

MINUTES OF THE
EAST BRUNSWICK TOWNSHIP
BOARD OF ADJUSTMENT

May 18, 2023

STATEMENT - Open Public Meetings Act

FLAG SALUTE

ROLL CALL -

PRESENT:

Christine Rampolla, Chair
Amy Papi
Ivan Wynter
Deepak Arora
Steve Pepe
Chester Brandt
Bonnie Wilson
Drew Weingarth

ABSENT:

Steve Philips
Leon Gurevich
Cathy Decker (resigned)
Miley Weiner, stud. rep.

ALSO PRESENT:

Jay Weiner, Esquire
Aaron Blessing, Zoning Officer
Keith Kipp, Director of Planning/Engineering
Joseph Kong - Engineer
Keenan Hughes - Planner

MINUTES

May 4, 2023 - Motion to approve by Ms. Papi, second by Mr. Brandt. Minutes approved.

RESOLUTIONS

Application #Z-22-22 - Red Oak Developers, LLC - Proposed four-lot subdivision located at 149 Joseph Street, block 111, lots 21-27, 50-56, in the R-4 zone. Tabled to next meeting.

Application #Z-23-05 - Rando - Bulk variance to permit existing shed with required side yard setback located at 47 Mitchell Avenue, block 828, lot 21.03, in the R-3 zone. Motion to adopt by Ms. Papi, second by Mr. Brandt. Resolution adopted.

OLD BUSINESS

Application #Z-23-09 - De Pablo - Proposed 6-foot-tall fence with the required front yard setback located at 179 Joseph Street, block 108, lot 18.01, in the R-4 zone. Mandatory date August 10, 2023. Motion to approve by Mr. Arora, second by Mr. Pepe. Application approved with conditions.

Application #Z-22-21 - Central Jersey Church of Christ - Proposed renovation and addition to existing building to convert to church located at 108 Church Lane, block 310, lot 4.10, in the RP zone. Mandatory date May 31, 2023. Continued to July 6, 2023. Mandatory date extended to August 1, 2023.

ADJOURNMENT

Motion to adjourn by Mr. Arora, second by Mr. Pepe. Meeting adjourned at 10:30 p.m.

THE CHAIRWOMAN: This is the May 18, 2023, East Brunswick Township Zoning Board of Adjustment meeting. In accordance with the Open Public Meeting Law, on December 15, 2022, notice of this meeting stating the time, date, and location was sent to the Home News Tribune, filed with the township clerk, and posted on the bulletin board in the lobby of the municipal building. A copy of this notice will be incorporated in the minutes of this meeting.

The zoning board will not hear any case beyond 10 p.m. with the exception of any hearing in progress at that time and will terminate all testimony at 10:30 p.m.

The chair reserves the right to call any application in an order different from that appearing on the agenda.

The doors outside the courtroom are the exits to be used in the case of an emergency.

I'd ask if everyone could please stand for the pledge of allegiance.

(Flag salute)

THE CHAIRWOMAN: Aaron, can you please call the roll.

MR. BLESSING: Mr. Weingarh.

MR. WEINGARTH: Here.
 MR. BLESSING: Miss Wilson.
 MS. WILSON: Here.
 MR. BLESSING: Mr. Brandt.
 MR. BRANDT: Here.
 MR. BLESSING: Mr. Pepe.
 MR. PEPE: Here.
 MR. BLESSING: Mr. Gurevich. Mr. Arora.
 MR. ARORA: Here.
 MR. BLESSING: Mr. Wynter.
 MR. WYNTER: Present.
 MR. BLESSING: Miss Papi.
 MS. PAPI: Here.
 MR. BLESSING: Acting Chair Madam

Rampolla.

THE CHAIRWOMAN: Here. Thank you,

Aaron.

Okay, first on the agenda we have a set of minutes from the May 4, 2023, meeting. Does any -- do any of the board members have any questions, comments, or concerns about those minutes? No? Seeing none, would anyone like to make a motion on those minutes?

MS. PAPI: I make a motion.

THE CHAIRWOMAN: Thank you, Amy.

MR. BRANDT: I'll second it.

THE CHAIRWOMAN: Thank you. Okay, Aaron, can you call the roll.

MR. WEINER: Is everyone eligible?

MR. PEPE: I am.

MR. BLESSING: Yes, except Mr. Wynter and Mr. Arora, but those two nominations stand.

THE CHAIRWOMAN: Okay.

MR. BLESSING: That being said, Mr. Pepe.

MR. PEPE: Yes.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Miss Wilson.

MS. WILSON: Yes.

MR. BLESSING: Mr. Weingarth.

MR. WEINGARTH: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Miss Rampolla.

THE CHAIRWOMAN: Yes. Okay, thank you.

Next we have a resolution on application Z-22-22, Red Oak Developers, LLC, a proposed four-lot subdivision located at 149 Joseph Street, block 111, lots 21-27 and 50-56, in the R-4 zone.

Are there any comments on that resolution, or would anyone like to make a motion on it?

MR. PEPE: I'll make a motion for application Z-22-22.

THE CHAIRWOMAN: Thank you.

MR. WYNTER: I'll second.

THE CHAIRWOMAN: Thank you. Aaron, can you call -- are they both able to --

MR. BLESSING: If I may before we proceed, both of you gentlemen are eligible, but I would like to ask Counsel Mr. Weiner. We had received by e-mail a message from Marc Leber. He was the engineer from that application. And I think he had noticed some typos, so I wanted to check if you had time to review his --

MR. WEINER: I have not seen that e -- mail; however, what I would suggest then is perhaps that this matter be tabled so there's time to take a look at that, and we can pull this from the agenda and put that on for the next meeting. We would need a motion to table the resolution until next meeting.

MR. PEPE: I'll make a motion to table the resolution until next meeting.

MR. WEINER: And was it your motion that was originally --

MR. PEPE: Yeah, it was my motion to approve.

MR. WEINER: And to withdraw your --

MR. PEPE: And to withdraw my motion on Z-22-22.

MR. BLESSING: Thank you.

THE CHAIRWOMAN: You also seconded to table it. Do we need to vote on tabling it?

MR. BLESSING: Yes.

THE CHAIRWOMAN: Can you go ahead and call the roll on that.

MR. BLESSING: And that will be for those eligible who voted in favor of the actual --

MR. WEINER: Yeah, exactly.

MR. BLESSING: Mr. Pepe.

MR. PEPE: Yes.

MR. BLESSING: Mr. Arora.

MR. ARORA: Yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Miss Rampolla.

THE CHAIRWOMAN: Yes.

Okay, we have one more resolution. The

next one is for application Z-23-05, Rando, a bulk variance to permit an existing shed with required side yard setback located at 47 Mitchell Avenue, block 828, lot 21.03, in the R-3 zone.

Do any board members have any comments on this resolution, or would you like to make a motion on it?

MS. PAPI: Yeah, I'll make a motion.

THE CHAIRWOMAN: Thank you, Amy.

MR. PEPE: I don't think I'm eligible.

MR. BRANDT: I'll second it.

THE CHAIRWOMAN: Thank you, Chester.

Aaron, can you call the roll on that resolution.

MR. BLESSING: Mr. Pepe.

MR. PEPE: Yes.

MR. BLESSING: Miss Papi -- oh, I'm sorry, I went out of order. Forgive me. Mr. Brandt.

MR. BRANDT: Yes.

MR. BLESSING: Miss Wilson.

MS. WILSON: Yes.

MR. BLESSING: Mr. Weingarth.

MR. WEINGARTH: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes.

MR. BLESSING: Miss Rampolla.

THE CHAIRWOMAN: Yes. Thank you, Aaron. Okay. Next I'd like to go to new business, only because I think we have a member who is likely to recuse themselves for the next one, so we'll do this one first.

Under new business, we have application Z-23-09, De Pablo, a proposed 6-foot-tall fence within the required front yard setback, located at 179 Joseph Street, block 108, lot 18.01, in the R-4 zone.

Is there anyone here representing that application? Would you like to come up and sit in this -- okay.

MR. DE PABLO: Thank you.

THE CHAIRWOMAN: Good evening.

MR. PEPE: Do we have to swear him in?

THE CHAIRWOMAN: First, can you just start by telling us your name and spelling your name for us.

MR. DE PABLO: Rodrigo Aguiar De Pablo, R-o-d-r-i-g-o A-g-u-i-a-r D-e-P-a-b-l-o. That's the short version.

THE CHAIRWOMAN: Okay. Thank you. If

you would mind raising your right hand, I just need to swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth regarding this application tonight?

MR. DE PABLO: Yes.

THE CHAIRWOMAN: Okay, thank you. Are you -- you're the homeowner at this property?

MR. DE PABLO: Right, me and my wife.

THE CHAIRWOMAN: Okay. Mr. Weiner, do we have jurisdiction on this application?

MR. WEINER: Yes, Madam Chairwoman, the notices have been reviewed. They are acceptable, and the board has jurisdiction to hear this application.

THE CHAIRWOMAN: Okay. So we understand that you want to put a fence along the property line and that's why you're here asking for a variance.

MR. DE PABLO: That's correct.

THE CHAIRWOMAN: Okay. Can you tell us a little bit about why you'd like it right on the property line.

MR. DE PABLO: Sure. There are many reasons why it would benefit so many people to have the fence on property line rather than 4 feet recessed. One of the reasons is to correct part of the current fence that is in place that is 2 feet encroaching into my neighbor's property on the back side of the property. So that would get corrected. Not that has ever been an issue, but we're doing this so we're going to correct it now. So that would, of course, benefit our neighbors in the back side.

Having a fence on that side, on the left side of the property, would also benefit pedestrians and our neighbors on the Marietta Street. It would be much cleaner, a much better walkway, so the experience for those people would be better.

It would also improve the aesthetics on that side of the property. We're planning on a beautiful wooden fence that goes along with the rest of the flora and everything else around, nothing, no neon lights, nothing like that crazy.

Also, a very important reason is because having the fence 4 feet recessed would destroy a lot of flora that is there. So we want to conserve the flora. We want to protect the fauna. We have more than 12 species of birds that come to that area. We love animals. We also have rabbits nesting in that area. There are lilacs that are around 15 years old according to neighbor's reports. We've been there

for 2 years on the property, but according to our neighbors who have been there 40 years. So we don't want to destroy that. That would benefit the flora, fauna, and everybody else around just by nature of that.

It would also increase the security on the property because the way that we propose to -- in the land survey, it would enclose the back side of our property, which includes two entry access doors. So we've had very recently a neighbor of ours who got broken into just on Willow and Marietta that's, I don't know, a hundred yards from us. Just this week we had a neighbor who was chasing after his two pit bulls twice in a week. So it would -- it's just one more reason. I have a 12-year-old daughter. I have a 15-year-old boy. Those dogs would have destroyed them in 2 seconds. So it's also for our benefits for security, but this obviously benefits the community at large.

THE CHAIRWOMAN: Okay, and where you're talking about the plantings, that's -- it's technically your front yard because you're a corner property, correct?

MR. DE PABLO: Correct.

THE CHAIRWOMAN: But it functions like the side --

MR. DE PABLO: Exactly.

THE CHAIRWOMAN: -- yard. Do you happen to know offhand how far in from the property line those plantings are, the bushes and shrubs?

MR. DE PABLO: Around 6 feet in on one side. They basically make an L where the lilacs are 3 or 4 feet wide alongside the property, and then they turn around into the property, and that's another 8 to 9 feet. So there's no way to go around it. We explored that possibility already, and there's no way to go around it without destroying all the flora there.

THE CHAIRWOMAN: Do you know how -- do you know what the distance is offhand, or, Aaron, you might know the distance between where their property is and the actual curb to the street?

MR. BLESSING: I can. It's approximately 10 feet --

THE CHAIRWOMAN: Okay.

MR. BLESSING: -- from the --

MR. DE PABLO: There will be like a 10-foot sidewalk.

THE CHAIRWOMAN: There is no sidewalk, though, right?

MR. DE PABLO: No sidewalk, but, I mean, there would be a 10-foot space --

THE CHAIRWOMAN: Okay.

MR. DE PABLO: -- for pedestrians and neighbors who park their cars on that side of the street.

THE CHAIRWOMAN: So by having it inside the shrubs and bushes there, then you would provide a place for pedestrians to walk; is that --

MR. DE PABLO: There's ample space, yeah.

THE CHAIRWOMAN: Okay. Can you just tell us about the -- I know it's in your application, but the height and what -- you said it's a wood fence?

MR. DE PABLO: Yes, it's a wooden fence, 6-foot, close to the ground. As I said, we just want something traditional, wooden, simple, that looks good, looks new, and that goes well -- our neighbors on the back side actually kind of like really close to the property line, they have many, many trees, which are just gorgeous, so what we're looking for is a fence that goes well with all that. We don't want a flashy white vinyl fence that would be an eyesore to us. Some people love white fences. That's great. But what we have in mind is a wooden simple fence that looks elegant and that blends well with the flora around.

THE CHAIRWOMAN: Okay. And, Aaron, you said in the -- in your report that it doesn't -- the fence would not impede the sight line at the corner of the property; is that --

MR. PEPE: Sight triangle.

MR. BLESSING: That's correct.

THE CHAIRWOMAN: The sight triangle for drivers.

MR. BLESSING: We did send a survey sketch to our traffic safety department, and they didn't return it with any comments, but our zoning ordinance does have a section that says that there shouldn't be any sight obstructions within 25 feet of a point of intersection, and being that the proposed fencing is far enough away from that, it's not even at the nearest corner of the house closest to that intersection. It's actually the next corner of the house back. It's not close enough to pose a sight obstruction.

THE CHAIRWOMAN: Okay. Thank you.

MS. PAPI: I just wanted to clear and have it noted. Was there a letter that needed to be

signed by neighbors because of your fence?

MR. DE PABLO: Yes, ma'am, and I have them right here. It's two neighbors, Mr. Kay, who is on the back side of the property with all those beautiful trees, and then Mr. (Inaudible) on my right side, both letters of support to raise the fence on property line are here.

MS. PAPI: Okay.

MR. WEINER: Those need to be marked as exhibits. If you could on the bottom of each one take -- whatever is first, just write A-1 with today's date and then your initials, and then on the other letter, A-2 with today's date and then your initials, and then I would ask if we could get those letters passed up to the board so the board members can take a look at that.

MR. DE PABLO: Thank you.

MR. WEINER: And while that's circulating around, I just want to just go over -- there's some conditional language. I just want to make sure it's in the record should the board ultimately decide to grant this application. The landscaping we want to make clear should not encroach into the right-of-way; is that correct?

MR. DE PABLO: That is correct.

MR. WEINER: Are we agreeable with that? Okay. And any overgrowth must be removed.

MR. DE PABLO: Yes, sir. It's already been removed two days ago, but, in fact, the fence will prevent any --

MR. WEINER: Well, that's also a continuing. If there's a future overgrowth, it has to be maintained and removed. And then lastly, the wood shed depicted on your survey, does that still exist now?

MR. DE PABLO: Yeah, well, that shed came with the property when we purchased the property two years ago. It was in the land survey that we got when we purchased the home. So we are looking into what that means for us.

MR. WEINER: Well, you're going to need to get a zoning permit for that --

MR. DE PABLO: Right.

MR. WEINER: -- shed because if it is not in an appropriate area or otherwise does not conform with the township's ordinances, it may have to be relocated or removed. Right now, without a permit, it's in violation.

MR. DE PABLO: Okay.

MR. WEINER: So you will need to get a

zoning permit for that, and that will be a -- are we comfortable with making that a condition of approval prior to issuing the permit for the fence?

MR. KIPP: That he gets a permit, yes.

MR. WEINER: Getting a zoning permit for the shed.

MR. KIPP: That makes sense.

MR. DE PABLO: As a condition or as a separate issue?

MR. WEINER: Well, it's a condition that you're going to have to get a permit for the shed, which means you won't be -- a zoning permit, which means you won't be able to get your permit and install the fence until you get a zoning permit for the shed. If the shed is a problem that it needs to be addressed where you need a variance or something, you may have to come back to this board for further relief as to the shed prior to the fence being built.

MR. KIPP: Right, but that's not going to -- if the board approves the fence, the condition is that you have to take out a zoning permit. If there's a holdup, we're working out how to do that, that's not going to hold up the fence. It's separate, but you'll have to deal with it --

MR. DE PABLO: Right.

MR. WEINER: So are we okay with the permit, the fence permit still being issued? Okay.

MR. KIPP: Yes, because once we have the zoning permit, then, you know --

MR. WEINER: But I'm saying if there is no zoning permit, if there is an issues that comes up with the zoning permit where it can't be issued, such as the fence hypothetically could be in a setback or something.

MR. KIPP: Two separate issues.

MR. WEINER: So then you would still issue the -- you would be okay with the fence permit.

MR. KIPP: As long as the board is okay with it, yes.

MR. WEINER: That's -- yeah, because --

THE CHAIRWOMAN: The shed permit is a separate issue, that's what you're saying, Keith, that needs to be taken care of either way, but the hope is that --

MR. WEINER: Understand -- yeah, it's tied to it, but understand what Mr. Kipp is saying, and the reason for it is you have to apply for the zoning permit. After that, whether it's granted,

then it's a nonissue. If it's not granted, then the system has already been triggered where you're going to either be in violation or have to come before the board on that matter, but it's already rolling so then there's no need to hold up the -- as his recommendation to hold up the fence. It's a separate issue, and then let the zoning permit, if there's an issue, be hashed out separately.

MR. DE PABLO: Okay.

MR. KIPP: And then just one other point of clarification. Since you are getting a variance for potentially a sight obstruction because you're going in your front yard with the fence, just want to be clear that between the fence and the curblineline is grass, that's it.

MR. DE PABLO: It's just grass.

MR. KIPP: That's what we want to see. Even if some of your hedges right now are over the property line, we want to see the fence and then grass. And I appreciate you wanting to save the fauna. That's great, but we don't want to risk having that as a sight obstruction.

MR. DE PABLO: That's correct, fence and grass on the left side of it.

MR. KIPP: Thank you.

MR. WEINER: And that's going to be conditional language that between the fence and the curblineline there shall only be grass and no other plantings.

THE CHAIRWOMAN: Okay. Did any of the other board members have any additional questions for the applicant? No. Keith, did you or Aaron, anyone from your -- from the office, do you have any additional questions or anything for the applicant?

MR. BLESSING: No. The only other thing I could point out just from a factual standpoint, this property is a little irregular. It's less than half the size that is required for the zone. Our homeowner's property is 5,000 square feet in size. The zone would actually require 10,000 square feet; however, being a corner property, it's supposed to have 10 percent more, so a conforming lot for this zone would be about 11,000 square feet in size. It would also have a front yard setback of about 30 feet, whereas our homeowner has only 8.

THE CHAIRWOMAN: Okay.

MR. BLESSING: So that's a condition that they have to deal with just with the -- by virtue of the property that they have.

THE CHAIRWOMAN: Okay, so it gives the

applicant -- the homeowner a little relief from that hardship.

MR. BLESSING: Yes.

THE CHAIRWOMAN: Okay. All right.

MR. PEPE: I just have one question. If you put the fence in the setback, you have existing trees there that you would have to take down to put it?

MR. DE PABLO: Right.

MR. PEPE: Okay. I just wanted to make sure.

THE CHAIRWOMAN: Okay. All right.

Would anyone on the board like to -- actually, do we need to open this up to the public? All right. If there are any members of the public who would like to come forward and ask any questions of the applicant or make any comments to the board on this application, now would be the time.

Okay, seeing no one coming forward, we'll close the public portion.

Do you -- is there a condition?

MR. WEINER: We have a few conditions I'm just going to go over. The conditions are, first, the landscaping should not encroach into the right-of-way, and any overgrowth must be removed. Is that agreeable? I know we went over this again.

MR. DE PABLO, yeah, yeah. I'm happy to do it.

MR. WEINER: Next, the applicant shall obtain a zoning permit for the wood shed depicted on the land survey provided with the application. That's agreeable, correct?

MR. DE PABLO: Yes. My only question would be whether if that applies if the shed was existing when the property was bought.

MR. WEINER: That doesn't matter because apparent -- if there's no permit on file for it, no zoning permit on file, then right now that is essentially in violation without a permit. So you need to cure that. Whether you purchased it or not, that issue runs with the land so it becomes your issue now unfortunately. So that would be a condition.

And then third was that between the fence and the curblin there shall only be grass and no other plantings. Is that agreeable?

MR. DE PABLO: That is agreeable.

MR. WEINER: That's it.

THE CHAIRWOMAN: Okay. Thank you. Are there any members of the board who'd like to make a

motion on this application?

MR. ARORA: I'll make a motion to approve this application based on the conditions we just mentioned.

THE CHAIRWOMAN: Thank you, Mr. Arora.

MR. PEPE: I'll second that motion.

THE CHAIRWOMAN: Thank you Mr. Pepe.

Aaron, can you call the roll on this application.

MR. BLESSING: Mr. Pepe.

MR. PEPE: Yes. You have demonstrated that there will be a hardship. You would have to cut down trees and mature vegetation. You also demonstrated the issue with the neighboring dogs and a circumstance with the shape of your lot. So with all those being said, I vote yes to this application.

MR. BLESSING: Mr. Arora.

MR. ARORA: Yeah, I think same reasons, to save the flora. I think that's the main reason. With that, I will say yes.

MR. BLESSING: Mr. Wynter.

MR. WYNTER: Yes.

MR. BLESSING: Mr. Brandt.

MR. BRANDT: Yes, I vote to approve.

MR. BLESSING: Miss Wilson.

MS. WILSON: Yes.

MR. BLESSING: Miss Papi.

MS. PAPI: Yes, I vote to approve with the recommendations discussed and with answering all the questions that this board has asked of you. Thank you.

MR. BLESSING: Miss Rampolla.

THE CHAIRWOMAN: I'm going to vote yes, also. Oftentimes I think we like to see flora on the outside of the fence, but I think in this circumstance, because there's no sidewalks there and then the fence really gives a clear delineation of where pedestrians can walk and where the right-of-way -- where it starts and ends, the fence will delineate that, so I think in this case it makes sense.

So congratulations. Your application passes. So you'll just need to be in contact with planning and engineering about that shed permit and then going forward with the fence.

MR. DE PABLO: All right.

THE CHAIRWOMAN: Thank you.

MS. PAPI: Good night.

MR. KIPP: Have a good night.

THE CHAIRWOMAN: Okay. We have I think one -- Miss Papi, I think you're going to --

MS. PAPI: Recuse myself.

THE CHAIRWOMAN: Okay. Thank you.

MR. WEINER: Just for the record, Miss Papi is recusing herself for application number Z-22-21.

(Application #Z-22-21 under separate cover)

1 TOWNSHIP OF EAST BRUNSWICK
2 ZONING BOARD OF ADJUSTMENT
3 COUNTY OF MIDDLESEX - STATE OF NEW JERSEY

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6 REGULAR MEETING FOR:

7 CENTRAL JERSEY CHURCH OF CHRIST
8 BLOCK: 310, LOT: 4.10
9 ZONE: RP
10 108 CHURCH LANE

11 APPLICATION NO: Z-22-21

12 - - - - -

13

MUNICIPAL BUILDING COURT ROOM
1 JEAN WALLING CIVIC CENTER
EAST BRUNSWICK, NEW JERSEY 08816

14

THURSDAY, MAY 18, 2023
7:30 P.M. TO 10:28 P.M.

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- - -

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TRANSCRIPT OF PROCEEDINGS

18

CONTINUED
PUBLIC HEARING

19

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- - -

21

22

AB COURT REPORTING, LLC
Certified Court Reporters
26 Algonquin Terrace
Millstone Township, New Jersey 08535
Tel: (732)882-3590
angelabuonocsr@gmail.com

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1 BOARD MEMBERS PRESENT:

2
3 CHRISTINE RAMPOLLA, Acting Chairwoman
4
5 DEEPAK ARORA
6
7 CHESTER BRANDT
8
9 AMY PAPI (Recused)
10
11 STEVE PEPE
12
13 BONNIE WILSON
14
15 DREW WEINGARTH
16
17 IVAN WYNTER

10

11

12 PROFESSIONALS & STAFF PRESENT:

13 JAY A. WEINER, ESQUIRE, BOARD ATTORNEY
14 Weiner & Weiner, P.C.
15
16 JOSEPH KONG, P.E., BOARD ENGINEERING CONSULTANT
17 T&M Associates
18
19 Keenan Hughes, AICP, P.P., BOARD PLANNING CONSULTANT
20 Phillips Preiss
21
22 KEITH T. KIPP, P.P., PLANNING & ENGINEERING DIRECTOR
23 Township of East Brunswick
24
25 AARON BLESSING, BOARD CLERK
 Township of East Brunswick

20

21

22 STENOGRAPHICALLY REPORTED BY:

23 DEVON GERBER, RMR, CRR, CCR
24 License #30X100238100

24

25

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

2

HEILBRUNN PAPE, LLC

3 BY: JARED M. PAPE, ESQUIRE

4 516 State Highway 33

5 Millstone Township, New Jersey 08535

6 T: (732)-679-8844

7 F: (732)-679-6554

8 Email: jpape@hpnjlaw.com

9

--Counsel for the Applicant

10

11

12

13

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15

16

17

ALSO PRESENT:

18 GARY DEAN, P.E.

19 Dolan & Dean Consulting Engineers, LLC

20

21 DR. ART SHIRLEY, Board of Trustees President

22 Church of Christ Church

23

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I N D E X

1			
2			
3	<u>WITNESSES</u>		<u>PAGE</u>
4			
5	JOHNNY RIVERA, Pastor Church of Christ		16
6	NEYDA EVANS Cornerstone Christian Church		23
7			
8	MARC LEBER, P.E., P.P. East Point Engineering, LLC		43
9	GREGG BARKLEY, P.E. Barkley Engineering LLC		74
10			
11			
12			
13			
14			
15			
16	<u>PUBLIC QUESTIONS/COMMENTS:</u>		
17			
18	<u>NAME</u>	<u>ADDRESS</u>	<u>PAGE</u>
19	James Scarlotta	106 Church Lane	82
20	Carol Kuna	88 Church Lane	83
21	Thomas Nagy	131 Church Lane	89
22	Scott Miller	118 Church Lane	91
23	Kimberly Miller	118 Church Lane	97
24	John Lavin	9 Paul Street	100
25			

1 EXHIBITS

2

3	<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
4	A-1	Aerial of property with photos	46
5	A-2	Colorized Sheet 5 of Site	46
6		Plans	
7	A-3	Architectural rendering of interior	62
8		of sanctuary	

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EXHIBITS NOT RETAINED BY REPORTER

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1 MS. RAMPOLLA: This is the May 18th,
 2 2024 East Brunswick Township Zoning Board of
 3 Adjustment meeting.
 4 In accordance with the Open Public
 5 Meetings Law, on December 15th, 2022, notice of this
 6 meeting stating the time, date, and location was
 7 sent to the Home News & Tribune filed with the
 8 township clerk, and posted on the bulletin board in
 9 the lobby of the municipal building. A copy of this
 10 notice will be incorporated in the minutes of this
 11 meeting.
 12 The Zoning Board will not hear any
 13 case beyond 10:00 p.m. with the exception of any
 14 hearing in progress at that time and will terminate
 15 all testimony at 10:30 p.m. The chair reserves the
 16 right to call any application in an order different
 17 from that appearing on the agenda. The doors
 18 outside the courtroom are the exits to be used in
 19 the case of an emergency.
 20 I'd ask if everyone can please stand
 21 for the Pledge of Allegiance.
 22
 23 (Pledge of Allegiance.)
 24
 25 MS. RAMPOLLA: Aaron, can you please

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1 call the role.
 2 BOARD SECRETARY: Mr. Weingarth?
 3 MR. WEINGARTH: Here.
 4 BOARD SECRETARY: Ms. Wilson?
 5 MS. WILSON: Here.
 6 BOARD SECRETARY: Mr. Brandt?
 7 MR. BRANDT: Here.
 8 BOARD SECRETARY: Mr. Pepe?
 9 MR. PEPE: Here.
 10 BOARD SECRETARY: Mr. Gurevich?
 11 Mr. Arora?
 12 MR. ARORA: Here.
 13 BOARD SECRETARY: Mr. Wynter?
 14 MR. WYNTER: Present.
 15 BOARD SECRETARY: Ms. Papi?
 16 MS. PAPI: Here.
 17 BOARD SECRETARY: And Acting Chair
 18 Madame Rampolla?
 19 VICE-CHAIR RAMPOLLA: Here. Thank you
 20 Aaron.
 21
 22 (Whereupon, the board continued with
 23 the agenda and the following application was
 24 called at 8:00 p.m.)
 25

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1 VICE-CHAIR RAMPOLLA: Okay, Ms. Papi,
 2 I think you're going to...
 3 MS. PAPI: Yes.
 4 MR. WEINER: Just for the record,
 5 Ms. Papi is recusing herself for application number
 6 Z-22-21.
 7 VICE-CHAIR RAMPOLLA: And we're still
 8 recording.
 9 MR. BRANDT: Yes, we are.
 10 VICE-CHAIR RAMPOLLA: Okay, next on
 11 the agenda we have old business. Application
 12 Z-22-21, Central Jersey Church of Christ, proposed
 13 renovation and addition to existing building to
 14 convert to a church located at 108 Church Lane,
 15 block 310, lot 4.10, in the RP Zone.
 16 Hello, you're representing the applicant.
 17 MR. PAPE: Yes, hi, good evening,
 18 Madame Chair, Board Members, Board Professionals.
 19 My name is Jared Pape. I am an attorney with the
 20 Law Firm of Heilbrunn Pape and our office --
 21 MR. KIPP: You can sit here, Jared, if
 22 you're comfortable.
 23 MR. PAPE: I'll make my opening
 24 statement and then I'll come sit down. Thank you.
 25 And our office represents the applicant this

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1 evening. Just procedurally, I want to establish
 2 jurisdiction. We first appeared before this board
 3 December 15th, 2022. At that meeting, the
 4 application was carried to February 16th, 2023.
 5 And, again, the application was carried to this
 6 evening with no additional notice -- requirement to
 7 renote. And I look to the board attorney to --
 8 MR. WEINER: That's correct.
 9 MR. PAPE: Thank you. Just by way of
 10 a brief introduction, our clients purchased the
 11 property, the property is 108 Church Lane located in
 12 East Brunswick. The property was previously used as
 13 a Girl Scout headquarters. And our client's goal is
 14 to repurpose the building for use as a house of
 15 worship and a school. Both of which are
 16 conditionally permitted uses in this zone.
 17 Modifications would include an expansion of the
 18 parking lot, renovation, and addition to the
 19 existing building.
 20 Quickly go over our intended order of
 21 presentation for this evening. We'll begin with a
 22 statement from pastor of the church, Mr. Johnny
 23 Rivera. Followed by a statement by Neyda Evans,
 24 who's the Board President of the proposed school,
 25 which is the Cornerstone Christian School.

10

1 Then we have Marc Leber, who's the
2 applicant's Professional Engineer who will walk you
3 through the elements of the site plan.
4 Mr. Gary Dean is the applicants
5 traffic's expert and will provide his traffic
6 analysis.
7 The applicants architect is Kurt
8 Ludwig. He was supposed to be here this evening.
9 Unfortunately, he was sick and unable to attend. We
10 do have his exhibits and his talking points, so we
11 can touch on some architecture if that's acceptable
12 to the board.
13 After the architecture comments, we
14 would bring Mr. Leber back for planning testimony.
15 This application does require D(3) variance relief.
16 As I mentioned, houses of worship and schools are
17 conditionally permitted in this zone and one of the
18 conditions is to have 12 acres, where we have just
19 over 10 acres. So, for that reason, we do need D(3)
20 variance relief.
21 I also want to acknowledge the presence
22 Of Dr. Art Shirley, who is the President of the
23 board of trustees of the church. He is here in the
24 audience. I don't intend to ask any direct
25 testimony, but he's available in case there's any

11

1 questions about the church.
2 And also Gregg Barkley is available,
3 he is the professional engineer responsible for the
4 new septic design which is being proposed.
5 So, with that as the outline, unless there's any
6 questions.
7 MR. WEINER: Yes, I do.
8 MR. PAPE: Yeah.
9 MR. WEINER: With regard to
10 Mr. Ludwig's absence. As the applicant, you can
11 offer any exhibits you want and have them marked,
12 but unless you have someone to testify as to them
13 with effectual personal knowledge as to the
14 exhibits, talking points, that's not testimony.
15 MR. PAPE: Understood.
16 MR. WEINER: So I don't know how you
17 intend on accomplishing that other than perhaps if
18 you want to present Mr. Ludwig's testimony, that
19 would have to be done on a second date if he's not
20 available tonight. And we would have to go a
21 certain point tonight, and then continue it at
22 another time when he would be available.
23 MR. PAPE: We would be comfortable
24 simply presenting his exhibits. Just there's
25 elevations to provide an image of what's being

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1 proposed. We'd be comfortable just proceeding
2 there. If there's a need, if there's questions that
3 we can't answer tonight, we understand that --
4 MR. WEINER: You're going to be
5 presenting exhibits with no one here who prepared
6 the exhibits, who can answer a question on them.
7 MR. PAPE: Understood.
8 MR. WEINER: That's --
9 MR. PAPE: So, in that case, perhaps
10 we can remove the architecture testimony.
11 MR. WEINER: It's your application --
12 you know, your client's application, Counsel.
13 You're presenting it. But if you're going to
14 present exhibits of architectural, unless this board
15 has absolutely zero questions about it, which I
16 would highly doubt, although, it's certainly
17 possible, there's no one here based on what you're
18 presenting now in your opening statement who can
19 comment about that work product.
20 So if you -- if you don't want to present them,
21 that's your choice. No one is telling you not to.
22 However, if you want to present them, then the board
23 may very well want to be able to ask questions of
24 the person who prepared them.
25 MR. PAPE: Understood. We'll make the

13

1 presentation with the professionals we have
2 available. If there's questions that we can't
3 answer tonight, we understand that there may --
4 MR. WEINER: Are the architectural,
5 are they different from anything that was submitted,
6 these exhibits?
7 MR. PAPE: I refer to Mr. Blessing,
8 but I believe they've all been previously provided;
9 is that correct?
10 BOARD SECRETARY: We had received -- I
11 think the plans themselves have not been revised,
12 correct?
13 MR. PAPE: That's correct.
14 BOARD SECRETARY: I'm sorry, the
15 architectural, I should specify.
16 MR. PAPE: The architectures.
17 BOARD SECRETARY: There were some
18 colored renderings of elevations, floor plans in the
19 architect, correct?
20 MR. PAPE: Yes.
21 MR. WEINER: Again, if you're going to
22 present architectural exhibits that are not in the
23 submission, then they're different. Even if it's
24 just a color rendering or so forth. And if they're
25 part of the -- if it's just a duplicate, then

14

1 they're not going to be marked as exhibits, they're
 2 part of the submission package. If you don't want
 3 to present testimony about it, that's certainly your
 4 choice.

5 MR. PAPE: Understood. As I said,
 6 we'll proceed with the professionals that we have
 7 available. And if there's questions about
 8 architecture, we'll cross that bridge when we get
 9 there.

