

**BOROUGH OF FAR HILLS**  
Planning Board Regular Meeting  
**MINUTES**  
October 4, 2021  
VIA REMOTE MEETING ACCESS ONLY

**CALL TO ORDER**

Chairman Rochat called the virtual meeting to order at 7:03 p.m. and read the Open Public Meetings statement in accordance with the law. Those present stood for the pledge of allegiance.

**ROLL CALL:**

Present: Chairman Tom Rochat, Vice Chairman Richard Rinzler, Mayor Paul Vallone, Councilwoman Sheila Tweedie, Robert Lewis, Marilyn Layton, John Lawlor arrived at 8:10 p.m. and Jack Koury, Alt. #1

Also Present: Peter Henry, Board Attorney, David Banisch, Planner, Steve Bolio, Engineer and Shana L. Goodchild, Secretary

Absent: Suzanne Humbert, Alt. #2

There were approximately 27 audience members present.

**BILL LIST**

- October 4, 2021

Vice Chairman Rinzler made a motion to approve the Bill List. Councilwoman Tweedie seconded the motion. The motion carried by the following roll call vote:

**Roll Call Vote**

Those in Favor: Vice Chairman Rinzler, Mayor Vallone, Councilwoman Tweedie, Mr. Lewis, Ms. Layton, Mr. Koury, Alt. #1 and Chairman Rochat

Those Opposed: None

**PUBLIC COMMENT**

There was no public comment.

**APPLICATION/COMPLETENESS DETERMINATION ONLY**

- Appl. No. PB2021-15  
Robustelli  
Block 3, Lot 10  
170 Lake Road  
Stream Corridor Buffer Variance

As a noticed property owner within 200 feet, Mr. Lewis recused himself from the meeting at this time.

Steve Bolio noted that Ferriero Engineering issued a letter dated October 1, 2021 and addressed item #15 and #23, recommending waivers for completeness. He opined that there was sufficient information for the application to proceed to public hearing. There being no questions, Vice Chairman Rinzler made a motion to deem the application complete. Ms. Layton seconded the motion and the motion carried by the following roll call vote:

Roll Call Vote

Those in Favor: Vice Chairman Rinzler, Mayor Vallone, Councilwoman Tweedie, Ms. Layton, Mr. Koury and Chairman Rochat

Those Opposed: None

Mr. Lewis returned to the meeting at this time.

**APPLICATIONS/PUBLIC HEARINGS**

Mr. Henry again provided ground rules for public hearings and read into the record the following which is posted at the end of the agenda for each meeting:

- *Attendees are admitted to meetings via the Zoom waiting room and microphones are muted until enabled by the host. Members of the public may participate in meetings at certain designated times as announced by the Board Chair. During public hearings members of the public will be allowed to address applicants and their experts, ask questions and/or make comments as appropriate once recognized to do so. Attendees may request to be heard by 'raising a hand', either physically or virtually. Phone-in attendees can also 'raise a hand' by using \*9 on their phone. Disruptive or inappropriate behavior by any meeting attendee may result in the audio and/or video muting of that attendee and/or their removal from the virtual online meeting room.*

Mr. Henry noted that the Chairman requested that he monitor the performance of attendees under these ground rules and advise Ms. Goodchild if muting or removal is an appropriate step to be taken during any of the following hearings.

- Appl. No. PB2021-10  
Far Hills Country Day School  
Block 4, Lot 11  
697 US Hwy Route 202  
Amended Prel./Final Major Site Plan and Use Variance Scoreboard Replacement

Kathy Hatfield, Attorney from the Hatfield Schwartz law group was present and explained that the applicant was seeking a variance to replace and relocate the school's outdoor scoreboards at the existing grass fields. The campus straddles the boundaries of Far Hills and the Borough of Bernardsville. The property that is the subject of the variance is just under 35 acres and is located within the R-10 Zoning District of the Borough of Far Hills. The project consists of the replacement of two (2) steel supported 8 x 12 LED scoreboards located between two (2) existing athletic fields. Presently there are two (2) single sided scoreboards positioned in the opposite ends of the two (2) existing athletic fields. Existing scoreboard number one (1) is approximately 658 feet from US Route 202 and existing scoreboard number two (2) is approximately 1,010 feet from US Route 202; the existing scoreboards are approximately seven (7) feet in height and twelve (12) feet in width (84 sq. ft.

in total size). The scoreboards are proposed to be replaced with new double-sided scoreboards which would be relocated from the opposite end corners of the existing fields to the same end but in the middle fields; all four (4) athletic fields will have access to the scoreboards. The proposed scoreboards are the same approximate size, configuration, height and color and function as the existing units. They are not illuminated except for the red LED digits that display timing, scoring and team names. The proposed scoreboards do not display dynamic messages or video, they do not have any PA or sound system ability to make announcement but they do have a horn speaker that sounds at periodic intervals; that sound can be raised or lowered. The expected decibels from the scoreboard horns are approximately 120 decibels with a horn duration of approximately two (2) seconds. The scoreboards and horns will be oriented so that they do not face any residential neighbors. There are no existing floodlights at the field and no new lighting is proposed. The anticipated hours of operation will remain unchanged, typical hours during the week are between 2:45 p.m. and 5:30 p.m. or until the sun sets. The proposed project is not expected to have any impact on traffic or parking conditions since there are no changes to the property, field configurations or frequency.

Michael Bryson, Architect with USA Architects, was sworn in by Mr. Henry. Mr. Bryson explained that the scoreboard replacement project entails disconnection and removal of two (2) existing scoreboards and the installation and erection of two (2) new scoreboard structures that will support back-to-back scoreboards. When asked how the new scoreboards differ from the existing scoreboards, Mr. Bryson explained that the new scoreboards have updates in how they display team names, scoring and the timing; conventional lightbulbs are replaced with LED lighting. When asked if there is difference in the size, Mr. Bryson explained that the scoreboards are identical in size (5 feet by 12 feet) with school name signage across the top (2 feet by 12 feet). When asked if there is a change in the location of the proposed scoreboards, Mr. Bryson responded in the positive and explained that the two (2) existing scoreboard assemblies will be relocated from the corners of the athletic fields to the middle of all four (4) athletic fields so that all four (4) fields have line of sight to the scoreboards. When asked the distance the scoreboards will be from US 202, Mr. Bryson responded 1,040 feet which moves them slightly further away than the existing scoreboards. When asked if the scoreboards can be seen from US 202, Mr. Bryson responded in the negative noting that there is a dense tree line that blocks the view. When asked if there is any additional lighting associated with the project, Mr. Bryson responded in the negative. Addressing the sound level, Mr. Bryson explained that the only sound feature is a horn speaker similar to the existing scoreboards; no change in the sounds output however, the new scoreboards have volume control. When asked if the scoreboards and horns will face neighbors, Mr. Bryson noted that the existing scoreboards are on an angle and do face toward neighboring properties, the proposed scoreboards are oriented towards the fields only.

Vice Chairman Rinzler expressed concern with a 120-decibel horn and exposing students and onlookers and asked why the decibels could not be lowered. Mr. Bryson explained that the decibel level at three (3) feet diminishes significantly as distance is doubled from the scoreboard. For example, at the two (2) closest residential property lines the decibel level will be approximately 63.3 dba and the second closest property will have a dba level of 57.3; normal human conversation measures 63 dba. Vice Chairman Rinzler clarified that his concern was for those in the immediate area of the scoreboard and asked that the applicant consider operating the horn at a lower decibel to which Mr. Bryson agreed and noted that 120 decibels was the highest decibel level. He noted that the school will be trained how to use the scoreboards and adjust the horn level.

Mayor Vallone asked for confirmation that no night games would take place to which Mrs. Hatfield confirmed. When asked if it was necessary to appear before Bernardsville, Mrs. Hatfield responded in the negative. It was noted that the proposed scoreboards and existing athletic fields are entirely within the Borough of Far Hills. Mr. Bolio noted that existing scoreboard No. 1 was within Bernardsville and, to address a comment in the review letter, the applicant could be required to pursue an approval letter from Bernardsville. Mr. Henry opined that it could be handled through a demolition permit from Bernardsville. Mr. Henry also noted that because the application involved property within 200 feet of the boundary line Bernardsville received notice of the application.

When asked by Chairman Rochat if the playing fields are for the use of the school only, Mrs. Hatfield responded in the positive. When asked if the lights are recessed in the panel, Mr. Bryson responded in the positive and noted that the lights are flush with the face of the scoreboard. When asked if there is anything to block glare from the side, Mr. Bryson responded in the negative but noted that the scoreboards were oriented in a way to avoid any glare onto adjacent properties.

David Banisch noted that the existing scoreboards are approximately 400 feet from the nearest property line in Bernardsville; according to the plans provided the proposed location will be reduced to approximately 112 feet. That said, the existing scoreboard is oriented directly at a residential property on Lake Road and with the change in orientation they will emanate sounds in a northerly direction with the nearest dwelling (in Far Hills) being well over a 1,000 feet away. When asked the overall height of the proposed scoreboards including the additional signs, Mr. Bryson responded 18 feet to the top of the assembly (existing scoreboards measure 19'6" above grade). When asked by Mr. Banisch if there are games on the weekends, Mrs. Hatfield responded in the negative. When asked if the volume levels of the existing horns could be measured before they are demolished so that when the new signs are installed the volume can be adjusted to their present level, Mr. Bryson responded in the positive. He noted that they could use a consultant to take the measurement. Mr. Banisch questioned a notation about existing luminaries to remain on Sheet E100, photo number 4 which appear to show two (2) flood lights. Mr. Bryson confirmed that the new scoreboards do not propose any new lighting and clarified that the existing lights shown in photo number 4 illuminate an egress path behind the school building.

Steve Bolio, using his letter dated July 9, 2021 referenced the following comments:

Item No. 2 – Mrs. Hatfield agreed to provide a copy of the survey referenced on the plans.

Item No. 5 – Mr. Bryson confirmed that the scoreboards will not be visible from adjacent residential properties.

Item No. 10 – Mr. Bryson noted that the proposed disturbance is estimated between 550 and 600 square feet and agreed to show that on the plan.

Item No. 11 – Mr. Bryson noted that the footing dimensions are indicated on the structural engineers drawing S100 detail A.

Item No. 12 – Mr. Bryson noted that additional AED's will be provided.

Item No. 13 – Mr. Bryson confirmed that all of the existing signage, scoreboard and support posts will be removed.

When asked by Chairman Rochat about the vegetation between the proposed scoreboard and the residential structure in Bernardsville, Mr. Bryson confirmed that a dense line of coniferous and

deciduous trees exist on both sides of the property line and is adequate to screen a direct sight line from the scoreboard to the house.

There being no additional questions from the Board, Chairman Rochat opened the meeting to questions from the public. There being no questions from the public, Chairman Rochat closed the hearing to questions of the witness.

Mr. Lewis asked for clarification on the sound reading. Mr. Bolio recommended the applicant take readings and provide a report as to the sound levels at various distances of the new scoreboards. Chairman Rochat asked if there would be four (4) separate horns to which Mr. Bryson responded in the positive. Vice Chairman Rinzler opined that a reading should be taken under the scoreboard where student athletes congregate. Mr. Banisch recommended taking measurements approximately 25 feet from the horns based on the layout of the fields and he supported the recommendation by Mr. Bolio with the caveat that there be a measurement before the existing signs are removed. It was the consensus of the Board that the Board professionals could set the parameters and handle final sign off. When asked by Mr. Koury if the horn levels can be pre-set so that they cannot exceed a certain decibel, Mr. Bryson agreed to confirm with the manufacturer if that feature is available.

There being no questions, Mr. Lewis made a motion to approve the application to include the standard conditions and the conditions outlined during the hearing. Councilwoman Tweedie seconded the motion and the motion carried by the following roll call vote:

Roll Call Vote

Those in Favor: Vice Chairman Rinzler, Mayor Vallone, Councilwoman Tweedie, Mr. Lewis, Ms. Layton, Mr. Koury and Chairman Rochat

Those Opposed: None

- Appl. No. PB2021-09  
Colasurdo  
Block 4, Lot 3  
300 Pennbrook Road  
Side and Rear Setback Variances

For the record, Chairman Rochat noted that a site walk was conducted on Saturday, October 2, 2021 at the site.

Mr. Paul Fox, Engineer for the applicant indicated that they received a report from Planner David Banisch that identified the following additional items requiring variance relief from the required 100 foot setback: 1) the proposed landscape wall around the proposed pool (53.3 feet to the side yard and 56 feet to the rear yard), 2) the proposed screening walls adjacent to the pool equipment (78.7 feet to the side yard and 46.8 feet to the rear yard), and 3) the proposed underground drywell (72.9 feet to the side yard and 29 feet to the rear yard). Addressing the patio off the southern end of the house, Mr. Fox indicated that they verified that it conforms to the required side and rear yard setbacks.

Mr. Lewis asked for clarification on the evolution of the improvements on the property.

Gerald Colasurdo, owner/applicant was sworn in by Mr. Henry so that he could testify, if necessary.

Mrs. Colasurdo explained that they purchased the house in September of 2020 realizing that the house needed extensive renovations and that it was located approximately 105 feet from the property line (where 100 feet is required). When asked if they considered moving the house location, Mrs. Colasurdo noted that she made a commitment to the family that sold the home that they would not tear the house down and move the location; she clarified that the footprint of the home remains the same.

John Peel, Professional Planner and Environmental Consultant was sworn in by Mr. Henry, provided his qualifications and was accepted by the Board. Addressing a concern raised by the Board Engineer, Mr. Peel explained that they provided a letter confirming that, based on an on-site inspection, there are no environmentally sensitive areas within 300 feet of any proposed activities. Addressing the planning merits, Mr. Peel noted that virtually all of the improvements require setback relief as they are within the 100 side and rear setbacks. The primary reason for the placement of the improvements in the proposed location is to provide privacy while minimizing visual impacts to neighbors; the location seems appropriate for granting variance relief. The closest residence is located on Lot 2 (280 Pennbrook Road). Mr. Peel addressed comments raised in Mr. Banisch's letter dated October 4, 2021 noting specifically that there is a conforming area for the improvements adjacent to Pennbrook Road (a scenic corridor as outlined in the Master Plan) but there would be visual impact. He added that there are a number of proposed landscape plantings to screen the property to the East and the existing home serves as a visual buffer from the Pennbrook and Lake Road areas. The applicant agreed to conform to Mr. Banisch's recommendations on lighting (no side glare, etc.).

Addressing planning testimony, Mr. Peel opined relief should be granted because the purposes of the act would be advanced and the benefits substantially outweigh any detriment. The proposal retains the existing building quality and the plantings will aesthetically enhance the side yard area. The existing house was established many years ago and the proposed appurtenant improvements don't adversely impact the original view scape of the property. Any increase in impervious coverage will be managed by the proposed drywell system.

Mr. Fox noted that the Colasurdo's are in agreement to provide additional screening along the side as requested by Mr. Banisch.

Mr. Banisch reviewed the purposes of the act testified to by Mr. Peel and he agreed with most of them noting that the proposed location provides the property owners the most privacy and minimizes visual impact to the neighborhood.

When asked by Mayor Vallone if the neighbors at 280 Pennbrook Road have commented on the proposed project, Mr. and Mrs. Colasurdo represented that they discussed the improvements with the neighbors and they had no issues with the project. He added that the home on 280 Pennbrook Road is lower than the area of the proposed pool project. Mr. Banisch agreed that the house at 280 Pennbrook Road is situated at an angle and that the garage is the end of the house closest to the proposed activity.

Based on her observations at the site walk, Councilwoman Tweedie opined that putting the pool and patio anywhere else on the lot would have a greater visual impact and would not be as useful to the occupants of the home. Mayor Vallone, Vice Chairman Rinzler and Mr. Koury agreed.

There being no additional questions from the Board, Chairman Rochat opened the meeting up to the public for questions of the witnesses. There were no public questions.

There being no additional Board questions, Councilwoman Tweedie made a motion to approve the application to include the standard conditions and the conditions outlined during the hearing, specifically with regard to landscaping and lighting. Ms. Layton seconded the motion and the motion carried by the following roll call vote:

Roll Call Vote

Those in Favor: Vice Chairman Rinzler, Mayor Vallone, Councilwoman Tweedie, Mr. Lewis, Ms. Layton, Mr. Koury and Chairman Rochat

Those Opposed: None

- Appl. No. PB2021-12  
Symington  
Block 23, Lot 1  
180 Douglas Road  
Front Setback Variance

Catherine Mueller, Professional Engineer and President of Page Engineering was sworn in by Mr. Henry, provided her qualifications and was accepted by the Board.

Ms. Mueller noted that the property consists of 18.85 acres and is located at the corner of Liberty Corner and Douglas Roads. She explained that the applicant applied for a dormer variance but there is also a discrepancy with the pre-existing front yard setback to Douglas Road. She noted that her firm has been involved with the property since before 2006 where an application was made to the Board by a prior owner for significant expansion and renovations to the existing home. At that time the front yard setback variance was requested at 176.41 feet from Douglas Road where 200 feet is required; that project never commenced and the house went into disrepair. The Symington's purchased the property and they are now requesting a clarified front yard setback variance of 174.9 feet. In 2006 the survey relied on the State Plane Coordinates (NAD27) and in 2017 when there were re-development discussions another survey was done for a different client utilizing the State Plane Coordinates (NAD83) which resulted in the setback measuring 174.9 as currently shown on the plans; the house and the land have not changed. Mr. Henry noted that a new variance may not be necessary but opined that it would be beneficial to have something of record which clarifies what the actual variance would measure to utilizing the current survey base. He added that the setback should be measured from the right of way line and it should be established on the record. Ms. Mueller agreed noting that the Board Engineer recommended waiving the right of way dedication. Ms. Mueller clarified for the record that the front setback measured from the right of way line to the existing home would be 149.9 feet. The subject of the application involves the installation of a dormer on the rear side of the home. The roof is in poor condition and prior to replacing the roof they would like to make some renovations. The dormer will not be visually apparent from Douglas Road and from

Liberty Corner Road it is in a compliant area (over 520 feet from Liberty Corner Road). The dormer is over the required 200-foot setback by 4.25 feet; the distance from the existing center line of Douglas Road is 195.75 feet and measured from the right of way line it is 170.75 feet.

When asked by Mr. Bolio to provide a copy of the survey referenced on the plans, Ms. Mueller responded in the positive. Based on the scope of the application, Mr. Bolio recommended that the right of way dedication be waived.

There was a brief discussion about how the home was originally constructed in violation of the setback and the year of construction was determined to be approximately 1979.

Sean Mullican, Architect was present, sworn in by Mr. Henry, provided his qualifications and was accepted by the Board.

Using the Share Screen function of Zoom, Mr. Mullican displayed the submitted drawings and explained that the requested dormer was needed for storage and measures 18 feet (inside dimension). It cannot be moved as it would interfere with a structural valley and would cause complications with the design. Mr. Banisch noted that the proposed dormer lines up with the existing garage windows.

There being no questions from the Board, Chairman Rochat opened the meeting up to the public for questions of the witnesses. There were no public questions.

Ms. Mueller requested that the applicant have the ability to move forward with the permits prior to the adoption of the resolution. The Board had no objection with the applicant moving forward so long as the applicant submits plan revisions to the satisfaction of the Board Engineer.

There being no questions, Vice Chairman Rinzler made a motion to approve the application to include the standard conditions and the conditions outlined during the hearing, specifically with regard to receiving a copy of the reference survey and plan revisions to provide for the proper setback measurements. Ms. Layton seconded the motion and the motion carried by the following roll call vote:

Roll Call Vote

Those in Favor: Vice Chairman Rinzler, Mayor Vallone, Councilwoman Tweedie, Mr. Lewis, Ms. Layton, Mr. Koury and Chairman Rochat

Those Opposed: None

- Appl. No. PB2021-07  
Pulte Homes of NJ, Limited Partnership/Residences at Overleigh  
Block 5, Lot 4  
220 Route 202  
Prel./Final Subdivision and Site Plan and Variance

A transcript of the Pulte Homes of NJ, Limited Partnership/Residences at Overleigh public hearing has been attached to the minutes.



It was announced that the public hearing would continue on November 1, 2021, 7 p.m. without further notice.

- Appl. No. PB2021-16  
Living the Life of Our Dreams, LLC  
Block 15, Lot 1.01  
49 Route 202, Suite 13A (Office #2)  
Change of Use/Occupancy/Site Plan Waiver (Subscription Application)

Ms. Goodchild noted for the record that Ms. Layton was recused from participating as she resides within 200 feet.

Anthony Melillo was present on behalf of the applicant and sworn in by Mr. Henry. He explained that the tenant, Maria Francisco, consults for marketing campaigns in the music industry and currently occupies an office in New York. As a result of COVID she is looking for an office closer to Gladstone where her mom currently resides. A 12-month lease has been signed which meets the condition of the overall subscription application resolution. The Office hours will be conducted between 6 a.m. and 6 p.m. Monday through Saturday; this tenant does not need the extended timeframe outlined in the subscription resolution. No signage or site modification is proposed and only one (1) parking space is required with no visitors anticipated. When asked by Mayor Vallone to describe the business, clients and interaction, Mr. Melillo explained that the marketing campaigns are mostly social media for a specific song or artist; no auditions or music. Mr. Banisch noted that the use is permitted and recommended a condition to update the contact information for the tenant list in accordance with the prior condition of approval. Because the application was carried last month, Mr. Melillo requested that the tenant be permitted to begin moving in prior to the adoption of the resolution to which the Board had no objection.

Chairman Roachat opened the meeting up to the public for questions. There were no public questions.

There being no additional questions from the Board, Councilwoman Tweedie made a motion to approve the application with the standard conditions typical for the change of use/subscription applications: 1) taxes and municipal charges and fees being paid, 2) any other permits or approvals, 3) compliance with the representations made during testimony, 4) compliance with conditions set forth in Resolution No. 2020-20, 5), and 5) provide a copy of the subscription service agreement to the Board. Mr. Lewis seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Vice Chairman Rinzler, Mayor Vallone, Councilwoman Tweedie, Mr. Lawlor, Mr. Lewis, Mr. Koury and Chairman Roachat

Those Opposed: None

- Appl. No. PB2021-17  
Mountain Top Advisory Group

Block 15, Lot 1.01  
49 Route 202, Suite 6  
Change of Use/Occupancy/Site Plan Waiver

Ms. Goodchild noted for the record that Ms. Layton was recused from participating as she resides within 200 feet.

Anthony Melillo was present on behalf of the applicant and sworn in by Mr. Henry. He explained that the space is approximately 1,950 feet and the tenant will utilize the space as it is currently configured as a financial advisory group; the space will be used for administrative purposes. The applicant currently occupies space in Gladstone but is looking to make a move to Far Hills. The Office hours will be conducted between 7:30 a.m. and 6:30 p.m. Monday through Friday; total number of staff on site at one (1) time are five (5) (four (4) employees including the owner and one (1) patron). Five (5) parking spaces are required and provided as shown on the parking schedule provided. No additional signage or site modifications are proposed; the only signage will be decaling on the existing monument sign. When asked by Mr. Banisch if there will be visitors, Mr. Melillo responded one (1) visitor/client which has been provided for in the parking plan. Because the application was carried last month, Mr. Melillo requested that the tenant be permitted to begin moving in prior to the adoption of the resolution to which the Board had no objection.

