believe he acknowledged that we were going to be
24 doing all those items. That wasn't in there about
25 the bollards.

1 MR. PANAGOPOULOS: I mean, I just
2 think that because of the type of site and the type
3 of traffic we're going to have coming from the site,
4 we should have bollards by the fire hydrant just in
5 case.

6 MR. SHORTINO: We agree to that.

7 COMMISSIONER HOLLOWAY: Mr. Chairman,
8 I have a slight problem. The project is done, and
9 they're coming to the Board for approval. Is there
10 a reason you didn't come in front of us before
11 today?

12 MR. MARINELLO: I would say this,
13 that yesterday neither Mr. Shortino's firm nor I
14 were involved in the original plans going before
15 Jersey City. The contractor was, and the contractor
16 obviously should have known that he had to come
17 before this Board before it did. As soon as we
18 found, hence the reason for our application and
19 working as quickly as we can to get this before you,
20 drawing the appropriate plans, et cetera.

21 The owner, the actual applicant was not
22 aware of -- I don't think it's an excuse to me, but
23 he didn't know, and he trusted a contractor to do
24 it. He went forward with it. We have taken it
25 over. Mr. Shortino's firm has taken it over, and

1 tried to dot every I and cross every T. I apologize
2 to the Board. These are things that should have
3 come before the Board before we did it.

4 MR. TRIDENTE: Mr. Chairman, if I
5 could add to that. The original address, which is
6 450 New York, the permission had come from the local
7 zoning official. He knows that Paterson Plank Road
8 is a County road, which would raise a red flag for
9 him, but being that the applicant submitted the
10 application before the Board as 450 New York Avenue,
11 he didn't realize it being that it has two
12 addresses.

13 MR. MARINELLO: It has two addresses.

14 MR. TRIDENTE: Paterson Plank and 450
15 New York Avenue. It was an oversight. The zoning
16 official notified him. Everybody was very compliant
17 and was willing to meet whatever requirements were
18 necessary.

19 COMMISSIONER HOLLOWAY: It's very
20 important to put the bollards in front of the fire
21 hydrant. People pull in that gas station, if you
22 can see that sidewalk, there is no curb coming off
23 Paterson Plank Road.

24 MR. SHORTINO: That's actually part
25 of the improvements. We are putting twenty linear

1 feet of curb in front of the fire hydrant.

2 COMMISSIONER HOLLOWAY: Is that done
3 now?

4 MR. SHORTINO: No, it's going to be.
5 It's got to be done. That was one of the items that
6 was requested, and it's shown on the drawings today.

7 COMMISSIONER HOLLOWAY: Okay. Thank
8 you.

9 CHAIRMAN CRYAN: Mr. Glembocki.

10 COMMISSIONER GLEMBOCKI: I just
11 wanted to say just make sure your contractor gets a
12 road opening permit from the County Engineer's
13 office when he does the curb work in the
14 right-of-way. Other than that, I have no further
15 comments.

16 COMMISSIONER MEHTA: So most of the
17 work is done. Did you get that seal from Jersey
18 City?

19 MR. SHORTINO: Only a temporary seal
20 pending coming before this Board. It's a temporary
21 certificate of occupancy.

22 COMMISSIONER MEHTA: The store is
23 open?

24 MR. MARINELLO: It is.

25 MR. TRIDENTE: Mr. Chairman, if I

1 could shed some light. We had acted with the local
2 zoning official to put a time constraint on the
3 application. The temporary CO is based on the fact
4 that the applicant was willing to comply with all
5 the requests and requirements. We had given them
6 the okay for a TCO and to operate the store under
7 those conditions with a time constraint. It was
8 November 5th. They met those obligations. We
9 granted them another extension to fulfill those
10 additional requirements and amendments to the
11 application, based on they're willing to comply in
12 good faith efforts, I don't think there is any need
13 to restrict them from the operations.

14 COMMISSIONER HOLLOWAY: If your
15 office can make sure that all of the requirements
16 have been complied with and make sure it's done.

17 MR. TRIDENTE: No, this will be.
18 They have a temporary CO until they fulfill the
19 requirements. After you make all of the amendments
20 to the site, you need to notify our office. I'll
21 come back out, and I will then issue a letter of
22 compliance. That will go to the zoning official in
23 Jersey City, and you will receive your final CO.
24 You're on your TCO until all of the requirements are
25 met.

1 MR. MARINELLO: We understand. We
2 understand.

3 CHAIRMAN CRYAN: Questions?
4 Comments? Motion?

5 COMMISSIONER HOLLOWAY: I'll make a
6 motion with the condition that all of the
7 recommendations that are in front of you are done.

8 MS. MASSEY: On a motion made by
9 Commissioner Holloway and second by Commissioner
10 Mehta.

11 Commissioner Glembocki.

12 COMMISSIONER GLEMBOCKI: Yes.

13 MS. MASSEY: Commissioner Holloway.

14 COMMISSIONER HOLLOWAY: Yes.

15 MS. MASSEY: Commissioner Mehta.

16 COMMISSIONER MEHTA: Yes.

17 MS. MASSEY: Commissioner Peralta.

18 COMMISSIONER PERALTA: Yes.

19 MS. MASSEY: Chairman Cryan.

20 CHAIRMAN CRYAN: Yes.

21 MS. MASSEY: The motion has passed.

22 MR. MARINELLO: Thank you very much,
23 and thank you for your help.

24 MS. MASSEY: The next application to
25 be heard is Application 2015-55-SP; Applicant, 1206

1 5th Street, LLC, c/o Corrado Giancaspro; located at
2 1206 5th Street; Block 13, Lots 125B, 126, 127C and
3 128, located in North Bergen.

4 MR. JIMENEZ: Good evening, Chairman,
5 Member of the Board. Michael K. Jimenez,
6 J-i-m-e-n-e-z, from the law office of Ryglicki,
7 Jimenez & Gilman, located at 9060 Palisade Avenue,
8 North Bergen, New Jersey. Chairman, I come here for
9 the applicant, 1206 5th Street, LLC.

10 The applicant has property located on the
11 north side of 5th Street between Kennedy Boulevard
12 and Grand Avenue. It's right there directly across
13 the street from Jersey City. The center line of 5th
14 Street is the municipal border between Jersey City
15 and North Bergen. The property is about 250 feet
16 west of Kennedy Boulevard. The property currently
17 sits vacant. It's a relatively large L-shaped
18 property consisting of approximately 6,210 square
19 feet. The applicant has received approval from
20 Township of North Bergen to construct four units,
21 multifamily building, with eight off-street parking
22 spaces.

23 Chairman, I have the architect on the
24 project and others if necessary to answer any
25 questions. I will note for the record as well, I

1 have received a transmittal letter dated
2 November 12th, 2015, from the Site Plan Review
3 Committee regarding certain requirements that were
4 requested and compliance of those requested items.
5 May I bring the architect?

6 CHAIRMAN CRYAN: Yes.

7 MR. JIMENEZ: Mr. Kaltsis, please
8 state your name and spell your last name.

9 MR. KALTSIS: Demetrios Kaltsis,
10 K-A-L-T-S-I-S, 509 87th Street, North Bergen, New
11 Jersey.

12 (The witness is sworn.)

13 MR. JIMENEZ: Mr. Kaltsis, would you
14 provide this Board with your educational background
15 and experience, please?

16 MR. KALTSIS: I'm a registered
17 architect in the state of New Jersey. I had my
18 license for about ten years. I have appeared before
19 many different townships including this Board
20 before.

21 MR. JIMENEZ: Mr. Chairman, I submit
22 he be qualified as an expert.

23 CHAIRMAN CRYAN: We accept him.

24 MR. JIMENEZ: Mr. Kaltsis, did you
25 have an opportunity to prepare the plan submitted to

1 the Planning Board?

2 MR. KALTSIS: Yes, I have.

3 MR. JIMENEZ: Is this a copy of those
4 plans that were submitted to the Board?

5 MR. KALTSIS: Yes, sir.

6 MR. JIMENEZ: Could you please
7 describe how the property sits today and how it will
8 be?

9 MR. KALTSIS: The property as we said
10 before is on 5th Street, the north side of 5th
11 Street. It's an unusually large L-shaped lot. It
12 is a vacant piece of property in an R-1 residential
13 district. The property is relatively flat, and it
14 is currently vacant. There is a variety of
15 different uses from residential to commercial on
16 this street.

17 MR. JIMENEZ: Please describe the
18 proposed development.

19 MR. KALTSIS: Okay. The proposal
20 consists of a four-unit building. Each of the units
21 are two-bedroom, one of which is a handicapped unit.
22 It's a three-story structure with parking for eight
23 vehicles on the ground floor. Six will be in the
24 fully enclosed garage. Two will be located to the
25 exterior area of the front yard. This entire

1 building is set back 55 feet from the right-of-way.
2 As I said, it's an L-shaped configuration. Two of
3 the unit are duplex-type units, and the other are
4 not.

5 With regards to parking, there are eight
6 parking spaces proposed. Six are located in the
7 fully enclosed garage. Two are located in the
8 exterior. Two of the interior spots are parallel
9 park. The other four are perpendicular. The two in
10 the front yard are parallel spots as well. The
11 property is 25 feet wide. I know there was some
12 concern about the ability for the cars to circulate
13 within the property and properly turn and exit. We
14 did provide the radiuses for the cars and how they
15 would park and exit the property and not have to
16 back onto 5th Street, which I believe was a concern.

17 The other concerns T & M Associates
18 included the parking for the handicapped accessible
19 unit, which we have designated. Also, some of the
20 landscaping which we have provided as well in the
21 right-of-way. Also, the two green techniques we are
22 providing. We are providing pavers that are
23 impervious to stormwater, also we propose to retain
24 all of the stormwater on-site with seepage pits
25 located in the backyard. All of the comments by the

1 County Engineer's firm have been addressed as per
2 the October 2th letter 2015.

3 MR. JIMENEZ: Mr. Chairman, that's
4 all I have.

5 MR. PANAGOPOULOS: I have no further
6 comments. All of my comments have been addressed in
7 the most recent application submission.

8 MR. TRIDENTE: Mr. Chairman, I just
9 want to remind the applicant that upon completion of
10 the project before you apply for your certificate of
11 occupancy, a final inspection needs to be performed
12 by our office so that you receive a letter of
13 compliance, and then you will receive your TCO or
14 your final CO.

15 CHAIRMAN CRYAN: Questions?
16 Comments?

17 MS. MASSEY: On a motion made by
18 Commissioner Mehta. Second by Commissioner Peralta.
19 Commissioner Glembocki.

20 COMMISSIONER GLEMBOCKI: Yes.

21 MS. MASSEY: Commissioner Holloway.

22 COMMISSIONER HOLLOWAY: Yes.

23 MS. MASSEY: Commissioner Mehta.

24 COMMISSIONER MEHTA: Yes.

25 MS. MASSEY: Commissioner Peralta.

1 COMMISSIONER PERALTA: Yes.

2 MS. MASSEY: Chairman Cryan.

3 CHAIRMAN CRYAN: Yes.

4 MS. MASSEY: The motion has been
5 approved.

6 MR. JIMENEZ: Thank you so much for
7 your time.

8 MS. MASSEY: The next application to
9 be heard is Application 2015-58-SP; Applicant,
10 Fraternity Meadows, LLC, Riverside Station
11 Boulevard, Block 1702, Lot 1, in Secaucus.

12 MR. O'CONNOR: Good evening, Mr.
13 Chairman. Tom O'Connor, attorney with the law firm,
14 Waters, McPherson, McNeill, representing the
15 applicant, Fraternity Meadows. This is a continuing
16 application that you have seen the phases of
17 previously. It's actually the sixth residential
18 building in a eight phase project. It's a project
19 commonly referred to as the Exchange at Secaucus
20 Junction. It's in proximity to the train station.

21 The property located within the
22 Meadowlands District and New Jersey Sports and
23 Exposition Authority District. I guess it's within
24 a redevelopment area of the Meadowlands District.
25 The application complies with all respects of the

1 redevelopment plan, and we have variances with
2 Meadowlands. I have one witness, who is George
3 Cascino, who is the project engineer, and I'll call
4 George to be sworn.

5 (The witness is sworn.)

6 MR. CURLEY: Would you please state
7 your name and spell your last name for the record.

8 MR. CASCINO: George D. Cascino,
9 C-a-s-c-i-n-o.

10 MR. O'CONNOR: Just before I start
11 with Mr. Cascino, I just want to mention for the
12 record, we have received the comment letters of
13 November 10th from the T & M, and the November 12th
14 letter from the Division of Planning, and the
15 applicant has either complied or will agree to
16 comply. I'll ask Mr. Cascino to give you the
17 highlights of some the items that were mentioned.

18 Mr. Cascino, you are a professional
19 engineer in New Jersey?

20 MR. CASCINO: Yes.

21 MR. O'CONNOR: And how long have you
22 been an engineer?

23 MR. CASCINO: Forty-five years.

24 MR. O'CONNOR: And you testified
25 before quite a few boards, and you've been qualified

1 by this Board previously as a professional engineer?

2 MR. CASCINO: I have.

3 MR. O'CONNOR: So we offer Mr.
4 Cascino's testimony.

5 CHAIRMAN CRYAN: Any objections? We
6 accept Mr. Cascino.

7 MR. O'CONNOR: Thank you. George,
8 can you please just orient the Board, the Planning
9 Board, to the property as shown on the board.

10 MR. CASCINO: The property, the best
11 way to identify it to the Board, it's across the
12 street from the Laurel Hill Park. It's known as
13 Fraternity Meadows. Some people call it the
14 Exchange at Secaucus. It's down where the dinosaurs
15 used to be. It's located to the south of the
16 intersection of Riverside Station Boulevard and what
17 is known as Amico Way, the southwest of that
18 intersection. It's a two-and-a-half-acre lot.

19 It is sixth the time we've come before the
20 Board. The first time was the original subdivision
21 of the property, and we returned six more times for
22 buildings, which are locate to the north of us known
23 as buildings A, C, and B, to the west of us known as
24 Buildings I and J. Those five buildings were
25 approved by the Board, and now we're here before you

1 with what is known as Building K. Again, it's at
2 the southwest corner of Riverside Station and Amico
3 Way.

4 It's two and a half acres in size. It's
5 composed of 160 residential units. We proposed
6 2,000 over the whole site. It is adjacent again to
7 Building J on the left, just located off a turn
8 around or a roundabout if you're from Massachusetts,
9 to the northwest of our property. Again, this is
10 going to have 160 units, 122 are market rate and the
11 balance will be 38 affordable units in accordance
12 with agreements with Secaucus's affordable housing
13 requirements.

14 MR. O'CONNOR: George, can I just ask
15 you, vehicular access to the site, is it all from
16 Riverside Station Boulevard?

17 MR. CASCINO: Yes. There are no
18 proposed curb cuts to Amico Way.

19 MR. O'CONNOR: George, can you just
20 focus please on the improvements that are discussed
21 in the review letters from the County, and the
22 County's engineer and County planner as we discussed
23 with them on the site plan review.

24 MR. CASCINO: Yes. There were two
25 not issues but two points of clarification in our

1 discussions with the planner and with your engineer
2 from T & M. One had to do with the Parking. We are
3 supposed to have 175 parking space. We proposed 11
4 of them --

5 MR. O'CONNOR: The code requires 1.6
6 of the overall development, maximum.

7 MR. CASCINO: Maximum. We's
8 proposing 175 maximum spaces on that site. The
9 Meadowland puts a maximum number. We are provided
10 that maximum on that site with 11 spaces on the
11 adjacent lot. This is all one big development, and
12 the 11 spaces on adjacent lot is all under a common
13 ownership. Eleven of those spaces is on the access
14 drive from Riverside Station Boulevard to get to
15 Building K, but they're on the other side of the
16 driveway. That clarification is for the engineer to
17 explain that.

18 COMMISSIONER HOLLOWAY: How many are
19 handicapped spaces?

20 MR. CASCINO: Six. Six are required
21 and six are shown. Another at the review committee
22 meeting was the shade trees along Amico Way. We're
23 required to have ten. We're proposing 20 along
24 Amico Way. The only caveat is that before we plant
25 them to coordinate with the County as to which side

1 of the sidewalk they're on. We provided twice the
2 number we need. The final location will be decided
3 in the field as we go to plant them.

4 The final item has to do with, we
5 originally requested that we wanted a slope easement
6 from County to accommodate our building. We
7 withdrew that request and shifted the whole building
8 two and a half feet to the northwest and withdrew
9 the easements from the County. While doing that we
10 also did two things. We agreed based on the
11 original approval we got years ago to pick up
12 certain County drainage at the corner of Riverside
13 Station and Amico Way. Originally, that connection
14 ran into our site, into a 16-inch and a 30-inch pipe
15 and went out into the Hackensack River.

16 We are going to still be picking up that
17 drainage, but instead of taking it around the
18 Building K, we're going to be taking it in front of
19 Building K, tying it into the main drainage of our
20 site. So we're redirecting the County drainage to a
21 different location. The other inlet located further
22 south on Amico Way, we had agreed when we received
23 approval of A and J, to pick up the drainage from
24 the County at the bends at Amico Way. We agreed to
25 do that. We made the connection, and that was going

1 to that same 30-inch pipe going down to the river.
2 But because of the pipe in that area, we have
3 shifted the County drainage back onto the County
4 right-of-way, and we've agree to pay for
5 installation of that new 15-inch pipe which will
6 then connect to the same 30-inch pipe. That will be
7 a marked improvement with that 15-inch pipe going
8 in. Those were the two issues that have been
9 clarified on our behalf.

10 MR. O'CONNOR: There was also a
11 requirement as to installing the sidewalk along
12 Amico Way and curbing on the County right-of-way.

13 MR. CASCINO: I forgot that. We
14 asked to relocate a County sidewalk, taking it from
15 a curvature to a straight line. At our expense,
16 we're building it according to the County standards,
17 and we also were requested and we agreed to put a
18 new curb, a new curb in that location, obviously the
19 sidewalk, and to relocate the Laurel Hill sign to
20 the park wherever the County wants us to put it.

21 MR. O'CONNOR: That's all the
22 questions I have for this witness.

23 COMMISSIONER HOLLOWAY: Just for the
24 record, the new improvements aren't done yet, they
25 are going to be done?

1 MR. CASCINO: Correct.

2 COMMISSIONER HOLLOWAY: Thank you.

3 MR. PANAGOPOULOS: All my items have
4 been addressed, Mr. Chairman. I have no further
5 comments or issues. I think they're making an
6 improvement to the drainage system, and that is it.

7 COMMISSIONER MEHTA: Where is
8 Building K, is that on Amico Way?

9 MR. CASCINO: That's correct. No
10 parking or driveways from Amico Way. All of the
11 access to our parking will be Riverside Station
12 Boulevard on our site.

13 MR. O'CONNOR: For the record
14 Riverside Station Boulevard is a dedicated municipal
15 street that is part of the subdivision. It's
16 created as a public street.

17 COMMISSIONER GLEMBOCKI: I have
18 nothing additional.

19 CHAIRMAN CRYAN: Any other questions?

20 MS. MASSEY: On a motion made by
21 Commissioner Holloway, and second by Commissioner
22 Peralta.

23 Commissioner Glembocki.

24 COMMISSIONER GLEMBOCKI: Yes.

25 MS. MASSEY: Commissioner Holloway.

1 COMMISSIONER HOLLOWAY: Yes.

2 MS. MASSEY: Commissioner Mehta.

3 COMMISSIONER MEHTA: Yes.

4 MS. MASSEY: Commissioner Peralta.

5 COMMISSIONER PERALTA: Yes.

6 MS. MASSEY: Chairman Cryan.

7 CHAIRMAN CRYAN: Yes.

8 MS. MASSEY: The motion has passed.

9 Before going through, let's go through the exempt to
10 so that everything is done and we don't have to go
11 back. The next item is Section C, Applications to
12 be Declared Exempt. Application 2015-69-SP;
13 Applicant, 126-142 Morgan Street Urban Renewal, LLC,
14 care of Toll Brothers, located at 10 Provost Street;
15 Block 11505, Lot 1, in Jersey City.

16 CHAIRMAN CRYAN: Why is it being
17 declared exempt?

18 MS. MASSEY: It's being declared
19 exempt because it's not located on a County road.

20 On a motion made by Commissioner Mehta.
21 Seconded by Commissioner Holloway.

22 Commissioner Glembocki.

23 COMMISSIONER GLEMBOCKI: Yes.

24 MS. MASSEY: Commissioner Holloway.

25 COMMISSIONER HOLLOWAY: Yes.

1 MS. MASSEY: Commissioner Mehta.

2 COMMISSIONER MEHTA: Yes.

3 MS. MASSEY: Commissioner Peralta.

4 COMMISSIONER PERALTA: Yes.

5 MS. MASSEY: Chairman Cryan.

6 CHAIRMAN CRYAN: Yes.

7 MS. MASSEY: The motion has passed.

8 Just to ask, is there any old business or any new
9 business?

10 CHAIRMAN CRYAN: We're good.

11 MS. MASSEY: So the next application
12 that we have is Application 2015-39-SP; Applicant
13 Riverview Development, LLP, located at 8200 River
14 Road, Block 438, Lots 4A, 4B and Lot 1; in North
15 Bergen.

16 CHAIRMAN CRYAN: Mr. Zenn, welcome
17 back.

18 MR. ZENN: Good evening, Mr.
19 Chairman. My name is Jeffrey Zenn, Z-e-n-n, from
20 the firm of Sokol Behot on behalf of the applicant,
21 Riverview Development, LLC. We were here last
22 month, and I think we finished up with the testimony
23 and cross-examination of our engineer, Robert Foley,
24 and tonight we would to be presenting our traffic
25 expert, Mr. Verderese.

1 (The witness is sworn.)

2 MR. CURLEY: Would you please state
3 your name for the record and spell your last name.

4 MR. VERDERESE: Nicholas Verderese,
5 V-e-r-d-e-r-e-s-e.

6 MR. ZENN: Mr. Verderese, would you
7 give this Board the benefit of your professional
8 qualifications?

9 MR. VERDERESE: Yes. I am principal
10 and founder of Dynamic Traffic, located 1904 Main
11 Street, Lake Como, New Jersey. I'm a licensed
12 professional engineer, a member of the Institute of
13 Transportation Engineers. I've appeared before this
14 Board a number of times, as well as 200 different
15 Boards throughout the state of New Jersey.

16 MR. ZENN: I would like to offer
17 Mr. Verderese as an expert in traffic engineering.

18 CHAIRMAN CRYAN: Any objections? We
19 accept him as an expert.

20 MR. ZENN: Thank you. Mr. Verderese,
21 you have done a traffic plan in connection with this
22 application; is that correct?

23 MR. VERDERESE: Yes, I did.

24 MR. ZENN: I would like to go through
25 the review letter we have from T & M dated

1 October 21, 2015. Do you have a copy of that in
2 front of you?

3 MR. VERDERESE: Yes, I do.

4 MR. ZENN: And first, can you give
5 the Board an overview of the traffic plan that's
6 proposed for the site?

7 MR. VERDERESE: Mr. Foley touched on
8 some of it, but just in general, the board I'm
9 referencing is Sheet 4 of 14 in your plan set, Site
10 Layout Plan. North is to the right. River Road is
11 along the top of the page. Our main access is at
12 the traffic signal opposite Bull's Ferry Road. We
13 have a right in, right out of the south end of the
14 site and right in, right out at the north end of
15 site.

16 There is a proposed modification to
17 traffic signal, including the addition of the fourth
18 light at the existing T intersection, as well as
19 striping and a left turn lane for access into the
20 driveway into the site. There are two proposed
21 lanes on our driveway, a left turn lane and a
22 through right, as well as two inbound lanes coming
23 onto the property.

24 MR. ZENN: Okay. Mr. Verderese, I
25 want to direct your attention to second page of the

1 letter from T & M, traffic impact.

2 MR. VERDERESE: Yes.

3 MR. ZENN: First is Item 6, which
4 asks for certain conflicting pavement markings on
5 Bull's Ferry approach intersection should be
6 revised. Is that something that we would agree to?

7 MR. VERDERESE: Yes.

8 MR. ZENN: So we will stipulate to
9 that, correct?

10 MR. VERDERESE: Yes.

11 MR. ZENN: And Item 19 is a request
12 the for applicant to provide an electrical plan,
13 make sure the traffic signal plan is fully
14 addressed, did you address that?

15 MR. VERDERESE: Yes. We prepared a
16 traffic signal plan, which shows all of the
17 aboveground equipment, the signing and striping
18 along the roadway. That was reviewed by your
19 professionals. They had to accommodate first round.
20 We adjusted those, included all of those items. Now
21 for the next thing, it's a design item that's a
22 construction plan where we actually show underground
23 equipment that's going to be proposed as well,
24 wiring, conduits, et cetera, on the construction
25 plan. That will be included after approval of this

1 application.

2 MR. ZENN: Next, Item 20, there is a
3 question, the issue is the queuing for the center
4 entrance into the building is two lanes, and it says
5 queuing is acceptable, however they would like
6 testimony concerning that. So could you please
7 explain to the Board how that would work as cars
8 come southbound into the site?

9 MR. VERDERESE: As they enter,
10 actually the initial plan that was submitted to the
11 Board has a 15-foot entranceway, and we have widened
12 that to 20 feet to allow for two lanes. There is a
13 guardhouse with no gates there, so the left lane
14 would be for visitors, and the right lane would be
15 for residents, so they'll just bypass the gate in
16 the right lane. There is stacking for three
17 vehicles from the guardhouse back to River Road,
18 which we feel is acceptable based on the traffic
19 volume that we projected in the driveway.

20 If for some reason there is a large influx
21 of traffic at one time, there is no gate there. You
22 don't see it on this place. There is a dropoff area
23 around the elevator core here, which is a large area
24 that fits a number of vehicles, and if need be, we
25 can wave someone on that needs to show credentials

1 or something beyond who are you coming for, okay,
2 sign in and you're on your way.

3 MR. ZENN: And the residents would be
4 able to come in and just come right and would not
5 need to stop?

6 MR. VERDERESE: No. They can bypass.
7 The residents can already use the northerly or
8 southerly driveways as well.

9 MR. ZENN: And if there was some
10 reason as a backup, could an attendant direct any of
11 those cars that are backed up to queue along the
12 front driveway aisle?

13 MR. VERDERESE: They can queue along
14 the aisle or around the dropoff loop around the
15 driveway aisle.

16 MR. ZENN: That driveway aisle is
17 24-foot width?

18 MR. VERDERESE: Yes, a minimum of
19 24-foot width.

20 MR. ZENN: Nick, I would like to
21 direct your attention to Item 21, which refers to
22 the southerly property entrance, could you address
23 that, please?

24 MR. VERDERESE: I'm going to point
25 there. We had some discussion at a technical review

1 meeting similar to what you see when you see the
2 left-turn lane going to Bull's Ferry, there's a
3 hashed area in the median that is designated for
4 left turns, what we call a two-way, left-turn lane.
5 We're going to work with the Board professionals on
6 some potential striping in the area of the driveway.
7 However, there are two driveways in close proximity
8 on the opposite side of the street, so we don't want
9 to do any striping in front of ours that would
10 preclude someone or make someone think that they
11 can't make left turns into the driveways across the
12 street. There is a storage facility and a
13 residential development there. We'll work something
14 out I'm sure with the Board's professionals.

15 MR. ZENN: Finally, Item 24, a
16 question about the lighting of the traffic signal.
17 That's something you can accommodate?

18 MR. VERDERESE: Absolutely not --
19 yes, of course. I think the rest of the comments
20 were all site plan related.

21 MR. ZENN: I believe that is correct.
22 I'm just double checking. I believe those were all
23 addressed by Mr. Foley last month. Looking at the
24 October 15th letter from the Division of Planning,
25 and I believe that those are on site plan related as

1 well.

2 CHAIRMAN CRYAN: Let the record
3 reflect Commissioner Romano is present.

4 MR. ZENN: I'm sorry, Chairman?

5 CHAIRMAN CRYAN: Freeholder Romano
6 has joined us.

7 MR. ZENN: Mr. Chairman, those are
8 all of the questions that I have for Mr. Verderese.

9 COMMISSIONER MEHTA: So you testified
10 and explained and you just mentioned the people
11 coming in, about what you have queuing because of
12 people making a left turn and going southbound from
13 the property?

14 MR. VERDERESE: Leaving the property?

15 COMMISSIONER MEHTA: Onto the
16 southbound go to the south, left turn, are you going
17 to accommodate them?

18 MR. VERDERESE: Yes. In the study in
19 the back of the appendix is the capacity analysis
20 that identified the 95th percentile queue, which is
21 a design queue that we design intersections for. In
22 the morning peak hour, the left-turn lane queue and
23 the 95th percentile queue, basically we have room
24 for three vehicles in each lane. In the evening
25 peak hours, it's 1.6 from the left lane, the through

1 right is 1.0 both in the a.m. and the p.m. So based
2 on the volumes and the amount of time this gets to
3 the signals, the queues will not extend past two
4 vehicles in the left and one vehicle in the right
5 lane.

6 COMMISSIONER MEHTA: So in your
7 expert opinion, that traffic signal will be
8 acceptable queuing time and waiting time?

9 MR. VERDERESE: Yes.

10 CHAIRMAN CRYAN: Any other questions?

11 MR. LAMB: Good evening, Mr.
12 Chairman, Members of the Board. John J. Lamb from
13 the law firm Beattie Padovano. We represent the
14 Bergen Ridge Homeowner's Association, Incorporated.
15 I have a few questions on traffic, not that many.

16 Mr. Verderese, you indicated that, I'm
17 going to refer to your site plan that you said page
18 4, is that what you testified from?

19 MR. VERDERESE: Correct.

20 MR. LAMB: You modified the access to
21 the main access to be 20 feet from 15 feet?

22 MR. VERDERESE: Yes.

23 MR. LAMB: And what is the dimension
24 of that access to 20 feet width?

25 MR. VERDERESE: That's the dimension

1 on the plan.

2 MR. LAMB: How many arrows does that
3 on A-4 show? How many arrows are coming in? Does
4 it show two lanes, or does it show one lane?

5 MR. VERDERESE: It shows a stripe
6 down the middle, and it shows an arrow directing
7 that it's inbound.

8 MR. LAMB: So your testimony is
9 that's the two lanes of traffic coming in; is that
10 correct?

11 MR. VERDERESE: Yes. This is an
12 actual stripe that's going to be on the pavement.
13 This is just to show the directions, similar if you
14 go to the south and see arrows on the pavement near
15 the driveway. Those aren't actually striped. Those
16 are just to help someone reading the plan to
17 understand.

18 MR. LAMB: Previously, it was 15 foot
19 from one access point; is that correct?

20 MR. VERDERESE: Correct.

21 MR. LAMB: So now you added
22 five feet, and kind of squeezed another row of cars
23 and second means of a second lane into the project?

24 MR. VERDERESE: When we met with the
25 TRC, the Board professionals didn't really have an

1 issue with the 15, and they were okay with it, but
2 we felt it was a better plan to widen out to provide
3 the two lanes, that way at the guardhouse if someone
4 is stopped discussing their entrance into the
5 facility, that residents can bypass.

6 MR. LAMB: Okay. In the exit from
7 the central access, there's a left turn and there's
8 a straight and right turn; is that correct?

9 MR. VERDERESE: Correct.

10 MR. LAMB: What's the dimensions of
11 each of those lanes?

12 MR. VERDERESE: One is dimensioned at
13 eleven. The other one doesn't have a dimension on
14 this plan.

15 MR. LAMB: Do you know what the
16 dimension is?

17 MR. VERDERESE: It doesn't say just
18 by looking at this plan.

19 MR. LAMB: But is it fair to say that
20 the access, the egress with the two lanes and the
21 main access is wider than the egress on the main
22 access?

23 MR. VERDERESE: Yes. There is 20
24 coming in, 22 going out, and it widens out as you
25 get closer to the intersection.

1 MR. LAMB: Now, I know the Board's
2 traffic expert indicated that and our engineer
3 indicated that Mr. Foley believed there was only
4 four cars that could back up before the gate, that
5 is stacking four cars?

6 MR. VERDERESE: That was I think from
7 the last meeting. That's what I heard as well.

8 MR. LAMB: And if I'm coming back
9 rush hour at night, six o'clock probably or 6:30 or
10 whatever your report says, there's how many units in
11 this complex, 233?

12 MR. VERDERESE: Yes.

13 MR. LAMB: What happens when
14 10 people want to enter at the rush hour at night?

15 MR. VERDERESE: Well, in the hour,
16 it's 24. So for an hour, over a full 60 minutes,
17 you have 24 vehicles.

18 MR. LAMB: If I have a function, if I
19 had a birthday party at seven o'clock, and I invited
20 ten people, give or take a couple minutes delay,
21 there's a possibility that three or four people
22 would enter that facility at that particular time;
23 is that correct?

24 MR. VERDERESE: They would all enter
25 during the same cycle of the traffic signal, and

1 there is a number of cycles. That's 24 vehicles.
2 It's likely you're not going to get many that are
3 able to make a left turn at all in the same cycle.

4 MR. LAMB: Is it fair to say that the
5 site itself, the site design, does not accommodate
6 more than three or four cars entering the access
7 without getting the person at the guard gate to
8 direct people?

9 MR. VERDERESE: That's correct.
10 There is three or four vehicles, and it would have
11 to be managed by the guardhouse.

12 MR. LAMB: So I need the guardhouse
13 employee to make sure that this works, and it
14 doesn't back into River Road?

15 MR. VERDERESE: Yes.

16 MR. LAMB: And is there some reason
17 why the guardhouse couldn't be moved in another four
18 lengths of cars into the facility so that eight cars
19 could be stack as opposed --

20 MR. VERDERESE: There was a plan
21 previously where you came around the core, which
22 you've seen a number of years ago. However, based
23 on the volume that's coming in, we feel that is
24 acceptable and can be accommodated at this time.

25 MR. LAMB: And you indicated that

1 you're going to work with Board's professionals
2 striping on. Is the current proposal for striping
3 of the lanes shown on the site plan?

4 MR. VERDERESE: The striping I was
5 referring to was down by the south dropoff. It's
6 not shown here on this plan. The reason being the
7 request for the striping because there are a couple
8 of driveways on that side of the road. We wanted to
9 make sure we didn't extend it too far in the area
10 where our driveway is, it had an impact on the
11 driveway.

12 MR. LAMB: Is it fair to say that the
13 striping on the southerly access point, southerly
14 egress is still a work in progress?

15 MR. VERDERESE: It's something we can
16 work out.

17 MR. LAMB: You don't have anything
18 for the Board professionals. You don't have
19 anything to propose for the Hudson County Planning
20 Board to approve as part of this plan?

21 MR. VERDERESE: It's an item that
22 typically would be worked out between professionals.
23 It's a technical item. It doesn't affect the
24 application.

25 MR. LAMB: Nothing further,

1 Mr. Chairman. Thank you.

2 CHAIRMAN CRYAN: Do you have any
3 questions or comments?

4 AUDIENCE MEMBER: We can't hear you.

5 FREEHOLDE ROMANO: My apologies. I
6 have bronchitis. I can't speak. Just for the
7 record, has North Bergen approved this?

8 MR. ZENN: That's correct.

9 FREEHOLDE ROMANO: And with regard to
10 adjustments that according to counsel, this is
11 something that can be worked out between the
12 professionals to straighten out?

