

MINUTES OF THE
EAST BRUNSWICK TOWNSHIP
PLANNING BOARD

July 29, 2020

STATEMENT - Open Public Meetings Act

FLAG SALUTE

ROLL CALL -

PRESENT:

Shawn Taylor, Chairman
Laurence Bravman
Charles Heppel
Joseph Criscuolo
Sharon Sullivan
Laurence Reiss
Steve Philips
Julie Clarke
Muhammad Hashmi

ABSENT:

Brad Cohen, Mayor
Howard Schmidt

ALSO PRESENT:

David Lonski, Esquire
Keith Kipp, Director of Planning/Engineering
Greg Potkulski, Engineer
Colleen McGurk, Planner
Loren Morace, Secretary
John Kriskowski, Engineer
James Watson, Traffic Engineer
James Lambert, Engineer
Mina Attalla, Engineer

OLD BUSINESS

Application #19-17 - Tices Developers Urban Renewal, LLC - Proposed residential, retail, and open space components located at 110 Tices Lane, block 32, lot 1.33, in the MXD2 zone. Taxes paid to date. Mandatory date July 31, 2020. Application continued to special meeting on August 19, 2020, without further notice.

THE CHAIRMAN: Good evening, all. This is the July 29, 2020, meeting of the East Brunswick Township Planning Board. This evening is a virtual meeting. The township is using telephone (audio interruption) in an effort to mitigate the chance of exposure to (audio interruption). Dial information and agenda have been posted on the township web site and are posted on EBTV for members of the public. We have some of these should be muted, and they're not.

MR. LONSKI: Shawn, you're having some difficulty so if you want to start over because there's some modulation involved.

THE CHAIRMAN: I'm sorry, Dave. Say again.

MR. LONSKI: Your voice wasn't coming across cleanly so I think you may want to start over again to give the appropriate notices.

THE CHAIRMAN: Let me do that. Good evening, all. This evening is the July 29, 2020, meeting of the East Brunswick Planning Board. This is a virtual meeting. The township is using the telephone meeting format in an effort to mitigate the chance of exposure to COVID-19 as part of the township's ongoing effort to slow the rate of transmission and avoid overwhelming our treatment centers. The dial information and the agenda have been posted on the township web site and are posted on EBTV for members of the public. Members of the public can call in with the number provided, which is 1-646-558-8656, with -- if they have any questions for planning board members or wish to participate in public session. You will have 3 minutes to speak. Should you have any further comments or questions, the planning board and engineering office is always available by e-mail and by phone. Each member of the public shall have only one opportunity to speak public portion in order to give everyone a chance to be heard. Thank you in advance for your patience as we implement this new technology and continue to move the East Brunswick -- East Brunswick Township forward during this health emergency.

Loren, did that all come across okay?

MS. MORACE: Yes.

THE CHAIRMAN: Okay. Then those who are able, will you rise and join me in a pledge of allegiance.

(Flag salute)

THE CHAIRMAN: Thank you. Loren, would

you please call the roll.

MS. MORACE: Mr. Schmidt. Mr. Hashmi.

MR. HASHMI: Here.

MS. MORACE: Mr. Philips.

MR. PHILIPS: Here.

MS. MORACE: Mr. Reiss.

MR. REISS: Here.

MS. MORACE: Miss Clarke.

MS. CLARKE: Here.

MS. MORACE: Mr. Criscuolo.

MR. CRISCUOLO: Here.

MS. MORACE: Councilwoman Sullivan.

MS. SULLIVAN: Here.

MS. MORACE: Mr. Heppel.

MR. HEPPEL: Here.

MS. MORACE: Mr. Bravman.

MR. BRAVMAN: Here.

MS. MORACE: Mayor Cohen. Chairman

Taylor.

THE CHAIRMAN: Here. We do have a quorum, and since this is a continuation of an application, Mr. Lonski, there's no kinds of notice required.

MR. LONSKI: That's correct, Chairman. I just would want to point out that Julie Clarke, who was not at our last meeting and is now a member of the board, I just want to verify that she's had an opportunity to review the minutes and transcript from the prior meeting that she's qualified and eligible to participate.

MS. CLARKE: Yes, Dave, I have.

MR. LONSKI: Thank you, Julie.

THE CHAIRMAN: Sure. Thank you, Julie.

MR. LONSKI: That's it, Mr. Chairman.

THE CHAIRMAN: I forgot you didn't hear this. You're like an old hand already.

The old business (audio interruption) is application (audio interruption) and, Miss Jennings, you're here on that application.

(Tices Developers Urban Renewal, LLC,
transcript submitted by Applicant)

TOWNSHIP OF EAST BRUNSWICK
PLANNING BOARD

In the Matter of: :
: Transcript
APPLICATION #19-17 :
: of
TICES DEVELOPERS URBAN RENEWAL :
110 Tices Lane : Proceedings
Block 32, Lot 1.33 :
-----x

Wednesday, July 29, 2020
Remote Zoom Conference
Commencing at 7:38 p.m.

BOARD MEMBERS PRESENT:

- SHAWN TAYLOR, Chairman
- LAURENCE BRAVMAN, Vice Chairman
- SHARON SULLIVAN, Councilwoman
- JOSEPH CRISCUOLO
- LAURENCE REISS
- MUHAMMAD HASHMI
- STEVE PHILIPS
- CHARLES HEPPEL
- JULIE CLARKE

ALSO PRESENT:

- LOREN MORACE, Board Secretary
- JOHN KRISKOWSKI, Board Engineer
- KEITH KIPP, Director of Planning
- COLLEN MCGURK, Board Planner
- JAMES WATSON, Traffic Consultant

MICHAEL LOMBARDOZZI,
Certified Shorthand Reporter

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

SHAMY, SHIPERS & LONSKI, P.C.
BY: DAVID P. LONSKI, ESQUIRE
Attorneys for the Board

WILENTZ, GOLDMAN & SPITZER
BY: DONNA JENNINGS, ESQUIRE
Attorneys for the Applicant

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TABLE OF CONTENTS

WITNESS	PAGE
Les Walker	8
Scott Loventhal	37
Art Bernard	82

E X H I B I T S

NO.	DESCRIPTION	PAGE
A-14	Updated colorized site rendering overlaid on aerial	8
A-15	Updated dimension and subdivision plan	9
A-16	Colorized site plan, zoomed in	9
A-17	Truck turning exhibit showing tractor-trailer	9

1 CHAIRMAN TAYLOR: Since this is a
2 continuation of an application, Mr. Lonski,
3 there's no kind of notice requirement?

4 MR. LONSKI: That's correct,
5 Mr. Chairman. I just want to point out that
6 Julie Clarke, who was not at our last meeting,
7 and is now a member of the board, I just want to
8 verify that she's had the opportunity to review
9 the minutes and transcript from the prior
10 meeting, and that she's qualified and eligible to
11 participate.

12 COMMISSIONER CLARKE: Yes, Dave, I
13 have.

14 MR. LONSKI: Thank you.

15 CHAIRMAN TAYLOR: Thank you, Julie.
16 I forgot you didn't hear this. You're like an
17 old hand already.

18 Okay. The old business that we're
19 taking up is application for Tices development
20 urban renewal, LLC, and Ms. Jennings, you're here
21 on that application.

22 MS. JENNINGS: Correct. Would you
23 like me to --

24 CHAIRMAN TAYLOR: Why don't you, kind
25 of, just give the board a brief overview --

1 MR. LONSKI: Shawn, you're still
2 cutting out in and out a little bit.

3 CHAIRMAN TAYLOR: Let me try to get
4 closer.

5 MS. JENNINGS: I think he fell down.

6 CHAIRMAN TAYLOR: Wasn't me. Could
7 have been.

8 Is that better, if I'm closer?

9 MR. LONSKI: It does sound better,
10 Shawn.

11 CHAIRMAN TAYLOR: Okay. And if it
12 continues to sound bad, we can do one of two
13 things. I guess I -- I can either call -- try to
14 call in, or I can just turn the chair over to
15 Mr. Bravman, if he sounds better. I mean, he
16 always sounds better, he's a lot smarter than I
17 am, but, you know, if he -- that's a way to
18 handle it, so we're able to communicate better.

19 But Donna, why don't we -- why don't
20 we turn it over to you now, and see where we get.

21 MS. JENNINGS: Sure. Thank you.

22 Good evening. For the record, Donna
23 Jennings from the law firm of Wilentz, Goldman &
24 Spitzer.

25 As the board is aware, the applicant

1 is seeking site plan and subdivision approval to
2 construct a mixed-use project of approximately
3 18,000 square feet of retail space, and 520
4 multi-family residential units, with 104 units
5 set aside from low and moderate income
6 households.

7 As the board will recall, the
8 applicant started its presentation at the board's
9 June 24, 2020 public hearing, wherein we
10 presented the testimony of the applicant's site
11 engineer, the architect, and the traffic
12 engineer, but were unable to reach the
13 applicant's professional planner, Art Bernard,
14 due to time constraints.

15 Before we turn over the form to
16 Mr. Bernard, I would like to call the applicant's
17 site engineer, Les Walker, to address some of the
18 discussions he had with the board professionals
19 at the TRC meeting, and the additional issues
20 raised in the CME report that was updated June
21 30, 2020. As a result of both, the applicant has
22 made some important revisions to the plan, some
23 of which were raised by the board members during
24 the public hearing, and have now been
25 incorporated into the applicant's development

1 proposal.

2 Significantly, the applicant removed
3 the island along the loop road, which has been
4 renamed Renee Road, pursuant to the board
5 professional's request. The loop road is going
6 to be aligned. Tices Lane has been widened, and
7 the right turn going east onto the loop road was
8 extended approximately 150 feet, and the radius
9 points of the Tices Lane entrance to the loop
10 road were improved, to name a few.

11 The applicant has incorporated other
12 improvements as well, which will be more
13 particularly described by Mr. Walker, with the
14 assistance of the applicant's traffic engineer,
15 Dan Disario, if needed.

16 It's also important to note that the
17 applicant's neighbor to the west, Greek
18 Development, reached out to discuss some concerns
19 they had with the plan, and I am hopeful that the
20 applicant has addressed those issues, but we'll
21 let the representative from Greek speak for
22 themselves, because I know they're listening in
23 on this virtual hearing.

24 With that said, I'd like to call
25 Mr. Walker back up, and remind him that he's

1 still under oath. And I believe he has some
2 additional exhibits share with the board. My
3 records indicate the last exhibit marked was
4 A-13, so we should be starting off with Exhibit
5 A-14, which I believe was sent in previously,
6 premarked, and so Loren should have those.

7 So, Les, before you dive in to the
8 changes, perhaps start, first, with initially
9 describing the four additional exhibits you're
10 going to rely on, and then we can begin your
11 supplemental testimony.

12 I don't believe he needs to be
13 re-sworn in, but Dave, I'll leave that up to you.

14 CHAIRMAN TAYLOR: Yeah, we generally
15 don't re-swear a witness. As Donna mentioned,
16 Les, you are still under oath. So, Les, I turn
17 it over to you.

18 L E S L I E W A L K E R, having
19 been previously sworn, remained under oath and
20 testified as follows:

21 A. Okay. So we're going to have four
22 exhibits, I'm going to be using four exhibits:

23 A-14 will be the colorized site
24 rendering on top of the aerial, just updated
25 from our last meeting.

1 A-15 will be the updated dimension
2 and subdivision plan.

3 A-16 will be the colorized site
4 plan, just kind of zoomed in on our site.

5 And A-17 is a truck turning exhibit
6 that shows how a tractor-trailer circulates
7 through the loop road -- off of Tices and
8 through the loop road.

9 Q. Okay. So why don't you pull up
10 your first exhibit, I guess, and we can start
11 from there.

12 A. All right. Okay. So this plan
13 doesn't look a whole lot different, because a
14 lot of the revisions that we've made are
15 external to the actual site, and to the loop
16 road itself.

17 Following our June 24th hearing, we
18 had a technical meeting with -- Scott was
19 involved, and Keith Kipp, and John Kriskowski,
20 to just review through engineering matters that
21 were, you know, more high level.

22 In response to that, and in
23 response to our last participation with the
24 board, we did -- like Donna said, we widened the
25 pedestrian path from 6 feet to 10 feet, to

1 accommodate bicycles and pedestrians as a shared
2 path.

3 We eliminated the grass center
4 median island and replaced it with a striped
5 median to allow for emergency vehicle
6 circulation.

7 We modified the geometry at the
8 intersection with Tices Lane to better
9 accommodate truck turning.

10 And we reduced the width of the
11 sliver of land on the west side of the site,
12 because it's kind of an unusable piece back
13 there.

14 And I'll go into all those items a
15 little bit further moving forward.

16 CHAIRMAN TAYLOR: Good.

17 A. So in order to -- in order to not
18 change what we're doing on our site, and to
19 reduce that sliver of land on the west side, we
20 healed what was our proposed lot line and
21 right-of-way line on our side, and kind of
22 worked out from there. So where we had a 6-foot
23 pedestrian walkway before, that 10 -- you know,
24 it's 10 feet wide, that 4 feet pushed everything
25 out another 4 feet.

1 Q. Les, do you want to use one of your
2 other exhibits to see that better?

3 A. Yeah, I will, Donna.

4 Typically, we now have a 60-foot
5 right-of-way for a majority of the loop road.
6 Where that will change is down when you get --
7 closer down here to Tices Lane, you'll notice
8 it's 63 feet here. And it varies, because
9 this -- I guess it would be an eastbound lane,
10 or a southeastbound lane, is flared out, to
11 better accommodate tractor-trailers coming in
12 and out. So the right-of-way width down here
13 varies with the roadway. But then, once you get
14 up into a typical section, the right-of-way
15 proposed is 60 feet.

16 What you have on the east side of
17 the -- the Renee Road right-of-way is 15 feet,
18 and that includes 1 foot from the property line,
19 the right-of-way line, to the back of the
20 10-foot shared pathway, that 10-foot shared
21 pathway, and then a 4-foot grass strip to the
22 curb. Is it.

23 The right -- the cartway itself,
24 once you get up into a section where it's
25 standardized, you have two 12-foot lanes, and

1 you have a 10-foot center striped median that,
2 in places, will flare out into a turning lane.

3 And then, what we did to
4 accommodate -- to give a little bit more room
5 for the trucks, but to maintain a 12-foot
6 typical drive aisle, is we gave another foot on
7 either side that will be striped as a very
8 narrow, 1-foot-wide striped shoulder, but that
9 gives an extra 2-foot width to the overall width
10 of the pavement, and that helps with the overall
11 vehicular movements to the road.

12 On the other side, on the west and
13 south sides of the right-of-way, we have 9 feet.
14 That 9 feet includes the curb, the guiderail, a
15 fence on top of the retaining wall -- and the
16 retaining wall runs along the western property
17 line. And so all of that is included in the
18 right-of-way. So you end up with 60 feet total,
19 36 feet in the cartway, 15 feet on the
20 development side, and 9 feet on the -- opposite
21 the development.

22 What that did was, like I said, we
23 kept the -- the development area the same, but
24 it changed the areas that are going to be
25 dedicated, both to the township:

1 One is for right-of-way, for the
2 Tices Road (sic) widening, and for the new loop
3 road, the Renee Road extension.

4 And the other is for the ultimate
5 recreational use that the township is proposing
6 in the back.

7 So what we end up is the parcel in
8 the back is -- that will be dedicated to the
9 town, Lot 1.38 proposed, is 7.626 acres, and the
10 right-of-way dedication for Renee Road and for
11 Tices Lane is 3.264 acres.

12 So those numbers all add up with
13 the lot area to the same total that we had
14 before, but with the reconfiguration of the loop
15 road, and the wider pedestrian path, it took
16 away a little bit on the outside.

17 I do recall that there was a
18 question during the last hearing about what is
19 the actual developable land or the usable land
20 on the municipal lot, and that would be this
21 upland portion outside the wetlands buffer, and
22 up to the LA Fitness and Lowe's, and that's
23 about four and a half acres is what's left as a
24 usable lot.

25 Once you get back in here, you have

1 wetlands, and there's, you know, some smaller
2 pieces between wetlands, but it's going to end
3 up likely remaining as woods into perpetuity.

4 And then you have the small
5 20-foot-wide sliver of land that widens out as
6 you get up towards Tices Lane, that's really
7 just a remnant of the subdivision. In reality,
8 I mean, could that little sliver be part of the
9 right-of-way? Maybe. It certainly wouldn't be
10 part of the site, because it's completely
11 disconnected from it. So it can either be part
12 of the right-of-way or part of the ultimate
13 township lot, but both of those, the nearly 11
14 acres, is being dedicated to the town.

15 Q. In addition to dedicating the land,
16 the redeveloper is also committed to a
17 contribution of up to 250,000 to complete the
18 wetlands drainage area improvements there?

19 A. Yeah, so in the back of the site,
20 there's an old -- from the 1970s, an old -- it
21 used to be a rail access that came through the
22 back -- the back part of the property, and
23 there's a -- there was three parallel pipes that
24 drained this ditch, and some wetland area, and
25 became, you know, a small brook downstream of

1 this, and the crossing has collapsed. You know,
2 it's 50 years old, and the people who've built
3 it are long gone, but, you know, we're all here,
4 and it's, you know, ready to take care of, and
5 you're right, the developer did commit \$250,000
6 towards that effort.

7 Q. And also, I think they're going to
8 take on the responsibility to construct 200 of
9 the parking spaces in that parking -- the lot
10 for the municipality?

11 A. They have an agreement to construct
12 some of the improvements for the township
13 development.

14 Q. Which includes the 200 parking
15 spaces and a pad site to facilitate the
16 construction of the future public amenity --

17 A. That's correct.

18 Q. -- whatever that may be? I don't
19 think that's actually been decided yet.
20 Correct?

21 A. That's right. I know there was
22 talk of possibly a hockey rink, but I'm not sure
23 if that's a final plan.

24 So I'm going to switch --

25 MR. LONSKI: Excuse me, Donna, if I

1 could interrupt you, on that contribution, I know
2 there was discussions with respect to the
3 redevelopment agreement. For purposes of the
4 planning board, and for our discussion today, it
5 would be my suggestion that we, you know, just
6 make a condition that the township and the
7 developer will enter into an agreement with
8 respect to -- because I'm not sure if the
9 developer's going to do some of the work or if
10 the township's going to the work, but I think
11 some of that may depend on the timing of permits
12 and approvals.

13 So what I was suggesting is just some
14 slightly different language when we get to it
15 with respect to that.

16 MS. JENNINGS: Sure. Not a problem.

17 CHAIRMAN TAYLOR: And just before we
18 go any further, since most of the changes that
19 Les is describing came out of our last meeting,
20 I'd like to kind of take the changes one at a
21 time, and see if board members have any questions
22 or comments, and then we can kind of quickly move
23 through on the road work that Les just described.
24 Are there any comments by either board members or
25 staff?

1 COMMISSIONER CRISCUOLO: I do, Shawn,
2 but, you know, I'll yield to whoever wants to go
3 first.

4 CHAIRMAN TAYLOR: No, you're all
5 right, Joe, you can go first.

6 COMMISSIONER CRISCUOLO: I think I
7 mentioned, in the previous meeting, my concern
8 about that collapsed pipe. As the administrator
9 for the town, I have no interest in taking over
10 that collapsed pipe. I think that that should
11 remain with the developer that's in place.

12 As the applicant's attorney has
13 stated, or whomever it was, it's a very old pipe;
14 it's going to be needing to be replaced and
15 maintained. And most of the water that's coming
16 through that pipe is not, you know, the
17 township's pipe coming off of that parking lot
18 for the ice skating rink; it's coming off of the
19 Kohl's, and the LA Fitness, and the Lowe's
20 parking lot, from what I understand. Maybe
21 Mr. Kipp can confirm or deny that. But I,
22 certainly, as the township administrator, don't
23 want the responsibility for maintaining a pipe,
24 certainly, that we don't have -- aren't the major
25 contributor of the flow in that particular pipe.

1 As we all know, last Thursday, we had
2 a sizable storm, and myself and my staff was out
3 for two days trying to resolve problems with such
4 pipes of this matter. And I certainly don't want
5 to add on to the maintenance and the township
6 responsibility for a pipe that doesn't really --
7 it comes from a shopping center, and it's going
8 to come from this site. So I don't really want
9 the responsibility for rebuilding that. I think
10 the developer needs to do that. I don't know if
11 our site will contribute to that, but I certainly
12 can tell you that I don't have any interest in
13 taking care of that.

14 And based upon what happened last
15 Thursday night, Friday, and Saturday, when the
16 DPW staff and the tree crews were out for 40, 50
17 hours straight, I really don't want to take on
18 another pipe, certainly, that doesn't affect the
19 water that we're creating.

20 CHAIRMAN TAYLOR: Keith, do you want
21 to comment on that?

22 MR. KIPP: Yeah, just to add to that,
23 currently, like Mr. Criscuolo had mentioned, the
24 lot that's going to be dedicated to the township
25 doesn't contribute anything to that drainage

1 area. It's mostly coming from the developments
2 behind. So the township is getting -- inheriting
3 an existing problem area that I don't have any
4 backup to say that the amount that the developer
5 is contributing can actually complete repairs out
6 there, or get us the engineering or the
7 permitting to do the repairs.

8 So, you know, one suggestion may be,
9 well, the town, you know, doesn't want to
10 maintain that. How about we cut that piece out
11 and not give it to the town, and let it remain
12 part of the development and their maintenance
13 concern?

14 MS. JENNINGS: You know, just to
15 interject, I just think that this is, sort of,
16 something that the redeveloper is renegotiating
17 with the redevelopment agency, and not
18 necessarily the planning board's jurisdiction or
19 concern. We were just letting you --

20 COMMISSIONER CRISCUOLO: I
21 respectfully disagree.

22 MS. JENNINGS: Okay. We'll note it,
23 then. We can move on.

24 COMMISSIONER CRISCUOLO: This is the
25 planning board application before us.

1 MS. JENNINGS: Yeah, the agreement is
2 to dedicate that land, and the property is going
3 to be yours. We've agreed with the redevelopment
4 agency to give up to 250,000 for the maintenance,
5 and once it's fixed, your town's inspecting it,
6 and it becomes the town's property.

7 MR. KIPP: Yeah, Donna, to back that
8 up, I have no background information to say that
9 that's enough to make this repair. I have no
10 estimate or anything completed.

11 CHAIRMAN TAYLOR: Yeah, I
12 certainly -- I think it would be irresponsible of
13 this board to accept ownership and maintenance of
14 that without -- going in blind. And I -- you
15 know, with all due respect to my friends on the
16 redevelopment agency, they're not maintaining it
17 either; the township's going to.

18 MS. JENNINGS: I understand that, but
19 I think the solution would be that this issue is
20 subject to a negotiated redevelopment agreement
21 with the redevelopment agency.

22 CHAIRMAN TAYLOR: You mean between
23 the redevelopment agency and the planning board?

24 MS. JENNINGS: No, the planning
25 board's not part of the redevelopment --

1 CHAIRMAN TAYLOR: That's why I didn't
2 quite --

3 MS. JENNINGS: I'm just saying your
4 approval, if you were to give one, would be
5 subject to a negotiated redevelopment agreement
6 regarding this issue.

7 MR. LONSKI: Not just the
8 redevelopment agency, but the township would be
9 involved also now.

10 CHAIRMAN TAYLOR: All right. You
11 need to explain that to me a little bit,
12 Mr. Lonski. I just don't want to take something
13 that I have no idea what potential liability and
14 ongoing maintenance costs might be. So how do we
15 ensure that we get some information and
16 guarantees on that?

17 MR. LONSKI: So the suggestion is
18 that, if we come to a vote at some point tonight,
19 that one of the conditions of our approval would
20 be a satisfactory resolution of a maintenance
21 agreement, or maintenance easement, or easement
22 for the drainage, that contains a provision for
23 the maintenance of the improvements that we're
24 talking about, along with -- so that would be
25 something that would have to be approved by the

1 governing body -- the municipality, through its
2 administrative staff, and ultimately the
3 governing body, along with the discussions that
4 we're talking about with the redevelopment
5 agency. So it's going to be the township, the
6 redevelopment agency, and the redeveloper that
7 would have to agree.

8 In other words, what we're really
9 saying is that it has to be approved by the
10 administration. We're putting a condition on the
11 approval that that pipe and the drainage would
12 have to be approved by the redevelopment agency
13 and the municipality, as to improvements and
14 ongoing maintenance --

15 CHAIRMAN TAYLOR: All right. I'm
16 comfortable with that. How about my fellow board
17 members? Anybody?

18 COMMISSIONER CLARKE: That's fine.

19 CHAIRMAN TAYLOR: Mr. Criscuolo, is
20 that --

21 COMMISSIONER CRISCUOLO: Well, I
22 think you know my feelings. I'm not going to
23 belabor the point.

24 CHAIRMAN TAYLOR: Okay.

25 COMMISSIONER CRISCUOLO: As the

1 administrator for the town, I'm protecting all
2 our assets, and I know the operation of the town.
3 I'm not comfortable with it.

4 Also, on the grassy area on the north
5 part of the map there, did you mention that you
6 would not be maintaining that?

7 MS. JENNINGS: No, that's part of the
8 dedication to the township.

9 COMMISSIONER CRISCUOLO: That
10 northern property tree line along the roadway?

11 MS. JENNINGS: Yes, all the roadway
12 is yours, the loop road and the property, to the
13 boundary line, is --

14 COMMISSIONER CRISCUOLO: And I think,
15 in the last meeting, I asked for us to square
16 that off, and that the developer maintain that
17 particular area. I don't need another strip of
18 grass to have to cut and maintain, I'm sorry,
19 that's my --

20 MS. JENNINGS: I guess, right now,
21 that's our proposal. So as we go through the
22 night, if I hear otherwise from my client -- but
23 that's what we're proposing, that's what we've
24 been negotiating with the redevelopment agency,
25 and the subdivision line has been set at the

1 direction of the redevelopment agency.

2 COMMISSIONER CRISCUOLO: That's fine,
3 but this is before the planning board.

4 MS. JENNINGS: I understand.

5 COMMISSIONER REISS: I have a
6 question.

7 CHAIRMAN TAYLOR: Sure.

8 COMMISSIONER REISS: First of all,
9 Mr. Criscuolo, if there's anything else, I like
10 to hear -- I rely on Joe a lot.

11 My other question is around -- I
12 don't know if I missed it, the internet was
13 cutting in and out, but the snow removal, is that
14 appropriate to talk about now, or -- I know it
15 was a question from the last time, but --

16 MR. WALKER: It's on my list of
17 things to cover.

18 COMMISSIONER REISS: I also want to
19 make sure, if Joe has anything else, I do rely on
20 what he's saying, and I want to make sure we --

21 CHAIRMAN TAYLOR: Sure. Yeah, no, I
22 do think I asked Les to, kind of, cover one
23 improvement at a time. So I think he'll be
24 talking about the widening of the loop road.

25 COMMISSIONER REISS: Okay.

1 CHAIRMAN TAYLOR: Les, why don't we
2 throw it back to you, and you can take it the
3 next step down the road.

4 A. Okay. So at the intersection,
5 which is being designed by Langan Engineering --
6 and they are also participating, so if we end up
7 with questions on that, they can certainly help
8 out -- you'll have the same westbound lanes that
9 you do now, but what's being added is this
10 second through lane that will continue all the
11 way, as required, from 100 feet west of Harts
12 Lane -- or east of Harts Lane, to 200 feet west
13 of Route 18. And that -- it cuts off on the
14 page here, but it will go, you know, as required
15 in the redevelopment plan.

16 And then, we also have lengthened
17 the turning lane to roughly 150 feet, to allow
18 more stacking in the turning lane going onto the
19 loop road.

20 Like I said before, it's easier to
21 see in the picture. So you have the road -- the
22 intersection has a flared-out section for trucks
23 coming predominantly from the Greek property,
24 but from elsewhere as well, turning to go
25 through the site, and end up heading east -- or

1 heading north on Route 18.

2 Q. Les, just so the record's clear,
3 you're now using Exhibit A-16?

4 A. Yes. Thank you, Donna.

5 Q. So you can see, as you follow
6 through the Renee Road extension, the striped
7 median island turns into a turning lane before
8 entering the site, and then continues as a
9 striped median island until you approach the
10 roundabout.

11 The roundabout has 20-foot-wide --
12 22-foot-wide paved section with stripes,
13 indicating a 20-foot-wide drive lane, to kind of
14 just direct pedestrian vehicles, you know, stay
15 in the middle, just to give them something to
16 look at visually, to help direct where they
17 should be.

18 And then, on the inside, there's
19 another 6 feet of -- it's completely flush with
20 the traditional black or gray asphalt lane;
21 another 6 feet is proposed as stamped asphalt,
22 it can be colored, and it can be something that
23 looks a little different, and -- you know, so
24 pedestrian vehicles will stay in the gray/black
25 area, but it gives more room for tractor-trailer

1 circulation.

2 One of the comments we had last
3 time was about the stop condition. When you
4 come in off the roundabout into the development,
5 we had a stop control at the end of the driveway
6 right here, where I'm moving my cursor. We've
7 changed that to have stop control on the
8 incoming leg, so that -- so that the traffic
9 coming in from the Renee Road roundabout will be
10 able to move away, and not queue up and back up
11 onto Renee Road.

12 When you get to down towards the
13 Kohl's, Kohl's is on this side, and then this is
14 the LA Fitness. We have to merge back into
15 the -- the existing cartway for what Highland
16 Park -- or Highland Road extension comments
17 through this part of the site and curves up
18 right now. So we're merging back into what's
19 the existing roadway, and making some minor
20 improvements here at the intersection, just to
21 clean everything up with the -- with the new
22 road connection.

23 Do you want to take any questions
24 on the loop road before we move on to something
25 else?

1 CHAIRMAN TAYLOR: Yeah, only because,
2 again, that was an issue that --

3 COUNCILWOMAN SULLIVAN: I have a
4 question.

5 CHAIRMAN TAYLOR: -- a discussion at
6 our last meeting.

7 Go ahead.

8 COUNCILWOMAN SULLIVAN: I have a
9 question.

10 You talked about the
11 tractor-trailers. How about the fire engines?
12 Are the fire engines -- is the fire engines going
13 to -- has anyone reached out to see if that would
14 work? Because tractor-trailers are a little
15 different in dimension than fire trucks.

16 MR. WALKER: Sure. I've been working
17 with Sean over in Fire District Number 2, and
18 we've been giving him plans, showing all the --
19 and it's included in our set, which a revised
20 resubmission will be coming soon of the site
21 plans. It shows the fire truck turning -- their
22 ladder truck, the straight, long ladder truck
23 negotiating throughout the site, and, you know,
24 certainly, if a -- if a tractor-trailer can get
25 through the loop road, that fire truck can as

1 well. And the fire truck turning is also shown
2 on that plan.

3 COUNCILWOMAN SULLIVAN: Thank you.

4 CHAIRMAN TAYLOR: Any other
5 questions?

6 VICE CHAIRMAN BRAVMAN: Mr. Chairman?

7 CHAIRMAN TAYLOR: Yes.

8 VICE CHAIRMAN BRAVMAN: Hi,
9 Mr. Walker, on A-16, can you go back to where
10 Renee meets Tices?

11 So you were talking about
12 tractor-trailers coming, I guess, east on Tices,
13 and making a right turn in. What's the traffic
14 pattern when somebody someone's coming west on
15 Tices? You can make -- I see it says -- showing
16 the arrow, you can make a left in.

17 MR. WALKER: Going westbound?

18 VICE CHAIRMAN BRAVMAN: Correct.

19 MR. WALKER: Yeah, you can -- that's
20 the configuration the way it is now, there's a
21 left turn-in lane for the old industrial use that
22 was here. So this -- what's shown on the
23 westbound lanes is what exists today. There's no
24 changes proposed in the westbound lane.

25 VICE CHAIRMAN BRAVMAN: Can a

1 tractor-trailer make that left?

2 MR. WALKER: Yeah, and after we
3 finish with this exhibit, I'll pull up the truck
4 turning exhibits, so you can see all of those
5 movements.

6 VICE CHAIRMAN BRAVMAN: And what is
7 the extent of the traffic -- we're talking a lot
8 about tractor-trailers. Is it expected that this
9 is going to be a high-volume tractor-trailer, in
10 light of Harts Lane, Greek Development, Lowe's --
11 so this loop road's going to, sort of -- I know
12 what it is now, but it almost sounds like you're
13 talking that there's going to be increased
14 traffic.

15 MR. WALKER: It'll be the same
16 traffic that has historically used the Highland
17 Road extension, and they'll be now -- you know,
18 that's going away, so this will be their way
19 through. It'll be -- it'll be a two-way road,
20 where the Highland Street extension is a one-way,
21 kind of almost like a driveway, right now, that
22 circumvents behind the retail development.

23 So, yeah, all existing truck traffic
24 that would use that Highland Road extension would
25 now be using this Renee Road to get to the retail

1 development in the front, but mostly to get to
2 Route 18 Northbound.

3 VICE CHAIRMAN BRAVMAN: So as it
4 exists now, a tractor-trailers comes off of, I
5 guess, the one-way Highland, and can, in theory,
6 I guess, go right into Lowe's and LA Fitness?

