

CITY OF HOBOKEN
PLANNING BOARD

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REGULAR MEETING OF THE HOBOKEN : December 1, 2015
PLANNING BOARD : 7:08 p.m.
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Caleb Stratton
- Commissioner Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Ann Graham
- Commissioner Caleb McKenzie
- Commissioner Rami Pinchevsky
- Commissioner Caleb D. Stratton
- Commissioner Ryan Peene

A L S O P R E S E N T:

- David Glynn Roberts, AICP/PP, LLA, RLA
Board Planner
- Sandra Caceres, PE, CPWM,
Acting Board Engineer
- Patricia Carcone, Board Secretary

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I N D E X

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PAGE

Board Business 1

HEARINGS:

113-121 Monroe Street 14

306-308 Park Avenue 114

1 CHAIRMAN HOLTZMAN: All right,
2 everybody. We are going to get started here.

3 It is Tuesday, December 1st. It is
4 7:08 p.m. This is the City of Hoboken Planning
5 Board meeting.

6 I would like to advise all of those
7 present, that notice of this meeting has been
8 provided to the public in accordance with the
9 provisions of the Open Public Meetings Act, and that
10 notice was published in The Jersey Journal and on
11 the city's website. Copies were also provided to
12 The Star-Ledger, The Record, and also placed on the
13 bulletin board in the lobby of City Hall.

14 Pat, please call the roll.

15 MS. CARCONE: Commissioner Holtzman?

16 CHAIRMAN HOLTZMAN: Here.

17 MS. CARCONE: Commissioner Magaletta?

18 VICE CHAIR MAGALETTA: Here.

19 MS. CARCONE: Commissioner Stratton?

20 COMMISSIONER STRATTON: Here.

21 MS. CARCONE: Commissioner Forbes?

22 COMMISSIONER FORBES: Here.

23 MS. CARCONE: Commissioner Doyle?

24 COMMISSIONER DOYLE: Here.

25 MS. CARCONE: Commissioner Graham?

1 COMMISSIONER GRAHAM: Here,

2 MS. CARCONE: Commissioner McKenzie?

3 COMMISSIONER MC KENZIE: Here.

4 MS. CARCONE: Commissioner Pinchevsky?

5 COMMISSIONER PINCHEVSKY: Here.

6 Commissioner Peene?

7 COMMISSIONER PEENE: Here.

8 MS. CARCONE: And Commissioner O'Connor
9 is absent.

10 CHAIRMAN HOLTZMAN: Okay. All right.

11 I just wanted to take a quick moment
12 and thank our Board Secretary, who does tremendous
13 work for us. Most always, not always, but more
14 often than not, unseen, which is she has done a
15 terrific job of updating the website. If you
16 haven't seen it recently, she with the help of
17 Phyllis, who gets our minutes and everything turned
18 around so fast, it's terrific. Those things get put
19 up on the website, so in case anybody wants to
20 review any of the previous minutes or take a look at
21 future agendas, it has really improved dramatically,
22 and I know part of that is because Pat now is able
23 to, and has taught herself, I understand, and is
24 able to do some of it herself as opposed to kicking
25 it over to some of the people that used to do the

1 input, which were not nearly as fast as she is.

2 So thank you, Pat.

3 MS. CARCONE: Thank you, Gary.

4 CHAIRMAN HOLTZMAN: The first item we
5 have is three resolutions for memorialization.

6 The first one on our list is 109 Monroe
7 Street. I know that there were some additional
8 adjustments and edits offered up by some of the
9 Commissioners,

10 Are there any other -- I know, Dennis,
11 we got those to you.

12 MR. GALVIN: There wasn't any on 109
13 Monroe Street.

14 CHAIRMAN HOLTZMAN: Oh, this one was
15 the one that did not. We were good on this one?

16 MR. GALVIN: I mean whatever changes
17 there were, we made.

18 On the Green Lantern --

19 CHAIRMAN HOLTZMAN: So let's take them
20 one at a time then.

21 MR. GALVIN: Sure. Well, I can't tell
22 you what the changes are. They have been made.

23 CHAIRMAN HOLTZMAN: Okay. 109, we are
24 okay with though.

25 Go ahead, Jim.

1 COMMISSIONER DOYLE: My only comment on
2 109 was I had left the meeting and recused myself.

3 CHAIRMAN HOLTZMAN: That is right.

4 COMMISSIONER DOYLE: And in the roll,
5 it has me voting, so I ask that --

6 CHAIRMAN HOLTZMAN: So let's make sure
7 you don't call Jim.

8 MR. GALVIN: Wait a minute. Let's
9 check that. On that one, we are not showing you at
10 all.

11 CHAIRMAN HOLTZMAN: Yes, we are. We're
12 showing in favor, Jim Doyle.

13 MS. CARCONE: Not on mine.

14 CHAIRMAN HOLTZMAN: Maybe you picked up
15 the revision.

16 MR. GALVIN: That's what I am saying.
17 We are catching that stuff.

18 MS. CARCONE: Yeah. There were quite a
19 few revisions.

20 COMMISSIONER DOYLE: Fine.

21 MR. GALVIN: I appreciate that. Trust
22 me, a young lawyer or soon to be lawyer, got a
23 little bite out of his butt, because you got get the
24 voting right.

25 CHAIRMAN HOLTZMAN: You got to get the

1 voting right.

2 (Laughter)

3 Was there anything else, Jim, or just
4 the voting you wanted to square away?

5 COMMISSIONER DOYLE: That's all I
6 wanted to do.

7 CHAIRMAN HOLTZMAN: Okay.

8 Frank, any additions or edits?

9 VICE CHAIR MAGALETTA: No.

10 MR. GALVIN: I am trying to help.

11 (Laughter)

12 CHAIRMAN HOLTZMAN: The floor is yours.

13 MR. GALVIN: Voting in favor were Mr.
14 Magaletta, Mr. Stratton, Ms. Forbes, Mr. McKenzie,
15 Mr. Peene and Chairman Holtzman.

16 Is there a motion?

17 CHAIRMAN HOLTZMAN: Is there a motion
18 to accept this?

19 COMMISSIONER PEENE: Yes.

20 MR. GALVIN: Is there a second?

21 COMMISSIONER MC KENZIE: Second.

22 MR. GALVIN: Thank you.

23 Mr. Magaletta?

24 VICE CHAIR MAGALETTA: Yes.

25 CHAIRMAN HOLTZMAN: Pat, please call

1 the vote.

2 I got it. Thank you.

3 MR. GALVIN: No problem.

4 MS. CARCONE: Commissioner Magaletta?

5 VICE CHAIR MAGALETAT: Yes.

6 MS. CARCONE: Commissioner Stratton?

7 COMMISSIONER STRATTON: Yes.

8 MS. CARCONE: Commissioner Forbes?

9 COMMISSIONER FORBES: Yes.

10 MS. CARCONE: Commissioner McKenzie?

11 COMMISSIONER MC KENZIE: Yes.

12 MS. CARCONE: Commissioner Peene?

13 COMMISSIONER PEENE: Yes.

14 MS. CARCONE: Commissioner Holtzman?

15 CHAIRMAN HOLTZMAN: Great, thank you.

16 Our second one is 502 Monroe. On this,
17 there were some additions and changes.

18 Dennis, you are saying you received
19 those changes from Mr. Magaletta -- Mr. Magaletta
20 and I think Mr. Doyle.

21 MR. GALVIN: I know that we made those
22 changes.

23 CHAIRMAN HOLTZMAN: Great.

24 Is there a motion to accept the
25 resolution?

1 COMMISSIONER PEENE: So move.

2 CHAIRMAN HOLTZMAN: Is there a second?

3 COMMISSIONER MC KENZIE: Second.

4 CHAIRMAN HOLTZMAN: Thank you.

5 Pat, please call that vote.

6 MS. CARCONE: Commissioner Magaletta?

7 VICE CHAIR MAGALETAT: Yes.

8 MS. CARCONE: Commissioner Stratton?

9 COMMISSIONER STRATTON: Yes.

10 MS. CARCONE: Commissioner Forbes?

11 COMMISSIONER FORBES: Yes.

12 MS. CARCONE: Commissioner McKenzie?

13 COMMISSIONER MC KENZIE: Yes.

14 MS. CARCONE: Commissioner Peene?

15 COMMISSIONER PEENE: Yes.

16 MS. CARCONE: Commissioner Holtzman?

17 CHAIRMAN HOLTZMAN: Yes.

18 COMMISSIONER DOYLE: I get to vote on

19 this one -- you didn't call me in the roll, and I

20 should be allowed to vote on that one.

21 MS. CARCONE: On 502-504 Monroe?

22 COMMISSIONER DOYLE: Oh, I thought that

23 was Green Lantern.

24 MR. GALVIN: No. That was 502.

25 MS. CARCONE: We didn't do that one

1 yet.

2 COMMISSIONER DOYLE: Okay.

3 MR. GALVIN: Thanks. I appreciate
4 you're paying attention.

5 MS. CARCONE: He really wants to vote.

6 CHAIRMAN HOLTZMAN: He really wants to
7 vote.

8 COMMISSIONER DOYLE: I have to earn my
9 pay.

10 (Laughter)

11 MR. GALVIN: When I was a Councilman, I
12 used to vote no when they would go to the end of the
13 meeting and want to close it.

14 CHAIRMAN HOLTZMAN: There were a number
15 of edits that Councilman Doyle had offered up on
16 this, and it seemed --

17 MR. GALVIN: Yes. It had
18 particularly --

19 CHAIRMAN HOLTZMAN: We need some help
20 on this one.

21 MR. GALVIN: -- yeah, so we made 95 to
22 99 percent of the changes.

23 Where I disagreed was we've -- I put in
24 the proofs, where it was a C1 variance. We need to
25 consider that. I need to have these resolutions

1 done in a way that if we get challenged, that I feel
2 that I can defend it, and I think what I had in
3 there I think would make it more defensible, if we
4 want to court.

5 COMMISSIONER DOYLE: Yeah. I had
6 questions, too, so I was not --

7 MR. GALVIN: No, no, no. I understand.

8 But I gave a lot of thought to what
9 we -- I was trying to put in more than I need rather
10 than less.

11 CHAIRMAN HOLTZMAN: Okay. Is there a
12 motion to accept the resolution as proposed?

13 COMMISSIONER PEENE: So moved.

14 CHAIRMAN HOLTZMAN: Second?

15 COMMISSIONER MC KENZIE: Second.

16 CHAIRMAN HOLTZMAN: Pat, please call
17 the vote.

18 MS. CARCONE: Commissioner Stratton?

19 COMMISSIONER STRATTON: Yes.

20 MS. CARCONE: Commissioner Forbes?

21 COMMISSIONER FORBES: Yes.

22 MS. CARCONE: Commissioner Doyle?

23 COMMISSIONER DOYLE: Yes.

24 MS. CARCONE: Commissioner McKenzie?

25 COMMISSIONER MC KENZIE: Yes.

1 MS. CARCONE: Commissioner Peene?

2 COMMISSIONER PEENE: Yes.

3 MR. GALVIN: Thank you.

4 CHAIRMAN HOLTZMAN: Okay. Thank you.

5 (Continue on next page)

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CITY OF HOBOKEN
PLANNING BOARD
HOP-15-18

- - - - - X
RE: 113-121 Monroe Street : December 1, 2015
Block 28, Lots 7-11 : 7:15 p.m.
Applicant: Monroe 113 Realty, LLC :
Minor site plan review & variances :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

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- Vice Chair Frank Magaletta
- Commissioner Caleb Stratton
- Commissioner Brandy Forbes
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1 I N D E X

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3 WITNESS PAGE

4

5 FRANK MINERVINI 18

6

7 NICK PETRUZZELLI 79

8

9 E X H I B I T S

10

11 EXHIBIT NO. DESCRIPTION PAGE

12

13 A-1 Rendering 18

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1 CHAIRMAN HOLTZMAN: The first item on
2 our agenda is 113-121 Monroe.

3 Mr. Matule, are you and your team ready
4 for us?

5 MR. MATULE: Yes, Mr. Chairman, we are.

6 CHAIRMAN HOLTZMAN: Thank you.

7 MR. MATULE: Good evening, Mr. Chairman

8 MR. GALVIN: I feel like I just saw you
9 last night.

10 (Laughter)

11 MR. MATULE: Robert Matule, appearing
12 on behalf of the applicant.

13 This is an application for minor site
14 plan approval and variances to construct a new
15 five-story building with eight residential units,
16 two commercial spaces, and 16 parking spaces.

17 We will have the testimony of the
18 architect for the project, Frank Minervini, and our
19 planner, Ed Kolling.

20 We submitted all of our jurisdictional
21 proofs previously to the Board Secretary, so if we
22 could have Mr. Minervini sworn.

23 MR. GALVIN: Raise your right hand.

24 Do you swear or affirm that what you
25 are about to tell the Board is the truth?

1 MR. MINERVINI: I do

2 F R A N K M I N E R V I N I, having been duly
3 sworn, testified as follows:

4 MR. GALVIN: State your full name for
5 the record and spell your last name.

6 THE WITNESS: Frank Minervini,
7 M-i-n-e-r-v-i-n-i.

8 MR. GALVIN: Mr. Chairman, do we accept
9 Mr. Minervini's credentials as an architect?

10 CHAIRMAN HOLTZMAN: Yes, we do.

11 MR. GALVIN: You may proceed.

12 THE WITNESS: Thank you.

13 MR. MATULE: Mr. Minervini, are you
14 going to have boards, other than the plans?

15 THE WITNESS: Yes.

16 MR. MATULE: How many?

17 THE WITNESS: One.

18 MR. MATULE: So we will mark this A-1.
19 And this is what, a rendering.

20 (Exhibit A-1 marked.)

21 THE WITNESS: Colored rendering of the
22 front facade.

23 I do have colored photographs, which
24 are the same as the package, but this is obviously
25 color versus black and white.

1 MR. GALVIN: What's that? Those were
2 already in the package?

3 MR. MATULE: These were already in the
4 package, but they were black and white.

5 MR. GALVIN: Oh, stamp them. Stamp
6 them, if it gets color --

7 MR. MATULE: And you took those
8 photographs or got the aerials off the internet?

9 THE WITNESS: Yes, a combination of
10 both. We took some of the photographs, and others
11 from Goggle Earth.

12 MR. MATULE: Are they relatively
13 current?

14 THE WITNESS: They are within the last
15 six months.

16 MR. MATULE: Do they still represent
17 the site conditions?

18 THE WITNESS: Yes. The site conditions
19 are the same.

20 MR. MATULE: Okay.

21 Could you describe for the Board
22 members the existing site and the surrounding
23 properties?

24 THE WITNESS: Yes.

25 131-121 -- 113-121 Monroe Street is a

1 125 foot wide lot by 100 feet deep on the east side
2 of Monroe Street between First and Second Streets,
3 approximately in the center of the street.

4 Existing on the site, and there is some
5 question or confusion of the previous use, but I
6 will discuss that, so using Sheet Z-10, which is the
7 same as you got, the existing site is shown here
8 within the R-3 District.

9 25 feet of it has a three-story
10 residential story building, wood frame.

11 There is a parking lot, which was used
12 by the one-story commercial oil building -- oil
13 company. They didn't store oil on the site. They
14 didn't sell oil. What they did was, and the name of
15 the company was Mar Hydraulics, Hydraulic Oil, they
16 produced the valving and hosing for hydraulic
17 systems, so there was no oil, other than the
18 thousand gallon tank beneath the ground, which was
19 used to heat the building at one time, and I believe
20 you got the paperwork showing that it's got a clean
21 bill of health.

22 MR. MATULE: Yes.

23 Just for the record, I had previously
24 submitted to Mr. Hipolit two documents. One was a
25 Phase 1 Assessment from at the time when the

1 property was purchased, and the other was actually
2 the paperwork from the building department, where a
3 thousand gallon underground storage tank that
4 apparently was the supply for heating oil for the
5 building was removed, I think in 2013, but the
6 document has a date on it.

7 THE WITNESS: So just to be clear,
8 there was no oil stored there. It was just a
9 company that made valves and hoses and other various
10 parts for hydraulic pump systems.

11 MR. MATULE: Okay.

12 THE WITNESS: Continuing with the
13 context, and I will stick with the same photograph,
14 this is our 125 foot wide site.

15 We have a one-story garage and office,
16 an attached one-story garage towards the rear of the
17 property. This by the way is towards the south, and
18 this is towards north. We're looking east, and this
19 parking lot was used for this commercial facility,
20 and there was a three-unit residential building
21 there.

22 This is vacant, and this is vacant as
23 well, so currently they are not being used.

24 If you go down the street, there is an
25 empty 50 foot wide lot that I think has been

1 recently the subject of an application for this
2 Board, a three and a half story residential building
3 as you go further south.

4 As you go north, there is approximately
5 a ten-year-old four-story residential building, and
6 then there is a variety of two, three, four and five
7 stories as you go further north.

8 I am pretty sure you got -- and I'll go
9 through the plans, but on the plan set, there is a
10 street diagram, so I will describe it in a bit more
11 detail.

12 This is a photograph showing the
13 properties across the street that has got a
14 combination of five stories, four and a half
15 stories, three stories, three stories, three
16 stories, and another five-story building, so there
17 is a variation in height.

18 Looking at it from the lower Google
19 Earth photograph, you can see, we are looking --
20 it's a bird's eye view looking to the west, and that
21 is the boundary line of our property.

22 So what we are proposing, as Mr. Matule
23 had said, is an eight residential unit building,
24 where 18 units are allowed and two commercial --
25 ground floor commercial spaces.

1 I will go through the plans, but just
2 to start, the building you will find is a hybrid of
3 a townhome design and a more commonly seen
4 multi-family residential building, and again, the
5 drawings as I get through them will make more sense.

6 So I talked about the site context. I
7 should mention that this project was -- this wasn't
8 a site -- it was an application to the Zoning Board
9 of Adjustment for actually a larger building.

10 So since then, we reduced the size and
11 reduced the unit count and made it more into a
12 townhome design.

13 We did have at that time prior to the
14 Zoning Board meeting, we had two meetings with the
15 neighborhood, with some representatives of the
16 neighborhood, who may be here tonight, we shall see,
17 to address some of their concerns.

18 One of the concerns and one of the
19 directions they wanted, they wanted the project to
20 be more of a townhome design, again, as opposed to
21 the standard residential multi-family building, and
22 I will explain as I go through the plans how we
23 think we achieved that.

24 So Sheet Z-1, our zoning tabulation
25 chart, and I will go through that, but our planner

1 will do that in more detail. This is our -- that's
2 Ed Kolling by the way. This is our 200 foot
3 vicinity map, so you can see our property at 125
4 foot width, 100 feet in depth, as well as Second
5 Street, and First Street, and Monroe and Madison to
6 give you a sense of the context and the actual
7 location within the city.

8 Our Sheet Z-2, calling it the site and
9 impact plan, so again, the boundary lines of the
10 property, and the shaded area describes where we are
11 proposing the structure to be. So the building is
12 proposed to be five stories in height, no height
13 variance required, 60 feet in depth.

14 The building itself, the majority of
15 the building, the actual structure meets all of the
16 lot coverage requirements. We will be asking for a
17 variance for these four balconies as we go further
18 up, and I will get to that, as well as a variance
19 for two commercial spaces, which are permitted on
20 this block. So we have got a vehicular entry
21 approximately center of the lot.

22 As I mentioned, it was a bit of a
23 hybrid, so where you would think townhomes normally
24 have their own parking spaces beneath them and their
25 own garage, what we have done here as to not to

1 remove any other spaces from the street and actually
2 add spaces back to the street relative to what is
3 there, we got one entry and exit for vehicles, and
4 we'll get to the ground floor plan, but you'll see
5 that it's a combined ground floor plan, and above
6 that there are separate structures.

7 So we think this is a pretty efficient
8 way to handle entry to the building, if it were to
9 be townhomes as opposed to the more standard way of
10 one, two, three, four curb cuts.

11 But, again, I mentioned it quickly, but
12 you will see here that there is a substantial --
13 it's about a 20 foot, even more so, no parking zone
14 as well as a depressed curb, so that will be
15 removed, and we will be reintroducing street
16 parking.

17 Sheet Z-3, our first floor plan, this
18 one in particular is our site circulation and
19 lighting plan. So, again, our 125 feet in width,
20 our 60 foot in depth of the main building, we have
21 1,000 square foot retail space at ground floor to
22 the south, a 1,000 square foot retail space to the
23 north, and in both cases, although the overall
24 square footage is a thousand square feet, we are
25 proposing only 800 of that square footage to be a

1 customer service area, so we meet that requirement
2 of having less than 1,000 square feet of service
3 area.

4 There are one, two, three, four
5 entries. These could be private stair entries to
6 each of the four structures above, and I know it
7 doesn't quite yet make sense, but it will.

8 16 parking spaces. What we have done
9 in terms of vertical circulation, we have
10 upstairs -- actually I should move to the upstairs
11 plan, and I will come back to Z-4 and to Z-5.

12 So we go to our second floor plan, and
13 you see that we have broke it up into four unequal
14 spaces that do go out with walls above and moving,
15 but what we have done is we allowed for -- and the
16 private entry to each of these -- I don't know if I
17 am on the right -- oh, here's the first floor
18 plan -- a private entry to each of the lower
19 duplexes.

20 So you got a small stoop, partially
21 extends to the city property, and we need City
22 Council approval for that, but part of it is also
23 recessed within the building. So as you walk down
24 the street, you won't see these giant 12 foot, 15
25 feet stoops coming out of the front of the building.

1 You got only about five feet coming past the edge of
2 the building.

3 So these four units are duplex. You
4 have one unit on the first floor and second floor.
5 This would be one unit, a total of 3,353 square
6 feet. All of the units are quite large, so 3,353
7 square feet for all of them on the first two floors.
8 We are calling this our first floor, the ground
9 floor being parking, so we have four units here on
10 these two.

11 On the second floor and third floor
12 only, we are proposing a six by ten foot
13 cantilevered outdoor balcony, one for each of these
14 duplexes. So in this case, the second floor would
15 be for the upper floor of the duplex.

16 We get to the third floor, the
17 balconies would be used by the lower floor of the
18 duplex. So up to the third floor also in this case
19 the lower section of the last four remaining
20 duplexes, and then the fifth floor.

21 This fifth floor is different from the
22 floors below because instead of extending the full
23 60 feet as the building below, we extended -- we
24 reduced the size of this -- of these duplexes in
25 terms of building depth by ten feet, so the actual

1 building here is 50 foot with a ten foot recess and
2 I will flip around the sheets because I have quite a
3 few building sections which describe that in more
4 detail.

5 COMMISSIONER DOYLE: There it is.

6 THE WITNESS: So I will flip to Sheet
7 Z-9, and both the north elevation and the south
8 elevation show the recess.

9 So in particular drawing number two,
10 the north elevation, this is Monroe Street. This is
11 the rear yard. We have got four floors here of 60
12 feet in depth. When we get to the fifth floor, it
13 is recessed ten feet. Within that recess, we are
14 proposing outdoor space to be used by the upper
15 duplex.

16 You can see it here a bit in the rear
17 elevation. So the rear elevation has got four
18 floors of the main facade, and then this fifth floor
19 is set back here as well.

20 The south elevation, drawing number
21 three, this is the front of the building showing the
22 street tree. The back of the building is two
23 balconies that I had discussed, a vertical stair
24 connection between the first floor and the rear
25 yard, and this recess.

1 So I will go back to the site plan. So
2 I have already talked about the circulation in light
3 of plan Sheet Z-3. Here is our parking spots. Four
4 of them are tandem. They will be sole or rented to
5 the same units, so we don't foresee any issues there
6 in terms of logistics of moving in and out the two
7 commercial spaces.

8 What we have done is we have two
9 vertical circulation corridors, two stairs here, two
10 stairs here, and these two stairs as well as this
11 elevator will serve four duplex units, two on this
12 side and two on this side.

13 Come to the northern part of the
14 building, this elevator therefore will serve four
15 duplex units on this side and this side.

16 The rear yard -- pardon me -- is broken
17 up also to four individual use spaces, each of 1,250
18 square feet to be used by the lower four duplexes.

19 COMMISSIONER DOYLE: How much?

20 THE WITNESS: 1,250, each of these rear
21 yards, so they are -- you got this 1,250 feet broken
22 up per floor, whatever that number may be.

23 Our Sheet Z-4, we are calling it our
24 utility plan and flood proofing plan. This diagram
25 shows in the center shows our concrete detention

1 tank, which will serve our water retention,
2 stormwater retention system, as well as our flood
3 proofing and mitigation.

4 Because we have retail spaces here, we
5 are proposing flood panel systems only at the retail
6 spaces, so water cannot enter, and those two spaces
7 will be dry flood proofed. The remaining portions
8 of the building will be designed to be wet flood
9 proofed and have the flood venting, and I have those
10 detailed as well.

11 MR. ROBERTS: Is this the same flood
12 proofing design, the same design that was in front
13 of the Zoning Board, because we have a letter from
14 the Flood Plain Administrator for that application?

15 THE WITNESS: No, it is not the same.

16 MR. ROBERTS: So we need an update from
17 her.

18 THE WITNESS: Okay. Fine.

19 That was a different plan for one
20 thing. It was a completely different ground floor
21 plan, and I think in this case we were doing the
22 entire ground floor to be dry flood proofing.

23 MR. ROBERTS: Has she seen this plan
24 yet?

25 THE WITNESS: I believe she has, but

1 you know what, I am not absolutely sure, but I will
2 make sure she will see it.

3 MR. ROBERTS: We probably should have
4 had that --

5 MR. MATULE: If I might, it was
6 submitted to the Flood Plain Administrator for
7 review. We have not had a response from her yet.

8 I followed up with her today in
9 anticipation of tonight's meeting, but I didn't get
10 a response. But I know Mr. Minervini has redesigned
11 it to reflect the comments from the old application.

12 THE WITNESS: I can say that this
13 design is exactly what we had been directed by on
14 other projects, the Flood Plain Administrator, to
15 provide.

16 MR. ROBERTS: We probably should keep
17 that in mind in terms of making sure we see that.

18 MR. GALVIN: I got a condition: The
19 applicant is to obtain the review and approval of
20 the Flood Plain Administrator.

21 MR. ROBERTS: Thank you.

22 CHAIRMAN HOLTZMAN: And just while you
23 are on that --

24 THE WITNESS: Yes.

25 CHAIRMAN HOLTZMAN: -- you drew your

1 finger around it, I think maybe a little quick, but
2 it would be a dry proofing of the retail space and a
3 wet flood proofing of the --

4 THE WITNESS: Commercial.

5 CHAIRMAN HOLTZMAN: -- of the
6 habitational space, including the stairwells. That
7 is always kind of a sticking point to make sure that
8 the stairwells and everything obviously are means of
9 egress during a flood event, so they have to be wet
10 flood proofed.

11 THE WITNESS: I actually thought it was
12 the other way around.

13 CHAIRMAN HOLTZMAN: No, no, no. You
14 can't dry proof the stairwell because you can't put
15 a flood gate --

16 THE WITNESS: I'm sorry. No, no. You
17 are absolutely right. Wet proof the doors or
18 venting, which allows the door openings --

19 CHAIRMAN HOLTZMAN: So you can open the
20 door, right, right, right, right.

21 THE WITNESS: I misunderstood, and
22 that's what this would reflect.

23 Give me a second. I do want to use a
24 marker here, just as we are going through the
25 drawings.

1 So to your point, I will just draw
2 quickly what is what. So we have two retail spaces,
3 which are here and here. Those both will be wet
4 flood proofed. It will --

5 CHAIRMAN HOLTZMAN: They will be dry
6 flood proofed.

7 THE WITNESS: -- pardon me -- dry flood
8 proofed --

9 (Laughter)

10 -- using the flood panel system, so no
11 water will be permitted to enter those two spaces.

12 The parking as well as the means of
13 egress and lobbies will have flood venting, so water
14 will be allowed to enter and recede.

15 Similar plan, landscaping topography.
16 I have described how we will have four separate rear
17 yards. They will be a mixture of hard scape and
18 soft. In all cases the hard scape, for lack of a
19 better term, will be permeable, so we have the
20 detail showing that in this case, these are all
21 permeable.

22 We are proposing small planters at
23 these two locations, three locations on the front
24 facade. Those will need City Council approval.
25 One, two, three, four street trees that will need

1 Shade Tree Commission approval as well.

2 MR. ROBERTS: The permeable -- the rear
3 yard, is there anything underneath there for storage
4 or it just permeates down into the ground?

5 THE WITNESS: It permeates down into
6 it, yes.

7 MR. ROBERTS: To whatever's in there?

8 THE WITNESS: Yes.

9 MR. MATULE: Frank, could you just go
10 back to Z-4, just relevant to that question, you are
11 showing drains in the rear yard that go into the
12 detention system?

13 THE WITNESS: Yeah. So I guess --
14 pardon me. Your specific question was does this
15 drain into the tank. Yes, it does.

16 MR. ROBERTS: Okay.

17 THE WITNESS: It's not -- we have the
18 thought, and this has worked in past projects that
19 up to a certain point these drains will allow water
20 to go into the tank system. This water will not
21 enter the soil as quickly as it would elsewhere,
22 so --

23 MR. ROBERTS: Right. Urban
24 compacted --

25 THE WITNESS: Exactly.

1 Landscaped topography, that we have
2 just quickly discussed. We got the street planters.
3 We need approval by the City Council.

4 Up to the floor plans, and I went
5 through this quickly, but here is our first floor
6 above grade, and here is our second floor.

7 So these two X's are one duplex unit.
8 These two are another. They are both served by this
9 vertical circulation floor. So on floors one and
10 two, you have one unit, two units, three units, and
11 four units.

12 When you get to floors three and four,
13 it's the same thing. Above those at the two upper
14 floors with the exception of the top floor, we'll
15 call it floor number four, has a recess or, in other
16 words, the building is ten feet less than the
17 building below at 50 feet in depth, and that roof
18 area we are proposing to be outdoor space. Four of
19 them, one to be used by each of the duplexes.

20 On floors two and three only, we are
21 proposing small ten foot by six foot balconies,
22 large enough for two chairs perhaps to be used by
23 those units. It is not on the first floor, and
24 these are not proposed beyond the fifth floor,
25 you got this outdoor space.

1 To our roof plan, Sheet Z-7, again,
2 outdoor space, one, two, three, four. We meet the
3 newer roof requirements for this, so we got outdoor
4 space here, 250 square feet serving the unit below,
5 250 square feet, 250 square feet, and again, these
6 are all serving the units directly below them.

7 The majority of the remaining area is
8 to be an extensive green roof system, not walkable,
9 not usable as outdoor space. It will act as a water
10 retention system.

11 The remaining portions of the roof will
12 have our AC condensers here and here.

13 We have screened these decks especially
14 to the front, but in all cases we screened around
15 with the planters. Here is a section of the
16 planter. There is two of them. There's a low one
17 and a taller one. The thought there is that the
18 people in the buildings across the street won't be
19 impacted by anyone using this roof, so we think we
20 have been able to screen it enough, so there won't
21 be any visual negative.

22 Building elevations, so I think at this
23 point I will use the rendering, which is A-1, the
24 front facade. Again, as I mentioned, the thought
25 here was to have a hybrid of a townhome system, a

1 townhome design, as well as a multi-family design.
2 So in terms of the esthetics, we have broken up the
3 building into four related but different structures
4 in terms, again, of visual -- of what you see from
5 the street.

6 Here are the one, two, three, four
7 entries. So, again, we are tying this into what
8 could be thought of as a more common, although this
9 is not common, of course, it is a contemporary
10 design, but in terms of its use, stoops that Hoboken
11 would have had in long ago days.

12 What we don't have here, and you would
13 normally would see on a townhome design is four
14 separate garages. We thought that didn't make much
15 sense given you then need one very long curb cut and
16 taking cars off the public parking on the street.

17 We got one entry and exit in the center
18 of the building and it allows for a much more
19 efficient design within that space, in this case, 16
20 parking spaces.

21 So we have used materials that are very
22 much these days commonly used in Hoboken, and
23 particularly used in a bit more esthetically
24 pleasing way, so we got a combination of bricks in
25 four different brick colors, slightly different from

1 each other, but they're different, as well as in
2 this case two different metal panels, so the thought
3 was to have each of these buildings to have some
4 individual identity, but yet still read as a related
5 structure. There's no way around that. We didn't
6 want any way around that.

7 Height: We meet the height
8 requirements. We are showing here the stair
9 bulkheads, as well as the required elevator bulkhead
10 and roof access bulkheads.

11 The variances, I will go through that
12 quickly. We are asking for a 3.2 percent lot
13 coverage roof variance on floors two and three for
14 those, I think, where those small balconies are that
15 are ten by six. So the areas of these four
16 balconies equate to an additional 3.2 percent of lot
17 coverage.

18 We are also asking for a variance for
19 the use and the construction of two retail spaces at
20 this ground floor.

21 MR. GALVIN: Dave, they are asking for
22 a variance for that?

23 THE WITNESS: Yes.

24 MR. ROBERTS: Well, it was called out
25 because there is not another separate retail space

1 on the block. There was a commercial space already
2 on the property. So effectively, they are looking
3 to replace that with the retail, so they are calling
4 it out as a variance.

5 MR. MATULE: 196-33 has three
6 conditions. It has to have a separate entrance. It
7 can't be more than a thousand square feet of
8 customer service area, and there has to be two other
9 existing retail on the same block frontage.

10 MR. GALVIN: But if it's a D-3, this is
11 not the right Board.

12 MR. MATULE: It's not a conditional
13 use. It traditionally has been treated as a C
14 variance in Hoboken because it is not under the
15 conditional uses.

16 MR. ROBERTS: If it was a restaurant,
17 it would be a condition, as straight retail, as long
18 as it is not a restaurant, as long as long as it's
19 straight retail, then they have to meet the same
20 three conditions.

21 MR. GALVIN: Okay.

22 MR. MATULE: So it's a just C-2 --

23 MR. ROBERTS: It's listed as a
24 permitted use subject to those three conditions.

25 MR. GALVIN: Because it is not in the

1 conditional use section.

2 MR. ROBERTS: Because it's not in a
3 conditional use section, right.

4 THE WITNESS: Okay.

5 COMMISSIONER DOYLE: Once you get the
6 two in there, then it is open for the rest of the
7 block?

8 MR. MATULE: Yes.

9 MR. ROBERTS: Yes.

10 MR. MATULE: As a matter of fact, one
11 of the other applications that we have -- no, it is
12 not on this same street frontage.

13 MR. GALVIN: You said something --

14 CHAIRMAN HOLTZMAN: Hang on. One at a
15 time.

16 MR. GALVIN: -- I just want to say the
17 point said something that needs to be fixed. If we
18 think these conditions are important enough to have,
19 the ordinance is broken because they had these
20 conditions in the wrong place. It needs to get
21 moved into the conditional use section of the
22 ordinance, and then if they can't comply, then they
23 would need a D-3 from the Zoning Board. Just a
24 couple things like that in there --

25 MR. MATULE: Yes. I mean, the way the

1 ordinance is written under principal permitted uses,
2 retail in compliance with Section 196-33, that is
3 the way it is called out in the ordinance, so it is
4 a principal permitted use, if you meet these three
5 conditions. I agree it should be --

6 MR. GALVIN: Which in the MLUL, if you
7 are a conditional use and you comply, you are a
8 permitted use. But if you don't comply, then you
9 need a D-variance. I would just suggest -- I'm just
10 throwing it out for anybody who is listening --

11 MR. MATULE: Put it on your list,
12 Councilman.

13 (Laughter)

14 MR. GALVIN: We need another round to
15 fix it.

16 MR. MATULE: Okay, Frank --

17 THE WITNESS: A couple more things.

18 In terms of green and sustainable
19 elements, I have a list, and I will go through them.
20 As I mentioned before, we have an extensive green
21 roof from part of this area back.

22 We got, as I mentioned again, a water
23 retention system. All of the insulation will be
24 closed cell type.

25 We are proposing Energy Star windows

1 and Energy Star appliances..

2 The lighting will be LED.

3 We got car charging stations shown, as
4 well as bicycle storage.

5 CHAIRMAN HOLTZMAN: And on the
6 retention system, we asked for calculations on that.

7 THE WITNESS: We don't have
8 calculations. I will tell you that we will meet the
9 NHTSA requirements.

10 MR. MATULE: At least.

11 THE WITNESS: At least, yes, pardon me.

12 COMMISSIONER DOYLE: The calculations
13 of the volume of --

14 THE REPORTER: I can't hear you, Mr.
15 Doyle.

16 COMMISSIONER DOYLE: I'm sorry. I was
17 writing down my note, your calculations of the
18 volume for the detention system, is that --

19 CHAIRMAN HOLTZMAN: Yes.

20 MR. ROBERTS: Yes, in lieu of the
21 stormwater management plan, which they asked
22 deferred. We usually ask for them to just ensure
23 that in the case of -- in this case it's not a very
24 large deviation, it's three percent, but it's still
25 deviation of coverage. We try to get a little bit

1 more than the minimum, which I know you are familiar
2 with.

3 THE WITNESS: Yes.

4 MR. ROBERTS: So we can get the
5 calculations from the basements in the garage and
6 compare it to the minimum --

7 THE WITNESS: I think we certainly can
8 do that, and I think I would have to speak to the
9 applicant. But if you give me a second, I could
10 hopefully have it larger.

11 CHAIRMAN HOLTZMAN: Why don't you save
12 that for a minute. We might have other things to
13 add to the list.

14 THE WITNESS: Yes, of course.

15 So I just described the green elements.
16 The building is going to be a concrete structure, as
17 safe as obviously as it can be.

18 There will be ADA compliance. We are
19 proposing new sidewalks and curbs, as well as street
20 trees. That is a quick conclusion.

21 We are proposing we think a less
22 intense use than can be proposed here based on the
23 current zoning ordinance. We can have 18
24 residential units. We are proposing -- granted
25 they're large, but the intent is to be less, so we

1 are proposing eight residential units, where 18 are
2 permitted, as well as a reduction in floor area of
3 that fifth floor.

4 So what we have done, we have taken
5 1250 square foot off of that fifth floor allowing,
6 we think, a bit more light to enter the hole in the
7 donut itself.

8 We have broken up the facade to have it
9 read not as one giant building, perhaps if you
10 agree, but we think so, four separate buildings, and
11 as far as its location, we think this project, as I
12 am describing it, is perfectly suitable for this
13 location.

14 MR. MATULE: Frank, if I might, just
15 for the record, you received the Maser reports?

16 THE WITNESS: Yes.

17 MR. MATULE: And you have no issues
18 addressing any of that?

19 THE WITNESS: No. We will address
20 everything to be granted approval, of course.

21 MR. MATULE: Okay.

22 CHAIRMAN HOLTZMAN: Are there any other
23 elements of the application or testimony or Franks'
24 going to--

25 MR. MATULE: Just my planning

1 testimony.

2 CHAIRMAN HOLTZMAN: Okay.

3 MR. ROBERTS: I am sorry, Mr. Chairman.
4 I think we had talked at the SSP meeting about -- I
5 think Andy brought up, even though we don't have the
6 traffic report, that there would be some testimony
7 about the trips?

8 I know you said there was a -- there
9 was more units proposed in front of the Zoning
10 Board, and you reduced the number of units.

11 Do you have anything to offer in terms
12 of trip generation and things like that?

13 MR. GALVIN: I just wanted to point
14 out, Mr. Minervini is an architect.

15 MR. ROBERTS: Yes.

16 MR. GALVIN: It's not right for him to
17 be giving this --

18 MR. ROBERTS: No. I was really asking
19 Bob if he's got --

20 MR. MATULE: No. We don't have a
21 formal traffic report because I think when we were
22 at the Review Committee Meeting, because it was less
23 than ten units, we didn't think it was necessary to
24 generate it.

25 I guess the only thing I can point out

1 is Frank's testimony was that we could put I think
2 15 units or 18 units there, which would have a
3 parking requirement of a minimum, a requirement of a
4 thirteen, plus the commercial.

5 So I guess the point we are trying to
6 make is that based on the reduced density, obviously
7 there is going to be traffic generated by the people
8 living in the building, but relative to what the
9 ordinance would allow there, it is going to be
10 substantially less.

11 I mean, I don't think Frank will
12 testify as to the traffic.

13 MR. GALVIN: You are offering it as
14 logic?

15 CHAIRMAN HOLTZMAN: There was a
16 question specifically, Dave, that was brought up
17 about the tandem parking.

18 You said you were going to sort of deal
19 with, and that that parking would be assigned or
20 purchased or rented to one unit to avoid the tandem
21 car juggling nonsense.

22 THE WITNESS: That is the intention,
23 and that is certainly what we will do.

24 CHAIRMAN HOLTZMAN: That is what I
25 remember we kind of concluded on it.

1 I did have a question about -- was
2 there a generator, backup generator elements on the
3 roof?

4 THE WITNESS: I may have forgotten
5 that. It is not there, I will presume now that it
6 will be there.

7 MR. MATULE: Go to the roof plans. You
8 show something big and square up there, and that is
9 not labeled.

10 THE WITNESS: If it is big and square,
11 it is a generator.

12 CHAIRMAN HOLTZMAN: Because we always
13 to make sure that it is not, you know, taking up
14 additional height on top of bulkheads and the proper
15 surround system to dampen the noise as well. I
16 think that is a Class 2 --

17 THE WITNESS: Level 2, yes.

18 CHAIRMAN HOLTZMAN: -- and 60 db or
19 something, 65 db that --

20 THE WITNESS: Yes.

21 (Counsel confers with witness)

22 MR. ROBERTS: If I remember, Mr.
23 Chairman, at the SSP, we asked that question, and
24 they weren't sure.

25 CHAIRMAN HOLTZMAN: They weren't sure.

1 That's why I think there's still a question mark on
2 my notes.

3 THE WITNESS: It is no longer a
4 question mark. If we are to be approved, I will
5 revise the drawings and we will show it somewhere in
6 the center. Actually I think in the center between
7 two bulkheads would be a perfect spot. It would
8 help attenuate sound as well as the Type 2 sound
9 attenuation cover.

10 CHAIRMAN HOLTZMAN: Okay. So we will
11 put that as a condition that we need to make sure
12 that it gets dialed in.

13 MR. GALVIN: Got it.

14 COMMISSIONER FORBES: I have a couple
15 of questions.

16 CHAIRMAN HOLTZMAN: Director?

17 COMMISSIONER FORBES: Thank you.

18 I got a couple of questions.

19 Are there -- you mentioned planters
20 that would be in the right-of-way that you have to
21 get approval for.

22 Are there other encroachments that will
23 be --

24 THE WITNESS: Yes. Four bays. Four
25 bays would need approval by the City Council as

1 well.

2 CHAIRMAN HOLTZMAN: So the building is
3 at the front of the property line?

4 THE WITNESS: Correct. The majority of
5 the building, except for the four bays, there was a
6 comment that we were missing an accurate --

7 MR. ROBERTS: Showing the --

8 THE WITNESS: -- yes, I do have that
9 with me tonight --

10 CHAIRMAN HOLTZMAN: So to follow up on
11 Director Forbes' question, if you are at the front
12 property line, you got the four sets of staircases,
13 and you showed us that there was some inset of the
14 staircase, but there is obviously approximately five
15 feet.

16 Can we get an answer on that? If it is
17 five or if it's more than five, if it's 45, how many
18 feet were coming into the right-of-way?

19 COMMISSIONER FORBES: And what else is
20 along the --

21 THE WITNESS: It is five foot six.

22 COMMISSIONER FORBES: And what else is
23 along that roadway?

24 I mean, there are a lot of issues that
25 come up. When the City Council has these

1 applications before them, there are so many issues
2 that come up that they have to review, and when
3 there is already an approval by a Board, if they
4 deny, that is a significant change to your
5 application in having, you know, stairways and
6 planters and, you know, bay windows, you know, that
7 is additional living space that is in the public
8 right-of-way.

9 I get that is above ground, but it is
10 additional living space that you are using the
11 public right-of-way for, so these are serious issues
12 that come before the City Council. They are not
13 hearing all of this testimony, but yet they are just
14 being asked to just approve these things after the
15 fact, and it is just a major concern, that this is,
16 you know, and this is the use of the public
17 right-of-way for things that are absolutely
18 necessary.

19 CHAIRMAN HOLTZMAN: Right.

20 So in taking that a step further, this
21 Board is going to render or not render a decision on
22 this. And if we are to approve it, then we have to
23 kick it upstairs, and the Council has to say yes or
24 no, at which point it is really great to try to
25 balance the scales, that if we are transgressing

1 into the public right-of-way with planters, which
2 are certainly a nice benefit, and staircases, which
3 are only halfway into the right-of-way, I am sure
4 that our City Council would be evaluating this on
5 what the trade-offs are in terms of perhaps any
6 additional public benefits.

7 Perhaps that is -- that scale is
8 balanced in the form of a substantially oversized
9 from the minimum requirement of our sewage
10 authority. Perhaps that is some substantial
11 improvement in the neighborhood of street trees or
12 some other thing that you and your property owner
13 and developer could suggest --

14 THE WITNESS: Understood.

15 CHAIRMAN HOLTZMAN: -- to try to
16 balance the scale for everybody.

17 THE WITNESS: Couple things to clarify,
18 though.

19 The zoning ordinance allows with City
20 Council approval, bay projections. We are not just
21 making these up and throwing them on the front of
22 the building. These are permitted by the zoning
23 ordinance with City Council approval.

24 COMMISSIONER FORBES: Right. It's City
25 Council approval.

1 I don't see anybody who comes before
2 this Board have to go to the City Council and
3 explain to them what they're applying for and why
4 they are asking to use the city's public
5 right-of-way.

6 I end up having to go and have that
7 conversation with the City Council, and I think that
8 what needs to be understood in these applications is
9 that you are using the city's public right-of-way
10 for private use.

11 I understand that it is above ground,
12 but it's using the city's public right-of-way. So
13 just saying that it allows for, that's one thing.
14 It doesn't just outright permit it. You have to get
15 that permission from the City Council.

16 THE WITNESS: Yes. In the past, we
17 have not been at this Board as much as the Zoning
18 Board, at the Zoning Board, we were required to add
19 notes saying that this bay would be approved only
20 with the City Council approval, and it would be the
21 conditions that would be within the resolution.

22 MR. GALVIN: In this instance, though,
23 you are offering us a specific -- here is my
24 problem. You are offering us an architectural plan
25 with bays and with landscaping, so I don't see how

1 you have an approval if the City Council said no to
2 the right-of-way encroachment.

3 My perception is for the entire time
4 that I am here, you guys propose, my Boards approve
5 it. If the Council says yes to it, it's not a
6 problem.

7 So if the city doesn't want to approve
8 those, and they turn one down, or they turn some of
9 them down, I think you have to come back to us for
10 an amended plan.

11 THE WITNESS: Understood.

12 MR. GALVIN: That's my opinion.

13 MR. MATULE: As a matter of fact --

14 MR. GALVIN: But you've never been here
15 because you haven't been denied.

16 THE WITNESS: I agree with that.

17 MR. MATULE: -- as a matter of fact,
18 there was a very specific example of that, I believe
19 on 7th Street where --

20 COMMISSIONER DOYLE: 8th Street.

21 MR. MATULE: -- 8th Street, where it
22 was turned down. And as a result, the underlying
23 zoning approvals were withdrawn and the project had
24 to get redesigned.

25 CHAIRMAN HOLTZMAN: I don't want to

1 speak for everybody, but I will speak for myself I
2 guess. I think that a lot of these changes, bays,
3 bumpouts, and things like that are beneficial to the
4 appearance of the building, that it is not a plain
5 fronted building. So I think that there is a good
6 reason to have some of these things as well, but I
7 think you need to certainly take Director Forbes'
8 comments to heart and make sure that the scale is
9 balanced. And maybe, I don't know if there is any
10 assistance that your office, when these things or
11 anybody else's office can provide to her because she
12 needs to do a substantial amount of work to be able
13 to prepare for the City Council and that hearing and
14 the proposal that goes to them, so I think we just
15 need to do a better job of acknowledging it and
16 balancing the scale.

17 THE WITNESS: And to that point, I
18 would suggest that why not allow the architect for
19 the project to have a small presentation to help you
20 with it?

21 COMMISSIONER FORBES: We do allow that.
22 It is a resolution, and any applicant or the
23 architect or an applicant can come. The issue is
24 they don't, and so the questions come to me.

25 I am not defending an application. I

1 am only seeing what I can read on it that is
2 different, and therein, if there is no understanding
3 of why are you putting planters, why do there need
4 to be stoops when there are, you know, so many other
5 entrances to this building, those are the questions
6 that are going to come up at those Council meetings,
7 and with bay windows, it is using the public
8 right-of-way for the actual living space.

9 CHAIRMAN HOLTZMAN: So, Mr. Matule, is
10 it fair to say that you will make sure that Mr.
11 Minervini and any assets that Director Forbes needs
12 will be made available for her at the City Council
13 meeting?

14 THE WITNESS: Yes, of course.

15 MR. MATULE: Yes. We will be happy to
16 work with Director Forbes. If we can get a heads-up
17 of when something like that is going to be before
18 the Council, we will be happy to appear and be there
19 to present it to them.

20 COMMISSIONER FORBES: That will be the
21 applicant submits that application for the City
22 Council's license agreement.

23 MR. MATULE: Yes. We will have to work
24 on integrating that process.

25 CHAIRMAN HOLTZMAN: And the parts that

1 are relevant to that discussion, not the whole
2 story.

3 MR. MATULE: Right.

4 I will just point out, though, that
5 just -- and it is all interrelated, that we also
6 have the separate streets and sidewalk ordinance
7 that carves out exceptions for stoops and for bay
8 projections and for fence lines and encourages these
9 things, and we have a master plan that also
10 encourages these things --

11 CHAIRMAN HOLTZMAN: That's right.

12 MR. MATULE: -- so I don't even think
13 it has to be taken in its totality, so we will be
14 happy to make that presentation.

15 COMMISSIONER DOYLE: I can say that
16 what the Council looks to is often what is there now
17 and what is being proposed in the future, and
18 whether there is an expansion.

19 So here you don't have a building right
20 up to the lot line, and this is not an instance
21 where you are making the situation worse by doing a
22 hundred percent lot coverage per floor, but at the
23 same time I could hear somebody saying you have a
24 3300 square foot apartment.

25 If you lost two feet in the front, so

1 that you could have a projection, but not projecting
2 out over the city right-of-way, that gets you to,
3 you know, you do the math.

4 So, but clearly you are correct, that
5 stoops are encouraged. You know, it is good for the
6 neighborhood, et cetera, so I can't crystal ball,
7 you know, how this will be perceived, but that is
8 your call.

9 THE WITNESS: Yeah. And the stoops
10 specifically don't have to be on this project.

11 Our thought was it is something that
12 the city, certainly in terms of the master plan
13 wants. Stoops are here to help make it appear and
14 be used more as a townhome.

15 CHAIRMAN HOLTZMAN: And you are
16 splitting them, the piers at approximately half in
17 the building and half outside the building.

18 THE WITNESS: Exactly, with the same
19 thought that we wouldn't be going too far into the
20 sidewalk, because it would match what the more
21 typical stoop would be.

22 CHAIRMAN HOLTZMAN: Sure.

23 Rami?

24 COMMISSIONER PINCHEVSKY: Because the
25 stoop and the bay windows are approved by the City

1 Council, is it something that we can even, as the
2 Planning Board, can take into consideration when we
3 make our decision, meaning we don't give authority
4 on the stoop, so whether or not it goes into the
5 public -- yes?

6 MR. GALVIN: I want to try to help.

7 I think, and again, I think this has
8 happened. Mr. Minervini draws very interesting
9 plans that the Board finds attractive and the bay
10 windows are an essential part of that in breaking up
11 the front.

12 But if you didn't like the plan, and
13 you didn't want to grant that in the first instance,
14 and you said no, then they would have to change the
15 plan and back the building up.

16 They could still have the bay window on
17 their property, and they would lose five feet of --

18 COMMISSIONER RAMI: But if you didn't
19 like the plan solely for the reason that it went
20 into the public right-of-way, is that really our
21 responsibility as a Planning Board to make that
22 determination --

23 MR. GALVIN: Yes.

24 COMMISSIONER PINCHEVSKY: -- or is
25 that -- because understanding -- excuse me -- was

1 that it's the City Council's approval, so why are we
2 even discussing that then?

3 MR. GALVIN: If you said no in the
4 first instance, it is never going to go there.

5 CHAIRMAN HOLTZMAN: It doesn't ever go
6 there.

7 MR. GALVIN: When you say yes, then
8 it's an option for the Council.

9 COMMISSIONER PINCHEVSKY: Okay,
10 understood.

11 MR. GALVIN: If the Council says no,
12 then it's got to come back to us.

13 COMMISSIONER PINCHEVSKY: Okay,
14 understood.

15 MR. GALVIN: What Ms. Forbes is
16 explaining is we are putting the Council under a lot
17 of pressure once we say yes --

18 COMMISSIONER PINCHEVSKY: Yeah. I
19 think that was mentioned actually the last meeting
20 or two meetings ago --

21 CHAIRMAN HOLTZMAN: It was, yes --

22 COMMISSIONER PINCHEVSKY: -- so I mean,
23 this is something we're seeing repeatedly.

24 MR. GALVIN: Is it an innovative
25 alternative that we want to support and keep doing,

1 or is it a technique that we don't agree with that
2 we want to stop doing.

3 COMMISSIONER PINCHEVSKY: Understood.

4 May I follow up with two questions?

5 CHAIRMAN HOLTZMAN: Sure.

6 COMMISSIONER PINCHEVSKY: One with the
7 stoop, you said it was I think five and a half feet
8 or six and a half feet?

9 THE WITNESS: Yes.

10 COMMISSIONER PINCHEVSKY: Into the
11 right -- into the sidewalk --

12 THE WITNESS: Sidewalk.

13 CHAIRMAN HOLTZMAN: You said five feet
14 six inches.

15 THE WITNESS: I can give you the exact
16 measurement. Pardon me. It's five feet six
17 inches --

18 COMMISSIONER PINCHEVSKY: And how wide
19 is the side -- what is the remaining portion of the
20 sidewalk then from the street to the curb?

21 THE WITNESS: I believe it is a 12 foot
22 sidewalk.

23 One second. Hold on a second. I will
24 do it the easy way. I will get my scale.

25 It is obviously a north-south street,

1 so they have the greater sidewalks.

2 Here you go. It is a 16 foot sidewalk.

3 MR. GALVIN: He's going to tell you in
4 a second.

5 COMMISSIONER PINCHEVSKY: It's a 16
6 foot sidewalk --

7 COMMISSIONER DOYLE: That's a total of
8 11 feet --

9 COMMISSIONER PINCHEVSKY: So --

10 THE WITNESS: Yes --

11 CHAIRMAN HOLTZMAN: One at a time,
12 please.

13 COMMISSIONER PINCHEVSKY: -- 16 feet
14 less -- less five and a half, so we are down to ten
15 and a half feet.

16 THE WITNESS: Yes.

17 COMMISSIONER PINCHEVSKY: Okay.

18 And then I don't think there was
19 anything in the pictures, but I have not walked
20 there recently, so I can't recall from memory, but
21 is there anything currently along the sidewalk, such
22 as trees or any other obstacles that would narrow --
23 like what would be the narrowest width of the
24 sidewalk?

25 THE WITNESS: I think you can see it is

1 a relatively bare street. There are no street trees
2 except for -- with the exception of it looks like
3 two on the perhaps northern corner, and I will show
4 it to everybody.

5 VICE CHAIR MAGALETTA: And the fire
6 hydrant.

7 THE WITNESS: And the fire hydrant,
8 yes, thank you.

9 (Laughter)

10 THE WITNESS: We are proposing, of
11 course, street trees.

12 MR. GALVIN: But you are going to put
13 street trees in when you're done, right?

14 THE WITNESS: We are proposing street
15 trees, but there are stoops. There are -- there is
16 one stoop at -- I have one at 107 Monroe --

17 COMMISSIONER DOYLE: 107 Monroe

18 CHAIRMAN HOLTZMAN: Really? You're
19 going to go there, Frank?

20 THE WITNESS: Pardon me?

21 CHAIRMAN HOLTZMAN: Go ahead. Sorry.

22 (Laughter)

23 THE WITNESS: As well as one -- two
24 stoops as we go further towards the north.

25 CHAIRMAN HOLTZMAN: Mr. Magaletta

1 brings up an interesting point, which is the fire
2 hydrant that he just noticed in the middle of the
3 block.

4 Does that get moved, or is that a work
5 around or --

6 THE WITNESS: No. It can stay in its
7 location. Its location doesn't --

8 VICE CHAIR MAGALETTA: It won't affect
9 the driveway --

10 THE WITNESS: -- we're more towards the
11 center --

12 MR. MATULE: It is actually called out
13 on Sheet Z-3. They show striping in front of it.

14 THE WITNESS: Yes.

15 MR. GALVIN: And neighborhood dogs are
16 relieved.

17 (Laughter)

18 CHAIRMAN HOLTZMAN: Commissioner
19 Graham?

20 (Everyone talking at once.)

21 CHAIRMAN HOLTZMAN: Shush.

22 Commissioner Graham?

23 COMMISSIONER GRAHAM: How far out do
24 the bay windows --

25 CHAIRMAN HOLTZMAN: Hang on.

1 COMMISSIONER GRAHAM: -- project?

2 THE WITNESS: Two feet.

3 COMMISSIONER GRAHAM: Two feet.

4 And refresh my memory, what was
5 approved at the lot next to it before 107?

6 THE WITNESS: I don't know. I wasn't
7 the architect.

8 COMMISSIONER GRAHAM: Don't we know?

9 CHAIRMAN HOLTZMAN: They project out
10 two feet at what height?

11 COMMISSIONER GRAHAM: We don't know
12 what is right next door --

13 THE WITNESS: I'm sorry.

14 CHAIRMAN HOLTZMAN: You just said to
15 Ann's question that the bays project out two feet.

16 THE WITNESS: Yes.

17 CHAIRMAN HOLTZMAN: But at what height
18 do the bays start, so we can just sort of take both
19 of those, yeah.

20 THE WITNESS: Understood.

21 I will go to the front elevation. So
22 we got a ten foot -- a nine foot floor height
23 between grade and the floor of the first residential
24 floor. The structure is twelve inches, so the bay
25 would be --

1 MR. MATULE: We have a resolution.

2 Maybe it will say it --

3 THE WITNESS: -- eight feet.

4 CHAIRMAN HOLTZMAN: Okay. So it is
5 not -- the bay does not block you from walking on
6 that portion of the sidewalk or the entrance. It is
7 not like we have seen sometimes bays that come all
8 the way down to two feet off the ground. That's not
9 the scenario we're talking about here.

10 THE WITNESS: No.

11 COMMISSIONER GRAHAM: Well, it would
12 affect the sight lines along the street, right?

13 CHAIRMAN HOLTZMAN: It projects out two
14 feet is what he said.

15 COMMISSIONER GRAHAM: So nobody knows
16 what was approved next door?

17 MR. GALVIN: Well, wait a minute. Hold
18 on.

19 Mr Matule might. He's got the
20 resolution.

21 MR. MATULE: What I was just suggesting
22 is that I think you just passed the resolution
23 tonight for 109-111, we might take a look at that
24 and see if it has any --

25 MR. GALVIN: I am not sure it is right.

1 I am kidding.

2 (Laughter)

3 COMMISSIONER FORBES: The applicant did
4 agree to plant an additional six street trees along
5 that 100 block in consultation with the Shade Tree
6 Commission. They did have bay windows. I believe
7 that was part of that conversation.

8 CHAIRMAN HOLTZMAN: That is right.
9 That was in addition to the trees in front of their
10 building.

11 So if we are thinking that maybe that
12 is an idea for you guys as a balanced equation, we
13 might need to find a new place other than this
14 block, but that's -- yeah --

15 THE WITNESS: But to Commissioner
16 Graham's point or question or comments about
17 creating sight lines, I think if we really think
18 about the new buildings that are being built and
19 almost every one has a carved-in bay projection, and
20 they don't, in my opinion, affect sight lines at all
21 in any way.

22 The reason for them in this particular
23 case is there is additional square footage, which
24 frankly we don't need and understood, but
25 architecture, it allows us then to not have a flat

1 facade, and I think that is the weakness of many of
2 the new buildings that were built in the '90s and
3 early 2000s, certainly before we were here. Those
4 buildings just aren't very attractive, and it allows
5 an in and an out.

6 So our thought was we would provide
7 that within what the zoning ordinance allows in
8 terms of bay window projections. But if this Board
9 were to tell us to, based on your comments, to
10 remove it to twelve inches or -- that will still be
11 enough for us to achieve the architectural design,
12 if you want.

13 COMMISSIONER PINCHEVSKY: So you --

14 CHAIRMAN HOLTZMAN: Commissioner
15 Pinchevsky?

16 COMMISSIONER PINCHEVSKY: I just want
17 to follow up on that --

18 CHAIRMAN HOLTZMAN: Caleb, go ahead.

19 COMMISSIONER PINCHEVSKY: Sorry.

20 COMMISSIONER STRATTON: So you
21 mentioned the articulation of the facade in and out.

22 Is there a facade line where the
23 building actually goes in from the right-of-way, so
24 if there is a bay window that extends in one foot --

25 THE WITNESS: No. The majority of the

1 facade is at zero lot line, where it is required to
2 be. The ins and outs are achieved by material
3 changes, but in more cases, the bay, which is here,
4 we have also kept that bay line with brick coming
5 up, so in this case it is not actual living space,
6 and we're talking about the additional living space
7 actually granted.

8 Our bays don't extend all four floors.
9 They actually only extend two, and this is open
10 area. We are trying again to have that articulation
11 as you mentioned. So the bays, one, two, three,
12 four of them are only on two floors.

13 We still need the same approval with
14 City Council, and still have to go through that same
15 process as Commissioner Forbes had mentioned, but it
16 is not to get more square footage.

17 CHAIRMAN HOLTZMAN: Commissioner
18 Graham, did you want to follow up on that?

19 COMMISSIONER GRAHAM: No, no. I'm
20 fine.

21 CHAIRMAN HOLTZMAN: Okay.

22 COMMISSIONER DOYLE: Mr. Chairman?

23 CHAIRMAN HOLTZMAN: Councilman?

24 COMMISSIONER DOYLE: Yes.

25 I had a question about the deck in the

1 back, the rear on the top floor.

2 THE WITNESS: Yes.

3 COMMISSIONER DOYLE: Just can you help
4 me with why -- you know, I was under the impression
5 when I was reading it backwards that that was in the
6 front, and it's in an effort to soften the height
7 from the street. But when I realized, you know, you
8 got a roof deck that is 250 square feet, and then
9 you have this rear deck overlooking, I mean, what is
10 the benefit?

11 THE WITNESS: It is not an effort to
12 reduce the height because we are not asking for a
13 height variance. We are within the permitted
14 height, so there was no need as we saw to set that
15 top floor back on the front. Actually I think it is
16 more of a negative than a positive in terms of
17 street scape and design.

18 We put it on the back specifically
19 because -- and the applicant has built larger units,
20 and what people who are proposing larger units want
21 is outdoor space directly accessed off -- from their
22 apartments.

23 So in this case we were willing to give
24 up living space because all of this could be living
25 space, so we gave up living space for outdoor space.

1 So although it may initially appear like we are
2 asking for extra outdoor space, we're actually
3 asking for less living space.

4 COMMISSIONER DOYLE: Switching it out.

5 And then so the follow-up is: With the
6 amount of outdoor space that you have in the 1250
7 square foot yard, plus the roof deck, plus the back
8 deck, it seems to me, and with 3300 square feet,
9 which is bigger than many suburban homes frankly,
10 this six by ten deck protruding and necessitating
11 this variance seems to be a little bit much.

12 THE WITNESS: Understood. I will --

13 UNIDENTIFIED VOICE: Frank, the yard --

14 CHAIRMAN HOLTZMAN: We can't have this.
15 You guys can go have a conversation. We can't take
16 testimony from the field.

17 COMMISSIONER DOYLE: It was just a
18 thought, I mean.

19 CHAIRMAN HOLTZMAN: Okay. Any other
20 questions?

21 COMMISSIONER PINCHEVSKY: May I?

22 CHAIRMAN HOLTZMAN: Yes, go ahead.

23 COMMISSIONER PINCHEVSKY: Just to circle
24 back real quick to the stoop, it looks like one of
25 the trees you have on the plan is right in front of

1 the stoop, and I guess I would just encourage
2 placement of the trees not to be in line with the
3 stoop so as to narrow the passage way on the
4 sidewalk.

5 THE WITNESS: We can absolutely address
6 that.

7 COMMISSIONER PINCHEVSKY: And it looks
8 like the fire -- the fire hydrant won't be -- won't
9 have any impact as it is off from the other stoop
10 deck.

11 THE WITNESS: Yes, understood.

12 COMMISSIONER PINCHEVSKY: And then I
13 just wanted to touch on the parking.

14 I think Mr. Matule mentioned that had
15 the applicant gone with the maximum 18 units, then
16 they would have needed 13 spots, plus commercial. I
17 mean, I think was his wording just about ten minutes
18 ago.

19 My question is with regards to that
20 commercial comment. Is the commercial space using
21 any of the spots, or are there going to be
22 additional spots for the commercial use?

23 THE WITNESS: No. It's certainly
24 counted as -- obviously, you know, we have an
25 abundance of parking, where we got eight residential

1 units, we got double the parking spaces. So these
2 four and these four will certainly go to residential
3 spaces.

4 We can, if this Board wants, have us
5 apply the use of several of these to the commercial
6 spaces. But given the size of these retail spaces,
7 our thought is it will be more of a neighborhood
8 serving space that won't need parking, that people
9 really won't be driving to get there, and that's
10 very common.

11 COMMISSIONER PINCHEVSKY: I agree with
12 what you just said. It just caught me a little off
13 guard with what Mr. Matule said, but I think that
14 was a hypothetical situation that he was
15 explaining --

16 THE WITNESS: Yes.

17 COMMISSIONER PINCHEVSKY: -- so in
18 regards to allotting of the parking spots, just
19 maybe taking a step back, is this going to be
20 rentals or is this going to be condos?

21 (Counsel confers)

22 THE WITNESS: It will be condos.

23 MR. MATULE: It will be condominiums.

24 COMMISSIONER PINCHEVSKY: So then if it
25 is condos, I am assuming that the parking spots will

1 be deeded with the purchase of the condos --

2 THE WITNESS: Yes.

3 COMMISSIONER PINCHEVSKY: -- they will
4 not be rented out on a monthly basis --

5 MR. MATULE: That is a correct
6 assumption.

7 (Laughter)

8 COMMISSIONER PINCHEVSKY: Okay.

9 Assuming that is the case then, what
10 number of spots are going with the number of units?
11 I think -- are all eight spots going to be deeded
12 with the units --

13 THE WITNESS: Pardon me.

14 (Counsel confer)

15 COMMISSIONER PINCHEVSKY: -- I'm sorry,
16 16 spots.

17 THE WITNESS: And I can answer the
18 question because having worked with this applicant
19 before on specifically 715 Grand Street, where there
20 were more parking spaces than needed in terms of the
21 zoning ordinance, every unit got one. Where there
22 was extra, it was left to people who were purchasing
23 units, whether they wanted to buy it or not.

24 In these four cases, these two will
25 have to be sold to one specific unit.

1 The rest, we have four units. Of these
2 eight, four will be sold to each of the other units,
3 and if somebody wants an extra, there's room to
4 purchase it.

5 If somebody wants two, I think that
6 will have to be driven by and decided by what the
7 market tells us.

8 COMMISSIONER PINCHEVSKY: Okay.

9 So to just recap, the tandem -- there
10 are four tandem spots --

11 THE WITNESS: Correct.

12 COMMISSIONER PINCHEVSKY: -- and each
13 of those four tandem spots will be deeded to four
14 units?

15 THE WITNESS: Absolutely.

16 COMMISSIONER PINCHEVSKY: So eight
17 spots will be taken by four units, and then of the
18 other four units, at least one spot will be given,
19 leaving four additional spots remaining --

20 THE WITNESS: Exactly right.

21 COMMISSIONER PINCHEVSKY: -- okay.

22 So my concern, and the reason I bring
23 this up, and perhaps annoyingly so, is that I don't
24 want those spots to be rented out or sold to third
25 parties who don't live in the building. And then

1 people who live in the building decide to park off
2 on the street. It kinds of defeats the purpose, and
3 I, you know, I actually live in a building right now
4 where the parking spots are rental. Many people --
5 I don't have a car -- but many folks do not pay the
6 rental and instead they park on the street. So,
7 again, it defeats the purpose

8 And the big parking garage in my
9 specific example was one of the main selling points
10 to give access or permission to build the building,
11 so that's kind why I'm really zoning in on this, but
12 it sounds like you are at least willing to state
13 that 12 of the 16 spots are deeded for the eight
14 units.

15 THE WITNESS: And I think the applicant
16 would agree that we could also, if approved, the
17 resolution could say that none of these spaces could
18 be sold to people who don't live in the building.

19 CHAIRMAN HOLTZMAN: Director Forbes?

20 COMMISSIONER FORBES: Yes.

21 I had a question on Z-6, you had -- and
22 I might missed your explanation of this. But
23 between floors three and four, there seems to be
24 this internal stairwell --

25 THE WITNESS: Yes.

1 COMMISSIONER FORBES: -- but not
2 between floors one and two.

3 How do they access between those?

4 THE WITNESS: The same stairs will be
5 there. They didn't make it to the actual plotting.
6 It's just a drafting error, so --

7 COMMISSIONER FORBES: Okay. Can we
8 make sure that those are on the final plans?

9 THE WITNESS: Yes, for sure

10 CHAIRMAN HOLTZMAN: While we are on the
11 parking subject, I have an opinion on this well, and
12 it's not really a question, but I don't know if any
13 of the other Commissioners have or considered this.

14 We often run into this issue with our
15 retail space of being too small, and we know the
16 downside of our retail spaces being too small, that
17 then results in the same types of retail uses that
18 we all don't like.

19 So my thought when looking at this is,
20 gee, why don't we just draw a darn line across those
21 two sets of tandem parking spots, get rid of those
22 four spots, give them the amount of parking spots
23 that they actually really need for their building,
24 and let's recapture that space in the retail. And I
25 don't know what it adds, but it's probably at least

1 another three to 400 square feet.

2 THE WITNESS: That is something I could
3 certainly speak to the applicant about.

4 CHAIRMAN HOLTZMAN: It is an opinion of
5 mine. I'll throw it out to the Board

6 Any there other questions of Mr. Matule
7 or of the architect, and then we can open it up to
8 the public as well?

9 We can certainly circle back.

10 Mr. Peene?

11 COMMISSIONER PEENE: I just had one.

12 We had PSE&G. You may be aware of
13 this, we had PSE&G appear in a small meeting with
14 some Board members detailing to us what they would
15 do in a case of emergency on hookups and stuff.

16 And I noticed on the first floor that
17 you put your electrical, and you know, according to
18 what we heard from PSE&G, that's a good thing in
19 case of an emergency. It's easily accessed.

20 The gas, is the gas going to be in the
21 garage to the side of the --

22 THE WITNESS: When this was -- oh,
23 pardon me. I didn't mean to cut you off -- when
24 this was submitted, the thought process was, and I
25 had explained to this Board before, that the gas

1 meters were to be on the ground floor.

2 We will hopefully with an approval,
3 redesign it, so that this -- the gas meters will be
4 right there --

5 COMMISSIONER PEENE: On the other side.

6 THE WITNESS: -- at the front of the
7 building on the first residential floor above grade.

8 COMMISSIONER PEENE: Great. Thank you,
9 Frank.

10 CHAIRMAN HOLTZMAN: Okay. Thanks for
11 bringing that up.

12 MR. ROBERTS: Just one question because
13 it kind of falls on the question Commissioner
14 Pinchevsky was asking about the retail parking.

15 You mentioned, Frank, or I guess the
16 applicant --

17 THE WITNESS: Right --

18 MR. ROBERTS: -- what about the retail,
19 are they going to be condominiums, too, or are they
20 going to be leased, and if so, how does that work?

21 THE WITNESS: Condomiums.

22 MR. ROBERTS: So if the retail is going
23 to be a condominium, would they be offered the
24 option for say the owner of that retail condominium
25 to have a parking space, so they could effectively

1 have their --

2 MR. PETRUZZELLI: The intent is to
3 sell --

4 MR. GALVIN: No.

5 CHAIRMAN HOLTZMAN: No, this is not
6 okay.

7 THE REPORTER: I can't hear what he's
8 saying.

9 THE WITNESS: Can I speak to him and
10 then relate --

11 CHAIRMAN HOLTZMAN: Go talk to him,
12 yes, please.

13 MR. GALVIN: Well, we can put him under
14 oath also.

15 CHAIRMAN HOLTZMAN: Why don't we just
16 bring him up?

17 THE WITNESS: Okay.

18 MR. GALVIN: Raise your right hand.

19 Do you swear or affirm what you are
20 about to say is the truth?

21 MR. PETRUZZELLI: Yes.

22 N I C K P E T R U Z Z E L L I, having been duly
23 sworn, testified as follows:

24 MR. GALVIN: All right.

25 Give us your full name and spell your

1 last name.

2 THE WITNESS: Nick Petruzzelli,
3 P-e-t-r-u-z-z-e-l-l-i.

4 MR. GALVIN: All right. Tell us again
5 what you just told us.

6 (Laughter)

7 THE WITNESS: The intent is to sell all
8 of the parking spots, and to address a couple of
9 things. The reason we tried -- actually initially
10 had the retail space larger is because I wanted it
11 to be larger. But with these larger units, it is
12 more of a family situation, and there is typically
13 two cars, and this is the experience that I got from
14 715 Grand Street. We had an additional 12 parking
15 spots, and we sold them all to the property owners.
16 There were several. One buyer bought four spots.

17 So with that thought in mind, with
18 these large units, which will tend to be families, I
19 thought it was more important to offer the
20 additional parking for the wife's car and husband's
21 car, so that is the situation with the parking,
22 where I had to try to get the 16 spots there, so
23 each apartment would have two, which I have no doubt
24 they will all buy two spots. It will be included.

25 As far as -- what was the other

1 question --

2 MR. MATULE: If you had spots left --

3 THE WITNESS: Yeah, so --

4 MR. MATULE: -- from the --

5 CHAIRMAN HOLTZMAN: One at a time,

6 guys.

7 THE WITNESS: Yeah. So if there are
8 spots available, then I will offer it to the retail.

9 But, again, we are selling all of the
10 spots to purchasers of the units, and actually if
11 there were more spots, they probably would buy an
12 additional two or three spots.

13 One purchaser used the one spot -- he
14 bought four, and he used one for complete storage,
15 and the other one was for his mother, and two
16 more -- one for his wife and one for himself.

17 CHAIRMAN HOLTZMAN: Commissioner
18 Graham?

19 COMMISSIONER GRAHAM: I mean, this is
20 just a philosophical planning thing.

21 Are we trying to force a suburban
22 living experience into this dense, you know, this is
23 not suburbia here. This is, you know, I understand,
24 I understand that we want to encourage -- some
25 people do -- want to encourage more families, and --

1 but is this -- I mean, two cars?

2 I mean, this is Hoboken. It sort of
3 flies in the face of what this town is in many ways,
4 and I am just having a problem with it.

5 THE WITNESS: I agree with you, but the
6 facts are that they do move in.

7 COMMISSIONER GRAHAM: What?

8 THE WITNESS: The facts are that the
9 families do move in with multiple cars --

10 COMMISSIONER GRAHAM: Well --

11 THE WITNESS: -- and if they have one
12 in the garage, then they have one in the street. So
13 we take them both off the street and put them in the
14 garage --

15 COMMISSIONER GRAHAM: Well, should we
16 be encouraging this?

17 I don't know, so --

18 THE WITNESS: Well, I don't know if
19 it's encouraging it --

20 CHAIRMAN HOLTZMAN: No, no, no. One at
21 a time.

22 THE WITNESS: Oh, I'm sorry --

23 COMMISSIONER GRAHAM: No. I'm just --

24 THE WITNESS: I understand what you're
25 saying, you know, and it's just -- it is what it is.

1 MR. GALVIN: Yes, yes. Thank you.

2 You are good.

3 THE WITNESS: All right.

4 MR. GALVIN: I am helping you. Sit
5 down.

6 (Laughter)

7 CHAIRMAN HOLTZMAN: No, no. Don't sit
8 down yet.

9 While we have Mr. Petruzzelli up here,
10 is there any other questions that we have for him
11 with regards to -- there were a couple of issues
12 of --

13 MR. MINERVINI: May I speak to him
14 about those particular things?

15 COMMISSIONER PEENE: Actually I have --

16 CHAIRMAN HOLTZMAN: Why don't you talk
17 to him for a second?

18 Mr. Peene?

19 COMMISSIONER PEENE: My question is for
20 Mr. Petruzzelli.

21 Is it in your opinion that, you know,
22 selling the retail spaces as a condominium would
23 bring more stability to the tenancy of the project
24 because we see a lot of vacancies around town
25 everywhere.

