

1 1 TOWNSHIP OF WEST ORANGE 2 DEPARTMENT OF PLANNING AND DEVELOPMENT 3 MONDAY, JUNE 23, 2025 4 6:30 P.M. 5 RE; PB-24-01 WEST ESSEX HIGHLANDS, INC. 6 7 8 BOARD MEMBERS: 9 ROBERT BAGOFF, Chairman 10 SUSAN McCARTNEY, Mayor 11 JERRY GUARINO, Vice Chairman 12 KEN ALPER 13 SUSAN SCARPA, Council Person 14 WILLIAM WILKES 15 16 JOHN J. HESS, Engineer 17 GERARD HAIZEL, Planner 18 JAMILET BAQUERIZO VITE, Board Secretary 19 GENIECE GARY-ADAMS, Zoning Official 20 JOSEPH FAGAN, Zoom Moderator 21 22 23 WITNESS: 24 JOHN McDONOUGH, Planner 25 26 FISHMAN COURT REPORTING AGENCY 27 89 HEADQUARTERS PLAZA NORTH 28 4 SPEEDWELL AVENUE, SUITE 1440 29 MORRISTOWN, NEW JERSEY 07960 30 (973) 285-5331 - FAX - (732) 605-9391	3 1 2 INDEX OF EXHIBITS 3 EXHIBIT DESCRIPTION PAGE 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
2 1 APPEARANCES: 2 3 HUTT, SHIMANOWITZ & PLOCKER, ESQS. 4 BY BRYAN D. PLOCKER, ESQ. 5 Bplocker@huttshim.com 6 459 AMBOY AVENUE 7 WOODBRIDGE, NEW JERSEY 07095 8 Appearing on behalf of the Applicant 9 10 GACCIONE & POMACO, ESQS. 11 BY DIANA P. McGOVERN, ESQ. 12 ONE BOLAND DRIVE, SUITE 102 13 WEST ORANGE, NEW JERSEY 07052 14 Appearing on behalf of the Board 15 16 17 18 19 20 21 22 23 24 25 26 BRUCE I. AFRAN, ESQ. 27 10 BRAEBRUN DRIVE 28 PRINCETON, NEW JERSEY 08540 29 Appearing on behalf of the Objector, We Care NJ 30 Corp.	4 1 CHAIRMAN BAGOFF: PB-24-01 West Essex 2 Highlands, Block 179 Lot 32 Zone IH-1. Warner Road. 3 The applicant is proposing to develop a 496 unit 4 inclusionary multifamily residential development on a 5 vacant 120 acre property in the northwest corner of the 6 Township of West Orange. 7 Mr. Plocker, for the applicant. 8 MR. PLOCKER: Hi. Good evening everyone. 9 Bryan Plocker on behalf of the applicant, West Essex 10 Highlands, Inc. And tonight we brought with us back as 11 we promised John McDonough, our professional planner, 12 who gave affirmative testimony back in January. Mr. 13 Afran, on behalf of the objector group, couldn't attend 14 that meeting so we promised to bring Mr. McDonough back 15 for cross examination and he is here. 16 CHAIRMAN BAGOFF: Mr. McDonough, you 17 understand you're still under oath? 18 MS. McGOVERN: I'm going to reswear him. 19 Do you swear or affirm to tell the truth the 20 whole truth nothing but the truth. 21 THE WITNESS: Yes, I do. 22 MS. McGOVERN: Thank you. 23 J O H N M C D O N O U G H, having been duly 24 sworn under oath testifies as follows: 25 CHAIRMAN BAGOFF: Mr. McDonough, your

5 1 credentials are well known to the Planning Board. 2 Any member of the board have any questions 3 about Mr. McDonough's credentials? None. 4 Go right ahead, Mr. Afran. 5 MR. AFRAN: One housekeeping matter briefly. 6 It is brought to my attention, I know, I know Ms. Scarpa 7 has been attending remotely for personal reasons. It is 8 brought to my attention she can't ask questions because 9 of the nature of the link. Now, I know she's asked 10 questions before, in fact I noted the record put one to 11 Mr. McDonough. It is our position that if possible 12 going forward we could get a link for her either to call 13 directly in on a phone so she could ask questions, we 14 feel that is causing an absence of something in the 15 minutes. So I'd like to ask that consideration be given 16 for that for next Monday, if at all possible. 17 CHAIRMAN BAGOFF: Problem is that we have to 18 offer that to all members of the public. 19 MR. AFRAN: Well, I don't want to take to 20 much time now because we're trying to be efficient 21 tonight. I could raise, I could send a note maybe and 22 we could follow-up on the subject. 23 CHAIRMAN BAGOFF: Okay. That will be fine. 24 We'll discuss that at the next meeting. 25 MR. AFRAN: Good evening, Mr. McDonough.	7 1 questions and that's what's happening, or if they send 2 me a question and I relay it and it's done in public so 3 that everybody can hear it. 4 MR. AFRAN: No, I appreciate that. I raise 5 the issue as it was brought to my attention, I did not 6 have any knowledge on the subject. 7 MS. MCGOVERN: With respect to this witness, 8 Ms. Scarpa already asked questions, so it is really not 9 an issue tonight. 10 MR. AFRAN: No, not an issue tonight. 11 Appreciate your consideration. Thank you. 12 Q. Good evening, Mr. McDonough. 13 A. Good evening, Mr. Afran. 14 Q. Thank you for coming back. I know you have 15 another meeting, I appreciate you coming back tonight, I 16 was unable to be here, so we'll try to be expeditious. 17 A. Thank you. 18 Q. Now, you noted in your testimony that this 19 satisfies one of the goals of planning, namely providing 20 affordable housing? 21 A. Correct. 22 Q. But there are other goals in the MLUL, for 23 example, normally to be incorporated into zoning 24 ordinances, isn't that true? 25 A. Yes. That's true, yes.
6 1 MS. MCGOVERN: I'm going to say one thing. 2 All of the board members who are not available, like 3 last meeting there were a couple of board members who 4 are watching it live stream because for one reason or 5 another, personal emergency or whatever the case may be 6 couldn't be here, they're all advised if you have a 7 question that you want answered bring it to me and we 8 can ask that the witness be brought back to ask the 9 question. And I received no information from any of the 10 board members. It has happened in the past a couple 11 months ago, where we did have one of our board members, 12 Mr. Klein wasn't here, he came in and he said I missed 13 it but I do have some questions because he watched the 14 tape. They're not foreclosed from asking questions. 15 MR. AFRAN: I appreciate that. I was simply 16 raising the issue that was brought to my attention. 17 What Ms. McGovern is saying is logical, it wasn't 18 something I was aware of. I just brought to your 19 attention what I was told and, you know, I am not 20 suggesting I have any position one way or the other. I 21 just wanted to bring it to your attention. 22 MS. MCGOVERN: Understood. We aren't 23 precluding anyone from asking a question and making that 24 available to the board members for sure, but it must be 25 done in the public where they're here and they ask	8 1 Q. And could you state the other goals? 2 A. Sure. Well, there's about 18 or so under the 3 Land Use Law. 4 Q. Let me do it shorter then. I will shortcut. You 5 would agree that among them, or I will select some. 6 Section C, to provide adequate light, air and open 7 space? 8 A. Yes. 9 Q. Section D, to ensure that the development of 10 individual municipalities does not conflict with the 11 development and general welfare of neighboring 12 municipalities? 13 A. Yes. 14 Q. To promote the establishment of appropriate 15 population densities? 16 A. Yes. 17 Q. And concentrations that will contribute to the 18 well-being of persons, neighborhoods and communities? 19 A. Agreed 100 percent, yes. 20 Q. I'll skip some that don't seem relevant to our 21 particular case. 22 To encourage the location and design of 23 transportation routes which will promote the free flow 24 of traffic while discouraging location of such facility 25 and routes which result in congestion or blithe?

9 1 A. Yes, agreed. 2 Q. To provide a desirable and visual environment to 3 the various locations? 4 A. Agreed again, yes. 5 Q. J in the statute, To promote the conservation of 6 historic sites and districts, open space, energy 7 resources and valuable natural resources in the State 8 and to prevent urban sprawl and degradation of the 9 environment through improper use of land? 10 A. Yes, another purpose. 11 Q. And there are others in the MLUL? 12 A. That's correct. 13 Q. And I am citing from Section 40:55D-2? 14 A. Yes. 15 Q. So it's not just affordable housing that needs to 16 be satisfied as a matter of good planning, but rather 17 these other elements must also be satisfied? 18 A. Correct. There are multiple purposes of zoning, 19 as I understand the law it's the applicants burden to 20 show and demonstrate that it meets one or more. One or 21 more. 22 Q. Now, I understand that you did not consider the 23 impact of stormwater on the neighboring municipalities, 24 such as Essex Fells? 25 A. Well, again, my testimony relies upon the	11 1 Q. So, again, the fact that we satisfy the 2 affordable housing aspect to the Master Plan doesn't 3 mean the rest of the Master Plan is necessarily 4 satisfied? 5 A. I agree with you. 6 Q. The MLUL, particularly Section 55:D-2, is 7 intended as a guide for incorporation into the zoning 8 ordinance, isn't that right? 9 A. That's correct. That's the pre-ample to the MLUL 10 and the reason why this town and other towns get to zone 11 in the first place. 12 Q. So the zoning ordinances have to adopt those 13 standards in some form in order to comply with the MLUL? 14 A. Yes. 15 MR. PLOCKER: I am going to object to this 16 line of questioning to the extent the zoning ordinance 17 speaks for itself and to the extent these questions are 18 designed to attack the zoning ordinance. This is the 19 wrong forum or that. 20 MR. AFRAN: Well, if the zoning ordinance 21 suspends virtually every environmental rule, all 22 environmental rules as the applicant suggests, then it's 23 actually not providing standards under Section J, is it? 24 THE WITNESS: All I can say is that this 25 zoning ordinance was found to be substantially
10 1 predicate of expert witnesses that have gone before me. 2 So while I may not be an engineer, I am relying on the 3 engineering conclusions that the site will not cause a 4 negative impact from a storm water standpoint on 5 neighboring properties. 6 Q. But you would agree though that impact on 7 neighboring properties is a factor the board must 8 consider under the MLUL? 9 A. Yes, zoning and planning does not end at the 10 property lines, I agree. Municipal lines, I agree. 11 Q. Municipal lines? 12 A. Yes. 13 Q. Thank you. 14 Now, you noted that the Master Plan of the town 15 speaks to affordable housing? 16 A. Yes, the affordable housing, the housing element 17 and fair share plan is one element of the Master Plan. 18 Q. And in fact nearly every town has one at this 19 stage? 20 A. Correct. Agreed. 21 Q. And -- but the Master Plan also has other 22 objectives and goals such as preservation of open space, 23 protection of the environment and other factors like 24 that? 25 A. Indeed. Yes.	12 1 consistent with the Master Plan when it was adopted back 2 in, I believe, 2021. 3 Q. By the council. The council made that finding 4 and the Planning Board -- 5 A. But the Planning Board was in between making a 6 finding that the zoning ordinance would not impair the 7 intent and purpose of the Master Plan. 8 MR. PLOCKER: Again, I'm going to object. I 9 believe this is the wrong forum to discuss the merits of 10 the ordinance. The ordinance was adopted during COVID, 11 I watched it, there was no legal lawsuit, there was no 12 prerogative writ suit challenging the ordinance. To the 13 extent this line of questioning is seeking to challenge 14 the zoning ordinance the Planning Board does not have 15 jurisdiction over that area. 16 MR. AFRAN: Actually, I'm not here to 17 challenge the zoning ordinance, that would not be the 18 correct forum, I would agree with Mr. Plocker on that 19 point. My purpose was different. 20 Q. Now, you cited the Pizzo Mantin case several 21 times in your testimony. Now -- and you said Pizzo 22 Mantin says that we look for sound planning in the 23 ordinance, that was what you said, I think, in your 24 testimony? 25 A. Yes, the essence of good planning is routed the

13 1 zoning ordinance. 2 Q. Pizzo Mantin dealt with a case in which the 3 Superior Court found that the zoning ordinance actually 4 specifically incorporated the different standards from 5 the MLUL, such as avoiding steep slopes, avoiding 6 wetlands, protecting the environment, isn't that 7 correct? 8 A. I don't recall that specific language in there. 9 Again, I know there's always a nexus between a ordinance 10 and the Master Plan and the purposes of zoning and the 11 MLUL. 12 Q. Okay. 13 I am not going to press you if you don't recall 14 that specific language, but if an ordinance actually 15 abandons all environmental protection, as the applicant 16 suggests this one does, then the board, even under Pizzo 17 Mantin, has no choice but to look for the general 18 welfare principles under the MLUL with respect to the 19 environment -- 20 MR. PLOCKER: I'm going to object to the 21 characterization saying an ordinance is abandoning all 22 environmental protection. 23 MR. AFRAN: Well, then Mr. Plocker will like 24 to identify where it does offer environmental protection 25 if he's going to make --	15 1 A. It's part of the multiplicity of things planners 2 need to consider is environmental planning. 3 Q. Are you trained in environmental protection? 4 A. I am -- 5 Q. That was my question. 6 A. I am not an environmental scientist per se who 7 delineates wetlands and the like. 8 Q. My question was simply, are you trained in 9 environmental protection? 10 MR. PLOCKER: What's environmental 11 protection? Is there a licence in environmental 12 protection? I don't understand. 13 MR. AFRAN: I don't think I need to have a 14 license statute to understand my question. It's a 15 simple question. The planner testified several times 16 tonight as well as earlier that he thinks this is an 17 environmentally sound plan. 18 MR. PLOCKER: And he also said he relied on 19 -- 20 MR. AFRAN: I simply asking, what are his 21 credentials to make that judgement. 22 MR. PLOCKER: He also testified he relied on 23 other professionals who gave testimony in this case, 24 including the boards own professional. 25 MR. AFRAN: Actually what the gentleman said
14 1 MR. PLOCKER: I don't have to do that. 2 CHAIRMAN BAGOFF: We're going to move on. 3 The ordinance is the ordinance, it's here set in stone. 4 You may argue this in another venue, but for right now 5 it's the rules we have to work with. So I would 6 recommend you move on, please. 7 Q. Well, if the ordinance requires environmental 8 review of a site plan application that means the board 9 does have to in fact consider and explore the 10 environmental impacts of the plan, doesn't it? 11 A. Well, there is a couple forces that play in here. 12 The affordable housing regulations have specific 13 language that talks about eliminating barriers to the 14 provision of affordable housing. That said, I think we 15 can certainly agree that doesn't mean that an ordinance 16 or a site plan can be violative of environmental 17 protection regulations. I like this application for the 18 reasons that I said before, preserving 90 of the 120 19 acres is, I think, is environmentally responsive and 20 context sensitive buffers of 900 feet on one side is 21 something -- I do this every night. I never see 900 22 buffers on one side and 700 feet on another side. This 23 is a very considerate plan with respect to environmental 24 preservation, in my view. 25 Q. And are you trained in environmental protection?	16 1 was, in my opinion, and gestured to himself, this plan 2 is environmentally sound. 3 MR. PLOCKER: Would you like to rephrase 4 your testimony, Mr. McDonough? 5 MR. AFRAN: I appreciate if we wouldn't lead 6 a witness into changing his testimony. That's not a 7 proper question. 8 CHAIRMAN BAGOFF: Mr. McDonough, have you 9 had courses in environmental protection in any of your 10 degrees? 11 THE WITNESS: Yes, my undergraduate is 12 actually in environmental planning and design. 13 Q. Well, environmental planning, what have you 14 studied by way of ecological science? 15 A. We have ecology classes in school. We are also 16 required and mandated to have continuing education as 17 part of our licensure. Biannual licensure. 18 Q. Let me be direct. Do you have a degree in 19 ecology? In ecological science. 20 A. I do not have a degree in ecology. 21 Q. Okay. 22 Do you have a degree in environmental science? 23 A. No. 24 Q. Do you have a degree in wetlands science? 25 A. No.