13 MR. VERDERESE: I'm not a counselor.
14 Yes, I'm the traffic engineer, that's what I meant,
15 the professionals.

16 FREEHOLDE ROMANO: When you say
17 worked out, that would take place after our approval
18 as to the recommendations and the conditions,
19 correct?

20 MR. VERDERESE: Correct.

21 FREEHOLDE ROMANO: Thank you,
22 Chairman.

23 MR. ZENN: And we would expect as a
24 condition of approval to be worked out to the
25 satisfaction of your professionals.

1 CHAIRMAN CRYAN: We would like to
2 take a five-minute break if that's okay. We don't
3 have a quorum.

4 MR. ZENN: Mr. Chairman, do you want
5 to open up questions of the public the while
6 Mr. Verderese is still up.

7 CHAIRMAN CRYAN: Why don't we do that
8 now. We can do that. If anyone from the public has
9 questions regarding this expert witness's testimony,
10 and that his testimony deals with traffic and
11 drainage -- just traffic as it relates to County
12 facilities. Sure, come up. There is a comment
13 period at the end if you need to make comments or
14 anything like that, but now it's questions related
15 to the testimony. State your name and address.

16 MS. MESSINA: My name is Jeanette
17 Messina. My address is 8301 River Road. I am the
18 resident site manager for Extra Space Storage. I
19 manage the facility. I have lived at the site since
20 we opened in 2003.

21 CHAIRMAN CRYAN: Great. Thank you.

22 MS. MESSINA: I wanted to ask the
23 gentleman here to explain a little but more in
24 layperson's terms the traffic. Even though I may
25 not be an expert, I have lived there for 13 years

1 and have experienced the problem with the traffic as
2 it is now, and I would like a further explanation as
3 to how this will not create even further problems.

4 MR. VERDERESE: We did a traffic
5 study. It was submitted to the Board and reviewed
6 by their professionals as well. It shows the
7 existing levels of service and future levels of
8 service. What that means is, as cars are coming
9 through, how much it takes them to get through the
10 intersection.

11 MS. MESSINA: How long ago was this
12 study done?

13 MR. VERDERESE: The study was done,
14 we've been doing studies on this job for about ten
15 years now. Most recently, we've done traffic counts
16 in the past year and did an analysis this past year
17 of the intersection. That showed that the delays
18 experienced at the intersection due to any
19 modification to traffic signals and volumes do not
20 reach any level where we are changing any level of
21 service, or we would not be violating the County's
22 criteria for levels of service.

23 What that means is that there negligible
24 change in delay. What happens is the volume coming
25 out of the driveway uses the same green time as the

1 people coming out of Bull's Ferry. So when it's
2 green on Bull's Ferry, people will also be able to
3 come out of the driveway at the same time.

4 MS. MESSINA: Did the study also
5 include accidents that have happened?

6 MR. VERDERESE: Not accident review.
7 This was just a capacity analysis of volumes.

8 MS. MESSINA: That is a concern.
9 There have been plenty of accidents we have
10 witnessed because I'm there working and living. You
11 get to see a lot. You can see a lot of accidents,
12 obviously right along what people are doing. You
13 have created some very concerning things, you know.
14 So you know that traffic, I think the accidents
15 should have been considered in this. Thank you.

16 CHAIRMAN CRYAN: Anyone else have a
17 question? They can come up and ask a question
18 related to his testimony.

19 MS. MESSINA: And the proposed
20 striping.

21 CHAIRMAN CRYAN: You already had a
22 question though.

23 MR. LEVINE: Hi. My name is Larry
24 Levine, L-e-v-i-n-e. I am currently moving from
25 Edgewater to North Bergen. I'm in two places right

1 now. I've also spend probably the last 13 on River
2 Road, and one of the questions I have is when
3 someone is going south on River Road, making a left
4 into the complex -- I couldn't see your diagram. I
5 was in back. My experience when I make a left turn
6 into anything, if I'm trying to get into the Target
7 complex, if I'm trying to get into any left-hand
8 turn, there seems to be a left-turn lane that allows
9 for one, two or three cars. I have been the
10 seventh, eighth, tenth car trying to make that left,
11 and I've nearly died because there is no long lane,
12 and people want to go straight and left, and people
13 in the back of me see my left turn going on, and
14 they are honking the horn saying, Go straight, don't
15 make the left. I'm not left yet.

16 This only happens eight or nine times a
17 day when I'm River Road, not just rush hour. So my
18 question, my concern is also for life and accidents,
19 convenience, lifestyle, sanity. What happens when
20 someone is trying to make a left lane -- turning
21 into the left lane where this other woman, if you're
22 on the other side of the street northbound, and
23 you're making the left turn into the storage
24 facility, you also have a left turn lane that
25 accommodates three or four cars. There is usually

1 ten cars wanting to make a left. It's a problem.

2 CHAIRMAN CRYAN: Do you understand
3 that question?

4 MR. VERDERESE: I think I do. There
5 were a number of things. I'll explain how we're
6 accommodating the left lane. We have a proposed
7 left-turn lane for the driveway so if you're
8 traveling southbound, there is 100-foot-plus,
9 left-turn lane to pull into the left-turn lane. You
10 have your arrow that comes up to the traffic signal
11 so you'll have a protected movement as you move to
12 make a left turn.

13 MR. LEVINE: How many cars are there,
14 how many cars now can fit in that left-turn lane?

15 MR. VERDERESE: As designed it will
16 fit five vehicles.

17 MR. LEVINE: What happens when there
18 is six to ten to fourteen?

19 MR. VERDERESE: As I testified
20 before, we have 24 protected vehicles during the
21 entire hour. So the queue analysis does not
22 anticipate more than a couple of vehicles.

23 MR. LEVINE: I can you tell for a
24 fact having lived and traveled on that road, that
25 your analysis is does not reflect reality.

1 MR. VERDERESE: It absolutely does.
2 There's 24 vehicles proposed. This is not a public
3 street we're turning in. It's only into this
4 development. The only people turning in here are
5 the people coming onto the property.

6 MR. LEVINE: I've been on River Road
7 making turns, left turns with a left lane allocated
8 for that, if I'm not the first, second or third car,
9 it's a problem. It's dangerous, and I heard there
10 are no accident studies, specifically accident
11 studies about trying to make a left turn.

12 CHAIRMAN CRYAN: He's the traffic
13 engineer. He did a traffic. He's giving testimony
14 about a traffic study that he did.

15 MR. LEVINE: And I separate the
16 theory from practice.

17 CHAIRMAN CRYAN: I got you. You're
18 giving comments, and you're very welcome to make
19 them at the end during the public portion. If you
20 have a direct question, he can answer them right
21 now.

22 MR. LEVINE: One other question you
23 mentioned is that there was a 15-foot wide lane that
24 was accommodating one car. This is being expanded
25 to 20 feet to accommodate two cars. It the second

1 car five feet wide, is the first car fifteen feet
2 wide?

3 MR. VERDERESE: Both lanes are ten
4 feet wide. It just seems like adding a second lane
5 gipped the first lane something it needed to justify
6 fifteen. The reason it's is 15-foot wide is to
7 allow the swing into the driveway. The 20-foot-wide
8 allows the two to swing into. The separating the
9 two lanes allows for people to stop if they're in
10 the visitor lane.

11 MR. LEVINE: So you need two highly
12 attentive coordinated drivers making a turn in
13 unison and using both their space in the driveway?

14 MR. VERDERESE: One car would make
15 that turn. If someone was making a right turn, they
16 would to have the right-of-way versus someone making
17 a left turn into the driveway. So the right turning
18 vehicle would go first, and the left turning vehicle
19 would go second.

20 MR. LEVINE: How would they know
21 that?

22 MR. VERDERESE: That is the rules of
23 the road. If they pass their driver's test, they
24 should know that the right turn access has the
25 right-of-way, and the left turn yields to the right.

1 MR. LEVINE: Well, I took my driver's
2 test --

3 CHAIRMAN CRYAN: Okay. If you want
4 to make comments about you're driver's test you may
5 at the end. I want to make sure that every has a
6 right to ask questions. If anyone else has a
7 question, you're welcome to come up.

8 Thank you. Please state your name and
9 address.

10 MS. WONG: Peggy Wong, and my correct
11 address which was incorrect on the transcript at the
12 last meeting, my correct address is 8550 Boulevard
13 East, North Bergen, New Jersey.

14 Just a few questions, you said that you
15 updated this analysis as recently as when?

16 MR. VERDERESE: This year.

17 MS. WONG: This year, January?

18 MR. VERDERESE: We did two sets of
19 counts, February and then again in May.

20 MS. WONG: When you do your updates,
21 what is the distance that you limit to? Has there
22 been a certain distance from the site, or is it
23 within a certain stretch. Where do you put the
24 limits on this?

25 MR. VERDERESE: We put the limits on

1 this based on how much traffic we generate. So
2 based on how much traffic we generated, we only
3 analyzed the access points to the property because
4 we don't have, but typically, it's a hundred
5 conflicting trips at an intersection. So none of
6 the intersections north or south on River Road have
7 reached that threshold of a hundred vehicles, so the
8 analysis involves just the three accesses.

9 MS. WONG: So if I were to say to you
10 that about a mile and a half from this site, there
11 is mega project being planned that will have upwards
12 of four thousand car parking capacity, would that
13 affect your calculations at all?

14 MR. VERDERESE: If it was an approved
15 site, if I would have included in the analysis.

16 MS. WONG: All right. Now, I'm a
17 little confused as to the exits. Which ones are
18 southbound exits? It seems like a lot are
19 northbound. Is there -- where are the southbound
20 exits from the site?

21 MR. VERDERESE: If you leave site and
22 you're going south, you exit at the traffic signal
23 and make a left.

24 MS. WONG: And that's the only one?

25 MR. VERDERESE: Correct.

1 MS. WONG: You cannot go south from
2 the northern or the southern?

3 MR. VERDERESE: No. Those are only
4 allowing right in and right out, no left turns.

5 MS. WONG: And all of that, both of
6 them as well as the garage exit is northbound. I
7 mean does the southern -- I'm sorry. The southern
8 entrance is an entrance, is that exit as well?

9 MR. VERDERESE: It's an entry.

10 MS. WONG: Only an entry?

11 MR. VERDERESE: Into the garage, it's
12 an entry only.

13 MS. WONG: It's not an exit out at
14 all, even if it's northbound?

15 MR. VERDERESE: Well, there is an
16 exit for the common spaces that are outside.

17 MS. WONG: All right. I'm aware that
18 there's parking for the walkway there so people that
19 come in at that southern entry point and park at
20 those parking spots, how could they exit property?

21 MR. VERDERESE: They exit their right
22 turn into go into the northbound direction.

23 MS. WONG: Okay. And then the
24 northern exit point, that's only a north exit?

25 MR. VERDERESE: Correct.

1 MS. WONG: You can enter it from
2 southbound?

3 MR. VERDERESE: Northbound.

4 MS. WONG: All right, okay. Seems
5 like a awful lot of activity for northbound lanes.

6 MR. VERDERESE: We have our loading
7 entrance on the north side. We provided an access.
8 We have the parking spaces for the walkway at the
9 south. We needed to provide an access. We had
10 added three access points.

11 MS. WONG: Is it true, I heard that
12 the northbound lanes rated a D and possibly an E, is
13 that true, and the new level of service, what is the
14 rating on that?

15 MR. VERDERESE: The northbound
16 through lane in the morning hours after the
17 development is a B, and it's a C in the evening.

18 MS. WONG: It's not a D?

19 MR. VERDERESE: No.

20 MS. WONG: Wasn't there a report from
21 you back in 2011, that said this was actually an E
22 rating?

23 MR. VERDERESE: No. That was based
24 on a whole different site analysis. We had a lot of
25 other developments that never came to fruition at

1 the time. They were located more than a mile and a
2 half from the site. When we came back before this
3 Board, there was a requirement that one and a half
4 miles from the site for the project in the County
5 standards. We did include two projects outside of
6 the miles and a half, but that's not necessary for
7 the project. It probably shouldn't have been
8 included in the first place, and that was all that
9 previous analysis that was done.

10 MS. WONG: You did go at least a mile
11 and a half away in the calculations.

12 MR. VERDERESE: No, no. We included
13 developments that were that far away into the
14 background traffic volumes.

15 MS. WONG: Some of it may have been
16 in Edgewater?

17 MR. VERDERESE: We included projects
18 in Edgewater. I don't know if they were outside the
19 mile and a half, that project down in Weehawken,
20 they were that far.

21 MS. WONG: Chairman, I wanted to say
22 this is planned for this extension. It's been
23 publicized in the papers that there's an upcoming to
24 development project at the Hess site in Edgewater.
25 It's a mile and a half away. I heard this will have

1 over 4,000 parking capacity, and it could be as a
2 little as 26 or 27, and I think that's going to
3 impact the future development. I don't know if it's
4 approved. We are not able to rule or think about
5 anything that's real right now.

6 Well, the problem is that, yes, it's the
7 future, but in Edgewater, things move kind of
8 quickly and this Riverview has happened very slowly,
9 and some point they're going to match. In the end
10 I'm expressing it because the ones who suffer is not
11 the developer or Hudson County, it's the people who
12 live in this area. I'm going to save my comments.
13 I'm sorry. I didn't mean to get into that. Thank
14 you.

15 Oh, one other thing, I was trying to
16 explain when the lady from the Extra Space Storage
17 facility, she had asked me a question, and I was
18 trying to remind her to ask him the question. He
19 testified to some striping was that he wanted to
20 coordinate and make sure it doesn't affect the Extra
21 Space Storage people, I didn't hear this person. I
22 couldn't see his plan. I was asking him that
23 question what was going on there. Maybe he could
24 explain it now. You had testified that about the
25 striping, and you said you wanted to make sure it

1 didn't affect Extra Space Storage?

2 MR. VERDERESE: Absolutely. It might
3 be hard to see on the plan. Here is the driveway at
4 the south end of our property. To the north of it
5 on other side is Extra Space Storage's driveway,
6 which is about the location shown on this plan,
7 where the hashing in the median is, and there's
8 another driveway to the south. We're not exactly
9 midway. What was requested by the County is for us
10 put the patching in the area of our driveway. It
11 would be located out of the area where anyone would
12 use it to turn left into their driveway, but we want
13 to ensure that the length of everything is
14 satisfactory to what the County is requesting.

15 MS. WONG: How do you keep Extra
16 Storage kept informed about what is going to happen?

17 MR. VERDERESE: Nothing is going to
18 happen. Their driveway would just be in the
19 vicinity of our driveway.

20 MS. WONG: Thank you.

21 CHAIRMAN CRYAN: Do you have a
22 question related to his testimony?

23 MR. MESSINA: How are you doing? My
24 name is John Messina, Yvette's husband. I just have
25 a couple questions. If you're coming southbound

1 from Edgewater to Bull's Ferry, it's two lanes. Is
2 there going to be a turn lane to go into that
3 project?

4 MR. VERDERESE: Yes.

5 MR. MESSINA: Where are you going to
6 fit that?

7 MR. VERDERESE: There is a striped
8 median down there that runs in the area. It will
9 just replace that.

10 MR. MESSINA: In other words it's
11 going to be a three-lane road?

12 MR. VERDERESE: What you see in
13 northbound direction, a left, a through and through
14 lane, that's what you'll have.

15 MR. MESSINA: Is that curved when
16 you're coming around from Edgewater, so now the cars
17 coming the other way, is there going to be a light
18 there where the turning signal is when you leave?

19 MR. VERDERESE: No, no. There is a
20 signal there now. At Bull's Ferry there will be an
21 arrow that will protect you to make the left turn.

22 MS. MESSINA: It's three lanes?

23 MR. VERDERESE: Northbound is three
24 lanes, and then there's an arrow that comes up for
25 that left. The same thing will happen for

1 southbound. Southbound when you're in the left turn
2 lane, when it first turns green, you'll see the
3 arrow. Usually you'll be able to make a left turn
4 without anyone coming.

5 MR. MESSINA: Is there going to be
6 enough room for how many cars?

7 MR. VERDERESE: We can fit five,
8 which is actually a little bit longer than the left.

9 MR. MESSINA: Coming out of the
10 project, are you going to be allowed to make the
11 left turn out of both your entrances?

12 MR. VERDERESE: The only place you'll
13 be able to make a left out is at the traffic signal.

14 MR. MESSINA: Is that the traffic
15 signal?

16 MR. VERDERESE: Yeah. The other two
17 driveways will only be for right turns.

18 MR. MESSINA: That's the right on red
19 that everybody does on Bull's Ferry?

20 MR. VERDERESE: No.

21 MR. MESSINA: You don't think so?

22 Thank you.

23 MS. FRIEDMAN: My name is Kathy
24 Friedman. I live at 8550 Boulevard East in North
25 Bergen. Ms. Wong talked about a timing study. You

1 said you did something in January and May. Did you
2 do that on weekdays or weekends or both?

3 MR. VERDERESE: It was February and
4 May, and it was on weekdays.

5 MS. FRIEDMAN: Is there a reason you
6 didn't look at the weekend when most people are
7 there, and that's their like down time?

8 MR. VERDERESE: Traffic volumes along
9 River Road are much higher on weekdays in the peak
10 hours.

11 MS. FRIEDMAN: I would also look at
12 the weekend because the behavior and the nature of
13 the people, it's an urban slash family area. It's a
14 hybrid area.

15 FREEHOLDE ROMANO: Mr. Chairman, let
16 them ask questions. They can make a comment at the
17 end.

18 CHAIRMAN CRYAN: Excuse me from the
19 crowd, please. Excuse me. You'll be ejected.

20 MS. FRIEDMAN: There is current
21 construction going on at the municipal building.
22 The Pearl has just opened and every day starting at
23 eight o'clock they're pounding. So those are
24 approved businesses in combination with residential.
25 We're in all of that, and that traffic hasn't even

1 materialized yet was, but was traffic, potential
2 traffic considered?

3 MR. VERDERESE: I don't recognize the
4 Pearl.

5 MS. FRIEDMAN: It's the piece of
6 property that is it directly adjacent and shared
7 with the Riverview to the north, the property to the
8 north.

9 MR. VERDERESE: We included that
10 project.

11 MS. FRIEDMAN: You included all of
12 the potential traffic and the actual?

13 MR. VERDERESE: Yes. We included all
14 of the future traffic for that project.

15 MS. FRIEDMAN: Okay. And I guess you
16 had mentioned that the existing light at Bull's
17 Ferry and River Road, as the people exit your
18 development, let's say they were going to go west up
19 to Bull's Ferry, and coming down Bull's Ferry and
20 going east northeast, I want to say, you said that
21 that light there would be no change, but there has
22 to be a change because right now, we don't need a
23 left turn light, a protected left turn coming down
24 the Bull's Ferry to make that left.

25 We have a choice. We can go right on red

1 or only go left. So that light automatically is
2 going to add time to that traffic location, okay?
3 That protected left light is a necessity for both
4 sides, and it has to be something that impacts the
5 timing, and additionally, as you know, Bull's Ferry
6 is incredibly steep. North Bergen is known as the
7 second hilliest town in America after San Francisco,
8 and Bull's Ferry is one of the hilliest streets in
9 our town. So now you're going to have a traffic
10 backup up that hill on snowy, cold, rainy, slick
11 days, and it's going to be -- it's a different type
12 of dynamic. Has any of those kind of dynamics been
13 considered?

14 MR. VERDERESE: Going back to the
15 first question you had, the protected left turns are
16 not on the Bull's Ferry. They're for left turns
17 coming onto Bull's Ferry.

18 MS. FRIEDMAN: No, I'm saying there's
19 a light and it has four sides, and then you can have
20 a protected left for each of those side.

21 MR. VERDERESE: They're not all
22 protected lefts for Bull's Ferry and the driveways.
23 They just go together. So there are what we call
24 three different phases for the traffic signal. The
25 first phase is if you travel northbound and

1 southbound on River Road, you can make a left turn.
2 They'll be an arrow, and there will be green all.
3 So everyone on River Road can go in both directions.
4 That shuts off, then Bull's Ferry and the driveway
5 will go together with three seconds of green time.

6 MS. FRIEDMAN: What happens if I'm on
7 Bull's Ferry, and I want to make a left onto River
8 Road? I am not going to have a protected light
9 that's going to stop the traffic coming out of your
10 development. I have to just standing there and wait
11 and take a chance, and everybody behind me is going
12 to get angry. You have no protected light to make a
13 left from Bull's Ferry going north onto River Road?

14 MR. VERDERESE: It's a four-light
15 intersection. Everything will go together.

16 MS. FRIEDMAN: What happens when
17 somebody is coming from your development, and they
18 want to go straight up Bull's Ferry?

19 MR. VERDERESE: Then you wait for
20 them to go, and you make the left turn.

21 MS. FRIEDMAN: So you're not going to
22 have a protected left turn light?

23 MR. VERDERESE: It doesn't warrant it
24 with the volumes.

25 MS. FRIEDMAN: It most definitely

1 does. If you look at the terrain, and somebody
2 needs to go look at the terrain because that's a
3 dynamic that has not been discussed at all, and it's
4 critical.

5 CHAIRMAN CRYAN: Any other questions
6 for this witness?

7 MS. PETROU: My name is Sue Petrou,
8 and I am a resident of 8625 River Road, Apartment
9 5D, and I just have a question, and I don't know if
10 you mentioned it. Because it's such a large
11 building, is there a possibility of having a school
12 bus stopping on your property?

13 MR. VERDERESE: If there was a school
14 child, yes.

15 MS. PETROU: So then how would it --
16 what is plan once a school bus comes into the
17 property? How would it fit and the amount of cars
18 that would fit along with it because they usually
19 ride arrive during rush hour.

20 MR. VERDERESE: It wouldn't enter the
21 property.

22 MS. PETROU: It would not enter the
23 property? It would stop on the outside on River
24 Road?

25 MR. VERDERESE: Yes.

1 MS. PETROU: So that all of the cars
2 behind them would stop and wait for it?

3 MR. VERDERESE: Yes.

4 MS. PETROU: That's my questions.

5 CHAIRMAN CRYAN: Thank you.

6 MS. KRICKOVIC: Kathy Krickovic, 8814
7 Church Hill Road, North Bergen. Can you tell me
8 which approved projects in North Bergen and
9 Edgewater you included in your analysis when you
10 made that project?

11 MR. VERDERESE: Yes. There is a
12 study on page 3.

13 MS. KRICKOVIC: I don't have a copy
14 of it.

15 MR. VERDERESE: I am just saying that
16 for the Board so they can follow along. In
17 Edgewater the projects are called the Alexander, 225
18 River Road, I Park, Alouette's Infinity, LLC. Those
19 are the projects in Edgewater; in North Bergen, 7200
20 River Road, Fulpi Homes, Church Hill Group,
21 Palisades Medical Center, Appleview, LLC, the HR
22 Partners.

23 MS. KRICKOVIC: So you have nothing
24 for the Mirabelle on River Road, 54-unit building
25 which is right across from here, correct? It's an

1 approved project in Edgewater.

2 MR. VERDERESE: It may be a different
3 name. Many of the plans that we looked at did not
4 reflect the project names.

5 MS. KRICKOVIC: This is the
6 Mirabelle. It's right across from CVS. Was that
7 done in your study?

8 MR. VERDERESE: Nothing by that name;
9 those four developments.

10 MS. KRICKOVIC: Yeah, I know the ones
11 that you mentioned. The Mirabelle is not included.
12 What about on Church Hill Road? There were two
13 high-rise building. Which one do you have?

14 MR. VERDERESE: I'm guessing the one
15 called Church Hill Group. That's 30 residential
16 units.

17 MS. KRICKOVIC: No. We have a
18 70-unit building approved.

19 MR. VERDERESE: That's to CHR
20 Partners.

21 MS. KRICKOVIC: And we have a 40-unit
22 highrise building approved. So the Mirabelle and
23 the Church Hill Road is not included. That was 70
24 units.

25 MR. VERDERESE: The 70 units is CHR

1 Partner. That was name given to me. That actually
2 come from Mr. Lamb's office.

3 MS. KRICKOVIC: Is that included?

4 MR. VERDERESE: Yes.

5 MS. KRICKOVIC: So the other one is
6 Mirabelle. Can you tell me why you're not doing any
7 analysis of accidents and fatalities that we have on
8 River Road?

9 MR. VERDERESE: There is no analysis
10 of that. It's an existing roadway that's operated
11 this way within the last ten years. It's be
12 improved with this geometry by the County. It's
13 operated as a signalized intersection. Nothing is
14 going to change as far as the operation of the
15 intersections. We are just providing the four-light
16 intersection.

17 MS. KRICKOVIC: You testified that
18 there will be a left-turn arrow if I'm going
19 southbound to enter the complex, correct?

20 MR. VERDERESE: Correct.

21 MS. KRICKOVIC: How long is that
22 arrow, how many cars will be able to make the left
23 turn during that arrow? That's a crucial issue.
24 You also testified that the striped area or the left
25 turn lane was only a hundred feet long, how many

1 cars will be able to make that turn? I can see what
2 happens to people trying to enter Target area.

3 MR. VERDERESE: Don't compare this to
4 Target. That's a commercial development that
5 generates probably a thousand trips in the peak
6 hour. We have 120 trips. We have a tenth of the
7 volume.

8 MS. KRICKOVIC: I think you testified
9 about five cars.

10 MR. VERDERESE: Five fit and the
11 green time it gets ten seconds. So you'll get --
12 you can three or four vehicles through there on the
13 arrow. Then if as cars are going northbound near
14 the end of the cycle, you can get cars initially
15 that enter.

16 MS. KRICKOVIC: Have you included in
17 your analysis the time delay caused by a bus which
18 picks kids from the development? How many children
19 this will potentially create to take that bus going
20 to school, and what would be the delay because that
21 the bus stops River Road traffic in both directions
22 as we know. Have you included that in your
23 analysis, the bus stop trip generation?

24 MR. VERDERESE: No.

25 MS. KRICKOVIC: Why not?

1 MR. VERDERESE: It only happens a
2 couple of times during the peak hour.

3 MS. KRICKOVIC: That does happen
4 during the peak hour. I drive River Road every day.
5 Edgewater took all of the bus stops off River Road
6 as of this September, which improved a little bit on
7 traffic. So I think it's important that you take
8 that into account because that's a tremendous delay.
9 If you had ten, fifteen, twenty kids loading the
10 bus, you're there for ten or fifteen minutes because
11 of the bus. There should a way to take the bus off
12 the street picking up kids from this huge
13 development. This is not a 20-unit building. This
14 is a huge development. It's going to have bus,
15 maybe not even one, maybe multiple buses will come
16 to pick up the children at different times to
17 different places. This should be part of his
18 analysis and it's not.

19 CHAIRMAN CRYAN: Thank you. Is there
20 any other questions directly related it this
21 gentleman's testimony? If not we're going to take a
22 five-minutes recess.

23 (At this point in the proceeding, a
24 brief recess is taken.)

25 CHAIRMAN CRYAN: Let's call this

1 meeting back to order. Next up.

2 MR. LAMB: Mr. Chairman, I have one
3 witness, my engineer and environmental consultant,
4 John Thonet.

5 (The witness is sworn.)

6 MR. CURLEY: Would you please
7 state your name for the record and spell your last
8 name

9 MR. THONET: John Thonet, J-o-h-n;
10 T-h-o-n-e-t.

11 MR. LAMB: Mr. Thonet, I'm going to
12 show you what I would like to mark as BR-1, Mr.
13 Chairman, for Bergen Ridge-1, and I can pass this
14 out.

15 Mr. Thonet, I'm showing you what we just
16 marked as B-1 for identification. Can you describe
17 what that is?

18 MR. THONET: Yes. That's my
19 professional resume.

20 MR. LAMB: Would you please describe
21 that to the Board, your background and experience?

22 MR. THONET: Yes. I have a Bachelor
23 of Science and a Master of Science from the State
24 University of New York, College of Environmental
25 Science and Forestry at Syracuse. That's a dual

1 major. It's called forestry engineering. It's a
2 combination of civil engineering and environmental
3 science, and I am a licensed professional engineer
4 and licensed professional planner in New Jersey, and
5 I'm a licensed professional engineer in a number of
6 other states. Well, I got this -- I've been an
7 engineer since 1980, in this state, and I started my
8 firm in the same year, and firm and my licensing is
9 now 35 years old. My specialty in environmental
10 planning and engineer is stormwater management and
11 flood planning.

12 MR. LAMB: Without getting into the
13 entire resume, have you lectured or written any
14 periodicals or articles concerning flooding,
15 stormwater management or other related areas of
16 expertise.

17 MR. THONET: Yes. I lecture
18 frequently in both areas of flood plains and
19 stormwater management, and I am also the author of
20 the flood plain management section in the
21 Environmental Permitting Handbook, and the author of
22 the section on flood plain management in New
23 Jersey's Stream Encroachment Regulations book also.

24 MR. LAMB: Have you ever prepared
25 yourself flood insurance studies?

1 MR. THONET: I prepared many times
2 flood insurance studies. Here in New Jersey,
3 probably 20 to 25 studies, including 19 along the
4 Passaic River all the way up to Little Falls.

5 MR. LAMB: Have you ever done work
6 for the State of New Jersey through your company or
7 your prior company in preparing those flood
8 insurance studies?

9 MR. THONET: Yes. In preparing
10 studies I was working with a large international
11 engineering company.

12 CHAIRMAN CRYAN: Can you speak up,
13 sir?

14 MR. THONET: It was mid to late '70s
15 that I made flood insurance studies, and I have made
16 floods insurance studies directly for clients. But
17 the work that I did back in the mid to late '70s,
18 were a lot of flood insurance studies here in New
19 Jersey.

20 MR. LAMB: Have you ever helped or
21 assisted the State of New Jersey in preparing any of
22 the stormwater management regulations or rules or in
23 particular, the Best Management Practices Manual
24 that New Jersey issues?

25 MR. THONET: I am an active

1 participate and contributor to the Best Management
2 Practices Manual in stormwater management here in
3 New Jersey.

4 MR. LAMB: Okay. And is an
5 acknowledgment of your contribution in the New
6 Jersey Stormwater Best Management Practices Manual
7 that I'm going to show you and mark BR-2?

8 MR. THONET: Yes, it is.

9 MR. LAMB: Mr. Chairman, I move that
10 he be accepted as expert in engineering and
11 environmental consulting.

12 CHAIRMAN CRYAN: Any objections from
13 the Board?

14 COMMISSIONER MEHTA: We accept him as
15 a person that is an expert in storm management?

16 MR. LAMB: As an engineer.

17 COMMISSIONER MEHTA: Anything other
18 members like a planner?

19 MR. LAMB: No. He licensed as a
20 planner, but he's not testifying as a planner.

21 Mr. Thonet, also have you also represented
22 any planning boards or zoning boards or other land
23 use boards in the state of New Jersey?

24 MR. THONET: I have served as an
25 environmental consultant on boards. I have spent

1 ten years as the storm management consultant to
2 Moorestown, New Jersey, right across the river from
3 Philadelphia, and I frequently serve as an
4 environmental consultant to municipalities reviewing
5 applications.

6 MR. LAMB: Do you currently serve as
7 a member of any Planning Board?

8 MR. THONET: I serve as a member of
9 the Franklin Township Planning Board, where I am a
10 resident.

11 MR. LAMB: Thank you. Mr. Thonet,
12 you heard, you were present for the most of last
13 meeting. I know you had a mishap.

14 MR. THONET: I don't want to talk
15 about it.

16 MR. LAMB: You've read the transcript
17 of the last Planning Board, Hudson County Planning
18 Board hearing?

19 MR. THONET: I have.

20 MR. LAMB: And you also were here for
21 part of the meeting?

22 MR. THONET: I was.

23 MR. LAMB: You heard Mr. Foley, the
24 applicant's engineer, testify concerning the flood
25 elevations?

1 MR. THONET: Yes, I did.

2 MR. LAMB: I would like to mark as
3 BR-3 in the upper right-hand corner. Can you
4 describe what BR-3 is, please? I'll put today's
5 dated which is 11/16/15.

6 MR. THONET: Yes. This is a drawing
7 prepared by the applicant. It is entitled
8 December 20, 2015 Preliminary FEMA Map Overlay for
9 the Riverview Development. I have added some
10 handwriting in magic marker so that it would be more
11 visible to the Board.

12 MR. LAMB: Could you describe what
13 the different colors are?

14 MR. THONET: Yes. The blue with a
15 cross-hatching, that's the base flood elevation with
16 an elevation of 10 feet NAVD. That's the data that
17 was used by FEMA. Just so we don't go over this
18 again and again, all of the applicant's plans are
19 prepared in a different data, and you have to add a
20 foot. It's actually 1.1 foot. We still stick to a
21 foot. You have to add a foot to get those
22 elevations to make sense with their plans.

23 So when I say the flood elevation is
24 10 feet NAVD, it's eleven feet on the applicant's
25 site plan. The dark blue, the area that's solid

1 blue, that's an informational line that shows the
2 limit of moderate wave action, and in the blue area,
3 waves are three feet to one and a half feet. The
4 orange cross-hashing is what's known as the VE15,
5 which is a high velocity zone, and those have waves
6 that are at least three feet. In this case they
7 happen to be five feet.

8 And so that orange area is an area where
9 waves come in and crash on the shoreline today
10 during a hundred year flood. As they crash they
11 crash over the shoreline and like many waves, that
12 increased when they get to the point where this
13 solid blue area is, they've increased to three feet.
14 When they get to the outside edge of that solid blue
15 area, they decrease to one and a half.

16 The entire area, this blue cross-hashed is
17 Elevation 10, and it's subject to waves that are
18 also than one and a half feet. The solid blue area
19 has waves that are between three and one and a half,
20 and the orange starts with waves that upwards of
21 five, diminishing down to three feet.

22 MR. LAMB: Can you explain, there is
23 also on that particular plan marked as BR-3, there
24 is also the outline of the proposed building; is
25 that correct?

1 MR. THONET: Correct. I put little
2 hashmarks around the edge of the entire building.
3 The towers stand out pretty far, but the building
4 doesn't so I added that cross-hash so you can see
5 that for most of this building, you're going to have
6 five feet waves crashing against the side of the
7 building.

8 MR. LAMB: Just so that the Board
9 understands, the area that without that black
10 cross-hashing, these three buildings that are
11 colored in a grayish-bluish color, those are the
12 towers?

13 MR. THONET: Those are the towers.
14 They sit top at an elevated height.

15 MR. LAMB: Along the towers there is
16 a solid building that's surrounded by this black
17 cross-hashing?

18 MR. THONET: Correct.

19 MR. LAMB: What percentage of the
20 building approximately is covered by the highest
21 velocity waves, which I think you said was orange?

22 MR. THONET: It's this area right
23 here. I'm tracing with my finger just north of the
24 section of the hump. It almost mirror-images the
25 hump going in and it goes down, and then the rest of

1 this pretty small. When you get up, you've got the
2 southern portion where you see the orange. It comes
3 down, hits the side and goes down very rapidly to
4 this limit here where it is only about one and a
5 half feet at the edge.

6 MR. LAMB: So now we went through
7 orange. Just can you highlight the portion of the
8 building that's in the dark bluish, I think you said
9 it was between 1.5 and three feet?

10 MR. THONET: You're saying it the
11 other way. The waves are down to three feet, and
12 now they hit one and a half. This was the only
13 portion of the site where in their modeling, they
14 could actually show that difference somewhere else
15 that they get down to one and a half.