Chairman Roachat opened the meeting up to the public for questions. There were no public questions.

There being no additional questions from the Board, Vice Chairman Rinzler made a motion to approve the application with the standard conditions typical for the change of use/site plan waiver application. Mr. Lewis seconded the motion. The motion carried by the following roll call vote:

Roll Call Vote:

Those in Favor: Vice Chairman Rinzler, Mayor Vallone, Councilwoman Tweedie, Mr. Lawlor, Mr. Lewis, Mr. Koury and Chairman Roachat

Those Opposed: None

**CORRESPONDENCE**

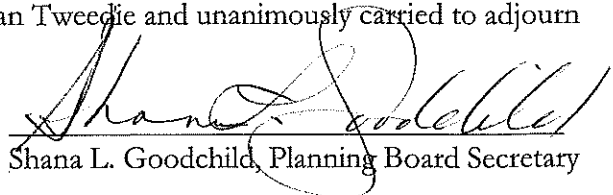
1. A letter dated September 23, 2021 from Paul D. Fox, Apgar Assoc. re: Colasurdo Variance, Block 4, Lot 3, 300 Pennbrook Road.

**ZONING UPDATE**

- Zoning memo dated September 28, 2021 – Kimberly Coward

**ADJOURNMENT**

Motion by Mayor Vallone, seconded by Councilwoman Tweedie and unanimously carried to adjourn the meeting at 10:32 p.m.

  
Shana L. Goodchild, Planning Board Secretary

**APPROVED 11/23/21**

PLANNING BOARD  
BOROUGH OF FAR HILLS  
COUNTY OF SOMERSET

-----X  
APPLICATION NO. 2021-07 :  
PULTE HOMES OF NEW JERSEY :  
Limited Partnership/Residences:  
At Overleigh :  
Block 5, Lot 4 :  
220 Route 202 :  
-----X

Virtual Hearing  
Monday, October 4, 2021  
Commencing 7:00 p.m.

B E F O R E:

TOM ROCHAT, CHAIRMAN  
RICHARD RINZLER, VICE CHAIRMAN  
ROBERT LEWIS  
MARILYN LAYTON  
SHEILA TWEEDIE  
PAUL J. VALLONE, M.D., MAYOR  
JOHN LAWLOR  
JACK KOURY  
SUZANNE HUMBERT, absent  
SHANA L. GOODCHILD, BOARD SECRETARY  
PETER HENRY, ESQ., BOARD ATTORNEY  
DAVID BANISCH, BOARD PLANNER  
STEVE BOLIO, BOARD ENGINEER

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

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Attorneys for the Applicant  
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## 1 W I T N E S S E S

2 PAGE

3 GARY DEAN

BY: MR. WOLFSON 4

4 BY: THE BOARD 19

BY: THE PUBLIC 53

5 Skip Schwester

Suzanne Voorhees

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## 11 E X H I B I T S

12 PAGE

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(Exhibits were not marked.)

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1 CHAIRMAN ROCHAT: Okay. Next on the  
2 ballot is Pulte Homes, Application 2021-07.

3 MR. WOLFSON: Good evening, Mr. Chairman  
4 Peter Wolfson, Day Pitney, here on behalf of the  
5 applicant. I'm pinch hitting tonight for my partner,  
6 Craig Gianetti who had a longstanding prior conflict.

7 Appearing on this matter, as the Board is aware,  
8 started and the applicant received input which is  
9 being converted into a revised submission which should  
10 be to the Board soon.

11 Our understanding of the focus of tonight is a  
12 discussion of traffic. And towards that end we have  
13 our traffic engineer, Gary Dean, with us to present  
14 direct testimony. We also are informed that the  
15 Board's traffic expert, Mr. Kataryniak is in  
16 attendance as well.

17 With that, I would call Mr. Dean if there are no  
18 questions.

19 MR. HENRY: Would you raise your right  
20 hand.

21 MR. DEAN: Good evening.

22 MR. HENRY: Do you swear the testimony  
23 you're about to give in this hearing would be the  
24 truth, the whole truth, nothing but the truth so help  
25 you God.

1 THE WITNESS: Yes, I do.

2 MR. HENRY: State your full name for the  
3 record and spell your last.

4 THE WITNESS: Certainly. Gary Dean, D E A  
5 N.

6 MR. HENRY: Thank you.

7 DIRECT EXAMINATION BY MR. WOLFSON:

8 Q Gary, can you share your educational and  
9 professional background and qualifications with the  
10 Board and the public?

11 A I would be pleased to. I'm a 1983  
12 graduate of Lehigh University with a Bachelor of  
13 Science degree in civil engineering. I'm a former  
14 member of the faculty of Lehigh University and  
15 Lafayette College having served as an Adjunct  
16 Professor teaching transportation engineering.  
17 I've been a licensed engineer in New Jersey  
18 since 1987. My license is currently in good standing.

19 Over my career I have appeared before roughly  
20 375 maybe 400 planning and zoning boards in New  
21 Jersey, Pennsylvania, Connecticut and Massachusetts as  
22 well as in Superior Court.

23 More locally, about 20 years ago, I served as a  
24 traffic engineering consultant to Far Hills Country  
25 Day School and I have also appeared regularly in

1 neighboring communities such as Peapack Gladstone. I  
2 was the traffic engineer for Natera and I was the  
3 project traffic engineer for the Hills Development in  
4 Bedminster among many other projects in that community  
5 as well.

6 Q Gary, you submitted a traffic impact  
7 assessment dated March 11, 2021.

8 Correct?

9 A Yes, I did.

10 Q And subsequent to that we received Mr.  
11 Kataryniak's letter of August 27, 2021?

12 A Correct.

13 Q And then you submitted a letter responsive  
14 to that dated September 8th, 2021.

15 Is that correct?

16 A Correct.

17 Q Okay. I just wanted to have that context  
18 of what exists in the record on traffic.

19 With that, Gary, I'm going to ask you to lead  
20 the Board and the public through your analysis and  
21 your conclusions relative to traffic impacts.

22 A Certainly.

23 MR. HENRY: Before we go forward, Peter,  
24 could I ask you if you would at some point furnish me  
25 with a copy of that, whatever the September dated

1     responding letter was. I don't think I have it.

2                   MR. WOLFSON: We will do that.

3                   MR. HENRY: Thank you.

4                   All right. I didn't mean to interrupt.

5                   THE WITNESS: Thank you, Mr. Henry.

6           A        For the public's benefit as well as the  
7   Board the Traffic Impact Study consists of an  
8   evaluation of the existing traffic conditions closest  
9   to the site that could be most effected by any  
10  proposed development.

11           In this particular instance we focused on the  
12  intersection of Route 202 and Lake Road given its  
13  proximity to the site and we establish a base line of  
14  traffic conditions. And we did that by collecting  
15  traffic counts, specifically the staff, members of the  
16  firm were present at the intersection.

17           Traffic engineers tend to focus on the times  
18  when traffic is at its peak. Generally when capacity,  
19  if it is constrained, it's attributed to essentially  
20  rush hour conditions principally effected by  
21  individuals commuting to and from work.

22           And our traffic counts were conducted at Route  
23  202 and Lake Road between 7:00 in the morning and 9:00  
24  in the morning and from 4:00 in the afternoon to 6:30  
25  and within each of those time frames we isolate the 60



1 minutes, whenever it occurs that traffic is busiest.  
2 And those counts were done this year on Thursday,  
3 February 25th.

4 Now the pandemic has certainly altered or  
5 effected traffic conditions in the area. Boards as  
6 well as traffic professionals often find that things  
7 aren't "normal." So what we've been doing over the  
8 past year and a half since the COVID work from home  
9 and other restrictions is that we found base line data  
10 that was collected by either consultants or for  
11 instance in this case from NJ DOT. And DOT  
12 periodically collects traffic data on the State  
13 highways.

14 The intersection that we found where DOT had  
15 data I believe was at Southfield, Southfield Road.  
16 And that data was from 2017.

17 Now what we did is, in addition to the traffic  
18 counts we did at Lake Road we also counted in 2021 at  
19 Southfield. And then we compared the pre COVID  
20 numbers with what we found in February of this year.  
21 And once we've been able to make that before and after  
22 comparison, we then increased, we factored up the data  
23 that we collected this year to account for what we  
24 were conservatively "normal" typical conditions or pre  
25 COVID conditions.

1           What we don't know, from a traffic engineer's  
2     perspective, are what are the long term effects of the  
3     changes that we have all experienced in the past 18  
4     months. More people work from home, have corporations  
5     contracted their footprint and relinquished office  
6     space given forums such as Zoom and Microsoft Teams  
7     and other means to conduct business and connect with  
8     employees.

9           Rather than try to figure out what the future  
10    may hold, what we basically did for a conservative  
11    analysis is assume at some point between now and when  
12    the project is built we will be back to pre COVID  
13    conditions meaning traffic has increased to the levels  
14    that we saw previously.

15          Now what does that mean from the traffic counts  
16    we collected? Well, those increases resulted in an 83  
17    percent increase in the morning peak hour from what we  
18    counted. In the afternoon it wasn't quite as much.  
19    It was 22 percent. But I suspect in the morning that  
20    has to do with parents, individuals, not only  
21    traveling to and from work but taking children to  
22    school.

23          So we, I don't want to say artificially but we  
24    increased the traffic data at 202 and Lake to reflect  
25    those pre COVID conditions by that adjustment.

1           And I will be describing what we do with that  
2   data as we move along in our analysis.

3           So we focus on those peak hours, then appended  
4   to our traffic report are the traffic counts and a  
5   series of figures, call them stick figures or diagrams  
6   that show the amount of traffic traveling on Route 202  
7   and Lake Road during the peak hours. And from our  
8   counts we found the peak hour in the morning to occur  
9   between 7:30 and 8:30 and in the afternoon between  
10   4:15 and 5:15.

11           And just to share a few components, there are  
12   roughly 1,250 vehicles traveling on Route 202 in the  
13   morning and in the afternoon that volume is much less.  
14   It's closer to about, call it 700 give or take.

15           And, and we are also aware that conditions on  
16   the major highway system Route 78, 287 in particular  
17   often times if there's an incident or problem on the  
18   highways, you know, now that more and more motorists  
19   are using various navigation adds, GPS apps rather,  
20   sometimes the secondary highways see an uptick in  
21   traffic.

22           So we didn't consider that specifically but when  
23   we looked at the volumes of 1,200 in the morning  
24   certainly it suggests that on that particular day  
25   there may have been something that occurred. But,

1 regardless, we use that traffic data in our study for  
2 a conservative analysis.

3 On Lake Road there are about 40 vehicles in the  
4 morning that we observed exiting, about half went,  
5 turned left and went towards Bernardsville and the  
6 other half turned right towards Peapack Gladstone,  
7 Bedminster and say west towards Route 206.

8 The next step in our traffic study is to, I'll  
9 say, grade the intersection. And traffic engineers  
10 use a term known as Level of Service. And it's a  
11 scale of best operating conditions at Level of Service  
12 A to the lower end of the spectrum at Level of Service  
13 F where often times motorists are encountering longer  
14 delays in making their turn and there's queuing or  
15 stacking of vehicles on the side street.

16 And in the morning exiting Lake Road, again  
17 these are pre COVID adjusted by 83 percent traffic  
18 calculations, that motorists leaving Lake Road operate  
19 at a Level of Service D as in David. And that's a  
20 delay generally between 25 seconds and 35 seconds.

21 In the evening, while there's less traffic both  
22 on the highway there's also less traffic turning from  
23 Lake Road so those Levels of Service are much better  
24 at Level of Service B.

25 The next step of the process is to estimate the

1 projected traffic from the proposal. The proposal  
2 features two components. The first are 29 affordable  
3 apartment units. Those have no restriction other than  
4 by income meaning we would expect that the individuals  
5 will be part of the work force and generally would be  
6 leaving during rush hours, if you will.

7       There are also 105 age restricted units that are  
8 proposed. And as more and more people retire and  
9 leave the workplace, obviously there's less of a need  
10 to be out at 7:30 in the morning and as a result that  
11 type of resident generates per unit much less traffic  
12 than either affordable or market rate units. So the  
13 age restricted component has a very significant factor  
14 in that it tends to suppress traffic during peak  
15 hours.

16       Again, if one were retired and we're not  
17 assuming everyone is retired but more of the future  
18 residents we would expect would be, it just begs the  
19 question why would anyone go out at rush hour if they  
20 don't need to.

21       So as a result, and this has been borne out, the  
22 way traffic engineers develop these projections is  
23 through actual studies of specific development or land  
24 use that is under study.

25       Traffic engineers like myself and Mr.

1     Kataryniak, the Board's consultant, and other traffic  
2     consultants throughout the United States collect this  
3     traffic data and it is published by the international  
4     professional organization of traffic engineers known  
5     as the Institute of Transportation Engineers. And  
6     about every five or six years this data is refreshed,  
7     it's updated to look at either new land uses that  
8     didn't exist say five years ago or to continue to  
9     refine the data for other existing land units -- land  
10    uses.

11           And in our report we used multi-family housing  
12    with no age restriction for the 29 affordable units in  
13    a low rise meaning fewer than four stories building  
14    product type and then senior adult housing which  
15    includes retirement communities, age restricted  
16    communities, things of that nature for the remaining  
17    105 units. And when we look at the projections in  
18    aggregate in the morning peak hour, meaning in a  
19    single 60 minutes, we would expect to have 36 vehicles  
20    generated by the community. And that would be  
21    comprised of 10 individuals returning in the morning.  
22    Perhaps it's parents dropping off children at school  
23    or individuals, for example, who may be returning from  
24    an overnight work shift or simply people that went out  
25    to get a, you know, milk or something of that nature.

1 But the majority of traffic would be exiting in the  
2 morning as we would expect people leaving for work.

3 To put that into context, that's about one  
4 vehicle leaving the site in the morning every two  
5 minutes. That's 30 vehicles per hour. And we're  
6 expecting 26. So we're in that general frame of  
7 impact which other than having a traffic engineer  
8 stand on the side of the road would be very difficult  
9 to perceive from a motorist's perspective. It's just,  
10 unless you happen to be there at that exact two minute  
11 when the individual leaves by and large that has a  
12 very small effect on traffic operations.

13 In the evening or the afternoon peak hour, we  
14 have a little different component of traffic. We have  
15 people returning home from work but we also have  
16 individuals perhaps taking their children to after  
17 school events and sports practice and music lessons,  
18 things of that nature or people leaving to go to the  
19 grocery store, for dinner or any errands. And so we  
20 see more traffic in the evening peak hour. We would  
21 expect 48 total trips which are traffic movements  
22 consisting of 28 inbound traffic.

23 So the peak flow direction meaning out in the  
24 morning and in at night is generally similar,  
25 essentially the work force travel patterns but we

1 would also have more people leaving at night perhaps  
2 for social visits and the other elements I described.  
3 And we would have 20 exiting trips in the evening peak  
4 hour.

5 The next thing our traffic study considered is  
6 what happens in the future. Well, we have made the  
7 adjustments for COVID, we have increased our traffic  
8 and we prepare two types of analyses. The first one  
9 we call a no-build analysis which is essentially a  
10 projection of future traffic and in our study we did  
11 assume that there would be annual increases. We don't  
12 know whether that will happen but that has  
13 historically been the trend. And then we look at the  
14 conditions both with and without the project. And  
15 that helps us very quickly identify what are the true  
16 impacts of this particular proposal on the, on the  
17 peak hour conditions.

18 And appended to our report we have included the  
19 summary of those types of, I'll say, comparative  
20 analyses.

21 And in the no-build analysis which is that  
22 projection of future traffic conditions without the  
23 project, what we would expect to be there if this  
24 proposal wasn't before you, we would continue to have  
25 a Level of Service D condition leaving Lake Road.



1 Again, it's fairly low traffic. And those would be  
2 unchanged from the existing conditions.

3 As we superimpose the site traffic along Route  
4 202, we would continue to have Level of Service D  
5 leaving Lake Road.

6 So from that test alone the minor amount of  
7 additional traffic generated by the community, some of  
8 which goes towards Bernardsville, some of which turns  
9 left and goes past Lake Road but it would have no  
10 effect on anyone's ability to safely enter and exit  
11 that intersection and the levels of service leaving  
12 the community would be the same as Lake Road, Level of  
13 Service D in the morning and Level of Service B as in  
14 boy at night.

15 And essentially it would be the mirror image of  
16 the operations that we would expect to find at Lake  
17 Road.

18 So our study concluded that, yes, there will be  
19 more traffic, there's no disguising that 134 units,  
20 new units wouldn't generate some additional traffic  
21 impact. But the good news is that in light of the  
22 volumes and the distribution of that traffic there  
23 would be no negative effects, that would be, I'll say,  
24 noticeable or apparent to a motorist associated with  
25 the community.

1           The last step of our analysis considered the  
2   overall on-site circulation and we considered first  
3   the site access to Route 202. And during the project  
4   inception my understanding, and I wasn't part of the  
5   discussions with the governing body, is that there is  
6   an evaluation considered of where the access might  
7   fall along the highway. And there was some  
8   consideration given to aligning it opposite Lake Road  
9   and there was some consideration given to the scheme  
10   that you have before you.

11           And aside from certain esthetic reasons and, and  
12   concerns to minimize the impact of the community on  
13   individuals leaving Lake Road, the decision was made  
14   to have the access approximately 365 feet further to  
15   the north so that there would be offset intersections.

16           From a traffic engineering perspective, a  
17   T-intersection meaning just in the shape of the letter  
18   T is safer and has fewer conflict points than a 4-way  
19   intersection.

20           If anyone is, wants to know I can point them out  
21   but as we map out all of the various turns vehicles  
22   might make at a 4-way intersection there are actually  
23   12 points of conflict between traffic going straight,  
24   traffic that turns left, et cetera.

25           When we have a T-intersection, there are only

1 three points of conflict. So just from a simple  
2 operation perspective, a T-intersection operates safer  
3 and more efficiently than does a 4-way intersection.

4 We have reviewed the Residential Site  
5 Improvement Standards and the offset, the spacing  
6 distance between Lake Road and the site driveway far  
7 exceeds the standards under RSIS which I believe are  
8 125 or 150 feet and, and we're more than double that  
9 distance, close to triple.

10 NJ DOT also has certain spacing criteria.  
11 There's is 125 so obviously we exceed that.

12 So in terms of its location, it certainly  
13 presents, in my opinion from a traffic perspective,  
14 the least amount of conflict and still provides a safe  
15 and efficient means of access to the site.

16 We have submitted our application to NJ DOT in  
17 that it is a state highway and a highway occupancy or  
18 a highway access permit is required. We have had two  
19 rounds of review with NJ DOT. They have, I'll say,  
20 blessed or approved the access design which features a  
21 boulevard and radii and curbing as would be  
22 appropriate for the intersection. We have a few minor  
23 drainage issues to work out with DOT but beyond that I  
24 would expect to have that access permit within the  
25 next two or three months.

1           We also have a need to provide sight distance.  
2       And we control the frontage to the south of the site.  
3       As one looks left from the driveway, there is a very  
4       modest curve in the road.

5           I met with the applicant and in Mr. Kennedy's  
6       office sometime in the spring and we reviewed the  
7       proposed access location and the need to maintain  
8       vegetation along the site frontage. If it takes the  
9       form of limbing of certain specimen trees to provide  
10      adequate sight distance and the clearing of understory  
11      brush that will be provided so that we meet all of the  
12      appropriate sight distance standards.

13          But, at this point, we do control our frontage  
14      meaning there's no need for easements or anything that  
15      would preclude the applicant from obtaining that sight  
16      distance.

17          Our review also evaluated the proposed parking  
18      and the Residential Site Improvement Standards specify  
19      the required parking and we meet all of those  
20      standards. In fact RSIS requires 309 parking spaces  
21      and the applicant has proposed well in excess of that  
22      at 481. So overall parking would not be an issue.

23          And I should point out that the RSIS standards  
24      include provisions of a half a space per unit for  
25      visitor and guest parking and so for 134 total units

1 we would require half of that or what is that 165 give  
2 or take, 168. So we do comply with those standards.

3 And, in my opinion, the on-site access and  
4 circulation meets all of the required Residential Site  
5 Improvement Standards.

6 I know Mr. Kataryniak had a question about some  
7 of the on-site circulation and certainly Mr. Kennedy,  
8 as you have third from Mr. Wolfson, will be revising  
9 the plans and addressing those concerns.

10 I believe that is all I have. And, I think it  
11 addresses -- oh, there is one comment about requiring  
12 sidewalks. And I will have to defer to Mr. Wolfson.

13 I believe we are seeking that relief for the  
14 sidewalks, simply that they're being provided where  
15 there would be enough of a critical mass for  
16 individuals to get to the buildings but in an effort  
17 to be what I call environmentally responsible and not  
18 over paving unnecessarily that the design has  
19 judiciously considered limiting unnecessary impervious  
20 where possible, modest though it may be.

21 And beyond that, Mr. Wolfson, I think that's all  
22 I have in the way of direct testimony.

23 MR. WOLFSON: Thanks, Gary. I have no  
24 other questions for Gary, if the Board has questions.

25 VICE CHAIR RINZLER: Yes. I have several

1 questions regarding the study.

2 My first question is regarding Page 5. The  
3 last, the last paragraph where it says average, over  
4 the last sentence, averaged over the entire peak hour  
5 the exiting demand is approximately only one vehicle  
6 movement occurring every two minutes. So am I -- is  
7 it a fair statement to say that if you had a 30 car  
8 queue trying to exit Errico Acres the last car would  
9 be waiting for one hour to make a turn onto 202?

10 THE WITNESS: No, not at all.

11 VICE CHAIR RINZLER: How would that be?

12 THE WITNESS: Sure. In the morning peak  
13 hour we only have 26 vehicles leaving. We have an  
14 hour to get out. Not everyone goes to work at the  
15 same time.

16 So with 26 vehicles leaving over 60 minutes that  
17 works out to be one car leaving the community every  
18 two minutes.

19 VICE CHAIR RINZLER: Yes, I understand  
20 that.

21 No, my question is, if those 26 vehicles all  
22 decide to leave the community at roughly the same time  
23 in theory though, the car at the end is going to be  
24 two minutes times 26 is 52 minutes to make that turn.

25 THE WITNESS: No. First off, I can't

1 agree with the premise that has never happened in any  
2 residential community that I have seen including The  
3 Hills and one of the benefit of being the traffic  
4 consultant for The Hills is as each particular section  
5 went on-line we were obligated to update the traffic  
6 studies for each section to see how close we were to  
7 the projections and I can say without question the  
8 projections were, if anything, overstated but in  
9 general spot on to these types of findings. So there  
10 is absolutely never an instance in any residential  
11 community where it's sort of like a dam, nobody can  
12 leave until, you know, the starter says go and out the  
13 gates. It just doesn't work that way. People are  
14 free to come and go at their convenience and work  
15 schedule.

