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1                   BOROUGH OF OLD TAPPAN  
2                   PLANNING BOARD

3

4   IN THE MATTER OF:           :  
5   CORAL SENIOR HOUSING OF :   TRANSCRIPT  
6   OLD TAPPAN, 244 OLD       :   OF  
7   TAPPAN ROAD, BLOCK 1606, :   PROCEEDINGS  
8   LOT 3                       :  
9                               :

10                   Thursday, February 9, 2022  
11                   Municipal Building  
12                   227 Old Tappan Road  
13                   Old Tappan, New Jersey  
14                   Commencing at 7:05 p.m.

15   BOARD MEMBERS PRESENT:

16                   WILLIAM WEIDMANN, Chairman  
17                   DANIEL ELLER  
18                   MICHAEL ALESSI  
19                   NICHOLAS MAMARY  
20                   NICKI LOULOUDES  
21                   CHARLES MAGGIO  
22                   DAVID KEIL  
23                   WILLIAM BOYCE

24   ALSO PRESENT:

25                   DIANE FROHLICH, Board Secretary  
                  THOMAS SKRABLE, P.E., Board Engineer  
                  JOHN SZABO, P.P., Board Planner

ALISON GULINO, CCR, RPR  
CERTIFIED COURT REPORTER

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1   A P P E A R A N C E S:

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3                   ROBERT T. REGAN, ESQ.  
4                   Counsel for the Board

5                   PRICE, MEESE, SHULMAN & D'ARMINIO, P.C.  
6                   Mack-Cali Corporate Center  
7                   50 Tice Boulevard  
8                   Woodcliff Lake, New Jersey 07677  
9                   By: GAIL L. PRICE, ESQ.  
10                   Counsel for the Applicant

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1                   I N D E X

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3   APPLICANT'S WITNESSES:                   PAGE

4                   JOSEPH McELWEE                               9

5                   DANIEL SEHNAL                               129

6

7                   EXHIBITS MARKED INTO EVIDENCE

8

9                   NUMBER   DESCRIPTION                   PAGE

10                   A-1       Power Point presentation                   10

11                   A-2       Letter dated 9/29/21 from the State of  
12                   New Jersey Department of Environmental                   130  
                  Protection

13                   A-3       Aerial map exhibit prepared by Dynamic  
14                   Engineering dated 5/18/2021                   130

15                   A-4       Site plan rendering with a revision  
16                   Date of 2/9/22                               130

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1                   MR. REGAN: Mr. Chairman, I've been

2                   advised that the notice requirements of the statute

3                   have been complied with and the Board has jurisdiction

4                   to proceed.

5                   CHAIRPERSON WEIDMANN: Okay.

6                   MS. PRICE: I'm going to turn and, if you

7                   can't hear me, I'll just speak louder.

8                   Everybody hear?

9                   CHAIRPERSON WEIDMANN: Yes. Thank you.

10                   MS. PRICE: Good.

11                   Gail Price from the firm of Price, Meese,

12                   Shulman & D'Arminio, 50 Tice Boulevard, Woodcliff

13                   Lake, on behalf of the applicant, CSH Old Tappan, LLC,

14                   and the property that I think everybody knows who is

15                   here is 244 Old Tappan Road.

16                   I want to start right off by correcting

17                   what has disappointed our team. We are proposing an

18                   83-unit, 100-bed assisted living on the property. We

19                   are not raising the house. We are not destroying the

20                   house. We are not interfering with wetlands. We are

21                   not changing wetlands. We are proposing a preliminary

22                   and final site plan approval and a subdivision of the

23                   5-1/2-acre parcel and we are giving the borough 2-1/2

24                   acres of land. All of the environmentally sensitive

25                   property would be transferred to the borough for a

<p style="text-align: center;">5</p> <p>1 dollar so none of the environmentally sensitive 2 property would be controlled by the developer. 3 We have an LOI from DEP confirming the 4 extent of the wetlands, the type of the wetlands and 5 the necessary buffer. We have put that line and 6 buffer on our plans and we've increased the buffer to 7 so we're giving the borough a larger area than what 8 the DEP says is necessary. 9 With that, we are proposing the assisted 10 living and we have a team of experts that you'll hear 11 testimony over the course of the hearings. You'll 12 have an opportunity to ask questions of. 13 We have a rep from our client who I've 14 worked with for the better part of, I think, three 15 decades now. Joe has no hair. I still have mine. 16 We've done Sunrise Developments together and we've 17 done CSH Assisted Living together and I can tell you; 18 unlike some clients, Joe has never made a promise that 19 he hasn't been able to keep. 20 We've done a similar development in 21 Norwood and one is under construction in Washington 22 Township so you can take a look at the one in Norwood 23 if you need to know what this product is all about and 24 you can see the construction that's going on in 25 Washington Township which abutted a neighborhood that</p>	<p style="text-align: center;">7</p> <p>1 for some reason, the borough doesn't want the 2 property, we would dedicate it to a non- -- a non-for- 3 profit group interested in preserving the house and 4 the property. 5 In addition, the borough will also gain 6 ten affordable housing unit credits from the 7 development. From the hundred units, it's ten. Ten 8 units would be credited towards affordable housing and 9 the assisted living is known as an inherently 10 beneficial use under Municipal Land Use Law in New 11 Jersey which you'll hear more about as we go along. 12 So I hope I've, at least, a little bit 13 dispelled the inaccurate information that's been 14 floating around, particularly over the last couple of 15 days. The headline, that was 100 percent wrong in the 16 <i>Bergen Record</i> and the content of some other articles 17 and letters that I've seen. We are doing everything 18 that we can to preserve and you'll hear from Mr. 19 McElwee to that end. 20 And I'd like call Mr. McElwee. 21 MR. REGAN: Ms. Price, before you start 22 with your first witness, this application involves a 23 D1 use variance. The Class I member of the Board is 24 not permitted to participate. He's not here tonight 25 and the Class III Council representative, Councilman</p>
<p style="text-align: center;">6</p> <p>1 was very concerned when the application was filed. At 2 the end of the application, the neighbors were all in 3 favor of the application and it -- it included 4 environmentally sensitive property that was protected 5 by the applicant. 6 So I'm going to ask you just to listen to 7 all the experts, ask your questions. We have a civil 8 engineer, an architect, a traffic engineer, a 9 professional planner, landscape architect a historic 10 expert. 11 With regard to the house, we -- we 12 questioned whether we should move it off site 13 someplace but, when we came around to discussions with 14 the borough about might it be best just to save the 15 house right on the property, it made sense to shift it 16 to the front of the one side of the property so it's 17 being saved and the borough can do whatever, you know, 18 it deemed fit, a nature center, whatever -- whatever 19 is appropriate for the borough, and your input and be 20 heard in that vein. 21 MEMBER OF THE PUBLIC: So it's important 22 just to know that it's not a conservation easement. 23 It's an actual dedication to the borough so it's not 24 an easement that the applicant would then have control 25 on. It's an actual dedication to the borough. If,</p>	<p style="text-align: center;">8</p> <p>1 Boyd, who is here, will not be participating in the 2 consideration of the application because it involves a 3 D variance. 4 MS. PRICE: So noted. Thank you, Mr. 5 Regan. 6 MR. REGAN: I will try to help you get 7 this far. 8 MS. PRICE: Okay. 9 CHAIRPERSON WEIDMANN: I'll allow him to 10 do that. 11 In addition to the court reporter who 12 will have the transcript on file after every meeting, 13 we also, typically, the hearings are just done with an 14 exhibit board but we're going to be putting our 15 exhibits up so the members of the public can see the 16 exhibits at the same time so you're not looking at the 17 back of a board so you can write down your questions 18 while you're looking at the exhibits so, in case we 19 have any technical problems, just bear with us. 20 So if I can call Mr. McElwee as our first 21 witness? 22 MR. REGAN: I'm also simultaneously going 23 to swear in the borough engineer, Mr. Skrable, and the 24 borough planner, Mr. Szabo. 25 J O S E P H M c E L W E E, first having been duly</p>

<p style="text-align: right;">9</p> <p>1 sworn, testified as follows:</p> <p>2 (Whereupon Thomas Skrable and John Szabo are</p> <p>3 sworn in as Board professionals.)</p> <p>4 MS. PRICE: Let the record reflect that</p> <p>5 the borough engineer and the borough planner have been</p> <p>6 sworn.</p> <p>7 Sir, can I have your full name and spell</p> <p>8 your last name, please?</p> <p>9 MR. McELWEE: My name is Joseph F.</p> <p>10 McElwee, M-C, capital, E-L-W-E-E.</p> <p>11 MS. PRICE: Thank you.</p> <p>12 Mr. McElwee, before you start your</p> <p>13 testimony, can you just give the Board and the members</p> <p>14 of the public the benefit of your educational</p> <p>15 background and your position with CSH together with</p> <p>16 your responsibilities?</p> <p>17 MR. McELWEE: Yes. I have a B.S.,</p> <p>18 Bachelor's of Science, from Marquette University,</p> <p>19 business administration. I have been in the senior</p> <p>20 living industry for about 35 years and I have</p> <p>21 developed with my team, which I'll talk a little bit</p> <p>22 about, 150 ground-up developments of assisted living</p> <p>23 including several in this immediate area.</p> <p>24 MS. PRICE: And was I correct when I</p> <p>25 referenced the projects that we'd worked together on?</p>	<p style="text-align: right;">11</p> <p>1 history on the product and on our company but I would,</p> <p>2 first, like to thank you for this opportunity. I know</p> <p>3 that COVID has pushed all schedules back and I know</p> <p>4 that the application is important to the town and we</p> <p>5 hope, through our witnesses, to demonstrate the</p> <p>6 viability of our application.</p> <p>7 I'd also like to thank the neighbors who</p> <p>8 showed up here. It takes a lot of courage to come</p> <p>9 out. It takes a lot of fortitude and I know you have</p> <p>10 a lot to say. I'm telling you; I'm here to listen to</p> <p>11 you and I respect your opinion and we will do anything</p> <p>12 to work with the local community in making this</p> <p>13 application as good as we can. In my 30, 35 years of</p> <p>14 doing this, the best site plans come with neighborhood</p> <p>15 input and I respect that and we have listened and we</p> <p>16 will continue to listen.</p> <p>17 I am starting with my last slide first</p> <p>18 and I'm doing that because of a lot of what Gail had</p> <p>19 said.</p> <p>20 I watched the Facebook video with the ex-</p> <p>21 Mayor talking with a member of Swan and a young mother</p> <p>22 with a beautiful daughter and I want to reiterate some</p> <p>23 of what they said and I actually use that as a case</p> <p>24 for this application, not a case against this</p> <p>25 application.</p>
<p style="text-align: right;">10</p> <p>1 MR. McELWEE: Yes, ma'am.</p> <p>2 MS. PRICE: And that the product similar</p> <p>3 to the product that the application tonight involves</p> <p>4 was one we recently did in Norwood?</p> <p>5 MR. McELWEE: Yes, ma'am.</p> <p>6 MS. PRICE: And tonight, you're prepared</p> <p>7 to give background information on the application</p> <p>8 that's pending before the Board. Is that correct?</p> <p>9 MR. McELWEE: Yes, I am.</p> <p>10 MS. PRICE: And you have the benefit of a</p> <p>11 Power Point presentation?</p> <p>12 MR. McELWEE: Yes, I do.</p> <p>13 MS. PRICE: Okay.</p> <p>14 MR. REGAN: Ms. Price, do you want to</p> <p>15 have the Power Point marked before you start?</p> <p>16 MS. PRICE: Yeah. That would be great.</p> <p>17 MR. REGAN: A-1.</p> <p>18 MS. PRICE: Yes.</p> <p>19 (Exhibit A-1, Power Point presentation, was</p> <p>20 marked for Identification.)</p> <p>21 McELWEE: Mr. Chairman, members of the</p> <p>22 Board, again, Joseph F. McElwee from Capital Seniors</p> <p>23 Housing. I am the senior partner in charge of</p> <p>24 development for Capital Seniors Housing.</p> <p>25 I'm going to go into a little bit of a</p>	<p style="text-align: right;">12</p> <p>1 This is a good use for the community. As</p> <p>2 Gail said, it's inherently beneficial. It's for the</p> <p>3 frail elderly. It's a first-class, state-of-the-art</p> <p>4 community, the first one built in Old Tappan in 25</p> <p>5 years. It's a tremendous -- they are tremendous</p> <p>6 demographics now and here's certainly better</p> <p>7 demographics in the future and I'm going to get into</p> <p>8 that further in my presentation.</p> <p>9 It's a very low traffic generator. It's</p> <p>10 not at rush hour. This is off-peak-hour traffic that</p> <p>11 would be generated from this and, if anybody has been</p> <p>12 to Sunrise of Old Tappan, all you have to do is sit in</p> <p>13 that parking lot and you know exactly what I'm talking</p> <p>14 about.</p> <p>15 There will be ten Medicaid beds. There's</p> <p>16 an 83-unit building. We're applying for a hundred-bed</p> <p>17 Certificate of Need from the Department of Health.</p> <p>18 The Department of Health does their Certificates of</p> <p>19 Need in ten-bed increments. You either go for 90 or</p> <p>20 for 100. We're going for 100 here and the beneficiary</p> <p>21 of that is the town. The town will get ten COA</p> <p>22 equivalents for the ten Medicaid beds; 10 percent of</p> <p>23 the beds you apply for are Medicaid.</p> <p>24 There's no impact on the school system</p> <p>25 and, in this case, the young mother and her beautiful</p>

<p style="text-align: right;">13</p> <p>1 daughter talked about the educational possibilities of</p> <p>2 that historic house. If the house is saved on site,</p> <p>3 we'll not only be able to move it to a place that's</p> <p>4 accessible but that building would be available for</p> <p>5 the local schools to use for educational purposes.</p> <p>6 We would be preserving the Gerrit Haring</p> <p>7 House at CSH's expense. This is not something that</p> <p>8 the town is going to have to move, not something that</p> <p>9 the town is going to have anything with. We're going</p> <p>10 to put that parcel or that building on a 2.12-acre</p> <p>11 parcel that we're either going to donate to the town,</p> <p>12 sell to the town for a dollar or donate to a Historic</p> <p>13 Preservation group or anyone interested.</p> <p>14 That 2.12-acre parcel is 39 percent of</p> <p>15 the entire site so, not only does the town not have to</p> <p>16 buy the site for Green Acres or whatever other</p> <p>17 purposes, we're giving the environmentally sensitive</p> <p>18 and the historically sensitive property to the town,</p> <p>19 39 percent of the entire site. All of the wetlands,</p> <p>20 all of the vernal pools and anything exists but all</p> <p>21 that sensitive area is what would be donated back to</p> <p>22 the town.</p> <p>23 And it's a for-profit property tax so, if</p> <p>24 it was Green Acres, for example, there'd be zero</p> <p>25 property taxes plus the cost to buy the property. In</p>	<p style="text-align: right;">15</p> <p>1 many communities. All we do is seniors housing we</p> <p>2 don't do hotels. We don't do regular apartments. We</p> <p>3 do senior living exclusively.</p> <p>4 As I said, my development team which is</p> <p>5 based in Philadelphia, we've done 150 of these things</p> <p>6 so we're very sensitive to meetings like this. We're</p> <p>7 very sensitive to Boards. We're respectful of your</p> <p>8 opinions and we will do so again. The three of us,</p> <p>9 Dave Innis, Jim May and I, have been together for over</p> <p>10 25 years so we have a very contiguous development</p> <p>11 agreement. We all live in Philly. The company is</p> <p>12 based in Washington DC.</p> <p>13 We do a full spectrum of housing,</p> <p>14 independent living, assisted living, memory care and</p> <p>15 we also do 55-plus senior apartments.</p> <p>16 We have two of the finest, dedicated</p> <p>17 equity sources in the world probably, Bain Capital and</p> <p>18 the Carlyle Group, so this is not a question of</p> <p>19 whether a developer can get to the finish line. We're</p> <p>20 at the finish line. We've got two great partners that</p> <p>21 have developed a lot of communities with us.</p> <p>22 MR. McELWEE: Next slide.</p> <p>23 This is just a graphic of -- hard to read</p> <p>24 from there -- of our development footprint.</p> <p>25 Generally, we've been between Boston and Washington DC</p>
<p style="text-align: right;">14</p> <p>1 this case, we're giving 2.12 acres to the town for</p> <p>2 nothing, for a dollar and we will be paying the</p> <p>3 property taxes.</p> <p>4 MR. McELWEE: Next slide.</p> <p>5 So not a very good rendering but I draw</p> <p>6 your attention to -- to the board behind the newly-</p> <p>7 sworn in Mr. Bedian.</p> <p>8 MR. BEDIAN: "Bedian."</p> <p>9 MR. McELWEE: We will have architectural</p> <p>10 exhibits but I just want to show you the -- the detail</p> <p>11 of the three-story building.</p> <p>12 MR. McELWEE: Next slide.</p> <p>13 The building -- the site is located</p> <p>14 between the church offices and the shopping center to</p> <p>15 the right, Saint Pius Church to the left and the</p> <p>16 school across the street so, as you can see, this is</p> <p>17 not a 100 percent residential street. This is a</p> <p>18 well-traveled road, Old Tappan Road, with a very</p> <p>19 mixed-use development that has inundated the roads for</p> <p>20 the last several years.</p> <p>21 Next.</p> <p>22 I am the principal of development. Our</p> <p>23 company was formed in 2003 by a guy by the name of</p> <p>24 Scott Stewart. Now, Scott and I worked at Sunrise</p> <p>25 Senior Living and, since 2003, we've developed many,</p>	<p style="text-align: right;">16</p> <p>1 and. We've done three new communities in Chicago and</p> <p>2 we've had a lot of acquisitions across the country.</p> <p>3 Next slide.</p> <p>4 These are the New Jersey developments</p> <p>5 that my team has done including Arbor Terrace of</p> <p>6 Norwood which has been spoken about, Arbor Terrace of</p> <p>7 Mountainside, Sunrise of Basking Ridge, Sunrise of</p> <p>8 Cresskill, Bergen County, Sunrise of Old Tappan,</p> <p>9 Sunrise of Woodcliff Lake, Sunrise of Edgewater,</p> <p>10 Sunrise of Paramus and, as was alluded to before,</p> <p>11 Chelsea Washington Township and Arbor Terrace Norwood</p> <p>12 so we've done a lot of developments in this county and</p> <p>13 in this immediate area. We know what we're doing. We</p> <p>14 know what the competitive landscape is like and what</p> <p>15 we're proposing tonight is something that's consistent</p> <p>16 with our development plan.</p> <p>17 Next slide.</p> <p>18 What we're proposing is an 83-unit</p> <p>19 assisted living residence licensed by the Department</p> <p>20 of Health. There are 60 units of assisted living and</p> <p>21 23 units of memory care and the memory care residents</p> <p>22 are in a secured wing on the first floor and have</p> <p>23 access to an outdoor garden area.</p> <p>24 CSH has applied for a hundred-bed</p> <p>25 Certificate of Need. We did so on February 1st. The</p>

<p style="text-align: right;">17</p> <p>1 Department of Health accepts applications on the first 2 day of each month. We have applied for a CON February 3 1.</p> <p>4 The residents are not able to live 5 independently and are not candidates for skilled 6 nursing care. They are about 86 years of age at 7 entry. Nursing homes are licensed by the New Jersey 8 Department of Health as long-term care facilities so I 9 don't want anybody to be confused that we would be 10 building a nursing home. This is an assisted living 11 residence and the acronym - A -- assisted living 12 residence is the official acronym in the State of New 13 Jersey Department of Health.</p> <p>14 The residents to not drive. The 15 residents need help with their activities of daily 16 living which I'll describe as bathing, grooming, 17 dressing, transportation, etc. There will be about 30 18 employees on the largest full-time shift. On the 19 second shift, there are about 22 from 3:00 to 11:00 20 and there are about 4 to 5 people over night. Our 21 traffic expert who will be following in the next 22 couple meetings will talk about the specific traffic 23 impacts on this street.</p> <p>24 The healthcare staffing consists of RNs, 25 LPNs, medication managers and resident assistants.</p>	<p style="text-align: right;">19</p> <p>1 appliances in the unit. All the meals are provided, 2 three meals a day, by Department of Health standards 3 in the common dining area. All residents are served 4 the three meals a day whether they are in memory care, 5 assisted living or elsewhere in the community.</p> <p>6 MR. McELWEE: Next slide.</p> <p>7 CSH will provide a 14-passenger van for 8 the residents' use. We will also contract with a 9 private ambulance service for 9 -- non-911 calls.</p> <p>10 The site plan provides for 46 parking 11 spaces which is about .55 parking spaces per unit. 12 You'll hear our traffic engineer testify that .50 is 13 the minimum requirement for what's called the ITE. I 14 think it's the International Transportation Experts 15 [sic], something like that.</p> <p>16 MS. PRICE: Engineers.</p> <p>17 MR. McELWEE: We expect, at full 18 occupancy, that there will be approximately two 911 19 calls per week. Not all 911 calls require sirens and 20 I think -- I believe one of the beauties of this 21 particular site is that there's an EMS community or 22 building catercorner from the site.</p> <p>23 There will be, approximately, two food 24 deliveries per week and two trash pickups per week. 25 The deliveries and trash pickup will meet sound</p>
<p style="text-align: right;">18</p> <p>1 There is also executive director, marketing, 2 activities, dietary, housekeeping, receptionist, 3 office managers, etc.</p> <p>4 MR. McELWEE: Next slide.</p> <p>5 The building is approximately 80,000 6 square feet on three stories CSH has many different 7 designs and we will build a design that is indigenous 8 to this area. Something that this group and the Board 9 or any architectural review Board is comfortable with. 10 We're going to show you some renderings tonight but 11 we're more than happy to work with Old Tappan on what 12 you think is the most appropriate elevation.</p> <p>13 About 40 percent of this building, or 14 32,000 feet, is common space. They have residential 15 units which are not self-contained. All of the 16 residents eat in a common dining area. The 32,000 17 square feet of common space or back-of-house amenities 18 include dining areas, private dining, theater, living 19 rooms, bistro, hair salon, activities, seating areas, 20 lounges and outdoor garden areas.</p> <p>21 The units range in size from 350 square 22 feet for a small studio to 850, 900 square feet for a 23 large two-bedroom unit. The units are not self- 24 contained. As I said, there is an area for a 25 refrigerator and a countertop. There's no cooking</p>	<p style="text-align: right;">20</p> <p>1 ordinances and time ordinances for the township or the 2 Borough of Old Tappan.</p> <p>3 MR. McELWEE: Next slide.</p> <p>4 Why assisted living? You're probably 5 wondering: Why -- why another one of these? And I'm 6 going to tell you why. The fastest-growing age 7 segment of the population is 85-plus. The second 8 fastest-growing population is 75-plus. The 65-plus 9 population now is 13 percent of the total population. 10 By 2050, the 65-plus population is expected to be 11 20 percent of the population. In 2010, the number of 12 people with Alzheimer's disease was 5,100,000. In 13 2050, the number of people with Alzheimer's disease is 14 projected to be 13,500,000. We call it the "Silver 15 Tsunami;" 10,000 people a day turn 65. That is 16 something that is unavoidable. You've all heard of 17 the "Baby Boomers." The Baby Boomers are coming. 18 They're not going somewhere else. They're coming to 19 Old Tappan. They're coming to Philly; they're coming 20 to Washington. They're coming everywhere but it's 21 10,000 people a day are turning 65. We have to be 22 prepared for the demographics that are certain.</p> <p>23 Next slide.</p> <p>24 Why Old Tappan Borough? In 2021, there 25 are 21,718 QCGs, qualified care givers. They are 45-</p>

<p style="text-align: right;">21</p> <p>1 to 64-year-old adult children that earn \$100,000 a</p> <p>2 year or more in a 5-mile radius. Why is that</p> <p>3 important? The 45 to 64 year olds are the decision-</p> <p>4 makers for their 86-year-old parents. In 2021 -- and</p> <p>5 by the way, I should say that our minimum criteria to</p> <p>6 go, no go at CSH is 10,000. There's 21,000 in a</p> <p>7 5-mile radius here.</p> <p>8 In 2021, there are 6.740 qualified</p> <p>9 seniors, 75-year-old households who earn \$50,000 a</p> <p>10 year or more. That figure, in five years, is</p> <p>11 projected to grow to 7,925 which is about a 3-1/2</p> <p>12 percent increase per year until 2026.</p> <p>13 There are five competitors within a 3</p> <p>14 mile radius. One of them is in New York State. There</p> <p>15 are eight competitors within a 5-mile radius. One of</p> <p>16 them is also in New York. The median income for this</p> <p>17 area met the highest that ESRI puts in their</p> <p>18 demographic data, 200,001. They don't go beyond that.</p> <p>19 Old Tappan's probably exceeds that.</p> <p>20 The median home value in a 1-mile radius</p> <p>21 is 754. Why are they important? If the adult</p> <p>22 children are living on an affluent area like Old</p> <p>23 Tappan, they can afford to take care of their mother</p> <p>24 should their mothers or fathers spend down their</p> <p>25 income. Housing values, high housing values means our</p>	<p style="text-align: right;">23</p> <p>1 MR. McELWEE: Next slide.</p> <p>2 This one, again, you can't see it from</p> <p>3 where you are. This just lists all the competitors.</p> <p>4 The point is: We know who our competitors are. On</p> <p>5 that slide, I developed four of them. We know who our</p> <p>6 competitors are. We know what their unit mix is. We</p> <p>7 know what their pricing is and, with that, with</p> <p>8 confidence of knowing what their mix is, who the</p> <p>9 operator is, where their site is, what the traffic</p> <p>10 patterns in Bergen County are. We feel 100 percent</p> <p>11 confident that this will be another successful project</p> <p>12 by CSH in Bergen County.</p> <p>13 Next slide.</p> <p>14 These are just the final two Woodcliff</p> <p>15 Lake and the Thrive up in Montvale.</p> <p>16 Mr. Chairman, that's my presentation.</p> <p>17 I'd be happy to answer any questions on my testimony</p> <p>18 and I offer the audience the opportunity to ask me</p> <p>19 questions also after the Board.</p> <p>20 CHAIRPERSON WEIDMANN: I'll open it to</p> <p>21 the Board and our professionals first.</p> <p>22 MR. McELWEE: Yes.</p> <p>23 CHAIRPERSON WEIDMANN: And we'll open to</p> <p>24 the public.</p> <p>25 MR. McELWEE: Apologize for turning my</p>
<p style="text-align: right;">22</p> <p>1 investment is going to be protected because we're only</p> <p>2 going into the top neighborhoods.</p> <p>3 MR. McELWEE: Next slide.</p> <p>4 You can't read this but this is the</p> <p>5 backup for the figures that I just gave you. I</p> <p>6 highlighted in yellow and this will be part of the</p> <p>7 application. The figures that I just gave you are</p> <p>8 highlighted in yellow.</p> <p>9 This is the competitive data that I was</p> <p>10 just alluding to. The group NIC Map, National</p> <p>11 Investment Center, puts out a map quarterly on</p> <p>12 occupancy figures for all of New Jersey and all over</p> <p>13 the country. We have identified in here the average</p> <p>14 age of all the communities is 12 years old. As I said</p> <p>15 Old Tappan Sunrise is 25 years old and it's one of the</p> <p>16 first ones I developed in my career up in North</p> <p>17 Jersey.</p> <p>18 There's no new communities here. We know</p> <p>19 there are some proposed communities. We're under</p> <p>20 construction in Washington Township, which is 4 miles</p> <p>21 away. We know that there was an Artis community</p> <p>22 proposed. I think that has been put on ice for a</p> <p>23 while. I think it was approved. It's an all memory</p> <p>24 care building which is not assisted living. That was</p> <p>25 a 72-unit, all memory care building.</p>	<p style="text-align: right;">24</p> <p>1 shoulder to you but more than happy to take the</p> <p>2 questions from here.</p> <p>3 CHAIRPERSON WEIDMANN: Tom, you have any</p> <p>4 questions?</p> <p>5 MR. SKRABLE: Regarding the ambulance</p> <p>6 service, is there an issue with 911 calls whereby the</p> <p>7 borough has to handle them legally? Because my</p> <p>8 understanding was there was going to be a hierarchy of</p> <p>9 ambulance calls, your private service, then a</p> <p>10 secondary service and then the borough would be</p> <p>11 further down the line. Is that not the case?</p> <p>12 MR. McELWEE: To my understanding and our</p> <p>13 traffic engineer will testify, we do have a private</p> <p>14 ambulance service for non-emergency calls. If a</p> <p>15 resident picks up the phone and dials 911, I think</p> <p>16 it's the legal responsibility for the borough to</p> <p>17 answer that. Whether there's an intervening party in</p> <p>18 there, I am not sure and, again, I will reiterate for</p> <p>19 everybody: This is something that we all have to</p> <p>20 review as a society. We just can't let the seniors</p> <p>21 age without the proper services in place. We have</p> <p>22 always tried to make arrangements with our private</p> <p>23 ambulance service and other means for family members</p> <p>24 of staff members to take care of it as much as we can.</p> <p>25 Legally, though, sir, I think, if a call comes in, it</p>

<p style="text-align: right;">25</p> <p>1 would be the borough's obligation. That's what I</p> <p>2 think and I'll have our traffic engineer address that.</p> <p>3 MR. SKRABLE: I think we have to</p> <p>4 investigate that a little further. Is it an</p> <p>5 obligation? Is there a choice in there? Is there</p> <p>6 another method where we can take the burden off?</p> <p>7 MR. ELLER: Wasn't that a stipulation for</p> <p>8 the approval for Artis?</p> <p>9 CHAIRPERSON WEIDMANN: Hey. Your time</p> <p>10 will come.</p> <p>11 Anything else?</p> <p>12 MR. SKRABLE: That's all I had. Thank</p> <p>13 you.</p> <p>14 CHAIRPERSON WEIDMANN: Mr. Szabo?</p> <p>15 MR. SZABO: That was my thought. No</p> <p>16 other questions.</p> <p>17 CHAIRPERSON WEIDMANN: Charlie?</p> <p>18 MR. MAGGIO: Just one question: So the</p> <p>19 process you go through for approval, you talked about</p> <p>20 the Department of Health. Could you educate everybody</p> <p>21 in the room in terms of what that process is and how</p> <p>22 -- what goes into it?</p> <p>23 MR. McELWEE: Every -- every assisted</p> <p>24 living residence has a Certificate of Need before you</p> <p>25 can submit your plans to the Department of Community</p>	<p style="text-align: right;">27</p> <p>1 construction to comply with any national codes?</p> <p>2 MR. McELWEE: Yes. We have an architect</p> <p>3 here and he can go through all the codes with all the</p> <p>4 -- all the requirements of state and national.</p> <p>5 MR. MAGGIO: That answers all my</p> <p>6 questions. Thank you.</p> <p>7 CHAIRPERSON WEIDMANN: Any questions?</p> <p>8 Yeah.</p> <p>9 Question: 83-unit, 100-bed, does that</p> <p>10 mean that 17 individuals bunk up with somebody else?</p> <p>11 MR. McELWEE: The Medicaid beds, there's</p> <p>12 five Medicaid units, 10 beds so there's semiprivate</p> <p>13 accommodations for Medicaid that's the project that</p> <p>14 the New Jersey state has endorsed. It's about a 500-</p> <p>15 square-foot unit, two separate bedroom doors and a</p> <p>16 shared bathroom. Memory care, its' also common to</p> <p>17 have a shared accommodation, especially as -- because</p> <p>18 that's an expensive care so a lot of the memory care</p> <p>19 residents would be -- not a lot but maybe six to eight</p> <p>20 would be in semiprivate accommodations so the hundred</p> <p>21 beds is something we're probably never going to hit.</p> <p>22 I would say for an 83-unit building, you're probably</p> <p>23 going to have 93 people in there but the Certificates</p> <p>24 of Need come in ten-bed increments so it's either --</p> <p>25 our choice was 9 -- 90 beds which would have been 9</p>
<p style="text-align: right;">26</p> <p>1 Affairs in New Jersey. The Department of Community</p> <p>2 Affairs, not the borough, reviews the building plans</p> <p>3 for assisted living residences. It is about an</p> <p>4 \$80,000 application fee where you are detailing your</p> <p>5 project, detailing your need for the project,</p> <p>6 detailing who your management group will be for the</p> <p>7 project. The Department of Health studies all that</p> <p>8 information and then they issue a Certificate of Need.</p> <p>9 That process has been taking a long time during COVID</p> <p>10 a lot of the staff members are out of Trenton and they</p> <p>11 are in their home so it hasn't been as quick as it</p> <p>12 used to be. You used to be able to get a certificate</p> <p>13 of need in four to five months. We have one in West</p> <p>14 Orange right now that's ten months and that's just a</p> <p>15 coming out of COVID and starting to address our</p> <p>16 application.</p> <p>17 Once you get the certificate of need</p> <p>18 number, they put that 100-bed figure right on the</p> <p>19 Certificate of Need. The town is granted COA credits</p> <p>20 by state law for those ten beds and then the</p> <p>21 application, the building plans and minor we'd put</p> <p>22 together would go to the Department of Community</p> <p>23 Affairs so, all in all, it could be a six- to twelve-</p> <p>24 month process.</p> <p>25 MR. MAGGIO: And you can design the</p>	<p style="text-align: right;">28</p> <p>1 COA units for the town or, if we thought that there'd</p> <p>2 be more than 91 people in the community, you're</p> <p>3 automatically pushed up to the 100-bed level.</p> <p>4 MR. MAGGIO: So 93 might be the maximum</p> <p>5 amount of people --</p> <p>6 MR. McELWEE: That could be.</p> <p>7 MR. MAGGIO: -- that could be residents?</p> <p>8 MR. McELWEE: It's our experience if you</p> <p>9 had an 83-unit bed -- 83-unit community, you'd have</p> <p>10 somewhere between 92 and 97 people, depending on</p> <p>11 whether you had a husband-wife situation or sometimes</p> <p>12 you have caregivers that want to, you know, be in the</p> <p>13 same unit. Hundred is the absolute max by -- by our</p> <p>14 license.</p> <p>15 MR. MAGGIO: So I saw your presentation.</p> <p>16 Did we get a printout of that in the past and -- and</p> <p>17 prior to this meeting that I'm not aware of?</p> <p>18 MS. PRICE: No. No. I think it's a</p> <p>19 hearing exhibit so we will supply it now.</p> <p>20 MR. MAGGIO: Right.</p> <p>21 MS. PRICE: Yes.</p> <p>22 MR. MAMARY: Because we -- we haven't</p> <p>23 been able to do any research concerning what he</p> <p>24 presented to us in advance of this meeting so we don't</p> <p>25 know what he was presenting so how do we actually ask</p>

<p style="text-align: right;">29</p> <p>1 questions about it if we didn't get -- we weren't able  2 to understand exactly some of the statistics? Where  3 did some of the statistics come from that you quote in  4 your application?  5 MR. McELWEE: I referenced, in my  6 presentation, they come from a group called "ESRI."  7 It's a national demographic company that has 1-, 3-  8 and 5-mile radiuses around a site so I cited the  9 5-mile radius for you.  10 MR. MAGGIO: So we will get a copy of  11 that.  12 MR. McELWEE: I can give you a hard copy  13 tomorrow, sir, if you'd like.  14 MS. PRICE: I've given Diane both hard  15 copies and digital copies of everything so, now that  16 we're in the hearing, I will provide hearing copies of  17 the same, both digital and hard.  18 MR. MAGGIO: And due diligence on some of  19 those prior organizations and --  20 MS. PRICE: Yeah, yeah. Sure.  21 MR. MAGGIO: I know that this is probably  22 one of the things that bother most of the residents  23 that are here is the use of the ambulance service,  24 that, if there is a major increase in the amount of  25 calls that come in and, as you're saying, the</p>	<p style="text-align: right;">31</p> <p>1 more than happy to work with the local ambulance corp.  2 Maybe they need something. We have done  3 defibrillators. We have offered other services and  4 monetary contributions knowing that we're going to  5 have an impact and what I'm saying is: I know that  6 we're going to have an impact but I know that it's the  7 Silver Tsunami or the aging of America that's causing  8 it, not my development.  9 MR. MAGGIO: But the town will take that  10 amount of real estate taxes off our tax -- tax roll,  11 correct?  12 MR. McELWEE: I -- I -- I wouldn't say  13 that because you may tax it on net operating income.  14 I don't know how your assessor --  15 MR. MAGGIO: So normally, it's taxed on  16 acreage and value of property and -- so I mean, there  17 may be some loss of revenue by the donation of the --  18 MR. McELWEE: Right.  19 MS. PRICE: And if it's wetlands and  20 unusable, whoever owns it is going to say you can't  21 tax it so...  22 MR. MAGGIO: Okay. Thank you.  23 CHAIRPERSON WEIDMANN: Mr. Alessi?  24 MR. ALESSI: First, you said you're from  25 Philly?</p>
<p style="text-align: right;">30</p> <p>1 demographics of our country are getting older and, as  2 time passes, the age of everyone else is getting older  3 that lives in town. We have -- and maybe I'll ask our  4 fire department.  5 How many ambulances do we have available  6 in our town?  7 MR. ALESSI: Two.  8 MR. MAGGIO: Two? Okay. I figured  9 you're in the fire department.  10 Sorry, everybody.  11 So I was just concerned about the use of  12 the ambulances that might be, you know, taken up by  13 this development verses the rest of the society at  14 large in need of ambulances.  15 MR. McELWEE: It's a legitimate question  16 and one I get in every town in New Jersey because  17 they're all volunteer; 90 percent of them are  18 volunteer. What I'm saying is that we will be paying  19 a lot of property taxes and we will have no impact on  20 your school system so there will be net money coming  21 into the town. I know a lot of it goes to the school.  22 I know that some goes to the county but we will be  23 paying a lot of property taxes. You can see what  24 Sunrise is paying so that's one mitigating factor.  25 The other mitigating factor is we'd be</p>	<p style="text-align: right;">32</p> <p>1 MR. McELWEE: Yes, sir.  2 MR. ALESSI: Eagles or Giants?  3 (Laughter)  4 MR. McELWEE: I plead the Fifth. This  5 year or overall?  6 MR. ALESSI: You said you're not raising  7 the house. There's also a barn on that property. Is  8 that going to be --  9 MS. PRICE: That's staying too. The barn  10 is staying.  11 MR. ALESSI: Then, you said Norwood and  12 Washington Township. Where in Norwood?  13 MR. McELWEE: 525 Tappan Road. It would  14 be right on the Northvale border. It's called "Harbor  15 Terrace of Norwood" now. It used to be a Garden  16 Center, I believe.  17 MR. ALESSI: Okay. So as my esteemed  18 colleague pointed out, I did join the ambulance corps  19 originally back when I was 18 so about ten years ago.  20 Sunrise promised -- no pun intended -- the sun, the  21 moon and the stars. They were a third of the calls in  22 old Tappan before the Mayor and Council stepped in to  23 eliminate that. The project on Central Avenue, no 911  24 calls. Everything would be private. We all know that  25 two calls a week are going to turn into five, ten,</p>



<p style="text-align: right;">33</p> <p>1 people with bloody noses calling 911 just for  2 anything. We know, from past experience, even though  3 there's a doctor on staff at Sunrise, call the  4 ambulance, take them to the hospital so, even though  5 he ambulance is diagonally across the street and  6 there's two ambulances, the amount of calls that Old  7 Tappan Ambulance responses to -- I believe there was  8 four today, maybe five yesterday, so you're taxing  9 a -- as you said a Silver Tsunami where people are  10 getting older and not being able to respond as much so  11 I would definitely take a look back at the hiring of a  12 private ambulance full time. Sunrise -- we're third  13 on Sunrise and I don't know what the new place is  14 called on Central. Artis. Nothing on Artis, they are  15 not going to use us at all.</p> <p>16 MR. McELWEE: Whatever the borough deems  17 is appropriate, we will comply with. I will tell you  18 that I'm not -- the figures that I gave you come from  19 the Arbor Company who manages about 40, 45 homes  20 around the country. There may be an anomaly during  21 December or January for Sunrise. I don't know. I'm  22 just saying; on an average, 2 per week 104 per year is  23 what an average would be. Sunrise is a 25-year-old  24 community. Sunrise has about 36 memory care beds. I  25 built it. I know the mix of units in there. It's a</p>	<p style="text-align: right;">35</p> <p>1 MR. McELWEE: I don't have a client.  2 We're contract purchasers for the property. We're  3 going through this process and it's contingent upon us  4 getting a building permit, whether we purchase the  5 property or not.</p> <p>6 MR. KEIL: Okay. So you're going to lead  7 up to that and a Phase I environmental assessment is  8 done on the property?</p> <p>9 MR. McELWEE: Absolutely. And we have  10 all those exhibits for the record.</p> <p>11 MR. KEIL: Okay. Because I don't know  12 that they've been shared with the Board. I'd like to  13 see a copy of those.</p> <p>14 MS. PRICE: In connection with which  15 avenue? Just so I have our engineer ready for it.</p> <p>16 MR. KEIL: The Phase I, geotech --</p> <p>17 MS. PRICE: Yeah.</p> <p>18 MR. KEIL: I'm more interested in the  19 Phase I than the geotech. I would like to see that.</p> <p>20 MR. McELWEE: In addition to the Phase I,  21 there's probably a Phase II. It's a historic survey  22 on the particular property as well.</p> <p>23 MR. KEIL: Whatever you got.  24 And you made a comment about, you know,  25 you're paying the taxes there. I know you recently</p>
<p style="text-align: right;">34</p> <p>1 lot more semiprivate proposed -- or in there than what  2 we're proposing. They have a lot of semiprivate units  3 in what they call "Denver units" where they don't have  4 a separating wall or separate bedroom. It was  5 predominately a semiprivate product and I believe it  6 was 110-bed Certificate of Need. Even though it's  7 only 77 units, I believe our Certificate of Need was  8 for 110 beds back in the day when we went through that  9 so they do have more capacity there as well.</p> <p>10 Sometimes the aging of a community can go  11 through waves of frailty. People are going to come in  12 more ambulatory at the beginning. They become more  13 frail at the end. There is an appropriate -- it's  14 called "appropriate placement" that the Department of  15 Health regulates. You can't be bedridden. You can't  16 be sick in an assisted living residence. That's what  17 the nursing homes are for so it's something that we  18 are cognizant of especially in New Jersey and  19 something that we will work with you and your staff to  20 make sure there's appropriate accommodations.</p> <p>21 MR. ALESSI: No more further questions.</p> <p>22 MR. KEIL: I also share the concern of  23 Mike with the -- as far as the ambulance goes but your  24 client purchased the property. Did he have to go  25 through funding for that or financing for that?</p>	<p style="text-align: right;">36</p> <p>1 approved a development in town where we're going to be  2 getting 240 units in town so I'm not sure how needy  3 the town is for ratables at this point but your point  4 is duly noted.</p> <p>5 And just one thing to confirm: You  6 mentioned that there are eight competitors within 5  7 miles. Did that include the Artis Development?</p> <p>8 MR. McELWEE: No.</p> <p>9 MR. KEIL: It did not. Okay.</p> <p>10 MR. McELWEE: That's proposed. I have  11 that on a separate sheet as proposed communities. I  12 don't know whether they're going to build or not. I  13 don't know. I just know that they have been put on  14 ice for a couple years.</p> <p>15 MR. KEIL: Yeah. Well, they do have  16 approval so whatever hold up they have is on their  17 end; it's not with the borough.</p> <p>18 MR. McELWEE: I will tell you that that  19 wouldn't change my mind one bit because, as I said,  20 it's an all memory care community. We don't consider  21 them as direct competitors.</p> <p>22 MR. KEIL: That's all.</p> <p>23 MR. ELLER: I just had a couple quick  24 questions. First, one is actually for Bob.  25 Those ten beds for the COA units, does</p>

<p style="text-align: right;">37</p> <p>1 that roll over even though we're indemnified at the</p> <p>2 moment? If -- in the future, does that still accrue</p> <p>3 in our bank going forward --</p> <p>4 MR. REGAN: Yes.</p> <p>5 MR. ELLER: -- once that period is up?</p> <p>6 MR. REGAN: Those ten units of credit</p> <p>7 would carry forth. We have the fourth round coming up</p> <p>8 in 2025.</p> <p>9 MR. ELLER: Exactly. Perfect. Thank</p> <p>10 you.</p> <p>11 MR. SKRABLE: That might be something</p> <p>12 that the community is not aware of about what our</p> <p>13 responsibility is with -- under COA. I think that --</p> <p>14 that would be very important for the community to</p> <p>15 understand what our responsibility is as far as what</p> <p>16 the -- what has been allocated to our town and the</p> <p>17 number of units that we're required to bring into our</p> <p>18 town.</p> <p>19 MR. REGAN: The borough has a COA plan, a</p> <p>20 housing plan that's been deemed compliant in New</p> <p>21 Jersey. Tom, you probably have the numbers.</p> <p>22 MR. SKRABLE: So it's, like, a 225-unit</p> <p>23 obligation. We satisfied some of it but we do have</p> <p>24 unmet need and this would go towards unmet need.</p> <p>25 MR. REGAN: And there will be a new round</p>	<p style="text-align: right;">39</p> <p>1 proposal to make it nationwide and it was squashed but</p> <p>2 New Jersey is currently the only state that has this</p> <p>3 required moderate-income housing --</p> <p>4 MR. REGAN: Low and moderate.</p> <p>5 MR. SKRABLE: Low and moderate income</p> <p>6 housing developments to be brought into every town in</p> <p>7 the state and we have to so that's one of the things</p> <p>8 that we get is ten credits against our need for</p> <p>9 bringing in other moderate- to low-income housing.</p> <p>10 MR. ELLER: So to build on that point, if</p> <p>11 this project wasn't approved hypothetically and a few</p> <p>12 years down the road, that parcel is still open, any</p> <p>13 builder could come in and here are we could have</p> <p>14 another Pearson issue or other -- could be all</p> <p>15 townhouses or -- hypothetically, right?</p> <p>16 MR. REGAN: In 2025 or even before? It</p> <p>17 could happen, yes.</p> <p>18 MR. SZABO: Absolutely.</p> <p>19 MR. ELLER: There's nothing to protect us</p> <p>20 to the traffic -- okay. So I mean, that's something</p> <p>21 that's, at least, on my mind.</p> <p>22 The next question I had was back with the</p> <p>23 EMS thing. If -- if the issue does come up that it</p> <p>24 was on the borough's responsibility, is there any way</p> <p>25 that we could --</p>
<p style="text-align: right;">38</p> <p>1 of obligations July of 2025.</p> <p>2 MR. SKRABLE: Correct. And whatever</p> <p>3 unmet need you don't satisfy in the third round, I</p> <p>4 imagine, depending on what happens in the fourth</p> <p>5 round, that obligation is carried forward and it</p> <p>6 becomes an additive thing and, if -- if the past has</p> <p>7 been any indication --</p> <p>8 MR. REGAN: And the process is such that</p> <p>9 there's never enough. It's never enough.</p> <p>10 MR. SKRABLE: But that is a requirement</p> <p>11 or agreement made --</p> <p>12 MR. REGAN: The Mount Laurel Doctrine.</p> <p>13 MR. SKRABLE: The Mount Laurel Doctrine</p> <p>14 that requires our town to bring into our town 200</p> <p>15 moderate-income housing units over a period of time</p> <p>16 and so it's not like that us, as a Board, is you know</p> <p>17 trying to horse trade with them. This is a</p> <p>18 requirement that we are actually required to accept</p> <p>19 and -- and -- and do.</p> <p>20 MR. REGAN: Every municipality in the</p> <p>21 state has this.</p> <p>22 MR. SKRABLE: Every municipality in the</p> <p>23 state -- and I think we spoke about this in one of our</p> <p>24 prior meetings. We are the only state in the United</p> <p>25 States that has this requirement. There was a</p>	<p style="text-align: right;">40</p> <p>1 MR. REGAN: On a 911 call?</p> <p>2 MR. ELLER: On a 911 call, is there any</p> <p>3 way to work out with the applicants that there would</p> <p>4 be a billing situation every time we get -- you know,</p> <p>5 because it's a commercial building?</p> <p>6 MR. REGAN: You can do that. One</p> <p>7 community that I represent has, in fact, that type of</p> <p>8 an agreement with the developer or you can impose the</p> <p>9 obligation if they have ambulance service there every</p> <p>10 day.</p> <p>11 MR. ELLER: Well, that's what I'm saying.</p> <p>12 I -- I agree with that but I think if they're called</p> <p>13 upon and it becomes that -- it, at least, covers the</p> <p>14 town. That's something we can work --</p> <p>15 MR. REGAN: That would be subject to</p> <p>16 negotiation at the time of a developer's agreement.</p> <p>17 MR. ELLER: Okay.</p> <p>18 Last thing was: All the documents that</p> <p>19 we have, I know that Ms. Pierce [sic] --</p> <p>20 MS. PRICE: Price.</p> <p>21 MR. ELLER: -- Price said we've already</p> <p>22 sent digital copies to the town. Is that stuff that</p> <p>23 we could request the administrator to just post on the</p> <p>24 website? Because I'm anticipating -- I'm sure it</p> <p>25 would makes things a lot easier for everyone here</p>

<p style="text-align: right;">41</p> <p>1 rather than a ton of OPRA requests and things that are</p> <p>2 just going to flood the system. I think it's make</p> <p>3 everybody's life easier if those were all posted. As</p> <p>4 the -- as the professionals finish in each of their</p> <p>5 rounds, if they could give those to the town or even a</p> <p>6 week or two before so that the residents could review</p> <p>7 them as well and come ask questions the same way we</p> <p>8 did.</p> <p>9 MS. PRICE: Sure.</p> <p>10 MR. ELLER: Okay. That's it for me.</p> <p>11 MS. PRICE: We do that.</p> <p>12 CHAIRPERSON WEIDMANN: Nicki?</p> <p>13 MS. LOULUDIS: The only question I have</p> <p>14 has to do with the food service. You mentioned two</p> <p>15 food drop offs. Can you explain that? Are those 18-</p> <p>16 wheelers coming in?</p> <p>17 MR. McELWEE: Two panel trucks, I think,</p> <p>18 they're called, 16 foot or 18 foot, whatever that</p> <p>19 distance is. The traffic engineer will testify that</p> <p>20 two per week for food delivery.</p> <p>21 MS. LOULUDIS: And then, you mentioned</p> <p>22 trash pick up twice -- twice a week.</p> <p>23 MR. McELWEE: Yes.</p> <p>24 MS. LOULUDIS: And that would be a</p> <p>25 private --</p>	<p style="text-align: right;">43</p> <p>1 be engineer, right? The whole process.</p> <p>2 MS. PRICE: Oh, yeah.</p> <p>3 MR. McELWEE: Absolutely, yeah. The</p> <p>4 structural engineers and the people that specialize in</p> <p>5 historic house moving would be doing this and, again,</p> <p>6 as I said, that's all at our expense.</p> <p>7 MR. BEDIAN: The other question I have:</p> <p>8 Is this rendering to scale? It looks like smaller</p> <p>9 than the one, you know, I have on the plans but I</p> <p>10 could be wrong, yeah.</p> <p>11 MR. McELWEE: Again, our architect will</p> <p>12 give you the height. I know we are --</p> <p>13 MR. BEDIAN: Yeah. To scale?</p> <p>14 MR. McELWEE: -- underneath the 35-foot</p> <p>15 height requirement and we can get into the exact</p> <p>16 dimensions at that time.</p> <p>17 MR. BEDIAN: Okay. Okay.</p> <p>18 And also, can -- I don't know if we --</p> <p>19 we're allowed to ask for digital, you know, documents?</p> <p>20 It makes it easier to, you know, to review them ahead</p> <p>21 of time.</p> <p>22 MS. PRICE: Okay.</p> <p>23 MR. BEDIAN: Yeah. Thank you.</p> <p>24 CHAIRPERSON WEIDMANN: Okay. Anyone else</p> <p>25 on this Board have any other questions?</p>
<p style="text-align: right;">42</p> <p>1 MR. McELWEE: Yes, ma'am.</p> <p>2 MS. LOULUDIS: Thank you.</p> <p>3 MR. BEDIAN: I have a question:</p> <p>4 Regarding one of the buildings, you propose to move</p> <p>5 them?</p> <p>6 MR. McELWEE: Yes.</p> <p>7 MR. BEDIAN: How you going to accomplish</p> <p>8 that? And this is a 250-year-old building.</p> <p>9 MR. McELWEE: Great question.</p> <p>10 The shed will stay exactly where it is.</p> <p>11 The -- about one half of the historic structure is</p> <p>12 actually historic. It's the stone portion of that</p> <p>13 building. We have talked to our historic consultant</p> <p>14 who has not contracted but he has done this many, many</p> <p>15 times through a contractor that lifts the building up,</p> <p>16 puts it on wheels and takes it about 100 feet to the</p> <p>17 west so what we're thinking would happen is, after our</p> <p>18 new roadway -- should we be approved by this Board</p> <p>19 after the new roadway was in, during construction when</p> <p>20 we have level ground, we would pick up the house, put</p> <p>21 it in front of the existing shed so that it would be</p> <p>22 more prominent for the -- for the town to see in your</p> <p>23 normal drive-by traffic so half of the building, the</p> <p>24 historic half, would be moved to the west.</p> <p>25 MR. BEDIAN: So that -- that's going to</p>	<p style="text-align: right;">44</p> <p>1 MR. ALESSI: Two quick ones.</p> <p>2 CHAIRPERSON WEIDMANN: Go ahead.</p> <p>3 MR. ALESSI: First one: I just got</p> <p>4 thinking about when you started asking questions about</p> <p>5 the house. The first thing is, when you guys bring</p> <p>6 those in, is that, like -- is there -- what kind of</p> <p>7 insurance or bonding is done for something like that?</p> <p>8 Say something accidentally happens and the building</p> <p>9 collapses or -- I don't know how you put a monetary</p> <p>10 value on that but, I mean, obviously, you guys are</p> <p>11 covering it so I'm asking: How do you guys --</p> <p>12 MR. McELWEE: That would be our own</p> <p>13 personal insurance and the mover's insurance so</p> <p>14 probably -- probably a double level of insurance on</p> <p>15 that.</p> <p>16 MR. ALESSI: And the second thing is what</p> <p>17 kind of restoration would that building need or</p> <p>18 anything? If we're talking about turning it into</p> <p>19 something for the town, I know you guys are donating</p> <p>20 the property. Could you guys work with the Historic</p> <p>21 Committee in town and see what they can so to make</p> <p>22 sure anything that needed to be done for the building</p> <p>23 was done so that it becomes more useable for the town?</p> <p>24 MR. McELWEE: Yeah. We would certainly</p> <p>25 work with them to see if there's any way we could</p>

<p style="text-align: right;">45</p> <p>1 offer any more assistance other than donating the</p> <p>2 2 acres and moving the house. We don't have a blank</p> <p>3 check but we would be more than happy to cooperate</p> <p>4 with them.</p> <p>5 CHAIRPERSON WEIDMANN: Just one other</p> <p>6 point: You said you were going to move the historic</p> <p>7 part of the existing home. What percentage of the</p> <p>8 home that's there right now is historic and what</p> <p>9 percentage is not?</p> <p>10 MR. McELWEE: I would say 50 percent, 40</p> <p>11 to 50 percent. The -- wherever you see the stone in</p> <p>12 the front, that's the historic portion. The garage to</p> <p>13 the right is non-historic so it'd be the right side,</p> <p>14 the garage area, another 40 percent or 50 percent.</p> <p>15 It's probably 50/50 but we can get exact figures for</p> <p>16 you.</p> <p>17 MS. PRICE: We've actually -- we've</p> <p>18 retained a historic consultant and that historic</p> <p>19 consultant has actually also gotten a historic</p> <p>20 architect involved so there are already -- he's</p> <p>21 already two down the line on this so -- and when he</p> <p>22 started talking details with Joe and me, we were like,</p> <p>23 "Okay. Slow it down" because he was --</p> <p>24 Right?</p> <p>25 -- over-detailed so, at the right time in</p>	<p style="text-align: right;">47</p> <p>1 CHAIRPERSON WEIDMANN: I believe the barn</p> <p>2 was built in the 1970s.</p> <p>3 MR. McELWEE: It's not historic.</p> <p>4 CHAIRPERSON WEIDMANN: No.</p> <p>5 MR. McELWEE: If the town or the</p> <p>6 Preservation Committee wants it, we'll keep it. If</p> <p>7 they don't, we'll take it away.</p> <p>8 CHAIRPERSON WEIDMANN: You know, that's</p> <p>9 something we -- the town will have to discuss, right?</p> <p>10 MS. PRICE: Right.</p> <p>11 CHAIRPERSON WEIDMANN: But you don't</p> <p>12 intend on moving it. It's going to stay right where</p> <p>13 it is.</p> <p>14 MR. McELWEE: The barn stays where it is.</p> <p>15 The house gets moved a hundred-or-so feet.</p> <p>16 CHAIRPERSON WEIDMANN: Okay. And you'll</p> <p>17 give us the percentages on the house?</p> <p>18 MS. PRICE: Yes.</p> <p>19 CHAIRPERSON WEIDMANN: What's going to</p> <p>20 stay and what's going to go.</p> <p>21 MS. PRICE: We'll get you all the details</p> <p>22 on that.</p> <p>23 CHAIRPERSON WEIDMANN: Including the age</p> <p>24 of the portion that's not --</p> <p>25 MS. PRICE: Yes.</p>
<p style="text-align: right;">46</p> <p>1 the hearing, we are happy to give you all the details</p> <p>2 from this historic consultant but trust me; it could</p> <p>3 fill, you know hours and he climbed through the whole</p> <p>4 structure on the stone section but he has everything</p> <p>5 down pat in terms of exactly the age, what sections</p> <p>6 what sections are not and, in terms of the movement of</p> <p>7 the house, he knows exactly what needs to be done, how</p> <p>8 to do it down to the -- down to the square.</p> <p>9 MR. McELWEE: He did say that the</p> <p>10 foundation of that house is so thick that, moving it,</p> <p>11 it's not fragile at all.</p> <p>12 MS. PRICE: Right.</p> <p>13 MR. McELWEE: It's got a very stable</p> <p>14 foundation and so it's easier to move than some other</p> <p>15 structures.</p> <p>16 CHAIRPERSON WEIDMANN: Why -- why are we</p> <p>17 keeping the barn, the all-red barn that's in the</p> <p>18 corner?</p> <p>19 MR. McELWEE: It's a game-day decision</p> <p>20 for the town or the Historic Preservation. It -- it's</p> <p>21 up to you. We're just saying that the stone structure</p> <p>22 would be in front of that. If you decided to keep</p> <p>23 that, if you wanted to have a walking path or any</p> <p>24 other equipment in there for the house itself, we're</p> <p>25 leaving it there --</p>	<p style="text-align: right;">48</p> <p>1 CHAIRPERSON WEIDMANN: -- destroyed.</p> <p>2 MS. PRICE: Yes.</p> <p>3 MR. SKRABLE: Mr. Chairman, you might</p> <p>4 want to get some input from Andy, DPW, on the barn</p> <p>5 because like a lot of other buildings in town, they</p> <p>6 just get full of stuff which is probably not something</p> <p>7 he wants so I'm sure he has an opinion on whether nor</p> <p>8 not that will stay or go.</p> <p>9 CHAIRPERSON WEIDMANN: Okay.</p> <p>10 Anybody else?</p> <p>11 (No response)</p> <p>12 CHAIRPERSON WEIDMANN: Okay.</p> <p>13 I'm going to open the meeting to the</p> <p>14 public if anyone has any questions regarding what he</p> <p>15 just testified to. Any other questions are not going</p> <p>16 to be allowed. You know, this meeting or this</p> <p>17 application is going to go on for months. There's</p> <p>18 only one meeting a month so, if you're going to ask a</p> <p>19 question about, you know, what color is the new -- no,</p> <p>20 no, no. What this gentleman just testified to is</p> <p>21 going to be the only question allowed and you're not</p> <p>22 going to be allowed to make statements. You're only</p> <p>23 going to be allowed to ask questions and, if it's not</p> <p>24 appropriate, we're going to tell you it's not</p> <p>25 appropriate. There'll be plenty of time to ask any</p>