10 MR. WEINER: Fair enough.

11 MR. PAPE: Yeah, so.

12 MR. WEINER: I just wanted to be up
 13 front about that.

14 MR. PAPE: I appreciate it.

15 MR. WEINER: To address it now since
 16 you brought it up.

17 MR. PAPE: Yep.

18 VICE-CHAIR RAMPOLLA: We have five
 19 other witnesses who we're going to get through, so
 20 we'll see where we get.

21 MR. PAPE: Right.

22 VICE-CHAIR RAMPOLLA: And then we'll
 23 go from there. So you can start with your first
 24 witness.

25 MR. PAPE: Very good. Well, we're

15

1 going to begin with an opening statement from Pastor
 2 Johnny Rivera. I ask that he be sworn and, perhaps,
 3 you can take a seat right up here and use that
 4 microphone.

5 MR. RIVERA: Hi.

6 VICE-CHAIR RAMPOLLA: Good evening.
 7 Can you -- oh, it's -- I was going to ask you state
 8 your name.

9 MR. RIVERA: Okay, my name is Johnny
 10 Rivera, Johnny, J-O-H-N-N-Y, Rivera, R-I-V-E-R-A.

11 VICE-CHAIR RAMPOLLA: Okay, thank you.
 12 Now, if you can just raise your right hand. Do you
 13 swear to tell the truth, the whole truth, and
 14 nothing but the truth about this application
 15 tonight?

16 MR. RIVERA: Yes.

17 VICE-CHAIR RAMPOLLA: Thank you.

18 MR. PAPE: So we have asked Mr. Rivera
 19 just to provide an opening statement, introducing
 20 the church to the board. So, Mr. Rivera, the floor
 21 is yours.

22 VICE-CHAIR RAMPOLLA: Excuse me. I
 23 didn't ask your address. Can you tell us your
 24 address also.

25 MR. RIVERA: The address, my home

16

1 address?

2 MR. WEINER: Well, if you're
 3 affiliated as the pastor of the church, you can
 4 certainly give the church's present address.

5 MR. RIVERA: Okay, it's 108 Church
 6 Lane.

7 VICE-CHAIR RAMPOLLA: Thank you.

8 MR. WEINER: The church there now or
 9 is this --

10 MR. RIVERA: Well, this is the
 11 property that we purchased.

12 MR. WEINER: Yes, but are you
 13 currently the property owners of it?

14 MR. RIVERA: Yes.

15 MR. PAPE: So, as I mentioned, we
 16 asked Mr. Rivera to provide an opening statement.
 17 So, Mr. Rivera.

18 MR. RIVERA: My name is Johnny Rivera,
 19 and I serve as a senior pastor of the Central Jersey
 20 Church of Christ. Our church was established in
 21 April of 2004. So next year, God willing, we hope
 22 to celebrate our 20th anniversary as a church. We
 23 are a diverse community of believers, who love God
 24 and seek to make a difference in the communities
 25 that we live and serve.

17

1 Currently, our membership stands at about 350
 2 members. I personally have been a resident of East
 3 Brunswick for the last 15 years. Several of our
 4 members are also residents of East Brunswick. And,
 5 collectively, we want to better our community. We
 6 look forward to being able to meet together once
 7 again on Sunday mornings at some point. We also
 8 would look forward to having smaller meetings
 9 throughout the week where we have our youth meet or
 10 campus ministries. We have our staff meetings
 11 weekly as well, and sort of these smaller meetings
 12 throughout the week as well.

13 We do hope to serve the East Brunswick community in
 14 a greater capacity through our new church home.
 15 We've already begun to look for opportunities to
 16 serve to that end. And we have already been serving
 17 several organizations throughout Central New Jersey.
 18 So that's all I wanted to share, and if there's any
 19 questions.

20 MR. ARORA: Just one question, you
 21 said you are currently 350 members?

22 MR. RIVERA: Yes.

23 MR. ARORA: Out of which, how many are
 24 from East Brunswick?

25 MR. RIVERA: If I had to guess, one,

18

1 two, three, four, five, six, eight, nine, ten,
 2 eleven, twelve, thirteen. I'm going to say between
 3 15 and 20, somewhere in there.
 4 MR. ARORA: Thanks.
 5 MR. PAPE: That's all I have of
 6 Mr. Rivera, unless there's any other questions of
 7 him at this time.
 8 MS. RAMPOLLA: We usually will ask
 9 about hours of operations of a location or facility.
 10 It seems like you would probably be the right person
 11 to ask.
 12 MR. RIVERA: Sure.
 13 MS. RAMPOLLA: Can you tell us, I'm
 14 sure it's different on weekdays and your Sunday
 15 portion.
 16 MR. PAPE: We will address that later,
 17 but I would be happy if you address it now as well.
 18 MR. RIVERA: Okay.
 19 MS. RAMPOLLA: If you have another, if
 20 you have someone else, go ahead.
 21 MR. PAPE: Go ahead.
 22 MR. RIVERA: Okay, so obviously
 23 Sundays we would meet, we would meet from 10:00 a.m.
 24 to about usually services might go to 11:30 or
 25 12:00. And then during the week we would have

19

1 meetings during the day. We have our staff meeting
 2 on Wednesdays. That's usually from 10:00 to 11:30
 3 as well. And then we have different meetings with
 4 smaller groups meet on Tuesday evening. We're
 5 having a meeting between 7:00 and 8:30, somewhere
 6 around there. Wednesday evenings, we occasionally
 7 may have like a leadership group meeting also in the
 8 evening, 7:00 to 8:30. And then Friday nights is
 9 the -- our youth meet there. They usually meet
 10 there from 7:00 to about 9:00 and they meet there on
 11 Friday nights. And then once a month, they'll be
 12 other meetings on Saturday evenings at the building.
 13 Various groups, you know, smaller groups will meet
 14 in the building during those times.
 15 MS. RAMPOLLA: Okay, and those are all
 16 smaller meetings?
 17 MR. RIVERA: Yeah, those are much
 18 smaller.
 19 MR. WEINER: Sorry. On Tuesday, did
 20 you say 7:00 until what time?
 21 MR. RIVERA: Usually 7:00 to 8:30, 9
 22 o'clock.
 23 MR. WEINER: Okay.
 24 MR. RIVERA: P.m.
 25 MR. WEINGARTH: Madame Chair?

20

1 MS. RAMPOLLA: Go ahead.
 2 MR. WEINGARTH: You mentioned there's
 3 a school component, how does that work? What are
 4 your hours of operation?
 5 MR. PAPE: The school will be
 6 addressed by our next witness. She'll cover the
 7 school operation.
 8 MR. WEINGARTH: Okay, thank you.
 9 MR. WYNTER: Are there any community
 10 service that the church provides to the community?
 11 MR. RIVERA: Currently, East
 12 Brunswick, not yet. We're working on those
 13 opportunities. We have been serving New Brunswick,
 14 the school system there. We've been serving
 15 children that, you know, have some needs and we've
 16 been doing that for the last several years.
 17 Actually we just received an award for, for doing
 18 that community service in New Brunswick.
 19 We have educators who are members of the church and
 20 live in East Brunswick, and so there are some
 21 opportunities that are being presented that we will
 22 hope to make an impact as well here in East
 23 Brunswick.
 24 That's just one of the programs. I could go through
 25 a list of stuff. But that's just one of the

21

1 programs and ways I know we'll be in East Brunswick
 2 as well.
 3 MS. WILSON: I'm sorry. What
 4 specifically have you done for New Brunswick
 5 students? I'd love to know. I used to work with
 6 them, so.
 7 MR. RIVERA: Okay, yeah, so what we do
 8 is we provide meal baskets during Easter, during
 9 Thanksgiving. We serve, I want to say the last time
 10 it was over 60 families of kids in New Brunswick.
 11 And then around Christmas time we buy gifts that we
 12 basically give to the parents so the parents could
 13 give to the kids.
 14 MS. WILSON: Okay.
 15 MR. RIVERA: And, also, we've done
 16 things like backpacks and school supplies and that
 17 kind of stuff.
 18 MS. WILSON: Awesome, thank you.
 19 MR. RIVERA: Yeah.
 20 MS. RAMPOLLA: All right, you'll be
 21 here?
 22 MR. RIVERA: Yeah.
 23 MS. RAMPOLLA: In case we have other
 24 questions later. Okay, thank you.
 25 MR. RIVERA: Thank you.

1 MR. PAPE: Thank you very much.
 2 Next, we'll have a statement from Neyda Evans, who
 3 is the Board President of the school, and I'll ask
 4 that she be sworn and provide a statement overview
 5 of the operations of the school.

6 MS. RAMPOLLA: All right, can you
 7 raise your right hand. Do you swear to tell the
 8 truth, the whole truth, nothing but the truth
 9 tonight about this application?

10 MS. EVANS: Yeah, I do.

11 MS. RAMPOLLA: Thank you. Can you
 12 state and spell your name and also give us your
 13 address.

14 MS. EVANS: Neyda, N-E-Y-D-A, Evans,
 15 E-V-A-N-S, and the address of the school is 108
 16 Church Lane.

17 MS. RAMPOLLA: Okay.

18 MR. PEPE: Ms. Evans, can you pull
 19 that microphone a little closer to yourself. Thank
 20 you.

21 MS. EVANS: So, I'm Neyda Evans. I've
 22 been a member of Central Jersey Church of Christ
 23 since 2018. I'm currently President of the Board
 24 for the Cornerstone Christian School. I've been an
 25 educator since 1999. I've worked in public schools,

1 have filed registration for business with New
 2 Jersey, and they are holding the registration until
 3 the school receives its tax exempt designation from
 4 the IRS. Once open, the school will report annually
 5 to the state.

6 We will utilize six classrooms for
 7 pre-K through second grade classes, and we will have
 8 a designated fenced outside play area for the
 9 children. The plan calls for one teacher per grade
 10 with four teachers at a minimum. Initially, in
 11 addition to the teachers, we'll have a director and
 12 one teachers aide for pre-K and an aide for
 13 kindergarten.

14 As the school matures, it will add
 15 class levels and students. We plan on training
 16 staff members to be first aid and AED certified. In
 17 total, we plan on employing up to ten persons
 18 including teachers to fill the staff of the school.

19 The hours of the operation for the
 20 school here will be modeled after the public school
 21 year. We may also have -- we may also offer before
 22 school care and after school care since they're
 23 young children, parents may need that. There is a
 24 possibility for a summer camp program. There may be
 25 occasional evening parent teacher conferences

1 private schools, and charter schools. I've also
 2 worked for the Department of Education supporting
 3 schools in need of support from the state.
 4 Currently I'm an assistant principal at a public
 5 middle school.

6 So thank you for this opportunity.
 7 Cornerstone Christian School Incorporated, also
 8 known as CCS, will encourage intellectual curiosity
 9 using a brain based curriculum that integrates
 10 Christian values. CCS will work to instill a love
 11 of learning, confidence, and a foundational belief
 12 in God.

13 CCS will have high academic standards
 14 and experiential learning opportunities, creating a
 15 fun, loving environment for young children.

16 CCS will create a positive uplifting
 17 community with parental involvement to support the
 18 development of young children. Love will be at the
 19 heart of everything at the Cornerstone Christian
 20 School.

21 So, right now, for licensure, as a
 22 nonpublic religious school, there is no requirement
 23 to be licensed in the State of New Jersey.
 24 Cornerstone was incorporated in New Jersey as a
 25 nonprofit on the 22nd of September of last year. We

1 throughout the year.

2 We anticipate a maximum enrollment of
 3 80 students, but we will initially start with a
 4 smaller set of classes and student body. Parents
 5 will be arranging their own transportation to the
 6 school. They'll be no buses or van services to the
 7 building.

8 For meals, we will not be running a
 9 cafeteria, so they'll be no food prep. The meals
 10 will either be catered or students will be bringing
 11 their own meals from home.

12 So thank you very much. That
 13 concludes my presentation.

14 MR. PEPE: I have one question. With
 15 the anticipated growth, that will be maximum of 80
 16 students at full capacity. And then what grade
 17 level would you anticipate going up to? Right now
 18 you have pre-K to second. What would you top out
 19 at, what grade level?

20 MS. EVANS: Right now, we're planning
 21 at grade four.

22 MR. PEPE: Four, okay.

23 MR. ARORA: And do you see yourself
 24 going bulk capacity at certain point? Right now at
 25 80 students, at some point do you see that

1 increasing?

2 MS. EVANS: Beyond fourth, there could
3 be a possibility of I believe the architectural
4 plans incorporate a possibility to go up to grade
5 six.

6 MR. ARORA: Grade six?

7 MS. EVANS: Yeah.

8 MR. ARORA: So what would be your max
9 capacity, number of students in the school?

10 MS. EVANS: 80 students right now.

11 MR. ARORA: So you won't go above 80?

12 MS. EVANS: No, I don't think so.

13 MR. PEPE: And if you were to grow to
14 those, is there a common area or cafeteria area
15 where you would be able to feed the children?

16 MS. EVANS: So the students will be
17 bringing their own food from home. So it would be
18 okay for them to eat in the classrooms I believe.

19 MR. PEPE: Okay.

20 MS. EVANS: Yeah.

21 MS. RAMPOLLA: How would you say 80
22 students, if you add in grades -- where -- if you
23 started off with 80, if they were to move up in the
24 grades, you wouldn't be adding additional number of
25 students?

1 MS. EVANS: We're not going to start
2 out with 80. We're going to start with a smaller
3 set of students.

4 MS. RAMPOLLA: Okay. So the number
5 of -- you said it would be ten staff in total; is
6 that at the beginning or after you grow?

7 MS. EVANS: After we -- as we grow,
8 we'll need -- we will add more staff if we go up to
9 fourth grade.

10 So, in the beginning, we're starting
11 out with up to ten including the director and the
12 aides and the teachers. So I believe we're having
13 one grade per -- one class per grade level at the
14 start. So we might not max out the ten at the start
15 because we are starting with a smaller class level.
16 At this time, we are in the planning stages.
17 Because we're waiting on the variance before we go
18 deeper into the plans.

19 MS. RAMPOLLA: Can you just -- I know
20 that you just said it, but do you mind repeating who
21 the staff are. Teachers and administrators, how
22 many did you say?

23 MR. PEPE: Can you talk to the
24 microphone.

25 MS. EVANS: The plan calls for one

1 teacher per grade, with four teachers at a minimum.
2 The director, one aide for pre-K, and one aide for
3 kindergarten.

4 MS. RAMPOLLA: What about like school
5 nurses or security personnel? Anything like that?
6 There's no additional staff beyond the teachers and
7 two aides and school director?

8 MS. EVANS: No. So the school staff
9 will be certified for first aid and AED certified.

10 MS. RAMPOLLA: Okay.

11 MR. ARORA: You won't have a school
12 nurse on the property?

13 MS. EVANS: No, it's not required.

14 MR. PEPE: Within a school day, the
15 length of the school day for these grades, are they
16 all the same or is it shorter for the younger
17 children or?

18 MS. EVANS: We haven't gone into that
19 detail. We're modeling our school day after the
20 public school system. Because that's -- any parents
21 are very used to that.

22 MR. PEPE: Yep.

23 MS. EVANS: Yeah. And we may consider
24 like a before care and after school based on, you
25 know, if the parents need that.

1 MR. PEPE: And are you guys -- will
2 you guys have oversight from the State of New Jersey
3 for the I guess it would be Department of Education?

4 MS. EVANS: No. As a private school,
5 we will not have oversight from the Department of
6 Education.

7 MR. PEPE: Is that standard, or that
8 due to your structure of your school?

9 MS. EVANS: No, that's standard for
10 nonpublic schools.

11 MR. PEPE: Okay.

12 MS. RAMPOLLA: Mr. -- I'm sorry,
13 Mr. Kipp has a question.

14 MR. KIPP: It's just looking at the
15 report we originally got, some of the testimony
16 conflicts with that as far as the numbers of staff
17 and the numbers of students, which could impact
18 other aspects of this application.

19 So I think we really need a report
20 revising to reflect what this testimony is and to
21 see how that impacts.

22 MR. KONG: Yeah, the traffic testimony
23 outline, I know we haven't heard his testimony just
24 yet, specifically refers to just a Sunday school
25 component. Versus what we're hearing now, which is

1 a different operation. And the whole basis of the
2 parking count may be thrown off based on the number
3 of staff that's different than the report.

4 MR. WEINER: And I might add, the
5 latest information that was presented on the traffic
6 was labeled an outline of testimony as opposed to a
7 report as it was submitted within less than ten days
8 of the date of the application, of which the report
9 would not be a properly timed submission. Whereas,
10 an outline of testimony would be.

11 So, essentially, it's not really a
12 report, but what was submitted as an outline of
13 testimony, which we've yet to hear, conflicts with
14 the testimony that we just heard from a different
15 witness.

16 MR. PAPE: We'll address in our future
17 testimony from our professional engineer, both Marc
18 Leber and Gary Dean, will address the parking
19 requirement as it relates to the staff on site.

20 MR. KONG: The other item, just want
21 to point out, is in the traffic testimony that's
22 coming up, we have 125 spaces proposed, which
23 matches the original plan submission. But we
24 received an exhibit yesterday, which included a
25 trash enclosure, ultimately removing one of the

1 parking stalls so the 125 that we see in that here,
2 really should be only 124 if that's the case.

3 MR. PAPE: Again, we can address that
4 when Mr. Leber is presenting his testimony.

5 MR. WEINER: We'll look forward to it.
6 Thanks.

7 MR. WEINGARTH: Madame Chair, based on
8 that can -- I realize you said it's a school, but
9 can we have more specific hours of operation based
10 on the possible traffic?

11 MR. WEINER: Before we even get there.

12 MR. WEINGARTH: Sorry.

13 MR. WEINER: I have one question for
14 counsel and for the witness. I appreciate you're
15 saying we're going to get to that down the road, but
16 are we to anticipate that the future testimony is
17 going to be consistent to the testimony that Ms. Evans
18 has just testified, or is it going to be different?
19 Because then it's still going to be a conflict.

20 So what is the intention? Because
21 based on what was submitted in advance is an outline
22 of testimony, and the two are conflicting. So is
23 the testimony of the next witness going to be
24 different than the outline that was submitted, or is
25 it still going to be in some way in conflict with

1 Ms. Evans' testimony.

2 MR. PAPE: I'm going to defer to
3 Mr. Leber. I think he will clarify any --

4 MR. WEINER: But we're also talking
5 about the traffic testimony that was submitted,
6 which I believe was from Dolan and Dean.

7 MR. PAPE: Correct.

8 MR. WEINER: So I don't -- I don't
9 want to get -- go out of order, per se. It's your
10 order, but I'd like to know whether or not -- is it
11 Mr. Dean or Ms. Dolan that's going to be testifying
12 tonight?

13 MR. PAPE: Mr. Dean.

14 MR. WEINER: If Mr. Dean is going to
15 be testifying consistent with his outline that was
16 submitted, or is he going to be now consistent with
17 Ms. Evans, and no longer consistent with what was
18 submitted?

19 MR. PAPE: Here's what I would
20 suggest. I'll suggest when we move to Mr. Leber's
21 testimony, we'll have Mr. Leber present site plan
22 testimony. Perhaps, at the conclusion of his
23 testimony, we'll request a short recess just to
24 confirm internally that we are all on the same page
25 as to the numbers. And then we can clarify any

1 discrepancies that exist in our reports or outlines
2 that we've submitted.

3 MR. WEINER: It's more than numbers.
4 It's the whole operation mechanism that's possibly
5 triggering numbers, so.

6 MR. PAPE: I understand.

7 MR. WEINER: Sunday school versus full
8 day, full week.

9 MR. PAPE: I understand, yes.

10 MR. WEINER: Okay, then I guess it's
11 your understanding that Mr. Leber's testimony will
12 address, at least address the issue with the
13 discrepancy of the parking space?

14 MR. PAPE: Correct.

15 MR. WEINER: Okay.

16 MR. PAPE: Yes.

17 MS. RAMPOLLA: And, Ms. Evans, you'll
18 be here?

19 MR. WEINER: I think Mr. Wynter had a
20 question before we released Ms. Evans.

21 MS. RAMPOLLA: Okay, but I think we're
22 probably going to need to talk again considering
23 there's -- it sounds like there's some conflicts.

24 Go ahead, Mr. Wynter.

25 MR. WYNTER: I'm good.

1 MS. RAMPOLLA: Oh, okay.
 2 MR. WEINGARTH: So, sorry, would hours
 3 of operation be needed now or related to the
 4 traffic?
 5 MS. RAMPOLLA: Can you give us more
 6 specific? I know you said they would follow the
 7 public school hours but...
 8 MR. PAPE: If you could provide the
 9 typical hours of operation for the school during the
 10 week.
 11 MR. WEINER: Well, I don't want
 12 typical. I want to have the proposed for this
 13 school is. Not what's typical.
 14 MR. PAPE: The proposed hours.
 15 MS. EVANS: We haven't made a decision
 16 yet, but typ -- school hours would likely be, you
 17 know, 8:30 to probably 2:30.
 18 MR. WEINER: Well, do you anticipate a
 19 significant divergence from those hours? Because,
 20 again --
 21 MS. EVANS: No.
 22 MR. WEINER: Typical is not -- and I
 23 don't want to make it sound like I'm playing
 24 semantics. But typical school hours aren't the same
 25 thing as we propose. And I don't want the board to

1 nature.
 2 MR. PAPE: So we appreciate all the
 3 questions. I have a list of notes here. Again,
 4 what I would suggest is we present our engineer's
 5 testimony as to the elements of the site plan. We
 6 would, at the conclusion of his testimony, request a
 7 short recess. We'll confer internally to make sure
 8 we can address any discrepancies that have come up,
 9 and from there --
 10 MR. WEINER: Mr. Pape, though, there's
 11 -- this is a bit different than trying to adjust
 12 discrepancies. The application is, part of it, is
 13 to accommodate a school. And we're not being
 14 provided anywhere near firm or even proposed hours
 15 of operation of the school.
 16 There was testimony already made about
 17 potential early care, preschool -- pre start of the
 18 day care and post school day care, which also affect
 19 hours of operation because they make -- obviously,
 20 it's going to be making it earlier and closing
 21 later. That also affects the testimony potentially
 22 that the board would like to consider regarding the
 23 capacity of the pre day care, the early care, as
 24 well as the after care, as well as how that's going
 25 to work traffic wise, things of that nature. But I

1 feel any type of -- misconstrue anything. Whereas,
 2 they're making consideration based on what are
 3 typical hours, and then later on, the hours are
 4 10:00 to 4:00, but and they're atypical. But that
 5 was never -- there was never testimony saying these
 6 are going to be our hours.
 7 MS. EVANS: Right.
 8 MR. WEINER: So I think we would like
 9 something presented as a window of approximate time
 10 of when the school would be open and until what time
 11 hours of operation. Something that's proposed.
 12 MR. PEPE: Counselor, on top of that,
 13 you had mentioned before and after care, too. So
 14 that would be something that we'd have to take into
 15 consideration.
 16 Just understanding from our point of
 17 view, we take all this into account because not that
 18 it would be a detriment, it could work to your
 19 advantage as well. So we want to get a true
 20 understanding how it would impact the traffic of
 21 that area.
 22 So just so you understand what our
 23 perspective is, because we take this all into
 24 consideration because it does have impact on the
 25 community. People coming, going, things of that

1 think there's testimony, if it's consistent that
 2 there's no bus or van service, so then I would think
 3 that would be the same for both, but we would need
 4 to get that cleared up.
 5 However, what is going to be the
 6 anticipated enrollment for pre-care, for after care?
 7 Could that vary? Whatever. That's different than
 8 discrepancies between the witnesses.
 9 Thus far, it's very skeletal, and I
 10 think the board is asking for more. So is this --
 11 is this the witness, Ms. Evans, who is the party who
 12 would be able to tell us that school related
 13 operational information, or is it your engineer, or
 14 your traffic consultant? Because I don't see how
 15 they are going to tell us more than the person who's
 16 going to be running the operations of the school as
 17 to that information.
 18 MS. RAMPOLLA: I think also in addition
 19 to it being somewhat skeletal the description of the
 20 school, I think the application read more as a the
 21 purpose of the renovation was for a house of worship
 22 with a Sunday school. And this, it's sounding more
 23 as though this is a Monday through Friday full-time
 24 school. The smaller -- not smaller, but the less,
 25 the lesser use being the Sunday worship, which is

1 only a couple hours on Sunday.
 2 So it feels like what's being
 3 described in testimony is significantly different in
 4 use from what is really presented.
 5 MR. WEINER: And Madame --
 6 MS. RAMPOLLA: So I think going
 7 forward really -- I mean, we can hear about the site
 8 plans I think from Mr. Leber, but I think that
 9 looking at the purpose -- how the property is going
 10 to be used is -- seems paramount to even addressing
 11 how the site plan would be laid out.
 12 MR. WEINER: What I was going to also
 13 address, and I don't mean to throw anyone under the
 14 gun, because this is being changed in realtime now
 15 in the presentation, is I want to give our planner
 16 an opportunity also to check in on this because I
 17 don't -- whether or not that's going to affect
 18 anything in the way of the way the application was
 19 received as far as on the planning side of a
 20 full-time school, as opposed to a house of worship
 21 with a Sunday school, which is a little bit more of
 22 a collateral nature to the overall proposed use of
 23 this application. As opposed to now, a Monday --
 24 perhaps, I don't want to misspeak, but perhaps a
 25 Monday to Friday school operation with a house of

1 following:
 2 Number of staff, maximum number of
 3 staff, who that staff is made up of.
 4 The hours of the school and -- Monday to Friday
 5 including the potential for the before and after
 6 care.
 7 I agree with Mr. Pepe's suggestion,
 8 perhaps we should take a recess now to get clarity
 9 on those points.
 10 Are there any other points that you
 11 need clarity on at this time?
 12 MS. RAMPOLLA: Yeah, I would like to
 13 know are -- who the school -- is the school intended
 14 to serve? Do you already have a student body that's
 15 looking to attend school? Is there -- are there
 16 like waiting lists? Is the student body intended to
 17 be members of the church, or is it -- does the
 18 school operate very separately from the church?
 19 I kind of would just like to hear more
 20 about the operations of it. I think I didn't have
 21 all of those questions in mind because I think I was
 22 thinking of it more as a Sunday school, and not a
 23 Monday through Friday school.
 24 So I think we're going to have some
 25 more operational questions as we go along. But, for

1 worship tied to it. Where it's a totally different
 2 element, or significantly different. I don't want
 3 to say totally, but significantly different element.
 4 And I don't want to, in fairness to
 5 Mr. Hughes, this is thrown to him just like us. I
 6 want to give him an opportunity to absorb this well
 7 and give us any input.
 8 Mr. Pepe, I didn't mean to cut you off.
 9 MR. PEPE: No. Do you think we should
 10 take a recess prior, take a recess now. Beneficial
 11 to everyone involved.
 12 MS. RAMPOLLA: I don't know that we
 13 need a recess, but I'm wondering if you want to meet
 14 with your --
 15 MR. PAPE: A couple points. Our
 16 apologies if the application was confusing. It was
 17 not our intention to present a Sunday school. It
 18 was our intention to present the school that
 19 Ms. Evans described.
 20 We did have an opportunity to meet
 21 with some of your board's professionals, and we
 22 thought that was clear. If it was not, our
 23 apologies.
 24 The points that I have written that
 25 sound like they need clarification are the

1 now, I think that would be an additional start.
 2 MR. KONG: I just also want to point
 3 out that if you have before and after care, then you
 4 would take in children outside of the school itself,
 5 that are going to be brought to site. That should
 6 be addressed in the traffic testimony also during
 7 that time.
 8 MR. PAPE: So the question is if
 9 there's any student -- if there's any children who
 10 are not students involved in the before and after
 11 care?
 12 MR. KONG: Correct.
 13 MR. PAPE: Okay, okay. Well, I have
 14 my list of notes. If it's acceptable, we'll take a
 15 very short recess, get clarity on these points, and
 16 then return with our presentation.
 17 MS. RAMPOLLA: Okay, we'll take a five
 18 minute recess.
 19 MR. PAPE: Okay.
 20 MS. RAMPOLLA: Thank you.
 21 (Whereupon, a break was taken.)
 22 - - -
 23 MS. RAMPOLLA: You started record?
 24 MR. BRANDT: Yes.
 25 MS. RAMPOLLA: No. Okay, we're back.

42

1 MR. PAPE: Apologies for the extended
2 recess.

3 So there is a number of issues that
4 you've brought to our attention, and I think to
5 properly answer the questions that have been raised,
6 we are going to need to return to another meeting.
7 But we would like to present the testimony partially
8 this evening, and then return to another meeting
9 with answers to the questions that were raised
10 earlier.

11 I think the testimony that we can
12 provide this evening would be part of Marc Leber's
13 testimony, specifically as to drainage. That was an
14 item that was discussed at a recent review meeting.
15 So, if it's acceptable, I would ask that Mr. Leber
16 be sworn to provide part of his testimony this
17 evening.

18 MS. RAMPOLLA: Okay, and then is it
19 just Mr. Leber that we'll hear from or will there be
20 other experts tonight?

21 MR. PAPE: This evening we're going to
22 limit it to Mr. Leber.

23 MS. RAMPOLLA: Okay, thank you.

24 MR. WEINER: But after that, we'll
25 have an opportunity to -- for the public to be

43

1 heard, and then we can discuss a new date.

2 MS. RAMPOLLA: Okay.

3 MR. PAPE: Very good.

4 MS. RAMPOLLA: Mr. Leber, can you
5 raise your right hand. Do you swear to tell the
6 truth, the whole truth, nothing but the truth about
7 this application tonight?

8 MR. LEBER: Yes, I do.

9 MS. RAMPOLLA: Can you state and spell
10 your name for us and give us a little bit of your
11 background.

12 MR. LEBER: Yes, I graduated 1999 with
13 a Bachelor of Science degree, civil engineering from
14 Drexel University.

15 2004 I completed the part-time MBA
16 program at Rutgers Graduate School. I was licensed
17 in 2003 as a professional engineer. Licensed in
18 2005 as a planner. In 2006, I completed the
19 Certified Municipal Engineering Certificate Program.
20 2007 I was appointed as a member of the Howell
21 Township Planning Board.

22 I've since relocated out of Howell to
23 East Brunswick, which is where I grew up. I've
24 testified before this board many times, as well as
25 the Planning Board for many applications.

44

1 MS. RAMPOLLA: Okay, and all of your
2 licenses are still up to date?

3 MR. LEBER: Yes, they are.

4 MR. WYNTER: Just comment --

5 MR. WEINER: Before we make a motion
6 on that, Mr. Leber, I think Mr. Pape in his
7 introductory statements indicated that he was going
8 to be offering your testimony both in an expert
9 capacity as an engineer and as a planner. Is that
10 your intent?

11 MR. LEBER: That's correct.

12 MR. WEINER: So I would ask if we do
13 this at one time, his CV and credentials Mr. Leber
14 gave cover both. A motion would be, if the board
15 chooses, to accept him as both an engineering and a
16 planning expert.

17 And even if he reserves and comes back
18 at a later time during the application, for one or
19 the other, it's -- he's already been accepted. So
20 if you want...

21 MR. WYNTER: My motion is to accept as
22 both.

23 MR. ARORA: I second.

24 MS. RAMPOLLA: All in favor say aye.
25 BOARD MEMBERS: Aye.

45

1 MR. LEBER: Thank you.

2 MR. PAPE: Thank you.

3 MR. LEBER: Good evening. Once again,
4 I do have two exhibits I want to pass out.
5 First one is three pages, photographs.

6 MR. WEINER: That will be A-1?

7 MR. LEBER: A-1.

8 MR. WEINER: Three pages. And what
9 would it be exactly?

10 MR. LEBER: Page one is an aerial
11 photo of the property, and the following two pages
12 are photographs that I took on the site in December.

13

14 (Exhibit A-1, Aerial of property with
15 photos, is marked for identification.)

16

17 MR. LEBER: Now, A-2 is just a color
18 version of sheet number five of the plans that were
19 provided to the board.

20

21 (Exhibit A-2, Colorized Sheet 5 of Site
22 Plans, is marked for identification.)

23

24 MR. LEBER: So while that's being
25 passed around, I want to start with some basic

46

1 information about the property. It's known as Block
2 310 and the lot number is 4.01. And the street
3 address here is 108 Church Lane.

4 Now, this lot is approximately
5 525 feet by 875 feet and contains 10.72 acres. The
6 zoning is the RP, which is single-family rural
7 preservation district.

8 Now, if you go to A-1, which is up on
9 the screen, this is just an aerial map that's
10 available from the internet. You'll notice there's
11 a red box. That indicates this property, Church
12 Lane. The nearest cross street is Fresh Ponds Road,
13 which is just about 1,300 feet to the east of the
14 site. You can see that in the photo.

15 If you look around the property, it's
16 all residences, single-family homes surrounding us.
17 To the north, there's a large wooded vacant track,
18 which is owned by Middlesex County.

19 If you go to the next page --
20 MR. WEINGARTH: Sorry, sorry, Marc.
21 MR. LEBER: Yeah.
22 MR. WEINGARTH: You said the northern
23 part is Middlesex County owns it? Would that happen
24 to be Tamarack Hollow Reserve?
25 MR. LEBER: I believe so.

47

1 MR. WEINGARTH: Thank you.
2 BOARD SECRETARY: Pardon me,
3 Mr. Leber, real quick. Did we have a label for A-1?
4 Is it collection of --
5 MR. WEINER: Yeah, A-1 was identified
6 as three pages consisting of an aerial photo on page
7 one and photos of the site from December on pages
8 two and three.
9 MR. LEBER: All right, so I'm going to
10 begin with the top left photo. And the site has two
11 driveways off Church Lane. So in the distance,
12 you'll see the western most driveway.
13 So I am standing in the parking lot.
14 I'm looking out from that driveway and you can see
15 there's two dwellings across the street. Moving
16 across to the top right photo, standing in the
17 eastern driveway, and I'm looking west on Church
18 Lane.
19 On the bottom, standing in the back of
20 the existing building. You'll notice to my right is
21 a fence. In the distance is a basketball court. In
22 that area is a recreation area on the right, and the
23 buildings on the left.
24 The bottom photo on that page is
25 similar to the first photo we talked about, but this

48

1 is the eastern driveway. So I'm standing in front
2 of the building, just looking out to Church Lane
3 from the eastern driveway.
4 Going onto the next page, it's a view
5 of the parking lot on the top. You'll notice
6 there's a grass area between the parking lot and the
7 residence that's in the distance. This grass area
8 is part of this property.
9 Across on the top right, this is
10 behind the existing building. You'll notice there's
11 a single-story pavilion, like an open pavilion
12 structure that's part of this property. This grass
13 area and the foreground is all the recreation area.
14 The bottom left photo, we're looking at the side of
15 the existing building that faces east. And the
16 reason I took that photo is because that's the part
17 of the property where the sanctuary would be
18 constructed.
19 And then in the last photo, is beyond
20 the end of the parking lot, there's a basketball
21 court. Previously there was an in ground swimming
22 pool on the property, which was removed just around
23 the time the application was filed. So that's no
24 longer present on the property.
25 The building that's there is single

49

1 story. It's about 9,100 square feet. And it was
2 constructed in the early 1970s. The most recent
3 owner of that building was the Girl Scouts of
4 Central and Southern New Jersey. They purchased the
5 building in 1985 for use as a regional headquarters.
6 Now, prior to 1985, it was owned by the Young Men'
7 and Women' Hebrew Association of Raritan Valley.
8 Now, the use of the property has
9 varied over the years. And at one time, there was a
10 summer camp along with some trails through the woods
11 in the rear where they contain small camp sites, the
12 large in ground swimming pool that's been removed,
13 as well as other accessory buildings that were
14 associated with the pool. Those buildings which
15 were accessory were also demolished when they
16 removed the pool.
17 There's a parking lot on the property
18 that can accommodate up to 55 cars, in addition to
19 the basketball court that I pointed out, and that
20 open pavilion.
21 Now, the area of the property,
22 although it's 10.72 acres, the portion that contains
23 the improvements, which is along the front of the
24 property, is really 2.2 acres. So, basically, all
25 of the improvements of the lot are contained within

1 the 20 percent along Church Lane. The rest of the
2 lot is either vacant or open or partially wooded.