1 THE WITNESS: Well, to be honest, we
2 had a meeting with the neighborhood, and a lot of
3 this design is their input. They didn't want --
4 they didn't want to have something that looked like
5 a big huge apartment building, and that is where the
6 whole idea came with the townhomes, and you know,
7 they liked the idea of the stoops, and they wanted
8 some retail.

9 You know, so I kind of took all of that
10 and played into it. I mean, I didn't have to have
11 the --

12 MR. MINERVINI: I'm sorry. I think the
13 question is, though: Does the fact that the
14 commercial space is a condominium and not rented
15 give it more stability.

16 VICE CHAIR MAGALETTA: I will ask it a
17 different way.

18 CHAIRMAN HOLTZMAN: Yes.

19 VICE CHAIR MAGALETTA: What is your
20 experience as far as these types of residential --
21 I'm sorry -- commercial units being purchased?

22 THE WITNESS: They are purchased. I
23 have sold them before. 78 Jackson Street is a real
24 estate management office.

25 VICE CHAIR MAGALETTA: Okay.

1 But how well did they sell?

2 THE WITNESS: They sell because you
3 sell them substantially less per square foot than
4 you do, but they also can be rented. I mean, the
5 person who buys it can easily just rent it out,
6 so --

7 VICE CHAIR MAGALETTA: Right.

8 THE WITNESS: -- it doesn't necessarily
9 mean it won't be rented, if a purchaser buys it.

10 VICE CHAIR MAGALETTA: But the question
11 then is, you may own it, and you try to rent it, but
12 it still could be vacant --

13 THE WITNESS: Well, it's --

14 VICE CHAIR MAGALETTA: -- so it doesn't
15 answer the question.

16 THE WITNESS: Well, it depends on, you
17 know, the owner if he's realistic, and the reality
18 is it's worth a thousand a month, you'll rent it.

19 If you are trying to get 1500 a month,
20 it is going to sit there vacant.

21 You know, I mean, I live in that
22 neighborhood. I live at 75 Jackson. I have been
23 there -- St. Joe's -- I developed there, and I've
24 been there for a long, long time, and I've seen a
25 change back there.

1 So a lot of the little retail spaces
2 seem to be kind of attractive. You know, there's a
3 little coffee shop here, and a little nail shop
4 there, so it at least gives that area more of a
5 little bit of a neighborhood feel than it had ten
6 years ago.

7 CHAIRMAN HOLTZMAN: Let's open up to
8 the public and then circle back --

9 COMMISSIONER GRAHAM: Well, not another
10 nail --

11 (Everyone talking at once.)

12 VICE CHAIR MAGALETTA: Well, that's
13 what they are.

14 CHAIRMAN HOLTZMAN: Commissioner
15 Pinchevsky, do you have something --

16 VICE CHAIR MAGALETTA: You don't like
17 it, but that is what it is.

18 CHAIRMAN HOLTZMAN: -- for Mr.
19 Petruzzelli?

20 COMMISSIONER RAMI: Well, I think you
21 are going back to speak to the applicant, so --

22 MR. MINERVINI: Yes.

23 COMMISSIONER RAMI: -- before you do, I
24 just want to maybe echo what you had mentioned
25 before. I thought it was pretty interesting in

1 terms of possibly eliminating two spots on each
2 side, the tandem spots and expanding, because I
3 think Mr. Petruzzelli just mentioned, and he's
4 absolutely correct, that there have been a lot of
5 changes in Hoboken, but I think he mentioned a nail
6 shop here and a coffee shop there.

7 But a lot of these little shops are
8 repetitive. It's the same shops. I saw a few eyes
9 rolling on the Board here, so I just wanted to
10 comment on that specifically, and I think it was an
11 example you were giving.

12 MR. MINERVINI: Yeah.

13 COMMISSIONER PINCHEVSKY: But I think a
14 little bit of a larger shop could encourage the type
15 of commercial use that possibly the neighbors in
16 that town -- I mean, I live in this corner of
17 town -- want to see. So it was an idea by the
18 Chairman, and I kind want to second it possibly for
19 discussion when you go back and discuss.

20 CHAIRMAN HOLTZMAN: Councilman Doyle,
21 did you want to --

22 COMMISSIONER DOYLE: I was just going
23 to say, the ordinance doesn't allow it to be larger
24 than a thousand square feet, so while that is larger
25 than this, it is not as if it could be much bigger

1 is my point.

2 CHAIRMAN HOLTZMAN: It can be, and we
3 have the ability to grant that variance, should we
4 see fit.

5 MR. MINERVINI: And if I may, we also
6 have 200 square feet extra to add to these without
7 going over that thousand square foot threshold, so a
8 thousand square feet is customer service area, not
9 gross area, so that extra 200 square feet would be
10 bathrooms or whatever other storage spaces are not
11 included --

12 CHAIRMAN HOLTZMAN: So there's quite a
13 few things -- balls in the air at the moment,

14 MR. MINERVINI: Yes.

15 CHAIRMAN HOLTZMAN: I would like to
16 just --

17 VICE CHAIR MAGALETTA: Well, before you
18 go, Frank, I'm sorry --

19 CHAIRMAN HOLTZMAN: We're not done.

20 VICE CHAIR MAGALETTA: -- I am a little
21 confused about that internal stairway.

22 Does that one stairway serve both
23 units? Is it open is what I am trying to find out.

24 MR. MINERVINI: Within this rectangle,
25 are actually two stairs.

1 They are commonly known as scissor
2 stairs, but in this case we have two stairs, one,
3 two. One going up in one direction, and one going
4 up in another direction, that will serve both
5 units -- actually all four units on this side of the
6 building, and the elevator will serve all four
7 units.

8 So we meet easily the requirement to
9 have two means of egress for each space as well as
10 in this case, the elevator.

11 VICE CHAIR MAGALETTA: But it's a
12 common stair, correct?

13 MR. MINERVINI: It's a common stair,
14 correct.

15 Now, what was pointed out before that
16 my drawings are missing, the stipulation -- which
17 would be somewhere in the unit. Obviously there has
18 been a connection within the unit stair. I think
19 we'll --

20 CHAIRMAN HOLTZMAN: There is a drafting
21 error on that, right

22 MR. MINERVINI: Yes, there is a
23 drafting error.

24 I think that we won't show exactly
25 where the tandem is to how the final unit lays out,

1 but it will absolutely have to be a stair connecting
2 the duplexes --

3 COMMISSONER DOYLE: The private
4 stairs --

5 MR. MINERVNI: -- the private stairs --

6 (Everyone talking at once.)

7 CHAIRMAN HOLTZMAN: Commissioners, we
8 can certainly circle back. I would like to go to
9 the public. There seems like there's a number of
10 people from the public.

11 Is there anybody from the public that
12 wishes to speak on this application, 113 --

13 MR. GALVIN: Ask questions of the
14 architect.

15 CHAIRMAN HOLTZMAN: -- ask questions of
16 the architect or the --

17 MR. GALVIN: Mr. Matule --

18 (Board members confer.)

19 CHAIRMAN HOLTZMAN: No members of the
20 public?

21 Okay, great.

22 VICE CHAIR MAGALETTA: You know what, I
23 just have one other thing.

24 CHAIRMAN HOLTZMAN: Go ahead.

25 VICE CHAIR MAGALETTA: Mr. Matule, you

1 said about the oil business. I have not seen the
2 documents that you submitted to Maser --

3 CHAIRMAN HOLTZMAN: I don't believe we
4 received it --

5 VICE CHAIR MAGALETTA: No, I haven't
6 seen it, so --

7 MR. GALVIN: No. We didn't receive --

8 CHAIRMAN HOLTZMAN: -- I don't believe
9 we received it.

10 We are requesting it, though.

11 MR. MATULE: I have copies. I can
12 submit them right now.

13 VICE CHAIR MAGALETTA: That's fine.

14 My question is this, though: They
15 didn't conduct the oil business there, but they were
16 making -- they were manufacturing parts there.

17 When you manufacture parts of metal,
18 oils are involved and solutions are involved --

19 COMMISSIONER DOYULE: Solvents.

20 VICE CHAIR MAGALETTA: -- solvents.
21 Those reports show that it is clean.

22 MR. MATULE: Yes.

23 VICE CHAIR MAGALETTA: Yes.

24 MR. MATULE: There was a Phase 1
25 report, and the summary page -- and they did all of

1 the usual data base searches, but the findings and
2 conclusions says: "This office has performed a
3 Preliminary Assessment Report and Phase 1
4 Environmental Site Assessment in conformance with
5 the scope and limitations of ASTM practice," et
6 cetera, et cetera.

7 "As documented, this assessment has not
8 revealed any evidence of recognized significant
9 environmental concerns with the property.

10 "Identified Environmental Concerns:

11 "Potential (suspect) asbestos
12 containing floor tiles.

13 "Fluorescent light fixtures, which
14 could contain old PCB containing ballast," and there
15 was a 330 gallon above ground storage tank.

16 VICE CHAIR MAGALETTA: And could you
17 identify that for the reporter?

18 CHAIRMAN HOLTZMAN: Yes. Just what is
19 that document that you are reading from, Mr. Matule?

20 MR. MATULE: This is the "Phase 1
21 Environmental Site Assessment Report." From Mar Oil
22 Hydraulics, Inc. --

23 CHAIRMAN HOLTZMAN: Prepared by?

24 MR. MATULE: -- it is prepared by
25 GNPATP, LLC, Gerard N. Pica, Milltown, New Jersey.

1 VICE CHAIR MAGALETTA: What's the date
2 on that?

3 CHAIRMAN HOLTZMAN: We assume that
4 person is --

5 MR. MATULE: September 2010. But Mr.
6 Hipolit has a copy of that, as well as a copy of the
7 permits from the building department, where a 1,000
8 gallon underground oil tank was removed in 2012 --
9 2013.

10 CHAIRMAN HOLTZMAN: Okay.

11 We have got that as a condition to make
12 sure that we do receive that document, which I don't
13 think we even got ahead of time or there was some
14 issue about that.

15 VICE CHAIR MAGALETTA: We are going to
16 consolidate the properties, correct?

17 MR. MATULE: Pardon?

18 VICE CHAIR MAGALETTA: We are going to
19 consolidate the properties, correct?

20 MR. MATULE: A deed of consolidation,
21 assuming it was approved, yes. That is a pretty
22 standard condition that the Board is asking for now.

23 CHAIRMAN HOLTZMAN: Commissioners, any
24 other additional questions, or I think Frank wanted
25 to circle back with the property owner and have a --

1 MR. ROBERTS: I do.

2 CHAIRMAN HOLTZMAN: -- one more, Dave,
3 go ahead.

4 MR. ROBERTS: I'm just going to throw
5 it out because it's really a follow-up to one of
6 Commissioner Doyle's line of questioning about the
7 balconies.

8 Also, what made me think about it is
9 how the stoops are partially recessed in the front.

10 I guess it starts out with a question.
11 If you were theoretically, if it were possible to
12 internalize the balconies, what would that do to the
13 floor plan, and would you still need the variance
14 for the stairways that you have to come around --

15 MR. MINERVINI: No. Stairways
16 connecting the first residential floor to the ground
17 are permitted with the new ordinance revision.

18 The only variance we're asking for is
19 for these cantilevers.

20 MR. ROBERTS: That's what I thought you
21 had testified to.

22 So if the -- if that six by ten space
23 were recessed, so that they came out to an outdoor
24 space but was recessed in that, what impact would
25 that have on your floor plan --

1 MR. MINERVINI: Well, we would --

2 MR. ROBERTS: -- other than losing a
3 space, but in terms of where the rooms are laid out
4 and things like that.

5 MR. MINERVINI: No. We haven't laid
6 out the rooms yet. It's something I will certainly
7 speak to the applicant about.

8 MR. ROBERT: Because I think that in
9 terms of when they're back, I thought that might be
10 something they should talk about.

11 CHAIRMAN HOLTZMAN: Okay. Great.

12 COMMISSIONER STRATTON: I just have one
13 more.

14 CHAIRMAN HOLTZMAN: Sure. Go ahead,
15 Caleb.

16 COMMISSIONER STRATTON: On Page Z-3,
17 there is a note in the bottom left-hand corner that
18 says: All elements below flood elevation to be dry
19 flood proofed.

20 I think that that note needs to be
21 amended.

22 MR. MINERVINI: Yes. That is a left
23 over note from the previous Zoning Board
24 application. We will revise that.

25 CHAIRMAN HOLTZMAN: Just along those

1 lines, Dennis has a condition that we're floating as
2 well, to be in full compliance with the Flood Plain
3 Manager's review letter.

4 Should we take a quick five minutes?

5 MR. MINERVINI: Thank you.

6 CHAIRMAN HOLTZMAN: Thank you.

7 (Recess taken)

8 CHAIRMAN HOLTZMAN: Okay. We are back
9 on the record.

10 Mr. Matule, Mr. Minervini?

11 MR. MATULE: Mr. Minervini had a
12 conversation with the applicant, and I will let him
13 convey the results of that conversation.

14 CHAIRMAN HOLTZMAN: Commissioners?

15 MR. MINERVINI: So the applicant has
16 heard what everybody had to say and understands the
17 points, so we are proposing to revise the drawings
18 in the following way:

19 We will double the size of the
20 retention system as required by the NHSA.

21 I will, if approved, as part of the
22 revised set of plans, give you what those
23 calculations are in terms of cubic footage and
24 gallons.

25 We are proposing also to remove these

1 four parking spaces, increase the overall size of
2 the two commercial spaces while still yet keeping
3 the customer service area less than a thousand
4 square feet, so we won't need a variance there, as
5 well as losing the two floors of the cantilevered
6 balconies.

7 CHAIRMAN HOLTZMAN: Commissioner
8 Graham, did you want to comment?

9 COMMISSIONER GRAHAM: No. I'm just
10 wondering if we still keep the customer service area
11 the same, then how does that change the retail?

12 CHAIRMAN HOLTZMAN: This is one of
13 the -- right--

14 MR. MINERVINI: It is not the same.
15 We're proposing here --

16 COMMISSIONER GRAHAM: I thought you
17 said --

18 MR. MINERVINI: No. It still might
19 need a variance. The customer service here as
20 proposed is 800 square feet, so we have got 200
21 square feet to play with for lack of a better
22 phrase.

23 COMMISSIONER GRAHAM: Oh, okay.

24 MR. MINERVINI: With that, along with
25 that, these four balconies, actually eight balconies

1 on two floors would be removed. We did think about
2 recessing them, but then we thought it kind of
3 limited us to how the floor plan could be laid out,
4 so by removing them, it allows a bit more
5 flexibility within the actual apartments.

6 So three things: We will lose four
7 parking spaces, which are four of those tandem,
8 increase the size of the commercial spaces squaring
9 them off, lose the eight balconies on the back of
10 the building, and propose to increase the size of
11 the water retention system to be twice the required
12 NHSA.

13 CHAIRMAN HOLTZMAN: And you will
14 certainly make yourself and your office available to
15 help and assist Director Forbes.

16 THE WITNESS: I would love to, because
17 I would love to have the opportunity to explain our
18 thought processes to the City Council.

19 CHAIRMAN HOLTZMAN: Great.

20 Any other questions or comments for Mr.
21 Minervini and sort of additional items to bring to
22 the table?

23 Councilman?

24 Commissioner Magaletta?

25 VICE CHAIR MAGALETTA: No.

1 MR. MATULE: Just for the record, that
2 eliminates the request for the lot coverage
3 variance.

4 CHAIRMAN HOLTZMAN: Correct.

5 So being that, is there a motion then
6 on the floor to accept the application with the
7 additional changes?

8 COMMISSIONER GRAHAM: Wait a minute.

9 CHAIRMAN HOLTZMAN: I'm sorry.

10 Commissioner Graham.

11 COMMISSIONER GRAHAM: He also talked
12 about the bay windows, reducing it to 12 inches
13 instead of two feet. Would you be willing to do
14 that?

15 MR. MINERVINI: No, it is not a simple
16 no. Let me explain it. I would prefer if this
17 Board allowed us to go to the City Council with the
18 24 inches.

19 COMMISSIONER GRAHAM: I don't. I feel
20 like I am aggregating my responsibility by pushing
21 it to -- because I think it is too much coming out,
22 and you did say that you were willing to do that.

23 MR. MINERVINI: That was, if it was one
24 of the give-backs on to itself.

25 As we see it, we have given back a

1 substantial amount with good reason and with good
2 intentions.

3 CHAIRMAN HOLTZMAN: Commissioner, I
4 would ask just to let's take perhaps the additional
5 offers from the applicant in their entirety in terms
6 of I think the stormwater system is certainly a nice
7 benefit to the neighborhood and our community.

8 They are eliminating any of the lot
9 coverage requirement, so there is no issue there.

10 COMMISSIONER GRAHAM: Okay.

11 CHAIRMAN HOLTZMAN: I am thinking
12 through it myself as well.

13 COMMISSIONER GRAHAM: Okay.

14 CHAIRMAN HOLTZMAN: And apparently
15 there may be more cards coming to the table, so...

16 Anything else, Frank?

17 MR. MINERVINI: No. I'm sorry. That
18 was referring to the other comments that we had.

19 CHAIRMAN HOLTZMAN: All right.

20 COMMISSIONER PEENE: Motion to accept.

21 CHAIRMAN HOLTZMAN: Is there a second
22 for the motion to accept -- well, let's take one
23 step back or a pause and let's read the conditions
24 that Dennis has laid out for us, please.

25 MR. GALVIN: Okay.

1 1: The applicant is to provide the
2 Board's Engineer a copy of the Phase I Report.

3 2: The applicant is to obtain City
4 Council approval for any encroachments into the
5 city's right-of-way.

6 3: The applicant is to obtain the
7 review and approval of the Flood Plain
8 Administrator.

9 4: The applicant will plant -- I don't
10 know, how many street trees are going to be outside
11 this --

12 MR. MATULE: Four.

13 MR. GALVIN: Four.

14 -- four street trees in the front of
15 the building at the direction of the Shade Tree
16 Commission.

17 5: The green roof must be maintained
18 during the life of the building by building
19 management. In the event a condominium is -- am I
20 right so far? A green roof, right?

21 MR. MATULE: Yes.

22 MR. GALVIN: If a condominium is
23 created, the condominium is to -- is created, the
24 condominium -- this clause would be included in the
25 condominium's governing documents, that they will

1 ensure the maintenance of the green roof.

2 6: The applicant is to supply a green
3 roof maintenance plan.

4 7: The applicant is to supply drainage
5 calculations to the Board's Engineer for his review
6 and to confirm the size of the on-site detention
7 will be double of that required under NSHA.

8 I don't know what that is.

9 MR. MINERVINI: North Hudson Sewage
10 Authority.

11 MR. GALVIN: Okay.

12 You got it. I see the dyslexia.

13 (Laughter)

14 8: The applicant agreed to comply with
15 the review letters to the Board's Planner and
16 Engineer.

17 9: The rooftop generators are not to
18 be on bulkheads and will have a Type 2 sound
19 enclosure.

20 CHAIRMAN HOLTZMAN: Do we need to just
21 add that that obviously needs to be signed off by
22 the engineer?

23 MR. GALVIN: 10: The gas meters are to
24 be elevated -- again, I took this -- the gas meters
25 are to elevated above BFE provided PSE&G approves.

1 In the event PSE&G denies the suggestion, the
2 Board's Engineer should be alerted and be given the
3 opportunity to consult with representatives of
4 PSE&G.

5 11: The applicant is to file a deed
6 restriction limiting the use of the parking spaces
7 on the property to the unit owners and guests.

8 Is that unchanged?

9 MR. MATULE: On that score or in the
10 alternative have that language in the governing
11 documents of the condominium?

12 MR. GALVIN: Well, I have another
13 paragraph.

14 MR. MATULE: Okay.

15 MR. GALVIN: The conditions regarding
16 parking and the green roof are to be contained in a
17 deed restriction, which is to be reviewed and
18 approved by the Board's Attorney prior to the
19 issuance of a building permit.

20 I would be okay with saying or in the
21 alternative in the condominium --

22 MR. MATULE: In the governing documents
23 of the condominium?

24 CHAIRMAN HOLTZMAN: Are you okay with
25 that, Jim?

1 You had a question?

2 COMMISSIONER DOYLE: My question was,
3 you know, if I buy the unit with the car, and then I
4 subsequently sell it to you, Mr. Minervini --

5 MR. MINERVINI: I couldn't afford it.

6 (Laughter)

7 COMMISSIONER DOYLE: -- and you don't
8 have a car, are you saying you are prohibiting an
9 owner from renting it, if they have a spot that they
10 don't need?

11 MR. MINERVINI: They don't have to
12 purchase the spot.

13 COMMISSIONER DOYLE: No. That's the
14 initial acquisition. I am saying ten years from now
15 the unit gets sold, and the person who buys it,
16 doesn't -- unlike what Mister --

17 MR. MATULE: Mr. Petruzzelli.

18 COMMISSIONER DOYLE: -- thank you --
19 was saying, if somebody, heaven forbids, lives
20 without a car, you are saying they are barred from
21 renting that space, and it might sit unused, which
22 is what has happened in some of the northwest, where
23 individuals in buildings choose not to rent the
24 parking space and park on the street, and there are
25 literally vacancies in the building. So I am just

1 questioning whether it is prudent to ban a rental of
2 a parking space in the building --

3 CHAIRMAN HOLTZMAN: Commissioner Peene,
4 do you have a response?

5 COMMISSIONER PEENE: Yes. Just to
6 follow up on what Commissioner Doyle is saying,
7 wouldn't that be up to the condo -- I know we are
8 pretty far along here, if there is a condo
9 association affiliated with this building, and all
10 of the owners get together and decide to have an
11 association, wouldn't that be a condition for them
12 to make, not this Board?

13 CHAIRMAN HOLTZMAN: I think legally it
14 would be as well from the State of New Jersey's
15 governing and allowing condo associations to kind of
16 rule their own, but I don't know if it is for us to
17 micro manage.

18 COMMISSIONER DOYLE: That is why I
19 raised it --

20 VICE CHAIR MAGALETTA: For example, if
21 I own that deeded spot, just like I own my condo
22 unit, that is like saying I can't rent out my condo
23 unit. Now there are certain restrictions within the
24 condominium, to say only a certain percent should be
25 rented out, but if this is just a blanket, you

1 cannot rent out your parking space, I think that
2 would be inappropriate and also not an efficient use
3 of that space.

4 CHAIRMAN HOLTZMAN: And my point on the
5 follow-up on that when I have personal experience on
6 this is when condominium associations put in rules,
7 like you can't rent your apartment for a period of
8 time, the State of New Jersey has almost always not
9 found to be an enforceable thing, is that when you
10 own something as a condo, it is yours.

11 If you want like to rent it, even
12 though your association says you can't, you can rent
13 it.

14 VICE CHAIR MAGALETTA: Right. That's
15 what I am saying. I'm in agreement.

16 COMMISSIONER DOYLE: Right. So can we
17 put into the condition --

18 CHAIRMAN HOLTZMAN: Don't bake in
19 something that you can't enforce.

20 COMMISSIONER DOYLE: Right.

21 VICE CHAIR MAGALETTA: Right.

22 COMMISSIONER DOYLE: But make it
23 deeded.

24 MR. GALVIN: It is up to you. It's up
25 to the Board. Tell me what to do, and I'll put it

1 in.

2 Tell me what to do, and I'll pull it
3 out.

4 CHAIRMAN HOLTZMAN: Then let's take a
5 look at the language, gentleman. So how do you
6 think you want to -- you don't want to touch it, or
7 you want to -- I think we want to put an emphasis on
8 it, right? Certainly to start it off in the right
9 direction that the parking spots are sold to the
10 condo apartment unit owners.

11 COMMISSIONER DOYLE: Right.

12 VICE CHAIR MAGALETTA: And then stop.

13 CHAIRMAN HOLTZMAN: And then just stop.

14 COMMISSIONER DOYLE: Period.

15 MR. GALVIN: Okay. Let's go back to
16 where we stopped.

17 The applicant is to file a deed
18 restriction limiting the sale of the parking spaces
19 on the property to the unit owners?

20 COMMISSIONER DOYLE: That is great.

21 CHAIRMAN HOLTZMAN: Keep it simple.

22 MR. GALVIN: And we will leave out the
23 concept of rental.

24 I got that. Okay.

25 The applicant agreed to file a deed

1 restriction, and in the final condition the plan is
2 to be revised to correct the incorrect note
3 regarding dry flood proofing.

4 CHAIRMAN HOLTZMAN: Frank, did you want
5 something about the consolidation?

6 VICE CHAIR MAGALETTA: I think you put
7 it in. Is that in there? Is that not in there
8 already?

9 MR. GALVIN: What?

10 VICE CHAIR MAGALETTA: The
11 deconsolidation, consolidating the lots --

12 MR. GALVIN: No. I got it. I just
13 called it out.

14 CHAIRMAN HOLTZMAN: Oh, you did? I'm
15 sorry.

16 COMMISSIONER PINCHEVSKY: I think
17 number four was the trees.

18 MR. GALVIN: Yes.

19 COMMISSIONER PINCHEVSKY: Can you just
20 add a note that the trees are not to be placed
21 directly in front of the stoops, but to allow
22 maximum width of the sidewalk?

23 COMMISSIONER DOYLE: Isn't that up to
24 the Shade Tree Commission?

25 MR. MINERVINI: I can adjust it and

1 still conform with the Shade Tree Commission
2 requirements.

3 COMMISSIONER PINCHEVSKY: Thank you.

4 CHAIRMAN HOLTZMAN: Director?

5 COMMISSIONER FORBES: The plans are to
6 be corrected to show the internal stairs between
7 floors one and two.

8 MR. MINERVINI: Yes.

9 CHAIRMAN HOLTZMAN: There are a number
10 of adjustments they need to make.

11 MR. MINERVINI: Yes, there are many
12 adjustments that --

13 MR. GALVIN: Yes. I will never be able
14 to capture them all.

15 CHAIRMAN HOLTZMAN: Okay.

16 Any other conditions or --

17 MR. ROBERTS: I'm just thinking, Mr.
18 Chairman, I know it is assumed, but should we
19 indicate that if the City Council does not approve
20 the requests for the license, I guess --

21 MR. GALVIN: I think it is implied. I
22 don't know. It won't happen.

23 I think that is the way it is supposed
24 to happen. If any applicant can't meet a condition
25 of the resolution, they have to come back before the

1 Board for relief from that condition.

2 MR. ROBERTS: I am thinking in terms of
3 if this happens a number of years down the road and
4 different people --

5 MR. GALVIN: I will add it. I'll add
6 it. But you are assuming you already got the
7 authorization. They wouldn't have been able to
8 build the building if they didn't go to the City
9 Council and get it soon, and if they don't, then
10 they are not getting a building permit because they
11 can't go into that encroachment, so they are forced
12 to come back here, so I think we are okay with that.

13 CHAIRMAN HOLTZMAN: Commissioner
14 Peene's motion to approve is on the floor.

15 Is there a second?

16 VICE CHAIR MAGALETTA: Should we open
17 it to public comment now that everything is closed,
18 do we have public comment now or open it up to the
19 floor?

20 CHAIRMAN HOLTZMAN: Okay. We can do
21 that.

22 I thought we got the motion in hold.
23 That is good. Okay.

24 (Laughter)

25 Are there any members of the public

1 that wish to speak on this application at this
2 point?

3 Okay, great. We double checked. No
4 problem.

5 MR. GALVIN: Smart.

6 CHAIRMAN HOLTZMAN: We still have Mr.
7 Peene's motion to accept on the floor with the
8 conditions, 14 conditions, as read by Mr. Galvin.

9 Is there a second?

10 COMMISSIONER MC KENZIE: I second.

11 CHAIRMAN HOLTZMAN: Second from Mr.
12 Stratton --

13 COMMISSIONER MC KENZIE: No. Mr.
14 McKenzie.

15 (Laughter)

16 CHAIRMAN HOLTZMAN: -- Mr. McKenzie.
17 Sorry, wrong Caleb. Sorry.

18 (Laughter)

19 CHAIRMAN HOLTZMAN: Pat, please call
20 the vote.

21 MS. CARCONE: Commissioner Magaletta?

22 VICE CHAIR MAGALETTA: Yes.

23 MS. CARCONE: Commissioner Stratton?

24 COMMISSIONER STRATTON: Yes.

25 MS. CARCONE: Commissioner Forbes?

1 COMMISSIONER FORBES: Yes,

2 MS. CARCONE: Commissioner Doyle?

3 COMMISSIONER DOYLE: Yes.

4 MS. CARCONE: Commissioner Graham?

5 COMMISSIONER GRAHAM: Yes.

6 MS. CARCONE: Commissioner McKenzie?

7 COMMISSIONER MC KENZIE: Yes.

8 MS. CARCONE: Commissioner Pinchevsky?

9 COMMISSIONER PINCHEVSKY: Yes.

10 MS. CARCONE: Commissioner Peene?

11 COMMISSIONER PEENE: Yes.

12 MS. CARCONE: Commissioner Holtzman?

13 CHAIRMAN HOLTZMAN: Yes.

14 Thank you.

15 MR. MINERVINI: I think I should play

16 the lottery tonight I think.

17 (Laughter)

18 MR. MATULE: Thank you.

19 (The matter concluded.)

20

21

22

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24

25

C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My Commission expires 11/5/2020.
 Dated: 12/7/15
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

CITY OF HOBOKEN
PLANNING BOARD
HOP-15-16

- - - - - X
RE: 306-308 Park Avenue : December 1,
2015 Block 166, Lots 34.01 & 34.02 : 8:45 p.m.
Applicant: Fig Tree Development, LLC :
Minor site plan review & variances :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Caleb Stratton
- Commissioner Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Ann Graham
- Commissioner Caleb McKenzie
- Commissioner Rami Pinchevsky
- Commissioner Caleb D. Stratton
- Commissioner Ryan Peene

A L S O P R E S E N T:

- David Glynn Roberts, AICP/PP, LLA, RLA
Board Planner

- Sandra Caceres, PE, CPWM,
Acting Board Engineer

- Patricia Carcone, Board Secretary

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6 Attorney for the Board.

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8 89 Hudson Street
9 Hoboken, New Jersey 07030
10 Attorney for the Applicant.

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I N D E X

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WITNESS	PAGE
JENSEN VASIL	120
PETER COSSIO	141
KENNETH OCHAB	164

E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE
A-1 through A-4	Photographs	156
A-5	Photo Board	164
A-6	Photo Board	165

1 CHAIRMAN HOLTZMAN: Mr. Matule, are you
2 ready for us?

3 MR. MATULE: I am ready for you.

4 CHAIRMAN HOLTZMAN: Thank you, sir.
5 306 Park Avenue, here we go.

6 MR. MATULE: Mr. Chairman, and Board
7 Members, Robert Matule appearing on behalf of the
8 applicant.

9 As the Chair said, this relates to the
10 property at 306-308 Park Avenue.

11 Some of you may remember it as the Fig
12 Tree Restaurant. The applicant is requesting minor
13 site plan approval and variances to renovate and
14 convert the existing building, which is six
15 residential units and the restaurant into four
16 residential units.

17 We are asking to make one amendment to
18 the requested variances, and that is the facade
19 masonry. It is required to be 75 percent, and it is
20 52.29 percent.

21 This was a result of conversations with
22 the architect and the planner because of the Mansard
23 roof. When it was originally calculated, the roof
24 wasn't considered part of the facade, but now it is
25 considered part of the facade. In our notice we

1 requested "and any other variances the Board may
2 deem necessary." It is a C variance. I think we
3 covered --

4 MR. GALVIN: And the plan shows the
5 building as it looks.

6 MR. MATULE: Correct. I just wanted to
7 call that out upfront.

8 MR. GALVIN: Yes. I concur with you
9 that that is something within the scope of what we
10 would expect to grant.

11 MR. MATULE: We are asking for two
12 other additional variances, one for height above the
13 design flood elevation within I think three feet 11
14 inches, which is a C variance, and an additional
15 4.05 percent lot coverage, so we are going to have
16 the testimony of Jensen Vasil.

17 MR. GALVIN: I had 43.4. So I'm wrong?

18 CHAIRMAN HOLTZMAN: Dave?

19 MR. MATULE: When we get Mr. Vasil
20 under oath, we can confirm it.

21 MR. ROBERTS: Height?

22 COMMISSIONER DOYLE: No, for the lot
23 coverage.

24 MR. GALVIN: No, no, no.

25 CHAIRMAN HOLTZMAN: Let's take it one

1 at a time.

2 MR. GALVIN: Proposed height, in my
3 notes I have 43.4.

4 MR. MATULE: No. 43.4 is a typo in the
5 building table on page Z-001.

6 In the elevations, it is 43 feet 11 --

7 MR. ROBERTS: Just .33 is what we
8 had --

9 MR. MATULE: -- so he will get to that
10 in testimony.

11 MR. GALVIN: I know. But better we
12 should clear it up now and make it easier for him,
13 okay?

14 And for a proposed lot coverage of
15 64.55 percent, where 60 is the max, we had 64.55 --

16 MR. MATULE: I have 05.

17 (Everyone talking at once.)

18 MR. GALVIN: 64.05?

19 MR. MATULE: Correct.

20 MR. GALVIN: Okay.

21 Mr. Vasil, raise your right hand.

22 Do you swear or affirm what you are
23 about to tell this Board is the truth?

24 MR. VASIL: I do.

25

1 J E N S E N V A S I L, having been duly sworn,
2 testified as follows:

3 MR. GALVIN: State your full name for
4 the record and spell your last name.

5 THE WITNESS: Jensen Vasil, V, as in
6 Victor, a-s-i-l.

7 MR. GALVIN: Mr. Chairman, do we accept
8 Mr. Vasil's credentials?

9 CHAIRMAN HOLTZMAN: We do.

10 MR. GALVIN: You may proceed.

11 MR. MATULE: Thank you.

12 Mr. Vasil, would you describe the
13 existing building site and the existing building,
14 and then we will get into the renovations, but just
15 to give the Board a sense of the site --

16 CHAIRMAN HOLTZMAN: Mr. Vasil, before
17 you begin, can you just kind of bring everything as
18 close as you can towards the table and towards the
19 team up here?

20 Thank you.

21 THE WITNESS: The existing site is a
22 mid block site. It's 40 feet, 95 feet deep, so it
23 is nonconforming as far as depth, existing
24 nonconforming.

25 Right now there is a three-story and

1 basement building with six units, as Mr. Matule
2 pointed out at the front of the building.

3 There is also a one-story extension,
4 which extends all the way to the rear lot line
5 against the south lot line.

6 Currently the basement is or was being
7 used as a restaurant, and then there was six
8 residential units in the front building with a
9 three-story building above.

10 Those were accessed by two separate
11 stoops, and there were three units on either side,
12 and there was a demising wall down in the middle, so
13 those units will be removed to create one
14 residential unit per floor.

15 The block frontage is composed of a
16 condominium building that's mixed in with some
17 apartments and single residential buildings. Many
18 of them have brick facades.

19 Our existing building is a brick
20 facade, which we would be proposing to rehab, reuse
21 much of it for the new facade.

22 Here you can see on Sheet Z-002, you
23 can see the existing condition where the building in
24 the front, the residential building, would be
25 altered. The whole back wall would come down, and

1 the one-story extension would be removed.

2 There is complete 100 percent paving at
3 the moment. That would be all taken out, and the
4 new backyard would have pervious pavers in
5 conformance with the stormwater management
6 regulations.

7 There are two existing trees in front
8 of the property. Those would be --

9 COMMISSIONER DOYLE: Wait, before you
10 leave that, you have it on the corner. Is that
11 just -- you have the street, it looks like the
12 building is six foot from the corner.

13 THE WITNESS: Yeah. It really just
14 should be broken, but --

15 COMMISSIONER DOYLE: I mean, but this
16 corner is not there, correct?

17 THE WITNESS: That's correct. It is
18 two buildings in.

19 COMMISSIONER DOYLE: Thank you.

20 THE WITNESS: You're welcome.

21 There are two existing street trees,
22 which would be retained. Those were not changed.

23 CHAIRMAN HOLTZMAN: Jensen, can you
24 just back up a second to Councilman's Doyle point?
25 Can you highlight which building that is on that --

1 whoops, right --

2 THE WITNESS: Absolutely.

3 This is our existing building, and
4 there is three buildings there.

5 CHAIRMAN HOLTZMAN: Three buildings to
6 the corner. Okay, great.

7 COMMISSIONER DOYLE: Thank you.

8 THE WITNESS: This would be the
9 proposed building, and you see how it fits in the
10 context. The corner building is five stories. It's
11 tall. Ours would be proposed to be a basement and
12 four stories. The upper most floor being sloped
13 back with a Mansard roof, so as not to be as
14 obtrusive to that street frontage.

15 Then next to us is a fairly recently
16 done building, which is four stories, which has been
17 raised above flood elevation, so we are going to be
18 very -- our first floor is going to be above their
19 first floor, but they designed their building at 13,
20 which is the current ABFE or design flood elevation,
21 and going down the block you can there is another
22 five-story building as you go down ending with the
23 corner, which is a five-story building.

24 MR. MATULE: Why don't you take us
25 through the proposed new units?

1 THE WITNESS: Sure.

2 On Sheet A-100 you can see the lowest
3 level would be just one open lobby. It would all be
4 wet flood proofed to allow the water to passage.
5 There would also be unreinforced masonry break-away
6 walls between three and four -- which also is in
7 conformance with the flood plain regulations.

8 On the upper floors, there would be one
9 unit per floor. It is three-bedroom units. They
10 are approximately 2200 square feet each. They have
11 one common fire stair inside the building with an
12 elevator, which services each apartment
13 individually. It opens directly upon it.

14 And then in the rear, there is a fire
15 stair, which is where the variance comes up. We
16 have a fire stair and balcony at the rear of the
17 property, which serves as a second means of egress.
18 That takes up the 4.05 percent of additional lot
19 coverage we're asking for.

20 So our building is conforming. The
21 actual building itself is 60 percent. Because our
22 lot is only 95 feet deep, our building is only 57
23 feet deep and at 60 percent.

24 CHAIRMAN HOLTZMAN: So can you just
25 make sure that everybody is on the same page because

1 there was a previous existing addition or extension
2 or something off of the back of that.

3 So can you just make sure that we are
4 on the same page from your existing condition to
5 what is the proposed, as to what is being demolished
6 as well?

7 THE WITNESS: Sure.

8 The exiting one-story addition, which
9 is currently a dining room to the restaurant, that
10 would all be demolished.

11 MR. MATULE: Jensen, if I could, why
12 don't you tell the Board, if you have it in your
13 zoning chart, what the current lot coverage is with
14 the existing --

15 THE WITNESS: Certainly. So the
16 existing lot coverage is 72.90 percent.

17 The building is 68.16 percent, and we
18 would be proposing a 60 percent building with a 4.0
19 step landing and stairs -- balcony and stairs.

20 MR. MATULE: Okay.

21 CHAIRMAN HOLTZMAN: Thank you.

22 THE WITNESS: So the rear yard,
23 continuing on, each unit would be a three-bedroom
24 unit. It would have access on the upper floors to a
25 balcony with a stair going down to the rear yard for

1 egress.

2 The roof would have two different roof
3 decks. One would be deeded to the fourth floor, and
4 one would be deeded to the third floor.

5 We do have a generator, which would
6 have a Type 2 baffle, sound baffle around it. It is
7 located not on top of any of the bulkheads. It's
8 located on the main roof. There is a privacy screen
9 between that roof deck and the generator, and the
10 reset of the roof would all be covered in a green
11 roof, 50 percent green roof and 50 percent roof
12 deck.

13 MR. MATULE: And other roof
14 appurtenances?

15 THE WITNESS: There are also --
16 correct -- there's also condensing units, which are
17 located on the main roof, not on top of the -- on
18 top of the bulkheads, and there's a few skylights
19 that are there as well.

20 There are a few freestanding planters,
21 which would be on the roof decks. Those would all
22 have plantings as outlined in this roof plan.

23 MR. MATULE: And your roof decks meet
24 all of the required setback requirements?

25 THE WITNESS: That is correct. We are

1 actually -- one unique condition that we have is the
2 building to our north has solar panels. That
3 building that was recently built. So our deck is
4 set back four feet from the property line, where
5 three feet would normally be -- is required. And we
6 have a cable rail against that north property line
7 for the decks in order to minimize shade for those
8 solar panels.

9 MR. ROBERTS: Jensen, that was one of
10 the more recent revisions to the plan?

11 THE WITNESS: That is correct.

12 In the rear yard, the two lower levels,
13 one deck would be deeded to Unit 1, and the other
14 deck would be deeded to Unit 2, so they are
15 separated down the middle with a privacy screen,
16 and they have -- in the back there is a masonry
17 wall, which has a water feature on each side,
18 planter beds and planters on the sides, and also the
19 permeable pavers, which are detailed on the same
20 sheet.

21 MR. MATULE: And will you be providing
22 on-site stormwater detention?

23 THE WITNESS: We will be. It is
24 currently being designed by our engineer, but it
25 will exceed North Hudson's standards.

1 CHAIRMAN HOLTZMAN: Exceed by how much?

2 THE WITNESS: Slightly.

3 (Laughter)

4 It's currently being designed, so --

5 CHAIRMAN HOLTZMAN: How about twice?

6 THE WITNESS: Pardon?

7 CHAIRMAN HOLTZMAN: How about twice,

8 like the previous application?

9 THE WITNESS: I am sure my -- I am sure
10 we can provide that.

11 Moving on, you can see the wood deck
12 assembly at the roof deck, which is a minimal
13 pedestal assembly, so it is only five inches off the
14 deck just to minimize how much more we are going
15 above the roof structure.

16 We also have the flood vents in
17 accordance with the flood plain management, and then
18 also the cable rail, which we mentioned, which would
19 provide minimum shading.

20 This section shows our elevator
21 bulkhead, our stair bulkhead, and the winter sun
22 angle with the adjacent neighboring solar array, so
23 it shows the section and how we attempted to create
24 the minimum impact on the solar array.

25 On the front elevation --

1 MR. MATULE: Go around the other wide.

2 (Laughter)

3 THE WITNESS: -- we are going to just
4 strip the existing brick of its paint, reuse the
5 brick on the front facade, also introduce two new
6 copper clad bay windows, and also the top floor
7 Mansard that slopes back, which again, will have a
8 cornice, which would line up with the other
9 buildings, and it helps to lower the scale on the
10 street frontage, so it doesn't appear so tall.

11 And on the rear of the structure, we
12 have an open steel cable rail system for the railing
13 with the balconies and also brick in the rear with
14 cement brownstone coins at the corners.

15 CHAIRMAN HOLTZMAN: The property -- the
16 building is set at the front property line or it's
17 set back?

18 THE WITNESS: It's set at the front
19 property line.

20 CHAIRMAN HOLTZMAN: Okay.

21 THE WITNESS: The existing facade is
22 there, so we are reusing it. We're rebuilding it.
23 It is in the original location.

24 MR. ROBERTS: Jensen, while you are on
25 that, this came up at the last application. What is

1 that dimension on the bay window, three foot four
2 inches?

3 THE WITNESS: It will be 24 inches.

4 MR. MATULE: You are showing it as
5 what?

6 THE WITNESS: We are showing as a
7 typographical error at three foot four, so it will
8 be 24 inches.

9 CHAIRMAN HOLTZMAN: Is somebody keeping
10 notes on the additions and errors to this plan?

11 MR. GALVIN: No.

12 MR. MATULE: You submitted these
13 drawings to the Flood Plain Administrator?

14 THE WITNESS: We did.

15 MR. MATULE: She has reviewed two sets
16 of drawings?

17 THE WITNESS: Correct.

18 MR. MATULE: And you addressed all of
19 her concerns?

20 THE WITNESS: Correct. The most recent
21 was raising the floor elevation to 6.8, we
22 addressed, and by doing so, we lowered the floor to
23 floor heights in the overall building, so we kept 43
24 foot 11 and a half, but we squeezed each floor
25 individually in order to make that work.

1 COMMISSIONER DOYLE: How about the
2 floor to floor heights by ordinance? I thought they
3 were ten feet.

4 MR. MATULE: That is a minimum.

5 THE WITNESS: I guess what we were
6 saying -- that was the minimum.

7 CHAIRMAN HOLTZMAN: I'm sorry.

8 MR. MATULE: That is what my
9 understanding is. It was a minimum of ten.

10 THE WITNESS: That was mine, too.

11 COMMISSIONER DOYLE: Yes, you are
12 right. You could go higher if you wanted. That
13 makes sense.

14 You said you are preserving the facade.
15 You mean you are just going to reuse the bricks, or
16 the front of the building is not going to be torn
17 down?

18 THE WITNESS: Well, because we have to
19 raise the floors due to the flood plain management
20 regulations, we are going to have to do some
21 altering to the window openings, but the actual
22 window opening widths and locations would be the
23 same in the middle here and the same on the side.

24 COMMISSIONER DOYLE: So the front of
25 the building -- they won't -- they will never be a

1 point in which that whole wall is gone?

2 THE WITNESS: That's correct. We would
3 be rebuilding it.

4 COMMISSIONER DOYLE: Thank you.

5 MR. MATULE: You also received the
6 Maser reports?

7 THE WITNESS: Correct.

8 MR. MATULE: Any issues in Mr.
9 Hipolit's report in particular, any issues
10 addressing the concerns he has raised?

11 THE WITNESS: I believe we addressed
12 everything except for the engineer's calculations
13 for the stormwater management.

14 I think that is it.

15 MR. MATULE: And other than the green
16 roof, will the building have any other green
17 features, you know, low energy appliances, low flow
18 water --

19 THE WITNESS: High efficiency windows.

20 CHAIRMAN HOLTZMAN: Street trees?

21 THE WITNESS: Street trees, which are
22 there, correct.

23 COMMISSIONER DOYLE: Detention system?

24 THE WITNESS: Correct.

25 CHAIRMAN HOLTZMAN: Which unfortunately

1 we do not have a calculation on.

2 COMMISSIONER DOYLE: A question.

3 In all of the reports, I guess these
4 are criteria or just laid out, but one of them is:
5 Anticipated generation of (a) noise.

6 Does that question, when posed to you
7 as the professional, mean what noise will the
8 building, once constructed, generate or because it
9 never seems to address an anticipated generation of
10 noise during the construction of the building, pile
11 driving, and things like that?

12 THE WITNESS: Right.

13 COMMISSIONER DOYLE: So this is more
14 use as -- that is --

15 MR. MATULE: The impact on the
16 neighborhood of the finished product.

17 COMMISSIONER DOYLE: Of the finished
18 product.

19 Thank you.

20 Where as vibration does tend to
21 recognize --

22 MR. MATULE: Obviously during
23 construction, there will be typical construction
24 noises, but they are hopefully only temporary.

25 CHAIRMAN HOLTZMAN: Jensen, can you

1 point out for us where the utilities are located,
2 because I know there was some discussion about that
3 in the development of the project.

4 THE WITNESS: Yes.

5 The utilities are off the main fire
6 stairs. There's two separate rooms. One would be
7 mechanical, one would be electrical --

8 CHAIRMAN HOLTZMAN: What floor are you
9 on?

10 THE WITNESS: Oh, the first floor.

11 The two separate rooms, one would be
12 for electric, and one would be for gas and water.

13 In anticipation of the sprinkler we
14 would be cutting the bathroom down, if need be.

15 MR. MATULE: And just so we are clear
16 for the record, when you are talking about the first
17 floor, you are talking about the first residential
18 floor above the design flood elevation?

19 THE WITNESS: That's correct because
20 the front is actually still two steps down. Even at
21 6.8, to the lowest adjacent grade, it would be
22 technically a basement because it is below grade.

23 CHAIRMAN HOLTZMAN: And that first
24 grade level or lobby level maybe is a better way to
25 refer to that, that lobby level, as you now drafted

1 it, it is pretty much a large wide-open space. Is
2 that correct?

3 THE WITNESS: Correct.

4 CHAIRMAN HOLTZMAN: And there is no
5 basement or anything else below that, and there's no
6 cellars or --

7 THE WITNESS: Correct. It's slab on
8 grade at the moment.

9 I would also point out currently those
10 two stairs that go up to the -- what now are the two
11 separate buildings, the two residential buildings,
12 those would be cut down to the level of the
13 sidewalk, and those would be made into planter beds
14 subject to City Council approval.

15 CHAIRMAN HOLTZMAN: In this case I am
16 pretty sure we have a situation where the stairs
17 that get to the lobby level already protrude and are
18 preexisting in the public right-of-way. That's
19 correct?

20 THE WITNESS: That's correct.

21 MR. MATULE: There is an area way
22 already existing cut out.

23 CHAIRMAN HOLTZMAN: Where there is some
24 stairs and railing and things like that?

25 THE WITNESS: Correct.

1 COMMISSIONER FORBES: May I?

2 On the existing building, are there bay
3 windows?

4 I mean, that is a concern. You are
5 talking about, again, you know, having occupied
6 space, private space out in the public right-of-way.

7 Again, I know that it is not at grade
8 level, but it is in the city's right-of-way. You
9 know, I don't know if that is something that you
10 took into consideration, the need for that. I know
11 that you talked about reducing the amount, but it is
12 something that, you know, to consider that you're
13 utilizing the city's right-of-way for livable space.

14 CHAIRMAN HOLTZMAN: Can you show us the
15 front elevation that highlights those bays?

16 Do you have a front elevation just --
17 not on the neighborhood plan of the --

18 MR. MATULE: A-200.

19 CHAIRMAN HOLTZMAN: -- there you go.

20 Can you highlight for us, or maybe
21 there is a marker, as to what part is the bays?

22 Can you highlight it?

23 Do you have a highlighter or a pen or
24 something like that, so that it is a little more
25 clear for everybody up here?

1 MS. CARCONE: I have a Sharpie here.

2 THE WITNESS: Thank you.

3 CHAIRMAN HOLTZMAN: Maybe that's a
4 little better.

5 THE WITNESS: Thank you.

6 CHAIRMAN HOLTZMAN: You know, if Frank
7 was here, we could use his crayons, but --

8 COMMISSIONER FORBES: Here is a
9 highlighter.

10 CHAIRMAN HOLTZMAN: Bob?

11 MR. GALVIN: Oh, I'm sorry. Well, that
12 will leave a mark.

13 (Laughter)

14 CHAIRMAN HOLTZMAN: Did I hit you in
15 the head with that, Bob, is that how you got that?

16 MR. MATULE: No. That is called
17 standing on a step ladder with a low light fixture.

18 (Laughter)

19 CHAIRMAN HOLTZMAN: How many lawyers
20 does it take to change a light bulb?

21 MR. MATULE: I'll have to start wearing
22 a helmet around the house.

23 (Laughter)

24 CHAIRMAN HOLTZMAN: So these bays
25 extend two feet out from the building and the

1 property line?

2 THE WITNESS: Correct.

3 CHAIRMAN HOLTZMAN: And they are three
4 stories high?

5 THE WITNESS: Correct.

6 CHAIRMAN HOLTZMAN: And they start
7 approximately how high off the sidewalk?

8 THE WITNESS: Nine foot six off the
9 lowered area way, so the sidewalk is still higher.
10 The sidewalk is actually --

11 COMMISSIONER DOYLE: No, it's right
12 there. I think you are saying it is even lower than
13 nine feet?

14 THE WITNESS: You never really see it
15 because the open area way is there, so the area way
16 goes down --

17 COMMISSIONER DOYLE: Oh, you step
18 down --

19 CHAIRMAN HOLTZMAN: As you are stepping
20 down, you are kind of stepping also underneath the
21 bay.

22 MR. MATULE: The bays are over the open
23 area.

24 THE WITNESS: That's correct.

25 CHAIRMAN HOLTZMAN: And how are they

1 clad?

2 THE WITNESS: Clad in copper.

3 CHAIRMAN HOLTZMAN: Copper?

4 THE WITNESS: Correct.

5 CHAIRMAN HOLTZMAN: Did you ever give
6 any consideration, or, Mr. Matule, did your
7 applicant give any consideration to the point that
8 Director Forbes brings up again, which is that there
9 is this incursion into the public right-of-way, and
10 is there something on the table that she could take
11 to the City Council as a fair trade-off?

12 MR. MATULE: Well, I think the
13 applicant indicated that they would design the
14 stormwater detention system to be twice whatever
15 North Hudson requires, but I think the other thing
16 here is we are substantially reducing the lot
17 coverage opening up the hole in the donut in the
18 backyard and also substantially reducing the density
19 of the building. We are reducing it from six
20 residential and one commercial to four residential
21 units.

22 So I think -- and the green roof, so I
23 think -- and plus the whole thing is being brought
24 up into compliance with the new flood regulations,
25 so I think those are all substantial public

1 benefits.

2 CHAIRMAN HOLTZMAN: Thank you.

3 MR. MATULE: And the fact that you have
4 the bays over an existing area way already is not
5 exacerbating any conditions. It is not like we have
6 blank slate there.

7 CHAIRMAN HOLTZMAN: I know that this
8 applicant has the benefit of having some preexisting
9 street trees. Perhaps there is some additional
10 improvement to the street or the neighborhood that
11 they could make for some additional trees.

12 MR. MATULE: I would be happy to raise
13 that, but I would think they would be willing to
14 donate some street trees to the city. As a matter
15 of fact, I think one of the principals is a member
16 of the Shade Tree Commission.

17 (Laughter)

18 (Counsel confers)

19 CHAIRMAN HOLTZMAN: Oh, that's good.

20 Do I hear a hundred trees?

21 (Laughter)

22 Why don't we bring him up, Bob, if
23 we're going to take him out loud?

24 MR. GALVIN: Raise your right hand

25 Do you swear or affirm what you are

1 about to testify to is the truth?

2 MR. COSSIO: Yes.

3 P E T E R C O S S I O, having been duly sworn,
4 testified as follows:

5 MR. GALVIN: State your full name for
6 the record and spell your last name.

7 MR. COSSIO: Peter Cossio, C-o-s-s-i-o.

8 MR. MATULE: So, Mr. Cossio, you
9 overheard our conversation about the street trees.
10 I think the Chair was alluding to. Would the
11 applicant be willing to put more or donate a couple
12 of extra street trees to the block frontage, but you
13 were indicating something about the size of the
14 existing trees?

15 THE WITNESS: The existing trees are
16 rather large, so I am on the Shade Tree Commission
17 actually, and there would probably be probably not
18 enough room in between those two mature trees to
19 adequately get enough light for a new tree. But, if
20 possible, again, I am on the Shade Tree Commission.

21 CHAIRMAN HOLTZMAN: Yes. That's great.
22 I appreciate it.

23 MR. MATULE: Perhaps down the block?

24 THE WITNESS: I could do that.

25 I have done that in other projects and

1 would be happy to plant more trees on the block.

2 CHAIRMAN HOLTZMAN: Some of our other
3 applicants, for example, have donated trees or money
4 to the Shade Tree Commission or basically made the
5 commitment to plant, let's say, for an additional
6 six trees either on the block or in the relatively
7 near neighborhood with consultation to the Shade
8 Tree Commission to spruce up the neighborhood.

9 THE WITNESS: I would love to with my
10 consultation, to put more trees on the block.
11 Absolutely.

12 There is already, you know, some -- I
13 think down the next building has a few, but I think
14 it is kind of barren on this side.

15 I mean, I think that we have to get
16 permission from the owners, but I would be more than
17 happy to send everybody a letter, and who replies to
18 it, I will plant a tree in front of their house.
19 Absolutely. I mean, I think that's a requirement
20 for any shade trees that the resident or the
21 owner --

22 CHAIRMAN HOLTZMAN: Well, the sidewalk
23 is our property, not their property, right?

24 THE WITNESS: Actually --

25 CHAIRMAN HOLTZMAN: How does it work?

1 THE WITNESS: The way it works is that
2 the owner is responsible to care for the tree, so
3 that is why we required them to acknowledge, because
4 if not, the tree won't last and then it will end up
5 being a dead tree.

6 So we require permission from the
7 resident, just so that the tree survives, and they
8 take care of it for the first two years, which are
9 the most critical years for the tree.

10 MR. MATULE: So could you commit to at
11 least a minimum of four extra trees?

12 THE WITNESS: Absolutely.

13 CHAIRMAN HOLTZMAN: Great. Let's put a
14 number.

15 THE WITNESS: I will put more, if, you
16 know --

17 MR. GALVIN: The applicant agreed to
18 plant an additional six trees along Park Street at
19 the direction of the Shade Tree Commission --

20 CHAIRMAN HOLTZMAN: How is that, and
21 we'll figure out the details later?

22 MR. MATULE: Park Avenue.

23 MR. GALVIN: -- Park Avenue.

24 CHAIRMAN HOLTZMAN: Thank you.

25 MR. MATULE: Okay. Thank you.

1 CHAIRMAN HOLTZMAN: Councilman?

2 MR. GALVIN: As if I knew.

3 COMMISSIONER DOYLE: I have two
4 questions. The first one: Are we allowed to have
5 off-track improvements like this?

6 CHAIRMAN HOLTZMAN: Yes.

7 MR. GALVIN: You have to be careful.
8 There is a fine line. You have to be careful when
9 you're asking for these things. There is a limit to
10 what we should ask for.

11 We can't ask them for a fire truck --

12 (Laughter)

13 -- but if they are offering what the
14 suggestion's been --

15 COMMISSIONER DOYLE: Or the --

16 (Everyone talking at once.)

17 MR. GALVIN: -- Yeah, I am sure there
18 is, but we should leave that one alone.

19 No. What we are suggesting here is
20 that -- and the courts recognize --

21 COMMISSIONER DOYLE: And --

22 MR. GALVIN: -- no, just let me get the
23 sentence out of my mouth --

24 CHAIRMAN HOLTZMAN: Couldn't resist.

25 MR. GALVIN: -- yeah, that's all right.

1 That when -- that these are modest, a
2 couple trees is modest. Doubling the stormwater
3 retention is modest in exchange for the encroachment
4 into the city right-of-way.

5 CHAIRMAN HOLTZMAN: And it's within
6 keeping of the type of things that they would
7 normally do on their property as well.

8 MR. GALVIN: Yeah, it is.

9 But if we wanted to impose that,
10 though, I believe that we would lose under the
11 statute for imposing -- you can only impose
12 reasonable off-site improvements reasonably related
13 to the project, so we can't go to everything that
14 comes through us and say, oh, we want you to add six
15 trees. We want you to pave the pavement. But in
16 this case you are offering it to us --

17 THE WITNESS: Absolutely.

18 MR. GALVIN: -- because you want these
19 encroachments.

20 MR. MATULE: Correct.

21 CHAIRMAN HOLTZMAN: Commissioner Peene,
22 I know that you had previously had some questions
23 about the backyard and the AstroTurf and things like
24 that.

25 COMMISSIONER PEENE: Yes, I did.

1 My question, and in Mr. Vasil's
2 professional opinion, I just wanted to know why
3 synthetic grass was placed in the backyard as
4 opposed to regular grass.

5 J E N S E N V A S I L, having been previously
6 sworn, testified further as follows:

7 THE WITNESS: It's actually -- because
8 it's pretty low lying, it's difficult to keep
9 natural grass growing and there's not enough --

10 COMMISSIONER PEENE: Because of the
11 light and the way it comes --

12 THE WITNESS: Correct. And this has,
13 you know, a very good perk rate, and we find that
14 it's a lot better suited for the soil there.

15 CHAIRMAN HOLTZMAN: And is the backyard
16 attached to a drainage system?

17 THE WITNESS: Yes, correct. It would
18 be the same retention system, correct.

19 COMMISSIONER PEENE: Thank you.

20 COMMISSIONER DOYLE: I just have two
21 questions --

22 MR. ROBERTS: I'm sorry, go ahead.

23 COMMISSIONER DOYLE: No.

24 MR. ROBERTS: This is a follow-up. You
25 said it was attached, the backyard area, is it

1 connected to a tank with a drain or --

2 THE WITNESS: So what we have done in
3 the past and what we are doing down the street is
4 there is a cistern that connects to the area drains,
5 and in the backyard they can connect to the same
6 thing that the roof drain connects to, so on-site
7 detention is for both.

8 MR. ROBERTS: So you're going to have
9 synthetic turf with a drain that will be connected
10 to the same cistern --

11 THE WITNESS: Yes.

12 If you see on this plan, we are sloping
13 down to the middle, so we have a cistern here that
14 would have a grate on it.

15 (People talking at once.)

16 CHAIRMAN HOLTZMAN: One at a time,
17 sorry.

18 MR. COSSIO: You can use the actual
19 water. It comes with a pump, so you can actually
20 use the water --

21 THE WITNESS: For irrigation.

22 MR. COSSIO: -- for irrigation, the
23 whole garden, so you don't have to use --

24 COMMISSIONER DOYLE: Synthetic grass?

25 (Laughter)

1 COMMISSIONER PEENE: Chairman, I have a
2 question.

3 Is this more than like the synthetic
4 grass that we see on Met Life Stadium or Rutgers
5 stadium or --

6 MR. COSSIO: No, it's not actually.
7 There is different types of grass --

8 COMMISSIONER PEENE: Because that has
9 the grass, like rubber macadam in it --

10 THE WITNESS: It is extremely lifelike
11 in looking at it. It has a mesh, but yes --

12 MR. COSSIO: We either --

13 COMMISSIONER PEENE: It's not going to
14 look like --

15 CHAIRMAN HOLTZMAN: One at a time,
16 guys.

17 THE WITNESS: No, not at all.

18 THE REPORTER: What was the question?

19 CHAIRMAN HOLTZMAN: One at a time,
20 guys.

21 COMMISSIONER PEENE: I was just going
22 to say it is not going to look like the Brady's
23 backyard or --

24 MR. VASIL: No, it's going to be --

25 MR. MATULE: There is a detail on Sheet

1 Z-06.

2 THE WITNESS: And they have varying
3 sizes, but two and a half inches.

4 CHAIRMAN HOLTZMAN: Dave, is there also
5 a question with regard to the downspouts and drains
6 all being attached to the detention system as well?

7 MR. ROBERTS: Yeah. I think that was
8 attached --

9 MR. MATULE: I was going to --

10 CHAIRMAN HOLTZMAN: I'm sorry?

11 MR. ROBERTS: -- yeah. There was an
12 SSP, and they will be attached to the same system.

13 CHAIRMAN HOLTZMAN: Is that in the
14 plan, or is that something that has been revised,
15 Jensen?

16 THE WITNESS: That's something that the
17 engineer will provide with the calculations, so they
18 will show the connection and the pump and all of
19 that.

20 Just back to the synthetic grass
21 comment, it is about two and an eighth inches high,
22 so it is pretty lifelike.

23 COMMISSIONER PEENE: Thank you.

24 COMMISSIONER DOYLE: I still have my
25 second question.

1 CHAIRMAN HOLTZMAN: Yes, go ahead.

2 COMMISSIONER PEENE: I'm sorry.

3 COMMISSIONER DOYLE: I just wanted to
4 make it clear in my mind. Right now there is an
5 area with a couple of steps down to get to the
6 former restaurant.

7 THE WITNESS: That's correct.

8 COMMISSIONER DOYLE: That area will
9 remain as such, so there will still be an area that
10 will not be part of the public sidewalk. It's sort
11 of -- it is what it is, but -- and that is reflected
12 on --

13 THE WITNESS: That is here where you
14 can see the steps down.

15 CHAIRMAN HOLTZMAN: So those are the
16 steps to the lobby.

17 COMMISSIONER DOYLE: So the bumpout for
18 the bay window is not even coming close to the area
19 where the public --

20 THE WITNESS: Absolutely.

21 (Cell phone ringing)

22 COMMISSIONER DOYLE: Thank you.

23 MR. MATULE: Can you shoot that, Frank?

24 (Laughter)

25 VICE CHAIR MAGALETTA: Mr. Vasil, I

1 have another question.

2 Now, the floor plates are being raised,
3 correct, for every floor or just the basement or the
4 first floor?

5 THE WITNESS: They are all being
6 adjusted.

7 VICE CHAIR MAGALETTA: So then the
8 question becomes with the windows, the whole front
9 is being raised as well?

10 THE WITNESS: Correct.

11 VICE CHAIR MAGALETTA: It's not being
12 knocked down?

13 THE WITNESS: No.

14 VICE CHAIR MAGALETTA: At all --

15 CHAIRMAN HOLTZMAN: Wait, wait, wait.
16 I want to make sure I'm clear.

17 You said is the facade being raised?

18 VICE CHAIR MAGALETTA: He said no.

19 THE WITNESS: I'm sorry. The floor is
20 being raised, yes.

21 CHAIRMAN HOLTZMAN: Let's do one at a
22 time.

23 The front of the building is not being
24 raised.

25 THE WITNESS: Where we can --

1 specifically I know at the first floor we have to
2 completely raise the window. But on the second
3 floor you wouldn't really have to because the floor
4 plates right now are regular, so you have ten foot
5 six on the second floor. The first floor is only
6 nine foot, so on the first floor you would have to
7 raise the lintel, but on the second floor you would
8 have a lower window.

9 VICE CHAIR MAGALETTA: Okay. Now I got
10 it.

11 Thank you.

12 CHAIRMAN HOLTZMAN: So was it that the
13 first livable floor was actually reduced?

14 THE WITNESS: It's brought up.

15 CHAIRMAN HOLTZMAN: The first level
16 needed to be brought up?

17 THE WITNESS: Correct.

18 CHAIRMAN HOLTZMAN: Okay.

19 THE WITNESS: In order to -- there were
20 two different factors in there. The first was the
21 filling in of the basement, and second of all, that
22 minimum floor height, floor to ceiling height for
23 the lobby, so in order to get seven foot six in and
24 meet the lowest adjacent grade, they would have
25 to -- we had to raise it.

1 CHAIRMAN HOLTZMAN: Okay. Councilman,
2 are you good for the moment?

3 COMMISSIONER DOYLE: I am done.

4 CHAIRMAN HOLTZMAN: Commissioners, any
5 other questions or comments?

6 Yes, please, go ahead, Sandra.

7 MS. CACERES: Going back to the
8 synthetic grass and the installation of pervious
9 pavers --

10 THE WITNESS: Yes.

11 MS. CACERES: -- I am trying to
12 understand if the -- why are you installing the
13 grass and not pavers throughout the whole backyard,
14 if really there is no good -- you are saying that
15 there is not enough light for the grass to grow, so
16 now you go to using synthetic grass. Well, why
17 don't you just use the pervious pavers for the
18 entire backyard?

19 THE WITNESS: There is a limitation in
20 the zoning code that limits, even with pervious
21 pavers, to be 50 percent of the rear yard -- of the
22 open space, so we are limited to only 50 percent of
23 what we can use for pervious pavers.

24 CHAIRMAN HOLTZMAN: And there is an
25 esthetic balance.

1 MR. COSSIO: It's also more hard scape,
2 which is, even though the pervious pavers, the grass
3 is --

4 COMMISSIONER DOYLE: It's a hundred
5 percent pervious.

6 MR. COSSIO: -- it's a hundred percent
7 pervious.

8 CHAIRMAN HOLTZMAN: So what is our lot
9 coverage percentage? I'm sorry.

10 MR. ROBERTS: 64.05 percent.

11 COMMISSIONER DOYLE: But those are
12 elevated up.

13 MR. ROBERTS: Right. And that is the
14 whole stairway system. In the other application the
15 stairway system was just the ground floor. This is
16 going all the way up --

17 MR. MATULE: The principal building is
18 60 percent.

19 CHAIRMAN HOLTZMAN: I'm sorry. What,
20 Mr. Matule?

21 MR. MATULE: The principal structure is
22 60 percent lot coverage, but then the fire stair on
23 the back is what is contributing to the additional
24 lot --

25 CHAIRMAN HOLTZMAN: Can we see some of

1 the details of the rear elevation fire stair
2 element?

3 THE WITNESS: Here you can see there
4 are two operable panels. This is the balcony that
5 projects out eight feet, and then there is a stair
6 off of that, which leads to the rear yard.

7 CHAIRMAN HOLTZMAN: So the projection
8 off the back of the building is eight feet, is that
9 what you said?

10 THE WITNESS: That's at the balcony
11 only, correct.

12 The best sheet to see that is A-101.

13 CHAIRMAN HOLTZMAN: Uh-huh.

14 THE WITNESS: You can see we also have
15 provided a six foot high wood privacy screen for
16 that as well.

17 CHAIRMAN HOLTZMAN: Any questions or
18 comments on that, Mr. Magaletta?

19 VICE CHAIR MAGALETTA: Yeah.

20 You are only three feet from the
21 neighbor, right?

22 THE WITNESS: Three feet from the
23 property line.

24 VICE CHAIR MAGALETTA: Yeah.

25 What is on the other side of the

1 property line?

2 THE WITNESS: Stairs.

3 VICE CHAIR MAGALETTA: Okay. And how
4 close are those stairs?

5 CHAIRMAN HOLTZMAN: That's the building
6 to the north you're talking about?

7 VICE CHAIR MAGALETTA: Correct, to the
8 north, yes.

9 THE WITNESS: I have some better
10 pictures, if you want to take a look at them.

11 CHAIRMAN HOLTZMAN: Great.

12 MR. MATULE: Let's just mark them.

13 How many do you have there, four, five?

14 A-1, A-2, A-3, A-4, and A-5.

15 (Exhibits A-1 through A-4 marked)

16 CHAIRMAN HOLTZMAN: The rear stair is
17 all steel?

18 THE WITNESS: Yes, correct, to make it
19 as light as possible.

20 CHAIRMAN HOLTZMAN: And it is for fire
21 resistance efforts as well, right?

22 THE WITNESS: Correct. And we set it
23 off that property line three feet, which is --

24 MR. MATULE: Okay.

25 Mr. Vasil, I am just going to show you

1 a photograph here that I marked A-1.

2 THE WITNESS: Sure.

3 MR. MATULE: Could you just -- first of
4 all, did you take these photographs?

5 THE WITNESS: I did.

6 MR. MATULE: All right. Can you just
7 identify what A-1 is?

8 THE WITNESS: So this is the adjacent
9 building to the north, and this is their stair,
10 which goes to their rear yard, and this is their
11 balcony, which is to the north.

12 MR. MATULE: Okay. I am going to mark
13 A-2. Just, again, just tell us what it is.

14 THE WITNESS: Same photo or a different
15 angle of the same shot showing the side building.
16 It's probably important to note that is -- their lot
17 is a hundred feet and ours is 95 feet, so our
18 building stops three feet short of the back of their
19 building.

20 MR. MATULE: Okay.

21 VICE CHAIR MAGALETTA: So basically
22 half of the terrace because it's three feet shy, and
23 the terrace is six feet deep, so three feet will
24 extend -- or it will line up with the neighbors to
25 the north?

1 THE WITNESS: It's actually eight feet
2 deep, so five feet would be beyond their building.

3 VICE CHAIR MAGALETTA: Okay.

4 COMMISSIONER DOYLE: But the staircase
5 is three feet wide, so it won't protrude out beyond
6 their property, correct?

7 THE WITNESS: Yes, correct.

8 MR. MATULE: And what is A-3?

9 THE WITNESS: This is a shot looking at
10 the top balcony of the adjacent structure, so that
11 is their balcony and then you could see their stair
12 goes down.

13 (Board members talking at once.)

14 COMMISSIONER DOYLE: That's the acrylic
15 grass or whatever you call it?

16 THE WITNESS: Looking at the opposite
17 end of the same balcony paired together.

18 MR. MATULE: Is that A-4?

19 Do you need it?

20 THE WITNESS: No.

21 CHAIRMAN HOLTZMAN: Jensen, you also
22 mentioned that there's, you said, a privacy screen
23 on that rear stair?

24 THE WITNESS: Correct.

25 CHAIRMAN HOLTZMAN: And you said it was

1 wood.

2 THE WITNESS: It's Epay.

3 CHAIRMAN HOLTZMAN: Oh, it's Epay. So
4 it passes all of the fire resistant requirements
5 obviously?

6 THE WITNESS: Correct.

7 MR. ROBERTS: Just a question, a
8 follow-up question, Jensen, just because it came up
9 in another context tonight.

10 The reason for I guess the fire stairs
11 second means of egress, why is it on the outside of
12 the building rather than internalized within the
13 building?

14 Is there an architectural explanation
15 for that in terms of the building code or because we
16 normally see them and often see them internally?

17 THE WITNESS: Capitalism.

18 (Laughter)

19 It's the most, you know, usable space
20 in keeping the stair outside, you wouldn't be -- you
21 would take up the usable space inside.

22 MR. COSSIO: It's a three-bedroom
23 apartment as opposed to taking up space and looking
24 at a smaller, you know, living space, which isn't as
25 family-friendly.

1 MR. MATULE: You also have an
2 undersized lot, correct?

3 THE WITNESS: We do.

4 MR. MATULE: Where you would normally
5 have a 60 foot building, your building is how many
6 feet?

7 THE WITNESS: Our building is 57 feet.

8 MR. MATULE: So basically if you were
9 on a hundred foot lot, you could have an additional
10 three feet inside, where you could put a staircase?

11 THE WITNESS: Yes.

12 MR. ROBERTS: He's trying to get to the
13 four percent lot coverage.

14 CHAIRMAN HOLTZMAN: Okay.

15 We'll circle back. We can circle back
16 with the Commissioners.

17 We will open it up to the public to see
18 if there are any questions from the public for the
19 architect on this plan.

20 Sure, come on up.

21 MR. GALVIN: You are just asking
22 questions right now.

23 MR. BLOOM: Oh, okay.

24 I saw everybody else --

25 MR. GALVIN: Right. Because they're

1 under oath, and they're giving us testimony. But --

2 MR. BLOOM: So, hum --

3 MR. GALVIN: Can we have your name and
4 address?

5 MR. BLOOM: Yeah. Adam Bloom,
6 B-l-o-o-m.

7 MR. GALVIN: And your street address?

8 MR. BLOOM: I'm sorry?

9 MR. GALVIN: And your street address?

10 MR. BLOOM: 310 Park Avenue, the
11 building directly next door.

12 MR. GALVIN: Sure, go ahead. Ask
13 questions.

14 MR. BLOOM: This is probably more of a
15 question for the panel here --

16 MR. GALVIN: No. We don't usually
17 answer questions, but go ahead.

18 MR. BLOOM: Okay. So my question is
19 around, you know, the building that we moved into is
20 310-312. It's a double lot also, and I know there
21 were variances there, and you know, part of that was
22 getting LEED approval. It's a green building. Part
23 of the excitement of moving in there is the green
24 aspect and --

25 MR. GALVIN: You have to ask a

1 question. If you wait just -- we are going to get
2 to a point where we are going to take public
3 comment.

4 MR. BLOOM: Can we -- okay. So maybe I
5 came up at the wrong time, but --

6 CHAIRMAN HOLTZMAN: If you have any
7 specific questions for the architect about the
8 building or any design issues or height --

9 MR. BLOOM: All right. So I'll come
10 back up later on.

11 MR. GALVIN: And let me just say this.
12 They are doing a green roof. I have been quietly
13 working here to make sure that the green roof will
14 get maintained, and they are going to give us a
15 green roof plan, and I'm going to put it in the
16 managing documents.

17 MR. BLOOM: That's fantastic.

18 So we have solar panels, and about 50
19 percent of our electricity is generated through the
20 sun, and we just wanted to know that we can protect
21 that, and they have done everything they can.

22 I want to know if there is an
23 opportunity to restrict further sun shades after
24 this building is built to prevent that, and that's
25 my question.

1 MR. GALVIN: That is a fair question.

2 We will come back to that.

3 MR. BLOOM: Okay, perfect.

4 CHAIRMAN HOLTZMAN: Are there any other
5 members of the public that have specific questions
6 for the architect, the building design, things of
7 that nature?

8 If there is somebody behind that board,
9 I can't see them, so please speak up.

10 Okay.

11 All right. Commissioners, any other
12 additional questions?

13 Opinions?

14 Let's take opinions from the public.

15 Come on back.

16 MR. MATULE: Can I bring up my planner?

17 CHAIRMAN HOLTZMAN: I'm sorry. Yes, of
18 course.

19 (Laughter)

20 MR. MATULE: Thank you, Mr. Chairman.

21 MR. OCHAB: I almost escaped.

22 CHAIRMAN HOLTZMAN: Almost escaped.

23 (Laughter)

24 MR. MATULE: And I will wait until you
25 get sworn before you go on the record.

1 MR. GALVIN: Raise your right hand.

2 Do you swear or affirm that what you
3 are about to testify to is the truth?

4 MR. OCHAB: Yes, I do.

5 K E N N E T H O C H A B, having been duly sworn,
6 testified as follows:

7 MR. GALVIN: State your full name for
8 the record and spell your last name.

9 THE WITNESS: Ken Ochab, O-c-h-a-b.

10 MR. GALVIN: Okay. Mr. Chairman, do we
11 accept Mr. Ochab's credentials as a planner?

12 CHAIRMAN HOLTZMAN: Yes, we do.

13 MR. GALVIN: You may proceed.

14 MR. MATULE: Mr. Ochab, before we start
15 with your testimony, I see you have a couple of
16 boards here. How many, two?

