

TOWNSHIP OF PARSIPPANY-TROY HILLS  
PLANNING BOARD

IN THE MATTER OF: : TRANSCRIPT  
: :  
CASE #12:524 : OF  
RD Realty, LLC :  
Waterview Boulevard :  
Block 421, Lot 29 : PROCEEDINGS  
\_\_\_\_\_X

Monday, December 3, 2012  
Municipal Building  
1001 Parsippany Boulevard  
Parsippany, New Jersey  
Commencing at 8:45 p.m.

BOARD MEMBERS PRESENT:

CASEY PARIKH, Chairman  
DOMINIC MELE  
ROBERT KELLER  
MICHAEL J. DePIERRO  
MAYOR JAMES BARBERIO  
KENNETH PURZYCKI  
TURAN AYAZ  
PAULA CSANTAVERI  
THOMAS DINSMORE  
JENNIFER COLLINS

ALSO PRESENT:

PEGGY MADER, Board Secretary  
EDWARD SNIECKUS, Board Planner  
GORDON METH, The RBA Group, Board Engineer

IRIS LaROSA,  
Certified Shorthand Reporter

PRECISION REPORTING SERVICE  
Certified Shorthand Reporters  
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Page 2

1     **A P P E A R A N C E S:**  
2  
3     **MICHAEL V. CRESITELLO, ESQ.**  
4     Attorney for the Board  
5  
6     **GAROFALO & O'NEILL, ESQS.**  
7     **BY: ROBERT GAROFALO, ESQ.**  
8     Attorneys for the Applicant  
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20  
21  
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23  
24  
25

Page 4

1     CONTINUED AUDIENCE MEMBERS SWORN:  
2  
3     Ann Jetton.....page 79  
4     John Gribbon.....page 85  
5     Ed Chu.....page 89  
6     James Gillespie.....page 91  
7     Ron Davis.....page 94  
8     Dave Kaplan.....page 95  
9     Nancy Brighton.....page 96  
10     Ernie Earls.....page 98  
11     Sheth Manoj.....page 99  
12     Richard Young.....page 100  
13     Rob Leavy.....page 106  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Page 3

1                    **I N D E X**  
2  
3     **WITNESS:                    PAGE**  
4  
5     **JOHN H. MEYER**  
6     By Mr. Garofalo.....6  
7  
8                    **E X H I B I T S**  
9     **IN EVD.                    DESCRIPTION                    PAGE**  
10    A-8    Hammerhead-Type turnaround plan    9  
11    A-9    Enlarged residential portion  
12            of site plan                    22  
13    A-10   Drawing of facade of main  
14            entrance to store                22  
15    A-11   Whole Foods sign design            22  
16    A-12   Osteria restaurant store design   22  
17    A-13   Exhibit "D" residential section  
18            views                            28  
19  
20     **AUDIENCE MEMBERS SWORN:**  
21     Steven Frankel.....page 47  
22     Allison Bavas.....page 53  
23     Angela Piegari.....page 55  
24     Ken Yarema.....page 58  
25     Eileen White.....page 61  
26     Felix Demicco.....page 62  
27     Gregory Lawler.....page 66  
28     Andrew Springer.....page 66  
29     Nancy Choffo.....page 68  
30     Robert Sudol.....page 72  
31     Sandy Batty.....page 73  
32     Bob McElroy.....page 76  
33     Pete Tolosi.....page 77  
34  
35

Page 5

1                    **CHAIRMAN PARIKH:** We're going to skip  
2     Resolutions. We'll go straight to Agenda tonight, and  
3     that will be the continuation of RD Realty, LLC, Block  
4     421, Lot 29 Waterview Boulevard concept review of  
5     Application number 12:524. And it's a continuation  
6     from November 19, 2012. And before we start I believe,  
7     Mr. Purzycki, you were not here at our last meeting,  
8     and you have listened to the CD?  
9                    **MR. PURZYCKI:** I listened to the two-hour  
10    discussion, and I signed the affidavit as such.  
11                    **CHAIRMAN PARIKH:** Okay. So there's an  
12    affidavit that he has listened to the CD, and he is now  
13    going to sit on this application.  
14                    **UNIDENTIFIED AUDIENCE VOICE:** Can you  
15    repeat that?  
16                    **MR. CRESITELLO:** I'm sorry, sir.  
17                    **UNIDENTIFIED AUDIENCE VOICE:** We didn't get  
18    the last --  
19                    **MR. CRESITELLO:** Okay. The Chairman was  
20    indicating that Board Member Purzycki has reviewed and  
21    read the transcript from the prior meeting. He signed  
22    the necessary certification, so he is able to  
23    participate this evening and vote, if it were to get to  
24    that point.  
25                    **CHAIRMAN PARIKH:** Okay. We'll continue

Page 6

1 from where we left off last time. We had -- we had  
 2 begun the engineer's testimony last time and just  
 3 marked some of the exhibits that we have, and we'll  
 4 continue with that.

5 MR. GAROFALO: May I? Thank you, Mr.  
 6 Chairman. My name is Robert Garofalo. The firm is  
 7 Garofalo and O'Neill. And we represent the applicant  
 8 in this matter. We're ready to proceed. And I'm sure  
 9 that the Board members have received a copy of the  
 10 transcript of last hearing?

11 MS. MADER: I just received it.

12 MR. GAROFALO: I'm sorry. Well, there is a  
 13 transcript which you can refer to at some some point in  
 14 time, but again we received the report from Mr. Meth,  
 15 and Mr. Meyer is ready to continue his presentation.  
 16 J O H N H. M E Y E R, having been previously sworn,  
 17 testifies as follows:

18 DIRECT EXAMINATION BY MR. GAROFALO:

19 Q. Mr. Meyer, you are under oath. You read  
 20 the transcript and you testified at the last hearing,  
 21 but maybe you can give us a quick overview and go right  
 22 into continued testimony.

23 A. Okay. Well, we have 26 acres. And the  
 24 southern end of the site is a retail facility of  
 25 189,000-square feet approximately with three stores: A

Page 7

1 department store, a food store which is going to be a  
 2 Whole Foods, assuming that this is approved, and an  
 3 additional separate retail store to the left of the  
 4 proposed department store.

5 On the north end of the property on a  
 6 separate area will be -- is proposed 72 for sale,  
 7 multi-family residential units. The access to the  
 8 retail is from Waterview Boulevard, and from Route 46  
 9 the access for the residential would be strictly from  
 10 Intervale Road. Intervale Road is on our westerly  
 11 boundary, Route 46 is on our southerly boundary, and  
 12 Waterview Boulevard which serves currently offices on  
 13 Waterview Boulevard is on our kind of southeasterly  
 14 boundary.

15 Our access, as I indicated, would be to the  
 16 retail -- directly off Waterview Boulevard opposite the  
 17 existing driveway which serves the existing office  
 18 building to our -- kind of to our east. An additional  
 19 access, slip-in access from Route 46 is proposed right  
 20 directly off of Route 46 into the retail.

21 We have done an extensive traffic study  
 22 working with your consultants and reviewing with the  
 23 DOT the proposed access point on Route 46, because we  
 24 would require, if they were approved, a permit from the  
 25 New Jersey Department of Transportation for that access

Page 8

1 point. In connection with that access point we are  
 2 proposing to create an auxiliary lane which does not  
 3 now exist along Route 46 to allow for right turns into  
 4 the retail, as well as continuation onto existing  
 5 Intervale Road.

6 With respect to the access from Waterview  
 7 Boulevard we are proposing a traffic signal and a full  
 8 movement driveway, two lanes in, two lanes out. We're  
 9 also proposing improvements to Waterview Boulevard to  
 10 create left-turn lanes for traffic entering the  
 11 shopping center. Off-site to the south of Route 46  
 12 we're proposing to extend the left-turn lane in the  
 13 vicinity of the traffic -- police court from 110 feet  
 14 currently to 220 feet to facilitate left-turn movements  
 15 at that point.

16 All of the improvements would be done by  
 17 the developer, which is the access points. The traffic  
 18 signals and the maintenance and operation of the  
 19 traffic signals would be the responsibility of the  
 20 developer.

21 The last meeting there were comments about  
 22 possible drive-throughs of Forest Drive. I had  
 23 mentioned the possibility of some kind of a elimination  
 24 of a through traffic there either with a turnaround at  
 25 Intervale or some possible means of preventing through

Page 9

1 traffic from going from Intervale Road out to Route 202  
 2 because that was a concern.

3 We did prepare a plan which is a hammerhead  
 4 plan which I'd like to introduce now. From the  
 5 standpoint of operation of both the shopping center and  
 6 the residential it would not be necessary to do this,  
 7 but in working as we often do with local residents this  
 8 might be a way to respond to that. And I believe we  
 9 should --

10 MR. GAROFALO: I think that's A-8.

11 MR. CRESITELLO: I think it's actually --  
 12 yeah, A-8.

13 (Exhibit A-8, hammerhead-type turnaround  
 14 plan, was received and marked.)

15 THE WITNESS: So this is a plan showing  
 16 Forest Drive, Intervale Road and shows a  
 17 hammerhead-type turnaround right adjacent to Intervale  
 18 Road, which would present traffic from Intervale from  
 19 entering Forest Drive and reverse. So people on Forest  
 20 Drive then would have access to Route 202. That could  
 21 be accomplished.

22 There's also another possible alternative  
 23 in the middle of Forest Drive as to the distance from  
 24 Intervale Road to Route 202. There was or is the  
 25 remains of a cul-de-sac, which I believe at the time

Page 10

1 Intervale Road only had access from Route 202 to a  
 2 certain point. And my partner here, if you can point  
 3 that out.  
 4 And directly opposite that cul-de-sac is a  
 5 little park. And it occurred to us that another  
 6 alternative way to treat this situation is to create  
 7 yet another cul-de-sac. We're taking a small portion  
 8 of the park and creating a U-turn there and then  
 9 putting a barricade in between the two to use the  
 10 original cul-de-sac, and also to do that. So those are  
 11 two possible alternatives that might eliminate the  
 12 concerns of traffic going through from Route 202 to  
 13 Intervale Road.  
 14 BY MR. GAROFALO:  
 15 Q. Mr. Meyer, those are concepts that we  
 16 develop --  
 17 CHAIRMAN PARIKH: Excuse me. Mr. Garofalo,  
 18 speak into the microphone.  
 19 BY MR. GAROFALO:  
 20 Q. Those are concepts that have been developed  
 21 only to address issues with the road, but it's not a  
 22 part of the ordinance that we're requesting the Board  
 23 to look at and adopt; is that correct?  
 24 A. **That is correct.**  
 25 Q. So it's something that you would consider

Page 11

1 during a site plan application?  
 2 A. **Normally that's what we would do during**  
 3 **site plan application. It's also not really needed**  
 4 **from the traffic standpoint for the operation of either**  
 5 **the retail or the residential.**  
 6 Q. Thank you.  
 7 A. **As I said, we've done this extensive**  
 8 **traffic study. It has been reviewed by your**  
 9 **consultant. And I believe at one point we were talking**  
 10 **about either your consultant reviewing or re-responding**  
 11 **to Mr. Meth's letter. And we'd be happy to do that at**  
 12 **this point. There were items mentioned in his letter**  
 13 **such as utilities and stormwater and traffic as well,**  
 14 **and we are prepared at this time to do that.**  
 15 Q. Let's do that.  
 16 A. **Okay. I have a revised letter of**  
 17 **November 28th from Mr. Meth. And the first item has to**  
 18 **do with the retaining wall between -- the retaining**  
 19 **wall between the retail and the residential. And we**  
 20 **agree that because of the height they might have to be**  
 21 **several layers with landscape in between the layers to**  
 22 **not exceed a 6-foot height. That's one way of treating**  
 23 **it, and that's -- we could do that.**  
 24 **With respect to stormwater, we show**  
 25 **stormwater on the plan basically on the eastern end of**

Page 12

1 **the property in the grassed area. That would be an**  
 2 **open stormwater treatment basin. In addition to that**  
 3 **that would be supplemented with underground facilities**  
 4 **to meet the requirements, the current requirements of**  
 5 **state-of-art in terms of treatment of storm drainage,**  
 6 **and also attenuation of flow so that we don't create**  
 7 **any problems down stream. So that's -- that again**  
 8 **would be gone over. Assuming your Board and assuming**  
 9 **the project goes further we would come back to your**  
 10 **Board with detailed plans going over each and every one**  
 11 **of these items, and we would be required to satisfy you**  
 12 **in the engineering design.**  
 13 **In a similar vein there was a question**  
 14 **about water and sewer. And we believe that there is**  
 15 **adequate water. I think I mentioned previously, but**  
 16 **the retail would be 100 percent sprinklered in terms of**  
 17 **life safety. There would be hydrants constructed**  
 18 **within the site, and there would be domestic services**  
 19 **for the retail for each of the buildings. And then**  
 20 **there would be hydrants and domestic water for the**  
 21 **housing as well.**  
 22 **There are mains on Intervale Road. There**  
 23 **are mains on Route 46. There are mains on Waterview**  
 24 **Boulevard, and we believe that we can adequately serve**  
 25 **this site to provide life safety and provide for normal**

Page 13

1 **domestic services. And in a similar vein we would be**  
 2 **providing for sanitary sewer connections for both the**  
 3 **retail and the residential, and we believe that we can**  
 4 **meet the requirements of the township in that regard.**  
 5 **We would have to, again, submit to your Board for final**  
 6 **approval during the site plan approval phase, but we**  
 7 **believe that can be accomplished.**  
 8 **The item number three and item number four,**  
 9 **we have provided for a sidewalk coming from the front**  
 10 **of the retail building in a southeasterly direction**  
 11 **along our entrance driveway so that pedestrians and**  
 12 **customers could walk -- safely walk out to Waterview**  
 13 **Boulevard. At that point we're proposing the traffic**  
 14 **signal. We would be putting a pedestrian crossing**  
 15 **signal in there, and pedestrian crosswalks so that's**  
 16 **for the safety of customers. And then they would**  
 17 **continue to the south on the sidewalk on the kind of**  
 18 **the east side of Waterview Boulevard down to Route 46**  
 19 **where there is public transit. There are pedestrian**  
 20 **crosswalks. There is a pedestrian crosswalk, I**  
 21 **believe, on Route 46 so that we can accommodate**  
 22 **pedestrians, and of course any employees who might use**  
 23 **public transportation as well.**  
 24 CHAIRMAN PARIKH: Can you point out  
 25 sidewalks?

Page 14

1       **A. Sure. These are sidewalks and would**  
 2 **continue down.**  
 3       **My light was -- my battery went out. So**  
 4 **anyway, there will be a complete sidewalk in front of**  
 5 **the retail. And then a sidewalk coming down the**  
 6 **entrance road, crossing at the proposed traffic signal**  
 7 **where there would be a pedestrian crosswalk, and**  
 8 **individual pedestrian signals to allow pedestrians to**  
 9 **cross and no other vehicles can move at that point,**  
 10 **continuing down Waterview Boulevard to Route 46 and**  
 11 **crossing Route 46, so that we would allow pedestrians**  
 12 **to have access to both sides of Route 46.**  
 13       **So that kind of, I think, covers the**  
 14 **pedestrian aspect of the project. With respect to the**  
 15 **traffic signals we did analyses, warrant analyses for**  
 16 **the traffic signal, and we meet the one-hour and**  
 17 **four-hour counts for traffic signals. And that would**  
 18 **provide, among other things, the justification for the**  
 19 **traffic signal.**  
 20       **And everything would be designed in**  
 21 **accordance with the current New Jersey Department of**  
 22 **Transportation standards, both for the driveways, as**  
 23 **well as the traffic signals. Provision would be made**  
 24 **for future interconnection of this signal to the signal**  
 25 **system on Route 46, if and when the DOT decided that**

Page 15

1       **there had to be an interconnection because of traffic**  
 2 **or other needs. So that will be provided for and can**  
 3 **be come accomplished easily.**  
 4       **The site itself is kind of uniquely**  
 5 **situated because we're in an office area. Our peaks**  
 6 **for the retail would be in the evening during weekdays**  
 7 **between, let's say, 4 and 6 p.m., or 5 and 7 p.m., and**  
 8 **on Saturdays between 11 and 2. Existing peaks are --**  
 9 **in connection with the offices occur mainly during the**  
 10 **week. That's when the heaviest traffic is. And during**  
 11 **the morning from seven to nine the shopping center**  
 12 **would really not have any substantial amount of**  
 13 **traffic.**  
 14       **Four to six during the week there would be**  
 15 **an overlap of traffic from the the shopping center, but**  
 16 **it's relatively low at that time. It gets busier in**  
 17 **the later hours. And on Saturday the traffic is very,**  
 18 **very low in connection with offices on Waterview**  
 19 **Boulevard, just because the main time of work is during**  
 20 **the week, and that is the heaviest time for the retail.**  
 21       **As I mentioned before DOT will have to**  
 22 **approve of all of this. We're prepared. We have had**  
 23 **preliminary discussions with DOT and they do not see**  
 24 **any problems at this point. Of course, that's not**  
 25 **approval. We need permits from them. We've done this**

Page 16

1       **many times before and we would expect that we would be**  
 2 **able to get permits. Again, I assume that this Board**  
 3 **sees forward to continue, then we would have to provide**  
 4 **those as part of the site plan approval those permits.**  
 5       **We, on Waterview Boulevard would propose to**  
 6 **modify the existing signal at Route 46 to provide**  
 7 **additional capacity for left-turn movements northbound**  
 8 **and southbound. So we propose to provide a left-turn**  
 9 **arrow, and we would have a protected and permitted**  
 10 **movement at those intersections so that we would be**  
 11 **more better responsive to the traffic flows in the area**  
 12 **and then prove the capacity of the intersection.**  
 13 **Again, we don't anticipate any problems with DOT**  
 14 **approving such a scheme. That was all -- that would**  
 15 **all be done at the cost of the developer, and we would**  
 16 **be providing the plans and specifications to ensure**  
 17 **that we meet the requirements of DOT.**  
 18       CHAIRMAN PARIKH: Did you say left turn  
 19 from 46 East?  
 20       THE WITNESS: No. I'm sorry, no. Left turn  
 21 northbound from Waterview to 46 West. And also left  
 22 turn for --  
 23       CHAIRMAN PARIKH: What was that? No, that  
 24 didn't make sense.  
 25       THE WITNESS: I'm sorry. Excuse me.

Page 17

1       Pardon me.  
 2       CHAIRMAN PARIKH: South.  
 3       THE WITNESS: Yes, exactly.  
 4       CHAIRMAN PARIKH: Southbound.  
 5       THE WITNESS: And the opposite.  
 6       CHAIRMAN PARIKH: And the left turn on 46  
 7 East.  
 8       THE WITNESS: Yes. Exactly.  
 9       CHAIRMAN PARIKH: And from 46 East onto  
 10 Waterview you still have to take that jughandle.  
 11       THE WITNESS: The far side jughandle, yes.  
 12       So in terms of access to the retail, the  
 13 infrastructure is there. It has additional capacity,  
 14 except as I've mentioned where we are proposing  
 15 improvements. We will provide those improvements to  
 16 ensure that this will operate safely and efficiently  
 17 and there will not be backup of traffic.  
 18       With respect to parking we are providing  
 19 900 parking spaces within the retail. That's based  
 20 upon the requirements for the tenants that we  
 21 anticipate would be coming into this site. The  
 22 department store we're providing 604.  
 23       Normally, your zoning for food market would  
 24 be 200 spaces. Whole Foods would like to see 299  
 25 spaces; hence, we're providing a total of 899 or 900,

Page 18

1 just short of 900 spaces. The reason they want the  
 2 additional space is so that there is no back and forth  
 3 of people coming in versus people wanting to go out, so  
 4 that there are always spaces available for customers  
 5 for convenient access to the site and convenient  
 6 parking for the customers for the retail.

7 A number of other comments made by Mr. Meth  
 8 with respect to how we prepared the traffic study, and  
 9 I believe that we have met the requirements of the 2010  
 10 Highway Capacity Manual. And I believe that we are  
 11 basically in agreement, but I'll leave that up to Mr.  
 12 Meth. He did compare the retail that we propose here,  
 13 189,000-square feet, to a potential of 259,000-square  
 14 feet of office on the same property. And in the  
 15 morning there would be less traffic. In the afternoon  
 16 there would be additional traffic comparing one to the  
 17 other in the retail. And on Saturday there would be  
 18 more traffic as we would expect during the peak hours  
 19 in the retail because on Saturday on Waterview  
 20 Boulevard there's very little traffic because the  
 21 offices normally would be closed, or primarily would be  
 22 closed.

23 I think that's a brief summary of that  
 24 aspect of the review.

25 Overall, we believe that this site is

Page 19

1 really ideally situated because of the combination of  
 2 uses and because it's not -- it's not very often that  
 3 you would have a shopping center in an area where you  
 4 would have office space. Very often shopping centers  
 5 or retail are located one next to the other. And  
 6 although there are retail certainly on Route 46 the  
 7 location relative to the existing offices makes a big  
 8 difference in this case.

9 The retail and the residential access and  
 10 traffic would be totally separate. There would be no  
 11 interconnection between the residential and the retail  
 12 whatsoever. There were comments about potential people  
 13 leaving the residential to turn right to go northbound,  
 14 which we included in our study because we believed that  
 15 would occur. And, again, I think that relates somewhat  
 16 to the concern of such people. And we had really a  
 17 small percentage because of the ease of access going to  
 18 the south and coming from the south. And that relates  
 19 to those people potentially who could go through Forest  
 20 Drive.

21 Another study that we made was to eliminate  
 22 the possibility by reconfiguring the driveway by  
 23 eliminating the possibility of a right turn out of that  
 24 site, and we could potentially have access into the  
 25 residential, but limit the exit to a left turn out

Page 20

1 going south towards Route 46, and then using the  
 2 Bloomfield Road jughandle to go north and south -- go  
 3 east and west, excuse me, on Route 46.

4 So we do have a sketch of that. And if the  
 5 Board would be interested we could show that, but it's  
 6 really a reconfiguration of that driveway. Everything  
 7 else would stay the same, the location of the driveways  
 8 and so on.

9 And one other thing. We brought our site  
 10 plan up to date with a rendering which later on our  
 11 architect will discuss the elevation views of the  
 12 building and the site layout for the residential. So  
 13 we've updated our site plan to show the trees and  
 14 landscape in front of the residential units to be  
 15 consistent with the elevation views of the building.

16 BY MR. GAROFALO:

17 Q. Mr. Meyer, excuse me, can we go back for a  
 18 second? You talked about the fact that you could  
 19 reconfigure the entranceway into the condominium  
 20 complex?

21 A. Yes.

22 Q. It's a residential component. So it would  
 23 only accommodate a right turn in, but no right-hand  
 24 turn out; is that correct?

25 A. No right-hand turn out; correct.

Page 21

1 Q. And, sir, you designed a number of site  
 2 plans in your career, I'm sure. Is that a workable  
 3 solution to a particular problem like that? Assuming  
 4 the problem exists, and during site plan approval is  
 5 that something that we could talk about and consider  
 6 re-configuring that driveway?

7 A. I believe we certainly could, yes.

8 Q. Okay. Good. Go ahead, I'm sorry.

9 CHAIRMAN PARIKH: You say you do have a  
 10 sketch of a reconfiguration?

11 THE WITNESS: Yes.

12 CHAIRMAN PARIKH: Can you put it up and  
 13 show the Board, please?

14 THE WITNESS: Of course.

15 BY MR. GAROFALO:

16 Q. Mr. Pierson, I believe that's A-9.  
 17 (Exhibit A-9, enlarged residential portion  
 18 of site plan, A-10, drawing of facade of main entrance  
 19 to store, A-11, Whole Foods sign design, and A-12,  
 20 Osteria restaurant store design, was received and  
 21 marked.)

22 A. So this Exhibit A-9 is an enlargement of  
 23 the residential portion of the site plan in the  
 24 upper-left corner. And instead of having the driveway  
 25 as proposed on this alternative we'd have a center



Page 22

1 median that would be landscaped. And then the  
 2 configuration of the geometry would have a tight curve  
 3 to the left so that traffic could not make a right turn  
 4 there.

5 Now, could it make a right turn if they --  
 6 you know, anything is possible. I want to be totally  
 7 honest with you, anything is possible, but the way it's  
 8 designed that's the way we would, in traffic  
 9 engineering, design it so to make it as -- basically as  
 10 -- it's impossible, because the curve almost comes to a  
 11 point at the exit point of the site which is right  
 12 here; whereas, before it had a nice big radius so you  
 13 can easily make a right turn, now it comes to a point  
 14 and you'd have to go across the road to make a turn.  
 15 And, of course, it would be a sign that would be  
 16 stop-sign controlled. And then the entrance you see  
 17 has a large radius which would then come into the  
 18 residential.

19 That is just one example of a study, a  
 20 quick study that we did in response to comments that  
 21 were made at the last meeting to attempt to meet the  
 22 requirements and to address comments of our neighbors.

23 Q. And, of course, the people we're concerned  
 24 about are the people that live in the condominium  
 25 project; is that correct? It's people making that kind

Page 23

1 of a turn that we're concerned about, public's  
 2 concerned about, are the people -- the residents in the  
 3 residential components?

4 A. Future residents, yes.

5 Q. They're all subject to a condominium  
 6 association?

7 A. That is correct. Yes.

8 Q. Go ahead, I'm sorry.

9 A. I think basically that's where I'd like to  
 10 end at this point.

11 Q. First of all, I think in your earlier  
 12 testimony you talk about the fact that you were  
 13 involved in a number of Whole-Foods-type projects; is  
 14 that correct?

15 A. That is correct.

16 Q. And, sir, we have a couple of exhibits I'd  
 17 like you to look at, and tell us whether or not these  
 18 were types of exhibits or types of facilities that  
 19 Whole Foods normally develops on its property, and then  
 20 we can get them up on the Board and mark them.

21 A. Yes. We have three actual photographs of  
 22 Whole Foods stores, and it's their latest design. And  
 23 they're continuously evolving and making improvements.  
 24 And this is an indication -- this is actual design,  
 25 actual construction, an indication of the quality of

Page 24

1 materials that are used by Whole Foods both outside the  
 2 store and inside the store. If you've been to Whole  
 3 Foods stores you've probably realized that there's a  
 4 possibility of buying food and eating kind of benches.  
 5 Well, the latest design is an upgrade of that. I  
 6 believe it's called Osteria, and that is depicted on  
 7 A-12, if we can mark that. And this is just A-13, is  
 8 just another --

9 MR. GAROFALO: No, no, wait. Let's get --  
 10 MR. CRESITELLO: 10, 11 and 12. So what's  
 11 A-10?

12 THE WITNESS: These are all the same store.  
 13 A-10 is the facade of the main entrance to the store  
 14 itself. And it's lit up. This is an evening view,  
 15 actually. You see the materials? And then A-11 is a  
 16 continuation of that same facade with -- it's also an  
 17 indication of the signs that Whole Foods typically  
 18 provides on their store. Very tastefully done.

19 And then the last is the Osteria end of the  
 20 store. It's the same facade of the same building, but  
 21 that happens to be the corner. And that is an entrance  
 22 to the restaurant area where you can have food there,  
 23 if you'd like.

24 BY MR. GAROFALO:  
 25 Q. And Mr. Meyer, at the last hearing there

Page 25

1 was some question about the visibility of the proposed  
 2 project and surrounding area. You prepared some  
 3 exhibits, didn't you?