16 MR. LAMB: And the last level is the
17 light blue striping and outline. That encircles the
18 entire building.

19 MR. THONET: This is the entire
20 building.

21 MR. LAMB: Over here isn't the
22 building?

23 MR. THONET: No. It fills out the
24 entire building area, but it includes this corner,
25 and so most of -- most of the building is actually

1 in a flood hazard zone.

2 MR. LAMB: And when you say those
3 particular zones, what is on the lower level? What
4 is on the first level of the project?

5 MR. THONET: The first level of the
6 project is basically parking. They obviously have
7 elevators and access so.

8 MR. LAMB: They have a lobby there
9 too?

10 MR. THONET: They have a lobby there
11 too.

12 MR. LAMB: This is where people get
13 up to the higher floors, correct?

14 MR. THONET: Exactly.

15 MR. LAMB: What is your opinion
16 concerning whether that first floor is affected by
17 the flooding of those particular storm events that
18 trigger those various wave actions?

19 MR. THONET: The first floor of the
20 parking area will be flooded, and in my opinion it
21 will be flooded to approximately Elevation 15 NAVD
22 or 16 on the applicant's plan. The question that
23 people ask me is, Well, how come whole area would be
24 flooded to 15 when the fact that most of this shows
25 that it's only going to be flooded to 10?

1 That's the reason -- the reason for that
2 is that this building isn't here. What you're
3 looking at is what happens today when today when you
4 get a hundred-year flood with no building, and the
5 waves crash on the shore and coming in this far, and
6 the rest of it is all still water. So that's not
7 what is going to be there. When this building is
8 built, the waves are not going to crash on the
9 shore. They're going to crash, they're going to
10 crash on the side of the building and over the
11 entire walkway.

12 MR. LAMB: Will they also be on the
13 first level, that ground level of the facility?

14 MR. THONET: It will flood at the
15 first level. Those elevations are high enough even
16 as it's presently defined as the building because
17 it's not enclosed. The waves come up to a certain
18 height and then it's open. But even more
19 importantly is all of the drainage for this project
20 outlets into the Hudson River. The Hudson River
21 elevations are going to be up at Elevation 15. Like
22 with any piping system, if you have an elevation up
23 at 15 with a pipe running down, that pressure is
24 going to force the water up the pipe and out of the
25 inlet.

1 So the inlets at the entrances to the
2 garage will be just be pouring water into the garage
3 and continue to pure water into the garage until it
4 hits Elevation 15 so that the pressure is the same
5 as in Hudson River and in the garage. Now, of
6 course what happens is, as it tries to get Elevation
7 15 by backing up through of the pipes, there is no
8 place to go but out the front door and into River
9 Road and cause a flood there in front of the
10 building.

11 COMMISSIONER HOLLOWAY: Just so I
12 understand, are you saying that the bottom, the
13 lobby will flood in a regular storm, or are you
14 talking about?

15 MR. THONET: No, no, in a
16 hundred-year storm.

17 COMMISSIONER HOLLOWAY: How many
18 times do we have a hundred-year storm?

19 MR. THONET: Hundred-year storm,
20 that's a one-percent chance of occurring in any
21 given year, which why it's called a hundred-year
22 storm is a misnomer. It's a one-percent chance of
23 occurring every year.

24 COMMISSIONER HOLLOWAY: Sandy was the
25 last major storm. It was also called a perfect

1 storm. What I'm saying is that was basically a
2 hundred-year storm?

3 MR. THONET: It wasn't.

4 COMMISSIONER HOLLOWAY: I'm sorry.
5 You're telling me they put the building up, the
6 first floor will be flooded basically every month?

7 MR. THONET: No. It will be in a
8 hundred-year storm.

9 CHAIRMAN CRYAN: The garage will be
10 flooded?

11 MR. THONET: The garage floor will be
12 flooded, and it will be flooded enough to ruin all
13 of the cars.

14 CHAIRMAN CRYAN: Is it kind of like
15 the houses by the shore that are on stilts, like
16 they have to raise it on the stilts, and you park
17 cars under the stilts, but you have to raise it to
18 get above the flood level, something like that?

19 MR. THONET: That's a good example,
20 but the residential units are not permitted in a V
21 zone. So in theory, the project isn't even
22 permitted under State law. However, if you consider
23 the parking for the residents not to be residential
24 but nonresidential, then the rules are there, we'll
25 treat that as a nonresidential use, however, you

1 still have to raise the floor to get it above the
2 flood level, and if you can't, you can have to raise
3 it as high as you can. You don't just automatically
4 get permission to just open up and let it flow.

5 MR. LAMB: To follow up on the
6 Chairman's comment that one of the things they did
7 at the shore was a lot of houses, they raised up to
8 get away from the flood area?

9 MR. THONET: Yeah.

10 MR. LAMB: Is there a potential
11 solution to remove the first floor from the flood
12 area? I know you haven't done a study, but just a
13 general comment on how that could be avoided.

14 MR. THONET: Absolutely, you could
15 raise the whole building up to be at or above the
16 hundred-year flood level, and River Road is about
17 Elevation 14. In fact, the existing grades right at
18 the entrance are about 15 right now, so 15 NGVD, so
19 they will to go up to 16 to be one foot over where
20 the existing grade to raise it out of the flood
21 plain.

22 MR. LAMB: Mr. Chairman, I'm was just
23 about to mark as BR-4 to show the drainage inlets.

24 MR. THONET: One more thing you
25 should realize is they are cutting this area with

1 the garage. The existing grades are higher than the
2 garage. They're cutting well into that area to
3 build this garage. So it's not like, you know, they
4 can drive right in right now and go up a few feet
5 from River Road, and this project works just fine,
6 but the way they did it is cut it so it would be
7 lower than the existing grades.

8 MR. LAMB: Could you show what has
9 been marked as B-4? We're going to mark B-4 with
10 today's date -- BR-4 rather. Can you identify that,
11 please?

12 MR. THONET: Yes. This is the
13 applicant's utility plan, most recent one that was
14 submitted to this Board.

15 MR. LAMB: Can you identify the date?

16 MR. THONET: Yes. It was prepared
17 originally on June 17, 2011, and was last revised on
18 October 13th of this year.

19 MR. LAMB: I have one more follow-up
20 question. Board Member Holloway had asked you about
21 was this a hundred-year storm. You responded. Does
22 that -- does that -- just I'm on this flooding
23 colors and flood elevations. Do they also occur in
24 less than a hundred-year storm?

25 MR. THONET: I think the year flood

1 on this property is one foot. By the time you get
2 down to the ten-year flood, it's several feet. Yes,
3 I would think you will a similar action in a
4 ten-year. You wouldn't know where in between that
5 stops, 25-year. I don't know. I don't have those
6 floods.

7 MR. LAMB: The particular flooding,
8 as an example, then flooding in a hundred-year
9 storm, in the last ten years, how many
10 one-hundred-year floods have we had?

11 MR. THONET: You can't talk about how
12 many you have. They're different. Just because a
13 storm produces a one-hundred-year flood in one part
14 of the basin, it doesn't necessarily produce another
15 one-hundred-year flood in another part. You can't
16 do it that way. What I can tell you is that what
17 you noticed and people joked about it is, Well, a
18 hundred-year flood is very popular, it's the third
19 one we had this decade. Well, it was a joke, but it
20 wasn't really a joke.

21 We know those things and have done studies
22 for decades. We now know that that information that
23 we relied on decades ago no is longer accurate
24 because weather has changed. We now get what used
25 to be a hundred-year storm is now a 25-year storm,

1 but they haven't gotten all of the studies up to
2 date, and they were starting to do that. That's why
3 this is still a preliminary study. It started in
4 2009, and did not give any consideration to Sandy.

5 MR. LAMB: I'm going to show you what
6 were marked as BR-5. Can you identify that?

7 MR. THONET: Yes. BR-5 is the flood
8 insurance studies for this preliminary map.

9 MR. LAMB: In other words Mr. Foley's
10 preparation of that, his original map that is marked
11 as BR-3, is based upon the flood insurance study?

12 MR. THONET: It was, and we have a
13 copy of that also.

14 MR. LAMB: As a result of your
15 preparation for --

16 MR. THONET: This is the actual
17 preliminary flood insurance rate map that goes with
18 the actual report. This accurately reflects --

19 MR. LAMB: You're referring to the
20 map. We are going to make that BR-6. The Chairman
21 asked you in particular if Hurricane Sandy --
22 somebody did. I think Board Member Holloway said,
23 do these flood elevations reflect Hurricane Sandy?

24 MR. THONET: No, they don't.

25 MR. LAMB: Is there portions of the

1 flood insurance study that reflects the storm events
2 that these flood elevations are based on?

3 MR. THONET: No. They listed the
4 hurricane model used. They tested it, modeled it
5 and based it on a number of hurricanes and tropical
6 storms that they list in here.

7 MR. LAMB: What pages is it on?

8 MR. THONET: Page 11.

9 MR. LAMB: So page 11 is the portion
10 of that flood insurance study that references the
11 storms that those flood elevations were based on?

12 MR. THONET: That's right.

13 MR. LAMB: Is it fair to say that
14 those flood events that caused this flood hazard
15 area were lesser storm events than the Hurricane
16 Sandy storm event?

17 MR. THONET: We don't know that.
18 They haven't completed the analysis of what happened
19 in Hurricane Sandy, and what happened here in North
20 Bergen may not be exactly what happened further
21 south. So that those analysis are going to affect
22 that some day.

23 MR. LAMB: When they finish, when
24 they finish the next study on Hurricane Sandy, these
25 flooding elevations could get worse or lesser

1 depending upon the area?

2 MR. THONET: They will be changing
3 this study until they agree that they need to based
4 on other individual storms, but it's the same work
5 we did in the mid '70s. This study was done --
6 started six years ago, and the biggest change that
7 we've seen is the frequency of the flood over the
8 last 15 years. By the time they finish their
9 studies, they will be update again, and what we in
10 the business expect is what is a hundred-year flood
11 today will no longer be a hundred-year flood. It
12 will happen much more frequently.

13 MR. LAMB: Let me refer to page 17 of
14 that flood insurance study.

15 MR. THONET: On page 17, it has a
16 picture that shows you how to determine this map.

17 MR. LAMB: I'll make it BR-7.

18 MR. THONET: It actually shows the
19 waves coming in and coming down eventually on that
20 elevation. It also shows the limits of the moderate
21 wave action, the three to one-and-a-half-foot waves.
22 It's a nice picture so you can see exactly how you
23 interpret what these are.

24 MR. LAMB: When you testified before
25 on the flood elevation map that was colored and

1 discussed how the waves come in, does page 17
2 further show that from a more technical standpoint?

3 MR. THONET: It shows a nice
4 practical standpoint that everyone can understand.

5 MR. ZENN: This is BR-6?

6 MR. LAMB: This is BR-7. Now,
7 Mr. Thonet, let's go back to BR-4. You understand
8 that the focus of this Board is safety and drainage
9 on River Road?

10 MR. THONET: Correct.

11 MR. LAMB: And can you describe the
12 markings on what we previously marked as BR-4?

13 MR. THONET: What I'm showing in our
14 original stormwater management facilities for the
15 property, I'm sure you remember from the testimony
16 by Mr. Foley, there is no stormwater management
17 here. There is a tidal area. In general, the
18 stormwater runoff will run into the Hudson River,
19 does not increase the level of flood flow because
20 it's tidal, but you still have an ordinance that
21 requires not to increased the amount of water after
22 post-development for the two, the ten or the
23 hundred-year storm.

24 MR. LAMB: That's in the Hudson
25 County site plan guidelines?

1 MR. THONET: Correct, and so what is
2 happening here is it's an interesting phenomena.
3 You can see there is a filtration swig, and the
4 still water elevation of 11 NGVD is actually going
5 to come right to the bottom of that facility, and
6 it's only a foot deep; 12 is where it starts to
7 spill out in River Road. So no water is going to
8 infiltrate into that during a big storm like that
9 because the water that's backed up, in fact, this
10 will actually fill with water because it's Elevation
11 15, and it has a direct route into that facility.

12 MR. LAMB: Why don't you described
13 that facility? Could you show how that water system
14 works going in that area?

15 MR. THONET: Yeah. The roof drains
16 into this facility.

17 MR. LAMB: You see the three little
18 orange triangles that connect?

19 MR. THONET: Yes. On a nice
20 non-flooded day, the water goes in and actually gets
21 filtered through that, and then gets tied into the
22 system and goes out to the Hudson River. It's not
23 going to happen in a flood. In a flood that's going
24 to be filled with water, and it's going to spill out
25 into River Road. So what this is really doing is

1 their drainage system is providing a conduit for
2 high flood elevations in the Hudson River so that
3 all of the runoff just runs off. That would be okay
4 if it was running off River Road, which is right off
5 the Hudson River, okay, and cause flooding.

6 But this, the area of River Road from the
7 entrance here and for most of River Road is not.
8 It's not supposed to be flooded, and it's not
9 flooded. It will be flooded because of the way they
10 built this project.

11 MR. LAMB: As a result of the
12 project, are you saying there's an increase in the
13 flooding on River Road?

14 MR. THONET: Yes. There will be an
15 increase in the amount of runoff post-development
16 for the hundred-year flood.

17 MR. LAMB: What about lesser floods?

18 MR. THONET: I don't think it will
19 for ten or twenty, but I haven't done any
20 calculations. I could tell you for the hundred it
21 will, and that is a requirement. Let's face it,
22 unless you really want to put water on River Road in
23 the middle of a hurricane, it's not supposed to have
24 water.

25 MR. LAMB: Can you describe the

1 orange areas and how they connect to pipe?

2 MR. THONET: These are all areas of
3 the road. These are pipes. This is the five foot
4 that takes the water from that facility and
5 discharges out into the Hudson River down here.

6 MR. LAMB: When you say "down here,"
7 is that the hump.

8 MR. THONET: Within the area that's
9 called a hump is a sand filter, also stormwater
10 management water quality facility. That picks up
11 drainage and drains it out into that location here,
12 I'm circling into the Hudson River, and of course,
13 the water will back up and render that not usable.
14 It's okay. It's not usable in a hundred-year storm.
15 You know what flooding is about. What is not good
16 about it is that if you're going to have these
17 five-foot waves crashing, it's going to rip out that
18 entire facility and all of this roadway when you
19 have a major event like that.

20 MR. LAMB: What is the large --

21 MR. THONET: These are pipes that
22 pick up the trench drains and continues to the
23 entrances on the northern ends and brings it down to
24 the Hudson County River.

25 MR. LAMB: And just go through with

1 me again the elevation of land here versus the
2 elevation of the flooding.

3 MR. THONET: The flooding here is 15,
4 the elevations along the walkway. This is really
5 when all of this is crashing into this building,
6 it's going to be five feet deep over this water sand
7 filter facility and over the entire walkway.

8 MR. LAMB: What is elevation?

9 MR. THONET: At the entrance or the
10 road?

11 MR. LAMB: The system.

12 MR. THONET: Right here, it's the
13 high point here is 12. That area here is around 12.

14 MR. LAMB: So just explain to me
15 again, the water starts at Elevation 15, that's why
16 the pressure is going to push it out towards River
17 Road?

18 MR. THONET: Right. Let's assume
19 water is out of the grate, that stormwater grate.
20 That's usually because there is water coming from
21 higher areas that flood pipes, and it's under
22 pressure. It's higher, so it produces the pressure,
23 and when it get to a point where it can't take the
24 pressure, it comes out of the drain. The same thing
25 here, the differential pressure is going through the

1 grates to fill this entire area with water.

2 COMMISSIONER HOLLOWAY: Mr. Chairman,
3 I have a question. So you're saying that if the
4 project wasn't built, River Road would never flood
5 during a hundred or fifty-year storm?

6 MR. THONET: Yeah. That's what the
7 study shows. You see here River Road, this smaller
8 section especially on the entrance, it's not
9 flooded.

10 MR. LAMB: Towards a little south --

11 MR. THONET: I just want to say that
12 i didn't draw this map, I just colored it, but I
13 don't think -- I think it looks pretty good except
14 that this is much higher in elevation, and it has to
15 come down because I have River Road flooded out
16 somewhere towards other sites, but I didn't draw
17 this. It was drawn by Mr. Foley.

18 MR. LAMB: I'm going to show what's
19 been --

20 COMMISSIONER MEHTA: Yeah, I
21 understand that what your expert testimony and this
22 is, but I have a question for the engineer. After
23 the Sandy, everyone talk about the FEMA, and FEMA, I
24 think they change the guidelines. When the project
25 is built, the new construction built to that?

1 MR. PANAGOPOULOS: Well, the plans
2 were under -- the revision of the plans were being
3 discussed before Sandy, but then Sandy happened,
4 they got fast-tracked. It will be approved as to
5 what this is map is showing, the updated maps for
6 the flood zones.

7 COMMISSIONER MEHTA: Because projects
8 for Bayonne, they're going have a project in that
9 area also, and the same way. They also changed that
10 the approval, and they did design the project to
11 correct FEMA guidelines, correct?

12 MR. PANAGOPOULOS: Right. They
13 revise their buildings to make the habitable floors
14 one foot above base food elevation.

15 COMMISSIONER MEHTA: In this project
16 right, to the County Engineer, does it meet that
17 requirement of the current FEMA guideline?

18 MR. PANAGOPOULOS: That's what I
19 wanted to ask Mr. Thonet. The parking levels are
20 not considered habitable?

21 MR. THONET: They're not considered
22 residential or habitable, correct.

23 MR. PANAGOPOULOS: So I believe,
24 correct me if I'm wrong, that they are allowed to
25 build this building as proposed? They also

1 testified that they can build this building in
2 accordance to FEMA standards and UCC, which would
3 require them to have their FEMA approvals and --

4 MR. THONET: FEMA doesn't approve
5 this.

6 MR. PANAGOPOULOS: DEP, DEP, I'm
7 sorry.

8 MR. THONET: And the regulations.

9 MR. PANAGOPOULOS: Why don't you talk
10 about that?

11 MR. THONET: The flood hazard area
12 regulations are enforced to the waterfront
13 development. So when they get a waterfront
14 development permit, it has to be the flood hazard
15 area to control it. What they say is for a parking
16 area that services a multifamily residential
17 project, you have to raise it to a foot above the
18 flood hazard flood if you can. If you can't, you
19 have a raise it as high as you can. They clearly
20 haven't raised it higher. They're cutting into the
21 building. The actual elevation at that entrance
22 today is 15. Their floor is 12.5.

23 MR. PANAGOPOULOS: I don't know how
24 the site was designed in the way of the elevation.
25 Let me rephrase that. Well, okay, I don't know why

1 certain things were done. I'm not the designer on
2 site and maybe they could discuss later why they
3 built it lower.

4 MR. THONET: My job here today is to
5 tell you there are things that could be done to make
6 it higher.

7 CHAIRMAN CRYAN: Are you saying that
8 the project because of where it's at, if it was
9 higher you would be for it, is that what you're
10 saying?

11 MR. LAMB: Let me be clear about one
12 of the issues is the height of the project, and
13 that's in the courts. For your purposes --

14 CHAIRMAN CRYAN: We're dealing with
15 traffic and drainage.

16 MR. LAMB: Yes. So the question that
17 we tried to focus Mr. Thonet on is the flooding and
18 River Road, and how that's affected.

19 CHAIRMAN CRYAN: What you're saying,
20 if you raised it or designed it differently, then it
21 would be all right for flooding on River Road?

22 MR. LAMB: On that particular issue,
23 what we're saying is they have proposed something to
24 you that floods, they can fix it, but they don't
25 choose to fix it.

1 CHAIRMAN CRYAN: I understand. If
2 they change the diagram of the building, make it
3 higher, then River Road wouldn't be flooded in the
4 hundred-year storm.

5 MR. THONET: Yes, yes.

6 COMMISSIONER MEHTA: Can we ask the
7 applicant's engineer to testify on that? You are
8 making the correct requirements and guidelines as to
9 what the FEMA says are all of the construction
10 requirements you need for the plan on the
11 elevations?

12 MR. ZENN: Yes. We actually do. We
13 testified to last time, sir. I don't know that you
14 were here.

15 COMMISSIONER MEHTA: No, I was not
16 here.

17 MR. ZENN: So let me tell you. What
18 we're saying is that we can build. There are many
19 things that have been suggested by Mr. Thonet, but
20 we have to comply with the DEP requirements, and we
21 can, in fact, comply with DEP requirements that your
22 engineer has alluded to just a few minutes ago.
23 Remember, this is not -- it's not habitable. The
24 residential floors starts at the third level. There
25 are two levels of parking garage, and just a portion

1 of lowest floor in the garage level can flood out or
2 potentially can flood out. There are things that I
3 will get to on cross examination that aren't being
4 accounted to Mr. Thonet's presentation.

5 MR. LAMB: If we can finish our
6 presentation as Mr. Zenn wants. Respectfully, what
7 Mr. Zenn is saying, there is always in this
8 application with this developer, we're going to do
9 something else in the future. This has been going
10 on for ten years. Now, the FEMA flood elevations
11 have only been done for a couple years, but they
12 never do it. It's always we can do this and we can
13 do that. I can only have Mr. Thonet address that
14 proposed plan, the building with those elevations.

15 CHAIRMAN CRYAN: I want to ask a
16 quick question for counsel. We're coming on 9:20.
17 What are the time constraints that we have according
18 to the bylaws?

19 MR. CURLEY: What happens is if the
20 Board wants to continue this past ten p.m., then we
21 require a resolution passed by the majority.

22 CHAIRMAN CRYAN: What happens if that
23 doesn't happen?

24 MR. CURLEY: Then the meeting is to
25 be concluded, but if we don't act on the

1 application, it is an automatic approval. My
2 suggestion that we finish the hearing.

3 COMMISSIONER MEHTA: I respect the
4 expert with testimony and the opening, but at the
5 same time, we are under time constraints and
6 restriction. We are trying to listen to your expert
7 testimony, and as well as the other engineer and the
8 county engineer, so what are we being asked to
9 consider?

10 MR. LAMB: I understand the timing.
11 That's a problem, I understand. Mr. Zenn didn't
12 send it to me. I understand there was a consent
13 from the municipality for the last adjournment. I
14 don't want this Board to rush through. This is a
15 somewhat technical issue, but I don't want the Board
16 to rush through and think they have to make an
17 application. If the application is not done
18 whenever the Board decides to conclude, we're
19 obviously not advocating for an automatic approval.

20 The usual rules for somebody who is on an
21 interested party is you dismiss it without prejudice
22 and let them start again. I don't want them to
23 start again. Frankly, I don't want to come back. I
24 know Mr. Zenn will probably adjourn when you get to
25 whatever hour you want to stop. I don't know

1 whether Mr. Curley would have to address whether
2 legally that can happen?

3 MR. CURLEY: It cannot happen
4 legally. It has to be concluded tonight and action
5 has to be taken on the application.

6 MR. ZENN: Mr. Chairman, if I may,
7 let Mr. Lamb conclude his direct examination. I
8 will be brief with my cross examination.

9 CHAIRMAN CRYAN: There are also
10 members of the public that haven't spoken.

11 MR. LAMB: Mr. Thonet, I'm going to
12 show you what has been marked as BR-8. Can you
13 identify that, please, while I'm passing this out?

14 MR. THONET: It's a letter dated
15 December 20, 2014, and it's from Bob Martin,
16 Commissioner of New Jersey DEP.

17 MR. LAMB: It's to Mr. Martin; is
18 that correct?

19 MR. THONET: It's to Mr. Martin.
20 It's from Deputy Attorney John J. Hoffman.

21 MR. LAMB: Just to summarize quickly,
22 does this letter from the attorney to the DEP staff
23 indicate that this project poses a safety and health
24 issue to the public?

25 MR. THONET: It does, and it says it

1 can't be built. It can't be constructed.

2 MR. LAMB: Does it refer to the
3 coastal flood hazard area rules that state that you
4 cannot build a multifamily project or a hotel in a
5 particular flood zone?

6 MR. THONET: Yes, it does.

7 MR. LAMB: Does it also say that the
8 flood hazard area regulations also require a higher
9 elevation of the first floor?

10 MR. THONET: I don't think that
11 actually goes into that flood hazard area because
12 it's covered under the coastal.

13 MR. LAMB: Mr. Thonet, I'm going to
14 show you BR-9. Give it to Mr. Zenn first, remember,
15 last but not least. Can you identify those
16 regulations?

17 MR. THONET: Yes, these are the
18 copies of the new coastal and the old coastal rules.

19 MR. LAMB: Do either of those sets of
20 regulations, either one of those, that's the
21 original coastal area regulations?

22 MR. THONET: Yes.

23 MR. LAMB: There is an underscore
24 concerning residential development in an V zone.

25 MR. THONET: It's in VE zone, and the

1 V zone as designated by a firm or insurance rate
2 company. It's just discussing those V zones as it
3 relates to residential development including hotels
4 and motels is prohibited in coastal high hazard
5 areas, except for single-family and duplex
6 two-family development under N.J.A.C. 7:7-2.3(c)4.

7 MR. LAMB: So essentially those
8 current regulations would not permit the
9 construction of a multifamily dwelling in those
10 zones as currently proposed?

11 MR. THONET: Correct.

12 MR. LAMB: There are changes that
13 could be made that might satisfy other regulations,
14 but that's not what is proposed here; is that
15 correct?

16 MR. THONET: It's not proposed here,
17 no.

18 MR. LAMB: Now, Mr. Thonet, I'm going
19 to show you what's been marked as BR-10. We're not
20 going to go through every page. Can you summarize
21 what BR-10 is?

22 MR. THONET: Yes. This was a
23 PowerPoint presentation I prepared to explain that
24 the site is subjected to fill for which there were
25 no permits.

1 CHAIRMAN CRYAN: Say that again.

2 MR. THONET: The site was subjected
3 to fill for which there were no permits. This came
4 up for discussion at the last hearing. They
5 basically said, Well, you know some of the site
6 might have been brushed away, it was okay.

7 CHAIRMAN CRYAN: That's not for us to
8 decide.

9 MR. LAMB: It's not your purview.

10 CHAIRMAN CRYAN: What we decide on is
11 very tight, traffic and drainage as it deals with
12 County roads and County facilities. That's it.

13 MR. LAMB: Mr. Chairman, what happens
14 and I've been saying this in letters to the Board
15 and the Board's experts for seven months, that we're
16 basing a decision on a site plan with boundaries and
17 elevations. What we have been say is that site
18 plan, those boundaries and those elevations are
19 wrong. What Mr. Foley testified last meeting was,
20 Well there was some changes, I took some fifty feet
21 contours, the point of a survey, I'm going to submit
22 something else.

23 Well, what the Board may or may not know
24 is Mr. Zenn or Mr. Foley did submit something else
25 which now shows a different survey than what you

1 have before you, and we're trying to show is that
2 this property has been subject to filling and
3 different boundaries and elevations than what you're
4 being asked to review and analyze as part of your
5 charge of looking at flooding and traffic.

6 CHAIRMAN CRYAN: Thank you.

7 MR. LAMB: Mr. Thonet, briefly, just
8 there has been a long history.

9 MR. ZENN: Mr. Chairman, this is
10 going back to before the time that the survey was
11 originally prepared. These are things they raised
12 at the municipal planning board level and were
13 rejected. We are in front of the DEP on the
14 waterfront development permit where these issues can
15 be raised. They're not appropriate to be raised
16 here as to the level of fill or how the fill got
17 placed there. These are not appropriate questions.
18 It's beyond the purview of this Board.

19 MR. LAMB: Mr. Chairman, I understand
20 Mr. Zenn's point. Every time he thinks he's heard
21 something, he says that happened in another Board,
22 except for one thing, we're not before another
23 Board. We're before the Hudson County Planning
24 Board. You've never heard. You have never ruled on
25 this. I don't frankly respectfully care what

1 another Board did or did not decide.

2 Mr. Zenn's characterization that the North
3 Bergen Planning Board already ruled on it, what the
4 North Bergen Planning Board said is that it looks
5 like there's a change and something happened. You
6 have to restore the property. They can say that
7 because they have finished most of the application.
8 This application was filed in June, I believe, June
9 of this year, and in June of this year, I'm trying
10 to get this Board and its engineers to look at
11 accurate information so that they can make a
12 decision. If there is illegal filling, if the
13 boundaries change, if the elevations have changed,
14 that all affects the flooding. That's the major
15 thing we are focusing on.

16 If you have an elevation that's five feet
17 or an elevation that's one foot, now you have to
18 look at that in terms of flood elevations. It took
19 seven months of letters to finally get a flood
20 elevation map that Mr. Thonet testified as BR-3, I
21 believe. BR-3 is dated, last revised October 15th.
22 It's only because your engineer in his final review
23 letter said you've got to show the flood elevations,
24 and as Mr. Mehta said, you obviously had other
25 projects where this happens. They had to change it.

1 But this developer will never want to
2 change this building. This is what happens. We
3 asked Mr. Foley, you're talking about breakaway
4 portions of the building, is there a breakaway
5 portion shown on this plan? No, that's something we
6 can do in the future. I can only worry about what's
7 proposed.

8 CHAIRMAN CRYAN: Just continue.

9 MR. LAMB: Mr. Thonet, at what point
10 in time does this presentation indicate what
11 property looked like?

12 MR. THONET: It shows the survey that
13 was done August of 2009. It show a survey that was
14 conducted just along the coastline in December of
15 2009, and it shows that the hump was less than three
16 feet in August of 2009, and more than four feet in
17 December of 2009.

18 MR. LAMB: When you say "three feet"
19 is that elevation?

20 MR. THONET: Elevation. Then there
21 was another plan prepared with more surveying done
22 in December of 2005, which shows it's completely
23 different than what was done in August of 2009. So
24 I'm familiar with the project. I don't know if
25 there were permits that were issued for that area

1 totally in the site. I have all of the surveys all
2 prepared by the applicant that show this, and I have
3 prepared a presentation for a previous -- it has a
4 picture that actually shows the drain site and
5 clearing the site, and then looking almost like the
6 moon site. That is how they represented as existing
7 conditions, and yet the same, the map that was just
8 provided by Mr. Foley doesn't show what the impact
9 of Sandy is. He only talked about the very edge.

10 MR. LAMB: Let's get that up.
11 Mr. Foley just sent that within the last week. What
12 is that?

13 MR. THONET: This is the final
14 erosion and restoration plan for Riverview
15 Development, and it shows the results of surveys
16 that Mr. Foley indicated. I believe he checked
17 every 50 feet along the shoreline, and he directed
18 the tugboat in an area that shows areas that has
19 eroded anywhere from to one quarter to one foot.

20 MR. LAMB: I'm going to mark this as
21 BR-11. So this is the survey they came in within
22 the last week?

23 MR. THONET: Correct.

24 MR. LAMB: And Mr. Foley purports to
25 show the additions or decrections of the land?

1 MR. THONET: Right.

2 MR. LAMB: Now, does this revised
3 plan and this updated plan show any change in the
4 elevations from the prior existing site plans?

5 MR. THONET: Along -- it doesn't show
6 the elevations, it just shows where it has eroded,
7 but rest of the area which was obviously hit by
8 Sandy to some extent, there is no change. That's
9 all dated December 2005.

10 MR. LAMB: You compared that to the
11 prior survey of the subject property?

12 MR. THONET: Yes. I have copies of
13 all of them.

14 MR. LAMB: Let's just put them in.

15 MR. THONET: The first one is
16 prepared by -- excuse me. I reversed numbers. This
17 is 2004.

18 MR. LAMB: I'm going to mark this as
19 BR-12.

20 MR. ZENN: What is BR-12?

21 MR. THONET: The original topographic
22 survey prepared in August of 2004. That should be
23 11.

24 MR. ZENN: Who is the survey by?

25 MR. THONET: Cramer Engineering. The

1 second survey shows an existing condition plan for
2 Riverview Development as prepared Schoor DePalma.
3 It's date April 21, 2005.

4 MR. LAMB: I'm going to mark that
5 BR-12, and it has a note that it has been revised
6 just along the edge to reflect the survey by Schoor
7 DePalma, and it shows all of the area that just a
8 few months before had been less than three feet is
9 now over four feet.

10 So based on your comparison of this survey
11 and the prior survey, your conclusion is that the
12 change of elevation was what?

13 MR. THONET: Was within a relatively
14 short period after the survey is complete, that fill
15 was being brought into the development, and the last
16 survey this is the one before the Board today, there
17 is the note that says this is the survey as of
18 December 2015.

19 MR. LAMB: But this is BR-13.

20 MR. THONET: That was prepared on
21 April 19th, 2006, shows a completely different
22 topography from the original topographic survey by
23 Cramer.

24 MR. LAMB: Let me ask that. BR-13 is
25 the current existing conditions survey that this

1 Board has been show as the site plan. What is the
2 last revision date?

3 MR. THONET: December of 2005.

4 MR. LAMB: What is the last revision?

5 MR. THONET: Oh, that was just
6 October of this year.

7 MR. LAMB: Is it fair to say that
8 when the applicant made changes that existing
9 conditions plan, while they changed a number of
10 other things, they did not do the topo of the survey
11 of the 2005 iteration?

12 MR. THONET: In the notes.

13 MR. LAMB: And the note says?

14 MR. THONET: I'll read the note. It
15 says topographic based on the Cramer survey. Then
16 it says topographic information shown hereon in
17 accordance with the field survey performed by Schoor
18 DePalma in December 2004 and December 2005. The
19 important thing is it's totally different from what
20 the Cramer survey was.

21 MR. LAMB: Also I'm going to show the
22 BR-14. You identify these two letters, please?

23 MR. THONET: This was a letter from
24 Joseph Ryglicki, who I believe was the attorney for
25 the contract purchaser of this property. It's dated

1 September 24, 2004, and it says to Mr. Schepisi, the
2 attorney for the owner, it appears there is work
3 being done on the property, i.e., fill and grading
4 without appropriate approvals. Our consultant
5 advises that this could have an adverse affect on
6 the Risparian rights application.

7 Mr. Schepisi writes back and says, These
8 people don't have a right to do any filling and
9 grading without approvals or to do anything that
10 could adversely affect to your Risparian
11 application.

12 These two letters were exchanged in
13 between August of 2004, when the original survey was
14 done, and December of 2004, when the another survey
15 was done that clearly showed the fill has been
16 brought onto the property.

17 MR. LAMB: If I may, I'm going to
18 show you what's been marked BR-15. Could you
19 identify that for me?

20 MR. THONET: Yes. This is a notice
21 of violation issued to Sleazer Development for this
22 property. It had to do with unauthorized activities
23 on the site that had to do with a paved parking area
24 and associated site preparation including grading
25 and filling to use the area for a parking lot in

1 association with the construction and sales trailer
2 on the site.

3 MR. LAMB: Are you aware that
4 previously the sales trailer and parking area was
5 constructed on the site?

6 MR. THONET: Yes, I am.

7 MR. LAMB: Did that violation notice
8 refer to any other filling or changing the grades or
9 elevations on the property?

10 MR. THONET: No, it does not.

11 MR. LAMB: You reviewed the various
12 DEP records over the years and OPRA requests
13 concerning this?

14 MR. THONET: I have.

15 MR. LAMB: Has the DEP to the best of
16 your knowledge ever approved of any filling on the
17 subject property?

18 MR. THONET: No clearing or filling.
19 It was totally cleared and filled.

20 MR. LAMB: Just summarize for the
21 Board really quickly, we just gave the four surveys
22 with different elevations. Just give them a plain
23 language summary of the changes in grades and that?

