

Draft

MILLTOWN ZONING BOARD OF ADJUSTMENT
39 Washington Avenue
Milltown, New Jersey
January 3, 2007

In Re:
Valley National Bank
Block 51, Lot 3
Preliminary and Final Site Plan Approval

BOARD MEMBERS

- Chairman Richard Ryan
- Michael Olesinski
- Chuck Bianco
- Andrew Hippeli
- Patricia Healey
- Frank Amato
- Robert May
- Ruth Lupo
- William Deinzer, Councilman
- Lois Bitalla, Board Secretary
- Carl Branciforte, Board Attorney
- Ray Liotta, Borough Planner
- Brian K. Johnson, Borough Engineer
- Michael McClelland, Borough Engineer

A P P E A R A N C E S

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I N D E X

WITNESS	EXAMINATION
Nicholas Verderese	5
Salvatore Corvino	18
R. Michael McKenna	41

Page 2

1 CHAIRMAN RYAN: Roll call.
2 MS. BITALLA: Mr. Ryan?
3 CHAIRMAN RYAN: Here.
4 MS. BITALLA: Mr. Olesinski?
5 MR. OLESINSKI: Here.
6 MS. BITALLA: Mr. Amato?
7 MR. AMATO: Here.
8 MS. BITALLA: Mr. Bianco?
9 MR. BIANCO: Here.
10 MS. BITALLA: Ms. Healey?
11 MS. HEALEY: Here.
12 MS. BITALLA: Mr. Hippeli?
13 MS. HIPPELLI: Here.
14 MS. BITALLA: Ms. Lupo?
15 MS. LUPO: Here.
16 MS. BITALLA: Mr. May?
17 MR. MAY: Here.
18 MS. BITALLA: Eight present.
19 CHAIRMAN RYAN: The next item on the agenda
20 is the Valley National Bank application. Go ahead.
21 MR. McARTHUR: Good evening, ladies and
22 gentlemen and Happy New Year.
23 MR. AMATO: Can you please speak into the
24 microphone.
25 MR. McARTHUR: Good evening and Happy New

Page 3

1 Year. I'm Pete McArthur. I'm with the law firm of
2 Azrak & Associates and I'm here tonight representing
3 Valley National Bank. I reviewed the last transcript of
4 October 4th and it seems upon that review that pretty
5 much all witnesses are complete with the exception of
6 Mr. Verderese who I understand some of the board members
7 and perhaps some of the board professionals had some
8 questions. So he's here tonight to address any concerns
9 that may be had.
10 I do have a planner here tonight for direct
11 examination. I also wanted to point out to the board
12 that I have all my witnesses here tonight or at least
13 someone here from their office who is familiar with this
14 matter here to answer any questions that the board or
15 public may have and then at the appropriate time, Mr.
16 Chairman, I would ask that they be released. I believe
17 that all issues in the most recent review letters have
18 been addressed. I believe Mr. Liotta's letter was
19 October 4th of 2006 and CME's latest letter was
20 September 28th of 2006. To the extent that they have
21 not been addressed, tonight they will be, but I believe
22 they have been.
23 So with that I'd like to call Mr. Verderese
24 again.
25 CHAIRMAN RYAN: Just one moment, please. Do

Page 4

1 we have copies of the transcripts from the last meeting?
2 MR. McARTHUR: I believe I sent them down.
3 CHAIRMAN RYAN: I don't believe that I
4 received it. You got it, okay.
5 MR. McARTHUR: I think we sent down the
6 condensed version.
7 CHAIRMAN RYAN: Okay.
8 MR. McARTHUR: Mr. Chairman, Mr. Verderese
9 was previously sworn. Mr. Verderese is prepared to
10 answer any questions that the board professionals or the
11 board or public may have.
12 CHAIRMAN RYAN: Mr. McClelland?
13 MR. McCLELLAND: Let me just ask a basic
14 question. Is he going to give more direct?
15 MR. McARTHUR: No. My understanding is he
16 was finished with his direct so this is now up for
17 anyone else who may have a concern. Thank you. Mr.
18 Johnson?
19 MR. JOHNSON: Mr. Chairman, we had a couple
20 of questions and unfortunately at the last meeting we
21 were unable to ask the applicant and I think one of
22 these items may require some research. The issue is
23 really what the impacts of the drive-thru are relative
24 to the trip generation from the site. In other words
25 due to the ordinance that requires that a variance be

Page 5

1 granted for the installation of the drive-thru there is
2 an impact on the drive-thru to the overall trip
3 generation to the site. And the question -- it may be
4 someone else, I'm not sure that the applicant has had an
5 opportunity to go through and check this, but it may
6 take some time, but is to determine what the additional
7 trips are generated by the drive-thru relative to the
8 overall trip generation to the site and I'm not sure he
9 has had a chance to look at that.
10 NICHOLAS VERDERESE, 200 State Highway
11 Nine, PO Box 900, Manalapan, New Jersey 07726-0900,
12 having been previously sworn, testified as follows:
13 MR. VERDERESE: We haven't had a chance
14 specifically to look at it for this application. Just
15 from previous experience it's pretty obvious that with
16 the drive-thru you're able to process a little bit more
17 traffic on the site. You're able to process more
18 customers. Generally some of those customers that do
19 use the drive-thru would potentially be customers that
20 would come into the bank as opposed to using the
21 drive-thru, but yes, the drive-thru would make it more
22 able to process additional vehicles. I don't have that
23 information specific to this size bank say from the ITE
24 and what the difference in the data would be. I
25 wouldn't assume that it would be anything significant as

2 (Pages 2 to 5)

1 far as the difference if there was or was not the
2 drive-thru lane at the site, but again if you wanted the
3 specific numbers I would have to report that back to
4 you.

5 MR. JOHNSON: Based upon your analysis and
6 our review of your report it appears that what could be
7 considered a saturated condition on Main Street that
8 currently exists, I understand gaps certainly are
9 created, but I think that one of the concerns we have is
10 whether or not there was a way to mitigate the impacts
11 from the additional traffic whether it be from the bank
12 or in addition to the drive-thru and both to vehicles in
13 addition to the pedestrian traffic.

14 MR. VERDERESE: As far as mitigating the
15 traffic, I don't know how I would go about along Main
16 Street here in town mitigating existing traffic that
17 occurs. We're all aware that during peak hours even
18 sometimes off peak say during school hours there are
19 delays along Main Street. Basically they occur at the
20 traffic signals and then they back up along the main
21 corridor in front of the site. When I was there it was
22 backed up a number of times. I noticed it actually in
23 the southbound direction in the afternoon specifically.

24 As far as the impact from the site, anyone
25 that comes in and tries to develop the site whether it

1 be a bank or another type of use, a bank does have the
2 advantage that it does draw almost half of its traffic
3 off of the existing traffic stream so you don't get the
4 full impact from the trips that I reported at the
5 previous meeting. Only really half of that traffic is
6 traffic that would be new to Main Street that wasn't
7 previously traveled on Main Street. So I think our
8 numbers are probably in the 80 new trips during the peak
9 hour.

10 As far as mitigating it, it's a county road.
11 You know, it would be probably something that would have
12 to be addressed with the county. I think we received
13 our county approval and they did not have any comments
14 as far as conditional with no comments on actually
15 trying to mitigate our impact and again, any commercial
16 uses that you put here, some may be even more
17 destination oriented. So I don't know that I would pin
18 some mitigation onto this project just because of the
19 type of use that it is.

20 MR. JOHNSON: Would a traffic signal create
21 gaps and provide more openings in the traffic during
22 peak hours?

23 MR. VERDERESE: Yes, that's what the traffic
24 signals do today. Just to the north it's probably I'm
25 going to say maybe a thousand feet north is a traffic

1 signal. To the south it's a little further. It's down
2 at Washington right here. That's probably 2,500 feet,
3 maybe about a half-a-mile, quarter mile to a
4 half-a-mile. The spacing of traffic signals generally,
5 any traffic signal you would place along Main Street
6 would be at a public intersection to provide a public
7 benefit. You wouldn't provide a traffic signal and it
8 wouldn't meet the warrant for a traffic signal at say
9 the driveway to the bank. The next closest intersection
10 is actually at Church. It's actually a one-way away
11 from the intersection going towards the school. I don't
12 know if that would be the best location either.

13 Probably the next place that a traffic
14 signal would be placed would be at Ford Avenue. That
15 one is relatively close to Washington so that's probably
16 why at this point it's not there. I did see something
17 in the hallway about a redevelopment plan so that may be
18 something that comes along with that redevelopment plan
19 since that will generate a significant amount of traffic
20 on Ford and Main Street. Again, that will create
21 additional gaps. We did look at the gaps. There were
22 significant number of gaps, over 200 gaps in the peak
23 hour. It was about 290 that could handle right-turn
24 vehicles. We have 100 plus vehicles exiting or actually
25 about 100 or 90 vehicles exiting the site in the peak

1 hour so there are plenty of gaps there.

2 For vehicles to exit the cues on-site we
3 calculated it wouldn't be more than two vehicles waiting
4 so it wouldn't create any excessive back up that may
5 block someone from backing out of a parking space so I
6 don't think that would be an issue and I don't
7 necessarily know other than from a regional benefit if a
8 traffic signal would do anything to improve this
9 specific project.

10 MR. JOHNSON: Coincidentally there is some
11 discussion about a traffic signal at Ford Avenue and
12 Main and that's being contemplated through various
13 agencies in the Borough. Okay, that was the issue
14 really with regard to the traffic that we had.

15 A couple other questions with regard to
16 deliveries and accessibility for SUVs in and around the
17 site. Have you checked that and that's one of the
18 questions in our report. I think you addressed it a
19 couple of months ago.

20 MR. VERDERESE: Yeah, we brought an exhibit
21 at the last meeting that identified the SU 30 vehicle.
22 It was labeled A-28 at the last meeting. It's entitled
23 Exhibit of SU 30 Path. What that is is your typical say
24 smaller fire apparatus, garbage truck. It's a little
25 larger probably than a garbage truck. You know, any

1 type of vehicle that might come on the site, banks don't
2 generally get anything larger. It wouldn't be a tractor
3 trailer so it wouldn't need to support a tractor
4 trailer. But what you see on this plan to orient you on
5 the bottom of the page is Main Street. The bank is
6 centered on the page with a one-way circulation in a
7 counterclockwise direction and the exit is on the left
8 site or south side of the building and you can see the
9 SU 30. We show it making the right turn in. It can
10 adequately circulate. It may be a little difficult to
11 see, but basically the aisles are all 25 feet wide and
12 the bypass lane is adequate for the SU 30. So yeah, we
13 did. I don't know if this was actually submitted or we
14 just presented it as an exhibit.

15 MR. JOHNSON: Fine. How about pedestrian
16 traffic on Main Street, did you analyze that or was it
17 your colleague?

18 MR. VERDERESE: Yeah, I did. At the last
19 meeting I talked about pedestrians. Just to I guess
20 give a quick overview of what we talked about, we did do
21 pedestrian studies in front of the bank on the opposite
22 side of the street as well as some observations to both
23 the north and the south. We looked at pedestrians and
24 we specifically looked at children that were pedestrians
25 and I presented some information that about half of the

1 pedestrians were children along Main Street. Of the
2 pedestrians in the peak hour there were eleven
3 pedestrians passing the site. About five or six were
4 children passing the site on our side. It was basically
5 the same exact number on the opposite side of the
6 street.

7 Some of my other observations and I
8 testified at the last meeting because of the orientation
9 and I'm going to pull out the aerial so we can see the
10 school's relationship to the site, I think it was marked
11 A-36. It was marked at the last meeting. It's an
12 aerial photograph. That aerial photograph shows near
13 the center is a hatched out area where the bank site is.
14 Just to the southwest of the bank is where the school is
15 located. To orient you, Main Street runs basically
16 along the center of the page from left to right. Church
17 Street is all the way at the bottom left side of the
18 page. When I did my observations I noticed that the
19 majority of the pedestrian traffic for the school is
20 oriented along Church and then south on Main or comes
21 out the rear onto Cottage, comes down and then continues
22 onto Main Street or it's oriented to the rear.
23 Basically that's what I saw. I saw significant
24 pedestrian traffic to the south, not as significant to
25 the north. There was some traffic that went to the

1 pedestrian traffic that went west. South seemed to be
2 the heaviest. None of that traffic that comes from the
3 school, pedestrian traffic actually passes by the site.
4 Comes out, comes down Church, makes a turn onto Main and
5 vice a versa in the morning when it comes in will come
6 in, make a left turn. So pedestrian volume was actually
7 relatively low on this block because of the orientation
8 of the school to the site. So I didn't see a real issue
9 with pedestrians.

10 There's a lot more significant issues to the
11 south than a lot of the existing driveways that are
12 located down by Ford. There's large wide open
13 driveways. We have a very channelized driveway with an
14 in only and out only drop curbs, handicapped ramps and
15 so I think we've done a nice job at providing a safe
16 pedestrian crossing across the front of the site.

17 MR. JOHNSON: So I think that what we all
18 would prefer is if we had school children attending the
19 school that they utilize the adjacent streets instead of
20 crossing across the site so that it doesn't conflict
21 with the driveway because there's going to be morning
22 traffic getting out of the bank. Did you have a chance
23 to look at the condition of the sidewalks on those
24 adjacent streets?

25 MR. VERDERESE: As far as the side, no. I

1 can't say that I actually did.

2 MR. JOHNSON: That's all we have right now,
3 Mr. Chairman. Thank you.

4 CHAIRMAN RYAN: Thank you.

5 MR. LIOTTA: Yeah, there was also some
6 discussion at the last meeting about the number of
7 parking spaces that were really needed for this
8 operation. Could you talk about that a little bit more
9 and give us your opinion on what the I guess minimum
10 number would be to satisfy the bank's operational
11 demand?

12 MR. VERDERESE: I'll pull out the site plan
13 again. We're proposing to actually construct 25 spaces
14 with the additional spaces to be banked which would
15 bring me up to the ordinance requirement. I think it's
16 38 parking spaces. We talked about it at the last
17 meeting. I think it was Mr. Amato had talked about some
18 stall sizes and if we could go to maybe a
19 nine-and-a-half foot stall or ten-foot stall, somewhere
20 in there. And we had no problem with that because we
21 felt comfortable with the number of spaces. And even if
22 we did drop two or three parking spaces I would still
23 feel comfortable that we had enough parking on the site.
24 We generally like to have over 20, you know, 20,
25 absolute minimum but your ordinance is actually a little

4 (Pages 10 to 13)

1 bit high at one per 100 versus what we've done in other
2 communities and what we've seen at different types of
3 banks. But we would be comfortable with dropping a
4 couple of spaces to get maybe a wider parking stall if
5 that was the board's request.

6 MR. LIOTTA: Well, Mr. Chairman, I think the
7 focus on kind of trying to reduce the parking as much as
8 possible was really two-fold, to try to reduce the
9 impervious coverage as much as we could, still have
10 enough parking for the bank to operate and also save
11 some of the existing trees that are on-site. And there
12 are some fairly sizeable trees that are in areas that I
13 think are potentially able to be preserved if the board
14 feels comfortable with parking less than the ordinance
15 requirement. I personally feel that less than the 38
16 parking spaces would be adequate. The applicant is
17 talking about 20 to 25. That gives us some opportunity
18 to do that, save on some trees and to reduce impervious,
19 benefits.

20 CHAIRMAN RYAN: Thank you.

21 MR. VERDERESE: And we would work with the
22 board's planner on picking the locations where he wanted
23 to save trees, where we were showing parking maybe now
24 where we would put an island in or something.

25 CHAIRMAN RYAN: You covered that last

1 But as far as the interaction between the two it might
2 be a little hard to see. I'm going to try to locate it
3 as best as I can. The exit driveway for the bank is
4 located almost near the northerly property line of our
5 project so it's offset basically the whole frontage
6 almost 200 feet from our driveway. The bank across the
7 street has an in driveway that's located somewhere near
8 our exit driveway and an exit driveway somewhere near
9 our entrance driveway. So it actually works rather nice
10 where our entrance movements will not conflict with
11 their exit movements and vice a versa because both banks
12 circulate counterclockwise. It's a little tough to
13 show. I don't know if on this aerial I can show it.
14 The bank is shown just to the bottom of Main Street from
15 where our site is. There's an enter only driveway.
16 It's I guess about midway on our site and the exit
17 driveway is located in and I'm pointing to it now at the
18 northerly property line of -- our site lines up
19 basically with the center of that exit driveway. So
20 they're offset about 200 feet which is more than
21 adequate for someone to make a left turn out of that
22 driveway and a left turn simultaneously out of our
23 driveway.

24 As you can see from the bank across the
25 street they have actually an interesting exit where the

1 meeting.

2 MR. VERDERESE: Yeah.

3 CHAIRMAN RYAN: Anything else?

4 MR. LIOTTA: I don't have any other
5 questions of the traffic expert.

6 CHAIRMAN RYAN: Board members?

7 MS. LUPO: Yes, I have a question. I could
8 kind of see a little dangerous situation getting back to
9 traffic. When you're exiting the bank and you're going
10 to make say a right towards Ford Avenue and -- no, when
11 you're exiting and you're going to make a left towards
12 going out towards New Brunswick and then you have the
13 bank directly across the street and if someone is coming
14 out of that driveway and is making a left you've got
15 this car coming out making a right, you've got this
16 other car going and making a left. It could create kind
17 of a dangerous situation there. Have you thought of
18 that? Have you thought of possibly making a left, right
19 hand turns only or --

20 MR. VERDERESE: I wouldn't encourage the
21 right turns only because all you're going to end up
22 doing is sending all the traffic from the bank around
23 the school around the block to the north. I don't know
24 that you want to send them into the residential
25 neighborhood. I'd rather see them out on Main Street.

1 drive-thru is located maybe 25 to 30 feet from the
2 right-of-way line and they have four lanes of traffic
3 that have to kind of crisscross each other a little bit
4 to get out of the driveway. We've been able to provide
5 a better circulation by putting our drive-thru lanes in
6 the back of the building and then letting everyone
7 funnel together and have just one exit line. We talked
8 about it at the last meeting about narrowing the exit
9 lane down to about 20 feet to again better channelize,
10 make it shorter for pedestrians, easier for pedestrians
11 to see people exiting and you don't have the chance of
12 two people trying to exit and make maneuvers while
13 pedestrians are crossing.

14 MR. JOHNSON: And we've supported that and I
15 think earlier discussion with the board when the
16 applicant first came before and at the first meeting
17 there was a discussion about the two banks and how they
18 interact and I think that's one of the reasons why
19 they've changed the circulation.

20 MS. LUPO: I'm glad to see it was taken into
21 consideration.

22 MR. JOHNSON: Yes, it was.

23 MR. VERDERESE: We used to have two-way
24 circulation at the driveways and now it's a one-way in
25 and one-way out. So we've eliminated that conflict at

1 the northerly driveway.
 2 CHAIRMAN RYAN: Any other questions from the
 3 board members? Would you like to move to your planner?
 4 MR. McARTHUR: Certainly. Mr. Chairman, I'd
 5 like to recall Mr. Corvino. Mr. Chairman, Mr. Corvino
 6 has been previously sworn and I believe his
 7 qualifications have been placed on the record previously
 8 in the first meeting back in August, but I'll just do it
 9 again very quickly.
 10 SALVATORE CORVINO, having been
 11 previously sworn, testified under oath as follows:
 12 DIRECT EXAMINATION BY MR. McARTHUR:
 13 Q. Mr. Corvino, do you hold a planning license?
 14 A. Yes, I do.
 15 Q. What's the number, please?
 16 A. 4336. I received my license in April, 1990.
 17 Q. And have you previously given planning testimony
 18 before boards?
 19 A. Yes, I have. Actually I gave testimony in
 20 townships of Nutley, Belleville, Lyndhurst, River Edge
 21 and actually addressed some planning issues at this
 22 board early on in testimony, a number of questions
 23 regarding planning.
 24 MR. McARTHUR: I would like to have him
 25 qualified as a planner, Mr. Chairman.

1 MR. CHAIRMAN: Absolutely.
 2 Q. Mr. Corvino, are you familiar with Block 51, Lot
 3 3 also known as 94 North Main Street in the B-1
 4 commercial district zone in Milltown?
 5 A. Yes, I am.
 6 Q. And what is the applicant, Valley National Bank,
 7 proposing for the site in question?
 8 A. They are proposing a bank of approximately
 9 3,700 square feet and replacing an existing structure
 10 with a new branch bank. This bank is also carefully
 11 designed to blend in with the architectural aspects of
 12 the surrounding buildings. Over a number of meetings
 13 we've made some changes to the bank and we tried to
 14 address some of the board's concerns as well as some of
 15 the professional's questions.
 16 Q. And Mr. Corvino, the reason for the use variances
 17 in this matter is because of the drive-thru, is that
 18 right? The bank is actually permitted in the B-1 zone?
 19 A. Yes, it is.
 20 Q. What's the purpose of your testimony?
 21 A. The purpose of my testimony is to assist the
 22 zoning board in its fact-finding process and provide
 23 information for planning points of view and support the
 24 applicants for site plan variance approval.
 25 Q. And, sir, have you had an opportunity to review

1 the master plan of the Borough of Milltown as well as
 2 the zoning ordinance?
 3 A. Yes, I have.
 4 Q. How does this application meet the objectives and
 5 recommendations of the Milltown master plan?
 6 A. The master plan and the zoning ordinance both
 7 require that the town improve their commercial zone and
 8 we would eliminate this mixed-use residential/commercial
 9 use and provide an allowable retail use which is a
 10 permitted use. In Kaufman versus the Planning Board of
 11 Warren Township the Supreme Court stated that the
 12 granting of a variance approval must actually benefit
 13 the community and that represents a better zoning
 14 alternative to the property. I respectfully submit that
 15 this particular project as presented does do that,
 16 especially in relation to the master plan and the zoning
 17 ordinance of Milltown.
 18 Second, I believe that the plan also improves
 19 drainage on-site, parking and safety and circulation
 20 on-site. The March, 1996 master plan and reexamination
 21 reports that follow indicate that in the commercial
 22 districts, that commercial use in Milltown is found to
 23 only be marginally adequate to meet the requirements of
 24 the Borough in the future. And this has been current in
 25 both reexamination reports and in the main master

1 planning report as reexamined.
 2 Q. That would be May, 2002, correct?
 3 A. Correct. The Valley National Bank application
 4 fills their objective and I believe it does it well.
 5 Q. What about the existing front yard of the
 6 building?
 7 A. The front yard of the building is also being
 8 pushed back. Currently the existing building is much
 9 closer to the road and we've improved that a great deal
 10 and pushed back the facade and also improved the
 11 circulation in and out of the site.
 12 It also should be noted that in the existing
 13 front yard the proposed setback to the bank represents a
 14 better zoning alternative and the Borough of Milltown
 15 who did the purview of the Kaufman Planning Board,
 16 Warren Township ruling and from their conclusion it
 17 finds that the application conforms with the Milltown
 18 master plan's objectives regarding that and that the
 19 Valley National Bank was actually by redeveloping the
 20 material and structure which was prior decayed and
 21 vacant, part of the structure is vacated, the
 22 residential portion and the efficient commercial bank
 23 creates a rateable for the Township. So it's a benefit
 24 to the township.
 25 Q. Could you discuss, please, the drive-in feature

6 (Pages 18 to 21)

1 which is not permitted in this zone and how it would
 2 appear to be sound and sensible for this location?
 3 A. Okay. Well, Section 1585K, drive-thru features
 4 for restaurants, banks and other features for personal
 5 service or business establishments. This would appear
 6 sound and sensible when it comes to uses like
 7 restaurants where noise and car radios and heavy traffic
 8 and odor and dust all serve as nuisances by residential
 9 uses. However, it doesn't seem to apply so well to
 10 banks especially the way banks are run now especially in
 11 downtown corridors such as Main Street where there are
 12 many mitigating circumstances in favor to allow banks to
 13 have drive-in or drive-thru lanes. Because one, modern
 14 banks virtually depend on the drive-thru for better
 15 customer satisfaction and convenience and increase the
 16 efficiency with the drive-thru lanes.
 17 Q. Let me interject a question, Mr. Corvino. In
 18 fact I believe you testified earlier that drive-thrus
 19 were really the standard in the industry, banking
 20 industry currently; isn't that right?
 21 A. Correct.
 22 Q. Please continue.
 23 A. A closer look at Main Street banks such as the
 24 Provident Bank and Wachovia reveal that each of these
 25 have three drive-thru lanes and a bypass lane. And as

1 bank. And there's a need for drive-thru banks. People
 2 use drive-thru banks. The design of banks and the
 3 evolving technology for banking has really created new
 4 standards for banks. More people use the drive-thru
 5 lanes and less people walk to the bank. More people use
 6 the automatic ATMs, the banking features that include
 7 electronic transfers, direct deposit, drive-in and
 8 walk-up ATMs, on-line banking, telephone banking and so
 9 forth. Banks have also become primary not just for
 10 loans and for keeping your money, but places where you
 11 can do investments and a lot of other transactions that
 12 weren't normally part of the banking industry before.
 13 So the need for this bank in a community that's
 14 developing and trying to grow is important. It's good
 15 to have a lot of banks competing with each other and so
 16 the need for an additional bank in town especially a
 17 town that's trying to grow and develop is necessary for
 18 part of the town's growth.
 19 Generally it's the nature of the central area
 20 development that more successful enterprises are located
 21 next to each other. The more they support each other
 22 the more successful they become. From a land use
 23 standpoint it can be noted that there are already
 24 considerable areas near Main Street between Church
 25 Street and Cottage, area paved over for parking in

1 stated by Mr. Verderese, our drive-thru lane is at the
 2 back of our structure allowing enough stacking and
 3 allowing safety of entering and exiting the property
 4 with a much narrower driveway whereas some of the
 5 existing banks in town have the drive-thru very close to
 6 the road, very wide driveways, literally the width of
 7 the three lanes and the drive-thru lane in some cases.
 8 So in this case it's a much safer situation the way
 9 we've positioned it on the property.
 10 It also helps with parking. I mean, drive-thrus
 11 help with stacking of cars so there's less need for
 12 parking on the site thereby not requiring so much
 13 parking space as required by the Township. The bulk of
 14 the banks' commuters appear to be functioning without
 15 any major problems now and our bank should be less of a
 16 problem the way it's oriented and designed. So I would
 17 think that in granting the variance Valley National
 18 would probably reduce any undesirable presence based on
 19 how we designed this. In fact, the banks prior to
 20 introducing the significant need for parking it's a good
 21 feature for its customers and in the master plan again
 22 and in the zoning ordinance part of the requirements in
 23 the commercial zone is to create a desirable commercial
 24 development that is both beneficial to the bank itself,
 25 the community and their clients, customers that use the

1 addition to the board parking lots there's a parking
 2 lot, the board of education parking between the hardware
 3 store and hardware store and dance studio. There's
 4 another parking lot located between the sites in the
 5 site in question and the mixed use boutique and nail
 6 salon. There's no window shopping. I think it is good
 7 planning to again based on the master plan and the
 8 zoning ordinance to develop a piece of land that's
 9 partially vacated and abandoned and improve it,
 10 commercial district in this town.
 11 Q. And you have been present when Mr. Verderese has
 12 testified as to the parking analysis?
 13 A. Right.
 14 Q. Do you concur in that analysis as well as a
 15 planning perspective?
 16 A. I do concur and support it and it's supported by
 17 the APA guidelines which allow up to 400 square foot per
 18 parking space where as Milltown of course is parking 1
 19 for every 100 square feet. Most zoning ordinances in
 20 most towns usually require one per 200 and even the APA
 21 goes well beyond that and so I concur with Mr.
 22 Verderese's testimony. The need for the additional
 23 parking is really not there. Especially because the
 24 drive-thru helps with that situation. The stacking
 25 requires less parking and the use of the bank through

Page 26

1 the drive-up ATMs requires less people to actually park
 2 and use the bank on foot. Although some people still
 3 like to do that, not always standard anymore. It's less
 4 the standard, the norm.