4 A. Yes.

5 Q. Can you get those up again, please, and we  
 6 can look at them again.

7 A. Sure.

8 Q. I believe they're A-3 and four; is that  
 9 correct?

10 A. I believe you are correct. This is A-4 and  
 11 --

12 SECRETARY MADER: Mr. Meyer, you can take  
 13 the microphone with you, if you'd like.

14 BY MR. GAROFALO:  
 15 Q. Yes. Take the microphone with you. It  
 16 pulls right out.

17 A. So I'll start with A-2, which is the --  
 18 which is a copy of the site plan on which we have  
 19 superimposed Section "A" and Section "B" through the  
 20 site. The section went from Forest Drive all the way  
 21 clear through to Route 46. In both cases at two  
 22 different homes: Number 71 and number 77, going  
 23 through the rear of the residential homes through the  
 24 parking area, or access drive through the proposed  
 25 retail store, through the proposed parking area, out to

Page 26

1 **Route 46. Similarly, for number 71 we did the same**  
2 **thing. And I spent a fair amount of time describing**  
3 **the sections to you.**  
4 **The first one is a summer scene. And to be**  
5 **fair we wanted to provide a summer scene and a**  
6 **fall/winter scene, because -- the existing Forest Drive**  
7 **is on the left of this cross section. Then the**  
8 **existing homes are shown on both of those sections.**  
9 **And a depiction of the existing trees, they're**  
10 **basically deciduous trees in the backyards of the**  
11 **homes, extend over onto the subject property. There is**  
12 **a water course behind the homes in the wooded area.**  
13 **And then the plan shows on Section "A" and Section "B"**  
14 **a proposed berm in one case, and with evergreens**  
15 **planted on top of it, and the existing grade with**  
16 **evergreens planted on top of it within the buffer part**  
17 **of the site adjacent to the residential homes.**  
18 **It then shows the proposed residential**  
19 **buildings and the parking areas. It continues on to**  
20 **show the proposed retail buildings and their parking**  
21 **areas, and then on the very right Route 46.**  
22 **(The Witness displays a new exhibit.)**  
23 **And I apologize for the size of these**  
24 **drawings, but we wanted to make them true scale. One**  
25 **inch equals 20 feet horizontally and vertically so that**

Page 27

1 **there's no exaggeration as engineers as we typically**  
2 **do.**  
3 **So this is a winter scene. And you can see**  
4 **that we're just showing the trees without leaves. And**  
5 **each one of these sections has a site line through it.**  
6 **And the basic site lines come from the second story of**  
7 **existing homes. And they are basically because of the**  
8 **evergreen trees there would be -- you would block the**  
9 **visibility of the proposed homes or just see the very**  
10 **top of the roof. You would not see the other levels of**  
11 **the building.**  
12 **So in both cases, again, where we meet the**  
13 **grade and put evergreens and where we provide a berm**  
14 **and provide evergreens. And then we show the site**  
15 **lines from both the second story and the first floor.**  
16 **The first floor there's less visibility, but the second**  
17 **story was important that we show that to you. And**  
18 **that's what we've provided here. Today I brought an**  
19 **additional section that we prepared since the last**  
20 **meeting, and that is the question of the berm along**  
21 **Intervale Road. If you drive up Intervale Road and**  
22 **look to the right there's a hill which is wooded, and**  
23 **we have one additional exhibit we'd like to show.**  
24 **What number are we up to? So this would be**  
25 **A-13, I believe?**

Page 28

1 **MR. CRESITELLO: A-13.**  
2 **(Exhibit A-13, "Exhibit "D" Residential**  
3 **Section Views, was received and marked.)**  
4 **THE WITNESS: And this is entitled "Exhibit**  
5 **"D" Residential Section Views." And on this plan we**  
6 **show the site plan, again, with Section "C," which goes**  
7 **across Intervale Road and through the unit at the top**  
8 **of the slope. And again, Section "C" we show a summer**  
9 **scene and an all-winter scene. And looking from a car**  
10 **up because of at the top of the berm we would be**  
11 **planting evergreens you would not see this building**  
12 **through the trees based upon what we're proposing here.**  
13 **BY MR. GAROFALO:**  
14 **Q. What building are you referring to?**  
15 **A. That is the top-most residential building**  
16 **adjacent to Intervale Road.**  
17 **There was a question raised about the**  
18 **lighting at the last meeting. And I just want to tell**  
19 **you that we would be proposing shadow-box type lighting**  
20 **that would not create sky glow on this site, and we**  
21 **would have zero lighting intensity at the boundaries of**  
22 **the property for both the residential and for the**  
23 **retail. That's the most modern-type lighting that is**  
24 **in existence today that we can use and that's what we**  
25 **have been using. For example, we did -- Union we did**

Page 29

1 **the Whole Foods and Target there and that's what we**  
2 **used there.**  
3 **And so we would be providing you with**  
4 **diagrams that show the lighting intensity based upon**  
5 **the placement of the lights within the parking area,**  
6 **and prove to you that our lighting would not extend**  
7 **beyond the property as part of, again, site plan**  
8 **approval. If your Board chooses to continue with this**  
9 **we would be back to you, I guess, eventually.**  
10 **Q. Mr. Meyer, I believe that covers your**  
11 **presentation, the issues you needed to address. Is**  
12 **there anything further you wish to address, sir?**  
13 **A. I thing that's it.**  
14 **MR. GAROFALO: Mr. Meyer, will be here if**  
15 **the Board has any questions. My next witness --**  
16 **CHAIRMAN PARIKH: I'm sorry?**  
17 **MR. GAROFALO: Mr. Meyer will be here in**  
18 **case there's any questions. My next witness is the**  
19 **architect. I'd like to get him up and have him explain**  
20 **the design of the residential component, because I**  
21 **think that was very important to the public. And I can**  
22 **call him right now, and then most witnesses will be**  
23 **here to answer questions. But whatever you'd like to**  
24 **do, Mr. Parikh, we'll do.**  
25 **CHAIRMAN PARIKH: But we discussed the**



Page 30

1 traffic for retail, but we did not talk about, you  
 2 know, what you're going to do or what the traffic  
 3 situation will be from the residential. Are we going  
 4 to talk about that when we discuss the, you know,  
 5 residential, or do you want to tell us a little bit  
 6 more about the traffic report from a residential?  
 7 THE WITNESS: I will be happy to tell you a  
 8 little bit more.  
 9 MR. GAROFALO: Mr. Parikh, we'll do that  
 10 then, I'm sorry.  
 11 CHAIRMAN PARIKH: Before we go to that,  
 12 right now we can't block -- with chairs over there we  
 13 can not block the entrance, so you'll have to move. I  
 14 know pretty soon the Fire Chief will --  
 15 UNIDENTIFIED VOICE: Can I sit here?  
 16 MS. COLLINS: That's fine, as long as you  
 17 don't block the entrance.  
 18 CHAIRMAN PARIKH: The chair was a concern.  
 19 THE WITNESS: So, as I've mentioned before  
 20 primarily the majority of the traffic we would  
 21 anticipate would come up from Route 46 up Intervale  
 22 Road and turn right in. And primarily when it exits it  
 23 would turn left out. Of course, if we come up with  
 24 the -- an agreement on the channelizing the driveway  
 25 then the existing movement will basically all be making

Page 31

1 a left turn.  
 2 During the a.m. peak weekday hour, say  
 3 between seven and nine a.m., we would anticipate  
 4 somewhere around 13 vehicles per hour entering, and 37  
 5 vehicles per hour exiting for the 72 units. So what  
 6 that tells us is that during one hour not all 72 units  
 7 will be creating traffic on the site. Why is that?  
 8 People tend to leave and go to work, go to school, drop  
 9 kids off at school at different times. And with  
 10 today's flexible work hours that's even more enhanced.  
 11 So during the a.m. about one vehicle every  
 12 two minutes in the a.m. peak hour during the weekday  
 13 would be exiting, and -- well, 13 vehicles per hour  
 14 entering at that point.  
 15 On the evening weekday peak some 30  
 16 vehicles would be entering, and 24 would be exiting.  
 17 Some of those might be going to do shopping, certainly  
 18 coming home from work, and other activities that would  
 19 be associated with family life. On Saturday about just  
 20 a little less than 20 entering and 20 existing during  
 21 the peak hour which is between, let's say, eleven and  
 22 two, which is the peak Saturday hour for retail, and  
 23 that's why we considered that. So...  
 24 MR. CRESITELLO: What were those numbers  
 25 for Saturday?

Page 32

1 THE WITNESS: 19 and 16 actually on a  
 2 Saturday peak hour. 19 inbound and 16 outbound. Of  
 3 course, there would be additional traffic, but at a  
 4 lower rate during other hours of the day, just like we  
 5 would normally live.  
 6 The design of the driveways and the excess  
 7 capacity existing on Intervale Road can easily handle  
 8 the peak traffic that is projected for the residential,  
 9 and so we don't see any problem with handling that  
 10 traffic.  
 11 CHAIRMAN PARIKH: You did study Cherry Hill  
 12 Road. And what other intersections are you studying?  
 13 THE WITNESS: We studied 15 intersections  
 14 working with your consultant, and those included many  
 15 along Route 46. I have them listed here: Route 46 and  
 16 the driveway that I mentioned to the retail; Intervale  
 17 Road and the residential site driveway; Waterview  
 18 Boulevard and the proposed retail driveway and office  
 19 opposite; Route 46 in Waterview Boulevard; Route 46 the  
 20 eastbound jug handle and Waterview Boulevard; and New  
 21 Jersey 46 and the westbound jughandle at Waterview  
 22 Boulevard; Waterview Boulevard and the 287 southbound  
 23 ramps at Route 202 where there's a traffic signal. So  
 24 southbound exit and a southbound entrance at that  
 25 point.

Page 33

1 Route 46 and 202 Parsippany Boulevard the  
 2 intersection about here. Intervale Road and Old  
 3 Bloomfield Road, which if you were coming out of  
 4 Intervale Road you would turn right onto old Bloomfield  
 5 Road and come up to opposite Cherry Hill, I'm sorry,  
 6 senior moment. Route 46 and Cherry Hill. Old  
 7 Bloomfield Avenue as I mentioned. The Route 46  
 8 eastbound jughandle at Cherry Hill Road which exists.  
 9 The Route 46 and Lackawanna Avenue. Route 46 and Smith  
 10 Road, a fair distance from the site. And Route 46 and  
 11 Vale Road. Littleton Road East and Smith Road.  
 12 Incidentally, I did mention last time that  
 13 there were some proposed signal timing changes at a  
 14 number of intersections, including Cherry Hill Road and  
 15 Smith Road where that three-way kind of intersects,  
 16 that kind of big "Y" intersection exists. And those  
 17 signal timing changes would increase the capacity and  
 18 improve operations.  
 19 MR. GAROFALO: Anything further, Mr.  
 20 Parikh, of this witness?  
 21 CHAIRMAN PARIKH: So, will the architect  
 22 come next and then we'll have our questions?  
 23 MR. GAROFALO: I thought that might be a  
 24 good way to do it unless you prefer to do it --  
 25 CHAIRMAN PARIKH: While we have this fresh

Page 34

1 in our mind I'd like to start the questions.

2 MR. GAROFALO: That's fine.

3 CHAIRMAN PARIKH: Thank you. Before I ask

4 questions from the Board I'd like to ask our traffic

5 engineer here if you have looked at the new proposed or

6 suggested Tamarack cul-de-sac and do you have any

7 comments?

8 MR. METH: Yes. Our circulation element or

9 master plan actually discourages cul-de-sacs. We

10 really want connectivity to as great extent as

11 possible. I mean, if you look at the neighborhood with

12 Forest Drive and Winding Way and all the roads in

13 there, Glen Road and Ashton, there's about 150 homes

14 back there. I candidly really wouldn't endorse closing

15 off any egress or access. What that does is it forces

16 everybody to go in other directions. I know there are

17 three ways in and out of that neighborhood between the

18 two entrances to Forest Drive and Glen Road, but taking

19 one out of commission is not really a good idea. I

20 mean, there's more potential for them for, say, a down

21 power line blocking the road and those things. I'd

22 rather keep flexibility and let people go where they

23 want to go from those neighborhoods.

24 I think putting in a cul-de-sac

25 preemptively is a bit drastic. I think that -- and

Page 35

1 before -- I guess I'd rather, you know, determine do we

2 really have -- well, I guess the answer is: I think we

3 should be looking for a real need to do that before we

4 do it. You know, just generally speaking we try to

5 keep flexibility in our transportation system.

6 CHAIRMAN PARIKH: Okay. And how about,

7 there was a proposal or just a concept for the entrance

8 and egress in the residential compound.

9 MR. METH: Well, I think that's a little --

10 I've got to say those are a little unorthodox

11 connections. It's not like we haven't done situations

12 like that before where we try to channelize where

13 people go.

14 One prime example is if you look at Entin

15 Road by Lake Parsippany, it may accomplish what we set

16 out to, but again I find that a fairly -- I guess it's

17 a bit unconventional. And furthermore that section of

18 Intervale Road I believe is actually at Mountain Lakes,

19 so enforcement could become a problem.

20 CHAIRMAN PARIKH: But another example I can

21 give you is by Barnes and Nobles coming out from there

22 on 202 and channeling right onto --

23 MR. METH: That's correct. Right turns are

24 more conventional; a left turn is not. Channelizing

25 for someone to go left -- channelizing for right-turn

Page 36

1 only movements is fairly common, but channelizing for

2 left-turn only movements isn't.

3 CHAIRMAN PARIKH: Okay. Any questions from

4 the Board members for Mr. Meyer?

5 BOARD MEMBER DePIERRO: You have to refresh

6 my memory. In the presentation we're talking about a

7 sidewalk. When you come out of that shopping center

8 you cross the street and walk on the sidewalk towards

9 Route 46. Is there a sidewalk on that side? I didn't

10 think so.

11 CHAIRMAN PARIKH: There is no sidewalk

12 right now. We were just looking at that.

13 MR. METH: I'm sorry. Just for the Board's

14 information, right now the township engineering

15 department is pursuing -- they've received a grant from

16 the New Jersey Department of Transportation, and

17 they're going to be putting a sidewalk continuously on

18 the east side of Waterview Boulevard, the inside tract

19 along it on the one side.

20 CHAIRMAN PARIKH: So, is there something

21 that -- what they proposed we are going to do that with

22 the grant or --

23 MR. METH: No. There was not going to be

24 sidewalk on the frontage of their property. So they're

25 proposing that as part of their plan. The concept plan

Page 37

1 that we have has sidewalk continuously along the

2 frontage for Waterview Boulevard, and a connection into

3 the shopping center. There's nothing shown across the

4 jughandle to get you to 46. That was one of the

5 comments I had in my letter. I think I heard the

6 testimony that they were going to address that and deal

7 with that.

8 And because really not far from here on

9 Route 46 is where there's a bus stop, one of our

10 transit hubs in town, and the post office is right

11 across the street. So there's some potential for

12 pedestrian generation.

13 BOARD MEMBER DePIERRO: I had another

14 question regarding the townhouses, density on those

15 townhouses and how those were calculated at the last

16 meeting.

17 MR. GAROFALO: I think we'll address that

18 with the next witness, Mr. DePiero.

19 BOARD MEMBER DePIERRO: Okay.

20 CHAIRMAN PARIKH: Any other questions from

21 Board members?

22 BOARD MEMBER MELE: Mr. Chairman? Gordon,

23 could you elaborate on Mr. Meyer's comment earlier this

24 evening about the hammerhead concept? I'm not clear on

25 what that does or doesn't do.

Page 38

1 MR. METH: Well, a hammerhead is, it's a --  
 2 there's different ways to terminate a street where you  
 3 don't go straight through. Normally we use  
 4 cul-de-sacs. Under residential site improvement  
 5 standards inside multifamily developments another  
 6 configuration is called a hammerhead, where just the  
 7 very end of it is just blocked and the street is  
 8 continuous width.  
 9 I mean, you have a lot of older streets  
 10 that are like that. Usually we don't design new  
 11 hammerheads on public streets because what happens then  
 12 is somebody has to basically reverse or K-turn to turn  
 13 around and go back. We generally look to cul-de-sacs  
 14 if we're going to do that, and residential site  
 15 improvement standards look for a 40-foot radius curve  
 16 so that most vehicles can make the turn without having  
 17 to use their reverse gear.  
 18 BOARD MEMBER MELE: That would be a  
 19 hindrance for emergency vehicles as well.  
 20 MR. METH: I believe the concepts they  
 21 showed actually had like cutouts for emergency vehicles  
 22 to cut through.  
 23 THE WITNESS: Yes.  
 24 BOARD MEMBER MELE: Okay. Thank you.  
 25 CHAIRMAN PARIKH: Any other questions from

Page 39

1 Board members? Any questions? Go ahead.  
 2 MR. SNIECKUS: I wanted to make sure the  
 3 Board had a chance to speak first. Excuse me.  
 4 Regarding the parking calculations or the  
 5 parking requirements that you had proposed, I believe  
 6 the planner in the previous testimony offered that you  
 7 would have about a five to thousand ratio within the  
 8 parking area?  
 9 THE WITNESS: I believe that is correct.  
 10 MR. SNIECKUS: I just noticed tonight that  
 11 you are also talking about the restaurant of the Whole  
 12 Foods, as well. And in the proposed ordinance is a  
 13 higher standard for the parking spaces relative to the  
 14 restaurant.  
 15 THE WITNESS: Well, that is -- it's a  
 16 limited facility and it's part of the Whole Foods in  
 17 total. It's part of the Whole Foods.  
 18 MR. SNIECKUS: It's not like a bank or  
 19 something like that, it would be part of the Whole  
 20 Foods facility?  
 21 THE WITNESS: Yes.  
 22 MR. SNIECKUS: But would you then say that  
 23 you would have the required number of spaces based upon  
 24 the restaurants within the Whole Foods? I'm sorry if  
 25 I'm dwelling on this detail, but it's relevant to some

Page 40

1 of the final ordinance.  
 2 THE WITNESS: I believe that we calculated  
 3 based upon the supermarket standard.  
 4 MR. SNIECKUS: Okay. Thank you. In the  
 5 sections that you have shown it looks like you're using  
 6 various techniques for working with the grades on the  
 7 property. It seems like -- I know we had discussed at  
 8 the last meeting partially the architecture, I know the  
 9 architect is next, but that looks like you used it for  
 10 some soil or grade change options, for instance. Can  
 11 you explain that a little bit further maybe for the  
 12 Board? I think you show sort of a retainage inherently  
 13 in some of the dwelling configurations.  
 14 THE WITNESS: Right at this point behind  
 15 the residential building there would be a wall, and the  
 16 finished grade is shown on the plan. That wall would  
 17 be somewhere between -- the grade behind the building  
 18 would be somewhere between the lowest level and the  
 19 first level of the building. And then we built the  
 20 retaining wall to bring grade back up to the existing  
 21 condition so we didn't have to disturb the existing  
 22 condition in the buffer area. Supplemented the  
 23 screening by planting evergreen trees along the entire  
 24 periphery of the boundary of both Intervale Road and  
 25 along the rear, as shown on the other sections or the

Page 41

1 northerly end adjacent to the homes, the rear of the  
 2 homes, the rear yards of the homes on Forest Drive. So  
 3 that would be continuous.  
 4 MR. SNIECKUS: In that instance, and I  
 5 think you had it on your other sections as well. I'm  
 6 not sure if you want to bring that up as well, but you  
 7 were showing sort of a two-story elevation? That would  
 8 be adjacent to the buffers. Is that what I saw?  
 9 THE WITNESS: Well, there it is again.  
 10 MR. GAROFALO: What exhibit are you  
 11 referring to, for the record?  
 12 THE WITNESS: This happens to be A-3. It's  
 13 a section -- it's the section through the site. And it  
 14 shows the concept of the proposed grade behind the  
 15 building, behind the residential unit again, somewhere  
 16 between the first and second level of the building.  
 17 And then a wall so that we don't cut within the buffer,  
 18 but rather we can meet the existing grade, or in some  
 19 places we're actually building a berm behind and then  
 20 putting the proposed evergreens on top of that to  
 21 provide the screening and the site line sections.  
 22 MR. SNIECKUS: Okay. Thank you.  
 23 THE WITNESS: By the way, I did in the  
 24 previous meeting indicate that if you drive along  
 25 Forest Drive right now, or if you go into the office

Page 42

1 park it's possible to have a partially obstructed view.  
 2 You can see the homes to somewhat of a degree from  
 3 Waterview Boulevard looking up along the side of the  
 4 existing office building, and similarly when you drive  
 5 along Forest Drive you can get partial views of the  
 6 office building through the trees. And, obviously,  
 7 there are no leaves on those trees. So just by way of  
 8 reference I just wanted to mention that also.  
 9 MR. SNIECKUS: The section also shows what  
 10 height for the buildings, is that at 40 feet for the  
 11 residential structure?  
 12 THE WITNESS: It's approximately, yes.  
 13 MR. SNIECKUS: Approximately 40.  
 14 THE WITNESS: Approximately 40 feet, yes.  
 15 MR. SNIECKUS: Could you describe for the  
 16 Board, too, I think there was also some earlier  
 17 discussion about the potential for connections between  
 18 the residential and the nonresidential component of the  
 19 proposal. I know there are -- I know there are some  
 20 substantial grading changes that's shown within the  
 21 section area, but is there any area that can be  
 22 provided as a potential pedestrian connection between  
 23 the residential and the proposed retail?  
 24 THE WITNESS: We haven't --  
 25 MR. SNIECKUS: You haven't gotten to that

Page 43

1 level yet.  
 2 THE WITNESS: I guess the potential always  
 3 exists, but it might require stairs. So how practical  
 4 that would be if people carrying goods is a question,  
 5 but we haven't studied it to be honest with you.  
 6 MR. SNIECKUS: Again, it may be a little  
 7 too much detail.  
 8 THE WITNESS: It may be too much. No  
 9 problem.  
 10 MR. SNIECKUS: Regarding the cut and fill,  
 11 it looks like you generally looked at that from a  
 12 standpoint of an overall plan. Do you have a plan?  
 13 Does it look to be balanced in the overall development?  
 14 THE WITNESS: I think there would be an  
 15 excess of material.  
 16 MR. SNIECKUS: Okay. But yet you're  
 17 looking to meet the grades wherever possible?  
 18 THE WITNESS: Yes, we are. Ideally if we  
 19 can balance it we'll do that, but I believe there would  
 20 be an excess of material.  
 21 MR. SNIECKUS: Thank you.  
 22 CHAIRMAN PARIKH: Anything else?  
 23 BOARD MEMBER KELLER: One more question,  
 24 Mr. Chairman. Mr. Meyer, you mentioned approximately  
 25 900 parking places. I think you said 600 for the

Page 44

1 department store, and 299 for Whole Foods?  
 2 THE WITNESS: Yes.  
 3 BOARD MEMBER KELLER: You didn't mention  
 4 any parking for the third retail component, whether  
 5 that's a pharmacy or bank or whatever.  
 6 THE WITNESS: I will now get into -- it's a  
 7 good question, and I will try to give you exactly the  
 8 details. The minimum parking -- I misspoke. The  
 9 minimum parking requirement for the retail, which is  
 10 the small building plus the department store would be  
 11 600, and we're providing 600. And then for retail "B"  
 12 which is the Whole Foods store the requirement would be  
 13 200, and we're providing 299. So we have an excess of  
 14 -- beyond your ordinance of 99 spaces for the Whole  
 15 Foods store. And that's -- at least that's the way we  
 16 calculate it out.  
 17 BOARD MEMBER KELLER: So in total 99 more  
 18 than what the development requires?  
 19 THE WITNESS: Yes. And today our  
 20 experience in retail is that very often -- or in most  
 21 cases the tenants govern the parking, because they  
 22 obviously operate these stores in many different  
 23 locations and have a lot of experience. And so that's  
 24 the reason that we're recommending that.  
 25 And as far as the residential, while I'm at

Page 45

1 it, we believe that the requirement is 173 spaces, and  
 2 we're providing 288 spaces, which includes two garage  
 3 spaces, two spaces in front of the garage, and a number  
 4 of visitor spaces interspersed throughout the  
 5 development area.  
 6 CHAIRMAN PARIKH: Can you repeat those  
 7 numbers for us?  
 8 THE WITNESS: Yes. For the residential  
 9 it's my belief that we require 173, according to your  
 10 standards, and we're providing 288.  
 11 MR. SNIECKUS: That would be based on the  
 12 RSI standard for residential?  
 13 THE WITNESS: I believe so.  
 14 BOARD MEMBER PURZYCKI: Would the  
 15 residential parking be on the street or off-site?  
 16 THE WITNESS: No, there is no parking for  
 17 the residential on street. It's all within the  
 18 property. Totally within the property.  
 19 CHAIRMAN PARIKH: Any other questions?  
 20 BOARD MEMBER DINSMORE: Actually, before  
 21 you go on just a couple of small things. The proposed  
 22 five-unit residences, how wide are they?  
 23 THE WITNESS: Mr. Dinsmore, I think the  
 24 architect will talk about that.  
 25 MR. GAROFALO: We'll get to that, Mr.

Page 46

1 Dinsmore.

2 BOARD MEMBER DINSMORE: Okay. And you've

3 got a 50-foot buffer from the backyard of the proposed

4 residences to the property?

5 THE WITNESS: Yes.

6 BOARD MEMBER DINSMORE: With the nice

7 depiction you have here it seems to take some of those

8 residents' land and say that that's your buffer. But

9 I'm just trying to get -- so you're going to have a

10 40-foot -- you'll be proposing a 40-foot dwelling

11 within 50 feet of the property line?

12 THE WITNESS: That is correct.

13 BOARD MEMBER DINSMORE: Just trying to make

14 sure.

15 THE WITNESS: No, that's right, Mr.

16 Dinsmore.

17 MR. GAROFALO: I'm not sure I understand

18 your question about the 50-foot setback. Is there a

19 question about that?

20 BOARD MEMBER DINSMORE: I just was trying

21 to make sure that that was the case.

22 MR. GAROFALO: Oh, I'm sorry. Thank you.

23 CHAIRMAN PARIKH: Okay. Anything else?

24 What I'd like to do is I'd ask the public to ask

25 questions for this witness before we go to the

Page 47

1 architect. Okay?

2 MR. GAROFALO: Okay.

3 CHAIRMAN PARIKH: And now I'll repeat

4 again, I said it a few times the last time, this is for

5 questions only for the engineer from what you just

6 heard. So this portion for the public is questions

7 only, and I will not entertain comments at this time.

8 And I'd like to tell the Board that this is question

9 portion only. Any comments right now I will suggest we

10 ignore it because this is a question and answer portion

11 for the public.

12 The public will get their turn to make

13 comments after the presentation. So this is questions

14 only for what you heard and no comments, please. I'll

15 stop you if you start making comments without a

16 question.

17 MR. FRANKEL: Steven Frankel, 1 Winding

18 Way. You mentioned that southbound on Waterview would

19 require a left-hand turn on to 46 East. Given the

20 current traffic patterns how much longer a stoppage on

21 Route 46 do you anticipate to allow for those left-hand

22 turns from Waterview South onto 46 East?

23 THE WITNESS: We will be using the existing

24 cycle, and perhaps a few more cycles. But it's --

25 MR. FRANKEL: But it doesn't allow for a

Page 48

1 left-hand turn?

2 THE WITNESS: We will have a -- that cycle

3 which currently has a green ball displayed both

4 northbound and southbound will first have a left-turn

5 arrow and green ball and would allow a left turn and

6 through movement to occur, and then just the green ball

7 after that.

8 MR. FRANKEL: So my question was, how much

9 extra stoppage on Route 46 do you anticipate as a

10 result of that?

11 THE WITNESS: Not a lot. Perhaps five to

12 10 seconds additionally.

13 MR. FRANKEL: So the suggestion is that

14 five to 10 seconds of left-hand turn coming from a 900

15 parking space retail outlet is enough to get people

16 onto 80 East?

17 THE WITNESS: Well, it's not just a single

18 lane, it's two lanes: It's through or right and left.

19 And it's not just those ten seconds, it would be the

20 rest of the cycle that is currently assigned to north

21 and southbound.

22 MR. FRANKEL: Gordon, do you have concerns

23 about the ability for them to get through in the

24 limited time that he's proposing?

25 MR. METH: No, I don't. I mean, I've

Page 49

1 reviewed the traffic capacity analysis and the reality

2 is right now the critical constraints on Waterview and

3 46 is the left-turn movements in both directions. And,

4 I mean, the green time allocated kind of is to try to

5 compensate for that. Putting the arrows in will make

6 it basically to work within the existing time. You

7 won't have to take too much time away from 46, if any

8 at all.

9 MR. FRANKEL: Okay. Moving onto the

10 jughandle on 46 East, this is a jughandle that I'm sure

11 you're aware supports the police department, the

12 recycling center, and the post office, and now is

13 proposed to support this establishment. Are there

14 proposed changes to the 46 East jughandle to get to

15 Waterview North?

16 THE WITNESS: There are proposes -- there

17 are changes proposed in terms of the left-turn bay to

18 make a left turn. Incidentally, that doesn't just

19 service -- that services the existing office buildings

20 as well. And, again, our main -- our peak hour is on

21 Saturday when the office traffic is reduced. We can

22 easily accommodate the additional traffic for the

23 retail by making those changes that I have previously

24 talked about.

25 MR. FRANKEL: Okay. All right. I don't



Page 50

1 want to debate that. I am -- one of my biggest  
 2 concerns, and actually this is to you and to Mr. Meth  
 3 is, Old Bloomfield Avenue. If we propose to allow the  
 4 egress onto Intervale for left-hand turn the residents  
 5 of this proposed development would have no choice but  
 6 to go down Old Bloomfield Avenue. With the two lanes  
 7 that go to the left across 46, and the one lane to go  
 8 to the right it's quite conceivable that traffic trying  
 9 to get across 46 would not allow people to go to 46  
 10 West because those lanes are going to block it and  
 11 cause traffic all the way up. Not only for the  
 12 residents who are now -- and I applaud your plan to  
 13 attempt to make them to go left onto Intervale rather  
 14 than right. I think that's part of a good idea. My  
 15 concern is every single person leaving this new  
 16 development who wants to go to 80 West is going to go  
 17 onto Old Bloomfield Avenue to cross onto Cherry Hill.  
 18 I have significant concerns about Old Bloomfield  
 19 backing up considerably. And that's -- I mean, it's  
 20 only two lanes and there's a Dunkin' Donuts, there's a  
 21 gas station. You have a lot of people entering and  
 22 leaving that area, and you're going to have a ton full  
 23 of traffic from all of these people leaving this  
 24 development trying to get to 80 West or 287. Well, 287  
 25 they can go, sorry, north on Waterview, but 80 West the

Page 51

1 only way to go is down Cherry Hill. I would seriously  
 2 ask you guys to look into Old Bloomfield's ability to  
 3 handle this.  
 4 In your site plan am I -- the building --  
 5 I'm sorry, is that the Whole Foods or is this the  
 6 department store?  
 7 THE WITNESS: In one case it's the  
 8 department store, and in the other case I believe it's  
 9 the Whole Foods.  
 10 MR. FRANKEL: Okay. Does that depict any  
 11 of the air handlers or air-conditioners or other  
 12 equipment to support this building? I don't see any of  
 13 that on the roof. Is that -- is that likely to exist  
 14 on the roof?  
 15 THE WITNESS: We have not developed -- the  
 16 architecture has not been developed to that point, but  
 17 there would normally be air handlers. They might be on  
 18 the roof, they might be on the side of the building.  
 19 There would be exhaust potentially. All of those  
 20 things are things that we are permitted to and we would  
 21 get into the site plan approval phase.  
 22 MR. FRANKEL: And so by looking at that you  
 23 have a direct line of access or site access from this  
 24 condo to the equipment on top of that roof, is that a  
 25 fair depiction based on what you're seeing? So these

Page 52

1 residents are going to be looking at a very busy roof.  
 2 THE WITNESS: Well, today, yes, the answer  
 3 is -- the answer to your question is, yes, there's a  
 4 potential to look at the roofs from the rear of the  
 5 proposed residential. Today roofs tend to be very well  
 6 organized and screened and so on and so forth,  
 7 equipment screen. So, again, that's a detail we  
 8 haven't gotten into at this point.  
 9 MR. FRANKEL: I have one more question. If  
 10 I heard you correctly, and if I could see the exhibit  
 11 from Intervale about the slope, if you don't mind,  
 12 please. Okay. Did I hear you correctly that your goal  
 13 is to -- now, we're talking about a 50-foot buffer,  
 14 correct, from Intervale to the house?  
 15 THE WITNESS: Fifty-foot setback, yes.  
 16 MR. FRANKEL: Okay. You said you were  
 17 going to plant evergreen trees. Does that imply you're  
 18 going to take down all of the trees that currently  
 19 exist onto Intervale to plant new ones?  
 20 THE WITNESS: We are not going to take the  
 21 trees down. And that is an accurate depiction of both  
 22 summer and winter of the existing trees within the  
 23 slope of Intervale Road.  
 24 MR. FRANKEL: Okay. Then where would the  
 25 evergreens be that you were to plant?

Page 53

1 THE WITNESS: They would be on the very  
 2 edge of the residential development. There would be a  
 3 wall there to bring the grades behind the units up to  
 4 grade.  
 5 MR. FRANKEL: So you're not raising the  
 6 trees only to plant other ones?  
 7 THE WITNESS: We are not raising the trees  
 8 only to plant other ones.  
 9 MR. FRANKEL: Thank you for your time.  
 10 CHAIRMAN PARIKH: Thank you.  
 11 MS. BAVAS: Allison Bavas, 1 Glen Road.  
 12 MR. GAROFALO: How do you spell your name  
 13 again?  
 14 MS. BAVAS: B-a-v-a-s.  
 15 MR. GAROFALO: Thank you.  
 16 MS. BAVAS: You're welcome.  
 17 When you were doing your traffic analysis  
 18 and you were looking at the flow of traffic in and out  
 19 did you also take a look at the school time drop-offs  
 20 and pick-ups and school buses that take Waterview  
 21 Boulevard and take 202 and Intervale Road?  
 22 THE WITNESS: Yes. That was included in  
 23 our counts when we counted the a.m. weekday from seven  
 24 to nine, and from four to six in the afternoon.  
 25 Whatever vehicles were in the traffic stream were



Page 54

1 included, including buses, including trucks, and  
 2 including passenger vehicles.  
 3 MS. BAVAS: But school gets out prior to  
 4 4 o'clock, so it wasn't included?  
 5 THE WITNESS: If we're counting four to six  
 6 the buses from the school exit were not included,  
 7 right.  
 8 MS. BAVAS: You also mentioned traffic  
 9 analysis. Did you take into account the intersection  
 10 of Forest Drive to Intervale and Forest Drive to 202,  
 11 or any of those residential streets?  
 12 THE WITNESS: Yes.  
 13 MR. BAVAS: You did?  
 14 THE WITNESS: Yes.  
 15 MS. BAVAS: I didn't hear you mention that  
 16 when you were taking a look at the actual intersection.  
 17 THE WITNESS: Okay.  
 18 MS. BAVAS: Is that part of your analysis?  
 19 THE WITNESS: Yes.  
 20 MS. BAVAS: It was. Okay. So the other  
 21 piece when you were doing your engineering and you were  
 22 talking about the evergreens and everything else did  
 23 you also take into account possible bear that were  
 24 going to be displaced or where they were going to go?  
 25 THE WITNESS: No, I did not.