7 MR. WALKER: That's right.

8 VICE CHAIRMAN BRAVMAN: But if a
9 tractor-trailer now comes around Renee, and goes
10 back -- you know, goes south, comes down, goes
11 around the circle, how does it make the right to
12 get into Lowe's there?

13 MR. WALKER: So that's one of the
14 improvements that we made, was to widen this
15 radius out a little bit, to make sure that they
16 can make that turn. I don't believe that there's
17 a lot of traffic that would go to Lowe's that's
18 coming from that direction; they're probably
19 coming off of Route 18. But in the event -- in
20 the less-frequent event that a truck did want to
21 make that maneuver, we did take a look to make
22 sure that that would work.

23 VICE CHAIRMAN BRAVMAN: And that
24 corner there, if a car was at the stop line, and
25 a trailer had to come down and make that right,

1 they're not interfering with one another?

2 MR. WALKER: They would have to wait
3 until the car left.

4 VICE CHAIRMAN BRAVMAN: Right.

5 MR. WALKER: Right.

6 VICE CHAIRMAN BRAVMAN: Okay. All
7 right. Thank you.

8 CHAIRMAN TAYLOR: Any other
9 questions?

10 Any staff questions?

11 Okay. Go ahead, Les. Take it.

12 A. Okay. So we talked about the
13 improvements along the loop road, with the
14 10-foot-wide path now. It's hard to see with
15 all the trees. I believe the trees are 30 foot
16 on center. They're pretty dense. But you have
17 the 10-foot shared path, and then 4 feet of
18 grass, so that's a nice wide path now going
19 through.

20 Just checking my notes.

21 The snow removal, I know, Shawn,
22 that you just mentioned that. The site has near
23 194, I believe the number is, more parking
24 stalls than are required by ordinance, and
25 that's for, you know, busier times, or visitors,

1 or whatever, but it allows us to use, you know,
2 periphery spaces, such as the row of spaces up
3 in here, and up in here, that are furthest from
4 the building, to kind of push snow -- push snow
5 and pile snow up in that part of the lot, away
6 from the buildings. Same thing at the other --
7 the other A building, on the dog park side, you
8 can push snow into the spaces up in here. Down
9 in the C and D area, you have an outside parking
10 row that can accommodate snow. And then, once
11 you get up into the B units, you know, you have
12 dead-ends -- dead-ends, that you can push the
13 snow off into the dead-end, and then there's a
14 lot of other miscellaneous areas that can be
15 used for snow.

16 But there is ample -- I mean, like
17 I said, there's 194 parking stalls, and off the
18 top of my head, I don't know what that number
19 would be, as far as square feet, but it's a
20 pretty large area available for snow to be
21 piled.

22 VICE CHAIRMAN BRAVMAN: Mr. Chairman?

23 CHAIRMAN TAYLOR: Yes.

24 VICE CHAIRMAN BRAVMAN: I guess I'm a
25 little --

1 CHAIRMAN TAYLOR: I can't see
2 anything but the exhibit, so if you're raising
3 your hand or something --

4 VICE CHAIRMAN BRAVMAN: I'm sorry.

5 CHAIRMAN TAYLOR: That's okay. Just
6 go ahead.

7 VICE CHAIRMAN BRAVMAN: I guess I
8 want a little more clarification on that,
9 because, granted, we had a mild winter, I guess,
10 this past winter, but prior winters, if you pile
11 snow, or stage snow, and you're expecting it just
12 to sit there, even in March, it could still be
13 sitting there. Look at the -- across Route 18,
14 the Midstate Mall, I think it was, when they pile
15 that snow where Best Buy is and all that, that
16 sits piled in there until early spring.

17 CHAIRMAN TAYLOR: It's there until
18 the 4th of July.

19 VICE CHAIRMAN BRAVMAN: Yeah, they
20 keep piling, and piling, and piling. So I
21 appreciate that you're saying that there's enough
22 space, that you have more than enough parking,
23 but I don't think using the parking spaces to
24 then pile snow is really a proper snow removal
25 plan. You're not removing it; you're just

1 staging it until it melts, and becomes --

2 CHAIRMAN TAYLOR: It becomes
3 extraordinarily dirty; unattractive.

4 VICE CHAIRMAN BRAVMAN: Yeah. Is it
5 designed to melt anywhere? I know, like, in
6 prior years, when we've had applications, the
7 applicant proposed, like, grates, and it would
8 melt into a certain area, but now you're getting
9 into groundwater. So I'd have a little concern
10 with what you're exactly talking about, when you
11 just want to pile or stage the snow until it
12 melts.

13 CHAIRMAN TAYLOR: Yeah. I mean, I'd
14 be much more comfortable with a snow removal
15 plan.

16 MR. WALKER: Well, what piling it on
17 an asphalt area does is, when you have grits and
18 salt behind, when the snow melts the way, it
19 keeps the contaminants on the pavement to be
20 cleaned up, as opposed to pushing it into, you
21 know, a field, or a wooded area, where those
22 contaminants could then soak into the ground more
23 readily, and could contaminate the soil, as
24 opposed to, you know, coming in with a street
25 sweeper, or what have you, to clean up the

1 residues left behind.

2 CHAIRMAN TAYLOR: But I think what
3 Mr. Bravman is suggesting is not pushing it into
4 the woods, but actually having a snow removal,
5 emphasis being on removal plan, because as we all
6 know from experience, snowplows can get, in
7 difficult winters, following by prolonged cold
8 spells after snows, stuff can stay there, you
9 know, for weeks or months --

10 MR. WALKER: Sure, and I would --
11 yeah, knowing, you know, Scott's group, they
12 don't want to have a site that is a problem. So
13 in a heavier storm event, when they needed to
14 deal with an excess of snow, I'm sure that, you
15 know, they would take care of that. And he can
16 probably opine a little bit more on that, how
17 they handle it at other sites, later on, when he
18 jumps in.

19 MS. JENNINGS: Les, couldn't they
20 also use the basins to push some of the snow in
21 the basins? Is that feasible?

22 MR. WALKER: You could, because you
23 have the water quality devices. You would want
24 to use the open detention basins, the two larger
25 open detention basins, and not the -- not the

1 bioswales, because you wouldn't want to damage
2 the plants with the salt, but the open detention
3 basins could.

4 MR. LOVENTHAL: Les, I can certainly
5 offer --

6 CHAIRMAN TAYLOR: Well, Mr. Bravman
7 --

8 MS. JENNINGS: You can't just jump in
9 Scott, you have to get recognized.

10 CHAIRMAN TAYLOR: Mr. Bravman, I
11 didn't mean to jump on your issue, I apologize.

12 So, Donna, would you like me to swear
13 another witness in --

14 MS. JENNINGS: Yeah, if you could,
15 Mr. Taylor, we'd appreciate that. I've got Scott
16 Loventhal from the applicant's representative,
17 he's on, and he's ready to answer that question.

18 CHAIRMAN TAYLOR: Okay.

19 S C O T T L O V E N T H A L, having
20 been duly sworn, testified as follows:

21 CHAIRMAN TAYLOR: Can you state your
22 name, spell your last name, and explain a little
23 bit your connection with this application,
24 please?

25 MR. LOVENTHAL: Yes, certainly,

1 Mr. Chairman, my name is Scott Loventhal, it's
2 spelled L-O-V-E-N-T-H-A-L. I am a principal with
3 Tices Developers Urban Renewal, LLC, and have 25
4 years' experience with Garden Homes, our parent
5 company, in the acquisition, entitlement,
6 development, and management of these types of
7 projects.

8 CHAIRMAN TAYLOR: Terrific. Welcome.

9 MR. LOVENTHAL: Thank you.

10 CHAIRMAN TAYLOR: So I'll turn the
11 floor over to you, then.

12 MR. LOVENTHAL: Certainly.

13 With regard to snow removal
14 specifically, your points are all well taken, and
15 I certainly appreciate your comments regarding
16 the nuisance that snow becomes. We generally, in
17 communities like this, will offload snow when it
18 exceeds 12 to 16 inches, as warranted.

19 We have found that it is best
20 practices, from a cleanliness perspective, to
21 leave snow in corners of parking lots for a brief
22 period of time, but as you've suggested, on
23 occasion, in a 12-inch-plus snowstorm, we do
24 offload snow to off-site locations, and bring in
25 subcontractors to do that.

1 In this particular instance, with the
2 water quality chambers that were just mentioned,
3 Donna kind of stole my thunder, I was going to
4 indicate to you that we do have a wonderful
5 opportunity, in the gates that are around our
6 detention basin, to offload most of that snow
7 right into the detention basin, where that same
8 volume of runoff would be located if it was rain,
9 and then there are treatment devices within that
10 detention basin to take care of the salts and
11 other pollutants that may be in the snow.

12 So it certainly could end up being a
13 combination of all three of those options, as we
14 maintain the project moving forward.

15 I will also put on the record that,
16 as the owner and developer, we also do not
17 subcontract --

18 CHAIRMAN TAYLOR: Sorry, mine froze.

19 MR. LOVENTHAL: I'm sorry. Can
20 everybody hear me?

21 CHAIRMAN TAYLOR: Everybody good now?
22 Okay. Good. I'm sorry. Maybe it was just me.

23 MR. LOVENTHAL: No, I was just
24 indicating that, as the owner and developer of
25 the site, we do not subcontract to third-party

1 management companies. We manage this property
2 and will manage this property ourselves. So me
3 making this statement is certainly, you know,
4 conducive with the management that we will be
5 handling in house, and all three of those options
6 will be considered as we move forward.

7 So if you would like us to put
8 together a one-page snow removal plan that
9 outlines those several options, I would be happy
10 to do so as a condition of approval.

11 CHAIRMAN TAYLOR: Mr. Lonski?

12 MR. LONSKI: I think that's fine, we
13 can make that a condition, if the board agrees.

14 VICE CHAIRMAN BRAVMAN: Mr. Chair,
15 may I ask Mr. Loventhal one question?

16 CHAIRMAN TAYLOR: Would you like to
17 add anything else to the presentation at this
18 time?

19 VICE CHAIRMAN BRAVMAN: Mr. Chairman?

20 MS. JENNINGS: Mr. Bravman had a
21 question.

22 CHAIRMAN TAYLOR: Oh, sure. Go
23 ahead, Larry.

24 VICE CHAIRMAN BRAVMAN:
25 Mr. Loventhal, when you said -- I think you said

1 when it's 12 inches or more, you cart it. I
2 guess you're saying, what, remove it, the snow?

3 MR. LOVENTHAL: Yes, that's been our
4 practice on sites where we don't have the luxury
5 of either excess parking or surface detention
6 basins. In more densely designed sites, when
7 it's 12 inches or more, we will subcontract to a
8 third party to offload it to off premises.

9 VICE CHAIRMAN BRAVMAN: Just so we're
10 clear, are you suggesting that -- if the
11 particular snowstorm dropped 12 inches of snow,
12 or are we saying when it gets to 12 inches,
13 meaning if it snows on Monday 3 inches, Tuesday
14 night it snows 6 inches, Thursday it's another 5,
15 is that the 12, or is it only the storm is 12?

16 MR. LOVENTHAL: Well, if it snowed up
17 to 12 inches in several days, and none of it
18 melted off, then that certainly may warrant our
19 use of an offloading option. I'm just suggesting
20 to you that we have encountered the issue that
21 you're describing, and it is a point very well
22 taken, and we have resorted to offloading snow
23 when it accumulates more than 12 inches. If it
24 was one storm, or if it was three storms in a row
25 that were 4 inches each, and it was 12 degrees in

1 between each storm, we didn't have much to melt
2 it off -- and the 12 inches, to me, it's not a --
3 it's not a fine line; it's merely what we've --
4 our experience has shown, that once snow
5 accumulates more than 12 inches, it does become
6 challenging to place it on site -- to leave it on
7 site.

8 This site is rather than unique,
9 because of the excess parking and because of the
10 surface detention basins; in fact, I can tell you
11 that we've actually taken snow to other
12 properties that have surface detention basins
13 with water quality like this, in instances where
14 more densely designed sites don't have those
15 surface detention basins. So that would probably
16 be our first option, because offloading it in an
17 area like East Brunswick doesn't leave you with
18 many options, and of course, it's an expensive
19 undertaking.

20 So it's a combination of all three
21 that our on-site management makes a decision at
22 the time based on those needs.

23 VICE CHAIRMAN BRAVMAN: Yeah, I guess
24 we'll leave it to Mr. Lonski and the applicant's
25 professionals, when it's drafted. I just wanted

1 to make sure that, when drafted, it wasn't
2 something that said, if a snowfall accumulates 12
3 inches -- like, I think it's just got to be
4 crafted in a such a way that no one's saying
5 that's not what the document says, because
6 obviously that is a concern, at least of this
7 board member, and possibly others, so I just want
8 to make sure that it is properly addressed. It
9 sounds like the applicant is willing to work with
10 staff on that, so it's just my concern that we
11 weren't pigeon-holing ourselves into a 12-inch
12 snowstorm; it's an accumulation that potentially
13 -- if we're using the figure 12, you might agree
14 it's a different number at some point when you
15 start negotiating, I guess, the agreement, but if
16 we could just have that understanding that it's
17 not necessarily a storm that totals that, but
18 it's an accumulation, because it seems like
19 that's the trigger, 10 inches, 12 inches,
20 whatever we're going to refer to.

21 MR. LOVENTHAL: Understood.

22 COMMISSIONER REISS: Can I ask one
23 other thing? I apologize.

24 CHAIRMAN TAYLOR: Very good point,
25 Larry.

1 COMMISSIONER REISS: I agree, it's a
2 good conversation on that.

3 One other thing, you mentioned that
4 you sometimes cart snow off to other properties.

5 MR. LOVENTHAL: Yes.

6 COMMISSIONER REISS: Is there a
7 potential that you're going to take snow from
8 another property and bring it here?

9 MR. LOVENTHAL: No, we --

10 COMMISSIONER REISS: You made that --

11 MR. LOVENTHAL: That would not be the
12 case.

13 COMMISSIONER REISS: Maybe that could
14 be included as a condition.

15 MR. LOVENTHAL: We would absolutely
16 agree to that. We're not going to, certainly,
17 add snow to this property. At the end of the
18 day, you know, as the owner and manager of the
19 property, we want it to be marketable, we want it
20 to be leasable, we want it to be a place that our
21 residents enjoy. So we're certainly not going to
22 be using it as a place to stockpile snow from
23 anyone else's site, or our own elsewhere.

24 COMMISSIONER REISS: Thank you.

25 CHAIRMAN TAYLOR: Thank you.

1 And it brings me some level of
2 comfort knowing that this developer is also going
3 to operate this site. This certainly have a good
4 reputation for operating these types of sites.
5 So I always like it when the [inaudible] --

6 MR. LONSKI: Shawn, you're cutting
7 out again.

8 CHAIRMAN TAYLOR: And I also got cut
9 off. Let me -- I'll try that, try -- okay?

10 Scott, is there anything else that
11 you would like to add, or any questions of any
12 board or staff members while we have Scott here?

13 MS. JENNINGS: Scott, while you're on
14 the record, do you just want to address your
15 conversation with the redevelopment agency? I
16 think you wanted to mention something before.

17 MR. LOVENTHAL: Yeah, I did want to
18 make sure, it was a question that was asked last
19 meeting by several of your professionals, and
20 several of the board members, and it seemed as if
21 the municipality did not yet have an opportunity
22 to speak to Urban Edge. And I refer to Urban
23 Edge as the owner of the Dick's, Kohl's, Lifetime
24 Fitness, and -- not Lifetime Fitness, excuse
25 me --

1 MS. JENNINGS: LA.

2 MR. LOVENTHAL: -- LA Fitness and
3 Lowe's shopping center directly to the east of
4 our property. I just wanted to make sure the
5 record was clear, I did have an opportunity to
6 speak today to Judy Knop, who is the senior vice
7 president for development with Urban Edge. I
8 raised with her three items that I knew were
9 important to this application, and that was their
10 cooperation in our connection of the new Renee
11 Road extension to their parking lot -- which, of
12 course, on the screen share, you know is where
13 we're connecting, and Les is now circling --
14 their willingness to cooperate with us to allow
15 us to make the improvements to the turning
16 radius, and also to make sure that we have a
17 consistent coordination with their site plan.
18 She's indicated a willingness to work with us
19 there and grant those temporary easements.

20 Secondly, while Les hadn't gotten
21 to it yet, but I'll put it on the record, part of
22 the roadway widening that we've committed to in
23 this round of modifications includes the widening
24 of Tices off premises from us, just to the east
25 of our property, where Les has the cursor

1 currently, where we'll be able to create two
2 lanes within 200 feet west of Route 18.

3 There is some right-of-way -- Les is
4 going to zoom in on it, and then I can describe
5 it -- there is potentially some right-of-way just
6 to the east of the former Highland Street
7 extension that may be necessary to acquire, and
8 while I'm not going to suggest that Urban Edge
9 has made a commitment to that condemnation
10 process, they are certainly willing to cooperate
11 in the engineering component, and if, in fact,
12 the Township of East Brunswick proceeds with a
13 condemnation to allow us to put the second
14 through lane in, that we've committed to along
15 the frontage of our property, and within the 200
16 feet of Route 18, Urban Edge is going to
17 participate in those discussions, and if,
18 ultimately, there's a condemnation, you know, so
19 be it. But they are aware of the issue, and are
20 willing to work with the municipality's
21 professionals and my professionals to accomplish
22 that widening.

23 And then, lastly, I at least pointed
24 out to Ms. Knop that there is and has been
25 concerns about drainage that may leave the Urban

1 Edge retail center, and may discharge onto a
2 portion of the approximately 8 acres that we will
3 be dedicating to East Brunswick, and once again,
4 she indicated her willingness to allow our
5 engineer, the township engineer, and her engineer
6 to collaborate, and if, ultimately, there is a
7 drainage easement or maintenance agreement that
8 needs to be put in place with regard to Urban
9 Edge's shared maintenance, she's at least willing
10 to consider it. I don't want to indicate that
11 she was consenting to it without knowing the
12 details of what that might be.

13 But I know that those were issues
14 that were all left open at the last meeting, and
15 I'm pleased to report that I did have a very
16 favorable conversation with Urban Edge to cover
17 those three issues.

18 CHAIRMAN TAYLOR: Good. That's good.
19 Thank you, Scott.

20 MR. LOVENTHAL: You're welcome.

21 CHAIRMAN TAYLOR: Anything further
22 that you care to add at this time, Scott?

23 MR. LOVENTHAL: No, I -- I'll be
24 available and can come back, because I did make a
25 list of some operational issues that were

1 questions that the board raised at the last
2 hearing, and I'll be happy to answer those once
3 we get further along in the testimony.

4 CHAIRMAN TAYLOR: Okay. Good. Thank
5 you.

6 MR. LOVENTHAL: You're welcome.

7 CHAIRMAN TAYLOR: I guess we're
8 throwing it back to Les now?

9 MS. JENNINGS: Yes, that's correct.

10 MR. WALKER: So I pretty much
11 summarized all of the major changes that we made.
12 And we didn't -- we didn't just, kind of, throw
13 this on paper; we took a hard look, and it's --
14 in order to get the plans revised, and get them
15 to CME, and give them time to review it, there
16 wasn't going to be enough time, from the last
17 meeting to this meeting, to get all that
18 accomplished.

19 So we wanted to get visually in front
20 of you what the improvements will look like, and
21 we've been -- we're probably going to be able to
22 submit, hopefully by the end of this coming
23 week -- not this week, but the 7th is our target,
24 if everything goes well -- to give CME a little
25 bit more time, you know, to review the plans.

1 A small change that we made
2 internally, not as a result of one of the
3 letters, but we had a lot of handicap parking out
4 in front of the two retail uses, more than we
5 needed. So what we did internally was we moved
6 two -- two of the accessible spaces down by the
7 dog park, and then moved another two of them back
8 by the two D buildings in the back, just so that
9 visitors that may need that kind of accomodation
10 would have it. It just made more sense to have
11 them a little bit better dispersed, and not all
12 lined up in front of the retail uses where they
13 were. There was more than we actually needed in
14 that area.

15 But other than that, we did look --
16 so one of the complications of widening the
17 asphalt, the shared path, widening the roadway,
18 and eliminating that center island, is that you
19 have more asphalt, so that generates a little
20 more stormwater. So we've gone through the
21 stormwater calculations, and everything -- we had
22 to make a few minor tweaks, but everything will
23 still function, you know, the way it did before,
24 and in accordance with all the applicable
25 stormwater regulations for the state. So we're

1 confident in saying that the plan that's before
2 you will be -- there's no technical issues with
3 making the accomodation for the loop road and the
4 wider path, and the improvements on Tices.

5 CHAIRMAN TAYLOR: Good. That's good,
6 because I feel that those changes, you know,
7 really do improve the overall development.

8 What I'd like to do at this time, I
9 want to throw it for a bit to John Kriskowski. I
10 know, John, you haven't had a chance to put a
11 final review on this, but I'd like to get your,
12 kind of, impressions so far, and kind of get a
13 sense of where you're at, because this board, as
14 you know, relies a great deal on you and your
15 firm's expertise and guidance.

16 MR. KRISKOWSKI: Thank you, Chairman.
17 Can you hear me?

18 CHAIRMAN TAYLOR: I can, yes.

19 MR. KRISKOWSKI: Okay. Sorry for the
20 technical difficulties earlier. I am on only by
21 phone, I apologize for that.

22 Yeah, the applicant and our office
23 and the township's planning staff, planning and
24 engineering staff, has met a number of times with
25 the developer, to talk about, you know, these

1 plan changes. The applicant's been very
2 cooperative in addressing, I think, the board's
3 comments and concerns from the last meeting, our
4 technical comments, and has worked a lot, and
5 worked very hard to provide a plan that, at least
6 conceptually, reflects a lot of the -- most of
7 those, if not all of those -- the concerns that
8 were expressed earlier.

9 We have not had a chance to review
10 the engineered plans, and in -- you know, that is
11 something that we will definitely want to take
12 some time with, and take a closer look at, but I
13 think, conceptually, this -- the plan that has
14 been described so far reflects the changes,
15 generally, that we had requested.

16 I'm not sure if that helps you, but I
17 think the applicant's been, again, very
18 cooperative. Anything that we've asked for, any
19 technical information that we've asked for has
20 been provided, and I think they've revised the
21 plans twice already, and this will be the third
22 time. So, you know, I'm comfortable that we can
23 make things work engineering-wise.

24 CHAIRMAN TAYLOR: Okay. Thank you,
25 John.

1 Let me just ask one quick question of
2 our attorney. Dave, if the board were to make a
3 discussion to go ahead and consider this
4 application this evening, that -- and then,
5 assuming it was approved, we could certainly make
6 that conditional on final engineering review and
7 approval by our staff and CME. Correct? I mean,
8 that could be a strong condition of approval.
9 Right?

10 MR. LONSKI: Absolutely. And I
11 think, where we are today, that would naturally
12 have to be a condition, that it would be subject
13 to final approval of the staff.

14 And we do have a history of the
15 comments, so we know a lot of the comments that
16 John and CME have made with respect to the
17 application, and we would expect to see them and
18 have them work that out.

19 Should there be an impasse, then, you
20 know, naturally, it would have to come back to
21 the board for --

22 CHAIRMAN TAYLOR: Right. Or I'm
23 guessing -- and John Kriskowski, correct me if
24 I'm wrong -- if the approval process resulted in
25 a significant change, or changes, we -- the -- we

1 could require that they return to this board.

2 MR. KRISKOWSKI: Yes, I think that
3 definitely should be part of any agreement,
4 any -- and if there is a vote tonight, you know,
5 if the application is approved, then I think that
6 would be an important part, and important for the
7 applicant to understand too that, you know,
8 we're -- we would review with the engineering.

9 If our engineering comments led to
10 some substantial changes in the layout that, you
11 know, they would have to go back to the board,
12 and the board would have to see, you know, the
13 changes that would be required.

14 CHAIRMAN TAYLOR: Okay. Well, let's
15 just think on that, though, because this is a
16 very important application for the town, we want
17 to be thorough, we want to be complete, but we
18 also want to be timely, and keep it moving.

19 Having said that, Donna, let me kick
20 it back to you.

21 MS. JENNINGS: I think Les had
22 another exhibit that he wanted to walk us
23 through.

24 CHAIRMAN TAYLOR: Okay. Les, let's
25 go back to you and see that other exhibit.

1 MR. WALKER: So the final plan that I
2 have is the truck turning --

3 CHAIRMAN TAYLOR: Oh, yes, the truck
4 circulation plan.

5 MS. JENNINGS: Which is Exhibit A-17.
6 Correct?

7 MR. WALKER: Correct, this is Exhibit
8 A-17.

9 So starting out at Tices Lane, and
10 entering onto Renee Road, you can see trucks
11 heading eastbound on Tices can make this -- this
12 turn into the site, and that that -- it'll kind
13 of help you see why the radius was widened the
14 way it was, just the motion that this truck wants
15 to make and still stay on its own side of the
16 road to make that turn, and not have to wait for
17 somebody to clear the opposing lanes.

18 Same thing for a very -- I don't -- I
19 don't see a lot of need for this kind of a
20 motion, because this would be a truck coming from
21 Route 18, only to go back to a site that has a
22 direct access from Route 18. But in the event
23 that the question arose -- and you could see that
24 the inbound truck on Tices Lane westbound, or
25 exiting onto -- back onto Tices Lane eastbound,

1 they all function well.

2 Moving down to the roundabout, which
3 is the other -- you know, kind of a pinch point,
4 I know that there was some concerns about how the
5 trucks could maneuver here. And, you know, a
6 roundabout is not a high-speed -- it's not a
7 high-speed roadway; it's intended to slow traffic
8 down, but to allow them to keep moving. So you
9 can see that the truck -- the trucks come in, and
10 they make the turn, and they can continue on and
11 stay on their own side of the road, and the same
12 thing for trucks coming to the retail
13 development, and leading back out to Tices, they
14 stay in the roadway. And they have the use of
15 this additional 6 feet of cartway, fully
16 depressed. They're not jumping a curb or
17 mounting a curb, it's all fully depressed with
18 the rest of the roadway; it'll just have a
19 different look to it. So they can accommodate
20 that motion there.

21 And then, there was a question about
22 how a truck that might want to go back to Lowe's
23 would make and negotiate this turn. And you can
24 see, to negotiate that turn, they have to use
25 both lanes. There's really no way to accommodate

1 that in the existing condition, they have to make
2 a similar kind of a movement, because it's very
3 tight, and it's an awkward intersection there.
4 Quite frankly, I'm not sure that they can even
5 make that turn in the existing condition, because
6 the Highland Street extension comes this way, and
7 then down the page eastbound, and this road is
8 kind of -- it kind of comes in at a funny angle.
9 So they'd be hard pressed to make that turn now.
10 They would be able to make it in the post
11 development condition, but they would need to
12 wait for any car that would be sitting here to
13 clear before they can make that turn.

14 Similarly, if the tractor-trailer was
15 coming in from Route 18, and wanted to go this
16 way, they have a lot more room to make that, but
17 they would also have to wait for the vehicle
18 sitting there to clear. But right now, they
19 don't go in that way, they come in the main
20 entrance closer to the front.

21 So that's your truck movements.

22 CHAIRMAN TAYLOR: Thank you.

23 Any board members have any questions?

24 I think, Mr. Phillips, you had a couple questions
25 about this last time -- I think it might have

1 been you -- if there are any board members is
2 that have any questions regarding the truck
3 movements.

4 COMMISSIONER PHILIPS: Just a few to
5 clarify -- I'm sorry.

6 CHAIRMAN TAYLOR: Go ahead, Steve.

7 COMMISSIONER PHILIPS: Just if you
8 could clarify the size of the truck.

9 MR. WALKER: It's a WB-62 design
10 vehicle, and that's the largest tractor-trailer
11 that's allowed in New Jersey without some kind of
12 special registration. It's a -- the wheelbase,
13 from the middle of the tractor's rear wheels to
14 the middle of the trailer's rear wheels, is 40
15 feet 6 inches, I believe, and the trailer is 48
16 feet 6 inches long.

17 COMMISSIONER PHILIPS: Okay. Well,
18 it may not matter, but there's a lot of 53-foot
19 trailers. So just be aware of that.

20 CHAIRMAN TAYLOR: Thank you, Steve.

21 Any further comments or questions by
22 any other board members?

23 COMMISSIONER CRISCUOLO: There was a
24 lot of comments from the fire department about
25 fire lanes, and hydrants, and everything else. I

1 just want to make sure those were addressed.

2 MR. WALKER: We've made several
3 revisions back to the fire official, and we've
4 been working with him, I've met with him several
5 times. So I believe that we're nearing the end
6 of his review, and we'll be able to get his
7 sign-off very soon.

8 COMMISSIONER CRISCUOLO: Good. And
9 the proposed speed limit on the loop road, what
10 is that, currently?

11 CHAIRMAN TAYLOR: I think it's 65,
12 Joe.

13 COMMISSIONER CRISCUOLO: Good.

14 MR. WALKER: We would anticipate 25
15 miles an hour. And, really, with the amount of
16 residential traffic that you're going to have,
17 you're not going to want anything more than that
18 on this road.

19 CHAIRMAN TAYLOR: Certainly not.

20 MR. KRISKOWSKI: Les, John
21 Kriskowski. I had a question, Les, about the
22 islands as you approach the roundabout: Are they
23 raised islands or will they also be flat to the
24 pavement?

25 MR. WALKER: That's a good question,

1 thank you, John.

2 The ones that are shown -- I'll zoom
3 in a little bit more -- the ones that are shown
4 with, like, a herringbone pattern, those are also
5 proposed to be fully flush, but those would be
6 more like a brick paver, or something like that.
7 They'll have a different look, but in the event
8 of a -- you know, some kind of a larger vehicle
9 that needed to, those are -- those are -- those
10 are mountable islands. Those aren't fully --
11 those aren't fully depressed, but they're
12 mountable. So they have the sloped curb, and
13 then a hard surface on top on them.

14 MR. KRISKOWSKI: Okay. Thanks.
15 That'll further direct the passenger vehicles
16 through the roundabout too.

17 CHAIRMAN TAYLOR: Okay. Thank you.

18 Any further questions by staff or
19 board members on this topic.

20 VICE CHAIRMAN BRAVMAN: Yes,
21 Mr. Taylor.

22 CHAIRMAN TAYLOR: Go, Larry.

23 VICE CHAIRMAN BRAVMAN: Mr. Walker,
24 what is the largest vehicle that can get into the
25 site, the residential site? I'm assuming it's

1 not one of these tractor-trailers, they'll never
2 make it through and around.

3 MR. WALKER: Right. Typically, we
4 would expect, like, a large box truck, a moving
5 van, like, a FedEx vehicle, a UPS vehicle. We
6 wouldn't anticipate tractor-trailer traffic.

7 VICE CHAIRMAN BRAVMAN: I guess what
8 I was thinking is residential -- and I know
9 they're not homes, single-family homes, but you
10 have all these residential people moving in, what
11 size vehicle are they expected or are they going
12 to be told that they can come in with?

13 MR. WALKER: Well, nothing bigger
14 than your fire truck.

15 VICE CHAIRMAN BRAVMAN: Right. But,
16 you know, if -- you know, if someone hires North
17 American Van Lines, they're not coming in. Not
18 that they probably would have that much stuff,
19 but I guess I'm concerned, when people are moving
20 in, what they'll actually be moving in with.

21 MR. LOVENTHAL: Mr. Chairman, I can
22 answer that, if you'd like.

23 CHAIRMAN TAYLOR: Yeah, please,
24 Scott. I actually was going to throw it to you,
25 since I figured you got a lot of experience on

1 things like that.

2 MR. LOVENTHAL: Sure. Again, Scott
3 Loventhal for the record.

4 Larry, we will be -- as we always do
5 on move-ins, we have very specific move-in
6 instructions. And your point, again, is well
7 taken, if someone is moving cross country,
8 sometimes their belongings are delivered in those
9 large Mayflower or, you know, very large moving
10 vehicles that might be the size of a
11 tractor-trailer. We prohibit those truck
12 movements. There'll be sign that prohibit those
13 truck movements. The moving instructions that
14 will be provided to the residents will be
15 specifically provided for that.

16 And what often occurs is, on a
17 cross-country move, those large trucks are off
18 loaded at a distribution facility or regional
19 facility, and then smaller box trucks are used to
20 enter our sites. So your point is well taken,
21 and we inform our residents of that.

22 VICE CHAIRMAN BRAVMAN: Okay. You
23 know, yeah, because I was also just thinking that
24 a lot of this is occurring -- and, again, it may
25 not be applicable to your site, and you're

1 probably more familiar with it -- but now that a
2 lot of people are ordering, you know, from
3 Wayfair, and sites like that, some of the larger
4 furniture that is ordered gets drop shipped on
5 larger -- you know, it's no longer the UPS/FedEx
6 truck that's bringing it, or the Amazon truck;
7 they're coming in on the LTL trucks and things
8 like that. They're -- they don't really have
9 control, when you order on Wayfair or, you know,
10 whatever the other sites are -- their names are
11 slipping by right now -- but, you know, you order
12 something that's a little larger, whether it's a
13 dresser, or bureau, or a dining room set, and all
14 of a sudden you have this truck delivering it.

