

1 1 TOWNSHIP OF WEST ORANGE 2 DEPARTMENT OF PLANNING AND DEVELOPMENT 3 WEDNESDAY, JANUARY 28, 2026 4 6:30 P.M. 5 RE; PB-24-01 WEST ESSEX HIGHLANDS, INC. 6 BOARD MEMBERS: 7 ROBERT BAGOFF, Chairman 8 JERRY GUARINO, Vice Chairman 9 SUSAN MCCARTNEY, Mayor 10 KEN ALPER 11 JOHN CARDOZA 12 LORI KAPFERER 13 SUSAN SCARPA, Councilwoman 14 RYAN MacNEILL, Engineer 15 JAMILET BAQUERIZO VITE, Board Secretary 16 GENIECE GARY-ADAMS, Zoning Official 17 JOHN FAGAN 18 19 20 21 22 FISHMAN COURT REPORTING AGENCY 23 89 HEADQUARTERS PLAZA NORTH 24 4 SPEEDWELL AVENUE, SUITE 1440 25 MORRISTOWN, NEW JERSEY 07960 (973) 285-5331 - FAX - (732) 605-9391	3 1 I N D E X 2 WITNESS DIRECT CROSS REDIRECT RECROSS 3 4 I N D E X O F E X H I B I T S 5 <u>EXHIBIT</u> <u>DESCRIPTION</u> <u>PAGE</u> 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
2 1 A P P E A R A N C E S: 2 3 HUTT, SHIMANOWITZ & PLOCKER, ESQS. 4 BY BRYAN D. PLOCKER, ESQ. 5 Bplocker@huttshim.com 6 459 AMBOY AVENUE 7 WOODBIDGE, 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	4 1 CHAIRMAN BAGOFF: PB-24-01 West Essex 2 Highlands, Inc., Block: 179 Lot 32 Zone IH-1, Warner 3 Road. The applicant is proposing to develop a 496 4 Inclusionary multifamily residential development on a 5 Vacant 120 acre property in the northwest corner of the 6 Township of West Orange. 7 We're now in public comment. 8 For the people here, public comment will be, you have 9 one bite of the apple. You can come up, whether you 10 spoke for yourself or you spoke for anybody else, you 11 can come up once, so everybody has their first round. 12 You will be given five minutes to present whatever you 13 have. At the end of 4 minutes and 55 seconds, I will 14 say, thank you, and that will end at five minutes. 15 You'll come up to the microphone here, please 16 speak loudly into the microphone so people can hear you. 17 I may interrupt you at any time and amend your time if 18 you are not speaking loudly and people in the audience 19 in the back can not hear you. 20 I thank everybody for their public comment. 21 Please come up, state your name and address for 22 the record one at a time. Everybody else can -- okay. 23 Stand, sit, whatever you feel is reasonable. 24 MR. PANNULLO: Before we proceed with the 25 comments.

5 1 CHAIRMAN BAGOFF: Sir, no. No sir, you 2 can't. No. No. Sir, sit down. This is public comment. 3 If you, if you, sir, listen to me. 4 MR. PANNULLO: Excuse me, sir. There were 5 things submitted by the DEP -- 6 CHAIRMAN BAGOFF: Sir, stop. Stop 7 MR. PANNULLO: -- under OPRA at the last 8 meeting -- 9 CHAIRMAN BAGOFF: Stop. Stop. I'm going to 10 adjourn the meeting if you don't stop. Sir, stop. 11 MR. PANNULLO: -- that belong in the record. 12 CHAIRMAN BAGOFF: Stop and listen. Stop 13 We're going to maintain order. If you want to discuss 14 public comment that is fine. You have five minutes to 15 talk about public comment. You can say anything you 16 like, that will be your public comment. 17 MR. PANNULLO: I'm aware of that. 18 CHAIRMAN BAGOFF: Okay. Good. 19 MR. PANNULLO: The record was closed last 20 time, is that correct? 21 CHAIRMAN BAGOFF: The record -- no. Public 22 comment is part of the record. 23 MR. PANNULLO: Evidence is closed. 24 CHAIRMAN BAGOFF: Evidence is closed. 25 THE PUBLIC: Evidence came into hand --	7 1 MS. McGOVERN: You know what, we're going to 2 consider what we're going to do, but tonight we're doing 3 public. All these people here want to give public 4 comment. 5 MR. PANNULLO: I'm very happy to hear that. 6 When will you consider that, is the question? 7 MS. McGOVERN: I'm going to suggest that you 8 write a letter to the Chairman so he can consider what 9 it is, what good reason it would be to open the record. 10 We're not going to do this on the fly. It was closed at 11 the last time we had -- we're on our 27th meeting. 12 MR. PANNULLO: I understand. 13 MS. McGOVERN: Okay. So I don't know what 14 this "new evidence" and I'm putting quotes around new 15 evidence is and I don't mean to sound like I'm not 16 taking anything seriously, I am. But I think it would 17 be, it would be a disruption of the procedure to do 18 otherwise, and so unless good cause is shown there can 19 be no consideration at this time. Okay. 20 MR. PANNULLO: I understand. 21 MS. McGOVERN: We have plans to have more 22 meetings on this, so tonight is not the last meeting. 23 MR. PANNULLO: I will stand down. I brought 24 evidence, I'll give you a reason in writing afterwards. 25 MS. McGOVERN: Okay.
6 1 CHAIRMAN BAGOFF: Sir. Sir. Sir, you're 2 not listening. 3 MR. PANNULLO: No, I'm listening very 4 clearly, sir. 5 CHAIRMAN BAGOFF: No, you're talking. 6 You're not listening. 7 MR. PANNULLO: Again, there is evidence that 8 is not in this record that did come from the DEP under 9 OPRA. 10 CHAIRMAN BAGOFF: Hang on. Stop, sir. 11 Okay. I'm going to ask our attorney, before you move 12 forward, I'm going to ask you to stop. 13 MS. McGOVERN: Mr. Pannullo, first of all, 14 you have to be by a microphone. You have to be by a 15 microphone so the audio can pick you up. Okay. 16 Are you ready to give public comment? 17 MR. PANNULLO: I am ready, but I am not 18 prepared to give public comment now. 19 MS. McGOVERN: Okay. So then when you're 20 ready come back in line. We're not taking new evidence 21 now. The evidence portion of it is closed. 22 MR. PANNULLO: I understand that. So what 23 do we do about evidence that was provided by the DEP 24 after you closed evidence that we've been standing for 25 this now for six months. What do we do about that?	8 1 MR. PANNULLO: Maybe that works, maybe it 2 doesn't, but it's something that should be known. 3 MS. McGOVERN: Terrific. 4 CHAIRMAN BAGOFF: Okay. Thank you. 5 MS. McGOVERN: Thank you. 6 Come right up. Please state your name for 7 the record. 8 THE PUBLIC: Hello. My name is Barbara 9 White. I actually gave comments at the last meeting but 10 what I failed to do is provide, I failed to give you the 11 copies of the Planning Board note from the fire chief to 12 put into the record when I spoke to the -- 13 CHAIRMAN BAGOFF: I believe that we have the 14 -- 15 MS. McGOVERN: It's already on the agenda. 16 CHAIRMAN BAGOFF: It's on the agenda in the, 17 in 2024. I believe that Jamilet certified that and I 18 found it on the record. 19 MS. McGOVERN: It's already here. 20 THE PUBLIC: That's all I wanted to make 21 sure, that it was part of the record. 22 CHAIRMAN BAGOFF: Yeah, absolutely have 23 that. 24 THE PUBLIC: That's all I need. 25 CHAIRMAN BAGOFF: Thank you very much.

9 1 I'm sorry. Mr. Plocker. 2 MR. PLOCKER: Nothing. Everyone gets one 3 time, correct? Between all the meetings. Okay. 4 CHAIRMAN BAGOFF: Yes, correct. 5 Go right ahead, sir. 6 THE PUBLIC: My name is Victor Misarti. 7 MS. McGOVERN: Okay. I thought you already 8 spoke last time. 9 THE PUBLIC: No. No. I read a report, a 10 statement from someone else who couldn't attend because 11 they're out of state. So I'm using my comments. 12 CHAIRMAN BAGOFF: Okay. What we're going to 13 -- 14 MS. McGOVERN: You can not testify on behalf 15 of someone and then come up and say, now I'm testifying. 16 CHAIRMAN BAGOFF: Okay. So what we're going 17 to do, ladies and gentlemen of the public, that at this 18 time, I didn't state this, I'm stating for the record. 19 You can speak, nobody can testify for somebody else. If 20 you do we will assume you're testifying for yourself and 21 you have this one time. Okay. We want to make that 22 clear, because many people would like to testify, we 23 don't want to shortchange any member of the public. And 24 this, again, this time is for public comment about the 25 application, whatever your feelings are, whatever you	11 1 THE PUBLIC: I made some paper copies, so I 2 can refer to them. 3 CHAIRMAN BAGOFF: Go right ahead. 4 Sir, you have five minutes. 5 THE PUBLIC: Sure. Would I be able to send 6 -- 7 MS. McGOVERN: Raise your microphone up to 8 your mouth so that they can hear you. Because they want 9 to hear you. 10 THE PUBLIC: Okay. Sure enough. 11 Okay. I'd like -- is it possible to have 12 this entered as an exhibit? 13 MS. McGOVERN: No. 14 CHAIRMAN BAGOFF: No. No, unfortunately not. 15 THE PUBLIC: Okay. I have paper copies. I 16 made extra. 17 MS. McGOVERN: Testimony, yes. 18 THE PUBLIC: Can I hold it up and show it? 19 MS. McGOVERN: Sure. 20 THE PUBLIC: Okay. 21 So my first slide I would've have shown up 22 there is a picture from the architects elevation of how 23 big the buildings are going to be. Both Building A and 24 Building B. There are two buildings of A, two buildings 25 of B they're counting as one building and my first slide
10 1 have to say, you have five minutes. 2 Go right ahead. 3 MS. McGOVERN: I have to swear you in. 4 But just so the public understands. You 5 can't testify for someone that can't be here because we 6 can't follow up, the board can't follow up with 7 questions or cross-examination. I thought when you were 8 here last time that you were -- it was like a joint 9 sentiment. That you and that gentleman agreed on this. 10 So I understand -- now we understand the 11 misunderstanding, the Chairman's going to allow you to 12 testify, you need to raise your right hand. 13 Do you swear or affirm to tell the truth the 14 whole truth and nothing but the truth. 15 THE WITNESS: Yes. 16 MS. McGOVERN: Okay. You have five minutes. 17 THE PUBLIC: Okay. 18 So I have statement of comments. Okay. And 19 I have a slide presentation that kind of goes along that 20 I just gave Mr. Fagan. 21 CHAIRMAN BAGOFF: I'm sorry, we're not going 22 to do slide presentations. You can make comment. 23 THE PUBLIC: That's fine. 24 CHAIRMAN BAGOFF: You can talk about the 25 slides. We're not adding slide presentation.	12 1 was to show that it's the size of three football fields. 2 It's almost 900 feet long and, you know, being football 3 season everybody knows how big a football field is. 4 The second slide would've shown a water 5 tower and utilities. One of the people testified that 6 to get water for fire suppression and domestic and 7 showers, etc., you would have to have a water tower 20 8 feet higher than the roof. So I just showed what one of 9 those would look like. 10 I have a picture of the site plan showing 11 areas that are not buildable such as wetlands, etc. 12 Okay. Slide number three are the heights. 13 I have some pictures that I took off of Google Street 14 View and kind of superimposed what I thought the, you 15 know, where these buildings and water tower would show 16 above the tree line. 17 My next slide is about steep slopes and when 18 one of the engineers testified about soil, that there 19 were stability and factors of safety based on an average 20 slope of 15 degrees and what I've showing is of course 21 areas 100 feet long which closer to 40 -- or over 40 22 percent slopes. 23 So I was just wondering, I think, I would 24 ask if the Planning Board would be able to consider that 25 it's not just limited to 15 percent.