Page 55

1 MS. BAVAS: Okay. I was just wondering.  
 2 MR. METH: Mr. Chairman, if I can re-direct  
 3 one question. Mr. Meyer, I just want to double-check.  
 4 Was Forest Drive actually analyzed? Because it wasn't  
 5 in the report.  
 6 THE WITNESS: Just the Intervale  
 7 north/south traffic.  
 8 MR. METH: Okay. Thank you. Sorry. So  
 9 there was no analysis to Forest Drive?  
 10 THE WITNESS: Not quantitative analysis,  
 11 no.  
 12 MR. METH: Understood.  
 13 CHAIRMAN PARIKH: Okay.  
 14 Ms. PIEGARI: Angela Piegari, 10 Winding  
 15 Way. Just a follow-up question to the previous woman  
 16 including the traffic, and I'm not sure whether you  
 17 just answered that part of my question. And that is,  
 18 could you summarize, unless you did and I didn't hear  
 19 it or at least understood it, the increase in traffic  
 20 going up and down Intervale, as well as up and down  
 21 Route 202, as well as going into Glen and Forest from  
 22 Intervale, as well as going into Forest from Route 202?  
 23 Could you summarize that if you've done that analysis  
 24 of traffic increase?  
 25 THE WITNESS: We have included in our

Page 56

1 traffic analysis -- well, first of all, we took the  
 2 counts which were done in 2012, increased those by two  
 3 percent to the design year 2014, and added various  
 4 other components, such as pass-by traffic, the traffic  
 5 that would be replaced if the vacant offices were  
 6 reoccupied, if Loman Ford were reoccupied and came up  
 7 with a total what we call build volume and that's what  
 8 we analyze for all of the roads.  
 9 MR. PIEGARI: Okay. Could you just explain  
 10 what the increase might be up and down Intervale, as  
 11 well as 202, and then go into the development from  
 12 those three roads?  
 13 THE WITNESS: I can. It would just take me  
 14 a little to do that. (Witness looking through  
 15 documents.)  
 16 So, if we were to take, for example, the  
 17 intersection of Route 46 and 202, if nothing -- if this  
 18 project were not built, we have no-build by 2014, and  
 19 our traffic on 46 and 202 coming south on 202 would be  
 20 187 vehicles an hour going through the intersection,  
 21 and 350 making a left turn. With the added traffic  
 22 from the retail center, for example, it would be the  
 23 same. It would be the same.  
 24 On the traffic coming east on Route 46 at  
 25 that same intersection, if the project was not built

Page 57

1 there would be 770 through vehicles and 144 right  
 2 turners. And if the project is built it becomes 926  
 3 vehicles headed eastbound, and 235 turning right. And  
 4 that would be basically the traffic coming out of the  
 5 center.  
 6 Vice versa westbound on 46: 131 at this  
 7 Saturday peak hour would turn right onto Route 202, and  
 8 807 would continue through towards the site. And if  
 9 the project is built the 131 continues to be the same,  
 10 and the 807 would increase to 923. That would be  
 11 during the peak hour. That's one example. I can go  
 12 through all of the intersections, but it would take a  
 13 long time. That's all included in this traffic study.  
 14 MR. PIEGARI: Did you at all consider the  
 15 traffic flow from Intervale cutting through the  
 16 development that's going to -- the existing development  
 17 that abuts your project here coming from Intervale  
 18 through Glen and Forest to Route 202?  
 19 THE WITNESS: We do not anticipate that  
 20 that will be a substantial situation. I did speak to  
 21 Mr. Frankel at the end of the last meeting suggesting  
 22 that if that is a problem, as I already testified,  
 23 there are possibilities which Mr. Meth had recommended  
 24 might not be a good solution, but a hammerhead or a  
 25 cul-de-sac are a way of potentially eliminating any

Page 58

1 potential cut through, but it's not a -- there are much  
 2 easier ways to get -- coming southbound on Intervale  
 3 Road to get to the site, to get to the retail than to  
 4 go through Forest Drive and then down Route 202 and  
 5 then come in that way.

6 MR. PIEGARI: You're talking about post  
 7 development?

8 THE WITNESS: Post development.

9 MR. PIEGARI: That you would come back, or  
 10 we would have to as a community come to the developer  
 11 to make those changes or to the town?

12 THE WITNESS: Again, this was a study on  
 13 our part to attempt to address potential comments in  
 14 that regard. And if that were the case that would be  
 15 done presumably at the time of the development.

16 MR. PIEGARI: I see.

17 CHAIRMAN PARIKH: Thank you.

18 MR. YAREMA: Good evening. My name is Ken  
 19 Yarema. My residence is 41 Winding Way. I have two  
 20 questions: One, I did not hear anything regarding  
 21 tractor trailer movement in and out of the complex to  
 22 provide provisions. When will that be done? What  
 23 hours of the day or night? How will that impact with  
 24 the traffic and congestion? That's number one.  
 25 My second question is: I think if I

Page 59

1 understood correctly some conversation about a sidewalk  
 2 being constructed which would allow people to cross 46.  
 3 And there is on the other side public transportation,  
 4 and I'm sure perhaps a lot of employees may be looking  
 5 to use that. There is a parking facility for commuters  
 6 on the other side.

7 Now, anyone who has read the papers or is  
 8 aware of some of the problems on Beverwyck Road and 46,  
 9 there have been numerous accidents, multiple deaths.  
 10 It's a very dangerous game to play where you have  
 11 pedestrians at certain hours of the day trying to cross  
 12 46, people turning every which angle, and it's a  
 13 dangerous situation.

14 So my question to you, sir, is: Have you  
 15 studied that aspect of the serious nature of people,  
 16 pedestrians trying to cross 46 in that area,  
 17 considering the volume that would be increased? Number  
 18 one.

19 Number two: How have you addressed this  
 20 whole concept of tractor trailers coming in and out of  
 21 developments making deliveries? When will they be  
 22 done?

23 THE WITNESS: Okay. Let's talk about the  
 24 pedestrian safety. That is part of what I as a traffic  
 25 engineer am very, very aware of. And we would be using

Page 60

1 the current-day design standards for pedestrian  
 2 crossing to ensure that there are safe intersections  
 3 provided.

4 MR. YAREMA: Okay. So the studies have  
 5 been conducted of volume of people that might be  
 6 crossing? How often and how? That's all being  
 7 connected?

8 THE WITNESS: It will all be part of our  
 9 final design. That would all be considered in our  
 10 final design and it would have to be approved by the  
 11 town's consultant, Mr. Meth, as well as DOT.

12 With respect to deliveries, there would be  
 13 deliveries for all three stores. Typically, several  
 14 tractor trailers per day would be coming in and out of  
 15 the Whole Foods market and the department store, as  
 16 well as probably 10 to 15 paneled trucks such as FedEx  
 17 delivery trucks.

18 MR. YAREMA: And where will the loading  
 19 platforms be?

20 THE WITNESS: The loading platforms are  
 21 shown on the site plan. And they are on the exhibit --  
 22 oh, this is our site plan. I forget what the exhibit  
 23 is, but they're the light tan boxes sort of at the rear  
 24 of the stores. And those would be loading and  
 25 unloading areas. And they would be separate from the

Page 61

1 customer parking and so on. There would be complete  
 2 access around the rear of the building, and the  
 3 vehicles entering and parking and then leaving would  
 4 use the Waterview Boulevard entrance and exit.

5 All of the geometry of the parking area and  
 6 the loading and unloading areas have been designed  
 7 using AutoTURN, which is a computer program, and that  
 8 takes into account the WB67 vehicle, which is a 70-foot  
 9 tractor trailer, the maximum permitted by law.

10 MR. YAREMA: Do you know if any of these  
 11 deliveries would be taking place during the night?

12 THE WITNESS: I don't have that information  
 13 at this point.

14 MR. YAREMA: Because I could see that being  
 15 a considerable amount of noise. Thank you very much.

16 MS. WHITE: Hello, my name is Eileen White,  
 17 and I live at 26 Winding Way. And can you please  
 18 define the words you just said "department store"? In  
 19 your engineering what do you contemplate as a  
 20 department store? Because that can also relate to  
 21 where there would be deliveries and other --

22 THE WITNESS: There would be deliveries.

23 MS. WHITE: So what kind of department  
 24 store are you contemplating in your engineering,  
 25 including how many people are coming in and out, and

Page 62

1 what kind of cars, and when? What is the definition of  
 2 department store?  
 3 THE WITNESS: That was all included in our  
 4 traffic study using Institute of Transportation  
 5 Engineer Criteria.  
 6 MS. WHITE: And what is the definition of  
 7 department store?  
 8 THE WITNESS: It's a store that offers a  
 9 variety of goods for purchase.  
 10 MS. WHITE: And who is interested in  
 11 purchasing this part of your project? Is it Target?  
 12 Is it Macy's? What is it?  
 13 THE WITNESS: As I previously stated, I am  
 14 not at liberty to indicate that information. I am at  
 15 liberty to tell you that a lease has been signed for  
 16 Whole Foods market.  
 17 MS. WHITE: When will somebody have the  
 18 liberty, as far as you know, to divulge this?  
 19 THE WITNESS: As soon as it is completed, I  
 20 would assume.  
 21 MS. WHITE: And as an engineer it doesn't  
 22 impact your engineering at all to know what kind of  
 23 department store is coming and what hours it will be  
 24 open?  
 25 THE WITNESS: We have included within our

Page 63

1 traffic study a projection of traffic for a department  
 2 store of this type.  
 3 MS. WHITE: All right. So you know the  
 4 name of the department store, but you're not at liberty  
 5 to divulge that now, but it is included in your  
 6 engineering?  
 7 THE WITNESS: I do not for a fact know the  
 8 name of the department store.  
 9 CHAIRMAN PARIKH: Thank you.  
 10 MR. DEMICCO: My name is Felix Demicco. I  
 11 live at 3 Laurel Drive. I'd like to come back later  
 12 for comments. And my whole presentation was a  
 13 combination of this, but somehow I'll separate them.  
 14 CHAIRMAN PARIKH: Thank you.  
 15 MR. DEMICCO: I have 40 years of law  
 16 enforcement and critical infrastructure preparedness  
 17 and protection background. That's what I do or did.  
 18 And throughout this whole thing I haven't heard  
 19 anything about water, sewer, electricity, schools, law  
 20 enforcement. As everybody knows we currently go on  
 21 water restriction here in Parsippany every year from  
 22 June until September, October. And it wasn't that way  
 23 25 years ago. And that happened because we got a lot  
 24 of construction and we didn't go back to the state to  
 25 have our allocations increased on what we could use.

Page 64

1 Doesn't make any difference what's in the ground or  
 2 what's in that reservoir.  
 3 CHAIRMAN PARIKH: Do you have a question?  
 4 MR. DEMICCO: The question is: Who's going  
 5 to do that, and when will it be done?  
 6 THE WITNESS: Well, Mr. Demicco, as part of  
 7 our normal work, our design work and permitting work,  
 8 if your township decides to permit such a use we would  
 9 be submitting all of the documentation to this Board as  
 10 part of the site plan approval process, and we would  
 11 have to satisfy this Board that we will be -- have  
 12 adequate water, fire protection. That we will have  
 13 adequate sewerage. And that the township's facilities  
 14 can supply us with an adequate quantity of water. And  
 15 that their sewers can accept the amount of water that  
 16 we are projecting.  
 17 MR. DEMICCO: So, you're saying it would be  
 18 the responsibility of the town to provide the water?  
 19 THE WITNESS: No. It's the responsibility  
 20 of the applicant to undertake a study to make sure that  
 21 the town is capable of doing this. But we believe --  
 22 as I said before, which we believe is capable.  
 23 In addition, we will be dealing with the  
 24 power company, with the gas company, with the telephone  
 25 company, with Internet service, and we will, of course,

Page 65

1 have to and want to meet with the police department and  
 2 fire department to ensure that our layout and our  
 3 circulation routes are adequate to provide for  
 4 protection of this property.  
 5 We don't want any of our customers to feel  
 6 uncomfortable here. There will be adequate lighting,  
 7 and we want to ensure that our tenants work very  
 8 closely with the town's departments to ensure maximum  
 9 safety in this particular project.  
 10 I did indicate that, for example, on life  
 11 safety there will be 100 percent sprinklers of the  
 12 retail buildings. There will be hydrants provided  
 13 within the parking area to allow for fire protection.  
 14 MR. DEMICCO: That's not the issue. The  
 15 water is here. It's being able to get to, that's the  
 16 issue.  
 17 CHAIRMAN PARIKH: Let me just make a  
 18 comment. I'm not sure if you were here last meeting or  
 19 not, but I think that question of water and the sewer  
 20 was brought up last meeting. The Mayor did indicate  
 21 that we have adequate supply of water and our sewer can  
 22 handle it. And it was talked about.  
 23 MR. DEMICCO: I respectfully disagree,  
 24 because I know we have the water here. I know it's in  
 25 the ground. I know we have the wells. I know there's

Page 66

1 a reservoir that we buy water from. The state won't  
 2 let us pump it.

3 CHAIRMAN PARIKH: That's fine. You can  
 4 disagree. I'm telling you the fact of what happened  
 5 last week. Do you have one other question?

6 MR. DEMICCO: The last question is, you  
 7 already said you didn't do a study about the bears, so  
 8 I guess we won't get into the study about the deer and  
 9 the fox and the turkey and about all the other  
 10 wildlife.

11 THE WITNESS: Mr. Demicco, that's not part  
 12 of what I do. I'm not an expert in that area and I did  
 13 not do it.

14 MR. DEMICCO: Okay. Thank you.

15 MR. LAWLER: Gregory Lawler, 7 Laurel  
 16 Drive. My question to the developer is this: You had  
 17 mentioned last time you wanted to put, I think it was,  
 18 40-foot condominiums in a 45-foot department store.  
 19 But most of the residential areas we have maybe 25, you  
 20 know, probably no more than 30 feet. What is your  
 21 justification for developing a 40-foot condominium in a  
 22 45-foot single-story building, what is the plan for  
 23 that?

24 THE WITNESS: I think that the architect  
 25 who is here tonight will explain the building height

Page 67

1 and the residential. That is beyond my area of  
 2 expertise.

3 MR. GAROFALO: And we'll get to that.

4 MR. LAWLER: Thank you.

5 MR. SPRINGER: Andrew Springer. I'm in  
 6 Camelot Village, however I work on Waterview. I did  
 7 want to know the better plan for the left-hand turn  
 8 moving north on Waterview, as it's currently two lanes  
 9 going north, two lanes going south, with various left  
 10 turns just seems sporadic. And how that would actually  
 11 be designed with that light. I think you said two more  
 12 lanes turning? And would we be losing space from  
 13 either side of the road?

14 THE WITNESS: There would not be additional  
 15 lanes turning. We would be changing the signals in the  
 16 first instance. And then with respect to northbound  
 17 Waterview in the vicinity south towards the Court, the  
 18 courthouse, that left-turn lane would be increased from  
 19 the current 100 feet to 220 feet. It would not block  
 20 the access to the Court. It would not --

21 MR. SPRINGER: No, I mean, you would want  
 22 to be cutting in several feet up to make turns into  
 23 your --

24 THE WITNESS: Oh, excuse me. I thought you  
 25 meant south of 46.

Page 68

1 MR. SPRINGER: No.

2 THE WITNESS: Could you repeat the  
 3 question, please?

4 MR. SPRINGER: How will you be using the  
 5 space on Waterview if you're cutting in on your side to  
 6 get to these existing turn lanes, or onto the  
 7 properties already existing there?

8 THE WITNESS: We would be doing all of the  
 9 construction within the existing right-of-way, and that  
 10 construction is not in final design, but we will be --  
 11 as part of the approvals we would get approvals to do  
 12 that within the existing right-of-way.

13 MR. SPRINGER: Okay. That's just two-lanes  
 14 north, two-lanes south, no other turns lanes?

15 THE WITNESS: Well, there's a turn lane  
 16 existing into the office, and we would have an opposite  
 17 turn lane into the retail.

18 MR. SPRINGER: Okay. Thank you very much.

19 CHAIRMAN PARIKH: Thank you.

20 MS. CHOFFO: Nancy Choffo, 5 Glenbrook  
 21 Drive. I know you talked about the DOT and traffic  
 22 patterns Monday through Saturday with the traffic. Are  
 23 these stores proposed to close on Sundays? Because we  
 24 don't have blue laws in Parsippany.

25 And I was wondering, did you do any studies

Page 69

1 with traffic impact on Sundays which we have no traffic  
 2 impact right now?

3 THE WITNESS: I don't have the answer to  
 4 the first part, whether it will be open on Sundays. I  
 5 assume they will meet all of their requirements of the  
 6 law. And as far as the traffic impact, Sundays would  
 7 be the lightest day on Waterview Boulevard, as far as  
 8 that's concerned.

9 MR. CHOFFO: Okay. I don't see how you see  
 10 that with any department store when people work Monday  
 11 through Friday and shop Saturdays and Sunday.

12 Also, are you aware that they travel on the  
 13 roads before 7 a.m.? And there is a late buses that go  
 14 after?

15 THE WITNESS: Yes.

16 MS. CHOFFO: I know one late bus is at  
 17 least four o'clock.

18 THE WITNESS: Yes.

19 MS. CHOFFO: Did you consider that into the  
 20 traffic pattern?

21 THE WITNESS: We did not consider the  
 22 school buses because that is at a different hour.  
 23 However, there's adequate capacity at that earlier hour  
 24 to handle the school buses.

25 MR. CHOFFO: Okay. With the new evergreen

Page 70

1 trees you're proposing, are they along side Intervale  
2 Road?

3 THE WITNESS: They are at the very top of  
4 the slope within the property, not on the slope.

5 MR. CHOFFO: Okay. Will there be any  
6 telephone poles, electrical lines going that way also?

7 THE WITNESS: All of the utilities will be  
8 underground, as far as the new development, both  
9 residential and commercial.

10 MR. CHOFFO: In regards, I notice you  
11 contacted DOT a lot. Has anybody contacted the EPA  
12 about the water runoff with the brook that runs behind  
13 Forest Avenue? There's a brook that runs there and  
14 there will be -- water runs down and not up. It always  
15 runs down. What impact will all the concrete and all  
16 of that, will -- what will the runoff have on that  
17 brook?

18 THE WITNESS: That brook is not tributary  
19 to this site and we will not be impacting that brook  
20 whatsoever.

21 MR. CHOFFO: So where will the runoff from  
22 the parking lots and all of that go?

23 THE WITNESS: It will go south towards  
24 Route 46. It will be controlled within our stormwater  
25 detention basins and our underground treatments.

Page 71

1 MR. CHOFFO: So there's no way the houses  
2 on Forest will be --

3 THE WITNESS: Such that the amount of  
4 runoff, the rate of runoff after development will be no  
5 greater than the rate of runoff before development.

6 MR. CHOFFO: Okay. Just to let you know,  
7 I've looked up some things from the EPA and the brook  
8 is already contaminated. One of the problems was  
9 mercury and the other one was water runoff from high  
10 traffic areas.

11 Alterations of habitat can also contaminate  
12 that brook and make it worse. Right now it is  
13 contaminated to some degree. And storm sewers was  
14 another one that was mentioned under the EPA rules.

15 And I looked it up already and I was  
16 wondering, do you have any indication where you  
17 contacted EPA before development to make sure that  
18 you're not going to have any contaminants in that brook  
19 any further or any wildlife that you have there? There  
20 is a Federal Wildlife Preservation and are you  
21 guaranteeing us that there is no wildlife that will be  
22 greatly impacted.

23 THE WITNESS: I'm not an expert in  
24 wildlife. However, with respect to drainage we will  
25 not be impacting that stream which is on the

Page 72

1 residential properties. Our drainage will be going in  
2 the opposite direction. We must obtain approval from  
3 New Jersey DEP as part of our work.

4 MR. CHOFFO: Okay.

5 MR. GAROFALO: If I may for the record, it  
6 might be in your application package. We received a  
7 report from EcoScience, Inc. Dated February 15, 2012.  
8 There's no wetlands on the property. And the regulated  
9 waters, the conclusion was that, "The off-site  
10 tributary to Troy Brook --" I'm sorry, the conclusion  
11 of the report with the DEP is that, "The off-site  
12 tributary to Troy Brook is located at its closest point  
13 near the intersection with Intervale Road in excess of  
14 the 50 feet from the subject property. Troy Brook has  
15 been classified as a Category 2 C-2 not trout water  
16 course. No habitat for threatened or endangered  
17 species have been mapped by the New Jersey landscape  
18 project for the site for Troy Brook tributary.  
19 Therefore, the riparian zone for the brook is  
20 anticipated to be 50 feet. No impacts or riparian  
21 buffers are proposed for this project."

22 So we got clearance on that issue from an  
23 investigation by the DEP.

24 MR. CHOPPA: Okay. Thank you.

25 MR. SUDOL: My name is Robert Sudol, 75

Page 73

1 Forest Drive. I have a question as to why you need to  
2 put in this residential component into this  
3 development.

4 MR. GAROFALO: He's not the witness that  
5 can address it. He's the site engineer. He designs  
6 it. So he's not the fellow that can answer the  
7 question. It wasn't what he talked about. He didn't  
8 testify to that at all.

9 MR. SUDOL: All right. But that's my  
10 question right now as to why?

11 MR. GAROFALO: He's not the witness.

12 MR. SUDOL: Well, let me ask this, because  
13 this was brought up. You mentioned a 50-foot buffer  
14 between Forest and the back of this proposed property,  
15 right, a 50 foot? I'm curious as to why that went down  
16 from 300 feet when I bought the property 13 years ago,  
17 and then was reduced 200 feet when the development was  
18 tried six or seven years ago, and now we're down to 50?  
19 I'm just curious as to why?

20 THE WITNESS: Well, I believe that our  
21 planner has previously testified with respect to the  
22 planning aspects of this site. This is not the  
23 engineering aspect.

24 MR. SUDOL: Oh, you can't answer that?

25 THE WITNESS: I can't answer.



Page 74

1 MR. SUDOL: Thank you.  
2 MS. BATTY: My name is Sandy Batty, 15  
3 Lockley Court, which is in Mountain Lakes across  
4 Intervale. I wondered, what's the width of the egress  
5 onto Intervale?  
6 THE WITNESS: Would be 15 feet in each  
7 direction, the driveway.  
8 MS. BATTY: The driveway road is 15 feet  
9 across?  
10 THE WITNESS: Each lane -- the inbound lane  
11 --  
12 MS. BATTY: How many lanes?  
13 THE WITNESS: One lane in; one lane out,  
14 separated by a landscape median.  
15 MS. BATTY: What width?  
16 THE WITNESS: Approximately 15 feet.  
17 MS. BATTY: Okay. So we've got 45 feet.  
18 And then you'll have to do grading because it's a steep  
19 slope. So how much grading on either side?  
20 THE WITNESS: We haven't gotten to that  
21 point in the design.  
22 MS. BATTY: Have you looked at the site  
23 distance, as far as safety existing there? Because  
24 people come off 46 very quickly.  
25 THE WITNESS: Typically, what we do at new

Page 75

1 intersections is provide site distance triangles to  
2 assure that there is adequate site distance.  
3 Okay. Because without extensive cutting on  
4 either side you're not going to be able to get safe  
5 egress. And when you're looking -- you mentioned your  
6 site from Intervale, but you weren't doing it at the  
7 end of the driveway, right? I was sitting behind, so I  
8 couldn't see where the diagram showed. I just wondered  
9 where that was taken, what point of reference on  
10 Intervale?  
11 THE WITNESS: On Intervale, I will -- my  
12 partner will show the site plan, and you can see the --  
13 the red section there.  
14 MR. SNIECKUS: If you can identify the --  
15 MS. BATTY: It's before the cut and fill?  
16 THE WITNESS: It's not at the driveway.  
17 MS. BATTY: I should say cut, it's not  
18 going to be filled at that point. And so it's 45 feet  
19 and then plus unknown amount of grading, is that  
20 correct, on either side of the 45 feet?  
21 THE WITNESS: We haven't gotten to that  
22 point in the design, so I don't have the answer, but I  
23 can assure you of one thing: The driveway and the  
24 access to and from with Intervale Road will be safe or  
25 I won't put my seal on the drawing.

Page 76

1 MS. BATTY: That's good to hear. So you  
2 will look at the speeds with which people exit onto  
3 Intervale from 46?  
4 The other thing, just heard the traffic  
5 engineer say -- for Parsippany say that you don't like  
6 cul-de-sacs. Would you consider the townhouse  
7 development a cul-de-sac?  
8 THE WITNESS: Are you asking me?  
9 MS. BATTY: Yes.  
10 THE WITNESS: No.  
11 MS. BATTY: Okay.  
12 MR. GAROFALO: By the way, that was exhibit  
13 A-13 you were referring to?  
14 THE WITNESS: Yes.  
15 CHAIRMAN PARIKH: Thank you.  
16 MR. McELROY: Bob McElroy, 37 Intervale  
17 Road.  
18 MR. GAROFALO: I'm sorry, what was your  
19 address, sir?  
20 MR. McELROY: 37 Intervale. Across from  
21 Corigiano (phonetic.)  
22 MR. SNIECKUS: Your mike might have been  
23 switched off.  
24 MR. McELROY: It could be. I'm not  
25 technically inclined. I'll do a little karaoke. I'm

Page 77

1 going to ask you two questions.  
2 The first question, and I apologize, this  
3 may not be the right time to address. Are you able to  
4 tell me now how long that will take to construct, when  
5 you break ground how long?  
6 THE WITNESS: I would guess that it would  
7 be approximately a year. And that's only approximate,  
8 and I don't have a schedule at this point.  
9 MR. McELROY: So, obviously I'm concerned  
10 about heavy construction going in front of my house.  
11 The other question would be the amount  
12 of -- what's the right word, the big dumpsters, like  
13 the roll-off dumpsters that they have to pick up. How  
14 many dumpsters would Whole Foods have to have?  
15 THE WITNESS: They would typically have one  
16 compactor, and it would be a roll-off compactor. And  
17 that would be connected to the buildings so there would  
18 be no outside disposal of trash. The same thing is  
19 true of the department store.  
20 MR. McELROY: Okay. Very good. Thank you.  
21 MR. TOLOSI: Pete Tolosi, 52 Winding Way.  
22 I hate to go back to this whole traffic  
23 issue, but there was a lot of dialogue about the  
24 studies that were done and how you formulated the  
25 influx of traffic that this facility is going to bring



Page 78

1 to the town and bring to the area. But my question is:  
 2 What's done to substantiate those numbers as to be the  
 3 true reality of the impact?  
 4 Has a survey been done on a similar  
 5 facility with 1,100-plus parking spaces in a similar  
 6 area so you can overlay those numbers and tell us the  
 7 true impact of the traffic?  
 8 THE WITNESS: Our traffic study is very  
 9 conservative. We had various counts, number one, of  
 10 the existing roadways, and where we were given counts  
 11 that -- hourly counts that were higher than the actual  
 12 counts that we encountered we used the higher numbers.  
 13 We have done approximately six Whole Foods.  
 14 We know of their requirements in terms of traffic and  
 15 what traffic they actually generate. And, of course,  
 16 use the Bible, the Institute of Transportation  
 17 Engineers trip generation rate book to determine --  
 18 those are based on many, many studies of many different  
 19 retail facilities.  
 20 MR. TOLOSI: How large were those  
 21 facilities? Those other Whole Foods, do they have --  
 22 would they support 1,100 parking spaces?  
 23 THE WITNESS: Actually, most of the Whole  
 24 Foods are in other shopping centers. For example, in  
 25 Union we did a Target and a Whole Foods --

Page 79

1 MR. TOLOSI: Union is a totally different  
 2 area.  
 3 CHAIRMAN PARIKH: Let him finish. Thank  
 4 you. Go ahead.  
 5 THE WITNESS: That facility has a Target  
 6 and a Whole Foods and a number of other retailers and  
 7 it's actually larger than what is proposed here. And  
 8 typically Whole Foods would be as part of another  
 9 shopping center and approximately that size.  
 10 MR. TOLOSI: So you can substantiate these  
 11 numbers that you're telling us here tonight?  
 12 THE WITNESS: Yes.  
 13 MR. TOLOSI: As to be the true impact?  
 14 THE WITNESS: Yes. Very conservative.  
 15 Actually, the traffic volumes that we projected are  
 16 going to be higher than are actually experienced during  
 17 those peak hours.  
 18 MR. TOLOSI: And you can guarantee that, as  
 19 to be true? We all know what reality comes after the  
 20 fact.  
 21 THE WITNESS: It's based upon my experience  
 22 of 50 years. And nothing is absolutely guaranteed, but  
 23 I can tell you that I feel very comfortable. And I put  
 24 my seal on the traffic study and on our drawings.  
 25 MR. TOLOSI: So there's no guarantee?

Page 80

1 THE WITNESS: There's no guarantee of  
 2 anything in this world.  
 3 MR. TOLOSI: Thank you very much.  
 4 MS. JETTON: Ann Jetton, 30 Forest Drive.  
 5 Back to traffic.  
 6 Right now the town is not at full capacity.  
 7 We have many open retail spaces. We have a lot of  
 8 vacancies in buildings. We have lot of houses for  
 9 sale. Does your traffic study take into consideration  
 10 if you're at full capacity?  
 11 THE WITNESS: It does. It does with  
 12 respect to the office vacancies and with respect to  
 13 Loman Ford. And we worked with your consultant, Mr.  
 14 Meth over here.  
 15 MS. JETTON: But only Loman Ford. But  
 16 taking into consideration the retail space that's open  
 17 around the rest of the town?  
 18 THE WITNESS: No. It takes into account  
 19 Loman Ford and the major vacancies of the office  
 20 buildings in town, which are substantial.  
 21 MS. JETTON: But the traffic coming to this  
 22 site will be coming possibly from Route 80, getting off  
 23 down by the Shop-Rite and building onto the traffic  
 24 that's already out of control down there, for example,  
 25 would you agree?

Page 81

1 THE WITNESS: Traffic will be coming from  
 2 Route 80 to get to this site, yes, and from Route 46  
 3 and 287.  
 4 MS. JETTON: Would you agree that this site  
 5 will affect the traffic in the whole town? Little or  
 6 not, it will affect the whole town?  
 7 THE WITNESS: I wouldn't agree that it  
 8 would affect the whole town, but it will certainly  
 9 affect the major highways that we have studied.  
 10 MS. JETTON: The major highways. What  
 11 about people coming from Morris plains or Littleton or  
 12 Parsippany Boulevard? What about the people coming  
 13 from Mountain Lakes down Midvale and Intervale? What  
 14 about people coming from Boonton Township down 202?  
 15 THE WITNESS: We have included that in our  
 16 studies.  
 17 MS. JETTON: Okay. But it has not included  
 18 the empty retail space. And if we were to have the  
 19 town at full capacity it doesn't really take that into  
 20 consideration. So only Loman Ford.  
 21 THE WITNESS: No, not only Loman Ford. The  
 22 main vacancies are obviously the office buildings.  
 23 MS. JETTON: And the retail space. All of  
 24 that brings extra traffic that we currently don't have.  
 25 THE WITNESS: That's included -- the Loman

Page 82

1 Ford reoccupation and the vacant office buildings were  
2 included in our studies.  
3 MS. JETTON: But like I said, none of the  
4 other?  
5 THE WITNESS: Not the retail, not the  
6 vacant houses.  
7 MS. JETTON: Okay. You mentioned when you  
8 were discussing before that in your analysis this  
9 retail space was better off next to these office  
10 buildings than near other retail space. Why is that?  
11 THE WITNESS: This project benefits from  
12 the fact that there are offices next door and on the  
13 main road serving this site, because the retail peak  
14 hour traffic is out of phase with the office building  
15 peak hour traffic. So, therefore, when the shopping  
16 center is at its peak the office building and the  
17 office users are not at their peak. And on Saturday,  
18 for example, there is almost no traffic at the office  
19 buildings when the shopping center is at its peak.  
20 During the morning hours when traffic is arriving to go  
21 to work and people are going to work there's no  
22 traffic --  
23 MS. JETTON: Minimal impact, yes. I heard  
24 already.  
25 THE WITNESS: -- on the shopping center.