16 So there can never be that instance where 26  
17 vehicles are leaving at once from a residential  
18 community.

19 But to answer your question, that delay would  
20 not be that long even though the individual delay for  
21 the first vehicle might be 30 seconds, what happens  
22 is, we look at what are called gaps or breaks in the  
23 highway. And the first vehicle gets out and he  
24 requires about seven seconds to leave. The second  
25 vehicle knows that the first vehicle found a gap and

1     that second vehicle will often times shadow or go  
2     right behind the first vehicle as long as they have  
3     sufficient sight distance. And so the subsequent  
4     vehicle in that queue doesn't require the same amount  
5     of time.

6                   VICE CHAIR RINZLER: What's the purpose  
7     then of calculating it a mean amount of time for each  
8     vehicle to leave.

9                   THE WITNESS: Sure. I recognize that most  
10    people in this forum don't quite, you know, have a  
11    traffic engineering background. So as, as we start to  
12    discuss traffic volumes, people often hear their cars  
13    leaving in the morning and they draw the, sort of the  
14    same conclusion you may have which is there are 30  
15    cars leaving all at once.

16           This isn't the end of a Giants game and  
17    residents leave beginning at 7:15 or 7:30 in the  
18    morning and some are out the door at 5:30 in the  
19    morning or 6:00 to drive if they have a longer  
20    commute. So never do we have an instance where 26  
21    vehicles leave in an hour but the reason I discuss  
22    that frequency and I won't ask the Board to do it but  
23    if I were to pause for two minutes and I were to say,  
24    okay, let's pretend a car just left the driveway and I  
25    started a stop watch and I let it go for two minutes



1 it would seem like an eternity. That's a long time.  
2 If you were waiting at a light you would think that's  
3 a long time to wait.

4 My point in doing so is that the next vehicle  
5 that wants to leave would, on average, show up two  
6 minutes later and over the course of an hour that  
7 would be 30 cars leaving. We have 26.

8 I put it into that context so that it's framed  
9 that that's not a lot of traffic.

10 And generally speaking, even the DOT says when  
11 you get to about a hundred traffic movements in an  
12 hour that's when we need to start to evaluate a little  
13 more closely. Anything less than that candidly is  
14 almost a rounding error. It's too insignificant to  
15 have an impact.

16 And we are at 36 in the morning and 48 at night.  
17 So we're orders of magnitude below what I believe is a  
18 reasonable test as to what constitutes a significant  
19 traffic impact.

20 VICE CHAIR RINZLER: I understand your  
21 point but you should understand that the statement as  
22 it is stated in the report it says if there's 60  
23 minutes in an hour and one car leaves every two  
24 minutes and it's not inconceivable if you do the basic  
25 math you are going to get roughly 30 cars in an hour

1     hence my reason for the question.

2                   THE WITNESS:   Sure.  I would like to point  
3     out that appended to our report and again these are  
4     very detailed analyses that they're appended so that  
5     when the Board retains a consultant like Mr.  
6     Kataryniak, he can sort of check our homework, as we  
7     look at our operating conditions, what we look at is,  
8     yes, we have a certain delay, the Level of Service.  
9     And I'll share with you, for example, at under the  
10    full build condition with the project we have a Level  
11    of Service D, as I mentioned, at Lake Road.  That's a  
12    26.1 second delay.  The queue meaning the stacking of  
13    vehicles is also calculated.  It's less than one  
14    vehicle.  It's .7 vehicles.

15           That's why I can say, I think with, with some  
16    impact that we would never have a 30 car queue from 26  
17    cars leaving in an hour.  It's, it's just not how  
18    traffic operates.

19           For example, you don't have a 30 car queue at  
20    Lake Road.

21                   VICE CHAIR RINZLER:  I understand your  
22    point but you can understand why I'm questioning the  
23    way the statement is written.

24           Moving on to Page 7.  The second paragraph where  
25    you talk about, I know there are times whether these

1 changes related to telecommuting, an increase in  
2 e-commerce and delivery service continue to suppress  
3 traffic activity, I think it's a fair statement to say  
4 now that COVID is -- people, a lot more people are  
5 going back to work and also to your point if there are  
6 more telecommuting and increase in e-commerce there  
7 are more truck deliveries as well. So, again, I think  
8 there's a situation where, you know, traffic is  
9 definitely more than it was anticipated back in March.

10 And I hope the adjustment figures you made are  
11 going to support that.

12 THE WITNESS: Correct. In the morning,  
13 again, we didn't quite double the traffic that we  
14 counted. It was an 83 percent increase. So what we  
15 assume, COVID didn't occur in our study. It's the  
16 simplest way to put it.

17 VICE CHAIR RINZLER: Page 8, the last  
18 sentence, as a primary interest to the community it's  
19 likely that most future residents given the option  
20 would generally try to avoid travel during peak  
21 commute hours.

22 Sorry for saying this but my take on this is  
23 welcome to Far Hills but if you live in Errico Acres,  
24 don't go out during the morning commute or evening  
25 commute. The statement is kind of saying, there won't

1 be a problem so long as all the people in the  
2 development don't go out during the morning rush or  
3 the evening rush.

4 THE WITNESS: Not at all. When we  
5 calculate Levels of Service we look at the delay that  
6 the vehicles would encounter. And based on the  
7 projected traffic, that's a typical delay that one  
8 would find at any driveway, any intersection along  
9 Route 202 say between Bedminster and Bernardsville.

10 What that statement says is consider what is  
11 being proposed which is an age restricted community.  
12 And it basically says and I represented Fellowship  
13 Village, I have had the opportunity and Mr. Banisch  
14 knows this, we have had the opportunity to study their  
15 traffic conditions. It's an age restricted community.  
16 People don't leave in the morning. They don't have  
17 to. There's no need for them to go out at 7:30. If  
18 they choose to, okay, fine, they will have Level of  
19 Service D. They'll wait 30 seconds to leave the  
20 driveway. It doesn't make it unreasonable. People  
21 can get in and out. It's not a prerequisite.

22 I'm just saying within the context of the  
23 characteristics and unit type that have been proposed,  
24 I don't think that's an unreasonable statement.

25 VICE CHAIR RINZLER: No, I just think it

1 implies to the people that are living there that  
2 you're best off if you don't go out during the morning  
3 or evening commute. I think it also implies that a  
4 lot of the people that live there may not be working.  
5 Just because they may be 55 years old certainly doesn't  
6 mean they're not working.

7 THE WITNESS: Agreed.

8 CHAIRMAN ROCHAT: Mr. Dean, the Far Hills  
9 Country Day School, was that in session when you were  
10 taking your survey?

11 THE WITNESS: Not to my knowledge, not in  
12 February of this year.

13 CHAIRMAN ROCHAT: It does, it back log,  
14 backup there sometimes during peak hours.

15 The other thing is, school busses were they  
16 running for the public school system?

17 THE WITNESS: No.

18 CHAIRMAN ROCHAT: Full-time? I don't see  
19 -- not in February.

20 THE WITNESS: No, which is why we adjusted  
21 -- I'm sorry. Correct.

22 CHAIRMAN ROCHAT: And the busses here seem  
23 to run earlier than 7:30 in the morning, a lot of them  
24 are on the road prior to that. I don't know if  
25 there's any impact on the high school at 7:30.

1 Am I correct with that?

2 THE WITNESS: We're having a bit of a lag  
3 so I apologize.

4 The peak hour was 7:30 to 8:30 and we would  
5 expect that there would be some busses out during that  
6 time period. In February, they were not.

7 But that is specifically why we made the traffic  
8 adjustments to, I'll say, artificially or increase the  
9 counts that we did take to account for more busses,  
10 parents taking children to school and people not  
11 telecommuting and basically traveling to and from, as  
12 I indicated, as though COVID never occurred. So we  
13 took that into account in our study.

14 CHAIRMAN ROCHAT: So you're still basing  
15 your study off the DOT 2017 model?

16 THE WITNESS: Not, not entirely. We  
17 conducted 2021 counts where the DOT had their data so  
18 I could do a real comparison of what 2017 was and what  
19 February of 2021 was. So with that base line, it  
20 allowed me to adjust what I counted at Lake.

21 There was no better way to calibrate it. I had  
22 to work with data that was available. We inquired  
23 with the Borough offices whether there had been  
24 traffic studies from Far Hills Country. So that was  
25 the only data source we had.

1           So we made the adjustment, whether 83 percent in  
2   the morning is correct or not at the very least it's  
3   conservative.

4           I don't think in February of this year traffic  
5   was that reduced as, as we were emerging from COVID  
6   but we considered it. And we still came up with what  
7   I would characterize are favorable Levels of Service  
8   to exit the community.

9           CHAIRMAN ROCHAT: Okay. Any other Board  
10  Members?

11           MS. LAYTON: I would like to add something  
12  to that. The Far Hills Country Day, I have seen it  
13  get very backed up there. And a few days ago, I guess  
14  they were laying pipe more north and I counted up to  
15  nine construction trucks backed up trying to get up  
16  the hill.

17           I, I can't see these trucks passing school  
18  busses. It's so narrow there in front of the school  
19  and it's already a problem.

20           But I think they need some kind of passing lane  
21  there and I don't know if that's possible. But it  
22  does get really bad at times and we're going to be  
23  going into more construction, too, with, when we do  
24  the bridge, in fact two years from now these trucks  
25  are more and more up and down 202. I don't know where

1 they're coming from or where they're going but there's  
2 just more construction and they're big vehicles.

3 THE WITNESS: I, I can't speak, you know,  
4 to the conditions at Far Hills Country Day. I know  
5 for at least 21 years in my experience they have had  
6 traffic issues and, you know, they routinely come  
7 before this Board seeking various approvals. And I, I  
8 would surmise that the community has come to accept  
9 those conditions as a tolerable operation as each time  
10 you deliberate on various improvements for the school.

11 So I, I understand they create their own  
12 particular issues, this particular site, in my  
13 opinion, is far enough removed so as not to exacerbate  
14 that concern. And when we further consider the low  
15 traffic, you know, we had 26 exiting vehicles, 13  
16 would go past Far Hills Country Day in the morning.

17 And, again, just to put that into context,  
18 that's about one car every four to five minutes. It  
19 will have no effect on Far Hills Country Day. That's  
20 too small a volume.

21 MR. LEWIS: I have trouble swallowing,  
22 that Mr. Dean. Sorry. I have lived here for 20 years  
23 and I'm very careful about when I schedule a dentist  
24 appointment because of Far Hills Country Day. So I  
25 kind of disagree with you.



1 I think there is going to be a major, a  
2 significant impact and I think your data is, is  
3 suspect simply because we are going through something  
4 extraordinary. And I appreciate your attempts to  
5 normalize it but I'm skeptical, highly skeptical.

6 THE WITNESS: I understand. I also need  
7 to acknowledge that this is a permitted use and part  
8 of our settlement agreement with the Mayor and Council  
9 in terms of meeting your affordable housing  
10 obligations. So I understand more traffic is, is  
11 generally less tasteful.

12 MR. LEWIS: Perhaps I'm talking to you,  
13 perhaps I'm talking to DOT, I don't know. But who I'm  
14 talking to --

15 THE WITNESS: Sure. My role is to  
16 evaluate the design of the access, putting aside the  
17 planning arguments. Maybe we don't want more housing.  
18 I get that.

19 My role is to evaluate the application you have  
20 before you, to study it in the best manner that I can  
21 using data that we collect, independent data from  
22 other agencies, reviewing all of the applicable design  
23 standards whether it's NJ DOT'S access code standards  
24 for a driveway dimensions and radii and sight distance  
25 or the Residential Site Improvement Standards and, you

1 know, we could spend an entire evening debating about  
2 Far Hills Country Day. And some days it's worse and  
3 when it rains I'm sure it's worse ad nauseam.

4 The point is that this community, given the  
5 nature of its use and its location is not going to  
6 materially aggravate the school conditions. It's just  
7 too small an impact from a traffic engineering  
8 perspective.

9 But you know what, don't take my word for it.  
10 You know, Mr. Kataryniak will speak and advise you  
11 what his opinion may be. That's not to say I'm right  
12 or he's right. We study it to the best of our ability  
13 and in accordance with the appropriate professional  
14 practice and design standards.

15 And, in my opinion, we have met all of the  
16 applicable criteria that effect the design of this  
17 community.

18 MR. LEWIS: I was not accusing you of not  
19 doing your job, I'll be clear on that. You're doing  
20 your job.

21 CHAIRMAN ROCHAT: Okay. Any more  
22 questions for Mr. Dean?

23 MR. KATARYNIAK: I have a couple questions  
24 if the Board Members are finished, Mr. Chairman.

25 CHAIRMAN ROCHAT: Okay. That sounds good.

1 MR. KATARYNIAK: Okay. Thank you, Mr.  
2 Chairman.

3 Mr. Dean and members of the Board, you know, in  
4 looking at hearing Mr. Dean's testimony and reviewing  
5 his report we did ask Mr. Dean for some additional  
6 backup with respect to how he arrived at his estimates  
7 for pre COVID traffic and having just received those I  
8 did look at those and I do find they are conservative  
9 in terms of the basis for analysis. The report I  
10 don't think really annotates that but the September  
11 letter I think you will be provided with will provide  
12 additional information there.

13 I did want to ask, regarding the, regarding the  
14 location of the site driveway relative to Lake Road  
15 and as Mr. Dean correctly stated, you have a three leg  
16 intersection such as a T-intersection versus a four  
17 leg intersection, you do have less conflict with each  
18 one of those intersections in isolation.

19 What I'd like to ask Mr. Dean is, looking at it  
20 and this is a little bit of something the DOT is  
21 looking at I'm sure as well. But looking at it  
22 progressing along Route 202 having two points of  
23 turning vehicles on the narrow road as you traverse  
24 the roughly the 300 foot distance, how does that  
25 compare to confining the turning movements to one

1 location?

2 Because you have an impact on the progressive  
3 movement along 202.

4 Was that analyzed at all?

5 THE WITNESS: I think I understand the  
6 question and if it is, did we study it as a 4-way  
7 intersection with a different driveway location, we  
8 did not. We spent sometime -- and consistent with the  
9 settlement plan and agreement, the access for this  
10 particular property was discussed thoroughly, and  
11 again this is my understanding, with counsel, the  
12 borough professionals to consider a location that  
13 would provide the most benefit in terms of buffering  
14 and keeping the esthetics of the community balanced  
15 with the need for access. And my understanding is  
16 and, you know, again this becomes to a degree a  
17 legally binding document, I'll defer to Mr. Henry and  
18 Wolfson for their input but it is the plan, it is the  
19 plan that the applicant at this point is obligated to  
20 follow.

21 So when I prepared my traffic study, and I was  
22 not involved in the rezoning and site selection for  
23 this but I was presented a plan that showed the offset  
24 intersection and so that was the basis for my  
25 analysis.

1           So, Mr. Kataryniak, I'm sorry, I don't have that  
2 comparative analysis because it just isn't part of  
3 this proposal.

4           MR. KATARYNIAK: I understand that. I ask  
5 that because I think it leads into the second part  
6 which I think I discussed in my report and you had  
7 commented on. I think it leads to the issue of lines  
8 of sight along 202.

9           So the reason for my question, members of the  
10 Board is, if you're traversing down the road and there  
11 is a not a full shoulder to your right, if someone is  
12 stopped in the highway to make a left hand turn that  
13 has sometimes an impact on the progression of moving  
14 along the main line highway.

15          Now because of the gaps in traffic, you'll  
16 notice on the Levels of Service diagrams here that the  
17 Levels of Service for, with a lot of testimony about  
18 delays cars would experience exiting the site  
19 driveway, we didn't talk too much about the Levels of  
20 Service for cars on the 202 main line waiting to turn  
21 left into the site or the entering traffic. Those  
22 Levels of Service are much better or Levels of Service  
23 A which means you have adequate gaps in the opposing  
24 traffic to make those turns with minimal delay, that  
25 tends to be an easier movement turning off the main

1 line into the driveway than the other way around  
2 because you can see a straight line but given the  
3 curvature on 202 there I do see a need to have the  
4 Board really adequately look at the line of sight.  
5 The plans do indicate that the line of sight does  
6 extend beyond the right-of-way.

7 So I think twofold, one of the elements that's  
8 very critical, that's going to effect the performance  
9 in and out of the driveway as well as performance for  
10 that northbound vehicle that just passed Lake Road and  
11 is looking to see if there's a conflict up ahead about  
12 300 feet away which is within the range of stopping  
13 sight distance for motorists traveling along 202.

14 So Mr. Dean had indicated that because they  
15 control the frontage of the property easements will  
16 not be necessary. I would strongly urge the Board to  
17 consider that the applicant be required to dedicate an  
18 easement anyway. What that does is that it allows  
19 that line to be established, it establishes legal  
20 precedent for keeping vegetation clear to keep that  
21 line of sight clear. It would transcend ownership of  
22 the development should that occur and if the clearing  
23 that's necessary to establish the line of sight  
24 degrades the scenic buffering between the development  
25 and 202 I would encourage selective replanting outside

1     that easement area to bolster that screening.

2             So maybe, you know, for lack of a better word, a  
3     little over clearing beyond the sight line on trees  
4     that are not critical and replaced with better quality  
5     screening trees if screening is a concern but, from a  
6     safety standpoint, I would really encourage that line  
7     of sight be established through clearing of trees and  
8     vegetation but then be recorded by easement so that  
9     the control always remains regardless of ownership of  
10    the property.

11            Now if you would agree with that, Mr. Dean.

12                    THE WITNESS:  I, I don't have any issue  
13    with that.  I mean, again, we're balancing certain  
14    esthetics and I know the Board has been focused on  
15    view sheds, things of that nature but as I look at the  
16    Holiday Court, not to get overly back to grade school  
17    geometry but that line of sight, because there is an  
18    arc that is the curve and we are looking at a  
19    corridor, a straight line that would be the line of  
20    sight we, we can certainly and I think it's probably a  
21    good idea when Mr. Kennedy reappears is to give you  
22    that diagram with a projection of that line of side.  
23    Mr. Kataryniak and I can work, I would say, off-line  
24    but come up with a number whether it's 450 feet or 500  
25    feet.  Obviously the more distance, there would be

1 more clearing. So we can work to provide that  
2 measure.

3 And then I think Mr. Kennedy, as he presents the  
4 revised site plan, would be really the authority to  
5 get into the extent and limit of that easement.

6 But in a concept form, I think it's fully  
7 appropriate and I would agree.

8 MR. KATARYNIAK: Yeah. And the purpose of  
9 recording, the applicant would have to provide that  
10 line of sight, the DOT is going to require that that  
11 line of sight be established.

12 My concern for the local perspective is that an  
13 instrument be filed so that there is teeth to that  
14 agreement and should the ownership of the property  
15 change, should the easement become overgrown, there is  
16 clear language with that in terms of who is  
17 responsible for keeping that clear and I think it's  
18 much better done with a recorded instrument through  
19 the clerk's office through a deed -- through an  
20 easement rather recorded with the property deed so  
21 that it stays in control.

22 A lot of times after the fact things are  
23 developed, you have an issue, you try to find out who  
24 the responsible party is and it becomes difficult to  
25 find out who the responsible party is, the recording



1 of the easement makes it much clearer.

2 With respect to the sidewalks, I tend to agree  
3 that sidewalks are not necessary in developments.  
4 It's sometimes better to really look at not providing  
5 them from the standpoint of just less, less ground  
6 cover.

7 A lot of times we design campuses or design  
8 facilities, I recommend using grass seed first because  
9 where the grass doesn't grow is where the sidewalk  
10 goes. But because of the, because of the, because of  
11 the RSIS requirements which this development must  
12 comply with sidewalk is required by the nature of the  
13 what the streets are classified as. And I didn't see  
14 this delineated in the plans but when I looked at the  
15 analysis, I looked at the plans I assumed all of this  
16 was being developed to the neighborhood, all  
17 intensities development as well as the parking loops  
18 in some instances for the development.

19 But looking at the appropriate categories in  
20 RSIS, the sidewalk is required on both sides.

21 Again, if there are areas that it doesn't make  
22 sense because they don't really provide a better  
23 connection than the one on the one side that already  
24 exists, I would recommend that that, that that  
25 sidewalk could be considered to be eliminated.

1 I would ask though, in one of my comments I did  
2 ask for sidewalk to connect the visitors surface  
3 parking areas to the residential units.

4 So the residential parking here is sort of  
5 disbursed throughout the development at various  
6 locations and I think, Mr. Kennedy, you indicated Mr.  
7 Dean would provide some testimony.

8 I took issue with a couple of the configurations  
9 and some of the parking but we have parking -- we have  
10 not located on the street, the stub streets where the  
11 units are. It's sort of on the main access drive. So  
12 I think, at a minimum, the sidewalks between any  
13 parking field and the nearest residential units should  
14 be provided just to make sure that you've got adequate  
15 pedestrian circulation between what I'll call the  
16 on-street parking and the units themselves.

17 THE WITNESS: I'm just looking at the  
18 plans, Mr. Kataryniak, and again not to take up the  
19 Board's time, this is fairly detailed oriented. If we  
20 want to do it publicly, that's fine. I'm not trying  
21 to hide anything. It's a fairly arid subject matter.

22 You know, we want to put sidewalks where they  
23 make sense and if there's some specific  
24 recommendations we're happy to consider those. No  
25 problem.

1                   MR. KATARYNIAK: There are a couple areas  
2 where you just had some isolated pockets and I think  
3 just extending a few segments of the sidewalks would  
4 make sense.

5                   THE WITNESS: I'm looking at the plans and  
6 the pocket parking all seems to be, to have access to  
7 sidewalks so, again, we will certainly work with your  
8 office to tidy that up where appropriate. Not an  
9 issue.

10                  MR. KATARYNIAK: That's all I have, Mr.  
11 Chairman, unless the Board has any questions for me.

12                  CHAIRMAN ROCHAT: Thank you, Mark.

13                  Any questions from the Board for Mark or Dean?

14                  MR. LEWIS: I have a question, Mark.

15                  Does it make sense to do more than a sight line  
16 easement?

17                  In other words, maybe put that portion aside for  
18 widening of 202 to create a turn lane.

19                  I was here in 2000 and 2001, Far Hills Country  
20 Day did a bunch of work on the school and at the same  
21 time Errico, the other property, was getting developed  
22 and they could have subdivided off enough for a, you  
23 know, put an easement to make a turning lane on 202  
24 which would have really lessened up the morning --  
25 well, actually both morning and pickup turn in traffic

1 on the northbound lane.

2 Is that what you had in mind or just simply 10  
3 feet, you know, so you could keep your sight lines  
4 open?

5 MR. KATARYNIAK: I was thinking more along  
6 the lines of sight distance. I wasn't looking at it  
7 from a channelized turn perspective.

8 If you look at the northbound side, right, which  
9 this applicant would be able to control, they would  
10 dedicate, theoretically dedicate, widen the roadway.  
11 You would be looking at the widening to provide  
12 arguably a portion maybe possibly off of the left turn  
13 that would turn into Lake Road. I'm not sure it would  
14 do a lot to benefit a left turn turning into this  
15 particular site because once you get very close to  
16 north of the site driveway you lose control of the  
17 frontage here.

