

COUNTY OF HUDSON
PLANNING BOARD

Condensed
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MEETING OF THE COUNTY OF HUDSON PLANNING BOARD : TRANSCRIPT
: OF
: PROCEEDINGS

6:30 p.m.
Wednesday, September 21, 2011
567 Pavonia Avenue
Jersey City, New Jersey

B E F O R E:

- DANIEL CHOFFO, CHAIRMAN
- MARY AVAGLIANO, COMMISSIONER
- DEMETRIO ARENCIBIA, COMMISSIONER
- RENEE BETTINGER, COMMISSIONER
- JUDE FITZGIBBONS, COMMISSIONER
- RUSHABH MEHTA, COMMISSIONER
- WILLIAM O'DEA, COMMISSIONER
- ANTHONY ROMANO, COMMISSIONER

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

JOHN J. CURLEY, ESQ.
Board Attorney

STEPHEN MARKS, PP, AICP
Planning Director
MARIO TRIDENTE,
Building Inspector
Zoning Officer
DANIELA CIAMMARUCONI,
Planning Aide

MEGAN MASSEY, AICP
Principal Planner

Job No. NJ308687

Page 2

1 CHAIRMAN CHOFFO: Good evening. I
 2 would like to call to order the meeting of the
 3 Hudson County Planning Board for Wednesday September
 4 21, 2011.
 5 Mr. Curley, has this meeting been
 6 properly advertised?
 7 MR. CURLEY: Yes, Mr. Chairman, it has
 8 been posted with the Clerk of the Board of
 9 Freeholders and also advertised in the Star Ledger
 10 and Jersey Journal in compliance with the Open
 11 Public Meetings Act.
 12 CHAIRMAN CHOFFO: Thank you. Mr.
 13 Marks, can we have a roll call, please.
 14 MR. MARKS: Sure.
 15 Commissioner Arencibia?
 16 COMMISSIONER ARENCIBIA: Here.
 17 MR. MARKS: Commissioner Avagliano?
 18 COMMISSIONER AVAGLIANO: Here.
 19 MR. MARKS: Commissioner Bettinger?
 20 COMMISSIONER BETTINGER: Here.
 21 MR. MARKS: Commissioner Fitzgibbons?
 22 COMMISSIONER FITZGIBBONS: Here.
 23 MR. MARKS: Commissioner Holloway is
 24 absent.
 25 Commissioner Mehta is not present.

Page 3

1 Commissioner Ng is not present.
 2 Commissioner O'Dea?
 3 COMMISSIONER O'DEA: Here.
 4 MR. MARKS: Commissioner Romano is not
 5 present. And Chairman Choffo.
 6 CHAIRMAN CHOFFO: Here.
 7 MR. MARKS: Mr. Chairman, we have a
 8 quorum.
 9 CHAIRMAN CHOFFO: Please stand to
 10 salute the flag.
 11 (All rise to salute the Flag.)
 12 MR. MARKS: Mr. Chairman, the first
 13 order of business is the review and adoption of the
 14 meeting minutes from August 17, 2011.
 15 CHAIRMAN CHOFFO: Do I have a motion?
 16 Any question about that?
 17 COMMISSIONER FITZGIBBONS: I make a
 18 motion to approve.
 19 COMMISSIONER BETTINGER: I will second
 20 the motion.
 21 MR. MARKS: Mr. Chairman, on a motion
 22 to accept the minutes made by Commissioner
 23 Fitzgibbons and seconded by Commissioner Bettinger,
 24 Commissioner Arencibia?
 25 COMMISSIONER ARENCIBIA: Aye.

Page 4

1 MR. MARKS: Commissioner Avagliano?
 2 COMMISSIONER AVAGLIANO: Aye.
 3 MR. MARKS: Commissioner Bettinger?
 4 COMMISSIONER BETTINGER: Aye.
 5 MR. MARKS: Commissioner Fitzgibbons?
 6 COMMISSIONER FITZGIBBONS: Aye.
 7 MR. MARKS: Commissioner O'Dea?
 8 COMMISSIONER O'DEA: Abstain.
 9 MR. MARKS: And Chairman Choffo.
 10 CHAIRMAN CHOFFO: I abstain.
 11 MR. MARKS: Abstain.
 12 Mr. Chairman, the motion passed.
 13 Mr. Chairman, the next item is No. 5-A
 14 on the agenda, the matters scheduled for public
 15 hearing.
 16 Beginning with the memorialization of
 17 resolutions approved at the last meeting, beginning
 18 with application 2011-052-SP, David Drumeler on
 19 behalf of the Town of Secaucus located at the
 20 intersection of Jefferson Street and County Avenue
 21 which is Block 30, Lot 8 in the Town of Secaucus.
 22 Next is application 2011-059-SP,
 23 Deepak Amin, applicant, located at 4522 Kennedy
 24 Boulevard which is Block 263, Lot 23 in the City of
 25 Union City.

Page 5

1 And the next is application
 2 2011-064-SP, Guy Garrubbo, applicant, located at 309
 3 Newark Street which is Block 2.1, Lots 7 and 8 in
 4 the City of Hoboken.
 5 CHAIRMAN CHOFFO: Do I have a motion?
 6 COMMISSIONER AVAGLIANO: Motion to
 7 accept.
 8 COMMISSIONER FITZGIBBONS: Second.
 9 MR. MARKS: Mr. Chairman, on a motion
 10 made by Commissioner Avagliano and seconded by
 11 Commissioner Fitzgibbons, Commissioner Arencibia?
 12 COMMISSIONER ARENCIBIA: Aye.
 13 MR. MARKS: Commissioner Avagliano?
 14 COMMISSIONER AVAGLIANO: Aye.
 15 MR. MARKS: Commissioner Bettinger?
 16 COMMISSIONER BETTINGER: Aye.
 17 MR. MARKS: Commissioner Fitzgibbons?
 18 COMMISSIONER FITZGIBBONS: Aye.
 19 MR. MARKS: Commissioner O'Dea?
 20 COMMISSIONER O'DEA: Abstain.
 21 MR. MARKS: And Commissioner Choffo.
 22 CHAIRMAN CHOFFO: I also abstain.
 23 MR. MARKS: Mr. Chairman, the motion
 24 passed.
 25 CHAIRMAN CHOFFO: Thank you.

Page 6

1 MR. MARKS: Mr. Chairman, the next
 2 item is 5-B on the agenda, site plans, subdivisions
 3 and other matters scheduled for public hearing.
 4 Mr. Chairman, in consultation with the
 5 attorney for the Board, the applicant and the
 6 objectors to the application were actually going to
 7 be hearing or continuing the public hearing on
 8 application 2010-082-SP, Applevew, LLC, located at
 9 7009 and 7101 River Road which is Block 316, Lots 1
 10 through 3 and 5.01 in the Township of North Bergen.
 11 MR. ALAMPI: Thank you. Carmine
 12 Alampi, attorney for applicant Applevew, LLC.
 13 This is a continuation from the August
 14 regular meeting. I think we are at the conclusion
 15 of cross-examination I think from Mr. Lamb of our
 16 planning consultant and then I believe the public
 17 will have their questions and then we will proceed.
 18 MR. LAMB: Good evening. John J. Lamb
 19 from Beattie Padovano. We represent the Galaxy
 20 Towers Condominium Association.
 21 CHAIRMAN CHOFFO: Mr. Lamb, it is hard
 22 for us to hear because of the background.
 23 MR. LAMB: John J. Lamb from Beattie
 24 Padovano representing the Galaxy Towers Condominium
 25 Association, Inc.

Page 7

1 At the last hearing we had just about
 2 finished cross-examination of the applicant's
 3 planner Ms. Gruel and the Board was kind enough to
 4 reserve me five additional minutes and they were
 5 going to have the public question her.
 6 I have reviewed my notes and the
 7 transcripts and although I do have some additional
 8 questions I am going to waive them and just proceed
 9 to the public and not ask any additional questions.
 10 MR. CURLEY: Mr. Chairman, I would
 11 like to note that the procedure that we are going to
 12 follow is to continue with this application until 8
 13 p.m. and then to move on to the other applications
 14 on tonight's agenda.
 15 MR. ALAMPI: Okay, I understand. So
 16 we will start with the public questioning.
 17 Susan, if you could resume your place
 18 at the podium. Thank you.
 19 Mr. Chairman, I will just remind the
 20 witness she was placed under oath at the previous
 21 meetings and she remains under oath and remains
 22 available, as we agreed, to remain available for
 23 cross-examination for questions of the members of
 24 the public.
 25 CHAIRMAN CHOFFO: If I could remind

Page 8

1 the parties to speak into the microphone because we
 2 have background noise up here. It would be very
 3 helpful.
 4 State your name and address.
 5 MR. RABIN: Jeremy Rabin, 7004
 6 Boulevard East.
 7 Ms. Gruel, at the last hearing you
 8 testified a lot about the -- this planning term,
 9 "previously disturbed," and I had some questions
 10 about that.
 11 If I understand your testimony
 12 correctly, you were saying that if the property was
 13 previously disturbed 50 years ago, a hundred years
 14 ago, a thousand years ago, it would still be
 15 applicable to the ordinance.
 16 MS. GRUEL: The previously disturbed
 17 is not constrained by time although there were,
 18 there was very specific testimony with respect to
 19 what the previous uses were and how they were
 20 developed on the site.
 21 MR. RABIN: And the last previous use
 22 was in the early '60s, if I understand correctly.
 23 MS. GRUEL: I believe that there was
 24 more current use by the Galaxy for recreation
 25 facilities.

Page 9

1 MR. RABIN: But that wasn't on the
 2 steep slope. We are just talking about the steep
 3 slope.
 4 MS. GRUEL: I am sorry. I
 5 misunderstood what you were saying because the site
 6 is a site that was disturbed by those uses.
 7 MR. RABIN: The flat areas, but in
 8 terms of the steep slope ordinance, that is what I
 9 am primarily concerned about.
 10 MS. GRUEL: We are talking about the
 11 waiver from the county regulations?
 12 MR. RABIN: Yes.
 13 MS. GRUEL: Yes, there appear to have
 14 been, based upon the engineer's testimony as well,
 15 disturbance on the portion of the site that has
 16 steep slopes.
 17 MR. RABIN: So if a property had been
 18 disturbed say a hundred years ago or in this case
 19 almost 50 years ago, is there any kind of way that
 20 the property could be restored or refurbished so
 21 that it would no longer be a disturbed property?
 22 MS. GRUEL: Well, it is really called
 23 in a generic sense redevelopment which is the, which
 24 is the utilization of a site that previously had a
 25 use on it and that is exactly what we are proposing

Page 10

1 here based upon what the proposal is.
2 MR. RABIN: So would, though, this
3 property as a disturbed property in your definition,
4 the slope, could it become undisturbed through some
5 kind of restoration process?
6 MS. GRUEL: Well actually, and I will
7 use general numbers, I believe that there was
8 testimony by the engineer that approximately 13,000
9 square feet of the area, the steep slope area had
10 been previously disturbed.
11 Our proposal is to utilize only 10,000
12 square feet of that. The remaining portion or the
13 3,000 will be conserved as such. It will not be
14 used for any construction or development.
15 So to that extent, that within this
16 development and this proposal, a portion of the
17 previously disturbed steep slopes will be restored
18 to nonuse as such.
19 MR. RABIN: Okay. But in terms of
20 the protections that are provided by the steep slope
21 ordinance that are, that prohibit construction on
22 this, it is your testimony that previously disturbed
23 property, even if that disturbance was 50, a hundred
24 or more years ago, essentially it is kind of a
25 scarlet letter on this property that it can't really

Page 11

1 get rid of it and it has no protection, developers
2 can now work on that property without the
3 protections of the steep slope ordinance?
4 MS. GRUEL: Well, I think -- what I
5 would say is that certainly that is a significant
6 consideration that this Planning Board in making
7 their decision should take into account, that the
8 area that is proposed, the steep slope area that is
9 proposed to be disturbed had been -- by this
10 development, had been previously disturbed.
11 This is not a quote, greenfield site,
12 and as a matter of fact what had also been testified
13 to was the fact that there is some environmental
14 cleanup that has to be done on the site because of
15 previous uses and that goes back again to the county
16 policies within the planning documents of the county
17 with respect to cleanup of previously-used and
18 environmentally challenged sites.
19 MR. RABIN: We don't know whether the
20 contamination is on the steep slope though, do we?
21 MS. GRUEL: We know that there is
22 contamination or that that site is, has some
23 environmental issues. Whether in fact it is on the
24 steep slopes or not, the site is the site in terms
25 of cleanup.

Page 12

1 MR. RABIN: Can you tell me, if
2 Appreview was using the term you used last time
3 "virgin territory," if it had never been built on
4 but it was an identical slope, the same angle, the
5 same trees, the same dirt, the same animals, would
6 that virgin slope be protected by the steep slope
7 ordinance?
8 MS. GRUEL: Well, I think the analysis
9 and the review that this Board would take may be
10 different and I would say it would be because it --
11 again, you go back to the planning documents within
12 the county and there are clear policies with respect
13 to reuse of previously used sites.
14 MR. RABIN: Okay. Can you tell me,
15 since the ban on disturbing steep slopes essentially
16 comes down to protecting habitat and infrastructure,
17 how does, how would a virgin property with the
18 identical trees and slope protect the community and
19 the environment but an identical property that was
20 used 50 years ago would not be? Because it is hard
21 for me to understand that the ordinance is actually
22 intending it to be interpreted that way.
23 MS. GRUEL: Well, it is not only the
24 ordinance, it is also looking at, again, the
25 policies of the county which is very important to

Page 13

1 consider in light of how this Board evaluates the
2 request, as well as the State policies as well
3 within the waste water management rules of the State
4 which are cross referenced in the county
5 regulations.
6 MR. RABIN: Just the last thing, is
7 there anywhere in the ordinances that suggest that a
8 historical use that is 50, a hundred years or more
9 old takes precedence over a current use which not
10 only exists right now and is benefiting the
11 community right now because we are being protected
12 by that steep slope from erosion, water runoff,
13 disturbance of structures on top and below the
14 slope.
15 Since we are benefiting, we have also
16 been benefiting from it for almost 50 years, and
17 that is kind of a historical benefit that existed in
18 this community.
19 Is there anywhere that says that a
20 historically used a hundred years ago should take
21 precedence over that?
22 MS. GRUEL: Well, there are certainly
23 many statements within a number of both regulations
24 and the county documents that again go to the
25 distinction between existing develop sites versus

Page 14

1 let's call them greenfield sites or virgin sites,
 2 whatever.
 3 There is a clear distinction and, you
 4 know, the other piece to that is that the, all of
 5 the protections as such have, must be met in terms
 6 of engineering and other types of protections that
 7 you reference.
 8 MR. RABIN: Thank you. I have read
 9 the ordinances and it certainly seems to me that all
 10 the reasons that they state for protecting steep
 11 slopes are in effect on the Applevew site that it
 12 is providing all those protections to us and I
 13 certainly think that the ordinance's intention was
 14 really to be referring to some kind of current
 15 disturbance that existed recently so that it
 16 wouldn't be altering the balance of the community,
 17 the protections of the community.
 18 This is 50 years almost that we have
 19 had trees and animals living there so I think that
 20 that is the previous use and the current use of this
 21 property. Fifty years is a long time on River
 22 Road. That is my opinion.
 23 Anyway, thank you. Thank you.
 24 MS. WONG: Peggy Wong, 50 Boulevard
 25 East North Bergen, New Jersey.

Page 15

1 Ms. Gruel, by the way, I want to
 2 compliment you on the work you have done previously
 3 for the Waterfront Implementation Study. It is
 4 quite admirable.
 5 MS. GRUEL: Thank you.
 6 MS. WONG: However, I think I disagree
 7 with you on certain things on this application.
 8 MS. GRUEL: Somehow I thought so.
 9 MS. WONG: Could you tell us if you
 10 have worked on other projects in Hudson County that
 11 involve the Palisades cliffs.
 12 MS. GRUEL: We have worked on a number
 13 of planning documents for the county that indirectly
 14 speak to the Palisades. Certainly with respect to
 15 that, yes.
 16 MS. WONG: So it is a broad overview
 17 that you have been involved in, not directly on a
 18 specific development?
 19 MS. GRUEL: Not a site specific
 20 development.
 21 MS. WONG: In looking at the
 22 transcript, towards the end of your testimony you
 23 had referenced something about extreme developments
 24 of the Palisades cliff south of Applevew.
 25 Could you explain which extreme

Page 16

1 developments you were referring to.
 2 MS. GRUEL: Well, I think when you go
 3 down River Road you can tell what developments are,
 4 you know, have been previously built into the
 5 Palisades and that is one of the reasons I think why
 6 the previous history of how development has occurred
 7 on the Palisades, why the county determined that
 8 there should be some regulations going forward.
 9 MS. WONG: Could it be you are really
 10 thinking of the developments north of the site
 11 because south of the site involves West New York and
 12 Weehawken and there really hasn't been developments
 13 on the cliffs there.
 14 MS. GRUEL: I think it is south and
 15 north, maybe. As I recall it is both.
 16 MS. WONG: You have also testified
 17 several times and in your testimony you used the
 18 word --
 19 MS. GRUEL: I can't hear you.
 20 MS. WONG: You used the word
 21 preservation in reference to this development and
 22 it left me a little bit puzzled because frankly I
 23 don't think there is any preservation, but I would
 24 like to hear why you are describing it that way.
 25 MS. GRUEL: Well, I think the majority

Page 17

1 of the steep slopes, again, will be preserved and,
 2 again, a portion of the steep slopes that abut that
 3 had been previously disturbed, as I talked about,
 4 around 3,000 square feet will be restored as
 5 preservation, I guess I would call it.
 6 MS. WONG: But do you still feel that
 7 way in spite of the fact 25 percent of the falls are
 8 going to be disturbed?
 9 MS. GRUEL: I look at it as previously
 10 disturbed area, about 10,000 square feet of
 11 previously disturbed area is proposed -- of steep
 12 slopes is proposed to be disturbed as part of this.
 13 (Commissioner Mehta enters Chambers).
 14 MS. WONG: From what I gather there is
 15 probably going to be a hardship application on the
 16 developer about this and I am having a hard time
 17 understanding that as it relates to a
 18 200-million-year-old historical site that there
 19 should be a hardship application to develop the
 20 Palisades on the Palisades cliffs.
 21 I mean, can you explain why there
 22 should be a hardship application on this, why it
 23 should be approved?
 24 MS. GRUEL: Well, what one of the
 25 criteria is, the fact that it is a hardship and in

Page 18

1 my opinion, and again, this is something that the
2 Board makes the final decision on, there are a
3 number of components to that.
4 Number one, the proposed development
5 is significantly less intense than what could have
6 been developed, that the Palisades as you know, the
7 view corridor of the Palisades from the top
8 particularly is a very important piece and the
9 planning documents of the county, and one of the
10 pieces to that is the height of whatever development
11 occurs on River Road. This is less than what it
12 could be and even under what the North Bergen
13 ordinance had. There are still review corridors
14 that would have to be met.
15 So in terms of new corridors, there is
16 -- this certainly more than complies.
17 The other piece is, when you do look
18 at the planning documents of the county, and you
19 were here, I went through that. I don't want to
20 redo all that. I don't want to and certainly this
21 Board does not want me to, there were very specific
22 goals and objectives and policies in a number of
23 the planning documents that I spoke about and so to
24 -- those are very important in my opinion in
25 determining whether there is a basis for granting a

Page 19

1 waiver because, again, it goes to disturbed sites,
2 where you get economic development, how you balance
3 it with preservation, how you address
4 environmentally challenged sites. All of those
5 considerations are very important and so they all
6 factor into the evaluation as to whether the
7 criteria is met under the regulations of the
8 county.
9 MS. WONG: Well, I agree that this
10 Planning Board has a difficult task in balancing
11 concerns of preservation against economic
12 development and especially since this is a
13 historical site that is known worldwide.
14 I would like to ask you one last
15 question that has puzzled me for quite some time
16 and since you are a planner you are the perfect
17 person to ask.
18 MS. GRUEL: Ut-oh.
19 MS. WONG: I have seen many developers
20 coming into planning boards asking for variances and
21 this case at Applevew there is an extreme variance
22 in my eyes and it seems that some of these variances
23 are so numerous and so extreme that they seem to
24 warp the original intent of the code that the
25 variance is being asked for.

Page 20

1 What is the limit of a variance before
2 it distorts the true meaning of that original code?
3 MS. GRUEL: Well, first of all, we
4 clearly -- I shouldn't say guess, I know that we
5 clearly have a difference of opinion of how you
6 define extreme and whether this is extreme.
7 In my opinion it is not and I think
8 that each application and variance requested has to
9 be evaluated on its own merits. You can't make an
10 overall conclusion and that is frankly why there is
11 a waiver provision within the regulations, because
12 you have general standards, but you have to have a
13 way of evaluating each situation that may be
14 appropriate to not necessarily meet those standards.
15 I am sorry, I can't. I know I didn't
16 answer it but I tried to answer it because there is
17 no specific answer to your question. It is based
18 -- it is very site specific.
19 MS. WONG: Okay. I think I am going
20 to end on that score. Thank you.
21 CHAIRMAN CHOFFO: Thank you. Mr.
22 Marks, let the record reflect that Commissioner
23 Mehta is now present.
24 Go ahead. Proceed.
25 MS. CORDINON: Judith Cordinon, 7004

Page 21

1 Boulevard East. I have two questions for you.
2 Both of these I would like you to speak from the
3 position of you being a professional planner and the
4 first is, what are your thoughts regarding the fact
5 that this development is going to happen on a site
6 that is less than half of the required acreage?
7 MS. GRUEL: That is not the matter in
8 front of this Board. That has already been
9 addressed in North Bergen.
10 I was not involved in that
11 application. It is very specific -- they have a
12 role, they have jurisdiction over the steep slopes.
13 That is what --
14 MS. CORDINON: So you are not going to
15 answer the question?
16 MS. GRUEL: I cannot answer the
17 question. It is not within my realm to answer that
18 and that aspect is not in front of this Board.
19 MS. CORDINON: Okay. So you are not
20 going to answer it?
21 MS. GRUEL: That is correct.
22 MS. CORDINON: Second question, what
23 as a professional planner is your thinking regarding
24 the DEP denial of this application?
25 MS. GRUEL: I don't have any opinion.

Page 22

1 I don't know that DEP has anything to say about it
2 nor do I know that there has been any denial so I
3 have no opinion. I don't know anything about that
4 question.
5 MS. CORDINON: Okay. That is it.
6 CHAIRMAN CHOFFO: Anyone else like to
7 speak? You may proceed to the microphone.
8 MS. CARJUE: Heather Carjue, 7004
9 Boulevard East, apartment 17-D.
10 I am not asking a question, I am just
11 making a statement and I just wanted to come and
12 look in the faces of the people who are going to
13 make this decision. But as far as I am concerned,
14 this development is going to put my life at stake so
15 I am here fighting for my life. I know everybody
16 wants to be polite and not talk about the danger
17 potentially with regards to the pipeline.
18 But I know it is there and I am the
19 one going to sleep in my bed every night scared for
20 myself and my husband and my property and for the
21 several thousand people who live around me.
22 Now, you all look like very smart,
23 intelligent, caring people, but all it takes for
24 evil to exist in the world is for good men and women
25 to do nothing and to approve this project, hardship

Page 23

1 application.
2 I have got a G-d damn hardship
3 application. I live there. I plan to live a long
4 life there and I cannot comprehend anyone, any human
5 being who would consider for a minute the thought of
6 something that would put lives at risk, that would
7 put my life at risk.
8 This developer can build a smaller
9 building. That is not a hardship for him. But
10 for the people like me that live in that building
11 whose homes are there, who want to grow old there,
12 there is a real danger here and if you don't
13 consider it, after the fact I am going to have to
14 think of this as being willful ignorance. Too G-d
15 damn much of this going on in the country right now
16 where banks and developers and people with pull and
17 lawyers and money can just ram stuff like this down
18 our throats and we have no recourse. So I am here
19 fighting for my life.
20 CHAIRMAN CHOFFO: Would anyone else
21 like to address?
22 MS. SALVADOR: Good evening, ladies
23 and gentlemen, my name is Taracita Salvador. I am a
24 concerned citizen in North Bergen. I haven't been
25 to a Board meeting before but I did my research

Page 24

1 on-line.
2 I can see the concern about the
3 citizens living by the cliff but I really do support
4 this project and I have only three things to say.
5 That you, you are smart, intelligent, and we got to
6 think what we can do economically. This will bring
7 jobs, revenue to the town and will beautify our
8 towns. I am sure this project has provided for
9 preservation.
10 I know everybody here is fighting for
11 their own survival. I have no interest in
12 Appleview, I am just here on behalf of the North
13 Bergen residents. Thank you so much and I hope you
14 make the right decision.
15 CHAIRMAN CHOFFO: Anyone else? Mr.
16 Curley, how should we proceed at this point?
17 MR. CURLEY: Well, I think we should
18 go for any other witnesses you decide to call.
19 MR. ALAMPI: We have presented our
20 full case. It has been three hearings and I think
21 maybe Mr. Lamb has some presentation.
22 MR. LAMB: Members of the Board, I
23 have two witnesses, one is a member of the Board of
24 the Galaxy Towers Condominium Association. He will
25 be brief. And then I have our expert planner and

Page 25

1 then I would be concluded.
2 CHAIRMAN CHOFFO: All right.
3 MR. LAMB: I would like to call
4 Richard Miller.
5 CHAIRMAN CHOFFO: I would like to
6 remind the crowd please keep it to a minimum in
7 terms of the comments.
8 If you have to speak to each other you
9 can take it outside. It is going to be a long night
10 to begin with.
11 MR. ALAMPI: Mr. Chairman, I
12 understand Mr. Miller is a member of the Board of
13 Galaxy. I don't know what his testimony is. I
14 would like to ask Mr. Lamb for a proffer of his
15 testimony, what the nature of his testimony is. I
16 may have an objection to it, but I would like to
17 afford Mr. Lamb the opportunity to make a proffer.
18 MR. LAMB: Sure. Mr. Miller is
19 essentially going to repeat his testimony that he
20 gave in the North Bergen Planning Board hearings
21 concerning the failure of the applicant to offer for
22 sale all or a part of the subject property as well
23 as the desire or interest for consideration by
24 Galaxy to purchase the property to avoid the
25 hardship variances that are the subject of the

Page 26

1 application.

2 MR. ALAMPI: Mr. Chairman, then I do

3 strenuously object to this testimony. There is no

4 issue before this Board. It is not within the scope

5 or purview of this Board.

6 We are dealing with the steep slope

7 element, a fraction of the steep slope element and

8 the waiver relief. The testimony of this witness

9 is immaterial and irrelevant and I strenuously

10 object to the same. I see no purpose to it.

11 Mr. Lamb has made that element of his

12 case or partially made that element of his case at

13 the North Bergen Planning Board which as everyone

14 knows which is already under appeal. There is no

15 function, there is no purpose on this, for this

16 testimony. I object to this testimony.

17 CHAIRMAN CHOFFO: At this point, Mr.

18 Lamb, I would somewhat agree with Mr. Alampi. The

19 impact of this, what would this have to do with --

20 MR. LAMB: It is very simple. The

21 applicant has applied for a hardship. The reasons

22 that they cited for a waiver or variance from the

23 steep slope prohibition is because of hardship and

24 it is our position that because a hardship is

25 applied for, that the adjacent property owners can

Page 27

1 avoid that hardship and avoid the violation of the

2 applicable regulations and ordinances and laws by

3 offering to purchase the property.

4 One thing that has been stated

5 throughout these hearings not only in North Bergen

6 but in this hearing, is that there is no adjacent

7 property to purchase or to allow a different type of

8 development. The applicant essentially has 2.3

9 acres; Galaxy is to the south, the North Bergen

10 Municipal Authority plant is to the north, and that

11 has been the issue and so respectfully we believe

12 that we are able to show that the entire problem of

13 disturbance of steep slope can be avoided if in fact

14 an adjacent property owner wishes to alleviate that

15 claim by self-purchasing a portion or all of the

16 property.

17 So Mr. Miller is going to testify that

18 throughout these proceedings there has been no offer

19 to sell the property to the Galaxy, all or a part of

20 it, and we also have submitted today in writing to

21 the Hudson County Planning Board with copies to

22 their counsel, Mr. Marks, and Mr. Alampi, a firm

23 offer to purchase the property to eliminate the

24 hardship that is claimed before this Board.

25 CHAIRMAN CHOFFO: That is still

Page 28

1 something I don't feel should be addressed in front

2 of our Board. I am going to defer this question to

3 our attorney.

4 MR. CURLEY: I would recommend

5 sustaining the objection and not permitting the

6 testimony. The principals that Mr. Lamb is alluding

7 to are governed by the Municipal Planning Law not

8 the County Planning Act. They are really not an

9 issue for this Board to consider.

10 CHAIRMAN CHOFFO: But he has preserved

11 his objections by making his statements on the

12 record.

13 MR. LAMB: What I would like to do is

14 have marked then for identification the letter that

15 I submitted to the Board. I think it is --

16 MR. ALAMPI: This is an outrage.

17 CHAIRMAN CHOFFO: Let him finish. You

18 will have your turn. Let him finish speaking.

19 MR. LAMB: We are up to G-5. I would

20 like it marked for identification even if it is not

21 going to be admitted.

22 MR. CURLEY: I think it should be

23 marked for identification. G-5. If you could

24 submit it over here, a copy.

25 MR. LAMB: I will give the original to

Page 29

1 Mr. Marks and I have copies for the rest of the

2 Board which I will leave.

3 MR. CURLEY: Just the original.

4 MR. ALAMPI: What is the marking, G-5

5 for ID?

6 MR. LAMB: So again, we respectfully

7 object. We understand the ruling. We do not waive

8 our right to have this testimony, we believe it is

9 relevant, and I will proceed to the next witness.

10 CHAIRMAN CHOFFO: Thank you.

11 COMMISSIONER O'DEA: Mr. Chairman, can

12 I just ask a question. I understand the denial or

13 the recommendation of the attorney about this

14 individual as a witness giving testimony in that

15 manner, but if there is a public comment portion of

16 this, what precludes that same individual from

17 coming up and putting the statement on the record

18 like any other member of the public?

19 MR. ALAMPI: Because that is not

20 evidence.

21 COMMISSIONER O'DEA: I didn't ask you,

22 sir, I didn't ask you that question. I asked our

23 attorney that question, with all due respect.

24 MR. ALAMPI: I misunderstood. I

25 thought you said counsel.

Page 30

1 COMMISSIONER O'DEA: Counsel is our
 2 counsel.
 3 What precludes a member of the public
 4 giving a statement on the record as part of the
 5 public portion or public comment on an application
 6 which if in essence would be not identical, similar
 7 to what would occur through a question-and-answer
 8 period?
 9 MR. CURLEY: I would assume if it is
 10 public comment, it is one thing. If it is
 11 testimony by a member of the public it falls into a
 12 different category.
 13 If a member of the public attempted to
 14 give testimony similar to what was proposed by this
 15 witness, a timely objection would be sustained in
 16 that instance as well.
 17 COMMISSIONER O'DEA: I would be hard
 18 pressed to deny a member of the public the ability
 19 to come up and make a statement that -- having not
 20 seen or had the opportunity to hear it, but I would
 21 be hard pressed to not allow a member of the public
 22 to come and make a statement like any other member
 23 of the public can make a statement, Counsel.
 24 CHAIRMAN CHOFFO: I am sure the Board
 25 is okay with that.

Page 31

1 MR. LAMB: I would like to call Peter
 2 Steck.
 3 I apologize. I only have one copy of
 4 the curriculum vitae.
 5 Mr. Steck, you provided what I would
 6 like to mark for identification as G-6 dated --
 7 MR. STECK: Perhaps I should be sworn
 8 in first.
 9 (Peter Steck, was duly sworn.)
 10 MR. CURLEY: State your name for the
 11 record and spell your last name.
 12 MR. STECK: Peter G. Steck, S-T-E-C-K
 13 with offices in Maplewood, New Jersey.
 14 MR. CURLEY: Thank you.
 15 MR. LAMB: Mr. Steck, I have shown you
 16 what has been marked as G-6 for identification. It
 17 is your curriculum vitae. I have shown a copy to
 18 Mr. Alampi and I don't have additional copies.
 19 Is that a fair background of your
 20 education and experience?
 21 MR. STECK: It is.
 22 MR. LAMB: I will give the copy that I
 23 have to Mr. Marks but can you briefly describe to
 24 the Board your background and experience.
 25 MR. STECK: Yes. By way of education

Page 32

1 I have a Bachelors in civil engineering from
 2 Marquette University and a Masters in city and
 3 regional planning from Rutgers.
 4 I was licensed as a professional
 5 planner in New Jersey in 1976 and have continuously
 6 held that licensure in the past.
 7 I was the Planning Director for the
 8 Township of Montclair and also served with two
 9 consulting firms as an associate planner. For the
 10 last 20 years I have been self-employed as a
 11 community planning consultant. I am also a member
 12 of the League of Municipalities Land Use Law
 13 Drafting Committee and I have testified in
 14 approximately 100 municipalities in New Jersey and
 15 have been accepted as an expert planner in those
 16 jurisdictions as well as in Superior Court in
 17 approximately ten counties.
 18 CHAIRMAN CHOFFO: Is that all?
 19 MR. STECK: That is all I can
 20 remember.
 21 CHAIRMAN CHOFFO: I would ask you to
 22 proceed.
 23 MR. LAMB: I would ask that he be
 24 accepted as an expert planner.
 25 First, as a preliminary matter can you

Page 33

1 tell the Board exactly what you have done to prepare
 2 for your testimony and investigate this application.
 3 MR. STECK: Yes. I -- first of all I
 4 was present at the last hearing before the County
 5 Planning Board so I heard the testimony presented at
 6 that time and I was present earlier this evening to
 7 hear the follow-up testimony.
 8 I reviewed the application materials
 9 and the plans. I participated in the earlier
 10 application before the North Bergen Board in terms
 11 of the variance and I did variances and site plans
 12 and I did testify on behalf of certain objectors at
 13 that time.
 14 In preparation for the testimony this
 15 evening, I reviewed the county's master plan and
 16 re-examination report. I reviewed its development
 17 regulations, I reviewed portions of the State
 18 statute which enables the county to control certain
 19 aspects of land use, and I have -- again, I relied
 20 on some of the testimony that the applicant
 21 presented as part of the earlier application before
 22 the North Bergen Board.
 23 MR. LAMB: Have you also inspected the
 24 property?
 25 MR. STECK: Yes. I can't physically

Page 34

1 go on it because as you know it is fenced. But I
2 have been on the high side, walking there, I have
3 been on the low side taking photographs, and I have
4 done that on several occasions, so I am fairly
5 familiar with the property.
6 MR. LAMB: And you are aware that the
7 subject application includes four tax lots that are
8 shown on the site plan?
9 MR. STECK: That is correct.
10 MR. LAMB: Does the site plan that was
11 submitted to the Hudson County Planning Board also
12 include any samples on the adjacent Lot 8 owned by
13 the North Bergen Municipal Utilities Authority?
14 MR. STECK: The site plan application
15 does not reference that lot to the north, Lot 8, as
16 part of the subject application.
17 MR. LAMB: Okay. And are you aware
18 of the proposal of the applicant concerning access
19 for that pipeline and the staging and maintenance
20 areas proposed on the subject property that is
21 before this Board?
22 MR. STECK: I am aware of that. As
23 the Board is aware, part of this site plan
24 application involves not only a building for
25 residential use on the front part of it, but there

Page 35

1 is an area to the rear of the building that is
2 carved out by way of a proposed easement. It
3 doesn't exist today, and that is a staging area for
4 maintenance of the pipelines. The only way to
5 get to that area that is in the rear of the subject
6 property is through the adjacent property to the
7 north, Lot 8, which is the Sewer Authority property
8 and so in my judgment as a planner, that adjacent
9 property has to be roped into consideration of the
10 subject property because the subject property can
11 not operate as proposed independently.
12 MR. LAMB: Mr. Steck, although there
13 might be access from Lot 8, is there also not
14 proposed on the site plan access over the four lots
15 that are before this Board to access the pipeline on
16 both lots?
17 MR. STECK: First of all, the pipeline
18 does cross the western portion?
19 MR. LAMB: Can you describe to the
20 Board how the pipeline traverses over the subject
21 property?
22 MR. STECK: There is an easement that
23 cuts diagonally across the rear of the property so
24 there is a high pressure gas pipeline that crosses
25 through the rear of the property underground and

Page 36

1 that is an existing condition, but part of the
2 application involves the establishment of new, a new
3 activity area in the rear in proximity to that
4 pipeline which is a staging area for maintenance of
5 it and the only way to get to that is climbing up
6 the side of the property.
7 Indeed, the way that is being proposed
8 is to use a portion of the abutting lot to the north
9 lot, Lot 8.
10 MR. LAMB: Okay. And also are they
11 -- the access proposed is also to the north of the
12 subject property?
13 MR. STECK: Yes, there is a part
14 adjacent to the property line, and between the
15 building and the property line there is a proposed
16 access route that runs parallel to that northern
17 property line.
18 MR. LAMB: And therefore have you
19 formed an opinion as to whether the actual
20 application affects Lot 8 and therefore should be
21 included or not included in the subject application?
22 MR. STECK: I think that it is
23 inescapable that the activity on the abutting Lot 8
24 because the high pressure gas line not only crosses
25 the subject property but it goes across Lot 8, that

Page 37

1 in my opinion has to be part and parcel of this
2 application in order to fairly evaluate what is
3 being proposed.
4 MR. LAMB: Now, you know that Ms.
5 Gruel had testified and you reviewed her report to
6 the Hudson County Planning Board?
7 MR. STECK: Yes.
8 MR. LAMB: Did you review Mr. Bertin's
9 report as well concerning this issue?
10 MR. STECK: I did.
11 MR. LAMB: And there is an indication
12 in Ms. Gruel's report and Mr. Bertin's that there is
13 an exception to the steep slope requirement of
14 Hudson County by virtue of DEP regulations?
15 MR. STECK: Yes, I am aware of that
16 application.
17 MR. LAMB: Have you reviewed that and
18 have you formed an opinion as to whether the steep
19 slope prohibition does apply in this case or there
20 is an exception to it.
21 MR. STECK: I have reviewed it and I
22 have a conclusion. And I will focus on Ms. Gruel's
23 testimony and her planning report of July 7, 2011.
24 First of all, if you -- I am sure the
25 Board is fairly familiar with its development

Page 38

1 regulations and there is a reference to the State's
 2 water quality management regulations but that
 3 reference is for a rational basis to connect
 4 disturbance of steep slopes with storm water issues.
 5 That is the reason why that State regulation is
 6 roped in, but none of those features of the State
 7 regulations are directly roped into the county's
 8 regulations, so while there is an exception in the
 9 State's regulations for areas let's say that are
 10 covered by impervious surfaces, and it is very clear
 11 that if you were applying for a State permit you
 12 could take advantage of that, but those regulations,
 13 they do not affect what is happening here this
 14 evening which is a relaxation of your steep slope
 15 regulations.
 16 If the county wanted to adopt
 17 regulations similar to the State, it would be quite
 18 easy to copy those regulations and make them part of
 19 the county's subdivision and site regulations. The
 20 county did not do that, so in my opinion the
 21 applicant is in error by referencing those as a
 22 mechanism for an exception to the regulations and it
 23 is inappropriate to do so.
 24 MR. LAMB: So in your opinion the
 25 exception is not warranted and the steep slope

Page 39

1 prohibition applies?
 2 MR. STECK: That is correct. Not
 3 only it is not warranted, it is simply not
 4 applicable.
 5 It is as if you were looking at
 6 regulations for the State of Illinois and using
 7 those standards in the State of New Jersey. It is
 8 a document for a different jurisdiction, a different
 9 level of government and, again, the county had every
 10 ability in drafting its regulations to use the
 11 language of the State. It did not.
 12 MR. LAMB: Okay. Now, assuming that
 13 the steep slope prohibition applies, are there also
 14 provisions that allow the Board to provide waivers
 15 of the regulations in certain circumstances?
 16 MR. STECK: There are several
 17 references to waivers in the county site plan and
 18 subdivision regulations, but they do not relate to
 19 the site plan standards.
 20 The waivers and exceptions that are
 21 talked about have to do with minor modification to
 22 an approved plan, submission requirements, whether
 23 to waive sidewalks if doing so would save let's say
 24 some steep topography, but there is no waiver
 25 section that is specifically linked to a site plan

Page 40

1 standard having to do with steep slopes which are --
 2 MR. LAMB: I am going to take you to
 3 Page 9 of Ms. Gruel's report. Can you read the
 4 county waiver standard that Ms. Gruel is proposing
 5 that allows a deviation from the steep slope
 6 prohibition?
 7 MR. STECK: Yes. This is at the
 8 bottom half of Page 9. It says the county planning
 9 board -- this is section I-E, Roman Numeral I. The
 10 county planning board understands that occasions may
 11 take place when the literal enforcement of one or
 12 more of these rules, regulations, or standards make
 13 it onerous, impractical, or impossible to perform or
 14 cause unnecessary hardship.
 15 In accordance with NJSA 40:27-6.2,
 16 this power and authority to waive, modify or amend
 17 shall be exercised to achieve substantial fairness
 18 to all parties concerned and so long as such power
 19 shall not substantially or materially prejudice the
 20 rights of other parties or interested purposes.
 21 MR. LAMB: Now, Mr. Steck, did you
 22 happen to review -- there is a reference in that
 23 waiver standard to NJSA 40:27-6.2?
 24 MR. STECK: Yes.
 25 MR. LAMB: And that waiver standard --

Page 41

1 hold on for one second, please.
 2 MR. STECK: Yes.
 3 MR. LAMB: I am going to mark, Mr.
 4 Curley, G-7. I will give a copy to Mr. Alampi. I
 5 also have a copy for the Board.
 6 Mr. Steck, that is the first page.
 7 What has been marked G-7 is a copy of the enabling
 8 statute for the County 40:27-6.2 of the New Jersey
 9 statutes?
 10 MR. STECK: Yes, it is the enabling
 11 statute meaning it is the State law that governs the
 12 powers of the county.
 13 MR. LAMB: Okay. And what is NJSA
 14 40:27-6.2 applicable to?
 15 MR. STECK: As the title indicates, it
 16 is review and approval of all subdivisions of land,
 17 procedures, engineering and planning standards, so
 18 everything under that title as explained in the
 19 first paragraph talks about the powers of the county
 20 with respect to subdivisions if someone is coming in
 21 and dividing land and it is, for example, on a
 22 county highway where you have jurisdiction.
 23 MR. LAMB: Can you refer to subsection
 24 E of that statute and briefly read that to the
 25 Board?

Page 42

1 MR. STECK: Yes. Subsection E
2 happens to be on the second page of Exhibit G-7. It
3 reads as follows: Provision may be made for waiving
4 or adjusting requirements under the subdivision
5 resolution to alleviate hardships which would result
6 from strict compliance with the subdivision
7 standards. Where a provision is made for waiving
8 or adjusting requirements criteria shall be included
9 in the standards adopted by the Board of Chosen
10 Freeholders to guide actions of the county planning
11 board.
12 MR. LAMB: Now, is it fair to say
13 there is also a State enabling statute also for site
14 plans?
15 MR. STECK: Yes, there is a somewhat
16 parallel section of the State law that authorizes
17 the county to adopt regulations to regulate site
18 plans. Again, that affect drainage in county
19 roads.
20 Q And is that also on that part of
21 G-7, NJSA 40:27-6.6?
22 MR. STECK: Correct. That is the
23 reference, and the title of that one is Review and
24 approval of site plans for land development along
25 county roads or affecting county drainage

Page 43

1 facilities.
2 MR. LAMB: Now, we previously read for
3 the record, subdivision applications. There is a
4 waiver provision under Subsection E. Is that
5 waiver provision in the site plan section of the
6 statute that you just referred to?
7 MR. STECK: There is no waiver
8 provision in the site plan portion of the statute.
9 MR. LAMB: So with respect to the
10 waiver provision that is currently in the county
11 regulations, can you advise the Board what your
12 opinion is with respect to the applicability of same?
13 MR. STECK: First of all, in the Gruel
14 report it is referred to as if it applies equally to
15 subdivisions and site plans. I believe that is an
16 error. The waiver provision that has been cited
17 applies solely to subdivisions.
18 MR. LAMB: And so if the waiver
19 provision only applies to subdivisions, the current
20 application is the site plan, is that correct?
21 MR. STECK: That is correct.
22 MR. LAMB: And so is it your testimony
23 then when there is a prohibition in the county
24 regulations, that prohibition would restrict this
25 development as set forth in the application?