13 1 My next slide is like site sections showing 2 what the site looks like from upper Howell Drive, which 3 the architect did not show, and also lower Howell Drive. 4 I have a slide which I, you know, I thought 5 we'd be able to see but it shows the traffic volumes 6 coming out of the site, going through the site, going 7 onto Laurel Avenue, Eagle Rock Avenue etc, down Pleasant 8 Valley Way. 9 And then my last slide is a picture of the 10 Canoe Brook, the areas that would be affected, possibly 11 be affected by this development and, again, all these 12 are built on backgrounds of other people's work. These 13 pictures of environmental issues were from a geo lab at 14 Rowan University and it covers stream buffers, river 15 areas, FEMA, flood risks, etc. So, you know, I think 16 that's it. Those were my comments. 17 And I guess my overall comment would be, 18 that, you know, my public comment is that there are a 19 lot of, you know, open areas. People asked for more 20 stormwater, you know, stormwater, groundwater heights, 21 etc., And, you know, my request would be that the 22 Planning Board ask for you know, some more additional 23 information before you guys make a decision. And that's 24 everything. 25 CHAIRMAN BAGOFF: Thank you very much.	15 1 affront to the West Essex Highlands community. 2 Number three, unit owners understand that 3 many of the board members who voted for the proposed 4 development no longer live in the West Essex Highlands, 5 yet they unilaterally determine the fate of 300 home 6 owners. 7 Number four, many West Essex Highlands 8 homeowners have expressed that the proposed development 9 will adversely impact property values and their quality 10 of life. 11 Number 5, the rapid destruction of land and 12 over development is devastating and it is destroying our 13 township. 14 Number six, the proposed development would 15 never have been under consideration if the developer 16 were not wealthy and influential. 17 Number seven, land ownership does not 18 entitle a developer to build upon land if the land is 19 unsuitable. 20 Number eight, the concept "done deal" when 21 used to discourage discussions is perceived as giving 22 oneself discretionary open-ended power to do as one sees 23 fit. 24 Number nine, the West Essex Highland 25 resident understand that should the project proceed they
14 1 THE PUBLIC: Okay. 30 seconds. Good. 2 CHAIRMAN BAGOFF: Come right up. Thank you. 3 THE PUBLIC: Hello. Good evening. My name 4 is Luisa Casar. I live at 59 Davey Drive. 5 MS. McGOVERN: Do you swear or affirm to 6 tell the truth the whole truth and nothing but the 7 truth. 8 THE PUBLIC: I do. 9 MS. McGOVERN: Thank you. 10 THE PUBLIC: I wish to take this opportunity 11 to express to you the perceptions and concerns of many 12 of your constituents regarding the proposed development. 13 While I don't pretend to speak for everyone there exists 14 a general consensus that I wanted to share with you. 15 You may agree or disagree with the following statements, 16 but I think it's important for you to understand how 17 many of the residents of West Essex Highlands are 18 thinking and feeling. Before you reach a decision I 19 would appreciate it if you could consider the following; 20 Number one, many residents of the West Essex 21 Highlands understand that they were never afforded the 22 opportunity to go vote against the proposed development. 23 Number two, the agreement that was signed in 24 2020 is perceived to be a backroom deal that lacks 25 professional ethics and it is viewed by many as an	16 1 will have to endure the catastrophic effects of 2 flooding, soil contamination, rock slides, 3 deforestation, traffic congestion and since there is 4 only one ingress and egress fire and other emergency 5 threats. We have already seen what happened when there 6 was a fire at the Essex Fells Country Club. 7 And finally number ten, many residents of 8 the West Essex Highlands reject the notion that the 9 developers application should be approved prior to 10 submitting detailed water and sewer infrastructure 11 plans. The fact that this is under consideration really 12 boggles the mind. 13 Before making your decision, I would urge 14 the Planning Board to prioritize, support and ensure the 15 safety and welfare of your constituents. The 16 devastating effects that this development will have on 17 the residents of West Essex Highlands and neighboring 18 towns have been duly noted and recorded and as such, if 19 a disaster should occur the Township of West Orange will 20 in all likelihood be held accountable. Listen to the 21 voices of the people, please do not allow the 22 development to proceed. Do the right thing and please, 23 please, please save our forest. Thank you very much. 24 CHAIRMAN BAGOFF: Thank you. 25 Come right up. State your name for the

17 1 record, please. 2 THE PUBLIC: Good evening. Dr. Art 3 Butensky. Rappleye Court. B-U-T-E-N-S-K-Y. 4 MS. McGOVERN: Do you swear or affirm to 5 tell the truth the whole truth and nothing but the 6 truth. 7 THE PUBLIC: Sure do. 8 MS. McGOVERN: Thank you. 9 THE PUBLIC: Good evening and thank you for 10 this opportunity to present. I've been a resident of 11 West Orange since 1958. I've lived in various locations 12 in town over the years, Pleasantdale, the Main Street 13 area and currently at The Grand. I have attended most 14 all these sessions virtually. Some of the issues 15 presented have been touched on, health topics, like the 16 effects of blasting on hearing and the toxic effects the 17 project would have on local residents drinking water. 18 I come to you tonight to present an 19 additional vital health issue not previously discussed 20 for your consideration. I'm a local pediatrician 21 licensed in New Jersey for over 40 years. My patients 22 are from West Orange and all the local communities. I 23 have significant concerns that this project will 24 negatively impact the health of my patients, especially 25 those with respiratory conditions. The information I	19 1 math with these figures means about 1,200 local children 2 have asthma. The toxic effect of the proposed project 3 with air pollution from heavy equipment exhaust, 4 particulate air pollution from dust fallout fowling the 5 air and also the felling of over 6,000 oxygen producing 6 carbon dioxide eating trees will negatively affect these 7 1,200 asthmatics and also consider hundreds more with 8 nonasthmatic cardiopulmonary conditions like preemies 9 and congenital heart disease kids. 10 There's several schools just down hill from 11 this site. The high school athletic fields is within 12 fallout range where outdoor sport participants would be 13 in jeopardy, especially those participants with exercise 14 induced asthma, which is a separate entity. I have not 15 even considered the adult population as they are beyond 16 my expertise, but you can bet there are significant 17 numbers to be negatively impacted as well. Thus your 18 decisions will directly impact thousands of vulnerable 19 individuals, many are my patients. I assume this 20 project will become a legal system entanglement whatever 21 the board decides. 22 Mr. Plocker has done a fine job representing 23 his client and we've been schooled in what his client 24 believes to be his legal justifications. However, just 25 adhering to certain presumed statutes might dictate what
18 1 present is from well accepted sources, like the Center 2 for Disease Control and the American Academy of 3 Pediatrics, as well as my own experiences. The 4 incidences severity of asthma and respiratory problems 5 in children has been increasing in the recent decades. 6 Many factors are involved but experts in this area 7 explain the damage to young airways by air pollution, 8 carbon dioxide and nitrogen dioxide, ozone and climate 9 changes are involved. 10 I grew up in the shadow of the construction 11 of Route 280, 50 yards from the mountain created on 12 Suburban Drive. My dad had me wash his car twice a week 13 from all the dust and particulate matter in the air. 14 The blasting, whistles and booms with shaking ground 15 were constantly in the background. Much of what I have 16 heard about the proposed project construction reminds me 17 of that. 18 I have done some calculations as to the 19 effects this might have on the pediatric population of 20 this area. My population figures come from the 2026 21 census. Disease estimates from the CDC and the Academy 22 of Pediatrics. The local population of West Orange and 23 neighboring towns about 70,000. 21 percent of New 24 Jersey populations are kids, are children. The 25 incidence of asthma in children is about 8 percent. The	20 1 he feels is allowed, but not what is proper. The very 2 agreements in which Mr. Plocker refers, which led to 3 this fiasco, was penned in the shadows of one of the 4 worst health crisis in modern history and to take 5 advantage of that, I believe, makes this entire 6 agreement immoral. 7 Dear members, you have the power to make a 8 decision. The distinction for what might be allowed or 9 to do what is moral and just in service to the people of 10 this and local towns. Be on the right side of this 11 argument. Deny this proposal. Protect our town, 12 protect your neighbors, friends and family and my 13 patients. Do the right thing. I implore you, for God's 14 sake, do the right thing. 15 CHAIRMAN BAGOFF: Okay. 16 Please come up and state your name for the 17 record. 18 THE PUBLIC: My name is Pavan Sharma. 19 MS. McGOVERN: Do you swear or affirm to 20 tell the truth the whole truth and nothing but the 21 truth. 22 THE PUBLIC: Yes. 23 MS. McGOVERN: I think I interrupted you, 24 what was your address? 25 THE PUBLIC: 9 Bakley Terrace.

21 1 MS. McGOVERN: Thank you. 2 THE PUBLIC: West Orange. 3 As I said, my name is Pavan Sharma and I 4 live on Bakley Terrace in The Grand. I have lived in 5 Grand since last century, 1999. I have raised my two 6 children there through West Orange school system and 7 today my grandchildren live nearby and spend many days 8 and nights with me, especially since I live alone. 9 Because I care for my grandchildren I have 10 not been able to attend these meetings in person, but I 11 have followed the proceedings closely through zoom and 12 YouTube recordings. 13 I certainly appreciate the time and effort 14 the Planning Board professionals and residents have put 15 into sharing testimony and asking questions. 16 That said, I still have several significant 17 concerns that I believe must be addressed before any 18 consideration of approval. 19 I'm here today because these issues directly 20 affect my home, my family and my community. 21 First is sewage infrastructure. Over 22 multiple meetings I have heard references suggesting 23 that this new development may share the existing sewer 24 system currently serving parts of the Grand, including 25 are area Bakley Terrace. To date there has been no	23 1 blasting impacts, if this project advances to 2 construction, I'm extremely concerned about blasting and 3 ground disturbances. During the original building out 4 of The Grand our side of the Bakley Terrace was impacted 5 by the landslide. How can residents be assured that 6 this will not happen again if the rock and terrain 7 adjacent to the neighborhood are disturbed. 8 At a minimum I strongly request a 9 pre-construction and pre-blasting baseline survey of all 10 surrounding properties. Ongoing monitoring during 11 construction and a clearly establish, well funded 12 mechanism to compensate homeowners for any damage caused 13 by blasting or land movement. 14 In closing, thank you for listening to my 15 comments and for your service to our town. I hope the 16 Planning Board will take the time to fully understand 17 these concerns and make decisions that are truly in the 18 best interest of West Orange, its existing neighborhood 19 and future generations. Thank you. 20 CHAIRMAN BAGOFF: Thank you. Thank you very 21 much. 22 Please come up and state your name for the 23 record. 24 THE PUBLIC: Hi. My name is Lisa Hayes, 25 H-A-Y-E-S, I live at 4 Hudson Drive in the West Essex
22 1 clear or definite explanation, but for me rather this is 2 the case. Without clarity I don't understand how the 3 Planning Board can responsibly consider approval. 4 Before any decision is made, a comprehensive sewage 5 capacity and impact study must be completed and shared 6 publically so residents can understand the ramifications 7 for our existing infrastructure and quality of life. 8 Second is traffic access, it's a major one. 9 As you have heard repeatedly The Grand has one primary 10 exit which runs through Kinzel Road to Oval Road and 11 Eagle Rock Avenue. Over the past 25 years the traffic 12 has increased dramatically, not just from development 13 but every reality such as Amazon, UPS, FedEx, Instacart, 14 FreshDirect and other delivery systems. 15 Additionally many households now have 16 multiple vehicles and often accommodate overflow parking 17 from events at the Pleasantdale Chateau. During recent 18 movie filming in Essex County access in and out of The 19 Grand became extremely difficult. As someone who 20 regularly picks up and drops off my grandchildren I 21 experience this delay firsthand. Adding 496 new units 22 without meaningful improvement to access and traffic 23 flow will only worsen an already strained situation and 24 propose safety and quality life concerns. 25 And final, I want to say construction and	24 1 Highlands. 2 MS. McGOVERN: Do you swear or affirm to 3 tell the truth the whole truth and nothing but the 4 truth. 5 THE PUBLIC: I do. 6 MS. McGOVERN: Thank you. 7 THE PUBLIC: Members of the Planning Board, 8 thank you for the opportunity to speak today. I'm a 9 resident of the condo complex directly adjacent to the 10 parcel being proposed for the development. I am here to 11 strongly oppose this project, not only because of the 12 environmental damage it would cause but because of the 13 very real safety and quality of life risks it creates 14 for current residents and the surrounding community. 15 This land is not an empty lot, it is a mature forest 16 that supports significant wildlife and contains over 17 6,000 trees that will be destroyed. Once this echo 18 system is destroyed it cannot simply be replaced. Trees 19 to provide stormwater absorption, reduce flooding, lower 20 temperatures and act as natural sound and air quality 21 buffers. Clearing this forest will permanently alter 22 drainage patterns, increase runoff and eliminate a 23 critical habitat corridor for countless species. These 24 environmental impacts will be felt long after 25 construction ends.