17 1 Q. Okay. 2 Do you have any degree in subjects such as air 3 emissions and pollution? 4 A. No. 5 Q. So you have some courses that touch on the 6 environment as a planner, just as lawyers will have 7 common law class, doesn't make us all constitutional 8 lawyers, does it? 9 A. Right. Planners are known as the "great 10 generalists" because we rely on specialties of others. 11 Q. Okay. Thank you very much. That's very helpful. 12 Now, you testified a few times that this plan is 13 good because it allows for sprawl, to just generalize 14 what you said. Now, there are three main buildings 15 here, right? 16 A. Yes. 17 Q. And there's a fourth for some reason none of 18 really know, there's a animal hospital in the project. 19 That's a fourth building, correct? 20 A. Yes. 21 Q. Now, Building D is pretty far off to the side on 22 the project, isn't it? And there's a considerable space 23 between that and the other two buildings, right? 24 A. Yes. 25 Q. So that's actually sprawl in a very real sense,	19 1 A. Yes, I do. 2 Q. Well, let me ask you, this is going to consume 3 about one third of the site, isn't it? 4 A. That's correct. 5 Q. And in fact it's going to, in consuming that one 6 third, it's actually going to clearcut that entire 7 third, isn't it? 8 A. Yes. 9 Q. Well, how is clearcutting one third of a forest 10 minimal land disturbance? 11 A. It's preserving -- it's preserving in the public 12 realm, 90 acres of connected vegetative land, which may 13 not have otherwise been realized with a different type 14 of design scheme, such as a residential subdivision. 15 Q. Correct. Well, there was a residential 16 subdivision provided by the developer here in 2006 which 17 was rejected by the board. 18 A. Yes. 19 MR. PLOCKER: And which the applicant 20 prevailed in a Prerogative Writ in the Superior Court. 21 Just for the record. 22 MR. AFRAN: It wasn't built, was it? 23 Q. So what we have now is a plan that consumes one 24 third of the forest, isn't that correct? 25 A. It does.
18 1 because we're not concentrating these buildings 2 together, we're actually using up much more of the land 3 to accommodate Building C way off to the side, isn't 4 that true? 5 A. In my opinion the applicant has done a good job 6 of concentrating the buildings in pockets, developable 7 pockets on the site and connecting them by a road 8 network, which I believe is not sprawl. Again, that's 9 consistent with centralized cluster planning. 10 Q. Right. If you have one pocket here and one 11 pocket here, and one pocket here, you're spreading out 12 the development, aren't you? 13 A. The development is connected but I don't, I would 14 not qualify it as spread out. 15 Q. Okay. 16 So your feeling is that Building D for example, 17 is not sprawl, representing sprawl and the animal 18 hospital in the far end is not sprawl. You think this 19 is a development that's compact and makes good use of 20 land, is that your testimony? 21 A. That is my testimony, yes. 22 Q. Thank you. 23 You say there's a minimal land disturbance of the 24 project. You said that several times in your testimony 25 if you recall that. Do you recall that?	20 1 Q. Now, did you hear the testimony of any of the 2 objectors witnesses? 3 A. Yes. 4 Q. Now, they testified -- Mr. DeVito testified for 5 example, that the actual effect of this project is going 6 to create edge which is going to consume virtually all 7 of those two side forests that are being -- that you say 8 will be preserved. Do you remember that testimony? 9 A. Yes. 10 Q. And he says that what's going to be left is tiny 11 slivers of actual core forest on each side, and we might 12 have it here, but there's a diagram that shows two very 13 small residual fractions of forest that will be left as 14 core forest. Now, if what he says is true and virtually 15 all of the core forest on the site is gone, except maybe 16 seven percent or nine percent, whatever he said it was, 17 would you still say that's minimal land disturbance? 18 A. In my mind, yes. Again, in consideration of what 19 could otherwise be realized on a different type of 20 development scheme. 21 Q. Well, how could you possibly do more disturbance 22 than losing 91 percent of the forest? 23 A. Again, we are -- 24 MR. PLOCKER: Objection to the term, losing 25 90 percent of the forest.

21 1 MR. AFRAN: Well, why don't we do this, I 2 can go to that seat Mr. Plocker and Mr. Plocker can come 3 here and he can cross examine the witness as he wishes. 4 But it's my cross examination. 5 MR. PLOCKER: And he's also not an 6 ecologist. Mr. DeVito testified, we dealt with it. I 7 asked him a couple questions on cross. If he's going to 8 ask ecological questions about core forest, let's ask 9 him. Voir dire, is he qualified to answer questions on 10 the effect of the loss of core forest, as Mr. DeVito put 11 it. Or as Mr. Afran is putting it now. I didn't ask 12 the question, he can't answer the question. 13 Q. First of all, it is not I who introduced the 14 subject. It is Mr. McDonough who introduced the subject 15 multiple times in direct testimony. It is not I who 16 raised the issue that this project only causes minimal 17 disturbance. It is the gentleman who's a witness who 18 id. So number one -- number one, that is directly 19 within the scope of direct examination. 20 And number two, because he's describing no 21 environmental harm of any major consequence, my 22 questions are relevant for that purpose as well. 23 MR. PLOCKER: He's asking about -- he's 24 giving him data and asking about questions through 25 testimony that Mr. DeVito gave and Mr. DeVito had	23 1 Plan. That was Mr. McDonough's domain. If he wants to 2 ask him other questions regarding these areas, if you 3 can answer it, let's have a blast. 4 MR. AFRAN: I didn't introduce on the 5 applicant's case repeated statements of no major 6 environmental consequence. 7 CHAIRMAN BAGOFF: Okay. Go right ahead. 8 MR. AFRAN: This is not a matter of giving 9 Mr. Afran leeway. It is Mr. Afran's right. 10 CHAIRMAN BAGOFF: Go ahead. 11 Q. So would you call losing 91 percent -- forest is 12 virtually 100 percent of the site, isn't it? 13 A. Correct. Yes, it is. 14 Q. Now, would you call a project that leaves over 15 only 9 percent of the forest, minimal disturbance? 16 A. Again, this is a project that conforms with the 17 zoning ordinance that is intended to protect the 18 environment and has also pass muster through the 19 stewards of environmental protection which would be the 20 DEP. So I would say, yes, it does advance environmental 21 protection. 22 Q. Well, I didn't ask you whether in your view it 23 advanced environmental protection. I asked you a simple 24 question. If leaving -- if losing almost the entire 25 forest and leaving only 9 percent is the effect --
22 1 different credentials than Mr. McDonough. 2 MR. AFRAN: I must note that several times 3 in Mr. McDonough's testimony he said we have 4 controverted -- uncontroverted, uncontroverted expert 5 testimony that says there will be no major environmental 6 consequence from this project. So clearly Mr. McDonough 7 reserved for himself the right to say our witnesses, the 8 applicant's, have all said in a uncontroverted manner 9 there'll be no harm here. Now, when I have a witness 10 who comes on and says, no, no, no, we're going to lose 11 91 percent of the forest, virtually nothing left. 12 Somehow that's outside of the scope of the witnesses 13 testimony, as Mr. Plocker would put it. I would suggest 14 Mr. Chairman, this is directly within the scope of the 15 type of case they brought to you. 16 CHAIRMAN BAGOFF: Go ahead. Ask direct 17 questions. If he can he'll answer the question, if he 18 can't answer the question we'll bring another expert to 19 answer the question. 20 MR. PLOCKER: I renew my objection if this 21 is going to be the subject matter. Mr. McDonough is a 22 planner, he's here to look at the ordinance, look at the 23 Master Plan. That's what he testified to. I'll -- but 24 I guess we'll give Mr. Afran some leeway, but do we 25 comply with the ordinance. Do we comply with the Master	24 1 MR. PLOCKER: I'm going to object. 2 MR. AFRAN: -- would that be minimal 3 disturbance? 4 MR. PLOCKER: We're disturbing 27 and half 5 acres out of about 120 and a half. That's what the plan 6 is. 7 MR. AFRAN: I think this constant 8 interruption by Mr. Plocker -- 9 MR. PLOCKER: It's distorting the record. 10 MR. AFRAN: No, the record from Mr. DeVito 11 and his testimony has as much weight before this board 12 as any of the applicant's experts, is that of the core 13 forest virtually nothing will be left. And he testified 14 very specifically and the witness said he heard that 15 testimony. 16 MR. PLOCKER: In an area that's not governed 17 by the ordinance. 18 MR. AFRAN: It's got nothing to do with that 19 particular question, whether Mr. Plocker is right or 20 wrong and I would dispute it. But the witness himself 21 introduced repeatedly the testimony that there will be 22 no environmental harm. There will be minimal 23 disturbance. He said it over and over in his direct 24 testimony. This was the core of the case that the 25 applicant brought through Mr. McDonough and I don't know

25 1 why I'm getting constantly interrupted. 2 MS. McGOVERN: I am just -- this is cross 3 examination, I thought, based upon the direct testimony 4 which was given back in January. So now you're throwing 5 in a witness who was after that period of time. 6 MR. AFRAN: Got nothing to do with it. This 7 witness repeatedly -- 8 MS. McGOVERN: You're asking him to draw 9 conclusions from your expert, Mr. DeVito's, testimony 10 regarding what's left in the forest. So have you laid a 11 foundation that this witness agrees with that testimony. 12 Because -- 13 MR. AFRAN: I don't need to ask if he agrees 14 with another witnesses testimony. 15 MS. McGOVERN: But he has to review it. 16 You're asking him -- you're asking -- it's different 17 than normal cross examination because you're going past 18 what was asked on direct. 19 MR. AFRAN: He said -- well, that's the, 20 this board chose to allow the witness to go forward when 21 I couldn't be here. I couldn't help that. We don't 22 ignore what since happened. 23 MS. McGOVERN: I am suggesting, I can't tell 24 you what to do obviously, but without that foundation 25 these questions are unfair.	27 1 significant ecological training? 2 A. Yes. And my review of the zoning controls that 3 establish limits of disturbance, establish limits of 4 coverage in an application that complies. 5 Q. If 9 percent of the forest is left as a core 6 forest and all of it is either clearcut or turned into 7 edge forest, would you say that is the absence of 8 significant environmental harm? 9 A. Good site design -- 10 CHAIRMAN BAGOFF: Mr. Afran, there's a 11 difference between asking questions that are set record 12 to help out of the Planning Board and the information 13 that the Planning Board -- information that the Planning 14 Board will use to make their decision. We've heard Mr. 15 DeVito's testimony, we heard his testimony. You're 16 asking him questions -- 17 MR. AFRAN: I can move on. I'll move on. 18 CHAIRMAN BAGOFF: Thank you. 19 MR. AFRAN: The point was made anyway. I'll 20 move on. 21 CHAIRMAN BAGOFF: Thank you. 22 Q. You testified that the plan "will incorporate 23 abundant, robust landscape." That was your actual 24 quote. Do you recall saying that? 25 A. Yes.
26 1 MR. AFRAN: The witness testified he heard 2 Mr. DeVito's testimony. Watched it, correct? 3 THE WITNESS: Heard it, yes. 4 MR. AFRAN: He saw as much as any of us did. 5 MS. McGOVERN: It should be noted that this 6 is not cross examination from his January testimony. 7 You are now taking it a step further. So this is where 8 the objections are coming from. 9 MR. AFRAN: I don't think that matters. I 10 am entitled to ask this witness whether or not losing 91 11 percent of forest and leaving over 9 percent is minimal 12 disturbance in his opinion. He said this is minimal 13 disturbance, I now asked him a simple question. Is 14 this, in his opinion, still minimal disturbance? 15 MR. PLOCKER: And that's a distortion of 16 what's the application proposal. 17 MR. AFRAN: This is not appropriate language 18 -- 19 MR. PLOCKER: It's the only language or his 20 expert's language. 21 Q. If there's only 9 percent of core forest is that 22 minimal disturbance of this property in your opinion as 23 a planner? 24 A. Yes, it's still minimal. 25 Q. Based on your status as a planner and not any	28 1 Q. Well, what do you mean by that? Where in these 2 plans that we have seen there's abundant, robust 3 landscape. 4 A. There are landscape plans that were included as 5 part of the development application. There are many, 6 there are many plantings throughout. I don't have the 7 number in front of me, but there was a significant 8 landscape plan. 9 Q. Other than what you've just said when you were 10 answering my question, anything further or does that 11 conclude your answer? 12 A. Yes. 13 Q. So you believe that the existing landscape plan 14 is abundant and robust? 15 A. Yes. 16 Q. You also said this plan, I'm just paraphrasing 17 here, but I'm sure you'll agree with my general 18 reference, is one that will flow comfortably for people. 19 Do you recall saying something along those lines? 20 A. Yes. 21 Q. Well, when you said, flow comfortably for people, 22 what did you mean by that? You didn't explain that, you 23 just gave us a conclusion. So what does it mean, to 24 flow comfortably for people? 25 A. I think what I said was the project has been