Page 44

1 MR. STECK: That is correct.
2 MR. LAMB: Now, I want you to assume
3 for purposes of argument that that waiver section is
4 indeed applicable. If it is applicable, the
5 standards -- you read the standards. Could you
6 just go over briefly those standards again in number
7 NJSA --
8 CHAIRMAN CHOFFO: Mr. Lamb, I am
9 trying to follow where you are going with this. I
10 am trying to follow where you are going with this.
11 MR. LAMB: Essentially the waiver
12 provision doesn't apply to site plans, it applies to
13 subdivisions, and so therefore when and if there is
14 a regulation that has a prohibition, the applicant
15 cannot seek a waiver of it because the regulations
16 don't allow a waiver of it.
17 CHAIRMAN CHOFFO: We got that point.
18 Where are we going from there?
19 MR. LAMB: Now we are going to assume
20 that even if that waiver provision did apply, is
21 there a hardship.
22 Mr. Steck?
23 MR. STECK: In my opinion.
24 MR. LAMB: I am going to refer again
25 to Page 9 of Ms. Gruel's report where she quotes

Page 45

1 that Section I-E which is the waiver standard and
2 the standards there.
3 MR. STECK: Yes. That references the
4 fact in the wording that this Board has the
5 authority to waive, modify or amend shall be --
6 excuse me. In the beginning of it it talks about
7 there may be occasions where the literal enforcement
8 in one of -- of one or more of those rules,
9 regulations or standards make it onerous,
10 impractical or impossible to perform or cause
11 unnecessary hardship.
12 MR. LAMB: Let's take -- that is the
13 reasons that the waiver standard allows a developer,
14 assuming it is applicable, to seek relief?
15 MR. STECK: Right.
16 MR. LAMB: You are aware that Mr.
17 Bertin as well as Ms. Gruel has acknowledged that
18 a project of 44 units, about 75 percent of what is
19 proposed, could be developed without violating the
20 steep slope ordinance.
21 MR. STECK: That was the testimony of
22 Mr. Bertin and my recollection is that the Planner
23 Gruel accepted that testimony.
24 MR. LAMB: Okay. So based upon the
25 fact that the developer has admitted that they can

Page 46

1 build 75 percent of the project, is it onerous,
 2 impractical, or impossible to build a reasonable
 3 project based upon that standard?
 4 MR. STECK: In my opinion it is not.
 5 There was testimony offered that the zoning
 6 ordinance -- if you look at, for example, just
 7 density and didn't look at the character of the land
 8 or other requirements you could get 75 units an
 9 acre.
 10 No one has ever achieved that
 11 approval, you have to look at all the components of
 12 the regulations together. The applicant is seeking
 13 a substantially greater density than what is
 14 permitted.
 15 What is also significant is that in
 16 Ms. Gruel's report she characterizes this property
 17 as being unique and this is -- I will refer on the
 18 bottom of Page 2, she says, The site is unique in
 19 terms of its historic uses and its topographic
 20 diversity.
 21 This is at the base of the Palisades
 22 and I suspect that everybody in the room knows what
 23 that means. It is not unique. There is a
 24 geographic feature that parallels the Hudson River
 25 known as the Palisades and it is a prominent feature

Page 47

1 that is known by not only people in this
 2 municipality, but probably in many places in the
 3 world, so the characteristic that this ordinance is
 4 seeking to address is something that clearly the
 5 drafters of the ordinance knew what was there.
 6 This site is not unique.
 7 When you look -- if you want to make
 8 it parallel the Municipal Land Use Law, you are
 9 looking for a hardship, there has to be some
 10 peculiar characteristics of the site that is
 11 different from other sites otherwise it could be
 12 addressed by way of an ordinance.
 13 Here is a situation where the site is
 14 well known; in fact, in slope studies prepared by
 15 the county this specific property was even
 16 referenced so everybody knows that this is not
 17 a unique situation.
 18 Given that as a starting point, in my
 19 opinion because the applicant can produce a project
 20 that is 75 percent of the units that is being
 21 proposed, that on its face indicates that a hardship
 22 has not been demonstrated. In my opinion.
 23 MR. LAMB: Okay. Now the standards
 24 that are set forth in that county waiver provision,
 25 is it -- what is your opinion as to whether the

Page 48

1 applicant has satisfied the burden of proof to show
 2 quote, unquote, hardship?
 3 MR. STECK: They have not. There has
 4 been a lot of talk about these balancing purposes of
 5 the county. There is no C-2 standard like where
 6 the benefits substantially outweigh the detriments.
 7 That is not language anywhere in the county's site
 8 plan ordinance.
 9 MR. LAMB: Just for purposes of the
 10 Board, in Municipal Land Use law can you describe
 11 what a C-2 variance is? This is a municipal
 12 variance?
 13 MR. STECK: There is a hardship type
 14 of request called a C-1 referencing the section of
 15 the State law and there is a C-2 known as a Flexible
 16 C where an applicant can demonstrate that the
 17 benefits, the public benefits of granting the relief
 18 substantially outweigh the detriments.
 19 That language is simply that in C-2,
 20 that benefits-outweigh-the-detriments language is
 21 simply not in the county standards. Even if you
 22 look at the standard, that is only applicable to
 23 subdivisions.
 24 MR. LAMB: Okay. And you are aware
 25 that Mr. Bertin in his report and Ms. Gruel talk

Page 49

1 about the economic hardship to the applicant if they
 2 can't disturb the steep slopes. Do you have a
 3 comment on how economic hardship plays into this
 4 burden of proof on a hardship?
 5 MR. STECK: Economic hardship is not a
 6 basis for granting a variance except in the extreme.
 7 If the applicant had essentially no ability to use
 8 the lot for any purpose, that potentially could be
 9 argued as extreme hardship. But in this case the
 10 applicant cannot achieve the maximum density, the
 11 applicant can apparently achieve, according to its
 12 own testimony, 75 percent of the density requested.
 13 That is not a hardship. Not an economic hardship.
 14 MR. LAMB: Now, Mr. Steck, have you
 15 also -- I will give you a copy of what Mr. Alampi
 16 marked as G-8 dated 9-21-11. I will not distribute
 17 to the Board unless they need a copy.
 18 Mr. Steck, you reviewed what we have
 19 mark for identification as G-8. Can you identify
 20 that?
 21 MR. STECK: G-8 reproduces certain
 22 pages from two documents adopted by the Hudson
 23 County Planning Board.
 24 The first three sheets are excerpts
 25 from the Hudson County re-examination of the Master

Page 50

1 Plan dated August 2008 and it includes the cover
 2 sheet plus Pages 15 and 16.
 3 The second half of that document is an
 4 excerpt from the Hudson County Master Plan also
 5 dated August 2008 entitled Plan Goals and
 6 Objectives. And behind that section, the cover
 7 page, are two additional pages that are numbered two
 8 and three.
 9 CHAIRMAN CHOFFO: Mr. Lamb, can I got
 10 a copy of that please.
 11 MR. LAMB: Sure.
 12 COMMISSIONER FITZGIBBONS: Mr.
 13 Chairman, I got a question.
 14 If you are marking in evidence, that
 15 is dated today. I mean, you don't give the Board a
 16 chance to look at, you are giving us evidence that
 17 is dated today. I think it would have been nice to
 18 have this evidence last month.
 19 MR. LAMB: With all due respect, I am
 20 taking my expert through the testimony, Mr.
 21 Fitzgibbons.
 22 COMMISSIONER FITZGIBBONS: I am saying
 23 this is all new to us.
 24 MR. LAMB: If there was a requirement
 25 to remark it, I would have done it.

Page 51

1 CHAIRMAN CHOFFO: Proceed.
 2 MR. LAMB: Thank you.
 3 Without going through -- and there are
 4 several provisions in here, you highlight what you
 5 believe are relevant.
 6 MR. STECK: Yes.
 7 MR. LAMB: Can you describe, without
 8 reading all of them, the general intent and
 9 objectives that are set forth in those relevant
 10 pages?
 11 MR. STECK: Right. This is a document
 12 that has been around since 2008, adopted by the
 13 Hudson County Planning Board, and in the
 14 re-examination section under the title Conservation,
 15 on Page 15 it talks about one of the goals is to
 16 protect environmentally sensitive areas and it
 17 specifically names steep slopes.
 18 On the next page, Page 16 under
 19 Objectives, it talks about, and this is a refinement
 20 of a goal, to protect the visual resources of the
 21 Palisades in long-range Harborview sheds.
 22 In the second half of that Exhibit G-2
 23 under the heading of Plans, Goals and Objectives, on
 24 Page 2 there is a general goal of preserving and
 25 protecting the natural environment. Under land use

Page 52

1 their goals of minimizing the negative after effects
 2 of development and redevelopment on the natural and
 3 built environments and to discourage development on
 4 environmentally sensitive sites.
 5 Finally, the last page, Page 3, has
 6 two objectives that are worth referencing on the
 7 record. In general, under the heading of
 8 Objectives, General No. 2 talks about considering
 9 the timing of an existing neighborhood as a factor
 10 in the evaluation of new development and
 11 redevelopment projects.
 12 And No. 10 is to discourage
 13 development in flood plains, flood hazard areas and
 14 disturbance of steep slopes.
 15 MR. LAMB: Is it fair to say, Mr.
 16 Steck, how does the Hudson County development
 17 regulations treat steep slopes other than -- we know
 18 about the prohibition, but how do they characterize
 19 them?
 20 MR. STECK: They use their own special
 21 characterization which is slopes of 20 percent or
 22 more are considered steep slopes.
 23 MR. LAMB: Are they part of the
 24 environmental constraint type?
 25 MR. STECK: That is the definition of

Page 53

1 one type of environment constraint type.
 2 MR. LAMB: In that the steep slopes
 3 are considered environmentally constrained?
 4 MR. STECK: Yes, that is correct.
 5 MR. LAMB: You heard Ms. Gruel testify
 6 about the regulation and the policy in the planning
 7 documents try to balance economic development with
 8 the preservation.
 9 Do you have any comment on that
 10 testimony?
 11 MR. STECK: Yes. Those policy
 12 statements in the master plan are worthwhile policy
 13 statements and they form the foundation for the
 14 preservation, your site plan and subdivision
 15 ordinance. The county could have said in its
 16 site plan and subdivision ordinance because we want
 17 to balance economic development with the quality of
 18 life in preserving the natural environment, it could
 19 have said we will allow you to disturb 20 percent of
 20 the steep sloped area, 50 percent of the steep
 21 sloped area. There are many common techniques that
 22 government agencies use to refine that. The county
 23 chose not to use that. The county was stricter and
 24 it prohibited development in areas considered steep
 25 slopes.

Page 54

1 MR. LAMB: When you read the
 2 architectural prohibition of steep slopes, is there
 3 any ambiguity in that prohibition that would require
 4 re-sort and review of the policy documents?
 5 MR. STECK: No. The policy documents
 6 again are the foundation for establishing the
 7 legislation and those weighing the balancing of
 8 considerations, economic development versus
 9 preservation and the environment, presumably were
 10 taken into account when the county adopted those
 11 regulations.
 12 The other issue I would like to
 13 reference is that in Ms. Gruel's report and
 14 testimony she talks about different definitions of
 15 what a steep slope is and disturbances and she uses
 16 the definitions in the State storm water management
 17 regulations. Your own ordinance has its own
 18 definitions which happen to differ from the
 19 definitions in the State's regulations and it is
 20 obvious in my opinion that you have to take into
 21 consideration your own definitions that have been
 22 crafted specifically for Hudson County rather than
 23 the definitions of some state statute.
 24 MR. LAMB: Could you describe briefly
 25 how that would affect this application, the

Page 55

1 differences in those definitions? Do you have those
 2 handy?
 3 MR. STECK: I do.
 4 MR. LAMB: Okay.
 5 MR. STECK: And again, quoting from
 6 your land development regulations, and these are
 7 definitions that are different from the State
 8 definitions cited by Ms. Gruel. Under disturbance
 9 it is defined as the addition of impervious surface
 10 (i.e. pavement -- for example, pavement) exposure or
 11 movement of soil or bedrock -- in parenthesis
 12 grading, excavation close parenthesis, or clearing,
 13 cutting or removing vegetation.
 14 So disturbance in terms of your
 15 definitions a lot more sensitive than would be
 16 interpreted in the state regulations which again
 17 don't govern the county's regulations. There is
 18 also a definition of impervious cover that is
 19 different. It says any structure, surface or
 20 improvement that reduces and/or prevents absorption
 21 of storm water into land. Porous paving, paver
 22 blocks, gravel, crushed stone, crushed shell,
 23 elevated structures including boardwalks and other
 24 similar structures, surfaces or improvements are
 25 considered impervious cover. Grass, lawns or other

Page 56

1 vegetative -- excuse me, or other vegetation are not
 2 considered impervious cover.
 3 So if portions of the site are
 4 vegetated even though there might be crushed rock
 5 under it, as I read that, this is pervious or it is
 6 not impervious cover.
 7 Finally, there is a definition of
 8 impervious surface, a surface that has been
 9 compacted or covered with a lawyer of material so
 10 that it is highly resistant to infiltration by
 11 water. To me that is macadam, concrete roof tops.
 12 MR. LAMB: Now, in that definition of
 13 disturbance was there any exception for prior
 14 disturbance or historical disturbance or that would
 15 remove that definition or not make it applicable?
 16 MR. STECK: There is none of that
 17 language in the county regulations, so an applicant
 18 cannot avail themselves of that regulation if they
 19 are trying to quote another state law.
 20 MR. LAMB: Okay. Now you are aware
 21 that Mr. Bertin and Ms. Gruel but addressing what
 22 Mr. Bertin said, try to summarize what is
 23 approximately eleven thousand square feet of steep
 24 slope calculated I think it is 10,800 on this
 25 property, excuse me, 40,000 square feet and though

Page 57

1 propose to disturb 10,800, almost 11,000 square
 2 feet.
 3 Do you know the percentage of steep
 4 slope that is applied for to be disturbed
 5 approximately?
 6 MR. STECK: I believe it was 23.8.
 7 MR. LAMB: Okay. Now do you think
 8 almost close to one quarter of the steep slope
 9 disturbance, do you believe from a planning
 10 standpoint that that is a substantial deviation?
 11 MR. STECK: I think it is a
 12 substantial deviation and I think what is also
 13 significant is that steep slope area occurs at the
 14 rear of the project. It is not like it is in the
 15 middle of the site that prohibits any development at
 16 all, it is toward the face of the Palisades, so if
 17 the goal of these regulations is to preserve the
 18 Palisades and if this steeply sloped area that is
 19 being disturbed is at the base of the Palisades, the
 20 applicant's building now intrudes into that area
 21 which seems to be directly contrary to the goals of
 22 preservation and the clear intent of the site plan
 23 regulations of the county.
 24 MR. LAMB: Now, Mr. Steck, I am going
 25 to mark G-9 for identification. It is entitled,

Page 58

1 Report - Palisades Slope Stability Study, Hudson
2 County, New Jersey, by the PMK Group, September 3,
3 2008, revised February 3rd, 2009. I will give a
4 copy to Mr. Alampi. I will give you a copy. I
5 will give Mr. Marks and Mr. Curley a copy, as well.
6 I have extra copies for the Board if
7 they want. It is a very simple point. I have only
8 taken copies of several pages from the Palisades
9 Slope Stability Study. The entire study is attached
10 to my letter to the Hudson County Planning Board
11 dated April 5th of this year. I have every page,
12 but this is just the relevant pages that addressed
13 this specific property.
14 Mr. Steck, have you had a chance to
15 review those sections of that Palisade Slope
16 Stability Study?
17 MR. STECK: I have.
18 MR. LAMB: The county engineers
19 previously studied properties not only properties
20 along the Palisades, but this study?
21 MR. STECK: Yes. This report is
22 fairly recent, initially dated September 3rd, 2008
23 and it was revised February 3rd, 2009.
24 On Page 20, and this is the part that
25 was not revised, so this was crafted on the top and

Page 59

1 it says September 3rd, 2008 but still fairly recent,
2 it talks about North Bergen MUA, South, 6 and it
3 talks specifically about the subject property. It
4 says this area is located south of the treatment
5 plant so they are talking specifically about the
6 property that is before the county planning board
7 this evening.
8 MR. LAMB: Okay. And there was a
9 recommendation made with respect to what to do with
10 the steep slopes and the Palisades cliffs on this
11 subject property?
12 MR. STECK: Yes. It indicates
13 remediation and an installation of a gabion
14 retaining wall upon the toe of the slope to develop
15 a buffer zone, facilitate rock fall protection, and
16 provide additional slope stability.
17 MR. LAMB: We heard a lot of
18 discussion about the concern of the Galaxy and the
19 other members of the public on the gas transmission
20 line.
21 MR. STECK: Yes.
22 MR. LAMB: One of the potential risks
23 is rock falling, hitting the transmission line.
24 That is a risk that is a potential.
25 MR. ALAMPI: Mr. Chairman, I will note

Page 60

1 an objection. There is no basis for that question,
2 no foundation, and I certainly didn't hear this
3 witness qualified --
4 MR. LAMB: Nor will he.
5 MR. ALAMPI: -- with respect to
6 testimony in that area. I object for all those
7 reasons.
8 CHAIRMAN CHOFFO: Go on, Mr. Lamb.
9 MR. LAMB: With respect to the Hudson
10 County Planning Board's role in reviewing this
11 application, would it not be prudent to take risks
12 from a, to minimize risk from a planning standpoint
13 of anything that could disturb or damage that
14 pipeline?
15 MR. ALAMPI: Again, there is no
16 evidence that there would be any damage to any
17 pipeline.
18 There is no foundation for that. I
19 object.
20 MR. LAMB: We are saying risk, not
21 damage.
22 MR. ALAMPI: There is no foundation.
23 It would be a net opinion.
24 MR. LAMB: Could you answer the
25 question?

Page 61

1 MR. STECK: It is clear on the
2 application.
3 MR. ALAMPI: Could I get a ruling on
4 this?
5 CHAIRMAN CHOFFO: Mr. Curley.
6 MR. CURLEY: I believe there was
7 testimony by the applicant concerning the pipeline
8 early on in the case and it is responsive to that.
9 It would certainly be admissible.
10 MR. STECK: Any -- examining the
11 application materials it is clear that this pipeline
12 cuts through the subject property so it is within
13 the area clearly in the Board's jurisdiction.
14 This development will require
15 excavation of a lot of rock. There is vibration.
16 The answer is there is clearly some type of risk
17 associated with construction of a new dwelling on
18 this property.
19 MR. ALAMPI: Mr. Chairman, note my
20 objection. No testimony indicated excavation of a
21 lot of rock. I never heard that phrase used at any
22 level before any proceeding.
23 MR. LAMB: Mr. Steck, I am going to
24 ask you, there was testimony that approximately
25 eleven thousand feet of steep slope disturbance is

Page 62

1 proposed?

2 MR. STECK: Yes. The applicant

3 obviously has to excavate whether it is rubble or

4 whatever the material is, material has to be removed

5 from this site by heavy equipment which causes

6 vibration.

7 This is a site that is at the base of

8 the Palisades and there is a natural feature as

9 water freezes and thousands of pieces of rock come

10 down. There is a natural phenomenon in this area

11 and clearly some of that is being cleared away in

12 order to develop this residential project.

13 MR. ALAMPI: Again, Mr. Chairman, we

14 are talking about engineering principals and

15 construction principals. I don't think this

16 witness is qualified in that regard.

17 CHAIRMAN CHOFFO: Once again, it is

18 his opinion. We know he is not an engineer at this

19 point, Mr. Alampi.

20 MR. LAMB: Are you not an engineer?

21 MR. STECK: I am educated as an

22 engineer, not practicing.

23 CHAIRMAN CHOFFO: Are you a licensed

24 engineer?

25 MR. STECK: No, just educated.

Page 63

1 MR. LAMB: And you are not a gas

2 pipeline, gas safety pipeline expert either?

3 MR. STECK: I am sure of that.

4 MR. LAMB: Thank you. Is it not

5 fair, though, when a Board is faced with an

6 application where there is a gas transmission

7 pipeline that from a planning standpoint the

8 potential effects on that pipeline should be

9 addressed and reviewed by the Board or its

10 professionals?

11 MR. CURLEY: I would think that is an

12 improper question for the witness.

13 MR. LAMB: Are you instructing him not

14 to answer?

15 MR. CURLEY: Yes, I am.

16 MR. LAMB: I will move on.

17 Mr. Steck, finally, Section -- I will

18 refer you again to Ms. Gruel's report on Page 9,

19 Section 7 of the County Land Development Regulations

20 where she talks about in Paragraph 6 the steep

21 slopes.

22 Are there other reasons in addition to

23 storm water management drainage issues that the

24 county was concerned about in connection with that

25 regulation?

Page 64

1 MR. STECK: Yes. It talks about --

2 in addition to normal county concerns of storm

3 water, it talks about fragmentation of forest and

4 habitat areas and compromised aesthetic values.

5 MR. LAMB: Does it also talk about

6 changes in topography?

7 MR. STECK: It does, and its effect

8 again on water runoff and the quality of that water

9 runoff.

10 MR. LAMB: In your opinion does this

11 adversely affect the natural topography of that

12 portion of the Palisades cliffs?

13 MR. STECK: In my opinion it does.

14 MR. LAMB: Is it substantial, in your

15 opinion?

16 MR. STECK: Yes.

17 MR. LAMB: With respect to aesthetics,

18 do you have an opinion on that?

19 MR. STECK: Yes. By the scaling of

20 the building proposed which is larger than would be

21 allowed by right, the applicant is disturbing more

22 of the Palisades and blocking more of the visual

23 aspects of the Palisades.

24 MR. LAMB: And is it fair to say that

25 the applicant has acknowledged 75 percent of the

Page 65

1 project, is it fair to say three-quarters of the

2 project would generate less traffic on the county

3 road than the current project?

4 MR. STECK: It would be a linear

5 relationship.

6 MR. ALAMPI: He is not a traffic

7 expert.

8 MR. LAMB: I am not asking him for

9 numbers.

10 CHAIRMAN CHOFFO: At this point it is

11 a minute to 8:00 so I think the agreement was we

12 were going to go until 8:00.

13 MR. LAMB: I am done, Mr. Chairman.

14 MR. ALAMPI: Mr. Chairman, I don't

15 think I will complete my cross-examination in 30

16 seconds so I guess we will continue to the next

17 regular meeting?

18 CHAIRMAN CHOFFO: It is something we

19 are going to have to poll the Board for because

20 right now we are on -- there are seven applications

21 on for tonight and we didn't even address one. So

22 I don't know if it is appropriate to carry this into

23 a fourth meeting and start at 6:30 and do that to

24 the next round of applicants that are going to come

25 in so I think we are going to have to either poll

Page 66

1 the Board or do something, possibly a special
 2 meeting at this point because I don't know if it is
 3 appropriate to keep continuing this each meeting and
 4 there are literally seven other applicants.
 5 COMMISSIONER O'DEA: Mr. Chairman, I
 6 will make a motion that we take a short recess and
 7 try to see if we could determine a date that we
 8 agree upon and consult with the attorneys for a
 9 special meeting so we can try to get this issue
 10 heard, addressed and resolved because I fully agree
 11 and concur with you that this isn't the normal way
 12 of process that should be followed, you listen to
 13 two hours of testimony then you come back three
 14 weeks later when you got to listen to two more hours
 15 of testimony. You need to go back and refresh your
 16 recollection of other testimony.
 17 Some of us that weren't at the prior
 18 meeting have to read the transcript of prior
 19 testimony. I think we need to schedule a special
 20 meeting. This should be the only item on that
 21 special meeting and let's get this matter finalized
 22 here and resolved. I just don't know what date, if
 23 we can agree on a date.
 24 I would move for a date certain. I
 25 don't know what issues or scheduling issues there

Page 67

1 were with the attorneys, so if we took a short
 2 recess, Mr. Curley, maybe you could speak to the two
 3 attorneys to see if we could somewhat agree on the
 4 date maybe somewhere on a Wednesday evening in the
 5 middle between our regularly scheduled meetings and
 6 try to move this issue forward.
 7 CHAIRMAN CHOFFO: Do I have a second?
 8 COMMISSIONER O'DEA: I make that as a
 9 motion.
 10 COMMISSIONER FITZGIBBONS: I second
 11 it.
 12 CHAIRMAN CHOFFO: Take the roll call,
 13 please.
 14 MR. MARKS: Mr. Chairman, to basically
 15 recess the meeting in order to consult with the
 16 attorneys.
 17 Who made the motion?
 18 COMMISSIONER O'DEA: I made a motion.
 19 MR. MARKS: Motion made by
 20 Commissioner O'Dea and second?
 21 CHAIRMAN CHOFFO: Seconded by
 22 Commissioner Fitzgibbons.
 23 MR. MARKS: Seconded by Commissioner
 24 Fitzgibbons.
 25 Commissioner Arencibia?

Page 68

1 COMMISSIONER ARENCIBIA: Aye.
 2 MR. MARKS: Commissioner Avagliano?
 3 COMMISSIONER AVAGLIANO: Aye.
 4 MR. MARKS: Commissioner Bettinger?
 5 COMMISSIONER BETTINGER: Aye.
 6 MR. MARKS: Commissioner Fitzgibbons?
 7 COMMISSIONER FITZGIBBONS: Aye.
 8 MR. MARKS: Commissioner Mehta?
 9 COMMISSIONER MEHTA: Aye.
 10 MR. MARKS: Commissioner O'Dea?
 11 COMMISSIONER O'DEA: Aye.
 12 MR. MARKS: Chairman Choffo.
 13 CHAIRMAN CHOFFO: Aye.
 14 MR. MARKS: Let's take five minutes.
 15 (Recess taken.)
 16 CHAIRMAN CHOFFO: Can I have a motion.
 17 COMMISSIONER BETTINGER: I make a
 18 motion to reopen the meeting.
 19 COMMISSIONER FITZGIBBONS: I will
 20 second.
 21 MR. MARKS: Mr. Chairman, on a motion
 22 to reopen the meeting made by Commissioner Bettinger
 23 and seconded by Commissioner Fitzgibbons,
 24 Commissioner Arencibia?
 25 COMMISSIONER ARENCIBIA: Aye.

Page 69

1 MR. MARKS: Commissioner Avagliano?
 2 COMMISSIONER AVAGLIANO: Aye.
 3 MR. MARKS: Commissioner Bettinger?
 4 COMMISSIONER BETTINGER: Aye.
 5 MR. MARKS: Commissioner Fitzgibbons?
 6 COMMISSIONER FITZGIBBONS: Aye.
 7 MR. MARKS: Commissioner Mehta?
 8 COMMISSIONER MEHTA: Aye.
 9 MR. STECK: Commissioner O'Dea?
 10 COMMISSIONER O'DEA: Aye.
 11 MR. MARKS: And Chairman Choffo.
 12 CHAIRMAN CHOFFO: Aye.
 13 MR. MARKS: Mr. Chairman, the motion
 14 passed.
 15 CHAIRMAN CHOFFO: Did we come to a
 16 date at this point?
 17 MR. ALAMPI: Chairman, we are trying
 18 to stay with witnesses. We agreed on October 26.
 19 Your regular meeting is the 19th. This will allow
 20 ample time and Mr. Lamb indicates that his expert
 21 witness is also available, so October 26, a
 22 Wednesday.
 23 MR. LAMB: At 6:30.
 24 COMMISSIONER O'DEA: I will make a
 25 motion we continue this meeting to a special meeting

1 to be held on October 26th at 6:30.
 2 COMMISSIONER FITZGIBBONS: Second.
 3 MR. MARKS: Motion made by
 4 Commissioner O'Dea, seconded by Commissioner
 5 Fitzgibbons to continue the meeting -- to adjourn
 6 the application to continue the meeting to October
 7 26th.
 8 Commissioner Arencibia?
 9 COMMISSIONER ARENCIBIA: Aye.
 10 MR. MARKS: Commissioner Avagliano?
 11 COMMISSIONER AVAGLIANO: Aye.
 12 MR. MARKS: Commissioner Bettinger?
 13 COMMISSIONER BETTINGER: Aye.
 14 MR. MARKS: Commissioner Fitzgibbons?
 15 COMMISSIONER FITZGIBBONS: Aye.
 16 MR. MARKS: Commissioner Mehta?
 17 COMMISSIONER MEHTA: Abstain.
 18 MR. MARKS: Abstain. Commissioner
 19 O'Dea?
 20 COMMISSIONER O'DEA: Yes.
 21 MR. MARKS: And Chairman Choffo.
 22 CHAIRMAN CHOFFO: Aye.
 23 MR. MARKS: Mr. Chairman, the motion
 24 passed.
 25 MR. LAMB: Thank you, Mr. Chairman.

1 doesn't have an e-mail so we will send Commissioner
 2 Avagliano a paper copy of all the transcripts along
 3 with a certification.
 4 Mr. Chairman, the next application is
 5 2011-051-SP, NJ Casket Company, Inc., located at
 6 1400-1404 Clinton Street which is Block 122, Lots 6
 7 through 8, 1, 23.1 and 24 through 28 in the City of
 8 Hoboken.
 9 MR. BURKE: Thank you. Good evening,
 10 Mr. Chairman and Board. In light of the hour and
 11 the time you spent on the other matter we will try
 12 to move as quickly as possible.
 13 My name is James Burke, B-U-R-K-E. I
 14 represent the applicant. I have two witnesses.
 15 First, the description underneath the
 16 application heading is very adequate so I will
 17 forego any description of the project. You can read
 18 that.
 19 And we have two witnesses tonight.
 20 Our architect, Dean Marchetto, and we have a civil
 21 engineer, Andrew Missey. So I will bring the two of
 22 them up.
 23 Can they both can be sworn in together
 24 as long as they put their names on the record?
 25 (Andrew Missey, was duly sworn.)

1 COMMISSIONER O'DEA: Will you make
 2 sure the transcript of this meeting is made
 3 available to the commissioners that weren't here
 4 today and that the transcript of prior meetings are
 5 made available to myself and other --
 6 CHAIRMAN CHOFFO: Take the
 7 conversations outside. There are seven other
 8 applicants that were quiet when Appleview was on.
 9 COMMISSIONER O'DEA: There is a
 10 general certificate to verify that they have read
 11 the transcript of the meetings that they were not in
 12 attendance at in order to be able to consider and
 13 vote on an application.
 14 MR. MARKS: Mr. Chairman, Commissioner
 15 O'Dea requested copies of previous transcripts from
 16 the Appleview application. My only question to the
 17 Board is would you prefer the transcripts be
 18 delivered by e-mail and electronic format or do you
 19 want a hard copy, paper? It is up to the Board
 20 what would you prefer.
 21 CHAIRMAN CHOFFO: I prefer mine
 22 electronic.
 23 COMMISSIONER O'DEA: I will take mine
 24 electronically.
 25 MR. MARKS: Commissioner Avagliano

1 (Dean Marchetto, was duly sworn.)
 2 MR. MARCHETTO: Dean Marchetto.
 3 MR. CURLEY: Mr. Missey?
 4 MR. MISSEY: Andrew Missey.
 5 MR. CURLEY: Thank you.
 6 MR. BURKE: Thank you, Mr. Curley. I
 7 will introduce Mr. Marchetto as my first witness, if
 8 the Chairman wishes.
 9 CHAIRMAN CHOFFO: You know what I
 10 would like to do? Could you put that microphone on
 11 the other podium because we are having a problem
 12 hearing up here so you are okay right now but when
 13 Mr. Marchetto and the other witness -- in terms of
 14 questions and answers.
 15 MR. BURKE: Mr. Chairman, I can ask
 16 Mr. Marchetto for his qualifications. He has
 17 appeared many times.
 18 CHAIRMAN CHOFFO: He has been in front
 19 of us numerous times.
 20 MR. BURKE: I ask that you accept him
 21 as an architect.
 22 CHAIRMAN CHOFFO: Yes.
 23 MR. BURKE: Mr. Marchetto, I will turn
 24 it over to you.
 25 MR. MARCHETTO: I have some drawings.

Page 74

1 I am going to put them on the easel.
2 Should I proceed?
3 This is an application for a mixed
4 use residential building in Hoboken. It is 60
5 residential units with ten artist studio lofts as
6 well as a gallery space.
7 This project is located in Hoboken
8 just north of the viaduct, the 14th Street Viaduct.
9 It is located on a piece of property that straddles
10 between Clinton Street and Grand Street.
11 The drawing I have here is our site
12 plan. This is a set of drawings that was submitted
13 with the application that you probably have copies
14 of and the viaduct is shown here in this horizontal
15 location, Clinton Street, Grand Street, and 14th
16 Street.
17 The shaded area here this solely
18 shaded area is the location of the property. You
19 can see it is an L-shaped piece of property. It
20 fronts primarily on Clinton it also fronts on 14th
21 Street. If you will see the side dots, and it also
22 fronts on Grand Street.
23 The project is designed as an urban
24 in-fill type of project. It is in the northwest
25 industrial area of Hoboken and as such the building

Page 75

1 takes only a little bit of an industrial
2 architectural character.
3 It has -- it is a six-story building
4 and the ground floor of this building is primarily
5 parking, parking spaces for the residential units and
6 the artists units. There is also two lobbies.
7 There is actually three lobbies, two residential
8 lobbies. There is a lobby on Clinton Street and I
9 will go through the ground floor plan. This is
10 titled Clinton Street/Grand Street. You can see
11 that the site is primarily occupied by parking for
12 the residential units.
13 There is a lobby on Clinton Street
14 which takes you up to 49 units and this property is
15 divided into two separate towers on top of a common
16 parking base. So it is a common parking base. It
17 is one street, the other street, and then two
18 towers. One tower has ten live/work artist units on
19 Grand Street, and 49 primarily residential units on
20 Clinton Street.
21 The third -- so here is the lobby for
22 the Clinton Street and here is the lobby for the
23 artist units on Grand Street.
24 The Grand Street units that have
25 oversized spaces, extra insulated, they have a wider

Page 76

1 elevator for bringing up art and larger pieces of
2 material for creating art and heavier items.
3 There is also a third lobby which is
4 right here on the corner which is a feature on this
5 building.
6 We have approximately 5,000 square
7 feet of artist gallery located on the second floor.
8 So there is a lobby for the artist gallery as well.
9 And the purpose is to create a hybrid community
10 where artists integrate into the residential lives of
11 the people who live in this building. It is
12 something that is happening in northern Hoboken and
13 this project is an example of that kind of design.
14 The second floor which is the floor
15 above the parking you will be able to see the two
16 towers. This is the tower that is on the Clinton
17 Street side and this is the smaller tower on the
18 Grand Street side.
19 On the second floor it is not a
20 typical floor, it is a special floor, that is the
21 same floor that we have the gallery in for the
22 artists. It is a 5,000 plus square feet space. It
23 is listed in the plans and it is a place where the
24 artists can show their work and have events.
25 Also above the parking between the two

Page 77

1 floors is a landscaped plaza. That is the courtyard
2 or the center area between the two towers.
3 This is five-story tower on top of
4 parking and a five-story tower on top of parking, so
5 it is two six-story buildings with a courtyard in
6 between that opens up to the gallery space so these
7 people will be able to look down into the courtyard.
8 People who have units that face inward can see
9 artist display, sculptured gardens, landscaping,
10 that kind of thing.
11 When the gallery has events, it has
12 doors that open up so that could actually integrate
13 into an evening event or an outdoor event associated
14 with the artist.
15 There is a total of 59 units. 49 are
16 residential on the Clinton Street side and there are
17 artist work spaces when you get up to the next floor
18 which is the third floor. This is the typical floor
19 and you can see there are two very large units on
20 the artist side and typical residential units on the
21 Clinton Street side.
22 The residential building because it is
23 in the industrial area is designed to feel and look
24 a little bit like an industrial conversion, so it
25 has a little bit of a factory style to it. Had

Page 78

1 some modern windows in it. It is a brick building.
 2 And once we submitted the plans we had a meeting
 3 with the county planning staff and consultants and
 4 they were helpful and cooperative and we worked out
 5 some of the concerns they had with regard to the two
 6 green elements that are required and some site plan
 7 issues.
 8 As Mr. Burke had mentioned, the site
 9 plan engineer is here as well and he will
 10 preliminarily talk about the architectural component
 11 and answer any questions you have about the
 12 architectural component.
 13 COMMISSIONER FITZGIBBONS: Do you know
 14 if this is going to be a big project?
 15 MR. MARCHETTO: We worked with the
 16 county staff, they were kind enough to provide us
 17 with all of the data regarding the viaduct project
 18 and we coordinated our roads and entrances and
 19 services with the county plan for the roads below
 20 the viaduct, the one-way roads that are being
 21 changed down there.
 22 CHAIRMAN CHOFFO: I am assuming you
 23 already received your approval from Hoboken?
 24 MR. MARCHETTO: We have initial
 25 approval, preliminary site plan approval.

Page 79

1 MR. BURKE: Preliminary site plan
 2 approval. After this we are applying for site plan
 3 approval.
 4 CHAIRMAN CHOFFO: Vacant lot?
 5 MR. MARCHETTO: It is surface parking.
 6 MR. MARKS: Mr. Chairman, I have a
 7 question.
 8 Mr. Marchetto, was the rendering
 9 entered into evidence -- was the rendering the
 10 actual colored rendering was that supplied to the
 11 Board?
 12 MR. MARCHETTO: This is the rendering
 13 that was presented to the City of Hoboken for
 14 approval. Since we worked with the county we made
 15 some internal changes on the ground floor with the
 16 mechanical rooms and the service entrances and the
 17 garage entrance, and so the rendering or the
 18 elevations that are included in the set of drawings
 19 here, you can see this is the official formal
 20 technical elevation on Clinton and Grand. This is
 21 just an artist conception to give you a larger color
 22 view, so this is a little harder to read.
 23 CHAIRMAN CHOFFO: Can you just mark
 24 that as an exhibit, the color rendering.
 25 MR. BURKE: Mark it.

Page 80

1 MR. MARCHETTO: We can mark this A-1.
 2 CHAIRMAN CHOFFO: Thank you.
 3 (Exhibit so marked)
 4 MR. MARKS: Mr. Chairman, I would just
 5 request that if it is not this exact color
 6 rendering, that a color rendering be, since it is an
 7 example of what is being proposed that it be entered
 8 into evidence and filed with the Division of
 9 Planning.
 10 CHAIRMAN CHOFFO: Is that feasible?
 11 MR. MARCHETTO: Yes, I can forward it
 12 to Mr. Marks.
 13 COMMISSIONER FITZGIBBONS: The green
 14 techniques, what are the green techniques?
 15 MR. MARCHETTO: We have our storm
 16 water detention system built in below the building.
 17 When it rains, the downpour, the roof will collect
 18 the water, it will fall into a containment chamber
 19 under the parking lot and hold that surge of water
 20 and let the water out slowly into the sewer so there
 21 is no flash flood, if you will, around the building.
 22 It is storm water retention.
 23 We also have landscaping involved on
 24 the terrace but we also are planting nine trees.
 25 We had 13 trees on the sidewalk, street trees, but

Page 81

1 because of the viaduct project and working with the
 2 county staff we removed five because they were on
 3 the viaduct side so we have nine now, nine trees.
 4 So we have some environmental landscaping.
 5 CHAIRMAN CHOFFO: Any other questions?
 6 COMMISSIONER MEHTA: Yes. Mr.
 7 Chairman, quick question regarding this commercial
 8 space.
 9 You say it will be used by the artists
 10 only so it will be the residents use purpose only or
 11 the outside person can come in and this they going
 12 to exhibit or they can use it also?
 13 MR. BURKE: The space is going to be
 14 controlled by a not-for-profit.
 15 At this point we have a deed
 16 restriction which will be recorded which will
 17 require the space forever to be used for a
 18 not-for-profit, certain definitions within artistic
 19 uses, so to answer your question you don't have to
 20 be in the building. It may be a completely separate
 21 entity running the not-for-profit, but I can't tell
 22 you what type of artistic use it will be dedicated
 23 to at this point.
 24 COMMISSIONER MEHTA: Once you said the
 25 commercial in the space then retail space or like

Page 82

1 any some type of store or something. It will not be
2 that?
3 MR. BURKE: No, it will not be for
4 that purpose. It will be a gallery or artistic
5 dance studio or some sort of combination but it will
6 not be a retail store or anything like that?
7 MR. MARCHETTO: I don't believe I used
8 the word commercial. If I did, it is in error.
9 COMMISSIONER MEHTA: It says
10 commercial space.
11 MR. MARCHETTO: It is cultural space.
12 That is an error. It is not commercial.
13 COMMISSIONER MEHTA: Out of that 76
14 parking spaces, how many handicapped parking space
15 you have?
16 MR. MARCHETTO: It is what the code
17 would require. I have to look at the plan.
18 COMMISSIONER MEHTA: Hoboken is going
19 so much about the bicycling and other route, so do
20 you have any bicycle parking or something?
21 MR. MARCHETTO: We don't have any
22 bicycle parking in the building but we agree to put
23 bicycle racks outside the building on the sidewalk.
24 In terms of handicapped parking spaces
25 I see no handicapped parking spaces inside the

Page 83

1 building.
2 CHAIRMAN CHOFFO: Did Hoboken require
3 you to put parking?
4 MR. MARCHETTO: It is required by
5 code. Did it require parking?
6 CHAIRMAN CHOFFO: Yes.
7 MR. MARCHETTO: Hoboken requires one
8 parking space for every residential unit. That is
9 the ordinance. So we exceed that.
10 COMMISSIONER FITZGIBBONS: Demetri, do
11 we have any problems with this? Through you, Mr.
12 Chairman.
13 COMMISSIONER ARENCIBIA: Maybe we
14 should hear from our consult at that point for the
15 Planning Board to see what the comments are and then
16 I do have some questions.
17 COMMISSIONER O'DEA: Can we ask our
18 question?
19 CHAIRMAN CHOFFO: Yes.
20 COMMISSIONER O'DEA: Mr. Chairman, I
21 have a few questions. What is the bedroom size or
22 the unit size square footage?
23 MR. MARCHETTO: There are a total of
24 59 units. There are 27 units that are one bedroom,
25 31 two-bedroom, and one three-bedroom unit. The

Page 84

1 live/work spaces are very large, so if you were to
2 have --
3 COMMISSIONER O'DEA: Could you do that
4 breakdown?
5 MR. MARCHETTO: Twenty-seven
6 one-bedrooms.
7 COMMISSIONER O'DEA: What is the
8 average square foot of the one bedroom?
9 MR. MARCHETTO: I will tell you.
10 One bedroom unit is averaging about
11 800 square feet.
12 COMMISSIONER O'DEA: How many two
13 bedrooms?
14 MR. MARCHETTO: We have 31.
15 COMMISSIONER O'DEA: Average square
16 foot?
17 MR. MARCHETTO: The average square
18 foot in the two-bedroom in the residential unit is a
19 thousand fifty, but the two bedrooms that are on the
20 live/work side, they range up between 1700 and one
21 of them is 2400 because those are the live/work ones
22 so there is not only the bedrooms, but you will have
23 an artist work space inside the unit and the
24 interior of the units aren't laid out yet but
25 Hoboken requires us to lay out the demising walls

Page 85

1 and provide the sizes.
2 COMMISSIONER O'DEA: One
3 three-bedroom?
4 MR. MARCHETTO: Yes.
5 COMMISSIONER O'DEA: What is that
6 square foot?
7 MR. MARCHETTO: That is also 2,400.
8 COMMISSIONER BETTINGER: Mr. Chairman.
9 CHAIRMAN CHOFFO: Yes.
10 COMMISSIONER BETTINGER: Are these
11 rentals or condominiums?
12 MR. MARCHETTO: They are rentals.
13 COMMISSIONER O'DEA: The work space,
14 what are the restrictions on the rentals? Are there
15 any restrictions on those rentals?
16 MR. MARCHETTO: I will have to turn it
17 over to Mr. Burke on that.
18 MR. BURKE: In the deed restriction
19 there are certain uses that can go in there.
20 COMMISSIONER O'DEA: Are there income
21 restrictions? Are there restrictions on the rents
22 you can charge?
23 MR. BURKE: No.
24 COMMISSIONER O'DEA: So all 59 units
25 are market, there are none, despite the fact that

Page 86

1 they are rental live/work spaces, they are not
 2 live/work spaces in the tradition of most artists
 3 lofts that I see in other places.
 4 MR. BURKE: Correct.
 5 COMMISSIONER O'DEA: There is no
 6 rental restrictions on there they are going to be
 7 fully marketed for rental units.
 8 MR. BURKE: Because they are limited
 9 to certain uses, the rent will be lower. But there
 10 is no rent restriction.
 11 COMMISSIONER O'DEA: This is -- is all
 12 the financing in place for the project?
 13 MR. BURKE: Not at this time. And
 14 just one point of correction. At this point the
 15 developer is thinking rental because that seems to
 16 be the market but it is not limited to that. It
 17 could go condo depending on what is happening to the
 18 future.
 19 COMMISSIONER O'DEA: It is difficult
 20 to find anyone to finance a condominium project
 21 right now. This is as much a comment as a
 22 question.
 23 In looking at how many units you have,
 24 you tell me they are all market. I was almost
 25 curious to see if the applicant was but he doesn't

Page 87

1 meet the 20 percent requirement -- if he was looking
 2 at doing an 80/20 project and availing himself of
 3 tax exempt financing for it but you answered the
 4 question that all the units are market, so.
 5 CHAIRMAN CHOFFO: Any other questions?
 6 COMMISSIONER O'DEA: Just one other.
 7 You had 62 spaces and you have 59 units. The code
 8 there is one per unit irregardless whether it is a
 9 one or two bedroom.
 10 MR. MARCHETTO: Correct.
 11 COMMISSIONER O'DEA: And there is no
 12 requirement on the commercial space or is there or
 13 they have the first 5,000 square feet as exempted?
 14 MR. MARCHETTO: It is not a commercial
 15 space, but the cultural space they don't have a
 16 requirement.
 17 COMMISSIONER O'DEA: How will -- and I
 18 guess this is a question more of the attorney or the
 19 applicant, under what process will the
 20 not-for-profit entity that will I guess reach that
 21 space be decided?
 22 MR. BURKE: There has already been a
 23 group identified, so they get the first spot and
 24 then depending on how well they do, if they stay
 25 forever, fine, but if they don't we have to find a

Page 88

1 replacement.
 2 COMMISSIONER O'DEA: They are local
 3 based?
 4 MR. BURKE: The Hoboken Arts Group.
 5 COMMISSIONER O'DEA: Okay, thank you.
 6 CHAIRMAN CHOFFO: Any other questions?
 7 COMMISSIONER MEHTA: Just a quick
 8 reminder, I think they are recollecting because in
 9 the application it says 76 parking space. So is it
 10 76 or 62?
 11 MR. MARCHETTO: Let me check.
 12 It is 62.
 13 COMMISSIONER MEHTA: It says 76.
 14 MR. BURKE: In the application itself
 15 or --
 16 COMMISSIONER MEHTA: On the report
 17 from the Planning Department.
 18 CHAIRMAN CHOFFO: You are talking
 19 about the letter dated September 19 from Mr.
 20 Tridente?
 21 COMMISSIONER MEHTA: Commercial space
 22 and 76 parking space.
 23 MR. MARCHETTO: I got my information
 24 off the application.
 25 MR. BURKE: I apologize. It says 76

Page 89

1 in the application and it is wrong. It is 62.
 2 COMMISSIONER MEHTA: Hoboken still
 3 doesn't have any problem, Hoboken approved the
 4 project?
 5 MR. MARCHETTO: Hoboken approved the
 6 project, yes.
 7 CHAIRMAN CHOFFO: Hoboken's approval
 8 was on 62 parking spaces?
 9 MR. MARCHETTO: Yes.
 10 MR. BURKE: Correct.
 11 CHAIRMAN CHOFFO: If you would revise
 12 that or put something in writing to Mr. Marks.
 13 MR. BURKE: I will send a letter.
 14 COMMISSIONER O'DEA: Mr. Chairman,
 15 there are no notice requirements? Are people
 16 required to be noticed on this application, Mr.
 17 Marks?
 18 MR. MARKS: Mr. Chairman, under
 19 Municipal Land Use law every planning board, zoning
 20 board application is supposed to notify the property
 21 owners within 200 feet. That is accomplished
 22 through the municipal planning board process.
 23 COMMISSIONER O'DEA: So they are not
 24 required to do it?
 25 MR. MARKS: Only the County Planning

Page 90

1 Act. We subscribe to the open public meetings act
2 where it is regular proper notice ten days, not two
3 days, but regular notice in the newspaper and the
4 bulletin board.
5 CHAIRMAN CHOFFO: I think we are ready
6 for Commissioner Arencibia.
7 MS. FLOR: Mr. Chairman, the only
8 comments that were not engineering comments that
9 would apply to the architect we discussed in the
10 Site Review Committee meeting. The architect could
11 probably just state for the record that he is aware
12 and willing to coordinate his construction project
13 with the construction of the viaduct.
14 You are willing to coordinate
15 construction?
16 MR. MARCHETTO: Yes.
17 MS. FLOR: And you are going to be
18 aware there is a wall that may come across in front
19 of your site on part of the site?
20 MR. MARCHETTO: Yes. Across the
21 street, not on the site.
22 MS. FLOR: Yes.
23 MR. MARCHETTO: I am aware of that
24 because it is the abutment for the proposed
25 improvement on the viaduct and we note it on the

Page 91

1 plan as you requested.
2 MS. FLOR: And then lastly, you are
3 also aware that when the construction, the footings
4 for that wall are being constructed that you may not
5 have access from the one entry to your working
6 garage?
7 MR. MARCHETTO: Yes.
8 MS. FLOR: You do have another entry
9 and you can coordinate that way?
10 MR. MARCHETTO: Yes.
11 MS. FLOR: And your applicant finds
12 that acceptable?
13 MR. MARCHETTO: Yes.
14 MS. FLOR: Those are the only comments
15 in our letter that would apply to the architect.
16 (Commissioner Romano enters the
17 Chamber.)
18 COMMISSIONER ARENCIBIA: Mr. Chairman,
19 I just have some other questions. First of all,
20 what kind of footings and foundation are they going
21 to construct for your building?
22 MR. MARCHETTO: Deep pile foundations.
23 COMMISSIONER ARENCIBIA: So you are
24 driving piles. How many piles for the entire site?
25 MR. MARCHETTO: I don't know at this

Page 92

1 point.
2 COMMISSIONER ARENCIBIA: It hasn't
3 been figured out yet?
4 MR. MARCHETTO: Yeah.
5 COMMISSIONER ARENCIBIA: We are
6 driving piles as well, as well in front of your site
7 so you are not doing any basement?
8 MR. MARCHETTO: No basement. We are
9 trying to keep the building up out of the ground for
10 flood protection reasons.
11 COMMISSIONER ARENCIBIA: I would only
12 ask that when you have your pile plan figured out
13 you supply that to our office to review to make sure
14 it doesn't affect our project.
15 MR. MARCHETTO: I can also assure you
16 all the piles are within the property line, if that
17 helps.
18 COMMISSIONER ARENCIBIA: That is -- I
19 understand that it is just the vibration, it affects
20 our structure as it is concerned. The other thing
21 is the schedule.
22 Do you have a time line when you are
23 going to start construction?
24 MR. MARCHETTO: Our goal is to start
25 in the early half of 2012.