<p style="text-align: right;">49</p> <p>1 questions at all about anything regarding this</p> <p>2 application.</p> <p>3 MR. REGAN: And to offer comments too.</p> <p>4 CHAIRPERSON WEIDMANN: And at the end, to</p> <p>5 offer comments.</p> <p>6 Okay. Can we have a motion to open the</p> <p>7 meeting to the public?</p> <p>8 MR. KEIL: Motion.</p> <p>9 MR. ELLER: Second.</p> <p>10 CHAIRPERSON WEIDMANN: All in favor?</p> <p>11 MEMBERS OF THE BOARD: Aye.</p> <p>12 CHAIRPERSON WEIDMANN: No, no, no. The</p> <p>13 people are going to raise their hand and I'll</p> <p>14 recognize and then, you know, they'll be allowed to</p> <p>15 come up and stand, state your name and address and ask</p> <p>16 your questions.</p> <p>17 Okay. The meeting is now open.</p> <p>18 Yes? Over here.</p> <p>19 MR. SADAKA: Mark Sadaka, 16 Herring</p> <p>20 Drive.</p> <p>21 I am a lawyer. I have a Master's in</p> <p>22 science and public health and environmental health</p> <p>23 science from Tulane University School of Public Health</p> <p>24 and Tropical Medicine.</p> <p>25 Question for you is: Has this project</p>	<p style="text-align: right;">51</p> <p>1 will get into what your questions are at a later time.</p> <p>2 MR. SADAKA: You didn't -- no one has got</p> <p>3 it approved by the Army Corps of Engineers.</p> <p>4 The question is for you, sir, our -- our</p> <p>5 Board -- our town attorney.</p> <p>6 MS. PRICE: Board attorney.</p> <p>7 MR. SADAKA: Excuse me?</p> <p>8 MR. REGAN: Board attorney.</p> <p>9 MR. SADAKA: Board attorney. Excuse me.</p> <p>10 Have you ensured that this property is</p> <p>11 not subject to Section 404 of the Clean Water Act</p> <p>12 thereby under the jurisdiction of the Army Corps of</p> <p>13 Engineers and any development on this property needs</p> <p>14 to be approved by them?</p> <p>15 MR. REGAN: That would have to be</p> <p>16 reviewed and researched.</p> <p>17 MR. SADAKA: So you haven't done that?</p> <p>18 MR. REGAN: No. The first time the issue</p> <p>19 is raised is right now.</p> <p>20 MR. SADAKA: Okay.</p> <p>21 Have you done it?</p> <p>22 (Applause)</p> <p>23 MR. REGAN: Hold on a second.</p> <p>24 Sir, you're free to submit any evidence</p> <p>25 you want to at the appropriate time on that issue.</p>
<p style="text-align: right;">50</p> <p>1 been approved by the Army Corps of Engineers?</p> <p>2 MR. McELWEE: We didn't have to approach</p> <p>3 them.</p> <p>4 MR. SADAKA: Why not?</p> <p>5 MS. PRICE: It's been approved by the</p> <p>6 DEP. We have an LOI.</p> <p>7 MR. SADAKA: Isn't it true that -- that</p> <p>8 Tappan Lake spans both New York, New Jersey?</p> <p>9 MS. PRICE: The DEP knows that the</p> <p>10 wetlands are isolated and that there's no tributary</p> <p>11 located on the property or involved with the property.</p> <p>12 MR. SADAKA: Isn't it true that Tappan</p> <p>13 Lake spans both New York, New Jersey? Yes or no?</p> <p>14 MS. PRICE: That may be true but that is</p> <p>15 not relative to this property.</p> <p>16 MR. SADAKA: And is the wetlands part of</p> <p>17 Old Tappan Lake?</p> <p>18 MS. PRICE: Sir, I can show you the --</p> <p>19 MR. SADAKA: The real -- the real</p> <p>20 question is for the --</p> <p>21 MR. McELWEE: The real question should be</p> <p>22 what I testified to.</p> <p>23 MR. SADAKA: My question -- my question</p> <p>24 actually is for your --</p> <p>25 MR. McELWEE: We have other experts that</p>	<p style="text-align: right;">52</p> <p>1 MR. SADAKA: Okay. But I'm just</p> <p>2 concerned about the town's liability. I don't want</p> <p>3 the Army Corps of Engineers coming in so I -- I --</p> <p>4 when I was in -- when I was at--</p> <p>5 MS. PRICE: Is this testimony?</p> <p>6 MR. FEEHAN: This is not the time to say</p> <p>7 that.</p> <p>8 MR. SEIJAS: Well, anyway, I've dealt</p> <p>9 with the Army Corps of Engineers. They don't mess</p> <p>10 around and, if you don't it -- if you don't get it</p> <p>11 cleared, they're going to come in here and they're</p> <p>12 going to cause trouble.</p> <p>13 MR. REGAN: We understand.</p> <p>14 MS. PRICE: Is that a threat?</p> <p>15 CHAIRPERSON WEIDMANN: Anyone else? Next</p> <p>16 question.</p> <p>17 Yes, ma'am? Please step forward.</p> <p>18 MS. SIEK: Hi. I'm Janine Siek. I live</p> <p>19 at 19 Holbrook Court.</p> <p>20 So my primary question is: My street is</p> <p>21 actually located directly across from your property</p> <p>22 that you're looking to acquire.</p> <p>23 MR. McELWEE: Okay.</p> <p>24 MS. SIEK: So the original plan that I</p> <p>25 had looked at that you submitted to the town had the</p>

<p style="text-align: right;">53</p> <p>1 building exactly across from my property with the</p> <p>2 entrance/exit way across from Leonard Drive which is</p> <p>3 the next street up from me. Has that changed at all?</p> <p>4 MR. McELWEE: Yes.</p> <p>5 MS. SIEK: I -- I would love --</p> <p>6 MR. McELWEE: Let me answer your</p> <p>7 question: It's part of the submission that we made.</p> <p>8 MS. SIEK: Okay. So it's right across</p> <p>9 the street from me now.</p> <p>10 MR. McELWEE: Just to supplement, the</p> <p>11 reason it was changed to Vandervoot or one of the</p> <p>12 other --</p> <p>13 MS. SIEK: "Vandervoot" was the original</p> <p>14 name. We changed it to "Holbrook Court."</p> <p>15 MR. McELWEE: The historic house was in</p> <p>16 the way of the original driveway. When we moved --</p> <p>17 propose to move the historic house over, we had to</p> <p>18 move the driveway over.</p> <p>19 MS. SIEK: Okay. Because a huge concern</p> <p>20 I'm having is, in the past year with the unprecedented</p> <p>21 rainfalls, my property has had 6 inches of floodwaters</p> <p>22 coming down my street. My street sits from Old Tappan</p> <p>23 Road in a decline from Old Tappan Road. I've had 6 to</p> <p>24 8 inches of water surround the side of my house to the</p> <p>25 point where I had waterfalls coming in my basement</p>	<p style="text-align: right;">55</p> <p>1 this property is not zoned for a commercial use.</p> <p>2 MR. McELWEE: Yeah. That's why we're</p> <p>3 here for a use variance.</p> <p>4 MR. ARDITO: And I understand that. The</p> <p>5 main question I have is: I was totally involved in</p> <p>6 the Allegro application in Harrington Park so I have a</p> <p>7 very good understanding of this.</p> <p>8 My big question is that, because this</p> <p>9 property, really, is not suitable, the Master Plan</p> <p>10 that was redone --</p> <p>11 MR. REGAN: Sir, you're going to have to</p> <p>12 ask a question or --</p> <p>13 MR. ARDITO: Okay. I apologize.</p> <p>14 So my question is that based on the fact</p> <p>15 that this use is not properly zoned for the use you</p> <p>16 want, when Enclave was being looked at, did you look</p> <p>17 at that property? Because, I believe, that was</p> <p>18 commercially-zoned property. Is that correct? The</p> <p>19 Pearson building used to be there so it was</p> <p>20 commercially-zoned?</p> <p>21 MR. REGAN: It was.</p> <p>22 MR. ARDITO: Okay.</p> <p>23 MR. REGAN: If it was rezoned --</p> <p>24 MR. ARDITO: Did you look at that piece</p> <p>25 of property to work with them on that?</p>
<p style="text-align: right;">54</p> <p>1 windows so I'm extremely, extremely concerned about</p> <p>2 any more water being directed towards my road and</p> <p>3 coming down towards my house and, especially with</p> <p>4 another driveway being right across the street from my</p> <p>5 road, that's macadam; it's taking away what will soak</p> <p>6 up any water that's there and, removing all those</p> <p>7 trees, that really concerns me.</p> <p>8 MR. McELWEE: Fair comment and our civil</p> <p>9 engineer will address your concerns when he testifies</p> <p>10 and our civil engineer will be working with the</p> <p>11 borough engineer to make sure that no excess water</p> <p>12 goes on to your property or anyone else's property.</p> <p>13 MS. SIEK: Okay. That's it for me for</p> <p>14 now. Thank you very much.</p> <p>15 MR. McELWEE: You're welcome.</p> <p>16 CHAIRPERSON WEIDMANN: Yes, sir?</p> <p>17 MR. ARDITO: I'm Peter Ardito. I'm from</p> <p>18 Harrington Park, 57 Glen Avenue East.</p> <p>19 I'm on the Board of Directors in Bergen</p> <p>20 SWAN and, just for your information, I'm also the Vice</p> <p>21 Chairman of the Planning Board of Harrington Park and</p> <p>22 I am the Chairman of the Environmental Commission of</p> <p>23 Harrington Park.</p> <p>24 The key question is -- and I'm just going</p> <p>25 to put an elephant that's here in the room -- is that,</p>	<p style="text-align: right;">56</p> <p>1 MR. McELWEE: That property was not</p> <p>2 available when we came to look at this site. We're</p> <p>3 under contract for this site. Our application is for</p> <p>4 this site and not any other site.</p> <p>5 MR. ARDITO: And you feel that, with the</p> <p>6 environmental sensitivity of this piece of property,</p> <p>7 that this is an appropriate use -- land use for this</p> <p>8 property?</p> <p>9 MR. McELWEE: Yes, sir. And we testified</p> <p>10 that 2.12 acres of the environmentally sensitive land</p> <p>11 would be retained by the town or groups like yours or</p> <p>12 any other preservation group.</p> <p>13 MR. ARDITO: Right. But you are</p> <p>14 removing, by the application, over 200 trees in order</p> <p>15 to put the building up.</p> <p>16 MR. McELWEE: Mr. Chairman, I would like</p> <p>17 our landscape architect or other to testify to that.</p> <p>18 I didn't testify to that.</p> <p>19 MR. REGAN: It's beyond the scope of what</p> <p>20 he testified to.</p> <p>21 MR. ARDITO: Well, I'm just pointing out</p> <p>22 the fact that he feels the property is appropriate for</p> <p>23 this.</p> <p>24 MR. REGAN: I don't think he'd be here if</p> <p>25 he didn't feel it was appropriate.</p>

<p style="text-align: right;">57</p> <p>1 MR. ARDITO: Okay.</p> <p>2 MEMBER OF THE PUBLIC: Thank you.</p> <p>3 (Applause)</p> <p>4 CHAIRPERSON WEIDMANN: Anyone else wish</p> <p>5 to be heard?</p> <p>6 Yes, ma'am?</p> <p>7 MS. MAGARRO: Patches Magarro, 4</p> <p>8 Churchill Road.</p> <p>9 You mentioned "beneficial use" and that</p> <p>10 you would get into that but I didn't really hear much</p> <p>11 about it. Can you explain a little more about that?</p> <p>12 MR. McELWEE: Assisted living has been</p> <p>13 deemed a beneficial use by this state and, I think,</p> <p>14 the federal government. It just means that, because</p> <p>15 the average age of entry is 86 and the residents are</p> <p>16 frail and they need some help, that townships,</p> <p>17 boroughs states, etc., have to give them special</p> <p>18 preferential treatment, if you will, because of the</p> <p>19 inherently beneficial to society.</p> <p>20 MS. MAGARRO: Okay. And we were</p> <p>21 discussing COA and affordable housing. Is there any</p> <p>22 requirement for elderly people in Old Tappan?</p> <p>23 MR. McELWEE: I don't know if there's a</p> <p>24 requirement for elderly people. That would be</p> <p>25 something that the borough attorney would --</p>	<p style="text-align: right;">59</p> <p>1 MS. MAGARRO: No. I understand that.</p> <p>2 You have very clearly stated that Old Tappan is a</p> <p>3 desirable place for you to want to build this unit.</p> <p>4 MR. McELWEE: Right.</p> <p>5 MS. MAGARRO: My question is twofold.</p> <p>6 (Applause)</p> <p>7 MS. MAGARRO: Simply, in black and white,</p> <p>8 is there a requirement similar to COA for us to have a</p> <p>9 certain number of senior living --</p> <p>10 MR. REGAN: No. No.</p> <p>11 MS. MAGARRO: Thank you.</p> <p>12 That's -- that's an important note.</p> <p>13 What was the other part of the question?</p> <p>14 And just for clarification: You're</p> <p>15 seeking a land use variance because it's currently</p> <p>16 zoned for what?</p> <p>17 MR. McELWEE: Single-family.</p> <p>18 MEMBER OF THE PUBLIC: Yay.</p> <p>19 MS. MAGARRO: And the numbers were very</p> <p>20 small. They're currently zoned for, I think, 8,000</p> <p>21 square feet. Is that correct?</p> <p>22 MS. PRICE: I don't -- I don't think Mr.</p> <p>23 McElwee testified to that.</p> <p>24 MS. MAGARRO: Yes, you did. Yes, you</p> <p>25 did. Yes, square footage.</p>
<p style="text-align: right;">58</p> <p>1 MR. REGAN: The requirement is for</p> <p>2 affordable units if there is a development like this.</p> <p>3 MS. MAGARRO: No. My question is: With</p> <p>4 this beneficial use of assisted living senior housing,</p> <p>5 is there a requirement for that similar to COA?</p> <p>6 MR. REGAN: It's an inherently beneficial</p> <p>7 use, though, under zoning law. They have favored</p> <p>8 status in connection with the D1 use variance</p> <p>9 application. It's part of the positive criteria for</p> <p>10 the D1 use variance.</p> <p>11 MS. MAGARRO: Yes. But is there a</p> <p>12 requirement? Is -- is -- for example, in a town of</p> <p>13 6,000 people which has Sunrise and a current new</p> <p>14 project under way for Artis Senior Living, if there's</p> <p>15 6,000 people in this town, is there really more need?</p> <p>16 MR. McELWEE: Ma'am, I testified to the</p> <p>17 demographics and the competitors and why it thought ut</p> <p>18 was appropriate are this use in this town based on the</p> <p>19 number of 45 to 64 year olds and based on the number</p> <p>20 of 74 to 86 year olds that are there now and in the</p> <p>21 year 2026 and the Silver Tsunami and the Baby Boomers</p> <p>22 so, in my professional opinion, having built four of</p> <p>23 the eight competitors myself, I'm highly confident</p> <p>24 that there's a market are in Old Tappan on this site</p> <p>25 for this project.</p>	<p style="text-align: right;">60</p> <p>1 MR. REGAN: Square footage.</p> <p>2 MS. PRICE: Of this building.</p> <p>3 MS. MAGARRO: I believe that it's</p> <p>4 currently zoned for about 8,000 square feet. Can you</p> <p>5 please confirm the size of the building that you're</p> <p>6 asking?</p> <p>7 MR. REGAN: He said the building was --</p> <p>8 would be 80,000.</p> <p>9 MS. MAGARRO: 8-0.</p> <p>10 MR. REGAN: 8-0.</p> <p>11 MS. MAGARRO: Not 8,000.</p> <p>12 MR. REGAN: No. 80, 80.</p> <p>13 MS. MAGARRO: So ten times bigger than</p> <p>14 what it's current.</p> <p>15 MR. REGAN: The size of the building he's</p> <p>16 proposing.</p> <p>17 MS. MAGARRO: Right.</p> <p>18 MR. SKRABLE: And I think that the 8,000</p> <p>19 you're getting at about the max FAR we allow --</p> <p>20 MS. MAGARRO: Correct.</p> <p>21 MR. REGAN: -- for a single-family home.</p> <p>22 MS. MAGARRO: Right. It's currently</p> <p>23 zoned for about 8,000 and you're asking to build</p> <p>24 80,000, correct? Yes, 80.</p> <p>25 MR. McELWEE: We are proposing 80,000</p>

<p style="text-align: right;">61</p> <p>1 square foot.</p> <p>2 MS. MAGARRO: Yes. Okay.</p> <p>3 MR. McELWEE: We are not the only -- if</p> <p>4 there was single-family homes on that, it wouldn't be</p> <p>5 8,000 total square feet for three or four or five</p> <p>6 single-family homes or whatever could be built there</p> <p>7 or townhouses. 8,000 was the floor-area ratio so the</p> <p>8 lot size of one single-family lot and there could be</p> <p>9 many, many more than just one but the lot --</p> <p>10 MS. MAGARRO: Define "many, many more."</p> <p>11 Isn't it three? Isn't it three?</p> <p>12 MR. McELWEE: Whatever is permitted by</p> <p>13 the code.</p> <p>14 MS. MAGARRO: I'm trying to determine --</p> <p>15 CHAIRPERSON WEIDMANN: Listen. When the</p> <p>16 architect comes up, that's the gentleman you should</p> <p>17 address these questions to.</p> <p>18 MS. MAGARRO: Okay.</p> <p>19 CHAIRPERSON WEIDMANN: Okay?</p> <p>20 MS. MAGARRO: All right. But -- so -- so</p> <p>21 the --</p> <p>22 CHAIRPERSON WEIDMANN: There will be</p> <p>23 plenty of time.</p> <p>24 MS. MAGARRO: So the building that you're</p> <p>25 proposing is 80,000 square feet?</p>	<p style="text-align: right;">63</p> <p>1 MR. McELWEE: As a point of reference,</p> <p>2 Mr. Chairman and audience, we have reached out four</p> <p>3 times to Lake View. We met with them twice on Zoom</p> <p>4 meetings and a local expediter has met with them and</p> <p>5 we met earlier with this gentleman so we have reached</p> <p>6 out to the Lake View. We understand and respect their</p> <p>7 position but we have reached out to them.</p> <p>8 CHAIRPERSON WEIDMANN: And I know our</p> <p>9 engineer also brought the question up and issued his</p> <p>10 concerns.</p> <p>11 MR. McELWEE: Yes.</p> <p>12 CHAIRPERSON WEIDMANN: Okay. So it is</p> <p>13 being addressed.</p> <p>14 MR. McELWEE: Yes, sir.</p> <p>15 CHAIRPERSON WEIDMANN: Yes, sir? Over</p> <p>16 there.</p> <p>17 MR. VALENTINE: My name is Matthew</p> <p>18 Valentine. I live at 40 Leonard Drive.</p> <p>19 Is your expectation that the occupancy of</p> <p>20 the property would be 100 percent Old Tappan</p> <p>21 residents?</p> <p>22 MR. McELWEE: No.</p> <p>23 MR. VALENTINE: So you are saying it</p> <p>24 needs to be in Old Tappan because it benefits the town</p> <p>25 but it's not going to -- it's going to be people from</p>
<p style="text-align: right;">62</p> <p>1 MR. McELWEE: Yes, ma'am.</p> <p>2 MS. MAGARRO: All right. Thank you.</p> <p>3 (Applause)</p> <p>4 CHAIRPERSON WEIDMANN: Yes?</p> <p>5 MR. SINGER: My name is Jay Singer. I</p> <p>6 live at 119 Lake View Drive. I'm a member of the</p> <p>7 Board of the Homeowner's Association of the Lake View</p> <p>8 in Old Tappan and our biggest concern or question is</p> <p>9 your mitigation of stormwater runoff off of the</p> <p>10 norther part of the property.</p> <p>11 CHAIRPERSON WEIDMANN: That -- that'll --</p> <p>12 that'll come in time but that's not a question for</p> <p>13 this gentleman.</p> <p>14 MR. REGAN: It's beyond the testimony he</p> <p>15 provided.</p> <p>16 MR. SINGER: Okay. When will the civil</p> <p>17 --</p> <p>18 MS. PRICE: Next.</p> <p>19 MR. SINGER: Oh. Okay.</p> <p>20 MS. PRICE: He's up next.</p> <p>21 MR. SINGER: He's up next.</p> <p>22 CHAIRPERSON WEIDMANN: That'll come.</p> <p>23 MR. SINGER: Can I come back up and ask</p> <p>24 the question?</p> <p>25 MS. PRICE: Sure.</p>	<p style="text-align: right;">64</p> <p>1 outside the town?</p> <p>2 MR. McELWEE: I hope it was 100 percent</p> <p>3 but he reason I presents 5-mile and 3-mile</p> <p>4 demographics in the ESRI report and in the NIC Map</p> <p>5 data is that it's traditional in this country and</p> <p>6 Bergen County is probably more of a 3-mile radius but</p> <p>7 it's a 3-to-5-mile radius is where, typically, the 45-</p> <p>8 to 64-year-old adult children live and they bring</p> <p>9 their mothers or fathers who either live here or live</p> <p>10 in Philly or Florida back to where their children and</p> <p>11 grandchildren live.</p> <p>12 MR. VALENTINE: Couldn't they just go to</p> <p>13 the one in Washington Township?</p> <p>14 MR. McELWEE: Absolutely. They can go</p> <p>15 anywhere they want. What I'm telling is that we have</p> <p>16 -- we're designing a state-of-the-art facility that</p> <p>17 will compete well with what's here already, especially</p> <p>18 in Old Tappan with 25-year-old Sunrise and with all</p> <p>19 the other communities.</p> <p>20 MR. VALENTINE: Okay. So the eight</p> <p>21 competitors in the area don't have enough occupancy to</p> <p>22 handle the 6,000 residents.</p> <p>23 MR. McELWEE: Yeah. They all do, yes.</p> <p>24 MR. VALENTINE: So if there's enough</p> <p>25 already, then why do we need to build more?</p>



<p style="text-align: right;">65</p> <p>1 MR. McELWEE: Silver Tsunami.  2 (Applause)  3 MR. McELWEE: Growing demographics. The  4 market studies indicates the demand is there, not only  5 now but in the future.  6 MR. VALENTINE: Thank you.  7 MR. McELWEE: You're welcome. Thank you  8 for your question.  9 CHAIRPERSON WEIDMANN: Anyone else wish  10 to be heard?  11 MS. PILKINGTON: Hi. I'm Laura  12 Pilkington, 28 Country Squire Road.  13 So similar to the gentleman, Mr.  14 Valentine, that just spoke, we talked about  15 utilization of the facilities, you had mentioned that  16 Sunrise is currently 77 beds; however, it has capacity  17 --  18 MR. McELWEE: 77 units.  19 MS. PILKINGTON: -- 77 units but it was  20 zoned at 110?  21 MR. BOYCE: No. I said that the  22 Certificate of Need that they applied for was for 110  23 beds. That is my recollection.  24 MS. PILKINGTON: Okay. How much -- how  25 much of that 73 beds or 110 and is currently utilized.</p>	<p style="text-align: right;">67</p> <p>1 by the.  2 MEMBERS OF THE PUBLIC: We can't hear  3 you.  4 MR. SZABO: The settlement agreement  5 called for 271 prospective new units. We were able to  6 meet 30 of those. We have an unmet need of 240 which  7 means that the obligation is greater than our ability  8 right now to provide for it so that there are other  9 mechanisms that were put in place to make up for that  10 difference, like an area-wide municipal obligation  11 ordinance. For example, when applications come in for  12 residential development, they are required to set  13 aside as they come so that we capture those COA units  14 for any future development and, whatever balance is  15 left at the end of the third round, probably will  16 carry over into the fourth unless there's some magic  17 wand that makes it all go away through some miracle of  18 legislation that's never going to come so the reality  19 is that we are at a deficit because we took what's  20 called a "vacant land adjustment" because, as we know,  21 the town is fairly well developed and what's left is  22 environmentally sensitive so we had to parcel out and  23 identify those parcels that presented a reasonable  24 opportunity for development. Pearson was one of those  25 because they were vacating the premises and it was</p>
<p style="text-align: right;">66</p> <p>1 MR. BOYCE: Well, that's a great question  2 because there was COVID occupancies, pre-COVID  3 occupancies and, now, there's coming out of COVID.  4 The market study that we have done shows that all the  5 state communities that are currently operational have  6 about an, I think, an 83 to 85 percent occupancy.  7 It's typical for assisted living to run at 93 percent  8 occupancy so that's why I'm comfortable with that. I  9 would generally be 90, 93, 94 people in a community.  10 No -- nobody runs at 100 percent occupancy typically  11 because of the high-turnover part of the business but  12 Sunrise is probably 85, 90 percent.  13 MS. PILKINGTON: And that was my second  14 question, was what is the -- what is the average  15 turnover of these facilities?  16 MR. McELWEE: Again, pre-COVID, I would  17 say it's about 30 percent per year of the 86 year olds  18 that are frail with turnover I can get a better figure  19 for it but I think it's about 30 percent.  20 MS. PILKINGTON: I have a question with  21 regards to COA. We're currently at 225 and you're  22 saying we're running at a deficit?  23 MR. SZABO: I can address that.  24 The settlement agreement that was  25 approved by the courts and the plan that was generated</p>	<p style="text-align: right;">68</p> <p>1 available we negotiated that to meet our unmet need.  2 It didn't go into our perspective need number need  3 number for realistic development potential which is an  4 obligation you have to meet so we're kind of kicking  5 it down the road and we're trying to capture as many  6 development opportunities as they come forward. The  7 borough is not under any obligation to build any of  8 this.  9 MS. PILKINGTON: Okay.  10 MR. SZABO: We -- what is required is  11 that we create an opportunity to provide for what's  12 called our "fair share" under the Mount Laurel  13 doctrine so the total number of units is 271, we have  14 an unmet need of 240.  15 MS. PILKINGTON: Okay.  16 MR. SZABO: This would go towards unmet  17 need.  18 MS. PILKINGTON: Unmet need and, like you  19 said, we're currently -- there's not a lot of vacant  20 land left.  21 MR. SZABO: And the court and Fair Share  22 Housing Council and others recognize that; however,  23 the obligation didn't go away because -- and again, we  24 went through this during a hearing. We presented the  25 housing plan. The numbers are generated by -- as a</p>

<p style="text-align: right;">69</p> <p>1 function of -- and gets apportioned out to</p> <p>2 municipalities based on certain demographic conditions</p> <p>3 and it's a formula and that's the number we came up</p> <p>4 with for Old Tappan but you're allowed to take a --</p> <p>5 for the vacant land, an adjustment saying we can't</p> <p>6 build all these right now. The problem being is that</p> <p>7 obligation doesn't go away. It stays and hangs over</p> <p>8 you until you satisfy it. Those are the COA</p> <p>9 regulations or the state regulations that the courts</p> <p>10 follow when we present our housing plan to the courts.</p> <p>11 MS. PILKINGTON: So it can be kicked down</p> <p>12 the road indefinitely?</p> <p>13 MR. SZABO: No. Because, at some point,</p> <p>14 there will be a reconning. We need to inform them of</p> <p>15 changes to the plan that are significant. It's an</p> <p>16 ongoing process that will never go away as Mr. Regan</p> <p>17 said. It's just a perpetual obligation that will be</p> <p>18 with us for a long, long time.</p> <p>19 MS. PILKINGTON: Okay. Thank you.</p> <p>20 MR. SZABO: And if Pearson had not been</p> <p>21 put into the vacant land, the state would have come</p> <p>22 back with a potentially much larger impact, correct?</p> <p>23 MR. SKRABLE: That -- that is absolutely</p> <p>24 correct and -- and we went through that during the</p> <p>25 hearings with the housing plan. The idea was we</p>	<p style="text-align: right;">71</p> <p>1 or we allocated 40 units for that.</p> <p>2 MR. SZABO: Yes. I can confirm that.</p> <p>3 MR. MAMARY: 40 units, would that come</p> <p>4 off the 21 --</p> <p>5 MR. SZABO: Yes.</p> <p>6 MR. MAMARY: -- the 230 number?</p> <p>7 MR. SZABO: It would come of the unmet</p> <p>8 need of 240.</p> <p>9 MR. MAMARY: 240. So we might be down to</p> <p>10 200 at this point?</p> <p>11 MR. SZABO: Correct.</p> <p>12 MR. MAMARY: Okay. And the 271 was a</p> <p>13 negotiated settlement we actually determined to be in</p> <p>14 our best interest to accept the 271 and that was --</p> <p>15 that was, supposedly, a good deal, correct. I mean --</p> <p>16 I mean -- so we had 200 more units that we're required</p> <p>17 to build in our town.</p> <p>18 MR. SZABO: Let's put it in context.</p> <p>19 MR. MAMARY: Right.</p> <p>20 MR. SZABO: The risk of higher numbers --</p> <p>21 MR. MAMARY: Right.</p> <p>22 MR. SZABO: That was edited in our</p> <p>23 discussions with the court and Fair Share and that's</p> <p>24 where the negotiations came in.</p> <p>25 CHAIRPERSON WEIDMANN: Yes, ma'am?</p>
<p style="text-align: right;">70</p> <p>1 negotiated favorable numbers for the borough; such</p> <p>2 that, we lowered -- we took lower development</p> <p>3 densities, for example, that mightn't have otherwise</p> <p>4 occurred had we have held out and litigated in court</p> <p>5 which, of course, is much higher densities and much</p> <p>6 more intense development of the borough so it becomes</p> <p>7 a negotiating process pursuant to the rules and that's</p> <p>8 how the numbers arise and Pearson could have</p> <p>9 redeveloped a much, much, much higher density but the</p> <p>10 borough proposed what they felt was a fair settlement.</p> <p>11 MS. PILKINGTON: Okay. Thank you.</p> <p>12 MR. MAMARY: John, ca.</p> <p>13 N you just tell the residents what Pearson is</p> <p>14 contributing towards our requirement and is that</p> <p>15 included in what -- I don't believe it is it --</p> <p>16 included in what we've already been able to produce so</p> <p>17 far, the 30 that you claim?</p> <p>18 MR. ABODE: Yeah -- I -- that -- the</p> <p>19 numbers out of Pearson are going towards unmet need.</p> <p>20 We negotiated that because it, technically, wasn't a</p> <p>21 vacant parcel so we were able to get that off of our</p> <p>22 unmet need. I'd have to look up the number so it</p> <p>23 could be exact and I can do that in about two minutes.</p> <p>24 MR. MAMARY: Okay. But I -- I -- I was</p> <p>25 under the impression that we were -- we were required</p>	<p style="text-align: right;">72</p> <p>1 MS. FONOROW: Hi. Sherry Fonorow, 256</p> <p>2 Old Tappan Road.</p> <p>3 Thank you. I have a lot of questions.</p> <p>4 I'm sorry. I have quite a few questions. I want to</p> <p>5 make sure I ask them in the proper order.</p> <p>6 I will say, Joe, who you said makes all</p> <p>7 those promises, he didn't -- he promised to call me</p> <p>8 back after Labor Day. He never did.</p> <p>9 MS. PRICE: I would like to ask first --</p> <p>10 MR. McELWEE: For the record, we did</p> <p>11 speak a while ago, one on one, you and I, called you</p> <p>12 up directly out of courtesy so I did speak to you.</p> <p>13 MS. FONOROW: Right. Before Labor Day</p> <p>14 and --</p> <p>15 MR. McELWEE: I don't remember the Labor</p> <p>16 Day thing but I did --</p> <p>17 MS. FONOROW: Yeah. It was before Labor</p> <p>18 Day. You said "I'll call you after Labor Day." I</p> <p>19 said, "Okay. No problem."</p> <p>20 MR. McELWEE: Okay. I apologize.</p> <p>21 MS. FONOROW: That's the last</p> <p>22 communication I've had at all. There was no follow</p> <p>23 up.</p> <p>24 Well, first off, the original plans</p> <p>25 submitted, they -- they did not include keeping the</p>

<p style="text-align: right;">73</p> <p>1 stone house. The driveway isn't different. I have a  2 note what the original plans look like.  3 At what point did you change the plans  4 and why did you change them?  5 MR. McELWEE: We realized the historic  6 significance of the house and we addressed them.  7 MS. FONOROW: Okay. The head of the  8 Bergen County Historical Society was there today.  9 They are looking at it so it seems they might have a  10 difference of opinion as far as their experience --  11 MR. REGAN: Ma'am, a question.  12 MS. FONOROW: Sorry.  13 MS. PRICE: They were on our property  14 today?  15 MS. FONOROW: They were outside.  16 MS. PRICE: But you know -- you have  17 personal knowledge that they were on the property?  18 MS. FONOROW: I spoke to the gentleman.  19 There was reporter --  20 MEMBER OF THE PUBLIC: Don't say that.  21 What are these questions? Be quiet.  22 MS. FONOROW: Because I -- I'm just  23 repeating a conversation. I'm reading -- repeating a  24 conversation. It was on the news tonight.  25 When did you also -- when did you add --</p>	<p style="text-align: right;">75</p> <p>1 he was going to get us that information.  2 MS. FONOROW: Okay. Okay.  3 Then, my other question is: You're  4 saying that -- we all want places for our seniors to  5 live, especially when you're older. Most of them move  6 to Florida when they're that age if you can so who is  7 this -- I'd like to know: What is the benefit if  8 you're saying these are people that are old and frail?  9 I know you're saying you are assuming they are parents  10 of people that live in this community. There's been a  11 lot of statistics and work done. There's at least a  12 dozen assisted livings. CareOne is under a major  13 expansion.  14 MR. REGAN: Can you ask a question?  15 MS. FONOROW: I'd like to know where you  16 got -- well, I'd like to know -- well, you weren't  17 involved -- were you involved with the Artis Senior  18 Living project or, no, just Ms. Price.  19 MR. McELWEE: That's a different company.  20 MS. FONOROW: Ms. Price was. Okay. So  21 she's familiar with getting things done here.  22 MS. PRICE: Is there a question, Mr.  23 Regan?  24 MR. REGAN: I hope so.  25 MS. FONOROW: I guess the question -- I'm</p>
<p style="text-align: right;">74</p> <p>1 and correct me if I'm wrong. When did you add this --  2 the COA low income? Was this always the original  3 plan.  4 MR. McELWEE: It's part of any  5 applications in the Department of Health.  6 MS. FONOROW: Okay. Wanted to be clear  7 on that.  8 And just going back to moving the  9 building, on the plans -- on the new plans that I  10 looked at comparing to the old plans, it looks like  11 the stone house and, if you go to Wikipedia and go to  12 Old Tappan, you see a picture of the stone house.  13 This historic people there today -- the  14 original section looks like it's around a third maybe,  15 not half, but then the other -- there's a middle  16 section that over a hundred years old plus and then  17 another section.  18 It doesn't look -- I mean, has this been  19 measured --  20 CHAIRPERSON WEIDMANN: Question?  21 MR. REGAN: Question, I feed a question.  22 MS. FONOROW: Has it been measured? As  23 far as moving that hospitalization, would it fit  24 between the barn and the road?  25 CHAIRPERSON WEIDMANN: The gentleman said</p>	<p style="text-align: right;">76</p> <p>1 sorry.  2 I want to get an idea how many 86 year  3 olds are currently living in Old Tappan.  4 MR. McELWEE: I don't have that  5 information. I testified to how many are in a 5-mile  6 radius.  7 MS. FONOROW: Well, I'd like to -- how  8 many residents actually do you think -- what are your  9 monthly charges going to be?  10 MR. McELWEE: That has nothing to do with  11 the land use application.  12 MS. FONOROW: It doesn't? Okay.  13 CHAIRPERSON WEIDMANN: Ma'am, keep it  14 limited to his testimony please or I'm going to have  15 to ask you to sit down.  16 MS. FONOROW: Okay.  17 MEMBER OF THE PUBLIC: So the question  18 is: What is the benefit?  19 MS. FONOROW: What's the benefit since it  20 appeals to just such a small percentage of the  21 population?  22 MR. McELWEE: Well, there are 45 to 64  23 year olds in Old Tappan. Presumably, just like every  24 other town, they want the best for their mother or  25 father for the last 23 months of their life. We are</p>

<p style="text-align: right;">77</p> <p>1 going to be building a state-of-the-art -- excuse me--</p> <p>2 we are going to be building a state-of-the-art</p> <p>3 community that has not been built here for over 25</p> <p>4 years since the Sunrise of Old Tappan was developed.</p> <p>5 The benefit to the town will be this</p> <p>6 community, the COA units, the Medicaid beds, a</p> <p>7 facility that will allow people to stay in Old Tappan</p> <p>8 as the Silver Tsunami comes in rather than going to</p> <p>9 Harrington Park or Cresskill or some of the other</p> <p>10 communities so will they all be from Old Tappan? Of</p> <p>11 course not but they'll be from a 3- to 5-mile radius</p> <p>12 that's our experience.</p> <p>13 MS. FONOROW: My last -- my last.</p> <p>14 MR. McELWEE: And the property taxes that</p> <p>15 we'll be paying, that'd be the other benefit for the</p> <p>16 borough.</p> <p>17 MS. FONOROW: Okay. I can't address that</p> <p>18 without a question but, the size, would you say, in</p> <p>19 your opinion -- and you may be the wrong person to</p> <p>20 ask -- would you say that the size -- well, would you</p> <p>21 agree that, with your change in trying to appease the</p> <p>22 public on donating the land, a portion of the land to</p> <p>23 the town, preserving supposedly the wetlands and it is</p> <p>24 a vernal pool and, the stone house, would you say that</p> <p>25 you've changed the footprint really at all of what was</p>	<p style="text-align: right;">79</p> <p>1 CHAIRPERSON WEIDMANN: -- you know --</p> <p>2 when the time comes up, you can ask those questions.</p> <p>3 MR. McELWEE: I would like to give you a</p> <p>4 little bit of information. I think you're getting:</p> <p>5 Is this an appropriate size parcel for this building?</p> <p>6 MS. FONOROW: That is -- that is one of</p> <p>7 my questions.</p> <p>8 MR. McELWEE: Well, we could talk about</p> <p>9 1.8 acres in Mountainside, 3.83 in Norwood. We can</p> <p>10 talk about 3 acres in Morris Plains. I can give you a</p> <p>11 lot of example.</p> <p>12 MS. FONOROW: Well, I'm talking about Old</p> <p>13 Tappan. I don't know the population of those towns or</p> <p>14 I don't know anything about those towns.</p> <p>15 MR. McELWEE: They are all right around</p> <p>16 the exact same size and they're all right around that</p> <p>17 3- to 4-acre parcels.</p> <p>18 MS. FONOROW: Okay. Then maybe saying --</p> <p>19 can you tell me the benefit that that's brought to</p> <p>20 these towns and the community that you know of now</p> <p>21 that you've built it?</p> <p>22 MR. McELWEE: I think you have to</p> <p>23 realize, the family members of 45 to 64 year olds who</p> <p>24 live in this town, they are very happy that they can</p> <p>25 put their mothers and fathers in our communities;</p>
<p style="text-align: right;">78</p> <p>1 originally proposed?</p> <p>2 MR. McELWEE: Of course we have. We</p> <p>3 pushed it further back and 60 feet off the road to</p> <p>4 allow for the proper circulation of the driveway</p> <p>5 coming up and to allow, you know, the proper setbacks</p> <p>6 from the church and the proper setbacks from the rear.</p> <p>7 MS. FONOROW: Well, have you lowered the</p> <p>8 sighs of the building? I know it's like 4,000 feet,</p> <p>9 not even, but have you taken into consideration -- the</p> <p>10 variances you're looking for, basically, stretch,</p> <p>11 it -- it looks like and I'm asking you if it does</p> <p>12 stretch on every single bit of land that's even able</p> <p>13 to be developed.</p> <p>14 MR. McELWEE: That's not true. I think</p> <p>15 --</p> <p>16 MS. FONOROW: I'm asking the question.</p> <p>17 MR. McELWEE: I just said it's not true.</p> <p>18 MS. PRICE: Mr. Chairman.</p> <p>19 CHAIRPERSON WEIDMANN: Yeah?</p> <p>20 MS. PRICE: This is only witness one. We</p> <p>21 have our entire case to be put in on the issue of the</p> <p>22 variances and the use of the land and each expert's --</p> <p>23 CHAIRPERSON WEIDMANN: I agree with you.</p> <p>24 Ma'am, I'm going to have to --</p> <p>25 MS. FONOROW: Okay.</p>	<p style="text-align: right;">80</p> <p>1 otherwise, they would be just vacant buildings out</p> <p>2 there but people have come to us at high occupancy</p> <p>3 rates because they like services and the product that</p> <p>4 we're delivering. That's the best I can answer.</p> <p>5 MS. FONOROW: Can I ask you if you think</p> <p>6 there's a need in this town to have three assisted</p> <p>7 livings --</p> <p>8 MR. McELWEE: I think there's a need --</p> <p>9 MS. FONOROW: In a quarter-mile radius?</p> <p>10 (Applause)</p> <p>11 MR. McELWEE: First of all, there's only</p> <p>12 right now. Old Tappan is one, right?</p> <p>13 MS. PRICE: Artis is approved.</p> <p>14 MR. McELWEE: Okay. It's approved. It</p> <p>15 is a different product. I've already testified to</p> <p>16 that. Sunrise is 25 years old. Do I think there's</p> <p>17 room for one in Old Tappan right now? Absolutely. A</p> <p>18 new product that's state of the art --</p> <p>19 MEMBERS OF THE PUBLIC: No.</p> <p>20 MS. FONOROW: Can I ask you if you live</p> <p>21 in Old Tappan?</p> <p>22 MS. PRICE: He's already testified --</p> <p>23 (Applause)</p> <p>24 MR. NARANG: Good evening. I'm from the</p> <p>25 spillover crowd over there so forgive me if any</p>

<p style="text-align: right;">81</p> <p>1 questions were --</p> <p>2 CHAIRPERSON WEIDMANN: Name and address?</p> <p>3 MR. NARANG: Narendra Narang, 1064</p> <p>4 Westwood Avenue, and I do promise to be brief and</p> <p>5 deliberate.</p> <p>6 So you talked about the construction</p> <p>7 buildings being moved, etc., a lot of engineering</p> <p>8 activity on the property and I'm going to assume and,</p> <p>9 again, I say this deliberately: None of this is going</p> <p>10 to be nocturnal, right? This is going to happen</p> <p>11 during the day so, given the proximity to the school,</p> <p>12 how do you account for the potential noise, the</p> <p>13 vibration? That would be my first question.</p> <p>14 MR. McELWEE: I can answer that one for</p> <p>15 you. We will comply with all township standards for</p> <p>16 construction hours, whatever that is, if it's 8:00 to</p> <p>17 5:00 or 9:00 to 6:00. Whatever they are, we will</p> <p>18 comply with that.</p> <p>19 School children, I don't know what time</p> <p>20 exactly the buses come there, 7:00, 7:30 but we will</p> <p>21 --</p> <p>22 MR. NARANG: It's published on the school</p> <p>23 website.</p> <p>24 MR. McELWEE: Okay. We will work with</p> <p>25 the school district and the borough to have the</p>	<p style="text-align: right;">83</p> <p>1 management company, in this case, Chelsea Senior</p> <p>2 Living, same one that's managing our Washington</p> <p>3 Township property. They hire the staff. They bill</p> <p>4 the resident directly so it stays -- it's not an</p> <p>5 off-site home health agency; it's all internal. The</p> <p>6 operating company deals directly with the resident or</p> <p>7 the resident's family.</p> <p>8 MR. NARANG: That's not the question I'm</p> <p>9 asking, though. The question I'm asking is, again --</p> <p>10 and this is public information. This is as it was</p> <p>11 written in the act and this was written deliberately,</p> <p>12 again, because of -- would you mean this is -- you</p> <p>13 know, there's financial gain involved here, right?</p> <p>14 It's an assisted living center. There's a business to</p> <p>15 be made out of it.</p> <p>16 In order to qualify for deductions and</p> <p>17 depreciations, the way it was written into as an act</p> <p>18 was certain -- so the residents that would, well,</p> <p>19 reside there would be offered -- so your -- your</p> <p>20 manage company isn't going to offer them healthcare</p> <p>21 services.</p> <p>22 MR. McELWEE: Yeah. They are.</p> <p>23 MR. NARANG: They're going to offer --</p> <p>24 they're going to get that directly from the healthcare</p> <p>25 providers.</p>
<p style="text-align: right;">82</p> <p>1 appropriate construction hours that meet all the</p> <p>2 guidelines that the borough has.</p> <p>3 As far as noise? Yes there's going to be</p> <p>4 noise for several months. I can't avoid that. I</p> <p>5 couldn't avoid that if there was three single-family</p> <p>6 houses or a school or a church or a daycare center or</p> <p>7 any of the permitted uses, by conditional or other</p> <p>8 uses, that could go on that property. I can't prevent</p> <p>9 noise from happening on a construction site. Is it a</p> <p>10 nuisance? Yes. Do we hope to get it over with as</p> <p>11 soon as possible? Yes. And we will work with the</p> <p>12 town to make sure we're doing it properly.</p> <p>13 MR. NARANG: Question two: Again, I am</p> <p>14 in no way, shape of form, an expert in this a area but</p> <p>15 upon some reading, I came across the fact that, as</p> <p>16 this was written into an act, to qualify -- and again,</p> <p>17 correct my misstatement, if needed to, but to qualify</p> <p>18 as an assisted living or a senior living facility,</p> <p>19 there were -- there would also be, the way the</p> <p>20 residents are billed, they're billed directly from the</p> <p>21 healthcare providers will also be performing services</p> <p>22 on site at that facility. Has that been accounted</p> <p>23 for?</p> <p>24 MR. McELWEE: Let me tell you how it</p> <p>25 works: There are we would hire a third-party</p>	<p style="text-align: right;">84</p> <p>1 MR. McELWEE: Yeah. The management</p> <p>2 company hires their staff to be the care managers, the</p> <p>3 RNs, the LPNs, that take care of the residents in the</p> <p>4 building.</p> <p>5 MR. NARANG: And they're all -- they're</p> <p>6 all going to be qualified doctors and --</p> <p>7 MR. McELWEE: I testified as to who the</p> <p>8 staff was, RNs, LPNs, medication, resident aides,</p> <p>9 dietary, executive directors. I testified already to</p> <p>10 that.</p> <p>11 MR. NARANG: But not doctors?</p> <p>12 MR. McELWEE: No.</p> <p>13 MR. NARANG: Okay. Thank you.</p> <p>14 CHAIRPERSON WEIDMANN: Yes, sir, in the</p> <p>15 back?</p> <p>16 MR. HOWE: Hi. My name is Bill Howe, 42</p> <p>17 Forest Avenue.</p> <p>18 Okay. Thank you. Three quick questions:</p> <p>19 How many of those units will be affordable units since</p> <p>20 we are concerned about our obligations here?</p> <p>21 MR. McELWEE: Five units, ten beds, ten</p> <p>22 COA units so ten towards the obligation or future</p> <p>23 obligation.</p> <p>24 MR. HOWE: Thank you.</p> <p>25 The second thing you mentioned is, on</p>

<p style="text-align: right;">85</p> <p>1 average, which, obviously, can be higher or lower,</p> <p>2 about two calls per week with your organization, is</p> <p>3 that correct, for an ambulance?</p> <p>4 MR. McELWEE: Correct.</p> <p>5 MR. HOWE: So right now, we are about 568</p> <p>6 so you are proposing about another hundred or so calls</p> <p>7 per -- per year on the ambulance corps?</p> <p>8 MR. McELWEE: If your math is correct,</p> <p>9 yes. I testified --</p> <p>10 MR. HOWE: Well, I think 2 times 52 is</p> <p>11 pretty close to a hundred, yeah. I'm a math teacher</p> <p>12 so I get it.</p> <p>13 MR. McELWEE: I'm thinking it's,</p> <p>14 approximately, 104. Again, Old Tappan may have</p> <p>15 different experiences at Sunrise. Every community has</p> <p>16 different experiences depending on the frailty, the</p> <p>17 amount of services they provide. Some communities,</p> <p>18 like Harrington Park, are independent living and</p> <p>19 assisted living so it's a different product. Memory</p> <p>20 care, maybe not so much. Nursing home is a different</p> <p>21 setup. I think about 104 was -- is a good estimate.</p> <p>22 MR. HOWE: Okay. Well, I guess our</p> <p>23 concern, to make it into a question, is that we're</p> <p>24 worried about spreading ourselves too thin and you</p> <p>25 indicated you might be able to help. I don't think</p>	<p style="text-align: right;">87</p> <p>1 impermeable areas or just the house itself?</p> <p>2 MR. McELWEE: That's impervious coverage.</p> <p>3 MR. SZABO: That was a floor area before.</p> <p>4 MS. PRICE: That's floor area.</p> <p>5 MR. REGAN: Floor area.</p> <p>6 MR. HOWE: So 8000-square-foot home floor</p> <p>7 area. Okay. So it doesn't include the outside so, if</p> <p>8 I may, how much land do you think will be covered of</p> <p>9 impermeable? Because I'm also on the Environmental</p> <p>10 Commission.</p> <p>11 MR. McELWEE: Will tell you the exact</p> <p>12 percentage of the amount of impervious and floor-area</p> <p>13 ratio.</p> <p>14 MR. HOWE: That's it. Thank you.</p> <p>15 MR. McELWEE: You're welcome.</p> <p>16 (Applause)</p> <p>17 MR. MAMARY: I just whispered something</p> <p>18 to our -- with my Board attorney and I asked him if we</p> <p>19 were able to increase the amount COA units that they</p> <p>20 were going to be proposing from more than ten and --</p> <p>21 MR. REGAN: The maximum is ten.</p> <p>22 MR. MAMARY: The maximum is ten that we</p> <p>23 could squeeze out of that, right? So I would like 20.</p> <p>24 MR. REGAN: That's the number that's</p> <p>25 required. Could he volunteer 20?</p>
<p style="text-align: right;">86</p> <p>1 it's necessary as much as the money but maybe -- can</p> <p>2 you find a way to get up some more volunteers?</p> <p>3 That was my question. Thank you.</p> <p>4 MR. McELWEE: I think that's an excellent</p> <p>5 point and I think that there's a way for -- we've done</p> <p>6 this with other townships in Pennsylvania and New</p> <p>7 Jersey that -- sponsoring a fair if will you for</p> <p>8 volunteers to come and hear from other professionals</p> <p>9 like yourself.</p> <p>10 MEMBER OF THE PUBLIC: No.</p> <p>11 MR. HOWE: We'd like to see that.</p> <p>12 MR. McELWEE: We're more than happy to do</p> <p>13 that.</p> <p>14 MR. HOWE: And if I may, my final</p> <p>15 question mentioned about 8,000 feet and I don't know</p> <p>16 exactly what you mentioned.</p> <p>17 MR. REGAN: That's four questions. You</p> <p>18 said there was three.</p> <p>19 MR. HOWE: I'm sorry.</p> <p>20 MR. REGAN: You're a math teacher.</p> <p>21 MR. HOWE: I lost a finger.</p> <p>22 We did have a comment here earlier about</p> <p>23 8,000 square foot and I don't exactly your -- how you</p> <p>24 do your calculations about the size of a house. Does</p> <p>25 that include the tarmac around the house and</p>	<p style="text-align: right;">88</p> <p>1 MR. McELWEE: You know what? If I was an</p> <p>2 independent living community, yes, but there's so much</p> <p>3 care involved in this model that that would be</p> <p>4 impossible to do.</p> <p>5 CHAIRPERSON WEIDMANN: Anyone else wish</p> <p>6 to be heard?</p> <p>7 Yes, sir?</p> <p>8 MR. LEVINE: My name is Bob Levine. I</p> <p>9 live at 3 Kline Court, Old Tappan.</p> <p>10 I have a question for you: I know you</p> <p>11 testified that you think this is going to be really</p> <p>12 good for our community for all the reasons you stated</p> <p>13 with all the elderly people and all the younger people</p> <p>14 putting their parents in and I know this is got to be</p> <p>15 a for-profit organization, correct.</p> <p>16 MR. McELWEE: Yes, sir.</p> <p>17 MR. LEVINE: So you see some definite</p> <p>18 benefit. This is going to be great for our town but</p> <p>19 can you tell me, honestly, do you think people in this</p> <p>20 audience think this is going to be great for our town?</p> <p>21 MR. REGAN: That's not a relevant</p> <p>22 question.</p> <p>23 MS. PRICE: No. No.</p> <p>24 (Applause)</p> <p>25 MR. LEVINE: Irrelevant? I don't think</p>

<p style="text-align: right;">89</p> <p>1 it's irrelevant, no. It's right in the wheelhouse. I  2 asked him a personal question.  3 MS. PRICE: Mr. Regan --  4 MR. LEVINE: He testified to the  5 benefits. I'm asking him where he came up with that  6 decision.  7 MS. PRICE: This witness is not qualified  8 to testify to everyone's benefits in this room just  9 like you're not qualified.  10 MR. LEVINE: I asked him -- I asked him  11 his interpretation. Does he think that it's good for  12 the rest of the people in this room thought it was  13 good? I didn't ask him if all of the people in the  14 room thought it was good.  15 MR. McELWEE: I'll answer you this way:  16 If people in this room are 45 to 64 years old and they  17 want live -- if there are any of you in that  18 demographic and you want the best place for your  19 mother or grandmother, then I think we're going to be  20 providing an excellent option. If you are a mother of  21 small children at one of the schools and you have an  22 opportunity for volunteer work at an assisted living  23 community or the church next door or the public school  24 across the street, I think it's an excellent  25 opportunity for mothers who have small children here.</p>	<p style="text-align: right;">91</p> <p>1 requirements. Can't we take -- there's a lot of  2 townhouses and a lot of condo type places and houses  3 that have already been built. Why can't we re-purpose  4 some of those as people move out to meet the  5 requirements?  6 MR. REGAN: The market rating, it's --  7 when your property is that way...  8 MS. KING: But it could be a way for us  9 to do it somehow instead of just tearing down trees.  10 It's, like, the requirement doesn't say you have to  11 build new, right?  12 MR. SZABO: That has to be funded.  13 There's no validity to it. You can't go to somebody  14 who owns million-dollar townhouse that has going to  15 take affordable to a family that makes 20,000 a year.  16 There's no feasible way to do that. It's done through  17 new construction and mostly and rehab and we a rehab  18 program.  19 MS. KING: So we can take existing  20 property that's already developed and -- like an older  21 house or something like that?  22 MR. SZABO: And the plans calls for an  23 effective apartment program. That doesn't get is  24 anywhere near the unmet need. We have a rehab  25 obligation of seven. The rehab program that's being</p>
<p style="text-align: right;">90</p> <p>1 For the 75-year-olds or 85-year-olds who are frail, I  2 think this is a tremendous opportunity for those.  3 Does everybody meet that demographic in this room?  4 No.  5 MR. LEVINE: You didn't answer my  6 question.  7 (Applause)  8 MEMBER OF THE PUBLIC: This is Town Hall.  9 MS. PRICE: Mr. Chairman, we are also  10 making a record with the transcriber so I understand  11 everyone has an opinion and clapping and the whatnot  12 but it's hard to get the transcript, which everybody  13 wants to have, down so I would just ask --  14 MR. REGAN: Everyone will have an  15 opportunity.  16 CHAIRPERSON WEIDMANN: Right. You know,  17 everyone will have an opportunity. Maybe we'll have  18 slightly different guidelines for the next open  19 session.  20 Yes, ma'am?  21 MS. KING: I have a question about the --  22 MR. REGAN: Name and address, please?  23 MS. KING: I'm sorry.  24 Wendy King, Dearborn Drive.  25 I have a question about the COA</p>	<p style="text-align: right;">92</p> <p>1 implemented, it doesn't get us anywhere near 204 units  2 so it's all -- it's done through redevelopment like we  3 did on Pearson. The townhouses that are being built  4 on Central, that had an obligation so new things  5 coming on line are obligated to provide affordable  6 housing.  7 MS. KING: So how many affordable houses  8 do we get on Central?  9 MR. SZABO: Six because it's capped at a  10 percentage. If it's for sale, 20 percent, whatever is  11 being proposed, a condo or a townhouse or a  12 development that's for sale is 20 percent, if it's a  13 residential, 15 percent. This is treated differently  14 under the law, because it is an assisted living  15 facility, it's 10 percent of the beds and each bed  16 actually qualifies as a unit towards our obligation.  17 MR. REGAN: And there'll be Medicaid  18 beds.  19 MR. KING: Is there an obligation in COA  20 for Medicaid beds?  21 MR. REGAN: Has an obligation in this  22 type of development.  23 MR. SZABO: It's 10 percent and we get  24 credits for that.  25 MS. KING: I would just like to re-</p>