24 MR. THONET: They changed the grades
25 or someone changed grade to eliminate the intertidal

1 shallow which are regulated. That's the area
2 between the mean high water at 2.7, and the spring
3 high tide of 4.1. They essentially filled the site
4 and brought spring tide down so they were no longer
5 in the intertidal shallows. There was other grading
6 over the entire site and they smoothed it out, and
7 turned the beautiful wooded site to what's there
8 now. It's all there and all there for every to see.

9 MR. LAMB: Mr. Thonet, you also
10 submitted to this Board summary reports. One is
11 dated August 18th, 2015, and one is dated
12 August 25th, 2015. Does this testimony supplement
13 and modify some of the prior previous conclusions
14 you have without having to repeat them?

15 MR. THONET: Yes.

16 MR. LAMB: In summary, Mr. Thonet,
17 based upon the current proposal of this building as
18 proposed to be constructed, not raised, no grates,
19 does this represent a public safety issue for the
20 project?

21 MR. THONET: I think it does in part
22 because of the flooding that would occur and damage
23 to all of the cars, but also public safety
24 associated with the saturation of the cars because
25 no one, no one gets out of that garage. There is no

1 leaving that garage until it's dry, or getting to
2 cars out to the high ground of Bull's Ferry and
3 walking back to their homes where there's a storm.
4 The evacuation of hundreds of cars directly across
5 River Road in an approaching hurricane, and people
6 walking back to their homes is definitely a safety
7 hazard.

8 MR. LAMB: Again, does this project
9 if approved and built as proposed, does it increase
10 in drainage and flooding on River Road?

11 MR. THONET: In my opinion it will
12 be.

13 MR. LAMB: Is it substantial?

14 MR. THONET: Yes. There is no doubt.

15 MR. LAMB: No further questions,
16 Mr. Chairman.

17 COMMISSIONER HOLLOWAY: Mr. Chairman,
18 I have a question. All of these documents that you
19 have presented to us as evidence have been presented
20 to North Bergen?

21 MR. LAMB: Not all of that. North
22 Bergen didn't have the flood elevation map, which we
23 only got -- it was sent on October 13th, and the
24 most recent boundary change, which we've asked for
25 seven months came in within the last I believe the

1 last week with a letter from Mr. Foley. They've not
2 seen that.

3 Remember that the difference between North
4 Bergen Planning Board, they heard many years of
5 testimony and voted on this, and then this came up.
6 That's different than you've been presented with an
7 application in June, and now have all of this in
8 front of you. This is not a case where we already
9 finished the hearings, and there's a new
10 development. This has all been in effect at the
11 time the application was filed by this Board by the
12 developer.

13 COMMISSIONER HOLLOWAY: I have a
14 question for the County Engineer. Do you have any
15 issues based on this information that was just
16 given?

17 MR. PANAGOPOULOS: Well, if the
18 building is going to flood, and there are vehicles
19 in the bottom floor, they're going to be damaged. I
20 said if the building floods, and there are cars on
21 the bottom floor they're going to be damaged, likely
22 damaged.

23 COMMISSIONER HOLLOWAY: In your
24 professional opinion, do you consider that a hazard?

25 MR. ZENN: Mr. Holloway.

1 MR. CURLEY: As a matter of
2 procedure, the engineer should be sworn if he's
3 going to express an opinion or if he's going to
4 testify.

5 MR. LAMB: Thank you.

6 MR. PANAGOPOULOS: I would rather not
7 provide testimony as an expert in the safety of this
8 building. I didn't review this application in the
9 way that you're asking whether floods would be a
10 safety concern. I was looking at it from the County
11 perspective where it affects the County roadway, for
12 drainage or traffic. That's it.

13 CHAIRMAN CRYAN: Joe.

14 COMMISSIONER GLEMBOCKI: My opinion
15 is that a lot of what they're talking about is being
16 handled within the DEP permit. Our approval is
17 contingent upon the DEP to address a lot of this.

18 MR. LAMB: I would like to address
19 that. Mr. Zenn is going to say that, but that's not
20 in the law. Every governmental agency has the right
21 to look at this. Suppose your engineer says, Well,
22 the DEP did it wrong. You have the right to
23 independently look at this.

24 COMMISSIONER GLEMBOCKI: They didn't.

25 MR. LAMB: But supposed the DEP does

1 it wrong, and there is testimony from the engineer
2 that, yeah, they did it wrong. You have an
3 independent duty to look at this irrespective of
4 what the DEP does, irrespective of what DEP says.
5 You can't cede your authority on flooding and flood
6 elevation to the DEP.

7 COMMISSIONER HOLLOWAY: We rely on
8 most of our information on our experts. I am not
9 claiming to be an expert. I'm relying on our
10 engineer and County engineer. So if they feel that
11 that project is okay, that's something that we have
12 to really consider.

13 MR. LAMB: I understand, but your
14 representative from T & M did not want to be sworn,
15 I think he's got to be sworn, and I think he's got
16 to give an opinion or comment on some of this. I
17 understand maybe they didn't look at it. They
18 didn't have it in advance four surveys, and they
19 didn't know. We only got it literally on Thursday
20 afternoon an e-mail from Mr. Zenn saying here's that
21 information. If you recall Mr. Foley said, I only
22 have points on the survey. I have some points that
23 we took last year.

24 What you got, you didn't get points that
25 were taken for survey points. We got a whole

1 survey. Look at the date of that survey that we're
2 testifying about. It's dated November of last year.
3 So that means unless they put the wrong date on
4 this, they've had that for over a year, and they
5 never brought it out because they didn't want to
6 bring it out. All we're saying is you want a
7 project approved, you better put the right
8 elevations and boundaries on this, and you better
9 put the flood elevations.

10 Your Board Engineer eventually in the last
11 review letter despite our four or five comments
12 asked them to do it, and that's the only reason they
13 did it. That corrected the site plan information
14 that was wrong.

15 MR. ZENN: Mr. Chairman, first of
16 all, what we just submitted was a restoration plan,
17 which has nothing to do with the things that we're
18 talking about. In fact, Mr. Foley when he submitted
19 it said it does not affect County drainage. It does
20 not in fact have anything do with traffic. What it
21 shows --

22 MR. LAMB: He did not testify to
23 this. He sent a letter.

24 MR. ZENN: Don't get clouded by that
25 issue. Everything that eroded away, which is only

1 1,200 square feet, less than one half of one percent
2 of the land is beyond the bulkhead. Beyond the
3 bulkhead, you have the walkway. It is immaterial to
4 this. I will ask a few question of Mr. Thonet, and
5 then I think would be appropriate to ask your Board
6 engineer any questions.

7 CHAIRMAN CRYAN: I think procedurally
8 we have decide if we are going to extend this
9 meeting and for how long if we decide to do so; is
10 that correct, Counsel?

11 MR. CURLEY: Yes, that's correct.

12 CHAIRMAN CRYAN: So Commissioners,
13 it's up to you to say how do you want handle it.
14 The second part of the meeting we heard a lot of
15 testimony. There are members of the public here, if
16 you want to continue until 10:20, we can do that; or
17 if you want to stick to the bylaws and how they're
18 written and close the meeting at ten. Any questions
19 or comments?

20 COMMISSIONER MEHTA: Chairman, I
21 understand that as per the bylaw, we concede the
22 final area, the final statement, no testimony, no
23 item or anything that wasn't existing. We can just
24 hear the final statement from the applicant, and
25 whether the engineer wants, then we can hear that,

1 and then we can go back 15 minutes.

2 MR. CURLEY: I don't think under the
3 circumstances, the Board cannot hear the cross
4 examination of the witness. The applicant is
5 certainly entitled to ask questions concerning the
6 testimony that was just given.

7 COMMISSIONER MEHTA: I understand
8 that, but at the same time, I can put a time at
9 10:30 or eleven o'clock either, so we have the
10 timing somewhere.

11 MR. LAMB: Commissioner, you do have
12 also people that wants to speak.

13 CHAIRMAN CRYAN: I understand. We
14 understand. That's one of the reasons why we did
15 inform the counsel or reminded them of that ten
16 o'clock limit like the last time.

17 Commissioner Romano.

18 FREEHOLDE ROMANO: We can't start
19 breaking at ten because it goes another meeting for
20 this to continue and finish it up?

21 CHAIRMAN CRYAN: I think there's a
22 time limit. Counsel?

23 MR. CURLEY: There is a time limit of
24 a 30-day extension, and I don't think we don't have
25 enough time to schedule a special meeting.

1 MR. LAMB: Mr. Curley, I know we've
2 had this discussion about this time limit in the
3 Hess case. I mean if the applicant is willing to
4 adjourn and puts on the record that he will not
5 claim an automatic approval as a result of an
6 adjournment to the next meeting because it seems
7 like we're just about done, if he does that, I am
8 willing to accept him at his word. I'm trying to
9 because, look, if it's not finished in full and the
10 Board has to make a decision without hearing
11 everything, then we don't want that. We're going to
12 ask the Board to dismiss it without prejudice. We
13 don't want to do this again. I don't want to.

14 MR. ZENN: That would be harsh to
15 dismiss based upon the length of the direct
16 examination of Mr. Thonet, I would offer to the
17 Board I have a very abbreviated cross examination.
18 I don't know what the public has.

19 FREEHOLDE ROMANO: Counsel, I'm
20 asking if this will open to doors as a precedent?

21 MR. CURLEY: No, it does not. Our
22 bylaws say that if we decide to end past ten
23 o'clock, it's in the bylaws. So that's just the
24 bylaws.

25 COMMISSIONER HOLLOWAY: So if we

1 decided to go past ten, we put a limit as far we put
2 a time limit?

3 CHAIRMAN CRYAN: You know what? On
4 the record, I recommend that we go to 10:30, to give
5 a half an hour. It gives people time and hope for
6 the best. I think we will have satisfied at 10:30,
7 and not apologize for that.

8 FREEHOLDE ROMANO: We'll going to
9 10:30, and then we decide this?

10 CHAIRMAN CRYAN: I think we can
11 conclude at 10:20, we can hear this and have public
12 comment to 10:20, and allow public comment, and we
13 end at 10:20, and we have until 10:30 to finalize
14 everything.

15 MR. CURLEY: Do we have a motion?
16 You need a resolution.

17 COMMISSIONER MEHTA: I make a motion
18 to end at 10:20, and deliberate between 10:20 and
19 10:30. No more hearing from the applicant or the
20 public after 10:20.

21 MS. MASSEY: So between 10:20 and
22 10:30, the final?

23 COMMISSIONER MEHTA: Will be within
24 the document.

25 MS. MASSEY: So on a motion made by

1 Chairman Cryan to have the final discussion between
2 10:20 and 10:30, and the meeting to be closed by
3 10:30.

4 CHAIRMAN CRYAN: Okay.

5 MS. MASSEY: So on a motion made by
6 Chairman Cryan, and seconded by Commissioner
7 Holloway.

8 Commissioner Glembocki.

9 COMMISSIONER GLEMBOCKI: Yes.

10 MS. MASSEY: Commissioner Holloway.

11 COMMISSIONER HOLLOWAY: Yes.

12 MS. MASSEY: Commissioner Mehta.

13 COMMISSIONER MEHTA: Yes.

14 MS. MASSEY: Commissioner Romano.

15 FREEHOLDE ROMANO: Yes.

16 MS. MASSEY: Chairman Cryan.

17 CHAIRMAN CRYAN: Yes.

18 MR. LAMB: Did we lose a Board Member
19 temporarily?

20 FREEHOLDE ROMANO: No, she's gone. I
21 think that's a problem.

22 CHAIRMAN CRYAN: Did he vote?

23 MS. MASSEY: Yes.

24 MR. ZENN: Mr. Chairman, what is our
25 procedure now?

1 CHAIRMAN CRYAN: We'll keep open to
2 hear testimony until 10:20, and they between 10:20
3 and 10:30, a discussion and vote.

4 MR. ZENN: May I proceed with cross
5 examination?

6 AUDIENCE MEMBER: When is the public
7 going to speak?

8 MS. WONG: Some of us may not be able
9 to speak at 10:30.

10 CHAIRMAN CRYAN: The public statement
11 is we will do our best to get this done. We're
12 extended to -- we're not staying all night. Our
13 bylaws state to close the meeting at ten. We're
14 keeping the meeting open to 10:20, and give us some
15 time to think about this and consider everybody's
16 opinion.

17 AUDIENCE MEMBER: When is the public
18 allowed to make a statement? We asked questions and
19 you said to make statements at the end. All these
20 people are coming here to testify, and if you only
21 stay until 10:30, we're not going to be able to
22 talk. That's against the law. I'm sorry. You said
23 that the comment time would be at the end, and we
24 don't get to ask question of the expert? All that
25 people have come back a second time. Are you

1 telling us --

2 CHAIRMAN CRYAN: Our bylaws, the law
3 says we should end this at ten.

4 AUDIENCE MEMBER: Then come back
5 another day. It's against the law.

6 AUDIENCE MEMBER: We come here and
7 we're not able to talk.

8 FREEHOLDE ROMANO: Excuse me. Your
9 attorney will instruct you as to the rules and
10 procedures. Counsel, is that you?

11 MR. LAMB: They are not my clients.
12 They are not members of Bergen Ridge. They're not
13 my clients.

14 FREEHOLDE ROMANO: We are asking to
15 be given the courtesy and respect when we tell you
16 what the rules are. That's what I'm asking, for
17 courtesy from the public.

18 MR. LAMB: None of my clients from
19 Bergen Ridge are here to make comments.

20 FREEHOLDE ROMANO: Now, the other
21 comment I have is instead of cross examination, if
22 you want people to talk.

23 AUDIENCE MEMBER: Let me talk now.

24 MR. CURLEY: The applicant didn't
25 have the opportunity to cross examine.

1 COMMISSIONER MEHTA: It would help if
2 we can give to 10:10, to speed up the process.

3 MR. ZENN: If it would help, you
4 could give two or three minutes to each individual
5 member of the public. I will ask my questions and
6 at the end give them ten minutes. I'm offering
7 that. Thank you.

8 FREEHOLDE ROMANO: The clock is
9 ticking. It's not fair to somebody.

10 MR. LAMB: I think Mr. Zenn should
11 really finish with Mr. Thonet. I don't want to
12 foreclose anybody, but if he has a short number of
13 questions.

14 MR. ZENN: Yes, I just a have a few
15 questions to ask Mr. Thonet. First of all,
16 Mr. Thonet referring B-14, the letter from Mr.
17 Ryglicki, Mr. Ryglicki represented my client. He's
18 complaining about the fill. It wasn't my client
19 that put any fill in there, correct?

20 MR. THONET: Mr. Ryglicki was
21 complaining that.

22 MR. ZENN: Right. Mr. Ryglicki
23 represented my client, the developer?

24 MR. THONET: That's correct.

25 MR. ZENN: This is in 2004, before

1 the application was filed in North Bergen; is that
2 correct?

3 MR. THONET: I don't recall whether
4 it was filed or not.

5 MR. ZENN: Well, my client didn't own
6 the property in 2004. He's writing to Mr. Schepisi
7 saying your client, the owner of the property,
8 something is going on there, right?

9 MR. THONET: I don't know. I don't
10 know when the application was started with North
11 Bergen. I do know the dates on the surveys.

12 MR. ZENN: Mr. Ryglicki was
13 representing the current applicant, correct?

14 MR. THONET: Correct.

15 MR. ZENN: BR-15 or BR-18 is a notice
16 of violation issued by DEP. That's the Sleazer
17 Development. To your knowledge has Sleazer
18 Development ever owned this property?

19 MR. THONET: No.

20 MR. ZENN: Okay. So they were in
21 violation of doing something and didn't own the
22 property?

23 MR. THONET: Correct.

24 MR. ZENN: Sleazer Development was
25 actually the development across the street by River

1 Road; isn't that correct?

2 MR. THONET: Yes. But the work was
3 being done on the property.

4 MR. ZENN: As you allege.

5 MR. THONET: As it states in the
6 letter and the notice of violation.

7 MR. ZENN: You refer to a letter BR-8
8 from Deputy Attorney Jennifer Dalia to Commissioner
9 Martin where she purportedly says this property
10 can't be built. She's an attorney, right?

11 MR. THONET: She's an attorney.

12 MR. ZENN: She's not an engineer or
13 anything, correct?

14 MR. THONET: No.

15 MR. ZENN: So she didn't have any
16 particular expertise, does she?

17 MR. THONET: No. She's an expert in
18 regulations governing a construction.

19 MR. ZENN: Okay. And the letter
20 concludes based on the forgoing, the department
21 requests that the department's denial of the
22 Riverview permit be upheld based on the current
23 high-rise structures rule; is that correct? She was
24 arguing with the DEP Commissioner the high-rise
25 structure rule -- it violated the high-rise

1 structure rule; is that correct?

2 MR. THONET: Correct.

3 MR. ZENN: In fact, DEP Commissioner
4 Martin has now overruled the DEP and said that the
5 building does comply with the high-rise structure
6 rule?

7 MR. THONET: I haven't seen copies of
8 that.

9 MR. ZENN: You're not aware of that?

10 MR. THONET: I'm not aware, and I
11 don't have a copy of that letter.

12 MR. ZENN: Okay. The property in the
13 AE zone, the lowest floor elevation we have which is
14 the garage level of the garage, that's above the AE
15 flood level; is that correct?

16 MR. THONET: Yes.

17 MR. ZENN: Is that most the of blue
18 area?

19 MR. THONET: No, it's not. Most of
20 the blue area, this is not what it will look like
21 after the project is done. This is the way it
22 floods today.

23 MR. ZENN: Once the project is built
24 with the bulkhead, won't that actually diminish the
25 velocity waves and diminish the flooding?

1 MR. THONET: We don't know that.
2 That modeling hasn't been done. This is only
3 Elevation 10 NAVD. The still water elevations is 10
4 NAVD, so that should have absolutely no affect on
5 the waves.

6 MR. ZENN: Is it possible to get a
7 map amended from FEMA?

8 MR. THONET: You can't amend this
9 right now.

10 MR. ZENN: I am asking the question,
11 can you get a letter of map amendment from FEMA?

12 MR. THONET: Once you get a letter of
13 map amendment from FEMA.

14 MR. ZENN: In fact, other properties
15 in Hudson County had that done, correct, are you
16 aware of that?

17 MR. THONET: Yes. Letters of map
18 amendment are done after the project has been built.

19 MR. ZENN: Now, in terms of
20 retention, the State regulations it says that the
21 area is part of flow detention; is that correct?

22 MR. THONET: Areas affected by tide,
23 the River Road portion, that is not affected.

24 MR. ZENN: No, I'm not talking about
25 River Road. I'm talking about the rear of the

1 property.

2 MR. THONET: Yes, we mentioned that,
3 absolutely. That's not detention. That's water
4 quality.

5 MR. ZENN: That is exactly right. In
6 fact, I want to refer to that now. Two of the
7 entrances, the northern-most and the center are
8 completely out of the flood zone; isn't that
9 correct?

10 MR. THONET: Correct.

11 MR. ZENN: So if, in fact, Hurricane
12 Sandy repeated itself, people can actually drive out
13 of there?

14 MR. THONET: I don't know that
15 because we don't know --

16 MR. ZENN: Based upon that --

17 MR. THONET: You can't base it on
18 that. Everything from River Road to the south is
19 just inundated just off your plan. I think they
20 would be lucky to get out. We have the map as
21 shown.

22 MR. ZENN: That's what I want to
23 focus on now. In the event of a storm when you did
24 have potential of a Sandy, it doesn't come
25 overnight, does it? People can have notice of an

1 impending storm?

2 MR. THONET: They talk about it. We
3 usually hear a week or two in advance, right.

4 MR. ZENN: So we wouldn't expect a
5 hundred cars to leave at the same time, that would
6 be highly unlikely?

7 MR. THONET: I think that they would
8 be leaving just before the news reports tell you the
9 storm is going to make landfall. If they're to
10 leave that cars at a higher facility, they're going
11 to be walking back from the top of the mountain to
12 get back to the house. Yes, they will be leaving
13 pretty much at the same time, within a small window.

14 MR. ZENN: The letters that Mr. Lamb
15 referred to that you wrote August 14th and
16 August 18th, they were submitted to the Planning
17 Board and County staff, correct?

18 MR. THONET: Right.

19 MR. ZENN: So staff had the benefit
20 of that. Their review letters didn't address any of
21 your concerns.

22 MR. LAMB: I am going to object
23 because every County review letter that indicated
24 what they commented on did not include any letter
25 that we sent. So unless you want to ask the County

1 Engineer whether he considered our letter, every
2 letter that was sent, which is one of my gripes,
3 never said we viewed Mr. Lamb's letter. It's not
4 listed in any of documents to the best of my
5 recollection. You can look and review it.

6 MR. ZENN: All I wanted to ask was
7 that the letter was submitted to the Board and
8 County staff?

9 MR. THONET: Yes, my understanding is
10 it was.

11 MR. ZENN: Based upon that, there no
12 concerns raised by the consulting engineer; is that
13 correct?

14 MR. THONET: I didn't see any
15 concerns raised by the engineer except for one. It
16 was that he had to prepare this map. He did ask
17 them to provide this information.

18 MR. ZENN: Yes, he asked for the
19 overlay. Based upon that overlay, were there any
20 further concerns or recommendations?

21 MR. THONET: I haven't heard his
22 final recommendation. I'm not sure he's made final
23 recommendations.

24 MR. ZENN: In the October 21, 2015
25 letter prepared by T & M, one of the things that was

1 looked at was the preliminary FEMA map overlay for
2 the Riverview Development prepared by Dewberry
3 January 1, 2014, last revised October 13, 2015. So
4 it certainly seems like the engineer had that?

5 MR. THONET: Obviously, he had it. I
6 haven't heard him on it.

7 MR. LAMB: Mr. Chairman, with all due
8 respect, you've got the engineer sitting there, so
9 you can ask Mr. Thonet whether he reviewed it or
10 not. We can ask the engineer as well.

11 MR. ZENN: He had it.

12 MR. LAMB: We're not going to imply
13 whether the engineer looked at the letter or not and
14 whether he commented when he's sitting right there.

15 MR. ZENN: You can ask him, but right
16 now I'm entitled to ask in cross examination. I'm
17 entitled to ask these questions.

18 Mr. Chairman, I told you I would be quick
19 to try to move this forward. Those are all of the
20 questions that I have. I appreciate it.

21 MR. LAMB: Mr. Chairman, the last two
22 documents before the public, I have two more
23 documents.

24 CHAIRMAN CRYAN: You're taking a lot
25 of time from the public.

1 MR. LAMB: I understand, Mr.
2 Chairman, but I have to present my case as best as I
3 can. I would like mark as --

4 FREEHOLDE ROMANO: He's done this the
5 whole time really.

6 MR. LAMB: With all due respect, Mr.
7 Chairman, I'm trying to go through the exhibits and
8 give you information.

9 CHAIRMAN CRYAN: I get that.

10 MR. LAMB: I know you have the
11 curfew. I can't help it if we can't finish in that
12 period of time.

13 CHAIRMAN CRYAN: You're taking time
14 from the public.

15 MR. LAMB: BR-16 and BR-17, BR-16 and
16 BR-17 is a list of all the easements that were
17 granted by the County according to the County
18 Counsel office that were shaded.

19 MR. ZENN: So what is this? What is
20 this? They have indicated that. What is this?

21 MR. LAMB: BR-17, I'm talking about
22 road dedications. That's one of the things. I'm
23 trying to finish my presentation.

24 COMMISSIONER HOLLOWAY: What road
25 dedication?

1 MR. LAMB: The County engineers
2 recommended that there be a road dedication for the
3 right-of-way to River Road from the property. The
4 developer didn't want to give the road dedication.
5 The developer insisted on giving an easement. The
6 road dedication has been proposed since this
7 application was originally filed before its
8 dismissal in 2008. It's always been on the agenda
9 that a portion of River Road should be dedicated by
10 the application, not by way an easement.

11 MR. CURLEY: That is solely an issue
12 before the County Board of Freeholders.

13 MR. LAMB: But your engineer is
14 making that recommendations that the right-of-way be
15 dedicated.

16 MS. FERRARA: Mr. Chairman, the
17 County, this inventory was prepared by the County
18 engineer's office.

19 MR. LAMB: Can you identify yourself
20 for the record, please?

21 MS. FERRARA: I am Massiel Ferrara,
22 Board Secretary and Planning Director for the
23 County. This list of inventory was conducted by the
24 County Engineer's office and the Division of
25 Planning. This shows that we in the past have done

1 easements as well as dedications, but that easements
2 are more common. So we don't have a formalized
3 policy. It is our practice. This is both our
4 consulting engineer and the engineer, County
5 engineer both have reviewed those dedications and
6 easements and feel very comfortable with the
7 applicant's request for the required easements along
8 the property that are required for the application.
9 We are comfortable with an easement. I don't think
10 there's any point -- there was a point in time where
11 we did not know if we wanted to do a dedication or
12 easement, but after doing a review, we are
13 comfortable with the proposed easements.

14 MR. LAMB: And it's very simple if I
15 can respond to that. It's very simple, that I also
16 passed out BR-17.

17 CHAIRMAN CRYAN: Is Mr. Lamb,
18 Counsel, quick question, is Mr. Lamb's case and
19 testimony or presentation more important or the same
20 level of importance? I would like to hear from the
21 public. We have until 10:30. I don't understand
22 why this is being allowed, and the public isn't
23 allowed to speak, and it comes back like we're not
24 allowing that. I think this one gentleman is taking
25 too much time.

1 MR. LAMB: Mr. Chairman,
2 respectfully, I have a right to put on my case.

3 CHAIRMAN CRYAN: I have to go to the
4 public.

5 MR. LAMB: I'm sorry, Mr. Chairman,
6 that we're not getting to the public because we're
7 all under this time deadline. I apologize for that.
8 I can't help that, but I can comment on whether this
9 should be a road dedication. If look at the
10 easements since the Board Secretary just mentioned
11 what that was, if you look at every easement, none
12 of those easements, not one of them is for an access
13 easement, and if you look at the Hudson County Site
14 Plan Guidelines, paragraph 30, you will see that you
15 are required to do a road dedication, which is why
16 your engineers likely put it in three or four review
17 letters over the last seven years. You're required
18 to do a road dedication. That's what it says.

19 Mr. Chairman, I'm done. I put everything
20 into evidence, and you could do what you want with
21 the public. Hopefully, the public will be quick.

22 AUDIENCE MEMBER: Come on, sir.

23 CHAIRMAN CRYAN: I understand that
24 most of you want to be heard. Some you have already
25 been heard a couple of times during question. I

1 just respectfully ask that you make it very short,
2 maybe take one or two people who have similar points
3 of view and allow those people to speak, so this way
4 we can hear and understand your point of view.

5 MR. SAMAN: Thank you much. I really
6 appreciate it. Sukru Saman, I am a board member
7 from Mirabelle on the Hudson, and I'm here to talk
8 on behalf of Mirabelle. Dear Chairman Cryan an all
9 Board Members, we the residents of Mirabelle would
10 like to express our strong concern for the security
11 and wellbeing of Mirabelle residents, which we
12 believe will be compromised if the current Riverview
13 proposal is approved. Our building is located
14 across the proposed development, and will, we
15 believe, be a primary target for any flooding
16 enhanced by the construction of this high-rise
17 building.

18 As most reading this letter will recall,
19 we had one of our worst experiences during Hurricane
20 Sandy. The extreme winds and heavy rains caused
21 major damage to our neighborhood. While the streets
22 were flooded during Sandy, we observed that the
23 development area that Riverview is targeting was
24 flooded and significantly contributed to River Road
25 being closed for sometime. We are worried and

1 concerned about this building proposal for several
2 reasons:

3 The building proposal is based on
4 pre-Hurricane Sandy standards and potentially does
5 not abide with current FEMA guidelines nor consider
6 any environmental changes that may have occurred as
7 a result of Hurricane Sandy.

8 We are extremely concerned for our safety
9 during a major storm given the high expectation of
10 flooding and additional residents this new building
11 will add. We believe that -- we believe major
12 evacuations risks are created as a result of this
13 new development and have been overlooked in the
14 development process. In addition to additional cars
15 from the new development, we fear flooding will get
16 worse as any water that comes down Bull's Ferry Road
17 will get stuck and pool on River Road. The proposed
18 building blocks the flood water's access to the
19 river. Have any of these issues been address in an
20 impact study or analyzed against the town evacuation
21 plans?

22 The Palisades Medical Center is located
23 about 0.3 miles away from Mirabelle's location. In
24 times of emergency, will access to the hospital be
25 compromised? We strongly encourage the Planning

1 Board to keep the Riverview project applicable to
2 current FEMA guidelines, which take into
3 consideration the realities of major flooding events
4 such as the one we just experienced during Hurricane
5 Sandy. Of course, we know that the Planning Board's
6 first priority is our safety, and that the Board
7 will not approve a plan which will jeopardize our
8 wellbeing. Please help us understand how this
9 current proposal is not in conflict with your
10 responsibility and commitment to our safety and
11 security.

12 So this a letter that has been returned by
13 the Mirabelle, and we have all or most of the
14 signatures from the Mirabelle, and I want to share
15 that with you. Thank you.

16 MS. ERGUDE: Hi. My name is Iris
17 Ergude. I live at Mirabelle on the Hudson, 8125
18 River Road in North Bergen. I'm a medical doctor,
19 and therefore, it's pretty evident that I am going
20 be focused more on safety, and being the safety and
21 wellbeing of individuals in the area.

22 It's truly heart-breaking to see a
23 hospital that's located on River Road, a local
24 hospital, that during Hurricane Irene in 2011, had
25 been flooded and evacuated. So patients had to be

1 evacuated from the hospital to neighboring hospitals
2 because of flooding situations. Also, again, there
3 was diversions and also evacuations for Hurricane
4 Sandy a year later in 2012.

5 Basically, that pretty much shows that any
6 construction along the River Road especially on
7 River Road right by the river along the river does
8 cause great problems with flooding. The
9 overpopulation is an issue due to the fact that more
10 high-rise buildings are being built and will
11 continue to result in traffic accidents, flooding
12 during a storm, fires and power outages. Thank you.

13 CHAIRMAN CRYAN: Mr. Glembocki, do
14 you have an opinion of the engineering department's
15 point of view?

16 COMMISSIONER GLEMBOCKI: I am just
17 going to repeat what I said before, that the DEP
18 permit is included. That is a part of the DEP part
19 of it.

20 CHAIRMAN CRYAN: So it's the
21 jurisdiction of the DEP and requires a DEP permit.

22 COMMISSIONER HOLLOWAY: What you're
23 saying as part of the DEP permit, this application
24 is contingent on the DEP permit?

25

1 COMMISSIONER GLEMBOCKI: Yes.

2 COMMISSIONER HOLLOWAY: And what
3 you're saying, as long as the DEP approves it,
4 you're satisfied?

5 COMMISSIONER GLEMBOCKI: Yes.

6 COMMISSIONER HOLLOWAY: And if they
7 don't approve it, we don't approve it.

8 COMMISSIONER MEHTA: Does the
9 consulting engineer agree with that?

10 MR. PANAGOPOULOS: Yes, I agree with
11 that.

12 MR. LAMB: With all due respect, Mr.
13 Chairman, I've got to say it. If you're going to
14 have engineers that are going to provide information
15 that the Board acts on, you better -- you should
16 swear him in and give me the right cross examine.

17 FREEHOLDE ROMANO: No, enough.
18 You're not going to do this. This is enough. The
19 people are going to speak and then that's it.

20 MR. LAMB: These people are not my
21 client.

22 FREEHOLDE ROMANO: Let the people
23 represent them, not the lawyers. You're dragging it
24 here. These are engineers offering the Board their
25 opinion. We better ask question.

1 MR. LAMB: With all due respect, if
2 you can't cross examination a witness that provides
3 information, this is common --

4 FREEHOLDE ROMANO: Counsel, are we as
5 Members of this Board allowed to ask our engineer
6 questions?

7 MR. CURLEY: Yes. If the engineer is
8 asked to give information or provide testimony or
9 opinions, he should be sworn before that. Let's
10 finish with the public.

11 CHAIRMAN CRYAN: Ms. Wong will be the
12 last member of the public.

13 MS. WONG: I'm must tell you, I am
14 very dismayed by the way this hearing has gone. I
15 come away from this feeling that even more so than
16 ever that the Riverview project is very unsafe; that
17 combined with the way the traffic analysis has been
18 done, not taking into account certain other
19 projects, it just -- I quote you from the testimony
20 that was given by Rick McGrath, engineering
21 consultant from the Town of North Bergen, and I have
22 a transcript here in case you don't believe me.

23 But what he said about River Road, I think
24 coming from one of the few public officials that's
25 saying this because I don't hear anything from

1 anyone here or any of the Planning Board hearings I
2 have been to about the condition of River Road, and
3 what he said was quote-unquote, there is a gross
4 impact on a road that people, you saw other
5 development projects, gross impact on a road, and
6 that to the people who drive it every day is a
7 nightmare at peak time.

8 He goes onto say, I would not want to be
9 on that road at rush hour. There is utter chaos,
10 and I could tell you as a resident of North Bergen
11 living right above River Road, accessing River Road
12 almost daily going in either direction, there are
13 certain times you just don't want to be on that
14 road. I would tell also, remind you also on the
15 record that there is mega development in Edgewater
16 that will bring in another 4,000 cars parking
17 capacity.

18 I also have a chart here that I have
19 prepared listing projects that, Cathy, could you
20 give it out, various projects that have either been
21 built or they're in development, and a number of
22 them are gleaned from public records, and in the
23 one-mile stretch in North Bergen alone, there have
24 been an additional over 3,000 cars. So there is
25 other development in Edgewater, which is only a mile

1 and a half away, which will add another 4,000 cars.
2 We're going to be inundated on River Road with
3 traffic one way or another.

4 I would like people or anyone to be able
5 to cross examine the traffic consultant and also
6 have the consultant for the objector to testify
7 because this is a matter of life and death to us and
8 also quality of life. I mean right now I tell my
9 friends, don't bother looking on River Road if
10 you're looking for an apartment. It's not safe. If
11 there's ever an emergency, and I'm not
12 overexaggerating, if you don't think what happened
13 in Paris over the weekend, we're talking as a matter
14 of terrorism or not, natural or manmade disaster, if
15 you have to evacuate River Road, especially in North
16 Bergen, there are only two access roads, Bull's
17 Ferry Road, which has a deadly steepness to it and a
18 blind curve or Berry Road, which is sort of in
19 Guttenberg. Those are the only two access roads to
20 evacuate people from River Road.

21 And I wish you would take into
22 consideration in your deliberations, the safety of
23 this and access, living on River Road and if there's
24 ever an emergency. Right now, we will be, if there
25 is an emergency, the only access to the local

1 hospital is on River Road from the Bull's Ferry. I
2 didn't like with the way this hearing has gone. I
3 don't feel safe. I'm not inclined to be
4 overexaggerating. Some of you know me here in the
5 past hearings. I generally try to be reasonable.

6 I have to say listening to the flooding
7 situation here on River Road, I have a photograph
8 here of River Road during that storm. Cathy, do you
9 mind giving this out? This taken the day of the
10 storm. If you look very closely, there are vehicles
11 on River Road. There is no flooding where the
12 Riverview site is. That's it. I'm not going to
13 take more time because I just want present you my
14 dismay as someone frightened about what is going
15 here. I've never felt that way about River Road
16 until today's hearing. I don't like what I am
17 hearing, and I am a lifelong resident, living above
18 this park, and I don't like what I'm hearing. Thank
19 you.