Page 93

1 COMMISSIONER ARENCIBIA: The 14th
2 Street Viaduct already started construction. I
3 don't know if you have seen it.
4 MR. MARCHETTO: I have.
5 COMMISSIONER ARENCIBIA: It is going
6 to be very intense construction, very obstructive to
7 the community there with all the street closures.
8 The viaduct itself would be kept open. It would be
9 -- the staging would be done in one half the time.
10 Underneath would be closing some
11 streets as we progress with the construction. So
12 the only thing is that the priority is the viaduct
13 construction. If there is a need for coordination
14 between the owner and the county. I have to stress
15 that the owner has to take a back seat in case our
16 project or our contractor has to do some kind of
17 work that we will have you put off your work.
18 MR. MARCHETTO: Well, fortunately we
19 have access on Clinton and Grand and come down from
20 15th Street. We don't have to use 14th Street.
21 For a short period we may have to for
22 finishing the building, but unfortunately for the
23 configuration of this lot we will be able to access
24 it through alternative means.
25 COMMISSIONER ARENCIBIA: You are

Page 94

1 building up to the property line. At some point you
 2 are going to need to put up scaffolding in the
 3 county's right-of-way to do that work and it may not
 4 be possible depending on what time frame we are in
 5 with the construction of the viaduct.
 6 MR. MARCHETTO: So we will coordinate
 7 with your office.
 8 COMMISSIONER ARENCIBIA: Okay. That
 9 is just the one thing. The other project across
 10 the street they are going to be starting, too,
 11 around the same time as you are?
 12 MR. MARCHETTO: I think they started.
 13 COMMISSIONER ARENCIBIA: They started
 14 doing some--
 15 COMMISSIONER ROMANO: Remediation.
 16 COMMISSIONER ARENCIBIA: I recall they
 17 were required to build their entrances above the
 18 flood elevation. Is that something that you
 19 recall?
 20 MR. MARCHETTO: Yes. We were at the
 21 DEP for DEP approval and we have to come in off the
 22 street and slope up in our garage and that is what
 23 our design is. That is what the DEP requires.
 24 COMMISSIONER ARENCIBIA: But also for
 25 your regular entrances for people?

Page 95

1 MR. MARCHETTO: The entrance has to
 2 come in off the street wherever it is.
 3 COMMISSIONER ARENCIBIA: But the
 4 Advance project had to build -- part of their
 5 project is raising the sidewalk in the County's
 6 right-of-way.
 7 MR. MARCHETTO: I will let the
 8 engineer speak to that -- it is an engineering issue
 9 -- if you would like, but we are coming in off the
 10 street patching the street grade and sloping up.
 11 The whole idea is that the water doesn't come in.
 12 COMMISSIONER ARENCIBIA: You are
 13 basically saying your entrances are all going to be
 14 roughly where you are in right now at grade?
 15 MR. MARCHETTO: That is correct.
 16 COMMISSIONER ARENCIBIA: Utilities.
 17 Are there any utilities that you have identified on
 18 14th Street and Marginal Road?
 19 MR. MARCHETTO: Again, I have to let
 20 the engineer speak to that. We have a civil
 21 engineer. Mr. Missey is here from Lapatka
 22 Associates and he can address the utilities.
 23 CHAIRMAN CHOFFO: I would like the
 24 record to reflect Commissioner Romano is now in
 25 attendance.

Page 96

1 Do you have a question for the
 2 engineer?
 3 COMMISSIONER ARENCIBIA: I will have
 4 some questions for the engineer, but the driveway
 5 that is out there right now -- sorry, the drive you
 6 are proposing on the Marginal Road is nonexistent
 7 currently. It is a brand new driveway?
 8 MR. MARCHETTO: I will defer to the
 9 engineer.
 10 CHAIRMAN CHOFFO: Commissioner Romano,
 11 do you have a question?
 12 COMMISSIONER ROMANO: I know from the
 13 building that is on the other side near the site,
 14 that is going to be remediated with regard to the
 15 proximity to the viaduct and the noise. Any
 16 problems with that with the city?
 17 MR. MARCHETTO: No. No. The noise
 18 that you are going to be creating with the viaduct
 19 is only temporary when you are finished with the
 20 work.
 21 COMMISSIONER ROMANO: I meant when it
 22 is complete.
 23 MR. MARCHETTO: Oh, no, no. We have
 24 instituted windows on that side. Maybe that is what
 25 you, what you are referring to.

Page 97

1 COMMISSIONER ROMANO: I know you and
 2 Mr. Burke could handle any situation.
 3 CHAIRMAN CHOFFO: Would you like to
 4 have the engineer come up?
 5 MR. BURKE: Yes, Mr. Chairman.
 6 (Andrew Missey, was duly sworn.)
 7 MR. BURKE: You have been sworn in.
 8 Have you appeared before this Board before?
 9 MR. MISSEY: I have. I think most
 10 recently when the cinema went in directly
 11 catercorner?
 12 MR. BURKE: And you are a licensed
 13 civil engineer?
 14 MR. MISSEY: Yes.
 15 MR. BURKE: And your license is
 16 presently valid?
 17 MR. MISSEY: Yes.
 18 MR. BURKE: Would you accept him as an
 19 engineer?
 20 CHAIRMAN CHOFFO: Yes.
 21 MR. BURKE: All right. You heard
 22 some questions but why don't you give an overview of
 23 the engineering issues?
 24 CHAIRMAN CHOFFO: Mr. Burke, speak
 25 into the microphone.

Page 98

1 MR. BURKE: You heard some questions,
2 but why don't you give an overview, any engineering
3 issues that were dealt with that was dealt with from
4 the county engineers.
5 MR. MISSEY: Certainly. Very
6 briefly, we have a property that has the L-shape and
7 because we have the Grand Street frontage as well as
8 the Clinton Street project, we can take all of
9 the city mains in the street. There isn't any need
10 or in this instance any desire to tap into the
11 utilities on the Front Street right-of-way.
12 We have a storm water detention system
13 as described by Mr. Marchetto and proposed beneath
14 the garage slab. All roof drains will drain to
15 that detention system and that detention system will
16 discharge to the storm drain into the combined sewer
17 in Clinton Street so there is no storm water from
18 this project going to the 14th Street right-of-way
19 or its drainage system.
20 We have exchanged plans with the
21 county engineer's office for the 14th Street project
22 as it relates to the ground surface. The urban
23 landscaping will occur when they close off Clinton
24 Street and make it a pedestrian tunnel underneath
25 the viaduct.

Page 99

1 We are coordinating now with that
2 aspect of the project and we have the location of
3 the abutments because of the exchange of information
4 so we also have an exchange of what the proposed
5 grades are at the locations.
6 We do have the new driveway into the
7 garage from 14th at this location but that really
8 would be different than the driveway that exists
9 immediately to the west for the architects's office
10 in that four story building so we have designed our
11 driveway to match the width and the grades that are
12 proposed for that other driveway.
13 We are aware that Hoboken may operate
14 to reverse the traffic flow right now. The
15 proposal is to make this north marginal street at
16 this location one way in the eastbound direction and
17 there is also a driveway that will serve the Hertz
18 Rent a Car at Willow and 14th because they go out
19 the back door to Clinton.
20 If that traffic pattern were to
21 change, if this were to become or to remain a one
22 way in the westbound direction, it has no impact on
23 our project or where our driveway is, so that is
24 good. We are neutral.
25 In other words, on that regard, any

Page 100

1 impacts of the streetscape that would occur if our
2 project were to come after the viaduct project was
3 completed would be replaced in kind but I think
4 given the scope of the viaduct work and with
5 adequate coordination that can be minimized to a
6 great extent.
7 We will make an application to the DEP
8 for a hardship waiver because we cannot get all of
9 our first floor above the flood elevation here. We
10 have to enter the building at grade. But we will
11 flood-proof those openings; in other words, we will
12 put in the hardware in that can be made water tight
13 at all the doors including the garage doors in the
14 case of a storm.
15 CHAIRMAN CHOFFO: Similar to what we
16 just had in terms of a hurricane?
17 MR. MISSEY: Yes, exactly similar.
18 I am willing to answer any questions
19 you have. We did have a good exchange of
20 information with the county and with T&M.
21 COMMISSIONER ARENCIBIA: Mr. Chairman,
22 I just want to in terms of coordination with the
23 sidewalk, we have an urban street-scape type of
24 thing as part of the 14th Street Viaduct project but
25 I want to make certain with the timing of this

Page 101

1 project that should the developer have to build the
2 curb and sidewalk, that that should be part of this
3 plan as well.
4 Oftentimes the applicant does come in
5 and does curb and sidewalk in front of their
6 building but I need to make sure it gets done one
7 way or the other. If you are not done there in
8 time after we are done, you have to rip up the
9 sidewalk when you don't have to and it is just a
10 matter of coordinating the construction. We are
11 going to need to work very closely during the course
12 of both projects to make sure.
13 MR. MISSEY: We can do that.
14 COMMISSIONER ARENCIBIA: To make sure
15 things get accomplished.
16 MR. MISSEY: Yes.
17 MR. CURLEY: There is a permit you are
18 going to have to come in for at the county
19 engineer's office for any work you are doing in the
20 county's right-of-way. And again precedence will
21 be given to our project so we may have to have our
22 project and construction manager review your plans
23 to ensure there is no conflict to supervise that
24 project.
25 MR. MISSEY: Understood.

Page 102

1 COMMISSIONER ARENCIBIA: If the DEP
2 does not grant you a waiver, what is your
3 alternative for the flood elevation?
4 MR. MISSEY: Lifts. Stairs and
5 lifts.
6 COMMISSIONER ARENCIBIA: Would that be
7 needed to use the county's right-of-way?
8 MR. MISSEY: No.
9 COMMISSIONER ARENCIBIA: It will be
10 done internally?
11 MR. MISSEY: Yes.
12 CHAIRMAN CHOFFO: Would you have to
13 revise your plans?
14 MR. MISSEY: Yes.
15 CHAIRMAN CHOFFO: With that type of
16 revision would you have to come back in front of us?
17 COMMISSIONER ARENCIBIA: As long as it
18 is done within their property I don't believe they
19 need to come to us. If they plan on encroaching
20 into the county's right-of-way, they would need to.
21 CHAIRMAN CHOFFO: Anything else? Go
22 ahead.
23 MS. FLOR: My only two comments are I
24 see that you revised the plans with the detention
25 system. Did you do any type of drainage

Page 103

1 calculations? I haven't seen anything relative to
2 that.
3 MR. MISSEY: Yes, they have been done.
4 MS. FLOR: Did you submit them to the
5 county?
6 MR. MISSEY: No. The reason is our
7 drainage goes to the city's combined sewer system.
8 That is the next application. That is where we will
9 prove our system is adequately sized.
10 MS. FLOR: Since I haven't seen the
11 location on that can you explain on the plan so I
12 can look and make sure should it fail, if it guess
13 -- the only reasons we would want to look at it is
14 if it was improperly designed, I am not saying it
15 is, and it was to fail and it was to drain to
16 Clinton Street, I don't know where you have it on
17 your plan, and if the grades on Clinton Street tend
18 to flow towards the county road that is the only
19 reason I would need to look at it. That is what I
20 would need to see.
21 CHAIRMAN CHOFFO: Before you answer
22 can you describe what you are looking at.
23 MR. MISSEY: Sheet two of three of the
24 site plan drawing set and in this particular
25 instance we are tying into Clinton Street because

Page 104

1 the general grade is to the north.
2 MS. FLOR: Good, okay. Then that
3 answers my question. Basically what he is saying
4 is the spot grades within Clinton Street drain to
5 the local road so even if it was to fail it would
6 affect Hoboken.
7 Has Hoboken reviewed it then? I would
8 just affirm --
9 CHAIRMAN CHOFFO: Flood Hoboken roads
10 but not county roads.
11 MR. MISSEY: In this instance the high
12 point in this neighborhood is probably Willow and
13 14th and as you proceed at the surface back to the
14 west, the property drops off.
15 COMMISSIONER FITZGIBBONS: Actually
16 that used to be swamp down there below Clinton.
17 MR. MISSEY: So we have heard.
18 COMMISSIONER FITZGIBBONS: So that was
19 always a flood area.
20 MS. FLOR: I would defer my review
21 because of the fact that I believe Hoboken will
22 actually look at those drainage calcs and make sure
23 they are proper.
24 My second comment builds on the
25 comment that Demetrio just said about the base flood

Page 105

1 and how to raise it.
2 Just so you are aware, the previous
3 applicant who was in here wasn't able to get that
4 hardship and as a result had to build ramps within
5 the sidewalk and it was extensive so be aware that
6 is what happened on the last application and if you
7 do choose to encoach within the county right-of-way,
8 we will have to look at that again.
9 MS. MISSEY: Understood.
10 CHAIRMAN CHOFFO: Thank you. Any
11 other questions? Yes.
12 COMMISSIONER MEHTA: Just quick
13 question it will be in reference to the parking. It
14 will be regular parking or PERMIT parking?
15 MR. MISSEY: The parking will be
16 within a garage.
17 COMMISSIONER MEHTA: I know it is in
18 the garage, but it will be individual or valet
19 parking?
20 MR. MISSEY: Individual will park his
21 own car.
22 COMMISSIONER MEHTA: Because I see you
23 have seven parking spot which are tandem so you can
24 use and somebody is parked behind, how the other guy
25 is going to get out?

Page 106

1 MR. MISSEY: I will let Mr. Marchetto
 2 appear on that because it appears on his plan. As
 3 you know Hoboken is an urban area and parking is an
 4 issue in Hoboken. As such, Hoboken allows 30
 5 percent of their cars tandem spaces. The idea is to
 6 try to get as many cars off as possible. Those
 7 that go to the same unit, when you have two cars
 8 tandem one or the other, they both are contained by
 9 the same residential unit, it is easier. A husband
 10 or wife or two people that have access to the other
 11 vehicle so it is coordinated. It is common
 12 practice in Hoboken. Forty percent can be tandem.
 13 COMMISSIONER MEHTA: Then does it meet
 14 the requirement of one parking per unit?
 15 MR. MARCHETTO: It meets the
 16 requirement, sir. That is the requirement.
 17 CHAIRMAN CHOFFO: Any other questions?
 18 Miss Massey.
 19 MS. MASSEY: Can you address the
 20 raised sidewalk along 14th Street? I feel like it
 21 would be a trip hazard. Mario and I went out, the
 22 building inspector, and the sidewalk along 14th
 23 Street is elevated in a certain section. We
 24 weren't sure if that would be ADA complaint, if you
 25 were planning on making it level with the existing

Page 107

1 sidewalk.
 2 MR. MISSEY: Along 14th?
 3 MS. MASSEY: Yes.
 4 MR. MISSEY: Once the viaduct is
 5 completed that will have been reconstructed.
 6 MS. MASSEY: Okay.
 7 CHAIRMAN CHOFFO: Any other questions?
 8 COMMISSIONER BETTINGER: Mr. Chairman,
 9 are there any bike racks installed?
 10 MR. MISSEY: Bike racks will be on the
 11 sidewalk on the street.
 12 CHAIRMAN CHOFFO: Anything else, Mr.
 13 Burke?
 14 MR. BURKE: No, we've concluded.
 15 CHAIRMAN CHOFFO: Any motions?
 16 COMMISSIONER ROMANO: Motion.
 17 COMMISSIONER FITZGIBBONS: Second.
 18 MR. MARKS: Mr. Chairman, on a motion
 19 to approve application 2011-051-SP made by
 20 Commissioner Romano and seconded by Commissioner
 21 Fitzgibbons, Commissioner Arencibia?
 22 COMMISSIONER ARENCIBIA: Aye.
 23 MR. MARKS: Commissioner Avagliano?
 24 COMMISSIONER AVAGLIANO: Aye.
 25 MR. MARKS: Commissioner Bettinger?

Page 108

1 COMMISSIONER BETTINGER: Aye.
 2 MR. MARKS: Commissioner Fitzgibbons?
 3 COMMISSIONER FITZGIBBONS: Aye.
 4 MR. MARKS: Commissioner Mehta?
 5 COMMISSIONER MEHTA: Aye.
 6 MR. MARKS: Commissioner O'Dea?
 7 COMMISSIONER O'DEA: Aye.
 8 MR. MARKS: Commissioner Romano?
 9 COMMISSIONER ROMANO: Aye with one
 10 comment. I would like to let the Board know all
 11 the projects during the recent 20, 25 years both Mr.
 12 Marchetto and Mr. Burke have been involved in have
 13 always been above regulation and always complied
 14 with whatever the city and the county have asked and
 15 I am sure that they will follow through with the
 16 revisions requested by the engineer. Thank you.
 17 MR. BURKE: Thank you.
 18 MR. MARKS: Chairman Choffo.
 19 CHAIRMAN CHOFFO: I vote aye.
 20 MR. MARKS: Mr. Chairman, the motion
 21 passed.
 22 MR. BURKE: Thank you Chairman, thank
 23 you, Board.
 24 MR. MARKS: The next application is
 25 2011-055-SP Vrasidas Golemias, applicant, located at

Page 109

1 Passaic Avenue and Mulock Place which is Block 14,
 2 Lots 1 through 3, 45.03, 46, 46.01, 47 and 48 in the
 3 Borough of East Newark.
 4 CHAIRMAN CHOFFO: Mr. Curley and Mr.
 5 Marks, at this point we have an existing application
 6 with the applicant and the applicant's attorney so I
 7 would like to recuse myself from the application. I
 8 will turn the meeting over to the Vice-Chair,
 9 Commissioner Bettinger.
 10 MR. JOHNSON: I am Bill Johnson, an
 11 attorney-at-law in the State of New Jersey with the
 12 firm of Johnson and Johnson located at 30 Columbia
 13 Turnpike, Florham Park, New Jersey, and I represent
 14 Vrasidas Golemias on this application.
 15 I only have two witnesses. My traffic
 16 expert has already been in contact with the county's
 17 traffic expert and those issues have been resolved.
 18 I have my architect and I have my
 19 engineer and I will try to make it as brief as
 20 possible in light of all the other colleagues and
 21 applicants.
 22 This is, simply stated, an application
 23 to develop a vacant lot along Passaic Avenue in the
 24 Borough of East Newark, New Jersey which will
 25 consist of 15 two-bedroom units and 45 one-bedroom

Page 110

1 units with on site parking and approximately 3,000
 2 square feet of commercial real estate on the first
 3 floor. With that being said, it is a brief
 4 overview of the application I would like to call as
 5 my first witness, Mr. Bodnar.
 6 (Russell Bodnar, was duly sworn.)
 7 MR. JOHNSON: Mr. Bodnar, state your
 8 full name and address for the record.
 9 MR. BODNAR: Russel, last name Bodnar,
 10 B-O-D-N-A-R. I reside at 522 Long Hill Road in
 11 Long Valley, New Jersey. I have actually appeared
 12 before this Board several other times. I haven't
 13 been here in quite some time now, about two years,
 14 but I have been here before.
 15 MR. JOHNSON: In what field did you
 16 graduate from college?
 17 MR. BODNAR: Bachelor of architecture
 18 in 1990 and I have been a licensed architect since
 19 1995. Been in my own business since 1998 and done
 20 several jobs in the surrounding area of Hoboken,
 21 Jersey City, Bayonne, Newark.
 22 MR. JOHNSON: From what college did
 23 you graduate?
 24 MR. BODNAR: I went to Pratt
 25 Institute.

Page 111

1 MR. JOHNSON: And you are a licensed
 2 architect here in New Jersey?
 3 MR. BODNAR: Yes.
 4 MR. JOHNSON: And you have extensive
 5 work in the field of architecture, is that correct?
 6 MR. BODNAR: That is correct.
 7 MR. JOHNSON: Have you ever testified
 8 in any courts of law concerning zoning/planning
 9 matters or before any municipal boards throughout
 10 the State of New Jersey?
 11 MR. BODNAR: Yes, I have been through
 12 several boards, like I said earlier, in the
 13 surrounding area; Jersey City, Bayonne, Hoboken,
 14 Fort Lee, Newark. East Newark.
 15 MR. JOHNSON: Okay and would you
 16 please highlight your role in the planning process
 17 in this application.
 18 MR. BODNAR: Yes, I actually met with
 19 the zoning official also for east Newark and we came
 20 up with a plan in terms of the plan you see in front
 21 of you to develop the property in question.
 22 The property is at Passaic Avenue in
 23 East Newark. It is actually Passaic, Mulock and
 24 President Street, Passaic Avenue being the street
 25 that actually is a county road.

Page 112

1 The project consists of 60 apartment
 2 units. The one bedrooms are between 700 and a
 3 thousand square feet. The two bedrooms are
 4 approximately 1,100 to almost 1,300 square feet.
 5 The building itself is a U-shape
 6 configuration with the courtyard in the center. I
 7 can go through the plans in a moment.
 8 The building is actually a four story
 9 building podium-style building which means it has
 10 parking the parking garage is an open garage with a
 11 ceiling.
 12 The part of the building on Passaic
 13 houses the lobby as well as community amenities.
 14 The amenities themselves are a gym as well as a
 15 little dry cleaner and we have some other commercial
 16 space that is vacant right now that we are hoping to
 17 rent on the south side of Passaic Avenue that is
 18 adjacent to Mulock that is about 2,000 square feet.
 19 When that is ready, I would like to rent.
 20 The project actually exists right
 21 across the street from Tops Diner. If you are
 22 familiar already with the area at all, Tops Diner,
 23 my client actually owns Tops Diners my client is
 24 going to keep this adjacent property. It is not
 25 for sale.

Page 113

1 He owned the property for several
 2 years now. He decided to jump into this and
 3 develop it. He is actually very interested in
 4 going right away so much so that he wants a shovel
 5 in the ground next week. He is putting a lot of
 6 his own money into this funding of the construction
 7 until we get done with the poured concrete
 8 structure which is the next level and take a break
 9 and in the spring we will work on the building
 10 again and he has a good means of getting us some
 11 banking financing for the project.
 12 CHAIRMAN CHOFFO: Excuse me.
 13 Before we go any further, would you
 14 please mark the exhibit that you are referring to?
 15 MR. BODNAR: We will mark this 1-A-1
 16 and the drawings behind, there are a full set of
 17 plans, we will mark that A-2 as well.
 18 As you see here on the full set of
 19 plans we have 55 parking spaces located inside the
 20 interior of the garage. The garage doors are
 21 accessed off the street and also accessed off Mulock
 22 Place. Those are not county roads and those also
 23 have additional parking on those streets that we can
 24 use.
 25 We actually have parking spaces

Page 114

1 designated on the street for visitors as well as for
2 pickup and dropoff of containers for the garbage
3 collection. So all garbage collection will be
4 taken off President Street. There is no parking
5 that we are planning on.
6 On Passaic Avenue right now there is
7 no parking on Passaic Avenue. You are not allowed
8 to park there. It is a semi-busy street and goes up
9 to the bridge on Central Avenue. Brings you over
10 from East Newark to Newark.
11 As you can see here we and have an
12 outside parking space the outside parking space
13 consists of 34 parking spaces as well as three
14 tandem spaces. They are primarily used for the one
15 set of tandem spaces to be used for the Super and
16 the other two tandem spaces are used for the
17 two-bedroom apartment.
18 So if you have a two-bedroom apartment
19 you will be designated to those two spaces and then
20 you will have both those spaces, you actually have
21 one and a half parking spaces per unit here so
22 everybody has the ability to have one and a half and
23 we have a lot of one bedrooms the town themselves
24 wanted ratables but they didn't want children so
25 they decided as many one-bedrooms we can, 45

Page 115

1 one-bedrooms and only have 15 two-bedrooms. They
2 want to make sure that children are not moving the
3 population down, as they can say. They also
4 decided to do a lot of landscaping around the
5 perimeter of the building. A lot of planters to
6 dress up the building, to add some green to the
7 site.
8 Right now the site is completely one
9 hundred percent covered either in asphalt or
10 concrete. The site was an old gas coal site. The
11 site has been cleaned up and we are on the final
12 process of questioning our NFAs from the DEP and we
13 should have that momentarily.
14 I have been down there several times,
15 sent e-mails to the DEP and we are, in conjunction,
16 finalizing paperwork that PSE&G has to process for
17 the DEP.
18 As you can see we are all getting new
19 sidewalks around the entire property. All the
20 sidewalks will comply with the county regulations as
21 well as East Newark.
22 East Newark has a specific pattern of
23 sidewalk they want us to use. They want us to use
24 pavers on the outside and concrete system on the
25 inside of the, on the inside part of the walking

Page 116

1 surface so the pavers are up where the trees are
2 located.
3 The trees themselves are a requirement
4 and we actually like them, as well the requirement
5 of East Newark. The trees themselves, we cannot
6 have any pollen-producing trees, any algae-producing
7 trees, so we are still doing research. We have
8 someone we suggested and may approve them but we are
9 not a hundred percent sure if they are the perfect
10 tree, but we want to make sure they are sturdy
11 enough. We don't want them to fall over or anything
12 that grows too big.
13 You see here the lobby itself is off
14 to the side and Passaic, you can have your choice
15 going up the stairs to the second floor or taking
16 the elevator, take the elevator to second third or
17 fourth floors.
18 Down here you can see there is a store
19 1300, right here on another store we are leasing
20 which is 635 square feet. The gym itself is an
21 amenity of the building.
22 As for the building itself, it is a
23 very large lot itself, 28 by 36 and also we are
24 providing a little actually building-run dry
25 cleaner.

Page 117

1 Since my client actually his main
2 business is right next door, he has the ability to
3 run extra things out of this building, as well. He
4 is planning on basically running the daily
5 day-to-day aspects of his building from the
6 restaurant as well.
7 As you can see on the second floor we
8 have a public terrace area, on the second floor, and
9 private balconies off the interior courtyard
10 apartment.
11 The apartments surround the entire
12 outside of the building and then you have basically
13 one- and two-bedroom apartments. Two bedroom
14 primarily on each of the four corners. Each of the
15 four corners have the terraces on them. On the top
16 of the terrace you get a little extra light on the
17 top eleven. And eleven foot ceiling in that level
18 and a little loft space. You can see with the
19 little windows in there for them to have a little
20 extra loft space.
21 We incorporate into the building --
22 the building looks similar to the old building. We
23 were trying to keep in the theme of the building
24 next door.
25 I don't have all my pictures tonight,

Page 118

1 but there are a series of warehouses that are right
 2 now not being used for anything under redevelopment
 3 and a lot of those warehouses they have the terraces
 4 on the corner. We are trying to stay within the
 5 same feel in the neighborhood.
 6 Other than that we are pretty much
 7 trying to comply and have complied with everything
 8 the county has wanted.
 9 Our dream aspects are, we did bring in
 10 a series of plantings along here and in the back so
 11 we are actually talking a crazy amount of impervious
 12 coverage and reducing it so we are getting
 13 impervious coverage.
 14 We are also -- one other thing we were
 15 complying with in terms of that, as well, what we
 16 are doing that I know is we are doing a storm water
 17 management system. That storm water is in the rear
 18 macadam parking lot area. That will connect all of
 19 the storm water on the roof to that area that is
 20 actually going out onto the street that is going
 21 into a new storm water system that will connect into
 22 the Passaic Avenue storm water system, so that
 23 actually is going to go in and connect up. We are
 24 actually providing that.
 25 Only the sanitary storm, only the

Page 119

1 sanitary lines got another connection that goes to
 2 the existing line that is on the street this way we
 3 don't overtake their lot and we are actually trying
 4 to make it a newer line to make it nicer. The
 5 engineer will go into that when he comes up.
 6 We take our gas lines and water lines
 7 from the county road though because we don't have on
 8 the street -- the line is not large enough for
 9 multi-street and this is going to require a
 10 sprinkler. These lines cannot accommodate a
 11 sprinkler system on either one of those lines.
 12 Any other questions?
 13 CHAIRMAN CHOFFO: Yes, Miss Massey.
 14 MS. MASSEY: Will you be providing the
 15 commercial grade bicycle racks?
 16 MR. BODNAR: Yes.
 17 CHAIRMAN CHOFFO: What was the
 18 question?
 19 MS. MASSEY: Bicycle parking, on-site
 20 bicycle racks?
 21 MR. BODNAR: Providing a whole bicycle
 22 rack system behind No. 12. We are not only
 23 providing that, we actually have some storage space
 24 area behind that which we are going to see if we can
 25 make some lockers out of it to make some bike racks,

Page 120

1 as well. I will talk to my client about that.
 2 COMMISSIONER ARENCIBIA: I just want
 3 to see if there was any encroachment into Passaic
 4 Avenue through any part of the building.
 5 MR. BODNAR: No encroachment. We have
 6 a pretty decent setback here. We are like 3.9. A
 7 minimum setback, and since it is on the curb it goes
 8 a little higher than that. Even the planters
 9 themselves aren't encroaching onto the right-of-way.
 10 Only thing that would be encroaching would obviously
 11 be our new trees. We have five new ones going
 12 along Passaic Avenue. So.
 13 CHAIRMAN CHOFFO: Are there any other
 14 questions?
 15 COMMISSIONER O'DEA: On the remedial
 16 action that has been performed on the site, is the
 17 NFA that you anticipate receiving an NFA to
 18 residential standards without any conditions, any
 19 controls?
 20 MR. BODNAR: There is always -- when
 21 you deal with the DEP there is a condition we have
 22 to cap the site so in reality we won't get our NFA
 23 until we do the final bill out for PSE&G to give us
 24 the NFA. We would have to cover the whole site with
 25 two feet of fill and DEP says we are not going to do

Page 121

1 that because we are doing -- they are going to give
 2 us another form letter so we can get the permit so
 3 we can finish the thing and our building would be
 4 considered capped as opposed to putting the fill in
 5 and taking the fill immediately out to start
 6 building.
 7 COMMISSIONER O'DEA: So?
 8 MR. BODNAR: It is a little different
 9 than an NFA. Literally last week they said this
 10 doesn't make sense to fill it and retake it out.
 11 COMMISSIONER O'DEA: Its proximity to
 12 the river, do you have any other controls on site?
 13 Are you going to have any ground water issues? You
 14 are going to have ground water wells in the parking
 15 lot?
 16 MR. BODNAR: We have two ground water
 17 wells we are leaving in the building. They don't
 18 have to be in the building per se, but we have two
 19 other wells, we have two other tanks in the storage
 20 area. We might have one ground water monitoring
 21 well and we also since we are leaving an open
 22 garage, we are doing a vapor -- even though we are
 23 doing a vapor intrusion system for the entire store,
 24 lobby area, just as a measure.
 25 We take a lot of sampling or we just

Page 122

1 do it and I talked to our LSRP and he said it would
2 be easier just to come up and do the paper intrusion
3 now as to not do it and this way you are playing it
4 safe no matter what.
5 COMMISSIONER O'DEA: Who is your LSRP
6 person?
7 MR. BODNAR: Frank Mulinoff.
8 COMMISSIONER O'DEA: Have they issued
9 at least an approved I guess we used to call it a
10 remedial action work plan for the site.
11 MR. BODNAR: Yes.
12 COMMISSIONER O'DEA: It was approved?
13 MR. BODNAR: Yes.
14 COMMISSIONER O'DEA: Where is it now,
15 they are the ones that are signing off on it? The
16 LSRP is the one that signs off on it?
17 MR. BODNAR: Yeah. It is a little
18 bit different because PSE&G as opposed to the
19 developer running the, that part of the DEP part.
20 COMMISSIONER O'DEA: You are saying
21 PSE&G was the RP, the responsible party?
22 MR. BODNAR: Yes. The problem was
23 this was started in 2006, the cleanup, so as of this
24 year now, the LSRP takeover and NFAs won't be --
25 NFAs --

Page 123

1 COMMISSIONER O'DEA: They are now
2 called LSA.
3 I do this for a living so I am
4 checking your answers very carefully.
5 MR. BODNAR: You are going through
6 what I am going through a little bit. I am the
7 architect. I have been down there twice to the DEP
8 so I am trying to learn on every item.
9 COMMISSIONER O'DEA: I guess your LSRP
10 is not here so we can't ask him the question, but I
11 want to see where you are at.
12 MR. BODNAR: We had an RAR, and the
13 RAR was going to be finalized and then the only
14 problem is there was the multiplicity.
15 The problem is now we have to instead
16 of having one you have to notify -- the
17 notification, I forgot what that is called, we have
18 to combine them all into one to make the final
19 notification, yeah, and they want us -- right now
20 the problem is this is partial two or partial one.
21 Partial one is across the street, so parcel one if
22 you are ever down there, they have the concrete
23 side.
24 COMMISSIONER O'DEA: The one closest
25 to the river?

Page 124

1 MR. BODNAR: Yes. You know exactly
2 what I am talking about.
3 COMMISSIONER O'DEA: I am very
4 familiar with it.
5 MR. BODNAR: They are giving us
6 spillover from that site still down to this one
7 corner they are saying.
8 COMMISSIONER O'DEA: So there still
9 may be leakage from the parcel?
10 MR. BODNAR: There might have been
11 leakage and they did one last testing. The last
12 testing last year was fine, was fine. We are trying
13 to finalize the final ARA and that is why the LSRP
14 told me we have approval to start construction to
15 get, they give us something to start the
16 construction of the site with the knowledge that we
17 will get -- because this is a left-over you can't
18 act as an LSRP completely for us.
19 COMMISSIONER O'DEA: Because it
20 started in the agency before?
21 MR. BODNAR: That is exactly why. If
22 it was started as an LSRP it is almost like we can't
23 start over because it is so late in the game to
24 start over as an LSRP but we hired our own to watch
25 out for PSE&G.

Page 125

1 COMMISSIONER O'DEA: So PSE&G is the
2 responsible party, PSE&G is the one who has to
3 deliver the final remediation, that what you are
4 saying?
5 MR. BODNAR: Yes, and they have done
6 that up to a point for DEP approval except for they
7 are missing two or three more or less paperwork
8 things that they were supposed to have gotten this
9 month that I am actually writing them on. I don't
10 know if you are -- if you know anybody from PSE&G,
11 but I am dealing with Ben Washington.
12 COMMISSIONER O'DEA: I know a few
13 people, but is PSE&G at the end of the completion of
14 your project?
15 MR. BODNAR: Yes, they are at the end
16 of the completion. The problem is --
17 COMMISSIONER O'DEA: Let me finish my
18 question.
19 At the end of the completion of this
20 project what if any liability will PSE&G have as the
21 responsible party?
22 MR. BODNAR: At the end like in terms
23 of --
24 COMMISSIONER O'DEA: Are you entering
25 into a consent agreement with DEP whereby you are

1 assuming all liability as it relates to the site
 2 going forward?
 3 MR. BODNAR: No, no that is not how it
 4 is working. That is why we can't do the LSRP. To
 5 do that then we would take any and all actions
 6 around the final cleanup. We are waiting upon the
 7 final paperwork from them. We won't get an NFA
 8 without capping the site. We can't get an NFA.
 9 COMMISSIONER O'DEA: I understand.
 10 MR. BODNAR: So if we can't get an
 11 NFA, so they are giving us approval to build it.
 12 We take on the responsibility that we have to cap
 13 the site and we have to do the final capping.
 14 Obviously when we do all the new
 15 sidewalks and concrete and all the new planting beds
 16 and all the new in the back, we have essentially
 17 capped the site and at the same time we have the
 18 monitoring wells and still continuously monitor and
 19 the problem with that, we are making with a deal
 20 with PSE&G that they are still going to be held
 21 responsible because you have the every-year review
 22 and that is what --
 23 COMMISSIONER O'DEA: You will have to
 24 check your ground water quarterly.
 25 MR. BODNAR: This is what we are

1 I have a responsibility since this could affect the
 2 health of individuals who may live and reside here
 3 to try to get an understanding as much as possible
 4 how that environmental issue is being dealt with.
 5 The last thing in the world we want is
 6 to get a building built and get a cap that is not
 7 sufficient and then have people move into a building
 8 and have vapor issues. I mean -- and that affect
 9 people that live in the building, that is really
 10 what I am trying to get a handle on.
 11 ACTING-CHAIR BETTINGER: But we want
 12 to know what your line of questioning is about.
 13 MR. BODNAR: That is why we are
 14 putting the vapor system in, to play it safe, going
 15 the extra mile. We are doing the vapor system and
 16 trying to finalize the last bit of paperwork and
 17 East Newark is requiring us to have either an NFA
 18 with some equivalency of that to get a permit.
 19 COMMISSIONER O'DEA: To pull a permit?
 20 MR. BODNAR: To pull a permit,
 21 correct.
 22 COMMISSIONER ARENCIBIA: Madam Chair,
 23 there is another PSE&G type of arrangement similar
 24 to that that is in Hoboken at the Advance Realty
 25 project at 14th and Willow that was also a PSE&G

1 working on with PSE&G. Again, they are being a
 2 little cheap. I hate to say it like that, but they
 3 don't want to pay for the every-year review and it
 4 is not exactly --
 5 COMMISSIONER O'DEA: I am not here to
 6 give any kind of advice, I guess, but --
 7 ACTING-CHAIR BETTINGER: I think we
 8 need to move this along, Commissioner.
 9 COMMISSIONER O'DEA: Madam Chair, my
 10 concern is this is a site that is probably, based on
 11 everything that has been presented here, has serious
 12 and significant contamination.
 13 ACTING-CHAIR BETTINGER: Maybe you can
 14 explain that to the Commissioners what your
 15 questioning is about.
 16 COMMISSIONER O'DEA: My question is
 17 trying to ascertain at the end of the day are we
 18 approving an application which may be, based on the
 19 application that is being approved and with no
 20 disrespect to East Newark, East Town is a town that
 21 is four blocks wide I don't know what level of
 22 expertise their planning department has to probably
 23 ask questions which probably should have been asked
 24 and vetted out on their level, but not only as a
 25 Commissioner here but as an elected official I feel

1 deal with the removal of the contamination on that
 2 property and if you recall they are moving all their
 3 contamination down to the bedrock.
 4 COMMISSIONER O'DEA: They dug 40 feet.
 5 I don't think they dug 40 feet here.
 6 COMMISSIONER ARENCIBIA: That is a
 7 different approach of dealing with the contamination
 8 although I don't know if that came up during the
 9 review process with our consultant, but I would like
 10 to see a copy of the environmental assessment you
 11 submitted to DEP.
 12 MR. BODNAR: Because technically this
 13 site is not really the contaminated site, it was the
 14 site on the other side. That is problem.
 15 COMMISSIONER ARENCIBIA: That means
 16 our road is contaminated too.
 17 COMMISSIONER O'DEA: Look, that is a
 18 serious issue and if that is the case then we need
 19 to address that because the risk is if the
 20 contamination continues to exist on the other side
 21 of the street and that contamination because of the
 22 proximity of this site and the other side which is
 23 right on the water which unfortunately is where all
 24 these coal plants PSE&G build right on the water
 25 there would be an ongoing ground water issue that is

Page 130

1 impacting the road and also continuing to impact
2 this site.

3 I don't think you should postpone it,
4 but the engineer and quite frankly I don't know if
5 we have -- do we have an environmental planner or
6 environmental consultant that we have available to
7 us?

8 MR. MARKS: Madam Chair, the Planning
9 Board has jurisdiction over traffic and drainage,
10 the RFQ. The Planning Board meets on an annual
11 basis for engineers who are expects in traffic and
12 drainage issues.

13 With all due with respect to the
14 Board, I think we are getting a little far afield.
15 I understand the contamination issues with regard to
16 the county roadway and the county right-of-way.

17 The DEP has jurisdiction over the LSRP
18 and the contamination issues where there is a nexus
19 between the ground water and drainage and I will
20 leave it up to better legal minds to decide where
21 drainage stops and ground water begins, but it is a
22 careful balancing act between the two.

23 I personally think we have been
24 talking about the things that are under more DEP
25 jurisdiction than under the county planning board

Page 131

1 jurisdiction. My own professional opinion.

2 COMMISSIONER O'DEA: My professional
3 opinion is the fact that the impact of the
4 contamination on the site could impact through the
5 ground water the drainage and if it does could
6 potentially result in an exacerbation of
7 contamination on the road bed which is the property
8 of the County of Hudson and you know I am willing to
9 defer to the expertise of the engineer, but I think
10 approval granted by this Board should be subject to
11 his review of that document and his signoff to his
12 satisfaction and the environmental engineer within
13 his department that there is not going to be any
14 negative impact on the road as a result of what is
15 being done there, as a result of what exists there,
16 and of the impact on drainage from what is going to
17 occur from water runoff at the site.

18 ACTING-CHAIR BETTINGER: Yes, Mr.
19 Marks.

20 MR. MARKS: I would suggest our
21 professional engineer's concerns come from terms
22 that are pretty robust even though the Board hired
23 the firms for traffic and drainage purposes, they do
24 have additional professional capacity with regard to
25 environmental engineering and I am not sure if

Page 132

1 either T&M or TYLin have LSRPs on staff, if Mr.
2 Johnson and the applicant don't object, I believe it
3 was T&M that actually did the review, perhaps T&M
4 environmental experts could examine the
5 environmental remediation documentation and as long
6 as it passes muster they can approve.

7 MS. FLOR: I can do that.

8 MR. JOHNSON: That is fair. We have
9 no problem doing that. We have full disclosure.
10 Whatever you need we will provide you with.

11 MR. BODNAR: Okay. We can get you all
12 the stuff you need I will try to get you the later
13 the finally don't know if you want the stuff back
14 from 2006. You are talking a lot of years.

15 COMMISSIONER O'DEA: Madam Chair, it
16 is not my concern, but just one of my questions is,
17 there are no residential units on the ground floor
18 correct?

19 MR. BODNAR: No.

20 COMMISSIONER O'DEA: One of the
21 reasons generally there are no units on the ground
22 floor is exactly because of the environmental
23 issues, so buildings generally don't have any, allow
24 any residential units. One of the restrictions is
25 you can't have residential units on the ground

Page 133

1 because of that and we want to make sure that those
2 people that hold an expertise in that fully review
3 those same conditions that have driven the fact that
4 you can't have residential units on the ground
5 floor.

6 Let's ensure there is no runoff,
7 runover, drainage, leakage, et cetera as it relates
8 to the road that is the property of the county and
9 also in reviewing that I think you've got an
10 affirmative responsibility to look at the current
11 situation, review the data that shows that leakage
12 or runoff on the site on the other side of Passaic
13 Avenue based on the testimony given here has and
14 continues to potentially contaminate the site or if
15 it is contaminating this site, it is obviously
16 contaminating the road to a far higher level because
17 the only way it is getting there is the water is
18 flowing in that direction so if the water isn't
19 flowing in our direction, we have -- and we have a
20 bigger issue if we ever want to do any work on
21 Passaic Avenue, if we want to fix the road, repair
22 the road.

23 If as a result we have to do traffic
24 intersection improvements, et cetera, we are going
25 to have an issue big or bigger than this applicant

1 has.
 2 COMMISSIONER ARENCIBIA: That is
 3 correct. We were doing that on the 14th Street
 4 Viaducts.
 5 MR. BODNAR: From my understanding
 6 from my meetings with PSE&G and the DEP, the lines
 7 that were going between the two sites and everything
 8 was caught and sealed on the parcel one and their
 9 paperwork, that is some part of the paperwork, and
 10 the last load test to make sure there is nothing in
 11 terms of high and low water table coming in an out
 12 that there was no contamination transferring between
 13 the two properties or between any of the properties
 14 because that would also take into account the county
 15 road.
 16 COMMISSIONER O'DEA: I am not going to
 17 belabor the point as long as this process and
 18 condition is in place.
 19 With all due respect to PSE&G, let's
 20 not try to make them -- they are folks that want to
 21 come in and spent all their money remediating sites
 22 to their pristine value or use. I for one would be
 23 quite interested to see what, where they are with
 24 the property across the street from you with the DEP
 25 so don't -- which you are saying you are relying on

1 any other questions or comments?
 2 COMMISSIONER ARENCIBIA: They have
 3 their engineer here.
 4 MR. JOHNSON: I have one other witness
 5 here, ma'am.
 6 Next and only other witness is my
 7 engineer and that is Mr. Collasuol.
 8 (Steven Collasuol, was duly sworn.)
 9 MR. JOHNSON: Please
 10 state your full name and for the record.
 11 MR. COLLASUOL: Steven Collasuol,
 12 C-O-L-L-A-S-U-O-L.
 13 MR. JOHNSON: Mr. Collasuol, where did
 14 you attend college?
 15 MR. COLLASUOL: Manhattan College.
 16 MR. JOHNSON: And did you graduate
 17 from Manhattan?
 18 MR. COLLASUOL: Yes, I did.
 19 MR. JOHNSON: In what field did you
 20 graduate?
 21 MR. COLLASUOL: Bachelors in civil
 22 engineering.
 23 MR. JOHNSON: Are you a licensed
 24 engineer in the State of New Jersey?
 25 MR. COLLASUOL: I am.