5 Q. Mr. Corvino, you were present when Mr. Ghabrial
 6 testified as to demographic studies that he performed
 7 and also present when Mr. Hanrahan, Mr. Verderese
 8 testified that the proposed application would be taking
 9 parking off of a street and on Main Street. How does
 10 that relate and do those factors meet the particular
 11 suitability special reasons requirements, that
 12 miscellaneous law?

13 A. Yes, they do.

14 Q. Are there additional reasons why this application
 15 satisfies the positive criteria?

16 A. Yes and I'll go through them. 40:55-2, the
 17 intent purpose of the MLUL where it's subsection A, to
 18 encourage municipal action to guide the appropriate use
 19 of development of all lands within the state in a manner
 20 which will promote the public health, safety, morals and
 21 general welfare.

22 Approval of this application constitute municipal
 23 action promoting general welfare and that the proposed
 24 private development will replace deteriorated old
 25 residence, no particular historic value with a

Page 27

1 multi-million dollar rateable that will support and not
 2 just rejuvenate Main Street area, but also help support
 3 the minimum town tax base.

4 Second, Section C lists the goals of providing
 5 adequate light, air and open space. The bulk of the
 6 proposed bank will set back from the curb at a much
 7 greater distance than existing residential office use
 8 therefore providing more light, air and open space most
 9 needed along the front of Main Street. Therefore this
 10 constitutes the second special reason.

11 Third section G recommends to provide sufficient
 12 space in appropriate locations for a variety of
 13 agricultural, residential, recreational, commercial and
 14 industrial uses and open spaces, both public and
 15 private, according to their respective environmental
 16 requirements in order to meet the needs of all New
 17 Jersey citizens.

18 Approval will constitute provision for the
 19 sufficient space for the needed commercial use in the
 20 appropriate location, namely Main Street where banks
 21 belong. Therefore this constitutes the three essential
 22 reasons.

23 The fourth special reason, Section I represents
 24 to promote desirable visual environment through creative
 25 development techniques and good civic design and

Page 28

1 arrangement. Approval will constitute promoting both a
 2 desirable visual environment by virtue of encouraging
 3 private development, replacing a worn out structure with
 4 a new carefully designed and landscaped site facility
 5 that will blend in well with the ongoing redevelopment
 6 along Main Street at no cost to the taxpayers.

7 Therefore this constitutes the fourth special reason.

8 So in conclusion it is my consideration,
 9 professional opinion that all of these reasons and also
 10 for many reasons mentioned earlier that when I presented
 11 in my architectural exhibits, Valley National Bank
 12 application meets the special reasons criteria.

13 Q. Now Mr. Corvino, you were also present when Mr.
 14 Acquafredda testified and Mr. Hanrahan testified, Mr.
 15 Verderese testified as to traffic. Based upon all of
 16 their -- and Mr. Edgar as to the environmental concerns
 17 that are being taken care of by this application. Based
 18 upon their testimony do you have an opinion as to
 19 whether or not the proposed use will cause a substantial
 20 detriment to the public good?

21 A. No, it will not.

22 Q. And finally I'd like to direct your attention,
 23 please, to Page 151 of the Milltown Zoning Ordinance.
 24 Specifically I'm reading purpose of commercial districts
 25 and there's four items that are listed there. The first

Page 29

1 one is to encourage the tendency of commercial activity
 2 to the mutual advantage of both customers and merchants
 3 and thereby promote public convenience and prosperity.

4 Now do you believe that that purpose of the zoning
 5 ordinance is advanced by this application?

6 A. Yes, it is.

7 Q. And furthermore item 3 indicates encouraging a
 8 maximization of off-street parking facilities to service
 9 the commercial activity. Is that satisfied in this
 10 application?

11 A. Yes, it is.

12 Q. And finally Number 4, to promote aesthetically
 13 and visually harmonious development throughout the B-1
 14 district. Does this application further that goal as
 15 well?

16 A. Yes, it does.

17 MR. McARTHUR: I have no further questions,
 18 Mr. Chairman, of this witness at this moment.

19 CHAIRMAN RYAN: Thank you. Board members?

20 MR. BIANCO: Yes, I have a question. The
 21 walk-up ATM, that's in the front of the building; is
 22 that correct?

23 MR. CORVINO: Correct.

24 MR. BIANCO: So most people I would think
 25 are going to pull up on Main Street and park anyway and

8 (Pages 26 to 29)

1 use that.

2 MR. CORVINO: I don't believe that. There

3 are some -- there's very little parking along that

4 street. I think most people would find it easy to park

5 in a lot and be safer and I know when I go to my bank

6 and use the walk-up I sometimes use drive-up, I park in

7 the lot and use that. If someone is parked there in an

8 illegal spot somebody else couldn't park there. There's

9 not that many spaces along the street and that's the

10 reason for allowing the bulk of the parking in the

11 drive-thru lanes. A combination will alleviate some of

12 that. If you provide the space people will use it.

13 MR. McARTHUR: There's also a drive-up ATM,

14 is there not?

15 MR. CORVINO: Yes.

16 MR. McARTHUR: And the present use does not

17 have off-street parking?

18 MR. CORVINO: The present use has one

19 driveway with the space to put the cars in tandem.

20 MR. BIANCO: The drive-up ATM is the first

21 lane?

22 MR. CORVINO: I'm sorry?

23 MR. BIANCO: The drive-up ATM is the first

24 lane?

25 MR. CORVINO: Yes, it is.

1 CHAIRMAN RYAN: Is the ATM in the lobby or

2 outside of the building?

3 MR. CORVINO: It's in a covered walkway, a

4 covered tower. It's in the vestibule. You walk through

5 that tower and it's a vestibule and it's inside.

6 CHAIRMAN RYAN: Board members? Mr. Liotta?

7 MR. LIOTTA: I don't have any specific

8 questions, Mr. Chairman, just maybe just a review of

9 what the board should consider as part of the planning

10 testimony. The applicant through their planner needs to

11 establish a special reason which generally is considered

12 to be the advancement of zoning purposes either the

13 purposes within the Municipal Land Use Law or

14 established purposes within the Borough's master plan.

15 We've heard some of those things tonight.

16 They also have to establish a particular

17 suitability, why is this site particularly suited for

18 the proposed use and in this case we're not really

19 talking about the bank use, we're talking about the

20 drive-thru. That's the use variance aspect, it's not

21 the bank use itself.

22 And then the second aspect of the variance

23 consideration is the negative criteria, is there any

24 detrimental effect to the public good which is

25 essentially considered to be the neighborhood and is

1 there any negative effect on the zone plan or the zoning

2 ordinance and that speaks for itself. Would the

3 approval have a negative effect on the zone plan or the

4 master plan as established.

5 So those are the considerations that you

6 need to think about through all of the different

7 testimony. You've heard a lot of positive criteria from

8 the planner and his opinion on what positive special

9 reasons are advanced. We've heard a lot of negative

10 criteria aspects in terms of mitigation on how they've

11 designed the plan and through all of the witnesses,

12 through the architect, through the traffic expert,

13 through the civil engineer and through the planner and

14 again, the focus is obviously for the use variance is

15 the drive-thru aspect it and we also have a series of

16 bulk variances to deal with.

17 CHAIRMAN RYAN: Thank you. Mr. Branciforte?

18 Anything else from the board members?

19 MR. BIANCO: I got one more question. Mr.

20 Liotta, when we talked about banking these spots, these

21 parking spaces didn't we talk about moving the

22 drive-thru back a little bit?

23 MR. LIOTTA: Originally I guess when we look

24 at the beginning of the application they had the

25 drive-thru on the -- I guess it's the south side of the

1 building and through reviews and board comments they

2 redesigned the plan. They put the drive-thru in the

3 back which certainly has improved the plans and

4 circulation and the ability to design the parking more

5 effectively.

6 MR. BIANCO: My concern is with the first

7 bend coming around that corner and if that's going to be

8 an ATM, if there's somebody in the second bay is there

9 going to be a blockage there where they may have to back

10 up to straighten their car out?

11 MR. LIOTTA: That's something their traffic

12 consultant I think can either address --

13 CHAIRMAN RYAN: He touched on it.

14 MR. McARTHUR: I think he touched on it.

15 He's here again.

16 MR. VERDERESE: Actually there were some

17 comments I think in a previous meeting or in a review

18 letter. And at that corner that you're talking about we

19 actually improved the radius. There used to be a

20 tighter radius on this corner and we reviewed it with

21 vehicles parked in the second lane as you referred to

22 and we made a larger radius around that corner in order

23 for a vehicle to get into the first lane if vehicles

24 were stacked in the second lane. So we did design it so

25 that you could make the left turn into the first lane

1 and not be interfered with by the vehicle in the second
 2 lane.
 3 MR. BIANCO: Okay, thank you.
 4 MR. VERDERESE: You're welcome.
 5 MR. LIOTTA: I think Mr. Bianco, one thing I
 6 could indicate is that I'm not a fan of bank parking.
 7 I'd rather see the parking put in that's needed and if
 8 -- in this case I tend to agree with the applicant that
 9 the 1 per 100 standard is a little bit more than we need
 10 and maybe it's not 1 per 200, but I think it should be
 11 less than 38 because I'd like to see some other things
 12 happen on-site like save some trees and have opportunity
 13 to put more landscaping into the plan and reduce
 14 impervious coverages.
 15 CHAIRMAN RYAN: Thank you.
 16 MR. AMATO: I have a question. I have a
 17 question. Maybe you can answer this. This town is 1.6
 18 miles long, am I correct? In the master plan is there a
 19 limitation of number of banks that are allowed in a
 20 town?
 21 MR. BRANCIFORTE: No, no. There's not.
 22 MR. AMATO: I'm just curious.
 23 MR. BRANCIFORTE: There's no limitation on
 24 --
 25 MR. AMATO: You're talking about six banks

1 that we have in this town now.
 2 MR. BRANCIFORTE: In my view what matters is
 3 does the zoning provide for it. Then it becomes
 4 strictly a question of is there a bank out there that
 5 wants to come here. Evidently Valley wants to come here
 6 and they want to come in the B-1 zone. There's no
 7 limitation on numbers.
 8 MR. AMATO: That's what I'd like to know if
 9 there is a limit.
 10 MR. BRANCIFORTE: No.
 11 MR. AMATO: Thank you.
 12 CHAIRMAN RYAN: Anything else? I think
 13 we'll just take five quick minutes before we open
 14 questions from the public.
 15 MR. McARTHUR: Sure.
 16 (Brief recess was taken.)
 17 CHAIRMAN RYAN: At this point I'd like to
 18 open the meeting to the public. I would like to point
 19 out in an effort to try to save some time if we can try
 20 and not duplicate too many of the questions or issues.
 21 So at this point anyone that would like to come forward
 22 please do.
 23 ERIC STIEBER, having been duly sworn,
 24 testified under oath as follows:
 25 MR. STIEBER: Good evening. My name is Eric

1 Stieber. I live at 78 Clay Street. I just have two
 2 questions regarding the site plan there and perhaps the
 3 gentleman from the traffic study might be able to answer
 4 these. On the exit on the south side of the site how
 5 large is the sight triangle for the exit? Basically
 6 what my question is is this. It looks like there's a
 7 section maybe that's where the walk-up ATM is, is that
 8 on the front left?
 9 MR. VERDERESE: Yes.
 10 MR. STIEBER: Okay. An automobile looking
 11 to exit, when it's sitting ready to make a turn onto
 12 Main Street is there a sufficient sight triangle looking
 13 north onto Main Street without having the car to have
 14 its wheels on the front end on the concrete apron of the
 15 sidewalk?
 16 MR. VERDERESE: I'm just going to measure
 17 the distance the building is back from the curb. The
 18 building is set about 19 feet behind the curb.
 19 Generally we take the sight triangle from 15 feet from
 20 behind the curblines so yes, it would. The building is
 21 not going to interfere with the sight.
 22 MR. STIEBER: That's good. My other
 23 question would be is there going to be parking allowed
 24 going southbound on Main Street in front of the
 25 building?

1 MR. VERDERESE: At this time, yes. I think
 2 that actually came up at the last meeting as well that
 3 that would actually have to -- well, it would actually
 4 have to go to council and then it would have to go to
 5 the county because it's a county road.
 6 MR. STIEBER: To permit it or to disallow
 7 it?
 8 MR. VERDERESE: Yes. We have no control as
 9 to this application as far as restricting or
 10 nonrestricting.
 11 MR. STIEBER: So the way it sits now,
 12 correct me if I'm wrong, it will permit parking in front
 13 of that structure unless some boards wants to change it
 14 and make it not required?
 15 MR. VERDERESE: Yes.
 16 MR. STIEBER: So the town council could pass
 17 an ordinance?
 18 MR. VERDERESE: Yes. And then they'd have
 19 to go to the county to get it approved.
 20 MR. STIEBER: Okay, that concludes my
 21 questions. Thank you very much.
 22 CHAIRMAN RYAN: Thank you.
 23 STEVE GREGUS, having been duly sworn,
 24 testified under oath as follows:
 25 MR. GREGUS: My first question is regarding

10 (Pages 34 to 37)

1 entrance to the bank. What is the width of that, of the
2 entrance?

3 MR. VERDERESE: I can answer that one as
4 well. 25 feet.

5 MR. GREGUS: 25 feet. Now when cars are
6 coming in and you're going to -- is there going to be --
7 I guess my question is is there enough room for you're
8 going to have traffic going into the drive-in in the
9 back. Is there enough room for two cars to prevent a
10 bottleneck? Is there going to be enough room for two
11 cars to have a bottleneck into that?

12 MR. VERDERESE: We had an exhibit at the
13 last meeting, A-37 that just showed vehicle stacks. It
14 showed five vehicles that wouldn't stack in the 25-foot
15 aisle. We also potentially would like to maybe stripe
16 out the eight feet that are on the -- I'll call it the
17 left side of the south side of the aisle just in case
18 for some reason there were more than five vehicles
19 waiting that we could stripe that for drive-thru
20 stacking because 25 feet is more than adequate for
21 one-way traffic. So we would actually like to maybe go
22 for 7 foot lane and the 8-foot aisle or some
23 combination, 15 and 10 or something.

24 MR. GREGUS: My question is is there enough
25 room for dual traffic going -- like people going into

1 the drive-thru and people going around say who don't
2 want to use the drive-thru going around it?

3 MR. VERDERESE: Yes. If someone was waiting
4 to turn into the drive-thru you could circulate around
5 and we did provide along the west side of the bypass
6 lane as well which shows a little better.

7 MR. GREGUS: And I guess my next question is
8 almost the same. The exit, is there going to be a
9 left-hand turn and right-hand turn like to make --

10 MR. VERDERESE: No, not separate lanes. We
11 actually testified at the last meeting and a little bit
12 more at this meeting we're going to narrow it down to
13 about 20-foot in width in order to discourage two lanes
14 of traffic coming out in order to keep it to one
15 vehicle.

16 MR. GREGUS: So it's going to be one lane of
17 traffic exiting?

18 MR. VERDERESE: Yes.

19 MR. GREGUS: Okay. What exactly -- can you
20 tell me what's the buffer in the back between the school
21 property and the --

22 MR. VERDERESE: That's not for me.

23 MR. CORVINO: It's a little over 20 feet.

24 MR. GREGUS: And have you -- how can I say
25 it -- have you gotten rid of what we talked about the

1 parking spaces, is that going to be erased from the plan
2 as far as --

3 MR. CORVINO: As part of the proposal to
4 eliminate some of those spaces that used to be along the
5 back.

6 MR. GREGUS: Okay, thank you very much.

7 CHAIRMAN RYAN: Thank you. Michael?

8 MICHAEL LEWYCKY, having been duly sworn,
9 testified under oath as follows:

10 MR. LEWYCKY: Good evening. I'm actually
11 here wearing a couple different hats. One is vice-chair
12 of the Shade Tree Commission. One is a resident so I'm
13 going to have a couple of questions.

14 MR. AMATO: Talk into the mike, please.

15 MR. LEWYCKY: My question regarding the
16 left-hand side of the planned site where the applicant
17 has additional parking, you're planning on excavating
18 and installing a stormwater control. How deep are you
19 planning on going?

20 MR. McARTHUR: Mr. Chairman, I would note
21 that I believe Mr. McKenna is going to testify. He has
22 not been previously sworn. I should probably qualify
23 him as well just for the purposes of the record.

24 I'd like to call R. Michael McKenna. Mr.
25 McKenna, you have to be sworn.

1 R. MICHAEL McKENNA, 200 State Highway
2 Nine, P.O. Box 900, Manalapan, New Jersey 07726-0900,
3 having been duly sworn, testified under oath as follows:

4 DIRECT EXAMINATION BY MR. McARTHUR:

5 Q. Mr. McKenna, can you give us the benefit of your
6 educational experience?

7 A. Yes, bachelors degree in civil engineering from
8 NJIT, 1974. I've been licensed since 1979, solely
9 employed in the practice of site civil engineering. I
10 run the site development group in Manalapan, our main
11 office with Schoor DePalma. I'm a principal in the
12 firm.

13 Q. And have you testified before boards on numerous
14 occasions?

15 A. Yes, I have and I've represented a number of
16 towns over the last 25 years.

17 MR. McARTHUR: I'd ask that he'd be
18 qualified, Mr. Chairman.

19 CHAIRMAN RYAN: Certainly.

20 MR. McARTHUR: Thank you, as a civil
21 engineer.

22 CHAIRMAN RYAN: Yes.

23 MR. McKENNA: To answer your question, four
24 feet.

25 MR. LEWYCKY: And where there are trees, the

1 Provident side of the property line?
 2 MR. McKENNA: Yes.
 3 MR. LEWYCKY: Do you have any idea how much
 4 of those trees will be impacted by the excavation and
 5 the construction?
 6 MR. McKENNA: I just want to be sure we're
 7 talking about the same thing. We're talking about two
 8 recharge areas, one in the front and one in the back?
 9 MR. LEWYCKY: Right, the rear corner in the
 10 upper left-hand -
 11 MR. McKENNA: Okay. I would say none
 12 further than the proposed curb line. Now I'll show it
 13 to you right here. The recharge area is actually
 14 underneath the pavement inside the curb line at 4 foot
 15 deep. That's going to be a straight cut. There's no
 16 reason to make a big mess out there.
 17 MR. LEWYCKY: How close from the edge to the
 18 property line will you be excavating? I'm a little bit
 19 concerned with the roots. We had a problem in this town
 20 with trees eventually toppling over. I'm a little
 21 concerned about the welfare of the trees that are there.
 22 MR. McKENNA: The curb line is 5 feet off
 23 the property line. The curb is typically about
 24 18 inches deep, but to answer you directly, the recharge
 25 area is a distance of about 11 feet by scale off of the

1 property line.
 2 MR. LEWYCKY: Okay, so the bottom line is
 3 those trees may be affected and what type of actions
 4 will you take to preserve those trees?
 5 MR. McKENNA: I couldn't tell you whether
 6 they would be majorly affected. I'd have to see the
 7 size of them. It really depends on how big they are.
 8 Basically you'd only be cutting the roots on one side,
 9 ten feet off the base of the tree. Again, I'd be
 10 unqualified to tell you what the effect of that would
 11 be. My own personal experience is it probably would not
 12 be much because we're cutting one side.
 13 MR. LEWYCKY: We've actually had trees which
 14 were just cut on one side and toppled over. I'd like to
 15 ask you to look into that, if anyone could possibly look
 16 into that.
 17 MR. McKENNA: Absolutely, we'll talk about
 18 that.
 19 MR. LEWYCKY: My other main concern is we by
 20 ordinance require a vegetative screening on all
 21 commercial parking not just basically to residential,
 22 but also commercial and there's another thin strip that
 23 you're proposing on your site, but it's much more
 24 significant on the other side and I'm just concerned
 25 that we may lose a lot more screening as a result of the

1 construction over there and either you can find a way to
 2 eliminate the screening on that side or at least
 3 protecting those trees.
 4 MR. McKENNA: Well, certainly we can protect
 5 those trees. There's no question about it.
 6 MR. LEWYCKY: Okay, appreciate it.
 7 MR. McKENNA: I think the way the site is
 8 oriented and we had a conversation earlier about the
 9 number of parking spaces where the driveway is located
 10 at all unfortunately that lays out the parking on the
 11 left side.
 12 MR. LEWYCKY: Now currently on the site how
 13 much traffic is going on the site and how much traffic
 14 is coming off the site?
 15 MR. McKENNA: I'd have to let Mr. Verderese
 16 address those other issues.
 17 MR. LEWYCKY: Thank you.
 18 MR. VERDERESE: In the proposed condition?
 19 MR. LEWYCKY: The current condition.
 20 MR. VERDERESE: Oh, current existing? Oh,
 21 we didn't do any counts. I would assume it's negligible
 22 since there's only a small drive.
 23 MR. LEWYCKY: But you never observed any
 24 cars going or coming off?
 25 MR. VERDERESE: That wasn't part of the task

1 that I was looking at, what was coming on and off
 2 currently. I was only going to look at what was going
 3 to happen when the bank came.
 4 MR. LEWYCKY: Because I observed that
 5 there's no traffic at all and any increase would be an
 6 increase onto Main Street.
 7 And the other issue I would have would be
 8 currently the site is heavily vegetated with a lot of
 9 impervious coverage so the water recharges. It's
 10 absorbed by the vegetation, doesn't reach Main Street,
 11 doesn't progress any further down stream to the Mill
 12 Pond area or the drinking water supply. With this paved
 13 over site and the addition of vehicles, vehicles tend to
 14 leak fluids, fluids that are not necessarily beneficial
 15 to the drinking water supplies. You're collecting it,
 16 but you're not treating it. There's nothing stopping
 17 antifreeze or petroleum products from entering directly
 18 into the Mill Pond area. Currently that doesn't happen.
 19 There is no vehicular traffic. So that's definitely a
 20 danger to I believe public health. So not necessarily
 21 an improvement on those parts. The trees that currently
 22 are on the site are the mature variety, a vast variety
 23 of species. Some desirable, some not so desirable but
 24 they offer function. They also pick up a lot of the
 25 particular matter, fine particular matter that otherwise

1 would remain airborne. By removing the existing trees
2 and putting in juvenile trees we will be losing that
3 benefit for that part of the community and especially
4 including the schools. We're reducing the filtering and
5 we're increasing the pollution. So again that's not
6 necessarily a benefit to the public.

7 MR. McARTHUR: Mr. Chairman, is this a
8 question or a statement?

9 MR. LEWYCKY: I'm going to go right into the
10 question. You're not proposing --

11 MR. AMATO: Can you please speak into the
12 mike. I can't hear you.

13 MR. LEWYCKY: I'm sorry. What type of fire
14 suppression are you planning on the site?

15 MR. CORVINO: There's no sprinkler required
16 for a building of this size.

17 MR. LEWYCKY: And where is the closest fire
18 hydrant located?

19 MR. McKENNA: My understanding is across
20 Main Street, the other side Main Street and down. It's
21 just off this drawing, probably the scale I guess from
22 the building on the order of about 150, 60 feet. It's
23 off this drawing.

24 MR. LEWYCKY: And you haven't considered the
25 inclusion of a water socket on the exterior of the

1 removal on the site?

2 MR. McKENNA: To be honest with you I don't
3 think the applicant has given a whole lot of thought to
4 that. The only obvious place is in the back here and I
5 am also an advocate of not having parking back here.

6 MR. LEWYCKY: So you'd pile the snow on the
7 vegetation, not necessarily into a parking space?

8 MR. McKENNA: Yes. Well, yeah. Typically,
9 yes. Maybe one space.

10 MR. LEWYCKY: During peak hours how many
11 employees do you plan on having at the bank?

12 MR. McKENNA: I couldn't answer that.

13 MR. GHABRIAL: Between four to five.

14 MR. LEWYCKY: And that's manager, teller,
15 security, cashier, bank officer?

16 MR. GHABRIAL: Three tellers, customer
17 service rep and a manager.

18 MR. LEWYCKY: And they will be parked along
19 the right-hand side to the top?

20 MR. McKENNA: Correct, upper right.

21 MR. LEWYCKY: Now have you considered the
22 layout of the parking spaces? The parking spaces being
23 straight in, I have a history of parking someplace,
24 coming out and then finding an SUV or pickup truck has
25 parked right next to me and I can't see as I'm backing

1 building?

2 MR. McKENNA: Without sprinklers you
3 wouldn't put a Siamese connection on the building. The
4 idea of a Siamese is fire department pumps water into a
5 sprinkler system. If there's none there's no purpose
6 for it.

7 MR. LEWYCKY: I'm just thinking a water
8 socket for the hose instead of it being a hundred plus
9 feet down Main Street or --

10 MR. McKENNA: Oh, you mean for irrigation
11 purposes?

12 MR. CORVINO: We have an irrigation system
13 built into the bank.

14 MR. LEWYCKY: But would that be applicable
15 for use of the fire department?

16 MR. CORVINO: No. It's a landscaping
17 sprinkler system, not a fire sprinkler.

18 MR. LEWYCKY: The turning radius as far as
19 getting around the drive-thru, is that going to be
20 accessible for the current fire vehicles?

21 MR. McKENNA: Mr. Verderese said yes to that
22 question.

23 MR. LEWYCKY: My next question is regarding
24 snow removal. You're planning on reducing the number of
25 parking spaces. How do you plan on dealing with snow

1 out around the truck. I'm curious as to why you didn't
2 consider slanting the parking spaces.

3 MR. GHABRIAL: Nick?

4 MR. McKENNA: I couldn't answer that.

5 MR. VERDERESE: I mean, there's a number of
6 reasons. You would lose parking that's sufficient on
7 the site and as far as SUV being parked next to you,
8 it's a common occurrence in every shopping center, any
9 office building. Basically what happens is you pull out
10 slowly and people have to give you courtesy.

11 MR. LEWYCKY: Well, ideally you pull out
12 slowly and the person passing by you would also be
13 aware.

14 MR. McARTHUR: Mr. Chairman, is this a
15 statement or a question? I don't mean to -- I don't
16 typically object.

17 MR. LEWYCKY: If you remove or lower the
18 value of the number of parking spaces would you consider
19 slanting the parking spaces as a safety feature?