18 So I'm not sure if a right-of-way dedication  
19 here would, would provide the means to provide a left  
20 turn lane into this site. It may provide for some  
21 additional room for a shoulder.

22 The volumes that we're talking about here  
23 turning into this development really fall below the  
24 thresholds of what I can tell you the DOT looks for in  
25 terms of justifying a left turn lane. They typically

1 look for some minimal volumes or minimal conflicts in  
2 terms of either so much opposing volume or high volume  
3 of left turns, usually a hundred vehicles or more  
4 turning left to justify the channelized left.

5       So my thoughts were really more on the -- I  
6 haven't studied it. I don't know if, and the DOT  
7 would really have a lot to say about that. The one  
8 thing I can say about dedicating right-of-way for the  
9 widening without a, sort of a plan, I have seen more  
10 varying widths or rights of way along highways that  
11 don't line up or match because at one point in time  
12 someone thought 10 feet was appropriate, at one point  
13 in time someone else thought 15 feet was appropriate.  
14 There never seems to be rhyme or reason. Whenever you  
15 try to widen a highway, there is never enough  
16 right-of-way. So you really would have to lay out a  
17 highway alignment to see where that right of way would  
18 fall and I would recommend that would really require  
19 detailed discussions with the DOT to see what they  
20 would see as they're desirable section along this area  
21 here. I don't believe this --

22       This section of highway doesn't fall at the  
23 classification level where channelized lefts are  
24 generally required. This falls as a lower class where  
25 it's a direct left from a lane which is likely what

1     you have there now going into Lake Road.

2             So my thought was, my long-winded answer there  
3     was really looking at, just from a safety standpoint,  
4     creating a line of sight that would provide the  
5     adequate sight triangle for the site driveway as  
6     proposed but at the same time it may be a little bit  
7     more so you get good quality vegetative screening and  
8     then record it in an instrument that you can enforce  
9     later on.

10            MR. LEWIS: I understand your response. I  
11     have just seen the way everything goes around here.  
12     206 is a great example.

13            They have left turn channels, whatever you call  
14     them, all over the place. It never existed 30 years  
15     ago.

16            CHAIRMAN ROCHAT: Thanks, Bob.

17            David, do you have a question?

18            MR. BANISCH: I think a couple questions  
19     first.

20            Do you have questions that you -- no? Okay.

21            All right. I want to go back to the  
22     recommendations that, that you have been discussing,  
23     Mr. Attorney.

24            There was a strong inclination for the corridor,  
25     it's current configuration and character to the extent

1     that that was achievable. But I think what I want to  
2     know from you is in the absence of clearing additional  
3     right-of-way for the site of distance, makes the  
4     configuration unsafe as, as proposed without that  
5     sight distance easement included.

6                   MR. KATARYNIAK: Well, if the sight  
7     distance is impeded then safety can be compromised.  
8     So I believe that the line of sight that is shown on  
9     the site plan needs to be clear. It needs to remain  
10    clear for the driveway to function safely as intended.

11                   MR. BANISCH: And how deficient, what's  
12    shown on the plan from what the recommended standard  
13    is?

14                   MR. KATARYNIAK: I don't know if I have  
15    the exact measurement of what the available sight line  
16    is.

17                   Do you have that, Mr. Dean?

18                   THE WITNESS: I'm looking.

19                   MR. KATARYNIAK: So with each line of  
20    sight is measured based on, its a formula based on  
21    reaction time and stopping sight distance along the  
22    roadway so it's a function of recognizing a hazard and  
23    having enough time to stop. It varies with speed on  
24    the roads where it can be measured.

25                   I saw the line of sight here encroaching that

1 right-of-way by a few feet. It wasn't a lot. It was  
2 5 to 6 feet was the encroachment of the right-of-way  
3 so it wasn't severe but I believe that the line of  
4 sight is compromised by the curvature of 202 so  
5 without having that first 6 to 10 feet say of the  
6 right-of-way cleared of vegetation. And it doesn't  
7 mean bare ground. It could be high enough tree limbs  
8 above 14 feet in height or low shrubbery that doesn't  
9 exceed 36 inches in height then I believe line of  
10 sight would be adequate to provide a safe  
11 intersection.

12 MR. BANISCH: Okay. So understood, I  
13 think.

14 Did I understand correctly that you and Mr. Dean  
15 were going to come back with a drawing or a sketch  
16 showing how this comment would be addressed?

17 THE WITNESS: Well, I'm not looking at and  
18 I'm going to refer to -- I, I have a plan set that  
19 went to DOT. So I don't know that it's the same  
20 numbering nomenclature that the Borough's plans have.

21 MR. KATARYNIAK: I don't recall seeing it  
22 on the site plan.

23 THE WITNESS: I'm referring to what's  
24 called site layout plan. And it's a detail of the  
25 site driveway and it shows the boulevard. It shows



1 the right-of-way and there is a line of sight drawn.

2 And, Mr. Banisch, I think if I can infer from  
3 your question you want to know inside that line of  
4 sight, between that line of sight and the highway,  
5 what distance of greenery is effected.

6 Is that a fair interpretation?

7 MR. BANISCH: Well, that, that is.  
8 However, I think it goes beyond that unless I have  
9 been misunderstanding the discussion so far this  
10 evening, it sounded to me like the lines that were  
11 shown on the plans were inadequate, an additional  
12 clearing would be necessary, an additional  
13 right-of-way dedication would be necessary.

14 MR. WOLFSON: Mr. Banisch, if I might,  
15 Peter Wolfson. The applicant fully understands the  
16 need to have adequate sight lines and can achieve that  
17 and understands the suggestion from your traffic  
18 engineer. And when Mr. Kennedy comes back we'll  
19 present testimony substantiating that and we will work  
20 out a solution to ensure that that is maintained.

21 MR. BANISCH: Okay. Very well, Mr.  
22 Wolfson. Thank you.

23 Mr. Kataryniak, (audio distortion) the RSIS  
24 requirement of 309 spaces.

25 THE WITNESS: Correct.

1 MR. BANISCH: And the proposed 481.

2 THE WITNESS: Correct.

3 MR. BANISCH: And also mentions the  
4 limiting impervious surfaces where they're not  
5 necessary.

6 When I look at this in the aggregate and just  
7 simple division, it seems to me that the RSIS standard  
8 is 2.3 spaces per unit and the applicant is proposing  
9 3.5 spaces per unit which seems that that includes two  
10 spaces per unit than the recommended standard in the  
11 RSIS.

12 MR. HENRY: David, you're getting, I think  
13 you're get some kind of feedback or echo from  
14 something depending where you're sitting and where  
15 you're facing when you speak.

16 MR. BANISCH: Okay. So that's coming from  
17 me you think?

18 MR. HENRY: I think so.

19 MR. KATARYNIAK: Yeah. You're breaking  
20 up.

21 MR. BANISCH: You want me to check -- hold  
22 on a second. Yeah. It should be okay.

23 MS. GOODCHILD: I think it's happening  
24 when you're moving around. I think maybe you're going  
25 out of range of your microphone.

1 MR. BANISCH: Okay. I'll try to stay on  
2 focus. All right. So I was talking about the parking  
3 standard and the amount required by RSIS and the  
4 amount proposed by the applicant and 2.3 spaces, it  
5 should be required by the applicant or RSIS and the  
6 applicant is proposing 3.5 spaces per unit. So that's  
7 1.3 spaces more per unit than the RSIS standard  
8 requires.

9 I previously raised this as a comment just  
10 because the parking seems (audio distortion) to me.

11 There are two questions on that. One, does that  
12 much excess parking seem excessive to you. And,  
13 secondly, would it make sense for the Board to pursue  
14 the idea to bank parking to see how the parking  
15 situation works out in the long term and if the full  
16 complement of 481 spaces is needed then develop it out  
17 as it presents itself, as it presents itself in the  
18 neighborhood.

19 THE WITNESS: Sure. I think, Mr. Banisch,  
20 it's on the surface and the way you described it, it  
21 seems hike, wow, we really have gone overboard with  
22 the parking. I think it has to do with the design of  
23 the units and the townhouses and that is, I believe  
24 they are two garage -- yeah, two garage spaces for  
25 each of the townhouse units and there is a driveway in

1 front of each one of those garages.

2 So if, if we look at it, draw an analysis to a  
3 single family home, right, two garage spaces and the  
4 driveway spaces, it looks like four parking spaces and  
5 it really is four parking spaces. RSIS says you can  
6 only count that as 3.5. So that's what the applicant  
7 has done. And it's because the garages are included  
8 and count as a parking space and then there is a  
9 driveway associated with it.

10 Now what's the benefit of the driveway? The  
11 driveway allows each unit owner to have a visitor or  
12 guest and they wouldn't park in the garage but they  
13 would park in front of the garage. And that's why, as  
14 you calculate it, it seems like a lot but in practice  
15 it's a traditional suburban layout as I see it.

16 It just has to do with the way the parking is  
17 technically calculated.

18 MR. KATARYNIAK: And there's another piece  
19 to that as well, too. Mr. Dean described -- let's say  
20 your guest might park in the driveway, the RSIS does  
21 not permit that driveway space to be counted as the  
22 visitor space. So they require a half a space per  
23 unit visitor's space and it must be accessible to all  
24 of the units so what you end up doing is breaking down  
25 the parking provided and I looked at parking provided

1 in the little pocket components, the little pocket  
2 parking spaces along the streets and that adds up to  
3 what the half a space per unit visitor requirement is  
4 on top of what's in the driveway. So you end up with  
5 sort of these double counts on the gross numbers that  
6 the numbers seem higher but to meet the half a space  
7 per visitor requirement you end up with that, that  
8 excessive parking.

9 I'm a big fan of banked parking if it's  
10 necessary but I'm not sure that, you know -- and I'm  
11 not sure how much could be banked here in this case  
12 because you have to provide for visitor spaces on the  
13 street.

14 MR. BANISCH: Does that mean none of it  
15 can be banked?

16 MR. KATARYNIAK: If, if some could be  
17 banked I would say it would be minimal. I'm not sure  
18 a lot could be banked.

19 I think if we're looking at minimizing impact  
20 from an environmental perspective I think I would  
21 encourage the applicant to consider maybe taking those  
22 parking spaces and constructing them with porous  
23 pavement as opposed to conventional pavement so at  
24 least it doesn't have the impact on the storm water.

25 MR. BANISCH: How about grass pavers, are

1     they practical?

2                   MR. KATARYNIAK:  Grass pavers are  
3     functional from a storm water perspective.  They may  
4     be objectionable from esthetically but they will serve  
5     that purpose as well, too.

6                   MR. BANISCH:  Thank you:

7                   CHAIRMAN ROCHAT:  Maintenance on grass  
8     pavers (audio distortion).

9                   MR. KATARYNIAK:  They create a poor paver  
10    surface and a poor grass surface all in one.  They  
11    never seem to look good as either one.  Right?

12                  The porous pavement with the exception of really  
13    the coarseness of the aggregate tends to look more  
14    like conventional pavement but it has that porosity in  
15    it and there's a reservoir below it for storm water  
16    recharge so I would tend to lean in that direction.  
17    That becomes, that has become more of the state of the  
18    art when it comes to permeable pavement over grass  
19    pavers.

20                  MR. BANISCH:  Still some storm water  
21    (audio distortion) and I don't know what revised storm  
22    water management plan may look like yet but I'm, I  
23    suspect it might be too much concentrated recharge.  
24    It doesn't matter.  It's a good suggestion.

25                  I think that the applicant might say there's a

1 lot of maintenance required on that and that I want to  
2 shift it to the homeowners particularly if they would  
3 analyze it (audio distortion) on-site storm water  
4 management system.

5 But I appreciate that. Thank you.

6 CHAIRMAN ROCHAT: Any other questions for  
7 the traffic engineers from the Board?

8 Okay. Would it be appropriate to open it up to  
9 the public?

10 MR. HENRY: Now is the time.

11 MS. GOODCHILD: Anyone in the public that  
12 would like to ask questions of the witness?

13 Mr. Schwester, would you unmute yourself.

14 MR. SCHWESTER: Okay. Am I unmuted?

15 MS. GOODCHILD: Yes.

16 MR. SCHWESTER: Yeah. Mr. Dean, a couple  
17 of questions and I'll kind of put them together.

18 You said that you did this report but I'm  
19 wondering, can you cite any examples of where a  
20 project like this was put into a town that increased  
21 the population by like 50 percent and put the traffic  
22 out where a school is?

23 I'm talking about Far Hills Country Day.

24 If you could site one maybe we can see what that  
25 looks like if it's some place within reason.

1           The follow-up on that is hopefully I don't know  
2   if you said you took into consideration the fact that  
3   Route 202 is the main thoroughfare that connects  
4   Bedminster and Bernardsville. And there's an awful  
5   lot of new construction going there that's going to  
6   increase.

7           The third is we just listened to about an hours  
8   worth of talk about Far Hills Country Day going from  
9   two score boards to four which means they're going to  
10   have a lot more events going on there and their events  
11   go between 3:00 and 5:00 and your study says that it  
12   was between 4:00 and 6:30. So now they're going to be  
13   putting even more traffic out in that particular time  
14   of day.

15          And the other thing is a little bit sad. Are  
16   you aware that about three or four years ago there was  
17   a head-on collision that resulted in a death because  
18   of the traffic coming up 202 and somebody coming out  
19   of Far Hills Country Day?

20                 MR. WOLFSON: Gary, would you like him to  
21   ask one question at a time so you can --

22                 THE WITNESS: Yeah. In general, what  
23   specifically can I answer?

24                 MR. SCHWESTER: Okay. Let's take the  
25   first one. I was trying to make it simple and put it



1 all in one because I'm just concerned that, you know,  
2 where you said you did the study you took into  
3 consideration that it was during COVID. Well, during  
4 COVID there's nobody on the Garden State Parkway. I  
5 mean you could lay down and take a nap.

6 But we are talking about increase of population  
7 which means cars and even though, unfortunately --

8 MR. HENRY: Can you come to the question?  
9 You're really stating facts as you know them.

10 Can we get to a question about this witness's  
11 testimony?

12 MR. SCHWESTER: What other development can  
13 you cite that increased the population by 50 percent  
14 onto one road across from a school?

15 THE WITNESS: Well, I don't have any basis  
16 for a 50 percent traffic increase. In fact, this  
17 project generates 50 trips at its peak when there are  
18 700 cars on the road in the evening, 1,200 in the  
19 morning is not 50 percent. I'm trying to get the  
20 right number. It is 2 percent.

21 So, you know, as a population increase that goes  
22 a little bit far afield of my charge and analysis.  
23 That's why I asked is there a specific question  
24 relative to my testimony that I could help answer.

25 MR. SCHWESTER: 50 percent increase in

1 population is 2 percent in vehicular traffic.

2 THE WITNESS: I don't know anything about  
3 a 50 percent population increase. I have no way to --  
4 I don't know what that is and how it relates.

5 That's not part of my testimony.

6 MR. SCHWESTER: Wow. Okay. I'm totally  
7 misunderstanding how a traffic study is done then. I  
8 have no problem with your study, Mr. Dean, and I'm  
9 sure you know what you're talking about.

10 But if we're taking a population of 950 people  
11 who live in a town with 400 homes and then you put in  
12 134 homes presumably two people per, that's, that's  
13 pretty big.

14 MR. HENRY: Mr. Schwester, let's stay with  
15 questions to the witness on his testimony.

16 MR. SCHWESTER: But, Mr. Henry, if he  
17 doesn't know the facts, how can I state, how can I  
18 pose an intelligent question if he doesn't know the  
19 facts.

20 MR. HENRY: You can --

21 MR. SCHWESTER: Let's move on.

22 MR. HENRY: You cannot testify.

23 MR. SCHWESTER: I get it. I don't want to  
24 debate this.

25 The other thing is, did your study take into

1 consideration the fact that at Bernardsville and  
2 Mendham are going through a housing increase, quite a  
3 little bit of a boom.

4 Did you take that into consideration?

5 THE WITNESS: Every community is. And,  
6 yes, we do take that into consideration.

7 MR. SCHWESTER: What's the growth, what  
8 consideration did you factor in, what's the growth in  
9 Bedminster and Mendham projected for the next five  
10 years?

11 THE WITNESS: We, we look at traffic  
12 growth. And, again, population wasn't part of my  
13 testimony so that we made adjustments to our traffic  
14 counts that assumes there would be a consistent and  
15 continuous traffic growth. I don't recall the exact  
16 number but it's generally 1 1/2 to 2 percent annually.

17 And that's what allows for this forecast of  
18 future traffic associated with continued development  
19 and neighboring communities.

20 And I know Bedminster is developing new  
21 affordable units as required for each community right  
22 on Lambington Road. So communities grow. I'm  
23 well-aware of that. And that's why when we considered  
24 an 83 percent increase in our morning peak hour, again  
25 that was a COVID adjustment. I think that's very

1 conservative particularly because we did our counts in  
2 February as there weren't quite easing all of the  
3 restrictions in COVID but people were certainly  
4 adapting and resuming fairly normal practices and  
5 behavior relative to --

6 MR. SCHWESTER: I'm going to accept that  
7 as question answered and, asked and answered.

8 The follow-up is, how many youth events at the  
9 Far Hills Country Day did you calculate and the  
10 traffic that would be related to that notwithstanding  
11 new information that --

12 Did you know that they were planning on putting  
13 four and replacing two score boards which, to me, I  
14 might be wrong, seems they're going to be using four  
15 fields instead of two for the majority of the time.

16 Have you calculated that, sir?

17 MR. WOLFSON: Respectfully, I heard the  
18 same hearing and I didn't hear anything by way of  
19 testimony that there was going to be any increase in  
20 intensity or frequency of use, just that they were  
21 changing up the score boards so I have to just take  
22 exception to the premise to your question.

23 But, Gary, if you have a comment.

24 THE WITNESS: I heard the same testimony,  
25 Mr. Wolfson, and I don't recall traffic ever being a

1 concern by the applicant or by the Board.

2 MR. SCHWESTER: Well, with all due  
3 respect, Mr. Wolfson, nobody posed the question so of  
4 course you didn't hear an answer, you know. It's easy  
5 to say I didn't hear anything. Well, of course,  
6 there's no sound. Now there's sound.

7 MR. WOLFSON: I heard testimony that they  
8 were increasing the number of events and you're making  
9 the assumption that they are. That's all I'm pointing  
10 out.

11 MR. SCHWESTER: Well, the assumption is  
12 pretty basic. I mean if --

13 MR. HENRY: Let's not get into a debate.

14 MR. SCHWESTER: I get it. Maybe we should  
15 ask the people from Far Hills Country Day to address  
16 that.

17 CHAIRMAN ROCHAT: We did, Mr. Schwester.  
18 We asked if they were using it for anybody else other  
19 than the school. They are not enlarging the school  
20 and they are not going to run weekend events.

21 MR. SCHWESTER: Okay. So, in other words,  
22 they have four fields right now --

23 CHAIRMAN ROCHAT: They have four fields  
24 now. They have four fields now.

25 MR. SCHWESTER: I think I just said that.

1           So they have four fields with two score boards  
2   but they feel compelled to put four score boards in  
3   which means they're probably going to be using four  
4   fields at one time.

5           I'm just trying to state the obvious that I see  
6   and has that -- my question is, to Mr. Dean,  
7   respectfully, was that taken into consideration at the  
8   particularly in the evening rush hour.

9           MR. BANISCH: I think what they were  
10   doing, they have four fields that are used  
11   simultaneously, only two of them had the benefit of a  
12   score board. What they wanted to do, they wanted all  
13   the kids on all the fields playing at the same time to  
14   have the benefit of the score board. That's what that  
15   application was about.

16           MR. SCHWESTER: Okay. Were there any  
17   sports events going on, Mr. Dean, when you were doing  
18   your study?

19           THE WITNESS: No.

20           MR. SCHWESTER: Okay. So we're getting to  
21   the crux of the matter.

22           Thank you for the answer. The answer is no. So  
23   we don't know what the traffic is going to be going  
24   and coming in the afternoon which is going to congest  
25   202 or potentially cause a major problem.

1 Thank you. You answered my question.

2 CHAIRMAN ROCHAT: Thank you Mr. Schwester.

3 Is there any other questions from the audience  
4 for the applicant?

5 MS. GOODCHILD: There is Susan V. is on  
6 the call.

7 MS. VOORHEES: Hi. My name is Suzanne  
8 Voorhees. I live at 5 Passaport, directly across the  
9 street from the one exit of Far Hills Country Day.

10 I think there's clearly enough concern from both  
11 Board Members and from residents about the traffic.

12 My question is, will you consider doing another  
13 traffic study to reflect what the true traffic is at  
14 this time as opposed to adjusting the traffic?

15 Because we're new here and just from when we  
16 moved here in June to September there is a, there's a  
17 big difference in traffic in the morning and in the  
18 afternoon when you're leaving and driving by the  
19 school.

20 THE WITNESS: So the short answer is no.  
21 We've, we've made the adjustments simply so that we  
22 didn't have to do that very thing.

23 In other words, I didn't come in here with only  
24 February data and say, yeah, look, the traffic was  
25 great because no one was driving. That's my

1 testimony.

2 No, I took into consideration what would what  
3 would be occurring pre COVID, full events, school  
4 operations, busses, the gamut.

5 I feel fairly confident that if I were to do a  
6 traffic count now it would still be less than what  
7 we've already factored and considered. So I do  
8 appreciate that there's been an increase but that's  
9 precisely why I assumed that it would literally nearly  
10 double the amount of traffic that we observed in  
11 February.

12 So the other component is that the access is  
13 regulated by DOT. We are obligated to get our DOT  
14 permit and satisfy all of the design considerations  
15 that DOT imposes and that is their highway and this is  
16 a permitted use on the property meaning the governing  
17 body and by extension the Planning Board had deemed  
18 the development of this site as is proposed to be  
19 acceptable.

20 So unless we had a glaring defect in our design,  
21 we are fulfilling the zoning intent and purpose in  
22 terms of providing affordable housing as well as  
23 market rate housing on this particular site. So I  
24 think we have met our burden of proof as far as  
25 standards. I know that doesn't sit well with everyone



1 but that's why we're before the Planning Board as a  
2 permitted use.

3 MS. VOORHEES: It's unfortunate that  
4 Georgia Zaiser is not on this call because two weeks  
5 ago, on September 20th, she brought up very early on  
6 in the call is this the time that I can ask about  
7 traffic so she clearly does have a concern.

8 THE WITNESS: I don't have a response to  
9 that. I'm sorry.

10 MR. HENRY: It wasn't a question.

11 MS. VOORHEES: I have another question.  
12 Being we're here on Passaport, my question is where do  
13 you plan on staging your construction vehicles?

14 THE WITNESS: My expectation is, and I'll  
15 let Mr. Kennedy expand upon that, is the typical  
16 practice is once DOT has granted their approval, there  
17 is a construction access created where the future  
18 boulevard will be, that there is appropriate  
19 accommodations for soil erosion and that the  
20 construction vehicles are brought in and out of what  
21 will be the future access road and staged and I'll say  
22 do their business on-site.