Page 83

1 And from four to six during the evening commute the  
2 shopping center has traffic, but it's not as great as  
3 it is a little later on in the evening.  
4 MS. JETTON: I thought you said the peak  
5 time was between four and six?  
6 THE WITNESS: That's the peak highway hour,  
7 which is the peak hour for office exits.  
8 MS. JETTON: What's the peak hour in  
9 Parsippany? When are we going to see the peak of  
10 traffic?  
11 THE WITNESS: Five to 6 p.m.  
12 MS. JETTON: Which we already are at. In  
13 my opinion as a resident, 46 is already at its fullest  
14 capacity between those hours, and I think this would  
15 just add to it. And I didn't move to Parsippany to be  
16 living on Routes 10 or Route 23. I'm just telling you.  
17 That was my question. I just wanted to get that out.  
18 You also mentioned that driving down Forest  
19 Drive where the current buffering plays in and the  
20 office buildings you can see those office buildings  
21 from Forest Drive and from the office complex you can  
22 see some of the houses. What's that buffer that you  
23 can see all this through? It's more than 50, isn't it?  
24 THE WITNESS: Yes.  
25 MS. JETTON: So you think 50 is really

Page 84

1 enough if you can see all that with 240 or 300 or  
2 whatever?  
3 THE WITNESS: Well, in fact, the question  
4 of buffering and the size of the buffer is not as  
5 important as how it is treated. And we have treated  
6 this buffer by adding the evergreens and by adding the  
7 berms to provide a blocking of the visibility, better  
8 than that which exists on the wider buffer behind the  
9 existing office buildings. And that's what we have  
10 fairly and honestly tried to depict on these sections  
11 here. Those are true scale.  
12 MS. JETTON: So you're deciding what the  
13 importance of the buffer is, not the people who have to  
14 live here? That's what you just said.  
15 THE WITNESS: No, that's not what I --  
16 MS. JETTON: You said the importance of the  
17 buffer is not the size, and then you said how it's  
18 made.  
19 MR. GAROFALO: That's exactly right. What  
20 he's saying to you is that when he gets done with it  
21 it's going to be better than what you've got now.  
22 That's what he's saying.  
23 THE WITNESS: That's correct.  
24 MS. JETTON: Time will tell.  
25 MR. GAROFALO: That's exactly right.

Page 85

1 MS. JETTON: Then the last question I have.  
2 You haven't looked at wildlife preservation. You said  
3 that's not what you do. So I'm asking the Council or  
4 the Planning Board, who does? How much land do we have  
5 left in Parsippany? What other spots of acreage do we  
6 have in Parsippany that's similar to this? Once we  
7 lose this, what's left?  
8 CHAIRMAN PARIKH: You have to ask the  
9 witness questions. We will have someone, I  
10 assume we're going to talk about the environmental  
11 impact and the property, what exists on this. But this  
12 is the witness that talks about engineering of the site  
13 and this is what we need to stick to right now.  
14 MS. JETTON: Okay. Thank you.  
15 MR. GRIBBON: John Gribbon, 10 Winding Way.  
16 A question came up earlier about the site distance for  
17 the egress on to Interval. Do you know what the site  
18 distance is?  
19 THE WITNESS: We have not determined the  
20 site distance in either direction because the final  
21 design has not been completed. But as I previously  
22 stated, the access, an ingress and egress will have  
23 adequate site distance and it will be safe.  
24 MR. GRIBBON: Well, that road is curved in  
25 that location, isn't it?

Page 86

1 THE WITNESS: It is, both horizontally and  
2 vertically.

3 MR. GRIBBON: So there's a possibility that  
4 there could be a site distance problem. And if it  
5 turned out that the site distance was not adequate what  
6 will you do about that egress?

7 THE WITNESS: We would modify it so that it  
8 would be safe and efficient.

9 MR. GRIBBON: But you can't change  
10 Intervale Road. If it's curved it's curved. So I  
11 don't know how you can modify it so that the site  
12 distance can be adequate.

13 THE WITNESS: All I can say is that it will  
14 be adequate. And if we get that -- to that point we  
15 will have to prove -- we will prove to this Board that  
16 we have safe and adequate site distance and ingress and  
17 egress to the residential and the retail component.

18 MR. GRIBBON: Did the engineering  
19 consultants look at the possible site distance problem?

20 MR. METH: Well, just to understand, this  
21 is not an actual site plan application this time. It's  
22 not a detailed engineering plan. This is strictly a  
23 concept to -- for the purposes of recommendation on a  
24 re-zoning, re-zoning the property.

25 The actual engineering of the driveway has

Page 87

1 not been prepared and it's not there for review yet.

2 MR. GRIBBON: Well, the location of the  
3 egress is shown rather precisely. And it seems to me  
4 from a planimetric point of view some work could be  
5 done toward measuring a site distance. And if that was  
6 a killer to the project, or at least to a portion of  
7 the project, it seems to me it would be important to  
8 do.

9 MR. METH: On other projects we've actually  
10 had the applicant re-construct the road to improve site  
11 distance. That may be necessary in this instance, but  
12 once again it's a site plan detail.

13 MR. GRIBBON: Second question is: Do you  
14 have an opinion as to whether or not this project is a  
15 more intense than another office building would have  
16 been under the current zoning in terms of traffic?

17 THE WITNESS: The consultant, Mr. Meth, has  
18 analyzed that in his review, and I would leave the  
19 answer to that question possibly to him.

20 MR. GRIBBON: My question is: Do you have  
21 an opinion?

22 THE WITNESS: No.

23 MR. GRIBBON: You're the traffic consultant  
24 and you don't have an opinion as to whether this is  
25 more intense than the existing zoning?

Page 88

1 THE WITNESS: We based this upon what  
2 potentially could be built on the site, and in some --  
3 during some hours there would be additional traffic  
4 created larger than an office, and on other hours there  
5 would be less traffic. For example, in the morning  
6 there would be less traffic. On Saturday there would  
7 be more traffic created by the retail, as compared to  
8 the office because the offices are closed.

9 And just getting back to the other point  
10 about lowering roads, we have been involved similarly  
11 to what Mr. Meth has discussed. One example of how a  
12 site distance problem can be cured is to change the  
13 vertical or horizontal profile of the road. We've been  
14 involved in that. We have done that before.

15 So this is certainly not a problem that  
16 can't be resolved, if it, in fact, exists.

17 MR. GRIBBON: So, can I leave here today  
18 thinking that you don't really have an opinion as to  
19 whether it's more intense use?

20 THE WITNESS: I can tell you that there is  
21 going to be a difference in traffic flow during the  
22 three hours if the site is developed as an office park  
23 or a retail. And I've already testified to that. In  
24 the morning, for example, the office would result in  
25 greater traffic than the retail. And on a Saturday the

Page 89

1 retail traffic would be greater than that of an office,  
2 because that's -- the office is closed at that time.

3 MR. GRIBBON: Can I ask the Chairman if the  
4 planner will be back to answer more questions?

5 CHAIRMAN PARIKH: Which planner? The  
6 one -- their planner? No. He only testified, we had  
7 questions the public asked of him.

8 MR. GRIBBON: Well, there was one question  
9 asked last time that his answer to it was "I'll get  
10 back to you on that."

11 CHAIRMAN PARIKH: And if that's the case  
12 he'll get back to you.

13 MR. GAROFALO: What was the question.

14 MR. GRIBBON: The question had to do with  
15 other examples of townhouses that were the same height  
16 as these.

17 MR. GAROFALO: We'll probably get to that  
18 at some point.

19 CHAIRMAN PARIKH: Thank you.

20 MR. CHU: Hi. Ed Chu, 52 Forest.  
21 I just wanted to read part of the  
22 application for that rezoning is that the site  
23 triangles -- "Landscaping within site triangles shall  
24 not exceed a mature height of 30 inches. Shade trees  
25 shall be pruned up to an 8-foot height above grade."

Page 90

1           So, in essence, for the site on Intervale  
2 things will have to be chopped down to 30 inches or --  
3 and the side trees will probably have to be chopped  
4 down to 8 feet.

5           THE WITNESS: We will -- that doesn't  
6 specifically say existing or proposed, but certainly  
7 any of the new -- any of the new landscaping we will  
8 comply with that regulation and we will provide  
9 adequate site distances in both directions on Intervale  
10 Road for the access of driveways.

11           MR. CHU: So this implies that you actually  
12 are going to basically not conserve the buffer on  
13 Intervale?

14           THE WITNESS: I think we have to get to the  
15 details of that, and we have to satisfy the Board if we  
16 get to that point.

17           MR. GAROFALO: Let him finish.

18           MR. CHU: I understand, but the thing is,  
19 I'm trying to understand how your concept -- how the  
20 concept here is applying, you know, is going to be used  
21 when we apply to zoning. So I have one follow-up  
22 question regarding this with the zoning is that, is  
23 there any intent for the townhouses to run businesses?  
24 And is there any intent for the Whole Foods retail to  
25 have apartment complexes?

Page 91

1           Because with the intent of mixed use on  
2 this plot it allows the townhouses actually to become  
3 other pieces -- other types of businesses or  
4 developments, so...

5           MR. GAROFALO: I can answer that. We found  
6 out that that's a particular concern, and the answer is  
7 no to any of that. The way we're laying it out and  
8 playing it out is exactly as you see it.

9           MR. CHU: Then the question is, why would  
10 you apply a mixed use on that -- on the tract itself  
11 where you can overlap? Would it make sense to divide  
12 it in a way that divides it so one is residential and  
13 the other is commercial, otherwise we open it up.

14           MR. GAROFALO: I gave you an answer what we  
15 intend to do, what we want to do. I think the  
16 ordinance has to be structured a little bit more to  
17 make sure that happens. So it's a matter of framing  
18 the ordinance to get that result that we're saying we  
19 want to do. So, we're not trying to move things  
20 around. Okay?

21           MR. CHU: So the question is how valid is  
22 this application at this point?

23           MR. GAROFALO: The application is directed  
24 at the Board to consider recommending a zoning  
25 ordinance to the town council. That ordinance has to

Page 92

1           be ultimately reviewed and approved by the Board and  
2 Mr. Snieckus before it goes to the Council. That's one  
3 of the concerns that we have ascertained the public and  
4 the Board has. So it will be addressed.

5           MR. CHU: Okay. Thank you.

6           MR. GILLESPIE: Hello. My name is James  
7 Gillespie, 70 Red Gate Road. My big concern is the  
8 safety for the children. Especially the hours of the  
9 day that's the most busiest is mostly the time my  
10 children are out playing. Last time you mentioned  
11 demographics, the demographics of the people that will  
12 be shopping here. And to me a demographics indicates  
13 that most people will be coming from the northwest,  
14 Mountain Lakes, Boonton Township, Kinnelon, will all be  
15 coming down to our neighborhood. Did you look at the  
16 impact of the safety to our children in this area.

17           THE WITNESS: In fact, there will be  
18 customers coming from all different directions here,  
19 including customers coming down Intervale Road. I do  
20 not have any way of addressing the safety of the  
21 children, per se, anymore than any other traffic can  
22 protect the children from a situation; however, a small  
23 percentage of the traffic is coming down Intervale  
24 Road. Most of the traffic is coming via Waterview and  
25 46 and 202 and 287 and I80, and our traffic study

Page 93

1           addresses all that.

2           MR. GILLESPIE: But as people learn new  
3 traffic patterns, because on Route 46 there's a lot of  
4 lights, eventually over time since there are no lights  
5 coming down Midvale or Fanny Road coming down to this  
6 area people will start to opt to take those routes  
7 because it's a lot easier and quicker to come that way.  
8 And people are not as considerate with regards to, oh,  
9 this is people's neighborhoods. And that is a major  
10 concern.

11           Initially, yes, the traffic will come from  
12 there, but in a year, two years as people learn traffic  
13 patterns will that be the case?

14           THE WITNESS: Well, based on the gravity  
15 models that we did for origin and destination of  
16 traffic there is a limited population to the north of  
17 this site in Mountain Lakes and Parsippany-Troy Hills  
18 that will use Intervale Road, and there are much better  
19 routes to come down say from the north by using 202 or  
20 by using 287 than to come through Intervale Road, and  
21 similarly east/west on 46 and 80.

22           MR. GILLESPIE: Even if I was at Smoke Rise  
23 at Kinnelon High School I wouldn't go on 287. That's  
24 way out of my way. Why would I do that?

25           THE WITNESS: I can't dispute that. I

Page 94

1 can't dispute that.  
2 MR. GILLESPIE: So most people are not  
3 going --  
4 THE WITNESS: But I can tell you based on  
5 the population in that area there is not a major impact  
6 on Intervale Road.  
7 MR. GILLESPIE: It looks like the  
8 demographics that they're going for, so that's my  
9 concern. So, someone asked me to ask a question,  
10 apparently, and I didn't know that until today, there's  
11 a cemetery on this site? Is there any certain issue  
12 with that?  
13 MR. GAROFALO: May I? That came up in the  
14 report from the historical committee. My recollection  
15 is Mr. O'Neill researched that and I don't have proof  
16 of it here, but my recollection is he found that it's  
17 not on the site. But we will --  
18 UNIDENTIFIED AUDIENCE VOICE: It's up  
19 there.  
20 MR. GAROFALO: We know it's in the report  
21 and we are checking into it.  
22 MR. GILLESPIE: All right. Thank you.  
23 CHAIRMAN PARIKH: Thank you. That's all.  
24 MR. DAVIS: Ron Davis, 41 Forest Drive.  
25 I've got a couple of problems. You say you did all

Page 95

1 these studies and everything. Just what the gentleman  
2 says, these people are going to come down. They're  
3 going to go down Forest Drive and then down 202 and  
4 going into Waterview. And you say we have speed limits  
5 25 miles an hour. We have signs that don't even work.  
6 And people just fly down that road at 35, 45 miles an  
7 hour. I had a bus come down 50-miles an hour one time.  
8 Crazy. And you're going to put this stuff in here?  
9 It's nuts. And all -- you built other ones, where are  
10 they, Union County on 22?  
11 THE WITNESS: Yes.  
12 MR. DAVIS: There's no lights on 22.  
13 THE WITNESS: No. It's actually on  
14 Springfield Avenue.  
15 MR. DAVIS: I know where it's at, but it's  
16 on 22. There's no lights there. You're going to put  
17 that volume of traffic with lights, it's crazy.  
18 THE WITNESS: On that particular project we  
19 revised and upgraded nine intersections and numerous  
20 traffic signals. And there is a traffic signal right  
21 there.  
22 MR. DAVIS: There is no traffic signal on  
23 22, sir. I used to work there.  
24 THE WITNESS: This is not on 22.  
25 MR. DAVIS: I'm just saying, this whole was

Page 96

1 thing was built on 22, right?  
2 THE WITNESS: No, on Springfield Avenue in  
3 Union Township.  
4 MR. DAVIS: Same thing.  
5 CHAIRMAN PARIKH: Thank you.  
6 MR. KAPLAN: Dave Kaplan, 263 Intervale. I  
7 came late so if this was asked before I'm sorry. I  
8 didn't get to hear the answer. Were there to be office  
9 developed on this site it would bring additional  
10 traffic because you're bringing in more people. Is it  
11 fair to assume that that traffic would be primarily  
12 Monday through Friday?  
13 THE WITNESS: Yes. That's correct.  
14 MR. KAPLAN: With this site as it's  
15 proposed now it's going to bring in significant traffic  
16 to the area, or additional traffic. Will that traffic  
17 be Monday through Friday like the office, or Monday  
18 through Sunday with the retail open and the residential  
19 open seven days a week?  
20 THE WITNESS: It has a potential for  
21 seven-days-a week, yes.  
22 MR. KAPLAN: So the area, as it's zoned  
23 now, is designed to protect that neighborhood is five  
24 days a week minimizing the impact on our weekend. The  
25 area as you're proposing it is seven-days-a-week

Page 97

1 traffic?  
2 THE WITNESS: Potentially, yes.  
3 MR. KAPLAN: Thank you.  
4 MS. BRIGHTON: Nancy Brighton, Chair of the  
5 Historic Preservation Advisory Committee, 24 Marblewood  
6 Drive. This may not be the exact person to ask the  
7 question, but since it was brought up. What is the  
8 impact of this project or potential impact of this  
9 project on the adjacent Historic Doremus House, the  
10 historic cemetery, and given the vicinity of historic  
11 properties potential archeological resources related to  
12 those historic properties given the proposed land  
13 disturbance that's going to be caused by this project?  
14 MR. GAROFALO: I don't know that this  
15 witness can address that.  
16 THE WITNESS: I can't. It's not my area of  
17 expertise. Sorry.  
18 MS. BRIGHTON: Will the architect be  
19 better?  
20 MR. GAROFALO: I'm not sure he's able to  
21 address it either, frankly, but if you'll give me the  
22 information we'll check it out. I heard about the  
23 cemetery.  
24 MR. SNEECKUS: Mr. Garofalo, so you'll be  
25 responding to that issue of not only the Doremus House



Page 98

1 but also the historic cemetery? Will you be reviewing  
 2 that?  
 3 MR. GAROFALO: I guess so.  
 4 MR. SNIECKUS: I know you had mentioned Mr.  
 5 O'Neill had done some research.  
 6 MR. GAROFALO: We did some work on the  
 7 cemetery. I'm not quite sure if I need to discuss the  
 8 Doremus House, frankly. I'm not quite sure where it  
 9 is.  
 10 MR. SNIECKUS: It's on the corner of Forest  
 11 and Intervale.  
 12 MR. GAROFALO: In any event, we will  
 13 respond to this.  
 14 MR. SNIECKUS: Okay.  
 15 MR. EARLS: Ernie Earls, 233 Intervale  
 16 Road. Lived there off and on with my parents since  
 17 September 1942. Has anybody here tried to come east or  
 18 south on Intervale Road in the morning?  
 19 MR. GAROFALO: Excuse me, these are  
 20 questions to be addressed to the witness.  
 21 CHAIRMAN PARIKH: Ask the question to the  
 22 witness.  
 23 MR. EARLS: Have you tried to come south on  
 24 Intervale Road in the morning say between seven and  
 25 10 o'clock?

Page 99

1 THE WITNESS: I have not. Although we  
 2 counted -- we did car counts there. My travels have  
 3 been in the afternoon and in the evening, and during  
 4 the day, midday.  
 5 MR. EARLS: Okay. And your traffic studies  
 6 has the speed of the vehicles on a 25-mile-per-hour  
 7 zone been taken into consideration?  
 8 THE WITNESS: We did not check the speeds  
 9 of the vehicles. But during my travels there I have  
 10 seen traffic going faster than 25 miles an hour.  
 11 MR. EARLS: Okay. Thank you. And my last  
 12 question is a two-parter: Have you considered another  
 13 property in the town? And if not, why not? Thank you.  
 14 THE WITNESS: That's outside of my area.  
 15 CHAIRMAN PARIKH: Thanks.  
 16 MR. GAROFALO: I don't think he was looking  
 17 for an answer.  
 18 MR. MANOJ: My name is Sheth Manoj, 59  
 19 Forest Drive. I understand this is overlay zone  
 20 proposal as against re-zoning proposal. So my question  
 21 was, what are the restrictions that comes into play  
 22 because it is an overlay zone and not a re-zone? I  
 23 understand that is a principle behind all the zoning.  
 24 MR. GAROFALO: I'm not sure this witness  
 25 can address that.

Page 100

1 MR. SNIECKUS: Mr. Chairman, for clarity I  
 2 can offer some comments on this. Regarding what's  
 3 proposed for the Board's consideration is an idea of an  
 4 overlay zone of an existing zoning. So they're not  
 5 inherently re-zoning the entire parcel, they were  
 6 actually looking for an overlay for this POD District.  
 7 And what we're trying to do is tie it to a specific  
 8 frontage issues on Route 46. And so what is being  
 9 proposed is effectively a request for this additional  
 10 overlay to be provided in that zone.  
 11 MR. MANOJ: So the question was then the  
 12 difference between the two. I understand last time you  
 13 explained it that the restrictions are more if it's an  
 14 overlay zone than the re-zone. So that was my  
 15 question, really.  
 16 MR. SNIECKUS: We can get more restricted  
 17 and we're looking to have specific criteria and  
 18 performance standards associated with this type of  
 19 overlay zone.  
 20 MR. MANOJ: On a case-to-case basis?  
 21 MR. SNIECKUS: Correct. And we would have  
 22 specific requirements in that order.  
 23 MR. MANOJ: Thank you.  
 24 CHAIRMAN PARIKH: Anyone else? Okay.  
 25 MR. YOUNG: Good evening. My name is

Page 101

1 Richard Young, 179 Intervale Road, 37 years. I had  
 2 the -- I need to preface this by telling you that  
 3 30 years ago I was here with others who were very  
 4 concerned about the development of what was then called  
 5 the Dodge tract. We worked with the Planning Board and  
 6 with zoning to come up with a buffer that was two or  
 7 300 feet on the south side of Forest Drive residences,  
 8 and along Intervale Road. You've just described what  
 9 this overlay means, and so it would seem very logical  
 10 to retain some of those good concepts that included the  
 11 buffer along Intervale and the same buffer along the  
 12 south edge of the homes on Forest.  
 13 My questions are several for you, sir.  
 14 Are you aware that that zoning -- that part  
 15 of the zoning does exist with a buffer in those two  
 16 areas?  
 17 THE WITNESS: No, I'm not. Again, this is  
 18 planning more than engineering.  
 19 MR. GAROFALO: If you don't know you don't  
 20 know.  
 21 MR. YOUNG: That's a reasonable answer.  
 22 I'm sure the Planning Board does, because I know many  
 23 of you were involved in the past. Is there anything  
 24 that prohibits the overlay zone from having the same  
 25 restrictions in terms of buffer?



Page 102

1 MR. SNIECKUS: Sounds like a question for  
2 me.  
3 MR. YOUNG: If I may.  
4 MR. SNIECKUS: I would respond to say that  
5 what we're looking to do is, in the overlay zone, have  
6 different buffer requirements than apparent POD zone  
7 underlay.  
8 MR. YOUNG: Because --  
9 MR. SNIECKUS: Just what's being  
10 contemplated, the type of uses and intensity of uses.  
11 MR. YOUNG: Is there anything that  
12 precludes the overlay zone from having the same buffer  
13 requirements?  
14 MR. SNIECKUS: No, there's nothing that  
15 precludes it.  
16 MR. YOUNG: Of course, you'll recollect  
17 that 30 years ago another one of the concepts that was  
18 developed by the Planning Board was that there would  
19 never ever be any connection between what was then  
20 called the Dodge tract and Intervale Road for cars.  
21 That was completely precluded as an option. Intervale  
22 was to remain a residential road and not to be  
23 connected by any pavement to any part of the Dodge  
24 tract. Is there anything that precludes that from  
25 being included in the current overlay zone?

Page 103

1 MR. SNIECKUS: There's nothing that would  
2 preclude it. What's part of their proposal is to  
3 include it.  
4 MR. YOUNG: Thank you, but there's nothing  
5 that would preclude you from standing by what was done  
6 here 30 years ago?  
7 MR. SNIECKUS: No.  
8 MR. YOUNG: A couple of traffic questions,  
9 if I may. You mentioned that the intersection needs to  
10 be safe. Can you describe on a road where the speed  
11 limit's 25 miles an hour, people might drive faster  
12 than that, but let's just assume the 25 miles an hour,  
13 what a safe site distance is for a new road coming into  
14 the intersection of that road, 50 feet, 200 feet?  
15 THE WITNESS: Approximately 200 feet.  
16 MR. YOUNG: So the driver coming out of the  
17 side road needs to be able to see both ways at least  
18 200 feet?  
19 THE WITNESS: Potentially.  
20 MR. YOUNG: Talk to me more. Could it be  
21 50 feet then you're saying?  
22 THE WITNESS: No. It couldn't be 50 feet.  
23 MR. YOUNG: 200 feet?  
24 THE WITNESS: Yes.  
25 MR. YOUNG: You're familiar with Intervale

Page 104

1 Road and with the turns, in the area where the site  
2 plan shows this coming in?  
3 THE WITNESS: Yes.  
4 MR. YOUNG: You'll quickly recognize that  
5 you can't see the whole width of the road in either  
6 direction for 200 feet?  
7 THE WITNESS: Well, as I said before this  
8 is our concept plan. We will be providing a safe  
9 ingress and egress in the final details. And that will  
10 be approved by this Board, or not approved by this  
11 Board.  
12 MR. YOUNG: And so from that, then,  
13 simplistically you'd have to say the way to do that  
14 would be to straighten or change Intervale Road in some  
15 way?  
16 THE WITNESS: I can't say at this point.  
17 MR. YOUNG: Okay. But you would need the  
18 200 feet both ways?  
19 THE WITNESS: I would think so.  
20 MR. YOUNG: That's reasonable. And that  
21 road belongs to Mountain Lakes, I believe?  
22 THE WITNESS: I don't know that.  
23 MR. YOUNG: It does.  
24 THE WITNESS: Okay.  
25 MR. YOUNG: The place where the ingress to

Page 105

1 the townhomes is to be adjoining Intervale there's a  
2 natural berm, if you will, that goes up on the east  
3 side of the road that's about 20-plus feet high with  
4 trees and so on. You'd have to cut a notch in that  
5 berm to accomplish what you're doing?  
6 THE WITNESS: We would be performing  
7 excavation to accomplish that driveway, yes.  
8 MR. YOUNG: And so there would have to be a  
9 slope that would meet requirements?  
10 THE WITNESS: Yes.  
11 MR. YOUNG: And so the character of the  
12 natural berm would have to be changed for that to  
13 occur?  
14 THE WITNESS: At the driveway, yes.  
15 MR. YOUNG: And to either side, because  
16 you're now 20-something feet that has to be cut?  
17 THE WITNESS: Again, we're getting into  
18 details that I can't --  
19 MR. YOUNG: Details that you can't -- I  
20 gotcha.  
21 You described that the elevations within  
22 the site will need to be changed to accomplished what  
23 you are proposing to do. Will soil mining or removal  
24 of sand and gravel to other locations be a part of  
25 that?

Page 106

1 THE WITNESS: Potentially, yes.  
 2 MR. YOUNG: Similar to what Intervale  
 3 Heights or what was done previously to construct  
 4 Intervale Heights. I think there's some regulations on  
 5 that, if you're actually doing soil mining?  
 6 THE WITNESS: Well, this would presumably  
 7 be part of the site plan approval process where we  
 8 would be showing our existing and proposed grades and  
 9 we would need approvals to do that.  
 10 MR. YOUNG: Do you have a sense of the  
 11 slope of the townhome road from the townhomes to  
 12 Intervale? Relatively level?  
 13 THE WITNESS: We have not designed that  
 14 yet.  
 15 MR. YOUNG: I realize you haven't, but just  
 16 in general, sloping down to Intervale?  
 17 THE WITNESS: Sloping down to Intervale,  
 18 yes.  
 19 MR. YOUNG: Would you assume.  
 20 THE WITNESS: Yes.  
 21 MR. YOUNG: The buffer visibility issues  
 22 what you explained was very interesting, is the concept  
 23 of the buffer being not just the width of it but the  
 24 contents of it and how it affects things?  
 25 THE WITNESS: Yes.

Page 107

1 MR. YOUNG: And that would be natural  
 2 material -- I should say vegetative materials, as well  
 3 as sand and gravel, whatever it happens to be, the  
 4 combination of those several things to make the buffer?  
 5 THE WITNESS: Yes.  
 6 MR. YOUNG: And in regard to the buffer on  
 7 the Intervale road side a natural buffer exists. Would  
 8 you expect to change it in other areas, as well as  
 9 where the road has to come through it for the  
 10 townhomes?  
 11 THE WITNESS: No.  
 12 MR. YOUNG: So you have 50 feet that you're  
 13 proposing versus the two or 300 feet that was  
 14 originally agreed to wouldn't be?  
 15 THE WITNESS: We are proposing the 50 feet  
 16 to maintain it in accordance with the section that I  
 17 showed to the Board and to the audience.  
 18 MR. YOUNG: How is the height of the  
 19 townhomes chosen?  
 20 MR. GAROFALO: This witness can't address  
 21 that, but we'll have a witness who will talk about it  
 22 in a second.  
 23 MR. YOUNG: Thank you very much.  
 24 MR. LEAVY: Rob Leavy, 54 Woodcrest Road.  
 25 Your opinion, sir. Is this a positive traffic event or

Page 108

1 a negative traffic event for Parsippany?  
 2 MR. GAROFALO: Excuse me, I don't --  
 3 CHAIRMAN PARIKH: Go ahead.  
 4 MR. GAROFALO: No, I mean, I don't object  
 5 to people asking questions, but this is an impossible  
 6 question to answer and certainly it's not relevant to  
 7 this application.  
 8 MR. LEAVY: I will make you very happy,  
 9 sir, and sit down.  
 10 MR. GAROFALO: Thank you very much. I said  
 11 thank you very much. I guess I said something wrong?  
 12 CHAIRMAN PARIKH: That's okay. At this  
 13 point I'll close the public portion for this witness  
 14 and I'd like to take about seven minutes break at this  
 15 point before we come back. Ten o'clock we'll come  
 16 back.  
 17 (A break is taken at 9:51 p.m.)  
 18 (Back on the record at 10:00 p.m.)  
 19 CHAIRMAN PARIKH: All right. I'd like to  
 20 reconvene the Planning Board meeting for Parsippany  
 21 Planning Board, Monday, December 3rd, 10 p.m. roll  
 22 call, please?  
 23 (A roll call is taken; all Board members  
 24 are present.)  
 25 CHAIRMAN PARIKH: Okay. Mr. Garofalo, do

Page 109

1 you have something to say?  
 2 MR. GAROFALO: Yes. I understand we're  
 3 through with Mr. Meyer this evening. Okay. I have to  
 4 apologize. We anticipated that we'd go all night with  
 5 Mr. Meyer. My next witness isn't really prepared to go  
 6 forward. I'd request the Board to carry this to the  
 7 next meeting. And I will have the architect back that  
 8 I talked about. And we'll talk about all the questions  
 9 that were asked about the building. So, if you can  
 10 please carry it to the next meeting I would appreciate  
 11 that.  
 12 CHAIRMAN PARIKH: So you will now have  
 13 answers to some of the questions about the cemetery and  
 14 historic home?  
 15 MR. GAROFALO: Yes, I'll do that.  
 16 CHAIRMAN PARIKH: And there were some  
 17 questions for your planner, you'll have that all next  
 18 time?  
 19 MR. GAROFALO: I'll have them all together.  
 20 CHAIRMAN PARIKH: All right. So what are  
 21 you suggesting?  
 22 MR. GAROFALO: I'd suggest that you carry  
 23 to the next meeting, please.  
 24 SECRETARY MADER: December 17th.  
 25 CHAIRMAN PARIKH: And that will be

Page 110

1 December 17th.  
 2 MR. CRESITELLO: What do we have that  
 3 night?  
 4 SECRETARY MADER: We have a final site plan  
 5 for the Realty down on Route 46. And we have -- that's  
 6 just the Resolution -- and we have the Harrison Family  
 7 Trust subdivision in Mount Tabor. It's his office.  
 8 MR. GAROFALO: That's Mr. O'Neill, not  
 9 mine.  
 10 CHAIRMAN PARIKH: Okay. So --  
 11 MR. GAROFALO: I'm not sure that that  
 12 matter is ready. There were a couple of title issues,  
 13 but I will check with him tomorrow.  
 14 CHAIRMAN PARIKH: Okay. So what we'll do  
 15 we'll continue this application with your next witness,  
 16 the architect.  
 17 MR. GAROFALO: Yes.  
 18 CHAIRMAN PARIKH: And that will be on  
 19 December 17th.  
 20 MR. GAROFALO: No further notice?  
 21 CHAIRMAN PARIKH: No further notice will be  
 22 given for this. December 17th we'll carry this  
 23 application and we'll continue with the hearing on  
 24 December 17th.  
 25 MR. GAROFALO: Thank you very much.