20 MR. VERDERESE: I don't think it provides
21 you anymore safety. You'd still have to see around a
22 vehicle that's parked next to you.

23 MR. McKENNA: I would agree with that. I
24 don't see any difference, to be honest with you.

25 MR. LEWYCKY: Okay, you mentioned the

1 redevelopment on Main Street. Could you detail the
 2 redevelopment on Main Street? Is this to fit in with
 3 the redevelopment on Main Street?
 4 MR. McARTHUR: Mr. Chairman --
 5 CHAIRMAN RYAN: Mr. Lewycky, I'm not certain
 6 that -- the questioning should pertain to actually what
 7 they testified to.
 8 MR. LEWYCKY: Excuse me --
 9 CHAIRMAN RYAN: I indicated to you that if
 10 we had time after we would go through public comment so
 11 if you kind of try and separate one from the other in an
 12 effort to economize our time --
 13 MR. LEWYCKY: Regarding the historical
 14 aspect of the existing building, what date of
 15 construction did you find in your review?
 16 MR. McARTHUR: Mr. Chairman, I'm going to
 17 object to the question and I'm going to give the reason
 18 for my objections. I'm not in the habit, sir, of
 19 telling a board that I'm appearing in front of asking
 20 for approvals that they may not have jurisdiction in a
 21 particular area. I believe there's a case here in
 22 Middlesex County which at least indicates it's
 23 questionable as to whether or not the zoning boards can
 24 consider historical questions. I think the case is
 25 Stochel,(SIC) that's the one I'm referring to Mr.

1 Branciforte and I would say that what the case really
 2 says is that a board has the flexibility to make an
 3 approval if they were so inclined to approve an
 4 application contingent upon any historic approval from
 5 any appropriate agency just as this board makes
 6 approvals contingent upon the DEP or DOT or county
 7 planning boards for another example. So I just raise
 8 that as an objection.
 9 MR. BRANCIFORTE: I'm not quite sure I
 10 understand the question.
 11 MR. LEWYCKY: My question is as required by
 12 federal regulations to perform a historical study.
 13 There's some question as to the date of construction of
 14 the current structure. I am just curious as to what
 15 date they came up with with their professionals.
 16 CHAIRMAN RYAN: We have the report. I don't
 17 know whether or not that date is relevant.
 18 MR. McARTHUR: I would agree.
 19 MR. BRANCIFORTE: I was provided with a copy
 20 of a letter from the state of New Jersey, Department of
 21 Environmental Protection, Historic Preservation Office.
 22 And the thing that interested me in the letter was that
 23 the reason why the state found historic interest here
 24 had nothing to do with the age of the building. It had
 25 to do with the fact that the significance of the Forney

1 house and clinic is in its medical history and the
 2 knowledge that can be gained about small clinics and
 3 evolving medical practices. The front of it, there's a
 4 little bit more in detail talks about the criteria which
 5 I have to tell you I'm not really sure what this means,
 6 Criteria C, whatever that is as an example of a type of
 7 house used as a small clinic. Criteria C for community
 8 services and its relevant medical role in the community
 9 and D for it's ability to yield more information on
 10 early 20th-century medical practices. None of these
 11 criteria have anything to do with the building which is
 12 what I find really fascinating. They're not saying that
 13 there's something about the structure that's important,
 14 they're saying what's important is that it is a medical
 15 practice and that's what's interesting. That's what's
 16 historic. So to me questions about the building itself
 17 doesn't jive with what the state is saying is going on
 18 there anyway. And that's why the questions like that
 19 concern me because I'm not really sure what the
 20 importance is because the state doesn't seem to care how
 21 old the building is, the actual structure.
 22 With regard to what Mr. McArthur was talking
 23 about, he's right about the case law indicating that the
 24 board -- well, let me back up. The board has the
 25 ability to consider history of a site. The question is

1 what information do they want to look at. Do they want
 2 to look at what the state says? Do they want to look at
 3 what the neighbors say? Do they want to look at what
 4 the Federal government says in this particular
 5 application because it's a bank. If this had been a
 6 shopping center with a pizzeria and a hardware store we
 7 wouldn't have this advantage. But because there's a
 8 bank involved there's Federal and State oversight in
 9 terms of historic value of the property of what's going
 10 on there.
 11 What Mr. McArthur is suggesting and it would
 12 have been my suggestion to the board also that you can
 13 condition -- if the board was going to grant approval
 14 here you could condition approval on what they have to
 15 do anyway which is they got to get State and Federal
 16 approval to convert this site. If in fact the state --
 17 if they decided its historic value is such that steps
 18 are required to use it as a bank the only way they can
 19 use it as a bank is to satisfy the requirements of the
 20 State and the Federal Government. There was a lot of
 21 talk about the OCC, the office of -- I forget --
 22 MR. VERDERESE: Controller Currency.
 23 MR. BRANCIFORTE: Controller Currency having
 24 really the last say in all of this in conjunction with
 25 the state historic preservation people. So that I think

1 it would be perfectly acceptable for the board to say as
2 far as historic element is concerned we'll just -- the
3 board can just say hey, if the state and the Feds say
4 it's okay and you can work it out, great. If they say
5 no, no bank because you won't be able to do it. You
6 won't be able to satisfy a federal criteria for opening
7 a branch.

8 MR. McARTHUR: And I would also concur with
9 Mr. Branciforte's statements and also adding that the
10 factual -- I think that this board should note that the
11 owner of the property, Dr. Sharma was not put on notice
12 that this was happening to his property and also there
13 has been testimony given by Mr. Ghabrial earlier in
14 August of last year as to the mitigating circumstances
15 and the provisions that Valley is going to be making for
16 the historical aspect of this property. And it seems to
17 me that that information was not presented to the
18 appropriate authority which generated that letter
19 either.

20 So certainly that letter is not the tell all
21 and end all. It's a step in the process and it is just
22 like the County Planning Board, it's another approval
23 that we have to deal with. Approval, waiver, exemption,
24 whatever it's called, we understand that and we would
25 request that if the board were so inclined to grant

1 approval of this application that we'd make it subject
2 to that approval. That's all, thank you.

3 CHAIRMAN RYAN: I would agree at this point
4 that this is not the forum for that line of questioning.

5 MR. LEWYCKY: Thank you. I got what I
6 wanted.

7 J I M L E B L O N, having been duly sworn, testified
8 as follows:

9 MR. LEBLON: Good evening. Jim Leblon.
10 First question, for the lighting that is in the parking
11 lot and on the building, are there plans -- I apologize,
12 I may have missed parts of this -- plans to at least
13 recess the lighting to keep the glare from the street?
14 I guess the example would be actually right up the road
15 from there is the gas station and you see the light.
16 I'm not really concerned about the light spilling out,
17 but it's more the glare from the light. If it was
18 recessed we'd get a little more of a better ambiance to
19 the building. Would that be considered or has that been
20 mentioned?

21 CHAIRMAN RYAN: We had testimony. Do you
22 want to touch on it briefly again?

23 MR. McKENNA: I believe that's absolutely
24 the case. The cut off, the plan was submitted to the
25 board's engineer and planner and having to --

1 MR. LEBLON: They were at least recessed or
2 at least --

3 MR. McKENNA: They were cut off.

4 MR. McARTHUR: That's Sheet 5 for the record
5 in the site plan.

6 MR. LEBLON: Thank you. I didn't see the
7 last picture or at least if I did I wasn't at least from
8 my own vantage point I didn't get the feel at least in
9 the first one it wasn't very Main Street friendly. Has
10 the new one been a little updated? Is there a picture
11 handy? I mean, I can skip over it.

12 CHAIRMAN RYAN: Do you have these with you?
13 They were entered at the last meeting.

14 MR. LEBLON: Is the tower actually a
15 corporate logo or is it --

16 MR. OLESINSKI: They actually redid it. We
17 requested that they be redone and they resubmitted the
18 plan and maybe you haven't seen the new pictures.

19 MR. LEBLON: So they've redone their
20 corporate logo?

21 MR. CORVINO: This is A-25.

22 MR. LEBLON: All right. Just it doesn't
23 seem very Main Street friendly. I guess the testimony
24 tonight was about improved drainage. I'm wondering is
25 that a recharge system or is that just going through,

1 being dumped down off Main Street?

2 MR. McKENNA: It's a detention system that
3 holds back the water to meet the pre-development flows.
4 It is also a recharge system that recharges and
5 technically required in the zone and the soil so it's
6 both.

7 MR. LEBLON: So it is being recharged?

8 MR. McKENNA: Yes.

9 MR. LEBLON: And then piped to the outlet,
10 correct?

11 MR. McKENNA: It can only absorb so much and
12 then it's piped down.

13 MR. LEBLON: Because at least to a certain
14 point there's going to be before the overflow it will be
15 recharged down.

16 MR. McKENNA: Absolutely, that's true.

17 MR. LEBLON: There was a traffic study done?

18 MR. VERDERESE: Yes.

19 MR. LEBLON: I guess is the person here who
20 did that?

21 MR. VERDERESE: Yes.

22 MR. LEBLON: You do banks as a traffic study
23 or at least estimates on bank traffic and style and size
24 you've done before?

25 MR. VERDERESE: Yes.

1 MR. LEBLON: Have you reviewed those
 2 previously to see how accurate you are with those
 3 studies?
 4 MR. VERDERESE: We use standard industry
 5 data that's collected throughout the United States and
 6 apply that to different bank sites based on square
 7 footage of the banks.
 8 MR. LEBLON: To estimate the amount of
 9 traffic that's going into the bank?
 10 MR. VERDERESE: Yes and I testified that
 11 actually some studies we've done of community-type
 12 banks, local banks has actually shown traffic to be
 13 about half of what the industry shows as the average for
 14 all banks.
 15 MR. LEBLON: So you have reviewed some of
 16 your previous --
 17 MR. VERDERESE: Yes.
 18 MR. LEBLON: Okay. Is the condition of the
 19 building so bad that it is beyond repair? I know there
 20 has been some testimony that it is.
 21 MR. CORVINO: Yes, it is.
 22 MR. LEBLON: Are there violations on the
 23 property currently? Are there code violations?
 24 MR. CORVINO: I'm not aware of them.
 25 MR. LEBLON: And I guess my last question is

1 we have 3,700 square feet for the building. We have
 2 four retail or at least testified four retail staff
 3 members. Do we need such a large building? I mean, I
 4 know we're going to have three towers and a customer
 5 service rep over here and at least enough room for a few
 6 -- I guess just thought 3,700 square feet is awfully
 7 large for that. You know, if there was any way to cut
 8 off certainly --
 9 MR. GHABRIAL: Conference room, vault,
 10 kitchen.
 11 MR. LEBLON: Certainly could cut off a
 12 little and make that turning radius -- we'll leave that.
 13 The parking in the street I guess you need county
 14 approval for that. I can only urge you to at least
 15 think about that if I park my Navigator out front to run
 16 in, trying to pull out from there is going to be
 17 literally impossible where I'm going to have to nose my
 18 car up to get past the SUV that's out in the street to
 19 be able to see what's coming to make a left turn. It
 20 seems very ill conceived to at least allow the parking
 21 on the street, at least for that site.
 22 MR. OLESINSKI: That is actually a problem
 23 for the councilman. If we can do it we would, but --
 24 MR. LEBLON: I'm saying if it gets approved
 25 then it happens. Thank you very much.

1 MR. OLESINSKI: Thank you.
 2 JOHN JOHNSTONE, 135 Van Liew Avenue,
 3 Milltown, New Jersey 08850, was duly sworn and
 4 testified under oath as follows:
 5 MR. JOHNSTONE: I'm John Johnstone from Van
 6 Liew Avenue. At this time I can only ask questions, not
 7 my personal comments; is that right?
 8 CHAIRMAN RYAN: Correct, questions of their
 9 testimony.
 10 MR. JOHNSTONE: If I understood it you just
 11 testified that the building is beyond repair?
 12 MR. CORVINO: Yes, there was a report done.
 13 MR. JOHNSTONE: And you had a presentation
 14 at the first meeting that showed things wrong with the
 15 building, branches through the window and see bricks
 16 that had fallen on the bays, the basement floor which
 17 was wood. What features are unrepairable?
 18 MR. CORVINO: Most of the features on that
 19 building would have to be rebuilt from scratch.
 20 Everything from the framing of the building is affected
 21 by termite and water damage. All the architectural
 22 decorative features are rotting away on the building.
 23 Photos show that they are actually disintegrating. I
 24 grabbed the handrail and it fell apart. I mean, it
 25 literally would have to be rebuilt. So if you were to

1 have to replicate all the details as they were it would
 2 be a very costly, expensive project. You would have to
 3 really replace it because there isn't anything
 4 salvageable. Paint outside does not really indicate
 5 what the inside, that wood railing or structure or
 6 detail is actually condition of. And the brick
 7 foundation is actually falling apart. Standard
 8 photographs basically show it and then the supporting
 9 beams for the main lobby entrance, the main entry to the
 10 building has collapsed. There's actually some screw
 11 jacks holding it up. You can't even get in the front
 12 door because it's sagged so much all the way from the
 13 basement to the attic.
 14 MR. JOHNSTONE: I never found it difficult.
 15 It's relatively easy to repair a sagging beam by jacking
 16 it up and supporting the beam.
 17 MR. CORVINO: Absolutely, but there are
 18 about 30 percent of beams in this building that would
 19 have to be replaced, not just lifted and sistered up.
 20 They are rotting away.
 21 MR. JOHNSTONE: On the first floor or second
 22 floor?
 23 MR. CORVINO: Part of the first floor, part
 24 of the second and part of the attic.
 25 MR. JOHNSTONE: From termite damage?

16 (Pages 58 to 61)

1 MR. CORVINO: Some from termites, some from
2 water. There are also walls that are deteriorating that
3 would have to be -- you'd have to take all the siding
4 off and repair those walls as well as weather proof the
5 entire building. All the cornices have to be replaced.
6 All the gutters and leaders would have to be replaced.
7 All the architectural ornaments. The entire two decks,
8 front and rear porch would have to be replaced including
9 all the columns and most of the roof would have to be
10 replaced.

11 MR. JOHNSTONE: And I had some questions
12 about the drainage, site drainage. Fines keep falling
13 out of the beds. What keeps the fines from falling out
14 of the bed? Suspended fines from ground up leaves and
15 whatever, they're in the parking lot, the drain, will
16 drain into the detention beds that's underground and I
17 think covered with asphalt?

18 MR. McKENNA: Correct, covered with asphalt.
19 These are a series of perforated pipes.

20 MR. JOHNSTONE: And you get fines flowing in
21 there with the water like rain water from the septic.
22 What keeps it from clogging up with fines and no longer
23 working?

24 MR. McKENNA: Well, the fines like sand have
25 to be taken out periodically and there's opportunities

1 that are suspended in that line, they stay that way and
2 they ultimately leave the site.

3 MR. JOHNSTONE: And the water goes down, the
4 fines are left on top of the site, aren't they?

5 MR. McKENNA: No, they're inside these
6 plastic pipes and it would form almost like a stem layer
7 inside the plastic pipe.

8 MR. JOHNSTONE: And they're restrictive in
9 some way from going out of the perforations in the pipe?

10 MR. McKENNA: No.

11 MR. JOHNSTONE: Oh, they're not? So some
12 can get down. How do you fix that bed if it's clogged
13 up by a layer of fine on top of the sand?

14 MR. McKENNA: Well, ultimately it's no
15 different than a septic system. It would have to be
16 replaced.

17 MR. JOHNSTONE: You would have to dig it up?

18 MR. McKENNA: Correct.

19 MR. JOHNSTONE: Do you have some design in
20 feature where you can see if that is working properly or
21 do you have a sand pipe or something you can check the
22 higher water?

23 MR. McKENNA: The structures inside the
24 manhole, no one looks inside the manhole. I guess to
25 follow that theory if you went out there 365 days in a

1 to do so. Leaves really I couldn't answer what happens
2 to the leaves. They should be picked up. Few odds and
3 ends that are crushed by cars get into the system. Most
4 of those will stay in the system, that is, they'll be
5 discharged out the other end on a high flow.

6 MR. JOHNSTONE: I'm curious with fines.
7 Once they get up through the pipe and they're in, is
8 there sand bed surrounding the pipe with stone?

9 MR. McKENNA: There's stone, yeah.

10 MR. JOHNSTONE: So what, especially a bed
11 that's full of water won't the fines settle down and
12 form a layer on top of the sand?

13 MR. McKENNA: Yes, if there's a source for
14 those fines that is clay or silt. The parking lot is
15 paved and its drainage area doesn't have any real
16 erosion. There's no source.

17 MR. JOHNSTONE: Inorganic matter and stuff
18 from tires and stuff that flows in the field from the
19 school and elsewhere, that would make fines. There's no
20 room for that and possibly a cleaning problem because
21 you really can't flush it out and it's going into the
22 sand.

23 MR. McKENNA: I really would have a hard
24 time quantifying that in the first place and I'm not
25 sure I even agree with you philosophically. Those fines

1 row --

2 MR. JOHNSTONE: At a sedentary rate?

3 MR. McKENNA: Yeah, you could observe that,
4 yes.

5 MR. JOHNSTONE: And what would the rate of
6 that flow be?

7 MR. McKENNA: I don't really have those
8 figures handy, to be honest with you. They're in our
9 drainage report. As a practical matter just so we're
10 all straight it has a water table within a couple of
11 feet of this thing. It's not like you're working in a
12 sand box over in Sayreville. It's not the situation out
13 here.

14 MR. JOHNSTONE: My concern is you have some
15 mechanism for that to evaluate and see if it's
16 functioning properly.

17 MR. McKENNA: One can definitely observe
18 that, yes.

19 MR. JOHNSTONE: Do you have a standard list
20 that it has to comply with?

21 MR. McKENNA: I don't believe one has been
22 proposed.

23 MR. JOHNSTONE: So it's built and then is it
24 just built and --

25 MR. JOHNSON: Mr. Chairman, can I just

1 interject a point and with respect to the audience
 2 member, you may or may not know the borough council
 3 recently adopted the state's model stormwater control
 4 ordinance. The meeting in December it was adopted by
 5 council. So without having discussed this with legal
 6 counsel it would be my opinion that this applicant would
 7 be subjected to that, to the provisions in that new
 8 ordinance. A lot of the issues that are being asked,
 9 the questions that are being asked and the comments
 10 would be really addressed by this new ordinance that's
 11 in place. For example, one of the requirements would be
 12 the submission and approval of a maintenance plan and
 13 that's a standard requirement in the model ordinance
 14 amongst other things. So I just wanted to bring up that
 15 point. Unless there's an objection, I believe they're
 16 going to be required to make whatever changes to their
 17 current plan to comply with the new ordinance.

18 CHAIRMAN RYAN: Do you think that would
 19 answer all your questions?

20 MR. JOHNSTONE: Yes, yes. On that aspect of
 21 drainage. The other, the roof drainage discharges
 22 straight to the street?

23 MR. McKENNA: No, connected to the same
 24 underground detention. The roof isn't as impervious as
 25 the pavement is.

1 MR. JOHNSTONE: I thought there was the
 2 downspout all fed with common pipe went straight to the
 3 road. I mean, am I correct on that?

4 MR. McKENNA: If it discharges out in front
 5 you could direct downspouts to the system. I see one in
 6 the back.

7 MR. CORVINO: Leader connected right to the
 8 storm drain.

9 MR. McKENNA: Right, correct. Get out here
 10 to the pipe system which comes around which goes to a
 11 main bed which is on the south side.

12 MR. JOHNSTONE: So there is just an overflow
 13 to the street?

14 MR. McKENNA: There's an outlet structure.
 15 The bed is rectangular. It sits over here on the south
 16 side and out structure bays down to the scenter of the
 17 aisle connected to a proposed system that connects just
 18 off the surrounding of the existing site.

19 MR. JOHNSTONE: Thank you. And how long
 20 does a person take at an ATM that's at the drive-thru?
 21 What's the average time that one takes?

22 MR. McKENNA: I wouldn't know that other
 23 than I only take about three minutes myself, personally

24 MR. GHABRIAL: It's limited to three
 25 transactions and most of the time it is between a

1 maximum of two to three minutes.

2 MR. VERDERESE: Just I can answer that
 3 further. We used three minutes on average when we did
 4 our calculations for the cues at the drive-thru.

5 MR. JOHNSTONE: And what's maximum trip per
 6 hour and your maximum peak hour?

7 MR. VERDERESE: For the drive-thru facility?

8 MR. JOHNSTONE: No, for the site.

9 MR. VERDERESE: For the site the peak hour
 10 is about 170 vehicles, that's entering and exiting.

11 MR. JOHNSTONE: And what portion of people
 12 do you expect to use the drive-thru?

13 MR. VERDERESE: You can't really do a direct
 14 relationship as far as this bank versus the industry
 15 average. The industry average says 170. As I testified
 16 to earlier that would likely be probably half because of
 17 the type of bank that's proposed. We identified about
 18 26 to 35 vehicles using the drive-thru facility in a
 19 one-hour period.

20 MR. JOHNSTONE: Okay. And for traffic would
 21 you expect there to be a similarity of uses at the peak
 22 hours of the bank across the street would be similar to
 23 the peak hours of the bank in the proposal?

24 MR. VERDERESE: Yes.

25 MR. JOHNSTONE: And perhaps even a gas

1 station is the high traffic volume?

2 MR. VERDERESE: Yeah. We basically used the
 3 peak hour of the roadway and used that and put the peak
 4 hour of the bank and if we were doing a new gas station
 5 we would put the peak hour of the gas station on top of
 6 the peak of the road. All of our analysis is done in a
 7 conservative fashion.

8 MR. JOHNSTONE: Won't these people from the
 9 bank on the other side and people to the bank, aren't
 10 they all competing for the same gaps in traffic?

11 MR. VERDERESE: Yes.

12 MR. JOHNSTONE: And if someone is headed and
 13 they want to go to the bank across the street and
 14 they're heading south on Main Street, if someone wants
 15 to make a left and someone else is headed north on Main
 16 Street and wants to enter either site --

17 CHAIRMAN RYAN: Excuse me, I believe we've
 18 covered this already and he's testified to it on a
 19 number of different occasions about what the gaps are.

20 MR. JOHNSTONE: He testified to the exit.

21 CHAIRMAN RYAN: I believe he's testified a
 22 number of times to the specific questions and if you
 23 have another question could you please move onto it.

24 MR. JOHNSTONE: No. Thank you.

25 MR. BELLOFF: Robert Belloff.

18 (Pages 66 to 69)

1 ROBERT BELLOFF, 245 Crestwood Drive,
2 Milltown, New Jersey 08850, having been duly sworn,
3 testified under oath as follows:

4 MR. BELLOFF: I apologize if maybe a
5 question or two that I ask has been addressed already in
6 the previous meeting. I'm unable to be at all the
7 meetings. I'm sure that you've done a lot of
8 demographic studies and I'm curious as to what your
9 breakdown is going to be in terms of Milltown residents
10 versus non Milltown residents when you're considering
11 the Provident bank customers and the Wachovia bank
12 customers.

13 MR. GHABRIAL: We do not analyze whether
14 it's in or out of town. We take demographic area
15 between a half-mile or a mile and that's what we base
16 our decision whether we want to be in a location or not,
17 based also on the town and the area. I cannot specify
18 whether somebody is going to come from outside of town
19 to bank in our town or not, but the bulk of our
20 customers live within the town.

21 MR. BELLOFF: Do you feel that the bulk of
22 your customers who live in Milltown and even based on
23 the amount of banks that we have now, we have obviously
24 plenty of available banks, you feel that your bank is
25 going to attract people from other banks?

1 MR. GHABRIAL: Yes.

2 MR. BELLOFF: Okay. In terms of traffic
3 flow it was stated that I believe approximately
4 50 percent of the traffic coming to this bank is going
5 to be traffic that already exists; is that correct? Was
6 that stated?

7 MR. VERDERESE: Yes, that was, by the
8 traffic engineer.

9 MR. BELLOFF: Okay. You don't as far as I
10 know have any other banks in the immediate area right
11 now?

12 MR. GHABRIAL: We have locations that are
13 under consideration and an application that's being
14 applied for within Monmouth County, yes in the area to
15 support each other, yes.

16 MR. BELLOFF: But currently there are no
17 other Valley National Banks in this area?

18 MR. GHABRIAL: No.

19 MR. McARTHUR: What do you consider this
20 area if I could just for some clarification?

21 MR. BELLOFF: Within a ten-mile radius.

22 MR. GHABRIAL: Not at the point at this
23 time, but we do have other applications in neighboring
24 towns that we are in the process of going through the
25 planning board hearings.

1 MR. BELLOFF: I just find it unusual to
2 think that based on the fact that there are no Valley
3 National Banks in the area right now at all that there's
4 an estimate that 50 percent of the traffic is going to
5 be traffic that already exists. And that would assume
6 that they were already Valley National customers and
7 probably --

8 MR. McARTHUR: Mr. Chairman, is this a
9 statement or a question?

10 MR. BELLOFF: I'm just asking for a
11 clarification on the testimony that was given tonight.

12 MR. VERDERESE: What a pass-by trip is it
13 doesn't mean that you're already a Valley National Bank
14 customer, it just means you were driving past the site
15 and you stopped at the bank. If you're going to become
16 a Valley National customer and you would basically
17 become one, one of the reasons to become one would be
18 this is on your way home from work, the bank is there,
19 so it's very convenient for me. So I'm driving that
20 route every day on my way home. I pick Valley as my
21 bank so on the way home I can stop, do my banking, get
22 back on the road and I'm what's considered a pass-by
23 trip and that's how those numbers are basically
24 generated, the 50 percent of the traffic.

25 MR. BELLOFF: Okay. One other question is

1 this. Early in the hearings there was some discussion
2 about the possibility of rehabilitating the existing
3 structure and while the problems of the existing
4 structure have been well documented, one of my initial
5 questions was why the existing structure could not be
6 rehabilitated. At that time one of the answers I got
7 was that there were regulations in place that prohibited
8 that type of structure from being used as a bank
9 facility and I'm just not sure what those regulations
10 are. Can someone detail what exactly those regulations
11 are?

12 MR. CORVINO: Mike, the bank regulations?

13 MR. GHABRIAL: We have security. I mean,
14 there is no way we can build -- even retrofit this, the
15 house to fit an ATM, a vault, two ATMS, a vault and the
16 structure to operate a bank.

17 MR. BELLOFF: But are there some regulations
18 in place that would prohibit the effort to rehabilitate
19 the structure?

20 MR. GHABRIAL: It prohibits -- we have to
21 give security. I cannot put a vault in an area that I
22 cannot fully secure. The current structure I think it's
23 wood frame.

24 MR. BELLOFF: Under whose auspices do those
25 regulations exist?

1 MR. CORVINO: They're banking industry
2 auspices that those banking regulations exist in terms
3 of having visibility within the structure from a
4 specific point. The manager's office or tellers, you
5 have to have sight lines within the structure of the
6 vault of each other and customers and access and the
7 connection between the teller, the vault, the ATM
8 machine and some of the other employees.