23 MS. VOORHEES: Okay. Because I would like  
24 it to be put on record that I don't want one  
25 construction vehicle on our street. We had Pheasant

1 Hill right behind us was paved over a week ago --

2 MR. HENRY: Mrs. Voorhees, this is the  
3 time for questions for this witness about his  
4 testimony. That's all.

5 CHAIRMAN ROCHAT: Suzanne, do you have any  
6 more questions for the applicant?

7 MS. VOORHEES: No, not at this time.

8 CHAIRMAN ROCHAT: Thank you.

9 MS. GOODCHILD: Chairman Rochat, I don't  
10 believe we have any other public questions. I don't  
11 see anyone with their hand raised.

12 No, I don't see any other public questions.

13 CHAIRMAN ROCHAT: Okay. We'll close  
14 public comment right now.

15 I think this site line issue is going to have to  
16 be resolved, I'm sure, with Steve and Ron Kennedy.

17 Steve, is that your department?

18 MR. BOLIO: We would work it out with Ron  
19 Kennedy as well as Mr. Kataryniak as well as possibly  
20 Dave Banisch and Mr. Dean.

21 MR. HENRY: The testimony earlier was that  
22 the traffic engineers are going to work out what they  
23 believe the, I'll call them what the calculations  
24 ought to be. That will then produce some form of a  
25 graphic or exhibit that will be part of Mr. Kennedy's

1 testimony when he's back before the Board which he may  
2 have vetted with Steve ahead of time or not depending  
3 on how they handled it.

4 And presumably there will be the planning side  
5 of that where David looks at it and says if that's how  
6 you're going to preserve sight lines what does that do  
7 to our corridor, our buffering? How do we improve  
8 what may have taken some of that away.

9 CHAIRMAN ROCHAT: Just clarify it. Okay.  
10 So, Mr. Wolfson.

11 MR. WOLFSON: Mr. Chairman, again, the  
12 ground rules and understanding was that we were going  
13 to be limited to traffic tonight and we respect that.  
14 You have a lot of business on your docket.

15 We would respectfully ask to be carried to your,  
16 what I believe is your November 1 meeting to continue  
17 testimony.

18 We will, in advance of that time, well in  
19 advance make the submission that I referred to with  
20 revisions and we'll begin to work on the things that  
21 we discussed tonight so we would respectfully request  
22 that we be carried to your November 1 meeting at 7:00  
23 p.m. without further notice.

24 CHAIRMAN ROCHAT: Now what is on the  
25 agenda? What do you propose you're going to be

1 putting before us?

2 MR. WOLFSON: I know Ron Kennedy is going  
3 to come back and it's possible that the architect  
4 would come back as well.

5 One other thing, I know the applicant has been  
6 attempting to secure a special meeting date because of  
7 the lack of availability of everyone that would be  
8 needed during October that was not possible and we  
9 understand that.

10 We will be coming on November 1 with a renewed  
11 request for a special meeting, if necessary, in the  
12 month of November.

13 CHAIRMAN ROCHAT: That sounds good. Thank  
14 you.

15 MR. WOLFSON: Thank you. We appreciate  
16 your time. Have a good evening.

17 MR. HENRY: The basis on which the Board  
18 will go forward now is it will be expecting to come  
19 back at 7:00 on November 1 without further notice.

20 MR. WOLFSON: Thank you, Mr. Henry.

21 MR. HENRY: You're welcome.

22 MR. WOLFSON: You too, sir. Be well  
23 everybody.

24 (The hearing adjourns at 10:10 p.m.)

25

## 1 C E R T I F I C A T E

2 I CERTIFY that the foregoing is a true and  
3 accurate transcript of the testimony and proceedings  
4 as reported stenographically by me at the time, place  
5 and on the date herein before set forth.

6 I DO FURTHER CERTIFY that I am neither a  
7 relative nor employee nor attorney or counsel of any  
8 of the parties to this action, and that I am neither a  
9 relative nor employee of such attorney or counsel, and  
10 that I am not financially interested in this action.

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DONNA LYNN J. ARNOLD, C.C.R.

18 LICENSE NO. XI00991

MY COMMISSION EXPIRES 08/04/2024

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<b>A</b>				
<b>ability</b>	58:4	57:21	14:8,20	1:21 3:5,8
15:10	<b>add</b> 29:11	62:22	24:4	18:5,15,21
32:12	<b>addition</b>	<b>afield</b> 55:22	<b>analysis</b>	34:19
<b>able</b> 7:21	7:17	<b>afternoon</b>	5:20 8:11	36:17 38:9
42:9	<b>additional</b>	6:24 8:18	9:2 10:2	42:9 47:15
<b>absence</b> 45:2	15:7,20	9:9,13	14:9,21	48:8 49:4
<b>absent</b> 1:14	33:5,12	13:13	16:1 33:9	49:5,6
<b>absolutely</b>	42:21 45:2	60:24	34:25 35:2	50:6 51:21
21:10	47:11,12	61:18	39:15 50:2	52:25 59:1
<b>accept</b> 30:8	<b>address</b>	<b>age</b> 11:7,13	55:22	61:4 64:6
58:6	59:15	12:12,15	<b>analyze</b> 53:3	66:5
<b>acceptable</b>	<b>addressed</b>	26:11,15	<b>analyzed</b>	<b>application</b>
62:19	46:16	<b>agencies</b>	34:4	1:3 3:2
<b>access</b> 16:3	<b>addresses</b>	31:22	<b>annotates</b>	17:16
16:6,14	19:11	<b>agenda</b> 65:25	33:10	31:19
17:15,18	<b>addressing</b>	<b>aggravate</b>	<b>annual</b> 14:11	60:15
17:20,24	19:9	32:6	<b>annually</b>	<b>appointment</b>
18:7 19:3	<b>adds</b> 9:19	<b>aggregate</b>	57:16	30:24
31:16,23	51:2	12:18 48:6	<b>answer</b> 21:19	<b>appreciate</b>
34:9,15	<b>adequate</b>	52:13	44:2 54:23	31:4 53:5
40:11 41:6	18:10	<b>ago</b> 4:23	55:24 59:4	62:8 66:15
62:12	35:23	12:8 29:13	60:22,22	<b>appropriate</b>
63:17,21	40:14 44:5	44:15	61:20	17:22
<b>accessible</b>	46:10	54:16 63:5	<b>answered</b>	18:12
50:23	47:16	64:1	58:7,7	32:13 38:7
<b>accommod...</b>	<b>adequately</b>	<b>agree</b> 21:1	61:1	39:19 41:8
63:19	36:4	37:11 38:7	<b>anticipated</b>	43:12,13
<b>account</b> 7:23	<b>adjourns</b>	39:2	25:9	53:8 63:18
28:9,13	66:24	<b>Agreed</b> 27:7	<b>anybody</b>	<b>approval</b>
<b>accurate</b>	<b>Adjunct</b> 4:15	<b>agreement</b>	59:18	63:16
67:3	<b>adjust</b> 28:20	31:8 34:9	<b>anyone's</b>	<b>approvals</b>
<b>accusing</b>	<b>adjusted</b>	38:14	15:10	30:7
32:18	10:17	<b>ahead</b> 36:11	<b>anyway</b> 36:18	<b>approved</b>
<b>achievable</b>	27:20	65:2	<b>apartment</b>	17:20
45:1	<b>adjusting</b>	<b>aligning</b>	11:3	<b>approxim...</b>
<b>achieve</b>	61:14	16:8	<b>apologize</b>	16:14 20:5
47:16	<b>adjustment</b>	<b>alignment</b>	28:3	<b>apps</b> 9:19
<b>acknowledge</b>	8:25 25:10	43:17	<b>apparent</b>	<b>arc</b> 37:18
31:7	29:1 57:25	<b>allowed</b>	15:24	<b>architect</b>
<b>Acres</b> 20:8	<b>adjustments</b>	28:20	<b>appeared</b>	66:3
25:23	14:7 28:8	<b>allows</b> 36:18	4:19,25	<b>area</b> 7:5
<b>action</b> 67:8	57:13	50:11	<b>Appearing</b>	37:1 43:20
67:10	61:21	57:17	3:7	<b>areas</b> 39:21
<b>activity</b>	<b>adult</b> 12:14	<b>altered</b> 7:4	<b>appended</b> 9:3	40:3 41:1
25:3	<b>advance</b>	<b>amount</b> 9:6	14:18 24:3	<b>arguably</b>
<b>actual</b> 11:23	65:18,19	15:6 17:14	24:4	42:12
<b>ad</b> 32:3	<b>advise</b> 32:10	22:4,7	<b>applicable</b>	<b>arguments</b>
<b>adapting</b>	<b>affordable</b>	49:3,4	31:22	31:17
	11:2,12	62:10	32:16	<b>arid</b> 40:21
	12:12 31:9	<b>analyses</b>	<b>applicant</b>	<b>ARNOLD</b> 67:17

<b>arrived</b> 33:6	45:15	51:11,15	35:22 37:2	<b>borough</b> 1:1
<b>art</b> 52:18	<b>average</b> 20:3	51:17,18	37:4 38:18	28:23
<b>artifici...</b>	23:5	<b>bare</b> 46:7	39:4,22	34:12
8:23 28:8	<b>averaged</b>	<b>base</b> 6:13	<b>beyond</b> 17:23	<b>Borough's</b>
<b>aside</b> 16:11	20:4	7:9 28:19	19:21 36:6	46:20
31:16	<b>avoid</b> 25:20	<b>based</b> 26:6	37:3 47:8	<b>boulevard</b>
41:17	<b>aware</b> 3:7	45:20,20	<b>big</b> 30:2	17:21
<b>asked</b> 55:23	9:15 54:16	<b>basic</b> 23:24	51:9 56:13	46:25
58:7 59:18	<b>awful</b> 54:4	59:12	61:17	63:18
<b>assessment</b>		<b>basically</b>	<b>binding</b>	<b>boy</b> 15:14
5:7	<b>B</b>	8:10 26:12	34:17	<b>breaking</b>
<b>associated</b>	<b>B</b> 1:9 2:11	28:11	<b>bit</b> 28:2	48:19
15:24 50:9	10:24	<b>basing</b> 28:14	33:20 44:6	50:24
57:18	15:13	<b>basis</b> 33:9	54:15	<b>breaks</b> 21:22
<b>assume</b> 8:11	<b>Bachelor</b>	34:24	55:22 57:3	<b>bridge</b> 29:24
14:11	4:12	55:15	<b>blessed</b>	<b>brought</b> 63:5
25:15	<b>back</b> 8:12	66:17	17:20	63:20
<b>assumed</b>	25:5,9	<b>Bedminster</b>	<b>Block</b> 1:5	<b>brush</b> 18:11
39:15 62:9	27:13	5:4 10:7	<b>board</b> 1:1,15	<b>buffering</b>
<b>assumes</b>	37:16	26:9 54:4	1:15,16,16	34:13
57:14	44:21	57:9,20	2:4 3:7,10	36:24 65:7
<b>assuming</b>	46:15	<b>beginning</b>	4:10 5:20	<b>build</b> 24:10
11:17	47:18 65:1	22:17	6:7 19:24	<b>building</b>
<b>assumption</b>	66:3,4,19	<b>begs</b> 11:18	22:22 24:5	12:13
59:9,11	<b>backed</b> 29:13	<b>behalf</b> 3:4	29:9 30:7	<b>buildings</b>
<b>attempting</b>	29:15	<b>behavior</b>	32:24 33:3	19:16
66:6	<b>background</b>	58:5	35:10 36:4	<b>built</b> 8:12
<b>attempts</b>	4:9 22:11	<b>believe</b> 7:15	36:16	<b>bunch</b> 41:20
31:4	<b>backup</b> 27:14	17:7 19:10	37:14	<b>burden</b> 62:24
<b>attendance</b>	33:6	19:13	41:11,13	<b>busiest</b> 7:1
3:16	<b>bad</b> 29:22	23:17	49:13 53:7	<b>business</b> 8:7
<b>attorney</b>	<b>balanced</b>	43:21 45:8	59:1 60:12	63:22
1:15 44:23	34:14	46:3,9	60:14	65:14
67:7,9	<b>balancing</b>	49:23	61:11	<b>busses</b> 27:15
<b>Attorneys</b>	37:13	64:10,23	62:17 63:1	27:22 28:5
1:21	<b>ballot</b> 3:2	65:16	65:1 66:17	28:9 29:18
<b>attributed</b>	<b>Banisch</b> 1:16	<b>benefit</b> 6:6	<b>Board's</b> 3:15	62:4
6:19	26:13	21:3 34:13	12:1 40:19	
<b>audience</b>	44:18	42:14	<b>boards</b> 4:20	<b>C</b>
61:3	45:11	50:10	7:5 54:9	<b>C</b> 1:17 67:1
<b>audio</b> 47:23	46:12 47:2	60:11,14	58:13,21	67:1
49:10 52:8	47:7,14,21	<b>Bernards...</b>	60:1,2	<b>C.C.R</b> 67:17
52:21 53:3	48:1,3,16	10:5 15:8	<b>Bob</b> 44:16	<b>calculate</b>
<b>August</b> 5:11	48:21 49:1	26:9 54:4	<b>body</b> 16:5	26:5 50:14
<b>authority</b>	49:19	57:1	62:17	58:9
38:4	51:14,25	<b>best</b> 10:11	<b>BOLIO</b> 1:16	<b>calculated</b>
<b>availabi...</b>	52:6,20	27:2 31:20	64:18	24:13
66:7	60:9 64:20	32:12	<b>bolster</b> 37:1	50:17
<b>available</b>	<b>bank</b> 49:14	<b>better</b> 10:23	<b>boom</b> 57:3	58:16
28:22	<b>banked</b> 51:9	28:21	<b>borne</b> 11:21	<b>calculating</b>

22:7	17:12 19:7	28:10	54:17	14:19 35:2
<b>calculat...</b>	27:5 37:20	<b>choose</b> 26:18	<b>come</b> 21:14	<b>compare</b>
10:18	41:7 58:3	<b>circulation</b>	30:6,8	33:25
64:23	<b>CERTIFY</b> 67:2	16:2 19:4	37:24	<b>compared</b>
<b>calibrate</b>	67:6	19:7 40:15	46:15 55:8	7:19
28:21	<b>cetera</b> 16:24	<b>cite</b> 53:19	61:23 66:3	<b>comparison</b>
<b>call</b> 3:17	<b>CHAIR</b> 19:25	55:13	66:4,18	7:22 28:18
9:5,14	20:11,19	<b>civil</b> 4:13	<b>comes</b> 47:18	<b>compelled</b>
14:9 19:17	22:6 23:20	<b>clarify</b> 65:9	52:18	60:2
40:15	24:21	<b>class</b> 43:24	<b>coming</b> 30:1	<b>complement</b>
44:13 61:6	25:17	<b>classifi...</b>	48:16	49:16
63:4,6	26:25	43:23	54:18,18	<b>comply</b> 19:2
64:23	<b>Chairman</b>	<b>classified</b>	60:24	39:12
<b>called</b> 21:22	1:10,10	39:13	66:10	<b>component</b>
46:24	3:1,3 27:8	<b>clear</b> 32:19	<b>Commencing</b>	11:13
<b>campuses</b>	27:13,18	36:20,21	1:8	13:14
39:7	27:22	38:16,17	<b>comment</b>	62:12
<b>candidly</b>	28:14 29:9	45:9,10	19:11	<b>components</b>
23:13	32:21,24	<b>cleared</b> 46:6	46:16 49:9	9:11 11:2
<b>capacity</b>	32:25 33:2	<b>clearer</b> 39:1	58:23	51:1
6:18	41:11,12	<b>clearing</b>	64:14	<b>comprised</b>
<b>car</b> 20:7,8	44:16 52:7	18:10	<b>commented</b>	12:21
20:17,23	53:6 59:17	36:22 37:3	35:7	<b>compromised</b>
22:24	59:23 61:2	37:7 38:1	<b>comments</b>	45:7 46:4
23:23	64:5,8,9	45:2 47:12	40:1	<b>concentr...</b>
24:16,19	64:13 65:9	<b>clearly</b>	<b>COMMISSION</b>	52:23
30:18	65:11,24	61:10 63:7	67:18	<b>concept</b> 38:6
<b>career</b> 4:19	66:13	<b>clerk's</b>	<b>communities</b>	<b>concern</b>
<b>careful</b>	<b>change</b> 38:15	38:19	5:1 12:15	30:14 37:5
30:23	<b>changes</b> 8:3	<b>close</b> 17:9	12:16	38:12 59:1
<b>carried</b>	25:1	21:6 42:15	57:19,22	61:10 63:7
65:15,22	<b>changing</b>	64:13	<b>community</b>	<b>concerned</b>
<b>cars</b> 22:12	58:21	<b>closely</b>	5:4 12:20	55:1
22:15 23:7	<b>channelized</b>	23:13	15:7,12,25	<b>concerns</b>
23:25	42:7 43:4	<b>closer</b> 9:14	16:12	16:12 19:9
24:17	43:23	<b>closest</b> 6:8	20:17,22	<b>concluded</b>
35:18,20	<b>channels</b>	<b>coarseness</b>	21:2,11,18	15:18
55:7,18	44:13	52:13	25:18	<b>conclusion</b>
<b>case</b> 7:11	<b>character</b>	<b>code</b> 31:23	26:11,15	22:14
51:11	44:25	<b>collect</b> 12:2	29:8 30:8	<b>conclusions</b>
<b>categories</b>	<b>characte...</b>	31:21	32:4,17	5:21
39:19	26:23	<b>collected</b>	34:14 57:5	<b>condition</b>
<b>cause</b> 60:25	<b>characte...</b>	7:10,23	57:21	14:25
<b>certain</b>	29:7	8:16	<b>commute</b>	24:10
16:11	<b>charge</b> 55:22	<b>collecting</b>	22:20	<b>conditions</b>
17:10 18:9	<b>check</b> 24:6	6:14	25:21,24	6:8,14,20
24:8 37:13	48:21	<b>collects</b>	25:25 27:3	7:5,24,25
<b>certainly</b>	<b>children</b>	7:12	<b>commuting</b>	8:13,25
4:4 5:22	8:21 12:22	<b>College</b> 4:15	6:21	9:15 10:11
7:4 9:24	13:16	<b>collision</b>	<b>comparative</b>	14:14,17



24:7 26:15	<b>consider...</b>	<b>conventi...</b>	53:16	10:1 12:3
30:4,9	62:14	51:23	<b>course</b> 23:6	12:6,9
32:6	<b>considered</b>	52:14	59:4,5	28:17,22
<b>conduct</b> 8:7	14:5 16:1	<b>converted</b>	<b>Court</b> 1:25	28:25 31:2
<b>conducted</b>	16:2,6	3:9	4:22 37:16	31:21,21
6:22 28:17	19:19 29:6	<b>copy</b> 5:25	<b>cover</b> 39:6	61:24
<b>confident</b>	39:25	<b>corporat...</b>	<b>COVID</b> 7:8,19	<b>date</b> 66:6
62:5	57:23 62:7	8:4	7:25 8:12	67:5
<b>configur...</b>	<b>consistent</b>	<b>correct</b> 5:8	8:25 10:17	<b>dated</b> 5:7,14
44:25 45:4	34:8 57:14	5:12,15,16	14:7 25:4	5:25
<b>configur...</b>	<b>consisting</b>	25:12	25:15	<b>Dave</b> 64:20
40:8	13:22	27:21 28:1	28:12 29:5	<b>David</b> 1:16
<b>confining</b>	<b>consists</b> 6:7	29:2 47:25	33:7 55:3	10:19
33:25	<b>constitutes</b>	48:2	55:4 57:25	44:17
<b>conflict</b> 3:6	23:18	<b>correctly</b>	58:3 62:3	48:12 65:5
16:18,23	<b>constrained</b>	33:15	<b>Craig</b> 3:6	<b>day</b> 1:18 3:4
17:1,14	6:19	46:14	<b>create</b> 30:11	4:25 9:24
33:17	<b>construc...</b>	<b>corridor</b>	41:18 52:9	27:9 29:12
36:11	51:22	37:19	<b>created</b>	30:4,16,19
<b>conflicts</b>	<b>construc...</b>	44:24 65:7	63:17	30:24 32:2
43:1	29:15,23	<b>Council</b> 31:8	<b>creating</b>	41:20
<b>congest</b>	30:2 54:5	<b>counsel</b>	44:4	53:23 54:8
60:24	63:13,17	34:11 67:7	<b>criteria</b>	54:14,19
<b>connect</b> 8:7	63:20,25	67:9	17:10	58:9 59:15
40:2	<b>consultant</b>	<b>count</b> 50:6,8	32:16	61:9
<b>Connecticut</b>	4:24 12:1	62:6	<b>critical</b>	<b>days</b> 29:13
4:21	21:4 24:5	<b>counted</b> 7:18	19:15 36:8	32:2
<b>connection</b>	<b>consultants</b>	8:18 25:14	37:4	<b>Dean</b> 2:3
39:23	7:10 12:2	28:20	<b>crux</b> 60:21	3:13,17,21
<b>connects</b>	<b>context</b> 5:17	29:14	<b>curbing</b>	4:4 27:8
54:3	13:3 23:8	50:21	17:21	30:22
<b>conserva...</b>	26:22	<b>Country</b> 4:24	<b>current</b>	32:22 33:3
8:10 10:2	30:17	27:9 28:24	44:25	33:5,15,19
29:3 33:8	<b>continue</b>	29:12 30:4	<b>currently</b>	36:14
58:1	12:8 14:24	30:16,19	4:18	37:11 40:7
<b>conserva...</b>	15:4 25:2	30:24 32:2	<b>curvature</b>	41:13
7:24	65:16	41:19	36:3 46:4	45:17
<b>consider</b>	<b>continued</b>	53:23 54:8	<b>curve</b> 18:4	46:14
9:22 26:10	57:18	54:19 58:9	37:18	50:19
30:14	<b>continuous</b>	59:15 61:9		53:16 56:8
34:12	57:15	<b>counts</b> 6:15	<b>D</b>	60:6,17
36:17	<b>contracted</b>	6:22 7:2	<b>D</b> 4:4 10:19	64:20
40:24	8:5	7:18 8:15	14:25 15:4	<b>Dean's</b> 33:4
51:21	<b>control</b> 18:2	9:4,8 28:9	15:13	<b>death</b> 54:17
61:12	18:13	28:17 51:5	24:11	<b>debate</b> 56:24
<b>consider...</b>	36:15 37:9	57:14 58:1	26:19	59:13
16:8,9	38:21 42:9	<b>COUNTY</b> 1:2	<b>dam</b> 21:11	<b>debating</b>
54:2 55:3	42:16	<b>couple</b> 32:23	<b>data</b> 7:9,12	32:1
57:1,4,6,8	<b>convenience</b>	40:8 41:1	7:15,16,22	<b>decide</b> 20:22
60:7 62:2	21:14	44:18	8:24 9:2	<b>decision</b>