Page 111

1 CHAIRMAN PARIKH: Thank you very much.  
 2 Motion to adjourn?  
 3 BOARD MEMBER KELLER: So moved.  
 4 (The hearing on this application adjourns  
 5 at 10:02 p.m.)  
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Page 112

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 4 C E R T I F I C A T E  
 5  
 6 I, IRIS LA ROSA, a Notary Public and Certified  
 7 Shorthand Reporter of the State of New Jersey, do  
 8 hereby certify that the foregoing is a true and  
 9 accurate transcript of the testimony as taken  
 10 stenographically by and before me at the time, place,  
 11 and on the date hereinbefore set forth.  
 12 I DO FURTHER CERTIFY that I am neither a  
 13 relative nor employee nor attorney nor counsel of any  
 14 of the parties to this action, and that I am neither a  
 15 relative nor employee of such attorney or counsel, and  
 16 that I am not financially interested in the action.  
 17  
 18 IRIS LA ROSA, CSR, RPR  
 19 Certificate No. 30XI 00162800  
 20 Dated:  
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<b>ability</b> 48:23 51:2	49:22 67:14 88:3 96:9,16 100:9	<b>air-conditioners</b> 51:11	<b>anticipate</b> 16:13 17:21 30:21 31:3 47:21 48:9 57:19	74:16 77:7 78:13 79:9 103:15
<b>able</b> 5:22 16:2 65:15 75:4 77:3 97:20 103:17	<b>additionally</b> 48:12	<b>Allison</b> 3:19 53:11	<b>anticipated</b> 72:20 109:4	<b>archeological</b> 97:11
<b>absolutely</b> 79:22	<b>address</b> 10:21 22:22 29:11,12 37:6,17 58:13 73:5 76:19 77:3 97:15,21 99:25 107:20	<b>allocated</b> 49:4	<b>anybody</b> 70:11 98:17	<b>architect</b> 20:11 29:19 33:21 40:9 45:24 47:1 66:24 97:18 109:7 110:16
<b>abuts</b> 57:17	<b>addressed</b> 59:19 92:4 98:20	<b>allocations</b> 63:25	<b>anymore</b> 92:21	<b>architecture</b> 40:8 51:16
<b>accept</b> 64:15	<b>addresses</b> 93:1	<b>allow</b> 8:3 14:8 14:11 47:21,25 48:5 50:3,9 59:2 65:13	<b>anyway</b> 14:4	<b>area</b> 7:6 12:1 15:5 16:11 19:3 24:22 25:2,24,25 26:12 29:5 39:8 40:22 42:21,21 45:5 50:22 59:16 61:5 65:13 66:12 67:1 78:1,6 79:2 92:16 93:6 94:5 96:16,22 96:25 97:16 99:14 104:1
<b>access</b> 7:7,9,15 7:19,19,23,25 8:1,6,17 9:20 10:1 14:12 17:12 18:5 19:9,17,24 25:24 34:15 51:23,23 61:2 67:20 75:24 85:22 90:10	<b>addressing</b> 92:20	<b>allows</b> 91:2	<b>apartment</b> 90:25	<b>areas</b> 26:19,21 60:25 61:6 66:19 71:10 101:16 107:8
<b>accidents</b> 59:9	<b>adequate</b> 12:15 64:12,13,14 65:3,6,21 69:23 75:2 85:23 86:5,12 86:14,16 90:9	<b>Alterations</b> 71:11	<b>apologize</b> 26:23 77:2 109:4	<b>arriving</b> 82:20
<b>accommodate</b> 13:21 20:23 49:22	<b>adequately</b> 12:24	<b>all-winter</b> 28:9	<b>apparent</b> 102:6	<b>arrow</b> 16:9 48:5
<b>accomplish</b> 35:15 105:5,7	<b>adjacent</b> 9:17 26:17 28:16 41:1,8 97:9	<b>Alterations</b> 71:11	<b>apparently</b> 94:10	<b>arrows</b> 49:5
<b>accomplished</b> 9:21 13:7 15:3 105:22	<b>adjoining</b> 105:1	<b>alternatives</b> 10:11	<b>applaud</b> 50:12	<b>ascertained</b> 92:3
<b>account</b> 54:9,23 61:8 80:18	<b>adjourns</b> 111:4	<b>amount</b> 15:12 26:2 61:15 64:15 71:3 75:19 77:11	<b>applicant</b> 2:5 6:7 64:20 87:10	<b>Ashton</b> 34:13
<b>accurate</b> 52:21 112:9	<b>adopt</b> 10:23	<b>analyses</b> 14:15 14:15	<b>application</b> 5:5 5:13 11:1,3 72:6 86:21 89:22 91:22,23 108:7 110:15 110:23 111:4	<b>asked</b> 89:7,9 94:9 96:7 109:9
<b>acreage</b> 85:5	<b>Advisory</b> 97:5	<b>analysis</b> 49:1 53:17 54:9,18 55:9,10,23 56:1 82:8	<b>apply</b> 90:21 91:10	<b>asking</b> 76:8 85:3 108:5
<b>acres</b> 6:23	<b>affect</b> 81:5,6,8,9	<b>analyze</b> 56:8	<b>applying</b> 90:20	<b>aspect</b> 14:14 18:24 59:15 73:23
<b>action</b> 112:14,16	<b>affidavit</b> 5:10,12	<b>analyzed</b> 55:4 87:18	<b>appreciate</b> 109:10	<b>aspects</b> 73:22
<b>activities</b> 31:18	<b>afternoon</b> 18:15 53:24 99:3	<b>Andrew</b> 3:22 67:5	<b>approval</b> 13:6,6 15:25 16:4 21:4 29:8 51:21 64:10 72:2 106:7	<b>assigned</b> 48:20
<b>actual</b> 23:21,24 23:25 54:16 78:11 86:21,25	<b>Agenda</b> 5:2	<b>Angela</b> 3:19 55:14	<b>approvals</b> 68:11 68:11 106:9	<b>associated</b> 31:19 100:18
<b>add</b> 83:15	<b>ago</b> 63:23 73:16 73:18 101:3 102:17 103:6	<b>angle</b> 59:12	<b>approve</b> 15:22	
<b>added</b> 56:3,21	<b>agree</b> 11:20 80:25 81:4,7	<b>Ann</b> 4:2 80:4	<b>approved</b> 7:2,24 60:10 92:1 104:10,10	
<b>adding</b> 84:6,6	<b>agreed</b> 107:14	<b>answer</b> 29:23 35:2 47:10 52:2,3 69:3 73:6,24,25 75:22 87:19 89:4,9 91:5,6 91:14 96:8 99:17 101:21 108:6	<b>approving</b> 16:14	
<b>addition</b> 12:2 64:23	<b>agreement</b> 18:11 30:24	<b>answered</b> 55:17	<b>approximate</b> 77:7	
<b>additional</b> 7:3 7:18 16:7 17:13 18:2,16 27:19,23 32:3	<b>ahead</b> 21:8 23:8 39:1 79:4 108:3	<b>answers</b> 109:13	<b>approximately</b> 6:25 42:12,13 42:14 43:24	
	<b>air</b> 51:11,17			

<b>association</b> 23:6	26:13 44:11	53:11,11,14,16	<b>blocked</b> 38:7	61:4 69:7
<b>assume</b> 16:2	<b>back</b> 12:9 18:2	54:3,8,13,15	<b>blocking</b> 34:21	81:12
62:20 69:5	20:17 29:9	54:18,20 55:1	84:7	<b>boundaries</b>
85:10 96:11	34:14 38:13	<b>bay</b> 49:17	<b>Bloomfield</b> 20:2	28:21
103:12 106:19	40:20 58:9	<b>bear</b> 54:23	33:3,4,7 50:3,6	<b>boundary</b> 7:11
<b>assuming</b> 7:2	63:11,24 73:14	<b>bears</b> 66:7	50:17,18	7:11,14 40:24
12:8,8 21:3	77:22 80:5	<b>begun</b> 6:2	<b>Bloomfield's</b>	<b>boxes</b> 60:23
<b>assure</b> 75:2,23	88:9 89:4,10	<b>belief</b> 45:9	51:2	<b>break</b> 77:5
<b>attempt</b> 22:21	89:12 108:15	<b>believe</b> 5:6 9:8	<b>blue</b> 68:24	108:14,17
50:13 58:13	108:16,18	9:25 11:9	<b>Board</b> 1:1,10,18	<b>brief</b> 18:23
<b>attenuation</b> 12:6	109:7	12:14,24 13:3	1:18,19 2:3	<b>Brighton</b> 4:5
<b>attorney</b> 2:3	<b>background</b>	13:7,21 18:9	5:20 6:9 10:22	97:4,4,18
112:13,15	63:17	18:10,25 21:7	12:8,10 13:5	<b>bring</b> 40:20 41:6
<b>Attorneys</b> 2:5	<b>backing</b> 50:19	21:16 24:6	16:2 20:5	53:3 77:25
<b>audience</b> 3:17	<b>backup</b> 17:17	25:8,10 27:25	21:13 23:20	78:1 96:9,15
4:1 5:14,17	<b>backyard</b> 46:3	29:10 35:18	29:8,15 34:4	<b>bringing</b> 96:10
94:18 107:17	<b>backyards</b> 26:10	38:20 39:5,9	36:4,5 37:13	<b>brings</b> 81:24
<b>AutoTURN</b> 61:7	<b>balance</b> 43:19	40:2 43:19	37:19,21,22	<b>brook</b> 70:12,13
<b>auxiliary</b> 8:2	<b>balanced</b> 43:13	45:1,13 51:8	38:18,24 39:1	70:17,18,19
<b>available</b> 18:4	<b>ball</b> 48:3,5,6	64:21,22 73:20	39:3 40:12	71:7,12,18
<b>Avenue</b> 33:7,9	<b>bank</b> 39:18 44:5	104:21	42:16 43:23	72:10,12,14,18
50:3,6,17	<b>BARBERIO</b>	<b>believed</b> 19:14	44:3,17 45:14	72:19
70:13 95:14	1:13	<b>belongs</b> 104:21	45:20 46:2,6	<b>brought</b> 20:9
96:2	<b>Barnes</b> 35:21	<b>benches</b> 24:4	46:13,20 47:8	27:18 65:20
<b>aware</b> 49:11	<b>barricade</b> 10:9	<b>benefits</b> 82:11	64:9,11 85:4	73:13 97:7
59:8,25 69:12	<b>based</b> 17:19	<b>berm</b> 26:14	86:15 90:15	<b>buffer</b> 26:16
101:14	28:12 29:4	27:13,20 28:10	91:24 92:1,4	40:22 41:17
<b>AYAZ</b> 1:14	39:23 40:3	41:19 105:2,5	101:5,22	46:3,8 52:13
<b>A-10</b> 3:11 21:18	45:11 51:25	105:12	102:18 104:10	73:13 83:22
24:11,13	78:18 79:21	<b>berms</b> 84:7	104:11 107:17	84:4,6,8,13,17
<b>A-11</b> 3:13 21:19	88:1 93:14	<b>better</b> 16:11	108:20,21,23	90:12 101:6,11
24:15	94:4	67:7 82:9 84:7	109:6 111:3	101:11,15,25
<b>A-12</b> 3:14 21:19	<b>basic</b> 27:6	84:21 93:18	<b>Board's</b> 36:13	102:6,12
24:7	<b>basically</b> 11:25	97:19	100:3	106:21,23
<b>A-13</b> 3:15 24:7	18:11 22:9	<b>Beverwyck</b> 59:8	<b>Bob</b> 3:24 76:16	107:4,6,7
27:25 28:1,2	23:9 26:10	<b>beyond</b> 29:7	<b>book</b> 78:17	<b>buffering</b> 83:19
76:13	27:7 30:25	44:14 67:1	<b>Boonton</b> 81:14	84:4
<b>A-2</b> 25:17	38:12 49:6	<b>Bible</b> 78:16	92:14	<b>buffers</b> 41:8
<b>A-3</b> 25:8 41:12	57:4 90:12	<b>big</b> 19:7 22:12	<b>bought</b> 73:16	72:21
<b>A-4</b> 25:10	<b>basin</b> 12:2	33:16 77:12	<b>Boulevard</b> 1:5,8	<b>build</b> 56:7
<b>A-8</b> 3:9 9:10,12	<b>basins</b> 70:25	92:7	5:4 7:8,12,13	<b>building</b> 1:8
9:13	<b>basis</b> 100:20	<b>biggest</b> 50:1	7:16 8:7,9	7:18 13:10
<b>A-9</b> 3:10 21:16	<b>battery</b> 14:3	<b>bit</b> 30:5,8 34:25	12:24 13:13,18	20:12,15 24:20
21:17,22	<b>Batty</b> 3:23 74:2	35:17 40:11	14:10 15:19	27:11 28:11,14
<b>a.m</b> 31:2,3,11,12	74:2,8,12,15	91:16	16:5 18:20	28:15 40:15,17
53:23 69:13	74:17,22 75:15	<b>block</b> 1:5 5:3	32:18,19,20,22	40:19 41:15,16
	75:17 76:1,9	27:8 30:12,13	32:22 33:1	41:19 42:4,6
	76:11	30:17 50:10	36:18 37:2	44:10 51:4,12
<b>B</b>	<b>Bavas</b> 3:19	67:19	42:3 53:21	51:18 61:2
<b>B</b> 3:7 25:19				



66:22,25 80:23 82:14,16 87:15 109:9 <b>buildings</b> 12:19 26:19,20 42:10 49:19 65:12 77:17 80:8,20 81:22 82:1,10 82:19 83:20,20 84:9 <b>built</b> 40:19 56:18,25 57:2 57:9 88:2 95:9 96:1 <b>bus</b> 37:9 69:16 95:7 <b>buses</b> 53:20 54:1 54:6 69:13,22 69:24 <b>busier</b> 15:16 <b>busiest</b> 92:9 <b>businesses</b> 90:23 91:3 <b>busy</b> 52:1 <b>buy</b> 66:1 <b>buying</b> 24:4 <b>B-a-v-a-s</b> 53:14	83:14 <b>car</b> 28:9 99:2 <b>career</b> 21:2 <b>carry</b> 109:6,10 109:22 110:22 <b>carrying</b> 43:4 <b>cars</b> 62:1 102:20 <b>case</b> 1:4 19:8 26:14 29:18 46:21 51:7,8 58:14 89:11 93:13 <b>cases</b> 25:21 27:12 44:21 <b>CASEY</b> 1:11 <b>case-to-case</b> 100:20 <b>Category</b> 72:15 <b>cause</b> 50:11 <b>caused</b> 97:13 <b>CD</b> 5:8,12 <b>cemetery</b> 94:11 97:10,23 98:1 98:7 109:13 <b>center</b> 8:11 9:5 15:11,15 19:3 21:25 36:7 37:3 49:12 56:22 57:5 79:9 82:16,19 82:25 83:2 <b>centers</b> 19:4 78:24 <b>certain</b> 10:2 59:11 94:11 <b>certainly</b> 19:6 21:7 31:17 81:8 88:15 90:6 108:6 <b>Certificate</b> 112:19 <b>certification</b> 5:22 <b>Certified</b> 1:21 1:23 112:6 <b>certify</b> 112:8,12 <b>chair</b> 30:18 97:4 <b>Chairman</b> 1:11 5:1,11,19,25	6:6 10:17 13:24 16:18,23 17:2,4,6,9 21:9 21:12 29:16,25 30:11,18 32:11 33:21,25 34:3 35:6,20 36:3 36:11,20 37:20 37:22 38:25 43:22,24 45:6 45:19 46:23 47:3 53:10 55:2,13 58:17 63:9,14 64:3 65:17 66:3 68:19 76:15 79:3 85:8 89:3 89:5,11,19 94:23 96:5 98:21 99:15 100:1,24 108:3 108:12,19,25 109:12,16,20 109:25 110:10 110:14,18,21 111:1 <b>chairs</b> 30:12 <b>chance</b> 39:3 <b>change</b> 40:10 86:9 88:12 104:14 107:8 <b>changed</b> 105:12 105:22 <b>changes</b> 33:13 33:17 42:20 49:14,17,23 58:11 <b>changing</b> 67:15 <b>channeling</b> 35:22 <b>channelize</b> 35:12 <b>channelizing</b> 30:24 35:24,25 36:1 <b>character</b> 105:11 <b>check</b> 97:22 99:8 110:13 <b>checking</b> 94:21	<b>Cherry</b> 32:11 33:5,6,8,14 50:17 51:1 <b>Chief</b> 30:14 <b>children</b> 92:8,10 92:16,21,22 <b>Choffo</b> 3:22 68:20,20 69:9 69:16,19,25 70:5,10,21 71:1,6 72:4 <b>choice</b> 50:5 <b>chooses</b> 29:8 <b>CHOPPA</b> 72:24 <b>chopped</b> 90:2,3 <b>chosen</b> 107:19 <b>Chu</b> 4:3 89:20 89:20 90:11,18 91:9,21 92:5 <b>circulation</b> 34:8 65:3 <b>clarity</b> 100:1 <b>classified</b> 72:15 <b>clear</b> 25:21 37:24 <b>clearance</b> 72:22 <b>close</b> 68:23 108:13 <b>closed</b> 18:21,22 88:8 89:2 <b>closely</b> 65:8 <b>closest</b> 72:12 <b>closing</b> 34:14 <b>COLLINS</b> 1:16 30:16 <b>combination</b> 19:1 63:13 107:4 <b>come</b> 12:9 15:3 22:17 27:6 30:21,23 33:5 33:22 36:7 58:5,9,10 63:11 74:24 93:7,11,19,20 95:2,7 98:17 98:23 101:6 107:9 108:15 108:15	<b>comes</b> 22:10,13 79:19 99:21 <b>comfortable</b> 79:23 <b>coming</b> 13:9 14:5 17:21 18:3 19:18 31:18 33:3 35:21 48:14 56:19,24 57:4 57:17 58:2 59:20 60:14 61:25 62:23 80:21,22 81:1 81:11,12,14 92:13,15,18,19 92:23,24 93:5 93:5 103:13,16 104:2 <b>Commencing</b> 1:9 <b>comment</b> 37:23 65:18 <b>comments</b> 8:21 18:7 19:12 22:20,22 34:7 37:5 47:7,9,13 47:14,15 58:13 63:12 100:2 <b>commercial</b> 70:9 91:13 <b>commission</b> 34:19 <b>committee</b> 94:14 97:5 <b>common</b> 36:1 <b>community</b> 58:10 <b>commute</b> 83:1 <b>commuters</b> 59:5 <b>compactor</b> 77:16,16 <b>company</b> 64:24 64:24,25 <b>compare</b> 18:12 <b>compared</b> 88:7 <b>comparing</b> 18:16 <b>compensate</b>
<b>C</b> <b>C</b> 2:1 28:6,8 112:4,4 <b>calculate</b> 44:16 <b>calculated</b> 37:15 40:2 <b>calculations</b> 39:4 <b>call</b> 29:22 56:7 108:22,23 <b>called</b> 24:6 38:6 101:4 102:20 <b>Camelot</b> 67:6 <b>candidly</b> 34:14 <b>capable</b> 64:21 64:22 <b>capacity</b> 16:7,12 17:13 18:10 32:7 33:17 49:1 69:23 80:6,10 81:19				



49:5 <b>complete</b> 14:4 61:1 <b>completed</b> 62:19 85:21 <b>completely</b> 102:21 <b>complex</b> 20:20 58:21 83:21 <b>complexes</b> 90:25 <b>comply</b> 90:8 <b>component</b> 20:22 29:20 42:18 44:4 73:2 86:17 <b>components</b> 23:3 56:4 <b>compound</b> 35:8 <b>computer</b> 61:7 <b>conceivable</b> 50:8 <b>concept</b> 5:4 35:7 36:25 37:24 41:14 59:20 86:23 90:19,20 104:8 106:22 <b>concepts</b> 10:15 10:20 38:20 101:10 102:17 <b>concern</b> 9:2 19:16 30:18 50:15 91:6 92:7 93:10 94:9 <b>concerned</b> 22:23 23:1,2 69:8 77:9 101:4 <b>concerns</b> 10:12 48:22 50:2,18 92:3 <b>conclusion</b> 72:9 72:10 <b>concrete</b> 70:15 <b>condition</b> 40:21 40:22 <b>condo</b> 51:24 <b>condominium</b> 20:19 22:24 23:5 66:21 <b>condominiums</b>	66:18 <b>conducted</b> 60:5 <b>configuration</b> 22:2 38:6 <b>configurations</b> 40:13 <b>congestion</b> 58:24 <b>connected</b> 60:7 77:17 102:23 <b>connection</b> 8:1 15:9,18 37:2 42:22 102:19 <b>connections</b> 13:2 35:11 42:17 <b>connectivity</b> 34:10 <b>conservative</b> 78:9 79:14 <b>conserve</b> 90:12 <b>consider</b> 10:25 21:5 57:14 69:19,21 76:6 91:24 <b>considerable</b> 61:15 <b>considerably</b> 50:19 <b>considerate</b> 93:8 <b>consideration</b> 80:9,16 81:20 99:7 100:3 <b>considered</b> 31:23 60:9 99:12 <b>considering</b> 59:17 <b>consistent</b> 20:15 <b>constraints</b> 49:2 <b>construct</b> 77:4 106:3 <b>constructed</b> 12:17 59:2 <b>construction</b> 23:25 63:24 68:9,10 77:10 <b>consultant</b> 11:9 11:10 32:14	60:11 80:13 87:17,23 <b>consultants</b> 7:22 86:19 <b>contacted</b> 70:11 70:11 71:17 <b>contaminants</b> 71:18 <b>contaminate</b> 71:11 <b>contaminated</b> 71:8,13 <b>contemplate</b> 61:19 <b>contemplated</b> 102:10 <b>contemplating</b> 61:24 <b>contents</b> 106:24 <b>continuation</b> 5:3 5:5 8:4 24:16 <b>continue</b> 5:25 6:4,15 13:17 14:2 16:3 29:8 57:8 110:15,23 <b>continued</b> 4:1 6:22 <b>continues</b> 26:19 57:9 <b>continuing</b> 14:10 <b>continuous</b> 38:8 41:3 <b>continuously</b> 23:23 36:17 37:1 <b>control</b> 80:24 <b>controlled</b> 22:16 70:24 <b>convenient</b> 18:5 18:5 <b>conventional</b> 35:24 <b>conversation</b> 59:1 <b>copy</b> 6:9 25:18 <b>Corignano</b> 76:21 <b>corner</b> 21:24 24:21 98:10	<b>correct</b> 10:23,24 20:24,25 22:25 23:7,14,15 25:9,10 35:23 39:9 46:12 52:14 75:20 84:23 96:13 100:21 <b>correctly</b> 52:10 52:12 59:1 <b>cost</b> 16:15 <b>council</b> 85:3 91:25 92:2 <b>counsel</b> 112:13 112:15 <b>counted</b> 53:23 99:2 <b>counting</b> 54:5 <b>counts</b> 14:17 53:23 56:2 78:9,10,11,12 99:2 <b>County</b> 95:10 <b>couple</b> 23:16 45:21 94:25 103:8 110:12 <b>course</b> 13:22 15:24 21:14 22:15,23 26:12 30:23 32:3 64:25 72:16 78:15 102:16 <b>court</b> 8:13 67:17 67:20 74:3 <b>courthouse</b> 67:18 <b>covers</b> 14:13 29:10 <b>crazy</b> 95:8,17 <b>create</b> 8:2,10 10:6 12:6 28:20 <b>created</b> 88:4,7 <b>creating</b> 10:8 31:7 <b>CRESITELLO</b> 2:2 5:16,19 9:11 24:10 28:1 31:24	110:2 <b>criteria</b> 62:5 100:17 <b>critical</b> 49:2 63:16 <b>cross</b> 14:9 26:7 36:8 50:17 59:2,11,16 <b>crossing</b> 13:14 14:6,11 60:2,6 <b>crosswalk</b> 13:20 14:7 <b>crosswalks</b> 13:15,20 <b>CSANTAVERI</b> 1:15 <b>CSR</b> 112:18 <b>cul-de-sac</b> 9:25 10:4,7,10 34:6 34:24 57:25 76:7 <b>cul-de-sacs</b> 34:9 38:4,13 76:6 <b>cured</b> 88:12 <b>curious</b> 73:15,19 <b>current</b> 12:4 14:21 47:20 67:19 83:19 87:16 102:25 <b>currently</b> 7:12 8:14 48:3,20 52:18 63:20 67:8 81:24 <b>current-day</b> 60:1 <b>curve</b> 22:2,10 38:15 <b>curved</b> 85:24 86:10,10 <b>customer</b> 61:1 <b>customers</b> 13:12 13:16 18:4,6 65:5 92:18,19 <b>cut</b> 38:22 41:17 43:10 58:1 75:15,17 105:4 105:16 <b>cutouts</b> 38:21 <b>cutting</b> 57:15
--	--	--	---	---

75:3	94:8	<b>detailed</b> 12:10	<b>directed</b> 91:23	<b>doing</b> 53:17
<b>cycle</b> 47:24 48:2	<b>density</b> 37:14	86:22	<b>direction</b> 13:10	54:21 64:21
48:20	<b>DEP</b> 72:3,11,23	<b>details</b> 44:8	72:2 74:7	68:8 75:6
<b>cycles</b> 47:24	<b>department</b> 7:1	90:15 104:9	85:20 104:6	105:5 106:5
<b>C-2</b> 72:15	7:4,25 14:21	105:18,19	<b>directions</b> 34:16	<b>domestic</b> 12:18
	17:22 36:15,16	<b>detention</b> 70:25	49:3 90:9	12:20 13:1
	44:1,10 49:11	<b>determine</b> 35:1	92:18	<b>DOMINIC</b> 1:12
<b>D</b>	51:6,8 60:15	78:17	<b>directly</b> 7:16,20	<b>Donuts</b> 50:20
<b>D</b> 3:1,15 28:2,5	61:18,20,23	<b>determined</b>	10:4	<b>door</b> 82:12
<b>dangerous</b> 59:10	62:2,7,23 63:1	85:19	<b>disagree</b> 65:23	<b>Doremus</b> 97:9
59:13	63:4,8 65:1,2	<b>develop</b> 10:16	66:4	97:25 98:8
<b>date</b> 20:10	66:18 69:10	<b>developed</b> 10:20	<b>discourages</b> 34:9	<b>DOT</b> 7:23 14:25
112:11	77:19	51:15,16 88:22	<b>discuss</b> 20:11	15:21,23 16:13
<b>Dated</b> 72:7	<b>departments</b>	96:9 102:18	30:4 98:7	16:17 60:11
112:20	65:8	<b>developer</b> 8:17	<b>discussed</b> 29:25	68:21 70:11
<b>Dave</b> 4:5 96:6	<b>depict</b> 51:10	8:20 16:15	40:7 88:11	<b>double-check</b>
<b>Davis</b> 4:4 94:24	84:10	58:10 66:16	<b>discussing</b> 82:8	55:3
94:24 95:12,15	<b>depicted</b> 24:6	<b>developing</b>	<b>discussion</b> 5:10	<b>drainage</b> 12:5
95:22,25 96:4	<b>depiction</b> 26:9	66:21	42:17	71:24 72:1
<b>day</b> 32:4 58:23	46:7 51:25	<b>development</b>	<b>discussions</b>	<b>drastic</b> 34:25
59:11 60:14	52:21	43:13 44:18	15:23	<b>drawing</b> 3:11
69:7 92:9 99:4	<b>DePIERRO</b>	45:5 50:5,16	<b>displaced</b> 54:24	21:18 75:25
<b>days</b> 96:19,24	1:13 36:5	50:24 53:2	<b>displayed</b> 48:3	<b>drawings</b> 26:24
<b>deal</b> 37:6	37:13,18,19	56:11 57:16,16	<b>displays</b> 26:22	79:24
<b>dealing</b> 64:23	<b>describe</b> 42:15	58:7,8,15 70:8	<b>disposal</b> 77:18	<b>drive</b> 8:22 9:16
<b>deaths</b> 59:9	103:10	71:4,5,17 73:3	<b>dispute</b> 93:25	9:19,20,23
<b>debate</b> 50:1	<b>described</b> 101:8	73:17 76:7	94:1	19:20 25:20,24
<b>December</b> 1:7	105:21	101:4	<b>distance</b> 9:23	26:6 27:21
108:21 109:24	<b>describing</b> 26:2	<b>developments</b>	33:10 74:23	34:12,18 41:2
110:1,19,22,24	<b>DESCRIPTION</b>	38:5 59:21	75:1,2 85:16	41:24,25 42:4
<b>decided</b> 14:25	3:8	91:4	85:18,20,23	42:5 54:10,10
<b>decides</b> 64:8	<b>design</b> 3:13,14	<b>develops</b> 23:19	86:4,5,12,16	55:4,9 58:4
<b>deciding</b> 84:12	12:12 21:19,20	<b>diagram</b> 75:8	86:19 87:5,11	63:11 66:16
<b>deciduous</b> 26:10	22:9 23:22,24	<b>diagrams</b> 29:4	88:12 103:13	68:21 73:1
<b>deer</b> 66:8	24:5 29:20	<b>dialogue</b> 77:23	<b>distances</b> 90:9	80:4 83:19,21
<b>define</b> 61:18	32:6 38:10	<b>difference</b> 19:8	<b>District</b> 100:6	94:24 95:3
<b>definition</b> 62:1,6	56:3 60:1,9,10	64:1 88:21	<b>disturb</b> 40:21	97:6 99:19
<b>degree</b> 42:2	64:7 68:10	100:12	<b>disturbance</b>	101:7 103:11
71:13	74:21 75:22	<b>different</b> 25:22	97:13	<b>driver</b> 103:16
<b>deliveries</b> 59:21	85:21	31:9 38:2	<b>divide</b> 91:11	<b>driveway</b> 7:17
60:12,13 61:11	<b>designed</b> 14:20	44:22 69:22	<b>divides</b> 91:12	8:8 13:11
61:21,22	21:1 22:8 61:6	78:18 79:1	<b>divulge</b> 62:18	19:22 20:6
<b>delivery</b> 60:17	67:11 96:23	92:18 102:6	63:5	21:6,24 30:24
<b>Demicco</b> 3:21	106:13	<b>Dinsmore</b> 1:15	<b>documentation</b>	32:16,17,18
63:10,10,15	<b>designs</b> 73:5	45:20,23 46:1	64:9	74:7,8 75:7,16
64:4,6,17	<b>destination</b>	46:2,6,13,16	<b>documents</b>	75:23 86:25
65:14,23 66:6	93:15	46:20	56:15	105:7,14
66:11,14	<b>detail</b> 39:25 43:7	<b>direct</b> 6:18	<b>Dodge</b> 101:5	<b>driveways</b> 14:22
<b>demographics</b>	52:7 87:12	51:23	102:20,23	20:7 32:6