<p style="text-align: right;">93</p> <p>1 purpose existing land that's been torn down.  2 (Applause)  3 MR. ELLER: Can I make a quick comment,  4 Bob?  5 CHAIRPERSON WEIDMANN: When we're done,  6 you can make your comments.  7 MS. FAJARDO: Good evening. Henry  8 Fajardo, 10 Stewart Court, Old Tappan.  9 You keep referring to that demographic,  10 45 to 60, I think?  11 MR. McELWEE: 45 to 64.  12 MR. FAJARDO: 45 to 64 and how we love  13 our parents and, you know, we'd do anything for them,  14 right, especially in their frail state and, you know,  15 as they get older, right?  16 I recently lost my father. My mother is  17 81, I think. I have her in Northvale and you know  18 what? I'm all for this if I can afford it. If I  19 can't afford it, what's -- for me, there's no benefit,  20 right? So again, based on your extensive experience,  21 I think the question was asked: How much do you  22 charge or what would it be? And somebody said you  23 can't answer that or -- I mean, just approximately.  24 Because you've been doing this for so long, how much  25 would it cost for a guy like me to put my mother in</p>	<p style="text-align: right;">95</p> <p>1 it's, you know, \$20,000 a month out of my pocket, I  2 don't have that. Yeah, I don't know so I'm asking the  3 question again.  4 You're the one with the experience. I  5 don't have experience in this. I just dealt with my  6 father six months ago and now I need to look at my  7 mother so...  8 MR. McELWEE: I can tell you that Sunrise  9 of Old Tappan charges for assisted living, not memory  10 care, charges about \$200 a day times 365 days, 6  11 grand, 65, whatever that is per year -- per month.  12 MR. FAJARDO: 6,000 per month?  13 MR. McELWEE: Right. That's about --  14 that's -- again, that is for a private. They also  15 have semi-private which would be maybe 60 to  16 70 percent of that. They also have --  17 MR. SZABO: And the numbers include the  18 care and the food.  19 MR. McELWEE: Yeah. They do they and  20 there are different levels and -- so there's three  21 levels. There's Medicaid which we testified to, about  22 \$124 a day, zero to the resident zero to you, zero to  23 your mother. Semi-private units could be 4 to 5,000  24 dollars depending on how new the facility is and what  25 their staffing level is and there's other amenities.</p>
<p style="text-align: right;">94</p> <p>1 there?  2 MR. McELWEE: Well, I'll answer that a  3 couple ways. We are providing the ten Medicaid beds  4 so your mother -- I think that the state reimburses us  5 \$124.70 a day.  6 There are other semi-private  7 accommodations to answer one of the questions up here.  8 The semi-private accommodations bring the cost down to  9 about 65 percent of a private room rate.  10 The other private rooms would be  11 competitive with what the market is at the time. If  12 we're successful with this Board, we may go through a  13 year of construction. Whatever the market is at that  14 time, we'll be competitive with all the other newer  15 facilities.  16 MR. FAJARDO: Well, what's the market  17 today? I mean, just -- just -- just an opinion. I  18 mean, let's -- I mean, because I'll -- I'll be the  19 first one to fight with you and for this complex if I  20 -- you know, if I have the possibility that my mother  21 will be able to live there, right? She'll be ten  22 minutes from the grandchildren. She'll be within  23 walking distance to -- she'll be across the street  24 from the community center which -- which is right  25 here. I mean it is a great benefit, right? But if</p>	<p style="text-align: right;">96</p> <p>1 I'm sure Harrington Park could be \$10,000 a month. It  2 depends on the size of the unit. It could be 900  3 square feet. It could be 350 square feet. It could  4 be semi-private. It could be Medicaid. The goal is  5 to have a product for everybody who wants to come into  6 that community and, for some people who come in at a  7 high rate, the reason we have semi-private units, if  8 they spend down their income and they want to stay in  9 the community, they can come into a semi-private room  10 or, if they are indigent, they can transition into a  11 Medicaid bed so we try to have multiple levels of  12 affordability.  13 MR. FAJARDO: Understood. Thank you.  14 And out of these ten Medicare beds, I  15 mean, what's -- granted, because you guys seem to have  16 all the statistics. I mean, how many people would be  17 applying for this? Because I assume you'd have to  18 apply and meet certain criteria in order to get in so  19 you have the demographics of all of the people in the  20 5 miles and, you know, it's -- it's great. I mean,  21 I've learned so much from your -- from your testimony  22 and I thank you for that.  23 But out of -- out of this demographic,  24 again, we're talking about my mother, not even my  25 father because he's -- he's not with us anymore, I</p>



<p style="text-align: right;">97</p> <p>1 mean, what kind of hurdles and -- and who is she in  2 competition with? Is she -- is she going to be one of  3 twelve people, you know, to get one of these beds or  4 is she going to be one of 4,000 people? Because the  5 tsunami is coming, right?  6 MR. McELWEE: I'll tell you --  7 MR. FAJARDO: That's like the new word,  8 "tsunami," COVID tsunami, this tsunami. It's all  9 about tsunamis now, right?  10 MR. McELWEE: The tsunami is coming but  11 the tsunami doesn't come with ten people day one when  12 you open up your doors, unfortunately. We wish all  13 ten Medicaid residents go in here. Now, it normally  14 takes about 18 to 24 months to completely lease up a  15 community because of the frailty, because of the  16 turnover that I testified to so we don't have ten  17 Medicaid residents coming in day one. You don't have  18 ten semi-private residents coming in day one. It's  19 normally over a 24-month period so I think your mother  20 would be fine. She'd have the -- the first shot at.  21 You'll be the first one to see the marketing trailer  22 and, you know, local residents, obviously, have a  23 better view of the marketing efforts than people that  24 are 4 -- 3, 4 or 5 miles away.  25 MR. FAJARDO: Any idea how many people</p>	<p style="text-align: right;">99</p> <p>1 MR. MAMARY: I happen to be a CPA.  2 MR. McELWEE: Let me just follow up  3 briefly if I can. People get sticker shock when they  4 hear about assisted living, 6,000, 8,000, 10,000. If  5 you looked at what your mother currently spends in a  6 single-family house, condo or apartment and all the  7 maintenance she has and property taxes she has and the  8 food that she has, pretty soon, you approach what an  9 assisted living residence would cost. I think you  10 have to dive into all the expenses of what you'd be  11 paying for your mother to find out whether this was  12 affordable.  13 MR. FAJARDO: Well, I paying everything  14 for my mother and I can tell you, a mortgage that I  15 have out under my name for her and all her living  16 expenses is well under 4,000 per month, well under  17 4,000.  18 MR. McELWEE: She's got a great son.  19 MR. FAJARDO: Yeah. But again, I can't  20 afford what you're proposing so, for me, this is of no  21 benefit.  22 Thank you.  23 MR. McELWEE: The building is not for  24 everybody. Hopefully, you know, it will be for you.  25 MR. FAJARDO: Maybe I'll get a scratcher</p>
<p style="text-align: right;">98</p> <p>1 are out there vying for these, you know, free beds or  2 low-income beds?  3 MR. McELWEE: I'm sure there's a lot,  4 unfortunately.  5 MR. FAJARDO: I'm sure there's a lot.  6 Okay.  7 All right. I mean, again, I -- I -- I --  8 unless I can afford it, I see no benefit for this in  9 my town and I'm --  10 (Applause)  11 MR. FAJARDO: -- and I'm a pretty high-  12 net individual but I don't see this -- again, if --  13 the semi-privates and -- and we're going by the 25-  14 year-old complexes, 45 to 6,000 and, you know, we're  15 giving away all this land, we're paying taxes, we're  16 doing all this, you know, wonderful things, I mean, at  17 the end of the day, somebody has to pay for this,  18 right? So -- so I'm going to have to guess that, you  19 know, on an average of even 6 to 8,000 a month which,  20 I'm guessing, is probably more but again I don't know.  21 I can't afford that, right? So 100,000 a month, you  22 know, net after taxes, right?  23 MR. MAMARY: A hundred a year.  24 MR. FAJARDO: Yeah. I'm not the math  25 teacher but yeah.</p>	<p style="text-align: right;">100</p> <p>1 tomorrow.  2 MR. MAMARY: I have a question. This is  3 important and about the affordability. Do you provide  4 enough services to some of your residents to qualify  5 them as a medical expense and, therefore, a tax  6 deduction of the full amount that they pay to your  7 organization?  8 MR. McELWEE: That's a tremendous  9 question. I'm going to get the finite answer for you  10 next time but there is a portion of the level of care,  11 maybe Level of Care 3 or 4 or 5, where -- or ambulance  12 transfers. There's a lot of things that do qualify  13 for reimbursement or tax benefits for assisted living.  14 MR. MAMARY: Well, that would make that  15 young man's mother's residency affordable if he could  16 deduct the \$90,000 as a medical expense.  17 MEMBER OF THE PUBLIC: Memory care,  18 maybe.  19 MR. MAMARY: No. You can do that. Nope.  20 You can do that. I do do that.  21 MR. POCOVNICU: My name is Adrian  22 Pocovnicu. That's 226 Orangeburgh Road.  23 So regarding the benefit, right, I know  24 you got the statistics but was there a survey done in  25 the town to the residents if they really see a benefit</p>

<p style="text-align: right;">101</p> <p>1 or not? Did you?</p> <p>2 MR. McELWEE: Do you think that we</p> <p>3 benefit?</p> <p>4 MR. POCOVNICU: No. Did you do a survey</p> <p>5 in the town to ask the residents if they think it's a</p> <p>6 benefit? The 45 to 65 years old, did you send a</p> <p>7 survey out, "Are you 45 to 60 years old." No.</p> <p>8 MR. McELWEE: We don't have to do that.</p> <p>9 MR. POCOVNICU: I know; I know. But you</p> <p>10 want -- you're saying there is benefit.</p> <p>11 MR. McELWEE: Yeah.</p> <p>12 MR. POCOVNICU: But why didn't you</p> <p>13 confirm there's a benefit?</p> <p>14 MR. McELWEE: Well, we know there's a</p> <p>15 benefit because we know that, within a 1-, 3- and 5-</p> <p>16 mile radius, we know how many --</p> <p>17 MR. POCOVNICU: I know so is it a benefit</p> <p>18 to the residents of Old Tappan?</p> <p>19 MR. McELWEE: Of course.</p> <p>20 MR. POCOVNICU: There are -- supposedly</p> <p>21 because I don't know. They are only 6,000 people. A</p> <p>22 survey, I'm sure, cost less than a day of consulting</p> <p>23 her, right? A survey wouldn't have cost you any of</p> <p>24 that. You haven't done a survey to 6,000 people and</p> <p>25 see what they're saying, is there a benefit to them or</p>	<p style="text-align: right;">103</p> <p>1 MR. McELWEE: I have no idea.</p> <p>2 MR. POCOVNICU: So -- so you don't know</p> <p>3 if there's going to be a benefit to residents of Old</p> <p>4 Tappan. It could be but you don't know there is a</p> <p>5 benefit.</p> <p>6 MR. McELWEE: Of course, it's a benefit.</p> <p>7 People are living in there so it's benefiting some --</p> <p>8 it's benefiting --</p> <p>9 MR. POCOVNICU: But not -- not the</p> <p>10 residents of Old Tappan.</p> <p>11 MS. PRICE: I think he's answered. I</p> <p>12 think he's answered the question.</p> <p>13 CHAIRPERSON WEIDMANN: I don't think he</p> <p>14 would be investing in buildings if there wasn't a</p> <p>15 benefit or profit.</p> <p>16 MR. POCOVNICU: No. The question is: Is</p> <p>17 the benefit to the residents?</p> <p>18 CHAIRPERSON WEIDMANN: Ladies and</p> <p>19 gentlemen, listen, we need to take a break. Okay? In</p> <p>20 ten minutes, we will reopen and people that still have</p> <p>21 questions can ask questions but, at the rate we're</p> <p>22 going with this hearing, we'll be here a year. Okay?</p> <p>23 Ten minutes.</p> <p>24 (Recess taken)</p> <p>25 CHAIRPERSON WEIDMANN: I'll call the</p>
<p style="text-align: right;">102</p> <p>1 not, and that would have answered your question.</p> <p>2 MR. McELWEE: I don't think --</p> <p>3 MR. POCOVNICU: Your -- your -- your</p> <p>4 answer is you don't have to --</p> <p>5 MS. PRICE: No.</p> <p>6 MR. POCOVNICU: -- so the reason -- the</p> <p>7 reason why you don't have is because you didn't have</p> <p>8 to; you didn't do it, right? Because you don't care</p> <p>9 if there is a benefit or not.</p> <p>10 MR. McELWEE: I'm telling you that I've</p> <p>11 developed 150 of these in 150 different communities</p> <p>12 and I have use the same demographic criteria every</p> <p>13 time and I can tell, by looking at the 21,000</p> <p>14 qualified caregivers in Old Tappan and the 7700</p> <p>15 seniors that there's enough demand in a 3- to 5-mile</p> <p>16 radius to make this a successful community.</p> <p>17 I also know that I built the Sunrise 25</p> <p>18 years ago and I know that our building would be</p> <p>19 completely different than that building so it's a</p> <p>20 different niche, a different product also.</p> <p>21 MR. POCOVNICU: So how many residents of</p> <p>22 Old Tappan are using the Sunrise?</p> <p>23 MR. McELWEE: How many are from Old</p> <p>24 Tappan?</p> <p>25 MR. POCOVNICU: Yeah.</p>	<p style="text-align: right;">104</p> <p>1 meeting to order, please.</p> <p>2 Okay. We ready to reconvene the meeting?</p> <p>3 There was still a few people that had questions.</p> <p>4 Yes, sir? Come up, please.</p> <p>5 MR. CARPENTER: Hi. My name is Kurt</p> <p>6 Carpenter. I'm at 168 Central Avenue, Old Tappan.</p> <p>7 I had a couple of quick questions. You</p> <p>8 had mentioned earlier about shift schedule or what</p> <p>9 have you, something around 11:00 and 3:00. The --</p> <p>10 this may be even better for the traffic engineer but,</p> <p>11 at 3:00, it kind of coincides with the school and then</p> <p>12 letting out. Just like the Artis project, we had</p> <p>13 asked them, when they had mentioned that, if their</p> <p>14 schedule is going to be like that too. If the</p> <p>15 applicant could perhaps look at shifting that so that</p> <p>16 it would be less of a conflict, as it were, on the</p> <p>17 roadway? Is that something that you would consider?</p> <p>18 MR. McELWEE: We just had that same</p> <p>19 situation in Scotch Plains and we worked with the</p> <p>20 town, the school district and our traffic engineer to</p> <p>21 make sure that our shifts were a half an hour before</p> <p>22 any rush hour conflicts with the --</p> <p>23 MR. CARPENTER: Awesome. That -- that</p> <p>24 would be very helpful.</p> <p>25 And then, the last question I have was</p>

<p style="text-align: right;">105</p> <p>1 really getting to what is the compelling argument, in  2 your perspective, why the Board should rezone, should  3 grant the zoning variance, specifically, which is  4 their purview here, from residential? I believe it's  5 zoned residential?  6 MR. McELWEE: Yes.  7 MR. CARPENTER: Okay. From residential  8 to commercial or a mixed -- mixed residential?  9 MR. McELWEE: It's a residential. If --  10 assisted living residents, by the State of New Jersey,  11 classifies this as a residential use.  12 MR. CARPENTER: I see. Okay.  13 So apart from the very beneficial --  14 which would be nice -- COA credits which would be  15 great, what would be the benefit to the town to  16 consider changing it to allow this specific use which  17 is different than, like, say, a single-family home or  18 even subdividing the property into, like, three lots,  19 non -- in the non-environmentally sensitive area? So  20 like, three nice houses of 785,000 or whatever you  21 said the average value is, three properties on this  22 property now as opposed to a hundred -- a hundred  23 people at 80,000, what is that compelling argument for  24 granting that one variance?  25 MR. McELWEE: Okay. That was my Slide</p>	<p style="text-align: right;">107</p> <p>1 -- again, this is a traffic expert testimony that will  2 come.  3 MR. CARPENTER: Sure.  4 MR. McELWEE: Three single-family houses  5 generate, approximately, ten trips a day per house.  6 They're the ones going out at rush hour to school, to  7 the Dunkin' Donuts, to church, to synagogue so it's  8 not a net gain that we're just putting 83 units and --  9 and that's it. There's 30-or-so of this use. Now, I  10 don't know whether a church or a school or daycare  11 center or some of the other permitted uses would come  12 and have even more traffic, very likely that they  13 would have more than three single-family houses but  14 even three single-family houses is going to be 30  15 trips a day --  16 MR. CARPENTER: Sure.  17 MR. McELWEE: -- at rush hour.  18 MR. CARPENTER: And so your facility will  19 also be providing shuttle bus services for the  20 residents to Bi-State and Target and Closter and the  21 path?  22 MR. McELWEE: That is my final point. I  23 forgot about that.  24 MR. CARPENTER: Okay. Great. Have at  25 it.</p>
<p style="text-align: right;">106</p> <p>1 Number 1.  2 MR. CARPENTER: But I didn't hear it,  3 though. I heard a lot of statistics, the beneficial  4 use but I didn't hear the compelling argument besides  5 COA, besides COA.  6 MR. McELWEE: There's the COA use --  7 MR. CARPENTER: Besides COA, besides COA.  8 MR. McELWEE: Providing -- donating 2.12  9 acres to the town to preserve the wetlands and vernal  10 ponds on the environmentally sensitive areas. To move  11 what's presumably and obviously a very historic  12 structure on the property further west on the property  13 so that the town and the school children or whatever  14 could enjoy the use of that property and the history  15 that comes with it. The 45 to 64 year olds in this  16 town and other towns would have the first  17 state-of-the- art community built in 25 years  18 notwithstanding Artis which is a different product  19 completely.  20 MR. CARPENTER: Totally.  21 MR. McELWEE: And a lot of property  22 taxes, not putting any children in the school and  23 having one of the lowest traffic generators of any  24 land use that is out there with a client who just told  25 you would work around a school schedule and regarding</p>	<p style="text-align: right;">108</p> <p>1 MR. McELWEE: That shopping center could  2 use a shot in the arm.  3 MR. CARPENTER: Absolutely.  4 MR. McELWEE: To have 45- to 64-year-old  5 adult children going there before they visit their  6 mother or father, have caregivers and all the staff in  7 there shopping at that shopping center on a daily  8 basis, residents going there with their adult  9 children, I think that this particular use and it's  10 adjacent seat to that center may be just what that  11 center needs right now. It's certainly not going to  12 hurt it; it can only help it and it may spur on other  13 uses to go in there that would be complementary to  14 that we're doing, physical therapy, home health agency  15 whatever to get a shot in the arm for that -- for that  16 -- Bi-State, is it called?  17 MR. CARPENTER: Yeah. So -- but aside  18 from the uses that you just said, the town should  19 consider that much heavier use than and, arguably, a  20 single, very wealthy person purchasing it or three  21 other well-to-do people purchasing it and building  22 houses there you think that level is going to be more  23 appropriate for the town and would -- which would  24 reason that?  25 MR. McELWEE: This is my application.</p>

<p style="text-align: right;">109</p> <p>1 MR. CARPENTER: Sure.</p> <p>2 MR. McELWEE: I'll not applying for three</p> <p>3 single-family houses so I don't want to compare but I</p> <p>4 will say that this is an appropriate for our -- in my</p> <p>5 opinion, for this. The Board will decide whether I'm</p> <p>6 right or wrong. The Board will decide whether I met</p> <p>7 the criteria for an inherently beneficial use for</p> <p>8 state and federal requirements and, if they decide</p> <p>9 that, "Hey. You know what? This is overall, with all</p> <p>10 the things that Joe has just said, the benefits</p> <p>11 outweigh the negatives and I think that's what the</p> <p>12 Board is going to be looking at when they get to</p> <p>13 decision time and, if we're fortunate enough to get a</p> <p>14 decision, then we'll work with the town, the neighbors</p> <p>15 on all the other ordinances and construction and shift</p> <p>16 changes that are required.</p> <p>17 MR. CARPENTER: Thank you for your</p> <p>18 application.</p> <p>19 MR. McELWEE: Thank you.</p> <p>20 CHAIRPERSON WEIDMANN: Yes, ma'am?</p> <p>21 MS. BAGER: Hi. Anna Bager, 6 Klein</p> <p>22 Court, Old Tappan.</p> <p>23 Thank you for your presentation. Quick</p> <p>24 question and maybe -- maybe the members of the Board</p> <p>25 have some insight on this but, if, in fact, health</p>	<p style="text-align: right;">111</p> <p>1 MR. McELWEE: Great question.</p> <p>2 MS. BAGER: -- that could be sitting</p> <p>3 empty as well as well as the many, many others that --</p> <p>4 because -- I mean, I just lost both my parents so, you</p> <p>5 know, it doesn't affect -- it's not going to benefit</p> <p>6 me. Okay? It's not going to benefit me, your</p> <p>7 building. I understand how, some people, it can.</p> <p>8 We chose to take care of my mother in her</p> <p>9 home and there were rotation and, you know, we had</p> <p>10 temporary care at home and so on and it was great for</p> <p>11 her to die and live in the home that my father build</p> <p>12 in Holbrook, New Jersey. Okay?</p> <p>13 So I'm still thinking, like, how many</p> <p>14 people would love the option of having their -- their</p> <p>15 parents be at home with 24-hour care if that's what</p> <p>16 was necessary?</p> <p>17 MR. McELWEE: It's a great question. Let</p> <p>18 me answer it for you. Assisted living exists today</p> <p>19 because people can't take care of their mothers at</p> <p>20 home. It used to be, 50 years ago, that a husband</p> <p>21 worked, the mother stayed home took care of their</p> <p>22 mother-in-law. Today, men and women have been working</p> <p>23 for 20, 30 years. Both people have jobs, both people</p> <p>24 are inaccessible a lot of times to take care of their</p> <p>25 mother or father. That's one --</p>
<p style="text-align: right;">110</p> <p>1 insurance and Medicaid comes through to cover 24-hour</p> <p>2 home care for seniors and that becomes a reality which</p> <p>3 it looks like we may be going in that direction,</p> <p>4 could, in fact, this building end up being empty in</p> <p>5 ten years?</p> <p>6 MR. McELWEE: That's a tremendous</p> <p>7 question. People always say -- everybody wants their</p> <p>8 mother or grandmother --</p> <p>9 MS. BAGER: Do you want me to repeat the</p> <p>10 question?</p> <p>11 MR. McELWEE: You want me to do it for</p> <p>12 you?</p> <p>13 MS. BAGER: Sure.</p> <p>14 MR. McELWEE: The young lady is asking,</p> <p>15 if home healthcare becomes more prevalent with</p> <p>16 Medicaid and Medicare and other dollars coming into</p> <p>17 the healthcare system --</p> <p>18 MS. BAGER: 24-hour home care being</p> <p>19 covered by insurance.</p> <p>20 MR. McELWEE: -- wouldn't that take</p> <p>21 people out of assisted living residences? Well --</p> <p>22 MS. BAGER: And could we, in fact, have a</p> <p>23 beautiful building that may or may not dramatically</p> <p>24 affect the landscape of this beautiful town that we</p> <p>25 live in and the environment --</p>	<p style="text-align: right;">112</p> <p>1 MS. BAGER: Right. But that's -- we're</p> <p>2 talking about home healthcare agencies that will do</p> <p>3 that.</p> <p>4 MR. McELWEE: I'm going to get to that.</p> <p>5 MS. BAGER: Okay.</p> <p>6 MR. McELWEE: The one thing you can't get</p> <p>7 in your home and the care you just described, 24-hour</p> <p>8 around the clock, is much more expensive than assisted</p> <p>9 living. The one thing you cannot get in your home is</p> <p>10 the comradery and the personal care and the congregate</p> <p>11 -- congregate care, if you will, of having 50, 60, 80,</p> <p>12 100 people around you all day. Studies have been done</p> <p>13 that people live longer and are happier when they're</p> <p>14 interacting with other people. You can't do that in a</p> <p>15 single-family home. That's not enough for a lot of</p> <p>16 people. It might have been right for your mom. For</p> <p>17 most people in the country, the best environment for</p> <p>18 them is with other people and other staff members</p> <p>19 around. My father --</p> <p>20 MS. BAGER: No. I'm in healthcare myself</p> <p>21 so I do understand socialization and -- for seniors</p> <p>22 and people with disabilities and so on but I think</p> <p>23 that -- that the, you know -- if, in fact, your</p> <p>24 insurance is going to cover a large portion of this or</p> <p>25 Medicaid is going to cover a large portion of it, then</p>

<p style="text-align: right;">113</p> <p>1 it could, in fact, be less expensive than going into  2 an assisted living, you know, situation.  3 MR. McELWEE: When you're 86 and frail,  4 which is what an assisted living residence is, that's  5 a lot --  6 MS. BAGER: That's exactly how old my  7 mother was, 86.  8 MR. McELWEE: Okay. She's 86 and frail.  9 It's very difficult for the adult children, 45 to 64  10 year olds who are trying to take care of their mother.  11 That's very difficult on a daily basis when you have  12 your own children, your other family members to take  13 care of. That's why people choose assisted living  14 because they know, if they go to a quality company  15 that their mother will be in a congregate setting with  16 healthcare professionals nearby in case there is a  17 problem. People go to assisted living so they can get  18 three meals a day and linen service and housekeeping  19 and all the other activities of daily living that they  20 need when they are 86 and frail. You can't always get  21 that in a home or, at some point in your home,  22 regardless of how much home health you have, you're  23 still missing that social component that studies say  24 keeps residents living longer and happier.  25 MR. BEDIAN: I understand that too but in</p>	<p style="text-align: right;">115</p> <p>1 still thirteen years away from needing assisted living  2 and he's the oldest of the Baby Boomers. There's this  3 huge wave behind him and I'm right behind you that are  4 coming into this demographic so the Baby Boom hasn't  5 even hit yet for assisted living. It's hitting now  6 for 55-plus communities but we're thirteen years away  7 from 73 year olds needing assisted living on average.  8 CHAIRPERSON WEIDMANN: Anyone else wish  9 to be heard?  10 You were heard already.  11 Who else wishes to be heard? Anyone?  12 Yes, ma'am?  13 MS. SHERIDAN: Angeline Sheridan on Edith  14 Street.  15 Hi.  16 MR. McELWEE: Hi there.  17 MS. SHERIDAN: So my parents live out of  18 state so there's really no benefit to this property,  19 building for me and my family so I guess the next  20 obvious benefit is the tax -- you know, the tax  21 revenue that's going to come into the town so if you  22 could talk a little bit more about that? Because the  23 initial plan was, you know, 5-1/2 acres fully for  24 the -- for the facility and, now, you're going to  25 subdivide it and only -- you're going to donate 2-1/2</p>
<p style="text-align: right;">114</p> <p>1 your earlier presentation, you did mention that, you  2 know, this is, like, the family-oriented experience  3 and that you're near the grandchildren and your -- so  4 you know, like, in my situation, all of the four  5 children and my siblings and I, we live in the area so  6 we were, you know -- we looked at assisted living.  7 MS. PRICE: Is there a question, Mr.  8 Chairman?  9 MS. BAGER: We looked at that so I'm just  10 saying that isn't it possible that, given that option  11 to be -- for insurance to cover that, that it could  12 possibly?  13 MR. McELWEE: No. And if you look at the  14 number of beds that they say will be in deficit, I  15 talked about years 2026. I also mentioned 2050.  16 They're talking about the -- the lack of beds nursing,  17 assisted living and other beds that are needed in this  18 country. We can't even meet the need for that in the  19 future at the current rate that we're going with. The  20 home health won't have a -- will -- will barely put a  21 dent in what is actually going to be needed when the  22 Baby Boomers age. Baby Boomers are 1948 to 1964. The  23 oldest Baby Boomer born in 1948 is what? 72?  24 MEMBER OF THE PUBLIC: 73.  25 MR. McELWEE: 73? That guy back there is</p>	<p style="text-align: right;">116</p> <p>1 acres to the town, are you still going to pay taxes on  2 the 2-1/2 acres or is that off so that's less tax?  3 MR. McELWEE: I'm not a tax assessor but,  4 I think, what a tax assessor will do is, at first,  5 look at the cost of the building and then, as the  6 years go on, tax assessors may look at the income of  7 the building. They'll go to an income approach versus  8 a cost approach so, whether we have 5-1/2 acres or  9 3-1/2 acres, I think they are going to look at the  10 business itself and what that's generating. That's  11 what most tax assessors would do.  12 MR. REGAN: The improvements will be  13 valued the most.  14 MS. SHERIDAN: Okay.  15 MR. REGAN: Substantially greater than  16 any land assessment.  17 MR. McELWEE: Regarding your mother who  18 is out of state --  19 MS. SHERIDAN: Yes.  20 MR. McELWEE: -- maybe someday your mom  21 is going to want to come here when she's 86 and frail  22 and be with you --  23 MS. SHERIDAN: Too cold. It's too cold.  24 They are way, way, way far from here.  25 So my second question is: You mentioned</p>

<p style="text-align: right;">117</p> <p>1 Sunrise is 25 years old. Are there any plans to</p> <p>2 renovate that and possibly, you know, increase</p> <p>3 capacity there?</p> <p>4 MR. McELWEE: No. Because they would've</p> <p>5 gone before this Board and they would be locked into a</p> <p>6 certain unit count, impervious coverage, total beds --</p> <p>7 MS. SHERIDAN: Forever?</p> <p>8 MR. McELWEE: Yeah. They would have to</p> <p>9 come back to this Board if they were ever going to</p> <p>10 expand.</p> <p>11 MS. PRICE: It's not our application.</p> <p>12 MR. McELWEE: It's not our application</p> <p>13 but it's a good question, though, because, what you</p> <p>14 can't do to a 25-year-old building, you can't change a</p> <p>15 275-square-foot small studio. Our minimum size is</p> <p>16 350. You can't change the Denver unit where they have</p> <p>17 these semi-private units without private doors. You</p> <p>18 can't change that. You can put, as we would say,</p> <p>19 lipstick and rouge on a building, new carpet, new</p> <p>20 wallpaper but you can't change the bones of that</p> <p>21 building. For Sunrise to change the -- that</p> <p>22 structure, they wouldn't be able to change the</p> <p>23 load-bearing walls that are making up the units so they</p> <p>24 really can't compete with the -- with the new,</p> <p>25 state-of-the-art communities.</p>	<p style="text-align: right;">119</p> <p>1 historic, not the land underneath.</p> <p>2 MS. SHERIDAN: Okay. Thank you.</p> <p>3 MR. McELWEE: Thank you for your</p> <p>4 questions.</p> <p>5 CHAIRPERSON WEIDMANN: Anyone else wish</p> <p>6 to be heard?</p> <p>7 Yes, sir?</p> <p>8 MR. FERRARO: Good evening. Frank</p> <p>9 Ferraro, 17 Birchwood Road.</p> <p>10 Real quick, just a couple questions: The</p> <p>11 Certificate of Need that you mentioned, you noted --</p> <p>12 you indicated that that has not been issued yet. Is</p> <p>13 that correct?</p> <p>14 MR. McELWEE: It hasn't been issued.</p> <p>15 It's been applied for.</p> <p>16 MR. FERRARO: Okay. And what was the</p> <p>17 number of beds?</p> <p>18 MR. McELWEE: 100 is the beds on the</p> <p>19 Certificate of Need. They come in ten-bed increments</p> <p>20 so you apply for 9 -- 80, 90, 100, 110, whatever.</p> <p>21 Ten-bed increments.</p> <p>22 MR. FERRARO: And what drives the number</p> <p>23 that you applied for? What is that based on?</p> <p>24 MR. McELWEE: If we projected that we</p> <p>25 would have over 90 residents, we would go up to 100</p>
<p style="text-align: right;">118</p> <p>1 MS. SHERIDAN: And then my final question</p> <p>2 is: You mentioned that there's going to be a historic</p> <p>3 consultant and a historic architect who will provide</p> <p>4 details --</p> <p>5 MR. McELWEE: Yes.</p> <p>6 MS. SHERIDAN: -- as to the movement of,</p> <p>7 you know, the historic house in front of the barn. So</p> <p>8 is that also going to include, like, the costs that</p> <p>9 are involved and...</p> <p>10 MR. McELWEE: It's probably not a zoning</p> <p>11 issue what it's going to cost us to move that thing --</p> <p>12 MS. SHERIDAN: Right.</p> <p>13 MR. McELWEE: -- but they'll give you the</p> <p>14 complete history of that community, the structure of</p> <p>15 that building, the historic significance of that</p> <p>16 building and how they're going to move it and when the</p> <p>17 appropriate time to move it would be.</p> <p>18 MS. SHERIDAN: And the historic</p> <p>19 significance after it gets moved?</p> <p>20 MR. McELWEE: It's going to be a year</p> <p>21 older.</p> <p>22 MS. SHERIDAN: Will it still be historic</p> <p>23 if it's moved from its original location which is the</p> <p>24 historic part?</p> <p>25 MR. McELWEE: It's the structure that's</p>	<p style="text-align: right;">120</p> <p>1 beds because, if you have 91 residents in the</p> <p>2 building, you still have to provide ten COA beds. The</p> <p>3 state rounds up to the next number so we went up 100.</p> <p>4 MR. FERRARO: So is -- is the number of</p> <p>5 beds that you applied for based upon those market</p> <p>6 studies that you mentioned earlier, essentially?</p> <p>7 MR. McELWEE: It's based on the size of</p> <p>8 our building and our unit mix.</p> <p>9 MR. FERRARO: Is that number set in stone</p> <p>10 as far as how many units you need to put in this</p> <p>11 application?</p> <p>12 MR. McELWEE: Our application is for 83</p> <p>13 units and it's up to the Board to decide whether we</p> <p>14 have the right size building for this property.</p> <p>15 MR. FERRARO: Besides the state approval,</p> <p>16 is there any federal licensing for this type of use so</p> <p>17 it's all on the state level?</p> <p>18 MR. McELWEE: There's no Medicare which</p> <p>19 would be for a nursing home. This is a Medicaid-</p> <p>20 eligible building so it's -- state is the license.</p> <p>21 MR. FERRARO: And I had just heard a lot</p> <p>22 of questions about the ambulance corps and perhaps the</p> <p>23 burden that this might be on them. Would you</p> <p>24 stipulate, on the record, that, as part of the</p> <p>25 application, as perhaps a condition of approval, you</p>

<p style="text-align: right;">121</p> <p>1 would provide 100 percent private ambulance to this 2 facility?</p> <p>3 MR. McELWEE: No. I'm not going to 4 stipulate that on the record. I will work with the 5 ambulance corps to make sure that we have something 6 that's competitive with the Artis approval and what 7 Sunrise is doing and it could be a combination of 8 things. They -- they may need a financial 9 contribution or they may need ambulance corps. It 10 depends on what the private ambulance is going to 11 propose, whether there's that intervening ambulance 12 that you spoke of and how many levels but we would sit 13 down with the -- with the group here and figure out 14 what's the most appropriate for Old Tappan.</p> <p>15 MR. FERRARO: Is that conversation going 16 to take place on the record?</p> <p>17 CHAIRPERSON WEIDMANN: That's going to be 18 a negotiated issue at the end. It's going to be a 19 negotiated issue.</p> <p>20 MR. REGAN: Or, likely, it'd be a 21 condition and approving resolution and the developer's 22 agreement as a condition as well.</p> <p>23 MR. FERRARO: Has there been any review 24 letter issued by the ambulance corps or do we 25 anticipate one?</p>	<p style="text-align: right;">123</p> <p>1 consultant in this matter.</p> <p>2 CHAIRPERSON WEIDMANN: We have not gotten 3 to that point yet. They're going to bring their 4 expert in. We may decide we have to hire our own 5 expert. You know, they may bring an expert in on 6 traffic. We may decide to bring our own expert in on 7 traffic.</p> <p>8 We have an engineer and a planner on this 9 Board. The engineer is going to testify next, you 10 know, and our engineer has already come up with a 11 couple pages of, you know, documents he needs answers 12 regarding this application so, you know, everything is 13 underway. Come to the next -- come to the meetings 14 and you'll see what's going on.</p> <p>15 MR. FERRARO: Has there been a traffic 16 report submitted to the Board?</p> <p>17 CHAIRPERSON WEIDMANN: Yes.</p> <p>18 MR. REGAN: It's on file.</p> <p>19 MS. PRICE: And we're going to have a 20 supplemental so it'll be a revised as well.</p> <p>21 MR. FERRARO: But the Board has not 22 retained its own traffic expert yet?</p> <p>23 MS. PRICE: No.</p> <p>24 MS. MAGARRO: And we may not. You have 25 the study, right? See, we just got the plans today so</p>
<p style="text-align: right;">122</p> <p>1 CHAIRPERSON WEIDMANN: That -- it's not 2 come to that issue yet. There's so many things to 3 come before that.</p> <p>4 MR. FERRARO: With respect to the 5 displacement of the historic structure, is there 6 oversight, any kind of state or federal oversight of 7 that process or is that solely a private enterprise?</p> <p>8 MS. PRICE: As far as I know, Frank, it's 9 all private -- hi -- and that's one of the reasons we 10 retained the historic consultant and he's retained the 11 historic architect.</p> <p>12 MR. FERRARO: Okay. And -- and those -- 13 those people will testify at some point?</p> <p>14 MS. PRICE: Yeah. We'll bring all of 15 that information forward for the hearings.</p> <p>16 MR. FERRARO: Okay.</p> <p>17 MS. PRICE: I'm not sure which -- who is 18 going to testify yet but we'll have the information.</p> <p>19 MR. FERRARO: Okay.</p> <p>20 Sorry. I haven't had the application to 21 review -- a chance to review the application but are 22 those -- are there any reports to that effect?</p> <p>23 MS. PRICE: Not yet, not yet.</p> <p>24 MR. FERRARO: Okay. Does the Board 25 itself have any plans on retaining its own historic</p>	<p style="text-align: right;">124</p> <p>1 we didn't have any chance to look at any of this 2 stuff.</p> <p>3 MR. FERRARO: The market studies that 4 were referenced in your testimony, have they been 5 provided to the Board?</p> <p>6 MR. McELWEE: It's part of my submission. 7 If you pull that on, you'll be able to see the 8 competitors, their age, the number of units that they 9 have.</p> <p>10 MR. FERRARO: Okay. Thank you very much.</p> <p>11 MR. McELWEE: You're welcome. Thanks for 12 your questions.</p> <p>13 CHAIRPERSON WEIDMANN: Anyone else wish 14 to be heard?</p> <p>15 (No response)</p> <p>16 CHAIRPERSON WEIDMANN: Seeing none, can I 17 have a motion to close the meet to the public?</p> <p>18 MR. KEIL: Motion to close.</p> <p>19 MS. MAGARRO: Second.</p> <p>20 CHAIRPERSON WEIDMANN: All in favor?</p> <p>21 MEMBERS OF THE BOARD: Aye.</p> <p>22 MR. ALESSI: Can I get a couple of 23 questions that I had or I guess I just have to wait 24 until the end?</p> <p>25 CHAIRPERSON WEIDMANN: You have questions</p>

<p style="text-align: right;">125</p> <p>1 of who?</p> <p>2 MR. ALESSI: I'm sorry.</p> <p>3 MS. PRICE: Joe.</p> <p>4 MR. ALESSI: Joe. And a couple comments</p> <p>5 but people interjected but you asked me to wait until</p> <p>6 the end.</p> <p>7 So the first one I had was with regard</p> <p>8 to, I think, Mr. Fajardo's questions. Is there any</p> <p>9 way that, when you build this facility, that given</p> <p>10 it's in town that you could give preference or a</p> <p>11 discounted rate or some type of thing to either</p> <p>12 residents in town or families who want to bring their</p> <p>13 parents to town?</p> <p>14 MR. McELWEE: Yes. I just did this in</p> <p>15 Greenburgh, New York.</p> <p>16 MR. ALESSI: Okay.</p> <p>17 MR. McELWEE: And I think it's the first</p> <p>18 10 people or whoever showed up within the first 30</p> <p>19 days after the marketing trailer opened. I think it</p> <p>20 might have been the first 30 days that the facility</p> <p>21 was open but they could sign up when the marketing</p> <p>22 trailer opened. The first 10 or 20 people from</p> <p>23 Greenburgh, the Township of Greenburgh got a discount</p> <p>24 off the room rate and off the care rate for one year.</p> <p>25 MR. ALESSI: Okay. And is that something</p>	<p style="text-align: right;">127</p> <p>1 the questions. It would give us an idea what we're</p> <p>2 looking at.</p> <p>3 And then, the last thing, if you could</p> <p>4 just expand Mr. Carpenter's question about the</p> <p>5 residential versus commercial or -- you had said this</p> <p>6 is already an inherently residential --</p> <p>7 MR. McELWEE: Inherently beneficial use.</p> <p>8 MR. ALESSI: No, no, no. The -- the --</p> <p>9 I'll stop you at the inherently part but you had said</p> <p>10 that this already considered by the state a partially</p> <p>11 residential or how -- how does that work and what is</p> <p>12 the specific the need for the variance then if it's</p> <p>13 already residential and this is a residential</p> <p>14 application?</p> <p>15 MR. McELWEE: The need is it's not</p> <p>16 single-family residential.</p> <p>17 MR. ALESSI: Okay.</p> <p>18 MR. McELWEE: That's the only -- that's</p> <p>19 the only thing --</p> <p>20 MR. ALESSI: Technicality.</p> <p>21 MR. McELWEE: This is the legal residence</p> <p>22 of the 86 year olds that live there. This -- that's</p> <p>23 why it is a residence, not a commercial or</p> <p>24 institutional or any other use.</p> <p>25 MR. ALESSI: So this is an institutional</p>
<p style="text-align: right;">126</p> <p>1 that's negotiable and we can figure it out as we go?</p> <p>2 MR. REGAN: Yeah.</p> <p>3 MR. ALESSI: Okay.</p> <p>4 MR. REGAN: I don't think you can give a</p> <p>5 preference to the affordable component.</p> <p>6 MR. ALESSI: That, I understand,</p> <p>7 absolutely, but, the market rate, you guys could</p> <p>8 stipulate a preference for Old Tappan residents on an</p> <p>9 ongoing basis?</p> <p>10 MR. McELWEE: Yes, sir.</p> <p>11 MR. ALESSI: Okay. I know the other</p> <p>12 facilities, you can have preference-ing. I know this</p> <p>13 one is not in the running so it's hard to maybe put an</p> <p>14 exact dollar amount but the other ones that you</p> <p>15 compared, Norwood, Washington Township, so you know</p> <p>16 what those rates look like for the average room or a</p> <p>17 rate scale for those top to bottom?</p> <p>18 MR. McELWEE: I'm not -- I can have a</p> <p>19 price sheet for you at the next meeting or I can make</p> <p>20 it part of the package but there's prices.</p> <p>21 MR. ALESSI: That's fine. That's fine.</p> <p>22 MR. McELWEE: It would be the same</p> <p>23 comparable rate as Norwood, Washington Township.</p> <p>24 MR. ALESSI: I think, if we got that</p> <p>25 information, I think it would probably answer some of</p>	<p style="text-align: right;">128</p> <p>1 residential use?</p> <p>2 MR. McELWEE: Quasi-institutional in that</p> <p>3 there is care provided to the residents in their units</p> <p>4 or in the common area.</p> <p>5 MR. ALESSI: Thank you.</p> <p>6 MR. MAMARY: You don't sell the units to</p> <p>7 any one, do you?</p> <p>8 MR. McELWEE: No. It is an annual</p> <p>9 resident agreement. The rates change every year.</p> <p>10 They don't change during the year so that a resident</p> <p>11 agreement locks in the rate for the -- the next year.</p> <p>12 MR. SZABO: Can I ask a question about</p> <p>13 the Medicaid beds?</p> <p>14 MR. McELWEE: Sure.</p> <p>15 MR. SZABO: Don't those residents have to</p> <p>16 have, basically, zero assets?</p> <p>17 MR. McELWEE: Right. They're indigent</p> <p>18 but there are qualifications.</p> <p>19 MR. SZABO: Is there a five-year look</p> <p>20 back like there would be further --</p> <p>21 MR. McELWEE: Now -- I don't do that</p> <p>22 anymore. I don't -- I think they shortened that</p> <p>23 period because some people were transferring. Yeah.</p> <p>24 I think there was a lot of assets that were being</p> <p>25 transferred.</p>



<p style="text-align: right;">129</p> <p>1 MR. SKRABLE: I went through the process</p> <p>2 with my dad years ago and there was a seven-year look</p> <p>3 back.</p> <p>4 MR. McELWEE: And I don't know if it's</p> <p>5 the Borough of Old Tappan or the state there's</p> <p>6 different applications that come in that are qualified</p> <p>7 before they become -- they don't just come in and say</p> <p>8 I need a Medicaid bed. They have to approve with</p> <p>9 financial records and I think that's through a local</p> <p>10 office or a county office that actually does that. It</p> <p>11 might be a county office.</p> <p>12 CHAIRPERSON WEIDMANN: Okay.</p> <p>13 MS. PRICE: Okay. So I don't think we're</p> <p>14 to get through all the engineering direct so I'm going</p> <p>15 to -- I'm going to do a part of the engineering in</p> <p>16 particular involving the wetlands so if I could have</p> <p>17 my civil engineer sworn?</p> <p>18 D A N I E L S E H N A L, first having been duly</p> <p>19 sworn, testified as follows:</p> <p>20 MR. SEHNAL: My name is Daniel Sehnal,</p> <p>21 last name is S-E-H-N-A-L. I am a principal of the</p> <p>22 firm Dynamic Engineering located at 245 Main Street,</p> <p>23 Chester, New Jersey, and I am the site civil engineer</p> <p>24 on behalf of this applicant.</p> <p>25 DIRECT EXAMINATION BY MS. PRICE:</p>	<p style="text-align: right;">131</p> <p>1 through today, 2/9/22, so that's A-4.</p> <p>2 VOIR DIRE EXAMINATION BY MS. PRICE:</p> <p>3 Q. Dan, before you start with any testimony,</p> <p>4 could you give the Board and the members of the public</p> <p>5 the benefit of your educational and professional</p> <p>6 qualifications?</p> <p>7 A. Absolutely.</p> <p>8 Again, good evening, Mr. Chairman,</p> <p>9 members of the Board, members of the public. I am a</p> <p>10 graduate of the New Jersey Institute of Technology</p> <p>11 where I have earned a Bachelor's of Science in the</p> <p>12 field of civil engineering. I've also acted as a</p> <p>13 guest lecturer from time to time. I have over a</p> <p>14 decade of experience in the reparation of various</p> <p>15 commercial, residential, industrial site plans and</p> <p>16 associated applications throughout the northeast,</p> <p>17 which also includes several senior living</p> <p>18 developments. I haven't testified before this Board</p> <p>19 specifically; however, I have testified well over 100</p> <p>20 times throughout different municipalities throughout</p> <p>21 the state.</p> <p>22 MR. REGAN: Mr. Chairman, I would</p> <p>23 recommend that he be deemed qualified in the field of</p> <p>24 civil engineering.</p> <p>25 DIRECT EXAMINATION BY MS. PRICE:</p>
<p style="text-align: right;">130</p> <p>1 MR. REGAN: All right. Before we</p> <p>2 continue, do you want to have any documents marked?</p> <p>3 MS. PRICE: The first -- the first</p> <p>4 document is the September 29, 2021 letter from the</p> <p>5 State of New Jersey Department of Environmental</p> <p>6 Protection and it's regarding freshwater wetlands</p> <p>7 letter of interpretation.</p> <p>8 MR. REGAN: That will be A-2?</p> <p>9 MS. PRICE: Yes.</p> <p>10 MR. REGAN: That's the DEP letter, a</p> <p>11 letter RE: LOI?</p> <p>12 MS. PRICE: Yes.</p> <p>13 (Letter dated 9/29/21 from the State of New</p> <p>14 Jersey Department of Environmental Protection is</p> <p>15 marked as Exhibit A-2.)</p> <p>16 MR. REGAN: What's next?</p> <p>17 (Aerial map exhibit prepared by Dynamic</p> <p>18 Engineering dated 5/18/2021 is marked as Exhibit A-3.)</p> <p>19 MS. PRICE: A-3 is an aerial map exhibit</p> <p>20 prepared by Dynamic Engineering dated 5/18/2021 and</p> <p>21 A-4, site plan rendering, if we get to that</p> <p>22 (Site plan rendering with a revision date of</p> <p>23 2/9/22 is marked as Exhibit A-4.)</p> <p>24 MR. REGAN: Is there a revision date?</p> <p>25 MS. PRICE: It is actually revised</p>	<p style="text-align: right;">132</p> <p>1 Q. You were here this evening listening to</p> <p>2 Mr. McElwee's testimony, correct?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. And you heard my opening when I</p> <p>5 referenced that we had secured a letter of</p> <p>6 interpretation from the DEP for the subject property.</p> <p>7 Is that correct?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. I going to show you what I have pre-</p> <p>10 marked as A-2 for the record, and did I properly</p> <p>11 identify that as the LOI letter from the DEP?</p> <p>12 A. That is correct. It is the Freshwater</p> <p>13 wetlands letter of interpretation verification dated</p> <p>14 September 29, 2021.</p> <p>15 Q. And in your role as civil engineer for a</p> <p>16 project such as this, do you have an opportunity to</p> <p>17 regularly deal with letters of interpretation and the</p> <p>18 office of the New Jersey Department of Environmental</p> <p>19 Protection?</p> <p>20 A. Absolutely. Very familiar.</p> <p>21 Q. And does the New Jersey Department of</p> <p>22 Environmental Protection act as the lead agency over</p> <p>23 and above the US Army Corps of Engineers in</p> <p>24 conjunction with wetlands issues?</p> <p>25 A. That's correct. Freshwater wetlands,</p>

<p style="text-align: right;">133</p> <p>1 absolutely.</p> <p>2       <b>Q.</b> So freshwater wetlands is, in fact, run</p> <p>3 by and overseen by the New Jersey Department of</p> <p>4 Environmental Protection, and in this case, the LOI</p> <p>5 that we had marked as A-2 governs the boundary line on</p> <p>6 the subject property?</p> <p>7       <b>A.</b> That's correct. Boundary line and</p> <p>8 subject classification.</p> <p>9       <b>Q.</b> So -- Okay. So speaking of</p> <p>10 classification, there are different classifications</p> <p>11 for wetlands in the State of New Jersey. Is that</p> <p>12 correct?</p> <p>13       <b>A.</b> That's correct.</p> <p>14       <b>Q.</b> What classification has been assigned to</p> <p>15 the wetlands on the subject property?</p> <p>16       <b>A.</b> So this wetlands, back-peddling a little</p> <p>17 bit, we did work with our wetlands consultant</p> <p>18 professional, who is wetlands, and we contract with</p> <p>19 him to go out to the site. He walks the site and</p> <p>20 places flags around what he identifies as the boundary</p> <p>21 of the associated wetlands. He takes pictures. We go</p> <p>22 out there. We survey it, map it on our topographic</p> <p>23 survey along with an application for an LOI and we</p> <p>24 submit it to the state. The state then has that</p> <p>25 option to review that application. What they do is,</p>	<p style="text-align: right;">135</p> <p>1 identify that, yes, this could be potentially a vernal</p> <p>2 pool; however, they haven't proven that it's a vernal</p> <p>3 pool and, also, just based upon their review of the</p> <p>4 site and available landscaping mapping, they have not</p> <p>5 identified any threatened or endangered species that</p> <p>6 are located on this site which relates to that 50-foot</p> <p>7 transition area buffer that has been placed on this</p> <p>8 wetlands. If the wetland, indeed, was identified as a</p> <p>9 vernal pool, it could potentially impact associated</p> <p>10 applications to disturb the wetlands; however, you'll</p> <p>11 hear from me in the future -- I'm not sure if I will</p> <p>12 get to it tonight -- but we have no intention of</p> <p>13 disturbing the wetland and the associated buffer to</p> <p>14 that wetlands. We're not changing the water that's</p> <p>15 flowing to that wetlands and we're not releasing water</p> <p>16 between that wetland so we have no impacts to that</p> <p>17 wetland. We're not applying for any further permits</p> <p>18 to touch anything to do with that wetlands so, even if</p> <p>19 it was a vernal pool, it wouldn't impact our subject</p> <p>20 application.</p> <p>21       <b>Q.</b> So, Dan, I'm just going to rewind you a</p> <p>22 little bit. You mentioned that DEP comes out to the</p> <p>23 site, correct?</p> <p>24       <b>A.</b> That's correct.</p> <p>25       <b>Q.</b> So -- and in connection with this</p>
<p style="text-align: right;">134</p> <p>1 they actually take somebody from their department.</p> <p>2 They go out to the field and they look at those flag</p> <p>3 locations and they verify that they are accurate.</p> <p>4 They look at those flag locations. If one has to</p> <p>5 move, they'll physically move it themselves. They'll</p> <p>6 give us notification that they've moved the flag and,</p> <p>7 at that point, we'd have to go back out and have our</p> <p>8 surveyor pick up that exact flag location.</p> <p>9       When they're out there, they also take a</p> <p>10 look at those wetlands. They take a look at the</p> <p>11 surrounding area. They look at what feeds those</p> <p>12 wetlands and where or if those wetlands connect to</p> <p>13 another downstream facility or a lake.</p> <p>14       In this case, the DEP went out and</p> <p>15 verified the location of our flags and they identified</p> <p>16 this wetlands as an intermediate-resource value</p> <p>17 wetland which has an associated 50-foot transition</p> <p>18 area and they have also further identified this land</p> <p>19 as isolated. "Isolated" means that it collects water</p> <p>20 but that water does not go anywhere else from that</p> <p>21 point. It's not connected to Lake Old Tappan. It's</p> <p>22 not connected to a stream, a river, a storm sewer that</p> <p>23 drains to that. It collects water and it sits in that</p> <p>24 location.</p> <p>25       This letter also further goes on to</p>	<p style="text-align: right;">136</p> <p>1 specific LOI, I'm going to point your attention to the</p> <p>2 first page of the letter. Is it correct that the DEP</p> <p>3 did a site inspection in connection with the issuance</p> <p>4 of their LOI on August 21 of 2020?</p> <p>5       <b>A.</b> That's correct.</p> <p>6       <b>Q.</b> And that's confirmed for the LOI,</p> <p>7 correct?</p> <p>8       <b>A.</b> That's correct.</p> <p>9       <b>Q.</b> Okay. And they have approved the</p> <p>10 verification plan based upon your plan that's dated</p> <p>11 April 26, 2021, correct?</p> <p>12       <b>A.</b> That's correct.</p> <p>13       <b>Q.</b> So that's the official map by which the</p> <p>14 DEP has approved both the type of classification and</p> <p>15 the verification of the wetlands line?</p> <p>16       <b>A.</b> That's correct.</p> <p>17       <b>Q.</b> And in terms of the resource value and</p> <p>18 classification being -- requiring the 50 feet of</p> <p>19 transition area, in my opening, I made reference to</p> <p>20 increasing that buffer area, and I know you're going</p> <p>21 to describe the plan, but did I misspeak when I</p> <p>22 indicated that we had increased the buffer?</p> <p>23       <b>A.</b> No, but you've hit the nail on the head.</p> <p>24 That's absolutely correct. Under proposed conditions,</p> <p>25 we're actually not only not disturbing that 50-foot</p>

<p style="text-align: right;">137</p> <p>1 transition area, we're giving an additional 10 feet,  2 at the minimum, where we're staying away from that  3 wetlands area, and that, again, will be completely on  4 that subdivided 2.12-acre portion of land that will be  5 subdivided from the subject portion of the  6 development.</p> <p>7 Q. Okay. And just to sum this up, just to  8 make sure that we're complete for the record, other  9 than the LOI, given that they're isolated wetlands and  10 given the fact that we are not doing anything in terms  11 of disturbance of the wetlands, there are no  12 additional permits, no statewide permit that's  13 necessary, no individual permit that's necessary, no  14 other permit that is necessary from DEP in connection  15 with this. Is that correct?</p> <p>16 A. That is correct.</p> <p>17 Q. Okay.</p> <p>18 Why don't we talk about the plan, the  19 overall plan, for a little bit of background tonight  20 since the original plan was for an overall site plan  21 and then we changed that a few months ago and had the  22 subdivision.</p> <p>23 A. Absolutely. I'd be more than happy to  24 speak of proposed conditions. I just have to grab my  25 other exhibit which, this one, we didn't identify yet,</p>	<p style="text-align: right;">139</p> <p>1 line is running essentially west of this proposed  2 access drive to our site so that subdivision line  3 essentially divides the site in two with all the  4 wetlands area that was identified and confirmed by an  5 LOI and the associated buffer, plus an additional  6 10 feet will be on the western portion of the  7 property, and that would be currently identified as  8 Lot B, consisting of 2.12 acres, and that will contain  9 all the wetlands and we're not disturbing anything in  10 there. The one thing that we are doing, as we  11 identified earlier on, was taking the historic stone  12 portion of that existing dwelling and relocating it to  13 the southwestern corner of the site in front of that  14 existing, I'll call it, barn that exists on that  15 property as well.</p> <p>16 Would you like me to go into further  17 proposed conditions?</p> <p>18 Q. Go ahead.</p> <p>19 A. So going into proposed conditions,  20 essentially, as you are well aware, we're proposing an  21 assisted living facility here, which is a non-  22 permitted use. We are in the R4 -- or R40 zone, which  23 essentially permits single-family residential use,  24 house-of-worship use, schools and daycares, so in this  25 case, we are seeking a use variance to construct our</p>
<p style="text-align: right;">138</p> <p>1 but I will be more than happy -- oh. We did, I  2 believe.</p> <p>3 Q. Yeah, we did, the site plan rendering.</p> <p>4 A. So again, for the record, this is Exhibit  5 A-4. I marked it with today's date. And again, it's  6 entitled "Site Plan Rendering," dated February 9,  7 2022, Sheet 2 of 2. Essentially, what this is is a  8 colorized version of the site plan that was submitted  9 in conjunction with this application.</p> <p>10 So just for orientation purposes, you  11 could see the same thing up on this TV screen that I'm  12 identifying. For orientation purposes, north is  13 considered to the top of the page. Old Tappan Road  14 runs in an east-west direction to the south of the  15 site and, obviously, what you see here is, the -- the  16 entire site boundary is -- is colored in. They add  17 some color to help explain better where items are.</p> <p>18 So under proposed conditions, the first  19 thing we're -- we are essentially proposing to do is  20 to subdivide the lot. This subdivision will be into  21 two conforming lots, one of which will be Lot A, which  22 is the eastern proposed lot. That Lot A contains the  23 proposed assisted living development and consists of  24 3.35 acres. Lot B is the western side of the site,  25 which is a little hard to identify but the subdivision</p>	<p style="text-align: right;">140</p> <p>1 senior living development.</p> <p>2 This building will consist of three  3 stories approximately 245 feet by 182 feet in width  4 and will contain 83 units. The footprint of this  5 building -- so I know you heard a lot about 80,000  6 square feet. The footprint of this building is 30,000  7 square feet, which -- just over 30,000 square feet,  8 which includes the canopies that are on that building,  9 but the gross floor area, yes, will be just over  10 81,000 square feet.</p> <p>11 The height of the proposed building will  12 be 34.5 feet in height, which is compliant to the  13 zone; however, the stories of the building will be  14 three stories versus the zone only allows two and a  15 half. You'll hear detailed testimony from our  16 architect that speaks into essentially what the  17 difference is of a half story versus a full story and  18 we'll get further into that.</p> <p>19 So as far as access to our proposed site  20 -- so we're talking the eastern lot, the proposed  21 assisted living development -- we are providing a  22 single, full-movement driveway that is directly across  23 from Vandervoot Avenue and Old Tappan Road is a two-  24 lane, undivided road under county jurisdiction so we  25 would provide a full-movement access into the site.</p>