15 MR. LOVENTHAL: Yes, it is a new
16 dilemma, and one that I will not -- I will not
17 tell you that there won't be an occasion where a
18 large truck like that tries to enter this site,
19 and sees that he can't get very far, to, let's
20 say, traverse the entirety of the site to get to
21 a townhome or an apartment on the rear of the
22 site. So there are occasions where trucks do try
23 and get in, despite the signage and despite the
24 rules, but that's no different than any -- you
25 know, any site like this.

1 VICE CHAIRMAN BRAVMAN: Right. Okay.
2 Thank you, Mr. Loventhal.

3 MR. LOVENTHAL: You're welcome.

4 COMMISSIONER REISS: Chairman, I have
5 a question.

6 CHAIRMAN TAYLOR: Sure, Larry.

7 COMMISSIONER REISS: Sharon, did you
8 want to go? I thought Sharon wanted to go.

9 CHAIRMAN TAYLOR: Again, I can't see.
10 Sharon, go ahead.

11 COUNCILWOMAN SULLIVAN: That's okay.
12 Someone asked it. I heard my answer.

13 CHAIRMAN TAYLOR: Okay. Mr. Reiss?

14 COMMISSIONER REISS: My question was
15 the signage. Where is the signage going to be
16 about the size of the truck? I don't know if I
17 missed that.

18 MR. WALKER: Are you talking about,
19 like, prohibiting tractor-trailers inside the
20 side? That would have to be at all of the
21 entrances; so at the roundabout, and then, also,
22 at the -- the stop-controlled intersection on
23 this end.

24 CHAIRMAN TAYLOR: So at all the
25 entrance points?

1 MR. WALKER: That's right.

2 COMMISSIONER REISS: That's all
3 included in this?

4 MR. WALKER: They're not on the plan
5 right now, but they will be added.

6 COMMISSIONER PHILIPS: Shawn?

7 CHAIRMAN TAYLOR: Yes.

8 COMMISSIONER PHILIPS: In that same
9 regard, with all the truck traffic movement
10 through the outside loop road, are you planning
11 on having a sign stating that use of engine
12 brakes is prohibited, with all the private homes
13 living there?

14 CHAIRMAN TAYLOR: That's for the
15 applicant. Right?

16 COMMISSIONER PHILIPS: That was
17 either for Mr. Loventhal or Mr. Walker. Are you
18 planning on having signs saying use of engine
19 brakes is prohibited?

20 MR. WALKER: If that's something the
21 town wants us to include, for sure.

22 COMMISSIONER PHILIPS: You've got
23 your residents within 30 feet -- 50 feet of this
24 road where they might be turning it on.

25 MR. WALKER: Sure, we could include

1 that. That's fine.

2 COMMISSIONER CRISCUOLO: And I think
3 you need signage, no trucks over 4 tons in the
4 community itself.

5 CHAIRMAN TAYLOR: That was you, Joe.
6 Correct?

7 COMMISSIONER CRISCUOLO: Yes, sir.

8 CHAIRMAN TAYLOR: All right. Any
9 other questions or comments on this truck plan?

10 COMMISSIONER CLARKE: I have a
11 question, but it's --

12 CHAIRMAN TAYLOR: Go ahead, Julie.

13 COMMISSIONER CLARKE: -- truck plan,
14 and maybe I missed this somewhere, but the
15 residents and the children that will be living
16 here, will they be bused to Churchill or will
17 they be walking?

18 CHAIRMAN TAYLOR: That has not been
19 asked before, so you didn't miss it.

20 COMMISSIONER CLARKE: So my concern
21 is what their path is, lights, traffic, you know,
22 sidewalks. And I'm not sure what the distance is
23 between this and Churchill.

24 CHAIRMAN TAYLOR: Joe, do we know
25 that yet?

1 COMMISSIONER CRISCUOLO: That would
2 be a question for the board of ed to determine
3 with the amount of children.

4 MR. LOVENTHAL: Mr. Chairman, I can
5 chime in.

6 CHAIRMAN TAYLOR: Go ahead, Scott.

7 MS. LOVENTHAL: Ms. Clarke, we were
8 in touch with Joyce Forsberg, who is the
9 transportation manager for East Brunswick Board
10 of Ed. She did not give a specific indication.
11 She certainly is not aware, yet, as to the
12 numbers of children [inaudible] -- either
13 elementary school, middle school or high school.

14 We indicated willingness to
15 Ms. Forsberg that, if her policy was to allow
16 school buses into the site, for those schools
17 that are within, you know, the requisite
18 distance, that we would be more than willing to
19 accommodate those school buses, which, of course,
20 can be accommodated in our roadway network very
21 safely.

22 So we're going to circle back with
23 the transportation manager once we see the makeup
24 and composition of our residents. I think Les
25 has described, and our plan certainly has a

1 remarkably robust pedestrian connectivity
2 sidewalks throughout, in front of all of our
3 buildings, along each of the roadways, so we
4 certainly believe that pedestrians will be
5 accommodated safely, and that, of course,
6 includes children that may be walking to a
7 particular school.

8 COMMISSIONER CLARKE: Is the closest
9 light on Tices and Harts Lane, from that
10 development, for them to cross?

11 MR. LOVENTHAL: Yes, that would be
12 the only place to cross, that's right.

13 COMMISSIONER CLARKE: That would be
14 the only place for them to cross. Okay. Which
15 is a concern of mine, because of the way
16 people -- you know, the way that, you know,
17 people come onto Tices. Okay, I'm sure you'll
18 address it when --

19 COMMISSIONER REISS: Can I ask a
20 question on that too? I think Ms. Clarke's on to
21 something good. That's a very busy area in the
22 morning. Has there been any consideration given
23 to maybe -- around the delivery schedule, or when
24 trucks come in and out?

25 MR. LOVENTHAL: I'm not sure I

1 understood the question. Are you suggesting that
2 we limit deliveries at certain times of day to
3 retail? limit deliveries overall? I mean, you
4 know, we're -- that becomes a challenge, from a
5 policing perspective.

6 You know, obviously, we would grant
7 Title 39 enforcement to East Brunswick's police
8 department, should that be something that this
9 board and the township are interested in having,
10 but notwithstanding, it's difficult to limit,
11 and, you know, it's a difference of opinion as to
12 what times of day are busier than others. So we
13 don't necessarily have any particular rules that
14 we expect to put in place regarding limiting
15 deliveries.

16 I will tell you that our expectation,
17 owning a significant portfolio of mixed-use and
18 retail properties, that most of our commercial
19 and retail tenants will receive their deliveries
20 early in the morning, and generally don't have
21 any impact on the daytime operations. So that
22 usually is nice as a complement to avoid
23 conflicts.

24 But there are, of course, constant
25 UPS, FedEx, and other box trucks that will enter

1 these sites daily; very difficult to limit their
2 movement within a community of this size.

3 COMMISSIONER REISS: I wouldn't say
4 limit; it would just be take into account that
5 around the 7 o'clock time frame is when the
6 schools start, and that that is a very busy area,
7 as it is right now, coming down into University.
8 So I don't know if that's been looked at.

9 Obviously, doing a traffic study
10 around now is difficult, because no one's at
11 school, but I'd like that to be considered,
12 because if you're thinking about the pathway
13 where people walk, there's a lot of traffic just
14 to get across that street -- I think that's where
15 you were going, Ms. Clarke --

16 COMMISSIONER CLARKE: Right.

17 COMMISSIONER REISS: Yeah, just
18 getting across that street is going to be
19 difficult, and coming in and out of the
20 development, we're talking more in the morning,
21 that time frame -- or I'd like to -- I'll leave
22 it open to the rest of the board, or even the
23 traffic --

24 COMMISSIONER CLARKE: It's possible
25 that the distance between even the development

1 and Churchill may be the two-mile -- I'm not even
2 sure --

3 COMMISSIONER PHILIPS: No, it's not.

4 COMMISSIONER CLARKE: It's not?

5 Okay. It would be walking.

6 COUNCILWOMAN SULLIVAN: But it
7 wouldn't be -- excuse me, it's Councilman
8 Sullivan -- wouldn't that be, like, a main
9 street, so they'd have to bus them? I know,
10 where I lived, my kids could walk to Memorial,
11 but because of Milltown Road, they bused them.

12 CHAIRMAN TAYLOR: Yeah, I would think
13 the school should bus them --

14 COMMISSIONER CLARKE: It would make
15 sense.

16 CHAIRMAN TAYLOR: -- crossing, you
17 know, Tices Lane.

18 COMMISSIONER REISS: Even with
19 busing, think about the amount of activity that
20 will go on there around 7 o'clock in the morning,
21 you know, with the high school and Churchill.

22 CHAIRMAN TAYLOR: Yeah, but if
23 they're being bused in, and there are bus stops,
24 I'm not -- that, frankly, doesn't concern me as
25 much.

1 And I would think the school -- the
2 board of ed would want to bus these students --
3 and we don't know how many there are going to be.

4 COMMISSIONER CRISCUOLO: Well, what
5 happens at Crosspointe? Does anybody now?

6 COMMISSIONER REISS: I don't know.

7 CHAIRMAN TAYLOR: I don't know.

8 VICE CHAIRMAN BRAVMAN: Crosspointe
9 goes out the back onto -- I think it's the
10 existing Renee, and --

11 CHAIRMAN TAYLOR: Right. Right.

12 COMMISSIONER PHILIPS: They take the
13 back way into Churchill.

14 COMMISSIONER CRISCUOLO: Yeah, but
15 the -- when there's dangerous routes, there's
16 rules and regs that require them to be bused.

17 VICE CHAIRMAN BRAVMAN: Yeah, it's a
18 hazardous road route.

19 COMMISSIONER CRISCUOLO: There's Safe
20 Streets to Schools, and so on and so forth. I'm
21 sure that will be determined between the traffic
22 safety unit, or the police department, with
23 Mr. Kipp's staff and the board of ed, to --

24 CHAIRMAN TAYLOR: Yeah, I do too.

25 VICE CHAIRMAN BRAVMAN: Mr. Chairman,

1 I just want to throw one question out -- and I
2 asked this last time, and, you know, when I -- I
3 gave it an overview question, I asked about the
4 speed humps, the speed bumps, which everyone
5 agreed that wasn't appropriate, which is fine,
6 but building on, I guess, what Ms. Clarke is
7 asking, since this is part of a redevelopment,
8 that I guess the expectation and hope is it will
9 join and connect with what I call the Lowman's
10 redevelopment, and we're hoping to redevelop this
11 whole area: Has there been any discussion or
12 thought of putting a pedestrian overpass over
13 Tices, for not only what we're talking about the
14 children to Churchill, but for the entire plan of
15 redevelopment that is envisioned here, to
16 potentially connect all of this?

17 Why not have, as we -- you know, I
18 know it's different, it's a state highway where
19 we're talking, on Eggers Street, over Route 18,
20 but obviously, for pedestrian safety, if that is
21 a concern from this development going north, has
22 there been any discussion, or thought, or
23 reason -- and maybe -- I think I saw
24 Mr. Watson -- why we would or would not want a
25 pedestrian overpass?

1 COMMISSIONER CRISCUOLO: Well, isn't
2 there a light -- there's a light at the
3 intersection.

4 CHAIRMAN TAYLOR: Right.

5 COMMISSIONER CRISCUOLO: There's a
6 crosswalk.

7 CHAIRMAN TAYLOR: There's a light at
8 Renee.

9 VICE CHAIRMAN BRAVMAN: Right, but
10 what about the middle -- unfortunately, I
11 can't -- you know, that connects to Crosspointe?
12 There's an entrance on this -- what do we have,
13 A-16 right now? In the middle there, that's an
14 egress and ingress as well. So I've got to
15 believe that pedestrians are going to look to --
16 or kids are going to run across the street.

17 COMMISSIONER CRISCUOLO: They need to
18 go to the intersection.

19 VICE CHAIRMAN BRAVMAN: I agree with
20 you, they need to, but we know what they're going
21 to do.

22 COMMISSIONER CRISCUOLO: Well,
23 pedestrian overpasses are a nightmare for
24 maintenance for the township.

25 VICE CHAIRMAN BRAVMAN: That's why

1 I'm throwing the question out.

2 COMMISSIONER CRISCUOLO: No, I
3 mean -- you know, and you wouldn't throw it mid
4 street, if you have a -- I had the luxury of
5 being the administrator up in Piscataway. You
6 need to look at the run and rises to get over
7 that Route 18. You would need so much space in
8 order to do that. You've got to meet ADA
9 guidelines. There's no more stairs.

10 VICE CHAIRMAN BRAVMAN: Which is why
11 I'm posing the question, and as I said, I'm not
12 familiar with it, but I was just trying to, you
13 know, take Ms. Clarke's question, but also to
14 build it on the concept of the total package of
15 redeveloping this area.

16 COMMISSIONER CLARKE: It somehow
17 makes it very attractive when you can connect the
18 maul, and connect the people, and connect them
19 all to whatever --

20 CHAIRMAN TAYLOR: Also, just knowing
21 a little bit of what it takes to do a pedestrian
22 overpass -- I worked for the turnpike authority,
23 we operate the turnpike and the parkway -- you
24 need -- as Mr. Criscuolo said, you need copious
25 amounts of land. You can't simply just build

1 a -- build -- use stairways up and over, it's a
2 --

3 VICE CHAIRMAN BRAVMAN: Fair enough.

4 COMMISSIONER CRISCUOLO: Pretty
5 simple: Cross at the green, not in between.

6 CHAIRMAN TAYLOR: Right.

7 MR. WATSON: Mr. Chairman?

8 MR. KIPP: Larry, you know, we are
9 considering pedestrian and bicycle connectivity
10 between the sites. That's why Les, with this
11 revision, added that the sidewalk is now 10 feet,
12 And we are looking at how we can continue off
13 Renee for connectivity between the development
14 sites.

15 And I think a key component -- and
16 Jim, you may want to touch on this -- is timing
17 at that signal, to make sure it's adequate for
18 pedestrians.

19 MR. WATSON: Right. And just to add
20 to what Keith was saying, also under the
21 intersection improvements -- if we could just go
22 back to that, Les, at the intersection of Tices
23 and Renee -- there's a crosswalk right now that I
24 believe is missing, that's going to be added
25 under this improvement. I believe it's the

1 crosswalk closest to Route 18. That does not
2 exist right now. There's additional sidewalk
3 that's being put in, also, on the Crosspointe
4 side of the roadway.

5 There will be -- and Dan, you could
6 jump in here -- the signal will also be designed
7 with phases, and push buttons, and countdown
8 timers for all the crossings, so I think those
9 are some improvements as well.

10 CHAIRMAN TAYLOR: Thank you, Jim. It
11 was worth you wearing that tie for that.

12 MR. WATSON: Thank you, Mr. Chairman.

13 CHAIRMAN TAYLOR: Any other comments
14 or questions on the truck plan?

15 MS. MCGURK: Mr. Chairman? It's
16 Colleen.

17 CHAIRMAN TAYLOR: Yes, Colleen.

18 MS. MCGURK: It's not really on the
19 truck plan, but I did hear Mr. Walter (sic)
20 mention about Title 39, and that was one of my
21 questions to the township, that we obtain Title
22 39.

23 And he also mentioned discussions
24 with Sean Verdi. I don't know if they addressed
25 what was in the construction official's memo,

1 which was supply plans for fire hydrants, and
2 supply location of fire hydrant -- fire
3 department connections, he's [inaudible] those
4 revisions.

5 And as far as the crosswalks, they
6 should be supplied, but they don't have to be the
7 boring, standard crosswalks, since we are trying
8 to create some place-making. They can have maybe
9 a different design -- it could still just be the
10 white paint, but maybe a different design.

11 CHAIRMAN TAYLOR: Well, I'm sure that
12 the applicant would be willing to work, Colleen,
13 with you and the rest of the staff, to make those
14 little changes that really enhance the character
15 of this very important development on Route 18.

16 MS. MCGURK: Thank you.

17 CHAIRMAN TAYLOR: Was I speaking out
18 of turn there, Donna, or --

19 MS. JENNINGS: No, I think that's
20 accurate. The applicant is looking to work with
21 the township, and I'm sure those types of issues
22 could be addressed.

23 CHAIRMAN TAYLOR: Do we have anything
24 else? I'm really in need of taking a break for a
25 few minutes, so is there anything else for this

1 particular witness on the truck plan, before we
2 take about a 10-minute break?

3 MR. KIPP: Chairman, this is Keith.
4 Not on the truck plan in particular, but before
5 Les, you know, gives up the seat to the next
6 witness, I just wanted to see if Les could
7 address one of the comments from the industrial
8 park on the west side, which referred to the
9 screening of their site from the residential
10 units.

11 MR. WALKER: So Scott and I had a
12 conversation about that earlier today, and the --
13 that site sits not down in a hole, but far
14 downhill from our site. And I don't have
15 topography on this map. We're up at 71,
16 elevation of 71, and I venture a guess that
17 they're down around 61. So all you're going to
18 see is the top of their building, if you were
19 looking straight across, and you're going to be
20 basically looking over their building.

21 My understanding was that their
22 concern was that they didn't want to have a
23 problem where they were getting complaints from
24 residents about their headlights glaring into
25 their windows. They're going to be down far

1 enough that that wall is going to be what the
2 headlights hit, and not the townhouse units that
3 are in the back here.

4 The other thing is that you have
5 this -- these -- the street trees that are, I
6 believe, again, 30 feet on center. So they're
7 very tight.

8 We are going -- by code, for a
9 retaining wall over 4 feet, you have to have a
10 fence. We have to verify what size, and if it
11 can be a -- a solid fence, with an engineering
12 design of that wall. I just want to -- I want to
13 reserve that look.

14 And here's -- I see some topo here,
15 so right here is 57. So their parking lot in the
16 back is 14 feet lower than our site. So we're
17 literally looking over the top of their building.

18 But when you take a -- they're
19 requesting to do an 8-foot-high fence, which
20 is -- I don't even know is allowed by the
21 township. But when you put a solid fence that's
22 going to be load-bearing, and you have a strong
23 gust of wind, it becomes a load on the wall, and
24 you want to make sure that it doesn't somehow
25 impact the structural stability of that wall, you

1 know, when you're talking about block walls.

2 So we're going to look at it. We're
3 going to work with them to do something.

4 Certainly, we have to have a fence there, but we
5 have to see if -- you know, how a solid fence
6 would work.

7 MS. JENNINGS: Thanks, Les.

8 CHAIRMAN TAYLOR: Okay. Good.

9 I would like to take about a
10 10-minute break. Is that all right with folks?

11 COMMISSIONER CLARKE: Yes, thank you.

12 CHAIRMAN TAYLOR: Just before we do,
13 I just would like to remind everyone that the
14 mayor, who has been at all of our meetings, is
15 only not participating this evening because he
16 was barred from participating by a judge. And I
17 am happy to report that, while Brad cannot
18 participate in this hearing, he is listening, so
19 as not to miss a thing, because that's the kind
20 of mayor he is. So I know you can't participate,
21 Brad, but I know you've been listening intently,
22 and taking copious notes, as is your MO.

23 So with that, let's call it quarter
24 after, so how about if we -- if we come back at
25 about 9:25. Is that good for everyone?

1 MS. JENNINGS: Yes, that's good for
2 us.

3 (Whereupon, there is a brief pause in
4 the proceeding.)

5 CHAIRMAN TAYLOR: Okay. We are back.
6 Thank you for your patience during our little
7 break. It's been a long night already.

8 Donna, I would like to kick it back
9 to you. Do you have another witness? Or where
10 are we on your agenda? Maybe she's not quite
11 back yet.

12 MS. JENNINGS: Yeah, sorry, hold on.
13 I'm trying to get back on.

14 CHAIRMAN TAYLOR: Sure, no problem.

15 MS. JENNINGS: All right. Why don't
16 we move on -- I think we're done with Les, and
17 we're going to call up our planner, Art Bernard.

18 CHAIRMAN TAYLOR: Okay. Art, this is
19 the first time that you're being heard on this
20 application, so would you please raise your right
21 hand to be sworn?

22 MR. BERNARD: Sure.

23 A R T B E R N A R D, having been
24 duly sworn, testified as follows:

25 CHAIRMAN TAYLOR: State your full

1 name, spell your last name, and give us a bit of
2 your CV, please.

3 MR. BERNARD: My name is Art Bernard,
4 last name is spelled B-E-R-N-A-R-D. I'm the
5 managing member of my own firm. I have a
6 master's in city and regional planning from
7 Rutgers University. I'm a licensed professional
8 planner with 45 years of experience in land use
9 planning and affordable housing, and for eight
10 and a half of those years, I served the Council
11 on Affordable Housing, serving as its executive
12 director; leaving there in 1994. And since then,
13 I've served 27 municipalities in various
14 consulting capacities --

15 CHAIRMAN TAYLOR: And you've
16 certainly been before many boards.

17 Have you been in East Brunswick yet,
18 Art?

19 MR. BERNARD: I don't recall.

20 CHAIRMAN TAYLOR: I don't, either.

21 MR. BERNARD: It's been a long time,
22 if I have been.

23 CHAIRMAN TAYLOR: Well, welcome.
24 We're happy to qualify you as an expert.

25 MR. BERNARD: Thank you very much,

1 sir.

2 DIRECT EXAMINATION

3 BY MS. JENNINGS:

4 Q. Okay, Art. If you could, prior to
5 your testimony tonight, please identify the
6 documents and reports that you reviewed in
7 preparation for this hearing.

8 A. Well, I reviewed the township's
9 settlement agreement with Fair Share Housing
10 Center and Garden Homes, and your redevelopment
11 plan. I've reviewed the applicant's plan for
12 the property and the professional's reports. I
13 reviewed the Municipal Land Use Law. And I've
14 been out to the site on several occasions.

15 Q. Okay. And this application is a
16 little different, because it includes affordable
17 housing. Will the affordable housing be for
18 rent or will it be for sale?

19 A. It's going to be for rent.

20 Q. Okay. And the proposal includes
21 market rate units and affordable housing units.
22 How many affordable units will there be, and
23 what percentage of the total number of units
24 will be affordable?

25 A. There's going to be 104 affordable

1 units out of 520, so that's 20 percent of all of
2 the units will be affordable.

3 Q. Okay. And how does that 20 percent
4 compare with the state regulations for
5 affordable rentals?

6 A. Well, the state regulations provide
7 for a 15 percent set-aside, so this is a
8 generous contribution of affordable housing in
9 this rental development.

10 Q. Okay. At the last meeting, there
11 was a little bit of confusion about the number
12 of one, two, and three-bedroom affordable units.
13 Can you just clarify the record about the
14 bedroom distribution; whether or not it complies
15 with the state regulations?

16 A. Well, there will be 20 one-bedroom
17 units, 58 two-bedroom units, and 26
18 three-bedroom units. And yes, that bedroom
19 distribution complies with the state
20 regulations.

21 Q. Okay. And in addition to the
22 affordable housing issues, you had an
23 opportunity to look at the variances and
24 deviations that the client -- the applicant is
25 requesting. If you could, just describe again

1 what those are, especially since we didn't
2 really go over them this evening, and that was a
3 month ago. And then, if you could just indicate
4 whether or not the applicant has demonstrated,
5 on the record, entitlement to same, based on the
6 positive and negative criteria.

7 A. Sure. First, let me start by
8 talking about why we need the variances. The
9 applicant and the township came to a settlement
10 of litigation that provided for 520 units on a
11 32.9-acre tract, and the applicant's original
12 intent was to spread the units over the entire
13 32.9 acres, but the township asked for a
14 significant amount of land for recreational use,
15 and agreed that the 520 units could be developed
16 on the remainder of the tract.

17 And, of course, that created --
18 that created a limited amount of space for the
19 housing and the loop road connecting Tices Lane
20 with the Highland Street extension. And the
21 loop road is really -- the location of it is
22 really set by the intersection of Renee Road and
23 Tices Lane, as there is a wetland in the
24 southwest corner of the site that limits where
25 the road could go, and the -- the location,

1 Renee Road and that wetlands, cause the two
2 variances involving the most southwest housing
3 unit in Phase D; it's where the townhomes are in
4 the very southwest corner of the lot.

5 The setback in that corner is --
6 for the building, is 50 feet. We only have room
7 for 25.34 feet. And in that same location, the
8 landscape buffer is that same 50 feet, and,
9 again, we only have 25.34 feet of space.

10 The reduced area in which we have
11 to develop also requires relief for the setback
12 of the stormwater structures, especially those
13 bioswales that Les was talking about earlier.
14 They're the -- the setback from the roadway to
15 the stormwater facility is required to be 25
16 feet, and we have a variety of distances. The
17 closest one is 1 feet, and that would be for the
18 bio facility closest to Tices Lane.

19 Now, to mitigate the impact of
20 relief, the applicant is -- has proposed
21 landscaping between that one building, that one
22 unit, and the loop road. And the area between
23 the basin and the edge of the road will be
24 defined by trees, a guiderail, and based on the
25 discussion at the last meeting, the applicant is

1 proposing is 4-foot vinyl chain-link fence. I
2 believe the board felt that that would be
3 preferable to a split-rail fence.

4 So with that background, in terms
5 of the positive criteria for the variances, I
6 think I can justify all of them based on the
7 c(2) criteria, where the proposal advances
8 various purposes of the Municipal Land Use Law,
9 and the benefits of the proposal outweigh the
10 detriments. And, of course, the courts have
11 directed boards, when weighing those benefits
12 and detriments, to weigh the benefits of the
13 entire proposal, and not just the benefits of
14 the relief that's being requested.

15 With regards to the c(2) criteria,
16 I find that the proposal advances various
17 purposes of the Municipal Land Use Law,
18 including:

19 Purpose A, which is to encourage
20 the appropriate use of land.

21 Purpose E, which is to promote
22 appropriate population densities.

23 And purpose G, which is to provide
24 sufficient space in appropriate locations for a
25 variety of residential uses.

1 And when you read those three
2 purposes from front to back, I think you come
3 away with two main thoughts:

4 One is to promote the appropriate
5 use of land.

6 And the other is to address the
7 needs of New Jersey citizens.

8 Now, clearly, the governing body
9 and the planning board have already determined
10 this is an appropriate use of land by entering
11 into the settlement agreement and by adopting
12 the redevelopment plan.

13 I think there are many benefits to
14 New Jersey citizens, some of which I'll get into
15 later, but the ones that come to mind right away
16 are that the proposal's making a major
17 contribution in addressing the township's
18 housing obligation, that this is a key component
19 in the settlement with Fair Share Housing Center
20 and the courts.

21 The proposal is providing rental
22 housing for people who really don't need or want
23 for sale housing, as well as for those who can't
24 afford for sale housing. And unlike most
25 agreements for rental housing, the deed

1 restriction that makes sure that the units are
2 going to be priced correctly, and are going to
3 be inhabited by low- and moderate-income
4 households, is for 50 years, rather than the
5 standard of 30 years. So that means that these
6 units are going to be available for residents at
7 affordable levels for a long time, and that
8 they'd be available to give the township credit
9 for a long time.

10 I find that the proposal also
11 advances purpose H of the Municipal Land Use
12 Law, which is encouraging traffic improvements
13 that promote the free flow of traffic. Last
14 meeting, you heard that the applicant is not
15 only providing a loop road -- that's going to
16 provide better traffic circulation between Tices
17 Lane and Route 18, and that's going to allow
18 people from the Kohl's shopping center to get
19 back to Tices Lane without getting onto Route
20 18 -- but the applicant's is also widening Tices
21 Lane along its frontage to make room for
22 additional traffic lanes, and they're rebuilding
23 the traffic signal at Renee Road, so it can
24 accommodate those additional lanes of traffic
25 when they come about.

1 I think the proposal also promotes
2 purpose I of the Municipal Land Use Law, which
3 is to promote a desirable visual environment
4 through creative design techniques, by
5 clustering the housing around a central green
6 and community amenities.

7 And it also promotes purpose J of
8 the Municipal Land Use Law, which is promoting
9 the conservation of open space and recreational
10 areas, by dedicating the large parcel of land
11 for the community recreational facility.

12 With regards to the landscape
13 buffer and setback relief for the townhouse
14 structure, that one in the southwest corner of
15 the site, the benefits include that the relief
16 allows the applicant to design its community as
17 envisioned in the redevelopment plan, without
18 encroaching into the pocket park or other
19 community areas.

20 And the benefit of the relief for
21 the location of the stormwater facilities is
22 that it creates room to build the redevelopment
23 plan as envisioned, with the bypass road,
24 without a major disruption -- and it would be a
25 major disruption -- to the entire design of this

1 redevelopment plan, impacting the location of
2 the buildings, the parking, the common areas,
3 and traffic circulation.

4 You know, and I also found that the
5 variances could be granted based on the c(1)
6 criteria, where variances are granted when
7 there's something about the physical
8 characteristics of the property, or an
9 extraordinary situation affecting the property,
10 such that the strict application of the
11 ordinance creates an undue hardship. In this
12 case, the physical characteristics of the site
13 include that there's a significant band of
14 wetlands, and the extraordinary situation
15 involves land that the township wanted for
16 dedication, and the fact that it wanted a loop
17 road to connect Tices Lane to Route 18, and so
18 the strict application of the ordinance, in
19 addition to the presence of the wetlands, and
20 the unique planning goals of the municipality,
21 requires the relief. The redevelopment plan
22 simply could not be constructed as depicted in
23 the redevelopment plan without the relief.

24 So that would be my positive proofs
25 for the variance, but I also have to address the

1 negative criteria as well, and I really don't
2 see any significant impact to the public good
3 from the relief.

4 The area associated with the
5 building setback relief is isolated to one small
6 area of the site, and the relief allows more
7 space for the remaining public, for community
8 facilities, and community parks.

9 Nor do I see any detriment
10 associated with the setback relief or the
11 stormwater facilities. At the closest point,
12 the stormwater facilities are going to be 12
13 feet from the edge of the road, and the area
14 will be lined by street trees, and a guiderail,
15 and fencing, so people will understand that
16 they're getting into an area where they really
17 shouldn't be.

18 In terms of the zone plan, actually
19 I, find that this development will help the zone
20 plan. The applicant's proposal is a significant
21 part of your -- the township's response to its
22 affordable housing obligation, and granting the
23 relief, so that the applicant can achieve full
24 build-out of the inclusionary development, is
25 part of the affordable housing obligation, and

1 as I said before, enhances the zone plan. And I
2 really view the relief we're requesting for
3 these setbacks to be really more, like, fine
4 tuning, rather than a substantial break from the
5 township's zoning scheme.

6 So, in summary, I find that the
7 variances can be granted based on the c(1) and
8 the c(2) criteria. I find the proposal advances
9 various purposes of the Municipal Land Use Law.
10 I think there are clear benefits to the
11 proposal, and the relief requested, and no
12 substantial detriment to the public good and the
13 zone plan. And so I find that the proposal --
14 the benefits of the proposal substantially
15 outweigh any detriments, and I would urge the
16 board to grant the relief.

17 Q. Thank you, Art.

18 A. You're welcome.

19 MS. JENNINGS: Shawn, you're on mute.

20 CHAIRMAN TAYLOR: Okay. I'm back. I
21 apologize.

22 Does the board have any questions for
23 this witness?

24 I don't hear anybody.

25 Does the staff have any questions?

1 MS. MCGURK: No.

2 CHAIRMAN TAYLOR: Thank you, Art.

3 MR. BERNARD: You're welcome. Thank
4 you.

5 MS. JENNINGS: With that, I think
6 that Scott probably wanted to just say a couple
7 words, and then I think we have to open this up
8 to the public. And then, at the end, I can do a
9 little summation.

10 CHAIRMAN TAYLOR: Sure.

11 MS. JENNINGS: Scott, you're on mute.

12 CHAIRMAN TAYLOR: Scott, you're back.

13 MR. LOVENTHAL: Yes, thank you,
14 Mr. Chairman.

15 There were a handful of comments I
16 took notes on at the last meeting, and I thought
17 that I could just very briefly try and answer
18 some of those questions for the board. If I
19 could just -- I'll repeat the comments that were
20 raised, Mr. Chairman, if that's acceptable, and
21 just provide our response. They were really
22 operational issues. It should just take a few
23 moments.

24 CHAIRMAN TAYLOR: That would be fine,
25 Scott.

1 MR. LOVENTHAL: Sure.

2 So there was a question raised as to
3 whether these buildings would be accessed
4 controlled, and I can answer in the affirmative
5 that they will be, with the exception of the
6 townhomes, the townhomes will simply be a keyed
7 access. But all of the multi-family buildings
8 will be access controlled. They'll have intercom
9 systems for visitors and any deliveries to buzz
10 to the residents, and all of the exterior doors
11 will be access controlled for residents use only,
12 with a key fob or key card type system.