3 If you look at the building coverage
4 for the existing single-story building, it's about
5 2.3 percent of the total lot area. And when you add
6 in all the driveways and parking areas and other
7 impervious surfaces, the total lot coverage that's
8 there today is just around 10 percent of the total.

9 When it rains, the property drains
10 primarily from the rear towards Church Lane. There
11 is a catch basin in Church Lane that's piped to a
12 discharge head wall across the street. And most of
13 the water is collected and discharged underneath the
14 road.

15 Now, if you go to A-2, which is the
16 color rendering, talk about some of the changes on
17 the property that are proposed. The first change is
18 they would like to utilize the building as a house
19 of worship and a school. And part of that would
20 involve constructing a 4,080 square foot addition on
21 the east side for a sanctuary.

22 If you look closely, there's a
23 rectangle that's colored in solid red. That's a 50
24 foot by 81.7 inch building addition. Within that
25 addition, you'll notice in the architectural plans,

1 and we're providing 25.1 feet. So that is
2 conforming as well.

3 Other changes on the property include
4 the expansion of the parking lot, and reconstruction
5 of the existing ADA parking.

6 So the first thing is that the
7 basketball court would be removed, and the parking
8 lot be extended toward the rear of the property,
9 bringing the total number of spaces from 55 to 125.
10 And I heard a comment earlier in the meeting that we
11 had deleted one space for a trash enclosure, which
12 I'm happy to discuss. I just want to get through
13 the bulk of the project first.

14 Within the building, there is no
15 banquet hall. And there's no commercial kitchen.
16 There is, however, provisions for six classroom
17 spaces.

18 The access to this property is going to
19 remain unchanged. So we're still going to have an
20 eastern entrance and a western driveway. However,
21 the driveway on the east is going to be striped
22 entry only. So if you zoom into the driveway on the
23 right, you'll see there's only an arrow pointing in.
24 The other driveway would continue to be used for
25 ingress and egress.

1 there's a sanctuary space. It's a single-story
2 building. There's a platform/stage in the front and
3 there's seating for 334 people within. That space
4 will have egress doors out to the open as well as a
5 connection to the existing space.

6 Now, a house of worship, as well as a
7 school, are both conditionally permitted uses in the
8 RP zone. However, there are some conditions, and
9 one of them is that you have to have a 12-acre
10 parcel in order to meet the minimum lot requirement
11 for this house of worship and school.

12 Now, it's a little unusual, but the
13 deed for this property describes the boundary going
14 to the center of Church Lane. That's actually a
15 public right of way. And as part of the project, we
16 were going to grant the township the right of way
17 dedication to correct that, which would further
18 reduce the property to 10.35 acres.

19 So we're a little deficient in the
20 sense we need 12 acres, but we only have 10.35 after
21 that dedication. Other than that, when it comes to
22 things like setbacks, the placement of this
23 addition, lot coverage, building coverage, the
24 project is conforming. The side addition on the
25 east, the minimum side yard requirement is 20 feet,

1 Behind the building, we proposed a
2 playground area for the kids. And just
3 schematically we had shown, you know, a tentative
4 design for play equipment, if you want to pan up.
5 Just to give the board an idea of how much room we
6 have for a playground and that there would be a
7 fence surrounding it.

8 As any application, we are increasing
9 lot coverage, which comes along with increase in
10 runoff. So, that being the case, stormwater
11 management system is proposed. The placement of
12 that system is in the open lawn area on the western
13 side of the property. And what it consists of is a
14 very shallow depressed area. Gradual sloped into
15 the ground. 2-foot maximum depth. And what would
16 happen is there would be two catch basins installed
17 in the parking lot that would capture runoff from
18 the pavement, bringing it to this area, the grass
19 where it would percolate into the soil.

20 There is an emergency overflow aspect
21 of this, which would allow the water to be conveyed
22 into the existing drainage on Church Lane.

23 New rules at the NJDEP that went into
24 effect last year require something called green
25 infrastructure. And really what that boils down to

1 is, when it rains, and it's an open field, the
2 rainwater will percolate into the soil until the
3 ground saturated, and then it will runoff.
4 Pavement is not conducive to
5 percolation because pavement is impervious. So what
6 we're doing is collecting the water from the
7 pavement and bringing it into an area on the site
8 where it can percolate back into the ground. So we
9 don't put it in a pipe and send it somewhere else
10 down the stream. This particular basin is designed
11 with a sand bottom, which will encourage
12 infiltration.

13 We did do soil testing to make sure the
14 design is appropriate for this use. And it is. And
15 I had followed up with a letter recently to the
16 board engineer clarifying that the design meets the
17 standards that are promulgated by N.J.A.C. 7:8.

18 The next item I want to discuss is
19 that public sewer is not available here. The
20 building that's there today presently has a septic
21 system. And that system is quite old and outdated
22 and requires a lot of maintenance. So as part of
23 the application, we are proposing to install a brand
24 new septic system. The disposal of it will be in
25 the back of the building, which is similar to where

1 building.
2 LED lighting is proposed within the
3 parking lot. We have a landscape plan to install
4 more shade trees, more evergreen trees, and more
5 shrubs on the property.

6 Now, with all of these improvements,
7 our building coverage will go from 2.3 percent to
8 3.2 percent, but because the zone allows up to
9 10 percent, we are conforming.

10 Now, our total lot coverage will go
11 from 10 percent to 14.8 percent. But 40 percent is
12 permitted, so we comply as well.

13 I'm going to talk more about the -- can I reference
14 these architectural drawings?

15 MR. WEINER: I'm sorry?

16 MR. LEBER: Can I reference the
17 architectural drawings?

18 MR. WEINER: If they're part of the
19 original record, yes. If not, they would need to be
20 marked.

21 MR. LEBER: Okay, so these are the
22 drawings prepared by Kurt Ludwig, and they are
23 revised through December of last year.

24 I want specifically to go to sheet
25 A-3. Because the architecture and the elevation --

1 it is today. And the permit would be through the
2 local health department, which is Middlesex County.

3 With regards to trash and recycling,
4 that will be handled privately. You might have
5 noticed in the pictures there were two dumpsters in
6 the parking lot. We have a plan to construct an
7 enclosure to house those two dumpsters, which is in
8 conformance with the township standard trash
9 enclosure detail. They would not be sitting on the
10 parking lot anymore.

11 The signage, we do propose a new
12 monument sign along the street. It's 56 square
13 feet, and it will be internally illuminated and
14 placed on a timer.

15 There's also one wall-mounted sign on
16 the building, which is depicted on the architectural
17 drawing, sheet number A-3, and that wall is the wall
18 that faces Church Lane. The sign would be lit with
19 uplights and can also be on a timer.

20 There was a question -- well, one of
21 the benefits of the application is we had the
22 opportunity to meet with all the neighbors one
23 evening. And the question was is there going to be
24 a sign facing east, which is to the right. And the
25 answer is no, there's no signage on that side of the

1 just wait a second.

2 BOARD SECRETARY: Pardon me, what
3 revision was that?

4 MR. LEBER: I have December 9th. Is
5 there a newer one maybe?

6 MR. WEINER: Mr. Leber, while
7 Mr. Blessing is locating that, quick question, you
8 talked about trash.

9 MR. LEBER: Yeah.

10 MR. WEINER: And recycling. What
11 about snow removal?

12 MR. LEBER: That's going to be private
13 as well.

14 MR. WEINER: Snow removal will be
15 private.

16 MR. LEBER: Mm-hmm.

17 BOARD SECRETARY: Did you say A-3?

18 MR. LEBER: A-3.

19 BOARD SECRETARY: And what's the --

20 MR. LEBER: It's an elevation. This

21 one.

22 MR. WEINGARTH: That, no.

23 MR. LEBER: No?

24 MS. RAMPOLLA: What's the date on
25 that?

1 MR. LEBER: 12/9.
 2 MR. KIPP: I have a floor plan dated
 3 12/9, that's it.
 4 MR. LEBER: Page two.
 5 BOARD SECRETARY: And the elevations
 6 that we have with our file are -- they're revised
 7 through --
 8 MR. LEBER: That's it.
 9 BOARD SECRETARY: August 8th.
 10 MR. LEBER: So let me see.
 11 BOARD SECRETARY: And this is what was
 12 -- I believe this is what was distributed with the
 13 application materials today.
 14 MR. WEINER: Yes, stamped August 25th.
 15 BOARD SECRETARY: Okay.
 16 MR. LEBER: Okay, so the one I'm
 17 interested in is the top one. So this is the view
 18 of the building from Church Lane.
 19 And the way it was designed was to
 20 match the existing brick face on the building that's
 21 there today on the lower floor.
 22 Now, you might say, well, that's a
 23 two-story building, but it's not a two-story
 24 building. The windows above are just to provide
 25 light into the sanctuary. The building does comply

1 MR. LEBER: Yeah.
 2 MR. WEINER: -- he wants to refer to
 3 it, can refer to it. With the understanding that at
 4 a future meeting, since we've already indicated
 5 we're not going to finish tonight, that you'll give
 6 the board an opportunity to question the architect.
 7 MR. PAPE: Yes, correct.
 8 BOARD SECRETARY: Mr. Pape, was this
 9 the intended exhibit for the interior?
 10 MR. KIPP: That's the floor plan. I
 11 don't see anything with interior.
 12 MR. LEBER: Okay, so.
 13 MS. RAMPOLLA: Marc, can I ask you a
 14 question. You said a little while ago that there's,
 15 there would be no banquet hall and no kitchen. But
 16 on the floor plan, it says there's a food prep room
 17 and a wet bar. What's the difference between a
 18 kitchen and a food prep room and wet bar?
 19 MR. LEBER: So commercial kitchen,
 20 which is common in a house of worship, would be used
 21 for providing food service for a large gathering.
 22 On this side of town, that doesn't really work
 23 because with the limitation of a septic system, you
 24 can't offer that kind of service.
 25 So the type of kitchen or warming area

1 with the height limitation in the zone.
 2 There was an exhibit of an interior view of the
 3 sanctuary, which shows from the inside what those
 4 windows look like. I don't know if we can put that
 5 up.
 6 MR. WEINER: I would just jump in and
 7 state to counsel that what Mr. Leber was originally
 8 trying to refer to are not part of the record. If
 9 it's the applicant's intention to rely on them, we
 10 would ask that those be promptly submitted to the
 11 board.
 12 MR. PAPE: Understood. I believe it
 13 was just a colored version of what's shown on the
 14 screen, but we can present that. And as far as the
 15 interior exhibits, those were marked I believe -- I
 16 don't believe those were part of the original
 17 submission. They were meant to be exhibits just for
 18 this presentation.
 19 MR. LEBER: I have to check. I mean,
 20 let me just see here.
 21 MR. PAPE: Counsel, would it be
 22 acceptable to present the exterior exhibit that was
 23 prepared by our architect?
 24 MR. WEINER: I mean, if the issue --
 25 we can mark it. And, Mr. Leber, to the extent --

1 would be for food that's brought in just to be
 2 heated. There's no grill. You know, there's no
 3 commercial facility. You can't have a, you know, a
 4 caterer come in and use your kitchen to prepare like
 5 a banquet. It's just not available.
 6 MS. RAMPOLLA: Okay.
 7 MR. PAPE: There was an interior
 8 exhibit and maybe it didn't make it to you. And if
 9 that's the case, our apologies. But the interior
 10 exhibit displayed the inside of the sanctuary
 11 portion of the building to show that it was not two
 12 stories. That it was a one-story space. And we can
 13 present that at a future meeting for clarity.
 14 MR. LEBER: Yeah.
 15 MR. WEINER: So in light of
 16 Mr. Leber's last couple of statements, is it
 17 understood that there will be no catering at this
 18 and no banquets?
 19 MR. LEBER: Yes.
 20 MR. WEINER: So that can be
 21 conditional language?
 22 MR. LEBER: Sure.
 23 I sent that e-mail to Aaron.
 24 MR. WEINER: No catering.
 25 BOARD SECRETARY: I'm reviewing that

1 same e-mail. I have --
 2 MR. KIPP: Said just sent.
 3 BOARD SECRETARY: Just sent, okay.
 4 Okay, this is A-3 now.
 5 MR. WEINER: A-3 and this is
 6 architectural, architectural rendering of interior
 7 of sanctuary; is that correct?
 8 MR. LEBER: Yes.
 9 MR. PAPE: Yes.
 10 MR. WEINER: I just want to write this
 11 down, architectural rendering of interior of
 12 sanctuary.
 13
 14 (Exhibit A-3, Architectural rendering
 15 of interior of sanctuary, is marked for
 16 identification.)
 17
 18 MR. LEBER: So the reason I wanted to
 19 show you this tonight while we're talking about the
 20 window, to see that the windows on the second --
 21 what you would think on the second story, are not on
 22 the second story. It's mainly to allow lighting.
 23 And this is, you know, the rendering that was
 24 prepared for pretty much what the inside would look
 25 like if somebody was in the building. And it's

1 compelled that there was a parking issue on the
 2 property. Because we feel that we have it addressed
 3 and that the number of spots does comply with the
 4 ordinance needs. So that was really one thing I
 5 wanted to clarify.
 6 MR. WEINGARTH: Madame Chair, I'm so
 7 sorry, you're basing that on the church aspect
 8 though, correct?
 9 MR. LEBER: No, the --
 10 MR. WEINGARTH: Or I'm just --
 11 MR. LEBER: For a school with this age
 12 children, there's no parking requirement based on
 13 the number of students. It's based on adults.
 14 MR. WEINGARTH: Thank you.
 15 MR. WEINER: Can you give us the total
 16 number of parking, and the breakdown of regular
 17 spaces, ADA spaces, and EV spaces?
 18 MR. LEBER: Okay, so we have --
 19 MR. WEINER: It would be total?
 20 MR. LEBER: 124. And there are four
 21 EV spaces, but one of them is EV, ADA space.
 22 MR. PEPE: Whoa.
 23 MR. WEINER: Four EV spaces including
 24 one ADA space.
 25 MR. LEBER: Yeah. And aside from

1 easier to look at this than to try to describe that.
 2 So I felt it important, that that should be shown.
 3 MR. WEINER: And, to your knowledge,
 4 it was prepared by Mr. Ludwig?
 5 MR. LEBER: Yes.
 6 Now, the last thing I want to talk about tonight is
 7 just to clarify the parking calculation on the
 8 property. The ordinance is very specific. It says
 9 that for this type of use, you have to provide one
 10 parking spot per three seats in the sanctuary, plus
 11 one per classroom, plus one per employee.
 12 So when we ran the calculations, we
 13 came up that we needed 123.3 spaces, which was 334
 14 seats in the sanctuary, divided by three is 111.3.
 15 We had six classrooms and six employees, which was
 16 12 spaces. And for 123 spaces needed, we were
 17 providing 125.
 18 Now, we heard earlier that we lost a
 19 space to the trash enclosure, so 124. But what you
 20 didn't hear is we added four EV parking stalls which
 21 count as two under zoning. So your 124 actually
 22 becomes 128. So we do have a little more leeway to
 23 add four spaces for the extra four employees that
 24 you heard from the school director earlier.
 25 So I didn't want the board to feel

1 that, there's four non-EV, ADA spaces.
 2 MR. WEINER: Four non-ADA spaces. All
 3 within the total 124?
 4 MR. LEBER: That's correct.
 5 MR. WEINER: And are all of those EV
 6 spaces going to be fully operational and not just EV
 7 ready?
 8 MR. LEBER: Yes.
 9 MR. WEINER: My language might be off,
 10 but, Mr. Kong, correct?
 11 MR. KONG: Yes.
 12 MR. PEPE: That's a big difference,
 13 Counsel.
 14 MR. WEINER: And do those numbers, are
 15 they, Mr. Kong, are they -- are we clear on them or
 16 do you have any questions?
 17 MR. KONG: Yeah, I think he's made
 18 that clear.
 19 MR. WEINER: Okay.
 20 MR. KONG: I would only ask that
 21 the -- how you derive that be reflected on the
 22 parking counts.
 23 MR. LEBER: Okay.
 24 Other than that, I mean, ancillary things, we are
 25 going to propose a solid white fence, which is

1 something that actually came out of our meeting with
2 the neighbors.

3 On the eastern side of the property
4 where the building addition is proposed is going to
5 be 125 feet of solid 6-foot high white vinyl fence.

6 And then on the western side of the
7 property where the parking stalls are perpendicular
8 to lot 4.03, we're going to run a row of evergreen
9 shrubs down that entire edge. I counted I think
10 it's 82 shrubs to screen parking lot lights from
11 shining west.

12 The pavilion would remain on the site.
13 The backstop, there's a ball field, that backstop
14 would be removed. It's in disrepair. We would
15 fence in the air conditioner, air handler enclosures
16 that are mounted on the ground. We're going to
17 provide a bike rack in front of the building, and
18 we're going to install all new ADA curb ramps along
19 Church Lane. And we're also going to make our
20 parking lot lights dimmable, so that in the evening
21 hours, they can be dimmed 50 percent.

22 And then, I believe that was all the
23 key points of the application. Oh, a loading zone.
24 Someone asked us if we needed a loading zone.
25 If you can go back to Exhibit A-2. The U-shaped

1 driveway in the front of this building is our
2 loading zone. We don't get any tractor-trailers
3 here. Deliveries would be just small UPS, FedEx,
4 Amazon, they can enter in through the easterly exit,
5 park right in front, deliver, and then they can exit
6 through the other entrance.

7 Actually works as it works today. So
8 we don't need an actual loading zone of the use.

9 MR. WEINER: No deliveries.

10 MR. LEBER: No tractor-trailers.

11 MR. WEINER: Via tractor trailer.

12 Have that conditional as well.

13 MR. LEBER: That is my engineering
14 summary of what's proposed here. So I'm ready for
15 any questions if you have.

16 MR. KIPP: Real quick, Marc, just one
17 concern. On the east of the property line, there
18 seems to be a conflict with fence and driveway that
19 appears to be over the property line. And then
20 you're putting your fence up to that, so it's even
21 further off the property line.

22 Can we have clarification as to who
23 owns that portion of the encroachment and is there
24 going to be an easement or something dedicated for
25 that encroachment?

1 MR. LEBER: Okay, so on Lot 3, which
2 is our neighbor to the right, they have a driveway
3 that goes up the side of their property that
4 actually comes onto this property. I don't know if
5 we're sure if they're going to grant the easement or
6 not.

7 I can ask the client if you want. I
8 just need one minute.

9 MR. KIPP: Yeah, we just have a
10 concern with maintenance.

11 MR. WEINER: Yeah.

12 MR. KIPP: And we want to clarify.

13 MR. LEBER: Okay, they indicated
14 they'd like to give them an easement so they can
15 keep it the way it is.

16 MR. WEINER: So the easement will be
17 given to neighbor on lot -- the neighbor adjacent to
18 Lot 3?

19 MR. LEBER: It is Lot 3.

20 MR. WEINER: The neighbor on Lot 3,
21 with maintenance and burdens to beyond the
22 applicant; is that correct?

23 MR. PAPE: Yes.

24 MR. WEINER: Mr. Pape?

25 MR. WEINGARTH: Madame Chair, per that

1 topic to the neighbor on Lot 3, since the sanctuary
2 is being proposed on the eastern part of your
3 property, lights on the building will not be
4 focusing towards neighbor on Lot 3?

5 MR. LEBER: No, there's no lights on
6 that side at all.

7 MR. WEINGARTH: Okay, thank you.

8 MR. PAPE: Any additional questions
9 for Mr. Leber at this time? As we noted at the
10 beginning, we do intend to return and Mr. Leber will
11 be providing testimony at the next meeting as well.
12 But if there's any questions, any further questions
13 on his testimony this evening, he's available.

14 MR. WEINER: I would just want to make
15 it clear that I know there was some later
16 submissions that only came in recently from
17 Mr. Leber's office, and our professional staff is
18 reserving their rights for any further comment as to
19 anything of course as the matter is still open, but
20 specifically to have sufficient time to review
21 everything and understand that there may be future
22 comments that are raised as to those submissions.

23 MR. KONG: I have a couple of things
24 for Marc. The letter stating the revisions that you
25 have made to the plan, you have reference that table

1 five, one, which if I may assume will be related to
 2 stormwater management report.
 3 MR. LEBER: Yes.
 4 MR. KONG: I did not receive a revised
 5 copy of that stormwater report. I'm not sure if
 6 that was submitted. We just didn't get that.
 7 MR. LEBER: Yeah, that's because the
 8 calculations were not revised.
 9 MR. KONG: Okay.
 10 MR. LEBER: The letter indicates that
 11 the table five, one classifies this as a small scale
 12 stand filter.
 13 MR. KONG: Okay.
 14 MR. LEBER: Due to the small area that
 15 drains into it.
 16 MR. KONG: So is it your intent to
 17 have a revised stormwater report that would remove
 18 those statements that would contradict what you're
 19 saying here regarding stormwater management and
 20 increase impervious coverage and such?
 21 MR. LEBER: I mean, if there's a
 22 contradictory statement, we can correct that. I
 23 mean, I know the calculations for the design that
 24 was submitted do comply with the green
 25 infrastructure requirements. But as a technical

1 vehicles would get in and out of that site.
 2 MR. LEBER: Sure.
 3 MR. KONG: We'll be looking for that
 4 too.
 5 MR. LEBER: Yeah, we can provide that
 6 turning plan.
 7 MR. KONG: Appreciate it. And that's
 8 all I have.
 9 MS. RAMPOLLA: I do -- I think there
 10 was testimony that everyone, all of the students
 11 would -- there was testimony that all of the
 12 students would ride by car, and not by bus. But I
 13 think it's still important to have that turning
 14 radius with a bus if they're going to do like class
 15 trips or other types of things that, you know,
 16 schools might use it for even if it's -- it's just
 17 not for everyday arriving.
 18 MR. LEBER: We can provide it.
 19 MR. WEINER: How many -- the oval or
 20 not-to-scale circular drive at the front of the
 21 building, how many vehicles is that handling and how
 22 many lanes is that, whether marked or not, width
 23 wise to accommodate since there's going to be drop
 24 off and pick up of students daily?
 25 MR. LEBER: Well, first of all, we

1 note, if there's a contradictory statement, I don't
 2 have an issue revising that.
 3 MR. KONG: Okay.
 4 MR. WEINER: Is a revision okay or
 5 would you prefer a new report?
 6 MR. KONG: I think if you could just
 7 go through the report.
 8 MR. LEBER: Mm-hmm.
 9 MR. KONG: Anything as a result I
 10 think previously at a meeting we discussed because
 11 of the new vehicular surface, because it's a parking
 12 lot versus a previous basketball court would be a
 13 one to one swap of impervious coverage.
 14 If there's anything in the stormwater report that
 15 states contrary, I'll let you make that decision as
 16 you go through your report if anything should be
 17 addressed and resubmitted back to us.
 18 MR. LEBER: Okay.
 19 MR. KONG: And then the other thing
 20 that we briefly touched on is traffic circulation,
 21 site circulation. But we also don't have the
 22 vehicle turn movement plan. Especially if your
 23 trash enclosure being proposed at that location, if
 24 you could show how garbage truck, emergency vehicle,
 25 or maybe even a school bus need to -- how all those

1 have somebody here to discuss that. But the student
 2 drop off is not in that U-shaped driveway.
 3 MR. WEINER: But that, that-U shaped
 4 driveway is basically the access to the parking area
 5 and the access to the site, correct?
 6 MR. LEBER: Yes, but the actual point
 7 in which the passenger exits the vehicle is not
 8 within that U.
 9 MR. WEINER: But will they have to go
 10 through that?
 11 MR. LEBER: Yeah, the pattern is going
 12 to be, they're going to enter into the property.
 13 They'll make that first right turn into the parking
 14 lot heading north. The queue and the drop off would
 15 be on the left side of the building and then the
 16 cars would exit the parking lot by driving north,
 17 making a left --
 18 MR. WEINER: Is that driveway getting
 19 in off the street until it gets to make the right
 20 turn into the parking lot? Is that going to be
 21 marked with any lane marking? Is it for one car?
 22 MR. LEBER: It's one way.
 23 MR. WEINER: Yes, but are cars going
 24 to be going side by side, or only one car at a time?
 25 MR. LEBER: It's a single lane.

1 MR. WEINER: Okay.
 2 MS. RAMPOLLA: Any other board members
 3 have any other questions for Mr. Leber?
 4 MR. BRANDT: Madame Chair, I have one
 5 question for Mr. Leber. It pertains to the proposed
 6 new septic system. Are you proposing to abandon the
 7 existing one and build a new one or?
 8 MR. LEBER: That's correct. The new
 9 system will replace everything.
 10 MR. BRANDT: And it'll go in the same
 11 area as the existing one now?
 12 MR. PAPE: We do have our septic
 13 designer here. He would probably be the best person
 14 to speak to those questions. If you like, we can
 15 bring him up and have him sworn to address those
 16 questions.
 17 MR. BRANDT: Couldn't hurt.
 18 MS. RAMPOLLA: Yeah, that would be
 19 helpful.
 20 MR. PAPE: Sure. Should we do that
 21 now?
 22 MS. RAMPOLLA: We can do that, yeah.
 23 MR. BARKLEY: Good evening. My name
 24 is Gregg Barkley.
 25 MS. RAMPOLLA: Raise your right hand.

1 MR. BARKLEY: Yes, I have been
 2 designing septic systems for probably 30 years. And
 3 this -- the drawings for this have been submitted to
 4 the Middlesex County Health Department and are
 5 pending their review.
 6 MR. WEINER: The witness can be
 7 accepted if the board chooses as an expert in
 8 engineering design of septic systems.
 9 MR. PEPE: Yes, motion.
 10 MR. ARORA: Second.
 11 MR. BRANDT: Second.
 12 MS. RAMPOLLA: All in favor say aye.
 13 BOARD MEMBERS: Aye.
 14 MS. RAMPOLLA: Thank you. Go ahead.
 15 MR. BARKLEY: Should I give an outline
 16 first and then you can ask your question, or should
 17 I go ahead and answer your question?
 18 MR. BRANDT: Well, I'm pretty sure you
 19 heard my question already. I mean, just give
 20 presentation, your outline.
 21 MR. BARKLEY: Yes. Currently, if you
 22 can scroll that down to show the rear of the
 23 building.
 24 Currently there is a septic system on
 25 the property that was functioning I guess since the

1 Do you swear to tell the truth, the whole truth,
 2 nothing but the truth about this application
 3 tonight?
 4 MR. BARKLEY: Yes.
 5 MS. RAMPOLLA: Thanks. Can you start
 6 with stating and spelling your name and also give us
 7 an address.
 8 MR. BARKLEY: Sure. Gregg, G-R-E-G-G,
 9 Barkley, B-A-R-K-L-E-Y. 27 Bradley Drive, Freehold.
 10 I am a licensed professional engineer in New Jersey.
 11 I received my Bachelor's Degree in 1985, became
 12 licensed as a professional engineer in 1990. And
 13 have been continually and remain a licensed engineer
 14 in the State of New Jersey.
 15 MS. RAMPOLLA: We just want to
 16 recognize him as an --
 17 MR. WEINER: Well, the question is
 18 based on your engineering background, did you design
 19 the septic system for this property?
 20 MR. BARKLEY: Yes, I did.
 21 MR. WEINER: And your testimony is
 22 going to be limited to that?
 23 MR. BARKLEY: Yes, that's correct.
 24 MR. WEINER: So are you being offered
 25 as an expert in the design of septic systems?

1 buildings construction. It served previously. It's
 2 a series of trenches. It's actually in that
 3 outline, that dashed line area.
 4 The new system will be within the same
 5 general area. We perform testing in that area that
 6 showed signal high groundwater levels, quite deep,
 7 six plus feet, very rapid permeability, very
 8 consistent with what one would hope to see with the
 9 system.
 10 We are proposing septic tanks near the
 11 front or the side of the building between the
 12 parking lot and the building. They'll be a series
 13 of septic tanks providing adequate capacity per
 14 code, followed by a tank that has pumps in it, that
 15 then would pump to the disposal field.
 16 We're proposing two fields that would
 17 be alternating. Or if one needs to be turned
 18 offline, we could do that as well. So there's some
 19 flexibility with it. And it's all in accordance
 20 with the state code for the septic design.
 21 So one question that will always come
 22 up, if we're putting the new system in the same
 23 location as the old. The typical excavation would
 24 encounter some of the old residue in the gravel and
 25 piping from that old system.

1 The code allows for that to be buried
2 on site. There will be an excavation performed
3 outside of the area, and that material would be
4 buried there that's disturbed.

5 Other than that, if the area that
6 exists as a septic is not disturbed, it's allowed to
7 remain in place, and it's considered abandoned in
8 place. The existing tanks will be removed, or,
9 again, abandoned in place, by pumping the final
10 residue out of them, crushing them in place, and
11 then back filling them with a native soil from the
12 site. The new tanks would then go near by, or they
13 could even go in the same footprint if necessary
14 once that material is removed.

15 MR. PAPE: And you mentioned the plan
16 has been submitted to the county and is pending?

17 MR. BARKLEY: Yes. That was submitted
18 probably mid April. I got an e-mail today from the
19 health department indicating they have it, but they
20 have not reviewed it yet.

21 MR. PAPE: Any further questions of
22 Mr. Barkley?

23 MR. BRANDT: Well, my final question
24 is, while during construction, if the church folks
25 wanted to utilize the building, then how would they

1 MR. BARKLEY: Thank you.

2 MS. RAMPOLLA: Okay, thank you.

3 MR. PAPE: I think, Marc, unless you
4 have anything further, I think that would conclude
5 our direct presentation for this evening until we
6 return again. I look to the board as to how to
7 proceed from here. Perhaps, look to the public at
8 this time.

9 MR. WEINER: We're going to need a
10 public portion.

11 MS. RAMPOLLA: Yeah. I just, I just
12 want to make sure from our professionals there
13 aren't any -- I mean, I know that you've spoken with
14 the applicant, but that there aren't any additional
15 reports or any additional information that we
16 specifically -- you would specifically want to ask
17 that they bring back with them when they come to the
18 next, our next meeting?

19 MR. KONG: Not currently.

20 MR. KIPP: Right. I would say after
21 we review the plan we received last night, we may
22 have additional comments.

23 MS. RAMPOLLA: Okay, thank you.

24 Okay, all right, we're going to go to the public
25 portion then.

1 go about doing that?

2 MR. BARKLEY: That's a good question.
3 Typically what happens is the contractor will
4 install the new tanks first.

5 MR. BRANDT: Mm-hmm.

6 MR. BARKLEY: And then divert the flow
7 to them once they're in place and ready to go.

8 So during that interim time, the old
9 system will continue to function, or those old tanks
10 will act as holding tanks and the waste water will
11 be hauled away until the new is ready to be fully
12 diverted.

13 That happens all the time in
14 residential situations. And I get this asked, this
15 question asked all the time because people are
16 panicked about flushing their toilets.

17 MR. BRANDT: Exactly.

18 MR. BARKLEY: It's done that way so
19 there's a minimal amount of time that you can't
20 flush water or dispose of waste water.

21 MR. BRANDT: Thank you, sir.

22 MS. RAMPOLLA: Does anyone else have
23 any questions?

24 MR. PEPE: No. Thank you.

25 MR. PAPE: Thank you.

1 MR. PAPE: Okay.

2 MS. RAMPOLLA: If you're done for now.

3 MR. PAPE: I would ask at the
4 conclusion, if I can have a moment if we can
5 discuss.

6 MS. RAMPOLLA: We'll pick -- we'll
7 talk about the next date.

8 MR. PAPE: Great.

9 MS. RAMPOLLA: All right, it's time to
10 open up the meeting to the public.
11 I would just ask that any questions or comments that
12 the public has that they want to bring forth to the
13 board tonight, if you could keep the comments or the
14 questions specifically to the testimony that we
15 already heard this evening. There will be an
16 opportunity at every future meeting for any members
17 of the public to come up and speak to make comments
18 for the board. But for now this evening we would
19 just ask any questions you want to ask of any of the
20 experts we've heard from, or any comments you want
21 to give to the board about tonight's testimony, just
22 be focused on what we already heard this evening.
23 And I say that specifically because we don't know
24 what testimony we'll hear at future meetings. So we
25 really want to keep it to the content that we're

1 focused on tonight.
 2 So if any member of the public wishes
 3 to come up, you can come up to the podium.
 4 MR. SCARLOTTA: My name is James
 5 Scarlotta and I live 106 Church Lane.
 6 MS. RAMPOLLA: We just need to swear
 7 you in first. Thank you.
 8 Raise your right hand. Do you swear to
 9 tell the truth, the whole truth, and nothing but the
 10 truth this evening?
 11 MR. SCARLOTTA: Yes.
 12 MR. WEINER: Spell your name.
 13 MR. SCARLOTTA: J-A-M-E-S,
 14 S-C-A-R-L-O-T-T-A. My question is the easement that
 15 you're talking about on the property, what is that
 16 for? For the fence?
 17 MR. LEBER: You're the neighbor on the
 18 right?
 19 MR. SCARLOTTA: Yeah.
 20 MR. LEBER: So the driveway that
 21 you're using, as well as your fence, goes slightly
 22 onto this property.
 23 MR. SCARLOTTA: Onto their property?
 24 MR. LEBER: Yeah. So what they would
 25 do is grant an easement so can you keep it the way

1 speeders. Oh my God, it was lowered to 35. Thank
 2 you. But the speeders are horrendous.
 3 So my question is -- you know, and I'm
 4 glad you recognized that the testimony is a conflict
 5 from the original report. It was supposed to have
 6 been a church and a Sunday school. Now they're
 7 saying it's going to be, you know, more than just
 8 Sunday school.
 9 And it's going to go from, let's see,
 10 pre-K to second grade, and then maybe it's going to
 11 go to third grade, and fourth grade, and then maybe
 12 fifth and sixth. So when does that stop? When
 13 does, you know, all this traffic stop? And how many
 14 cars -- let me see. How many students do they want
 15 to have? Meaning how many cars are they going to be
 16 dropping off and going through?
 17 MS. RAMPOLLA: There was testimony
 18 about the number of students that they're -- the
 19 maximum number of students that they will go up to.
 20 But we will hear at a later meeting, we're going to
 21 hear from a traffic engineer that's going to talk
 22 about the number of trips.
 23 MS. KUNA: Okay. That was another
 24 question.
 25 MR. WEINER: And there was more

1 it is.
 2 MR. SCARLOTTA: Okay, that's fine with
 3 me then.
 4 MR. LEBER: Okay.
 5 MR. SCARLOTTA: Thank you.
 6 MS. RAMPOLLA: Thank you.
 7 Are there any other members of the public that would
 8 like to come up?
 9 Can you raise your right hand. Do you
 10 swear to tell the truth, the whole truth, nothing
 11 but the truth this evening?
 12 MS. KUNA: Yes.
 13 MS. RAMPOLLA: Thank you. Can you
 14 state and spell your name and also give us your
 15 address.
 16 MS. KUNA: Carol Kuna, C-A-R-O-L,
 17 K-U-N-A, 88 Church Lane, right by the intersection
 18 of Fresh Ponds Road.
 19 So I've lived on Church Lane for over
 20 50 years, and Church Lane has always been a nice
 21 rural road. I'm actually happy that they put the
 22 light there because there was so many traffic
 23 accidents. But even with that light now, I even
 24 have a hard time pulling out of my driveway. The
 25 traffic is horrendous. The tractor-trailers, the

1 questions that were raised that we'll be hopeful
 2 that the applicant will present more operational
 3 testimony, because we also asked about the intended
 4 capacity of the pre -- before school care and the
 5 after school care.
 6 MS. KUNA: Yeah, that was another
 7 thing.
 8 MR. WEINER: And we haven't gotten
 9 answers on that yet. So that should hopefully be
 10 presented to the board at a future meeting.
 11 MS. KUNA: Okay, because what they
 12 sent in their report was definitely a contradiction
 13 of what was said tonight about Sunday worship,
 14 Sunday school. And all of a sudden, it's a big
 15 school, you know, Monday through Friday, and all
 16 that.
 17 The other question was the traffic
 18 analysis. Was that done before or after the traffic
 19 light was put in?
 20 MR. WEINER: Well, in fairness, they
 21 have not yet presented their traffic expert. So
 22 that would be something that the expert may testify
 23 as to the timing and can answer that. And it's
 24 certainly, if you're here at a future meeting when
 25 that expert testimony is provided, you can

1 certainly, if you're not satisfied, can raise that
2 question at that time. But that's what the
3 Chairwoman had said, let's keep it to what we heard
4 so far. Because in fairness to the applicant, they
5 haven't had an opportunity to address it yet at the
6 meeting.