17 THE WITNESS: I have two, yes.

18 MR. MATULE: All right. So we will
19 mark the first one A-5.

20 (Exhibit A-5 marked.)

21 Could you just identify for the record
22 what that is?

23 THE WITNESS: A-5 is a series of four
24 photographs primarily of the frontage of the
25 building and the street. These photographs were

1 taken, all taken by me over the course of the last
2 year.

3 MR. MATULE: Okay. And what is the
4 other board?

5 THE WITNESS: The second board is again
6 a series of four photographs of the rear of the
7 property, again, all taken by me.

8 MR. MATULE: Okay. We will mark that
9 A-6.

10 (Exhibit A-6 marked.

11 Okay. Thank you.

12 So you are familiar with the zoning
13 ordinance and the master plan of the City of
14 Hoboken?

15 THE WITNESS: I am, yes.

16 MR. MATULE: And you are familiar with
17 the project in its current iteration?

18 THE WITNESS: Yes, I am.

19 MR. MATULE: Including the additional
20 variance request for the facade materials because of
21 the Mansard roof?

22 THE WITNESS: Yes, I'm aware of that.

23 MR. MATULE: And did you prepare a
24 report September 23rd, 2015?

25 THE WITNESS: I did.

1 MR. MATULE: Could you go through your
2 report for the Board and give us your professional
3 opinion regarding the variance relief being
4 requested?

5 THE WITNESS: Yes.

6 So I don't want to be redundant from
7 Jensen's testimony, so I will be brief about the
8 issues here.

9 We have two variances, both Cs
10 obviously for building height.

11 The building height is 43 feet 11
12 inches, and we have a lot coverage variance for
13 64.05 percent, 60 percent building and 4.06 for the
14 fire stairs rear access.

15 What I typically do is take photographs
16 to help with testimony, and so just to go through
17 these, so you can get maybe a little bit better
18 picture of what is happening out there.

19 The upper left photograph is a
20 photograph of the front of the building itself,
21 306-308. It shows the building and also the access
22 stair area, where you step down to the lobby level
23 of the building.

24 That lobby level at one time was a
25 restaurant, which continued through the building and

1 to an extension in the rear, and then there was six
2 units above on each side -- there was a total of
3 three on each side. So we are proposing to
4 eliminate the restaurant and then have three units
5 instead of the six units --

6 MR. MATULE: Four units.

7 THE WITNESS: -- four units instead of
8 the six.

9 So that's -- now the stairways that are
10 coming down on each side, as Jensen indicated, would
11 be eliminated, and planters are going to be put
12 there, and that is important because of the dropoff
13 in front of the building, which goes down to the
14 lobby level, so we need some protection there
15 obviously, otherwise that would be a problem.

16 The iron railing is proposed to be kept
17 in place, so the character of the building and how
18 it relates to the street scape will remain at least
19 in that particular focused area.

20 In addition, you see one tree in the
21 center of the property, and there is another tree
22 just to the left. Those two trees obviously will be
23 retained as is.

24 The photograph in the upper right is a
25 photograph of the area south of the proposed

1 property area where the tree is. Again, we have two
2 properties and another five-story building on the
3 corner of Third and Park.

4 Just to show you that street scape,
5 this is the lower left photograph, which is a
6 photograph of the street north of the property, so
7 we have the adjacent building here, and then as we
8 continue down the block just showing the facade,
9 more modern contemporary design on these buildings
10 at least for the next three or four buildings to the
11 north.

12 And then finally, the lower right
13 photograph shows again the street scape from the
14 corner of Third and Park.

15 What I really wanted to show is this
16 little triangular section here, which is the
17 adjacent building to our north, which is one story
18 higher than the existing buildings here, and we are
19 going to be coming up pretty much to what amounts to
20 four and a half inches higher than this particular
21 building.

22 But you can see from the corner of
23 Third and Park, it is pretty insignificant in terms
24 of visually what you see and how that relates to the
25 street scape itself.

1 Inadvertently, the photographs, also
2 who there's plenty of room for street trees. It
3 wasn't intended to show that, but since we were
4 there anyway, I think it is a good representation of
5 the lack of trees to the south and also the lack of
6 trees to the north, so there you go. You can put
7 some trees.

8 (Laughter)

9 Turning to the rear of the property,
10 the upper left photograph shows our building to the
11 right side, and then the adjacent building to the
12 north on the left side.

13 Again, our building comes back to about
14 three feet short of the depth of this building to
15 the north, and our access stair area again comes
16 into three feet, and then we extend out an
17 additional five.

18 What you see here on this photograph is
19 the fact that the stairway to the building to the
20 north is inset about an additional three feet as
21 well, and also this is a stairway area, so these are
22 more substantially sized decks on this building to
23 the north, which are beyond the stairs.

24 So in terms of buffering, we have our
25 three feet, their three feet, and then another let's

1 say three feet for the stair access system, and then
2 the decks beyond that.

3 We are doing a privacy screen in any
4 case, and they have a privacy screen mechanism here
5 as well, which I don't know exactly what materials
6 they are, but they are slats put into the decking
7 material, so that is the view there.

8 The upper right photograph is just kind
9 of trying to look down the back building line again
10 seeing the building directly to our north.

11 And then further to the north is a
12 larger building with actually balconies off the side
13 of the building, which I thought was very unusual,
14 so there must have been some sort of an L-shaped
15 building further on down the block, but it gives you
16 a sense of where the depth of the buildings are,
17 predominantly 60 feet in terms of the new
18 construction.

19 The lower photograph shows the
20 photograph from the backyard to the south, and
21 again, we have two existing older structures to our
22 south, and then the big building on the corner of
23 Third and Park.

24 It also shows in the foreground the
25 extension of the restaurant area back to the rear of

1 the property, so all of this will be removed, as you
2 saw in Jensen's plan, and that will become all open
3 area.

4 Then the final photograph on the lower
5 right is a photograph of the southwest corner of the
6 rear, again showing the extension of the restaurant
7 building, and then the building to our rear, and
8 then the building to -- diagonally across, which is
9 again the five-story building, so we have a lot of
10 building around us,

11 And in terms of what is happening here,
12 certainly removal of the existing restaurant
13 extension, which covered about 72 percent of the
14 property all together is going to be eliminated, and
15 that will all be opened up. So in terms of the
16 master plan's goals and objectives about opening up
17 the rear yard, this is certainly compliant with that
18 particular objective.

19 Also, if you think about what the
20 existing use was, we had an active restaurant and
21 six units of residential occupying this property.
22 So in terms of the intensity of use, the activity
23 that might have taken place here, you can see on the
24 restaurant there are doors that opened out into the
25 patio area. So although I never went to the

1 restaurant here, I don't know exactly what type it
2 was, but I get the sense that there was outdoor
3 seating as well as indoor seating.

4 So in terms of how that relates to the
5 neighbors, residential neighbors, it could have been
6 okay, but it also could have been a little bit of an
7 issue. But all of that is going to be gone, and we
8 will open up that whole yard, and again, be
9 compliant with the municipality's open space,
10 hole-in-the donut approach to the block area.

11 So with respect to the two variances, I
12 won't say the word, but I think that in terms of the
13 height, a four and a half inch deviation above the
14 roof to our north is insignificant. Jensen
15 certainly has worked hard on minimizing any shading
16 impact, and at four and half inches above their roof
17 line, which is about that much, I think you can say
18 that the impact of the additional height would not
19 be significant.

20 And in terms of the lot coverage,
21 again, we are at 60 percent. We have an undersized
22 lot, but we also are compliant with the rear yard
23 setback requirement of 30 feet, so we have 30 feet
24 and we're providing for access, which needs to be
25 done in any case, so I think there is all positive

1 reasons to look at these variances from a C-2
2 standpoint in terms of the benefits in addition to
3 the other things that had been offered.

4 So, Mr. Chairman, I will stop there.

5 CHAIRMAN HOLTZMAN: Thank you, Mr.
6 Ochab.

7 Are there any questions for Mr. Ochab
8 with regards to planning questions or any of the
9 photos he has shown us?

10 Dave, do you have any other questions
11 or --

12 MR. ROBERTS: Just I guess a follow-up
13 on the height. I think the height, and I know this
14 is really something that Jensen has already talked
15 about, but we heard a little bit about the floor to
16 ceiling height I think, and also the height is
17 measured from the design flood elevation. So the
18 difference between the conforming 40 foot building
19 and a 43 foot building I imagine probably has to do
20 with one or both of those factors.

21 I know you mentioned that in comparison
22 to the building to the north, that it is a four inch
23 difference, but it is a three foot difference in
24 terms of the minimum versus proposed.

25 So I guess I'm curious as to whether

1 you took that into consideration in terms of the
2 differential of the height, the floor to ceiling
3 height, whether there is a benefit to the floor to
4 ceiling heights that were chosen, and how that
5 contributed to the height variance.

6 THE WITNESS: Well, certainly you need
7 sufficient height for access and movement of
8 materials and the like, so I am sure Jensen had
9 taken that into consideration.

10 But also on the upper floors, you know,
11 the height that he is proposing allows more of an
12 area of more openness to the units, and so I think
13 that, you know, all of those things are benefits to
14 the architectural design as well as how the units
15 are laid out.

16 So the three feet eleven inches is
17 still a C variance, so it is not critical, otherwise
18 I wouldn't be here obviously, and from my
19 perspective the issue here is if we are under the
20 four foot variation, the issue is how do we impact
21 our neighbors.

22 So in this case, I don't believe there
23 is any substantial impact to our neighbors. It
24 relates, too, to how the sun comes around the
25 building, which means that the north side of us is

1 always a more critical issue to look at, and in this
2 case, again, that is why I used the four and a half
3 inch difference.

4 CHAIRMAN HOLTZMAN: Councilman, did you
5 have a question?

6 You don't have to have one if you
7 don't.

8 COMMISSIONER DOYLE: No. I think
9 Commissioner Magaletta has one. But my question
10 pertained to -- I mean, we heard you and the
11 architect characterize the rear staircase as such.
12 But, you know, when you get into an eight foot wide
13 deck on the back with stairs, you know, which do
14 eventually take you down to the yard, it seems like
15 it's, you know, I mean, it seems like you are
16 characterizing a deck network as a staircase.

17 MR. GALVIN: And the Zoning Board has
18 rejected that several times, right?

19 Am I wrong?

20 MR. MATULE: Rejected?

21 MR. GALVIN: The Zoning Board has
22 rejected that concept. There is a difference
23 between fire stairs and when the --

24 MR. MATULE: Yes.

25 MR. GALVIN: -- when the stairs start

1 to get used as a deck --

2 MR. MATULE: It is not a fire escape
3 under the ordinance, which is permitted to be up to
4 four and a half feet off the back of the building.

5 MR. GALVIN: It becomes a deck once you
6 go beyond that.

7 MR. MATULE: Yes.

8 MR. GALVIN: That has been the ruling
9 of the Zoning Board. That would be the ruling --
10 that one would be binding on the Planning Board as
11 well.

12 MR. MATULE: Well, that's why we're
13 asking for the variance, because we were trying to
14 kill two birds with one stone, to have the second
15 means of egress because of the compromised building
16 depth to try to keep the building at 60 percent lot
17 coverage on the undersized lot, but get the exterior
18 stair and some exterior space at the same time.

19 CHAIRMAN HOLTZMAN: Councilman, are
20 you --

21 COMMISSIONER DOYLE: So I guess the
22 question is: When you are talking undersized lot by
23 five foot, and you know, I mean, you can either have
24 your four foot fire escape or you can have -- you
25 can pull the building back two feet and make it, you

1 know, whatever you want to do. But I'm just -- I
2 guess I was commenting on the characterization of it
3 as -- but you make a good point, that you are here
4 for a variance, and whether you call it a deck or a
5 plaza or a staircase, that is --

6 MR. MATULE: Well I just want to be
7 clear that we are not trying to minimize the fact
8 that we are asking for a variance or fly under the
9 radar by calling it a stairwell.

10 MR. GALVIN: That's just the way I
11 heard it. I'm sorry. I didn't mean to imply that.
12 I was just --

13 MR. MATULE: Okay. I think we are all
14 on the same page.

15 CHAIRMAN HOLTZMAN: So, Councilman,
16 your point was, I just want to sort of call it what
17 it is, and is that sort of what you are trying to
18 clarify there?

19 COMMISSIONER DOYLE: Well, my point is
20 by my math, and I looked at the report, and
21 somewhere in there it says these units are about
22 2250 or 60 square feet, which are not small, and you
23 are seeking the additional eight foot by the width
24 of the deck that I don't have, but it has to be --

25 THE WITNESS: It's actually eight by

1 12.

2 COMMISSIONER DOYLE: -- eight by 12.

3 So you are seeking that additional
4 space when in theory, you could have that space, if
5 you wanted outdoor space, just by pulling the
6 building back a little bit, and that is my point.

7 CHAIRMAN HOLTZMAN: Which is why they
8 are requesting it, right?

9 Commissioner Magaletta?

10 VICE CHAIR MAGALETTA: Yes. Very
11 briefly.

12 With respect to the building height,
13 the floor to floor is ten foot five inches, is that
14 correct?

15 CHAIRMAN HOLTZMAN: Let's get Jensen.

16 MR. MATULE: I believe ten-seven --

17 CHAIRMAN HOLTZMAN: Jensen, just come
18 up and answer, please.

19 VICE CHAIR MAGALETTA: So you could
20 take 20 inches off of the height right there and
21 make it just ten-ten -- I mean ten foot even, right?

22 MR. VASIL: Well, one of the reasons we
23 had a little bit higher floor to floor height is we
24 have a soundproofing system, which are sandwiched
25 between the structure, and the soundproofing is 16

1 inches, so we've really got a nine foot ceiling --

2 VICE CHAIR MAGALETTA: You have nine
3 foot it says here --

4 MR. VASIL: Correct.

5 VICE CHAIR MAGALETTA: -- and nine foot
6 three.

7 So the soundproofing is why you have a
8 bigger --

9 MR. VASIL: Correct.

10 And then two foot one and a half inches
11 is really us just getting that first floor out of
12 the flood plain.

13 VICE CHAIR MAGALETTA: I understand
14 that part, yeah.

15 So why is it so much -- with the
16 soundproofing, why is it so excessive?

17 It seems excessive is what I'm saying,
18 so why are you doing it that way?

19 MR. VASIL: Just because we are using
20 the metal studs to -- with open joists to minimize
21 the amount of soffits that we have, so we have to
22 have a resilient channel and then double sheetrock
23 with green glue, so that it actually takes up a
24 significant amount underneath the structure itself.

25 VICE CHAIR MAGALETTA: Okay.

1 COMMISSIONER STRATTON: Can I ask a
2 follow-up question to that?

3 CHAIRMAN HOLTZMAN: Sure. Go ahead,
4 Commissioner.

5 COMMISSIONER STRATTON: So this is a
6 planning-architect question. On Sheet Z-003, 306
7 Park looks like it is not four inches taller than --
8 am I looking at an old one?

9 COMMISSIONER FORBES: Yes.

10 CHAIRMAN HOLTZMAN: Is there a
11 revision? There seems to be a -- Commissioner
12 Stratton is looking at maybe an older draft.

13 COMMISSIONER STRATTON: All right.

14 MR. MATULE: They have a different
15 street elevation.

16 CHAIRMAN HOLTZMAN: Let's make sure we
17 got a clear answer on this.

18 COMMISSIONER STRATTON: It's four
19 inches higher.

20 MR. VASIL: It's actually three inches.
21 The building -- it's 43 foot eight, and we are 43,
22 11 and a half.

23 COMMISSIONER STRATTON: Okay.

24 VICE CHAIR MAGALETTA: I don't know,
25 maybe Jensen, or I'm not sure if your planner.

1 With respect to talking about the well
2 in the front, I will call it a "well," how the bays
3 are above that and therefore they are not as much of
4 an impingement upon the right-of-way --

5 MR. VASIL: Correct.

6 VICE CHAIR MAGALETTA: -- how come
7 those bays -- the wells are being filled in except
8 for the area where people use them to descend, and
9 come in and out of the basement?

10 Why is the side of it being filled in?

11 MR. VASIL: That whole bottom level is
12 all being raised to the lowest adjacent grade.

13 VICE CHAIR MAGALETTA: Wait a second.

14 So you are keeping the well -- so
15 you're getting rid of the well, I'm sorry --

16 CHAIRMAN HOLTZMAN: Nope.

17 MR. VASIL: Well, you are keeping the
18 well, but we're raising it to the lowest adjacent --

19 MR. MATULE: The well is -- the outline
20 of the well is staying, but it is not as deep,
21 because everything needs to be raised up to the
22 level of the rear yard under the flood regulations.

23 VICE CHAIR MAGALETTA: So how close to
24 grade will it be?

25 Will it be at grade?

1 MR. VASIL: No. It's two steps.

2 CHAIRMAN HOLTZMAN: No, no, no.

3 VICE CHAIR MAGALETTA: Okay. So it's
4 not.

5 MR. MATULE: And that's why -- that's
6 what's generating the need to have the head
7 clearance in that lower basement area.

8 VICE CHAIR MAGALETTA: I thought it was
9 the basement. I didn't realize it was the well as
10 well.

11 MR. MATULE: No. The original plan
12 that was submitted had it at the original depth, but
13 when the Flood Plain Administrator reviewed it, she
14 required everything to be raised up to the level of
15 the backyard

16 VICE CHAIR MAGALETTA: My apologies.

17 MR. MATULE: Never apologize for asking
18 a question. We are happy to give you information.

19 (Laughter)

20 VICE CHAIR MAGALETTA: Again, why isn't
21 it being narrowed, though?

22 MR. MATULE: I don't believe it is
23 being narrowed.

24 VICE CHAIR MAGALETTA: Why is it not
25 being narrowed?

1 MR. MATULE: You have the stairs there
2 now, and then the planters are going to go where the
3 stairs come down.

4 COMMISSIONER DOYLE: They go inside.

5 MR. MATULE: No. The planters will be
6 up at grade.

7 MR. VASIL: That's correct. The two
8 planters on either side of the stairs will be at
9 sidewalk level.

10 VICE CHAIR MAGALETTA: Hold that up.

11 MR. VASIL: It will be at sidewalk.

12 MR. MATULE: These are solid stairways.
13 They are coming out, right?

14 MR. VASIL: Correct.

15 MR. MATULE: And then you are going to
16 have planters there, where the stairs were, here and
17 here.

18 COMMISSIONER DOYLE: Okay.

19 CHAIRMAN HOLTZMAN: So they are keeping
20 it as wide also, so that there is also the light
21 that goes down into lobby, like there was the light
22 that went into the restaurant.

23 COMMISSIONER DOYLE: Okay.

24 CHAIRMAN HOLTZMAN: We will open it up
25 to the public for any additional comments that don't

1 necessarily have to be questions. So if the
2 neighbor to the north wants to -- somebody give him
3 a poke so he's --

4 (Laughter)

5 MR. BLOOM: Sorry.

6 MR. GALVIN: Now I need you to --

7 CHAIRMAN HOLTZMAN: Now is your time.

8 MR. MATULE: We are closed now with the
9 planner. You are done.

10 MR. GALVIN: Yeah, we are.

11 So now we are going to go to public
12 comment.

13 MR. MATULE: Right. Fine.

14 MR. GALVIN: Please raise your right
15 hand.

16 Do you swear or affirm what you are
17 about to testify to is the truth?

18 MR. BLOOM: Yes.

19 MR. GALVIN: All right. Give us your
20 full name again.

21 MR. BLOOM: Adam Bloom, B-l-o-o-m.

22 MR. GALVIN: All right. You may
23 proceed.

24 MR. BLOOM: Great.

25 So, you know, just in context, I'm

1 really happy with the plan, with the development.
2 Bringing more family apartments here is exactly what
3 this town needs, in my opinion. I am raising my
4 family here, staying forever.

5 I have a sim lawn in my backyard. It's
6 the best decision I ever made, no mowing. I fully
7 support that.

8 (Laughter)

9 The one thing really for me is
10 protecting the sun. We have the benefit of, you
11 know, getting our electricity, you know, cut in half
12 because we produce our own electricity and energy,
13 and they have been great, and they have been very
14 communicative, and we actually worked back and forth
15 a little bit to make changes.

16 My concern or question is around after
17 they sell it, the resident moves in, how do I
18 protect them from building upon the roof decks that
19 they are putting up there, and is that an
20 appropriate question for you --

21 CHAIRMAN HOLTZMAN: It's totally
22 appropriate.

23 So nobody can go up on the roof and
24 decide to add some kind of Monster Pergola thing
25 that's going to block your solar array.

1 If they propose such a thing, it would
2 have to get approvals and nobody has ever decided
3 that that's a good idea.

4 On the other hand, I did have a
5 question for you, because I know there are different
6 types of arrays, and there is obviously the need for
7 a safety railing, which it seems like they
8 completely minimized with just a cable rail.

9 I know there are arrays that shut down
10 if there is even a hint of a shade on it, or do you
11 guys have the type of array, like a smart array or
12 whatever it is?

13 MR. BLOOM: Ours is smart and it
14 will -- and that minimal, you know, cable shade
15 won't impact. It will shift the energy to another
16 part of the array, so we will get the same amount.

17 As it increases, you know, any shade
18 increase, eventually it will catch up, and it won't
19 be able to offset it. But what they're proposing
20 should have no impact on our energy.

21 CHAIRMAN HOLTZMAN: Right.

22 So then the question becomes like an
23 air rights thing, because if I have a deck up on the
24 building that is your neighbor, and I want to go up
25 and hang out and have a couple of cocktails, and I'm

1 going to bring up an umbrella and put it up there
2 with my little table, it would seem that that would
3 be reasonable for somebody to want to be able to do
4 that.

5 MR. BLOOM: A standalone umbrella
6 provides shade underneath, right? We went through
7 that discussion.

8 It is the bigger four poles sun shade
9 Pergola, you know, not everybody knows when they are
10 buying in town that they're supposed to ask
11 permission for things, and they just put things up,
12 and I am curious what my plan of action is, if
13 indeed that happens, and do I come back here?

14 CHAIRMAN HOLTZMAN: You will be one of
15 the many people that call the zoning office and the
16 construction office and the mayor's office right
17 away.

18 MR. BLOOM: Exactly, exactly. So
19 that's --

20 CHAIRMAN HOLTZMAN: But we have, there
21 is absolutely no question about it, building codes
22 and zoning restrictions that prevent somebody from
23 building something crazy on the roof.

24 MR. BLOOM: Great, great.

25 And, you know, as far as the terraces

1 go, where my apartment is in the building, it's
2 minimally impacted, so I am going to defer to my
3 neighbors to talk about the impact that that has on
4 us.

5 COMMISSIONER DOYLE: If I might add, it
6 is possible that your building could, you know, hire
7 a lawyer and call up Mr. Matule, and say we might
8 like a restrictive covenant that would prohibit them
9 from the neighboring building, and you probably
10 would have to pay for that, but that would give you
11 more protection possibly --

12 MR. BLOOM: Meaning in the restrictive
13 covenant --

14 COMMISSIONER DOYLE: Meaning that they
15 would be prohibited -- they would agree to it. It
16 wouldn't be something you would impose on them. It
17 would say, if we give you X dollars, would you put a
18 restriction on your deed, so you cannot, you know,
19 seek a variance to go five stories tall or something
20 like that -- I don't know. I don't know how that
21 would be received. I'm just saying it's in addition
22 to --

23 MR. BLOOM: That's a possibility.

24 MR. MATULE: It would be a lot cheaper
25 to come and object at the next hearing.

1 (Laughter)

2 COMMISSIONER DOYLE: Yeah. It would be
3 more --

4 MR. BLOOM: That's the question I am
5 asking is what is the protection option, so you just
6 gave one.

7 CHAIRMAN HOLTZMAN: You also have
8 built-in protection options, though, that if
9 somebody had that as an idea, there would be a
10 similar type of process, which would be even a
11 higher hurdle than this Board to get --

12 MR. BLOOM: If they know about.
13 Somebody new coming into town doesn't always know
14 what the regulations are, and they just do --

15 COMMISSIONER STRATTON: Well, you know
16 about it.

17 MR. BLOOM: Yeah, I know, exactly.

18 COMMISSIONER STRATTON: So any owner
19 regardless if they begin to do something, you
20 understand the authority of this Board, and the
21 construction department and the zoning office, and
22 you can seek intervention from the zoning office or
23 the construction department to have them cease and
24 desist. That is your course of action, and this is
25 a binding agreement between the City of Hoboken and

1 the applicant, that they have to comply with

2 CHAIRMAN HOLTZMAN: I think you are a
3 hundred percent right, Caleb.

4 On the other hand, it doesn't prevent
5 people from doing stupid stuff and that doesn't
6 prevent the city from coming down on people who do
7 stupid stuff, too.

8 MR. BLOOM: So they do respond to it.

9 CHAIRMAN HOLTZMAN: Oh, yeah.

10 MR. BLOOM: Excellent.

11 MR. GALVIN: But not this Board.

12 CHAIRMAN HOLTZMAN: Not this Board.

13 MR. BLOOM: Got it.

14 Well, that's all for me.

15 CHAIRMAN HOLTZMAN: Thanks.

16 MR. BLOOM: Thank you very much.

17 CHAIRMAN HOLTZMAN: Were there any
18 other members of the public that wish to speak?

19 Sure. Come on up.

20 MR. GALVIN: Raise your right hand.

21 Do you swear or affirm what you are
22 about to testify to is the truth?

23 MR. ROSS: Yes.

24 MR. GALVIN: State your full name for
25 the record and spell your last name.

1 MR. ROSS: William Ross, R-o-s-s.

2 MR. GALVIN: And your street address?

3 MR. ROSS: I live at 310 Park Avenue,
4 the building on the north. I live on the third
5 floor.

6 So my primary concern is the balcony
7 because this unit, as we described, the first two
8 floors have outdoor access via the yard, and then
9 the units three and four have rooftop access.

10 So, in my opinion, my only access
11 outdoors is through my deck. As Chairman Doyle I
12 think brought up in the last applicant, it seems a
13 bit kind of overboard that they have multiple access
14 points to the outdoors, so I am concerned with the
15 privacy that I have, as well as lighting.

16 Again, it is my only access to
17 outdoors. I have a small child that is our kind of
18 only area. And if it is deemed completely
19 necessary, I don't see the six foot privacy wall as,
20 you know, maybe appealing and a good resolution to
21 the privacy. Again, I think that that would block
22 our light.

23 But if it's absolutely necessary that
24 they need to have all of this outdoor space, then I
25 don't see why we can't shift the balcony over to the

1 other side of the building.

2 So those are my primary concerns.

3 CHAIRMAN HOLTZMAN: Okay. Thank you.

4 Any other members of the public?

5 Sure, come on up.

6 MR. GALVIN: Raise your right hand.

7 Do you swear or affirm what you are
8 about to testify to is the truth?

9 MR. NAINI: Yes.

10 MR. GALVIN: State your full name for
11 the record and spell your last name.

12 MR. NAINI: Rakesh, R-a-k-e-s-h, first
13 name. Naini, last name, N-a-i-n-i.

14 MR. GALVIN: Thank you.

15 And give us your street address also.

16 MR. NAINI: 310 Park Avenue as well. I
17 live on the top floor --

18 MR. GALVIN: Thank you.

19 MR. NAINI: -- north of the building.

20 So I have the same concerns as the
21 other two guys. I live on the top floor, and this
22 building is actually going to be a little taller
23 than ours, so their decks are going to be actually a
24 little bit higher than ours, and if they put like
25 six foot privacy screens, that is probably going to

1 cast shadows on our decks as well.

2 Also, I don't think that three foot
3 distance between like the property line and the deck
4 is really not three feet, it's like really minimal,
5 so I think it's -- I mean, privacy is a concern for
6 us.

7 I think when we had our decks when our
8 building was built, we were asked to move seven feet
9 inside on the other side.

10 I think our neighbors had objected, so
11 that was -- we lost seven feet of space there, and
12 three feet is really nothing, and I feel like that's
13 going to be right next to us, and we're going to be
14 hearing them talk and everything else.

15 I mean, I am not against somebody
16 having outdoor space. But Billy mentioned, they
17 already have space on top. Do they need the
18 additional space, too?

19 That is it.

20 CHAIRMAN HOLTZMAN: Thank you.

21 MR. MATULE: I have a couple of
22 questions.

23 When your building was built, did the
24 Board require that you have privacy screens on both
25 sides of your deck?

1 MR. NAINI: Apparently like Matt had
2 sent me something --

3 MR. MATULE: The resolution of
4 approval --

5 MR. NAINI: -- that said there was a
6 resolution apparently, so I came to know about it,
7 yes.

8 MR. MATULE: But they are not there,
9 right?

10 MR. NAINI: They are not there. I
11 mean, we do have like four feet --

12 MR. MATULE: And your decks are ten
13 foot deep?

14 MR. NAINI: They are ten feet deep on
15 one side, and the other side they are only like --

16 MR. MATULE: And that's in addition to
17 your building being 60 feet deep?

18 MR. NAINI: That's correct, yes.

19 MR. MATULE: Okay. Thank you.

20 CHAIRMAN HOLTZMAN: Thank you, Mr.
21 Matule.

22 CHAIRMAN HOLTZMAN: Cross-examination
23 there?

24 Are there any other members of the
25 public that have any opinions or wish to speak?

1 Anybody else?

2 I can't see everybody. So if there is
3 anybody, please speak up

4 MR. GALVIN: Seeing no one.

5 CHAIRMAN HOLTZMAN: We will close the
6 public portion.

7 Commissioners, any opinions or final
8 comments, requests?

9 No.

10 Dennis, you have a number of
11 conditions. Can you please read them?

12 MR. GALVIN: Yes, I do.

13 1: The rooftop generators are not to
14 be on bulkheads.

15 They're rooftop generators here?

16 MR. MATULE: Yes. We have an emergency
17 generator, and the testimony was it would not be on
18 the bulkhead and it would have soundproof baffling.

19 MR. GALVIN: Type 2 sound enclosure to
20 actual -- the actual location is to be confirmed by
21 the Board's Engineer.

22 2: The applicant is to supply drainage
23 calculations to the Board's Engineer for his review
24 and to confirm the size of the on-site detention,
25 which will be double what is required under North

1 Hudson Sewer Authority.

2 3: The Applicant is to obtain City
3 Council approval for any encroachments into the
4 city's right-of-way.

5 4: The applicant is to obtain the
6 review and approval of the Flood Plain
7 Administrator.

8 5: The applicant agreed to comply with
9 the review letters of the Board's Planner and
10 Engineer.

11 6: The applicant will plant -- let me
12 take that one out.

13 CHAIRMAN HOLTZMAN: No. We like that
14 one.

15 MR. GALVIN: 6: The gas meters are to
16 be elevated above the DFE provided PSE&G approves.
17 In the event that PSE&G denies the request, the
18 Board's Engineer is to be alerted and given the
19 opportunity to consult with the representatives of
20 the PSE&G.

21 7: All minor changes to the plan, and
22 there were numerous ones, I could not keep up with
23 the different changes, are to be provided to the
24 Board's Engineer and Planner for their review and
25 approval prior to the memorialization of the

1 approval.

2 Can that be done?

3 MR. MATULE: Yes.

4 MR. ROBERTS: Mr. Chairman --

5 CHAIRMAN HOLTZMAN: Yes.

6 MR. ROBERTS: -- I think I might want
7 to suggest two examples to be added to that.

8 One would be that the plan be revised
9 to correctly show the bay windows at 24 inches
10 rather than three foot four inches.

11 And the other, that the --

12 MR. GALVIN: Wait. Go back.

13 Two examples, correctly show the bay
14 windows at --

15 MR. ROBERTS: To be dimensioned at 24
16 inches on the plan, rather than three foot four
17 inches as is currently show, so the plan would have
18 to be revised to show that.

19 And also, that the roof leaders --

20 CHAIRMAN HOLTZMAN: Three foot.

21 MR. ROBERTS: -- three foot four
22 inches, right.

23 CHAIRMAN HOLTZMAN: Okay. He has to
24 catch up on the typing.

25 MR. ROBERTS: And then the -- ready?

1 MR. GALVIN: Yes.

2 MR. ROBERTS: And then the second one
3 would be that the plans include that the roof
4 leaders and connectors for all the drainage to the
5 cistern be shown on the plan.

6 MR. GALVIN: But you are not limited to
7 that.

8 MR. ROBERTS: Right. Just those we
9 want to make sure we have two specific call-outs on.

10 CHAIRMAN HOLTZMAN: Two specific
11 call-outs.

12 MR. GALVIN: 8: The applicant agreed
13 to plant an additional six trees along Park Avenue
14 at the direction of the Shade Tree Commission.

15 9: A green roof maintenance plan is to
16 be provided to the Board.

17 10: The applicant is to record a deed
18 restriction requiring the future owners of the
19 building to maintain the green roof in accordance
20 with the maintenance plan.

21 If the applicant elects to create a
22 condo association, these conditions must be included
23 in the condominium managing documents.

24 Deed restriction or condominium
25 documents must be submitted to the Board's attorney

1 for his review and approval, and must be recorded
2 prior to the issuance of the building permit.

3 MR. MATULE: How about a certificate of
4 occupancy, because we don't normally do all of that
5 stuff before we go --

6 MR. GALVIN: If I told you that I have
7 been really concerned about a CO, because I had some
8 people say to me that a temporary CO, they can
9 operate with that temporary CO, then there could
10 another a long time period before we actually get
11 the documents to review.

12 And to be honest, I always in every
13 town get my document done -- listen, you could do a
14 simple deed restriction rather than do the condo
15 documents, and then you can include it in the condo
16 documents.

17 Once you put the deed restriction on,
18 it would apply to the condo. It would apply to the
19 subsequent --

20 MR. MATULE: Creates problems with the
21 construction finance and everything else. I want to
22 work with you --

23 CHAIRMAN HOLTZMAN: You guys will work
24 that out.

25 Also, it is not a condition of approval

1 but, Mr. Matule, I would like to just make sure that
2 we have on the record that your office and Mr.
3 Vasil's office will be made available also to
4 Director Forbes when she needs to present this to
5 the City Council, so that she has some backup.

6 MR. MATULE: Absolutely.

7 CHAIRMAN HOLTZMAN: Thank you.

8 COMMISSIONER PINCHEVSKY: Mr. Chair?

9 CHAIRMAN HOLTZMAN: Yes.

10 COMMISSIONER PINCHEVSKY: I just have
11 one question. I was just kind of fumbling a little
12 bit, if I may.

13 CHAIRMAN HOLTZMAN: Sure, go ahead.

14 COMMISSIONER PINCHEVSKY: One of the
15 public speakers is mentioned or asked why not just
16 flip the balconies slash fire escape to the other
17 side.

18 Why not?

19 What is the reasoning behind not doing
20 that?

21 MR. MATULE: Can you come up and answer
22 that question?

23 COMMISSIONER PINCHEVSKY: Because it
24 doesn't seem that this problem would exist on the
25 flip side.

1 CHAIRMAN HOLTZMAN: I think it's a fair
2 question. I don't know. It seems like it is one of
3 those things where it's like who built it first,
4 so --

5 COMMISSIONER PINCHEVSKY: Yeah, it's
6 true.

7 CHAIRMAN HOLTZMAN: I got my balcony,
8 and I don't want yours near mine.

9 So I don't know how we split -- I don't
10 know how we play Solomon and split the middle on
11 that one.

12 COMMISSIONER PINCHEVSKY: I get it, but
13 I mean, I am just curious if any thought was given
14 to that.

15 CHAIRMAN HOLTZMAN: Jensen, do you have
16 any commentary on that for that?

17 MR. VASIL: Our design basically
18 includes the living space off our living room,
19 which made the most sense.

20 CHAIRMAN HOLTZMAN: Can you show us
21 something, please?

22 MR. VASIL: Off of our living space,
23 which makes more sense than having it off the
24 kitchen, so we had a --

25 CHAIRMAN HOLTZMAN: Right there.

1 there you go.

2 MR. VASIL: See here?

3 CHAIRMAN HOLTZMAN: So what do we got
4 in front of that?

5 MR. VASIL: So this is the living room.
6 The dining room in the middle, and then a kitchen on
7 the other side.

8 CHAIRMAN HOLTZMAN: So there was some
9 thought?

10 COMMISSIONER PINCHEVSKY: Yeah. I
11 mean, I saw it, too, and I certainly don't want to
12 be sitting here redesigning your plan whatsoever.
13 But I mean when you flip it, you just take a mirror
14 and it's -- what -- is there really a big -- I am
15 not an architect, as you could tell.

16 I guess I am just curious if any
17 thought was given to that.

18 MR. VASIL: It's certainly possible.
19 We did -- we thought about that while we were
20 speaking with the neighbors, but I think that this
21 made the most logical sense program-wise.

22 CHAIRMAN HOLTZMAN: And the --

23 COMMISSIONER DOYLE: Was the building
24 to the south -- I'm sorry -- does it extend as
25 deep and have decks as well or --

1 COMMISSIONER PINCHEVSKY: No, it does
2 not according to their --

3 MR. VASIL: I mean the other -- the
4 other -- again, so this is the egress stair, which
5 is like we would be against, so it's not like --
6 it's not like, you know, there is some separation
7 between their living space and ours.

8 CHAIRMAN HOLTZMAN: So you guys are
9 three feet from the edge of their building --

10 MR. VASIL: That's correct.

11 CHAIRMAN HOLTZMAN: And then from the
12 edge of their building, there is what, four feet,
13 five feet from the edge of the building to the edge
14 of their balcony?

15 MR. VASIL: That's correct. I would sa
16 three feet.

17 CHAIRMAN HOLTZMAN: So it's six feet?

18 MR. VASIL: Correct.

19 CHAIRMAN HOLTZMAN: So the edge of
20 their balcony to the edge of your balcony is six
21 feet. Is that what we're going with?

22 MR. VASIL: It's actually seven.
23 There's a little bit of a space in between.

24 CHAIRMAN HOLTZMAN: There's like a --
25 it's set in a little bit, right?

1 MR. VASIL: Yeah.

2 COMMISSIONER PINCHEVSKY: And on the
3 south -- now, first of all, seven feet between
4 balconies --

5 CHAIRMAN HOLTZMAN: That's pretty good.

6 COMMISSIONER PINCHEVSKY: -- and this
7 is Hoboken, and we're close. So, you know, I'm not
8 necessarily advocating one way or the other in this
9 questioning.

10 But on the south side, there is no --
11 the building doesn't go as far deep --

12 MR. VASIL: Correct.

13 COMMISSIONER PINCHEVSKY: -- so this
14 wouldn't even be an issue -- the current building --
15 this wouldn't be an issue at all.

16 So, okay. It just seems though when
17 you designed it, you had the kitchen on one side.
18 You had the living room on the other side, and then
19 when you wanted to say let's add on the balcony,
20 given what you had already designed --

21 MR. VASIL: Correct.

22 COMMISSIONER PINCHEVSKY: -- it made
23 sense to put it on that side.

24 MR. VASIL: Correct.

25 But we even thought about flipping this

1 around, but then you have this range -- you know,
2 the range hoods that would come up on the side.

3 So, we, again, are trying to minimize
4 the impact on the adjacent building. We converted
5 the gas to like the ECO smart fireplace, so we don't
6 have chimney hoods coming up casting shadows.

7 MR. MATULE: If I might also just add,
8 I appreciate the concern, but I think the reality is
9 at some point, probably in the not to distant
10 future, the property to the south of us is probably
11 going to get developed and it's six of one or a half
12 a dozen of the other.

13 VICE CHAIR MAGALETTA: They would work
14 off of your dimensions, right?

15 MR. MATULE: So, I mean, the reality
16 is, it's in an urban environment in a tight space.

17 CHAIRMAN HOLTZMAN: Any other questions
18 or comments?

19 We had the conditions read by Dennis.

20 Was there any concerns or any additions
21 to those?

22 No.

23 Seeing --

24 COMMISSIONER PEENE: Motion to approve.

25 CHAIRMAN HOLTZMAN: Mr. Peene makes a

1 motion to approve.

2 Is there a second?

3 COMMISSIONER GRAHAM: Second.

4 CHAIRMAN HOLTZMAN: Second from
5 Commissioner Graham.

6 Pat, please call the vote.

7 MS. CARCONE: Commissioner Magaletta?

8 VICE CHAIR MAGALETTA: Yes.

9 MS. CARCONE: Commissioner Stratton?

10 COMMISSIONER STRATTON: Yes.

11 MS. CARCONE: Commissioner Forbes?

12 COMMISSIONER FORBES: Yes.

13 MS. CARCONE: Commissioner Doyle?

14 COMMISSIONER DOYLE: Yes.

15 MS. CARCONE: Commissioner Graham?

16 COMMISSIONER GRAHAM: Yes.

17 MS. CARCONE: Commissioner McKenzie?

18 COMMISSIONER MC KENZIE: Yes.

19 MS. CARCONE: Commissioner Pinchevsky?

20 COMMISSIONER PINCHEVSKY: Yes.

21 MS. CARCONE: Commissioner Peene?

22 COMMISSIONER PEENE: Yes.

23 MS. CARCONE: Commissioner Holtzman?

24 CHAIRMAN HOLTZMAN: Yes.

25 Okay. So let's close this one out.

1 All right.

2 MR. MATULE: Thank you.

3 CHAIRMAN HOLTZMAN: Thank you, Mr.

4 Matule.

5 (The matter concluded)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2020.
 Dated: 12/7/15
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

CITY OF HOBOKEN
PLANNING BOARD

----- X
REGULAR MEETING OF THE HOBOKEN : December 1, 2015
PLANNING BOARD : 10:30 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Caleb Stratton
- Commissioner Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Ann Graham
- Commissioner Caleb McKenzie
- Commissioner Rami Pinchevsky
- Commissioner Caleb D. Stratton
- Commissioner Ryan Peene

A L S O P R E S E N T:

- David Glynn Roberts, AICP/PP, LLA, RLA
Board Planner
- Sandra Caceres, PE, CPWM,
Acting Board Engineer
- Patricia Carcone, Board Secretary

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9 Hoboken, New Jersey 07030
10 Attorney for the Applicant.

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1 CHAIRMAN HOLTZMAN: All right, guys.

2 We are going to get back on the record here.

3 We took a look at this application. I
4 spoke to Mr. Matule and Mr. Minervini quickly.

5 726 Grand is a very large application,
6 and at this hour of 10:30, we also have a great deal
7 to talk about with regards to contaminants on the
8 site, capping of the site, which is getting into new
9 territory and not our standard type of stuff.

10 So under advisement, we all kind of
11 agreed that it probably makes sense to carry this
12 application, that it is not good form, and the
13 applicant would rather not start and give us a half
14 hour's worth of testimony or so, and then lack
15 continuity of the application. So with that, we
16 need a motion to carry the application.

17 MR. GALVIN: I consulted with Ms.
18 Carcone. We can carry it to January 5th.

19 We are going to reorganize that night.

20 Does that work for you?

21 Do you want another night?

22 MR. MATULE: Is that the only thing you
23 have so far?

24 MS. CARCONE: So far. I mean, after
25 next week's work session, then we'll --

1 MR. GALVIN: Here are my concerns.

2 I mean, we have a bunch of cases that
3 have variances, and we have to hear them within 120
4 days, and we also are going to have cases that come
5 along that have to be heard in 45 days, and we are
6 going to have to reorganize on January 5th, and our
7 Councilman won't be seated on that night because it
8 is before their first Council meeting.

9 MR. MATULE: January 5th isn't good for
10 our planner.

11 Are you having any special meetings in
12 January?

13 MR. GALVIN: Well, I don't think you
14 will finish on the 5th either.

15 MS. CARCONE: So start on the 5th?

16 MR. MATULE: Do you think we --

17 MR. MINERVINI: My testimony, of
18 course, but there will be a lot of, you know, LSRPs,
19 and that may create some --

20 CHAIRMAN HOLTZMAN: That is going to
21 take some time.

22 MR. GALVIN: And we will probably have
23 a special meeting in January anyway because of the
24 volume of cases that we have.

25 MS. CARCONE: So we just carry it to

1 the 5th --

2 MR. MATULE: Do you want to carry it to
3 the 5th and start on the 5th?

4 CHAIRMAN HOLTZMAN: You can get through
5 your testimony and the LSRP.

6 MR. GALVIN: Things could change, but
7 you won't have your planner.

8 MR. MATULE: Well, we won't have our
9 planner, but --

10 CHAIRMAN HOLTZMAN: It depends if you
11 want to get started. It's your call.

12 MR. MATULE: Well, I would prefer to do
13 it all in one shot.

14 COMMISSIONER DOYLE: From what I
15 understand, we are going to have a Council meeting
16 on the 4th for other reasons, but we are actually --

17 MR. GALVIN: Well, then if you guys
18 make the appointment, then whoever they appoint will
19 be here.

20 COMMISSIONER DOYLE: I believe that
21 that shouldn't be an issue.

22 MR. MATULE: And I think what I would
23 suggest, with all due respect, is why don't we carry
24 it to the 5th, no further public notice. Make an
25 announcement tonight

1 If something happens between now and
2 the 5th, or when the 5th comes we can't proceed, we
3 can then decide where we are going to go from there
4 on the 5th, but at least we have a date certain.

5 MR. GALVIN: I am totally okay with
6 that, but I guess we are going to try to start it,
7 you know, unless we have a couple little ones that
8 we have to deal with.

9 MR. MATULE: Yes.

10 No matter what, even if we start it, I
11 won't be able to finish it, because my planner
12 wouldn't be available to testify.

13 So we could perhaps get all of our
14 other testimony in, and then come back for our
15 planning testimony, or maybe just come back another
16 night.

17 MR. GALVIN: Right. And then dedicate
18 the whole night.

19 CHAIRMAN HOLTZMAN: At least you have
20 notice carried.

21 MR. MINERVINI: You said there may be a
22 special meeting in January?

23 CHAIRMAN HOLTZMAN: We don't have
24 anything else on the calendar --

25 MR. MINERVINI: Okay. So it wouldn't

1 make any sense then --

2 CHAIRMAN HOLTZMAN: -- so we don't have
3 a date, so let's not speculate on what it could be.

4 MR. MATULE: So we'll carry it to the
5 5th with no further notice. We consent to extend
6 the time within which the Board has to act to the
7 5th.

8 CHAIRMAN HOLTZMAN: There is a motion
9 on the floor as laid out by Mr. Matule. Is there a
10 motion to accept that?

11 VICE CHAIR MAGALETTA: Yes.

12 CHAIRMAN HOLTZMAN: A second?

13 COMMISSIONER PEENE: Second.

14 MS. CARCONE: Who made the motion?

15 MR. GALVIN: Motion by Mr. Magaletta,
16 and a second by Mr. Peene.

17 CHAIRMAN HOLTZMAN: All in favor?

18 (All Board members answered in the
19 affirmative)

20 MR. GALVIN: Anybody opposed?

21 CHAIRMAN HOLTZMAN: Anyone opposed?

22 Thank you.

23 Any other business for the Board this
24 evening?

25 Mr. Galvin, anything you need to catch

1 us up on?

2 MS. CARCONE: We were going to discuss
3 the schedule.

4 CHAIRMAN HOLTZMAN: Pat, we have a
5 meeting next week?

6 MS. CARCONE: We have a meeting on the
7 8th for Hudson Cove, Building B and 1312 Adams, the
8 self-storage building.

9 CHAIRMAN HOLTZMAN: All big ones.

10 MS. CARCONE: And the materials will
11 come out for that later this week.

12 COMMISSIONER DOYLE: So save your
13 materials for this?

14 MS. CARCONE: Yes. Save your
15 materials.

16 Thank you.

17 CHAIRMAN HOLTZMAN: Save your materials
18 for 726 Grand, please.

19 MR. GALVIN: The SSP is the next night,
20 so --

21 MS. CARCONE: Yes.

22 MR. GALVIN: The one thing I did want
23 to bring you up to speed on, there's no reason to go
24 into executive session, but 800 Monroe has filed a
25 summary judgment motion, so we will eventually get

1 to the legal issues in that case. I don't know
2 when. Right now I'm thinking January or February.

3 That's the AML, that's the one where
4 they were trying to proceed --

5 (Everyone talking at once.)

6 MR. MATULE: Well, for most of you who
7 I won't see at the Subdivision and Site Plan
8 Hearing, happy holidays.

9 (Laughter)

10 CHAIRMAN HOLTZMAN: Okay. Director
11 Forbes?

12 Hang on a second, guys.

13 COMMISSIONER FORBES: I just wanted to
14 make sure that everybody is aware that -- hold on --
15 that we have advertised the RFQ for the Board
16 professionals. The Board professionals here are
17 aware of that.

18 It is the annual requirement that we
19 have to do that, so, you know, we should be
20 coordinating having a review committee set up in
21 December.

22 CHAIRMAN HOLTZMAN: Okay. Thank you.

23 COMMISSIONER FORBES: Those are due
24 next Tuesday.

25 COMMISSIONER GRAHAM: What is due next

1 Tuesday?

2 COMMISSIONER FORBES: The
3 qualifications for Board professionals.

4 CHAIRMAN HOLTZMAN: Okay. Any other
5 business, Commissioners?

6 Dennis, you are good?

7 MR. GALVIN: Yes, I am.

8 MS. CARCONE: We had those two projects
9 that came in last week right before the holidays
10 about scheduling them. I don't know if the whole
11 Board needs to hear that, or is that afterwards?

12 MR. GALVIN: Keep going.

13 MS. CARCONE: I got two new projects on
14 Wednesday right before the holiday, and I don't know
15 about the scheduling, whether to put them on for the
16 next week's work session. It really doesn't give
17 everybody enough time to look at it, but if we carry
18 it to January --

19 (Audience talking)

20 CHAIRMAN HOLTZMAN: Mr. Matule, can you
21 keep it down back there?

22 (Laughter)

23 MR. GALVIN: Hey, guys. We can hear
24 you guys.

25 CHAIRMAN HOLTZMAN: Bye-Bye.

1 (Laughter)

2 MS. CARCONE: If we put them on the
3 January work session, it would exceed the 45 days,
4 so what do we do with that?

5 MR. GALVIN: So we can't do that. We
6 got to get them on.

7 MR. ROBERTS: That is what I figured.
8 And if we don't get to them, then they can give us
9 an extension.

10 MR. GALVIN: Maybe. Maybe. If not,
11 listen, things that have 120-day time limit, we were
12 talking about this -- yeah, we have to get them on.

13 MS. CARCONE: You got to get them on.

14 CHAIRMAN HOLTZMAN: We don't have a
15 choice. That is the --

16 MS. CARCONE: So you have seven --

17 MR. GALVIN: We got to look at it real
18 quick.

19 Look, instead of spending a long time,
20 we spend a modest amount of time. We look at the
21 checklist. If the checklist is not complete, they
22 are not complete.

23 If the checklist is complete, we have
24 to hear them in 45 days, or they're going to get an
25 automatic approval, or we have to get an extension

1 of time.

2 It is really that simple. But Pat made
3 a really good suggestion about scheduling people out
4 of the blocks, if they are 120 days. Do you agree
5 with that?

6 CHAIRMAN HOLTZMAN: Knocking them out
7 another --

8 MR. GALVIN: They should be --

9 CHAIRMAN HOLTZMAN: -- that way we have
10 more close room --

11 MR. GALVIN: Right. And that's what I
12 was saying about the January 5th meeting.

13 While right now I can't perceive this,
14 but we could have one or two small cases. It could
15 be these two on the SSP, that we would pretty much
16 be out of time, if we don't hear them on the 5th, so
17 we have to put them on, and that will mess our plan
18 up.

19 MR. ROBERTS: We'll talk about it
20 later. One of them involves the Northwest
21 Redevelopment area.

22 CHAIRMAN HOLTZMAN: Okay. If there is
23 nothing further, is there a motion to close the
24 meeting?

25 COMMISSIONER PEENE: So moved.

1 CHAIRMAN HOLTZMAN: Second?

2 COMMISSIONER MC KENZIE: Second.

3 CHAIRMAN HOLTZMAN: All in favor?

4 (All Board members answered in the
5 affirmative.)

6 CHAIRMAN HOLTZMAN: Anyone opposed, Mr.
7 Doyle?

8 COMMISSIONER DOYLE: I abstain.

9 (Laughter)

10 (The meeting concluded at 10:45 p.m.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

- - - - -

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2020.
Dated: 12/7/15
This transcript was prepared in accordance with
NJAC 13:43-5.9.

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	13 [2] - 71:16, 123:19 131-121 [1] - 19:25 1312 [1] - 216:7 13:43-5.9 [3] - 113:22, 208:21, 222:21 14 [2] - 3:8, 111:8 141 [1] - 116:7 15 [2] - 26:24, 46:2 1500 [1] - 85:19 156 [1] - 116:16 16 [10] - 17:16, 26:8, 37:19, 61:2, 61:5, 61:13, 73:16, 75:13, 80:22, 178:25 164 [2] - 116:9, 116:17 165 [1] - 116:18 166 [1] - 114:4 18 [7] - 16:5, 16:13, 22:24, 43:23, 44:1, 46:2, 71:15 196-33 [2] - 39:5, 41:2 1st [1] - 4:3	306-308 [4] - 3:10, 114:3, 117:10, 166:21 30XR15300 [3] - 113:20, 208:19, 222:19 310 [3] - 161:10, 191:3, 192:16 310-312 [1] - 161:20 33 [1] - 119:7 330 [1] - 92:15 3300 [2] - 56:24, 70:8 34.01 [1] - 114:4 34.02 [1] - 114:4 364-3011 [4] - 2:3, 15:3, 115:3, 210:3	134:21 60 [18] - 24:13, 25:20, 27:23, 28:11, 47:18, 119:15, 124:21, 124:23, 125:18, 154:18, 154:22, 160:5, 166:13, 170:17, 172:21, 176:16, 177:22, 194:17 64.05 [3] - 119:18, 154:10, 166:13 64.55 [2] - 119:15 65 [1] - 47:19 68.16 [1] - 125:17	99 [1] - 11:22
'90s [1] - 67:2				A
0				A-1 [9] - 16:13, 18:18, 18:20, 36:23, 116:16, 156:14, 156:15, 157:1, 157:7 A-100 [1] - 124:2 A-101 [1] - 155:12 A-2 [2] - 156:14, 157:13 A-200 [1] - 136:18 A-3 [2] - 156:14, 158:8 A-4 [4] - 116:16, 156:14, 156:15, 158:18 A-5 [5] - 116:17, 156:14, 164:19, 164:20, 164:23 A-6 [3] - 116:18, 165:9, 165:10 a-s-i-l [1] - 120:6 ABFE [1] - 123:20 ability [1] - 88:3 able [9] - 5:22, 5:24, 36:20, 54:12, 109:13, 110:7, 186:19, 187:3, 214:11 about [78] - 17:25, 23:6, 25:13, 27:1, 29:2, 45:4, 45:7, 46:17, 47:1, 65:9, 66:16, 66:18, 68:6, 68:25, 71:17, 77:3, 78:14, 78:18, 79:20, 83:14, 88:21, 91:1, 93:14, 94:6, 94:8, 95:7, 95:10, 98:1, 99:12, 108:5, 119:23, 128:5, 128:7, 131:1, 134:2, 134:16, 134:17, 136:5, 136:11, 141:1, 141:9, 141:13, 145:23, 149:21, 156:6, 162:7, 162:18, 164:3, 166:7, 169:13, 169:20, 171:13, 171:16, 171:19, 172:17, 173:15, 177:21, 181:1, 184:17, 187:21, 188:3, 189:12, 189:16, 190:22, 192:8, 194:6, 199:3, 199:7, 202:19, 204:25, 211:7, 218:10, 218:15, 219:12, 220:3,
05 [1] - 119:16 07030 [3] - 15:6, 115:6, 210:6 08527 [4] - 2:3, 15:3, 115:3, 210:3				
1		4	7	
1 [9] - 3:5, 20:25, 91:24, 92:3, 92:20, 101:1, 114:3, 127:13, 195:13 1,000 [4] - 25:21, 25:22, 26:2, 93:7 1,2015 [3] - 1:3, 14:3, 209:3 1,250 [3] - 29:17, 29:20, 29:21 10 [2] - 102:23, 198:17 100 [4] - 20:1, 24:4, 66:5, 122:2 107 [3] - 62:16, 62:17, 64:5 109 [4] - 6:6, 6:12, 6:23, 7:2 109-111 [1] - 65:23 10:30 [2] - 209:4, 211:6 10:45 [1] - 221:10 11 [7] - 61:8, 103:5, 118:13, 119:6, 130:24, 166:11, 180:22 11/5/2020 [3] - 113:21, 208:20, 222:20 113 [2] - 14:4, 90:12 113-121 [4] - 3:8, 14:3, 17:2, 19:25 114 [1] - 3:10 12 [7] - 26:24, 60:21, 75:13, 80:14, 99:12, 178:1, 178:2 12/7/15 [3] - 113:21, 208:20, 222:20 120 [3] - 116:5, 212:3, 220:4 120-day [1] - 219:11 125 [4] - 20:1, 21:14, 24:3, 25:19 1250 [2] - 44:5, 70:6	164 [2] - 116:9, 116:17 165 [1] - 116:18 166 [1] - 114:4 18 [7] - 16:5, 16:13, 22:24, 43:23, 44:1, 46:2, 71:15 196-33 [2] - 39:5, 41:2 1st [1] - 4:3	4 [2] - 101:9, 196:5 4.0 [1] - 125:18 4.05 [2] - 118:15, 124:18 4.06 [1] - 166:13 40 [2] - 120:22, 173:18 400 [1] - 77:1 43 [6] - 119:6, 130:23, 166:11, 173:19, 180:21 43.4 [3] - 118:17, 119:3, 119:4 45 [4] - 49:17, 212:5, 219:3, 219:24 4th [1] - 213:16	7 [2] - 102:4, 196:21 7-11 [1] - 14:4 715 [2] - 73:19, 80:14 72 [1] - 171:13 72.90 [1] - 125:16 726 [2] - 211:5, 216:18 730 [4] - 2:2, 15:2, 115:2, 210:2 732 [8] - 1:24, 2:3, 14:24, 15:3, 114:24, 115:3, 209:24, 210:3 735-4522 [4] - 1:24, 14:24, 114:24, 209:24 75 [2] - 85:22, 117:19 78 [1] - 84:23 79 [1] - 16:7 7:08 [2] - 1:4, 4:4 7:15 [1] - 14:4 7th [1] - 53:19	
	2	5	8	
	2 [9] - 47:16, 47:17, 48:8, 101:3, 102:18, 126:6, 127:14, 195:19, 195:22 20 [2] - 25:13, 178:20 200 [4] - 24:2, 88:6, 88:9, 97:20 2000s [1] - 67:3 2010 [1] - 93:5 2012 [1] - 93:8 2013 [2] - 21:5, 93:9 2015 [2] - 114:4, 165:24 2200 [1] - 124:10 2250 [1] - 177:22 23rd [1] - 165:24 24 [5] - 99:18, 130:3, 130:8, 197:9, 197:15 25 [1] - 20:9 250 [4] - 36:4, 36:5, 69:8 28 [1] - 14:4	5 [2] - 101:17, 196:8 50 [8] - 21:25, 28:1, 35:17, 126:11, 153:21, 153:22, 162:18 502 [2] - 9:16, 10:24 502-504 [1] - 10:21 52.29 [1] - 117:20 57 [2] - 124:22, 160:7 5th [16] - 211:18, 212:6, 212:9, 212:14, 212:15, 213:1, 213:3, 213:24, 214:2, 214:4, 215:5, 215:7, 220:12, 220:16	8 [2] - 102:14, 198:12 800 [3] - 25:25, 97:20, 216:24 89 [3] - 15:6, 115:6, 210:5 8:45 [1] - 114:4 8th [3] - 53:20, 53:21, 216:7	
	3	6	9	
	3 [2] - 101:6, 196:2 3,353 [2] - 27:5, 27:6 3.2 [2] - 38:12, 38:16 30 [2] - 172:23 306 [2] - 117:5, 180:6	6 [3] - 102:2, 196:11, 196:15 6.8 [2] - 130:21,	9 [2] - 102:17, 198:15 94 [4] - 1:6, 14:7, 114:7, 209:6 95 [4] - 11:21, 120:22, 124:22, 157:17	

<p>220:12, 220:19 above [20] - 25:5, 26:6, 26:14, 35:6, 50:9, 52:11, 78:7, 92:15, 102:25, 118:12, 121:9, 123:17, 123:18, 128:15, 134:18, 167:2, 172:13, 172:16, 181:3, 196:16 Above [1] - 35:13 absent [1] - 5:9 absolutely [8] - 31:1, 32:17, 50:17, 71:5, 87:4, 90:1, 187:21, 191:23 Absolutely [8] - 74:15, 123:2, 142:11, 142:19, 143:12, 145:17, 150:20, 200:6 abstain [1] - 221:8 abundance [1] - 71:25 AC [1] - 36:12 accept [11] - 8:18, 9:24, 12:12, 18:8, 99:6, 100:20, 100:22, 111:7, 120:7, 164:11, 215:10 access [15] - 38:10, 75:10, 76:3, 125:24, 166:14, 166:21, 169:15, 170:1, 172:24, 174:7, 191:8, 191:9, 191:10, 191:13, 191:16 accessed [3] - 69:21, 77:19, 121:10 accordance [6] - 4:8, 113:22, 128:17, 198:19, 208:21, 222:21 accordng [2] - 77:17, 203:2 accurate [4] - 49:6, 113:6, 208:6, 222:6 achieve [1] - 67:11 achieved [2] - 23:23, 68:2 acknowledge [1] - 143:3 acknowledging [1] - 54:15 acquisition [1] - 104:14 across [4] - 22:13, 36:18, 76:20, 171:8 acrylic [1] - 158:14 act [2] - 36:9, 215:6 Act [1] - 4:9</p>	<p>Acting [4] - 1:19, 14:20, 114:20, 209:19 action [8] - 113:13, 113:16, 187:12, 189:24, 208:13, 208:16, 222:13, 222:16 active [1] - 171:20 activity [1] - 171:22 actual [12] - 24:6, 24:15, 27:25, 55:8, 68:5, 76:5, 98:5, 124:21, 131:21, 147:18, 195:20 actually [37] - 21:1, 23:9, 25:1, 26:10, 32:11, 59:19, 63:12, 67:23, 68:7, 68:9, 70:2, 75:3, 76:23, 80:9, 81:10, 88:25, 89:5, 97:25, 127:1, 134:20, 138:10, 141:17, 146:7, 147:19, 148:6, 152:13, 158:1, 170:12, 177:25, 179:23, 180:20, 185:14, 192:22, 192:23, 199:10, 203:22, 213:16 Actually [4] - 48:6, 69:15, 83:15, 142:24 ADA [1] - 43:18 Adam [2] - 161:5, 184:21 Adaministrator [1] - 182:13 Adams [1] - 216:7 add [13] - 25:2, 43:13, 52:18, 88:6, 102:21, 108:20, 110:5, 145:14, 185:24, 188:5, 204:19, 205:7 added [1] - 197:7 addition [7] - 66:9, 125:1, 125:8, 167:20, 173:2, 188:21, 194:16 additional [37] - 6:7, 38:16, 47:14, 50:7, 50:10, 51:6, 66:4, 66:23, 68:6, 71:22, 74:19, 80:14, 80:20, 81:12, 93:24, 98:21, 99:7, 100:4, 118:12, 118:14, 124:18, 140:9, 140:11, 142:5, 143:18, 154:23, 160:9, 163:12, 165:19, 169:17,</p>	<p>169:20, 172:18, 177:23, 178:3, 183:25, 193:18, 198:13 additions [4] - 8:8, 9:17, 130:10, 205:20 address [10] - 23:17, 44:19, 71:5, 80:8, 133:9, 161:4, 161:7, 161:9, 191:2, 192:15 addressed [3] - 130:18, 130:22, 132:11 addressing [2] - 44:18, 132:10 adds [1] - 76:25 adequately [1] - 141:19 adjacent [11] - 128:22, 134:21, 152:24, 157:8, 158:10, 168:7, 168:17, 169:11, 181:12, 181:18, 205:4 adjust [1] - 108:25 adjusted [1] - 151:6 Adjustment [1] - 23:9 adjustments [3] - 6:8, 109:10, 109:12 Administrator [7] - 30:14, 31:6, 31:14, 31:20, 101:8, 130:13, 196:7 advertised [1] - 217:15 advise [1] - 4:6 advisement [1] - 211:10 advocating [1] - 204:8 aerials [1] - 19:8 affect [3] - 63:8, 65:12, 66:20 affiliated [1] - 105:9 affirm [8] - 17:24, 79:19, 119:22, 140:25, 164:2, 184:16, 190:21, 192:7 affirmative [2] - 215:19, 221:5 afford [1] - 104:5 after [4] - 50:14, 162:23, 185:16, 211:24 afterwards [1] - 218:11 again [35] - 23:4, 23:20, 24:9, 25:11, 25:19, 36:1, 36:5,</p>	<p>37:4, 37:7, 41:22, 58:7, 68:10, 75:7, 80:4, 81:9, 102:24, 129:7, 136:5, 139:8, 141:20, 157:13, 165:5, 165:7, 168:13, 169:15, 170:9, 170:21, 171:6, 171:9, 172:8, 172:21, 175:2, 184:20, 203:4, 205:3 Again [7] - 36:24, 136:7, 168:1, 169:13, 182:20, 191:16, 191:21 against [4] - 121:5, 127:6, 193:15, 203:5 agenda [1] - 17:2 agendas [1] - 5:21 aggregating [1] - 99:20 ago [4] - 37:11, 59:20, 71:18, 86:6 agree [10] - 41:5, 44:10, 53:16, 60:1, 66:4, 72:11, 75:16, 82:5, 188:15, 220:4 agreed [6] - 102:14, 107:25, 143:17, 196:8, 198:12, 211:11 agreement [3] - 55:22, 106:15, 189:25 ahead [15] - 6:25, 62:21, 67:18, 70:22, 90:24, 93:13, 94:3, 95:14, 146:22, 150:1, 153:6, 161:12, 161:17, 180:3, 200:13 AICP/PP [4] - 1:17, 14:18, 114:18, 209:17 air [2] - 88:13, 186:23 alerted [2] - 103:2, 196:18 All [24] - 4:1, 5:10, 27:6, 41:23, 79:24, 80:4, 83:3, 95:18, 100:19, 157:6, 162:9, 163:11, 164:18, 180:13, 184:19, 184:22, 196:21, 207:1, 211:1, 215:17, 215:18, 216:9, 221:3, 221:4 all [70] - 4:6, 7:10, 8:5, 17:20, 24:15, 27:7, 33:18, 33:20, 36:6, 36:14, 50:13, 56:5, 65:7, 66:20, 68:8, 69:24, 73:11, 76:18, 80:7, 80:15,</p>	<p>80:24, 81:9, 84:9, 89:5, 89:6, 91:25, 105:9, 109:14, 121:4, 122:3, 124:3, 125:10, 126:10, 126:21, 126:24, 130:18, 133:3, 139:25, 144:25, 148:17, 149:6, 149:18, 151:5, 151:14, 152:21, 154:16, 156:17, 157:4, 159:4, 165:1, 165:7, 171:1, 171:2, 171:14, 171:15, 172:7, 172:25, 174:13, 177:13, 181:12, 190:14, 191:24, 198:4, 199:4, 204:3, 204:15, 211:10, 213:13, 213:23, 214:13 allotting [1] - 72:18 allow [7] - 34:19, 46:9, 54:18, 54:21, 87:23, 108:21, 124:4 allowed [6] - 10:20, 22:24, 26:15, 33:14, 99:17, 144:4 allowing [2] - 44:5, 105:15 allows [9] - 32:18, 37:18, 51:19, 52:13, 66:25, 67:4, 67:7, 98:4, 174:11 alluding [1] - 141:10 almost [3] - 66:19, 106:8, 163:21 Almost [1] - 163:22 alone [1] - 144:18 along [11] - 49:20, 49:23, 61:21, 65:12, 66:4, 95:25, 97:24, 105:8, 143:18, 198:13, 212:5 already [14] - 19:2, 19:3, 29:2, 39:1, 50:3, 108:8, 110:6, 135:17, 135:22, 140:4, 142:12, 173:14, 193:17, 204:20 also [55] - 4:11, 4:12, 26:22, 27:18, 29:17, 38:18, 56:5, 56:9, 68:4, 75:16, 79:14, 85:4, 88:5, 96:25, 99:11, 106:2, 121:3, 124:5, 124:6, 126:15, 126:16, 127:18, 128:16, 128:18, 129:5, 129:6, 129:13,</p>
--	--	--	--	--

<p>132:5, 135:9, 138:20, 139:18, 149:4, 154:1, 155:14, 158:21, 160:1, 161:20, 166:21, 169:1, 169:5, 169:21, 170:24, 172:6, 172:22, 173:16, 174:10, 183:20, 189:7, 192:15, 197:19, 200:3, 205:7, 211:6, 212:4</p> <p>Also [4] - 94:8, 171:19, 193:2, 199:25</p> <p>altered [1] - 121:25</p> <p>altering [1] - 131:21</p> <p>alternative [3] - 59:25, 103:10, 103:21</p> <p>although [4] - 25:23, 37:8, 70:1, 171:25</p> <p>always [8] - 5:13, 32:7, 47:12, 106:8, 175:1, 189:13, 199:12</p> <p>am [60] - 7:16, 8:10, 22:8, 26:17, 31:1, 44:12, 45:3, 51:3, 53:4, 54:25, 55:1, 65:25, 66:1, 72:25, 82:4, 83:4, 88:20, 88:23, 99:20, 100:11, 101:19, 104:14, 104:25, 106:15, 110:2, 113:11, 113:13, 113:15, 117:3, 128:9, 135:15, 141:16, 141:20, 144:17, 153:3, 153:11, 156:25, 157:12, 165:15, 165:18, 174:8, 180:8, 185:3, 187:12, 188:2, 189:4, 191:14, 193:15, 201:13, 202:14, 202:16, 208:11, 208:13, 208:15, 214:5, 218:7, 222:11, 222:13, 222:15</p> <p>Am [1] - 175:19</p> <p>amended [2] - 53:10, 95:21</p> <p>amendment [1] - 117:17</p> <p>AML [1] - 217:3</p> <p>amount [9] - 54:12, 70:6, 76:22, 100:1, 136:11, 179:21, 179:24, 186:16, 219:20</p> <p>amounts [1] - 168:19</p>	<p>an [92] - 17:13, 18:9, 21:16, 21:24, 22:1, 22:23, 23:8, 30:16, 36:8, 38:16, 41:20, 45:14, 49:6, 49:16, 50:3, 52:24, 53:1, 53:10, 54:23, 54:25, 56:18, 56:20, 58:10, 59:8, 59:24, 63:1, 66:4, 66:12, 67:5, 69:6, 69:11, 71:24, 74:3, 76:11, 77:4, 77:19, 78:2, 80:14, 81:11, 87:10, 87:17, 94:23, 104:8, 105:10, 106:2, 106:9, 107:7, 118:14, 124:11, 129:12, 133:9, 135:21, 140:4, 142:5, 143:18, 149:11, 149:21, 150:4, 150:9, 153:24, 159:14, 160:1, 160:9, 162:22, 167:1, 169:16, 169:20, 170:14, 171:20, 172:6, 172:21, 174:11, 175:12, 180:8, 180:12, 181:4, 185:19, 186:22, 187:1, 189:9, 195:16, 198:13, 202:15, 204:14, 204:15, 205:16, 213:21, 213:24, 219:9, 219:24, 219:25</p> <p>and [634] - 4:9, 4:10, 4:12, 5:12, 5:17, 5:22, 5:23, 6:8, 7:2, 8:15, 9:17, 9:20, 10:19, 11:13, 11:16, 12:2, 17:3, 17:14, 17:16, 17:18, 18:5, 18:25, 19:4, 19:10, 19:22, 20:2, 20:4, 20:14, 20:16, 20:19, 21:1, 21:9, 21:13, 21:15, 21:17, 21:18, 21:20, 21:22, 22:2, 22:5, 22:6, 22:8, 22:14, 22:16, 22:20, 22:24, 23:3, 23:4, 23:10, 23:11, 23:18, 23:21, 23:25, 24:5, 24:6, 24:8, 24:10, 24:18, 24:24, 25:1, 25:3, 25:5, 25:15, 25:18, 25:23, 26:6, 26:11, 26:12, 26:14, 26:15, 26:21, 27:4, 27:11, 27:20, 28:1, 28:7,</p>	<p>28:18, 28:24, 28:25, 29:6, 29:10, 29:12, 29:15, 29:24, 30:3, 30:6, 30:9, 30:21, 31:19, 32:2, 32:8, 32:21, 33:3, 33:13, 33:14, 33:17, 34:18, 35:4, 35:6, 35:9, 35:10, 35:12, 35:17, 35:20, 35:23, 36:5, 36:12, 36:17, 37:12, 37:15, 37:17, 37:18, 37:22, 38:10, 38:13, 38:19, 39:8, 40:22, 41:7, 41:18, 41:19, 42:1, 43:5, 43:8, 43:19, 44:10, 45:10, 45:12, 46:19, 46:23, 47:8, 47:10, 47:14, 47:18, 47:23, 48:5, 49:13, 50:2, 50:5, 50:6, 50:15, 50:16, 50:23, 51:2, 51:12, 51:13, 51:21, 52:2, 52:3, 52:6, 52:7, 52:20, 52:25, 53:8, 53:23, 54:3, 54:8, 54:13, 54:15, 54:22, 54:24, 55:2, 55:7, 55:11, 55:18, 56:5, 56:6, 56:7, 56:8, 56:9, 56:17, 56:20, 57:13, 57:17, 57:25, 58:7, 58:9, 58:12, 58:14, 58:15, 58:17, 59:25, 60:7, 60:8, 61:14, 61:15, 62:3, 64:23, 65:24, 66:18, 66:19, 66:24, 67:1, 67:2, 67:4, 67:5, 67:21, 68:2, 68:6, 68:9, 68:14, 69:6, 69:8, 69:17, 69:19, 69:20, 70:8, 70:10, 71:1, 72:2, 72:9, 74:3, 74:6, 74:12, 74:17, 74:22, 74:23, 75:2, 75:6, 75:21, 75:23, 76:2, 76:11, 76:15, 76:24, 77:7, 77:15, 77:17, 77:24, 78:20, 79:9, 79:25, 80:8, 80:12, 80:13, 80:15, 80:20, 81:10, 81:14, 81:15, 81:16, 81:25, 82:4, 82:11, 82:13, 82:25, 84:2, 84:5, 84:6, 84:7, 84:10, 84:14, 85:11, 85:17, 85:23, 85:24, 86:3, 86:8, 87:2, 87:3, 87:6, 87:10, 87:18,</p>	<p>87:19, 88:2, 89:3, 89:6, 91:18, 91:25, 92:1, 92:3, 92:5, 92:14, 93:25, 94:13, 95:4, 96:12, 96:16, 96:23, 98:10, 98:14, 98:15, 98:21, 99:22, 100:1, 100:7, 100:23, 101:7, 102:6, 102:15, 102:18, 103:2, 103:7, 103:16, 103:17, 104:3, 104:7, 104:15, 104:21, 104:24, 105:9, 105:10, 105:15, 106:2, 106:25, 107:2, 108:1, 108:25, 109:7, 110:3, 110:9, 113:4, 113:6, 113:8, 113:9, 113:13, 113:15, 117:6, 117:13, 117:15, 117:18, 117:19, 117:22, 118:1, 118:14, 119:12, 120:4, 120:13, 120:14, 120:18, 120:25, 121:7, 121:11, 121:12, 121:17, 121:25, 122:3, 123:3, 123:9, 123:11, 123:21, 124:6, 124:16, 124:23, 125:17, 125:19, 126:3, 126:9, 126:11, 126:18, 127:13, 127:16, 127:18, 128:17, 128:21, 128:23, 129:6, 129:9, 129:13, 130:10, 130:22, 130:24, 131:22, 131:23, 133:11, 134:12, 135:5, 135:13, 135:17, 135:24, 137:25, 139:9, 139:18, 139:20, 139:22, 139:23, 141:6, 141:17, 141:25, 142:17, 143:4, 143:7, 143:20, 144:20, 145:14, 145:23, 146:1, 146:9, 146:11, 146:13, 147:3, 147:5, 149:3, 149:5, 149:12, 149:18, 149:21, 150:11, 152:21, 152:23, 153:8, 153:13, 155:5, 156:14, 157:9, 157:10, 157:17,</p>	<p>157:22, 158:11, 159:16, 159:23, 161:1, 161:3, 161:20, 161:21, 161:24, 162:14, 162:15, 162:18, 162:20, 162:21, 162:24, 164:8, 164:25, 165:13, 166:2, 166:12, 166:13, 166:16, 166:21, 166:25, 167:1, 167:4, 167:11, 167:12, 167:17, 167:21, 168:2, 168:3, 168:7, 168:14, 168:18, 168:20, 168:23, 168:24, 169:5, 169:11, 169:15, 169:16, 169:21, 169:25, 170:1, 170:4, 170:20, 170:22, 170:23, 171:2, 171:7, 171:14, 171:16, 171:20, 172:7, 172:8, 172:13, 172:16, 172:24, 173:13, 173:16, 173:19, 174:4, 174:7, 174:8, 174:12, 174:18, 175:1, 175:2, 175:10, 175:23, 176:4, 176:18, 176:23, 176:25, 177:4, 177:17, 177:20, 177:22, 178:6, 178:18, 178:20, 178:25, 179:5, 179:10, 179:22, 180:21, 180:22, 181:3, 181:8, 181:9, 183:2, 183:16, 185:12, 185:13, 185:14, 185:19, 185:23, 186:2, 186:6, 186:13, 186:14, 186:18, 186:24, 186:25, 187:1, 187:11, 187:12, 187:13, 187:15, 187:16, 187:22, 188:7, 188:9, 188:25, 189:14, 189:20, 189:21, 189:23, 189:24, 189:25, 190:5, 190:25, 191:8, 191:9, 191:20, 192:11, 192:21, 192:24, 193:3, 193:11, 193:12, 193:13, 193:14,</p>
--	--	---	---	--