13 There was also a question raised
14 about our trash and recycling plan. While I
15 think Les may have briefly mentioned it, we did
16 submit a recycling and trash plan that was dated
17 September 20th of 2019. And one of the first
18 thing we do when we go into a municipality is
19 review the website regarding trash and recycling,
20 and I made some notes from that, where your
21 recycling motto is the three Rs of reduce, reuse,
22 and recycle.

23 I will tell you that, from an
24 operational perspective, our large multi-family
25 buildings, which would include the A buildings

1 and the D buildings, will contain trash
2 compactors. So all of our residents will have
3 recycling bins. They'll have strict instructions
4 as to what goes in the trash chute, down to
5 compactors, and those compactors then offload
6 into very small, 2-yard dumpsters, and there'll
7 be private sanitation on this site.

8 With regard to the townhome
9 buildings, they are garages, and each of those
10 garages will allow for a resident to retain both
11 his recycling and his trash in standard
12 residential trash enclosures that will be brought
13 to the curb for each of those pickup days with
14 our private sanitation firm. So I just wanted to
15 cover that.

16 Our large multi-family buildings, the
17 two A buildings will have package rooms. People
18 ask, in this day and age, with Amazon, we've
19 talked about that several times, they will have
20 package rooms. So the Amazon deliveries will
21 not -- delivery personnel will not be traversing
22 individual corridors; they'll be dropping
23 packages in package rooms on the first floor.

24 And there'll be a community wide
25 package room in our clubhouse for those

1 townhouses and other lower density product that
2 we have, the townhouses and the C units, where
3 residents can -- if their package is not
4 delivered directly to their door, at an exterior
5 entry, they can pick up their package with our
6 management office.

7 There was a question raised about
8 whether we'd be providing shuttle service, and
9 our response regarding shuttle service to the
10 existing bus facility, or the potential or
11 proposed bus facility on our side of Route 18, is
12 that we would, at no charge to our residents,
13 provide a shuttle service, should the demand
14 exist, meaning that we are prepared to offer a
15 van or a large SUV for our residents, if the
16 demand is there. And we will poll our residents,
17 and immediately begin that service in weekday
18 rush hours, morning and afternoon, if there are
19 residents that are interested in that service.

20 There was a question raised about
21 gating A1 and A2, which are our two four-story
22 podium-style buildings. We do not have any
23 intentions of putting vehicular access-controlled
24 gates on those buildings. We believe, in East
25 Brunswick, it's unnecessary. We believe that

1 there's no reason to place gates where we don't
2 have concerns about security.

3 From a security perspective, all of
4 our buildings contain CCTV, which is monitored
5 24/7, and has 30-day DVR, so we're able to go
6 back if there's any issues regarding any security
7 measures on our site. So we don't intend on
8 gating it.

9 So those were the handful of
10 comments.

11 I can also -- I also had notes that
12 there was a question raised by several board
13 members as to the current status of the
14 environmental remediation on the site, and I can
15 give you two minutes of background on that.

16 One, we engaged a licensed site
17 remediation professional, Peak Environmental,
18 which happens to have offices in East Brunswick,
19 even though we use them throughout the state.
20 They stepped in from a case that dates back to
21 2004, which is two owners removed from us.

22 In 2004, there were 25 areas of
23 environmental concern, AOCs, that were
24 identified. The majority of those AOCs were
25 resolved by that two parties ago, which was

1 the -- the former Wonder Bread owners, Interstate
2 Bakery, they resolved the majority of the AOCs,
3 but they just didn't get to the technical close
4 of their case. The owner that we purchased the
5 site from either was unaware or just chose not to
6 close out the case, but we recognized, as we're
7 changing the use now from industrial to
8 residential, or primarily residential, that we
9 had to close out the case.

10 So, ultimately, we took the final
11 steps that were necessary to meet the current
12 NJDEP requirements, and will be -- having issued
13 for those prior 25 AOCs, an RAO, which is
14 response action outcome, which is the equivalent
15 of what many board members or professionals know
16 as a no further action letter. We will be
17 getting that no further action letter.

18 I can tell you that, in connection
19 with the demolition of our site, which is about
20 95 percent complete, we did identify PCB-impacted
21 concrete, which, of course, would not have been
22 identified previously by users of the buildings.
23 We disposed legally of 185 tons of PCB-impacted
24 concrete. That was completed in February of
25 2020.

1 Taking a step back, we also abandoned
2 and removed all of the wells and remediation
3 equipment that was left on this site from the
4 early 2004 remediation effort. That effort was
5 completed in July of 2014, and my environmental
6 firm, Peak, has now prepared a remedial action
7 report. That was completed -- or should be
8 completed, excuse me, in fall 2020, as we
9 complete our demolition.

10 And the only thing that will be left
11 open on the site, although there'll be no
12 additional active remediation required, there is
13 some groundwater issues in the northeast corner
14 of the site that have some contaminants that will
15 remain.

16 Our response action outcome will
17 include a request for a classification exemption
18 area in the northeast corner of the property, all
19 in accordance with the NJDEP, and all of our site
20 will be -- then be deemed clean in accordance
21 with the most stringent residential requirements.

22 So that's a brief update on the
23 environmental, and certainly on any of the five
24 or six topics I just covered. If there's any
25 questions, I'd be happy to answer them.

1 CHAIRMAN TAYLOR: Any questions for
2 this witness by the board?

3 By the staff?

4 MR. KIPP: Nope.

5 CHAIRMAN TAYLOR: Okay. Donna, do
6 you have any more of your case to put on this
7 evening?

8 MS. JENNINGS: No, that is all of our
9 direct testimony. So I just would think that we
10 would now open it up to the public, and when the
11 public portion is closed, I can just do a quick
12 summary.

13 CHAIRMAN TAYLOR: Sure. Okay. I
14 would like now to open this application to any
15 member of the public who wishes to be heard on
16 it. Any member of the public wishing to testify
17 or ask questions can call in. That number is
18 1-(646)-558-8656. Once again, that number is
19 1-(646)-558-8656. Loren, I guess we need to give
20 everyone a couple minutes to dial in, if they so
21 desire.

22 MS. JENNINGS: I see somebody has
23 their hand raised.

24 MR. KIPP: Yeah, Shawn, I'm going to
25 let someone in right now, if you want to

1 introduce them.

2 CHAIRMAN TAYLOR: Okay. Fine.
3 Hello? Can we have your name,
4 please?

5 MR. KIPP: I just lost them.

6 CHAIRMAN TAYLOR: Okay.

7 MR. KIPP: Matt, are you there?

8 MS. JENNINGS: There he is. I see
9 his name up on the board.

10 CHAIRMAN TAYLOR: Okay. It's a
11 gentleman?

12 MR. SCHLINDWEIN: Are you calling on
13 me, Keith?

14 MR. KIPP: Yes.

15 CHAIRMAN TAYLOR: Sir, hold on.

16 MR. KIPP: Matt, the chairman has to
17 swear you in.

18 MR. SCHLINDWEIN: No problem.

19 CHAIRMAN TAYLOR: Hold on, sir.

20 MATTHEW SCHLINDWEIN, having been duly
21 sworn, testified as follows:

22 CHAIRMAN TAYLOR: Okay. Please state
23 your name, spell your name for the record, and if
24 you would care to share where you live.

25 MR. SCHLINDWEIN: Yeah, absolutely.

1 So it's Matt Schlindwein, last name is
2 S-C-H-L-I-N-D-W-E-I-N. I'm a representative of
3 Greek Development, we're an adjacent --
4 representing Tices Property, who's the adjacent
5 landowner, and the owner of several industrial
6 properties in the neighborhood.

7 CHAIRMAN TAYLOR: Okay. I'm not
8 quite sure the property that you have an interest
9 in, so just say it one more time for me, please.

10 MR. SCHLINDWEIN: Sure. It's the
11 adjacent warehouse to the immediate west of the
12 application.

13 CHAIRMAN TAYLOR: Got it.

14 MR. SCHLINDWEIN: And then there's
15 several other warehouses as you continue west.
16 We have a portfolio of about 1.3 million square
17 feet of industrial --

18 CHAIRMAN TAYLOR: Got it. I
19 understand now, you just broke up a little.

20 Okay. How can we help you?

21 MR. SCHLINDWEIN: So we had the
22 opportunity, since the first meeting, to be in
23 touch with the applicant, go through a lot of our
24 concerns, so I appreciate that. And, you know, I
25 think a lot of good progress has been made, and

1 some of the concerns were brought up in the
2 meeting tonight.

3 And, really, I mean, we're not here
4 to try to stop development. We're obviously
5 developers ourselves. And what we're mainly just
6 concerned with is the harmony of the land uses.
7 We've got the industrial uses, which we own a
8 large majority of, and then the newer residential
9 application, along with this is one of them, and
10 we're just looking to make sure that -- you know,
11 there's a lot of residential along from our
12 industrial properties right now, and I would
13 think, generally speaking, the people that live
14 and work in the area, everything just kind of
15 works, and we just want to make sure that, with
16 the newer residential developments, it continues
17 to be that way.

18 So I just -- a couple of quick things
19 that we just wanted to bring up, because the
20 township did contact us in regards to providing
21 right-of-way to the town for the benefit of the
22 applicant, and maybe the widening of Tices, and
23 we told the township we would certainly cooperate
24 with that.

25 We were provided some additional

1 plans before the meeting tonight, but I
2 understanding is that, generally, the plans for
3 the widening of Tices that were happening in
4 front of our property were not yet finalized, so
5 we would just ask that, as a condition of the
6 approval, that we get to be involved in the
7 finalizing of those plans, coordinating with the
8 applicant and the township engineer.

9 And, really, we just have two main
10 concerns:

11 Number one, that truck traffic and
12 car traffic coming in and out of our driveway can
13 continue to access Tices Lane in a similar
14 fashion, and proceeding as it does today, and
15 safely.

16 And number two, that the visual
17 barrier that exists right now, with the large
18 amount of wooded area between our building and
19 Tices Lane, which has residential properties
20 directly across the street without any
21 landscaping or barrier in front of them, that
22 either that can be maintained in some way by, you
23 know, really limiting the grading that occurs as
24 part of the widening, and/or be replaced with
25 some type of similar screening, so that the

1 residential that currently doesn't have to look
2 at our buildings, and -- you know, would be in a
3 similar situation as they are today, to the
4 maximum extent possible, once that widening
5 happens.

6 Go ahead, Mr. Chair. Did you have a
7 question?

8 CHAIRMAN TAYLOR: No, Matt, this is
9 Shawn Taylor, the chairman. Were you on the call
10 earlier, when the applicant spoke with the
11 screening and the differences in elevation?

12 MR. SCHLINDWEIN: Yeah, and,
13 specifically, the concern that I'm bringing up
14 right now is, with the widening of Tices Lane --
15 which, really, that plan really wasn't shown --
16 but from what we understand, kind of, if you were
17 looking at the plan, to the plan north, which is
18 the west side of the plans that were shown, that
19 widening, my understanding is it will continue
20 along our property, and that's where the township
21 has asked us to provide --

22 CHAIRMAN TAYLOR: Understood.

23 (Indiscernible cross-talk.)

24 CHAIRMAN TAYLOR: Mr. Kriskowski, can
25 you speak to this?

1 MR. KRISKOWSKI: Yes, Chairman, we
2 will work with Mr. Greek, and his staff, and the
3 township staff, and the developer, and make sure
4 that some sort of a screening is maintained. It
5 works best for everyone. We appreciate that
6 offer and that concern.

7 CHAIRMAN TAYLOR: Yes. And
8 Mr. Criscuolo, who our business administrator,
9 would you like to add to that, please?

10 COMMISSIONER CRISCUOLO: Yeah, I
11 mean, the staff will work with him to see
12 whatever they could do there along the roadway,
13 yeah.

14 MR. SCHLINDWEIN: Great.

15 The other thing that -- and I'm not
16 sure, I know there was some recent press
17 articles, and I think everyone on this call is
18 probably well aware, the other development is
19 also proposed to be one of our future neighbors,
20 the Hidden Oak Woods development, and from what I
21 understand, that development, although there's
22 been some back-and-forth with the town, will
23 likely be proceeding.

24 So I guess one of the questions would
25 just be, the traffic for that development, I'm

1 not sure it was included -- I guess that's really
2 the question: Is it included in the study for
3 the improvements as background traffic that will
4 exist in the build volumes for this application?

5 The idea would just be that, once the
6 Tices widening happens, that it just happens
7 once, because, that way, you know it doesn't have
8 to -- everyone in town, ourselves and all the
9 other residents, would only have to see the
10 project happen one time, it would be widened to
11 include all of the volume. So I guess that would
12 be the question, was that traffic included in the
13 build-out volumes for the roadway improvements.

14 CHAIRMAN TAYLOR: Mr. Kriskowski,
15 could you or Mr. Watson handle that?

16 MR. KRISKOWSKI: I think I'll leave
17 that to Mr. Watson.

18 CHAIRMAN TAYLOR: Okay. Jim?

19 MR. WATSON: I would actually ask
20 Mr. Disario to weigh in on that.

21 MR. DISARIO: Good evening, everyone.
22 For the record, Dan Disario, the applicant's
23 traffic engineer.

24 We did not specifically account for
25 that development --

1 CHAIRMAN TAYLOR: Dan, just before
2 you go on, were you qualified and sworn last
3 meeting? I don't recall, I'm sorry.

4 MR. DISARIO: Yes, I was,
5 Mr. Chairman.

6 CHAIRMAN TAYLOR: Okay. Then I would
7 just remind you that you're still under oath.

8 MR. DISARIO: Understood. Thank you.

9 We did not account specifically for
10 that development's traffic. When we prepared our
11 traffic study, the status of that development was
12 still up in the air. We did account for the
13 build-out of the Edgewood Properties on other
14 side of Route 18 in the background. My
15 understanding, as it relates to the Tices Lane
16 improvements, is that those have been identified
17 as -- by the township, in terms of the ultimate
18 improvements that the township would like to see
19 along Tices.

20 So to answer the question that was
21 posed, Tices Lane is not going to get any wider
22 than what's being shown right now on those plans,
23 regardless of what traffic is going to occur in
24 the future.

25 MR. KIPP: If I may, Chairman?

1 CHAIRMAN TAYLOR: Certainly. Keith,
2 I guess that was you?

3 MR. KIPP: Yes.

4 With the Hidden Oaks subdivision,
5 there is additional widening on Tices Lane,
6 specifically the University Road traffic signal
7 and the Harts Lane traffic signal that are a part
8 of that project. So this -- the additional lanes
9 we're putting with this project are in unison
10 with that as well. So the work we have planned
11 for Harts Lane, we would continue the two lanes
12 in each direction through that intersection,
13 along the frontage of both projects.

14 MR. SCHLINDWEIN: Great. And that's
15 what we understood talking with you guys in
16 advance of the application. I don't know the --
17 that additional traffic build [inaudible] volume
18 with the loop road, or the way that the
19 traffic is being controlled is going to go
20 through the property, now with the Highland
21 Avenue extension [inaudible] is going to be
22 eliminated, but I guess that's all I was simply
23 looking for, is that, you know, maybe Mr. Disario
24 could just take a look and just make sure that,
25 you know, that the traffic signal is going to

1 come up [inaudible] -- through that --

2 CHAIRMAN TAYLOR: I'm sorry, I'm
3 getting a lot of feedback. Is everyone else, or
4 is everyone else clear?

5 MR. LONSKI: Same thing with me,
6 Shawn.

7 MR. KIPP: You faded out a little
8 bit, Matt.

9 MR. SCHLINDWEIN: Sorry about that.
10 My kids are probably on the Fortnite again.

11 So all I was getting at is, if for
12 some reason the additional traffic there would --
13 and I don't think it will, but I know Dan is much
14 smarter than me at this -- if it would tax the
15 improvements that the applicant is making, they
16 could look at things that they could potentially
17 do to make sure that this -- this road that
18 they're installing doesn't get overloaded, and
19 not function properly, with the traffic that will
20 be at that development.

21 CHAIRMAN TAYLOR: Let me just ask
22 staff a question -- and this is my ever-aging and
23 shaky memory -- I thought that when -- Hidden
24 Oaks or whatever it's called, Timber Oaks,
25 whatever, the Harts Lane development -- I thought

1 that maybe 110 didn't consider them, but I
2 thought they considered 110 in their traffic
3 look. Am I wrong on that, staff?

4 MR. WATSON: I think that's right,
5 Mr. Chairman. I do recall that they included the
6 known development at 110 at the time, and then --
7 this is Jim Watson, for the record -- and that
8 they then based the Harts Lane improvements and
9 the University intersection improvements on those
10 volumes.

11 CHAIRMAN TAYLOR: That was kind of my
12 recollection.

13 COMMISSIONER CRISCUOLO:
14 Mr. Chairman, may I remind you that this board
15 turned down that application, and it is still
16 under appeal, so I caution you to -- regarding
17 comment about that application, because it is
18 still before a judge.

19 CHAIRMAN TAYLOR: Yeah, no, I was
20 commenting only to the extent that I thought that
21 they used some of this development at 110 for --
22 in their traffic study. That would be my only
23 comment.

24 MR. DISARIO: And Mr. Chairman,
25 again -- it's Dan Disario -- we can take a look

1 at what the additional traffic from that other
2 development would have, in terms of an effect. I
3 think Matt is quite correct, and I can tell you
4 that there's going to be absolutely no change to
5 the design of the Renee Road extension or the
6 Tices Lane improvements. But we can --

7 CHAIRMAN TAYLOR: Thank you, Dan.

8 MR. DISARIO: You're welcome.

9 CHAIRMAN TAYLOR: Did that member of
10 the public ever come back on?

11 MR. KIPP: Yeah, that was Matt. He's
12 been speaking, yes.

13 CHAIRMAN TAYLOR: Oh, okay. I'm
14 sorry, that's right. I'm sorry, Matt. Any other
15 questions?

16 MR. SCHLINDWEIN: Yeah, I guess just
17 continuing the drive out of our driveway and down
18 the road is kind of where my comments flow.

19 Entering into the new road that will
20 replace, basically -- our trucks will no longer
21 continue down Tices, they'll now turn right into
22 the new -- I guess it's going to be called the
23 Renee Road extension that will replace
24 Highland -- one general comment -- and I think
25 this is very obvious, and I'm sure it's probably

1 already included in the applicant's package, but
2 I just wanted to throw it out there just in case,
3 is just to verify that the Highland Avenue
4 extension will remain undemolished and unimpeded
5 until this new loop road is fully installed and,
6 you know, basically functioning, ready to receive
7 traffic. So the phasing of the development would
8 be that the applicant's going to end up putting
9 in this new road, dedicating that to the town,
10 prior to demolishing the road that trucks
11 currently drive on. I just wanted to make sure
12 that that was part of the plan. I guess I don't
13 know who can answer that question.

14 MR. LOVENTHAL: Mr. Chair, I could
15 probably answer that, if you'd like.

16 CHAIRMAN TAYLOR: Sure.

17 MR. LOVENTHAL: Yes, Matt, it's Scott
18 Loventhal. How are you?

19 Our first phase, as provided for in
20 the redevelopment plan ordinance and as shown in
21 our phasing plan, does exactly that. We will not
22 take Highland extension out of service until the
23 new road is complete.

24 MR. SCHLINDWEIN: No, like I said, I
25 figured that was an obvious one, but I just

1 wanted to bring it up.

2 The next one you guys mentioned in
3 your testimony -- and Scott, I think we
4 corresponded by e-mail -- so it sounds like
5 you're willing to look at the 1,100 feet of
6 fence -- and maybe not even the entire 1,100,
7 it's probably only about half of it, where the
8 residential traffic from your units will be
9 looking down at our loading dock, if they are on
10 the loop road, or if somebody's walking along the
11 walkway path that's along the loop road.

12 You guys are spot on the -- we sit
13 much lower than you, so headlights and things
14 like that I don't think would be a problem, but
15 we just don't want somebody complaining about,
16 you know, this loading dock that no one ever used
17 to see, because it was just an industrial
18 property next to an industrial property, and now,
19 you know, people are, you know, walking their
20 dog, or going for a family walk down this new
21 pathway they're installing, and we, all of a
22 sudden, become a nuisance.

23 So I think you've insinuated you'd be
24 willing to go with -- and 6 feet is fine. I said
25 8 feet. I wasn't thinking of whatever the

1 maximum allowable height is. But that, to us, I
2 think would be something that probably should be
3 done.

4 Certainly, if we were building our
5 building after the residential existed, I'm sure,
6 you know, the opposite would have been
7 considered; we'd probably have to provide some
8 type of screening as well.

9 MR. LOVENTHAL: I think the answer is
10 yes, and there's only one caveat, and that that
11 fence would be placed on a parcel of property
12 that is being dedicated to East Brunswick, so
13 East Brunswick -- Keith Kipp and the engineering
14 department would have to approve whatever fence
15 goes there, and then ultimately accept it, to sit
16 on top of that retaining wall.

17 So we're willing, Matt, to work with
18 you, whether it be, of course, to maintain as
19 much of the existing vegetation that is there
20 that's provided a nice natural buffer, or to
21 supplement where needed, where our wall drops
22 below, let's say, 10 feet or so, and there might
23 be some spillover of your lighting. But as long
24 as East Brunswick recognizes that we're placing a
25 fence there, it's being placed on the municipal

1 lot, so, ultimately, it's a fence that's
2 maintained by East Brunswick in the long term.

3 MR. SCHLINDWEIN: Understood. And it
4 wouldn't be a fence that's not there already, I
5 think it's just a different style of fence. I
6 believe your plan just called for a two-line rail
7 fence there; this would be changing that style to
8 something that's solid, and you can't see through
9 it.

10 The next one --

11 CHAIRMAN TAYLOR: Before we move off
12 that one, I'd just like the town, Joe or Kipp, to
13 weigh in on that. Is that a course of action
14 that we would find acceptable?

15 MR. KIPP: In general, the town's not
16 looking to obtain retaining walls and fences to
17 maintain.

18 CHAIRMAN TAYLOR: Right, that's why I
19 brought it up.

20 MR. KIPP: But, you know, if the
21 overall benefit of the project is worth it, then
22 of course the town would have to do whatever it
23 takes. And we would definitely want to work to
24 make sure that we keep the new residents happy
25 with the current industrial use.

1 CHAIRMAN TAYLOR: Okay.

2 MR. SCHLINDWEIN: So the next one, I
3 just noticed it while we were going through the
4 plan, and actually just sent an e-mail to the
5 applicant's engineer, they responded as you guys
6 were testifying, so I appreciate the quickness of
7 that response, but I didn't realize how much
8 lower our building and our parking lots were than
9 the stormwater facilities that are now being
10 installed on the applicant's lot. And I think
11 that the existing condition is actually similar,
12 the applicant's lot is that much higher than our
13 property. There's a swale that separates the two
14 properties for stormwater.

15 So I just wanted to make sure that,
16 you know, somebody has run the proper analysis.
17 And I know the final plans are going to be
18 submitted, and you mentioned that any action that
19 the board takes tonight is going to be
20 conditioned on the township engineer reviewing
21 the final plans. So I just want to make sure
22 that, in that final review, that stormwater
23 management, as it relates to potentially
24 overloading the existing swale -- and I guess,
25 technically, it's considered a wetland, it looks

1 like it's WE10E, all the way to WE8 on your plan,
2 between our two sites, that I received.

3 Just, if that floods out now, we're
4 15 feet lower, like you mentioned in your
5 testimony, so you guys would still be high and
6 dry and we would be underwater. I'm sure the
7 engineer has done their homework, but in that
8 final review, I hope somebody takes a look at
9 that. We've had problems in our other sites, in
10 our industrial park, where we have roadways and
11 buildings that are above retaining walls
12 [inaudible] and we actually had long-term
13 [inaudible] issues with other [inaudible] parking
14 lots. So we've suffered through that, and I just
15 wanted to make sure [inaudible] appropriate.

16 And then, the next one is the --
17 probably one of our biggest comments. So we were
18 concerned at first when we saw the replacement up
19 Highland in general, with our truck traffic that
20 goes through. Now, with this new development,
21 obviously, Highland is, kind of, a little bit
22 industrial in nature, it's obviously behind a
23 retail center, and there's trees, and nobody's
24 really bothered by trucks driving through there,
25 and now we're redirecting the truck traffic --

1 and, obviously, not all of our truck traffic,
2 there is distributions, some of our trucks go
3 different ways, but we're redirecting truck
4 traffic right through this brand-new residential
5 area that's being created. So we did have some
6 concerns.

7 I did notice that that center island
8 was removed, which we think is great, that's a
9 good idea.

10 This circle still puzzles me. And I
11 don't know if somebody can bring up the truck
12 turning plan that we were sent. I assume I
13 probably can't share my screen -- or maybe I can.

14 Can you guys see that?

15 CHAIRMAN TAYLOR: Yes.

16 MR. SCHLINDWEIN: Okay. So this is
17 the plan --

18 CHAIRMAN TAYLOR: Yes, we can.

19 So we were concerned about this. And
20 I don't know if I can zoom in a little bit --

21 MR. KIPP: I'm sorry, hold up a
22 second, Matt.

23 David, how do you want to introduce
24 this?

25 CHAIRMAN TAYLOR: How do you want to

1 do this, Dave?

2 MR. SCHLINDWEIN: Do you want to just
3 bring up yours? Because you showed the same plan
4 earlier --

5 CHAIRMAN TAYLOR: Why don't we bring
6 up ours, because that's already a marked
7 exhibit --

8 MR. LONSKI: I think, on the top of
9 this exhibit, it already says "AMC Exhibit A-17."

10 MR. SCHLINDWEIN: Yes, it's the same
11 exhibit. It was just sent -- the applicant sent
12 it to us in advance of the meeting separately.
13 So you're correct, it's the same exhibit.

14 CHAIRMAN TAYLOR: Okay. So this is
15 Exhibit A-17. Okay.

16 MR. SCHLINDWEIN: So when we saw
17 this, number one, somebody mentioned it, the
18 WB-62, while the wheelbase is the same as the
19 allowable pin settings, I believe, in the state
20 of New Jersey, as Dan gave me a good education
21 on, the trailer lengths are different. So most
22 of the tractor-trailers, they're just cabs with a
23 53-foot trailer, it will hang over the back here;
24 the tires won't look like this, the trailer would
25 actually be longer. I don't think that that's a

1 big deal, because the wheel paths will be the
2 same, but the overhang of the trailer will be
3 longer, so things like, when a trailer has to
4 maneuver through this intersection, it getting
5 close to clipping, like, signs that are up like
6 this, those would be concerns. And, obviously,
7 the township is maintaining this road.

8 One thing that we were concerned
9 about is, if you look at this movement, this is
10 the truck turning template that I assume Dan has
11 designed in [inaudible] or a CAD program like
12 that. So that's, like, a perfect movement with a
13 great driver, and you can just see he just
14 gets -- he's right on top of the curbs. So the
15 odds of these curbs being run over are extremely
16 high.

17 And I guess one general question of
18 ours was this entire environment here, especially
19 with what I understood may become parks over
20 here, I guess our real question was just why.
21 Like, why does anybody want to have
22 tractor-trailers, then a yield to pedestrian,
23 then a yield to residential car traffic scenario,
24 or even just cars, and then a yield to
25 pedestrian, and then a yield to car traffic? Why

1 would anyone want that to happen here? I didn't
2 know if it was an engineering reason, like there
3 was a need to process quickly a lot of vehicles
4 through this intersection, so having it be just a
5 three-way stop sign, very similar to this
6 intersection, which is, you know, not a three-way
7 stop sign, but you could easily have two more
8 stop signs.

9 Like, I didn't know if it was for
10 aesthetic looks, did the redevelopment agency
11 want it to have it, but to us, this would make
12 way more sense, and probably be safer, and allow
13 for --

14 CHAIRMAN TAYLOR: And Matt, I don't
15 know what you're referring to when you say
16 "this."

17 MR. SCHLINDWEIN: I'm sorry, on the
18 screen here, this circle right in front of the
19 pool, where the tractor-trailers kind of have to
20 drive around this center circle here. It just
21 seems like, to us, that, if this were a three-way
22 stop sign, it would be easier for the trucks, it
23 would be easier for the cars to get out, and it
24 would be safer for the pedestrians.

25 And I know I mentioned to the

1 applicant, I didn't know if they were married to
2 having a circle here, and I think Scott basically
3 said to me, you know, if you guys were willing to
4 consider a three-way stop sign, they would
5 consider it. And this was just something that I
6 believe was made to be part of the redevelopment
7 plan.

8 But I guess I would defer to the
9 traffic engineers. I'm not looking to -- I know
10 it's 10:30 at night, so maybe it could just be
11 deferred to having the traffic engineer take a
12 look at this with the township engineer, and to
13 the extent they agree with what we're thinking,
14 just having these trucks -- having trucks go
15 through any circle is never good.

16 CHAIRMAN TAYLOR: All right. So your
17 question, really, is you want the traffic
18 engineers and the designers to take a look at
19 this, and then get back to you with an answer why
20 this configuration.

21 MR. SCHLINDWEIN: Correct. And then,
22 if they agree with us, that it's just as safe, if
23 not maybe safer -- albeit, maybe not as
24 aesthetically appeasing as a circle, but probably
25 more aesthetically pleasing than a bunch of

1 broken curbs -- that they maybe just change it,
2 and on the final plans, make this a three-way
3 stop sign.

4 CHAIRMAN TAYLOR: So let's ask the
5 traffic engineers or the design engineers that
6 are here -- who would like to answer this one?

7 MR. DISARIO: I'll take it,
8 Mr. Chairman, and then Jim can weigh as well.

9 And I'll put it in very simple terms:
10 a three-way or a four-way intersection, that's
11 always stop controlled -- and, eventually, this
12 presumably will be a four-way intersection,
13 because of the town's future development of the
14 property to the south --

15 CHAIRMAN TAYLOR: Yes, you can take
16 that to the bank, yep.

17 MR. DISARIO: The literature is very
18 clear that a roundabout, both from an operations
19 perspective, as well as a safety perspective, is
20 preferred over a classic four-way, all-way
21 stop-controlled intersection, and the reason that
22 is, is because all the movements through the
23 roundabout; whereas, your classic four-way,
24 all-way stop-controlled intersection, you'd have
25 left turn conflicts.

1 In addition, with the roundabouts,
2 the pedestrian crossings are actually in advance
3 of where the vehicle conflicts occur, and that is
4 preferred, because the sightlines of approaching
5 vehicles and crossing pedestrians are a lot
6 better with a roundabout design than they are
7 with, you know, the classic four-way/all-way
8 stop-controlled intersection.

9 But Matt is quite correct, in the
10 discussions that we've -- he and I have had, as
11 well as those that he has had with Scott, the
12 applicant's representative, if the township, in
13 the end, in its evaluation, prefers more of a
14 classic intersection design, the applicant's
15 amenable to that.

16 But officially, on the record, our
17 preference is for the roundabout, for the reasons
18 I just stated.

19 CHAIRMAN TAYLOR: And Mr. Watson, do
20 you want to weigh in on this?

21 MR. WATSON: Yes, Mr. Chairman. Jim
22 Watson, for the record.

23 I would agree that, eventually, this
24 is going to be a four-way intersection, or
25 four-way stop, or two-way stop there. The amount

1 of conflicts that would be introduced would not
2 be preferred. The idea is that the traffic can
3 flow smoothly through this roundabout. It also
4 can, you know, calm the traffic. I think that's
5 part of why it was included in the redevelopment
6 plan. Some of the existing speeds on the
7 existing Highland Avenue are excessive, so they
8 wanted to calm traffic, which I think the
9 roundabout can help to do. Stop signs should not
10 really be used for traffic calming.

11 So, you know, I think the trucks
12 would be able to flow through this roundabout, as
13 long. As that inner circle there that they're
14 utilizing is flush, and smooth, which I believe
15 Mr. Walker indicated, I think it would be
16 preferred over stop conditions.

17 CHAIRMAN TAYLOR: Okay. So both the
18 applicant and the township agree that the traffic
19 circle is the preferred method of moving the
20 trucks through this area. So, Matt, that's why
21 we're doing it.

22 MR. SCHLINDWEIN: I get it, and I
23 understand, and I guess my only comment with that
24 would then be it needs to be much, much, much
25 bigger. Like Dan mentioned -- and there's plenty

1 of traffic circles where, you're right, everyone
2 turns right. Right? Like, that's the point of a
3 traffic circle, every movement is a right turn
4 movement, not a through movement or a left
5 movement. The way that the tractor-trailers are
6 being jammed in to the circles here, they're
7 actually veering right and veering back left.
8 They're not making a sweeping right-hand
9 movement.

10 So if this did stay as a circle, for
11 the other reasons that you mentioned, all I'd ask
12 is, you know, just take a look at it, and make
13 this so then a tractor-trailer would turn right,
14 and would enter the circle, drive around the
15 circle, you know, probably more like this, and
16 then turn right to exit the circle; rather than,
17 right now, what you're doing is you're taking the
18 truck, it's entering into the circle, almost
19 trying to drive through the thing, it's veering
20 right and veering back left, which, again, as
21 cars are trying to enter this same circle, where
22 everyone's supposed to be making a right-hand
23 tournament.