7 MS. KUNA: Okay.

8 MS. RAMPOLLA: And then also we can
9 get a specific answer to that from the traffic
10 engineer, but we haven't -- we're not address -- we
11 haven't had his testimony yet.

12 MS. KUNA: Okay, but also to address
13 that, why the report said, you know, Sunday and
14 Sunday school, and now it's a, you know, a regular
15 type of school.

16 MS. RAMPOLLA: We'll have an
17 opportunity to hear all of that.

18 MS. KUNA: Yeah.

19 MR. WEINER: It was -- the concerns of
20 the board were raised about that incongruity. And
21 they said that's part of why Mr. Pape has indicated
22 they're not intending to present anymore tonight
23 than what we've heard because they want to come back
24 and have an opportunity to cogently give an
25 explanation as to that.

1 MR. WEINER: But he's not present
2 under oath as to give statement to fact.

3 MS. KUNA: He left because his blood
4 level was dropping.

5 MR. WEINER: But, in any event, he'll
6 have the opportunity if he chooses --

7 MS. KUNA: He'll be here next time.

8 MR. WEINER: Come back at a future
9 meeting. And this same thing about your comments
10 about your daughter being an engineer.

11 MS. KUNA: I know, it's hearsay, I
12 know.

13 MR. WEINER: She's not here to make
14 those comments.

15 MS. KUNA: But I think I can represent
16 everybody who's here who lives on Church Lane, that
17 we're really concerned about the traffic. It's
18 absolutely horrible. And adding anymore, we're not
19 happy. Thank you.

20 MR. NAGY: Good evening.

21 MS. RAMPOLLA: Hi. Can you raise your
22 right hand.

23 MR. NAGY: Yes, ma'am.

24 MS. RAMPOLLA: Do you swear to tell
25 the truth, the whole truth, nothing but the truth

1 MS. KUNA: Mm-hmm. Now, my daughter
2 is an engineer and she read the whole report and she
3 actually wrote a whole thing, you know. I know the
4 gentleman who had to leave, he lives across the
5 street from the Girl Scouts, the church. And that
6 storm drain that goes under Church Lane, it does
7 affect his property. According to my daughter, it's
8 not big enough for all that water that floods right
9 there.

10 So I wanted to address that also on his
11 behalf that he lives there and that water does flood
12 his property. So that's got to be addressed also.

13 MS. RAMPOLLA: I think there's also a
14 report that Mr. Leber is going to --

15 MR. WEINER: Modify or submit
16 regarding some issues with stormwater. It's noted
17 though for the record, your comments.

18 MS. KUNA: Okay, yeah, that's
19 definitely got to be addressed. I wanted to --

20 MR. WEINER: I would add though that,
21 you know, you're obviously limited to basically
22 hearsay of what someone else is telling you, both
23 the other neighbor who's not present, as well as --

24 MS. KUNA: Oh, he was here listening
25 to the whole thing.

1 this evening?

2 MR. NAGY: So help me God.

3 MS. RAMPOLLA: Thank you. Can you
4 state and spell your name and give us your address
5 please.

6 MR. NAGY: Thomas Nagy, T-H-O-M-A-S,
7 N-A-G-Y. I reside at 131 Church Lane. I grew up at
8 132 Church Lane. My grandfather purchased the
9 property in the '40s. I've spent my whole life in
10 the area or on that street. I purchased the house
11 because I enjoyed the area.

12 I partook in the rezoning meetings that
13 occurred 20 years ago where we had a discussion
14 about designating that entire area as a rural
15 preservation. I was encouraged by that. I enjoyed
16 the character of that portion of our town. It
17 provides a sanctuary that the rest of the town does
18 not have, in that it is generally open.

19 The building in question here was built prior to
20 that designation as a rural preservation.

21 I think the addition to it detracts
22 from the atmosphere. And just a general increase
23 and influx in traffic I think would be detrimental.

24 To hear that there's going to be 125 cars coming
25 through on a regular basis, a school with morning,

1 pre-school services, as well as an after school
2 program. Roughly 80 cars coming in with, you know,
3 20 minute window.

4 Not to belabor the point, I heard the
5 board stating we'll talk about this at later time
6 and date when additional testimony at our next
7 hearing. I'm eager to hear what the explanation is,
8 how we're going to manage that additional traffic.

9 I'll point out the discrepancies that
10 were mentioned, the fact talking school Monday
11 through Friday, which was not the original
12 application. The traffic study predates the traffic
13 being operational. I can attest to the fact it's
14 very difficult to get out of my house.

15 But I do think that the impact of this
16 would be detrimental, again, to the overall area and
17 atmosphere of the rural preservation. So that, I
18 mean, that's really all I have to say. I'm eager to
19 hear what they propose to do to manage that traffic
20 because I think we can all agree that is our primary
21 concern.

22 So that's all I want to say.

23 MS. RAMPOLLA: All right. Thank you.

24 MR. NAGY: Thank you.

25 MR. PEPE: Keith, I have a question

1 for you.

2 Rural preservation, is there any
3 restrictions on elevations, you know, for -- this is
4 kind of unique situation because it's a commercial
5 building in a Rural Preservation Zone.

6 MR. KIPP: Sure. Every zone has
7 requirements that have to be adhered to. So there
8 are requirements.

9 MR. PEPE: That would be reviewed by
10 your office?

11 MR. KIPP: Right, our planner.

12 MR. PEPE: Okay, all right, thank you.

13 MS. RAMPOLLA: Can you raise your
14 right hand. Do you swear to tell the truth, the
15 whole truth, and nothing but the truth this evening?

16 MR. MILLER: I do.

17 MS. RAMPOLLA: Can you state and spell
18 your name and give us your address please?

19 MR. MILLER: My name is Scott Miller,
20 S-C-O-T-T, M-I-L-L-E-R. I live 118 Church Lane,
21 which is the property that's adjacent to the
22 applicants to the northwest.

23 I just have one question this evening
24 of Mr. Leber and it's specific to the comment
25 regarding the lighting in the parking lot would be

1 dimmable.

2 MR. LEBER: Yes.

3 MR. MILLER: I'm curious to know if
4 there would be a time set when those lights would be
5 dimmed and how long would they be dimmed?

6 MR. LEBER: It's what's called
7 astronomical clock. So it changes as the time
8 changes in the sky. It doesn't require any manual
9 manipulation, like the old timers do. So notes for
10 this region, every day when the sunrise and sunset
11 is, so usually a half hour after sunset, the lights
12 would be on -- I'm sorry. A half hour before
13 sunset, the lights on full power. And then around
14 10 o'clock at night, they dim to 50 percent.

15 MR. MILLER: Is that something that's
16 proposed or something that's put into place?

17 MR. LEBER: That's proposed. It could
18 be modified.

19 MR. MILLER: I'm curious is it a
20 requirement that the board requests of the
21 applicant, or is it left up to his discretion?

22 MS. RAMPOLLA: The board has
23 discretion.

24 MR. WEINER: The answer is that's the
25 applicant's proposal. The board has the ability to

1 request, and even impose, certain conditions as to
2 things. That's something that we might want to ask
3 the applicant now. Are those adherable time limits
4 the applicant would agree to?

5 MR. PAPE: What is the request? Just
6 to be clear.

7 MR. WEINER: Well, Mr. Leber indicated
8 the lights are an astronomical clock, and that they
9 can go on half hour -- they'll be at full power one
10 half hour before sunset. And at 10:00 p.m. will be
11 adjusted to 50 percent power.

12 MR. LEBER: That's right.

13 MR. WEINER: Is that -- would the
14 applicant be okay with that as a condition, and
15 would our staff be comfortable with that as a
16 condition as well? I would like to hear from our
17 staff.

18 So I want to make sure the input of our professional
19 staff, they don't have any concerns or conflicts
20 with those numbers as well.

21 MR. KIPP: Our concerns just would be
22 safety with the hours, making sure that those hours
23 reflect the hours of operation that they're
24 included. Because we wouldn't want the lights at
25 half, you know, half power if the people are just

1 about to leave the building. We would want them as
2 full -- if that makes sense, until hours of
3 operation are over, then we can certainly dim them.

4 MR. WEINER: So, perhaps, I don't know
5 if we've had operational testimony already. I'm
6 just thinking of some language. These numbers
7 subject to the operation and safety of the facility.

8 MR. KIPP: Correct, yeah.

9 MR. WEINER: We could add that. So
10 subject to the operation and safety of the facility.
11 So if for some reason that's hypothetical if there's
12 something going on or that they're running later or
13 up against those times, it's not going to be
14 adjusted to 50 percent at 10:00 p.m. if they're
15 safety concerns, if there's something still going on
16 there, a meeting or event or something, that
17 requires safe egress ingress in and out of the
18 property for cars and people, so.

19 MR. PEPE: And to interject.

20 MS. RAMPOLLA: Since you live right
21 there, is that roughly around when the lights -- you
22 live next door, so what's the current lighting?

23 MR. MILLER: Yeah, my concern is the
24 adjacent property, the lights on full power all
25 night long could concern my property. I appreciate

1 the applicant could dim them, but I would like to at
2 least encourage the board to make the requirement,
3 so in the event there's issues in the future --

4 MS. RAMPOLLA: Do they currently turn
5 off at a certain time? Do you know what the current
6 lighting is there on the property?

7 MR. RIVERA: It's on a timer. It goes
8 according to the time right now, the sunset. But
9 they're not the dimmable ones that were proposed to
10 be installed. They're the current ones that are
11 there now.

12 MS. RAMPOLLA: Okay, and that's
13 Mr. Rivera, right?

14 MR. RIVERA: Yes.

15 MS. RAMPOLLA: I just want that on the
16 record, that was you.

17 MR. MILLER: There's considerably more
18 lighting going to be proposed in the expansion and
19 what exists today.

20 MR. PEPE: That's what I was going to
21 say. In the new lighting, there was something in
22 the lighting plans, I looked, and it shows what the
23 light spillage is on the property. So with new
24 technology, you get less spillage. You know, I can
25 analyze -- I'm not a lighting expert, but you can

1 take a look at it. With new development, the light
2 spillage is less than older lighting packages. So
3 you have less spillage. But we do have an actual
4 drawing showing light spillage.

5 MR. WEINER: Mr. Leber, will the
6 lights be going off completely at any time during
7 the night, or is there an issue where they need to
8 stay on at a certain level?

9 MR. LEBER: I mean, the way they make
10 the fixtures now, you can actually turn off a single
11 lamp if you want. Versus --

12 MR. WEINER: What is the intention
13 under the lighting plan?

14 MR. PEPE: Going to have to have some
15 security.

16 MR. WEINER: For safety, I'll defer to
17 our staff as well. What is the preference? Do they
18 go off? Do you prefer them to go off at a certain
19 time?

20 MR. KIPP: Yeah, I would think if
21 there's no occupants, then there's no real reason to
22 have the parking lot lit. Maybe just a few lights
23 in the front in case policeman or emergency vehicle
24 had to come see the building. But, certainly, I
25 don't think the parking lot have to be on unless the

1 applicant is requesting a certain portion for
2 security.

3 MR. WEINER: I think we would need
4 more from the applicant as to this at this point
5 instead of the board trying to search and ask for
6 what the applicant's intentions are, operations, and
7 how they correspond to the lighting. Perhaps we can
8 get more about that at a future meeting.

9 MR. PEPE: Yeah.

10 MR. PAPE: Added to my list.

11 MR. PEPE: Thank you, Counsel.

12 MR. LEBER: Got it.

13 MR. MILLER: Thank you, Board. That's
14 all I have at this time.

15 MR. PEPE: Thank you.

16 MS. MILLER: Hi.

17 MS. RAMPOLLA: Can you raise your
18 right hand. Do you swear to tell the truth, the
19 whole truth, and nothing but the truth this evening?

20 MS. MILLER: I do.

21 MS. RAMPOLLA: Can you state and spell
22 your name and give us your address?

23 MS. MILLER: Kimberly Miller,
24 K-I-M-B-E-R-L-Y, Miller, M-I-L-L-E-R. I also reside
25 at 118 Church Lane so my property is adjacent.

1 Two questions just related to the things from this
2 evening and I definitely will have more heading
3 forward related to the expansion of the current
4 parking lot.

5 How much of the wooded area is planned
6 to be removed from the current -- because if you
7 refer to Mr. Leber's first picture of the aerial
8 view of the site, there's a large wooded area that
9 is at the back of the property. So how much of that
10 wooded area is going to be removed?

11 And I don't know what permits are
12 related to how many trees can be taken down and that
13 type of thing.

14 MR. LEBER: So most of the expansion
15 is in the area that was formerly occupied by the
16 swimming pool and the two buildings that were
17 associated with the pool. What we could do, and
18 it's not a large area that's being cleared, but we
19 could go locate the trees in that area to get a
20 handle on how many trees it is. It's on the extreme
21 left side, it's two parking spaces going to that
22 wood line. And then you have the ten across the
23 back. I mean, it's probably just easier to locate
24 the trees in that area.

25 MR. WEINER: So at a future meeting,

1 you will be able to give us a count?

2 MR. LEBER: Yes.

3 MS. MILLER: Okay, perfect.

4 And then, secondly, as far as the usage of the
5 building, currently they are utilizing the building.
6 So I'm just wondering if there needs to be approval
7 first before they're actually using the building for
8 their meetings and things they have going on
9 currently?

10 MR. KIPP: Yeah, I think our prior
11 zoning officer did give them approval to occupy the
12 use that they're using now.

13 MS. MILLER: And as neighbors, we
14 wouldn't have been notified for the use as of such?

15 MR. WEINER: If it's a permitted use,
16 it's a permitted use. As far as safety reasons,
17 occupying it, as Mr. Kipp said, if the fire
18 authorities have okayed it, then they can use the
19 building for those -- that limited purpose.

20 MR. KIPP: Yeah, and I guess that
21 would have been subject to our planner's review to
22 make sure the use complied with what the Girl Scout
23 use was prior. And since there wasn't a big change,
24 I guess she said that was okay.

25 MS. MILLER: Okay, thank you.

1 MS. RAMPOLLA: Hi. Can you raise your
2 right hand. Do you swear to tell the truth, the
3 whole truth, nothing but the truth this evening?

4 MR. LAVIN: I do.

5 MS. RAMPOLLA: Thank you. Can you
6 state and spell your name for us and give us your
7 address.

8 MR. LAVIN: Sure. My name is John
9 Lavin, L-A-V-I-N. I live at 9 Paul Street which is
10 just down the street from where this is.

11 MR. WEINER: Nine, I'm sorry?

12 MR. LAVIN: 9 Paul Street. I'm a
13 resident in town for almost nine years. I have two
14 kids in elementary school here in town. We're avid
15 hikers in the area, and we spend a lot of time in
16 the county parks and the areas and the woods behind
17 where all of this is happening. And we have some
18 concerns.

19 You know, we feel that we were duped
20 in this whole thing from the beginning about the
21 kind of bait-and-switch in the application, which is
22 not really too fair from the public. We feel that
23 the -- there's a quite a bit of light pollution
24 here. We're backing up against all the county land,
25 where it's the town land for hiking and spending

1 time. And now what we're doing is expanding all the
2 -- this additional light.

3 And there should be some type of -- as
4 I would imagine as we're doing -- how much land are
5 we using and how much are we not using?

6 I think describing it earlier we
7 should probably do something similar to the light,
8 how much are we using now and how much are we
9 growing that now? And what is the impact to not
10 only the neighbors who are living there, us, but
11 also the animals and the township and the land we've
12 set aside for the people of the town to enjoy as
13 they described here?

14 Most of this program is not for people
15 of this town. It's for people from some other
16 place. So I'm all about doing stuff for us and our
17 town and our families and our kids, but this is
18 really not a program or thing for us, people from
19 here. This is from elsewhere kind of coming in.
20 They've described about -- they showed us this plan
21 where you can have this great way to slide around
22 and park here.

23 This is going to do nothing but back
24 the cars up the road and make the traffic a
25 nightmare. It's already a nightmare with the light.

1 I don't know if you go down that road in the
 2 morning, I suggest you try it couple times a day.
 3 It's really not a nice road with the lights, the
 4 traffic, the speeders. It's just going to add havoc
 5 to that road, you know.

6 And for young kids, having young kids
 7 and walking on the trail system on the one side to
 8 the other side, like it's just going to be a
 9 nightmare, you know. There's no sidewalks. There's
 10 no leeways for walking. There's -- it's not really
 11 safe to walk on that road. So to add all this
 12 traffic, we're not adding one or two cars. We're
 13 adding a 80 people coming with kids. So if you
 14 start thinking how many cars, 80 cars, it ain't
 15 going to fit. It's very simple math.

16 So like technically, from my
 17 perspective, I don't agree with the project. I'm
 18 against the project and I don't feel that it's
 19 right. They're looking for a variance to allow for
 20 them to do something where we've already defined
 21 it's not okay to do that. I don't think that we
 22 should do that. I think that we're about us and our
 23 families and our town and we should stay that way.
 24 Right? We should think about why we're in this part
 25 of the town. Why do we live here. You know, we

1 hydrants. What are we doing with that? Are we
 2 doing that? Is it a concern? Place burns, 100
 3 people, 300 people, like we should have some type of
 4 plans for that. I didn't see it here.

5 MR. LEBER: Can I answer that?

6 MR. LAVIN: Sure.

7 MR. WEINER: Sure.

8 MR. LEBER: First of all, fire hydrant
 9 across the street, and the building is fully
 10 sprinklered. So I don't know why you're bringing up
 11 the fire concern when it's fully sprinklered.

12 MR. LAVIN: Okay, I mean, typically it
 13 would have notations on the drawings saying that
 14 hydrant here, and this is taken care of. You
 15 haven't described anything, haven't talked about
 16 anything. I'm bringing it up because you haven't
 17 talked about it.

18 And also we talked, we talked about
 19 noise pollution. I'm sorry, sound or light
 20 pollution, traffic pollution, and let's talk about
 21 sound pollution. So what about all this stuff that
 22 we're doing during the day? Right? We have
 23 statewide sound ordinances. Right? How loud can it
 24 be? How loud is it today? How loud will it be
 25 tomorrow?

1 live here because we have, you know, farmers who
 2 have baling hay. We have people who have animals,
 3 livestock, and so on. Right? So what are we doing
 4 here? We're adding noise pollution. We're adding
 5 traffic pollution. It's the most rural part of our
 6 town. Do we want it to be the most busiest part of
 7 our town? I really don't. The reason I moved here
 8 is because it is that rural side of town.

9 I think we talked about the trees,
 10 about cutting the trees down. I thought we had some
 11 type of ordinance in our town, if you take a tree
 12 down, you should put a tree up. So I think we
 13 should understand, like I said before, are you
 14 taking down 100 trees, show me the 100 you're
 15 putting back up.

16 I think that they brought up a very
 17 valid concern about the water. There is a lot of
 18 water. We hike all the time. There's county land
 19 on both sides and we see it on the firsthand because
 20 we're hikers. Right? And it's flooded all the time
 21 already, so how can this get better? Whether it's
 22 firsthand or not, I know it because I see it because
 23 we hike there, we hike behind them, we hike across
 24 the street. So for sure, it's true.

25 I didn't see anything here about fire

1 So I think we should kind of look at
 2 what we have today and what we have tomorrow. Is it
 3 going to be the same pattern? I don't think so.
 4 Like the traffic is going to be way different. Like
 5 this is going to be a big impact and a big negative
 6 thing for the neighbors. You know, do you think
 7 it's going to add value to their property?

8 Definitely not. It's going to detract from the
 9 value. Whatever they have there, maybe it's, I
 10 don't know, prices, maybe they lose \$100,000 because
 11 now it's not advised as good of an area to be in.

12 I think that we haven't done any type
 13 of noise discussions here. So like on Sunday, I
 14 know a lot of times you go by a church, organs
 15 going, this going, that going. What does that
 16 pollution sound like? What is the expected levels
 17 at? Where are we planning to be at? Are we in
 18 ordinance? Are we above ordinance? During the day,
 19 on the weekends, like what are our plans? Right?
 20 And I also think that it can be that if we do end up
 21 doing something here, maybe we can shut off the back
 22 lights in the parking lot maybe 8 o'clock,
 23 9 o'clock, shut off the back half and use the front
 24 half. Right? If we don't need it, it's not really
 25 fair to the people that they have to have their

1 rural part of their town, most rural part of our
2 town, now they have to have this light thing goes
3 on.

4 If we wanted to move into next to
5 ShopRite, I guess we would have moved next to
6 ShopRite. You know what I mean?

7 MS. RAMPOLLA: So I think we're going
8 to hear more testimony about the actual uses there,
9 about the operational uses at the building. So I
10 think we can definitely get some more information
11 about lighting and also about sound at that time.

12 MR. LAVIN: Sure.

13 MS. RAMPOLLA: When we have a better
14 grasp on the testimony, they're going to give us
15 about the use, right?

16 MR. WEINER: If I may, I just to clear
17 up a couple of things.

18 MR. LAVIN: Sure.

19 MR. WEINER: You made some very
20 relevant points, but a couple of things.
21 The -- we have not heard any traffic testimony yet.
22 So that's forthcoming.

23 MR. LAVIN: Certainly.

24 MR. WEINER: When they return, you'll
25 hear from their traffic expert. Although you

1 ordinances, they have to comply with the township
2 ordinances.

3 If there's an applicable tree removal
4 ordinance, they have to comply with it. If there's
5 noise ordinances, they have to comply with it.
6 Any other ordinances that need to be required.
7 Requirements -- you asked about the fire hydrants,
8 the township's fire department appropriate fire
9 district reviews the application. Just I do note is
10 on the exhibit that's up on the wall, which I think
11 was exhibit A-2.

12 MR. LAVIN: Certainly.

13 MR. WEINER: You'll note right in the
14 bottom center.

15 MR. LAVIN: I see it now. From the
16 back of the room, it's very hard to see.

17 MR. WEINER: I'm just letting you know
18 it's on there because you had asked.

19 MR. LAVIN: Certainly.

20 MR. WEINER: But it's on there. So as
21 far as all of those things, some of those are
22 enforcement issues.

23 Unfortunately, your point, which is
24 speculative, the board can't consider economic
25 things. That's not within the jurisdiction of the

1 touched on it, it'll be more appropriate, that's
2 what the Chairwoman had said earlier, let's try to
3 keep it to what was discussed tonight. But
4 certainly feel free if you'd like to, you can attend
5 again.

6 MR. LAVIN: As a single father with
7 young kids in the school, it's not so super ideal to
8 bring seven year-olds, first grade and fifth grade
9 in town to a meeting 10 o'clock at night. I
10 understand --

11 MR. WEINER: We understand that.

12 MR. LAVIN: I'm trying to explain what
13 I see based on my perspective from my family. I'm a
14 single father. I apologize.

15 MR. WEINER: I get that. I'm just
16 saying, we're saying we -- your points are noted.
17 I'm just saying the applicant hasn't discussed it
18 yet. So that's going to be forthcoming.

19 MR. LAVIN: Sure.

20 MR. WEINER: Also, they're going to be
21 providing more information in the terms of lighting,
22 more information in the tree count of removal.
23 Wherever there's an ordinance in place, unless
24 they're as part of their application specifically
25 have asked for a variance as to one of our zoning

1 point about someone's property value going up or
2 down. That's not an appropriate thing within the
3 jurisdiction within the board. It's not to say that
4 you're not making a salient point, the board is just
5 limited what they can consider when reviewing an
6 application.

7 MR. LAVIN: You're still doing this
8 application, right, they're asking for a variance?

9 MR. WEINER: Yes.

10 MR. LAVIN: My suggestion or my
11 request would be of the board not avail that
12 request, to say no to that request.

13 MR. WEINER: Yes. And that's been --
14 that's been noted. But let me just say this, the
15 board, whenever the board comes to a deliberation
16 and ultimate decision on any application, it's not
17 simply, the board doesn't like it, we're going to
18 vote it down.

19 MR. LAVIN: I understand.

20 MR. WEINER: Or the board does like
21 it, they're going to vote in favor. There are legal
22 requirements that the board has to analyze and feel
23 if they've all been met, then the board would
24 approve it. If they feel that any of the necessary
25 elements have not been met, then the board would

1 deny it. It's not -- not trying to give you legal
2 speak, but it's just not as simple as --
3 MR. LAVIN: Sure.
4 MR. WEINER: Hey, we like it. We --
5 I'm not a voting member. I'm an attorney. Hey, the
6 board doesn't like it or the board does like it.
7 But, as I said, your points obviously were clearly
8 made, and the board heard it. And I think more
9 important than the board hearing it, or equally
10 important, is the applicant heard it, and they're
11 going to be coming back. So I would encourage you
12 to, if possible, to attend again.

13 MR. LAVIN: Bring my first grader,
14 yeah.

15 MR. WEINER: And see if you're
16 satisfied perhaps with the future testimony.

17 MR. WEINGARTH: Counsel, to that,
18 that's why there's the possible, possible
19 considerations that are applied to an application.

20 MR. WEINER: Yeah, as we've talked
21 about refusal -- we've talked about -- this is not
22 just for you, but anyone in the public. When I talk
23 about and say I'm going to put that down as
24 conditional application, all that means is that
25 should the board or the board ultimately decide to

1 property owners.

2 MR. LAVIN: Sure.

3 MR. WEINER: Within 200 feet of any
4 portion of that property.

5 MR. LAVIN: I understand.

6 MR. WEINER: So all those folks should
7 be getting a notice. And proof of sending of those
8 notice is provided to us, and they're reviewed. And
9 when the beginning of the meeting, when I indicate
10 that there's jurisdiction, that means that I've
11 reviewed that notice. It also means that they've
12 published notice in the local newspaper. And that
13 has been published.

14 So all of those members of the public
15 should be aware of the meeting, and have an
16 opportunity, like you have and some of the other
17 folks have, to come down and be heard. And that's
18 the purpose so you can be heard and expressed. Then
19 maybe some folks, as you said, who don't like it,
20 and there may be other folks who do like it, and
21 there may be others who don't have an opinion one
22 way or the other and maybe just have a question.

23 So everyone has an opportunity to be
24 heard. That's the purpose of that.

25 MR. LAVIN: Well, thank you for your

1 rule favorably on the application, these are
2 conditions that will be part of that approval that
3 will be imposed to restrict and define what the
4 approval further would say for -- and that's not to
5 say that the board is making a decision now about
6 approving it.

7 MR. LAVIN: Certainly.

8 MR. WEINER: But we want to have a
9 note so, should it come to that, we don't have to go
10 back and say, oh, what do we want to do now.
11 Putting it in the record now. Hypothetically, if
12 the board goes this way, these are the conditions.
13 And I can say I've already highlighted this evening
14 four possible ones just from the testimony. So that
15 is the purpose of the conditions as well.

16 MR. LAVIN: It should also be noted
17 too, that like it could be even noted that they sent
18 out notice to all the neighbors about this process.
19 Right? And as we talk to all the neighbors, as we
20 go up and down the street and talk to everybody,
21 there's not a single neighbor is in favor of this
22 property. No one.

23 MR. WEINER: Well, the board -- not
24 the board. The legal requirement as far as
25 neighbors go, is they have to send the notice to all

1 time.

2 MR. WEINER: Sure, thank you.

3 MS. RAMPOLLA: Thank you.

4 MR. LAVIN: Have a blessed night.

5 MS. RAMPOLLA: Are there any other
6 members of the public who want to come forward,
7 speak to the board. No? Okay.

8 Seeing as none, we will close the public portion for
9 this evening.

10 MR. WEINER: Discuss a new date.

11 BOARD SECRETARY: So I believe,
12 Counsel, Mr. Pape, we were discussing the
13 possibility of a meeting in July.

14 MR. PAPE: Correct.

15 BOARD SECRETARY: Viable? We have two
16 meetings that are scheduled in July. That would be
17 the 6th or the 20th.

18 MR. PAPE: We would request the 6th of
19 July. Obviously not -- our whole team is not
20 present, including our architect. So we will need
21 to confirm, but for purposes of placing this on the
22 record, we would request to take the July 6th
23 meeting. And if that does not work for our team,
24 we'll promptly notify the board.

25 MR. WEINER: And I would just add that

1 before the board grant that adjournment, we would
2 request a consent of the applicant for an extension
3 of time for the mandatory date, which I believe is
4 now May 31st. Go to August 1st.

5 MR. PAPE: Yes, we can follow up.

6 MR. WEINER: With a letter on that
7 mandatory date extended to August 1st. And with
8 that, we can put this on, and the chair can make an
9 announcement as to the new date.

10 And I would just say that that would
11 be the new date. And if something comes up, we'll
12 have to do everything in accordance with the law as
13 far as any other dates.

14 MR. PAPE: Very good.

15 MS. RAMPOLLA: For the purpose of the
16 public, the next -- it sounds like would like to
17 attend the next meeting.

18 MR. WEINER: Yes.

19 MS. RAMPOLLA: If July is not in the
20 -- how will the public know?

21 MR. WEINER: Well, one of two things
22 would happen. And for the public right now, and the
23 chair will make an official announcement shortly.

24 This matter is going to be adjourned to July 6th.
25 If something comes up that they can't make July 6th,

1 then at the July 6th meeting, there will be an
2 announcement of when the new date will be. There
3 will not be further notice put out in the
4 newspapers. That's how that will work.

5 So the announcement will be made if
6 this does -- isn't heard at July 6th. The
7 announcement will be made on the record at July 6th
8 as to when the next time it will be heard. So I
9 would encourage anyone, if you want to come, come
10 July 6th. And this way, if there's no testimony on
11 that night, there will be an announcement as to when
12 it would be.

13 MR. PAPE: Yes.

14 MR. KIPP: Or you can always check the
15 website, we post our agendas.

16 MR. WEINER: Yes. The town has all
17 the agendas on the website. From a legal
18 standpoint, it will be announced at the meeting.

19 MS. RAMPOLLA: So this application
20 will be tabled until July 6th. The July 6th
21 meeting.

22 MR. WEINER: At 7:30.

23 MS. RAMPOLLA: 7:30, at this location.

24 MR. WEINER: And this is the notice.
25 There will be no further notice other than this

1 announcement tonight.

2 MR. PAPE: Thank you. And before we
3 adjourn, if I could, I just would like to make a few
4 closing statements.

5 For starters, apologies for the
6 confusion about the school. That was not our
7 intention to be tricky in any way. This application
8 was originally submitted, I believe in August of
9 2022. And there have been revisions since that
10 time. And our apologies if the revisions were not
11 clear as to the status of the school.

12 I do note that the notice that we
13 provided that was back in December does indicate
14 that the proposed use includes a place of assembly
15 or house of worship, and a school for academic
16 instruction and elementary school. But, obviously,
17 if that -- if it wasn't clear in our application
18 materials, then we apologize for that.

19 I do have a list of comments that need
20 clarity that I would like to just address now, and
21 if there's anything that needs to be added, I would
22 ask for input to make sure that when we return, we
23 are responding to all the questions that were asked.

24 So on my list I have: To confirm the
25 number of staff, to clarify the hours of operation

1 as to the school, to clarify the hours of operation
2 as to the before care and after care, and to also
3 clarify whether that is limited to students only or
4 others.

5 There was questions about the lighting
6 schedule, so we'll confirm what we propose in terms
7 of the lighting schedule. There was a question
8 about the number of trees being removed in
9 connection with expanding the parking area. We will
10 provide clarity on that.

11 And I think that is my list unless
12 there's anything --

13 MR. WEINER: Vehicle turn movement
14 plan.

15 MR. PAPE: Yes.

16 MR. WEINER: Garbage trucks, school
17 buses, et cetera.

18 MR. PAPE: Yep. We'll provide those.
19 I have that as well.

20 MR. WEINER: And, of course, that's
21 not conclusive, as this is still an open application
22 and as been indicated there's been multiple late
23 submissions and our professional staff reserves to
24 further comment on anything that they still need to
25 review sufficiently.

1 MR. PAPE: Understood.
 2 MS. RAMPOLLA: And we're here -- they
 3 all should be at the next meeting.
 4 MR. PAPE: Yes, yes. And we'll
 5 confirm that, but that's our intention to bring
 6 everyone back, so they're available at the next
 7 meeting.
 8 MS. RAMPOLLA: Okay, I think we might
 9 have more -- we might have more questions for them
 10 based on hearing more about the operation of the
 11 building.
 12 MR. PAPE: Absolutely.
 13 MR. WEINER: And, again, the next
 14 meeting will be July 6th at 7:30 p.m.
 15 MS. RAMPOLLA: For this application.
 16 MR. WEINER: This application. This
 17 application will be next heard July 6th.
 18 MS. RAMPOLLA: Aaron, do you have the
 19 next meeting?
 20 BOARD SECRETARY: The 1st of June is
 21 the next meeting.
 22 MS. RAMPOLLA: Not for this
 23 application, but our actual next meeting of the
 24 Zoning Board is, I'm sorry, what did you say? June?
 25 BOARD SECRETARY: June 1st.