20 FREEHOLDE ROMANO: Let me ask when
21 North Bergen gave approvals, was there any
22 conditions or any concern of the North Bergen Board?

23 MR. ZENN: Just for the record,
24 Commissioner, the approval, the resolution of
25 approval was given to the Planning staff and your

1 outside engineer. They have the benefit of those.
2 There were a handful of conditions that were, but
3 not specifically with regard to traffic, if that's
4 what you're asking. For the record, this is a
5 permitted use. That's the current use, do what the
6 issue of traffic is is not number of cars, but the
7 safe in and out and safe circulation that we talked
8 about traffic. It's nothing over this permit use.

9 FREEHOLDE ROMANO: Counsel, that is
10 our jurisdiction; is that correct?

11 MR. CURLEY: Traffic and drainage in
12 the County right-of-way.

13 CHAIRMAN CRYAN: Anything else?

14 MR. PANAGOPOULOS: I just want to ask
15 Mr. Thonet for in his opinion if he thinks this
16 building is buildable.

17 MR. THONET: I think the building can
18 be raised and then it can be built.

19 MR. PANAGOPOULOS: Can it legally be
20 built the way it was designed?

21 MR. THONET: No. Because the rules
22 are that it be elevated. Even if they can't elevate
23 it above the flood elevations, it is require that it
24 be elevated much as possible, and it clearly can be
25 elevated more. They excavated the building.

1 MR. PANAGOPOULOS: I would like to
2 ask that same question of the applicant's engineer,
3 Mr. Foley, is the building buildable legally?

4 MR. FOLEY: To the best of my
5 knowledge in terms of the waterfront development
6 permit that was given to the project, revoked and
7 it's under DEP direction to be reinstated. It is
8 not reinstated yet, but there has been a decision
9 that it will be reinstated in some form. Yes, the
10 building is buildable. That waterfront development
11 permit was issued prior to the current rules, and
12 there is some grandfathering applicable to that.

13 FREEHOLDE ROMANO: In other words,
14 you can't build until it's reinstated.

15 MR. FOLEY: That's correct. The
16 entire project, the Hudson Riverfront Walkway and
17 building, all the same improvements are subject to
18 DEP waterfront development.

19 MR. LAMB: I'm going to say this.
20 Right now, there's a waterfront development permit
21 that is denied. There has been absolutely no
22 decision by the DEP concerning whether this project
23 needs to be amended or whatever has to be done. So
24 if Mr. Foley knows something that I don't know, I
25 would love to know about it because I'm a

1 participant in the case.

2 MR. ZENN: Commissioner, the answer
3 is one of the conditions of the resolutions of the
4 North Bergen Planning Board was of course that a
5 waterfront development permit be issued.

6 MR. FOLEY: We are required that to
7 construct.

8 MR. LAMB: And one of the other
9 conditions, sir, it's a relevant question, is that
10 they recognized that something happened between the
11 vote and the resolution, and what they said was that
12 you have to go back and tell us, fill in the
13 property or restore it to what shown, and you have
14 to amend the application to reflect the change in
15 the height or whatever to comply. Everybody
16 including the North Bergen Planning Board
17 resolution, which is in your file, says that.
18 That's what everyone expects to happened.

19 But they had what I call the legal problem
20 of having an applicant where stuff happened after
21 the testimony and after they verbally voted. You
22 don't have that problem. This application was filed
23 when those flood elevation were in effect. The fact
24 that the developer waited and didn't do the
25 application years ago, that's his problem. You have

1 the issue of flood elevations now, what do they show
2 on the site plan, your engineer correctly showed in
3 his last review letter, showed us the flood
4 elevations, and you got them and you heard testimony
5 on them.

6 CHAIRMAN CRYAN: Do you have an
7 opinion on or any guidances as far as this
8 application is concerned?

9 MS. FERRARA: As you know the County
10 has jurisdiction over the traffic and drainage. In
11 terms of we are voting at 10:30, and it's 10:35, I
12 would see if there are anymore people from the
13 public that would like to speak, and if we are going
14 to deliberate.

15 CHAIRMAN CRYAN: We're going to lose
16 the quorum now. We are voting on this. Madam
17 Secretary, do you have any anything to add?

18 MS. FERRARA: No. I want the Board
19 to be aware that our jurisdiction is only drainage
20 and traffic, that the other bodies that have
21 jurisdiction over this like DEP. Some of the
22 concerns flooding and the elevation -- I'm sorry,
23 not the flooding but elevation of the building, the
24 final building design will be governed by that DEP
25 permit. I would not, you know, recommend to the

1 Board that get too into the weeds of that topic, and
2 stick to the drainage and traffic on River Road, and
3 I would also recommend that the Board begin
4 deliberation now.

5 CHAIRMAN CRYAN: Mr. Tridente?

6 MR. TRIDENTE: I have no comment.

7 CHAIRMAN CRYAN: Okay, motion?

8 COMMISSIONER MEHTA: Yes. My comment
9 is that we heard the testimony from the both experts
10 and the opponent, and we have heard the emotions of
11 the residents' testimony, I myself live in North
12 Bergen, and being on the Planning Board, I have
13 reviewed projects in Bayonne or Kearny, Harrison,
14 and we know that FEMA guidelines came in after the
15 Sandy storm, and like Mr. Curley, our attorney
16 suggests, that each zoning board has a limited
17 jurisdiction.

18 Whatever the North Bergen Planning Board
19 has their jurisdiction, they have their
20 jurisdiction, and the Hudson County Planning Board's
21 jurisdiction looks at certain things, and there are
22 other board's approvals. They are also subject to
23 local approvals and the North Bergen construction
24 requirements, and subject to the DEP and the other
25 requirements also, and if they don't approve of

1 those requirements or guidelines, our approval is
2 not any worth. Is that correct, Counsel?

3 MR. CURLEY: Our approvals are always
4 conditioned on other governmental approvals.

5 COMMISSIONER MEHTA: So on that, I
6 suggested even that we don't want the automatic
7 approval either, so I suggest we give an approval
8 since our jurisdiction is very limited. With regard
9 to everything we heard so far from the different
10 testimony, I will suggest that we approve this
11 project on the basis of the current testimony, and
12 knowing that our approval is subject to the DEP as
13 well as local approvals and guidelines, and if they
14 don't following the guidelines, our approve is not
15 any worth.

16 COMMISSIONER HOLLOWAY: Mr. Chairman,
17 I concur with Commissioner Mehta.

18 AUDIENCE MEMBER: I can't heard you.
19 I'm sorry.

20 COMMISSIONER HOLLOWAY: I concur with
21 Commissioner Mehta. Our jurisdiction is traffic and
22 drainage and that's it. Our engineers feels that
23 this project is good, so we have to go from there.
24 I'll second.

25 MR. LAMB: Point of order, Mr.

1 Chairman, I don't know whether Board Member Mehta
2 had attended the first hearing.

3 CHAIRMAN CRYAN: Maybe not. On a
4 motion to approve by Commissioner Mehta. Second by
5 Commissioner Holloway. Please call the vote.

6 MS. MASSEY: The motion is to approve
7 the Riverview Development, LLC. The motion is made
8 by Commissioner Mehta and seconded by Commissioner
9 Holloway.

10 COMMISSIONER MEHTA: And it's subject
11 local and to DEP approval requirements.

12 MS. MASSEY: Yes, subject to
13 approvals, yes. The motion is made by Commissioner
14 Mehta, and seconded by Commissioner Holloway with
15 the conditions of approval that were listed in
16 T & M's letter as well as the Division of Planning
17 for the applicant to meet, as well as the DEP permit
18 and the approvals that are required for the project
19 to move forward. That is the motion?

20 COMMISSIONER MEHTA: Yes.

21 MS. MASSEY: On the motion,
22 Commissioner Glembocki.

23 COMMISSIONER GLEMBOCKI: Yes.

24 MS. MASSEY: Commissioner Holloway.

25 COMMISSIONER HOLLOWAY: Yes.

1 MS. MASSEY: Commissioner Mehta.

2 COMMISSIONER MEHTA: Yes.

3 MS. MASSEY: Commissioner Romano.

4 FREEHOLDE ROMANO: Yes.

5 MS. MASSEY: Chairman Cryan.

6 CHAIRMAN CRYAN: Yes.

7 MS. MASSEY: The motion has passed.

8 MR. ZENN: Thank you very much for

9 your time.

10 CHAIRMAN CRYAN: Thank you for your

11 time.

12 (Whereupon the proceeding is then

13 concluded at 10:44 p.m.)

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C E R T I F I C A T I O N

I, SHARI CATHEY, CCR, RPR, License No.
30XI00234700, and Notary Public of the State of New
Jersey, hereby certify that the proceedings herein
are from the notes taken by me of a Regular Meeting
of the Hudson County Planning Board, held on
Wednesday, November 16, 2015; and that this is a
correct transcript of the same.

SHARI CATHEY, CCR, RPR
A NOTARY PUBLIC of the
State of New Jersey
I.D. No. 2283786
Commission Expires 2/4/17

&	126-142 32:13	20 28:23 37:2,12	25 22:11 76:3 89:5
& 11:8 12:1 19:7 22:17 25:13 28:2 34:25 36:1 122:14 138:25 159:16	127c 19:2	41:21,24 43:23	89:25
0	128 19:3	53:25 54:7 73:13	250 19:15
0.3 145:23	12th 20:2 25:13	76:3 79:8 105:15	25th 118:12
1	13 5:7 19:2 48:25 51:1 114:19,24 139:3	200 34:14	26 60:2
1 5:7,8,8 6:16 7:11 21:12 24:11 32:15 33:14 74:12,13,16 139:3	13th 88:18 119:23	2003 48:20	27 60:2
1,200 124:1	14 5:7 35:9 87:17 115:22 131:16	2004 113:17,22 115:18 116:1,13,14 131:25 132:6	2th 23:2
1.0 41:1	1427 5:24	2005 111:22 113:9 114:3 115:3,11,18	3
1.1 79:20	14th 137:15	2006 114:21	3 5:6 69:12 79:3,4 80:23 90:11 110:20 110:21
1.5 82:9	15 5:7 30:5,7 37:11 41:21 42:18 43:1 53:23 54:6 83:21,24 84:21,23 85:4,7 87:18,18 92:8 94:11 97:3,15 100:22 116:18 125:1 132:15	2008 141:8	3,000 150:24
1.6 28:5 40:25	15th 4:6 39:24 110:21	2009 90:4 111:13,15 111:16,17,23	30 29:14 30:1,6 70:15 125:24 143:14
10 32:14 44:14 79:16,24 80:17 83:25 107:19,21 135:3,3	16 1:8 4:9 11:8 29:14 83:22 87:19 140:15,15 161:8	2011 58:21 88:17 146:24	30xi00234700 161:4
100 52:8	160 27:5,10	2012 147:4	332 5:6
10:10 131:2	17 88:17 92:13,15 93:1 140:15,16,21 142:16	2014 105:15 139:3	34 6:16
10:30 125:9 127:4,6 127:9,13,19,22 128:2,3 129:3,9,21 142:21 156:11	1702 7:11 24:11	2015 1:8 3:11 4:6,9 11:9 12:2 20:2 23:2 35:1 79:8 114:18 118:11,12 138:24 139:3 161:8	35 75:9
10:35 156:11	175 28:3,8	2015-29 5:4	360 5:6
10:44 160:13	18 132:15	2015-39 33:12	373 5:7
10th 25:13	184.04 6:16	2015-46 5:24	376 7:10
11 28:3,10,12 91:8,9 94:4 112:21 113:23	18th 118:11 137:16	2015-54 7:9	38 27:11
11/16/15 79:5	19 36:11 76:3	2015-55 18:25	390 5:8
11505 32:15	1904 34:10	2015-57 6:14	391 5:8
12 94:6 97:13,13 113:19,20 114:5	1980 75:7	2015-58 24:9	4
12.5. 100:22	19th 114:21	2015-69 32:12	4 7:23 11:13 35:9 41:18 42:3 87:23 88:9,9,10 93:7,12 107:6
120 72:6	2	20th 13:9	4,000 60:1 150:16 151:1
1206 18:25 19:2,9	2 5:7,7,8 77:7	21 35:1 38:21 114:3 138:24	4.1. 118:3
122 27:10	2,000 27:6	21st 3:11 4:7	40 70:21
125b 19:2	2.7 118:2	22 43:24	438 33:14
126 19:2	2/4/17 161:15	225 69:17	450 7:10 15:6,10,14
		2283786 161:14	4a 33:14
		233 44:11	4b 33:14
		2380 6:15	5
		24 38:17,19 39:15 44:16,17 45:1 52:20 53:2 116:1	5 90:6,7
			50 112:17
			509 20:10

<p>511 5:9 54 69:24 55 22:1 567 1:7 5a 5:2 5b 7:3 5d 68:9 5th 17:8 19:1,2,9,11 19:13 21:10,10 22:16</p>	<p style="text-align: center;">a</p> <p>a.m. 41:1 abbreviated 126:17 abide 145:5 ability 22:12 able 38:4 45:3 50:2 60:4 63:3,13 71:22 72:1 129:8,21 130:7 151:4 aboveground 36:17 absolutely 39:18 53:1 61:2 87:14 135:4 136:3 154:21 accept 9:23 20:23 26:6 34:19 77:14 126:8 acceptable 37:5,18 41:8 45:24 accepted 77:10 access 27:15 28:13 31:11 35:11,19 41:20,21,24 42:19 43:7,20,21,22 45:6 46:13 54:24 56:3 58:7,9,10 83:7 143:12 145:18,24 151:16,19,23,25 accesses 56:8 accessible 22:18 accessing 150:11 accident 50:6 53:10 53:10 accidents 50:5,9,11 50:14 51:18 71:7 147:11 accommodate 29:6 36:19 39:17 40:17 45:5 53:25 accommodated 45:24 accommodates 51:25 accommodating 52:6 53:24</p>	<p>account 73:8 149:18 accounted 103:4 accurate 89:23 110:11 accurately 90:18 acip 1:18,21 acknowledged 13:23 acknowledgment 77:5 acre 13:1 26:18 acres 27:4 act 2:25 103:25 acted 17:1 action 80:2 89:3 92:21 105:4 actions 83:18 active 76:25 activities 116:22 activity 58:5 acts 148:15 actual 14:21 42:12 65:12 90:16,18 100:21 ada 11:14,18 add 15:5 66:2 79:19 79:21 145:11 151:1 156:17 added 42:21 58:10 79:9 81:4 adding 54:4 addition 11:3 35:17 145:14 additional 17:10 31:18 145:10,14 150:24 additionally 66:5 additions 112:25 address 15:5 36:14 38:22 48:15,17 55:9 55:11,12 103:13 105:1 121:17,18 137:20 145:19 addressed 12:18 23:1,6 31:4 36:14</p>	<p>39:23 addresses 15:12,13 adjacent 27:6 28:11 28:12 65:6 adjourn 104:24 126:4 adjournment 104:13 126:6 adjusted 36:20 adjustments 47:10 adopt 4:5,8 adopted 5:1 adoption 3:10 advance 122:18 137:3 adverse 116:5 adversely 116:10 advertised 2:24 advises 116:5 advocating 104:19 ae 134:13,14 affect 46:23 56:13 60:20 61:1 91:21 116:5,10 123:19 135:4 affordable 27:11,12 afternoon 122:20 agency 121:20 agenda 3:10 5:2 141:8 ago 29:11 45:22 49:11 89:23 92:6 102:22 155:25 agree 7:19,23 14:6 25:15 30:4 36:6 92:3 148:9,10 agreed 12:7 29:10 29:22,24 30:17 agreement 7:24 11:21 agreements 27:12 ahead 8:15 10:11 aisle 11:19 38:12,14 38:15,16</p>
<p style="text-align: center;">6</p>			
<p>6 5:9 36:3 90:20 93:5 6,210 19:18 6.012 5:25 60 44:16 66 9:2 67 5:8 6:30 1:9 44:9 6:55 2:3</p>			
<p style="text-align: center;">7</p>			
<p>7 6:14 92:17 93:6 70 70:18,23,25 70s 76:14,17 92:5 7200 69:19 79 5:25 7:7-2.3 107:6</p>			
<p style="text-align: center;">8</p>			
<p>8 105:12 133:7 8125 146:17 8200 33:13 8301 48:17 8550 55:12 63:24 8625 68:8 87th 20:10 8814 69:6</p>			
<p style="text-align: center;">9</p>			
<p>9 12:2 106:14 9060 19:7 95th 40:20,23 9:20 103:16</p>			

<p>alexander 69:17 allege 133:4 allocated 53:7 allow 37:12 54:7 127:12 144:3 allowed 63:10 99:24 129:18 142:22,23 149:5 allowing 57:4 142:24 allows 51:8 54:8,9 alluded 102:22 alouette's 69:18 amend 135:8 155:14 amended 135:7 154:23 amendment 135:11 135:13,18 amendments 17:10 17:19 america 66:7 amico 26:17 27:2,18 28:22,24 29:13,22 29:24 30:12 31:8,10 amount 41:2 68:17 93:21 95:15 analysis 40:19 49:16 50:7 52:21,25 55:15 56:8,15 58:24 59:9 69:9 71:7,9 72:17 72:23 73:18 91:18 91:21 149:17 analyze 109:4 analyzed 56:3 145:20 angry 67:12 answer 19:24 53:20 155:2 anthony 1:12 anticipate 52:22 antonio 1:22 anybody 131:12 anymore 156:12 apartment 68:8 151:10</p>	<p>apologies 47:5 apologize 15:1 127:7 143:7 appeared 9:11 20:18 34:13 appears 116:2 appello 5:24 appendix 40:19 appleview 69:21 applicable 146:1 154:12 applicant 5:5,24 6:14 7:10,15,15 14:21 15:9 17:4 18:25 19:9,10,19 23:9 24:9,15 25:15 32:13 33:12,20 36:12 79:7 112:2 115:8 124:24 125:4 126:3 127:19 130:24 132:13 155:20 159:17 applicant's 7:5 78:24 79:18,24 83:22 88:13 102:7 142:7 154:2 application 5:4,23 6:13,13 7:9 8:6 11:3 14:18 15:10 17:3,11 18:24,25 23:7 24:8 24:9,16,25 32:12 33:11,12 34:22 37:1 46:24 103:8 104:1 104:17,17 105:5 110:7,8 116:6,11 120:7,11 121:8 132:1,10 141:7,10 142:8 147:23 155:14,22,25 156:8 applications 7:7 9:14 12:22 32:11 78:5 apply 23:10 appreciate 139:20 144:6</p>	<p>approach 36:5 approaching 119:5 appropriate 14:20 109:15,17 116:4 124:5 approval 10:21,22 13:18 14:9 19:19 29:11,23 36:25 47:17,24 99:10 104:1,19 121:16 126:5 152:24,25 158:1,7,7,12 159:11 159:15 approvals 100:3 116:4,9 152:21 157:22,23 158:3,4 158:13 159:13,18 approve 3:16 46:20 100:4 146:7 148:7,7 157:25 158:10,14 159:4,6 approved 4:5 24:5 26:25 47:7 56:14 60:4 64:24 69:8 70:1,18,22 99:4 117:16 119:9 123:7 144:13 approves 148:3 approximately 19:18 81:20 83:21 april 114:3,21 architect 7:18 19:23 20:5,17 area 8:7 21:25 24:24 30:2 37:22,23 39:3 39:6 46:9 60:12 61:10,11 62:8 64:13 64:14 71:24 72:2 79:25 80:2,8,8,13 80:15,16,18 81:9,22 82:24 83:20,23 87:8 87:12,25 88:2 91:15 92:1 93:17 94:14 95:6 96:8 97:13 98:1 99:9 100:11,15</p>	<p>100:16 106:3,8,11 106:21 111:25 112:18 113:7 114:7 116:23,25 117:4 118:1 124:22 134:18,20 135:21 144:23 146:21 areas 75:15,18 96:1 96:2 97:21 107:5 112:18 135:22 arguing 133:24 arrive 68:19 arrow 42:6 52:10 62:21,24 63:3 67:2 71:18,22,23 72:13 arrows 42:2,3,14 articles 75:14 asked 11:5 12:15 13:13 30:14 60:17 88:20 90:21 104:8 109:4 111:3 119:24 123:12 129:18 138:18 149:8 asking 60:22 121:9 126:20 130:14,16 135:10 153:4 asks 36:4 assistant 1:19 assisted 76:21 associated 116:24 118:24 associates 9:2 11:8 22:17 association 41:14 117:1 assume 97:18 attendant 38:10 attended 159:2 attention 35:25 38:21 attentive 54:12 attorney 1:17 7:5,15 11:9,25 24:13 105:20,22 115:24 116:2 130:9 133:8</p>
---	---	--	---

<p>133:10,11 157:15 audience 3:4 47:4 129:6,17 130:4,6,23 143:22 158:18 august 111:13,16,23 113:22 116:13 118:11,12 137:15 137:16 author 75:19,21 authority 24:23 122:5 automatic 104:1,19 126:5 158:6 automatically 66:1 87:3 avenue 1:7 5:5 7:10 9:3 10:16 15:10,15 19:7,12 avoided 87:13 aware 14:22 57:17 117:3 134:9,10 135:16 156:19 awful 58:5 aye 5:17 6:7,23</p>	<p>backup 38:10 66:10 backyard 22:25 balance 27:11 barrel 11:24 base 11:22 79:15 99:14 136:17 based 17:3,11 29:10 37:18 41:1 45:22 56:1,2 58:23 90:11 91:2,5,11 92:3 114:10 115:15 118:17 120:15 126:15 133:20,22 136:16 138:11,19 145:3 basically 40:23 83:6 86:1,6 108:5 147:5 basin 89:14 basing 108:16 basis 158:11 bayonne 5:5,9 99:8 157:13 beattie 41:13 beautiful 118:7 bedroom 21:21 behalf 30:9 33:20 144:8 behavior 64:12 behot 33:20 believe 11:6,9,15,19 12:17,23 13:7,13,23 22:16 39:21,22,25 99:23 110:8,21 112:16 115:24 119:25 144:12,15 145:11,11 149:22 believed 44:3 bends 29:24 benefit 34:7 137:19 153:1 bergen 6:1 19:3,8,15 19:20 20:10 33:15 41:14 47:7 50:25 55:13 63:25 66:6 69:7,8,19 74:13</p>	<p>91:20 110:3,4 119:20,22 120:4 130:12,19 132:1,11 146:18 149:21 150:10,23 151:16 152:21,22 155:4,16 157:12,18,23 berry 151:18 bertin 7:16 9:2 best 26:10 76:23 77:1,6 117:15 127:6 129:11 138:4 140:2 154:4 betina 1:14 better 43:2 123:7,8 148:15,25 bettinger 2:5 beyond 38:1 109:18 124:2,2 big 28:11 94:8 biggest 92:6 bike 11:23 birthday 44:19 bit 63:8 73:6 black 81:9,16 blind 151:18 block 5:6,6,7,7,8,9 5:25 6:15 7:11 19:2 24:11 32:15 33:14 blocks 145:18 blue 79:14,25 80:1,2 80:13,14,16,18 82:17 134:17,20 bluish 81:11 82:8 board 1:1,17,21 2:2 8:1 9:13 10:6,23 11:2 12:24 14:9,17 15:2,3,10 16:20 19:5 20:14,19 21:1 21:4 26:1,8,9,9,11 26:20,25 34:7,14 35:5,8 37:7,11 39:5 41:12 42:25 46:18 46:20 49:5 59:3 69:16 74:21 77:13</p>	<p>78:7,9,17,18 79:11 81:8 88:14,20 90:22 93:8 103:20 104:14 104:15,18 108:14 108:23 109:12,18 109:21,23,24 110:1 110:3,4,10 114:16 115:1 117:21 118:10 120:4,11 123:10 124:5 125:3 126:10,12,17 128:18 137:17 138:7 141:12,22 143:10 144:6,9 146:1,6 148:15,24 149:5 150:1 152:22 155:4,16 156:18 157:1,3,12,16,18 159:1 161:7 board's 39:14 44:1 46:1 108:15 146:5 157:20,22 boards 9:12,13,19 25:25 34:15 77:22 77:22,23,25 bob 105:15 bodies 156:20 bollards 13:13,18 13:25 14:4 15:20 bonding 12:8 book 75:23 border 19:14 bother 151:9 bottom 85:12 94:5 120:19,21 boulevard 6:15 19:11,16 24:11 26:16 27:16 28:14 31:12,14 55:12 63:24 boundaries 108:16 108:18 109:3 110:13 123:8 boundary 119:24</p>
b			
<p>b 26:23 58:17 74:16 88:9,9 131:16 bachelor 74:22 back 17:21 22:1,16 30:3 32:11 33:17 37:17 40:19 44:4,8 45:14 51:5,13 58:21 59:2 66:14 74:1 76:17 93:7 96:13 104:23 109:10 116:7 119:3,6 125:1 129:25 130:4 137:11,12 142:23 155:12 backed 38:11 94:9 background 20:14 59:14 74:21 backing 85:7</p>	<p>back 17:21 22:1,16 30:3 32:11 33:17 37:17 40:19 44:4,8 45:14 51:5,13 58:21 59:2 66:14 74:1 76:17 93:7 96:13 104:23 109:10 116:7 119:3,6 125:1 129:25 130:4 137:11,12 142:23 155:12 backed 38:11 94:9 background 20:14 59:14 74:21 backing 85:7</p>	<p>back 17:21 22:1,16 30:3 32:11 33:17 37:17 40:19 44:4,8 45:14 51:5,13 58:21 59:2 66:14 74:1 76:17 93:7 96:13 104:23 109:10 116:7 119:3,6 125:1 129:25 130:4 137:11,12 142:23 155:12 backed 38:11 94:9 background 20:14 59:14 74:21 backing 85:7</p>	<p>back 17:21 22:1,16 30:3 32:11 33:17 37:17 40:19 44:4,8 45:14 51:5,13 58:21 59:2 66:14 74:1 76:17 93:7 96:13 104:23 109:10 116:7 119:3,6 125:1 129:25 130:4 137:11,12 142:23 155:12 backed 38:11 94:9 background 20:14 59:14 74:21 backing 85:7</p>

<p>br 74:12 77:7 79:3,4 80:23 87:23 88:10 90:6,7,11,20 92:17 93:5,6,7,12 105:12 106:14 107:19,21 110:20,21 112:21 113:19,20 114:5,19 114:24 115:22 116:18 132:15,15 133:7 140:15,15,15 140:16,21 142:16 break 48:2 breakaway 111:3,4 breaking 125:19 146:22 brian 8:25 brief 73:24 105:8 briefly 109:7 bring 20:5 123:6 150:16 brings 96:23 bronchitis 47:6 brothers 32:14 brought 114:15 116:16 118:4 123:5 brushed 108:6 build 88:3 99:25 100:1 102:18 106:4 154:14 buildable 153:16 154:3,10 building 10:17 19:21 21:20 22:1 24:18 27:1,7 28:15 29:6,7,18,19 30:16 31:8 37:4 64:21 68:11 69:24 70:13 70:18,22 73:13 80:24 81:2,3,5,7,16 81:20 82:8,18,20,22 82:24,25 84:2,4,7 84:10,16 85:10 86:5 87:15 97:5 99:25 100:1,21 102:2 103:14 111:2,4</p>	<p>118:17 120:18,20 121:8 134:5 144:13 144:17 145:1,3,10 145:18 153:16,17 153:25 154:3,10,17 156:23,24 buildings 26:22,23 26:24,24 81:10 99:13 147:10 built 84:8 95:10 98:4,25,25 101:3 106:1 119:9 133:10 134:23 135:18 147:10 150:21 153:18,20 bulkhead 124:2,3 134:24 bull's 35:12 36:5 39:2 50:1,2 62:1,20 63:19 65:16,19,19 65:24 66:5,8,16,17 66:22 67:4,7,13,18 119:2 145:16 151:16 152:1 bump 13:14 bus 68:12,16 72:17 72:19,21,23 73:5,10 73:11,11,14 buses 73:15 business 33:8,9 92:10 businesses 64:24 bylaw 124:21 bylaws 103:18 124:17 126:22,23 126:24 129:13 130:2 bypass 37:15 38:6 43:5 byron 1:19</p>	<p>calculations 56:13 59:11 95:20 call 2:1,4 8:19 25:3 26:13 39:4 66:23 73:25 155:19 159:5 called 69:17 70:15 75:1 85:21,25 96:9 capacity 40:19 50:7 56:12 60:1 150:17 car 51:10 53:8,24 54:1,1,14 56:12 care 32:14 109:25 cars 22:12,14 37:7 38:11 42:22 44:4,5 45:6,18,18 49:8 51:9,25 52:1,13,14 53:25 62:16 63:6 68:17 69:1 71:22 72:1,9,13,14 86:13 86:17 118:23,24 119:2,4 120:20 137:5,10 145:14 150:16,24 151:1 153:6 casino 25:3,8,8,11 25:16,18,20,23 26:2 26:6,10 27:17,24 28:7,20 30:13 31:1 31:9 casino's 26:4 case 14:5 80:6 120:8 126:3 140:2 142:18 143:2 149:22 155:1 cathey 161:3,13 cathy 150:19 152:8 cause 85:9 95:5 147:8 caused 72:17 91:14 144:20 caveat 28:24 ccr 161:3,13 cede 122:5 center 19:13 37:3 69:21 136:7 145:22</p>	<p>central 43:7 certain 11:5 20:3 29:12 36:4 55:22,23 84:17 101:1 149:18 150:13 157:21 certainly 125:5 139:4 certificate 8:12 16:21 23:10 certified 10:14 certify 161:5 cetera 14:20 36:24 chairman 2:1,18,19 2:21 3:6,9 4:2,3,10 4:23,24 5:20,21 6:10,11 7:1,2 8:8,14 8:18,21 9:23 13:6 14:7 15:4 16:9,25 18:3,19,20 19:4,8 19:23 20:6,21,23 23:3,8,15 24:2,3,13 26:5 31:4,19 32:6,7 32:16 33:5,6,10,16 33:19 34:18 40:2,4 40:5,7 41:10,12 47:1,2,22 48:1,4,7 48:21 50:16,21 52:2 53:12,17 55:3 59:21 61:21 64:15,18 68:5 69:5 73:19,25 74:2 74:13 76:12 77:9,12 86:9,14 87:22 90:20 98:2 101:7,14,19 102:1 103:15,22 105:6,9 108:1,7,10 108:13 109:6,9,19 111:8 119:16,17 121:13 123:15 124:7,12,20 125:13 125:21 127:3,10 128:1,4,6,16,17,22 128:24 129:1,10 130:2 139:7,18,21 139:24 140:2,7,9,13 141:16 142:17</p>
	<p>c</p>		
	<p>c 19:1 25:9,9 26:23 32:11 58:17 107:6 161:1,1</p>		

<p>143:1,3,5,19,23 144:8 147:13,20 148:13 149:11 153:13 156:6,15 157:5,7 158:16 159:1,3 160:5,6,10 chairman's 87:6 chairperson 1:11 chambers 1:6 chance 4:8 67:11 85:20,22 change 49:24 65:21 65:22 71:14 92:6 98:24 102:2 110:5 110:13,25 111:2 113:3,8 114:12 119:24 155:14 changed 89:24 99:9 110:13 115:9 117:24,25 changes 3:14 107:12 108:20 115:8 117:23 145:6 changing 49:20 92:2 117:8 chaos 150:9 characterization 110:2 charge 109:5 chart 150:18 checked 112:16 checking 39:22 child 68:14 children 72:18 73:16 choffo 2:6 choice 65:25 choose 101:25 chr 70:19,25 church 69:7,20 70:12,15,23 circling 96:12 circulate 22:12 circulation 153:7</p>	<p>circumstances 125:3 city 1:8 6:16 7:12 10:21,25 14:15 16:18 17:23 19:13 19:14 32:15 civil 75:2 claim 126:5 claiming 122:9 clarification 11:13 27:25 28:16 clarified 30:9 clear 101:11 cleared 117:19 clearing 112:5 117:18 clearly 100:19 116:15 153:24 clerk 3:2,3 client 131:17,18,23 132:5,7 148:21 clients 76:16 130:11 130:13,18 clock 131:8 close 39:7 124:18 129:13 closed 128:2 144:25 closely 152:10 closer 43:25 clouded 123:24 cme 1:22 coastal 106:3,12,18 106:18,21 107:4 coastline 111:14 code 28:5 cold 66:10 college 74:24 color 81:11 colored 81:11 92:25 98:12 colors 79:13 88:23 combination 64:24 75:2 combined 149:17</p>	<p>come 14:10,16 15:3 15:6 17:21 19:8 26:19 37:8 38:4,4 48:12 50:3,17 55:7 57:19 71:2 73:15 80:9 83:23 84:17 93:1 94:5 98:15 104:23 129:25 130:4,6 136:24 143:22 149:15 comes 52:10 62:24 68:16 82:2 97:24 142:23 145:16 comfortable 142:6,9 142:13 coming 14:3,9 15:22 16:20 35:22 38:1 40:11 42:3,9 43:24 44:8 45:23 49:8,24 50:1 53:5 61:25 62:16,17 63:4,9 65:19,23 66:17 67:9 67:17 84:5 92:19,19 97:20 103:16 129:20 149:24 comment 25:12 48:12 64:16 87:6,13 122:16 127:12,12 129:23 130:21 143:8 157:6,8 commented 137:24 139:14 comments 3:14 16:15 18:4 22:25 23:6,6,16 31:5 39:19 47:3 48:13 53:18 55:4 60:12 123:11 124:19 130:19 commercial 21:15 72:4 commission 161:15 commissioner 1:13 1:13,14 2:5,6,6,7,8 2:9,10,11,12,13,14</p>	<p>2:15,16,17,18 3:17 3:18,19,20,21,22,23 3:24,25 4:1,13,14 4:15,16,17,18,19,20 4:21,22 5:10,11,12 5:13,14,15,16,17,18 5:19 6:2,3,4,5,6,7,8 6:9,18,19,20,21,22 6:23,24,25 8:8 14:7 15:19 16:2,7,10,16 16:22 17:14 18:5,9 18:9,11,12,13,14,15 18:16,17,18 23:18 23:18,19,20,21,22 23:23,24,25 24:1 28:18 30:23 31:2,7 31:17,21,21,23,24 31:25 32:1,2,3,4,5 32:20,21,22,23,24 32:25 33:1,2,3,4 40:3,9,15 41:6 77:14,17 85:11,17 85:24 86:4 98:2,20 99:7,15 102:6,15 104:3 105:16 119:17 120:13,23 121:14,24 122:7 124:20 125:7,11,17 126:25 127:17,23 128:6,8,9,10,11,12 128:13,14,15 131:1 133:8,24 134:3 140:24 147:16,22 148:1,2,5,6,8 152:24 155:2 157:8 158:5,16,17,20,21 159:4,5,8,8,10,13,14 159:20,22,23,24,25 160:1,2,3,4 commissioners 3:11 124:12 commitment 146:10 committee 12:12 20:3 28:21</p>
--	--	--	--