24 So I think it could work as a circle,
25 but it would just need to be very much larger.

1 CHAIRMAN TAYLOR: Well, that, we will
2 certainly take -- both the applicant's engineer
3 and our engineer will take those comments into
4 consideration, and take a look at it.

5 MR. SCHLINDWEIN: And by the way,
6 we're not as concerned whatsoever about this.
7 This movement here, not really a concern. I
8 mean, there will be a truck, I'm sure, that makes
9 this movement at some point in time, but it's,
10 generally speaking, not a truck that's coming and
11 going from our development -- well, coming to, I
12 guess it couldn't be going from in that
13 direction -- because those trucks that are
14 coming -- that are going, they're already going
15 to Tices.

16 CHAIRMAN TAYLOR: Right.

17 MR. SCHLINDWEIN: So we're really
18 only concerned about this, and maybe even, I
19 don't know if there's a compromise position,
20 where you could keep half the circle, and just
21 put a stop sign here, and just let these trucks
22 drive straight through, or just make this side
23 way wider, or --

24 CHAIRMAN TAYLOR: Well, look, both
25 the applicant and the town will take a look at

1 it, and we do appreciate your comments.

2 MR. SCHLINDWEIN: Yep. Absolutely.
3 If this stays like this, this curb's going to be
4 broken and this curb's going to be broken, I
5 guarantee you, within the first six months.

6 CHAIRMAN TAYLOR: Okay. Any further
7 comment?

8 MR. SCHLINDWEIN: No, I'm good. I
9 appreciate everybody listening to me. I know
10 it's late at night.

11 CHAIRMAN TAYLOR: That's okay, Matt.
12 We appreciate your input, and, you know, you're
13 an important business in East Brunswick, and we
14 want to hear you, AND we want you to know you've
15 been heard.

16 MR. SCHLINDWEIN: Yeah. Absolutely.
17 And I appreciate the applicant, by
18 the way, too, being very responsive to our
19 concerns, and addressing a lot of them through
20 their testimony. So thank you.

21 CHAIRMAN TAYLOR: GOOD.

22 Loren, are there any other members of
23 the public in the queue waiting to be heard on
24 this application?

25 MS. MORACE: Nobody's raised their

1 hand just yet. There's a couple of attendees.
2 Give them a minute.

3 CHAIRMAN TAYLOR: Well, I would just
4 let everyone who's listening know that you have
5 to let us know now that you're interested in
6 making a comment, or I am going to close the
7 public session. So I'll give you another 30
8 seconds, and then -- and then that's it.

9 Okay. Seeing no one, I declare the
10 public portion is it closed. I will now go back
11 to Ms. Jennings for some further comment. Donna?

12 MS. JENNINGS: Sure. Thank you.

13 First of all, I'd like to thank all
14 the board members for listening to us not one
15 night, but two nights. There were a lot of
16 issues that were presented.

17 But I would just like to reiterate
18 that this proposal is consistent and promotes the
19 objectives of the redevelopment plan. The uses
20 are permitted. We have very minor deviations.

21 This project itself is one of the
22 first significant redevelopment efforts in the
23 area, and it will help [inaudible] for additional
24 investment in the future. The project will
25 replace an obsolete industrial facility with a

1 modern, mixed-use development, which will create
2 green space, pocket parks, a central green, and
3 dog parks. The project will also provide a
4 crucial environment cleanup of the neighborhood.

5 Significantly, the project will also
6 address a portion of the township's affordable
7 housing obligation with the inclusion of 104 low-
8 and moderate-income units. Importantly, the
9 off-site improvements, the loop road, and the
10 signalization and widening of Tices Lane, promote
11 a more efficient flow of traffic, benefitting the
12 motoring public in general, not just the
13 residents of the future development.

14 And finally, the redeveloper will
15 donate a total of 8.4 acres of land, partially
16 for the right-of-way and partially for the park,
17 to construct 200 parking spaces, and have
18 committed up to 250,000 in the improvements, and
19 a pad site will also be built to facilitate the
20 construction of a public amenity.

21 We believe, all in all, this is a
22 win/win for everybody, and we respectfully
23 request all the board members' support.

24 Thank you.

25 CHAIRMAN TAYLOR: Thank you, Donna.

1 At this point, it is 10:35. The good
2 news is that the Yankees -- the inning's not
3 over, okay. I just took a quick look. But it's
4 10:35. I don't believe that you have any more
5 witnesses, Ms. Jennings, or any more testimony?

6 MS. JENNINGS: No, that's our case,
7 correct.

8 CHAIRMAN TAYLOR: However, as we
9 ventured earlier on in the evening -- and the
10 applicant, I must say, has been very cooperative,
11 and has really worked hard with the town, really
12 took the board's suggestions to heart, and were
13 really working hard to make this the great
14 application that we all know it can be -- but
15 given the lateness of the hour, and the fact that
16 the engineering revisions have not been submitted
17 to the town yet, my desire -- and it's certainly
18 not my call, it's the board as a whole's call --
19 would be to essentially let -- give -- bring this
20 application back for a final vote on August the
21 12th. That gives the applicant, and the town,
22 and our professionals, some time to look at
23 everything.

24 And then, my sense -- again, I'm only
25 speaking for Shawn Taylor here -- is that it

1 would be a very quick meeting on the 12th,
2 because it's -- like I said, every indication and
3 every action by this applicant has been -- really
4 taking a lot of what the town says taken
5 seriously, the board suggestions taken seriously,
6 and even work with their neighbors. So as I see
7 this, they're being a good neighbor before
8 they're really even here yet.

9 So my desire would be to hold it
10 until the 12th, and do the vote on that date.
11 Can I get a sense of my fellow board members?

12 COMMISSIONER HEPPEL: I agree.

13 COMMISSIONER CLARKE: I agree.

14 CHAIRMAN TAYLOR: My vice chair's
15 always my go to. Larry, how do you feel?

16 VICE CHAIRMAN BRAVMAN: I'm amenable,
17 and I believe we should put it off and have a
18 vote to return on the 12th.

19 CHAIRMAN TAYLOR: Okay. Councilwoman
20 Sullivan?

21 COUNCILWOMAN SULLIVAN: I agree with
22 you, Shawn, also.

23 CHAIRMAN TAYLOR: Does anyone have a
24 different opinion?

25 COMMISSIONER HASHMI: I'm good,

1 Shawn. This is Muhammad.

2 CHAIRMAN TAYLOR: Ms. Jennings, I
3 know you were hoping to get the vote in tonight,
4 and this is -- and my reluctance is out of no
5 action or inaction by your client; just the
6 reverse, they've been -- you guys have been
7 wonderful so far. I just think that this is
8 something that's going to have an impact on the
9 town for the next two generations, and it's just
10 a very important -- very important piece of
11 property we're doing with. So I hope you're not
12 too disappointed.

13 MS. JENNINGS: Well, I think we're
14 probably definitely disappointed, but I
15 understand what you're saying, and you need a
16 little bit more time, and so the decision will
17 wait, and hopefully, when we come back in two
18 weeks, we'll get the result that we want, not
19 just the one that we want.

20 CHAIRMAN TAYLOR: I never predict,
21 but like I said, you've been a terrific applicant
22 so far.

23 MS. JENNINGS: Thank you.

24 MR. LONSKI: Shawn, if I may --

25 CHAIRMAN TAYLOR: Does that work for

1 you, Mr. Lonski?

2 MR. LONSKI: It does, but if I may,
3 Shawn, as I've been taking notes, I had probably
4 a dozen, maybe 15 conditions up through now, that
5 maybe we could reduce or eliminate most of them
6 with the revised plans that are submitted.

7 CHAIRMAN TAYLOR: Okay.

8 MR. LONSKI: That'll make, of course,
9 the recitation of what needs to be done easier.
10 But I just want to make sure I understand the
11 timing of things.

12 When will the revised plans be
13 submitted, so that the township has an
14 opportunity to review them and eliminate some of
15 the conditions in the reports before the 12th? I
16 just want to make sure that we're planning this
17 accordingly, that the plans can be submitted
18 within a week.

19 CHAIRMAN TAYLOR: I think the
20 applicant said the 7th, but I don't want to speak
21 for them, so I kick it back to them.

22 MR. LONSKI: Does that give us enough
23 time to review it? That's really my question.

24 MR. KIPP: I don't think it does.
25 That gives us just a few days to look at the

1 plans, and not really enough time to review them
2 thoroughly at all.

3 CHAIRMAN TAYLOR: So how do we make
4 this work, guys, so we can vote on this on the
5 12th?

6 MR. LONSKI: Right.

7 MR. KIPP: I can't see us reviewing a
8 set of plans by then. I mean, if the plans are
9 in by the 7th. Maybe if we did a special meeting
10 on the 19th, maybe that would work, that would
11 give us enough time.

12 John, you want to weigh in?

13 MR. KRISKOWSKI: Yes, Keith. If
14 we're getting fully engineered plans submitted on
15 August 7th, which is just four days, five days
16 prior to the next meeting, that's not going to
17 give us enough time to really open the plans and
18 get into any detail at all.

19 I think, ideally, we would look for
20 submission on the 7th, two weeks to review the
21 plans, and a meeting on the 26th, but if that
22 can't be done, then maybe a special meeting on
23 the 19th, you know, at least gives us a week to
24 review and get our comments.

25 And I agree, I would love to have the

1 comments reduced. I can tell you many of our
2 comments are very technical and minor in nature,
3 and I think we can get a lot of that -- a lot of
4 those comments out of the way, and make it a much
5 cleaner letter, and make it easier for resolution
6 compliance, if the board approves.

7 CHAIRMAN TAYLOR: Well, let me ask
8 Ms. Jennings, as far as the timetable.

9 Donna, where are you guys on this?

10 MS. JENNINGS: Well, obviously, we
11 would prefer the two weeks, but if it's not going
12 to have any meaningful report from your
13 consultants, I think the meeting hopefully on the
14 19th -- I mean, they have reviewed the plans
15 twice, and I know there are some changes, but I
16 think it would be limited to the changes. But
17 they're engineers, so I don't know what that
18 completely entails.

19 MR. LONSKI: Donna, is there any hope
20 that you could get your plans done sooner?

21 CHAIRMAN TAYLOR: That's what I was
22 going to ask, Dave.

23 MS. JENNINGS: I don't think so, I
24 think Les was pretty honest with how much time he
25 said it was going to take to address all of the

1 comments.

2 CHAIRMAN TAYLOR: Okay. Well, then
3 I'm certainly willing to have a special meeting
4 on the 19th, to hear this, and the applicant
5 seems confident they can get it in by then. Now,
6 if we do a special meeting on the 19th, John,
7 Keith, we're comfortable with that time frame?

8 MR. KRISKOWSKI: Chairman, we
9 appreciate that time. It will still be tight,
10 but we think that giving us a week will allow us
11 to get in to the plans, and really, you know, get
12 a better sense of what needs to be done and
13 everything, and clean it up. I think that that
14 would be fine.

15 CHAIRMAN TAYLOR: Okay. Mr. Lonski,
16 are you comfortable with that course of action?

17 MR. LONSKI: I am. I just want to
18 make sure that we had it laid out, so there is no
19 misunderstanding.

20 CHAIRMAN TAYLOR: No, thank you,
21 Dave. I appreciate that.

22 So, board, that's how we're going to
23 proceed. It means we're going to have to have a
24 special meeting on the 19th, but I think that
25 this application is well worth it. Does that

1 seem all right to everyone?

2 COMMISSIONER HASHMI: Sounds good.

3 MR. LONSKI: We just need the
4 extension of time.

5 COMMISSIONER CRISCUOLO: Is there
6 anything on the agenda for the 12th and the 26th?
7 Because we have three weeks in a row.

8 MS. MORACE: There's nothing on the
9 agenda for either of those dates.

10 COMMISSIONER CRISCUOLO: So do we
11 want to --

12 CHAIRMAN TAYLOR: That's good.

13 COMMISSIONER CRISCUOLO: Do you want
14 to cancel the 12th meeting now, so we can -- at
15 least she can notice?

16 CHAIRMAN TAYLOR: Yeah, well you've
17 got -- yes.

18 MS. MORACE: I can cancel that in the
19 morning.

20 CHAIRMAN TAYLOR: We can do that.

21 Mr. Lonski, are there any further
22 notice requirements because of this extension?
23 Do we have to give any kind of additional time
24 frames to have this application be considered?

25 MR. LONSKI: We do need an extension

1 of time for the board to act.

2 CHAIRMAN TAYLOR: And can we have
3 that as granted by the applicant?

4 MS. JENNINGS: Yes, the applicant
5 will grant the extension of time.

6 CHAIRMAN TAYLOR: Thank you,
7 Ms. Jennings.

8 MS. JENNINGS: And then, I would just
9 state that this would be carried to the 19th
10 without any further public notice. Correct?

11 CHAIRMAN TAYLOR: That's correct.

12 MR. LONSKI: That's correct.

13 CHAIRMAN TAYLOR: Okay. Good. I
14 appreciate everyone's input tonight. These
15 are -- this is a difficult way to hearing a
16 complicated application, but everyone's doing
17 yeoman's work. And I really do want to
18 congratulate both the applicant, and their
19 professionals, and our guys are tried and true,
20 and we know them, and love them, and can't live
21 without them.

22 (Whereupon, the hearing concluded at
23 10:45 p.m.)

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C E R T I F I C A T E

I, Michael Lombardozzi, a Notary Public and Certified Court Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place, and on the date hereinbefore set forth.

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

Michael Lombardozzi,
Certified Court Reporter, State of New Jersey
CERT #: 30X100239700
Date: 12 Aug 2020

A	accommod...	44:17	89:11	135:21
A-13 8:4	67:20 68:5	45:11	advance	138:25
A-14 3:9 8:5	accomoda...	48:22	111:16	agreed 20:3
8:23	50:9 51:3	76:19	122:12	73:5 86:15
A-15 3:10	accomplish	108:9	127:2	agreement
9:1	47:21	added 25:9	advances	15:11 16:3
A-16 3:12	accompli...	65:5 76:11	88:7,16	16:7 20:1
9:3 26:3	49:18	76:24	90:11 94:8	20:20 21:5
29:9 74:13	account 70:4	addition	aerial 3:9	21:21
A-17 3:13	109:24	14:15	8:24	43:15 48:7
9:5 55:5,8	110:9,12	85:21	aesthetic	54:3 84:9
122:9,15	accumulates	92:19	124:10	89:11
A1 98:21	41:23 42:5	127:1	aestheti...	agreements
A2 98:21	43:2	additional	125:24,25	89:25
abandoned	accumula...	6:19 8:2,9	affect 18:18	agrees 40:13
101:1	43:12,18	56:15 77:2	affirmative	ahead 28:7
able 5:18	accurate	90:22,24	96:4	32:11 34:6
27:10 47:1	78:20	101:12	afford 89:24	40:23 53:3
49:21	143:8	105:25	affordable	58:6 64:10
57:10 59:6	achieve	111:5,8,17	83:9,11	66:12 67:6
99:5	93:23	112:12	84:16,17	107:6
128:12	acquire 47:7	114:1	84:21,22	air 110:12
absolutely	acquisition	132:23	84:24,25	aisle 12:6
44:15	38:5	141:23	85:2,5,8	albeit
53:10	acres 13:9	address 6:17	85:12,22	125:23
103:25	13:11,23	45:14	90:7 93:22	aligned 7:6
114:4	14:14 48:2	68:18 79:7	93:25	all-way
131:2,16	86:13	89:6 92:25	133:6	126:20,24
accept 20:13	133:15	133:6	afternoon	allow 10:5
117:15	act 142:1	139:25	98:18	25:17
acceptable	action	addressed	age 97:18	46:14
95:20	100:14,16	7:20 43:8	agency 19:17	47:13 48:4
118:14	100:17	59:1 77:24	20:4,16,21	56:8 67:15
access 14:21	101:6,16	78:22	20:23 21:8	90:17
55:22 96:7	118:13	addressing	22:5,6,12	97:10
96:8,11	119:18	52:2 89:17	23:24 24:1	124:12
106:13	135:3	131:19	45:15	140:10
access-c...	136:5	adequate	124:10	allowable
98:23	140:16	76:17	agenda 82:10	117:1
accessed	143:14,17	adjacent	141:6,9	122:19
96:3	active	104:3,4,11	ago 86:3	allowed
accessible	101:12	administ...	99:25	58:11
50:6	activity	22:10	agree 22:7	80:20
accommodate	71:19	administ...	43:13 44:1	allows 33:1
10:1,9	actual 9:15	22:2	44:16	91:16 93:6
11:11 12:4	13:19	administ...	74:19	Amazon 63:6
33:10	ADA 75:8	17:8,22	125:13,22	97:18,20
56:19,25	add 13:12	23:1 75:5	127:23	AMC 122:9
67:19	18:5,22	108:8	128:18	amenable
90:24	40:17	adopting	135:12,13	127:15

135:16 amenities 91:6 amenity 15:16 133:20 American 61:17 amount 19:4 59:15 67:3 71:19 86:14,18 106:18 127:25 amounts 75:25 ample 33:16 analysis 119:16 and/or 106:24 angle 57:8 answer 37:17 49:2 61:22 64:12 95:17 96:4 101:25 110:20 115:13,15 117:9 125:19 126:6 anticipate 59:14 61:6 anybody 22:17 72:5 94:24 123:21 AOCs 99:23 99:24 100:2,13 apartment 63:21 apologize 37:11 43:23 51:21 94:21 appeal 113:16	appeasing 125:24 applicable 50:24 62:25 applicant 2:5 5:25 6:8,21 7:2 7:11,20 35:7 43:9 51:22 54:7 65:15 78:12,20 85:24 86:4 86:9 87:20 87:25 90:14 91:16 93:23 104:23 105:22 106:8 107:10 112:15 122:11 125:1 128:18 130:25 131:17 134:10,21 135:3 136:21 137:20 140:4 142:3,4,18 applicant's 6:10,13,16 6:25 7:14 7:17 17:12 37:16 42:24 52:1 52:17 84:11 86:11 90:20 93:20 109:22 115:1,8 119:5,10 119:12	127:12,14 130:2 application 1:3 4:2,19 4:21 19:25 37:23 46:9 53:4,17 54:5,16 82:20 84:15 92:10,18 102:14 104:12 105:9 109:4 111:16 113:15,17 131:24 134:14,20 140:25 141:24 142:16 applicat... 35:6 appreciate 34:21 37:15 38:15 104:24 108:5 119:6 131:1,9,12 131:17 140:9,21 142:14 approach 26:9 59:22 approaching 127:4 appropriate 24:14 73:5 88:20,22 88:24 89:4 89:10 120:15 approval 6:1 21:4,19 22:11 40:10 53:7 53:8,13,24	106:6 approvals 16:12 approve 117:14 approved 21:25 22:9 22:12 53:5 54:5 approves 139:6 approxim... 6:2 7:8 48:2 architect 6:11 area 12:23 13:13 14:18,24 19:1,3 23:4,17 26:25 33:9 33:20 35:8 35:17,21 42:17 50:14 68:21 70:6 73:11 75:15 87:10,22 93:4,6,13 93:16 101:18 105:14 106:18 121:5 128:20 132:23 areas 12:24 33:14 91:10,19 92:2 99:22 arose 55:23 arrow 29:16 Art 3:5 6:13 82:17,18 83:3,18 84:4 94:17 95:2 articles	108:17 aside 6:5 asked 23:15 24:22 45:18 52:18,19 64:12 66:19 73:2 73:3 86:13 107:21 asking 73:7 asphalt 26:20,21 35:17 50:17,19 assets 23:2 assistance 7:14 associated 93:4,10 assume 121:12 123:10 assuming 53:5 60:25 attendees 132:1 attorney 17:12 53:2 143:13,16 Attorneys 2:3,5 attractive 75:17 Aug 143:21 August 134:20 138:15 authority 75:22 available 33:20 48:24 90:6 90:8 Avenue 111:21 115:3 128:7 avoid 69:22 aware 5:25
---	---	--	--	---

47:19	99:15	62:8	50:11 51:9	19:18
58:19	109:3	benefit	60:3 75:21	20:25 52:2
67:11	110:14	91:20	83:1 85:11	134:12
108:18	backup 19:4	105:21	112:8	boards 83:16
awkward 57:3	bad 5:12	118:21	120:21	88:11
	Bakery 100:2	benefits	121:20	body 22:1, 3
	band 92:13	88:9, 11, 12	136:16	89:8
B	bank 126:16	88:13	black 26:20	boring 78:7
B 3:7 33:11	barred 81:16	89:13	blind 20:14	bothered
82:23	barrier	91:15	block 1:5	120:24
B-E-R-N-...	106:17, 21	94:10, 14	81:1	boundary
83:4	based 18:14	benefitting	board 1:1, 9	23:13
back 7:25	42:22 86:5	133:11	1:16, 16, 17	box 61:4
10:12	87:24 88:6	Bernard 3:5	2:3 4:7, 25	62:19
11:19 13:6	92:5 94:7	6:13, 16	5:25 6:7	69:25
13:8, 25	113:8	82:17, 22	6:18, 23	Brad 81:17
14:19, 22	basically	83:3, 3, 19	7:4 8:2	81:21
14:22 20:7	79:20	83:21, 25	9:24 16:4	brakes 65:12
25:2 27:10	114:20	95:3	16:21, 24	65:19
27:14, 18	115:6	best 34:15	19:25	brand-new
29:9 31:10	125:2	38:19	20:13, 23	121:4
48:24 49:8	basin 39:6, 7	108:5	22:16 24:3	Bravman 1:10
50:7, 8	39:10	better 5:8, 9	40:13 43:7	5:15 29:6
53:20	87:23	5:15, 16, 18	45:12, 20	29:8, 18, 25
54:11, 20	basins 36:20	10:8 11:2	49:1 51:13	30:6 31:3
54:25	36:21, 24	11:11	53:2, 21	31:8, 23
55:21, 25	36:25 37:3	50:11	54:1, 11, 12	32:4, 6
56:13, 22	41:6 42:10	90:16	57:23 58:1	33:22, 24
59:3 67:22	42:12, 15	127:6	58:22	34:4, 7, 19
72:9, 13	bedroom	140:12	60:19 67:2	35:4 36:3
76:22 80:3	85:14, 18	bicycle 76:9	67:9 69:9	37:6, 10
80:16	belabor	bicycles	70:22 72:2	40:14, 19
81:24 82:5	22:23	10:1	72:23 88:2	40:20, 24
82:8, 11, 13	believe 8:1	big 123:1	89:9 94:16	41:9 42:23
89:2 90:19	8:5, 12	bigger 61:13	94:22	60:20, 23
94:20	31:16	128:25	95:18	61:7, 15
95:12 99:6	32:15, 23	biggest	99:12	62:22 64:1
99:20	58:15 59:5	120:17	100:15	72:8, 17, 25
101:1	68:4 74:15	bins 97:3	102:2	74:9, 19, 25
114:10	76:24, 25	bio 87:18	103:9	75:10 76:3
122:23	80:6 88:2	bioswales	113:14	135:16
125:19	98:24, 25	37:1 87:13	119:19	Bread 100:1
129:7, 20	118:6	bit 5:2	132:14	break 78:24
132:10	122:19	10:15 12:4	133:23	79:2 81:10
134:20	125:6	13:16	134:18	82:7 94:4
136:17	128:14	21:11	135:5, 11	brick 60:6
137:21	133:21	31:15	139:6	brief 4:25
back-and-...	134:4	36:16	140:22	38:21 82:3
108:22	135:17	37:23	142:1	101:22
background	belongings	49:25	board's 6:8	briefly
20:8 88:4				

95:17	87:21 93:5	CAD 123:11	100:4, 6, 9	143:20
96:15	106:18	calculat...	102:6	certify
bring 38:24	117:4, 5	50:21	115:2	143:7, 12
44:8	119:8	call 5:13, 14	134:6	chain-link
105:19	buildings	6:16 7:24	cause 87:1	88:1
116:1	33:6 50:8	73:9 81:23	caution	chair 5:14
121:11	68:3 92:2	82:17	113:16	40:14
122:3, 5	96:3, 7, 25	102:17	caveat	107:6
134:19	96:25 97:1	107:9	117:10	115:14
bringing	97:9, 16, 17	108:17	CCTV 99:4	chair's
63:6	98:22, 24	134:18, 18	center 10:3	135:14
107:13	99:4	called	12:1 18:7	chairman
brings 45:1	100:22	112:24	32:16 46:3	1:10, 10
broke 104:19	107:2	114:22	48:1 50:18	4:1, 5, 15
broken 126:1	120:11	118:6	80:6 84:10	4:24 5:3, 6
131:4, 4	built 15:2	calling	89:19	5:11 8:14
brook 14:25	133:19	103:12	90:18	10:16
brought	bumps 73:4	calm 128:4, 8	120:23	16:17 17:4
97:12	bunch 125:25	calming	121:7	18:20
105:1	bureau 63:13	128:10	124:20	20:11, 22
118:19	bus 71:9, 13	cancel	central 91:5	21:1, 10
Brunswick	71:23 72:2	141:14, 18	133:2	22:15, 19
1:1 42:17	98:10, 11	capacities	CERT 143:21	22:24 24:7
47:12 48:3	bused 66:16	83:14	certain 35:8	24:21 25:1
67:9 83:17	71:11, 23	car 31:24	69:2	28:1, 5
98:25	72:16	32:3 57:12	certainly	29:4, 6, 6, 7
99:18	buses 67:16	106:12	14:9 17:22	29:8, 18, 25
117:12, 13	67:19	123:23, 25	17:24 18:4	30:6 31:3
117:24	busier 32:25	card 96:12	18:11, 18	31:8, 23
118:2	69:12	care 15:4	20:12 25:7	32:4, 6, 8
131:13	business	18:13	28:24 37:4	33:22, 22
Brunswick's	4:18 108:8	36:15	37:25	33:23, 24
69:7	131:13	39:10	38:12, 15	34:1, 4, 5, 7
buffer 13:21	busing 71:19	48:22	39:12 40:3	34:17, 19
87:8 91:13	busy 68:21	103:24	41:18	35:2, 4, 13
117:20	70:6	carried	44:16, 21	36:2 37:6
build 75:14	buttons 77:7	142:9	45:3 47:10	37:10, 18
75:25 76:1	Buy 34:15	cars 123:24	53:5 59:19	37:21 38:1
91:22	buzz 96:9	124:23	67:11, 25	38:8, 10
109:4	bypass 91:23	129:21	68:4 81:4	39:18, 21
111:17		cart 41:1	83:16	40:11, 14
build-out	C	44:4	101:23	40:16, 19
93:24	C 2:1 33:9	cartway	105:23	40:19, 22
109:13	37:19 98:2	11:23	111:1	40:24 41:9
110:13	143:1, 1	12:19	117:4	42:23
building	c(1) 92:5	27:15	130:2	43:24
33:4, 7	94:7	56:15	134:17	44:25 45:8
73:6 79:18	c(2) 88:7, 15	case 44:12	140:3	48:18, 21
79:20	94:8	92:12	Certified	49:4, 7
80:17 87:6	cabs 122:22	99:20	1:22 143:6	51:5, 16, 18

53:22	110:25	126:1	46:13	55:17
54:14,24	111:1	changed	circulates	57:13,18
55:3 57:22	112:2,21	12:24 27:7	9:6	94:10
58:6,20	113:5,11	changes 8:8	circulation	112:4
59:11,19	113:14,19	16:18,20	10:6 27:1	126:18
60:17,20	113:24	29:24	55:4 90:16	clearly 89:8
60:22,23	114:7,9,13	49:11 51:6	92:3	client 23:22
61:7,15,21	115:16	52:1,14	circumvents	85:24
61:23	118:11,18	53:25	30:22	136:5
62:22 64:1	119:1	54:10,13	citizens	clipping
64:4,6,9	121:15,18	78:14	89:7,14	123:5
64:13,24	121:25	139:15,16	city 83:6	close 100:3
65:7,14	122:5,14	changing	clarific...	100:6,9
66:5,8,12	124:14	100:7	34:8	123:5
66:18,24	125:16	118:7	clarify 58:5	132:6
67:4,6	126:4,8,15	character	58:8 85:13	closed
71:12,16	127:19,21	78:14	Clarke 1:14	102:11
71:22 72:7	128:17	characte...	4:6,12	132:10
72:8,11,17	130:1,16	92:8,12	22:18	closer 5:4,8
72:24,25	130:24	charge 98:12	66:10,13	11:7 52:12
72:25 74:4	131:6,11	CHARLES 1:13	66:20 67:7	57:20
74:7,9,19	131:21	checking	68:8,13	closest 68:8
74:25	132:3	32:20	70:15,16	77:1 87:17
75:10,20	133:25	children	70:24 71:4	87:18
76:3,6,7	134:8	66:15 67:3	71:14 73:6	93:11
77:10,12	135:14,16	67:12 68:6	75:16	clubhouse
77:13,15	135:19,23	73:14	81:11	97:25
77:17	136:2,20	chime 67:5	135:13	clustering
78:11,17	136:25	chose 100:5	Clarke's	91:5
78:23 79:3	137:7,19	Churchill	68:20	CME 6:20
81:8,12	138:3	66:16,23	75:13	49:15,24
82:5,14,18	139:7,21	71:1,21	classic	53:7,16
82:25	140:2,8,15	72:13	126:20,23	code 80:8
83:15,20	140:20	73:14	127:7,14	cold 36:7
83:23	141:12,16	chute 97:4	classifi...	collaborate
94:20 95:2	141:20	circle 31:11	101:17	48:6
95:10,12	142:2,6,11	67:22	clean 27:21	collapsed
95:14,20	142:13	121:10	35:25	15:1 17:8
95:24	challenge	124:18,20	101:20	17:10
102:1,5,13	69:4	125:2,15	140:13	Colleen
103:2,6,10	challenging	125:24	cleaned	77:16,17
103:15,16	42:6	128:13,19	35:20	78:12
103:19,22	chambers	129:3,10	cleaner	COLLEN 1:17
104:7,13	39:2	129:14,15	139:5	colored
104:18	chance 51:10	129:16,18	cleanliness	26:22
107:8,9,22	52:9	129:21,24	38:20	colorized
107:24	change 10:18	130:20	cleanup	3:9,12
108:1,7	11:6 50:1	circles	133:4	8:23 9:3
109:14,18	53:25	129:1,6	clear 26:2	combination
110:1,5,6	114:4	circling	41:10 46:5	39:13