<p style="text-align: right;">141</p> <p>1 That throat of the driveway will be about 40 feet in  2 width and total curb cut is about 86 feet in width  3 along the frontage of our site.  4         Once you make your way into the site,  5 there will be two-way circulation, which is  6 essentially identified as that gray area that -- that  7 encompasses the building. There'll be 25-foot-wide,  8 two-way circulation along the western and the northern  9 portion of the site.  10         There will also be a one-way pick-up/  11 drop-off area, which is essentially the main entrance  12 to the building. This pick-up/drop-off area is tall  13 enough to accommodate an ambulance and it's  14 essentially just to allow the residents to get in and  15 out of that 14-passenger van and any other vehicles  16 that might be dropping them off and keeping them out  17 of the weather.  18         As we circulate around the site, there is  19 also an 18-foot-wide, two-way drive aisle to the  20 eastern portion of the site and that accomplishes a  21 few things. This provides fire access around all  22 three sides of the building and it provides access to  23 the receiving area that is along the eastern or -- or  24 eastern portion of the building itself.  25         The proposed development, as I said, will</p>	<p style="text-align: right;">143</p> <p>1 making an appearance about two times a week.  2         To the northeastern corner of the parking  3 area, we're proposing a 10-by-20 masonry trash  4 enclosure. That trash enclosure will be masonry and  5 will have a nice face on it to essentially complement  6 the architecture of the building and that will be  7 accessible by a garbage truck, front-loading garbage  8 truck, again coming to the site about two times per  9 week.  10         There is a six-foot-wide ADA-compliant  11 sidewalk that encompasses the site. It's kind of a  12 nice amenity for some of the residents to utilize. It  13 will help them get outside and circulate around the  14 site and it'll also provide ADA-compliant access back  15 to the sidewalk that is along Old Tappan Road. We --  16 we really focused on trying to segregate pedestrians  17 from the loading and the vehicle use on the site,  18 which is why we have a sidewalk that encompasses the  19 entire building and allows the residents to avoid  20 walking in the parking lot and crossing drive aisles  21 as much as we can.  22         Finally, you'll notice, in the center of  23 the building, you'll hear more testimony from both our  24 landscape architect and our architect, but there is a  25 fully-enclosed amenity space for the residents to</p>
<p style="text-align: right;">142</p> <p>1 be placed completely outside of that wetlands area and  2 the 50-foot transition area and, as I mentioned, we  3 are providing an additional 10 feet of separation  4 between that transition area, so right where you see  5 that dark, wooded portion, that's the wetlands area  6 and the transition area and our proposed development  7 starts after the subdivided line and an additional  8 10 feet past that wetlands buffer.  9         In the parking lot itself, we're  10 proposing 46 parking spaces out of -- of those 46  11 parking spaces, three of which will also be accessible  12 parking spaces, so three van-accessible parking  13 spaces, and we're also providing two electric car  14 charging stations, which complies with the New Jersey  15 law that was recently passed.  16         The parking circulation area was designed  17 to accommodate the largest delivery truck that we  18 anticipate as well as garbage trucks and the largest  19 fire truck you would essentially anticipate having in  20 this -- this location.  21         The loading area, as I mentioned, the  22 receiving area in the eastern portion of the site is  23 26 feet in width by about 50 feet in length and that  24 will be large enough to accommodate that -- that truck  25 that Mr. McElwee testified earlier that would be</p>	<p style="text-align: right;">144</p> <p>1 enjoy. It's essentially an outdoor patio courtyard  2 area in the center of the building, which is a  3 signature to the Capitol Seniors use.  4         With all these improvements, we are  5 obviously increasing the amount of impervious surface  6 coverage or, in the Borough of Old Tappan, it's known  7 as "lot coverage" per zoning. The increase in  8 impervious surface coverage will be approximately  9 77,000 square feet, which encompasses 1.65 acres of  10 the site, and I'll speak a little bit more of that  11 shortly, but to mitigate this increase of impervious  12 surface coverage, we are proposing an aboveground  13 detention basin to the northern portion of the site,  14 and I'll get into a lot of testimony about stormwater  15 once I get to that point.  16         As far as signage, we are proposing one  17 monument sign. That is located directly to the east  18 of the proposed driveway. That'll be a monument sign  19 that's about five feet tall by seven-and-a-half feet  20 wide, but the sign itself is only three feet by five  21 feet. Essentially, it's not an overbearing sign  22 because this isn't a use like a fast-food use where  23 you're trying to identify a site and draw in  24 customers. This is a destination. People know it's  25 here, so essentially a smaller sign just to identify</p>

<p style="text-align: right;">145</p> <p>1 the site, especially for an ambulance to know they're  2 pulling into the right location, but since this is  3 technically a residential zone, we would need a  4 variance for that sign as well, but again, it's a  5 small sign. It will be decorative in nature and,  6 again, it will complement the architecture of this  7 building.</p> <p>8           Additionally, there is -- as I mentioned,  9 this is a county road. We have submitted an  10 application to the county. We received comments from  11 them, all of which were minor in nature. They're not  12 requesting a roadway widening here. They're on board  13 with the application and they actually have four very  14 minor comments that we're working to clean up and one  15 of those comments has to do with a proposed easement.</p> <p>16           The county requested that they provide a  17 width from the center line of the road of 35 feet.  18 Right now, the road is only about 20 feet from the  19 center line so 40 feet width in total. They have  20 requested on additional 15 feet as an easement onto  21 our property, essentially to maintain their sidewalk,  22 to maintain the driveway, so they're not requesting a  23 widening here, as they felt it was not necessary, but  24 in the future, that easement, yes, they could use that  25 and potentially propose improvements along the site</p>	<p style="text-align: right;">147</p> <p>1 the location primarily along the eastern portion of  2 the property and the northern limit of the parking  3 area, so the retaining wall that is at the  4 southeastern corner of the site is essentially what's  5 known as a "cut wall" so the proposed senior living  6 development will be lower than the wall on the  7 southeastern corner of the site, very similar to the  8 church that is directly to the east. The church is  9 the same condition. They have a retaining wall about  10 ten feet high so we're maintaining that -- that same  11 type of grading scheme that they used.</p> <p>12           As we work our way continually north on  13 the eastern property line, we hit a small enclosure,  14 which I'll speak to shortly, and at that enclosure  15 area is essentially where the grade swaps so that it's  16 about level to the two properties, and then after  17 that, we get to what's called a "fill wall," so our  18 development will be on the high side of the wall and  19 the church would be on the lower side and that fill  20 wall continues around the northern portion of the  21 parking lot and borders our proposed detention basin  22 through the north of the site. That is the highest  23 wall on the site and it's only highest at the corner  24 near the proposed trash enclosure. It's about  25 ten feet in height. From there, it tapers back down.</p>
<p style="text-align: right;">146</p> <p>1 when and if they ever make improvements along this  2 corridor.</p> <p>3           As far as grading, the pad of the  4 building itself will essentially, when looking at the  5 average here, remain unchanged from the existing  6 grade, so when we're comparing the average finished  7 floor of this building, under existing versus proposed  8 conditions, that building is basically staying at -- I  9 think we're coming up about six feet overall in  10 average so we're not a substantial grade change, but  11 if you're familiar with this site, you'll know, yes,  12 there's a lot of woods, but there's a lot of rolling  13 hills and changing topography that's across that site.</p> <p>14           In order to combat that, it's a little  15 bit of a balancing act to place this site and make it  16 ADA compliant, so what we have to do is we have to  17 look at this topography when placing this building.  18 Again, we want to place it so it's relatively average  19 to the perimeter that's there now, and in order to  20 accomplish that, we did have to do a little bit of  21 grading, a little bit of cut and fill, and because of  22 that, we are proposing several retaining walls.</p> <p>23           These retaining walls will be modular  24 block retaining walls. They'll be decorative in  25 nature and complementing the building architecture and</p>	<p style="text-align: right;">148</p> <p>1           Additionally, there is a small retaining  2 wall along the western limit of our proposed parking  3 area and that wall is about four feet at its highest  4 point, again, modular block, decorative in nature, and  5 what that's doing is allowing us to preserve those  6 wetlands and not touch them at all. That is  7 essentially bringing our grade of our parking lot  8 where it needs to be but keeping the wetlands down  9 below us so we don't impact them with grade. Could we  10 grade this out and have no wall at all? Absolutely.</p> <p>11 But that's additional disturbance to those wetlands  12 and it's additional trees we have to take down, but we  13 want to maintain that, so just being sensitive to that  14 area, we're proposing a small wall just to get us to  15 the grade that we need.</p> <p>16           And then, finally, there's also an  17 existing stone wall. I'm sure you're familiar with  18 the property. That's along the sidewalk on Old Tappan  19 Road. It kind of goes with the historic nature of the  20 building that's there and we are proposing to keep  21 that wall. We'll refresh it a little bit, clean it  22 up, make it stand out a little bit better, but I think  23 it just adds a nice streetscape element to the  24 project. You'll hear more from our landscape  25 architect, but it's an existing wall that will remain</p>

<p style="text-align: right;">149</p> <p>1 and it'll really add to the aesthetic value of the  2 site itself but it doesn't propose any type of  3 retaining qualities.</p> <p>4 As far as bulk standards, we are looking  5 for several bulk standards or bulk variances, but it's  6 important to note the proposed assisted living  7 building itself complies with all the required  8 building setbacks. The bulk variances that we are  9 looking for is, one, building coverage. The zone  10 permits 15 percent. We're proposing 21.2 percent  11 building coverage on the site.</p> <p>12 Now, it's very important to note that  13 this only results from the subdivision. If that  14 subdivision line isn't there -- it's an invisible line  15 -- we are down to 14 percent, which is a compliant  16 building coverage, so by giving that portion of the  17 property to the town or -- or -- I'm sorry -- the  18 borough or whoever might want it, we are essentially  19 setting ourselves up for a variance for lot coverage.  20 We are looking for a variance for lot coverage. The  21 town or the borough permits a maximum of 30 percent  22 and we are proposing 49.9 percent. Again, if there  23 was no subdivision, this number goes down to  24 33 percent and, if we were not preserving that house  25 and not preserving that barn and not subdividing,</p>	<p style="text-align: right;">151</p> <p>1 that's because we are saving that barn. Could we  2 relocate it essentially back where that barn is and be  3 compliant? Yes, we could, but again, just trying to  4 save that, and I think it also adds to the value of  5 the streetscape along a very busy thoroughfare of Old  6 Tappan where you bring that historic house into view  7 for more people to essentially enjoy.</p> <p>8 In addition to the bulk variances, we are  9 seeking two waivers or variances associated with  10 buffers. When a use in this zone, essentially, or a  11 commercial use abuts a residential use or a house-of-  12 worship use, there's an additional requirement for a  13 buffer and it's essentially related to the lot depth  14 or width.</p> <p>15 So in our case, as you are well aware of,  16 we're abutting the Lake View townhomes to the north or  17 to the rear of our site and, because of that, there is  18 a requirement for a 62-foot buffer to the rear yard;  19 however, we're only providing a 40.2-foot buffer.  20 Now, that buffer is to the top of the proposed  21 retention basin or detention basin because the borough  22 code's definition of a buffer basically says "natural  23 areas" and, technically, since the proposed basin is  24 manmade, it won't meet the definition of a natural  25 barrier or a natural condition; however, it's</p>
<p style="text-align: right;">150</p> <p>1 we're compliant with lot coverage as well, so by  2 subdividing this lot and saving those two structures,  3 we get ourselves into a variance situation.</p> <p>4 Additionally, as you heard earlier a lot  5 of testimony about floor area, floor area is different  6 than lot coverage. The zone itself permits 8400  7 square feet of minimum floor area, essentially, for --  8 for a dwelling. With this lot containing our 30,000-  9 square-foot footprint times three stories, we get up  10 to just over 81,000 square feet versus the 8400 that's  11 permitted.</p> <p>12 And then, finally, you heard me mention  13 the fact that we are seeking a height variance for the  14 two-and-a-half stories versus the three stories that  15 we propose. You'll hear detailed testimony from both  16 our planner and our architect on the various variances  17 as well as the height.</p> <p>18 Finally, there's one additional variance  19 that we are seeking and it's essentially associated  20 with that historic dwelling that we're relocating.  21 The borough has a minimum front yard setback  22 requirement of 50 feet. By talking that historic  23 building and relocating it to the frontage on that  24 lot, we violate that setback and we only have a  25 setback of 25 feet, so essentially half; however,</p>	<p style="text-align: right;">152</p> <p>1 essentially meeting the intent of a buffer. It's  2 green space. It'll be planted. It still provides  3 that visual screen from our site, it provides  4 headlight blocking and it also provides more  5 separation from sound. If we were to measure from the  6 property line to the closest impervious surface  7 coverage, we're actually at 74 foot, so going over the  8 top of that basin, we're at 74 feet before you get to  9 any type of impervious surface; whereas, the buffer  10 requirement is 65.</p> <p>11 And also, I just want to note that the  12 closest home behind us is 102 feet to that basin, 175  13 feet to the parking area, and it's 265 feet from the  14 building, so we have a nice separation from the  15 residents to the back of us as well as the building in  16 front.</p> <p>17 Additionally, we are seeking a buffer to  18 the eastern property line due to the house-of-worship  19 use. This requires a buffer of 40 feet versus what is  20 required is 8.8 feet, so that 8.8 feet is essentially  21 one small pinch point near this enclosure area along  22 the eastern portion of the site and it's only for that  23 one area. The rest of it, we're -- the parking area  24 is 20 feet back, so it's still 20 feet short, but the  25 most intense area is right where that -- that -- that</p>

<p style="text-align: right;">153</p> <p>1 enclosure is. However, if you're familiar with the  2 church property, they essentially would have the same  3 intended requirement and their buffer is actually  4 smaller than ours. The two uses are very similar in  5 nature. They coincide with one another, both parking  6 lots, both used for relatively commercial use.  7 They're lit so it's not like we have a residence right  8 next to us.</p> <p>9 And also, we are seeking that variance  10 because, again, we're saving a wetlands area. We  11 could essentially move the entire development over, we  12 can get into that transition area of the wetlands. We  13 could apply for a permit to essentially alter those  14 wetlands -- there are permits that are available --  15 and then potentially comply with that buffer,  16 requirement but since we are sensitive to those  17 wetlands and we want to keep our development further  18 away from it, we moved it up and, therefore, are  19 violating the buffer requirement, but again, that  20 buffer will have a nice, decorative retaining wall,  21 and you'll hear from our landscape architect that he's  22 going to landscape that very nicely with some dense  23 plantings, and then the existing wooded area that is  24 along that property line associated with the church  25 will remain unchanged so that natural buffer will be</p>	<p style="text-align: right;">155</p> <p>1 support the size of delivery truck that's anticipated  2 here, no tractor-trailers, and this also doubles as an  3 area for the trash truck to turn around, as well as  4 available location for a fire truck to be able to get  5 in there and turn around to be able to circulate the  6 site.</p> <p>7 As far as utilities, we have received  8 will-serve letters from the majority of the utility  9 providers. Water service is provided by Suez.  10 There's a 12-inch main located within Old Tappan Road.  11 We're connecting to that main with an eight-inch fire  12 service and a four-inch domestic service.</p> <p>13 As far as sewer, we are tying into the  14 borough sewer system. There is an existing six-inch  15 lateral that is located essentially where the proposed  16 -- in front of the proposed relocation of that  17 historic house and it is of adequate size for us to  18 connect into and then that does flow towards Leonard  19 Drive and down an existing main there. We will be  20 applying to the DEP for a TWA application, which they  21 have to actually review our sewer load, confirm it has  22 adequate capacity in order to get us that permit, but  23 based on our experiences in the past as well as the  24 investigating in the sewer service, we feel that it is  25 at adequate capacity, but we'd be more than happy to</p>
<p style="text-align: right;">154</p> <p>1 there as well.</p> <p>2 You'll hear detailed testimony from our  3 traffic engineer regarding parking, but I just want to  4 touch that our parking requirement is based upon the  5 residential site improvement standards in the state,  6 and for a senior-living use, they require .5 parking  7 spaces per unit. With our 83 units proposed, that  8 requires 42 parking spaces. We exceed that  9 requirement by providing 46 parking spaces, which  10 includes those three ADA spaces. This equates to .46  11 spaces per bed or .55 per unit, but again, it's  12 important to note, the majority of the residents don't  13 drive. We have that 14-person van for that and so --  14 so parking is primarily used for the staff and  15 visitors. The space size is compliant. The borough  16 requires a 10-by-20 or a 200-square-foot parking  17 space, which is what we propose.</p> <p>18 And then we're also seeking a loading  19 variance, but in this case, it's easy to justify. For  20 a building of this size, the borough requires five  21 loading spaces. For our use, we only need one. We  22 have those deliveries that come twice a week, so we're  23 providing a single loading space, whereas five are  24 required, and again, that -- that loading area, the  25 eastern portion of the building, is adequate to</p>	<p style="text-align: right;">156</p> <p>1 provide additional justification if necessary.</p> <p>2 Gas and electric will be provided by  3 PSE&amp;G. Both service lines will be underground. The  4 electric also -- well, in conjunction with the  5 electric, we're also proposing an aboveground or -- a  6 diesel generator, so this generator is located on the  7 eastern portion of the site. It is essentially the  8 requirement for that 8.8-foot setback from the actual  9 enclosure in that generator and that generator will  10 essentially power, not the entire building, but just  11 life-support systems and have enough fuel capacity for  12 about 72 hours of run time and you basically have  13 week -- or monthly testing that runs about 30 minutes  14 for testing during daytime hours.</p> <p>15 We will have to comply with various noise  16 requirements both at the borough and state level, but  17 by using sound-attenuating enclosures as well as the  18 proposed decorative wall that we'll have around it, we  19 plan to comply with the noise levels at the property  20 line.</p> <p>21 We are providing lighting throughout the  22 site, so the site was designed to comply with IES  23 standards for uses of this nature. The site lighting  24 will be provided by 23 decorative-style LED area  25 lights, so these area lights will essentially, again,</p>

<p style="text-align: right;">157</p> <p>1 complement the building architecture. they're --</p> <p>2 they're -- they're decorative in nature. The poles</p> <p>3 are decorative so they won't be those big lights that</p> <p>4 you'll see at like a Target or a Home Depot. They'll</p> <p>5 be at 14-1/2 feet tall. We'll also have eight light</p> <p>6 bollards that essentially encompass the walkway, which</p> <p>7 provides some low-level lighting at nighttime along</p> <p>8 that sidewalk, and there's also one hanging pendant</p> <p>9 light that will be below the pick-up/drop-off area</p> <p>10 that I testified to earlier.</p> <p>11 The average lighting around the parking</p> <p>12 lot is about 1.7 foot-candles, which is consistent</p> <p>13 with a residential use. It's very important to note</p> <p>14 that there's no light spillover to the rear</p> <p>15 residential lots so it will have full cutoff by the</p> <p>16 time you're essentially -- not even before you are</p> <p>17 midway through that basin, those light levels drop</p> <p>18 down to zero, so there'll be no impact to the</p> <p>19 residential behind us.</p> <p>20 And then we're also providing numerous</p> <p>21 landscaping. You'll hear from our landscape expert</p> <p>22 about the number of trees that we're taking down, the</p> <p>23 required replacement trees that's associated with this</p> <p>24 code and the trees that we're proposing. Right now, I</p> <p>25 can tell you that we're proposing 124 new trees and we</p>	<p style="text-align: right;">159</p> <p>1 adequate to get a car in and out. There will be two</p> <p>2 parking spaces, one accessible, so an ADA parking</p> <p>3 space and then a standard parking space, and then</p> <p>4 we'll provide a nice little sidewalk back to the</p> <p>5 entrance of the house, again, just to provide a</p> <p>6 parking area and a use for that house.</p> <p>7 MS. PRICE: I think we'll hold the</p> <p>8 stormwater.</p> <p>9 CHAIRPERSON WEIDMANN: Can we have a</p> <p>10 couple of the Board members ask questions?</p> <p>11 MS. PRICE: Sure. Yeah.</p> <p>12 CHAIRPERSON WEIDMANN: Tom, do you</p> <p>13 have...</p> <p>14 MR. SKRABLE: I think I'll hold off on</p> <p>15 questions but -- except for one because it's going to</p> <p>16 be really easy and then a comment.</p> <p>17 I noticed that the Wetlands transition</p> <p>18 area goes through the back of your barn. Should the</p> <p>19 borough ultimately own that property and wants to take</p> <p>20 the barn down, is there a permitting issue? Would we</p> <p>21 have to get a permit for that?</p> <p>22 MR. SEHNAL: Calculated, it's disturbance</p> <p>23 within the -- in the wetlands but it -- it would be a</p> <p>24 -- what's called a "permit by rule." It would allow</p> <p>25 the temporary disturbance of that portion of the</p>
<p style="text-align: right;">158</p> <p>1 also comply with the parking lot requirement of</p> <p>2 providing one tree for ten spaces, but overall,</p> <p>3 currently, we have over 750 plantings throughout the</p> <p>4 entire site, which you'll hear more from -- from our</p> <p>5 landscape architect.</p> <p>6 As far as other outstanding approvals, I</p> <p>7 did mention that we submitted to the Bergen County</p> <p>8 Planning Board where we had received some minor</p> <p>9 comments that we are working to address, but we do</p> <p>10 foresee an approval forthcoming because it was</p> <p>11 essentially just conditions that they were looking for</p> <p>12 at this point, and we've also applied to the Bergen</p> <p>13 County Soil Conservation District where we have one</p> <p>14 outstanding comment that we've worked to address as</p> <p>15 well.</p> <p>16 I mean, I guess the one big thing that</p> <p>17 everyone is really interested in here is stormwater.</p> <p>18 I think I'm going to hold off on that.</p> <p>19 Q. Hold on that, yes.</p> <p>20 A. So I wanted to mention that we'll also</p> <p>21 have a -- for that proposed subdivided lot where we're</p> <p>22 relocating the historic house, we're also providing a</p> <p>23 small driveway and a parking area for the community to</p> <p>24 utilize if there is a use for that building so that --</p> <p>25 that small driveway is only about 18 feet in width,</p>	<p style="text-align: right;">160</p> <p>1 wetland and take that building down and then we would</p> <p>2 just have to essentially mitigate and replant the area</p> <p>3 that was disturbed. It's such a small portion. It's</p> <p>4 just that -- that northwestern corner of the site that</p> <p>5 touches that transition area. It's not the wetlands</p> <p>6 itself. It's the transition area. It would just be a</p> <p>7 permit by rule. It doesn't require an extensive</p> <p>8 review from the DEP as long as we can prove that we're</p> <p>9 essentially just disturbing it temporarily and then</p> <p>10 it'll be replanted and back to natural conditions.</p> <p>11 MR. SKRABLE: Just something for the</p> <p>12 borough to think about in the future.</p> <p>13 And the other comment was, and we spoke</p> <p>14 about this briefly, sounds like the county is not</p> <p>15 going to require widening, not going to require any</p> <p>16 accel/decel lane, if the Board is interested in that,</p> <p>17 because this is probably the tightest part of Old</p> <p>18 Tappan Road.</p> <p>19 CHAIRPERSON WEIDMANN: So, Tom --</p> <p>20 MR. SKRABLE: You're going to have to do</p> <p>21 it proactively.</p> <p>22 CHAIRPERSON WEIDMANN: Roll back your</p> <p>23 mind. Remember the gentleman who owned --</p> <p>24 MR. SKRABLE: Mr. Budnitch.</p> <p>25 CHAIRPERSON WEIDMANN: Mr. Budnitch.</p>



<p style="text-align: right;">161</p> <p>1 Remember him going out to the middle of Old Tappan</p> <p>2 Road and spray-painting all the time?</p> <p>3 MR. SKRABLE: Uh-huh.</p> <p>4 CHAIRPERSON WEIDMANN: The reason the</p> <p>5 road is so narrow right there was the town tried to</p> <p>6 compromise, okay, his piece of property, in other</p> <p>7 words --</p> <p>8 MR. SKRABLE: Right.</p> <p>9 CHAIRPERSON WEIDMANN: -- but the reason</p> <p>10 it's narrow right there is, you know, the road or his</p> <p>11 property really goes out to the center of the land</p> <p>12 heading north, so that's why that street became really</p> <p>13 narrow there, because I think Socovitch got involved</p> <p>14 also, so I think Bergen County has to do a resurvey of</p> <p>15 that road, and the other thing is, on the other side,</p> <p>16 there was that big tree that eventually got cut down</p> <p>17 and the property, you know, went immediately up, you</p> <p>18 know?</p> <p>19 MR. SKRABLE: If this Board wants it, I</p> <p>20 think the county should be put on notice that we want</p> <p>21 it because they are not going to require it, based on</p> <p>22 what I'm hearing.</p> <p>23 CHAIRPERSON WEIDMANN: But do you agree</p> <p>24 with what I'm saying?</p> <p>25 MR. SKRABLE: I do. I do, and I'm not</p>	<p style="text-align: right;">163</p> <p>1 It's literally the most narrow part of the roadway, so</p> <p>2 if you want to remedy that, and I don't know exactly</p> <p>3 that that means at this point, now is the time.</p> <p>4 CHAIRPERSON WEIDMANN: Would you like to</p> <p>5 or you want this Board to write a letter to Bergen</p> <p>6 County?</p> <p>7 MR. SEHNAL: We applied -- submitted an</p> <p>8 application to the county and they just requested an</p> <p>9 easement, no widening at this point.</p> <p>10 CHAIRPERSON WEIDMANN: So this is what's</p> <p>11 going to happen: Since you don't want to be</p> <p>12 cooperative, this Board is going to write a letter to</p> <p>13 Bergen County or maybe you should ask your -- the</p> <p>14 gentleman who did your traffic. There is no doubt,</p> <p>15 okay, no doubt that the road has to be widened on your</p> <p>16 side of the -- in front of your -- in front of your</p> <p>17 property and I think it has to be widened the whole</p> <p>18 width of the property.</p> <p>19 MR. SEHNAL: Yeah. Our traffic engineer,</p> <p>20 I'm sure you'll hear plenty of testimony from him and</p> <p>21 he'll address that.</p> <p>22 CHAIRPERSON WEIDMANN: Maybe -- maybe</p> <p>23 then what we have to do is hire our own traffic</p> <p>24 engineer.</p> <p>25 MS. PRICE: I don't think that the volume</p>
<p style="text-align: right;">162</p> <p>1 sure it's necessary. I think you might want to hear</p> <p>2 the traffic testimony.</p> <p>3 CHAIRPERSON WEIDMANN: Do you think we</p> <p>4 should notify Bergen County or wait --</p> <p>5 MR. SKRABLE: Well, once they have a</p> <p>6 final approval, it becomes more of a problem to get it</p> <p>7 done.</p> <p>8 MR. REGAN: Time to act would be sooner</p> <p>9 rather than later.</p> <p>10 CHAIRPERSON WEIDMANN: Do you understand</p> <p>11 what I'm saying? There's a history of that road right</p> <p>12 there and the reason it's so narrow is because, over</p> <p>13 the years, there was a huge, big elm tree there that</p> <p>14 had to be, you know, 150 years old if it was a day</p> <p>15 that they didn't want to cut down but then the elm</p> <p>16 disease came anyway and it ended up cutting it down.</p> <p>17 Plus, the property right there, the reason that stone</p> <p>18 wall was there was to try to keep back some of the</p> <p>19 earth when the sidewalks went in. Okay? And the</p> <p>20 sidewalks went in, what, five years ago? But there --</p> <p>21 there is a problem there with the -- with the Old</p> <p>22 Tappan Road.</p> <p>23 MR. SKRABLE: And this is definitely a</p> <p>24 low-traffic generator and I agree wholeheartedly with</p> <p>25 that. The issue is that they're already in that.</p>	<p style="text-align: right;">164</p> <p>1 is going -- I think that we're all going to be on the</p> <p>2 same page about the volume, low generator. I think</p> <p>3 it's an issue --</p> <p>4 CHAIRPERSON WEIDMANN: Listen. You have</p> <p>5 a shopping center there, you have the DPW there --</p> <p>6 MS. PRICE: I understand.</p> <p>7 CHAIRPERSON WEIDMANN: -- the police</p> <p>8 department there and you have the schools there. It's</p> <p>9 in between the two schools and drive along there and,</p> <p>10 say, best time is 3:00. Drive along there at 3:00 and</p> <p>11 tell me how many cars, you know, better yet, look, hit</p> <p>12 the high curb that got put in opposite you.</p> <p>13 MS. PRICE: My primary doctor used to be</p> <p>14 right next door here, actually, so I used to come all</p> <p>15 the time.</p> <p>16 CHAIRPERSON WEIDMANN: So what I'm saying</p> <p>17 is: Decide what you want to do, you want us to hire</p> <p>18 our traffic expert? You want to write a letter to</p> <p>19 Bergen County and express to then the concern and --</p> <p>20 and maybe, if they do a survey of Old Tappan Road,</p> <p>21 they will find out that, holy mackerel, you know, the</p> <p>22 road really is 10 feet on your property.</p> <p>23 MS. PRICE: Well, we'll have a</p> <p>24 conversation with the county.</p> <p>25 MR. REGAN: You need a course of action</p>

	165
1	whether we have to act or whether you will.
2	MS. PRICE: We'll talk to Tom.
3	MR. SKRABLE: I think without being
4	specific, we could request a meeting with Bergen
5	County. Again, I don't want to overdesign something.
6	This an essentially residential.
7	MS. PRICE: We'll contact the county and
8	we'll rope Tom into that. How's that?
9	CHAIRPERSON WEIDMANN: Okay. Very good.
10	MS. PRICE: Okay. Put it on my to-do
11	list.
12	CHAIRPERSON WEIDMANN: Look. The stuff
13	that -- oh. No. Maybe not. Put the sidewalks in.
14	MR. SEHNAL: It might have been a
15	historic tree associated with that house.
16	CHAIRPERSON WEIDMANN: You want to know?
17	I could mark it.
18	MR. SEHNAL: I think we know because the
19	sidewalk jogs at one point around it.
20	CHAIRPERSON WEIDMANN: Yes.
21	It's 10:30. Our next -- so we're going
22	to call it quits for tonight. Our next meeting is the
23	same day. It's March 9th. It will be at 7:00 again
24	and, right now, you they are the only one on the
25	agenda.

	166
1	MR. REGAN: Carries without any further
2	notice.
3	(The hearing concluded at 10:35 p.m.)
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1	<u>C E R T I F I C A T E</u>
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4	
5	I, ALISON GULINO, a Certified Court
6	Reporter, Registered Professional Reporter and Notary
7	Public of the State of New Jersey, authorized to
8	administer oaths pursuant to R.S. 41:2-1, do hereby
9	state that the foregoing is a true and accurate
10	verbatim transcript of my stenographic notes of the
11	within remote proceedings, to the best of my ability.
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21	<i>Alison Gulino/CCR, RPR</i>
22	
23	ALISON GULINO, CCR, RPR
24	NJ Certified Court Reporter
25	License No. 30X100235500

<b>\$</b>	<b>124</b> [1] - 157:25 <b>129</b> [1] - 3:4 <b>13</b> [1] - 20:9 <b>13,500,000</b> [1] - 20:14 <b>130</b> [3] - 3:11, 3:13, 3:14 <b>14</b> [1] - 149:15 <b>14-1/2</b> [1] - 157:5 <b>14-passenger</b> [2] - 19:7, 141:15 <b>14-person</b> [1] - 154:13 <b>15</b> [3] - 92:13, 145:20, 149:10 <b>150</b> [5] - 9:22, 15:5, 102:11, 162:14 <b>16</b> [2] - 41:18, 49:19 <b>1606</b> [1] - 1:5 <b>168</b> [1] - 104:6 <b>17</b> [2] - 27:10, 119:9 <b>175</b> [1] - 152:12 <b>18</b> [5] - 32:19, 41:15, 41:18, 97:14, 158:25 <b>18-foot-wide</b> [1] - 141:19 <b>182</b> [1] - 140:3 <b>19</b> [1] - 52:19 <b>1948</b> [2] - 114:22, 114:23 <b>1964</b> [1] - 114:22 <b>1970s</b> [1] - 47:2 <b>1st</b> [1] - 16:25	136:11 <b>2022</b> [2] - 1:7, 138:7 <b>2025</b> [3] - 37:8, 38:1, 39:16 <b>2026</b> [3] - 21:12, 58:21, 114:15 <b>204</b> [1] - 92:1 <b>2050</b> [3] - 20:10, 20:13, 114:15 <b>21</b> [2] - 71:4, 136:4 <b>21,000</b> [2] - 21:6, 102:13 <b>21,718</b> [1] - 20:25 <b>21.2</b> [1] - 149:10 <b>22</b> [1] - 17:19 <b>225</b> [1] - 66:21 <b>225-unit</b> [1] - 37:22 <b>226</b> [1] - 100:22 <b>227</b> [1] - 1:8 <b>23</b> [3] - 16:21, 76:25, 156:24 <b>230</b> [1] - 71:6 <b>24</b> [1] - 97:14 <b>24-hour</b> [4] - 110:1, 110:18, 111:15, 112:7 <b>24-month</b> [1] - 97:19 <b>240</b> [5] - 36:2, 67:6, 68:14, 71:8, 71:9 <b>244</b> [2] - 1:4, 4:15 <b>245</b> [2] - 129:22, 140:3 <b>25</b> [10] - 12:4, 15:10, 22:15, 77:3, 80:16, 98:13, 102:17, 106:17, 117:1, 150:25 <b>25-foot-wide</b> [1] - 141:7 <b>25-year-old</b> [3] - 33:23, 64:18, 117:14 <b>250-year-old</b> [1] - 42:8 <b>256</b> [1] - 72:1 <b>26</b> [2] - 136:11, 142:23 <b>265</b> [1] - 152:13 <b>271</b> [4] - 67:5, 68:13, 71:12, 71:14 <b>275-square-foot</b> [1] - 117:15 <b>28</b> [1] - 65:12 <b>29</b> [2] - 130:4, 132:14	<b>3-mile</b> [2] - 64:3, 64:6 <b>3-to-5-mile</b> [1] - 64:7 <b>3.35</b> [1] - 138:24 <b>3.83</b> [1] - 79:9 <b>30</b> [12] - 11:13, 17:17, 66:17, 66:19, 67:6, 70:17, 107:14, 111:23, 125:18, 125:20, 149:21, 156:13 <b>30,000</b> [3] - 140:6, 140:7, 150:8 <b>30-or-so</b> [1] - 107:9 <b>30X100235500</b> [1] - 167:23 <b>32,000</b> [2] - 18:14, 18:16 <b>33</b> [1] - 149:24 <b>34.5</b> [1] - 140:12 <b>35</b> [3] - 9:20, 11:13, 145:17 <b>35-foot</b> [1] - 43:14 <b>350</b> [3] - 18:21, 96:3, 117:16 <b>36</b> [1] - 33:24 <b>365</b> [1] - 95:10 <b>39</b> [2] - 13:14, 13:19 <b>3:00</b> [5] - 17:19, 104:9, 104:11, 164:10	<b>5</b> <b>5</b> [7] - 17:20, 36:6, 96:20, 97:24, 100:11, 101:15, 154:6 <b>5,000</b> [1] - 95:23 <b>5,100,000</b> [1] - 20:12 <b>5-1/2</b> [2] - 115:23, 116:8 <b>5-1/2-acre</b> [1] - 4:23 <b>5-mile</b> [9] - 21:2, 21:7, 21:15, 29:8, 29:9, 64:3, 76:5, 77:11, 102:15 <b>5/18/2021</b> [3] - 3:13, 130:18, 130:20 <b>50</b> [11] - 2:6, 4:12, 19:12, 45:10, 45:11, 45:14, 111:20, 112:11, 136:18, 142:23, 150:22 <b>50-foot</b> [4] - 134:17, 135:6, 136:25, 142:2 <b>50/50</b> [1] - 45:15 <b>500</b> [1] - 27:14 <b>52</b> [1] - 85:10 <b>525</b> [1] - 32:13 <b>55</b> [2] - 19:11, 154:11 <b>55-plus</b> [2] - 15:15, 115:6 <b>568</b> [1] - 85:5 <b>57</b> [1] - 54:18 <b>5:00</b> [1] - 81:17
<b>0</b>				
<b>07006</b> [1] - 1:24 <b>07677</b> [1] - 2:6				
<b>1</b>				
<b>1</b> [4] - 17:3, 29:7, 101:15, 106:1 <b>1-mile</b> [1] - 21:20 <b>1.65</b> [1] - 144:9 <b>1.7</b> [1] - 157:12 <b>1.8</b> [1] - 79:9 <b>10</b> [13] - 3:9, 12:22, 27:12, 92:15, 92:23, 93:8, 125:18, 125:22, 137:1, 139:6, 142:3, 142:8, 164:22 <b>10,000</b> [4] - 20:15, 20:21, 21:6, 99:4 <b>10-by-20</b> [2] - 143:3, 154:16 <b>100</b> [16] - 7:15, 12:20, 14:17, 23:10, 42:16, 63:20, 64:2, 66:10, 112:12, 119:18, 119:20, 119:25, 120:3, 121:1, 131:19 <b>100,000</b> [1] - 98:21 <b>100-bed</b> [4] - 4:18, 26:18, 27:9, 28:3 <b>102</b> [1] - 152:12 <b>104</b> [3] - 33:22, 85:14, 85:21 <b>1064</b> [1] - 81:3 <b>10:30</b> [1] - 165:21 <b>10:35</b> [1] - 166:3 <b>110</b> [5] - 34:8, 65:20, 65:22, 65:25, 119:20 <b>110-bed</b> [1] - 34:6 <b>119</b> [1] - 62:6 <b>11:00</b> [2] - 17:19, 104:9 <b>12</b> [1] - 22:14 <b>12-inch</b> [1] - 155:10	<b>2</b> <b>2</b> [5] - 33:22, 45:2, 85:10, 138:7 <b>2-1/2</b> [3] - 4:23, 115:25, 116:2 <b>2.12</b> [4] - 14:1, 56:10, 106:8, 139:8 <b>2.12-acre</b> [3] - 13:10, 13:14, 137:4 <b>2/9/22</b> [3] - 3:14, 130:23, 131:1 <b>20</b> [10] - 20:11, 87:23, 87:25, 92:10, 92:12, 111:23, 125:22, 145:18, 152:24 <b>20,000</b> [1] - 91:15 <b>200</b> [4] - 38:14, 56:14, 71:10, 71:16 <b>200,001</b> [1] - 21:18 <b>200-square-foot</b> [1] - 154:16 <b>2003</b> [2] - 14:23, 14:25 <b>2010</b> [1] - 20:11 <b>2020</b> [1] - 136:4 <b>2021</b> [6] - 20:24, 21:4, 21:8, 130:4, 132:14, 136:11	<b>3</b> <b>3</b> [11] - 1:5, 21:13, 29:7, 77:11, 79:10, 79:17, 88:9, 97:24, 100:11, 101:15, 102:15 <b>3-1/2</b> [2] - 21:11, 116:9	<b>4</b> <b>4</b> [7] - 17:20, 22:20, 57:7, 95:23, 97:24, 100:11 <b>4,000</b> [4] - 78:8, 97:4, 99:16, 99:17 <b>4-acre</b> [1] - 79:17 <b>40</b> [10] - 18:13, 33:19, 45:10, 45:14, 63:18, 71:1, 71:3, 141:1, 145:19, 152:19 <b>40.2-foot</b> [1] - 151:19 <b>404</b> [1] - 51:11 <b>41-2-1</b> [1] - 167:8 <b>42</b> [2] - 84:16, 154:8 <b>45</b> [17] - 20:25, 21:3, 33:19, 58:19, 64:7, 76:22, 79:23, 89:16, 93:10, 93:11, 93:12, 98:14, 101:6, 101:7, 106:15, 108:4, 113:9 <b>46</b> [5] - 19:10, 142:10, 154:9, 154:10 <b>47</b> [1] - 1:23 <b>49.9</b> [1] - 149:22	<b>6</b> <b>6</b> [5] - 53:21, 53:23, 95:10, 98:19, 109:21 <b>6,000</b> [8] - 58:13, 58:15, 64:22, 95:12, 98:14, 99:4, 101:21, 101:24 <b>6.740</b> [1] - 21:8 <b>60</b> [5] - 16:20, 78:3, 95:15, 101:7, 112:11 <b>618-0872</b> [1] - 1:24 <b>62-foot</b> [1] - 151:18 <b>64</b> [9] - 21:3, 58:19, 76:22, 79:23, 89:16, 93:11, 93:12, 106:15, 113:9 <b>64-year-old</b> [3] - 21:1, 64:8, 108:4 <b>65</b> [6] - 20:15, 20:21, 94:9, 95:11, 101:6, 152:10 <b>65-plus</b> [2] - 20:8,

20:10 <b>6:00</b> [1] - 81:17 <b>6o</b> [1] - 93:10	<b>85-plus</b> [1] - 20:7 <b>85-year-olds</b> [1] - 90:1 <b>850</b> [1] - 18:22 <b>86</b> [12] - 17:6, 57:15, 58:20, 66:17, 76:2, 113:3, 113:7, 113:8, 113:20, 116:21, 127:22, 141:2 <b>86-year-old</b> [1] - 21:4 <b>8:00</b> [1] - 81:16	<b>absolutely</b> [4] - 69:23, 126:7, 133:1, 136:24 <b>Absolutely</b> [10] - 35:9, 39:18, 43:3, 64:14, 80:17, 108:3, 131:7, 132:20, 137:23, 148:10 <b>abuts</b> [1] - 151:11 <b>abutted</b> [1] - 5:25 <b>abutting</b> [1] - 151:16 <b>accel/decel</b> [1] - 160:16 <b>accept</b> [2] - 38:18, 71:14 <b>accepts</b> [1] - 17:1 <b>access</b> [7] - 16:23, 139:2, 140:19, 140:25, 141:21, 141:22, 143:14 <b>accessible</b> [5] - 13:4, 142:11, 142:12, 143:7, 159:2 <b>accidentally</b> [1] - 44:8 <b>accommodate</b> [3] - 141:13, 142:17, 142:24 <b>accommodation</b> [1] - 27:17 <b>accommodations</b> [5] - 27:13, 27:20, 34:20, 94:7, 94:8 <b>accomplish</b> [2] - 42:7, 146:20 <b>accomplishes</b> [1] - 141:20 <b>account</b> [1] - 81:12 <b>accounted</b> [1] - 82:22 <b>accrue</b> [1] - 37:2 <b>accurate</b> [2] - 134:3, 167:9 <b>Aces</b> [1] - 13:16 <b>acquire</b> [1] - 52:22 <b>acquisitions</b> [1] - 16:2 <b>acreage</b> [1] - 31:16 <b>acres</b> [15] - 4:24, 14:1, 45:2, 56:10, 79:9, 79:10, 106:9, 115:23, 116:1, 116:2, 116:8, 116:9, 138:24, 139:8, 144:9 <b>Acres</b> [1] - 13:24 <b>acronym</b> [2] - 17:11, 17:12 <b>act</b> [7] - 82:16, 83:11, 83:17, 132:22, 146:15, 162:8, 165:1 <b>Act</b> [1] - 51:11 <b>acted</b> [1] - 131:12 <b>action</b> [1] - 164:25 <b>activities</b> [4] - 17:15,	18:2, 18:19, 113:19 <b>activity</b> [1] - 81:8 <b>actual</b> [3] - 6:23, 6:25, 156:8 <b>ADA</b> [5] - 143:10, 143:14, 146:16, 154:10, 159:2 <b>ADA-compliant</b> [2] - 143:10, 143:14 <b>add</b> [4] - 73:25, 74:1, 138:16, 149:1 <b>addition</b> [4] - 7:5, 8:11, 35:20, 151:8 <b>additional</b> [11] - 137:1, 137:12, 139:5, 142:3, 142:7, 145:20, 148:11, 148:12, 150:18, 151:12, 156:1 <b>Additionally</b> [4] - 145:8, 148:1, 150:4, 152:17 <b>additive</b> [1] - 38:6 <b>address</b> [12] - 25:2, 26:15, 49:15, 54:9, 61:17, 66:23, 77:17, 81:2, 90:22, 158:9, 158:14, 163:21 <b>addressed</b> [2] - 63:13, 73:6 <b>adds</b> [2] - 148:23, 151:4 <b>adequate</b> [5] - 154:25, 155:17, 155:22, 155:25, 159:1 <b>adjacent</b> [1] - 108:10 <b>adjustment</b> [2] - 67:20, 69:5 <b>administer</b> [1] - 167:8 <b>administration</b> [1] - 9:19 <b>administrator</b> [1] - 40:23 <b>Adrian</b> [1] - 100:21 <b>adult</b> [6] - 21:1, 21:21, 64:8, 108:5, 108:8, 113:9 <b>advance</b> [1] - 28:24 <b>advised</b> [1] - 4:2 <b>aerial</b> [2] - 130:17, 130:19 <b>Aerial</b> [1] - 3:12 <b>aesthetic</b> [1] - 149:1 <b>Affairs</b> [3] - 26:1, 26:2, 26:23 <b>affect</b> [2] - 110:24, 111:5 <b>affluent</b> [1] - 21:22 <b>afford</b> [6] - 21:23, 93:18, 93:19, 98:8,	98:21, 99:20 <b>affordability</b> [2] - 96:12, 100:3 <b>affordable</b> [11] - 7:6, 7:8, 57:21, 58:2, 84:19, 91:15, 92:5, 92:7, 99:12, 100:15, 126:5 <b>age</b> [11] - 17:6, 20:6, 22:14, 24:21, 30:2, 46:5, 47:23, 57:15, 75:6, 114:22, 124:8 <b>agencies</b> [1] - 112:2 <b>agency</b> [3] - 83:5, 108:14, 132:22 <b>agenda</b> [1] - 165:25 <b>aging</b> [2] - 31:7, 34:10 <b>ago</b> [8] - 32:19, 72:11, 95:6, 102:18, 111:20, 129:2, 137:21, 162:20 <b>agree</b> [5] - 40:12, 77:21, 78:23, 161:23, 162:24 <b>agreement</b> [9] - 15:11, 38:11, 40:8, 40:16, 66:24, 67:4, 121:22, 128:9, 128:11 <b>ahead</b> [3] - 43:20, 44:2, 139:18 <b>aides</b> [1] - 84:8 <b>aisle</b> [1] - 141:19 <b>aisles</b> [1] - 143:20 <b>ALESSI</b> [26] - 1:12, 30:7, 31:24, 32:2, 32:6, 32:11, 32:17, 34:21, 44:1, 44:3, 44:16, 124:22, 125:2, 125:4, 125:16, 125:25, 126:3, 126:6, 126:11, 126:21, 126:24, 127:8, 127:17, 127:20, 127:25, 128:5 <b>Alessi</b> [1] - 31:23 <b>ALISON</b> [3] - 1:20, 167:5, 167:22 <b>all-red</b> [1] - 46:17 <b>Allegro</b> [1] - 55:6 <b>allocated</b> [2] - 37:16, 71:1 <b>allow</b> [8] - 8:9, 60:19, 77:7, 78:4, 78:5, 105:16, 141:14, 159:24 <b>allowed</b> [7] - 43:19, 48:16, 48:21, 48:22, 48:23, 49:14, 69:4 <b>allowing</b> [1] - 148:5
<b>7</b>		<b>9</b>		
<b>7,925</b> [1] - 21:11 <b>70</b> [1] - 95:16 <b>72</b> [2] - 114:23, 156:12 <b>72-unit</b> [1] - 22:25 <b>73</b> [4] - 65:25, 114:24, 114:25, 115:7 <b>74</b> [3] - 58:20, 152:7, 152:8 <b>75-plus</b> [1] - 20:8 <b>75-year-old</b> [1] - 21:9 <b>75-year-olds</b> [1] - 90:1 <b>750</b> [1] - 158:3 <b>754</b> [1] - 21:21 <b>77</b> [4] - 34:7, 65:16, 65:18, 65:19 <b>77,000</b> [1] - 144:9 <b>7700</b> [1] - 102:14 <b>785,000</b> [1] - 105:20 <b>7:00</b> [2] - 81:20, 165:23 <b>7:05</b> [1] - 1:9 <b>7:30</b> [1] - 81:20	<b>9</b> [7] - 1:7, 3:3, 19:9, 27:25, 119:20, 138:6 <b>9/29/21</b> [2] - 3:10, 130:13 <b>90</b> [7] - 12:19, 27:25, 30:17, 66:9, 66:12, 119:20, 119:25 <b>900</b> [2] - 18:22, 96:2 <b>91</b> [2] - 28:2, 120:1 <b>911</b> [8] - 19:18, 19:19, 24:6, 24:15, 32:23, 33:1, 40:1, 40:2 <b>92</b> [1] - 28:10 <b>93</b> [4] - 27:23, 28:4, 66:7, 66:9 <b>94</b> [1] - 66:9 <b>97</b> [1] - 28:10 <b>973</b> [1] - 1:24 <b>9:00</b> [1] - 81:17 <b>9th</b> [1] - 165:23			
<b>8</b>		<b>A</b>		
<b>8</b> [1] - 53:24 <b>8,000</b> [11] - 59:20, 60:4, 60:11, 60:18, 60:23, 61:5, 61:7, 86:15, 86:23, 98:19, 99:4 <b>8-0</b> [2] - 60:9, 60:10 <b>8.8</b> [2] - 152:20 <b>8.8-foot</b> [1] - 156:8 <b>80</b> [5] - 60:12, 60:24, 112:11, 119:20 <b>80,000</b> [7] - 18:5, 60:8, 60:24, 60:25, 61:25, 105:23, 140:5 <b>8000-square-foot</b> [1] - 87:6 <b>81</b> [1] - 93:17 <b>81,000</b> [2] - 140:10, 150:10 <b>83</b> [5] - 66:6, 107:8, 120:12, 140:4, 154:7 <b>83-unit</b> [7] - 4:18, 12:16, 16:18, 27:9, 27:22, 28:9 <b>8400</b> [2] - 150:6, 150:10 <b>85</b> [2] - 66:6, 66:12	<b>A-1</b> [3] - 3:9, 10:17, 10:19 <b>A-2</b> [5] - 3:10, 130:8, 130:15, 132:10, 133:5 <b>A-3</b> [3] - 3:12, 130:18, 130:19 <b>A-4</b> [5] - 3:14, 130:21, 130:23, 131:1, 138:5 <b>ability</b> [2] - 67:7, 167:11 <b>able</b> [18] - 5:19, 13:3, 17:4, 26:12, 28:23, 29:1, 33:10, 67:5, 70:16, 70:21, 78:12, 85:25, 87:19, 94:21, 117:22, 124:7, 155:4, 155:5 <b>ABODE</b> [1] - 70:18 <b>aboveground</b> [2] - 144:12, 156:5 <b>absolute</b> [1] - 28:13			

<p><b>allows</b> [2] - 140:14, 143:19</p> <p><b>alluded</b> [1] - 16:10</p> <p><b>alluding</b> [1] - 22:10</p> <p><b>ALSO</b> [1] - 1:15</p> <p><b>alter</b> [1] - 153:13</p> <p><b>Alzheimer's</b> [2] - 20:12, 20:13</p> <p><b>ambulance</b> [25] - 19:9, 24:5, 24:9, 24:14, 24:23, 29:23, 31:1, 32:18, 33:4, 33:5, 33:12, 34:23, 40:9, 85:3, 85:7, 100:11, 120:22, 121:1, 121:5, 121:9, 121:10, 121:11, 121:24, 141:13, 145:1</p> <p><b>Ambulance</b> [1] - 33:7</p> <p><b>ambulances</b> [4] - 30:5, 30:12, 30:14, 33:6</p> <p><b>ambulatory</b> [1] - 34:12</p> <p><b>amenities</b> [2] - 18:17, 95:25</p> <p><b>amenity</b> [2] - 143:12, 143:25</p> <p><b>America</b> [1] - 31:7</p> <p><b>amount</b> [10] - 28:5, 29:24, 31:10, 33:6, 85:17, 87:12, 87:19, 100:6, 126:14, 144:5</p> <p><b>and..</b> [1] - 118:9</p> <p><b>Andy</b> [1] - 48:4</p> <p><b>Angeline</b> [1] - 115:13</p> <p><b>Anna</b> [1] - 109:21</p> <p><b>annual</b> [1] - 128:8</p> <p><b>anomaly</b> [1] - 33:20</p> <p><b>answer</b> [14] - 23:17, 24:17, 53:6, 80:4, 81:14, 89:15, 90:5, 93:23, 94:2, 94:7, 100:9, 102:4, 111:18, 126:25</p> <p><b>answered</b> [3] - 102:1, 103:11, 103:12</p> <p><b>answers</b> [2] - 27:5, 123:11</p> <p><b>anticipate</b> [3] - 121:25, 142:18, 142:19</p> <p><b>anticipated</b> [1] - 155:1</p> <p><b>anticipating</b> [1] - 40:24</p> <p><b>anyway</b> [2] - 52:8, 162:16</p> <p><b>apart</b> [1] - 105:13</p> <p><b>apartment</b> [2] - 91:23, 99:6</p>	<p><b>apartments</b> [2] - 15:2, 15:15</p> <p><b>apologize</b> [2] - 55:13, 72:20</p> <p><b>Apologize</b> [1] - 23:25</p> <p><b>appeals</b> [1] - 76:20</p> <p><b>appearance</b> [1] - 143:1</p> <p><b>appease</b> [1] - 77:21</p> <p><b>Applause</b> [12] - 51:22, 57:3, 59:6, 62:3, 65:2, 80:10, 80:23, 87:16, 88:24, 90:7, 93:2, 98:10</p> <p><b>appliances</b> [1] - 19:1</p> <p><b>applicant</b> [5] - 4:13, 6:5, 6:24, 104:15, 129:24</p> <p><b>Applicant</b> [1] - 2:7</p> <p><b>APPLICANT'S</b> [1] - 3:2</p> <p><b>applicants</b> [1] - 40:3</p> <p><b>application</b> [43] - 6:1, 6:2, 6:3, 7:22, 8:2, 10:3, 10:7, 11:4, 11:6, 11:13, 11:24, 11:25, 22:7, 26:4, 26:16, 26:21, 29:4, 48:17, 49:2, 55:6, 56:3, 56:14, 58:9, 76:11, 108:25, 109:18, 117:11, 117:12, 120:11, 120:12, 120:25, 122:20, 122:21, 123:12, 127:14, 133:23, 133:25, 135:20, 138:9, 145:10, 145:13, 155:20, 163:8</p> <p><b>applications</b> [6] - 17:1, 67:11, 74:5, 129:6, 131:16, 135:10</p> <p><b>applied</b> [8] - 16:24, 17:2, 65:22, 119:15, 119:23, 120:5, 158:12, 163:7</p> <p><b>apply</b> [4] - 12:23, 96:18, 119:20, 153:13</p> <p><b>applying</b> [5] - 12:16, 96:17, 109:2, 135:17, 155:20</p> <p><b>apportioned</b> [1] - 69:1</p> <p><b>approach</b> [4] - 50:2, 99:8, 116:7, 116:8</p> <p><b>appropriate</b> [19] - 6:19, 18:12, 33:17, 34:13, 34:14, 34:20, 48:24, 48:25, 51:25, 56:7, 56:22, 56:25, 58:18, 79:5, 82:1, 108:23, 109:4, 118:17, 121:14</p> <p><b>approval</b> [9] - 4:22, 25:8, 25:19, 36:16, 120:15, 120:25, 121:6, 158:10, 162:6</p> <p><b>approvals</b> [1] - 158:6</p> <p><b>approve</b> [1] - 129:8</p> <p><b>approved</b> [13] - 22:23, 36:1, 39:11, 42:18, 50:1, 50:5, 51:3, 51:14, 66:25, 80:13, 80:14, 136:9, 136:14</p> <p><b>approving</b> [1] - 121:21</p> <p><b>April</b> [1] - 136:11</p> <p><b>Arbor</b> [4] - 16:5, 16:6, 16:11, 33:19</p> <p><b>architect</b> [16] - 6:8, 6:9, 27:2, 43:11, 45:20, 56:17, 61:16, 118:3, 122:11, 140:16, 143:24, 148:25, 150:16, 153:21, 158:5</p> <p><b>architectural</b> [2] - 14:9, 18:9</p> <p><b>architecture</b> [4] - 143:6, 145:6, 146:25, 157:1</p> <p><b>ARDITO</b> [9] - 54:17, 55:4, 55:13, 55:22, 55:24, 56:5, 56:13, 56:21, 57:1</p> <p><b>Ardito</b> [1] - 54:17</p> <p><b>area</b> [73] - 5:7, 9:23, 13:21, 16:13, 16:23, 18:8, 18:16, 18:24, 19:3, 21:17, 21:22, 45:14, 61:7, 64:21, 67:10, 82:14, 87:3, 87:4, 87:5, 87:7, 87:12, 105:19, 114:5, 128:4, 134:11, 134:18, 135:7, 136:19, 136:20, 137:1, 137:3, 139:4, 140:9, 141:6, 141:11, 141:12, 141:23, 142:1, 142:2, 142:4, 142:5, 142:6, 142:16, 142:21, 142:22, 143:3, 144:2, 147:3, 147:15, 148:3, 148:14, 150:5, 150:7, 152:13, 152:21, 152:23, 152:25, 153:10, 153:12, 153:23, 154:24, 155:3, 156:24, 156:25, 157:9, 158:23, 159:6, 159:18, 160:2, 160:5, 160:6</p> <p><b>area-wide</b> [1] - 67:10</p> <p><b>areas</b> [6] - 18:18, 18:19, 18:20, 87:1, 106:10, 151:23</p> <p><b>arguably</b> [1] - 108:19</p> <p><b>argument</b> [3] - 105:1, 105:23, 106:4</p> <p><b>arise</b> [1] - 70:8</p> <p><b>arm</b> [2] - 108:2, 108:15</p> <p><b>Army</b> [6] - 50:1, 51:3, 51:12, 52:3, 52:9, 132:23</p> <p><b>arrangements</b> [1] - 24:22</p> <p><b>art</b> [7] - 12:3, 64:16, 77:1, 77:2, 80:18, 106:17, 117:25</p> <p><b>articles</b> [1] - 7:16</p> <p><b>Artis</b> [11] - 22:21, 25:8, 33:14, 36:7, 58:14, 75:17, 80:13, 104:12, 106:18, 121:6</p> <p><b>aside</b> [2] - 67:13, 108:17</p> <p><b>assessment</b> [2] - 35:7, 116:16</p> <p><b>assessor</b> [3] - 31:14, 116:3, 116:4</p> <p><b>assessors</b> [2] - 116:6, 116:11</p> <p><b>assets</b> [2] - 128:16, 128:24</p> <p><b>assigned</b> [1] - 133:14</p> <p><b>assistance</b> [1] - 45:1</p> <p><b>assistants</b> [1] - 17:25</p> <p><b>Assisted</b> [3] - 5:17, 57:12, 111:18</p> <p><b>assisted</b> [44] - 4:18, 5:9, 7:9, 9:22, 15:14, 16:19, 16:20, 17:10, 17:11, 19:5, 20:4, 22:24, 25:23, 26:3, 34:16, 58:4, 66:7, 75:12, 80:6, 82:18, 83:14, 85:19, 89:22, 92:14, 95:9, 99:4, 99:9, 100:13, 105:10, 110:21, 112:8, 113:2, 113:4, 113:13, 113:17, 114:6, 114:17, 115:1, 115:5, 115:7, 138:23, 139:21, 140:21, 149:6</p> <p><b>associated</b> [11] - 131:16, 133:21, 134:17, 135:9, 135:13, 139:5, 150:19, 151:9, 153:24, 157:23, 165:15</p> <p><b>Association</b> [1] - 62:7</p> <p><b>assume</b> [2] - 81:8, 96:17</p> <p><b>assuming</b> [1] - 75:9</p> <p><b>attention</b> [2] - 14:6, 136:1</p> <p><b>attenuating</b> [1] - 156:17</p> <p><b>attorney</b> [6] - 51:5, 51:6, 51:8, 51:9, 57:25, 87:18</p> <p><b>audience</b> [3] - 23:18, 63:2, 88:20</p> <p><b>August</b> [1] - 136:4</p> <p><b>authorized</b> [1] - 167:7</p> <p><b>automatically</b> [1] - 28:3</p> <p><b>available</b> [7] - 13:4, 30:5, 56:2, 68:1, 135:4, 153:14, 155:4</p> <p><b>avenue</b> [1] - 35:15</p> <p><b>Avenue</b> [6] - 32:23, 54:18, 81:4, 84:17, 104:6, 140:23</p> <p><b>average</b> [15] - 22:13, 33:22, 33:23, 57:15, 66:14, 85:1, 98:19, 105:21, 115:7, 126:16, 146:5, 146:6, 146:10, 146:18, 157:11</p> <p><b>avoid</b> [3] - 82:4, 82:5, 143:19</p> <p><b>aware</b> [4] - 28:17, 37:12, 139:20, 151:15</p> <p><b>Awesome</b> [1] - 104:23</p> <p><b>Aye</b> [2] - 49:11, 124:21</p>	<p><b>B</b></p> <p><b>B.S</b> [1] - 9:17</p> <p><b>Baby</b> [8] - 20:17, 58:21, 114:22, 114:23, 115:2, 115:4</p> <p><b>Bachelor's</b> [2] - 9:18, 131:11</p> <p><b>back-of-house</b> [1] - 18:17</p>
--	---	--