25 1 Beyond the environmental loss the traffic 2 and safety implications are deeply concerning. This 3 development is designed with only one entrance and one 4 exit. That means all traffic, residents, delivery 5 vehicles, emergency services and construction equipment 6 will be funneled through a single access point. Adding 7 approximately 1,200 additional cars into this bottleneck 8 will significantly increase congestion, delay emergency 9 response times and create dangerous conditions during 10 peak hours and severe weather events. This is not 11 simply an inconvenience, it is a public safety issue 12 for. 13 Current residents evacuation during a fire, 14 flood or medical emergency would be severely 15 compromised. For first responders access would be 16 slowed. For pedestrians, cyclists and children in the 17 area the risk of accidents will rise substantially. 18 I would also like to share how this project 19 affects me personally and professionally. I'm an OB GYN 20 in West Orange. I've been practicing for over 17 years 21 in the West Orange community. I am frequently on call 22 and must respond to urgent and life threatening 23 situations at the hospital, sometimes with only minutes 24 notice. When a mother or baby is in distress every 25 minute matters. Delays caused by gridlocked exits,	27 1 your time and for your consideration. 2 CHAIRMAN BAGOFF: Thank you. 3 Please state your name for the record. 4 THE PUBLIC: Yes. Sheelpa Patel, 10 5 Rappleye Court, West Orange. 6 MS. McGOVERN: Do you swear or affirm to 7 tell the truth the whole truth and nothing but the 8 truth. 9 THE PUBLIC: Yes, I do. 10 MS. McGOVERN: Thank you. 11 THE PUBLIC: Good evening. My name is 12 Sheelpa Patel and I live at 10 Rappleye Court in The 13 Grand community and our backyard faces the Oval Road. 14 My family and I moved to West Orange in 15 March 2020 and into The Grand two years ago. In a short 16 amount of time we have come to deeply appreciate this 17 community and this town but we have also experienced 18 serious safety concerns related to access and emergency 19 impact. As unsettling as it sounds, twice in the past 20 two years our family and our home have been directly 21 impacted by fire. And in both cases the impact of 22 having a single road access became frighteningly clear. 23 The forest fire occurred at the home in The Grand. 24 During that incident we were unable to leave our house 25 for nearly nine hours. My husband was traveling that
26 1 construction traffic and increased daily volume would 2 directly interfere with my ability to reach patients in 3 time. This development would create unfair and 4 unnecessary obstacles to my ability to provide emergency 5 medical care. This is not hypothetical, this is the 6 reality of what happens when dense development is placed 7 beyond a single point or access with no redundant 8 routes. We all understand the need for thoughtful 9 growth, but thoughtful growth means placing development 10 where infrastructure can support it, where traffic can 11 be disbursed safely and where irreplaceable natural 12 resources are not sacrificed unnecessarily. This site 13 with its single access point and its role as a major 14 forested buffer is not appropriate for a project of this 15 scale. 16 I urge the board to consider the long-term 17 consequences not just the short-term gains. Once these 18 trees are gone they are gone forever. Once traffic 19 patterns are overwhelmed they cannot easily be undone 20 and once safety margins are reduced, the risks fall on 21 the people who already live here and serve this 22 community. 23 Please protect this land, protect the 24 existing residents and prioritize safety, environmental 25 stewardship and responsible planning. Thank you for	28 1 day and feel bad as the situation unfolded. His Uber 2 was forced to drop him on Oval Road and he walked into 3 the neighborhood dragging his luggage. Thankfully that 4 worked out. But at the same time my 90 year old 5 mother-in-law who has medical issues stayed with us. 6 Had anyone in our home or nearby required emergency 7 medical assistance that day, the situation could have 8 been very different. Thankfully no one did. 9 The second incident was a fire on the golf 10 course, directly behind our home. During that fire we 11 could clearly see families in the Highlands being 12 prevented from traveling on Oval Road, effectively 13 cutoff with no way in or out due to the single road 14 access. Beyond emergencies, we regularly experience 15 condition and disruption on Oval Road. When the Chateau 16 holds events or the movie is filming is going on, 17 vehicles are parked on both sides of Oval Road behind 18 our home, all the way up to the entrance of the 19 Highlands, which increase noise and constant activity. 20 This is already challenging and it will intensify even 21 more with additional development. 22 Other incidences when the town is doing 23 maintenance or upgrade of the utilities. During the 24 America Water pipeline work on Eagle Rock Avenue which 25 went on for weeks. Oval Road the only point of entry

29 1 and exit for us and it was difficult to access. There 2 was -- there were detours and the routes changed 3 everyday. We had to figure out another way home 4 everyday. As that is not clear alternate access. 5 As dog owner we walk our dogs at least twice 6 a day through the neighborhood and along Oval Road. 7 This road often is unsafe. There are no sidewalks, yet 8 it is used by residents walking their dogs, school 9 children waiting for buses, commuters walking toward 10 Eagle Rock Avenue to catch public transportation. 11 In just a short period of time we have 12 witnessed several near misses involving vehicles and 13 pedestrians. It is unnerving now and I cannot image how 14 this corridor will remain safe with additional units and 15 the construction vehicles passing by. 16 My question to the Planning Board and the 17 township is this, how will emergency access and 18 evacuation and pedestrian safety be meaningfully 19 addressed before approving a development of this scale. 20 Thank you for your time and your service and 21 for listening. I hope these very real safety concerns 22 will be given the serious consideration they deserve, 23 not just for current residents but for the future 24 families as well. Thank you. 25 CHAIRMAN BAGOFF: Thank you very much.	31 1 game. As it is currently proposed the Garden Homes 2 development would serve none of these causes well. 3 Housing would be isolated from the town center, schools 4 and public transportation, directly defying smart growth 5 principles. The single access road would impede access 6 by emergency vehicles and hinder evacuation during 7 severe weather events. The developer failed to include 8 plans for a mechanism to produce sufficient water 9 pressure on the ridge line to support firefighting and 10 most of all this steeply sloped area was deemed unsafe 11 for development by this very West Orange Planning Board 12 roughly 20 years ago. Whether or not the application 13 conforms to the 2020 inclusionary housing ordinance, 14 public safety should supercede all other considerations. 15 Additionally, I believe the Planning Board 16 should consider the effects on neighboring towns. In 17 South Orange our drinking water source from the Canoe 18 Brook River whose headwaters on this property, as 19 documented in the Princeton Hydro engineering review, 20 the proposed stormwater system fails to meet current 21 NJDEP standards for groundwater protection and runoff 22 control. When stormwater systems fail to properly 23 infiltrate and filter runoff contaminants are more 24 likely to enter surface waters and aquifers that supply 25 downstream drinking water.
30 1 Come right up. State your name for the 2 record, please. 3 THE PUBLIC: Hi, my name is Julianna 4 Garreffa. 5 MS. McGOVERN: Okay. Please raise your 6 right hand -- did you give your address? 7 THE PUBLIC: 39 Mews Lane, South Orange, New 8 Jersey. 9 MS. McGOVERN: South Orange? 10 THE PUBLIC: Uh-huh. 11 MS. McGOVERN: Do you swear or affirm to 12 tell the truth the whole truth and nothing but the 13 truth. 14 THE PUBLIC: I do. 15 My name is Julianna Garreffa and I'm a South 16 Orange resident, a South Orange Environmental 17 Commissioner and member of SOMA Action. 18 Back in August I read the South Orange 19 Environmental Commissions official letter into the 20 record in which we urged you to reject this developers 21 application. My personal opinion echoes that. I 22 wholeheartedly empathize with the states desperate need 23 for more affordable housing. However, I believe it's is 24 imperative that we not turn affordable housing, public 25 safety and environmental sustainability into a zero sum	32 1 The extensive impervious services created by 2 this development will increases polluted runoff into our 3 drinking water source. That include sediment from 4 disturbed soils, chemicals from landscaping fertilizer 5 pet waste bacteria, microplastic, petroleum products, 6 and heavy metals from roads and driveways. 7 Contaminated drinking water is not an 8 abstract risk. The CDC, EPA and WHO have extensively 9 documented the health risks associated with drinking 10 water contaminated by stormwater runoff. These 11 consequences include neurological and developmental 12 harm, immune system and hormonal disruption, increased 13 cancer risk, and chronic cardiovascular disease. The 14 applicant didn't submitted an environmental impact 15 statement which should include many important factors 16 such as effects on drinking water. Water treatment 17 plats are designed for expected conditions, without an 18 environment impact statement you cannot safely assume 19 that water utility will be able to properly treat water 20 with a significant influx of unexpected pollution. 21 I am ohne of hundreds of thousands served by 22 multiple water utilities whose drinking water would be 23 polluted too if the Planning Board were to approve this 24 development. I'm standing here in front of you but the 25 rest of those people are just as real and face just as