42:20	commenting	75:16 76:4	26:19	123:6
come 18:8	113:20	81:11	139:18	131:19
21:18 27:4	comments	108:10	compliance	concluded
31:25	16:22,24	113:13	139:6	142:22
48:24	27:2,16	135:12,13	complicated	concrete
53:20 56:9	38:15 52:3	135:25	142:16	100:21,24
57:19	52:4 53:15	141:2,5,10	complica...	condemna...
61:12	53:15 54:9	141:13	50:16	47:9,13,18
68:17,24	58:21,24	commit 15:5	complies	condition
81:24 89:2	66:9 77:13	commitment	85:14,19	16:6 22:10
89:15	79:7 95:15	47:9	component	27:3 40:10
90:25	95:19	committed	47:11	40:13
112:1	99:10	14:16	76:15	44:14 53:8
114:10	114:18	46:22	89:18	53:12 57:1
136:17	120:17	47:14	composition	57:5,11
comes 18:7	130:3	133:18	67:24	106:5
31:4,9,10	131:1	common 92:2	compromise	119:11
57:6,8	138:24	communicate	130:19	conditional
comfort 45:2	139:1,2,4	5:18	concept	53:6
comfortable	140:1	communities	75:14	conditioned
22:16 23:3	commercial	38:17	conceptu...	119:20
35:14	69:18	community	52:6,13	conditions
52:22	COMMISSI...	66:4 70:2	concern 17:7	21:19
140:7,16	4:12 17:1	91:6,11,16	19:13,19	128:16
coming 11:11	17:6 19:20	91:19 93:7	35:9 43:6	137:4,15
17:15,17	19:24	93:8 97:24	43:10	conducive
17:18 19:1	22:18,21	compactors	66:20	40:4
25:23 27:9	22:25 23:9	97:2,5,5	68:15	Conference
28:20	23:14 24:2	companies	71:24	1:7
29:12,14	24:5,8,18	40:1	73:21	confident
31:18,19	24:25	company 38:5	79:22	51:1 140:5
35:24	43:22 44:1	compare 85:4	99:23	configur...
49:22	44:6,10,13	complaining	107:13	29:20
55:20	44:24 58:4	116:15	108:6	125:20
56:12	58:7,17,23	complaints	130:7	confirm
57:15	59:8,13	79:23	concerned	17:21
61:17 63:7	64:4,7,14	complement	61:19	conflicts
70:7,19	65:2,6,8	69:22	105:6	69:23
106:12	65:16,22	complete	120:18	126:25
130:10,11	66:2,7,10	14:17 19:5	121:19	127:3
130:14	66:13,20	54:17	123:8	128:1
Commencing	67:1 68:8	100:20	130:6,18	confusion
1:8	68:13,19	101:9	concerns	85:11
comment	70:3,16,17	115:23	7:18 47:25	congratu...
18:21	70:24 71:3	completed	52:3,7	142:18
113:17,23	71:4,14,18	20:10	56:4 99:2	connect 73:9
114:24	72:4,6,12	100:24	104:24	73:16
128:23	72:14,19	101:5,7,8	105:1	75:17,18
131:7	74:1,5,17	completely	106:10	75:18
132:6,11	74:22 75:2	14:10	121:6	92:17

connecting 46:13 86:19	133:20 Consultant 1:18	conversa... 44:2 45:15 48:16	Councilw... 1:11 28:3 28:8 29:3	crews 18:16 Criscuolo 1:11 17:1
connection 27:22 37:23 46:10 100:18	consultants 139:13 consulting 83:14	79:12 cooperate 46:14 47:10	64:11 71:6 135:19,21 counsel 143:14,16	17:6 18:23 19:20,24 22:19,21 22:25 23:9
connections 78:3	contact 105:20	105:23 cooperation 46:10	countdown 77:7	23:14 24:2 24:9 58:23
connecti... 68:1 76:9 76:13	contain 97:1 99:4	cooperative 52:2,18 134:10	country 62:7 couple 57:24	59:8,13 66:2,7 67:1 72:4
connects 74:11	contains 21:22	106:7 coordina... 106:7	95:6 102:20 105:18	72:14,19 74:1,5,17 74:22 75:2
consenting 48:11	contamin... 35:19,22 101:14	coordina... 46:17	course 42:18 46:12	75:24 76:4 108:8,10
conserva... 91:9	contaminate 35:23	copious 75:24	67:19 68:5 69:24	113:13 141:5,10
consider 48:10 53:3 113:1 125:4,5	CONTENTS 3:1 continua... 4:2	81:22 corner 31:24 86:24 87:4	86:17 88:10 100:21	141:13 criteria 86:6 88:5
consider... 68:22 130:4	continue 25:10 56:10	87:5 91:14 101:13,18	117:18 118:13,22 137:8	88:7,15 92:6 93:1 94:8
considered 40:6 70:11 113:2 117:7 119:25 141:24	76:12 104:15 106:13 107:19 111:11 114:21	corners 38:21 correct 4:4 4:22 15:17	140:16 Court 1:25 143:6,20	cross 62:7 68:10,12 68:14 76:5
considering 76:9	continues 5:12 26:8 105:16	15:20 29:18 49:9 53:7,23 55:6,7	courts 88:10 89:20	cross-co... 62:17
consistent 46:17 132:18	continuing 114:17	66:6 114:3 122:13 125:21	cover 24:17 24:22 48:16	cross-talk 107:23
constant 69:24	contributing 114:17	127:9 134:7	97:15 covered 101:24	crossing 15:1 71:16 127:5
constraints 6:14	contribute 18:11,25	142:10,11 142:12	crafted 43:4 create 47:1	crossings 77:8 127:2
construct 6:2 15:8 15:11 133:17	contribu... 19:5	correctly 90:2	create 47:1 78:8 133:1	Crosspointe 72:5,8
constructed 92:22	contribu... 14:17 16:1 85:8 89:17	correspo... 116:4	created 86:17,18 121:5	74:11 77:3 crosswalk 74:6 76:23
construc... 15:16 77:25	contributor 17:25	corridors 97:22	creates 91:22 92:11	77:1 crosswalks 78:5,7
	control 27:5 27:7 63:9	costs 21:14 Council 83:10	creating 18:19	crucial 133:4
	controlled 96:4,8,11 111:19 126:11	Councilman 71:7	creative 91:4 credit 90:8	curb 11:22 12:14 56:16,17

60:12	8:13 53:2	defined	67:25	13:19
97:13	122:1	87:24	describing	developed
curb's 131:3	139:22	definitely	8:9 16:19	86:15
131:4	140:21	52:11 54:3	41:21	developer
curbs 123:14	David 2:3	118:23	DESCRIPTION	15:5 16:7
123:15	121:23	136:14	3:8	17:11
126:1	day 44:18	degrees	design 58:9	18:10 19:4
current	69:2,12	41:25	78:9,10	23:16
99:13	97:18	delivered	80:12 91:4	39:16,24
100:11	days 18:3	62:8 98:4	91:16,25	45:2 51:25
118:25	41:17	deliveries	114:5	108:3
currently	97:13	69:2,3,15	126:5	developer's
18:23 47:1	137:25	69:19 96:9	127:6,14	16:9
59:10	138:15,15	97:20	designed	developers
107:1	daytime	delivering	25:5 35:5	1:4 38:3
115:11	69:21	63:14	41:6 42:14	105:5
cursor 27:6	dead-end	delivery	77:6	development
46:25	33:13	68:23	123:11	4:19 6:25
curves 27:17	dead-ends	97:21	designers	7:18 12:20
cut 19:10	33:12,12	demand 98:13	125:18	12:21,23
23:18 45:8	deal 36:14	98:16	desirable	15:13
cuts 25:13	51:14	demolishing	91:3	19:12 27:4
cutting 5:2	123:1	115:10	desire	30:10,22
24:13 45:6	decided	demolition	102:21	31:1 38:6
CV 83:2	15:19	100:19	134:17	46:7 51:7
	decision	101:9	135:9	56:13
	42:21	demonstr...	despite	57:11
D	136:16	86:4	63:23,23	68:10
D 33:9 50:8	declare	dense 32:16	detail	70:20,25
82:23 87:3	132:9	densely 41:6	138:18	73:21
97:1	dedicate	42:14	details	76:13
daily 70:1	20:2	densities	48:12	78:15 85:9
damage 37:1	dedicated	88:22	detention	93:19,24
Dan 7:15	12:25 13:8	density 98:1	36:24,25	104:3
77:5	14:14	deny 17:21	37:2 39:6	105:4
109:22	18:24	department	39:7,10	108:18,20
110:1	117:12	58:24 69:8	41:5 42:10	108:21,25
112:13	dedicating	72:22 78:3	42:12,15	109:25
113:25	14:15 48:3	117:14	determine	110:11
114:7	91:10	depend 16:11	67:2	112:20,25
122:20	115:9	depicted	determined	113:6,21
123:10	dedication	92:22	72:21 89:9	114:2
128:25	13:10 23:8	depressed	detriment	115:7
dangerous	92:16	56:16,17	93:9 94:12	120:20
72:15	deed 89:25	60:11	detriments	126:13
date 135:10	deemed	describe	88:10,12	130:11
143:10,21	101:20	47:4 85:25	94:15	133:1,13
dated 96:16	defer 125:8	described	develop	developm...
dates 99:20	deferred	7:13 16:23	87:11	110:10
141:9	125:11	52:14	developable	developm...
Dave 4:12				

19:1	directly	District	drained	134:9
105:16	46:3 98:4	28:17	14:24	early 34:16
deviations	106:20	ditch 14:24	dresser	69:20
85:24	director	dive 8:7	63:13	101:4
132:20	1:17 83:12	dock 116:9	drive 12:6	easement
devices	dirty 35:3	116:16	26:13	21:21, 21
36:23 39:9	disagree	document	114:17	48:7
dial 102:20	19:21	43:5	115:11	easements
Dick's 45:23	disappoi...	documents	124:20	46:19
difference	136:12, 14	84:6	129:14, 19	easier 25:20
69:11	Disario 7:15	dog 33:7	130:22	124:22, 23
differences	109:20, 21	50:7	driver	137:9
107:11	109:22	116:20	123:13	139:5
different	110:4, 8	133:3	driveway	easily 124:7
9:13 16:14	111:23	doing 10:18	27:5 30:21	east 1:1 7:7
26:23	113:24, 25	70:9	106:12	11:16
28:15	114:8	128:21	114:17	25:12, 25
43:14	126:7, 17	129:17	driving	29:12
56:19 60:7	discharge	136:11	120:24	42:17 46:3
63:24	48:1	142:16	drop 63:4	46:24 47:6
73:18 78:9	disconne...	donate	dropped	47:12 48:3
78:10	14:11	133:15	41:11	67:9 69:7
84:16	discuss 7:18	Donna 2:5	dropping	83:17
118:5	discussion	5:19, 22	97:22	98:24
121:3	16:4 28:5	8:15 9:24	drops 117:21	99:18
122:21	53:3 73:11	11:3 15:25	dry 120:6	117:12, 13
135:24	73:22	20:7 26:4	due 6:14	117:24
difficult	87:25	37:12 39:3	20:15	118:2
36:7 69:10	discussions	54:19	duly 37:20	131:13
70:1, 10, 19	6:18 16:2	78:18 82:8	82:24	eastbound
142:15	22:3 47:17	102:5	103:20	11:9 55:11
difficul...	77:23	132:11	dumpsters	55:25 57:7
51:20	127:10	133:25	97:6	ed 67:2, 10
dilemma	dispersed	139:9, 19	DVR 99:5	72:2, 23
63:16	50:11	door 98:4		edge 45:22
dimension	disposed	doors 96:10	E	45:23 46:7
3:10 9:1	100:23	downhill	E 2:1, 1 3:7	47:8, 16
28:15	disruption	79:14	8:18, 18, 18	48:1, 16
dining 63:13	91:24, 25	downstream	37:19	87:23
direct 26:14	distance	14:25	82:23	93:13
26:16	66:22	dozen 137:4	88:21	Edge's 48:9
55:22	67:18	DPW 18:16	143:1, 1	Edgewood
60:15 84:2	70:25	drafted	e-mail 116:4	110:13
102:9	distances	42:25 43:1	119:4	education
directed	87:16	drainage	earlier	122:20
88:11	distribu...	14:18	51:20 52:8	effect 114:2
direction	62:18	18:25	79:12	efficient
24:1 31:18	85:14, 19	21:22	87:13	133:11
111:12	distribu...	22:11	107:10	effort 15:6
130:13	121:2	47:25 48:7	122:4	101:4, 4

132:22	65:18	129:18	31:20	existed
Eggers 73:19	engineer	entire 73:14	36:13	117:5
egress 74:14	1:16 6:11	86:12	55:22 60:7	existing
eight 83:9	6:12,17	88:13	eventually	19:3 27:15
either 5:13	7:14 48:5	91:25	126:11	27:19
12:7 14:11	48:5,5	116:6	127:23	30:23 57:1
16:24	106:8	123:18	ever-aging	57:5 72:10
20:17 41:5	109:23	entirety	112:22	98:10
65:17	119:5,20	63:20	everybody	117:19
67:12	120:7	entitlement	39:20,21	119:11,24
83:20	125:11,12	38:5 86:5	131:9	128:6,7
100:5	130:2,3	entrance 7:9	133:22	exists 29:23
106:22	engineered	57:20	everyone's	31:4
141:9	52:10	64:25	129:22	106:17
elementary	138:14	74:12	142:14,16	exit 129:16
67:13	engineering	entrances	exactly	exiting
elevation	9:20 19:6	64:21	35:10	55:25
79:16	25:5 47:11	entry 98:5	115:21	expect 53:17
107:11	51:24 53:6	environment	EXAMINATION	61:4 69:14
eligible	54:8,9	91:3	84:2	expectation
4:10	80:11	123:18	exceeds	69:16 73:8
eliminate	117:13	133:4	38:18	expected
137:5,14	124:2	environm...	exception	30:8 61:11
eliminated	134:16	99:14,17	96:5	expecting
10:3	engineer...	99:23	excess 36:14	34:11
111:22	52:23	101:5,23	41:5 42:9	expensive
eliminating	engineers	envisioned	excessive	42:18
50:18	125:9,18	73:15	128:7	experience
else's 44:23	126:5,5	91:17,23	excuse 15:25	36:6 38:4
emergency	139:17	equipment	45:24 71:7	42:4 61:25
10:5	engines	101:3	101:8	83:8
emphasis	28:11,12	equivalent	executive	expert 83:24
36:5	28:12	100:14	83:11	expertise
employee	enhance	especially	exemption	51:15
143:13,15	78:14	86:1 87:12	101:17	explain
enclosures	enhances	123:18	exhibit 3:13	21:11
97:12	94:1	ESQUIRE 2:3	8:3,4 9:5	37:22
encountered	enjoy 44:21	2:5	9:10 26:3	expressed
41:20	ensure 21:15	essentially	30:3 34:2	52:8
encourage	entails	134:19	54:22,25	extended 7:8
88:19	139:18	estimate	55:5,7	extension
encouraging	enter 16:7	20:10	122:7,9,9	13:3 26:6
90:12	62:20	evaluation	122:11,13	27:16
encroaching	63:18	127:13	122:15	30:17,20
91:18	69:25	evening 5:22	exhibits 8:2	30:24
enforcement	129:14,21	53:4 81:15	8:9,22,22	46:11 47:7
69:7	entering	86:2 102:7	11:2 30:4	57:6 86:20
engaged	26:8 55:10	109:21	exist 77:2	111:21
99:16	89:10	134:9	98:14	114:5,23
engine 65:11	114:19	event 31:19	109:4	115:4,22

141:4,22	79:13,25	fence 12:15	fire 28:11	folks 81:10
141:25	136:7,22	80:10,11	28:12,12	follow 26:5
142:5	139:8	80:19,21	28:15,17	following
extent 30:7	fashion	81:4,5	28:21,25	9:17 36:7
107:4	106:14	88:1,3	29:1 58:24	follows 8:20
113:20	favorable	116:6	58:25 59:3	37:20
125:13	48:16	117:11,14	61:14 78:1	82:24
exterior	feasible	117:25	78:2,2	103:21
96:10 98:4	36:21	118:1,4,5	firm 5:23	foot 11:18
external	February	118:7	83:5 97:14	12:6 32:15
9:15	100:24	fences	101:6	foregoing
extra 12:9	FedEx 61:5	118:16	firm's 51:15	143:8
extraord...	69:25	fencing	first 8:8	forgot 4:16
35:3	feedback	93:15	9:10 17:3	form 6:15
extraord...	112:3	field 35:21	17:5 24:8	former 47:6
92:9,14	feel 51:6	figure 43:13	42:16	100:1
extremely	135:15	figured	82:19 86:7	Forsberg
123:15	feelings	61:25	96:17	67:8,15
	22:22	115:25	97:23	forth 72:20
F	feet 6:3 7:8	final 15:23	104:22	143:11
F 143:1	9:25,25	51:11 53:6	115:19	Fortnite
facilitate	10:24,24	53:13 55:1	120:18	112:10
15:15	10:25 11:8	100:10	131:5	forward
133:19	11:15,17	119:17,21	132:13,22	10:15
facilities	12:13,14	119:22	Fitness	39:14 40:6
91:21 93:8	12:18,19	120:8	13:22	found 38:19
93:11,12	12:19,20	126:2	17:19	92:4
119:9	25:11,12	134:20	27:14 31:6	four 8:9,21
facility	25:17	finalized	45:24,24	8:22 13:23
62:18,19	26:19,21	106:4	46:2	138:15
87:15,18	32:17	finalizing	five 101:23	four-story
91:11	33:19 47:2	106:7	138:15	98:21
98:10,11	47:16	finally	fixed 20:5	four-way
132:25	56:15	133:14	flare 12:2	126:10,12
fact 42:10	58:15,16	financially	flared 11:10	126:20,23
47:11	65:23,23	143:16	flared-out	127:24,25
92:16	76:11 80:6	find 88:16	25:22	four-way...
134:15	80:9,16	90:10	flat 59:23	127:7
faded 112:7	87:6,7,8,9	93:19 94:6	floods 120:3	frame 70:5
Fair 76:3	87:16,17	94:8,13	floor 38:11	70:21
84:9 89:19	93:13	118:14	97:23	140:7
fall 101:8	104:17	fine 22:18	flow 17:25	frames
familiar	116:5,24	24:2 40:12	90:13	141:24
63:1 75:12	116:25	42:3 66:1	114:18	frankly 57:4
family	117:22	73:5 94:3	128:3,12	71:24
116:20	120:4	95:24	133:11	free 90:13
far 33:19	fell 5:5	103:2	flush 26:19	Friday 18:15
51:12	fellow 22:16	116:24	60:5	friends
52:14	135:11	140:14	128:14	20:15
63:19 78:5	felt 88:2	finish 30:3	fob 96:12	front 31:1

49:19 50:4	97:10	138:11,17	8:10,21,22	132:6
50:12	Garden 38:4	141:23	12:24 14:2	136:8
57:20 68:2	84:10	given 68:22	15:7,24	138:16
89:2 106:4	gates 39:5	134:15	16:9,10	139:11,22
106:21	98:24 99:1	gives 12:9	17:14 18:7	139:25
124:18	gating 98:21	26:25 79:5	18:24 20:2	140:22,23
frontage	99:8	134:21	20:14,17	Goldman 2:4
47:15	general	137:25	22:5,22	5:23
90:21	114:24	138:23	25:18	good 5:22
111:13	118:15	giving 28:18	28:12	10:16
froze 39:18	120:19	140:10	29:17 30:9	39:21,22
full 82:25	123:17	glaring	30:11,13	43:24 44:2
93:23	133:12	79:24	30:18	45:3 48:18
fully 56:15	generally	go 10:14	32:18 39:3	48:18 49:4
56:17 60:5	8:14 38:16	16:18 17:2	43:20 44:7	51:5,5
60:10,11	52:15	17:5 23:21	44:16,21	59:8,13,25
115:5	69:20	25:14,24	45:2 47:4	68:21 81:8
138:14	105:13	28:7 29:9	47:8,16	81:25 82:1
function	106:2	31:6,17	49:16,21	93:2 94:12
50:23 56:1	130:10	32:11 34:6	59:16,17	104:25
112:19	generates	40:22 53:3	61:11,24	109:21
functioning	50:19	54:11,25	64:15	121:9
115:6	generations	55:21	67:22	122:20
funny 57:8	136:9	56:22	70:15,18	125:15
furniture	generous	57:15,19	72:3 73:21	131:8,21
63:4	85:8	58:6 60:22	74:15,16	134:1
further	gentleman	64:8,8,10	74:20	135:7,25
10:15	103:11	66:12 67:6	76:24	141:2,12
16:18	geometry	71:20	79:17,19	142:13
48:21 49:3	10:7	74:18	79:25 80:1	gotten 46:20
58:21	getting 19:2	76:21 86:2	80:8,22	governing
60:15,18	35:8 70:18	86:25	81:2,3	22:1,3
100:16,17	79:23	96:18 99:5	82:17	89:8
131:6	90:19	104:23	84:19,25	grading
132:11	93:16	107:6	90:2,2,6	106:23
141:21	100:17	110:2	90:15,17	grant 46:19
142:10	112:3,11	111:19	93:12	69:6 94:16
143:12	123:4	116:24	102:24	142:5
furthest	138:14	121:2	110:21,23	granted 34:9
33:3	give 4:25	125:14	111:19,21	92:5,6
future 15:16	12:4 19:11	132:10	111:25	94:7 142:3
108:19	20:4 21:4	135:15	114:4,22	granting
110:24	26:15	goals 92:20	115:8	93:22
126:13	49:15,24	goes 31:9,10	116:20	grass 10:3
132:24	67:10 83:1	31:10	119:3,17	11:21
133:13	90:8 99:15	49:24 72:9	119:19	23:18
	102:19	97:4	127:24	32:18
	132:2,7	117:15	130:11,12	grassy 23:4
G	134:19	120:20	130:14,14	grates 35:7
G 88:23	137:22	going 7:5,7	131:3,4	gray 26:20
garages 97:9				

gray/black 26:24	guidance 51:15	107:5	6:24 7:23	120:19,21
great 51:14 108:14 111:14 121:8 123:13 134:13	guidelines 75:9	109:6,6	9:17 13:18	128:7
Greek 7:17 7:21 25:23 30:10 104:3 108:2	guiderail 12:14 87:24 93:14	happy 40:9 49:2 81:17 83:24 101:25 118:24	49:2 81:18 84:7 142:15,22	highway 73:18
green 76:5 91:5 133:2 133:2	gust 80:23	hard 32:14 49:13 52:5 57:9 60:13 134:11,13	heart 134:12	hires 61:16
grits 35:17	guys 111:15 116:2,12 119:5 120:5 121:14 125:3 136:6 138:4 139:9 142:19	hardship 92:11	heavier 36:13	historic... 30:16
ground 35:22		harmony 105:6	height 117:1	history 53:14
groundwater 35:9 101:13	H	Harts 25:11 25:12 30:10 68:9 111:7,11 112:25 113:8	Hello 103:3	hit 80:2
group 36:11	H 3:7 37:19 90:11	HASHMI 1:12 135:25 141:2	help 25:7 26:16 55:13 93:19 104:20 128:9 132:23	hockey 15:22
guarantee 131:5	half 13:23 83:10 116:7 130:20	hazardous 72:18	helps 12:10 52:16	hold 82:12 103:15,19 121:21 135:9
guarantees 21:16	hand 4:17 34:3 82:21 102:23 132:1	he'll 24:23	HEPPEL 1:13 135:12	hole 79:13
guess 5:13 9:10 11:9 23:20 29:12 31:5 31:6 33:24 34:7,9 41:2 42:23 43:15 49:7 61:7,19 73:6,8 79:16 102:19 108:24 109:1,11 111:2,22 114:16,22 115:12 119:24 123:17,20 125:8 128:23 130:12	handful 95:15 99:9	head 33:18	hereinbe... 143:11	homes 38:4 61:9,9 65:12 84:10
guessing 53:23	handicap 50:3	heading 25:25 26:1 55:11	herringbone 60:4	homework 120:7
	handle 5:18 36:17 109:15	headlights 79:24 80:2 116:13	Hi 29:8	honest 139:24
	handling 40:5	he 4:16 23:22 24:10 39:20 51:17 77:19 94:24 131:14 140:4	Hidden 108:20 111:4 112:23	hope 73:8 120:8 136:11 139:19
	hang 122:23	heard 64:12 82:19 90:14 102:15 131:15,23	high 9:21 67:13 71:21 120:5 123:16	hopeful 7:19 49:22 136:17 139:13
	happen 109:10 124:1	hear 4:16 23:22 24:10 39:20 51:17 77:19 94:24 131:14 140:4	high-speed 56:6,7	hopefully 49:22 136:17 139:13
	happened 18:14	healed 10:20	high-volume 30:9	hoping 73:10 136:3
	happening 106:3	heard 64:12 82:19 90:14 102:15 131:15,23	higher 119:12	hour 59:15 134:15
	happens 72:5 99:18	hearing 6:9	Highland 27:15,16 30:16,20 30:24 31:5 47:6 57:6 86:20 111:20 114:24 115:3,22	hours 18:17 98:18
				house 40:5
				households 6:6 90:4
				housing 83:9 83:11 84:9 84:17,17 84:21 85:8 85:22 86:19 87:2 89:18,19 89:22,23

89:24,25	7:10	included	118:25	17:9 18:12
91:5 93:22	improvement	12:17	120:10,22	104:8
93:25	24:23	28:19	132:25	interested
133:7	76:25	44:14 65:3	inform 62:21	69:9 98:19
HUDSON 1:25	improvem...	109:1,2,12	information	132:5
humps 73:4	7:12 14:18	113:5	20:8 21:15	143:17
hydrant 78:2	15:12	115:1	52:19	interfering
hydrants	21:23	128:5	ingress	32:1
58:25 78:1	22:13	includes	74:14	interject
	27:20	11:18	inhabited	19:15
I	31:14	12:14	90:3	internally
ice 17:18	32:13	15:14	inheriting	50:2,5
idea 21:13	46:15	46:23 68:6	19:2	internet
109:5	49:20 51:4	84:16,20	initially	24:12
121:9	76:21 77:9	including	8:8	interrupt
128:2	90:12	88:18	inner 128:13	16:1
ideally	109:3,13	inclusion	inning's	intersec...
138:19	110:16,18	133:7	134:2	10:8 25:4
identified	112:15	inclusio...	input 131:12	25:22
99:24	113:8,9	93:24	142:14	27:20 57:3
100:22	114:6	income 6:5	inside 26:18	64:22 74:3
110:16	133:9,18	incoming	64:19	74:18
identify	inaction	27:8	insinuated	76:21,22
84:5	136:5	incorpor...	116:23	86:22
100:20	inaudible	6:25 7:11	inspecting	111:12
immediate	45:5 67:12	increased	20:5	113:9
104:11	78:3	30:13	installed	123:4
immediately	111:17,21	indicate 8:3	115:5	124:4,6
98:17	112:1	39:4 48:10	119:10	126:10,12
impact 69:21	120:12,13	86:3	installing	126:21,24
80:25	120:13,15	indicated	112:18	127:8,14
87:19 93:2	123:11	46:18 48:4	116:21	127:24
136:8	132:23	67:14	instance	Interstate
impacting	inbound	128:15	39:1	100:1
92:1	55:24	indicating	instances	introduce
impasse	inches 38:18	26:13	42:13	103:1
53:19	41:1,7,11	39:24	instruct...	121:23
important	41:12,13	indication	62:6,13	introduced
6:22 7:16	41:14,17	67:10	97:3	128:1
46:9 54:6	41:23,25	135:2	intend 99:7	investment
54:6,16	42:2,5	Indiscer...	intended	132:24
78:15	43:3,19,19	107:23	56:7	involved
131:13	58:15,16	individual	intent 86:12	9:19 21:9
136:10,10	include	97:22	intentions	106:6
Importantly	65:21,25	industrial	98:23	involves
133:8	91:15	29:21 79:7	intently	92:15
impressions	92:13	100:7	81:21	involving
51:12	96:25	104:5,17	intercom	87:2
improve 51:7	101:17	105:7,12	96:8	irrespon...
improved	109:11	116:17,18	interest	20:12

island 7:3 10:4 26:7 26:9 50:18 121:7	81:7 82:1 82:12,15 84:3 94:19 95:5,11 102:8,22 103:8 132:11,12 134:5,6 136:2,13 136:23 139:8,10 139:23 142:4,7,8	jumping 56:16 jumps 36:18 June 6:9,20 9:17 jurisdic... 19:18 justify 88:6	105:14 107:16 113:11 114:18 120:21 124:19 141:23 Kipp 1:17 9:19 17:21 18:22 20:7 76:8 79:3 102:4,24 103:5,7,14 103:16 110:25 111:3 112:7 114:11 117:13 118:12,15 118:20 121:21 137:24 138:7	44:18 46:12 47:18 48:13 49:25 50:23 51:6 51:10,14 51:25 52:10,22 53:15,20 54:4,7,11 54:12 56:3 56:4,5 60:8 61:8 61:16,16 62:9,23 63:2,5,9 63:11,25 64:16 66:21,24 67:17 68:16,16 69:4,6,11 70:8 71:9 71:17,21 72:3,6,7 73:2,17,18 74:11,20 75:3,13 76:8 77:24 79:5 80:20 81:1,5,20 81:21 92:4 100:15 104:24 105:10 106:23 107:2 108:16 109:7 111:16,23 111:25 112:13 115:6,13 116:16,19 116:19 117:6 118:20 119:16,17 121:11,20
isolated 93:5	136:23	just 88:6	Kipp 1:17	51:25
issue 20:19 21:6 28:2 37:11 41:20 47:19	139:8,10 139:23 142:4,7,8	keep 34:20 54:18 56:8 118:24 130:20	9:19 17:21 18:22 20:7 76:8 79:3 102:4,24 103:5,7,14 103:16 110:25 111:3 112:7 114:11 117:13 118:12,15 118:20 121:21 137:24 138:7	51:25
issued 100:12	Jersey 58:11 89:7,14 122:20 143:7,20	keeps 35:19 Keith 1:17 9:19 18:20 76:20 79:3 103:13 111:1 117:13 138:13 140:7	K K 8:18 keep 34:20 54:18 56:8 118:24 130:20 keeps 35:19 Keith 1:17 9:19 18:20 76:20 79:3 103:13 111:1 117:13 138:13 140:7	52:10,22 53:15,20 54:4,7,11 54:12 56:3 56:4,5 60:8 61:8 61:16,16 62:9,23 63:2,5,9 63:11,25 64:16 66:21,24 67:17 68:16,16 69:4,6,11 70:8 71:9 71:17,21 72:3,6,7 73:2,17,18 74:11,20 75:3,13 76:8 77:24 79:5 80:20 81:1,5,20 81:21 92:4 100:15 104:24 105:10 106:23 107:2 108:16 109:7 111:16,23 111:25 112:13 115:6,13 116:16,19 116:19 117:6 118:20 119:16,17 121:11,20
issues 6:19 7:20 48:13 48:17,25 51:2 78:21 85:22 95:22 99:6 101:13 120:13 132:16	Jim 76:16 77:10 109:18 113:7 126:8 127:21 Joe 17:5 24:10,19 59:12 66:5 66:24 118:12 John 1:16 9:19 51:9 51:10 52:25 53:16,23 59:20 60:1 138:12 140:6	kept 12:23 key 76:15 89:18 96:12,12 keyed 96:6 kick 54:19 82:8 137:21 kids 71:10 74:16 112:10 kind 4:3,24 9:4 10:12 10:21 16:20,22 24:22 26:13 30:21 33:4 39:3 49:12 50:9 51:12 51:12 55:12,19 56:3 57:2 57:8,8 58:11 60:8 81:19	K K 8:18 keep 34:20 54:18 56:8 118:24 130:20 keeps 35:19 Keith 1:17 9:19 18:20 76:20 79:3 103:13 111:1 117:13 138:13 140:7	52:10,22 53:15,20 54:4,7,11 54:12 56:3 56:4,5 60:8 61:8 61:16,16 62:9,23 63:2,5,9 63:11,25 64:16 66:21,24 67:17 68:16,16 69:4,6,11 70:8 71:9 71:17,21 72:3,6,7 73:2,17,18 74:11,20 75:3,13 76:8 77:24 79:5 80:20 81:1,5,20 81:21 92:4 100:15 104:24 105:10 106:23 107:2 108:16 109:7 111:16,23 111:25 112:13 115:6,13 116:16,19 116:19 117:6 118:20 119:16,17 121:11,20
it'll 30:15 30:19,19 55:12 56:18	Joe 17:5 24:10,19 59:12 66:5 66:24 118:12	kick 54:19 82:8 137:21	Kipp 1:17 9:19 17:21 18:22 20:7 76:8 79:3 102:4,24 103:5,7,14 103:16 110:25 111:3 112:7 114:11 117:13 118:12,15 118:20 121:21 137:24 138:7	51:25
items 10:14 46:8	John 1:16 9:19 51:9 51:10 52:25 53:16,23 59:20 60:1 138:12 140:6	kids 71:10 74:16 112:10 kind 4:3,24 9:4 10:12 10:21 16:20,22 24:22 26:13 30:21 33:4 39:3 49:12 50:9 51:12 51:12 55:12,19 56:3 57:2 57:8,8 58:11 60:8 81:19	Kipp 1:17 9:19 17:21 18:22 20:7 76:8 79:3 102:4,24 103:5,7,14 103:16 110:25 111:3 112:7 114:11 117:13 118:12,15 118:20 121:21 137:24 138:7	51:25
J	John 1:16 9:19 51:9 51:10 52:25 53:16,23 59:20 60:1 138:12 140:6	kind 4:3,24 9:4 10:12 10:21 16:20,22 24:22 26:13 30:21 33:4 39:3 49:12 50:9 51:12 51:12 55:12,19 56:3 57:2 57:8,8 58:11 60:8 81:19	Kipp 1:17 9:19 17:21 18:22 20:7 76:8 79:3 102:4,24 103:5,7,14 103:16 110:25 111:3 112:7 114:11 117:13 118:12,15 118:20 121:21 137:24 138:7	51:25
J 91:7 JAMES 1:18 jammed 129:6 Jennings 2:5 4:20,22 5:5,21,23 16:16 19:14,22 20:1,18,24 21:3 23:7 23:11,20 24:4 36:19 37:8,14 40:20 45:13 46:1 49:9 54:21 55:5 78:19	John 1:16 9:19 51:9 51:10 52:25 53:16,23 59:20 60:1 138:12 140:6 join 73:9 JOSEPH 1:11 Joyce 67:8 judge 81:16 113:18 Judy 46:6 Julie 1:14 4:6,15 66:12 July 1:7 34:18 101:5 jump 37:8,11 77:6	kick 54:19 82:8 137:21 kids 71:10 74:16 112:10 kind 4:3,24 9:4 10:12 10:21 16:20,22 24:22 26:13 30:21 33:4 39:3 49:12 50:9 51:12 51:12 55:12,19 56:3 57:2 57:8,8 58:11 60:8 81:19	Kipp 1:17 9:19 17:21 18:22 20:7 76:8 79:3 102:4,24 103:5,7,14 103:16 110:25 111:3 112:7 114:11 117:13 118:12,15 118:20 121:21 137:24 138:7	51:25