90:10	86:6,17 87:3	78:17	<b>event</b> 98:12	23:16,18 25:3
<b>drive-throughs</b>	104:9	<b>engineer's</b> 6:2	107:25 108:1	<b>exist</b> 8:3 51:13
8:22	<b>Eileen</b> 3:20	<b>enhanced</b> 31:10	<b>eventually</b> 29:9	52:19 101:15
<b>driving</b> 83:18	61:16	<b>enlarged</b> 3:10	93:4	<b>existence</b> 28:24
<b>drop</b> 31:8	<b>either</b> 8:24 11:4	21:17	<b>evergreen</b> 27:8	<b>existing</b> 7:17,17
<b>drop-offs</b> 53:19	11:10 67:13	<b>enlargement</b>	40:23 52:17	8:4 15:8 16:6
<b>dumpsters</b> 77:12	74:19 75:4,20	21:22	69:25	19:7 26:6,8,9
77:13,14	85:20 97:21	<b>ensure</b> 16:16	<b>evergreens</b>	26:15 27:7
<b>Dunkin</b> 50:20	104:5 105:15	17:16 60:2	26:14,16 27:13	30:25 31:20
<b>dwelling</b> 39:25	<b>elaborate</b> 37:23	65:2,7,8	27:14 28:11	32:7 40:20,21
40:13 46:10	<b>electrical</b> 70:6	<b>entering</b> 8:10	41:20 52:25	41:18 42:4
<hr/>	<b>electricity</b> 63:19	9:19 31:4,14	54:22 84:6	47:23 49:6,19
<b>E</b>	<b>element</b> 34:8	31:16,20 50:21	<b>everybody</b> 34:16	52:22 57:16
<b>E</b> 2:1,1 3:1,7	<b>elevation</b> 20:11	61:3	63:20	68:6,7,9,12,16
6:16,16 112:4	20:15 41:7	<b>entertain</b> 47:7	<b>evolving</b> 23:23	74:23 78:10
112:4	<b>elevations</b>	<b>Entin</b> 35:14	<b>exact</b> 97:6	84:9 87:25
<b>earlier</b> 23:11	105:21	<b>entire</b> 40:23	<b>exactly</b> 17:3,8	90:6 100:4
37:23 42:16	<b>eleven</b> 31:21	100:5	44:7 84:19,25	106:8
69:23 85:16	<b>eliminate</b> 10:11	<b>entitled</b> 28:4	91:8	<b>exists</b> 21:4 33:8
<b>Earls</b> 4:6 98:15	19:21	<b>entrance</b> 3:12	<b>exaggeration</b>	33:16 43:3
98:15,23 99:5	<b>eliminating</b>	13:11 14:6	27:1	84:8 85:11
99:11	19:23 57:25	21:18 22:16	<b>EXAMINATI...</b>	88:16 107:7
<b>ease</b> 19:17	<b>elimination</b> 8:23	24:13,21 30:13	6:18	<b>exit</b> 19:25 22:11
<b>easier</b> 58:2 93:7	<b>emergency</b>	30:17 32:24	<b>example</b> 22:19	32:24 54:6
<b>easily</b> 15:3 22:13	38:19,21	35:7 61:4	28:25 35:14,20	61:4 76:2
32:7 49:22	<b>employee</b> 112:13	<b>entrances</b> 34:18	56:16,22 57:11	<b>exiting</b> 31:5,13
<b>east</b> 7:18 13:18	112:15	<b>entranceway</b>	65:10 78:24	31:16
16:19 17:7,9	<b>employees</b> 13:22	20:19	80:24 82:18	<b>exits</b> 30:22 83:7
20:3 33:11	59:4	<b>environmental</b>	88:5,11,24	<b>expect</b> 16:1
36:18 47:19,22	<b>empty</b> 81:18	85:10	<b>examples</b> 89:15	18:18 107:8
48:16 49:10,14	<b>encountered</b>	<b>EPA</b> 70:11 71:7	<b>excavation</b>	<b>experience</b>
56:24 98:17	78:12	71:14,17	105:7	44:20,23 79:21
105:2	<b>endangered</b>	<b>equals</b> 26:25	<b>exceed</b> 11:22	<b>experienced</b>
<b>eastbound</b> 32:20	72:16	<b>equipment</b>	89:24	79:16
33:8 57:3	<b>endorse</b> 34:14	51:12,24 52:7	<b>excess</b> 32:6	<b>expert</b> 66:12
<b>eastern</b> 11:25	<b>enforcement</b>	<b>Ernie</b> 4:6 98:15	43:15,20 44:13	71:23
<b>east/west</b> 93:21	35:19 63:16,20	<b>Especially</b> 92:8	72:13	<b>expertise</b> 67:2
<b>eating</b> 24:4	<b>engineer</b> 1:19	<b>ESQ</b> 2:2,5	<b>excuse</b> 10:17	97:17
<b>EcoScience</b> 72:7	34:5 47:5	<b>ESQS</b> 2:4	16:25 20:3,17	<b>explain</b> 29:19
<b>Ed</b> 4:3 89:20	59:25 62:5,21	<b>essence</b> 90:1	39:3 67:24	40:11 56:9
<b>edge</b> 53:2	73:5 76:5	<b>establishment</b>	98:19 108:2	66:25
101:12	<b>engineering</b>	49:13	<b>exhaust</b> 51:19	<b>explained</b>
<b>EDWARD</b> 1:18	12:12 22:9	<b>EVD</b> 3:8	<b>exhibit</b> 3:15	100:13 106:22
<b>effectively</b> 100:9	36:14 54:21	<b>evening</b> 5:23	9:13 21:17,22	<b>extend</b> 8:12
<b>efficient</b> 86:8	61:19,24 62:22	15:6 24:14	26:22 27:23	26:11 29:6
<b>efficiently</b> 17:16	63:6 73:23	31:15 37:24	28:2,2,4 41:10	<b>extensive</b> 7:21
<b>egress</b> 34:15	85:12 86:18,22	58:18 83:1,3	52:10 60:21,22	11:7 75:3
35:8 50:4 74:4	86:25 101:18	99:3 100:25	76:12	<b>extent</b> 34:10
75:5 85:17,22	<b>engineers</b> 27:1	109:3	<b>exhibits</b> 6:3	<b>extra</b> 48:9 81:24

<b>F</b>				
<b>F</b> 112:4	105:16 107:12 107:13,15	39:24 44:1,12 44:15 51:5,9	<b>frankly</b> 97:21 98:8	110:8,11,17,20 110:25
<b>facade</b> 3:11 21:18 24:13,16 24:20	<b>Felix</b> 3:21 63:10	60:15 62:16 77:14 78:13,21	<b>fresh</b> 33:25	<b>gas</b> 50:21 64:24
<b>facilitate</b> 8:14	<b>fellow</b> 73:6	78:24,25 79:6 79:8 90:24	<b>Friday</b> 69:11 96:12,17	<b>Gate</b> 92:7
<b>facilities</b> 12:3 23:18 64:13 78:19,21	<b>fill</b> 43:10 75:15	<b>foot</b> 73:15	<b>front</b> 13:9 14:4 20:14 45:3 77:10	<b>gear</b> 38:17
<b>facility</b> 6:24 39:16,20 59:5 77:25 78:5 79:5	<b>filled</b> 75:18	<b>forces</b> 34:15	<b>frontage</b> 36:24 37:2 100:8	<b>general</b> 106:16
<b>fact</b> 20:18 23:12 63:7 66:4 79:20 82:12 84:3 88:16 92:17	<b>final</b> 13:5 40:1 60:9,10 68:10 85:20 104:9 110:4	<b>Ford</b> 56:6 80:13 80:15,19 81:20 81:21 82:1	<b>full</b> 8:7 50:22 80:6,10 81:19	<b>generally</b> 35:4 38:13 43:11
<b>fair</b> 26:2,5 33:10 51:25 96:11	<b>financially</b> 112:16	<b>foregoing</b> 112:8	<b>fullest</b> 83:13	<b>generate</b> 78:15
<b>fairly</b> 35:16 36:1 84:10	<b>find</b> 35:16	<b>Forest</b> 8:22 9:16 9:19,19,23 19:19 25:20 26:6 34:12,18 41:2,25 42:5 54:10,10 55:4 55:9,21,22 57:18 58:4 70:13 71:2 73:1,14 80:4 83:18,21 89:20 94:24 95:3 98:10 99:19 101:7,12	<b>further</b> 12:9 29:12 33:19 40:11 71:19 110:20,21 112:12	<b>generation</b> 37:12 78:17
<b>fall/winter</b> 26:6	<b>fine</b> 30:16 34:2 66:3	<b>forget</b> 60:22	<b>furthermore</b> 35:17	<b>gentleman</b> 95:1
<b>familiar</b> 103:25	<b>finish</b> 79:3 90:17	<b>formulated</b> 77:24	<b>future</b> 14:24 23:4	<b>geometry</b> 22:2 61:5
<b>family</b> 31:19 110:6	<b>finished</b> 40:16	<b>forth</b> 18:2 52:6 112:11	<b>game</b> 59:10	<b>getting</b> 80:22 88:9 105:17
<b>Fanny</b> 93:5	<b>fire</b> 30:14 64:12 65:2,13	<b>forward</b> 16:3 109:6	<b>garage</b> 45:2,3	<b>Gillespie</b> 4:4 92:6,7 93:2,22 94:2,7,22
<b>far</b> 17:11 37:8 44:25 62:18 69:6,7 70:8 74:23	<b>firm</b> 6:6	<b>found</b> 91:5 94:16	<b>Garofalo</b> 2:4,5 3:4 6:5,6,7,12 6:18 9:10 10:14,17,19 20:16 21:15 24:9,24 25:14 28:13 29:14,17 30:9 33:19,23 34:2 37:17 41:10 45:25 46:17,22 47:2 53:12,15 67:3 72:5 73:4,11 76:12,18 84:19 84:25 89:13,17 90:17 91:5,14 91:23 94:13,20 97:14,20,24 98:3,6,12,19 99:16,24 101:19 107:20 108:2,4,10,25 109:2,15,19,22	<b>give</b> 6:21 35:21 44:7 97:21
<b>faster</b> 99:10 103:11	<b>first</b> 11:17 23:11 26:4 27:15,16 39:3 40:19 41:16 48:4 56:1 67:16 69:4 77:2	<b>fox</b> 66:9	<b>G</b>	<b>given</b> 47:19 78:10 97:10,12 110:22
<b>February</b> 72:7	<b>five</b> 39:7 48:11 48:14 83:11 96:23	<b>framing</b> 91:17	<b>game</b> 59:10	<b>Glen</b> 34:13,18 53:11 55:21 57:18
<b>Federal</b> 71:20	<b>five-unit</b> 45:22	<b>Frankel</b> 3:18 47:17,17,25 48:8,13,22 49:9,25 51:10 51:22 52:9,16 52:24 53:5,9 57:21	<b>garage</b> 45:2,3	<b>Glenbrook</b> 68:20
<b>FedEx</b> 60:16	<b>flexibility</b> 34:22 35:5		<b>Garofalo</b> 2:4,5 3:4 6:5,6,7,12 6:18 9:10 10:14,17,19 20:16 21:15 24:9,24 25:14 28:13 29:14,17 30:9 33:19,23 34:2 37:17 41:10 45:25 46:17,22 47:2 53:12,15 67:3 72:5 73:4,11 76:12,18 84:19 84:25 89:13,17 90:17 91:5,14 91:23 94:13,20 97:14,20,24 98:3,6,12,19 99:16,24 101:19 107:20 108:2,4,10,25 109:2,15,19,22	<b>glow</b> 28:20
<b>feel</b> 65:5 79:23	<b>flexible</b> 31:10		<b>game</b> 59:10	<b>go</b> 5:2 6:21 18:3 19:13,19 20:2 20:2,17 21:8 22:14 23:8 30:11 31:8,8 34:16,22,23 35:13,25 38:3 38:13 39:1 41:25 45:21 46:25 50:6,7,7 50:9,13,16,16 50:25 51:1 54:24 56:11 57:11 58:4 63:20,24 69:13 70:22,23 77:22 79:4 82:20 93:23 95:3 108:3 109:4,5
<b>feet</b> 6:25 8:13,14 18:13,14 26:25 42:10,14 46:11 66:20 67:19,19 67:22 72:14,20 73:16,17 74:6 74:8,16,17 75:18,20 90:4 101:7 103:14 103:14,15,18 103:21,22,23 104:6,18 105:3	<b>floor</b> 27:15,16		<b>game</b> 59:10	
	<b>flow</b> 12:6 53:18 57:15 88:21		<b>garage</b> 45:2,3	
	<b>flows</b> 16:11		<b>Garofalo</b> 2:4,5	
	<b>fly</b> 95:6		3:4 6:5,6,7,12	
	<b>follows</b> 6:17		6:18 9:10	
	<b>follow-up</b> 55:15 90:21		10:14,17,19	
	<b>food</b> 7:1 17:23 24:4,22		20:16 21:15	
	<b>Foods</b> 3:13 7:2 17:24 21:19 23:19,22 24:1 24:3,17 29:1 39:12,16,17,20		24:9,24 25:14	
			28:13 29:14,17	
			30:9 33:19,23	
			34:2 37:17	
			41:10 45:25	
			46:17,22 47:2	
			53:12,15 67:3	
			72:5 73:4,11	
			76:12,18 84:19	
			84:25 89:13,17	
			90:17 91:5,14	
			91:23 94:13,20	
			97:14,20,24	
			98:3,6,12,19	
			99:16,24	
			101:19 107:20	
			108:2,4,10,25	
			109:2,15,19,22	

<b>goal</b> 52:12	74:18,19 75:19	<b>handlers</b> 51:11	<b>historic</b> 97:5,9	<b>impact</b> 58:23
<b>goes</b> 12:9 28:6	<b>grant</b> 36:15,22	51:17	97:10,10,12	62:22 69:1,2,6
92:2 105:2	<b>grassed</b> 12:1	<b>handling</b> 32:9	98:1 109:14	70:15 78:3,7
<b>going</b> 5:1,13 7:1	<b>gravel</b> 105:24	<b>happened</b> 63:23	<b>historical</b> 94:14	79:13 82:23
9:1 10:12	107:3	66:4	<b>home</b> 31:18	85:11 92:16
12:10 19:17	<b>gravity</b> 93:14	<b>happens</b> 24:21	109:14	94:5 96:24
20:1 25:22	<b>great</b> 34:10 83:2	38:11 41:12	<b>homes</b> 25:22,23	97:8,8
30:2,3 31:17	<b>greater</b> 71:5	91:17 107:3	26:8,11,12,17	<b>impacted</b> 71:22
36:17,21,23	88:25 89:1	<b>happy</b> 11:11	27:7,9 34:13	<b>impacting</b> 70:19
37:6 38:14	<b>greatly</b> 71:22	30:7 108:8	41:1,2,2 42:2	71:25
46:9 50:10,16	<b>green</b> 48:3,5,6	<b>Harrison</b> 110:6	101:12	<b>impacts</b> 72:20
50:22 52:1,17	49:4	<b>hate</b> 77:22	<b>honest</b> 22:7 43:5	<b>implies</b> 90:11
52:18,20 54:24	<b>Gregory</b> 3:21	<b>headed</b> 57:3	<b>honestly</b> 84:10	<b>imply</b> 52:17
54:24 55:20,21	66:15	<b>hear</b> 52:12 54:15	<b>horizontal</b> 88:13	<b>importance</b>
55:22 56:20	<b>Gibbon</b> 4:3	55:18 58:20	<b>horizontally</b>	84:13,16
57:16 64:4	85:15,15,24	76:1 96:8	26:25 86:1	<b>important</b> 27:17
67:9,9 70:6	86:3,9,18 87:2	<b>heard</b> 37:5 47:6	<b>hour</b> 31:2,4,5,6	29:21 84:5
71:18 72:1	87:13,20,23	47:14 52:10	31:12,13,21,22	87:7
75:4,18 77:1	88:17 89:3,8	63:18 76:4	32:2 49:20	<b>impossible</b> 22:10
77:10,25 79:16	89:14	82:23 97:22	56:20 57:7,11	108:5
82:21 83:9	<b>ground</b> 64:1	<b>hearing</b> 6:10,20	69:22,23 82:14	<b>improve</b> 33:18
84:21 85:10	65:25 77:5	24:25 110:23	82:15 83:6,7,8	87:10
88:21 90:12,20	<b>Group</b> 1:19	111:4	95:5,7,7 99:10	<b>improvement</b>
94:3,8 95:2,3,4	<b>guarantee</b> 79:18	<b>heaviest</b> 15:10	103:11,12	38:4,15
95:8,16 96:15	79:25 80:1	15:20	<b>hourly</b> 78:11	<b>improvements</b>
97:13 99:10	<b>guaranteed</b>	<b>heavy</b> 77:10	<b>hours</b> 15:17	8:9,16 17:15
<b>good</b> 21:8 33:24	79:22	<b>height</b> 11:20,22	18:18 31:10	17:15 23:23
34:19 44:7	<b>guaranteeing</b>	42:10 66:25	32:4 58:23	<b>inbound</b> 32:2
50:14 57:24	71:21	89:15,24,25	59:11 62:23	74:10
58:18 76:1	<b>guess</b> 29:9 35:1	107:18	79:17 82:20	<b>inch</b> 26:25
77:20 100:25	35:2,16 43:2	<b>Heights</b> 106:3,4	83:14 88:3,4	<b>inches</b> 89:24
101:10	66:8 77:6 98:3	<b>Hello</b> 61:16 92:6	88:22 92:8	90:2
<b>goods</b> 43:4 62:9	108:11	<b>hereinbefore</b>	<b>house</b> 52:14	<b>Incidentally</b>
<b>Gordon</b> 1:19	<b>guys</b> 51:2	112:11	77:10 97:9,25	33:12 49:18
37:22 48:22	<hr/> <b>H</b> <hr/>	<b>he'll</b> 89:12	98:8	<b>inclined</b> 76:25
<b>gotcha</b> 105:20	<b>H</b> 3:3,7 6:16,16	<b>Hi</b> 89:20	<b>houses</b> 71:1 80:8	<b>include</b> 103:3
<b>gotten</b> 42:25	<b>habitat</b> 71:11	<b>high</b> 71:9 93:23	82:6 83:22	<b>included</b> 19:14
52:8 74:20	72:16	105:3	<b>housing</b> 12:21	32:14 53:22
75:21	<b>hammerhead</b>	<b>higher</b> 39:13	<b>hubs</b> 37:10	54:1,4,6 55:25
<b>govern</b> 44:21	9:3 37:24 38:1	78:11,12 79:16	<b>hydrants</b> 12:17	57:13 62:3,25
<b>grade</b> 26:15	38:6 57:24	<b>highway</b> 18:10	12:20 65:12	63:5 81:15,17
27:13 40:10,16	<b>hammerheads</b>	83:6	<hr/> <b>I</b> <hr/>	81:25 82:2
40:17,20 41:14	38:11	<b>highways</b> 81:9	<b>idea</b> 34:19 50:14	101:10 102:25
41:18 53:4	<b>hammerhead-...</b>	81:10	100:3	<b>includes</b> 45:2
89:25	3:9 9:13,17	<b>hill</b> 27:22 32:11	<b>ideally</b> 19:1	<b>including</b> 33:14
<b>grades</b> 40:6	<b>handle</b> 32:7,20	33:5,6,8,14	43:18	54:1,1,2 55:16
43:17 53:3	51:3 65:22	50:17 51:1	<b>identify</b> 75:14	61:25 92:19
106:8	69:24	<b>Hills</b> 1:1 93:17	<b>ignore</b> 47:10	<b>increase</b> 33:17
<b>grading</b> 42:20		<b>hindrance</b> 38:19		55:19,24 56:10



57:10 <b>increased</b> 56:2 59:17 63:25 67:18 <b>indicate</b> 41:24 62:14 65:10,20 <b>indicated</b> 7:15 <b>indicates</b> 92:12 <b>indicating</b> 5:20 <b>indication</b> 23:24 23:25 24:17 71:16 <b>individual</b> 14:8 <b>influx</b> 77:25 <b>information</b> 36:14 61:12 62:14 97:22 <b>infrastructure</b> 17:13 63:16 <b>ingress</b> 85:22 86:16 104:9,25 <b>inherently</b> 40:12 100:5 <b>Initially</b> 93:11 <b>inside</b> 24:2 36:18 38:5 <b>instance</b> 40:10 41:4 67:16 87:11 <b>Institute</b> 62:4 78:16 <b>intend</b> 91:15 <b>intense</b> 87:15,25 88:19 <b>intensity</b> 28:21 29:4 102:10 <b>intent</b> 90:23,24 91:1 <b>interconnection</b> 14:24 15:1 19:11 <b>interested</b> 20:5 62:10 112:16 <b>interesting</b> 106:22 <b>Internet</b> 64:25 <b>intersection</b> 16:12 33:2,16 54:9,16 56:17	56:20,25 72:13 103:9,14 <b>intersections</b> 16:10 32:12,13 33:14 57:12 60:2 75:1 95:19 <b>intersects</b> 33:15 <b>interspersed</b> 45:4 <b>Interval</b> 85:17 <b>Intervale</b> 7:10 7:10 8:5,25 9:1 9:16,17,18,24 10:1,13 12:22 27:21,21 28:7 28:16 30:21 32:7,16 33:2,4 35:18 40:24 50:4,13 52:11 52:14,19,23 53:21 54:10 55:6,20,22 56:10 57:15,17 58:2 70:1 72:13 74:4,5 75:6,10,11,24 76:3,16,20 81:13 86:10 90:1,9,13 92:19,23 93:18 93:20 94:6 96:6 98:11,15 98:18,24 101:1 101:8,11 102:20,21 103:25 104:14 105:1 106:2,4 106:12,16,17 107:7 <b>introduce</b> 9:4 <b>investigation</b> 72:23 <b>involved</b> 23:13 88:10,14 101:23 <b>IRIS</b> 1:20 112:6 112:18 <b>issue</b> 65:14,16	72:22 77:23 94:11 97:25 <b>issues</b> 10:21 29:11 100:8 106:21 110:12 <b>item</b> 11:17 13:8 13:8 <b>items</b> 11:12 12:11 <b>I80</b> 92:25 <hr/> <b>J</b> <b>J</b> 1:13 6:16 <b>James</b> 1:13 4:4 92:6 <b>JENNIFER</b> 1:16 <b>Jersey</b> 1:9 7:25 14:21 32:21 36:16 72:3,17 112:7 <b>Jetton</b> 4:2 80:4 80:4,15,21 81:4,10,17,23 82:3,7,23 83:4 83:8,12,25 84:12,16,24 85:1,14 <b>John</b> 3:3 4:3 85:15 <b>jug</b> 32:20 <b>jughandle</b> 17:10 17:11 20:2 32:21 33:8 37:4 49:10,10 49:14 <b>June</b> 63:22 <b>justification</b> 14:18 66:21 <hr/> <b>K</b> <b>Kaplan</b> 4:5 96:6 96:6,14,22 97:3 <b>karaoke</b> 76:25 <b>keep</b> 34:22 35:5 <b>KELLER</b> 1:12 43:23 44:3,17 111:3 <b>Ken</b> 3:20 58:18 <b>KENNETH</b>	1:14 <b>kids</b> 31:9 <b>killer</b> 87:6 <b>kind</b> 7:13,18 8:23 13:17 14:13 15:4 22:25 24:4 33:15,16 49:4 61:23 62:1,22 <b>Kinnelon</b> 92:14 93:23 <b>know</b> 22:6 30:2 30:4,14 34:16 35:1,4 40:7,8 42:19,19 61:10 62:18,22 63:3 63:7 65:24,24 65:25,25 66:20 67:7 68:21 69:16 71:6 78:14 79:19 85:17 86:11 90:20 94:10,20 95:15 97:14 98:4 101:19,20 101:22 104:22 <b>knows</b> 63:20 <b>K-turn</b> 38:12 <hr/> <b>L</b> <b>LA</b> 112:6,18 <b>Lackawanna</b> 33:9 <b>Lake</b> 35:15 <b>Lakes</b> 35:18 74:3 81:13 92:14 93:17 104:21 <b>land</b> 46:8 85:4 97:12 <b>landscape</b> 11:21 20:14 72:17 74:14 <b>landscaped</b> 22:1 <b>landscaping</b> 89:23 90:7 <b>lane</b> 8:2,12 48:18 50:7 67:18 68:15,17	74:10,10,13,13 <b>lanes</b> 8:8,8,10 48:18 50:6,10 50:20 67:8,9 67:12,15 68:6 68:14 74:12 <b>large</b> 22:17 78:20 <b>larger</b> 79:7 88:4 <b>LaROSA</b> 1:20 <b>late</b> 69:13,16 96:7 <b>latest</b> 23:22 24:5 <b>Laurel</b> 63:11 66:15 <b>law</b> 61:9 63:15 63:19 69:6 <b>Lawler</b> 3:21 66:15,15 67:4 <b>laws</b> 68:24 <b>layers</b> 11:21,21 <b>laying</b> 91:7 <b>layout</b> 20:12 65:2 <b>learn</b> 93:2,12 <b>lease</b> 62:15 <b>leave</b> 18:11 31:8 87:18 88:17 <b>leaves</b> 27:4 42:7 <b>leaving</b> 19:13 50:15,22,23 61:3 <b>Leavy</b> 4:7 107:24,24 108:8 <b>left</b> 6:1 7:3 16:18 16:20,21 17:6 19:25 22:3 26:7 30:23 31:1 35:24,25 48:5,18 49:18 50:7,13 56:21 67:9 85:5,7 <b>left-hand</b> 47:19 47:21 48:1,14 50:4 67:7 <b>left-turn</b> 8:10,12 8:14 16:7,8 36:2 48:4 49:3
---	--	--	--	---

49:17 67:18	<b>LLC</b> 1:4 5:3	<b>low</b> 15:16,18	65:8	15:21 17:14
<b>letter</b> 11:11,12	<b>loading</b> 60:18,20	<b>lower</b> 32:4	<b>Mayor</b> 1:13	30:19 32:16
11:16 37:5	60:24 61:6	<b>lowering</b> 88:10	65:20	33:7 43:24
<b>let's</b> 11:15 15:7	<b>local</b> 9:7	<b>lowest</b> 40:18	<b>McElroy</b> 3:24	47:18 54:8
24:9 31:21	<b>located</b> 19:5		76:16,16,20,24	66:17 71:14
59:23 103:12	72:12	<b>M</b>	77:9,20	73:13 75:5
<b>level</b> 40:18,19	<b>location</b> 19:7	<b>M</b> 6:16	<b>mean</b> 34:11,20	82:7 83:18
41:16 43:1	20:7 85:25	<b>Macy's</b> 62:12	38:9 48:25	92:10 98:4
106:12	87:2	<b>MADER</b> 1:18	49:4 50:19	103:9
<b>levels</b> 27:10	<b>locations</b> 44:23	6:11 25:12	67:21 108:4	<b>mercury</b> 71:9
<b>liberty</b> 62:14,15	105:24	109:24 110:4	<b>means</b> 8:25	<b>met</b> 18:9
62:18 63:4	<b>Lockley</b> 74:3	<b>main</b> 3:11 15:19	101:9	<b>Meth</b> 1:19 6:14
<b>life</b> 12:17,25	<b>logical</b> 101:9	21:18 24:13	<b>meant</b> 67:25	11:17 18:7,12
31:19 65:10	<b>Loman</b> 56:6	49:20 81:22	<b>measuring</b> 87:5	34:8 35:9,23
<b>light</b> 14:3 60:23	80:13,15,19	82:13	<b>median</b> 22:1	36:13,23 38:1
67:11	81:20,21,25	<b>mains</b> 12:22,23	74:14	38:20 48:25
<b>lightest</b> 69:7	<b>long</b> 30:16 57:13	12:23	<b>meet</b> 12:4 13:4	50:2 55:2,8,12
<b>lighting</b> 28:18	77:4,5	<b>maintain</b> 107:16	14:16 16:17	57:23 60:11
28:19,21,23	<b>longer</b> 47:20	<b>maintenance</b>	22:21 27:12	80:14 86:20
29:4,6 65:6	<b>look</b> 10:23 23:17	8:18	41:18 43:17	87:9,17 88:11
<b>lights</b> 29:5 93:4	25:6 27:22	<b>major</b> 80:19	65:1 69:5	<b>Meth's</b> 11:11
93:4 95:12,16	34:11 35:14	81:9,10 93:9	105:9	<b>Meyer</b> 3:3 6:15
95:17	38:13,15 43:13	94:5	<b>meeting</b> 5:7,21	6:19 10:15
<b>limit</b> 19:25	51:2 52:4	<b>majority</b> 30:20	8:21 22:21	20:17 24:25
<b>limited</b> 39:16	53:19 54:16	<b>making</b> 22:25	27:20 28:18	25:12 29:10,14
48:24 93:16	76:2 86:19	23:23 30:25	37:16 40:8	29:17 36:4
<b>limits</b> 95:4	92:15	47:15 49:23	41:24 57:21	43:24 55:3
<b>limit's</b> 103:11	<b>looked</b> 34:5	56:21 59:21	65:18,20	109:3,5
<b>line</b> 27:5 34:21	43:11 71:7,15	<b>Manoj</b> 4:6 99:18	108:20 109:7	<b>Meyer's</b> 37:23
41:21 46:11	74:22 85:2	99:18 100:11	109:10,23	<b>MICHAEL</b> 1:13
51:23	<b>looking</b> 28:9	100:20,23	<b>MELE</b> 1:12	2:2
<b>lines</b> 27:6,15	35:3 36:12	<b>Manual</b> 18:10	37:22 38:18,24	<b>microphone</b>
70:6	42:3 43:17	<b>mapped</b> 72:17	<b>Member</b> 5:20	10:18 25:13,15
<b>listed</b> 32:15	51:22 52:1	<b>Marblewood</b>	36:5 37:13,19	<b>midday</b> 99:4
<b>listened</b> 5:8,9,12	53:18 56:14	97:5	37:22 38:18,24	<b>middle</b> 9:23
<b>lit</b> 24:14	59:4 75:5	<b>mark</b> 23:20 24:7	43:23 44:3,17	<b>Midvale</b> 81:13
<b>little</b> 10:5 18:20	99:16 100:6,17	<b>marked</b> 6:3 9:14	45:14,20 46:2	93:5
30:5,8 31:20	102:5	21:21 28:3	46:6,13,20	<b>mike</b> 76:22
35:9,10 40:11	<b>looks</b> 40:5,9	<b>market</b> 17:23	111:3	<b>miles</b> 95:5,6
43:6 56:14	43:11 94:7	60:15 62:16	<b>members</b> 1:10	99:10 103:11
76:25 81:5	<b>lose</b> 85:7	<b>master</b> 34:9	3:17 4:1 6:9	103:12
83:3 91:16	<b>losing</b> 67:12	<b>material</b> 43:15	36:4 37:21	<b>mind</b> 34:1 52:11
<b>Littleton</b> 33:11	<b>lot</b> 1:5 5:4 38:9	43:20 107:2	39:1 108:23	<b>mine</b> 110:9
81:11	44:23 48:11	<b>materials</b> 24:1	<b>memory</b> 36:6	<b>Minimal</b> 82:23
<b>live</b> 22:24 32:5	50:21 59:4	24:15 107:2	<b>mention</b> 33:12	<b>minimizing</b>
61:17 63:11	63:23 70:11	<b>matter</b> 1:3 6:8	42:8 44:3	96:24
84:14	77:23 80:7,8	91:17 110:12	54:15	<b>minimum</b> 44:8,9
<b>Lived</b> 98:16	93:3,7	<b>mature</b> 89:24	<b>mentioned</b> 8:23	<b>mining</b> 105:23
<b>living</b> 83:16	<b>lots</b> 70:22	<b>maximum</b> 61:9	11:12 12:15	106:5