29 1 designed to flow, function and operate safely, 2 efficiently and comfortably. And there are multiple 3 parts to that. Flow generally refers to the flow of 4 traffic through the site. Parking capacity, the overall 5 functionality of the site being designed in accordance 6 with sound planning principles, most importantly the 7 ordinance. 8 Q. So when you said flow, there was a lot more to 9 follow that word. So let me ask you just what flow 10 means. Does it mean the movement of people, vehicles, 11 seamless movement? What are you referring to when you 12 say flow. 13 A. I think it means all of the above. Of vehicular 14 circulation, pedestrian circulation, movements 15 throughout the site and through the buildings. The 16 buildings are designed and in a sound manner. There 17 will be a comfortable, nice place to live. 18 Q. Does it flow comfortably for pedestrians if you 19 can't walk on the sidewalk to leave the development? 20 A. Again, I think there's good connectivity between 21 where the vehicles would park between the units and the 22 overall site. 23 Q. Is it good connectivity for people to walk out of 24 this development and go into the rest of the community? 25 A. You mean to the south or to the north, outside of	31 1 MR. PLOCKER: And where? Referencing 2 sidewalks or lack of sidewalks. 3 MR. AFRAN: I'll tell you what, if the 4 witness has doubts about my question, it's meaning, the 5 witness can ask. I'm now in the process of examining 6 Mr. Plocker. I think we should stop and let me continue 7 with the witness because there were some reasons why we 8 wanted to be expeditious. 9 May I continue? 10 CHAIRMAN BAGOFF: Go right ahead. 11 MR. AFRAN: Thank you. 12 Q. Now -- 13 CHAIRMAN BAGOFF: Mr. McDonough, if you 14 don't understand a question or can't answer, the 15 answers, I don't know. 16 THE WITNESS: Understood, Mr. Chairman. 17 MR. AFRAN: Yes. Mr. Plocker should not be 18 saying he doesn't know before he says it. 19 CHAIRMAN BAGOFF: Agreed. 20 Q. You said "The community has the right to create 21 zoning districts." That was actually a quote I took 22 from the transcript. 23 A. Yes. 24 Q. Now, by that you mean of course the community 25 under our state law has a right to zone and create
30 1 the bounds of this? 2 Q. Well, assume the north is undeveloped you're not 3 going to walk across what's left of the forest. I mean 4 south, because there's an association down there, 100 5 houses, there's other things. Now, if people want to 6 walk out of this development does this flow comfortably 7 for the pedestrians when there are no sidewalks? 8 A. Yes, I don't see, again, based on the testimony 9 on the record, I don't see any substantial consequence 10 with the way the pedestrian circulation system has been 11 designed. 12 MR. PLOCKER: I am going to object to the 13 comment there are no sidewalks. We are seeking an 14 exception from RSIS in one location for sidewalks on 15 both sides of the street. But to make the statement 16 that there are no sidewalks proposed is misleading. 17 MR. AFRAN: I meant, and I think it was 18 quite clear from the context, leaving the development 19 there's no sidewalks. That's quite clear what I said. 20 MR. PLOCKER: I don't know what leaving the 21 development means. 22 Q. Can you walk out of this development and stay on 23 a sidewalk and go to the neighborhood below? 24 MR. PLOCKER: Where? 25 MR. AFRAN: To the neighborhood below.	32 1 zoning within the community? 2 A. Yes. 3 Q. Now, the normal process, you would agree, would 4 be that someone proposes a zoning amendment, goes to the 5 Planning Board for -- 6 CHAIRMAN BAGOFF: Mr. Afran, the zone plan 7 -- move on. The zone plans in place, so move on. His 8 understanding how it works is not relevant to the 9 Planning Board. 10 MR. AFRAN: Well, he did testify that the 11 community has the right to create zoning districts. He 12 was saying that this is was -- well, I'll go further. 13 Q. You would agree this is an unusual situation 14 where a lawsuit was filed by the developer and this 15 zoning district was the product of a settlement in that 16 case, isn't that correct? 17 A. I would not agree with the phrase that this was 18 unusual. This happens throughout New Jersey. 19 Q. That's not exactly the same as the council in 20 creating zoning, but rather here it did it under the 21 threat of continued litigation? 22 MR. PLOCKER: Objection. 23 CHAIRMAN BAGOFF: I got that. I don't know 24 what happened. The Superior Court was the mediator, 25 which is outside the purview of the Planning Board and

33 1 in fact the resolution specifically states the Planning 2 Board was not a participant. We can only discuss the 3 zone plan and the Master Plan available to us now. 4 MR. AFRAN: I was really following the 5 direct testimony, but I'll move on. 6 CHAIRMAN BAGOFF: Thank you. 7 Q. You said that there's the general welfare aspect 8 of zoning? 9 A. Yes. 10 Q. Now, there's lots of things we can speak about, 11 public safety, public health, public welfare, what did 12 you understand the term "welfare" to mean in that 13 context? 14 A. Sometimes we refer to Purpose A as the great 15 catchall phrase because it encompasses many, many 16 beneficial aspects of planning, but the general welfare, 17 the public good, in there I included affordable housing 18 as being one of the top tier goals of our zoning laws 19 and the provision of affordable housing of being 20 paramount public interest. It's everywhere. It's a 21 requirement everywhere. 22 Q. You would agree affordable housing is not the 23 only thing that embraces the general welfare? 24 A. Totally agree with you. And I probably said 25 this, plannings all about balance. Striking that	35 1 A. Yes. 2 Q. Okay. Thank you. 3 And when you said, "The board has uncontroverted 4 expert testimony about the absence of environmental 5 impacts." That was obviously when the applicant was 6 presenting it's case before any objector testimony? 7 A. It was based on evidence before me at the time of 8 my testimony. 9 Q. So uncontroverted might have been jumping the gun 10 a little bit, right? 11 A. Again, at the time of my testimony, yes. 12 Q. Okay. Thank you. 13 You mentioned in your testimony that "The 14 application here refers to the settlement agreement with 15 the neighbors there." Now, when you refer to the 16 neighbors, who are you referring to? 17 A. I was probably talking about Kusic when I was 18 referring to the RSIS exception. 19 Q. Yes, that's the section in the transcript I'm 20 quoting from. So when you refer to neighbors, who are 21 you referring to? 22 A. I don't remember the name of the organization 23 offhand, but there was an agreement with the, I believe, 24 the association to the south. 25 Q. Right. So the association signed an agreement
34 1 balance. There are tremendous forces on municipalities 2 to provide for affordable housing. There are certainly 3 environmental protection forces as well. It's about 4 balance. 5 Q. Thank you. I just wanted to clarify. So the 6 general welfare embraces environmental protection and 7 those other issues, correct? 8 A. Yes. Agreed. 9 Q. Thank you very much. Appreciate that. 10 Now, you say in your testimony, I will quote from 11 the transcript. "You," meaning you're referring to the 12 board, "you have testimony through your own 13 environmental expert that there will not be any 14 substantial environmental impacts." You were referring 15 to Mr. DeFeo when you referred to -- when you made that 16 statement? 17 A. Yes. And I believe that was the hearing before I 18 actually testified, yes. It may have been that same 19 night. 20 Q. So your view is that Mr. DeFeo affirmatively said 21 there will not be any substantial environmental impacts? 22 A. That's correct. At the time of when I testified, 23 yes. 24 Q. So that was your interpretation of what Mr. DeFeo 25 said?	36 1 but you don't know what individuals signed that, do you? 2 A. I don't know the details. 3 Q. Do you know whether the association had legal 4 authority to make commitments on behalf of individual 5 homeowners? 6 CHAIRMAN BAGOFF: Mr. Afran, that's out of 7 his purview. He's as a planner. 8 MR. AFRAN: Excuse me, I know it's out of 9 his purview, that's why I was surprised he said that in 10 the first place. So I'm cross examining him to be 11 certain what knowledge he had. 12 MR. PLOCKER: And the settlement agreement 13 speaks for itself. 14 MR. AFRAN: Well, the witness here was 15 speaking for it. He was saying this settlement 16 agreement with the neighbors, meaning the people who own 17 homes and live there. And I'm asking why he said that. 18 I'm perfectly entitled to. 19 CHAIRMAN BAGOFF: The Planning Board has a 20 copy of the settlement agreement and understand who the 21 parties were and let's go back to zoning. 22 MR. AFRAN: I must point out that the 23 applicant's witness offered many, many statements that 24 fall in the exact category that Mr. Bagoff, you are 25 suggesting is not really within your purview. Yet an

37 1 impression is left from that testimony based on things 2 that really weren't in the witnesses purview and that's 3 why cross examination is necessary. 4 CHAIRMAN BAGOFF: The board has an 5 understanding what's been going on and the board 6 understands there was a settlement agreement and we are 7 not a participant in it. The outcome of the settlement 8 agreement is what we're working with. 9 MR. AFRAN: Well, I don't know if you know 10 what everyone on the board is thinking, of course, but 11 my only point was to test what the witness meant by 12 saying the neighbors had settled. Because if that 13 implication is left with the board, it's a false one. 14 CHAIRMAN BAGOFF: Okay. 15 Mr. McDonough, do you know the term 16 neighbors, what that referenced? 17 THE WITNESS: I don't know. I don't know 18 the details of the settlement agreement. 19 Q. Okay. Thank you. 20 You mentioned that, "Unless the RSIS de minimus 21 waiver is granted there will be an undue hardship 22 because of peculiar conditions pertaining to the 23 development in question." I am quoting that. What 24 undue hardship and what peculiar conditions were you 25 referring to?	39 1 standards of the complete streets concept in the town. 2 Do you recall that testimony? 3 A. I do. 4 Q. Now, you also testified that -- let me get to the 5 exact reference. You also said you did not know the 6 distance that one would walk from the development to the 7 nearest public transport. Do you remember saying that 8 in response to a member of the publics question? 9 A. I do, yes. 10 Q. Give me one moment. 11 You also said, you were asked, "Are you aware 12 that this property is locked in by other properties in 13 order to get of any sort of mass transit" and the 14 question went on and you said, you don't know. Do you 15 recall that? 16 A. I know the property is central to the development 17 around it so, yes. To get to, I don't know if there's 18 any transit on the edge, but my assumption is you would 19 have to go beyond the property borders to get to 20 transit. 21 Q. Well, doesn't complete streets -- what does 22 complete streets mean, to your understanding? 23 A. It's to sure pedestrian -- positive pedestrian 24 circulations, bicycle circulation and amenities and 25 vehicular.
38 1 A. I have to remember the context of what I said. 2 But, again, I was relying upon the testimony of our 3 expert traffic consultant that the design with the loop, 4 less than the one thousand ADT due to the closure of 5 Kusic would not violate the intent of the RSIS and that 6 language is in there. 7 Q. All right. But I'm asking -- well no, if the 8 language is in there then there has to be a showing of 9 evidence to support those conditions. So I am asking, 10 what is the undue hardship and what are the peculiar 11 conditions, if you know? And you used those phrases, so 12 I'm asking what was meant or you know about that. 13 A. I will fall back on the settlement agreement, 14 that the particular or peculiar circumstances are that 15 there was an agreement in place and that would cause an 16 undue hardship to break that agreement. 17 Q. And if I could probe further. There would be an 18 undue -- are you saying that to -- strike that. 19 I'll move on. Thank you. You answered my 20 question. 21 MR. AFRAN: I just need a minute to review 22 my notes. They were partially written while on the 23 highway, so it's taking me an extra minute. 24 CHAIRMAN BAGOFF: Okay. 25 Q. You referred to this plan as satisfying the	40 1 Q. So if one -- if you don't know how far one has to 2 walk to the nearest mass transit and if there's no 3 sidewalk connecting the development to facilities 4 outside of it, do you really feel this is complete 5 streets? 6 A. In my view this is a pedestrian friendly, bicycle 7 friendly and vehicular safe plan. 8 Q. You base that on say Mr. Pehnke's testimony and 9 others? 10 A. Pretty much all the witnesses before me. Mr. 11 Anderson and Mr. Pehnke, yes. 12 Q. Okay. 13 So based on what you heard from them you feel 14 that it includes those safety issues? 15 A. I do. 16 Q. Do you know if a -- strike that. I will move on. 17 You said that the planner when he or she does 18 their work looks comprehensively at the application? 19 A. Yes. 20 Q. Yet you also said, I think it was in response to 21 Mayor Davis's question, that you had not examined the 22 impact of stormwater on Essex Fells that would arise 23 from this plan, do you remember that? 24 A. I have not personally done a drainage analysis, 25 no. I know there is a pretty thick engineering