<p>common 28:12 57:16 142:2 149:3</p> <p>commonly 24:19</p> <p>como 34:11</p> <p>company 76:6,7,11 107:2</p> <p>compare 72:3</p> <p>compared 113:10</p> <p>comparison 114:10</p> <p>complaining 131:18 131:21</p> <p>complete 114:14</p> <p>completed 10:15 91:18</p> <p>completely 111:22 114:21 136:8</p> <p>completion 23:9</p> <p>complex 44:11 51:4 51:7 71:19</p> <p>compliance 12:23 17:22 20:4 23:13</p> <p>compliant 11:17 15:16</p> <p>complied 12:4,16 17:16 25:15</p> <p>complies 24:25</p> <p>comply 11:10,25 12:6,15 17:4,11 25:16 102:20,21 134:5 155:15</p> <p>composed 27:5</p> <p>compromised 144:12 145:25</p> <p>concede 124:21</p> <p>concern 22:12,16 50:8 51:18 121:10 144:10 152:22</p> <p>concerned 145:1,8 156:8</p> <p>concerning 37:6 50:13 75:14 78:24 83:16 106:24 117:13 125:5 154:22</p>	<p>concerns 3:14 22:17 137:21 138:12,15 138:20 156:22</p> <p>conclude 104:18 105:7 127:11</p> <p>concluded 103:25 105:4 160:13</p> <p>concludes 133:20</p> <p>conclusion 114:11</p> <p>conclusions 118:13</p> <p>concur 158:17,20</p> <p>condition 13:18 18:6 47:24 114:1 150:2</p> <p>conditioned 158:4</p> <p>conditions 7:20 17:7 47:18 112:7 114:25 115:9 152:22 153:2 155:3,9 159:15</p> <p>conducted 111:14 141:23</p> <p>conduit 95:1</p> <p>conduits 36:24</p> <p>configuration 22:2</p> <p>conflict 146:9</p> <p>conflicting 36:4 56:5</p> <p>conformance 11:19</p> <p>confused 56:17</p> <p>connect 30:6 94:18 96:1</p> <p>connection 29:13,25 34:21</p> <p>consent 104:12</p> <p>consider 86:22 104:9 120:24 122:12 129:15 145:5</p> <p>consideration 90:4 146:3 151:22</p> <p>considered 5:3 13:1 50:15 65:2 66:13 99:20,21 138:1</p> <p>consisting 19:18</p>	<p>consists 21:20</p> <p>constraint 17:2,7</p> <p>constraints 103:17 104:5</p> <p>construct 19:20 155:7</p> <p>constructed 106:1 117:5 118:18</p> <p>construction 10:25 36:22,24 64:21 98:25 102:9 107:9 117:1 133:18 144:16 147:6 157:23</p> <p>consultant 74:3 77:25 78:1,4 116:4 149:21 151:5,6</p> <p>consulting 77:11 138:12 142:4 148:9</p> <p>contingent 121:17 147:24</p> <p>continue 85:3 103:20 111:8 124:16 125:20 147:11</p> <p>continues 96:22</p> <p>continuing 24:15</p> <p>contours 108:21</p> <p>contract 115:25</p> <p>contractor 14:15,15 14:23 16:11</p> <p>contributed 144:24</p> <p>contribution 12:13 77:5</p> <p>contributor 77:1</p> <p>control 100:15</p> <p>convenience 8:7 10:18 51:19</p> <p>convert 8:6</p> <p>converted 8:10 10:18</p> <p>coordinate 28:25 60:20</p> <p>coordinated 54:12</p>	<p>copies 106:18 113:12 134:7</p> <p>copy 21:3 35:1 69:13 90:13 134:11</p> <p>core 37:23 45:21</p> <p>corner 27:2 29:12 79:3 82:24</p> <p>corrado 19:1</p> <p>correct 10:7 13:2,3 13:11 31:1,9 34:22 36:9 39:21 41:19 42:10,19,20 43:8,9 44:23 45:9 47:8,19 47:20 55:10,12 56:25 57:25 69:25 71:19,20 80:25 81:1 81:18 83:13 93:10 94:1 99:11,11,22,24 102:8 105:18 107:11,15 112:23 124:10,11 131:19 131:24 132:2,13,14 132:23 133:1,13,23 134:1,2,15 135:15 135:21 136:9,10 137:17 138:13 153:10 154:15 158:2 161:9</p> <p>corrected 123:13</p> <p>correctly 156:2</p> <p>counsel 2:21 47:10 103:16 124:10 125:15,22 126:19 130:10 140:18 142:18 149:4 153:9 158:2</p> <p>counselor 47:13</p> <p>counts 49:15 55:19</p> <p>county 1:1,6,12 2:2 3:2 7:25 9:12 10:22 11:2,7 12:2,24 15:8 16:12 23:1 27:21,22 28:25 29:6,9,12,20 29:24 30:3,3,12,14 30:16,20 32:19</p>
--	--	--	---

<p>46:19 48:11 59:4 60:11 61:9,14 71:12 78:17 93:25 96:24 99:16 104:8 108:12 108:12 109:23 120:14 121:10,11 122:10 123:19 135:15 137:17,23 137:25 138:8 140:17,17 141:1,12 141:17,17,23,24 142:4 143:13 153:12 156:9 157:20 161:7 county's 27:22 49:21 couple 44:20 46:7 52:22 61:25 73:2 103:11 143:25 course 39:19 85:6 96:12 146:5 155:4 courtesy 130:15,17 courts 101:13 covered 81:20 106:12 cramer 113:25 114:23 115:15,20 crash 80:9,10,11 84:5,8,9,10 crashing 81:6 96:17 97:5 create 49:3 72:19 created 31:16 50:13 145:12 credentials 37:25 criteria 49:22 critical 68:4 cross 15:1 33:23 79:15 80:4,16 81:4 81:10,17 103:3 105:8 125:3 126:17 129:4 130:21,25 139:16 148:16 149:2 151:5</p>	<p>crowd 64:19 crucial 71:23 cryan 1:11 2:1,18,19 2:21 3:6,9 4:2,3,10 4:23,24 5:20,21 6:10,11 7:1,2 8:14 8:18,21 9:23 16:9 18:3,19,20 20:6,23 23:15 24:2,3 26:5 31:19 32:6,7,16 33:5,6,10,16 34:18 40:2,5 41:10 47:2 48:1,7,21 50:16,21 52:2 53:12,17 55:3 61:21 64:18 68:5 69:5 73:19,25 76:12 77:12 86:9,14 101:7 101:14,19 102:1 103:15,22 105:9 108:1,7,10 109:6 111:8 121:13 124:7 124:12 125:13,21 127:3,10 128:1,4,6 128:16,17,22 129:1 129:10 130:2 139:24 140:9,13 142:17 143:3,23 144:8 147:13,20 149:11 153:13 156:6,15 157:5,7 159:3 160:5,6,10 curb 15:22 16:1,13 27:18 30:18,18 curbing 30:12 curfew 140:11 curley 1:17 2:23 8:23 25:6 34:2 74:6 103:19,24 105:1,3 121:1 124:11 125:2 125:23 126:1,21 127:15 130:24 141:11 149:7 153:11 157:15 158:3</p>	<p>current 46:2 64:20 99:17 107:8 114:25 118:17 132:13 133:22 144:12 145:5 146:2,9 153:5 154:11 158:11 currently 19:16 21:14 50:24 78:6 107:10 curvature 30:15 curve 151:18 curved 62:15 cut 88:6 cuts 27:18 cutting 87:25 88:2 100:20 cvs 70:6 cycle 44:25 45:3 72:14 cycles 45:1</p> <p style="text-align: center;">d</p> <p>d 25:8 34:5 58:12,18 daily 150:12 dalia 133:8 damage 118:22 144:21 damaged 120:19,21 120:22 dangerous 53:9 dark 79:25 82:8 data 79:16,19 date 88:10,15 90:2 114:3 115:2 123:1,3 dated 20:1 34:25 79:5 105:14 110:21 113:9 115:25 118:11,11 123:2 dates 132:11 day 12:21 51:17 64:22 73:4 91:22 94:20 125:24 130:5 150:6 152:9 days 66:11</p>	<p>deadline 143:7 deadly 151:17 dealing 101:14 deals 48:10 108:11 dear 144:8 death 151:7 decade 89:19 decades 89:22,23 december 79:8 105:15 111:14,17 111:22 113:9 114:18 115:3,18,18 116:14 decide 108:8,10 110:1 124:8,9 126:22 127:9 decided 29:2 127:1 decides 104:18 decision 108:16 110:12 126:10 154:8,22 declared 32:12,17 32:18 decrease 80:15 decretions 112:25 dedicated 31:14 141:9,15 dedication 140:25 141:2,4,6 142:11 143:9,15,18 dedications 140:22 142:1,5 deep 94:6 97:6 defer 8:1 defined 84:16 definitely 67:25 119:6 delay 44:20 49:24 72:17,20 73:8 delays 49:17 deliberate 127:18 156:14 deliberation 157:4 deliberations 151:22</p>
---	---	--	--

<p>demetrios 20:9 denial 133:21 denied 154:21 dep 100:6,6 102:20 102:21 105:16,22 109:13 117:12,15 121:16,17,22,25 122:4,4,6 132:16 133:24 134:3,4 147:17,18,21,21,23 147:24 148:3 154:7 154:18,22 156:21 156:24 157:24 158:12 159:11,17 depalma 114:2,7 115:18 department 133:20 department's 133:21 147:14 depending 92:1 deputy 105:20 133:8 describe 21:7,17 74:16,20 79:4,12 93:11 95:25 described 94:12 design 36:21 40:21 40:21 45:5 99:10 156:24 designated 22:19 39:3 107:1 designed 52:15 100:24 101:20 153:20 designer 101:1 despite 123:11 detention 135:21 136:3 determine 92:16 developer 60:11 103:8 111:1 120:12 131:23 141:4,5 155:24 development 7:6 13:2 21:18 28:6,11 33:13,21 39:13 53:4</p>	<p>58:17 59:24 60:3 65:18 67:10,17 72:4 72:18 73:13,14 79:9 93:22 95:15 100:13 100:14 106:24 107:3,6 109:14 112:15 114:2,15 116:21 120:10 132:17,18,24,25 139:2 144:14,23 145:13,14,15 150:5 150:15,21,25 154:5 154:10,18,20 155:5 159:7 developments 58:25 59:13 70:9 dewberry 139:2 diagram 51:4 102:2 died 51:11 difference 82:14 120:3 different 20:19 21:15 29:21 34:14 58:24 66:11,24 70:2 73:16,17 79:13,19 89:12 108:25 109:3 111:23 114:21 115:19 117:22 120:6 158:9 differential 97:25 differently 101:20 dimension 41:23,25 43:13,16 dimensioned 43:12 dimensions 13:11 43:10 diminish 134:24,25 diminishing 80:21 dinosaurs 26:14 direct 35:25 38:10 38:21 45:8 53:20 94:11 105:7 126:15 directed 112:17 directing 42:6</p>	<p>direction 57:22 62:13 150:12 154:7 directions 42:13 67:3 72:21 directly 19:12 65:6 73:20 76:16 119:4 director 141:22 disaster 151:14 discharges 96:5 discuss 101:2 discussed 13:22 27:20,22 68:3 93:1 99:3 discussing 43:4 107:2 discussion 38:25 108:4 126:2 128:1 129:3 discussions 28:1 dismay 152:14 dismayed 149:14 dismiss 104:21 126:12,15 dismissal 141:8 distance 55:21,22 district 21:13 24:22 24:23,24 diversions 147:3 division 12:3 25:14 39:24 141:24 159:16 doctor 146:18 document 127:24 documents 119:18 138:4 139:22,23 doing 13:24 29:9 49:14 50:12 61:23 71:6 94:25 132:21 142:12 door 85:8 doors 126:20 dot 15:1 double 39:22 doubt 119:14</p>	<p>dragging 148:23 drain 97:24 112:4 drainage 29:12,17 29:19,20,23 30:3 31:6 48:11 84:19 87:23 93:8 95:1 96:11 101:15 108:11 119:10 121:12 123:19 153:11 156:10,19 157:2 158:22 drains 94:15 96:11 96:22 draw 98:12,16 drawing 11:6 14:20 79:6 drawings 12:20 16:6 drawn 98:17 drive 28:14 73:4 88:4 136:12 150:6 driver's 54:23 55:1 55:4 drivers 54:12 driveway 28:16 35:20,21 37:19 38:12,15,16 39:6 42:15 46:10,11 49:25 50:3 52:7 54:7,13,17 61:3,5,8 61:10,12,18,19 67:4 driveways 31:10 38:8 39:7,11 46:8 63:17 66:22 dropoff 37:22 38:14 46:5 dry 119:1 dual 74:25 due 12:9 49:18 139:7 140:6 147:9 148:12 149:1 duplex 22:3 107:5 duplication 10:4 duty 122:3 dwelling 107:9</p>
---	---	---	---

<p>dynamic 34:10 66:12 68:3 dynamics 66:12</p>	<p>98:14 99:14 100:21 100:24 106:9 110:16,17,20 111:19,20 114:12 119:22 122:6 134:13 135:3 155:23 156:22,23</p>	<p>122:1,10,10 123:10 124:6,25 133:12 138:1,12,15 139:4,8 139:10,13 141:13 142:4,4,5 148:9 149:5,7 153:1 154:2 156:2</p>	<p>erosion 112:14 especially 98:8 147:6 151:15 esq 1:17 essentially 107:7 118:3 et 14:20 36:24 evacuate 151:15,20 evacuated 146:25 147:1 evacuation 119:4 145:20 evacuations 145:12 147:3 evening 7:13 19:4 24:12 33:18 40:24 41:11 58:17 event 91:16 96:19 136:23 events 83:17 91:1,14 91:15 146:3 eventually 92:19 123:10 everybody 15:16 63:19 67:11 155:15 everybody's 129:15 evidence 119:19 143:20 evident 146:19 exactly 61:8 83:14 91:20 92:22 136:5 examination 33:23 103:3 105:7,8 125:4 126:16,17 129:5 130:21 139:16 149:2 examine 130:25 148:16 151:5 example 86:19 89:8 excavated 153:25 exceed 13:1 exchange 24:19 26:14 exchanged 116:12</p>
<p>e</p>	<p>elevations 78:25 79:22 84:15,21 88:23 90:23 91:2,11 91:25 95:2 97:4 102:11 103:10,14 108:17,18 109:3 110:13,18,23 113:4 113:6 117:9,22 123:8,9 135:3 153:23 156:1,4</p>	<p>engineer's 16:12 23:1 141:18,24 engineering 7:16 9:2,22 34:17 75:1,2 76:11 77:10 113:25 147:14 149:20 engineers 34:13 110:10 141:1 143:16 148:14,24 158:22 enhanced 144:16 ensure 61:13 enter 37:9 44:14,22 44:24 58:1 68:20,22 71:19 72:2,15 entering 45:6 entire 21:25 52:21 75:13 80:16 81:2 82:18,19,24 84:11 96:18 97:7 98:1 118:6 154:16 entitled 79:7 125:5 139:16,17 entrance 37:4 38:22 43:4 57:8,8 58:7 87:18 95:7 97:9 98:8 100:21 entrances 63:11 85:1 96:23 136:7 entranceway 37:11 entry 57:9,10,12,19 environmental 74:3 74:24 75:2,9,21 77:11,25 78:4 145:6 equipment 36:17,23 ergude 146:16,17 eroded 112:19 113:6 123:25</p>	<p>elevator 37:23 elevators 83:7 eleven 6:14 28:13 43:13 79:24 125:9 eliminate 117:25 emergency 145:24 151:11,24,25 emotions 157:10 employed 9:2 employee 45:13 encircles 82:17 enclosed 21:24 22:7 84:17 encourage 145:25 encroachment 11:22 75:23 ends 96:23 enforced 100:12 engineer 1:12 7:18 8:4,20 9:5,7 25:3,19 25:22 26:1 27:22 28:1,16 33:23 34:12 44:2 47:14 53:13 74:3 75:3,5,7,10 77:16 78:24 98:22 99:16 102:7,22 104:7,8 110:22 120:14 121:2,21</p>

<p>excuse 14:22 64:18 64:19 113:16 130:8</p> <p>exempt 32:9,12,17 32:19</p> <p>exhibits 140:7</p> <p>existing 10:15 11:16 35:18 49:7 65:16 71:10 87:17,20 88:1 88:7 112:6 113:4 114:1,25 115:8 124:23</p> <p>exit 22:13,15 43:6 56:22 57:6,8,13,16 57:20,21,24,24 65:17</p> <p>exits 56:17,18,20</p> <p>expanded 53:24</p> <p>expect 47:23 92:10 137:4</p> <p>expectation 145:9</p> <p>expects 155:18</p> <p>expense 30:15</p> <p>experience 20:15 51:5 74:21</p> <p>experienced 49:1,18 146:4</p> <p>experiences 144:19</p> <p>expert 9:21,24 20:22 33:25 34:17,19 41:7 44:2 48:9,25 77:10 77:15 98:21 104:4,6 121:7 122:9 129:24 133:17</p> <p>expertise 75:16 133:16</p> <p>experts 108:15 122:8 157:9</p> <p>expires 161:15</p> <p>explain 28:17 37:7 48:23 52:5 60:16,24 80:22 97:14 107:23</p> <p>explained 40:10</p> <p>explanation 49:2</p> <p>exposition 24:23</p>	<p>express 121:3 144:10</p> <p>expressing 60:10</p> <p>extend 41:3 46:9 124:8</p> <p>extended 129:12</p> <p>extension 17:9 59:22 125:24</p> <p>extent 113:8</p> <p>exterior 21:25 22:8</p> <p>extra 48:18 60:16,20 61:1,5,15</p> <p>extreme 144:20</p> <p>extremely 145:8</p> <hr/> <p style="text-align: center;">f</p> <hr/> <p>f 6:15 161:1</p> <p>face 95:21</p> <p>facilities 48:12 93:14 108:12</p> <p>facility 39:12 43:5 44:22 45:18 48:19 51:24 60:17 84:13 94:5,11,13,16 96:4 96:10,18 97:7 137:10</p> <p>fact 7:21 17:3 52:24 83:24 87:17 94:9 102:21 123:18,20 134:3 135:14 136:6 136:11 147:9 155:23</p> <p>fair 43:19 45:4 46:12 91:13 115:7 131:9</p> <p>faith 17:12</p> <p>falls 76:4</p> <p>familiar 111:24</p> <p>family 64:13 107:5,6</p> <p>far 46:9 59:13,20 71:14 81:3 84:5 127:1 156:7 158:9</p> <p>fast 99:4</p> <p>fatalities 71:7</p>	<p>fear 145:15</p> <p>february 55:19 64:3</p> <p>feel 37:18 45:23 122:10 142:6 152:3</p> <p>feeling 149:15</p> <p>feels 158:22</p> <p>feet 16:1 19:15,19 22:1,11 29:8 37:12 41:21,21,24 42:22 53:25 54:1,1,4,6,7 71:25 79:16,24,24 80:3,3,6,7,13,18,21 81:6 82:5,9,11 88:4 89:2 97:6 108:20 110:16,17 111:16 111:16,18 112:17 114:8,9 124:1</p> <p>felt 43:2 152:15</p> <p>fema 79:8,17 98:23 98:23 99:11,17 100:2,3,4 102:9 103:10 135:7,11,13 139:1 145:5 146:2 157:14</p> <p>ferrara 1:18 141:16 141:21,21 156:9,18</p> <p>ferry 35:12 36:5 39:2 50:1,2 62:1,20 63:19 65:17,19,19 65:24 66:5,8,16,17 66:22 67:4,7,13,18 119:2 145:16 151:17 152:1</p> <p>field 9:21 29:3 115:17</p> <p>fifteen 54:1,6 73:9 73:10</p> <p>fifty 98:5 108:20</p> <p>file 155:17</p> <p>filed 10:9 110:8 120:11 132:1,4 141:7 155:22</p> <p>fill 94:10 98:1 107:24 108:3 109:16,16 114:14</p>	<p>116:3,15 131:18,19 155:12</p> <p>filled 94:24 117:19 118:3</p> <p>filling 109:2 110:12 116:8,25 117:8,16 117:18</p> <p>fills 82:23</p> <p>filter 96:9 97:7</p> <p>filtered 94:21</p> <p>filtration 94:3</p> <p>final 17:23 23:11,14 29:2,4 110:22 112:13 124:22,22 124:24 127:22 128:1 138:22,22 156:24</p> <p>finalize 127:13</p> <p>finally 39:15 110:19</p> <p>fine 88:5</p> <p>finger 81:23</p> <p>finish 91:23,24 92:8 103:5 104:2 125:20 131:11 140:11,23 149:10</p> <p>finished 33:22 110:7 120:9 126:9</p> <p>fire 12:10 13:14 14:4 15:20 16:1</p> <p>fires 147:12</p> <p>firm 14:13,25 23:1 24:13 33:20 41:13 75:8,8 107:1</p> <p>first 5:6 7:9 8:25 26:20 35:4 36:3,19 53:8 54:1,5,18 59:8 63:2 66:15,25 83:4 83:5,16,19 84:13,15 86:6 87:11 106:9,14 113:15 123:15 131:15 146:6 159:2</p> <p>fit 52:14,16 62:6 63:7 68:17,18 72:10</p> <p>fits 37:24</p>
---	---	--	---

<p>five 25:23 26:24 42:22 48:2 52:16 54:1 63:7 72:9,10 73:22 80:7,21 81:6 96:3,17 97:6 110:16 123:11 fix 101:24,25 flag 3:7,8 15:8 flat 21:13 flood 75:11,18,20,22 75:25 76:2,7,15,18 78:24 79:15,23 80:10 83:1 84:4,14 85:9,13 86:18 87:2 87:8,11,16,20 88:23 88:25 89:2,13,15,18 90:7,11,17,23 91:1 91:2,10,11,14,14 92:7,10,11,14,25 93:19 94:23,23 95:2 95:16 97:21 98:4 99:6 100:11,14,18 100:18 103:1,2,10 106:3,5,8,11 110:18 110:19,23 119:22 120:18 122:5 123:9 134:15 136:8 145:18 153:23 155:23 156:1,3 flooded 83:20,21,24 83:25 86:6,10,12,12 94:20 95:8,9,9 98:9 98:15 102:3 144:22 144:24 146:25 flooding 75:14 83:17 88:22 89:7,8 91:25 95:5,13 96:15 97:2,3 101:17,21 109:5 110:14 118:22 119:10 122:5 134:25 144:15 145:10,15 146:3 147:2,8,11 152:6,11 156:22,23</p>	<p>floods 76:16 89:6,10 95:17 101:24 120:20 121:9 134:22 floor 1:7 21:23 83:16,19 86:6,11 87:1,11 100:22 103:1 106:9 120:19 120:21 134:13 floors 83:13 99:13 102:24 flow 87:4 93:19 135:21 focus 27:20 93:8 101:17 136:23 focused 146:20 focusing 110:15 foley 33:23 35:7 39:23 44:3 78:23 93:16 98:17 108:19 108:24 111:3 112:8 112:11,16,24 120:1 122:21 123:18 154:3,4,15,24 155:6 foley's 90:9 follow 69:16 87:5 88:19 following 158:14 food 99:14 foot 11:18 37:11 38:17,19 42:18 52:8 53:23 79:20,20,21 79:21 87:19 89:1 92:21 94:6 96:3,17 99:14 100:17 112:19 force 84:24 foreclose 131:12 forestry 74:25 75:1 forgoing 133:20 forgot 30:13 form 154:9 formalized 142:2 forty 25:23</p>	<p>forward 14:24 139:19 159:19 forwarded 13:22 found 14:18 foundation 7:25 founder 34:10 four 19:20 21:20 22:9 44:4,5,21 45:6 45:10,17 51:25 56:12 66:19 67:14 70:9 71:15 72:12 111:16 114:9 117:21 122:18 123:11 143:16 fourteen 52:18 fourth 35:17 franchise 7:23 11:20 francisco 66:7 franklin 78:9 frankly 104:23 109:25 fraternity 24:10,15 26:13 freeholde 47:5,9,16 47:21 64:15 125:18 126:19 127:8 128:20 130:8,14,20 131:8 140:4 148:17 148:22 149:4 152:20 153:9 154:13 freeholder 1:12 40:5 freeholders 1:6 3:3 141:12 frequency 92:7 frequently 75:18 78:3 92:12 friedman 63:23,24 64:5,11,20 65:5,11 65:15 66:18 67:6,16 67:21,25 friends 151:9 frightened 152:14 front 7:22 8:4 14:10 15:20 16:1 18:7</p>	<p>21:25 22:10 29:18 35:2 38:12 39:9 85:8,9 109:13 120:8 fruition 58:25 fulfill 17:9,18 full 44:16 126:9 fully 21:24 22:7 36:13 fulpi 69:20 function 44:18 further 16:14 23:5 29:21 31:4 46:25 49:2,3 91:20 93:2 119:15 138:20 furtherance 9:13 future 49:7 60:3,7 65:14 103:9 111:6</p> <p style="text-align: center;">g</p> <p>garage 21:24 22:7 57:6,11 85:2,2,3,5 86:9,11 88:1,2,3 102:25 103:1 118:25 119:1 134:14,14 gas 8:6,7 10:15 15:21 gate 37:15,21 44:4 45:7 gates 37:13 general 35:8 87:13 93:17 generally 152:5 generate 56:1 generated 56:2 generates 72:5 generation 72:23 gentleman 48:23 142:24 gentleman's 73:21 geometry 71:12 george 25:2,4,8 26:7 27:14,19 getting 45:7 75:12 119:1 143:6</p>
--	--	---	--

<p>giancaspro 19:1 gilman 19:7 gipped 54:5 give 25:16 34:7 35:4 44:20 90:4 106:14 117:22 122:16 127:4 129:14 131:2 131:4,6 140:8 141:4 148:16 149:8 150:20 158:7 given 17:5 71:1 85:21 120:16 125:6 130:15 145:9 149:20 152:25 154:6 gives 127:5 giving 53:13,18 141:5 152:9 gleaned 150:22 glembocki 1:12 2:6 2:7 3:19,20 4:15,16 5:18,19 6:8,9,24,25 16:9,10 18:11,12 23:19,20 31:17,23 31:24 32:22,23 121:14,24 128:8,9 147:13,16 148:1,5 159:22,23 glen 9:2,3 go 7:7 8:14 10:11 17:22 29:3 32:9,10 34:24 40:16 42:14 51:12,14 54:18,19 57:1,22 59:10 62:2 65:18,25 66:1,23 67:3,5,15,18,20 68:2 79:17 85:8 87:19 88:4 93:7 96:25 107:20 125:1 127:1,4 140:7 143:3 155:12 158:23 goes 81:25 82:3 90:17 94:20,22 106:11 125:19 150:8</p>	<p>going 7:19 13:17,23 14:3,14 16:4 27:10 29:16,18,25 30:1,7 30:25 32:9 36:23 38:24 39:2,5 40:12 40:16 41:17 42:12 43:24 45:2 46:1 51:3,13 56:22 60:2 60:9,12,23 61:16,17 62:2,5,11,17 63:5 63:10 64:21 65:18 65:20 66:2,9,11,14 67:8,9,11,13,21 71:14,18 72:13,19 73:14,21 74:11 77:7 81:5,25 83:25 84:7 84:8,9,9,21,24 88:9 90:5,20 91:21 94:4 94:7,14,23,23,24 96:16,17 97:6,16,25 98:18 99:8 103:8,9 105:11 106:13 107:18,20 108:21 109:10 112:20 113:18 114:4 115:21 116:17 120:18,19,21 121:3 121:3,19 124:8 126:11 127:8 129:7 129:21 132:8 137:9 137:10,22 139:12 146:19 147:17 148:13,14,18,19 150:12 151:2 152:12,14 154:19 156:13,15 good 7:13 17:12 19:4 24:12 33:10,18 41:11 86:19 96:15 98:13 158:23 gotten 90:1 governed 156:24 governing 133:18 governmental 121:20 158:4</p>	<p>grade 87:20 117:25 grades 87:17 88:1,7 117:8,23,24 grading 116:3,9,24 118:5 grand 19:12 grandfathering 154:12 granted 17:9 140:17 grate 97:19,19 grates 98:1 118:18 grayish 81:11 great 48:21 147:8 green 11:23 22:21 49:25 50:2 63:2 67:2,5 72:11 gripes 138:2 gross 150:3,5 ground 21:23 84:13 119:2 group 69:20 70:15 guard 45:7 guardhouse 37:13 37:17 43:3 45:11,12 45:17 guess 24:23 65:15 guessing 70:14 guidances 156:7 guideline 99:17 guidelines 93:25 98:24 99:11 102:8 143:14 145:5 146:2 157:14 158:1,13,14 gutenberg 151:19</p>	<p>151:1 hand 51:7 79:3 handbook 75:21 handful 153:2 handicapped 13:10 13:11 21:21 22:18 28:19 handle 124:13 handled 121:16 handwriting 79:10 happen 61:16,18 62:25 73:3 80:7 92:12 94:23 103:23 105:2,3 happened 50:5 60:8 91:18,19,20 99:3 109:21 110:5 151:12 155:10,18 155:20 happening 94:2 happens 44:13 49:24 51:16,19 52:17 67:6,16 72:2 73:1 84:3 85:6 103:19,22 108:13 110:25 111:2 hard 61:3 harrison 157:13 harsh 126:14 hash 81:4 hashed 39:3 80:16 hashing 61:7 79:15 80:4 81:10,17 hashmarks 81:2 hazard 83:1 91:14 100:11,14,18 106:3 106:8,11 107:4 119:7 120:24 health 105:23 hear 3:5 47:4 60:21 124:24,25 125:3 127:11 129:2 137:3 142:20 144:4 149:25</p>
h			
<p>h 9:1 74:9,10 habitable 99:13,20 99:22 102:23 hackensack 29:15 half 26:18 27:4 29:8 56:10 59:2,3,6,11 59:19,25 80:3,15,18 80:19 82:5,12,15 92:21 124:1 127:5</p>			

<p>heard 7:8 18:25 24:9 44:7 53:9 58:11 59:25 78:12 78:23 109:20,24 120:4 124:14 138:21 139:6 143:24,25 156:4 157:9,10 158:9,18 hearing 7:5 78:18 104:2 108:4 126:10 127:19 149:14 152:2,16,17,18 159:2 hearings 120:9 150:1 152:5 heart 146:22 heavy 144:20 height 81:14 84:18 101:12 155:15 held 161:7 help 18:23 42:16 131:1,3 140:11 143:8 146:8 helped 76:20 hereon 115:16 hernandez 2:8 hess 59:24 126:3 hi 50:23 146:16 high 70:13 80:5 84:15 87:3 95:2 97:13 100:19 107:4 118:2,3 119:2 133:23,24,25 134:5 144:16 145:9 147:10 higher 64:9 83:13 88:1 97:21,22 98:14 100:20 101:6,9 102:3 106:8 137:10 highest 81:20 highlight 82:7 highlights 25:17 highly 54:11 137:6 highrise 70:22</p>	<p>hill 26:12 30:19 66:10 69:7,20 70:12 70:15,23 hilliest 66:7,8 history 109:8 hit 82:12 113:7 hits 82:3 85:4 hoffman 105:20 holloway 1:13 2:9 2:10 3:17,21,22 4:17,18 5:11,12,13 6:3,4,5,19,20,21 8:8 14:7 15:19 16:2,7 17:14 18:5,9,13,14 23:21,22 28:18 30:23 31:2,21,25 32:1,21,24,25 85:11 85:17,24 86:4 88:20 90:22 98:2 119:17 120:13,23,25 122:7 126:25 128:7,10,11 140:24 147:22 148:2,6 158:16,20 159:5,9,14,24,25 homeowner's 41:14 homes 69:20 119:3,6 honking 51:14 hope 127:5 hopefully 143:21 horn 51:14 hospital 145:24 146:23,24 147:1 152:1 hospitals 147:1 hotel 106:4 hotels 107:3 hour 40:22 44:9,14 44:15,16 51:17 52:21 68:19 72:6 73:2,4 104:25 127:5 150:9 hours 40:25 58:16 64:10 house 137:12</p>	<p>houses 86:15 87:7 housing 27:12 hr 69:21 hudson 1:1,6 2:2 3:3 9:12 10:22 11:2,7 12:2,24 46:19 60:11 78:17 84:20,20 85:5 93:18,24 94:22 95:2 95:5 96:5,12,24 109:23 135:15 143:13 144:7 146:17 154:16 157:20 161:7 huge 73:12,14 hump 81:24,25 96:7 96:9 111:15 hundred 9:19 56:4,7 71:25 80:10 84:4 85:16,18,19,21 86:2 86:8 87:16 88:21,24 89:8,10,13,15,18,25 92:10,11 93:23 95:16,20 96:14 98:5 102:4 137:5 hundreds 119:4 hurricane 90:21,23 91:4,15,19,24 95:23 119:5 136:11 144:19 145:4,7 146:4,24 147:3 hurricanes 91:5 husband 61:24 hybrid 64:14 hydrant 12:10 13:14 14:4 15:21 16:1</p>	<p>illegal 110:12 images 81:24 immaterial 124:3 impact 36:1 46:10 60:3 112:8 145:20 150:4,5 impacts 66:4 impending 137:1 impervious 22:23 imply 139:12 importance 142:20 important 15:20 73:7 115:19 142:19 importantly 84:19 improved 71:12 73:6 improvement 30:7 31:6 improvements 10:19 15:25 27:20 30:24 154:17 inbound 35:22 42:7 inch 29:14,14 30:1,5 30:6,7 inclined 152:3 include 50:5 59:5 137:24 included 22:18 36:20,25 56:15 59:8 59:12,17 65:9,11,13 69:9 70:11,23 71:3 72:16,22 147:18 includes 82:24 including 20:19 35:17 76:3 107:3 116:24 155:16 incorporated 6:14 41:14 incorrect 55:11 increase 93:19 95:12,15 119:9 increased 80:12,13 93:21 incredibly 66:6</p>
<p>i</p>			
<p>i.d. 161:14 i.e. 116:3 identification 74:16 identified 40:20 identify 26:11 88:10 88:15 90:6 105:13 106:15 115:22 116:19 141:19</p>			