<b>back-peddling</b> [1] - 133:16 <b>background</b> [3] - 9:15, 10:7, 137:19 <b>backup</b> [1] - 22:5 <b>BAGER</b> [11] - 109:21, 110:9, 110:13, 110:18, 110:22, 111:2, 112:1, 112:5, 112:20, 113:6, 114:9 <b>Bager</b> [1] - 109:21 <b>Bain</b> [1] - 15:17 <b>balance</b> [1] - 67:14 <b>balancing</b> [1] - 146:15 <b>bank</b> [1] - 37:3 <b>barely</b> [1] - 114:20 <b>baring</b> [1] - 117:23 <b>barn</b> [15] - 32:7, 32:9, 46:17, 47:1, 47:14, 48:4, 74:24, 118:7, 139:14, 149:25, 151:1, 151:2, 159:18, 159:20 <b>barrier</b> [1] - 151:25 <b>based</b> [15] - 15:5, 15:12, 55:14, 58:18, 58:19, 69:2, 93:20, 119:23, 120:5, 120:7, 135:3, 136:10, 154:4, 155:23, 161:21 <b>basement</b> [1] - 53:25 <b>basin</b> [8] - 144:13, 147:21, 151:21, 151:23, 152:8, 152:12, 157:17 <b>basis</b> [3] - 108:8, 113:11, 126:9 <b>Basking</b> [1] - 16:7 <b>bathing</b> [1] - 17:16 <b>bathroom</b> [1] - 27:16 <b>bear</b> [1] - 8:19 <b>beauties</b> [1] - 19:20 <b>beautiful</b> [4] - 11:22, 12:25, 110:23, 110:24 <b>became</b> [1] - 161:12 <b>become</b> [2] - 34:12, 129:7 <b>becomes</b> [7] - 38:6, 40:13, 44:23, 70:6, 110:2, 110:15, 162:6 <b>bed</b> [11] - 12:16, 12:19, 16:24, 27:24, 28:9, 92:15, 96:11, 119:19, 119:21, 129:8, 154:11 <b>Bedian</b> [2] - 14:7, 14:8 <b>BEDIAN</b> [9] - 14:8, 42:3, 42:7, 42:25,	43:7, 43:13, 43:17, 43:23, 113:25 <b>bedridden</b> [1] - 34:15 <b>bedroom</b> [3] - 18:23, 27:15, 34:4 <b>beds</b> [34] - 12:15, 12:22, 12:23, 26:20, 27:11, 27:12, 27:21, 27:25, 33:24, 34:8, 36:25, 65:16, 65:23, 65:25, 77:6, 84:21, 92:15, 92:18, 92:20, 94:3, 96:14, 97:3, 98:1, 98:2, 114:14, 114:16, 114:17, 117:6, 119:17, 119:18, 120:1, 120:2, 120:5, 128:13 <b>beginning</b> [1] - 34:12 <b>behalf</b> [2] - 4:13, 129:24 <b>behind</b> [5] - 14:6, 115:3, 152:12, 157:19 <b>below</b> [2] - 148:9, 157:9 <b>beneficial</b> [11] - 7:10, 12:2, 57:9, 57:13, 57:19, 58:4, 58:6, 105:13, 106:3, 109:7, 127:7 <b>beneficiary</b> [1] - 12:20 <b>benefit</b> [34] - 9:14, 10:10, 75:7, 76:18, 76:19, 77:5, 77:15, 79:19, 88:18, 93:19, 94:25, 98:8, 99:21, 100:23, 100:25, 101:3, 101:6, 101:10, 101:13, 101:15, 101:17, 101:25, 102:9, 103:3, 103:5, 103:6, 103:15, 103:17, 105:15, 111:5, 111:6, 115:18, 115:20, 131:5 <b>benefiting</b> [2] - 103:7, 103:8 <b>benefits</b> [5] - 63:24, 89:5, 89:8, 100:13, 109:10 <b>Bergen</b> [15] - 7:16, 16:8, 23:10, 23:12, 54:19, 64:6, 73:8, 158:7, 158:12, 161:14, 162:4, 163:5, 163:13, 164:19, 165:4 <b>best</b> [9] - 6:14, 11:14,	71:14, 76:24, 80:4, 89:18, 112:17, 164:10, 167:11 <b>better</b> [8] - 5:14, 12:6, 66:18, 97:23, 104:10, 138:17, 148:22, 164:11 <b>between</b> [7] - 14:14, 15:25, 28:10, 74:24, 135:16, 142:4, 164:9 <b>beyond</b> [3] - 21:18, 56:19, 62:14 <b>Bi</b> [2] - 107:20, 108:16 <b>Bi-State</b> [2] - 107:20, 108:16 <b>big</b> [5] - 55:8, 157:3, 158:16, 161:16, 162:13 <b>bigger</b> [1] - 60:13 <b>biggest</b> [1] - 62:8 <b>bill</b> [1] - 83:3 <b>Bill</b> [1] - 84:16 <b>billed</b> [2] - 82:20 <b>billing</b> [1] - 40:4 <b>Birchwood</b> [1] - 119:9 <b>bistro</b> [1] - 18:19 <b>bit</b> [16] - 7:12, 9:21, 10:25, 36:19, 78:12, 79:4, 115:22, 133:17, 135:22, 137:19, 144:10, 146:15, 146:20, 146:21, 148:21, 148:22 <b>black</b> [1] - 59:7 <b>blank</b> [1] - 45:2 <b>block</b> [2] - 146:24, 148:4 <b>BLOCK</b> [1] - 1:5 <b>blocking</b> [1] - 152:4 <b>bloody</b> [1] - 33:1 <b>BOARD</b> [4] - 1:1, 1:10, 49:11, 124:21 <b>board</b> [4] - 8:14, 8:17, 14:6, 145:12 <b>Board</b> [49] - 1:16, 1:17, 1:17, 2:3, 4:3, 7:23, 9:3, 9:13, 10:8, 10:22, 18:8, 18:9, 23:19, 23:21, 35:12, 38:16, 42:18, 43:25, 51:5, 51:6, 51:8, 51:9, 54:19, 54:21, 62:7, 87:18, 94:12, 105:2, 109:5, 109:6, 109:12, 109:24, 117:5, 117:9, 120:13, 122:24, 123:9, 123:16, 123:21, 124:5,	131:4, 131:9, 131:18, 158:8, 159:10, 160:16, 161:19, 163:5, 163:12 <b>Boards</b> [1] - 15:7 <b>Bob</b> [3] - 36:24, 88:8, 93:4 <b>bollards</b> [1] - 157:6 <b>bonding</b> [1] - 44:7 <b>bones</b> [1] - 117:20 <b>Boom</b> [1] - 115:4 <b>Boomer</b> [1] - 114:23 <b>Boomers</b> [6] - 20:17, 58:21, 114:22, 115:2 <b>border</b> [1] - 32:14 <b>border</b> [1] - 147:21 <b>born</b> [1] - 114:23 <b>borough</b> [40] - 4:23, 4:25, 5:7, 6:14, 6:17, 6:19, 6:23, 6:25, 7:1, 7:5, 8:23, 8:24, 9:5, 24:7, 24:10, 24:16, 26:2, 33:16, 36:17, 37:19, 54:11, 57:25, 68:7, 70:1, 70:6, 70:10, 77:16, 81:25, 82:2, 149:18, 149:21, 150:21, 151:21, 154:15, 154:20, 155:14, 156:16, 159:19, 160:12 <b>BOROUGH</b> [1] - 1:1 <b>Borough</b> [4] - 20:2, 20:24, 129:5, 144:6 <b>borough 's</b> [2] - 25:1, 39:24 <b>boroughs</b> [1] - 57:17 <b>Boston</b> [1] - 15:25 <b>bother</b> [1] - 29:22 <b>bottom</b> [1] - 126:17 <b>Boulevard</b> [2] - 2:6, 4:12 <b>boundary</b> [3] - 133:5, 133:20, 138:16 <b>Boundary</b> [1] - 133:7 <b>BOYCE</b> [3] - 1:14, 65:21, 66:1 <b>Boyd</b> [1] - 8:1 <b>break</b> [1] - 103:19 <b>BRIAN</b> [1] - 1:23 <b>brief</b> [1] - 81:4 <b>briefly</b> [2] - 99:3, 160:14 <b>bring</b> [11] - 37:17, 38:14, 44:5, 64:8, 94:8, 122:14, 123:3, 123:5, 123:6, 125:12, 151:6	<b>bringing</b> [2] - 39:9, 148:7 <b>brought</b> [3] - 39:6, 63:9, 79:19 <b>Budnitch</b> [2] - 160:24, 160:25 <b>buffer</b> [23] - 5:5, 5:6, 135:7, 135:13, 136:20, 136:22, 139:5, 142:8, 151:13, 151:18, 151:19, 151:20, 151:22, 152:1, 152:9, 152:17, 152:19, 153:3, 153:15, 153:19, 153:20, 153:25 <b>buffers</b> [1] - 151:10 <b>build</b> [12] - 18:7, 36:12, 39:10, 59:3, 60:23, 64:25, 68:7, 69:6, 71:17, 91:11, 111:11, 125:9 <b>builder</b> [1] - 39:13 <b>building</b> [91] - 12:16, 13:4, 13:10, 14:11, 14:13, 17:10, 18:5, 18:13, 19:22, 22:24, 22:25, 26:2, 26:21, 27:22, 35:4, 40:5, 42:8, 42:13, 42:15, 42:23, 44:8, 44:17, 44:22, 53:1, 55:19, 56:15, 60:2, 60:5, 60:7, 60:15, 61:24, 74:9, 77:1, 77:2, 78:8, 79:5, 84:4, 99:23, 102:18, 102:19, 108:21, 110:4, 110:23, 111:7, 115:19, 116:5, 116:7, 117:14, 117:19, 117:21, 118:15, 118:16, 120:2, 120:8, 120:14, 120:20, 140:2, 140:5, 140:6, 140:8, 140:11, 140:13, 141:7, 141:12, 141:22, 141:24, 143:6, 143:19, 143:23, 144:2, 145:7, 146:4, 146:7, 146:8, 146:17, 146:25, 148:20, 149:7, 149:8, 149:9, 149:11, 149:16, 150:23, 152:14, 152:15, 154:20,
---	--	---	--	---

<p>154:25, 156:10, 157:1, 158:24, 160:1</p> <p><b>Building</b> [1] - 1:7</p> <p><b>buildings</b> [5] - 42:4, 48:5, 80:1, 81:7, 103:14</p> <p><b>built</b> [11] - 12:4, 33:25, 47:2, 58:22, 61:6, 77:3, 79:21, 91:3, 92:3, 102:17, 106:17</p> <p><b>bulk</b> [5] - 149:4, 149:5, 149:8, 151:8</p> <p><b>bunk</b> [1] - 27:10</p> <p><b>burden</b> [2] - 25:6, 120:23</p> <p><b>bus</b> [1] - 107:19</p> <p><b>buses</b> [1] - 81:20</p> <p><b>business</b> [4] - 9:19, 66:11, 83:14, 116:10</p> <p><b>busy</b> [1] - 151:5</p> <p><b>buy</b> [2] - 13:16, 13:25</p> <p><b>BY</b> [3] - 129:25, 131:2, 131:25</p>	<p>111:8, 111:10, 111:15, 111:19, 111:21, 111:24, 112:7, 112:10, 112:11, 113:10, 113:13, 125:24, 128:3</p> <p><b>Care</b> [1] - 100:11</p> <p><b>career</b> [1] - 22:16</p> <p><b>caregivers</b> [3] - 28:12, 102:14, 108:6</p> <p><b>CareOne</b> [1] - 75:12</p> <p><b>Carlyle</b> [1] - 15:18</p> <p><b>CARPENTER</b> [15] - 104:5, 104:23, 105:7, 105:12, 106:2, 106:7, 106:20, 107:3, 107:16, 107:18, 107:24, 108:3, 108:17, 109:1, 109:17</p> <p><b>Carpenter</b> [1] - 104:6</p> <p><b>Carpenter's</b> [1] - 127:4</p> <p><b>carpet</b> [1] - 117:19</p> <p><b>carried</b> [1] - 38:5</p> <p><b>Carries</b> [1] - 166:1</p> <p><b>carry</b> [2] - 37:7, 67:16</p> <p><b>cars</b> [1] - 164:11</p> <p><b>case</b> [14] - 8:18, 11:23, 11:24, 12:25, 14:1, 24:11, 78:21, 83:1, 113:16, 133:4, 134:14, 139:25, 151:15, 154:19</p> <p><b>catercorner</b> [1] - 19:22</p> <p><b>causing</b> [1] - 31:7</p> <p><b>CCR</b> [2] - 1:20, 167:22</p> <p><b>center</b> [16] - 6:18, 14:14, 82:6, 83:14, 94:24, 107:11, 108:1, 108:7, 108:10, 108:11, 143:22, 144:2, 145:17, 145:19, 161:11, 164:5</p> <p><b>Center</b> [3] - 2:5, 22:11, 32:16</p> <p><b>Central</b> [5] - 32:23, 33:14, 92:4, 92:8, 104:6</p> <p><b>certain</b> [6] - 20:22, 59:9, 69:2, 83:18, 96:18, 117:6</p> <p><b>certainly</b> [3] - 12:6, 44:24, 108:11</p> <p><b>certificate</b> [2] - 26:12, 26:17</p>	<p><b>Certificate</b> [10] - 12:17, 16:25, 25:24, 26:8, 26:19, 34:6, 34:7, 65:22, 119:11, 119:19</p> <p><b>Certificates</b> [2] - 12:18, 27:23</p> <p><b>CERTIFIED</b> [1] - 1:20</p> <p><b>Certified</b> [2] - 167:5, 167:23</p> <p><b>Chairman</b> [14] - 1:11, 4:1, 10:21, 23:16, 48:3, 54:21, 54:22, 56:16, 63:2, 78:18, 90:9, 114:8, 131:8, 131:22</p> <p><b>CHAIRPERSON</b> [89] - 4:5, 4:9, 8:9, 23:20, 23:23, 24:3, 25:9, 25:14, 25:17, 27:7, 31:23, 41:12, 43:24, 44:2, 45:5, 46:16, 47:1, 47:4, 47:8, 47:11, 47:16, 47:19, 47:23, 48:1, 48:9, 48:12, 49:4, 49:10, 49:12, 52:15, 54:16, 57:4, 61:15, 61:19, 61:22, 62:4, 62:11, 62:22, 63:8, 63:12, 63:15, 65:9, 71:25, 74:20, 74:25, 76:13, 78:19, 78:23, 79:1, 81:2, 84:14, 88:5, 90:16, 93:5, 103:13, 103:18, 103:25, 109:20, 115:8, 119:5, 121:17, 122:1, 123:2, 123:17, 124:13, 124:16, 124:20, 124:25, 129:12, 159:9, 159:12, 160:19, 160:22, 160:25, 161:4, 161:9, 161:23, 162:3, 162:10, 163:4, 163:10, 163:22, 164:4, 164:7, 164:16, 165:9, 165:12, 165:16, 165:20</p> <p><b>chance</b> [2] - 122:21, 124:1</p> <p><b>change</b> [13] - 36:19, 73:3, 73:4, 77:21, 117:14, 117:16, 117:18, 117:20, 117:21, 117:22, 128:9, 128:10,</p>	<p>146:10</p> <p><b>changed</b> [5] - 53:3, 53:11, 53:14, 77:25, 137:21</p> <p><b>changes</b> [2] - 69:15, 109:16</p> <p><b>changing</b> [4] - 4:21, 105:16, 135:14, 146:13</p> <p><b>charge</b> [2] - 10:23, 93:22</p> <p><b>charges</b> [3] - 76:9, 95:9, 95:10</p> <p><b>charging</b> [1] - 142:14</p> <p><b>CHARLES</b> [1] - 1:13</p> <p><b>Charlie</b> [1] - 25:17</p> <p><b>check</b> [1] - 45:3</p> <p><b>Chelsea</b> [2] - 16:11, 83:1</p> <p><b>Chester</b> [1] - 129:23</p> <p><b>Chicago</b> [1] - 16:1</p> <p><b>children</b> [14] - 21:1, 21:22, 64:8, 64:10, 81:19, 89:21, 89:25, 106:13, 106:22, 108:5, 108:9, 113:9, 113:12, 114:5</p> <p><b>choice</b> [2] - 25:5, 27:25</p> <p><b>choose</b> [1] - 113:13</p> <p><b>chose</b> [1] - 111:8</p> <p><b>church</b> [11] - 14:14, 78:6, 82:6, 89:23, 107:7, 107:10, 147:8, 147:19, 153:2, 153:24</p> <p><b>Church</b> [1] - 14:15</p> <p><b>Churchill</b> [1] - 57:8</p> <p><b>circulate</b> [3] - 141:18, 143:13, 155:5</p> <p><b>circulation</b> [4] - 78:4, 141:5, 141:8, 142:16</p> <p><b>cited</b> [1] - 29:8</p> <p><b>civil</b> [9] - 6:7, 54:8, 54:10, 62:16, 129:17, 129:23, 131:12, 131:24, 132:15</p> <p><b>claim</b> [1] - 70:17</p> <p><b>clapping</b> [1] - 90:11</p> <p><b>clarification</b> [1] - 59:14</p> <p><b>Class</b> [2] - 7:23, 7:25</p> <p><b>class</b> [1] - 12:3</p> <p><b>classification</b> [5] - 133:8, 133:10, 133:14, 136:14, 136:18</p> <p><b>classifications</b> [1] - 133:10</p>	<p><b>classifies</b> [1] - 105:11</p> <p><b>clean</b> [2] - 145:14, 148:21</p> <p><b>Clean</b> [1] - 51:11</p> <p><b>clear</b> [1] - 74:6</p> <p><b>cleared</b> [1] - 52:11</p> <p><b>clearly</b> [1] - 59:2</p> <p><b>client</b> [4] - 5:13, 34:24, 35:1, 106:24</p> <p><b>clients</b> [1] - 5:18</p> <p><b>climbed</b> [1] - 46:3</p> <p><b>clock</b> [1] - 112:8</p> <p><b>close</b> [3] - 85:11, 124:17, 124:18</p> <p><b>closest</b> [2] - 152:6, 152:12</p> <p><b>Closter</b> [1] - 107:20</p> <p><b>COA</b> [25] - 12:21, 26:19, 28:1, 36:25, 37:13, 37:19, 57:21, 58:5, 59:8, 66:21, 67:13, 69:8, 74:2, 77:6, 84:22, 87:19, 90:25, 92:19, 105:14, 106:5, 106:6, 106:7, 120:2</p> <p><b>code</b> [2] - 61:13, 157:24</p> <p><b>code's</b> [1] - 151:22</p> <p><b>codes</b> [2] - 27:1, 27:3</p> <p><b>cognizant</b> [1] - 34:18</p> <p><b>coincide</b> [1] - 153:5</p> <p><b>coincides</b> [1] - 104:11</p> <p><b>cold</b> [2] - 116:23</p> <p><b>collapses</b> [1] - 44:9</p> <p><b>colleague</b> [1] - 32:18</p> <p><b>collects</b> [2] - 134:19, 134:23</p> <p><b>color</b> [2] - 48:19, 138:17</p> <p><b>colored</b> [1] - 138:16</p> <p><b>colorized</b> [1] - 138:8</p> <p><b>combat</b> [1] - 146:14</p> <p><b>combination</b> [1] - 121:7</p> <p><b>comfortable</b> [2] - 18:9, 66:8</p> <p><b>coming</b> [24] - 20:17, 20:18, 20:19, 20:20, 26:15, 30:20, 37:7, 41:16, 52:3, 53:22, 53:25, 54:3, 66:3, 78:5, 92:5, 97:5, 97:10, 97:17, 97:18, 110:16, 115:4, 143:8, 146:9</p> <p><b>Commencing</b> [1] - 1:9</p> <p><b>comment</b> [7] - 35:24, 54:8, 86:22, 93:3, 158:14, 159:16,</p>
<b>C</b>				
<p><b>ca</b> [1] - 70:12</p> <p><b>Calculated</b> [1] - 159:22</p> <p><b>calculations</b> [1] - 86:24</p> <p><b>CALDWELL</b> [1] - 1:24</p> <p><b>Cali</b> [1] - 2:5</p> <p><b>candidates</b> [1] - 17:5</p> <p><b>candles</b> [1] - 157:12</p> <p><b>cannot</b> [1] - 112:9</p> <p><b>canopies</b> [1] - 140:8</p> <p><b>capacity</b> [6] - 34:9, 65:16, 117:3, 155:22, 155:25, 156:11</p> <p><b>capital</b> [1] - 9:10</p> <p><b>Capital</b> [3] - 10:22, 10:24, 15:17</p> <p><b>Capitol</b> [1] - 144:3</p> <p><b>capped</b> [1] - 92:9</p> <p><b>capture</b> [2] - 67:13, 68:5</p> <p><b>car</b> [2] - 142:13, 159:1</p> <p><b>care</b> [40] - 15:14, 16:21, 17:6, 17:8, 19:4, 20:25, 21:23, 22:24, 22:25, 24:24, 27:16, 27:18, 33:24, 36:20, 84:2, 84:3, 85:20, 88:3, 95:10, 95:18, 100:10, 100:17, 102:8, 110:2, 110:18,</p>				

<p>160:13</p> <p><b>comments</b> [8] - 49:3, 49:5, 93:6, 125:4, 145:10, 145:14, 145:15, 158:9</p> <p><b>commercial</b> [8] - 40:5, 55:1, 105:8, 127:5, 127:23, 131:15, 151:11, 153:6</p> <p><b>commercially</b> [2] - 55:18, 55:20</p> <p><b>commercially -zoned</b> [2] - 55:18, 55:20</p> <p><b>Commission</b> [2] - 54:22, 87:10</p> <p><b>Committee</b> [2] - 44:21, 47:6</p> <p><b>common</b> [6] - 18:14, 18:16, 18:17, 19:3, 27:16, 128:4</p> <p><b>communication</b> [1] - 72:22</p> <p><b>communities</b> [15] - 15:1, 15:21, 16:1, 22:14, 22:18, 22:19, 36:11, 64:19, 66:5, 77:10, 79:25, 85:17, 102:11, 115:6, 117:25</p> <p><b>Community</b> [3] - 25:25, 26:1, 26:22</p> <p><b>community</b> [31] - 11:12, 12:1, 12:4, 19:5, 19:21, 22:21, 28:2, 28:9, 33:24, 34:10, 36:20, 37:12, 37:14, 40:7, 66:9, 75:10, 77:3, 77:6, 79:20, 85:15, 88:2, 88:12, 89:23, 94:24, 96:6, 96:9, 97:15, 102:16, 106:17, 118:14, 158:23</p> <p><b>Company</b> [1] - 33:19</p> <p><b>company</b> [10] - 11:1, 14:23, 15:11, 29:7, 75:19, 83:1, 83:6, 83:20, 84:2, 113:14</p> <p><b>comparable</b> [1] - 126:23</p> <p><b>compare</b> [1] - 109:3</p> <p><b>compared</b> [1] - 126:15</p> <p><b>comparing</b> [2] - 74:10, 146:6</p> <p><b>compelling</b> [3] - 105:1, 105:23, 106:4</p> <p><b>compete</b> [2] - 64:17, 117:24</p> <p><b>competition</b> [1] - 97:2</p> <p><b>competitive</b> [5] -</p>	<p>16:14, 22:9, 94:11, 94:14, 121:6</p> <p><b>competitors</b> [11] - 21:13, 21:15, 23:3, 23:4, 23:6, 36:6, 36:21, 58:17, 58:23, 64:21, 124:8</p> <p><b>complaint</b> [1] - 140:12</p> <p><b>complement</b> [3] - 143:5, 145:6, 157:1</p> <p><b>complementary</b> [1] - 108:13</p> <p><b>complementing</b> [1] - 146:25</p> <p><b>complete</b> [2] - 118:14, 137:8</p> <p><b>completely</b> [5] - 97:14, 102:19, 106:19, 137:3, 142:1</p> <p><b>complex</b> [1] - 94:19</p> <p><b>complexes</b> [1] - 98:14</p> <p><b>compliant</b> [8] - 37:20, 143:10, 143:14, 146:16, 149:15, 150:1, 151:3, 154:15</p> <p><b>complied</b> [1] - 4:3</p> <p><b>complies</b> [2] - 142:14, 149:7</p> <p><b>comply</b> [9] - 27:1, 33:17, 81:15, 81:18, 153:15, 156:15, 156:19, 156:22, 158:1</p> <p><b>component</b> [2] - 113:23, 126:5</p> <p><b>compromise</b> [1] - 161:6</p> <p><b>comradery</b> [1] - 112:10</p> <p><b>CON</b> [1] - 17:2</p> <p><b>concern</b> [5] - 34:22, 53:19, 62:8, 85:23, 164:19</p> <p><b>concerned</b> [5] - 6:1, 30:11, 52:2, 54:1, 84:20</p> <p><b>concerning</b> [1] - 28:23</p> <p><b>concerns</b> [3] - 54:7, 54:9, 63:10</p> <p><b>concluded</b> [1] - 166:3</p> <p><b>condition</b> [5] - 120:25, 121:21, 121:22, 147:9, 151:25</p> <p><b>conditional</b> [1] - 82:7</p> <p><b>conditions</b> [9] - 69:2, 136:24, 137:24, 138:18, 139:17, 139:19, 146:8, 158:11, 160:10</p> <p><b>condo</b> [3] - 91:2,</p>	<p>92:11, 99:6</p> <p><b>confidence</b> [1] - 23:8</p> <p><b>confident</b> [2] - 23:11, 58:23</p> <p><b>confirm</b> [5] - 36:5, 60:5, 71:2, 101:13, 155:21</p> <p><b>confirmed</b> [2] - 136:6, 139:4</p> <p><b>confirming</b> [1] - 5:3</p> <p><b>conflict</b> [1] - 104:16</p> <p><b>conflicts</b> [1] - 104:22</p> <p><b>conforming</b> [1] - 138:21</p> <p><b>confused</b> [1] - 17:9</p> <p><b>congregate</b> [3] - 112:10, 112:11, 113:15</p> <p><b>conjunction</b> [3] - 132:24, 138:9, 156:4</p> <p><b>connect</b> [2] - 134:12, 155:18</p> <p><b>connected</b> [2] - 134:21, 134:22</p> <p><b>connecting</b> [1] - 155:11</p> <p><b>connection</b> [5] - 35:14, 58:8, 135:25, 136:3, 137:14</p> <p><b>Conservation</b> [1] - 158:13</p> <p><b>conservation</b> [1] - 6:22</p> <p><b>consider</b> [4] - 36:20, 104:17, 105:16, 108:19</p> <p><b>consideration</b> [2] - 8:2, 78:9</p> <p><b>considered</b> [2] - 127:10, 138:13</p> <p><b>consist</b> [1] - 140:2</p> <p><b>consistent</b> [2] - 16:15, 157:12</p> <p><b>consisting</b> [1] - 139:8</p> <p><b>consists</b> [2] - 17:24, 138:23</p> <p><b>construct</b> [1] - 139:25</p> <p><b>construction</b> [12] - 5:21, 5:24, 22:20, 27:1, 42:19, 81:6, 81:16, 82:1, 82:9, 91:17, 94:13, 109:15</p> <p><b>consultant</b> [8] - 42:13, 45:18, 45:19, 46:2, 118:3, 122:10, 123:1, 133:17</p> <p><b>consulting</b> [1] - 101:22</p> <p><b>contact</b> [1] - 165:7</p> <p><b>contain</b> [2] - 139:8,</p>	<p>140:4</p> <p><b>contained</b> [2] - 18:15, 18:24</p> <p><b>containing</b> [1] - 150:8</p> <p><b>contains</b> [1] - 138:22</p> <p><b>content</b> [1] - 7:16</p> <p><b>context</b> [1] - 71:18</p> <p><b>contiguous</b> [1] - 15:10</p> <p><b>contingent</b> [1] - 35:3</p> <p><b>continually</b> [1] - 147:12</p> <p><b>continue</b> [2] - 11:16, 130:2</p> <p><b>continues</b> [1] - 147:20</p> <p><b>contract</b> [4] - 19:8, 35:2, 56:3, 133:18</p> <p><b>contracted</b> [1] - 42:14</p> <p><b>contractor</b> [1] - 42:15</p> <p><b>contributing</b> [1] - 70:14</p> <p><b>contribution</b> [1] - 121:9</p> <p><b>contributions</b> [1] - 31:4</p> <p><b>control</b> [1] - 6:24</p> <p><b>controlled</b> [1] - 5:2</p> <p><b>conversation</b> [4] - 73:23, 73:24, 121:15, 164:24</p> <p><b>cooking</b> [1] - 18:25</p> <p><b>cooperate</b> [1] - 45:3</p> <p><b>cooperative</b> [1] - 163:12</p> <p><b>copies</b> [4] - 29:15, 29:16, 40:22</p> <p><b>copy</b> [3] - 29:10, 29:12, 35:13</p> <p><b>CORAL</b> [1] - 1:4</p> <p><b>corner</b> [7] - 46:18, 139:13, 143:2, 147:4, 147:7, 147:23, 160:4</p> <p><b>corp</b> [1] - 31:1</p> <p><b>Corporate</b> [1] - 2:5</p> <p><b>corps</b> [6] - 32:18, 85:7, 120:22, 121:5, 121:9, 121:24</p> <p><b>Corps</b> [6] - 50:1, 51:3, 51:12, 52:3, 52:9, 132:23</p> <p><b>correct</b> [34] - 9:24, 10:8, 31:11, 55:18, 59:21, 60:24, 69:22, 69:24, 71:15, 74:1, 82:17, 85:3, 85:8, 88:15, 119:13, 132:2, 132:7, 132:12, 132:25, 133:7, 133:12, 133:13, 135:23,</p>	<p>135:24, 136:2, 136:5, 136:7, 136:8, 136:11, 136:12, 136:16, 136:24, 137:15, 137:16</p> <p><b>Correct</b> [4] - 38:2, 60:20, 71:11, 85:4</p> <p><b>correcting</b> [1] - 4:16</p> <p><b>corridor</b> [1] - 146:2</p> <p><b>cost</b> [9] - 13:25, 93:25, 94:8, 99:9, 101:22, 101:23, 116:5, 116:8, 118:11</p> <p><b>costs</b> [1] - 118:8</p> <p><b>Council</b> [3] - 7:25, 32:22, 68:22</p> <p><b>Councilman</b> [1] - 7:25</p> <p><b>Counsel</b> [2] - 2:3, 2:7</p> <p><b>count</b> [1] - 117:6</p> <p><b>countertop</b> [1] - 18:25</p> <p><b>country</b> [7] - 16:2, 22:13, 30:1, 33:20, 64:5, 112:17, 114:18</p> <p><b>Country</b> [1] - 65:12</p> <p><b>County</b> [13] - 16:8, 23:10, 23:12, 64:6, 73:8, 158:7, 158:13, 161:14, 162:4, 163:6, 163:13, 164:19, 165:5</p> <p><b>county</b> [13] - 16:12, 30:22, 129:10, 129:11, 140:24, 145:9, 145:10, 145:16, 160:14, 161:20, 163:8, 164:24, 165:7</p> <p><b>couple</b> [11] - 7:14, 17:22, 36:14, 36:23, 94:3, 104:7, 119:10, 123:11, 124:22, 125:4, 159:10</p> <p><b>courage</b> [1] - 11:8</p> <p><b>course</b> [7] - 5:11, 70:5, 77:11, 78:2, 101:19, 103:6, 164:25</p> <p><b>COURT</b> [2] - 1:20, 1:23</p> <p><b>court</b> [4] - 8:11, 68:21, 70:4, 71:23</p> <p><b>Court</b> [7] - 52:19, 53:14, 88:9, 93:8, 109:22, 167:5, 167:23</p> <p><b>courtesy</b> [1] - 72:12</p> <p><b>courts</b> [3] - 66:25, 69:9, 69:10</p> <p><b>courtyard</b> [1] - 144:1</p> <p><b>cover</b> [4] - 110:1,</p>
--	---	---	---	---



112:24, 112:25, 114:11 <b>coverage</b> [14] - 87:2, 117:6, 144:6, 144:7, 144:8, 144:12, 149:9, 149:11, 149:16, 149:19, 149:20, 150:1, 150:6, 152:7 <b>covered</b> [2] - 87:8, 110:19 <b>covering</b> [1] - 44:11 <b>covers</b> [1] - 40:13 <b>COVID</b> [8] - 11:3, 26:9, 26:15, 66:2, 66:3, 66:16, 97:8 <b>CPA</b> [1] - 99:1 <b>create</b> [1] - 68:11 <b>credit</b> [1] - 37:6 <b>credited</b> [1] - 7:8 <b>credits</b> [5] - 7:6, 26:19, 39:8, 92:24, 105:14 <b>Cresskill</b> [2] - 16:8, 77:9 <b>criteria</b> [5] - 21:5, 58:9, 96:18, 102:12, 109:7 <b>crossing</b> [1] - 143:20 <b>crowd</b> [1] - 80:25 <b>CSH</b> [8] - 4:13, 5:17, 9:15, 16:24, 18:6, 19:7, 21:6, 23:12 <b>CSH's</b> [1] - 13:7 <b>curb</b> [2] - 141:2, 164:12 <b>current</b> [3] - 58:13, 60:14, 114:19 <b>customers</b> [1] - 144:24 <b>cut</b> [5] - 141:2, 146:21, 147:5, 161:16, 162:15 <b>cutoff</b> [1] - 157:15 <b>cutting</b> [1] - 162:16	<b>Daniel</b> [1] - 129:20 <b>dark</b> [1] - 142:5 <b>data</b> [3] - 21:18, 22:9, 64:5 <b>date</b> [4] - 3:14, 130:22, 130:24, 138:5 <b>dated</b> [8] - 3:10, 3:13, 130:13, 130:18, 130:20, 132:13, 136:10, 138:6 <b>daughter</b> [2] - 11:22, 13:1 <b>Dave</b> [1] - 15:9 <b>DAVID</b> [1] - 1:14 <b>daycare</b> [2] - 82:6, 107:10 <b>daycares</b> [1] - 139:24 <b>days</b> [4] - 7:15, 95:10, 125:19, 125:20 <b>daytime</b> [1] - 156:14 <b>DC</b> [2] - 15:12, 15:25 <b>deal</b> [2] - 71:15, 132:17 <b>deals</b> [1] - 83:6 <b>dealt</b> [2] - 52:8, 95:5 <b>Dearborn</b> [1] - 90:24 <b>decade</b> [1] - 131:14 <b>decades</b> [1] - 5:15 <b>December</b> [1] - 33:21 <b>Decide</b> [1] - 164:17 <b>decide</b> [6] - 109:5, 109:6, 109:8, 120:13, 123:4, 123:6 <b>decided</b> [1] - 46:22 <b>decision</b> [5] - 21:3, 46:19, 89:6, 109:13, 109:14 <b>decline</b> [1] - 53:23 <b>decorative</b> [8] - 145:5, 146:24, 148:4, 153:20, 156:18, 156:24, 157:2, 157:3 <b>decorative -style</b> [1] - 156:24 <b>dedicate</b> [1] - 7:2 <b>dedicated</b> [1] - 15:16 <b>dedication</b> [2] - 6:23, 6:25 <b>deduct</b> [1] - 100:16 <b>deduction</b> [1] - 100:6 <b>deductions</b> [1] - 83:16 <b>deemed</b> [4] - 6:18, 37:20, 57:13, 131:23 <b>deems</b> [1] - 33:16 <b>defibrillators</b> [1] - 31:3 <b>deficit</b> [3] - 66:22, 67:19, 114:14 <b>Define</b> [1] - 61:10 <b>definite</b> [1] - 88:17	<b>definitely</b> [2] - 33:11, 162:23 <b>definition</b> [2] - 151:22, 151:24 <b>deliberate</b> [1] - 81:5 <b>deliberately</b> [2] - 81:9, 83:11 <b>deliveries</b> [3] - 19:24, 19:25, 154:22 <b>delivering</b> [1] - 80:4 <b>delivery</b> [3] - 41:20, 142:17, 155:1 <b>demand</b> [2] - 65:4, 102:15 <b>demographic</b> [9] - 21:18, 29:7, 69:2, 89:18, 90:3, 93:9, 96:23, 102:12, 115:4 <b>demographics</b> [8] - 12:6, 12:7, 20:22, 30:1, 58:17, 64:4, 65:3, 96:19 <b>demonstrate</b> [1] - 11:5 <b>dense</b> [1] - 153:22 <b>densities</b> [2] - 70:3, 70:5 <b>density</b> [1] - 70:9 <b>dent</b> [1] - 114:21 <b>Denver</b> [2] - 34:3, 117:16 <b>DEP</b> [14] - 5:3, 5:8, 50:6, 50:9, 130:10, 132:6, 132:11, 134:14, 135:22, 136:2, 136:14, 137:14, 155:20, 160:8 <b>department</b> [4] - 30:4, 30:9, 134:1, 164:8 <b>Department</b> [20] - 3:11, 12:17, 12:18, 16:19, 17:1, 17:8, 17:13, 19:2, 25:20, 25:25, 26:1, 26:7, 26:22, 34:14, 74:5, 130:5, 130:14, 132:18, 132:21, 133:3 <b>Depot</b> [1] - 157:4 <b>depreciations</b> [1] - 83:17 <b>depth</b> [1] - 151:13 <b>describe</b> [2] - 17:16, 136:21 <b>described</b> [1] - 112:7 <b>DESCRIPTION</b> [1] - 3:8 <b>design</b> [2] - 18:7, 26:25 <b>designed</b> [2] - 142:16,	156:22 <b>designing</b> [1] - 64:16 <b>designs</b> [1] - 18:7 <b>desirable</b> [1] - 59:3 <b>destination</b> [1] - 144:24 <b>destroyed</b> [1] - 48:1 <b>destroying</b> [1] - 4:19 <b>detail</b> [1] - 14:10 <b>detailed</b> [4] - 45:25, 140:15, 150:15, 154:2 <b>detailing</b> [3] - 26:4, 26:5, 26:6 <b>details</b> [4] - 45:22, 46:1, 47:21, 118:4 <b>detention</b> [3] - 144:13, 147:21, 151:21 <b>determine</b> [1] - 61:14 <b>determined</b> [1] - 71:13 <b>developed</b> [10] - 9:21, 14:25, 15:21, 22:16, 23:5, 67:21, 77:4, 78:13, 91:20, 102:11 <b>developer</b> [3] - 5:2, 15:19, 40:8 <b>developer 's</b> [2] - 40:16, 121:21 <b>Development</b> [1] - 36:7 <b>development</b> [33] - 5:20, 7:7, 10:24, 14:19, 14:22, 15:4, 15:10, 15:24, 16:16, 30:13, 31:8, 36:1, 51:13, 58:2, 67:12, 67:14, 67:24, 68:3, 68:6, 70:2, 70:6, 92:12, 92:22, 137:6, 138:23, 140:1, 140:21, 141:25, 142:6, 147:6, 147:18, 153:11, 153:17 <b>developments</b> [5] - 9:22, 16:4, 16:12, 39:6, 131:18 <b>Developments</b> [1] - 5:16 <b>diagonally</b> [1] - 33:5 <b>dials</b> [1] - 24:15 <b>Diane</b> [1] - 29:14 <b>DIANE</b> [1] - 1:16 <b>die</b> [1] - 111:11 <b>diesel</b> [1] - 156:6 <b>dietary</b> [2] - 18:2, 84:9 <b>difference</b> [3] - 67:10, 73:10, 140:17 <b>different</b> [20] - 18:6, 73:1, 75:19, 80:15,	85:15, 85:16, 85:19, 85:20, 90:18, 95:20, 102:11, 102:19, 102:20, 105:17, 106:18, 129:6, 131:20, 133:10, 150:5 <b>differently</b> [1] - 92:13 <b>difficult</b> [2] - 113:9, 113:11 <b>digital</b> [4] - 29:15, 29:17, 40:22, 43:19 <b>diligence</b> [1] - 29:18 <b>dimensions</b> [1] - 43:16 <b>dining</b> [4] - 18:16, 18:18, 19:3 <b>DIRE</b> [1] - 131:2 <b>direct</b> [2] - 36:21, 129:14 <b>DIRECT</b> [2] - 129:25, 131:25 <b>directed</b> [1] - 54:2 <b>direction</b> [2] - 110:3, 138:14 <b>directly</b> [9] - 52:21, 72:12, 82:20, 83:4, 83:6, 83:24, 140:22, 144:17, 147:8 <b>director</b> [1] - 18:1 <b>Directors</b> [1] - 54:19 <b>directors</b> [1] - 84:9 <b>disabilities</b> [1] - 112:22 <b>disappointed</b> [1] - 4:17 <b>discount</b> [1] - 125:23 <b>discounted</b> [1] - 125:11 <b>discuss</b> [1] - 47:9 <b>discussing</b> [1] - 57:21 <b>discussions</b> [2] - 6:13, 71:23 <b>disease</b> [3] - 20:12, 20:13, 162:16 <b>dispelled</b> [1] - 7:13 <b>displacement</b> [1] - 122:5 <b>distance</b> [2] - 41:19, 94:23 <b>District</b> [1] - 158:13 <b>district</b> [2] - 81:25, 104:20 <b>disturb</b> [1] - 135:10 <b>disturbance</b> [4] - 137:11, 148:11, 159:22, 159:25 <b>disturbed</b> [1] - 160:3 <b>disturbing</b> [4] - 135:13, 136:25,
<b>D</b>				
<b>D'ARMINIO</b> [1] - 2:5 <b>D'Arminio</b> [1] - 4:12 <b>D1</b> [3] - 7:23, 58:8, 58:10 <b>dad</b> [1] - 129:2 <b>daily</b> [4] - 17:15, 108:7, 113:11, 113:19 <b>Dan</b> [2] - 131:3, 135:21 <b>DANIEL</b> [2] - 1:11, 3:4				

<p>139:9, 160:9  <b>dive</b> [1] - 99:10  <b>divides</b> [1] - 139:3  <b>doctor</b> [2] - 33:3, 164:13  <b>doctors</b> [2] - 84:6, 84:11  <b>Doctrine</b> [2] - 38:12, 38:13  <b>doctrine</b> [1] - 68:13  <b>document</b> [1] - 130:4  <b>documents</b> [4] - 40:18, 43:19, 123:11, 130:2  <b>dollar</b> [5] - 5:1, 13:12, 14:2, 91:14, 126:14  <b>dollars</b> [2] - 95:24, 110:16  <b>domestic</b> [1] - 155:12  <b>donate</b> [3] - 13:11, 13:12, 115:25  <b>donated</b> [1] - 13:21  <b>donating</b> [4] - 44:19, 45:1, 77:22, 106:8  <b>donation</b> [1] - 31:17  <b>done</b> [28] - 5:16, 5:17, 5:20, 8:13, 15:5, 16:1, 16:5, 16:12, 31:2, 35:8, 42:14, 44:7, 44:22, 44:23, 46:7, 51:17, 51:21, 66:4, 75:11, 75:21, 86:5, 91:16, 92:2, 93:5, 100:24, 101:24, 112:12, 162:7  <b>Donuts</b> [1] - 107:7  <b>door</b> [2] - 89:23, 164:14  <b>doors</b> [3] - 27:15, 97:12, 117:17  <b>double</b> [1] - 44:14  <b>doubles</b> [1] - 155:2  <b>doubt</b> [2] - 163:14, 163:15  <b>down</b> [34] - 8:17, 21:24, 24:11, 39:12, 45:21, 45:23, 46:5, 46:8, 53:22, 54:3, 68:5, 69:11, 71:9, 76:15, 90:13, 91:9, 93:1, 94:8, 96:8, 121:13, 147:25, 148:8, 148:12, 149:15, 149:23, 155:19, 157:18, 157:22, 159:20, 160:1, 161:16, 162:15, 162:16  <b>downstream</b> [1] -</p>	<p>134:13  <b>dozen</b> [1] - 75:12  <b>DPW</b> [2] - 48:4, 164:5  <b>drains</b> [1] - 134:23  <b>dramatically</b> [1] - 110:23  <b>draw</b> [2] - 14:5, 144:23  <b>dressing</b> [1] - 17:17  <b>Drive</b> [7] - 49:20, 53:2, 62:6, 63:18, 90:24, 155:19, 164:10  <b>drive</b> [7] - 17:14, 42:23, 139:2, 141:19, 143:20, 154:13, 164:9  <b>drive-by</b> [1] - 42:23  <b>drives</b> [1] - 119:22  <b>driveway</b> [11] - 53:16, 53:18, 54:4, 73:1, 78:4, 140:22, 141:1, 144:18, 145:22, 158:23, 158:25  <b>drop</b> [3] - 41:15, 141:11, 157:17  <b>drop-off</b> [1] - 141:11  <b>dropping</b> [1] - 141:16  <b>due</b> [2] - 29:18, 152:18  <b>duly</b> [3] - 8:25, 36:4, 129:18  <b>Dunkin'</b> [1] - 107:7  <b>during</b> [8] - 26:9, 33:20, 42:19, 68:24, 69:24, 81:11, 128:10, 156:14  <b>dwelling</b> [3] - 139:12, 150:8, 150:20  <b>Dynamic</b> [4] - 3:12, 129:22, 130:17, 130:20</p>	<p>141:23, 141:24, 142:22, 147:1, 147:13, 152:18, 152:22, 154:25, 156:7  <b>easy</b> [2] - 154:19, 159:16  <b>eat</b> [1] - 18:16  <b>Edgewater</b> [1] - 16:9  <b>edited</b> [1] - 71:22  <b>Edith</b> [1] - 115:13  <b>educate</b> [1] - 25:20  <b>educational</b> [4] - 9:14, 13:1, 13:5, 131:5  <b>effect</b> [1] - 122:22  <b>effective</b> [1] - 91:23  <b>efforts</b> [1] - 97:23  <b>eight</b> [7] - 21:15, 27:19, 36:6, 58:23, 64:20, 155:11, 157:5  <b>eight-inch</b> [1] - 155:11  <b>either</b> [5] - 12:19, 13:11, 27:24, 64:9, 125:11  <b>elderly</b> [4] - 12:3, 57:22, 57:24, 88:13  <b>electric</b> [4] - 142:13, 156:2, 156:4, 156:5  <b>element</b> [1] - 148:23  <b>elephant</b> [1] - 54:25  <b>elevation</b> [1] - 18:12  <b>eligible</b> [1] - 120:20  <b>eliminate</b> [1] - 32:23  <b>ELLER</b> [14] - 1:11, 25:7, 36:23, 37:5, 37:9, 39:10, 39:19, 40:2, 40:11, 40:17, 40:21, 41:10, 49:9, 93:3  <b>elm</b> [2] - 162:13, 162:15  <b>elsewhere</b> [1] - 19:5  <b>emergency</b> [1] - 24:14  <b>employees</b> [1] - 17:18  <b>empty</b> [2] - 110:4, 111:3  <b>EMS</b> [2] - 19:21, 39:23  <b>Enclave</b> [1] - 55:16  <b>enclosed</b> [1] - 143:25  <b>enclosure</b> [8] - 143:4, 147:13, 147:14, 147:24, 152:21, 153:1, 156:9  <b>enclosures</b> [1] - 156:17  <b>encompass</b> [1] - 157:6  <b>encompasses</b> [4] - 141:7, 143:11, 143:18, 144:9</p>	<p><b>end</b> [11] - 6:2, 7:19, 34:13, 36:17, 49:4, 67:15, 98:17, 110:4, 121:18, 124:24, 125:6  <b>endangered</b> [1] - 135:5  <b>ended</b> [1] - 162:16  <b>endorsed</b> [1] - 27:14  <b>Engineer</b> [1] - 1:17  <b>engineer</b> [25] - 6:8, 8:23, 9:5, 19:12, 24:13, 25:2, 35:15, 41:19, 43:1, 54:9, 54:10, 54:11, 63:9, 104:10, 104:20, 123:8, 123:9, 123:10, 129:17, 129:23, 132:15, 154:3, 163:19, 163:24  <b>engineering</b> [5] - 81:7, 129:14, 129:15, 131:12, 131:24  <b>Engineering</b> [4] - 3:13, 129:22, 130:18, 130:20  <b>Engineers</b> [7] - 19:16, 50:1, 51:3, 51:13, 52:3, 52:9, 132:23  <b>engineers</b> [1] - 43:4  <b>enjoy</b> [3] - 106:14, 144:1, 151:7  <b>ensured</b> [1] - 51:10  <b>enterprise</b> [1] - 122:7  <b>entire</b> [8] - 13:15, 13:19, 78:21, 138:16, 143:19, 153:11, 156:10, 158:4  <b>entitled</b> [1] - 138:6  <b>entrance</b> [2] - 141:11, 159:5  <b>entrance /exit</b> [1] - 53:2  <b>entry</b> [2] - 17:7, 57:15  <b>environment</b> [2] - 110:25, 112:17  <b>environmental</b> [3] - 35:7, 49:22, 56:6  <b>Environmental</b> [8] - 3:11, 54:22, 87:9, 130:5, 130:14, 132:18, 132:22, 133:4  <b>environmentally</b> [8] - 4:24, 5:1, 6:4, 13:17, 56:10, 67:22, 105:19, 106:10  <b>equates</b> [1] - 154:10</p>	<p><b>equipment</b> [1] - 46:24  <b>equity</b> [1] - 15:17  <b>equivalents</b> [1] - 12:22  <b>especially</b> [7] - 27:17, 34:18, 54:3, 64:17, 75:5, 93:14, 145:1  <b>ESQ</b> [2] - 2:3, 2:7  <b>ESRI</b> [3] - 21:17, 29:6, 64:4  <b>essentially</b> [42] - 120:6, 138:19, 139:1, 139:3, 139:20, 139:23, 140:16, 141:6, 141:11, 141:14, 142:19, 143:5, 144:1, 144:25, 145:21, 146:4, 147:4, 147:15, 148:7, 149:18, 150:7, 150:19, 150:25, 151:2, 151:7, 151:10, 151:13, 152:1, 152:20, 153:2, 153:11, 153:13, 155:15, 156:7, 156:10, 156:25, 157:6, 157:16, 158:11, 160:2, 160:9, 165:6  <b>Essentially</b> [2] - 138:7, 144:21  <b>estate</b> [1] - 31:10  <b>esteemed</b> [1] - 32:17  <b>estimate</b> [1] - 85:21  <b>etc</b> [4] - 17:17, 18:3, 57:17, 81:7  <b>evening</b> [5] - 80:24, 93:7, 119:8, 131:8, 132:1  <b>eventually</b> [1] - 161:16  <b>everywhere</b> [1] - 20:20  <b>EVIDENCE</b> [1] - 3:7  <b>evidence</b> [1] - 51:24  <b>ex</b> [1] - 11:20  <b>exact</b> [7] - 43:15, 45:15, 70:23, 79:16, 87:11, 126:14, 134:8  <b>Exactly</b> [1] - 37:9  <b>exactly</b> [11] - 12:13, 29:2, 42:10, 46:5, 46:7, 53:1, 81:20, 86:16, 86:23, 113:6, 163:2  <b>EXAMINATION</b> [3] - 129:25, 131:2, 131:25</p>
	<b>E</b>			
	<p><b>E-L-W-E-E</b> [1] - 9:10  <b>Eagles</b> [1] - 32:2  <b>earn</b> [2] - 21:1, 21:9  <b>earned</b> [1] - 131:11  <b>earth</b> [1] - 162:19  <b>easement</b> [6] - 6:22, 6:24, 145:15, 145:20, 145:24, 163:9  <b>easier</b> [4] - 40:25, 41:3, 43:20, 46:14  <b>East</b> [1] - 54:18  <b>east</b> [3] - 138:14, 144:17, 147:8  <b>east-west</b> [1] - 138:14  <b>eastern</b> [12] - 138:22, 140:20, 141:20,</p>			