41 1 documents out there. 2 Q. Yet, if the MLUL says in Subsection, I believe it 3 was D, that the board and the ordinances of course must 4 consider the effect on neighboring municipalities, and 5 you as a planner have not done that analysis, how could 6 you say you have done this comprehensively? 7 A. Well, again, I am reliant upon an engineering 8 study that has been signed and sealed by a professional 9 engineer who's qualified to perform that study. Coupled 10 with sworn testimony under oath by that same expert. 11 Q. But in your comprehensive analysis you did not do 12 that review yourself? 13 A. I don't know how to do drainage calculations. 14 Q. Well, I didn't ask about the calculations but I 15 did ask about the effect on neighboring communities. 16 Did you do any analysis like that at all? 17 A. My analysis focuses on what the engineer says. 18 Q. Would it be good planning for a site plan 19 application to come before a board and not have any 20 sewer plan? 21 A. Storm water plan or sanitary sewer? 22 Q. No, real sewers. 23 A. No. Again, a network could be -- final design of 24 the network, the size can all be part, in my mind, of an 25 outside agency condition of approval, such as MUA.	43 1 answer is, no. 2 MR. PLOCKER: I object to that 3 characterization. 4 Q. Is there such a plan? 5 A. I don't know. 6 Q. If there's no such plan would you say that 7 reflects sound planning? 8 A. I would say that is not out of the ordinary for a 9 project of this magnitude to defer that to a future 10 phase. 11 Q. And your view is that would be sound planning to 12 have that absence? 13 A. Yes, I believe that's cooked into the MLUL 14 process. 15 Q. Okay. 16 If a development is going to introduce 1,700 17 daily car trips, or more than 1,700 to a community where 18 there's only one way out and one way in and that will be 19 going through an existing neighborhood, the association, 20 would you still say that that plan does not reflect 21 undue sprawl? 22 A. Yes, I would still say that. 23 Q. Cars are part of sprawl, correct? 24 A. Certainly are. 25 Q. Right. And the more cars we put in our
42 1 Q. Is it sound planning for an applicant to ask a 2 Planning Board to approve a major development of this 3 nature with no sewer plan. Yes or no question. Is that 4 sound planning? 5 A. Yes. It is not atypical for a certain aspect of 6 a plan to be conditions of approval through an outside 7 agency. A shovel doesn't get in the ground until those 8 details are worked out and designed. 9 Q. My question wasn't about certain aspects in the 10 abstract, it was a simple question. Is it sound 11 planning for an application to go before a Planning 12 Board of this size and scope with no sewer plan? 13 MR. PLOCKER: I am going to object to the 14 extent the question insinuates there's no sewer plan. 15 That's part of a site plan. 16 MR. AFRAN: I haven't seen a sewer plan. 17 The engineer hasn't seen a sewer plan for the town. It 18 was made very clear that that's an issue here. If there 19 is a sewer plan, I would like Mr. Plocker to present it. 20 MR. PLOCKER: I think there's confusion 21 between a sewer plan for the site and what may be 22 happening off-site, which was discussed with Mr. 23 Anderson and the township engineer during testimony. 24 MR. AFRAN: Was there any plan to move 25 sewage off the site at present before this board? The	44 1 environment and the more traffic we impose on the 2 community by more and more development, that's all part 3 of sprawl, isn't it? 4 A. It's a subset of sprawl, yes. 5 Q. It's part of sprawl, right? 6 A. It's a part of sprawl. 7 Q. Okay. 8 And you would say the addition of almost 2,000 9 daily car trips into this one way access and ingress 10 through this existing neighborhood is not adding 11 significant sprawl to our community? 12 A. All things considered I would not say that the 13 traffic alone would rate this project as a sprawl 14 project. 15 Q. Well, I didn't ask alone about the traffic. I 16 think one can say that when you add all this extra 17 traffic and we add destruction of this vast forest and 18 add the 1,200 people who now live here and the multiple 19 buildings spreading out through this forest, would you 20 still say there's no significant sprawl? 21 A. I would, again, I rely upon a licensed traffic 22 expert who looks at the carrying capacity of the road 23 network and the transportation infrastructure that's 24 presently in place and that there is adequate capacity 25 to accommodate that type of volume.

45 1 MR. PLOCKER: And the town zoned it for this 2 density. 3 MR. AFRAN: I'm sorry. What? 4 MR. PLOCKER: The town zoned this property 5 for this density that's proposed. 6 MR. AFRAN: I am simply asking the witness 7 who went out of his way repeatedly to tell us there's no 8 sprawl here, whether in lieu of all these factors he 9 stands by the proposition that this project does not 10 contribute to urban sprawl. 11 A. I still standby that statement. 12 Q. You mentioned that the traffic engineer spoke of 13 the traffic, but the question of sprawl and blithe is 14 within the planning profession, isn't that true? 15 A. Yes. 16 Q. You can't really defer to what the traffic 17 engineer says on this question, you need to have your 18 own substantiated viewpoint, isn't that correct? 19 A. Again, I rely on the predicate of witnesses 20 before me. Traffic generation is certainly considered, 21 land disturbance is a consideration as well. All of 22 that which is proposed here is within the confines of 23 what the ordinance contemplates. 24 Q. Well, why did you bring up sprawl if the 25 ordinance contemplates this project, why did you bother	47 1 Q. Well, you know perfectly well there was a 2 settlement agreement, you know, the affordable housing 3 case, there's going to be an almost automatic approval 4 of the zoning change? 5 MR. PLOCKER: Objection. 6 CHAIRMAN BAGOFF: I got it. 7 Whatever the court does is above the pay 8 rate of this Planning Board, so. 9 MR. AFRAN: Then the witness shouldn't be 10 speaking to the fact -- excuse me, every time I ask a 11 question the witness goes back to the laudable 12 objectives of the very well conceived plan that followed 13 all procedural basis in creating the zoning ordinance. 14 So he is constantly telling you, all of this is done in 15 a perfectly normal, legitimate way and then Mr. Plocker 16 arises and says, don't you dare cross examine him. 17 CHAIRMAN BAGOFF: You can cross examine him. 18 I know the board is picking up on things. 19 MR. AFRAN: We can move on. 20 MR. PLOCKER: Can I just clarify my 21 statement. My objection is not that Mr. Afran can't 22 cross examine Mr. McDonough, but he said that this board 23 is basically bound by the automatic approval and I don't 24 agree with that statement at all. So I think it was 25 misstating what this board can or can't do in the
46 1 to tell us there's no sprawl coming from this. It 2 wouldn't matter, would it, as Mr. Plocker says. The 3 ordinance says you can have this density, so why did you 4 then tell us this doesn't create sprawl if the ordinance 5 says we could have this. Why did you go to the trouble 6 of trying to persuade the board that there is no sprawl? 7 A. Because the purpose -- in my mind the purposes of 8 the zoning ordinance are laudable as a deterrent to 9 sprawl compact development and the efforts of the 10 applicant are laudable for following the laudable goals 11 of the ordinance. 12 Q. So basically you're saying because the ordinance 13 allows this there is no sprawl? 14 A. I'm saying the purpose of the ordinance is 15 laudable, again, as a deterrent to sprawl. 16 Q. Well, the only -- so you're saying this project 17 deters sprawl and that's laudable? 18 A. Yes. We have a problem in New Jersey, we have a 19 demand for housing for affordable housing that is 20 imposed, that is mandated on communities. Communities 21 have to pick their spots and this, again, this has been 22 a well vetted process that landed us to here and an 23 ordinance that went through all of the procedural 24 requirements that it needed to and then an applicant 25 that has essentially followed that to a T.	48 1 duties, jurisdiction and obligations of the board. That 2 was my objection. 3 MR. AFRAN: Well, Mr. Plocker and I are in 4 full agreement, the board does not have an automatic 5 approval obligation. I am glad we agree on that. 6 CHAIRMAN BAGOFF: I am going to agree with 7 that too. 8 MR. AFRAN: I'm glad. This is the point of 9 doing this. We got to a point of agreement, it's good. 10 CHAIRMAN BAGOFF: Let's get beyond sprawl. 11 MR. AFRAN: I think we can avoid almanacs of 12 sprawl. 13 We're coming to the end. 14 Can I have just one moment, please. 15 (Whereupon, a short recess is taken.) 16 MR. AFRAN: Mr. Chairman, that covers our 17 cross examination. I thank Mr. McDonough. I hope he is 18 able to get to his -- there may be more questions from 19 the public, I don't know. But I hope he can get to his 20 next meeting. 21 CHAIRMAN BAGOFF: The board and public 22 questioned from the previous discussion. 23 We want to thank Mr. McDonough, unless Mr. 24 Plocker has any questions. 25 MR. PLOCKER: No. Thank you.

49 1CHAIRMAN BAGOFF: The public have any 2questions? Public and board had questions already. 3This is just Mr. Afran to ask questions. 4MR. AFRAN: I do have one quick question, 5housekeeping matter. It was brought to my attention 6that -- let me rephrase that. 7Our planner is expected next Monday, 8regardless of when our planner is coming do we know when 9the audio of this day will be published on the website, 10so our planner can hear it? 11MS. McGOVERN: The link -- 12MR. AFRAN: When does this get put on audio? 13MS. McGOVERN: Again -- 14MS. VITE: The audio is up the next day. 15MR. AFRAN: Thank you. I understand that. 16That's the answer. Jamilet stated that the 17audio will be published on the boards website. 18CHAIRMAN BAGOFF: Via a link. 19MR. AFRAN: Via a link, yes. 20That concludes what we have. Thank you. 21MS. McGOVERN: Do you have any witnesses for 22tonight? 23MR. AFRAN: No, we talked about that. 24MR. PLOCKER: Formally announce -- 25CHAIRMAN BAGOFF: Ladies and gentlemen, we	51 1CERTIFICATE 2I, ERIC S. FISHMAN, a Shorthand Reporter 3and Notary Public of the State of New Jersey do hereby 4certify that the foregoing is a true and accurate 5transcript of the testimony as taken stenographically by 6and before me at the time, place and on the date 7hereinbefore set forth, to the best of my ability. 8I DO FURTHER CERTIFY that I am neither a 9relative nor employee nor attorney nor counsel of any of 10the parties to the action; and that I am neither a 11relative nor employee of such attorney or counsel; and 12that I am not financially interested in the action. 13 14 15 16ERIC S. FISHMAN, S.R. 17 18 19 20Dated: 8/7/2025 21 22 23 24 25
50 1want to thank you very much. We want to state for the 2record that Council Person Scarpa was watching the 3meeting of the cross on zoom. 4The next Planning Board special meeting will 5be held June 30 at 6:30 PM in person in council chambers 6and visible on zoom. The regular Planning Board meeting 7will be held July 2 at 7:30 PM via zoom. 8(Hearing concludes at seven 7:35 PM.) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	52 1SIGNATURE PAGE/ERRATA SHEET 2 3WITNESS: 4CASE REFERENCE: 5 6INSTRUCTIONS TO WITNESS 7After you have read your transcript, please note any errors in transcript 8on this page. Do not mark on the transcript itself. Please sign and date this sheet as 9indicated below. If additional lines are required for corrections, attach additional sheets. 10 11 12 13 14 15 16 17 18 19 20 21 22 23I have read my transcript and subscribed to its accuracy, to include the 24corrections or amendments noted above or hereto attached: 25 Signature of Witness Date

0	8	7:20, 9:15, 10:15, 10:16, 11:2, 14:12, 14:14, 33:17, 33:19, 33:22, 34:2, 46:19, 47:2	almost [3] - 23:24, 44:8, 47:3 alone [2] - 44:13, 44:15 ALPER [1] - 1:10 AMBOY [1] - 2:4 amendment [1] - 32:4 AMENDMENT/ REASON [1] - 52:8 amendments [1] - 52:23 amenities [1] - 39:24 ample [1] - 11:9 analysis [5] - 40:24, 41:5, 41:11, 41:16, 41:17 AND [1] - 1:1 Anderson [2] - 40:11, 42:23 animal [2] - 17:18, 18:17 announce [1] - 49:24 answer [10] - 21:9, 21:12, 22:17, 22:18, 22:19, 23:3, 28:11, 31:14, 43:1, 49:16 answered [2] - 6:7, 38:19 answering [1] - 28:10 answers [1] - 31:15 anyway [1] - 27:19 Appearing [2] - 2:5, 2:8 appearing [1] - 2:12 applicant [12] - 4:3, 4:7, 4:9, 11:22, 13:15, 18:5, 19:19, 24:25, 35:5, 42:1, 46:10, 46:24 Applicant [1] - 2:5 applicant's [4] - 22:8, 23:5, 24:12, 36:23 applicants [1] - 9:19 application [9] - 14:8, 14:17, 26:16, 27:4, 28:5, 35:14, 40:18, 41:19, 42:11 appreciate [6] - 6:15, 7:4, 7:11, 7:15, 16:5, 34:9 appropriate [2] - 8:14, 26:17 approval [5] - 41:25, 42:6, 47:3, 47:23, 48:5 approve [1] - 42:2 area [2] - 12:15, 24:16	24:16 areas [1] - 23:2 argue [1] - 14:4 arise [1] - 40:22 arises [1] - 47:16 aspect [3] - 11:2, 33:7, 42:5 aspects [2] - 33:16, 42:9 association [5] - 30:4, 35:24, 35:25, 36:3, 43:19 assume [1] - 30:2 assumption [1] - 39:18 attach [1] - 52:7 attached [1] - 52:23 attack [1] - 11:18 attend [1] - 4:13 attending [1] - 5:7 attention [7] - 5:6, 5:8, 6:16, 6:19, 6:21, 7:5, 49:5 attorney [2] - 51:9, 51:11 atypical [1] - 42:5 audio [4] - 49:9, 49:12, 49:14, 49:17 authority [1] - 36:4 automatic [3] - 47:3, 47:23, 48:4 available [3] - 6:2, 6:24, 33:3 AVENUE [2] - 1:24, 2:4 avoid [1] - 48:11 avoiding [2] - 13:5 aware [2] - 6:18, 39:11	
07052 [1] - 2:8 07095 [1] - 2:4 07960 [1] - 1:24 08540 [1] - 2:11	89 [1] - 1:23	AFRAN [59] - 2:10, 5:5, 5:19, 5:25, 6:15, 7:4, 7:10, 11:20, 12:16, 13:23, 15:13, 15:20, 15:25, 16:5, 19:22, 21:1, 22:2, 23:4, 23:8, 24:2, 24:7, 24:10, 24:18, 25:6, 25:13, 25:19, 26:1, 26:4, 26:9, 26:17, 27:17, 27:19, 30:17, 30:25, 31:3, 31:11, 31:17, 32:10, 33:4, 36:8, 36:14, 36:22, 37:9, 38:21, 42:16, 42:24, 45:3, 45:6, 47:9, 47:19, 48:3, 48:8, 48:11, 48:16, 49:4, 49:12, 49:15, 49:19, 49:23 afra [10] - 5:4, 7:13, 21:11, 22:24, 23:9, 27:10, 32:6, 36:6, 47:21, 49:3 Afran [1] - 4:13 afra's [1] - 23:9 AGENCY [1] - 1:23 agency [2] - 41:25, 42:7 ago [1] - 6:11 agree [16] - 8:5, 10:6, 10:10, 11:5, 12:18, 14:15, 28:17, 32:3, 32:13, 32:17, 33:22, 33:24, 47:24, 48:5, 48:6 agreed [6] - 8:19, 9:1, 9:4, 10:20, 31:19, 34:8 agreement [15] - 35:14, 35:23, 35:25, 36:12, 36:16, 36:20, 37:6, 37:8, 37:18, 38:13, 38:15, 38:16, 47:2, 48:4, 48:9 agrees [2] - 25:11, 25:13 ahead [5] - 5:4, 22:16, 23:7, 23:10, 31:10 air [2] - 8:6, 17:2 allow [1] - 25:20 allows [2] - 17:13, 46:13 almanacs [1] - 48:11	9	9 [5] - 23:15, 23:25, 26:11, 26:21, 27:5 90 [3] - 14:18, 19:12, 20:25 900 [2] - 14:20, 14:21 91 [4] - 20:22, 22:11, 23:11, 26:10 973 [1] - 1:25	B
1	A	abandoning [1] - 13:21 abandons [1] - 13:15 ability [1] - 51:7 able [1] - 48:18 absence [4] - 5:14, 27:7, 35:4, 43:12 abstract [1] - 42:10 abundant [3] - 27:23, 28:2, 28:14 access [1] - 44:9 accommodate [2] - 18:3, 44:25 accordance [1] - 29:5 accuracy [1] - 52:22 accurate [1] - 51:4 acre [1] - 4:5 acres [3] - 14:19, 19:12, 24:5 action [2] - 51:10, 51:12 actual [3] - 20:5, 20:11, 27:23 ADAMS [1] - 1:14 add [3] - 44:16, 44:17, 44:18 adding [1] - 44:10 addition [1] - 44:8 additional [2] - 52:7 adequate [2] - 8:6, 44:24 adopt [1] - 11:12 adopted [2] - 12:1, 12:10 ADT [1] - 38:4 advance [1] - 23:20 advanced [1] - 23:23 advised [1] - 6:6 affirm [1] - 4:19 affirmatively [1] - 34:20 affordable [13] -			
1,200 [1] - 44:18 1,700 [2] - 43:16, 43:17 10 [1] - 2:11 100 [3] - 8:19, 23:12, 30:4 102 [1] - 2:7 120 [3] - 4:5, 14:18, 24:5 1440 [1] - 1:24 179 [1] - 4:2 18 [1] - 8:2					
2					
2 [1] - 50:7 2,000 [1] - 44:8 2006 [1] - 19:16 2021 [1] - 12:2 2025 [1] - 1:2 23 [1] - 1:2 27 [1] - 24:4 285-5331 [1] - 1:25					
3					
30 [1] - 50:5 32 [1] - 4:2					
4					
4 [1] - 1:24 40:55D-2 [1] - 9:13 459 [1] - 2:4 496 [1] - 4:3					
5					
55:D-2 [1] - 11:6					
6					
605-9391 [1] - 1:25 6:30 [2] - 1:2, 50:5					
7					
700 [1] - 14:22 732 [1] - 1:25 7:30 [1] - 50:7 7:35 [1] - 50:8			BAGOFF [33] - 1:9, 4:1, 4:16, 4:25, 5:17, 5:23, 14:2, 16:8, 22:16, 23:7, 23:10, 27:10, 27:18, 27:21, 31:10, 31:13, 31:19, 32:6, 32:23, 33:6, 36:6, 36:19, 37:4, 37:14, 38:24, 47:6, 47:17, 48:6, 48:10, 48:21, 49:1, 49:18, 49:25 bagoff [1] - 36:24 balance [3] - 33:25, 34:1, 34:4 BAQUERIZO [1] - 1:13 barriers [1] - 14:13		