1 what DEP is saying, it doesn't impress me.
 2 MR. BODNAR: I am relying on what I am
 3 told.
 4 MR. JOHNSON: Vice Chairwoman,
 5 technically speaking Mr. Bodnar's admitted or at
 6 least recognized in the field of architecture. May
 7 I do that now as a matter of housekeeping?
 8 ACTING-CHAIR BETTINGER: What?
 9 MR. BODNAR: May I have Mr. Bodnar
 10 basically recognized as an expert in the field of
 11 architecture? I went through his credentials but I
 12 never asked you to recognize that.
 13 ACTING-CHAIR BETTINGER: Yes.
 14 MR. BODNAR: Thank you, ma'am.
 15 ACTING-CHAIR BETTINGER: Any other
 16 questions?
 17 MS. MASSEY: Just to circle back to
 18 the shade trees, just make sure the shade trees
 19 along Passaic Avenue, the county road, that they are
 20 three and a half inch caliper native deciduous not
 21 the pollen free.
 22 MR. MARKS: Urban tolerant.
 23 MR. BODNAR: Gotcha.
 24 MS. MASSEY: Four by four tree grade.
 25 ACTING-CHAIR BETTINGER: Do we have

1 MR. JOHNSON: And what experience do
 2 you have as an engineer in the State of New Jersey?
 3 MR. COLLASUOL: I have been practicing
 4 civil engineering, professional engineering and land
 5 surveying in the State of New Jersey for
 6 approximately 30 years.
 7 MR. JOHNSON: And during that time
 8 have you had the opportunity to testify before any
 9 courts or zoning boards or planning boards
 10 concerning matters of engineering?
 11 MR. COLLASUOL: Yes, I have.
 12 MR. JOHNSON: And during that time
 13 approximately how many times would you say you have
 14 had the opportunity to testify?
 15 MR. COLLASUOL: Somewhere in the
 16 neighborhood of 7 to 800 times.
 17 MR. JOHNSON: Thank you very much.
 18 Madam Vice Chairwoman, I would like to
 19 submit Mr. Collasuol as an expert in the field of
 20 engineering.
 21 ACTING-CHAIR BETTINGER: Yes.
 22 MR. JOHNSON: Thank you.
 23 MR. COLLASUOL: Thank you.
 24 MR. JOHNSON: Now Mr. Collasuol, in
 25 preparation for tonight's meeting you prepared a set

<p style="text-align: right;">Page 138</p> <p>1 of plans, correct?</p> <p>2 MR. COLLASUOL: I have.</p> <p>3 MR. JOHNSON: Would you do me a favor</p> <p>4 in your own words highlight the terms of the plans</p> <p>5 for the benefit of all members of the Board.</p> <p>6 MR. COLLASUOL: Yes, certainly.</p> <p>7 We have a cover sheet which depicts</p> <p>8 the table of contents and on that table of contents</p> <p>9 we have the title sheet which shows the area within</p> <p>10 200 feet.</p> <p>11 We have the site plan sheet which</p> <p>12 shows the proposed building and the site</p> <p>13 configuration as coordinated with the architect, Mr.</p> <p>14 Bodnar.</p> <p>15 We have Sheet 3 which is the drainage</p> <p>16 and utilities plan which takes care of the utilities</p> <p>17 and the access to the site.</p> <p>18 We have a plan and profile of the</p> <p>19 sanitary sewer as proposed, and Sheet 6 is the</p> <p>20 construction details and sheet 7 is the boundary</p> <p>21 survey taken by our office, as well.</p> <p>22 MR. JOHNSON: Now, there was a series</p> <p>23 of correspondence between --</p> <p>24 ACTING-CHAIR BETTINGER: Can we just</p> <p>25 mark that as an exhibit.</p>	<p style="text-align: right;">Page 140</p> <p>1 terms of both the Planner and the County Engineer?</p> <p>2 MR. COLLASUOL: Yes, we can comply</p> <p>3 with all eight conditions.</p> <p>4 MR. JOHNSON: I have no further</p> <p>5 questions of this gentleman.</p> <p>6 ACTING-CHAIR BETTINGER: Yes.</p> <p>7 COMMISSIONER ARENCIBIA: We have had</p> <p>8 T&M Associates review the plans. Maybe they could</p> <p>9 elaborate on the comments.</p> <p>10 MS. FLOR: The traffic comments, I did</p> <p>11 receive a copy of the traffic report. I got it</p> <p>12 yesterday, but we did review it and all of our</p> <p>13 comments in traffic were addressed. However, the</p> <p>14 drainage, I never got a copy of the drainage report.</p> <p>15 If you could forward that to me</p> <p>16 because I did not get a copy of that.</p> <p>17 Are you saying that you addressed all</p> <p>18 of the comments in my letter?</p> <p>19 MR. COLLASUOL: Yes. I have a</p> <p>20 response to your recent letter on how we addressed</p> <p>21 everything.</p> <p>22 MS. FLOR: Was there anything you took</p> <p>23 exception to?</p> <p>24 MR. COLLASUOL: No.</p> <p>25 MS. FLOR: Okay. Madam Chair, since</p>
<p style="text-align: right;">Page 139</p> <p>1 MR. JOHNSON: Yes, ma'am, we can do it</p> <p>2 now.</p> <p>3 Would you mark that -- I believe it</p> <p>4 would be A-2. A-3, sorry.</p> <p>5 (Exhibit marked A-3.)</p> <p>6 MR. JOHNSON: And in preparation for</p> <p>7 tonight's hearing you received from our office</p> <p>8 several pieces of correspondence from the County</p> <p>9 Board, County Planning Board Engineer as well as the</p> <p>10 County Planner, is that correct?</p> <p>11 MR. COLLASUOL: Yes.</p> <p>12 MR. JOHNSON: And is there anything in</p> <p>13 any of that correspondence that you feel</p> <p>14 uncomfortable with or the applicant cannot comply</p> <p>15 with?</p> <p>16 MR. COLLASUOL: No. There is no</p> <p>17 problems. We accept and have addressed the issues</p> <p>18 and resubmit to the county the revised plans and we</p> <p>19 are expecting another letter from T&M.</p> <p>20 MR. JOHNSON: Okay. Is there</p> <p>21 anything of particularity that was addressed in</p> <p>22 those letters that you would feel comfortable</p> <p>23 addressing in your plans or do you feel sufficient</p> <p>24 on resting on the content of the plans and the</p> <p>25 representation that you can comply with all of the</p>	<p style="text-align: right;">Page 141</p> <p>1 we are going to be reviewing the entire site, I</p> <p>2 would ask that as a condition of approval we review</p> <p>3 the drainage, as well.</p> <p>4 MR. JOHNSON: Fair, will do.</p> <p>5 ACTING-CHAIR BETTINGER: Any other</p> <p>6 comments or questions from anyone?</p> <p>7 COMMISSIONER ARENCIBIA: Madam Chair,</p> <p>8 the drainage. You are making a storm sewer</p> <p>9 connection onto the side streets, Cleveland Street?</p> <p>10 MR. COLLASUOL: The drain, grading and</p> <p>11 drainage plan shown on Sheet 3 shows the detention</p> <p>12 system and the open parking lot.</p> <p>13 This is a contained drain system, it</p> <p>14 is not a recharge system. It is not involved in any</p> <p>15 of the percolation into the ground. It is separate</p> <p>16 and apart, a completely retained system designed for</p> <p>17 the one hundred year storm and it is choked off with</p> <p>18 an outlet control structure with a five-inch orifice</p> <p>19 which outlets for an overflow into a drainage storm</p> <p>20 drain we are conducting into President Street which</p> <p>21 ties into a pipe connecting an existing catch basin</p> <p>22 at the southeast corner of President Street and</p> <p>23 Passaic Avenue with a doghouse manhole which ties</p> <p>24 into the combined sanitary storm drain which is in</p> <p>25 the county road.</p>

Page 142

1 COMMISSIONER ARENCIBIA: So you are
2 saying you are intending on connecting it to the
3 existing inlet?
4 MS. FLOR: Yes.
5 MR. COLLASUOL: Existing pipe with the
6 doghouse manhole, constructing a new line in
7 President Street which is closed, and not accepting
8 the water from President Street.
9 And the letter from the county
10 indicated we should indicate whether this is a
11 combined sewer. We have done that to indicate that
12 the line in Passaic Avenue is a combined sewer.
13 COMMISSIONER ARENCIBIA: Your storm
14 sewer is going to be a new sewer along President
15 Street, but what size pipe is that?
16 MR. COLLASUOL: A twelve-inch pipe and
17 reinforced concrete pipe. And that is only an
18 overflow for excess for the 100 year storm. It is
19 just an overflow for any intervals that exceed those
20 particular storms.
21 MR. JOHNSON: And that pipe will be
22 connected into a county lateral storm sewer that is
23 connected into the combined sewer?
24 MR. COLLASUOL: That is correct. A
25 lateral coupling from a catch basin at the corner

Page 143

1 into the manhole at the intersection of President
2 Street and Passaic.
3 COMMISSIONER ARENCIBIA: How big is
4 the lateral?
5 MR. COLLASUOL: The lateral is also
6 twelve inches.
7 COMMISSIONER ARENCIBIA: Can I make a
8 suggestion that you upgrade the size of the pipe?
9 The DOT's minimum standard is 15 inches. That is
10 just to avoid clogging of the sewer.
11 So I suggest you make at least all the
12 pipes 15 inches.
13 MR. COLLASUOL: We have no objection
14 to that.
15 MR. JOHNSON: We will do it.
16 COMMISSIONER ARENCIBIA: The only
17 thing with the calculations, you might have to show
18 the effect on the lateral. You might have to
19 increase the lateral size to the sewer.
20 MS. FLOR: I am assuming your report
21 analyzed the downstream system and looked at the
22 capacity.
23 I know you are connecting to the
24 combined sewer. I guess we wouldn't get into the
25 timing with the MUA, but you would have to make

Page 144

1 sure you -- are you combining anything on President?
2 MR. COLLASUOL: No, and that is the
3 reason for this redesign that you will see included
4 with the computations to provide for that
5 twelve-inch pipe that you just mentioned.
6 COMMISSIONER ARENCIBIA: Have you
7 gotten approval yet from the Passaic Valley?
8 MR. COLLASUOL: We are in the process
9 of applying from the TWA, from the
10 municipality. The TWA --
11 COMMISSIONER ARENCIBIA: I don't know
12 if you have been out there recently, but there is
13 some settlement right in the vicinity of the Passaic
14 Valley Sewer which we are dealing with a Passaic
15 Valley Sewer Commissioner person.
16 MR. COLLASUOL: Is it the trunk line
17 or this line? There are two lines.
18 COMMISSIONER ARENCIBIA: I am not
19 sure, but it is the Passaic Valley Sewer Commission.
20 MR. COLLASUOL: Thank you.
21 MS. FLOR: All I would add, before you
22 change anything to a 15 inch, let us make all of our
23 comments just to make sure so you are not doing
24 double work.
25 MR. COLLASUOL: Okay. Thank you very

Page 145

1 much.
2 ACTING-CHAIR BETTINGER: Any other
3 questions?
4 COMMISSIONER O'DEA: The vehicles that
5 will be parked under building will be entering and
6 exiting -- more for the architect -- will enter and
7 exit on what streets?
8 MR. BODNAR: Both streets either way
9 -- as you can see here you have entrances or exit on
10 Mulock Place and you also have an entrance or exit
11 out onto President Street as well as the back
12 parking lot.
13 COMMISSIONER O'DEA: There is no
14 entrance and exit onto Passaic Avenue?
15 MR. BODNAR: No, none.
16 COMMISSIONER O'DEA: The traffic
17 signals are which streets?
18 MR. BODNAR: One block to the north on
19 Central.
20 COMMISSIONER O'DEA: So there is no
21 traffic signal on either?
22 MR. BODNAR: On this street, no.
23 MR. COLLASUOL: No.
24 COMMISSIONER O'DEA: No traffic signal
25 on both.

Page 146

1 MR. BODNAR: We wanted to make sure we
2 have multiple ways in and out to bring out the fact
3 if someone wants to go one way we will have to go
4 all the way around.
5 COMMISSIONER O'DEA: But almost all
6 the traffic is going to go onto Passaic Avenue.
7 MR. BODNAR: Unless somebody is going
8 the opposite direction.
9 COMMISSIONER O'DEA: It is not an easy
10 way in and out.
11 MR. BODNAR: It is two-way.
12 COMMISSIONER O'DEA: The size of the
13 units, I know you said one and two. What was your
14 square footage?
15 MR. BODNAR: The square footage ranges
16 between 716 to a thousand and then the twos are
17 1,152 to almost 1,260.
18 COMMISSIONER O'DEA: What are the two
19 bedrooms?
20 MR. BODNAR: Eleven hundred to
21 basically 1,250, 1,260.
22 COMMISSIONER O'DEA: Am I going to
23 fight with the cities to the north, but I never saw
24 a 1,250 two-bedroom in my life. Those are three
25 bedroom apartments.

Page 147

1 They got to worry about the school
2 children, not me.
3 MR. BODNAR: There are only 15 of
4 them. They are right on the corner, so they are
5 big.
6 COMMISSIONER O'DEA: But are most of
7 the ones are closer to a thousand, but they are only
8 716?
9 MR. BODNAR: All 716.
10 COMMISSIONER O'DEA: Because of the
11 fitting out of the floor board.
12 MR. BODNAR: The fitting out. The
13 standard is 716 and the standard is 1,100 for two
14 bedroom.
15 ACTING-CHAIR BETTINGER: Yes, Mr.
16 Marks.
17 MR. MARKS: My office has the
18 architectural plans and the engineering plans. We
19 don't have the artist rendering or elevation.
20 Can the applicant submit it as a
21 condition of approval?
22 MR. JOHNSON: Absolutely.
23 MR. BODNAR: Can send you a PDF?
24 MR. JOHNSON: Sure.
25 MR. MARKS: Fine.

Page 148

1 COMMISSIONER O'DEA: Madam Chair, just
2 another question.
3 I am just curious, did you guys do a
4 market study on what you see your rental market as?
5 MR. BODNAR: Yeah. We are looking at
6 I think it is between 1,000 and 1,300 dollars.
7 COMMISSIONER O'DEA: For a one
8 bedroom?
9 MR. BODNAR: Yeah. That was renting
10 it out. Actually renters.
11 COMMISSIONER O'DEA: Under two bucks a
12 square foot?
13 MR. BODNAR: Yeah. Like I said, it
14 is a long-term investment. He is keeping it for a
15 long term, it is not like something he is dumping.
16 So.
17 ACTING-CHAIR BETTINGER: Do I have a
18 motion?
19 COMMISSIONER FITZGIBBONS: I make a
20 motion. You say you will get in touch with our
21 consultants and whatever they say goes. If they
22 say --
23 ACTING-CHAIR BETTINGER: Just for the
24 record, I think we need to put the conditions down.
25 COMMISSIONER FITZGIBBONS: Motion to

Page 149

1 approve with the conditions -- subject to
2 conditions.
3 COMMISSIONER O'DEA: Recommend
4 approval subject to --
5 ACTING-CHAIR BETTINGER Mr. Marks.
6 MR. MARKS: Madam Chair, Mr. Curley
7 can tic off the conditions for the record and have
8 the applicant agree to those.
9 MR. CURLEY: The conditions include
10 the satisfactory review of the environmental
11 conditions with respect to the impact on the county
12 roads and Passaic Avenue, the review of the drainage
13 report and suggestions as to possible increase in
14 pipe size.
15 MR. JOHNSON: And submission of this
16 drawing.
17 MR. CURLEY: And submission of the
18 color rendering.
19 I believe those are the three
20 conditions that were discussed.
21 ACTING-CHAIR BETTINGER: I have a
22 motion on the floor. I just need a second.
23 MR. MARKS: Madam Chair, the
24 environmental and drainage review and calculation
25 also would be to the satisfaction of the Planning

1 Board's consulting engineers.
 2 MR. JOHNSON: Yes.
 3 MR. MARKS: All right.
 4 ACTING-CHAIR BETTINGER: Do I have a
 5 second?
 6 COMMISSIONER MEHTA: I second.
 7 MR. MARKS: Madam Chair, on a motion
 8 to approve application 2011-055-SP made by
 9 Commissioner Fitzgibbons and second by Commissioner
 10 Mehta, Commissioner Arencibia?
 11 COMMISSIONER ARENCIBIA: Aye.
 12 MR. MARKS: Commissioner Avagliano?
 13 COMMISSIONER AVAGLIANO: Aye.
 14 MR. MARKS: Commissioner Bettinger?
 15 COMMISSIONER BETTINGER: Aye.
 16 MR. MARKS: Commissioner Fitzgibbons?
 17 COMMISSIONER FITZGIBBONS: Aye.
 18 MR. MARKS: Commissioner Mehta?
 19 COMMISSIONER MEHTA: Approved with the
 20 conditions.
 21 MR. MARKS: Commissioner O'Dea?
 22 COMMISSIONER O'DEA: Aye.
 23 MR. MARKS: Commissioner Romano?
 24 COMMISSIONER ROMANO: Yes, with the
 25 counsel's conditions.

1 No. 67? We have Goya Foods and Margaret Morrison
 2 that requested an adjournment. Cinelli Iron and
 3 Mr. Hatch and Applevew was already discussed, so
 4 one, two, three more applications.
 5 COMMISSIONER ROMANO: I make a motion
 6 the meeting be stopped at 10:30.
 7 CHAIRMAN CHOFFO: Commissioner Romano.
 8 What about the other applicants that have been
 9 sitting here?
 10 COMMISSIONER ROMANO: This concern
 11 should have been thought of beforehand because I
 12 requested since June this be a special meeting
 13 because the North Bergen project is being --
 14 CHAIRMAN CHOFFO: I wasn't at the last
 15 meeting. If I was, it might have been.
 16 COMMISSIONER ROMANO: But I still
 17 request a vote for the continuance of the meeting or
 18 stopping at 10:30. Let the Board make the vote.
 19 COMMISSIONER O'DEA: And determine
 20 what we can get done. I will second the motion. I
 21 will second the motion.
 22 We can determine --
 23 CHAIRMAN CHOFFO: You second?
 24 COMMISSIONER O'DEA: I second. We
 25 agree the motion -- we agree to stop the meeting at

1 MR. MARKS: Madam Chair, the motion
 2 passed.
 3 MR. JOHNSON: Thank you very much,
 4 ladies and gentlemen. Have a nice evening.
 5 MR. MARKS: The next application is
 6 2011 -- hold on.
 7 ACTING-CHAIR BETTINGER: I am going to
 8 let Chair Choffo resume.
 9 MR. MARKS: Mr. Chairman, according to
 10 the by-laws that have been duly adopted by the
 11 Board, meetings go until 10:30. If the Board wants
 12 to go later than 10:30 it requires an affirmative
 13 vote of the Board. That is in the by-laws.
 14 COMMISSIONER ROMANO: I would like a
 15 vote now.
 16 CHAIRMAN CHOFFO: Is it is only ten to
 17 ten. I know what we are going to do now.
 18 We have three applicants here.
 19 MR. MARKS: Mr. Chairman, one
 20 application, it is the 67, the 2011-067-SP, Margaret
 21 Morrison, LLC, is requesting -- has requested an
 22 adjournment. That was consented to by the City of
 23 Hoboken. That is in your packets. It is one of the
 24 -- one less.
 25 CHAIRMAN CHOFFO: Which one was that,

1 10:30 and if it is approved we determine which of
 2 these things can get done hopefully by 10:30 and not
 3 get in the middle of one that can get done.
 4 COMMISSIONER ROMANO: And if not, we
 5 stay until midnight. Whatever the Board wants.
 6 MR. MARKS: Mr. Chairman, just before
 7 the Board takes a vote, I need the other -- there
 8 were some very important time sensitivities in terms
 9 of financing and approvals that the other applicants
 10 who are here tonight had.
 11 Before you take a vote maybe you
 12 should query the remaining members of the public and
 13 the applicants to see whether they can push off an
 14 approval for a week or two weeks or another month.
 15 COMMISSIONER O'DEA: You know what? I
 16 am going to tell you one thing. If these applicants
 17 tell us that there is financing time sensitive
 18 issues and you knew that and with that knowledge
 19 decided to put the project from North Bergen at the
 20 beginning of the meeting knowing it was going to
 21 take an hour, forty-five minutes of our time, then
 22 you have already done a disservice to these
 23 applicants and you are now attempting to put the
 24 members of this Board in a very precarious
 25 situation.

Page 154

1 MR. MARKS: Mr. Chairman, just for the
 2 record, that was not my recommendation. My
 3 recommendation to the Board, if you look at the
 4 agenda, was to have Appview as the last
 5 application. Again, that was not my recommendation
 6 to the Board.
 7 COMMISSIONER O'DEA: Whose
 8 recommendation was that?
 9 MR. CURLEY: I made the recommendation
 10 today based on what I perceived to be a problem with
 11 public participation in that application.
 12 COMMISSIONER O'DEA: First let me
 13 apologize to Mr. Marks, and aim my criticism at our
 14 attorney then. Though I still think, Mr. Marks,
 15 you should have alerted the Board prior to us making
 16 that decision that you were aware of the fact there
 17 were applicants on this agenda that had serious time
 18 issues related to potential financing of their
 19 projects.
 20 COMMISSIONER ROMANO: And if I may,
 21 Mr. Chairman, at the last meeting -- we had a
 22 meeting where many people weren't here including
 23 counsel.
 24 Mr. Marks, I requested it then. Why
 25 was it not discussed beforehand?

Page 155

1 CHAIRMAN CHOFFO: Commissioner Romano,
 2 I am in agreement.
 3 COMMISSIONER ROMANO: I am asking that
 4 to Mr. Curley.
 5 CHAIRMAN CHOFFO: What came up was
 6 issues with special meetings with approval from the
 7 Freeholder Board that was discussed, so I was in
 8 agreement.
 9 COMMISSIONER ROMANO: I understand. I
 10 want it directed towards Mr. Curley. I have been
 11 asking for this for three months. I would like an
 12 answer.
 13 COMMISSIONER FITZGIBBONS:
 14 Commissioner, we are wasting time right now. We can
 15 hear an application.
 16 When we get down the road we find out.
 17 The next application, if it takes too long then we
 18 adjourn at 10:30.
 19 COMMISSIONER ROMANO: Let the people
 20 know now whether they can stay or leave. They have
 21 been sitting through this. We owe a service to
 22 these poor people sitting here that should have been
 23 first.
 24 CHAIRMAN CHOFFO: If that is the case
 25 I am not comfortable asking the people to wait

Page 156

1 another month.
 2 COMMISSIONER ROMANO: For a
 3 continuance meeting.
 4 CHAIRMAN CHOFFO: If we are going to
 5 take a vote on ending this at 10:30 I think someone
 6 should make a motion to also move forward for a
 7 second meeting, so we do apologize to everyone in
 8 the audience. My apologize.
 9 COMMISSIONER AVAGLIANO: At the last
 10 meeting I was here and we stayed too long with that.
 11 I said at the next meeting put them on at the end.
 12 As long as they want to prolong, put them on the at
 13 end.
 14 CHAIRMAN CHOFFO: Move ahead and focus
 15 on the application.
 16 MR. MARKS: Mr. Chairman, currently
 17 there is a motion and a second. If the Freeholders
 18 would amend their first and second to include an
 19 alternate meeting date.
 20 COMMISSIONER O'DEA: What is the
 21 earliest date we can have a meeting?
 22 MR. MARKS: There is a ten-day public
 23 notice requirement. I don't know if there is a
 24 continuation whether it applies or not. I don't
 25 know if it applies.

Page 157

1 COMMISSIONER O'DEA: I guess I need
 2 counsel to advise us at to what that issue is and
 3 what is the earliest date we can schedule a meeting.
 4 COMMISSIONER BETTINGER: Mr. Chairman,
 5 I really think it is unfair to have the applicants
 6 come back.
 7 As much as I don't want to stay and I
 8 am exhausted, it is unfair and we are going to tell
 9 them we are not going to hear their applications
 10 now.
 11 COMMISSIONER AVAGLIANO: The schedule
 12 was printed correctly.
 13 COMMISSIONER BETTINGER: We are
 14 wasting ten minutes.
 15 COMMISSIONER O'DEA: Look, if the
 16 motion is defeated, no problem. Be ready to stay
 17 until one in the morning because I am telling you
 18 the next application is a major project on a major
 19 county road that involves unbelievably major truck
 20 traffic and as the planner told us, traffic is one
 21 of those things that we actually have control or say
 22 over, so I am just letting you know that don't
 23 expect this to be a 15 minute review and application
 24 because we are familiar with this road. We have
 25 invested a lot of money in this road and the roads

1 around it.

2 We have got a significant county park
3 at Laurel Hill Park that adjoins very closely with
4 this area and we have some significant concerns
5 about what kind of truck traffic is now going to be
6 created in an area that we have all kinds of
7 residents and individuals including many young
8 people going to utilize Laurel Hill Park, and the
9 people from this County that go to Laurel Hill Park
10 don't hop on the New Jersey Turnpike and hop off the
11 New Jersey Turnpike to go to that park, they utilize
12 the local road which is in fact this road that we
13 are talking about.

14 MR. MARKS: Mr. Chairman, there is
15 currently a motion and I thought we were --

16 COMMISSIONER O'DEA: I thought we were
17 going to have a date before we determine.

18 MR. MARKS: Mr. Chairman, do the
19 Freeholders amend their --

20 COMMISSIONER O'DEA: We will amend it,
21 but we are waiting for a new date from Mr. Curley.

22 MR. MARKS: You would have to comply
23 with the Open Public Meetings Act in terms of
24 publishing the date, so you have to take that into
25 consideration.

1 COMMISSIONER O'DEA: Do we have the
2 ability to have a meeting a week from today if we
3 continue -- if we just carry all of these
4 applications?

5 MR. MARKS: The County Planning Act
6 requires a ten-day public meeting requirement. It
7 is different than the Open Public Meetings Act which
8 is two days.

9 If this is a continuation of a
10 previously scheduled meeting, I don't know.

11 MR. CURLEY: It can be a continuation
12 of this meeting.

13 MR. MARKS: Does the ten-day notice
14 apply?

15 MR. CURLEY: I don't believe so. The
16 Open Public Meeting Act compliance --

17 MR. MARKS: Mr. Chairman, since it is
18 a continuation of a previously noticed meeting,
19 there is just a two-day public meetings requirement
20 under the Open Public Meetings Act.

21 CHAIRMAN CHOFFO: I assume there is an
22 attorney representing each of the applicants here.

23 MR. MARKS: There should be.

24 CHAIRMAN CHOFFO: There is an attorney
25 for each applicant still on the agenda?

1 MR. MARKS: I know Mr. Hatch. I
2 believe Mr. Hatch is presenting themselves.

3 COMMISSIONER O'DEA: There are three.

4 CHAIRMAN CHOFFO: Finish what we are
5 saying. Is there a date, is that what you were
6 going to ask? Is there a mutually convenient date
7 in the next week or whenever?

8 COMMISSIONER O'DEA: I was going to
9 suggest a week from today. Wednesday seems to be
10 the day that the meetings are always held.

11 MR. MARKS: Mr. Chairman, the 28th. I
12 stand corrected.

13 Is anybody not available on the 28th?

14 COMMISSIONER MEHTA: I am not
15 available.

16 COMMISSIONER ROMANO: I will be late.

17 COMMISSIONER BETTINGER: I am not.
18 It is Rosh Hashana.

19 COMMISSIONER FITZGIBBONS: How about
20 October 5th?

21 MR. MARKS: Is everybody available
22 October 5th?

23 COMMISSIONER ROMANO: Is that a
24 Wednesday?

25 MR. MARKS: Is anybody not available

1 October 5th?

2 COMMISSIONER MEHTA: I have a Board of
3 Adjustment meeting.

4 MR. MARKS: We would still have a
5 quorum.

6 COMMISSIONER FITZGIBBONS: Can you ask
7 other commissioners to come, please.

8 MR. MARKS: Mr. Chairman, we telephone
9 everybody and send out e-mails and telephone calls.

10 MS. FLOR: Edwin and I are not
11 available that day but we can send our colleagues.

12 COMMISSIONER O'DEA: Freeholder
13 Romano, can you amend the motion if the motion is
14 approved that we carry any application that is not
15 heard tonight to the meeting of October 5th?

16 COMMISSIONER ROMANO: Most definitely
17 with an apology to all of those who have to return.

18 MR. MARKS: The motion on the floor is
19 to adjourn at 10:30 this evening and carry all
20 unfinished business to Wednesday, October 5th, 6:30
21 p.m. in these chambers.

22 COMMISSIONER O'DEA: Correct. The
23 only items on that meeting --

24 MR. MARKS: Mr. Chairman, the motion
25 was made by Commissioner Romano, seconded by

Page 162

1 Commissioner O'Dea.
 2 Commissioner Arencibia?
 3 COMMISSIONER ARENCIBIA: Aye.
 4 MR. MARKS: Commissioner Avagliano?
 5 COMMISSIONER AVAGLIANO: Aye.
 6 MR. MARKS: Commissioner Bettinger?
 7 COMMISSIONER BETTINGER: Aye.
 8 MR. MARKS: Commissioner Fitzgibbons?
 9 COMMISSIONER FITZGIBBONS: Aye.
 10 MR. MARKS: Commissioner Mehta?
 11 COMMISSIONER MEHTA: Aye.
 12 MR. MARKS: Commissioner O'Dea?
 13 COMMISSIONER O'DEA: Aye.
 14 MR. MARKS: Commissioner Romano?
 15 COMMISSIONER ROMANO: Aye.
 16 MR. MARKS: And Chairman Choffo.
 17 CHAIRMAN CHOFFO: I vote aye and I
 18 would like to apologize to the applicants and
 19 everyone was here patient enough to wait from 6,
 20 6:30. It was a scheduling conflict we are trying
 21 to deal with the last couple of months. As you know
 22 when you submit your applications there are also
 23 time frames in terms -- whether it is financing or
 24 other issues associated with when we have our time
 25 lines to 30 days to approve it or disapprove it.

Page 163

1 Once again, the Board as a whole does
 2 apologize. This is the first time this has ever
 3 happened. I have been on the Board since 2002.
 4 So my deepest sincere apologies for
 5 making you wait here. We apologize.
 6 MR. MARKS: Mr. Chairman, the motion
 7 passed and the next application is the Goya
 8 application.
 9 COMMISSIONER O'DEA: Mr. Chairman,
 10 could I make a suggestion that we defer and do all
 11 these administratively approved, dismissed and
 12 applications to be declared exempt since they should
 13 be pretty much --
 14 CHAIRMAN CHOFFO: Would you rather
 15 start the next meeting on the new application, is
 16 that what you are saying?
 17 COMMISSIONER O'DEA: Yes.
 18 COMMISSIONER MEHTA: I think there was
 19 one application is a very time sensitive matter. If
 20 we can put that one and finish by 10:30.
 21 CHAIRMAN CHOFFO: I agree with
 22 Commissioner O'Dea.
 23 COMMISSIONER ROMANO: Ask them.
 24 COMMISSIONER O'DEA: Is any of the
 25 applicants going to be irreparably harmed by their

Page 164

1 action being heard on October 5th, let's ask that
 2 question.
 3 MR. CONNOLLY: I can't say yes to that
 4 but I can say that this is a property under contract
 5 of purchase with a lot of tight contractual
 6 contingencies in the contract to get the approvals.
 7 CHAIRMAN CHOFFO: And you are the
 8 applicant for Goya?
 9 MR. CONNOLLY: Kevin Connolly, Connell
 10 Foley, just for the record.
 11 CHAIRMAN CHOFFO: Either way your
 12 chances are the application wouldn't have been
 13 complete night.
 14 COMMISSIONER ROMANO: Counsel, just
 15 curious, was the County aware of that, this was time
 16 sensitive.
 17 MR. CONNOLLY: I don't know how aware
 18 they were. We have been pushing the application
 19 but I guess everybody pushes applications, so I
 20 couldn't --
 21 COMMISSIONER ROMANO: I guess I should
 22 have asked was the county counsel, Mr. Curley,
 23 aware.
 24 MR. CONNOLLY: Mr. Curley was not
 25 aware.

Page 165

1 COMMISSIONER ROMANO: So no one was
 2 aware, yes or no?
 3 MR. CONNOLLY: I don't think anyone
 4 was expressly aware.
 5 COMMISSIONER ROMANO: If someone said
 6 to us it was time sensitive -- before Mr. O'Dea
 7 asked did anybody notify us or did that come down --
 8 MR. MARKS: I was under the impression
 9 not for Goya but for the Secaucus Animal Hospital
 10 that they were under a time constraint with their
 11 financing or funding.
 12 COMMISSIONER O'DEA: We will get to
 13 them next. I don't think there is any way we are
 14 going to complete this application in 25 minutes.
 15 I would rather not get into a long amount of
 16 questioning as it relates to financing.
 17 I thought some of the financing was
 18 related to your project and I thought some of that
 19 financing related to EDA and I wasn't sure whether
 20 or not because I know when the EDA meetings are, if
 21 that was an issue, I didn't think this was going to
 22 be an issue because I know when the next EDA meeting
 23 is so I -- I would ask the Chair could we allow the
 24 applicant who Mr. Marks has claimed has a time
 25 sensitivity issue to put on the record what that

1 issue may be?
 2 CHAIRMAN CHOFFO: That is fine. I
 3 would like to hear from each attorney or the
 4 applicant with relation to the October 5th date if
 5 that is feasible.
 6 COMMISSIONER O'DEA: Could we go in
 7 order, then. The next one.
 8 MR. O'CONNOR: Tom O'Connor from
 9 Waters McPherson representing Cinelli Iron and
 10 Metal.
 11 We don't have a problem with the
 12 October 5th date but I would point out to the Board
 13 this is a very minor amendment of a project you
 14 heard two months ago just for a change in the size
 15 of the building. We can do the whole application in
 16 ten minutes.
 17 COMMISSIONER O'DEA: Maybe we will do
 18 that.
 19 MR. CONNOLLY: Again, our application
 20 as well, is a reapproval of something you approved
 21 in 2007. Almost the same size structure.
 22 COMMISSIONER ROMANO: Where is the
 23 third one?
 24 MR. HATCH: Andrew Hatch representing
 25 Dr. Hatch and the animal hospital.

1 The constraint here he is trying to
 2 get moved into a building that is into construction
 3 by November 1, so we are really tight. As long as
 4 he can continue construction which you all have
 5 allowed him to do, he has gotten his approvals from
 6 the Meadowlands Commission and the City of Secaucus.
 7 This is the third group he is
 8 appearing before for a site plan. We think it is
 9 straightforward. I am thinking 15 minutes
 10 hopefully, but we can wait until October 5th if that
 11 is what you would like or we could move tonight.
 12 CHAIRMAN CHOFFO: You said you are
 13 able to still continue with what you are doing?
 14 MR. HATCH: As long as you don't stop
 15 our construction which we are hoping to proceed
 16 with, we can hold this off to October 5th if that is
 17 the Board's pleasure.
 18 MS. FLOR: I don't know if I am
 19 allowed to make a comment. As long as it is
 20 building construction. I wouldn't have them do site
 21 construction until we approve the site work.
 22 MR. HATCH: Correct.
 23 COMMISSIONER AVAGLIANO: Thank you
 24 very much.
 25 COMMISSIONER O'DEA: That is it.

1 CHAIRMAN CHOFFO: Those are the three
 2 applications or applicants.
 3 COMMISSIONER O'DEA: I would make a
 4 motion based on that that we defer and we go to
 5 first, to application 2011-071-SP which is Cinelli
 6 Iron and Metal Company.
 7 Before we do that I want to make a
 8 motion we defer to Item C, D and E because I think
 9 they are --
 10 CHAIRMAN CHOFFO: I have an issue
 11 there, Commissioner. If we are going to listen to
 12 applications we shouldn't jump to the next session,
 13 we should do either one or the other. We should
 14 listen to the applications and then do our Section
 15 C.
 16 COMMISSIONER O'DEA: I have no
 17 problem. That is what I propose.
 18 CHAIRMAN CHOFFO: I don't want to jump
 19 back and forth. Either we move forward with the
 20 applicants --
 21 COMMISSIONER O'DEA: Then I will go
 22 back to my original motion based on the time we have
 23 left, the amount of time I believe it is going to
 24 take to hear an applicant on the application.
 25 I am going to make a motion that we

1 defer to the Cinelli Iron and Metal application. I
 2 make that as a formal motion.
 3 COMMISSIONER ROMANO: Second.
 4 COMMISSIONER ARENCIBIA: Mr. Chairman,
 5 I thought the one that expressed it was a ten-minute
 6 application?
 7 COMMISSIONER O'DEA: That is it.
 8 COMMISSIONER ARENCIBIA: That was
 9 Cinelli?
 10 CHAIRMAN CHOFFO: Proceed with the
 11 vote.
 12 MR. MARKS: Is there a roll call on
 13 the motion made by Freeholder O'Dea?
 14 CHAIRMAN CHOFFO: Do a roll call,
 15 please.
 16 COMMISSIONER O'DEA: So Mr. Chairman,
 17 on a motion to continue with application 2011-071-SP
 18 made by Commissioner O'Dea, seconded by Commissioner
 19 Romano, Commissioner Arencibia?
 20 COMMISSIONER ARENCIBIA: Aye.
 21 MR. MARKS: Commissioner Avagliano?
 22 COMMISSIONER AVAGLIANO: Aye.
 23 MR. MARKS: Commissioner Bettinger?
 24 COMMISSIONER BETTINGER: Aye.
 25 MR. MARKS: Commissioner Fitzgibbons?

Page 170

1 COMMISSIONER FITZGIBBONS: Aye.
2 MR. MARKS: Commissioner Mehta?
3 COMMISSIONER MEHTA: Aye.
4 MR. MARKS: Commissioner O'Dea?
5 COMMISSIONER O'DEA: Aye.
6 MR. MARKS: Commissioner Romano?
7 COMMISSIONER ROMANO: Yes.
8 MR. MARKS: And Chairman Choffo.
9 CHAIRMAN CHOFFO: Yeah.
10 MR. MARKS: Mr. Chairman, the motion
11 passed.
12 CHAIRMAN CHOFFO: It is not your
13 application?
14 MR. CONNOLLY: You carried us to
15 October 5th.
16 CHAIRMAN CHOFFO: Yes. With that
17 understanding, before you leave, Steven, Mr. Marks,
18 this application 2011-067-SP, Margaret Morrison,
19 that has been adjourned?
20 MR. MARKS: That was. Mr. Chairman,
21 there is a letter in your packet from Attorney
22 Robert O'Toole requesting an adjournment and it was
23 consented to. There is a letter from Ann Holtzman.
24 CHAIRMAN CHOFFO: I do not want to
25 make an applicant that was here for three, four,

Page 171

1 five hours being pushed at the back of the line for
2 someone who asked for an adjournment.
3 I don't know what order you want to
4 put it in, but that application is to be pushed to
5 the back of the next meeting, the next regular
6 meeting.
7 I don't want to get into this again.
8 We are having discrepancies over it. Depending on
9 what we have accomplished tonight with application
10 2011-071-SP, Cinelli Iron, if we are able to
11 accomplish that and Mr. Hatch's application of
12 2011-072-SP, if we are able to get to those two
13 tonight I would recommend and that Goya is the first
14 application of the next regular meeting.
15 COMMISSIONER O'DEA: Absolutely. I
16 think under any circumstances I think if we can't
17 get one tonight finished we shouldn't have it and
18 then it should definitely be the number one
19 application.
20 CHAIRMAN CHOFFO: All right.
21 MR. CONNOLLY: Thank you.
22 MR. CURLEY: You will consent to an
23 extension of time on which the Board may act on the
24 application?
25 MR. O'CONNELL: Consent.

Page 172

1 MR. CURLEY: Thank you.
2 CHAIRMAN CHOFFO: Thank you.
3 MR. O'CONNOR: Tom O'Connor, Waters,
4 McPherson representing Cinelli Iron and Metal.
5 This was an application the Board
6 heard on July 20th, the full application was
7 presented at that time.
8 The resolution was adopted at the
9 following meeting in August. Subsequently the
10 applicant and property owner determined to make the
11 modification to the building to add about 10,000
12 square feet to the building. It really doesn't
13 change the operation or any other part of the site,
14 basically enclosing some operations that were going
15 to be done outdoors, but because of that 10,000
16 square feet is actually above the threshold of the
17 percentage increase in the building, it is
18 technically an amendment of the application.
19 So tonight I have the engineer here
20 and the architect but I could really just present
21 the engineer. He has prepared a plan which was
22 submitted to Medina Consulting which just presents
23 an a comparison of what the building was before and
24 after and with that I will put on the testimony of
25 Mr. Polniak.

Page 173

1 CHAIRMAN CHOFFO: You can cut to the
2 chase of the meat and potatoes of it.
3 (Greg Polniak, was duly sworn.)
4 MR. POLNIAK: Greg Polniak, Neglia
5 Engineering, 34 Park Avenue, Lyndhurst, New Jersey.
6 MR. O'CONNELL: Mr. Polniak, you were
7 previously offered in this hearing as a professional
8 engineer?
9 MR. POLNIAK: Correct. Thank you.
10 With the prior application Cinelli
11 Iron and Metal proposed an expansion of their metal
12 recycling facilities at 302-310 and 286 Secaucus
13 Road in the Town of Secaucus.
14 The Board had reviewed the application
15 approximately two months ago and drafted approvals.
16 Cinelli Iron and Metal took a second look at the
17 project with respect to the overall building size
18 and their operations on the subject property and
19 decided that they would have the ability and would
20 like to expand their proposed building which is to
21 be located at 286 Secaucus Road to take some of the
22 operations within the yard and move them inside the
23 building.
24 In my opinion this is a win-win with
25 respect to Cinelli Iron and Metal and the

1 enlargement of the building, but what it also does,
2 it screens and takes some of those activities that
3 would occur out in the yard and moves them inside
4 the building.

5 We will maintain the same access
6 points on Secaucus Road which the county had
7 previously reviewed and the plan also illustrates
8 and exhibits a new seven foot wide sidewalk along
9 the frontage of Secaucus Road along the entire
10 frontage as previously requested by the Board.

11 With respect to the overall property,
12 the building covered a footprint area considering
13 the existing building and the new building expansion
14 is approximately 10,478 square feet in size larger,
15 looking at the size of the footprint that is
16 proposed with the expansion of the new building.

17 When looking at the overall size of
18 gross area because there is a second story on the
19 new building, that overall increase in square
20 footage is 1920 square feet, overall square footage
21 with respect to the building.

22 We were able with the redesign of the
23 project to actually decrease the impervious area of
24 this development by approximately 725 feet of
25 impervious area that has been removed with this

1 footprint increase of the building?

2 MR. POLNIAK: The footprint increased
3 by 1478 square feet just looking at the plan. Look
4 the at grass area which includes the section for
5 building. We submit it generates new office space
6 in the building on the second floor 1920 square
7 feet.

8 COMMISSIONER O'DEA: What was the
9 square footage before?

10 MR. POLNIAK: Prior, the building
11 footprint area 20,805. The footprint area now is
12 31,283. The gross floor area is 24,095 square feet
13 when looking at the building as a whole, and this
14 new proposal with the gross area is 37,015
15 square feet.

16 COMMISSIONER O'DEA: I am not saying
17 it is bad, but to say it is slightly is a bit of an
18 understatement.

19 MR. POLNIAK: I understand,
20 Commissioner.

21 COMMISSIONER O'DEA: Is a fifty
22 percent increase. You say slightly?

23 MR. POLNIAK: But I think when looking
24 at the project as a whole I think the Board can
25 again visualize the elimination of some of the

1 proposal.

2 We increased the overall parking space
3 by 19 to accommodate that additional square footage
4 and also increased the number of trees which are
5 illustrated on the landscaping plan which has been
6 submitted to the Board by nine overall shade trees
7 across the site.

8 Again, the facility and operations
9 again are to remain the same as previously reviewed
10 and approve by the Board. It is just enlarges the
11 building and moves some of those operations interior
12 to the building and that would be the conclusion of
13 my testimony.

14 I will be glad to answer any
15 questions.

16 COMMISSIONER O'DEA: What operations
17 are being moved inside?

18 MR. POLNIAK: Some of the operations
19 are with respect to the storage and maneuvering of
20 some of the metals on the facility so that they
21 could be packaged correctly and moved off site to
22 other facilities so some of that storage will not
23 occur out in the yard, it will occur -- be
24 facilitated inside the building.

25 CHAIRMAN CHOFFO: How much did the

1 activities that would occur in the yard being moved
2 inside the building so the screening of the building
3 would provide some benefit to Cinelli and Hudson
4 County.

5 COMMISSIONER O'DEA: I would assume
6 from the city's perspective you are constructing a
7 larger building, it is a larger ratable. I don't
8 know if the additional office space is in
9 anticipation of the creation of additional jobs.
10 You can address yourself to that.

11 MR. POLNIAK: I would assume with the
12 additional building space additional jobs would be
13 created.

14 CHAIRMAN CHOFFO: Did you have to go
15 in front of the Meadowlands Commission to amend your
16 application?

17 MR. POLNIAK: Yes.

18 MR. O'CONNELL: Yes. This amended
19 plan has been submitted to the Meadowlands
20 Commission. They are close to issuing a zoning
21 certificate on it. Very close to issuing the
22 zoning certificate telling us it should be done this
23 week. It shut be issued this week.

24 CHAIRMAN CHOFFO: If we do approve
25 this we would like to see a copy of that and submit

Page 178

1 it to Mr. Marks' office.
2 MR. MARKS: Mr. Chairman, I think the
3 applicant was proposing nine new shade trees in
4 front of the property.
5 MR. POLNIAK: Correct.
6 MR. MARKS: I was driving by the site
7 this afternoon, actually, and I noticed some of the
8 existing shade trees that were either dead or
9 removed.
10 Were you proposing to replace those or
11 were the nine new shade trees in a different
12 location?
13 MR. POLNIAK: In a different location
14 but if there are some damaged trees there we were
15 replace them.
16 MR. MARKS: I would just recommend
17 that any dead or damaged or missing shade trees in
18 front of the property along the county road will be
19 replaced.
20 CHAIRMAN CHOFFO: Is your applicant
21 okay with that?
22 MR. O'CONNELL: Yes.
23 CHAIRMAN CHOFFO: Ms. Massey, any
24 additional green techniques.
25 MS. MASSEY: The applicant already

Page 179

1 addressed it in the first.
2 CHAIRMAN CHOFFO: Even in the
3 additional?
4 MS. MASSEY: They have native
5 landscaping, reduced their impervious coverage.
6 CHAIRMAN CHOFFO: Demetri?
7 COMMISSIONER ARENCIBIA: Was there a
8 contribution towards the Penhorn Creek Pump Station?
9 MR. O'CONNELL: Yes. Two conditions
10 in the original approval. One was the sidewalk, the
11 other was a contribution to the pump station.
12 As Greg testified there is actually a
13 slight decrease in the impervious cover but I did
14 the calculation, it was 85 dollars difference in the
15 fee so we will pay that. I wouldn't change that
16 condition.
17 CHAIRMAN CHOFFO: Any other questions?
18 COMMISSIONER O'DEA: Yes. Is this a
19 new building?
20 MR. O'CONNELL: Brand new.
21 MR. POLNIAK: This is a brand new
22 building. The smaller building exists today.
23 COMMISSIONER O'DEA: They mention
24 green techniques. Has your client looked at -- I
25 don't know how much energy they generate for the

Page 180

1 uses. Have they looked at solar? It is obviously
2 in an area that doesn't seem to have high-rise
3 buildings.
4 MR. O'CONNELL: I don't want to keep
5 you guys --
6 COMMISSIONER O'DEA: Just a quick
7 question.
8 MR. POLNIAK: Come quick. Steve,
9 just identify yourself.
10 MR. PIKOWSKI: My name is Steven
11 Pikowski the CO of Cinelli Iron and Metal.
12 To answer your question directly, yes,
13 PSE&G is our largest customer and we brought them in
14 to do an analysis of the best use of solar energy
15 for any of our energy needs, so we were all for it.
16 I don't think the building coverage is going to
17 allow, but we did bring them in we were very
18 interested in it.
19 COMMISSIONER O'DEA: That is what I
20 wanted to hear.
21 MR. PIKOWSKI: It was a great
22 question. We want to do it.
23 COMMISSIONER O'DEA: A lot of --
24 MR. PIKOWSKI: And the technology is
25 getting better. We looked into that as well.