<p><b>example</b> <sup>[5]</sup> - 13:24, 58:12, 67:11, 70:3, 79:11</p> <p><b>exceed</b> <sup>[1]</sup> - 154:8</p> <p><b>exceeds</b> <sup>[1]</sup> - 21:19</p> <p><b>excellent</b> <sup>[3]</sup> - 86:4, 89:20, 89:24</p> <p><b>except</b> <sup>[1]</sup> - 159:15</p> <p><b>excess</b> <sup>[1]</sup> - 54:11</p> <p><b>exclusively</b> <sup>[1]</sup> - 15:3</p> <p><b>excuse</b> <sup>[1]</sup> - 77:1</p> <p><b>Excuse</b> <sup>[2]</sup> - 51:7, 51:9</p> <p><b>executive</b> <sup>[2]</sup> - 18:1, 84:9</p> <p><b>Exhibit</b> <sup>[5]</sup> - 10:19, 130:15, 130:18, 130:23, 138:4</p> <p><b>exhibit</b> <sup>[6]</sup> - 3:12, 8:14, 28:19, 130:17, 130:19, 137:25</p> <p><b>EXHIBITS</b> <sup>[1]</sup> - 3:7</p> <p><b>exhibits</b> <sup>[5]</sup> - 8:15, 8:16, 8:18, 14:10, 35:10</p> <p><b>existing</b> <sup>[13]</sup> - 42:21, 45:7, 91:19, 93:1, 139:12, 139:14, 146:5, 146:7, 148:17, 148:25, 153:23, 155:14, 155:19</p> <p><b>exists</b> <sup>[3]</sup> - 13:20, 111:18, 139:14</p> <p><b>expand</b> <sup>[2]</sup> - 117:10, 127:4</p> <p><b>expansion</b> <sup>[1]</sup> - 75:13</p> <p><b>expect</b> <sup>[1]</sup> - 19:17</p> <p><b>expectation</b> <sup>[1]</sup> - 63:19</p> <p><b>expected</b> <sup>[1]</sup> - 20:10</p> <p><b>expediter</b> <sup>[1]</sup> - 63:4</p> <p><b>expense</b> <sup>[4]</sup> - 13:7, 43:6, 100:5, 100:16</p> <p><b>expenses</b> <sup>[2]</sup> - 99:10, 99:16</p> <p><b>expensive</b> <sup>[3]</sup> - 27:18, 112:8, 113:1</p> <p><b>experience</b> <sup>[9]</sup> - 28:8, 33:2, 73:10, 77:12, 93:20, 95:4, 95:5, 114:2, 131:14</p> <p><b>experiences</b> <sup>[3]</sup> - 85:15, 85:16, 155:23</p> <p><b>expert</b> <sup>[11]</sup> - 6:10, 17:21, 82:14, 107:1, 123:4, 123:5, 123:6, 123:22, 157:21, 164:18</p> <p><b>expert's</b> <sup>[1]</sup> - 78:22</p>	<p><b>experts</b> <sup>[3]</sup> - 5:10, 6:7, 50:25</p> <p><b>Experts</b> <sup>[1]</sup> - 19:14</p> <p><b>explain</b> <sup>[3]</sup> - 41:15, 57:11, 138:17</p> <p><b>express</b> <sup>[1]</sup> - 164:19</p> <p><b>extensive</b> <sup>[2]</sup> - 93:20, 160:7</p> <p><b>extent</b> <sup>[1]</sup> - 5:4</p> <p><b>extremely</b> <sup>[2]</sup> - 54:1</p> <p style="text-align: center;"><b>F</b></p> <p><b>face</b> <sup>[1]</sup> - 143:5</p> <p><b>Facebook</b> <sup>[1]</sup> - 11:20</p> <p><b>facilities</b> <sup>[5]</sup> - 17:8, 65:15, 66:15, 94:15, 126:12</p> <p><b>facility</b> <sup>[13]</sup> - 64:16, 77:7, 82:18, 82:22, 92:15, 95:24, 107:18, 115:24, 121:2, 125:9, 125:20, 134:13, 139:21</p> <p><b>fact</b> <sup>[12]</sup> - 40:7, 55:14, 56:22, 82:15, 109:25, 110:4, 110:22, 112:23, 113:1, 133:2, 137:10, 150:13</p> <p><b>factor</b> <sup>[2]</sup> - 30:24, 30:25</p> <p><b>Fair</b> <sup>[3]</sup> - 54:8, 68:21, 71:23</p> <p><b>fair</b> <sup>[3]</sup> - 68:12, 70:10, 86:7</p> <p><b>fairly</b> <sup>[1]</sup> - 67:21</p> <p><b>FAJARDO</b> <sup>[13]</sup> - 93:7, 93:12, 94:16, 95:12, 96:13, 97:7, 97:25, 98:5, 98:11, 98:24, 99:13, 99:19, 99:25</p> <p><b>Fajardo</b> <sup>[1]</sup> - 93:8</p> <p><b>Fajardo's</b> <sup>[1]</sup> - 125:8</p> <p><b>familiar</b> <sup>[5]</sup> - 75:21, 132:20, 146:11, 148:17, 153:1</p> <p><b>families</b> <sup>[1]</sup> - 125:12</p> <p><b>family</b> <sup>[22]</sup> - 24:23, 59:17, 60:21, 61:4, 61:6, 61:8, 79:23, 82:5, 83:7, 91:15, 99:6, 105:17, 107:4, 107:13, 107:14, 109:3, 112:15, 113:12, 114:2, 115:19, 127:16, 139:23</p>	<p><b>family-oriented</b> <sup>[1]</sup> - 114:2</p> <p><b>FAR</b> <sup>[1]</sup> - 60:19</p> <p><b>far</b> <sup>[17]</sup> - 8:7, 34:23, 37:15, 70:17, 73:10, 74:23, 82:3, 116:24, 120:10, 122:8, 140:19, 144:16, 146:3, 149:4, 155:7, 155:13, 158:6</p> <p><b>fast</b> <sup>[1]</sup> - 144:22</p> <p><b>fast-food</b> <sup>[1]</sup> - 144:22</p> <p><b>fastest</b> <sup>[2]</sup> - 20:6, 20:8</p> <p><b>fastest-growing</b> <sup>[2]</sup> - 20:6, 20:8</p> <p><b>father</b> <sup>[8]</sup> - 76:25, 93:16, 95:6, 96:25, 108:6, 111:11, 111:25, 112:19</p> <p><b>fathers</b> <sup>[3]</sup> - 21:24, 64:9, 79:25</p> <p><b>favor</b> <sup>[3]</sup> - 6:3, 49:10, 124:20</p> <p><b>favorable</b> <sup>[1]</sup> - 70:1</p> <p><b>favored</b> <sup>[1]</sup> - 58:7</p> <p><b>feasible</b> <sup>[1]</sup> - 91:16</p> <p><b>February</b> <sup>[4]</sup> - 1:7, 16:25, 17:2, 138:6</p> <p><b>federal</b> <sup>[4]</sup> - 57:14, 109:8, 120:16, 122:6</p> <p><b>fee</b> <sup>[1]</sup> - 26:4</p> <p><b>feed</b> <sup>[1]</sup> - 74:21</p> <p><b>feeds</b> <sup>[1]</sup> - 134:11</p> <p><b>FEEHAN</b> <sup>[1]</sup> - 52:6</p> <p><b>feet</b> <sup>[61]</sup> - 18:6, 18:14, 18:17, 18:22, 42:16, 47:15, 59:21, 60:4, 61:5, 61:25, 78:3, 78:8, 86:15, 96:3, 136:18, 137:1, 139:6, 140:3, 140:6, 140:7, 140:10, 140:12, 141:1, 141:2, 142:3, 142:8, 142:23, 144:9, 144:19, 144:20, 144:21, 145:17, 145:18, 145:19, 145:20, 146:9, 147:10, 147:25, 148:3, 150:7, 150:10, 150:22, 150:25, 152:8, 152:12, 152:13, 152:19, 152:20, 152:24, 157:5, 158:25, 164:22</p> <p><b>felt</b> <sup>[2]</sup> - 70:10, 145:23</p> <p><b>FERRARO</b> <sup>[18]</sup> - 119:8, 119:16,</p>	<p>119:22, 120:4, 120:9, 120:15, 120:21, 121:15, 121:23, 122:4, 122:12, 122:16, 122:19, 122:24, 123:15, 123:21, 124:3, 124:10</p> <p><b>Ferraro</b> <sup>[1]</sup> - 119:9</p> <p><b>few</b> <sup>[5]</sup> - 39:11, 72:4, 104:3, 137:21, 141:21</p> <p><b>field</b> <sup>[3]</sup> - 131:12, 131:23, 134:2</p> <p><b>Fifth</b> <sup>[1]</sup> - 32:4</p> <p><b>fight</b> <sup>[1]</sup> - 94:19</p> <p><b>figure</b> <sup>[5]</sup> - 21:10, 26:18, 66:18, 121:13, 126:1</p> <p><b>figured</b> <sup>[1]</sup> - 30:8</p> <p><b>figures</b> <sup>[5]</sup> - 22:5, 22:7, 22:12, 33:18, 45:15</p> <p><b>file</b> <sup>[2]</sup> - 8:12, 123:18</p> <p><b>filed</b> <sup>[1]</sup> - 6:1</p> <p><b>fill</b> <sup>[4]</sup> - 46:3, 146:21, 147:17, 147:19</p> <p><b>final</b> <sup>[6]</sup> - 4:22, 23:14, 86:14, 107:22, 118:1, 162:6</p> <p><b>Finally</b> <sup>[2]</sup> - 143:22, 150:18</p> <p><b>finally</b> <sup>[2]</sup> - 148:16, 150:12</p> <p><b>financial</b> <sup>[3]</sup> - 83:13, 121:8, 129:9</p> <p><b>financing</b> <sup>[1]</sup> - 34:25</p> <p><b>fine</b> <sup>[3]</sup> - 97:20, 126:21</p> <p><b>finest</b> <sup>[1]</sup> - 15:16</p> <p><b>finger</b> <sup>[1]</sup> - 86:21</p> <p><b>finish</b> <sup>[3]</sup> - 15:19, 15:20, 41:4</p> <p><b>finished</b> <sup>[1]</sup> - 146:6</p> <p><b>finite</b> <sup>[1]</sup> - 100:9</p> <p><b>fire</b> <sup>[6]</sup> - 30:4, 30:9, 141:21, 142:19, 155:4, 155:11</p> <p><b>firm</b> <sup>[2]</sup> - 4:11, 129:22</p> <p><b>First</b> <sup>[4]</sup> - 31:24, 36:24, 44:3, 80:11</p> <p><b>first</b> <sup>[31]</sup> - 7:22, 8:20, 8:25, 11:2, 11:17, 12:3, 12:4, 16:22, 17:1, 22:16, 23:21, 44:5, 51:18, 72:9, 72:24, 81:13, 94:19, 97:20, 97:21, 106:16, 116:4, 125:7, 125:17, 125:18, 125:20,</p>	<p>125:22, 129:18, 130:3, 136:2, 138:18</p> <p><b>first-class</b> <sup>[1]</sup> - 12:3</p> <p><b>fit</b> <sup>[2]</sup> - 6:18, 74:23</p> <p><b>five</b> <sup>[13]</sup> - 21:10, 21:13, 26:13, 27:12, 32:25, 33:8, 61:5, 128:19, 144:19, 144:20, 154:20, 154:23, 162:20</p> <p><b>Five</b> <sup>[1]</sup> - 84:21</p> <p><b>five-year</b> <sup>[1]</sup> - 128:19</p> <p><b>flag</b> <sup>[4]</sup> - 134:2, 134:4, 134:6, 134:8</p> <p><b>flags</b> <sup>[2]</sup> - 133:20, 134:15</p> <p><b>floating</b> <sup>[1]</sup> - 7:14</p> <p><b>flood</b> <sup>[1]</sup> - 41:2</p> <p><b>floodwaters</b> <sup>[1]</sup> - 53:21</p> <p><b>Floor</b> <sup>[1]</sup> - 87:5</p> <p><b>floor</b> <sup>[11]</sup> - 16:22, 61:7, 87:3, 87:4, 87:6, 87:12, 140:9, 146:7, 150:5, 150:7</p> <p><b>floor-area</b> <sup>[2]</sup> - 61:7, 87:12</p> <p><b>Florida</b> <sup>[2]</sup> - 64:10, 75:6</p> <p><b>flow</b> <sup>[1]</sup> - 155:18</p> <p><b>flowing</b> <sup>[1]</sup> - 135:15</p> <p><b>focused</b> <sup>[1]</sup> - 143:16</p> <p><b>follow</b> <sup>[3]</sup> - 69:10, 72:22, 99:2</p> <p><b>following</b> <sup>[1]</sup> - 17:21</p> <p><b>follows</b> <sup>[2]</sup> - 9:1, 129:19</p> <p><b>FONOROW</b> <sup>[30]</sup> - 72:1, 72:13, 72:17, 72:21, 73:7, 73:12, 73:15, 73:18, 73:22, 74:6, 74:22, 75:2, 75:15, 75:20, 75:25, 76:7, 76:12, 76:16, 76:19, 77:13, 77:17, 78:7, 78:16, 78:25, 79:6, 79:12, 79:18, 80:5, 80:9, 80:20</p> <p><b>Fonorow</b> <sup>[1]</sup> - 72:1</p> <p><b>food</b> <sup>[7]</sup> - 19:23, 41:14, 41:15, 41:20, 95:18, 99:8, 144:22</p> <p><b>foot</b> <sup>[9]</sup> - 27:15, 41:18, 61:1, 86:23, 143:10, 150:9, 152:7, 157:12</p> <p><b>foot-candles</b> <sup>[1]</sup> - 157:12</p> <p><b>footage</b> <sup>[2]</sup> - 59:25, 60:1</p> <p><b>footprint</b> <sup>[5]</sup> - 15:24,</p>
---	--	---	--	--

77:25, 140:4, 140:6, 150:9 <b>for-profit</b> [2] - 13:23, 88:15 <b>foregoing</b> [1] - 167:9 <b>foresee</b> [1] - 158:10 <b>Forest</b> [1] - 84:17 <b>Forever</b> [1] - 117:7 <b>forgive</b> [1] - 80:25 <b>forgot</b> [1] - 107:23 <b>form</b> [1] - 82:14 <b>formed</b> [1] - 14:23 <b>formula</b> [1] - 69:3 <b>forth</b> [1] - 37:7 <b>forthcoming</b> [1] - 158:10 <b>fortitude</b> [1] - 11:9 <b>fortunate</b> [1] - 109:13 <b>forward</b> [5] - 37:3, 38:5, 52:17, 68:6, 122:15 <b>foundation</b> [2] - 46:10, 46:14 <b>four</b> [11] - 23:5, 26:13, 33:8, 58:22, 61:5, 63:2, 86:17, 114:4, 145:13, 148:3, 155:12 <b>four-inch</b> [1] - 155:12 <b>fourth</b> [3] - 37:7, 38:4, 67:16 <b>fragile</b> [1] - 46:11 <b>frail</b> [11] - 12:3, 34:13, 57:16, 66:18, 75:8, 90:1, 93:14, 113:3, 113:8, 113:20, 116:21 <b>frailty</b> [3] - 34:11, 85:16, 97:15 <b>Frank</b> [2] - 119:8, 122:8 <b>free</b> [2] - 51:24, 98:1 <b>freshwater</b> [2] - 130:6, 133:2 <b>Freshwater</b> [2] - 132:12, 132:25 <b>FROHLICH</b> [1] - 1:16 <b>front</b> [12] - 6:16, 42:21, 45:12, 46:22, 118:7, 139:13, 143:7, 150:21, 152:16, 155:16, 163:16 <b>front-loading</b> [1] - 143:7 <b>frontage</b> [2] - 141:3, 150:23 <b>fuel</b> [1] - 156:11 <b>full</b> [11] - 9:7, 15:13, 17:18, 19:17, 33:12,	48:6, 100:6, 140:17, 140:22, 140:25, 157:15 <b>full-movement</b> [2] - 140:22, 140:25 <b>full-time</b> [1] - 17:18 <b>fully</b> [2] - 115:23, 143:25 <b>fully-enclosed</b> [1] - 143:25 <b>function</b> [1] - 69:1 <b>funded</b> [1] - 91:12 <b>funding</b> [1] - 34:25 <b>future</b> [9] - 12:7, 37:2, 65:5, 67:14, 84:22, 114:19, 135:11, 145:24, 160:12  <b>G</b>  <b>Gail</b> [3] - 4:11, 11:18, 12:2 <b>GAIL</b> [1] - 2:7 <b>gain</b> [3] - 7:5, 83:13, 107:8 <b>game</b> [1] - 46:19 <b>game-day</b> [1] - 46:19 <b>garage</b> [2] - 45:12, 45:14 <b>garbage</b> [3] - 142:18, 143:7 <b>garden</b> [2] - 16:23, 18:20 <b>Garden</b> [1] - 32:15 <b>Gas</b> [1] - 156:2 <b>generally</b> [1] - 66:9 <b>Generally</b> [1] - 15:25 <b>generate</b> [1] - 107:5 <b>generated</b> [3] - 12:11, 66:25, 68:25 <b>generating</b> [1] - 116:10 <b>generator</b> [7] - 12:9, 156:6, 156:9, 162:24, 164:2 <b>generators</b> [1] - 106:23 <b>gentleman</b> [9] - 48:20, 61:16, 62:13, 63:5, 65:13, 73:18, 74:25, 160:23, 163:14 <b>gentlemen</b> [1] - 103:19 <b>geotech</b> [2] - 35:16, 35:19 <b>Gerrit</b> [1] - 13:6 <b>Giants</b> [1] - 32:2 <b>given</b> [6] - 29:14, 81:11, 114:10,	125:9, 137:9, 137:10 <b>givers</b> [1] - 20:25 <b>Glen</b> [1] - 54:18 <b>goal</b> [1] - 96:4 <b>government</b> [1] - 57:14 <b>governs</b> [1] - 133:5 <b>grab</b> [1] - 137:24 <b>grade</b> [7] - 146:6, 146:10, 147:15, 148:7, 148:9, 148:10, 148:15 <b>grading</b> [3] - 146:3, 146:21, 147:11 <b>graduate</b> [1] - 131:10 <b>grand</b> [1] - 95:11 <b>grandchildren</b> [3] - 64:11, 94:22, 114:3 <b>grandmother</b> [2] - 89:19, 110:8 <b>grant</b> [1] - 105:3 <b>granted</b> [2] - 26:19, 96:15 <b>granting</b> [1] - 105:24 <b>graphic</b> [1] - 15:23 <b>gray</b> [1] - 141:6 <b>great</b> [11] - 10:16, 15:20, 66:1, 88:18, 88:20, 94:25, 96:20, 99:18, 105:15, 111:10, 111:17 <b>Great</b> [3] - 42:9, 107:24, 111:1 <b>greater</b> [2] - 67:7, 116:15 <b>green</b> [1] - 152:2 <b>Green</b> [2] - 13:16, 13:24 <b>Greenburgh</b> [3] - 125:15, 125:23 <b>grooming</b> [1] - 17:16 <b>gross</b> [1] - 140:9 <b>ground</b> [2] - 9:22, 42:20 <b>ground-up</b> [1] - 9:22 <b>group</b> [8] - 7:3, 13:13, 18:8, 22:10, 26:6, 29:6, 56:12, 121:13 <b>Group</b> [1] - 15:18 <b>groups</b> [1] - 56:11 <b>grow</b> [1] - 21:11 <b>Growing</b> [1] - 65:3 <b>growing</b> [2] - 20:6, 20:8 <b>guess</b> [6] - 75:25, 85:22, 98:18, 115:19, 124:23, 158:16 <b>guessing</b> [1] - 98:20 <b>guest</b> [1] - 131:13	<b>guidelines</b> [2] - 82:2, 90:18 <b>GULINO</b> [3] - 1:20, 167:5, 167:22 <b>guy</b> [3] - 14:23, 93:25, 114:25 <b>guys</b> [7] - 44:5, 44:10, 44:11, 44:19, 44:20, 96:15, 126:7  <b>H</b>  <b>hair</b> [2] - 5:15, 18:19 <b>half</b> [10] - 42:11, 42:23, 42:24, 74:15, 104:21, 140:15, 140:17, 144:19, 150:14, 150:25 <b>Hall</b> [1] - 90:8 <b>hand</b> [1] - 49:13 <b>handle</b> [2] - 24:7, 64:22 <b>hanging</b> [1] - 157:8 <b>hangs</b> [1] - 69:7 <b>happier</b> [2] - 112:13, 113:24 <b>happy</b> [11] - 18:11, 23:17, 24:1, 31:1, 45:3, 46:1, 79:24, 86:12, 137:23, 138:1, 155:25 <b>Harbor</b> [1] - 32:14 <b>hard</b> [7] - 15:23, 29:12, 29:14, 29:17, 90:12, 126:13, 138:25 <b>Haring</b> [1] - 13:6 <b>Harrington</b> [7] - 54:18, 54:21, 54:23, 55:6, 77:9, 85:18, 96:1 <b>have..</b> [1] - 159:13 <b>head</b> [2] - 73:7, 136:23 <b>heading</b> [1] - 161:12 <b>headlight</b> [1] - 152:4 <b>headline</b> [1] - 7:15 <b>health</b> [7] - 49:22, 83:5, 108:14, 109:25, 113:22, 114:20 <b>Health</b> [12] - 12:17, 12:18, 16:20, 17:1, 17:8, 17:13, 19:2, 25:20, 26:7, 34:15, 49:23, 74:5 <b>healthcare</b> [9] - 17:24, 82:21, 83:20, 83:24, 110:15, 110:17, 112:2, 112:20, 113:16	<b>hear</b> [23] - 4:7, 4:8, 5:10, 7:11, 7:18, 19:12, 57:10, 67:2, 86:8, 99:4, 106:2, 106:4, 135:11, 140:15, 143:23, 148:24, 150:15, 153:21, 154:2, 157:21, 158:4, 162:1, 163:20 <b>heard</b> [16] - 6:20, 20:16, 57:5, 65:10, 88:6, 106:3, 115:9, 115:10, 115:11, 119:6, 120:21, 124:14, 132:4, 140:5, 150:4, 150:12 <b>hearing</b> [8] - 28:19, 29:16, 46:1, 68:24, 103:22, 161:22, 166:3 <b>hearings</b> [4] - 5:11, 8:13, 69:25, 122:15 <b>heavier</b> [1] - 108:19 <b>height</b> [7] - 43:12, 43:15, 140:11, 140:12, 147:25, 150:13, 150:17 <b>held</b> [1] - 70:4 <b>help</b> [7] - 8:6, 17:15, 57:16, 85:25, 108:12, 138:17, 143:13 <b>helpful</b> [1] - 104:24 <b>Henry</b> [1] - 93:7 <b>hereby</b> [1] - 167:8 <b>Herring</b> [1] - 49:19 <b>hi</b> [1] - 122:9 <b>Hi</b> [8] - 52:18, 65:11, 72:1, 84:16, 104:5, 109:21, 115:15, 115:16 <b>hierarchy</b> [1] - 24:8 <b>high</b> [8] - 21:25, 66:11, 80:2, 96:7, 98:11, 147:10, 147:18, 164:12 <b>high-turnover</b> [1] - 66:11 <b>higher</b> [4] - 70:5, 70:9, 71:20, 85:1 <b>highest</b> [4] - 21:17, 147:22, 147:23, 148:3 <b>highlighted</b> [2] - 22:6, 22:8 <b>highly</b> [1] - 58:23 <b>hills</b> [1] - 146:13 <b>hire</b> [5] - 82:25, 83:3, 123:4, 163:23,
---	---	--	--	--

<p>164:17  <b>hires</b> [1] - 84:2  <b>hiring</b> [1] - 33:11  <b>Historic</b> [3] - 13:12, 44:20, 46:20  <b>historic</b> [42] - 6:9, 13:2, 35:21, 42:11, 42:12, 42:13, 42:24, 43:5, 45:6, 45:8, 45:12, 45:13, 45:18, 45:19, 46:2, 47:3, 53:15, 53:17, 73:5, 74:13, 106:11, 118:2, 118:3, 118:7, 118:15, 118:18, 118:22, 118:24, 119:1, 122:5, 122:10, 122:11, 122:25, 139:11, 148:19, 150:20, 150:22, 151:6, 155:17, 158:22, 165:15  <b>Historical</b> [1] - 73:8  <b>historically</b> [1] - 13:18  <b>history</b> [4] - 11:1, 106:14, 118:14, 162:11  <b>hit</b> [5] - 27:21, 115:5, 136:23, 147:13, 164:11  <b>hitting</b> [1] - 115:5  <b>Holbrook</b> [3] - 52:19, 53:14, 111:12  <b>Hold</b> [2] - 51:23, 158:19  <b>hold</b> [4] - 36:16, 158:18, 159:7, 159:14  <b>holy</b> [1] - 164:21  <b>Home</b> [1] - 157:4  <b>home</b> [30] - 17:10, 21:20, 26:11, 45:7, 45:8, 60:21, 83:5, 85:20, 87:6, 105:17, 108:14, 110:2, 110:15, 110:18, 111:9, 111:10, 111:11, 111:15, 111:20, 111:21, 112:2, 112:7, 112:9, 112:15, 113:21, 113:22, 114:20, 120:19, 152:12  <b>Homeowner 's</b> [1] - 62:7  <b>homes</b> [5] - 17:7, 33:19, 34:17, 61:4, 61:6  <b>honestly</b> [1] - 88:19</p>	<p><b>hope</b> [5] - 7:12, 11:5, 64:2, 75:24, 82:10  <b>Hopefully</b> [1] - 99:24  <b>horse</b> [1] - 38:17  <b>hospital</b> [1] - 33:4  <b>hospitalization</b> [1] - 74:23  <b>hotels</b> [1] - 15:2  <b>hour</b> [6] - 12:10, 104:21, 104:22, 107:6, 107:17  <b>hours</b> [5] - 46:3, 81:16, 82:1, 156:12, 156:14  <b>House</b> [1] - 13:7  <b>house</b> [44] - 4:19, 4:20, 6:11, 6:15, 7:3, 13:2, 18:17, 32:7, 42:20, 43:5, 44:5, 45:2, 46:7, 46:10, 46:24, 47:15, 47:17, 53:15, 53:17, 53:24, 54:3, 73:1, 73:6, 74:11, 74:12, 77:24, 86:24, 86:25, 87:1, 91:21, 99:6, 107:5, 118:7, 139:24, 149:24, 151:6, 151:11, 152:18, 155:17, 158:22, 159:5, 159:6, 165:15  <b>house-of</b> [1] - 151:11  <b>house-of-worship</b> [2] - 139:24, 152:18  <b>households</b> [1] - 21:9  <b>housekeeping</b> [2] - 18:2, 113:18  <b>houses</b> [9] - 82:6, 91:2, 92:7, 105:20, 107:4, 107:13, 107:14, 108:22, 109:3  <b>housing</b> [16] - 7:6, 7:8, 15:1, 15:13, 21:25, 37:20, 38:15, 39:3, 39:6, 39:9, 57:21, 58:4, 68:25, 69:10, 69:25, 92:6  <b>Housing</b> [4] - 10:23, 10:24, 21:25, 68:22  <b>HOUSING</b> [1] - 1:4  <b>HOWE</b> [11] - 84:16, 84:24, 85:5, 85:10, 85:22, 86:11, 86:14, 86:19, 86:21, 87:6, 87:14  <b>Howe</b> [1] - 84:16  <b>huge</b> [3] - 53:19, 115:3, 162:13  <b>hundred</b> [11] - 7:7,</p>	<p>12:16, 16:24, 27:20, 47:15, 74:16, 85:6, 85:11, 98:23, 105:22  <b>Hundred</b> [1] - 28:13  <b>hundred-bed</b> [2] - 12:16, 16:24  <b>hundred-or-so</b> [1] - 47:15  <b>hurdles</b> [1] - 97:1  <b>hurt</b> [1] - 108:12  <b>husband</b> [2] - 28:11, 111:20  <b>husband-wife</b> [1] - 28:11  <b>hypothetically</b> [2] - 39:11, 39:15</p> <p style="text-align: center;"><b>I</b></p> <p><b>ice</b> [2] - 22:22, 36:14  <b>idea</b> [5] - 69:25, 76:2, 97:25, 103:1, 127:1  <b>Identification</b> [1] - 10:20  <b>identified</b> [9] - 22:13, 134:15, 134:18, 135:5, 135:8, 139:4, 139:7, 139:11, 141:6  <b>identifies</b> [1] - 133:20  <b>identify</b> [7] - 67:23, 132:11, 135:1, 137:25, 138:25, 144:23, 144:25  <b>identifying</b> [1] - 138:12  <b>IES</b> [1] - 156:22  <b>II</b> [1] - 35:21  <b>III</b> [1] - 7:25  <b>imagine</b> [1] - 38:4  <b>immediate</b> [2] - 9:23, 16:13  <b>immediately</b> [1] - 161:17  <b>impact</b> [9] - 12:24, 30:19, 31:5, 31:6, 69:22, 135:9, 135:19, 148:9, 157:18  <b>impacts</b> [2] - 17:23, 135:16  <b>impermeable</b> [2] - 87:1, 87:9  <b>impervious</b> [8] - 87:2, 87:12, 117:6, 144:5, 144:8, 144:11, 152:6, 152:9  <b>implemented</b> [1] - 92:1  <b>important</b> [11] - 6:21,</p>	<p>11:4, 21:3, 21:21, 37:14, 59:12, 100:3, 149:6, 149:12, 154:12, 157:13  <b>impose</b> [1] - 40:8  <b>impossible</b> [1] - 88:4  <b>impression</b> [1] - 70:25  <b>improvement</b> [1] - 154:5  <b>improvements</b> [4] - 116:12, 144:4, 145:25, 146:1  <b>IN</b> [1] - 1:3  <b>inaccessible</b> [1] - 111:24  <b>inaccurate</b> [1] - 7:13  <b>inch</b> [3] - 155:11, 155:12, 155:14  <b>inches</b> [2] - 53:21, 53:24  <b>include</b> [7] - 18:18, 36:7, 72:25, 86:25, 87:7, 95:17, 118:8  <b>included</b> [3] - 6:3, 70:15, 70:16  <b>includes</b> [3] - 131:17, 140:8, 154:10  <b>Including</b> [1] - 47:23  <b>including</b> [2] - 9:23, 16:5  <b>income</b> [12] - 21:16, 21:25, 31:13, 38:15, 39:3, 39:5, 39:9, 74:2, 96:8, 98:2, 116:6, 116:7  <b>increase</b> [6] - 21:12, 29:24, 87:19, 117:2, 144:7, 144:11  <b>increased</b> [2] - 5:6, 136:22  <b>increasing</b> [2] - 136:20, 144:5  <b>increments</b> [4] - 12:19, 27:24, 119:19, 119:21  <b>indeed</b> [1] - 135:8  <b>indefinitely</b> [1] - 69:12  <b>indemnified</b> [1] - 37:1  <b>independent</b> [3] - 15:14, 85:18, 88:2  <b>independently</b> [1] - 17:5  <b>indicated</b> [3] - 85:25, 119:12, 136:22  <b>indicates</b> [1] - 65:4  <b>indication</b> [1] - 38:7  <b>indigenous</b> [1] - 18:7  <b>indigent</b> [2] - 96:10, 128:17  <b>individual</b> [2] - 98:12,</p>	<p>137:13  <b>individuals</b> [1] - 27:10  <b>industrial</b> [1] - 131:15  <b>industry</b> [1] - 9:20  <b>inform</b> [1] - 69:14  <b>information</b> [11] - 7:13, 10:7, 26:8, 54:20, 75:1, 76:5, 79:4, 83:10, 122:15, 122:18, 126:25  <b>ing</b> [1] - 126:12  <b>inherently</b> [7] - 7:9, 12:2, 57:19, 58:6, 109:7, 127:6, 127:9  <b>Inherently</b> [1] - 127:7  <b>initial</b> [1] - 115:23  <b>Innis</b> [1] - 15:9  <b>input</b> [3] - 6:19, 11:15, 48:4  <b>insight</b> [1] - 109:25  <b>inspection</b> [1] - 136:3  <b>instead</b> [1] - 91:9  <b>Institute</b> [1] - 131:10  <b>institutional</b> [3] - 127:24, 127:25, 128:2  <b>insurance</b> [8] - 44:7, 44:13, 44:14, 110:1, 110:19, 112:24, 114:11  <b>intend</b> [1] - 47:12  <b>intended</b> [2] - 32:20, 153:3  <b>intense</b> [2] - 70:6, 152:25  <b>intent</b> [1] - 152:1  <b>intention</b> [1] - 135:12  <b>interacting</b> [1] - 112:14  <b>interest</b> [1] - 71:14  <b>interested</b> [5] - 7:3, 13:13, 35:18, 158:17, 160:16  <b>interfering</b> [1] - 4:20  <b>interjected</b> [1] - 125:5  <b>intermediate</b> [1] - 134:16  <b>intermediate - resource</b> [1] - 134:16  <b>internal</b> [1] - 83:5  <b>International</b> [1] - 19:14  <b>interpretation</b> [5] - 89:11, 130:7, 132:6, 132:13, 132:17  <b>intervening</b> [2] - 24:17, 121:11  <b>INTO</b> [1] - 3:7  <b>inundated</b> [1] - 14:19  <b>investigate</b> [1] - 25:4</p>
--	---	---	---	---

<b>investigating</b> [1] - 155:24 <b>investing</b> [1] - 103:14 <b>investment</b> [1] - 22:1 <b>Investment</b> [1] - 22:11 <b>invisible</b> [1] - 149:14 <b>involved</b> [9] - 45:20, 50:11, 55:5, 75:17, 83:13, 88:3, 118:9, 161:13 <b>involves</b> [3] - 7:22, 8:2, 10:3 <b>involving</b> [1] - 129:16 <b>Irrelevant</b> [1] - 88:25 <b>irrelevant</b> [1] - 89:1 <b>Isolated</b> [1] - 134:19 <b>isolated</b> [3] - 50:10, 134:19, 137:9 <b>issuance</b> [1] - 136:3 <b>issue</b> [14] - 24:6, 26:8, 39:14, 39:23, 51:18, 51:25, 78:21, 118:11, 121:18, 121:19, 122:2, 159:20, 162:25, 164:3 <b>issued</b> [4] - 63:9, 119:12, 119:14, 121:24 <b>issues</b> [1] - 132:24 <b>it'd</b> [2] - 45:13, 121:20 <b>it'll</b> [4] - 123:20, 143:14, 149:1, 160:10 <b>It'll</b> [1] - 152:2 <b>ITE</b> [1] - 19:13 <b>items</b> [1] - 138:17 <b>itself</b> [12] - 46:24, 87:1, 116:10, 122:25, 141:24, 142:9, 144:20, 146:4, 149:2, 149:7, 150:6, 160:6	132:21, 133:3, 133:11, 142:14, 167:7 <b>JERSEY</b> [1] - 1:24 <b>Jim</b> [1] - 15:9 <b>jobs</b> [1] - 111:23 <b>Joe</b> [7] - 5:15, 5:18, 45:22, 72:6, 109:10, 125:3, 125:4 <b>jogs</b> [1] - 165:19 <b>John</b> [2] - 9:2, 70:12 <b>JOHN</b> [1] - 1:17 <b>join</b> [1] - 32:18 <b>JOSEPH</b> [1] - 3:3 <b>Joseph</b> [2] - 9:9, 10:22 <b>July</b> [1] - 38:1 <b>jurisdiction</b> [3] - 4:3, 51:12, 140:24 <b>justification</b> [1] - 156:1 <b>justify</b> [1] - 154:19	<b>L</b>	<b>least</b> [4] - 7:12, 39:21, 40:13, 75:11 <b>leaving</b> [1] - 46:25 <b>lecturer</b> [1] - 131:13 <b>LED</b> [1] - 156:24 <b>left</b> [4] - 14:15, 67:15, 67:21, 68:20 <b>legal</b> [2] - 24:16, 127:21 <b>legally</b> [1] - 24:7 <b>Legally</b> [1] - 24:25 <b>legislation</b> [1] - 67:18 <b>legitimate</b> [1] - 30:15 <b>length</b> [1] - 142:23 <b>Leonard</b> [3] - 53:2, 63:18, 155:18 <b>less</b> [4] - 101:22, 104:16, 113:1, 116:2 <b>Letter</b> [2] - 3:10, 130:13 <b>letter</b> [13] - 121:24, 130:4, 130:7, 130:10, 130:11, 132:5, 132:11, 132:13, 134:25, 136:2, 163:5, 163:12, 164:18 <b>letters</b> [3] - 7:17, 132:17, 155:8 <b>letting</b> [1] - 104:12 <b>Level</b> [1] - 100:11 <b>level</b> [10] - 28:3, 42:20, 44:14, 95:25, 100:10, 108:22, 120:17, 147:16, 156:16, 157:7 <b>levels</b> [6] - 95:20, 95:21, 96:11, 121:12, 156:19, 157:17 <b>LEVINE</b> [6] - 88:8, 88:17, 88:25, 89:4, 89:10, 90:5 <b>Levine</b> [1] - 88:8 <b>liability</b> [1] - 52:2 <b>license</b> [2] - 28:14, 120:20 <b>License</b> [1] - 167:23 <b>licensed</b> [2] - 16:19, 17:7 <b>licensing</b> [1] - 120:16 <b>life</b> [3] - 41:3, 76:25, 156:11 <b>life-support</b> [1] - 156:11 <b>lifts</b> [1] - 42:15 <b>light</b> [4] - 157:5, 157:9, 157:14, 157:17 <b>lighting</b> [4] - 156:21,	156:23, 157:7, 157:11 <b>lights</b> [3] - 156:25, 157:3 <b>likely</b> [2] - 107:12, 121:20 <b>limit</b> [2] - 147:2, 148:2 <b>limited</b> [1] - 76:14 <b>line</b> [21] - 5:5, 15:19, 15:20, 24:11, 45:21, 92:5, 133:5, 133:7, 136:15, 139:1, 139:2, 142:7, 145:17, 145:19, 147:13, 149:14, 152:6, 152:18, 153:24, 156:20 <b>linen</b> [1] - 113:18 <b>lines</b> [1] - 156:3 <b>lipstick</b> [1] - 117:19 <b>list</b> [1] - 165:11 <b>Listen</b> [2] - 61:15, 164:4 <b>listen</b> [4] - 6:6, 11:10, 11:16, 103:19 <b>listened</b> [1] - 11:15 <b>listening</b> [1] - 132:1 <b>lists</b> [1] - 23:3 <b>lit</b> [1] - 153:7 <b>literally</b> [1] - 163:1 <b>litigated</b> [1] - 70:4 <b>live</b> [22] - 15:11, 17:4, 52:18, 62:6, 63:18, 64:8, 64:9, 64:11, 75:5, 75:10, 79:24, 80:20, 88:9, 89:17, 94:21, 110:25, 111:11, 112:13, 114:5, 115:17, 127:22 <b>lives</b> [1] - 30:3 <b>Living</b> [5] - 5:17, 14:25, 58:14, 75:18, 83:2 <b>living</b> [63] - 4:18, 5:10, 7:9, 9:20, 9:22, 15:3, 15:14, 16:19, 16:20, 17:10, 17:11, 17:16, 18:18, 19:5, 20:4, 21:22, 22:24, 25:24, 26:3, 34:16, 57:12, 58:4, 59:9, 66:7, 76:3, 82:18, 83:14, 85:18, 85:19, 88:2, 89:22, 92:14, 95:9, 99:4, 99:9, 99:15, 100:13, 103:7, 105:10, 110:21, 111:18, 112:9, 113:2, 113:4,
<b>J</b>	<b>keep</b> [8] - 5:19, 46:22, 47:6, 76:13, 93:9, 148:20, 153:17, 162:18 <b>keeping</b> [4] - 46:17, 72:25, 141:16, 148:8 <b>keeps</b> [1] - 113:24 <b>KEIL</b> [12] - 1:14, 34:22, 35:6, 35:11, 35:16, 35:18, 35:23, 36:9, 36:15, 36:22, 49:8, 124:18 <b>key</b> [1] - 54:24 <b>kicked</b> [1] - 69:11 <b>kicking</b> [1] - 68:4 <b>kind</b> [8] - 44:6, 44:17, 68:4, 97:1, 104:11, 122:6, 143:11, 148:19 <b>KING</b> [7] - 90:21, 90:23, 91:8, 91:19, 92:7, 92:19, 92:25 <b>King</b> [1] - 90:24 <b>Klein</b> [1] - 109:21 <b>Kline</b> [1] - 88:9 <b>knowing</b> [2] - 23:8, 31:4 <b>knowledge</b> [1] - 73:17 <b>known</b> [3] - 7:9, 144:6, 147:5 <b>knows</b> [3] - 4:14, 46:7, 50:9 <b>Kurt</b> [1] - 104:5	<b>Labor</b> [5] - 72:8, 72:13, 72:15, 72:17, 72:18 <b>lack</b> [1] - 114:16 <b>Ladies</b> [1] - 103:18 <b>lady</b> [1] - 110:14 <b>lake</b> [1] - 134:13 <b>Lake</b> [13] - 2:6, 4:13, 16:9, 23:15, 50:8, 50:13, 50:17, 62:6, 62:7, 63:3, 63:6, 134:21, 151:16 <b>Land</b> [1] - 7:10 <b>land</b> [22] - 4:24, 56:7, 56:10, 59:15, 67:20, 68:20, 69:5, 69:21, 76:11, 77:22, 78:12, 78:22, 87:8, 93:1, 98:15, 106:24, 116:16, 119:1, 134:18, 137:4, 161:11 <b>landscape</b> [10] - 6:9, 16:14, 56:17, 110:24, 143:24, 148:24, 153:21, 153:22, 157:21, 158:5 <b>landscaping</b> [2] - 135:4, 157:21 <b>lane</b> [2] - 140:24, 160:16 <b>large</b> [5] - 18:23, 30:14, 112:24, 112:25, 142:24 <b>larger</b> [2] - 5:7, 69:22 <b>largest</b> [3] - 17:18, 142:17, 142:18 <b>Last</b> [1] - 40:18 <b>last</b> [11] - 7:14, 9:8, 11:17, 14:20, 72:21, 76:25, 77:13, 104:25, 127:3, 129:21 <b>lateral</b> [1] - 155:15 <b>Laughter</b> [1] - 32:3 <b>Laura</b> [1] - 65:11 <b>Laurel</b> [3] - 38:12, 38:13, 68:12 <b>Law</b> [1] - 7:10 <b>law</b> [5] - 26:20, 58:7, 92:14, 111:22, 142:15 <b>lawyer</b> [1] - 49:21 <b>lead</b> [2] - 35:6, 132:22 <b>learned</b> [1] - 96:21 <b>lease</b> [1] - 97:14	<b>least</b> [4] - 7:12, 39:21, 40:13, 75:11 <b>leaving</b> [1] - 46:25 <b>lecturer</b> [1] - 131:13 <b>LED</b> [1] - 156:24 <b>left</b> [4] - 14:15, 67:15, 67:21, 68:20 <b>legal</b> [2] - 24:16, 127:21 <b>legally</b> [1] - 24:7 <b>Legally</b> [1] - 24:25 <b>legislation</b> [1] - 67:18 <b>legitimate</b> [1] - 30:15 <b>length</b> [1] - 142:23 <b>Leonard</b> [3] - 53:2, 63:18, 155:18 <b>less</b> [4] - 101:22, 104:16, 113:1, 116:2 <b>Letter</b> [2] - 3:10, 130:13 <b>letter</b> [13] - 121:24, 130:4, 130:7, 130:10, 130:11, 132:5, 132:11, 132:13, 134:25, 136:2, 163:5, 163:12, 164:18 <b>letters</b> [3] - 7:17, 132:17, 155:8 <b>letting</b> [1] - 104:12 <b>Level</b> [1] - 100:11 <b>level</b> [10] - 28:3, 42:20, 44:14, 95:25, 100:10, 108:22, 120:17, 147:16, 156:16, 157:7 <b>levels</b> [6] - 95:20, 95:21, 96:11, 121:12, 156:19, 157:17 <b>LEVINE</b> [6] - 88:8, 88:17, 88:25, 89:4, 89:10, 90:5 <b>Levine</b> [1] - 88:8 <b>liability</b> [1] - 52:2 <b>license</b> [2] - 28:14, 120:20 <b>License</b> [1] - 167:23 <b>licensed</b> [2] - 16:19, 17:7 <b>licensing</b> [1] - 120:16 <b>life</b> [3] - 41:3, 76:25, 156:11 <b>life-support</b> [1] - 156:11 <b>lifts</b> [1] - 42:15 <b>light</b> [4] - 157:5, 157:9, 157:14, 157:17 <b>lighting</b> [4] - 156:21,	156:23, 157:7, 157:11 <b>lights</b> [3] - 156:25, 157:3 <b>likely</b> [2] - 107:12, 121:20 <b>limit</b> [2] - 147:2, 148:2 <b>limited</b> [1] - 76:14 <b>line</b> [21] - 5:5, 15:19, 15:20, 24:11, 45:21, 92:5, 133:5, 133:7, 136:15, 139:1, 139:2, 142:7, 145:17, 145:19, 147:13, 149:14, 152:6, 152:18, 153:24, 156:20 <b>linen</b> [1] - 113:18 <b>lines</b> [1] - 156:3 <b>lipstick</b> [1] - 117:19 <b>list</b> [1] - 165:11 <b>Listen</b> [2] - 61:15, 164:4 <b>listen</b> [4] - 6:6, 11:10, 11:16, 103:19 <b>listened</b> [1] - 11:15 <b>listening</b> [1] - 132:1 <b>lists</b> [1] - 23:3 <b>lit</b> [1] - 153:7 <b>literally</b> [1] - 163:1 <b>litigated</b> [1] - 70:4 <b>live</b> [22] - 15:11, 17:4, 52:18, 62:6, 63:18, 64:8, 64:9, 64:11, 75:5, 75:10, 79:24, 80:20, 88:9, 89:17, 94:21, 110:25, 111:11, 112:13, 114:5, 115:17, 127:22 <b>lives</b> [1] - 30:3 <b>Living</b> [5] - 5:17, 14:25, 58:14, 75:18, 83:2 <b>living</b> [63] - 4:18, 5:10, 7:9, 9:20, 9:22, 15:3, 15:14, 16:19, 16:20, 17:10, 17:11, 17:16, 18:18, 19:5, 20:4, 21:22, 22:24, 25:24, 26:3, 34:16, 57:12, 58:4, 59:9, 66:7, 76:3, 82:18, 83:14, 85:18, 85:19, 88:2, 89:22, 92:14, 95:9, 99:4, 99:9, 99:15, 100:13, 103:7, 105:10, 110:21, 111:18, 112:9, 113:2, 113:4,

<p>113:13, 113:17, 113:19, 113:24, 114:6, 114:17, 115:1, 115:5, 115:7, 131:17, 138:23, 139:21, 140:1, 140:21, 147:5, 149:6, 154:6</p> <p><b>livings</b> [2] - 75:12, 80:7</p> <p><b>LLC</b> [2] - 1:23, 4:13</p> <p><b>load</b> [2] - 117:23, 155:21</p> <p><b>load-baring</b> [1] - 117:23</p> <p><b>loading</b> [7] - 142:21, 143:7, 143:17, 154:18, 154:21, 154:23, 154:24</p> <p><b>local</b> [6] - 11:12, 13:5, 31:1, 63:4, 97:22, 129:9</p> <p><b>located</b> [9] - 14:13, 50:11, 52:21, 129:22, 135:6, 144:17, 155:10, 155:15, 156:6</p> <p><b>location</b> [8] - 118:23, 134:8, 134:15, 134:24, 142:20, 145:2, 147:1, 155:4</p> <p><b>locations</b> [2] - 134:3, 134:4</p> <p><b>locked</b> [1] - 117:5</p> <p><b>locks</b> [1] - 128:11</p> <p><b>LOI</b> [11] - 5:3, 50:6, 130:11, 132:11, 133:4, 133:23, 136:1, 136:4, 136:6, 137:9, 139:5</p> <p><b>long-term</b> [1] - 17:8</p> <p><b>Look</b> [1] - 165:12</p> <p><b>look</b> [25] - 5:22, 33:11, 55:16, 55:24, 56:2, 70:22, 73:2, 74:18, 95:6, 104:15, 114:13, 116:5, 116:6, 116:9, 124:1, 126:16, 128:19, 129:2, 134:2, 134:4, 134:10, 134:11, 146:17, 164:11</p> <p><b>looked</b> [6] - 52:25, 55:16, 74:10, 99:5, 114:6, 114:9</p> <p><b>looking</b> [13] - 8:16, 8:18, 52:22, 73:9, 78:10, 102:13, 109:12, 127:2, 146:4, 149:4, 149:9,</p>	<p>149:20, 158:11</p> <p><b>looks</b> [5] - 43:8, 74:10, 74:14, 78:11, 110:3</p> <p><b>loss</b> [1] - 31:17</p> <p><b>lost</b> [3] - 86:21, 93:16, 111:4</p> <p><b>LOT</b> [1] - 1:5</p> <p><b>louder</b> [1] - 4:7</p> <p><b>LOULOU DIS</b> [5] - 1:13, 41:13, 41:21, 41:24, 42:2</p> <p><b>lounges</b> [1] - 18:20</p> <p><b>love</b> [3] - 53:5, 93:12, 111:14</p> <p><b>low</b> [7] - 12:9, 39:9, 74:2, 98:2, 157:7, 162:24, 164:2</p> <p><b>Low</b> [2] - 39:4, 39:5</p> <p><b>low-income</b> [2] - 39:9, 98:2</p> <p><b>low-level</b> [1] - 157:7</p> <p><b>low-traffic</b> [1] - 162:24</p> <p><b>lower</b> [4] - 70:2, 85:1, 147:6, 147:19</p> <p><b>lowered</b> [2] - 70:2, 78:7</p> <p><b>lowest</b> [1] - 106:23</p> <p><b>LPNs</b> [3] - 17:25, 84:3, 84:8</p>	<p>31:15, 31:22</p> <p><b>magic</b> [1] - 67:16</p> <p><b>Main</b> [1] - 129:22</p> <p><b>main</b> [5] - 55:5, 141:11, 155:10, 155:11, 155:19</p> <p><b>maintain</b> [3] - 145:21, 145:22, 148:13</p> <p><b>maintaining</b> [1] - 147:10</p> <p><b>maintenance</b> [1] - 99:7</p> <p><b>major</b> [2] - 29:24, 75:12</p> <p><b>majority</b> [2] - 154:12, 155:8</p> <p><b>makers</b> [1] - 21:4</p> <p><b>MAMARY</b> [18] - 1:12, 28:22, 70:12, 70:24, 71:3, 71:6, 71:9, 71:12, 71:19, 71:21, 87:17, 87:22, 98:23, 99:1, 100:2, 100:14, 100:19, 128:6</p> <p><b>man's</b> [1] - 100:15</p> <p><b>manage</b> [1] - 83:20</p> <p><b>management</b> [3] - 26:6, 83:1, 84:1</p> <p><b>managers</b> [3] - 17:25, 18:3, 84:2</p> <p><b>manages</b> [1] - 33:19</p> <p><b>managing</b> [1] - 83:2</p> <p><b>manmade</b> [1] - 151:24</p> <p><b>Map</b> [2] - 22:10, 64:4</p> <p><b>map</b> [6] - 3:12, 22:11, 130:17, 130:19, 133:22, 136:13</p> <p><b>mapping</b> [1] - 135:4</p> <p><b>March</b> [1] - 165:23</p> <p><b>Mark</b> [1] - 49:19</p> <p><b>mark</b> [1] - 165:17</p> <p><b>marked</b> [9] - 10:15, 10:20, 130:2, 130:15, 130:18, 130:23, 132:10, 133:5, 138:5</p> <p><b>MARKED</b> [1] - 3:7</p> <p><b>market</b> [10] - 58:24, 65:4, 66:4, 91:6, 94:11, 94:13, 94:16, 120:5, 124:3, 126:7</p> <p><b>marketing</b> [5] - 18:1, 97:21, 97:23, 125:19, 125:21</p> <p><b>Marquette</b> [1] - 9:18</p> <p><b>masonry</b> [2] - 143:3, 143:4</p> <p><b>Master</b> [1] - 55:9</p> <p><b>Master's</b> [1] - 49:21</p> <p><b>math</b> [4] - 85:8, 85:11,</p>	<p>86:20, 98:24</p> <p><b>matter</b> [1] - 123:1</p> <p><b>MATTER</b> [1] - 1:3</p> <p><b>Matthew</b> [1] - 63:17</p> <p><b>max</b> [2] - 28:13, 60:19</p> <p><b>maximum</b> [4] - 28:4, 87:21, 87:22, 149:21</p> <p><b>Mayor</b> [2] - 11:21, 32:22</p> <p><b>MC</b> [1] - 9:10</p> <p><b>McElwee</b> [226] - 3:3, 7:19, 7:20, 8:20, 9:9, 9:10, 9:12, 9:17, 10:1, 10:5, 10:9, 10:12, 10:21, 10:22, 14:4, 14:9, 14:12, 15:22, 18:4, 19:6, 19:17, 20:3, 22:3, 23:1, 23:22, 23:25, 24:12, 25:23, 27:2, 27:11, 28:6, 28:8, 29:5, 29:12, 30:15, 31:12, 31:18, 32:1, 32:4, 32:13, 33:16, 35:1, 35:9, 35:20, 36:8, 36:10, 36:18, 41:17, 41:23, 42:1, 42:6, 42:9, 43:3, 43:11, 43:14, 44:12, 44:24, 45:10, 46:9, 46:13, 46:19, 47:3, 47:5, 47:14, 50:2, 50:21, 50:25, 52:23, 53:4, 53:6, 53:10, 53:15, 54:8, 54:15, 55:2, 56:1, 56:9, 56:16, 57:12, 57:23, 58:16, 59:4, 59:17, 59:23, 60:25, 61:3, 61:12, 62:1, 63:1, 63:11, 63:14, 63:22, 64:2, 64:14, 64:23, 65:1, 65:3, 65:7, 65:18, 66:16, 72:10, 72:15, 72:20, 73:5, 74:4, 75:19, 76:4, 76:10, 76:22, 77:14, 78:2, 78:14, 78:17, 79:3, 79:8, 79:15, 79:22, 80:8, 80:11, 80:14, 81:14, 81:24, 82:24, 83:22, 84:1, 84:7, 84:12, 84:21, 85:4, 85:8, 85:13, 86:4, 86:12, 87:2, 87:11, 87:15, 88:1, 88:16, 89:15, 93:11, 94:2, 95:8, 95:13, 95:19, 97:6, 97:10, 98:3, 99:2, 99:18,</p>	<p>99:23, 100:8, 101:2, 101:8, 101:11, 101:14, 101:19, 102:2, 102:10, 102:23, 103:1, 103:6, 104:18, 105:6, 105:9, 105:25, 106:6, 106:8, 106:21, 107:4, 107:17, 107:22, 108:1, 108:4, 108:25, 109:2, 109:19, 110:6, 110:11, 110:14, 110:20, 111:1, 111:17, 112:4, 112:6, 113:3, 113:8, 114:13, 114:25, 115:16, 116:3, 116:17, 116:20, 117:4, 117:8, 117:12, 118:5, 118:10, 118:13, 118:20, 118:25, 119:3, 119:14, 119:18, 119:24, 120:7, 120:12, 120:18, 121:3, 124:6, 124:11, 125:14, 125:17, 126:10, 126:18, 126:22, 127:7, 127:15, 127:18, 127:21, 128:2, 128:8, 128:14, 128:17, 128:21, 129:4, 142:25</p> <p><b>McElwee's</b> [1] - 132:2</p> <p><b>meals</b> [4] - 19:1, 19:2, 19:4, 113:18</p> <p><b>mean</b> [21] - 27:10, 31:16, 39:20, 44:10, 71:15, 71:16, 74:18, 83:12, 93:23, 94:17, 94:18, 94:25, 96:15, 96:16, 96:20, 97:1, 98:7, 98:16, 111:4, 158:16</p> <p><b>means</b> [6] - 21:25, 24:23, 57:14, 67:7, 134:19, 163:3</p> <p><b>measure</b> [1] - 152:5</p> <p><b>measured</b> [2] - 74:19, 74:22</p> <p><b>mechanisms</b> [1] - 67:9</p> <p><b>median</b> [2] - 21:16, 21:20</p> <p><b>Medicaid</b> [21] - 12:15,</p>
---	--	---	---	---

<p>12:22, 12:23, 27:11, 27:12, 27:13, 77:6, 92:17, 92:20, 94:3, 95:21, 96:4, 96:11, 97:13, 97:17, 110:1, 110:16, 112:25, 120:19, 128:13, 129:8</p> <p><b>medical</b> [2] - 100:5, 100:16</p> <p><b>Medicare</b> [3] - 96:14, 110:16, 120:18</p> <p><b>medication</b> [2] - 17:25, 84:8</p> <p><b>Medicine</b> [1] - 49:24</p> <p><b>MEESE</b> [1] - 2:5</p> <p><b>Meese</b> [1] - 4:11</p> <p><b>meet</b> [11] - 19:25, 67:6, 68:1, 68:4, 82:1, 90:3, 91:4, 96:18, 114:18, 124:17, 151:24</p> <p><b>meeting</b> [14] - 8:12, 28:17, 28:24, 48:13, 48:16, 48:18, 49:7, 49:17, 104:1, 104:2, 126:19, 152:1, 165:4, 165:22</p> <p><b>meetings</b> [5] - 15:6, 17:22, 38:24, 63:4, 123:13</p> <p><b>MEMBER</b> [9] - 6:21, 57:2, 59:18, 73:20, 76:17, 86:10, 90:8, 100:17, 114:24</p> <p><b>member</b> [3] - 7:23, 11:21, 62:6</p> <p><b>members</b> [14] - 8:15, 9:13, 10:21, 24:23, 24:24, 26:10, 79:23, 109:24, 112:18, 113:12, 131:4, 131:9, 159:10</p> <p><b>MEMBERS</b> [5] - 1:10, 49:11, 67:2, 80:19, 124:21</p> <p><b>Memory</b> [3] - 27:16, 85:19, 100:17</p> <p><b>memory</b> [10] - 15:14, 16:21, 19:4, 22:23, 22:25, 27:18, 33:24, 36:20, 95:9</p> <p><b>men</b> [1] - 111:22</p> <p><b>mention</b> [4] - 114:1, 150:12, 158:7, 158:20</p> <p><b>mentioned</b> [19] - 36:6, 41:14, 41:21, 57:9, 65:15, 84:25, 86:15, 86:16, 104:8,</p>	<p>104:13, 114:15, 116:25, 118:2, 119:11, 120:6, 135:22, 142:2, 142:21, 145:8</p> <p><b>mess</b> [1] - 52:9</p> <p><b>met</b> [5] - 21:17, 63:3, 63:4, 63:5, 109:6</p> <p><b>method</b> [1] - 25:6</p> <p><b>MICHAEL</b> [1] - 1:12</p> <p><b>middle</b> [2] - 74:15, 161:1</p> <p><b>midway</b> [1] - 157:17</p> <p><b>might</b> [16] - 6:14, 28:4, 30:12, 37:11, 48:3, 71:9, 73:9, 85:25, 112:16, 120:23, 125:20, 129:11, 141:16, 149:18, 162:1, 165:14</p> <p><b>mightn 't</b> [1] - 70:3</p> <p><b>Mike</b> [1] - 34:23</p> <p><b>mile</b> [3] - 21:14, 80:9, 101:16</p> <p><b>miles</b> [4] - 22:20, 36:7, 96:20, 97:24</p> <p><b>million</b> [1] - 91:14</p> <p><b>million-dollar</b> [1] - 91:14</p> <p><b>mind</b> [3] - 36:19, 39:21, 160:23</p> <p><b>mine</b> [1] - 5:15</p> <p><b>mini mum</b> [6] - 19:13, 21:5, 117:15, 137:2, 150:7, 150:21</p> <p><b>minor</b> [4] - 26:21, 145:11, 145:14, 158:8</p> <p><b>minutes</b> [5] - 70:23, 94:22, 103:20, 103:23, 156:13</p> <p><b>miracle</b> [1] - 67:17</p> <p><b>missing</b> [1] - 113:23</p> <p><b>misspeak</b> [1] - 136:21</p> <p><b>misstatement</b> [1] - 82:17</p> <p><b>mitigate</b> [2] - 144:11, 160:2</p> <p><b>mitigating</b> [2] - 30:24, 30:25</p> <p><b>mitigation</b> [1] - 62:9</p> <p><b>mix</b> [4] - 23:6, 23:8, 33:25, 120:8</p> <p><b>mixed</b> [3] - 14:19, 105:8</p> <p><b>mixed-use</b> [1] - 14:19</p> <p><b>model</b> [1] - 88:3</p> <p><b>moderate</b> [5] - 38:15, 39:3, 39:4, 39:5, 39:9</p>	<p><b>moderate -income</b> [2] - 38:15, 39:3</p> <p><b>modular</b> [2] - 146:23, 148:4</p> <p><b>mom</b> [2] - 112:16, 116:20</p> <p><b>moment</b> [1] - 37:2</p> <p><b>monetary</b> [2] - 31:4, 44:9</p> <p><b>money</b> [2] - 30:20, 86:1</p> <p><b>month</b> [10] - 17:2, 26:24, 48:18, 95:1, 95:11, 95:12, 96:1, 98:19, 98:21, 99:16</p> <p><b>monthly</b> [2] - 76:9, 156:13</p> <p><b>months</b> [8] - 26:13, 26:14, 48:17, 76:25, 82:4, 95:6, 97:14, 137:21</p> <p><b>Montvale</b> [1] - 23:15</p> <p><b>monument</b> [2] - 144:17, 144:18</p> <p><b>moon</b> [1] - 32:21</p> <p><b>Morris</b> [1] - 79:10</p> <p><b>mortgage</b> [1] - 99:14</p> <p><b>most</b> [8] - 18:12, 29:22, 112:17, 116:11, 116:13, 121:14, 152:25, 163:1</p> <p><b>Most</b> [1] - 75:5</p> <p><b>mostly</b> [1] - 91:17</p> <p><b>mother</b> [27] - 11:21, 12:25, 21:23, 76:24, 89:19, 89:20, 93:16, 93:25, 94:4, 94:20, 95:7, 95:23, 96:24, 97:19, 99:5, 99:11, 99:14, 108:6, 110:8, 111:8, 111:21, 111:22, 111:25, 113:7, 113:10, 113:15, 116:17</p> <p><b>mother 's</b> [1] - 100:15</p> <p><b>mother-in-law</b> [1] - 111:22</p> <p><b>mothers</b> [5] - 21:24, 64:9, 79:25, 89:25, 111:19</p> <p><b>motion</b> [2] - 49:6, 124:17</p> <p><b>Motion</b> [2] - 49:8, 124:18</p> <p><b>Mount</b> [3] - 38:12, 38:13, 68:12</p> <p><b>Mountainside</b> [2] - 16:7, 79:9</p> <p><b>move</b> [17] - 6:12, 13:3,</p>	<p>13:8, 42:4, 45:6, 46:14, 53:17, 53:18, 75:5, 91:4, 106:10, 118:11, 118:16, 118:17, 134:5, 153:11</p> <p><b>moved</b> [8] - 42:24, 47:15, 53:16, 81:7, 118:19, 118:23, 134:6, 153:18</p> <p><b>movement</b> [4] - 46:6, 118:6, 140:22, 140:25</p> <p><b>mover's</b> [1] - 44:13</p> <p><b>moving</b> [6] - 43:5, 45:2, 46:10, 47:12, 74:8, 74:23</p> <p><b>MR</b> [553] - 4:1, 7:21, 8:6, 8:22, 9:9, 9:17, 10:1, 10:5, 10:9, 10:12, 10:14, 10:17, 14:4, 14:8, 14:9, 14:12, 15:22, 18:4, 19:6, 19:17, 20:3, 22:3, 23:1, 23:22, 23:25, 24:5, 24:12, 25:3, 25:7, 25:12, 25:15, 25:18, 25:23, 26:25, 27:2, 27:5, 27:11, 28:4, 28:6, 28:7, 28:8, 28:15, 28:20, 28:22, 29:5, 29:10, 29:12, 29:18, 29:21, 30:7, 30:8, 30:15, 31:9, 31:12, 31:15, 31:18, 31:22, 31:24, 32:1, 32:2, 32:4, 32:6, 32:11, 32:13, 32:17, 33:16, 34:21, 34:22, 35:1, 35:6, 35:9, 35:11, 35:16, 35:18, 35:20, 35:23, 36:8, 36:9, 36:10, 36:15, 36:18, 36:22, 36:23, 37:4, 37:5, 37:6, 37:9, 37:11, 37:19, 37:22, 37:25, 38:2, 38:8, 38:10, 38:12, 38:13, 38:20, 38:22, 39:4, 39:5, 39:10, 39:16, 39:18, 39:19, 40:1, 40:2, 40:6, 40:11, 40:15, 40:17, 40:21, 41:10, 41:17, 41:23, 42:1, 42:3, 42:6, 42:7, 42:9, 42:25, 43:3, 43:7, 43:11, 43:13, 43:14, 43:17, 43:23, 44:1, 44:3,</p>	<p>44:12, 44:16, 44:24, 45:10, 46:9, 46:13, 46:19, 47:3, 47:5, 47:14, 48:3, 49:3, 49:8, 49:9, 49:19, 50:2, 50:4, 50:7, 50:12, 50:16, 50:19, 50:21, 50:23, 50:25, 51:2, 51:7, 51:8, 51:9, 51:15, 51:17, 51:18, 51:20, 51:23, 52:1, 52:6, 52:8, 52:13, 52:23, 53:4, 53:6, 53:10, 53:15, 54:8, 54:15, 54:17, 55:2, 55:4, 55:11, 55:13, 55:21, 55:22, 55:23, 55:24, 56:1, 56:5, 56:9, 56:13, 56:16, 56:19, 56:21, 56:24, 57:1, 57:12, 57:23, 58:1, 58:6, 58:16, 59:4, 59:10, 59:17, 60:1, 60:7, 60:10, 60:12, 60:15, 60:18, 60:21, 60:25, 61:3, 61:12, 62:1, 62:5, 62:14, 62:16, 62:19, 62:21, 62:23, 63:1, 63:11, 63:14, 63:17, 63:22, 63:23, 64:2, 64:12, 64:14, 64:20, 64:23, 64:24, 65:1, 65:3, 65:6, 65:7, 65:18, 65:21, 66:1, 66:16, 66:23, 67:4, 68:10, 68:16, 68:21, 69:13, 69:20, 69:23, 70:12, 70:18, 70:24, 71:2, 71:3, 71:5, 71:6, 71:7, 71:9, 71:11, 71:12, 71:18, 71:19, 71:20, 71:21, 71:22, 72:10, 72:15, 72:20, 73:5, 73:11, 74:4, 74:21, 75:14, 75:19, 75:24, 76:4, 76:10, 76:22, 77:14, 78:2, 78:14, 78:17, 79:3, 79:8, 79:15, 79:22, 80:8, 80:11, 80:14, 80:24, 81:3, 81:14, 81:22, 81:24, 82:13, 82:24, 83:8, 83:22, 83:23, 84:1, 84:5, 84:7, 84:11, 84:12, 84:13, 84:16, 84:21, 84:24, 85:4, 85:5, 85:8, 85:10, 85:13, 85:22, 86:4, 86:11, 86:12,</p>
--	---	---	--	---