base [1] - 40:8 based [6] - 25:3, 26:25, 30:8, 35:7, 37:1, 40:13 basis [1] - 47:13 behalf [6] - 2:5, 2:8, 2:12, 4:9, 4:13, 36:4 below [3] - 30:23, 30:25, 52:7 beneficial [1] - 33:16 best [1] - 51:7 between [7] - 12:5, 13:9, 17:23, 27:11, 29:20, 29:21, 42:21 beyond [2] - 39:19, 48:10 biannual [1] - 16:17 bicycle [2] - 39:24, 40:6 bit [1] - 35:10 blast [1] - 23:3 blithe [2] - 8:25, 45:13 Block [1] - 4:2 BOARD [1] - 1:8 board [29] - 5:2, 6:2, 6:3, 6:10, 6:11, 6:24, 10:7, 13:16, 14:8, 19:17, 24:11, 25:20, 34:12, 35:3, 37:4, 37:5, 37:10, 37:13, 41:3, 41:19, 42:25, 46:6, 47:18, 47:22, 47:25, 48:1, 48:4, 48:21, 49:2 Board [19] - 1:13, 2:8, 5:1, 12:4, 12:5, 12:14, 27:12, 27:13, 27:14, 32:5, 32:9, 32:25, 33:2, 36:19, 42:2, 42:12, 47:8, 50:4, 50:6 boards [2] - 15:24, 49:17 BOLAND [1] - 2:7 borders [1] - 39:19 bother [1] - 45:25 bound [1] - 47:23 bounds [1] - 30:1 Bplocker@huttshim.com [1] - 2:3 BRAEBRUN [1] - 2:11 break [1] - 38:16 briefly [1] - 5:5 bring [5] - 4:14, 6:7, 6:21, 22:18, 45:24 brought [10] - 4:10, 5:6, 5:8, 6:8, 6:16,	6:18, 7:5, 22:15, 24:25, 49:5 BRUCE [1] - 2:10 Bryan [1] - 4:9 BRYAN [1] - 2:3 buffers [2] - 14:20, 14:22 building [1] - 17:19 Building [3] - 17:21, 18:3, 18:16 buildings [7] - 17:14, 17:23, 18:1, 18:6, 29:15, 29:16, 44:19 built [1] - 19:22 burden [1] - 9:19 BY [1] - 2:3	49:25 challenge [2] - 12:13, 12:17 challenging [1] - 12:12 chambers [1] - 50:5 CHANGE [1] - 52:8 change [1] - 47:4 changing [1] - 16:6 characterization [2] - 13:21, 43:3 choice [1] - 13:17 chose [1] - 25:20 circulation [4] - 29:14, 30:10, 39:24 circulations [1] - 39:24 circumstances [1] - 38:14 cited [1] - 12:20 citing [1] - 9:13 clarify [2] - 34:5, 47:20 class [1] - 17:7 classes [1] - 16:15 clear [3] - 30:18, 30:19, 42:18 clearcut [2] - 19:6, 27:6 clearcutting [1] - 19:9 clearly [1] - 22:6 closure [1] - 38:4 cluster [1] - 18:9 comfortable [1] - 29:17 comfortably [6] - 28:18, 28:21, 28:24, 29:2, 29:18, 30:6 coming [6] - 7:14, 7:15, 26:8, 46:1, 48:13, 49:8 comment [1] - 30:13 commitments [1] - 36:4 common [1] - 17:7 communities [4] - 8:18, 41:15, 46:20 community [8] - 29:24, 31:20, 31:24, 32:1, 32:11, 43:17, 44:2, 44:11 compact [2] - 18:19, 46:9 complete [4] - 39:1, 39:21, 39:22, 40:4 complies [1] - 27:4 comply [3] - 11:13, 22:25 comprehensive [1] -	41:11 comprehensively [2] - 40:18, 41:6 conceived [1] - 47:12 concentrating [2] - 18:1, 18:6 concentrations [1] - 8:17 concept [1] - 39:1 conclude [1] - 28:11 concludes [2] - 49:20, 50:8 conclusion [1] - 28:23 conclusions [2] - 10:3, 25:9 condition [1] - 41:25 conditions [5] - 37:22, 37:24, 38:9, 38:11, 42:6 confines [1] - 45:22 conflict [1] - 8:10 conforms [1] - 23:16 confusion [1] - 42:20 congestion [1] - 8:25 connected [2] - 18:13, 19:12 connecting [2] - 18:7, 40:3 connectivity [2] - 29:20, 29:23 consequence [4] - 21:21, 22:6, 23:6, 30:9 conservation [1] - 9:5 consider [5] - 9:22, 10:8, 14:9, 15:2, 41:4 considerable [1] - 17:22 considerate [1] - 14:23 consideration [4] - 5:15, 7:11, 20:18, 45:21 considered [2] - 44:12, 45:20 consistent [2] - 12:1, 18:9 constant [1] - 24:7 constantly [2] - 25:1, 47:14 constitutional [1] - 17:7 consultant [1] - 38:3 consume [2] - 19:2, 20:6 consumes [1] - 19:23	consuming [1] - 19:5 contemplates [2] - 45:23, 45:25 context [4] - 14:20, 30:18, 33:13, 38:1 continue [2] - 31:6, 31:9 continued [1] - 32:21 continuing [1] - 16:16 contribute [2] - 8:17, 45:10 controls [1] - 27:2 controverted [1] - 22:4 cooked [1] - 43:13 copy [1] - 36:20 core [9] - 20:11, 20:14, 20:15, 21:8, 21:10, 24:12, 24:24, 26:21, 27:5 corner [1] - 4:5 Corp [1] - 2:12 correct [18] - 7:21, 9:12, 9:18, 10:20, 11:9, 12:18, 13:7, 17:19, 19:4, 19:15, 19:24, 23:13, 26:2, 32:16, 34:7, 34:22, 43:23, 45:18 corrections [2] - 52:7, 52:23 council [4] - 12:3, 32:19, 50:5 Council [2] - 1:11, 50:2 counsel [2] - 51:9, 51:11 couple [4] - 6:3, 6:10, 14:11, 21:7 coupled [1] - 41:9 course [3] - 31:24, 37:10, 41:3 courses [2] - 16:9, 17:5 COURT [1] - 1:23 Court [3] - 13:3, 19:20, 32:24 court [1] - 47:7 coverage [1] - 27:4 covers [1] - 48:16 COVID [1] - 12:10 create [5] - 20:6, 31:20, 31:25, 32:11, 46:4 creating [2] - 32:20, 47:13 credentials [4] - 5:1, 5:3, 15:21, 22:1 cross [14] - 4:15,
---	--	---	---	---

21:3, 21:4, 21:7, 25:2, 25:17, 26:6, 36:10, 37:3, 47:16, 47:17, 47:22, 48:17, 50:3	4:4, 8:9, 8:11, 18:12, 18:13, 18:19, 20:20, 28:5, 29:19, 29:24, 30:6, 30:18, 30:21, 30:22, 37:23, 39:6, 39:16, 40:3, 42:2, 43:16, 44:2, 46:9	draw [1] - 25:8 DRIVE [2] - 2:7, 2:11 due [1] - 38:4 duly [1] - 4:23 during [2] - 12:10, 42:23 duties [1] - 48:1	13:22, 13:24, 14:7, 14:10, 14:16, 14:23, 14:25, 15:2, 15:3, 15:6, 15:9, 15:10, 15:11, 16:9, 16:12, 16:13, 16:22, 21:21, 22:5, 23:6, 23:19, 23:20, 23:23, 24:22, 27:8, 34:3, 34:6, 34:13, 34:14, 34:21, 35:4 environmentally [3] - 14:19, 15:17, 16:2 ERIC [2] - 51:2, 51:16 ERROR [1] - 52:8 errors [1] - 52:6 ESQ [3] - 2:3, 2:7, 2:10 ESQS [2] - 2:2, 2:6 essence [1] - 12:25 essentially [1] - 46:25 Essex [4] - 4:1, 4:9, 9:24, 40:22 ESSEX [1] - 1:5 establish [2] - 27:3 establishment [1] - 8:14 evening [4] - 4:8, 5:25, 7:12, 7:13 everywhere [2] - 33:20, 33:21 evidence [2] - 35:7, 38:9 exact [2] - 36:24, 39:5 exactly [1] - 32:19 examination [8] - 4:15, 21:4, 21:19, 25:3, 25:17, 26:6, 37:3, 48:17 examine [4] - 21:3, 47:16, 47:17, 47:22 examined [1] - 40:21 examining [2] - 31:5, 36:10 example [3] - 7:23, 18:16, 20:5 except [1] - 20:15 exception [2] - 30:14, 35:18 excuse [2] - 36:8, 47:10 EXHIBIT [1] - 3:3 existing [3] - 28:13, 43:19, 44:10 expected [1] - 49:7 expeditious [2] - 7:16, 31:8	expert [9] - 10:1, 22:4, 22:18, 25:9, 34:13, 35:4, 38:3, 41:10, 44:22 expert's [1] - 26:20 experts [1] - 24:12 explain [1] - 28:22 explore [1] - 14:9 extent [4] - 11:16, 11:17, 12:13, 42:14 extra [2] - 38:23, 44:16
D		E		F
daily [2] - 43:17, 44:9 dare [1] - 47:16 data [1] - 21:24 date [2] - 51:6, 52:6 Date [1] - 52:25 Dated [1] - 51:20 Davis's [1] - 40:21 de [1] - 37:20 dealt [2] - 13:2, 21:6 decision [1] - 27:14 DeFeo [3] - 34:15, 34:20, 34:24 defer [2] - 43:9, 45:16 degradation [1] - 9:8 degree [5] - 16:18, 16:20, 16:22, 16:24, 17:2 degrees [1] - 16:10 delineates [1] - 15:7 demand [1] - 46:19 demonstrate [1] - 9:20 densities [1] - 8:15 density [3] - 45:2, 45:5, 46:3 DEP [1] - 23:20 DEPARTMENT [1] - 1:1 describing [1] - 21:20 DESCRIPTION [1] - 3:3 design [6] - 8:22, 16:12, 19:14, 27:9, 38:3, 41:23 designed [6] - 11:18, 29:1, 29:5, 29:16, 30:11, 42:8 desirable [1] - 9:2 destruction [1] - 44:17 details [3] - 36:2, 37:18, 42:8 deterrent [2] - 46:8, 46:15 deters [1] - 46:17 develop [1] - 4:3 developable [1] - 18:6 developer [2] - 19:16, 32:14 development [22] -	DEVELOPMENT [1] - 1:1 DeVito [4] - 21:10, 21:25, 24:10 deVito [2] - 20:4, 21:6 DeVito's [3] - 25:9, 26:2, 27:15 diagram [1] - 20:12 DIANA [1] - 2:7 difference [1] - 27:11 different [6] - 12:19, 13:4, 19:13, 20:19, 22:1, 25:16 dire [1] - 21:9 direct [8] - 16:18, 21:15, 21:19, 22:16, 24:23, 25:3, 25:18, 33:5 directly [3] - 5:13, 21:18, 22:14 discouraging [1] - 8:24 discuss [3] - 5:24, 12:9, 33:2 discussed [1] - 42:22 discussion [1] - 48:22 dispute [1] - 24:20 distance [1] - 39:6 distorting [1] - 24:9 distortion [1] - 26:15 district [1] - 32:15 districts [3] - 9:6, 31:21, 32:11 disturbance [14] - 18:23, 19:10, 20:17, 20:21, 21:17, 23:15, 24:3, 24:23, 26:12, 26:13, 26:14, 26:22, 27:3, 45:21 disturbing [1] - 24:4 DO [1] - 51:8 documents [1] - 41:1 domain [1] - 23:1 done [7] - 6:25, 7:2, 18:5, 40:24, 41:5, 41:6, 47:14 doubts [1] - 31:4 down [1] - 30:4 drainage [2] - 40:24, 41:13	ecological [4] - 16:14, 16:19, 21:8, 27:1 ecologist [1] - 21:6 ecology [3] - 16:15, 16:19, 16:20 edge [3] - 20:6, 27:7, 39:18 education [1] - 16:16 effect [5] - 20:5, 21:10, 23:25, 41:4, 41:15 efficient [1] - 5:20 efficiently [1] - 29:2 efforts [1] - 46:9 either [2] - 5:12, 27:6 element [2] - 10:16, 10:17 elements [1] - 9:17 eliminating [1] - 14:13 embraces [2] - 33:23, 34:6 emergency [1] - 6:5 emissions [1] - 17:3 employee [2] - 51:9, 51:11 encompasses [1] - 33:15 encourage [1] - 8:22 end [3] - 10:9, 18:18, 48:13 energy [1] - 9:6 Engineer [1] - 1:12 engineer [7] - 10:2, 41:9, 41:17, 42:17, 42:23, 45:12, 45:17 engineering [3] - 10:3, 40:25, 41:7 ensure [1] - 8:9 entire [2] - 19:6, 23:24 entitled [2] - 26:10, 36:18 environment [8] - 9:2, 9:9, 10:23, 13:6, 13:19, 17:6, 23:18, 44:1 environmental [34] - 11:21, 11:22, 13:15,	expert [9] - 10:1, 22:4, 22:18, 25:9, 34:13, 35:4, 38:3, 41:10, 44:22 expert's [1] - 26:20 experts [1] - 24:12 explain [1] - 28:22 explore [1] - 14:9 extent [4] - 11:16, 11:17, 12:13, 42:14 extra [2] - 38:23, 44:16	facilities [1] - 40:3 facility [1] - 8:24 fact [7] - 5:10, 10:18, 11:1, 14:9, 19:5, 33:1, 47:10 factor [1] - 10:7 factors [2] - 10:23, 45:8 FAGAN [1] - 1:14 fair [1] - 10:17 fall [2] - 36:24, 38:13 false [1] - 37:13 far [3] - 17:21, 18:18, 40:1 FAX [1] - 1:25 feet [2] - 14:20, 14:22 Fells [2] - 9:24, 40:22 few [1] - 17:12 filed [1] - 32:14 final [1] - 41:23 financially [1] - 51:12 fine [1] - 5:23 first [3] - 11:11, 21:13, 36:10 FISHMAN [3] - 1:23, 51:2, 51:16 flow [12] - 8:23, 28:18, 28:21, 28:24, 29:1, 29:3, 29:8, 29:9, 29:12, 29:18, 30:6 focuses [1] - 41:17 follow [2] - 5:22, 29:9 follow-up [1] - 5:22 followed [2] - 46:25, 47:12 following [2] - 33:4, 46:10 follows [1] - 4:24 FOR [1] - 52:8 forces [3] - 14:11, 34:1, 34:3 foreclosed [1] - 6:14