33 1 much risk. 2 On another note, this developments proposal 3 is cutting down 30 acres of trees has direct and 4 profound environmental impact. This plot of land has 5 been repeatedly called a vacant lot during these 6 Planning Board meetings. Yes, the land is undeveloped 7 but it's currently home to a valuable public asset. 8 Mature old growth forests like this one are vital and 9 irreplaceable global defenses against climate change. 10 This forest acts as a carbon sink improving air quality 11 and blunting heat waves. 12 The trees stabilize the land and curtail 13 flooding at a time when New Jersey is experiencing more 14 and more flash floods that devastate property and cost 15 lives. To approve this application would be to destroy 16 30 acres of an integral asset of a local echo system. 17 For all these reasons I must again ask this 18 board to reject the application from Garden Homes. If 19 we truly care about building more equitable communities 20 we need to develop plans for affordable housing that are 21 also safe and environmentally sustainable. I think you 22 have what I think is a clearcut opportunity here to 23 either protect capital or protect the people. I hope 24 you make the right choice. Thank you. 25 CHAIRMAN BAGOFF: Thank you very much.	35 1 this development, I understand. They need to be able to 2 walk to the schools, walk to the grocery store, not 3 everyone has or needs to be in a two car family, which 4 is what it would take if this development was to be 5 built. 6 You probably know that 38 percent our 7 pollution in New Jersey comes from emissions from cars 8 and trucks. Though we need new housing that has access 9 to public transportation that doesn't involve having two 10 cars in the family where people have to drive 11 everywhere. I understand as a Planning Board you're 12 between a rock and a hard place. How do you increase 13 affordable housing, while at the same time enable smart 14 growth by protecting our environment, our water supply, 15 our watershed and our old growth trees. I know that New 16 Jersey does not have a lot of spare land to build on, 17 which is why you're between a rock and a hard place. 18 But there's got to be a better way. Why not find and 19 convert unused office space? Why not, as a Planning 20 Board, encourage and support and maybe you do this, I 21 don't know you well, encourage and support more 22 developments like Stonehill at Essex Green in West 23 Orange. I'm sure you all know they won the 2025 Smart 24 Growth Award from New Jersey's Future for, "transforming 25 obsolete ailing office space into a vibrant walkable
34 1 Please come up. State your name for the 2 record. 3 THE PUBLIC: I'm Cynthia Thompson, 19 Mews 4 Lane, South Orange. 5 MS. McGOVERN: Do you swear or affirm to 6 tell the truth the whole truth and nothing but the 7 truth. 8 THE PUBLIC: I do. 9 MS. McGOVERN: Thank you. 10 THE PUBLIC: Thank you. 11 So my name is Cynthia Thompson. And I am 12 from South Orange, like Julianna before me. I'm also a 13 South Orange Environmental Commissioner and a member of 14 SOMA Action, focus on climate and Electrify SOMA. I'm 15 also a professor emeritus of management psychology and 16 sustainability at a university in New York City. 17 I had a lot of things I was going to say but 18 I think everyone has been so eloquent and passionate 19 that I'm sure your decision is made now. I hope. But I 20 understand that we need more affordable housing and West 21 Orange is maybe a little bit behind the eight ball, 22 maybe many of us are in providing affordable housing. 23 However, whether you're rich or poor you need access to 24 public transportation, but especially if you're poor and 25 you need affordable housing, which is a portion of this	36 1 mixed income community. 2 Cutting down 30 acres of trees, let me 3 repeat, 30 acres of trees. Old growth trees, it's 4 insanity in the age of climate change. We need the 5 trees because as a carbon sink. If you know what that 6 is. It captures the CO2 that we emit from all our cars 7 and trucks. The trees obviously improve the air we 8 breathe, provide us with shade. An old growth forest 9 like the one in the Second Watchung Mountain Ridge just 10 cannot be replaced. 11 Finally, our watershed will be negatively 12 impacted. Our drinking water, your drinking water, will 13 be tainted by the runoff from rainwater that would 14 normally soak into the ground. Runoff contaminated by 15 chemicals from landscapers, pet waste, microplastics, 16 heavy metals from roads and driveways, as others have 17 eloquently described. I don't want to drink that water, 18 I'm guessing you don't want to drink that water either. 19 So what's a Planning Board to do. I don't 20 know, so please vote no. But also maybe send a message 21 to the billionaire owner of the land, Mr. Wilf, and have 22 him read this wonderful book called, Dirtbag 23 Billionaire, it's a wonderful book, very inspirational. 24 It's all about Yvon Chouinard who started Patagonia and 25 gave it all away. He and his family donated the entire

37 1 3 billion dollar stake in the company to fight the 2 climate crisis, or tell him to be like Doug Tompkins and 3 his wife Kristine, who is the CEO of Patagonia. Dough 4 Tompkins is the one who founded North Face. They 5 donated land over 14 million acres in Chilean, Argentina 6 to be preserved forever. Together they created 17 new 7 national parks. 8 Maybe also send a message to him to do the 9 right thing by his neighbors and your community and our 10 community. We're all affected by this. Tell him to 11 donate this land to the City of West Orange, turn it 12 into a preserve that allows flora and fauna to thrive. 13 Turn it into a preserve that allows it's current 14 inhabitants, animals, birds, bugs that we can see and we 15 can't, allows them to thrive. Turn it into an old 16 growth preserve of trees and tell him we'll even name 17 the preserve after him and his wife. 18 Thank you and God bless you. I know you'll 19 do the right thing. 20 CHAIRMAN BAGOFF: Thank you very much. 21 Please come up. State your name for the 22 record and we'll swear you in. 23 THE PUBLIC: Hello, my name is Joe Gonzalez, 24 36 Ball Terrace, Maplewood. 25 MS. McGOVERN: Do you swear or affirm to	39 1 Orange. 2 There's another piece of logic there, which 3 is, is saving this forest, this one piece of New Jersey 4 wild forest, going to have a big enough impact on our 5 environment. Maybe not, that's arguable. So you follow 6 from all that, can we just simply keep destroying our 7 natural forests. Are we okay to keep doing that as long 8 as there's a justification, like these justifications we 9 just said. We're forced logically to say, yes, it is 10 okay to keep destroying forest, deforestation, and it's 11 not. It's just, it's not. But think about that 12 statement for a second. This is my son speaking, right. 13 We -- the statement, we can simply keep destroying our 14 natural world as long there's justification. It's 15 horrible. It's horrible to think about. We watch a lot 16 of the Nature Channel, you see our impact, human impact 17 on the world and what it's doing and it brings tears to 18 your eyes when you see trees getting cut down and 19 species, you know, wandering, you know, starving and, 20 you know, going extinct. You know, you could say things 21 like, enough is enough, right. You know, when do we 22 draw the line. But it's, that's not really the way to 23 look at it. The way to look at it is, do we keep doing 24 what we're doing. You know, we're talking about a lot 25 of gradual changes here, so it's hard to know the impact
38 1 tell the truth the whole truth and nothing but the 2 truth. 3 THE PUBLIC: Yes, I do. 4 CHAIRMAN BAGOFF: Go right ahead, sir. 5 THE PUBLIC: I want to start by thanking you 6 for listening to us here and I'm going to sound a little 7 whinny at times, but it's because I prepared a statement 8 with my 13 year old son who has become quite a 9 protection person of the environment and me and him have 10 working together on it. Like I said, I'm going to focus 11 on the environment, the forest itself. 12 CHAIRMAN BAGOFF: Why don't you add your 13 sons name to the record. 14 THE PUBLIC: Oh, Kai Gonzalez, K A I. 15 Gonzalez. 16 CHAIRMAN BAGOFF: Thank you. 17 THE PUBLIC: So we were thinking about the 18 logic about what we are doing and sort of the undertones 19 of the decisions that need to be made from you and from 20 the town. One of the pieces is, Is the shortage of 21 affordable housing a big problem? Yes, it is. We know 22 it is. Is this land privately owned? And, you know, 23 yes, we can't do much about that. Is there a business 24 opportunity and profit for the developer? Yes, that's 25 important, right. And for our town. A town of West,	40 1 we're having. It's hard to know when enough is enough. 2 So the question is, Why can't we act now to protect our 3 forests? You know, Why can't we address the problem as 4 soon as we can? We have the power to do that. You have 5 the power to do that. You know, we can say, you know, 6 the worst affects of climate change, deforestation, are 7 they here right now? We really don't know. Maybe they 8 are, right. I admit I tell my son all the time, 9 sometimes we don't know. We don't know. We don't have 10 all the facts, you know. Maybe Super Storm Sandy wasn't 11 as bad as, you know, it could have been, you know, if it 12 wasn't for human activity. Maybe it wouldn't have been 13 that bad if it wasn't for us. We don't know. 14 The science though tells us that we are 15 approaching the point of no return and some scientists 16 believe we are at the point of no return right now. 17 Again, we don't know. But does that make it okay to not 18 do something right now. When will we know. We won't, 19 and that's why we have to act now. Thank you. 20 CHAIRMAN BAGOFF: Thank you very much. 21 Let the record show that Mr. Cardoza has 22 joined the board. 23 Sir, please tell your son Kai, we appreciate 24 his sentiments. Thank you. 25 State your name.

41 1 THE PUBLIC: My name is Judith Stark, 2 S-T-A-R-K. 3 MS. McGOVERN: And your address. 4 THE PUBLIC: And I live in South Orange. 5 332 Lenox Avenue, South Orange. 6 MS. McGOVERN: Do you swear or affirm to 7 tell the truth the whole truth and nothing but the 8 truth. 9 THE PUBLIC: I do. 10 MS. McGOVERN: Thank you. 11 THE PUBLIC: My profession is a philosopher, 12 and not just a philosopher, I'm an environmental 13 philosopher. I have taught environmental ethics and 14 environmental philosophy at Seton Hall University for 15 over 35 years. I have devoted my teaching, research and 16 community activism to the environment since the first 17 Earth Day on April 22, 1970. 18 Other speakers this evening covered many 19 areas, but I will take a different approach. I come 20 here before you as a representative of that wonderful 21 Dr. Suess character, the Lorax. Because the Lorax 22 speaks for the trees and now so do I. 23 What do trees provide? Beauty, shade, 24 habitats for other living beings. We have heard about 25 the process of photosynthesis in which carbon dioxide is	43 1 I hardly need to remind us of the human 2 population density here in our beloved New Jersey. In 3 fact New Jersey ranks number one in the US in population 4 density. Some things you're known to be number one in, 5 this one we are. 1,292 people per square mile. Because 6 of this density New Jersey experiences both habitat loss 7 and habitat fragmentation. These facts support the 8 argument to maintain as much forested open land in our 9 state as possible. 10 Finally, there's a great deal of research 11 about value for us human beings to be in nature and this 12 is sometimes called, forest bathing, it's a wonderful 13 Japanese practice. 14 I often give my students the assignment to 15 go out into nature and to describe what they see. A few 16 years ago one of my students conducted her nature 17 experience while driving on the Garden State Parkway. 18 No, I told her, this was not acceptable. But I can tell 19 you it was highly revealing. She was so removed from 20 nature that she thought she could count this as her 21 nature experience. I told her she needed to get out of 22 her car and take nature in, but don't do it on the 23 Garden State Parkway. 24 My last point, be very quick, is an ethical 25 one, and that is, there's a wonderful ethical system
42 1 taken out of the atmosphere by plants and then they emit 2 oxygen for us and for every living being. A 30 acre 3 forest emits 660,000 pounds of oxygen every year. This 4 supports the breathing needs of 540 people per year. 5 That -- this same forest can absorb up to 450 metric 6 tons of CO2 annually. These prothesis, as we have 7 heard, are particularly important as we tackle the 8 serious challenges of climate change. 9 What are trees? We know they're members of 10 the plant kingdom with all the classifications that we 11 learned in biology class, but this is only part of their 12 story. A more comprehensive account sees trees as 13 living beings with capacities that basic biology hardly 14 recognizes. A German forester by the name of Peter 15 Wohlleben has written a wonderful book called, The 16 Hidden Life of Trees. See, Professors bring books to 17 things like this. The Hidden Life Of Trees, what they 18 feel, how they communicate. He analyzed a wide range 19 capacity of trees. For example, trees communicate with 20 each other through a vast network and intricate 21 underground network through which they share news about 22 insects, drought and other dangers. The term for this 23 network was first coined by Dr. Suzanne Seymard of 24 British Columbia, Canada. She called this complex 25 underground network, the Wood Wibe Web.	44 1 called, The Land Ethic, that was developed by Aldo 2 Leopold about 30 years ago in a wonderful collection of 3 essays, I should've brought that book, Sand County 4 Almanac, so I recommend that book, it's wonderful. 5 Considering all these points, I urge the 6 Planning Board to reject this development as a violation 7 of these fundamental principles. Therefore, I urge 8 everyone to consider that if ten year old children and 9 my undergraduate students can listen to the Lorax and 10 speak for the trees, so can this Planning Board. Thank 11 you very much. 12 CHAIRMAN BAGOFF: Thank you. 13 Come right up. State your name for the 14 record, please. And your address? 15 THE PUBLIC: Names Elizabeth Bicente, 16 B-I-C-E-N-T-E. I live in 320 15th Ave, South Street, 17 Morristown. 18 MS. McGOVERN: What was the town? 19 THE PUBLIC: Morristown. 20 MS. McGOVERN: Do you swear or affirm to 21 tell the truth the whole truth and nothing but the 22 truth. 23 THE PUBLIC: Yes, I do. 24 MS. McGOVERN: Thank you. 25 THE PUBLIC: Okay.