Page 181

1 COMMISSIONER O'DEA: Even with your
2 roofs a lot of people were concerned in the past
3 with the wear and tear and the weight of it, but the
4 technology is eliminated.
5 CHAIRMAN CHOFFO: Any other questions?
6 COMMISSIONER MEHTA: Under the county
7 road underneath the bridge the water and flood
8 problem the last time flooding on the rode. Your
9 road is a dead end street. Do you have any flooding
10 problem?
11 MR. POLNIAK: I didn't notice any.
12 MR. PIKOWSKI: From the owner's
13 perspective, no. No, there was no flooding. The
14 DPW in Secaucus is right down the road. They would
15 have been hampered or impacted dramatically. There
16 was no flooding.
17 MR. MARKS: Just for the record, the
18 applicant had an application prior and they agreed
19 to make a contribution to the fund.
20 CHAIRMAN CHOFFO: They were one of the
21 first applicants willing to contribute to the
22 Penhorn Creek, so we do appreciate that.
23 Anything else? Motion.
24 COMMISSIONER FITZGIBBONS: I make a
25 motion to approve.

1 COMMISSIONER ROMANO: Second.
 2 MR. MARKS: Mr. Chairman, a motion to
 3 approve application 2011-071-SP made by Commissioner
 4 Fitzgibbons, seconded by Commissioner Romano,
 5 Commissioner Arencibia?
 6 COMMISSIONER ARENCIBIA: Aye.
 7 MR. MARKS: Commissioner Avagliano?
 8 COMMISSIONER AVAGLIANO: Aye.
 9 MR. MARKS: Commissioner Bettinger?
 10 COMMISSIONER BETTINGER: Aye.
 11 MR. MARKS: Commissioner Fitzgibbons?
 12 COMMISSIONER FITZGIBBONS: Aye.
 13 MR. MARKS: Commissioner Mehta?
 14 COMMISSIONER MEHTA: Aye.
 15 MR. MARKS: Commissioner O'Dea?
 16 COMMISSIONER O'DEA: Yes.
 17 MR. MARKS: Commissioner Romano?
 18 COMMISSIONER ROMANO: Aye.
 19 MR. MARKS: And Chairman Choffo.
 20 CHAIRMAN CHOFFO: Aye.
 21 MR. MARKS: Mr. Chairman, the motion
 22 passed.
 23 MR. O'CONNELL: Thank you for
 24 squeezing us in. I appreciate it.
 25 COMMISSIONER O'DEA: John D. Hatch,

1 applicant, located at 190-194 County Avenue which is
 2 Block 34, Lot 9 in the Town Secaucus.
 3 MR. ANDREW: Mr. Hatch is the
 4 applicant. Thank you very much for accommodating us
 5 tonight. We are under a bit of a time pressure
 6 here.
 7 My name is Jay Andrew, attorney in New
 8 Jersey, Summit New Jersey. I am representing the
 9 applicant which is the Secaucus Animal Hospital.
 10 Dr. John Hatch has operated the animal
 11 hospital in Secaucus here in Hudson County for the
 12 past six years on Paterson Plank Road and as of
 13 November 1st he is hoping to move into the facility
 14 that you see on the site plan in front of you
 15 located at 190-194 County Avenue in Secaucus.
 16 Previously he has gone before the Meadowland
 17 Commission and Secaucus and gotten their approvals
 18 so we are here tonight to move the process along.
 19 I guess we should probably swear in
 20 two witnesses. One is JR Frank the architect and
 21 planner. His address is 30 Galaxy Drive, Wayne, New
 22 Jersey 07040 and probably swear -- just in case
 23 there is any information you may ask of him, Dr.
 24 John Hatch the veterinarian. His address is 8
 25 Denman Place, Summit New Jersey 07901.

1 So maybe we should swear the witnesses
 2 in first.
 3 MR. CURLEY: Yes.
 4 (JR Frank, was duly sworn.)
 5 MR. CURLEY: State your name for the
 6 record and spell your last name.
 7 MR. FRANK: JR Frank, F-R-A-N-K.
 8 MR. CURLEY: Thank you. Dr. Hatch?
 9 MR. HATCH: John Hatch, H-A-T-C-H.
 10 MR. CURLEY: Thank you.
 11 MR. ANDREW: Thank you very much.
 12 Mr. Frank, can you please give your
 13 credentials as far as being qualified as an
 14 architect and planner.
 15 MR. FRANK: JR Frank. I have been a
 16 licensed architect in the State of New Jersey for 24
 17 years, licensed professional planner for 43. I
 18 appeared before 150 planning boards throughout the
 19 State of New Jersey and appeared as an expert in
 20 Supreme Court also in the past for the Preservation
 21 Commission where I was their professional on
 22 planning issues.
 23 Do I need to give you more
 24 information?
 25 CHAIRMAN CHOFFO: We will accept you.

1 MR. ANDREW: Architect and planner.
 2 Mr. Frank, do you want to proceed then
 3 with the site plan information from the Board?
 4 MR. FRANK: What I have with me
 5 tonight is I have two boards. Both boards are
 6 included in your package S-1 and S-2. The only
 7 difference being they have been rendered and also I
 8 added a perspective view of the project.
 9 I am pointing to the upper left-hand
 10 corner of the drawing.
 11 COMMISSIONER ROMANO: What is the
 12 difference?
 13 MR. ANDREW: The only difference this
 14 shows a rendering, that's all. That is the
 15 difference from what was submitted.
 16 Would the Chairman like them marked as
 17 exhibits because they are slightly amended?
 18 CHAIRMAN CHOFFO: No. Just refer to
 19 their sheet names when you are discussing them.
 20 MR. ANDREW: First go to sheet S-1,
 21 when I met with your professional staff they were
 22 extremely helpful and we made modifications to the
 23 site plan as per their input, so I will go quickly
 24 into the modifications and the overall planning of
 25 the project.

Page 186

1 The existing building right now is
2 approximately 2600 square foot masonry building.
3 It was utilized as an auto repair shop.
4 We are proposing to renovate the
5 building and incorporate Dr. Hatch's practice into
6 that building. We are increasing the footprint by
7 20 square feet. It is a minor.
8 COMMISSIONER ROMANO: Motion?
9 MR. ANDREW: The existing building,
10 there was a mezzanine in the building. We are
11 actually increasing it to a second floor and try to
12 incorporate the second story roof and kind of
13 address that. That side of county is mostly
14 residential.
15 The improvements we made to the site
16 after the input by the staff was we decreased the
17 continuous curb cut which created traffic issues
18 with people walking out into the county road. That
19 curb cut has been backing up. Most has been
20 eliminated completely. The curb cut is now going
21 to be reduced to two feet. Also we eliminate a
22 large area of pavement considering the small size of
23 the site, so we have increased -- decreased the
24 amount of paved area by approximately 13 percent.
25 We have also again squared off the

Page 187

1 parking area thereby increasing being able to create
2 a landscape buffer along the residential property
3 that is to our south side. We are also proposing
4 additional landscaping along the street. That
5 includes three trees.
6 I can go into more detail. I know we
7 are pressed for time, so it may be best I answer
8 questions.
9 COMMISSIONER O'DEA: You mentioned it
10 was an auto repair shop?
11 MR. ANDREW: Yes.
12 COMMISSIONER ROMANO: Remediation?
13 MR. ANDREW: We have a Phase 1 on this
14 with the previous tenant so there is no remediation
15 at this point necessary beyond what was done. The
16 pits were removed, the hydraulics were removed by
17 the previous owner.
18 MR. FRANK: No leakage.
19 CHAIRMAN CHOFFO: There were pits?
20 MR. FRANK: There was a pit, yes. It
21 looked like the old fashioned pits where somebody
22 got into the pit. Theirs was a pit, a true pit, not
23 a lift.
24 CHAIRMAN CHOFFO: Problem with any
25 UST, under round storage tanks?

Page 188

1 MR. FRANK: No underground storage
2 tanks.
3 COMMISSIONER O'DEA: Mr. Chairman, so
4 you did, there was a Phase 1 done but there had to
5 be -- if you remove the pits or did work on the pits
6 it was Phase 1. Phase 1 is a site investigation.
7 MR. FRANK: But everything came up
8 negative. There were no pits removed.
9 COMMISSIONER O'DEA: So your sight
10 investigation revealed -- I don't think they used
11 Phase 1, so the site investigation revealed there
12 was no contamination?
13 MR. FRANK: That is correct, yes.
14 COMMISSIONER O'DEA: That is all I
15 got.
16 MS. FLOR: Just a couple quick
17 comments, Mr. Chairman.
18 I am happy to see that they met with
19 the Site Review Committee and they revised the plan.
20 They did a good job doing that. The only comment I
21 would make, whenever they square off the site you
22 may want to skew it out a little bit because you are
23 below a 24-foot aisle in the back so you want to
24 maintain that 24-foot aisle because you don't have a
25 buffer in your building. I don't think that there

Page 189

1 was a ballard there.
2 MR. ANDREW: There is.
3 MS. FLOR: Probably be maintaining the
4 24 feet. You have plenty of room in the back in
5 order to maintain that 24 feet as you approach the
6 back for turning movements to allow space otherwise
7 what will happen is they are not going to be able to
8 make all the turning movements in the back.
9 MR. FRANK: Understood, Miss Flor.
10 MS. FLOR: Where you have the sidewalk
11 in the front you want to make sure where the curb
12 cut is, that is wire mesh and six inches thick.
13 MR. FRANK: We will increase it to
14 show six inches on our detail.
15 MS. FLOR: Okay, perfect. I didn't
16 see where it was delineated there. And lastly on
17 your county curb, just provide that it meets the
18 county standard. It should be eight inches where
19 you have six inches on the top. Not the curb face,
20 but the actual profile and the bottom should be nine
21 inches, not seven, and then your pavement thickness
22 should be two, six and ten?
23 MR. FRANK: I will make those
24 corrections to the plans.
25 MS. FLOR: Other than that -- and the

Page 190

1 fines on your van accessible parking sign should
2 than updated to current fines. I think its 250.
3 MR. ANDREW: I have \$250. Go to the
4 right, it says penalty.
5 MS. FLOR: I couldn't read it.
6 CHAIRMAN CHOFFO: You are replacing
7 the entire sidewalk?
8 MR. FRANK: Yes, we are. Basically
9 we are doing right now. There is a continuous
10 footprint. We are going to re-establish the 30 foot
11 grass meridian and with respect that we are planting
12 three green trees.
13 CHAIRMAN CHOFFO: Do they meet all the
14 requirements?
15 MS. MASSEY: They do meet the
16 requirements and create coverage and they are
17 replacing the landscaping along the strip.
18 MR. MARKS: I want to comment, they
19 came in, met with the Site Plan Review Committee.
20 They were very receptive to the recommendations that
21 the county staff and the committee have made and
22 they were very expeditious in making the changes, I
23 think. I personally think that the plans you see
24 here tonight are much, much better than what was
25 originally presented to the site plan committee just

Page 191

1 a couple of weeks ago so I commend them.
2 CHAIRMAN CHOFFO: As an animal
3 hospital will you be housing animals nights and
4 weekends.
5 MR. FRANK: Our technicians walk the
6 dogs three times a day. We don't have an outdoor
7 area as such with the parking there is not enough
8 space for it, but they just walk them around the
9 block and pick up after them and we are very
10 conscious about that.
11 COMMISSIONER ARENCIBIA: Mr. Chairman,
12 just a couple of comments I have here.
13 You have a 96 or 92-foot six inch wide
14 drop curb -- right -- that is going to remain?
15 MR. FRANK: That is going to remain.
16 That drop curb will be eliminated and we will reduce
17 that down to 24 feet.
18 As it works right now, the cars -- I
19 have photos of the previous tenant.
20 COMMISSIONER ARENCIBIA: I am looking
21 at the previous drawing.
22 MR. FRANK: That curb was eliminated
23 and reduced that to 22 feet, so with the car
24 movements now, no one is backing out onto the county
25 road.

Page 192

1 COMMISSIONER ARENCIBIA: Utility
2 openings you have to do.
3 MR. FRANK: We lucked out using the
4 existing lines, the water serve service is adequate
5 and the power lines overhead were able to be
6 utilized.
7 COMMISSIONER ARENCIBIA: When do you
8 plan on doing the curb and sidewalk?
9 MR. FRANK: Again, we are extremely
10 pushed for time. This was an unusual project with
11 ourselves.
12 We got involved with this project
13 sometime in July so it is moving very, very fast.
14 COMMISSIONER ARENCIBIA: Come into the
15 County Engineer's office for a road opening permit.
16 We have a project for the County Avenue building and
17 resurfacing that is about to get started in the next
18 two to three weeks.
19 MR. FRANK: We will go over the
20 schedule.
21 COMMISSIONER ARENCIBIA: So we need to
22 get in touch. Who would be the contact in the
23 construction?
24 MR. FRANK: You can call me directly
25 and I can get you in touch with the contractor.

Page 193

1 COMMISSIONER ARENCIBIA: In case we
2 get there before you do?
3 MR. FRANK: That may well be, I will
4 have the information on my drawings and I will, if
5 you want to give me a call tomorrow, I will get you
6 the information.
7 COMMISSIONER ARENCIBIA: That is it.
8 That is all I have.
9 COMMISSIONER BETTINGER: Motion.
10 MR. ROMANO: Second.
11 MR. MARKS: Mr. Chairman, on a motion
12 by Commissioner Bettinger, seconded by Commissioner
13 Romano, Commissioner Arencibia?
14 COMMISSIONER ARENCIBIA: Aye.
15 MR. MARKS: Commissioner Avagliano?
16 COMMISSIONER AVAGLIANO: Aye.
17 MR. MARKS: Commissioner Bettinger?
18 COMMISSIONER BETTINGER: Aye.
19 MR. MARKS: Commissioner Fitzgibbons?
20 COMMISSIONER FITZGIBBONS: Aye.
21 MR. MARKS: Commissioner Mehta.
22 COMMISSIONER MEHTA: Aye.
23 MR. MARKS: Commissioner O'Dea?
24 COMMISSIONER O'DEA: Yes.
25 MR. MARKS: Commissioner Romano?

Page 194

1 COMMISSIONER ROMANO: Aye. G-d bless
 2 the doctor and the animals.
 3 MR. MARKS: Commissioner Choffo?
 4 CHAIRMAN CHOFFO: Aye. Thank you.
 5 MR. MARKS: Mr. Chairman, the next
 6 section is 5C, applications to be administratively
 7 approved.
 8 There are two applications
 9 2011-023-SP, New Cingular Wireless, PCS, LLC,
 10 located at 3495 Kennedy Boulevard which is Block
 11 919, Lot 18A.
 12 The next application is 2011-040-SP,
 13 New Cingular Wireless PCS, LLC, located at 5106
 14 Kennedy Boulevard which is Block 108, Lots 1 and 2
 15 in the Town of West New York.
 16 COMMISSIONER FITZGIBBONS: Motion.
 17 COMMISSIONER ROMANO: Second.
 18 MR. MARKS: On a motion by
 19 Commissioner Fitzgibbons, seconded by Commissioner
 20 Romano, Commissioner Arencibia?
 21 COMMISSIONER ARENCIBIA: Aye.
 22 MR. MARKS: Commissioner Bettinger?
 23 COMMISSIONER BETTINGER: It was
 24 seconded by me.
 25 MR. MARKS: Mr. Chairman, strike that.

Page 195

1 It was seconded by Commissioner Bettinger.
 2 Commissioner Bettinger?
 3 COMMISSIONER BETTINGER: Aye.
 4 MR. MARKS: Commissioner Fitzgibbons?
 5 COMMISSIONER FITZGIBBONS: Aye.
 6 MR. MARKS: Commissioner Mehta?
 7 COMMISSIONER MEHTA: Aye.
 8 MR. MARKS: Commissioner O'Dea?
 9 COMMISSIONER O'DEA: Yes.
 10 MR. MARKS: Commissioner Romano?
 11 COMMISSIONER ROMANO: Aye.
 12 MR. MARKS: Chairman Choffo?
 13 CHAIRMAN CHOFFO: Aye.
 14 MR. MARKS: Mr. Chairman, the motion
 15 passed.
 16 Mr. Chairman, the next application or
 17 item is Section D on the agenda, applications to be
 18 dismissed.
 19 This is application 2011-054-SP, Terra
 20 Brasilis, located at 504 Frank E. Rodgers Boulevard,
 21 Block 23, Lot 6 in the Town of Harrison.
 22 Mr. Chairman, this application was
 23 originally deemed complete, put on the July 3
 24 agenda.
 25 They requested an adjournment. It was

Page 196

1 carried forward to August. They were a no show.
 2 Once they are deemed complete it has to be heard and
 3 approved within 30 days.
 4 CHAIRMAN CHOFFO: I think they were
 5 going to reply.
 6 MR. MARKS: This dismissal does not
 7 preclude them from coming back, but we as a Board
 8 have to dismiss it so they start anew otherwise it
 9 is a default approval.
 10 CHAIRMAN CHOFFO: So, motion to
 11 dismiss?
 12 COMMISSIONER FITZGIBBONS: I make a
 13 motion.
 14 COMMISSIONER BETTINGER: I will second
 15 it.
 16 MR. MARKS: Mr. Chairman, on a motion
 17 made by Commissioner Fitzgibbons, seconded by
 18 Commissioner Bettinger, Commissioner Arencibia?
 19 COMMISSIONER ARENCIBIA: Aye.
 20 MR. MARKS: Commissioner Avagliano?
 21 COMMISSIONER AVAGLIANO: Aye.
 22 MR. MARKS: Commissioner Bettinger?
 23 COMMISSIONER BETTINGER: Aye.
 24 MR. MARKS: Commissioner Fitzgibbons?
 25 COMMISSIONER FITZGIBBONS: Aye.

Page 197

1 MR. MARKS: Commissioner Mehta?
 2 COMMISSIONER MEHTA: Aye.
 3 MR. MARKS: Commissioner O'Dea?
 4 COMMISSIONER O'DEA: Aye.
 5 MR. MARKS: Commissioner Romano?
 6 COMMISSIONER ROMANO: Aye.
 7 MR. MARKS: And Chairman Choffo.
 8 CHAIRMAN CHOFFO: Aye.
 9 MR. MARKS: Mr. Chairman, the next
 10 section is 5E, applications to be declared exempt.
 11 Beginning with application
 12 2011-057-SP, Metro PCS New York, LLC, located at
 13 7520 to 7526 Bergenline Avenue, Block 280, Lot 34 in
 14 the Township of North Bergen.
 15 Next is application 2011-061-SP,
 16 Prasad Gurnani, applicant, located at 19 Rock Street
 17 which is Block 1883, Lot 30 in the City of Jersey
 18 City.
 19 Next is application 2011-066-SD,
 20 Newport Park in the Northeast Quadrant, applicant,
 21 located at 700 Washington Boulevard which is Block
 22 20, Lots 3.21 and 3.20 in the City of Jersey City.
 23 And last is application 2011-070-SP
 24 Harish Sachdeva, applicant, located at 3708 JFK
 25 Boulevard, Block 897, Lot 4, in the City of Jersey

Page 198

1 City.

2 COMMISSIONER FITZGIBBONS: I make a

3 motion.

4 COMMISSIONER BETTINGER: I will second

5 it.

6 MR. MARKS: Mr. Chairman, on a motion

7 made by Commissioner Fitzgibbons, seconded by

8 Commissioner Bettinger, Commissioner Arencibia?

9 COMMISSIONER ARENCIBIA: Aye.

10 MR. MARKS: Commissioner Avagliano?

11 COMMISSIONER AVAGLIANO: Aye.

12 MR. MARKS: Commissioner Bettinger?

13 COMMISSIONER BETTINGER: Aye.

14 MR. MARKS: Commissioner Fitzgibbons?

15 COMMISSIONER FITZGIBBONS: Aye.

16 MR. MARKS: Commissioner Mehta.

17 COMMISSIONER MEHTA: Aye.

18 MR. MARKS: Commissioner Romano?

19 COMMISSIONER ROMANO: Aye.

20 MR. MARKS: Commissioner O'Dea?

21 COMMISSIONER O'DEA: Aye.

22 MR. MARKS: And Chairman Choffo.

23 CHAIRMAN CHOFFO: Aye.

24 MR. MARKS: Okay.

25 Old business?

Page 199

1 CHAIRMAN CHOFFO: I don't know if this

2 is old business or new business, but I am up for

3 reappointment, the three of us that are up for

4 reappointment, so if you don't get reappointed by

5 October 6 you ain't gonna have a quorum.

6 Who else is up?

7 MR. MARKS: Who is the third?

8 CHAIRMAN CHOFFO: Me and Renee and --

9 MR. MARKS: Which should have been a

10 year and a half ago.

11 COMMISSIONER FITZGIBBONS: Three and a

12 half ago.

13 CHAIRMAN CHOFFO: I think when we got

14 reappointed they staggered our dates.

15 MR. MARKS: I will look into it.

16 CHAIRMAN CHOFFO: Maybe the Freeholder

17 Chair can get us some new members.

18 COMMISSIONER O'DEA: If I keep coming

19 to meetings you might put a request in. I will

20 find out tomorrow what the status is on

21 appointments.

22 CHAIRMAN CHOFFO: As we know I think

23 my appointment was a year ago because I almost

24 didn't get reappointed. There was a Freeholder that

25 didn't want me reappointed.

Page 200

1 COMMISSIONER O'DEA: Not me.

2 MR. MARKS: I will look into it and

3 advise the Board and the County Executive.

4 COMMISSIONER ARENCIBIA: Mr. Chairman,

5 at this point to let you know, too, that Dean

6 Marchetto, the architect that was here earlier, he

7 expressed interest in serving on the Planning Board.

8 CHAIRMAN CHOFFO: Who did?

9 COMMISSIONER ARENCIBIA: Dean

10 Marchetto.

11 He sits on the Construction Board of

12 Appeals, but he expressed interest.

13 CHAIRMAN CHOFFO: Could -- he is very

14 experienced, but that has nothing to do with it, but

15 he has applications before us.

16 MR. MARKS: He is -- virtually every

17 month he would recuse himself.

18 COMMISSIONER ROMANO: As long as he

19 understands he has to give up work.

20 COMMISSIONER O'DEA: Before we go off,

21 I would like to make a comment with reference to

22 that special meeting.

23 Are we going to let the public finally

24 speak or let the lawyers and planners keep going?

25 We keep getting off the track.

Page 201

1 CHAIRMAN CHOFFO: The public did speak

2 to us tonight.

3 COMMISSIONER FITZGIBBONS: Now it is

4 the rebuttal or cross-examination.

5 COMMISSIONER AVAGLIANO: Motion to

6 close.

7 CHAIRMAN CHOFFO: New business?

8 MR. MARKS: Mr. Chairman, just two

9 quick items under new business.

10 We included in your packets this

11 evening the latest update to the Hudson County

12 Comprehensive Development Study, the annual update,

13 and the introduction of the -- actually the Jersey

14 City, the final draft of the Jersey City Hoboken

15 Regional Transportation Study.

16 I would ask and recommend that the

17 Board vote to introduce those two items this

18 evening. I will send them out to the

19 municipalities, make them available to the general

20 public, schedule a public hearing on the matter.

21 Neither one, I believe, are controversial. I don't

22 think you are going to get any speakers, so to

23 speak, to come out against it, but just so they can

24 be introduced, have a public hearing, discuss at the

25 next meeting or November if you so like, and I would

Page 202

1 represent I think they are worthy documents, worthy
2 of your consideration and I think they should be
3 adopted as part of the County Master Plan and
4 accepted.
5 The transportation study should be
6 accepted by the Board.
7 COMMISSIONER FITZGIBBONS: This has to
8 do with rerouting track on Observer Highway.
9 COMMISSIONER ROMANO: I have one
10 question, Steve. Is there any taking of anyone's
11 land?
12 MR. MARKS: No.
13 COMMISSIONER ROMANO: Absolutely not?
14 MR. MARKS: No. That was one of
15 the prerequisites.
16 COMMISSIONER FITZGIBBONS: If it is
17 only a bike lane on Observer Highway.
18 MR. MARKS: The city has been
19 requesting that. That wasn't part of the study.
20 I know the city had requested that \$2
21 million Federal appropriations for the City of
22 Hoboken to redo Observer Highway and I think that
23 was one of the things the city desired to put there.
24 The City is working in conjunction
25 with the County Engineer's office, but I think

Page 203

1 Demetrio is letting the City take the lead on that.
2 COMMISSIONER ARENCIBIA: They have
3 earmarked the \$2 million, so take it or leave it.
4 They have designed --
5 COMMISSIONER ROMANO: They put a
6 postponement on the paving. It is only them. They
7 postponed because they didn't do the --
8 COMMISSIONER ARENCIBIA: They are
9 going to get rid of the parking lot and put bike
10 lanes.
11 MR. MARKS: The study I am asking you
12 to introduce is not about bike lanes, it is one of
13 the items that the community requested. This is
14 more of a traffic study in how to without adding any
15 more right-of-way, without doing major overhaul of
16 the transportation system, how do you accommodate
17 growth in the future because the level of service in
18 that neighborhood and the City of Hoboken is going
19 from D to F or D to E and keeps getting worse
20 especially with all of the proposed development that
21 is going on.
22 The traffic is not going to get
23 better.
24 COMMISSIONER ROMANO: I think the
25 Commissioners should get a chance to look at it.

Page 204

1 COMMISSIONER O'DEA: He wants to
2 review the one from Hoboken.
3 Hold that off until the next meeting.
4 If you want to carry that at the special meeting,
5 but in deference to the Freeholder that represents
6 the area, I am not inclined to do that one tonight.
7 MR. MARKS: Mr. Chairman, can I ask
8 for a motion to introduce simply so we can circulate
9 it? It has hasn't been released to the public or to
10 stockholders.
11 COMMISSIONER ROMANO: What do we
12 accomplish to introduce it?
13 MR. MARKS: I can send it out for
14 public comment. There is an official process for
15 any studies or updates to the county master plan, so
16 it basically starts that process.
17 CHAIRMAN CHOFFO: I will leave it up
18 to the Freeholder's constituents.
19 COMMISSIONER MEHTA: We can do it in
20 the special meeting?
21 CHAIRMAN CHOFFO: That is your call.
22 COMMISSIONER O'DEA: I don't have a
23 problem with the other one, but I know that area and
24 I know we review it prior to the meeting.
25 I will move for one and not the other.

Page 205

1 MR. MARKS: So, Mr. Chairman, this a
2 motion to move the introduction of the Hudson County
3 Comprehensive Economic Development Strategy, the
4 2011 annual update.
5 Is there a second?
6 COMMISSIONER MEHTA: Second.
7 MR. MARKS: On a motion made by
8 Commissioner O'Dea and seconded by Commissioner
9 Mehta, Commissioner Arencibia?
10 COMMISSIONER ARENCIBIA: Aye.
11 MR. MARKS: Commissioner Avagliano?
12 COMMISSIONER AVAGLIANO: Aye.
13 MR. MARKS: Commissioner Bettinger?
14 COMMISSIONER BETTINGER: Aye.
15 MR. MARKS: Commissioner Fitzgibbons?
16 COMMISSIONER FITZGIBBONS: Aye.
17 MR. MARKS: Commissioner Mehta?
18 COMMISSIONER MEHTA: Aye.
19 MR. MARKS: Commissioner O'Dea?
20 COMMISSIONER O'DEA: Aye.
21 MR. MARKS: Commissioner Romano?
22 COMMISSIONER ROMANO: Aye.
23 MR. MARKS: And Chairman Choffo.
24 CHAIRMAN CHOFFO: Aye.
25 COMMISSIONER O'DEA: Make a motion to

1 carry the second study to the October 1st meeting.
 2 COMMISSIONER FITZGIBBONS: I second.
 3 MR. MARKS: Mr. Chairman, on a motion
 4 made by Commissioner O'Dea and seconded by
 5 Commissioner Fitzgibbons to carry the introduction
 6 of the Hudson County Regional Transportation Study
 7 to the next regular meeting --
 8 COMMISSIONER O'DEA: The special
 9 meeting.
 10 MR. MARKS: I am sorry.
 11 COMMISSIONER O'DEA: I want to get
 12 this moving.
 13 MR. MARKS: Commissioner Arencibia?
 14 COMMISSIONER ARENCIBIA: Aye.
 15 MR. MARKS: Commissioner Avagliano?
 16 COMMISSIONER AVAGLIANO: Aye.
 17 MR. MARKS: Commissioner Bettinger?
 18 COMMISSIONER BETTINGER: Aye.
 19 MR. MARKS: Commissioner Fitzgibbons?
 20 COMMISSIONER FITZGIBBONS: Aye.
 21 MR. MARKS: Commissioner Mehta?
 22 COMMISSIONER MEHTA: Aye.
 23 MR. MARKS: Commissioner O'Dea?
 24 COMMISSIONER O'DEA: Aye.
 25 MR. MARKS: Commissioner Romano?

1
 2
 3 CERTIFICATION
 4
 5 I, CAREYANN SHAFTAN, License Number 30X100192900,
 6 an official Court Reporter in and for the State of
 7 New Jersey, do hereby certify the foregoing to be
 8 a true and accurate transcript to the best of
 9 my knowledge and ability.
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1 COMMISSIONER ROMANO: Aye.
 2 MR. MARKS: And Chairman Choffo?
 3 CHAIRMAN CHOFFO: Aye.
 4 MR. MARKS: Mr. Chairman, the motion
 5 passed.
 6 COMMISSIONER FITZGIBBONS: Make a
 7 motion to close.
 8 COMMISSIONER O'DEA: Second.
 9 (Whereupon, the meeting is concluded.)
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 25

0	147:3 157:23 167:9	2011-023 194:9	3
07040 183:22 07901 183:25	150 184:18 15th 93:20 16 50:2 51:18	2011-040 194:12 2011-051 72:5 107:19	3 6:10 52:5 58:2 109:2 138:15 139:4 139:5 141:11
1	17 3:14 22:9	2011-052 4:18	195:23
1 6:9 40:9 48:14 72:7 80:1 109:2 113:15,15 167:3 185:6,20 187:13 188:4,6,6,11 194:14	1700 84:20 1883 197:17 18a 194:11 19 88:19 175:3 197:16	2011-054 195:19 2011-055 108:25 150:8	3,000 10:13 17:4 110:1
1,000 148:6	190-194 183:1,15	2011-057 197:12	3.20 197:22
1,100 112:4 147:13	1920 174:20 176:6	2011-059 4:22	3.21 197:22
1,152 146:17	1976 32:5	2011-061 197:15	3.9. 120:6
1,250 146:21,24	1990 110:18	2011-064 5:2	30 4:21 65:15 106:4
1,260 146:17,21	1995 110:19	2011-066 197:19	109:12 137:6
1,300 112:4 148:6	1998 110:19	2011-067 151:20	162:25 183:21
10 52:12	19th 69:19	170:18	190:10 196:3
10,000 10:11 17:10	1st 183:13 206:1	2011-070 197:23	197:17
172:11,15	2	2011-071 168:5	302-310 173:12
10,478 174:14	2 46:18 48:5,11,15	169:17 171:10	309 5:2
10,800 56:24 57:1	48:19 51:22,24 52:8	182:3	30x100192900 208:5
100 32:14 142:18	113:17 139:4 185:6	2011-072 171:12	31 83:25 84:14
108 194:14	194:14 202:20	2012 92:25	31,283 176:12
10:30 151:11,12	203:3	20th 172:6	316 6:9
152:6,18 153:1,2	2,000 112:18	21 1:6 2:4	34 114:13 173:5
155:18 156:5	2,400 85:7	22 191:23	183:2 197:13
161:19 163:20	2.1 5:3	23 4:24 195:21	3495 194:10
11,000 57:1	2.3 27:8	23.1 72:7	36 116:23
12 119:22	20 32:10 52:21	23.8. 57:6	37,015 176:14
122 72:6	53:19 58:24 87:1	24 72:7 184:16	3708 197:24
13 80:25 186:24	108:11 186:7	188:23,24 189:4,5	3rd 58:3,22,23 59:1
13,000 10:8	197:22	191:17	4
1300 116:19	20,805 176:11	24,095 176:12	4 197:25
14 109:1	200 17:18 89:21	2400 84:21	40 129:4,5
1400-1404 72:6	138:10	25 17:7 108:11	40,000 56:25
1478 176:3	2002 163:3	165:14	40:27-6.2 40:15,23
14th 74:8,15,20 93:1	2006 122:23 132:14	250 190:2,3	41:8,14
93:20 95:18 98:18	2007 166:21	26 69:18,21	40:27-6.6 42:21
98:21 99:7,18	2008 50:1,5 51:12	2600 186:2	43 184:17
100:24 104:13	58:3,22 59:1	263 4:24	44 45:18
106:20,22 107:2	2009 58:3,23	26th 70:1,7	45 109:25 114:25
128:25 134:3	2010-082 6:8	27 83:24	45.03 109:2
15 50:2 51:15	2011 1:6 2:4 3:14	28 72:7 116:23	4522 4:23
109:25 115:1 143:9	37:23 151:6 205:4	280 197:13	46 109:2
143:12 144:22		286 173:12,21	46.01 109:2
		28th 160:11,13	47 109:2

48 109:2	725 174:24	abutments 99:3	147:15 148:17,23
49 75:14,19 77:15	75 45:18 46:1,8	abutting 36:8,23	149:5,21 150:4
5	47:20 49:12 64:25	accept 3:22 5:7	151:7
5 4:13 6:2 28:19,23	7520 197:13	73:20 97:18 139:17	action 120:16
29:4	7526 197:13	184:25	122:10 164:1
5,000 76:6,22 87:13	76 82:13 88:9,10,13	acceptable 91:12	actions 42:10 126:5
5.01 6:10	88:22,25	accepted 32:15,24	activities 174:2
50 8:13 9:19 10:23	8	45:23 202:4,6	177:1
12:20 13:8,16 14:18	8 4:21 5:3 7:12	accepting 142:7	activity 36:3,23
14:24 53:20	34:12,15 35:7,13	access 34:18 35:13	actual 36:19 79:10
504 195:20	36:9,20,23,25 49:16	35:14,15 36:11,16	189:20
5106 194:13	49:19,21 72:7	91:5 93:19,23	ada 106:24
522 110:10	183:24	106:10 138:17	add 115:6 144:21
55 113:19	80/20 87:2	174:5	172:11
567 1:6	800 84:11 137:16	accessed 113:21,21	added 185:8
59 77:15 83:24	85 179:14	accessible 190:1	adding 203:14
85:24 87:7	897 197:25	accommodate	addition 55:9 63:22
5c 194:6	8:00 65:11,12	119:10 175:3	64:2
5e 197:10	9	203:16	additional 7:4,7,9
5th 58:11 160:20,22	9 40:3,8 44:25 57:25	accommodating	31:18 50:7 59:16
161:1,15,20 164:1	63:18 183:2	183:4	113:23 131:24
166:4,12 167:10,16	9-21-11 49:16	accomplish 171:11	175:3 177:8,9,12,12
170:15	919 194:11	204:12	178:24 179:3 187:4
6	92 191:13	accomplished 89:21	address 8:4 19:3
6 31:6,16 59:2 63:20	96 191:13	101:15 171:9	23:21 47:4 65:21
72:6 138:19 162:19	a	account 11:7 54:10	95:22 106:19 110:8
195:21 199:5	ability 30:18 39:10	134:14	129:19 177:10
60 74:4 112:1	49:7 114:22 117:2	accurate 208:8	183:21,24 186:13
60s 8:22	159:2 173:19 208:9	achieve 40:17 49:10	addressed 21:9 28:1
62 87:7 88:10,12	able 27:12 71:12	49:11	47:12 58:12 63:9
89:1,8	76:15 77:7 93:23	achieved 46:10	66:10 139:17,21
635 116:20	105:3 167:13	acknowledged	140:13,17,20 179:1
67 151:20 152:1	171:10,12 174:22	45:17 64:25	addressing 56:21
7	187:1 189:7 192:5	acre 46:9	139:23
7 5:3 37:23 41:4,7	absent 2:24	acreage 21:6	adequate 72:16
42:2,21 63:19	absolutely 147:22	acres 27:9	100:5 192:4
137:16 138:20	171:15 202:13	act 2:11 28:8 90:1,1	adequately 103:9
700 112:2 197:21	absorption 55:20	124:18 130:22	adjacent 26:25 27:6
7004 8:5 20:25 22:8	abstain 4:8,10,11	158:23 159:5,7,16	27:14 34:12 35:6,8
7009 6:9	5:20,22 70:17,18	159:20 171:23	36:14 112:18,24
7101 6:9	abut 17:2	acting 127:7,13	adjoins 158:3
716 146:16 147:8,9	abutment 90:24	128:11 131:18	adjourn 70:5 155:18
147:13		135:8,13,15,25	161:19
		137:21 138:24	adjourned 170:19
		140:6 141:5 145:2	

adjournment 151:22 152:2 170:22 171:2 195:25	199:10,12,23 agree 19:9 26:18 66:8,10,23 67:3 82:22 149:8 152:25 152:25 163:21	amended 177:18 185:17 amendment 166:13 172:18 amenities 112:13,14 amenity 116:21 amin 4:23 amount 118:11 165:15 168:23 186:24 ample 69:20 analysis 12:8 180:14 analyzed 143:21 andrew 72:21,25 73:4 97:6 166:24 183:3,7 184:11 185:1,13,20 186:9 187:11,13 189:2 190:3 anew 196:8 angle 12:4 animal 165:9 166:25 183:9,10 191:2 animals 12:5 14:19 191:3 194:2 ann 170:23 annual 130:10 201:12 205:4 answer 20:16,16,17 21:15,16,17,20 30:7 60:24 61:16 63:14 78:11 81:19 100:18 103:21 155:12 175:14 180:12 187:7 answered 87:3 answers 73:14 104:3 123:4 anthony 1:12 anticipate 120:17 anticipation 177:9 anybody 125:10 160:13,25 165:7 anyone's 202:10	anyway 14:23 apart 141:16 apartment 22:9 112:1 114:17,18 117:10 apartments 117:11 117:13 146:25 apologies 163:4 apologize 31:3 88:25 154:13 156:7 156:8 162:18 163:2 163:5 apology 161:17 apparently 49:11 appeal 26:14 appeals 200:12 appear 9:13 106:2 appeared 73:17 97:8 110:11 184:18 184:19 appearing 167:8 appears 106:2 appleview 6:8,12 12:2 14:11 15:24 19:21 24:12 71:8,16 152:3 154:4 applicability 43:12 applicable 8:15 27:2 39:4 41:14 44:4,4 45:14 48:22 56:15 applicant 4:23 5:2 6:5,12 25:21 26:21 27:8 33:20 34:18 38:21 44:14 46:12 47:19 48:1,16 49:1 49:7,10,11 56:17 61:7 62:2 64:21,25 72:14 86:25 87:19 91:11 101:4 105:3 108:25 109:6 132:2 133:25 139:14 147:20 149:8 159:25 164:8 165:24 166:4 168:24 170:25
--	---	--	--

<p>172:10 178:3,20,25 181:18 183:1,4,9 197:16,20,24 applicant's 7:2 57:20 109:6 applicants 65:24 66:4 71:8 109:21 151:18 152:8 153:9 153:13,16,23 154:17 157:5 159:22 162:18 163:25 168:2,20 181:21 application 4:18,22 5:1 6:6,8 7:12 15:7 17:15,19,22 20:8 21:11,24 23:1,3 26:1 30:5 33:2,8,10 33:21 34:7,14,16,24 36:2,20,21 37:2,16 43:20,25 54:25 60:11 61:2,11 63:6 70:6 71:13,16 72:4 72:16 74:3,13 88:9 88:14,24 89:1,16,20 100:7 103:8 105:6 107:19 108:24 109:5,7,14,22 110:4 111:17 127:18,19 150:8 151:5,20 154:5,11 155:15,17 156:15 157:18,23 161:14 163:7,8,15 163:19 164:12,18 165:14 166:15,19 168:5,24 169:1,6,17 170:13,18 171:4,9 171:11,14,19,24 172:5,6,18 173:10 173:14 177:16 181:18 182:3 194:12 195:16,19 195:22 197:11,15 197:19,23</p>	<p>applications 7:13 43:3 65:20 152:4 157:9 159:4 162:22 163:12 164:19 168:2,12,14 194:6,8 195:17 197:10 200:15 applied 26:21,25 57:4 applies 39:1,13 43:14,17,19 44:12 156:24,25 apply 37:19 44:12 44:20 90:9 91:15 159:14 applying 38:11 79:2 144:9 appointment 199:23 appointments 199:21 appreciate 181:22 182:24 approach 129:7 189:5 appropriate 20:14 65:22 66:3 appropriations 202:21 approval 41:16 42:24 46:11 78:23 78:25,25 79:2,3,14 89:7 94:21 124:14 125:6 126:11 131:10 141:2 144:7 147:21 149:4 153:14 155:6 179:10 196:9 approvals 153:9 164:6 167:5 173:15 183:17 approve 3:18 22:25 107:19 116:8 132:6 149:1 150:8 162:25 167:21 175:10 177:24 181:25</p>	<p>182:3 approved 4:17 17:23 39:22 89:3,5 122:9,12 127:19 150:19 153:1 161:14 163:11 166:20 194:7 196:3 approving 127:18 approximately 10:8 32:14,17 56:23 57:5 61:24 76:6 110:1 112:4 137:6,13 173:15 174:14,24 186:2,24 april 58:11 ara 124:13 architect 72:20 73:21 90:9,10 91:15 109:18 110:18 111:2 123:7 138:13 145:6 172:20 183:20 184:14,16 185:1 200:6 architects's 99:9 architectural 54:2 75:2 78:10,12 147:18 architecture 110:17 111:5 135:6,11 area 10:9,9 11:8,8 17:10,11 35:1,3,5 36:3,4 53:20,21 57:13,18,20 59:4 60:6 61:13 62:10 74:17,18,25 77:2,23 104:19 106:3 110:20 111:13 112:22 117:8 118:18,19 119:24 121:20,24 138:9 158:4,6 174:12,18 174:23,25 176:4,11 176:11,12,14 180:2 186:22,24 187:1 191:7 204:6,23</p>	<p>areas 9:7 34:20 38:9 51:16 52:13 53:24 64:4 arencibia 1:10 2:15 2:16 3:24,25 5:11 5:12 67:25 68:1,24 68:25 70:8,9 83:13 90:6 91:18,23 92:2 92:5,11,18 93:1,5 93:25 94:8,13,16,24 95:3,12,16 96:3 100:21 101:14 102:1,6,9,17 107:21 107:22 120:2 128:22 129:6,15 134:2 136:2 140:7 141:7 142:1,13 143:3,7,16 144:6,11 144:18 150:10,11 162:2,3 169:4,8,19 169:20 179:7 182:5 182:6 191:11,20 192:1,7,14,21 193:1 193:7,13,14 194:20 194:21 196:18,19 198:8,9 200:4,9 203:2,8 205:9,10 206:13,14 argued 49:9 argument 44:3 arrangement 128:23 art 76:1,2 artist 74:5 75:18,23 76:7,8,10 77:9,14 77:17,20 79:21 84:23 147:19 artistic 81:18,22 82:4 artists 75:6 76:22,24 81:9 86:2 arts 88:4 ascertain 127:17 asked 19:25 29:22 108:14 127:23</p>
--	---	---	--