1 C E R T I F I C A T E
 2
 3 I, DEVON GERBER, a Certified Court
 4 Reporter, Registered Merit Reporter, Certified
 5 Realtime Reporter, do hereby certify that prior to
 6 the commencement of the examination, the witness was
 7 duly sworn to testify the truth, the whole truth,
 8 and nothing but the truth.
 9 I FURTHER CERTIFY that the foregoing is
 10 a true and accurate transcript of the testimony as
 11 taken stenographically by and before me at the time,
 12 place, and on the date hereinbefore set forth, to
 13 the best of my ability.
 14 I FURTHER CERTIFY that I am neither a
 15 relative nor employee nor attorney nor counsel of
 16 any of the parties to this action, and that I am
 17 neither a relative nor employee of such attorney or
 18 counsel, and that I am not financially interested in
 19 this action.
 20
 21
 22 DEVON GERBER, RMR, CRR, CCR
 23 Certification # 30X100238100
 24
 25

1 MS. RAMPOLLA: June 1st, 7:30 in this
 2 room. Okay, is there any motion to adjourn?
 3 MR. ARORA: I make a motion.
 4 MR. PEPE: I'll second the motion to
 5 adjourn.
 6 MS. RAMPOLLA: All in favor, aye?
 7 BOARD MEMBERS: Aye.
 8
 9 (Whereupon, the application was
 10 adjourned at 10:28 p.m.)
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#	15 [2] - 17:3, 18:3 15th [2] - 6:5, 9:3 16 [1] - 4:4 16th [1] - 9:4 18 [1] - 1:13 18th [1] - 6:1 1970 s [1] - 49:2 1985 [3] - 49:5, 49:6, 75:11 1990 [1] - 75:12 1999 [2] - 22:25, 43:12 1st [5] - 114:4, 114:7, 118:20, 118:25, 119:1	4	89 [1] - 4:20 8:00 [1] - 7:24 8:30 [4] - 19:5, 19:8, 19:21, 34:17 8th [1] - 58:9	accommodate [3] - 36:13, 49:18, 72:23 accomplishing [1] - 11:17 accordance [3] - 6:4, 77:19, 114:12 according [1] - 95:8 According [1] - 87:7 account [1] - 35:17 accurate [1] - 120:10 acknowledge [1] - 10:21 acres [7] - 10:18, 10:19, 46:5, 49:22, 49:24, 51:18, 51:20 act [1] - 79:10 Acting [2] - 2:2, 7:17 action [2] - 120:16, 120:19 actual [5] - 67:8, 73:6, 96:3, 106:8, 118:23 ADA [7] - 52:5, 64:17, 64:21, 64:24, 65:1, 65:2, 66:18 add [12] - 24:14, 26:22, 27:8, 30:4, 50:5, 63:23, 87:20, 94:9, 102:4, 102:11, 105:7, 113:25 added [2] - 63:20, 116:21 Added [1] - 97:10 adding [6] - 26:24, 88:18, 102:12, 102:13, 103:4 addition [12] - 8:13, 9:18, 24:11, 37:18, 49:18, 50:20, 50:24, 50:25, 51:23, 51:24, 66:4, 89:21 additional [11] - 9:6, 26:24, 28:6, 41:1, 69:8, 80:14, 80:15, 80:22, 90:6, 90:8, 101:2 ADDRESS [1] - 4:17 address [30] - 14:15, 15:23, 15:24, 15:25, 16:1, 16:4, 18:16, 18:17, 22:13, 22:15, 30:16, 30:18, 31:3, 33:12, 36:8, 38:13, 46:3, 74:15, 75:7, 83:15, 86:5, 86:10, 86:12, 87:10, 89:4, 91:18, 97:22, 100:7, 116:20 addressed [6] - 20:6, 41:6, 64:2, 71:17, 87:12, 87:19
#30X100238100 [1] - 2:23		4,080 [1] - 50:20 4.01 [1] - 46:2 4.03 [1] - 66:8 4.10 [2] - 1:7, 8:15 40 [1] - 56:11 43 [1] - 4:7 46 [2] - 5:4, 5:5 4:00 [1] - 35:4	9	
\$	2	5	9 [5] - 4:23, 19:21, 100:9, 100:12, 105:23 9,100 [1] - 49:1 91 [1] - 4:21 97 [1] - 4:22 9:00 [1] - 19:10 9th [1] - 57:4	
\$100,000 [1] - 105:10		5 [2] - 5:5, 45:21 50 [6] - 50:23, 66:21, 83:20, 92:14, 93:11, 94:14 516 [1] - 3:3 525 [1] - 46:5 55 [2] - 49:18, 52:9 56 [1] - 55:12	A	
'	2-foot [1] - 53:15 2.2 [1] - 49:24 2.3 [2] - 50:5, 56:7 20 [5] - 18:3, 50:1, 51:25, 89:13, 90:3 200 [1] - 112:3 2003 [1] - 43:17 2004 [2] - 16:21, 43:15 2005 [1] - 43:18 2006 [1] - 43:18 2007 [1] - 43:20 2018 [1] - 22:23 2022 [3] - 6:5, 9:3, 116:9 2023 [2] - 1:13, 9:4 2024 [1] - 6:2 20th [2] - 16:22, 113:17 22nd [1] - 23:25 23 [1] - 4:6 25.1 [1] - 52:1 25th [1] - 58:14 26 [1] - 1:23 27 [1] - 75:9 2:30 [1] - 34:17	6	A-1 [7] - 5:4, 45:6, 45:7, 45:14, 46:8, 47:3, 47:5 A-2 [6] - 5:5, 45:17, 45:21, 50:15, 66:25, 108:11 A-3 [8] - 5:7, 55:17, 56:25, 57:17, 57:18, 62:4, 62:5, 62:14 a.m [1] - 18:23 Aaron [4] - 6:25, 7:20, 61:23, 118:18 AARON [1] - 2:19 AB [1] - 1:22 abandon [1] - 74:6 abandoned [2] - 78:7, 78:9 ability [2] - 92:25, 120:13 able [5] - 12:23, 17:6, 26:15, 37:12, 99:1 absence [1] - 11:10 Absolutely [1] - 118:12 absolutely [2] - 12:15, 88:18 absorb [1] - 39:6 academic [2] - 23:13, 116:15 accept [2] - 44:15, 44:21 acceptable [4] - 10:11, 41:14, 42:15, 59:22 accepted [2] - 44:19, 76:7 access [3] - 52:18, 73:4, 73:5 accessory [2] - 49:13, 49:15 accidents [1] - 83:23	
'40s [1] - 89:9		6-foot [1] - 66:5 60 [1] - 21:10 62 [1] - 5:7 6th [13] - 113:17, 113:18, 113:22, 114:24, 114:25, 115:1, 115:6, 115:7, 115:10, 115:20, 118:14, 118:17		
0	3	7		
08535 [2] - 1:24, 3:4 08816 [1] - 1:12	3 [6] - 68:1, 68:18, 68:19, 68:20, 69:1, 69:4 3.2 [1] - 56:8 30 [1] - 76:2 300 [1] - 104:3 30X100238100 [1] - 120:23 310 [3] - 1:7, 8:15, 46:2 31st [1] - 114:4 33 [1] - 3:3 334 [2] - 51:3, 63:13 35 [1] - 84:1 350 [2] - 17:1, 17:21	732)-679-6554 [1] - 3:5 732)-679-8844 [1] - 3:4 732)882-3590 [1] - 1:24 74 [1] - 4:9 7:00 [5] - 19:5, 19:8, 19:10, 19:20, 19:21 7:30 [5] - 1:14, 115:22, 115:23, 118:14, 119:1 7:8 [1] - 54:17		
1		8		
1 [1] - 1:12 1,300 [1] - 46:13 10 [6] - 10:19, 50:8, 56:9, 56:11, 92:14, 107:9 10.35 [2] - 51:18, 51:20 10.72 [2] - 46:5, 49:22 100 [4] - 4:23, 103:14, 104:2 106 [2] - 4:18, 82:5 108 [6] - 1:8, 8:14, 9:11, 16:5, 22:15, 46:3 10:00 [6] - 6:13, 18:23, 19:2, 35:4, 93:10, 94:14 10:28 [2] - 1:14, 119:10 10:30 [1] - 6:15 111.3 [1] - 63:14 118 [4] - 4:21, 4:22, 91:20, 97:25 11:30 [2] - 18:24, 19:2 12 [3] - 10:18, 51:20, 63:16 12-acre [1] - 51:9 12/9 [2] - 58:1, 58:3 123 [1] - 63:16 123.3 [1] - 63:13 124 [5] - 31:2, 63:19, 63:21, 64:20, 65:3 125 [6] - 30:22, 31:1, 52:9, 63:17, 66:5, 89:24 128 [1] - 63:22 12:00 [1] - 18:25 131 [2] - 4:20, 89:7 132 [1] - 89:8 14.8 [1] - 56:11		8 [1] - 105:22 80 [11] - 25:3, 25:15, 25:25, 26:10, 26:11, 26:21, 26:23, 27:2, 90:2, 102:13, 102:14 81.7 [1] - 50:24 82 [2] - 4:18, 66:10 83 [1] - 4:19 875 [1] - 46:5 88 [2] - 4:19, 83:17		

<p>addressing [1] - 38:10 adequate [1] - 77:13 adherable [1] - 93:3 adhered [1] - 91:7 adjacent [4] - 68:17, 91:21, 94:24, 97:25 adjourn [3] - 116:3, 119:2, 119:5 adjourned [2] - 114:24, 119:10 adjournment [1] - 114:1 adjust [1] - 36:11 adjusted [2] - 93:11, 94:14 Adjustment [1] - 6:3 ADJUSTMENT [1] - 1:2 administrators [1] - 27:21 adults [1] - 64:13 advance [1] - 31:21 advantage [1] - 35:19 advised [1] - 105:11 AED [2] - 24:16, 28:9 aerial [4] - 45:10, 46:9, 47:6, 98:7 Aerial [2] - 5:4, 45:14 affect [3] - 36:18, 38:17, 87:7 affects [1] - 36:21 affiliated [1] - 16:3 age [1] - 64:11 agenda [3] - 6:17, 7:23, 8:11 agendas [2] - 115:15, 115:17 ago [2] - 60:14, 89:13 agree [4] - 40:7, 90:20, 93:4, 102:17 ahead [6] - 18:20, 18:21, 20:1, 33:24, 76:14, 76:17 AICP [1] - 2:16 aid [2] - 24:16, 28:9 aide [4] - 24:12, 28:2 aides [2] - 27:12, 28:7 ain 't [1] - 102:14 air [2] - 66:15 Algonquin [1] - 1:23 Allegiance [2] - 6:21, 6:23 allow [3] - 53:21, 62:22, 102:19 allowed [1] - 78:6 allows [2] - 56:8, 78:1 almost [1] - 100:13 ALSO [1] - 3:15 alternating [1] - 77:17</p>	<p>Amazon [1] - 67:4 amount [1] - 79:19 AMY [1] - 2:5 analysis [2] - 10:6, 85:18 analyze [2] - 95:25, 109:22 ancillary [1] - 65:24 angelabuonocsr @ gmail .com [1] - 1:25 animals [2] - 101:11, 103:2 anniversary [1] - 16:22 announced [1] - 115:18 announcement [7] - 114:9, 114:23, 115:2, 115:5, 115:7, 115:11, 116:1 annually [1] - 24:4 answer [10] - 12:3, 12:6, 13:3, 42:5, 55:25, 76:17, 85:23, 86:9, 92:24, 104:5 answers [2] - 42:9, 85:9 anticipate [4] - 25:2, 25:17, 31:16, 34:18 anticipated [2] - 25:15, 37:6 apologies [5] - 39:16, 39:23, 61:9, 116:5, 116:10 Apologies [1] - 42:1 apologize [2] - 107:14, 116:18 appeared [1] - 9:2 appearing [1] - 6:17 applicable [1] - 108:3 Applicant [1] - 3:6 applicant [17] - 8:16, 8:25, 11:10, 68:22, 80:14, 85:2, 86:4, 92:21, 93:3, 93:4, 93:14, 95:1, 97:1, 97:4, 107:17, 110:10, 114:2 applicant 's [4] - 10:2, 59:9, 92:25, 97:6 applicants [3] - 10:4, 10:7, 91:22 application [45] - 6:16, 7:23, 8:5, 9:4, 9:5, 10:15, 12:11, 12:12, 15:14, 22:9, 29:18, 30:8, 36:12, 37:20, 38:18, 38:23, 39:16, 43:7, 44:18, 48:23, 53:8, 54:23,</p>	<p>55:21, 58:13, 66:23, 75:2, 90:12, 100:21, 107:24, 108:9, 109:6, 109:8, 109:16, 110:19, 110:24, 111:1, 115:19, 116:7, 116:17, 117:21, 118:15, 118:16, 118:17, 118:23, 119:9 Application [1] - 8:11 APPLICATION [1] - 1:9 applications [1] - 43:25 applied [1] - 110:19 appointed [1] - 43:20 appreciate [4] - 14:14, 31:14, 36:2, 94:25 Appreciate [1] - 72:7 appropriate [4] - 54:14, 107:1, 108:8, 109:2 approval [4] - 99:6, 99:11, 111:2, 111:4 approve [1] - 109:24 approving [1] - 111:6 approximate [1] - 35:9 April [2] - 16:21, 78:18 architect [5] - 10:7, 13:19, 59:23, 60:6, 113:20 Architectural [2] - 5:7, 62:14 architectural [10] - 12:14, 13:22, 26:3, 50:25, 55:16, 56:14, 56:17, 62:6, 62:11 architecturals [2] - 13:4, 13:15 architecture [5] - 10:11, 10:13, 12:10, 14:8, 56:25 architectures [1] - 13:16 area [40] - 24:8, 26:14, 35:21, 47:22, 48:6, 48:7, 48:13, 49:21, 50:5, 53:2, 53:12, 53:14, 53:18, 54:7, 60:25, 70:14, 73:4, 74:11, 77:3, 77:5, 78:3, 78:5, 89:10, 89:11, 89:14, 90:16, 98:5, 98:8, 98:10, 98:15, 98:18, 98:19, 98:24, 100:15, 105:11, 117:9 areas [2] - 50:6,</p>	<p>100:16 Arora [1] - 7:11 ARORA [13] - 2:3, 7:12, 17:20, 17:23, 18:4, 25:23, 26:6, 26:8, 26:11, 28:11, 44:23, 76:10, 119:3 arranging [1] - 25:5 arriving [1] - 72:17 arrow [1] - 52:23 Art [1] - 10:22 ART [1] - 3:17 aside [2] - 64:25, 101:12 aspect [2] - 53:20, 64:7 aspects [1] - 29:18 assembly [1] - 116:14 assistant [1] - 23:4 associated [2] - 49:14, 98:17 Associates [1] - 2:15 Association [1] - 49:7 assume [1] - 70:1 astronomical [2] - 92:7, 93:8 atmosphere [2] - 89:22, 90:17 attend [5] - 10:9, 40:15, 107:4, 110:12, 114:17 attention [1] - 42:4 attest [1] - 90:13 ATTORNEY [1] - 2:13 attorney [5] - 8:19, 9:7, 110:5, 120:15, 120:17 atypical [1] - 35:4 audience [1] - 10:24 August [5] - 58:9, 58:14, 114:4, 114:7, 116:8 authorities [1] - 99:18 avail [1] - 109:11 available [11] - 10:25, 11:2, 11:20, 11:22, 13:2, 14:7, 46:10, 54:19, 61:5, 69:13, 118:6 avid [1] - 100:14 award [1] - 20:17 aware [1] - 112:15 Awesome [1] - 21:18 aye [3] - 44:24, 76:12, 119:6 Aye [3] - 44:25, 76:13, 119:7</p>	<p style="text-align: center;">B</p> <p>B-A-R-K-L-E-Y [1] - 75:9 Bachelor [1] - 43:13 Bachelor 's [1] - 75:11 background [2] - 43:11, 75:18 backing [1] - 100:24 backpacks [1] - 21:16 backstop [2] - 66:13 bait [1] - 100:21 bait-and-switch [1] - 100:21 baling [1] - 103:2 ball [1] - 66:13 banquet [3] - 52:15, 60:15, 61:5 banquets [1] - 61:18 bar [2] - 60:17, 60:18 BARKLEY [14] - 4:9, 74:23, 75:4, 75:8, 75:20, 75:23, 76:1, 76:15, 76:21, 78:17, 79:2, 79:6, 79:18, 80:1 Barkley [5] - 4:9, 11:2, 74:24, 75:9, 78:22 based [13] - 12:17, 23:9, 28:24, 30:2, 31:7, 31:9, 31:21, 35:2, 64:12, 64:13, 75:18, 107:13, 118:10 basic [1] - 45:25 basin [2] - 50:11, 54:10 basing [1] - 64:7 basins [1] - 53:16 basis [2] - 30:1, 89:25 basketball [5] - 47:21, 48:20, 49:19, 52:7, 71:12 baskets [1] - 21:8 became [1] - 75:11 becomes [1] - 63:22 begin [3] - 9:21, 15:1, 47:10 beginning [5] - 27:6, 27:10, 69:10, 100:20, 112:9 begun [1] - 17:15 behalf [1] - 87:11 behind [3] - 48:10, 100:16, 103:23 Behind [1] - 53:1 belabor [1] - 90:4 belief [1] - 23:11 believers [1] - 16:23 Beneficial [1] - 39:10</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

benefits [1] - 55:21
best [2] - 74:13, 120:13
better [3] - 17:5, 103:21, 106:13
between [6] - 18:2, 19:5, 37:8, 48:6, 60:17, 77:11
beyond [4] - 6:13, 28:6, 48:19, 68:21
Beyond [1] - 26:2
big [6] - 65:12, 85:14, 87:8, 99:23, 105:5
bike [1] - 66:17
bit [4] - 36:11, 38:21, 43:10, 100:23
blessed [1] - 113:4
BLESSING [1] - 2:19
Blessing [2] - 13:7, 57:7
BLOCK [1] - 1:7
block [1] - 8:15
Block [1] - 46:1
blood [1] - 88:3
Board [12] - 3:17, 6:2, 6:12, 8:18, 9:24, 22:3, 22:23, 43:21, 43:25, 97:13, 118:24
board [58] - 6:8, 7:22, 9:2, 9:7, 10:12, 10:23, 12:14, 12:22, 15:20, 34:25, 36:22, 37:10, 43:24, 44:14, 45:19, 53:5, 54:16, 59:11, 60:6, 63:25, 74:2, 76:7, 80:6, 81:13, 81:18, 81:21, 85:10, 86:20, 90:5, 92:20, 92:22, 92:25, 95:2, 97:5, 108:24, 109:3, 109:4, 109:11, 109:15, 109:17, 109:20, 109:22, 109:23, 109:25, 110:6, 110:8, 110:9, 110:25, 111:5, 111:12, 111:23, 111:24, 113:7, 113:24, 114:1
BOARD [35] - 1:2, 2:1, 2:13, 2:14, 2:16, 2:19, 7:2, 7:4, 7:6, 7:8, 7:10, 7:13, 7:15, 7:17, 13:10, 13:14, 13:17, 44:25, 47:2, 57:2, 57:17, 57:19, 58:5, 58:9, 58:11, 58:15, 60:8, 61:25, 62:3, 76:13, 113:11,

113:15, 118:20, 118:25, 119:7
board 's [1] - 39:21
body [3] - 25:4, 40:14, 40:16
boils [1] - 53:25
BONNIE [1] - 2:7
bottom [5] - 47:19, 47:24, 48:14, 54:11, 108:14
boundary [1] - 51:13
box [1] - 46:11
Bradley [1] - 75:9
brain [1] - 23:9
brand [1] - 54:23
BRANDT [13] - 2:4, 7:7, 8:9, 41:24, 74:4, 74:10, 74:17, 76:11, 76:18, 78:23, 79:5, 79:17, 79:21
Brandt [1] - 7:6
break [1] - 41:21
breakdown [1] - 64:16
brick [1] - 58:20
bridge [1] - 14:8
brief [1] - 9:10
briefly [1] - 71:20
bring [6] - 10:14, 74:15, 80:17, 81:12, 107:8, 118:5
Bring [1] - 110:13
bringing [7] - 25:10, 26:17, 52:9, 53:18, 54:7, 104:10, 104:16
brought [5] - 14:16, 41:5, 42:4, 61:1, 103:16
BRUNSWICK [2] - 1:1, 1:12
Brunswick [17] - 2:18, 2:19, 6:2, 9:12, 17:3, 17:4, 17:13, 17:24, 20:12, 20:13, 20:18, 20:20, 20:23, 21:1, 21:4, 21:10, 43:23
build [1] - 74:7
building [55] - 6:9, 8:13, 9:14, 9:19, 19:12, 19:14, 25:7, 47:20, 48:2, 48:10, 48:15, 48:25, 49:3, 49:5, 50:3, 50:4, 50:18, 50:24, 51:2, 51:23, 52:14, 53:1, 54:20, 54:25, 55:16, 56:1, 56:7, 58:18, 58:20, 58:23, 58:24, 58:25, 61:11, 62:25, 66:4, 66:17, 67:1, 69:3, 72:21, 73:15,

76:23, 77:11, 77:12, 78:25, 89:19, 91:5, 94:1, 96:24, 99:5, 99:7, 99:19, 104:9, 106:9, 118:11
BUILDING [1] - 1:11
buildings [5] - 47:23, 49:13, 49:14, 77:1, 98:16
built [1] - 89:19
bulk [2] - 25:24, 52:13
bulletin [1] - 6:8
burdens [1] - 68:21
buried [2] - 78:1, 78:4
burns [1] - 104:2
bus [4] - 37:2, 71:25, 72:12, 72:14
buses [2] - 25:6, 117:17
busiest [1] - 103:6
business [2] - 8:11, 24:1
but.. [1] - 34:7
buy [1] - 21:11
BY [3] - 2:22, 3:3, 5:24

C

cafeteria [2] - 25:9, 26:14
calculation [1] - 63:7
calculations [3] - 63:12, 70:8, 70:23
camp [3] - 24:24, 49:10, 49:11
campus [1] - 17:10
capacity [8] - 17:14, 25:16, 25:24, 26:9, 36:23, 44:9, 77:13, 85:4
capture [1] - 53:17
car [3] - 72:12, 73:21, 73:24
care [20] - 24:22, 28:24, 35:13, 36:17, 36:18, 36:23, 36:24, 37:6, 40:6, 41:3, 41:11, 85:4, 85:5, 104:14, 117:2
CAROL [1] - 83:16
Carol [2] - 4:19, 83:16
carried [2] - 9:4, 9:5
cars [12] - 49:18, 73:16, 73:23, 84:14, 84:15, 89:24, 90:2, 94:18, 101:24, 102:12, 102:14
case [9] - 6:13, 6:19, 10:25, 12:9, 21:23, 31:2, 53:10, 61:9, 96:23
catch [2] - 50:11, 53:16
catered [1] - 25:10
caterer [1] - 61:4
catering [2] - 61:17, 61:24
CCR [2] - 2:23, 120:22
CCS [4] - 23:8, 23:10, 23:13, 23:16
celebrate [1] - 16:22
center [2] - 51:14, 108:14
CENTER [1] - 1:12
Central [5] - 8:12, 16:19, 17:17, 22:22, 49:4
CENTRAL [1] - 1:7
certain [7] - 11:21, 25:24, 93:1, 95:5, 96:8, 96:18, 97:1
Certainly [4] - 106:23, 108:12, 108:19, 111:7
certainly [8] - 12:16, 14:3, 16:4, 85:24, 86:1, 94:3, 96:24, 107:4
Certificate [1] - 43:19
Certification [1] - 120:23
Certified [3] - 43:19, 120:3, 120:4
certified [4] - 1:23, 24:16, 28:9
certify [1] - 120:5
CERTIFY [2] - 120:9, 120:14
cetera [1] - 117:17
chair [3] - 6:15, 114:8, 114:23
Chair [7] - 7:17, 8:18, 19:25, 31:7, 64:6, 68:25, 74:4
CHAIR [11] - 7:19, 8:1, 8:7, 8:10, 14:18, 14:22, 15:6, 15:11, 15:17, 15:22, 16:7
Chairwoman [3] - 2:2, 86:3, 107:2
change [2] - 50:17, 99:23
changed [1] - 38:14
changes [4] - 50:16, 52:3, 92:7, 92:8
character [1] - 89:16
charter [1] - 23:1
check [3] - 38:16, 59:19, 115:14
CHESTER [1] - 2:4

children [10] - 20:15, 23:15, 23:18, 24:9, 24:23, 26:15, 28:17, 41:4, 41:9, 64:12
choice [2] - 12:21, 14:4
chooses [3] - 44:15, 76:7, 88:6
CHRIST [1] - 1:7
Christ [5] - 3:18, 4:5, 8:12, 16:20, 22:22
Christian [6] - 4:6, 9:25, 22:24, 23:7, 23:10, 23:19
CHRISTINE [1] - 2:2
Christmas [1] - 21:11
church [19] - 8:14, 9:22, 10:23, 11:1, 15:20, 16:3, 16:8, 16:20, 16:22, 17:14, 20:10, 20:19, 40:17, 40:18, 64:7, 78:24, 84:6, 87:5, 105:14
Church [39] - 3:18, 4:5, 4:6, 4:18, 4:19, 4:20, 4:21, 4:22, 8:12, 8:14, 9:11, 16:5, 16:20, 22:16, 22:22, 46:3, 46:11, 47:11, 47:17, 48:2, 50:1, 50:10, 50:11, 51:14, 53:22, 55:18, 58:18, 66:19, 82:5, 83:17, 83:19, 83:20, 87:6, 88:16, 89:7, 89:8, 91:20, 97:25
CHURCH [2] - 1:7, 1:8
church 's [1] - 16:4
circular [1] - 72:20
circulation [2] - 71:20, 71:21
CIVIC [1] - 1:12
civil [1] - 43:13
clarification [2] - 39:25, 67:22
clarify [8] - 32:3, 32:25, 63:7, 64:5, 68:12, 116:25, 117:1, 117:3
clarifying [1] - 54:16
clarity [6] - 40:8, 40:11, 41:15, 61:13, 116:20, 117:10
class [4] - 24:15, 27:13, 27:15, 72:14
classes [2] - 24:7, 25:4
classifies [1] - 70:11
classroom [2] - 52:16, 63:11

<p>classrooms [3] - 24:6, 26:18, 63:15</p> <p>clear [8] - 39:22, 65:15, 65:18, 69:15, 93:6, 106:16, 116:11, 116:17</p> <p>cleared [2] - 37:4, 98:18</p> <p>clearly [1] - 110:7</p> <p>clerk [1] - 6:8</p> <p>CLERK [1] - 2:19</p> <p>client [1] - 68:7</p> <p>client's [2] - 9:13, 12:12</p> <p>clients [1] - 9:10</p> <p>clock [2] - 92:7, 93:8</p> <p>close [1] - 113:8</p> <p>closely [1] - 50:22</p> <p>closer [1] - 22:19</p> <p>closing [2] - 36:20, 116:4</p> <p>code [3] - 77:14, 77:20, 78:1</p> <p>cogently [1] - 86:24</p> <p>collateral [1] - 38:22</p> <p>collected [1] - 50:13</p> <p>collecting [1] - 54:6</p> <p>collection [1] - 47:4</p> <p>collectively [1] - 17:5</p> <p>color [3] - 13:24, 45:17, 50:16</p> <p>colored [3] - 13:18, 50:23, 59:13</p> <p>Colorized [2] - 5:5, 45:21</p> <p>comfortable [4] - 8:22, 11:23, 12:1, 93:15</p> <p>coming [7] - 30:22, 35:25, 89:24, 90:2, 101:19, 102:13, 110:11</p> <p>commencement [1] - 120:6</p> <p>comment [6] - 12:19, 44:4, 52:10, 69:18, 91:24, 117:24</p> <p>comments [11] - 10:13, 69:22, 80:22, 81:11, 81:13, 81:17, 81:20, 87:17, 88:9, 88:14, 116:19</p> <p>commercial [4] - 52:15, 60:19, 61:3, 91:4</p> <p>common [2] - 26:14, 60:20</p> <p>communities [1] - 16:24</p> <p>community [8] -</p>	<p>16:23, 17:5, 17:13, 20:9, 20:10, 20:18, 23:17, 35:25</p> <p>compelled [1] - 64:1</p> <p>completed [2] - 43:15, 43:18</p> <p>completely [1] - 96:6</p> <p>complied [1] - 99:22</p> <p>comply [7] - 56:12, 58:25, 64:3, 70:24, 108:1, 108:4, 108:5</p> <p>component [2] - 20:3, 29:25</p> <p>concern [8] - 67:17, 68:10, 90:21, 94:23, 94:25, 103:17, 104:2, 104:11</p> <p>concerned [1] - 88:17</p> <p>concerns [5] - 86:19, 93:19, 93:21, 94:15, 100:18</p> <p>conclude [1] - 80:4</p> <p>concludes [1] - 25:13</p> <p>conclusion [3] - 32:22, 36:6, 81:4</p> <p>conclusive [1] - 117:21</p> <p>condition [2] - 93:14, 93:16</p> <p>conditional [3] - 61:21, 67:12, 110:24</p> <p>conditionally [3] - 9:16, 10:17, 51:7</p> <p>conditioner [1] - 66:15</p> <p>conditions [6] - 10:18, 51:8, 93:1, 111:2, 111:12, 111:15</p> <p>conductive [1] - 54:4</p> <p>confer [1] - 36:7</p> <p>conferences [1] - 24:25</p> <p>confidence [1] - 23:11</p> <p>confirm [5] - 32:24, 113:21, 116:24, 117:6, 118:5</p> <p>conflict [4] - 31:19, 31:25, 67:18, 84:4</p> <p>conflicting [1] - 31:22</p> <p>conflicts [4] - 29:16, 30:13, 33:23, 93:19</p> <p>conformance [1] - 55:8</p> <p>conforming [3] - 51:24, 52:2, 56:9</p> <p>confusing [1] - 39:16</p> <p>confusion [1] - 116:6</p> <p>connection [2] - 51:5, 117:9</p> <p>consent [1] - 114:2</p>	<p>consider [4] - 28:23, 36:22, 108:24, 109:5</p> <p>considerably [1] - 95:17</p> <p>consideration [3] - 35:2, 35:15, 35:24</p> <p>considerations [1] - 110:19</p> <p>considered [1] - 78:7</p> <p>considering [1] - 33:22</p> <p>consistent [6] - 31:17, 32:15, 32:16, 32:17, 37:1, 77:8</p> <p>consisting [1] - 47:6</p> <p>consists [1] - 53:13</p> <p>construct [1] - 55:6</p> <p>constructed [2] - 48:18, 49:2</p> <p>constructing [1] - 50:20</p> <p>construction [2] - 77:1, 78:24</p> <p>CONSULTANT [2] - 2:14, 2:16</p> <p>consultant [1] - 37:14</p> <p>Consulting [1] - 3:16</p> <p>contain [1] - 49:11</p> <p>contained [1] - 49:25</p> <p>contains [2] - 46:5, 49:22</p> <p>content [1] - 81:25</p> <p>continually [1] - 75:13</p> <p>continue [3] - 11:21, 52:24, 79:9</p> <p>CONTINUED [1] - 1:18</p> <p>continued [1] - 7:22</p> <p>contractor [1] - 79:3</p> <p>contradict [1] - 70:18</p> <p>contradiction [1] - 85:12</p> <p>contradictory [2] - 70:22, 71:1</p> <p>contrary [1] - 71:15</p> <p>convert [1] - 8:14</p> <p>conveyed [1] - 53:21</p> <p>copy [2] - 6:9, 70:5</p> <p>Cornerstone [6] - 4:6, 9:25, 22:24, 23:7, 23:19, 23:24</p> <p>Correct [5] - 32:7, 33:14, 41:12, 94:8, 113:14</p> <p>correct [17] - 9:8, 13:9, 13:12, 13:13, 13:19, 44:11, 51:17, 60:7, 62:7, 64:8, 65:4, 65:10, 68:22, 70:22, 73:5, 74:8, 75:23</p>	<p>correspond [1] - 97:7</p> <p>Counsel [7] - 3:6, 12:12, 59:21, 65:13, 97:11, 110:17, 113:12</p> <p>counsel [4] - 31:14, 59:7, 120:15, 120:18</p> <p>Counselor [1] - 35:12</p> <p>count [4] - 30:2, 63:21, 99:1, 107:22</p> <p>counted [1] - 66:9</p> <p>counts [1] - 65:22</p> <p>COUNTY [1] - 1:3</p> <p>County [4] - 46:18, 46:23, 55:2, 76:4</p> <p>county [4] - 78:16, 100:16, 100:24, 103:18</p> <p>couple [7] - 38:1, 39:15, 61:16, 69:23, 102:2, 106:17, 106:20</p> <p>course [2] - 69:19, 117:20</p> <p>COURT [2] - 1:11, 1:22</p> <p>court [5] - 47:21, 48:21, 49:19, 52:7, 71:12</p> <p>Court [2] - 1:23, 120:3</p> <p>courtroom [1] - 6:18</p> <p>cover [2] - 20:6, 44:14</p> <p>coverage [9] - 50:3, 50:7, 51:23, 53:9, 56:7, 56:10, 70:20, 71:13</p> <p>create [1] - 23:16</p> <p>creating [1] - 23:14</p> <p>credentials [1] - 44:13</p> <p>cross [2] - 14:8, 46:12</p> <p>CRR [2] - 2:23, 120:22</p> <p>crushing [1] - 78:10</p> <p>curb [1] - 66:18</p> <p>curiosity [1] - 23:8</p> <p>curious [2] - 92:3, 92:19</p> <p>current [5] - 94:22, 95:5, 95:10, 98:3, 98:6</p> <p>curriculum [1] - 23:9</p> <p>cut [1] - 39:8</p> <p>cutting [1] - 103:10</p> <p>CV [1] - 44:13</p>	<p>30:8, 43:1, 44:2, 57:24, 81:7, 90:6, 113:10, 114:3, 114:7, 114:9, 114:11, 115:2, 120:12</p> <p>dated [1] - 58:2</p> <p>dates [1] - 114:13</p> <p>daughter [3] - 87:1, 87:7, 88:10</p> <p>days [1] - 30:7</p> <p>DEAN [1] - 3:16</p> <p>Dean [7] - 3:16, 10:4, 30:18, 32:6, 32:11, 32:13, 32:14</p> <p>December [7] - 6:5, 9:3, 45:12, 47:7, 56:23, 57:4, 116:13</p> <p>decide [1] - 110:25</p> <p>decision [4] - 34:15, 71:15, 109:16, 111:5</p> <p>dedicated [1] - 67:24</p> <p>dedication [2] - 51:17, 51:21</p> <p>deed [1] - 51:13</p> <p>deep [1] - 77:6</p> <p>DEEPAK [1] - 2:3</p> <p>deeper [1] - 27:18</p> <p>defer [2] - 32:2, 96:16</p> <p>deficient [1] - 51:19</p> <p>define [1] - 111:3</p> <p>defined [1] - 102:20</p> <p>Definitely [1] - 105:8</p> <p>definitely [4] - 85:12, 87:19, 98:2, 106:10</p> <p>degree [1] - 43:13</p> <p>Degree [1] - 75:11</p> <p>deleted [1] - 52:11</p> <p>deliberation [1] - 109:15</p> <p>deliver [1] - 67:5</p> <p>Deliveries [1] - 67:3</p> <p>deliveries [1] - 67:9</p> <p>demolished [1] - 49:15</p> <p>deny [1] - 110:1</p> <p>Department [4] - 23:2, 29:3, 29:5, 76:4</p> <p>department [3] - 55:2, 78:19, 108:8</p> <p>depicted [1] - 55:16</p> <p>depressed [1] - 53:14</p> <p>depth [1] - 53:15</p> <p>derive [1] - 65:21</p> <p>describe [1] - 63:1</p> <p>described [5] - 38:3, 39:19, 101:13, 101:20, 104:15</p> <p>describes [1] - 51:13</p>
D				
<p>D(3) [2] - 10:15, 10:19</p> <p>daily [1] - 72:24</p> <p>dashed [1] - 77:3</p> <p>date [15] - 6:6, 11:19,</p>				