<p>independent 122:3 independently 121:23 indicate 105:23 111:10 indicated 11:6,15 41:16 44:2,3 45:25 112:16 137:23 140:20 indicates 11:17 individual 92:4 131:4 individuals 146:21 infiltrate 94:8 infinity 69:18 influx 37:20 inform 125:15 information 89:22 110:11 115:16 120:15 122:8,21 123:13 138:17 140:8 148:14 149:3 149:8 informational 80:1 informed 61:16 initial 37:10 initially 72:14 inlet 29:21 84:25 inlets 85:1 87:23 insisted 141:5 inspection 23:11 inspector 1:20 installation 30:5 installing 30:11 institute 34:12 instruct 130:9 instructed 11:2 insurance 75:25 76:2,8,15,16,18 90:8,11,17 91:1,10 92:14 107:1 interested 104:21 interesting 94:2 interior 22:8</p>	<p>international 76:10 interpret 92:23 intersection 10:16 11:22 26:16,18 35:18 36:5 43:25 49:10,17,18 56:5 67:15 71:13,16 intersections 40:21 56:6 71:15 intertidal 117:25 118:5 inundated 136:19 151:2 inventory 141:17,23 invited 44:19 involved 14:14 involves 56:8 irene 146:24 iris 146:16 irrespective 122:3,4 islands 10:19 issue 17:21 37:3 43:1 71:23 101:22 104:15 105:24 118:19 123:25 141:11 147:9 153:6 156:1 issued 111:25 116:21 132:16 154:11 155:5 issues 27:25 30:8 31:5 76:24 101:12 109:14 120:15 145:19 item 3:9 5:2,23 7:22 11:12,13 29:4 32:11 36:3,11,21 37:2 38:21 39:15 46:21 46:23 124:23 items 11:10 12:7,15 12:18 13:21,24 16:5 20:4 25:17 31:3 36:20 iteration 115:11</p>	<p>j</p> <p>j 1:17 19:6 26:24 27:7 29:23 41:12 74:9 105:20 james 1:11 january 55:17 64:1 139:3 jason 5:24 jeanette 48:16 jeffrey 33:19 jennifer 133:8 jeopardize 146:7 jersey 1:8,8 3:1 6:16 7:11 9:3,7 10:21,25 14:15 16:17 17:23 19:8,13,14 20:11,17 24:22 25:19 32:15 34:11,15 55:13 75:4 76:2,6,19,21,24 77:3,6,23 78:2 105:16 161:5,14 jersey's 75:23 jimenez 19:4,5,7 20:7,13,21,24 21:3 21:6,17 23:3 24:6 job 1:25 49:14 101:4 joe 121:13 john 1:17 6:15 41:12 61:24 74:4,9 105:20 joined 40:6 joke 89:19,20 joked 89:17 joseph 1:12 7:14 115:24 journal 3:1 jumps 13:12 junction 24:20 june 88:17 110:8,8,9 120:7 jurisdiction 147:21 153:10 156:10,19 156:21 157:17,19 157:20,21 158:8,21</p>	<p>justify 54:5</p> <p>k</p> <p>k 19:5 20:10 27:1 28:15 29:18,19 31:8 kaltsis 20:7,9,9,13 20:16,24 21:2,5,9 21:19 kathy 63:23 69:6 kearny 157:13 keep 61:15 129:1 146:1 keeping 129:14 kennedy 6:15 19:11 19:16 kept 61:16 kids 72:18 73:9,12 kind 42:22 60:7 66:12 86:14 know 7:22 14:23 22:11 43:15 44:1 50:13,14 54:20,24 59:18 60:3 66:5 68:9 70:10 72:22 78:13 87:12 88:3 89:4,5,21,22 91:17 96:15 100:23,25 102:13 104:24,25 108:5,23 111:24 122:19 126:1,18 127:3 132:9,10,11 135:1 136:14,15 140:10 142:11 146:5 152:4 154:24 154:25 156:9,25 157:14 159:1 knowing 158:12 knowledge 117:16 132:17 154:5 known 14:16 26:12 26:17,22,23 27:1 66:6 80:4 knows 15:7 154:24 kopacz 2:11</p>
--	--	--	--

krickovic 69:6,6,13 69:23 70:5,10,17,21 71:3,5,17,21 72:8 72:16,25 73:3	130:11,18 131:10 137:14,22 139:7,12 139:21 140:1,6,10 140:15,21 141:1,13 141:19 142:14,17 143:1,5 148:12,20 149:1 154:19 155:8 158:25	lecture 75:17 lectured 75:13 ledger 3:1 left 27:7 35:19,21 37:13 39:2,4,4,11 40:12,16,22,25 41:4 43:7 45:3 51:3,5,7,8 51:10,12,13,15,15 51:20,21,23,24 52:1 52:6,7,9,9,12,14 53:7,7,11 54:17,18 54:25 56:23 57:4 61:12 62:13,21,25 63:1,3,8,11,13 65:23,23,24 66:1,3 66:15,16,20 67:1,7 67:13,20,22 71:18 71:22,24	level 49:20,20 58:13 82:16 83:3,4,5 84:13,13,15 86:18 87:2,16 93:19 102:24 103:1 109:12,16 134:14 134:15 142:20
I			
I 19:17 20:10 21:11 22:2 50:24 lady 60:16 lake 34:11 lamb 41:11,12,20,23 42:2,8,18,21 43:6 43:10,15,19 44:1,8 44:13,18 45:4,12,16 45:25 46:12,17,25 74:2,11,20 75:12,24 76:5,20 77:4,9,16 77:19 78:6,11,16,20 78:23 79:2,12 80:22 81:8,15,19 82:6,16 82:21 83:2,8,12,15 84:12 87:5,10,22 88:8,15,19 89:7 90:5,9,14,19,25 91:7,9,13,23 92:13 92:17,24 93:6,11,24 94:12,17 95:11,17 95:25 96:6,20,25 97:8,11,14 98:10,18 101:11,16,22 103:5 104:10 105:7,11,17 105:21 106:2,7,13 106:19,23 107:7,12 107:18 108:9,13 109:7,19 111:9,18 112:10,20,24 113:2 113:10,14,18 114:4 114:19,24 115:4,7 115:13,21 116:17 117:3,7,11,15,20 118:9,16 119:8,13 119:15,21 121:5,18 121:25 122:13 123:22 125:11 126:1 128:18	lamb's 71:2 138:3 142:18 land 77:22 97:1 112:25 124:2 landfall 137:9 landscaping 22:20 lane 35:19,21 37:13 37:14,16 39:2,4 40:22,24,25 41:5 42:4,23 51:8,11,20 51:21,24 52:6,7,9,9 52:14 53:7,23 54:4 54:5,10 58:16 62:2 62:11,14 63:2 71:25 lanes 35:21,22 37:4 37:12 42:4,9 43:3 43:11,20 46:3 54:3 54:9 58:5,12 62:1 62:22,24 language 117:23 large 19:17 21:11 37:20,23 68:10 76:10 96:20 larry 50:23 late 76:14,17 laurel 26:12 30:19 law 19:6 24:13 41:13 86:22 121:20 129:22 130:2,5 lawyers 148:23 layout 35:10 layperson's 48:24 leave 56:21 62:18 137:5,10 leaving 40:14 119:1 137:8,12	lecture 75:17 lectured 75:13 ledger 3:1 left 27:7 35:19,21 37:13 39:2,4,4,11 40:12,16,22,25 41:4 43:7 45:3 51:3,5,7,8 51:10,12,13,15,15 51:20,21,23,24 52:1 52:6,7,9,9,12,14 53:7,7,11 54:17,18 54:25 56:23 57:4 61:12 62:13,21,25 63:1,3,8,11,13 65:23,23,24 66:1,3 66:15,16,20 67:1,7 67:13,20,22 71:18 71:22,24 lefts 66:22 legal 155:19 legally 105:2,4 153:19 154:3 length 61:13 126:15 lengths 45:18 lesser 91:15,25 95:17 letter 7:17 11:8,11 11:13 12:1,5 13:4 13:15,20 17:21 20:1 23:2,12 25:14 34:25 36:1 39:24 105:14 105:22 110:23 115:23 120:1 123:11,23 131:16 133:6,7,19 134:11 135:11,12 137:23 137:24 138:1,2,3,7 138:25 139:13 144:18 146:12 156:3 159:16 letters 25:12 27:21 108:14 110:19 115:22 116:12 135:17 137:14,20 143:17	49:20,20 58:13 82:16 83:3,4,5 84:13,13,15 86:18 87:2,16 93:19 102:24 103:1 109:12,16 134:14 134:15 142:20 levels 49:7,7,22 99:19 102:25 levine 50:23,24 52:13,17,23 53:6,15 53:22 54:11,20 55:1 license 20:18 161:3 licensed 9:6,9 34:11 75:3,4,5 77:19 licensing 75:8 life 51:18 151:7,8 lifelong 152:17 lifestyle 51:19 light 17:1 35:18 62:17 65:16,21,23 66:1,3,19 67:8,12 67:14,22 71:15 82:17 lighting 39:16 limit 55:21 80:2 82:4 125:16,22,23 126:2 127:1,2 limited 157:16 158:8 limits 55:24,25 92:20 line 19:13 30:15 80:1 linear 15:25 lines 8:5 list 91:6 140:16 141:23 listed 91:3 138:4 159:15 listen 104:6 listening 152:6 listing 150:19 literally 122:19

<p>little 3:5 48:23 56:17 60:2 63:8 73:6 76:4 81:1 94:17 98:10</p> <p>live 60:12 63:24 146:17 157:11</p> <p>lived 48:19,25 52:24</p> <p>living 50:10 150:11 151:23 152:17</p> <p>llc 7:10 19:1,9 24:10 32:13 33:21 69:18 69:21 159:7</p> <p>llp 33:13</p> <p>loading 58:6 73:9</p> <p>lobby 83:8,10 85:13</p> <p>local 15:6 17:1 146:23 151:25 157:23 158:13 159:11</p> <p>locate 26:22</p> <p>located 5:24 6:15 7:10 10:15 19:1,3,7 19:10 21:24 22:6,7 22:25 24:21 26:15 27:7 29:21 32:14,19 33:13 34:10 59:1 61:11 144:13 145:22 146:23</p> <p>location 5:5 12:9 29:2,21 30:18 61:6 66:2 96:11 145:23</p> <p>long 9:8 25:21 49:11 51:11 71:21,25 109:8 124:9 148:3</p> <p>longer 63:8 89:23 92:11 118:4</p> <p>look 3:12 4:9 64:6 64:11 68:1,2 110:10 110:18 121:21,23 122:3,17 123:1 126:9 134:20 138:5 143:9,11,13 152:10</p> <p>looked 70:3 111:11 139:1,13</p> <p>looking 39:23 43:18 84:3 109:5 112:5</p>	<p>121:10 151:9,10</p> <p>looks 98:13 110:4 157:21</p> <p>loop 38:14</p> <p>lose 128:18 156:15</p> <p>lot 5:6,7,9,25 7:11 21:11 24:11 26:18 28:11,12 32:15 33:14 50:11,11 56:18 58:5,24 76:18 87:7 116:25 121:15 121:17 124:14 139:24</p> <p>lots 5:7,8,8 6:16 19:2 33:14</p> <p>louder 3:5</p> <p>love 154:25</p> <p>lower 83:3 88:7 101:3</p> <p>lowest 103:1 134:13</p> <p>lucky 136:20</p> <p style="text-align: center;">m</p> <p>m 1:18 11:8 12:1 19:6 22:17 25:13 28:2 34:25 36:1 122:14 138:25</p> <p>madam 156:16</p> <p>magic 79:10</p> <p>mail 122:20</p> <p>mailed 4:11</p> <p>main 29:19 34:10 35:11 41:21 43:21 43:21</p> <p>major 13:2 75:1 85:25 96:19 110:14 144:21 145:9,11 146:3</p> <p>majority 103:21</p> <p>making 31:5 40:12 51:3,23 53:7 54:12 54:15,16 102:8 141:14</p> <p>manage 48:19</p>	<p>managed 45:11</p> <p>management 75:10 75:15,19,20,22 76:22,23 77:1,2,6 77:15 78:1 93:14,16 96:10</p> <p>manager 48:18</p> <p>manmade 151:14</p> <p>manual 76:23 77:2,6</p> <p>map 79:8 90:8,10,17 90:20 92:16,25 98:12 99:5 110:20 112:7 119:22 135:7 135:11,13,17 136:20 138:16 139:1</p> <p>maps 99:5</p> <p>marinello 7:13,14 8:11,16,19 9:4,8,11 9:16,20,25 10:5,8 10:11,24 12:4,14,25 13:5 14:12 15:13 16:24 18:1,22</p> <p>mario 1:20</p> <p>mark 74:12 77:7 79:2 87:23 88:9 112:20 113:18 114:4 140:3</p> <p>marked 30:7 74:16 80:23 88:9 90:6,10 93:12 105:12 107:19 116:18</p> <p>marker 79:10</p> <p>market 27:10</p> <p>markings 36:4 93:12</p> <p>martin 105:15,17,19 133:9 134:4</p> <p>massachusetts 27:8</p> <p>massey 1:21 2:5,8 2:11,14,17,20 3:16 3:21,23,25 4:2,4,12 4:17,19,21,23,25 5:14,16,18,20,22 6:6,8,10,12,22,24</p>	<p>7:1,3 18:8,13,15,17 18:19,21,24 23:17 23:21,23,25 24:2,4 24:8 31:20,25 32:2 32:4,6,8,18,24 33:1 33:3,5,7,11 127:21 127:25 128:5,10,12 128:14,16,23 159:6 159:12,21,24 160:1 160:3,5,7</p> <p>massiel 1:18 141:21</p> <p>master 74:23</p> <p>match 60:9</p> <p>materialized 65:1</p> <p>matter 121:1 151:7 151:13</p> <p>matters 7:4</p> <p>maximum 28:6,7,8 28:9,10</p> <p>mcgrath 149:20</p> <p>mcneill 24:14</p> <p>mcperson 24:14</p> <p>meadowland 28:9</p> <p>meadowlands 24:22 24:24 25:2</p> <p>meadows 24:10,15 26:13</p> <p>mean 14:1 57:7 60:13 118:2 126:3 151:8</p> <p>means 42:23 49:8,23 123:3</p> <p>meant 47:14</p> <p>median 39:3 61:7 62:8</p> <p>medical 69:21 145:22 146:18</p> <p>meet 7:22 15:17 99:16 159:17</p> <p>meeting 1:4 2:2,22 2:23,25 3:10,12,13 4:6,7,10,25 5:4 11:4 12:19 28:22 39:1 44:7 55:12 74:1 78:13,21 103:24</p>
---	---	---	---

<p>108:19 124:9,14,18 125:19,25 126:6 128:2 129:13,14 161:6 meetings 2:25 mega 56:11 150:15 megan 1:21 mehta 1:13 2:12,13 3:23,24 4:14,19,20 5:14,15 16:16,22 18:10,15,16 23:18 23:23,24 31:7 32:2 32:3,20 33:1,2 40:9 40:15 41:6 77:14,17 98:20 99:7,15 102:6 102:15 104:3 110:24 124:20 125:7 127:17,23 128:12,13 131:1 148:8 157:8 158:5 158:17,21 159:1,4,8 159:10,14,20 160:1 160:2 member 3:4 19:5 34:12 47:4 78:7,8 88:20 90:22 128:18 129:6,17 130:4,6,23 131:5 143:22 144:6 149:12 158:18 159:1 members 41:12 77:18 105:10 124:15 130:12 144:9 149:5 memorialization 5:3 6:13 memorialized 5:23 mention 25:11 mentioned 11:9 12:7 25:17 40:10 53:23 65:16 68:10 70:11 136:2 143:10 mentions 11:14 messina 48:16,17,22 49:11 50:4,8,19</p>	<p>61:23,24 62:5,10,15 62:22 63:5,9,14,18 63:21 met 7:21 17:8,25 42:24 michael 1:13 19:5 mid 76:14,17 92:5 middle 42:6 95:23 midway 61:9 mile 56:10 59:1,10 59:19,25 150:23,25 miles 59:4,6 145:23 mind 152:9 minimum 38:18 minute 48:2 minutes 3:10,13 4:4 4:6,9,11,25 44:16 44:20 73:10,22 102:22 125:1 131:4 131:6 mirabelle 69:24 70:6,11,22 71:6 144:7,8,9,11 146:13 146:14,17 mirabelle's 145:23 mirror 81:24 mishap 78:13 misnomer 85:22 missed 13:8 model 91:4 modeled 91:4 modeling 82:13 135:2 moderate 80:2 92:20 modification 35:16 49:19 modified 41:20 modify 118:13 month 33:22 39:23 86:6 months 108:15 110:19 114:8 119:25</p>	<p>moon 112:6 moorestown 78:2 morgan 32:13 morning 11:12 40:22 58:16 motels 107:4 motion 3:15,16 4:12 4:13 5:10 6:1,2,17 6:18 18:4,6,8,21 23:17 24:4 31:20 32:8,20 33:7 127:15 127:17,25 128:5 157:7 159:4,6,7,13 159:19,21 160:7 mountain 137:11 move 52:11 60:7 77:9 139:19 159:19 moved 45:17 movement 52:11 moving 50:24 multifamily 19:21 100:16 106:4 107:9 multiple 73:15 municipal 9:13 19:14 31:14 64:21 109:12 municipalities 78:4 municipality 104:13</p> <p style="text-align: center;">n</p> <p>n 9:1 19:6 25:9 33:19,19 50:24 74:9 74:10 161:1 n.j.a.c. 107:6 name 7:14 8:24,24 8:25 9:1 20:8,8 25:7 25:7 33:19 34:3,3 48:15,16 50:23 55:8 61:24 63:23 68:7 70:3,8 71:1 74:7,8 146:16 names 70:4 natural 151:14 nature 64:12</p>	<p>navd 79:16,24 83:21 135:3,4 near 42:14 72:13 nearly 51:11 necessarily 89:14 necessary 9:17 10:20 11:21 15:18 19:24 59:6 necessity 66:3 need 17:12,20 29:2 37:24 38:5 45:12 48:13 54:11 65:22 92:3 102:10 127:16 needed 54:5 58:9 needs 11:12 23:11 37:25 68:2 154:23 negligible 49:23 neighborhood 144:21 neighboring 147:1 neither 14:13 never 58:25 98:4 103:12 109:24,24 111:1 123:5 138:3 152:15 new 1:8 7:10 9:3,7 10:16 15:6,10,15 19:8 20:10,17 24:22 25:19 30:5,18,18,24 33:8 34:11,15 55:13 58:13 74:24 75:4,22 76:2,6,18,21,24 77:3,5,23 78:2 98:25 105:16 106:18 120:9 145:10,13,15 161:4 161:14 news 137:8 ng 2:14 ngvd 87:18 94:4 nice 92:22 93:3 94:19 nicholas 1:19 13:16 13:22 34:4</p>
--	---	---	--

<p>nick 38:20 night 44:9,14 129:12 nightmare 150:7 nine 51:16 nj2002376 1:25 non 94:20 noncompliant 11:14 nonresidential 86:24,25 north 5:25 19:3,8,11 19:15,20 20:10 21:10 26:22 33:14 35:10,14 47:7 50:25 55:13 56:6 57:24 58:7 61:4 63:24 65:7,8 66:6 67:13 69:7,8,19 81:23 91:19 110:2,4 119:20,21 120:3 132:1,10 146:18 149:21 150:10,23 151:15 152:21,22 155:4,16 157:11,18 157:23 northbound 51:22 56:19 57:6,14,22 58:3,5,12,15 62:13 62:23 66:25 72:13 northeast 65:20 northerly 38:7 northern 57:2,24 96:23 136:7 northwest 27:9 29:8 notary 161:4,13 note 19:25 114:5,17 115:13,14 notes 115:12 161:6 notice 2:25 3:2 116:20 117:7 132:15 133:6 136:25 noticed 2:22 89:17 notified 15:16</p>	<p>notify 17:20 november 1:8 11:8 12:2 17:8 20:2 25:13,13 123:2 161:8 number 28:9 29:2 34:14 37:24 45:1,22 52:5 75:5 91:5 115:9 131:12 150:21 153:6 numbers 113:16</p> <p style="text-align: center;">o</p> <p>o 9:1,1 19:1 25:9 74:9,10 161:1 o'clock 44:9,19 64:23 125:9,16 126:23 o'connor 24:12,13 25:10,21,24 26:3,7 27:14,19 28:5 30:10 30:21 31:13 object 137:22 objections 26:5 34:18 77:12 objector 151:6 obligations 17:8 observed 144:22 obviously 14:16 30:18 50:12 83:6 104:19 110:24 113:7 139:5 occupancy 8:13 16:21 23:11 occur 88:23 118:22 occurred 145:6 occurring 85:20,23 october 3:11 4:7 13:9 23:2 35:1 39:24 88:18 110:21 115:6 119:23 138:24 139:3 offer 26:3 34:16 126:16</p>	<p>offering 131:6 148:24 office 10:12 16:13 17:15,20 19:6 23:12 71:2 140:18 141:18 141:24 official 15:7,16 17:2 17:22 officials 149:24 oh 60:15 115:5 okay 6:12 7:3 16:7 17:6 21:19 35:24 38:1 43:1,6 48:2 55:3 57:23 58:4 65:15 66:2 77:4 95:3,5 96:14 100:25 108:6 122:11 128:4 132:20 133:19 134:12 157:7 old 33:8 75:9 106:18 once 68:16 134:23 135:12 ones 56:17 60:10 70:10 open 2:24 16:23 48:5 84:18 87:4 126:20 129:1,14 opened 48:20 64:22 opening 16:12 104:4 operate 17:6 operated 71:10,13 operating 8:12 operation 71:14 operations 17:13 opinion 41:7 83:15 83:20 119:11 120:24 121:3,14 122:16 129:16 147:14 148:25 153:15 156:7 opinions 149:9 opponent 157:10 opportunity 3:12 20:25 130:25</p>	<p>opposed 45:19 opposite 35:12 39:8 opra 117:12 orange 80:4,8,20 81:21 82:2,7 94:18 96:1 order 2:3 74:1 158:25 ordinance 93:20 orient 26:8 original 14:14 15:5 26:20 29:11 90:10 93:14 106:21 113:21 114:22 116:13 originally 29:5,13 88:17 109:11 141:7 outages 147:12 outlets 84:20 outline 80:24 82:17 outside 57:16 59:5 59:18 68:23 80:14 153:1 overall 28:6 overexaggerating 151:12 152:4 overlay 79:8 138:19 138:19 139:1 overlooked 145:13 overnight 136:25 overpopulation 147:9 overruled 134:4 oversight 15:15 overview 35:5 owned 132:18 owner 14:21 116:2 132:7 ownership 28:13</p> <p style="text-align: center;">p</p> <p>p.e. 1:12 p.m. 1:9 2:3 41:1 103:20 160:13</p>
--	---	---	--

<p>padovano 41:13</p> <p>page 35:11,25 41:17 69:12 91:8,9 92:13 92:15 93:1 107:20</p> <p>pages 91:7</p> <p>palisade 19:7</p> <p>palisades 69:21 145:22</p> <p>panagopoulos 1:22 13:7 14:1 23:5 31:3 99:1,12,18,23 100:6 100:9,23 120:17 121:6 148:10 153:14,19 154:1</p> <p>papers 59:23</p> <p>paragraph 143:14</p> <p>parallel 22:8,10</p> <p>paris 151:13</p> <p>park 22:9,15 26:12 30:20 57:19 69:18 86:16 152:18</p> <p>parking 13:12 19:21 21:22 22:5,6,18 28:2,3 31:10,11 56:12 57:18,20 58:8 60:1 83:6,20 86:23 99:19 100:15 102:25 116:23,25 117:4 150:16</p> <p>part 15:24 31:15 46:20 73:17 78:21 89:13,15 109:4 118:21 124:14 135:21 147:18,18 147:23</p> <p>participant 155:1</p> <p>participate 77:1</p> <p>particular 44:22 76:23 80:23 83:3,17 89:7 90:21 101:22 106:5 133:16</p> <p>partner 71:1</p> <p>partners 69:22 70:20</p>	<p>party 44:19 104:21</p> <p>pass 54:23 74:13</p> <p>passaic 76:4</p> <p>passed 18:21 32:8 33:7 103:21 142:16 160:7</p> <p>passing 105:13</p> <p>patching 61:10</p> <p>paterson 7:11 10:16 12:9 15:7,14,23</p> <p>patients 146:25</p> <p>paved 116:23</p> <p>pavement 36:4 42:12,14</p> <p>pavers 22:22</p> <p>pavonia 1:7</p> <p>pay 30:4</p> <p>pe 1:18,21,22</p> <p>peak 40:22,25 64:9 72:5 73:2,4 150:7</p> <p>pearl 64:22 65:4</p> <p>peggy 55:10</p> <p>pending 16:20</p> <p>people 15:21 26:13 40:10,12 44:14,20 44:21 45:8 50:1,2 50:12 51:12,12 53:4 53:5 54:9 57:18 60:11,21 64:6,13 65:17 72:2 83:12,23 89:17 116:8 119:5 125:12 127:5 129:20,25 130:22 136:12,25 144:2,3 148:19,20,22 150:4 150:6 151:4,20 156:12</p> <p>peralta 1:14 2:15,16 3:18,25 4:1,13,21 4:22 5:11,16,17 6:2 6:6,7,18,22,23 18:17,18 23:18,25 24:1 31:22 32:4,5 33:3,4 128:15 160:4</p>	<p>percent 85:20,22 124:1</p> <p>percentage 81:19</p> <p>percentile 40:20,23</p> <p>perfect 85:25</p> <p>performed 23:11 115:17</p> <p>period 48:13 114:14 140:12</p> <p>periodicals 75:14</p> <p>permission 15:6 87:4</p> <p>permit 16:12 100:14 107:8 109:14 121:16 133:22 147:18,21,23,24 153:8 154:6,11,20 155:5 156:25 159:17</p> <p>permits 10:24 107:25 108:3 111:25</p> <p>permitted 86:20,22 153:5</p> <p>permitting 75:21</p> <p>perpendicular 22:9</p> <p>person 45:7 60:21 77:15</p> <p>perspective 121:11</p> <p>petrou 68:7,7,15,22 69:1,4</p> <p>phase 24:18 66:25</p> <p>phases 24:16 66:24</p> <p>phenomena 94:2</p> <p>philadelphia 78:3</p> <p>photograph 152:7</p> <p>pick 29:11,23 73:16 96:22</p> <p>picking 29:16 73:12</p> <p>picks 72:18 96:10</p> <p>picture 92:16,22 112:4</p> <p>piece 21:12 65:5</p> <p>pipe 29:14 30:1,2,5 30:6,7 84:23,24</p>	<p>96:1</p> <p>pipes 85:7 96:3,21 97:21</p> <p>pipng 84:22</p> <p>pits 22:24</p> <p>place 37:22 47:17 59:8 63:12 85:8</p> <p>placed 109:17</p> <p>places 50:25 73:17</p> <p>plain 75:20,22 87:21 117:22</p> <p>plains 75:18</p> <p>plan 7:4 10:1,5,13 10:21 11:15,17,24 20:2,25 25:1 27:23 34:21 35:5,9,10 36:12,13,16,22,25 37:10 39:20,25 41:17 42:1,16 43:2 43:14,18 45:20 46:3 46:6,20 60:22 61:3 61:6 68:16 79:25 80:23 83:22 88:13 93:25 102:10 103:14 108:16,18 111:5,21 112:14 113:3,3 114:1 115:1 115:9 123:13,16 136:19 143:14 146:7 156:2</p> <p>plank 7:11 10:17 12:10 15:7,14,23</p> <p>planned 56:11 59:22</p> <p>planner 1:19 27:22 28:1 75:4 77:18,20 77:20</p> <p>planning 1:1 2:2 9:12 10:23 11:2 12:3,24 21:1 25:14 26:8 39:24 46:19 75:10,11 77:22 78:7 78:9,17,17 109:12 109:23 110:3,4 120:4 137:16 141:22,25 145:25</p>
---	--	---	---

<p>146:5 150:1 152:25 155:4,16 157:12,18 157:20 159:16 161:7 plans 9:14 10:4 13:8 14:14,20 21:4 70:3 79:18,22 99:1,2 113:4 145:21 plant 8:2 28:24 29:3 please 8:21,23 20:7 20:15 21:6,17 25:6 26:8 27:20 34:2 37:6 38:23 55:8 64:19 74:6,20 79:4 88:11 105:13 115:22 141:20 146:8 159:5 plenty 50:9 plus 52:8 point 38:24 42:19 46:13 57:19,24 60:9 73:23 80:12 97:13 97:23 108:21 109:20 111:9 142:10,10 144:4 147:15 158:25 points 27:25 56:3 58:10 122:22,22,24 122:25 144:2 policy 142:3 pool 145:17 popular 89:18 portion 7:24 53:19 82:2,7,13 91:9 102:25 111:5 135:23 141:9 portions 90:25 111:4 poses 105:23 possibility 44:21 68:11 possible 135:6 153:24 possibly 11:13 58:12</p>	<p>post 12:13 93:22 95:15 posted 3:2 potential 39:6 65:1 65:12 87:10 136:24 potentially 72:19 103:2 145:4 pounding 64:23 pouring 85:2 power 147:12 powerpoint 107:23 practical 93:4 practice 53:16 142:3 practices 76:23 77:2 77:6 pre 145:4 precedent 126:20 preclude 39:10 prejudice 104:21 126:12 preliminary 79:8 90:3,8,17 139:1 preparation 90:10 90:15 116:24 prepare 20:25 138:16 prepared 10:12 36:15 75:24 76:1 79:7,19 88:16 107:23 109:11 111:21 112:2,3 113:16,22 114:2,20 138:25 139:2 141:17 150:19 preparing 76:7,9,21 present 1:16 2:9 40:3 78:12 140:2 152:13 presentation 103:4 103:6 107:23 111:10 112:3 140:23 142:19 presented 119:19,19 120:6</p>	<p>presenting 33:24 presently 84:16 pressure 84:23 85:4 97:16,22,22,24,25 pretty 8:11 81:3 82:1 98:13 137:13 146:19 147:5 previous 59:9 112:3 118:13 previously 24:17 26:1 42:18 45:21 93:12 117:4 primary 144:15 principal 34:9 prior 76:7 113:4,11 114:11 118:13 154:11 priority 146:6 probably 44:9 51:1 59:7 72:5 76:3 104:24 problem 14:8 49:1 52:1 53:9 60:6 104:11 128:21 155:19,22,25 problems 49:3 147:8 procedurally 124:7 procedure 121:2 128:25 procedures 130:10 proceed 129:4 proceeding 73:23 160:12 proceedings 1:4 161:5 process 131:2 145:14 produce 89:14 produces 89:13 97:22 professional 25:18 26:1 34:7,12 74:19 75:3,4,5 120:24</p>	<p>professionals 36:19 39:5,14 42:25 46:1 46:18,22 47:12,15 47:25 49:6 proffer 9:20 progress 46:14 prohibited 107:4 project 10:2,13,14 14:8 19:24 23:10 24:18,18 25:3 42:23 56:11 59:4,7,19,24 62:3 63:10 65:10,14 69:10 70:1,4 83:4,6 84:19 86:21 88:5 95:10,12 98:4,24 99:8,10,15 100:17 101:8,12 105:23 106:4 111:24 118:20 119:8 122:11 123:7 134:21,23 135:18 146:1 149:16 154:6 154:16,22 158:11 158:23 159:18 projected 37:19 projects 59:5,17 69:8,17,19 99:7 110:25 149:19 150:5,19,20 157:13 promenade 5:5 properly 2:22 22:13 properties 135:14 property 2:24 12:25 19:10,15,16,18 21:7 21:9,12,13 22:11,13 22:15 24:21 26:9,10 26:21 27:9 35:23 38:22 40:13,14 53:5 56:3 57:20 61:4 65:6,7 68:12,17,21 68:23 89:1 93:15 109:2 110:6 111:11 113:11 115:25 116:3,16,22 117:9 117:17 132:6,7,18</p>
---	---	--	---

<p>132:22 133:3,9 134:12 136:1 141:3 142:8 155:13 proposal 21:19 46:2 118:17 144:13 145:1,3 146:9 propose 22:23 46:19 proposed 21:18 22:6 27:5,18 28:3 35:6 35:16,20 36:23 50:19 52:6 53:2 80:24 99:25 101:23 103:14 107:10,14 107:16 111:7 118:18 119:9 141:6 142:13 144:14 145:17 proposing 28:8,23 protect 62:21 protected 52:11,20 65:23 66:3,15,20,22 67:8,12,22 provide 20:14 22:14 36:12 43:2 58:9 121:7 138:17 148:14 149:8 provided 22:20 28:9 29:1 58:7 112:8 provides 149:2 providing 22:22,22 71:15 95:1 provost 32:14 proximity 24:20 39:7 public 2:25 7:5 31:16 48:5,8 53:2 53:19 105:10,24 118:19,23 124:15 126:18 127:11,12 127:20 129:6,10,17 130:17 131:5 139:22,25 140:14 142:21,22 143:4,6 143:21,21 149:10 149:12,24 150:22</p>	<p>156:13 161:4,13 publicized 59:23 published 3:1 pull 15:21 52:9 pump 10:19 purchaser 115:25 pure 85:3 purportedly 133:9 purports 112:24 purposes 101:13 purview 108:9 109:18 push 97:16 put 13:18 15:20 17:2 30:17,20 55:23 55:25 61:10 79:4 81:1 86:5 95:22 113:14 123:3,7,9 125:8 127:1,1 131:19 143:2,16,19 puts 28:9 126:4 putting 15:25</p>	<p>47:3 48:5,9,14 51:2 55:6,14 61:25 64:16 68:5 69:4 73:20 109:17 119:15 124:6,18 125:5 129:18 131:5,13,15 139:17,20 149:6 queue 38:11,13 40:20,21,22,23 52:21 queues 41:3 queuing 37:3,5 40:11 41:8 quick 103:16 139:18 142:18 143:21 quickly 14:19 60:8 105:21 117:21 quite 25:25 quorum 2:20 4:7 48:3 156:16 quote 149:19 150:3</p>	<p>reached 56:7 read 78:16 115:14 reading 42:16 144:18 ready 8:19 real 60:5 realities 146:3 reality 52:25 realize 15:11 87:25 really 42:25 89:20 94:25 95:22 97:4 117:21 122:12 131:11 140:5 144:5 rear 135:25 reason 13:17 14:10 14:18 37:20 38:10 45:16 46:6 54:6 64:5 84:1,1 123:12 reasonable 152:5 reasons 125:14 145:2 recall 122:21 132:3 144:18 receive 11:7 17:23 23:12,13 received 7:17 10:24 11:11 19:19 20:1 25:12 29:22 recess 73:22,24 recognize 11:20 65:3 recognized 155:10 recollection 138:5 recommend 127:4 156:25 157:3 recommendation 138:22 recommendations 18:7 47:18 138:20 138:23 141:14 recommended 8:4 141:2 record 8:24 19:25 25:7,12 30:24 31:13 34:3 40:2 47:7 74:7</p>
	<p>q</p> <p>qualifications 34:8 qualified 20:22 25:25 quality 96:10 136:4 151:8 quarter 112:19 question 8:9 37:3 39:16 50:17,17,22 51:18 52:3 53:20,22 55:7 60:17,18,23 61:22 66:15 68:9 83:22 88:20 98:3,22 101:16 103:16 119:18 120:14 124:4 129:24 135:10 142:18 143:25 148:25 154:2 155:9 questions 3:13 18:3 19:25 23:15 30:22 31:19 40:8 41:10,15</p>	<p>r</p> <p>r 9:1 21:12 34:5,5 161:1 rack 11:24 radiuses 22:14 rain 11:24 rains 144:20 rainy 66:10 raise 15:8 86:16,17 87:1,2,15,20 100:17 100:19 raised 87:7 100:20 101:20 109:11,15 109:15 118:18 138:12,15 153:18 ran 29:14 rapidly 82:3 rate 27:10 90:17 107:1 rated 58:12 rating 58:14,22 reach 49:20</p>	