<p>194:15, 195:17, 195:18, 195:24, 196:6, 196:9, 196:18, 196:21, 196:24, 198:4, 199:1, 199:15, 199:21, 200:2, 200:21, 201:8, 201:10, 202:6, 202:11, 202:14, 202:25, 203:7, 204:6, 204:7, 204:18, 205:11, 208:4, 208:6, 208:8, 208:9, 208:13, 208:15, 211:4, 211:6, 211:9, 211:12, 211:13, 211:14, 212:3, 212:4, 212:5, 212:6, 212:19, 213:3, 213:5, 214:1, 214:14, 215:16, 216:7, 217:7, 218:14, 220:17, 222:4, 222:6, 222:8, 222:9, 222:13, 222:15</p> <p>And ^[103] - 5:8, 7:4, 18:19, 19:7, 31:22, 42:5, 44:17, 49:19, 49:22, 50:22, 53:22, 54:9, 54:17, 55:25, 57:9, 57:15, 60:18, 61:18, 62:5, 62:7, 63:15, 64:4, 70:5, 71:7, 71:12, 73:17, 74:25, 75:8, 75:15, 76:24, 77:16, 88:5, 92:16, 98:13, 100:14, 106:4, 107:12, 107:13, 107:22, 118:4, 119:14, 124:14, 126:13, 126:23, 127:5, 127:21, 129:11, 130:18, 132:15, 134:15, 134:23, 135:4, 138:3, 138:6, 138:25, 140:3, 144:21, 145:5, 146:12, 146:15, 149:2, 153:24, 154:13, 156:3, 156:20, 156:22, 158:8, 158:25, 161:7, 161:9, 162:11, 163:24, 165:3, 165:16, 165:23, 168:12, 170:11, 171:11, 172:20, 175:17, 179:10, 182:5, 183:15, 187:25, 191:2, 191:18, 192:15, 194:12, 194:16,</p>	<p>197:11, 197:19, 197:25, 198:2, 199:12, 202:22, 203:11, 204:2, 212:22, 213:22, 214:17, 216:10, 219:8, 220:11</p> <p>Andy ^[1] - 45:5</p> <p>angle ^[2] - 128:22, 157:15</p> <p>Ann ^[4] - 1:13, 14:14, 114:14, 209:13</p> <p>Ann's ^[1] - 64:15</p> <p>announcement ^[1] - 213:25</p> <p>annoyingly ^[1] - 74:23</p> <p>annual ^[1] - 217:18</p> <p>another ^[19] - 22:16, 35:8, 38:25, 41:14, 77:1, 86:9, 89:4, 103:12, 123:21, 151:1, 159:9, 167:21, 168:2, 169:25, 186:15, 199:10, 211:21, 214:15, 220:7</p> <p>answer ^[7] - 49:16, 73:17, 85:15, 161:17, 178:18, 180:17, 200:21</p> <p>answered ^[2] - 215:18, 221:4</p> <p>Anticipated ^[1] - 133:5</p> <p>anticipated ^[1] - 133:9</p> <p>anticipation ^[2] - 31:9, 134:13</p> <p>any ^[66] - 5:20, 6:10, 6:12, 8:8, 25:1, 29:5, 36:21, 38:6, 44:18, 44:22, 51:5, 54:9, 54:22, 55:11, 61:22, 65:24, 66:21, 71:9, 71:21, 76:12, 83:10, 92:8, 93:23, 100:8, 101:4, 109:24, 110:25, 113:13, 118:1, 126:7, 132:9, 132:16, 139:6, 139:7, 140:5, 142:20, 153:4, 160:18, 162:6, 162:8, 163:4, 163:11, 170:3, 172:15, 172:25, 173:7, 173:8, 173:10, 174:23, 183:25, 186:17, 189:18, 190:17, 194:24, 194:25, 195:7, 196:3, 201:13, 201:16,</p>	<p>202:16, 205:20, 208:13, 212:11, 215:1, 222:13</p> <p>Any ^[10] - 70:19, 77:6, 98:20, 109:16, 132:8, 155:17, 192:4, 205:17, 215:23, 218:4</p> <p>Anybody ^[2] - 195:1, 215:20</p> <p>anybody ^[6] - 5:19, 41:10, 52:1, 54:11, 90:11, 195:3</p> <p>anyone ^[1] - 36:19</p> <p>Anyone ^[2] - 215:21, 221:6</p> <p>Anything ^[1] - 100:16</p> <p>anything ^[8] - 8:3, 34:3, 45:11, 61:19, 61:21, 135:5, 214:24, 215:25</p> <p>anyway ^[2] - 169:4, 212:23</p> <p>apartment ^[8] - 56:24, 80:23, 84:5, 106:7, 107:10, 124:12, 159:23, 188:1</p> <p>apartments ^[4] - 69:22, 98:5, 121:17, 185:2</p> <p>apologies ^[1] - 182:16</p> <p>apologize ^[1] - 182:17</p> <p>apparently ^[3] - 21:4, 100:14, 194:6</p> <p>Apparently ^[1] - 194:1</p> <p>appealing ^[1] - 191:20</p> <p>appear ^[5] - 55:18, 57:13, 70:1, 77:13, 129:10</p> <p>appearance ^[1] - 54:4</p> <p>appearing ^[2] - 17:11, 117:7</p> <p>appliances ^[1] - 132:17</p> <p>appliances. ^[1] - 42:1</p> <p>Applicant ^[6] - 14:4, 15:7, 114:4, 115:7, 196:2, 210:6</p> <p>applicant ^[46] - 17:12, 31:19, 43:9, 54:22, 54:23, 55:21, 66:3, 69:19, 71:15, 73:18, 75:15, 77:3, 78:16, 86:21, 95:7,</p>	<p>96:12, 96:15, 100:5, 101:1, 101:3, 101:6, 101:9, 102:2, 102:4, 102:14, 103:5, 107:17, 107:25, 109:24, 117:8, 117:12, 139:7, 139:13, 140:8, 141:11, 143:17, 190:1, 191:12, 195:22, 196:5, 196:8, 196:11, 198:12, 198:17, 198:21, 211:13</p> <p>applicants ^[1] - 142:3</p> <p>application ^[21] - 17:13, 22:1, 23:8, 30:14, 31:11, 44:23, 50:5, 54:25, 55:21, 90:12, 95:24, 99:6, 111:1, 128:8, 129:25, 154:14, 211:3, 211:5, 211:12, 211:15, 211:16</p> <p>applications ^[3] - 40:11, 50:1, 52:8</p> <p>apply ^[3] - 72:5, 199:18</p> <p>applying ^[1] - 52:3</p> <p>appoint ^[1] - 213:18</p> <p>appointment ^[1] - 213:18</p> <p>appreciate ^[4] - 7:21, 11:3, 141:22, 205:8</p> <p>approach ^[1] - 172:10</p> <p>appropriate ^[2] - 185:20, 185:22</p> <p>approval ^[31] - 17:14, 26:22, 31:19, 33:24, 34:1, 35:3, 44:20, 48:21, 48:25, 50:3, 51:20, 51:23, 51:25, 52:20, 53:1, 59:1, 68:13, 78:2, 101:4, 101:7, 117:13, 135:14, 161:22, 194:4, 196:3, 196:6, 196:25, 197:1, 199:1, 199:25, 219:25</p> <p>approvals ^[2] - 53:23, 186:2</p> <p>approve ^[8] - 50:14, 50:22, 53:4, 53:7, 109:19, 110:14, 205:24, 206:1</p> <p>approved ^[9] - 48:4, 52:19, 57:25, 64:5, 65:16, 75:16, 93:21,</p>	<p>96:21, 103:18</p> <p>approves ^[2] - 102:25, 196:16</p> <p>approximately ^[7] - 20:3, 22:4, 24:21, 49:14, 57:16, 124:10, 138:7</p> <p>appurtenances ^[1] - 126:14</p> <p>architect ^[16] - 17:18, 18:9, 45:14, 54:18, 54:23, 64:7, 77:7, 90:14, 90:16, 117:22, 160:19, 162:7, 163:6, 175:11, 180:6, 202:15</p> <p>architectural ^[4] - 52:24, 67:11, 159:14, 174:14</p> <p>architecture ^[1] - 66:25</p> <p>area ^[41] - 24:10, 26:1, 26:3, 35:18, 36:7, 39:8, 41:21, 44:2, 68:10, 86:4, 88:8, 88:9, 97:3, 97:10, 135:21, 138:9, 138:15, 138:23, 140:4, 146:25, 147:4, 150:5, 150:8, 150:9, 150:18, 166:22, 167:19, 167:25, 168:1, 169:15, 169:21, 170:25, 171:3, 171:25, 172:10, 174:12, 181:8, 182:7, 191:18, 220:21</p> <p>areas ^[1] - 38:15</p> <p>aren't ^[1] - 67:4</p> <p>around ^[18] - 5:18, 28:2, 32:1, 32:12, 36:14, 38:5, 38:6, 63:5, 83:24, 94:14, 126:6, 129:1, 137:22, 161:19, 171:10, 174:24, 185:16, 205:1</p> <p>array ^[6] - 128:22, 128:24, 185:25, 186:11, 186:16</p> <p>arrays ^[2] - 186:6, 186:9</p> <p>articulation ^[2] - 67:21, 68:10</p> <p>as ^[200] - 5:24, 6:1, 12:12, 18:3, 18:9, 18:24, 20:7, 21:22, 22:3, 22:7, 22:22, 23:5, 23:20, 23:22, 24:4, 24:17, 24:18,</p>
---	--	--	---	--

<p>24:25, 25:9, 25:14, 26:23, 27:23, 28:19, 29:10, 30:2, 30:10, 32:24, 33:12, 34:1, 34:21, 36:9, 36:24, 37:1, 37:8, 38:1, 38:4, 38:9, 39:4, 39:13, 39:17, 39:18, 39:23, 41:22, 42:3, 42:4, 43:16, 43:17, 43:19, 44:2, 44:9, 44:11, 46:12, 46:13, 47:15, 48:8, 48:11, 48:25, 52:17, 53:17, 53:22, 54:6, 57:14, 58:1, 58:21, 61:22, 62:23, 62:24, 66:12, 68:11, 68:15, 69:14, 71:3, 71:9, 71:24, 77:8, 79:23, 80:25, 83:22, 84:20, 87:25, 89:1, 89:9, 93:6, 93:11, 96:1, 96:20, 96:21, 97:4, 97:5, 97:19, 100:12, 105:14, 106:10, 111:8, 113:7, 117:11, 118:5, 120:2, 120:5, 120:17, 120:18, 120:23, 121:1, 121:7, 123:13, 123:22, 124:17, 125:5, 125:6, 126:19, 126:22, 130:4, 130:6, 133:7, 133:14, 133:20, 134:25, 136:21, 139:11, 141:4, 145:7, 146:3, 146:6, 149:6, 150:9, 151:9, 155:16, 156:19, 156:21, 159:23, 159:24, 164:6, 164:11, 167:10, 167:23, 168:7, 169:20, 170:5, 171:1, 172:3, 173:25, 174:14, 175:11, 175:16, 176:1, 176:10, 177:3, 181:3, 181:20, 182:9, 183:20, 187:25, 189:9, 191:7, 191:15, 191:19, 192:16, 192:20, 193:1, 197:17, 202:15, 202:24, 202:25, 204:11, 208:7, 215:9, 222:7</p> <p>As ^[15] - 22:4, 24:22, 40:10, 41:20, 53:13, 62:23, 80:25, 92:7, 99:25, 117:9, 138:19,</p>	<p>140:14, 144:2, 186:17, 191:11</p> <p>asbestos ^[1] - 92:11</p> <p>ask ^[10] - 7:5, 42:22, 84:16, 90:15, 100:4, 144:10, 144:11, 161:25, 180:1, 187:10</p> <p>Ask ^[2] - 90:13, 161:12</p> <p>asked ^[6] - 42:6, 42:21, 47:23, 50:14, 193:8, 200:15</p> <p>asking ^[21] - 24:16, 38:12, 38:18, 38:21, 45:18, 52:4, 69:12, 70:2, 70:3, 78:14, 93:22, 94:18, 117:17, 118:11, 124:19, 144:9, 160:21, 176:13, 177:8, 182:17, 189:5</p> <p>aspect ^[1] - 161:24</p> <p>assembly ^[2] - 128:12, 128:13</p> <p>Assessment ^[4] - 20:25, 92:3, 92:4, 92:21</p> <p>assessment ^[1] - 92:7</p> <p>assets ^[1] - 55:11</p> <p>assigned ^[1] - 46:19</p> <p>assist ^[1] - 98:15</p> <p>assistance ^[1] - 54:10</p> <p>association ^[4] - 105:9, 105:11, 106:12, 198:22</p> <p>associations ^[2] - 105:15, 106:6</p> <p>assume ^[1] - 93:3</p> <p>assumed ^[1] - 109:18</p> <p>Assuming ^[1] - 73:9</p> <p>assuming ^[3] - 72:25, 93:21, 110:6</p> <p>assumption ^[1] - 73:6</p> <p>ASTM ^[1] - 92:5</p> <p>AstroTurf ^[1] - 145:23</p> <p>at ^[125] - 5:20, 6:20, 7:9, 20:19, 20:25, 22:18, 23:13, 24:3, 25:21, 30:5, 33:22, 35:13, 35:17, 36:22, 38:19, 40:14, 45:4, 45:22, 47:23, 49:3, 49:11, 50:24, 52:17, 52:18, 55:6, 55:12, 56:22, 57:16, 61:11,</p>	<p>62:16, 63:20, 64:5, 64:10, 64:17, 65:23, 66:20, 68:1, 74:18, 75:12, 76:19, 76:25, 78:6, 81:5, 82:20, 85:22, 86:4, 86:11, 88:13, 90:6, 101:15, 107:5, 111:1, 113:8, 117:10, 119:1, 119:17, 121:2, 122:2, 123:19, 124:16, 124:23, 128:12, 129:14, 129:16, 129:18, 129:25, 130:7, 134:20, 135:8, 136:7, 143:10, 143:18, 144:16, 147:15, 147:16, 148:11, 148:15, 148:17, 148:19, 151:21, 152:1, 155:10, 156:10, 158:9, 158:13, 158:16, 159:24, 162:5, 166:24, 167:18, 168:10, 172:16, 172:21, 173:1, 175:1, 176:16, 176:18, 177:20, 180:8, 180:12, 181:25, 182:12, 183:6, 183:8, 183:11, 188:25, 191:3, 197:9, 197:14, 197:15, 198:14, 204:15, 205:9, 208:8, 211:3, 211:6, 214:4, 217:5, 217:7, 218:17, 219:17, 219:20, 221:10, 222:8</p> <p>At ^[8] - 1:6, 14:7, 42:10, 42:11, 114:7, 151:14, 209:6, 214:19</p> <p>attached ^[6] - 21:16, 146:16, 146:25, 149:6, 149:8, 149:12</p> <p>attempted ^[1] - 128:23</p> <p>attention ^[1] - 11:4</p> <p>attenuate ^[1] - 48:8</p> <p>attenuation ^[1] - 48:9</p> <p>attorney ^[7] - 113:12, 113:14, 198:25, 208:12, 208:14, 222:12, 222:14</p> <p>Attorney ^[8] - 2:4, 15:4, 15:7, 103:18, 115:4, 115:7, 210:4, 210:6</p>	<p>attractive ^[3] - 58:9, 67:4, 86:2</p> <p>Audience ^[1] - 218:19</p> <p>Authority ^[2] - 102:10, 196:1</p> <p>authority ^[3] - 51:10, 58:3, 189:20</p> <p>authorization ^[1] - 110:7</p> <p>automatic ^[1] - 219:25</p> <p>available ^[5] - 55:12, 81:8, 98:14, 200:3, 214:12</p> <p>Avenue ^[10] - 3:10, 114:3, 117:5, 117:10, 143:22, 143:23, 161:10, 191:3, 192:16, 198:13</p> <p>avoid ^[1] - 46:20</p> <p>aware ^[4] - 77:12, 165:22, 217:14, 217:17</p> <p>away ^[3] - 8:4, 124:5, 187:17</p>	<p>197:12, 211:2, 214:14, 214:15, 218:21</p> <p>backs ^[1] - 99:24</p> <p>backup ^[2] - 47:2, 200:5</p> <p>backwards ^[1] - 69:5</p> <p>backyard ^[13] - 122:4, 139:18, 145:23, 146:3, 146:15, 146:25, 147:5, 148:23, 153:13, 153:18, 170:20, 182:15, 185:5</p> <p>baffle ^[2] - 126:6</p> <p>baffling ^[1] - 195:18</p> <p>bake ^[1] - 106:18</p> <p>balance ^[3] - 50:25, 51:16, 153:25</p> <p>balanced ^[3] - 51:8, 54:9, 66:12</p> <p>balancing ^[1] - 54:16</p> <p>balconies ^[16] - 24:17, 27:17, 28:23, 35:21, 38:14, 38:16, 94:7, 94:12, 97:6, 97:25, 98:9, 129:13, 170:12, 200:16, 204:4</p> <p>balcony ^[17] - 27:13, 124:16, 125:19, 125:25, 155:4, 155:10, 157:11, 158:10, 158:11, 158:17, 191:6, 191:25, 201:7, 203:14, 203:20, 204:19</p> <p>ball ^[1] - 57:6</p> <p>ballast ^[1] - 92:14</p> <p>balls ^[1] - 88:13</p> <p>ban ^[1] - 105:1</p> <p>bare ^[1] - 62:1</p> <p>barred ^[1] - 104:20</p> <p>barren ^[1] - 142:14</p> <p>base ^[1] - 92:1</p> <p>based ^[3] - 43:22, 46:6, 67:9</p> <p>basement ^[10] - 121:1, 121:6, 123:11, 134:22, 135:5, 151:3, 152:21, 181:9, 182:7, 182:9</p> <p>basements ^[1] - 43:5</p> <p>basically ^[4] - 142:4, 157:21, 160:8, 201:17</p> <p>basis ^[1] - 73:4</p> <p>bathroom ^[1] - 134:14</p> <p>bathrooms ^[1] - 88:10</p>
B				
<p>B ^[10] - 1:9, 14:10, 16:9, 114:10, 116:12, 161:6, 164:5, 184:21, 209:9, 216:7</p> <p>b ^[1] - 164:9</p> <p>B-I-O-O-M ^[2] - 161:6, 184:21</p> <p>back ^[63] - 25:2, 26:11, 28:19, 28:22, 29:1, 34:10, 41:21, 53:9, 58:15, 59:12, 69:1, 69:15, 69:18, 70:7, 70:24, 72:19, 77:9, 85:25, 86:8, 86:21, 87:19, 90:8, 93:25, 95:9, 96:8, 98:9, 99:25, 100:23, 107:15, 109:25, 110:12, 121:25, 122:24, 123:13, 125:2, 127:4, 127:16, 129:7, 129:17, 149:20, 153:7, 154:23, 155:8, 157:18, 160:15, 162:10, 163:2, 163:15, 169:13, 170:9, 170:25, 175:13, 176:4, 176:25, 178:6, 185:14, 187:13,</p>				

<p>bay [25] - 50:6, 51:20, 52:19, 55:7, 56:7, 57:25, 58:9, 58:16, 63:24, 64:24, 65:5, 66:6, 66:19, 67:8, 67:24, 68:3, 68:4, 99:12, 129:6, 130:1, 136:2, 138:21, 150:18, 197:9, 197:13</p> <p>bays [17] - 48:24, 48:25, 49:5, 52:25, 54:2, 64:15, 64:18, 65:7, 68:8, 68:11, 136:15, 136:21, 137:24, 138:22, 140:4, 181:2, 181:7</p> <p>be [313] - 7:22, 10:20, 21:7, 23:16, 23:20, 24:11, 24:12, 24:16, 25:9, 25:14, 25:15, 25:25, 26:5, 27:5, 27:15, 27:17, 28:14, 29:4, 29:18, 29:22, 30:7, 30:8, 30:22, 32:2, 32:9, 33:3, 33:5, 33:11, 33:14, 33:17, 33:19, 35:18, 35:19, 35:22, 36:8, 36:18, 36:21, 37:8, 39:7, 39:8, 39:17, 40:17, 41:5, 41:23, 42:2, 43:16, 43:17, 43:18, 43:22, 43:25, 44:20, 45:6, 45:17, 46:7, 46:9, 46:19, 47:6, 48:4, 48:7, 48:20, 48:23, 51:4, 52:8, 52:19, 52:20, 52:21, 54:12, 55:4, 55:12, 55:15, 55:17, 55:18, 55:20, 56:13, 57:7, 57:10, 57:14, 57:19, 57:21, 61:23, 64:25, 67:10, 68:2, 69:24, 70:11, 71:2, 71:8, 71:21, 72:7, 72:9, 72:19, 72:20, 72:22, 72:23, 73:1, 73:4, 73:11, 73:25, 74:2, 74:6, 74:13, 74:17, 74:18, 74:24, 75:18, 75:23, 76:4, 77:12, 77:20, 78:1, 78:3, 78:19, 78:20, 78:23, 80:11, 80:18, 80:24, 82:16, 84:1, 85:4, 85:9, 85:12, 86:2, 87:23, 87:25, 88:2, 88:9, 89:17, 90:1, 95:9, 95:18, 95:20, 96:2, 98:1, 98:3,</p>	<p>98:11, 99:13, 100:15, 101:10, 101:17, 101:24, 102:7, 102:18, 102:21, 102:24, 103:2, 103:16, 103:17, 103:20, 105:7, 105:11, 105:14, 105:24, 106:2, 106:9, 108:2, 108:20, 109:6, 109:13, 117:19, 121:13, 121:20, 121:24, 122:1, 122:3, 122:8, 122:14, 122:22, 123:8, 123:11, 123:13, 123:17, 123:18, 124:3, 124:5, 124:8, 125:10, 125:18, 125:23, 126:3, 126:4, 126:10, 126:21, 127:5, 127:13, 127:14, 127:21, 127:23, 130:3, 130:8, 131:16, 131:22, 131:25, 132:3, 133:23, 134:6, 134:7, 134:11, 134:12, 134:14, 134:21, 135:12, 135:13, 139:14, 140:12, 140:13, 141:11, 141:17, 142:1, 142:16, 144:7, 144:8, 146:18, 147:9, 148:24, 149:12, 150:9, 150:10, 152:16, 153:21, 158:2, 159:20, 166:6, 166:7, 167:11, 167:15, 167:16, 167:22, 168:19, 171:1, 171:14, 171:15, 172:7, 172:8, 172:19, 172:24, 174:18, 176:3, 176:9, 176:10, 177:6, 177:24, 180:11, 181:21, 181:24, 181:25, 182:14, 183:5, 183:8, 183:11, 184:1, 186:19, 187:3, 187:14, 188:15, 188:16, 188:21, 188:24, 189:2, 189:9, 189:10, 192:22, 192:23, 193:13, 195:14, 195:17, 195:20, 195:25, 196:16, 196:18, 196:23, 197:2, 197:7,</p>	<p>197:8, 197:15, 197:18, 198:3, 198:5, 198:16, 198:22, 198:25, 199:1, 199:12, 200:3, 202:12, 203:5, 204:14, 204:15, 212:5, 212:7, 212:18, 213:19, 213:21, 214:11, 214:12, 214:21, 215:3, 217:19, 220:8, 220:15, 220:16</p> <p>Because [11] - 30:4, 39:25, 40:2, 47:12, 57:24, 95:8, 124:21, 146:10, 148:8, 160:25, 200:23</p> <p>because [58] - 5:22, 7:23, 27:22, 28:2, 30:13, 32:14, 38:25, 39:14, 40:19, 45:21, 45:22, 53:15, 54:11, 57:20, 58:25, 69:12, 69:19, 69:24, 73:18, 78:12, 80:10, 83:24, 85:2, 87:2, 94:5, 98:16, 99:21, 110:10, 117:22, 124:25, 131:18, 133:8, 134:2, 134:19, 134:22, 138:15, 143:3, 145:18, 146:7, 152:3, 157:22, 159:8, 159:15, 165:20, 167:12, 176:13, 176:15, 179:19, 181:21, 185:12, 186:5, 186:23, 191:7, 199:4, 199:7, 212:7, 212:23, 214:11</p> <p>become [1] - 171:2</p> <p>becomes [3] - 151:8, 176:5, 186:22</p> <p>bedroom [3] - 124:9, 125:23, 159:22</p> <p>beds [2] - 127:18, 135:13</p> <p>been [32] - 4:7, 6:22, 18:2, 21:25, 31:13, 36:20, 39:13, 52:17, 53:14, 53:15, 79:22, 85:22, 85:24, 87:4, 89:18, 110:7, 120:1, 123:16, 141:3, 144:14, 146:5, 149:14, 162:12, 164:5, 170:14, 172:5, 172:6, 173:3, 176:8, 185:13, 199:7</p>	<p>before [27] - 41:20, 50:1, 50:12, 52:1, 55:17, 64:5, 67:3, 73:19, 77:25, 84:23, 86:23, 86:25, 88:17, 89:15, 109:25, 113:8, 120:16, 122:9, 163:25, 164:14, 199:5, 199:10, 208:8, 212:8, 218:9, 218:14, 222:8</p> <p>begin [2] - 120:17, 189:19</p> <p>behalf [2] - 17:12, 117:7</p> <p>behind [2] - 163:8, 200:19</p> <p>being [32] - 21:23, 27:9, 50:14, 56:17, 66:18, 76:15, 76:16, 84:21, 99:5, 121:6, 123:12, 125:5, 127:24, 128:4, 139:23, 143:5, 149:6, 151:2, 151:5, 151:9, 151:11, 151:17, 151:20, 151:23, 166:3, 181:7, 181:10, 181:12, 182:21, 182:23, 182:25, 194:17</p> <p>believe [13] - 20:19, 30:25, 53:18, 60:21, 66:6, 91:3, 91:8, 132:11, 145:10, 174:22, 178:16, 182:22, 213:20</p> <p>below [8] - 27:22, 27:23, 35:17, 36:4, 36:6, 95:18, 134:22, 135:5</p> <p>beneath [2] - 20:18, 24:24</p> <p>beneficial [1] - 54:3</p> <p>benefit [6] - 51:2, 69:10, 100:7, 140:8, 174:3, 185:10</p> <p>benefits [4] - 51:6, 140:1, 173:2, 174:13</p> <p>best [2] - 155:12, 185:6</p> <p>better [9] - 33:19, 54:15, 97:21, 119:11, 134:24, 137:4, 146:14, 156:9, 166:17</p> <p>between [20] - 20:2, 28:24, 48:6, 64:23, 75:23, 76:2, 76:3, 109:6, 124:6, 126:9, 141:18, 173:18,</p>	<p>175:23, 178:25, 189:25, 193:3, 203:7, 203:23, 204:3, 214:1</p> <p>beyond [6] - 35:24, 158:2, 158:5, 169:23, 170:2, 176:6</p> <p>BFE [1] - 102:25</p> <p>bicycle [1] - 42:4</p> <p>big [7] - 47:8, 47:10, 75:8, 84:5, 170:22, 202:14, 216:9</p> <p>bigger [4] - 70:9, 87:25, 179:8, 187:8</p> <p>bill [1] - 20:21</p> <p>Billy [1] - 193:16</p> <p>binding [2] - 176:10, 189:25</p> <p>bird's [1] - 22:20</p> <p>birds [1] - 176:14</p> <p>bit [21] - 22:10, 24:22, 28:16, 37:23, 42:25, 44:6, 70:11, 86:5, 87:14, 98:4, 166:17, 172:6, 173:15, 178:6, 178:23, 185:15, 191:13, 192:24, 200:12, 203:23, 203:25</p> <p>bite [1] - 7:23</p> <p>black [2] - 18:25, 19:4</p> <p>blank [1] - 140:6</p> <p>blanket [1] - 105:25</p> <p>block [21] - 24:20, 39:1, 39:9, 40:7, 63:3, 65:5, 66:5, 66:14, 120:22, 121:15, 123:21, 141:12, 141:23, 142:1, 142:6, 142:10, 168:8, 170:15, 172:10, 185:25, 191:21</p> <p>Block [2] - 14:4, 114:4</p> <p>blocks [1] - 220:4</p> <p>BLOOM [28] - 160:23, 161:2, 161:5, 161:8, 161:10, 161:14, 161:18, 162:4, 162:9, 162:17, 163:3, 184:5, 184:18, 184:21, 184:24, 186:13, 187:5, 187:18, 187:24, 188:12, 188:23, 189:4, 189:12, 189:17, 190:8, 190:10, 190:13, 190:16</p>
---	--	--	---	---

<p>Bloom [2] - 161:5, 184:21</p> <p>BOARD [6] - 1:1, 1:4, 14:1, 114:1, 209:1, 209:4</p> <p>board [4] - 4:13, 163:8, 165:4, 165:5</p> <p>Board [78] - 1:18, 1:19, 1:20, 2:4, 3:5, 4:5, 5:12, 14:19, 14:20, 14:21, 15:4, 17:21, 17:25, 19:21, 22:2, 23:8, 23:14, 30:13, 39:11, 40:23, 45:10, 50:3, 50:21, 52:2, 52:17, 52:18, 58:2, 58:9, 58:21, 67:8, 72:4, 77:5, 77:14, 77:25, 87:9, 90:18, 93:22, 95:23, 99:17, 105:12, 106:25, 110:1, 114:19, 114:20, 114:21, 115:4, 116:17, 116:18, 117:6, 118:1, 119:23, 120:15, 125:12, 158:13, 166:2, 175:17, 175:21, 176:9, 176:10, 189:11, 189:20, 190:11, 190:12, 193:24, 198:16, 209:18, 209:19, 209:20, 210:4, 215:6, 215:18, 215:23, 217:15, 217:16, 218:3, 218:11, 221:4</p> <p>Board's [11] - 101:2, 102:5, 102:15, 103:2, 103:18, 195:21, 195:23, 196:9, 196:18, 196:24, 198:25</p> <p>boards [2] - 18:14, 164:16</p> <p>Boards [1] - 53:4</p> <p>Bob [4] - 45:19, 137:10, 137:15, 140:22</p> <p>both [13] - 19:10, 25:23, 28:7, 33:3, 35:8, 64:18, 82:13, 88:22, 89:4, 147:7, 166:9, 173:20, 193:24</p> <p>bottom [2] - 95:17, 181:11</p> <p>bought [2] - 80:16, 81:14</p> <p>boundary [2] -</p>	<p>22:21, 24:9</p> <p>Brady's [1] - 148:22</p> <p>Brandy [4] - 1:12, 14:13, 114:13, 209:12</p> <p>break [1] - 124:5</p> <p>break-away [1] - 124:5</p> <p>breaking [1] - 58:10</p> <p>Brewers [4] - 2:2, 15:2, 115:2, 210:2</p> <p>brick [7] - 37:25, 68:4, 121:18, 121:19, 129:4, 129:5, 129:13</p> <p>bricks [2] - 37:24, 131:15</p> <p>Bridge [4] - 2:2, 15:2, 115:2, 210:2</p> <p>brief [1] - 166:7</p> <p>briefly [1] - 178:11</p> <p>bring [9] - 74:22, 79:16, 83:23, 98:21, 120:17, 140:22, 163:16, 187:1, 216:23</p> <p>bringing [1] - 78:11</p> <p>Bringing [1] - 185:2</p> <p>brings [2] - 63:1, 139:8</p> <p>broke [1] - 26:13</p> <p>broken [6] - 29:16, 29:21, 37:2, 40:19, 44:8, 122:14</p> <p>brought [6] - 45:5, 46:16, 139:23, 152:14, 152:16, 191:12</p> <p>brownstone [1] - 129:14</p> <p>buffering [1] - 169:24</p> <p>build [2] - 75:10, 110:8</p> <p>building [198] - 17:15, 20:10, 20:12, 20:19, 21:2, 21:5, 21:20, 22:2, 22:5, 22:16, 22:23, 23:2, 23:4, 23:9, 23:21, 24:11, 24:14, 24:15, 25:8, 25:20, 26:23, 26:25, 27:2, 27:23, 27:25, 28:1, 28:3, 28:21, 28:22, 29:14, 30:8, 35:16, 35:17, 37:3, 37:18, 43:16, 44:9, 46:8, 49:2, 49:5, 51:22, 54:4, 54:5, 55:5, 56:19, 57:17, 58:15, 66:10, 67:23, 74:25, 75:1, 75:3, 75:10, 75:18, 76:23,</p>	<p>78:7, 84:5, 89:6, 93:7, 98:10, 101:15, 101:18, 103:19, 104:25, 105:2, 105:9, 110:8, 110:10, 117:14, 118:5, 119:5, 120:13, 121:1, 121:2, 121:8, 121:9, 121:16, 121:19, 121:23, 121:24, 122:12, 122:25, 123:3, 123:9, 123:10, 123:16, 123:19, 123:22, 123:23, 124:11, 124:20, 124:21, 124:22, 125:17, 125:18, 127:2, 127:3, 129:16, 130:23, 131:16, 131:25, 132:16, 133:8, 133:10, 136:2, 137:25, 139:19, 142:13, 151:23, 154:17, 155:8, 156:5, 157:9, 157:15, 157:18, 157:19, 158:2, 159:12, 159:13, 159:15, 160:5, 160:7, 161:11, 161:19, 161:22, 162:8, 162:24, 163:6, 164:25, 166:10, 166:11, 166:13, 166:20, 166:21, 166:23, 166:25, 167:13, 167:17, 168:2, 168:7, 168:17, 168:21, 169:10, 169:11, 169:13, 169:14, 169:19, 169:22, 170:9, 170:10, 170:12, 170:13, 170:15, 170:22, 171:7, 171:8, 171:9, 171:10, 173:18, 173:19, 173:22, 174:25, 176:4, 176:15, 176:16, 176:25, 178:6, 178:12, 180:21, 185:18, 186:24, 187:21, 187:23, 188:1, 188:6, 188:9, 191:4, 192:1, 192:19, 192:22, 193:8, 193:23, 194:17, 198:19, 199:2, 202:23, 203:9, 203:12, 203:13, 204:11, 204:14, 205:4, 216:8</p>	<p>Building [2] - 36:22, 216:7</p> <p>buildings [18] - 36:18, 38:3, 44:10, 66:18, 67:2, 67:4, 104:23, 121:17, 122:18, 123:4, 123:5, 129:9, 135:11, 168:9, 168:10, 168:18, 170:16</p> <p>built [9] - 66:18, 67:2, 69:19, 127:3, 162:24, 189:8, 193:8, 193:23, 201:3</p> <p>built-in [1] - 189:8</p> <p>bulb [1] - 137:20</p> <p>bulkhead [4] - 38:9, 128:21, 195:18</p> <p>bulkheads [8] - 38:9, 38:10, 47:14, 48:7, 102:18, 126:7, 126:18, 195:14</p> <p>bulletin [1] - 4:13</p> <p>bumpout [1] - 150:17</p> <p>bumpouts [1] - 54:3</p> <p>bunch [1] - 212:2</p> <p>Business [1] - 3:5</p> <p>business [4] - 91:1, 91:15, 215:23, 218:5</p> <p>butt [1] - 7:23</p> <p>buy [4] - 73:23, 80:24, 81:11, 104:3</p> <p>buyer [1] - 80:16</p> <p>buying [1] - 187:10</p> <p>buys [3] - 85:5, 85:9, 104:15</p> <p>Bye [2] - 218:25</p> <p>Bye-Bye [1] - 218:25</p>	<p>128:18, 129:12, 186:8, 186:14</p> <p>CACERES [2] - 153:7, 153:11</p> <p>Caceres [4] - 1:19, 14:20, 114:20, 209:19</p> <p>calculated [1] - 117:23</p> <p>calculation [1] - 133:1</p> <p>calculations [10] - 42:6, 42:8, 42:12, 42:17, 43:5, 96:23, 102:5, 132:12, 149:17, 195:23</p> <p>Caleb [16] - 1:11, 1:13, 1:14, 14:12, 14:14, 14:15, 67:18, 95:15, 111:17, 114:12, 114:14, 114:15, 190:3, 209:11, 209:13, 209:14</p> <p>calendar [1] - 214:24</p> <p>call [20] - 4:14, 7:7, 8:25, 10:5, 10:19, 12:16, 35:15, 57:8, 111:19, 118:7, 158:15, 177:4, 177:16, 181:2, 187:15, 188:7, 198:9, 198:11, 206:6, 213:11</p> <p>call-outs [2] - 198:9, 198:11</p> <p>called [5] - 38:24, 41:3, 63:12, 108:13, 137:16</p> <p>calling [5] - 24:8, 27:8, 29:23, 39:3, 177:9</p> <p>came [7] - 84:6, 94:23, 129:25, 159:8, 162:5, 194:6, 218:9</p> <p>can [83] - 12:2, 22:19, 24:3, 28:16, 31:12, 32:19, 43:4, 43:7, 43:17, 43:22, 43:23, 45:25, 54:11, 54:23, 55:1, 55:16, 56:15, 58:1, 58:2, 60:15, 61:25, 63:6, 64:18, 69:3, 70:15, 71:5, 72:4, 73:17, 77:7, 77:9, 79:13, 85:4, 85:5, 88:2, 90:8, 91:11, 106:12, 106:16, 108:25, 110:20, 118:20, 120:17, 120:18, 121:22, 121:23,</p>
C				
<p>c [1] - 164:9</p> <p>C [21] - 2:1, 15:1, 15:5, 39:13, 79:22, 113:1, 115:1, 115:5, 118:2, 118:14, 141:3, 141:7, 164:5, 174:17, 208:1, 210:1, 210:5, 222:1</p> <p>C-2 [2] - 39:22, 173:1</p> <p>C-o-s-s-i-o [1] - 141:7</p> <p>C.C.R [3] - 113:20, 208:19, 222:19</p> <p>C.R.C.R [3] - 113:20, 208:19, 222:19</p> <p>C1 [1] - 11:24</p> <p>cable [5] - 127:6,</p>				

<p>122:23, 123:21, 124:2, 124:24, 125:3, 128:10, 128:11, 133:25, 145:11, 147:5, 147:18, 147:19, 150:14, 151:25, 153:23, 155:3, 155:14, 160:15, 162:20, 162:21, 166:17, 168:22, 169:6, 171:23, 172:17, 176:23, 176:24, 176:25, 185:23, 189:22, 199:8, 199:15, 211:18, 213:4, 214:3, 218:20, 218:23, 219:8</p> <p>Can [19] - 49:16, 76:7, 79:9, 108:19, 122:25, 136:14, 136:20, 136:22, 150:23, 154:25, 157:6, 161:3, 162:4, 163:16, 180:1, 195:11, 197:2, 200:21, 201:20</p> <p>can't [25] - 6:21, 32:14, 39:7, 40:22, 42:14, 57:6, 61:20, 70:14, 70:15, 79:7, 105:22, 106:7, 106:12, 106:19, 109:24, 110:11, 144:11, 145:13, 163:9, 191:25, 195:2, 214:2, 219:5, 220:13</p> <p>cannot [3] - 30:6, 106:1, 188:18</p> <p>cantilevered [2] - 27:13, 97:5</p> <p>cantilevers [1] - 94:19</p> <p>Capitalism [1] - 159:17</p> <p>capping [1] - 211:8</p> <p>capture [1] - 109:14</p> <p>car [8] - 42:3, 46:21, 75:5, 80:20, 80:21, 104:3, 104:8, 104:20</p> <p>Carcone [5] - 1:20, 14:21, 114:21, 209:20, 211:18</p> <p>CARCONE [65] - 4:15, 4:17, 4:19, 4:21, 4:23, 4:25, 5:2, 5:4, 5:8, 6:3, 7:13, 7:18, 9:4, 9:6, 9:8, 9:10, 9:12, 9:14, 10:6, 10:8, 10:10, 10:12, 10:14,</p>	<p>10:16, 10:21, 10:25, 11:5, 12:18, 12:20, 12:22, 12:24, 13:1, 111:21, 111:23, 111:25, 112:2, 112:4, 112:6, 112:8, 112:10, 112:12, 137:1, 206:7, 206:9, 206:11, 206:13, 206:15, 206:17, 206:19, 206:21, 206:23, 211:24, 212:15, 212:25, 215:14, 216:2, 216:6, 216:10, 216:14, 216:21, 218:8, 218:13, 219:2, 219:13, 219:16</p> <p>cards [1] - 100:15</p> <p>care [2] - 143:2, 143:8</p> <p>careful [2] - 144:7, 144:8</p> <p>carried [1] - 214:20</p> <p>carry [8] - 211:11, 211:16, 211:18, 212:25, 213:2, 213:23, 215:4, 218:17</p> <p>cars [4] - 37:16, 80:13, 82:1, 82:9</p> <p>carved [1] - 66:19</p> <p>carved-in [1] - 66:19</p> <p>carves [1] - 56:7</p> <p>case [24] - 5:19, 27:14, 27:18, 30:21, 33:20, 37:19, 38:2, 42:23, 66:23, 68:5, 69:23, 73:9, 77:15, 77:19, 89:2, 89:10, 135:15, 145:16, 170:4, 172:25, 174:22, 175:2, 217:1</p> <p>cases [9] - 25:23, 33:18, 36:14, 68:3, 73:24, 212:2, 212:4, 212:24, 220:14</p> <p>cast [1] - 193:1</p> <p>casting [1] - 205:6</p> <p>catch [3] - 186:18, 197:24, 215:25</p> <p>catching [1] - 7:17</p> <p>caught [1] - 72:12</p> <p>CCR [3] - 113:18, 208:17, 222:17</p> <p>cease [1] - 189:23</p> <p>ceiling [5] - 152:22, 173:16, 174:2, 174:4, 179:1</p> <p>cell [1] - 41:24</p> <p>Cell [1] - 150:21</p> <p>cellars [1] - 135:6</p>	<p>cement [1] - 129:14</p> <p>center [8] - 20:3, 24:21, 29:25, 37:17, 48:6, 63:11, 167:21</p> <p>certain [4] - 34:19, 105:23, 105:24, 214:4</p> <p>Certainly [2] - 107:8, 125:15</p> <p>certainly [20] - 43:7, 46:23, 51:2, 54:7, 57:12, 67:3, 71:23, 72:2, 77:3, 77:9, 90:8, 95:6, 98:14, 100:6, 171:12, 171:17, 172:15, 174:6, 202:11, 202:18</p> <p>certificate [1] - 199:3</p> <p>Certified [6] - 113:3, 113:4, 208:3, 208:4, 222:3, 222:4</p> <p>CERTIFIED [8] - 1:23, 1:24, 14:23, 14:24, 114:23, 114:24, 209:23, 209:24</p> <p>certify [3] - 113:6, 208:6, 222:6</p> <p>CERTIFY [3] - 113:11, 208:11, 222:11</p> <p>cetera [3] - 57:6, 92:6</p> <p>Chair [7] - 1:11, 14:12, 114:12, 117:9, 141:10, 200:8, 209:11</p> <p>CHAIR [68] - 4:18, 8:9, 8:24, 9:5, 10:7, 62:5, 63:8, 84:16, 84:19, 84:25, 85:7, 85:10, 85:14, 86:12, 86:16, 88:17, 88:20, 89:11, 90:22, 90:25, 91:5, 91:13, 91:20, 91:23, 92:16, 93:1, 93:15, 93:18, 98:25, 105:20, 106:14, 106:21, 107:12, 108:6, 108:10, 110:16, 111:22, 150:25, 151:7, 151:11, 151:14, 151:18, 152:9, 155:19, 155:24, 156:3, 156:7, 157:21, 158:3, 178:10, 178:19, 179:2, 179:5, 179:13, 179:25, 180:24, 181:6, 181:13, 181:23, 182:3, 182:8, 182:16,</p>	<p>182:20, 182:24, 183:10, 205:13, 206:8, 215:11</p> <p>CHAIRMAN [331] - 4:1, 4:16, 5:10, 6:4, 6:14, 6:19, 6:23, 7:3, 7:6, 7:11, 7:14, 7:25, 8:7, 8:12, 8:17, 8:25, 9:15, 9:23, 10:2, 10:4, 10:17, 11:6, 11:14, 11:19, 12:11, 12:14, 12:16, 13:4, 17:1, 17:6, 18:10, 31:22, 31:25, 32:5, 32:13, 32:19, 33:5, 40:14, 42:5, 42:19, 43:11, 44:22, 45:2, 46:15, 46:24, 47:12, 47:18, 47:25, 48:10, 48:16, 49:2, 49:10, 50:19, 51:15, 53:25, 55:9, 55:25, 56:11, 57:15, 57:22, 59:5, 59:21, 60:5, 60:13, 61:11, 62:18, 62:21, 62:25, 63:18, 63:21, 63:25, 64:9, 64:14, 64:17, 65:4, 65:13, 66:8, 67:14, 67:18, 68:17, 68:21, 68:23, 70:14, 70:19, 70:22, 75:19, 76:10, 77:4, 78:10, 79:5, 79:11, 79:15, 81:5, 81:17, 82:20, 83:7, 83:16, 84:18, 86:7, 86:14, 86:18, 87:20, 88:2, 88:12, 88:15, 88:19, 89:20, 90:7, 90:15, 90:19, 90:24, 91:3, 91:8, 92:18, 92:23, 93:3, 93:10, 93:23, 94:2, 95:11, 95:14, 95:25, 96:6, 96:8, 96:14, 97:7, 97:12, 98:13, 98:19, 99:4, 99:9, 100:3, 100:11, 100:14, 100:19, 100:21, 102:20, 103:24, 105:3, 105:13, 106:4, 106:18, 107:4, 107:13, 107:21, 108:4, 108:14, 109:4, 109:9, 109:15, 110:13, 110:20, 111:6, 111:11, 111:16, 111:19, 112:13, 117:1, 117:4, 118:18, 118:25, 120:9, 120:16,</p>	<p>122:23, 123:5, 124:24, 125:21, 128:1, 128:5, 128:7, 129:15, 129:20, 130:9, 131:7, 132:20, 132:25, 133:25, 134:8, 134:23, 135:4, 135:15, 135:23, 136:14, 136:19, 137:3, 137:6, 137:10, 137:14, 137:19, 137:24, 138:3, 138:6, 138:19, 138:25, 139:3, 139:5, 140:2, 140:7, 140:19, 141:21, 142:2, 142:22, 142:25, 143:13, 143:20, 143:24, 144:1, 144:6, 144:24, 145:5, 145:21, 146:15, 147:16, 148:15, 148:19, 149:4, 149:10, 149:13, 150:1, 150:15, 151:15, 151:21, 152:12, 152:15, 152:18, 153:1, 153:4, 153:24, 154:8, 154:19, 154:25, 155:7, 155:13, 155:17, 156:5, 156:11, 156:16, 156:20, 158:21, 158:25, 159:3, 160:14, 162:6, 163:4, 163:17, 163:22, 164:12, 173:5, 175:4, 176:19, 177:15, 178:7, 178:15, 178:17, 180:3, 180:10, 180:16, 181:16, 182:2, 183:19, 183:24, 184:7, 185:21, 186:21, 187:14, 187:20, 189:7, 190:2, 190:9, 190:12, 190:15, 190:17, 192:3, 193:20, 194:20, 194:22, 195:5, 196:13, 197:5, 197:20, 197:23, 198:10, 199:23, 200:7, 200:9, 200:13, 201:1, 201:7, 201:15, 201:20, 201:25, 202:3, 202:8, 202:22, 203:8, 203:11, 203:17, 203:19, 203:24, 204:5,</p>
---	--	--	---	--

<p>205:17, 205:25, 206:4, 206:24, 207:3, 211:1, 212:20, 213:4, 213:10, 214:19, 214:23, 215:2, 215:8, 215:12, 215:17, 215:21, 216:4, 216:9, 216:17, 217:10, 217:22, 218:4, 218:20, 218:25, 219:14, 220:6, 220:9, 220:22, 221:1, 221:3, 221:6</p> <p>Chairman [21] - 1:10, 8:15, 14:11, 17:5, 17:7, 18:8, 45:3, 47:23, 68:22, 87:18, 109:18, 114:11, 117:6, 120:7, 148:1, 163:20, 164:10, 173:4, 191:11, 197:4, 209:10</p> <p>chairs [1] - 35:22</p> <p>challenged [1] - 12:1</p> <p>change [6] - 50:4, 58:14, 85:25, 97:11, 137:20, 213:6</p> <p>changed [1] - 122:22</p> <p>changes [13] - 6:16, 6:22, 9:17, 9:19, 9:22, 11:22, 54:2, 68:3, 87:5, 99:7, 185:15, 196:21, 196:23</p> <p>channel [1] - 179:22</p> <p>character [1] - 167:17</p> <p>characterization [1] - 177:2</p> <p>characterize [1] - 175:11</p> <p>characterizing [1] - 175:16</p> <p>charging [1] - 42:3</p> <p>chart [2] - 23:25, 125:13</p> <p>cheaper [1] - 188:24</p> <p>check [1] - 7:9</p> <p>checked [1] - 111:3</p> <p>checklist [3] - 219:21, 219:23</p> <p>child [1] - 191:17</p> <p>chimney [1] - 205:6</p> <p>choice [1] - 219:15</p> <p>choose [1] - 104:23</p> <p>chosen [1] - 174:4</p> <p>circle [7] - 70:23, 77:9, 86:8, 90:8, 93:25, 160:15</p> <p>circulation [5] - 25:18, 26:9, 29:2,</p>	<p>29:9, 35:9</p> <p>cistern [4] - 147:4, 147:10, 147:13, 198:5</p> <p>CITY [4] - 1:1, 14:1, 114:1, 209:1</p> <p>city [8] - 24:7, 26:21, 53:7, 57:2, 57:12, 140:14, 145:4, 190:6</p> <p>City [34] - 4:4, 4:13, 26:21, 33:24, 35:3, 48:25, 49:25, 50:12, 51:4, 51:19, 51:23, 51:24, 52:2, 52:7, 52:15, 52:20, 53:1, 54:13, 55:12, 55:21, 57:25, 59:1, 68:14, 98:18, 99:17, 101:3, 109:19, 110:8, 135:14, 139:11, 165:13, 189:25, 196:2, 200:5</p> <p>city's [8] - 4:11, 52:4, 52:9, 52:12, 101:5, 136:8, 136:13, 196:4</p> <p>Clad [1] - 139:2</p> <p>clad [2] - 129:6, 139:1</p> <p>clarify [2] - 51:17, 177:18</p> <p>Class [1] - 47:16</p> <p>clause [1] - 101:24</p> <p>clean [2] - 20:20, 91:21</p> <p>clear [8] - 21:7, 119:12, 134:15, 136:25, 150:4, 151:16, 177:7, 180:17</p> <p>clearance [1] - 182:7</p> <p>clearly [1] - 57:4</p> <p>close [10] - 11:13, 120:18, 150:18, 156:4, 181:23, 195:5, 204:7, 206:25, 220:10, 220:23</p> <p>closed [3] - 41:24, 110:17, 184:8</p> <p>CO [3] - 199:7, 199:8, 199:9</p> <p>cocktails [1] - 186:25</p> <p>code [2] - 153:20, 159:15</p> <p>codes [1] - 187:21</p> <p>coffee [2] - 86:3, 87:6</p> <p>coins [1] - 129:14</p> <p>color [2] - 18:25, 19:6</p> <p>Colored [1] - 18:21</p> <p>colored [1] - 18:23</p>	<p>colors [1] - 37:25</p> <p>combination [3] - 19:9, 22:14, 37:24</p> <p>combined [1] - 25:5</p> <p>Come [3] - 29:13, 163:15, 190:19</p> <p>come [30] - 26:11, 49:25, 50:2, 50:12, 53:9, 54:23, 54:24, 55:6, 59:12, 65:7, 94:14, 109:25, 110:12, 121:25, 160:20, 162:9, 163:2, 178:17, 181:6, 181:9, 183:3, 187:13, 188:25, 192:5, 200:21, 205:2, 212:4, 214:14, 214:15, 216:11</p> <p>comes [9] - 52:1, 124:15, 145:14, 146:11, 147:19, 169:13, 169:15, 174:24, 214:2</p> <p>coming [13] - 26:25, 27:1, 49:18, 68:4, 99:21, 100:15, 150:18, 167:10, 168:19, 183:13, 189:13, 190:6, 205:6</p> <p>comment [10] - 7:1, 49:6, 71:20, 87:10, 97:8, 110:17, 110:18, 149:21, 162:3, 184:12</p> <p>commentary [1] - 201:16</p> <p>commenting [1] - 177:2</p> <p>comments [11] - 31:11, 54:8, 66:16, 67:9, 98:20, 100:18, 153:5, 155:18, 183:25, 195:8, 205:18</p> <p>commercial [20] - 17:16, 20:12, 21:19, 22:24, 22:25, 24:19, 29:7, 39:1, 46:4, 71:16, 71:20, 71:22, 72:5, 84:14, 84:21, 87:15, 97:2, 98:8, 139:20</p> <p>Commercial [1] - 32:4</p> <p>commission [2] - 208:20, 222:20</p> <p>Commission [13] - 34:1, 66:6, 101:16, 108:24, 109:1, 113:21, 140:16, 141:16, 141:20,</p>	<p>142:4, 142:8, 143:19, 198:14</p> <p>COMMISSIONER [246] - 4:20, 4:22, 4:24, 5:1, 5:3, 5:5, 5:7, 7:1, 7:4, 7:20, 8:5, 8:19, 8:21, 9:7, 9:9, 9:11, 9:13, 10:1, 10:3, 10:9, 10:11, 10:13, 10:15, 10:18, 10:22, 11:2, 11:8, 12:5, 12:13, 12:15, 12:19, 12:21, 12:23, 12:25, 13:2, 28:5, 29:19, 40:5, 42:12, 42:16, 48:14, 48:17, 49:19, 49:22, 51:24, 53:20, 54:21, 55:20, 56:15, 57:24, 58:18, 58:24, 59:9, 59:13, 59:18, 59:22, 60:3, 60:6, 60:10, 60:18, 61:5, 61:7, 61:9, 61:13, 61:17, 62:17, 63:23, 64:1, 64:3, 64:8, 64:11, 65:11, 65:15, 66:3, 67:13, 67:16, 67:19, 67:20, 68:19, 68:22, 68:24, 69:3, 70:4, 70:17, 70:21, 70:23, 71:7, 71:12, 72:11, 72:17, 72:24, 73:3, 73:8, 73:15, 74:8, 74:12, 74:16, 74:21, 75:20, 76:1, 76:7, 77:11, 78:5, 78:8, 81:19, 82:7, 82:10, 82:15, 82:23, 83:15, 83:19, 86:9, 86:20, 86:23, 87:13, 87:22, 91:19, 95:12, 95:16, 97:9, 97:16, 97:23, 99:8, 99:11, 99:19, 100:10, 100:13, 100:20, 104:2, 104:7, 104:13, 104:18, 105:5, 105:18, 106:16, 106:20, 106:22, 107:11, 107:14, 107:20, 108:16, 108:19, 108:23, 109:3, 109:5, 111:10, 111:13, 111:24, 112:1, 112:3, 112:5, 112:7, 112:9, 112:11, 118:22, 122:9, 122:15, 122:19, 123:7, 131:1, 131:11, 131:24, 132:4, 132:23, 133:2, 133:13, 133:17,</p>	<p>136:1, 137:8, 138:11, 138:17, 144:3, 144:15, 144:21, 145:25, 146:10, 146:19, 146:20, 146:23, 147:24, 148:1, 148:8, 148:13, 148:21, 149:23, 149:24, 150:2, 150:3, 150:8, 150:17, 150:22, 153:3, 154:4, 154:11, 158:4, 158:14, 175:8, 176:21, 177:19, 178:2, 180:1, 180:5, 180:9, 180:13, 180:18, 180:23, 183:4, 183:18, 183:23, 188:5, 188:14, 189:2, 189:15, 189:18, 200:8, 200:10, 200:14, 200:23, 201:5, 201:12, 202:10, 202:23, 203:1, 204:2, 204:6, 204:22, 205:24, 206:3, 206:10, 206:12, 206:14, 206:16, 206:18, 206:20, 206:22, 213:14, 213:20, 215:13, 216:12, 217:13, 217:23, 217:25, 218:2, 220:25, 221:2, 221:8</p> <p>Commissioner [100] - 1:11, 1:12, 1:12, 1:13, 1:13, 1:14, 1:14, 1:15, 4:15, 4:17, 4:19, 4:21, 4:23, 4:25, 5:2, 5:4, 5:6, 5:8, 9:4, 9:6, 9:8, 9:10, 9:12, 9:14, 10:6, 10:8, 10:10, 10:12, 10:14, 10:16, 12:18, 12:20, 12:22, 12:24, 13:1, 14:12, 14:13, 14:13, 14:14, 14:14, 14:15, 14:15, 14:16, 63:18, 63:22, 66:15, 67:14, 68:15, 68:17, 78:13, 81:17, 86:14, 94:6, 97:7, 98:24, 99:10, 100:3, 105:3, 105:6, 110:13, 111:21, 111:23, 111:25, 112:2, 112:4, 112:6, 112:8, 112:10, 112:12, 114:12, 114:13, 114:13, 114:14, 114:14,</p>
--	--	---	---	---

<p>114:15, 114:15, 114:16, 145:21, 175:9, 178:9, 180:4, 180:11, 206:5, 206:7, 206:9, 206:11, 206:13, 206:15, 206:17, 206:19, 206:21, 206:23, 209:11, 209:12, 209:12, 209:13, 209:13, 209:14, 209:14, 209:15</p> <p>Commissioners [10] - 6:9, 76:13, 90:7, 93:23, 96:14, 153:4, 160:16, 163:11, 195:7, 218:5</p> <p>COMMISSONER [2] - 90:3, 204:13</p> <p>commit [1] - 143:10</p> <p>commitment [1] - 142:5</p> <p>committee [1] - 217:20</p> <p>Committee [1] - 45:22</p> <p>common [6] - 37:8, 37:9, 72:10, 89:12, 89:13, 124:11</p> <p>commonly [3] - 23:3, 37:22, 89:1</p> <p>communicative [1] - 185:14</p> <p>community [1] - 100:7</p> <p>compact [1] - 34:24</p> <p>company [3] - 20:13, 20:15, 21:9</p> <p>compare [1] - 43:6</p> <p>comparison [1] - 173:21</p> <p>complete [5] - 81:14, 122:2, 219:21, 219:22, 219:23</p> <p>completely [4] - 30:20, 152:2, 186:8, 191:18</p> <p>compliance [4] - 41:2, 43:18, 96:2, 139:24</p> <p>compliant [3] - 171:17, 172:9, 172:22</p> <p>comply [6] - 40:22, 41:7, 41:8, 102:14, 190:1, 196:8</p> <p>composed [1] - 121:15</p> <p>compromised [1] - 176:15</p>	<p>concept [2] - 107:23, 175:22</p> <p>concern [7] - 50:15, 74:22, 136:4, 185:16, 191:6, 193:5, 205:8</p> <p>concerned [2] - 191:14, 199:7</p> <p>Concerns [1] - 92:10</p> <p>concerns [9] - 23:17, 23:18, 92:9, 130:19, 132:10, 192:2, 192:20, 205:20, 212:1</p> <p>concluded [4] - 46:25, 112:19, 207:5, 221:10</p> <p>conclusion [1] - 43:20</p> <p>conclusions [1] - 92:2</p> <p>concrete [2] - 29:25, 43:16</p> <p>concur [1] - 118:8</p> <p>condensers [1] - 36:12</p> <p>condensing [1] - 126:16</p> <p>condition [15] - 31:18, 39:17, 48:11, 93:11, 93:22, 96:1, 105:11, 106:17, 108:1, 109:24, 110:1, 121:23, 125:4, 127:1, 199:25</p> <p>conditional [6] - 39:12, 39:15, 40:1, 40:3, 40:21, 41:7</p> <p>conditions [18] - 19:17, 19:18, 39:6, 39:20, 39:24, 40:18, 40:20, 41:5, 52:21, 100:23, 103:15, 109:16, 111:8, 140:5, 195:11, 198:22, 205:19</p> <p>condo [11] - 105:7, 105:8, 105:15, 105:21, 105:22, 106:10, 107:10, 198:22, 199:14, 199:15, 199:18</p> <p>condominium [16] - 78:23, 78:24, 83:22, 84:14, 101:19, 101:22, 101:23, 101:24, 103:11, 103:21, 103:23, 105:24, 106:6, 121:16, 198:23, 198:24</p> <p>condominium's [1] -</p>	<p>101:25</p> <p>condominiums [2] - 72:23, 78:19</p> <p>Condomiums [1] - 78:21</p> <p>condos [4] - 72:20, 72:22, 72:25, 73:1</p> <p>conduct [1] - 91:15</p> <p>confer [2] - 73:14, 90:18</p> <p>confers [3] - 47:21, 72:21, 140:18</p> <p>confirm [3] - 102:6, 118:20, 195:24</p> <p>confirmed [1] - 195:20</p> <p>conform [1] - 109:1</p> <p>conformance [3] - 92:4, 122:5, 124:7</p> <p>conforming [2] - 124:20, 173:18</p> <p>confused [1] - 88:21</p> <p>confusion [1] - 20:5</p> <p>connect [1] - 147:5</p> <p>connected [2] - 147:1, 147:9</p> <p>connecting [2] - 90:1, 94:16</p> <p>connection [3] - 28:24, 89:18, 149:18</p> <p>connectors [1] - 198:4</p> <p>connects [2] - 147:4, 147:6</p> <p>consent [1] - 215:5</p> <p>consider [2] - 11:25, 136:12</p> <p>consideration [6] - 58:2, 136:10, 139:6, 139:7, 174:1, 174:9</p> <p>considered [3] - 76:13, 117:24, 117:25</p> <p>consolidate [2] - 93:16, 93:19</p> <p>consolidating [1] - 108:11</p> <p>consolidation [2] - 93:20, 108:5</p> <p>construct [1] - 17:14</p> <p>constructed [1] - 133:8</p> <p>construction [9] - 38:19, 133:10, 133:23, 170:18, 187:16, 189:21, 189:23, 199:21</p> <p>consult [2] - 103:3, 196:19</p> <p>consultation [3] - 66:5, 142:7, 142:10</p>	<p>consulted [1] - 211:17</p> <p>contain [1] - 92:14</p> <p>contained [1] - 103:16</p> <p>containing [2] - 92:12, 92:14</p> <p>contaminants [1] - 211:7</p> <p>contemporary [2] - 37:9, 168:9</p> <p>context [6] - 21:13, 23:6, 24:6, 123:10, 159:9, 184:25</p> <p>Continue [1] - 13:5</p> <p>continue [1] - 168:8</p> <p>continued [1] - 166:25</p> <p>continuing [1] - 125:23</p> <p>Continuing [1] - 21:12</p> <p>continuity [1] - 211:15</p> <p>contributed [1] - 174:5</p> <p>contributing [1] - 154:23</p> <p>conversation [6] - 52:7, 66:7, 70:15, 96:12, 96:13, 141:9</p> <p>conversations [1] - 117:21</p> <p>convert [1] - 117:14</p> <p>converted [1] - 205:4</p> <p>convey [1] - 96:13</p> <p>coordinating [1] - 217:20</p> <p>Copies [1] - 4:11</p> <p>copies [1] - 91:11</p> <p>copper [2] - 129:6, 139:2</p> <p>Copper [1] - 139:3</p> <p>copy [3] - 93:6, 101:2</p> <p>corner [14] - 62:3, 87:16, 95:17, 122:10, 122:12, 122:16, 123:6, 123:10, 123:23, 168:3, 168:14, 168:22, 170:22, 171:5</p> <p>corners [1] - 129:14</p> <p>cornice [1] - 129:8</p> <p>Correct [31] - 49:4, 74:11, 99:4, 118:6, 119:19, 130:17, 130:20, 132:7, 132:24, 135:3, 135:7, 135:25, 138:2, 138:5,</p>	<p>139:4, 145:20, 146:12, 151:10, 152:17, 156:7, 156:22, 158:24, 159:6, 179:4, 179:9, 181:5, 183:14, 203:18, 204:12, 204:21, 204:24</p> <p>correct [34] - 57:4, 73:5, 87:4, 89:12, 89:14, 93:16, 93:19, 108:2, 122:16, 122:17, 126:16, 126:25, 127:11, 132:2, 132:22, 134:19, 135:2, 135:19, 135:20, 138:24, 146:17, 146:18, 150:7, 151:3, 155:11, 156:18, 158:6, 158:7, 160:2, 178:14, 183:7, 194:18, 203:10, 203:15</p> <p>corrected [1] - 109:6</p> <p>correctly [2] - 197:9, 197:13</p> <p>corridors [1] - 29:9</p> <p>Cossio [2] - 141:7, 141:8</p> <p>COSSIO [10] - 116:7, 141:2, 141:7, 147:18, 147:22, 148:6, 148:12, 154:1, 154:6, 159:22</p> <p>Could [4] - 19:21, 157:3, 164:21, 166:1</p> <p>could [46] - 17:22, 26:5, 34:9, 37:8, 43:9, 46:1, 51:13, 56:23, 57:1, 58:16, 69:24, 75:16, 75:17, 77:2, 78:25, 85:12, 87:14, 87:25, 92:14, 92:16, 98:3, 125:11, 131:12, 137:7, 139:10, 140:11, 141:24, 143:10, 158:11, 160:9, 160:10, 172:5, 172:6, 178:4, 178:19, 188:6, 196:22, 199:9, 199:13, 202:15, 213:6, 214:13, 215:3, 220:14</p> <p>couldn't [1] - 104:5</p> <p>Couldn't [1] - 144:24</p> <p>Council [38] - 26:22, 33:24, 35:3, 48:25, 49:25, 50:12, 50:23, 51:4, 51:20, 51:23,</p>
--	---	---	--	--

<p>51:25, 52:2, 52:7, 52:15, 52:20, 53:1, 53:5, 54:13, 55:6, 55:12, 55:18, 56:16, 58:1, 59:8, 59:11, 59:16, 68:14, 98:18, 99:17, 101:4, 109:19, 110:9, 135:14, 139:11, 196:3, 200:5, 212:8, 213:15</p> <p>Council's [2] - 55:22, 59:1</p> <p>Councilman [12] - 11:11, 11:15, 41:12, 68:23, 87:20, 98:23, 144:1, 153:1, 175:4, 176:19, 177:15, 212:7</p> <p>Councilman's [1] - 122:24</p> <p>counsel [6] - 113:12, 113:15, 208:12, 208:15, 222:12, 222:15</p> <p>Counsel [4] - 47:21, 72:21, 73:14, 140:18</p> <p>count [1] - 23:11</p> <p>counted [1] - 71:24</p> <p>Couple [1] - 51:17</p> <p>couple [13] - 40:24, 41:17, 48:14, 48:18, 80:8, 83:11, 141:11, 145:2, 150:5, 164:15, 186:25, 193:21, 214:7</p> <p>course [9] - 37:9, 43:14, 44:20, 55:14, 62:11, 163:18, 165:1, 189:24, 212:18</p> <p>court [1] - 12:4</p> <p>Court [6] - 113:3, 113:4, 208:3, 208:4, 222:3, 222:4</p> <p>courts [1] - 144:20</p> <p>Cove [1] - 216:7</p> <p>covenant [2] - 188:8, 188:13</p> <p>cover [1] - 48:9</p> <p>coverage [20] - 24:16, 38:13, 38:17, 42:25, 56:22, 99:2, 100:9, 118:15, 118:23, 119:14, 124:19, 125:13, 125:16, 139:17, 154:9, 154:22, 160:13, 166:12, 172:20, 176:17</p> <p>covered [3] - 118:3, 126:10, 171:13</p> <p>CPWM [4] - 1:19, 14:20, 114:20, 209:19</p>	<p>crayons [1] - 137:7</p> <p>crazy [1] - 187:23</p> <p>CRCR [3] - 113:18, 208:17, 222:17</p> <p>create [4] - 121:13, 128:23, 198:21, 212:19</p> <p>created [2] - 101:23</p> <p>Creates [1] - 199:20</p> <p>creating [1] - 66:17</p> <p>credentials [3] - 18:9, 120:8, 164:11</p> <p>criteria [1] - 133:4</p> <p>critical [3] - 143:9, 174:17, 175:1</p> <p>Cross [1] - 194:22</p> <p>Cross-examination [1] - 194:22</p> <p>crystal [1] - 57:6</p> <p>Cs [1] - 166:9</p> <p>cubic [1] - 96:23</p> <p>curb [4] - 25:10, 25:14, 37:15, 60:20</p> <p>curbs [1] - 43:19</p> <p>curious [4] - 173:25, 187:12, 201:13, 202:16</p> <p>current [6] - 19:13, 43:23, 123:20, 125:13, 165:17, 204:14</p> <p>currently [7] - 21:23, 61:21, 125:9, 127:24, 128:4, 135:9, 197:17</p> <p>Currently [1] - 121:6</p> <p>customer [6] - 26:1, 39:8, 88:8, 97:3, 97:10, 97:19</p> <p>cut [5] - 37:15, 77:23, 135:12, 135:22, 185:11</p> <p>cuts [1] - 25:10</p> <p>cutting [1] - 134:14</p>	<p>Dave [6] - 38:21, 46:16, 94:2, 118:18, 149:4, 173:10</p> <p>David [4] - 1:17, 14:18, 114:18, 209:17</p> <p>days [7] - 37:11, 37:22, 212:4, 212:5, 219:3, 219:24, 220:4</p> <p>db [2] - 47:18, 47:19</p> <p>dead [1] - 143:5</p> <p>deal [3] - 46:18, 211:6, 214:8</p> <p>December [6] - 1:3, 4:3, 14:3, 114:3, 209:3, 217:21</p> <p>decide [4] - 75:1, 105:10, 185:24, 214:3</p> <p>decided [2] - 74:6, 186:2</p> <p>decision [3] - 50:21, 58:3, 185:6</p> <p>deck [25] - 68:25, 69:8, 69:9, 70:7, 70:8, 70:10, 71:10, 126:9, 126:12, 127:3, 127:13, 127:14, 128:11, 128:12, 128:14, 175:13, 175:16, 176:1, 176:5, 177:4, 177:24, 186:23, 191:11, 193:3, 193:25</p> <p>decking [1] - 170:6</p> <p>decks [13] - 36:13, 126:3, 126:21, 126:23, 127:7, 169:22, 170:2, 185:18, 192:23, 193:1, 193:7, 194:12, 202:25</p> <p>deconsolidation [1] - 108:11</p> <p>dedicate [1] - 214:17</p> <p>deed [9] - 93:20, 103:5, 103:17, 107:17, 107:25, 188:18, 198:17, 199:14, 199:17</p> <p>Deed [1] - 198:24</p> <p>deeded [10] - 73:1, 73:11, 74:13, 75:13, 105:21, 106:23, 126:3, 126:4, 127:13, 127:14</p> <p>deem [1] - 118:2</p> <p>deemed [1] - 191:18</p> <p>deep [12] - 20:1, 120:22, 124:22, 124:23, 157:23, 158:2, 181:20,</p>	<p>194:13, 194:14, 194:17, 202:25, 204:11</p> <p>defeats [2] - 75:2, 75:7</p> <p>defend [1] - 12:2</p> <p>defending [1] - 54:25</p> <p>defensible [1] - 12:3</p> <p>defer [1] - 188:2</p> <p>deferred [1] - 42:22</p> <p>demising [1] - 121:12</p> <p>demolished [2] - 125:5, 125:10</p> <p>denied [1] - 53:15</p> <p>denies [2] - 103:1, 196:17</p> <p>Dennis [7] - 6:10, 9:18, 96:1, 100:24, 195:10, 205:19, 218:6</p> <p>DENNIS [4] - 2:2, 15:2, 115:2, 210:2</p> <p>dense [1] - 81:22</p> <p>density [2] - 46:6, 139:18</p> <p>deny [1] - 50:4</p> <p>department [4] - 21:2, 93:7, 189:21, 189:23</p> <p>depends [2] - 85:16, 213:10</p> <p>depressed [1] - 25:14</p> <p>depth [11] - 24:4, 24:13, 25:20, 27:25, 28:12, 35:17, 120:23, 169:14, 170:16, 176:16, 182:12</p> <p>descend [1] - 181:8</p> <p>describe [4] - 19:21, 22:10, 28:3, 120:12</p> <p>described [3] - 33:16, 43:15, 191:7</p> <p>describes [1] - 24:10</p> <p>describing [1] - 44:12</p> <p>DESCRIPTION [2] - 16:11, 116:14</p> <p>design [24] - 23:3, 23:12, 23:20, 30:12, 31:13, 37:1, 37:10, 37:13, 37:19, 67:11, 69:17, 84:3, 118:13, 123:20, 134:18, 139:13, 162:8, 163:6, 168:9, 173:17, 174:14, 201:17</p> <p>designed [6] - 30:8, 123:19, 127:24, 128:4, 204:17, 204:20</p>	<p>desist [1] - 189:24</p> <p>detail [5] - 22:11, 24:1, 28:4, 33:20, 148:25</p> <p>detailed [2] - 30:10, 127:19</p> <p>detailing [1] - 77:14</p> <p>details [2] - 143:21, 155:1</p> <p>Detention [1] - 132:23</p> <p>detention [9] - 29:25, 34:12, 42:18, 102:6, 127:22, 139:14, 147:7, 149:6, 195:24</p> <p>determination [1] - 58:22</p> <p>developed [2] - 85:23, 205:11</p> <p>developer [1] - 51:13</p> <p>Development [1] - 114:4</p> <p>development [2] - 134:3, 185:1</p> <p>deviation [3] - 42:24, 42:25, 172:13</p> <p>DFE [1] - 196:16</p> <p>diagonally [1] - 171:8</p> <p>diagram [2] - 22:10, 29:24</p> <p>dialed [1] - 48:12</p> <p>Did [2] - 137:14, 139:5</p> <p>did [27] - 6:15, 20:14, 23:13, 47:1, 66:3, 66:6, 68:18, 85:1, 87:21, 91:25, 97:8, 98:1, 99:22, 108:4, 108:14, 130:14, 139:6, 145:25, 157:4, 157:5, 165:23, 165:25, 175:4, 186:4, 193:23, 202:19, 216:22</p> <p>didn't [21] - 10:19, 10:25, 20:13, 20:14, 31:9, 37:14, 38:5, 45:23, 58:12, 58:13, 58:18, 76:5, 77:23, 84:3, 84:4, 84:10, 91:7, 91:15, 110:8, 177:11, 182:9</p> <p>difference [5] - 173:18, 173:23, 175:3, 175:22</p> <p>different [18] - 27:21, 30:19, 30:20, 37:3, 37:25, 38:1, 38:2, 55:2, 84:17, 110:4,</p>
D		<p>D [8] - 1:14, 3:1, 14:15, 16:1, 41:9, 114:15, 116:1, 209:14</p> <p>D-3 [2] - 39:10, 40:23</p> <p>D-variance [1] - 41:9</p> <p>dampen [1] - 47:15</p> <p>darn [1] - 76:20</p> <p>data [1] - 92:1</p> <p>date [7] - 21:6, 93:1, 113:9, 208:9, 214:4, 215:3, 222:9</p> <p>Dated [3] - 113:21, 208:20, 222:20</p>		