<b>minutes</b> 31:12 108:14	<b>Nancy</b> 3:22 4:5 68:20 97:4	17:23 18:21 23:19 32:5 38:3 51:17	<b>October</b> 63:22 <b>offer</b> 100:2 <b>offered</b> 39:6 <b>offers</b> 62:8 <b>office</b> 7:17 15:5 18:14 19:4 32:18 37:10 41:25 42:4,6 49:12,19,21 68:16 80:12,19 81:22 82:1,9 82:14,16,17,18 83:7,20,20,21 84:9 87:15 88:4,8,22,24 89:1,2 96:8,17 110:7 <b>offices</b> 7:12 15:9 15:18 18:21 19:7 56:5 82:12 88:8 <b>off-site</b> 8:11 45:15 72:9,11 <b>oh</b> 46:22 60:22 67:24 73:24 93:8 <b>okay</b> 5:11,19,25 6:23 11:16 21:8 35:6 36:3 37:19 38:24 40:4 41:22 43:16 46:2,23 47:1,2 49:9,25 51:10 52:12,16 52:24 54:17,20 55:1,8,13 56:9 59:23 60:4 66:14 68:13,18 69:9,25 70:5 71:6 72:4,24 74:17 75:3 76:11 77:20 81:17 82:7 85:14 91:20 92:5 98:14 99:5,11 100:24 104:17,24 108:12,25 109:3 110:10	<b>old</b> 33:2,4,6 50:3 50:6,17,18 51:2 <b>older</b> 38:9 <b>once</b> 85:6 87:12 <b>ones</b> 52:19 53:6 53:8 95:9 <b>one-hour</b> 14:16 <b>open</b> 12:2 62:24 69:4 80:7,16 91:13 96:18,19 <b>operate</b> 17:16 44:22 <b>operation</b> 8:18 9:5 11:4 <b>operations</b> 33:18 <b>opinion</b> 83:13 87:14,21,24 88:18 107:25 <b>opposite</b> 7:16 10:4 17:5 32:19 33:5 68:16 72:2 <b>opt</b> 93:6 <b>option</b> 102:21 <b>options</b> 40:10 <b>order</b> 100:22 <b>ordinance</b> 10:22 39:12 40:1 44:14 91:16,18 91:25,25 <b>organized</b> 52:6 <b>origin</b> 93:15 <b>original</b> 10:10 <b>originally</b> 107:14 <b>Osteria</b> 3:14 21:20 24:6,19 <b>outbound</b> 32:2 <b>outlet</b> 48:15 <b>outside</b> 24:1 77:18 99:14 <b>overall</b> 18:25 43:12,13 <b>overlap</b> 15:15 91:11 <b>overlay</b> 78:6
<b>misspoke</b> 44:8 <b>mixed</b> 91:1,10 <b>models</b> 93:15 <b>modern-type</b> 28:23 <b>modify</b> 16:6 86:7,11 <b>moment</b> 33:6 <b>Monday</b> 1:7 68:22 69:10 96:12,17,17 108:21 <b>morning</b> 15:11 18:15 82:20 88:5,24 98:18 98:24 <b>Morris</b> 81:11 <b>Motion</b> 111:2 <b>Mount</b> 110:7 <b>Mountain</b> 35:18 74:3 81:13 92:14 93:17 104:21 <b>move</b> 14:9 30:13 83:15 91:19 <b>moved</b> 111:3 <b>movement</b> 8:8 16:10 30:25 48:6 58:21 <b>movements</b> 8:14 16:7 36:1,2 49:3 <b>moving</b> 49:9 67:8 <b>multifamily</b> 38:5 <b>multiple</b> 59:9 <b>multi-family</b> 7:7 <b>Municipal</b> 1:8	<b>natural</b> 105:2,12 107:1,7 <b>nature</b> 59:15 <b>near</b> 72:13 82:10 <b>necessary</b> 5:22 9:6 87:11 <b>need</b> 15:25 35:3 73:1 85:13 98:7 101:2 104:17 105:22 106:9 <b>needed</b> 11:3 29:11 <b>needs</b> 15:2 103:9 103:17 <b>negative</b> 108:1 <b>neighborhood</b> 34:11,17 92:15 96:23 <b>neighborhoods</b> 34:23 93:9 <b>neighbors</b> 22:22 <b>neither</b> 112:12 112:14 <b>never</b> 102:19 <b>new</b> 1:9 7:25 14:21 26:22 32:20 34:5 36:16 38:10 50:15 52:19 69:25 70:8 72:3,17 74:25 90:7,7 93:2 103:13 112:7 <b>nice</b> 22:12 46:6 <b>night</b> 58:23 61:11 109:4 110:3 <b>nine</b> 15:11 31:3 53:24 95:19 <b>Nobles</b> 35:21 <b>noise</b> 61:15 <b>nonresidential</b> 42:18 <b>normal</b> 12:25 64:7 <b>normally</b> 11:2	<b>north</b> 7:5 20:2 48:20 49:15 50:25 67:8,9 68:14 93:16,19 <b>northbound</b> 16:7,21 19:13 48:4 67:16 <b>northerly</b> 41:1 <b>northwest</b> 92:13 <b>north/south</b> 55:7 <b>Notary</b> 112:6 <b>notch</b> 105:4 <b>notice</b> 70:10 110:20,21 <b>noticed</b> 39:10 <b>November</b> 5:6 11:17 <b>no-build</b> 56:18 <b>number</b> 5:5 13:8 13:8 18:7 21:1 23:13 25:22,22 26:1 27:24 33:14 39:23 45:3 58:24 59:17,19 78:9 79:6 <b>numbers</b> 31:24 45:7 78:2,6,12 79:11 <b>numerous</b> 59:9 95:19 <b>nuts</b> 95:9		
<hr/> <b>N</b> <b>N</b> 2:1 3:1 6:16 <b>name</b> 6:6 53:12 58:18 61:16 63:4,8,10 72:25 74:2 92:6 99:18 100:25	<hr/> <b>O</b> <b>O</b> 6:16 <b>oath</b> 6:19 <b>object</b> 108:4 <b>obstructed</b> 42:1 <b>obtain</b> 72:2 <b>obviously</b> 42:6 44:22 77:9 81:22 <b>occur</b> 15:9 19:15 48:6 105:13 <b>occurred</b> 10:5			

99:19,22 100:4 100:6,10,14,19 101:9,24 102:5 102:12,25 <b>overview</b> 6:21 <b>o'clock</b> 54:4 69:17 98:25 108:15 <b>O'Neill</b> 2:4 6:7 94:15 98:5 110:8	109:12,16,20 109:25 110:10 110:14,18,21 111:1 <b>park</b> 10:5,8 42:1 88:22 <b>parking</b> 17:18 17:19 18:6 25:24,25 26:19 26:20 29:5 39:4,5,8,13 43:25 44:4,8,9 44:21 45:15,16 48:15 59:5 61:1,3,5 65:13 70:22 78:5,22 <b>Parsippany</b> 1:8 1:9 33:1 35:15 63:21 68:24 76:5 81:12 83:9,15 85:5,6 108:1,20 <b>Parsippany-T...</b> 1:1 93:17 <b>part</b> 10:22 16:4 26:16 29:7 36:25 39:16,17 39:19 50:14 54:18 55:17 58:13 59:24 60:8 62:11 64:6,10 66:11 68:11 69:4 72:3 79:8 89:21 101:14 102:23 103:2 105:24 106:7 <b>partial</b> 42:5 <b>partially</b> 40:8 42:1 <b>participate</b> 5:23 <b>particular</b> 21:3 65:9 91:6 95:18 <b>parties</b> 112:14 <b>partner</b> 10:2 75:12 <b>passenger</b> 54:2 <b>pass-by</b> 56:4	<b>pattern</b> 69:20 <b>patterns</b> 47:20 68:22 93:3,13 <b>PAULA</b> 1:15 <b>pavement</b> 102:23 <b>peak</b> 18:18 31:2 31:12,15,21,22 32:2,8 49:20 57:7,11 79:17 82:13,15,16,17 82:19 83:4,6,7 83:8,9 <b>peaks</b> 15:5,8 <b>pedestrian</b> 13:14,15,19,20 14:7,8,14 37:12 42:22 59:24 60:1 <b>pedestrians</b> 13:11,22 14:8 14:11 59:11,16 <b>PEGGY</b> 1:18 <b>people</b> 9:19 18:3 18:3 19:12,16 19:19 22:23,24 22:25 23:2 31:8 34:22 35:13 43:4 48:15 50:9,21 50:23 59:2,12 59:15 60:5 61:25 69:10 74:24 76:2 81:11,12,14 82:21 84:13 92:11,13 93:2 93:6,8,12 94:2 95:2,6 96:10 103:11 108:5 <b>people's</b> 93:9 <b>percent</b> 12:16 56:3 65:11 <b>percentage</b> 19:17 92:23 <b>performance</b> 100:18 <b>performing</b> 105:6	<b>periphery</b> 40:24 <b>permit</b> 7:24 64:8 <b>permits</b> 15:25 16:2,4 <b>permitted</b> 16:9 51:20 61:9 <b>permitting</b> 64:7 <b>person</b> 50:15 97:6 <b>Pete</b> 3:24 77:21 <b>pharmacy</b> 44:5 <b>phase</b> 13:6 51:21 82:14 <b>phonetic</b> 76:21 <b>photographs</b> 23:21 <b>pick</b> 77:13 <b>pick-ups</b> 53:20 <b>piece</b> 54:21 <b>pieces</b> 91:3 <b>Piegari</b> 3:19 55:14,14 56:9 57:14 58:6,9 58:16 <b>Pierson</b> 21:16 <b>place</b> 61:11 104:25 112:10 <b>placement</b> 29:5 <b>places</b> 41:19 43:25 <b>plains</b> 81:11 <b>plan</b> 3:9,10 9:3,4 9:14,15 11:1,3 11:25 13:6 16:4 20:10,13 21:4,18,23 25:18 26:13 28:5,6 29:7 34:9 36:25,25 40:16 43:12,12 50:12 51:4,21 60:21,22 64:10 66:22 67:7 75:12 86:21,22 87:12 104:2,8 106:7 110:4 <b>planimetric</b> 87:4 <b>planner</b> 1:18 39:6 73:21	89:4,5,6 109:17 <b>planning</b> 1:1 73:22 85:4 101:5,18,22 102:18 108:20 108:21 <b>plans</b> 12:10 16:16 21:2 <b>plant</b> 52:17,19 52:25 53:6,8 <b>planted</b> 26:15 26:16 <b>planting</b> 28:11 40:23 <b>platforms</b> 60:19 60:20 <b>play</b> 59:10 99:21 <b>playing</b> 91:8 92:10 <b>plays</b> 83:19 <b>please</b> 21:13 25:5 47:14 52:12 61:17 68:3 108:22 109:10,23 <b>plot</b> 91:2 <b>plus</b> 44:10 75:19 <b>POD</b> 100:6 102:6 <b>point</b> 5:24 6:13 7:23 8:1,1,15 10:2,2 11:9,12 13:13,24 14:9 15:24 22:11,11 22:13 23:10 31:14 32:25 40:14 51:16 52:8 61:13 72:12 74:21 75:9,18,22 77:8 86:14 87:4 88:9 89:18 90:16 91:22 104:16 108:13,15 <b>points</b> 8:17 <b>poles</b> 70:6 <b>police</b> 8:13
--	--	---	--	---

49:11 65:1 <b>population</b> 93:16 94:5 <b>portion</b> 3:10 10:7 21:17,23 47:6,9,10 87:6 108:13 <b>positive</b> 107:25 <b>possibilities</b> 57:23 <b>possibility</b> 8:23 19:22,23 24:4 86:3 <b>possible</b> 8:22,25 9:22 10:11 22:6,7 34:11 42:1 43:17 54:23 86:19 <b>possibly</b> 80:22 87:19 <b>post</b> 37:10 49:12 58:6,8 <b>potential</b> 18:13 19:12 34:20 37:11 42:17,22 43:2 52:4 58:1 58:13 96:20 97:8,11 <b>potentially</b> 19:19,24 51:19 57:25 88:2 97:2 103:19 106:1 <b>power</b> 34:21 64:24 <b>practical</b> 43:3 <b>precisely</b> 87:3 <b>PRECISION</b> 1:22 <b>preclude</b> 103:2,5 <b>precluded</b> 102:21 <b>precludes</b> 102:12,15,24 <b>preemptively</b> 34:25 <b>preface</b> 101:2 <b>prefer</b> 33:24 <b>preliminary</b>	15:23 <b>prepare</b> 9:3 <b>prepared</b> 11:14 15:22 18:8 25:2 27:19 87:1 109:5 <b>preparedness</b> 63:16 <b>present</b> 1:10,17 9:18 108:24 <b>presentation</b> 6:15 29:11 36:6 47:13 63:12 <b>preservation</b> 71:20 85:2 97:5 <b>presumably</b> 58:15 106:6 <b>pretty</b> 30:14 <b>preventing</b> 8:25 <b>previous</b> 39:6 41:24 55:15 <b>previously</b> 6:16 12:15 49:23 62:13 73:21 85:21 106:3 <b>primarily</b> 18:21 30:20,22 96:11 <b>prime</b> 35:14 <b>principle</b> 99:23 <b>prior</b> 5:21 54:3 <b>probably</b> 24:3 60:16 66:20 89:17 90:3 <b>problem</b> 21:3,4 32:9 35:19 43:9 57:22 86:4,19 88:12 88:15 <b>problems</b> 12:7 15:24 16:13 59:8 71:8 94:25 <b>proceed</b> 6:8 <b>PROCEEDIN...</b> 1:5 <b>process</b> 64:10 106:7	<b>profile</b> 88:13 <b>program</b> 61:7 <b>prohibits</b> 101:24 <b>project</b> 12:9 14:14 22:25 25:2 56:18,25 57:2,9,17 62:11 65:9 72:18,21 82:11 87:6,7,14 95:18 97:8,9 97:13 <b>projected</b> 32:8 79:15 <b>projecting</b> 64:16 <b>projection</b> 63:1 <b>projects</b> 23:13 87:9 <b>proof</b> 94:15 <b>properties</b> 68:7 72:1 97:11,12 <b>property</b> 7:5 12:1 18:14 23:19 26:11 28:22 29:7 36:24 40:7 45:18,18 46:4 46:11 65:4 70:4 72:8,14 73:14,16 85:11 86:24 99:13 <b>proposal</b> 35:7 42:19 99:20,20 103:2 <b>propose</b> 16:5,8 18:12 50:3 <b>proposed</b> 7:4,6 7:19,23 14:6 21:25 25:1,24 25:25 26:14,18 26:20 27:9 32:18 33:13 34:5 36:21 39:5,12 41:14 41:20 42:23 45:21 46:3 49:13,14,17 50:5 52:5 68:23 72:21	73:14 79:7 90:6 96:15 97:12 100:3,9 106:8 <b>proposes</b> 49:16 <b>proposing</b> 8:2,7 8:9,12 13:13 17:14 28:12,19 36:25 46:10 48:24 70:1 96:25 105:23 107:13,15 <b>protect</b> 92:22 96:23 <b>protected</b> 16:9 <b>protection</b> 63:17 64:12 65:4,13 <b>prove</b> 16:12 29:6 86:15,15 <b>provide</b> 12:25 12:25 14:18 16:3,6,8 17:15 26:5 27:13,14 41:21 58:22 64:18 65:3 75:1 84:7 90:8 <b>provided</b> 13:9 15:2 27:18 42:22 60:3 65:12 100:10 <b>provides</b> 24:18 <b>providing</b> 13:2 16:16 17:18,22 17:25 29:3 44:11,13 45:2 45:10 104:8 <b>Provision</b> 14:23 <b>provisions</b> 58:22 <b>pruned</b> 89:25 <b>public</b> 13:19,23 29:21 38:11 46:24 47:6,11 47:12 59:3 89:7 92:3 108:13 112:6 <b>public's</b> 23:1 <b>pulls</b> 25:16 <b>pump</b> 66:2 <b>purchase</b> 62:9	<b>purchasing</b> 62:11 <b>purposes</b> 86:23 <b>pursuing</b> 36:15 <b>Purzycki</b> 1:14 5:7,9,20 45:14 <b>put</b> 21:12 27:13 66:17 73:2 75:25 79:23 95:8,16 <b>putting</b> 10:9 13:14 34:24 36:17 41:20 49:5 <b>p.m</b> 1:9 15:7,7 83:11 108:17 108:18,21 111:5 <hr/> <b>Q</b> <hr/> <b>quality</b> 23:25 <b>quantitative</b> 55:10 <b>quantity</b> 64:14 <b>question</b> 12:13 25:1 27:20 28:17 37:14 43:4,23 44:7 46:18,19 47:8 47:10,16 48:8 52:3,9 55:3,15 55:17 58:25 59:14 64:3,4 65:19 66:5,6 66:16 68:3 73:1,7,10 77:2 77:11 78:1 83:17 84:3 85:1,16 87:13 87:19,20 89:8 89:13,14 90:22 91:9,21 94:9 97:7 98:21 99:12,20 100:11,15 102:1 108:6 <b>questions</b> 29:15 29:18,23 33:22 34:1,4 36:3
---	---	---	--	--



37:20 38:25 39:1 45:19 46:25 47:5,6 47:13 58:20 77:1 85:9 89:4 89:7 98:20 101:13 103:8 108:5 109:8,13 109:17 <b>quick</b> 6:21 22:20 <b>quicker</b> 93:7 <b>quickly</b> 74:24 104:4 <b>quite</b> 50:8 98:7 98:8	<b>reason</b> 18:1 44:24 <b>reasonable</b> 101:21 104:20 <b>received</b> 6:9,11 6:14 9:14 21:20 28:3 36:15 72:6 <b>recognize</b> 104:4 <b>recollect</b> 102:16 <b>recollection</b> 94:14,16 <b>recommendati...</b> 86:23 <b>recommended</b> 57:23 <b>recommending</b> 44:24 91:24 <b>reconfiguration</b> 20:6 21:10 <b>reconfigure</b> 20:19 <b>reconfiguring</b> 19:22 <b>reconvene</b> 108:20 <b>record</b> 41:11 72:5 108:18 <b>recycling</b> 49:12 <b>red</b> 75:13 92:7 <b>reduced</b> 49:21 73:17 <b>refer</b> 6:13 <b>reference</b> 42:8 75:9 <b>referring</b> 28:14 41:11 76:13 <b>refresh</b> 36:5 <b>regard</b> 13:4 58:14 107:6 <b>regarding</b> 37:14 39:4 43:10 58:20 90:22 100:2 <b>regards</b> 70:10 93:8 <b>regulated</b> 72:8 <b>regulation</b> 90:8 <b>regulations</b>	106:4 <b>relate</b> 61:20 <b>related</b> 97:11 <b>relates</b> 19:15,18 <b>relative</b> 19:7 39:13 112:13 112:15 <b>relatively</b> 15:16 106:12 <b>relevant</b> 39:25 108:6 <b>remain</b> 102:22 <b>remains</b> 9:25 <b>removal</b> 105:23 <b>rendering</b> 20:10 <b>reoccupation</b> 82:1 <b>reoccupied</b> 56:6 56:6 <b>repeat</b> 5:15 45:6 47:3 68:2 <b>replaced</b> 56:5 <b>report</b> 6:14 30:6 55:5 72:7,11 94:14,20 <b>Reporter</b> 1:21 112:7 <b>Reporters</b> 1:23 <b>REPORTING</b> 1:22 <b>represent</b> 6:7 <b>request</b> 100:9 109:6 <b>requesting</b> 10:22 <b>require</b> 7:24 43:3 45:9 47:19 <b>required</b> 12:11 39:23 <b>requirement</b> 44:9,12 45:1 <b>requirements</b> 12:4,4 13:4 16:17 17:20 18:9 22:22 39:5 69:5 78:14 100:22 102:6,13 105:9	<b>requires</b> 44:18 <b>research</b> 98:5 <b>researched</b> 94:15 <b>reservoir</b> 64:2 66:1 <b>residence</b> 58:19 <b>residences</b> 45:22 46:4 101:7 <b>resident</b> 83:13 <b>residential</b> 3:10 3:15 7:7,9 9:6 11:5,19 13:3 19:9,11,13,25 20:12,14,22 21:17,23 22:18 23:3 25:23 26:17,18 28:2 28:5,15,22 29:20 30:3,5,6 32:8,17 35:8 38:4,14 40:15 41:15 42:11,18 42:23 44:25 45:8,12,15,17 52:5 53:2 54:11 66:19 67:1 70:9 72:1 73:2 86:17 91:12 96:18 102:22 <b>residents</b> 9:7 23:2,4 46:8 50:4,12 52:1 <b>Resolution</b> 110:6 <b>Resolutions</b> 5:2 <b>resolved</b> 88:16 <b>resources</b> 97:11 <b>respect</b> 8:6 11:24 14:14 17:18 18:8 60:12 67:16 71:24 73:21 80:12,12 <b>respectfully</b> 65:23 <b>respond</b> 9:8 98:13 102:4	<b>responding</b> 97:25 <b>response</b> 22:20 <b>responsibility</b> 8:19 64:18,19 <b>responsive</b> 16:11 <b>rest</b> 48:20 80:17 <b>restaurant</b> 3:14 21:20 24:22 39:11,14 <b>restaurants</b> 39:24 <b>restricted</b> 100:16 <b>restriction</b> 63:21 <b>restrictions</b> 99:21 100:13 101:25 <b>result</b> 48:10 88:24 91:18 <b>retail</b> 6:24 7:3,8 7:16,20 8:4 11:5,19 12:16 12:19 13:3,10 14:5 15:6,20 17:12,19 18:6 18:12,17,19 19:5,6,9,11 25:25 26:20 28:23 30:1 31:22 32:16,18 42:23 44:4,9 44:11,20 48:15 49:23 56:22 58:3 65:12 68:17 78:19 80:7,16 81:18 81:23 82:5,9 82:10,13 86:17 88:7,23,25 89:1 90:24 96:18 <b>retailers</b> 79:6 <b>retain</b> 101:10 <b>retainage</b> 40:12 <b>retaining</b> 11:18 11:18 40:20 <b>reverse</b> 9:19 38:12,17
<b>R</b>				
<b>R</b> 2:1 6:16 112:4 <b>radius</b> 22:12,17 38:15 <b>raised</b> 28:17 <b>raising</b> 53:5,7 <b>ramps</b> 32:23 <b>rate</b> 32:4 71:4,5 78:17 <b>ratio</b> 39:7 <b>RBA</b> 1:19 <b>RD</b> 1:4 5:3 <b>read</b> 5:21 6:19 59:7 89:21 <b>ready</b> 6:8,15 110:12 <b>real</b> 35:3 <b>reality</b> 49:1 78:3 79:19 <b>realize</b> 106:15 <b>realized</b> 24:3 <b>really</b> 11:3 15:12 19:1,16 20:6 34:10,14,19 35:2 37:8 81:19 83:25 88:18 100:15 109:5 <b>Realty</b> 1:4 5:3 110:5 <b>rear</b> 25:23 40:25 41:1,2 52:4 60:23 61:2				

<b>review</b> 5:4 18:24 87:1,18	<b>riparian</b> 72:19 72:20	<b>Route</b> 7:8,11,19 7:20,23 8:3,11	<b>satisfy</b> 12:11 64:11 90:15	<b>sections</b> 26:3,8 27:5 40:5,25
<b>reviewed</b> 5:20 11:8 49:1 92:1	<b>Rise</b> 93:22	9:1,20,24 10:1 10:12 12:23	<b>Saturday</b> 15:17 18:17,19 31:19	41:5,21 84:10
<b>reviewing</b> 7:22 11:10 98:1	<b>road</b> 7:10,10 8:5 9:1,16,18,24	13:18,21 14:10 14:11,12,25	31:22,25 32:2 49:21 57:7	<b>see</b> 15:23 17:24 22:16 24:15
<b>revised</b> 11:16 95:19	12:22 14:6 20:2 22:14	16:6 19:6 20:1 20:3 25:21	68:22 82:17 88:6,25	27:3,9,10 28:11 32:9
<b>rezoning</b> 89:22	27:21,21 28:7 28:16 30:22	26:1,21 30:21 32:15,15,19,19	<b>Saturdays</b> 15:8 69:11	42:2 51:12 52:10 58:16
<b>re-configuring</b> 21:6	32:7,12,17 33:2,3,4,5,8,10	32:23 33:1,6,7 33:9,9,10 36:9	<b>saw</b> 41:8	61:14 69:9,9 75:8,12 83:9
<b>re-construct</b> 87:10	33:11,11,11,14 33:15 34:13,18	37:9 47:21 48:9 55:21,22	<b>saying</b> 64:17 84:20,22 91:18	83:20,22,23 84:1 91:8
<b>re-direct</b> 55:2	34:21 35:15,18 40:24 52:23	56:17,24 57:7 57:18 58:4	95:25 103:21	103:17 104:5
<b>re-responding</b> 11:10	53:11,21 58:3 59:8 67:13	70:24 80:22 81:2,2 83:16	<b>says</b> 95:2	<b>seeing</b> 51:25
<b>re-zone</b> 99:22 100:14	70:2 72:13 74:8 75:24	93:3 100:8 110:5	<b>scale</b> 26:24 84:11	<b>seen</b> 99:10
<b>re-zoning</b> 86:24 86:24 99:20	76:17 82:13 85:24 86:10	<b>routes</b> 65:3 83:16 93:6,19	<b>scene</b> 26:4,5,6 27:3 28:9,9	<b>sees</b> 16:3
100:5	87:10 88:13 90:10 92:7,19	<b>RPR</b> 112:18	<b>schedule</b> 77:8	<b>senior</b> 33:6
<b>Richard</b> 4:7 101:1	92:24 93:5,18 93:20 94:6	<b>RSI</b> 45:12	<b>scheme</b> 16:14	<b>sense</b> 16:24 91:11 106:10
<b>right</b> 6:21 7:19 8:3 9:17 19:13	95:6 98:16,18 98:24 101:1,8	<b>rules</b> 71:14	<b>school</b> 31:8,9 53:19,20 54:3	<b>separate</b> 7:3,6 19:10 60:25
19:23 20:23 22:3,5,11,13	102:20,22 103:10,13,14	<b>run</b> 90:23	54:6 69:22,24 93:23	63:13
25:16 26:21 27:22 29:22	103:17 104:1,5 104:14,21	<b>runoff</b> 70:12,16 70:21 71:4,4,5	<b>schools</b> 63:19	<b>separated</b> 74:14
30:12,22 33:4 35:22,23 36:12	105:3 106:11 107:7,9,24	71:9	<b>screen</b> 52:7	<b>September</b> 63:22 98:17
36:14 37:10 40:14 41:25	<b>roads</b> 34:12 56:8 56:12 69:13	<b>runs</b> 70:12,13,14 70:15	<b>screened</b> 52:6	<b>serious</b> 59:15
46:15 47:9 48:18 49:2,25	88:10		<b>screening</b> 40:23 41:21	<b>seriously</b> 51:1
50:8,14 54:7 57:1,3,7 63:3	<b>roadways</b> 78:10	<b>S</b>	<b>seal</b> 75:25 79:24	<b>serve</b> 12:24
69:2 71:12 73:9,10,15	<b>Rob</b> 4:7 107:24	<b>S</b> 2:1 3:7	<b>second</b> 20:18 27:6,15,16	<b>serves</b> 7:12,17
75:7 77:3,12 80:6 84:19,25	<b>Robert</b> 1:12 2:5 3:23 6:6 72:25	<b>safe</b> 60:2 75:4,24 85:23 86:8,16	41:16 58:25 87:13 107:22	<b>service</b> 1:22 49:19 64:25
85:13 94:22 95:20 96:1	<b>roll</b> 108:21,23	103:10,13 104:8	<b>seconds</b> 48:12 48:14,19	<b>services</b> 12:18 13:1 49:19
108:19 109:20	<b>roll-off</b> 77:13,16	<b>safely</b> 13:12 17:16	<b>Secretary</b> 1:18 25:12 109:24	<b>servicing</b> 82:13
<b>right-hand</b> 20:23,25	<b>Ron</b> 4:4 94:24	<b>safety</b> 12:17,25 13:16 59:24	110:4	<b>set</b> 35:15 112:11
<b>right-of-way</b> 68:9,12	<b>roof</b> 27:10 51:13 51:14,18,24	65:9,11 74:23 92:8,16,20	<b>section</b> 3:15 25:19,19,20	<b>setback</b> 46:18 52:15
<b>right-turn</b> 35:25	<b>roofs</b> 52:4,5 <b>ROSA</b> 112:6,18	<b>sale</b> 7:6 80:9	26:7,13,13 27:19 28:3,5,6	<b>seven</b> 15:11 31:3 53:23 73:18
		<b>sand</b> 105:24 107:3	28:8 35:17 41:13,13 42:9	96:19 98:24 108:14
		<b>Sandy</b> 3:23 74:2	42:21 75:13 107:16	<b>seven-days-a</b> 96:21
		<b>sanitary</b> 13:2		<b>seven-days-a...</b> 96:25
				<b>sewer</b> 12:14 13:2 63:19 65:19,21
				<b>sewerage</b> 64:13