9 MR. GHABRIAL: We are building a bank
10 that --

11 MR. BELLOFF: No, I understand all of that.

12 MR. GHABRIAL: What we're proposing is what
13 is industry standards that allows a bank to operate.

14 MR. BELLOFF: But then that's my question
15 and I'm trying to get through the question is what
16 governing body hands down those regulations.

17 MR. GHABRIAL: I know for the ATM area the
18 OCC requires us to have enough visibility and security
19 and lighting for a customer to use an ATM. I cannot
20 take a walk-up ATM and put it in the rear of the
21 building or have -- I don't have cameras to cover the
22 area or enough lighting for it. The current structure
23 does not allow me to line up three or four tellers, have
24 drive-up facilities or have parking on the site or even
25 enough support for my needs. I mean, I don't know

1 whether you know how much a vault weighs or two ATMs
2 weigh. There is no way that that wood structure would
3 support that.

4 MR. BELLOFF: Even if proper rehabilitation
5 -- I mean, has a cost analysis been done as to the
6 feasibility of rehabilitating the existing structure
7 versus building a new structure?

8 MR. CORVINO: There was an estimate as to
9 the rehabilitation cost of the existing structure just
10 to repair the building, not to convert it to a bank
11 because that part can't be done due to physical
12 orientation and structural layout and that was part of
13 my structural report estimate of how much that would
14 cost based on the condition of the bank, of the
15 structure.

16 MR. BELLOFF: Okay, thank you.

17 CHAIRMAN RYAN: Thank you.

18 ALEXIS HARLEY, 6 Clayton Court, Milltown,
19 New Jersey 08850, having been duly sworn, testified
20 under oath as follows:

21 MS. HARLEY: Alexis Harley, 6 Clayton Court.
22 As not just a resident but also a member of the Board of
23 Education, I have just a few concerns about I guess
24 really just the safety of this school district. Given
25 the site's proximity to our middle schools I just wanted

1 to ask a few clarifying questions.

2 The first one if you could please elaborate
3 a bit on the precautions that would be taken for safety
4 and security during the construction and especially the
5 demolition phase of the project especially during off
6 hours when work is not being performed to prevent
7 trespassing and --

8 MR. ACQUAFREDDA: I've previously testified
9 to this concern in the October meeting.

10 CHAIRMAN RYAN: Can you recap briefly.

11 MR. ACQUAFREDDA: Yes, we will and we will
12 make a transcript available to you so you can get the
13 verbatim, but there will be a six foot tall construction
14 fence on all four sides of the property. There will be
15 a full-time on-site superintendent. The fence will be
16 gated. Access to the site will be controlled. The gate
17 will be normally in a closed position and I also made
18 reference to certainly work the major deliveries to the
19 job site during non-peak hours in terms of school
20 traffic going to school or coming out of school. So we
21 are certainly aware of the presence of children and that
22 is something that's geared to myself as well as I noted
23 in my testimony.

24 MS. HARLEY: Is the supervision that you
25 refer to though only during working hours and are there

1 going to be actually a physical guard person on the
2 premises during off hours as well or will it just be
3 gated?

4 MR. ACQUAFREDDA: It will be gated and it
5 will be locked. Experience shows that a 24-hour, 24-7
6 human presence on-site should not be warranted and it's
7 not feasible either, but we are certainly going to
8 display all measures necessary to guarantee the health,
9 safety and welfare not just of the school children but
10 of the public, of the public as well.

11 MS. HARLEY: And especially during the
12 demolition phases could you elaborate a bit onto again
13 safety and security and when transportation of any
14 hazardous materials that might be uncovered when that
15 transportation would be taking place?

16 MR. ACQUAFREDDA: Well, I mean, to clarify
17 that I don't think this is a demolition job where I
18 would bring in super heavy equipment and just be done in
19 half an hour. This is more like a work in progress,
20 labor of love demolition. At least that's what we
21 envision at this point. It will be more of a removal
22 than demolition and certainly we are still holding onto
23 the idea and promise that I made to concerned citizens
24 that we would assist them in saving and preserving and
25 turning over artifacts. And artifacts include exterior

20 (Pages 74 to 77)

1 as well as interior detailing that will be identified as
 2 worthy of keeping, being restored and then being
 3 displayed in an area that the bank is still providing.
 4 MS. HARLEY: My concern was more directed to
 5 the fact that typically construction project work tends
 6 to go into wind down mode maybe around 2, 2:30. Typical
 7 hours 6:30, 7:00, finish around 2:30. So during the
 8 demolition phase the concern would be that during normal
 9 breakdown and housekeeping time that's typically the
 10 time that students are actually egressing from the
 11 school. So wouldn't there be a lot of activity,
 12 vehicular activity in and off the project site
 13 especially transporting construction materials?
 14 MR. ACQUAFREDDA: The short answer to your
 15 question is no because I've already testified to that.
 16 To me construction includes demolition. That's Phase I
 17 of the construction project. In this case it will be
 18 given special attention paid to the demolition without
 19 even starting to consider an unforeseen existing
 20 condition that may or may not constitute hazardous
 21 material in which case we have to go to -- we have to
 22 follow clearly defined EPA guidelines as well as state
 23 and we'll bring in, you know, proper subcontractors for
 24 the lawful removal of whatever materials is uncovered.
 25 MR. GHABRIAL: Also demolition we try to

1 would know that you were approaching a driveway. Where
 2 that doesn't really occur at most of the driveways
 3 because most driveways are older along this stretch of
 4 roadway.
 5 MS. HARLEY: I just wanted to know a little
 6 bit more what you meant by that. Sorry, two more
 7 questions. One was I guess the October testimony there
 8 had been some discussion about hours of operation for
 9 the bank, specifically when the drive-thru would begin
 10 to be opened in the AM and we were concerned about again
 11 school time being around probably the heaviest time for
 12 pedestrians would be between 8 and 8:30 in the morning
 13 and the bank was not clear whether it would want the ATM
 14 drive-thru opened as early as 8 AM or if it would
 15 consider holding off until 9 AM. Has that been
 16 finalized?
 17 MR. GHABRIAL: Our operation is going to be
 18 8 to 6. The drive-up and walk-up is going to be opened
 19 from 8 to 9 and then the lobby will open from 9.
 20 MS. HARLEY: Okay. And the final question
 21 was that again last I heard testimony in October a
 22 formal pedestrian traffic study had not been conducted
 23 and it had been casual observation. And one concern
 24 that we had had was that the observation that was
 25 performed when school was in session was during the

1 schedule on three-day weekends or four-day weekends if
 2 that is what --
 3 MS. HARLEY: And can you describe a little
 4 bit more detail the driveway design?
 5 MR. AMATO: Can you speak into the mike?
 6 I'm sorry. I want to hear the conversation and it seems
 7 like it's geared in one area. I'm missing the
 8 conversation. I'd like to hear what's being said,
 9 please.
 10 MS. HARLEY: You had described that the
 11 driveway design would be such that it would be obvious
 12 to pedestrians it was a driveway. Can you just describe
 13 what you meant and how that will be differentiated from
 14 other driveways down Main Street?
 15 MR. VERDERESE: Yes, I can do that. We
 16 don't have the detail sheet shown here, but what I can
 17 try to explain if we get close to the plan you can see
 18 there's actually handicapped ramps that come down onto
 19 the driveway. The driveway is at the same elevation as
 20 the roadway where the sidewalk is elevated at the height
 21 of the curb and as pedestrians approach the driveway
 22 they actually pass over what we call detectable warning
 23 surface along a handicapped ramp where you actually walk
 24 at a slight downgrade and there's a detectable surface
 25 there. It's actually texturized and colored so that you

1 first week when typically parents will drive their
 2 children and it is highly likely that later on, weeks
 3 into the school year there will be more pedestrian
 4 children, pedestrian traffic. So we wanted to know if
 5 that formal study was ever conducted first of all
 6 because it was casual, and secondly because the timing
 7 was less than ideal to really understand the dynamics of
 8 the walking district in Milltown.
 9 MR. VERDERESE: I can answer that. There
 10 was an actual pedestrian study done two times. One was
 11 when school was not open just so that we can see the
 12 difference between when school was open and it was done
 13 that first week, the 7th and the other one was done in
 14 August to do the comparison. The casual observation was
 15 just done by me on the 21st where I noted --
 16 MS. HARLEY: In September or August?
 17 MR. VERDERESE: September as well. But what
 18 we generally see is when the weather is warmer more kids
 19 walk to school so we felt that September was actually a
 20 good time. I wasn't aware that maybe the first week
 21 there might be some more people driving their students,
 22 but I did go on the 21st and I didn't know specifically
 23 exactly how many children walked by, but I did note that
 24 it was significantly lower on this stretch of Main
 25 Street than either north or south of the site and that

1 was the representation that I gave.
 2 MS. HARLEY: Okay, thank you. No more
 3 questions. Thank you.
 4 TOM ROKOWSKI, was duly sworn and testified
 5 under oath as follows:
 6 MR. ROKOWSKI: My name is Tom Rokowski. I'm
 7 the owner of 89 North Main Street. It's right across
 8 the street. My question has to do with the offset of
 9 the exit to the bank and the entrance to my property and
 10 going south, was that a study done on the traffic going
 11 south and taking a left into my property?
 12 MR. VERDERESE: We didn't study that
 13 specifically as far as how much traffic turns into --
 14 I'm assuming you're talking about the bank?
 15 MR. ROKOWSKI: No, my property. The spa.
 16 MR. VERDERESE: Your driveway is actually --
 17 let's pull the aerial.
 18 MR. ROKOWSKI: I just want to look at it.
 19 MR. McARTHUR: Mr. Verderese, if you can
 20 identify the exhibit as well.
 21 MR. VERDERESE: This was A-36. Your
 22 driveway, you're on the south side of -- your building
 23 is located -- it's a little bit south of our driveway.
 24 As far as the volumes there we didn't count the volumes.
 25 The volumes were generally relatively low in that area

1 just from --
 2 MR. ROKOWSKI: I'm just concerned that going
 3 southbound you have to stop and you're stopping right in
 4 front of the existing driveway to make a left into my
 5 driveway.
 6 MR. VERDERESE: Well, no one would stop --
 7 to go into our driveway?
 8 MR. ROKOWSKI: No, into my driveway.
 9 MR. VERDERESE: Someone would stop to make a
 10 left into your driveway. The volumes were generally low
 11 there.
 12 MR. ROKOWSKI: The concern was that somebody
 13 coming out of your driveway and somebody stopping to
 14 make a left and also the bank, the bank does use that
 15 entrance also.
 16 MR. VERDERESE: Yes, they do get some
 17 traffic, but again that's a light volume driveway so we
 18 weren't significantly concerned with that. We were more
 19 concerned with the exit to the bank than the entrance to
 20 the bank.
 21 MR. ROKOWSKI: That's the only concern I
 22 had.
 23 CHAIRMAN RYAN: Thank you.
 24 MIKE SHAKARJIAN, 19 Yarnell Avenue,
 25 Milltown, New Jersey 08850, having been duly sworn,

1 testified under oath as follows:
 2 MR. SHAKARJIAN: I'm Mike Shakarjian. I
 3 just have two or three questions. Firstly I guess I'll
 4 start with the traffic impact and the traffic studies
 5 and such. My first question is there were two traffic
 6 studies that were performed; is that correct?
 7 MR. VERDERESE: Yes.
 8 MR. SHAKARJIAN: And one traffic study was
 9 performed by a group named Litwornia.
 10 MR. VERDERESE: Yes.
 11 MR. SHAKARJIAN: That traffic study dealt
 12 with level of service and such?
 13 MR. VERDERESE: Yes, it did.
 14 MR. SHAKARJIAN: This was followed by a
 15 second study and that was performed and that had to do
 16 with gap analysis?
 17 MR. VERDERESE: It was done to address some
 18 comments that were provided by the board and
 19 professionals and the public. Gap study was a portion
 20 of it. There was the pedestrian study in there as well.
 21 MR. SHAKARJIAN: Okay. Was there any
 22 agreement or disagreement between these two studies?
 23 MR. VERDERESE: Basically there were two
 24 separate studies. I didn't duplicate anything that was
 25 done in the initial study. This was just supplemental

1 to the original study.
 2 MR. SHAKARJIAN: And what was the reason for
 3 not going back to Litwornia and asking the study people
 4 who performed that on that front?
 5 MR. VERDERESE: Well, they were unavailable
 6 at the time for that next meeting. My firm, Schoor
 7 DePalma had already been involved with the site plan and
 8 so they had asked me in order to make a seamless
 9 transition since they were unavailable to provide this
 10 additional information and provide the traffic testimony
 11 as well.
 12 MR. SHAKARJIAN: Okay, thank you. I have a
 13 question with regard to stormwater runoff. And with
 14 regard to that I understand that there will be this
 15 underground structural infiltration system, correct?
 16 MR. McKENNA: Yes.
 17 MR. SHAKARJIAN: And that system, is this
 18 system in place in other Valley National banks?
 19 MR. McKENNA: I don't know. You got any up
 20 in north Jersey? Not that I'm aware of.
 21 MR. SHAKARJIAN: And you're familiar with
 22 the systems yourself?
 23 MR. McKENNA: Yes, they've become -- they're
 24 necessary on small sites that have high coverage.
 25 There's nothing else you can do.

22 (Pages 82 to 85)

1 MR. SHAKARJIAN: Okay, on small sites that
 2 have high coverage?
 3 MR. McKENNA: Correct.
 4 MR. SHAKARJIAN: And one question with
 5 regard to how much water or yeah, what percentage of
 6 water it will catch so there's ingress and egress under
 7 the site onto the site. Is there much water that's
 8 going to leave the site via those ingress and egresses
 9 or will they be caught and will that stormwater be
 10 caught by the infiltration system?
 11 MR. McKENNA: The way it works is you have a
 12 certain surface area and it rains a certain amount in
 13 New Jersey. It would have to be around 45 or 46 inches,
 14 falls on the ground, it's collected. It's held for a
 15 time and then it's released. The little bit permeates
 16 into the ground. The bulk of it goes downstream. It's
 17 a continuous process. You can't locate it indefinitely.
 18 It's infinite storage.
 19 MR. SHAKARJIAN: I don't mean to be picky, I
 20 was just wondering in terms of a grading, I'm thinking
 21 in terms of a grading issue.
 22 MR. McKENNA: There are no grading issues.
 23 The site including the building goes into the central
 24 storm sewer system which goes underground. Basically
 25 you catch all the water that falls on-site, from the

1 sidewalk that's close to the roadway, 98 percent or
 2 something.
 3 MR. SHAKARJIAN: Okay, that's good. Thank
 4 you.
 5 And then one other question just to clarify
 6 and I guess this would be for Mr. Ghabrial. You just
 7 indicated that there would be four or five employees
 8 that would be working at this branch. I note that in
 9 the August meeting you indicated that there would be
 10 between six and seven employees. This is what you
 11 testified. Is it approximately between four and seven
 12 employees that will be working here or has there been a
 13 change in the decision with regard to how many employees
 14 will be working at the site.
 15 MR. GHABRIAL: When we open the branch
 16 typically we put additional staff, hopefully that's when
 17 we have the big portion on the accounts. But normally
 18 we'll schedule four to five employees. We have
 19 part-time tellers that come and replace the full-time
 20 tellers. We have a manager that spends a lot of time on
 21 the road for business development so that the basic core
 22 that's going to stay in the branch at any given time is
 23 between four and five. But if you have an employee
 24 that's a full-timer that works from 9 to 3 and we're
 25 open until 6, the part-timer will come in from 3 to 6 so

1 there's going to be an exchange. But basically we don't
 2 plan on having anymore than the three tellers, customer
 3 service rep and a manager and assistant manager.
 4 MR. SHAKARJIAN: Okay, thank you. That's
 5 all my questions.
 6 MR. MAROTTA, was duly sworn and testified under
 7 oath as follows:
 8 MR. MAROTTA: I just have a few questions
 9 for Mr. Verderese. Did I say that correctly?
 10 MR. VERDERESE: Yes.
 11 MR. MAROTTA: One question. Did you happen
 12 to have in your traffic study, did you happen to review
 13 whether the traffic is heavier on the northern part of
 14 Main Street meaning north of Washington or in the
 15 southern part of Main Street, south of Washington?
 16 MR. VERDERESE: No, the study didn't go down
 17 to Washington.
 18 MR. MAROTTA: Okay. In your review and your
 19 inspection would you say it's heavier on one side or the
 20 other?
 21 MR. VERDERESE: I couldn't tell you exactly
 22 because other than driving I couldn't tell you which was
 23 actually heavier, if it was north of Washington or south
 24 of Washington.
 25 MR. MAROTTA: Okay, thank you. In your

1 study did you state how many and I'm sorry, you might
 2 have testified as to it, but did you state how many
 3 children would be crossing the front of the site during
 4 the peak hours or at least the average between 8:00 and
 5 9:00 and 3:00 and 4:00?
 6 MR. VERDERESE: Yes. The average throughout
 7 the day was I think 6 I think I spoke of. It varies
 8 throughout the day. If you see it in our study on the
 9 south side of the roadway which is in front of our site,
 10 from 8 to 9 there were 7 students that passed by. From
 11 3 to 4 there were 12. But throughout the study there
 12 was 31 in 6 hours.
 13 MR. MAROTTA: And I believe Ms. Harley asked
 14 you, you commented on the fact that the study was done
 15 first week of school when more parents bring their
 16 children, drive their children to school than children
 17 walking; is that correct?
 18 MR. VERDERESE: Yes, she did mention that.
 19 MR. MAROTTA: Did you have any -- I believe
 20 you visited the site again on the 21st. Did you happen
 21 to take a formal study as to the number of students --
 22 actually I didn't ask you what time you were there.
 23 MR. VERDERESE: But there was no formal
 24 study. The time that I was there I don't have it
 25 written down specifically, but I remember it being for

1 about a half-hour period. It was probably a little
2 before 3 until maybe 3:30, somewhere in that time period
3 and basically the reason I went there was just to get a
4 general overview of what was happening with pedestrians
5 in the area.

6 MR. MAROTTA: Okay, thank you. One concern
7 I had, well, Main Street as you know is a heavily
8 traffic area.

9 MR. VERDERESE: Yes.

10 MR. MAROTTA: One concern is when cars are
11 coming out of the bank site -- well, first of all how
12 many cars can exit the bank site at the same time based
13 on the plans that you have?

14 MR. VERDERESE: One.

15 MR. MAROTTA: How wide is that?

16 MR. VERDERESE: The driveway is proposed to
17 be 20 feet wide. We've actually been narrowing it. It
18 started at 25 and now we're down to 20 so our plan is to
19 only have one lane exiting the site at any given time.

20 MR. MAROTTA: At 20 feet can more than one
21 car --

22 MR. VERDERESE: They could, but that would
23 require one vehicle to basically put themselves on the
24 right or left side. We're not going to divide it. So
25 generally vehicles would stay in the center of the lane

1 so you wouldn't have vehicles bypassing each other.

2 MR. MAROTTA: Although if somebody was going
3 to be exiting the bank and going north they might angle
4 themselves more to the left side coming out and then
5 somebody could scoot up around them to go south since it
6 is easier to come out of the bank and go south, correct?

7 MR. VERDERESE: It is possible, yes.

8 MR. MAROTTA: Would that be a dangerous
9 situation?

10 MR. VERDERESE: I don't know whether it
11 would be a dangerous situation. I mean, it happens at
12 every driveway along Main Street. But as far as it
13 occurring, it's a general occurrence when someone is
14 waiting it would happen at any intersection which are
15 even wider than our driveway where someone waiting to
16 make a left, someone would bypass them on the right
17 side. We actually design a number of driveways where we
18 have separate left and right turn lanes in order to
19 improve capacity at the intersection. We were actually
20 trying to narrow it and keep the pedestrian

21 accessibility across the driveway and limit that from
22 happening. So we've gone a long way to limit it. I
23 can't say that we could design anything that would keep
24 people from doing things that are beyond our control.

25 MR. MAROTTA: Well, it wouldn't be illegal

1 for them to do that?

2 MR. VERDERESE: No, it would not.

3 MR. MAROTTA: And you're not testifying that
4 just because other people do it on other driveways
5 throughout Milltown that it's a good thing or safe
6 thing?

7 MR. VERDERESE: No.

8 MR. MAROTTA: So it would be safe to say
9 that in your own experience that it is more dangerous if
10 somebody is for example here making a left turn coming
11 out of the bay, having to make the traffic because it is
12 more difficult to do so and blocking a sight triangle of
13 somebody walking along especially if it's an SUV coming
14 out of the bank for a car that might scoot out alongside
15 that other car and come across the sidewalk?

16 MR. VERDERESE: Well, I would assume that
17 the vehicle waiting to make the left turn had already
18 blocked the sidewalk because he inched his way out into
19 the roadway to get out. So any pedestrian would
20 generally probably walk behind his vehicle and not in
21 front of it. So he wouldn't actually be blocked from
22 the view of any vehicle that tried to bypass to the
23 right.

24 MR. MAROTTA: Just my concern is what might
25 happen and based on experiences driving myself and what

1 I've seen is that isn't it possible that a vehicle is
2 waiting to go out onto Main Street, a person might go
3 around the front of the vehicle especially if they see a
4 line of cars backed up behind it trying to get out so
5 therefore you might have somebody coming along the front
6 of that vehicle and the other car trying to shoot out
7 and get onto Main Street south?

8 MR. VERDERESE: Anything is possible and
9 what we've tried to do is design the best situation.

10 MR. MAROTTA: Without a doubt I understand
11 that. It's just that I see we're talking about the
12 safety of children coming out onto the street and this
13 is not an inherently beneficial use for the site. We're
14 looking at the different criterias that are involved and
15 would think that if there's a negative factor that that
16 should be brought forth and that's my concern and I'm
17 trying to find out if that would be a negative factor
18 and not possible. We're not talking impossibilities
19 here from our own driving experience people do this.
20 Now have the cars coming out of the bank and looking to
21 making either way, would it be possible -- what would
22 you say the possibility of that car being blocked or
23 stopped right across the sidewalk?

24 MR. VERDERESE: It's very possible that they
25 would stop on the sidewalk.

24 (Pages 90 to 93)

1 MR. MAROTTA: You see that as a negative
2 factor?

3 MR. VERDERESE: Not necessarily because I'd
4 rather see them stopped on the sidewalk and pedestrians
5 wait if they happen to get there first than your
6 situation where they're waiting behind, they cross in
7 front of the car and then maybe someone tries to bypass.

8 Just to take it a little further, you're
9 going down the line of plotting a driveway and a
10 driveway unsafe because it's on Main Street. The
11 Borough's ordinance specifically says they're trying to
12 get vehicles off the street into off street parking lots
13 and obviously that's what we're trying to do as well is
14 bring cars off of Main Street that are parked on Main
15 Street, bring them onto the lot. In order to do that
16 you have to provide a driveway. What we're trying to do
17 is provide the driveway that is safest and follow the
18 Borough's ordinance requirements.

19 MR. MAROTTA: Yes. I happen to be also I
20 represent a parking authority so I'm familiar with
21 parking structures and in fact it's better to have off
22 street parking. One of my concerns is you're going --
23 right now there's parking in front of that building and
24 if you have more cars parked in between the entrance and
25 the exit that will cut down the sight availability even

1 further, isn't that correct?

2 MR. VERDERESE: The sight line. Generally
3 on main streets I'm not a proponent of eliminating
4 parking on main streets. What parking does for main
5 streets is helps to keep speeds lower. We have vehicles
6 pulling in and out of parking spaces. People are more
7 aware that are driving through the area that there are
8 vehicles there. When you remove all the parking on
9 street you get higher speeds and then you get people
10 driving and not being as aware of their surroundings
11 that they're in a main street area. And I think keeping
12 parking on street is always a plus on a main street and
13 you have to have driveways as well and generally we
14 don't eliminate all the parking. You'd have no parking
15 on Main Street if you drew a sight triangle from every
16 single driveway and intersection on Main Street. You
17 would have eliminated all parking on Main Street and
18 downtown Milltown.

19 MR. MAROTTA: And I guess it goes both ways.
20 One you can see better, the other you can slow it down.

21 MR. VERDERESE: Yes.

22 MR. MAROTTA: One of the factors that I
23 don't know if -- I caught the end of your testimony at
24 the last meeting and it was a while ago, so just if I'm
25 accurate or not, you testified that this site is

1 particularly suited for the bank because it's a
2 commercial area, if you can --

3 MR. VERDERESE: I don't remember that
4 exactly.

5 MR. McARTHUR: I don't think he testified to
6 site suitability, Chairman.

7 MR. MAROTTA: I think he did.

8 MR. VERDERESE: I did testify that it was
9 suited because it's a commercial area and the traffic
10 associated with the project is commercial oriented
11 traffic. And that was the only extent of particular
12 suitability.

13 MR. MAROTTA: If the traffic is less intense
14 at a different area in the town, then we're talking
15 about a use variance here, wouldn't any negative impact
16 be less in that other area of the town?

17 MR. VERDERESE: Well, it kind of goes both
18 ways --

19 MR. MAROTTA: But it would be better for the
20 bank. I'm sorry to interject.

21 MR. McARTHUR: Mr. Chairman, I'd like him to
22 ask his questions, I would just ask that he let the
23 witness finish his answers.

24 CHAIRMAN RYAN: I'd like to point this out
25 because we will adjourn at 11:00 and there's still a few

1 people that want to speak.

2 MR. VERDERESE: If you could just ask that
3 again, I'm sorry.

4 MR. MAROTTA: You testified I believe that
5 it was particularly suited to the site because of it
6 being a commercial area. One of the negative factors
7 here is the intense traffic and the concern for safety
8 of pedestrians. The degree is an issue, okay? However
9 wouldn't it be less of an impact if it was on a less
10 heavily traveled area of Main Street?

11 MR. VERDERESE: Well, it would actually be
12 the opposite. If you took this bank and put it in the
13 residential neighborhood it would have a larger impact.
14 Any neighborhood where the traffic was lower because the
15 percentage of the traffic associated with the bank would
16 represent a higher percentage of the traffic on the
17 road. All I actually testified to at the last meeting
18 was that the traffic associated with this project is
19 similar to other uses in the area, other commercial
20 uses. Like there's other banks in the area so there is
21 traffic and our traffic is similar and that was my
22 point.

23 MR. MAROTTA: So as far as your testimony as
24 to it being particularly suited to this site that wasn't
25 to satisfy the criteria of suitability for the negative

1 impact criteria required by the Medici case?
 2 MR. CORVINO: That would be my testimony.
 3 MR. VERDERESE: You're getting further than
 4 I can --
 5 MR. McARTHUR: I don't know if the witness
 6 know what the Medici case is or what it stands for.
 7 MR. VERDERESE: Just because I do this so
 8 often I happen to be, but I'm not a planner so I won't
 9 testify.
 10 MR. MAROTTA: I understand that, however you
 11 did testify as to particularly suited to a site in
 12 response to a question so I believe to satisfy certain
 13 criteria and that's the only reason why I followed up on
 14 that issue with you.
 15 MR. VERDERESE: I was only saying the
 16 traffic associated with the bank was suited to this site
 17 because it's a commercial use in a commercial zone.
 18 MR. MAROTTA: Okay. That's all I have right
 19 now. Thank you very much.
 20 BARBARA PRITCHARD, was duly sworn by the
 21 Notary, and testified as follows:
 22 MS. PRITCHARD: Barbara Pritchard. I had a
 23 question about the sign variances.
 24 MR. AMATO: Barbara, can you please speak
 25 into the microphone?