<p>describing [1] - 101:6</p> <p>DESCRIPTION [1] - 5:3</p> <p>description [1] - 37:19</p> <p>design [9] - 11:4, 53:4, 54:14, 54:16, 70:23, 75:18, 75:25, 76:8, 77:20</p> <p>designated [1] - 24:8</p> <p>designating [1] - 89:14</p> <p>designation [2] - 24:3, 89:20</p> <p>designed [2] - 54:10, 58:19</p> <p>designer [1] - 74:13</p> <p>designing [1] - 76:2</p> <p>detail [2] - 28:19, 55:9</p> <p>detract [1] - 105:8</p> <p>detracts [1] - 89:21</p> <p>detriment [1] - 35:18</p> <p>detrimental [2] - 89:23, 90:16</p> <p>development [2] - 23:18, 96:1</p> <p>DEVON [3] - 2:23, 120:3, 120:22</p> <p>difference [3] - 16:24, 60:17, 65:12</p> <p>different [17] - 6:16, 13:5, 13:23, 18:14, 19:3, 30:1, 30:3, 30:14, 31:18, 31:24, 36:11, 37:7, 38:3, 39:1, 39:2, 39:3, 105:4</p> <p>difficult [1] - 90:14</p> <p>dim [3] - 92:14, 94:3, 95:1</p> <p>dimnable [3] - 66:20, 92:1, 95:9</p> <p>dimmed [3] - 66:21, 92:5</p> <p>direct [2] - 10:24, 80:5</p> <p>director [5] - 24:11, 27:11, 28:2, 28:7, 63:24</p> <p>DIRECTOR [1] - 2:17</p> <p>discharge [1] - 50:12</p> <p>discharged [1] - 50:13</p> <p>discrepancies [5] - 33:1, 36:8, 36:12, 37:8, 90:9</p> <p>discrepancy [1] - 33:13</p> <p>discretion [2] - 92:21, 92:23</p> <p>discuss [5] - 43:1, 52:12, 54:18, 73:1, 81:5</p>	<p>Discuss [1] - 113:10</p> <p>discussed [4] - 42:14, 71:10, 107:3, 107:17</p> <p>discussing [1] - 113:12</p> <p>discussion [1] - 89:13</p> <p>discussions [1] - 105:13</p> <p>displayed [1] - 61:10</p> <p>disposal [2] - 54:24, 77:15</p> <p>dispose [1] - 79:20</p> <p>disrepair [1] - 66:14</p> <p>distance [3] - 47:11, 47:21, 48:7</p> <p>distributed [1] - 58:12</p> <p>district [2] - 46:7, 108:9</p> <p>disturbed [2] - 78:4, 78:6</p> <p>divergence [1] - 34:19</p> <p>diverse [1] - 16:23</p> <p>divert [1] - 79:6</p> <p>diverted [1] - 79:12</p> <p>divided [1] - 63:14</p> <p>Dolan [3] - 3:16, 32:6, 32:11</p> <p>done [7] - 11:19, 21:4, 21:15, 79:18, 81:2, 85:18, 105:12</p> <p>door [1] - 94:22</p> <p>doors [2] - 6:17, 51:4</p> <p>doubt [1] - 12:16</p> <p>down [18] - 8:24, 31:15, 53:25, 54:10, 62:11, 66:9, 76:22, 98:12, 100:10, 102:1, 103:10, 103:12, 103:14, 109:2, 109:18, 110:23, 111:20, 112:17</p> <p>Dr [1] - 10:22</p> <p>DR [1] - 3:17</p> <p>drain [1] - 87:6</p> <p>drainage [2] - 42:13, 53:22</p> <p>drains [2] - 50:9, 70:15</p> <p>drawing [2] - 55:17, 96:4</p> <p>drawings [5] - 56:14, 56:17, 56:22, 76:3, 104:13</p> <p>DREW [1] - 2:8</p> <p>Drexel [1] - 43:14</p> <p>drive [1] - 72:20</p> <p>Drive [1] - 75:9</p> <p>driveway [17] - 47:12, 47:14, 47:17, 48:1,</p>	<p>48:3, 52:20, 52:21, 52:22, 52:24, 67:1, 67:18, 68:2, 73:2, 73:4, 73:18, 82:20, 83:24</p> <p>driveways [2] - 47:11, 50:6</p> <p>driving [1] - 73:16</p> <p>drop [3] - 72:23, 73:2, 73:14</p> <p>dropping [2] - 84:16, 88:4</p> <p>due [1] - 29:8</p> <p>Due [1] - 70:14</p> <p>duly [1] - 120:7</p> <p>dumpsters [2] - 55:5, 55:7</p> <p>duped [1] - 100:19</p> <p>duplicate [1] - 13:25</p> <p>during [12] - 18:25, 19:1, 19:14, 21:8, 34:9, 41:6, 44:18, 78:24, 79:8, 96:6, 104:22</p> <p>During [1] - 105:18</p> <p>dwellings [1] - 47:15</p>	<p>effectual [1] - 11:13</p> <p>egress [3] - 51:4, 52:25, 94:17</p> <p>eight [1] - 18:1</p> <p>either [2] - 25:10, 50:2</p> <p>element [2] - 39:2, 39:3</p> <p>elementary [2] - 100:14, 116:16</p> <p>elements [3] - 10:3, 36:5, 109:25</p> <p>elevation [2] - 56:25, 57:20</p> <p>elevations [4] - 11:25, 13:18, 58:5, 91:3</p> <p>eleven [1] - 18:2</p> <p>elsewhere [1] - 101:19</p> <p>Email [1] - 3:5</p> <p>emergency [4] - 6:19, 53:20, 71:24, 96:23</p> <p>employee [3] - 63:11, 120:15, 120:17</p> <p>employees [2] - 63:15, 63:23</p> <p>employing [1] - 24:17</p> <p>enclosure [6] - 30:25, 52:11, 55:7, 55:9, 63:19, 71:23</p> <p>enclosures [1] - 66:15</p> <p>encounter [1] - 77:24</p> <p>encourage [5] - 23:8, 54:11, 95:2, 110:11, 115:9</p> <p>encouraged [1] - 89:15</p> <p>encroachment [2] - 67:23, 67:25</p> <p>end [3] - 17:16, 48:20, 105:20</p> <p>enforcement [1] - 108:22</p> <p>Engineer [1] - 10:2</p> <p>engineer [13] - 11:3, 30:17, 37:13, 43:17, 44:9, 54:16, 75:10, 75:12, 75:13, 84:21, 86:10, 87:2, 88:10</p> <p>engineer 's [1] - 36:4</p> <p>Engineering [3] - 4:8, 4:9, 43:19</p> <p>engineering [5] - 43:13, 44:15, 67:13, 75:18, 76:8</p> <p>ENGINEERING [2] - 2:14, 2:17</p> <p>Engineers [1] - 3:16</p> <p>enjoy [1] - 101:12</p> <p>enjoyed [2] - 89:11, 89:15</p> <p>enrollment [2] - 25:2,</p>	<p>37:6</p> <p>enter [2] - 67:4, 73:12</p> <p>entire [2] - 66:9, 89:14</p> <p>entrance [2] - 52:20, 67:6</p> <p>entry [1] - 52:22</p> <p>environment [1] - 23:15</p> <p>equally [1] - 110:9</p> <p>equipment [1] - 53:4</p> <p>Especially [1] - 71:22</p> <p>ESQUIRE [2] - 2:13, 3:3</p> <p>essentially [1] - 30:11</p> <p>establish [1] - 9:1</p> <p>established [1] - 16:20</p> <p>et [1] - 117:17</p> <p>EV [8] - 63:20, 64:17, 64:21, 64:23, 65:1, 65:5, 65:6</p> <p>EVANS [24] - 4:6, 22:10, 22:14, 22:15, 22:21, 25:20, 26:2, 26:7, 26:10, 26:12, 26:16, 26:20, 27:1, 27:7, 27:25, 28:8, 28:13, 28:18, 28:23, 29:4, 29:9, 34:15, 34:21, 35:7</p> <p>Evans [11] - 9:23, 22:2, 22:14, 22:18, 22:21, 31:17, 32:17, 33:17, 33:20, 37:11, 39:19</p> <p>Evans ' [1] - 32:1</p> <p>evening [33] - 8:17, 9:1, 9:6, 9:21, 10:8, 15:6, 19:4, 19:8, 24:25, 42:8, 42:12, 42:17, 42:21, 45:3, 55:23, 66:20, 69:13, 74:23, 80:5, 81:15, 81:18, 81:22, 82:10, 83:11, 88:20, 89:1, 91:15, 91:23, 97:19, 98:2, 100:3, 111:13, 113:9</p> <p>evenings [2] - 19:6, 19:12</p> <p>event [3] - 88:5, 94:16, 95:3</p> <p>evergreen [2] - 56:4, 66:8</p> <p>everyday [1] - 72:17</p> <p>Exactly [1] - 79:17</p> <p>exactly [1] - 45:9</p> <p>examination [1] - 120:6</p> <p>excavation [2] - 77:23,</p>
		E		
		<p>e-mail [3] - 61:23, 62:1, 78:18</p> <p>eager [2] - 90:7, 90:18</p> <p>early [3] - 36:17, 36:23, 49:2</p> <p>easement [6] - 67:24, 68:5, 68:14, 68:16, 82:14, 82:25</p> <p>easier [2] - 63:1, 98:23</p> <p>EAST [2] - 1:1, 1:12</p> <p>east [7] - 46:13, 48:15, 50:21, 51:25, 52:21, 55:24, 67:17</p> <p>East [14] - 2:18, 2:19, 4:8, 6:2, 9:12, 17:2, 17:4, 17:13, 17:24, 20:11, 20:20, 20:22, 21:1, 43:23</p> <p>Easter [1] - 21:8</p> <p>easterly [1] - 67:4</p> <p>eastern [6] - 47:17, 48:1, 48:3, 52:20, 66:3, 69:2</p> <p>eat [1] - 26:18</p> <p>economic [1] - 108:24</p> <p>edge [1] - 66:9</p> <p>Education [3] - 23:2, 29:3, 29:6</p> <p>educator [1] - 22:25</p> <p>educators [1] - 20:19</p> <p>effect [1] - 53:24</p>		

<p>78:2 exception [1] - 6:13 Excuse [1] - 15:22 exempt [1] - 24:3 Exhibit [3] - 45:14, 62:14, 66:25 exhibit [9] - 30:24, 45:21, 59:2, 59:22, 60:9, 61:8, 61:10, 108:10, 108:11 EXHIBITS [1] - 5:24 exhibits [13] - 10:10, 11:11, 11:14, 11:24, 12:5, 12:6, 12:14, 13:6, 13:22, 14:1, 45:4, 59:15, 59:17 exist [1] - 33:1 existing [13] - 8:13, 9:19, 47:20, 48:10, 48:15, 50:4, 51:5, 52:5, 53:22, 58:20, 74:7, 74:11, 78:8 exists [2] - 78:6, 95:19 exit [3] - 67:4, 67:5, 73:16 exits [2] - 6:18, 73:7 expanding [2] - 101:1, 117:9 expansion [5] - 9:17, 52:4, 95:18, 98:3, 98:14 expected [1] - 105:16 experiential [1] - 23:14 expert [10] - 10:5, 44:8, 44:16, 75:25, 76:7, 85:21, 85:22, 85:25, 95:25, 106:25 experts [2] - 42:20, 81:20 explain [1] - 107:12 explanation [2] - 86:25, 90:7 expressed [1] - 112:18 extended [3] - 42:1, 52:8, 114:7 extension [1] - 114:2 extent [1] - 59:25 exterior [1] - 59:22 extra [1] - 63:23 extreme [1] - 98:20</p>	<p>facing [1] - 55:24 fact [3] - 88:2, 90:10, 90:13 Fair [1] - 14:10 fair [2] - 100:22, 105:25 fairness [3] - 39:4, 85:20, 86:4 families [3] - 21:10, 101:17, 102:23 family [3] - 46:6, 46:16, 107:13 far [10] - 29:16, 37:9, 38:19, 59:14, 86:4, 99:4, 99:16, 108:21, 111:24, 114:13 farmers [1] - 103:1 father [2] - 107:6, 107:14 favor [5] - 44:24, 76:12, 109:21, 111:21, 119:6 favorably [1] - 111:1 February [1] - 9:4 FedEx [1] - 67:3 feed [1] - 26:15 feet [10] - 46:5, 46:13, 49:1, 51:25, 52:1, 55:13, 66:5, 77:7, 112:3 felt [1] - 63:2 fence [9] - 47:21, 53:7, 65:25, 66:5, 66:15, 67:18, 67:20, 82:16, 82:21 fenced [1] - 24:8 few [2] - 96:22, 116:3 field [3] - 54:1, 66:13, 77:15 fields [1] - 77:16 fifth [2] - 84:12, 107:8 file [1] - 58:6 filed [3] - 6:7, 24:1, 48:23 fill [1] - 24:18 filling [1] - 78:11 filter [1] - 70:12 final [2] - 78:9, 78:23 financially [1] - 120:18 fine [1] - 83:2 finish [1] - 60:5 fire [7] - 99:17, 103:25, 104:8, 104:11, 108:7, 108:8 Firm [1] - 8:20 firm [1] - 36:14 First [2] - 45:5, 104:8 first [17] - 9:2, 14:23, 24:16, 28:9, 47:25, 50:17, 52:6, 52:13,</p>	<p>72:25, 73:13, 76:16, 79:4, 82:7, 98:7, 99:7, 107:8, 110:13 firsthand [2] - 103:19, 103:22 fit [1] - 102:15 five [6] - 14:18, 18:1, 41:17, 45:18, 70:1, 70:11 fixtures [1] - 96:10 flexibility [1] - 77:19 flood [1] - 87:11 flooded [1] - 103:20 floods [1] - 87:8 floor [6] - 13:18, 15:20, 58:2, 58:21, 60:10, 60:16 flow [1] - 79:6 flush [1] - 79:20 flushing [1] - 79:16 focused [2] - 81:22, 82:1 focusing [1] - 69:4 folks [5] - 78:24, 112:6, 112:17, 112:19, 112:20 follow [2] - 34:6, 114:5 followed [3] - 9:23, 54:15, 77:14 following [3] - 7:23, 40:1, 45:11 food [6] - 25:9, 26:17, 60:16, 60:18, 60:21, 61:1 foot [2] - 50:20, 50:24 footprint [1] - 78:13 FOR [1] - 1:6 foregoing [1] - 120:9 foreground [1] - 48:13 formerly [1] - 98:15 forth [3] - 13:24, 81:12, 120:12 forthcoming [2] - 106:22, 107:18 forward [6] - 17:6, 17:8, 31:5, 38:7, 98:3, 113:6 foundational [1] - 23:11 Four [3] - 25:22, 64:23, 65:2 four [10] - 18:1, 24:10, 25:21, 28:1, 63:20, 63:23, 64:20, 65:1, 111:14 fourth [3] - 26:2, 27:9, 84:11 free [1] - 107:4 Freehold [1] - 75:9 Fresh [2] - 46:12,</p>	<p>83:18 Friday [8] - 19:8, 19:11, 37:23, 38:25, 40:4, 40:23, 85:15, 90:11 front [11] - 14:13, 48:1, 49:23, 51:2, 66:17, 67:1, 67:5, 72:20, 77:11, 96:23, 105:23 full [9] - 25:16, 33:7, 33:8, 37:23, 38:20, 92:13, 93:9, 94:2, 94:24 full-time [2] - 37:23, 38:20 fully [4] - 65:6, 79:11, 104:9, 104:11 fun [1] - 23:15 function [1] - 79:9 functioning [1] - 76:25 FURTHER [2] - 120:9, 120:14 future [14] - 30:16, 31:16, 60:4, 61:13, 69:21, 81:16, 81:24, 85:10, 85:24, 88:8, 95:3, 97:8, 98:25, 110:16</p>	<p>26:24, 28:15 Gradual [1] - 53:14 Graduate [1] - 43:16 graduated [1] - 43:12 grandfather [1] - 89:8 grant [4] - 51:16, 68:5, 82:25, 114:1 grasp [1] - 106:14 grass [4] - 48:6, 48:7, 48:12, 53:18 gravel [1] - 77:24 Great [1] - 81:8 great [1] - 101:21 greater [1] - 17:14 green [2] - 53:24, 70:24 Gregg [3] - 11:2, 74:24, 75:8 GREGG [2] - 4:9, 75:8 grew [2] - 43:23, 89:7 grill [1] - 61:2 ground [6] - 48:21, 49:12, 53:15, 54:3, 54:8, 66:16 groundwater [1] - 77:6 group [1] - 19:7 groups [3] - 19:4, 19:13 grow [3] - 26:13, 27:6, 27:7 growing [1] - 101:9 growth [1] - 25:15 guess [7] - 17:25, 29:3, 33:10, 76:25, 99:20, 99:24, 106:5 gun [1] - 38:14 Gurevich [1] - 7:10 guys [2] - 29:1, 29:2</p>
<p style="text-align: center;">F</p> <p>face [1] - 58:20 faces [2] - 48:15, 55:18 facility [4] - 18:9, 61:3, 94:7, 94:10</p>	<p>face [1] - 58:20 faces [2] - 48:15, 55:18 facility [4] - 18:9, 61:3, 94:7, 94:10</p>	<p>face [1] - 58:20 faces [2] - 48:15, 55:18 facility [4] - 18:9, 61:3, 94:7, 94:10</p>	<p style="text-align: center;">G</p> <p>Garbage [1] - 117:16 garbage [1] - 71:24 Gary [2] - 10:4, 30:18 GARY [1] - 3:16 gathering [1] - 60:21 general [2] - 77:5, 89:22 generally [1] - 89:18 gentleman [1] - 87:4 GERBER [3] - 2:23, 120:3, 120:22 gifts [1] - 21:11 Girl [4] - 9:13, 49:3, 87:5, 99:22 given [1] - 68:17 glad [1] - 84:4 goal [1] - 9:13 God [5] - 16:21, 16:23, 23:12, 84:1, 89:2 grade [15] - 24:7, 24:9, 25:16, 25:19, 25:21, 26:4, 27:9, 27:13, 28:1, 84:10, 84:11, 107:8 Grade [1] - 26:6 grader [1] - 110:13 grades [3] - 26:22,</p>	<p style="text-align: center;">H</p> <p>half [8] - 92:11, 92:12, 93:9, 93:10, 93:25, 105:23, 105:24 hall [2] - 52:15, 60:15 hand [10] - 15:12, 22:7, 43:5, 74:25, 82:8, 83:9, 88:22, 91:14, 97:18, 100:2 handle [1] - 98:20 handled [1] - 55:4 handler [1] - 66:15 handling [1] - 72:21 happy [4] - 18:17, 52:12, 83:21, 88:19 hard [2] - 83:24, 108:16 hailed [1] - 79:11 havoc [1] - 102:4</p>

<p>hay [1] - 103:2 head [1] - 50:12 heading [2] - 73:14, 98:2 headquarters [2] - 9:13, 49:5 health [2] - 55:2, 78:19 Health [1] - 76:4 hear [16] - 6:12, 30:13, 38:7, 40:19, 42:19, 63:20, 81:24, 84:20, 84:21, 86:17, 89:24, 90:7, 90:19, 93:16, 106:8, 106:25 heard [22] - 29:23, 30:14, 43:1, 52:10, 63:18, 63:24, 76:19, 81:15, 81:20, 81:22, 86:3, 86:23, 90:4, 106:21, 110:8, 110:10, 112:17, 112:18, 112:24, 115:6, 115:8, 118:17 HEARING [1] - 1:18 hearing [5] - 6:14, 29:25, 90:7, 110:9, 118:10 hearsay [2] - 87:22, 88:11 heart [1] - 23:19 heated [1] - 61:2 Hebrew [1] - 49:7 height [1] - 59:1 HEILBRUNN [1] - 3:2 Heilbrunn [1] - 8:20 Hello [1] - 8:16 help [1] - 89:2 helpful [1] - 74:19 hereby [1] - 120:5 hereinbefore [1] - 120:12 herself [1] - 8:5 Hi [4] - 15:5, 88:21, 97:16, 100:1 hi [1] - 8:17 high [3] - 23:13, 66:5, 77:6 highlighted [1] - 111:13 highly [1] - 12:16 Highway [1] - 3:3 hike [4] - 103:18, 103:23 hikers [2] - 100:15, 103:20 hiking [1] - 100:25 hmm [4] - 57:16, 71:8, 79:5, 87:1 holding [2] - 24:2,</p>	<p>79:10 Hollow [1] - 46:24 home [4] - 15:25, 17:14, 25:11, 26:17 Home [1] - 6:7 homes [1] - 46:16 hope [4] - 16:21, 17:13, 20:22, 77:8 hopeful [1] - 85:1 hopefully [1] - 85:9 horrendous [2] - 83:25, 84:2 horrible [1] - 88:18 hour [4] - 92:11, 92:12, 93:9, 93:10 hours [26] - 18:9, 20:4, 24:19, 31:9, 34:2, 34:7, 34:9, 34:14, 34:16, 34:19, 34:24, 35:3, 35:6, 35:11, 36:14, 36:19, 38:1, 40:4, 66:21, 93:22, 93:23, 94:2, 116:25, 117:1 house [12] - 9:14, 37:21, 38:20, 38:25, 50:18, 51:6, 51:11, 55:7, 60:20, 89:10, 90:14, 116:15 houses [1] - 10:16 Howell [2] - 43:20, 43:22 Hughes [2] - 2:16, 39:5 hurt [1] - 74:17 hydrant [2] - 104:8, 104:14 hydrants [2] - 104:1, 108:7 hypothetical [1] - 94:11 Hypothetically [1] - 111:11</p>	<p>important [4] - 63:2, 72:13, 110:9, 110:10 impose [1] - 93:1 imposed [1] - 111:3 improvements [3] - 49:23, 49:25, 56:6 inch [1] - 50:24 include [2] - 9:17, 52:3 included [2] - 30:24, 93:24 includes [1] - 116:14 including [5] - 24:18, 27:11, 40:5, 64:23, 113:20 incongruity [1] - 86:20 incorporate [1] - 26:4 incorporated [2] - 6:10, 23:24 Incorporated [1] - 23:7 increase [3] - 53:9, 70:20, 89:22 increasing [2] - 26:1, 53:8 indicate [2] - 112:9, 116:13 indicated [6] - 44:7, 60:4, 68:13, 86:21, 93:7, 117:22 indicates [2] - 46:11, 70:10 indicating [1] - 78:19 infiltration [1] - 54:12 influx [1] - 89:23 information [8] - 30:5, 37:13, 37:17, 46:1, 80:15, 106:10, 107:21, 107:22 infrastructure [2] - 53:25, 70:25 ingress [2] - 52:25, 94:17 input [3] - 39:7, 93:18, 116:22 inside [3] - 59:3, 61:10, 62:24 install [4] - 54:23, 56:3, 66:18, 79:4 installed [2] - 53:16, 95:10 instead [1] - 97:5 instill [1] - 23:10 instruction [1] - 116:16 integrates [1] - 23:9 intellectual [1] - 23:8 intend [3] - 10:24, 11:17, 69:10</p>	<p>intended [5] - 9:20, 40:13, 40:16, 60:9, 85:3 intending [1] - 86:22 intent [2] - 44:10, 70:16 intention [7] - 31:20, 39:17, 39:18, 59:9, 96:12, 116:7, 118:5 intentions [1] - 97:6 interested [2] - 58:17, 120:18 interim [1] - 79:8 interior [10] - 5:7, 59:2, 59:15, 60:9, 60:11, 61:7, 61:9, 62:6, 62:11, 62:15 interject [1] - 94:19 internally [3] - 32:24, 36:7, 55:13 internet [1] - 46:10 intersection [1] - 83:17 introducing [1] - 15:19 introduction [1] - 9:10 introductory [1] - 44:7 involve [1] - 50:20 involved [2] - 39:11, 41:10 involvement [1] - 23:17 IRS [1] - 24:4 issue [5] - 33:12, 59:24, 64:1, 71:2, 96:7 issues [4] - 42:3, 87:16, 95:3, 108:22 it'll [2] - 74:10, 107:1 item [3] - 30:20, 42:14, 54:18 itself [1] - 41:4 IVAN [1] - 2:9</p>	<p>JOHNNY [2] - 4:4, 15:10 Johnny [5] - 9:22, 15:2, 15:9, 15:10, 16:18 JOSEPH [1] - 2:14 jpape@hpnjlaw.com [1] - 3:5 July [15] - 113:13, 113:16, 113:19, 113:22, 114:19, 114:24, 114:25, 115:1, 115:6, 115:7, 115:10, 115:20, 118:14, 118:17 jump [1] - 59:6 June [4] - 118:20, 118:24, 118:25, 119:1 jurisdiction [4] - 9:2, 108:25, 109:3, 112:10</p>
K				
<p>Keenan [1] - 2:16 keep [6] - 68:15, 81:13, 81:25, 82:25, 86:3, 107:3 Keith [1] - 90:25 KEITH [1] - 2:17 key [1] - 66:23 kids [9] - 21:10, 21:13, 53:2, 100:14, 101:17, 102:6, 102:13, 107:7 Kimberly [2] - 4:22, 97:23 KIMBERLY [1] - 97:24 kind [7] - 21:17, 40:19, 60:24, 91:4, 100:21, 101:19, 105:1 kindergarten [2] - 24:13, 28:3 Kipp [2] - 29:13, 99:17 KIPP [18] - 2:17, 8:21, 29:14, 58:2, 60:10, 62:2, 67:16, 68:9, 68:12, 80:20, 91:6, 91:11, 93:21, 94:8, 96:20, 99:10, 99:20, 115:14 kitchen [6] - 52:15, 60:15, 60:18, 60:19, 60:25, 61:4 knowledge [2] - 11:13, 63:3 known [2] - 23:8, 46:1 Kong [2] - 65:10, 65:15</p>				