<p>135:12 164:22 165:7 171:2 asking 19:20 22:10 65:8 155:3,11,25 203:11 aspect 21:18 99:2 aspects 33:19 64:23 117:5 118:9 asphalt 115:9 assessment 129:10 associate 32:9 associated 61:17 77:13 162:24 associates 95:22 140:8 association 6:20,25 24:24 assume 30:9 44:2,19 159:21 177:5,11 assuming 39:12 45:14 78:22 126:1 143:20 assure 92:15 attached 58:9 attempted 30:13 attempting 153:23 attend 136:14 attendance 71:12 95:25 attorney 1:15 6:5,12 28:3 29:13,23 87:18 109:6,11 154:14 159:22,24 166:3 170:21 183:7 attorneys 66:8 67:1 67:3,16 audience 156:8 august 3:14 6:13 50:1,5 172:9 196:1 authority 27:10 34:13 35:7 40:16 45:5 authorizes 42:16 auto 186:3 187:10</p>	<p>avagliano 1:9 2:17 2:18 4:1,2 5:6,10,13 5:14 68:2,3 69:1,2 70:10,11 71:25 72:2 107:23,24 150:12 150:13 156:9 157:11 162:4,5 167:23 169:21,22 182:7,8 193:15,16 196:20,21 198:10 198:11 201:5 205:11,12 206:15 206:16 avail 56:18 available 7:22,22 69:21 71:3,5 130:6 160:13,15,21,25 161:11 201:19 availing 87:2 avenue 1:6 4:20 109:1,23 111:22,24 112:17 114:6,7,9 118:22 120:4,12 133:13,21 135:19 141:23 142:12 145:14 146:6 149:12 173:5 183:1 183:15 192:16 197:13 average 84:8,15,17 averaging 84:10 avoid 25:24 27:1,1 143:10 avoided 27:13 aware 34:6,17,22,23 37:15 45:16 48:24 56:20 90:11,18,23 91:3 99:13 105:2,5 154:16 164:15,17 164:23,25 165:2,4 aye 3:25 4:2,4,6 5:12 5:14,16,18 68:1,3,5 68:7,9,11,13,25 69:2,4,6,8,10,12 70:9,11,13,15,22</p>	<p>107:22,24 108:1,3,5 108:7,9,19 150:11 150:13,15,17,22 162:3,5,7,9,11,13,15 162:17 169:20,22 169:24 170:1,3,5 182:6,8,10,12,14,18 182:20 193:14,16 193:18,20,22 194:1 194:4,21 195:3,5,7 195:11,13 196:19 196:21,23,25 197:2 197:4,6,8 198:9,11 198:13,15,17,19,21 198:23 205:10,12 205:14,16,18,20,22 205:24 206:14,16 206:18,20,22,24 207:1,3 b b 1:8 6:2 72:13 110:10 bachelor 110:17 bachelors 32:1 136:21 back 11:15 12:11 66:13,15 93:15 99:19 102:16 104:13 118:10 126:16 132:13 135:17 145:11 157:6 168:19,22 171:1,5 188:23 189:4,6,8 196:7 background 6:22 8:2 31:19,24 backing 186:19 191:24 bad 176:17 balance 14:16 19:2 53:7,17 balancing 19:10 48:4 54:7 130:22</p>	<p>balconies 117:9 ballard 189:1 ban 12:15 banking 113:11 banks 23:16 base 46:21 57:19 62:7 75:16,16 104:25 based 9:14 10:1 20:17 45:24 46:3 88:3 127:10,18 133:13 154:10 168:4,22 basement 92:7,8 basically 67:14 95:13 104:3 117:4 117:12 135:10 146:21 172:14 190:8 204:16 basin 141:21 142:25 basis 18:25 38:3 49:6 60:1 130:11 bayonne 110:21 111:13 beattie 6:19,23 beautify 24:7 bed 22:19 131:7 bedrock 55:11 129:3 bedroom 83:21,24 83:25,25 84:8,10,18 85:3 87:9 109:25,25 114:17,18 117:13 117:13 146:24,25 147:14 148:8 bedrooms 84:6,13 84:19,22 112:2,3 114:23,25 115:1,1 146:19 beds 126:15 beginning 4:16,17 45:6 153:20 197:11 begins 130:21 behalf 4:19 24:12 33:12</p>
---	--	--	---

belabor 134:17	157:4,13 160:17	49:17,23 50:15	borough 109:3,24
believe 6:16 8:23	162:6,7 169:23,24	51:13 58:6,10 59:6	bottom 40:8 46:18
10:7 27:11 29:8	182:9,10 193:9,12	63:5,9 65:19 66:1	189:20
43:15 51:5 57:6,9	193:17,18 194:22	71:17,19 72:10	boulevard 4:24 8:6
61:6 82:7 102:18	194:23 195:1,2,3	79:11 83:15 89:19	14:24 21:1 22:9
104:21 132:2 139:3	196:14,18,22,23	89:20,22 90:4 97:8	194:10,14 195:20
149:19 159:15	198:4,8,12,13	108:10,23 110:12	197:21,25
160:2 168:23	205:13,14 206:17	130:9,10,14,25	boundary 138:20
201:21	206:18	131:10,22 138:5	brand 96:7 179:20
ben 125:11	beyond 187:15	139:9,9 147:11	179:21
beneath 98:13	bicycle 82:20,22,23	151:11,11,13	brasilis 195:20
benefit 13:17 138:5	119:15,19,20,21	152:18 153:5,7,24	break 113:8
177:3	bicycling 82:19	154:3,6,15 155:7	breakdown 84:4
benefiting 13:10,15	big 78:14 116:12	161:2 163:1,3	brick 78:1
13:16	133:25 143:3 147:5	166:12 171:23	bridge 114:9 181:7
benefits 48:6,17,17	bigger 133:20,25	172:5 173:14	brief 24:25 109:19
48:20	bike 107:9,10	174:10 175:6,10	110:3
bergen 6:10 14:25	119:25 202:17	176:24 185:3 196:7	briefly 31:23 41:24
18:12 21:9 23:24	203:9,12	200:3,7,11 201:17	44:6 54:24 98:6
24:13 25:20 26:13	bill 109:10 120:23	202:6	bring 24:6 72:21
27:5,9 33:10,22	bit 16:22 75:1 77:24	board's 60:10 61:13	118:9 146:2 180:17
34:13 59:2 152:13	77:25 122:18 123:6	150:1 167:17	bringing 76:1
153:19 197:14	128:16 176:17	boards 19:20 111:9	brings 114:9
bergenline 197:13	183:5 188:22	111:12 137:9,9	broad 15:16
bertin 45:17,22	bless 194:1	184:18 185:5,5	brought 180:13
48:25 56:21,22	block 4:21,24 5:3	boardwalks 55:23	bucks 148:11
bertin's 37:8,12	6:9 72:6 109:1	bodnar 110:5,6,7,9	buffer 59:15 187:2
best 180:14 187:7	145:18 183:2 191:9	110:9,17,24 111:3,6	188:25
208:8	194:10,14 195:21	111:11,18 113:15	build 23:8 46:1,2
better 130:20	197:13,17,21,25	119:16,21 120:5,20	94:17 95:4 101:1
180:25 190:24	blocking 64:22	121:8,16 122:7,11	105:4 126:11
203:23	blocks 55:22 127:21	122:13,17,22 123:5	129:24
bettinger 1:10 2:19	board 1:1,4,15 2:3,8	123:12 124:1,5,10	building 1:18 23:9
2:20 3:19,23 4:3,4	6:5 7:3 11:6 12:9	124:21 125:5,15,22	23:10 34:24 35:1
5:15,16 68:4,5,17	13:1 18:2,21 19:10	126:3,10,25 128:13	36:15 57:20 64:20
68:22 69:3,4 70:12	21:8,18 23:25 24:22	128:20 129:12	74:4,25 75:3,4 76:5
70:13 85:8,10 107:8	24:23 25:12,20 26:4	132:11,19 134:5	76:11 77:22 78:1
107:25 108:1 109:9	26:5,13 27:21,24	135:2,9,9,14,23	80:16,21 81:20
127:7,13 128:11	28:2,9,15 29:2	138:14 145:8,15,18	82:22,23 83:1 91:21
131:18 135:8,13,15	30:24 31:24 33:1,5	145:22 146:1,7,11	92:9 93:22 94:1
135:25 137:21	33:10,22 34:11,21	146:15,20 147:3,9	96:13 99:10 100:10
138:24 140:6 141:5	34:23 35:15,20 37:6	147:12,23 148:5,9	101:6 106:22 112:5
145:2 147:15	37:25 39:14 40:9,10	148:13	112:8,9,9,12 113:9
148:17,23 149:5,21	41:5,25 42:9,11	bodnar's 135:5	115:5,6 116:21,22
150:4,14,15 151:7	43:11 45:4 48:10		116:24 117:3,5,12

<p>117:21,22,22,23 120:4 121:3,6,17,18 128:6,7,9 138:12 145:5 166:15 167:2 167:20 172:11,12 172:17,23 173:17 173:20,23 174:1,4 174:12,13,13,16,19 174:21 175:11,12 175:24 176:1,5,6,10 176:13 177:2,2,7,12 179:19,22,22 180:16 186:1,2,5,6 186:9,10 188:25 192:16 buildings 77:5 132:23 180:3 builds 104:24 built 12:3 16:4 52:3 80:16 128:6 bulletin 90:4 burden 48:1 49:4 burke 72:9,13 73:6 73:15,20,23 78:8 79:1,25 81:13 82:3 85:17,18,23 86:4,8 86:13 87:22 88:4,14 88:25 89:10,13 97:2 97:5,7,12,15,18,21 97:24 98:1 107:13 107:14 108:12,17 108:22 business 3:13 110:19 117:2 161:20 198:25 199:2,2 201:7,9 busy 114:8</p>	<p>calculated 56:24 calculation 149:24 179:14 calculations 103:1 143:17 caliper 135:20 call 2:2,13 14:1 17:5 24:18 25:3 31:1 67:12 110:4 122:9 169:12,14 192:24 193:5 204:21 called 9:22 48:14 123:2,17 calls 161:9 cap 120:22 126:12 128:6 capacity 131:24 143:22 capped 121:4 126:17 capping 126:8,13 car 99:18 105:21 191:23 care 138:16 careful 130:22 carefully 123:4 careyann 208:5 caring 22:23 carjue 22:8,8 carmine 6:11 carried 170:14 196:1 carry 65:22 159:3 161:14,19 204:4 206:1,5 cars 106:5,6,7 191:18 carved 35:2 case 9:18 19:21 24:20 26:12,12 37:19 49:9 61:8 93:15 100:14 129:18 155:24 183:22 193:1</p>	<p>casket 72:5 catch 141:21 142:25 category 30:12 catercorner 97:11 caught 134:8 cause 40:14 45:10 causes 62:5 ceiling 112:11 117:17 center 77:2 112:6 central 114:9 145:19 certain 15:7 33:12 33:18 39:15 49:21 66:24 81:18 85:19 86:9 100:25 106:23 certainly 11:5 13:22 14:9,13 15:14 18:16 18:20 60:2 61:9 98:5 138:6 certificate 71:10 177:21,22 certification 72:3 certify 208:7 cetera 133:7,24 chair 109:8 127:7,9 127:13 128:11,22 130:8 131:18 132:15 135:8,13,15 135:25 137:21 138:24 140:6,25 141:5,7 145:2 147:15 148:1,17,23 149:5,6,21,23 150:4 150:7 151:1,7,8 165:23 199:17 chairman 1:9 2:1,7 2:12 3:5,6,7,9,12,15 3:21 4:9,10,12,13 5:5,9,22,23,25 6:1,4 6:21 7:10,19,25 20:21 22:6 23:20 24:15 25:2,5,11 26:2,17 27:25 28:10 28:17 29:10,11</p>	<p>30:24 32:18,21 44:8 44:17 50:9,13 51:1 59:25 60:8 61:5,19 62:13,17,23 65:10 65:13,14,18 66:5 67:7,12,14,21 68:12 68:13,16,21 69:11 69:12,13,15,17 70:21,22,23,25 71:6 71:14,21 72:4,10 73:8,9,15,18,22 78:22 79:4,6,23 80:2,4,10 81:5,7 83:2,6,12,19,20 85:8,9 87:5 88:6,18 89:7,11,14,18 90:5 90:7 91:18 95:23 96:10 97:3,5,20,24 100:15,21 102:12 102:15,21 103:21 104:9 105:10 106:17 107:7,8,12 107:15,18 108:18 108:19,20,22 109:4 113:12 119:13,17 120:13 151:9,16,19 151:25 152:7,14,23 153:6 154:1,21 155:1,5,24 156:4,14 156:16 157:4 158:14,18 159:17 159:21,24 160:4,11 161:8,24 162:16,17 163:6,9,14,21 164:7 164:11 166:2 167:12 168:1,10,18 169:4,10,14,16 170:8,9,10,12,16,20 170:24 171:20 172:2 173:1 175:25 177:14,24 178:2,20 178:23 179:2,6,17 181:5,20 182:2,19 182:20,21 184:25 185:16,18 187:19</p>
<p>c</p>			
<p>c 31:12 48:5,11,14 48:15,16,19 136:12 168:8,15 184:9 208:3,3 calcs 104:22</p>			

187:24 188:3,17 190:6,13 191:2,11 193:11 194:4,5,25 195:12,13,14,16,22 196:4,10,16 197:7,8 197:9 198:6,22,23 199:1,8,13,16,22 200:4,8,13 201:1,7 201:8 204:7,17,21 205:1,23,24 206:3 207:2,3,4 chairwoman 135:4 137:18 challenged 11:18 19:4 chamber 80:18 91:17 chambers 17:13 161:21 chance 50:16 58:14 203:25 chances 164:12 change 99:21 144:22 166:14 172:13 179:15 changed 78:21 changes 64:6 79:15 190:22 character 46:7 75:2 characteristic 47:3 characteristics 47:10 characterization 52:21 characterize 52:18 characterizes 46:16 charge 85:22 chase 173:2 cheap 127:2 check 88:11 126:24 checking 123:4 children 114:24 115:2 147:2 choffo 1:9 2:1,12 3:5 3:6,9,15 4:9,10 5:5	5:21,22,25 6:21 7:25 20:21 22:6 23:20 24:15 25:2,5 26:17 27:25 28:10 28:17 29:10 30:24 32:18,21 44:8,17 50:9 51:1 60:8 61:5 62:17,23 65:10,18 67:7,12,21 68:12,13 68:16 69:11,12,15 70:21,22 71:6,21 73:9,18,22 78:22 79:4,23 80:2,10 81:5 83:2,6,19 85:9 87:5 88:6,18 89:7 89:11 90:5 95:23 96:10 97:3,20,24 100:15 102:12,15 102:21 103:21 104:9 105:10 106:17 107:7,12,15 108:18,19 109:4 113:12 119:13,17 120:13 151:8,16,25 152:7,14,23 155:1,5 155:24 156:4,14 159:21,24 160:4 162:16,17 163:14 163:21 164:7,11 166:2 167:12 168:1 168:10,18 169:10 169:14 170:8,9,12 170:16,24 171:20 172:2 173:1 175:25 177:14,24 178:20 178:23 179:2,6,17 181:5,20 182:19,20 184:25 185:18 187:19,24 190:6,13 191:2 194:3,4 195:12,13 196:4,10 197:7,8 198:22,23 199:1,8,13,16,22 200:8,13 201:1,7 204:17,21 205:23	205:24 207:2,3 choice 116:14 choked 141:17 choose 105:7 chose 53:23 chosen 42:9 ciammaruconi 1:20 cinelli 152:2 166:9 168:5 169:1,9 171:10 172:4 173:10,16,25 177:3 180:11 cinema 97:10 cingular 194:9,13 circle 135:17 circulate 204:8 circumstances 39:15 171:16 cited 26:22 43:16 55:8 cities 146:23 citizen 23:24 citizens 24:3 city 1:7 4:24,25 5:4 32:2 72:7 79:13 96:16 98:9 108:14 110:21 111:13 151:22 167:6 197:17,18,22,22,25 198:1 201:14,14 202:18,20,21,23,24 203:1,18 city's 103:7 177:6 civil 32:1 72:20 95:20 97:13 136:21 137:4 claim 27:15 claimed 27:24 165:24 cleaned 115:11 cleaner 112:15 116:25 cleanup 11:14,17,25 122:23 126:6	clear 12:12 14:3 38:10 57:22 61:1,11 cleared 62:11 clearing 55:12 clearly 20:4,5 47:4 61:13,16 62:11 clerk 2:8 cleveland 141:9 client 112:23,23 117:1 120:1 179:24 cliff 15:24 24:3 cliffs 15:11 16:13 17:20 59:10 64:12 climbing 36:5 clinton 72:6 74:10 74:15,20 75:8,10,13 75:20,22 76:16 77:16,21 79:20 93:19 98:8,17,23 99:19 103:16,17,25 104:4,16 clogging 143:10 close 55:12 57:8 98:23 177:20,21 201:6 207:7 closed 142:7 closely 101:11 158:3 closer 147:7 closest 123:24 closing 93:10 losures 93:7 coal 115:10 129:24 code 19:24 20:2 82:16 83:5 87:7 collasuol 136:7,8,11 136:11,13,15,18,21 136:25 137:3,11,15 137:19,23,24 138:2 138:6 139:11,16 140:2,19,24 141:10 142:5,16,24 143:5 143:13 144:2,8,16 144:20,25 145:23 colleagues 109:20 161:11
---	--	---	---

collect 80:17	commercial 81:7,25	107:21,22,23,24,25	175:16 176:8,16,20
collection 114:3,3	82:8,10,12 87:12,14	108:1,2,3,4,5,6,7,8,9	176:21 177:5 179:7
college 110:16,22	88:21 110:2 112:15	109:9 120:2,15	179:18,23 180:6,19
136:14,15	119:15	121:7,11 122:5,8,12	180:23 181:1,6,24
color 79:21,24 80:5	commission 144:19	122:14,20 123:1,9	182:1,3,4,5,6,7,8,9
80:6 149:18	167:6 177:15,20	123:24 124:3,8,19	182:10,11,12,13,14
colored 79:10	183:17 184:21	125:1,12,17,24	182:15,16,17,18,25
columbia 109:12	commissioner 1:9	126:9,23 127:5,8,9	185:11 186:8 187:9
combination 82:5	1:10,10,11,11,12,12	127:16,25 128:19	187:12 188:3,9,14
combine 123:18	2:15,16,17,18,19,20	128:22 129:4,6,15	191:11,20 192:1,7
combined 98:16	2:21,22,23,25 3:1,2	129:17 131:2	192:14,21 193:1,7,9
103:7 141:24	3:3,4,17,19,22,23,24	132:15,20 134:2,16	193:12,12,13,14,15
142:11,12,23	3:25 4:1,2,3,4,5,6,7	136:2 140:7 141:7	193:16,17,18,19,20
143:24	4:8 5:6,8,10,11,11	142:1,13 143:3,7,16	193:21,22,23,24,25
combining 144:1	5:12,13,14,15,16,17	144:6,11,15,18	194:1,3,16,17,19,19
come 22:11 30:19,22	5:18,19,20,21 17:13	145:4,13,16,20,24	194:20,21,22,23
62:9 65:24 66:13	20:22 29:11,21 30:1	146:5,9,12,18,22	195:1,2,3,4,5,6,7,8,9
69:15 81:11 90:18	30:17 50:12,22 66:5	147:6,10 148:1,7,11	195:10,11 196:12
93:19 94:21 95:2,11	67:8,10,18,20,22,23	148:19,25 149:3	196:14,17,18,18,19
97:4 100:2 101:4,18	67:25 68:1,2,3,4,5,6	150:6,9,9,10,11,12	196:20,21,22,23,24
102:16,19 122:2	68:7,8,9,10,11,17,19	150:13,14,15,16,17	196:25 197:1,2,3,4
131:21 134:21	68:22,23,24,25 69:1	150:18,19,21,22,23	197:5,6 198:2,4,7,8
157:6 161:7 165:7	69:2,3,4,5,6,7,8,9,10	150:24 151:14	198:8,9,10,11,12,13
180:8 192:14	69:24 70:2,4,4,8,9	152:5,7,10,16,19,24	198:14,15,16,17,18
201:23	70:10,11,12,13,14	153:4,15 154:7,12	198:19,20,21
comes 12:16 119:5	70:15,16,17,18,20	154:20 155:1,3,9,13	199:11,18 200:1,4,9
comfortable 139:22	71:1,9,14,23,25	155:14,19 156:2,9	200:18,20 201:3,5
155:25	72:1 78:13 80:13	156:20 157:1,4,11	202:7,9,13,16 203:2
coming 19:20 29:17	81:6,24 82:9,13,18	157:13,15 158:16	203:5,8,24 204:1,11
41:20 95:9 134:11	83:10,13,17,20 84:3	158:20 159:1 160:3	204:19,22 205:6,8,8
196:7 199:18	84:7,12,15 85:2,5,8	160:8,14,16,17,19	205:9,10,11,12,13
commend 104:24	85:10,13,20,24 86:5	160:23 161:2,6,12	205:14,15,16,17,18
191:1	86:11,19 87:6,11,17	161:16,22,25 162:1	205:19,20,21,22,25
comment 29:15 30:5	88:2,5,7,13,16,21	162:2,3,4,5,6,7,8,9	206:2,4,5,8,11,13,14
30:10 49:3 53:9	89:2,14,23 90:6	162:10,11,12,13,14	206:15,16,17,18,19
86:21 104:25	91:16,18,23 92:2,5	162:15 163:9,17,18	206:20,21,22,23,24
108:10 167:19	92:11,18 93:1,5,25	163:22,23,24	206:25 207:1,6,8
188:20 190:18	94:8,13,15,16,24	164:14,21 165:1,5	commissioners 71:3
200:21 204:14	95:3,12,16,24 96:3	165:12 166:6,17,22	127:14 161:7
comments 25:7	96:10,12,21 97:1	167:23,25 168:3,11	203:25
83:15 90:8,8 91:14	100:21 101:14	168:16,21 169:3,4,7	committee 32:13
102:23 136:1 140:9	102:1,6,9,17 104:15	169:8,16,18,18,19	90:10 188:19
140:10,13,18 141:6	104:18 105:12,17	169:20,21,22,23,24	190:19,21,25
144:23 188:17	105:22 106:13	169:25 170:1,2,3,4	common 53:21
191:12	107:8,16,17,20,20	170:5,6,7 171:15	75:15,16 106:11

community 12:18 13:11,18 14:16,17 32:11 76:9 93:7 112:13 203:13 compacted 56:9 company 72:5 168:6 comparison 172:23 complaint 106:24 complete 65:15 96:22 164:13 165:14 195:23 196:2 completed 100:3 107:5 completely 81:20 115:8 124:18 141:16 186:20 completion 125:13 125:16,19 compliance 2:10 42:6 159:16 complied 108:13 118:7 complies 18:16 compliment 15:2 comply 115:20 118:7 139:14,25 140:2 158:22 complying 118:15 component 78:10,12 components 18:3 46:11 comprehend 23:4 comprehensive 201:12 205:3 compromised 64:4 computations 144:4 conception 79:21 concern 24:2 59:18 127:10 132:16 152:10 concerned 9:9 22:13 23:24 40:18 63:24 92:20 181:2	concerning 25:21 34:18 37:9 61:7 111:8 137:10 concerns 19:11 64:2 78:5 131:21 158:4 concluded 25:1 107:14 207:9 conclusion 6:14 20:10 37:22 175:12 concrete 56:11 113:7 115:10,24 123:22 126:15 142:17 concur 66:11 condition 36:1 120:21 134:18 141:2 147:21 179:16 conditions 120:18 133:3 140:3 148:24 149:1,2,7,9,11,20 150:20,25 179:9 condo 86:17 condominium 6:20 6:24 24:24 86:20 condominiums 85:11 conducting 141:20 configuration 93:23 112:6 138:13 conflict 101:23 162:20 conjunction 115:15 202:24 connect 38:3 118:18 118:21,23 connected 142:22 142:23 connecting 141:21 142:2 143:23 connection 63:24 119:1 141:9 connell 164:9 connolly 164:3,9,9 164:17,24 165:3	166:19 170:14 171:21 conscious 191:10 consent 125:25 171:22,25 consented 151:22 170:23 conservation 51:14 conserved 10:13 consider 13:1 23:5 23:13 28:9 71:12 consideration 11:6 25:23 35:9 54:21 158:25 202:2 considerations 19:5 54:8 considered 52:22 53:3,24 55:25 56:2 121:4 considering 52:8 174:12 186:22 consist 109:25 consists 112:1 114:13 constituents 204:18 constrained 8:17 53:3 constraint 52:24 53:1 165:10 167:1 construct 91:21 constructed 91:4 constructing 142:6 177:6 construction 10:14 10:21 61:17 62:15 90:12,13,15 91:3 92:23 93:2,6,11,13 94:5 101:10,22 113:6 124:14,16 138:20 167:2,4,15 167:20,21 192:23 200:11 consult 66:8 67:15 83:14	consultant 6:16 32:11 129:9 130:6 consultants 78:3 148:21 consultation 6:4 consulting 32:9 150:1 172:22 contact 109:16 192:22 contained 106:8 141:13 containers 114:2 containment 80:18 contaminate 133:14 contaminated 129:13,16 contaminating 133:15,16 contamination 11:20,22 127:12 129:1,3,7,20,21 130:15,18 131:4,7 134:12 188:12 content 139:24 contents 138:8,8 contingencies 164:6 continuance 152:17 156:3 continuation 6:13 156:24 159:9,11,18 continue 7:12 65:16 69:25 70:5,6 159:3 167:4,13 169:17 continues 129:20 133:14 continuing 6:7 66:3 130:1 continuous 186:17 190:9 continuously 32:5 126:18 contract 164:4,6 contractor 93:16 192:25
---	--	--	---

<p>contractual 164:5 contrary 57:21 contribute 181:21 contribution 179:8 179:11 181:19 control 33:18 141:18 157:21 controlled 81:14 controls 120:19 121:12 controversial 201:21 convenient 160:6 conversations 71:7 conversion 77:24 cooperative 78:4 coordinate 90:12,14 91:9 94:6 coordinated 78:18 106:11 138:13 coordinating 99:1 101:10 coordination 93:13 100:5,22 copies 27:21 29:1 31:18 58:6,8 71:15 74:13 copy 28:24 31:3,17 31:22 38:18 41:4,5 41:7 49:15,17 50:10 58:4,4,5 71:19 72:2 129:10 140:11,14 140:16 177:25 cordinon 20:25,25 21:14,19,22 22:5 corner 76:4 118:4 124:7 141:22 142:25 147:4 185:10 corners 117:14,15 correct 21:21 34:9 39:2 42:22 43:20,21 44:1 53:4 86:4 87:10 89:10 95:15 111:5,6 128:21</p>	<p>132:18 134:3 138:1 139:10 142:24 161:22 167:22 173:9 178:5 188:13 corrected 160:12 correction 86:14 corrections 189:24 correctly 8:12,22 157:12 175:21 correspondence 138:23 139:8,13 corridor 18:7 corridors 18:13,15 counsel 27:22 29:25 30:1,2,23 154:23 157:2 164:14,22 counsel's 150:25 counties 32:17 country 23:15 county 1:1,3 2:3 4:20 9:11 11:15,16 12:12,25 13:4,24 15:10,13 16:7 18:9 18:18 19:8 27:21 28:8 33:4,18 34:11 37:6,14 38:16,20 39:9,17 40:4,8,10 41:8,12,19,22 42:10 42:17,18,25,25 43:10,23 47:15,24 48:5,21 49:23,25 50:4 51:13 52:16 53:15,22,23 54:10 54:22 56:17 57:23 58:2,10,18 59:6 60:10 63:19,24 64:2 65:2 78:3,16,19 79:14 81:2 89:25 93:14 98:4,21 100:20 101:18 103:5,18 104:10 105:7 108:14 111:25 113:22 115:20 118:8 119:7 130:16,16,25 131:8</p>	<p>133:8 134:14 135:19 139:8,9,10 139:18 140:1 141:25 142:9,22 149:11 157:19 158:2,9 159:5 164:15,22 174:6 177:4 178:18 181:6 183:1,11,15 186:13 186:18 189:17,18 190:21 191:24 192:15,16 200:3 201:11 202:3,25 204:15 205:2 206:6 county's 33:15 38:7 38:19 48:7 55:17 94:3 95:5 101:20 102:7,20 109:16 couple 162:21 188:16 191:1,12 coupling 142:25 course 101:11 court 32:16 184:20 208:6 courts 111:8 137:9 courtyard 77:1,5,7 112:6 117:9 cover 50:1,6 55:18 55:25 56:2,6 120:24 138:7 179:13 coverage 118:12,13 179:5 180:16 190:16 covered 38:10 56:9 115:9 174:12 crafted 54:22 58:25 crazy 118:11 create 76:9 187:1 190:16 created 158:6 177:13 186:17 creating 76:2 96:18 creation 177:9 credentials 135:11 184:13</p>	<p>creek 179:8 181:22 criteria 17:25 19:7 42:8 criticism 154:13 cross 6:15 7:2,23 13:4 35:18 65:15 201:4 crosses 35:24 36:24 crowd 25:6 crushed 55:22,22 56:4 cultural 82:11 87:15 curb 101:2,5 120:7 186:17,19,20 189:11,17,19 191:14,16,22 192:8 curious 86:25 148:3 164:15 curley 1:15 2:5,7 7:10 24:16,17 28:4 28:22 29:3 30:9 31:10,14 41:4 58:5 61:5,6 63:11,15 67:2 73:3,5,6 101:17 109:4 149:6 149:9,17 154:9 155:4,10 158:21 159:11,15 164:22 164:24 171:22 172:1 184:3,5,8,10 current 8:24 13:9 14:14,20 43:19 65:3 133:10 190:2 currently 43:10 96:7 156:16 158:15 curriculum 31:4,17 customer 180:13 cut 173:1 186:17,19 186:20 189:12 cuts 35:23 61:12 cutting 55:13</p>
			d
			<p>d 22:9 23:2,14 110:10 168:8</p>

182:25 194:1 195:17 203:19,19 daily 117:4 damage 60:13,16,21 damaged 178:14,17 damn 23:2,15 dance 82:5 danger 22:16 23:12 daniel 1:9 daniela 1:20 data 78:17 133:11 date 66:7,22,23,24 67:4 69:16 156:19 156:21 157:3 158:17,21,24 160:5 160:6 166:4,12 dated 31:6 49:16 50:1,5,15,17 58:11 58:22 88:19 dates 199:14 david 4:18 day 117:5,5 127:17 156:22 159:6,13,19 160:10 161:11 191:6 days 90:2,3 159:8 162:25 196:3 dead 178:8,17 181:9 deal 120:21 126:19 129:1 162:21 dealing 26:6 125:11 129:7 144:14 dealt 98:3,3 128:4 dean 72:20 73:1,2 200:5,9 decent 120:6 decide 24:18 130:20 decided 87:21 113:2 114:25 115:4 153:19 173:19 deciduous 135:20 decision 11:7 18:2 22:13 24:14 154:16 declared 163:12 197:10	decrease 174:23 179:13 decreased 186:16,23 dedicated 81:22 deed 81:15 85:18 deemed 195:23 196:2 deep 91:22 deepak 4:23 deepest 163:4 default 196:9 defeated 157:16 defer 28:2 96:8 104:20 131:9 163:10 168:4,8 169:1 deference 204:5 define 20:6 defined 55:9 definitely 161:16 171:18 definition 10:3 52:25 55:18 56:7,12 56:15 definitions 54:14,16 54:18,19,21,23 55:1 55:7,8,15 81:18 delineated 189:16 deliver 125:3 delivered 71:18 demetri 83:10 179:6 demetrio 1:10 104:25 203:1 demising 84:25 demonstrate 48:16 demonstrated 47:22 denial 21:24 22:2 29:12 denman 183:25 density 46:7,13 49:10,12 deny 30:18 dep 21:24 22:1 37:14 94:21,21,23 100:7 102:1 115:12	115:15,17 120:21 120:25 122:19 123:7 125:6,25 129:11 130:17,24 134:6,24 135:1 department 88:17 127:22 131:13 depending 86:17 87:24 94:4 171:8 depicts 138:7 describe 31:23 35:19 48:10 51:7 54:24 103:22 described 98:13 describing 16:24 description 72:15 72:17 design 76:13 94:23 designated 114:1,19 designed 74:23 77:23 99:10 103:14 141:16 203:4 desire 25:23 98:10 desired 202:23 despite 85:25 detail 187:6 189:14 details 138:20 detention 80:16 98:12,15,15 102:24 141:11 determine 66:7 152:19,22 153:1 158:17 determined 16:7 172:10 determining 18:25 detriments 48:6,18 48:20 develop 13:25 17:19 59:14 62:12 109:23 111:21 113:3 developed 8:20 18:6 45:19 developer 17:16 23:8 45:13,25 86:15	101:1 122:19 developers 11:1 19:19 23:16 development 10:14 10:16 11:10 15:18 15:20 16:6,21 18:4 18:10 19:2,12 21:5 22:14 27:8 33:16 37:25 42:24 43:25 52:2,3,10,13,16 53:7,17,24 54:8 55:6 57:15 61:14 63:19 174:24 201:12 203:20 205:3 developments 15:23 16:1,3,10,12 deviation 40:5 57:10 57:12 diagonally 35:23 differ 54:18 difference 20:5 179:14 185:7,12,13 185:15 differences 55:1 different 12:10 27:7 30:12 39:8,8 47:11 54:14 55:7,19 99:8 121:8 122:18 129:7 159:7 178:11,13 difficult 19:10 86:19 diner 112:21,22 diners 112:23 directed 155:10 direction 99:16,22 133:18,19 146:8 directly 15:17 38:7 57:21 97:10 180:12 192:24 director 1:17 32:7 dirt 12:5 disagree 15:6 disapprove 162:25 discharge 98:16
--	--	---	--

<p>disclosure 132:9 discourage 52:3,12 discrepancies 171:8 discuss 201:24 discussed 90:9 149:20 152:3 154:25 155:7 discussing 185:19 discussion 59:18 dismiss 196:8,11 dismissal 196:6 dismissed 163:11 195:18 display 77:9 disrespect 127:20 disservice 153:22 distinction 13:25 14:3 distorts 20:2 distribute 49:16 disturb 49:2 53:19 57:1 60:13 disturbance 9:15 10:23 13:13 14:15 27:13 38:4 52:14 55:8,14 56:13,14,14 57:9 61:25 disturbances 54:15 disturbed 8:9,13,16 9:6,18,21 10:3,10 10:17,22 11:9,10 17:3,8,10,11,12 19:1 57:4,19 disturbing 12:15 64:21 diversity 46:20 divided 75:15 dividing 41:21 division 80:8 doctor 194:2 document 39:8 50:3 51:11 131:11 documentation 132:5</p>	<p>documents 11:16 12:11 13:24 15:13 18:9,18,23 49:22 53:7 54:4,5 202:1 doghouse 141:23 142:6 dogs 191:6 doing 39:23 87:2 92:7 94:14 101:19 116:7 118:16,16 121:1,22,23 128:15 132:9 134:3 144:23 167:13 188:20 190:9 192:8 203:15 dollars 148:6 179:14 door 99:19 117:2,24 doors 77:12 100:13 100:13 113:20 dot's 143:9 dots 74:21 double 144:24 downpour 80:17 downstream 143:21 dpw 181:14 dr 166:25 183:10,23 184:8 186:5 draft 201:14 drafted 173:15 drafters 47:5 drafting 32:13 39:10 drain 98:14,16 103:15 104:4 141:10,13,20,24 drainage 42:18,25 63:23 98:19 102:25 103:7 104:22 130:9 130:12,19,21 131:5 131:16,23 133:7 138:15 140:14,14 141:3,8,11,19 149:12,24 drains 98:14 dramatically 181:15</p>	<p>drawing 74:11 103:24 149:16 185:10 191:21 drawings 73:25 74:12 79:18 113:16 193:4 dream 118:9 dress 115:6 drive 96:5 183:21 driven 133:3 driveway 96:4,7 99:6,8,11,12,17,23 driving 91:24 92:6 178:6 drop 191:14,16 dropoff 114:2 drops 104:14 drumeler 4:18 dry 112:15 116:24 due 29:23 50:19 130:13 134:19 dug 129:4,5 duly 31:9 72:25 73:1 97:6 110:6 136:8 151:10 173:3 184:4 dumping 148:15 dwelling 61:17</p> <p style="text-align: center;">e</p> <p>e 1:8,8,14,14 31:12 40:9 41:24 42:1 43:4 45:1 71:18 72:1,13 115:15 161:9 168:8 195:20 203:19 208:3 earlier 33:6,9,21 111:12 200:6 earliest 156:21 157:3 early 8:22 61:8 92:25 earmarked 203:3 easel 74:1 easement 35:2,22</p>	<p>easier 106:9 122:2 east 8:6 14:25 21:1 22:9 109:3,24 111:14,19,23 114:10 115:21,22 116:5 127:20,20 128:17 eastbound 99:16 easy 38:18 146:9 economic 19:2,11 49:1,3,5,13 53:7,17 54:8 205:3 economically 24:6 eda 165:19,20,22 educated 62:21,25 education 31:20,25 edwin 161:10 effect 14:11 64:7 143:18 effects 52:1 63:8 eight 140:3 189:18 either 63:2 65:25 115:9 119:11 128:17 132:1 145:8 145:21 164:11 168:13,19 178:8 elaborate 140:9 elected 127:25 electronic 71:18,22 electronically 71:24 element 26:7,7,11 26:12 elements 78:6 elevated 55:23 106:23 elevation 79:20 94:18 100:9 102:3 147:19 elevations 79:18 elevator 76:1 116:16 116:16 eleven 56:23 61:25 117:17,17 146:20 eliminate 27:23 186:21</p>
---	--	--	---

<p>eliminated 181:4 186:20 191:16,22</p> <p>elimination 176:25</p> <p>employed 32:10</p> <p>enables 33:18</p> <p>enabling 41:7,10 42:13</p> <p>enclosing 172:14</p> <p>encoach 105:7</p> <p>encroaching 102:19 120:9,10</p> <p>encroachment 120:3,5</p> <p>energy 179:25 180:14,15</p> <p>enforcement 40:11 45:7</p> <p>engineer 10:8 62:18 62:20,22,24 72:21 78:9 95:8,20,21 96:2,4,9 97:4,13,19 108:16 109:19 119:5 130:4 131:9 131:12 136:3,7,24 137:2 139:9 140:1 172:19,21 173:8</p> <p>engineer's 9:14 98:21 101:19 131:21 192:15 202:25</p> <p>engineering 14:6 32:1 41:17 62:14 90:8 95:8 97:23 98:2 131:25 136:22 137:4,4,10,20 147:18 173:5</p> <p>engineers 58:18 98:4 130:11 150:1</p> <p>enlargement 174:1</p> <p>enlarges 175:10</p> <p>ensure 101:23 133:6</p> <p>enter 100:10 145:6</p> <p>entered 79:9 80:7</p> <p>entering 125:24 145:5</p>	<p>enters 17:13 91:16</p> <p>entire 27:12 58:9 91:24 115:19 117:11 121:23 141:1 174:9 190:7</p> <p>entitled 50:5 57:25</p> <p>entity 81:21 87:20</p> <p>entrance 79:17 95:1 145:10,14</p> <p>entrances 78:18 79:16 94:17,25 95:13 145:9</p> <p>entry 91:5,8</p> <p>environment 12:19 51:25 53:1,18 54:9</p> <p>environmental 11:13,23 52:24 81:4 128:4 129:10 130:5 130:6 131:12,25 132:4,5,22 149:10 149:24</p> <p>environmentally 11:18 19:4 51:16 52:4 53:3</p> <p>environments 52:3</p> <p>equally 43:14</p> <p>equipment 62:5</p> <p>equivalency 128:18</p> <p>erosion 13:12</p> <p>error 38:21 43:16 82:8,12</p> <p>especially 19:12 203:20</p> <p>esq 1:15</p> <p>essence 30:6</p> <p>essentially 10:24 12:15 25:19 27:8 44:11 49:7 126:16</p> <p>establish 190:10</p> <p>establishing 54:6</p> <p>establishment 36:2</p> <p>estate 110:2</p> <p>et 133:7,24</p> <p>evaluate 37:2</p>	<p>evaluated 20:9</p> <p>evaluates 13:1</p> <p>evaluating 20:13</p> <p>evaluation 19:6 52:10</p> <p>evening 2:1 6:18 23:22 33:6,15 38:14 59:7 67:4 72:9 77:13 151:4 161:19 201:11,18</p> <p>event 77:13,13</p> <p>events 76:24 77:11</p> <p>everybody 22:15 24:10 46:22 47:16 114:22 160:21 161:9 164:19</p> <p>evidence 29:20 50:14,16,18 60:16 79:9 80:8</p> <p>evil 22:24</p> <p>exacerbation 131:6</p> <p>exact 80:5</p> <p>exactly 9:25 33:1 100:17 124:1,21 127:4 132:22</p> <p>examination 6:15 7:2,23 33:16 49:25 51:14 65:15 201:4</p> <p>examine 132:4</p> <p>examining 61:10</p> <p>example 41:21 46:6 55:10 76:13 80:7</p> <p>excavate 62:3</p> <p>excavation 55:12 61:15,20</p> <p>exceed 83:9 142:19</p> <p>exception 37:13,20 38:8,22,25 56:13 140:23</p> <p>exceptions 39:20</p> <p>excerpt 50:4</p> <p>excerpts 49:24</p> <p>excess 142:18</p> <p>exchange 99:3,4 100:19</p>	<p>exchanged 98:20</p> <p>excuse 45:6 56:1,25 113:12</p> <p>executive 200:3</p> <p>exempt 87:3 163:12 197:10</p> <p>exempted 87:13</p> <p>exercised 40:17</p> <p>exhausted 157:8</p> <p>exhibit 42:2 51:22 79:24 80:3 81:12 113:14 138:25 139:5</p> <p>exhibits 174:8 185:17</p> <p>exist 22:24 35:3 129:20</p> <p>existed 13:17 14:15</p> <p>existing 13:25 36:1 52:9 106:25 109:5 119:2 141:21 142:3 142:5 174:13 178:8 186:1,9 192:4</p> <p>exists 13:10 99:8 112:20 131:15 179:22</p> <p>exit 145:7,9,10,14</p> <p>exiting 145:6</p> <p>expand 173:20</p> <p>expansion 173:11 174:13,16</p> <p>expect 157:23</p> <p>expecting 139:19</p> <p>expects 130:11</p> <p>expeditious 190:22</p> <p>experience 31:20,24 137:1</p> <p>experienced 200:14</p> <p>expert 24:25 32:15 32:24 50:20 63:2 65:7 69:20 109:16 109:17 135:10 137:19 184:19</p> <p>expertise 127:22 131:9 133:2</p>
--	--	---	---

experts 132:4 explain 15:25 17:21 103:11 127:14 explained 41:18 exposure 55:10 expressed 169:5 200:7,12 expressly 165:4 extension 171:23 extensive 105:5 111:4 extent 10:15 100:6 extra 58:6 75:25 117:3,16,20 128:15 extreme 15:23,25 19:21,23 20:6,6 49:6,9 extremely 185:22 192:9 eyes 19:22	fair 31:19 42:12 52:15 63:5 64:24 65:1 132:8 141:4 fairly 34:4 37:2,25 58:22 59:1 fairness 40:17 fall 59:15 80:18 116:11 falling 59:23 falls 17:7 30:11 familiar 34:5 37:25 112:22 124:4 157:24 far 22:13 130:14 133:16 184:13 fashioned 187:21 fast 192:13 favor 138:3 feasible 80:10 166:5 feature 46:24,25 62:8 76:4 features 38:6 february 58:3,23 federal 202:21 fee 179:15 feel 17:6 28:1 77:23 106:20 118:5 127:25 139:13,22 139:23 feet 10:9,12 17:4,10 56:23,25 57:2 61:25 76:7,22 84:11 87:13 89:21 110:2 112:3,4 112:18 116:20 120:25 129:4,5 138:10 172:12,16 174:14,20,24 176:3 176:7,12,15 186:7 186:21 189:4,5 191:17,23 fenced 34:1 field 110:15 111:5 135:6,10 136:19 137:19	fifty 14:21 84:19 176:21 fight 146:23 fighting 22:15 23:19 24:10 figured 92:3,12 filed 80:8 fill 74:24 120:25 121:4,5,10 final 18:2 115:11 120:23 123:18 124:13 125:3 126:6 126:7,13 201:14 finalize 124:13 128:16 finalized 66:21 123:13 finalizing 115:16 finally 52:5 56:7 63:17 132:13 200:23 finance 86:20 financing 86:12 87:3 113:11 153:9 153:17 154:18 162:23 165:11,16 165:17,19 find 86:20 87:25 155:16 199:20 finds 91:11 fine 87:25 124:12,12 147:25 166:2 fines 190:1,2 finish 28:17,18 121:3 125:17 160:4 163:20 finished 7:2 96:19 171:17 finishing 93:22 firm 27:22 109:12 firms 32:9 131:23 first 3:12 20:3 21:4 31:8 32:25 33:3 35:17 37:24 41:6,19 43:13 49:24 72:15	73:7 87:13,23 91:19 100:9 110:2,5 154:12 155:23 156:18 163:2 168:5 171:13 179:1 181:21 184:2 185:20 fitting 147:11,12 fitzgibbons 1:11 2:21,22 3:17,23 4:5 4:6 5:8,11,17,18 50:12,21,22 67:10 67:22,24 68:6,7,19 68:23 69:5,6 70:2,5 70:14,15 78:13 80:13 83:10 104:15 104:18 107:17,21 108:2,3 148:19,25 150:9,16,17 155:13 160:19 161:6 162:8 162:9 169:25 170:1 181:24 182:4,11,12 193:19,20 194:16 194:19 195:4,5 196:12,17,24,25 198:2,7,14,15 199:11 201:3 202:7 202:16 205:15,16 206:2,5,19,20 207:6 five 7:4 68:14 77:3,4 81:2 120:11 141:18 153:21 171:1 fix 133:21 flag 3:10,11 flash 80:21 flat 9:7 flexible 48:15 flood 52:13,13 80:21 92:10 94:18 100:9 100:11 102:3 104:9 104:19,25 181:7 flooding 181:8,9,13 181:16 floor 75:4,9 76:7,14 76:14,19,20,20,21
f			
f 1:8 184:7 203:19 208:3 face 47:21 57:16 77:8 189:19 faced 63:5 faces 22:12 facilitate 59:15 facilitated 175:24 facilities 8:25 43:1 173:12 175:22 facility 175:8,20 183:13 fact 11:12,13,23 17:7,25 21:4 23:13 27:13 45:4,25 47:14 85:25 104:21 131:3 133:3 146:2 154:16 158:12 factor 19:6 52:9 factory 77:25 fail 103:12,15 104:5 failure 25:21			

77:17,18,18 79:15 100:9 110:3 116:15 117:7,8 132:17,22 133:5 147:11 149:22 161:18 176:6,12 186:11 floors 77:1 116:17 flor 90:7,17,22 91:2 91:8,11,14 102:23 103:4,10 104:2,20 132:7 140:10,22,25 142:4 143:20 144:21 161:10 167:18 188:16 189:3,9,10,15,25 190:5 florham 109:13 flow 99:14 103:18 flowing 133:18,19 focus 37:22 156:14 foley 164:10 folks 134:20 follow 7:12 33:7 44:9,10 108:15 followed 66:12 following 172:9 follows 42:3 foods 152:1 foot 84:8,16,18 85:6 117:17 148:12 174:8 186:2 188:23 188:24 190:10 191:13 footage 83:22 146:14,15 174:20 174:20 175:3 176:9 footings 91:3,20 footprint 174:12,15 176:1,2,11,11 186:6 190:10 forego 72:17 foregoing 208:7 forest 64:3 forever 81:17 87:25	forgot 123:17 form 53:13 121:2 formal 79:19 169:2 format 71:18 formed 36:19 37:18 fort 111:14 forth 43:25 47:24 51:9 168:19 fortunately 93:18 forty 106:12 153:21 forward 16:8 67:6 80:11 126:2 140:15 156:6 168:19 196:1 foundation 53:13 54:6 60:2,18,22 91:20 foundations 91:22 four 34:7 35:14 99:10 112:8 117:14 117:15 127:21 135:24,24 170:25 fourth 65:23 116:17 fraction 26:7 fragmentation 64:3 frame 94:4 frames 162:23 frank 122:7 183:20 184:4,7,7,12,15,15 185:2,4 187:18,20 188:1,7,13 189:9,13 189:23 190:8 191:5 191:15,22 192:3,9 192:19,24 193:3 195:20 frankly 16:22 20:10 130:4 free 135:21 freeholder 155:7 161:12 169:13 199:16,24 204:5 freeholder's 204:18 freeholders 2:9 42:10 156:17 158:19	freezes 62:9 front 21:8,18 28:1 34:25 73:18 90:18 92:6 98:11 101:5 102:16 111:20 177:15 178:4,18 183:14 189:11 frontage 98:7 174:9 174:10 fronts 74:20,20,22 full 24:20 110:8 113:16,18 132:9 136:10 172:6 fully 66:10 86:7 133:2 function 26:15 fund 181:19 funding 113:6 165:11 further 113:13 140:4 future 86:18 203:17 g g 23:2,14 28:19,23 29:4 31:6,12,16 41:4,7 42:2,21 49:16,19,21 51:22 57:25 194:1 gabion 59:13 galaxy 6:19,24 8:24 24:24 25:13,24 27:9 27:19 59:18 183:21 gallery 74:6 76:7,8 76:21 77:6,11 82:4 game 124:23 garage 79:17 91:6 94:22 98:14 99:7 100:13 105:16,18 112:10,10 113:20 113:20 121:22 garbage 114:2,3 gardens 77:9 garrubbo 5:2	gas 35:24 36:24 59:19 63:1,2,6 115:10 119:6 gather 17:14 general 10:7 20:12 51:8,24 52:7,8 71:10 104:1 201:19 generally 132:21,23 generate 65:2 179:25 generates 176:5 generic 9:23 gentleman 140:5 gentlemen 23:23 151:4 geographic 46:24 getting 113:10 115:18 118:12 130:14 133:17 180:25 200:25 203:19 give 28:25 30:14 31:22 41:4 49:15 50:15 58:3,4,5 79:21 97:22 98:2 120:23 121:1 124:15 127:6 184:12,23 193:5 200:19 given 47:18 100:4 101:21 133:13 giving 29:14 30:4 50:16 124:5 126:11 glad 175:14 go 12:11 13:24 16:2 20:24 24:18 34:1 44:6 60:8 65:12 66:15 75:9 85:19 86:17 99:18 102:21 106:7 112:7 113:13 118:23 119:5 146:3 146:3,6 151:11,12 158:9,11 166:6 168:4,21 177:14 185:20,23 187:6
--	--	---	--