45 1 Um, hi, I'm here to question the return on 2 investment in the towns confidence and the internal 3 infrastructure to support this 496 unit housing 4 development. I'm going to add to the fire conversation. 5 It's no secret that we have hot summers 6 here, high UV's, dry humidity. The forest environments, 7 they keep the land cool, damp and shaded due to the old 8 and large trees. The forest floors become less flambo 9 and there's an ecological shift toward more shade 10 tolerant to the femoral species in the area. 11 I feel for the safety and the repercussions 12 of what could happen when w eliminate part of that 13 protection, ultimately increasing our communities 14 vulnerability. The area itself is already dense and 15 removing these ecological buffers only allows 16 flammability to reach surrounding populations faster 17 than ever before creating conditions for large 18 unattainable fires and situations that can be prevented. 19 We have also seen flooding increase in New 20 Jersey. According to the New Jersey Scientific Report 21 of 2020 it discusses that the size of stormwater 22 management systems will need to be modified to minimize 23 the risk to communities from increased flooding and 24 reduce the risk of ecological impacts. Stormwater 25 recharge will be a challenge in communities as flooding	47 1 about where I want to settle, the deter me and the 2 information about this housing unit honestly just 3 steepens that wound even more. 4 However, things like this Second Watch 5 Mountain Range add desirability to the towns, they add 6 enticement, the nature, the views, the peace, the 7 diverse wild life are all enticing and peaceful for 8 people who want to create families and create 9 communities. 10 Without the competitive advantage of these 11 mountain ranges, West Orange is really at a disadvantage 12 to other towns and neighborhoods. There is nothing that 13 makes West Orange very different ND desirable compared 14 to the other towns. Every town has the same businesses, 15 the same restaurants, the same traffic, the same 16 expenses, but there's only one Second Watchung Mountain 17 Range and it's in this area. 18 I also took a look at the West Orange 19 website page and the front picture of the page is a 20 picture of the New York skyline view. And while that's 21 from the Eagle Rock Preservation, it's just interesting 22 and ironic that the same lifestyle the town is 23 advertising is the same one everyone here is willing to 24 take time out of their day to make public comment on. 25 New Jersey is rich in history, and it's rich
46 1 will likely increase over time requiring additional 2 investment and infrastructure and other solutions. 3 Discharge to surface water systems that combine 4 stormwater and sewage into one collection system will be 5 collected more frequently due to the increase in 6 flooding. Increasing the load of minerals and 7 pollutants entering the waterways. And so I question if 8 the West Orange community and the neighboring towns are 9 prepared for an increase in flooding, the business 10 impacts, the spread of toxins and erosions that this 11 will inhabit. 12 I myself am 26, I'm starting to think about 13 where I'm going to settle, build my future, and build my 14 family. Traffic today was horrendous, it took me an 15 hour to get here from Morristown, and there were two 16 accidents while getting here. A 496 housing unit at an 17 average two cars per household is going to add an 18 additional thousand vehicles per day on the roads. And 19 so I question if the communities are willing to endure 20 more traffic and willing to risk vehicular safety at 21 that expense. 22 I know people who have moved out of West 23 Orange because they fear that the school sizes are to 24 big. The graduating class of 2025 was almost 530 kids. 25 And so things like that, when I'm starting to think	48 1 in resources and environments. So I really urge you to 2 think about the long-term effect this will have on New 3 Jersey and the people who live here. So, thank you. 4 CHAIRMAN BAGOFF: Thank you. 5 Please come right up and state your name for 6 the record. 7 THE PUBLIC: Hello, Mayor McCartney and 8 Chairman Bagoff and township members. My name is Mike 9 McGlynn and my address is 55 Lapis Circle, West Orange. 10 MS. McGOVERN: Do you swear or affirm to 11 tell the truth the whole truth and nothing but the 12 truth. 13 THE PUBLIC: I do. 14 MS. McGOVERN: Thank you. 15 THE PUBLIC: I moved to the Highlands in 16 2020, or later in 2020, having been retired from the 17 United States Air Force and some other jobs after that. 18 I served as a weather officer and my first active duty 19 for eight years was in active duty Air Force and later 20 in the Air Force Reserve and the New Jersey Air Guard, 21 Air National Guard, as a weather officer and later as a 22 weather flight commander in support of Puerto Ricans 23 Infantry Brigade. I also worked in the IT field during 24 that time. And afterwards -- 25 CHAIRMAN BAGOFF: Okay. Sir, can you speak

49 1 up, some people in the back can't hear you. 2 THE PUBLIC: Oh, sure. 3 CHAIRMAN BAGOFF: Thank you. 4 THE PUBLIC: Well, okay. 5 My education is, I have a bachelor's of 6 science in engineering with a speciality in metrological 7 sciences from Catholic University of America. Also a 8 master of science in engineering management and I 9 completed an Air Force program in meteorology at Texas 10 A&M University a graduate school in meteorology, which 11 is basically a master's without a thesis. 12 I don't claim to be an expert in hydrology 13 or flood management, but I observed the weather of 14 course over the decades and I'll comment on this later. 15 I do have a strong appreciation for the weather, 16 environmental conservation and also wildlife 17 conservation. I should note that in my previous home 18 before moving to West Orange, I lived right next to 19 forested area, which also had a brook. Like I live 20 right next to Canoe Brook. But it was a town park. But 21 anyway, I frequently commented that I sure hope they 22 don't build apartments, that was back in that park and 23 they didn't. So that's good. Fortunately they didn't. 24 But now we have a concern that apartment buildings maybe 25 replacing thousands of trees in our new neighborhood.	51 1 We're in a cul-de-sac with one way in, one way out and 2 more than doubling the population of this cul-de-sac for 3 the first responders, I'm wondering what does the fire 4 department have to say about that. 5 The location for new residents, somebody 6 covered that topic. 7 Safety for the neighbors. There's a 8 possible danger to a, with a large building on that 9 cliff near neighborhoods and towns and houses. 10 Wildlife conservation is important. It 11 should be respected, in my opinion. I've seen, for 12 example, a young gray horned owl and many other much 13 wildlife. 14 Anyway, in summary, I urge the committee to 15 consider rejecting the planned development. I wish you 16 would pursue other options for affordable and a forest 17 destroyed, it would be a shame that we don't leave it 18 for our children and grand children. 19 I thank you for your consideration and 20 letting me make my comments. 21 CHAIRMAN BAGOFF: Thank you very much. 22 Come right up, sir. State your name for the 23 record. 24 THE PUBLIC: Good evening. My name is Eliot 25 Ruga, R-U-G-A. I'm the policy director for the New
50 1 Considering the fact big storms are happening more often 2 with the climate change imagine the effect of removing 3 6,000 trees uphill of an HOA development, as well as the 4 affects on the surrounding streets and communities to 5 the east and north. 6 Okay. So I was just going to say a few 7 things about runoff possible affect of trees. The 8 capacity of 10,000 -- 6,000 trees consumed in a rain 9 deluge. 6,000 trees can manage between 300,000 and 10 900,000 gallons of water in a rain deluge. Individual 11 tree capacity, one mature tree can store 100 gallons of 12 water and a small tree can intercept 58 gallons in a 13 moderate rain event. The total capacity of 6,000 trees 14 is a, the lower estimate is 300,000 gallons a higher 15 estimate of 900,000 gallons. 16 Key factors and -- I'm down to one minute so 17 I have to skip. 18 Okay. Anyway, a deluge would produce much 19 more runoff to the Canoe Brook and the other areas. I 20 should point out that after a fairly big rainstorm a few 21 years ago, a medium sized tree from the Canoe Brook 22 actually fell and was leaning on our house and of course 23 it was removed. 24 Also I have concerns, as other people 25 mentioned, about the traffic doubling or tripling.	52 1 Jersey Highlands Coalition and the Highlands 2 Physiographic province, which is west of the Watchung. 3 MS. McGOVERN: Do you have a business 4 address or an address? 5 THE PUBLIC: 713 Main Street in Boonton. 6 MS. McGOVERN: Do you swear or affirm to 7 tell the truth the whole and nothing but the truth. 8 THE PUBLIC: I do. 9 MS. McGOVERN: Okay. 10 THE PUBLIC: I'm going to touch on something 11 that Professor Stark -- I'm going to speak about 12 something that Professor Stark touched on and that is 13 the soils and the importance of soils. You have a 14 natural resource value here that's very little 15 understood, probably not protected, but it's extremely 16 important. Let me go back in time a little bit. 17 There were about 600 mines in northern New 18 Jersey, mostly in the highlands region and there were 19 hundreds of furnaces and forges associated with them. 20 And before they converted to anthracite in the mid 19th 21 Century they were fueled by charcoal and each one of 22 these furnaces consumed between one and three square 23 miles of timber as charcoal every year. So that by 24 1850, 1860 there was barely a tree left standing in 25 northern New Jersey, but that tree cutting was all done