124:2,6,9	10:19	58:25	leaving	level 9:21
124:15,25	13:19,19	90:22,24	83:12	45:1
125:1,3,9	14:5,15	111:8,11	led 54:9	levels 90:7
127:7	20:2 75:25	Langan 25:5	left 13:23	liability
128:4,11	83:8 84:13	language	29:16,21	21:13
129:12,15	86:14 88:8	16:14	30:1 32:3	licensed
130:19	88:17,20	large 33:20	36:1 48:14	83:7 99:16
131:9,12	89:5,10	61:4 62:9	101:3,10	Lifetime
131:14	90:11 91:2	62:9,17	126:25	45:23,24
132:4,5	91:8,10	63:18	129:4,7,20	light 30:10
134:14	92:15 94:9	91:10	leg 27:8	68:9 74:2
136:3	105:6	96:24	legally	74:2,7
138:23	133:15	97:16	100:23	lighting
139:15,17	landowner	98:15	lengthened	117:23
140:11	104:5	105:8	25:16	lights 66:21
142:20	landscape	106:17	lengths	limit 59:9
knowing	87:8 91:12	larger 36:24	122:21	69:2,3,10
36:11 45:2	landscaping	60:8 63:3	Les 3:3 6:17	70:1,4
48:11	87:21	63:5,12	8:7,16,16	limited
75:20	106:21	129:25	11:1 16:19	86:18
known 113:6	lane 1:5 7:6	largest	16:23	139:16
Kohl's 17:19	7:9 10:8	58:10	24:22 25:1	limiting
27:13,13	11:7,9,10	60:24	26:2 32:11	69:14
45:23	12:2 13:11	Larry 40:23	36:19 37:4	106:23
90:18	14:6 25:10	43:25	46:13,20	limits 86:24
Kraskowski	25:12,12	60:22 62:4	46:25 47:3	line 10:20
1:16 9:19	25:17,18	64:6 76:8	49:8 54:21	10:21
51:9,16,19	26:7,13,20	135:15	54:24	11:18,19
53:23 54:2	29:21,24	lastly 47:23	59:20,21	12:17
59:20,21	30:10	late 131:10	67:24	23:10,13
60:14	47:14 55:9	lateness	76:10,22	23:25
107:24	55:24,25	134:15	79:5,6	31:24 42:3
108:1	68:9 71:17	LAURENCE	81:7 82:16	lined 50:12
109:14,16	86:19,23	1:10,12	87:13	93:14
138:13	87:18	law 5:23	96:15	Lines 61:17
140:8	90:17,19	84:13 88:8	139:24	list 24:16
	90:21	88:17	less-fre...	48:25
	92:17	90:12 91:2	31:20	listening
L	106:13,19	91:8 94:9	let's 54:14	7:22 81:18
L 8:18,18,18	107:14	layout 54:10	54:24	81:21
37:19,19	110:15,21	leading	63:19	131:9
L-O-V-E-...	111:5,7,11	56:13	81:23	132:4,14
38:2	112:25	leasable	117:22	literally
LA 13:22	113:8	44:20	126:4	80:17
17:19	114:6	leave 8:13	letter	literature
27:14 31:6	133:10	38:21 42:6	100:16,17	126:17
46:1,2	lanes 11:25	42:17,24	139:5	litigation
ladder 28:22	25:8 29:23	47:25	letters 50:3	86:10
28:22	47:2 55:17	70:21	letting	little 5:2
laid 140:18	56:25	109:16	19:19	10:15 12:4
land 10:11				

13:16 14:8	117:23	130:25	18:24	117:9
21:11	118:2	134:3,22	24:10 30:7	low 6:5
26:23	128:13	137:25	31:17 33:5	low- 90:3
28:14	long-term	138:19	33:14	133:7
31:15	120:12	looked 70:8	46:11 50:3	Lowe's 13:22
33:25 34:8	longer 63:5	looking	52:4,6	17:19
35:9 36:16	114:20	76:12	53:15	30:10 31:6
37:22	122:25	78:20	55:19	31:12,17
49:24	123:3	79:19,20	57:16	46:3 56:22
50:11,19	Lonski 2:2,3	80:17	58:18,24	lower 80:16
60:3 63:12	4:2,4,14	105:10	61:25	98:1
75:21	5:1,9	107:17	62:24 63:2	116:13
78:14 82:6	15:25 21:7	111:23	70:13	119:8
84:16	21:12,17	116:9	80:15 87:4	120:4
85:11 95:9	40:11,12	118:16	104:23,25	Lowman's
104:19	42:24 45:6	125:9	105:11	73:9
112:7	53:10	looks 26:23	112:3	LTL 63:7
120:21	112:5	119:25	118:1	luxury 41:4
121:20	122:8	124:10	119:10,12	75:4
136:16	136:24	loop 7:3,5,7	124:3	
live 103:24	137:1,2,8	7:9 9:7,8	127:5	<hr/> M <hr/>
105:13	137:22	9:15 11:5	131:19	main 57:19
142:20	138:6	13:2,14	132:15	71:8 89:3
lived 71:10	139:19	23:12	135:4	106:9
living 65:13	140:15,17	24:24	139:3,3	maintain
66:15	141:3,21	25:19	lots 38:21	12:5 19:10
LLC 4:20	141:25	27:24	119:8	23:16,18
38:3	142:12	28:25	120:14	39:14
load 80:23	look 9:13	30:11	love 138:25	117:18
load-bea...	26:16	32:13 51:3	142:20	118:17
80:22	31:21	59:9 65:10	Loventhal	maintained
loaded 62:18	34:13	86:19,21	3:4 37:4	17:15
loading	49:13,20	87:22	37:16,25	106:22
116:9,16	50:15	90:15	38:1,9,12	108:4
located 39:8	52:12	92:16	39:19,23	118:2
location	56:19 60:7	111:18	40:15,25	maintaining
78:2 86:21	74:15 75:6	115:5	41:3,16	17:23
86:25 87:7	80:13 81:2	116:10,11	43:21 44:5	20:16 23:6
91:21 92:1	85:23	133:9	44:9,11,15	123:7
locations	107:1	Loren 1:16	45:17 46:2	maintenance
38:24	111:24	8:6 102:19	48:20,23	18:5 19:12
88:24	112:16	131:22	49:6 61:21	20:4,13
Lombardozzi	113:3,25	lost 103:5	62:2,3	21:14,20
1:22 143:5	116:5	lot 1:5 5:16	63:15 64:2	21:21,23
143:20	120:8	9:13,14	64:3 65:17	22:14 48:7
long 15:3	122:24	10:20 13:9	67:4,7	48:9 74:24
28:22	123:9	13:13,20	68:11,25	major 17:24
58:16 82:7	125:12,18	13:24	95:13 96:1	49:11
83:21 90:7	129:12	14:13 15:9	115:14,17	89:16
90:9	130:4,24	17:17,20	115:18	91:24,25

majority	127:9	48:14	45:16	miscella...
11:5 99:24	128:20	49:17,17	77:20	33:14
100:2	131:11	52:3 85:10	mentioned	missed 24:12
105:8	matter 1:2	87:25	8:15 17:7	64:17
makeup 67:23	18:4 58:18	90:14	18:23	66:14
making 27:19	matters 9:20	95:16	32:22 39:2	missing
29:13 40:3	MATTHEW	104:22	44:3 77:23	76:24
51:3 89:16	103:20	105:2	96:15	misunder...
112:15	maul 75:18	106:1	116:2	140:19
129:8,22	maximum	110:3	119:18	mitigate
132:6	107:4	122:12	120:4	87:19
Mall 34:14	117:1	135:1	122:17	mixed-use
manage 40:1	Mayflower	138:9,16	124:25	6:2 69:17
40:2	62:9	138:21,22	128:25	133:1
management	mayor 81:14	139:13	129:11	MO 81:22
38:6 40:1	81:20	140:3,6,24	merely 42:3	moderate 6:5
40:4 42:21	McGURK 1:17	141:14	merge 27:14	moderate...
98:6	77:15,18	meetings	merging	90:3 133:8
119:23	78:16 95:1	81:14	27:18	modern 133:1
manager	mean 5:15	meets 29:10	met 51:24	modifica...
44:18 67:9	14:8 20:22	melt 35:5,8	59:4	46:23
67:23	33:16	42:1	method	modified
managing	35:13	melted 41:18	128:19	10:7
83:5	37:11 53:7	melts 35:1	Michael 1:22	moments
maneuver	69:3 75:3	35:12,18	143:5,20	95:23
31:21 56:5	105:3	member 4:7	mid 75:3	Monday 41:13
123:4	108:11	43:7 83:5	middle 26:15	monitored
map 23:5	130:8	102:15,16	58:13,14	99:4
79:15	138:8	114:9	67:13	month 86:3
March 34:12	139:14	members 1:9	74:10,13	months 36:9
marked 8:3	meaning	6:23 16:21	Midstate	131:5
122:6	41:13	16:24	34:14	MORACE 1:16
market 84:21	98:14	22:17	mild 34:9	131:25
marketable	meaningful	45:12,20	miles 59:15	141:8,18
44:19	139:12	57:23 58:1	million	morning
married	means 90:5	58:22	104:16	68:22
125:1	140:23	60:19	Milltown	69:20
master's	measures	99:13	71:11	70:20
83:6	99:7	100:15	mind 89:15	71:20
Matt 103:7	median 10:4	131:22	mine 39:18	98:18
103:16	10:5 12:1	132:14	68:15	141:19
104:1	26:7,9	135:11	minor 27:19	motion 55:14
107:8	meet 75:8	members'	50:22	55:20
112:8	100:11	133:23	132:20	56:20
114:3,11	meeting 4:6	memo 77:25	139:2	motoring
114:14	4:10 6:19	Memorial	minute 132:2	133:12
115:17	8:25 9:18	71:10	minutes 4:9	motto 96:21
117:17	16:19 17:7	memory	78:25	mountable
121:22	23:15 28:6	112:23	99:15	60:10,12
124:14	45:19	mention 23:5	102:20	mounting

56:17	92:20	needed 7:15	143:7,20	nuisance
move 16:22	96:18	36:13 50:5	newer 105:8	38:16
19:23	municipa...	50:13 60:9	105:16	116:22
27:10,24	47:20	117:21	news 134:2	number 28:17
40:6 62:17	mute 94:19	needing	nice 32:18	32:23
82:16	95:11	17:14	69:22	33:18
118:11		needs 8:12	117:20	43:14
move-in 62:5	N	18:10	night 18:15	51:24
move-ins	N 2:1 37:19	42:22 48:8	23:22	84:23
62:5	82:23	89:7	41:14 82:7	85:11
moved 50:5,7	name 7:10	128:24	125:10	102:17,18
movement	37:22,22	137:9	131:10	106:11,16
57:2 65:9	38:1 83:1	140:12	132:15	122:17
70:2 123:9	83:1,3,4	negative	nightmare	numbers
123:12	103:3,9,23	86:6 93:1	74:23	13:12
129:3,4,4	103:23	negotiate	nights	67:12
129:5,9	104:1	56:23,24	132:15	
130:7,9	names 63:10	negotiated	NJDEP 100:12	O
movements	narrow 12:8	20:20 21:5	101:19	O 37:19,19
12:11 30:5	natural	negotiating	nobody's	o'clock 70:5
57:21 58:3	117:20	23:24	120:23	71:20
62:12,13	naturally	28:23	131:25	Oak 108:20
126:22	53:11,20	43:15	Nope 102:4	Oaks 111:4
moving 10:15	nature	neighbor	north 23:4	112:24,24
27:6 39:14	120:22	7:17 135:7	26:1 61:16	oath 8:1,16
54:18 56:2	139:2	neighbor...	73:21	8:19 110:7
56:8 61:4	near 32:22	104:6	107:17	objectives
61:10,19	nearing 59:5	133:4	Northbound	132:19
61:20 62:7	nearly 14:13	neighbors	31:2	obligation
62:9,13	necessarily	108:19	northeast	89:18
128:19	19:18	135:6	101:13,18	93:22,25
Muhammad	43:17	neither	northern	133:7
1:12 136:1	69:13	143:13,15	23:10	obsolete
multi-fa...	necessary	network	Notary 143:5	132:25
6:4 96:7	47:7	67:20	note 7:16	obtain 77:21
96:24	100:11	never 61:1	19:22	118:16
97:16	need 21:11	125:15	notes 32:20	obvious
municipal	23:17 50:9	136:20	81:22	114:25
13:20	55:19	new 13:2	95:16	115:25
84:13 88:8	57:11 66:3	27:21	96:20	obviously
88:17	74:17,20	46:10	99:11	43:6 69:6
90:11 91:2	75:6,7,24	58:11	137:3	70:9 73:20
91:8 94:9	75:24	63:15 89:7	notice 4:3	105:4
117:25	78:24 86:8	89:14	11:7 121:7	120:21,22
municipa...	89:22	114:19,22	141:15,22	121:1
83:13	102:19	115:5,9,23	142:10	123:6
municipa...	124:3	116:20	noticed	139:10
15:10 22:1	129:25	118:24	119:3	occasion
22:13	136:15	120:20	notwiths...	38:23
45:21	141:3,25	122:20	69:10	63:17

occasions	62:22 64:1	89:15	63:11 75:8	P
63:22	64:11,13	ongoing	ordered 63:4	P 2:1,1,3
84:14	68:14,17	21:14	ordering	P.C 2:2
occur 110:23	71:5 81:8	22:14	63:2	p.m 1:8
127:3	82:5,18	open 36:24	ordinance	142:23
occurring	84:4,15,20	36:25 37:2	32:24	package
62:24	85:3,10,21	48:14	92:11,18	75:14
occurs 62:16	94:20	70:22 91:9	115:20	97:17,20
106:23	102:5,13	95:7	original	97:23,25
odds 123:15	103:2,6,10	101:11	86:11	98:3,5
off-site	103:22	102:10,14	outcome	115:1
38:24	104:7,20	138:17	100:14	packages
133:9	109:18	operate 45:3	101:16	97:23
offer 37:5	110:6	75:23	outlines	pad 15:15
98:14	114:13	operating	40:9	133:19
108:6	119:1	45:4	outside	page 3:2,8
office 51:22	121:16	operation	13:16,21	25:14 57:7
98:6	122:14,15	23:2	33:9 65:10	paint 78:10
offices	128:17	operational	outweigh	paper 49:13
99:18	131:6,11	48:25	88:9 94:15	parallel
official	132:9	95:22	overall 12:9	14:23
59:3	134:3	96:24	12:10 51:7	parcel 13:7
official's	135:19	operations	69:3	91:10
77:25	137:7	69:21	118:21	117:11
officially	140:2,15	126:18	overhang	parent 38:4
127:16	142:13	opine 36:16	123:2	park 27:16
offload	old 4:17,18	opinion	overlaid 3:9	33:7 50:7
38:17,24	14:20,20	69:11	overloaded	79:8 91:18
39:6 41:8	15:2 17:13	135:24	112:18	120:10
97:5	29:21	opportunity	overloading	133:16
offloading	on-site	4:8 39:5	119:24	parking 15:9
41:19,22	42:21	45:21 46:5	overpass	15:9,14
42:16	once 11:13	85:23	73:12,25	17:17,20
Oh 40:22	11:24	104:22	75:22	32:23 33:9
55:3	13:25 20:5	137:14	overpasses	33:17
114:13	33:10 42:4	opposed	74:23	34:22,23
okay 4:18	48:3 49:2	35:20,24	overview	38:21 41:5
5:11 8:21	67:23	opposing	4:25 73:3	42:9 46:11
9:9,12	102:18	55:17	owner 39:16	50:3 80:15
19:22	107:4	opposite	39:24	92:2 119:8
22:24	109:5,7	12:20	44:18	120:13
24:25 25:4	one's 43:4	117:6	45:23	133:17
32:6,11,12	70:10	option 41:19	100:4	parks 93:8
34:5 37:18	one-bedroom	42:16	104:5	123:19
39:22 45:9	85:16	options	owners 99:21	133:2,3
49:4 51:19	one-page	39:13 40:5	100:1	parkway
52:24	40:8	40:9 42:18	ownership	75:23
54:14,24	one-way	order 10:17	20:13	part 14:8,10
58:17	30:20 31:5	10:17	owning 69:17	14:11,12
60:14,17	ones 60:2,3	49:14 63:9		14:22

19:12	pattern	33:2	pinch 56:3	115:12,20
20:25 23:5	29:14 60:4	permits	pipe 17:8,10	115:21
23:7 27:17	pause 82:3	16:11	17:13,16	118:6
33:5 46:21	paved 26:12	permitted	17:17,23	119:4
54:3,6	pavement	132:20	17:25 18:6	120:1
73:7 93:21	12:10	permitting	18:18	121:12,17
93:25	35:19	19:7	22:11	122:3
106:24	59:24	perpetuity	pipes 14:23	125:7
111:7	paver 60:6	14:3	18:4	128:6
115:12	PCB-imp...	personnel	Piscataway	132:19
125:6	100:20,23	97:21	75:5	planned
128:5	Peak 99:17	perspective	place 17:11	111:10
partially	101:6	38:20 69:5	42:6 44:20	planner 1:17
133:15,16	pedestrian	96:24 99:3	44:22 48:8	6:13 82:17
participate	9:25 10:23	126:19,19	68:12,14	83:8
4:11 47:17	13:15	phase 87:3	69:14 99:1	planning 1:1
81:18,20	26:14,24	115:19	143:10	1:17 16:4
particip...	68:1 73:12	phases 77:7	place-ma...	19:18,25
25:6 81:15	73:20,25	phasing	78:8	20:23,24
81:16	74:23	115:7,21	placed	24:3 51:23
particip...	75:21 76:9	PHILIPS 1:13	117:11,25	51:23
9:23	123:22,25	58:4,7,17	places 12:2	65:10,18
particular	127:2	65:6,8,16	placing	83:6,9
17:25	pedestrians	65:22 71:3	117:24	89:9 92:20
23:17 39:1	10:1 68:4	72:12	plan 3:11,12	137:16
41:11 68:7	74:15	Phillips	6:1,22	plans 28:18
69:13 79:1	76:18	57:24	7:19 9:2,4	28:21
79:4	124:24	phone 51:21	9:12 15:23	49:14,25
particul...	127:5	physical	25:15 29:2	52:10,21
7:13	people 15:2	92:7,12	34:25	78:1 106:1
parties	61:10,19	pick 98:5	35:15 36:5	106:2,7
99:25	63:2 68:16	pickup 97:13	40:8 46:17	107:18
143:14	68:17	picture	51:1 52:1	110:22
party 41:8	70:13	25:21	52:5,13	119:17,21
passenger	75:18	piece 10:12	55:1,4	126:2
60:15	89:22	19:10	65:4 66:9	137:6,12
path 9:25	90:18	136:10	66:13	137:17
10:2 13:15	93:15	pieces 14:2	67:25	138:1,8,8
32:14,17	97:17	pigeon-h...	73:14	138:14,17
32:18	105:13	43:11	77:14,19	138:21
50:17 51:4	116:19	pile 33:5	79:1,4	139:14,20
66:21	percent 85:1	34:10,14	84:11,11	140:11
116:11	85:3,7	34:24	89:12	plants 37:2
paths 123:1	100:20	35:11	91:17,23	please 37:24
pathway	percentage	piled 33:21	92:1,21,23	61:23
11:20,21	84:23	34:16	93:18,20	82:20 83:2
70:12	perfect	piling 34:20	94:1,13	84:5 103:4
116:21	123:12	34:20,20	96:14,16	103:22
patience	period 38:22	35:16	107:15,17	104:9
82:6	periphery	pin 122:19	107:17	108:9

pleased 48:15	86:6 88:5 92:24	1:15	124:12	64:19
pleasing 125:25	possible 70:24	presenta... 6:8 40:17	125:24	project 6:2 39:14
plenty 128:25	107:4	presented 6:10	129:15	109:10
pocket 91:18 133:2	possibly 15:22 43:7	132:16	136:14	111:8,9
podium-s... 98:22	post 57:10	president 46:7	137:3	118:21
point 4:5 21:18	potential 21:13 44:7	press 108:16	problem 16:16 19:3	132:21,24
22:23	98:10	pressed 57:9	36:12	133:3,5
41:21	potentially 43:12 47:5	presumably 126:12	79:23	projects 38:7
43:14,24	73:16	pretty 32:16	82:14	111:13
56:3 62:6	112:16	33:20	103:18	prolonged 36:7
62:20	119:23	49:10 76:4	116:14	promote 88:21 89:4
93:11	practice 41:4	139:24	problems 18:3 120:9	90:13 91:3
129:2	practices 38:20	previous 17:7	proceed 140:23	133:10
130:9	predict 136:20	previously 8:5,19	proceeding 82:4	promotes 91:1,7
134:1	predomin... 25:23	100:22	106:14	132:18
pointed 47:23	prefer 139:11	priced 90:2	108:23	promoting 91:8
points 7:9 38:14	preferable 88:3	primarily 100:8	Proceedings 1:5	proofs 92:24
64:25	preference 127:17	principal 38:2	proceeds 47:12	proper 34:24 119:16
police 69:7 72:22	preferred 126:20	prior 4:9 34:10 35:6	process 47:10	properly 43:8
policing 69:5	127:4	84:4	53:24	112:19
policy 67:15	preference 127:17	100:13	124:3	properties 42:12 44:4
poll 98:16	preferred 126:20	115:10	product 98:1	69:18
pollutants 39:11	127:4	138:16	professi... 6:13 83:7	104:6
pool 124:19	128:2,16	private 65:12 97:7	99:17	105:12
population 88:22	128:19	97:14	professi... 7:5 84:12	106:19
portfolio 69:17	prefers 127:13	probably 31:18	professi... 6:18 42:25	110:13
104:16	premarked 8:6	36:16	45:19	119:14
portion 13:21 48:2	premises 41:8 46:24	42:15	47:21,21	property 11:18
102:11	preparation 84:7	49:21	100:15	12:16
132:10	prepared 98:14	61:18 63:1	134:22	14:22 20:2
133:6	101:6	95:6	142:19	20:6 23:10
posed 110:21	110:10	108:18	program 123:11	23:12
posing 75:11	presence 92:19	112:10	progress 104:25	25:23 40:1
position 130:19	PRESENT 1:9	114:25	prohibit 62:11,12	40:2 44:8
positive		115:15	prohibited 65:12,19	44:17,19
		116:7	prohibiting	46:4,25
		117:2,7		47:15
		120:17		84:12 92:8
		121:13		92:9
				101:18

104:4,8	providing	73:12	60:18 66:9	rate 84:21
106:4	89:21	98:23	77:14,21	re-swear
107:20	90:15 98:8	111:9	94:22,25	8:15
111:20	105:20	115:8	95:18	re-sworn
116:18,18	provision	puzzles	101:25	8:13
117:11	21:22	121:10	102:1,17	reach 6:12
119:13	public 6:9		108:24	reached 7:18
126:14	6:24 15:16	<hr/> Q <hr/>	114:15	28:13
136:11	93:2,7	qualified	queue 27:10	read 89:1
proposal 7:1	94:12 95:8	4:10 110:2	131:23	readily
23:21	102:10,11	qualify	quick 53:1	35:23
84:20 88:7	102:15,16	83:24	102:11	ready 15:4
88:9,13,16	114:10	quality	105:18	37:17
89:21	131:23	36:23 39:2	134:3	115:6
90:10 91:1	132:7,10	42:13	135:1	real 123:20
93:20 94:8	133:12,20	quarter	quickly	reality 14:7
94:11,13	142:10	81:23	16:22	realize
94:14	143:6	question	124:3	119:7
132:18	pull 9:9	13:18 24:6	quickness	really 14:6
proposal's	30:3	24:11,15	119:6	18:6,8,17
89:16	purchased	28:4,9	quite 21:2	22:8 34:24
proposed	100:4	37:17	57:4 82:10	51:7 56:25
10:20	purpose	40:15,21	104:8	59:15 63:8
11:15 13:9	88:19,21	45:18 53:1	114:3	77:18
26:21	88:23	55:23	127:9	78:14,24
29:24 35:7	90:11 91:2	56:21		86:2,21,22
59:9 60:5	91:7	59:21,25	<hr/> R <hr/>	89:22 93:1
87:20	purposes	64:5,14	R 2:1 8:18	93:16 94:2
98:11	16:3 88:8	66:11 67:2	82:23,23	94:3 95:21
108:19	88:17 89:2	68:20 69:1	82:23	105:3
proposing	94:9	73:1,3	143:1	106:9,23
13:5 23:23	pursuant 7:4	75:1,11,13	radius 7:8	107:15,15
88:1	push 33:4,4	96:2,13	31:15	109:1
protecting	33:8,12	98:7,20	46:16	120:24
23:1	36:20 77:7	99:12	55:13	125:17
provide 52:5	pushed 10:24	107:7	rail 14:21	128:10
85:6 88:23	pushing	109:2,12	118:6	130:7,17
90:16	35:20 36:3	110:20	rain 39:8	134:11,11
95:21	put 39:15	112:22	raise 82:20	134:13
98:13	40:7 46:21	115:13	raised 6:20	135:3,8
107:21	47:13 48:8	123:17,20	6:23 46:8	137:23
117:7	51:10	125:17	49:1 59:23	138:1,17
133:3	69:14 77:3	137:23	95:20 96:2	140:11
provided	80:21	questions	96:13 98:7	142:17
52:20	102:6	16:21 25:7	98:20	rear 58:13
62:14,15	126:9	27:23 29:5	99:12	58:14
86:10	130:21	32:9,10	102:23	63:21
105:25	135:17	45:11 49:1	131:25	reason 73:23
115:19	putting	57:23,24	raising 34:2	99:1
117:20	22:10	58:2,21	RAO 100:13	112:12

124:2	redeveloper	96:19 98:9	101:15	114:5,23
126:21	14:16	99:6	115:4	renegoti...
reasons	19:16 22:6	113:16	remainder	19:16
127:17	133:14	regardless	86:16	renewal 1:4
129:11	redevelo...	110:23	remained	4:20 38:3
rebuilding	75:15	regards	8:19	rent 84:18
18:9 90:22	redevelo...	88:15	remaining	84:19
recall 6:7	16:3 19:17	91:12	14:3 93:7	rental 85:9
13:17	20:3,16,20	105:20	remarkably	89:21,25
83:19	20:21,23	regional	68:1	rentals 85:5
110:3	20:25 21:5	62:18 83:6	remedial	repair 20:9
113:5	21:8 22:4	registra...	101:6	repairs 19:5
receive	22:6,12	58:12	remediation	19:7
69:19	23:24 24:1	regs 72:16	99:14,17	repeat 95:19
115:6	25:15	regulations	101:2,4,12	replace
received	45:15 73:7	50:25 85:4	remind 7:25	114:20,23
120:2	73:10,15	85:6,15,20	81:13	132:25
recitation	84:10	Reiss 1:12	110:7	replaced
137:9	89:12	24:5,8,18	113:14	10:4 17:14
recognized	91:17,22	24:25	remnant 14:7	106:24
37:9 100:6	92:1,21,23	43:22 44:1	Remote 1:7	replacement
recognizes	115:20	44:6,10,13	removal	120:18
117:24	124:10	44:24 64:4	24:13	report 6:20
recollec...	125:6	64:7,13,14	32:21	48:15
113:12	128:5	65:2 68:19	34:24	81:17
reconfig...	132:19,22	70:3,17	35:14 36:4	101:7
13:14	redirecting	71:18 72:6	36:5 38:13	139:12
record 5:22	120:25	reiterate	40:8	Reporter
39:15	121:3	132:17	remove 41:2	1:22 143:6
45:14 46:5	reduce 10:19	relates	removed 7:2	143:20
46:21 62:3	96:21	110:15	99:21	REPORTING
85:13 86:5	137:5	119:23	101:2	1:25
103:23	reduced	relative	121:8	reports 84:6
109:22	10:10	143:13,15	removing	84:12
113:7	87:10	relief 87:11	34:25	137:15
127:16,22	139:1	87:20	renamed 7:4	represen...
record's	refer 43:20	88:14	rendering	7:21 37:16
26:2	45:22	91:13,15	3:9 8:24	104:2
records 8:3	referred	91:20	Renee 7:4	127:12
recreati...	79:8	92:21,23	11:17 13:3	represen...
13:5 86:14	referring	93:3,5,6	13:10 26:6	104:4
91:9,11	124:15	93:10,23	27:9,11	reputation
recycle	reflects	94:2,11,16	29:10	45:4
96:22	52:6,14	relies 51:14	30:25 31:9	request 7:5
recycling	regard 38:13	reluctance	46:10	101:17
96:14,16	48:8 65:9	136:4	55:10	133:23
96:19,21	97:8	rely 8:10	72:10 74:8	requested
97:3,11	regarding	24:10,19	76:13,23	52:15
redevelop	21:6 38:15	remain 17:11	86:22 87:1	88:14
73:10	58:2 69:14	19:11	90:23	94:11

requesting	97:2 98:3	retail 6:3	15:5,21	13:1,10
80:19	98:12,15	30:22,25	17:5 21:10	14:9,12
85:25 94:2	98:16,19	48:1 50:4	22:15	47:3,5
require 54:1	109:9	50:12	23:20 27:6	105:21
72:16	118:24	56:12 69:3	27:18	133:16
required	133:13	69:18,19	29:13	rink 15:22
25:11,14	residues	120:23	30:21 31:6	17:18
32:24	36:1	retain 97:10	31:7,11,25	rises 75:6
54:13	resolution	retaining	32:4,5,7	road 7:3,4,5
87:15	21:20	12:15,16	39:7 53:9	7:7,10 9:7
101:12	139:5	80:9	53:22	9:8,16
requirement	resolve 18:3	117:16	57:18 61:3	11:5,17
4:3	resolved	118:16	61:15	12:11 13:2
requirem...	99:25	120:11	63:11 64:1	13:3,3,10
100:12	100:2	return 54:1	65:1,5,15	13:15
101:21	resorted	135:18	66:8 68:12	16:23
141:22	41:22	reuse 96:21	70:7,16	23:12
requires	respect 16:2	reverse	72:11,11	24:24 25:3
87:11	16:8,15	136:6	74:4,9,13	25:19,21
92:21	20:15	review 4:8	76:6,19,23	26:6 27:9
requisite	53:16	9:20 49:15	77:2 80:15	27:11,16
67:17	respectf...	49:25	81:10	27:22,24
reserve	19:21	51:11 52:9	82:15,20	28:25
80:13	133:22	53:6 54:8	89:15	30:17,19
resident	responded	59:6 96:19	102:25	30:24,25
97:10	119:5	119:22	105:12	32:13
residential	response	120:8	106:17	46:11 51:3
6:4 59:16	9:22,23	137:14,23	107:14	55:10,16
60:25 61:8	93:21	138:1,20	110:22	56:11 57:7
61:10 79:9	95:21 98:9	138:24	113:4	59:9,18
88:25	100:14	reviewed	114:14,21	65:10,24
97:12	101:16	84:6,8,11	118:18	71:11
100:8,8	119:7	84:13	121:4	72:18
101:21	responsi...	139:14	123:14	86:19,21
105:8,11	15:8 17:23	reviewing	124:18	86:22,25
105:16	18:6,9	119:20	125:16	87:1,22,23
106:19	responsive	138:7	129:1,2,2	90:15,23
107:1	131:18	revised	129:3,7,13	91:23
116:8	rest 56:18	28:19	129:16,17	92:17
117:5	70:22	49:14	129:20	93:13
121:4	78:13	52:20	130:16	111:6,18
123:23	restriction	137:6,12	138:6	112:17
residents	90:1	revision	141:1	114:5,18
44:21	resubmis...	76:11	right-hand	114:19,23
62:14,21	28:20	revisions	129:8,22	115:5,9,10
65:23	result 6:21	6:22 9:14	right-of...	115:23
66:15	50:2	59:3 78:4	10:21 11:5	116:10,11
67:24	136:18	134:16	11:12,14	123:7
79:24 90:6	resulted	right 7:7	11:17,19	133:9
96:10,11	53:24	9:12 11:23	12:13,18	road's 30:11

roadway	92:17	saying 21:3	48:19, 22	79:6, 18
11:13	98:11	22:9 24:20	61:24 62:2	80:14 81:5
23:10, 11	110:14	34:21 41:2	67:6 79:11	93:2, 9
27:19	routes 72:15	41:12 43:4	95:6, 11, 12	102:22
46:22	row 33:2, 10	51:1 65:18	95:25	103:8
50:17 56:7	41:24	76:20	115:17	108:11
56:14, 18	141:7	136:15	116:3	109:9
67:20 77:4	Rs 96:21	says 29:15	125:2	110:18
87:14	rules 63:24	43:5 122:9	127:11	116:17
108:12	69:13	135:4	Scott's	118:8
109:13	72:16	scenario	36:11	121:14
roadways	run 74:16	123:23	screen 46:12	123:13
68:3	75:6	schedule	121:13	135:6
120:10	119:16	68:23	124:18	138:7
robust 68:1	123:15	scheme 94:5	screening	Seeing 132:9
room 12:4	runoff 39:8	Schindwein	79:9	seeking 6:1
26:25	runs 12:16	103:12, 18	106:25	sees 63:19
57:16	rush 98:18	103:20, 25	107:11	senior 46:6
63:13 87:6	Rutgers 83:7	104:1, 10	108:4	sense 50:10
90:21		104:14, 21	117:8	51:13
91:22	S	107:12	Sean 28:17	71:15
97:25	S 2:1 3:7	108:14	77:24	124:12
rooms 97:17	8:18 37:19	111:14	seat 79:5	134:24
97:20, 23	S-C-H-L-...	112:9	second 25:10	135:11
roughly	104:2	114:16	47:13	140:12
25:17	safe 72:19	115:24	121:22	sent 8:5
round 46:23	125:22	118:3	Secondarily	119:4
roundabout	safely 67:21	119:2	46:20	121:12
26:10, 11	68:5	121:16	seconds	122:11, 11
27:4, 9	106:15	122:2, 10	132:8	separately
56:2, 6	safer 124:12	122:16	Secretary	122:12
59:22	124:24	124:17	1:16	separates
60:16	125:23	125:21	section	119:13
64:21	safety 72:22	128:22	11:14, 24	September
126:18, 23	73:20	130:5, 17	25:22	96:17
127:6, 17	126:19	131:2, 8, 16	26:12	seriously
128:3, 9, 12	sale 84:18	school 67:13	security	135:5, 5
roundabouts	89:23, 24	67:13, 13	99:2, 3, 6	served 83:10
127:1	salt 35:18	67:16, 19	see 5:20	83:13
route 25:13	37:2	68:7 70:11	11:2 16:21	service 98:8
26:1 31:2	salts 39:10	71:13, 21	25:21 26:5	98:9, 13, 17
31:19	sanitation	72:1	28:13	98:19
34:13 47:2	97:7, 14	schools	29:15 30:4	115:22
47:16	satisfac...	67:16 70:6	32:14 34:1	servicing
55:21, 22	21:20	72:20	53:17	83:11
57:15	Saturday	Scott 3:4	54:12, 25	session
72:18	18:15	9:18 37:9	55:10, 13	132:7
73:19 75:7	saw 73:23	37:15 38:1	55:19, 23	set 6:5
77:1 78:15	120:18	45:10, 12	56:9, 24	23:25
90:17, 19	122:16	45:13	64:9 67:23	28:19