190:3 192:19 200:20 goal 51:20,24 57:17 92:24 goals 18:22 50:5 51:15,23 52:1 57:21 goes 11:15 19:1 36:25 103:7 114:8 119:1 120:7 148:21 going 6:6 7:5,8,11 16:8 17:8,15 20:19 21:5,14,20 22:12,14 22:19 23:13,15 25:9 25:19 27:17 28:2,21 40:2 41:3 44:9,10 44:18,19,24 51:3 57:24 61:23 65:12 65:19,24,25 74:1 78:14 81:11,13 82:18 86:6 90:17 91:20 92:23 93:5 94:2,10 95:13 96:14 96:18 98:18 101:11 101:18 105:25 112:24 113:4 116:15 118:20,20 118:23 119:9,24 120:11,25 121:1,13 121:14 123:5,6,13 126:2,20 128:14 131:13,16 133:24 134:7,16 141:1 142:14 146:6,7,22 151:7,17 153:16,20 156:4 157:8,9 158:5 158:8,17 160:6,8 163:25 165:14,21 168:11,23,25 172:14 180:16 186:20 189:7 190:10 191:14,15 196:5 200:23,24 201:22 203:9,18,21 203:22	golemis 108:25 109:14 gonna 199:5 good 2:1 6:18 22:24 23:22 72:9 99:24 100:19 104:2 113:10 188:20 gotcha 135:23 gotten 125:8 144:7 167:5 183:17 govern 55:17 governed 28:7 government 39:9 53:22 governs 41:11 goya 152:1 163:7 164:8 165:9 171:13 grade 95:10,14 100:10 104:1 119:15 135:24 grades 99:5,11 103:17 104:4 grading 55:12 141:10 graduate 110:16,23 136:16,20 grand 74:10,15,22 75:10,19,23 76:18 79:20 93:19 98:7 grant 75:24 102:2 granted 131:10 granting 18:25 48:17 49:6 grass 55:25 176:4 190:11 gravel 55:22 great 100:6 180:21 greater 46:13 green 78:6 80:13,14 115:6 178:24 179:24 190:12 greenfield 11:11 14:1 greg 173:3,4 179:12	gross 174:18 176:12 176:14 ground 75:4,9 79:15 92:9 98:22 113:5 121:13,14,16,20 126:24 129:25 130:19,21 131:5 132:17,21,25 133:4 141:15 group 58:2 87:23 88:4 167:7 grow 23:11 grows 116:12 growth 203:17 gruel 7:3 8:7,16,23 9:4,10,13,22 10:6 11:4,21 12:8,23 13:22 15:1,5,8,12 15:19 16:2,14,19,25 17:9,24 19:18 20:3 21:7,16,21,25 37:5 40:4 43:13 45:17,23 48:25 53:5 55:8 56:21 gruel's 37:12,22 40:3 44:25 46:16 54:13 63:18 guess 17:5 20:4 65:16 87:18,20 103:12 122:9 123:9 127:6 143:24 157:1 164:19,21 183:19 guide 42:10 gurnani 197:16 guy 5:2 105:24 guys 148:3 180:5 gym 112:14 116:20	hampered 181:15 handicapped 82:14 82:24,25 handle 97:2 128:10 handy 55:2 happen 21:5 40:22 54:18 189:7 happened 105:6 163:3 happening 38:13 76:12 86:17 happens 42:2 happy 188:18 harborview 51:21 hard 6:21 12:20 17:16 30:17,21 71:19 harder 79:22 hardship 17:15,19 17:22,25 22:25 23:2 23:9 25:25 26:21,23 26:24 27:1,24 40:14 44:21 45:11 47:9,21 48:2,13 49:1,3,4,5,9 49:13,13 100:8 105:4 hardships 42:5 hardware 100:12 harish 197:24 harmed 163:25 harrison 195:21 hashana 160:18 hatch 152:3 160:1,2 166:24,24,25 167:14,22 182:25 183:3,10,24 184:8,9 184:9 hatch's 171:11 186:5 hate 127:2 hazard 52:13 106:21 heading 51:23 52:7 72:16
		h	
		h 184:9,9 habitat 12:16 64:4 half 21:6 40:8 50:3 51:22 92:25 93:9 114:21,22 135:20 199:10,12	

<p>health 128:2 hear 6:22 16:19,24 30:20 33:7 60:2 83:14 155:15 157:9 166:3 168:24 180:20 heard 33:5 53:5 59:17 61:21 66:10 97:21 98:1 104:17 161:15 164:1 166:14 172:6 196:2 hearing 4:15 6:3,7,7 7:1 8:7 27:6 33:4 73:12 139:7 173:7 201:20,24 hearings 24:20 25:20 27:5 heather 22:8 heavier 76:2 heavy 62:5 height 18:10 held 32:6 70:1 126:20 160:10 helpful 8:3 78:4 185:22 helps 92:17 hertz 99:17 high 34:2 35:24 36:24 104:11 134:11 180:2 higher 120:8 133:16 highlight 51:4 111:16 138:4 highly 56:10 highway 41:22 202:8,17,22 hill 110:10 158:3,8,9 hired 124:24 131:22 historic 46:19 historical 13:8,17 17:18 19:13 56:14 historically 13:20 history 16:6 hitting 59:23</p>	<p>hoboken 5:4 72:8 74:4,7,25 76:12 78:23 79:13 82:18 83:2,7 84:25 88:4 89:2,3,5 99:13 104:6,7,9,21 106:3 106:4,4,12 110:20 111:13 128:24 151:23 201:14 202:22 203:18 204:2 hoboken's 89:7 hold 41:1 80:19 133:2 151:6 167:16 204:3 holloway 2:23 holtzman 170:23 homes 23:11 hop 158:10,10 hope 24:13 hopefully 153:2 167:10 hoping 112:16 167:15 183:13 horizontal 74:14 hospital 165:9 166:25 183:9,11 191:3 hour 72:10 153:21 hours 66:13,14 171:1 housekeeping 135:7 houses 112:13 housing 191:3 hudson 1:1,4 2:3 15:10 27:21 34:11 37:6,14 46:24 49:22 49:25 50:4 51:13 52:16 54:22 58:1,10 60:9 131:8 177:3 183:11 201:11 205:2 206:6 human 23:4 hundred 8:13 9:18 10:23 13:8,20 115:9</p>	<p>116:9 141:17 146:20 hurricane 100:16 husband 22:20 106:9 hybrid 76:9 hydraulics 187:16</p> <hr/> <p style="text-align: center;">i</p> <p>i.e. 55:10 idea 95:11 106:5 identical 12:4,18,19 30:6 identification 28:14 28:20,23 31:6,16 49:19 57:25 identified 87:23 95:17 identify 49:19 180:9 ignorance 23:14 illinois 39:6 illustrated 175:5 illustrates 174:7 immaterial 26:9 immediately 99:9 121:5 impact 26:19 99:22 130:1 131:3,4,14,16 149:11 impacted 181:15 impacting 130:1 impacts 100:1 impervious 38:10 55:9,18,25 56:2,6,8 118:11,13 174:23 174:25 179:5,13 implementation 15:3 important 12:25 18:8,24 19:5 153:8 impossible 40:13 45:10 46:2 impractical 40:13 45:10 46:2</p>	<p>impress 135:1 impression 165:8 improper 63:12 improperly 103:14 improvement 55:20 90:25 improvements 55:24 133:24 186:15 inappropriate 38:23 inch 135:20 141:18 142:16 144:5,22 191:13 inches 143:6,9,12 189:12,14,18,19,21 inclined 204:6 include 34:12 149:9 156:18 included 36:21,21 42:8 79:18 144:3 185:6 201:10 includes 34:7 50:1 176:4 187:5 including 55:23 100:13 154:22 158:7 income 85:20 incorporate 117:21 186:5,12 increase 143:19 149:13 172:17 174:19 176:1,22 189:13 increased 175:2,4 176:2 186:23 increasing 186:6,11 187:1 independently 35:11 indicate 142:10,11 indicated 61:20 142:10 indicates 41:15 47:21 59:12 69:20</p>
--	---	--	--

indication 37:11	intention 14:13	issue 26:4 27:11	john 1:15 6:18,23
indirectly 15:13	interest 24:11 25:23	28:9 37:9 54:12	182:25 183:10,24
individual 29:14,16	200:7,12	66:9 67:6 95:8	184:9
105:18,20	interested 40:20	106:4 128:4 129:18	johnson 109:10,10
individuals 128:2	113:3 134:23	129:25 133:20,25	109:12,12 110:7,15
158:7	180:18	157:2 165:21,22,25	110:22 111:1,4,7,15
industrial 74:25	interior 84:24	166:1 168:10	132:2,8 135:4 136:4
75:1 77:23,24	113:20 117:9	issued 122:8 177:23	136:9,13,16,19,23
inescapable 36:23	175:11	issues 11:23 38:4	137:1,7,12,17,22,24
infiltration 56:10	internal 79:15	63:23 66:25,25 78:7	138:3,22 139:1,6,12
information 88:23	internally 102:10	97:23 98:3 109:17	139:20 140:4 141:4
99:3 100:20 183:23	interpreted 12:22	121:13 128:8	142:21 143:15
184:24 185:3 193:4	55:16	130:12,15,18	147:22,24 149:15
193:6	intersection 4:20	132:23 139:17	150:2 151:3
infrastructure	133:24 143:1	153:18 154:18	journal 2:10
12:16	intervals 142:19	155:6 162:24	jr 183:20 184:4,7,15
initial 78:24	introduce 73:7	184:22 186:17	jude 1:11
initially 58:22	201:17 203:12	issuing 177:20,21	judgment 35:8
inlet 142:3	204:8,12	item 4:13 6:2 66:20	judith 20:25
input 185:23 186:16	introduced 201:24	123:8 168:8 195:17	july 37:23 172:6
inside 82:25 84:23	introduction 201:13	items 76:2 161:23	192:13 195:23
113:19 115:25,25	205:2 206:5	201:9,17 203:13	jump 113:2 168:12
173:22 174:3	intrudes 57:20	j	168:18
175:17,24 177:2	intrusion 121:23	j 1:15 6:18,23	june 152:12
inspected 33:23	122:2	james 72:13	jurisdiction 21:12
inspector 1:18	invested 157:25	jay 183:7	39:8 41:22 61:13
106:22	investigate 33:2	jefferson 4:20	130:9,17,25 131:1
installation 59:13	investigation 188:6	jeremy 8:5	jurisdictions 32:16
installed 107:9	188:10,11	jersey 1:7,7 2:10	k
instance 30:16	investment 148:14	14:25 31:13 32:5,14	k 31:12 72:13 184:7
98:10 103:25	involve 15:11	39:7 41:8 58:2	keep 25:6 66:3 92:9
104:11	involved 15:17	109:11,13,24	112:24 117:23
institute 110:25	21:10 80:23 108:12	110:11,21 111:2,10	180:4 199:18
instituted 96:24	141:14 192:12	111:13 136:24	200:24,25
instructing 63:13	involves 16:11 34:24	137:2,5 158:10,11	keeping 148:14
insulated 75:25	36:2 157:19	173:5 183:8,8,22,25	keeps 203:19
integrate 76:10	inward 77:8	184:16,19 197:17	kennedy 4:23
77:12	iron 152:2 166:9	197:22,25 201:13	194:10,14
intelligent 22:23	168:6 169:1 171:10	201:14 208:7	kept 93:8
24:5	172:4 173:11,16,25	jfk 197:24	kevin 164:9
intending 12:22	180:11	job 1:25 188:20	kind 7:3 9:19 10:5
142:2	irregardless 87:8	jobs 24:7 110:20	10:24 13:17 14:14
intense 18:5 93:6	irrelevant 26:9	177:9,12	76:13 77:10 78:16
intent 19:24 51:8	irreparably 163:25		91:20 93:16 100:3
57:22			

127:6 158:5 186:12 kinds 158:6 knew 47:5 153:18 know 11:19,21 14:4 16:4 18:6 20:4,15 22:1,2,3,15,18 24:10 25:13 34:1 37:4 52:17 57:3 62:18 65:22 66:2,22 66:25 73:9 78:13 91:25 93:3 96:12 97:1 103:16 105:17 106:3 108:10 118:16 124:1 125:10,10,12 127:21 128:12 129:8 130:4 131:8 132:13 143:23 144:11 146:13 151:17 153:15 155:20 156:23,25 157:22 159:10 160:1 162:21 164:17 165:20,22 167:18 171:3 177:8 179:25 187:6 199:1 199:22 200:5 202:20 204:23,24 knowing 153:20 knowledge 124:16 153:18 208:9 known 19:13 46:25 47:1,14 48:15 knows 26:14 46:22 47:16	28:25 29:6 31:1,15 31:22 32:23 33:23 34:6,10,17 35:12,19 36:10,18 37:4,8,11 37:17 38:24 39:12 40:2,21,25 41:3,13 41:23 42:12 43:2,9 43:18,22 44:2,8,11 44:19,24 45:12,16 45:24 47:23 48:9,24 49:14 50:9,11,19,24 51:2,7 52:15,23 53:2,5 54:1,24 55:4 56:12,20 57:7,24 58:18 59:8,17,22 60:4,8,9,20,24 61:23 62:20 63:1,4 63:13,16 64:5,10,14 64:17,24 65:8,13 69:20,23 70:25 land 32:12 33:19 41:16,21 42:24 46:7 47:8 48:10 51:25 55:6,21 63:19 89:19 137:4 202:11 landscape 187:2 landscaped 77:1 landscaping 77:9 80:23 81:4 98:23 115:4 175:5 179:5 187:4 190:17 lane 202:17 lanes 203:10,12 language 39:11 48:7 48:19,20 56:17 lapatka 95:21 large 77:19 84:1 116:23 119:8 186:22 larger 64:20 76:1 79:21 174:14 177:7 177:7 largest 180:13 lastly 91:2 189:16	late 124:23 160:16 lateral 142:22,25 143:4,5,18,19 latest 201:11 laurel 158:3,8,9 law 28:7 32:12 41:11 42:16 47:8 48:10,15 56:19 89:19 109:11 111:8 lawns 55:25 laws 27:2 151:10,13 lawyer 56:9 lawyers 23:17 200:24 lay 84:25 lead 203:1 league 32:12 leakage 124:9,11 133:7,11 187:18 learn 123:8 leasing 116:19 leave 29:2 130:20 155:20 170:17 203:3 204:17 leaving 121:17,21 ledger 2:9 lee 111:14 left 16:22 124:17 168:23 185:9 legal 130:20 legislation 54:7 letter 10:25 28:14 58:10 88:19 89:13 91:15 121:2 139:19 140:18,20 142:9 170:21,23 letters 139:22 letting 157:22 203:1 level 39:9 61:22 106:25 113:8 117:17 127:21,24 133:16 203:17 liability 125:20 126:1	license 97:15 208:5 licensed 32:4 62:23 97:12 110:18 111:1 136:23 184:16,17 licensure 32:6 life 22:14,15 23:4,7 23:19 53:18 146:24 lift 187:23 lifts 102:4,5 light 13:1 72:10 109:20 117:16 limit 20:1 limited 86:8,16 line 24:1 36:14,15 36:17,24 59:20,23 92:16,22 94:1 119:2 119:4,8 128:12 142:6,12 144:16,17 171:1 linear 65:4 lines 119:1,6,6,10,11 134:6 144:17 162:25 192:4,5 linked 39:25 listed 76:23 listen 66:12,14 168:11,14 literal 40:11 45:7 literally 66:4 121:9 little 16:22 75:1 77:24,25 79:22 112:15 116:24 117:16,18,19,19 120:8 121:8 122:17 123:6 127:2 130:14 188:22 live 22:21 23:3,3,10 75:18 76:11 84:1,20 84:21 86:1,2 128:2 128:9 lives 23:6 76:10 living 14:19 24:3 123:3 llc 6:8,12 151:21 194:9,13 197:12
I			
I 1:14 74:19 98:6 136:12,12,12 ladies 23:22 151:4 laid 84:24 lamb 6:15,18,18,21 6:23,23 24:21,22 25:3,14,17,18 26:11 26:18,20 28:6,13,19			

<p>load 134:10 lobbies 75:6,7,8 lobby 75:8,13,21,22 76:3,8 112:13 116:13 121:24 local 88:2 104:5 158:12 located 4:19,23 5:2 6:8 59:4 72:5 74:7,9 76:7 108:25 109:12 113:19 116:2 173:21 183:1,15 194:10,13 195:20 197:12,16,21,24 location 74:15,18 99:2,7,16 103:11 178:12,13 locations 99:5 lockers 119:25 loft 117:18,20 lofts 74:5 86:3 long 14:21 23:3 25:9 40:18 51:21 72:24 102:17 110:10,11 132:5 134:17 148:14,15 155:17 156:10,12 165:15 167:3,14,19 200:18 longer 9:21 look 17:9 18:17 22:12,22 46:6,7,11 47:7 48:22 50:16 77:7,23 82:17 103:12,13,19 104:22 105:8 129:17 133:10 154:3 157:15 173:16 176:3 199:15 200:2 203:25 looked 143:21 179:24 180:1,25 187:21 looking 12:24 15:21 39:5 47:9 86:23</p>	<p>87:1 103:22 148:5 174:15,17 176:3,13 176:23 191:20 looks 117:22 lot 4:21,24 8:8 34:12 34:15,15 35:7,13 36:8,9,9,20,23,25 48:4 49:8 55:15 59:17 61:15,21 79:4 80:19 93:23 109:23 113:5 114:23 115:4 115:5 116:23 118:3 118:18 119:3 121:15,25 132:14 141:12 145:12 157:25 164:5 180:23 181:2 183:2 194:11 195:21 197:13,17,25 203:9 lots 5:3 6:9 34:7 35:14,16 72:6 109:2 194:14 197:22 low 34:3 134:11 lower 86:9 lsa 123:2 lsrp 122:1,5,16,24 123:9 124:13,18,22 124:24 126:4 130:17 lsrps 132:1 lucked 192:3 lyndhurst 173:5</p> <hr/> <p style="text-align: center;">m</p> <hr/> <p>ma'am 135:14 136:5 139:1 macadam 56:11 118:18 madam 127:9 128:22 130:8 132:15 137:18 140:25 141:7 148:1 149:6,23 150:7 151:1</p>	<p>mail 71:18 72:1 mails 115:15 161:9 main 117:1 mains 98:9 maintain 174:5 188:24 189:5 maintaining 189:3 maintenance 34:19 35:4 36:4 major 157:18,18,19 203:15 majority 16:25 making 11:6 22:11 28:11 106:25 126:19 141:8 154:15 163:5 190:22 management 13:3 38:2 54:16 63:23 118:17 manager 101:22 maneuvering 175:19 manhattan 136:15 136:17 manhole 141:23 142:6 143:1 manner 29:15 maplewood 31:13 marchetto 72:20 73:1,2,2,7,13,16,23 73:25 78:15,24 79:5 79:8,12 80:1,11,15 82:7,11,16,21 83:4 83:7,23 84:5,9,14 84:17 85:4,7,12,16 87:10,14 88:11,23 89:5,9 90:16,20,23 91:7,10,13,22,25 92:4,8,15,24 93:4 93:18 94:6,12,20 95:1,7,15,19 96:8 96:17,23 98:13 106:1,15 108:12 200:6,10</p>	<p>margaret 151:20 152:1 170:18 marginal 95:18 96:6 99:15 mario 1:18 106:21 mark 31:6 41:3 49:19 57:25 79:23 79:25 80:1 113:14 113:15,17 138:25 139:3 marked 28:14,20,23 31:16 41:7 49:16 80:3 139:5 185:16 market 85:25 86:16 86:24 87:4 148:4,4 marketed 86:7 marking 29:4 50:14 marks 1:16 2:13,14 2:17,19,21,23 3:4,7 3:12,21 4:1,3,5,7,9 4:11 5:9,13,15,17 5:19,21,23 6:1 20:22 27:22 29:1 31:23 58:5 67:14,19 67:23 68:2,4,6,8,10 68:12,14,21 69:1,3 69:5,7,11,13 70:3 70:10,12,14,16,18 70:21,23 71:14,25 79:6 80:4,12 89:12 89:17,18,25 107:18 107:23,25 108:2,4,6 108:8,18,20,24 109:5 130:8 131:19 131:20 135:22 147:16,17,25 149:5 149:6,23 150:3,7,12 150:14,16,18,21,23 151:1,5,9,19 153:6 154:1,13,14,24 156:16,22 158:14 158:18,22 159:5,13 159:17,23 160:1,11 160:21,25 161:4,8 161:18,24 162:4,6,8</p>
---	--	--	--

162:10,12,14,16 163:6 165:8,24 169:12,21,23,25 170:2,4,6,8,10,17,20 178:1,2,6,16 181:17 182:2,7,9,11,13,15 182:17,19,21 190:18 193:11,15 193:17,19,21,23,25 194:3,5,18,22,25 195:4,6,8,10,12,14 196:6,16,20,22,24 197:1,3,5,7,9 198:6 198:10,12,14,16,18 198:20,22,24 199:7 199:9,15 200:2,16 201:8 202:12,14,18 203:11 204:7,13 205:1,7,11,13,15,17 205:19,21,23 206:3 206:10,13,15,17,19 206:21,23,25 207:2 207:4 marquette 32:2 mary 1:9 masonry 186:2 massey 1:21 106:18 106:19 107:3,6 119:13,14,19 135:17,24 178:23 178:25 179:4 190:15 master 33:15 49:25 50:4 53:12 202:3 204:15 masters 32:2 match 99:11 material 56:9 62:4,4 76:2 materially 40:19 materials 33:8 61:11 matter 11:12 21:7 32:25 66:21 72:11 101:10 122:4 135:7	163:19 201:20 matters 4:14 6:3 111:9 137:10 maximum 49:10 mcperson 166:9 172:4 meadowland 183:16 meadowlands 167:6 177:15,19 mean 17:21 50:15 128:8 meaning 20:2 41:11 means 46:23 93:24 112:9 113:10 129:15 meant 96:21 measure 121:24 meat 173:2 mechanical 79:16 mechanism 38:22 medina 172:22 meet 20:14 87:1 106:13 190:13,15 meeting 1:3 2:2,5 3:14 4:17 6:14 23:25 65:17,23 66:2 66:3,9,18,20,21 67:15 68:18,22 69:19,25,25 70:5,6 71:2 78:2 90:10 109:8 137:25 152:6 152:12,15,17,25 153:20 154:21,22 156:3,7,10,11,19,21 157:3 159:2,6,10,12 159:16,18 161:3,15 161:23 163:15 165:22 171:5,6,14 172:9 200:22 201:25 204:3,4,20 204:24 206:1,7,9 207:9 meetings 2:11 7:21 67:5 71:4,11 90:1 134:6 151:11 155:6	158:23 159:7,19,20 160:10 165:20 199:19 meets 106:15 130:10 189:17 megan 1:21 mehta 1:11 2:25 17:13 20:23 68:8,9 69:7,8 70:16,17 81:6,24 82:9,13,18 88:7,13,16,21 89:2 105:12,17,22 106:13 108:4,5 150:6,10,18,19 160:14 161:2 162:10,11 163:18 170:2,3 181:6 182:13,14 193:21 193:22 195:6,7 197:1,2 198:16,17 204:19 205:6,9,17 205:18 206:21,22 member 24:23 25:12 29:18 30:3,11 30:13,18,21,22 32:11 members 7:23 24:22 59:19 138:5 153:12 153:24 199:17 memorialization 4:16 men 22:24 mention 179:23 mentioned 78:8 144:5 187:9 meridian 190:11 merits 20:9 mesh 189:12 met 14:5 18:14 19:7 111:18 185:21 188:18 190:19 metal 166:10 168:6 169:1 172:4 173:11 173:11,16,25 180:11	metals 175:20 metro 197:12 mezzanine 186:10 microphone 8:1 22:7 73:10 97:25 middle 57:15 67:5 153:3 midnight 153:5 mile 128:15 milller 25:4,12,18 27:17 million 17:18 202:21 203:3 minds 130:20 mine 71:21,23 minimize 60:12 minimized 100:5 minimizing 52:1 minimum 25:6 120:7 143:9 minor 39:21 166:13 186:7 minute 23:5 65:11 157:23 169:5 minutes 3:14,22 7:4 68:14 153:21 157:14 165:14 166:16 167:9 missey 72:21,25 73:3,4,4 95:21 97:6 97:9,14,17 98:5 100:17 101:13,16 101:25 102:4,8,11 102:14 103:3,6,23 104:11,17 105:9,15 105:20 106:1 107:2 107:4,10 missing 125:7 178:17 misunderstood 9:5 29:24 mixed 74:3 modern 78:1 modification 39:21 172:11
---	---	---	---

<p>modifications 185:22,24 modify 40:16 45:5 moment 112:7 momentarily 115:13 money 23:17 113:6 134:21 157:25 monitor 126:18 monitoring 121:20 126:18 montclair 32:8 month 50:18 125:9 153:14 156:1 200:17 months 155:11 162:21 166:14 173:15 morning 157:17 morrison 151:21 152:1 170:18 motion 3:15,18,20 3:21 4:12 5:5,6,9,23 66:6 67:9,17,18,19 68:16,18,21 69:13 69:25 70:3,23 107:16,18 108:20 148:18,20,25 149:22 150:7 151:1 152:5,20,21,25 156:6,17 157:16 158:15 161:13,13 161:18,24 163:6 168:4,8,22,25 169:2 169:13,17 170:10 181:23,25 182:2,21 186:8 193:9,11 194:16,18 195:14 196:10,13,16 198:3 198:6 201:5 204:8 205:2,7,25 206:3 207:4,7 motions 107:15 move 7:13 63:16 66:24 67:6 72:12 127:8 128:7 156:6</p>	<p>156:14 167:11 168:19 173:22 183:13,18 204:25 205:2 moved 167:2 175:17 175:21 177:1 movement 55:11 movements 189:6,8 191:24 moves 174:3 175:11 moving 115:2 129:2 192:13 206:12 mua 59:2 143:25 mulinoff 122:7 mulock 109:1 111:23 112:18 113:21 145:10 multi 119:9 multiple 146:2 multiplicity 123:14 municipal 27:10 28:7 34:13 47:8 48:10,11 89:19,22 111:9 municipalities 32:12 32:14 201:19 municipality 47:2 144:10 muster 132:6 mutually 160:6</p> <hr/> <p style="text-align: center;">n</p> <hr/> <p>n 1:14 110:10 184:7 208:3 name 8:4 23:23 31:10,11 72:13 110:8,9 136:10 180:10 183:7 184:5 184:6 names 51:17 72:24 185:19 native 135:20 179:4 natural 51:25 52:2 53:18 62:8,10 64:11</p>	<p>nature 25:15 near 96:13 necessarily 20:14 necessary 187:15 need 49:17 66:15,19 93:13 94:2 98:9 101:6,11 102:19,20 103:19,20 127:8 129:18 132:10,12 148:24 149:22 153:7 157:1 184:23 192:21 needed 102:7 needs 180:15 negative 52:1 131:14 188:8 neglia 173:4 neighborhood 52:9 104:12 118:5 137:16 203:18 neither 201:21 net 60:23 neutral 99:24 never 12:3 61:21 135:12 140:14 146:23 new 1:7 14:25 16:11 18:15 31:13 32:5,14 36:2,2 39:7 41:8 50:23 52:10 58:2 61:17 96:7 99:6 109:11,13,24 110:11 111:2,10 115:18 118:21 120:11,11 126:14 126:15,16 136:24 137:2,5 142:6,14 158:10,11,21 163:15 173:5 174:8 174:13,16,19 176:5 176:14 178:3,11 179:19,20,21 183:7 183:8,21,25 184:16 184:19 194:9,13,15 197:12 199:2,17</p>	<p>201:7,9 208:7 newark 5:3 109:3 109:24 110:21 111:14,14,19,23 114:10,10 115:21 115:22 116:5 127:20 128:17 newer 119:4 newport 197:20 newspaper 90:3 nexus 130:18 nfa 120:17,17,22,24 121:9 126:7,8,11 128:17 nfas 115:12 122:24 122:25 ng 3:1 nice 50:17 151:4 nicer 119:4 night 22:19 25:9 164:13 nights 191:3 nine 80:24 81:3,3 175:6 178:3,11 189:20 nj 72:5 nj308687 1:25 njsa 40:15,23 41:13 42:21 44:7 noise 8:2 96:15,17 nonexistent 96:6 nonuse 10:18 normal 64:2 66:11 north 6:10 14:25 16:10,15 18:12 21:9 23:24 24:12 25:20 26:13 27:5,9,10 33:10,22 34:13,15 35:7 36:8,11 59:2 74:8 99:15 104:1 145:18 146:23 152:13 153:19 197:14 northeast 197:20</p>
--	---	--	--

<p>northern 36:16 76:12 northwest 74:24 note 7:11 59:25 61:19 90:25 notes 7:6 notice 89:15 90:2,3 156:23 159:13 181:11 noticed 89:16 159:18 178:7 notification 123:17 123:19 notify 89:20 123:16 165:7 november 167:3 183:13 201:25 number 13:23 15:12 18:3,4,22 44:6 171:18 175:4 208:5 numbered 50:7 numbers 10:7 65:9 numeral 40:9 numerous 19:23 73:19</p>	<p>89:14,23 108:6,7 120:15 121:7,11 122:5,8,12,14,20 123:1,9,24 124:3,8 124:19 125:1,12,17 125:24 126:9,23 127:5,9,16 128:19 129:4,17 131:2 132:15,20 134:16 145:4,13,16,20,24 146:5,9,12,18,22 147:6,10 148:1,7,11 149:3 150:21,22 152:19,24 153:15 154:7,12 156:20 157:1,15 158:16,20 159:1 160:3,8 161:12,22 162:1,12 162:13 163:9,17,22 163:24 165:6,12 166:6,17 167:25 168:3,16,21 169:7 169:13,16,18 170:4 170:5 171:15 175:16 176:8,16,21 177:5 179:18,23 180:6,19,23 181:1 182:15,16,25 187:9 188:3,9,14 193:23 193:24 195:8,9 197:3,4 198:20,21 199:18 200:1,20 204:1,22 205:8,19 205:20,25 206:4,8 206:11,23,24 207:8 o'toole 170:22 oath 7:20,21 object 26:3,10,16 29:7 60:6,19 132:2 objection 25:16 28:5 30:15 60:1 61:20 143:13 objections 28:11 objectives 18:22 50:6 51:9,19,23</p>	<p>52:6,8 objectors 6:6 33:12 observer 202:8,17 202:22 obstructive 93:6 obvious 54:20 obviously 62:3 120:10 126:14 133:15 180:1 occasions 34:4 40:10 45:7 occupied 75:11 occur 30:7 98:23 100:1 131:17 174:3 175:23,23 177:1 occurred 16:6 occurs 18:11 57:13 october 69:18,21 70:1,6 160:20,22 161:1,15,20 164:1 166:4,12 167:10,16 170:15 199:5 206:1 offer 25:21 27:18,23 offered 46:5 173:7 offering 27:3 office 92:13 94:7 98:21 99:9 101:19 138:21 139:7 147:17 176:5 177:8 178:1 192:15 202:25 officer 1:19 offices 31:13 official 79:19 111:19 127:25 204:14 208:6 oftentimes 101:4 oh 19:18 96:23 okay 7:15 10:19 12:14 20:19 21:19 22:5 30:25 34:17 36:10 39:12 41:13 45:24 47:23 48:24 55:4 56:20 57:7 59:8 73:12 88:5</p>	<p>94:8 104:2 107:6 111:15 132:11 139:20 140:25 144:25 178:21 189:15 198:24 old 13:9 17:18 23:11 115:10 117:22 187:21 198:25 199:2 once 62:17 78:2 81:24 107:4 163:1 196:2 onerous 40:13 45:9 46:1 ones 84:21 120:11 122:15 147:7 ongoing 129:25 open 2:10 77:12 90:1 93:8 112:10 121:21 141:12 158:23 159:7,16,20 opening 192:15 openings 100:11 192:2 opens 77:6 operate 35:11 99:13 operated 183:10 operation 172:13 operations 172:14 173:18,22 175:8,11 175:16,18 opinion 14:22 18:1 18:24 20:5,7 21:25 22:3 36:19 37:1,18 38:20,24 43:12 44:23 46:4 47:19,22 47:25 54:20 60:23 62:18 64:10,13,15 64:18 131:1,3 173:24 opportunity 25:17 30:20 137:8,14 opposed 121:4 122:18</p>
o			
<p>o 1:8,14 110:10 136:12,12 208:3 o'connell 171:25 173:6 177:18 178:22 179:9,20 180:4 182:23 o'connor 166:8,8 172:3,3 o'dea 1:12 3:2,3 4:7 4:8 5:19,20 29:11 29:21 30:1,17 66:5 67:8,18,20 68:10,11 69:9,10,24 70:4,19 70:20 71:1,9,15,23 83:17,20 84:3,7,12 84:15 85:2,5,13,20 85:24 86:5,11,19 87:6,11,17 88:2,5</p>			

<p>opposite 146:8 order 2:2 3:13 37:2 62:12 67:15 71:12 166:7 171:3 189:5 ordinance 8:15 9:8 10:21 11:3 12:7,21 12:24 18:13 45:20 46:6 47:3,5,12 48:8 53:15,16 54:17 83:9 ordinance's 14:13 ordinances 13:7 14:9 27:2 orifice 141:18 original 19:24 20:2 28:25 29:3 168:22 179:10 originally 190:25 195:23 outdoor 77:13 191:6 outdoors 172:15 outlet 141:18 outlets 141:19 outrage 28:16 outside 25:9 71:7 81:11 82:23 114:12 114:12 115:24 117:12 outweigh 48:6,18,20 overall 20:10 173:17 174:11,17,19,20 175:2,6 185:24 overflow 141:19 142:18,19 overhaul 203:15 overhead 192:5 oversized 75:25 overtake 119:3 overview 15:16 97:22 98:2 110:4 owe 155:21 owned 34:12 113:1 owner 27:14 93:14 93:15 172:10 187:17</p>	<p>owner's 181:12 owners 26:25 89:21 owns 112:23</p> <p style="text-align: center;">p</p> <p>p 1:14 p.m. 1:5 7:13 161:21 package 185:6 packaged 175:21 packet 170:21 packets 151:23 201:10 padovano 6:19,24 page 40:3,8 41:6 42:2 44:25 46:18 50:7 51:15,18,18,24 52:5,5 58:11,24 63:18 pages 49:22 50:2,7 51:10 58:8,12 palisade 58:15 palisades 15:11,14 15:24 16:5,7 17:20 17:20 18:6,7 46:21 46:25 51:21 57:16 57:18,19 58:1,8,20 59:10 62:8 64:12,22 64:23 paper 71:19 72:2 122:2 paperwork 115:16 125:7 126:7 128:16 134:9,9 paragraph 41:19 63:20 parallel 36:16 42:16 47:8 parallels 46:24 parcel 37:1 123:21 124:9 134:8 parenthesis 55:11 55:12 park 105:20 109:13 114:8 158:2,3,8,9 158:11 173:5</p>	<p>197:20 parked 105:24 145:5 parking 75:5,5,11 75:16,16 76:15,25 77:4,4 79:5 80:19 82:14,14,20,22,24 82:25 83:3,5,8 88:9 88:22 89:8 105:13 105:14,14,15,19,23 106:3,14 110:1 112:10,10 113:19 113:23,25 114:4,7 114:12,12,13,21 118:18 119:19 121:14 141:12 145:12 175:2 187:1 190:1 191:7 203:9 part 17:12 25:22 27:19 30:4 33:21 34:16,23,25 36:1,13 37:1 38:18 42:20 52:23 58:24 90:19 95:4 100:24 101:2 112:12 115:25 120:4 122:19,19 134:9 172:13 202:3 202:19 partial 123:20,20,21 partially 26:12 participated 33:9 participation 154:11 particular 103:24 142:20 particularity 139:21 particularly 18:8 parties 8:1 40:18,20 party 122:21 125:2 125:21 passaic 109:1,23 111:22,23,24 112:12,17 114:6,7 116:14 118:22 120:3,12 133:12,21</p>	<p>135:19 141:23 142:12 143:2 144:7 144:13,14,19 145:14 146:6 149:12 passed 4:12 5:24 69:14 70:24 108:21 151:2 163:7 170:11 182:22 195:15 207:5 passes 132:6 patching 95:10 paterson 183:12 patient 162:19 pattern 99:20 115:22 paved 186:24 pavement 55:10,10 186:22 189:21 paver 55:21 pavers 115:24 116:1 paving 55:21 203:6 pavonia 1:6 pay 127:3 179:15 pcs 194:9,13 197:12 pdf 147:23 peculiar 47:10 pedestrian 98:24 peggy 14:24 penalty 190:4 penhorn 179:8 181:22 people 22:12,21,23 23:10,16 47:1 76:11 77:7,8 89:15 94:25 106:10 125:13 128:7,9 133:2 154:22 155:19,22 155:25 158:8,9 181:2 186:18 perceived 154:10 percent 17:7 45:18 46:1 47:20 49:12 52:21 53:19,20 64:25 87:1 106:5,12</p>
--	---	---	--

115:9 116:9 176:22 186:24 percentage 57:3 172:17 percolation 141:15 perfect 19:16 116:9 189:15 perform 40:13 45:10 performed 120:16 perimeter 115:5 period 30:8 93:21 permit 38:11 101:17 105:14 121:2 128:18,19,20 192:15 permitted 46:14 permitting 28:5 person 19:17 81:11 122:6 144:15 personally 130:23 190:23 perspective 177:6 181:13 185:8 pervious 56:5 peter 31:1,9,12 phase 187:13 188:4 188:6,6,11 phenomenon 62:10 photographs 34:3 photos 191:19 phrase 61:21 physically 33:25 pick 191:9 pickup 114:2 pictures 117:25 piece 14:4 18:8,17 74:9,19 pieces 18:10 62:9 76:1 139:8 pikowski 180:10,11 180:21,24 181:12 pile 91:22 92:12 piles 91:24,24 92:6 92:16	pipe 141:21 142:5 142:15,16,17,21 143:8 144:5 149:14 pipeline 22:17 34:19 35:15,17,20,24 36:4 60:14,17 61:7,11 63:2,2,7,8 pipelines 35:4 pipes 143:12 pit 187:20,22,22,22 pits 187:16,19,21 188:5,5,8 place 7:17 40:11 76:23 86:12 109:1 113:22 134:18 145:10 183:25 placed 7:20 places 47:2 86:3 plains 52:13 plan 23:3 33:15 34:8 34:10,14,23 35:14 39:17,19,22,25 43:5 43:8,20 48:8 50:1,4 50:5 53:12,14,16 57:22 74:12 75:9 78:6,9,19,25 79:1,2 82:17 91:1 92:12 101:3 102:19 103:11,17,24 106:2 111:20,20 122:10 138:11,16,18 141:11 167:8 172:21 174:7 175:5 176:3 177:19 183:14 185:3,23 188:19 190:19,25 192:8 202:3 204:15 plank 183:12 planner 1:22 7:3 19:16 21:3,23 24:25 32:5,9,15,24 35:8 45:22 130:5 139:10 140:1 157:20 183:21 184:14,17 185:1	planners 200:24 planning 1:1,4,17 1:20 2:3 6:16 8:8 11:6,16 12:11 15:13 18:9,18,23 19:10,20 25:20 26:13 27:21 28:7,8 32:3,7,11 33:5 34:11 37:6,23 40:8,10 41:17 42:10 49:23 51:13 53:6 57:9 58:10 59:6 60:10,12 63:7 78:3 80:9 83:15 88:17 89:19,22,25 106:25 111:8,16 114:5 117:4 127:22 130:8 130:10,25 137:9 139:9 149:25 159:5 184:18,22 185:24 200:7 plans 6:2 33:9,11 42:14,18,24 43:15 44:12 51:23 76:23 78:2 98:20 101:22 102:13,24 112:7 113:17,19 138:1,4 139:18,23,24 140:8 147:18,18 189:24 190:23 plant 27:10 59:5 planters 115:5 120:8 planting 80:24 126:15 190:11 plantings 118:10 plants 129:24 play 128:14 playing 122:3 plays 49:3 plaza 77:1 please 2:13 3:9 25:6 41:1 50:10 67:13 111:16 113:14 136:9 161:7 169:15 184:12	pleasure 167:17 plenty 189:4 plus 50:2 76:22 pmk 58:2 podium 7:18 73:11 112:9 point 24:16 26:17 44:17 47:18 58:7 62:19 65:10 66:2 69:16 81:15,23 83:14 86:14,14 92:1 94:1 104:12 109:5 125:6 134:17 166:12 187:15 200:5 pointing 185:9 points 174:6 policies 11:16 12:12 12:25 13:2 18:22 policy 53:6,11,12 54:4,5 polite 22:16 poll 65:19,25 pollen 116:6 135:21 polniak 172:25 173:3,4,4,6,9 175:18 176:2,10,19 176:23 177:11,17 178:5,13 179:21 180:8 181:11 poor 155:22 population 115:3 porous 55:21 portion 9:15 10:12 10:16 17:2 27:15 29:15 30:5 35:18 36:8 43:8 64:12 portions 33:17 56:3 position 21:3 26:24 possible 72:12 94:4 106:6 109:20 128:3 149:13 possibly 66:1 posted 2:8
--	---	---	---

<p>postpone 130:3 postponed 203:7 postponement 203:6 potatoes 173:2 potential 59:22,24 63:8 154:18 potentially 22:17 49:8 131:6 133:14 poured 113:7 power 40:16,18 192:5 powers 41:12,19 pp 1:16 practice 106:12 186:5 practicing 62:22 137:3 prasad 197:16 pratt 110:24 precarious 153:24 precedence 13:9,21 101:20 preclude 196:7 precludes 29:16 30:3 prefer 71:17,20,21 prejudice 40:19 preliminarily 78:10 preliminary 32:25 78:25 79:1 preparation 33:14 137:25 139:6 prepare 33:1 prepared 47:14 137:25 172:21 prerequisites 202:15 present 2:25 3:1,5 20:23 33:4,6 172:20 presentation 24:21 presented 24:19 33:5,21 79:13 127:11 172:7 190:25</p>	<p>presenting 160:2 presently 97:16 presents 172:22 preservation 16:21 16:23 17:5 19:3,11 24:9 53:8,14 54:9 57:22 184:20 preserve 57:17 preserved 17:1 28:10 preserving 51:24 53:18 president 111:24 114:4 141:20,22 142:7,8,14 143:1 144:1 145:11 pressed 30:18,21 187:7 pressure 35:24 36:24 183:5 presumably 54:9 pretty 118:6 120:6 131:22 163:13 prevents 55:20 previous 7:20 8:19 8:21 11:15 14:20 16:6 71:15 105:2 187:14,17 191:19 191:21 previously 8:9,13,16 9:24 10:10,17,22 11:10,17 12:13 15:2 16:4 17:3,9,11 43:2 58:19 159:10,18 173:7 174:7,10 175:9 183:16 primarily 9:9 74:20 75:4,11,19 114:14 117:14 principal 1:22 principals 28:6 62:14,15 printed 157:12 prior 56:13 66:17,18 71:4 154:15 173:10</p>	<p>176:10 181:18 204:24 priority 93:12 pristine 134:22 private 117:9 probably 17:15 47:2 74:13 90:11 104:12 127:10,22,23 183:19,22 189:3 problem 27:12 73:11 89:3 122:22 123:14,15,20 125:16 126:19 129:14 132:9 154:10 157:16 166:11 168:17 181:8,10 187:24 204:23 problems 83:11 96:16 139:17 procedure 7:11 procedures 41:17 proceed 6:17 7:8 20:24 22:7 24:16 29:9 32:22 51:1 74:2 104:13 167:15 169:10 185:2 proceeding 61:22 proceedings 1:4 27:18 process 10:5 66:12 87:19 89:22 111:16 115:12,16 129:9 134:17 144:8 183:18 204:14,16 produce 47:19 producing 116:6,6 professional 21:3,23 32:4 131:1,2,21,24 137:4 173:7 184:17 184:21 185:21 professionals 63:10 proffer 25:14,17 profile 138:18 189:20</p>	<p>profit 81:14,18,21 87:20 progress 93:11 prohibit 10:21 prohibited 53:24 prohibition 26:23 37:19 39:1,13 40:6 43:23,24 44:14 52:18 54:2,3 prohibits 57:15 project 22:25 24:4,8 45:18 46:1,3 47:19 57:14 62:12 65:1,2 65:3 72:17 74:7,23 74:24 76:13 78:14 78:17 81:1 86:12,20 87:2 89:4,6 90:12 92:14 93:16 94:9 95:4,5 98:8,18,21 99:2,23 100:2,2,24 101:1,21,22,24 112:1,20 113:11 125:14,20 128:25 152:13 153:19 157:18 165:18 166:13 173:17 174:23 176:24 185:8,25 192:10,12 192:16 projects 15:10 52:11 101:12 108:11 154:19 prolong 156:12 prominent 46:25 proof 48:1 49:4 100:11 proper 90:2 104:23 properly 2:6 properties 58:19,19 134:13,13 property 8:12 9:17 9:20,21 10:3,3,23 10:25 11:2 12:17,19 14:21 22:20 25:22 25:24 26:25 27:3,7</p>
--	---	--	--