foregoing [1] - 51:4 forest [24] - 19:9, 19:24, 20:11, 20:13, 20:14, 20:15, 20:22, 20:25, 21:8, 21:10, 22:11, 23:11, 23:15, 23:25, 24:13, 25:10, 26:11, 26:21, 27:5, 27:6, 27:7, 30:3, 44:17, 44:19 forests [1] - 20:7 form [1] - 11:13 formally [1] - 49:24 forth [1] - 51:7 forum [3] - 11:19, 12:9, 12:18 forward [2] - 5:12, 25:20 foundation [2] - 25:11, 25:24 fourth [2] - 17:17, 17:19 fractions [1] - 20:13 free [1] - 8:23 friendly [2] - 40:6, 40:7 front [1] - 28:7 full [1] - 48:4 function [1] - 29:1 functionality [1] - 29:5 FURTHER [1] - 51:8 future [1] - 43:9	7:22, 8:1, 10:22, 33:18, 46:10 governed [1] - 24:16 granted [1] - 37:21 great [2] - 17:9, 33:14 ground [1] - 42:7 group [1] - 4:13 GUARINO [1] - 1:10 guess [1] - 22:24 guide [1] - 11:7 gun [1] - 35:9	9:15, 10:15, 10:16, 11:2, 14:12, 14:14, 33:17, 33:19, 33:22, 34:2, 46:19, 47:2 hUTT [1] - 2:2	interrupted [1] - 25:1 interruption [1] - 24:8 introduce [2] - 23:4, 43:16 introduced [3] - 21:13, 21:14, 24:21 issue [6] - 6:16, 7:5, 7:9, 7:10, 21:16, 42:18 issues [2] - 34:7, 40:14 itself [3] - 11:17, 36:13, 52:6	27:23, 28:3, 28:4, 28:8, 28:13 language [8] - 13:8, 13:14, 14:13, 26:17, 26:19, 26:20, 38:6, 38:8 last [1] - 6:3 laudable [6] - 46:8, 46:10, 46:15, 46:17, 47:11 Law [1] - 8:3 law [3] - 9:19, 17:7, 31:25 laws [1] - 33:18 lawsuit [2] - 12:11, 32:14 lawyers [2] - 17:6, 17:8 lead [1] - 16:5 leave [1] - 29:19 leaves [1] - 23:14 leaving [5] - 23:24, 23:25, 26:11, 30:18, 30:20 leeway [2] - 22:24, 23:9 left [9] - 20:10, 20:13, 22:11, 24:13, 25:10, 27:5, 30:3, 37:1, 37:13 legal [2] - 12:11, 36:3 legitimate [1] - 47:15 less [1] - 38:4 licence [1] - 15:11 license [1] - 15:14 licensed [1] - 44:21 licensure [2] - 16:17 lieu [1] - 45:8 light [1] - 8:6 limits [2] - 27:3 Line [1] - 52:9 line [2] - 11:16, 12:13 lines [5] - 10:10, 10:11, 28:19, 52:7 link [5] - 5:9, 5:12, 49:11, 49:18, 49:19 litigation [1] - 32:21 live [4] - 6:4, 29:17, 36:17, 44:18 location [3] - 8:22, 8:24, 30:14 locations [1] - 9:3 locked [1] - 39:12 logical [1] - 6:17 look [4] - 12:22, 13:17, 22:22 looks [2] - 40:18, 44:22 loop [1] - 38:3 lose [1] - 22:10					
G	HAIZEL [1] - 1:13 half [2] - 24:4, 24:5 hardship [4] - 37:21, 37:24, 38:10, 38:16 harm [4] - 21:21, 22:9, 24:22, 27:8 HEADQUARTERS [1] - 1:23 health [1] - 33:11 hear [3] - 7:3, 20:1, 49:10 heard [6] - 24:14, 26:1, 26:3, 27:14, 27:15, 40:13 hearing [2] - 34:17, 50:8 held [2] - 50:5, 50:7 help [2] - 25:21, 27:12 helpful [1] - 17:11 hereby [1] - 51:3 hereinbefore [1] - 51:7 hereto [1] - 52:23 HESS [1] - 1:12 hi [1] - 4:8 Highlands [2] - 4:2, 4:10 HIGHLANDS [1] - 1:5 highway [1] - 38:23 himself [3] - 16:1, 22:7, 24:20 historic [1] - 9:6 homeowners [1] - 36:5 homes [1] - 36:17 hope [2] - 48:17, 48:19 hospital [2] - 17:18, 18:18 housekeeping [2] - 5:5, 49:5 houses [1] - 30:5 housing [15] - 7:20,	I	id [1] - 21:18 identify [1] - 13:24 ignore [1] - 25:22 IH-1 [1] - 4:2 impact [4] - 9:23, 10:4, 10:6, 40:22 impacts [4] - 14:10, 34:14, 34:21, 35:5 impair [1] - 12:6 implication [1] - 37:13 importantly [1] - 29:6 impose [1] - 44:1 imposed [1] - 46:20 impression [1] - 37:1 improper [1] - 9:9 Inc [1] - 4:10 INC [1] - 1:5 include [1] - 52:22 included [2] - 28:4, 33:17 includes [1] - 40:14 including [1] - 15:24 inclusionary [1] - 4:4 incorporate [1] - 27:22 incorporated [2] - 7:23, 13:4 incorporation [1] - 11:7 indeed [1] - 10:25 indicated [1] - 52:7 individual [2] - 8:10, 36:4 individuals [1] - 36:1 information [3] - 6:9, 27:12, 27:13 infrastructure [1] - 44:23 ingress [1] - 44:9 insinuates [1] - 42:14 INSTRUCTIONS [1] - 52:5 intended [2] - 11:7, 23:17 intent [2] - 12:7, 38:5 interest [1] - 33:20 interested [1] - 51:12 interpretation [1] - 34:24	J	JAMILET [1] - 1:13 Jamilet [1] - 49:16 January [3] - 4:12, 25:4, 26:6 JERRY [1] - 1:10 Jersey [3] - 32:18, 46:18, 51:3 JERSEY [4] - 1:24, 2:4, 2:8, 2:11 job [1] - 18:5 John [1] - 4:11 JOHN [2] - 1:12, 1:18 JOSEPH [1] - 1:14 judgement [1] - 15:21 July [1] - 50:7 jumping [1] - 35:9 JUNE [1] - 1:2 June [1] - 50:5 jurisdiction [2] - 12:15, 48:1	K	KEN [1] - 1:10 klein [1] - 6:12 knowledge [2] - 7:6, 36:11 known [2] - 5:1, 17:9 Kusic [2] - 35:17, 38:5	L	lack [1] - 31:2 ladies [1] - 49:25 laid [1] - 25:10 Land [1] - 8:3 land [8] - 9:9, 18:2, 18:20, 18:23, 19:10, 19:12, 20:17, 45:21 landed [1] - 46:22 landscape [5] -

losing [5] - 20:22, 20:24, 23:11, 23:24, 26:10 loss [1] - 21:10	mediator [1] - 32:24 meeting [8] - 4:14, 5:24, 6:3, 7:15, 48:20, 50:3, 50:4, 50:6 meets [1] - 9:20 member [2] - 5:2, 39:8 MEMBERS [1] - 1:8 members [6] - 5:18, 6:2, 6:3, 6:10, 6:11, 6:24 mentioned [3] - 35:13, 37:20, 45:12 merits [1] - 12:9 might [2] - 20:11, 35:9 mind [3] - 20:18, 41:24, 46:7 minimal [12] - 18:23, 19:10, 20:17, 21:16, 23:15, 24:2, 24:22, 26:11, 26:12, 26:14, 26:22, 26:24 minimus [1] - 37:20 minute [2] - 38:21, 38:23 minutes [1] - 5:15 misleading [1] - 30:16 missed [1] - 6:12 misstating [1] - 47:25 MLUL [11] - 7:22, 9:11, 10:8, 11:6, 11:9, 11:13, 13:5, 13:11, 13:18, 41:2, 43:13 Moderator [1] - 1:14 moment [2] - 39:10, 48:14 MONDAY [1] - 1:2 Monday [2] - 5:16, 49:7 months [1] - 6:11 MORRISTOWN [1] - 1:24 most [1] - 29:6 move [12] - 14:2, 14:6, 27:17, 27:20, 32:7, 33:5, 38:19, 40:16, 42:24, 47:19 movement [2] - 29:10, 29:11 movements [1] - 29:14 MR [93] - 4:8, 5:5, 5:19, 5:25, 6:15, 7:4, 7:10, 11:15, 11:20, 12:8, 12:16, 13:20, 13:23, 14:1, 15:10, 15:13, 15:18, 15:20,	15:22, 15:25, 16:3, 16:5, 19:19, 19:22, 20:24, 21:1, 21:5, 21:23, 22:2, 22:20, 23:4, 23:8, 24:1, 24:2, 24:4, 24:7, 24:9, 24:10, 24:16, 24:18, 25:6, 25:13, 25:19, 26:1, 26:4, 26:9, 26:15, 26:17, 26:19, 27:17, 27:19, 30:12, 30:17, 30:20, 30:24, 30:25, 31:1, 31:3, 31:11, 31:17, 32:10, 32:22, 33:4, 36:8, 36:12, 36:14, 36:22, 37:9, 38:21, 42:13, 42:16, 42:20, 42:24, 43:2, 45:1, 45:3, 45:4, 45:6, 47:5, 47:9, 47:19, 47:20, 48:3, 48:8, 48:11, 48:16, 48:25, 49:4, 49:12, 49:15, 49:19, 49:23, 49:24 MS [14] - 4:18, 4:22, 6:1, 6:22, 7:7, 25:2, 25:8, 25:15, 25:23, 26:5, 49:11, 49:13, 49:14, 49:21 MUA [1] - 41:25 multifamily [1] - 4:4 multiple [4] - 9:18, 21:15, 29:2, 44:18 multiplicity [1] - 15:1 municipal [2] - 10:10, 10:11 municipalities [5] - 8:10, 8:12, 9:23, 34:1, 41:4 must [6] - 6:24, 9:17, 10:7, 22:2, 36:22, 41:3 muster [1] - 23:18	needed [1] - 46:24 needs [1] - 9:15 negative [1] - 10:4 neighborhood [4] - 30:23, 30:25, 43:19, 44:10 neighborhoods [1] - 8:18 neighboring [6] - 8:11, 9:23, 10:5, 10:7, 41:4, 41:15 neighbors [6] - 35:15, 35:16, 35:20, 36:16, 37:12, 37:16 network [4] - 18:8, 41:23, 41:24, 44:23 never [1] - 14:21 NEW [4] - 1:24, 2:4, 2:8, 2:11 New [3] - 32:18, 46:18, 51:3 next [6] - 5:16, 5:24, 48:20, 49:7, 49:14, 50:4 nexus [1] - 13:9 nice [1] - 29:17 night [2] - 14:21, 34:19 nine [1] - 20:16 NJ [1] - 2:12 none [2] - 5:3, 17:17 normal [3] - 25:17, 32:3, 47:15 normally [1] - 7:23 NORTH [1] - 1:23 north [2] - 29:25, 30:2 northwest [1] - 4:5 Notary [1] - 51:3 note [3] - 5:21, 22:2, 52:6 noted [5] - 5:10, 7:18, 10:14, 26:5, 52:23 notes [1] - 38:22 nothing [5] - 4:20, 22:11, 24:13, 24:18, 25:6 number [4] - 21:18, 21:20, 28:7	47:21, 48:2 objections [1] - 26:8 objectives [2] - 10:22, 47:12 Objector [1] - 2:12 objector [2] - 4:13, 35:6 objectors [1] - 20:2 obligation [1] - 48:5 obligations [1] - 48:1 obviously [2] - 25:24, 35:5 OF [2] - 1:1, 1:1 off-site [1] - 42:22 offer [2] - 5:18, 13:24 offered [1] - 36:23 offhand [1] - 35:23 Official [1] - 1:14 ONE [1] - 2:7 one [38] - 5:5, 5:10, 6:1, 6:4, 6:11, 6:20, 7:19, 9:20, 10:17, 10:18, 13:16, 14:20, 14:22, 18:10, 18:11, 19:3, 19:5, 19:9, 19:23, 21:18, 28:18, 30:14, 33:18, 37:13, 38:4, 39:6, 39:10, 40:1, 43:18, 44:9, 44:16, 48:14, 49:4 open [3] - 8:6, 9:6, 10:22 operate [1] - 29:1 opinion [5] - 16:1, 18:5, 26:12, 26:14, 26:22 OR [1] - 52:8 Orange [1] - 4:6 ORANGE [2] - 1:1, 2:8 order [2] - 11:13, 39:13 ordinance [36] - 11:8, 11:16, 11:18, 11:20, 11:25, 12:6, 12:10, 12:12, 12:14, 12:17, 12:23, 13:1, 13:3, 13:9, 13:14, 13:21, 14:3, 14:7, 14:15, 22:22, 22:25, 23:17, 24:17, 29:7, 45:23, 45:25, 46:3, 46:4, 46:8, 46:11, 46:12, 46:14, 46:23, 47:13 ordinances [3] - 7:24, 11:12, 41:3 ordinary [1] - 43:8 organization [1] - 35:22
M				
magnitude [1] - 43:9 main [1] - 17:14 major [4] - 21:21, 22:5, 23:5, 42:2 mandated [2] - 16:16, 46:20 manner [2] - 22:8, 29:16 Martin [4] - 12:20, 12:22, 13:2, 13:17 mark [1] - 52:6 mass [2] - 39:13, 40:2 Master [11] - 10:14, 10:17, 10:21, 11:2, 11:3, 12:1, 12:7, 13:10, 22:23, 22:25, 33:3 matter [6] - 5:5, 9:16, 22:21, 23:8, 46:2, 49:5 matters [1] - 26:9 Mayor [2] - 1:9, 40:21 McCARTNEY [1] - 1:9 McDonough [13] - 4:14, 4:16, 5:11, 16:4, 16:8, 21:14, 22:6, 22:21, 24:25, 37:15, 47:22, 48:17, 48:23 McDonough [7] - 1:18, 4:11, 4:25, 5:25, 7:12, 22:1, 31:13 McDonough's [3] - 5:3, 22:3, 23:1 McGOVERN [14] - 2:7, 4:18, 4:22, 6:1, 6:22, 7:7, 25:2, 25:8, 25:15, 25:23, 26:5, 49:11, 49:13, 49:21 mcGovern [1] - 6:17 mean [11] - 11:3, 14:15, 28:1, 28:22, 28:23, 29:10, 29:25, 30:3, 31:24, 33:12, 39:22 meaning [3] - 31:4, 34:11, 36:16 means [4] - 14:8, 29:10, 29:13, 30:21 meant [3] - 30:17, 37:11, 38:12				
		N		
		name [1] - 35:22 namely [1] - 7:19 natural [1] - 9:7 nature [2] - 5:9, 42:3 nearest [2] - 39:7, 40:2 nearly [1] - 10:18 necessarily [1] - 11:3 necessary [1] - 37:3 need [5] - 15:2, 15:13, 25:13, 38:21, 45:17		
		O		
		oath [3] - 4:17, 4:24, 41:10 object [7] - 11:15, 12:8, 13:20, 24:1, 30:12, 42:13, 43:2 objection [6] - 20:24, 22:20, 32:22, 47:5,		