<p>126:2, 148:7, 152:20, 157:14, 180:14, 186:5, 196:23</p> <p>differential [1] - 174:2</p> <p>difficult [1] - 146:8</p> <p>dimension [1] - 130:1</p> <p>dimensioned [1] - 197:15</p> <p>dimensions [1] - 205:14</p> <p>dining [2] - 125:9, 202:6</p> <p>directed [1] - 31:13</p> <p>direction [6] - 89:3, 89:4, 101:15, 107:9, 143:19, 198:14</p> <p>directions [1] - 23:19</p> <p>directly [6] - 36:6, 69:21, 108:21, 124:13, 161:11, 170:10</p> <p>Director [11] - 48:16, 49:11, 54:7, 55:11, 55:16, 75:19, 98:15, 109:4, 139:8, 200:4, 217:10</p> <p>disagreed [1] - 11:23</p> <p>discuss [3] - 20:6, 87:19, 216:2</p> <p>discussed [2] - 28:23, 35:2</p> <p>discussion [1] - 59:2</p> <p>discussion [4] - 56:1, 87:19, 134:2, 187:7</p> <p>distance [1] - 193:3</p> <p>distant [1] - 205:9</p> <p>District [1] - 20:8</p> <p>Do [20] - 17:24, 19:16, 45:11, 79:19, 102:20, 119:22, 136:16, 136:23, 140:20, 140:25, 158:19, 164:2, 184:16, 190:21, 192:7, 193:17, 211:21, 212:16, 213:2, 220:4</p> <p>DO [3] - 113:11, 208:11, 222:11</p> <p>do [85] - 5:24, 5:25, 8:6, 10:25, 18:1, 18:8, 18:10, 18:23, 24:1, 26:14, 32:23, 43:8, 46:23, 49:8, 54:12, 54:15, 54:21, 55:3, 57:3, 60:24, 63:23, 64:18, 75:5, 76:3,</p>	<p>77:15, 81:25, 82:6, 82:9, 85:4, 86:15, 86:23, 93:12, 94:1, 94:12, 99:13, 99:22, 105:4, 106:25, 107:2, 107:5, 110:18, 110:20, 113:5, 119:24, 120:7, 120:9, 126:5, 131:20, 133:1, 141:24, 145:7, 151:21, 156:13, 160:3, 164:4, 164:10, 164:12, 166:15, 173:10, 173:19, 174:20, 175:13, 177:1, 185:17, 186:10, 187:3, 187:13, 189:14, 189:19, 190:6, 190:8, 194:11, 195:12, 199:4, 199:13, 199:14, 201:15, 202:3, 208:5, 213:12, 217:19, 219:4, 219:5, 222:5</p> <p>document [4] - 21:6, 92:19, 93:12, 199:13</p> <p>documented [1] - 92:7</p> <p>documents [11] - 20:24, 91:2, 101:25, 103:11, 103:22, 162:16, 198:23, 198:25, 199:11, 199:15, 199:16</p> <p>Does [5] - 63:4, 84:13, 88:22, 133:6, 211:20</p> <p>does [12] - 5:12, 34:14, 34:15, 65:5, 78:20, 97:11, 109:19, 133:20, 137:20, 142:25, 202:24, 203:1</p> <p>doesn't [16] - 26:7, 52:14, 53:7, 59:5, 63:7, 85:8, 85:14, 87:23, 104:16, 129:10, 189:13, 190:4, 190:5, 200:24, 204:11, 218:16</p> <p>dogs [1] - 63:15</p> <p>doing [11] - 30:21, 56:21, 59:25, 60:2, 130:22, 147:3, 162:12, 170:3, 179:18, 190:5, 200:19</p> <p>dollars [1] - 188:17</p> <p>don't [9] - 7:7, 26:16, 29:5, 37:12, 41:8, 42:7, 43:11,</p>	<p>45:5, 45:20, 46:11, 52:1, 52:25, 53:25, 54:9, 54:24, 56:12, 56:19, 57:10, 58:3, 60:1, 61:18, 64:6, 64:11, 66:20, 66:24, 68:8, 74:23, 74:25, 75:5, 75:18, 76:12, 76:18, 76:20, 76:25, 79:15, 82:17, 82:18, 83:16, 86:16, 91:3, 91:8, 93:12, 99:19, 101:9, 102:8, 104:7, 104:10, 104:11, 105:16, 107:6, 109:22, 110:9, 123:24, 125:12, 136:9, 140:22, 147:23, 153:17, 161:16, 166:6, 170:5, 172:1, 174:22, 175:6, 175:7, 177:24, 180:24, 182:22, 183:25, 188:20, 191:19, 191:25, 193:2, 199:4, 201:2, 201:8, 201:9, 202:11, 205:5, 212:13, 213:23, 214:23, 215:2, 217:1, 218:10, 218:14, 219:8, 219:14, 220:16</p> <p>Don't [3] - 64:8, 83:7, 106:18</p> <p>donate [2] - 140:14, 141:11</p> <p>donated [1] - 142:3</p> <p>done [18] - 5:14, 12:1, 24:25, 26:8, 26:15, 29:8, 44:4, 62:13, 88:19, 123:16, 141:25, 147:2, 153:3, 162:21, 172:25, 184:9, 197:2, 199:13</p> <p>donut [3] - 44:7, 139:17, 172:10</p> <p>door [5] - 32:18, 32:20, 64:12, 65:16, 161:11</p> <p>doors [2] - 32:17, 171:24</p> <p>double [7] - 72:1, 96:19, 102:7, 111:3, 161:20, 179:22, 195:25</p> <p>Doubling [1] - 145:2</p> <p>doubt [1] - 80:23</p> <p>down [46] - 21:24, 26:23, 34:4, 34:5, 42:17, 53:8, 53:9,</p>	<p>53:22, 61:14, 65:8, 83:5, 83:8, 110:3, 121:12, 121:25, 123:21, 123:22, 125:25, 127:15, 131:17, 134:14, 134:20, 135:12, 138:16, 138:18, 138:20, 141:23, 142:13, 147:3, 147:13, 150:5, 150:14, 151:12, 158:12, 166:22, 167:10, 167:13, 168:8, 170:9, 170:15, 175:14, 183:3, 183:21, 186:9, 190:6, 218:21</p> <p>downside [1] - 76:16</p> <p>downspouts [1] - 149:5</p> <p>Doyle [17] - 1:12, 4:23, 7:12, 9:20, 11:15, 12:22, 14:13, 42:15, 87:20, 105:6, 112:2, 114:13, 122:24, 191:11, 206:13, 209:12, 221:7</p> <p>DOYLE [87] - 4:24, 7:1, 7:4, 7:20, 8:5, 10:18, 10:22, 11:2, 11:8, 12:5, 12:23, 28:5, 29:19, 40:5, 42:12, 42:16, 53:20, 56:15, 61:7, 62:17, 68:22, 68:24, 69:3, 70:4, 70:17, 87:22, 90:3, 104:2, 104:7, 104:13, 104:18, 105:18, 106:16, 106:20, 106:22, 107:11, 107:14, 107:20, 108:23, 112:3, 118:22, 122:9, 122:15, 122:19, 123:7, 131:1, 131:11, 131:24, 132:4, 132:23, 133:2, 133:13, 133:17, 138:11, 138:17, 144:3, 144:15, 144:21, 146:20, 146:23, 147:24, 149:24, 150:3, 150:8, 150:17, 150:22, 153:3, 154:4, 154:11, 158:4, 158:14, 175:8, 176:21, 177:19, 178:2, 183:4, 183:18, 183:23, 188:5, 188:14, 189:2,</p>	<p>202:23, 206:14, 213:14, 213:20, 216:12, 221:8</p> <p>Doyle's [1] - 94:6</p> <p>DOYULE [1] - 91:19</p> <p>dozen [1] - 205:12</p> <p>draft [1] - 180:12</p> <p>drafted [1] - 134:25</p> <p>drafting [3] - 76:6, 89:20, 89:23</p> <p>drain [4] - 34:15, 147:1, 147:6, 147:9</p> <p>drainage [4] - 102:4, 146:16, 195:22, 198:4</p> <p>drains [4] - 34:11, 34:19, 147:4, 149:5</p> <p>dramatically [1] - 5:21</p> <p>draw [2] - 33:1, 76:20</p> <p>drawing [2] - 28:9, 28:20</p> <p>drawings [7] - 23:5, 32:25, 48:5, 89:16, 96:17, 130:13, 130:16</p> <p>draws [1] - 58:8</p> <p>drew [1] - 31:25</p> <p>driven [1] - 74:6</p> <p>driveway [1] - 63:9</p> <p>driving [2] - 72:9, 133:11</p> <p>dropout [1] - 167:12</p> <p>dry [8] - 30:7, 30:22, 32:2, 32:14, 33:5, 33:7, 95:18, 108:3</p> <p>due [4] - 131:19, 213:23, 217:23, 217:25</p> <p>duly [5] - 18:2, 79:22, 120:1, 141:3, 164:5</p> <p>duplex [7] - 27:3, 27:15, 27:18, 28:15, 29:11, 29:15, 35:7</p> <p>duplexes [7] - 26:19, 27:14, 27:20, 27:24, 29:18, 35:19, 90:2</p> <p>during [4] - 32:9, 101:18, 133:10, 133:22</p> <p>dyslexia [1] - 102:12</p>
E				
<p>E [46] - 1:9, 1:16, 2:1, 3:1, 14:10, 14:17, 15:1, 16:1, 16:9, 18:2, 79:22, 113:1, 114:10, 114:17, 115:1, 116:1,</p>				

<p>116:12, 120:1, 141:3, 146:5, 164:5, 208:1, 209:9, 209:16, 210:1, 222:1</p> <p>e^[3] - 18:7, 80:3</p> <p>each^[22] - 26:6, 26:16, 26:18, 27:13, 29:17, 29:20, 35:19, 38:1, 38:3, 74:2, 74:12, 80:23, 87:1, 89:9, 124:10, 124:12, 125:23, 127:17, 130:24, 167:2, 167:3, 167:10</p> <p>early^[1] - 67:3</p> <p>earn^[1] - 11:8</p> <p>Earth^[2] - 19:11, 22:19</p> <p>easier^[1] - 119:12</p> <p>easily^[3] - 77:19, 85:5, 89:8</p> <p>east^[2] - 20:1, 21:18</p> <p>easy^[1] - 60:24</p> <p>echo^[1] - 86:24</p> <p>ECO^[1] - 205:5</p> <p>Ed^[2] - 17:19, 24:2</p> <p>edge^[7] - 27:1, 203:9, 203:12, 203:13, 203:19, 203:20</p> <p>edits^[3] - 6:8, 8:8, 11:15</p> <p>effectively^[2] - 39:2, 78:25</p> <p>efficiency^[1] - 132:19</p> <p>efficient^[3] - 25:7, 37:19, 106:2</p> <p>effort^[2] - 69:6, 69:11</p> <p>efforts^[1] - 156:21</p> <p>egress^[8] - 32:9, 33:13, 89:9, 124:17, 126:1, 159:11, 176:15, 203:4</p> <p>eight^[19] - 17:15, 22:23, 44:1, 65:3, 71:25, 73:11, 74:2, 74:16, 75:13, 97:25, 98:9, 155:5, 155:8, 158:1, 175:12, 177:23, 177:25, 178:2, 180:21</p> <p>eighth^[1] - 149:21</p> <p>either^[6] - 121:11, 142:6, 148:12, 176:23, 183:8, 212:14</p> <p>electric^[1] - 134:12</p> <p>electrical^[2] - 77:17, 134:7</p>	<p>electricity^[3] - 162:19, 185:11, 185:12</p> <p>elects^[1] - 198:21</p> <p>element^[1] - 155:2</p> <p>elements^[5] - 41:19, 43:15, 44:23, 47:2, 95:18</p> <p>elevated^[4] - 102:24, 102:25, 154:12, 196:16</p> <p>elevation^[19] - 28:7, 28:8, 28:10, 28:17, 28:20, 64:21, 95:18, 118:13, 123:17, 123:20, 128:25, 130:21, 134:18, 136:15, 136:16, 155:1, 173:17, 180:15</p> <p>elevations^[2] - 36:22, 119:6</p> <p>elevator^[7] - 29:11, 29:14, 38:9, 89:6, 89:10, 124:12, 128:20</p> <p>eleven^[1] - 174:16</p> <p>eliminate^[1] - 167:4</p> <p>eliminated^[2] - 167:11, 171:14</p> <p>eliminates^[1] - 99:2</p> <p>eliminating^[2] - 87:1, 100:8</p> <p>else^[10] - 8:3, 49:19, 49:22, 100:16, 135:5, 160:24, 193:14, 195:1, 199:21, 214:24</p> <p>else's^[1] - 54:11</p> <p>elsewhere^[1] - 34:21</p> <p>emergency^[3] - 77:15, 77:19, 195:16</p> <p>emphasis^[1] - 107:7</p> <p>employee^[6] - 113:12, 113:14, 208:12, 208:14, 222:12, 222:14</p> <p>empty^[1] - 21:25</p> <p>enclosure^[2] - 102:19, 195:19</p> <p>encourage^[4] - 71:1, 81:24, 81:25, 87:14</p> <p>encouraged^[1] - 57:5</p> <p>encourages^[2] - 56:8, 56:10</p> <p>encouraging^[2] - 82:16, 82:19</p> <p>encroachment^[3] - 53:2, 110:11, 145:3</p> <p>encroachments^[4] - 48:22, 101:4, 145:19,</p>	<p>196:3</p> <p>end^[4] - 11:12, 52:6, 143:4, 158:17</p> <p>ending^[1] - 123:22</p> <p>energy^[4] - 132:17, 185:12, 186:15, 186:20</p> <p>Energy^[2] - 41:25, 42:1</p> <p>enforce^[1] - 106:19</p> <p>enforceable^[1] - 106:9</p> <p>engineer^[3] - 102:22, 127:24, 149:17</p> <p>Engineer^[13] - 1:19, 14:20, 101:2, 102:5, 102:16, 103:2, 114:20, 195:21, 195:23, 196:10, 196:18, 196:24, 209:19</p> <p>engineer's^[1] - 132:12</p> <p>enough^[9] - 35:22, 36:20, 40:18, 67:11, 141:18, 141:19, 146:9, 153:15, 218:17</p> <p>ensure^[2] - 42:22, 102:1</p> <p>enter^[5] - 30:6, 33:11, 33:14, 34:21, 44:6</p> <p>entire^[3] - 30:22, 53:3, 153:18</p> <p>entirety^[1] - 100:5</p> <p>entrance^[2] - 39:6, 65:6</p> <p>entrances^[1] - 55:5</p> <p>entries^[3] - 26:5, 37:7</p> <p>entry^[6] - 24:20, 25:3, 25:8, 26:16, 26:18, 37:17</p> <p>environment^[1] - 205:16</p> <p>Environmental^[3] - 92:4, 92:10, 92:21</p> <p>environmental^[1] - 92:9</p> <p>Epay^[2] - 159:2, 159:3</p> <p>equate^[1] - 38:16</p> <p>equation^[1] - 66:12</p> <p>error^[4] - 76:6, 89:21, 89:23, 130:7</p> <p>errors^[1] - 130:10</p> <p>escape^[3] - 176:2, 176:24, 200:16</p> <p>escaped^[2] -</p>	<p>163:21, 163:22</p> <p>especially^[1] - 36:13</p> <p>ESQUIRE^[7] - 2:2, 15:2, 15:5, 115:2, 115:5, 210:2, 210:5</p> <p>essential^[1] - 58:10</p> <p>estate^[1] - 84:24</p> <p>esthetic^[1] - 153:25</p> <p>esthetically^[1] - 37:23</p> <p>esthetics^[1] - 37:2</p> <p>et^[3] - 57:6, 92:5, 92:6</p> <p>evaluating^[1] - 51:4</p> <p>Even^[1] - 134:20</p> <p>even^[17] - 25:13, 45:5, 56:12, 58:1, 59:2, 93:13, 106:11, 138:12, 150:18, 153:20, 154:2, 178:21, 186:10, 189:10, 204:14, 204:25, 214:10</p> <p>evening^[2] - 17:7, 215:24</p> <p>event^[4] - 32:9, 101:19, 103:1, 196:17</p> <p>eventually^[3] - 175:14, 186:18, 216:25</p> <p>ever^[4] - 59:5, 139:5, 185:6, 186:2</p> <p>every^[4] - 66:19, 73:21, 151:3, 199:12</p> <p>everybody^[13] - 4:2, 51:16, 54:1, 62:4, 96:16, 124:25, 136:25, 142:17, 160:24, 187:9, 195:2, 217:14, 218:17</p> <p>Everyone^[6] - 63:20, 86:11, 90:6, 119:17, 144:16, 217:5</p> <p>everything^[12] - 5:17, 32:8, 44:20, 110:17, 120:17, 132:12, 145:13, 162:21, 181:21, 182:14, 193:14, 199:21</p> <p>everywhere^[1] - 83:25</p> <p>evidence^[1] - 92:8</p> <p>exacerbating^[1] - 140:5</p> <p>exact^[1] - 60:15</p> <p>Exactly^[4] - 34:25, 57:18, 74:20, 187:18</p> <p>exactly^[7] - 31:13, 89:24, 170:5, 172:1,</p>	<p>185:2, 187:18, 189:17</p> <p>examination^[1] - 194:22</p> <p>example^[5] - 53:18, 75:9, 87:11, 105:20, 142:3</p> <p>examples^[2] - 197:7, 197:13</p> <p>exceed^[2] - 127:25, 219:3</p> <p>Exceed^[1] - 128:1</p> <p>Excellent^[1] - 190:10</p> <p>except^[4] - 49:5, 62:2, 132:12, 181:7</p> <p>exception^[2] - 35:14, 62:2</p> <p>exceptions^[1] - 56:7</p> <p>excessive^[2] - 179:16, 179:17</p> <p>exchange^[1] - 145:3</p> <p>excitement^[1] - 161:23</p> <p>excuse^[1] - 58:25</p> <p>executive^[1] - 216:24</p> <p>Exhibit^[3] - 18:20, 164:20, 165:10</p> <p>EXHIBIT^[2] - 16:11, 116:14</p> <p>Exhibits^[1] - 156:15</p> <p>exist^[1] - 200:24</p> <p>existing^[28] - 19:22, 20:7, 39:9, 117:14, 120:13, 120:21, 120:23, 121:19, 121:23, 122:7, 122:21, 123:3, 125:1, 125:4, 125:14, 125:16, 129:4, 129:21, 135:22, 136:2, 140:4, 141:14, 141:15, 168:18, 170:21, 171:12, 171:20</p> <p>Existing^[1] - 20:4</p> <p>exit^[2] - 25:3, 37:17</p> <p>exiting^[1] - 125:8</p> <p>expanding^[1] - 87:2</p> <p>expansion^[1] - 56:18</p> <p>expect^[1] - 118:10</p> <p>experience^[4] - 80:13, 81:22, 84:20, 106:5</p> <p>expires^[3] - 113:21, 208:20, 222:20</p> <p>explain^[4] - 23:22, 52:3, 98:17, 99:16</p> <p>explained^[1] - 77:25</p>
--	--	--	--	---

<p>explaining [2] - 59:16, 72:15</p> <p>explanation [2] - 75:22, 159:14</p> <p>extend [7] - 68:8, 68:9, 137:25, 157:24, 169:16, 202:24, 215:5</p> <p>extended [1] - 27:23</p> <p>extending [1] - 27:22</p> <p>extends [3] - 26:21, 67:24, 121:4</p> <p>extension [9] - 121:3, 122:1, 125:1, 167:1, 170:25, 171:6, 171:13, 219:9, 219:25</p> <p>extensive [2] - 36:8, 41:20</p> <p>exterior [2] - 176:17, 176:18</p> <p>extra [7] - 70:2, 73:22, 74:3, 88:6, 88:9, 141:12, 143:11</p> <p>extremely [1] - 148:10</p> <p>eye [1] - 22:20</p> <p>eyes [1] - 87:8</p>	<p>81:25, 82:9</p> <p>family [7] - 23:4, 23:21, 37:1, 80:12, 159:25, 185:2, 185:4</p> <p>family-friendly [1] - 159:25</p> <p>fantastic [1] - 162:17</p> <p>far [12] - 44:11, 57:19, 63:23, 80:25, 84:20, 101:20, 105:8, 120:23, 187:25, 204:11, 211:23, 211:24</p> <p>fast [2] - 5:18, 6:1</p> <p>favor [4] - 7:12, 8:13, 215:17, 221:3</p> <p>feature [1] - 127:17</p> <p>features [1] - 132:17</p> <p>February [1] - 217:2</p> <p>feel [5] - 12:1, 17:8, 86:5, 99:19, 193:12</p> <p>feet [109] - 20:1, 20:9, 24:4, 24:13, 25:19, 25:24, 26:2, 26:25, 27:1, 27:6, 27:7, 27:23, 27:25, 28:12, 28:13, 29:18, 29:21, 35:16, 35:17, 36:4, 36:5, 39:7, 49:15, 49:18, 56:25, 58:17, 60:7, 60:8, 60:13, 60:16, 61:8, 61:13, 61:15, 64:2, 64:3, 64:10, 64:15, 65:3, 65:8, 65:14, 69:8, 70:8, 77:1, 87:24, 88:6, 88:8, 88:9, 97:4, 97:20, 97:21, 99:13, 118:13, 119:6, 120:22, 124:10, 124:22, 124:23, 127:4, 127:5, 131:3, 137:25, 138:13, 155:5, 155:8, 155:20, 155:22, 156:23, 157:17, 157:18, 157:22, 157:23, 158:1, 158:2, 158:5, 160:6, 160:7, 160:10, 166:11, 169:14, 169:16, 169:20, 169:25, 170:1, 170:17, 172:23, 174:16, 176:4, 176:25, 177:22, 193:4, 193:8, 193:11, 193:12, 194:11, 194:14, 194:17, 203:9, 203:12, 203:13,</p>	<p>203:16, 203:17, 203:21, 204:3</p> <p>fence [1] - 56:8</p> <p>few [7] - 7:19, 28:3, 87:8, 88:13, 126:18, 126:20, 142:13</p> <p>field [1] - 70:16</p> <p>fifth [7] - 27:20, 27:21, 28:12, 28:18, 35:24, 44:3, 44:5</p> <p>Fig [2] - 114:4, 117:11</p> <p>figure [1] - 143:21</p> <p>figured [1] - 219:7</p> <p>file [3] - 103:5, 107:17, 107:25</p> <p>filed [1] - 216:24</p> <p>filled [2] - 181:7, 181:10</p> <p>filling [1] - 152:21</p> <p>final [5] - 76:8, 89:25, 108:1, 171:4, 195:7</p> <p>finally [1] - 168:12</p> <p>finance [1] - 199:21</p> <p>financially [3] - 113:15, 208:15, 222:15</p> <p>find [4] - 23:2, 66:13, 88:23, 146:13</p> <p>findings [1] - 92:1</p> <p>finds [1] - 58:9</p> <p>fine [3] - 68:20, 91:13, 144:8</p> <p>Fine [3] - 7:20, 30:18, 184:13</p> <p>finger [1] - 32:1</p> <p>finish [2] - 212:14, 214:11</p> <p>finished [2] - 133:16, 133:17</p> <p>fire [20] - 62:5, 62:7, 63:1, 71:8, 124:11, 124:14, 124:16, 134:5, 144:11, 154:22, 155:1, 156:20, 159:4, 159:10, 166:14, 175:23, 176:2, 176:24, 200:16</p> <p>fireplace [1] - 205:5</p> <p>First [2] - 20:2, 24:5</p> <p>first [40] - 6:4, 6:6, 17:1, 25:17, 26:17, 27:4, 27:7, 27:8, 28:24, 35:5, 35:23, 58:13, 59:4, 64:23, 77:16, 78:7, 94:16, 123:18, 123:19, 134:10, 134:16,</p>	<p>134:17, 134:23, 143:8, 144:4, 151:4, 152:1, 152:5, 152:6, 152:13, 152:15, 152:20, 157:3, 164:19, 179:11, 191:7, 192:12, 201:3, 204:3, 212:8</p> <p>fit [1] - 88:4</p> <p>fits [1] - 123:9</p> <p>five [29] - 17:15, 22:6, 22:14, 22:16, 24:12, 27:1, 49:14, 49:17, 49:21, 58:17, 60:7, 60:13, 60:16, 61:14, 96:4, 123:10, 123:22, 123:23, 128:13, 156:13, 158:2, 168:2, 169:17, 171:9, 176:23, 178:13, 188:19, 203:13</p> <p>five-story [6] - 17:15, 22:16, 123:22, 123:23, 168:2, 171:9</p> <p>fix [1] - 41:15</p> <p>fixed [1] - 40:17</p> <p>fixture [1] - 137:17</p> <p>fixtures [1] - 92:13</p> <p>flat [1] - 66:25</p> <p>flexibility [1] - 98:5</p> <p>flies [1] - 82:3</p> <p>flip [5] - 28:2, 28:6, 200:16, 200:25, 202:13</p> <p>flipping [1] - 204:25</p> <p>floating [1] - 96:1</p> <p>flood [33] - 29:24, 30:2, 30:5, 30:7, 30:8, 30:9, 30:11, 30:22, 32:3, 32:9, 32:10, 32:15, 33:4, 33:6, 33:7, 33:10, 33:13, 95:18, 95:19, 108:3, 118:13, 123:17, 123:20, 124:4, 124:7, 128:16, 128:17, 131:19, 134:18, 139:24, 173:17, 179:12, 181:22</p> <p>Flood [9] - 30:14, 31:6, 31:14, 31:20, 96:2, 101:7, 130:13, 182:13, 196:6</p> <p>floor [102] - 8:12, 22:25, 25:4, 25:5, 25:17, 25:21, 26:12, 26:17, 27:4, 27:8, 27:9, 27:11, 27:14, 27:15, 27:16, 27:17,</p>	<p>27:18, 27:20, 27:21, 28:12, 28:18, 28:24, 29:22, 30:20, 30:22, 35:4, 35:5, 35:6, 35:9, 35:14, 35:15, 35:23, 35:24, 38:20, 44:2, 44:3, 44:5, 56:22, 64:22, 64:23, 64:24, 69:1, 69:15, 77:16, 78:1, 78:7, 92:12, 94:13, 94:16, 94:25, 98:3, 99:6, 110:14, 110:19, 111:7, 121:14, 123:12, 123:18, 123:19, 124:9, 126:3, 126:4, 129:6, 130:21, 130:22, 130:23, 130:24, 131:2, 134:8, 134:10, 134:17, 134:18, 151:2, 151:3, 151:4, 151:19, 152:1, 152:3, 152:5, 152:6, 152:7, 152:13, 152:22, 154:15, 173:15, 174:2, 174:3, 178:13, 178:23, 179:11, 191:5, 192:17, 192:21, 215:9</p> <p>floors [21] - 27:7, 27:22, 28:11, 28:18, 35:9, 35:12, 35:14, 35:20, 38:13, 68:8, 68:12, 75:23, 76:2, 97:5, 98:1, 109:7, 124:8, 125:24, 131:19, 174:10, 191:8</p> <p>flow [1] - 132:17</p> <p>Fluorescent [1] - 92:13</p> <p>fly [1] - 177:8</p> <p>focused [1] - 167:19</p> <p>folks [1] - 75:5</p> <p>follow [12] - 49:10, 60:4, 67:17, 68:18, 70:5, 94:5, 105:6, 106:5, 146:24, 159:8, 173:12, 180:2</p> <p>follow-up [7] - 70:5, 94:5, 106:5, 146:24, 159:8, 173:12, 180:2</p> <p>followed [1] - 31:8</p> <p>following [1] - 96:18</p> <p>follows [6] - 18:3, 79:23, 120:2, 141:4, 146:6, 164:6</p> <p>foot [61] - 20:1, 21:14, 21:25, 24:2, 24:4, 25:13, 25:20, 25:21, 25:22, 26:24,</p>
F				
<p>F [8] - 1:9, 14:10, 18:2, 113:1, 114:10, 208:1, 209:9, 222:1</p> <p>facade [20] - 18:22, 28:18, 33:24, 36:24, 44:8, 67:1, 67:21, 67:22, 68:1, 117:18, 117:24, 117:25, 121:20, 121:21, 129:5, 129:21, 131:14, 151:17, 165:20, 168:8</p> <p>facades [1] - 121:18</p> <p>face [1] - 82:3</p> <p>facility [1] - 21:19</p> <p>fact [9] - 40:10, 50:15, 53:13, 53:17, 84:13, 140:3, 140:15, 169:19, 177:7</p> <p>factors [2] - 152:20, 173:20</p> <p>facts [2] - 82:6, 82:8</p> <p>fair [4] - 55:10, 139:11, 163:1, 201:1</p> <p>fairly [1] - 123:15</p> <p>fall [2] - 18:4, 190:24</p> <p>falls [1] - 78:13</p> <p>familiar [3] - 43:1, 165:12, 165:16</p> <p>families [3] - 80:18,</p>				

<p>27:12, 28:1, 35:21, 44:5, 49:21, 56:24, 60:21, 61:2, 61:6, 64:22, 67:24, 70:7, 85:3, 88:7, 122:12, 130:1, 130:7, 130:24, 138:8, 152:4, 152:6, 152:23, 155:15, 160:5, 160:9, 173:18, 173:19, 173:23, 174:20, 175:12, 176:23, 176:24, 177:23, 178:13, 178:21, 179:1, 179:3, 179:5, 179:10, 180:21, 191:19, 192:25, 193:2, 194:13, 197:10, 197:16, 197:20, 197:21</p> <p>footage [5] - 25:24, 25:25, 66:23, 68:16, 96:23</p> <p>For [2] - 105:20, 147:21</p> <p>for [227] - 2:4, 5:13, 6:5, 15:4, 15:7, 17:4, 17:13, 17:18, 18:4, 19:21, 20:16, 20:23, 21:4, 21:10, 21:19, 22:1, 23:9, 24:16, 24:17, 24:19, 25:3, 26:15, 26:22, 27:7, 27:13, 27:15, 30:14, 30:19, 31:6, 33:18, 34:3, 35:22, 36:3, 37:18, 38:12, 38:13, 38:18, 38:21, 38:22, 40:6, 41:10, 42:6, 42:18, 42:22, 43:12, 44:12, 44:15, 45:16, 48:21, 49:5, 50:11, 50:17, 51:16, 52:3, 52:10, 52:13, 53:3, 53:9, 54:1, 54:13, 54:18, 55:8, 55:12, 55:21, 56:7, 56:8, 57:5, 58:19, 59:8, 62:2, 65:23, 66:12, 66:22, 67:11, 69:12, 69:25, 70:2, 70:3, 71:22, 75:13, 76:9, 76:23, 78:10, 78:24, 80:20, 81:14, 81:15, 81:16, 83:10, 83:17, 83:19, 85:24, 86:18, 87:18, 89:9, 92:17, 93:22, 94:14, 94:18, 94:19, 97:21, 98:20, 99:1, 99:2, 100:22, 100:24, 101:4, 102:5,</p>	<p>105:11, 105:16, 106:7, 109:20, 110:1, 115:4, 115:7, 117:2, 117:3, 118:11, 118:12, 118:22, 119:12, 119:14, 120:3, 121:21, 124:19, 125:25, 127:7, 129:12, 132:12, 132:13, 134:1, 134:12, 134:16, 136:10, 136:13, 136:20, 136:25, 140:11, 141:5, 141:19, 142:3, 142:5, 142:20, 143:2, 143:8, 143:9, 144:9, 144:10, 144:11, 145:3, 145:11, 146:14, 147:7, 147:22, 150:17, 151:3, 152:22, 153:2, 153:15, 153:17, 153:23, 155:15, 156:20, 159:10, 159:15, 160:18, 161:15, 162:7, 163:6, 164:7, 164:21, 165:20, 166:2, 166:10, 166:12, 166:13, 168:10, 169:2, 170:1, 172:24, 173:7, 174:7, 176:13, 177:4, 177:8, 181:8, 182:17, 183:25, 185:9, 185:20, 186:5, 186:6, 187:3, 187:11, 188:10, 190:14, 190:24, 192:10, 193:5, 195:23, 196:3, 196:24, 198:4, 199:1, 201:16, 210:4, 210:6, 211:20, 212:9, 213:16, 214:14, 215:23, 216:7, 216:11, 216:13, 216:18, 217:6, 217:15, 218:3, 218:15</p> <p>Forbes [20] - 1:12, 4:21, 8:14, 9:8, 10:10, 12:20, 14:13, 55:11, 55:16, 59:15, 68:15, 75:19, 98:15, 111:25, 114:13, 139:8, 200:4, 206:11, 209:12, 217:11</p> <p>FORBES [24] - 4:22, 9:9, 10:11, 12:21, 48:14, 48:17, 49:19, 49:22, 51:24, 54:21, 55:20, 66:3, 75:20,</p>	<p>76:1, 76:7, 109:5, 112:1, 136:1, 137:8, 180:9, 206:12, 217:13, 217:23, 218:2</p> <p>Forbes' [2] - 49:11, 54:7</p> <p>forbids [1] - 104:19</p> <p>force [1] - 81:21</p> <p>forced [1] - 110:11</p> <p>foregoing [3] - 113:6, 208:6, 222:6</p> <p>foreground [1] - 170:24</p> <p>foresee [1] - 29:5</p> <p>forever [1] - 185:4</p> <p>forgotten [1] - 47:4</p> <p>form [2] - 51:8, 211:12</p> <p>formal [1] - 45:21</p> <p>former [1] - 150:6</p> <p>forth [4] - 113:9, 185:14, 208:9, 222:9</p> <p>found [1] - 106:9</p> <p>Four [7] - 29:3, 35:18, 48:24, 101:12, 101:13, 167:6</p> <p>four [88] - 22:5, 22:6, 22:14, 24:17, 25:10, 26:4, 26:6, 26:13, 27:3, 27:9, 27:19, 28:11, 28:17, 29:11, 29:14, 29:17, 29:18, 33:16, 33:25, 35:11, 35:12, 35:15, 36:2, 37:3, 37:6, 37:13, 37:25, 38:15, 44:10, 49:5, 49:12, 68:8, 68:12, 72:2, 73:24, 74:1, 74:2, 74:10, 74:13, 74:17, 74:18, 74:19, 75:23, 76:22, 80:16, 81:14, 89:5, 89:6, 97:1, 97:25, 98:6, 98:7, 101:14, 108:17, 117:15, 123:12, 123:16, 124:6, 127:4, 130:1, 130:7, 139:20, 143:11, 156:13, 160:13, 164:23, 165:6, 167:7, 168:10, 168:20, 172:13, 172:16, 173:22, 174:20, 175:2, 176:4, 176:24, 180:7, 180:18, 187:8, 191:9, 194:11, 197:10, 197:16, 197:21, 203:12</p> <p>four-story [1] - 22:5</p>	<p>fourth [1] - 126:3</p> <p>frame [1] - 20:10</p> <p>FRANK [1] - 16:5</p> <p>Frank [21] - 1:11, 8:8, 14:12, 17:18, 18:6, 34:9, 41:16, 44:14, 46:11, 62:19, 70:13, 78:9, 78:15, 88:18, 93:24, 100:16, 108:4, 114:12, 137:6, 150:23, 209:11</p> <p>Frank's [1] - 46:1</p> <p>frankly [2] - 66:24, 70:9</p> <p>Franks' [1] - 44:23</p> <p>freestanding [1] - 126:20</p> <p>friendly [1] - 159:25</p> <p>From [2] - 92:21, 213:14</p> <p>from [70] - 9:19, 19:11, 20:25, 21:2, 22:18, 25:1, 27:21, 30:13, 30:16, 31:7, 31:11, 37:4, 37:25, 40:23, 41:21, 43:5, 51:9, 52:15, 60:20, 61:20, 65:5, 67:23, 69:7, 69:21, 70:16, 71:9, 77:18, 80:13, 81:4, 90:10, 90:11, 92:19, 93:7, 95:23, 100:5, 104:9, 104:14, 104:20, 105:14, 110:1, 111:11, 122:12, 125:4, 127:4, 137:25, 139:19, 142:16, 143:6, 155:20, 155:22, 160:18, 163:14, 166:6, 168:13, 168:22, 170:20, 173:1, 173:17, 174:18, 185:18, 187:22, 188:9, 189:22, 190:5, 190:6, 203:9, 203:11, 203:13, 206:4, 214:3</p> <p>front [43] - 18:22, 26:25, 28:21, 30:12, 33:23, 36:14, 36:24, 45:9, 49:3, 49:11, 51:21, 56:25, 58:11, 63:13, 64:21, 66:9, 69:6, 69:15, 70:25, 78:6, 94:9, 101:14, 108:21, 121:2, 121:8, 121:24, 122:7, 128:25, 129:5, 129:16, 129:18,</p>	<p>131:16, 131:24, 134:20, 136:15, 136:16, 142:18, 151:8, 151:23, 166:20, 167:13, 181:2, 202:4</p> <p>frontage [7] - 39:9, 40:12, 121:15, 123:14, 129:10, 141:12, 164:24</p> <p>fronted [1] - 54:5</p> <p>full [8] - 27:22, 79:25, 96:2, 120:3, 141:5, 164:7, 184:20, 192:10</p> <p>fully [1] - 185:6</p> <p>fumbling [1] - 200:11</p> <p>further [12] - 22:3, 22:7, 24:17, 50:20, 62:24, 146:6, 162:23, 170:11, 170:15, 213:24, 215:5, 220:23</p> <p>FURTHER [3] - 113:11, 208:11, 222:11</p> <p>future [4] - 5:21, 56:17, 198:18, 205:10</p>
G				
<p>gallon [4] - 20:18, 21:3, 92:15, 93:8</p> <p>gallons [1] - 96:24</p> <p>GALVIN [171] - 2:2, 6:12, 6:16, 6:21, 7:8, 7:16, 7:21, 8:10, 8:13, 8:20, 8:22, 9:3, 9:21, 10:24, 11:3, 11:11, 11:17, 11:21, 12:7, 13:3, 15:2, 17:8, 17:23, 18:4, 18:8, 18:11, 19:1, 19:5, 31:18, 38:21, 39:10, 39:21, 39:25, 40:13, 40:16, 41:6, 41:14, 45:13, 45:16, 46:13, 48:13, 52:22, 53:12, 53:14, 58:6, 58:23, 59:3, 59:7, 59:11, 59:15, 59:24, 61:3, 62:12, 63:15, 65:17, 65:25, 79:4, 79:13, 79:18, 79:24, 80:4, 83:1, 83:4, 90:13, 90:17, 91:7, 100:25, 101:13, 101:22, 102:11, 102:23, 103:12, 103:15, 106:24, 107:15, 107:22, 108:9,</p>				

<p>108:12, 108:18, 109:13, 109:21, 110:5, 111:5, 115:2, 118:4, 118:8, 118:17, 118:24, 119:2, 119:11, 119:18, 119:20, 120:3, 120:7, 120:10, 130:11, 137:11, 140:24, 141:5, 143:17, 143:23, 144:2, 144:7, 144:17, 144:22, 144:25, 145:8, 145:18, 160:21, 160:25, 161:3, 161:7, 161:9, 161:12, 161:16, 161:25, 162:11, 163:1, 164:1, 164:7, 164:10, 164:13, 175:17, 175:21, 175:25, 176:5, 176:8, 177:10, 184:6, 184:10, 184:14, 184:19, 184:22, 190:11, 190:20, 190:24, 191:2, 192:6, 192:10, 192:14, 192:18, 195:4, 195:12, 195:19, 196:15, 197:12, 198:1, 198:6, 198:12, 199:6, 210:2, 211:17, 212:1, 212:13, 212:22, 213:6, 213:17, 214:5, 214:17, 215:15, 215:20, 216:19, 216:22, 218:7, 218:12, 218:23, 219:5, 219:10, 219:17, 220:8, 220:11</p> <p>Galvin [2] - 111:8, 215:25</p> <p>garage [8] - 21:15, 21:16, 24:25, 43:5, 75:8, 77:21, 82:12, 82:14</p> <p>garages [1] - 37:14</p> <p>garden [1] - 147:23</p> <p>Gary [5] - 1:10, 6:3, 14:11, 114:11, 209:10</p> <p>gas [9] - 77:20, 77:25, 78:3, 102:23, 102:24, 134:12, 196:15, 205:5</p> <p>gate [1] - 32:15</p> <p>gave [3] - 12:8, 69:25, 189:6</p> <p>gee [1] - 76:20</p> <p>generate [2] - 45:24,</p>	<p>133:8</p> <p>generated [2] - 46:7, 162:19</p> <p>generating [1] - 182:6</p> <p>generation [3] - 45:12, 133:5, 133:9</p> <p>generator [6] - 47:2, 47:11, 126:5, 126:9, 195:17</p> <p>generators [3] - 102:17, 195:13, 195:15</p> <p>gentleman [1] - 107:5</p> <p>Gerard [1] - 92:25</p> <p>get [69] - 4:2, 5:18, 7:23, 7:25, 10:18, 12:1, 23:5, 24:18, 25:4, 27:16, 28:12, 31:9, 35:12, 40:5, 40:20, 42:25, 43:4, 48:21, 49:16, 50:9, 52:14, 53:24, 55:16, 60:24, 63:4, 68:16, 72:9, 76:21, 80:22, 85:19, 105:10, 110:9, 118:19, 119:9, 120:14, 135:17, 141:19, 142:15, 144:22, 150:5, 152:23, 160:12, 162:1, 162:14, 163:25, 166:17, 172:2, 175:12, 176:1, 176:17, 178:15, 186:2, 186:16, 189:11, 199:10, 199:13, 201:12, 205:11, 211:2, 213:4, 213:11, 214:13, 216:25, 219:6, 219:8, 219:12, 219:13, 219:24, 219:25</p> <p>gets [5] - 5:17, 19:6, 48:12, 57:2, 104:15</p> <p>getting [6] - 110:10, 161:22, 179:11, 181:15, 185:11, 211:8</p> <p>giant [2] - 26:24, 44:9</p> <p>Give [3] - 32:23, 79:25, 184:19</p> <p>give [23] - 24:6, 43:9, 58:3, 60:15, 69:23, 75:10, 76:22, 84:15, 96:22, 99:24, 120:15, 139:5, 139:7, 162:14, 166:2, 182:18, 184:2, 188:10, 188:17,</p>	<p>192:15, 211:13, 218:16, 219:8</p> <p>give-backs [1] - 99:24</p> <p>given [9] - 37:15, 72:6, 74:18, 99:25, 103:2, 196:18, 201:13, 202:17, 204:20</p> <p>gives [2] - 86:4, 170:15</p> <p>giving [3] - 45:17, 87:11, 161:1</p> <p>glue [1] - 179:23</p> <p>Glynn [4] - 1:17, 14:18, 114:18, 209:17</p> <p>GNPATP [1] - 92:25</p> <p>Go [9] - 6:25, 47:7, 62:21, 79:11, 90:24, 95:14, 129:1, 180:3, 197:12</p> <p>go [69] - 11:12, 21:24, 22:3, 22:4, 22:7, 22:8, 23:1, 23:22, 23:25, 24:17, 26:12, 26:14, 29:1, 34:9, 34:11, 34:20, 38:11, 41:19, 52:2, 52:6, 59:4, 59:5, 61:2, 62:19, 62:24, 64:21, 67:18, 68:14, 70:15, 70:22, 72:2, 87:19, 88:18, 90:8, 94:3, 99:17, 107:15, 110:8, 110:11, 117:5, 123:22, 131:12, 135:10, 136:19, 145:13, 146:22, 150:1, 153:6, 153:16, 161:12, 161:17, 163:25, 166:1, 166:16, 169:6, 176:6, 183:2, 183:4, 184:11, 185:23, 186:24, 188:1, 188:19, 199:5, 200:13, 202:1, 204:11, 214:3, 216:23</p> <p>goals [1] - 171:16</p> <p>goes [8] - 54:14, 58:4, 67:23, 138:16, 157:10, 158:12, 167:13, 183:21</p> <p>Goggle [1] - 19:11</p> <p>going [87] - 4:2, 18:14, 32:24, 43:16, 44:24, 46:7, 46:9, 46:18, 50:21, 55:6, 55:17, 57:19, 59:4, 61:3, 62:12, 62:19, 71:21, 72:19, 72:20,</p>	<p>73:10, 73:11, 77:20, 78:19, 78:20, 78:22, 85:20, 86:21, 87:22, 88:7, 89:3, 93:15, 93:18, 94:4, 101:10, 118:15, 123:17, 123:18, 123:21, 125:25, 128:14, 129:3, 131:15, 131:16, 131:20, 140:23, 147:8, 148:13, 148:21, 148:22, 148:24, 149:9, 154:16, 156:25, 157:12, 162:1, 162:2, 162:14, 162:15, 167:11, 168:19, 171:14, 172:7, 183:2, 183:15, 184:11, 185:25, 187:1, 188:2, 192:22, 192:23, 192:25, 193:13, 203:21, 205:11, 211:2, 211:19, 212:4, 212:6, 212:20, 213:15, 214:3, 214:6, 216:2, 218:12, 219:24</p> <p>Going [1] - 153:7</p> <p>gone [3] - 71:15, 132:1, 172:7</p> <p>Good [1] - 17:7</p> <p>good [21] - 6:15, 54:5, 57:5, 77:18, 83:2, 100:1, 110:23, 140:19, 146:13, 153:2, 153:14, 169:4, 177:3, 186:3, 191:20, 204:5, 211:12, 212:9, 218:6, 220:3</p> <p>Google [1] - 22:18</p> <p>Got [2] - 48:13, 190:13</p> <p>got [55] - 6:11, 7:22, 7:23, 7:25, 9:2, 19:8, 20:7, 20:20, 22:8, 22:13, 24:20, 25:3, 26:20, 27:1, 28:11, 28:17, 29:21, 31:18, 35:2, 35:25, 36:3, 37:17, 37:24, 41:22, 42:3, 45:19, 48:18, 49:12, 59:12, 64:22, 65:19, 69:8, 71:25, 72:1, 73:21, 80:13, 93:11, 93:13, 97:20, 102:12, 107:24, 108:12, 110:6, 110:22, 137:15, 152:9, 179:1, 180:17,</p>	<p>201:7, 202:3, 218:13, 219:6, 219:13, 219:17</p> <p>governing [4] - 101:25, 103:10, 103:22, 105:15</p> <p>grade [13] - 35:6, 64:23, 78:7, 134:21, 134:22, 134:24, 135:8, 136:7, 152:24, 181:12, 181:24, 181:25, 183:6</p> <p>Graham [14] - 1:13, 4:25, 14:14, 63:19, 63:22, 68:18, 81:18, 97:8, 99:10, 112:4, 114:14, 206:5, 206:15, 209:13</p> <p>GRAHAM [27] - 5:1, 63:23, 64:1, 64:3, 64:8, 64:11, 65:11, 65:15, 68:19, 81:19, 82:7, 82:10, 82:15, 82:23, 86:9, 97:9, 97:16, 97:23, 99:8, 99:11, 99:19, 100:10, 100:13, 112:5, 206:3, 206:16, 217:25</p> <p>Graham's [1] - 66:16</p> <p>Grand [4] - 73:19, 80:14, 211:5, 216:18</p> <p>grant [3] - 58:13, 88:3, 118:10</p> <p>granted [3] - 43:24, 44:20, 68:7</p> <p>grass [14] - 146:3, 146:4, 146:9, 147:24, 148:4, 148:7, 148:9, 149:20, 153:8, 153:13, 153:15, 153:16, 154:2, 158:15</p> <p>grate [1] - 147:14</p> <p>Great [9] - 9:15, 9:23, 78:8, 95:11, 98:19, 143:13, 156:11, 184:24, 187:24</p> <p>great [9] - 50:24, 90:21, 107:20, 111:3, 123:6, 141:21, 185:13, 187:24, 211:6</p> <p>greater [1] - 61:1</p> <p>Green [2] - 6:18, 10:23</p> <p>green [22] - 36:8, 41:18, 41:20, 43:15, 101:17, 101:20, 102:1, 102:2, 103:16, 126:10, 126:11, 132:15, 132:16, 139:22, 161:22,</p>
---	---	---	---	--

<p>161:23, 162:12, 162:13, 162:15, 179:23, 198:15, 198:19</p> <p>gross [1] - 88:9</p> <p>ground [17] - 20:18, 22:25, 25:4, 25:5, 25:21, 27:8, 30:20, 30:22, 34:4, 38:20, 50:9, 52:11, 65:8, 78:1, 92:15, 94:16, 154:15</p> <p>grow [1] - 153:15</p> <p>growing [1] - 146:9</p> <p>guard [1] - 72:13</p> <p>guess [17] - 34:13, 45:25, 46:5, 54:2, 71:1, 78:15, 94:10, 109:20, 131:5, 133:3, 159:10, 173:12, 173:25, 176:21, 177:2, 202:16, 214:6</p> <p>guests [1] - 103:7</p> <p>guys [15] - 53:4, 66:12, 70:15, 81:6, 148:16, 148:20, 186:11, 192:21, 199:23, 203:8, 211:1, 213:17, 217:12, 218:23, 218:24</p>	<p>22:14, 57:16, 57:17, 60:7, 60:8, 61:14, 61:15, 130:24, 149:3, 157:22, 168:20, 172:13, 172:16, 175:2, 176:4, 179:10, 180:22, 185:11, 205:11, 211:13</p> <p>halfway [1] - 51:3</p> <p>Hall [1] - 4:13</p> <p>hand [11] - 17:23, 79:18, 95:17, 119:21, 140:24, 164:1, 184:15, 186:4, 190:4, 190:20, 192:6</p> <p>handle [1] - 25:8</p> <p>hang [1] - 186:25</p> <p>Hang [3] - 40:14, 63:25, 217:12</p> <p>happen [2] - 109:22, 109:24</p> <p>happened [2] - 58:8, 104:22</p> <p>happening [2] - 166:18, 171:11</p> <p>happens [3] - 110:3, 187:13, 214:1</p> <p>happy [9] - 55:15, 55:18, 56:14, 140:12, 142:1, 142:17, 182:18, 185:1, 217:8</p> <p>hard [4] - 33:17, 33:18, 154:1, 172:15</p> <p>has [60] - 4:7, 5:14, 5:21, 5:23, 7:5, 20:9, 21:6, 21:25, 22:13, 28:17, 30:25, 31:10, 34:18, 35:15, 39:5, 39:6, 39:8, 39:13, 49:25, 50:23, 56:13, 58:7, 65:24, 66:19, 69:19, 89:17, 92:2, 92:7, 93:6, 96:1, 96:15, 100:24, 104:22, 106:8, 123:16, 127:2, 127:17, 130:15, 132:10, 140:8, 142:13, 146:12, 148:8, 148:11, 149:14, 172:15, 173:9, 173:14, 173:19, 175:9, 175:17, 175:21, 176:8, 177:24, 186:2, 188:3, 197:23, 200:5, 215:6, 216:24</p> <p>Has [1] - 30:23</p> <p>have [340] - 6:5, 6:22, 11:8, 11:25, 17:17,</p>	<p>17:22, 18:14, 18:23, 21:15, 23:13, 24:20, 24:24, 24:25, 25:20, 26:8, 26:9, 26:13, 26:15, 27:4, 27:9, 28:2, 28:11, 29:2, 29:8, 30:4, 30:9, 30:13, 31:3, 31:7, 32:9, 33:2, 33:13, 33:16, 33:19, 34:17, 35:1, 35:10, 36:12, 36:13, 36:20, 36:25, 37:2, 37:11, 37:12, 37:21, 38:3, 39:6, 39:19, 40:11, 40:18, 41:19, 41:20, 42:7, 43:8, 43:10, 43:12, 43:23, 44:4, 44:8, 44:17, 45:5, 45:11, 45:20, 46:2, 47:1, 47:4, 48:14, 48:20, 49:8, 50:2, 50:22, 52:2, 52:6, 52:14, 52:17, 53:1, 53:9, 54:6, 54:19, 55:23, 56:6, 56:9, 56:19, 56:23, 57:1, 57:10, 58:14, 58:16, 61:1, 61:19, 62:16, 65:1, 65:7, 66:6, 66:25, 68:4, 68:10, 68:14, 69:9, 70:6, 70:14, 70:15, 70:25, 71:9, 71:16, 71:24, 72:4, 73:25, 74:1, 74:6, 75:5, 76:11, 76:13, 78:25, 79:1, 80:23, 82:11, 82:12, 83:9, 83:10, 83:15, 84:4, 84:10, 84:23, 85:22, 86:15, 87:4, 88:3, 88:6, 89:2, 89:9, 90:1, 90:23, 91:1, 91:11, 93:11, 93:25, 94:14, 94:25, 95:12, 97:20, 98:17, 99:25, 102:18, 103:10, 103:12, 104:8, 104:9, 104:11, 105:4, 105:10, 106:5, 109:25, 110:7, 110:18, 111:6, 118:15, 119:3, 119:16, 121:18, 122:4, 122:10, 122:11, 124:10, 124:16, 125:12, 125:24, 126:2, 126:5, 126:6, 126:22, 127:1, 127:6, 127:16, 128:16, 129:7, 129:12, 131:18,</p>	<p>131:20, 132:16, 133:1, 135:16, 136:16, 136:23, 137:1, 137:21, 140:3, 140:5, 141:25, 142:3, 142:15, 144:3, 144:4, 144:7, 144:8, 146:20, 147:2, 147:8, 147:13, 147:14, 147:23, 148:1, 149:2, 149:24, 151:1, 152:1, 152:3, 152:4, 152:6, 152:8, 152:24, 155:14, 156:9, 156:13, 160:1, 160:5, 160:9, 161:3, 161:25, 162:6, 162:12, 162:18, 162:21, 163:5, 164:15, 164:17, 166:9, 166:12, 167:4, 168:1, 168:7, 169:24, 170:4, 170:14, 170:21, 171:9, 171:23, 172:5, 172:6, 172:21, 172:23, 173:10, 175:5, 175:6, 176:14, 176:23, 176:24, 177:24, 178:4, 178:24, 179:2, 179:7, 179:21, 179:22, 180:14, 182:6, 183:1, 183:16, 184:1, 185:5, 185:10, 185:13, 186:2, 186:4, 186:11, 186:20, 186:23, 186:25, 187:20, 188:10, 189:7, 189:23, 190:1, 191:8, 191:9, 191:13, 191:15, 191:17, 191:24, 192:20, 193:17, 193:21, 193:24, 194:11, 194:25, 195:10, 195:16, 195:18, 197:17, 198:9, 199:6, 200:2, 200:10, 201:15, 202:25, 205:1, 205:6, 211:6, 211:23, 212:2, 212:3, 212:4, 212:5, 212:6, 212:22, 212:24, 213:7, 213:8, 213:15, 214:4, 214:7, 214:8, 214:19, 214:23, 215:2, 216:4, 216:6, 217:15, 217:19, 219:11, 219:12, 219:14, 219:16, 219:23, 219:25, 220:9, 220:14, 220:17</p>	<p>haven't [4] - 5:16, 53:15, 91:5, 95:5</p> <p>having [17] - 18:2, 26:2, 50:5, 52:6, 73:18, 79:22, 82:4, 120:1, 136:5, 140:8, 141:3, 146:5, 164:5, 193:16, 201:23, 212:11, 217:20</p> <p>he's [5] - 45:19, 79:7, 85:17, 87:3, 184:3</p> <p>He's [3] - 61:3, 65:19, 160:12</p> <p>head [2] - 137:15, 182:6</p> <p>heads [1] - 55:16</p> <p>heads-up [1] - 55:16</p> <p>health [1] - 20:21</p> <p>hear [9] - 42:14, 56:23, 79:7, 140:20, 212:3, 218:11, 218:23, 219:24, 220:16</p> <p>heard [6] - 77:18, 96:16, 173:15, 175:10, 177:11, 212:5</p> <p>hearing [4] - 50:13, 54:13, 188:25, 193:14</p> <p>Hearing [1] - 217:8</p> <p>HEARINGS [1] - 3:7</p> <p>heart [1] - 54:8</p> <p>heat [1] - 20:19</p> <p>heating [1] - 21:4</p> <p>heaven [1] - 104:19</p> <p>height [33] - 22:17, 24:12, 38:7, 47:14, 64:10, 64:17, 64:22, 69:6, 69:12, 69:13, 69:14, 118:12, 119:2, 152:22, 162:8, 166:10, 166:11, 172:13, 172:18, 173:13, 173:16, 174:2, 174:3, 174:5, 174:7, 174:11, 178:12, 178:20, 178:23</p> <p>Height [2] - 38:7, 118:21</p> <p>heights [3] - 130:23, 131:2, 174:4</p> <p>Held [4] - 1:6, 14:7, 114:7, 209:6</p> <p>helmet [1] - 137:22</p> <p>help [10] - 5:16, 8:10, 11:19, 48:8, 54:19, 57:13, 58:6, 69:3, 98:15, 166:16</p> <p>helping [1] - 83:4</p> <p>helps [1] - 129:9</p>
H				
<p>h [1] - 164:9</p> <p>H [4] - 16:9, 116:12, 164:5</p> <p>habitational [1] - 32:6</p> <p>had [59] - 7:2, 11:15, 11:17, 12:2, 12:5, 20:23, 22:23, 23:14, 28:23, 31:4, 31:7, 31:13, 37:11, 40:19, 45:4, 53:23, 68:15, 68:25, 71:14, 75:21, 77:11, 77:12, 77:13, 77:25, 80:10, 80:14, 80:22, 81:2, 84:2, 86:5, 86:24, 94:21, 96:11, 96:16, 100:18, 104:1, 118:17, 119:8, 119:15, 145:22, 152:25, 171:20, 173:3, 174:8, 178:23, 182:12, 189:9, 193:7, 193:10, 194:1, 199:7, 201:24, 204:17, 204:18, 204:20, 205:19, 218:8</p> <p>half [21] - 22:2,</p>				

<p>Here ^[17] - 4:16, 4:18, 4:20, 4:22, 4:24, 5:1, 5:3, 5:5, 5:7, 29:3, 36:15, 37:6, 61:2, 121:22, 137:8, 155:3, 212:1</p> <p>here ^[80] - 4:2, 20:7, 23:16, 24:25, 25:12, 27:9, 28:1, 28:11, 28:16, 28:19, 29:9, 29:10, 30:4, 32:24, 33:3, 35:5, 35:6, 36:4, 36:12, 36:25, 37:12, 38:8, 43:22, 52:23, 53:4, 53:14, 56:19, 57:13, 65:9, 67:3, 68:3, 81:23, 83:9, 86:3, 87:6, 87:9, 97:15, 97:19, 105:8, 110:12, 117:5, 120:19, 131:23, 136:25, 137:1, 137:7, 139:16, 144:19, 147:13, 150:13, 157:1, 161:15, 162:13, 164:16, 166:8, 168:7, 168:16, 168:18, 169:18, 170:4, 171:11, 171:23, 172:1, 174:18, 174:19, 177:3, 179:3, 183:16, 183:17, 185:2, 185:4, 187:13, 195:15, 202:2, 202:12, 211:2, 213:19, 217:16</p> <p>here's ^[1] - 26:17</p> <p>hereby ^[3] - 113:5, 208:5, 222:5</p> <p>hereinbefore ^[3] - 113:9, 208:9, 222:9</p> <p>herself ^[2] - 5:23, 5:24</p> <p>Hey ^[1] - 218:23</p> <p>High ^[1] - 132:19</p> <p>high ^[4] - 138:4, 138:7, 149:21, 155:15</p> <p>higher ^[8] - 131:12, 138:9, 168:18, 168:20, 178:23, 180:19, 189:11, 192:24</p> <p>highlight ^[3] - 122:25, 136:20, 136:22</p> <p>highlighter ^[2] - 136:23, 137:9</p> <p>highlights ^[1] - 136:15</p> <p>him ^[13] - 45:16,</p>	<p>79:9, 79:11, 79:13, 79:16, 83:10, 83:13, 83:17, 96:12, 119:12, 140:22, 140:23, 184:2</p> <p>himself ^[1] - 81:16</p> <p>hint ^[1] - 186:10</p> <p>Hipolit ^[2] - 20:24, 93:6</p> <p>Hipolit's ^[1] - 132:9</p> <p>hire ^[1] - 188:6</p> <p>hit ^[1] - 137:14</p> <p>HOBOKEN ^[6] - 1:1, 1:3, 14:1, 114:1, 209:1, 209:3</p> <p>Hoboken ^[16] - 1:7, 4:4, 14:8, 15:6, 37:10, 37:22, 39:14, 82:2, 87:5, 114:8, 115:6, 165:14, 189:25, 204:7, 209:7, 210:6</p> <p>Hold ^[3] - 60:23, 65:17, 183:10</p> <p>hold ^[2] - 110:22, 217:14</p> <p>hole ^[3] - 44:6, 139:17, 172:10</p> <p>hole-in-the ^[1] - 172:10</p> <p>holiday ^[1] - 218:14</p> <p>holidays ^[2] - 217:8, 218:9</p> <p>HOLTZMAN ^[331] - 4:1, 4:16, 5:10, 6:4, 6:14, 6:19, 6:23, 7:3, 7:6, 7:11, 7:14, 7:25, 8:7, 8:12, 8:17, 8:25, 9:15, 9:23, 10:2, 10:4, 10:17, 11:6, 11:14, 11:19, 12:11, 12:14, 12:16, 13:4, 17:1, 17:6, 18:10, 31:22, 31:25, 32:5, 32:13, 32:19, 33:5, 40:14, 42:5, 42:19, 43:11, 44:22, 45:2, 46:15, 46:24, 47:12, 47:18, 47:25, 48:10, 48:16, 49:2, 49:10, 50:19, 51:15, 53:25, 55:9, 55:25, 56:11, 57:15, 57:22, 59:5, 59:21, 60:5, 60:13, 61:11, 62:18, 62:21, 62:25, 63:18, 63:21, 63:25, 64:9, 64:14, 64:17, 65:4, 65:13, 66:8, 67:14, 67:18, 68:17, 68:21, 68:23, 70:14, 70:19, 70:22, 75:19, 76:10, 77:4, 78:10,</p>	<p>79:5, 79:11, 79:15, 81:5, 81:17, 82:20, 83:7, 83:16, 84:18, 86:7, 86:14, 86:18, 87:20, 88:2, 88:12, 88:15, 88:19, 89:20, 90:7, 90:15, 90:19, 90:24, 91:3, 91:8, 92:18, 92:23, 93:3, 93:10, 93:23, 94:2, 95:11, 95:14, 95:25, 96:6, 96:8, 96:14, 97:7, 97:12, 98:13, 98:19, 99:4, 99:9, 100:3, 100:11, 100:14, 100:19, 100:21, 102:20, 103:24, 105:3, 105:13, 106:4, 106:18, 107:4, 107:13, 107:21, 108:4, 108:14, 109:4, 109:9, 109:15, 110:13, 110:20, 111:6, 111:11, 111:16, 111:19, 112:13, 117:1, 117:4, 118:18, 118:25, 120:9, 120:16, 122:23, 123:5, 124:24, 125:21, 128:1, 128:5, 128:7, 129:15, 129:20, 130:9, 131:7, 132:20, 132:25, 133:25, 134:8, 134:23, 135:4, 135:15, 135:23, 136:14, 136:19, 137:3, 137:6, 137:10, 137:14, 137:19, 137:24, 138:3, 138:6, 138:19, 138:25, 139:3, 139:5, 140:2, 140:7, 140:19, 141:21, 142:2, 142:22, 142:25, 143:13, 143:20, 143:24, 144:1, 144:6, 144:24, 145:5, 145:21, 146:15, 147:16, 148:15, 148:19, 149:4, 149:10, 149:13, 150:1, 150:15, 151:15, 151:21, 152:12, 152:15, 152:18, 153:1, 153:4, 153:24, 154:8, 154:19, 154:25, 155:7, 155:13, 155:17, 156:5,</p>	<p>156:11, 156:16, 156:20, 158:21, 158:25, 159:3, 160:14, 162:6, 163:4, 163:17, 163:22, 164:12, 173:5, 175:4, 176:19, 177:15, 178:7, 178:15, 178:17, 180:3, 180:10, 180:16, 181:16, 182:2, 183:19, 183:24, 184:7, 185:21, 186:21, 187:14, 187:20, 189:7, 190:2, 190:9, 190:12, 190:15, 190:17, 192:3, 193:20, 194:20, 194:22, 195:5, 196:13, 197:5, 197:20, 197:23, 198:10, 199:23, 200:7, 200:9, 200:13, 201:1, 201:7, 201:15, 201:20, 201:25, 202:3, 202:8, 202:22, 203:8, 203:11, 203:17, 203:19, 203:24, 204:5, 205:17, 205:25, 206:4, 206:24, 207:3, 211:1, 212:20, 213:4, 213:10, 214:19, 214:23, 215:2, 215:8, 215:12, 215:17, 215:21, 216:4, 216:9, 216:17, 217:10, 217:22, 218:4, 218:20, 218:25, 219:14, 220:6, 220:9, 220:22, 221:1, 221:3, 221:6</p> <p>Holtzman ^[10] - 1:10, 4:15, 8:15, 9:14, 10:16, 14:11, 112:12, 114:11, 206:23, 209:10</p> <p>homes ^[1] - 70:9</p> <p>honest ^[2] - 84:1, 199:12</p> <p>hoods ^[2] - 205:2, 205:6</p> <p>hookups ^[1] - 77:15</p> <p>HOP-15-16 ^[1] - 114:2</p> <p>HOP-15-18 ^[1] - 14:2</p> <p>hopefully ^[3] - 43:10, 78:2, 133:24</p> <p>hoses ^[1] - 21:9</p> <p>hosing ^[1] - 20:16</p>	<p>hour ^[1] - 211:6</p> <p>hour's ^[1] - 211:14</p> <p>house ^[2] - 137:22, 142:18</p> <p>How ^[13] - 18:16, 29:19, 63:23, 76:3, 128:5, 128:7, 131:1, 137:19, 142:25, 143:20, 156:13, 164:16, 199:3</p> <p>how ^[37] - 23:22, 33:16, 49:17, 52:25, 57:7, 60:18, 78:20, 85:1, 89:25, 94:9, 97:11, 98:3, 101:10, 107:5, 123:9, 128:1, 128:14, 128:23, 137:15, 138:7, 138:25, 156:3, 160:5, 167:17, 168:24, 172:4, 174:4, 174:14, 174:20, 174:24, 181:2, 181:6, 181:23, 185:17, 188:20, 201:9, 201:10</p> <p>Hudson ^[7] - 15:6, 102:9, 115:6, 139:15, 196:1, 210:5, 216:7</p> <p>Hudson's ^[1] - 127:25</p> <p>huge ^[1] - 84:5</p> <p>huh ^[1] - 155:13</p> <p>hum ^[1] - 161:2</p> <p>hundred ^[7] - 56:22, 140:20, 154:4, 154:6, 157:17, 160:9, 190:3</p> <p>hurdle ^[1] - 189:11</p> <p>husband's ^[1] - 80:20</p> <p>hybrid ^[3] - 23:2, 24:23, 36:25</p> <p>hydrant ^[4] - 62:6, 62:7, 63:2, 71:8</p> <p>Hydraulic ^[1] - 20:15</p> <p>hydraulic ^[2] - 20:16, 21:10</p> <p>Hydraulics ^[2] - 20:15, 92:22</p> <p>hypothetical ^[1] - 72:14</p>
I				
<p>I'll ^[7] - 22:8, 77:5, 106:25, 107:2, 110:5, 137:21, 162:9</p> <p>I'm ^[45] - 32:16, 41:9, 42:16, 64:13, 68:19, 73:15, 75:11, 82:22,</p>				

<p>82:23, 84:12, 84:21, 88:18, 94:4, 97:9, 99:9, 100:17, 106:15, 108:14, 109:17, 118:17, 131:7, 137:11, 146:22, 149:10, 150:2, 151:16, 151:19, 154:9, 154:19, 161:8, 162:15, 163:17, 165:22, 173:25, 177:1, 177:11, 179:17, 180:25, 181:15, 184:25, 186:25, 188:21, 202:24, 204:7, 217:2</p> <p>I've [2] - 85:23, 85:24</p> <p>idea [6] - 66:12, 84:6, 84:7, 87:17, 186:3, 189:9</p> <p>Identified [1] - 92:10</p> <p>identify [3] - 92:17, 157:7, 164:21</p> <p>identity [1] - 38:4</p> <p>if [112] - 12:1, 12:3, 17:21, 19:6, 25:8, 26:16, 39:10, 40:22, 41:4, 41:6, 41:8, 43:9, 44:9, 44:14, 45:19, 49:11, 49:17, 50:3, 50:22, 50:25, 53:1, 53:7, 54:9, 55:2, 58:12, 58:18, 65:24, 66:11, 66:17, 67:8, 67:12, 67:24, 72:4, 72:24, 74:3, 75:16, 76:12, 78:20, 78:22, 81:7, 81:10, 82:11, 82:18, 85:9, 85:17, 87:25, 88:5, 94:11, 94:22, 96:21, 97:10, 99:16, 99:23, 104:3, 104:9, 104:19, 105:8, 105:16, 105:20, 105:25, 109:19, 110:3, 110:8, 110:9, 125:11, 125:12, 131:12, 134:14, 136:9, 137:6, 140:22, 141:19, 143:4, 143:15, 144:2, 144:13, 145:9, 153:12, 153:14, 156:10, 160:8, 160:18, 162:22, 171:19, 174:19, 175:6, 178:4, 180:25, 184:1, 186:10, 186:23, 187:12, 188:17, 189:8,</p>	<p>189:19, 191:18, 191:23, 192:24, 195:2, 200:12, 201:13, 202:16, 213:10, 213:17, 214:10, 218:10, 218:17, 219:8, 220:4, 220:16</p> <p>If [37] - 5:15, 21:24, 31:5, 39:16, 40:17, 47:10, 47:22, 48:4, 49:16, 53:5, 55:16, 56:25, 59:3, 59:11, 74:5, 81:2, 85:19, 94:11, 101:22, 106:11, 109:24, 147:12, 162:1, 162:6, 163:8, 186:1, 188:5, 189:12, 198:21, 199:6, 205:7, 214:1, 219:2, 219:10, 219:21, 219:23, 220:22</p> <p>imagine [1] - 173:19</p> <p>impact [13] - 24:9, 71:9, 94:24, 128:24, 133:15, 172:16, 172:18, 174:20, 174:23, 186:15, 186:20, 188:3, 205:4</p> <p>impacted [2] - 36:19, 188:2</p> <p>impinchment [1] - 181:4</p> <p>implied [1] - 109:21</p> <p>imply [1] - 177:11</p> <p>important [4] - 40:18, 80:19, 157:16, 167:12</p> <p>impose [3] - 145:9, 145:11, 188:16</p> <p>imposing [1] - 145:11</p> <p>impression [1] - 69:4</p> <p>improved [1] - 5:21</p> <p>improvement [2] - 51:11, 140:10</p> <p>improvements [2] - 144:5, 145:12</p> <p>In [18] - 33:18, 41:18, 52:16, 52:22, 73:24, 101:19, 103:1, 103:22, 117:25, 119:6, 127:12, 133:3, 134:13, 135:15, 152:19, 154:14, 167:20, 196:17</p> <p>in [336] - 4:8, 4:10, 4:13, 5:19, 7:4, 7:12, 8:13, 10:19, 11:23,</p>	<p>12:1, 12:2, 12:9, 19:2, 19:3, 20:3, 21:5, 22:10, 22:17, 24:1, 24:4, 24:12, 24:13, 25:18, 25:19, 25:20, 25:23, 26:9, 27:14, 27:18, 27:24, 28:3, 28:9, 28:12, 28:16, 29:2, 29:6, 29:25, 30:12, 30:21, 31:8, 31:17, 33:20, 34:7, 34:11, 34:18, 35:15, 35:17, 36:14, 36:18, 37:2, 37:4, 37:10, 37:11, 37:17, 37:19, 37:22, 37:23, 37:24, 38:1, 39:14, 39:25, 40:2, 40:6, 40:20, 40:24, 41:2, 41:3, 41:6, 42:20, 42:23, 43:5, 44:2, 44:6, 45:9, 45:11, 46:8, 48:5, 48:6, 48:12, 48:20, 50:5, 50:7, 50:20, 51:5, 51:8, 51:11, 52:8, 56:13, 56:17, 56:25, 57:12, 57:16, 58:10, 58:13, 59:3, 61:3, 61:19, 62:13, 63:2, 63:6, 63:13, 66:5, 66:9, 66:19, 66:20, 66:21, 66:22, 67:2, 67:5, 67:7, 67:21, 67:23, 67:24, 68:3, 68:5, 68:25, 69:5, 69:6, 69:16, 69:23, 70:6, 70:25, 71:2, 72:17, 73:20, 74:25, 75:1, 75:3, 75:8, 75:11, 75:18, 76:17, 76:24, 77:13, 77:15, 77:18, 77:20, 80:17, 82:3, 82:6, 82:9, 82:12, 82:13, 83:21, 85:21, 86:25, 87:5, 87:15, 87:16, 88:13, 89:2, 89:3, 89:4, 89:10, 89:17, 92:4, 93:8, 94:9, 94:24, 95:3, 95:8, 95:17, 96:2, 96:18, 96:23, 100:5, 101:14, 101:24, 103:9, 103:10, 103:16, 103:20, 103:21, 104:22, 104:23, 104:25, 105:2, 106:6, 106:15, 106:18, 107:1, 107:8, 108:1, 108:7, 108:21, 110:2, 110:22, 113:15,</p>	<p>113:22, 119:2, 119:4, 119:10, 120:5, 121:8, 121:12, 121:16, 121:23, 122:4, 122:7, 122:18, 123:9, 124:6, 124:14, 125:12, 126:10, 126:22, 127:7, 127:16, 128:16, 129:13, 129:23, 130:23, 130:25, 131:23, 132:1, 132:8, 132:9, 134:3, 135:18, 136:6, 136:8, 137:14, 139:2, 139:17, 141:18, 141:25, 142:6, 142:18, 145:3, 145:15, 146:1, 146:3, 147:2, 147:5, 148:9, 148:11, 149:13, 150:4, 152:20, 152:21, 152:23, 153:19, 159:9, 159:15, 159:20, 161:23, 162:15, 165:17, 167:1, 167:13, 167:17, 167:19, 167:20, 167:24, 168:23, 169:24, 170:3, 170:17, 170:24, 171:2, 171:11, 171:15, 171:22, 172:4, 172:10, 172:12, 172:20, 172:25, 173:2, 173:21, 173:23, 174:1, 174:22, 175:1, 177:21, 178:4, 181:2, 181:7, 181:9, 181:10, 182:7, 184:25, 185:3, 185:5, 185:11, 185:17, 187:10, 188:1, 188:12, 188:21, 189:8, 191:10, 191:12, 194:16, 198:19, 198:23, 199:12, 199:15, 202:4, 202:6, 203:23, 203:25, 204:8, 205:9, 205:16, 208:15, 208:21, 212:5, 212:11, 212:23, 213:13, 214:14, 214:22, 215:17, 215:18, 217:1, 217:20, 218:9, 219:24, 221:3, 221:4, 222:15, 222:21</p> <p>Inadvertently [1] - 169:1</p>	<p>inappropriate [1] - 106:2</p> <p>Inc [1] - 92:22</p> <p>inch [3] - 172:13, 173:22, 175:3</p> <p>inches [29] - 60:14, 60:17, 64:24, 67:10, 99:12, 99:18, 118:14, 128:13, 130:2, 130:3, 130:8, 149:3, 149:21, 166:12, 168:20, 172:16, 174:16, 178:13, 178:20, 179:1, 179:10, 180:7, 180:19, 180:20, 197:9, 197:10, 197:16, 197:17, 197:22</p> <p>include [2] - 198:3, 199:15</p> <p>included [4] - 80:24, 88:11, 101:24, 198:22</p> <p>includes [1] - 201:18</p> <p>including [1] - 32:6</p> <p>Including [1] - 165:19</p> <p>incorrect [1] - 108:2</p> <p>increase [4] - 97:1, 98:8, 98:10, 186:18</p> <p>increases [1] - 186:17</p> <p>incursion [1] - 139:9</p> <p>indeed [1] - 187:13</p> <p>indicate [1] - 109:19</p> <p>indicated [2] - 139:13, 167:10</p> <p>indicating [1] - 141:13</p> <p>individual [2] - 29:17, 38:4</p> <p>individually [2] - 124:13, 130:25</p> <p>individuals [1] - 104:23</p> <p>indoor [1] - 172:3</p> <p>information [1] - 182:18</p> <p>initial [1] - 104:14</p> <p>initially [2] - 70:1, 80:9</p> <p>innovative [1] - 59:24</p> <p>input [2] - 6:1, 84:3</p> <p>ins [1] - 68:2</p> <p>inset [2] - 49:13, 169:20</p> <p>inside [5] - 124:11, 159:21, 160:10, 183:4, 193:9</p> <p>insignificant [2] -</p>
---	---	--	---	---