63:13	12:8	111:6,7,25	42:7,8	sliver 10:11
86:22	showed 122:3	signaliz...	44:23 45:3	10:19 14:5
138:8	showing 3:13	133:10	46:17	14:8
143:11	28:18	significant	55:12,21	sloped 60:12
set-aside	29:15	53:25	60:25,25	slow 56:7
85:7	shown 29:1	69:17	62:25	small 14:4
setback 87:5	29:22 42:4	86:14	63:18,20	14:25 50:1
87:11,14	60:2,3	92:13 93:2	63:22,25	93:5 97:6
91:13 93:5	107:15,18	93:20	67:16 79:9	smaller 14:1
93:10	110:22	132:22	79:13,14	62:19
setbacks	115:20	Signific...	80:16	smarter 5:16
94:3	shows 9:6	7:2 133:5	84:14	112:14
settings	28:21	signs 65:18	86:24	smooth
122:19	shuttle 98:8	123:5	91:15	128:14
settlement	98:9,13	124:8	92:12 93:6	smoothly
84:9 86:9	sic 13:2	128:9	97:7 99:7	128:3
89:11,19	77:19	similar 57:2	99:14,16	snow 24:13
shaky 112:23	side 10:11	106:13,25	100:5,19	32:21 33:4
SHAMY 2:2	10:19,21	107:3	101:3,11	33:4,5,8
share 8:2	11:16 12:7	119:11	101:14,19	33:10,13
46:12 84:9	12:12,20	124:5	133:19	33:15,20
89:19	27:13 33:7	Similarly	sites 36:17	34:11,11
103:24	55:15	57:14	41:4,6	34:15,24
121:13	56:11	simple 76:5	42:14 45:4	34:24
shared 10:1	64:20 77:4	126:9	62:20 63:3	35:11,14
11:20,20	79:8 98:11	simply 75:25	63:10 70:1	35:18 36:4
32:17 48:9	107:18	92:22 96:6	76:10,14	36:14,20
50:17	110:14	111:22	120:2,9	38:13,16
Sharon 1:11	130:22	single-f...	sits 34:16	38:17,21
64:7,8,10	sides 12:13	61:9	79:13	38:24 39:6
Shawn 1:10	sidewalk	sir 66:7	sitting	39:11 40:8
5:1,10	76:11 77:2	84:1	34:13	41:2,11,22
17:1 32:21	sidewalks	103:15,19	57:12,18	42:4,11
45:6 65:6	66:22 68:2	sit 34:12	situation	44:4,7,17
94:19	sightlines	116:12	92:9,14	44:22
102:24	127:4	117:15	107:3	snowed 41:16
107:9	sign 62:12	site 3:9,12	six 101:24	snowfall
112:6	65:11	6:1,10,17	131:5	43:2
134:25	124:5,7,22	8:23 9:3,4	sizable 18:2	snowplows
135:22	125:4	9:15 10:11	size 58:8	36:6
136:1,24	126:3	10:18	61:11	snows 36:8
137:3	130:21	14:10,19	62:10	41:13,14
SHIPERS 2:2	sign-off	15:15 18:8	64:16 70:2	snowstorm
shipped 63:4	59:7	18:11	80:10	38:23
shopping	signage	25:25 26:8	skating	41:11
18:7 46:3	63:23	27:17	17:18	43:12
90:18	64:15,15	28:20,23	slightly	soak 35:22
Shorthand	66:3	32:22	16:14	soil 35:23
1:22	signal 76:17	36:12	slipping	solid 80:11
shoulder	77:6 90:23	39:25 42:6	63:11	80:21 81:5

118:8	93:7 133:2	33:19	142:9	50:25
solution	spaces 15:9	104:16	143:6,20	87:12,15
20:19	15:15 33:2	stability	stated 17:13	91:21
somebody	33:2,8	80:25	127:18	93:11,12
29:14	34:23 50:6	stacking	statement	119:9,14
55:17	133:17	25:18	40:3	119:22
102:22	speak 7:21	staff 16:25	stating	straight
116:15	45:22 46:6	18:2,16	65:11	18:17
119:16	107:25	22:2 32:10	status 99:13	28:22
120:8	137:20	43:10	110:11	79:19
121:11	speaking	45:12	stay 26:14	130:22
122:17	78:17	51:23,24	26:24 36:8	street 30:20
somebody's	105:13	53:7,13	55:15	35:24 47:6
116:10	114:12	60:18	56:11,14	57:6 70:14
someone's	130:10	72:23	129:10	70:18 71:9
29:14	134:25	78:13	stays 131:3	73:19
soon 28:20	special	94:25	stenogra...	74:16 75:4
59:7	58:12	102:3	143:9	80:5 86:20
sooner	138:9,22	108:2,3,11	step 25:3	93:14
139:20	140:3,6,24	112:22	101:1	106:20
sorry 23:18	specific	113:3	stepped	Streets
34:4 39:18	62:5 67:10	stage 34:11	99:20	72:20
39:19,22	specific...	35:11	steps 100:11	strict 92:10
51:19 58:5	38:14	staging 35:1	Steve 1:13	92:18 97:3
82:12	62:15	stairs 75:9	58:6,20	stringent
110:3	107:13	stairways	stockpile	101:21
112:2,9	109:24	76:1	44:22	strip 11:21
114:14,14	110:9	stalls 32:24	stole 39:3	23:17
121:21	111:6	33:17	stop 27:3,5	striped 10:4
124:17	speed 59:9	stamped	27:7 31:24	12:1,7,8
sort 19:15	73:4,4	26:21	105:4	26:6,9
30:11	speeds 128:6	standard	124:5,7,8	stripes
108:4	spell 37:22	78:7 90:5	124:22	26:12
sound 5:9,12	83:1	97:11	125:4	strong 53:8
sounds 5:15	103:23	standard...	126:3,11	80:22
5:16 30:12	spelled 38:2	11:25	127:25,25	structural
43:9 116:4	83:4	start 8:8	128:9,16	80:25
141:2	spells 36:8	9:10 43:15	130:21	structure
south 12:13	spillover	70:6 86:7	stop-con...	91:14
31:10	117:23	started 6:8	64:22	structures
126:14	Spitzer 2:4	starting 8:4	126:21,24	87:12
southeas...	5:24	55:9	127:8	students
11:10	split-rail	state 37:21	stops 71:23	72:2
southwest	88:3	50:25	storm 18:2	study 70:9
86:24 87:2	spoke 107:10	73:18	36:13	109:2
87:4 91:14	spot 116:12	82:25 85:4	41:15,24	110:11
space 6:3	spread 86:12	85:6,15,19	42:1 43:17	113:22
34:22 75:7	spring 34:16	99:19	storms 41:24	stuff 36:8
86:18 87:9	square 6:3	103:22	stormwater	61:18
88:24 91:9	23:15	122:19	50:20,21	style 118:5

118:7	28:8 29:3	109:1	52:11,12	20:11,22
subcontract	64:11 71:6	111:24	70:4 72:12	21:1,10
39:17,25	71:8	112:17	75:13 79:2	22:15,19
41:7	135:20,21	114:25	80:18 81:9	22:24 24:7
subcontr...	summarized	115:11,16	95:22	24:21 25:1
38:25	49:11	117:5	111:24	28:1,5
subdivision	summary 94:6	118:24	113:25	29:4,7
3:10 6:1	102:12	119:15,21	115:22	32:8 33:23
9:2 14:7	summation	120:6,15	125:11,18	34:1,5,17
23:25	95:9	130:8	126:7,15	35:2,13
111:4	supplement	132:12	129:12	36:2 37:6
subject	117:21	137:10,16	130:2,3,4	37:10,15
20:20 21:5	suppleme...	140:18	130:25	37:18,21
53:12	8:11	surface 41:5	139:25	38:8,10
submission	supplied	42:10,12	taken 38:14	39:18,21
138:20	78:6	42:15	41:22	40:11,16
submit 49:22	supply 78:1	60:13	42:11 62:7	40:22
96:16	78:2	SUV 98:15	62:20	43:24
submitted	support	swale 119:13	135:4,5	44:25 45:8
119:18	133:23	119:24	143:9	48:18,21
134:16	supposed	swear 37:12	takes 75:21	49:4,7
137:6,13	129:22	103:17	118:23	51:5,18
137:17	sure 5:21	sweeper	119:19	52:24
138:14	15:22 16:8	35:25	120:8	53:22
substantial	16:16 24:7	sweeping	talk 15:22	54:14,24
54:10 94:4	24:19,20	129:8	24:14	55:3 57:22
94:12	24:21	switch 15:24	51:25	58:6,20
substant...	28:16	sworn 8:19	talked 28:10	59:11,19
94:14	31:15,22	37:20	32:12	60:17,21
sudden 63:14	36:10,14	82:21,24	97:19	60:22
116:22	40:22 43:1	103:21	talking	61:23 64:6
suffered	43:8 45:18	110:2	21:24 22:4	64:9,13,24
120:14	46:4,16	system 96:12	24:24	65:7,14
sufficient	52:16 57:4	systems 96:9	29:11 30:7	66:5,8,12
88:24	59:1 62:2		30:13	66:18,24
suggest 47:8	64:6 65:21	T	35:10	67:6 71:12
suggested	65:25	T 3:7 37:19	64:18	71:16,22
38:22	66:22	37:19,19	70:20	72:7,11,24
suggesting	68:17,25	82:23	73:13,19	74:4,7
16:13 36:3	71:2 72:21	143:1,1	81:1 86:8	75:20 76:6
41:10,19	76:17	TABLE 3:1	87:13	77:10,13
69:1	78:11,21	take 15:4,8	111:15	77:17
suggestion	80:24	16:20	target 49:23	78:11,17
16:5 19:8	82:14,22	18:17	tax 112:14	78:23 81:8
21:17	86:7 90:1	21:12 25:2	Taylor 1:10	81:12 82:5
suggestions	95:10 96:1	27:23	4:1,15,24	82:14,18
134:12	102:13	31:21	5:3,6,11	82:25
135:5	104:8,10	32:11	8:14 10:16	83:15,20
Sullivan	105:10,15	36:15	16:17 17:4	83:23
1:11 28:3	108:3,16	39:10 44:7	18:20	94:20 95:2

95:10,12	51:20 52:4	26:4 29:3	16:10 17:6	137:19,24
95:24	52:19	32:7 38:9	17:10 18:9	138:19
102:1,5,13	100:3	44:24,25	19:15	139:3,13
103:2,6,10	139:2	48:19 49:4	20:12,19	139:16,23
103:15,19	technically	51:16	22:22	139:24
103:22	119:25	52:24	23:14	140:10,13
104:7,13	techniques	57:22	24:22,23	140:24
104:18	91:4	58:20 60:1	34:14,23	thinking
107:8,9,22	tell 18:12	60:17 64:2	36:2 40:12	61:8 62:23
107:24	42:10	77:10,12	40:25 43:3	70:12
108:7	63:17	78:16	45:16 52:2	116:25
109:14,18	69:16	81:11 82:6	52:13,17	125:13
110:1,6	96:23	83:25	52:20	third 41:8
111:1	100:18	94:17 95:2	53:11 54:2	52:21
112:2,21	114:3	95:3,13	54:5,15,21	third-party
113:11,19	139:1	110:8	57:24,25	39:25
114:7,9,13	template	114:7	59:11 66:2	thorough
115:16	123:10	131:20	67:24	54:17
118:11,18	temporary	132:12,13	68:20	thoroughly
119:1	46:19	133:24,25	70:14	138:2
121:15,18	tenants	136:23	71:12,19	thought 64:8
121:25	69:19	140:20	72:1,9	73:12,22
122:5,14	term 118:2	142:6	73:23	95:16
124:14	terms 88:4	Thanks 60:14	76:15 77:8	112:23,25
125:16	93:18	81:7	78:19	113:2,20
126:4,15	110:17	theory 31:5	82:16 88:6	thoughts
127:19	114:2	they'd 57:9	89:2,13	89:3
128:17	126:9	71:9 90:8	91:1 94:10	three 14:23
130:1,16	terrific	thing 33:6	95:5,7	39:13 40:5
130:24	38:8	43:23 44:3	96:15	41:24
131:6,11	136:21	55:18	102:9	42:20 46:8
131:21	testified	56:12 80:4	104:25	48:17 89:1
132:3	8:20 37:20	81:19	105:13	96:21
133:25	82:24	96:18	108:17	141:7
134:8,25	103:21	101:10	109:16	three-be...
135:14,19	testify	108:15	112:13	85:12,18
135:23	102:16	112:5	113:4	three-way
136:2,20	testifying	123:8	114:3,24	124:5,6,21
136:25	119:6	129:19	116:3,14	125:4
137:7,19	testimony	things 5:13	116:23	126:2,10
138:3	6:10 8:11	24:17	117:2,9	throw 25:2
139:7,21	49:3 84:5	52:23 62:1	118:5	49:12 51:9
140:2,15	102:9	63:7	119:10	61:24 73:1
140:20	116:3	105:18	121:8	75:3 115:2
141:12,16	120:5	112:16	122:8,25	throwing
141:20	131:20	116:13	125:2	49:8 75:1
142:2,6,11	134:5	123:3	128:4,8,11	thunder 39:3
142:13	143:9	137:11	128:15	Thursday
technical	thank 4:14	think 5:5	129:24	18:1,15
9:18 51:2	4:15 5:21	15:7,19	136:7,13	41:14

Tices 1:4,5 4:19 7:6,9 9:7 10:8 11:7 13:2 13:11 14:6 29:10,12 29:15 38:3 46:24 51:4 55:9,11,24 55:25 56:13 68:9 68:17 71:17 73:13 76:22 86:19,23 87:18 90:16,19 90:20 92:17 104:4 105:22 106:3,13 106:19 107:14 109:6 110:15,19 110:21 111:5 114:6,21 130:15 133:10 tie 77:11 tight 57:3 80:7 140:9 Timber 112:24 time 6:14 16:21 24:15,23 27:3 38:22 40:18 42:22 48:22 49:15,16 49:25 51:8 52:12,22 57:25 70:5 70:21 73:2 82:19	83:21 90:7 90:9 104:9 109:10 113:6 130:9 134:22 136:16 137:23 138:1,11 138:17 139:24 140:7,9 141:4,23 142:1,5 143:10 timely 54:18 timers 77:8 times 32:25 51:24 59:5 69:2,12 97:19 timetable 139:8 timing 16:11 76:16 137:11 tires 122:24 Title 69:7 77:20,21 today 16:4 29:23 46:6 53:11 79:12 106:14 107:3 told 61:12 105:23 tonight 21:18 54:4 84:5 105:2 106:1 119:19 136:3 142:14 tons 66:3 100:23 top 8:24 12:15 33:18 60:13	79:18 80:17 117:16 122:8 123:14 topic 60:19 topics 101:24 topo 80:14 topography 79:15 total 12:18 13:13 75:14 84:23 133:15 totals 43:17 touch 67:8 76:16 104:23 tournament 129:23 town 13:9 14:14 17:9 19:9,11 23:1,2 54:16 65:21 105:21 108:22 109:8 115:9 118:12,22 130:25 134:11,17 134:21 135:4 136:9 town's 20:5 20:6 118:15 126:13 townhome 63:21 97:8 townhomes 87:3 96:6 96:6 townhouse 80:2 91:13 townhouses	98:1,2 township 1:1 12:25 13:5 14:13 15:12 16:6 17:22 18:5 18:24 19:2 21:8 22:5 23:8 47:12 48:5 69:9 74:24 77:21 78:21 80:21 86:9 86:13 90:8 92:15 105:20,23 106:8 107:20 108:3 110:17,18 119:20 123:7 125:12 127:12 128:18 137:13 township's 16:10 17:17 20:17 51:23 84:8 89:17 93:21 94:5 133:6 tract 86:11 86:16 tractor's 58:13 tractor-... 3:13 9:6 26:25 28:24 30:1 30:9 31:9 57:14 58:10 61:6 62:11 129:13 tractor-... 11:11	28:11,14 29:12 30:8 31:4 61:1 64:19 122:22 123:22 124:19 129:5 traditional 26:20 traffic 1:18 6:11 7:14 27:8 29:13 30:7,14,16 30:23 31:17 56:7 59:16 61:6 65:9 66:21 70:9,13,23 72:21 90:12,13 90:16,22 90:23,24 92:3 106:11,12 108:25 109:3,12 109:23 110:10,11 110:23 111:6,7,17 111:19,25 112:12,19 113:2,22 114:1 115:7 116:8 120:19,25 121:1,4 123:23,25 125:9,11 125:17 126:5 128:2,4,8 128:10,18 129:1,3 133:11 trailer 31:25 58:15
--	---	--	--	--

122:21,23	64:16 65:9	78:18	71:1	110:8
122:24	66:9,13	114:21	two-way	111:15
123:2,3	77:14,19	126:25	30:19	118:3
trailer's	79:1,4	129:3,13	127:25	123:19
58:14	106:11	129:16	type 96:12	undertaking
trailers	120:19,25	turn-in	106:25	42:19
58:19	121:1,3,11	29:21	117:8	underwater
transcript	123:10	turned	types 38:6	120:6
1:3 4:9	129:18	113:15	45:4 78:21	undue 92:11
143:8	130:8,10	turning 3:13	typical	unfortun...
transpor...	trucks 12:5	9:5 10:9	11:14 12:6	74:10
67:9,23	25:22	12:2 25:17	Typically	unimpeded
trash 96:14	28:15	25:18,24	11:4 61:3	115:4
96:16,19	55:10 56:5	26:7 28:21		unique 42:8
97:1,4,11	56:9,12	29:1 30:4	U	92:20
97:12	62:17,19	46:15 55:2	ultimate	unison 111:9
traverse	63:7,22	65:24	13:4 14:12	unit 72:22
63:20	66:3 68:24	121:12	110:17	87:3,22
traversing	69:25	123:10	ultimately	units 6:4,4
97:21	114:20	turnpike	22:2 47:18	33:11
TRC 6:19	115:10	75:22,23	48:6	79:10 80:2
treatment	120:24	turns 26:7	100:10	84:21,21
39:9	121:2	129:2	117:15	84:22,23
tree 18:16	124:22	tweaks 50:22	118:1	85:1,2,12
23:10	125:14,14	twice 52:21	unable 6:12	85:17,17
trees 32:15	128:11,20	139:15	unattrac...	85:18
32:15 80:5	130:13,21	two 5:12	35:3	86:10,12
87:24	true 142:19	11:25 18:3	unaware	86:15 90:1
93:14	143:8	36:24 47:1	100:5	90:6 98:2
120:23	try 5:3,13	50:4,6,6,7	undemoli...	116:8
tried 142:19	45:9,9	50:8 85:12	115:4	133:8
tries 63:18	63:22	87:1 89:3	understand	University
trigger	95:17	97:17	17:20	70:7 83:7
43:19	105:4	98:21	20:18 24:4	111:6
truck 3:13	trying 18:3	99:15,21	54:7 93:15	113:9
9:5 10:9	75:12 78:7	99:25	104:19	unnecessary
28:21,22	82:13	106:9,16	107:16	98:25
28:22,25	129:19,21	111:11	108:21	unusable
29:1 30:3	Tuesday	119:13	128:23	10:12
30:23	41:13	120:2	136:15	update
31:20 55:2	tuning 94:4	124:7	137:10	101:22
55:3,14,20	turn 5:14,20	132:15	understa...	updated 3:9
55:24 56:9	6:15 7:7	136:9,17	43:16	3:10 6:20
56:22	8:16 29:13	138:20	79:21	8:24 9:1
57:21 58:2	31:16	139:11	106:2	upland 13:21
58:8 61:4	38:10	two-bedroom	107:19	UPS 61:5
61:14	55:12,16	85:17	110:15	69:25
62:11,13	56:10,23	two-line	understood	UPS/FedEx
63:6,6,14	56:24 57:5	118:6	43:21 69:1	63:5
63:18	57:9,13	two-mile	107:22	urban 1:4

4:20 38:3	87:16	135:14,16	59:2,14,25	89:22
45:22,22	88:25	VIDEO 1:25	60:23 61:3	102:25
46:7 47:8	various	view 94:2	61:13	105:15
47:16,25	83:13 88:8	vinyl 88:1	64:18 65:1	116:15
48:8,16	88:16 94:9	virtual 7:23	65:4,17,20	118:23
urge 94:15	veering	visitors	65:25	119:21
usable 13:19	129:7,7,19	32:25 50:9	79:11	121:23,25
13:24	129:20	96:9	128:15	122:2
use 11:1	vegetation	visual 91:3	walking	123:21
13:5 29:21	117:19	106:16	66:17 68:6	124:1,11
30:24 33:1	vehicle 10:5	visually	71:5	125:17
36:20,24	57:17	26:16	116:10,19	127:20
41:19	58:10 60:8	49:19	walkway	131:14,14
56:14,24	60:24 61:5	volume 39:8	10:23	136:18,19
65:11,18	61:5,11	109:11	116:11	137:10,16
76:1 83:8	127:3	111:17	wall 12:15	137:20
84:13	vehicles	volumes	12:16 80:1	138:12
86:14 88:8	26:14,24	109:4,13	80:9,12,23	140:17
88:17,20	60:15	113:10	80:25	141:11,13
89:5,10	62:10	vote 21:18	117:16,21	142:17
90:11 91:2	124:3	54:4	walls 81:1	wanted 42:25
91:8 94:9	127:5	134:20	118:16	45:16 46:4
96:11	vehicular	135:10,18	120:11	49:19
99:19	12:11	136:3	Walter 77:19	54:22
100:7	98:23	138:4	want 4:5,7	57:15 64:8
118:25	venture		11:1 17:23	79:6 92:15
users 100:22	79:16	W	18:4,8,17	92:16 95:6
uses 50:4,12	ventured	W 8:18	18:20 19:9	97:14
88:25	134:9	wait 32:2	21:12	105:19
105:6,7	Verdi 77:24	55:16	24:18,20	115:2,11
132:19	verify 4:8	57:12,17	27:23	116:1
usually	80:10	136:17	31:20 34:8	119:15
69:22	115:3	waiting	35:11	120:15
utilizing	vice 1:10	131:23	36:12,23	128:8
128:14	29:6,8,18	walk 54:22	37:1 43:7	wants 17:2
V	29:25 30:6	70:13	44:19,19	55:14
V 37:19	31:3,8,23	71:10	44:20	65:21
van 61:5,17	32:4,6	116:20	45:14,17	warehouse
98:15	33:22,24	Walker 3:3	48:10 51:9	104:11
variance	34:4,7,19	6:17 7:13	52:11	warehouses
92:25	35:4 40:14	7:25 24:16	54:16,17	104:15
variances	40:19,24	28:16 29:9	54:18	warrant
85:23 86:8	41:9 42:23	29:17,19	56:22 59:1	41:18
87:2 88:5	46:6 60:20	30:2,15	59:17 64:8	warranted
92:5,6	60:23 61:7	31:7,13	72:2 73:1	38:18
94:7	61:15	32:2,5	73:24	wasn't 5:6
varies 11:8	62:22 64:1	35:16	76:16	43:1 49:16
11:13	72:8,17,25	36:10,22	79:22	73:5
variety	74:9,19,25	49:10 55:1	80:12,12	107:15
	75:10 76:3	55:7 58:9	80:24	116:25

water 17:15 18:19 36:23 39:2 42:13	22:8,10 23:23 27:18 30:7 41:9 43:13	WE8 120:1	14:24 86:23 119:25	willing 43:9 47:10,20 48:9 67:18 78:12 116:5,24 117:17 125:3 140:3
Watson 1:18 73:24 76:7 76:19 77:12 109:15,17 109:19 113:4,7 127:19,21 127:22	43:20 44:16,21 46:13 49:7 49:21 50:25 54:8 59:5 67:22 69:4 70:20 73:10,13 73:19 79:15	Wednesday 1:7	wetlands 13:21 14:1 14:2,18 87:1 92:14 92:19	willingness 46:14,18 48:4 67:14
way 5:17 25:11 29:20 30:18 35:18 43:4 50:23 55:14 56:25 57:6 57:16,19 68:15,16 72:13 105:17 106:22 109:7 111:18 120:1 124:12 129:5 130:5,23 131:18 139:4 142:15	80:16 81:2 81:2 82:16 82:17 83:24 94:2 99:5 100:6 104:3 105:3,4,5 105:10 111:9 117:17,24 120:3,25 121:3 125:13 128:21 130:6,17 136:11,13 137:16 138:14 140:7,22 140:23	week 49:23 49:23 137:18 138:23 140:10	whatsoever 130:6	win/win 133:22
Wayfair 63:3 63:9	we've 9:14 20:3 23:23 27:6 28:18 35:6 42:3	weekday 98:17	wheel 123:1	wind 80:23
ways 121:3	42:11 46:22 47:14 49:21 50:20 52:18,19 59:2,3 97:18 105:7 120:9,14 127:10	weeks 36:9 136:18 138:20 139:11 141:7	wheelbase 58:12 122:18	windows 79:25
WB-62 58:9 122:18		weigh 88:12 109:20 118:13 126:8 127:20 138:12	white 78:10	winter 34:9 34:10
we'll 7:20 19:22 42:24 47:1 59:6 136:18		weighing 88:11	who've 15:2	winters 34:10 36:7
we're 4:18 5:18 8:21 10:18 15:3 18:19 21:23 22:4		welcome 38:8 48:20 49:6 64:3 83:23 94:18 95:3 114:8	whole's 134:18	wishes 102:15
	WE10E 120:1	wells 101:2	wide 10:24 32:18 97:24	wishing 102:16
		weren't 43:11	widened 7:6 9:24 55:13 109:10	witness 3:2 8:15 37:13 79:1,6 82:9 94:23 102:2
		west 7:17 10:11,19 12:12 25:11,12 29:14 47:2 79:8 104:11,15 107:18	widening 13:2 24:24 46:22,23 47:22 50:16,17 90:20 105:22 106:3,24 107:4,14 107:19 109:6 111:5 133:10	witnesses 134:5
		westbound 25:8 29:17 29:23,24 55:24	widens 14:5	Wonder 100:1
		western 12:16	wider 13:15 51:4 110:21 130:23	wonderful 39:4 136:7
		wetland	width 10:10 11:12 12:9 12:9	wooded 35:21 106:18
			Wilentz 2:4 5:23	woods 14:3 36:4 108:20
				words 22:8 95:7
				work 16:9,10 16:23 28:14 31:22 43:9 46:18 47:20 52:23 53:18 78:12,20

81:3,6 105:14 108:2,11 111:10 117:17 118:23 129:24 135:6 136:25 138:4,10 142:17 worked 10:22 52:4,5 75:22 134:11 working 28:16 59:4 134:13 works 105:15 108:5 worth 77:11 118:21 140:25 wouldn't 14:9 37:1 61:6 70:3 71:7,8 75:3 118:4 wrong 53:24 113:3	51:22 61:23 62:23 70:17 71:12,22 72:14,17 72:24 82:12 102:24 103:25 107:12 108:10,13 113:19 114:11,16 131:16 141:16 years 15:2 35:6 83:8 83:10 90:4 90:5 years' 38:4 yeoman's 142:17 yep 126:16 131:2 yield 17:2 123:22,23 123:24,25	1,100 116:5 116:6 1.3 104:16 1.33 1:5 1.38 13:9 10 9:25 10:23,24 43:19 76:11 117:22 10-foot 11:20,20 12:1 32:17 10-foot-... 32:14 10-minute 79:2 81:10 10:30 125:10 10:35 134:1 134:4 10:45 142:23 100 25:11 104 6:4 84:25 133:7 11 14:13 110 1:5 113:1,2,6 113:21 12 38:18 41:1,7,11 41:12,15 41:15,17 41:23,25 42:2,5 43:2,13,19 93:12 143:21 12-foot 11:25 12:5 12-inch 43:11 12-inch-... 38:23 12th 134:21 135:1,10 135:18 137:15 138:5 141:6,14	14 80:16 15 11:17 12:19 85:7 120:4 137:4 150 7:8 25:17 16 38:18 18 25:13 26:1 31:2 31:19 34:13 47:2 47:16 55:21,22 57:15 73:19 75:7 77:1 78:15 90:17,20 92:17 98:11 110:14 111:18 18,000 6:3 185 100:23 19-17 1:3 194 32:23 33:17 1970s 14:20 1994 83:12 19th 138:10 138:23 139:14 140:4,6,24 142:9	2014 101:5 2019 96:17 2020 1:7 6:9 6:21 100:25 101:8 143:21 20th 96:17 22-foot-... 26:12 24 6:9 24/7 99:5 24th 9:17 25 38:3 59:14 87:15 99:22 100:13 25.34 87:7,9 250,000 14:17 15:5 20:4 133:18 26 85:17 26th 138:21 141:6 27 83:13 29 1:7
<hr/> X <hr/> x 1:6 3:7	<hr/> Z <hr/> zone 93:18 93:19 94:1 94:13 zoning 94:5 zoom 1:7 47:4 60:2 121:20 zoomed 3:12 9:4	<hr/> 1 <hr/> 1 11:18 87:17 1-(646)-... 102:18,19 1-800-31... 1:25 1-foot-wide 12:8	<hr/> 2 <hr/> 2 28:17 2-foot 12:9 2-yard 97:6 20 85:1,3,16 20-foot-... 14:5 26:11 26:13 200 15:8,14 25:12 47:2 47:15 133:17 2004 99:21 99:22 101:4	<hr/> 3 <hr/> 3 41:13 3.264 13:11 30 6:21 32:15 65:23 80:6 90:5 132:7 30-day 99:5 30X10023... 143:21 32 1:5 32.9 86:13 32.9-acre 86:11 36 12:19 37 3:4 39 69:7 77:20,22
<hr/> Y <hr/> Yankees 134:2 yeah 8:14 11:3 14:19 18:22 20:1 20:7,11 24:21 28:1 29:19 30:2 30:23 34:19 35:4 35:13 36:11 37:14 42:23 45:17	<hr/> 0 <hr/> 1 <hr/> 1 11:18 87:17 1-(646)-... 102:18,19 1-800-31... 1:25 1-foot-wide 12:8	<hr/> 2 <hr/> 2 28:17 2-foot 12:9 2-yard 97:6 20 85:1,3,16 20-foot-... 14:5 26:11 26:13 200 15:8,14 25:12 47:2 47:15 133:17 2004 99:21 99:22 101:4	<hr/> 4 <hr/> 4 10:24,25	

32:17	8 3:3,9 48:2			
41:25 66:3	116:25			
80:9	8-foot-high			
4-foot 11:21	80:19			
88:1	8.4 133:15			
40 18:16	82 3:5			
58:14				
45 83:8	<hr/> 9 <hr/>			
48 58:15	9 3:11,12,13			
4th 34:18	12:13,14			
	12:20			
<hr/> 5 <hr/>	9:25 81:25			
5 41:14	95 100:20			
50 15:2				
18:16				
65:23 87:6				
87:8 90:4				
520 6:3 85:1				
86:10,15				
53-foot				
58:18				
122:23				
57 80:15				
58 85:17				
<hr/> 6 <hr/>				
6 9:25 26:19				
26:21				
41:14				
56:15				
58:15,16				
116:24				
6-foot 10:22				
60 11:15				
12:18				
60-foot 11:4				
61 79:17				
63 11:8				
65 59:11				
<hr/> 7 <hr/>				
7 70:5 71:20				
7.626 13:9				
7:38 1:8				
71 79:15,16				
7th 49:23				
137:20				
138:9,15				
138:20				
<hr/> 8 <hr/>				