<p>126:4 127:4 141:20 150:15 152:23 153:4 records 117:12 150:22 red 15:8 63:18 65:25 redevelopment 24:24 25:1 redirecting 29:20 refer 41:17 92:13 106:2 117:8 133:7 136:6 references 91:10 referencing 35:9 referred 24:19 137:15 referring 46:5 90:19 131:16 refers 38:21 reflect 40:3 52:25 70:4 90:23 114:6 155:14 reflects 90:18 91:1 regard 47:9 153:3 158:8 regarding 8:1 20:3 48:9 regards 22:5 registered 20:16 regular 1:4 85:13 161:6 regulated 118:1 regulations 75:23 76:22 100:8,12 106:8,16,20,21 107:8,13 133:18 135:20 reinstated 154:7,8,9 154:14 rejected 109:13 related 39:20,25 48:14 50:18 61:22 73:20 75:15 relates 48:11 107:3</p>	<p>relatively 19:17 21:13 114:13 relevant 155:9 relied 89:23 relocate 30:14,19 rely 122:7 relying 122:9 remember 93:15 102:23 106:14 120:3 remind 23:9 60:18 150:14 reminded 125:15 remove 12:12 87:11 render 96:13 renewal 32:13 repeat 118:14 147:17 repeated 136:12 rephrase 100:25 replace 8:2 62:9 report 44:10 58:20 90:18 reports 118:10 137:8 represent 7:14 41:13 118:19 148:23 representative 122:14 represented 77:21 112:6 131:17,23 representing 24:14 132:13 request 11:5 13:19 29:7 36:11 46:7 142:7 requested 10:13 12:12,18 16:6 20:4 20:4 29:5 30:17 61:9 requesting 61:14 requests 17:5 117:12 133:21</p>	<p>require 100:3 103:21 106:8 153:23 required 10:22 12:8 28:20,23 142:7,8 143:15,17 155:6 159:18 requirement 30:11 59:3 95:21 99:17 requirements 11:5 11:18 12:1,24 15:17 17:5,10,15,19,24 20:3 27:13 102:8,10 102:20,21 157:24 157:25 158:1 159:11 requires 28:5 93:21 147:21 resident 48:18 68:8 78:10 150:10 152:17 residential 21:12,15 24:17 27:5 39:13 64:24 70:15 86:20 86:23 99:22 100:16 102:24 106:24 107:3 residents 37:15 38:3 38:7 43:5 86:23 144:9,11 145:10 157:11 resolution 5:22 103:21 127:16 152:24 155:11,17 resolutions 5:3 155:3 respect 104:3 130:15 139:8 140:6 148:12 149:1 respectfully 103:6 109:25 143:2 144:1 respects 24:25 respond 142:15 responded 88:21</p>	<p>responsibility 146:10 rest 39:19 81:25 84:6 113:7 restoration 112:14 123:16 restore 110:6 155:13 restrict 17:13 restriction 104:6 restripe 11:18 result 90:14 95:11 126:5 145:7,12 147:11 results 112:15 resume 74:19 75:13 retain 22:23 retention 135:20 returned 26:21 146:12 reversed 113:16 review 3:10 4:5,8 7:17 11:4,8 12:1,2 12:11,19,19 13:4,20 13:21 20:2 27:21,23 28:21 34:25 38:25 50:6 109:4 110:22 121:8 123:11 137:20,23 138:5 142:12 143:16 156:3 reviewed 11:11 13:9 13:9 36:18 49:5 117:11 139:9 142:5 157:13 reviewing 78:4 revise 99:13 revised 11:6 36:6 88:17 110:21 113:2 114:5 139:3 revision 99:2 115:2 115:4 revoked 154:6 rg 5:8</p>
--	--	---	--

<p>rick 149:20 ride 68:19 ridge 41:14 74:13 130:12,19 right 7:25 13:13 16:14 19:12 22:1,21 30:4,12 35:10,13,13 35:14,14,22 37:14 37:16 38:4 41:1,4 43:8 50:12,25 53:20 54:15,16,17,24,25 54:25 55:6 56:16 57:4,4,17,21 58:4 60:5 63:17,18 65:22 65:25 69:25 70:6 78:2 79:3 81:22 87:17,18 88:4,4 91:12 94:5 95:4 97:12,18 99:12,16 101:21 113:1 116:8 121:20,22 123:7 131:22 132:8 133:10 135:9 136:5 137:3,18 139:14,15 141:3,14 143:2 147:7 148:16 150:11 151:8,24 153:12 154:20 rights 116:6 rip 96:17 rise 70:13 133:23,24 133:25 134:5 144:16 147:10 risks 145:12 risparian 116:6,10 river 29:15 30:1 33:13 35:10 37:17 45:14 48:17 51:1,3 51:17 53:6 56:6 64:9 65:17 67:1,3,7 67:13 68:8,23 69:18 69:20,24 71:8 72:21 73:4,5 76:4 78:2 84:20,20 85:5,8 87:16 88:5 93:9,18</p>	<p>94:7,22,25 95:2,4,5 95:6,7,13,22 96:5 96:12,24 97:16 98:4 98:7,15 101:18,21 102:3 119:5,10 132:25 135:23,25 136:18 141:3,9 144:24 145:17,19 146:18,23 147:6,7,7 147:7 149:23 150:2 150:11,11 151:2,9 151:15,20,23 152:1 152:7,8,11,15 157:2 riverfront 154:16 riverside 24:10 26:16 27:2,16 28:14 29:12 31:11,14 riverview 7:6 33:13 33:21 60:8 65:7 79:9 112:14 114:2 133:22 139:2 144:12,23 146:1 149:16 152:12 159:7 road 7:11 10:17 12:10 15:7,8,23 16:12 32:19 33:14 35:10,12 37:17 45:14 46:8 48:17 51:2,3,17 52:24 53:6 54:23 56:6 62:11 64:9 65:17 67:1,3,8,13 68:8,24 69:7,18,20,24 70:12 70:23 71:8 72:21 73:4,5 85:9 87:16 88:5 93:9 94:7,25 95:4,6,7,13,22 96:3 97:10,17 98:4,7,15 101:18,21 102:3 119:5,10 133:1 135:23,25 136:18 140:22,24 141:2,3,4 141:6,9 143:9,15,18 144:24 145:16,17</p>	<p>146:18,23 147:6,7 149:23 150:2,4,5,9 150:11,11,14 151:2 151:9,15,17,18,20 151:23 152:1,7,8,11 152:15 157:2 roads 108:12 151:16 151:19 roadway 36:18 71:10 96:18 121:11 robert 33:23 rock 9:3 roll 2:4 romano 1:12 2:17 40:3,5 47:5,9,16,21 64:15 125:17,18 126:19 127:8 128:14,20 130:8,14 130:20 131:8 140:4 148:17,22 149:4 152:20 153:9 154:13 160:3 roof 94:15 room 40:23 63:6 round 36:19 roundabout 27:8 route 94:11 row 42:22 rpr 161:3,13 ruin 86:12 rule 60:4 133:23,25 134:1,6 ruled 109:24 110:3 rules 54:22 76:22 86:24 104:20 106:3 106:18 130:9,16 153:21 154:11 run 93:18 running 84:23 95:4 runoff 93:18 95:3 95:15 runs 62:8 95:3 rush 44:9,14 51:17 68:19 104:14,16 150:9</p>	<p>rushabh 1:13 ryglicki 19:6 115:24 131:17,17,20,22 132:12</p> <hr/> <p style="text-align: center;">s</p> <p>s 9:1 20:10,10 25:9 34:5 safe 151:10 152:3 153:7,7 safety 93:8 105:23 118:19,23 119:6 121:7,10 145:8 146:6,10,20,20 151:22 sales 117:1,4 salute 3:7,8 saman 144:5,6 san 66:7 sand 96:9 97:6 sandy 85:24 90:4,21 90:23 91:16,19,24 98:23 99:3,3 112:9 113:8 136:12,24 144:20,22 145:4,7 146:5 147:4 157:15 sanity 51:19 satisfaction 47:25 satisfactory 61:14 satisfied 127:6 148:4 satisfy 107:13 saturation 118:24 save 60:12 saw 150:4 saying 51:14 66:18 69:15 82:10 85:12 86:1 95:12 98:3 101:7,10,19,23 102:18 103:7 108:14 122:20 123:6 132:7 147:23 148:3 149:25 says 37:4 44:10 102:9 105:25</p>
---	--	--	---

<p>109:21 114:17 115:13,15,16 116:1 116:7 121:21 122:4 130:3 133:9 135:20 143:18 155:17 schedule 125:25 scheduled 7:4 schepisi 116:1,7 132:6 school 68:11,13,16 72:20 schoor 114:2,6 115:17 science 74:23,23,25 75:3 seal 16:17,19 secaucus 24:11,19 26:14 secaucus's 27:12 second 5:11 18:9 23:18 31:21 35:25 42:23,23 53:8,25 54:4,19 66:7 114:1 124:14 129:25 158:24 159:4 seconded 3:17 4:14 6:3,19 32:21 128:6 159:8,14 seconds 67:5 72:11 secretary 1:21 141:22 143:10 156:17 section 7:3 32:11 75:20,22 81:24 98:8 security 144:10 146:11 see 15:22 37:22 39:1 39:1 42:14 50:11,11 51:4,13 60:22 61:3 62:12 63:2 72:1 81:4 82:2 92:22 94:3,17 98:7 118:8 138:14 143:14 146:22 156:12</p>	<p>seen 24:16 45:22 92:7 120:2 134:7 seepage 22:24 send 104:12 sense 79:22 sent 112:11 119:23 123:23 137:25 138:2 separate 53:15 separating 54:8 september 4:6,9 73:6 116:1 serve 78:3,6,8 served 77:24 service 8:6 49:7,8,21 49:22 58:13 services 100:16 set 13:9 22:1 35:9 sets 13:8 55:18 106:19 seven 9:10 44:19 108:15 110:19 119:25 143:17 seventh 51:10 shade 28:22 shaded 140:18 shallow 118:1 shallows 118:5 shaped 19:17 22:2 shapes 21:11 share 146:14 shared 65:6 shari 161:3,13 shed 17:1 sheet 35:9 shifted 29:7 30:3 shore 84:5,9 86:15 87:7 shoreline 80:9,11 112:17 short 114:14 131:12 144:1 shortino 7:16 8:25 9:1,4,6,10,15,18,21 10:1,3,7,10,12 11:1</p>	<p>12:6,17 13:3,15 14:6 15:24 16:4,19 shortino's 14:13,25 show 13:10,11 36:22 37:25 42:3,4,4,13 74:12 77:7 82:14 87:23 88:8 90:5 93:2 94:13 98:18 105:12 106:14 107:19 109:1 110:23 111:13 112:2,8,25 113:3,5 115:1,21 116:18 156:1 showed 49:17 116:15 156:2,3 showing 74:15 93:13 99:5 shown 10:4 11:24 12:11 16:6 26:9 28:21 46:3,6 61:6 111:5 115:16 136:21 155:13 shows 36:16 42:5,6 49:6 80:1 83:24 92:16,18,20 93:3 98:7 108:25 111:12 111:15,22 112:4,15 112:18 113:6 114:1 114:7,21 123:21 141:25 147:5 shuts 67:4 side 19:11 21:10 28:15,25 39:8 46:8 51:22 58:7 61:5 66:20 81:6 82:3 84:10 sides 66:4,19 sidewalk 15:22 29:1 30:11,14,19 sight 8:5 sign 7:24 11:21,22 30:19 38:2 signal 35:12,17 36:13,16 39:16 41:7</p>	<p>44:25 52:10 56:22 62:18,20 63:13,15 66:24 signalized 71:13 signals 41:3 49:19 signatures 146:14 significantly 144:24 signing 36:17 similar 39:1 42:13 89:3 144:2 simple 142:14,15 single 107:5 sir 21:5 76:13 102:13 143:22 155:9 sit 81:14 site 7:4 10:1,3,13,21 14:2,3 17:20 20:2 22:24 27:6,15,23 28:8,10 29:14,20 31:12 35:6,9,14,15 35:20 37:8 39:20,25 41:17 45:5,5 46:3 48:18,19 55:22 56:10,15,20,21 58:24 59:2,4,24 79:25 82:13 93:25 100:24 101:2 107:24 108:2,5,16 108:17 112:1,4,5,6 113:4 115:1 116:23 116:24 117:2,5 118:3,6,7 123:13 143:13 152:12 156:2 sites 10:14 98:16 sits 19:17 21:7 sitting 139:8,14 situation 152:7 situations 147:2 six 21:23 22:6 26:21 28:20,20,21 44:9 52:18 92:6 sixth 24:17 26:19</p>
---	---	--	---

<p>size 27:4</p> <p>slash 8:6,7 64:13</p> <p>sleazer 116:21 132:16,17,24</p> <p>slick 66:10</p> <p>slight 14:8</p> <p>slope 29:5</p> <p>slowly 60:8</p> <p>small 7:24 82:1 137:13</p> <p>smaller 98:7</p> <p>smoothed 118:6</p> <p>snowy 66:10</p> <p>sokol 33:20</p> <p>solely 141:11</p> <p>solid 79:25 80:13,14 80:18 81:16</p> <p>solution 87:11</p> <p>somebody 67:17 68:1 90:22 104:20 131:9</p> <p>somewhat 104:15</p> <p>soon 14:17</p> <p>sorry 10:11 40:4 57:7 60:13 86:4 100:7 129:22 143:5 156:22 158:19</p> <p>sort 151:18</p> <p>south 26:15 29:22 35:13 40:16 42:14 46:5 51:3 56:6,22 57:1 58:9 61:4,8 91:21 98:10 136:18</p> <p>southbound 37:8 40:12,16 52:8 56:18 56:19 58:2 61:25 63:1,1 67:1 71:19</p> <p>southerly 38:8,22 46:13,13</p> <p>southern 57:2,7,7 57:19 82:2</p> <p>southwest 26:17 27:2</p> <p>sp 5:4,24 6:14 7:9 18:25 24:9 32:12</p>	<p>33:12</p> <p>space 11:14,16 13:10,12 28:3 48:18 54:13 60:16,21 61:1 61:5</p> <p>spaces 19:22 22:6 28:8,10,12,13,19 57:16 58:8</p> <p>speak 3:4 47:6 76:12 125:12 129:7 129:9 142:23 144:3 148:19 156:13</p> <p>special 125:25</p> <p>specialty 75:9</p> <p>specific 12:20</p> <p>specifically 53:10 153:3</p> <p>speed 131:2</p> <p>spell 8:24 20:8 25:7 34:3 74:7</p> <p>spend 51:1</p> <p>spent 77:25</p> <p>spill 94:7,24</p> <p>spoken 105:10</p> <p>sports 24:22</p> <p>spots 22:8,10 57:20</p> <p>spring 118:2,4</p> <p>square 19:18 124:1</p> <p>squeezed 42:22</p> <p>stack 45:19</p> <p>stacking 37:16 44:5</p> <p>staff 105:22 137:17 137:19 138:8 152:25</p> <p>stand 3:6 81:3</p> <p>standards 8:1 30:16 59:5 100:2 145:4</p> <p>standing 67:10</p> <p>standpoint 93:2,4</p> <p>star 3:1</p> <p>start 2:3 25:10 104:22,23 125:18</p> <p>started 75:7 90:3 92:6 132:10</p>	<p>starting 64:22 90:2</p> <p>starts 80:20 94:6 97:15 102:24</p> <p>state 8:23 20:8,17 25:6 34:2,15 48:15 55:8 74:7,23 75:7 76:6,21 77:23 86:22 106:3 129:13 135:20 161:4,14</p> <p>stated 11:25 13:20</p> <p>statement 124:22,24 129:10,18</p> <p>statements 129:19</p> <p>states 75:6 133:5</p> <p>station 8:6,7 10:15 15:21 24:10,20 26:16 27:2,16 28:14 29:13 31:11,14</p> <p>stay 129:21</p> <p>staying 129:12</p> <p>steep 66:6</p> <p>steepness 151:17</p> <p>stick 79:20 124:17 157:2</p> <p>stilts 86:15,16,17</p> <p>stipulate 36:8</p> <p>stop 38:5 54:9 67:9 68:23 69:2 72:23 104:25</p> <p>stopped 43:4</p> <p>stopping 68:12</p> <p>stops 72:21 73:5 89:5</p> <p>storage 39:12 48:18 51:23 60:16,21 61:1 61:16</p> <p>storage's 61:5</p> <p>store 8:7,9 10:18 16:22 17:6</p> <p>storm 77:15 78:1 83:17 85:13,16,18 85:19,22,25 86:1,2 86:8 88:21,24 89:9 89:13,25,25 91:1,15 91:16 93:23 94:8</p>	<p>96:14 98:5 102:4 119:3 136:23 137:1 137:9 145:9 147:12 152:8,10 157:15</p> <p>storms 91:6,11 92:4</p> <p>stormwater 22:23 22:24 75:10,15,19 76:22 77:2,6 93:14 93:16,18 96:9 97:19</p> <p>story 21:22</p> <p>straight 30:15 43:8 51:12,14 67:18</p> <p>straighten 47:12</p> <p>stream 75:23</p> <p>street 5:6 19:1,2,9 19:11,13,14,21 20:10 21:10,11,16 22:16 26:12 31:15 31:16 32:13,14 34:11 39:8,12 51:22 53:3 73:12 132:25</p> <p>streets 66:8 144:21</p> <p>streetscape 8:1</p> <p>stretch 55:23 150:23</p> <p>stripe 42:5,12</p> <p>striped 42:15 62:7 71:24</p> <p>striping 35:19 36:17 39:6,9 46:2,2,4,7,13 50:20 60:19,25 82:17</p> <p>strong 144:10</p> <p>strongly 145:25</p> <p>structure 21:22 133:25 134:1,5</p> <p>structures 133:23</p> <p>stuck 145:17</p> <p>studies 49:14 53:10 53:11 75:25 76:2,3 76:8,10,15,16,18 89:21 90:1,8 92:9</p> <p>study 40:18 49:5,12 49:13 50:4 53:14 63:25 69:12 70:7 87:12 90:3,11 91:1</p>
---	--	--	---

<p>91:10,24 92:3,5,14 98:7 145:20 stuff 155:20 subdivision 26:20 31:15 subdivisions 7:4 subject 80:17 109:2 113:11 117:17 154:17 157:22,24 158:12 159:10,12 subjected 107:24 108:2 submission 23:7 submit 11:3 12:21 20:21 108:21,24 submitted 10:6 11:7 12:20 13:16 15:9 20:25 21:4 37:10 49:5 88:14 118:10 123:16,18 137:16 138:7 substantial 119:13 sue 68:7 suffer 60:10 suggest 158:7,10 suggested 102:19 158:6 suggestion 104:2 suggests 157:16 sukru 144:6 summarize 105:21 107:20 117:20 summary 13:15,21 117:23 118:10,16 supplement 118:12 suppose 121:21 supposed 28:3 95:8 95:23 121:25 sure 3:6 16:11 17:15 17:16 36:13 39:14 45:13 46:9 48:12 55:5 60:20,25 93:15 138:22 surrounded 81:16</p>	<p>survey 108:21,25 109:10 111:12,13 112:21 113:11,22 113:24 114:1,6,10 114:11,14,16,17,22 114:25 115:10,15 115:17,20 116:13 116:14 122:22,25 123:1,1 surveying 111:21 surveys 112:1,15 117:21 122:18 132:11 swear 148:16 swig 94:3 swing 54:7,8 sworn 8:22 20:12 25:4,5 34:1 74:5 121:2 122:14,15 149:9 syracuse 74:25 system 31:6 84:22 94:13,22 95:1 97:11</p>	<p>talked 63:25 112:9 153:7 talking 85:14 111:3 121:15 123:18 135:24,25 140:21 151:13 target 51:6 72:2,4 144:15 targeting 144:23 tco 17:6,24 23:13 technical 11:4 12:11 12:19 13:20 38:25 46:23 93:2 104:15 techniques 11:23 22:21 tell 9:16 52:23 69:7 71:6 89:16 95:20 101:5 102:17 130:15 137:8 149:13 150:10,14 151:8 155:12 telling 86:5 130:1 temporarily 128:19 temporary 8:12 16:19,20 17:3,18 ten 20:18 28:23 44:20 49:14 52:1,18 54:3 71:11 72:11 73:9,10 78:1 89:2,4 89:9 93:22 95:19 103:10,20 124:18 125:15,19 126:22 127:1 129:13 130:3 131:6 tenth 51:10 72:6 terms 48:24 110:18 135:19 154:5 156:11 terrain 68:1,2 terrorism 151:14 test 54:23 55:2,4 tested 91:4 testified 25:24 40:9 41:18 52:19 60:19 60:24 71:17,24 72:8</p>	<p>92:24 100:1 102:13 108:19 110:20 testify 7:19 78:24 102:7 121:4 123:22 129:20 151:6 testifying 77:20 123:2 testimony 26:4 33:22 37:6 42:8 48:9,10,15 50:18 53:13 61:22 73:21 93:15 98:21 104:4,7 118:12 120:5 121:7 122:1 124:15,22 125:6 129:2 142:19 149:8,19 155:21 156:4 157:9,11 158:10,11 thank 8:14 9:25 16:7 18:22,23 24:6 26:7 31:2 34:20 47:1,21 48:21 50:15 55:8 60:13 61:20 63:22 69:5 73:19 78:11 109:6 121:5 131:7 144:5 146:15 147:12 152:18 160:8,10 theory 53:16 86:21 thing 13:12 36:21 60:15 62:25 87:24 97:24 109:22 110:15 115:19 things 15:2 29:10 50:13 52:5 60:7 87:6 89:21 101:1,5 102:19 103:2 109:11 115:10 123:17 138:25 140:22 157:21 think 7:21 11:12 13:19 14:2,22 17:12 31:5 33:22 39:10,19 44:6 50:14 52:4 60:2,4 63:21 72:8</p>
	<p>t</p>		
	<p>t 9:1 11:8 12:1 15:1 20:10 22:17 25:13 28:2 34:25 35:18 36:1 74:10,10 122:14 138:25 159:16 161:1,1 take 3:12,15 44:20 47:17 48:2 67:11 72:19 73:7,11,21 97:23 144:2 146:2 151:21 152:13 taken 14:24,25 73:24 105:5 122:25 152:9 161:6 takes 49:9 96:4 talk 78:14 89:11 98:23 100:9 129:22 130:7,22,23 137:2 144:7</p>		

73:7 81:21 82:8 88:25 89:3 90:22 95:18 98:13,13,24 104:16 106:10 118:21 122:15,15 124:5,7 125:2,21,24 127:6,10 128:21 129:15 131:10 136:19 137:7 142:9 142:24 149:23 151:12 153:17 thinks 109:20 153:15 third 1:7 53:8 89:18 102:24 thonet 74:4,9,9,11 74:15,18,22 75:17 76:1,9,14,25 77:8 77:21,24 78:8,11,14 78:19,22 79:1,6,14 81:1,13,18,22 82:10 82:19,23 83:5,10,14 83:19 84:14 85:15 85:19 86:3,7,11,19 87:9,14,24 88:12,16 88:25 89:11 90:7,12 90:16,24 91:3,8,12 91:17 92:2,15,18 93:3,7,10,13 94:1 94:15,19 95:14,18 96:2,8,21 97:3,9,12 97:18 98:6,11 99:19 99:21 100:4,8,11 101:4,17 102:5,19 103:13 105:11,14 105:19,25 106:6,10 106:13,17,22,25 107:11,16,18,22 108:2 109:7 110:20 111:9,12,20 112:13 112:23 113:1,5,12 113:15,21,25 114:13,20 115:3,5 115:12,14,23 116:20 117:6,10,14	117:18,24 118:9,15 118:16,21 119:11 119:14 124:4 126:16 131:11,15 131:16,20,24 132:3 132:9,14,19,23 133:2,5,11,14,17 134:2,7,10,16,19 135:1,8,12,17,22 136:2,10,14,17 137:2,7,18 138:9,14 138:21 139:5,9 153:15,17,21 thonet's 103:4 thousand 56:12 72:5 three 8:3,3 12:9,13 21:22 37:16 40:24 44:21 45:6,10 51:9 51:25 56:8 58:10 62:11,22,23 66:24 67:5 72:12 80:3,6 80:13,19,21 81:10 82:9,11 92:21 94:17 111:15,18 114:8 131:4 143:16 threshold 56:7 thursday 122:19 ticking 131:9 tidal 93:17,20 tide 118:3,4 135:22 tied 94:21 tight 108:11 time 17:2,7 24:7 26:19,20 37:21 41:2 41:8,8 44:22 45:24 49:25 50:3 59:1 64:7 66:2 67:5 72:11,17 89:1 92:8 102:13 103:17 104:5,5 109:10,20 111:10 120:11 125:8,8,16,22,23,25 126:2 127:2,5 129:15,23,25 137:5 137:13 139:25	140:5,12,13 142:10 142:25 143:7 150:7 152:13 160:9,11 timely 10:8 times 26:21 34:14 51:16 73:2,16 76:1 85:18 143:25 145:24 150:13 timing 63:25 66:5 104:10 125:10 today 7:17 14:11 16:6 21:7 80:9 84:3 84:3 92:11 100:22 101:4 114:16 134:22 today's 79:4 88:10 152:16 told 139:18 toll 32:14 tom 24:13 tonight 33:24 105:4 top 35:11 81:14 137:11 topic 157:1 topo 115:10 topographic 113:21 114:22 115:15,16 topography 114:22 totally 112:1 115:19 117:19 touched 35:7 towers 81:3,12,13 81:15 town 66:7,9 145:20 149:21 towns 9:18 township 19:20 78:9 townships 20:19 tracing 81:23 tracked 99:4 traffic 14:3 33:24 34:10,17,21 35:5,12 35:17 36:1,13,16 37:18,21 39:16 41:7 41:15 42:9 44:2,25	47:14 48:10,11,24 49:1,4,15,19 50:14 52:10 53:12,13,14 56:1,2,22 59:14 63:13,14 64:8,25 65:1,2,12,14 66:2,9 66:24 67:9 72:21 73:7 101:15 108:11 109:5 121:12 123:20 147:11 149:17 151:3,5 153:3,6,8,11 156:10 156:20 157:2 158:21 trailer 117:1,4 train 24:20 transcript 1:4 55:11 78:16 149:22 161:9 transmittal 20:1 transportation 34:13 travel 66:25 traveled 52:24 traveling 52:8 trc 42:25 treat 86:25 trees 8:3,3 12:8,9,11 12:13 28:22 tremendous 73:8 trench 96:22 triangles 94:18 tridente 1:20 15:4 15:14 16:25 17:17 23:8 157:5,6 tried 15:1 101:17 tries 85:6 trigger 83:18 trip 72:23 trips 56:5 72:5,6 tropical 91:5 true 58:11,13 truly 146:22 trusted 14:23 try 139:19 152:5
---	---	--	---

<p>trying 51:6,7,10,20 53:11 60:15,18 72:2 104:6 109:1 110:9 126:8 140:7,23 tugboat 112:18 turn 22:13 27:7 35:19,21 39:2,4 40:12,16,22 43:7,8 45:3 51:5,8,8,13,23 51:24 52:7,9,9,12 52:14 53:11 54:12 54:15,15,17,24,25 57:22 61:12 62:2,21 63:1,3,11 65:23,23 67:1,20,22 71:18,23 71:25 72:1 turned 118:7 turning 51:20 53:3 53:4 54:17,18 62:18 turnpike 5:25 turns 39:4,11 53:7,7 57:4 63:2,17 66:15 66:16 twenty 9:10 15:25 73:9 95:19 twice 29:1 two 11:23 15:11,13 21:21,24 22:2,7,8,9 22:21 26:18 27:4,24 27:25 29:8,10 30:8 35:20,22 37:4,12 39:4,7 41:3 42:4,9 43:3,20 50:25 51:9 53:25 54:8,9,11 55:18 59:5 62:1 63:16 70:12 93:22 102:25 107:6 115:22 116:12 131:4 136:6 137:3 139:21,22 144:2 151:16,19 tying 29:19 type 14:2,2 22:3 66:11</p>	<p>typically 46:22 56:4</p> <p style="text-align: center;">u</p> <p>ucc 100:2 unauthorized 116:22 underground 36:22 underscore 106:23 understand 18:1,2 42:17 52:2 85:12 93:4,7 98:21 102:1 104:10,11,12 109:19 122:13,17 124:21 125:7,13,14 140:1 142:21 143:23 144:4 146:8 understanding 10:20 12:22 138:9 understands 81:9 union 5:25 unison 54:13 unit 21:20,21 22:3 22:19 69:24 70:18 70:21 73:13 units 19:20 21:20 22:3 27:5,10,11 44:10 70:16,24,25 86:20 university 74:24 unquote 150:3 unsafe 149:16 unusually 21:11 upcoming 59:23 update 92:9 updated 55:15 99:5 113:3 updates 55:20 upheld 133:22 upper 79:3 upwards 56:11 80:20 urban 32:13 64:13 usable 96:13,14 use 38:7 61:12 77:23 86:25 116:25 153:5</p>	<p>153:5,8 uses 21:15 49:25 usual 104:20 usually 51:25 63:3 68:18 97:20 137:3 utility 88:13 utter 150:9</p> <p style="text-align: center;">v</p> <p>v 34:5 50:24 86:20 106:24 107:1,2 vacant 19:17 21:12 21:14 variances 25:1 variety 21:14 various 83:18 117:11 150:20 ve15 80:4 vehicle 41:4 54:18 54:18 vehicles 21:23 37:17 37:24 40:24 41:4 44:17 45:1,10 52:16 52:20,22 53:2 56:7 72:12 120:18 152:10 vehicular 27:15 velocity 80:5 81:21 134:25 verbally 155:21 verderese 33:25 34:4,4,6,9,17,20,23 35:3,7,24 36:2,7,10 36:15 37:9 38:6,13 38:18,24 39:18 40:8 40:14,18 41:9,16,19 41:22,25 42:5,11,20 42:24 43:9,12,17,23 44:6,12,15,24 45:9 45:15,20 46:4,15,21 47:13,20 48:6 49:4 49:13 50:6 52:4,15 52:19 53:1 54:3,14 54:22 55:16,18,25 56:14,21,25 57:3,9</p>	<p>57:11,15,21,25 58:3 58:6,15,19,23 59:12 59:17 61:2,17 62:4 62:7,12,19,23 63:7 63:12,16,20 64:3,8 65:3,9,13 66:14,21 67:14,19,23 68:13 68:20,25 69:3,11,15 70:2,8,14,19,25 71:4,9,20 72:3,10 72:24 73:1 versus 54:16 97:1 vicinity 61:19 view 144:3,4 147:15 viewed 138:3 violated 133:25 violating 49:21 violation 116:21 117:7 132:16,21 133:6 visible 79:11 visitor 54:10 visitors 37:14 voinier 2:18 volume 37:19 45:23 49:24 72:7 volumes 41:2 49:19 50:7 59:14 64:8 67:24 vote 128:22 129:3 155:11 159:5 voted 120:5 155:21 voting 156:11,16</p> <p style="text-align: center;">w</p> <p>wait 67:10,19 69:2 waited 155:24 waiting 8:16 41:8 walking 119:3,6 137:11 walkway 57:18 58:8 84:11 97:4,7 124:3 154:16 want 2:3 23:9 25:11 35:25 39:8 44:14</p>
--	---	--	---

48:4 51:12 55:3,5 61:12 65:20 67:7,18 78:14 95:22 98:11 103:15 104:14,15 104:22,23,25 111:1 122:14 123:5,6 124:13,16,17 126:11,13,13 130:22 131:11 136:6,22 137:25 141:4 143:20,24 146:14 150:8,13 152:13 153:14 156:18 158:6 wanted 16:11 29:5 46:8 48:22 59:21 60:19,25 99:19 138:6 142:11 wanting 52:1 wants 30:20 103:6 103:20 124:25 125:12 warrant 67:23 water 84:6,24 85:2,3 93:21 94:4,7,9,10 94:13,20,24 95:22 95:24 96:4,10,13 97:6,15,19,20 98:1 118:2 135:3 136:3 145:16 water's 145:18 waterfront 100:12 100:13 109:14 154:5,10,18,20 155:5 waters 24:14 wave 37:25 80:2 83:18 92:21 waves 80:3,5,9,11 80:17,19,20 81:6,21 82:11 84:5,8,17 92:19,21 93:1 96:17 134:25 135:5 way 7:25 16:14 22:1 22:21 26:11,17 27:3	27:18 28:22,24 29:13,22,24 30:4,12 30:12 31:8,10 38:2 39:4 43:3 54:16,25 62:17 71:11 73:11 76:4 82:11 88:6 89:16 95:9 99:9 100:24 121:9 134:21 141:3,10,14 144:3 149:14,17 151:3 152:2,15 153:12,20 we's 28:7 we've 11:15 26:19 30:4 49:14,15 92:7 119:24 126:1 weather 89:24 wednesday 1:8 161:8 weeds 157:1 weehawken 59:19 week 112:11,22 120:1 137:3 weekdays 64:2,4,9 weekend 64:6,12 151:13 weekends 64:2 welcome 33:16 53:18 55:7 wellbeing 144:11 146:8,21 went 14:24 29:15 82:6 west 5:6 19:16 26:23 65:18 wide 22:11 53:23 54:1,2,4,6,7 widen 43:2 widened 37:11 widens 43:24 wider 43:21 width 38:17,19 41:24 willing 7:23 15:17 17:4,11 126:3,8	window 137:13 winds 144:20 wiring 36:24 wish 151:21 withdrew 29:7,8 witness 8:22 20:12 25:2,5 30:22 34:1 68:6 74:3,5 125:4 149:2 witness's 48:9 witnessed 50:10 woman 51:21 wong 55:10,10,17 55:20 56:9,16,24 57:1,5,10,13,17,23 58:1,4,11,18,20 59:10,15,21 61:15 61:20 63:25 129:8 149:11,13 wooded 118:7 word 126:8 words 62:10 90:9 154:13 work 16:13,17 37:7 39:5,13 46:1,14,16 76:5,17 92:4 116:2 133:2 worked 46:22 47:11 47:17,24 working 14:19 50:10 76:10 works 45:13 88:5 94:14 worried 144:25 worry 111:6 worse 91:25 145:16 worst 144:19 worth 158:2,15 writes 116:7 writing 132:6 written 75:13 124:18 wrong 99:24 108:19 121:22 122:1,2 123:3,14	wrote 137:15 y yard 21:25 22:10 yeah 63:16 70:10 87:9 94:15 98:6,20 122:2 year 49:16,16 55:16 55:17 75:8 80:10 84:4 85:16,18,19,21 85:21,23 86:2,8 87:16 88:18,21,24 88:25 89:2,4,5,8,10 89:13,15,18,25,25 92:10,11 93:23 95:16 96:14 98:5 102:4 110:9,9 115:6 122:23 123:2,4 147:4 years 9:10 20:18 25:23 29:11 45:22 48:25 49:15 71:11 75:9 78:1 89:9 92:6 92:8 103:10,11 117:12 120:4 143:17 155:25 yesterday 14:13 yields 54:25 york 7:10 10:16 15:6,10,15 74:24 yvette's 61:24 z z 19:6 33:19 zenn 33:16,18,19 34:6,16,20,24 35:4 35:24 36:3,8,11 37:2 38:3,9,16,20 39:15,21 40:4,7 47:8,23 48:4 93:5 102:12,17 103:6,7 104:11,24 105:6 106:14 108:24 109:9 113:20,24 120:25 121:19 122:20 123:15,24
---	--	---	---

126:14 128:24
129:4 131:3,10,14
131:22,25 132:5,12
132:15,20,24 133:4
133:7,12,15,19
134:3,9,12,17,23
135:6,10,14,19,24
136:5,11,16,22
137:4,14,19 138:6
138:11,18,24
139:11,15 140:19
152:23 155:2 160:8
zenn's 109:20 110:2
zone 80:5 83:1 86:21
106:5,24,25 107:1
134:13 136:8
zones 83:3 99:6
107:2,10
zoning 15:7,15 17:2
17:22 77:22 157:16