1 MS. PRITCHARD: There's numerous signage
 2 variances being requested here to safely and adequately
 3 identify the business as was testified. But each
 4 specification is set forth by the DOT or is it just bank
 5 --
 6 MR. McARTHUR: I don't know if I understand
 7 the question. Obviously your ordinance has certain
 8 requirements as to signage and some area and sign height
 9 and whatnot but, you know --
 10 MS. PRITCHARD: But you said you needed the
 11 signage to safely and adequately identify your place of
 12 business for passing traffic and --
 13 MR. McARTHUR: Yes, I believe Mr. Hanrahan
 14 testified to that.
 15 MS. PRITCHARD: So these are guidelines for
 16 the bank?
 17 MR. McARTHUR: No, he said --
 18 MS. PRITCHARD: That the bank likes to see?
 19 MR. McARTHUR: He was testifying I believe
 20 to the justification. His opinion as to justification
 21 would satisfy the statutory criteria for obtaining a
 22 variance for signage that we have. I believe that's
 23 what it was.
 24 MS. PRITCHARD: Did these guidelines change
 25 then based on the speed limit of the roadway where your

1 bank is located? I can see you needing a lot of signs
 2 for a road that's 50 miles-an-hour, but Main Street is
 3 30 and there's no other businesses except the Hess.
 4 MR. McARTHUR: Well, again the signage
 5 requirements respect the town ordinance so Mr. Hanrahan
 6 was testifying as to certain justifications for
 7 variances that we were requesting as part of this
 8 application.
 9 MS. PRITCHARD: So it's just something the
 10 banks wants to see there. There's also a lot of
 11 vegetation on the north side of the bank for the
 12 residents that live there but are there any residents
 13 living above the bakery which are on the south side?
 14 MR. McARTHUR: Does anybody else know?
 15 MS. PRITCHARD: So you don't know if there's
 16 any residents on the south side living above the bakery
 17 building there?
 18 MR. CORVINO: No, I'm not sure.
 19 MS. PRITCHARD: Okay, that was it. Thanks.
 20 PHIL ZAMBRANA, was duly sworn and testified
 21 under oath as follows:
 22 MR. ZAMBRANA: Phil Zambrana. I got just
 23 three short questions. I know it's kind of hard
 24 probably to estimate this at this time, but what's the
 25 exact amount of time that demolition is going to take

1 and construction put together?
 2 MR. ACQUAFREDDA: We would probably estimate
 3 between 24 and 28 weeks, so 6 to 8 months, closer to 6
 4 months.
 5 MR. ZAMBRANA: Okay. Currently the site is
 6 zoned residential only or is it commercial?
 7 MR. McARTHUR: B-1.
 8 MR. OLESINSKI: Commercial.
 9 MR. ZAMBRANA: It is commercial. So what is
 10 the current property tax income from that site, is that
 11 too forward a question to ask?
 12 MR. OLESINSKI: We have no idea.
 13 MR. ZAMBRANA: So the town doesn't know how
 14 much income they're getting?
 15 MR. OLESINSKI: The town, but that would
 16 have no bearing on the zone. We don't zone according to
 17 how much money it's bringing in.
 18 MR. ZAMBRANA: So let's say right now you're
 19 making \$200,000. Let's just say that for this case.
 20 MR. McARTHUR: I'm going to object as to
 21 again, the same issue Mr. Olesinski raised.
 22 MR. OLESINSKI: Money, that's not a
 23 legitimate question because we have no say in that. We
 24 have no say in taxes or it's already a business zone.
 25 We don't decide that. So that question won't matter to

26 (Pages 98 to 101)

1 us.
 2 MR. ZAMBRANA: So Valley National Bank is
 3 going to buy this piece of property and it's going to
 4 have an assessed value probably, new assessed value so I
 5 would assume since we already had six or seven other
 6 banks in town that the only reason we'd want to do this
 7 is because we're going to get an increase in revenue to
 8 the town to be put to use in some way I guess perhaps?
 9 MR. OLESINSKI: That would be a question for
 10 the council.
 11 MR. ZAMBRANA: And I hope that's the reason.
 12 MR. McARTHUR: Is that a question or a
 13 statement?
 14 CHAIRMAN RYAN: It's not a question.
 15 MR. BRANCIFORTE: I think the answer to the
 16 question is it's zoned for a commercial use. The
 17 applicant wants to operate his business there, its
 18 business there. It doesn't matter to the board whether
 19 this application was a bank, a drug store or
 20 supermarket. The applicant comes in and the board hears
 21 it. And it's up to the applicant to decide whether or
 22 not a bank will make it here or a drug store will make
 23 it here. That's what it's coming down to.
 24 MR. ZAMBRANA: I would hope if you're making
 25 X amount of dollars in income at this point in a

1 dilapidated piece of property the way it is now that it
 2 would at least increase somewhat again because we
 3 already have six or seven other banks.
 4 MR. BRANCIFORTE: To be honest with you
 5 technically the board as part of this application you're
 6 not supposed to be considering tax income. It's not an
 7 allowable criteria.
 8 MR. ZAMBRANA: Then I guess my last question
 9 is in the other drawing that was up there before where
 10 you showed the entrance coming in and then the exit
 11 going out on the other side, is there any -- there's no
 12 way in hell that there's another business that could fit
 13 into that property say like a Taco Bell or like a
 14 Starbucks and there's nothing that would stop Valley
 15 National from selling that down the road and turning
 16 that into that?
 17 MR. McARTHUR: Objection, that's not the
 18 application that is in front of this board presently.
 19 CHAIRMAN RYAN: It's not a question that I
 20 can answer for you.
 21 MR. ZAMBRANA: Who can answer that question
 22 for me by the way?
 23 CHAIRMAN RYAN: Maybe you can speak to the
 24 town council.
 25 MR. ZAMBRANA: Okay, town council. Last

1 question, who can give me an answer to this request
 2 whether final approval is going to include any sort of
 3 10 or 15-year tax abatement, so forth or so on?
 4 MR. BRANCIFORTE: I think that's extremely
 5 far-fetched. This is not an area where you would see
 6 redevelopment.
 7 MR. ZAMBRANA: Will council welcome that
 8 question? Thank you very much, I'd appreciate it.
 9 CHAIRMAN RYAN: Anybody else? No. At this
 10 point I will close the public portion. I do want to
 11 point out that Mr. Godver potentially had some sort of
 12 display and I think, Mr. Branciforte, you can address
 13 that for me.
 14 MR. BRANCIFORTE: My only concern with
 15 displays Mr. Godver or anyone in the audience is that
 16 whatever it is obviously be on point and relevant to the
 17 discussion and also it needs to be presented in a forum
 18 that can be made part of the record. In case this case
 19 goes further a judge would want to see it. So there's
 20 certain things that you'd need to keep in mind so that
 21 it can make a solid evidentiary record.
 22 CHAIRMAN RYAN: I don't know whether or not
 23 you can do that or time would allow for it.
 24 MR. GODVER: Thank you.
 25 MR. OLESINSKI: Do you need time or you

1 can't make it work?
 2 MR. GODVER: There's not much time.
 3 MR. BRANCIFORTE: Is any of the comments or
 4 the questions that have been made and raised and
 5 answered, does that in any way impact your presentation,
 6 make it longer or shorter?
 7 MR. GODVER: Probably makes it a bit
 8 shorter.
 9 MR. BRANCIFORTE: Do you have an idea how
 10 long we're talking about?
 11 MR. GODVER: It depends what kind of answers
 12 we're going to get to the questions.
 13 MR. BRANCIFORTE: Is your presentation
 14 questions or is your presentation your objection?
 15 MR. GODVER: It's all relative things. It's
 16 a variety of things covering many things. There's no
 17 way it's going to be done in 15 minutes. Absolutely no
 18 way.
 19 MR. BRANCIFORTE: The point is actually get
 20 the questions out and then have the comments after that.
 21 That was really what Mr. Ryan was trying to do.
 22 MR. GODVER: It's mostly comments, but --
 23 CHAIRMAN RYAN: We have almost ten minutes
 24 to 11. I hate to do this to you but can you do it in
 25 15 minutes or so?

1 MR. GODVER: No, absolutely not.
 2 MR. BRANCIFORTE: We are going to have to
 3 come back for comments anyway.
 4 CHAIRMAN RYAN: Can I ask this question? Is
 5 it mostly in connection to drainage?
 6 MR. GODVER: There are at least six
 7 different subjects.
 8 MR. McARTHUR: Mr. Chairman, I would like if
 9 the board is going to allow the citizens to show this I
 10 would like a proffer of what it is and I'd also like a
 11 copy of it so that I can review it prior to its being
 12 viewed. I may or may not have objections to it. I
 13 don't know. I don't know what it is in fairness.
 14 MR. BRANCIFORTE: I don't have a problem
 15 with it actually.
 16 CHAIRMAN RYAN: I'm not certain that you do
 17 or don't have an objection to it, to be honest with you.
 18 MR. BRANCIFORTE: Well, I don't know what it
 19 is. I'm concerned about what its content is, but more
 20 importantly the actual presentation.
 21 CHAIRMAN RYAN: In fact now I've closed the
 22 public portion of the meeting.
 23 MR. BRANCIFORTE: Well, you still have the
 24 comment section coming and Mr. Godver said that this is
 25 mostly comments maybe with a few questions worked in.

1 There may or may not be some leeway there, but he
 2 certainly is entitled to -- I'm guessing these are
 3 objections. I doubt very much that your presentation is
 4 anything -- yeah, I thought so.
 5 MR. McARTHUR: Mr. Chairman I would if he
 6 has questions I encourage him to ask them because
 7 certainly if he's it I'm going to ask the chair to
 8 release my witnesses.
 9 CHAIRMAN RYAN: I understand that. We do
 10 have an issue about 11:00. I don't know do we go to
 11 11:15?
 12 MR. BRANCIFORTE: Excuse me, Mr. McArthur.
 13 You're talking about releasing your witnesses. You're
 14 talking about not having them come back to the next
 15 meeting?
 16 MR. McARTHUR: I'm assuming that once we get
 17 done with this portion and perhaps I'm assuming this
 18 incorrectly, but I think we should probably talk about
 19 it, you know, the board has now asked the questions.
 20 I've had them on direct. The public has cross-examined.
 21 I would think that that would be an appropriate time to
 22 ask, you know, to have them released at which time then
 23 we'd start talking about summation and winding this
 24 thing up.
 25 MR. BRANCIFORTE: I think you left out the

1 part about the public being able to respond to your
 2 comments.
 3 MR. McARTHUR: I'm sorry, when I said
 4 summation obviously I understand that the public may
 5 have some statements and I would further assume that
 6 they would go first and I would go last.
 7 MR. BRANCIFORTE: Yes.
 8 MR. McARTHUR: So yes, I certainly want to
 9 have a complete record and, you know, I just need some
 10 clarification on that issue as well.
 11 CHAIRMAN RYAN: Can we just address what
 12 your questions are this evening so that we can ask some
 13 questions of the witnesses?
 14 MR. GODVER: I would say that the
 15 questions -- I could not identify a particular question
 16 at this point so it's essentially comments.
 17 MR. BRANCIFORTE: I'll tell you what, why
 18 don't we ask Mr. Godver to put your questions in writing
 19 and send them to Mr. McArthur and then let him make the
 20 judgment between now and then, the next meeting whether
 21 any of these witnesses have to come back. Perhaps we
 22 can just rely on the transcripts for answers.
 23 MR. McARTHUR: Yeah. Well, I would say that
 24 if he said that, you know, most of his questions had
 25 been asked then I would -- whatever questions he does

1 have and it will probably take a couple of minutes,
 2 let's do it now while we still have time this evening.
 3 CHAIRMAN RYAN: A possibility of the
 4 transcript to some degree.
 5 MR. BRANCIFORTE: I can't disagree with what
 6 Mr. McArthur was saying but the board's policy was ask
 7 the questions and have the comments and either you're
 8 going to follow the rules or you're not going to follow
 9 the rules. I mean, as you can see in all the questions,
 10 comments sneak in. It happens. And I'm sure that in
 11 Mr. Godver's presentation when he makes his statement
 12 with regard to the project the questions might pop up.
 13 That's almost unavoidable. That's human nature. But I
 14 got to say that Mr. McArthur has a point. If the
 15 questions can be presented they should be presented now
 16 and just get it over with.
 17 MR. OLESINSKI: You always have questions
 18 and a comment. Do you have any good questions that you
 19 want to get answered tonight?
 20 MR. GODVER: Not really because I think that
 21 they've been asked.
 22 CHAIRMAN RYAN: So you're comfortable?
 23 MR. GODVER: Excuse me, I think that what
 24 the attorney said is really very relevant that it would
 25 be comments, but it's possible that questions could come

28 (Pages 106 to 109)

Page 110

1 up as a result of the comments.

2 CHAIRMAN RYAN: Well, we understand but if

3 you're comfortable at this point in time that most of

4 your questions if not all have already been answered

5 then they can release their witnesses, we can come back

6 next month, have the rest of the public comments and

7 move forward at that point.

8 MR. BRANCIFORTE: Are you okay with that,

9 Mr. Godver?

10 MR. GODVER: Yes.

11 CHAIRMAN RYAN: Everybody seems to be in

12 agreement over that.

13 MR. McARTHUR: So Mr. Chairman just to

14 clarify then, next month my witnesses will not be

15 required to be here, that all the questions that have

16 been asked have been asked by that time.

17 CHAIRMAN RYAN: That's my feeling.

18 MR. McARTHUR: There will be no further

19 public questioning of my witnesses.

20 CHAIRMAN RYAN: Correct. The public will

21 have an opportunity to comment on what's happened, your

22 summary, our board, our professionals.

23 MR. McARTHUR: And the board is satisfied?

24 I mean the board has had all the questions of my people

25 as well?

Page 111

1 CHAIRMAN RYAN: I do believe, yeah.

2 MR. BRANCIFORTE: I would certainly suggest

3 that Mr. Ghabrial comes back. I think you got to have

4 him back here.

5 MR. GHABRIAL: I think I can arrange that.

6 CHAIRMAN RYAN: Do we have a date for

7 February 7th? Thank you.

8 MR. LIOTTA: Technically we need the

9 extension of time included in the next meeting. It is

10 the winter, although it's not been snowing we don't know

11 about that.

12 CHAIRMAN RYAN: I'm going to assume that

13 verbal is okay for now. Nobody will put it in writing.

14 MR. BRANCIFORTE: Are you talking to the

15 March meeting, Mr. Liotta?

16 MR. LIOTTA: Well, just talk about it. I'm

17 not considering indefinitely.

18 MR. BRANCIFORTE: I understand.

19 MR. McARTHUR: I can certainly extend

20 through and including the next meeting.

21 CHAIRMAN RYAN: All right.

22 MR. BRANCIFORTE: Well, what happens if the

23 meeting is snowed out?

24 MR. McARTHUR: Then I would suspect that the

25 recording secretary would be contacting me the next day

Page 112

1 asking for an extension which I would gladly give.

2 MR. BRANCIFORTE: I think that's what Mr.

3 Liotta was really concerned about.

4 MR. McARTHUR: All right.

5 CHAIRMAN RYAN: Thank you.

6 (Proceeding concluded.)

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Page 113

1 CERTIFICATE

2

3 I, NADINE M. GAZIC, a Notary Public and Certified

4 Shorthand Reporter of the State of New Jersey, do hereby

5 certify that the foregoing is a true and accurate

6 transcript of the testimony as taken stenographically by

7 and before me at the time, place and on the date

8 hereinbefore set forth.

9 I DO FURTHER CERTIFY that I am neither a relative nor

10 employee nor attorney nor counsel of any of the parties

11 to this action, and that I am neither a relative nor

12 employee of such attorney or counsel, and that I am not

13 financially interested in the action.

14

15

16

17 Notary Public of the State of New Jersey

18

19

20 Dated: January 8, 2007

21

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23

24

25

A	adjourn 96:25 ADJUSTMENT 1:1 adopted 66:3,4 advanced 29:5 32:9 advancement 31:12 advantage 7:2 29:2 53:7 advocate 48:5 aerial 11:9,12,12 16:13 82:17 aesthetically 29:12 afternoon 6:23 age 51:24 agencies 9:13 agency 51:5 agenda 2:19 ago 9:19 95:24 agree 34:8 49:23 51:18 55:3 63:25 agreement 84:22 110:12 agricultural 27:13 ahead 2:20 air 27:5,8 airborne 46:1 aisle 38:15,17,22 67:17 aisles 10:11 Alexis 75:21 alleviate 30:11 allow 22:12 25:17 59:20 74:23 104:23 106:9 allowable 20:9 103:7 allowed 34:19 36:23 allowing 23:2,3 30:10 allows 74:13 alongside 92:14 alternative 20:14 21:14 Amato 1:9 2:6,7 2:23 13:17 34:16,22,25 35:8,11 40:14 46:11 79:5 98:24 ambiance 55:18 amount 8:19 58:8	70:23 86:12 100:25 102:25 analysis 6:5 25:12 25:14 69:6 75:5 84:16 analyze 10:16 70:13 Andrew 1:8 angle 91:3 answer 3:14 4:10 34:17 36:3 38:3 41:23 42:24 48:12 49:4 63:1 66:19 68:2 78:14 81:9 102:15 103:20 103:21 104:1 answered 105:5 109:19 110:4 answers 73:6 96:23 105:11 108:22 antifreeze 45:17 anybody 100:14 104:9 anymore 26:3 49:21 88:2 anyway 29:25 52:18 53:15 106:3 APA 25:17,20 apart 60:24 61:7 apologize 55:11 70:4 apparatus 9:24 appear 22:2,5 23:14 appearing 50:19 appears 6:6 applicable 47:14 applicant 4:21 5:4 14:16 17:16 19:6 31:10 34:8 40:16 48:3 66:6 102:17,20,21 applicants 19:24 application 2:20 5:14 20:4 21:3 21:17 26:8,14 26:22 28:12,17 29:5,10,14 32:24 37:9 51:4 53:5 55:1 71:13 100:8 102:19 103:5,18 applications 71:23	applied 71:14 apply 22:9 58:6 appreciate 44:6 104:8 approach 79:21 approaching 80:1 appropriate 3:15 26:18 27:12,20 51:5 54:18 107:21 approval 1:4 7:13 19:24 20:12 26:22 27:18 28:1 32:3 51:3,4 53:13,14,16 54:22,23 55:1,2 59:14 66:12 104:2 approvals 50:20 51:6 approve 51:3 approved 37:19 59:24 approximately 19:8 71:3 87:11 April 18:16 apron 36:14 architect 32:12 architectural 19:11 28:11 60:21 62:7 area 11:13 24:19 24:25 27:2 42:13,25 45:12 45:18 50:21 63:15 70:14,17 71:10,14,17,20 72:3 73:21 74:17,22 78:3 79:7 82:25 86:12 90:5,8 95:7,11 96:2,9 96:14,16 97:6 97:10,19,20 99:8 104:5 areas 14:12 24:24 42:8 arrange 111:5 arrangement 28:1 artifacts 77:25,25 asked 66:8,9 85:8 89:13 107:19 108:25 109:21 110:16,16 asking 50:19 72:10 85:3 112:1	aspect 31:20,22 32:15 50:14 54:16 66:20 aspects 19:11 32:10 asphalt 62:17,18 assessed 102:4,4 assist 19:21 77:24 assistant 88:3 associated 96:10 97:15,18 98:16 Associates 1:15 3:2 assume 5:25 44:21 72:5 92:16 102:5 108:5 111:12 assuming 82:14 107:16,17 ATM 29:21 30:13 30:20,23 31:1 33:8 36:7 67:20 73:15 74:7,17 74:19,20 80:13 ATMs 24:6,8 26:1 73:15 75:1 attending 12:18 attention 28:22 78:18 attic 61:13,24 attorney 1:11 109:24 113:10 113:12 attract 70:25 audience 66:1 104:15 August 18:8 54:14 81:14,16 87:9 auspices 73:24 74:2 authority 54:18 94:20 automatic 24:6 automobile 36:10 availability 94:25 available 70:24 76:12 Avenue 1:1 8:14 9:11 15:10 60:2 60:6 83:24 average 58:13 67:21 68:3,15 68:15 89:4,6 aware 6:17 49:13 58:24 76:21 81:20 85:20 95:7,10
----------	--	---	--	--

awfully 59:6	92:14 93:20	21:4 22:18 29:4	board 1:1,6,11,11	brick 61:6
Azrak 1:15 3:2	96:1,20 97:12	30:2 40:21	3:6,7,11,14 4:10	bricks 60:15
A-25 56:21	97:15 98:16	45:20 50:21	4:11 14:13 15:6	Brief 35:16
A-28 9:22	99:4,16,18	55:23 65:21	17:15 18:3,22	briefly 55:22
A-36 11:11 82:21	100:1,11 102:2	66:15 69:17,21	19:22 20:10	76:10
A-37 38:13	102:19,22	71:3 89:13,19	21:15 25:1,2	bring 13:15 66:14
	banked 13:14	97:4 98:12	29:19 31:6,9	77:18 78:23
	banking 22:19	99:13,19,22	32:18 33:1	89:15 94:14,15
	24:3,6,8,8,12	111:1	50:19 51:2,5	bringing 101:17
	32:20 72:21	Bell 103:13	52:24,24 53:12	brought 9:20
	74:1,2	Belleville 18:20	53:13 54:1,3,10	93:16
B	banks 10:1 14:3	Belloff 69:25,25	54:22,25 71:25	Brunswick 15:12
B 35:23 55:7 70:1	16:11 17:17	70:4,21 71:2,9	75:22 84:18	buffer 39:20
70:1 98:20,20	22:4,10,10,12	71:16,21 72:1	102:18,20 103:5	build 73:14
100:20	22:14,23 23:5	72:10,25 73:17	103:18 106:9	building 10:8 17:6
bachelors 41:7	23:14,19 24:1,2	73:24 74:11,14	107:19 110:22	21:6,7,8 29:21
back 6:3,20 9:4	24:2,4,9,15	75:4,16	110:23,24	31:2 33:1 36:17
15:8 17:6 18:8	27:20 34:19,25	belong 27:21	boards 18:18	36:18,20,25
21:8,10 23:2	57:22 58:7,12	bend 33:7	37:13 41:13	46:16,22 47:1,3
27:6 32:22 33:3	58:12,14 70:23	beneficial 23:24	50:23 51:7	49:9 50:14
33:9 36:17 38:9	70:24,25 71:10	benefit 8:7 9:7	board's 14:5,22	51:24 52:11,16
39:20 40:5 42:8	71:17 72:3	20:12 21:23	19:14 55:25	52:21 55:11,19
48:4,5 52:24	85:18 97:20	41:5 46:3,6	109:6	58:19 59:1,3
57:3 67:6 72:22	100:10 102:6	benefits 14:19	body 74:16	60:11,15,19,20
85:3 106:3	103:3	best 8:12 16:3	borough 1:12,12	60:22 61:10,18
107:14 108:21	bank's 13:10	93:9	1:13 9:13 20:1	62:5 74:9,21
110:5 111:3,4	Barbara 98:22,24	better 17:5,9	20:24 21:14	75:7,10 82:22
backed 6:22 93:4	base 27:3 43:9	20:13 21:14	66:2	86:23 94:23
backing 9:5 48:25	70:15	22:14 39:6	Borough's 31:14	100:17
bad 58:19	based 6:5 23:18	55:18 94:21	94:11,18	buildings 19:12
bakery 100:13,16	58:6 70:17,22	95:20 96:19	bottleneck 38:10	built 47:13 65:23
bank 1:3 2:20 3:3	72:2 75:14	beyond 25:21	38:11	65:24
5:20,23 6:11 7:1	90:12 92:25	58:19 60:11	bottom 10:5 11:17	bulk 23:13 27:5
7:1 8:9 10:5,21	99:25	91:24	16:14 43:2	30:10 32:16
11:13,14 12:22	basement 60:16	Bianco 1:7 2:8,9	boutique 25:5	70:19,21 86:16
14:10 15:9,13	61:13	29:20,24 30:20	box 5:11 41:2	business 22:5
15:22 16:3,6,14	basic 4:13 87:21	30:23 32:19	65:12	87:21 99:3,12
16:24 19:6,8,10	basically 6:19	33:6 34:3,5	branch 19:10 54:7	101:24 102:17
19:10,13,18	10:11 11:4,15	big 42:16 43:7	87:8,15,22	102:18 103:12
21:3,13,19,22	11:23 16:5,19	87:17	branches 60:15	businesses 100:3
22:24 23:15,24	36:5 43:8,21	blt 5:16 13:8 14:1	Branciforte 1:11	buy 102:3
24:1,5,13,16	49:9 61:8 69:2	17:3 32:22 34:9	32:17 34:21,23	bypass 10:12
25:25 26:2 27:6	72:16,23 84:23	39:11 42:18	35:2,10 51:1,9	22:25 39:5
28:11 30:5	86:24 88:1 90:3	52:4 76:3 77:12	51:19 53:23	91:16 92:22
31:19,21 34:6	90:23	79:4 80:6 82:23	102:15 103:4	94:7
35:4 38:1 45:3	bay 33:8 92:11	86:15 105:7	104:4,12,14	bypassing 91:1
47:13 48:11,15	bays 60:16 67:16	Bitalla 1:11 2:2,4	105:3,9,13,19	B-1 19:3,18 29:13
53:5,8,18,19	beam 61:15,16	2:6,8,10,12,14	106:2,14,18,23	35:6 101:7
54:5 57:23 58:6	beams 61:9,18	2:16,18	107:12,25 108:7	
58:9 68:14,17	bearing 101:16	blend 19:11 28:5	108:17 109:5	C
68:22,23 69:4,9	bed 62:14 63:8,10	block 1:4 9:5 12:7	110:8 111:2,14	c 1:14 5:10 18:10
69:9,13 70:11	64:12 67:11,15	15:23 19:2	111:18,22 112:2	27:4 35:23 40:8
70:11,19,24	beds 62:13,16	blockage 33:9	Branciforte's	40:8 41:1,1 52:6
71:4 72:13,15	beginning 32:24	blocked 92:18,21	54:9	52:7 98:20
72:18,21 73:8	belleve 3:16,18,21	93:22	breakdown 70:9	calculated 9:3
73:12,16 74:9	4:2,3 18:6 20:18	blocking 92:12	78:9	calculations 68:4
74:13 75:10,14			Brian 1:12	call 2:1 3:23 38:16
78:3 80:9,13				
82:9,14 83:14				
83:14,19,20				
90:11,12 91:3,6				