otherwise [2] - 19:13, 20:19 outcome [1] - 37:7 outside [6] - 22:12, 29:25, 32:25, 40:4, 41:25, 42:6 overall [2] - 29:4, 29:22 own [4] - 15:24, 34:12, 36:16, 45:18	22:11, 23:11, 23:12, 23:15, 23:25, 26:11, 26:21, 27:5 perfectly [3] - 36:18, 47:1, 47:15 perform [1] - 41:9 period [1] - 25:5 Person [2] - 1:11, 50:2 person [1] - 50:5 personal [2] - 5:7, 6:5 personally [1] - 40:24 persons [1] - 8:18 persuade [1] - 46:6 pertaining [1] - 37:22 phase [1] - 43:10 phone [1] - 5:13 phrase [2] - 32:17, 33:15 phrases [1] - 38:11 pick [1] - 46:21 picking [1] - 47:18 Pizzo [4] - 12:20, 12:21, 13:2, 13:16 place [7] - 11:11, 29:17, 32:7, 36:10, 38:15, 44:24, 51:6 Plan [11] - 10:14, 10:17, 10:21, 11:2, 11:3, 12:1, 12:7, 13:10, 22:23, 23:1, 33:3 plan [36] - 10:17, 14:8, 14:10, 14:16, 14:23, 15:17, 16:1, 17:12, 19:23, 24:5, 27:22, 28:8, 28:13, 28:16, 32:6, 33:3, 38:25, 40:7, 40:23, 41:18, 41:20, 41:21, 42:3, 42:6, 42:12, 42:14, 42:15, 42:16, 42:17, 42:19, 42:21, 42:24, 43:4, 43:6, 43:20, 47:12 Planner [2] - 1:13, 1:18 planner [12] - 4:11, 15:15, 17:6, 22:22, 26:23, 26:25, 36:7, 40:17, 41:5, 49:7, 49:8, 49:10 planners [2] - 15:1, 17:9 planning [18] - 7:19, 9:16, 10:9, 12:22, 12:25, 15:2, 16:12,	16:13, 18:9, 29:6, 33:16, 41:18, 42:1, 42:4, 42:11, 43:7, 43:11, 45:14 PLANNING [1] - 1:1 Planning [17] - 5:1, 12:4, 12:5, 12:14, 27:12, 27:13, 32:5, 32:9, 32:25, 33:1, 36:19, 42:2, 42:11, 47:8, 50:4, 50:6 plannings [1] - 33:25 plans [3] - 28:2, 28:4, 32:7 plantings [1] - 28:6 play [1] - 14:11 PLAZA [1] - 1:23 plocker [13] - 4:7, 13:23, 21:2, 22:13, 24:8, 24:19, 31:6, 31:17, 42:19, 46:2, 47:15, 48:3, 48:24 PLOCKER [37] - 2:2, 2:3, 4:8, 11:15, 12:8, 13:20, 14:1, 15:10, 15:18, 15:22, 16:3, 19:19, 20:24, 21:5, 21:23, 22:20, 24:1, 24:4, 24:9, 24:16, 26:15, 26:19, 30:12, 30:20, 30:24, 31:1, 32:22, 36:12, 42:13, 42:20, 43:2, 45:1, 45:4, 47:5, 47:20, 48:25, 49:24 Plocker [3] - 4:9, 12:18, 21:2 PM [3] - 50:5, 50:7, 50:8 pocket [3] - 18:10, 18:11 pockets [2] - 18:6, 18:7 point [6] - 12:19, 27:19, 36:22, 37:11, 48:8, 48:9 pollution [1] - 17:3 POMACO [1] - 2:6 population [1] - 8:15 position [2] - 5:11, 6:20 positive [1] - 39:23 possible [2] - 5:11, 5:16 possibly [1] - 20:21 pre [1] - 11:9 pre-ample [1] - 11:9 precluding [1] - 6:23 predicate [2] - 10:1, 45:19	prerogative [1] - 12:12 Prerogative [1] - 19:20 present [2] - 42:19, 42:25 presenting [1] - 35:6 presently [1] - 44:24 preservation [2] - 10:22, 14:24 preserved [1] - 20:8 preserving [3] - 14:18, 19:11 press [1] - 13:13 pretty [3] - 17:21, 40:10, 40:25 prevailed [1] - 19:20 prevent [1] - 9:8 previous [1] - 48:22 PRINCETON [1] - 2:11 principles [2] - 13:18, 29:6 probe [1] - 38:17 problem [2] - 5:17, 46:18 procedural [2] - 46:23, 47:13 process [4] - 31:5, 32:3, 43:14, 46:22 product [1] - 32:15 profession [1] - 45:14 professional [3] - 4:11, 15:24, 41:8 professionals [1] - 15:23 project [15] - 17:18, 17:22, 18:24, 20:5, 21:16, 22:6, 23:14, 23:16, 28:25, 43:9, 44:13, 44:14, 45:9, 45:25, 46:16 promised [2] - 4:11, 4:14 promote [3] - 8:14, 8:23, 9:5 proper [1] - 16:7 properties [3] - 10:5, 10:7, 39:12 property [7] - 4:5, 10:10, 26:22, 39:12, 39:16, 39:19, 45:4 proposal [1] - 26:16 proposed [3] - 30:16, 45:5, 45:22 proposes [1] - 32:4 proposing [1] - 4:3 proposition [1] - 45:9	protect [1] - 23:17 protecting [1] - 13:6 protection [16] - 10:23, 13:15, 13:22, 13:24, 14:17, 14:25, 15:3, 15:9, 15:11, 15:12, 16:9, 23:19, 23:21, 23:23, 34:3, 34:6 provide [3] - 8:6, 9:2, 34:2 provided [1] - 19:16 providing [2] - 7:19, 11:23 provision [2] - 14:14, 33:19 public [14] - 5:18, 6:25, 7:2, 19:11, 33:11, 33:17, 33:20, 39:7, 48:19, 48:21, 49:1, 49:2 Public [1] - 51:3 publics [1] - 39:8 published [2] - 49:9, 49:17 Purpose [1] - 33:14 purpose [6] - 9:10, 12:7, 12:19, 21:22, 46:7, 46:14 purposes [3] - 9:18, 13:10, 46:7 purview [5] - 32:25, 36:7, 36:9, 36:25, 37:2 put [5] - 5:10, 21:10, 22:13, 43:25, 49:12 putting [1] - 21:11
P				
P.M [1] - 1:2 page [1] - 52:6 PAGE [1] - 3:3 Page [1] - 52:9 PAGE/ERRATA [1] - 52:1 paramount [1] - 33:20 paraphrasing [1] - 28:16 park [1] - 29:21 parking [1] - 29:4 part [9] - 15:1, 16:17, 28:5, 41:24, 42:15, 43:23, 44:2, 44:5, 44:6 partially [1] - 38:22 participant [2] - 33:2, 37:7 particular [3] - 8:21, 24:19, 38:14 particularly [1] - 11:6 parties [2] - 36:21, 51:10 parts [1] - 29:3 pass [1] - 23:18 past [2] - 6:10, 25:17 pay [1] - 47:7 PB-24-01 [2] - 1:5, 4:1 peculiar [4] - 37:22, 37:24, 38:10, 38:14 pedestrian [5] - 29:14, 30:10, 39:23, 40:6 pedestrians [2] - 29:18, 30:7 pehnke [1] - 40:11 pehnke's [1] - 40:8 people [8] - 28:18, 28:21, 28:24, 29:10, 29:23, 30:5, 36:16, 44:18 per [1] - 15:6 percent [14] - 8:19, 20:16, 20:22, 20:25,				
Q				
				qualified [2] - 21:9, 41:9 qualify [1] - 18:14 questioned [1] - 48:22 questioning [2] - 11:16, 12:13 questions [24] - 5:2, 5:8, 5:10, 5:13, 6:13, 6:14, 7:1, 7:8, 11:17, 21:7, 21:8, 21:9, 21:22, 21:24, 22:17, 23:2, 25:25, 27:11, 27:16, 48:18, 48:24, 49:2, 49:3 quick [1] - 49:4 quite [2] - 30:18, 30:19 quote [3] - 27:24, 31:21, 34:10