86:14, 86:17, 86:19, 86:20, 86:21, 87:2, 87:3, 87:5, 87:6, 87:11, 87:14, 87:15, 87:17, 87:21, 87:22, 87:24, 88:1, 88:8, 88:16, 88:17, 88:21, 88:25, 89:4, 89:10, 89:15, 90:5, 90:14, 90:22, 91:6, 91:12, 91:22, 92:9, 92:17, 92:19, 92:21, 92:23, 93:3, 93:11, 93:12, 94:2, 94:16, 95:8, 95:12, 95:13, 95:17, 95:19, 96:13, 97:6, 97:7, 97:10, 97:25, 98:3, 98:5, 98:11, 98:23, 98:24, 99:1, 99:2, 99:13, 99:18, 99:19, 99:23, 99:25, 100:2, 100:8, 100:14, 100:19, 100:21, 101:2, 101:4, 101:8, 101:9, 101:11, 101:12, 101:14, 101:17, 101:19, 101:20, 102:2, 102:3, 102:6, 102:10, 102:21, 102:23, 102:25, 103:1, 103:2, 103:6, 103:9, 103:16, 104:5, 104:18, 104:23, 105:6, 105:7, 105:9, 105:12, 105:25, 106:2, 106:6, 106:7, 106:8, 106:20, 106:21, 107:3, 107:4, 107:16, 107:17, 107:18, 107:22, 107:24, 108:1, 108:3, 108:4, 108:17, 108:25, 109:1, 109:2, 109:17, 109:19, 110:6, 110:11, 110:14, 110:20, 111:1, 111:17, 112:4, 112:6, 113:3, 113:8, 113:25, 114:13, 114:25, 115:16, 116:3, 116:12, 116:15, 116:17, 116:20, 117:4, 117:8, 117:12, 118:5, 118:10, 118:13, 118:20, 118:25, 119:3, 119:8,	119:14, 119:16, 119:18, 119:22, 119:24, 120:4, 120:7, 120:9, 120:12, 120:15, 120:18, 120:21, 121:3, 121:15, 121:20, 121:23, 122:4, 122:12, 122:16, 122:19, 122:24, 123:15, 123:18, 123:21, 124:3, 124:6, 124:10, 124:11, 124:18, 124:22, 125:2, 125:4, 125:14, 125:16, 125:17, 125:25, 126:2, 126:3, 126:4, 126:6, 126:10, 126:11, 126:18, 126:21, 126:22, 126:24, 127:7, 127:8, 127:15, 127:17, 127:18, 127:20, 127:21, 127:25, 128:2, 128:5, 128:6, 128:8, 128:12, 128:14, 128:15, 128:17, 128:19, 128:21, 129:1, 129:4, 129:20, 130:1, 130:8, 130:10, 130:16, 130:24, 131:22, 159:14, 159:22, 160:11, 160:20, 160:24, 161:3, 161:8, 161:19, 161:25, 162:5, 162:8, 162:23, 163:7, 163:19, 164:25, 165:3, 165:14, 165:18, 166:1 <b>MS</b> [196] - 4:6, 4:10, 8:4, 8:8, 9:4, 9:11, 9:24, 10:2, 10:6, 10:10, 10:13, 10:16, 10:18, 19:16, 28:18, 28:21, 29:14, 29:20, 31:19, 32:9, 35:14, 35:17, 40:20, 41:9, 41:11, 41:13, 41:21, 41:24, 42:2, 43:2, 43:22, 45:17, 46:12, 47:10, 47:18, 47:21, 47:25, 48:2, 50:5, 50:9, 50:14, 50:18, 51:6, 52:5, 52:14, 52:18, 52:24, 53:5,	53:8, 53:13, 53:19, 54:13, 57:7, 57:20, 58:3, 58:11, 59:1, 59:5, 59:7, 59:11, 59:19, 59:22, 59:24, 60:2, 60:3, 60:9, 60:11, 60:13, 60:17, 60:20, 60:22, 61:2, 61:10, 61:14, 61:18, 61:20, 61:24, 62:2, 62:18, 62:20, 62:25, 65:11, 65:19, 65:24, 66:13, 66:20, 68:9, 68:15, 68:18, 69:11, 69:19, 70:11, 72:1, 72:9, 72:13, 72:17, 72:21, 73:7, 73:12, 73:13, 73:15, 73:16, 73:18, 73:22, 74:6, 74:22, 75:2, 75:15, 75:20, 75:22, 75:25, 76:7, 76:12, 76:16, 76:19, 77:13, 77:17, 78:7, 78:16, 78:18, 78:20, 78:25, 79:6, 79:12, 79:18, 80:5, 80:9, 80:13, 80:20, 80:22, 87:4, 88:23, 89:3, 89:7, 90:9, 90:21, 90:23, 91:8, 91:19, 92:7, 92:25, 93:7, 102:5, 103:11, 109:21, 110:9, 110:13, 110:18, 110:22, 111:2, 112:1, 112:5, 112:20, 113:6, 114:7, 114:9, 115:13, 115:17, 116:14, 116:19, 116:23, 117:7, 117:11, 118:1, 118:6, 118:12, 118:18, 118:22, 119:2, 122:8, 122:14, 122:17, 122:23, 123:19, 123:23, 123:24, 124:19, 125:3, 129:13, 129:25, 130:3, 130:9, 130:12, 130:19, 130:25, 131:2, 131:25, 159:7, 159:11, 163:25, 164:6, 164:13, 164:23, 165:2, 165:7, 165:10 <b>multiple</b> [1] - 96:11 <b>Municipal</b> [2] - 1:7, 7:10	<b>municipal</b> [1] - 67:10 <b>municipalities</b> [2] - 69:2, 131:20 <b>municipality</b> [2] - 38:20, 38:22  <b>N</b>  <b>nail</b> [1] - 136:23 <b>Name</b> [2] - 81:2, 90:22 <b>name</b> [15] - 9:7, 9:8, 9:9, 14:23, 49:15, 53:14, 62:5, 63:17, 84:16, 88:8, 99:15, 100:21, 104:5, 129:20, 129:21 <b>NARANG</b> [9] - 80:24, 81:3, 81:22, 82:13, 83:8, 83:23, 84:5, 84:11, 84:13 <b>Narang</b> [1] - 81:3 <b>Narendra</b> [1] - 81:3 <b>narrow</b> [5] - 161:5, 161:10, 161:13, 162:12, 163:1 <b>national</b> [3] - 27:1, 27:4, 29:7 <b>National</b> [1] - 22:10 <b>nationwide</b> [1] - 39:1 <b>natural</b> [5] - 151:22, 151:24, 151:25, 153:25, 160:10 <b>nature</b> [9] - 6:18, 145:5, 145:11, 146:25, 148:4, 148:19, 153:5, 156:23, 157:2 <b>near</b> [5] - 91:24, 92:1, 114:3, 147:24, 152:21 <b>nearby</b> [1] - 113:16 <b>necessary</b> [10] - 5:5, 5:8, 86:1, 111:16, 137:13, 137:14, 145:23, 156:1, 162:1 <b>Need</b> [12] - 12:17, 12:19, 16:25, 25:24, 26:8, 26:19, 27:24, 34:6, 34:7, 65:22, 119:11, 119:19 <b>need</b> [43] - 5:23, 17:15, 26:5, 26:13, 26:17, 30:14, 31:2, 37:24, 38:3, 39:8, 44:17, 57:16, 58:15, 64:25, 67:6, 68:1, 68:2, 68:14, 68:17, 68:18, 69:14, 70:19, 70:22, 71:8, 80:6,	80:8, 91:24, 95:6, 103:19, 113:20, 114:18, 120:10, 121:8, 121:9, 127:12, 127:15, 129:8, 145:3, 148:15, 154:21, 164:25 <b>needed</b> [4] - 44:22, 82:17, 114:17, 114:21 <b>needing</b> [2] - 115:1, 115:7 <b>needs</b> [6] - 46:7, 51:13, 63:24, 108:11, 123:11, 148:8 <b>needy</b> [1] - 36:2 <b>negatives</b> [1] - 109:11 <b>negotiable</b> [1] - 126:1 <b>negotiated</b> [6] - 68:1, 70:1, 70:20, 71:13, 121:18, 121:19 <b>negotiating</b> [1] - 70:7 <b>negotiation</b> [1] - 40:16 <b>negotiations</b> [1] - 71:24 <b>neighborhood</b> [2] - 5:25, 11:14 <b>neighborhoods</b> [1] - 22:2 <b>neighbors</b> [3] - 6:2, 11:7, 109:14 <b>net</b> [5] - 30:20, 31:13, 98:12, 98:22, 107:8 <b>never</b> [7] - 5:18, 27:21, 38:9, 67:18, 69:16, 72:8 <b>new</b> [20] - 16:1, 22:18, 33:13, 37:25, 42:18, 42:19, 48:19, 58:13, 67:5, 74:9, 80:18, 91:11, 91:17, 92:4, 95:24, 97:7, 117:19, 117:24, 157:25 <b>New</b> [34] - 1:8, 2:6, 3:11, 7:10, 16:4, 17:7, 17:12, 21:14, 21:16, 22:12, 26:1, 27:14, 30:16, 34:18, 37:20, 39:2, 50:8, 50:13, 86:6, 105:10, 111:12, 125:15, 129:23, 130:5, 130:13, 131:10, 132:18, 132:21, 133:3, 133:11, 142:14, 167:7 <b>NEW</b> [1] - 1:24 <b>newer</b> [1] - 94:14
---	---	---	---	---

<p><b>newly</b> [1] - 14:6</p> <p><b>news</b> [1] - 73:24</p> <p><b>Next</b> [15] - 14:4, 14:12, 14:21, 15:22, 16:3, 16:17, 18:4, 19:6, 20:3, 20:23, 22:3, 23:1, 23:13, 52:15, 62:18</p> <p><b>next</b> [19] - 17:21, 39:22, 53:3, 62:20, 62:21, 89:23, 90:18, 100:10, 115:19, 120:3, 123:9, 123:13, 126:19, 128:11, 130:16, 153:8, 164:14, 165:21, 165:22</p> <p><b>NIC</b> [2] - 22:10, 64:4</p> <p><b>nice</b> [8] - 105:14, 105:20, 143:5, 143:12, 148:23, 152:14, 153:20, 159:4</p> <p><b>nicely</b> [1] - 153:22</p> <p><b>niche</b> [1] - 102:20</p> <p><b>NICHOLAS</b> [1] - 1:12</p> <p><b>Nicki</b> [1] - 41:12</p> <p><b>NICKI</b> [1] - 1:13</p> <p><b>night</b> [1] - 17:20</p> <p><b>nighttime</b> [1] - 157:7</p> <p><b>NJ</b> [1] - 167:23</p> <p><b>nobody</b> [1] - 66:10</p> <p><b>nocturnal</b> [1] - 81:10</p> <p><b>noise</b> [6] - 81:12, 82:3, 82:4, 82:9, 156:15, 156:19</p> <p><b>non</b> [7] - 7:2, 24:14, 45:13, 105:19, 139:21</p> <p><b>non-911</b> [1] - 19:9</p> <p><b>non-emergency</b> [1] - 24:14</p> <p><b>non-environmentally</b> [1] - 105:19</p> <p><b>non-for</b> [1] - 7:2</p> <p><b>non-historic</b> [1] - 45:13</p> <p><b>None</b> [1] - 81:9</p> <p><b>none</b> [2] - 5:1, 124:16</p> <p><b>normal</b> [1] - 42:23</p> <p><b>normally</b> [3] - 31:15, 97:13, 97:19</p> <p><b>north</b> [5] - 138:12, 147:12, 147:22, 151:16, 161:12</p> <p><b>North</b> [1] - 22:16</p> <p><b>northeast</b> [1] - 131:16</p> <p><b>northeastern</b> [1] - 143:2</p> <p><b>norther</b> [1] - 62:10</p>	<p><b>northern</b> [4] - 141:8, 144:13, 147:2, 147:20</p> <p><b>Northvale</b> [2] - 32:14, 93:17</p> <p><b>northwestern</b> [1] - 160:4</p> <p><b>Norwood</b> [11] - 5:21, 5:22, 10:4, 16:6, 16:11, 32:11, 32:12, 32:15, 79:9, 126:15, 126:23</p> <p><b>noses</b> [1] - 33:1</p> <p><b>Notary</b> [1] - 167:6</p> <p><b>note</b> [7] - 59:12, 73:2, 149:6, 149:12, 152:11, 154:12, 157:13</p> <p><b>noted</b> [3] - 8:4, 36:4, 119:11</p> <p><b>notes</b> [1] - 167:10</p> <p><b>Nothing</b> [1] - 33:14</p> <p><b>nothing</b> [3] - 14:2, 39:19, 76:10</p> <p><b>notice</b> [4] - 4:2, 143:22, 161:20, 166:2</p> <p><b>noticed</b> [1] - 159:17</p> <p><b>notification</b> [1] - 134:6</p> <p><b>notify</b> [1] - 162:4</p> <p><b>notwithstanding</b> [1] - 106:18</p> <p><b>nuisance</b> [1] - 82:10</p> <p><b>number</b> [23] - 20:11, 20:13, 26:18, 37:17, 58:19, 59:9, 68:2, 68:3, 68:13, 69:3, 70:22, 71:6, 87:24, 114:14, 119:17, 119:22, 120:3, 120:4, 120:9, 124:8, 149:23, 157:22</p> <p><b>Number</b> [1] - 106:1</p> <p><b>NUMBER</b> [1] - 3:8</p> <p><b>numbers</b> [8] - 37:21, 59:19, 68:25, 70:1, 70:8, 70:19, 71:20, 95:17</p> <p><b>numerous</b> [1] - 157:20</p> <p><b>nursing</b> [5] - 17:6, 17:10, 34:17, 114:16, 120:19</p> <p><b>Nursing</b> [2] - 17:7, 85:20</p>	<p><b>obligation</b> [19] - 25:1, 25:5, 37:23, 38:5, 40:9, 67:7, 67:10, 68:4, 68:7, 68:23, 69:7, 69:17, 84:22, 84:23, 91:25, 92:4, 92:16, 92:19, 92:21</p> <p><b>obligations</b> [2] - 38:1, 84:20</p> <p><b>obvious</b> [1] - 115:20</p> <p><b>obviously</b> [6] - 44:10, 85:1, 97:22, 106:11, 138:15, 144:5</p> <p><b>occupancies</b> [2] - 66:2, 66:3</p> <p><b>occupancy</b> [8] - 19:18, 22:12, 63:19, 64:21, 66:6, 66:8, 66:10, 80:2</p> <p><b>occurred</b> [1] - 70:4</p> <p><b>OF</b> [17] - 1:1, 1:3, 1:4, 1:4, 6:21, 49:11, 57:2, 59:18, 67:2, 73:20, 76:17, 80:19, 86:10, 90:8, 100:17, 114:24, 124:21</p> <p><b>off-peak-hour</b> [1] - 12:10</p> <p><b>off-site</b> [1] - 83:5</p> <p><b>offer</b> [6] - 23:18, 45:1, 49:3, 49:5, 83:20, 83:23</p> <p><b>offered</b> [2] - 31:3, 83:19</p> <p><b>office</b> [5] - 18:3, 129:10, 129:11, 132:18</p> <p><b>office @ quickreporters . com</b> [1] - 1:25</p> <p><b>offices</b> [1] - 14:14</p> <p><b>official</b> [2] - 17:12, 136:13</p> <p><b>offs</b> [1] - 41:15</p> <p><b>old</b> [14] - 22:14, 22:15, 32:22, 74:10, 74:16, 75:8, 80:16, 89:16, 98:14, 101:6, 101:7, 113:6, 117:1, 162:14</p> <p><b>OLD</b> [3] - 1:1, 1:4</p> <p><b>Old</b> [65] - 1:8, 1:8, 4:13, 4:15, 12:4, 12:12, 14:18, 16:8, 18:11, 20:2, 20:19, 20:24, 21:19, 21:22, 22:15, 33:6, 50:17, 53:22, 53:23, 57:22, 58:24, 59:2, 62:8, 63:20, 63:24, 64:18, 69:4, 72:2, 74:12,</p>	<p>76:3, 76:23, 77:4, 77:7, 77:10, 79:12, 80:12, 80:17, 80:21, 85:14, 88:9, 93:8, 95:9, 101:18, 102:14, 102:22, 102:23, 103:3, 103:10, 104:6, 109:22, 121:14, 126:8, 129:5, 134:21, 138:13, 140:23, 143:15, 144:6, 148:18, 151:5, 155:10, 160:17, 161:1, 162:21, 164:20</p> <p><b>older</b> [7] - 30:1, 30:2, 33:10, 75:5, 91:20, 93:15, 118:21</p> <p><b>oldest</b> [2] - 114:23, 115:2</p> <p><b>olds</b> [11] - 21:3, 58:19, 58:20, 66:17, 76:3, 76:23, 79:23, 106:15, 113:10, 115:7, 127:22</p> <p><b>Once</b> [2] - 26:17, 141:4</p> <p><b>once</b> [3] - 37:5, 144:15, 162:5</p> <p><b>One</b> [3] - 21:14, 21:15, 40:6</p> <p><b>one</b> [82] - 5:21, 5:22, 6:16, 10:4, 12:4, 19:20, 20:5, 22:15, 23:2, 25:18, 26:13, 29:22, 30:16, 30:24, 36:5, 36:19, 36:24, 38:23, 39:7, 42:4, 42:11, 43:9, 44:3, 45:5, 48:18, 51:2, 53:11, 61:8, 61:9, 64:13, 67:24, 72:11, 78:20, 79:6, 80:12, 80:17, 81:14, 83:2, 89:21, 94:7, 94:19, 95:4, 97:2, 97:3, 97:4, 97:11, 97:17, 97:18, 97:21, 105:24, 106:23, 111:25, 112:6, 112:9, 121:25, 122:9, 125:7, 125:24, 126:13, 128:7, 134:4, 137:25, 138:21, 139:10, 141:10, 144:16, 145:14, 149:9, 150:18, 152:21, 152:23,</p>	<p>153:5, 154:21, 157:8, 158:2, 158:13, 158:16, 159:2, 159:15, 165:19, 165:24</p> <p><b>one-way</b> [1] - 141:10</p> <p><b>ones</b> [4] - 22:16, 44:1, 107:6, 126:14</p> <p><b>ongoing</b> [2] - 69:16, 126:9</p> <p><b>open</b> [9] - 23:20, 23:23, 39:12, 48:13, 49:6, 49:17, 90:18, 97:12, 125:21</p> <p><b>opened</b> [2] - 125:19, 125:22</p> <p><b>opening</b> [2] - 132:4, 136:19</p> <p><b>operating</b> [2] - 31:13, 83:6</p> <p><b>operational</b> [1] - 66:5</p> <p><b>operator</b> [1] - 23:9</p> <p><b>opinion</b> [8] - 11:11, 48:7, 58:22, 73:10, 77:19, 90:11, 94:17, 109:5</p> <p><b>opinions</b> [1] - 15:8</p> <p><b>opportunities</b> [1] - 68:6</p> <p><b>opportunity</b> [11] - 5:12, 11:2, 23:18, 67:24, 68:11, 89:22, 89:25, 90:2, 90:15, 90:17, 132:16</p> <p><b>opposed</b> [1] - 105:22</p> <p><b>opposite</b> [1] - 164:12</p> <p><b>OPRA</b> [1] - 41:1</p> <p><b>option</b> [4] - 89:20, 111:14, 114:10, 133:25</p> <p><b>Orange</b> [1] - 26:14</p> <p><b>Orangeburgh</b> [1] - 100:22</p> <p><b>order</b> [8] - 56:14, 72:5, 83:16, 96:18, 104:1, 146:14, 146:19, 155:22</p> <p><b>ordinance</b> [1] - 67:11</p> <p><b>ordinances</b> [3] - 20:1, 109:15</p> <p><b>organization</b> [3] - 85:2, 88:15, 100:7</p> <p><b>organizations</b> [1] - 29:19</p> <p><b>orientation</b> [2] - 138:10, 138:12</p> <p><b>oriented</b> [1] - 114:2</p> <p><b>original</b> [9] - 52:24, 53:13, 53:16, 72:24, 73:2, 74:2, 74:14,</p>
--	---	---	---	--

<p>118:23, 137:20  <b>originally</b> [2] - 32:19, 78:1  <b>otherwise</b> [2] - 70:3, 80:1  <b>ourselves</b> [3] - 85:24, 149:19, 150:3  <b>outdoor</b> [3] - 16:23, 18:20, 144:1  <b>outside</b> [5] - 64:1, 73:15, 87:7, 142:1, 143:13  <b>outstanding</b> [2] - 158:6, 158:14  <b>outweigh</b> [1] - 109:11  <b>over-detailed</b> [1] - 45:25  <b>overall</b> [6] - 32:5, 109:9, 137:19, 137:20, 146:9, 158:2  <b>overbearing</b> [1] - 144:21  <b>overdesign</b> [1] - 165:5  <b>overseen</b> [1] - 133:3  <b>oversight</b> [2] - 122:6  <b>own</b> [8] - 44:12, 113:12, 122:25, 123:4, 123:6, 123:22, 159:19, 163:23  <b>owned</b> [1] - 160:23  <b>owns</b> [2] - 31:20, 91:14</p>	<p><b>Park</b> [7] - 54:18, 54:21, 54:23, 55:6, 77:9, 85:18, 96:1  <b>parking</b> [32] - 12:13, 19:10, 19:11, 142:9, 142:10, 142:11, 142:12, 142:16, 143:2, 143:20, 147:2, 147:21, 148:2, 148:7, 152:13, 152:23, 153:5, 154:3, 154:4, 154:6, 154:8, 154:9, 154:14, 154:16, 157:11, 158:1, 158:23, 159:2, 159:3, 159:6  <b>part</b> [18] - 5:14, 22:6, 45:7, 50:16, 53:7, 58:9, 59:13, 62:10, 66:11, 74:4, 118:24, 120:24, 124:6, 126:20, 127:9, 129:15, 160:17, 163:1  <b>partially</b> [1] - 127:10  <b>participate</b> [1] - 7:24  <b>participating</b> [1] - 8:1  <b>particular</b> [4] - 19:21, 35:22, 108:9, 129:16  <b>particularly</b> [1] - 7:14  <b>partner</b> [1] - 10:23  <b>partners</b> [1] - 15:20  <b>party</b> [2] - 24:17, 82:25  <b>passed</b> [1] - 142:15  <b>passes</b> [1] - 30:2  <b>past</b> [6] - 28:16, 33:2, 38:6, 53:20, 142:8, 155:23  <b>pat</b> [1] - 46:5  <b>Patches</b> [1] - 57:7  <b>path</b> [2] - 46:23, 107:21  <b>patio</b> [1] - 144:1  <b>patterns</b> [1] - 23:10  <b>pay</b> [3] - 98:17, 100:6, 116:1  <b>paying</b> [9] - 14:2, 30:18, 30:23, 30:24, 35:25, 77:15, 98:15, 99:11, 99:13  <b>peak</b> [1] - 12:10  <b>Pearson</b> [8] - 39:14, 55:19, 67:24, 69:20, 70:8, 70:13, 70:19, 92:3  <b>peddling</b> [1] - 133:16  <b>pedestrians</b> [1] - 143:16</p>	<p><b>pendant</b> [1] - 157:8  <b>pending</b> [1] - 10:8  <b>Pennsylvania</b> [1] - 86:6  <b>people</b> [65] - 17:20, 20:12, 20:13, 20:15, 20:21, 27:23, 28:2, 28:5, 28:10, 33:1, 33:9, 43:4, 49:13, 57:22, 57:24, 58:13, 58:15, 63:25, 66:9, 74:13, 75:8, 75:10, 77:7, 80:2, 88:13, 88:19, 89:12, 89:13, 89:16, 91:4, 96:6, 96:16, 96:19, 97:3, 97:4, 97:11, 97:23, 97:25, 101:21, 101:24, 103:20, 104:3, 105:23, 108:21, 110:21, 111:7, 111:14, 111:19, 111:23, 112:12, 112:13, 112:14, 112:16, 112:17, 112:18, 112:22, 113:13, 122:13, 125:5, 125:18, 125:22, 128:23, 151:7  <b>People</b> [6] - 34:11, 99:3, 103:7, 110:7, 113:17, 144:24  <b>per</b> [22] - 19:11, 19:19, 19:24, 21:12, 33:22, 41:20, 66:17, 85:2, 85:7, 95:11, 95:12, 99:16, 107:5, 143:8, 144:7, 154:7, 154:11  <b>percent</b> [37] - 7:15, 12:22, 13:14, 13:19, 14:17, 18:13, 20:9, 20:11, 21:12, 23:10, 30:17, 45:10, 45:11, 45:14, 63:20, 64:2, 66:6, 66:7, 66:10, 66:12, 66:17, 66:19, 92:10, 92:12, 92:13, 92:15, 92:23, 94:9, 95:16, 121:1, 149:10, 149:15, 149:21, 149:22, 149:24  <b>percentage</b> [5] - 45:7, 45:9, 76:20, 87:12, 92:10  <b>percentages</b> [1] - 47:17  <b>Perfect</b> [1] - 37:9  <b>performing</b> [1] - 82:21</p>	<p><b>perhaps</b> [3] - 104:15, 120:22, 120:25  <b>perimeter</b> [1] - 146:19  <b>period</b> [4] - 37:5, 38:15, 97:19, 128:23  <b>permit</b> [9] - 35:4, 137:12, 137:13, 137:14, 153:13, 155:22, 159:21, 159:24, 160:7  <b>permits</b> [7] - 135:17, 137:12, 139:23, 149:10, 149:21, 150:6, 153:14  <b>permitted</b> [6] - 7:24, 61:12, 82:7, 107:11, 139:22, 150:11  <b>permitting</b> [1] - 159:20  <b>perpetual</b> [1] - 69:17  <b>person</b> [2] - 77:19, 108:20  <b>personal</b> [4] - 44:13, 73:17, 89:2, 112:10  <b>perspective</b> [2] - 68:2, 105:2  <b>Peter</b> [1] - 54:17  <b>Phase</b> [5] - 35:7, 35:16, 35:19, 35:20, 35:21  <b>Philadelphia</b> [1] - 15:5  <b>Philly</b> [4] - 15:11, 20:19, 31:25, 64:10  <b>phone</b> [1] - 24:15  <b>physical</b> [1] - 108:14  <b>physically</b> [1] - 134:5  <b>pick</b> [6] - 41:22, 42:20, 134:8, 141:10, 141:12, 157:9  <b>pick-up</b> [1] - 141:10  <b>pick-up/drop-off</b> [2] - 141:12, 157:9  <b>picks</b> [1] - 24:15  <b>pickup</b> [1] - 19:25  <b>pickups</b> [1] - 19:24  <b>picture</b> [1] - 74:12  <b>pictures</b> [1] - 133:21  <b>piece</b> [3] - 55:24, 56:6, 161:6  <b>Pierce</b> [1] - 40:19  <b>PILKINGTON</b> [11] - 65:11, 65:19, 65:24, 66:13, 66:20, 68:9, 68:15, 68:18, 69:11, 69:19, 70:11  <b>Pilkington</b> [1] - 65:12  <b>pinch</b> [1] - 152:21  <b>Pius</b> [1] - 14:15  <b>place</b> [9] - 13:3, 24:21, 33:13, 59:3, 67:9,</p>	<p>89:18, 121:16, 146:15, 146:18  <b>placed</b> [2] - 135:7, 142:1  <b>placement</b> [1] - 34:14  <b>places</b> [3] - 75:4, 91:2, 133:20  <b>placing</b> [1] - 146:17  <b>Plains</b> [2] - 79:10, 104:19  <b>Plan</b> [2] - 55:9, 138:6  <b>plan</b> [26] - 3:14, 4:22, 16:16, 19:10, 37:19, 37:20, 52:24, 66:25, 68:25, 69:10, 69:15, 69:25, 74:3, 115:23, 130:21, 130:22, 136:10, 136:21, 137:18, 137:19, 137:20, 138:3, 138:8, 156:19  <b>Planner</b> [1] - 1:17  <b>planner</b> [5] - 6:9, 8:24, 9:5, 123:8, 150:16  <b>Planning</b> [2] - 54:21, 158:8  <b>PLANNING</b> [1] - 1:1  <b>plans</b> [17] - 5:6, 11:14, 25:25, 26:2, 26:21, 43:9, 72:24, 73:2, 73:3, 74:9, 74:10, 91:22, 117:1, 122:25, 123:25, 131:15  <b>planted</b> [1] - 152:2  <b>plantings</b> [2] - 153:23, 158:3  <b>plead</b> [1] - 32:4  <b>plenty</b> [3] - 48:25, 61:23, 163:20  <b>plus</b> [3] - 13:25, 74:16, 139:5  <b>Plus</b> [1] - 162:17  <b>pocket</b> [1] - 95:1  <b>POCOVNICU</b> [13] - 100:21, 101:4, 101:9, 101:12, 101:17, 101:20, 102:3, 102:6, 102:21, 102:25, 103:2, 103:9, 103:16  <b>Pocovnicu</b> [1] - 100:22  <b>point</b> [25] - 23:4, 36:3, 39:10, 45:6, 53:25, 63:1, 69:13, 71:10, 73:3, 86:5, 107:22, 113:21, 122:13, 123:3, 134:7, 134:21, 136:1,</p>
<b>P</b>				
<p><b>P.C</b> [1] - 2:5  <b>P.E</b> [1] - 1:17  <b>p.m</b> [2] - 1:9, 166:3  <b>P.P</b> [1] - 1:17  <b>package</b> [1] - 126:20  <b>pad</b> [1] - 146:3  <b>page</b> [3] - 136:2, 138:13, 164:2  <b>PAGE</b> [2] - 3:2, 3:8  <b>pages</b> [1] - 123:11  <b>painting</b> [1] - 161:2  <b>panel</b> [1] - 41:17  <b>Paramus</b> [1] - 16:10  <b>parcel</b> [8] - 4:23, 13:10, 13:11, 13:14, 39:12, 67:22, 70:21, 79:5  <b>parcels</b> [2] - 67:23, 79:17  <b>parents</b> [8] - 21:4, 75:9, 88:14, 93:13, 111:4, 111:15, 115:17, 125:13</p>				

<p>144:15, 148:4, 152:21, 158:12, 163:3, 163:9, 165:19</p> <p><b>Point</b> [4] - 3:9, 10:11, 10:15, 10:19</p> <p><b>pointed</b> [1] - 32:18</p> <p><b>pointing</b> [1] - 56:21</p> <p><b>poles</b> [1] - 157:2</p> <p><b>police</b> [1] - 164:7</p> <p><b>ponds</b> [1] - 106:10</p> <p><b>pool</b> [5] - 77:24, 135:2, 135:3, 135:9, 135:19</p> <p><b>pools</b> [1] - 13:20</p> <p><b>population</b> [8] - 20:7, 20:8, 20:9, 20:10, 20:11, 76:21, 79:13</p> <p><b>portion</b> [25] - 42:12, 45:12, 47:24, 77:22, 100:10, 112:24, 112:25, 137:4, 137:5, 139:6, 139:12, 141:9, 141:20, 141:24, 142:5, 142:22, 144:13, 147:1, 147:20, 149:16, 152:22, 154:25, 156:7, 159:25, 160:3</p> <p><b>position</b> [2] - 9:15, 63:7</p> <p><b>positive</b> [1] - 58:9</p> <p><b>possibilities</b> [1] - 13:1</p> <p><b>possibility</b> [1] - 94:20</p> <p><b>possible</b> [2] - 82:11, 114:10</p> <p><b>possibly</b> [2] - 114:12, 117:2</p> <p><b>post</b> [1] - 40:23</p> <p><b>posted</b> [1] - 41:3</p> <p><b>potential</b> [2] - 68:3, 81:12</p> <p><b>potentially</b> [5] - 69:22, 135:1, 135:9, 145:25, 153:15</p> <p><b>Power</b> [4] - 3:9, 10:11, 10:15, 10:19</p> <p><b>power</b> [1] - 156:10</p> <p><b>pre</b> [3] - 66:2, 66:16, 132:9</p> <p><b>pre-COVID</b> [2] - 66:2, 66:16</p> <p><b>predominately</b> [1] - 34:5</p> <p><b>preference</b> [4] - 125:10, 126:5, 126:8, 126:12</p> <p><b>preference -ing</b> [1] - 126:12</p> <p><b>preferential</b> [1] - 57:18</p>	<p><b>preliminary</b> [1] - 4:21</p> <p><b>premises</b> [1] - 67:25</p> <p><b>prepared</b> [5] - 3:12, 10:6, 20:22, 130:17, 130:20</p> <p><b>PRESENT</b> [2] - 1:10, 1:15</p> <p><b>present</b> [1] - 69:10</p> <p><b>presentation</b> [9] - 3:9, 10:11, 10:19, 12:8, 23:16, 28:15, 29:6, 109:23, 114:1</p> <p><b>presented</b> [3] - 28:24, 67:23, 68:24</p> <p><b>presenting</b> [1] - 28:25</p> <p><b>presents</b> [1] - 64:3</p> <p><b>preservation</b> [1] - 56:12</p> <p><b>Preservation</b> [3] - 13:13, 46:20, 47:6</p> <p><b>preserve</b> [3] - 7:18, 106:9, 148:5</p> <p><b>preserving</b> [5] - 7:3, 13:6, 77:23, 149:24, 149:25</p> <p><b>Presumably</b> [1] - 76:23</p> <p><b>presumably</b> [1] - 106:11</p> <p><b>pretty</b> [3] - 85:11, 98:11, 99:8</p> <p><b>prevalent</b> [1] - 110:15</p> <p><b>prevent</b> [1] - 82:8</p> <p><b>Price</b> [8] - 4:11, 7:21, 10:14, 40:20, 40:21, 75:18, 75:20</p> <p><b>PRICE</b> [90] - 2:5, 2:7, 4:6, 4:10, 8:4, 8:8, 9:4, 9:11, 9:24, 10:2, 10:6, 10:10, 10:13, 10:16, 10:18, 19:16, 28:18, 28:21, 29:14, 29:20, 31:19, 32:9, 35:14, 35:17, 40:20, 41:9, 41:11, 43:2, 43:22, 45:17, 46:12, 47:10, 47:18, 47:21, 47:25, 48:2, 50:5, 50:9, 50:14, 50:18, 51:6, 52:5, 52:14, 59:22, 60:2, 62:18, 62:20, 62:25, 72:9, 73:13, 73:16, 75:22, 78:18, 78:20, 80:13, 80:22, 87:4, 88:23, 89:3, 89:7, 90:9, 102:5, 103:11, 114:7, 117:11, 122:8, 122:14, 122:17, 122:23,</p>	<p>123:19, 123:23, 125:3, 129:13, 129:25, 130:3, 130:9, 130:12, 130:19, 130:25, 131:2, 131:25, 159:7, 159:11, 163:25, 164:6, 164:13, 164:23, 165:2, 165:7, 165:10</p> <p><b>price</b> [1] - 126:19</p> <p><b>prices</b> [1] - 126:20</p> <p><b>pricing</b> [1] - 23:7</p> <p><b>primarily</b> [2] - 147:1, 154:14</p> <p><b>primary</b> [2] - 52:20, 164:13</p> <p><b>principal</b> [2] - 14:22, 129:21</p> <p><b>printout</b> [1] - 28:16</p> <p><b>private</b> [25] - 18:18, 19:9, 24:9, 24:13, 24:22, 32:24, 33:12, 41:25, 94:6, 94:8, 94:9, 94:10, 95:14, 95:15, 95:23, 96:4, 96:7, 96:9, 97:18, 117:17, 121:1, 121:10, 122:7, 122:9</p> <p><b>privates</b> [1] - 98:13</p> <p><b>proactively</b> [1] - 160:21</p> <p><b>problem</b> [5] - 69:6, 72:19, 113:17, 162:6, 162:21</p> <p><b>problems</b> [1] - 8:19</p> <p><b>proceed</b> [1] - 4:4</p> <p><b>PROCEEDINGS</b> [1] - 1:5</p> <p><b>proceedings</b> [1] - 167:11</p> <p><b>process</b> [11] - 25:19, 25:21, 26:9, 26:24, 35:3, 38:8, 43:1, 69:16, 70:7, 122:7, 129:1</p> <p><b>produce</b> [1] - 70:16</p> <p><b>product</b> [12] - 5:23, 10:2, 10:3, 11:1, 34:5, 80:3, 80:15, 80:18, 85:19, 96:5, 102:20, 106:18</p> <p><b>Professional</b> [1] - 167:6</p> <p><b>professional</b> [4] - 6:9, 58:22, 131:5, 133:18</p> <p><b>professionals</b> [5] - 9:3, 23:21, 41:4, 86:8, 113:16</p> <p><b>profit</b> [4] - 7:3, 13:23,</p>	<p>88:15, 103:15</p> <p><b>program</b> [3] - 91:18, 91:23, 91:25</p> <p><b>project</b> [14] - 23:11, 26:5, 26:7, 27:13, 32:23, 39:11, 49:25, 58:14, 58:25, 75:18, 104:12, 132:16, 148:24</p> <p><b>projected</b> [3] - 20:14, 21:11, 119:24</p> <p><b>projects</b> [1] - 9:25</p> <p><b>prominent</b> [1] - 42:22</p> <p><b>promise</b> [2] - 5:18, 81:4</p> <p><b>promised</b> [2] - 32:20, 72:7</p> <p><b>promises</b> [1] - 72:7</p> <p><b>proper</b> [5] - 24:21, 72:5, 78:4, 78:5, 78:6</p> <p><b>properly</b> [3] - 55:15, 82:12, 132:10</p> <p><b>properties</b> [2] - 105:21, 147:16</p> <p><b>property</b> [85] - 4:14, 4:18, 4:25, 5:2, 6:4, 6:15, 6:16, 7:2, 7:4, 13:18, 13:23, 13:25, 14:3, 30:19, 30:23, 31:16, 32:7, 34:24, 35:2, 35:5, 35:8, 35:22, 44:20, 50:11, 50:15, 51:10, 51:13, 52:21, 53:1, 53:21, 54:12, 55:1, 55:9, 55:17, 55:18, 55:25, 56:1, 56:6, 56:8, 56:22, 62:10, 63:20, 73:13, 73:17, 77:14, 81:8, 82:8, 83:3, 91:7, 91:20, 99:7, 105:18, 105:22, 106:12, 106:14, 106:21, 115:18, 120:14, 132:6, 133:6, 133:15, 139:7, 139:15, 145:21, 147:2, 147:13, 148:18, 149:17, 152:6, 152:18, 153:2, 153:24, 156:19, 159:19, 161:6, 161:11, 161:17, 162:17, 163:17, 163:18, 164:22</p> <p><b>proposal</b> [1] - 39:1</p> <p><b>propose</b> [7] - 42:4, 53:17, 121:11,</p>	<p>145:25, 149:2, 150:15, 154:17</p> <p><b>proposed</b> [36] - 22:19, 22:22, 34:1, 36:10, 36:11, 70:10, 78:1, 92:11, 136:24, 137:24, 138:18, 138:22, 138:23, 139:1, 139:17, 139:19, 140:11, 140:19, 140:20, 141:25, 142:6, 144:18, 145:15, 146:7, 147:5, 147:21, 147:24, 148:2, 149:6, 151:20, 151:23, 154:7, 155:15, 155:16, 156:18, 158:21</p> <p><b>proposing</b> [26] - 4:17, 4:21, 5:9, 16:15, 16:18, 34:2, 60:16, 60:25, 61:25, 85:6, 87:20, 99:20, 138:19, 139:20, 142:10, 143:3, 144:12, 144:16, 146:22, 148:14, 148:20, 149:10, 149:22, 156:5, 157:24, 157:25</p> <p><b>prospective</b> [1] - 67:5</p> <p><b>protect</b> [1] - 39:19</p> <p><b>protected</b> [2] - 6:4, 22:1</p> <p><b>Protection</b> [6] - 3:11, 130:6, 130:14, 132:19, 132:22, 133:4</p> <p><b>prove</b> [1] - 160:8</p> <p><b>proven</b> [1] - 135:2</p> <p><b>provide</b> [16] - 19:7, 29:16, 67:8, 68:11, 85:17, 92:5, 100:3, 118:3, 120:2, 121:1, 140:25, 143:14, 145:16, 156:1, 159:4, 159:5</p> <p><b>provided</b> [7] - 19:1, 62:15, 124:5, 128:3, 155:9, 156:2, 156:24</p> <p><b>providers</b> [3] - 82:21, 83:25, 155:9</p> <p><b>provides</b> [7] - 19:10, 141:21, 141:22, 152:2, 152:3, 152:4, 157:7</p> <p><b>providing</b> [13] - 89:20, 94:3, 107:19,</p>
--	--	---	---	--

<p>140:21, 142:3, 142:13, 151:19, 154:9, 154:23, 156:21, 157:20, 158:2, 158:22</p> <p><b>Providing</b> [1] - 106:8</p> <p><b>proximity</b> [1] - 81:11</p> <p><b>PSE &amp; G</b> [1] - 156:3</p> <p><b>public</b> [12] - 8:15, 9:14, 23:24, 48:14, 49:7, 49:22, 77:22, 83:10, 89:23, 124:17, 131:4, 131:9</p> <p><b>PUBLIC</b> [11] - 6:21, 57:2, 59:18, 67:2, 73:20, 76:17, 80:19, 86:10, 90:8, 100:17, 114:24</p> <p><b>Public</b> [2] - 49:23, 167:7</p> <p><b>published</b> [1] - 81:22</p> <p><b>pull</b> [1] - 124:7</p> <p><b>pulling</b> [1] - 145:2</p> <p><b>pun</b> [1] - 32:20</p> <p><b>purchase</b> [1] - 35:4</p> <p><b>purchased</b> [1] - 34:24</p> <p><b>purchasers</b> [1] - 35:2</p> <p><b>purchasing</b> [2] - 108:20, 108:21</p> <p><b>purpose</b> [2] - 91:3, 93:1</p> <p><b>purposes</b> [4] - 13:5, 13:17, 138:10, 138:12</p> <p><b>pursuant</b> [2] - 70:7, 167:8</p> <p><b>purview</b> [1] - 105:4</p> <p><b>pushed</b> [3] - 11:3, 28:3, 78:3</p> <p><b>put</b> [22] - 5:5, 13:10, 22:22, 26:18, 26:21, 36:13, 42:20, 44:9, 54:25, 56:15, 67:9, 69:21, 71:18, 78:21, 79:25, 93:25, 114:20, 117:18, 120:10, 126:13, 161:20, 164:12</p> <p><b>Put</b> [2] - 165:10, 165:13</p> <p><b>puts</b> [3] - 21:17, 22:11, 42:16</p> <p><b>putting</b> [4] - 8:14, 88:14, 106:22, 107:8</p>	<p>128:18, 131:6</p> <p><b>qualified</b> [8] - 20:25, 21:8, 84:6, 89:7, 89:9, 102:14, 129:6, 131:23</p> <p><b>qualifies</b> [1] - 92:16</p> <p><b>qualify</b> [5] - 82:16, 82:17, 83:16, 100:4, 100:12</p> <p><b>qualities</b> [1] - 149:3</p> <p><b>quality</b> [1] - 113:14</p> <p><b>quarter</b> [1] - 80:9</p> <p><b>quarter-mile</b> [1] - 80:9</p> <p><b>quarterly</b> [1] - 22:11</p> <p><b>Quasi</b> [1] - 128:2</p> <p><b>Quasi-institutional</b> [1] - 128:2</p> <p><b>questioned</b> [1] - 6:12</p> <p><b>questions</b> [46] - 5:12, 6:7, 8:17, 23:17, 23:19, 24:2, 24:4, 25:16, 27:6, 27:7, 29:1, 34:21, 36:24, 41:7, 43:25, 44:4, 48:14, 48:15, 48:23, 49:1, 49:16, 51:1, 61:17, 72:3, 72:4, 73:21, 79:2, 79:7, 81:1, 84:18, 86:17, 94:7, 103:21, 104:3, 104:7, 119:4, 119:10, 120:22, 124:12, 124:23, 124:25, 125:8, 127:1, 159:10, 159:15</p> <p><b>quick</b> [7] - 26:11, 36:23, 44:1, 84:18, 93:3, 104:7, 119:10</p> <p><b>Quick</b> [1] - 109:23</p> <p><b>QUICK</b> [1] - 1:23</p> <p><b>quiet</b> [1] - 73:21</p> <p><b>quite</b> [1] - 72:4</p> <p><b>quits</b> [1] - 165:22</p> <p><b>quote</b> [1] - 29:3</p>	<p><b>raised</b> [1] - 51:19</p> <p><b>raising</b> [2] - 4:19, 32:6</p> <p><b>range</b> [1] - 18:21</p> <p><b>ratables</b> [1] - 36:3</p> <p><b>rate</b> [11] - 94:9, 96:7, 103:21, 114:19, 125:11, 125:24, 126:7, 126:17, 126:23, 128:11</p> <p><b>rates</b> [3] - 80:3, 126:16, 128:9</p> <p><b>rather</b> [3] - 41:1, 77:8, 162:9</p> <p><b>rating</b> [1] - 91:6</p> <p><b>ratio</b> [2] - 61:7, 87:13</p> <p><b>RE</b> [1] - 130:11</p> <p><b>re</b> [2] - 91:3, 92:25</p> <p><b>re-purpose</b> [1] - 91:3</p> <p><b>reached</b> [3] - 63:2, 63:5, 63:7</p> <p><b>read</b> [2] - 15:23, 22:4</p> <p><b>reading</b> [2] - 73:23, 82:15</p> <p><b>ready</b> [2] - 35:15, 104:2</p> <p><b>Real</b> [1] - 119:10</p> <p><b>real</b> [4] - 31:10, 50:19, 50:21</p> <p><b>realistic</b> [1] - 68:3</p> <p><b>reality</b> [2] - 67:18, 110:2</p> <p><b>realize</b> [1] - 79:23</p> <p><b>realized</b> [1] - 73:5</p> <p><b>really</b> [17] - 54:7, 55:9, 57:10, 58:15, 77:25, 88:11, 100:25, 105:1, 115:18, 117:24, 143:16, 149:1, 158:17, 159:16, 161:11, 161:12, 164:22</p> <p><b>rear</b> [4] - 78:6, 151:17, 151:18, 157:14</p> <p><b>reason</b> [11] - 7:1, 53:11, 64:3, 96:7, 102:6, 102:7, 108:24, 161:4, 161:9, 162:12, 162:17</p> <p><b>reasonable</b> [1] - 67:23</p> <p><b>reasons</b> [2] - 88:12, 122:9</p> <p><b>received</b> [3] - 145:10, 155:7, 158:8</p> <p><b>receiving</b> [2] - 141:23, 142:22</p> <p><b>recently</b> [4] - 10:4, 35:25, 93:16, 142:15</p> <p><b>receptionist</b> [1] - 18:2</p> <p><b>Recess</b> [1] - 103:24</p>	<p><b>recognize</b> [2] - 49:14, 68:22</p> <p><b>recollection</b> [1] - 65:23</p> <p><b>recommend</b> [1] - 131:23</p> <p><b>reconning</b> [1] - 69:14</p> <p><b>reconvene</b> [1] - 104:2</p> <p><b>Record</b> [1] - 7:16</p> <p><b>record</b> [10] - 9:4, 35:10, 72:10, 90:10, 120:24, 121:4, 121:16, 132:10, 137:8, 138:4</p> <p><b>records</b> [1] - 129:9</p> <p><b>red</b> [1] - 46:17</p> <p><b>redeveloped</b> [1] - 70:9</p> <p><b>redevelopment</b> [1] - 92:2</p> <p><b>redone</b> [1] - 55:10</p> <p><b>reference</b> [2] - 63:1, 136:19</p> <p><b>referenced</b> [4] - 9:25, 29:5, 124:4, 132:5</p> <p><b>referring</b> [1] - 93:9</p> <p><b>reflect</b> [1] - 9:4</p> <p><b>refresh</b> [1] - 148:21</p> <p><b>refrigerator</b> [1] - 18:25</p> <p><b>REGAN</b> [70] - 2:3, 4:1, 7:21, 8:6, 8:22, 10:14, 10:17, 37:4, 37:6, 37:19, 37:25, 38:8, 38:12, 38:20, 39:4, 39:16, 40:1, 40:6, 40:15, 49:3, 51:8, 51:15, 51:18, 51:23, 52:13, 55:11, 55:21, 55:23, 56:19, 56:24, 58:1, 58:6, 59:10, 60:1, 60:7, 60:10, 60:12, 60:15, 60:21, 62:14, 73:11, 74:21, 75:14, 75:24, 86:17, 86:20, 87:5, 87:21, 87:24, 88:21, 90:14, 90:22, 91:6, 92:17, 92:21, 116:12, 116:15, 121:20, 123:18, 126:2, 126:4, 130:1, 130:8, 130:10, 130:16, 130:24, 131:22, 162:8, 164:25, 166:1</p> <p><b>Regan</b> [4] - 8:5, 69:16, 75:23, 89:3</p> <p><b>regard</b> [2] - 6:11, 125:7</p> <p><b>regarding</b> [7] - 48:14, 49:1, 100:23,</p>	<p>106:25, 123:12, 130:6, 154:3</p> <p><b>Regarding</b> [3] - 24:5, 42:4, 116:17</p> <p><b>regardless</b> [1] - 113:22</p> <p><b>regards</b> [1] - 66:21</p> <p><b>Registered</b> [1] - 167:6</p> <p><b>regular</b> [1] - 15:2</p> <p><b>regularly</b> [1] - 132:17</p> <p><b>regulates</b> [1] - 34:15</p> <p><b>regulations</b> [2] - 69:9</p> <p><b>rehab</b> [4] - 91:17, 91:24, 91:25</p> <p><b>reimbursement</b> [1] - 100:13</p> <p><b>reimburses</b> [1] - 94:4</p> <p><b>reiterate</b> [2] - 11:22, 24:18</p> <p><b>related</b> [1] - 151:13</p> <p><b>relates</b> [1] - 135:6</p> <p><b>relative</b> [1] - 50:15</p> <p><b>relatively</b> [2] - 146:18, 153:6</p> <p><b>releasing</b> [1] - 135:15</p> <p><b>relevant</b> [1] - 88:21</p> <p><b>relocate</b> [1] - 151:2</p> <p><b>relocating</b> [4] - 139:12, 150:20, 150:23, 158:22</p> <p><b>relocation</b> [1] - 155:16</p> <p><b>remain</b> [3] - 146:5, 148:25, 153:25</p> <p><b>remedy</b> [1] - 163:2</p> <p><b>remember</b> [1] - 72:15</p> <p><b>Remember</b> [2] - 160:23, 161:1</p> <p><b>remote</b> [1] - 167:11</p> <p><b>removing</b> [2] - 54:6, 56:14</p> <p><b>rendering</b> [6] - 3:14, 14:5, 43:8, 130:21, 130:22, 138:3</p> <p><b>Rendering</b> [1] - 138:6</p> <p><b>renderings</b> [1] - 18:10</p> <p><b>renovate</b> [1] - 117:2</p> <p><b>reopen</b> [1] - 103:20</p> <p><b>rep</b> [1] - 5:13</p> <p><b>reparation</b> [1] - 131:14</p> <p><b>repeat</b> [1] - 110:9</p> <p><b>repeating</b> [2] - 73:23</p> <p><b>replacement</b> [1] - 157:23</p> <p><b>replant</b> [1] - 160:2</p> <p><b>replanted</b> [1] - 160:10</p> <p><b>report</b> [2] - 64:4, 123:16</p> <p><b>reporter</b> [2] - 8:11, 73:19</p>
<b>Q</b>		<b>R</b>		
<p><b>QCGs</b> [1] - 20:25</p> <p><b>qualifications</b> [2] -</p>		<p><b>R.S</b> [1] - 167:8</p> <p><b>R4</b> [1] - 139:22</p> <p><b>R40</b> [1] - 139:22</p> <p><b>radius</b> [13] - 21:2, 21:7, 21:14, 21:15, 21:20, 29:9, 64:6, 64:7, 76:6, 77:11, 80:9, 101:16, 102:16</p> <p><b>radiuses</b> [1] - 29:8</p> <p><b>rainfalls</b> [1] - 53:21</p> <p><b>raise</b> [1] - 49:13</p>		

<p><b>Reporter</b> [3] - 167:6, 167:23</p> <p><b>REPORTER</b> [1] - 1:20</p> <p><b>REPORTING</b> [1] - 1:23</p> <p><b>reports</b> [1] - 122:22</p> <p><b>represent</b> [1] - 40:7</p> <p><b>representative</b> [1] - 7:25</p> <p><b>request</b> [2] - 40:23, 165:4</p> <p><b>requested</b> [3] - 145:16, 145:20, 163:8</p> <p><b>requesting</b> [2] - 145:12, 145:22</p> <p><b>requests</b> [1] - 41:1</p> <p><b>require</b> [6] - 19:19, 154:6, 160:7, 160:15, 161:21</p> <p><b>required</b> [13] - 37:17, 38:18, 39:3, 67:12, 68:10, 70:25, 71:16, 87:25, 109:16, 149:7, 152:20, 154:24, 157:23</p> <p><b>requirement</b> [24] - 19:13, 38:10, 38:18, 38:25, 43:15, 57:22, 57:24, 58:1, 58:5, 58:12, 59:8, 70:14, 91:10, 150:22, 151:12, 151:18, 152:10, 153:3, 153:16, 153:19, 154:4, 154:9, 156:8, 158:1</p> <p><b>requirements</b> [6] - 4:2, 27:4, 91:1, 91:5, 109:8, 156:16</p> <p><b>requires</b> [5] - 38:14, 152:19, 154:8, 154:16, 154:20</p> <p><b>requiring</b> [1] - 136:18</p> <p><b>research</b> [1] - 28:23</p> <p><b>researched</b> [1] - 51:16</p> <p><b>reside</b> [1] - 83:19</p> <p><b>residence</b> [10] - 16:19, 17:11, 17:12, 25:24, 34:16, 99:9, 113:4, 127:21, 127:23, 153:7</p> <p><b>residences</b> [2] - 26:3, 110:21</p> <p><b>residency</b> [1] - 100:15</p> <p><b>resident</b> [8] - 17:25, 24:15, 83:4, 83:6, 84:8, 95:22, 128:9, 128:10</p> <p><b>resident's</b> [1] - 83:7</p> <p><b>residential</b> [26] -</p>	<p>14:17, 18:14, 67:12, 92:13, 105:4, 105:5, 105:7, 105:8, 105:9, 105:11, 127:5, 127:6, 127:11, 127:13, 127:16, 128:1, 131:15, 139:23, 145:3, 151:11, 154:5, 157:13, 157:15, 157:19, 165:6</p> <p><b>residents</b> [46] - 16:21, 17:4, 17:14, 17:15, 18:16, 19:3, 27:19, 28:7, 29:22, 41:6, 57:15, 63:21, 64:22, 70:13, 76:8, 82:20, 83:18, 84:3, 97:13, 97:17, 97:18, 97:22, 100:4, 100:25, 101:5, 101:18, 102:21, 103:3, 103:10, 103:17, 105:10, 107:20, 108:8, 113:24, 119:25, 120:1, 125:12, 126:8, 128:3, 128:15, 141:14, 143:12, 143:19, 143:25, 152:15, 154:12</p> <p><b>residents'</b> [1] - 19:8</p> <p><b>resolution</b> [1] - 121:21</p> <p><b>resource</b> [2] - 134:16, 136:17</p> <p><b>respect</b> [4] - 11:11, 11:15, 63:6, 122:4</p> <p><b>respectful</b> [1] - 15:7</p> <p><b>respond</b> [1] - 33:10</p> <p><b>response</b> [2] - 48:11, 124:15</p> <p><b>responses</b> [1] - 33:7</p> <p><b>responsibilities</b> [1] - 9:16</p> <p><b>responsibility</b> [4] - 24:16, 37:13, 37:15, 39:24</p> <p><b>rest</b> [3] - 30:13, 89:12, 152:23</p> <p><b>restoration</b> [1] - 44:17</p> <p><b>results</b> [1] - 149:13</p> <p><b>resurvey</b> [1] - 161:14</p> <p><b>retained</b> [5] - 45:18, 56:11, 122:10, 123:22</p> <p><b>retaining</b> [9] - 122:25, 146:22, 146:23, 146:24, 147:3, 147:9, 148:1, 149:3, 153:20</p>	<p><b>retention</b> [1] - 151:21</p> <p><b>revenue</b> [2] - 31:17, 115:21</p> <p><b>review</b> [11] - 18:9, 24:20, 41:6, 43:20, 121:23, 122:21, 133:25, 135:3, 155:21, 160:8</p> <p><b>reviewed</b> [1] - 51:16</p> <p><b>reviews</b> [1] - 26:2</p> <p><b>revised</b> [2] - 123:20, 130:25</p> <p><b>revision</b> [3] - 3:14, 130:22, 130:24</p> <p><b>rewind</b> [1] - 135:21</p> <p><b>rezone</b> [1] - 105:2</p> <p><b>rezoned</b> [1] - 55:23</p> <p><b>Ridge</b> [1] - 16:7</p> <p><b>risk</b> [1] - 71:20</p> <p><b>river</b> [1] - 134:22</p> <p><b>RNs</b> [3] - 17:24, 84:3, 84:8</p> <p><b>road</b> [18] - 14:18, 39:12, 54:2, 54:5, 68:5, 69:12, 74:24, 78:3, 140:24, 145:9, 145:17, 145:18, 161:5, 161:10, 161:15, 162:11, 163:15, 164:22</p> <p><b>ROAD</b> [2] - 1:5, 1:23</p> <p><b>Road</b> [20] - 1:8, 4:15, 14:18, 32:13, 53:23, 57:8, 65:12, 72:2, 100:22, 119:9, 138:13, 140:23, 143:15, 148:19, 155:10, 160:18, 161:2, 162:22, 164:20</p> <p><b>roads</b> [1] - 14:19</p> <p><b>roadway</b> [5] - 42:18, 42:19, 104:17, 145:12, 163:1</p> <p><b>ROBERT</b> [1] - 2:3</p> <p><b>role</b> [1] - 132:15</p> <p><b>Roll</b> [1] - 160:22</p> <p><b>roll</b> [2] - 31:10, 37:1</p> <p><b>rolling</b> [1] - 146:12</p> <p><b>room</b> [12] - 25:21, 54:25, 80:17, 89:8, 89:12, 89:14, 89:16, 90:3, 94:9, 96:9, 125:24, 126:16</p> <p><b>rooms</b> [2] - 18:19, 94:10</p> <p><b>rope</b> [1] - 165:8</p> <p><b>rotation</b> [1] - 111:9</p> <p><b>rouge</b> [1] - 117:19</p> <p><b>round</b> [5] - 37:7,</p>	<p>37:25, 38:3, 38:5, 67:15</p> <p><b>rounds</b> [2] - 41:5, 120:3</p> <p><b>RPR</b> [2] - 1:20, 167:22</p> <p><b>rule</b> [2] - 159:24, 160:7</p> <p><b>rules</b> [1] - 70:7</p> <p><b>run</b> [3] - 66:7, 133:2, 156:12</p> <p><b>running</b> [3] - 66:22, 126:13, 139:1</p> <p><b>runoff</b> [1] - 62:9</p> <p><b>runs</b> [3] - 66:10, 138:14, 156:13</p> <p><b>rush</b> [4] - 12:10, 104:22, 107:6, 107:17</p>	<p><b>science</b> [2] - 49:22, 49:23</p> <p><b>scope</b> [1] - 56:19</p> <p><b>Scotch</b> [1] - 104:19</p> <p><b>Scott</b> [2] - 14:24</p> <p><b>scratcher</b> [1] - 99:25</p> <p><b>screen</b> [2] - 138:11, 152:3</p> <p><b>seat</b> [1] - 108:10</p> <p><b>seating</b> [1] - 18:19</p> <p><b>Second</b> [2] - 49:9, 124:19</p> <p><b>second</b> [7] - 17:19, 20:7, 44:16, 51:23, 66:13, 84:25, 116:25</p> <p><b>secondary</b> [1] - 24:10</p> <p><b>Secretary</b> [1] - 1:16</p> <p><b>section</b> [4] - 46:4, 74:14, 74:16, 74:17</p> <p><b>Section</b> [1] - 51:11</p> <p><b>sections</b> [2] - 46:5, 46:6</p> <p><b>secured</b> [2] - 16:22, 132:5</p> <p><b>See</b> [1] - 123:25</p> <p><b>see</b> [26] - 5:24, 8:15, 14:16, 23:2, 30:23, 35:13, 35:19, 42:22, 44:21, 44:25, 45:11, 74:12, 86:11, 88:17, 97:21, 98:8, 98:12, 100:25, 101:25, 105:12, 123:14, 124:7, 138:11, 138:15, 142:4, 157:4</p> <p><b>Seeing</b> [1] - 124:16</p> <p><b>seeking</b> [8] - 59:15, 139:25, 150:13, 150:19, 151:9, 152:17, 153:9, 154:18</p> <p><b>seem</b> [1] - 96:15</p> <p><b>segment</b> [1] - 20:7</p> <p><b>segregate</b> [1] - 143:16</p> <p><b>Sehnal</b> [1] - 129:20</p> <p><b>SEHNAL</b> [7] - 3:4, 129:20, 159:22, 163:7, 163:19, 165:14, 165:18</p> <p><b>SEIJAS</b> [1] - 52:8</p> <p><b>self</b> [2] - 18:15, 18:23</p> <p><b>self-contained</b> [1] - 18:15</p> <p><b>sell</b> [2] - 13:12, 128:6</p> <p><b>semi</b> [9] - 94:6, 94:8, 95:15, 96:4, 96:7, 96:9, 97:18, 98:13, 117:17</p> <p><b>Semi</b> [1] - 95:23</p> <p><b>semi-private</b> [8] -</p>
---	---	--	---	--