<p>61:13, 66:1, 69:11, 71:10, 80:18, 81:10, 81:16, 84:20, 85:10, 85:24, 86:6, 88:9, 94:16, 97:8, 98:25, 107:9, 112:9, 112:15, 113:13, 113:23, 114:17, 115:1, 115:18, 115:21, 118:3, 118:7, 118:14, 118:19, 118:21, 118:23</p> <p>MEETING [1] - 1:6</p> <p>meetings [11] - 17:8, 17:10, 17:11, 19:1, 19:3, 19:12, 19:16, 81:24, 89:12, 99:8, 113:16</p> <p>Meetings [1] - 6:5</p> <p>meets [1] - 54:16</p> <p>member [4] - 22:22, 43:20, 82:2, 110:5</p> <p>Members [1] - 8:18</p> <p>MEMBERS [4] - 2:1, 44:25, 76:13, 119:7</p> <p>members [11] - 17:2, 17:4, 17:21, 20:19, 24:16, 40:17, 74:2, 81:16, 83:7, 112:14, 113:6</p> <p>membership [1] - 17:1</p> <p>Men' [1] - 49:6</p> <p>mentioned [6] - 10:16, 16:15, 20:2, 35:13, 78:15, 90:10</p> <p>Merit [1] - 120:4</p> <p>met [2] - 109:23, 109:25</p> <p>microphone [3] - 15:4, 22:19, 27:24</p> <p>mid [1] - 78:18</p> <p>middle [1] - 23:5</p> <p>MIDDLESEX [1] - 1:3</p> <p>Middlesex [4] - 46:18, 46:23, 55:2, 76:4</p> <p>might [10] - 18:24, 27:14, 30:4, 55:4, 58:22, 65:9, 72:16, 93:2, 118:8, 118:9</p> <p>MILLER [14] - 91:16, 91:19, 92:3, 92:15, 92:19, 94:23, 95:17, 97:13, 97:16, 97:20, 97:23, 99:3, 99:13, 99:25</p> <p>Miller [5] - 4:21, 4:22, 91:19, 97:23, 97:24</p> <p>Millstone [2] - 1:24, 3:4</p>	<p>mind [2] - 27:20, 40:21</p> <p>minimal [1] - 79:19</p> <p>minimum [4] - 24:10, 28:1, 51:10, 51:25</p> <p>ministries [1] - 17:10</p> <p>minute [3] - 41:18, 68:8, 90:3</p> <p>minutes [1] - 6:10</p> <p>misconstrue [1] - 35:1</p> <p>misspeak [1] - 38:24</p> <p>modeled [1] - 24:20</p> <p>modeling [1] - 28:19</p> <p>Modifications [1] - 9:17</p> <p>modified [1] - 92:18</p> <p>Modify [1] - 87:15</p> <p>moment [1] - 81:4</p> <p>Monday [7] - 37:23, 38:23, 38:25, 40:4, 40:23, 85:15, 90:10</p> <p>month [1] - 19:11</p> <p>monument [1] - 55:12</p> <p>morning [2] - 89:25, 102:2</p> <p>mornings [1] - 17:7</p> <p>Most [1] - 101:14</p> <p>most [7] - 47:12, 49:2, 50:12, 98:14, 103:5, 103:6, 106:1</p> <p>motion [7] - 44:5, 44:14, 44:21, 76:9, 119:2, 119:3, 119:4</p> <p>mounted [2] - 55:15, 66:16</p> <p>move [3] - 26:23, 32:20, 106:4</p> <p>moved [2] - 103:7, 106:5</p> <p>movement [2] - 71:22, 117:13</p> <p>Moving [1] - 47:15</p> <p>MR [491] - 7:3, 7:7, 7:9, 7:12, 7:14, 8:4, 8:9, 8:17, 8:21, 8:23, 9:8, 9:9, 11:7, 11:8, 11:9, 11:15, 11:16, 11:23, 12:4, 12:7, 12:8, 12:9, 12:11, 12:25, 13:4, 13:7, 13:13, 13:16, 13:20, 13:21, 14:5, 14:10, 14:11, 14:12, 14:14, 14:15, 14:17, 14:21, 14:25, 15:5, 15:9, 15:16, 15:18, 15:25, 16:2, 16:5, 16:8, 16:10, 16:12, 16:14, 16:15, 16:18, 17:20, 17:22, 17:23, 17:25,</p>	<p>18:4, 18:5, 18:12, 18:16, 18:18, 18:21, 18:22, 19:17, 19:19, 19:21, 19:23, 19:24, 19:25, 20:2, 20:5, 20:8, 20:9, 20:11, 21:7, 21:15, 21:19, 21:22, 21:25, 22:1, 22:18, 25:14, 25:22, 25:23, 26:6, 26:8, 26:11, 26:13, 26:19, 27:23, 28:11, 28:14, 28:22, 29:1, 29:7, 29:11, 29:14, 29:22, 30:4, 30:16, 30:20, 31:3, 31:5, 31:7, 31:11, 31:12, 31:13, 32:2, 32:4, 32:7, 32:8, 32:13, 32:14, 32:19, 33:3, 33:6, 33:7, 33:9, 33:10, 33:14, 33:15, 33:16, 33:19, 33:25, 34:2, 34:8, 34:11, 34:14, 34:18, 34:22, 35:8, 35:12, 36:2, 36:10, 38:5, 38:12, 39:9, 39:15, 41:2, 41:8, 41:12, 41:13, 41:19, 41:24, 42:1, 42:21, 42:24, 43:3, 43:8, 43:12, 44:3, 44:4, 44:5, 44:11, 44:12, 44:21, 44:23, 45:1, 45:2, 45:3, 45:6, 45:7, 45:8, 45:10, 45:17, 45:24, 46:20, 46:21, 46:22, 46:25, 47:1, 47:5, 47:9, 56:15, 56:16, 56:18, 56:21, 57:4, 57:6, 57:9, 57:10, 57:12, 57:14, 57:16, 57:18, 57:20, 57:22, 57:23, 58:1, 58:2, 58:4, 58:8, 58:10, 58:14, 58:16, 59:6, 59:12, 59:19, 59:21, 59:24, 60:1, 60:2, 60:7, 60:10, 60:12, 60:19, 61:7, 61:14, 61:15, 61:19, 61:20, 61:22, 61:24, 62:2, 62:5, 62:8, 62:9, 62:10, 62:18, 63:3, 63:5, 64:6, 64:9, 64:10, 64:11, 64:14, 64:15, 64:18, 64:19, 64:20, 64:22, 64:23, 64:25, 65:2, 65:4, 65:5, 65:8, 65:9, 65:11,</p>	<p>65:12, 65:14, 65:17, 65:19, 65:20, 65:23, 67:9, 67:10, 67:11, 67:13, 67:16, 68:1, 68:9, 68:11, 68:12, 68:13, 68:16, 68:19, 68:20, 68:23, 68:24, 68:25, 69:5, 69:7, 69:8, 69:14, 69:23, 70:3, 70:4, 70:7, 70:9, 70:10, 70:13, 70:14, 70:16, 70:21, 71:3, 71:4, 71:6, 71:8, 71:9, 71:18, 71:19, 72:2, 72:3, 72:5, 72:7, 72:18, 72:19, 72:25, 73:3, 73:6, 73:9, 73:11, 73:18, 73:22, 73:23, 73:25, 74:1, 74:4, 74:8, 74:10, 74:12, 74:17, 74:20, 74:23, 75:4, 75:8, 75:17, 75:20, 75:21, 75:23, 75:24, 76:1, 76:6, 76:9, 76:10, 76:11, 76:15, 76:18, 76:21, 78:15, 78:17, 78:21, 78:23, 79:2, 79:5, 79:6, 79:17, 79:18, 79:21, 79:24, 79:25, 80:1, 80:3, 80:9, 80:19, 80:20, 81:1, 81:3, 81:8, 82:4, 82:11, 82:12, 82:13, 82:17, 82:19, 82:20, 82:23, 82:24, 83:2, 83:4, 83:5, 84:25, 85:8, 85:20, 86:19, 87:15, 87:20, 88:1, 88:5, 88:8, 88:13, 88:20, 88:23, 89:2, 89:6, 90:24, 90:25, 91:6, 91:9, 91:11, 91:12, 91:16, 91:19, 92:2, 92:3, 92:6, 92:15, 92:17, 92:19, 92:24, 93:5, 93:7, 93:12, 93:13, 93:21, 94:4, 94:8, 94:9, 94:19, 94:23, 95:7, 95:14, 95:17, 95:20, 96:5, 96:9, 96:12, 96:14, 96:16, 96:20, 97:3, 97:9, 97:10, 97:11, 97:12, 97:13, 97:15, 98:14, 98:25, 99:2, 99:10, 99:15, 99:20, 100:4, 100:8, 100:11, 100:12, 104:5, 104:6, 104:7,</p>	<p>104:8, 104:12, 106:12, 106:16, 106:18, 106:19, 106:23, 106:24, 107:6, 107:11, 107:12, 107:15, 107:19, 107:20, 108:12, 108:13, 108:15, 108:17, 108:19, 108:20, 109:7, 109:9, 109:10, 109:13, 109:19, 109:20, 110:3, 110:4, 110:13, 110:15, 110:17, 110:20, 111:7, 111:8, 111:16, 111:23, 112:2, 112:3, 112:5, 112:6, 112:25, 113:2, 113:4, 113:10, 113:14, 113:18, 113:25, 114:5, 114:6, 114:14, 114:18, 114:21, 115:13, 115:14, 115:16, 115:22, 115:24, 116:2, 117:13, 117:15, 117:16, 117:18, 117:20, 118:1, 118:4, 118:12, 118:13, 118:16, 119:3, 119:4</p> <p>MS [142] - 6:1, 6:25, 7:5, 7:16, 8:3, 18:8, 18:13, 18:19, 19:15, 20:1, 21:3, 21:14, 21:18, 21:20, 21:23, 22:6, 22:10, 22:11, 22:14, 22:17, 22:21, 25:20, 26:2, 26:7, 26:10, 26:12, 26:16, 26:20, 26:21, 27:1, 27:4, 27:7, 27:19, 27:25, 28:4, 28:8, 28:10, 28:13, 28:18, 28:23, 29:4, 29:9, 29:12, 33:17, 33:21, 34:1, 34:5, 34:15, 34:21, 35:7, 37:18, 38:6, 39:12, 40:12, 41:17, 41:20, 41:23, 41:25, 42:18, 42:23, 43:2, 43:4, 43:9, 44:1, 44:24, 57:24, 60:13, 61:6, 72:9, 74:2, 74:18, 74:22, 74:25, 75:5, 75:15, 76:12, 76:14, 79:22, 80:2, 80:11, 80:23,</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>81:2, 81:6, 81:9, 82:6, 83:6, 83:12, 83:13, 83:16, 84:17, 84:23, 85:6, 85:11, 86:7, 86:8, 86:12, 86:16, 86:18, 87:1, 87:13, 87:18, 87:24, 88:3, 88:7, 88:11, 88:15, 88:21, 88:24, 89:3, 90:23, 91:13, 91:17, 92:22, 94:20, 95:4, 95:12, 95:15, 97:16, 97:17, 97:20, 97:21, 97:23, 99:3, 99:13, 99:25, 100:1, 100:5, 106:7, 106:13, 113:3, 113:5, 114:15, 114:19, 115:19, 115:23, 118:2, 118:8, 118:15, 118:18, 118:22, 119:1, 119:6</p> <p>multiple [1] - 117:22 MUNICIPAL [1] - 1:11 Municipal [1] - 43:19 municipal [1] - 6:9</p>	<p>113:20, 116:19, 117:24</p> <p>needed [4] - 34:3, 63:13, 63:16, 66:24</p> <p>needs [5] - 20:15, 64:4, 77:17, 99:6, 116:21</p> <p>negative [1] - 105:5</p> <p>neighbor [9] - 68:2, 68:17, 68:20, 69:1, 69:4, 82:17, 87:23, 111:21</p> <p>neighbors [8] - 55:22, 66:2, 99:13, 101:10, 105:6, 111:18, 111:19, 111:25</p> <p>never [2] - 35:5</p> <p>new [23] - 11:4, 17:14, 43:1, 54:24, 55:11, 66:18, 71:5, 71:11, 74:6, 74:7, 74:8, 77:4, 77:22, 78:12, 79:4, 79:11, 95:21, 95:23, 96:1, 113:10, 114:9, 114:11, 115:2</p> <p>NEW [2] - 1:3, 1:12</p> <p>New [15] - 1:24, 3:4, 17:17, 20:13, 20:18, 21:4, 21:10, 23:23, 23:24, 24:1, 29:2, 49:4, 53:23, 75:10, 75:14</p> <p>newer [1] - 57:5</p> <p>News [1] - 6:7</p> <p>newspaper [1] - 112:12</p> <p>newspapers [1] - 115:4</p> <p>next [26] - 8:10, 16:21, 20:6, 31:23, 46:19, 48:4, 54:18, 69:11, 80:18, 81:7, 88:7, 90:6, 94:22, 106:4, 106:5, 114:16, 114:17, 115:8, 118:3, 118:6, 118:13, 118:17, 118:19, 118:21, 118:23</p> <p>Next [1] - 22:2</p> <p>Neyda [4] - 9:23, 22:2, 22:14, 22:21</p> <p>NEYDA [2] - 4:6, 22:14</p> <p>nice [2] - 83:20, 102:3</p> <p>night [7] - 80:21, 92:14, 94:25, 96:7, 107:9, 113:4, 115:11</p> <p>nightmare [3] - 101:25, 102:9</p> <p>nights [2] - 19:8,</p>	<p>19:11</p> <p>nine [2] - 18:1, 100:13</p> <p>Nine [1] - 100:11</p> <p>NJDEP [1] - 53:23</p> <p>NO [1] - 1:9</p> <p>noise [4] - 103:4, 104:19, 105:13, 108:5</p> <p>non [2] - 65:1, 65:2</p> <p>non-ADA [1] - 65:2</p> <p>non-EV [1] - 65:1</p> <p>none [1] - 113:8</p> <p>nonprofit [1] - 23:25</p> <p>nonpublic [2] - 23:22, 29:10</p> <p>north [3] - 46:17, 73:14, 73:16</p> <p>northern [1] - 46:22</p> <p>northwest [1] - 91:22</p> <p>NOT [1] - 5:24</p> <p>not-to-scale [1] - 72:20</p> <p>notations [1] - 104:13</p> <p>note [5] - 71:1, 108:9, 108:13, 111:9, 116:12</p> <p>noted [6] - 69:9, 87:16, 107:16, 109:14, 111:16, 111:17</p> <p>notes [3] - 36:3, 41:14, 92:9</p> <p>nothing [12] - 15:14, 22:8, 43:6, 75:2, 82:9, 83:10, 88:25, 91:15, 97:19, 100:3, 101:23, 120:8</p> <p>notice [18] - 6:5, 6:10, 9:6, 46:10, 47:20, 48:5, 48:10, 50:25, 111:18, 111:25, 112:7, 112:8, 112:11, 112:12, 115:3, 115:24, 115:25, 116:12</p> <p>noticed [1] - 55:5</p> <p>notified [1] - 99:14</p> <p>notify [1] - 113:24</p> <p>Number [1] - 40:2</p> <p>number [19] - 8:5, 26:9, 26:24, 27:4, 30:2, 40:2, 42:3, 45:18, 46:2, 52:9, 55:17, 64:3, 64:13, 64:16, 84:18, 84:19, 84:22, 116:25, 117:8</p> <p>numbers [8] - 29:16, 29:17, 32:25, 33:3, 33:5, 65:14, 93:20, 94:6</p>	<p>nurse [1] - 28:12</p> <p>nurses [1] - 28:5</p>	<p>112:21, 114:21</p> <p>one-story [1] - 61:12</p> <p>ones [3] - 95:9, 95:10, 111:14</p> <p>Open [1] - 6:4</p> <p>open [12] - 24:4, 35:10, 48:11, 49:20, 50:2, 51:4, 53:12, 54:1, 69:19, 81:10, 89:18, 117:21</p> <p>opening [5] - 8:23, 12:18, 15:1, 15:19, 16:16</p> <p>operate [1] - 40:18</p> <p>operation [19] - 20:4, 20:7, 24:19, 30:1, 31:9, 33:4, 34:3, 34:9, 35:11, 36:15, 36:19, 38:25, 93:23, 94:3, 94:7, 94:10, 116:25, 117:1, 118:10</p> <p>operational [7] - 37:13, 40:25, 65:6, 85:2, 90:13, 94:5, 106:9</p> <p>operations [5] - 18:9, 22:5, 37:16, 40:20, 97:6</p> <p>opinion [1] - 112:21</p> <p>opportunities [4] - 17:15, 20:13, 20:21, 23:14</p> <p>opportunity [14] - 23:6, 38:16, 39:6, 39:20, 42:25, 55:22, 60:6, 81:16, 86:5, 86:17, 86:24, 88:6, 112:16, 112:23</p> <p>opposed [3] - 30:6, 38:20, 38:23</p> <p>order [5] - 6:16, 9:20, 32:9, 32:10, 51:10</p> <p>ordinance [7] - 63:8, 64:4, 103:11, 105:18, 107:23, 108:4</p> <p>ordinances [5] - 104:23, 108:1, 108:2, 108:5, 108:6</p> <p>organizations [1] - 17:17</p> <p>organs [1] - 105:14</p> <p>original [5] - 30:23, 56:19, 59:16, 84:5, 90:11</p> <p>originally [3] - 29:15, 59:7, 116:8</p> <p>outdated [1] - 54:21</p> <p>outline [11] - 11:5,</p>
N		O		
<p>N-A-G-Y [1] - 89:7</p> <p>N.J.A.C [1] - 54:17</p> <p>NAGY [5] - 88:20, 88:23, 89:2, 89:6, 90:24</p> <p>Nagy [2] - 4:20, 89:6</p> <p>name [17] - 8:19, 15:8, 15:9, 16:18, 22:12, 43:10, 74:23, 75:6, 82:4, 82:12, 83:14, 89:4, 91:18, 91:19, 97:22, 100:6, 100:8</p> <p>NAME [1] - 4:17</p> <p>native [1] - 78:11</p> <p>nature [3] - 36:1, 36:25, 38:22</p> <p>near [3] - 36:14, 77:10, 78:12</p> <p>nearest [1] - 46:12</p> <p>necessary [2] - 78:13, 109:24</p> <p>need [27] - 10:19, 12:2, 23:3, 24:23, 27:8, 28:25, 29:19, 33:22, 37:3, 39:13, 39:25, 40:11, 42:6, 51:20, 56:19, 67:8, 68:8, 71:25, 80:9, 82:6, 96:7, 97:3, 105:24, 108:6,</p>	<p>19:11</p> <p>nine [2] - 18:1, 100:13</p> <p>Nine [1] - 100:11</p> <p>NJDEP [1] - 53:23</p> <p>NO [1] - 1:9</p> <p>noise [4] - 103:4, 104:19, 105:13, 108:5</p> <p>non [2] - 65:1, 65:2</p> <p>non-ADA [1] - 65:2</p> <p>non-EV [1] - 65:1</p> <p>none [1] - 113:8</p> <p>nonprofit [1] - 23:25</p> <p>nonpublic [2] - 23:22, 29:10</p> <p>north [3] - 46:17, 73:14, 73:16</p> <p>northern [1] - 46:22</p> <p>northwest [1] - 91:22</p> <p>NOT [1] - 5:24</p> <p>not-to-scale [1] - 72:20</p> <p>notations [1] - 104:13</p> <p>note [5] - 71:1, 108:9, 108:13, 111:9, 116:12</p> <p>noted [6] - 69:9, 87:16, 107:16, 109:14, 111:16, 111:17</p> <p>notes [3] - 36:3, 41:14, 92:9</p> <p>nothing [12] - 15:14, 22:8, 43:6, 75:2, 82:9, 83:10, 88:25, 91:15, 97:19, 100:3, 101:23, 120:8</p> <p>notice [18] - 6:5, 6:10, 9:6, 46:10, 47:20, 48:5, 48:10, 50:25, 111:18, 111:25, 112:7, 112:8, 112:11, 112:12, 115:3, 115:24, 115:25, 116:12</p> <p>noticed [1] - 55:5</p> <p>notified [1] - 99:14</p> <p>notify [1] - 113:24</p> <p>Number [1] - 40:2</p> <p>number [19] - 8:5, 26:9, 26:24, 27:4, 30:2, 40:2, 42:3, 45:18, 46:2, 52:9, 55:17, 64:3, 64:13, 64:16, 84:18, 84:19, 84:22, 116:25, 117:8</p> <p>numbers [8] - 29:16, 29:17, 32:25, 33:3, 33:5, 65:14, 93:20, 94:6</p>	<p>nurse [1] - 28:12</p> <p>nurses [1] - 28:5</p>	<p>112:21, 114:21</p> <p>one-story [1] - 61:12</p> <p>ones [3] - 95:9, 95:10, 111:14</p> <p>Open [1] - 6:4</p> <p>open [12] - 24:4, 35:10, 48:11, 49:20, 50:2, 51:4, 53:12, 54:1, 69:19, 81:10, 89:18, 117:21</p> <p>opening [5] - 8:23, 12:18, 15:1, 15:19, 16:16</p> <p>operate [1] - 40:18</p> <p>operation [19] - 20:4, 20:7, 24:19, 30:1, 31:9, 33:4, 34:3, 34:9, 35:11, 36:15, 36:19, 38:25, 93:23, 94:3, 94:7, 94:10, 116:25, 117:1, 118:10</p> <p>operational [7] - 37:13, 40:25, 65:6, 85:2, 90:13, 94:5, 106:9</p> <p>operations [5] - 18:9, 22:5, 37:16, 40:20, 97:6</p> <p>opinion [1] - 112:21</p> <p>opportunities [4] - 17:15, 20:13, 20:21, 23:14</p> <p>opportunity [14] - 23:6, 38:16, 39:6, 39:20, 42:25, 55:22, 60:6, 81:16, 86:5, 86:17, 86:24, 88:6, 112:16, 112:23</p> <p>opposed [3] - 30:6, 38:20, 38:23</p> <p>order [5] - 6:16, 9:20, 32:9, 32:10, 51:10</p> <p>ordinance [7] - 63:8, 64:4, 103:11, 105:18, 107:23, 108:4</p> <p>ordinances [5] - 104:23, 108:1, 108:2, 108:5, 108:6</p> <p>organizations [1] - 17:17</p> <p>organs [1] - 105:14</p> <p>original [5] - 30:23, 56:19, 59:16, 84:5, 90:11</p> <p>originally [3] - 29:15, 59:7, 116:8</p> <p>outdated [1] - 54:21</p> <p>outline [11] - 11:5,</p>	

<p>29:23, 30:6, 30:10, 30:12, 31:21, 31:24, 32:15, 76:15, 76:20, 77:3</p> <p>outlines [1] - 33:1</p> <p>outside [4] - 6:18, 24:8, 41:4, 78:3</p> <p>oval [1] - 72:19</p> <p>overall [2] - 38:22, 90:16</p> <p>overflow [1] - 53:20</p> <p>oversight [2] - 29:2, 29:5</p> <p>overview [1] - 22:4</p> <p>own [3] - 25:5, 25:11, 26:17</p> <p>owned [2] - 46:18, 49:6</p> <p>owner [1] - 49:3</p> <p>owners [2] - 16:13, 112:1</p> <p>owns [2] - 46:23, 67:23</p>	<p>22:1, 30:16, 31:3, 32:2, 32:7, 32:13, 32:19, 33:6, 33:9, 33:14, 33:16, 34:8, 34:14, 36:2, 39:15, 41:8, 41:13, 41:19, 42:1, 42:21, 43:3, 45:2, 59:12, 59:21, 60:7, 61:7, 62:9, 68:23, 69:8, 74:12, 74:20, 78:15, 78:21, 79:25, 80:3, 81:1, 81:3, 81:8, 93:5, 97:10, 113:14, 113:18, 114:5, 114:14, 115:13, 116:2, 117:15, 117:18, 118:1, 118:4, 118:12</p> <p>PAPI [3] - 2:5, 7:16, 8:3</p> <p>Papi [3] - 7:15, 8:1, 8:5</p> <p>paramount [1] - 38:10</p> <p>parcel [1] - 51:10</p> <p>Pardon [2] - 47:2, 57:2</p> <p>parent [1] - 24:25</p> <p>parental [1] - 23:17</p> <p>parents [5] - 21:12, 24:23, 28:20, 28:25</p> <p>Parents [1] - 25:4</p> <p>park [2] - 67:5, 101:22</p> <p>parking [41] - 9:18, 30:2, 30:18, 31:1, 33:13, 47:13, 48:5, 48:6, 48:20, 49:17, 50:6, 52:4, 52:5, 52:7, 53:17, 55:6, 55:10, 56:3, 63:7, 63:10, 63:20, 64:1, 64:12, 64:16, 65:22, 66:7, 66:10, 66:20, 71:11, 73:4, 73:13, 73:16, 73:20, 77:12, 91:25, 96:22, 96:25, 98:4, 98:21, 105:22, 117:9</p> <p>parks [1] - 100:16</p> <p>part [25] - 13:25, 14:2, 36:12, 42:12, 42:16, 43:15, 46:23, 48:8, 48:12, 48:16, 50:19, 51:15, 54:22, 56:18, 59:8, 59:16, 69:2, 86:21, 102:24, 103:5, 103:6, 106:1, 107:24, 111:2</p> <p>part-time [1] - 43:15</p> <p>partially [2] - 42:7, 50:2</p>	<p>particular [1] - 54:10</p> <p>parties [1] - 120:16</p> <p>partook [1] - 89:12</p> <p>party [1] - 37:11</p> <p>pass [1] - 45:4</p> <p>passed [1] - 45:25</p> <p>passenger [1] - 73:7</p> <p>Pastor [2] - 4:4, 15:1</p> <p>pastor [3] - 9:22, 16:3, 16:19</p> <p>pattern [2] - 73:11, 105:3</p> <p>Paul [3] - 4:23, 100:9, 100:12</p> <p>pavement [3] - 53:18, 54:5, 54:7</p> <p>Pavement [1] - 54:4</p> <p>pavilion [4] - 48:11, 49:20, 66:12</p> <p>pending [2] - 76:5, 78:16</p> <p>People [1] - 35:25</p> <p>people [13] - 51:3, 79:15, 93:25, 94:18, 101:12, 101:14, 101:15, 101:18, 102:13, 103:2, 104:3, 105:25</p> <p>Pepe [2] - 7:8, 39:8</p> <p>PEPE [29] - 2:6, 7:9, 22:18, 25:14, 25:22, 26:13, 26:19, 27:23, 28:14, 28:22, 29:1, 29:7, 29:11, 35:12, 39:9, 64:22, 65:12, 76:9, 79:24, 90:25, 91:9, 91:12, 94:19, 95:20, 96:14, 97:9, 97:11, 97:15, 119:4</p> <p>Pepe's [1] - 40:7</p> <p>per [10] - 24:9, 27:13, 28:1, 32:9, 63:10, 63:11, 68:25, 77:13</p> <p>percent [13] - 50:1, 50:5, 50:8, 56:7, 56:8, 56:9, 56:11, 66:21, 92:14, 93:11, 94:14</p> <p>percolate [3] - 53:19, 54:2, 54:8</p> <p>percolation [1] - 54:5</p> <p>perfect [1] - 99:3</p> <p>perform [1] - 77:5</p> <p>performed [1] - 78:2</p> <p>perhaps [8] - 11:17, 12:9, 15:2, 38:24, 40:8, 94:4, 110:16</p> <p>Perhaps [3] - 32:22, 80:7, 97:7</p> <p>permeability [1] - 77:7</p>	<p>permit [1] - 55:1</p> <p>permits [1] - 98:11</p> <p>permitted [6] - 9:16, 10:17, 51:7, 56:12, 99:15, 99:16</p> <p>perpendicular [1] - 66:7</p> <p>person [4] - 12:24, 18:10, 37:15, 74:13</p> <p>personal [1] - 11:13</p> <p>personally [1] - 17:2</p> <p>personnel [1] - 28:5</p> <p>persons [1] - 24:17</p> <p>perspective [3] - 35:23, 102:17, 107:13</p> <p>pertains [1] - 74:5</p> <p>Phillips [1] - 2:16</p> <p>photo [10] - 45:11, 46:14, 47:6, 47:10, 47:16, 47:24, 47:25, 48:14, 48:16, 48:19</p> <p>photographs [2] - 45:5, 45:12</p> <p>photos [3] - 5:4, 45:15, 47:7</p> <p>pick [2] - 72:24, 81:6</p> <p>picture [1] - 98:7</p> <p>pictures [1] - 55:5</p> <p>pipe [1] - 54:9</p> <p>piped [1] - 50:11</p> <p>piping [1] - 77:25</p> <p>Place [1] - 104:2</p> <p>place [10] - 78:7, 78:8, 78:9, 78:10, 79:7, 92:16, 101:16, 107:23, 116:14, 120:12</p> <p>placed [1] - 55:14</p> <p>placement [2] - 51:22, 53:11</p> <p>placing [1] - 113:21</p> <p>plan [22] - 10:3, 24:9, 24:15, 24:17, 27:25, 30:23, 32:21, 36:5, 38:11, 55:6, 56:3, 58:2, 60:10, 60:16, 69:25, 71:22, 72:6, 78:15, 80:21, 96:13, 101:20, 117:14</p> <p>planned [1] - 98:5</p> <p>planner [4] - 38:15, 43:18, 44:9, 91:11</p> <p>planner's [1] - 99:21</p> <p>Planning [2] - 43:21, 43:25</p> <p>planning [6] - 10:14, 25:20, 27:16, 38:19, 44:16, 105:17</p> <p>PLANNING [2] - 2:16,</p>	<p>2:17</p> <p>Plans [2] - 5:6, 45:22</p> <p>plans [10] - 13:11, 13:18, 26:4, 27:18, 38:8, 45:18, 50:25, 95:22, 104:4, 105:19</p> <p>platform /stage [1] - 51:2</p> <p>play [2] - 24:8, 53:4</p> <p>playground [2] - 53:2, 53:6</p> <p>playing [1] - 34:23</p> <p>Pledge [2] - 6:21, 6:23</p> <p>plus [3] - 63:10, 63:11, 77:7</p> <p>podium [1] - 82:3</p> <p>point [14] - 11:21, 17:7, 25:24, 25:25, 30:21, 35:16, 41:2, 73:6, 90:4, 90:9, 97:4, 108:23, 109:1, 109:4</p> <p>Point [1] - 4:8</p> <p>pointed [1] - 49:19</p> <p>pointing [1] - 52:23</p> <p>points [11] - 10:10, 11:14, 39:15, 39:24, 40:9, 40:10, 41:15, 66:23, 106:20, 107:16, 110:7</p> <p>policeman [1] - 96:23</p> <p>pollution [8] - 100:23, 103:4, 103:5, 104:19, 104:20, 104:21, 105:16</p> <p>Ponds [2] - 46:12, 83:18</p> <p>pool [6] - 48:22, 49:12, 49:14, 49:16, 98:16, 98:17</p> <p>portion [10] - 18:15, 49:22, 61:11, 67:23, 80:10, 80:25, 89:16, 97:1, 112:4, 113:8</p> <p>positive [1] - 23:16</p> <p>possibility [4] - 24:24, 26:3, 26:4, 113:13</p> <p>possible [6] - 12:17, 31:10, 110:12, 110:18, 111:14</p> <p>possibly [1] - 33:4</p> <p>post [2] - 36:18, 115:15</p> <p>posted [1] - 6:8</p> <p>potential [2] - 36:17, 40:5</p> <p>potentially [1] - 36:21</p> <p>power [5] - 92:13, 93:9, 93:11, 93:25, 94:24</p>
P				
<p>P.C [1] - 2:13</p> <p>P.E [4] - 2:14, 3:16, 4:7, 4:9</p> <p>P.m [1] - 19:24</p> <p>p.m [7] - 6:13, 6:15, 7:24, 93:10, 94:14, 118:14, 119:10</p> <p>P.M [2] - 1:14</p> <p>P.P [3] - 2:16, 2:17, 4:7</p> <p>package [1] - 14:2</p> <p>packages [1] - 96:2</p> <p>Page [2] - 45:10, 58:4</p> <p>PAGE [3] - 4:3, 4:17, 5:3</p> <p>page [5] - 32:24, 46:19, 47:6, 47:24, 48:4</p> <p>pages [5] - 45:5, 45:8, 45:11, 47:6, 47:7</p> <p>pan [1] - 53:4</p> <p>panicked [1] - 79:16</p> <p>Pape [8] - 8:19, 8:20, 36:10, 44:6, 60:8, 68:24, 86:21, 113:12</p> <p>PAPE [78] - 3:2, 3:3, 8:17, 8:23, 9:9, 11:8, 11:15, 11:23, 12:7, 12:9, 12:25, 13:7, 13:13, 13:16, 13:20, 14:5, 14:11, 14:14, 14:17, 14:21, 14:25, 15:18, 16:15, 18:5, 18:16, 18:21, 20:5,</p>				

<p>pre ^[10] - 24:7, 24:12, 25:18, 28:2, 36:17, 36:23, 37:6, 84:10, 85:4, 90:1</p> <p>pre-care ^[1] - 37:6</p> <p>pre-K ^[5] - 24:7, 24:12, 25:18, 28:2, 84:10</p> <p>pre-school ^[1] - 90:1</p> <p>predates ^[1] - 90:12</p> <p>prefer ^[2] - 71:5, 96:18</p> <p>preference ^[1] - 96:17</p> <p>Preiss ^[1] - 2:16</p> <p>prep ^[3] - 25:9, 60:16, 60:18</p> <p>prepare ^[1] - 61:4</p> <p>prepared ^[6] - 12:5, 12:24, 56:22, 59:23, 62:24, 63:4</p> <p>preschool ^[1] - 36:17</p> <p>presence ^[1] - 10:21</p> <p>Present ^[1] - 7:14</p> <p>present ^[21] - 11:18, 12:14, 12:20, 12:22, 13:22, 14:3, 16:4, 32:21, 36:4, 39:17, 39:18, 42:7, 48:24, 59:14, 59:22, 61:13, 85:2, 86:22, 87:23, 88:1, 113:20</p> <p>PRESENT ^[3] - 2:1, 2:12, 3:15</p> <p>presentation ^[8] - 9:21, 13:1, 25:13, 38:15, 41:16, 59:18, 76:20, 80:5</p> <p>presented ^[6] - 20:21, 30:5, 35:9, 38:4, 85:10, 85:21</p> <p>presenting ^[5] - 11:24, 12:5, 12:13, 12:18, 31:4</p> <p>presently ^[1] - 54:20</p> <p>Preservation ^[1] - 91:5</p> <p>preservation ^[5] - 46:7, 89:15, 89:20, 90:17, 91:2</p> <p>President ^[5] - 3:17, 9:24, 10:22, 22:3, 22:23</p> <p>pretty ^[2] - 62:24, 76:18</p> <p>previous ^[1] - 71:12</p> <p>previously ^[4] - 9:12, 13:8, 71:10, 77:1</p> <p>Previously ^[1] - 48:21</p> <p>prices ^[1] - 105:10</p> <p>primarily ^[1] - 50:10</p> <p>primary ^[1] - 90:20</p> <p>principal ^[1] - 23:4</p>	<p>private ^[4] - 23:1, 29:4, 57:12, 57:15</p> <p>privately ^[1] - 55:4</p> <p>procedurally ^[1] - 9:1</p> <p>proceed ^[2] - 14:6, 80:7</p> <p>proceeding ^[1] - 12:1</p> <p>PROCEEDINGS ^[1] - 1:16</p> <p>process ^[1] - 111:18</p> <p>product ^[1] - 12:19</p> <p>Professional ^[1] - 10:2</p> <p>professional ^[8] - 11:3, 30:17, 43:17, 69:17, 75:10, 75:12, 93:18, 117:23</p> <p>PROFESSIONALS ^[1] - 2:12</p> <p>professionals ^[4] - 13:1, 14:6, 39:21, 80:12</p> <p>Professionals ^[1] - 8:18</p> <p>Program ^[1] - 43:19</p> <p>program ^[5] - 24:24, 43:16, 90:2, 101:14, 101:18</p> <p>programs ^[2] - 20:24, 21:1</p> <p>progress ^[1] - 6:14</p> <p>project ^[5] - 51:15, 51:24, 52:13, 102:17, 102:18</p> <p>promptly ^[2] - 59:10, 113:24</p> <p>promulgated ^[1] - 54:17</p> <p>proof ^[1] - 112:7</p> <p>properly ^[2] - 30:9, 42:5</p> <p>property ^[63] - 5:4, 9:11, 9:12, 16:11, 16:13, 28:12, 38:9, 45:11, 45:14, 46:1, 46:11, 46:15, 48:8, 48:12, 48:17, 48:22, 48:24, 49:8, 49:17, 49:21, 49:24, 50:9, 50:17, 51:13, 51:18, 52:3, 52:8, 52:18, 53:13, 56:5, 63:8, 64:2, 66:3, 66:7, 67:17, 67:19, 67:21, 68:3, 68:4, 69:3, 73:12, 75:19, 76:25, 82:15, 82:22, 82:23, 87:7, 87:12, 89:9, 91:21, 94:18, 94:24, 94:25, 95:6, 95:23,</p>	<p>97:25, 98:9, 105:7, 109:1, 111:22, 112:1, 112:4</p> <p>proposal ^[1] - 92:25</p> <p>propose ^[5] - 34:25, 55:11, 65:25, 90:19, 117:6</p> <p>proposed ^[24] - 8:12, 9:24, 11:4, 12:1, 30:22, 34:12, 34:14, 35:11, 36:14, 38:22, 50:17, 53:1, 53:11, 56:2, 66:4, 67:14, 69:2, 71:23, 74:5, 92:16, 92:17, 95:9, 95:18, 116:14</p> <p>proposing ^[4] - 54:23, 74:6, 77:10, 77:16</p> <p>provide ^[16] - 10:5, 11:25, 15:19, 16:16, 21:8, 22:4, 34:8, 42:12, 42:16, 58:24, 63:9, 66:17, 72:5, 72:18, 117:10, 117:18</p> <p>provided ^[6] - 13:8, 36:14, 45:19, 85:25, 112:8, 116:13</p> <p>provides ^[2] - 20:10, 89:17</p> <p>providing ^[6] - 52:1, 60:21, 63:17, 69:11, 77:13, 107:21</p> <p>provisions ^[1] - 52:16</p> <p>public ^[24] - 22:25, 23:4, 24:20, 28:20, 34:7, 42:25, 51:15, 54:19, 80:7, 80:10, 80:24, 81:10, 81:12, 81:17, 82:2, 83:7, 100:22, 110:22, 112:14, 113:6, 113:8, 114:16, 114:20, 114:22</p> <p>PUBLIC ^[2] - 1:18, 4:16</p> <p>Public ^[1] - 6:4</p> <p>published ^[2] - 112:12, 112:13</p> <p>pull ^[1] - 22:18</p> <p>pulling ^[1] - 83:24</p> <p>pump ^[1] - 77:15</p> <p>pumping ^[1] - 78:9</p> <p>pumps ^[1] - 77:14</p> <p>purchased ^[5] - 9:10, 16:11, 49:4, 89:8, 89:10</p> <p>purpose ^[7] - 37:21, 38:9, 99:19, 111:15, 112:18, 112:24,</p>	<p>114:15</p> <p>purposes ^[1] - 113:21</p> <p>put ^[9] - 54:9, 59:4, 83:21, 85:19, 92:16, 103:12, 110:23, 114:8, 115:3</p> <p>putting ^[3] - 67:20, 77:22, 103:15</p> <p>Putting ^[1] - 111:11</p>	<p>Q</p> <p>questions ^[33] - 11:1, 11:6, 12:2, 12:15, 12:23, 13:2, 14:7, 17:19, 18:6, 21:24, 36:3, 40:21, 40:25, 42:5, 42:9, 65:16, 67:15, 69:8, 69:12, 74:3, 74:14, 74:16, 78:21, 79:23, 81:11, 81:14, 81:19, 85:1, 98:1, 116:23, 117:5, 118:9</p> <p>QUESTIONS / COMMENTS ^[1] - 4:16</p> <p>queue ^[1] - 73:14</p> <p>quick ^[3] - 47:3, 57:7, 67:16</p> <p>Quickly ^[1] - 9:20</p> <p>quite ^[3] - 54:21, 77:6, 100:23</p>	<p>38:6, 39:12, 40:12, 41:17, 41:20, 41:23, 41:25, 42:18, 42:23, 43:2, 43:4, 43:9, 44:1, 44:24, 57:24, 60:13, 61:6, 72:9, 74:2, 74:18, 74:22, 74:25, 75:5, 75:15, 76:12, 76:14, 79:22, 80:2, 80:11, 80:23, 81:2, 81:6, 81:9, 82:6, 83:6, 83:13, 84:17, 86:8, 86:16, 87:13, 88:21, 88:24, 89:3, 90:23, 91:13, 91:17, 92:22, 94:20, 95:4, 95:12, 95:15, 97:17, 97:21, 100:1, 100:5, 106:7, 106:13, 113:3, 113:5, 114:15, 114:19, 115:19, 115:23, 118:2, 118:8, 118:15, 118:18, 118:22, 119:1, 119:6</p> <p>Rampolla ^[1] - 7:18</p> <p>ramps ^[1] - 66:18</p> <p>ran ^[1] - 63:12</p> <p>rapid ^[1] - 77:7</p> <p>Raritan ^[1] - 49:7</p> <p>read ^[2] - 37:20, 87:2</p> <p>ready ^[4] - 65:7, 67:14, 79:7, 79:11</p> <p>Real ^[1] - 67:16</p> <p>real ^[2] - 47:3, 96:21</p> <p>realize ^[1] - 31:8</p> <p>really ^[18] - 29:19, 30:11, 31:2, 38:4, 38:7, 49:24, 53:25, 60:22, 64:4, 81:25, 88:17, 90:18, 100:22, 101:18, 102:3, 102:10, 103:7, 105:24</p> <p>Realtime ^[1] - 120:5</p> <p>realtime ^[1] - 38:14</p> <p>rear ^[4] - 49:11, 50:10, 52:8, 76:22</p> <p>reason ^[6] - 10:19, 48:16, 62:18, 94:11, 96:21, 103:7</p> <p>reasons ^[1] - 99:16</p> <p>receive ^[1] - 70:4</p> <p>received ^[6] - 13:10, 20:17, 30:24, 38:19, 75:11, 80:21</p> <p>receives ^[1] - 24:3</p> <p>recent ^[2] - 42:14, 49:2</p>
			<p>R</p> <p>R-I-V-E-R-A ^[1] - 15:10</p> <p>rack ^[1] - 66:17</p> <p>radius ^[1] - 72:14</p> <p>rains ^[2] - 50:9, 54:1</p> <p>rainwater ^[1] - 54:2</p> <p>raise ^[9] - 15:12, 22:7, 43:5, 83:9, 86:1, 88:21, 91:13, 97:17, 100:1</p> <p>Raise ^[2] - 74:25, 82:8</p> <p>raised ^[5] - 42:5, 42:9, 69:22, 85:1, 86:20</p> <p>RAMPOLLA ^[105] - 2:2, 6:1, 6:25, 7:19, 8:1, 8:7, 8:10, 14:18, 14:22, 15:6, 15:11, 15:17, 15:22, 16:7, 18:8, 18:13, 18:19, 19:15, 20:1, 21:20, 21:23, 22:6, 22:11, 22:17, 26:21, 27:4, 27:19, 28:4, 28:10, 29:12, 33:17, 33:21, 34:1, 34:5, 37:18,</p>		