16:13	<b>design</b> 17:20	<b>direction</b>	<b>door</b> 22:18	<b>E</b> 1:9, 9, 17
<b>dedicate</b>	19:18	13:23	<b>DOT</b> 7:11, 11	1:17 2:1, 1
36:17	31:16, 22	52:16	7:14 17:10	2:11 4:4
42:10, 10	32:14, 16	<b>directly</b>	17:16, 19	67:1, 1
<b>dedicating</b>	39:7, 7	61:8	17:23	<b>e-commerce</b>
43:8	49:22	<b>disagree</b>	23:10	25:2, 6
<b>dedication</b>	62:14, 20	30:25	28:15, 17	<b>earlier</b>
42:18	<b>desirable</b>	<b>disbursed</b>	31:13	27:23
47:13	43:20	40:5	33:20	64:21
<b>deed</b> 38:19	<b>detail</b> 46:24	<b>discuss</b>	38:10	<b>early</b> 63:5
38:20	<b>detailed</b>	22:12, 21	42:24 43:6	<b>easement</b>
<b>deemed</b> 62:17	24:4 40:19	<b>discussed</b>	43:19	36:18 37:1
<b>defect</b> 62:20	43:19	34:10 35:6	46:19	37:8 38:5
<b>defer</b> 19:12	<b>develop</b>	65:21	62:13, 13	38:15, 20
34:17	11:22	<b>discussing</b>	62:15	39:1 41:16
<b>deficient</b>	49:16	44:22	63:16	41:23 45:5
45:11	<b>developed</b>	<b>discussion</b>	<b>DOT'S</b> 31:23	<b>easements</b>
<b>definitely</b>	38:23	3:12 47:9	<b>double</b> 17:8	18:14
25:9	39:16	<b>discussions</b>	25:13 51:5	36:15
<b>degrades</b>	41:21	16:5 43:19	62:10	<b>easier</b> 35:25
36:24	<b>developing</b>	<b>disguising</b>	<b>drainage</b>	<b>easing</b> 58:2
<b>degree</b> 4:13	57:20	15:19	17:23	<b>easy</b> 59:4
34:16	<b>development</b>	<b>distance</b>	<b>draw</b> 22:13	<b>echo</b> 48:13
<b>delay</b> 10:20	5:3 6:10	17:6, 9	50:2	<b>educational</b>
21:19, 20	11:23 26:2	18:1, 10, 12	<b>drawing</b>	4:8
24:8, 12	36:22, 24	18:16 22:3	46:15	<b>effect</b> 13:12
26:5, 7	39:11, 17	31:24	<b>drawn</b> 47:1	15:10
35:24	39:18 40:5	33:24	<b>drive</b> 22:19	30:19
<b>delays</b> 10:14	42:23	36:13	40:11	32:16 36:8
35:18	55:12	37:25 42:6	<b>driveway</b>	<b>effected</b> 6:9
<b>deliberate</b>	57:18	45:3, 5, 7	17:6 18:3	6:20 7:5
30:10	62:18	45:21 47:5	22:24 26:8	47:5
<b>delineated</b>	<b>developm...</b>	<b>distortion</b>	26:20	<b>effects</b> 8:2
39:14	39:3	47:23	31:24	15:23
<b>deliveries</b>	<b>diagram</b>	49:10 52:8	33:14 34:7	<b>efficient</b>
25:7	37:22	52:21 53:3	35:19 36:1	17:15
<b>delivery</b>	<b>diagrams</b> 9:5	<b>distribu...</b>	36:9 42:16	<b>efficiently</b>
25:2	35:16	15:22	44:5 45:10	17:3
<b>demand</b> 20:5	<b>difference</b>	<b>division</b>	46:25	<b>effort</b> 19:16
<b>dentist</b>	61:17	48:7	49:25 50:4	<b>either</b> 7:10
30:23	<b>different</b>	<b>docket</b> 65:14	50:9, 10, 11	11:12 12:7
<b>department</b>	13:14 34:7	<b>document</b>	50:20, 21	43:2 52:11
64:17	<b>difficult</b>	34:17	51:4	<b>elements</b>
<b>depending</b>	13:8 38:24	<b>doing</b> 7:7	<b>driving</b>	14:2 36:7
48:14 65:2	<b>dimensions</b>	23:4 32:19	61:18, 25	<b>eliminated</b>
<b>described</b>	31:24	32:19	<b>dropping</b>	39:25
14:2 49:20	<b>dinner</b> 13:19	50:24	12:22	<b>emerging</b>
50:19	<b>direct</b> 3:14	60:10, 17	<b>due</b> 59:2	29:5
<b>describing</b>	4:7 19:22	61:12		<b>employee</b>
9:1	43:25	<b>DONNA</b> 67:17	<b>E</b>	67:7, 9

8:8	<b>ESQ</b> 1:15,19	45:15	13:6 66:18	30:13,16
<b>encounter</b>	<b>essentially</b>	57:15	<b>experience</b>	30:19,24
26:6	6:19 13:25	<b>EXAMINATION</b>	30:5 35:18	32:2 41:19
<b>encounte...</b>	14:9 15:15	4:7	<b>experienced</b>	47:9 53:23
10:13	<b>establish</b>	<b>example</b>	8:3	54:8,19
<b>encourage</b>	6:13 36:23	12:23 24:9	<b>expert</b> 3:15	55:22 58:9
36:25 37:6	<b>established</b>	24:19	<b>EXPIRES</b>	59:15 61:9
51:21	36:19 37:7	44:12	67:18	62:24
<b>encroaching</b>	38:11	<b>examples</b>	<b>extend</b> 36:6	<b>favorable</b>
45:25	<b>establishes</b>	53:19	<b>extending</b>	29:7
<b>encroach...</b>	36:19	<b>exceed</b> 17:11	41:3	<b>features</b>
46:2	<b>esthetic</b>	46:9	<b>extension</b>	11:2 17:20
<b>enforce</b> 44:8	16:11	<b>exceeds</b> 17:7	62:17	<b>February</b> 7:3
<b>engineer</b>	<b>esthetic...</b>	<b>exception</b>	<b>extent</b> 38:5	7:20 27:12
1:16 3:13	52:4	52:12	44:25	27:19 28:6
4:17 5:2,3	<b>esthetics</b>	58:22	<b>extraord...</b>	28:19 29:4
13:7 47:18	34:14	<b>excess</b> 18:21	31:4	58:2 61:24
<b>engineer's</b>	37:14	49:12		62:11
8:1	<b>estimate</b>	<b>excessive</b>	<b>F</b>	<b>feedback</b>
<b>engineering</b>	10:25	49:12 51:8	<b>F</b> 1:9 10:13	48:13
4:13,16,24	<b>estimates</b>	<b>exhibit</b>	67:1	<b>feel</b> 60:2
16:16	33:6	64:25	<b>facilities</b>	62:5
22:11 32:7	<b>et</b> 16:24	<b>Exhibits</b>	39:8	<b>feet</b> 16:14
<b>engineers</b>	<b>eternity</b>	2:13	<b>facing</b> 48:15	17:8 36:12
6:17 10:9	23:1	<b>exist</b> 12:8	<b>fact</b> 18:20	37:24,25
11:22,25	<b>evaluate</b>	<b>existed</b>	29:24	42:3 43:12
12:4,5	23:12	44:14	38:22 54:2	43:13 46:1
53:7 64:22	31:16,19	<b>existing</b> 6:8	55:16 57:1	46:2,5,8
<b>enlarging</b>	<b>evaluated</b>	12:9 15:2	<b>factor</b> 11:13	<b>Fellowship</b>
59:19	18:17	<b>exists</b> 5:18	57:8	26:12
<b>ensure</b> 47:20	<b>evaluation</b>	39:24	<b>factored</b>	<b>fewer</b> 12:13
<b>enter</b> 15:10	6:8 16:6	<b>exit</b> 15:10	7:22 62:7	16:18
<b>entering</b>	<b>evening</b> 3:3	20:8 29:8	<b>facts</b> 55:9	<b>field</b> 40:13
35:21	3:21 10:21	61:9	56:17,19	<b>fields</b> 58:15
<b>entire</b> 20:4	13:13,20	<b>exiting</b> 10:4	<b>faculty</b> 4:14	59:22,23
32:1	14:3 25:24	10:16 13:1	<b>fair</b> 20:7	59:24 60:1
<b>entirely</b>	26:3 27:3	14:3 20:5	25:3 47:6	60:4,10,13
28:16	32:1 47:10	30:15	<b>fairly</b> 15:1	<b>figure</b> 8:9
<b>environm...</b>	55:18 60:8	35:18	40:19,21	<b>figures</b> 9:5
51:20	66:16	<b>expand</b> 63:15	58:4 62:5	9:5 25:10
<b>environm...</b>	<b>events</b> 13:17	<b>expect</b> 11:4	<b>fall</b> 16:7	<b>filed</b> 38:13
19:17	54:10,10	11:18	42:23	<b>financially</b>
<b>erosion</b>	58:8 59:8	12:19 13:2	43:18,22	67:10
63:19	59:20	13:21	<b>falls</b> 43:24	<b>find</b> 7:6
<b>errands</b>	60:17 62:3	14:23	<b>family</b> 50:3	15:16 26:8
13:19	<b>everybody</b>	15:16	<b>fan</b> 51:9	33:8 38:23
<b>Errico</b> 20:8	66:23	17:24 28:5	<b>far</b> 1:1 4:24	38:25
25:23	<b>exacerbate</b>	<b>expectation</b>	17:6 25:23	<b>findings</b>
41:21	30:13	63:14	27:8 28:24	21:9
<b>error</b> 23:14	<b>exact</b> 13:10	<b>expecting</b>	29:12 30:4	<b>fine</b> 26:18

<b>finished</b>	59:24 60:1	50:12,13	13:18	<b>grade</b> 10:9
32:24	60:2,3,10	<b>garages</b> 50:1	21:12,14	37:16
<b>firm</b> 6:16	<b>frame</b> 13:6	50:7	22:1,25	<b>graduate</b>
<b>first</b> 11:2	<b>framed</b> 23:8	<b>Garden</b> 55:4	25:24 26:2	4:12
14:8 16:2	<b>frames</b> 6:25	<b>Gary</b> 2:3	26:17 27:2	<b>granted</b>
20:2,25	<b>free</b> 21:14	3:13 4:4,8	30:16	63:16
21:21,23	<b>frequency</b>	5:6,19	44:21	<b>graphic</b>
21:25 22:2	22:22	19:23,24	54:11	64:25
39:8 44:19	58:20	54:20	66:18	<b>grass</b> 39:8,9
46:5 54:25	<b>front</b> 29:18	58:23	<b>God</b> 3:25	51:25 52:2
<b>five</b> 12:6,8	50:1,13	<b>gates</b> 21:13	<b>goes</b> 15:8,9	52:7,10,18
30:18 57:9	<b>frontage</b>	<b>general</b> 13:6	20:14	<b>great</b> 44:12
<b>flow</b> 13:23	18:2,8,13	21:9 54:22	39:10	61:25
<b>focus</b> 3:11	36:15	<b>generally</b>	44:11 47:8	<b>greenery</b>
6:17 9:3	42:17	6:18 10:20	55:21	47:5
49:2	<b>fulfilling</b>	11:5 13:24	<b>going</b> 5:19	<b>grocery</b>
<b>focused</b> 6:11	62:21	23:10	16:23	13:19
37:14	<b>full</b> 4:2	25:20	20:23	<b>gross</b> 51:5
<b>follow</b> 34:20	24:10	31:11	23:25 25:5	<b>ground</b> 39:5
<b>follow-up</b>	35:11	43:24	25:11	46:7 65:12
54:1 58:8	49:15 62:3	57:16	29:22,23	<b>grow</b> 39:9
<b>foot</b> 33:24	<b>Full-time</b>	<b>generate</b>	30:1 31:1	57:22
<b>footprint</b>	27:18	15:20	31:3 32:5	<b>growth</b> 57:7
8:5	<b>fully</b> 38:6	<b>generated</b>	36:8 38:10	57:8,12,15
<b>force</b> 11:5	47:15	12:20 15:7	44:1 46:15	<b>guess</b> 29:13
13:25	<b>function</b>	<b>generates</b>	46:18	<b>guest</b> 18:25
<b>forecast</b>	45:10,22	11:11	48:24 54:5	50:12,20
57:17	<b>functional</b>	55:17	54:5,8,9	
<b>foregoing</b>	52:3	<b>geometry</b>	54:10,12	<b>H</b>
67:2	<b>furnish</b> 5:24	37:17	57:2 58:6	<b>H</b> 2:11
<b>form</b> 18:9	<b>further</b>	<b>Georgia</b> 63:4	58:14,19	<b>half</b> 7:8
38:6 64:24	16:14	<b>getting</b>	59:20 60:3	10:4,6
<b>former</b> 4:13	30:14	41:21	60:17,23	18:24 19:1
<b>formula</b>	65:23	48:12	60:23,24	50:22 51:3
45:20	66:19 67:6	60:20	64:15,22	51:6
<b>forth</b> 67:5	<b>future</b> 8:9	<b>Gianetti</b> 3:6	65:6,12,25	<b>hand</b> 3:20
<b>forum</b> 22:10	11:17 14:6	<b>Giants</b> 22:16	66:2	35:12
<b>forums</b> 8:6	14:10,22	<b>give</b> 3:23	<b>good</b> 3:3,21	64:11
<b>forward</b> 5:23	25:19	9:14 19:1	4:18 15:21	<b>handled</b> 65:3
66:18	57:18	37:21	32:25	<b>happen</b> 13:10
<b>found</b> 7:9,14	63:17,21	<b>given</b> 6:12	37:21 44:7	14:12
7:20 9:8		8:6 16:8,9	52:11,24	<b>happened</b>
21:25	<b>G</b>	25:19 32:4	66:13,16	21:1
<b>four</b> 12:13	<b>game</b> 22:16	36:2	<b>GOODCHILD</b>	<b>happening</b>
30:18	<b>gamut</b> 62:4	<b>Gladstone</b>	1:15 48:23	48:23
33:16 50:4	<b>gap</b> 21:25	5:1 10:6	53:11,15	<b>happens</b> 14:6
50:5 54:9	<b>gaps</b> 21:22	<b>glaring</b>	61:5 64:9	21:21
54:16	35:15,23	62:20	<b>governing</b>	<b>happy</b> 40:24
58:13,14	<b>garage</b> 49:24	<b>go</b> 5:23	16:5 62:16	<b>hazard</b> 45:22
59:22,23	49:24 50:3	11:19	<b>GPS</b> 9:19	<b>head-on</b>

54:17	<b>Hills</b> 1:1	31:9,17	<b>include</b>	<b>informed</b>
<b>hear</b> 22:12	4:24 5:3	57:2 62:22	18:24	3:14
58:18 59:4	21:3,4	62:23	<b>included</b>	<b>input</b> 3:8
59:5	25:23 27:8	<b>HUDSON</b> 1:25	14:18 45:5	34:18
<b>heard</b> 58:17	28:24	<b>HUMBERT</b> 1:14	50:7	<b>inquired</b>
58:24 59:7	29:12 30:4	<b>hundred</b>	<b>includes</b>	28:22
<b>hearing</b> 1:7	30:16,19	23:11 43:3	12:15 48:9	<b>inside</b> 47:3
3:23 33:4	30:24 32:2		<b>including</b>	<b>insignif...</b>
58:18	41:19	I	21:2	23:14
66:24	53:23 54:8	<b>idea</b> 37:21	<b>income</b> 11:4	<b>instance</b>
<b>height</b> 46:8	54:19 58:9	49:14	<b>inconcei...</b>	6:11 7:11
46:9	59:15 61:9	<b>identify</b>	23:24	21:10,16
<b>help</b> 3:24	<b>historic...</b>	14:15	<b>increase</b>	22:20
55:24	14:13	<b>image</b> 15:15	8:17 25:1	<b>instances</b>
<b>helps</b> 14:15	<b>hitting</b> 3:5	<b>impact</b> 5:6	25:6,14	39:18
<b>Henry</b> 1:15	<b>hold</b> 8:10	6:7 13:7	28:8 54:6	<b>Institute</b>
3:19,22	48:21	15:21	55:6,16,21	12:5
4:2,6 5:23	<b>Holiday</b>	16:12	55:25 56:3	<b>instrument</b>
6:3,5	37:16	23:15,19	57:2,24	38:13,18
34:17	<b>home</b> 7:8 8:4	24:16	58:19 62:8	44:8
48:12,18	13:15 50:3	27:25 31:2	<b>increased</b>	<b>intelligent</b>
53:10 55:8	<b>homeowners</b>	32:7 34:2	7:22 8:13	56:18
56:14,16	53:2	35:13	8:24 14:7	<b>intended</b>
56:20,22	<b>homes</b> 1:3	51:19,24	53:20	45:10
59:13	3:2 56:11	<b>impacts</b> 5:21	55:13	<b>intensities</b>
63:10 64:2	56:12	14:16	<b>increases</b>	39:17
64:21	<b>homework</b>	<b>impeded</b> 45:7	8:16 14:11	<b>intensity</b>
66:17,20	24:6	<b>impervious</b>	<b>increasing</b>	58:20
66:21	<b>hope</b> 25:10	19:19 48:4	59:8	<b>intent</b> 62:21
<b>Hi</b> 61:7	<b>hopefully</b>	<b>implies</b> 27:1	<b>independent</b>	<b>interest</b>
<b>hide</b> 40:21	54:1	27:3	31:21	25:18
<b>high</b> 27:25	<b>hour</b> 6:20	<b>imposes</b>	<b>indicate</b>	<b>interested</b>
43:2 46:7	8:17 9:8	62:15	36:5	67:10
<b>higher</b> 51:6	11:19	<b>improve</b> 65:7	<b>indicated</b>	<b>internat...</b>
<b>highly</b> 31:5	12:18 13:5	<b>Improvement</b>	28:12	12:3
<b>highway</b> 9:16	13:13,20	17:5 18:18	36:14 40:6	<b>interpre...</b>
10:22 16:7	14:4,17	19:5 31:25	<b>individual</b>	47:6
17:17,17	20:4,9,13	<b>improvem...</b>	13:11	<b>interrupt</b>
17:18	20:14	30:10	21:20	6:4
21:23	22:21 23:6	<b>inadequate</b>	<b>individuals</b>	<b>intersec...</b>
35:12,14	23:12,23	47:11	6:21 8:20	6:12,16
43:15,17	23:25	<b>inbound</b>	11:4 12:21	7:14 10:9
43:22 47:4	24:17 28:4	13:22	12:23	15:11
62:15	57:24 60:8	<b>inception</b>	13:16	16:19,22
<b>highways</b>	<b>hours</b> 9:3,7	16:4	16:13	17:3,22
7:13 9:18	11:6,15	<b>inches</b> 46:9	19:16	26:8 33:16
9:20 43:10	25:21	<b>incident</b>	<b>infer</b> 47:2	33:17 34:7
<b>hike</b> 49:21	27:14 54:7	9:17	<b>information</b>	34:24
<b>hill</b> 29:16	<b>housing</b>	<b>inclination</b>	33:12	46:11
64:1	12:11,14	44:24	58:11	<b>intersec...</b>

16:15	<b>Kataryni...</b>	62:25 66:2	<b>lead</b> 5:19	16:17
33:18	5:11	66:5	<b>leads</b> 35:5,7	33:11
<b>involved</b>	<b>keep</b> 36:20	<b>knowledge</b>	<b>lean</b> 52:16	<b>level</b> 10:10
34:22	42:3	27:11	<b>leave</b> 11:9	10:11,12
<b>isolate</b> 6:25	<b>keeping</b>	<b>known</b> 10:10	20:22	10:19,24
<b>isolated</b>	34:14	12:4	21:12,24	14:25 15:4
41:2	36:20	<b>knows</b> 21:25	22:8,17,21	15:12,13
<b>isolation</b>	38:17	26:14	23:5 26:16	24:8,10
33:18	<b>Kennedy</b> 19:7	<b>KOURY</b> 1:13	26:19	26:18
<b>issue</b> 18:22	37:21 38:3		<b>leaves</b> 13:11	43:23
35:7 37:12	40:6 47:18	<b>L</b>	23:23	<b>levels</b> 8:13
38:23 40:8	63:15	<b>L1</b> 1:15	<b>leaving</b>	10:23
41:9 64:15	64:16,19	<b>lack</b> 37:2	10:18 11:6	15:11 26:5
<b>issues</b> 17:23	66:2	66:7	13:2,4,18	29:7 35:16
30:6,12	<b>Kennedy's</b>	<b>Lafayette</b>	14:1,25	35:17,19
	18:5 64:25	4:15	15:5,11	35:22,22
<b>J</b>	<b>kids</b> 60:13	<b>lag</b> 28:2	16:13	<b>LEWIS</b> 1:11
<b>J1</b> 1:12 67:17	<b>kind</b> 25:25	<b>Lake</b> 6:12,23	20:13,16	30:21
<b>JACK</b> 1:13	29:20	7:18 8:24	20:17	31:12
<b>Jefferson</b>	30:25	9:7 10:3	21:17	32:18
1:19	48:13	10:16,18	22:13,15	41:14
<b>Jersey</b> 1:3	53:17	10:23	23:7 24:17	44:10
1:20 4:17	<b>know</b> 8:1	14:25 15:5	61:18	<b>license</b> 4:18
4:21	9:18 12:25	15:9,12,16	<b>left</b> 10:5	67:18
<b>job</b> 32:19,20	14:12	16:8,13	15:9 16:24	<b>licensed</b>
<b>JOHN</b> 1:13	16:20 19:6	17:6 24:11	18:3 22:24	4:17
<b>judiciously</b>	21:12	24:20	35:12,21	<b>light</b> 15:21
19:19	22:10	28:20	42:12,14	23:2
<b>June</b> 61:16	24:25 25:8	33:14	42:19,25	<b>limbing</b> 18:9
<b>justify</b> 43:4	27:24	36:10	43:3,4,4	<b>limbs</b> 46:7
<b>justifying</b>	29:21,25	42:13 44:1	43:25	<b>limit</b> 38:5
42:25	30:3,4,6	<b>Lambington</b>	44:13	<b>limited</b> 1:4
	30:15	57:22	<b>lefts</b> 43:23	65:13
<b>K</b>	31:13 32:1	<b>land</b> 11:23	<b>leg</b> 33:15,17	<b>limiting</b>
<b>Kataryniak</b>	32:9,10	12:7,9,9	<b>legal</b> 36:19	19:19 48:4
3:15 12:1	33:3 34:16	<b>lane</b> 29:20	<b>legally</b>	<b>line</b> 6:13
19:6 24:6	37:2,14	41:18,23	34:17	7:9 28:19
32:10,23	40:22	42:1,20,25	<b>Lehigh</b> 4:12	35:14,20
33:1 35:1	41:23 42:3	43:25	4:14	36:1,2,4,5
35:4 37:23	43:6 45:2	<b>language</b>	<b>lessened</b>	36:19,21
38:8 40:18	45:14	38:16	41:24	36:23 37:3
41:1,10	46:19 47:3	<b>large</b> 13:11	<b>lessons</b>	37:6,17,19
42:5 45:6	51:10	<b>LAWLOR</b> 1:13	13:17	37:19,22
45:14,19	52:21 54:1	<b>lay</b> 43:16	<b>let's</b> 22:24	38:10,11
46:21	55:1,9,21	55:5	50:19	41:15
47:23	56:2,4,9	<b>laying</b> 29:14	54:24	43:11 44:4
48:19	56:17,18	<b>layout</b> 46:24	56:14,21	45:8,15,19
50:18	57:20	50:15	59:13	45:25 46:3
51:16 52:2	58:12 59:4	<b>LAYTON</b> 1:11	<b>letter</b> 5:11	46:9 47:1
52:9 64:19	60:23	29:11	5:13 6:1	47:3,4