40:24 79:22 called 54:24 cameras 74:21 capacity 91:19 car 15:15,16 22:7 33:10 36:13 59:18 90:21 92:14,15 93:6 93:22 94:7 care 28:17 52:20 carefully 19:10 28:4 Carl 1:11 cars 23:11 30:19 38:5,9,11 44:24 63:3 90:10,12 93:4,20 94:14 94:24 case 23:8 31:18 34:8 38:17 50:21,24 51:1 52:23 55:24 78:17,21 98:1,6 101:19 104:18 104:18 cases 23:7 cashier 48:15 casual 80:23 81:6 81:14 catch 86:6,25 caught 86:9,10 95:23 cause 28:19 center 11:13,16 16:19 49:8 53:6 90:25 centered 10:6 central 24:19 86:23 certain 50:5 57:13 86:12,12 98:12 99:7 100:6 104:20 106:16 certainly 6:8 18:4 33:3 41:19 44:4 54:20 59:8,11 76:18,21 77:7 77:22 107:2,7 108:8 111:2,19 CERTIFICATE 113:1 Certified 113:3 certify 113:5,9 chair 107:7 Chairman 1:6 2:1 2:3,19 3:16,25 4:3,7,8,12,19	13:3,4 14:6,20 14:25 15:3,6 18:2,4,5,25 19:1 29:18,19 31:1,6 31:8 32:17 33:13 34:15 35:12,17 37:22 40:7,20 41:18 41:19,22 46:7 49:14 50:4,5,9 50:16 51:16 55:3,21 56:12 60:8 65:25 66:18 69:17,21 72:8 75:17 76:10 83:23 96:6,21,24 102:14 103:19 103:23 104:9,22 105:23 106:4,8 106:16,21 107:5 107:9 108:11 109:3,22 110:2 110:11,13,17,20 111:1,6,12,21 112:5 chance 5:9,13 12:22 17:11 change 37:13 87:13 99:24 changed 17:19 changes 19:13 66:16 channelize 17:9 channelized 12:13 check 5:5 64:21 checked 9:17 children 10:24 11:1,4 12:18 76:21 77:9 81:2 81:4,23 89:3,16 89:16,16 93:12 Chuck 1:7 Church 8:10 11:16,20 12:4 24:24 circulate 10:10 16:12 39:4 circulation 10:6 17:5,19,24 20:19 21:11 33:4 circumstances 22:12 54:14 citizens 27:17 77:23 106:9 civic 27:25	civil 32:13 41:7,9 41:20 clarification 71:20 72:11 108:10 clarify 77:16 87:5 110:14 clarifying 76:1 clay 36:1 63:14 Clayton 75:18,21 cleaning 63:20 clear 80:13 clearly 78:22 clients 23:25 clinic 52:1,7 clinics 52:2 clogged 64:12 clogging 62:22 close 8:15 23:5 42:17 79:17 87:1 104:10 closed 76:17 106:21 closer 21:9 22:23 101:3 closest 8:9 46:17 CME's 3:19 code 58:23 Coincidentally 9:10 collapsed 61:10 colleague 10:17 collected 58:5 86:14 collecting 45:15 colored 79:25 columns 62:9 combination 30:11 38:23 come 5:20 10:1 12:5 35:5,5,6,21 70:18 79:18 87:19,25 91:6 92:15 106:3 107:14 108:21 109:25 110:5 comes 6:25 8:18 11:20,21 12:2,4 12:4,5 22:6 67:10 102:20 111:3 comfortable 13:21,23 14:3 14:14 109:22 110:3 coming 15:13,15 33:7 38:6 39:14	44:14,24 45:1 48:24 59:19 71:4 76:20 83:13 90:11 91:4 92:10,13 93:5,12,20 102:23 103:10 106:24 comment 50:10 106:24 109:18 110:21 commented 89:14 comments 7:13,14 33:1,17 60:7 66:9 84:18 105:3,20,22 106:3,25 108:2 108:16 109:7,10 109:25 110:1,6 commercial 7:15 19:4 20:7,21,22 21:22 23:23,23 25:10 27:13,19 28:24 29:1,9 43:21,22 96:2,9 96:10 97:6,19 98:17,17 101:6 101:8,9 102:16 Commission 40:12 common 49:8 67:2 communities 14:2 community 20:13 23:25 24:13 46:3 52:7,8 community-type 58:11 commuters 23:14 comparison 81:14 competing 24:15 69:10 complete 3:5 108:9 comply 65:20 66:17 conceived 59:20 concern 4:17 33:6 43:19 52:19 65:14 76:9 78:4 78:8 80:23 83:12,21 90:6 90:10 92:24 93:16 97:7 104:14 concerned 42:19 42:21 43:24	54:2 55:16 77:23 80:10 83:2,18,19 106:19 112:3 concerns 3:8 6:9 19:14 28:16 75:23 94:22 concluded 112:6 concludes 37:20 conclusion 21:16 28:8 concrete 36:14 concur 25:14,16 25:21 54:8 condensed 4:6 condition 6:7 12:23 44:18,19 53:13,14 58:18 61:6 75:14 78:20 conditional 7:14 conducted 80:22 81:5 Conference 59:9 conflict 12:20 16:10 17:25 conforms 21:17 conjunction 53:24 conducted 66:23 67:7,17 connection 47:3 74:7 106:5 connects 67:17 conservative 69:7 consider 31:9 49:2,18 50:24 52:25 71:19 78:19 80:15 considerable 24:24 consideration 17:21 28:8 31:23 71:13 considerations 32:5 considered 6:7 31:11,25 46:24 48:21 55:19 72:22 considering 70:10 103:6 111:17 constitute 26:22 27:18 28:1 78:20 constitutes 27:10 27:21 28:7 construct 13:13
--	--	---	---	--

construction 42:5 44:1 50:15 51:13 76:4,13 78:5,13,16,17 101:1	73:12 74:1 75:8 98:2 100:18 cost 28:6 75:5,9 75:14 costly 61:2 Cottage 11:21 24:25 council 37:4,16 66:2,5 102:10 103:24,25 104:7 councilman 1:10 59:23 counsel 66:6 113:10,12 count 82:24 counterclockwise 10:7 16:12 counts 44:21 county 7:10,12,13 37:5,5,19 50:22 51:6 54:22 59:13 71:14 couple 4:19 9:15 9:19 14:4 40:11 40:13 65:10 109:1 course 25:18 Court 20:11 75:18 75:21 courtesy 49:10 cover 74:21 coverage 14:9 45:9 85:24 86:2 coverages 34:14 covered 14:25 31:3,4 62:17,18 69:18 covering 105:16 create 7:20 8:20 9:4 15:16 23:23 created 6:9 24:3 creates 21:23 creative 27:24 Crestwood 70:1 crisscross 17:3 criteria 26:15 28:12 31:23 32:7,10 52:4,6,7 52:11 54:6 97:25 98:1,13 99:21 103:7 criterias 93:14 cross 94:6 crossing 12:16,20 17:13 89:3 cross-examined 107:20	crushed 63:3 cues 9:2 68:4 curb 27:6 36:17 36:18 42:12,14 42:22,23 79:21 curbline 36:20 curbs 12:14 curious 34:22 49:1 51:14 63:6 70:8 Currency 53:22 53:23 current 20:24 44:19,20 47:20 51:14 66:17 73:22 74:22 101:10 currently 6:8 21:8 22:20 44:12 45:2,8,18,21 58:23 71:16 101:5 customer 22:15 48:16 59:4 72:14,16 74:19 88:2 customers 5:18,18 5:19 23:21,25 29:2 70:11,12 70:20,22 72:6 74:6 cut 42:15 43:14 55:24 56:3 59:7 59:11 94:25 cutting 43:8,12	dealt 84:11 decayed 21:20 December 66:4 decide 101:25 102:21 decided 53:17 decision 70:16 87:13 decks 62:7 decorative 60:22 deep 40:18 42:15 42:24 defined 78:22 definitely 45:19 65:17 degree 41:7 97:8 109:4 Deinzer 1:10 delays 6:19 deliveries 9:16 76:18 demand 13:11 demographic 26:6 70:8,14 demolition 76:5 77:12,17,20,22 78:8,16,18,25 100:25 DEP 51:6 DePalma 41:11 85:7 department 47:4 47:15 51:20 depend 22:14 depends 43:7 105:11 deposit 24:7 describe 79:3,12 described 79:10 design 24:2 27:25 33:4,24 64:19 79:4,11 91:17 91:23 93:9 designed 19:11 23:16,19 28:4 32:11 desirable 23:23 27:24 28:2 45:23,23 destination 7:17 detail 50:1 52:4 61:6 73:10 79:4 79:16 detailing 78:1 details 61:1 detectable 79:22 79:24	detention 57:2 62:16 66:24 deteriorated 26:24 deteriorating 62:2 determine 5:6 detriment 28:20 detrimental 31:24 develop 6:25 24:17 25:8 developing 24:14 development 23:24 24:20 26:19,24 27:25 28:3 29:13 41:10 87:21 difference 5:24 6:1 49:24 81:12 different 14:2 32:6 40:11 58:6 64:15 69:19 93:14 96:14 106:7 differentiated 79:13 difficult 10:10 61:14 92:12 dig 64:17 dilapidated 103:1 direct 3:10 4:14 4:16 18:12 24:7 28:22 41:4 67:5 68:13 107:20 directed 78:4 direction 6:23 10:7 directly 15:13 42:24 45:17 disagree 109:5 disagreement 84:22 disallow 37:6 discharged 63:5 discharges 66:21 67:4 discourage 39:13 discuss 21:25 discussed 66:5 discussion 9:11 13:6 17:15,17 73:1 80:8 104:17 disintegrating 60:23 display 77:8 104:12
		D		
		D 1:19 5:10 52:9 98:20 damage 60:21 61:25 dance 25:3 danger 45:20 dangerous 15:8 15:17 91:8,11 92:9 data 5:24 58:5 date 50:14 51:13 51:15,17 111:6 113:7 Dated 113:20 day 72:20 89:7,8 111:25 days 64:25 deal 21:9 32:16 54:23 dealing 47:25		

displayed 78:3	95:13	easy 30:4 61:15	entire 62:5,7	55:14 66:11
displays 104:15	drive-in 21:25	economize 50:12	entitled 9:22	92:10
distance 27:7	22:13 24:7 38:8	Edgar 28:16	107:2	excavating 40:17
36:17 42:25	drive-thru 4:23	edge 18:20 42:17	entrance 16:9,10	excavation 42:4
district 19:4 25:10	5:1,2,7,16,19,21	education 25:2	38:1,2 61:9 82:9	exception 3:5
29:14 75:24	5:21 6:2,12 17:1	75:23	83:15,19 94:24	excessive 9:4
81:8	17:5 19:17 22:3	educational 41:6	103:10	exchange 88:1
districts 20:22	22:13,14,16,25	effect 31:24 32:1	entry 61:9	Excuse 50:8 69:17
28:24	23:1,5,7 24:1,2	32:3 43:10	environment	107:12 109:23
divide 90:24	24:4 25:24	effectively 33:5	27:24 28:2	executing 42:18
documented 73:4	30:11 31:20	efficiency 22:16	environmental	exemption 54:23
doing 15:22 69:4	32:15,22,25	efficient 21:22	27:15 28:16	exhibit 9:20,23
91:24	33:2 38:19 39:1	effort 35:19 50:12	51:21	10:14 38:12
dollar 27:1	39:2,4 47:19	73:18	envision 77:21	82:20
dollars 102:25	67:20 68:4,7,12	egress 86:6	EPA 78:22	exhibits 28:11
door 61:12	68:18 80:9,14	egresses 86:8	equipment 77:18	exist 73:25 74:2
DOT 51:6 99:4	drive-thrus 22:18	egressing 78:10	erased 40:1	existing 6:16 7:3
doubt 93:10 107:3	23:10	eight 2:18 38:16	Eric 35:25	12:11 14:11
downgrade 79:24	drive-up 26:1	either 8:12 31:12	erosion 63:16	19:9 21:5,8,12
downspout 67:2	30:6,13,20,23	33:12 44:1	especially 20:16	23:5 27:7 44:20
downspouts 67:5	74:24 80:18	54:19 69:16	22:10,10 24:16	46:1 50:14
downstream	driving 72:14,19	77:7 81:25	25:23 46:3	67:18 73:2,3,5
86:16	81:21 88:22	93:21 109:7	63:10 76:4,5	75:6,9 78:19
downtown 22:11	92:25 93:19	elaborate 76:2	77:11 78:13	83:4
95:18	95:7,10	77:12	92:13 93:3	exists 6:8 71:5
Dr 54:11	drop 12:14 13:22	electronic 24:7	ESQ 1:17	72:5
drain 62:15,16	dropping 14:3	element 54:2	essential 27:21	exit 9:2 10:7 16:3
67:8	drug 102:19,22	elevated 79:20	essentially 31:25	16:8,8,11,16,19
drainage 20:19	dual 38:25	elevation 79:19	108:16	16:25 17:7,8,12
56:24 62:12,12	due 4:25 75:11	eleven 11:2	establish 31:11,16	36:4,5,11 39:8
63:15 65:9	duly 35:23 37:23	eliminate 20:8	established 31:14	69:20 82:9
66:21,21 106:5	40:8 41:3 55:7	40:4 44:2 95:14	32:4	83:19 90:12
draw 7:2	60:3 70:2 75:19	eliminated 17:25	establishments	94:25 103:10
drawing 46:21,23	82:4 83:25 88:6	95:17	22:5	exiting 8:24,25
103:9	98:20 100:20	eliminating 95:3	estimate 58:8 72:4	15:9,11 17:11
drew 95:15	dumped 57:1	employed 41:9	75:8,13 100:24	23:3 39:17
drinking 45:12,15	duplicate 35:20	employee 87:23	101:2	68:10 90:19
drive 44:22 70:1	84:24	113:10,12	estimates 57:23	91:3
81:1 89:16	dust 22:8	employees 48:11	evaluate 65:15	expect 68:12,21
driveway 8:9	dynamics 81:7	74:8 87:7,10,12	evening 2:21,25	expensive 61:2
12:13,21 15:14		87:13,18	35:25 40:10	experience 5:15
16:3,6,7,8,8,9	<hr/>	encourage 15:20	55:9 108:12	41:6 43:11 77:5
16:15,17,19,22	E	26:18 29:1	109:2	92:9 93:19
16:23 17:4 18:1	E 1:14,14,19 5:10	107:6	eventually 42:20	experiences 92:25
23:4 30:19 44:9	5:10,10,10	encouraging 28:2	Everybody	expert 15:5 32:12
79:4,11,12,19	18:10 35:23,23	29:7	110:11	explain 79:17
79:19,21 80:1	35:23 37:23,23	ends 63:3	evidentiary	extend 111:19
82:16,22,23	37:23 40:8,8	engineer 1:12,13	104:21	extension 111:9
83:4,5,7,8,10,13	41:1,1 55:7 60:2	32:13 41:21	Evidently 35:5	112:1
83:17 90:16	70:1,1 75:18,18	55:25 71:8	evolving 24:3 52:3	extent 3:20 96:11
91:12,15,21	83:24	engineering 41:7	exact 11:5 100:25	exterior 46:25
94:9,10,16,17	earlier 17:15	41:9	exactly 39:19	77:25
95:16	22:18 28:10	enter 16:15 69:16	73:10 81:23	extremely 104:4
driveways 12:11	44:8 54:13	entered 56:13	88:21 96:4	
12:13 17:24	68:16	entering 23:3	examination 1:20	<hr/>
23:6 79:14 80:2	early 18:22 52:10	45:17 68:10	3:11 18:12 41:4	F
80:3 91:17 92:4	73:1 80:14	enterprises 24:20	example 51:7 52:6	F 70:1,1
	easier 17:10 91:6			facade 21:10

facilities 29:8 74:24	46:22 47:9 59:1 59:6 65:11 90:17,20	fluids 45:14,14 flush 63:21	frontage 16:5 full 7:4 63:11	71:1,12,18,22 73:13,20 74:9
facility 28:4 68:7 68:18 73:9	fell 60:24	focus 14:7 32:14	fully 73:22	74:12,17 78:25
fact 22:18 23:19 51:25 53:16 72:2 78:5 89:14 94:21 106:21	felt 13:21 81:19	follow 20:21 64:25 78:22 94:17 109:8,8	full-time 76:15 87:19	80:17 87:6,15 111:3,5
factor 93:15,17 94:2	fence 76:14,15	followed 84:14 98:13	full-timer 87:24	give 4:14 10:20 13:9 41:5 49:10
factors 26:10 95:22 97:6	field 63:18	follows 5:12 18:11 35:24 37:24 40:9 41:3 55:8 60:4 70:3 75:20 82:5 84:1 88:7 98:21 100:21	function 45:24	13:9 41:5 49:10 50:17 73:21 104:1 112:1
factual 54:10	figures 65:8	foot 13:19 25:17 26:2 38:22 42:14 76:13	functioning 23:14 65:16	104:1 112:1 given 18:17 48:3 54:13 72:11 75:24 78:18 87:22 90:19
fact-finding 19:22	fills 21:4	footage 58:7	funnel 17:7	gives 14:17
fairly 14:12	filtering 46:4	Ford 8:14,20 9:11 12:12 15:10	further 8:1 29:14 29:17 42:12 45:11 68:3 94:8 95:1 98:3 104:19 108:5 110:18 113:9	glad 17:20
fairness 106:13	final 1:4 80:20 104:2	foregoing 113:5	furthermore 29:7	gladly 112:1
fallen 60:16	finalized 80:16	forget 53:21	future 20:24	glare 55:13,17
falling 61:7 62:12 62:13	finally 28:22 29:12	form 63:12 64:6	<hr/>	go 2:20 5:5 6:15 13:18 26:16 30:5 37:4,4,19 38:21 46:9 50:10 69:13 78:6,21 81:22 83:7 88:16 91:5 91:6 93:2,2 107:10 108:6,6
falls 86:14,25	financially 113:13	formal 80:22 81:5 89:21,23	G	goal 29:14
familiar 3:13 19:2 85:21 94:20	find 30:4 44:1 50:15 52:12 72:1 93:17	Forney 51:25	G 27:11 37:23,23	goals 27:4
fan 34:6	finding 48:24	forth 24:9 93:16 99:4 104:3 113:8	gained 52:2	Godver 104:11,15 104:24 105:2,7 105:11,15,22 106:1,6,24 108:14,18 109:20,23 110:9 110:10
far 6:1,14,24 7:10 7:14 12:25 16:1 37:9 40:2 47:18 49:7 54:2 68:14 71:9 82:13,24 91:12 97:23	finds 21:17	forum 55:4 104:17	gap 84:16,19	Godver's 109:11
far-fetched 104:5	fine 10:15 45:25 64:13	forward 35:21 101:11 110:7	gaps 6:8 7:21 8:21 8:21,22,22 9:1 69:10,19	goes 25:21 64:3 67:10 86:16,23 86:24 95:19 96:17 104:19
fascinating 52:12	finds 62:12,13,14 62:20,22,24 63:6,11,14,19 63:25 64:4	found 20:22 51:23 61:14	garbage 9:24,25	going 4:14 7:25 8:11 11:9 12:21 15:9,11,12,16 15:21 16:2 29:25 33:7,9 36:16,21,23,24 38:6,6,8,8,10,25 38:25 39:1,2,8 39:12,16 40:1 40:13,19,21 42:15 44:13,24 45:2,2 46:9 47:19 50:16,17 52:17 53:9,13 54:15 56:25 57:14 58:9 59:4 59:16,17 63:21
fashion 69:7	finished 4:16	foundation 61:7	gas 55:15 68:25 69:4,5	
favor 22:12	fire 9:24 46:13,17 47:4,15,17,20	four 17:2 28:25 41:23 48:13 59:2,2 74:23 76:14 87:7,11 87:18,23	gate 76:16	
feasibility 75:6	firm 3:1 41:12 85:6	fourth 27:23 28:7	gated 76:16 77:3 77:4	
feasible 77:7	first 17:16,16 18:8 28:25 30:20,23 33:6,23,25 37:25 55:10 56:9 60:14 61:21,23 63:24 76:2 81:1,5,13 81:20 84:5 89:15 90:11 94:5 108:6	four-day 79:1	GAZIC 113:3	
feature 21:25 23:21 49:19 64:20	fit 50:2 73:15 103:12	frame 73:23	geared 76:22 79:7	
features 22:3,4 24:6 60:17,18 60:22	five 11:3 35:13 38:14,18 48:13 87:7,18,23	framing 60:20	general 26:21,23 90:4 91:13	
February 111:7	fix 64:12	Frank 1:9	generally 5:18 8:4 10:2 13:24 24:19 31:11 36:19 81:18 82:25 83:10 90:25 92:20 95:2,13	
fed 67:2	flexibility 51:2	friendly 56:9,23	generate 8:19	
federal 51:12 53:4 53:8,15,20 54:6	floor 60:16 61:21 61:22,23	front 6:21 10:21 12:16 21:5,7,13 27:9 29:21 36:8 36:14,24 37:12 42:8 50:19 52:3 59:15 61:11 62:8 67:4 83:4 85:4 89:3,9 92:21 93:3,5 94:7,23 103:18	generated 5:7 54:18 72:24	
Feds 54:3	flow 63:5 65:6 71:3	fluids 45:14,14	generation 4:24 5:3,8	
feel 13:23 14:15 56:8 70:21,24	flowing 62:20	flush 63:21	gentleman 36:3	
feeling 110:17	flows 57:3 63:18	focus 14:7 32:14	gentlemen 2:22	
feels 14:14		follow 20:21 64:25 78:22 94:17 109:8,8	getting 12:22 15:8 47:19 98:3 101:14	
feet 7:25 8:2 10:11 16:6,20 17:1,9 19:9 25:19 36:18,19 38:4,5,16,20 39:23 41:24 42:22,25 43:9		followed 84:14 98:13	Ghabrial 26:5 48:13,16 49:3 54:13 59:9 67:24 70:13	

64:9 66:16 70:9 70:18,25 71:4 71:24 72:4,15 76:20 77:1,7 80:17,18 82:10 82:10 83:2 85:3 86:8 87:22 88:1 90:24 91:2,3 94:9,22 100:25 101:20 102:3,3 102:7 103:11 104:2 105:12,17 106:2,9 107:7 109:8,8 111:12 good 2:21,25 23:20 24:14 25:6 27:25 28:20 31:24 35:25 36:22 40:10 55:9 81:20 87:3 92:5 109:18 gotten 39:25 governing 74:16 government 53:4 53:20 grabbed 60:24 grading 86:20,21 86:22 grant 53:13 54:25 granted 5:1 granting 20:12 23:17 great 21:9 54:4 greater 27:7 GREGUS 37:25 38:5,24 39:7,16 39:19,24 40:6 ground 62:14 86:14,16 group 41:10 84:9 grow 24:14,17 growth 24:18 guarantee 77:8 guard 77:1 guess 10:19 13:9 16:16 32:23,25 38:7 39:7 46:21 55:14 56:23 57:19 58:25 59:6,13 64:24 75:23 80:7 84:3 87:6 95:19 102:8 103:8 guessing 107:2 guide 26:18 guidelines 25:17	78:22 99:15,24 gutters 62:6 <hr/> H H 5:10 40:8 41:1 60:2,2 75:18 83:24 98:20 100:20 habit 50:18 half 7:2,5 10:25 58:13 68:16 77:19 half-a-mile 8:3,4 half-hour 90:1 half-mile 70:15 hallway 8:17 hand 15:19 handicapped 12:14 79:18,23 handle 8:23 handrail 60:24 hands 74:16 handy 56:11 65:8 Hanrahan 26:7 28:14 99:13 100:5 happen 34:12 45:3,18 88:11 88:12 89:20 91:14 92:25 94:5,19 98:8 happened 110:21 happening 54:12 90:4 91:22 happens 49:9 59:25 63:1 91:11 109:10 111:22 Happy 2:22,25 hard 16:2 63:23 100:23 hardware 25:2,3 53:6 Harley 75:21,21 76:24 77:11 78:4 79:3,10 80:5,20 81:16 82:2 89:13 harmonious 29:13 hatched 11:13 hate 105:24 hats 40:11 hazardous 77:14 78:20 headed 69:12,15 heading 69:14 Healey 1:8 2:10	2:11 health 26:20 45:20 77:8 hear 46:12 79:6,8 heard 31:15 32:7 32:9 80:21 hearings 71:25 73:1 hears 102:20 heavier 88:13,19 88:23 heaviest 12:2 80:11 heavily 45:8 90:7 97:10 heavy 22:7 77:18 height 79:20 99:8 held 86:14 hell 103:12 help 23:11 27:2 helps 23:10 25:24 95:5 hereinbefore 113:8 Hess 100:3 hey 54:3 high 14:1 63:5 69:1 85:24 86:2 higher 64:22 95:9 97:16 highly 81:2 Highway 5:10 41:1 Hippeli 1:8 2:12 2:13 historic 26:25 51:4,21,23 52:16 53:9,17 53:25 54:2 historical 50:13 50:24 51:12 54:16 history 48:23 52:1 52:25 hold 18:13 holding 61:11 77:22 80:15 holds 57:3 home 72:18,20,21 honest 48:2 49:24 65:8 103:4 106:17 hope 102:11,24 hopefully 87:16 hose 47:8 hour 7:9 8:23 9:1 11:2 68:6,6,9	69:3,4,5 77:19 hours 6:17,18 7:22 48:10 68:22,23 76:6 76:19,25 77:2 78:7 80:8 89:4 89:12 house 52:1,7 73:15 housekeeping 78:9 human 77:6 109:13 hundred 47:8 hydrant 46:18 <hr/> I idea 42:3 47:4 77:23 101:12 105:9 ideal 81:7 ideally 49:11 identified 9:21 68:17 78:1 identify 82:20 99:3,11 108:15 ill 59:20 illegal 30:8 91:25 immediate 71:10 impact 5:2 6:24 7:4,15 84:4 96:15 97:9,13 98:1 105:5 impacted 42:4 impacts 4:23 6:10 impervious 14:9 14:18 34:14 45:9 66:24 importance 52:20 important 24:14 52:13,14 importantly 106:20 impossibilities 93:18 impossible 59:17 improve 9:8 20:7 25:9 91:19 improved 21:9,10 33:3,19 56:24 improvement 45:21 improves 20:18 inched 92:18 inches 42:24 86:13 inclined 51:3	54:25 include 24:6 77:25 104:2 included 111:9 includes 78:16 including 46:4 62:8 86:23 111:20 inclusion 46:25 income 101:10,14 102:25 103:6 incorrectly 107:18 increase 22:15 45:5,6 102:7 103:2 increasing 46:5 indefinitely 86:17 111:17 indicate 20:21 34:6 61:4 indicated 50:9 87:7,9 indicates 29:7 50:22 indicating 52:23 industrial 27:14 industry 22:19,20 24:12 58:4,13 68:14,15 74:1 74:13 infiltration 85:15 86:10 infinite 86:18 information 5:23 10:25 19:23 52:9 53:1 54:17 85:10 ingress 86:6,8 inherently 93:13 initial 73:4 84:25 Inorganic 63:17 inside 31:5 42:14 61:5 64:5,7,23 64:24 inspection 88:19 installation 5:1 installing 40:18 intense 96:13 97:7 intent 26:17 interact 17:18 interaction 16:1 interest 51:23 interested 51:22 113:13 interesting 16:25 52:15
--	--	--	---	---