<p>27:14,16,19,23 33:24 34:5,20 35:6 35:6,7,9,10,10,21,23 35:25 36:6,12,14,15 36:17,25 46:16 47:15 56:25 58:13 59:3,6,11 61:12,18 74:9,18,19 75:14 89:20 92:16 94:1 98:6 102:18 104:14 111:21,22 112:24 113:1 115:19 129:2 131:7 133:8 134:24 164:4 172:10 173:18 174:11 178:4,18 187:2 proposal 10:1,11,16 34:18 99:15 175:1 176:14 propose 57:1 168:17 proposed 11:8,9 17:11,12 18:4 30:14 34:20 35:2,11,14 36:7,11,15 37:3 45:19 47:21 62:1 64:20 80:7 90:24 98:13 99:4,12 138:12,19 173:11 173:20 174:16 203:20 proposing 9:25 40:4 96:6 178:3,10 186:4 187:3 protect 12:18 51:16 51:20 protected 12:6 13:11 protecting 12:16 14:10 51:25 protection 11:1 59:15 92:10 protections 10:20 11:3 14:5,6,12,17 prove 103:9</p>	<p>provide 39:14 59:16 78:16 85:1 132:10 144:4 177:3 189:17 provided 10:20 24:8 31:5 providing 14:12 116:24 118:24 119:14,21,23 provision 20:11 42:3,7 43:4,5,8,10 43:16,19 44:12,20 47:24 provisions 39:14 51:4 proximity 36:3 96:15 121:11 129:22 prudent 60:11 pse&g 115:16 120:23 122:18,21 124:25 125:1,2,10 125:13,20 126:20 127:1 128:23,25 129:24 134:6,19 180:13 public 2:11 4:14 6:3 6:7,16 7:5,9,16,24 29:15,18 30:3,5,5 30:10,11,13,18,21 30:23 48:17 59:19 90:1 117:8 153:12 154:11 156:22 158:23 159:6,7,16 159:19,20 200:23 201:1,20,20,24 204:9,14 publishing 158:24 pull 23:16 128:19,20 pump 179:8,11 purchase 25:24 27:3 27:7,23 164:5 purchasing 27:15 purpose 26:10,15 49:8 76:9 81:10 82:4</p>	<p>purposes 40:20 44:3 48:4,9 131:23 purview 26:5 push 153:13 pushed 171:1,4 192:10 pushes 164:19 pushing 164:18 put 22:14 23:6,7 72:24 73:10 74:1 82:22 83:3 89:12 93:17 94:2 100:12 148:24 153:19,23 156:11,12 163:20 165:25 171:4 172:24 195:23 199:19 202:23 203:5,9 putting 29:17 113:5 121:4 128:14 puzzled 16:22 19:15</p> <p style="text-align: center;">q</p> <p>quadrant 197:20 qualifications 73:16 qualified 60:3 62:16 184:13 quality 38:2 53:17 64:8 quarter 57:8 quarterly 126:24 quarters 65:1 query 153:12 question 3:16 7:5 19:15 20:17 21:15 21:17,22 22:4,10 28:2 29:12,22,23 30:7 50:13 60:1,25 63:12 71:16 79:7 81:7,19 83:18 86:22 87:4,18 96:1,11 104:3 105:13 111:21 119:18 123:10 125:18 127:16 148:2 164:2</p>	<p>180:7,12,22 202:10 questioning 7:16 115:12 127:15 128:12 165:16 questions 6:17 7:8,9 7:23 8:9 21:1 73:14 78:11 81:5 83:16,21 87:5 88:6 91:19 96:4 97:22 98:1 100:18 105:11 106:17 107:7 119:12 120:14 127:23 132:16 135:16 136:1 140:5 141:6 145:3 175:15 179:17 181:5 187:8 quick 81:7 88:7 105:12 180:6,8 188:16 201:9 quickly 72:12 185:23 quiet 71:8 quite 15:4 19:15 38:17 110:13 130:4 134:23 quorum 3:8 161:5 199:5 quote 11:11 48:2 56:19 quotes 44:25 quoting 55:5</p> <p style="text-align: center;">r</p> <p>r 1:8,14 72:13 110:10 184:7 208:3 rabin 8:5,5,21 9:1,7 9:12,17 10:2,19 11:19 12:1,14 13:6 14:8 rack 119:22 racks 82:23 107:9 107:10 119:15,20 119:25 rains 80:17</p>
---	---	--	---

raise 105:1 raised 106:20 raising 95:5 ram 23:17 ramps 105:4 range 51:21 84:20 ranges 146:15 rar 123:12,13 ratable 177:7 ratables 114:24 rational 38:3 reach 87:20 read 14:8 40:3 41:24 43:2 44:5 54:1 56:5 66:18 71:10 72:17 79:22 190:5 reading 51:8 reads 42:3 ready 90:5 112:19 157:16 real 23:12 110:2 reality 120:22 really 9:22 10:25 14:14 16:9,12 24:3 28:8 99:7 128:9 129:13 157:5 167:3 172:12,20 realm 21:17 realty 128:24 reappointed 199:4 199:14,24,25 reappointment 199:3,4 reapproval 166:20 rear 35:1,5,23,25 36:3 57:14 118:17 reason 38:5 103:6 103:19 144:3 reasonable 46:2 reasons 14:10 16:5 26:21 45:13 60:7 63:22 92:10 103:13 132:21 rebuttal 201:4	recall 16:15 94:16 94:19 129:2 receive 140:11 received 78:23 139:7 receiving 120:17 receptive 190:20 recess 66:6 67:2,15 68:15 recharge 141:14 recognize 135:12 recognized 135:6,10 recollecting 88:8 recollection 45:22 66:16 recommend 28:4 149:3 171:13 178:16 201:16 recommendation 29:13 59:9 154:2,3 154:5,8,9 recommendations 190:20 reconstructed 107:5 record 20:22 28:12 29:17 30:4 31:11 43:3 52:7 72:24 90:11 95:24 110:8 136:10 148:24 149:7 154:2 164:10 165:25 181:17 184:6 recorded 81:16 recourse 23:18 recreation 8:24 recuse 109:7 200:17 recycling 173:12 redesign 144:3 174:22 redevelopment 9:23 52:2,11 118:2 redo 18:20 202:22 reduce 191:16 reduced 179:5 186:21 191:23	reduces 55:20 reducing 118:12 refer 41:23 44:24 46:17 63:18 185:18 reference 14:7 16:21 34:15 38:1,3 40:22 42:23 54:13 105:13 200:21 referenced 13:4 15:23 47:16 references 39:17 45:3 referencing 38:21 48:14 52:6 referred 43:6,14 referring 14:14 16:1 96:25 113:14 refine 53:22 refinement 51:19 reflect 20:22 95:24 refresh 66:15 refurbished 9:20 regard 62:16 78:5 96:14 99:25 130:15 131:24 regarding 21:4,23 78:17 81:7 regards 22:17 regional 32:3 201:15 206:6 regular 6:14 65:17 69:19 90:2,3 94:25 105:14 171:5,14 206:7 regularly 67:5 regulate 42:17 regulation 38:5 44:14 53:6 56:18 63:25 108:13 regulations 9:11 13:5,23 16:8 19:7 20:11 27:2 33:17 37:14 38:1,2,7,8,9 38:12,15,17,18,19 38:22 39:6,10,15,18	40:12 42:17 43:11 43:24 44:15 45:9 46:12 52:17 54:11 54:17,19 55:6,16,17 56:17 57:17,23 63:19 115:20 reinforced 142:17 relate 39:18 related 154:18 165:18,19 relates 17:17 98:22 126:1 133:7 165:16 relation 166:4 relationship 65:5 relative 103:1 relaxation 38:14 released 204:9 relevant 29:9 51:5,9 58:12 relied 33:19 relief 26:8 45:14 48:17 relying 134:25 135:2 remain 7:22 99:21 175:9 191:14,15 remaining 10:12 153:12 remains 7:21,21 remark 50:25 remedial 120:15 122:10 remediated 96:14 remediating 134:21 remediation 59:13 94:15 125:3 132:5 187:12,14 remember 32:20 remind 7:19,25 25:6 reminder 88:8 removal 129:1 remove 56:15 188:5 removed 62:4 81:2 174:25 178:9 187:16,16 188:8
---	--	---	---

<p>removing 55:13 rendered 185:7 rendering 79:8,9,10 79:12,17,24 80:6,6 147:19 149:18 185:14 renee 1:10 199:8 renovate 186:4 rent 86:9,10 99:18 112:17,19 rental 86:1,6,7,15 148:4 rentals 85:11,12,14 85:15 renters 148:10 renting 148:9 rents 85:21 reopen 68:18,22 repair 133:21 186:3 187:10 repeat 25:19 replace 178:10,15 replaced 100:3 178:19 replacement 88:1 replacing 190:6,17 reply 196:5 report 33:16 37:5,9 37:12,23 40:3 43:14 44:25 46:16 48:25 54:13 58:1,21 63:18 88:16 140:11,14 143:20 149:13 reporter 208:6 represent 6:19 72:14 109:13 202:1 representation 139:25 representing 6:24 159:22 166:9,24 172:4 183:8 represents 204:5 reproduces 49:21 request 13:2 48:14 80:5 152:17 199:19</p>	<p>requested 20:8 49:12 71:15 91:1 108:16 151:21 152:2,12 154:24 174:10 195:25 202:20 203:13 requesting 151:21 170:22 202:19 require 54:3 61:14 81:17 82:17 83:2,5 119:9 required 21:6 78:6 83:4 89:16,24 94:17 requirement 37:13 50:24 87:1,12,16 106:14,16,16 116:3 116:4 156:23 159:6 159:19 requirements 39:22 42:4,8 46:8 89:15 190:14,16 requires 83:7 84:25 94:23 151:12 159:6 requiring 128:17 rerouting 202:8 research 23:25 116:7 reserve 7:4 reside 110:10 128:2 residential 34:25 62:12 74:4,5 75:5,7 75:12,19 76:10 77:16,20,22 83:8 84:18 106:9 120:18 132:17,24,25 133:4 186:14 187:2 residents 24:13 81:10 158:7 resistant 56:10 resolution 42:5 172:8 resolutions 4:17 resolved 66:10,22 109:17</p>	<p>resources 51:20 respect 8:18 11:17 12:12 15:14 29:23 41:20 43:9,12 50:19 59:9 60:5,9 64:17 130:13 134:19 149:11 173:17,25 174:11,21 175:19 190:11 respectfully 27:11 29:6 response 140:20 responsibility 126:12 128:1 133:10 responsible 122:21 125:2,21 126:21 responsive 61:8 rest 29:1 restaurant 117:6 resting 139:24 restoration 10:5 restored 9:20 10:17 17:4 restrict 43:24 restriction 81:16 85:18 86:10 restrictions 85:14 85:15,21,21 86:6 132:24 resubmit 139:18 result 42:5 105:4 131:6,14,15 133:23 resume 7:17 151:8 resurfacing 192:17 retail 81:25 82:6 retained 141:16 retaining 59:14 retake 121:10 retention 80:22 return 161:17 reuse 12:13 revealed 188:10,11 revenue 24:7</p>	<p>reverse 99:14 review 3:13 12:9 18:13 37:8 40:22 41:16 42:23 54:4 58:15 90:10 92:13 101:22 104:20 126:21 127:3 129:9 131:11 132:3 133:2 133:11 140:8,12 141:2 149:10,12,24 157:23 188:19 190:19 204:2,24 reviewed 7:6 33:8 33:15,16,17 37:5,17 37:21 49:18 63:9 104:7 173:14 174:7 175:9 reviewing 60:10 133:9 141:1 revise 89:11 102:13 revised 58:3,23,25 102:24 139:18 188:19 revision 102:16 revisions 108:16 rfq 130:10 richard 25:4 rid 11:1 203:9 right 13:10,11 23:15 24:14 25:2 29:8 45:15 51:11 64:21 65:20 73:12 76:4 86:21 94:3 95:6,14 96:5 97:21 98:11,18 99:14 101:20 102:7 102:20 105:7 112:16,20 113:4 114:6 115:8 116:19 117:2 118:1 120:9 123:19 129:23,24 130:16 144:13 147:4 150:3 155:14 171:20 181:14 186:1 190:4,9 191:14,18 203:15</p>
---	---	---	---

<p>rights 40:20 rip 101:8 rise 3:11 180:2 risk 23:6,7 59:24 60:12,20 61:16 129:19 risks 59:22 60:11 river 6:9 14:21 16:3 18:11 46:24 121:12 123:25 road 6:9 14:22 16:3 18:11 65:3 95:18 96:6 103:18 104:5 110:10 111:25 119:7 129:16 130:1 131:7,14 133:8,16 133:21,22 134:15 135:19 141:25 155:16 157:19,24 157:25 158:12,12 173:13,21 174:6,9 178:18 181:7,9,14 183:12 186:18 191:25 192:15 roads 42:19,25 78:18,19,20 104:9 104:10 113:22 149:12 157:25 roadway 130:16 robert 170:22 robust 131:22 rock 56:4 59:15,23 61:15,21 62:9 197:16 rode 181:8 rodgers 195:20 role 21:12 60:10 111:16 roll 2:13 67:12 169:12,14 roman 40:9 romano 1:12 3:4 91:16 94:15 95:24 96:10,12,21 97:1 107:16,20 108:8,9</p>	<p>150:23,24 151:14 152:5,7,10,16 153:4 154:20 155:1,3,9,19 156:2 160:16,23 161:13,16,25 162:14,15 163:23 164:14,21 165:1,5 166:22 169:3,19 170:6,7 182:1,4,17 182:18 185:11 186:8 187:12 193:10,13,25 194:1 194:17,20 195:10 195:11 197:5,6 198:18,19 200:18 202:9,13 203:5,24 204:11 205:21,22 206:25 207:1 roof 56:11 80:17 98:14 118:19 186:12 roofs 181:2 room 46:22 189:4 rooms 79:16 roped 35:9 38:6,7 rosh 160:18 roughly 95:14 round 65:24 187:25 route 36:16 82:19 rp 122:21 rubble 62:3 rules 13:3 40:12 45:8 ruling 29:7 61:3 run 116:24 117:3 running 81:21 117:4 122:19 runoff 13:12 64:8,9 131:17 133:6,12 runover 133:7 runs 36:16 rushabh 1:11 russel 110:9 russell 110:6</p>	<p>rutgers 32:3 s s 1:14,14 31:12 136:12 185:6,6,20 sachdeva 197:24 safe 122:4 128:14 safety 63:2 sale 25:22 112:25 salute 3:10,11 salvador 23:22,23 samples 34:12 sampling 121:25 sanitary 118:25 119:1 138:19 141:24 satisfaction 131:12 149:25 satisfactory 149:10 satisfied 48:1 save 39:23 saw 146:23 saying 8:12 9:5 50:22 60:20 95:13 103:14 104:3 122:20 124:7 125:4 134:25 135:1 140:17 142:2 160:5 163:16 176:16 says 13:19 40:8 46:18 55:19 59:1,4 82:9 88:9,13,25 120:25 190:4 scaffolding 94:2 scaling 64:19 scape 100:23 scared 22:19 scarlet 10:25 schedule 66:19 92:21 157:3,11 192:20 201:20 scheduled 4:14 6:3 67:5 159:10 scheduling 66:25 162:20</p>	<p>school 147:1 scope 26:4 100:4 score 20:20 screening 177:2 screens 174:2 sculptured 77:9 sd 197:19 se 121:18 sealed 134:8 seat 93:15 secaucus 4:19,21 165:9 167:6 173:12 173:13,21 174:6,9 181:14 183:2,9,11 183:15,17 second 3:19 5:8 21:22 41:1 42:2 50:3 51:22 67:7,10 67:20 68:20 70:2 76:7,14,19 104:24 107:17 116:15,16 117:7,8 149:22 150:5,6,9 152:20,21 152:23,24 156:7,17 156:18 169:3 173:16 174:18 176:6 182:1 186:11 186:12 193:10 194:17 196:14 198:4 205:5,6 206:1 206:2 207:8 seconded 3:23 5:10 67:21,23 68:23 70:4 107:20 161:25 169:18 182:4 193:12 194:19,24 195:1 196:17 198:7 205:8 206:4 seconds 65:16 section 39:25 40:9 42:16 43:5 44:3 45:1 48:14 50:6 51:14 63:17,19 106:23 168:14 176:4 194:6 195:17</p>
---	--	--	---

<p>197:10 sections 58:15 see 24:2 26:10 66:7 67:3 74:19,21 75:10 76:15 77:8,19 79:19 82:25 83:15 86:3,25 102:24 103:20 105:22 111:20 113:18 114:11 115:18 116:13,18 117:7,18 119:24 120:3 123:11 129:10 134:23 144:3 145:9 148:4 153:13 177:25 183:14 188:18 189:16 190:23 seek 44:15 45:14 seeking 46:12 47:4 seen 19:19 30:20 93:3 103:1,10 self 27:15 32:10 sell 27:19 semi 114:8 send 72:1 89:13 147:23 161:9,11 201:18 204:13 sense 9:23 121:10 sensitive 51:16 52:4 55:15 153:17 163:19 164:16 165:6 sensitivities 153:8 sensitivity 165:25 sent 115:15 separate 75:15 81:20 141:15 september 1:6 2:3 58:2,22 59:1 88:19 series 118:1,10 138:22 serious 127:11 129:18 154:17 serve 99:17 192:4</p>	<p>served 32:8 service 79:16 155:21 192:4 203:17 services 78:19 serving 200:7 session 168:12 set 43:25 47:24 51:9 74:12 79:18 103:24 113:16,18 114:15 137:25 setback 120:6,7 settlement 144:13 seven 65:20 66:4 71:7 84:5 105:23 174:8 189:21 sewer 35:7 80:20 98:16 103:7 138:19 141:8 142:11,12,14 142:14,22,23 143:10,19,24 144:14,15,19 shade 135:18,18 175:6 178:3,8,11,17 shaded 74:17,18 shaftan 208:5 shape 98:6 112:5 shaped 74:19 sheds 51:21 sheet 50:2 103:23 138:7,9,11,15,19,20 141:11 185:19,20 sheets 49:24 shell 55:22 shop 186:3 187:10 short 66:6 67:1 93:21 shovel 113:4 show 27:12 48:1 76:24 143:17 189:14 196:1 shown 31:15,17 34:8 74:14 141:11 shows 133:11 138:9 138:12 141:11 185:14</p>	<p>shut 177:23 side 34:2,3 36:6 74:21 76:17,18 77:16,20,21 81:3 84:20 96:13,24 112:17 116:14 123:23 129:14,20 129:22 133:12 141:9 186:13 187:3 sidewalk 80:25 82:23 95:5 100:23 101:2,5,9 105:5 106:20,22 107:1,11 115:23 174:8 179:10 189:10 190:7 192:8 sidewalks 39:23 115:19,20 126:15 sight 188:9 sign 190:1 signal 145:21,24 signals 145:17 significant 11:5 46:15 57:13 127:12 158:2,4 significantly 18:5 signing 122:15 signoff 131:11 signs 122:16 similar 30:6,14 38:17 55:24 100:15 100:17 117:22 128:23 simple 26:20 58:7 simply 39:3 48:19 48:21 109:22 204:8 sincere 163:4 sir 29:22 106:16 site 6:2 8:20 9:5,6,15 9:24 11:11,14,22,24 11:24 14:11 15:19 16:10,11 17:18 19:13 20:18 21:5 33:11 34:8,10,14,23 35:14 38:19 39:17</p>	<p>39:19,25 42:13,17 42:24 43:5,8,15,20 44:12 46:18 47:6,10 47:13 48:7 53:14,16 56:3 57:15,22 62:5 62:7 74:11 75:11 78:6,8,25 79:1,2 90:10,19,19,21 91:24 92:6 96:13 103:24 110:1 115:7 115:8,10,10,11 119:19 120:16,22 120:24 121:12 122:10 124:6,16 126:1,8,13,17 127:10 129:13,13 129:14,22 130:2 131:4,17 133:12,14 133:15 138:11,12 138:17 141:1 167:8 167:20,21 172:13 175:7,21 178:6 183:14 185:3,23 186:15,23 188:6,11 188:19,21 190:19 190:25 sites 11:18 12:13 13:25 14:1,1 19:1,4 47:11 52:4 134:7,21 sits 200:11 sitting 152:9 155:21 155:22 situation 20:13 47:13,17 97:2 133:11 153:25 six 75:3 77:5 183:12 189:12,14,19,22 191:13 size 83:21,22 142:15 143:8,19 146:12 149:14 166:14,21 173:17 174:14,15 174:17 186:22 sized 103:9</p>
--	--	---	---

<p>sizes 85:1 skew 188:22 slab 98:14 sleep 22:19 slight 179:13 slightly 176:17,22 185:17 slope 9:2,3,8 10:4,9 10:20 11:3,8,20 12:4,6,6,18 13:12 13:14 26:6,7,23 27:13 37:13,19 38:14,25 39:13 40:5 45:20 47:14 54:15 56:24 57:4,8,13 58:1,9,15 59:14,16 61:25 94:22 sloped 53:20,21 57:18 slopes 9:16 10:17 11:24 12:15 14:11 17:1,2,12 21:12 38:4 40:1 49:2 51:17 52:14,17,21 52:22 53:2,25 54:2 59:10 63:21 sloping 95:10 slowly 80:20 small 186:22 smaller 23:8 76:17 179:22 smart 22:22 24:5 soil 55:11 solar 180:1,14 solely 43:17 74:17 somebody 105:24 146:7 187:21 somewhat 26:18 42:15 67:3 sorry 9:4 20:15 96:5 139:4 206:10 sort 54:4 82:5 south 15:24 16:11 16:14 27:9 59:2,4 112:17 187:3</p>	<p>southeast 141:22 sp 4:18,22 5:2 6:8 72:5 107:19 108:25 150:8 151:20 168:5 169:17 170:18 171:10,12 182:3 194:9,12 195:19 197:12,15,23 space 74:6 76:22 77:6 81:8,13,17,25 81:25 82:10,11,14 83:8 84:23 85:13 87:12,15,15,21 88:9 88:21,22 112:16 114:12,12 117:18 117:20 119:23 175:2 176:5 177:8 177:12 189:6 191:8 spaces 75:5,25 77:17 82:14,24,25 84:1 86:1,2 87:7 89:8 106:5 113:19,25 114:13,14,15,16,19 114:20,21 speak 8:1 15:14 21:2 22:7 25:8 67:2 95:8,20 97:24 200:24 201:1,23 speakers 201:22 speaking 28:18 135:5 special 52:20 66:1,9 66:19,21 69:25 76:20 152:12 155:6 200:22 204:4,20 206:8 specific 8:18 15:18 15:19 18:21 20:17 20:18 21:11 47:15 58:13 115:22 specifically 39:25 51:17 54:22 59:3,5 spell 31:11 184:6 spent 72:11 134:21</p>	<p>spillover 124:6 spite 17:7 spoke 18:23 spot 87:23 104:4 105:23 spring 113:9 sprinkler 119:10,11 square 10:9,12 17:4 17:10 56:23,25 57:1 76:6,22 83:22 84:8 84:11,15,17 85:6 87:13 110:2 112:3,4 112:18 116:20 146:14,15 148:12 172:12,16 174:14 174:19,20,20 175:3 176:3,6,9,12,15 186:2,7 188:21 squared 186:25 squeezing 182:24 stability 58:1,9,16 59:16 staff 78:3,16 81:2 132:1 185:21 186:16 190:21 staggered 199:14 staging 34:19 35:3 36:4 93:9 stairs 102:4 116:15 stake 22:14 stand 3:9 160:12 standard 40:1,4,23 40:25 45:1,13 46:3 48:5,22 143:9 147:13,13 189:18 standards 20:12,14 39:7,19 40:12 41:17 42:7,9 44:5,5,6 45:2 45:9 47:23 48:21 120:18 standpoint 57:10 60:12 63:7 star 2:9 start 7:16 65:23 92:23,24 121:5</p>	<p>124:14,15,23,24 163:15 196:8 started 93:2 94:12 94:13 122:23 124:20,22 192:17 starting 47:18 94:10 starts 204:16 state 8:4 13:2,3 14:10 31:10 33:17 38:5,6,11,17 39:6,7 39:11 41:11 42:13 42:16 48:15 54:16 54:23 55:7,16 56:19 90:11 109:11 110:7 111:10 136:10,24 137:2,5 184:5,16,19 208:6 state's 38:1,9 54:19 stated 27:4 109:22 statement 22:11 29:17 30:4,19,22,23 statements 13:23 28:11 53:12,13 station 179:8,11 status 199:20 statute 33:18 41:8 41:11,24 42:13 43:6 43:8 54:23 statutes 41:9 stay 69:18 87:24 118:4 153:5 155:20 157:7,16 stayed 156:10 steck 31:2,5,7,9,12 31:12,15,21,25 32:19 33:3,25 34:9 34:14,22 35:12,17 35:22 36:13,22 37:7 37:10,15,21 39:2,16 40:7,21,24 41:2,6 41:10,15 42:1,15,22 43:7,13,21 44:1,22 44:23 45:3,15,21 46:4 48:3,13 49:5 49:14,18,21 51:6,11</p>
--	---	--	---

52:16,20,25 53:4,11 54:5 55:3,5 56:16 57:6,11,24 58:14,17 58:21 59:12,21 61:1 61:10,23 62:2,21,25 63:3,17 64:1,7,13 64:16,19 65:4 69:9 steep 9:2,2,8,16 10:9 10:17,20 11:3,8,20 11:24 12:6,15 13:12 14:10 17:1,2,11 21:12 26:6,7,23 27:13 37:13,18 38:4 38:14,25 39:13,24 40:1,5 45:20 49:2 51:17 52:14,17,22 53:2,20,20,24 54:2 54:15 56:23 57:3,8 57:13 59:10 61:25 63:20 steeply 57:18 stephen 1:16 steve 180:8 202:10 steven 136:8,11 170:17 180:10 stockholders 204:10 stone 55:22 stop 152:25 167:14 stopped 152:6 stopping 152:18 stops 130:21 storage 119:23 121:19 175:19,22 187:25 188:1 store 82:1,6 116:18 116:19 121:23 storm 38:4 54:16 55:21 63:23 64:2 80:15,22 98:12,16 98:17 100:14 118:16,17,19,21,22 118:25 141:8,17,19 141:24 142:13,18 142:22	storms 142:20 story 75:3 77:3,4,5 99:10 112:8 174:18 186:12 straddles 74:9 straightforward 167:9 strategy 205:3 street 4:20 5:3 72:6 74:8,10,10,15,15,16 74:21,22 75:8,10,10 75:13,17,17,19,20 75:22,23,24 76:17 76:18 77:16,21 80:25 90:21 93:2,7 93:20,20 94:10,22 95:2,10,10,18 98:7 98:8,9,11,17,18,21 98:24 99:15 100:23 100:24 103:16,17 103:25 104:4 106:20,23 107:11 111:24,24 112:21 113:21 114:1,4,8 118:20 119:2,8,9 123:21 129:21 134:3,24 141:9,20 141:22 142:7,8,15 143:2 145:11,22 181:9 187:4 197:16 streets 93:11 113:23 141:9 145:7,8,17 streetscape 100:1 strenuously 26:3,9 stress 93:14 strict 42:6 stricter 53:23 strike 194:25 strip 190:17 structure 55:19 92:20 113:8 141:18 166:21 structures 13:13 55:23,24	studied 58:19 studies 47:14 204:15 studio 74:5 82:5 study 15:3 58:1,9,9 58:16,20 148:4 201:12,15 202:5,19 203:11,14 206:1,6 stuff 23:17 132:12 132:13 sturdy 116:10 style 77:25 112:9 subdivision 38:19 39:18 42:4,6 43:3 53:14,16 subdivisions 6:2 41:16,20 43:15,17 43:19 44:13 48:23 subject 25:22,25 34:7,16,20 35:5,10 35:10,20 36:12,21 36:25 59:3,11 61:12 131:10 149:1,4 173:18 submission 39:22 149:15,17 submit 28:24 74:12 103:4 137:19 147:20 162:22 176:5 177:25 submitted 27:20 28:15 34:11 78:2 129:11 172:22 175:6 177:19 185:15 subscribe 90:1 subsection 41:23 42:1 43:4 subsequently 172:9 substantial 40:17 57:10,12 64:14 substantially 40:19 46:13 48:6,18 sufficient 128:7 139:23	suggest 13:7 131:20 143:11 160:9 suggested 116:8 suggestion 143:8 163:10 suggestions 149:13 summarize 56:22 summit 183:8,25 super 114:15 superior 32:16 supervise 101:23 supplied 79:10 supply 92:13 support 24:3 supposed 89:20 125:8 supreme 184:20 sure 2:14 24:8 25:18 30:24 37:24 50:11 63:3 71:2 92:13 101:6,12,14 103:12 104:22 106:24 108:15 115:2 116:9 116:10 131:25 133:1 134:10 135:18 144:1,19,23 146:1 147:24 165:19 189:11 surface 55:9,19 56:8 56:8 79:5 98:22 104:13 116:1 surfaces 38:10 55:24 surge 80:19 surround 117:11 surrounding 110:20 111:13 survey 138:21 surveying 137:5 survival 24:11 susan 7:17 suspect 46:22 sustained 30:15 sustaining 28:5
--	---	--	--

<p>swamp 104:16</p> <p>swear 183:19,22 184:1</p> <p>sworn 31:7,9 72:23 72:25 73:1 97:6,7 110:6 136:8 173:3 184:4</p> <p>system 80:16 98:12 98:15,15,19 102:25 103:7,9 115:24 118:17,21,22 119:11,22 121:23 128:14,15 141:12 141:13,14,16 143:21 203:16</p>	<p>124:2 130:24 132:14 158:13</p> <p>talks 41:19 45:6 51:15,19 52:8 54:14 59:2,3 63:20 64:1,3</p> <p>tandem 105:23 106:5,8,12 114:14 114:15,16</p> <p>tanks 121:19 187:25 188:2</p> <p>tap 98:10</p> <p>taracita 23:23</p> <p>task 19:10</p> <p>tax 34:7 87:3</p> <p>tear 181:3</p> <p>technical 79:20</p> <p>technically 129:12 135:5 172:18</p> <p>technicians 191:5</p> <p>techniques 53:21 80:14,14 178:24 179:24</p> <p>technology 180:24 181:4</p> <p>telephone 161:8,9</p> <p>tell 12:1,14 15:9 16:3 33:1 81:21 84:9 86:24 153:16 153:17 157:8</p> <p>telling 157:17 177:22</p> <p>temporary 96:19</p> <p>ten 32:17 74:5 75:18 90:2 151:16,17 156:22 157:14 159:6,13 166:16 169:5 189:22</p> <p>tenant 187:14 191:19</p> <p>tend 103:17</p> <p>term 8:8 12:2 148:14,15</p> <p>terms 9:8 10:19 11:24 14:5 18:15 25:7 33:10 46:19</p>	<p>55:14 73:13 82:24 100:16,22 111:20 118:15 125:22 131:21 134:11 138:4 140:1 153:8 158:23 162:23</p> <p>terra 195:19</p> <p>terrace 80:24 117:8 117:16</p> <p>terraces 117:15 118:3</p> <p>territory 12:3</p> <p>test 134:10</p> <p>testified 8:8 11:12 16:16 32:13 37:5 111:7 179:12</p> <p>testify 27:17 33:12 53:5 137:8,14</p> <p>testimony 8:11,18 9:14 10:8,22 15:22 16:17 25:13,15,15 25:19 26:3,8,16,16 28:6 29:8,14 30:11 30:14 33:2,5,7,14 33:20 37:23 43:22 45:21,23 46:5 49:12 50:20 53:10 54:14 60:6 61:7,20,24 66:13,15,16,19 133:13 172:24 175:13</p> <p>testing 124:11,12</p> <p>thank 2:12 5:25 6:11 7:18 14:8,23 14:23 15:5 20:20,21 24:13 29:10 31:14 51:2 63:4 70:25 72:9 73:5,6 80:2 88:5 105:10 108:16 108:17,22,22 135:14 137:17,22 137:23 144:20,25 151:3 167:23 171:21 172:1,2 173:9 182:23 183:4</p>	<p>184:8,10,11 194:4</p> <p>theirs 187:22</p> <p>theme 117:23</p> <p>thick 189:12</p> <p>thickness 189:21</p> <p>thing 13:6 27:4 30:10 77:10 92:20 93:12 94:9 100:24 118:14 120:10 121:3 128:5 143:17 153:16</p> <p>things 15:7 24:4 101:15 117:3 125:8 130:24 153:2 157:21 202:23</p> <p>think 6:14,15 11:4 12:8 14:13,19 15:6 16:2,5,14,23,25 20:7,19 23:14 24:6 24:17,20 28:15,22 36:22 50:17 56:24 57:7,11,12 62:15 63:11 65:11,15,25 66:19 88:8 90:5 94:12 97:9 100:3 127:7 129:5 130:3 130:14,23 131:9 133:9 148:6,24 154:14 156:5 157:5 163:18 165:3,13,21 167:8 168:8 171:16 171:16 176:23,24 178:2 180:16 188:10,25 190:2,23 190:23 196:4 199:13,22 201:22 202:1,2,22,25 203:24</p> <p>thinking 16:10 21:23 86:15 167:9</p> <p>third 75:21 76:3 77:18 116:16 166:23 167:7 199:7</p> <p>thought 15:8 23:5 29:25 152:11</p>
t			
<p>t 1:14 31:12 184:9 208:3,3</p> <p>t&m 100:20 132:1,3 132:3 139:19 140:8</p> <p>table 134:11 138:8,8</p> <p>take 11:7 12:9 13:20 25:9 38:12 40:2,11 45:12 54:20 60:11 66:6 67:12 68:14 71:6,23 93:15 98:8 113:8 116:16 119:6 121:25 126:5,12 134:14 153:11,21 156:5 158:24 168:24 173:21 203:1,3</p> <p>taken 54:10 58:8 68:15 114:4 138:21</p> <p>takeover 122:24</p> <p>takes 13:9 22:23 75:1,14 138:16 153:7 155:17 174:2</p> <p>talk 22:16 48:4,25 64:5 78:10 120:1</p> <p>talked 17:3 39:21 122:1</p> <p>talking 9:2,10 59:5 62:14 88:18 118:11</p>			

158:15,16 165:17 165:18 169:5 thoughts 21:4 thousand 8:14 22:21 56:23 61:25 84:19 112:3 146:16 147:7 thousands 62:9 three 24:4,20 49:24 50:8 65:1 66:13 75:7 83:25 85:3 103:23 114:13 125:7 135:20 146:24 149:19 151:18 152:4 155:11 160:3 168:1 170:25 187:5 190:12 191:6 192:18 199:3,11 threshold 172:16 throats 23:18 tic 149:7 ties 141:21,23 tight 100:12 164:5 167:3 time 8:17 12:2 14:21 17:16 19:15 33:6,13 69:20 72:11 86:13 92:22 93:9 94:4,11 101:8 110:13 126:17 137:7,12 153:8,17,21 154:17 155:14 162:23,24 163:2,19 164:15 165:6,10,24 168:22 168:23 171:23 172:7 181:8 183:5 187:7 192:10 timely 30:15 times 16:17 73:17 73:19 110:12 115:14 137:13,16 191:6 timing 52:9 100:25 143:25	title 41:15,18 42:23 51:14 138:9 titled 75:10 today 27:20 35:3 50:15,17 71:4 154:10 159:2 160:9 179:22 toe 59:14 told 124:14 135:3 157:20 tolerant 135:22 tom 166:8 172:3 tomorrow 193:5 199:20 tonight 65:21 72:19 117:25 153:10 161:15 167:11 171:9,13,17 172:19 183:5,18 185:5 190:24 201:2 204:6 tonight's 7:14 137:25 139:7 top 13:13 18:7 58:25 75:15 77:3,4 117:15 117:17 189:19 topographic 46:19 topography 39:24 64:6,11 tops 56:11 112:21 112:22,23 total 77:15 83:23 touch 148:20 192:22 192:25 tower 75:18 76:16 76:17 77:3,4 towers 6:20,24 24:24 75:15,18 76:16 77:2 town 4:19,21 24:7 114:23 127:20,20 173:13 183:2 194:15 195:21 towns 24:8 township 6:10 32:8 197:14	track 200:25 202:8 tradition 86:2 traffic 65:2,6 99:14 99:20 109:15,17 130:9,11 131:23 133:23 140:10,11 140:13 145:16,21 145:24 146:6 157:20,20 158:5 186:17 203:14,22 transcript 1:3 15:22 66:18 71:2,4,11 208:8 transcripts 7:7 71:15,17 72:2 transferring 134:12 transmission 59:19 59:23 63:6 transportation 201:15 202:5 203:16 206:6 traverses 35:20 treat 52:17 treatment 59:4 tree 116:10 135:24 trees 12:5,18 14:19 80:24,25,25 81:3 116:1,3,5,6,7 120:11 135:18,18 175:4,6 178:3,8,11 178:14,17 187:5 190:12 tridente 1:18 88:20 tried 20:16 trip 106:21 truck 157:19 158:5 true 20:2 187:22 208:8 trunk 144:16 try 53:7 56:22 66:7 66:9 67:6 72:11 106:6 109:19 128:3 132:12 134:20 186:11	trying 44:9,10 56:19 69:17 92:9 117:23 118:4,7 119:3 123:8 124:12 127:17 128:10,16 162:20 167:1 tunnel 98:24 turn 28:18 73:23 85:16 109:8 turning 189:6,8 turnpike 109:13 158:10,11 twa 144:9,10 twelve 142:16 143:6 144:5 twenty 84:5 twice 123:7 two 21:1 24:23 32:8 49:22 50:7,7 52:6 66:13,14 67:2 72:14 72:19,21 75:6,7,15 75:17 76:15,25 77:2 77:5,19 78:5 83:25 84:12,18,19 87:9 90:2 102:23 103:23 106:7,10 109:15,25 110:13 112:3 114:16,17,18,19 115:1 117:13,13 120:25 121:16,18 121:19 123:20 125:7 130:22 134:7 134:13 144:17 146:11,13,18,24 147:13 148:11 152:4 153:14 159:8 159:19 166:14 171:12 173:15 179:9 183:20 185:5 186:21 189:22 192:18 194:8 201:8 201:17 twos 146:16 tying 103:25
---	---	--	--

<p>tylin 132:1</p> <p>type 27:7 48:13 52:24 53:1,1 61:16 74:24 81:22 82:1 100:23 102:15,25 128:23</p> <p>types 14:6</p> <p>typical 76:20 77:18 77:20</p>	<p>units 45:18 46:8 47:20 74:5 75:5,6 75:12,14,18,19,23 75:24 77:8,15,19,20 83:24,24 84:24 85:24 86:7,23 87:4 87:7 109:25 110:1 112:2 132:17,21,24 132:25 133:4 146:13</p> <p>university 32:2</p> <p>unnecessary 40:14 45:11</p> <p>unquote 48:2</p> <p>unusual 192:10</p> <p>update 201:11,12 205:4</p> <p>updated 190:2</p> <p>updates 204:15</p> <p>upgrade 143:8</p> <p>upper 185:9</p> <p>urban 74:23 98:22 100:23 106:3 135:22</p> <p>use 8:21,24 9:25 10:7 13:8,9 14:20 14:20 32:12 33:19 34:25 36:8 39:10 47:8 48:10 49:7 51:25 52:20 53:22 53:23 74:4 81:10,12 81:22 89:19 93:20 102:7 105:24 113:24 115:23,23 134:22 180:14</p> <p>uses 8:19 9:6 11:15 46:19 54:15 81:19 85:19 86:9 180:1</p> <p>ust 187:25</p> <p>ut 19:18</p> <p>utilities 34:13 95:16 95:17,22 98:11 138:16,16</p> <p>utility 192:1</p>	<p>utilization 9:24</p> <p>utilize 10:11 158:8 158:11</p> <p>utilized 186:3 192:6</p> <p style="text-align: center;">v</p> <p>vacant 79:4 109:23 112:16</p> <p>valet 105:18</p> <p>valid 97:16</p> <p>valley 110:11 144:7 144:14,15,19</p> <p>value 134:22</p> <p>values 64:4</p> <p>van 190:1</p> <p>vapor 121:22,23 128:8,14,15</p> <p>variance 19:21,25 20:1,8 26:22 33:11 48:11,12 49:6</p> <p>variances 19:20,22 25:25 33:11</p> <p>vegetated 56:4</p> <p>vegetation 55:13 56:1</p> <p>vegetative 56:1</p> <p>vehicle 106:11</p> <p>vehicles 145:4</p> <p>verify 71:10</p> <p>versus 13:25 54:8</p> <p>veterinarian 183:24</p> <p>vetted 127:24</p> <p>viaduct 74:8,8,14 78:17,20 81:1,3 90:13,25 93:2,8,12 94:5 96:15,18 98:25 100:2,4,24 107:4</p> <p>viaducts 134:4</p> <p>vibration 61:15 62:6 92:19</p> <p>vice 109:8 135:4 137:18</p> <p>vicinity 144:13</p> <p>view 18:7 79:22 185:8</p>	<p>violating 45:19</p> <p>violation 27:1</p> <p>virgin 12:3,6,17 14:1</p> <p>virtually 200:16</p> <p>virtue 37:14</p> <p>visitors 114:1</p> <p>visual 51:20 64:22</p> <p>visualize 176:25</p> <p>vitae 31:4,17</p> <p>vote 71:13 108:19 151:13,15 152:17 152:18 153:7,11 156:5 162:17 169:11 201:17</p> <p>vrasidas 108:25 109:14</p> <p style="text-align: center;">w</p> <p>wait 155:25 162:19 163:5 167:10</p> <p>waiting 126:6 158:21</p> <p>waive 7:8 29:7 39:23 40:16 45:5</p> <p>waiver 9:11 19:1 20:11 26:8,22 39:24 40:4,23,25 43:4,5,7 43:10,16,18 44:3,11 44:15,16,20 45:1,13 47:24 100:8 102:2</p> <p>waivers 39:14,17,20</p> <p>waiving 42:3,7</p> <p>walk 191:5,8</p> <p>walking 34:2 115:25 186:18</p> <p>wall 59:14 90:18 91:4</p> <p>walls 84:25</p> <p>want 15:1 18:19,20 18:21 23:11 44:2 47:7 53:16 58:7 71:19 100:22,25 103:13 114:24 115:2,23,23 116:10</p>
<p style="text-align: center;">u</p> <p>u 72:13 112:5 136:12</p> <p>unbelievably 157:19</p> <p>uncomfortable 139:14</p> <p>underground 35:25 188:1</p> <p>underneath 72:15 93:10 98:24 181:7</p> <p>understand 7:15 8:11,22 12:21 25:12 29:7,12 92:19 126:9 130:15 155:9 176:19</p> <p>understanding 17:17 128:3 134:5 170:17</p> <p>understands 40:10 200:19</p> <p>understatement 176:18</p> <p>understood 101:25 105:9 189:9</p> <p>undisturbed 10:4</p> <p>unfair 157:5,8</p> <p>unfinished 161:20</p> <p>unfortunately 93:22 129:23</p> <p>union 4:25</p> <p>unique 46:17,18,23 47:6,17</p> <p>unit 83:8,22,25 84:10,18,23 87:8 106:7,9,14 114:21</p>			

116:11 120:2 123:11,19 127:3 128:5,11 132:13 133:1,20,21 134:20 155:10 156:12 157:7 168:7,18 170:24 171:3,7 180:4,22 185:2 188:22,23 189:11 190:18 193:5 199:25 204:4 206:11 wanted 22:11 38:16 114:24 118:8 146:1 180:20 wants 22:16 113:4 146:3 151:11 153:5 204:1 warehouses 118:1,3 warp 19:24 warranted 38:25 39:3 washington 125:11 197:21 waste 13:3 wasting 155:14 157:14 watch 124:24 water 13:3,12 38:2,4 54:16 55:21 56:11 62:9 63:23 64:3,8,8 80:16,18,19,20,22 95:11 98:12,17 100:12 118:16,17 118:19,21,22 119:6 121:13,14,16,20 126:24 129:23,24 129:25 130:19,21 131:5,17 133:17,18 134:11 142:8 181:7 192:4 waterfront 15:3 waters 166:9 172:3 way 9:19 12:22 15:1 16:24 17:7 20:13	31:25 35:2,4 36:5,7 47:12 66:11 78:20 91:9 94:3 95:6 98:11,18 99:16,22 101:7,20 102:7,20 105:7 119:2 120:9 122:3 130:16 133:17 145:8 146:3 146:4,10,11 164:11 165:13 203:15 wayne 183:21 ways 146:2 we've 107:14 wear 181:3 wednesday 1:6 2:3 67:4 69:22 160:9,24 161:20 weehawken 16:12 week 113:5 121:9 153:14 159:2 160:7 160:9 177:23,23 weekends 191:4 weeks 66:14 153:14 191:1 192:18 weighing 54:7 weight 181:3 wells 121:14,17,19 126:18 went 18:19 97:10 106:21 110:24 135:11 west 16:11 99:9 104:14 194:15 westbound 99:22 western 35:18 wide 127:21 174:8 191:13 wider 75:25 width 99:11 wife 106:10 willful 23:14 william 1:12 willing 90:12,14 100:18 131:8 181:21	willow 99:18 104:12 128:25 win 173:24,24 windows 78:1 96:24 117:19 wire 189:12 wireless 194:9,13 wishes 27:14 73:8 witness 7:20 26:8 29:9,14 30:15 60:3 62:16 63:12 69:21 73:7,13 110:5 136:4 136:6 witnesses 24:18,23 69:18 72:14,19 109:15 183:20 184:1 women 22:24 wong 14:24,24 15:6 15:9,16,21 16:9,16 16:20 17:6,14 19:9 19:19 20:19 word 16:18,20 82:8 wording 45:4 words 99:25 100:11 138:4 work 11:2 15:2 75:18 76:24 77:17 84:1,20,21,23 85:13 86:1,2 93:17,17 94:3 96:20 100:4 101:11,19 111:5 113:9 122:10 133:20 144:24 167:21 188:5 200:19 worked 15:10,12 78:4,15 79:14 working 81:1 91:5 126:4 127:1 202:24 works 191:18 world 22:24 47:3 128:5 worldwide 19:13	worry 147:1 worse 203:19 worth 52:6 worthwhile 53:12 worthy 202:1,1 writing 27:20 89:12 125:9 wrong 89:1 y yard 173:22 174:3 175:23 177:1 yeah 92:4 122:17 123:19 148:5,9,13 170:9 year 17:18 58:11 122:24 124:12 126:21 127:3 141:17 142:18 199:10,23 years 8:13,13,14 9:18,19 10:24 12:20 13:8,16,20 14:18,21 32:10 108:11 110:13 113:2 132:14 137:6 183:12 184:17 yesterday 140:12 york 16:11 194:15 197:12 young 158:7 z zone 59:15 zoning 1:19 46:5 89:19 111:8,19 137:9 177:20,22
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