53 1 by hand, taken out by the pack animals, not with heavy 2 equipment. The soils were undisturbed. 3 Now, in the, the year 1900 report of the 4 state geologist, there was a gentleman by the name of 5 Cornelius Vermule who mapped all of the existing forests 6 in northern New Jersey in the year 1899. So we know 7 that if it was forested in 1899 and forested today these 8 are lands, these are forests that were never disturbed 9 by agriculture, which is what disturbs soils as well as 10 development, etc. These soils have been developing 11 since the underlying geology was formed. It's 12 characteristic of many of the soils in the Highlands 13 province in it's better forests. It's very rare outside 14 of the Highlands and this is 300 acres of those soils. 15 And what the latest research is telling us is that these 16 soils are -- create, they sequester 13 billion tons of 17 carbon every year and they account for 30 percent -- 18 they absorb 30 percent of our emissions. They are 19 responsible for the greatest biodiversity aboveground 20 and they also, that's where most of our rare plants are 21 found today. They are also naturally resistant to 22 evasive plants. These are the soils in this 300 acres 23 and they're tremendously valuable to us and I wanted to 24 point that out to you. Thank you. 25 CHAIRMAN BAGOFF: Thank you very much.	55 1 100 ceremonial stone markers. There is three serpent 2 walls, there is a directional tree. And what all of 3 those things mean is that many, many years ago before 4 first contact our ancestors are the ones that actually 5 placed them there. They placed them in a prayerful way. 6 They came to be protected not only by us and by our 7 actions but even in the New Jersey's new state 8 developmental and redevelopment plan we are named in 9 there directly. We have the help of the Narraganset and 10 Neo Nation, which is a federally recognized tribe, which 11 we have had contact with for hundreds and hundreds of 12 years. I wanted to enter this into evidence, as well as 13 this that's on the side here, showing those things and 14 showing actually the ownership and the way that the 15 lands had transpired over the years. 16 Governor Corzine's Executive Order 122, it 17 still stands valid in the State of New Jersey, as well 18 as the changes that we just saw with the state plan 19 require the protection of these things that we call 20 ceremonial stone landscapes and I'm sure that many of 21 you have probably seen them. 22 Ceremonial stone landscape is just as 23 important as the Wailing Wall is and I, a Ramapough 24 Indian, whose ancestors roamed upon this land before 25 contact was to go there and do anything to deface that,
54 1 Please come up and state your name for the record, sir. 2 MS. McGOVERN: Your name and address. 3 THE PUBLIC: My name is Chief Mann. I am 4 the chief of the Ramapough Lenape Nation. My address is 5 21 Hemlock Ave, Andover, New Jersey. And I'll start 6 again. 7 MS. McGOVERN: Do you swear or affirm to 8 tell the truth the whole truth and nothing but the 9 truth. 10 THE PUBLIC: Yeah, I promise to tell you the 11 truth. 12 MS. McGOVERN: Okay. 13 CHAIRMAN BAGOFF: Go right ahead. 14 THE PUBLIC: Thank you. 15 I'll skip speaking in my language, because 16 it's a sacrifice for me to have to come here. 17 Watchung Mountain, number two, number one, 18 the ridges all the way up to the Ramapo Mountains have 19 been the very thing that has protected us, Ramapough. 20 For those of you who don't know who we are, we are state 21 recognized in the State of New Jersey by law. We have 22 relatives all the way out to Kansas, Wisconsin, Canada 23 on three other reserves and across the river in 24 Pennsylvania. 25 On the land that's in question there is over	56 1 what would happen to me. Right. And that's what we 2 have here. We're sitting on the precipice of ruining 3 forever the prayers of our ancestors have placed in a 4 particular way. Whether it was to communicate from this 5 mountain to the other mountain to the other mountain. 6 If it was to communicate all the way over to what we 7 call the Hudson River nowadays. It's imperative that 8 this Planning Board, in my opinion, puts back in place 9 any of those protections that you had that so far, in my 10 understanding, that are not there, like completely 11 removing all those trees. And as you heard before those 12 trees are living and they communicate and I know that 13 you all know about mycelium, right. And psilocybin. It 14 is the same exact thing, right. So imagine me coming 15 into your community and cutting down one of your 16 relatives. Imagine the pain that you would feel. I'm 17 running short on time, even though we don't have a word 18 for it, but I just want to bring a couple things to 19 mention and I want to read something, if I may have 20 permission to do so. 21 Back in the early 1900's the Ramapough 22 people, the Ramapough Munsee people, were subjugated to 23 what's become known as genocide or eugenics, right. And 24 the Vineland Training School in New Jersey actually 25 studied our people and came up with 18 different ways to

57 1 deal with the unwanted people of the Ramapo Mountains. 2 Number one way, right. By Margaret Sanger and all of 3 these very wealthy people that still control the world 4 today, the number one way was by a public lethal gas 5 chamber in 1923. That is the same documents that were 6 going to be utilized on the Ramapough people that found 7 their way to Germany and we all know what has transpired 8 after that. And if the Wilf family and anybody else to 9 sit there and memorialize that pain, to remember the 10 history of those people, the very least that this 11 council and this Planning Board and all of the people in 12 the State of New Jersey can do is to remember us. 13 Remember the original people who are still here, who are 14 within your community. I'm only here tonight because I 15 am the chief of the Lenape Ramapough Nation and I'm 16 required to speak on behalf of the 5,000 plus people. 17 And I really wish that I had more time to speak to you 18 and I'm sure that we'll make an effort to have that on 19 our own. Thank you. 20 CHAIRMAN BAGOFF: Thank you. 21 Come right up. State your name for the 22 record, please. 23 THE PUBLIC: Thank you. Good evening 24 everybody. My name is Jacqueline Hendy. I live at 6 25 Beverly Road.	59 1 we value. And the question before this board is whether 2 to sacrifice a forested landscape for convenience or to 3 exercise leadership that reflects our long-term 4 interests. 5 The West Essex Highland proposal is not 6 redevelopment, it is not infill, it would replace an 7 intact forest with new construction on land that 8 currently performs critical environmental functions, 9 functions that once lost cannot be meaningfully 10 replaced. 11 I recently attended the meeting with a Mayor 12 in an adjacent town and a group of real estate 13 professionals where regional approaches to meeting 14 housing obligations were discussed. In that meeting 15 West Essex Highland was referenced by name as an example 16 of how not to meet these obligations, specifically 17 because of it expands into forested land, rather than 18 concentrating development in existing commercial 19 corridors and mixed use redevelopment. That distinction 20 is directly relevant to the decision before you tonight. 21 This forest is more than a local asset, it 22 is a regional one. When it clears the impacts do not 23 stop at municipal borders. Stormwater runoff, flooding 24 risks, traffic impacts, the environmental strain 25 affecting neighboring communities as well. Approving
58 1 MS. McGOVERN: What's your last name, Hendy? 2 THE PUBLIC: Hendy, H-E-N-D-Y. 3 MS. McGOVERN: I'm sorry, I missed your 4 address? 5 THE PUBLIC: 6 Beverly Road. 6 MS. McGOVERN: Do you swear or affirm to 7 tell the truth the whole and nothing but the truth. 8 THE PUBLIC: I do. 9 MS. McGOVERN: Thank you. 10 THE PUBLIC: Actually, I just want to start, 11 because I happened to glance down at my nails looking at 12 my speech tonight and they're still tinted green in 13 remembrance of my friend who died at, sorry, still 14 fresh, 46 years old from rare aggressive cancer, the 15 second friend who died from a rare aggressive cancer and 16 I currently have a friend just a few years older than me 17 battling a rare aggressive cancer. People are dying 18 younger and of diseases that are not of their bodies, 19 that are harder and harder to fight and they are wiping 20 out mothers, fathers and people who still have a whole 21 lot of life to live. I just thought I'd say that in 22 remembrance of my friend. 23 So we are here tonight because of choices 24 not inevitability. We're here because as a town we have 25 made choices about how we grow, where we grow and what	60 1 this project does not occur in isolation. Our neighbors 2 are trusting us to be good stewards of our shared 3 amenity. Though, it is not an amenity, it is actually 4 functioning infrastructure. It absorbs stormwater, 5 mitigates heat, supports air quality and protects public 6 health. Once they're gone these benefits are gone 7 permanently. 8 I want to be -- what is at stake here, I 9 want to be clear. It's precedent. 10 If we accept the idea of housing pressure or 11 litigation pressure alone determines location, scale and 12 environmental impact, then zoning, planning, 13 environmental, you lose their purpose. You will lose 14 your purpose. 15 This board exists precisely to weigh those 16 factors, not to set them aside. This is not about 17 inevitability, it is about choice. You are not being 18 forced to approve this. You are asking to decide what 19 kind of town we will be. 20 Tonight I ask the board to exercise the 21 authority entrusted to it, to require supplemental 22 independent environmental review, insist on credible and 23 enforceable open space preservation measures and direct 24 the development of publically shared alternative -- to 25 direct the development of a publically shared

61 1 alternative plan that protects forested land while still 2 meeting affordable housing obligations. Thank you all 3 much. Appreciate it. 4 CHAIRMAN BAGOFF: Thank you. 5 State your name for the record, please. 6 THE PUBLIC: Good evening. My name is Ann 7 Ricigliano. I live at 29 Bongart Drive in the Highlands 8 condo development. 9 MS. McGOVERN: And that's in West Orange? 10 THE PUBLIC: Yes. 11 MS. McGOVERN: Do you swear or affirm to 12 tell the truth the whole truth and nothing but the 13 truth. 14 THE PUBLIC: I do. 15 MS. McGOVERN: Thank you. 16 THE PUBLIC: Okay. 17 I am here to voice my opposition to the 18 proposed development of the Watchung Mountain Forest. 19 I've been attending these Planning Board meetings for 20 about a year and half now and I can only hope that the 21 multitude of reasons why this development should not 22 come to fruition has not fallen on deaf ears. I do not 23 intend to repeat all the details, we've heard it over 24 and over and over. I'll briefly mention a few of the 25 more disturbing issues.	63 1 for sewage removal connection, no plans for a water 2 tower, calling Building D a four story building when it 3 looked to me like it was six stories. Very little 4 discussion about the distance from the mountain to any 5 stores, amenities or public transportation. Lack of 6 school space in the school system for the children that 7 will be moving into the development. I think I was told 8 that this is not the developers concern but it certainly 9 has to be the Townships concern. 10 This development is being proposed as if no 11 one currently lives around it. Nothing in this area can 12 be built in a vacuum. We are so congested in West 13 Orange as it is, there's already so much new development 14 everywhere. What you do on this mountain will decide 15 the fate of the surrounding land forever. We will all 16 have to answer to our surrounding communities. 17 As for the Highland townhouses, our property 18 values will plummet with the first shovel full of dirt. 19 Our quiet way of life will be destroyed. I will not 20 feel safe any longer worrying about what damage will 21 come with blasting, and please note that these concerns 22 have nothing to do with low income housing. I have to 23 believe that the creators of the Mount Laurel directive 24 did not intend for new developments to fly in the face 25 of safety and common sense.
62 1 The traffic volume has been utterly been 2 glossed over. All I heard was how wonderful the roads 3 and the sidewalks will be within the proposed 4 development, but nothing at all about the dangers that 5 all of this new traffic will bring to the residents of 6 the Highlands. We've heard it over and over, but it's 7 so real. 8 I must ask, where are the West Orange police 9 and fire departments in this discussion? I sort of 10 don't understand how this can be discussed without them 11 and we need their input. Why are they not weighing in? 12 I want to know what the plan is when we're 13 all trapped behind the so-called emergency exits. We 14 all know that no one even knew how to open the gate into 15 Essex Fells at the time of the golf course fire, we 16 still don't know. 17 I live downstream of the mountains, so every 18 time it rains I look out my back window and watch a 19 waterfall coming down the rocks and over the railroad 20 ties straight towards the back of my house. The walls 21 in my basement sometimes weep, so I can imagine what 22 would happen if all the trees above us are removed. 23 I and many other residents sent pictures to the 24 DEP, apparently to no avail. Never heard a word back. 25 The list goes on and on. Lack of proper plans	64 1 Thank you for listening. Thank you to the 2 Planning Board for your hours and hours of service. 3 Please do the right thing. 4 CHAIRMAN BAGOFF: Thank you. 5 Please, state your name and address. 6 THE PUBLIC: Ryleigh Cucclo. 7 MS. McGOVERN: And your address? 8 THE PUBLIC: 86 James Avenue, Cranford, New 9 Jersey. 10 MS. McGOVERN: Do you swear or affirm to 11 tell the truth the whole truth and nothing but the 12 truth. 13 THE PUBLIC: Good evening. My name is 14 Ryleigh Cucclo. I'm a senior at Cranford high school, 15 where I'm enrolled in advanced place in environmental 16 and engineering courses. I'm a member of Climate 17 Revolution Network and I'm here today not only as a 18 student or a young -- I'm sorry. Not only as a student 19 or a New Jersey resident, but as a young woman who is 20 worried for her planet and her community. 21 I'm here to formally oppose the development 22 of the Second Watchung Ridge which bears significant 23 public safety risks and promises of environmental harm. 24 The second Watchung Ridge is described as one of the 25 Essex County's last core old growth forests. It's a