<b>sewers</b> 64:15 71:13	37:1 59:1	31:7 32:17	<b>Smoke</b> 93:22	<b>southerly</b> 7:11
<b>Shade</b> 89:24	<b>sidewalks</b> 13:25	33:10 38:4,14	<b>Snieckus</b> 1:18	<b>southern</b> 6:24
<b>shadow-box</b> 28:19	14:1	41:13,21 51:4	39:2,10,18,22	<b>space</b> 18:2 19:4
<b>Sheth</b> 4:6 99:18	<b>sign</b> 3:13 21:19	51:21,23 57:8	40:4 41:4,22	48:15 67:12
<b>shop</b> 69:11	22:15	58:3 60:21,22	42:9,13,15,25	68:5 80:16
<b>shopping</b> 8:11	<b>signal</b> 8:7 13:14	64:10 70:19	43:6,10,16,21	81:18,23 82:9
9:5 15:11,15	13:15 14:6,16	72:18 73:5,22	45:11 75:14	82:10
19:3,4 31:17	14:19,24,24	74:22 75:1,2,6	76:22 92:2	<b>spaces</b> 17:19,24
36:7 37:3	16:6 32:23	75:12 80:22	97:24 98:4,10	17:25 18:1,4
78:24 79:9	33:13,17 95:20	81:2,4 82:13	98:14 100:1,16	39:13,23 44:14
82:15,19,25	95:22	85:12,16,17,20	100:21 102:1,4	45:1,2,3,3,4
83:2 92:12	<b>signals</b> 8:18,19	85:23 86:4,5	102:9,14 103:1	78:5,22 80:7
<b>Shop-Rite</b> 80:23	14:8,15,17,23	86:11,16,19,21	103:7	<b>speak</b> 10:18 39:3
<b>short</b> 18:1	67:15 95:20	87:5,10,12	<b>soil</b> 40:10 105:23	57:20
<b>Shorthand</b> 1:21	<b>signed</b> 5:10,21	88:2,12,22	106:5	<b>speaking</b> 35:4
1:23 112:7	62:15	89:22,23 90:1	<b>solution</b> 21:3	<b>species</b> 72:17
<b>show</b> 11:24 20:5	<b>significant</b> 50:18	90:9 93:17	57:24	<b>specific</b> 100:7,17
20:13 21:13	96:15	94:11,17 96:9	<b>somebody</b> 38:12	100:22
26:20 27:14,17	<b>signs</b> 24:17 95:5	96:14 103:13	62:17	<b>specifically</b> 90:6
27:23 28:6,8	<b>similar</b> 12:13	104:1 105:22	<b>somewhat</b> 19:15	<b>specifications</b>
29:4 40:12	13:1 78:4,5	106:7 110:4	42:2	16:16
75:12	85:6 106:2	<b>sitting</b> 75:7	<b>soon</b> 30:14	<b>speed</b> 95:4 99:6
<b>showed</b> 38:21	<b>similarly</b> 26:1	<b>situated</b> 15:5	62:19	103:10
75:8 107:17	42:4 88:10	19:1	<b>sorry</b> 5:16 6:12	<b>speeds</b> 76:2 99:8
<b>showing</b> 9:15	93:21	<b>situation</b> 10:6	16:20,25 21:8	<b>spell</b> 53:12
27:4 41:7	<b>simplistically</b>	30:3 57:20	23:8 29:16	<b>spent</b> 26:2
106:8	104:13	59:13 92:22	30:10 33:5	<b>sporadic</b> 67:10
<b>shown</b> 26:8 37:3	<b>single</b> 48:17	<b>situations</b> 35:11	36:13 39:24	<b>spots</b> 85:5
40:5,16,25	50:15	<b>six</b> 15:14 53:24	46:22 50:25	<b>Springer</b> 3:22
42:20 60:21	<b>single-story</b>	54:5 73:18	51:5 55:8	67:5,5,21 68:1
87:3	66:22	78:13 83:1,5	72:10 76:18	68:4,13,18
<b>shows</b> 9:16	<b>sir</b> 5:16 21:1	<b>size</b> 26:23 79:9	96:7 97:17	<b>Springfield</b>
26:13,18 41:14	23:16 29:12	84:4,17	<b>sort</b> 40:12 41:7	95:14 96:2
42:9 104:2	59:14 76:19	<b>sketch</b> 20:4	60:23	<b>sprinklered</b>
<b>side</b> 13:18 17:11	95:23 101:13	21:10	<b>Sounds</b> 102:1	12:16
36:9,18,19	107:25 108:9	<b>skip</b> 5:1	<b>south</b> 8:11 13:17	<b>sprinklers</b> 65:11
42:3 51:18	<b>sit</b> 5:13 30:15	<b>sky</b> 28:20	17:2 19:18,18	<b>stairs</b> 43:3
59:3,6 67:13	108:9	<b>slip-in</b> 7:19	20:1,2 47:22	<b>standard</b> 39:13
68:5 70:1	<b>site</b> 3:10 6:24	<b>slope</b> 28:8 52:11	56:19 67:9,17	40:3 45:12
74:19 75:4,20	11:1,3 12:18	52:23 70:4,4	67:25 68:14	<b>standards</b> 14:22
90:3 101:7	12:25 13:6	74:19 105:9	70:23 98:18,23	38:5,15 45:10
103:17 105:3	15:4 16:4	106:11	101:7,12	60:1 100:18
105:15 107:7	17:21 18:5,25	<b>sloping</b> 106:16	<b>southbound</b>	<b>standing</b> 103:5
<b>sides</b> 14:12	19:24 20:9,12	106:17	16:8 17:4	<b>standpoint</b> 9:5
<b>sidewalk</b> 13:9,17	20:13 21:1,4	<b>small</b> 10:7 19:17	32:22,24,24	11:4 43:12
14:4,5 36:7,8,9	21:18,23 22:11	44:10 45:21	47:18 48:4,21	<b>start</b> 5:6 25:17
36:11,17,24	25:18,20 26:17	92:22	58:2	34:1 47:15
	27:5,6,14 28:6	<b>Smith</b> 33:9,11	<b>southeasterly</b>	93:6
	28:20 29:7	33:15	7:13 13:10	<b>state</b> 63:24 66:1

112:7	<b>structure</b> 42:11	25:19	109:8	34:3 38:24
<b>stated</b> 62:13	<b>structured</b> 91:16	<b>supermarket</b>	<b>talked</b> 20:18	40:4 41:22
85:22	<b>studied</b> 32:13	40:3	49:24 65:22	43:21 46:22
<b>state-of-art</b> 12:5	43:5 59:15	<b>supplemented</b>	68:21 73:7	53:9,10,15
<b>station</b> 50:21	81:9	12:3 40:22	109:8	55:8 58:17
<b>stay</b> 20:7	<b>studies</b> 60:4	<b>supply</b> 64:14	<b>talking</b> 11:9	61:15 63:9,14
<b>steep</b> 74:18	68:25 77:24	65:21	36:6 39:11	66:14 67:4
<b>stenographica...</b>	78:18 81:16	<b>support</b> 49:13	52:13 54:22	68:18,19 72:24
112:10	82:2 95:1 99:5	51:12 78:22	58:6	74:1 76:15
<b>Steven</b> 3:18	<b>study</b> 7:21 11:8	<b>supports</b> 49:11	<b>talks</b> 85:12	77:20 79:3
47:17	18:8 19:14,21	<b>sure</b> 6:8 14:1	<b>Tamarack</b> 34:6	80:3 85:14
<b>stick</b> 85:13	22:19,20 32:11	21:2 25:7 39:2	<b>tan</b> 60:23	89:19 92:5
<b>stop</b> 37:9 47:15	57:13 58:12	41:6 46:14,17	<b>Target</b> 29:1	94:22,23 96:5
<b>stoppage</b> 47:20	62:4 63:1	46:21 49:10	62:11 78:25	97:3 99:11,13
48:9	64:20 66:7,8	55:16 59:4	79:5	100:23 103:4
<b>stop-sign</b> 22:16	78:8 79:24	64:20 65:18	<b>tastefully</b> 24:18	107:23 108:10
<b>store</b> 3:12,14 7:1	80:9 92:25	71:17 91:17	<b>technically</b>	108:11 110:25
7:1,3,4 17:22	<b>studying</b> 32:12	97:20 98:7,8	76:25	111:1
21:19,20 24:2	<b>stuff</b> 95:8	99:24 101:22	<b>techniques</b> 40:6	<b>Thanks</b> 99:15
24:2,12,13,18	<b>subdivision</b>	110:11	<b>telephone</b> 64:24	<b>thing</b> 20:9 26:2
24:20 25:25	110:7	<b>surrounding</b>	70:6	29:13 63:18
44:1,10,12,15	<b>subject</b> 23:5	25:2	<b>tell</b> 23:17 28:18	75:23 76:4
51:6,8 60:15	26:11 72:14	<b>survey</b> 78:4	30:5,7 47:8	77:18 90:18
61:18,20,24	<b>submit</b> 13:5	<b>switched</b> 76:23	62:15 77:4	96:1,4
62:2,7,8,23	<b>submitting</b> 64:9	<b>sworn</b> 3:17 4:1	78:6 79:23	<b>things</b> 14:18
63:2,4,8 66:18	<b>substantial</b>	6:16	84:24 88:20	34:21 45:21
69:10 77:19	15:12 42:20	<b>system</b> 14:25	94:4	51:20,20 71:7
<b>stores</b> 6:25	57:20 80:20	35:5	<b>telling</b> 66:4	90:2 91:19
23:22 24:3	<b>substantiate</b>		79:11 83:16	106:24 107:4
44:22 60:13,24	78:2 79:10	<b>T</b>	101:2	<b>think</b> 9:10,11
68:23	<b>Sudol</b> 3:23	<b>T</b> 3:7 112:4,4	<b>tells</b> 31:6	12:15 14:13
<b>storm</b> 12:5	72:25,25 73:9	<b>Tabor</b> 110:7	<b>ten</b> 48:19 108:15	18:23 19:15
71:13	73:12,24 74:1	<b>take</b> 17:10 25:12	<b>tenants</b> 17:20	23:9,11 29:21
<b>stormwater</b>	<b>suggest</b> 47:9	25:15 46:7	44:21 65:7	34:24,25 35:2
11:13,24,25	109:22	49:7 52:18,20	<b>tend</b> 31:8 52:5	35:9 36:10
12:2 70:24	<b>suggested</b> 34:6	53:19,20,21	<b>terminate</b> 38:2	37:5,17 40:12
<b>story</b> 27:6,15,17	<b>suggesting</b> 57:21	54:9,23 56:13	<b>terms</b> 12:5,16	41:5 42:16
<b>straight</b> 5:2 38:3	109:21	56:16 57:12	17:12 49:17	43:14,25 45:23
<b>straighten</b>	<b>suggestion</b> 48:13	77:4 80:9	78:14 87:16	50:14 58:25
104:14	<b>summarize</b>	81:19 93:6	101:25	65:19 66:17,24
<b>stream</b> 12:7	55:18,23	108:14	<b>testified</b> 6:20	67:11 83:14,25
53:25 71:25	<b>summary</b> 18:23	<b>taken</b> 75:9 99:7	57:22 73:21	90:14 91:15
<b>street</b> 36:8 37:11	<b>summer</b> 26:4,5	108:17,23	88:23 89:6	99:16 104:19
38:2,7 45:15	28:8 52:22	112:9	<b>testifies</b> 6:17	106:4
45:17	<b>Sunday</b> 69:11	<b>takes</b> 61:8 80:18	<b>testify</b> 73:8	<b>thinking</b> 88:18
<b>streets</b> 38:9,11	96:18	<b>talk</b> 21:5 23:12	<b>testimony</b> 6:2,22	<b>third</b> 44:4
54:11	<b>Sundays</b> 68:23	30:1,4 45:24	23:12 37:6	<b>THOMAS</b> 1:15
<b>strictly</b> 7:9	69:1,4,6	59:23 85:10	39:6 112:9	<b>thought</b> 33:23
86:22	<b>superimposed</b>	103:20 107:21	<b>thank</b> 6:5 11:6	67:24 83:4

<b>thousand</b> 39:7	39:17 44:17	49:1,21,22	<b>treatment</b> 12:2,5	<b>turnaround</b> 3:9
<b>threatened</b>	56:7	50:8,11,23	<b>treatments</b>	8:24 9:13,17
72:16	<b>totally</b> 19:10	53:17,18,25	70:25	<b>turned</b> 86:5
<b>three</b> 6:25 13:8	22:6 45:18	54:8 55:7,16	<b>trees</b> 20:13 26:9	<b>turners</b> 57:2
23:21 34:17	79:1	55:19,24 56:1	26:10 27:4,8	<b>turning</b> 57:3
56:12 60:13	<b>town</b> 37:10	56:4,4,19,21	28:12 40:23	59:12 67:12,15
88:22	58:11 64:18,21	56:24 57:4,13	42:6,7 52:17	<b>turns</b> 8:3 35:23
<b>three-way</b> 33:15	78:1 80:6,17	57:15 58:24	52:18,21,22	47:22 67:10,22
<b>tie</b> 100:7	80:20 81:5,6,8	59:24 62:4	53:6,7 70:1	68:14 104:1
<b>tight</b> 22:2	81:19 91:25	63:1,1 68:21	89:24 90:3	<b>two</b> 8:8,8 10:9
<b>time</b> 6:1,2,14	99:13	68:22 69:1,1,6	105:4	10:11 25:21
9:25 11:14	<b>townhome</b>	69:20 71:10	<b>triangles</b> 75:1	31:12,22 34:18
15:16,19,20	106:11	76:4 77:22,25	89:23,23	45:2,3 48:18
26:2 33:12	<b>townhomes</b>	78:7,8,14,15	<b>tributary</b> 70:18	50:6,20 56:2
47:4,7 48:24	105:1 106:11	79:15,24 80:5	72:10,12,18	58:19 59:19
49:4,6,7 53:9	107:10,19	80:9,21,23	<b>tried</b> 73:18	67:8,9,11 77:1
53:19 57:13	<b>townhouse</b> 76:6	81:1,5,24	84:10 98:17,23	93:12 100:12
58:15 66:17	<b>townhouses</b>	82:14,15,18,20	<b>trip</b> 78:17	101:6,15
77:3 83:5	37:14,15 89:15	82:22 83:2,10	<b>trout</b> 72:15	107:13
84:24 86:21	90:23 91:2	87:16,23 88:3	<b>Troy</b> 72:10,12	<b>two-hour</b> 5:9
89:2,9 92:9,10	<b>township</b> 1:1	88:5,6,7,21,25	72:14,18	<b>two-lanes</b> 68:13
93:4 95:7	13:4 36:14	89:1 92:21,23	<b>trucks</b> 54:1	68:14
100:12 109:18	64:8 81:14	92:24,25 93:3	60:16,17	<b>two-parter</b>
112:10	92:14 96:3	93:11,12,16	<b>true</b> 26:24 77:19	99:12
<b>times</b> 16:1 31:9	<b>township's</b>	95:17,20,20,22	78:3,7 79:13	<b>two-story</b> 41:7
47:4	64:13	96:10,11,15,16	79:19 84:11	<b>type</b> 28:19 63:2
<b>timing</b> 33:13,17	<b>town's</b> 60:11	96:16 97:1	112:8	100:18 102:10
<b>title</b> 110:12	65:8	99:5,10 103:8	<b>Trust</b> 110:7	<b>types</b> 23:18,18
<b>today</b> 27:18	<b>tract</b> 36:18	107:25 108:1	<b>try</b> 35:4,12 44:7	91:3
28:24 44:19	91:10 101:5	<b>trailer</b> 58:21	49:4	<b>typically</b> 24:17
52:2,5 88:17	102:20,24	61:9	<b>trying</b> 46:9,13	27:1 60:13
94:10	<b>tractor</b> 58:21	<b>trailers</b> 59:20	46:20 50:8,24	74:25 77:15
<b>today's</b> 31:10	59:20 60:14	60:14	59:11,16 90:19	79:8
<b>Tolosi</b> 3:24	61:9	<b>transcript</b> 1:3	91:19 100:7	
77:21,21 78:20	<b>traffic</b> 7:21 8:7	5:21 6:10,13	<b>TURAN</b> 1:14	<b>U</b>
79:1,10,13,18	8:10,13,17,19	6:20 112:9	<b>turkey</b> 66:9	<b>ultimately</b> 92:1
79:25 80:3	8:24 9:1,18	<b>transit</b> 13:19	<b>turn</b> 16:18,20,22	<b>uncomfortable</b>
<b>tomorrow</b>	10:12 11:4,8	37:10	17:6 19:13,23	65:6
110:13	11:13 13:13	<b>transportation</b>	19:25 20:23,24	<b>unconventional</b>
<b>ton</b> 50:22	14:6,15,16,17	7:25 13:23	20:25 22:3,5	35:17
<b>tonight</b> 5:2	14:19,23 15:1	14:22 35:5	22:13,14 23:1	<b>underground</b>
39:10 66:25	15:10,13,15,17	36:16 59:3	30:22,23 31:1	12:3 70:8,25
79:11	16:11 17:17	62:4 78:16	33:4 35:24	<b>underlay</b> 102:7
<b>top</b> 26:15,16	18:8,15,16,18	<b>trash</b> 77:18	38:12,16 47:12	<b>understand</b>
27:10 28:7,10	18:20 19:10	<b>travel</b> 69:12	47:19 48:1,5	46:17 86:20
41:20 51:24	22:3,8 30:1,2,6	<b>travels</b> 99:2,9	48:14 49:18	90:18,19 99:19
70:3	30:20 31:7	<b>treat</b> 10:6	50:4 56:21	99:23 100:12
<b>top-most</b> 28:15	32:3,8,10,23	<b>treated</b> 84:5,5	57:7 67:7 68:6	109:2
<b>total</b> 17:25	34:4 47:20	<b>treating</b> 11:22	68:15,17	<b>understood</b>



55:12,19 59:1 <b>undertake</b> 64:20 <b>UNIDENTIFI...</b> 5:14,17 30:15 94:18 <b>Union</b> 28:25 78:25 79:1 95:10 96:3 <b>uniquely</b> 15:4 <b>unit</b> 28:7 41:15 <b>units</b> 7:7 20:14 31:5,6 53:3 <b>unknown</b> 75:19 <b>unloading</b> 60:25 61:6 <b>unorthodox</b> 35:10 <b>updated</b> 20:13 <b>upgrade</b> 24:5 <b>upgraded</b> 95:19 <b>upper-left</b> 21:24 <b>use</b> 10:9 13:22 28:24 38:3,17 59:5 61:4 63:25 64:8 78:16 88:19 91:1,10 93:18 <b>users</b> 82:17 <b>uses</b> 19:2 102:10 102:10 <b>Usually</b> 38:10 <b>utilities</b> 11:13 70:7 <b>U-turn</b> 10:8	<b>vehicles</b> 14:9 31:4,5,13,16 38:16,19,21 53:25 54:2 56:20 57:1,3 61:3 99:6,9 <b>vein</b> 12:13 13:1 <b>versa</b> 57:6 <b>versus</b> 18:3 107:13 <b>vertical</b> 88:13 <b>vertically</b> 26:25 86:2 <b>Vice</b> 57:6 <b>vicinity</b> 8:13 67:17 97:10 <b>view</b> 24:14 42:1 87:4 <b>views</b> 3:15 20:11 20:15 28:3,5 42:5 <b>Village</b> 67:6 <b>visibility</b> 25:1 27:9,16 84:7 106:21 <b>visitor</b> 45:4 <b>VOICE</b> 5:14,17 30:15 94:18 <b>volume</b> 56:7 59:17 60:5 95:17 <b>volumes</b> 79:15 <b>vote</b> 5:23	66:17 83:17 89:21 <b>wanting</b> 18:3 <b>wants</b> 50:16 <b>warrant</b> 14:15 <b>wasn't</b> 54:4 55:4 63:22 73:7 <b>water</b> 12:14,15 12:20 26:12 63:19,21 64:12 64:14,15,18 65:15,19,21,24 66:1 70:12,14 71:9 72:15 <b>waters</b> 72:9 <b>Waterview</b> 1:5 5:4 7:8,12,13 7:16 8:6,9 12:23 13:12,18 14:10 15:18 16:5,21 17:10 18:19 32:17,19 32:20,21,22 36:18 37:2 42:3 47:18,22 49:2,15 50:25 53:20 61:4 67:6,8,17 68:5 69:7 92:24 95:4 <b>way</b> 9:8 10:6 11:22 22:7,8 25:20 33:24 34:12 41:23 42:7 44:15 47:18 50:11 51:1 55:15 57:25 58:5,19 61:17 63:22 70:6 71:1 76:12 77:21 85:15 91:7,12 92:20 93:7,24 93:24 104:13 104:15 <b>ways</b> 34:17 38:2 58:2 103:17 104:18 <b>WB67</b> 61:8	<b>week</b> 15:10,14 15:20 66:5 96:19,21,24 <b>weekday</b> 31:2,12 31:15 53:23 <b>weekdays</b> 15:6 <b>weekend</b> 96:24 <b>welcome</b> 53:16 <b>wells</b> 65:25 <b>went</b> 14:3 25:20 73:15 <b>weren't</b> 75:6 <b>west</b> 16:21 20:3 50:10,16,24,25 <b>westbound</b> 32:21 57:6 <b>westerly</b> 7:10 <b>wetlands</b> 72:8 <b>we'll</b> 5:2,25 6:3 29:24 30:9 33:22 37:17 43:19 45:25 67:3 89:17 97:22 107:21 108:15 109:8 110:14,15,22 110:23 <b>we're</b> 5:1 6:8 8:8 8:12 10:7,22 13:13 15:5,22 17:22,25 22:23 23:1 27:4 28:12 36:6 38:14 41:19 44:11,13,24 45:2,10 52:13 54:5 73:18 85:10 91:7,18 91:19 100:7,17 102:5 105:17 109:2 <b>we've</b> 11:7 15:25 20:13 27:18 74:17 87:9 88:13 <b>whatsoever</b> 19:12 70:20 <b>White</b> 3:20 61:16,16,23	62:6,10,17,21 63:3 <b>Whole-Foods-...</b> 23:13 <b>wide</b> 45:22 <b>wider</b> 84:8 <b>width</b> 38:8 74:4 74:15 104:5 106:23 <b>wildlife</b> 66:10 71:19,20,21,24 85:2 <b>Winding</b> 34:12 47:17 55:14 58:19 61:17 77:21 85:15 <b>winter</b> 27:3 52:22 <b>wish</b> 29:12 <b>witness</b> 3:2 9:15 16:20,25 17:3 17:5,8,11 21:11,14 24:12 26:22 28:4 29:15,18 30:7 30:19 32:1,13 33:20 37:18 38:23 39:9,15 39:21 40:2,14 41:9,12,23 42:12,14,24 43:2,8,14,18 44:2,6,19 45:8 45:13,16,23 46:5,12,15,25 47:23 48:2,11 48:17 49:16 51:7,15 52:2 52:15,20 53:1 53:7,22 54:5 54:12,14,17,19 54:25 55:6,10 55:25 56:13,14 57:19 58:8,12 59:23 60:8,20 61:12,22 62:3 62:8,13,19,25 63:7 64:6,19 66:11,24 67:14
<b>V</b>	<b>W</b>			
<b>V</b> 2:2 <b>vacancies</b> 80:8 80:12,19 81:22 <b>vacant</b> 56:5 82:1 82:6 <b>Vale</b> 33:11 <b>valid</b> 91:21 <b>variety</b> 62:9 <b>various</b> 40:6 56:3 67:9 78:9 <b>vegetative</b> 107:2 <b>vehicle</b> 31:11 61:8	<b>wait</b> 24:9 <b>walk</b> 13:12,12 36:8 <b>wall</b> 11:18,19 40:15,16,20 41:17 53:3 <b>want</b> 18:1 22:6 28:18 30:5 34:10,23 41:6 50:1 55:3 65:1 65:5,7 67:7,21 91:15,19 <b>wanted</b> 26:5,24 39:2 42:8			

67:24 68:2,8 68:15 69:3,15 69:18,21 70:3 70:7,18,23 71:3,23 73:4 73:11,20,25 74:6,10,13,16 74:20,25 75:11 75:16,21 76:8 76:10,14 77:6 77:15 78:8,23 79:5,12,14,21 80:1,11,18 81:1,7,15,21 81:25 82:5,11 82:25 83:6,11 83:24 84:3,15 84:23 85:9,12 85:19 86:1,7 86:13 87:17,22 88:1,20 90:5 90:14 92:17 93:14,25 94:4 95:11,13,18,24 96:2,13,20 97:2,15,16 98:20,22 99:1 99:8,14,24 101:17 103:15 103:19,22,24 104:3,7,16,19 104:22,24 105:6,10,14,17 106:1,6,13,17 106:20,25 107:5,11,15,20 107:21 108:13 109:5 110:15 <b>witnesses</b> 29:22 <b>woman</b> 55:15 <b>wondered</b> 74:4 75:8 <b>wondering</b> 55:1 68:25 71:16 <b>Woodcrest</b> 107:24 <b>wooded</b> 26:12 27:22 <b>word</b> 77:12	<b>words</b> 61:18 <b>work</b> 15:19 31:8 31:10,18 49:6 64:7,7,7 65:7 67:6 69:10 72:3 82:21,21 87:4 95:5,23 98:6 <b>workable</b> 21:2 <b>worked</b> 80:13 101:5 <b>working</b> 7:22 9:7 32:14 40:6 <b>world</b> 80:2 <b>worse</b> 71:12 <b>wouldn't</b> 34:14 81:7 93:23 107:14 <b>wrong</b> 108:11 <hr/> <b>X</b> <hr/> <b>X</b> 1:6 3:1,7 <hr/> <b>Y</b> <hr/> <b>Y</b> 6:16 33:16 <b>yards</b> 41:2 <b>Yarema</b> 3:20 58:18,19 60:4 60:18 61:10,14 <b>yeah</b> 9:12 <b>year</b> 56:3 63:21 77:7 93:12 <b>years</b> 63:15,23 73:16,18 79:22 93:12 101:1,3 102:17 103:6 <b>Young</b> 4:7 100:25 101:1 101:21 102:3,8 102:11,16 103:4,8,16,20 103:23,25 104:4,12,17,20 104:23,25 105:8,11,15,19 106:2,10,15,19 106:21 107:1,6 107:12,18,23 <hr/> <b>Z</b> <hr/>	<b>zero</b> 28:21 <b>zone</b> 72:19 99:7 99:19,22 100:4 100:10,14,19 101:24 102:5,6 102:12,25 <b>zoned</b> 96:22 <b>zoning</b> 17:23 87:16,25 90:21 90:22 91:24 99:23 100:4 101:6,14,15 <hr/> <b>#</b> <hr/> <b>#12:524</b> 1:4 <hr/> <b>0</b> <hr/> <b>00162800</b> 112:19 <hr/> <b>1</b> <hr/> <b>1</b> 47:17 53:11 <b>1,100</b> 78:22 <b>1,100-plus</b> 78:5 <b>10</b> 24:10 48:12 48:14 55:14 60:16 83:16 85:15 98:25 108:21 <b>10:00</b> 108:18 <b>10:02</b> 111:5 <b>100</b> 4:7 12:16 65:11 67:19 <b>1001</b> 1:8 <b>106</b> 4:7 <b>11</b> 15:8 24:10 <b>110</b> 8:13 <b>12</b> 24:10 <b>12:524</b> 5:5 <b>13</b> 31:4,13 73:16 <b>131</b> 57:6,9 <b>144</b> 57:1 <b>15</b> 32:13 60:16 72:7 74:2,6,8 74:16 <b>150</b> 34:13 <b>16</b> 32:1,2 <b>17th</b> 109:24 110:1,19,22,24 <b>173</b> 45:1,9	<b>179</b> 101:1 <b>187</b> 56:20 <b>189,000-square</b> 6:25 18:13 <b>19</b> 5:6 32:1,2 <b>1942</b> 98:17 <hr/> <b>2</b> <hr/> <b>2</b> 15:8 72:15 <b>20</b> 26:25 31:20 31:20 <b>20-plus</b> 105:3 <b>20-something</b> 105:16 <b>200</b> 17:24 44:13 73:17 103:14 103:15,18,23 104:6,18 <b>2010</b> 18:9 <b>2012</b> 1:7 5:6 56:2 72:7 <b>2014</b> 56:3,18 <b>202</b> 9:1,20,24 10:1,12 32:23 33:1 35:22 53:21 54:10 55:21,22 56:11 56:17,19,19 57:7,18 58:4 81:14 92:25 93:19 95:3 <b>22</b> 3:10,12,13,14 95:10,12,16,23 95:24 96:1 <b>220</b> 8:14 67:19 <b>23</b> 83:16 <b>233</b> 98:15 <b>235</b> 57:3 <b>24</b> 31:16 97:5 <b>240</b> 84:1 <b>25</b> 63:23 66:19 95:5 99:10 103:11,12 <b>25-mile-per-h...</b> 99:6 <b>259,000-square</b> 18:13 <b>26</b> 6:23 61:17 <b>263</b> 96:6	<b>28</b> 3:15 <b>28th</b> 11:17 <b>287</b> 32:22 50:24 50:24 81:3 92:25 93:20,23 <b>288</b> 45:2,10 <b>29</b> 1:5 5:4 <b>299</b> 17:24 44:1 44:13 <hr/> <b>3</b> <hr/> <b>3</b> 1:7 63:11 <b>3rd</b> 108:21 <b>30</b> 31:15 66:20 80:4 89:24 90:2 101:3 102:17 103:6 <b>30XI</b> 112:19 <b>300</b> 73:16 84:1 101:7 107:13 <b>35</b> 95:6 <b>350</b> 56:21 <b>37</b> 31:4 76:16,20 101:1 <hr/> <b>4</b> <hr/> <b>4</b> 15:7 54:4 <b>40</b> 42:10,13,14 63:15 <b>40-foot</b> 38:15 46:10,10 66:18 66:21 <b>41</b> 58:19 94:24 <b>421</b> 1:5 5:4 <b>45</b> 74:17 75:18 75:20 95:6 <b>45-foot</b> 66:18,22 <b>46</b> 7:8,11,19,20 7:23 8:3,11 12:23 13:18,21 14:10,11,12,25 16:6,19,21 17:6,9 19:6 20:1,3 25:21 26:1,21 30:21 32:15,15,19,19 32:21 33:1,6,7 33:9,9,10 36:9 37:4,9 47:19 47:21,22 48:9
--	--	---	---	---

49:3,7,10,14	<b>76</b> 3:24			
50:7,9,9 56:17	<b>77</b> 3:24 25:22			
56:19,24 57:6	<b>770</b> 57:1			
59:2,8,12,16	<b>79</b> 4:2			
67:25 70:24				
74:24 76:3	<hr/> <b>8</b> <hr/>			
81:2 83:13	<b>8</b> 90:4			
92:25 93:3,21	<b>8-foot</b> 89:25			
100:8 110:5	<b>8:45</b> 1:9			
<b>47</b> 3:18	<b>80</b> 48:16 50:16			
	50:24,25 80:22			
<hr/> <b>5</b> <hr/>	81:2 93:21			
<b>5</b> 15:7 68:20	<b>807</b> 57:8,10			
<b>50</b> 46:11 72:14	<b>85</b> 4:3			
72:20 73:15,18	<b>89</b> 4:3			
79:22 83:23,25	<b>899</b> 17:25			
103:14,21,22				
107:12,15	<hr/> <b>9</b> <hr/>			
<b>50-foot</b> 46:3,18	<b>9</b> 3:9			
52:13 73:13	<b>9:51</b> 108:17			
<b>50-miles</b> 95:7	<b>900</b> 17:19,25			
<b>52</b> 77:21 89:20	18:1 43:25			
<b>53</b> 3:19	48:14			
<b>54</b> 107:24	<b>908</b> 1:23			
<b>55</b> 3:19	<b>91</b> 4:4			
<b>58</b> 3:20	<b>923</b> 57:10			
<b>59</b> 99:18	<b>926</b> 57:2			
	<b>94</b> 4:4			
<hr/> <b>6</b> <hr/>	<b>95</b> 4:5			
<b>6</b> 3:4 15:7 83:11	<b>96</b> 4:5			
<b>6-foot</b> 11:22	<b>98</b> 4:6			
<b>600</b> 43:25 44:11	<b>99</b> 4:6 44:14,17			
44:11				
<b>604</b> 17:22				
<b>61</b> 3:20				
<b>62</b> 3:21				
<b>642-4299</b> 1:23				
<b>66</b> 3:21,22				
<b>68</b> 3:22				
<hr/> <b>7</b> <hr/>				
<b>7</b> 15:7 66:15				
69:13				
<b>70</b> 92:7				
<b>70-foot</b> 61:8				
<b>71</b> 25:22 26:1				
<b>72</b> 3:23 7:6 31:5				
31:6				
<b>73</b> 3:23				
<b>75</b> 72:25				