<p>recently [2] - 54:15, 69:16</p> <p>recess [9] - 32:23, 36:7, 39:10, 39:13, 40:8, 41:15, 41:18, 42:2</p> <p>recognize [1] - 75:16</p> <p>recognized [1] - 84:4</p> <p>reconstruction [1] - 52:4</p> <p>record [9] - 8:4, 41:23, 56:19, 59:8, 87:17, 95:16, 111:11, 113:22, 115:7</p> <p>recording [1] - 8:8</p> <p>recreation [2] - 47:22, 48:13</p> <p>rectangle [1] - 50:23</p> <p>Recused [1] - 2:5</p> <p>recusing [1] - 8:5</p> <p>recycling [2] - 55:3, 57:10</p> <p>red [2] - 46:11, 50:23</p> <p>reduce [1] - 51:18</p> <p>refer [5] - 13:7, 59:8, 60:2, 60:3, 98:7</p> <p>reference [3] - 56:13, 56:16, 69:25</p> <p>refers [1] - 29:24</p> <p>reflect [2] - 29:20, 93:23</p> <p>reflected [1] - 65:21</p> <p>refusal [1] - 110:21</p> <p>regard [1] - 11:9</p> <p>regarding [4] - 36:22, 70:19, 87:16, 91:25</p> <p>regards [1] - 55:3</p> <p>region [1] - 92:10</p> <p>regional [1] - 49:5</p> <p>Registered [1] - 120:4</p> <p>registration [2] - 24:1, 24:2</p> <p>regular [3] - 64:16, 86:14, 89:25</p> <p>REGULAR [1] - 1:6</p> <p>related [6] - 34:3, 37:12, 70:1, 98:1, 98:3, 98:12</p> <p>relates [1] - 30:19</p> <p>relative [2] - 120:15, 120:17</p> <p>released [1] - 33:20</p> <p>relevant [1] - 106:20</p> <p>relief [2] - 10:15, 10:20</p> <p>religious [1] - 23:22</p> <p>relocated [1] - 43:22</p> <p>rely [1] - 59:9</p> <p>remain [4] - 52:19, 66:12, 75:13, 78:7</p>	<p>removal [4] - 57:11, 57:14, 107:22, 108:3</p> <p>remove [2] - 12:10, 70:17</p> <p>removed [10] - 48:22, 49:12, 49:16, 52:7, 66:14, 78:8, 78:14, 98:6, 98:10, 117:8</p> <p>removing [1] - 30:25</p> <p>rendering [7] - 5:7, 13:24, 50:16, 62:6, 62:11, 62:14, 62:23</p> <p>renderings [1] - 13:18</p> <p>renote [1] - 9:7</p> <p>renovation [3] - 8:13, 9:18, 37:21</p> <p>repeating [1] - 27:20</p> <p>replace [1] - 74:9</p> <p>report [19] - 24:4, 29:15, 29:19, 30:3, 30:7, 30:8, 30:12, 70:2, 70:5, 70:17, 71:5, 71:7, 71:14, 71:16, 84:5, 85:12, 86:13, 87:2, 87:14</p> <p>REPORTED [1] - 2:22</p> <p>Reporter [3] - 120:4, 120:5</p> <p>REPORTER [1] - 5:24</p> <p>Reporters [1] - 1:23</p> <p>REPORTING [1] - 1:22</p> <p>reports [2] - 33:1, 80:15</p> <p>represent [1] - 88:15</p> <p>representing [1] - 8:16</p> <p>represents [1] - 8:25</p> <p>repurpose [1] - 9:14</p> <p>request [10] - 32:23, 36:6, 93:1, 93:5, 109:11, 109:12, 113:18, 113:22, 114:2</p> <p>requesting [1] - 97:1</p> <p>requests [1] - 92:20</p> <p>require [3] - 10:15, 53:24, 92:8</p> <p>required [2] - 28:13, 108:6</p> <p>requirement [9] - 9:6, 23:22, 30:19, 51:10, 51:25, 64:12, 92:20, 95:2, 111:24</p> <p>requirements [4] - 70:25, 91:7, 91:8, 109:22</p> <p>Requirements [1] - 108:7</p> <p>requires [2] - 54:22, 94:17</p>	<p>Reserve [1] - 46:24</p> <p>reserves [3] - 6:15, 44:17, 117:23</p> <p>reserving [1] - 69:18</p> <p>reside [2] - 89:7, 97:24</p> <p>residence [1] - 48:7</p> <p>residences [1] - 46:16</p> <p>resident [2] - 17:2, 100:13</p> <p>residential [1] - 79:14</p> <p>residents [1] - 17:4</p> <p>residue [2] - 77:24, 78:10</p> <p>responding [1] - 116:23</p> <p>responsible [1] - 11:3</p> <p>rest [2] - 50:1, 89:17</p> <p>restrict [1] - 111:3</p> <p>restrictions [1] - 91:3</p> <p>resubmitted [1] - 71:17</p> <p>result [1] - 71:9</p> <p>RETAINED [1] - 5:24</p> <p>return [7] - 41:16, 42:6, 42:8, 69:10, 80:6, 106:24, 116:22</p> <p>review [6] - 42:14, 69:20, 76:5, 80:21, 99:21, 117:25</p> <p>reviewed [4] - 78:20, 91:9, 112:8, 112:11</p> <p>reviewing [2] - 61:25, 109:5</p> <p>reviews [1] - 108:9</p> <p>revised [6] - 13:11, 56:23, 58:6, 70:4, 70:8, 70:17</p> <p>revising [2] - 29:20, 71:2</p> <p>revision [2] - 57:3, 71:4</p> <p>revisions [3] - 69:24, 116:9, 116:10</p> <p>rezoning [1] - 89:12</p> <p>ride [1] - 72:12</p> <p>rights [1] - 69:18</p> <p>Rivera [11] - 9:23, 15:2, 15:10, 15:18, 15:20, 16:16, 16:17, 16:18, 18:6, 95:13</p> <p>RIVERA [25] - 4:4, 15:5, 15:9, 15:16, 15:25, 16:5, 16:10, 16:14, 16:18, 17:22, 17:25, 18:12, 18:18, 18:22, 19:17, 19:21, 19:24, 20:11, 21:7, 21:15, 21:19, 21:22, 21:25, 95:7, 95:14</p>	<p>RMR [2] - 2:23, 120:22</p> <p>Road [2] - 46:12, 83:18</p> <p>road [8] - 31:15, 50:14, 83:21, 101:24, 102:1, 102:3, 102:5, 102:11</p> <p>role [1] - 7:1</p> <p>room [5] - 53:5, 60:16, 60:18, 108:16, 119:2</p> <p>ROOM [1] - 1:11</p> <p>roughly [1] - 94:21</p> <p>Roughly [1] - 90:2</p> <p>row [1] - 66:8</p> <p>RP [4] - 1:8, 8:15, 46:6, 51:8</p> <p>rule [1] - 111:1</p> <p>rules [1] - 53:23</p> <p>run [1] - 66:8</p> <p>running [3] - 25:8, 37:16, 94:12</p> <p>runoff [3] - 53:10, 53:17, 54:3</p> <p>Rural [2] - 91:2, 91:5</p> <p>rural [9] - 46:6, 83:21, 89:14, 89:20, 90:17, 103:5, 103:8, 106:1</p> <p>Rutgers [1] - 43:16</p>	<p>scheduled [1] - 113:16</p> <p>schematically [1] - 53:3</p> <p>school [89] - 9:15, 9:24, 20:3, 20:5, 20:7, 20:14, 21:16, 22:3, 22:5, 22:15, 23:5, 23:22, 24:3, 24:4, 24:14, 24:18, 24:20, 24:22, 25:6, 26:9, 28:4, 28:7, 28:8, 28:11, 28:14, 28:15, 28:19, 28:20, 28:24, 29:4, 29:8, 29:24, 31:8, 33:7, 34:7, 34:9, 34:13, 34:16, 34:24, 35:10, 36:13, 36:15, 36:18, 37:12, 37:16, 37:20, 37:22, 37:24, 38:20, 38:21, 38:25, 39:17, 39:18, 40:4, 40:13, 40:15, 40:18, 40:22, 40:23, 41:4, 50:19, 51:7, 51:11, 63:24, 64:11, 71:25, 84:6, 84:8, 85:4, 85:5, 85:14, 85:15, 86:14, 86:15, 89:25, 90:1, 90:10, 100:14, 107:7, 116:6, 116:11, 116:15, 116:16, 117:1, 117:16</p> <p>School [5] - 9:25, 22:24, 23:7, 23:20, 43:16</p> <p>schools [7] - 10:16, 22:25, 23:1, 23:3, 29:10, 72:16</p> <p>Science [1] - 43:13</p> <p>SCOTT [1] - 91:20</p> <p>Scott [2] - 4:21, 91:19</p> <p>Scout [2] - 9:13, 99:22</p> <p>Scouts [2] - 49:3, 87:5</p> <p>screen [3] - 46:9, 59:14, 66:10</p> <p>scroll [1] - 76:22</p> <p>se [1] - 32:9</p> <p>search [1] - 97:5</p> <p>seat [1] - 15:3</p> <p>seating [1] - 51:3</p> <p>seats [2] - 63:10, 63:14</p> <p>second [10] - 11:19, 24:7, 25:18, 44:23, 57:1, 62:20, 62:21, 62:22, 84:10, 119:4</p> <p>Second [2] - 76:10,</p>
S				
<p>S-C-A-R-L-O-T-T-A [1] - 82:14</p> <p>safe [2] - 94:17, 102:11</p> <p>safety [6] - 93:22, 94:7, 94:10, 94:15, 96:16, 99:16</p> <p>salient [1] - 109:4</p> <p>sanctuary [14] - 5:7, 48:17, 50:21, 51:1, 58:25, 59:3, 61:10, 62:7, 62:12, 62:15, 63:10, 63:14, 69:1, 89:17</p> <p>sand [1] - 54:11</p> <p>satisfied [2] - 86:1, 110:16</p> <p>saturated [1] - 54:3</p> <p>Saturday [1] - 19:12</p> <p>scale [2] - 70:11, 72:20</p> <p>Scarlotta [2] - 4:18, 82:5</p> <p>SCARLOTTA [7] - 82:4, 82:11, 82:13, 82:19, 82:23, 83:2, 83:5</p> <p>schedule [2] - 117:6, 117:7</p>				

76:11	several [2] - 17:17, 20:16	50:4, 51:1, 73:25, 96:10, 107:6, 107:14, 111:21	sounding [1] - 37:22	54:17
secondly [1] - 99:4	sewer [1] - 54:19	single-family [2] - 46:6, 46:16	sounds [2] - 33:23, 114:16	standing [4] - 47:13, 47:16, 47:19, 48:1
SECRETARY [26] - 7:2, 7:4, 7:6, 7:8, 7:10, 7:13, 7:15, 7:17, 13:10, 13:14, 13:17, 47:2, 57:2, 57:17, 57:19, 58:5, 58:9, 58:11, 58:15, 60:8, 61:25, 62:3, 113:11, 113:15, 118:20, 118:25	shade [1] - 56:4	single-story [3] - 48:11, 50:4, 51:1	Southern [1] - 49:4	standpoint [1] - 115:18
security [3] - 28:5, 96:15, 97:2	shallow [1] - 53:14	sit [2] - 8:21, 8:24	space [9] - 33:13, 51:1, 51:3, 51:5, 52:11, 61:12, 63:19, 64:21, 64:24	stands [1] - 17:1
see [26] - 14:20, 25:23, 25:25, 29:21, 31:1, 37:14, 46:14, 47:12, 47:14, 52:23, 58:10, 59:20, 60:11, 62:20, 77:8, 84:9, 84:14, 96:24, 103:19, 103:22, 103:25, 104:4, 107:13, 108:15, 108:16, 110:15	shaped [3] - 66:25, 73:2, 73:3	site [19] - 10:3, 30:19, 32:21, 36:5, 38:7, 38:11, 41:5, 45:12, 46:14, 47:7, 47:10, 54:7, 66:12, 71:21, 72:1, 73:5, 78:2, 78:12, 98:8	spaces [16] - 30:22, 52:9, 52:17, 63:13, 63:16, 63:23, 64:17, 64:21, 64:23, 65:1, 65:2, 65:6, 98:21	start [11] - 14:23, 25:3, 27:1, 27:2, 27:14, 36:17, 41:1, 45:25, 75:5, 102:14
Seeing [1] - 113:8	share [1] - 17:18	Site [2] - 5:5, 45:21	started [2] - 26:23, 41:23	starters [1] - 116:5
seek [1] - 16:24	Sheet [2] - 5:5, 45:21	sites [1] - 49:11	starting [2] - 27:10, 27:15	STATE [1] - 1:3
semantics [1] - 34:24	sheet [3] - 45:18, 55:17, 56:24	sitting [1] - 55:9	specific [5] - 31:9, 34:6, 63:8, 86:9, 91:24	State [4] - 3:3, 23:23, 29:2, 75:14
send [2] - 54:9, 111:25	shining [1] - 66:11	situation [1] - 91:4	specifically [10] - 21:4, 29:24, 42:13, 56:24, 69:20, 80:16, 81:14, 81:23, 107:24	state [12] - 15:7, 22:12, 23:3, 24:5, 43:9, 59:7, 77:20, 83:14, 89:4, 91:17, 97:21, 100:6
sending [1] - 112:7	Shirley [1] - 10:22	situations [1] - 79:14	specify [1] - 13:15	statement [12] - 8:24, 9:22, 9:23, 12:18, 15:1, 15:19, 16:16, 22:2, 22:4, 70:22, 71:1, 88:2
senior [1] - 16:19	SHIRLEY [1] - 3:17	six [8] - 18:1, 24:6, 26:5, 26:6, 52:16, 63:15, 77:7	speculative [1] - 108:24	statements [4] - 44:7, 61:16, 70:18, 116:4
sense [2] - 51:20, 94:2	ShopRite [2] - 106:5, 106:6	sixth [1] - 84:12	speeders [3] - 84:1, 84:2, 102:4	states [1] - 71:15
sent [6] - 6:7, 61:23, 62:2, 62:3, 85:12, 111:17	short [3] - 32:23, 36:7, 41:15	skeletal [2] - 37:9, 37:19	spell [7] - 22:12, 43:9, 83:14, 89:4, 91:17, 97:21, 100:6	statewide [1] - 104:23
separately [1] - 40:18	shorter [1] - 28:16	sky [1] - 92:8	Spell [1] - 82:12	stating [4] - 6:6, 69:24, 75:6, 90:5
September [1] - 23:25	shortly [1] - 114:23	slide [1] - 101:21	spelling [1] - 75:6	status [1] - 116:11
septic [15] - 11:4, 54:20, 54:24, 60:23, 74:6, 74:12, 75:19, 75:25, 76:2, 76:8, 76:24, 77:10, 77:13, 77:20, 78:6	show [5] - 61:11, 62:19, 71:24, 76:22, 103:14	slightly [1] - 82:21	spend [1] - 100:15	stay [2] - 96:8, 102:23
series [2] - 77:2, 77:12	shows [2] - 59:3, 95:22	sloped [1] - 53:14	spending [1] - 100:25	STENOGRAPHICAL
serve [6] - 16:19, 16:25, 17:13, 17:16, 21:9, 40:14	shrubs [3] - 56:5, 66:9, 66:10	small [4] - 49:11, 67:3, 70:11, 70:14	spent [1] - 89:9	LY [1] - 2:22
served [1] - 77:1	shut [2] - 105:21, 105:23	smaller [11] - 17:8, 17:11, 19:4, 19:13, 19:16, 19:18, 25:4, 27:2, 27:15, 37:24	spillage [5] - 95:23, 95:24, 96:2, 96:3, 96:4	stenographically [1] - 120:11
service [5] - 20:10, 20:18, 37:2, 60:21, 60:24	sick [1] - 10:9	snow [1] - 57:11	spoken [1] - 80:13	STEVE [1] - 2:6
services [3] - 18:24, 25:6, 90:1	side [20] - 38:19, 48:14, 50:21, 51:24, 51:25, 53:13, 55:25, 60:22, 66:3, 66:6, 68:3, 69:6, 73:15, 73:24, 77:11, 98:21, 102:7, 102:8, 103:8	Snow [1] - 57:14	spot [1] - 63:10	still [11] - 8:7, 31:19, 31:25, 44:2, 52:19, 69:19, 72:13, 94:15, 109:7, 117:21, 117:24
serving [3] - 17:16, 20:13, 20:14	sides [1] - 103:19	soil [4] - 53:19, 54:2, 54:13, 78:11	spots [1] - 64:3	stop [2] - 84:12, 84:13
set [5] - 25:4, 27:3, 92:4, 101:12, 120:12	sidewalks [1] - 102:9	solid [3] - 50:23, 65:25, 66:5	sprinklered [2] - 104:10, 104:11	stories [1] - 61:12
setbacks [1] - 51:22	sign [4] - 55:12, 55:15, 55:18, 55:24	someone [3] - 11:12, 18:20, 87:22	square [3] - 49:1, 50:20, 55:12	storm [1] - 87:6
seven [1] - 107:8	signage [2] - 55:11, 55:25	Someone [1] - 66:24	staff [22] - 17:10, 19:1, 24:16, 24:18, 27:5, 27:8, 27:21, 28:6, 28:8, 29:16, 30:3, 30:19, 40:2, 40:3, 69:17, 93:15, 93:17, 93:19, 96:17, 116:25, 117:23	stormwater [7] - 53:10, 70:2, 70:5, 70:17, 70:19, 71:14, 87:16
Several [1] - 17:3	signal [1] - 77:6	somewhat [1] - 37:19	STAFF [1] - 2:12	story [9] - 48:11, 49:1, 50:4, 51:1, 58:23, 61:12, 62:21, 62:22
	significant [1] - 34:19	somewhere [3] - 18:3, 19:5, 54:9	stages [1] - 27:16	stream [1] - 54:10
	significantly [3] - 38:3, 39:2, 39:3	sorry [11] - 13:14, 21:3, 29:12, 34:2, 46:20, 56:15, 64:7, 92:12, 100:11, 104:19, 118:24	stalls [3] - 31:1, 63:20, 66:7	street [12] - 46:2, 46:12, 47:15, 50:12, 55:12, 73:19, 87:5,
	similar [3] - 47:25, 54:25, 101:7	Sorry [3] - 19:19, 31:12, 46:20	stamped [1] - 58:14	
	simple [2] - 102:15, 110:2	sort [1] - 17:11	stand [2] - 6:20, 70:12	
	simply [2] - 11:24, 109:17	sound [7] - 34:23, 39:25, 104:19, 104:21, 104:23, 105:16, 106:11	standard [3] - 29:7, 29:9, 55:8	
	single [11] - 46:6, 46:16, 48:11, 48:25,		standards [2] - 23:13,	

89:10, 100:10, 103:24, 104:9, 111:20 Street [3] - 4:23, 100:9, 100:12 striped [1] - 52:21 structure [2] - 29:8, 48:12 student [5] - 25:4, 40:14, 40:16, 41:9, 73:1 students [22] - 21:5, 24:15, 25:3, 25:10, 25:16, 25:25, 26:9, 26:10, 26:16, 26:22, 26:25, 27:3, 29:17, 41:10, 64:13, 72:10, 72:12, 72:24, 84:14, 84:18, 84:19, 117:3 study [1] - 90:12 stuff [4] - 20:25, 21:17, 101:16, 104:21 subject [3] - 94:7, 94:10, 99:21 submission [5] - 13:23, 14:2, 30:9, 30:23, 59:17 submissions [3] - 69:16, 69:22, 117:23 submit [1] - 87:15 submitted [16] - 13:5, 30:7, 30:12, 31:21, 31:24, 32:5, 32:16, 32:18, 33:2, 59:10, 70:6, 70:24, 76:3, 78:16, 78:17, 116:8 sudden [1] - 85:14 sufficient [1] - 69:20 sufficiently [1] - 117:25 suggest [4] - 32:20, 36:4, 102:2 suggestion [2] - 40:7, 109:10 summary [1] - 67:14 summer [2] - 24:24, 49:10 Sunday [17] - 17:7, 18:14, 29:24, 33:7, 37:22, 37:25, 38:1, 38:21, 39:17, 40:22, 84:6, 84:8, 85:13, 85:14, 86:13, 86:14, 105:13 Sundays [1] - 18:23 sunrise [1] - 92:10 sunset [5] - 92:10, 92:11, 92:13, 93:10, 95:8	super [1] - 107:7 supplies [1] - 21:16 support [2] - 23:3, 23:17 supporting [1] - 23:2 supposed [2] - 10:8, 84:5 surface [1] - 71:11 surfaces [1] - 50:7 surrounding [2] - 46:16, 53:7 swap [1] - 71:13 swear [11] - 15:13, 22:7, 43:5, 75:1, 82:6, 82:8, 83:10, 88:24, 91:14, 97:18, 100:2 swimming [3] - 48:21, 49:12, 98:16 switch [1] - 100:21 sworn [5] - 15:2, 22:4, 42:16, 74:15, 120:7 system [18] - 20:14, 28:20, 53:11, 53:12, 54:21, 54:24, 60:23, 74:6, 74:9, 75:19, 76:24, 77:4, 77:9, 77:22, 77:25, 79:9, 102:7 systems [3] - 75:25, 76:2, 76:8	terminate [1] - 6:14 terms [2] - 107:21, 117:6 Terrace [1] - 1:23 testified [2] - 31:18, 43:24 testify [3] - 11:12, 85:22, 120:7 testifying [2] - 32:11, 32:15 testimony [63] - 6:15, 10:14, 10:25, 11:14, 11:18, 12:10, 14:3, 29:15, 29:20, 29:22, 29:23, 30:6, 30:10, 30:13, 30:14, 30:17, 30:21, 31:4, 31:16, 31:17, 31:22, 31:23, 32:1, 32:5, 32:21, 32:22, 32:23, 33:11, 35:5, 36:5, 36:6, 36:16, 36:21, 37:1, 38:3, 41:6, 42:7, 42:11, 42:13, 42:16, 44:8, 69:11, 69:13, 72:10, 72:11, 75:21, 81:14, 81:21, 81:24, 84:4, 84:17, 85:3, 85:25, 86:11, 90:6, 94:5, 106:8, 106:14, 106:21, 110:16, 111:14, 115:10, 120:10 testing [2] - 54:13, 77:5 Thanksgiving [1] - 21:9 that-U [1] - 73:3 themselves [1] - 13:11 they've [3] - 13:8, 109:23, 112:11 They've [1] - 101:20 thinking [3] - 40:22, 94:6, 102:14 third [1] - 84:11 thirteen [1] - 18:2 THOMAS [1] - 89:6 Thomas [2] - 4:20, 89:6 Three [1] - 45:8 three [6] - 18:1, 45:5, 47:6, 47:8, 63:10, 63:14 throughout [4] - 17:9, 17:12, 17:17, 25:1 throw [1] - 38:13 thrown [2] - 30:2, 39:5 THURSDAY [1] - 1:13 tied [1] - 39:1 timed [1] - 30:9	timer [3] - 55:14, 55:19, 95:7 timers [1] - 92:9 timing [1] - 85:23 TO [1] - 1:14 to.. [1] - 8:2 today [10] - 50:8, 54:20, 55:1, 58:13, 58:21, 67:7, 78:18, 95:19, 104:24, 105:2 together [1] - 17:6 toilets [1] - 79:16 tomorrow [2] - 104:25, 105:2 tonight [19] - 11:20, 11:21, 12:3, 13:3, 15:15, 22:9, 32:12, 42:20, 43:7, 60:5, 62:19, 63:6, 75:3, 81:13, 82:1, 85:13, 86:22, 107:3, 116:1 tonight 's [1] - 81:21 took [2] - 45:12, 48:16 top [7] - 25:18, 35:12, 47:10, 47:16, 48:5, 48:9, 58:17 topic [1] - 69:1 total [10] - 24:17, 27:5, 50:5, 50:7, 50:8, 52:9, 56:10, 64:15, 64:19, 65:3 totally [2] - 39:1, 39:3 touch [1] - 10:11 touched [2] - 71:20, 107:1 toward [1] - 52:8 towards [2] - 50:10, 69:4 town [19] - 60:22, 89:16, 89:17, 100:13, 100:14, 100:25, 101:12, 101:15, 101:17, 102:23, 102:25, 103:6, 103:7, 103:8, 103:11, 106:1, 106:2, 107:9, 115:16 TOWNSHIP [1] - 1:1 township [5] - 6:8, 51:16, 55:8, 101:11, 108:1 Township [6] - 1:24, 2:18, 2:19, 3:4, 6:2, 43:21 township 's [1] - 108:8 track [1] - 46:17 tractor [4] - 67:2, 67:10, 67:11, 83:25 tractor-trailers [3] - 67:2, 67:10, 83:25	traffic [34] - 10:5, 29:22, 30:5, 30:21, 31:10, 32:5, 34:4, 35:20, 36:25, 37:14, 41:6, 71:20, 83:22, 83:25, 84:13, 84:21, 85:17, 85:18, 85:21, 86:9, 88:17, 89:23, 90:8, 90:12, 90:19, 101:24, 102:4, 102:12, 103:5, 104:20, 105:4, 106:21, 106:25 traffic 's [1] - 10:5 trail [1] - 102:7 trailer [1] - 67:11 trailers [3] - 67:2, 67:10, 83:25 trails [1] - 49:10 training [1] - 24:15 TRANSCRIPT [1] - 1:16 transcript [1] - 120:10 transportation [1] - 25:5 trash [7] - 30:25, 52:11, 55:3, 55:8, 57:8, 63:19, 71:23 tree [4] - 103:11, 103:12, 107:22, 108:3 trees [10] - 56:4, 98:12, 98:19, 98:20, 98:24, 103:9, 103:10, 103:14, 117:8 trenches [1] - 77:2 Tribune [1] - 6:7 tricky [1] - 116:7 triggering [1] - 33:5 trips [2] - 72:15, 84:22 truck [1] - 71:24 trucks [1] - 117:16 true [3] - 35:19, 103:24, 120:10 trustees [1] - 10:23 Trustees [1] - 3:17 truth [33] - 15:13, 15:14, 22:8, 43:6, 75:1, 75:2, 82:9, 82:10, 83:10, 83:11, 88:25, 91:14, 91:15, 97:18, 97:19, 100:2, 100:3, 120:7, 120:8 try [3] - 63:1, 102:2, 107:2 trying [5] - 36:11, 59:8, 97:5, 107:12, 110:1 Tuesday [2] - 19:4,
	T			
	t&M [1] - 2:15 table [2] - 69:25, 70:11 tabled [1] - 115:20 Tamarack [1] - 46:24 tank [1] - 77:14 tanks [7] - 77:10, 77:13, 78:8, 78:12, 79:4, 79:9, 79:10 tax [1] - 24:3 teacher [3] - 24:9, 24:25, 28:1 Teachers [1] - 27:21 teachers [7] - 24:10, 24:11, 24:12, 24:18, 27:12, 28:1, 28:6 team [2] - 113:19, 113:23 technical [1] - 70:25 technically [1] - 102:16 technology [1] - 95:24 Tel [1] - 1:24 ten [7] - 18:1, 24:17, 27:5, 27:11, 27:14, 30:7, 98:22 tentative [1] - 53:3			

<p>19:19 turn [6] - 71:22, 73:13, 73:20, 95:4, 96:10, 117:13 turned [1] - 77:17 turning [2] - 72:6, 72:13 twelve [1] - 18:2 Two [1] - 98:1 two [23] - 18:1, 28:7, 31:22, 45:4, 45:11, 47:8, 47:10, 47:15, 53:16, 55:5, 55:7, 58:4, 58:23, 61:11, 63:21, 77:16, 98:16, 98:21, 100:13, 102:12, 113:15, 114:21 two-story [2] - 58:23 typ [1] - 34:16 type [9] - 35:1, 60:25, 63:9, 86:15, 98:13, 101:3, 103:11, 104:3, 105:12 types [1] - 72:15 typical [6] - 34:9, 34:12, 34:13, 34:24, 35:3, 77:23 Typical [1] - 34:22 typically [1] - 104:12 Typically [1] - 79:3</p>	<p>up [51] - 14:12, 14:16, 15:3, 24:17, 25:17, 26:4, 26:23, 27:8, 27:11, 30:22, 36:8, 37:4, 40:3, 43:23, 44:2, 46:8, 49:18, 53:4, 54:15, 56:8, 59:5, 63:13, 67:20, 68:3, 72:24, 74:15, 77:22, 81:10, 81:17, 82:3, 83:8, 84:19, 89:7, 92:21, 94:13, 100:24, 101:24, 103:12, 103:15, 103:16, 104:10, 104:16, 105:20, 106:17, 108:10, 109:1, 111:20, 114:5, 114:11, 114:25 uplifting [1] - 23:16 uplights [1] - 55:19 UPS [1] - 67:3 usage [1] - 99:4 uses [4] - 9:16, 51:7, 106:8, 106:9 utilize [3] - 24:6, 50:18, 78:25 utilizing [1] - 99:5</p>	<p>Viable [1] - 113:15 VICE [11] - 7:19, 8:1, 8:7, 8:10, 14:18, 14:22, 15:6, 15:11, 15:17, 15:22, 16:7 VICE-CHAIR [11] - 7:19, 8:1, 8:7, 8:10, 14:18, 14:22, 15:6, 15:11, 15:17, 15:22, 16:7 view [5] - 35:17, 48:4, 58:17, 59:2, 98:8 vinyl [1] - 66:5 vote [2] - 109:18, 109:21 voting [1] - 110:5</p>	<p>33:15, 33:19, 34:11, 34:18, 34:22, 35:8, 36:10, 38:5, 38:12, 42:24, 44:5, 44:12, 45:6, 45:8, 47:5, 56:15, 56:18, 57:6, 57:10, 57:14, 58:14, 59:6, 59:24, 60:2, 61:15, 61:20, 61:24, 62:5, 62:10, 63:3, 64:15, 64:19, 64:23, 65:2, 65:5, 65:9, 65:14, 65:19, 67:9, 67:11, 68:11, 68:16, 68:20, 68:24, 69:14, 71:4, 72:19, 73:3, 73:9, 73:18, 73:23, 74:1, 75:17, 75:21, 75:24, 76:6, 80:9, 82:12, 84:25, 85:8, 85:20, 86:19, 87:15, 87:20, 88:1, 88:5, 88:8, 88:13, 92:24, 93:7, 93:13, 94:4, 94:9, 96:5, 96:12, 96:16, 97:3, 98:25, 99:15, 100:11, 104:7, 106:16, 106:19, 106:24, 107:11, 107:15, 107:20, 108:13, 108:17, 108:20, 109:9, 109:13, 109:20, 110:4, 110:15, 110:20, 111:8, 111:23, 112:3, 112:6, 113:2, 113:10, 113:25, 114:6, 114:18, 114:21, 115:16, 115:22, 115:24, 117:13, 117:16, 117:20, 118:13, 118:16 Weiner [2] - 2:13 Weingarth [1] - 7:2 WEINGARTH [18] - 2:8, 7:3, 19:25, 20:2, 20:8, 31:7, 31:12, 34:2, 46:20, 46:22, 47:1, 57:22, 64:6, 64:10, 64:14, 68:25, 69:7, 110:17 west [2] - 47:17, 66:11 western [4] - 47:12, 52:20, 53:12, 66:6 wet [2] - 60:17, 60:18 Whereas [2] - 30:9, 35:1 white [2] - 65:25, 66:5</p>	<p>Whoa [1] - 64:22 whole [19] - 15:13, 22:8, 30:1, 33:4, 43:6, 75:1, 82:9, 83:10, 87:2, 87:3, 87:25, 88:25, 89:9, 91:15, 97:19, 100:3, 100:20, 113:19, 120:7 width [1] - 72:22 willing [1] - 16:21 Wilson [1] - 7:4 WILSON [5] - 2:7, 7:5, 21:3, 21:14, 21:18 window [3] - 35:9, 62:20, 90:3 windows [3] - 58:24, 59:4, 62:20 wise [2] - 36:25, 72:23 wishes [1] - 82:2 witness [8] - 14:24, 20:6, 30:15, 31:14, 31:23, 37:11, 76:6, 120:6 WITNESSES [1] - 4:3 witnesses [2] - 14:19, 37:8 Women [1] - 49:7 wondering [2] - 39:13, 99:6 wood [1] - 98:22 wooded [5] - 46:17, 50:2, 98:5, 98:8, 98:10 woods [2] - 49:10, 100:16 works [2] - 67:7 worship [12] - 9:15, 10:16, 37:21, 37:25, 38:20, 39:1, 50:19, 51:6, 51:11, 60:20, 85:13, 116:15 write [1] - 62:10 written [1] - 39:24 wrote [1] - 87:3 WYNTER [6] - 2:9, 7:14, 20:9, 33:25, 44:4, 44:21 Wynter [3] - 7:13, 33:19, 33:24</p>
U	V	W	Y	
<p>U-shaped [2] - 66:25, 73:2 ultimate [1] - 109:16 ultimately [2] - 30:25, 110:25 unable [1] - 10:9 unchanged [1] - 52:19 under [5] - 38:13, 63:21, 87:6, 88:2, 96:13 underneath [1] - 50:13 understood [1] - 61:17 Understood [6] - 11:15, 12:7, 12:25, 14:5, 59:12, 118:1 Unfortunately [2] - 10:9, 108:23 unique [1] - 91:4 University [1] - 43:14 unless [8] - 11:5, 11:12, 12:14, 18:6, 80:3, 96:25, 107:23, 117:11 unusual [1] - 51:12</p>	<p>vacant [2] - 46:17, 50:2 valid [1] - 103:17 Valley [1] - 49:7 value [3] - 105:7, 105:9, 109:1 values [1] - 23:10 van [2] - 25:6, 37:2 variance [6] - 10:15, 10:20, 27:17, 102:19, 107:25, 109:8 varied [1] - 49:9 Various [1] - 19:13 vary [1] - 37:7 vehicle [4] - 71:22, 71:24, 73:7, 96:23 Vehicle [1] - 117:13 vehicles [2] - 72:1, 72:21 vehicular [1] - 71:11 version [2] - 45:18, 59:13 versus [2] - 33:7, 71:12 Versus [2] - 29:25, 96:11 Via [1] - 67:11</p>	<p>wait [1] - 57:1 waiting [2] - 27:17, 40:16 walk [2] - 10:2, 102:11 walking [2] - 102:7, 102:10 wall [5] - 50:12, 55:15, 55:17, 108:10 wall-mounted [1] - 55:15 WALLING [1] - 1:12 want .. [1] - 44:20 wants [1] - 60:2 warming [1] - 60:25 waste [2] - 79:10, 79:20 water [10] - 50:13, 53:21, 54:6, 79:10, 79:20, 87:8, 87:11, 103:17, 103:18 ways [1] - 21:1 website [2] - 115:15, 115:17 Wednesday [1] - 19:6 Wednesdays [1] - 19:2 week [5] - 17:9, 17:12, 18:25, 33:8, 34:10 weekdays [1] - 18:14 weekends [1] - 105:19 weekly [1] - 17:11 WEINER [143] - 2:13, 8:4, 9:8, 11:7, 11:9, 11:16, 12:4, 12:8, 12:11, 13:4, 13:21, 14:10, 14:12, 14:15, 16:2, 16:8, 16:12, 19:19, 19:23, 30:4, 31:5, 31:11, 31:13, 32:4, 32:8, 32:14, 33:3, 33:7, 33:10,</p>	<p>yard [1] - 51:25 year [7] - 16:21, 23:25, 24:21, 25:1, 53:24, 56:23, 107:8 year-olds [1] - 107:8 years [7] - 17:3, 20:16, 49:9, 76:2, 83:20,</p>	

89:13, 100:13

yesterday [1] - 30:24

young [6] - 23:15,
23:18, 24:23, 102:6,
107:7

Young [1] - 49:6

younger [1] - 28:16

yourself [2] - 22:19,
25:23

youth [2] - 17:9, 19:9

Z

Z-22-21 [3] - 1:9, 8:6,
8:12

zero [1] - 12:15

Zone [2] - 8:15, 91:5

ZONE [1] - 1:8

zone [10] - 9:16,
10:17, 51:8, 56:8,
59:1, 66:23, 66:24,
67:2, 67:8, 91:6

Zoning [3] - 6:2, 6:12,
118:24

zoning [4] - 46:6,
63:21, 99:11, 107:25

ZONING [1] - 1:2

zoom [1] - 52:22