<b>lines</b> 35:7	52:22	<b>maintenance</b>	55:7 60:3	30:18
42:3,6	57:11	52:7 53:1	<b>measure</b> 38:2	<b>mirror</b> 15:15
47:10,16	61:24	<b>major</b> 9:16	<b>measured</b>	<b>misunder...</b>
65:6	<b>looked</b> 9:23	31:1 60:25	45:20,24	47:9 56:7
<b>listened</b>	39:14,15	<b>majority</b>	<b>measurement</b>	<b>model</b> 28:15
54:7	50:25	13:1 58:15	45:15	<b>modest</b> 18:4
<b>literally</b>	<b>looking</b> 33:4	<b>making</b> 10:14	<b>meet</b> 18:11	19:20
62:9	33:19,21	59:8	18:19 51:6	<b>Monday</b> 1:7
<b>little</b> 13:14	33:21	<b>management</b>	<b>meeting</b> 31:9	<b>month</b> 66:12
23:12	36:11	52:22 53:4	65:16,22	<b>months</b> 8:4
33:20 37:3	37:18	<b>manner</b> 31:20	66:6,11	17:25
44:6 51:1	39:19	<b>map</b> 16:21	<b>meets</b> 19:4	<b>morning</b> 6:23
51:1 54:15	40:17 41:5	<b>March</b> 5:7	<b>member</b> 4:14	6:24 8:17
55:22 57:3	42:6,11	25:9	<b>members</b> 6:15	8:19 9:8
<b>live</b> 25:23	44:3 45:18	<b>MARILYN</b> 1:11	29:10	9:13,23
27:4 56:11	46:17	<b>Mark</b> 41:12	32:24 33:3	10:4,16
61:8	51:19	41:13,14	35:9 61:11	11:10
<b>lived</b> 30:22	<b>looks</b> 18:3	<b>marked</b> 2:13	<b>Mendham</b> 57:2	12:18,21
<b>living</b> 27:1	42:24 50:4	<b>market</b> 11:12	57:9	13:2,4,24
<b>LLP</b> 1:18	53:25 65:5	62:23	<b>mentioned</b>	15:13
<b>local</b> 38:12	<b>loops</b> 39:17	<b>mass</b> 19:15	24:11	20:12
<b>locally</b> 4:23	<b>lose</b> 42:16	<b>Massachu...</b>	<b>mentions</b>	22:13,18
<b>located</b>	<b>lot</b> 1:5 23:9	4:21	48:3	22:19
40:10	25:4 27:4	<b>match</b> 43:11	<b>met</b> 18:5	23:16
<b>location</b>	27:23	<b>materially</b>	32:15	25:12,24
17:12 18:7	35:17	32:6	62:24	26:2,16
32:5 33:14	38:22 39:7	<b>math</b> 23:25	<b>microphone</b>	27:2,23
34:1,7,12	42:14 43:7	<b>matter</b> 3:7	48:25	29:2 30:16
<b>locations</b>	46:1 50:14	40:21	<b>Microsoft</b>	41:24,25
40:6	51:18 53:1	52:24	8:6	55:19
<b>log</b> 27:13	54:5,10	60:21	<b>milk</b> 12:25	57:24
<b>long</b> 8:2	65:14	<b>Mayor</b> 1:12	<b>mind</b> 42:2	61:17
21:20 22:2	<b>low</b> 12:13	31:8	<b>minimal</b>	<b>motorist</b>
23:1,3	15:1 30:14	<b>mean</b> 6:4	35:24 43:1	15:24
26:1 49:15	46:8	8:15 22:7	43:1 51:17	<b>motorist's</b>
<b>long-winded</b>	<b>lower</b> 10:12	27:6 37:13	<b>minimize</b>	13:9
44:2	43:24	46:7 51:14	16:12	<b>motorists</b>
<b>longer</b> 10:13	<b>LYNN</b> 67:17	55:5 59:12	<b>minimizing</b>	9:18 10:13
22:19		<b>meaning</b> 8:13	51:19	10:18
<b>longstan...</b>	<b>M</b>	11:4 12:13	<b>minimum</b>	36:13
3:6	<b>M.D</b> 1:12	12:18	40:12	<b>move</b> 9:2
<b>look</b> 12:7,17	<b>magnitude</b>	13:23	<b>minor</b> 15:6	56:21
14:13	23:17	16:17	17:22	<b>moved</b> 61:16
21:22 24:7	<b>main</b> 35:14	18:14	<b>minute</b> 13:10	<b>movement</b>
24:7 26:5	35:20,25	24:12	<b>minutes</b> 7:1	20:6 34:3
33:8 36:4	40:11 54:3	62:16	12:19 13:5	35:25
37:15 39:4	<b>maintain</b>	<b>means</b> 8:7	20:6,16,18	<b>movements</b>
42:8 43:1	18:7	17:15	20:24,24	13:21
48:6 50:2	<b>maintained</b>	35:23	22:23,25	23:11
52:11,13	47:20	42:19 54:9	23:6,23,24	33:25

Page 1

<b>moving</b> 24:24 35:13 48:24 <b>multi-fa...</b> 12:11 <b>music</b> 13:17	<b>neither</b> 67:6 67:8 <b>never</b> 21:1 21:10,16 22:20 24:16 28:12 43:14,15 44:14 52:11 <b>new</b> 1:3,20 4:17,20 12:7 15:20 54:5 57:20 58:11 61:15 <b>news</b> 15:21 <b>night</b> 13:24 14:1 15:14 23:16 <b>nine</b> 29:15 <b>NJ</b> 7:11 17:10,16 17:19 31:23 <b>no-build</b> 14:9,21 <b>nomencla...</b> 46:20 <b>normal</b> 7:7 7:24 58:4 <b>normalize</b> 31:5 <b>north</b> 16:15 29:14 42:16 <b>northbound</b> 36:10 42:1 42:8 <b>notice</b> 35:16 65:23 66:19 <b>noticeable</b> 15:24 <b>notwiths...</b> 58:10 <b>November</b> 65:16,22 66:10,12 66:19	<b>number</b> 37:24 55:20 57:16 59:8 <b>numbering</b> 46:20 <b>numbers</b> 7:20 51:5,6	<b>number</b> 37:24 55:20 57:16 59:8 <b>numbering</b> 46:20 <b>numbers</b> 7:20 51:5,6	32:21,25 33:1 44:20 46:12 47:21 48:16,22 49:1 53:8 53:14 54:24 56:6 59:21 60:16,20 63:23 64:13 65:9 <b>old</b> 27:5 <b>on-line</b> 21:5 <b>on-site</b> 16:2 19:3,7 53:3 63:22 <b>on-street</b> 40:16 <b>once</b> 7:21 21:17 22:15 42:15 63:16 <b>open</b> 42:4 53:8 <b>operate</b> 10:18 <b>operates</b> 17:2 24:18 <b>operating</b> 10:11 24:7 <b>operation</b> 17:2 30:9 <b>operations</b> 13:12 15:16 62:4 <b>opinion</b> 17:13 19:3 30:13 32:11,15 <b>opportunity</b> 26:13,14 <b>opposed</b> 51:23 61:14 <b>opposing</b> 35:23 43:2 <b>opposite</b> 16:8	<b>option</b> 25:19 <b>orders</b> 23:17 <b>organiza...</b> 12:4 <b>oriented</b> 40:19 <b>ought</b> 64:24 <b>outside</b> 36:25 <b>overall</b> 16:2 18:22 <b>overboard</b> 49:21 <b>overgrown</b> 38:15 <b>Overleigh</b> 1:4 <b>overly</b> 37:16 <b>overnight</b> 12:24 <b>overstated</b> 21:8 <b>owner</b> 50:11 <b>ownership</b> 36:21 37:9 38:14
				<b>P</b>	
				<b>P</b> 1:17,17 <b>p.m</b> 1:8 65:23 66:24 <b>Page</b> 2:2,12 20:2 24:24 25:17 <b>pandemic</b> 7:4 <b>paragraph</b> 20:3 24:24 <b>parents</b> 8:20 12:22 28:10 <b>park</b> 50:12 50:13,20 <b>parking</b> 18:17,19 18:20,22 18:25 39:17 40:3 40:4,9,9 40:13,16	



41:6 49:2	52:2,8,19	17:24	pockets 41:2	62:3
49:10,12	paving 19:18	50:21	point 5:24	precedent
49:14,14	peak 6:18	62:14	8:11 16:20	36:20
49:22 50:4	8:17 9:3,7	permitted	18:13,23	precisely
50:5,8,16	9:8 11:14	31:7 62:16	23:4,21	62:9
50:25,25	12:18	63:2	24:2,22	preclude
51:2,8,9	13:13,20	perspective	25:5 32:4	18:15
51:22	13:23 14:3	8:2 13:9	34:19	premise 21:1
Parkway 55:4	14:17 20:4	16:16 17:2	43:11,12	58:22
Parsippany	20:12	17:13 32:8	pointing	prepare 14:8
1:20	25:20	38:12 42:7	59:9	prepared
part 11:5	27:14 28:4	51:20 52:3	points 16:18	34:21
16:4 31:7	55:17	Peter 1:15	16:23 17:1	prerequi...
35:2,5	57:24	1:19 3:4	33:22	26:21
56:5 57:12	Peapack 5:1	5:23 47:15	poor 52:9,10	present 3:13
64:25	10:6	Pheasant	population	6:16 47:19
particular	pedestrian	63:25	53:21 55:6	presented
6:11 9:16	40:15	pickup 41:25	55:13,21	34:23
9:24 14:16	Pennsylv...	piece 50:18	56:1,3,10	presents
21:4 30:12	4:21	pinch 3:5	57:12	17:13 38:3
30:12	people 8:4	pipe 29:14	porosity	49:17,17
34:10	11:8 12:24	Pitney 1:18	52:14	preserve
42:15	13:2,15,18	3:4	porous 51:22	65:6
54:13	14:1 21:13	place 44:14	52:12	presumably
62:23	22:10,12	53:25 67:4	portion	56:12 65:4
particul...	25:4,4	plan 34:9,18	41:17	pretend
53:2 58:1	26:1,16,20	34:19,23	42:12	22:24
60:8	27:1,4	38:4 43:9	pose 56:18	pretty 56:13
parties 67:8	28:10	45:9,12	posed 59:3	59:12
partner 3:5	56:10,12	46:18,22	possible	previously
Partners...	58:3 59:15	46:24	19:20	8:14 49:9
1:4	perceive	52:22	29:21 66:3	primary
party 38:24	13:9	63:13	66:8	25:18
38:25	percent 8:17	PLANNER 1:16	possibly	principally
Passaport	8:19 10:17	planning 1:1	42:12	6:20
61:8 63:12	25:14 29:1	4:20 31:17	64:19	prior 3:6
passed 36:10	53:21	58:12	potentially	27:24
passing	55:13,16	62:17 63:1	60:25	probably
29:17,20	55:19,20	65:4	practical	37:20 60:3
patterns	55:25 56:1	plans 19:9	52:1	problem 9:17
13:25	56:3 57:16	36:5 39:14	practice	26:1 29:19
PAUL 1:12	57:24	39:15	13:17	40:25 56:8
pause 22:23	performance	40:18 41:5	32:14	60:25
paved 64:1	36:8,9	46:20	50:14	proceedings
pavement	period 28:6	47:11	63:16	67:3
51:23,23	periodic...	playing	practices	process
52:12,14	7:12	60:13	58:4	10:25
52:18	permeable	pleased 4:11	pre 7:19,24	produce
paver 52:9	52:18	pocket 41:6	8:12,25	64:24
pavers 51:25	permit 17:18	51:1,1	10:17 33:7	product

12:14	48:1 49:4	53:21	22:10	45:22
<b>professi...</b>	62:18	54:25	25:13 57:2	<b>recommend</b>
4:9 12:4	<b>proposing</b>	56:11 60:2	58:2	39:8,24
32:13	48:8 49:6	63:24		43:18
<b>professi...</b>	<b>provide</b> 18:1	<b>putting</b>	<b>R</b>	<b>recommen...</b>
7:6 34:12	18:9 33:11	31:16	<b>R</b> 1:9,17	40:24
<b>Professor</b>	34:13 38:1	54:13	67:1	44:22
4:16	38:9 39:22	58:12 66:1	<b>radii</b> 17:21	<b>recommended</b>
<b>progressing</b>	40:7 42:11		31:24	45:12
33:22	42:19,19	<b>Q</b>	<b>rains</b> 32:3	48:10
<b>progression</b>	42:20 44:4	<b>qualific...</b>	<b>raise</b> 3:19	<b>record</b> 4:3
35:13	46:10	4:9	<b>raised</b> 49:9	5:18 44:8
<b>progressive</b>	51:12	<b>quality</b> 37:4	64:11	63:24
34:2	<b>provided</b>	44:7	<b>range</b> 36:12	<b>recorded</b>
<b>project</b> 5:3	18:11	<b>question</b>	48:25	37:8 38:18
8:12 14:14	19:14	11:19 19:6	<b>rate</b> 11:12	38:20
14:23 16:3	33:11	20:2,21	62:23	<b>recording</b>
24:10	40:14	21:7,19	<b>reaction</b>	38:9,25
53:20	50:25,25	24:1 34:6	45:21	<b>reduced</b> 29:5
55:17	<b>provides</b>	35:9 41:14	<b>real</b> 28:18	<b>refer</b> 46:18
<b>projected</b>	17:14	44:17 47:3	<b>really</b> 29:22	<b>referred</b>
11:1 26:7	<b>providing</b>	54:21 55:8	33:10 36:4	65:19
57:9	39:4 62:22	55:10,23	37:6 38:4	<b>referring</b>
<b>projection</b>	<b>provisions</b>	56:18 58:7	39:4,22	46:23
14:10,22	18:24	58:22 59:3	41:24	<b>refine</b> 12:9
37:22	<b>proximity</b>	60:6 61:1	42:23 43:5	<b>reflect</b> 8:24
<b>projections</b>	6:13	61:12	43:7,16,18	61:13
11:22	<b>public</b> 2:4	63:10,11	44:3 49:21	<b>refreshed</b>
12:17 21:7	4:10 5:20	63:12	50:5 52:12	12:6
21:8	27:16 53:9	<b>questioning</b>	55:9	<b>regarding</b>
<b>projects</b> 5:4	53:11	24:22	<b>reappears</b>	20:1,2
<b>proof</b> 62:24	64:10,12	<b>questions</b>	37:21	33:13,13
<b>property</b>	64:14	3:18 19:24	<b>reason</b> 22:21	<b>regardless</b>
34:10	<b>public's</b> 6:6	19:24 20:1	24:1 35:9	10:1 37:9
36:15	<b>publicly</b>	32:22,23	43:14	<b>regularly</b>
37:10	40:20	41:11,13	53:25	4:25
38:14,20	<b>published</b>	44:18,20	<b>reasonable</b>	<b>regulated</b>
41:21	12:3	49:11 53:6	23:18	62:13
62:16	<b>Pulte</b> 1:3	53:12,17	<b>reasons</b>	<b>related</b> 25:1
<b>proposal</b>	3:2	56:15 61:3	16:11	58:10
11:1,1	<b>purpose</b> 22:6	64:3,6,10	<b>recall</b> 46:21	<b>relates</b> 56:4
14:16,24	38:8 52:5	64:12	57:15	<b>relative</b>
35:3	62:21	<b>queue</b> 20:8	58:25	5:21 33:14
<b>propose</b>	<b>pursue</b> 49:13	22:4 24:12	<b>received</b> 3:8	55:24 58:5
65:25	<b>put</b> 13:3	24:16,19	5:10 33:7	67:7,9
<b>proposed</b>	23:8 25:16	<b>queuing</b>	<b>recharge</b>	<b>relief</b> 19:13
6:10 11:8	30:17	10:14	52:16,23	<b>relinqui...</b>
18:7,17,21	40:22	<b>quickly</b>	<b>recognize</b>	8:5
26:11,23	41:17,23	14:15	22:9	<b>remain</b> 45:9
44:6 45:4	53:17,20	<b>quite</b> 8:18	<b>recognizing</b>	<b>remaining</b>

<b>remains</b> 37:9	<b>resident</b>	12:15	9:7 10:3	10:7 15:3
<b>removed</b>	11:11	<b>returning</b>	10:16,18	16:3 26:9
30:13	<b>residential</b>	12:21,23	10:23 13:8	33:22 54:3
<b>renewed</b>	17:4 18:18	13:15	14:25 15:5	<b>routinely</b>
66:10	19:4 21:2	<b>review</b> 17:19	15:9,12,17	30:6
<b>replaced</b>	21:10,17	18:17	16:8,13	<b>RSIS</b> 17:7
37:4	31:25 40:3	<b>reviewed</b>	17:6 18:4	18:20,23
<b>replacing</b>	40:4,13	17:4 18:6	24:11,20	39:11,20
58:13	<b>residents</b>	<b>reviewing</b>	27:24	47:23 48:7
<b>replanting</b>	11:18	31:22 33:4	33:14,23	48:11 49:3
36:25	22:17	<b>revised</b> 3:9	35:10	49:5,7
<b>report</b> 9:4	25:19	38:4 52:21	36:10	50:5,20
12:11	61:11	<b>revising</b>	42:13 44:1	<b>rules</b> 65:12
14:18	<b>resolved</b>	19:8	55:14,18	<b>run</b> 27:23
23:22 24:3	64:16	<b>revisions</b>	57:22	59:20
33:5,9	<b>respect</b> 33:6	65:20	63:21	<b>running</b>
35:6 53:18	39:2 59:3	<b>rezoning</b>	<b>roads</b> 45:24	27:16
<b>reported</b>	65:13	34:22	<b>roadway</b>	<b>rush</b> 6:20
67:4	<b>respectf...</b>	<b>rhyme</b> 43:14	42:10	11:6,19
<b>REPORTING</b>	58:17 60:7	<b>RICHARD</b> 1:10	45:22	26:2,3
1:25	65:15,21	<b>right</b> 3:19	<b>ROBERT</b> 1:11	60:8
<b>represented</b>	<b>responding</b>	6:4 10:6	<b>Rochat</b> 1:10	
26:12	6:1	22:2 32:11	3:1 27:8	<b>S</b>
<b>request</b>	<b>response</b>	32:12	27:13,18	<b>S1:17</b> 2:1,1
65:21	44:10 63:8	35:11 42:8	27:22	2:1,11
66:11	<b>responsible</b>	43:17	28:14 29:9	<b>sad</b> 54:15
<b>require</b> 19:1	19:17	44:21 49:2	32:21,25	<b>safe</b> 17:14
22:4 38:10	38:17,24	50:3 52:11	41:12	46:10
43:18	38:25	55:20	44:16 52:7	<b>safely</b> 15:10
50:22	<b>responsive</b>	57:21	53:6 59:17	45:10
<b>required</b>	5:13	59:22 64:1	59:23 61:2	<b>safer</b> 16:18
17:18	<b>restricted</b>	64:14	64:5,8,9	17:2
18:19 19:4	11:7,13	<b>right-of...</b>	64:13 65:9	<b>safety</b> 37:6
36:17	12:15	36:6 42:18	65:24	44:3 45:7
39:12,20	26:11,15	43:8,16	66:13	<b>satisfy</b>
43:24 49:3	<b>restriction</b>	45:3 46:1	<b>role</b> 31:15	62:14
49:5 53:1	11:3 12:12	46:2,6	31:19	<b>saw</b> 8:14
57:21	<b>restrict...</b>	47:1,13	<b>Ron</b> 64:16,18	45:25
<b>requirement</b>	7:9 58:3	<b>rights</b> 43:10	66:2	<b>saying</b> 25:22
47:24 51:3	<b>result</b> 11:10	<b>RINZLER</b> 1:10	<b>room</b> 42:21	25:25
51:7	11:21	19:25	<b>roughly</b> 4:19	26:22
<b>requirem...</b>	<b>resulted</b>	20:11,19	9:12 20:22	<b>says</b> 20:3
39:11	8:16 54:17	22:6 23:20	23:25	21:12
<b>requires</b>	<b>resuming</b>	24:21	33:24	23:10,22
18:20	58:4	25:17	<b>rounding</b>	26:10,12
21:24 49:8	<b>retains</b> 24:5	26:25	23:14	50:5 54:11
<b>requiring</b>	<b>retire</b> 11:8	<b>rise</b> 12:13	<b>rounds</b> 17:19	65:5
19:11	<b>retired</b>	<b>road</b> 1:19	<b>Route</b> 1:5	<b>scale</b> 10:11
<b>reservoir</b>	11:16,17	6:12,23	6:12,22	<b>scenic</b> 36:24
52:15	<b>retirement</b>	7:15,18	9:6,12,16	<b>schedule</b>