<p>168:23, 172:14 installation [1] - 153:8 installing [1] - 153:12 instance [4] - 52:22, 56:20, 58:13, 59:4 instead [6] - 27:22, 75:6, 99:13, 167:5, 167:7, 219:19 insulation [1] - 41:23 integrating [1] - 55:24 intended [1] - 169:3 intense [1] - 43:22 intensity [1] - 171:22 intent [3] - 43:25, 79:2, 80:7 intention [1] - 46:22 intentions [1] - 100:2 interested [3] - 113:15, 208:15, 222:15 interesting [3] - 58:8, 63:1, 86:25 internal [3] - 75:24, 88:21, 109:6 internalize [1] - 94:12 internalized [1] - 159:12 internally [1] - 159:16 internet [1] - 19:8 interrelated [1] - 56:5 intervention [1] - 189:22 Into [1] - 60:10 into [44] - 23:11, 26:13, 34:4, 34:5, 34:11, 34:15, 34:20, 37:3, 37:7, 40:21, 49:18, 51:1, 51:3, 57:19, 58:2, 58:4, 58:20, 60:11, 76:14, 81:22, 84:10, 101:4, 106:17, 110:11, 117:15, 120:14, 135:13, 136:10, 139:9, 139:24, 145:4, 161:19, 169:16, 170:6, 171:24, 174:1, 174:9, 175:12, 183:21, 183:22, 189:13, 196:3, 211:8, 216:24 introduce [1] - 129:5 involved [2] - 91:18 involves [1] - 220:20</p>	<p>iron [1] - 167:16 irrigation [2] - 147:21, 147:22 Isn't [1] - 108:23 isn't [3] - 159:24, 182:20, 212:9 issuance [2] - 103:19, 199:2 issue [11] - 54:23, 76:14, 93:14, 100:9, 172:7, 174:19, 174:20, 175:1, 204:14, 204:15, 213:21 issues [11] - 29:5, 44:17, 49:24, 50:1, 50:11, 83:11, 132:8, 132:9, 162:8, 166:8, 217:1 it [428] - 5:16, 5:21, 5:24, 5:25, 7:5, 9:2, 11:13, 11:16, 11:24, 12:2, 12:3, 19:6, 20:9, 21:6, 22:10, 22:18, 23:8, 23:11, 24:8, 24:22, 25:8, 25:11, 26:6, 26:7, 26:13, 26:22, 28:5, 28:12, 28:16, 29:23, 30:15, 31:2, 31:5, 31:11, 32:1, 32:2, 32:11, 34:4, 34:6, 34:15, 34:21, 35:15, 36:20, 37:9, 37:18, 38:24, 39:4, 39:14, 39:16, 39:17, 39:18, 39:25, 40:6, 40:11, 41:3, 41:5, 41:10, 41:11, 41:15, 43:6, 43:10, 43:17, 44:8, 44:12, 45:22, 45:23, 45:24, 46:9, 46:13, 46:25, 47:5, 47:10, 47:11, 47:13, 48:5, 48:12, 48:13, 49:16, 50:9, 50:15, 50:22, 50:23, 50:24, 52:11, 52:13, 52:14, 52:20, 53:5, 53:21, 54:4, 54:15, 54:20, 55:1, 55:7, 55:10, 55:19, 56:5, 56:13, 57:5, 57:11, 57:13, 57:20, 58:1, 58:4, 58:19, 59:4, 59:24, 60:1, 60:7, 60:21, 60:24, 61:25, 62:2, 62:4, 63:13, 64:5, 65:2, 65:4, 65:11, 65:24, 65:25, 66:25, 67:4, 67:10,</p>	<p>68:1, 68:5, 68:15, 69:5, 69:15, 69:18, 70:1, 70:4, 70:8, 70:24, 71:7, 71:9, 72:7, 72:24, 73:22, 73:23, 74:4, 75:7, 75:12, 76:5, 76:25, 77:5, 77:7, 78:3, 78:13, 80:10, 80:11, 80:19, 81:8, 82:4, 82:19, 82:25, 83:21, 84:10, 84:15, 84:16, 85:5, 85:8, 85:9, 85:11, 85:12, 85:14, 85:16, 85:18, 85:20, 86:4, 86:5, 86:17, 86:25, 87:10, 87:17, 87:18, 87:23, 87:25, 88:23, 90:1, 91:4, 91:6, 91:9, 91:10, 91:21, 92:24, 93:21, 94:5, 94:8, 94:10, 94:11, 98:2, 98:4, 99:12, 99:15, 99:16, 99:21, 99:23, 99:25, 100:12, 102:12, 104:4, 104:5, 104:9, 104:15, 104:21, 105:1, 105:13, 105:16, 105:19, 106:10, 106:11, 106:13, 106:22, 106:25, 107:2, 107:6, 107:8, 107:21, 108:7, 108:12, 108:13, 108:25, 109:18, 109:21, 109:23, 110:5, 110:6, 110:9, 110:17, 110:18, 117:11, 117:19, 117:23, 117:24, 118:5, 118:20, 118:25, 119:6, 119:12, 120:22, 121:21, 122:10, 122:11, 123:9, 124:13, 125:12, 126:6, 127:24, 128:13, 128:23, 129:9, 129:10, 129:22, 130:4, 130:7, 132:3, 132:14, 133:8, 134:21, 134:22, 135:1, 136:7, 136:8, 136:11, 136:22, 136:24, 137:20, 138:12, 138:14, 139:19, 141:22, 142:14, 142:18, 142:25, 143:1, 143:4, 143:8, 145:8, 145:16,</p>	<p>146:11, 146:25, 147:14, 148:9, 148:11, 148:22, 149:21, 149:22, 150:4, 150:11, 152:10, 152:12, 152:25, 156:18, 156:20, 156:22, 157:13, 157:24, 158:5, 158:15, 158:19, 158:25, 159:4, 159:8, 159:11, 160:17, 162:15, 167:18, 168:23, 169:4, 170:15, 172:1, 172:5, 172:6, 173:22, 173:23, 174:17, 175:14, 175:15, 176:25, 177:2, 177:4, 177:9, 177:11, 177:16, 177:17, 177:21, 177:24, 178:8, 178:21, 179:3, 179:15, 179:16, 179:18, 179:23, 180:7, 181:2, 181:10, 181:18, 181:20, 181:24, 181:25, 182:8, 182:9, 182:12, 182:13, 182:21, 182:22, 182:24, 183:20, 183:24, 185:17, 186:1, 186:7, 186:10, 186:12, 186:13, 186:17, 186:18, 186:19, 187:1, 187:2, 187:21, 188:5, 188:15, 189:16, 190:4, 190:8, 190:13, 191:12, 191:16, 191:18, 193:19, 194:6, 195:17, 195:18, 199:15, 199:18, 199:25, 200:23, 201:2, 201:3, 201:12, 201:23, 202:11, 202:13, 202:24, 203:1, 204:17, 204:22, 204:23, 211:11, 211:12, 211:18, 212:7, 212:25, 213:2, 213:13, 213:24, 214:6, 214:10, 214:11, 214:25, 215:3, 215:4, 218:17, 218:18, 218:21, 219:3, 219:17, 220:19 It [82] - 4:3, 11:17, 21:8, 30:20, 33:4,</p>	<p>34:5, 35:23, 36:9, 39:6, 39:13, 40:20, 47:5, 48:3, 48:7, 49:21, 52:14, 54:22, 59:5, 59:21, 60:25, 61:2, 63:6, 63:8, 63:12, 65:6, 65:13, 69:11, 70:17, 72:12, 72:22, 72:23, 75:2, 77:4, 80:24, 82:2, 88:2, 97:14, 97:18, 106:24, 109:22, 117:19, 118:2, 122:13, 122:17, 124:3, 124:9, 124:13, 125:24, 126:6, 127:23, 129:23, 130:3, 131:9, 140:5, 146:17, 147:19, 148:10, 148:11, 166:21, 169:2, 170:24, 174:23, 176:2, 176:5, 179:17, 183:11, 186:15, 187:8, 188:15, 188:16, 188:24, 189:2, 199:18, 201:2, 204:16, 213:10, 217:18, 218:16, 220:2, 220:14 It's [43] - 34:17, 39:12, 39:23, 45:16, 51:24, 60:16, 61:5, 71:23, 76:6, 77:19, 87:8, 89:13, 95:6, 106:24, 120:22, 123:10, 126:7, 128:4, 129:18, 135:7, 146:7, 148:13, 150:10, 151:11, 152:14, 154:1, 154:4, 157:16, 158:1, 159:2, 159:19, 159:22, 161:20, 161:22, 177:25, 180:18, 180:20, 182:1, 185:5, 185:21, 202:18, 203:22, 213:11 it's [58] - 5:18, 20:20, 22:20, 25:5, 25:13, 35:13, 39:10, 39:18, 39:22, 40:2, 42:23, 42:24, 49:17, 52:12, 53:5, 59:1, 59:8, 59:12, 69:6, 76:12, 76:25, 82:19, 82:25, 85:13, 85:18, 89:11, 94:5, 129:16, 138:11, 145:5, 146:8, 146:14, 148:6, 148:24, 154:6, 157:22, 159:3,</p>
--	---	--	---	---

<p>175:15, 180:21, 182:3, 188:1, 188:21, 191:23, 193:4, 193:5, 201:1, 201:3, 201:5, 202:14, 203:5, 203:6, 203:17, 203:25, 205:11, 205:16</p> <p>item [2] - 6:4, 17:1</p> <p>items [1] - 98:21</p> <p>iteration [1] - 165:17</p> <p>its [1] - 63:7</p> <p>its [6] - 37:10, 44:11, 56:13, 63:6, 129:4, 165:17</p> <p>itself [7] - 24:14, 44:7, 99:24, 124:21, 166:20, 168:25, 179:24</p>	<p>judgment [1] - 216:25</p> <p>juggling [1] - 46:21</p> <p>jurisdictional [1] - 17:20</p> <p>Just [18] - 20:23, 40:23, 44:25, 69:3, 70:23, 78:12, 92:18, 95:25, 99:1, 105:5, 119:7, 149:20, 157:13, 159:7, 168:4, 173:12, 179:19, 198:8</p> <p>just [139] - 5:11, 8:3, 17:8, 21:7, 21:8, 23:1, 31:22, 32:24, 33:1, 34:4, 34:9, 34:10, 35:2, 39:22, 40:16, 41:9, 42:22, 43:15, 44:14, 45:13, 50:13, 50:14, 50:15, 51:20, 52:13, 52:14, 54:14, 56:4, 56:5, 63:2, 64:14, 64:18, 65:21, 65:22, 67:4, 67:16, 70:17, 71:1, 71:13, 71:17, 72:12, 72:18, 74:9, 76:6, 76:20, 77:11, 79:15, 80:5, 81:20, 82:4, 82:23, 82:25, 85:5, 86:24, 87:3, 87:9, 87:22, 88:16, 90:23, 94:4, 95:12, 97:9, 100:4, 102:20, 104:25, 105:21, 105:25, 107:13, 108:12, 108:19, 109:17, 118:6, 120:14, 120:17, 122:11, 122:13, 122:24, 124:3, 124:24, 125:3, 128:14, 129:3, 131:15, 133:4, 134:15, 136:16, 143:7, 144:22, 146:2, 146:20, 148:21, 150:3, 151:3, 153:17, 154:15, 156:12, 156:25, 157:3, 157:6, 157:13, 159:8, 160:21, 162:1, 162:11, 162:20, 164:21, 166:16, 167:22, 168:8, 170:8, 177:1, 177:6, 177:10, 177:12, 177:16, 178:5, 178:17, 178:21, 179:11, 184:25, 186:8, 187:11, 188:21,</p>	<p>189:5, 189:14, 200:1, 200:10, 200:11, 200:15, 201:13, 202:13, 202:16, 204:16, 205:7, 212:25, 214:15, 217:13</p>	<p>76:15, 76:25, 77:17, 81:22, 81:23, 82:17, 82:18, 82:25, 83:21, 84:6, 84:9, 85:17, 85:21, 86:2, 90:22, 101:10, 102:8, 104:3, 105:7, 105:16, 109:18, 109:22, 119:11, 132:17, 134:2, 136:5, 136:7, 136:9, 136:10, 136:12, 137:6, 140:7, 142:12, 143:16, 145:22, 146:2, 146:13, 152:1, 159:19, 159:24, 161:19, 161:20, 161:21, 162:20, 162:22, 170:5, 172:1, 173:13, 173:21, 174:10, 174:13, 175:12, 175:13, 175:15, 176:23, 177:1, 180:24, 184:25, 185:11, 186:5, 186:9, 186:14, 186:17, 187:9, 187:25, 188:6, 188:18, 188:20, 189:12, 189:13, 189:15, 189:17, 191:20, 194:6, 201:2, 201:9, 201:10, 203:6, 204:7, 205:1, 212:18, 214:7, 217:1, 217:19, 218:10, 218:14</p> <p>known [1] - 89:1</p> <p>knows [2] - 65:15, 187:9</p> <p>Kolling [2] - 17:19, 24:2</p>	<p>35:1</p> <p>landscaping [2] - 33:15, 52:25</p> <p>language [2] - 103:10, 107:5</p> <p>Lantern [2] - 6:18, 10:23</p> <p>large [8] - 27:6, 35:22, 42:24, 43:25, 80:18, 135:1, 141:16, 211:5</p> <p>larger [11] - 23:9, 43:10, 69:19, 69:20, 80:10, 80:11, 87:14, 87:23, 87:24, 170:12</p> <p>last [17] - 17:9, 18:5, 19:14, 27:19, 59:19, 80:1, 120:4, 129:25, 141:6, 143:4, 164:8, 165:1, 190:25, 191:12, 192:11, 192:13, 218:9</p> <p>later [4] - 143:21, 162:10, 216:11, 220:20</p> <p>Laughter [41] - 8:2, 8:11, 11:10, 17:10, 33:9, 41:13, 62:9, 62:22, 63:17, 66:2, 73:7, 80:6, 83:6, 102:13, 104:6, 110:24, 111:15, 111:18, 112:17, 128:3, 129:2, 137:13, 137:18, 137:23, 140:17, 140:21, 144:12, 147:25, 150:24, 159:18, 163:19, 163:23, 169:8, 182:19, 184:4, 185:8, 189:1, 217:9, 218:22, 219:1, 221:9</p>	
J		K		L	
<p>J [2] - 120:1, 146:5</p> <p>Jackson [6] - 2:3, 15:3, 84:23, 85:22, 115:3, 210:3</p> <p>January [10] - 211:18, 212:6, 212:9, 212:12, 212:23, 214:22, 217:2, 218:18, 219:3, 220:12</p> <p>Jensen [18] - 118:16, 120:5, 122:23, 125:11, 127:9, 129:24, 133:25, 149:15, 158:21, 159:8, 167:10, 172:14, 173:14, 174:8, 178:15, 178:17, 180:25, 201:15</p> <p>JENSEN [1] - 116:5</p> <p>Jensen's [2] - 166:7, 171:2</p> <p>Jersey [20] - 1:7, 2:3, 4:10, 14:8, 15:3, 15:6, 92:25, 106:8, 113:5, 113:20, 114:8, 115:3, 115:6, 208:5, 208:19, 209:7, 210:3, 210:6, 222:5, 222:19</p> <p>Jersey's [1] - 105:14</p> <p>Jim [9] - 1:12, 6:25, 7:7, 7:12, 8:3, 14:13, 103:25, 114:13, 209:12</p> <p>job [2] - 5:15, 54:15</p> <p>Joe's [1] - 85:23</p> <p>joists [1] - 179:20</p> <p>Journal [1] - 4:10</p>	<p>judgment [1] - 216:25</p> <p>juggling [1] - 46:21</p> <p>jurisdictional [1] - 17:20</p> <p>Just [18] - 20:23, 40:23, 44:25, 69:3, 70:23, 78:12, 92:18, 95:25, 99:1, 105:5, 119:7, 149:20, 157:13, 159:7, 168:4, 173:12, 179:19, 198:8</p> <p>just [139] - 5:11, 8:3, 17:8, 21:7, 21:8, 23:1, 31:22, 32:24, 33:1, 34:4, 34:9, 34:10, 35:2, 39:22, 40:16, 41:9, 42:22, 43:15, 44:14, 45:13, 50:13, 50:14, 50:15, 51:20, 52:13, 52:14, 54:14, 56:4, 56:5, 63:2, 64:14, 64:18, 65:21, 65:22, 67:4, 67:16, 70:17, 71:1, 71:13, 71:17, 72:12, 72:18, 74:9, 76:6, 76:20, 77:11, 79:15, 80:5, 81:20, 82:4, 82:23, 82:25, 85:5, 86:24, 87:3, 87:9, 87:22, 88:16, 90:23, 94:4, 95:12, 97:9, 100:4, 102:20, 104:25, 105:21, 105:25, 107:13, 108:12, 108:19, 109:17, 118:6, 120:14, 120:17, 122:11, 122:13, 122:24, 124:3, 124:24, 125:3, 128:14, 129:3, 131:15, 133:4, 134:15, 136:16, 143:7, 144:22, 146:2, 146:20, 148:21, 150:3, 151:3, 153:17, 154:15, 156:12, 156:25, 157:3, 157:6, 157:13, 159:8, 160:21, 162:1, 162:11, 162:20, 164:21, 166:16, 167:22, 168:8, 170:8, 177:1, 177:6, 177:10, 177:12, 177:16, 178:5, 178:17, 178:21, 179:11, 184:25, 186:8, 187:11, 188:21,</p>	<p>K [3] - 18:2, 79:22, 164:5</p> <p>keep [7] - 31:16, 59:25, 97:10, 146:8, 176:16, 196:22, 218:21</p> <p>Keep [2] - 107:21, 218:12</p> <p>keeping [7] - 97:2, 130:9, 145:6, 159:20, 181:14, 181:17, 183:19</p> <p>Ken [1] - 164:9</p> <p>KENNETH [1] - 116:9</p> <p>KENZIE [12] - 5:3, 8:21, 9:11, 10:3, 10:13, 12:15, 12:25, 111:10, 111:13, 112:7, 206:18, 221:2</p> <p>kept [3] - 68:4, 130:23, 167:16</p> <p>kick [1] - 50:23</p> <p>kicking [1] - 5:24</p> <p>kidding [1] - 66:1</p> <p>kill [1] - 176:14</p> <p>kind [18] - 32:7, 46:25, 75:11, 78:13, 84:9, 86:2, 87:18, 98:2, 105:15, 120:17, 138:20, 142:14, 170:8, 185:24, 191:13, 191:17, 200:11, 211:10</p> <p>kinds [1] - 75:2</p> <p>kitchen [3] - 201:24, 202:6, 204:17</p> <p>knew [1] - 144:2</p> <p>knocked [1] - 151:12</p> <p>Knocking [1] - 220:6</p> <p>know [117] - 5:22, 6:7, 6:10, 9:21, 26:6, 26:16, 31:1, 31:10, 43:1, 45:8, 47:13, 50:5, 50:6, 50:16, 54:9, 55:4, 57:3, 57:5, 57:7, 64:6, 64:8, 64:11, 69:4, 69:7, 71:24, 75:3, 76:12,</p>	<p>L [9] - 1:16, 14:17, 79:22, 114:17, 120:1, 146:5, 170:14, 209:16</p> <p>I [5] - 80:3, 120:6, 161:6, 184:21</p> <p>L-shaped [1] - 170:14</p> <p>labeled [1] - 47:9</p> <p>lack [5] - 33:18, 97:21, 169:5, 211:14</p> <p>ladder [1] - 137:17</p> <p>laid [7] - 95:3, 95:5, 98:3, 100:24, 133:4, 174:15, 215:9</p> <p>landing [1] - 125:19</p> <p>Landscaped [1] -</p>	<p>lawn [1] - 185:5</p> <p>lawyer [3] - 7:22, 188:7</p> <p>lawyers [1] - 137:19</p> <p>lays [1] - 89:25</p> <p>leaders [2] - 197:19, 198:4</p> <p>leads [1] - 155:6</p> <p>leased [1] - 78:20</p> <p>least [11] - 42:10, 42:11, 74:18, 75:12, 76:25, 86:4, 143:11, 167:18, 168:10, 214:4, 214:19</p> <p>leave [4] - 107:22, 122:10, 137:12, 144:18</p> <p>leaving [1] - 74:19</p>	

<p>LED ^[1] - 42:2</p> <p>Ledger ^[1] - 4:12</p> <p>LEED ^[1] - 161:22</p> <p>left ^[10] - 7:2, 73:22, 81:2, 95:17, 95:22, 166:19, 167:22, 168:5, 169:10, 169:12</p> <p>left-hand ^[1] - 95:17</p> <p>legal ^[1] - 217:1</p> <p>legally ^[1] - 105:13</p> <p>less ^[12] - 12:10, 26:2, 35:16, 43:21, 43:25, 45:22, 46:10, 61:14, 70:3, 85:3, 97:3</p> <p>let ^[4] - 96:12, 144:22, 162:11, 196:11</p> <p>Let ^[1] - 99:16</p> <p>let's ^[12] - 6:19, 7:6, 76:24, 100:4, 100:22, 100:23, 107:4, 142:5, 169:25, 204:19, 206:25, 215:3</p> <p>Let's ^[10] - 7:8, 86:7, 107:15, 118:25, 143:13, 151:21, 156:12, 163:14, 178:15, 180:16</p> <p>letter ^[3] - 30:13, 96:3, 142:17</p> <p>letters ^[2] - 102:15, 196:9</p> <p>level ^[15] - 124:3, 134:24, 134:25, 135:12, 135:17, 136:8, 152:15, 166:22, 166:24, 167:14, 181:11, 181:22, 182:14, 183:9</p> <p>Level ^[1] - 47:17</p> <p>levels ^[1] - 127:12</p> <p>Lewis ^[3] - 113:18, 208:17, 222:17</p> <p>LEWIS ^[10] - 1:23, 14:23, 113:3, 113:20, 114:23, 208:3, 208:19, 209:23, 222:3, 222:19</p> <p>license ^[2] - 55:22, 109:20</p> <p>lieu ^[1] - 42:20</p> <p>Life ^[1] - 148:4</p> <p>life ^[1] - 101:18</p> <p>lifelike ^[2] - 148:10, 149:22</p> <p>light ^[12] - 29:2, 44:6, 92:13, 137:17, 137:20, 141:19, 146:11, 153:15,</p>	<p>156:19, 183:20, 183:21, 191:22</p> <p>lighting ^[3] - 25:19, 42:2, 191:15</p> <p>like ^[65] - 4:6, 17:8, 40:24, 45:12, 54:3, 55:17, 58:12, 58:19, 61:23, 62:2, 65:7, 70:1, 70:24, 71:8, 75:12, 76:18, 84:4, 86:16, 88:15, 90:8, 90:9, 95:4, 99:20, 105:21, 105:22, 106:7, 106:11, 122:11, 128:8, 133:11, 135:24, 136:24, 140:5, 144:5, 145:23, 148:3, 148:9, 148:14, 148:22, 174:8, 175:14, 175:15, 180:7, 183:21, 186:7, 186:11, 186:22, 188:8, 188:20, 192:24, 193:3, 193:4, 193:12, 194:1, 194:11, 194:15, 196:13, 200:1, 201:2, 201:3, 203:5, 203:6, 203:24, 205:5</p> <p>liked ^[1] - 84:7</p> <p>limit ^[2] - 144:9, 219:11</p> <p>limitation ^[1] - 153:19</p> <p>limitations ^[1] - 92:5</p> <p>limited ^[3] - 98:3, 153:22, 198:6</p> <p>limiting ^[2] - 103:6, 107:18</p> <p>limits ^[1] - 153:20</p> <p>line ^[26] - 22:21, 49:3, 49:12, 56:20, 67:22, 68:1, 68:4, 71:2, 76:20, 94:6, 121:4, 121:5, 127:4, 127:6, 129:8, 129:16, 129:19, 138:1, 144:8, 155:23, 156:1, 156:23, 157:24, 170:9, 172:17, 193:3</p> <p>lines ^[6] - 24:9, 56:8, 65:12, 66:17, 66:20, 96:1</p> <p>lintel ^[1] - 152:7</p> <p>list ^[4] - 6:6, 41:11, 41:19, 43:13</p> <p>listed ^[1] - 39:23</p> <p>listen ^[2] - 199:13, 219:11</p>	<p>listening ^[1] - 41:10</p> <p>literally ^[1] - 104:25</p> <p>little ^[28] - 7:23, 32:1, 42:25, 70:11, 72:12, 86:1, 86:3, 86:5, 87:7, 87:14, 88:20, 136:24, 137:4, 166:17, 168:16, 172:6, 173:15, 178:6, 178:23, 185:15, 187:2, 192:22, 192:24, 200:11, 203:23, 203:25, 214:7</p> <p>livable ^[2] - 136:13, 152:13</p> <p>live ^[11] - 74:25, 75:1, 75:3, 75:18, 85:21, 85:22, 87:16, 191:3, 191:4, 192:17, 192:21</p> <p>lives ^[1] - 104:19</p> <p>living ^[18] - 46:8, 50:7, 50:10, 55:8, 68:5, 68:6, 69:24, 69:25, 70:3, 81:22, 159:24, 201:18, 201:22, 202:5, 203:7, 204:18</p> <p>LLA ^[4] - 1:17, 14:18, 114:18, 209:17</p> <p>LLC ^[3] - 14:4, 92:25, 114:4</p> <p>lobbies ^[1] - 33:13</p> <p>lobby ^[11] - 4:13, 124:3, 134:24, 134:25, 135:17, 150:16, 152:23, 166:22, 166:24, 167:14, 183:21</p> <p>located ^[4] - 126:7, 126:8, 126:17, 134:1</p> <p>location ^[7] - 24:7, 44:11, 44:13, 63:7, 129:23, 195:20</p> <p>locations ^[3] - 33:23, 131:22</p> <p>logic ^[1] - 46:14</p> <p>logical ^[1] - 202:21</p> <p>logistics ^[1] - 29:6</p> <p>long ^[9] - 37:11, 37:15, 39:17, 39:18, 85:24, 199:10, 219:19</p> <p>longer ^[1] - 48:3</p> <p>look ^[13] - 5:20, 65:23, 107:5, 148:14, 148:22, 156:10, 170:9, 173:1, 175:1, 211:3, 218:17, 219:17, 219:20</p> <p>Look ^[1] - 219:19</p>	<p>looked ^[2] - 84:4, 177:20</p> <p>Looking ^[2] - 22:18, 158:16</p> <p>looking ^[10] - 21:18, 22:19, 22:20, 39:2, 76:19, 148:11, 158:9, 159:23, 180:8, 180:12</p> <p>looks ^[7] - 56:16, 62:2, 70:24, 71:7, 118:5, 122:11, 180:7</p> <p>lose ^[4] - 58:17, 98:6, 98:9, 145:10</p> <p>losing ^[2] - 95:2, 97:5</p> <p>lost ^[2] - 56:25, 193:11</p> <p>lot ^[51] - 12:8, 20:1, 20:11, 21:19, 21:25, 24:16, 24:21, 38:12, 38:16, 49:24, 54:2, 56:20, 56:22, 59:16, 64:5, 68:1, 83:24, 84:2, 86:1, 87:4, 87:7, 99:2, 100:8, 118:15, 118:22, 119:14, 121:4, 121:5, 124:18, 124:22, 125:13, 125:16, 139:16, 146:14, 154:8, 154:22, 154:24, 157:16, 160:2, 160:9, 160:13, 161:20, 166:12, 171:9, 172:20, 172:22, 176:16, 176:17, 176:22, 188:24, 212:18</p> <p>lots ^[1] - 108:11</p> <p>Lots ^[2] - 14:4, 114:4</p> <p>lottery ^[1] - 112:16</p> <p>loud ^[1] - 140:23</p> <p>love ^[3] - 98:16, 98:17, 142:9</p> <p>low ^[5] - 36:16, 132:17, 137:17, 146:8</p> <p>lower ^[14] - 22:18, 26:18, 27:17, 27:19, 29:18, 127:12, 129:9, 138:12, 152:8, 168:5, 168:12, 170:19, 171:4, 182:7</p> <p>lowered ^[2] - 130:22, 138:9</p> <p>lowest ^[5] - 124:2, 134:21, 152:24, 181:12, 181:18</p> <p>LSRP ^[1] - 213:5</p> <p>LSRPs ^[1] - 212:18</p> <p>lying ^[1] - 146:8</p>	<p style="text-align: center;">M</p> <p>m ^[2] - 161:6, 184:21</p> <p>M ^[6] - 2:2, 15:2, 18:2, 18:7, 115:2, 210:2</p> <p>M-i-n-e-r-v-i-n-i ^[1] - 18:7</p> <p>macadam ^[1] - 148:9</p> <p>made ^[17] - 6:17, 6:22, 9:21, 11:21, 21:9, 23:11, 55:12, 94:8, 135:13, 142:4, 185:6, 200:3, 201:19, 202:21, 204:22, 215:14, 220:2</p> <p>Madison ^[1] - 24:5</p> <p>MAGALETA ^[1] - 86:16</p> <p>MAGALETAT ^[2] - 9:5, 10:7</p> <p>MAGALETTA ^[65] - 4:18, 8:9, 8:24, 62:5, 63:8, 84:16, 84:19, 84:25, 85:7, 85:10, 85:14, 86:12, 88:17, 88:20, 89:11, 90:22, 90:25, 91:5, 91:13, 91:20, 91:23, 92:16, 93:1, 93:15, 93:18, 98:25, 105:20, 106:14, 106:21, 107:12, 108:6, 108:10, 110:16, 111:22, 150:25, 151:7, 151:11, 151:14, 151:18, 152:9, 155:19, 155:24, 156:3, 156:7, 157:21, 158:3, 178:10, 178:19, 179:2, 179:5, 179:13, 179:25, 180:24, 181:6, 181:13, 181:23, 182:3, 182:8, 182:16, 182:20, 182:24, 183:10, 205:13, 206:8, 215:11</p> <p>Magaletta ^[19] - 1:11, 4:17, 8:14, 8:23, 9:4, 9:19, 10:6, 14:12, 62:25, 98:24, 111:21, 114:12, 155:18, 175:9, 178:9, 206:7, 209:11, 215:15</p> <p>main ^[6] - 25:20, 28:18, 75:9, 126:8, 126:17, 134:5</p> <p>maintain ^[1] - 198:19</p>
--	---	---	--	--

<p>maintained [2] - 101:17, 162:14</p> <p>maintenance [4] - 102:1, 102:3, 198:15, 198:20</p> <p>major [1] - 50:15</p> <p>majority [4] - 24:14, 36:7, 49:4, 67:25</p> <p>make [43] - 7:6, 12:3, 23:5, 26:7, 31:2, 32:7, 37:14, 46:6, 47:13, 48:11, 54:8, 55:10, 56:14, 57:13, 58:3, 58:21, 76:5, 76:8, 93:11, 98:14, 105:12, 106:22, 109:10, 117:17, 119:12, 124:25, 125:3, 130:25, 140:11, 150:4, 151:16, 156:18, 162:13, 176:25, 177:3, 178:21, 180:16, 185:15, 198:9, 200:1, 213:18, 215:1, 217:14</p> <p>Make [1] - 213:24</p> <p>makes [4] - 131:13, 201:23, 205:25, 211:11</p> <p>making [4] - 31:17, 51:21, 56:21, 91:16</p> <p>manage [1] - 105:17</p> <p>management [7] - 42:21, 84:24, 101:19, 122:5, 128:17, 131:19, 132:13</p> <p>Manager's [1] - 96:3</p> <p>managing [2] - 162:16, 198:23</p> <p>Mansard [4] - 117:22, 123:13, 129:7, 165:21</p> <p>manufacture [1] - 91:17</p> <p>manufacturing [1] - 91:16</p> <p>many [15] - 18:16, 49:17, 50:1, 55:4, 67:1, 70:9, 75:5, 82:3, 101:10, 109:11, 137:19, 156:13, 160:5, 164:16, 187:15</p> <p>Many [2] - 75:4, 121:17</p> <p>map [1] - 24:3</p> <p>Mar [2] - 20:15, 92:21</p> <p>mark [8] - 18:18, 48:1, 48:4, 137:12, 156:12, 157:12,</p>	<p>164:19, 165:8</p> <p>marked [5] - 18:20, 156:15, 157:1, 164:20, 165:10</p> <p>marker [2] - 32:24, 136:21</p> <p>market [1] - 74:7</p> <p>Maser [3] - 44:15, 91:2, 132:6</p> <p>masonry [3] - 117:19, 124:5, 127:16</p> <p>master [4] - 56:9, 57:12, 165:13, 171:16</p> <p>match [1] - 57:20</p> <p>material [2] - 68:2, 170:7</p> <p>materials [8] - 37:21, 165:20, 170:5, 174:8, 216:10, 216:13, 216:15, 216:17</p> <p>math [2] - 57:3, 177:20</p> <p>Matt [1] - 194:1</p> <p>matter [7] - 40:10, 53:13, 53:17, 112:19, 140:14, 207:5, 214:10</p> <p>MATULE [181] - 15:5, 17:5, 17:7, 17:11, 18:13, 18:16, 18:18, 19:3, 19:7, 19:12, 19:16, 19:20, 20:22, 21:11, 31:5, 34:9, 39:5, 39:12, 39:22, 40:8, 40:10, 40:25, 41:11, 41:16, 42:10, 44:14, 44:17, 44:21, 44:25, 45:20, 47:7, 53:13, 53:17, 53:21, 55:15, 55:23, 56:3, 56:12, 63:12, 65:1, 65:21, 72:23, 73:5, 81:2, 81:4, 91:11, 91:22, 91:24, 92:20, 92:24, 93:5, 93:17, 93:20, 96:11, 99:1, 101:12, 101:21, 103:9, 103:14, 103:22, 104:17, 112:18, 115:5, 117:3, 117:6, 118:6, 118:11, 118:19, 119:4, 119:9, 119:16, 119:19, 120:11, 123:24, 125:11, 125:20, 126:13, 126:23, 127:21, 129:1, 130:4, 130:12, 130:15, 130:18, 131:4, 131:8, 132:5, 132:8, 132:15, 133:15, 133:22,</p>	<p>134:15, 135:21, 136:18, 137:16, 137:21, 138:22, 139:12, 140:3, 140:12, 141:8, 141:23, 143:10, 143:22, 143:25, 145:20, 148:25, 149:9, 150:23, 154:17, 154:21, 156:12, 156:24, 157:3, 157:6, 157:12, 157:20, 158:8, 158:18, 160:1, 160:4, 160:8, 163:16, 163:20, 163:24, 164:14, 164:18, 165:3, 165:8, 165:16, 165:19, 165:23, 166:1, 167:6, 175:20, 175:24, 176:2, 176:7, 176:12, 177:6, 177:13, 178:16, 180:14, 181:19, 182:5, 182:11, 182:17, 182:22, 183:1, 183:5, 183:12, 183:15, 184:8, 184:13, 188:24, 193:21, 194:3, 194:8, 194:12, 194:16, 194:19, 195:16, 197:3, 199:3, 199:20, 200:6, 200:21, 205:7, 205:15, 207:2, 210:5, 211:22, 212:9, 212:16, 213:2, 213:8, 213:12, 213:22, 214:9, 215:4, 217:6</p> <p>Matule [24] - 17:3, 17:11, 22:22, 55:9, 65:19, 71:14, 72:13, 77:6, 90:17, 90:25, 92:19, 96:10, 117:1, 117:7, 121:1, 139:6, 154:20, 188:7, 194:21, 200:1, 207:4, 211:4, 215:9, 218:20</p> <p>mature [1] - 141:18</p> <p>max [1] - 119:15</p> <p>maximum [2] - 71:15, 108:22</p> <p>May [4] - 60:4, 70:21, 83:13, 136:1</p> <p>may [17] - 18:11, 23:16, 29:22, 47:4, 70:1, 77:12, 85:11, 88:5, 100:15, 117:11, 118:1, 120:10, 164:13, 184:22,</p>	<p>200:12, 212:19, 214:21</p> <p>Maybe [5] - 7:14, 65:2, 137:3, 219:10</p> <p>maybe [13] - 32:1, 54:9, 66:11, 72:19, 86:24, 134:24, 136:20, 162:4, 166:17, 180:12, 180:25, 191:20, 214:15</p> <p>mayor's [1] - 187:16</p> <p>MC [12] - 5:3, 8:21, 9:11, 10:3, 10:13, 12:15, 12:25, 111:10, 111:13, 112:7, 206:18, 221:2</p> <p>McKenzie [13] - 1:13, 5:2, 8:14, 9:10, 10:12, 12:24, 14:14, 111:14, 111:16, 112:6, 114:14, 206:17, 209:13</p> <p>me [35] - 7:5, 7:22, 10:19, 29:16, 32:23, 33:7, 34:14, 42:11, 43:9, 49:9, 54:24, 58:25, 60:16, 62:20, 69:4, 70:8, 72:12, 73:13, 77:23, 94:8, 99:16, 106:25, 107:2, 113:8, 144:22, 162:11, 165:1, 165:7, 185:9, 190:14, 194:2, 196:11, 199:8, 208:8, 222:8</p> <p>mean [38] - 6:16, 40:25, 46:11, 49:24, 59:22, 69:9, 70:18, 71:17, 77:23, 81:19, 82:1, 82:2, 84:10, 85:4, 85:9, 85:21, 87:16, 122:15, 131:15, 133:7, 136:4, 142:15, 142:19, 175:10, 175:15, 176:23, 177:11, 178:21, 193:5, 193:15, 194:11, 201:13, 202:11, 202:13, 203:3, 205:15, 211:24, 212:2</p> <p>meaning [1] - 58:3</p> <p>Meaning [2] - 188:12, 188:14</p> <p>means [7] - 32:8, 33:12, 89:9, 124:17, 159:11, 174:25, 176:15</p> <p>measured [1] -</p>	<p>173:17</p> <p>measurement [1] - 60:16</p> <p>mechanical [1] - 134:7</p> <p>mechanism [1] - 170:4</p> <p>meet [10] - 26:1, 36:2, 38:7, 39:19, 41:4, 42:8, 89:8, 109:24, 126:23, 152:24</p> <p>MEETING [2] - 1:3, 209:3</p> <p>meeting [20] - 4:5, 4:7, 7:2, 11:13, 23:14, 31:9, 45:4, 55:13, 59:19, 77:13, 84:2, 212:8, 212:23, 213:15, 214:22, 216:5, 216:6, 220:12, 220:24, 221:10</p> <p>Meeting [1] - 45:22</p> <p>meetings [4] - 23:14, 55:6, 59:20, 212:11</p> <p>Meetings [1] - 4:9</p> <p>meets [1] - 24:15</p> <p>member [1] - 140:15</p> <p>members [12] - 19:22, 77:14, 90:18, 90:19, 110:25, 158:13, 163:5, 190:18, 192:4, 194:24, 215:18, 221:4</p> <p>Members [1] - 117:7</p> <p>memorialization [2] - 6:5, 196:25</p> <p>memory [2] - 61:20, 64:4</p> <p>mention [1] - 23:7</p> <p>mentioned [20] - 24:22, 25:11, 36:24, 41:20, 41:22, 48:19, 59:19, 67:21, 68:11, 68:15, 71:14, 78:15, 86:24, 87:3, 87:5, 128:18, 158:22, 173:21, 193:16, 200:15</p> <p>mesh [1] - 148:11</p> <p>mess [1] - 220:17</p> <p>Met [1] - 148:4</p> <p>metal [3] - 38:2, 91:17, 179:20</p> <p>meters [5] - 78:1, 78:3, 102:23, 102:24, 196:15</p> <p>micro [1] - 105:17</p> <p>mid [1] - 120:22</p> <p>middle [7] - 63:2,</p>
--	---	--	---	--

<p>121:12, 127:15, 131:23, 147:13, 201:10, 202:6</p> <p>might [15] - 31:5, 43:12, 44:14, 65:19, 65:23, 66:13, 75:22, 95:9, 97:18, 104:21, 171:23, 188:5, 188:7, 197:6, 205:7</p> <p>Milltown [1] - 92:25</p> <p>mind [3] - 31:17, 80:17, 150:4</p> <p>mine [4] - 7:13, 77:5, 131:10, 201:8</p> <p>MINERVINI [33] - 16:5, 18:1, 83:13, 84:12, 86:22, 87:12, 88:5, 88:14, 88:24, 89:13, 89:22, 94:15, 95:1, 95:5, 95:22, 96:5, 96:15, 97:14, 97:18, 97:24, 99:15, 99:23, 100:17, 102:9, 104:5, 104:11, 108:25, 109:8, 109:11, 112:15, 212:17, 214:21, 214:25</p> <p>Minervini [13] - 17:18, 17:22, 18:6, 18:13, 31:10, 45:14, 55:11, 58:8, 96:10, 96:11, 98:21, 104:4, 211:4</p> <p>Minervini's [1] - 18:9</p> <p>MINERVNI [1] - 90:5</p> <p>minimal [3] - 128:12, 186:14, 193:4</p> <p>minimally [1] - 188:2</p> <p>minimize [5] - 127:7, 128:14, 177:7, 179:20, 205:3</p> <p>minimized [1] - 186:8</p> <p>minimizing [1] - 172:15</p> <p>minimum [12] - 43:1, 43:6, 46:3, 51:9, 128:19, 128:24, 131:4, 131:6, 131:9, 143:11, 152:22, 173:24</p> <p>Minor [2] - 14:5, 114:5</p> <p>minor [3] - 17:13, 117:12, 196:21</p> <p>minute [4] - 7:8, 43:12, 65:17, 99:8</p> <p>minutes [4] - 5:17, 5:20, 71:17, 96:4</p>	<p>mirror [1] - 202:13</p> <p>missed [1] - 75:22</p> <p>missing [2] - 49:6, 89:16</p> <p>Mister [1] - 104:16</p> <p>misunderstood [1] - 32:21</p> <p>mitigation [1] - 30:3</p> <p>mixed [1] - 121:16</p> <p>mixture [1] - 33:17</p> <p>MLUL [1] - 41:6</p> <p>modern [1] - 168:9</p> <p>modest [4] - 145:1, 145:2, 145:3, 219:20</p> <p>moment [5] - 5:11, 88:13, 122:3, 135:8, 153:2</p> <p>money [1] - 142:3</p> <p>Monroe [15] - 3:8, 6:6, 6:13, 9:16, 10:21, 14:3, 14:4, 17:2, 19:25, 20:2, 24:5, 28:10, 62:16, 62:17, 216:24</p> <p>Monster [1] - 185:24</p> <p>month [2] - 85:18, 85:19</p> <p>monthly [1] - 73:4</p> <p>months [1] - 19:15</p> <p>more [63] - 5:13, 12:3, 12:9, 22:10, 23:3, 23:5, 23:11, 23:20, 24:1, 25:9, 25:13, 28:3, 37:8, 37:18, 37:23, 39:7, 41:17, 43:1, 44:6, 45:9, 49:17, 57:14, 57:20, 63:10, 68:3, 68:16, 69:16, 72:7, 73:20, 80:12, 80:19, 81:11, 81:16, 81:25, 83:23, 84:15, 86:4, 94:2, 95:13, 98:4, 100:15, 127:10, 128:14, 133:13, 136:24, 141:11, 142:1, 142:10, 142:16, 143:15, 148:3, 154:1, 161:14, 168:9, 169:22, 174:11, 174:12, 175:1, 185:2, 188:11, 189:3, 201:23, 220:10</p> <p>most [7] - 123:12, 130:20, 143:9, 159:19, 201:19, 202:21, 217:6</p> <p>Most [1] - 5:13</p> <p>mother [1] - 81:15</p> <p>Motion [3] - 100:20,</p>	<p>205:24, 215:15</p> <p>motion [16] - 8:16, 8:17, 9:24, 12:12, 99:5, 100:22, 110:14, 110:22, 111:7, 206:1, 211:16, 215:8, 215:10, 215:14, 216:25, 220:23</p> <p>mouth [1] - 144:23</p> <p>move [5] - 10:1, 26:10, 82:6, 82:9, 193:8</p> <p>moved [5] - 12:13, 40:21, 63:4, 161:19, 220:25</p> <p>movement [1] - 174:7</p> <p>moves [1] - 185:17</p> <p>Moving [1] - 128:11</p> <p>moving [3] - 26:14, 29:6, 161:23</p> <p>mowing [1] - 185:6</p> <p>MR [514] - 6:12, 6:16, 6:21, 7:8, 7:16, 7:21, 8:10, 8:13, 8:20, 8:22, 9:3, 9:21, 10:24, 11:3, 11:11, 11:17, 11:21, 12:7, 13:3, 17:5, 17:7, 17:8, 17:11, 17:23, 18:1, 18:4, 18:8, 18:11, 18:13, 18:16, 18:18, 19:1, 19:3, 19:5, 19:7, 19:12, 19:16, 19:20, 20:22, 21:11, 30:11, 30:16, 30:23, 31:3, 31:5, 31:16, 31:18, 31:21, 34:2, 34:7, 34:9, 34:16, 34:23, 38:21, 38:24, 39:5, 39:10, 39:12, 39:16, 39:21, 39:22, 39:23, 39:25, 40:2, 40:8, 40:9, 40:10, 40:13, 40:16, 40:25, 41:6, 41:11, 41:14, 41:16, 42:10, 42:20, 43:4, 44:14, 44:17, 44:21, 44:25, 45:3, 45:13, 45:15, 45:16, 45:18, 45:20, 46:13, 47:7, 47:22, 48:13, 49:7, 52:22, 53:12, 53:13, 53:14, 53:17, 53:21, 55:15, 55:23, 56:3, 56:12, 58:6, 58:23, 59:3, 59:7, 59:11, 59:15, 59:24, 61:3, 62:12, 63:12, 63:15, 65:1, 65:17, 65:21, 65:25,</p>	<p>72:23, 73:5, 78:12, 78:18, 78:22, 79:2, 79:4, 79:13, 79:18, 79:21, 79:24, 80:4, 81:2, 81:4, 83:1, 83:4, 83:13, 84:12, 86:22, 87:12, 88:5, 88:14, 88:24, 89:13, 89:22, 90:5, 90:13, 90:17, 91:7, 91:11, 91:22, 91:24, 92:20, 92:24, 93:5, 93:17, 93:20, 94:1, 94:4, 94:15, 94:20, 95:1, 95:2, 95:5, 95:8, 95:22, 96:5, 96:11, 96:15, 97:14, 97:18, 97:24, 99:1, 99:15, 99:23, 100:17, 100:25, 101:12, 101:13, 101:21, 101:22, 102:9, 102:11, 102:23, 103:9, 103:12, 103:14, 103:15, 103:22, 104:5, 104:11, 104:17, 106:24, 107:15, 107:22, 108:9, 108:12, 108:18, 108:25, 109:8, 109:11, 109:13, 109:17, 109:21, 110:2, 110:5, 111:5, 112:15, 112:18, 117:3, 117:6, 118:4, 118:6, 118:8, 118:11, 118:17, 118:19, 118:21, 118:24, 119:2, 119:4, 119:7, 119:9, 119:11, 119:16, 119:18, 119:19, 119:20, 119:24, 120:3, 120:7, 120:10, 120:11, 123:24, 125:11, 125:20, 126:13, 126:23, 127:9, 127:21, 129:1, 129:24, 130:4, 130:11, 130:12, 130:15, 130:18, 131:4, 131:8, 132:5, 132:8, 132:15, 133:15, 133:22, 134:15, 135:21, 136:18, 137:11, 137:16, 137:21, 138:22, 139:12, 140:3, 140:12, 140:24, 141:2, 141:5, 141:7, 141:8, 141:23,</p>	<p>143:10, 143:17, 143:22, 143:23, 143:25, 144:2, 144:7, 144:17, 144:22, 144:25, 145:8, 145:18, 145:20, 146:22, 146:24, 147:8, 147:18, 147:22, 148:6, 148:12, 148:24, 148:25, 149:7, 149:9, 149:11, 150:23, 154:1, 154:6, 154:10, 154:13, 154:17, 154:21, 156:12, 156:24, 157:3, 157:6, 157:12, 157:20, 158:8, 158:18, 159:7, 159:22, 160:1, 160:4, 160:8, 160:12, 160:21, 160:23, 160:25, 161:2, 161:3, 161:5, 161:7, 161:8, 161:9, 161:10, 161:12, 161:14, 161:16, 161:18, 161:25, 162:4, 162:9, 162:11, 162:17, 163:1, 163:3, 163:16, 163:20, 163:21, 163:24, 164:1, 164:4, 164:7, 164:10, 164:13, 164:14, 164:18, 165:3, 165:8, 165:16, 165:19, 165:23, 166:1, 167:6, 173:12, 175:17, 175:20, 175:21, 175:24, 175:25, 176:2, 176:5, 176:7, 176:8, 176:12, 177:6, 177:10, 177:13, 178:16, 178:22, 179:4, 179:9, 179:19, 180:14, 180:20, 181:5, 181:11, 181:17, 181:19, 182:1, 182:5, 182:11, 182:17, 182:22, 183:1, 183:5, 183:7, 183:11, 183:12, 183:14, 183:15, 184:5, 184:6, 184:8, 184:10, 184:13, 184:14, 184:18, 184:19, 184:21, 184:22, 184:24, 186:13, 187:5, 187:18, 187:24, 188:12, 188:23, 188:24, 189:4,</p>
--	---	---	--	---

189:12, 189:17, 190:8, 190:10, 190:11, 190:13, 190:16, 190:20, 190:23, 190:24, 191:1, 191:2, 191:3, 192:6, 192:9, 192:10, 192:12, 192:14, 192:16, 192:18, 192:19, 193:21, 194:1, 194:3, 194:5, 194:8, 194:10, 194:12, 194:14, 194:16, 194:18, 194:19, 195:4, 195:12, 195:16, 195:19, 196:15, 197:3, 197:4, 197:6, 197:12, 197:15, 197:21, 197:25, 198:1, 198:2, 198:6, 198:8, 198:12, 199:3, 199:6, 199:20, 200:6, 200:21, 201:17, 201:22, 202:2, 202:5, 202:18, 203:3, 203:10, 203:15, 203:18, 203:22, 204:1, 204:12, 204:21, 204:24, 205:7, 205:15, 207:2, 211:17, 211:22, 212:1, 212:9, 212:13, 212:16, 212:17, 212:22, 213:2, 213:6, 213:8, 213:12, 213:17, 213:22, 214:5, 214:9, 214:17, 214:21, 214:25, 215:4, 215:15, 215:20, 216:19, 216:22, 217:6, 218:7, 218:12, 218:23, 219:5, 219:7, 219:10, 219:17, 220:8, 220:11, 220:19 Mr [93] - 8:13, 8:14, 8:15, 8:23, 9:19, 9:20, 17:3, 17:5, 17:7, 17:22, 18:8, 18:9, 18:13, 20:24, 22:22, 31:10, 42:14, 45:3, 45:14, 47:22, 55:9, 55:10, 58:8, 62:25, 65:19, 68:22, 71:14, 72:13, 77:6, 77:10, 83:9, 83:18, 83:20, 86:18, 87:3, 90:17, 90:25, 92:19, 93:5, 96:10, 96:11, 98:20, 104:4, 104:17,	109:17, 111:6, 111:8, 111:11, 111:13, 111:16, 117:1, 117:6, 118:19, 119:21, 120:7, 120:8, 120:12, 120:16, 121:1, 132:8, 139:6, 141:8, 146:1, 150:25, 154:20, 155:18, 156:25, 163:20, 164:10, 164:11, 164:14, 173:4, 173:5, 173:7, 188:7, 194:20, 197:4, 200:1, 200:2, 200:8, 205:25, 207:3, 211:4, 215:9, 215:15, 215:16, 215:25, 218:20, 221:6 MS [67] - 4:15, 4:17, 4:19, 4:21, 4:23, 4:25, 5:2, 5:4, 5:8, 6:3, 7:13, 7:18, 9:4, 9:6, 9:8, 9:10, 9:12, 9:14, 10:6, 10:8, 10:10, 10:12, 10:14, 10:16, 10:21, 10:25, 11:5, 12:18, 12:20, 12:22, 12:24, 13:1, 111:21, 111:23, 111:25, 112:2, 112:4, 112:6, 112:8, 112:10, 112:12, 137:1, 153:7, 153:11, 206:7, 206:9, 206:11, 206:13, 206:15, 206:17, 206:19, 206:21, 206:23, 211:24, 212:15, 212:25, 215:14, 216:2, 216:6, 216:10, 216:14, 216:21, 218:8, 218:13, 219:2, 219:13, 219:16 Ms [3] - 8:14, 59:15, 211:17 much [18] - 29:19, 37:14, 37:18, 37:22, 52:17, 70:11, 87:25, 99:21, 121:21, 128:1, 128:14, 135:1, 168:19, 172:17, 179:15, 181:3, 190:16, 220:15 multi [3] - 23:4, 23:21, 37:1 multi-family [3] - 23:4, 23:21, 37:1 multiple [2] - 82:9, 191:13 municipality's [1] -	172:9 must [5] - 101:17, 170:14, 198:22, 198:25, 199:1 my [51] - 11:8, 42:17, 44:25, 48:2, 52:23, 53:4, 53:12, 60:24, 64:4, 66:20, 74:22, 75:8, 76:19, 88:1, 89:16, 99:20, 105:21, 105:22, 106:4, 119:2, 128:9, 131:8, 142:9, 144:23, 149:24, 150:4, 161:18, 162:25, 163:16, 174:18, 175:9, 177:19, 177:20, 178:6, 185:3, 185:5, 187:2, 187:12, 188:1, 188:2, 191:6, 191:10, 191:11, 191:16, 192:2, 199:13, 201:7, 212:1, 214:11 My [13] - 7:1, 53:3, 71:19, 83:19, 91:14, 104:2, 113:21, 146:1, 182:16, 185:16, 208:20, 212:17, 222:20 myself [3] - 7:2, 54:1, 100:12	narrowed [3] - 182:21, 182:23, 182:25 narrowest [1] - 61:23 natural [1] - 146:9 nature [1] - 163:7 near [2] - 142:7, 201:8 nearly [1] - 6:1 necessarily [3] - 85:8, 184:1, 204:8 necessary [5] - 45:23, 50:18, 118:2, 191:19, 191:23 necessitating [1] - 70:10 need [42] - 11:19, 11:24, 11:25, 12:9, 26:21, 30:16, 33:24, 33:25, 35:3, 37:15, 40:23, 41:9, 41:14, 48:11, 48:25, 54:7, 54:15, 55:3, 66:13, 66:24, 68:13, 69:14, 72:8, 76:23, 94:13, 97:4, 97:19, 102:20, 104:10, 109:10, 134:14, 136:10, 158:19, 167:14, 174:6, 182:6, 184:6, 186:6, 191:24, 193:17, 211:16, 215:25 needed [3] - 71:16, 73:20, 152:16 needs [12] - 40:17, 40:20, 52:8, 54:12, 55:11, 95:20, 102:21, 172:24, 181:21, 185:3, 200:4, 218:11 negative [2] - 36:21, 69:16 neighbor [3] - 155:21, 184:2, 186:24 neighborhood [15] - 23:15, 23:16, 51:11, 57:6, 63:15, 72:7, 84:2, 85:22, 86:5, 100:7, 133:16, 136:17, 140:10, 142:7, 142:8 neighboring [2] - 128:22, 188:9 neighbors [9] - 87:15, 157:24, 172:5, 174:21, 174:23, 188:3, 193:10, 202:20 neither [6] - 113:11, 113:14, 208:11, 208:14, 222:11,	222:14 network [1] - 175:16 never [7] - 53:14, 59:4, 109:13, 131:25, 133:9, 138:14, 171:25 Never [1] - 182:17 new [16] - 17:14, 43:19, 66:13, 66:18, 67:2, 94:17, 121:21, 122:4, 123:25, 129:5, 139:24, 141:19, 170:17, 189:13, 211:8, 218:13 New [20] - 1:7, 2:3, 14:8, 15:3, 15:6, 92:25, 105:14, 106:8, 113:5, 113:20, 114:8, 115:3, 115:6, 208:5, 208:19, 209:7, 210:3, 210:6, 222:5, 222:19 newer [1] - 36:3 next [16] - 13:5, 64:5, 64:12, 65:16, 123:15, 142:13, 161:11, 168:10, 188:25, 193:13, 211:25, 216:5, 216:19, 217:24, 217:25, 218:16 NHSA [3] - 42:9, 96:20, 98:12 nice [2] - 51:2, 100:6 Nick [1] - 80:2 NICK [1] - 16:7 night [7] - 17:9, 211:19, 211:21, 212:7, 214:16, 214:18, 216:19 Nine [1] - 138:8 nine [6] - 64:22, 138:13, 152:6, 179:1, 179:2, 179:5 NJAC [3] - 113:22, 208:21, 222:21 No [58] - 8:9, 9:3, 10:24, 12:7, 30:15, 32:13, 32:16, 44:19, 45:18, 45:20, 63:6, 65:10, 67:25, 68:19, 71:23, 79:4, 79:5, 80:20, 82:23, 83:7, 90:19, 91:5, 91:7, 94:15, 95:5, 97:9, 97:18, 98:25, 99:15, 100:17, 104:13, 108:12, 111:3, 111:13, 118:22, 118:24, 119:4, 130:11, 137:16, 138:11, 144:19,
N				
		n [3] - 18:7, 192:13 N [23] - 1:16, 2:1, 3:1, 14:17, 15:1, 16:1, 18:2, 79:22, 92:25, 114:17, 115:1, 116:1, 120:1, 146:5, 164:5, 192:13, 209:16, 210:1 N-a-i-n-i [1] - 192:13 nail [3] - 86:3, 86:10, 87:5 NAINI [9] - 192:9, 192:12, 192:16, 192:19, 194:1, 194:5, 194:10, 194:14, 194:18 Naini [1] - 192:13 name [19] - 18:4, 18:5, 20:14, 79:25, 80:1, 120:3, 120:4, 141:5, 141:6, 161:3, 164:7, 164:8, 184:20, 190:24, 190:25, 192:10, 192:11, 192:13 narrow [2] - 61:22, 71:3		

<p>146:23, 148:6, 148:17, 148:24, 151:13, 158:20, 161:16, 175:8, 182:1, 182:2, 182:11, 183:5, 195:9, 196:13, 203:1, 205:22, 214:10</p> <p>no [47] - 11:12, 12:7, 20:17, 21:8, 24:12, 25:13, 32:13, 32:16, 33:10, 38:5, 40:11, 44:17, 48:3, 50:24, 53:1, 55:2, 58:14, 59:3, 59:11, 62:1, 68:19, 69:14, 80:23, 82:20, 83:7, 99:16, 100:9, 118:24, 135:4, 135:5, 144:22, 151:18, 153:14, 182:2, 185:6, 186:20, 187:21, 195:4, 204:10, 213:24, 215:5, 216:23</p> <p>NO [2] - 16:11, 116:14</p> <p>nobody [3] - 65:15, 185:23, 186:2</p> <p>noise [4] - 47:15, 133:5, 133:7, 133:10</p> <p>noises [1] - 133:24</p> <p>nonconforming [2] - 120:23, 120:24</p> <p>none [1] - 75:17</p> <p>nonsense [1] - 46:21</p> <p>Nope [1] - 181:16</p> <p>nor [12] - 113:12, 113:14, 208:12, 208:14, 222:12, 222:14</p> <p>normally [7] - 24:23, 37:13, 127:5, 145:7, 159:16, 160:4, 199:4</p> <p>North [4] - 102:9, 127:25, 139:15, 195:25</p> <p>north [31] - 21:18, 22:4, 22:7, 25:23, 28:7, 28:10, 60:25, 62:24, 127:2, 127:6, 156:6, 156:8, 157:9, 157:11, 157:25, 168:6, 168:11, 168:17, 169:6, 169:12, 169:15, 169:20, 169:23, 170:10, 170:11, 172:14, 173:22, 174:25, 184:2, 191:4, 192:19</p> <p>north-south [1] -</p>	<p>60:25</p> <p>northern [2] - 29:13, 62:3</p> <p>Northwest [1] - 220:20</p> <p>northwest [1] - 104:22</p> <p>Not [2] - 7:13, 190:12</p> <p>not [148] - 5:13, 5:14, 6:1, 6:15, 7:9, 12:6, 21:23, 24:25, 30:15, 31:1, 31:7, 34:17, 34:20, 35:23, 35:24, 36:8, 36:9, 37:9, 38:25, 39:11, 39:12, 39:14, 39:18, 39:25, 40:2, 40:12, 42:23, 44:9, 45:16, 47:5, 47:9, 47:13, 50:12, 50:21, 51:20, 52:17, 53:5, 54:4, 54:18, 54:25, 56:1, 56:20, 57:1, 58:4, 61:19, 65:5, 65:7, 65:8, 65:25, 66:25, 68:5, 68:16, 69:11, 69:12, 71:2, 73:4, 73:23, 75:5, 76:1, 76:12, 79:5, 81:23, 84:14, 86:9, 87:25, 88:8, 88:10, 88:19, 91:1, 92:7, 97:14, 99:15, 102:17, 104:23, 105:12, 106:2, 106:8, 108:7, 108:20, 109:19, 110:10, 113:15, 122:16, 122:22, 123:13, 126:7, 126:17, 131:16, 133:1, 136:7, 136:17, 140:4, 140:5, 141:17, 142:23, 143:4, 146:9, 148:6, 148:13, 148:17, 148:22, 150:10, 150:18, 151:11, 151:23, 153:13, 153:15, 172:18, 174:17, 176:2, 177:7, 177:22, 180:7, 180:25, 181:3, 181:20, 182:4, 182:24, 187:9, 190:11, 193:4, 193:15, 194:8, 194:10, 195:13, 195:17, 196:22, 198:6, 199:25, 200:15, 200:18, 200:19, 202:15,</p>	<p>203:2, 203:5, 203:6, 204:7, 205:9, 208:15, 211:9, 211:12, 211:13, 215:3, 219:10, 219:21, 219:22, 222:15</p> <p>Notary [6] - 113:5, 113:20, 208:5, 208:19, 222:5, 222:19</p> <p>note [7] - 42:17, 95:17, 95:20, 95:23, 108:2, 108:20, 157:16</p> <p>notes [4] - 48:2, 52:19, 119:3, 130:10</p> <p>nothing [2] - 193:12, 220:23</p> <p>notice [6] - 4:7, 4:10, 117:25, 213:24, 214:20, 215:5</p> <p>noticed [2] - 63:2, 77:16</p> <p>now [26] - 5:22, 47:5, 56:16, 75:3, 91:12, 93:22, 104:14, 110:17, 110:18, 117:24, 119:12, 120:25, 134:25, 135:10, 150:4, 152:4, 153:16, 160:22, 167:9, 183:2, 184:8, 184:11, 204:3, 214:1, 217:2, 220:13</p> <p>Now [6] - 89:15, 105:23, 151:2, 152:9, 184:6, 184:7</p> <p>NSHA [1] - 102:7</p> <p>number [14] - 11:14, 28:9, 28:20, 29:22, 35:15, 45:10, 73:10, 90:9, 108:17, 109:9, 110:3, 143:14, 195:10</p> <p>numerous [1] - 196:22</p>	<p>171:18</p> <p>objectives [1] - 171:16</p> <p>obstacles [1] - 61:22</p> <p>obtain [5] - 31:19, 101:3, 101:6, 196:2, 196:5</p> <p>obtrusive [1] - 123:14</p> <p>Obviously [2] - 89:17, 133:22</p> <p>obviously [14] - 18:24, 32:8, 43:17, 46:6, 49:14, 60:25, 71:24, 102:21, 159:5, 166:10, 167:15, 167:22, 174:18, 186:6</p> <p>occupancy [1] - 199:4</p> <p>occupied [1] - 136:5</p> <p>occupying [1] - 171:21</p> <p>OCHAB [3] - 116:9, 163:21, 164:4</p> <p>Ochab [4] - 164:9, 164:14, 173:6, 173:7</p> <p>Ochab's [1] - 164:11</p> <p>of [644] - 4:4, 4:6, 4:7, 4:9, 4:13, 5:15, 5:16, 5:20, 5:22, 5:24, 5:25, 6:8, 7:23, 11:12, 11:15, 11:22, 12:8, 17:12, 17:17, 17:20, 18:21, 19:9, 19:10, 20:2, 20:3, 20:5, 20:9, 20:14, 20:21, 21:16, 22:1, 22:6, 22:14, 22:21, 23:2, 23:9, 23:15, 23:17, 23:18, 23:20, 24:6, 24:9, 24:14, 24:15, 24:21, 24:22, 25:9, 25:20, 25:25, 26:2, 26:6, 26:9, 26:16, 26:18, 26:22, 26:25, 27:1, 27:5, 27:6, 27:7, 27:13, 27:15, 27:17, 27:19, 27:22, 27:24, 27:25, 28:11, 28:18, 28:21, 28:22, 29:3, 29:4, 29:6, 29:13, 29:17, 29:20, 30:8, 30:13, 31:9, 31:17, 31:19, 32:2, 32:3, 32:5, 32:7, 32:8, 33:12, 33:17, 33:18, 35:14, 35:18, 35:19, 36:7, 36:11, 36:15, 36:16, 36:25, 37:2, 37:4, 37:8, 37:9,</p>	<p>37:10, 37:18, 37:24, 38:3, 38:15, 38:16, 38:19, 39:7, 40:6, 40:10, 40:11, 40:21, 41:18, 41:21, 41:23, 42:13, 42:17, 42:20, 42:23, 42:25, 43:14, 44:2, 44:5, 44:18, 44:20, 44:23, 45:9, 45:10, 45:12, 46:3, 46:18, 46:25, 47:14, 48:15, 48:18, 48:20, 49:3, 49:4, 49:12, 49:13, 49:18, 49:24, 50:8, 50:11, 50:13, 50:16, 50:17, 51:1, 51:3, 51:5, 51:8, 51:9, 51:11, 51:21, 52:5, 52:9, 52:12, 53:2, 53:8, 53:13, 53:17, 53:18, 54:2, 54:4, 54:6, 54:12, 54:15, 55:3, 55:8, 55:14, 55:17, 57:2, 57:12, 58:10, 58:17, 58:20, 59:17, 60:19, 61:7, 61:23, 62:2, 62:10, 63:2, 63:13, 64:18, 64:19, 64:23, 65:6, 66:7, 66:9, 67:1, 67:8, 67:21, 67:23, 67:25, 68:12, 69:16, 69:24, 70:6, 70:24, 70:25, 71:2, 71:21, 71:25, 72:5, 72:6, 72:7, 72:18, 73:1, 73:10, 73:20, 74:2, 74:13, 74:17, 75:2, 75:9, 75:13, 75:17, 75:22, 76:13, 76:15, 76:16, 76:17, 76:21, 76:22, 77:4, 77:6, 77:7, 77:12, 77:15, 77:19, 77:21, 78:6, 78:13, 78:24, 80:8, 80:12, 81:9, 81:10, 82:2, 82:3, 83:11, 83:12, 83:23, 83:24, 84:2, 84:7, 84:9, 84:20, 86:1, 86:2, 86:4, 86:5, 87:1, 87:4, 87:7, 87:14, 87:15, 87:16, 89:5, 89:9, 90:9, 90:13, 90:15, 90:19, 91:17, 91:25, 92:5, 92:8, 93:6, 93:13, 93:20, 94:5, 94:6, 95:3, 95:9, 96:13, 96:19, 96:21, 96:22, 96:23, 97:1, 97:5, 97:12, 97:21, 98:2,</p>
O				
<p>O [12] - 1:9, 1:16, 14:10, 14:17, 114:10, 114:17, 141:3, 164:5, 164:9, 209:9, 209:16</p> <p>o [7] - 141:7, 161:6, 184:21, 191:1</p> <p>O'Connor [1] - 5:8</p> <p>O-c-h-a-b [1] - 164:9</p> <p>oath [3] - 79:14, 118:20, 161:1</p> <p>object [1] - 188:25</p> <p>objected [1] - 193:10</p> <p>objective [1] -</p>				

<p>98:7, 98:8, 98:9, 98:10, 98:21, 99:13, 99:24, 100:6, 100:8, 101:2, 101:5, 101:7, 101:14, 101:15, 101:18, 102:1, 102:6, 102:7, 103:3, 103:6, 103:11, 103:19, 103:23, 104:22, 105:1, 105:10, 105:14, 105:15, 106:3, 106:7, 106:8, 107:18, 107:23, 108:21, 108:22, 109:10, 109:25, 110:2, 110:3, 110:25, 113:5, 113:7, 113:13, 113:14, 113:20, 117:7, 117:11, 117:21, 117:22, 117:24, 117:25, 118:9, 118:16, 119:14, 120:15, 120:17, 121:2, 121:15, 121:18, 121:21, 122:8, 124:16, 124:17, 124:18, 125:2, 126:7, 126:10, 126:17, 126:18, 126:24, 127:9, 129:4, 129:11, 130:16, 130:18, 131:9, 131:16, 131:24, 133:3, 133:4, 133:5, 133:9, 133:10, 133:16, 134:3, 134:13, 135:12, 135:18, 136:6, 136:8, 136:13, 136:17, 138:20, 139:9, 139:19, 140:8, 140:15, 140:16, 141:12, 141:13, 142:2, 142:14, 142:18, 143:8, 143:11, 143:19, 144:23, 145:4, 145:6, 146:10, 148:7, 149:18, 150:5, 150:10, 150:11, 151:23, 152:21, 153:8, 153:21, 153:22, 154:25, 155:1, 155:6, 155:8, 155:25, 157:3, 157:15, 157:18, 157:22, 158:10, 158:17, 159:4, 159:11, 159:15, 161:14, 161:21, 161:23, 162:19,</p>	<p>163:5, 163:6, 163:17, 164:15, 164:23, 164:24, 165:1, 165:6, 165:13, 165:20, 165:22, 166:18, 166:20, 166:23, 167:2, 167:5, 167:7, 167:12, 167:13, 167:17, 167:21, 167:25, 168:3, 168:6, 168:14, 168:22, 168:24, 169:2, 169:4, 169:5, 169:9, 169:14, 169:24, 170:9, 170:13, 170:14, 170:16, 170:17, 170:22, 170:25, 171:1, 171:5, 171:6, 171:9, 171:11, 171:12, 171:13, 171:15, 171:21, 171:22, 172:4, 172:6, 172:7, 172:12, 172:18, 172:20, 172:23, 173:2, 173:8, 173:20, 173:24, 174:1, 174:2, 174:7, 174:11, 174:12, 174:13, 174:25, 176:4, 176:9, 176:15, 177:2, 177:16, 177:17, 177:24, 178:20, 178:22, 179:11, 179:21, 181:3, 181:4, 181:9, 181:10, 181:15, 181:20, 181:22, 182:14, 183:8, 185:10, 185:24, 186:6, 186:10, 186:11, 186:16, 186:25, 187:12, 187:14, 189:10, 189:20, 189:24, 189:25, 190:18, 191:13, 191:17, 191:24, 192:1, 192:4, 192:19, 193:11, 193:21, 193:25, 194:3, 194:24, 195:10, 195:24, 196:4, 196:6, 196:9, 196:19, 196:25, 198:14, 198:18, 199:2, 199:3, 199:4, 199:25, 200:11, 200:14, 201:2, 201:22, 202:4, 203:9, 203:12, 203:13, 203:14, 203:19, 203:20, 203:23,</p>	<p>204:3, 205:10, 205:11, 205:12, 205:14, 208:5, 208:7, 208:13, 208:14, 208:19, 211:6, 211:8, 211:9, 211:10, 211:14, 211:15, 212:2, 212:17, 212:18, 212:23, 212:24, 214:13, 217:6, 217:17, 219:19, 219:20, 220:1, 220:4, 220:16, 220:20, 222:5, 222:7, 222:13, 222:14, 222:19 Of [2] - 74:1, 133:17 OF [6] - 1:1, 1:3, 14:1, 114:1, 209:1, 209:3 off [30] - 19:8, 37:16, 44:5, 65:8, 69:21, 71:9, 72:12, 75:1, 77:23, 82:13, 98:9, 102:21, 107:8, 125:2, 128:13, 134:5, 138:7, 138:8, 139:11, 144:5, 145:12, 155:6, 155:8, 156:23, 170:12, 176:4, 178:20, 201:18, 201:23, 205:14 Off [1] - 201:22 off-site [1] - 145:12 off-track [1] - 144:5 offer [3] - 45:11, 80:19, 81:8 offered [4] - 6:8, 11:15, 78:23, 173:3 offering [5] - 46:13, 52:23, 52:24, 144:13, 145:16 offers [1] - 100:5 office [13] - 21:15, 54:10, 54:11, 84:24, 92:2, 98:14, 187:15, 187:16, 189:21, 189:22, 200:2, 200:3 offs [1] - 51:5 offset [1] - 186:19 often [4] - 5:14, 56:16, 76:14, 159:16 oh [3] - 26:17, 77:22, 145:14 Oh [13] - 6:14, 10:22, 19:5, 82:22, 97:23, 108:14, 134:10, 137:11, 138:17, 140:19, 159:3, 160:23, 190:9</p>	<p>oil [10] - 20:12, 20:13, 20:14, 20:17, 21:4, 21:8, 91:1, 91:15, 93:8 Oil [2] - 20:15, 92:21 oils [1] - 91:18 okay [13] - 6:24, 74:21, 79:6, 97:23, 103:20, 103:24, 110:12, 119:13, 160:23, 162:4, 172:6, 204:16, 214:5 Okay [79] - 5:10, 6:23, 8:7, 11:2, 12:11, 13:4, 19:20, 21:11, 30:18, 34:16, 39:21, 40:4, 41:16, 44:21, 45:2, 48:10, 59:9, 59:13, 61:17, 65:4, 68:21, 70:19, 73:8, 74:8, 76:7, 78:10, 79:17, 84:25, 90:21, 93:10, 95:11, 96:8, 100:10, 100:13, 100:25, 102:11, 103:14, 107:15, 107:24, 109:15, 110:20, 110:23, 111:3, 119:20, 123:6, 125:20, 129:20, 143:25, 152:9, 152:18, 153:1, 156:3, 156:24, 157:12, 157:20, 158:3, 160:14, 161:18, 163:3, 163:10, 164:10, 165:3, 165:8, 165:11, 177:13, 179:25, 180:23, 182:3, 183:18, 183:23, 192:3, 194:19, 197:23, 206:25, 214:25, 217:10, 217:22, 218:4, 220:22 old [4] - 22:5, 31:11, 92:14, 180:8 older [2] - 170:21, 180:12 On [16] - 6:18, 7:9, 9:16, 10:21, 27:11, 35:20, 78:5, 95:16, 103:9, 124:2, 124:8, 128:25, 136:2, 180:6, 186:4, 190:4 on [271] - 4:10, 4:12, 5:19, 6:6, 6:12, 6:15, 7:1, 7:13, 10:18, 10:20, 11:15, 11:20, 13:5, 17:1, 17:12,</p>	<p>20:1, 20:4, 20:13, 21:6, 22:9, 24:19, 26:17, 27:4, 27:7, 27:9, 29:11, 29:12, 29:15, 31:13, 31:23, 33:23, 35:9, 35:23, 37:13, 37:16, 38:13, 39:1, 39:2, 39:9, 40:12, 40:14, 41:11, 42:5, 42:6, 43:22, 46:6, 46:25, 47:2, 47:14, 48:1, 49:10, 49:16, 50:21, 51:4, 51:21, 53:19, 55:1, 55:24, 57:10, 58:4, 58:16, 60:23, 62:3, 63:13, 63:25, 65:5, 65:18, 67:9, 67:17, 68:12, 68:18, 69:1, 69:15, 69:18, 70:25, 71:3, 71:13, 73:4, 73:19, 75:2, 75:6, 75:11, 75:21, 76:8, 76:10, 76:11, 77:15, 77:16, 78:1, 78:7, 78:13, 85:16, 87:1, 87:9, 87:10, 89:5, 89:21, 90:12, 93:2, 94:25, 96:9, 98:1, 98:9, 99:6, 99:24, 102:6, 102:18, 103:7, 104:24, 105:6, 106:4, 106:5, 107:7, 107:19, 110:14, 111:1, 111:7, 117:7, 119:5, 121:11, 121:22, 122:10, 122:25, 124:25, 125:4, 125:23, 125:24, 126:7, 126:8, 126:17, 126:21, 127:17, 127:18, 127:19, 127:22, 128:11, 128:24, 129:5, 129:9, 129:11, 129:24, 130:1, 130:10, 131:23, 133:1, 133:15, 134:9, 135:7, 136:17, 137:17, 139:10, 141:16, 141:20, 142:1, 142:6, 142:10, 142:14, 145:7, 147:6, 147:12, 147:14, 148:4, 148:25, 150:12, 152:2, 152:5, 152:6, 152:7, 154:22, 155:18, 155:25, 158:23, 159:11, 160:9, 160:19, 160:20, 162:10, 163:15, 163:25,</p>
--	--	--	---	---