interfere 36:21	65:14,19,23	labeled 9:22	left-hand 39:9	15:8 16:2,12
interfered 34:1	66:20 67:1,12	labor 77:20	40:16 42:10	17:3 30:3 32:22
interior 78:1	67:19 68:5,8,11	ladies 2:21	legal 66:5	34:9 39:6,11,23
interject 22:17	68:20,25 69:8	land 24:22 25:8	legitimate 101:23	42:18,20 52:4
66:1 96:20	69:12,20,24	31:13	les 97:9	55:18 56:10
intersection 8:6,9	judge 104:19	lands 26:19	letter 3:18,19	59:12 79:3 80:5
8:11 91:14,19	judgment 108:20	landscaped 28:4	33:18 51:20,22	82:23 86:15
95:16	jurisdiction 50:20	landscaping 34:13	54:18,20	90:1 94:8
introducing 23:20	justification	47:16	letters 3:17	Litwornia 84:9
investments 24:11	99:20,20	lane 6:2 10:12	letting 17:6	85:3
involved 53:8	justifications	17:9 22:25 23:1	let's 82:17 101:18	live 36:1 70:20,22
85:7 93:14	100:6	23:7 30:21,24	101:19 109:2	100:12
irrigation 47:10	juvenile 46:2	33:21,23,24,25	level 84:12	living 100:13,16
47:12		34:2 38:22 39:6	Lewycky 40:10,15	LLC 1:15
island 14:24	K	39:16 90:19,25	41:25 42:3,9,17	loans 24:10
issue 4:22 9:6,13	K 1:12 40:8 41:1	lanes 17:2,5 22:13	43:2,13,19 44:6	lobby 31:1 61:9
12:8 45:7 86:21	82:4,4 83:24,24	22:16,25 23:7	44:12,17,19,23	80:19
97:8 98:14	Kaufman 20:10	24:5 30:11	45:4 46:9,13,17	local 58:12
101:21 107:10	21:15	39:10,13 91:18	46:24 47:7,14	locate 16:2 86:17
108:10	keep 39:14 55:13	large 12:12 36:5	47:18,23 48:6	located 11:15
issues 3:17 12:10	62:12 91:20,23	59:3,7	48:10,14,18,21	12:12 16:4,7,17
18:21 35:20	95:5 104:20	larger 9:25 10:2	49:11,17,25	17:1 24:20 25:4
44:16 66:8	keeping 24:10	33:22 97:13	50:5,8,13 51:11	44:9 46:18
86:22	78:2 95:11	latest 3:19	55:5	82:23 100:1
ITE 5:23	keeps 62:13,22	law 3:1 26:12	license 18:13,16	location 8:12 22:2
item 2:19 29:7	kids 81:18	31:13 52:23	licensed 41:8	27:20 70:16
items 4:22 28:25	kind 14:7 15:8,16	lawful 78:24	Liew 60:2,6	locations 14:22
	17:3 50:11	layer 63:12 64:6	lifted 61:19	27:12 71:12
J	96:17 100:23	64:13	light 27:5,8 55:15	locked 77:5
J 55:7 60:2,2	105:11	layout 48:22	55:16,17 83:17	logo 56:15,20
83:24	kitchen 59:10	75:12	lighting 55:10,13	Lois 1:11
jacking 61:15	know 6:15 7:11	lays 44:10	74:19,22	long 34:18 67:19
jacks 61:11	7:17 8:12 9:7,25	Leader 67:7	likes 99:18	91:22 105:10
January 1:2	10:13 13:24	leaders 62:6	limit 35:9 91:21	longer 62:22
113:20	15:23 16:13	leak 45:14	91:22 99:25	105:6
Jersey 1:2,16 5:11	30:5 35:8 51:17	leave 59:12 64:2	limitation 34:19	look 5:9,14 8:21
27:17 41:2	58:19 59:4,7	86:8	34:23 35:7	12:23 22:23
51:20 60:3 70:2	66:2 67:22	leaves 62:14 63:1	limited 67:24	32:23 43:15,15
75:19 83:25	71:10 74:17,25	63:2	line 16:4,18 17:2,7	45:2 53:1,2,2,3
85:20 86:13	75:1 78:23 80:1	Leblon 55:9,9	42:1,12,14,18	82:18
113:4,17	80:5 81:4,22	56:1,6,14,19,22	42:22,23 43:1,2	looked 10:23,24
Jim 55:9	85:19 90:7	57:7,9,13,17,19	55:4 64:1 74:23	looking 36:10,12
jive 52:17	91:10 95:23	57:22 58:1,8,15	93:4 94:9 95:2	45:1 93:14,20
job 12:15 76:19	98:5,6 99:6,9	58:18,22,25	lines 16:18 74:5	looks 36:6 64:24
77:17	100:14,15,23	59:11,24	Liotta 1:12 13:5	lose 43:25 49:6
John 60:5	101:13 104:22	leeway 107:1	14:6 15:4 31:6,7	losing 46:2
Johnson 1:12 4:18	106:13,13,18	left 10:7 11:16,17	32:20,23 33:11	lot 1:4 12:10,11
4:19 6:5 7:20	107:10,19,22	12:6 15:11,14	34:5 111:8,15	19:2 24:11,15
9:10 10:15	108:9,24 111:10	15:16,18 16:21	111:16 112:3	25:2,4 30:5,7
12:17 13:2	knowledge 52:2	16:22 33:25	Liotta's 3:18	32:7,9 43:25
17:14,22 65:25	known 19:3	36:8 38:17	list 65:19	45:8,24 48:3
Johnstone 60:5,5		44:11 59:19	listed 28:25	53:20 55:11
60:10,13 61:14	L	64:4 69:15	lists 27:4	62:15 63:14
61:21,25 62:11	L 5:10 18:10 40:8	82:11 83:4,10	literally 23:6	66:8 70:7 78:11
62:20 63:6,10	40:8 41:1 55:7,7	83:14 90:24	59:17 60:25	87:20 94:15
63:17 64:3,8,11	70:1,1 75:18,18	91:4,16,18	little 5:16 8:1 9:24	100:1,10
64:17,19 65:2,5	100:20	92:10,17 107:25	10:10 13:8,25	lots 25:1 94:12

love 77:20	manner 26:19	McKenna 1:23	members 1:6 3:6	Monmouth 71:14
low 12:7 82:25	March 20:20	40:21,24,25	15:6 18:3 29:19	month 110:6,14
83:10	111:15	41:5,23 42:2,6	31:6 32:18 59:3	months 9:19
lower 49:17 81:24	marginally 20:23	42:11,22 43:5	mention 89:18	101:3,4
95:5 97:14	marked 11:10,11	43:17 44:4,7,15	mentioned 28:10	morals 26:20
Lupo 1:10 2:14,15	MAROTTA 88:8	46:19 47:2,10	49:25 55:20	morning 12:5,21
15:7 17:20	88:11,18,25	47:21 48:2,8,12	merchants 29:2	80:12
Lyndhurst 18:20	89:13,19 90:6	48:20 49:4,23	mess 42:16	move 18:3 69:23
	90:10,15,20	55:23 56:3 57:2	Michael 1:7,13,23	110:7
	91:2,8,25 92:3,8	57:8,11,16	40:7,24	movements 16:10
M	92:24 93:10	62:18,24 63:9	microphone 2:24	16:11
M 40:8 41:1,1	94:1,19 95:19	63:13,23 64:5	98:25	moving 32:21
55:7 82:4 83:24	95:22 96:7,13	64:10,14,18,23	middle 75:25	multi-million 27:1
88:6,6 100:20	96:19 97:4,23	65:3,7,17,21	Middlesex 50:22	municipal 26:18
113:3	98:10,18	66:23 67:4,9,14	midway 16:16	26:22 31:13
machine 74:8	master 20:1,5,6	67:22 85:16,19	mike 40:14 46:12	mutual 29:2
main 6:7,15,19,20	20:16,20,25	85:23 86:3,11	73:12 79:5 84:2	
7:6,7 8:5,20	21:18 23:21	86:22	mile 8:3 70:15	N
9:12 10:5,16	25:7 31:14 32:4	mean 23:10 47:10	miles 34:18	N 1:14,19 5:10
11:1,15,20,22	34:18	49:5,15 56:11	miles-an-hour	18:10 41:1,1
12:4 15:25	material 21:20	59:3 60:24 67:3	100:2	55:7 60:2,2,2
16:14 19:3	78:21	72:13 73:13	Mjll 45:11,18	83:24 100:20
20:25 22:11,23	materials 77:14	74:25 75:5	Milltown 1:1,2	NADINE 113:3
24:24 26:9 27:2	78:13,24	77:16 86:19	19:4 20:1,5,17	nail 25:5
27:9,20 28:6	matter 3:14 19:17	91:11 109:9	20:22 21:14,17	name 35:25 82:6
29:25 36:12,13	45:25,25 63:17	110:24	25:18 28:23	named 84:9
36:24 41:10	65:9 101:25	meaning 88:14	60:3 70:2,9,10	narrow 39:12
43:19 45:6,10	102:18	means 52:5 72:14	70:22 75:18	91:20
46:20,20 47:9	matters 35:2	meant 79:13 80:6	81:8 83:25 92:5	narrower 23:4
50:1,2,3 56:9,23	mature 45:22	measure 36:16	95:18	narrowing 17:8
57:1 61:9,9	maximization	measures 77:8	mind 104:20	90:17
67:11 69:14,15	29:8	mechanism 65:15	minimum 13:9,25	National 1:3 2:20
79:14 81:24	maximum 68:1,5	medical 52:1,3,8	27:3	3:3 19:6 21:3,19
82:7 88:14,15	68:6	52:10,14	minutes 35:13	23:17 28:11
90:7 91:12 93:2	McARTHUR	Medici 98:1,6	67:23 68:1,3	71:17 72:3,6,13
93:7 94:10,14	1:17 2:21,25 3:1	meet 8:8 20:4,23	105:17,23,25	72:16 85:18
94:14 95:3,4,4	4:2,5,8,15 18:4	26:10 27:16	109:1	102:2 103:15
95:11,12,15,16	18:12,24 29:17	57:3	miscellaneous	nature 24:19
95:17 97:10	30:13,16 33:14	meeting 4:1,20	26:12	109:13
100:2	35:15 40:20	7:5 9:21,22	missed 55:12	Navigator 59:15
maintenance	41:4,17,20 46:7	10:19 11:8,11	missing 79:7	near 11:12 16:4,7
66:12	49:14 50:4,16	13:6,17 15:1	mitigate 6:10 7:15	16:8 24:24
major 23:15	51:18 52:22	17:8,16 18:8	mitigating 6:14	necessarily 9:7
76:18	53:11 54:8 56:4	33:17 35:18	6:16 7:10 22:12	45:14,20 46:6
majority 11:19	71:19 72:8	37:2 38:13	54:14	48:7 94:3
majorly 43:6	82:19 96:5,21	39:11,12 56:13	mitigation 7:18	necessary 24:17
making 10:9	98:5 99:6,13,17	60:14 66:4 70:6	32:10	77:8 85:24
15:14,15,16,18	99:19 100:4,14	76:9 85:6 87:9	mixed 25:5	need 10:3 23:11
54:15 92:10	101:7,20 102:12	95:24 97:17	mixed-use 20:8	23:20 24:1,13
93:21 101:19	103:17 106:8	106:22 107:15	MLUL 26:17	24:16 25:22
102:24	107:5,12,16	108:20 111:9,15	mode 78:6	32:6 34:9 59:3
manager 48:14,17	108:3,8,19,23	111:20,23	model 66:3,13	59:13 104:20,25
87:20 88:3,3	109:6,14 110:13	meetings 19:12	modern 22:13	108:9 111:8
manager's 74:4	110:18,23	70:7	moment 3:25	needed 13:7 27:9
Manalapan 5:11	111:19,24 112:4	meets 28:12	29:18	27:19 34:7
41:2,10	McClelland 1:13	member 66:2	money 24:10	99:10
maneuvers 17:12	4:12,13	75:22	101:17,22	needing 100:1
manhole 64:24,24				

needs 27:16 31:10 74:25 104:17 negative 31:23 32:1,3,9 93:15 93:17 94:1 96:15 97:6,25 negligible 44:21 neighborhood 15:25 31:25 97:13,14 neighboring 71:23 neighbors 53:3 neither 113:9,11 never 44:23 61:14 new 1:2,16 2:22 2:25 5:11 7:6,8 15:12 19:10 24:3 27:16 28:4 41:2 51:20 56:10,18 60:3 66:7,10,17 69:4 70:2 75:7,19 83:25 86:13 102:4 113:4,17 Newark 1:16 nice 12:15 16:9 Nicholas 1:21 Nick 49:3 Nine 5:11 41:2 nine-and-a-half 13:19 NJIT 41:8 noise 22:7 non 70:10 nonrestricting 37:10 non-peak 76:19 norm 26:4 normal 78:8 normally 24:12 76:17 87:17 north 7:24,25 10:23 11:25 15:23 19:3 36:13 69:15 81:25 82:7 85:20 88:14,23 91:3 100:11 northerly 16:4,18 18:1 northern 88:13 nose 59:17 Notary 98:21 113:3,17 note 40:20 54:10 81:23 87:8	noted 21:12 24:23 76:22 81:15 notice 54:11 noticed 6:22 11:18 nuisances 22:8 number 6:22 8:22 11:5 13:6,10,21 18:15,22 19:12 29:12 34:19 41:15 44:9 47:24 49:5,18 69:19,22 89:21 91:17 numbers 6:3 7:8 35:7 72:23 numerous 41:13 99:1 Nutley 18:20	occur 6:19 80:2 occurrence 49:8 91:13 occurring 91:13 occurs 6:17 October 3:4,19 76:9 80:7,21 odds 63:2 odor 22:8 offer 45:24 office 3:13 27:7 41:11 49:9 51:21 53:21 74:4 officer 48:15 offset 16:5,20 82:8 off-street 29:8 30:17 Oh 44:20,20 47:10 64:11 okay 4:4,7 9:13 22:3 34:3 36:10 37:20 39:19 40:6 42:11 43:2 44:6 49:25 54:4 58:18 68:20 71:2,9 72:25 75:16 80:20 82:2 84:21 85:12 86:1 87:3 88:4,18,25 90:6 97:8 98:18 100:19 101:5 103:25 110:8 111:13 old 26:24 52:21 older 80:3 Olesinski 1:7 2:4 2:5 56:16 59:22 60:1 101:8,12 101:15,21,22 102:9 104:25 109:17 once 63:7 107:16 one-hour 68:19 one-way 8:10 10:6 17:24,25 38:21 ongoing 28:5 on-line 24:8 on-site 9:2 14:11 20:19,20 34:12 76:15 77:6 86:25 open 12:12 27:5,8 27:14 35:13,18	80:19 81:11,12 87:15,25 opened 80:10,14 80:18 opening 54:6 openings 7:21 operate 14:10 73:16 74:13 102:17 operation 13:8 80:8,17 operational 13:10 opinion 13:9 28:9 28:18 32:8 66:6 99:20 opportunities 62:25 opportunity 5:5 14:17 19:25 34:12 110:21 opposed 5:20 opposite 10:21 11:5 97:12 order 27:16 33:22 39:13,14 46:22 85:8 91:18 94:15 ordinance 4:25 13:15,25 14:14 20:2,6,17 23:22 25:8 28:23 29:5 32:2 37:17 43:20 66:4,8,10 66:13,17 94:11 94:18 99:7 100:5 ordinances 25:19 orient 10:4 11:15 orientation 11:8 12:7 75:12 oriented 7:17 11:20,22 23:16 44:8 96:10 original 85:1 Originally 32:23 ornaments 62:7 outlet 57:9 67:14 outside 31:2 61:4 70:18 overall 5:2,8 overflow 57:14 67:12 oversight 53:8 overview 10:20 90:4 owner 54:11 82:7	P P 1:14,14 98:20 100:20 page 10:5,6 11:16 11:18 28:23 paid 78:18 Paint 61:4 parents 81:1 89:15 park 26:1 29:25 30:4,6,8 59:15 parked 30:7 33:21 48:18,25 49:7 49:22 94:14,24 parking 9:5 13:7 13:16,22,23 14:4,7,10,14,16 14:23 20:19 23:10,12,13,20 24:25 25:1,1,2,4 25:12,18,18,23 25:25 26:9 29:8 30:3,10,17 32:21 33:4 34:6 34:7 36:23 37:12 40:1,17 43:21 44:9,10 47:25 48:5,7,22 48:22,23 49:2,6 49:18,19 55:10 59:13,20 62:15 63:14 74:24 94:12,20,21,22 94:23 95:4,4,6,8 95:12,14,14,17 part 21:21 23:22 24:12,18 31:9 40:3 44:25 46:3 61:23,23,24 75:11,12 88:13 88:15 100:7 103:5 104:18 108:1 partially 25:9 particular 20:15 26:10,25 31:16 45:25,25 50:21 53:4 96:11 108:15 particularly 31:17 96:1 97:5 97:24 98:11 parties 113:10 parts 45:21 55:12 part-time 87:19 part-timer 87:25 pass 37:16 79:22
--	--	--	--	--

passed 89:10	20:10 22:1	40:1 47:25	32:7,8	99:15,18,24
passes 12:3	person 49:12	48:11 55:24	possibility 73:2	100:9,15,19
passing 11:3,4	57:19 67:20	56:5,18 66:12	93:22 109:3	private 26:24
49:12 99:12	77:1 93:2	66:17 79:17	possible 14:8 91:7	27:15 28:3
pass-by 72:12,22	personal 22:4	85:7 88:2 90:18	93:1,8,18,21,24	probably 7:8,11
Path 9:23	43:11 60:7	planned 40:16	109:25	7:24 8:2,13,15
Patricia 1:8	personally 14:15	planner 1:12 3:10	possibly 15:18	9:25 23:18
paved 24:25 45:12	67:23	14:22 18:3,25	43:15 63:20	40:22 43:11
63:15	perspective 25:15	31:10 32:8,13	potentially 5:19	46:21 68:16
pavement 42:14	pertain 50:6	55:25 98:8	14:13 38:15	72:7 80:11 90:1
66:25	Pete 3:1	planning 18:13,17	104:11	92:20 100:24
peak 6:17,18 7:8	PETER 1:17	18:21,23 19:23	practical 65:9	101:2 102:4
7:22 8:22,25	petroleum 45:17	20:10 21:1,15	practice 41:9	105:7 107:18
11:2 48:10 68:6	phase 76:5 78:8	25:7,15 31:9	52:15	109:1
68:9,21,23 69:3	78:16	40:17,19 46:14	practices 52:3,10	problem 13:20
69:3,5,6 89:4	phases 77:12	47:24 51:7	precautions 76:3	23:16 42:19
pedestrian 6:13	Phil 100:22	54:22 71:25	prefer 12:18	59:22 63:20
10:15,21 11:19	philosophically	plans 33:3 55:11	Preliminary 1:4	106:14
11:24 12:1,3,6	63:25	55:12 90:13	premises 77:2	problems 23:15
12:16 80:22	photograph 11:12	plan's 21:18	prepared 4:9	73:3
81:3,4,10 84:20	11:12	plastic 64:6,7	presence 23:18	Proceeding 112:6
91:20 92:19	photographs 61:8	please 2:23 3:25	76:21 77:6	process 5:16,17
pedestrians 10:19	Photos 60:23	18:15 21:25	present 2:18	5:22 19:22
10:23,24 11:1,2	physical 75:11	22:22 28:23	25:11 26:5,7	54:21 71:24
11:3 12:9 17:10	77:1	35:22 40:14	28:13 30:16,18	86:17
17:10,13 79:12	pick 45:24 72:20	46:11 69:23	presentation	products 45:17
79:21 80:12	picked 63:2	76:2 79:9 98:24	60:13 105:5,13	professional 28:9
90:4 94:4 97:8	picking 14:22	plenty 9:1 70:24	105:14 106:20	professionals 3:7
people 17:11,12	pickup 48:24	plotting 94:9	107:3 109:11	4:10 51:15
24:1,4,5,5 26:1	picky 86:19	plus 8:24 47:8	presented 10:14	84:19 110:22
26:2 29:24 30:4	picture 56:7,10	95:12	10:25 20:15	professional's
30:12 38:25	pictures 56:18	PO 5:11	28:10 54:17	19:15
39:1 49:10	piece 25:8 102:3	point 3:11 8:16	104:17 109:15	proffer 106:10
53:25 68:11	103:1	35:17,18,21	109:15	progress 45:11
69:8,9 70:25	pile 48:6	55:3 56:8 57:14	presently 103:18	77:19
81:21 85:3	pin 7:17	66:1,15 71:22	preservation	prohibit 73:18
91:24 92:4	pipe 63:7,8 64:7,9	74:4 77:21	51:21 53:25	prohibited 73:7
93:19 95:6,9	64:21 67:2,10	96:24 97:22	preserve 43:4	prohibits 73:20
97:1 110:24	piped 57:9,12	102:25 104:10	preserved 14:13	project 7:18 9:9
percent 61:18	pipes 62:19 64:6	104:11,16	preserving 77:24	16:5 20:15 61:2
71:4 72:4,24	pizzeria 53:6	105:19 108:16	pretty 3:4 5:15	76:5 78:5,12,17
87:1	place 8:5,13 48:4	109:14 110:3,7	prevent 38:9 76:6	96:10 97:18
percentage 86:5	63:24 66:11	pointing 16:17	previous 5:15 7:5	109:12
97:15,16	73:7,18 77:15	points 19:23	33:17 58:16	promise 77:23
perfectly 54:1	85:18 99:11	policy 109:6	70:6	promote 26:20
perforated 62:19	113:7	pollution 46:5	previously 4:9	27:24 29:3,12
perforations 64:9	placed 8:14 18:7	Pompton 1:16,16	5:12 7:7 18:6,7	promoting 26:23
perform 51:12	places 24:10	Pond 45:12,18	18:11,17 40:22	28:1
performed 26:6	Plains 1:16	pop 109:12	58:2 76:8	proof 62:4
76:6 80:25 84:6	plan 1:4 8:17,18	porch 62:8	pre-development	proper 75:4 78:23
84:9,15 85:4	10:4 13:12	portion 21:22	57:3	properly 64:20
period 68:19 90:1	19:24 20:1,5,6	68:11 84:19	primary 24:9	65:16
90:2	20:16,18,20	87:17 104:10	principal 41:11	property 16:4,18
periodically 62:25	23:21 25:7	106:22 107:17	prior 21:20 23:19	20:14 23:3,9
permeates 86:15	31:14 32:1,3,4	position 76:17	106:11	39:21 42:1,18
permit 37:6,12	32:11 33:2	positioned 23:9	Pritchard 98:22	42:23 43:1 53:9
permitted 19:18	34:13,18 36:2	positive 26:15	98:22 99:1,10	54:11,12,16

<p>58:23 76:14 82:9,11,15 101:10 102:3 103:1,13 proponent 95:3 proposal 40:3 68:23 proposed 21:13 26:8,23 27:6 28:19 31:18 42:12 44:18 65:22 67:17 68:17 90:16 proposing 13:13 19:7,8 43:23 46:10 74:12 prosperity 29:3 protect 44:4 protecting 44:3 Protection 51:21 provide 7:21 8:6,7 17:4 19:22 20:9 27:11 30:12 35:3 39:5 85:9 85:10 94:16,17 provided 51:19 84:18 Provident 22:24 42:1 70:11 provides 49:20 providing 12:15 27:4,8 78:3 provision 27:18 provisions 54:15 66:7 proximity 75:25 public 3:15 4:11 8:6,6 26:20 27:14 28:20 29:3 31:24 35:14,18 45:20 46:6 50:10 77:10,10 84:19 104:10 106:22 107:20 108:1,4 110:6,19,20 113:3,17 pull 11:9 13:12 29:25 49:9,11 59:16 82:17 pulling 95:6 pumps 47:4 purpose 19:20,21 26:17 28:24 29:4 47:5 purposes 31:12,13 31:14 40:23</p>	<p>47:11 purview 21:15 pushed 21:8,10 put 7:16 14:24 30:19 33:2 34:7 34:13 47:3 54:11 69:3,5 73:21 74:20 87:16 90:23 97:12 101:1 102:8 108:18 111:13 putting 17:5 46:2 P.O 41:2</p> <hr/> <p style="text-align: center;">Q</p> <p>qualifications 18:7 qualified 18:25 41:18 qualify 40:22 quantifying 63:24 quarter 8:3 question 4:14 5:3 15:7 19:7 22:17 25:5 29:20 32:19 34:16,17 35:4 36:6,23 37:25 38:7,24 39:7 40:15 41:23 44:5 46:8 46:10 47:22,23 49:15 50:17 51:10,11,13 52:25 55:10 58:25 69:23 70:5 72:9,25 74:14,15 78:15 80:20 82:8 84:5 85:13 86:4 87:5 88:11 98:12,23 99:7 101:11,23 101:25 102:9,12 102:14,16 103:8 103:19,21 104:1 104:8 106:4 108:15 questionable 50:23 questioning 50:6 55:4 110:19 questions 3:8,14 4:10,20 9:15,18 15:5 18:2,22 19:15 29:17 31:8 35:14,20 36:2 37:21</p>	<p>40:13 50:24 52:16,18 60:6,8 62:11 66:9,19 69:22 73:5 76:1 80:7 82:3 84:3 88:5,8 96:22 100:23 105:4,12 105:14,20 106:25 107:6,19 108:12,13,15,18 108:24,25 109:7 109:9,12,15,17 109:18,25 110:4 110:15,24 quick 10:20 35:13 quickly 18:9 quite 51:9</p> <hr/> <p style="text-align: center;">R</p> <p>R 1:14,23 5:10,10 18:10,10 35:23 35:23 37:23 40:24 41:1 70:1 70:1 75:18 82:4 83:24 88:6,6 98:20,20,20,20 100:20 radios 22:7 radius 33:19,20 33:22 47:18 59:12 71:21 railing 61:5 rain 62:21 rains 86:12 raise 51:7 raised 101:21 105:4 ramp 79:23 ramps 12:14 79:18 rate 65:2,5 rateable 21:23 27:1 Ray 1:12 reach 45:10 reading 28:24 ready 36:11 real 12:8 63:15 really 4:23 7:5 9:14 13:7 14:8 22:19 24:3 25:23 31:18 43:7 51:1 52:5 52:12,19 53:24 55:16 61:3,4 63:1,21,23 65:7 66:10 68:13</p>	<p>75:24 80:2 81:7 105:21 109:20 109:24 112:3 rear 11:21,22 42:9 62:8 74:20 reason 19:16 27:10,23 28:7 30:10 31:11 38:18 42:16 50:17 51:23 85:2 90:3 98:13 102:6,11 reasons 17:18 26:11,14 27:22 28:9,10,12 32:9 49:6 72:17 rebuilt 60:19,25 recall 18:5 recap 76:10 received 4:4 7:12 18:16 recess 35:16 55:13 recessed 55:18 56:1 recharge 42:8,13 42:24 56:25 57:4 recharged 57:7,15 recharges 45:9 57:4 recommendations 20:5 recommends 27:11 record 18:7 40:23 56:4 104:18,21 108:9 recording 111:25 recreational 27:13 rectangular 67:15 redesigned 33:2 redeveloping 21:19 redevelopment 8:17,18 28:5 50:1,2,3 104:6 redid 56:16 redone 56:17,19 reduce 14:7,8,18 23:18 34:13 reducing 46:4 47:24 reexamination 20:20,25 reexamined 21:1 refer 76:25</p>	<p>reference 76:18 referred 33:21 referring 50:25 regard 9:14,15 52:22 85:13,14 86:5 87:13 109:12 regarding 18:23 21:18 36:2 37:25 40:15 47:23 50:13 regional 9:7 regulations 51:12 73:7,9,10,12,17 73:25 74:2,16 rehabilitate 73:18 rehabilitated 73:6 rehabilitating 73:2 75:6 rehabilitation 75:4,9 rejuvenate 27:2 relate 26:10 relation 20:16 relationship 11:10 68:14 relative 4:23 5:7 105:15 113:9,11 relatively 8:15 12:7 61:15 82:25 release 107:8 110:5 released 3:16 86:15 107:22 releasing 107:13 relevant 51:17 52:8 104:16 109:24 rely 108:22 remain 46:1 remember 89:25 96:3 removal 47:24 48:1 77:21 78:24 remove 49:17 95:8 removing 46:1 rep 48:17 59:5 88:3 repair 58:19 60:11 61:15 62:4 75:10 replace 26:24 61:3 87:19 replaced 61:19</p>
---	---	--	---	---