<p>94:6, 94:8, 95:15, 96:4, 96:7, 96:9, 97:18, 117:17</p> <p><b>Semi-private</b> [1] - 95:23</p> <p><b>semi-privates</b> [1] - 98:13</p> <p><b>semiprivate</b> [5] - 27:12, 27:20, 34:1, 34:2, 34:5</p> <p><b>send</b> [1] - 101:6</p> <p><b>Senior</b> [4] - 14:25, 58:14, 75:17, 83:1</p> <p><b>SENIOR</b> [1] - 1:4</p> <p><b>senior</b> [11] - 9:19, 10:23, 15:3, 15:15, 58:4, 59:9, 82:18, 131:17, 140:1, 147:5, 154:6</p> <p><b>senior-living</b> [1] - 154:6</p> <p><b>Seniors</b> [3] - 10:22, 10:24, 144:3</p> <p><b>seniors</b> [7] - 15:1, 21:9, 24:20, 75:4, 102:15, 110:2, 112:21</p> <p><b>sense</b> [1] - 6:15</p> <p><b>sensitive</b> [14] - 4:24, 5:1, 6:4, 13:17, 13:18, 13:21, 15:6, 15:7, 56:10, 67:22, 105:19, 106:10, 148:13, 153:16</p> <p><b>sensitivity</b> [1] - 56:6</p> <p><b>sent</b> [1] - 40:22</p> <p><b>separate</b> [3] - 27:15, 34:4, 36:11</p> <p><b>separating</b> [1] - 34:4</p> <p><b>separation</b> [3] - 142:3, 152:5, 152:14</p> <p><b>September</b> [2] - 130:4, 132:14</p> <p><b>serve</b> [1] - 155:8</p> <p><b>served</b> [1] - 19:3</p> <p><b>service</b> [15] - 19:9, 24:6, 24:9, 24:10, 24:14, 24:23, 29:23, 40:9, 41:14, 113:18, 155:9, 155:12, 155:24, 156:3</p> <p><b>services</b> [8] - 24:21, 31:3, 80:3, 82:21, 83:21, 85:17, 100:4, 107:19</p> <p><b>session</b> [1] - 90:19</p> <p><b>set</b> [2] - 67:12, 120:9</p> <p><b>setback</b> [4] - 150:21, 150:24, 150:25, 156:8</p>	<p><b>setbacks</b> [3] - 78:5, 78:6, 149:8</p> <p><b>setting</b> [2] - 113:15, 149:19</p> <p><b>settlement</b> [4] - 66:24, 67:4, 70:10, 71:13</p> <p><b>setup</b> [1] - 85:21</p> <p><b>seven</b> [3] - 91:25, 129:2, 144:19</p> <p><b>seven-and-a-half</b> [1] - 144:19</p> <p><b>seven-year</b> [1] - 129:2</p> <p><b>several</b> [6] - 9:23, 14:20, 82:4, 131:17, 146:22, 149:5</p> <p><b>sewer</b> [5] - 134:22, 155:13, 155:14, 155:21, 155:24</p> <p><b>shape</b> [1] - 82:14</p> <p><b>Share</b> [2] - 68:21, 71:23</p> <p><b>share</b> [2] - 34:22, 68:12</p> <p><b>shared</b> [3] - 27:16, 27:17, 35:12</p> <p><b>shed</b> [2] - 42:10, 42:21</p> <p><b>sheet</b> [2] - 36:11, 126:19</p> <p><b>Sheet</b> [1] - 138:7</p> <p><b>SHERIDAN</b> [12] - 115:13, 115:17, 116:14, 116:19, 116:23, 117:7, 118:1, 118:6, 118:12, 118:18, 118:22, 119:2</p> <p><b>Sheridan</b> [1] - 115:13</p> <p><b>Sherry</b> [1] - 72:1</p> <p><b>shift</b> [5] - 6:15, 17:18, 17:19, 104:8, 109:15</p> <p><b>shifting</b> [1] - 104:15</p> <p><b>shifts</b> [1] - 104:21</p> <p><b>shock</b> [1] - 99:3</p> <p><b>shopping</b> [5] - 14:14, 108:1, 108:7, 164:5</p> <p><b>short</b> [1] - 152:24</p> <p><b>shortened</b> [1] - 128:22</p> <p><b>shortly</b> [2] - 144:11, 147:14</p> <p><b>shot</b> [3] - 97:20, 108:2, 108:15</p> <p><b>shoulder</b> [1] - 24:1</p> <p><b>show</b> [4] - 14:10, 18:10, 50:18, 132:9</p> <p><b>showed</b> [2] - 11:8, 125:18</p> <p><b>shows</b> [1] - 66:4</p> <p><b>SHULMAN</b> [1] - 2:5</p> <p><b>Shulman</b> [1] - 4:12</p> <p><b>shuttle</b> [1] - 107:19</p>	<p><b>siblings</b> [1] - 114:5</p> <p><b>sic</b> [2] - 19:15, 40:19</p> <p><b>sick</b> [1] - 34:16</p> <p><b>side</b> [8] - 6:16, 45:13, 53:24, 138:24, 147:18, 147:19, 161:15, 163:16</p> <p><b>sides</b> [1] - 141:22</p> <p><b>sidewalk</b> [8] - 143:11, 143:15, 143:18, 145:21, 148:18, 157:8, 159:4, 165:19</p> <p><b>sidewalks</b> [3] - 162:19, 162:20, 165:13</p> <p><b>SIEK</b> [7] - 52:18, 52:24, 53:5, 53:8, 53:13, 53:19, 54:13</p> <p><b>Siek</b> [1] - 52:18</p> <p><b>sighs</b> [1] - 78:8</p> <p><b>sign</b> [8] - 125:21, 144:17, 144:18, 144:20, 144:21, 144:25, 145:4, 145:5</p> <p><b>signage</b> [1] - 144:16</p> <p><b>signature</b> [1] - 144:3</p> <p><b>significance</b> [3] - 73:6, 118:15, 118:19</p> <p><b>significant</b> [1] - 69:15</p> <p><b>Silver</b> [6] - 20:14, 31:7, 33:9, 58:21, 65:1, 77:8</p> <p><b>similar</b> [7] - 5:20, 10:2, 58:5, 59:8, 65:13, 147:7, 153:4</p> <p><b>Simply</b> [1] - 59:7</p> <p><b>simultaneously</b> [1] - 8:22</p> <p><b>SINGER</b> [5] - 62:5, 62:16, 62:19, 62:21, 62:23</p> <p><b>Singer</b> [1] - 62:5</p> <p><b>Single</b> [1] - 59:17</p> <p><b>single</b> [18] - 60:21, 61:4, 61:6, 61:8, 78:12, 82:5, 99:6, 105:17, 107:4, 107:13, 107:14, 108:20, 109:3, 112:15, 127:16, 139:23, 140:22, 154:23</p> <p><b>Single-family</b> [1] - 59:17</p> <p><b>single-family</b> [14] - 60:21, 61:4, 61:6, 61:8, 82:5, 99:6, 105:17, 107:4, 107:13, 107:14, 109:3, 112:15,</p>	<p>127:16, 139:23</p> <p><b>sirens</b> [1] - 19:19</p> <p><b>sit</b> [3] - 12:12, 76:15, 121:12</p> <p><b>Site</b> [3] - 3:14, 130:22, 138:6</p> <p><b>site</b> [76] - 4:22, 6:12, 11:14, 13:2, 13:15, 13:16, 13:19, 14:13, 19:10, 19:21, 19:22, 23:9, 29:8, 56:2, 56:3, 56:4, 58:24, 82:9, 82:22, 83:5, 129:23, 130:21, 131:15, 133:19, 135:4, 135:6, 135:23, 136:3, 137:20, 138:3, 138:8, 138:15, 138:16, 138:24, 139:2, 139:3, 139:13, 140:19, 140:25, 141:3, 141:4, 141:9, 141:18, 141:20, 142:22, 143:8, 143:11, 143:14, 143:17, 144:10, 144:13, 144:23, 145:1, 145:25, 146:11, 146:13, 146:15, 147:4, 147:7, 147:22, 147:23, 149:2, 149:11, 151:17, 152:3, 152:22, 154:5, 155:6, 156:7, 156:22, 156:23, 158:4, 160:4</p> <p><b>sits</b> [2] - 53:22, 134:23</p> <p><b>sitting</b> [1] - 111:2</p> <p><b>situation</b> [6] - 28:11, 40:4, 104:19, 113:2, 114:4, 150:3</p> <p><b>Six</b> [1] - 92:9</p> <p><b>six</b> [6] - 26:23, 27:19, 95:6, 143:10, 146:9, 155:14</p> <p><b>six-foot-wide</b> [1] - 143:10</p> <p><b>six-inch</b> [1] - 155:14</p> <p><b>size</b> [17] - 18:21, 60:5, 60:15, 61:8, 77:18, 77:20, 79:5, 79:16, 86:24, 96:2, 117:15, 120:7, 120:14, 154:15, 154:20, 155:1, 155:17</p> <p><b>skilled</b> [1] - 17:5</p> <p><b>Skrable</b> [2] - 8:23, 9:2</p>	<p><b>SKRABLE</b> [26] - 1:17, 24:5, 25:3, 25:12, 37:11, 37:22, 38:2, 38:10, 38:13, 38:22, 39:5, 48:3, 60:18, 69:23, 129:1, 159:14, 160:11, 160:20, 160:24, 161:3, 161:8, 161:19, 161:25, 162:5, 162:23, 165:3</p> <p><b>Slide</b> [1] - 105:25</p> <p><b>slide</b> [14] - 11:17, 14:4, 14:12, 15:22, 16:3, 16:17, 18:4, 19:6, 20:3, 20:23, 22:3, 23:1, 23:5, 23:13</p> <p><b>slightly</b> [1] - 90:18</p> <p><b>Slow</b> [1] - 45:23</p> <p><b>small</b> [14] - 18:22, 59:20, 76:20, 89:21, 89:25, 117:15, 145:5, 147:13, 148:1, 148:14, 152:21, 158:23, 158:25, 160:3</p> <p><b>smaller</b> [3] - 43:8, 144:25, 153:4</p> <p><b>so..</b> [2] - 31:21, 95:7</p> <p><b>soak</b> [1] - 54:5</p> <p><b>social</b> [1] - 113:23</p> <p><b>socialization</b> [1] - 112:21</p> <p><b>Society</b> [1] - 73:8</p> <p><b>society</b> [3] - 24:20, 30:13, 57:19</p> <p><b>Socovitch</b> [1] - 161:13</p> <p><b>Soil</b> [1] - 158:13</p> <p><b>solely</b> [1] - 122:7</p> <p><b>someday</b> [1] - 116:20</p> <p><b>someplace</b> [1] - 6:13</p> <p><b>sometimes</b> [1] - 28:11</p> <p><b>Sometimes</b> [1] - 34:10</p> <p><b>somewhere</b> [2] - 20:18, 28:10</p> <p><b>son</b> [1] - 99:18</p> <p><b>soon</b> [2] - 82:11, 99:8</p> <p><b>sooner</b> [1] - 162:8</p> <p><b>Sorry</b> [3] - 30:10, 73:12, 122:20</p> <p><b>sorry</b> [6] - 72:4, 76:1, 86:19, 90:23, 125:2, 149:17</p> <p><b>sound</b> [3] - 19:25, 152:5, 156:17</p> <p><b>sound-attenuating</b> [1] - 156:17</p> <p><b>sounds</b> [1] - 160:14</p> <p><b>sources</b> [1] - 15:17</p>
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<b>south</b> <sup>[1]</sup> - 138:14 <b>southeastern</b> <sup>[2]</sup> - 147:4, 147:7 <b>southwestern</b> <sup>[1]</sup> - 139:13 <b>space</b> <sup>[9]</sup> - 18:14, 18:17, 143:25, 152:2, 154:15, 154:17, 154:23, 159:3 <b>spaces</b> <sup>[14]</sup> - 19:11, 142:10, 142:11, 142:12, 142:13, 154:7, 154:8, 154:9, 154:10, 154:11, 154:21, 158:2, 159:2 <b>spans</b> <sup>[2]</sup> - 50:8, 50:13 <b>speaking</b> <sup>[1]</sup> - 133:9 <b>speaks</b> <sup>[1]</sup> - 140:16 <b>special</b> <sup>[1]</sup> - 57:17 <b>specialize</b> <sup>[1]</sup> - 43:4 <b>species</b> <sup>[1]</sup> - 135:5 <b>specific</b> <sup>[5]</sup> - 17:22, 105:16, 127:12, 136:1, 165:4 <b>specifically</b> <sup>[2]</sup> - 105:3, 131:19 <b>spectrum</b> <sup>[1]</sup> - 15:13 <b>spell</b> <sup>[1]</sup> - 9:7 <b>spend</b> <sup>[2]</sup> - 21:24, 96:8 <b>spends</b> <sup>[1]</sup> - 99:5 <b>spillover</b> <sup>[2]</sup> - 80:25, 157:14 <b>spoken</b> <sup>[1]</sup> - 16:6 <b>sponsoring</b> <sup>[1]</sup> - 86:7 <b>spray</b> <sup>[1]</sup> - 161:2 <b>spray-painting</b> <sup>[1]</sup> - 161:2 <b>spreading</b> <sup>[1]</sup> - 85:24 <b>spur</b> <sup>[1]</sup> - 108:12 <b>Square</b> <sup>[1]</sup> - 60:1 <b>square</b> <sup>[23]</sup> - 18:6, 18:17, 18:21, 18:22, 27:15, 46:8, 59:21, 59:25, 60:4, 61:1, 61:5, 61:25, 86:23, 96:3, 140:6, 140:7, 140:10, 144:9, 150:7, 150:9, 150:10 <b>square-foot</b> <sup>[2]</sup> - 27:15, 150:9 <b>squashed</b> <sup>[1]</sup> - 39:1 <b>squeeze</b> <sup>[1]</sup> - 87:23 <b>Squire</b> <sup>[1]</sup> - 65:12 <b>stable</b> <sup>[1]</sup> - 46:13 <b>staff</b> <sup>[10]</sup> - 24:24, 26:10, 33:3, 34:19, 83:3, 84:2, 84:8, 108:6, 112:18,	154:14 <b>staffing</b> <sup>[2]</sup> - 17:24, 95:25 <b>stand</b> <sup>[2]</sup> - 49:15, 148:22 <b>standard</b> <sup>[1]</sup> - 159:3 <b>standards</b> <sup>[6]</sup> - 19:2, 81:15, 149:4, 149:5, 154:5, 156:23 <b>stars</b> <sup>[1]</sup> - 32:21 <b>start</b> <sup>[5]</sup> - 4:16, 7:21, 9:12, 10:15, 131:3 <b>started</b> <sup>[2]</sup> - 44:4, 45:22 <b>starting</b> <sup>[2]</sup> - 11:17, 26:15 <b>starts</b> <sup>[1]</sup> - 142:7 <b>state</b> <sup>[38]</sup> - 12:3, 26:20, 27:4, 27:14, 38:21, 38:23, 38:24, 39:2, 39:7, 49:15, 57:13, 64:16, 66:5, 69:9, 69:21, 77:1, 77:2, 80:18, 93:14, 94:4, 106:17, 109:8, 115:18, 116:18, 117:25, 120:3, 120:15, 120:17, 120:20, 122:6, 127:10, 129:5, 131:21, 133:24, 154:5, 156:16, 167:9 <b>State</b> <sup>[10]</sup> - 3:10, 17:12, 21:14, 105:10, 107:20, 108:16, 130:5, 130:13, 133:11, 167:7 <b>state-of-the</b> <sup>[1]</sup> - 106:17 <b>state-of-the-art</b> <sup>[5]</sup> - 12:3, 64:16, 77:1, 77:2, 117:25 <b>statements</b> <sup>[1]</sup> - 48:22 <b>States</b> <sup>[1]</sup> - 38:25 <b>states</b> <sup>[1]</sup> - 57:17 <b>statewide</b> <sup>[1]</sup> - 137:12 <b>stations</b> <sup>[1]</sup> - 142:14 <b>statistics</b> <sup>[6]</sup> - 29:2, 29:3, 75:11, 96:16, 100:24, 106:3 <b>status</b> <sup>[1]</sup> - 58:8 <b>statute</b> <sup>[1]</sup> - 4:2 <b>stay</b> <sup>[6]</sup> - 42:10, 47:12, 47:20, 48:8, 77:7, 96:8 <b>stayed</b> <sup>[1]</sup> - 111:21 <b>staying</b> <sup>[4]</sup> - 32:9, 32:10, 137:2, 146:8 <b>stays</b> <sup>[3]</sup> - 47:14, 69:7,	83:4 <b>stenographic</b> <sup>[1]</sup> - 167:10 <b>step</b> <sup>[1]</sup> - 52:17 <b>stepped</b> <sup>[1]</sup> - 32:22 <b>Stewart</b> <sup>[2]</sup> - 14:24, 93:8 <b>sticker</b> <sup>[1]</sup> - 99:3 <b>still</b> <sup>[13]</sup> - 5:15, 37:2, 39:12, 103:20, 104:3, 111:13, 113:23, 115:1, 116:1, 118:22, 120:2, 152:2, 152:24 <b>stipulate</b> <sup>[3]</sup> - 120:24, 121:4, 126:8 <b>stipulation</b> <sup>[1]</sup> - 25:7 <b>stone</b> <sup>[12]</sup> - 42:12, 45:11, 46:4, 46:21, 73:1, 74:11, 74:12, 77:24, 120:9, 139:11, 148:17, 162:17 <b>stop</b> <sup>[1]</sup> - 127:9 <b>stories</b> <sup>[7]</sup> - 18:6, 140:3, 140:13, 140:14, 150:9, 150:14 <b>storm</b> <sup>[1]</sup> - 134:22 <b>stormwater</b> <sup>[4]</sup> - 62:9, 144:14, 158:17, 159:8 <b>story</b> <sup>[3]</sup> - 14:11, 140:17 <b>stream</b> <sup>[1]</sup> - 134:22 <b>street</b> <sup>[13]</sup> - 14:16, 14:17, 17:23, 33:5, 52:20, 53:3, 53:9, 53:22, 54:4, 89:24, 94:23, 161:12 <b>Street</b> <sup>[2]</sup> - 115:14, 129:22 <b>streetscape</b> <sup>[2]</sup> - 148:23, 151:5 <b>stretch</b> <sup>[2]</sup> - 78:10, 78:12 <b>structural</b> <sup>[1]</sup> - 43:4 <b>structure</b> <sup>[8]</sup> - 42:11, 46:4, 46:21, 106:12, 117:22, 118:14, 118:25, 122:5 <b>structures</b> <sup>[2]</sup> - 46:15, 150:2 <b>Studies</b> <sup>[1]</sup> - 112:12 <b>studies</b> <sup>[5]</sup> - 26:7, 65:4, 113:23, 120:6, 124:3 <b>studio</b> <sup>[2]</sup> - 18:22, 117:15 <b>study</b> <sup>[2]</sup> - 66:4,	123:25 <b>stuff</b> <sup>[4]</sup> - 40:22, 48:6, 124:2, 165:12 <b>style</b> <sup>[1]</sup> - 156:24 <b>subdivide</b> <sup>[2]</sup> - 115:25, 138:20 <b>subdivided</b> <sup>[4]</sup> - 137:4, 137:5, 142:7, 158:21 <b>subdividing</b> <sup>[3]</sup> - 105:18, 149:25, 150:2 <b>subdivision</b> <sup>[8]</sup> - 4:22, 137:22, 138:20, 138:25, 139:2, 149:13, 149:14, 149:23 <b>subject</b> <sup>[8]</sup> - 40:15, 51:11, 132:6, 133:6, 133:8, 133:15, 135:19, 137:5 <b>submission</b> <sup>[2]</sup> - 53:7, 124:6 <b>submit</b> <sup>[3]</sup> - 25:25, 51:24, 133:24 <b>submitted</b> <sup>[7]</sup> - 52:25, 72:25, 123:16, 138:8, 145:9, 158:7, 163:7 <b>substantial</b> <sup>[1]</sup> - 146:10 <b>Substantially</b> <sup>[1]</sup> - 116:15 <b>successful</b> <sup>[3]</sup> - 23:11, 94:12, 102:16 <b>Suez</b> <sup>[1]</sup> - 155:9 <b>suitable</b> <sup>[1]</sup> - 55:9 <b>sum</b> <sup>[1]</sup> - 137:7 <b>sun</b> <sup>[1]</sup> - 32:20 <b>Sunrise</b> <sup>[31]</sup> - 5:16, 12:12, 14:24, 16:7, 16:8, 16:9, 16:10, 22:15, 30:24, 32:20, 33:3, 33:12, 33:13, 33:21, 33:23, 33:24, 58:13, 64:18, 65:16, 66:12, 77:4, 80:16, 85:15, 95:8, 102:17, 102:22, 117:1, 117:21, 121:7 <b>supplement</b> <sup>[1]</sup> - 53:10 <b>supplemental</b> <sup>[1]</sup> - 123:20 <b>supply</b> <sup>[1]</sup> - 28:19 <b>support</b> <sup>[2]</sup> - 155:1, 156:11 <b>supposedly</b> <sup>[3]</sup> - 71:15, 77:23, 101:20 <b>surface</b> <sup>[5]</sup> - 144:5,	144:8, 144:12, 152:6, 152:9 <b>surround</b> <sup>[1]</sup> - 53:24 <b>surrounding</b> <sup>[1]</sup> - 134:11 <b>survey</b> <sup>[10]</sup> - 35:21, 100:24, 101:4, 101:7, 101:22, 101:23, 101:24, 133:22, 133:23, 164:20 <b>surveyor</b> <sup>[1]</sup> - 134:8 <b>SWAN</b> <sup>[1]</sup> - 54:20 <b>Swan</b> <sup>[1]</sup> - 11:21 <b>swaps</b> <sup>[1]</sup> - 147:15 <b>swear</b> <sup>[1]</sup> - 8:23 <b>sworn</b> <sup>[6]</sup> - 9:1, 9:3, 9:6, 14:7, 129:17, 129:19 <b>synagogue</b> <sup>[1]</sup> - 107:7 <b>system</b> <sup>[5]</sup> - 12:24, 30:20, 41:2, 110:17, 155:14 <b>systems</b> <sup>[1]</sup> - 156:11 <b>SZABO</b> <sup>[26]</sup> - 1:17, 25:15, 39:18, 66:23, 67:4, 68:10, 68:16, 68:21, 69:13, 69:20, 71:2, 71:5, 71:7, 71:11, 71:18, 71:20, 71:22, 87:3, 91:12, 91:22, 92:9, 92:23, 95:17, 128:12, 128:15, 128:19 <b>Szabo</b> <sup>[3]</sup> - 8:24, 9:2, 25:14
<b>T</b>				
<b>tall</b> <sup>[3]</sup> - 141:12, 144:19, 157:5 <b>tapers</b> <sup>[1]</sup> - 147:25 <b>TAPPAN</b> <sup>[3]</sup> - 1:1, 1:4, 1:5 <b>Tappan</b> <sup>[68]</sup> - 1:8, 1:8, 4:13, 4:15, 12:4, 12:12, 14:18, 16:8, 18:11, 20:2, 20:19, 20:24, 21:23, 22:15, 32:13, 32:22, 33:7, 50:8, 50:12, 50:17, 53:22, 53:23, 57:22, 58:24, 59:2, 62:8, 63:20, 63:24, 64:18, 69:4, 72:2, 74:12, 76:3, 76:23, 77:4, 77:7, 77:10, 79:13, 80:12, 80:17, 80:21, 85:14, 88:9, 93:8,				



<p>95:9, 101:18, 102:14, 102:22, 102:24, 103:4, 103:10, 104:6, 109:22, 121:14, 126:8, 129:5, 134:21, 138:13, 140:23, 143:15, 144:6, 148:18, 151:6, 155:10, 160:18, 161:1, 162:22, 164:20</p> <p><b>Tappan's</b> [1] - 21:19</p> <p><b>Target</b> [2] - 107:20, 157:4</p> <p><b>tarmac</b> [1] - 86:25</p> <p><b>tax</b> [14] - 13:23, 31:10, 31:13, 31:21, 100:5, 100:13, 115:20, 116:2, 116:3, 116:4, 116:6, 116:11</p> <p><b>taxed</b> [1] - 31:15</p> <p><b>taxes</b> [12] - 13:25, 14:3, 30:19, 30:23, 31:10, 35:25, 77:14, 98:15, 98:22, 99:7, 106:22, 116:1</p> <p><b>taxing</b> [1] - 33:8</p> <p><b>teacher</b> [3] - 85:11, 86:20, 98:25</p> <p><b>team</b> [5] - 4:17, 5:10, 9:21, 15:4, 16:5</p> <p><b>tearing</b> [1] - 91:9</p> <p><b>technical</b> [1] - 8:19</p> <p><b>Technicality</b> [1] - 127:20</p> <p><b>technically</b> [3] - 70:20, 145:3, 151:23</p> <p><b>Technology</b> [1] - 131:10</p> <p><b>temporarily</b> [1] - 160:9</p> <p><b>temporary</b> [2] - 111:10, 159:25</p> <p><b>Ten</b> [3] - 7:7, 103:23, 119:21</p> <p><b>ten</b> [36] - 7:6, 7:7, 12:15, 12:19, 12:21, 12:22, 26:14, 26:20, 27:24, 32:19, 32:25, 36:25, 37:6, 39:8, 60:13, 84:21, 84:22, 87:20, 87:21, 87:22, 94:3, 94:21, 96:14, 97:11, 97:13, 97:16, 97:18, 103:20, 107:5, 110:5, 119:19, 120:2, 147:10, 147:25, 158:2</p> <p><b>ten-bed</b> [3] - 12:19,</p>	<p>27:24, 119:19</p> <p><b>Ten-bed</b> [1] - 119:21</p> <p><b>term</b> [1] - 17:8</p> <p><b>terms</b> [5] - 25:21, 46:5, 46:6, 136:17, 137:10</p> <p><b>Terrace</b> [4] - 16:5, 16:6, 16:11, 32:15</p> <p><b>testified</b> [23] - 9:1, 48:15, 48:20, 50:22, 56:9, 56:20, 58:16, 59:23, 76:5, 80:15, 80:22, 84:7, 84:9, 85:9, 88:11, 89:4, 95:21, 97:16, 129:19, 131:18, 131:19, 142:25, 157:10</p> <p><b>testifies</b> [1] - 54:9</p> <p><b>testify</b> [9] - 19:12, 24:13, 41:19, 56:17, 56:18, 89:8, 122:13, 122:18, 123:9</p> <p><b>testimony</b> [19] - 5:11, 9:13, 23:17, 52:5, 62:14, 76:14, 96:21, 107:1, 124:4, 131:3, 132:2, 140:15, 143:23, 144:14, 150:5, 150:15, 154:2, 162:2, 163:20</p> <p><b>testing</b> [2] - 156:13, 156:14</p> <p><b>that'd</b> [1] - 77:15</p> <p><b>that'll</b> [2] - 62:11, 62:12</p> <p><b>That'll</b> [2] - 62:22, 144:18</p> <p><b>THE</b> [14] - 1:3, 6:21, 49:11, 57:2, 59:18, 67:2, 73:20, 76:17, 80:19, 86:10, 90:8, 100:17, 114:24, 124:21</p> <p><b>theater</b> [1] - 18:18</p> <p><b>themselves</b> [1] - 134:5</p> <p><b>therapy</b> [1] - 108:14</p> <p><b>there'd</b> [2] - 13:24, 28:1</p> <p><b>There'll</b> [2] - 48:25, 141:7</p> <p><b>there'll</b> [2] - 92:17, 157:18</p> <p><b>thereby</b> [1] - 51:12</p> <p><b>therefore</b> [2] - 100:5, 153:18</p> <p><b>they've</b> [2] - 35:12, 134:6</p> <p><b>thick</b> [1] - 46:10</p> <p><b>thin</b> [1] - 85:24</p>	<p><b>thinking</b> [4] - 42:17, 44:4, 85:13, 111:13</p> <p><b>third</b> [6] - 32:21, 33:12, 38:3, 67:15, 74:14, 82:25</p> <p><b>third-party</b> [1] - 82:25</p> <p><b>thirteen</b> [2] - 115:1, 115:6</p> <p><b>Thomas</b> [1] - 9:2</p> <p><b>THOMAS</b> [1] - 1:17</p> <p><b>thoroughfare</b> [1] - 151:5</p> <p><b>threat</b> [1] - 52:14</p> <p><b>threatened</b> [1] - 135:5</p> <p><b>three</b> [31] - 5:14, 14:11, 15:8, 16:1, 18:6, 19:2, 19:4, 61:5, 61:11, 80:6, 82:5, 86:18, 95:20, 105:18, 105:20, 105:21, 107:13, 107:14, 108:20, 109:2, 113:18, 140:2, 140:14, 141:22, 142:11, 142:12, 144:20, 150:9, 150:14, 154:10</p> <p><b>Three</b> [2] - 84:18, 107:4</p> <p><b>three-story</b> [1] - 14:11</p> <p><b>Thrive</b> [1] - 23:15</p> <p><b>throat</b> [1] - 141:1</p> <p><b>throughout</b> [5] - 131:16, 131:20, 156:21, 158:3</p> <p><b>Thursday</b> [1] - 1:7</p> <p><b>Tice</b> [2] - 2:6, 4:12</p> <p><b>tying</b> [1] - 155:13</p> <p><b>tightest</b> [1] - 160:17</p> <p><b>to-do</b> [1] - 165:10</p> <p><b>Today</b> [1] - 111:22</p> <p><b>today</b> [8] - 33:8, 73:8, 73:14, 74:13, 94:17, 111:18, 123:25, 131:1</p> <p><b>today's</b> [1] - 138:5</p> <p><b>together</b> [6] - 5:16, 5:17, 9:15, 9:25, 15:9, 26:22</p> <p><b>Tom</b> [6] - 24:3, 37:21, 159:12, 160:19, 165:2, 165:8</p> <p><b>tomorrow</b> [2] - 29:13, 100:1</p> <p><b>ton</b> [1] - 41:1</p> <p><b>tonight</b> [9] - 7:24, 10:3, 10:6, 16:15, 18:10, 73:24, 135:12, 137:19,</p>	<p>165:22</p> <p><b>took</b> [3] - 67:19, 70:2, 111:21</p> <p><b>top</b> [5] - 22:2, 126:17, 138:13, 151:20, 152:8</p> <p><b>topographic</b> [1] - 133:22</p> <p><b>topography</b> [2] - 146:13, 146:17</p> <p><b>torn</b> [1] - 93:1</p> <p><b>total</b> [6] - 20:9, 61:5, 68:13, 117:6, 141:2, 145:19</p> <p><b>totally</b> [1] - 55:5</p> <p><b>Totally</b> [1] - 106:20</p> <p><b>touch</b> [3] - 135:18, 148:6, 154:4</p> <p><b>touches</b> [1] - 160:5</p> <p><b>towards</b> [10] - 7:8, 37:24, 54:2, 54:3, 68:16, 70:14, 70:19, 84:22, 92:16, 155:18</p> <p><b>town</b> [75] - 11:4, 12:21, 13:8, 13:9, 13:11, 13:12, 13:15, 13:18, 13:22, 14:1, 26:19, 28:1, 30:3, 30:6, 30:16, 30:21, 31:9, 36:1, 36:2, 36:3, 37:16, 37:18, 38:14, 39:6, 40:14, 40:22, 41:5, 42:22, 44:19, 44:21, 44:23, 46:20, 47:5, 47:9, 48:5, 51:5, 52:25, 56:11, 58:12, 58:15, 58:18, 63:24, 64:1, 67:21, 71:17, 76:24, 77:5, 77:23, 79:24, 80:6, 82:12, 88:18, 88:20, 98:9, 100:25, 101:5, 104:20, 105:15, 106:9, 106:13, 106:16, 108:18, 108:23, 109:14, 110:24, 115:21, 116:1, 125:10, 125:12, 125:13, 149:17, 149:21, 161:5</p> <p><b>Town</b> [1] - 90:8</p> <p><b>town's</b> [1] - 52:2</p> <p><b>townhomes</b> [1] - 151:16</p> <p><b>townhouse</b> [2] - 91:14, 92:11</p> <p><b>townhouses</b> [4] - 39:15, 61:7, 91:2, 92:3</p>	<p><b>towns</b> [4] - 79:13, 79:14, 79:20, 106:16</p> <p><b>Township</b> [10] - 5:22, 5:25, 16:11, 22:20, 32:12, 64:13, 83:3, 125:23, 126:15, 126:23</p> <p><b>township</b> [2] - 20:1, 81:15</p> <p><b>townships</b> [2] - 57:16, 86:6</p> <p><b>tractor</b> [1] - 155:2</p> <p><b>tractor-trailers</b> [1] - 155:2</p> <p><b>trade</b> [1] - 38:17</p> <p><b>traditional</b> [1] - 64:5</p> <p><b>traffic</b> [28] - 6:8, 12:9, 12:10, 17:21, 17:22, 19:12, 23:9, 24:13, 25:2, 39:20, 41:19, 42:23, 104:10, 104:20, 106:23, 107:1, 107:12, 123:6, 123:7, 123:15, 123:22, 154:3, 162:2, 162:24, 163:14, 163:19, 163:23, 164:18</p> <p><b>trailer</b> [3] - 97:21, 125:19, 125:22</p> <p><b>trailers</b> [1] - 155:2</p> <p><b>transcriber</b> [1] - 90:10</p> <p><b>TRANSCRIPT</b> [1] - 1:4</p> <p><b>transcript</b> [3] - 8:12, 90:12, 167:10</p> <p><b>transferred</b> [2] - 4:25, 128:25</p> <p><b>transferring</b> [1] - 128:23</p> <p><b>transfers</b> [1] - 100:12</p> <p><b>transition</b> [12] - 96:10, 134:17, 135:7, 136:19, 137:1, 142:2, 142:4, 142:6, 153:12, 159:17, 160:5, 160:6</p> <p><b>transportation</b> [1] - 17:17</p> <p><b>Transportation</b> [1] - 19:14</p> <p><b>trash</b> [7] - 19:24, 19:25, 41:22, 143:3, 143:4, 147:24, 155:3</p> <p><b>traveled</b> [1] - 14:18</p> <p><b>treated</b> [1] - 92:13</p> <p><b>treatment</b> [1] - 57:18</p> <p><b>tree</b> [4] - 158:2, 161:16, 162:13, 165:15</p>
--	--	---	--	--

<p><b>trees</b> [8] - 54:7, 56:14, 91:9, 148:12, 157:22, 157:23, 157:24, 157:25</p> <p><b>tremendous</b> [5] - 12:5, 90:2, 100:8, 110:6</p> <p><b>Trenton</b> [1] - 26:10</p> <p><b>tributary</b> [1] - 50:10</p> <p><b>tried</b> [2] - 24:22, 161:5</p> <p><b>trips</b> [2] - 107:5, 107:15</p> <p><b>Tropical</b> [1] - 49:24</p> <p><b>trouble</b> [1] - 52:12</p> <p><b>truck</b> [8] - 142:17, 142:19, 142:24, 143:7, 143:8, 155:1, 155:3, 155:4</p> <p><b>trucks</b> [2] - 41:17, 142:18</p>	<p>141:19, 142:13, 143:1, 143:8, 147:16, 150:2, 150:14, 151:9, 153:4, 159:1, 164:9</p> <p><b>two-and-a-half</b> [1] - 150:14</p> <p><b>two-bedroom</b> [1] - 18:23</p> <p><b>two-way</b> [3] - 141:5, 141:8, 141:19</p> <p><b>twofold</b> [1] - 59:5</p> <p><b>type</b> [10] - 5:4, 40:7, 91:2, 92:22, 120:16, 125:11, 136:14, 147:11, 149:2, 152:9</p> <p><b>typical</b> [1] - 66:7</p> <p><b>typically</b> [3] - 8:13, 64:7, 66:10</p>	<p>65:19, 67:5, 67:13, 68:13, 71:1, 71:3, 71:16, 77:6, 84:19, 84:21, 84:22, 87:19, 92:1, 95:23, 96:7, 107:8, 117:17, 117:23, 120:10, 120:13, 124:8, 128:3, 128:6, 140:4, 154:7</p> <p><b>University</b> [2] - 9:18, 49:23</p> <p><b>unless</b> [2] - 67:16, 98:8</p> <p><b>unlike</b> [1] - 5:18</p> <p><b>unmet</b> [11] - 37:24, 38:3, 67:6, 68:1, 68:14, 68:16, 70:19, 70:22, 71:7, 91:24</p> <p><b>Unmet</b> [1] - 68:18</p> <p><b>unprecedented</b> [1] - 53:20</p> <p><b>unusable</b> [1] - 31:20</p> <p><b>up</b> [62] - 8:15, 9:22, 11:8, 22:16, 23:15, 24:15, 27:10, 28:3, 30:12, 35:7, 36:16, 37:5, 37:7, 39:23, 41:22, 42:15, 42:20, 46:21, 49:15, 53:3, 54:6, 56:15, 61:16, 62:20, 62:21, 62:23, 63:9, 67:9, 69:3, 70:22, 72:12, 72:23, 78:5, 79:2, 86:2, 89:5, 94:7, 97:12, 97:14, 99:2, 104:4, 110:4, 117:23, 119:25, 120:3, 120:13, 123:10, 125:18, 125:21, 134:8, 137:7, 138:11, 141:10, 145:14, 146:9, 148:22, 149:19, 150:9, 153:18, 161:17, 162:16</p> <p><b>up/drop</b> [2] - 141:12, 157:9</p> <p><b>US</b> [1] - 132:23</p> <p><b>useable</b> [1] - 44:23</p> <p><b>uses</b> [7] - 82:7, 82:8, 107:11, 108:13, 108:18, 153:4, 156:23</p> <p><b>ut</b> [1] - 58:17</p> <p><b>utilities</b> [1] - 155:7</p> <p><b>utility</b> [1] - 155:8</p> <p><b>utilization</b> [1] - 65:15</p> <p><b>utilize</b> [2] - 143:12,</p>	<p>158:24</p> <p><b>utilized</b> [1] - 65:25</p> <p><b>V</b></p> <p><b>vacant</b> [6] - 67:20, 68:19, 69:5, 69:21, 70:21, 80:1</p> <p><b>vacating</b> [1] - 67:25</p> <p><b>VALENTINE</b> [6] - 63:17, 63:23, 64:12, 64:20, 64:24, 65:6</p> <p><b>Valentine</b> [2] - 63:18, 65:14</p> <p><b>validity</b> [1] - 91:13</p> <p><b>value</b> [8] - 21:20, 31:16, 44:10, 105:21, 134:16, 136:17, 149:1, 151:4</p> <p><b>valued</b> [1] - 116:13</p> <p><b>values</b> [2] - 21:25</p> <p><b>van</b> [4] - 19:7, 141:15, 142:12, 154:13</p> <p><b>van-accessible</b> [1] - 142:12</p> <p><b>Vandervoot</b> [3] - 53:11, 53:13, 140:23</p> <p><b>variance</b> [18] - 7:23, 8:3, 55:3, 58:8, 58:10, 59:15, 105:3, 105:24, 127:12, 139:25, 145:4, 149:19, 149:20, 150:3, 150:13, 150:18, 153:9, 154:19</p> <p><b>variances</b> [7] - 78:10, 78:22, 149:5, 149:8, 150:16, 151:8, 151:9</p> <p><b>various</b> [3] - 131:14, 150:16, 156:15</p> <p><b>vehicle</b> [1] - 143:17</p> <p><b>vehicles</b> [1] - 141:15</p> <p><b>vein</b> [1] - 6:20</p> <p><b>verbatim</b> [1] - 167:10</p> <p><b>verification</b> [3] - 132:13, 136:10, 136:15</p> <p><b>verified</b> [1] - 134:15</p> <p><b>verify</b> [1] - 134:3</p> <p><b>vernal</b> [7] - 13:20, 77:24, 106:9, 135:1, 135:2, 135:9, 135:19</p> <p><b>verses</b> [1] - 30:13</p> <p><b>version</b> [1] - 138:8</p> <p><b>versus</b> [8] - 116:7, 127:5, 140:14, 140:17, 146:7, 150:10, 150:14,</p>	<p>152:19</p> <p><b>viability</b> [1] - 11:6</p> <p><b>vibration</b> [1] - 81:13</p> <p><b>Vice</b> [1] - 54:20</p> <p><b>video</b> [1] - 11:20</p> <p><b>View</b> [5] - 62:6, 62:7, 63:3, 63:6, 151:16</p> <p><b>view</b> [2] - 97:23, 151:6</p> <p><b>violate</b> [1] - 150:24</p> <p><b>violating</b> [1] - 153:19</p> <p><b>visit</b> [1] - 108:5</p> <p><b>visitors</b> [1] - 154:15</p> <p><b>visual</b> [1] - 152:3</p> <p><b>VOIR</b> [1] - 131:2</p> <p><b>volume</b> [2] - 163:25, 164:2</p> <p><b>volunteer</b> [4] - 30:17, 30:18, 87:25, 89:22</p> <p><b>volunteers</b> [2] - 86:2, 86:8</p> <p><b>vying</b> [1] - 98:1</p>
<p><b>true</b> [6] - 50:7, 50:12, 50:14, 78:14, 78:17, 167:9</p> <p><b>trust</b> [1] - 46:2</p> <p><b>try</b> [3] - 8:6, 96:11, 162:18</p> <p><b>trying</b> [8] - 38:17, 61:14, 68:5, 77:21, 113:10, 143:16, 144:23, 151:3</p> <p><b>tsunami</b> [6] - 97:5, 97:8, 97:10, 97:11</p> <p><b>Tsunami</b> [6] - 20:15, 31:7, 33:9, 58:21, 65:1, 77:8</p> <p><b>tsunamis</b> [1] - 97:9</p> <p><b>Tulane</b> [1] - 49:23</p> <p><b>turn</b> [5] - 4:6, 20:15, 32:25, 155:3, 155:5</p> <p><b>turning</b> [3] - 20:21, 23:25, 44:18</p> <p><b>turnover</b> [4] - 66:11, 66:15, 66:18, 97:16</p> <p><b>TV</b> [1] - 138:11</p> <p><b>TWA</b> [1] - 155:20</p> <p><b>twelve</b> [2] - 26:23, 97:3</p> <p><b>twice</b> [4] - 41:22, 63:3, 154:22</p> <p><b>Two</b> [4] - 30:7, 30:8, 41:17, 44:1</p> <p><b>two</b> [34] - 15:16, 15:20, 18:23, 19:18, 19:23, 19:24, 23:14, 27:15, 32:25, 33:6, 41:6, 41:14, 41:20, 45:21, 70:23, 82:13, 85:2, 138:21, 139:3, 140:14, 140:23, 141:5, 141:8,</p>	<p><b>U</b></p> <p><b>ultimately</b> [1] - 159:19</p> <p><b>unavoidable</b> [1] - 20:16</p> <p><b>unchanged</b> [2] - 146:5, 153:25</p> <p><b>Under</b> [1] - 136:24</p> <p><b>under</b> [19] - 5:21, 7:10, 22:19, 37:13, 51:12, 56:3, 58:7, 58:14, 68:7, 68:12, 70:25, 75:12, 92:14, 99:15, 99:16, 138:18, 140:24, 146:7</p> <p><b>underground</b> [1] - 156:3</p> <p><b>underneath</b> [2] - 43:14, 119:1</p> <p><b>Understood</b> [1] - 96:13</p> <p><b>underway</b> [1] - 123:13</p> <p><b>undivided</b> [1] - 140:24</p> <p><b>unfortunately</b> [2] - 97:12, 98:4</p> <p><b>unit</b> [15] - 7:6, 18:23, 19:1, 19:11, 23:6, 27:15, 28:13, 59:3, 92:16, 96:2, 117:6, 117:16, 120:8, 154:7, 154:11</p> <p><b>United</b> [1] - 38:24</p> <p><b>units</b> [46] - 7:7, 7:8, 16:20, 16:21, 18:15, 18:21, 18:23, 27:12, 28:1, 33:25, 34:2, 34:3, 34:7, 36:2, 36:25, 37:6, 37:17, 38:15, 58:2, 65:18,</p>	<p><b>unprecedented</b> [1] - 53:20</p> <p><b>unusable</b> [1] - 31:20</p> <p><b>up</b> [62] - 8:15, 9:22, 11:8, 22:16, 23:15, 24:15, 27:10, 28:3, 30:12, 35:7, 36:16, 37:5, 37:7, 39:23, 41:22, 42:15, 42:20, 46:21, 49:15, 53:3, 54:6, 56:15, 61:16, 62:20, 62:21, 62:23, 63:9, 67:9, 69:3, 70:22, 72:12, 72:23, 78:5, 79:2, 86:2, 89:5, 94:7, 97:12, 97:14, 99:2, 104:4, 110:4, 117:23, 119:25, 120:3, 120:13, 123:10, 125:18, 125:21, 134:8, 137:7, 138:11, 141:10, 145:14, 146:9, 148:22, 149:19, 150:9, 153:18, 161:17, 162:16</p> <p><b>up/drop</b> [2] - 141:12, 157:9</p> <p><b>US</b> [1] - 132:23</p> <p><b>useable</b> [1] - 44:23</p> <p><b>uses</b> [7] - 82:7, 82:8, 107:11, 108:13, 108:18, 153:4, 156:23</p> <p><b>ut</b> [1] - 58:17</p> <p><b>utilities</b> [1] - 155:7</p> <p><b>utility</b> [1] - 155:8</p> <p><b>utilization</b> [1] - 65:15</p> <p><b>utilize</b> [2] - 143:12,</p>	<p><b>variances</b> [7] - 78:10, 78:22, 149:5, 149:8, 150:16, 151:8, 151:9</p> <p><b>various</b> [3] - 131:14, 150:16, 156:15</p> <p><b>vehicle</b> [1] - 143:17</p> <p><b>vehicles</b> [1] - 141:15</p> <p><b>vein</b> [1] - 6:20</p> <p><b>verbatim</b> [1] - 167:10</p> <p><b>verification</b> [3] - 132:13, 136:10, 136:15</p> <p><b>verified</b> [1] - 134:15</p> <p><b>verify</b> [1] - 134:3</p> <p><b>vernal</b> [7] - 13:20, 77:24, 106:9, 135:1, 135:2, 135:9, 135:19</p> <p><b>verses</b> [1] - 30:13</p> <p><b>version</b> [1] - 138:8</p> <p><b>versus</b> [8] - 116:7, 127:5, 140:14, 140:17, 146:7, 150:10, 150:14,</p>	<p><b>W</b></p> <p><b>wait</b> [3] - 124:23, 125:5, 162:4</p> <p><b>waivers</b> [1] - 151:9</p> <p><b>walking</b> [3] - 46:23, 94:23, 143:20</p> <p><b>walks</b> [1] - 133:19</p> <p><b>walkway</b> [1] - 157:6</p> <p><b>wall</b> [19] - 34:4, 147:3, 147:5, 147:6, 147:9, 147:17, 147:18, 147:20, 147:23, 148:2, 148:3, 148:10, 148:14, 148:17, 148:21, 148:25, 153:20, 156:18, 162:18</p> <p><b>wallpaper</b> [1] - 117:20</p> <p><b>walls</b> [4] - 117:23, 146:22, 146:23, 146:24</p> <p><b>wand</b> [1] - 67:17</p> <p><b>wants</b> [7] - 47:6, 48:7, 90:13, 96:5, 110:7, 159:19, 161:19</p> <p><b>Washington</b> [12] - 5:21, 5:25, 15:12, 15:25, 16:11, 20:20, 22:20, 32:12, 64:13, 83:2, 126:15, 126:23</p> <p><b>watched</b> [1] - 11:20</p> <p><b>Water</b> [2] - 51:11, 155:9</p> <p><b>water</b> [9] - 53:24, 54:2, 54:6, 54:11, 134:19, 134:20, 134:23,</p>

<p>135:14, 135:15  <b>waterfalls</b> [1] - 53:25  <b>wave</b> [1] - 115:3  <b>waves</b> [1] - 34:11  <b>way..</b> [1] - 91:7  <b>ways</b> [1] - 94:3  <b>wealthy</b> [1] - 108:20  <b>weather</b> [1] - 141:17  <b>website</b> [2] - 40:24, 81:23  <b>week</b> [13] - 19:19, 19:24, 32:25, 33:22, 41:6, 41:20, 41:22, 85:2, 143:1, 143:9, 154:22, 156:13  <b>WEIDMANN</b> [90] - 1:11, 4:5, 4:9, 8:9, 23:20, 23:23, 24:3, 25:9, 25:14, 25:17, 27:7, 31:23, 41:12, 43:24, 44:2, 45:5, 46:16, 47:1, 47:4, 47:8, 47:11, 47:16, 47:19, 47:23, 48:1, 48:9, 48:12, 49:4, 49:10, 49:12, 52:15, 54:16, 57:4, 61:15, 61:19, 61:22, 62:4, 62:11, 62:22, 63:8, 63:12, 63:15, 65:9, 71:25, 74:20, 74:25, 76:13, 78:19, 78:23, 79:1, 81:2, 84:14, 88:5, 90:16, 93:5, 103:13, 103:18, 103:25, 109:20, 115:8, 119:5, 121:17, 122:1, 123:2, 123:17, 124:13, 124:16, 124:20, 124:25, 129:12, 159:9, 159:12, 160:19, 160:22, 160:25, 161:4, 161:9, 161:23, 162:3, 162:10, 163:4, 163:10, 163:22, 164:4, 164:7, 164:16, 165:9, 165:12, 165:16, 165:20  <b>welcome</b> [4] - 54:15, 65:7, 87:15, 124:11  <b>well-to-do</b> [1] - 108:21  <b>well-traveled</b> [1] - 14:18  <b>Wendy</b> [1] - 90:24  <b>West</b> [1] - 26:13  <b>WEST</b> [1] - 1:24</p>	<p><b>west</b> [5] - 42:17, 42:24, 106:12, 138:14, 139:1  <b>western</b> [4] - 138:24, 139:6, 141:8, 148:2  <b>Westwood</b> [1] - 81:4  <b>wetland</b> [6] - 134:17, 135:8, 135:13, 135:16, 135:17, 160:1  <b>Wetlands</b> [1] - 159:17  <b>wetlands</b> [49] - 4:20, 4:21, 5:4, 13:19, 31:19, 50:10, 50:16, 77:23, 106:9, 129:16, 130:6, 132:13, 132:24, 132:25, 133:2, 133:11, 133:15, 133:16, 133:17, 133:18, 133:21, 134:10, 134:12, 134:16, 135:8, 135:10, 135:14, 135:15, 135:18, 136:15, 137:3, 137:9, 137:11, 139:4, 139:9, 142:1, 142:5, 142:8, 148:6, 148:8, 148:11, 153:10, 153:12, 153:14, 153:17, 159:23, 160:5  <b>whatnot</b> [1] - 90:11  <b>wheelers</b> [1] - 41:16  <b>wheelhouse</b> [1] - 89:1  <b>wheels</b> [1] - 42:16  <b>whereas</b> [2] - 152:9, 154:23  <b>whereby</b> [1] - 24:6  <b>whispered</b> [1] - 87:17  <b>white</b> [1] - 59:7  <b>whole</b> [3] - 43:1, 46:3, 163:17  <b>wholeheartedly</b> [1] - 162:24  <b>wide</b> [3] - 67:10, 143:10, 144:20  <b>widened</b> [2] - 163:15, 163:17  <b>widening</b> [4] - 145:12, 145:23, 160:15, 163:9  <b>width</b> [9] - 140:3, 141:2, 142:23, 145:17, 145:19, 151:14, 158:25, 163:18  <b>wife</b> [1] - 28:11  <b>Wikipedia</b> [1] - 74:11</p>	<p><b>will-serve</b> [1] - 155:8  <b>WILLIAM</b> [2] - 1:11, 1:14  <b>windows</b> [1] - 54:1  <b>wing</b> [1] - 16:22  <b>wish</b> [7] - 57:4, 65:9, 88:5, 97:12, 115:8, 119:5, 124:13  <b>wishes</b> [1] - 115:11  <b>witness</b> [4] - 7:22, 8:21, 78:20, 89:7  <b>witnesses</b> [1] - 11:5  <b>WITNESSES</b> [1] - 3:2  <b>women</b> [1] - 111:22  <b>wonderful</b> [1] - 98:16  <b>wondering</b> [1] - 20:5  <b>Woodcliff</b> [4] - 2:6, 4:12, 16:9, 23:14  <b>wooded</b> [2] - 142:5, 153:23  <b>woods</b> [1] - 146:12  <b>word</b> [1] - 97:7  <b>words</b> [1] - 161:7  <b>works</b> [1] - 82:25  <b>world</b> [1] - 15:17  <b>worried</b> [1] - 85:24  <b>worship</b> [3] - 139:24, 151:12, 152:18  <b>would 've</b> [1] - 117:4  <b>write</b> [4] - 8:17, 163:5, 163:12, 164:18  <b>written</b> [4] - 82:16, 83:11, 83:17</p>	<p>102:18, 106:17, 110:5, 111:20, 111:23, 114:15, 115:1, 115:6, 116:6, 117:1, 129:2, 162:13, 162:14, 162:20  <b>yellow</b> [2] - 22:6, 22:8  <b>yesterday</b> [1] - 33:8  <b>York</b> [5] - 21:14, 21:16, 50:8, 50:13, 125:15  <b>young</b> [4] - 11:21, 12:25, 100:15, 110:14  <b>younger</b> [1] - 88:13  <b>yourself</b> [1] - 86:9</p>
<b>Z</b>			
<p><b>zero</b> [6] - 13:24, 95:22, 128:16, 157:18  <b>zone</b> [7] - 139:22, 140:13, 140:14, 145:3, 149:9, 150:6, 151:10  <b>zoned</b> [10] - 55:1, 55:15, 55:18, 55:20, 59:16, 59:20, 60:4, 60:23, 65:20, 105:5  <b>zoning</b> [4] - 58:7, 105:3, 118:10, 144:7  <b>Zoom</b> [1] - 63:3</p>			
<b>Y</b>			
<p><b>yard</b> [2] - 150:21, 151:18  <b>year</b> [33] - 21:2, 21:3, 21:10, 21:12, 32:5, 33:22, 53:20, 58:19, 58:20, 58:21, 66:17, 76:2, 76:23, 79:23, 85:7, 91:15, 94:13, 95:11, 98:14, 98:23, 103:22, 106:15, 113:10, 115:7, 118:20, 125:24, 127:22, 128:9, 128:10, 128:11, 128:19, 129:2  <b>year-old</b> [1] - 98:14  <b>years</b> [32] - 9:20, 11:13, 12:5, 14:20, 15:10, 17:6, 21:10, 22:14, 22:15, 32:19, 36:14, 39:12, 74:16, 77:4, 80:16, 89:16, 101:6, 101:7,</p>			