quoting [2] - 35:20, 37:23	relay [1] - 7:2 relevant [3] - 8:20, 21:22, 32:8 reliant [1] - 41:7 relied [2] - 15:18, 15:22 relies [1] - 9:25 rely [3] - 17:10, 44:21, 45:19 relying [2] - 10:2, 38:2 remember [5] - 20:8, 35:22, 38:1, 39:7, 40:23 remotely [1] - 5:7 renew [1] - 22:20 repeated [1] - 23:5 repeatedly [3] - 24:21, 25:7, 45:7 rephrase [2] - 16:3, 49:6 Reporter [1] - 51:2 REPORTING [1] - 1:23 representing [1] - 18:17 required [2] - 16:16, 52:7 requirement [1] - 33:21 requirements [1] - 46:24 requires [1] - 14:7 reserved [1] - 22:7 residential [3] - 4:4, 19:14, 19:15 residual [1] - 20:13 resolution [1] - 33:1 resources [2] - 9:7 respect [3] - 7:7, 13:18, 14:23 response [2] - 39:8, 40:20 responsive [1] - 14:19 rest [2] - 11:3, 29:24 result [1] - 8:25 reswear [1] - 4:18 review [5] - 14:8, 25:15, 27:2, 38:21, 41:12 road [2] - 18:7, 44:22 Road [1] - 4:2 ROBERT [1] - 1:9 robust [3] - 27:23, 28:2, 28:14 routed [1] - 12:25 routes [2] - 8:23, 8:25 RSIS [4] - 30:14,	35:18, 37:20, 38:5 rule [1] - 11:21 rules [2] - 11:22, 14:5	sewage [1] - 42:25 sewer [9] - 41:20, 41:21, 42:3, 42:12, 42:14, 42:16, 42:17, 42:19, 42:21 sewers [1] - 41:22 share [1] - 10:17 SHEET [1] - 52:1 sheet [1] - 52:6 sheets [1] - 52:7 SHIMANOWITZ [1] - 2:2 short [1] - 48:15 shortcut [1] - 8:4 shorter [1] - 8:4 Shorthand [1] - 51:2 shovel [1] - 42:7 show [1] - 9:20 showing [1] - 38:8 shows [1] - 20:12 side [7] - 14:20, 14:22, 17:21, 18:3, 20:7, 20:11 sides [1] - 30:15 sidewalk [3] - 29:19, 30:23, 40:3 sidewalks [7] - 30:7, 30:13, 30:14, 30:16, 30:19, 31:2 sign [1] - 52:6 SIGNATURE [1] - 52:1 signature [1] - 52:25 signed [3] - 35:25, 36:1, 41:8 significant [5] - 27:1, 27:8, 28:7, 44:11, 44:20 simple [4] - 15:15, 23:23, 26:13, 42:10 simply [4] - 6:15, 15:8, 15:20, 45:6 site [17] - 10:3, 14:8, 14:16, 18:7, 19:3, 20:15, 23:12, 27:9, 29:4, 29:5, 29:15, 29:22, 41:18, 42:15, 42:21, 42:22, 42:25 sites [1] - 9:6 situation [1] - 32:13 size [2] - 41:24, 42:12 skip [1] - 8:20 slivers [1] - 20:11 slopes [1] - 13:5 small [1] - 20:13 someone [1] - 32:4 sometimes [1] - 33:14 sorry [1] - 45:3	sort [1] - 39:13 sound [10] - 12:22, 15:17, 16:2, 29:6, 29:16, 42:1, 42:4, 42:10, 43:7, 43:11 south [3] - 29:25, 30:4, 35:24 space [4] - 8:7, 9:6, 10:22, 17:22 speaking [2] - 36:15, 47:10 speaks [3] - 10:15, 11:17, 36:13 special [1] - 50:4 specialties [1] - 17:10 specific [3] - 13:8, 13:14, 14:12 specifically [3] - 13:4, 24:14, 33:1 SPEEDWELL [1] - 1:24 spots [1] - 46:21 sprawl [29] - 9:8, 17:13, 17:25, 18:8, 18:17, 18:18, 43:21, 43:23, 44:3, 44:4, 44:5, 44:6, 44:11, 44:13, 44:20, 45:8, 45:10, 45:13, 45:24, 46:1, 46:4, 46:6, 46:9, 46:13, 46:15, 46:17, 48:10, 48:12 spread [1] - 18:14 spreading [2] - 18:11, 44:19 stage [1] - 10:19 standards [4] - 11:13, 11:23, 13:4, 39:1 standby [1] - 45:11 standpoint [1] - 10:4 stands [1] - 45:9 State [2] - 9:7, 51:3 state [3] - 8:1, 31:25, 50:1 statement [5] - 30:15, 34:16, 45:11, 47:21, 47:24 statements [2] - 23:5, 36:23 states [1] - 33:1 status [1] - 26:25 statute [2] - 9:5, 15:14 stay [1] - 30:22 steep [1] - 13:5 stenographically [1] - 51:5 step [1] - 26:7
R	S			
raise [2] - 5:21, 7:4 raised [1] - 21:16 raising [1] - 6:16 rate [2] - 44:13, 47:8 rather [2] - 9:16, 32:20 RE [1] - 1:5 read [2] - 52:6, 52:22 real [2] - 17:25, 41:22 realized [2] - 19:13, 20:19 really [7] - 7:8, 17:18, 33:4, 36:25, 37:2, 40:4, 45:16 realm [1] - 19:12 reason [3] - 6:4, 11:10, 17:17 reasons [3] - 5:7, 14:18, 31:7 received [1] - 6:9 recess [1] - 48:15 recommend [1] - 14:6 record [7] - 5:10, 19:21, 24:9, 24:10, 27:11, 30:9, 50:2 refer [3] - 33:14, 35:15, 35:20 reference [2] - 28:18, 39:5 REFERENCE [1] - 52:3 referenced [1] - 37:16 referencing [1] - 31:1 referred [2] - 34:15, 38:25 referring [7] - 29:11, 34:11, 34:14, 35:16, 35:18, 35:21, 37:25 refers [2] - 29:3, 35:14 reflect [1] - 43:20 reflects [1] - 43:7 regarding [2] - 23:2, 25:10 regardless [1] - 49:8 regular [1] - 50:6 regulations [2] - 14:12, 14:17 rejected [1] - 19:17 relative [2] - 51:9, 51:11	S.R [1] - 51:16 safe [1] - 40:7 safely [1] - 29:1 safety [2] - 33:11, 40:14 sanitary [1] - 41:21 satisfied [3] - 9:16, 9:17, 11:4 satisfies [1] - 7:19 satisfy [1] - 11:1 satisfying [1] - 38:25 saw [1] - 26:4 scarpa [1] - 5:6 SCARPA [1] - 1:11 Scarpa [2] - 7:8, 50:2 scheme [2] - 19:14, 20:20 school [1] - 16:15 science [4] - 16:14, 16:19, 16:22, 16:24 scientist [1] - 15:6 scope [4] - 21:19, 22:12, 22:14, 42:12 se [1] - 15:6 sealed [1] - 41:8 seamless [1] - 29:11 seat [1] - 21:2 Secretary [1] - 1:13 Section [3] - 9:13, 11:6, 11:23 section [3] - 8:6, 8:9, 35:19 see [3] - 14:21, 30:8, 30:9 seeking [2] - 12:13, 30:13 seem [1] - 8:20 select [1] - 8:5 send [2] - 5:21, 7:1 sense [1] - 17:25 sensitive [1] - 14:20 set [3] - 14:3, 27:11, 51:7 settled [1] - 37:12 settlement [10] - 32:15, 35:14, 36:12, 36:15, 36:20, 37:6, 37:7, 37:18, 38:13, 47:2 seven [2] - 20:16, 50:8 several [4] - 12:20, 15:15, 18:24, 22:2			

stewards ^[1] - 23:19 still ^[8] - 4:17, 20:17, 26:14, 26:24, 43:20, 43:22, 44:20, 45:11 stone ^[1] - 14:3 stop ^[1] - 31:6 stormwater ^[4] - 9:23, 10:4, 40:22, 41:21 stream ^[1] - 6:4 street ^[1] - 30:15 streets ^[4] - 39:1, 39:21, 39:22, 40:5 strike ^[2] - 38:18, 40:16 striking ^[1] - 33:25 studied ^[1] - 16:14 study ^[2] - 41:8, 41:9 subdivision ^[2] - 19:14, 19:16 subject ^[5] - 5:22, 7:6, 21:14, 22:21 subjects ^[1] - 17:2 subscribed ^[1] - 52:22 Subsection ^[1] - 41:2 subset ^[1] - 44:4 substantial ^[3] - 30:9, 34:14, 34:21 substantially ^[1] - 11:25 substantiated ^[1] - 45:18 suggest ^[1] - 22:13 suggesting ^[3] - 6:20, 25:23, 36:25 suggests ^[2] - 11:22, 13:16 suit ^[1] - 12:12 SUITE ^[2] - 1:24, 2:7 Superior ^[3] - 13:3, 19:20, 32:24 support ^[1] - 38:9 surprised ^[1] - 36:9 SUSAN ^[2] - 1:9, 1:11 suspends ^[1] - 11:21 swear ^[1] - 4:19 sworn ^[2] - 4:24, 41:10 system ^[1] - 30:10	testified ^[13] - 15:15, 15:22, 17:12, 20:4, 21:6, 22:23, 24:13, 26:1, 27:22, 34:18, 34:22, 39:4 testifies ^[1] - 4:24 testify ^[1] - 32:10 testimony ^[46] - 4:12, 7:18, 9:25, 12:21, 12:24, 15:23, 16:4, 16:6, 18:20, 18:21, 18:24, 20:1, 20:8, 21:15, 21:25, 22:3, 22:5, 22:13, 24:11, 24:15, 24:21, 24:24, 25:3, 25:9, 25:11, 25:14, 26:2, 26:6, 27:15, 30:8, 33:5, 34:10, 34:12, 35:4, 35:6, 35:8, 35:11, 35:13, 37:1, 38:2, 39:2, 40:8, 41:10, 42:23, 51:5 THE ^[6] - 4:21, 11:24, 16:11, 26:3, 31:16, 37:17 there'll ^[1] - 22:9 thick ^[1] - 40:25 thinking ^[1] - 37:10 thinks ^[1] - 15:16 third ^[5] - 19:3, 19:6, 19:7, 19:9, 19:24 thousand ^[1] - 38:4 threat ^[1] - 32:21 three ^[1] - 17:14 throughout ^[3] - 28:6, 29:15, 32:18 throwing ^[1] - 25:4 tier ^[1] - 33:18 tiny ^[1] - 20:10 TO ^[1] - 52:5 together ^[1] - 18:2 tonight ^[7] - 4:10, 5:21, 7:9, 7:10, 7:15, 15:16, 49:22 took ^[1] - 31:21 top ^[1] - 33:18 totally ^[1] - 33:24 touch ^[1] - 17:5 town ^[7] - 10:14, 10:18, 11:10, 39:1, 42:17, 45:1, 45:4 towns ^[1] - 11:10 Township ^[1] - 4:6 township ^[1] - 42:23 TOWNSHIP ^[1] - 1:1 traffic ^[12] - 8:24, 29:4, 38:3, 44:1, 44:13, 44:15, 44:17, 44:21, 45:12, 45:13, 45:16, 45:20	trained ^[3] - 14:25, 15:3, 15:8 training ^[1] - 27:1 transcript ^[8] - 31:22, 34:11, 35:19, 51:5, 52:6, 52:6, 52:22 transit ^[4] - 39:13, 39:18, 39:20, 40:2 transport ^[1] - 39:7 transportation ^[2] - 8:23, 44:23 tremendous ^[1] - 34:1 trips ^[2] - 43:17, 44:9 trouble ^[1] - 46:5 true ^[6] - 7:24, 7:25, 18:4, 20:14, 45:14, 51:4 truth ^[3] - 4:19, 4:20 try ^[1] - 7:16 trying ^[2] - 5:20, 46:6 turned ^[1] - 27:6 two ^[4] - 17:23, 20:7, 20:12, 21:20 type ^[4] - 19:13, 20:19, 22:15, 44:25	V vacant ^[1] - 4:5 valuable ^[1] - 9:7 various ^[1] - 9:3 vast ^[1] - 44:17 vegetative ^[1] - 19:12 vehicles ^[2] - 29:10, 29:21 vehicular ^[3] - 29:13, 39:25, 40:7 venue ^[1] - 14:4 vetted ^[1] - 46:22 Via ^[1] - 49:18 via ^[2] - 49:19, 50:7 Vice ^[1] - 1:10 view ^[5] - 14:24, 23:22, 34:20, 40:6, 43:11 viewpoint ^[1] - 45:18 violate ^[1] - 38:5 violative ^[1] - 14:16 virtually ^[6] - 11:21, 20:6, 20:14, 22:11, 23:12, 24:13 visible ^[1] - 50:6 visual ^[1] - 9:2 VITE ^[2] - 1:13, 49:14 Voir ^[1] - 21:9 volume ^[1] - 44:25	WILLIAM ^[1] - 1:11 wishes ^[1] - 21:3 WITNESS ^[8] - 4:21, 11:24, 16:11, 26:3, 31:16, 37:17, 52:2, 52:5 witness ^[24] - 1:17, 6:8, 7:7, 16:6, 21:3, 21:17, 22:9, 24:14, 24:20, 25:5, 25:7, 25:11, 25:20, 26:1, 26:10, 31:4, 31:5, 31:7, 36:14, 36:23, 37:11, 45:6, 47:9, 47:11 Witness ^[1] - 52:25 witnesses ^[9] - 10:1, 20:2, 22:7, 22:12, 25:14, 37:2, 40:10, 45:19, 49:21 WOODBIDGE ^[1] - 2:4 word ^[1] - 29:9 works ^[1] - 32:8 Writ ^[1] - 19:20 writ ^[1] - 12:12 written ^[1] - 38:22	
			U	Y	
		unable ^[1] - 7:16 uncontroverted ^[5] - 22:4, 22:8, 35:3, 35:9 under ^[10] - 4:17, 4:24, 8:2, 10:8, 11:23, 13:16, 13:18, 31:25, 32:20, 41:10 undergraduate ^[1] - 16:11 understood ^[2] - 6:22, 31:16 undeveloped ^[1] - 30:2 undue ^[6] - 37:21, 37:24, 38:10, 38:16, 38:18, 43:21 unfair ^[1] - 25:25 unit ^[1] - 4:3 units ^[1] - 29:21 unless ^[1] - 48:23 Unless ^[1] - 37:20 unusual ^[2] - 32:13, 32:18 up ^[5] - 5:22, 18:2, 45:24, 47:18, 49:14 urban ^[2] - 9:8, 45:10	W	Z	
			waiver ^[1] - 37:21 walk ^[7] - 29:19, 29:23, 30:3, 30:6, 30:22, 39:6, 40:2 wants ^[1] - 23:1 warner ^[1] - 4:2 watched ^[3] - 6:13, 12:11, 26:2 watching ^[2] - 6:4, 50:2 website ^[2] - 49:9, 49:17 weight ^[1] - 24:11 welfare ^[8] - 8:11, 13:18, 33:7, 33:11, 33:12, 33:16, 33:23, 34:6 well-being ^[1] - 8:18 WEST ^[3] - 1:1, 1:5, 2:8 West ^[3] - 4:1, 4:6, 4:9 wetlands ^[3] - 13:6, 15:7, 16:24 whole ^[1] - 4:20 WILKES ^[1] - 1:11		zone ^[5] - 11:10, 31:25, 32:6, 32:7, 33:3 Zone ^[1] - 4:2 zoned ^[2] - 45:1, 45:4 zoning ^[29] - 7:23, 9:18, 10:9, 11:7, 11:12, 11:16, 11:18, 11:20, 11:25, 12:6, 12:14, 12:17, 13:1, 13:3, 13:10, 23:17, 27:2, 31:21, 32:1, 32:4, 32:11, 32:15, 32:20, 33:8, 33:18, 36:21, 46:8, 47:4, 47:13 Zoning ^[1] - 1:14 zoom ^[3] - 50:3, 50:6, 50:7 Zoom ^[1] - 1:14
T					
talks ^[1] - 14:13 tape ^[1] - 6:14 term ^[3] - 20:24, 33:12, 37:15 test ^[1] - 37:11					