62:5,6,8,10 64:16 replacing 19:9 28:3 replicate 61:1 report 6:3,6 9:18 21:1 51:16 60:12 65:9 75:13 reported 7:4 Reporter 113:4 reports 20:21,25 represent 94:20 97:16 representation 82:1 represented 41:15 representing 3:2 represents 20:13 21:13 27:23 request 14:5 54:25 104:1 requested 56:17 99:2 requesting 100:7 require 4:22 20:7 25:20 43:20 90:23 required 23:13 37:14 46:15 51:11 53:18 57:5 66:16 98:1 110:15 requirement 13:15 14:15 66:13 requirements 20:23 23:22 26:11 27:16 53:19 66:11 94:18 99:8 100:5 requires 4:25 25:25 26:1 74:18 requiring 23:12 research 4:22 residence 26:25 resident 40:12 75:22 residential 15:24 21:22 22:8 27:7 27:13 43:21 97:13 101:6 residential/com... 20:8 residents 70:9,10	100:12,12,16 respect 66:1 100:5 respectfully 20:14 respective 27:15 respond 108:1 response 98:12 rest 110:6 restaurants 22:4 22:7 restored 78:2 restricting 37:9 restrictive 64:8 resubmitted 56:17 result 43:25 110:1 retail 20:9 59:2,2 retrofit 73:14 reveal 22:24 revenue 102:7 review 3:4,17 6:6 19:25 31:8 33:17 50:15 88:12,18 106:11 reviewed 3:3 33:20 58:1,15 reviews 33:1 Richard 1:6 rid 39:25 right 8:2 10:9 11:16 13:2 15:10,15,18,21 19:18 22:20 25:13 42:9,13 46:9 48:20,25 52:23 55:14 56:22 60:7 67:7 67:9 71:10 72:3 82:7 83:3 90:24 91:16,18 92:23 93:23 94:23 98:18 101:18 111:21 112:4 right-hand 39:9 48:19 right-of-way 17:2 right-turn 8:23 River 18:20 road 7:10 21:9 23:6 37:5 55:14 67:3 69:6 87:21 97:17 100:2 103:15 roadway 69:3 79:20 80:4 87:1 89:9 92:19 99:25 Robert 1:9 69:25	rode 72:22 Rokowski 82:6,6 82:15,18 83:2,8 83:12,21 role 52:8 Roll 2:1 roof 62:9 66:21,24 room 38:7,9,10,25 59:5,9 63:20 roots 42:19 43:8 rotting 60:22 61:20 route 72:20 row 65:1 rules 109:8,9 ruling 21:16 run 22:10 41:10 59:15 runoff 85:13 runs 11:15 Ruth 1:10 Ryan 1:6 2:1,2,3 2:19 3:25 4:3,7 4:12 13:4 14:20 14:25 15:3,6 18:2 29:19 31:1 31:6 32:17 33:13 34:15 35:12,17 37:22 40:7 41:19,22 50:5,9 51:16 55:3,21 56:12 60:8 66:18 69:17,21 75:17 76:10 83:23 96:24 102:14 103:19,23 104:9 104:22 105:21 105:23 106:4,16 106:21 107:9 108:11 109:3,22 110:2,11,17,20 111:1,6,12,21 112:5	75:24 76:3 77:9 77:13 93:12 97:7 sagged 61:12 sagging 61:15 salon 25:6 salvageable 61:4 Salvatore 1:22 sand 62:24 63:8 63:12,22 64:13 64:21 65:12 satisfaction 22:15 satisfied 29:9 110:23 satisfies 26:15 satisfy 13:10 53:19 54:6 97:25 98:12 99:21 saturated 6:7 save 14:10,18,23 34:12 35:19 saving 77:24 saw 11:23,23 saying 52:12,14 52:17 59:24 98:15 109:6 Sayreville 65:12 says 51:2 53:2,4 68:15 94:11 scale 42:25 46:21 scenter 67:16 schedule 79:1 87:18 school 6:18 8:11 11:14,19 12:3,8 12:18,19 15:23 39:20 63:19 75:24 76:19,20 76:20 77:9 78:11 80:11,25 81:3,11,12,19 89:15,16 schools 46:4 75:25 school's 11:10 Schoor 41:11 85:6 scoot 91:5 92:14 scratch 60:19 screening 43:20 43:25 44:2 screw 61:10 seamless 85:8 second 20:18 27:4 27:10 31:22 33:8,21,24 34:1 61:21,24 84:15 secondly 81:6	secretary 1:11 111:25 section 22:3 27:4 27:11,23 36:7 106:24 secure 73:22 security 48:15 73:13,21 74:18 76:4 77:13 sedentary 65:2 see 8:16 10:4,8,11 11:9 12:8 15:8 15:25 16:2,24 17:11,20 34:7 34:11 43:6 48:25 49:21,24 55:15 56:6 58:2 59:19 60:15 64:20 65:15 67:5 79:17 81:11,18 89:8 93:3,11 94:1,4 95:20 99:18 100:1,10 104:5 104:19 109:9 seen 14:2 56:18 93:1 selling 103:15 send 15:24 108:19 sending 15:22 sensible 22:2,6 sent 4:2,5 separate 39:10 50:11 84:24 91:18 September 3:20 81:16,17,19 septic 62:21 64:15 series 32:15 62:19 serve 22:8 service 22:5 29:8 48:17 59:5 84:12 88:3 services 52:8 session 80:25 set 27:6 36:18 99:4 113:8 setback 21:13 settle 63:11 seven 87:10,11 102:5 103:3 sewer 86:24 Shade 40:12 Shakarjian 84:2,2 84:8,11,14,21 85:2,12,17,21 86:1,4,19 87:3
		S		
		S 1:14 5:10,10 18:10 35:23 37:23,23 60:2 75:18 82:4 83:24 safe 12:15 92:5,8 safely 99:2,11 safer 23:8 30:5 safest 94:17 safety 20:19 23:3 26:20 49:19,21		

88:4 Sharma 54:11 sheet 56:4 79:16 shoot 93:6 shopping 25:6 49:8 53:6 short 78:14 100:23 shorter 17:10 105:6,8 Shorthand 113:4 show 10:9 16:13 16:13 42:12 60:23 61:8 106:9 showed 38:13,14 60:14 103:10 showing 14:23 shown 16:14 58:12 79:16 shows 11:12 39:6 58:13 77:5 Siamese 47:3,4 SIC 50:25 side 10:8,22 11:4 11:5,17 12:25 32:25 36:4 38:17,17 39:5 40:16 42:1 43:8 43:12,14,24 44:2,11 46:20 48:19 67:11,16 69:9 82:22 88:19 89:9 90:24 91:4,17 100:11,13,16 103:11 sides 76:14 sidewalk 36:15 79:20 87:1 92:15,18 93:23 93:25 94:4 sidewalks 12:23 siding 62:3 sight 36:5,12,19 36:21 74:5 92:12 94:25 95:2,15 sign 98:23 99:8 signage 99:1,8,11 99:22 100:4 signal 7:20 8:1,5,7 8:8,14 9:8,11 signals 6:20 7:24 8:4 significance 51:25 significant 5:25	8:19,22 11:23 11:24 12:10 23:20 43:24 significantly 81:24 83:18 signs 100:1 silt 63:14 similar 68:22 97:19,21 similarity 68:21 simultaneously 16:22 single 95:16 sir 19:25 50:18 sistered 61:19 site 1:4 4:24 5:3,8 5:17 6:2,21,24 6:25 8:25 9:17 10:1,8 11:3,4,10 11:13 12:3,8,16 12:20 13:12,23 16:15,16,18 19:7,24 21:11 23:12 25:5 28:4 31:17 36:2,4 40:16 41:9,10 43:23 44:7,12 44:13,14 45:8 45:13,22 46:14 48:1 49:7 52:25 53:16 56:5 59:21 62:12 64:2,4 67:18 68:8,9 69:16 72:14 74:24 76:16,19 78:12 81:25 85:7 86:7 86:7,8,23 87:14 89:3,9,20 90:11 90:12,19 93:13 95:25 96:6 97:5 97:24 98:11,16 101:5,10 sites 25:4 58:6 85:24 86:1 site's 75:25 sits 37:11 67:15 sitting 36:11 situation 15:8,17 23:8 25:24 65:12 91:9,11 93:9 94:6 six 11:3 34:25 76:13 87:10 102:5 103:3 106:6 size 5:23 43:7	46:16 57:23 sizeable 14:12 sizes 13:18 skip 56:11 slanting 49:2,19 slight 79:24 slow 95:20 slowly 49:10,12 small 44:22 52:2,7 85:24 86:1 smaller 9:24 sneak 109:10 snow 47:24,25 48:6 snowed 111:23 snowing 111:10 socket 46:25 47:8 soil 57:5 solely 41:8 solid 104:21 somebody 30:8 33:8 70:18 83:12,13 91:2,5 92:10,13 93:5 someplace 48:23 somewhat 103:2 sorry 30:22 46:13 79:6 80:6 89:1 96:20 97:3 108:3 sort 104:2,11 sound 22:2,6 source 63:13,16 south 8:1 10:8,23 11:20,24 12:1 12:11 32:25 36:4 38:17 67:11,15 69:14 81:25 82:10,11 82:22,23 88:15 88:23 89:9 91:5 91:6 93:7 100:13,16 southbound 6:23 36:24 83:3 southern 88:15 southwest 11:14 spa 82:15 space 9:5 23:13 25:18 27:5,8,12 27:19 30:12,19 48:7,9 spaces 13:7,13,14 13:16,21,22 14:4,16 27:14 30:9 32:21 40:1 40:4 44:9 47:25	48:22,22 49:2 49:18,19 95:6 spacing 8:4 speak 2:23 46:11 79:5 97:1 98:24 103:23 speaks 32:2 special 26:11 27:10,23 28:7 28:12 31:11 32:8 78:18 species 45:23 specific 5:23 6:3 9:9 31:7 69:22 74:4 specifically 5:14 6:23 10:24 28:24 80:9 81:22 82:13 89:25 94:11 specification 99:4 specify 70:17 speed 99:25 speeds 95:5,9 spends 87:20 spilling 55:16 spoke 89:7 spot 30:8 spots 32:20 sprinkler 46:15 47:5,17,17 sprinklers 47:2 square 19:9 25:17 25:19 58:6 59:1 59:6 stack 38:14 stacked 33:24 stacking 23:2,11 25:24 38:20 stacks 38:13 staff 59:2 87:16 stall 13:18,19,19 14:4 standard 22:19 26:3,4 34:9 58:4 61:7 65:19 66:13 standards 24:4 74:13 standpoint 24:23 stands 98:6 Starbucks 103:14 start 84:4 107:23 started 90:18 starting 78:19 state 5:10 26:19 41:1 51:20,23	52:17,20 53:2,8 53:15,16,20,25 54:3 78:22 89:1 89:2 113:4,17 stated 20:11 23:1 71:3,6 statement 46:8 49:15 72:9 102:13 109:11 statements 54:9 108:5 States 58:5 state's 66:3 station 55:15 69:1 69:4,5 statutory 99:21 stay 63:4 64:1 87:22 90:25 stem 64:6 stenographically 113:6 step 54:21 steps 53:17 Stieber 35:25 36:1 36:10,22 37:6 37:11,16,20 Stochel 50:25 stone 63:8,9 stop 72:21 83:3,6 83:9 93:25 103:14 stopped 72:15 93:23 94:4 stopping 45:16 83:3,13 storage 86:18 store 25:3,3 53:6 102:19,22 storm 67:8 86:24 stormwater 40:18 66:3 85:13 86:9 straight 42:15 48:23 65:10 66:22 67:2 straighten 33:10 stream 7:3 45:11 street 6:7,16,19 7:6,7 8:5,20 10:5,16,22 11:1 11:6,15,17,22 15:13,25 16:7 16:14,25 19:3 22:11,23 24:24 24:25 26:9,9 27:2,9,20 28:6 29:25 30:4,9 36:1,12,13,24
---	--	--	--	---

45:6,10 46:20 46:20 47:9 50:1 50:2,3 55:13 56:9,23 57:1 59:13,18,21 66:22 67:13 68:22 69:13,14 69:16 79:14 81:25 82:7,8 88:14,15 90:7 91:12 93:2,7,12 94:10,12,12,14 94:15,22 95:9 95:11,12,12,15 95:16,17 97:10 100:2 streets 12:19,24 95:3,4,5 stretch 80:3 81:24 strictly 35:4 strip 43:22 stripe 38:15,19 structural 75:12 75:13 85:15 structure 19:9 21:20,21 23:2 28:3 37:13 51:14 52:13,21 61:5 67:14,16 73:3,4,5,8,16,19 73:22 74:3,5,22 75:2,6,7,9,15 structures 64:23 94:21 students 78:10 81:21 89:10,21 studies 10:21 26:6 58:3,11 70:8 84:4,6,22,24 studio 25:3 study 36:3 51:12 57:17,22 80:22 81:5,10 82:10 82:12 84:8,11 84:15,19,20,25 85:1,3 88:12,16 89:1,8,11,14,21 89:24 stuff 63:17,18 style 57:23 SU 9:21,23 10:9 10:12 subcontractors 78:23 subject 55:1 subjected 66:7 subjects 106:7	submission 66:12 submit 20:14 submitted 10:13 55:24 subsection 26:17 substantial 28:19 successful 24:20 24:22 sufficient 27:11 27:19 36:12 49:6 suggest 111:2 suggesting 53:11 suggestion 53:12 suitability 26:11 31:17 96:6,12 97:25 suited 31:17 96:1 96:9 97:5,24 98:11,16 summary 110:22 summation 107:23 108:4 super 77:18 superintendent 76:15 supermarket 102:20 supervision 76:24 supplemental 84:25 supplies 45:15 supply 45:12 support 10:3 19:23 24:21 25:16 27:1,2 71:15 74:25 75:3 supported 17:14 25:16 supporting 61:8 61:16 supposed 103:6 suppression 46:14 Supreme 20:11 sure 5:4,8 35:15 42:6 51:9 52:5 52:19 63:25 70:7 73:9 100:18 109:10 surface 79:23,24 86:12 surrounding 19:12 63:8 67:18 surroundings 95:10	suspect 111:24 suspended 62:14 64:1 SUV 48:24 49:7 59:18 92:13 SUVs 9:16 sworn 4:9 5:12 18:6,11 35:23 37:23 40:8,22 40:25 41:3 55:7 60:3 70:2 75:19 82:4 83:25 88:6 98:20 100:20 system 47:5,12,17 56:25 57:2,4 63:3,4 64:15 67:5,10,17 85:15,17,18 86:10,24 systems 85:22 T T 18:10 35:23 37:23 60:2 70:1 82:4 88:6,6 98:20 table 65:10 Taco 103:13 take 5:6 35:13 36:19 43:4 62:3 67:20,23 70:14 74:20 89:21 94:8 100:25 109:1 taken 17:20 28:17 35:16 62:25 76:3 113:6 takes 67:21 talk 13:8 32:21 40:14 43:17 53:21 107:18 111:16 talked 10:19,20 13:16,17 17:7 32:20 39:25 talking 14:17 31:19,19 33:18 34:25 42:7,7 52:22 82:14 93:11,18 96:14 105:10 107:13 107:14,23 111:14 talks 52:4 tall 76:13 tandem 30:19 task 44:25	tax 27:3 101:10 103:6 104:3 taxes 101:24 taxpayers 28:6 technically 57:5 103:5 111:8 techniques 27:25 technology 24:3 telephone 24:8 tell 39:20 43:5,10 52:5 54:20 88:21,22 108:17 teller 48:14 74:7 tellers 48:16 74:4 74:23 87:19,20 88:2 telling 50:19 ten 43:9 105:23 tend 34:8 45:13 tendency 29:1 tends 78:5 ten-foot 13:19 ten-mile 71:21 termite 60:21 61:25 termites 62:1 terms 32:10 53:9 70:9 71:2 74:2 76:19 86:20,21 testified 5:12 testified 11:8 18:11 22:18 25:12 26:6,8 28:14,14,15 35:24 37:24 39:11 40:9 41:3 41:13 50:7 55:7 58:10 59:2 60:4 60:11 68:15 69:18,20,21 70:3 75:19 76:8 78:15 82:4 84:1 87:11 88:6 89:2 95:25 96:5 97:4 97:17 98:21 99:3,14 100:20 testify 40:21 96:8 98:9,11 testifying 92:3 99:19 100:6 testimony 18:17 18:19,22 19:20 19:21 25:22 28:18 31:10 32:7 54:13 55:21 56:23 58:20 60:9	72:11 76:23 80:7,21 85:10 95:23 97:23 98:2 113:6 texturized 79:25 thank 4:17 13:3,4 14:20 29:19 32:17 34:3,15 35:11 37:21,22 40:6,7 41:20 44:17 55:2,5 56:6 59:25 60:1 67:19 69:24 75:16,17 82:2,3 83:23 85:12 87:3 88:4,25 90:6 98:19 104:8,24 111:7 112:5 Thanks 100:19 theory 64:25 they'd 37:18 thin 43:22 thing 34:5 42:7 51:22 65:11 92:5,6 107:24 things 31:15 34:11 60:14 66:14 91:24 104:20 105:15 105:16,16 think 4:5,21 6:9 7:7,12 9:6,18 11:10 12:15,17 13:15,17 14:6 14:13 17:15,18 23:17 25:6 29:24 30:4 32:6 33:12,14,17 34:5,10 35:12 37:1 44:7 48:3 49:20 50:24 53:25 54:10 59:15 62:17 66:18 72:2 73:22 77:17 89:7,7 93:15 95:11 96:5,7 102:15 104:4,12 107:18,21,25 109:20,23 111:3 111:5 112:2 thinking 47:7 86:20 Third 27:11 thought 15:17,18 48:3 59:6 67:1
--	---	--	---	--

28:15 33:16	39:3 91:14,15	103:22 105:5,17	32:11 107:8,13	102:11,24 103:8
34:4 36:9,16	92:17 93:2 94:6	105:18	108:13,21 110:5	103:21,25 104:7
37:1,8,15,18	waiver 54:23	ways 95:19 96:18	110:14,19	zone 19:4,18 20:7
38:3,12 39:3,10	walk 24:5 31:4	wearing 40:11	wondering 56:24	22:1 23:23 32:1
39:18,22 44:15	79:23 81:19	weather 62:4	86:20	32:3 35:6 57:5
44:18,20,25	92:20	81:18	wood 60:17 61:5	98:17 101:16,16
47:21 49:5,20	walked 81:23	week 81:1,13,20	73:23 75:2	101:24
53:22 57:18,21	walking 81:8	89:15	words 4:24	zoned 101:6
57:25 58:4,10	89:17 92:13	weekends 79:1,1	work 14:21 54:4	102:16
58:17 68:2,7,9	walkway 31:3	weeks 81:2 101:3	72:18 76:6,18	zoning 1:1 19:22
68:13,24 69:2	walk-up 24:8	weigh 75:2	77:19 78:5	20:2,6,13,16
69:11 71:7	29:21 30:6 36:7	weighs 75:1	105:1	21:14 23:22
72:12 79:15	74:20 80:18	welcome 34:4	worked 106:25	25:8,19 28:23
81:9,17 82:12	walls 62:2,4	104:7	working 62:23	29:4 31:12 32:1
82:16,19,21	want 15:24 35:6	welfare 26:21,23	64:20 65:11	35:3 50:23
83:6,9,16 84:7	39:2 42:6 53:1,1	42:21 77:9	76:25 87:8,12	
84:10,13,17,23	53:2,3 55:22	went 11:25 12:1	87:14	<hr/> \$
85:5 88:9,10,16	69:13 70:16	64:25 67:2 90:3	works 16:9 86:11	\$200,000 101:19
88:21 89:6,18	79:6 80:13	weren't 24:12	87:24	
89:23 90:9,14	82:18 97:1	83:18	worn 28:3	<hr/> 0
90:16,22 91:7	102:6 104:10,19	west 12:1 39:5	worthy 78:2	07444 1:16
91:10 92:2,7,16	108:8 109:19	we'll 35:13 43:17	wouldn't 5:25 8:7	07726-0900 5:11
93:8,24 94:3	wanted 3:11 6:2	54:2 59:12	8:8 9:3,4 10:2,3	41:2
95:2,21 96:3,8	14:22 55:6	78:23 87:18	15:20 38:14	08850 60:3 70:2
96:17 97:2,11	66:14 75:25	we're 6:17 13:13	47:3 53:7 67:22	75:19 83:25
98:3,7,15	80:5 81:4	31:18,19 39:12	78:11 91:1,25	
Verderese's 25:22	wants 35:5,5	42:6,7 43:12	92:21 96:15	<hr/> 1
versa 12:5 16:11	37:13 69:14,16	46:4,5 59:4 65:9	97:9	1 25:18 34:9,10
version 4:6	100:10 102:17	74:12 87:24	writing 108:18	1.6 34:17
versus 14:1 20:10	warmer 81:18	90:18,24 93:11	111:13	10 38:23 104:3
68:14 70:10	warning 79:22	93:13,18 94:13	written 89:25	100 8:24,25 14:1
75:7	warrant 8:8	94:16 96:14	wrong 37:12	25:19 34:9
vestibule 31:4,5	warranted 77:6	102:7 105:10,12	60:14	11 42:25 105:24
vice 12:5 16:11	Warren 20:11	we've 12:15 14:1		11:00 96:25
vice-chair 40:11	21:16	14:2 17:4,14,25	<hr/> X	107:10
view 19:23 35:2	Washington 1:1	19:13 21:9 23:9	X 1:19 75:18	11:15 107:11
92:22	8:2,15 88:14,15	31:15 32:9	102:25	12 89:11
viewed 106:12	88:17,23,24	43:13 58:11	<hr/> Y	135 60:2
violations 58:22	wasn't 7:6 44:25	69:17 90:17	Y 40:8,8 75:18	15 36:19 38:23
58:23	56:7,9 81:20	91:22 93:9	yard 21:5,7,13	105:17,25
virtually 22:14	97:24	whatnot 99:9	Yarnell 83:24	15-year 104:3
virtue 28:2	water 45:9,12,15	wheels 36:14	yeah 9:20 10:12	150 46:22
visibility 74:3,18	46:25 47:4,7	wide 10:11 12:12	10:18 13:5 15:2	151 28:23
visited 89:20	57:3 60:21 62:2	23:6 90:15,17	48:8 63:9 65:3	1585K 22:3
visual 27:24 28:2	62:21,21 63:11	wider 14:4 91:15	69:2 86:5 107:4	170 68:10,15
visually 29:13	64:3,22 65:10	width 23:6 38:1	108:23 111:1	18 1:22 42:24
volume 12:6 69:1	86:5,6,7,25	39:13	year 2:22 3:1	19 36:18 83:24
83:17	way 6:10 11:17	William 1:10	54:14 81:3	1974 41:8
volumes 82:24,24	22:10 23:8,16	wind 78:6	years 41:16	1979 41:8
82:25 83:10	37:11 44:1,7	winding 107:23	yield 52:9	1990 18:16
<hr/> W	53:18 59:7	window 25:6		1996 20:20
W 40:8 82:4	61:12 64:1,9	60:15	<hr/> Z	
Wachovia 22:24	72:18,20,21	winter 111:10	Z 100:20	<hr/> 2
70:11	73:14 75:2	witness 1:20	Zambrana 100:22	2 78:6
wait 94:5	86:11 91:22	29:18 96:23	100:22 101:5,9	2,500 8:2
waiting 9:3 38:19	92:18 93:21	98:5	101:13,18 102:2	2:30 78:6,7
	102:8 103:1,12	witnesses 3:5,12		20 13:24,24 14:17

17:9 39:23	5 1:21 42:22 56:4
90:17,18,20	50 71:4 72:4,24
20th-century	100:2
52:10	51 1:4 19:2
20-foot 39:13	
200 5:10 8:22 16:6	<u>6</u>
16:20 25:20	6 75:18,21 80:18
34:10 41:1	87:25,25 89:7
2002 21:2	89:12 101:3,3
2006 3:19,20	6:30 78:7
2007 1:2 113:20	60 46:22
21st 81:15,22	627 1:16
89:20	
24 101:3	<u>7</u>
24-hour 77:5	7 38:22 89:10
24-7 77:5	7th 81:13 111:7
245 70:1	7:00 78:7
25 10:11 13:13	78 36:1
14:17 17:1 38:4	
38:5,20 41:16	<u>8</u>
90:18	8 80:12,14,18,19
25-foot 38:14	89:10 101:3
26 68:18	113:20
28 101:3	8-foot 38:22
28th 3:20	8:00 89:4
290 8:23	8:30 80:12
	80 7:8
<u>3</u>	89 82:7
3 1:2,4 19:3 29:7	
87:24,25 89:11	<u>9</u>
90:2	9 80:15,19,19
3,700 19:9 59:1,6	87:24 89:10
3:00 89:5	9:00 89:5
3:30 90:2	90 8:25
30 9:21,23 10:9,12	900 5:11 41:2
17:1 61:18	94 19:3
100:3	98 87:1
31 89:12	
35 68:18	
365 64:25	
38 13:16 14:15	
34:11	
39 1:1	
<u>4</u>	
4 29:12 42:14	
89:11	
4th 3:4,19	
4:00 89:5	
40:55-2 26:16	
400 25:17	
41 1:23	
4336 18:16	
45 86:13	
46 86:13	
<u>5</u>	