65 1 sensitive site with fragile wetlands, slopes and more 2 that make this site a dangerous zone to tamper with and 3 a valuable one to protect. Forests like these aren't 4 useless nor are they wasted economic potentials. They 5 provide valuable ecosystem service that support local 6 communities and I'll say a few of those now. 7 Forests help mitigate the urban heat island 8 effect by cooling urban areas with the shade they 9 provide and water they release via transpiration, which 10 also helps manage local rainfall. 11 The construction of this complex will 12 displace local populations of native animals, insects 13 and plants. And due to the severe fragmentation of 14 forests in New Jersey, these local populations will 15 eventually die out with nowhere to go once the forest is 16 disturbed. 17 Furthermore, clearing the proposed amount of 18 forest will cost several tons of stored carbon to be 19 released into the atmosphere as forests act as natural 20 carbon sinks, places that can hold several metric tons 21 of carbon dioxide. 22 Not only is this proposal an environmental 23 hazard, it is also fundamentally flawed. The site is 24 isolated, with very limited acces to schools, public 25 areas and public transportation. Only one access road	67 1 construction plan, especially for a site that has been 2 untouched, for a site that is already so fragile. 3 The inspections that have been done leave 4 much to be desired in terms of safety. Concerns of rock 5 slides are particularly grave. 6 Removing tree that hold soil and rocks in 7 place, and instead replacing them with an apartment 8 building is a completely unnecessary risk. 9 I would also like to remind the board of the 10 proposals to develop the land in 2006, 2007 and 2015 11 which were all denied due to the environmental and 12 public safety implications. Nothing has changed since 13 then. 14 It is extremely clear developer Zygmunt from 15 Garden Homes is taking advantage of the affordable 16 housing crisis in New Jersey to turn a profit, seeing 17 this as nothing more than an opportunity to make use of 18 the land they've had in their possession since 1986. 19 They've returned time and time again before the board 20 but each time public safety and environmental 21 conservation has been prioritized. This is what needs 22 to happen now. 23 I strongly urge this board to take action to 24 permanently protect the Second Watchung Ridge. 25 For the short 17 years I've been on this
66 1 is outlined in the site plans which will create 2 challenges for first responders in the case of an 3 emergency and severely worsen traffic congestion. 4 Additionally, runoff from this site will 5 carry chemicals, sediments and other waste into the 6 Canoe Brook, which thousands of New Jersey residents 7 rely on for clean water, including those in Essex County 8 municipalities of South Orange, Maplewood, Millburn, 9 Livingston and West Orange. 10 And most notably due to the construction of 11 this complex flooding will become even more catastrophic 12 due to the inadequate on-site stormwater management 13 plan. Runoff rainwater will overwhelm drainage systems 14 during the periods of heavy rainfall, which are becoming 15 more frequent and sever. And those damages will be even 16 more expensive and that bill will be flipped onto nearby 17 homeowners. This is not only a matter of environmental 18 sensitivity but one of public safety. This complex will 19 be dangerous to live on and around. 20 Garden Homes has consistently failed to 21 present the board with the necessary materials to verify 22 safe construction, including but not limited to an 23 environmental impact statement, a meaningful plan which 24 outline how water and sewage would be connected to the 25 development. Is that not the bare minimum for any	68 1 planet with every passing year, every passing month, I 2 see less and less of the world I loved growing up. 3 Animals and nature were my first passions. Everyday I 4 face the looming threat of a world that will be nothing 5 like the one I was raised in. I miss the droning 6 insects in the summer. I miss the promise of snow every 7 Christmas. This isn't the world I want to live in, this 8 isn't the world I want to bring life into. I want a 9 world, a state, a community that prioritizes the systems 10 that gives us life. 11 And to the board, you all have your 12 responsibilities to the people in this room and the 13 residents outside who strongly oppose this apartment 14 complex. They raised very serious and very valid 15 concerns over the safety risks of living near this 16 complex and of the irreversible environmental damage it 17 will cause. There are many more opportunities to 18 provide real, safe and affordable housing in New Jersey 19 without harming pristine old growth forests. We cannot 20 let this need for more housing come at the cost of what 21 precious little forest we have here. Building on a 22 sites like the Second Watching Ridge will only harm us 23 more in the long run. Now more than ever we need to 24 realize that by preserving nature we are ensuring our 25 own long term survival and prosperity. Thank you.

69 1 CHAIRMAN BAGOFF: Thank you. 2 Sir, you have already spoken. You know the 3 rules we set. At the end if there's time you can come 4 back. 5 THE PUBLIC: I haven't spoken yet. 6 MS. McGOVERN: He did spoke. At public 7 comment. 8 THE PUBLIC: The last meeting? 9 MS. McGOVERN: Yeah, that was public 10 comment. 11 THE PUBLIC: I thought we are having a new 12 meeting. Okay. That's fine. 13 CHAIRMAN BAGOFF: You can come back at the 14 end, if there's time. Thank you. 15 Go right ahead, sir. Say your name for the 16 record. 17 THE PUBLIC: I'm Paul Tractenberg. I live 18 at 96 Sullivan Drive. 19 I've been involved -- 20 MS. McGOVERN: You're testifying tonight, 21 right? 22 THE PUBLIC: I am. 23 MS. McGOVERN: Okay. 24 Do you swear or affirm to tell the truth the 25 whole truth and nothing but the truth.	71 1 tell you at age 87 it's not as easy for me to stand for 2 two hours in line as maybe it once was. There's got to 3 be a more humane, more efficient and effective way to 4 hear from the public. 5 There are many who said this in various 6 ways. I want to pick up on as one of the handful of 7 points I'm going to make tonight. This is not an 8 application ready for prime time. It is filled with 9 crucial gaps, you can count the ways. Sewage, how is 10 sewage going to be handled. Potable water, adequate 11 water pressure to fight fires. Utilities of all kind, 12 an environmental impact statement. None of them are 13 before you. Everything is sought to be deferred to 14 conditions of approval after your approval. 15 For direct evidence of the problems and the 16 unresponsiveness of the applicant to those problems, I 17 advise you to look back to two reports, 16 pages each, 18 submitted by your own engineering consultants, CME and 19 John Hess, June and July of 2024, in which he lined out 20 with great particularity all of the things the applicant 21 had to do. The applicants two page response was mostly, 22 oh, we'll cover that in testimony. Or, we'll deal with 23 it as conditions of approval after approval. In my head 24 that's not the way to deal with crucial elements of this 25 proposal. Elements that really jeopardize the safety
70 1 THE PUBLIC: I do. 2 I've been at the center of this fight for 27 3 years. If you allotted me one minute for every three 4 years, I would have plenty of time for my prepared 5 remarks. You aren't and so I won't. So I'm just going 6 to talk from the heart. I'm going to react to what I 7 have heard tonight and what I have observed here 8 tonight. 9 First, I can't be alone in being incredibly 10 impressed by the quality of the testimony you have 11 heard. The sincerity, power of the testimony. That 12 ought to communicate a message to you. 13 I've been at virtually all the hearings, 14 I've heard people raise questions, witnesses and now 15 present testimony. I am yet to hear the first person 16 speak in favor of this proposal. Now, that's got to 17 tell you something. Your community is speaking loud and 18 clear to you. They only hope you hear and act on what 19 they are saying and so do I. 20 One of the issues I have raised with the 21 board, all though maybe irregularly, are some of the 22 procedural issues. And I just, I'm compelled to say one 23 tonight, which is the way public testimony is presented. 24 Making people line up for hours when you could have 25 taken names and called on them each individually. I can	72 1 not only the people who live on this property, if it's 2 developed, but all the people who live downstream and 3 nearby. 4 I think you have to wonder why this 5 application, and only this application, has been treated 6 so differently than every other application before this 7 board. There has not, and I pointed this out in great 8 detail, there has not been a single set of minutes for 9 any of the 27 meetings. The answer, oh, we got 10 transcripts. For any of you who tried to look at or 11 read through transcripts, that's not a substitute for 12 meeting minutes and meeting minutes are required by 13 state law, by local ordinance and by your own rules of 14 procedure. I didn't make this up, you did. So that's a 15 problem. 16 I implore you to do the right thing. I 17 think many people have given chapter and verse on why 18 and how you can do the right thing. I think you need 19 simply to pay attention to what you're being told. I 20 think we all value your time. I think we all recognize 21 you are our friends and neighbors, you live in the same 22 town as many of us or live in a nearby town to others of 23 us and you have ought to have a personal stake in doing 24 the right thing as well as representative stake in doing 25 the right thing.

73 1 So all I can say is, I hope that you do the 2 right thing as this board did 20 years ago in 2006 3 turning down a much smaller scale proposal for many of 4 the same reasons. One way in and one way out, 5 environmental harm and the like. So please look back at 6 that, that's a good text for you to review as well as 7 your own experts reports and I thank you for your 8 attention and time. 9 CHAIRMAN BAGOFF: Thank you very much. 10 And just for the record, nobody's making 11 anybody stand. People have the option to sit and get up 12 any time they want. So everybody who's standing, this 13 is totally up to you. You can be identified by standing 14 up and coming up. Whatever's good for you guys is fine 15 with us. Thank you very much. 16 Go right ahead. 17 THE PUBLIC: Hi. I'm Maxine Bock, Bakley 18 Terrace, West Orange. 19 MS. McGOVERN: Do you swear or affirm to 20 tell the truth the whole truth and nothing but the 21 truth. 22 THE PUBLIC: I do. 23 MS. McGOVERN: Thank you. 24 THE PUBLIC: So this proposed project has so 25 many flaws. It's not only affecting West Orange, it's	75 1 which is certainly not fair to the residents. 2 Last few issues. No one knows what will 3 happen when blasting starts at what damage will occur, 4 what damage will occur off-site and who will be 5 responsible for the damages and there will be long 6 protracted process to have damages paid for. 7 As you can see by the handful of people in 8 West Orange, not just a handful of people who have 9 concerns of this project. The residents of other local 10 communities as well as numerous local and state 11 environmental groups who oppose the project. 12 If this project is opposed -- approved. I'm 13 sorry, if it's approved it would bring in more tax 14 dollars for real estate taxes versus -- I don't know 15 what that says. Sorry about that. 16 Anyway, I do urge all you to think long and 17 hard about this critical decision and urge you to vote 18 with your heart and conscious to vote no. 19 I do want to say that I guess I batted a 20 thousand, I moved into Wayne Township in 1987 when the 21 Mayor at that time was being indicted for some type of 22 corruption. I moved into West Orange three years ago 23 into The Grand with a development being built -- 24 proposed development being built behind us, which will 25 just cause a great destruction and devastation.
74 1 affecting surrounding towns as well, such as Verona, 2 Essex Fells, Caldwell, etc. There's so many unknown 3 questions that have not been answered, such as 4 pre-blasting land survey, a soil capacity study, the 5 environmental impact of the removal of 6,000 trees, 6 flooding and displacement of wild life into our 7 neighborhoods. The proposed project has so many 8 potential issues with Oval Road being the sole access 9 point to all 496 apartments with no plans to widen those 10 sidewalks. Traffic issues will be unbearable when you 11 add the additional volume to the traffic from the 12 Highlands and the Grand. If there's any type of 13 emergency, like there has been twice in the past two 14 years, all residents in the proposed complex, the 15 Highlands and The Grand will be trapped with no way out. 16 I experienced that. There are safety issues in being 17 able to maneuver fire trucks up to the top of the 18 mountain in an emergency, which can put the residents of 19 the proposed development in jeopardy. Putting a traffic 20 light on Oval Road, while, yes, it is necessary to the 21 proximity of the light on Oval Road will not alleviate 22 traffic but will jut cause a large bottleneck on Eagle 23 Rock Avenue and I'm sure on Pleasant Valley Way as well. 24 The affordable housing units are not 25 identical to the other units in the proposed development	76 1 I thank the Planning Board very much. Have 2 a good evening. 3 CHAIRMAN BAGOFF: Thank you very much. 4 Come right up and state your name for the 5 record, please. 6 THE PUBLIC: Hi. I'm Julia Flath, F-L-A-T-H. 7 MS. McGOVERN: And your address? 8 THE PUBLIC: 266 Tichenor Avenue in South 9 Orange. 10 MS. McGOVERN: Do you swear or affirm to 11 tell the truth the whole truth and nothing but the 12 truth. 13 THE PUBLIC: Yes. 14 MS. McGOVERN: Thank you. 15 THE PUBLIC: I'm here to express importance 16 of preserving the health of our state for future 17 generations to oppose this application. We should 18 recognize that New Jersey has mechanisms for protecting 19 important forests, such and this one should be 20 considered here. 21 In other areas of New Jersey, counties and 22 municipalities are putting admirable effort into working 23 with landowners and partners to preserve open space. 24 There are grants such as Green Acres and there's also a 25 brand new law, Essex 99 allowing for easements to