<p>167:2, 167:3, 167:10, 168:2, 168:9, 169:12, 169:18, 169:22, 170:15, 170:22, 171:4, 171:23, 172:15, 173:13, 174:10, 175:13, 176:10, 176:17, 177:2, 177:14, 180:17, 183:8, 185:23, 186:10, 186:20, 186:23, 187:23, 188:3, 188:16, 188:18, 190:6, 190:19, 191:4, 192:5, 192:17, 192:21, 193:1, 193:9, 193:17, 193:24, 194:14, 195:14, 195:17, 195:24, 197:16, 197:24, 198:5, 198:9, 199:17, 200:2, 200:24, 201:10, 201:16, 202:6, 204:2, 204:10, 204:17, 204:18, 204:19, 204:23, 205:2, 205:4, 211:2, 211:7, 212:6, 212:7, 212:14, 212:15, 213:3, 213:16, 214:4, 214:24, 215:3, 215:9, 216:1, 216:6, 216:23, 217:12, 217:14, 218:13, 218:15, 219:2, 219:6, 219:12, 219:13, 220:15, 220:16, 220:17</p> <p>on-site [4] - 102:6, 127:22, 147:6, 195:24</p> <p>once [11] - 59:17, 63:20, 86:11, 90:6, 119:17, 133:8, 144:16, 147:15, 158:13, 176:5, 217:5</p> <p>Once [2] - 40:5, 199:17</p> <p>One [21] - 18:17, 20:24, 23:18, 33:25, 40:14, 60:6, 60:23, 61:11, 80:16, 81:5, 81:13, 82:20, 89:3, 126:3, 134:6, 147:16, 148:15, 148:19, 197:8, 200:14, 220:20</p> <p>one [126] - 6:6, 6:14, 6:15, 6:20, 7:9, 9:16, 10:19, 10:20, 10:25, 11:20, 20:12, 20:19, 21:15, 21:16, 23:18,</p>	<p>25:3, 25:10, 25:18, 26:4, 27:4, 27:5, 27:13, 30:19, 35:7, 35:9, 35:10, 35:19, 36:2, 36:16, 36:17, 37:6, 37:15, 37:17, 40:10, 44:9, 46:20, 52:13, 53:8, 62:16, 62:23, 66:19, 67:24, 68:11, 70:24, 73:21, 73:25, 74:18, 75:9, 76:2, 77:11, 78:12, 81:13, 81:14, 81:15, 81:16, 82:11, 82:12, 88:22, 89:2, 89:3, 90:23, 94:2, 94:5, 95:12, 97:12, 99:23, 100:22, 109:7, 117:17, 118:12, 118:25, 121:3, 121:13, 122:1, 124:3, 124:8, 124:11, 125:8, 126:4, 127:1, 127:9, 127:13, 133:4, 134:7, 134:11, 134:12, 139:20, 140:15, 144:4, 144:18, 151:21, 164:19, 166:24, 167:20, 168:17, 173:20, 175:6, 175:9, 176:10, 176:14, 178:22, 179:10, 180:8, 185:9, 187:14, 189:6, 194:15, 195:4, 196:12, 196:14, 198:2, 200:11, 201:2, 201:11, 204:8, 204:17, 205:11, 206:25, 213:13, 216:22, 217:3, 220:14</p> <p>one-story [6] - 20:12, 21:15, 21:16, 121:3, 122:1, 125:8</p> <p>ones [3] - 196:22, 214:7, 216:9</p> <p>only [28] - 7:1, 25:25, 27:1, 27:12, 30:5, 35:20, 45:25, 51:3, 52:19, 55:1, 68:9, 68:12, 94:18, 105:24, 124:22, 128:13, 133:24, 145:11, 152:5, 153:22, 155:11, 155:20, 191:10, 191:16, 191:18, 194:15, 211:22</p> <p>open [20] - 32:19, 40:6, 68:9, 77:7, 86:7, 88:23, 110:16,</p>	<p>110:18, 124:3, 129:12, 135:1, 138:15, 138:22, 153:22, 160:17, 171:2, 172:8, 172:9, 179:20, 183:24</p> <p>Open [1] - 4:9</p> <p>opened [2] - 171:15, 171:24</p> <p>opening [3] - 131:22, 139:17, 171:16</p> <p>openings [2] - 32:18, 131:21</p> <p>openness [1] - 174:12</p> <p>opens [1] - 124:13</p> <p>operable [1] - 155:4</p> <p>operate [1] - 199:9</p> <p>opinion [9] - 53:12, 66:20, 76:11, 77:4, 83:21, 146:2, 166:3, 185:3, 191:10</p> <p>Opinions [1] - 163:13</p> <p>opinions [3] - 163:14, 194:25, 195:7</p> <p>opportunity [4] - 98:17, 103:3, 162:23, 196:19</p> <p>opposed [8] - 5:24, 23:20, 25:9, 146:4, 159:23, 215:20, 215:21, 221:6</p> <p>opposite [1] - 158:16</p> <p>option [3] - 59:8, 78:24, 189:5</p> <p>options [1] - 189:8</p> <p>or [136] - 5:20, 7:22, 8:3, 8:8, 17:24, 19:8, 20:5, 29:4, 32:17, 34:4, 35:15, 44:23, 46:2, 46:19, 46:20, 47:18, 49:17, 50:21, 50:23, 51:11, 53:8, 54:10, 54:22, 54:23, 58:4, 58:24, 59:20, 60:1, 60:8, 61:22, 63:4, 63:5, 65:6, 66:16, 67:10, 71:21, 72:20, 73:23, 74:24, 75:10, 76:13, 77:7, 78:15, 78:19, 79:19, 81:12, 88:10, 90:16, 93:13, 93:24, 98:20, 100:23, 103:9, 103:20, 107:6, 109:16, 110:18, 113:14, 119:22, 121:6, 123:20, 125:1, 125:2, 129:16,</p>	<p>131:15, 133:4, 133:8, 134:24, 135:5, 135:6, 136:20, 136:23, 139:6, 140:10, 140:25, 141:11, 142:3, 142:4, 142:6, 142:20, 147:1, 148:4, 148:5, 148:23, 149:14, 151:3, 153:5, 155:17, 157:14, 157:24, 158:15, 159:15, 162:8, 164:2, 168:10, 173:8, 173:11, 173:20, 176:24, 177:4, 177:5, 177:8, 177:22, 180:25, 184:16, 185:16, 186:10, 186:11, 188:19, 189:22, 190:21, 192:7, 194:25, 195:7, 198:24, 200:15, 202:25, 204:8, 205:11, 205:18, 205:20, 208:14, 211:14, 214:2, 214:15, 217:2, 218:11, 219:24, 219:25, 220:14, 222:14</p> <p>Or [1] - 144:15</p> <p>order [4] - 127:7, 130:25, 152:19, 152:23</p> <p>ordinance [16] - 40:19, 40:22, 41:1, 41:3, 43:23, 46:9, 51:19, 51:23, 56:6, 67:7, 73:21, 87:23, 94:17, 131:2, 165:13, 176:3</p> <p>original [3] - 129:23, 182:11, 182:12</p> <p>originally [1] - 117:23</p> <p>other [77] - 6:10, 18:14, 20:17, 21:1, 21:9, 25:1, 31:14, 32:12, 35:15, 38:1, 39:8, 40:11, 43:12, 44:22, 48:22, 51:12, 55:4, 61:22, 66:13, 70:19, 71:9, 74:2, 74:18, 76:13, 77:6, 78:5, 80:25, 81:15, 83:10, 88:10, 90:23, 93:24, 95:2, 98:20, 100:18, 109:16, 118:1, 118:12, 126:13, 127:13,</p>	<p>129:1, 129:8, 132:15, 132:16, 139:15, 141:25, 142:2, 153:5, 154:14, 155:25, 163:4, 163:11, 165:4, 173:3, 173:10, 186:4, 190:4, 190:18, 192:1, 192:4, 192:21, 193:9, 194:15, 194:24, 197:11, 200:16, 202:7, 203:3, 203:4, 204:8, 204:18, 205:12, 205:17, 213:16, 214:14, 215:23, 218:4</p> <p>others [1] - 19:10</p> <p>otherwise [2] - 167:15, 174:17</p> <p>Our [8] - 9:16, 24:8, 29:23, 57:11, 68:8, 121:19, 160:7, 201:17</p> <p>our [84] - 5:12, 5:17, 6:6, 17:2, 17:18, 17:20, 21:14, 22:21, 23:24, 23:25, 24:1, 24:2, 24:3, 25:17, 25:18, 25:19, 25:20, 26:12, 27:8, 29:3, 29:23, 29:25, 30:1, 30:2, 35:5, 35:6, 36:1, 36:12, 51:4, 51:9, 58:3, 58:20, 67:6, 72:7, 76:14, 76:16, 98:17, 100:7, 117:25, 123:3, 123:18, 124:20, 124:21, 124:22, 127:2, 127:3, 127:24, 128:20, 128:21, 141:9, 142:2, 142:23, 154:8, 157:17, 162:19, 168:17, 169:10, 169:13, 169:15, 169:24, 170:10, 170:21, 171:7, 172:14, 174:21, 174:23, 185:11, 185:12, 186:20, 191:17, 191:22, 193:1, 193:7, 193:10, 201:18, 201:22, 211:9, 212:6, 212:10, 213:8, 214:13, 214:14, 220:17</p> <p>Ours [2] - 123:11, 186:13</p> <p>ours [4] - 157:17, 192:23, 192:24, 203:7</p> <p>out [72] - 7:23, 26:14, 26:25, 29:6, 38:24,</p>
---	---	---	---	---

<p>39:4, 41:3, 41:10, 45:14, 45:25, 56:4, 56:7, 57:2, 63:12, 63:23, 64:9, 64:15, 65:13, 67:5, 67:21, 70:4, 73:4, 74:24, 77:5, 85:5, 88:23, 89:15, 89:25, 94:5, 94:10, 94:23, 95:3, 95:6, 98:3, 99:21, 100:24, 105:22, 105:25, 106:1, 107:3, 107:22, 108:13, 118:7, 121:2, 122:3, 133:4, 134:1, 135:9, 135:22, 136:6, 137:25, 140:23, 143:21, 144:23, 155:5, 158:5, 166:18, 169:16, 171:24, 174:15, 179:11, 181:9, 183:13, 186:25, 196:12, 199:24, 206:25, 215:9, 216:11, 220:3, 220:6, 220:16</p> <p>outdoor [17] - 27:13, 28:14, 35:18, 35:25, 36:2, 36:3, 36:9, 69:21, 69:25, 70:2, 70:6, 94:23, 172:2, 178:5, 191:8, 191:24, 193:16</p> <p>outdoors [3] - 191:11, 191:14, 191:17</p> <p>outline [1] - 181:19</p> <p>outlined [1] - 126:22</p> <p>outright [1] - 52:14</p> <p>outs [3] - 68:2, 198:9, 198:11</p> <p>outside [4] - 57:17, 101:10, 159:11, 159:20</p> <p>over [8] - 5:25, 57:2, 88:7, 95:23, 138:22, 140:4, 165:1, 191:25</p> <p>overall [3] - 25:23, 97:1, 130:23</p> <p>overboard [1] - 191:13</p> <p>overheard [1] - 141:9</p> <p>overlooking [1] - 69:9</p> <p>oversized [1] - 51:8</p> <p>own [8] - 24:24, 24:25, 85:11, 105:16, 105:21, 106:10, 185:12</p> <p>owner [8] - 51:12,</p>	<p>78:24, 85:17, 93:25, 104:9, 142:21, 143:2, 189:18</p> <p>owners [7] - 80:15, 103:7, 105:10, 107:10, 107:19, 142:16, 198:18</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P [15] - 1:16, 2:1, 14:17, 15:1, 79:22, 80:3, 114:17, 115:1, 141:3, 209:16, 210:1</p> <p>P-e-t-r-u-z-z-e-l-l-i [1] - 80:3</p> <p>p.m [6] - 1:4, 4:4, 14:4, 114:4, 209:4, 221:10</p> <p>package [3] - 18:24, 19:2, 19:4</p> <p>Page [1] - 95:16</p> <p>page [6] - 13:5, 91:25, 119:5, 124:25, 125:4, 177:14</p> <p>PAGE [5] - 3:3, 16:3, 16:11, 116:3, 116:14</p> <p>paint [1] - 129:4</p> <p>paired [1] - 158:17</p> <p>panel [3] - 30:5, 33:10, 161:15</p> <p>panels [5] - 38:2, 127:2, 127:8, 155:4, 162:18</p> <p>paperwork [2] - 20:20, 21:2</p> <p>paragraph [1] - 103:13</p> <p>Pardon [5] - 60:16, 62:20, 73:13, 93:17, 128:6</p> <p>pardon [5] - 29:16, 33:7, 34:14, 42:11, 77:23</p> <p>Park [16] - 3:10, 114:3, 117:5, 117:10, 143:18, 143:22, 143:23, 161:10, 168:3, 168:14, 168:23, 170:23, 180:7, 191:3, 192:16, 198:13</p> <p>park [3] - 75:1, 75:6, 104:24</p> <p>parking [42] - 17:16, 20:11, 21:19, 24:24, 25:13, 25:16, 26:8, 27:9, 29:3, 33:12, 37:16, 37:20, 46:3,</p>	<p>46:17, 46:19, 71:13, 71:25, 72:1, 72:8, 72:18, 72:25, 73:20, 75:4, 75:8, 76:11, 76:21, 76:22, 78:14, 78:25, 80:8, 80:14, 80:20, 80:21, 97:1, 98:7, 103:6, 103:16, 104:24, 105:2, 106:1, 107:9, 107:18</p> <p>part [14] - 5:22, 26:22, 29:13, 41:21, 58:10, 66:7, 96:21, 117:24, 117:25, 136:21, 150:10, 161:21, 179:14, 186:16</p> <p>Part [1] - 161:22</p> <p>partially [2] - 26:20, 94:9</p> <p>particular [8] - 25:18, 28:9, 66:22, 83:14, 132:9, 167:19, 168:20, 171:18</p> <p>particularly [2] - 11:18, 37:23</p> <p>parties [4] - 74:25, 113:13, 208:13, 222:13</p> <p>parts [4] - 21:10, 55:25, 91:16, 91:17</p> <p>passage [2] - 71:3, 124:4</p> <p>passed [1] - 65:22</p> <p>passes [1] - 159:4</p> <p>past [4] - 27:1, 34:18, 52:16, 147:3</p> <p>Pat [10] - 4:14, 5:22, 6:2, 8:25, 10:5, 12:16, 111:19, 206:6, 216:4, 220:2</p> <p>patio [1] - 171:25</p> <p>Patricia [4] - 1:20, 14:21, 114:21, 209:20</p> <p>pause [1] - 100:23</p> <p>pave [1] - 145:15</p> <p>pavement [1] - 145:15</p> <p>pavers [8] - 122:4, 127:19, 153:9, 153:13, 153:17, 153:21, 153:23, 154:2</p> <p>paving [1] - 122:2</p> <p>pay [3] - 11:9, 75:5, 188:10</p> <p>paying [1] - 11:4</p> <p>PCB [1] - 92:14</p> <p>PE [4] - 1:19, 14:20, 114:20, 209:19</p> <p>pedestal [1] - 128:13</p>	<p>PEENE [28] - 5:7, 8:19, 9:13, 10:1, 10:15, 12:13, 13:2, 77:11, 78:5, 78:8, 83:15, 83:19, 100:20, 105:5, 112:11, 145:25, 146:10, 146:19, 148:1, 148:8, 148:13, 148:21, 149:23, 150:2, 205:24, 206:22, 215:13, 220:25</p> <p>Peene [17] - 1:15, 5:6, 8:15, 9:12, 10:14, 13:1, 14:16, 77:10, 83:18, 105:3, 112:10, 114:16, 145:21, 205:25, 206:21, 209:15, 215:16</p> <p>Peene's [2] - 110:14, 111:7</p> <p>pen [1] - 136:23</p> <p>people [18] - 5:25, 36:18, 46:7, 69:20, 72:8, 73:22, 75:1, 75:4, 75:18, 81:25, 90:10, 110:4, 181:8, 187:15, 190:5, 190:6, 199:8, 220:3</p> <p>People [1] - 147:15</p> <p>per [5] - 29:22, 56:22, 85:3, 121:14, 124:9</p> <p>perceive [1] - 220:13</p> <p>perceived [1] - 57:7</p> <p>percent [34] - 11:22, 38:12, 38:16, 42:24, 56:22, 105:24, 117:19, 117:20, 118:15, 119:15, 122:2, 124:18, 124:21, 124:23, 125:16, 125:17, 125:18, 126:11, 153:21, 153:22, 154:5, 154:6, 154:10, 154:18, 154:22, 160:13, 162:19, 166:13, 171:13, 172:21, 176:16, 190:3</p> <p>percentage [1] - 154:9</p> <p>perception [1] - 53:3</p> <p>perfect [2] - 48:7, 163:3</p> <p>perfectly [1] - 44:12</p> <p>performed [1] - 92:2</p> <p>Pergola [2] - 185:24, 187:9</p> <p>Perhaps [4] - 51:7,</p>	<p>51:10, 140:9, 141:23</p> <p>perhaps [7] - 35:22, 44:9, 51:5, 62:3, 74:23, 100:4, 214:13</p> <p>period [2] - 106:7, 199:10</p> <p>Period [1] - 107:14</p> <p>perk [1] - 146:13</p> <p>permeable [4] - 33:19, 33:21, 34:2, 127:19</p> <p>permeates [2] - 34:4, 34:5</p> <p>permission [5] - 52:15, 75:10, 142:16, 143:6, 187:11</p> <p>permit [4] - 52:14, 103:19, 110:10, 199:2</p> <p>permits [1] - 93:7</p> <p>permitted [11] - 24:19, 33:11, 39:24, 41:1, 41:4, 41:8, 44:2, 51:22, 69:13, 94:17, 176:3</p> <p>person [3] - 85:5, 93:4, 104:15</p> <p>personal [1] - 106:5</p> <p>perspective [1] - 174:19</p> <p>pertained [1] - 175:10</p> <p>pervious [8] - 122:4, 153:8, 153:17, 153:20, 153:23, 154:2, 154:5, 154:7</p> <p>Peter [1] - 141:7</p> <p>PETER [1] - 116:7</p> <p>Petruzzelli [6] - 80:2, 83:9, 83:20, 86:19, 87:3, 104:17</p> <p>PETRUZZELLI [3] - 16:7, 79:2, 79:21</p> <p>Phase [5] - 20:25, 91:24, 92:3, 92:20, 101:2</p> <p>philosophical [1] - 81:20</p> <p>phone [1] - 150:21</p> <p>Phone [4] - 1:24, 14:24, 114:24, 209:24</p> <p>Photo [2] - 116:17, 116:18</p> <p>photo [1] - 157:14</p> <p>photograph [18] - 21:13, 22:12, 22:19, 157:1, 166:19, 166:20, 167:24, 167:25, 168:5, 168:6, 168:13, 169:10, 169:18, 170:8,</p>
---	--	--	---	---

<p>170:19, 170:20, 171:4, 171:5</p> <p>photographs [9] - 18:23, 19:8, 19:10, 157:4, 164:24, 164:25, 165:6, 166:15, 169:1</p> <p>Photographs [1] - 116:16</p> <p>photos [1] - 173:9</p> <p>phrase [1] - 97:22</p> <p>Phyllis [1] - 5:17</p> <p>PHYLLIS [10] - 1:23, 14:23, 113:3, 113:20, 114:23, 208:3, 208:19, 209:23, 222:3, 222:19</p> <p>Pica [1] - 92:25</p> <p>picked [1] - 7:14</p> <p>picture [1] - 166:18</p> <p>pictures [2] - 61:19, 156:10</p> <p>piers [1] - 57:16</p> <p>pile [1] - 133:10</p> <p>PINCHEVSKY [1] - 70:23</p> <p>Pinchevsky [10] - 1:14, 5:4, 14:15, 67:15, 78:14, 86:15, 112:8, 114:15, 206:19, 209:14</p> <p>PINCHEVSKY [49] - 5:5, 57:24, 58:24, 59:9, 59:13, 59:18, 59:22, 60:3, 60:6, 60:10, 60:18, 61:5, 61:9, 61:13, 61:17, 67:13, 67:16, 67:19, 70:21, 71:7, 71:12, 72:11, 72:17, 72:24, 73:3, 73:8, 73:15, 74:8, 74:12, 74:16, 74:21, 87:13, 108:16, 108:19, 109:3, 112:9, 200:8, 200:10, 200:14, 200:23, 201:5, 201:12, 202:10, 203:1, 204:2, 204:6, 204:13, 204:22, 206:20</p> <p>place [7] - 40:20, 66:13, 113:8, 167:17, 171:23, 208:8, 222:8</p> <p>placed [3] - 4:12, 108:20, 146:3</p> <p>placement [1] - 71:2</p> <p>plain [5] - 54:4, 124:7, 128:17, 131:19, 179:12</p> <p>Plain [9] - 30:14,</p>	<p>31:6, 31:14, 31:20, 96:2, 101:7, 130:13, 182:13, 196:6</p> <p>plan [59] - 14:5, 17:14, 22:9, 24:9, 25:4, 25:5, 25:17, 25:19, 26:11, 26:12, 26:18, 29:1, 29:3, 29:24, 30:19, 30:21, 30:23, 33:15, 36:1, 42:21, 52:24, 53:10, 56:9, 57:12, 58:12, 58:15, 58:19, 70:25, 94:13, 94:25, 98:3, 102:3, 108:1, 114:5, 117:13, 118:4, 126:22, 127:10, 130:10, 136:17, 147:12, 149:14, 160:19, 162:15, 165:13, 171:2, 182:11, 185:1, 187:12, 196:21, 197:8, 197:16, 197:17, 198:5, 198:15, 198:20, 202:12, 220:17</p> <p>Plan [1] - 217:7</p> <p>plan's [1] - 171:16</p> <p>Planner [7] - 1:18, 14:19, 102:15, 114:19, 196:9, 196:24, 209:18</p> <p>planner [11] - 17:19, 23:25, 117:22, 163:16, 164:11, 180:25, 184:9, 212:10, 213:7, 213:9, 214:11</p> <p>planning [5] - 44:25, 81:20, 173:8, 180:6, 214:15</p> <p>Planning [4] - 4:4, 58:2, 58:21, 176:10</p> <p>PLANNING [6] - 1:1, 1:4, 14:1, 114:1, 209:1, 209:4</p> <p>planning-architect [1] - 180:6</p> <p>plans [11] - 18:14, 22:9, 23:1, 23:22, 35:4, 47:7, 58:9, 76:8, 96:22, 109:5, 198:3</p> <p>plant [8] - 66:4, 101:9, 142:1, 142:5, 142:18, 143:18, 196:11, 198:13</p> <p>planter [3] - 36:16, 127:18, 135:13</p> <p>planters [14] - 33:22,</p>	<p>35:2, 36:15, 48:19, 50:6, 51:1, 55:3, 126:20, 127:18, 167:11, 183:2, 183:5, 183:8, 183:16</p> <p>plantings [1] - 126:22</p> <p>plates [2] - 151:2, 152:4</p> <p>play [3] - 97:21, 112:15, 201:10</p> <p>played [1] - 84:10</p> <p>plaza [1] - 177:5</p> <p>please [16] - 4:14, 8:25, 10:5, 12:16, 61:12, 79:12, 100:24, 111:19, 153:6, 163:9, 178:18, 195:3, 195:11, 201:21, 206:6, 216:18</p> <p>Please [1] - 184:14</p> <p>pleasing [1] - 37:24</p> <p>plenty [1] - 169:2</p> <p>plotting [1] - 76:5</p> <p>plus [5] - 46:4, 70:7, 71:16, 139:23</p> <p>point [27] - 32:7, 33:1, 34:19, 36:23, 40:17, 45:13, 45:25, 46:5, 50:24, 54:17, 56:4, 63:1, 66:16, 88:1, 106:4, 111:2, 122:24, 132:1, 134:1, 135:9, 139:7, 162:2, 177:3, 177:16, 177:19, 178:6, 205:9</p> <p>pointed [2] - 89:15, 121:2</p> <p>points [3] - 75:9, 96:17, 191:14</p> <p>poke [1] - 184:3</p> <p>poles [1] - 187:8</p> <p>portion [3] - 60:19, 65:6, 195:6</p> <p>portions [2] - 30:7, 36:11</p> <p>posed [1] - 133:6</p> <p>positive [2] - 69:16, 172:25</p> <p>possibility [1] - 188:23</p> <p>possible [5] - 94:11, 141:20, 156:19, 188:6, 202:18</p> <p>possibly [4] - 87:1, 87:15, 87:18, 188:11</p> <p>Potential [1] - 92:11</p> <p>practice [1] - 92:5</p> <p>predominantly [1] - 170:17</p>	<p>preexisting [2] - 135:18, 140:8</p> <p>prefer [2] - 99:16, 213:12</p> <p>Preliminary [1] - 92:3</p> <p>prepare [2] - 54:13, 165:23</p> <p>Prepared [1] - 92:23</p> <p>prepared [4] - 92:24, 113:22, 208:21, 222:21</p> <p>present [3] - 4:7, 55:19, 200:4</p> <p>presentation [2] - 54:19, 56:14</p> <p>preserving [1] - 131:14</p> <p>pressure [1] - 59:17</p> <p>presume [1] - 47:5</p> <p>pretty [13] - 22:8, 25:7, 86:25, 93:21, 105:8, 135:1, 135:16, 146:8, 149:22, 168:19, 168:23, 204:5, 220:15</p> <p>prevent [4] - 162:24, 187:22, 190:4, 190:6</p> <p>previous [5] - 5:20, 20:5, 95:23, 125:1, 128:8</p> <p>previously [4] - 17:21, 20:23, 145:22, 146:5</p> <p>primarily [1] - 164:24</p> <p>primary [2] - 191:6, 192:2</p> <p>principal [4] - 41:1, 41:4, 154:17, 154:21</p> <p>principals [1] - 140:15</p> <p>prior [4] - 23:13, 103:18, 196:25, 199:2</p> <p>privacy [12] - 126:8, 127:15, 155:15, 158:22, 170:3, 170:4, 191:15, 191:19, 191:21, 192:25, 193:5, 193:24</p> <p>private [7] - 26:5, 26:16, 26:18, 52:10, 90:3, 90:5, 136:6</p> <p>probably [15] - 31:3, 31:16, 76:25, 81:11, 141:17, 157:16, 161:14, 173:19, 188:9, 192:25, 205:9, 205:10, 211:11, 212:22</p> <p>problem [7] - 9:3,</p>	<p>52:24, 53:6, 82:4, 111:4, 167:15, 200:24</p> <p>problems [1] - 199:20</p> <p>proceed [6] - 18:11, 120:10, 164:13, 184:23, 214:2, 217:4</p> <p>proceedings [2] - 113:7, 222:7</p> <p>process [4] - 55:24, 68:15, 77:24, 189:10</p> <p>processes [1] - 98:18</p> <p>produce [1] - 185:12</p> <p>produced [1] - 20:16</p> <p>product [2] - 133:16, 133:18</p> <p>professional [3] - 133:7, 146:2, 166:2</p> <p>professionals [3] - 217:16, 218:3</p> <p>program [1] - 202:21</p> <p>program-wise [1] - 202:21</p> <p>prohibit [1] - 188:8</p> <p>prohibited [1] - 188:15</p> <p>prohibiting [1] - 104:8</p> <p>project [14] - 17:18, 23:7, 23:19, 44:11, 53:23, 54:19, 57:10, 64:1, 64:9, 64:15, 83:23, 134:3, 145:13, 165:17</p> <p>projecting [1] - 57:1</p> <p>projection [3] - 57:1, 66:19, 155:7</p> <p>projections [3] - 51:20, 56:8, 67:8</p> <p>projects [7] - 31:14, 34:18, 65:13, 141:25, 155:5, 218:8, 218:13</p> <p>proof [2] - 32:14, 32:17</p> <p>proofed [8] - 30:7, 30:9, 32:10, 33:4, 33:6, 33:8, 95:19, 124:4</p> <p>proofing [7] - 29:24, 30:3, 30:12, 30:22, 32:2, 32:3, 108:3</p> <p>proofs [2] - 11:24, 17:21</p> <p>proper [1] - 47:14</p> <p>properties [5] - 19:23, 22:13, 93:16, 93:19, 168:2</p> <p>property [42] - 21:1, 21:17, 22:21, 24:3,</p>
--	--	--	---	---

<p>24:10, 26:21, 39:2, 49:3, 49:12, 51:12, 58:17, 80:15, 92:9, 93:25, 103:7, 107:19, 117:10, 122:8, 124:17, 127:4, 127:6, 129:15, 129:16, 129:19, 138:1, 142:23, 145:7, 155:23, 156:1, 156:23, 158:6, 165:7, 167:21, 168:1, 168:6, 169:9, 171:1, 171:14, 171:21, 193:3, 205:10</p> <p>proposal [1] - 54:14</p> <p>propose [3] - 53:4, 98:10, 186:1</p> <p>proposed [15] - 12:12, 24:12, 35:24, 43:22, 45:9, 56:17, 97:20, 119:14, 123:9, 123:11, 123:25, 125:5, 167:16, 167:25, 173:24</p> <p>Proposed [1] - 119:2</p> <p>proposing [25] - 22:22, 24:11, 25:25, 27:12, 28:14, 30:5, 33:22, 35:18, 35:21, 41:25, 43:19, 43:21, 43:24, 44:1, 62:10, 62:14, 69:20, 96:17, 96:25, 97:15, 121:20, 125:18, 167:3, 174:11, 186:19</p> <p>protect [2] - 162:20, 185:18</p> <p>protecting [1] - 185:10</p> <p>protection [4] - 167:14, 188:11, 189:5, 189:8</p> <p>protrude [2] - 135:17, 158:5</p> <p>protruding [1] - 70:10</p> <p>provide [7] - 31:15, 54:11, 67:6, 101:1, 128:10, 128:19, 149:17</p> <p>provided [7] - 4:8, 4:11, 102:25, 155:15, 196:16, 196:23, 198:16</p> <p>provides [1] - 187:6</p> <p>providing [2] - 127:21, 172:24</p> <p>provisions [1] - 4:9</p> <p>prudent [1] - 105:1</p> <p>PSE&G [9] - 77:12,</p>	<p>77:13, 77:18, 102:25, 103:1, 103:4, 196:16, 196:17, 196:20</p> <p>public [41] - 4:8, 37:16, 50:7, 50:11, 50:16, 51:1, 51:6, 52:4, 52:9, 52:12, 55:7, 58:5, 58:20, 77:8, 86:8, 90:9, 90:10, 90:11, 90:20, 110:17, 110:18, 110:25, 135:18, 136:6, 139:9, 139:25, 150:10, 150:19, 160:17, 160:18, 162:2, 163:5, 163:14, 183:25, 184:11, 190:18, 192:4, 194:25, 195:6, 200:15, 213:24</p> <p>Public [7] - 4:9, 113:5, 113:20, 208:5, 208:19, 222:5, 222:19</p> <p>published [1] - 4:10</p> <p>pull [2] - 107:2, 176:25</p> <p>pulling [1] - 178:5</p> <p>pump [3] - 21:10, 147:19, 149:18</p> <p>purchase [3] - 73:1, 74:4, 104:12</p> <p>purchased [4] - 21:1, 46:20, 84:21, 84:22</p> <p>purchaser [2] - 81:13, 85:9</p> <p>purchasers [1] - 81:10</p> <p>purchasing [1] - 73:22</p> <p>purpose [2] - 75:2, 75:7</p> <p>pushing [1] - 99:20</p> <p>put [34] - 5:18, 11:23, 12:9, 32:14, 46:1, 48:11, 62:12, 69:18, 77:17, 79:13, 82:13, 106:6, 106:17, 106:25, 107:7, 108:6, 141:11, 142:10, 143:13, 143:15, 160:10, 162:15, 167:11, 169:6, 170:6, 187:1, 187:11, 188:17, 192:24, 199:17, 204:23, 218:15, 219:2, 220:17</p> <p>Put [1] - 41:11</p> <p>putting [3] - 55:3, 59:16, 185:19</p>	<p style="text-align: center;">Q</p> <p>qualifications [1] - 218:3</p> <p>question [58] - 20:5, 34:10, 34:14, 46:16, 47:1, 47:23, 48:1, 48:4, 49:11, 64:15, 66:16, 68:25, 71:19, 73:18, 75:21, 76:12, 78:12, 78:13, 81:1, 83:19, 84:13, 85:10, 85:15, 91:14, 94:10, 104:1, 104:2, 133:2, 133:6, 146:1, 148:2, 148:18, 149:5, 149:25, 151:1, 151:8, 159:7, 159:8, 161:15, 161:18, 162:1, 162:25, 163:1, 175:5, 175:9, 176:22, 180:2, 180:6, 182:18, 185:16, 185:20, 186:5, 186:22, 187:21, 189:4, 200:11, 200:22, 201:2</p> <p>questioning [3] - 94:6, 105:1, 204:9</p> <p>questions [31] - 12:6, 48:15, 48:18, 54:24, 55:5, 60:4, 70:20, 77:6, 83:10, 90:13, 90:15, 93:24, 98:20, 144:4, 145:22, 146:21, 153:5, 155:17, 160:18, 160:22, 161:13, 161:17, 162:7, 163:5, 163:12, 173:7, 173:8, 173:10, 184:1, 193:22, 205:17</p> <p>quick [6] - 5:11, 32:1, 43:20, 70:24, 96:4, 219:18</p> <p>quickly [7] - 25:11, 33:2, 34:21, 35:2, 35:5, 38:12, 211:4</p> <p>quietly [1] - 162:12</p> <p>quite [5] - 7:18, 26:7, 27:6, 28:2, 88:12</p> <p style="text-align: center;">R</p> <p>R [20] - 1:9, 1:16, 2:1, 14:10, 14:17, 15:1, 18:2, 79:22, 113:1, 114:10, 114:17, 115:1, 141:3, 191:1, 208:1, 209:9, 209:16,</p>	<p>210:1, 222:1</p> <p>r [2] - 18:7, 80:3</p> <p>R-3 [1] - 20:8</p> <p>R-o-s-s [1] - 191:1</p> <p>radar [1] - 177:9</p> <p>rail [4] - 127:6, 128:18, 129:12, 186:8</p> <p>railing [4] - 129:12, 135:24, 167:16, 186:7</p> <p>Raise [6] - 17:23, 79:18, 140:24, 164:1, 190:20, 192:6</p> <p>raise [7] - 119:21, 131:19, 140:12, 152:2, 152:7, 152:25, 184:14</p> <p>raised [11] - 105:19, 123:17, 132:10, 151:2, 151:9, 151:17, 151:20, 151:24, 181:12, 181:21, 182:14</p> <p>raising [3] - 130:21, 181:18, 185:3</p> <p>Rakesh [1] - 192:12</p> <p>RAKESH [1] - 192:12</p> <p>RAMI [3] - 58:18, 86:20, 86:23</p> <p>Rami [5] - 1:14, 14:15, 57:23, 114:15, 209:14</p> <p>range [2] - 205:1, 205:2</p> <p>rate [1] - 146:13</p> <p>rather [7] - 12:9, 141:16, 159:12, 197:10, 197:16, 199:14, 211:13</p> <p>RE [2] - 14:3, 114:3</p> <p>read [7] - 38:4, 44:9, 55:1, 100:23, 111:8, 195:11, 205:19</p> <p>reading [2] - 69:5, 92:19</p> <p>ready [4] - 17:3, 117:2, 117:3, 197:25</p> <p>real [3] - 70:24, 84:23, 219:17</p> <p>realistic [1] - 85:17</p> <p>reality [3] - 85:17, 205:8, 205:15</p> <p>realize [1] - 182:9</p> <p>realized [1] - 69:7</p> <p>really [30] - 5:21, 11:5, 11:6, 45:18, 50:24, 58:20, 66:17, 72:9, 75:11, 76:12, 76:23, 94:5, 122:13, 138:14, 152:3, 153:14, 168:15,</p>	<p>173:14, 179:1, 179:11, 185:1, 185:9, 193:4, 193:12, 199:7, 202:14, 218:16, 220:2, 220:3</p> <p>Really [1] - 62:18</p> <p>Realtime [3] - 113:4, 208:4, 222:4</p> <p>REALTIME [4] - 1:24, 14:24, 114:24, 209:24</p> <p>Realty [1] - 14:4</p> <p>rear [37] - 21:16, 28:11, 28:16, 28:17, 28:24, 29:16, 29:20, 33:16, 34:2, 34:11, 69:1, 69:9, 121:4, 124:14, 124:16, 125:22, 125:25, 127:12, 129:11, 129:13, 153:21, 155:1, 155:6, 156:16, 157:10, 158:23, 165:6, 166:14, 167:1, 169:9, 170:25, 171:6, 171:7, 171:17, 172:22, 175:11, 181:22</p> <p>reason [8] - 54:6, 58:19, 66:22, 74:22, 80:9, 100:1, 159:10, 216:23</p> <p>reasonable [2] - 145:12, 187:3</p> <p>reasonably [1] - 145:12</p> <p>reasoning [1] - 200:19</p> <p>reasons [3] - 173:1, 178:22, 213:16</p> <p>rebuilding [2] - 129:22, 132:3</p> <p>recall [1] - 61:20</p> <p>recap [1] - 74:9</p> <p>recapture [1] - 76:24</p> <p>recede [1] - 33:14</p> <p>receive [2] - 91:7, 93:12</p> <p>received [6] - 9:18, 44:15, 91:4, 91:9, 132:5, 188:21</p> <p>recent [2] - 127:10, 130:20</p> <p>recently [5] - 5:16, 22:1, 61:20, 123:15, 127:3</p> <p>recess [5] - 28:1, 28:8, 28:13, 28:25, 35:15</p> <p>Recess [1] - 96:7</p> <p>recessed [5] - 26:23,</p>
---	--	---	--	--

<p>28:13, 94:9, 94:23, 94:24</p> <p>recessing [1] - 98:2</p> <p>recognize [2] - 133:21, 144:20</p> <p>recognized [1] - 92:8</p> <p>Record [1] - 4:12</p> <p>record [16] - 18:5, 20:23, 44:15, 96:9, 99:1, 120:4, 134:16, 141:6, 163:25, 164:8, 164:21, 190:25, 192:11, 198:17, 200:2, 211:2</p> <p>recorded [1] - 199:1</p> <p>rectangle [1] - 88:24</p> <p>recused [1] - 7:2</p> <p>redesign [1] - 78:3</p> <p>redesigned [2] - 31:10, 53:24</p> <p>redesigning [1] - 202:12</p> <p>Redevelopment [1] - 220:21</p> <p>reduce [1] - 69:12</p> <p>reduced [6] - 23:10, 23:11, 27:24, 45:10, 46:6, 152:13</p> <p>reducing [5] - 99:12, 136:11, 139:16, 139:18, 139:19</p> <p>reduction [1] - 44:2</p> <p>redundant [1] - 166:6</p> <p>refer [1] - 134:25</p> <p>referring [1] - 100:18</p> <p>reflect [2] - 31:11, 32:22</p> <p>reflected [1] - 150:11</p> <p>refresh [1] - 64:4</p> <p>regard [1] - 149:5</p> <p>regarding [3] - 103:15, 108:3, 166:3</p> <p>regardless [1] - 189:19</p> <p>regards [5] - 71:19, 72:18, 83:11, 173:8, 211:7</p> <p>REGULAR [2] - 1:3, 209:3</p> <p>regular [2] - 146:4, 152:4</p> <p>regulations [6] - 122:6, 124:7, 131:20, 139:24, 181:22, 189:14</p> <p>rehab [1] - 121:20</p> <p>reintroducing [1] - 25:15</p> <p>rejected [2] - 175:18,</p>	<p>175:22</p> <p>Rejected [1] - 175:20</p> <p>relate [1] - 79:10</p> <p>related [3] - 37:3, 38:4, 145:12</p> <p>relates [5] - 117:9, 167:18, 168:24, 172:4, 174:24</p> <p>relative [8] - 25:2, 46:8, 113:12, 113:14, 208:12, 208:14, 222:12, 222:14</p> <p>relatively [3] - 19:12, 62:1, 142:6</p> <p>relevant [2] - 34:10, 56:1</p> <p>relief [2] - 110:1, 166:3</p> <p>relieved [1] - 63:16</p> <p>remain [2] - 150:9, 167:18</p> <p>remaining [6] - 27:19, 30:7, 36:7, 36:11, 60:19, 74:19</p> <p>remember [3] - 46:25, 47:22, 117:11</p> <p>removal [1] - 171:12</p> <p>remove [3] - 25:1, 67:10, 96:25</p> <p>removed [7] - 21:5, 25:15, 93:8, 98:1, 121:13, 122:1, 171:1</p> <p>removing [1] - 98:4</p> <p>render [2] - 50:21</p> <p>rendering [3] - 18:19, 18:21, 36:23</p> <p>Rendering [1] - 16:13</p> <p>renovate [1] - 117:13</p> <p>renovations [1] - 120:14</p> <p>rent [9] - 85:5, 85:11, 85:18, 104:23, 105:22, 106:1, 106:7, 106:11, 106:12</p> <p>rental [4] - 75:4, 75:6, 105:1, 107:23</p> <p>rentals [1] - 72:20</p> <p>rented [8] - 29:4, 46:20, 73:4, 74:24, 84:14, 85:4, 85:9, 105:25</p> <p>renting [2] - 104:9, 104:21</p> <p>reorganize [2] - 211:19, 212:6</p> <p>repeatedly [1] - 59:23</p> <p>repetitive [1] - 87:8</p> <p>replace [1] - 39:3</p>	<p>replies [1] - 142:17</p> <p>Report [3] - 92:3, 92:21, 101:2</p> <p>report [7] - 45:6, 45:21, 91:25, 132:9, 165:24, 166:2, 177:20</p> <p>REPORTER [11] - 1:23, 1:24, 14:23, 14:24, 42:14, 79:7, 114:23, 114:24, 148:18, 209:23, 209:24</p> <p>Reporter [6] - 113:4, 208:4, 222:4</p> <p>reporter [1] - 92:17</p> <p>reports [4] - 44:15, 91:21, 132:6, 133:3</p> <p>represent [1] - 19:16</p> <p>representation [1] - 169:4</p> <p>representatives [3] - 23:15, 103:3, 196:19</p> <p>request [3] - 99:2, 165:20, 196:17</p> <p>requested [3] - 117:18, 118:1, 166:4</p> <p>requesting [3] - 91:10, 117:12, 178:8</p> <p>requests [2] - 109:20, 195:8</p> <p>require [2] - 143:6, 193:24</p> <p>required [13] - 24:13, 38:9, 52:18, 68:1, 96:20, 98:11, 102:7, 117:19, 126:24, 127:5, 143:3, 182:14, 195:25</p> <p>requirement [9] - 26:1, 46:3, 51:9, 89:8, 100:9, 142:19, 172:23, 217:18</p> <p>requirements [7] - 24:16, 36:3, 38:8, 42:9, 109:2, 126:24, 159:4</p> <p>requires [1] - 139:15</p> <p>requiring [1] - 198:18</p> <p>reset [1] - 126:10</p> <p>resident [3] - 142:20, 143:7, 185:17</p> <p>residential [28] - 17:15, 20:10, 21:20, 22:2, 22:5, 22:23, 23:4, 23:21, 43:24, 44:1, 64:23, 71:25, 72:2, 78:7, 84:20, 94:16, 117:15, 117:16, 121:8,</p>	<p>121:14, 121:17, 121:24, 134:17, 135:11, 139:20, 171:21, 172:5</p> <p>resilient [1] - 179:22</p> <p>resist [1] - 144:24</p> <p>resistance [1] - 156:21</p> <p>resistant [1] - 159:4</p> <p>resolution [12] - 9:25, 12:12, 52:21, 54:22, 65:1, 65:20, 65:22, 75:17, 109:25, 191:20, 194:3, 194:6</p> <p>resolutions [2] - 6:5, 11:25</p> <p>respect [4] - 172:11, 178:12, 181:1, 213:23</p> <p>respond [1] - 190:8</p> <p>response [3] - 31:7, 31:10, 105:4</p> <p>responsibility [2] - 58:21, 99:20</p> <p>responsible [1] - 143:2</p> <p>rest [2] - 40:6, 74:1</p> <p>restaurant [15] - 39:16, 39:18, 117:15, 121:7, 125:9, 150:6, 166:25, 167:4, 170:25, 171:6, 171:12, 171:20, 171:24, 172:1, 183:22</p> <p>Restaurant [1] - 117:12</p> <p>restrict [1] - 162:23</p> <p>restriction [9] - 103:6, 103:17, 107:18, 108:1, 188:18, 198:18, 198:24, 199:14, 199:17</p> <p>restrictions [2] - 105:23, 187:22</p> <p>restrictive [2] - 188:8, 188:12</p> <p>result [2] - 53:22, 117:21</p> <p>results [2] - 76:17, 96:13</p> <p>retail [28] - 25:21, 25:22, 30:4, 30:5, 32:2, 33:2, 38:19, 38:25, 39:3, 39:9, 39:17, 39:19, 41:2, 72:6, 76:15, 76:16, 76:17, 76:24, 78:14, 78:18, 78:22, 78:24, 80:10, 81:8, 83:22, 84:8, 86:1, 97:11</p>	<p>retained [2] - 122:22, 167:23</p> <p>retention [9] - 30:1, 30:2, 36:10, 41:23, 42:6, 96:20, 98:11, 145:3, 146:18</p> <p>reuse [3] - 121:20, 129:4, 131:15</p> <p>reusing [1] - 129:22</p> <p>revealed [1] - 92:8</p> <p>review [17] - 5:20, 14:5, 31:7, 31:19, 50:2, 96:3, 101:7, 102:5, 102:15, 114:5, 195:23, 196:6, 196:9, 196:24, 199:1, 199:11, 217:20</p> <p>Review [1] - 45:22</p> <p>reviewed [3] - 103:17, 130:15, 182:13</p> <p>revise [3] - 48:5, 95:24, 96:17</p> <p>revised [9] - 96:22, 108:2, 149:14, 197:8, 197:18</p> <p>revision [3] - 7:15, 94:17, 180:11</p> <p>revisions [2] - 7:19, 127:10</p> <p>RFQ [1] - 217:15</p> <p>rid [2] - 76:21, 181:15</p> <p>Right [23] - 34:23, 50:19, 51:24, 56:3, 78:17, 85:7, 106:14, 106:16, 106:20, 106:21, 107:11, 120:25, 133:12, 150:4, 154:13, 160:25, 184:13, 186:21, 198:8, 201:25, 214:17, 217:2, 220:11</p> <p>right [108] - 4:1, 5:10, 7:3, 7:24, 8:1, 17:23, 26:17, 32:17, 32:20, 39:11, 40:3, 45:16, 48:20, 49:18, 50:8, 50:11, 50:17, 51:1, 51:3, 52:5, 52:9, 52:12, 53:2, 55:8, 56:11, 56:19, 57:2, 58:20, 60:11, 62:13, 64:12, 65:12, 65:25, 66:8, 67:23, 70:25, 74:20, 75:3, 78:4, 79:18, 79:24, 80:4, 83:3, 89:21, 91:12, 97:13, 100:19, 101:5,</p>
---	--	--	---	--

101:20, 107:8, 119:21, 123:1, 131:12, 135:18, 136:6, 136:8, 136:13, 138:11, 139:9, 140:24, 142:23, 144:25, 145:4, 152:4, 155:21, 156:21, 157:6, 160:22, 162:9, 163:11, 164:1, 164:18, 167:24, 168:12, 169:11, 170:8, 171:5, 175:18, 178:8, 178:20, 178:21, 180:13, 181:4, 183:13, 184:14, 184:19, 184:22, 187:6, 187:16, 190:3, 190:20, 192:6, 193:13, 194:9, 196:4, 197:22, 203:25, 205:14, 207:1, 211:1, 218:9, 218:14, 220:13 right-of-way [24] - 48:20, 49:18, 50:8, 50:11, 50:17, 51:1, 51:3, 52:5, 52:9, 52:12, 53:2, 55:8, 57:2, 58:20, 67:23, 101:5, 135:18, 136:6, 136:8, 136:13, 139:9, 145:4, 181:4, 196:4 rights [1] - 186:23 ringing [1] - 150:21 RLA [4] - 1:17, 14:18, 114:18, 209:17 road [1] - 110:3 Road [4] - 2:2, 15:2, 115:2, 210:2 roadway [1] - 49:23 ROBERT [4] - 15:5, 95:8, 115:5, 210:5 Robert [2] - 17:11, 117:7 ROBERTS [54] - 30:11, 30:16, 30:23, 31:3, 31:16, 31:21, 34:2, 34:7, 34:16, 34:23, 38:24, 39:16, 39:23, 40:2, 40:9, 42:20, 43:4, 45:3, 45:15, 45:18, 47:22, 49:7, 78:12, 78:18, 78:22, 94:1, 94:4, 94:20, 95:2, 109:17, 110:2, 118:21, 119:7, 127:9, 129:24, 146:22, 146:24, 147:8, 149:7, 149:11,	154:10, 154:13, 159:7, 160:12, 173:12, 197:4, 197:6, 197:15, 197:21, 197:25, 198:2, 198:8, 219:7, 220:19 Roberts [4] - 1:17, 14:18, 114:18, 209:17 roll [3] - 4:14, 7:4, 10:19 rolling [1] - 87:9 roof [52] - 35:17, 36:1, 36:3, 36:8, 36:11, 36:19, 38:10, 38:13, 41:21, 47:3, 47:7, 69:8, 70:7, 101:17, 101:20, 102:1, 102:3, 103:16, 117:23, 123:13, 126:2, 126:8, 126:9, 126:10, 126:11, 126:13, 126:17, 126:21, 126:22, 126:23, 128:12, 128:15, 132:16, 139:22, 147:6, 162:12, 162:13, 162:15, 165:21, 172:14, 172:16, 185:18, 185:23, 187:23, 197:19, 198:3, 198:15, 198:19 rooftop [4] - 102:17, 191:9, 195:13, 195:15 room [9] - 74:3, 125:9, 141:18, 169:2, 201:18, 202:5, 202:6, 204:18, 220:10 rooms [4] - 95:3, 95:6, 134:6, 134:11 ROSS [3] - 190:23, 191:1, 191:3 Ross [1] - 191:1 round [1] - 41:14 rubber [1] - 148:9 rule [1] - 105:16 rules [1] - 106:6 ruling [2] - 176:8, 176:9 run [1] - 76:14 Rutgers [1] - 148:4 Ryan [4] - 1:15, 14:16, 114:16, 209:15	14:17, 15:1, 16:9, 114:17, 115:1, 116:12, 120:1, 141:3, 146:5, 209:16, 210:1 s/Phyllis [3] - 113:18, 208:17, 222:17 sa [1] - 203:15 safe [1] - 43:17 safety [1] - 186:7 said [26] - 22:23, 40:13, 40:17, 45:8, 46:18, 53:1, 58:14, 59:3, 60:7, 60:13, 64:14, 65:14, 72:12, 72:13, 91:1, 97:17, 117:9, 131:14, 146:25, 151:17, 151:18, 155:9, 158:22, 158:25, 194:5, 214:21 sale [1] - 107:18 Same [1] - 157:14 same [36] - 18:24, 19:19, 20:7, 21:13, 29:5, 30:11, 30:12, 30:15, 35:13, 39:9, 39:19, 40:12, 56:23, 57:18, 68:13, 68:14, 76:4, 76:17, 87:8, 97:11, 97:14, 124:25, 125:4, 127:19, 131:23, 146:18, 147:5, 147:10, 149:12, 157:15, 158:17, 176:18, 177:14, 186:16, 192:20 Sandra [5] - 1:19, 14:20, 114:20, 153:6, 209:19 sandwiched [1] - 178:24 Save [2] - 216:14, 216:17 save [2] - 43:11, 216:12 saw [6] - 17:8, 69:14, 87:8, 160:24, 171:2, 202:11 say [26] - 31:12, 40:16, 50:23, 55:10, 56:15, 59:7, 59:17, 65:2, 75:17, 78:24, 79:20, 87:23, 96:16, 99:22, 105:24, 142:5, 145:14, 148:22, 162:11, 170:1, 172:12, 172:17, 188:7, 188:17, 199:8,	204:19 saying [21] - 7:16, 9:18, 52:13, 52:19, 56:23, 79:8, 82:25, 103:20, 104:8, 104:14, 104:19, 104:20, 105:6, 105:22, 106:15, 131:6, 138:12, 153:14, 179:17, 188:21, 220:12 says [7] - 53:5, 59:11, 92:2, 95:18, 106:12, 177:21, 179:3 scale [6] - 51:7, 51:16, 54:8, 54:16, 60:24, 129:9 scales [1] - 50:25 scape [8] - 33:17, 33:18, 69:17, 154:1, 167:18, 168:4, 168:13, 168:25 scenario [1] - 65:9 schedule [1] - 216:3 scheduling [3] - 218:10, 218:15, 220:3 scissor [1] - 89:1 scope [2] - 92:5, 118:9 score [1] - 103:9 screen [7] - 36:20, 126:8, 127:15, 155:15, 158:22, 170:3, 170:4 screened [2] - 36:13, 36:14 screens [2] - 192:25, 193:24 searches [1] - 92:1 seated [1] - 212:7 seating [2] - 172:3 second [35] - 8:20, 9:16, 10:2, 26:12, 27:4, 27:11, 27:14, 32:23, 35:6, 43:9, 60:23, 61:4, 83:17, 87:18, 100:21, 110:15, 111:9, 111:10, 122:24, 124:17, 149:25, 152:2, 152:5, 152:7, 152:21, 159:11, 165:5, 176:14, 181:13, 198:2, 206:2, 215:12, 215:16, 217:12 Second [12] - 8:21, 10:3, 12:14, 12:15, 20:2, 24:4, 111:11, 206:3, 206:4, 215:13,	221:1, 221:2 Secretary [6] - 1:20, 5:12, 14:21, 17:21, 114:21, 209:20 section [8] - 27:19, 36:15, 40:1, 40:3, 40:21, 128:20, 128:23, 168:16 Section [1] - 41:2 sections [1] - 28:3 see [49] - 22:19, 23:16, 24:3, 25:4, 25:12, 26:13, 26:24, 28:16, 31:2, 31:17, 37:4, 37:13, 52:1, 52:25, 61:25, 65:24, 83:24, 87:17, 88:4, 99:25, 102:12, 121:22, 121:23, 123:9, 124:2, 128:11, 138:14, 147:12, 148:4, 150:14, 154:25, 155:3, 155:12, 155:14, 158:11, 159:16, 160:17, 163:9, 164:15, 167:20, 168:22, 168:24, 169:18, 171:23, 191:19, 191:25, 195:2, 217:7 See [1] - 202:2 seeing [3] - 55:1, 59:23, 170:10 Seeing [2] - 195:4, 205:23 seek [2] - 188:19, 189:22 seeking [2] - 177:23, 178:3 seem [3] - 86:2, 187:2, 200:24 seeded [1] - 11:16 seems [13] - 70:8, 70:11, 75:23, 90:9, 133:9, 175:14, 175:15, 179:17, 180:11, 186:7, 191:12, 201:2, 204:16 seen [7] - 5:16, 23:3, 30:23, 65:7, 85:24, 91:1, 91:6 self [1] - 216:8 self-storage [1] - 216:8 sell [8] - 20:14, 79:3, 80:7, 85:1, 85:2, 85:3, 104:4, 185:17 selling [3] - 75:9, 81:9, 83:22
	S			
	s [5] - 120:6, 141:7, 191:1 S [20] - 1:16, 2:1,			

<p>send [1] - 142:17 sense [14] - 23:5, 24:6, 26:7, 37:15, 120:15, 131:13, 170:16, 172:2, 201:19, 201:23, 202:21, 204:23, 211:11, 215:1 sent [1] - 194:2 sentence [1] - 144:23 separate [11] - 25:6, 33:16, 37:14, 38:25, 39:6, 44:10, 56:6, 121:10, 134:6, 134:11, 135:11 separated [1] - 127:15 separation [1] - 203:6 September [2] - 93:5, 165:24 series [2] - 164:23, 165:6 serious [1] - 50:11 serve [6] - 29:11, 29:14, 30:1, 88:22, 89:4, 89:6 served [1] - 35:8 serves [1] - 124:17 service [7] - 26:1, 26:2, 39:8, 88:8, 97:3, 97:10, 97:19 services [1] - 124:12 serving [3] - 36:4, 36:6, 72:8 session [4] - 211:25, 216:24, 218:16, 219:3 set [14] - 22:9, 28:19, 69:14, 96:22, 113:9, 127:4, 129:16, 129:17, 129:18, 156:22, 203:25, 208:9, 217:20, 222:9 setback [2] - 126:24, 172:23 sets [3] - 49:12, 76:21, 130:15 seven [7] - 152:23, 178:16, 193:8, 193:11, 203:22, 204:3, 219:16 several [3] - 72:5, 80:16, 175:18 sewage [1] - 51:9 Sewage [1] - 102:9 Sewer [1] - 196:1 Shade [12] - 34:1, 66:5, 101:15, 108:24, 109:1, 140:16,</p>	<p>141:16, 141:20, 142:4, 142:7, 143:19, 198:14 shade [7] - 127:7, 142:20, 186:10, 186:14, 186:17, 187:6, 187:8 shaded [1] - 24:10 shades [1] - 162:23 shading [2] - 128:19, 172:15 shadows [2] - 193:1, 205:6 shall [1] - 23:16 shaped [1] - 170:14 Sharpie [1] - 137:1 sheet [2] - 127:20, 155:12 Sheet [13] - 20:6, 23:24, 24:8, 25:17, 28:6, 29:3, 29:23, 36:1, 63:13, 121:22, 124:2, 148:25, 180:6 sheetrock [1] - 179:22 sheets [1] - 28:2 shift [2] - 186:15, 191:25 shoot [1] - 150:23 shop [5] - 86:3, 87:6, 87:14 shops [2] - 87:7, 87:8 short [2] - 157:18, 169:14 SHORTHAND [4] - 1:23, 14:23, 114:23, 209:23 shot [3] - 157:15, 158:9, 213:13 Should [2] - 96:4, 110:16 should [20] - 10:20, 23:7, 26:10, 31:3, 31:16, 41:5, 82:15, 88:3, 95:10, 103:2, 105:24, 109:18, 112:15, 119:12, 122:14, 144:10, 144:18, 186:20, 217:19, 220:8 shouldn't [1] - 213:21 show [19] - 28:8, 47:8, 48:5, 62:3, 63:13, 89:24, 91:21, 109:6, 136:14, 149:18, 156:25, 168:4, 168:15, 169:3, 197:9, 197:13,</p>	<p>197:17, 197:18, 201:20 showed [1] - 49:13 showing [13] - 7:9, 7:12, 20:20, 22:12, 28:21, 33:20, 34:11, 38:8, 130:4, 130:6, 157:15, 168:8, 171:6 Showing [1] - 49:7 shown [4] - 20:7, 42:3, 173:9, 198:5 shows [10] - 29:25, 118:4, 128:20, 128:23, 166:21, 168:13, 169:10, 170:19, 170:24 Shush [1] - 63:21 shut [1] - 186:9 shy [1] - 157:22 side [37] - 20:1, 29:12, 29:15, 60:19, 77:21, 78:5, 87:2, 89:5, 121:11, 127:17, 131:23, 142:14, 155:25, 157:15, 167:2, 167:3, 167:10, 169:11, 169:12, 170:12, 174:25, 181:10, 183:8, 192:1, 193:9, 194:15, 200:17, 200:25, 202:7, 204:10, 204:17, 204:18, 204:23, 205:2 sides [2] - 127:18, 193:25 sidewalk [20] - 56:6, 57:20, 60:11, 60:20, 60:22, 61:2, 61:6, 61:21, 61:24, 65:6, 71:4, 108:22, 135:13, 138:7, 138:9, 138:10, 142:22, 150:10, 183:9, 183:11 Sidewalk [1] - 60:12 sidewalks [2] - 43:19, 61:1 sight [3] - 65:12, 66:17, 66:20 signed [1] - 102:21 significant [4] - 50:4, 92:8, 172:19, 179:24 sim [1] - 185:5 similar [1] - 189:10 Similar [1] - 33:15 simple [4] - 99:15, 107:21, 199:14, 220:2 since [2] - 23:10, 169:3 single [1] - 121:17</p>	<p>sir [1] - 117:4 Sit [1] - 83:4 sit [3] - 83:7, 85:20, 104:21 site [27] - 14:5, 17:13, 19:17, 19:18, 19:22, 20:4, 20:7, 20:13, 21:14, 23:6, 23:8, 24:8, 25:18, 29:1, 102:6, 114:5, 117:13, 120:13, 120:15, 120:21, 120:22, 127:22, 145:12, 147:6, 195:24, 211:8 Site [3] - 92:4, 92:21, 217:7 sitting [1] - 202:12 situation [5] - 56:21, 72:14, 80:12, 80:21, 135:16 six [34] - 19:15, 27:12, 35:21, 38:15, 49:21, 60:8, 60:14, 60:16, 66:4, 70:10, 94:22, 117:14, 121:1, 121:7, 122:12, 138:8, 139:19, 142:6, 143:18, 145:14, 152:5, 152:23, 155:15, 157:23, 167:1, 167:5, 167:8, 171:21, 191:19, 192:25, 198:13, 203:17, 203:20, 205:11 size [10] - 23:10, 27:24, 72:6, 96:19, 97:1, 98:8, 98:10, 102:6, 141:13, 195:24 sized [1] - 169:22 sizes [1] - 149:3 skylights [1] - 126:18 slab [1] - 135:7 slash [1] - 200:16 slate [1] - 140:6 slats [1] - 170:6 Slightly [1] - 128:2 slightly [1] - 37:25 sloped [1] - 123:12 slopes [1] - 129:7 sloping [1] - 147:12 small [11] - 26:20, 33:22, 35:21, 38:14, 54:19, 76:15, 76:16, 77:13, 177:22, 191:17, 220:14 smaller [1] - 159:24 Smart [1] - 111:5</p>	<p>smart [3] - 186:11, 186:13, 205:5 So [181] - 6:2, 6:19, 7:6, 10:1, 12:13, 18:18, 21:7, 22:22, 23:6, 23:10, 23:24, 24:11, 24:20, 25:7, 25:19, 26:12, 26:20, 26:23, 27:3, 27:14, 27:18, 28:6, 28:9, 28:17, 29:1, 30:16, 32:19, 33:1, 33:2, 34:13, 35:7, 35:9, 37:2, 37:7, 37:21, 38:15, 39:2, 39:22, 43:4, 43:15, 44:4, 46:5, 48:10, 49:2, 49:10, 50:20, 52:12, 53:7, 54:5, 55:9, 56:19, 57:4, 61:9, 64:21, 65:4, 65:15, 66:11, 67:6, 67:13, 67:20, 68:11, 69:23, 70:1, 72:1, 72:24, 74:9, 74:16, 74:22, 75:6, 76:19, 78:22, 80:17, 81:7, 82:12, 86:1, 87:17, 88:12, 89:8, 94:22, 96:15, 98:6, 99:5, 104:25, 106:16, 107:5, 118:17, 124:20, 124:24, 125:3, 125:15, 125:22, 127:3, 131:24, 133:13, 137:24, 139:22, 141:8, 143:6, 143:10, 147:2, 147:8, 150:15, 150:17, 151:7, 152:12, 154:8, 155:7, 157:8, 157:21, 159:3, 160:8, 161:2, 161:18, 162:4, 162:9, 162:18, 164:18, 165:12, 166:6, 167:3, 167:9, 169:24, 171:15, 171:22, 171:25, 172:4, 172:11, 173:4, 173:17, 173:25, 174:16, 174:22, 176:21, 177:15, 178:3, 178:19, 179:7, 179:15, 180:5, 181:14, 181:23, 182:3, 183:19, 184:1, 184:11, 184:25, 185:23, 186:22, 187:18, 189:18, 190:8, 191:6, 191:10, 192:2, 192:20, 195:2,</p>
---	--	---	--	--

<p>201:9, 202:3, 202:5, 202:8, 203:8, 203:17, 203:19, 204:7, 204:16, 205:3, 205:15, 206:25, 211:10, 211:15, 211:24, 212:15, 212:25, 214:13, 214:25, 215:4, 216:12, 219:5, 219:16, 220:25</p> <p>so ^[188] - 5:18, 5:19, 7:5, 11:21, 12:6, 17:21, 20:6, 20:17, 21:23, 22:10, 22:16, 24:3, 24:9, 24:23, 25:13, 25:14, 26:1, 27:6, 27:9, 27:25, 29:5, 29:21, 30:6, 32:9, 33:10, 33:13, 33:19, 34:22, 36:3, 36:19, 36:20, 36:22, 37:24, 38:2, 39:3, 41:3, 43:25, 44:10, 50:1, 50:11, 52:25, 54:14, 54:24, 55:4, 56:12, 56:13, 56:25, 57:6, 58:4, 59:1, 59:22, 61:1, 61:14, 61:20, 64:18, 64:24, 67:23, 68:5, 69:14, 69:25, 70:5, 71:3, 72:17, 74:23, 75:11, 76:6, 78:3, 78:20, 78:25, 80:21, 80:22, 81:3, 82:17, 84:9, 85:6, 85:14, 86:4, 86:21, 87:9, 87:24, 88:7, 88:9, 91:6, 94:23, 96:17, 97:4, 97:20, 98:4, 100:9, 101:20, 110:11, 110:12, 118:15, 119:9, 120:22, 121:12, 123:13, 123:17, 127:14, 128:4, 128:13, 128:22, 129:10, 129:22, 130:7, 130:22, 130:23, 134:15, 136:24, 138:9, 138:15, 139:22, 139:25, 141:16, 143:2, 143:7, 145:13, 147:6, 147:13, 147:19, 147:23, 149:17, 149:22, 150:9, 152:4, 152:6, 152:23, 153:15, 153:22, 157:17, 157:23,</p>	<p>158:2, 158:5, 158:10, 163:9, 166:7, 166:16, 166:17, 167:14, 167:17, 168:6, 169:6, 169:21, 170:7, 170:14, 171:1, 171:9, 172:23, 172:25, 174:8, 174:12, 174:17, 179:1, 179:15, 179:16, 179:18, 179:21, 179:23, 181:14, 183:20, 184:3, 186:16, 188:2, 188:18, 189:5, 191:14, 192:23, 193:5, 193:10, 194:6, 197:17, 200:5, 201:4, 201:24, 203:4, 203:5, 204:13, 205:5, 211:14, 211:23, 215:2, 215:3, 216:20, 216:25, 217:19, 219:4, 220:16</p> <p>so.. ^[1] - 100:15</p> <p>soffits ^[1] - 179:21</p> <p>soft ^[1] - 33:18</p> <p>soften ^[1] - 69:6</p> <p>soil ^[2] - 34:21, 146:14</p> <p>solar ^[6] - 127:2, 127:8, 128:22, 128:24, 162:18, 185:25</p> <p>sold ^[8] - 73:25, 74:2, 74:24, 75:18, 80:15, 84:23, 104:15, 107:9</p> <p>sole ^[1] - 29:4</p> <p>solely ^[1] - 58:19</p> <p>solid ^[1] - 183:12</p> <p>Solomon ^[1] - 201:10</p> <p>solutions ^[1] - 91:18</p> <p>Solvents ^[1] - 91:19</p> <p>solvents ^[1] - 91:20</p> <p>Some ^[2] - 117:11, 142:2</p> <p>some ^[46] - 5:24, 5:25, 6:7, 6:8, 9:17, 11:19, 19:10, 20:4, 23:15, 23:17, 38:3, 45:6, 49:13, 51:10, 51:12, 53:8, 54:6, 77:14, 81:24, 84:8, 93:13, 104:22, 121:16, 131:20, 134:2, 135:23, 140:8, 140:9, 140:11, 140:14, 142:12,</p>	<p>145:22, 154:25, 156:9, 167:14, 169:7, 170:14, 176:18, 185:24, 199:7, 200:5, 202:8, 203:6, 205:9, 212:19, 212:21</p> <p>Somebody ^[1] - 189:13</p> <p>somebody ^[11] - 56:23, 74:3, 74:5, 104:19, 130:9, 163:8, 184:2, 187:3, 187:22, 189:9, 193:15</p> <p>something ^[33] - 40:13, 40:17, 47:8, 47:19, 55:17, 57:11, 58:1, 59:23, 77:2, 84:4, 86:15, 95:6, 95:10, 106:10, 106:19, 108:5, 118:9, 125:2, 136:9, 136:12, 136:24, 139:10, 141:13, 149:14, 149:16, 173:14, 187:23, 188:16, 188:19, 189:19, 194:2, 201:21, 214:1</p> <p>sometimes ^[1] - 65:7</p> <p>somewhere ^[3] - 48:5, 89:17, 177:21</p> <p>soon ^[2] - 7:22, 110:9</p> <p>sorry ^[26] - 32:16, 42:16, 45:3, 64:13, 73:15, 82:22, 84:12, 84:21, 88:18, 99:9, 100:17, 108:15, 131:7, 137:11, 146:22, 147:17, 149:10, 150:2, 151:19, 154:9, 154:19, 161:8, 163:17, 177:11, 181:15, 202:24</p> <p>Sorry ^[5] - 62:21, 67:19, 111:17, 184:5</p> <p>sort ^[8] - 46:18, 64:18, 82:2, 98:21, 150:10, 170:14, 177:16, 177:17</p> <p>sound ^[5] - 48:8, 102:18, 126:6, 195:19</p> <p>soundproof ^[1] - 195:18</p> <p>soundproofing ^[4] - 178:24, 178:25, 179:7, 179:16</p> <p>sounds ^[1] - 75:12</p> <p>south ^[15] - 21:17, 22:3, 25:22, 28:7,</p>	<p>28:20, 60:25, 121:5, 167:25, 169:5, 170:20, 170:22, 202:24, 204:3, 204:10, 205:10</p> <p>southwest ^[1] - 171:5</p> <p>space ^[66] - 25:21, 25:22, 28:14, 32:2, 32:6, 35:18, 35:25, 36:2, 36:4, 36:9, 37:19, 38:25, 39:1, 50:7, 50:10, 55:8, 68:5, 68:6, 69:21, 69:24, 69:25, 70:2, 70:3, 70:6, 71:20, 72:8, 76:15, 76:24, 78:25, 80:10, 84:14, 89:9, 94:22, 94:24, 95:3, 104:21, 104:24, 105:2, 106:1, 106:3, 135:1, 136:6, 136:13, 153:22, 159:19, 159:21, 159:23, 159:24, 172:9, 176:18, 178:4, 178:5, 191:24, 193:11, 193:16, 193:17, 193:18, 201:18, 201:22, 203:7, 203:23, 205:16</p> <p>spaces ^[34] - 17:16, 22:25, 24:19, 24:24, 25:1, 25:2, 26:8, 26:14, 29:7, 29:17, 30:4, 30:6, 33:2, 33:11, 37:20, 38:19, 72:1, 72:3, 72:6, 73:20, 75:17, 76:16, 83:22, 86:1, 88:10, 97:1, 97:2, 98:7, 98:8, 103:6, 107:18</p> <p>speak ^[14] - 43:8, 54:1, 77:3, 79:9, 83:13, 86:21, 90:12, 95:7, 111:1, 163:9, 190:18, 194:25, 195:3</p> <p>speakers ^[1] - 200:15</p> <p>speaking ^[1] - 202:20</p> <p>special ^[3] - 212:11, 212:23, 214:22</p> <p>specific ^[9] - 34:14, 52:23, 53:18, 73:25, 75:9, 162:7, 163:5, 198:9, 198:10</p> <p>specifically ^[6] - 46:16, 57:10, 69:18, 73:19, 87:10, 152:1</p>	<p>speculate ^[1] - 215:3</p> <p>speed ^[1] - 216:23</p> <p>spell ^[7] - 18:5, 79:25, 120:4, 141:6, 164:8, 190:25, 192:11</p> <p>spend ^[1] - 219:20</p> <p>spending ^[1] - 219:19</p> <p>split ^[2] - 201:9, 201:10</p> <p>splitting ^[1] - 57:16</p> <p>spoke ^[1] - 211:4</p> <p>spot ^[6] - 48:7, 74:18, 81:13, 104:9, 104:12, 105:21</p> <p>spots ^[32] - 29:3, 71:16, 71:21, 71:22, 72:18, 72:25, 73:10, 73:11, 73:16, 74:10, 74:13, 74:17, 74:19, 74:24, 75:4, 75:13, 76:21, 76:22, 80:8, 80:15, 80:16, 80:22, 80:24, 81:2, 81:8, 81:10, 81:11, 81:12, 87:1, 87:2, 107:9</p> <p>sprinkler ^[1] - 134:13</p> <p>spruce ^[1] - 142:8</p> <p>square ^[35] - 8:4, 25:21, 25:22, 25:24, 25:25, 26:2, 27:5, 27:7, 29:18, 36:4, 36:5, 39:7, 44:5, 47:8, 47:10, 56:24, 66:23, 68:16, 69:8, 70:7, 70:8, 77:1, 85:3, 87:24, 88:6, 88:7, 88:8, 88:9, 97:4, 97:20, 97:21, 124:10, 177:22</p> <p>squaring ^[1] - 98:8</p> <p>squeezed ^[1] - 130:24</p> <p>SSP ^[5] - 45:4, 47:23, 149:12, 216:19, 220:15</p> <p>St ^[1] - 85:23</p> <p>stability ^[2] - 83:23, 84:15</p> <p>Stadium ^[1] - 148:4</p> <p>stadium ^[1] - 148:5</p> <p>stair ^[25] - 26:5, 28:23, 38:8, 89:12, 89:13, 89:18, 90:1, 124:11, 124:15, 124:16, 125:25, 128:21, 154:22, 155:1, 155:5, 156:16, 157:9, 158:11, 158:23, 159:20,</p>
--	--	--	---	--