21:15	<b>SECRETARY</b>	10:23,24	19:12,14	35:18,21
30:23	1:15	14:25 15:4	39:2,3	38:4 42:15
<b>scheme</b> 16:9	<b>section</b> 21:4	15:11,13	40:12,22	42:16,20
<b>school</b> 4:25	21:6 43:20	15:13 24:8	41:3,7	44:5 45:3
8:22 12:22	43:22	24:11 25:2	<b>sight</b> 18:1	45:9 46:22
13:17 27:9	<b>secure</b> 66:6	26:5,19	18:10,12	46:24,25
27:15,16	<b>see</b> 9:20	29:7 35:16	18:15 22:3	53:24
27:25	13:20 21:6	35:17,20	31:24 35:8	62:18,23
28:10	27:18	35:22,22	36:4,5,13	64:15
29:17,18	29:17 36:2	<b>session</b> 27:9	36:21,23	<b>sitting</b>
30:10 32:6	36:3,11	<b>set</b> 46:18	37:3,7,17	48:14
37:16	39:13	67:5	37:20	<b>situation</b>
41:20	43:17,19	<b>settlement</b>	38:10,11	25:8 49:15
53:22	43:20	31:8 34:9	41:15 42:3	<b>six</b> 12:6
55:14	49:14	<b>seven</b> 21:24	42:6 44:4	<b>skeptical</b>
59:19,19	50:15	<b>severe</b> 46:3	44:5 45:5	31:5,5
61:19 62:3	53:24 60:5	<b>shadow</b> 22:1	45:6,8,15	<b>sketch</b> 46:15
<b>Schwester</b>	64:11,12	<b>SHANA</b> 1:15	45:20,21	<b>Skip</b> 2:5
2:5 53:13	<b>seed</b> 39:8	<b>shape</b> 16:17	45:25 46:4	<b>small</b> 13:12
53:14,16	<b>seeing</b> 46:21	<b>share</b> 4:8	46:10 47:1	30:20 32:7
54:24	<b>seeking</b>	9:11 24:9	47:4,4,16	<b>social</b> 14:2
55:12,25	19:13 30:7	<b>sheds</b> 37:15	65:6	<b>soil</b> 63:19
56:6,14,16	<b>seen</b> 21:2	<b>SHEILA</b> 1:12	<b>significant</b>	<b>solution</b>
56:21,23	29:12 43:9	<b>shift</b> 12:24	11:13	47:20
57:7 58:6	44:11	53:2	23:18 31:2	<b>somebody</b>
59:2,11,14	49:12	<b>short</b> 61:20	<b>similar</b>	54:18
59:17,21	<b>segments</b>	<b>shoulder</b>	13:24	<b>SOMERSET</b> 1:2
59:25	41:3	35:11	<b>simple</b> 17:1	<b>soon</b> 3:10
60:16,20	<b>selection</b>	42:21	48:7 54:25	<b>sorry</b> 25:22
61:2	34:22	<b>show</b> 9:6	<b>simplest</b>	27:21
<b>Science</b> 4:13	<b>selective</b>	23:5	25:16	30:22 35:1
<b>score</b> 54:9	36:25	<b>showed</b> 34:23	<b>simply</b> 12:24	63:9
58:13,21	<b>senior</b> 12:14	<b>showing</b>	19:14 31:3	<b>sort</b> 21:11
60:1,2,12	<b>sense</b> 39:22	46:16	42:2 61:21	22:13 24:6
60:14	40:23 41:4	<b>shown</b> 45:8	<b>simultan...</b>	40:4,11
<b>screening</b>	41:15	45:12	60:11	43:9 51:5
37:1,5,5	49:13	47:11	<b>single</b> 12:19	<b>sound</b> 59:6,6
44:7	<b>sentence</b>	<b>shows</b> 46:25	50:3	<b>sounded</b>
<b>second</b> 21:24	20:4 25:18	46:25	<b>sir</b> 58:16	47:10
22:1 24:12	<b>September</b>	<b>shrubbery</b>	66:22	<b>sounds</b> 32:25
24:24 35:5	5:14,25	46:8	<b>sit</b> 62:25	66:13
48:22	33:10	<b>side</b> 10:15	<b>site</b> 6:9,13	<b>source</b> 28:25
<b>secondary</b>	61:16 63:5	13:8 37:22	13:4 15:3	<b>south</b> 18:2
9:20	<b>series</b> 9:5	39:23 42:8	16:3 17:4	<b>Southfield</b>
<b>secondly</b>	<b>serve</b> 52:4	65:4	17:6,15	7:15,15,19
49:13	<b>served</b> 4:15	<b>sides</b> 39:20	18:2,8,18	<b>space</b> 8:6
<b>seconds</b>	4:23	<b>sidewalk</b>	19:4 30:12	18:24 50:8
10:20,20	<b>service</b>	39:9,12,20	31:25	50:21,22
21:21,24	10:10,11	39:25 40:2	33:14	50:22,23
26:19	10:12,19	<b>sidewalks</b>	34:22	51:3,6

<b>spaces</b> 18:20 47:24 48:8 48:9,10 49:4,6,7 49:16,24 50:3,4,4,5 51:2,12,22	17:5,7 18:12,18 18:20,23 19:2,5 31:23,23 31:25 32:14 62:25	<b>store</b> 13:19 <b>stories</b> 12:13 <b>storm</b> 51:24 52:3,15,20 52:21 53:3	<b>substant...</b> 47:19 <b>suburban</b> 50:15 <b>sufficient</b> 22:3 <b>suggestion</b> 47:17 52:24	<b>T</b> T 2:1,11 16:18 67:1 67:1
<b>spacing</b> 17:5 17:10	<b>standing</b> 4:18	<b>straight</b> 16:23 36:2 37:19	<b>suggests</b> 9:24	<b>T-inters...</b> 16:17,25 17:2 33:16
<b>speak</b> 30:3 32:10 48:15	<b>standpoint</b> 37:6 39:5 44:3	<b>street</b> 10:15 40:10 51:13 61:9 63:25	<b>summary</b> 14:19	<b>take</b> 9:14 19:2 25:22 28:9 32:9 40:18 54:24 55:5 56:25 57:4 57:6 58:21
<b>speaking</b> 23:10	<b>start</b> 22:11 23:12	<b>streets</b> 39:13 40:10 51:2	<b>superimpose</b> 15:3	<b>taken</b> 60:7 65:8
<b>special</b> 66:6 66:11	<b>started</b> 3:8 22:25	<b>strong</b> 44:24	<b>Superior</b> 4:22	<b>takes</b> 18:8
<b>specific</b> 11:23 40:23 55:23	<b>starter</b> 21:12	<b>strongly</b> 36:16	<b>support</b> 25:11	<b>talk</b> 24:25 35:19 54:8
<b>specific...</b> 6:15 9:22 28:7 54:23	<b>state</b> 4:2 7:12 17:17 52:17 55:4 56:17 60:5	<b>stub</b> 40:10	<b>suppress</b> 11:14 25:2	<b>talking</b> 31:12,13 31:14 42:22 49:2 53:23 55:6 56:9
<b>specify</b> 18:18	<b>stated</b> 23:22 33:15	<b>studied</b> 43:6 11:23 21:6 28:24	<b>sure</b> 20:12 22:9 24:2 31:15 32:3 33:21 40:14 42:13,18 49:19 51:10,11 51:17 56:9 64:16	<b>tasteful</b> 31:11
<b>specimen</b> 18:9	<b>statement</b> 20:7 23:21 24:23 25:3 25:25 26:10,24	<b>study</b> 6:7 10:1,8 11:24 14:5 14:10 15:18 20:1 25:15 26:14 28:13,15 31:20 32:12 34:6 34:21 54:11 55:2 56:7,8,25 60:18 61:13	<b>surface</b> 40:2 49:20 52:10,10	<b>teaching</b> 4:16
<b>spectrum</b> 10:12	<b>States</b> 12:2	<b>subdivided</b> 41:22	<b>surmise</b> 30:8	<b>Teams</b> 8:6
<b>speed</b> 45:23	<b>stating</b> 55:9	<b>subject</b> 40:21	<b>survey</b> 27:10	<b>technically</b> 50:17
<b>spell</b> 4:3	<b>stay</b> 49:1 56:14	<b>submission</b> 3:9 65:19	<b>surfaces</b> 48:4	<b>teeth</b> 38:13
<b>spend</b> 32:1	<b>stays</b> 38:21	<b>submitted</b> 5:6,13 17:16	<b>Susan</b> 61:5 31:3 52:23 2:5 61:7 64:5	<b>telecomm...</b> 25:1,6 28:11
<b>spent</b> 34:8	<b>stenogra...</b> 67:4	<b>subsequent</b> 5:10 22:3	<b>Suzanne</b> 1:14	<b>tell</b> 42:24
<b>sports</b> 13:17 60:17	<b>step</b> 10:8,25 16:1		<b>swallowing</b> 30:21	<b>tend</b> 6:17 39:2 52:16
<b>spot</b> 21:9	<b>Steve</b> 1:16 64:16,17 65:2		<b>swear</b> 3:22	<b>tends</b> 11:14 35:25 52:13
<b>spring</b> 18:6	<b>stick</b> 9:5		<b>system</b> 9:16 27:16 53:4	<b>term</b> 8:2 10:10 49:15
<b>stacking</b> 10:15 24:12	<b>stop</b> 22:25 45:23			<b>terms</b> 17:12 31:9 33:9 34:13 38:16
<b>staff</b> 6:15	<b>stopped</b> 35:12			
<b>staged</b> 63:21	<b>stopping</b> 36:12 45:21			
<b>staging</b> 63:13				
<b>stand</b> 13:8				
<b>standard</b> 45:12 48:7 48:10 49:3 49:7				
<b>standards</b>				

42:25 43:2	31:2 33:10	45:23	13:1,7,12	36:13
62:22	33:11 34:5	53:10	13:14,20	<b>traverse</b>
<b>test</b> 15:6	35:5,6,7	54:13,21	13:21,22	33:23
23:18	36:7 37:20	58:15 60:4	14:5,7,10	<b>traversing</b>
<b>testify</b>	38:3,6,17	60:13	14:22 15:1	35:10
56:22	40:6,12	61:14 63:6	15:3,7,19	<b>tree</b> 46:7
<b>testimony</b>	41:2 44:18	64:3,7	15:20,22	<b>trees</b> 18:9
3:14,22	45:1 46:13	65:2,18	16:16,23	37:3,5,7
19:22 33:4	47:2,8	66:16 67:4	16:24	<b>trend</b> 14:13
35:17 40:7	48:12,17	<b>times</b> 6:17	17:13 21:3	<b>triangle</b>
47:19	48:18,23	9:17 10:13	21:5 22:11	44:5
55:11,24	48:24	20:24 22:1	22:12 23:9	<b>triple</b> 17:9
56:5,15	49:19,22	24:25	23:11,19	<b>trips</b> 13:21
57:13	51:19,20	29:22	24:18 25:3	14:3 55:17
58:19,24	52:25	38:22 39:7	25:8,13	<b>trouble</b>
59:7 62:1	57:25	<b>tolerable</b>	26:7,15	30:21
64:4,21	59:25 60:9	30:9	28:7,24	<b>truck</b> 25:7
65:1,17	61:10	<b>TOM</b> 1:10	29:4 30:6	<b>trucks</b> 29:15
67:3	62:24	<b>tonight</b> 3:5	30:15	29:17,24
<b>Thank</b> 4:6	64:15	3:11 65:13	31:10 32:7	<b>true</b> 14:15
6:3,5 33:1	<b>thinking</b>	65:21	33:7 34:21	61:13 67:2
41:12	42:5	<b>top</b> 51:4	35:15,21	<b>truth</b> 3:24
47:22 52:6	<b>third</b> 19:8	<b>total</b> 13:21	35:24	3:24,24
53:5 60:22	54:7	18:25	41:25	<b>try</b> 8:9
61:1,2	<b>thorough...</b>	<b>totally</b> 56:6	47:17 53:7	25:20
64:8 66:13	54:3	<b>town</b> 53:20	53:21	38:23
66:15,20	<b>thoroughly</b>	56:11	54:13,18	43:15 49:1
<b>Thanks</b> 19:23	34:10	<b>townhouse</b>	55:16 56:1	<b>trying</b> 20:8
44:16	<b>thought</b>	49:25	56:7 57:11	29:15
<b>theoreti...</b>	43:12,13	<b>townhouses</b>	57:13,15	40:20
42:10	44:2	49:23	57:18	54:25
<b>theory</b> 20:23	<b>thoughts</b>	<b>traditional</b>	58:10,25	55:19 60:5
<b>thing</b> 14:5	43:5	50:15	60:23	<b>turn</b> 10:14
27:15 43:8	<b>three</b> 17:1	<b>traffic</b> 3:12	61:11,13	20:9,24
54:15	17:25	3:13,15	61:13,14	35:12,20
56:25	33:15	4:24 5:2,3	61:17,24	41:18,25
61:22 66:5	54:16	5:6,18,21	62:6,10	42:7,12,13
<b>things</b> 7:6	<b>thresholds</b>	6:7,8,14	63:7 64:22	42:14,20
12:16	42:24	6:15,17,18	65:13	42:25
13:18	<b>Thursday</b> 7:2	6:22 7:1,5	<b>transcend</b>	44:13
37:15	<b>tidy</b> 41:8	7:6,12,17	36:21	<b>turned</b> 10:5
38:22	<b>time</b> 6:25	8:1,13,15	<b>transcript</b>	10:6
65:20	20:15,22	8:24 9:4,4	67:3	<b>turning</b>
<b>think</b> 6:1	22:5,7	9:6,21	<b>transpor...</b>	10:22
19:10,21	23:1,3	10:1,8,9	4:16 12:5	33:23,25
23:2 24:15	28:6 30:9	10:17,21	<b>travel</b> 13:25	35:25
25:3,7	40:19	10:22 11:1	25:20	41:23
26:24,25	41:21	11:11,14	<b>traveling</b>	42:14,23
27:3 29:4	43:11,13	11:22,25	8:21 9:6	43:4
29:20 31:1	44:6 45:21	12:1,3,4	9:12 28:11	<b>turns</b> 15:8

16:21,24	<b>unfortunate</b>	16:21 30:7	51:3,7,12	28:21 36:1
35:24 43:3	63:3	30:10 40:5	<b>visitor's</b>	43:10,17
<b>TWEEDIE</b> 1:12	<b>unfortun...</b>	<b>varying</b>	50:23	44:11
<b>two</b> 11:2	55:7	43:10	<b>visitors</b>	49:20
13:4,10	<b>unit</b> 11:11	<b>vegetation</b>	40:2	50:16 56:3
14:8 17:18	18:24	18:8 36:20	<b>visits</b> 14:2	58:18
17:25 20:6	26:23 48:8	37:8 46:6	<b>volume</b> 9:13	<b>we'll</b> 47:18
20:18,24	48:9,10	<b>vegetative</b>	30:20 43:2	64:13
22:23,25	49:6,7	44:7	43:2	65:20
23:5,23	50:11,23	<b>vehicle</b> 13:4	<b>volumes</b> 9:23	<b>we're</b> 11:16
29:24	51:3	20:5 21:21	15:22	13:5,6
33:22 48:9	<b>United</b> 12:2	21:23,25	22:12	17:8 23:17
49:11,24	<b>units</b> 11:3,7	21:25 22:1	42:22 43:1	28:2 29:22
49:24 50:3	11:12 12:9	22:2,4,8	<b>Voorhees</b> 2:5	37:13
54:9 56:12	12:12,17	23:4 24:14	61:7,8	40:24
58:13,15	15:19,20	36:10	63:3,11,23	42:22
60:1,11	18:25 40:3	63:25	64:2,7	51:19
63:4	40:11,13	<b>vehicles</b>		56:10
<b>twofold</b> 36:7	40:16	9:12 10:3	<b>W</b>	60:20
<b>type</b> 11:11	49:23,25	10:15	<b>W</b> 2:1	61:15 63:1
12:14	50:24	12:19 13:5	<b>wait</b> 23:3	63:12
26:23	57:21	16:21	26:19	<b>we've</b> 7:7,21
<b>types</b> 14:8	<b>University</b>	20:13,16	<b>waiting</b> 20:9	61:21,21
14:19 21:9	4:12,14	20:21	23:2 35:20	62:7
<b>typical</b> 7:24	<b>unmute</b> 53:13	21:17	<b>want</b> 8:23	<b>week</b> 64:1
26:7 63:15	<b>unmuted</b>	22:21	31:17	<b>weekend</b>
<b>typically</b>	53:14	24:13,14	33:13	59:20
42:25	<b>unnecess...</b>	26:6 30:2	40:20,22	<b>weeks</b> 63:4
	19:18	30:15	44:21 45:1	<b>welcome</b>
	<b>unnecessary</b>	33:23 43:3	47:3 48:21	25:23
	19:19	63:13,20	53:1 56:23	66:21
<b>U</b>	<b>unreason...</b>	<b>vehicular</b>	63:24	<b>well-aware</b>
<b>unchanged</b>	26:20,24	56:1	<b>wanted</b> 5:17	57:23
15:2	<b>unsafe</b> 45:4	<b>versus</b> 33:16	60:12,12	<b>went</b> 10:4,5
<b>understand</b>	<b>update</b> 21:5	<b>vetted</b> 65:2	<b>wants</b> 16:20	12:24 21:5
20:19	<b>updated</b> 12:7	<b>VICE</b> 1:10	23:5	46:19
23:20,21	<b>uptick</b> 9:20	19:25	<b>wasn't</b> 8:18	<b>weren't</b> 58:2
24:21,22	<b>urge</b> 36:16	20:11,19	14:24 16:4	<b>west</b> 10:7
30:11 31:6	<b>use</b> 10:1,10	22:6 23:20	42:6 46:1	<b>widen</b> 42:10
31:10 34:5	11:24 31:7	24:21	46:3 57:12	43:15
35:4 44:10	32:5 58:20	25:17	63:10	<b>widening</b>
46:14 66:9	62:16 63:2	26:25	<b>watch</b> 22:25	41:18
<b>understa...</b>	<b>uses</b> 12:7,10	<b>VIDEO</b> 1:25	<b>water</b> 51:24	42:11 43:9
3:11 16:4	<b>usually</b> 43:3	<b>view</b> 37:15	52:3,15,20	<b>widths</b> 43:10
34:11,15		<b>Village</b>	52:22 53:3	<b>witness</b> 4:1
65:12	<b>V</b>	26:13	<b>way</b> 11:22	4:4 6:5
<b>understands</b>	<b>V</b> 61:5	<b>Virtual</b> 1:7	19:22	20:10,12
47:15,17	<b>VALLONE</b> 1:12	<b>visitor</b>	21:13	20:25 22:9
<b>understood</b>	<b>varies</b> 45:23	18:25	24:23	24:2 25:12
46:12	<b>various</b> 9:19	50:11,22	25:16	26:4 27:7
<b>understory</b>				
18:10				

27:11,17	37:23 38:1	<b>Zoom</b> 8:6	<b>202</b> 1:5 6:12	26:19
27:20 28:2	41:7,20		6:23 8:24	44:14
28:16 30:3	47:19	<b>0</b>	9:6,12	<b>300</b> 33:24
31:6,15	64:18,22	<b>07054</b> 1:20	15:4 16:3	36:12
34:5 37:12	65:20	<b>08/04/2024</b>	20:9 26:9	<b>309</b> 18:20
40:17 41:5	<b>working</b> 27:4	67:18	29:25	47:24
45:18	27:6		33:22 34:3	<b>35</b> 10:20
46:17,23	<b>workplace</b>	<b>1</b>	35:8,20	<b>36</b> 12:19
47:25 48:2	11:9	1 57:16	36:3,13,25	23:16 46:9
49:19	<b>works</b> 20:17	65:16,22	41:18,23	<b>365</b> 16:14
53:12	49:15	66:10,19	46:4 54:3	<b>375</b> 4:20
54:22	<b>worse</b> 32:2,3	<b>1,200</b> 9:23	54:18	
55:15 56:2	<b>worth</b> 54:8	55:18	60:25	<b>4</b>
56:15 57:5	<b>wouldn't</b>	<b>1,250</b> 9:12	<b>2021</b> 1:7 5:7	<b>4</b> 1:5,7 2:3
57:11	15:20	<b>1.3</b> 49:7	5:11,14	<b>4-way</b> 16:18
58:24	50:12	<b>1/2</b> 57:16	7:18 28:17	16:22 17:3
60:19	<b>wow</b> 49:21	<b>10</b> 12:21	28:19	34:6
61:20 63:8	56:6	42:2 43:12	<b>2021-07</b> 1:3	<b>4:00</b> 6:24
63:14 64:3	<b>written</b>	46:5	3:2	54:12
<b>witness's</b>	24:23	<b>10:10</b> 66:24	<b>206</b> 10:7	<b>4:15</b> 9:10
55:10	<b>wrong</b> 58:14	<b>105</b> 11:7	44:12	<b>40</b> 10:3
<b>Wolfson</b> 1:19		12:17	<b>20th</b> 63:5	<b>400</b> 4:20
2:3 3:3,4	<b>X</b>	115:7	<b>21</b> 30:5	56:11
4:7 6:2	<b>X</b> 1:2,6 2:11	<b>12</b> 16:23	<b>22</b> 8:19	<b>450</b> 37:24
19:8,12,21	<b>XI00991</b>	<b>125</b> 17:8,11	<b>220</b> 1:5	<b>48</b> 13:21
19:23	67:18	<b>13</b> 30:15	<b>25</b> 10:20	23:16
34:18		<b>134</b> 15:19	<b>25th</b> 7:3	<b>481</b> 18:22
47:14,15	<b>Y</b>	18:25	<b>26</b> 13:6	48:1 49:16
47:22	<b>yeah</b> 38:8	56:12	20:13,16	
54:20	48:19,22	<b>14</b> 46:8	20:21,24	<b>5</b>
58:17,25	49:24	<b>15</b> 43:13	21:16	<b>5</b> 1:5 20:2
59:3,7	53:16	<b>150</b> 17:8	22:20 23:7	46:2 61:8
65:10,11	54:22	<b>165</b> 19:1	24:16	<b>5:00</b> 54:11
66:2,15,20	61:24	<b>168</b> 19:2	30:15	<b>5:15</b> 9:10
66:22	<b>year</b> 7:2,8	<b>18</b> 8:3	<b>26.1</b> 24:12	<b>5:30</b> 22:18
<b>wondering</b>	7:20,23	<b>19</b> 2:4	<b>27</b> 5:11	<b>50</b> 53:21
53:19	27:12 29:4	<b>1983</b> 4:11	<b>28</b> 13:22	55:13,16
<b>word</b> 32:9	<b>years</b> 4:23	<b>1987</b> 4:18	<b>287</b> 9:16	55:17,19
37:2	12:6,8		<b>29</b> 11:2	55:25 56:3
<b>words</b> 41:17	27:5 29:24	<b>2</b>	12:12	<b>500</b> 37:24
59:21	30:5,22	<b>2</b> 55:20 56:1		<b>52</b> 20:24
61:23	44:14	57:16	<b>3</b>	<b>53</b> 2:4
<b>work</b> 6:21	54:16	<b>2.3</b> 48:8	<b>3.5</b> 48:9	<b>55</b> 27:5
7:8 8:4,21	57:10	49:4	49:6 50:6	
11:5 12:24	<b>youth</b> 58:8	<b>20</b> 4:23 14:3	<b>3:00</b> 54:11	<b>6</b>
13:2,15,25		30:22	<b>30</b> 13:5 20:7	<b>6</b> 46:2,5
17:23	<b>Z</b>	<b>2000</b> 41:19	21:21	<b>6:00</b> 22:19
20:14	<b>Zaiser</b> 63:4	<b>2001</b> 41:19	22:14 23:7	<b>6:30</b> 6:24
21:13,14	<b>zoning</b> 4:20	<b>2017</b> 7:16	23:25	54:12
25:5 28:22	62:21	28:15,18	24:16,19	<b>60</b> 6:25



12:19				
20:16				
23:22				
<b>7</b>				
<b>7</b> 24:14, 24				
<b>7:00</b> 1:8				
6:23 65:22				
66:19				
<b>7:15</b> 22:17				
<b>7:30</b> 9:9				
11:10				
22:17				
26:17				
27:23, 25				
28:4				
<b>700</b> 9:14				
55:18				
<b>732</b> 1:25				
<b>78</b> 9:16				
<b>8</b>				
<b>8</b> 25:17				
<b>8:30</b> 9:9				
28:4				
<b>83</b> 8:16				
10:17				
25:14 29:1				
57:24				
<b>8th</b> 5:14				
<b>9</b>				
<b>9:00</b> 6:23				
<b>906-2078</b>				
1:25				
<b>950</b> 56:10				
<b>966-6300</b>				
1:20				
<b>973</b> 1:20				