<p>166:22, 169:15, 170:1, 176:18, 203:4 staircase [6] - 49:14, 158:4, 160:10, 175:11, 175:16, 177:5 staircases [2] - 49:12, 51:2 Stairs [1] - 156:2 stairs [27] - 29:9, 29:10, 76:4, 88:25, 89:2, 90:4, 90:5, 109:6, 125:19, 134:6, 135:10, 135:16, 135:24, 156:4, 159:10, 166:14, 169:23, 175:13, 175:23, 175:25, 183:1, 183:3, 183:8, 183:16 stairway [6] - 88:21, 88:22, 154:14, 154:15, 169:19, 169:21 stairways [4] - 50:5, 94:14, 167:9, 183:12 Stairways [1] - 94:15 stairwell [3] - 32:14, 75:24, 177:9 stairwells [2] - 32:6, 32:8 stamp [1] - 19:5 Stamp [1] - 19:5 standalone [1] - 187:5 standard [4] - 23:21, 25:9, 93:22, 211:9 standards [1] - 127:25 standing [1] - 137:17 standpoint [1] - 173:2 Star [3] - 4:12, 41:25, 42:1 Star-Ledger [1] - 4:12 start [12] - 23:2, 64:18, 107:8, 137:21, 138:6, 164:14, 175:25, 211:13, 212:15, 213:3, 214:6, 214:10 started [2] - 4:2, 213:11 starts [1] - 94:10 state [1] - 75:12 State [14] - 18:4, 105:14, 106:8, 113:5, 113:20, 120:3, 141:5, 164:7, 190:24, 192:10, 208:5,</p>	<p>208:19, 222:5, 222:19 stations [1] - 42:3 statute [1] - 145:11 stay [1] - 63:6 staying [2] - 181:20, 185:4 steel [2] - 129:12, 156:17 stenographically [3] - 113:8, 208:8, 222:8 step [7] - 50:20, 72:19, 100:23, 125:19, 137:17, 138:17, 166:22 stepping [2] - 138:19, 138:20 steps [5] - 134:20, 150:5, 150:14, 150:16, 182:1 stick [1] - 21:13 sticking [1] - 32:7 still [20] - 19:16, 38:4, 42:24, 48:1, 58:16, 67:10, 68:13, 68:14, 85:12, 94:13, 97:2, 97:10, 97:18, 109:1, 111:6, 134:20, 138:9, 149:24, 150:9, 174:17 stipulation [1] - 89:16 stone [1] - 176:14 stoop [10] - 26:20, 57:21, 57:25, 58:4, 60:7, 62:16, 70:24, 71:1, 71:3, 71:9 Stoops [1] - 57:13 stoops [12] - 26:25, 37:10, 55:4, 56:7, 57:5, 57:9, 62:15, 62:24, 84:7, 94:9, 108:21, 121:11 stop [4] - 60:2, 107:12, 107:13, 173:4 stopped [1] - 107:16 stops [1] - 157:18 storage [7] - 21:3, 34:3, 42:4, 81:14, 88:10, 92:15, 216:8 store [1] - 20:13 stored [1] - 21:8 stories [12] - 22:7, 22:14, 22:15, 22:16, 24:12, 123:10, 123:12, 123:16, 138:4, 188:19 stormwater [8] - 30:2, 42:21, 100:6, 122:5, 127:22, 132:13, 139:14, 145:2</p>	<p>story [20] - 17:15, 20:9, 20:10, 20:12, 21:15, 21:16, 22:2, 22:5, 22:16, 56:2, 120:25, 121:3, 121:9, 122:1, 123:22, 123:23, 125:8, 168:2, 168:17, 171:9 straight [2] - 39:17, 39:19 STRATTON [16] - 4:20, 9:7, 10:9, 12:19, 67:20, 95:12, 95:16, 111:24, 180:1, 180:5, 180:13, 180:18, 180:23, 189:15, 189:18, 206:10 Stratton [17] - 1:11, 1:14, 4:19, 8:14, 9:6, 10:8, 12:18, 14:12, 14:15, 111:12, 111:23, 114:12, 114:15, 180:12, 206:9, 209:11, 209:14 street [57] - 20:3, 21:24, 22:10, 22:13, 25:1, 25:2, 25:15, 26:24, 28:22, 33:25, 35:2, 36:18, 37:5, 37:16, 40:12, 43:19, 51:11, 60:20, 60:25, 62:1, 62:11, 62:13, 62:14, 65:12, 66:4, 69:7, 69:17, 75:2, 75:6, 82:12, 82:13, 101:10, 101:14, 104:24, 122:11, 122:21, 123:14, 129:10, 140:9, 140:10, 140:14, 141:9, 141:12, 147:3, 161:7, 161:9, 164:25, 167:18, 168:4, 168:6, 168:13, 168:25, 169:2, 180:15, 191:2, 192:15 Street [25] - 1:6, 3:8, 6:7, 6:13, 14:3, 14:7, 15:6, 19:25, 20:2, 24:5, 28:10, 53:19, 53:20, 53:21, 73:19, 80:14, 84:23, 114:7, 115:6, 132:20, 132:21, 143:18, 209:6, 210:5 streets [1] - 56:6 Streets [1] - 20:2 strip [1] - 129:4 striping [1] - 63:13 structure [11] -</p>	<p>24:11, 24:15, 38:5, 43:16, 64:24, 128:15, 129:11, 154:21, 158:10, 178:25, 179:24 structures [4] - 25:6, 26:6, 37:3, 170:21 studs [1] - 179:20 stuff [6] - 7:17, 77:15, 190:5, 190:7, 199:5, 211:9 stupid [2] - 190:5, 190:7 Subdivision [1] - 217:7 subject [4] - 22:1, 39:24, 76:11, 135:14 submit [1] - 91:12 submits [1] - 55:21 submitted [8] - 17:20, 20:24, 31:6, 77:24, 91:2, 130:12, 182:12, 198:25 subsequent [1] - 199:19 subsequently [1] - 104:4 substantial [6] - 25:12, 51:10, 54:12, 100:1, 139:25, 174:23 substantially [6] - 46:10, 51:8, 85:3, 139:16, 139:18, 169:22 suburban [2] - 70:9, 81:21 suburbia [1] - 81:23 such [7] - 61:21, 113:14, 150:9, 175:11, 186:1, 208:14, 222:14 sufficient [1] - 174:7 suggest [5] - 41:9, 51:13, 54:18, 197:7, 213:23 suggesting [2] - 65:21, 144:19 suggestion [2] - 103:1, 220:3 suggestion's [1] - 144:14 suitable [1] - 44:12 suitd [1] - 146:14 summary [2] - 91:25, 216:25 sun [6] - 128:21, 162:20, 162:23, 174:24, 185:10, 187:8 supply [4] - 21:4, 102:2, 102:4, 195:22</p>	<p>support [2] - 59:25, 185:7 supposed [2] - 109:23, 187:10 Sure [13] - 6:21, 57:22, 60:5, 95:14, 124:1, 125:7, 157:2, 160:20, 161:12, 180:3, 190:19, 192:5, 200:13 sure [31] - 7:6, 22:8, 31:1, 31:2, 31:17, 32:7, 47:13, 47:24, 47:25, 48:11, 51:3, 54:8, 55:10, 65:25, 76:8, 76:9, 93:12, 124:25, 125:3, 128:9, 135:16, 144:17, 151:16, 162:13, 174:8, 180:16, 180:25, 198:9, 200:1, 217:14 surround [1] - 47:15 surrounding [1] - 19:22 survives [1] - 143:7 suspect [1] - 92:11 sustainable [1] - 41:18 swear [8] - 17:24, 79:19, 119:22, 140:25, 164:2, 184:16, 190:21, 192:7 Switching [1] - 70:4 sworn [8] - 17:22, 18:3, 79:23, 120:1, 141:3, 146:6, 163:25, 164:5 synthetic [6] - 146:3, 147:9, 148:3, 149:20, 153:8, 153:16 Synthetic [1] - 147:24 system [25] - 30:2, 33:10, 34:12, 34:20, 36:8, 36:10, 36:25, 41:23, 42:6, 42:18, 47:15, 96:20, 98:11, 100:6, 129:12, 132:23, 139:14, 146:16, 146:18, 149:6, 149:12, 154:14, 154:15, 170:1, 178:24 systems [3] - 20:17, 21:10, 30:5</p>
---	--	--	---	--

T				
<p>T^[28] - 1:16, 1:23, 14:17, 14:23, 16:9, 79:22, 113:1, 113:3, 113:18, 113:20, 114:17, 114:23, 116:12, 141:3, 164:5, 208:1, 208:3, 208:17, 208:19, 209:16, 209:23, 222:1, 222:3, 222:17, 222:19</p> <p>t^[1] - 80:3</p> <p>table^[6] - 98:22, 100:15, 119:5, 120:18, 139:10, 187:2</p> <p>tabulation^[1] - 23:24</p> <p>take^[30] - 5:11, 5:20, 6:19, 54:7, 58:2, 64:18, 65:23, 70:15, 82:13, 96:4, 100:4, 100:22, 107:4, 118:25, 123:24, 137:20, 139:10, 140:23, 143:8, 156:10, 157:4, 159:21, 162:2, 163:14, 166:15, 175:14, 178:20, 196:12, 202:13, 212:21</p> <p>taken^[13] - 44:4, 56:13, 74:17, 96:7, 113:7, 122:3, 165:1, 165:7, 171:23, 174:9, 208:7, 222:7</p> <p>takes^[2] - 124:18, 179:23</p> <p>taking^[5] - 37:16, 47:13, 50:20, 72:19, 159:23</p> <p>talk^[7] - 79:11, 83:16, 95:10, 188:3, 193:14, 211:7, 220:19</p> <p>talked^[6] - 23:6, 29:2, 45:4, 99:11, 136:11, 173:14</p> <p>talking^[18] - 63:20, 65:9, 68:6, 86:11, 90:6, 119:17, 134:16, 134:17, 136:5, 144:16, 147:15, 156:6, 158:13, 176:22, 181:1, 217:5, 218:19, 219:12</p> <p>tall^[3] - 123:11, 129:10, 188:19</p> <p>taller^[3] - 36:17, 180:7, 192:22</p>	<p>tandem^[10] - 29:4, 46:17, 46:20, 74:9, 74:10, 74:13, 76:21, 87:2, 89:25, 98:7</p> <p>tank^[8] - 20:18, 21:3, 30:1, 34:15, 34:20, 92:15, 93:8, 147:1</p> <p>taught^[1] - 5:23</p> <p>team^[2] - 17:3, 120:19</p> <p>technically^[1] - 134:22</p> <p>technique^[1] - 60:1</p> <p>Tell^[3] - 80:4, 106:25, 107:2</p> <p>tell^[9] - 6:21, 17:25, 42:8, 61:3, 67:9, 119:23, 125:12, 157:13, 202:15</p> <p>tells^[1] - 74:7</p> <p>temporary^[3] - 133:24, 199:8, 199:9</p> <p>ten^[26] - 22:5, 27:12, 27:25, 28:1, 28:13, 35:16, 35:21, 38:15, 45:23, 61:14, 64:22, 70:10, 71:17, 86:5, 94:22, 104:14, 131:3, 131:9, 152:4, 178:13, 178:16, 178:21, 194:12, 194:14</p> <p>ten-seven^[1] - 178:16</p> <p>ten-ten^[1] - 178:21</p> <p>ten-year-old^[1] - 22:5</p> <p>tenancy^[1] - 83:23</p> <p>tend^[2] - 80:18, 133:20</p> <p>term^[1] - 33:19</p> <p>terms^[33] - 26:9, 27:25, 29:6, 31:17, 37:2, 37:4, 37:10, 41:18, 45:11, 51:5, 57:12, 67:8, 69:16, 73:20, 87:1, 95:3, 95:9, 96:23, 100:5, 110:2, 159:15, 168:23, 169:24, 170:17, 171:11, 171:15, 171:22, 172:4, 172:12, 172:20, 173:2, 173:24, 174:1</p> <p>terrace^[2] - 157:22, 157:23</p> <p>terraces^[1] - 187:25</p> <p>terrific^[2] - 5:15, 5:18</p>	<p>territory^[1] - 211:9</p> <p>testified^[7] - 18:3, 79:23, 94:21, 120:2, 141:4, 146:6, 164:6</p> <p>testify^[7] - 46:12, 141:1, 164:3, 184:17, 190:22, 192:8, 214:12</p> <p>testimony^[20] - 17:17, 44:23, 45:1, 45:6, 46:1, 50:13, 70:16, 118:16, 119:10, 161:1, 164:15, 166:7, 166:16, 195:17, 208:7, 211:14, 212:17, 213:5, 214:14, 214:15</p> <p>than^[37] - 5:14, 12:9, 12:10, 18:14, 20:17, 26:2, 35:16, 39:7, 43:1, 43:22, 45:23, 49:17, 66:13, 69:16, 70:9, 73:20, 85:3, 86:5, 87:24, 87:25, 95:2, 97:3, 132:15, 138:12, 142:16, 148:3, 159:12, 168:18, 168:20, 180:7, 189:11, 192:23, 192:24, 197:10, 197:16, 199:14, 201:23</p> <p>thank^[5] - 5:12, 6:2, 9:15, 62:8, 104:18</p> <p>Thank^[50] - 6:3, 8:22, 9:2, 10:4, 13:3, 13:4, 17:6, 18:12, 31:21, 48:17, 78:8, 83:1, 96:5, 96:6, 109:3, 112:14, 112:18, 117:4, 120:11, 120:20, 122:19, 123:7, 125:21, 132:4, 133:19, 137:2, 137:5, 140:2, 143:24, 143:25, 146:19, 149:23, 150:22, 152:11, 163:20, 165:11, 173:5, 190:16, 192:3, 192:14, 192:18, 193:20, 194:19, 194:20, 200:7, 207:2, 207:3, 215:22, 216:16, 217:22</p> <p>Thanks^[3] - 11:3, 78:10, 190:15</p> <p>That's^[33] - 7:16, 8:5, 48:1, 53:12,</p>	<p>56:11, 61:7, 65:8, 91:13, 94:20, 104:13, 106:14, 122:17, 132:2, 134:19, 135:18, 135:20, 138:24, 141:21, 149:16, 150:7, 155:10, 156:5, 158:14, 162:17, 177:10, 183:7, 188:23, 189:4, 194:18, 203:10, 203:15, 204:5, 217:3</p> <p>that's^[26] - 24:1, 32:22, 52:13, 66:14, 72:9, 75:11, 77:18, 86:12, 121:16, 137:3, 140:19, 142:19, 144:25, 162:24, 167:9, 176:12, 182:5, 185:25, 186:3, 187:19, 190:14, 193:12, 194:16, 217:3, 220:11</p> <p>THE^[248] - 1:3, 18:6, 18:12, 18:15, 18:17, 18:21, 19:9, 19:14, 19:18, 19:24, 21:7, 21:12, 28:6, 29:20, 30:15, 30:18, 30:25, 31:12, 31:24, 32:4, 32:11, 32:16, 32:21, 33:7, 34:5, 34:8, 34:13, 34:17, 34:25, 38:23, 40:4, 41:17, 42:7, 42:11, 42:14, 43:3, 43:7, 43:14, 44:16, 44:19, 46:22, 47:4, 47:10, 47:17, 47:20, 48:3, 48:24, 49:4, 49:8, 49:21, 51:14, 51:17, 52:16, 53:11, 53:16, 54:17, 55:14, 57:9, 57:18, 60:9, 60:12, 60:15, 60:21, 61:10, 61:16, 61:25, 62:7, 62:10, 62:14, 62:20, 62:23, 63:6, 63:10, 63:14, 64:2, 64:6, 64:13, 64:16, 64:20, 65:3, 65:10, 66:15, 67:25, 69:2, 69:11, 70:12, 71:5, 71:11, 71:23, 72:16, 72:22, 73:2, 73:13, 73:17, 74:11, 74:15, 74:20, 75:15, 75:25, 76:4, 76:9, 77:2, 77:22, 78:6, 78:17, 78:21, 79:7, 79:9, 79:17, 80:2,</p>	<p>80:7, 81:3, 81:7, 82:5, 82:8, 82:11, 82:18, 82:22, 82:24, 83:3, 84:1, 84:22, 85:2, 85:8, 85:13, 85:16, 98:16, 120:5, 120:21, 122:13, 122:17, 122:20, 123:2, 123:8, 124:1, 125:7, 125:15, 125:22, 126:15, 126:25, 127:11, 127:23, 128:2, 128:6, 128:9, 129:3, 129:18, 129:21, 130:3, 130:6, 130:14, 130:17, 130:20, 131:5, 131:10, 131:18, 132:2, 132:7, 132:11, 132:19, 132:21, 132:24, 133:12, 134:4, 134:10, 134:19, 135:3, 135:7, 135:20, 135:25, 137:2, 137:5, 138:2, 138:5, 138:8, 138:14, 138:24, 139:2, 139:4, 141:15, 141:24, 142:9, 142:24, 143:1, 143:12, 143:15, 145:17, 146:7, 146:12, 146:17, 147:2, 147:11, 147:21, 148:10, 148:17, 148:18, 149:2, 149:16, 150:7, 150:13, 150:20, 151:5, 151:10, 151:13, 151:19, 151:25, 152:14, 152:17, 152:19, 153:10, 153:19, 155:3, 155:10, 155:14, 155:22, 156:2, 156:9, 156:18, 156:22, 157:2, 157:5, 157:8, 157:14, 158:1, 158:7, 158:9, 158:16, 158:20, 158:24, 159:2, 159:6, 159:17, 160:3, 160:7, 160:11, 164:9, 164:17, 164:23, 165:5, 165:15, 165:18, 165:22, 165:25, 166:5, 167:7, 174:6, 177:25, 209:3</p> <p>their^[36] - 23:17, 24:24, 58:17, 66:9, 69:21, 76:23, 79:1, 84:3, 100:5, 105:16, 123:18, 123:19,</p>

<p>142:18, 142:23, 145:7, 157:9, 157:10, 157:16, 157:18, 158:2, 158:6, 158:11, 169:25, 172:16, 192:23, 196:24, 203:2, 203:7, 203:9, 203:12, 203:14, 203:20, 212:8</p> <p>them ^[62] - 6:19, 19:5, 19:6, 23:5, 24:24, 27:7, 29:4, 35:19, 36:6, 36:16, 41:19, 42:22, 50:1, 51:21, 52:3, 53:9, 54:14, 55:19, 57:16, 66:22, 68:12, 76:22, 80:15, 82:13, 84:23, 85:3, 91:12, 98:2, 98:4, 98:9, 105:11, 109:14, 121:18, 133:4, 143:3, 144:11, 156:10, 156:12, 159:16, 163:9, 181:8, 185:18, 188:8, 188:16, 189:23, 193:14, 195:11, 212:3, 218:10, 218:15, 219:2, 219:6, 219:8, 219:12, 219:13, 219:24, 220:6, 220:16, 220:17, 220:20</p> <p>Then ^[3] - 107:4, 123:15, 171:4</p> <p>then ^[86] - 6:20, 22:6, 23:10, 27:20, 28:18, 37:15, 39:19, 40:6, 40:22, 41:8, 50:22, 58:14, 59:2, 59:7, 59:12, 60:20, 61:18, 66:25, 69:8, 70:5, 71:12, 71:15, 72:24, 73:9, 74:17, 74:25, 76:17, 77:7, 79:10, 81:8, 82:12, 85:11, 86:8, 97:11, 98:2, 99:5, 104:3, 107:12, 107:13, 110:9, 120:14, 121:7, 124:14, 128:17, 143:4, 151:7, 154:22, 155:5, 158:11, 167:1, 167:4, 168:7, 168:12, 169:11, 169:16, 169:25, 170:1, 170:11, 170:22, 171:7, 171:8, 179:10, 179:22, 183:2, 183:15, 186:22, 191:8, 191:24,</p>	<p>197:25, 198:2, 199:9, 199:15, 202:6, 203:11, 204:18, 205:1, 211:14, 211:25, 213:17, 213:18, 214:3, 214:14, 214:17, 215:1, 219:8</p> <p>theoretically ^[1] - 94:11</p> <p>theory ^[1] - 178:4</p> <p>there ^[232] - 6:7, 6:10, 6:17, 8:3, 8:16, 8:17, 8:20, 9:17, 9:24, 10:2, 12:3, 12:11, 20:4, 20:17, 21:8, 21:20, 21:21, 21:24, 22:4, 22:6, 22:9, 22:16, 25:3, 25:6, 25:12, 29:5, 34:3, 34:7, 36:17, 36:20, 38:25, 39:8, 40:6, 40:24, 44:22, 45:6, 45:8, 46:2, 46:7, 46:9, 47:2, 47:5, 47:6, 47:8, 48:19, 48:22, 49:5, 49:13, 49:14, 49:24, 50:1, 50:3, 53:18, 54:5, 54:9, 55:2, 55:3, 55:4, 55:18, 56:16, 56:18, 59:4, 59:6, 61:18, 61:20, 61:21, 62:15, 62:19, 66:23, 67:22, 67:24, 69:14, 71:21, 72:9, 73:19, 73:21, 74:9, 75:23, 76:5, 77:6, 78:4, 80:12, 80:22, 81:7, 81:11, 83:10, 83:11, 85:20, 85:23, 85:24, 85:25, 86:4, 87:4, 87:6, 89:17, 89:22, 90:11, 91:15, 91:16, 92:14, 93:13, 95:17, 97:4, 99:5, 100:9, 100:15, 100:21, 104:24, 105:8, 105:23, 108:7, 109:11, 110:15, 110:25, 111:9, 120:25, 121:7, 121:11, 121:12, 122:16, 123:4, 123:21, 124:8, 124:14, 125:1, 126:19, 127:16, 129:22, 132:22, 133:23, 134:2, 135:4, 135:23, 136:2, 136:19, 136:21, 138:12, 138:15,</p>	<p>139:8, 139:10, 140:6, 140:9, 141:17, 144:17, 146:14, 147:4, 149:4, 150:4, 150:9, 152:19, 152:20, 153:14, 153:15, 153:24, 155:3, 155:5, 156:13, 159:14, 160:18, 161:20, 161:21, 161:23, 162:22, 163:4, 163:8, 166:18, 167:1, 167:2, 167:12, 167:14, 167:21, 169:4, 169:6, 170:7, 170:14, 171:24, 172:2, 172:25, 173:4, 173:7, 174:3, 174:22, 177:18, 177:21, 178:20, 180:10, 183:1, 183:16, 183:20, 183:21, 185:19, 186:5, 186:6, 186:9, 186:10, 187:1, 187:20, 189:9, 190:17, 193:11, 194:5, 194:8, 194:10, 194:23, 194:24, 195:2, 196:22, 199:9, 201:25, 202:1, 202:8, 202:14, 203:6, 203:12, 204:10, 205:20, 206:2, 212:18, 214:3, 214:21, 215:9, 218:21, 220:22, 220:23</p> <p>There ^[36] - 6:12, 7:18, 11:14, 20:11, 26:4, 28:5, 36:16, 39:1, 43:18, 46:15, 62:1, 62:15, 80:16, 89:20, 90:9, 91:24, 109:9, 121:3, 122:2, 122:7, 122:21, 124:5, 126:8, 126:15, 126:20, 135:21, 142:12, 144:8, 144:9, 148:7, 148:25, 149:11, 153:19, 175:22, 180:11, 215:8</p> <p>there's ^[12] - 48:1, 74:3, 86:2, 88:12, 90:9, 126:16, 126:18, 135:5, 146:9, 158:22, 169:2, 216:23</p> <p>There's ^[5] - 36:16, 38:5, 134:6, 203:23, 203:24</p> <p>therefore ^[2] - 29:14, 181:3</p>	<p>therein ^[1] - 55:2</p> <p>these ^[63] - 11:25, 24:17, 26:16, 26:24, 27:3, 27:10, 27:13, 27:24, 29:10, 29:20, 33:20, 33:23, 34:19, 35:7, 35:24, 36:5, 36:13, 37:22, 38:3, 38:15, 40:18, 40:19, 41:4, 49:25, 50:11, 50:14, 51:21, 52:8, 54:2, 54:6, 54:10, 56:8, 56:10, 72:1, 72:2, 72:5, 72:6, 73:24, 74:1, 75:17, 80:11, 80:18, 84:20, 87:7, 88:6, 94:19, 96:25, 97:25, 130:12, 133:3, 137:24, 144:9, 145:1, 145:18, 157:4, 166:17, 168:9, 169:21, 173:1, 177:21, 198:22, 220:15</p> <p>These ^[6] - 19:3, 26:5, 35:8, 51:22, 164:25, 183:12</p> <p>They ^[35] - 6:22, 19:14, 20:13, 29:4, 33:5, 33:17, 35:8, 47:25, 50:12, 58:16, 63:13, 64:9, 66:6, 68:9, 76:5, 84:3, 84:22, 85:2, 89:1, 91:14, 100:8, 104:11, 110:7, 124:9, 124:10, 151:5, 162:12, 180:14, 183:4, 183:13, 194:10, 194:14, 205:13, 220:8</p> <p>they ^[127] - 11:12, 19:4, 19:12, 19:16, 20:14, 20:15, 21:23, 23:19, 29:21, 32:9, 38:21, 39:2, 39:3, 39:19, 40:19, 40:22, 42:21, 47:24, 50:2, 50:3, 50:13, 52:4, 53:8, 54:24, 58:14, 58:17, 61:1, 66:20, 71:16, 73:3, 73:23, 75:6, 76:3, 76:23, 77:14, 78:19, 78:23, 78:25, 80:24, 81:11, 82:6, 82:11, 82:12, 84:4, 84:7, 85:1, 85:4, 86:13, 91:15, 91:16, 91:25, 94:23, 95:10, 101:25, 104:9, 104:20, 109:10,</p>	<p>109:25, 110:8, 110:9, 110:10, 110:11, 123:19, 127:14, 127:16, 131:2, 131:25, 133:24, 138:3, 138:6, 138:25, 139:13, 140:11, 140:13, 143:7, 144:13, 145:6, 147:5, 149:2, 149:12, 149:17, 152:24, 162:14, 162:21, 170:4, 170:6, 178:7, 181:3, 183:19, 185:13, 185:17, 185:19, 186:1, 186:7, 187:9, 187:11, 188:14, 188:15, 189:12, 189:14, 189:19, 190:1, 190:8, 191:13, 191:24, 192:24, 193:16, 193:17, 194:8, 194:15, 199:8, 213:18, 217:4, 219:8, 219:21, 220:4</p> <p>they're ^[9] - 38:1, 43:25, 52:3, 95:9, 160:25, 161:1, 186:19, 187:10, 219:24</p> <p>They're ^[1] - 195:15</p> <p>thing ^[18] - 30:20, 35:13, 45:25, 51:12, 52:13, 77:18, 81:20, 90:23, 106:9, 139:15, 139:23, 147:6, 185:9, 185:24, 186:1, 186:23, 211:22, 216:22</p> <p>Things ^[1] - 213:6</p> <p>things ^[30] - 5:18, 40:24, 41:17, 43:12, 45:12, 50:14, 50:17, 51:17, 54:3, 54:6, 54:10, 56:9, 56:10, 80:9, 83:14, 88:13, 95:4, 98:6, 133:11, 135:24, 144:9, 145:6, 145:23, 163:6, 173:3, 174:13, 187:11, 201:3, 219:11</p> <p>think ^[121] - 9:20, 12:2, 12:3, 21:5, 21:25, 23:23, 24:23, 25:7, 30:21, 32:1, 36:19, 36:22, 38:14, 40:18, 43:7, 43:8, 43:21, 44:6, 44:10, 44:11, 45:4, 45:5,</p>
---	--	--	---	---

<p>45:21, 45:23, 46:1, 46:11, 47:16, 48:1, 48:6, 52:7, 53:9, 54:2, 54:5, 54:7, 54:14, 56:12, 58:7, 59:19, 60:7, 61:18, 61:25, 65:22, 66:17, 67:1, 69:15, 71:14, 71:17, 72:13, 73:11, 74:5, 75:15, 84:12, 86:20, 87:3, 87:5, 87:10, 87:13, 89:18, 89:24, 93:13, 93:24, 94:8, 95:8, 95:20, 98:1, 99:21, 100:6, 105:13, 106:1, 107:6, 107:7, 108:6, 108:16, 109:21, 109:23, 110:12, 112:15, 112:16, 118:2, 118:13, 132:14, 138:12, 139:12, 139:15, 139:22, 139:23, 139:25, 140:13, 140:15, 141:10, 142:13, 142:15, 142:19, 149:7, 169:4, 171:19, 172:12, 172:17, 172:25, 173:13, 173:16, 174:12, 175:8, 177:13, 190:2, 191:12, 191:21, 193:2, 193:5, 193:7, 193:10, 197:6, 201:1, 202:20, 205:8, 212:13, 212:16, 213:22</p> <p>thinking [5] - 66:11, 100:11, 109:17, 110:2, 217:2</p> <p>Third [4] - 168:3, 168:14, 168:23, 170:23</p> <p>third [6] - 27:11, 27:16, 27:18, 74:24, 126:4, 191:4</p> <p>thirteen [1] - 46:4</p> <p>This [28] - 4:4, 17:13, 21:17, 21:22, 22:12, 24:1, 24:2, 27:5, 27:21, 28:10, 29:24, 34:20, 81:23, 92:2, 92:20, 97:12, 113:22, 117:21, 123:3, 123:8, 128:20, 146:24, 154:15, 155:4, 158:9, 161:14, 208:21, 222:21</p> <p>this [206] - 4:7, 6:14,</p>	<p>6:15, 8:18, 9:16, 10:19, 11:16, 11:20, 18:18, 18:19, 18:24, 21:14, 21:18, 21:19, 21:22, 22:1, 23:7, 24:20, 25:7, 25:17, 27:8, 27:14, 27:18, 27:24, 28:10, 28:18, 28:21, 28:25, 29:10, 29:11, 29:12, 29:14, 29:15, 29:21, 30:11, 30:21, 30:23, 31:12, 32:22, 33:20, 34:14, 34:18, 35:5, 35:8, 35:25, 36:3, 36:19, 36:22, 37:7, 37:8, 37:19, 38:2, 38:20, 39:10, 40:12, 41:21, 42:23, 44:11, 44:12, 45:17, 50:13, 50:15, 50:16, 50:20, 50:22, 51:4, 52:2, 52:17, 52:19, 52:22, 55:5, 56:20, 57:7, 57:10, 58:7, 59:23, 66:13, 66:22, 67:8, 68:5, 68:9, 69:9, 69:23, 69:24, 70:10, 70:11, 70:14, 72:4, 72:19, 72:20, 73:18, 74:23, 75:11, 75:22, 75:24, 76:11, 76:13, 76:14, 76:19, 77:13, 77:22, 77:24, 77:25, 78:3, 79:5, 80:13, 81:19, 81:22, 82:1, 82:2, 82:3, 82:16, 84:3, 87:16, 87:25, 88:24, 89:2, 89:5, 89:10, 90:12, 91:14, 92:7, 99:16, 101:11, 101:24, 102:24, 105:9, 105:12, 105:25, 106:6, 110:3, 111:1, 113:13, 117:9, 119:23, 122:15, 126:22, 129:25, 130:10, 133:13, 135:15, 139:9, 140:7, 142:14, 144:5, 145:16, 146:12, 147:12, 148:3, 157:8, 157:9, 157:10, 160:19, 162:11, 162:24, 168:5, 168:15, 168:20, 169:14, 169:18, 169:21, 169:22, 171:1, 171:17, 171:21, 173:13, 174:22, 175:1, 180:5,</p>	<p>180:17, 185:3, 189:11, 189:20, 189:24, 190:11, 190:12, 191:7, 191:24, 192:21, 200:4, 200:24, 202:5, 202:20, 203:4, 204:6, 204:8, 204:13, 204:15, 204:25, 205:1, 206:25, 208:13, 211:3, 211:6, 211:11, 215:23, 216:11, 216:13, 219:12, 220:13, 222:13</p> <p>Those [12] - 5:18, 19:1, 33:3, 33:24, 67:3, 91:21, 121:10, 122:8, 122:22, 126:21, 167:22, 217:23</p> <p>those [46] - 4:6, 6:11, 9:19, 9:21, 19:7, 30:6, 30:9, 33:11, 35:13, 35:23, 38:14, 39:24, 53:8, 55:5, 55:6, 64:19, 74:13, 74:24, 76:3, 76:8, 76:20, 76:21, 83:14, 95:25, 96:22, 98:7, 121:13, 127:7, 135:9, 135:12, 135:13, 136:15, 139:25, 141:18, 150:15, 154:11, 156:4, 173:20, 174:13, 181:7, 192:2, 198:8, 201:3, 205:21, 218:8</p> <p>though [14] - 6:24, 45:5, 51:18, 52:22, 56:4, 84:13, 91:10, 91:14, 106:12, 145:10, 154:2, 182:21, 189:8, 204:16</p> <p>thought [33] - 10:22, 12:8, 32:11, 34:18, 36:17, 36:24, 37:8, 37:14, 38:2, 57:11, 57:19, 67:6, 70:18, 72:7, 76:19, 77:24, 80:17, 80:19, 86:25, 94:20, 95:9, 97:16, 98:2, 98:18, 110:22, 131:2, 170:13, 182:8, 201:13, 202:9, 202:17, 202:19, 204:25</p> <p>thousand [9] - 20:18, 21:3, 25:24, 39:7, 85:18, 87:24, 88:7,</p>	<p>88:8, 97:3</p> <p>three [71] - 6:5, 20:9, 21:20, 22:2, 22:6, 22:15, 25:10, 26:4, 28:21, 33:23, 33:25, 35:10, 35:12, 35:20, 36:2, 37:6, 38:13, 39:5, 39:20, 39:24, 41:4, 42:24, 68:11, 75:23, 77:1, 81:12, 98:6, 118:13, 120:25, 121:9, 121:11, 123:4, 124:6, 124:9, 125:23, 127:5, 130:1, 130:7, 138:3, 155:20, 156:23, 157:18, 157:22, 157:23, 158:5, 159:22, 160:10, 167:3, 167:4, 168:10, 169:14, 169:16, 169:20, 169:25, 170:1, 173:23, 174:16, 179:6, 180:20, 191:9, 193:2, 193:4, 193:12, 197:10, 197:16, 197:21, 203:9, 203:16</p> <p>Three [3] - 123:5, 155:22, 197:20</p> <p>three-bedroom [3] - 124:9, 125:23, 159:22</p> <p>three-story [3] - 20:9, 120:25, 121:9</p> <p>three-unit [1] - 21:20</p> <p>threshold [1] - 88:7</p> <p>through [22] - 22:9, 23:1, 23:5, 23:22, 23:25, 32:24, 35:5, 38:11, 41:19, 68:14, 100:12, 116:16, 123:25, 145:14, 156:15, 162:19, 166:1, 166:16, 166:25, 187:6, 191:11, 213:4</p> <p>throughout [1] - 153:13</p> <p>throw [2] - 77:5, 94:4</p> <p>throwing [2] - 41:10, 51:21</p> <p>tight [1] - 205:16</p> <p>tiles [1] - 92:12</p> <p>time [34] - 6:20, 20:19, 20:25, 23:13, 40:15, 53:3, 56:23, 61:11, 81:5, 82:21, 85:24, 93:13, 106:8, 113:8, 119:1, 147:16, 148:15, 148:19, 151:22, 162:5,</p>	<p>166:24, 176:18, 184:7, 199:10, 208:8, 212:21, 215:6, 218:17, 219:11, 219:19, 219:20, 220:1, 220:16, 222:8</p> <p>times [1] - 175:18</p> <p>today [1] - 31:8</p> <p>together [3] - 105:10, 158:17, 171:14</p> <p>told [2] - 80:5, 199:6</p> <p>tonight [6] - 23:16, 49:9, 65:23, 112:16, 159:9, 213:25</p> <p>tonight's [1] - 31:9</p> <p>too [11] - 12:6, 57:19, 76:15, 76:16, 78:19, 99:21, 131:10, 174:24, 190:7, 193:18, 202:11</p> <p>took [7] - 19:7, 19:10, 84:9, 102:24, 136:10, 174:1, 211:3</p> <p>top [12] - 35:14, 47:14, 69:1, 69:15, 126:7, 126:17, 126:18, 129:6, 158:10, 192:17, 192:21, 193:17</p> <p>topography [2] - 33:15, 35:1</p> <p>total [1] - 131:16</p> <p>total [3] - 27:5, 61:7, 167:2</p> <p>totality [1] - 56:13</p> <p>totally [2] - 185:21, 214:5</p> <p>touch [2] - 71:13, 107:6</p> <p>towards [7] - 21:16, 21:17, 21:18, 62:24, 63:10, 120:18</p> <p>town [8] - 82:3, 83:24, 87:16, 87:17, 185:3, 187:10, 189:13, 199:13</p> <p>townhome [7] - 23:3, 23:12, 23:20, 36:25, 37:1, 37:13, 57:14</p> <p>townhomes [3] - 24:23, 25:9, 84:6</p> <p>track [1] - 144:5</p> <p>trade [2] - 51:5, 139:11</p> <p>trade-off [1] - 139:11</p> <p>trade-offs [1] - 51:5</p> <p>traditionally [1] - 39:13</p> <p>traffic [4] - 45:6,</p>
---	--	---	---	---

<p>45:21, 46:7, 46:12 transcript [6] - 113:7, 113:22, 208:7, 208:21, 222:7, 222:21 transgressing [1] - 50:25 treated [1] - 39:13 Tree [14] - 34:1, 66:5, 101:15, 108:24, 109:1, 114:4, 117:12, 140:16, 141:16, 141:20, 142:4, 142:8, 143:19, 198:14 tree [11] - 28:22, 141:19, 142:18, 143:2, 143:4, 143:5, 143:7, 143:9, 167:20, 167:21, 168:1 trees [44] - 33:25, 43:20, 51:11, 61:22, 62:1, 62:11, 62:13, 62:15, 66:4, 66:9, 70:25, 71:2, 101:10, 101:14, 108:17, 108:20, 122:7, 122:21, 132:20, 132:21, 140:9, 140:11, 140:14, 140:20, 141:9, 141:12, 141:14, 141:15, 141:18, 142:1, 142:3, 142:6, 142:10, 142:20, 143:11, 143:18, 145:2, 145:15, 167:22, 169:2, 169:5, 169:6, 169:7, 198:13 tremendous [1] - 5:12 triangular [1] - 168:16 tried [1] - 80:9 trip [1] - 45:12 trips [1] - 45:7 truck [1] - 144:11 true [4] - 113:6, 201:6, 208:6, 222:6 Trust [1] - 7:21 truth [8] - 17:25, 79:20, 119:23, 141:1, 164:3, 184:17, 190:22, 192:8 try [8] - 42:25, 50:24, 51:15, 58:6, 80:22, 85:11, 176:16, 214:6 trying [15] - 8:10, 12:9, 46:5, 68:10, 81:21, 85:19, 88:23, 153:11, 160:12, 170:9, 176:13, 177:7,</p>	<p>177:17, 205:3, 217:4 Tuesday [3] - 4:3, 217:24, 218:1 turf [1] - 147:9 turn [2] - 53:8 turned [2] - 5:17, 53:22 Turning [1] - 169:9 twelve [2] - 64:24, 67:10 twice [4] - 98:11, 128:5, 128:7, 139:14 Two [4] - 64:2, 64:3, 197:13, 198:10 two [116] - 17:16, 20:24, 22:6, 22:24, 23:14, 24:19, 25:10, 26:4, 27:7, 27:10, 28:9, 28:22, 29:6, 29:8, 29:9, 29:10, 29:11, 29:12, 30:6, 33:2, 33:11, 33:23, 33:25, 35:7, 35:8, 35:10, 35:13, 35:20, 35:22, 36:2, 36:16, 37:6, 38:2, 38:13, 38:19, 39:8, 40:6, 48:7, 56:25, 59:20, 60:4, 62:3, 62:23, 64:10, 64:15, 65:8, 65:13, 68:9, 68:11, 68:12, 73:24, 74:5, 76:2, 76:21, 80:13, 80:23, 80:24, 81:12, 81:15, 82:1, 87:1, 88:25, 89:2, 89:3, 89:9, 97:2, 97:5, 98:1, 99:13, 109:7, 118:11, 121:10, 122:7, 122:18, 122:21, 126:2, 127:12, 129:5, 130:15, 134:6, 134:11, 134:20, 135:10, 135:11, 137:25, 141:18, 143:8, 144:3, 146:20, 149:3, 149:21, 152:20, 155:4, 164:16, 164:17, 166:9, 167:22, 168:1, 170:21, 172:11, 176:14, 176:25, 179:10, 182:1, 183:7, 191:7, 192:21, 197:7, 198:9, 218:8, 218:13, 220:14, 220:15 tying [1] - 37:7 type [7] - 41:24, 87:14, 145:6, 172:1, 186:11, 189:10, 211:9</p>	<p>Type [4] - 48:8, 102:18, 126:6, 195:19 types [4] - 76:17, 84:20, 148:7, 186:6 typical [2] - 57:21, 133:23 typically [2] - 80:12, 166:15 typing [1] - 197:24 typo [1] - 119:4 typographical [1] - 130:7</p>	<p>70:13 unique [1] - 127:1 Unit [2] - 127:13, 127:14 unit [26] - 21:20, 22:23, 23:11, 27:4, 27:5, 35:7, 35:10, 36:4, 46:20, 73:21, 73:25, 89:17, 89:18, 89:25, 103:7, 104:3, 104:15, 105:22, 105:23, 107:10, 107:19, 121:14, 124:9, 125:23, 125:24, 191:7 units [61] - 17:15, 22:24, 27:3, 27:6, 27:9, 29:5, 29:11, 29:15, 35:10, 35:11, 35:23, 36:6, 43:24, 44:1, 45:9, 45:10, 45:23, 46:2, 69:19, 69:20, 71:15, 72:1, 73:10, 73:12, 73:23, 74:1, 74:2, 74:14, 74:17, 74:18, 75:14, 80:11, 80:18, 81:10, 84:21, 88:23, 89:5, 89:7, 117:15, 117:16, 121:1, 121:8, 121:11, 121:13, 123:25, 124:9, 126:16, 139:21, 167:2, 167:4, 167:5, 167:6, 167:7, 171:21, 174:12, 174:14, 177:21, 191:9 unless [1] - 214:7 unlike [1] - 104:16 unreinforced [1] - 124:5 unseen [1] - 5:14 until [1] - 163:24 unused [1] - 104:21 unusual [1] - 170:13 up [118] - 5:19, 6:8, 7:14, 11:15, 24:18, 26:13, 27:18, 29:17, 29:22, 31:8, 34:19, 37:2, 44:8, 45:5, 46:16, 47:8, 47:13, 49:10, 49:25, 50:2, 51:21, 52:6, 55:6, 55:16, 56:20, 58:10, 58:15, 60:4, 63:1, 67:17, 68:5, 68:18, 69:24, 69:25, 70:5, 74:23, 77:7, 78:11, 79:16, 83:9, 86:7, 89:3, 89:4, 94:5, 105:6, 105:7, 106:5,</p>	<p>106:24, 108:23, 110:18, 119:12, 120:19, 122:24, 124:15, 124:18, 129:8, 129:25, 135:10, 136:25, 139:8, 139:17, 139:24, 140:22, 142:8, 143:4, 146:24, 152:14, 152:16, 154:12, 154:16, 157:24, 159:8, 159:21, 159:23, 160:17, 160:20, 162:5, 162:10, 163:9, 163:16, 168:19, 171:15, 171:16, 172:8, 173:12, 176:3, 178:18, 179:23, 180:2, 181:21, 182:14, 183:6, 183:10, 183:24, 185:19, 185:23, 186:18, 186:23, 186:24, 187:1, 187:11, 188:7, 190:19, 191:12, 192:5, 195:3, 196:22, 197:24, 200:21, 205:2, 205:6, 216:1, 216:23, 217:20, 220:18 Up [1] - 35:4 update [1] - 30:16 updating [1] - 5:15 upfront [1] - 118:7 upon [3] - 124:13, 181:4, 185:18 upper [11] - 27:15, 28:14, 35:13, 123:12, 124:8, 125:24, 166:19, 167:24, 169:10, 170:8, 174:10 upstairs [3] - 26:10, 50:23 urban [1] - 205:16 Urban [1] - 34:23 us [46] - 5:13, 17:4, 49:13, 52:23, 52:24, 53:9, 59:12, 66:25, 67:9, 67:11, 72:4, 74:7, 77:14, 79:25, 80:4, 80:5, 98:3, 99:17, 100:24, 105:16, 117:2, 123:15, 123:24, 134:1, 136:14, 136:20, 145:14, 145:16, 157:13, 161:1, 162:14, 166:2,</p>
		U		
		<p>U [1] - 79:22 u [1] - 80:3 Uh [1] - 155:13 Uh-huh [1] - 155:13 umbrella [2] - 187:1, 187:5 unchanged [1] - 103:8 under [15] - 39:14, 41:1, 59:16, 69:4, 79:13, 102:7, 118:20, 145:10, 161:1, 174:19, 176:3, 177:8, 181:22, 195:25, 211:10 underground [2] - 21:3, 93:8 underlying [1] - 53:22 underneath [4] - 34:3, 138:20, 179:24, 187:6 undersized [4] - 160:2, 172:21, 176:17, 176:22 understand [10] - 5:23, 12:7, 52:11, 81:23, 81:24, 82:24, 153:12, 179:13, 189:20, 213:15 understanding [3] - 55:2, 58:25, 131:9 understands [1] - 96:16 Understood [5] - 51:14, 53:11, 60:3, 64:20, 70:12 understood [5] - 52:8, 59:10, 59:14, 66:24, 71:11 unequal [1] - 26:13 unfortunately [1] - 132:25 UNIDENTIFIED [1] -</p>		

<p>171:10, 173:9, 174:25, 179:11, 184:19, 188:4, 192:15, 193:6, 193:13, 201:20, 205:10, 211:13, 216:1, 219:8</p> <p>usable [3] - 36:9, 159:19, 159:21</p> <p>use [33] - 20:5, 29:17, 32:23, 36:23, 37:10, 38:19, 39:13, 39:24, 40:1, 40:3, 40:21, 41:4, 41:7, 41:8, 43:22, 50:16, 52:4, 52:10, 71:22, 72:5, 87:15, 103:6, 106:2, 133:14, 137:7, 147:18, 147:20, 147:23, 153:17, 153:23, 171:20, 171:22, 181:8</p> <p>used [20] - 5:25, 11:12, 20:11, 20:19, 21:19, 21:23, 27:17, 28:14, 29:18, 35:19, 35:22, 37:21, 37:22, 37:23, 57:14, 81:13, 81:14, 121:7, 175:2, 176:1</p> <p>uses [3] - 39:15, 41:1, 76:17</p> <p>using [10] - 20:6, 33:10, 36:19, 50:10, 52:9, 52:12, 55:7, 71:20, 153:16, 179:19</p> <p>usual [1] - 92:1</p> <p>usually [2] - 42:22, 161:16</p> <p>utilities [2] - 134:1, 134:5</p> <p>utility [1] - 29:24</p> <p>utilizing [1] - 136:13</p>	<p>69:13, 70:11, 88:3, 94:13, 94:18, 97:4, 97:19, 99:3, 118:2, 118:14, 124:15, 165:20, 166:3, 166:12, 174:5, 174:17, 176:13, 177:4, 177:8, 188:19</p> <p>variances [13] - 14:5, 17:14, 38:11, 114:5, 117:13, 117:18, 118:1, 118:12, 161:21, 166:9, 172:11, 173:1, 212:3</p> <p>variation [2] - 22:17, 174:20</p> <p>variety [1] - 22:6</p> <p>various [1] - 21:9</p> <p>varying [1] - 149:2</p> <p>Vasil [8] - 118:16, 118:19, 119:21, 120:5, 120:12, 120:16, 150:25, 156:25</p> <p>VASIL [29] - 116:5, 119:24, 148:24, 178:22, 179:4, 179:9, 179:19, 180:20, 181:5, 181:11, 181:17, 182:1, 183:7, 183:11, 183:14, 201:17, 201:22, 202:2, 202:5, 202:18, 203:3, 203:10, 203:15, 203:18, 203:22, 204:1, 204:12, 204:21, 204:24</p> <p>Vasil's [3] - 120:8, 146:1, 200:3</p> <p>vehicles [1] - 25:3</p> <p>vehicular [1] - 24:20</p> <p>venting [3] - 30:9, 32:18, 33:13</p> <p>vents [1] - 128:16</p> <p>versus [2] - 18:25, 173:24</p> <p>vertical [4] - 26:9, 28:23, 29:9, 35:9</p> <p>Very [1] - 178:10</p> <p>very [13] - 37:15, 37:21, 42:23, 53:18, 58:8, 67:4, 72:10, 123:18, 146:13, 170:13, 185:13, 190:16, 211:5</p> <p>via [1] - 191:8</p> <p>vibration [1] - 133:20</p> <p>Vice [4] - 1:11, 14:12, 114:12, 209:11</p>	<p>VICE [68] - 4:18, 8:9, 8:24, 9:5, 10:7, 62:5, 63:8, 84:16, 84:19, 84:25, 85:7, 85:10, 85:14, 86:12, 86:16, 88:17, 88:20, 89:11, 90:22, 90:25, 91:5, 91:13, 91:20, 91:23, 92:16, 93:1, 93:15, 93:18, 98:25, 105:20, 106:14, 106:21, 107:12, 108:6, 108:10, 110:16, 111:22, 150:25, 151:7, 151:11, 151:14, 151:18, 152:9, 155:19, 155:24, 156:3, 156:7, 157:21, 158:3, 178:10, 178:19, 179:2, 179:5, 179:13, 179:25, 180:24, 181:6, 181:13, 181:23, 182:3, 182:8, 182:16, 182:20, 182:24, 183:10, 205:13, 206:8, 215:11</p> <p>vicinity [1] - 24:3</p> <p>Victor [1] - 120:6</p> <p>view [2] - 22:20, 170:7</p> <p>visual [2] - 36:21, 37:4</p> <p>visually [1] - 168:24</p> <p>VOICE [1] - 70:13</p> <p>volume [3] - 42:13, 42:18, 212:24</p> <p>vote [10] - 9:1, 10:5, 10:18, 10:20, 11:5, 11:7, 11:12, 12:17, 111:20, 206:6</p> <p>voting [4] - 7:5, 7:24, 8:1, 8:4</p> <p>Voting [1] - 8:13</p>	<p>walls [2] - 26:14, 124:6</p> <p>want [52] - 11:13, 12:4, 32:23, 38:6, 40:16, 53:7, 53:25, 58:6, 58:13, 59:25, 60:2, 67:12, 67:16, 68:18, 69:20, 74:24, 81:24, 81:25, 84:3, 84:4, 86:24, 87:17, 87:18, 87:21, 97:8, 106:11, 107:6, 107:7, 108:4, 145:14, 145:15, 145:18, 151:16, 156:10, 162:22, 166:6, 177:1, 177:6, 177:16, 186:24, 187:3, 197:6, 198:9, 199:21, 201:8, 202:11, 211:21, 213:2, 213:11, 216:22</p> <p>wanted [22] - 5:11, 8:4, 8:6, 23:19, 45:13, 71:13, 73:23, 80:10, 84:7, 87:9, 93:24, 118:6, 131:12, 145:9, 146:2, 150:3, 162:20, 168:15, 178:5, 204:19, 217:13</p> <p>wants [8] - 5:19, 11:5, 11:6, 57:13, 72:4, 74:3, 74:5, 184:2</p> <p>Was [3] - 8:3, 202:23, 205:20</p> <p>was [154] - 4:10, 6:14, 7:2, 10:23, 10:24, 11:11, 11:23, 11:24, 12:6, 12:9, 20:11, 20:14, 20:15, 20:17, 20:18, 20:24, 21:1, 21:4, 21:5, 21:8, 21:19, 21:20, 23:7, 23:8, 24:22, 30:12, 30:19, 30:20, 31:5, 32:11, 34:14, 36:25, 38:3, 38:24, 39:1, 39:16, 42:16, 45:8, 45:9, 45:18, 45:22, 45:23, 46:1, 46:15, 46:16, 47:1, 49:5, 49:13, 53:18, 53:22, 57:11, 58:25, 59:19, 59:21, 60:7, 61:18, 64:4, 65:16, 65:21, 66:7, 66:9, 67:6, 69:4, 69:5, 69:14, 70:17, 71:17, 72:14, 73:22, 75:9, 77:22, 77:24, 78:14, 80:19, 80:25,</p>	<p>81:15, 86:25, 87:10, 87:17, 87:22, 89:15, 91:24, 92:15, 93:8, 93:13, 93:21, 94:24, 99:23, 100:18, 104:2, 104:19, 108:17, 113:22, 117:21, 117:23, 121:6, 121:7, 121:12, 125:1, 127:3, 127:9, 130:21, 131:6, 131:9, 131:10, 134:2, 137:7, 141:10, 146:3, 146:25, 148:18, 148:21, 149:7, 149:9, 149:11, 152:12, 152:13, 152:20, 154:15, 158:25, 161:21, 166:24, 167:1, 167:2, 170:13, 171:20, 172:2, 177:2, 177:12, 177:16, 182:8, 182:9, 182:12, 183:21, 193:8, 193:11, 193:23, 194:5, 195:17, 200:11, 201:13, 202:8, 202:17, 208:21, 220:12, 222:21</p> <p>Washington [4] - 1:6, 14:7, 114:7, 209:6</p> <p>wasn't [5] - 6:12, 23:7, 64:6, 117:24, 169:3</p> <p>water [15] - 30:1, 30:6, 33:11, 33:13, 34:19, 34:20, 36:9, 41:22, 98:11, 124:4, 127:17, 132:18, 134:12, 147:19, 147:20</p> <p>way [56] - 12:1, 21:17, 24:2, 25:8, 25:9, 32:12, 37:24, 38:5, 38:6, 40:25, 41:3, 48:20, 49:18, 50:8, 50:11, 50:17, 51:1, 51:3, 52:5, 52:9, 52:12, 53:2, 55:8, 57:2, 58:20, 60:24, 65:8, 66:21, 67:23, 71:3, 84:17, 96:18, 101:5, 109:23, 121:4, 134:24, 135:18, 135:21, 136:6, 136:8, 136:13, 138:9, 138:15, 139:9, 140:4, 143:1, 145:4, 146:11, 154:16, 177:10, 179:18, 181:4, 196:4,</p>
V				
<p>V [4] - 18:2, 120:1, 120:5, 146:5</p> <p>v [1] - 18:7</p> <p>vacancies [2] - 83:24, 104:25</p> <p>vacant [4] - 21:22, 85:12, 85:20</p> <p>valves [1] - 21:9</p> <p>valving [1] - 20:16</p> <p>variance [30] - 11:24, 24:13, 24:17, 24:18, 38:13, 38:18, 38:22, 39:4, 39:14, 41:9,</p>				
		W		
		<p>Wait [6] - 7:8, 99:8, 122:9, 151:15, 181:13, 197:12</p> <p>wait [5] - 65:17, 151:15, 162:1, 163:24</p> <p>walk [1] - 26:23</p> <p>walkable [1] - 36:8</p> <p>walked [1] - 61:19</p> <p>walking [1] - 65:5</p> <p>wall [5] - 121:12, 121:25, 127:17, 132:1, 191:19</p>		

<p>204:8, 220:9 ways [1] - 82:3 we'll [6] - 25:4, 35:14, 89:19, 143:21, 211:25, 215:4 We'll [2] - 160:15, 220:19 we're [15] - 59:23, 63:10, 65:9, 68:6, 70:2, 94:18, 96:1, 124:19, 140:23, 172:24, 176:12, 181:18, 193:13, 203:21, 204:7 We're [5] - 7:11, 21:18, 88:19, 97:15, 129:22 we've [2] - 11:23, 179:1 weakness [1] - 67:1 wearing [1] - 137:21 website [3] - 4:11, 5:15, 5:19 Wednesday [1] - 218:14 week [3] - 216:5, 216:11, 218:9 week's [2] - 211:25, 218:16 welcome [1] - 122:20 well [56] - 21:23, 24:4, 24:18, 25:14, 28:19, 29:10, 30:2, 30:10, 33:12, 34:1, 37:1, 38:1, 38:9, 42:4, 43:19, 44:2, 47:15, 48:8, 49:1, 54:6, 62:23, 76:11, 77:8, 85:1, 89:9, 93:6, 96:2, 97:5, 100:12, 100:22, 105:14, 125:6, 126:19, 145:7, 149:6, 151:9, 155:16, 156:21, 169:21, 170:5, 172:3, 174:14, 176:11, 181:1, 181:2, 181:14, 181:15, 181:18, 181:19, 181:20, 182:9, 182:10, 191:15, 192:16, 193:1, 202:25 Well [35] - 6:21, 38:24, 65:11, 65:17, 79:13, 82:10, 82:15, 82:18, 84:1, 85:13, 85:16, 86:9, 86:12, 86:20, 88:17, 95:1, 103:12, 131:18, 137:11, 139:12, 142:22, 153:16,</p>	<p>174:6, 176:12, 177:6, 177:19, 178:22, 181:17, 189:15, 190:14, 212:13, 213:8, 213:12, 213:17, 217:6 wells [1] - 181:7 went [5] - 35:4, 58:19, 171:25, 183:22, 187:6 were [57] - 4:11, 6:1, 6:7, 6:15, 6:17, 7:18, 8:13, 9:17, 11:14, 19:1, 19:3, 19:4, 25:8, 30:21, 45:21, 46:18, 49:6, 49:18, 52:18, 53:23, 67:2, 67:3, 67:9, 69:23, 73:20, 73:22, 78:1, 80:16, 81:11, 83:11, 87:11, 91:15, 91:16, 94:11, 94:23, 99:22, 121:10, 121:11, 122:22, 131:3, 131:5, 141:13, 152:19, 160:8, 161:21, 164:25, 169:3, 174:4, 176:13, 183:16, 193:8, 196:22, 202:19, 216:2, 217:4, 219:11 Were [1] - 190:17 weren't [2] - 47:24, 47:25 west [1] - 22:20 Wet [1] - 32:17 wet [5] - 30:8, 32:3, 32:9, 33:3, 124:4 what's [1] - 182:6 What's [2] - 19:1, 93:1 whatever [7] - 6:16, 29:22, 88:10, 139:14, 158:15, 177:1, 186:12 whatever's [1] - 34:7 whatsoever [1] - 202:12 When [11] - 11:11, 28:12, 35:12, 49:25, 59:7, 77:22, 91:17, 117:23, 118:19, 176:22, 193:23 when [36] - 11:12, 20:25, 45:21, 50:2, 54:10, 55:4, 55:17, 58:2, 62:13, 69:5, 69:7, 76:19, 77:23, 87:19, 95:9, 106:5, 106:6, 106:9, 133:6, 134:16, 144:8, 145:1, 175:12, 175:23,</p>	<p>175:25, 178:4, 182:13, 187:9, 193:7, 200:4, 202:13, 204:16, 204:19, 214:2, 217:2 Where [6] - 11:23, 73:21, 133:20, 135:23, 151:25, 160:4 where [42] - 11:24, 21:2, 22:24, 24:10, 24:23, 38:14, 44:1, 53:19, 53:21, 56:21, 67:22, 68:1, 71:25, 73:19, 75:4, 80:22, 84:5, 89:25, 93:7, 95:3, 104:22, 107:16, 119:15, 121:23, 124:15, 127:4, 134:1, 135:16, 150:13, 150:19, 160:10, 162:2, 166:22, 168:1, 170:16, 181:8, 183:2, 183:16, 188:1, 201:3, 214:3, 217:3 whether [8] - 56:18, 58:4, 73:23, 105:1, 173:25, 174:3, 177:4, 218:15 which [90] - 5:14, 6:1, 18:23, 20:6, 20:11, 20:18, 24:19, 28:3, 30:1, 32:18, 33:3, 36:23, 42:21, 43:1, 46:2, 50:24, 51:1, 51:2, 63:1, 66:23, 68:3, 70:9, 80:18, 80:23, 89:16, 92:13, 93:12, 98:7, 103:17, 104:21, 117:14, 118:14, 121:4, 121:20, 122:22, 122:25, 123:16, 123:20, 123:23, 124:6, 124:12, 124:15, 124:17, 125:8, 126:5, 126:16, 126:21, 127:17, 127:19, 128:12, 128:18, 129:7, 129:8, 132:1, 132:21, 139:8, 143:8, 154:2, 155:6, 156:23, 157:10, 157:11, 159:24, 166:25, 167:13, 168:5, 168:16, 168:17, 169:23, 170:5, 170:13, 171:8, 171:13, 172:17, 172:24, 174:25, 175:13, 176:3,</p>	<p>177:22, 178:24, 186:7, 189:10, 195:25, 201:19, 201:23, 203:4, 211:8, 215:6 Which [3] - 41:6, 132:25, 178:7 While [3] - 76:10, 83:9, 220:13 while [5] - 31:22, 87:24, 97:2, 129:24, 202:19 white [2] - 18:25, 19:4 Who [1] - 215:14 who [17] - 5:12, 5:17, 23:16, 41:10, 52:1, 69:20, 73:22, 74:25, 75:1, 75:18, 85:5, 104:15, 142:17, 169:2, 190:6, 201:3, 217:6 whoever [1] - 213:18 whole [13] - 56:1, 84:6, 121:25, 132:1, 139:23, 147:23, 151:8, 153:13, 154:14, 172:8, 181:11, 214:18, 218:10 whoops [1] - 123:1 Why [8] - 43:11, 79:15, 83:16, 123:24, 140:22, 181:10, 182:24, 200:18 why [28] - 48:1, 52:3, 54:18, 55:3, 59:1, 69:4, 75:11, 76:20, 105:18, 125:11, 143:3, 146:2, 153:12, 153:16, 159:11, 175:2, 176:12, 178:7, 179:7, 179:15, 179:16, 179:18, 182:5, 182:20, 191:25, 200:15, 213:23 wide [9] - 20:1, 21:14, 21:25, 60:18, 129:1, 135:1, 158:5, 175:12, 183:20 wide-open [1] - 135:1 width [5] - 24:4, 25:19, 61:23, 108:22, 177:23 widths [1] - 131:22 wife [1] - 81:16 wife's [1] - 80:20 Will [1] - 181:25</p>	<p>will [179] - 17:17, 18:18, 20:6, 21:13, 22:10, 23:1, 23:2, 23:5, 23:22, 23:25, 24:1, 24:16, 24:18, 25:12, 25:14, 25:15, 26:7, 26:11, 28:2, 28:6, 29:1, 29:4, 29:11, 29:14, 30:1, 30:7, 30:8, 31:1, 31:2, 33:1, 33:3, 33:4, 33:5, 33:11, 33:13, 33:14, 33:16, 33:17, 33:19, 33:24, 33:25, 34:19, 34:20, 36:9, 36:11, 36:23, 38:11, 41:19, 41:23, 42:2, 42:8, 43:18, 44:19, 46:11, 46:23, 47:5, 47:6, 48:4, 48:5, 48:10, 48:22, 54:1, 55:10, 55:12, 55:15, 55:18, 55:20, 55:23, 56:4, 56:13, 57:7, 60:23, 60:24, 62:3, 64:21, 65:2, 67:10, 70:12, 72:2, 72:7, 72:22, 72:23, 72:25, 73:3, 73:24, 74:2, 74:6, 74:13, 74:17, 74:18, 76:4, 78:2, 78:3, 80:18, 80:24, 81:8, 84:16, 89:4, 89:6, 90:1, 95:6, 95:24, 96:12, 96:19, 96:21, 98:6, 98:13, 101:9, 101:25, 102:7, 102:18, 107:22, 109:13, 110:5, 119:9, 120:14, 121:13, 127:21, 127:23, 127:25, 129:7, 130:3, 130:7, 131:25, 132:16, 133:7, 133:23, 137:12, 142:18, 143:4, 143:15, 147:9, 149:12, 149:17, 149:18, 150:8, 150:9, 150:10, 157:23, 157:24, 160:17, 162:13, 163:2, 163:24, 164:18, 165:8, 166:7, 167:18, 167:22, 171:1, 171:2, 171:15, 172:8, 173:4, 181:2, 181:24, 183:5, 183:8, 183:11, 183:24, 186:14, 186:15, 186:16, 186:18, 187:14,</p>
---	---	---	--	--

<p>195:5, 195:25, 196:11, 199:23, 200:3, 212:14, 212:18, 212:22, 213:18, 216:10, 216:25, 220:17</p> <p>William [1] - 191:1</p> <p>willing [6] - 69:23, 75:12, 99:13, 99:22, 140:13, 141:11</p> <p>window [9] - 58:16, 67:8, 67:24, 130:1, 131:21, 131:22, 150:18, 152:2, 152:8</p> <p>windows [14] - 41:25, 50:6, 55:7, 57:25, 58:10, 63:24, 66:6, 99:12, 129:6, 132:19, 136:3, 151:8, 197:9, 197:14</p> <p>winter [1] - 128:21</p> <p>wise [1] - 202:21</p> <p>wish [3] - 111:1, 190:18, 194:25</p> <p>wishes [1] - 90:12</p> <p>with [162] - 4:8, 5:16, 6:24, 17:15, 21:12, 21:13, 23:14, 23:15, 26:14, 28:1, 31:8, 35:14, 36:15, 39:3, 41:2, 43:2, 46:19, 47:21, 49:9, 51:1, 51:19, 51:23, 52:7, 52:20, 52:25, 53:16, 54:20, 55:7, 55:16, 57:18, 60:1, 60:4, 60:6, 62:2, 66:5, 68:4, 68:13, 69:4, 70:8, 71:2, 71:15, 71:19, 72:11, 72:13, 73:1, 73:10, 73:12, 73:18, 76:14, 77:13, 78:2, 80:11, 80:17, 80:21, 82:4, 82:5, 82:9, 83:11, 84:2, 84:6, 92:4, 92:9, 93:25, 94:10, 94:17, 96:2, 96:12, 97:21, 97:24, 99:6, 99:17, 100:1, 102:14, 103:3, 103:20, 103:24, 104:3, 105:9, 109:1, 110:12, 111:7, 113:22, 117:21, 118:8, 121:1, 121:8, 121:16, 122:5, 123:13, 123:22, 124:7, 124:11, 125:13, 125:18, 125:25, 127:15,</p>	<p>128:17, 128:22, 129:8, 129:13, 137:15, 137:17, 139:24, 142:7, 142:9, 147:1, 147:9, 147:19, 149:5, 149:17, 150:5, 151:8, 153:20, 157:24, 160:16, 164:15, 165:12, 165:16, 166:16, 170:12, 171:17, 172:9, 172:11, 172:22, 173:8, 173:20, 175:13, 176:14, 179:15, 179:20, 179:23, 184:8, 185:1, 186:8, 187:2, 190:1, 191:14, 196:8, 196:19, 196:22, 198:20, 199:9, 199:20, 199:22, 202:20, 203:21, 208:21, 211:7, 211:15, 211:17, 213:23, 214:5, 214:8, 215:5, 219:4, 220:5, 222:21</p> <p>With [4] - 70:5, 97:24, 178:12, 181:1</p> <p>withdrawn [1] - 53:23</p> <p>Within [2] - 28:13, 88:24</p> <p>within [17] - 19:14, 20:8, 24:7, 26:23, 37:19, 52:21, 67:7, 69:13, 89:18, 98:5, 105:23, 118:9, 118:13, 145:5, 159:12, 212:3, 215:6</p> <p>without [2] - 88:6, 104:20</p> <p>WITNESS [217] - 16:3, 18:6, 18:12, 18:15, 18:17, 18:21, 19:24, 21:7, 21:12, 29:20, 30:15, 30:25, 31:24, 32:4, 32:11, 32:16, 32:21, 33:7, 34:5, 34:8, 34:17, 34:25, 38:23, 40:4, 41:17, 42:7, 42:11, 43:3, 43:7, 43:14, 44:16, 46:22, 47:4, 47:10, 47:17, 47:20, 48:3, 48:24, 49:4, 49:8, 49:21, 51:17, 52:16, 53:11, 53:16, 54:17, 55:14, 57:9, 60:9, 60:12, 60:15,</p>	<p>61:10, 61:16, 61:25, 62:7, 62:10, 62:14, 62:23, 63:6, 63:10, 63:14, 64:2, 64:13, 64:16, 64:20, 65:3, 65:10, 66:15, 67:25, 69:2, 69:11, 70:12, 71:5, 71:11, 71:23, 72:16, 72:22, 73:2, 73:13, 73:17, 74:11, 74:15, 74:20, 75:25, 76:4, 76:9, 77:2, 77:22, 78:6, 78:17, 78:21, 79:9, 79:17, 80:2, 80:7, 81:3, 81:7, 82:5, 82:8, 82:11, 82:18, 82:22, 82:24, 83:3, 84:1, 84:22, 85:2, 85:8, 85:13, 85:16, 98:16, 116:3, 120:5, 120:21, 122:13, 122:17, 122:20, 123:2, 123:8, 124:1, 125:7, 125:15, 125:22, 126:15, 127:11, 127:23, 128:2, 128:6, 128:9, 129:3, 129:18, 130:3, 130:6, 130:14, 130:17, 131:5, 131:10, 131:18, 132:2, 132:7, 132:11, 132:19, 132:21, 132:24, 133:12, 134:4, 134:10, 134:19, 135:3, 135:7, 135:20, 137:2, 137:5, 138:2, 138:5, 138:8, 138:14, 138:24, 139:2, 139:4, 141:15, 141:24, 142:24, 143:1, 143:15, 145:17, 146:17, 147:2, 147:11, 147:21, 148:10, 148:17, 149:2, 149:16, 150:7, 150:13, 150:20, 151:5, 151:10, 151:13, 151:19, 152:14, 152:17, 152:19, 153:10, 155:3, 155:14, 155:22, 156:2, 156:9, 156:18, 156:22, 157:2, 157:8, 157:14, 158:1, 158:7, 158:16, 158:20, 158:24, 159:2, 159:6, 159:17, 160:3, 160:7, 160:11, 164:9, 164:17,</p>	<p>164:23, 165:5, 165:15, 165:18, 165:25, 166:5, 167:7, 174:6, 177:25</p> <p>witness [1] - 47:21</p> <p>won't [23] - 26:24, 36:18, 36:20, 63:8, 71:8, 72:8, 72:9, 85:9, 89:24, 97:4, 109:22, 131:25, 143:4, 158:5, 172:12, 186:15, 186:18, 212:7, 213:7, 213:8, 214:11, 217:7</p> <p>wondering [1] - 97:10</p> <p>wood [4] - 20:10, 128:11, 155:15, 159:1</p> <p>word [1] - 172:12</p> <p>wording [1] - 71:17</p> <p>words [1] - 35:16</p> <p>work [15] - 5:13, 54:12, 55:16, 55:23, 63:4, 78:20, 130:25, 142:25, 199:22, 199:23, 205:13, 211:20, 211:25, 218:16, 219:3</p> <p>worked [4] - 34:18, 73:18, 172:15, 185:14</p> <p>working [1] - 162:13</p> <p>works [1] - 143:1</p> <p>worse [1] - 56:21</p> <p>worth [2] - 85:18, 211:14</p> <p>Would [2] - 99:13, 141:10</p> <p>would [165] - 4:6, 11:12, 12:3, 24:23, 27:5, 27:14, 27:17, 32:2, 32:22, 34:21, 37:11, 37:12, 37:13, 39:17, 40:23, 41:9, 43:8, 45:6, 46:2, 46:9, 46:19, 48:7, 48:20, 48:25, 51:4, 52:19, 52:20, 52:21, 54:18, 57:20, 57:21, 58:14, 58:17, 61:22, 61:23, 64:25, 65:11, 67:6, 71:1, 71:16, 75:16, 77:14, 78:23, 80:23, 81:11, 83:22, 88:9, 88:15, 89:17, 90:8, 94:12, 94:13, 94:24, 95:1, 98:1, 98:16, 98:17, 99:16, 100:4, 101:24, 103:20, 105:14, 106:2, 118:10, 120:12, 121:20, 121:24,</p>	<p>121:25, 122:1, 122:3, 122:4, 122:8, 122:22, 123:8, 123:11, 124:3, 124:5, 124:8, 125:10, 125:18, 125:23, 125:24, 126:2, 126:3, 126:4, 126:5, 126:10, 126:21, 127:5, 127:13, 127:14, 128:18, 129:8, 131:22, 132:2, 134:6, 134:7, 134:11, 134:12, 134:14, 134:21, 135:9, 135:12, 135:13, 139:13, 140:12, 140:13, 141:17, 142:1, 142:9, 142:16, 145:6, 145:10, 146:17, 147:14, 152:6, 152:7, 152:24, 158:2, 159:21, 160:4, 167:10, 167:15, 172:18, 176:9, 176:10, 186:1, 187:2, 188:8, 188:10, 188:15, 188:16, 188:17, 188:21, 188:24, 189:2, 189:9, 189:10, 191:21, 195:17, 195:18, 197:8, 197:17, 198:3, 199:18, 200:1, 200:24, 203:5, 203:15, 205:2, 205:13, 211:13, 213:12, 213:22, 219:3, 220:15</p> <p>wouldn't [12] - 57:19, 105:7, 105:11, 110:7, 152:3, 159:20, 174:18, 188:16, 204:14, 204:15, 214:12, 214:25</p> <p>writing [1] - 42:17</p> <p>written [1] - 41:1</p> <p>wrong [5] - 40:20, 111:17, 118:17, 162:5, 175:19</p> <p>WTINESS [28] - 19:9, 19:14, 19:18, 28:6, 30:18, 31:12, 34:13, 44:19, 51:14, 57:18, 60:21, 62:20, 64:6, 75:15, 126:25, 129:21, 130:20, 135:25, 142:9, 143:12, 146:7, 146:12, 151:25, 153:19, 155:10,</p>
--	--	--	--	---

157:5, 158:9, 165:22	18:10, 18:15, 19:9, 19:18, 19:24, 20:22, 31:24, 34:8, 34:15, 38:23, 40:8, 40:9, 40:25, 42:19, 42:20, 43:3, 43:14, 44:16, 45:15, 47:20, 48:24, 52:16, 55:14, 55:15, 55:23, 58:23, 60:9, 61:10, 61:16, 63:14, 64:16, 68:24, 69:2, 70:22, 71:11, 72:16, 73:2, 75:20, 75:25, 76:9, 79:21, 83:1, 84:18, 86:22, 88:14, 89:22, 91:22, 91:23, 92:18, 95:22, 101:21, 105:5, 108:18, 109:8, 109:11, 109:13, 111:22, 111:24, 112:1, 112:3, 112:5, 112:7, 112:9, 112:11, 112:13, 118:8, 131:11, 134:4, 141:2, 141:21, 144:6, 145:25, 146:17, 147:11, 150:1, 153:6, 153:10, 156:18, 158:7, 160:11, 163:17, 164:4, 164:12, 165:18, 165:22, 166:5, 175:24, 176:7, 178:10, 180:9, 184:18, 190:23, 192:9, 195:12, 195:16, 197:3, 197:5, 198:1, 200:9, 206:8, 206:10, 206:12, 206:14, 206:16, 206:18, 206:20, 206:22, 206:24, 214:9, 215:11, 216:14, 216:21, 218:7	yourself [1] - 98:14
X		Z
X [14] - 1:3, 1:4, 3:1, 14:3, 14:5, 16:1, 16:9, 114:3, 114:5, 116:1, 116:12, 188:17, 209:3, 209:4 X's [1] - 35:7 XIO1333 [3] - 113:20, 208:19, 222:19	84:18, 86:22, 88:14, 89:22, 91:22, 91:23, 92:18, 95:22, 101:21, 105:5, 108:18, 109:8, 109:11, 109:13, 111:22, 111:24, 112:1, 112:3, 112:5, 112:7, 112:9, 112:11, 112:13, 118:8, 131:11, 134:4, 141:2, 141:21, 144:6, 145:25, 146:17, 147:11, 150:1, 153:6, 153:10, 156:18, 158:7, 160:11, 163:17, 164:4, 164:12, 165:18, 165:22, 166:5, 175:24, 176:7, 178:10, 180:9, 184:18, 190:23, 192:9, 195:12, 195:16, 197:3, 197:5, 198:1, 200:9, 206:8, 206:10, 206:12, 206:14, 206:16, 206:18, 206:20, 206:22, 206:24, 214:9, 215:11, 216:14, 216:21, 218:7 yet [9] - 11:1, 26:7, 30:24, 31:7, 38:4, 50:13, 83:8, 95:6, 97:2 you'll [2] - 25:4, 85:18 You're [2] - 62:18, 122:20 you're [8] - 11:4, 62:13, 82:24, 136:12, 144:9, 147:8, 156:6, 181:15 you've [1] - 53:14 young [1] - 7:22 yours [3] - 8:12, 106:10, 201:8	Z [2] - 79:22 z [2] - 80:3 Z-001 [1] - 119:5 Z-002 [1] - 121:22 Z-003 [1] - 180:6 Z-06 [1] - 149:1 Z-1 [1] - 23:24 Z-10 [1] - 20:6 Z-2 [1] - 24:8 Z-3 [4] - 25:17, 29:3, 63:13, 95:16 Z-4 [3] - 26:11, 29:23, 34:10 Z-5 [1] - 26:11 Z-6 [1] - 75:21 Z-7 [1] - 36:1 Z-9 [1] - 28:7 zero [1] - 68:1 zone [1] - 25:13 Zoning [11] - 23:8, 23:14, 30:13, 40:23, 45:9, 52:17, 52:18, 95:23, 175:17, 175:21, 176:9 zoning [15] - 23:24, 43:23, 51:19, 51:22, 53:23, 67:7, 73:21, 75:11, 125:13, 153:20, 165:12, 187:15, 187:22, 189:21, 189:22
Y		
yard [19] - 28:11, 28:25, 29:16, 34:3, 34:11, 70:7, 70:13, 125:22, 125:25, 127:12, 153:21, 155:6, 157:10, 171:17, 172:8, 172:22, 175:14, 181:22, 191:8 yards [2] - 29:21, 33:17 Yeah [21] - 7:18, 12:5, 34:13, 57:9, 59:18, 81:3, 81:7, 87:12, 122:13, 144:17, 145:8, 149:7, 155:19, 155:24, 161:5, 184:10, 189:2, 189:17, 201:5, 202:10, 204:1 yeah [8] - 11:21, 64:19, 66:14, 144:25, 149:11, 179:14, 190:9, 219:12 year [2] - 22:5, 165:2 years [5] - 86:6, 104:14, 110:3, 143:8, 143:9 yes [21] - 34:6, 42:11, 47:17, 49:8, 50:23, 53:5, 58:5, 59:7, 59:17, 59:21, 62:8, 79:12, 83:1, 93:21, 148:11, 151:20, 156:8, 164:17, 165:15, 194:7, 194:18 Yes [134] - 7:11, 8:19, 8:24, 9:5, 9:7, 9:9, 9:11, 9:13, 10:7, 10:9, 10:11, 10:13, 10:15, 10:17, 11:17, 12:19, 12:21, 12:23, 12:25, 13:2, 17:5,		