77 1 restrict in perpetuity the development of privately 2 owned woodland. Those are just a couple avenues -- 3 examples of avenues for preservation and I'm not sure 4 what has already been considered here and what would 5 make the most sense for this parcel, but given that this 6 is one of the last remaining mature forests in Essex 7 County, I urge the Planning Board to work with the 8 county and partners to explore ways to preserve this 9 land before considering whether to approve this 10 application. 11 I'm a resident of South Orange whose water 12 supply is fed by the Canoe Brook and I'm concerned about 13 potential contamination of our water if this development 14 is built. There's a new proposed bill, the Headwater 15 Guardians Bill S2468, which would require DEP to 16 designate municipalities with critical headwaters as 17 headwater guardians. While Canoe Brook may not meet the 18 bills criteria of directly serving as the primary source 19 of drinking water for one million residents, it is an 20 early tributary of the Passaic River and this bill 21 acknowledges the responsibility that municipalities play 22 in ensuring protections are in place so that headwaters 23 of Canoe Brook can continue providing clean drinking 24 water. 25 As Planning Board members you have accepted	79 1 MS. McGOVERN: And that's in West Orange? 2 THE PUBLIC: Yes. 3 MS. McGOVERN: And do you swear or affirm to 4 tell the truth the whole truth and nothing but the 5 truth. 6 THE PUBLIC: Yes. 7 MS. McGOVERN: Okay. 8 THE PUBLIC: Please keep in mind this was 9 going to be read at the Planning Board meeting right 10 before Christmas but public comment was postponed. 11 CHAIRMAN BAGOFF: Which Christmas? 12 THE PUBLIC: To the postponing of public 13 comment I say, Bah Humbug. 14 Last night I was visited by three ghosts. 15 First came the ghost of West Orange past. He showed me 16 a town united by community. A place where working 17 families could afford to live and commute. A place 18 where people build beautiful homes and stayed in them 19 for generations. A town with real socioeconomic 20 diversity. I saw families hiking and enjoying our lush 21 forests. It was awe inspiring but fleeting. 22 Then came the ghost of West Orange future. 23 He showed me the perils of overdevelopment, high-rise 24 condos dominated our ridge lines. I saw developers 25 learn that they could get away with it. After clearing
78 1 this responsibility to consider what is not best not 2 just for your own town residents but for all the people 3 of New Jersey served by your towns waterways downstream. 4 I also ask that if you reject this proposal 5 you do not revert to the original proposal which called 6 for construction of over 100 single family homes. A 7 single family homes would likewise disrupt habitat. It 8 would be better to build a much smaller number of 9 apartment buildings so that more open space could get 10 preserved. And so that -- and the plan could be revised 11 to incorporate the new stormwater regulations. 12 I'm not here to oppose increasing housing 13 stock, I'm all for building new housing. New Jersey has 14 way to many single family zoned areas, it should be 15 changed to multifamily zones to enable more efficient 16 use of land. It's just not okay to destroy mature 17 forest that we can't get back. Instead we can find ways 18 to rebuild on already developed land and to follow smart 19 growth principles to meet housing needs. Thank you. 20 CHAIRMAN BAGOFF: Thank you very much. 21 THE PUBLIC: Hello. I am Joseph Nalieth. 22 MS. McGOVERN: N-A-L-I-A? 23 THE PUBLIC: N-A-L-I-E-T-H. 24 MS. McGOVERN: Okay. And your address? 25 THE PUBLIC: 33 Ridgeview Avenue.	80 1 6,000 trees to build the West Essex Highland towers, 2 they crept onto Eagle Rock Reservation. They raised 3 South Mountain. Every last patch of green space was 4 taken up by cheaply built condominiums. It was a 5 slippery slope, both figurative and literal. The 6 construction violates our steep slope ordinance, much to 7 close to the edge of the cliff over wetlands. Increased 8 stormwater runoff led to worsening floods causing 9 families to lose everything to disasters we could have 10 prevented. Generational families were pushed out by 11 land grabbing developers. West Orange lost its beauty 12 and its heart. 13 Finally, I was visited by the ghost of West 14 Orange present. I'd lost hope. I saw developers who 15 thought they could bully a small town into submission. 16 I saw local officials who maybe were willing to let it 17 happen. But then I looked around this room, I saw a 18 community rallying to protect it's forests, its 19 neighborhoods and it's future. I saw residents united 20 refusing to be steamrolled by outside interests and it 21 gave a jaded sole like mine hope. So tonight I stand 22 before you in my pajamas as Ebenezer Scrooge and I 23 implore you to reject this development. Think of the 24 West Orange that is quietly eroding. Think of the West 25 Orange we want to pass onto the next generation and look

81 1 around this room to see the passionate community 2 rallying to protect the town they love. For the condos, 3 I have two words. Bah Humbug. Thank you very much. 4 CHAIRMAN BAGOFF: We're going to take a 5 ten-minute break. Thank you very much. 6 (Whereupon, a short recess is taken.) 7 CHAIRMAN BAGOFF: Back on the record. 8 Come right up, sir. I'm sorry. Come right 9 up, sir. Do you want to sit down? 10 THE PUBLIC: No, I don't. 11 CHAIRMAN BAGOFF: Okay. Please stand. 12 THE PUBLIC: I want to stand right here. 13 I'm a retired pastor and I'm used to standing up and 14 talking to people. 15 CHAIRMAN BAGOFF: Go right ahead. 16 MS. McGOVERN: We need you name and address. 17 THE PUBLIC: Sure. My first name is Robin, 18 R-O-B-I-N, Hawley, H-A-W-L-E-Y. Last name is Gorsline, 19 G-O-R-S-L-I-N-E. And my address is 38 Cerone Court in 20 West Orange. 21 MS. McGOVERN: Do you swear or affirm to 22 tell the truth the whole truth and nothing but the 23 truth. 24 THE PUBLIC: Yes, I do. 25 So I came tonight, I've only been a resident	83 1 don't know, but anyway, I feel passionately about this 2 community of West Orange. And one of the things that I 3 think has been raised numerous times tonight, is that 4 how dense the population is both in West Orange as well 5 as the entire state of New Jersey. And that's about the 6 human beings. We don't begin to count all the other 7 beings here and they matter too and they matter not just 8 because they help us live but because they are beings as 9 well and they're sacred beings. 10 So I urge you, I urge you, I urge you to 11 think about all that life and try and save it. I hope 12 you hear that and I hope you hear all the other voices 13 here when people say, do the right thing. Amen. 14 CHAIRMAN BAGOFF: Thank you. 15 Go right ahead, sir. 16 THE PUBLIC: Jack McEvoy, Deputy Mayor of 17 Verona. 18 MS. McGOVERN: Are you testifying as a 19 representative of Verona or on your own? 20 THE PUBLIC: Resident of Verona, New Jersey. 21 MS. McGOVERN: Then can we have your 22 address, please. 23 THE PUBLIC: I'd rather not say. 24 CHAIRMAN BAGOFF: Use the town hall address. 25 THE PUBLIC: 600 Bloomfield Avenue.
82 1 three years, and I have a neighbor of mine who said, 2 please go to this meeting because he couldn't come and I 3 thought well, I read about it and I said, yes, I need to 4 go. I identify as an environmental or ecological 5 Theologen or Ecologen, as I sometimes call it. And I 6 listened to Chief Mann and I thought -- I had decided I 7 wouldn't say anything then I listened to him, then I 8 said, I need to speak. He was making a very, very 9 important point and I want to make it from my point of 10 view. And that is, you talk about all those thousands 11 of trees and some people have mentioned, of course all 12 the brilliant comments made here, about all the birds 13 and bees and everything else. In my view, in my 14 theological spiritual view we are all residents of New 15 Jersey. We are all residents of West Orange. We are 16 indeed all residents of the universe, every single 17 being, and we need to take seriously the beings that are 18 not human, not just the humans. We need very much to 19 not, just in the terms of our own self interest but 20 actually care about others around us. And that includes 21 those thousands of trees and all the others and the 22 water and the roots and the soil and everything. 23 So I'm just here, I know it's not going to 24 make a difference to any of you because it is not 25 something you probably have heard of, maybe you have, I	84 1 CHAIRMAN BAGOFF: Good enough. 2 THE PUBLIC: Thank you. 3 MS. McGOVERN: Do you swear or affirm to 4 tell the truth the whole truth and nothing but the 5 truth. 6 THE PUBLIC: I do. 7 CHAIRMAN BAGOFF: Go right ahead. 8 THE PUBLIC: First, thank you all for your 9 patience 27 -- well, it's going to be 28 meetings, I 10 know it's rough. I wonder if that's a record in New 11 Jersey. I'll look it up. 12 The development before you is Block 179 Lot 13 32. This development is also planning on utilizing two 14 other lots, Block 179.17 Lots 8 and 9 on Howell Drive as 15 an emergency access. Expanding beyond Block 179 Lot 32 16 should require a D variance. The use of those lots as 17 emergency access is also a violation of a deed 18 restriction that this same owner agreed to when they 19 accepted the September 25, 1980 and July 28, 1983 20 decision for the Howell Drive major subdivision. This 21 major subdivision spanned two municipalities and 22 therefore went before two Planning Boards, Verona and 23 West Orange. Both boards looked at the subdivision in 24 its entirety, I'm sure, and it's very clear Verona 25 certainly added the deed restriction as a condition of

85 1 approval because they didn't want access granted to the 2 120 acres remaining. In order to proceed this owner 3 agreed to give their word to deed restrict. They added 4 a restrictive covenant to the properties on Howell 5 Drive. The current settlement agreement the Township of 6 West Orange has with this developer also mentions a deed 7 restriction. They are agreeing that the remaining 90 8 acres will not be developed. The deed restriction 9 section of the settlement agreement that everyone refers 10 to all the time reads, I quote, "Shall restrict the 11 subject property from all further development" with some 12 exceptions for accessory dwellings and utilities. 13 In the Verona Planning Board resolution it 14 mentioned, specifically number 9 of the 1980's 15 agreement, and I quote, "That a restrictive covenant be 16 placed in the deed of each individual lot in the entire 17 development against any use other than one family 18 homes." If the owner, this developer, is not honoring 19 the deed restrictions they agreed to in the '80's 20 resolutions then how is the current agreement, the 21 covenant, going to be honored? Their words and 22 agreements cannot be trusted. They have proven to this 23 board and to the public that they don't honor their 24 words by using two properties they promised. Promised 25 to deed restrict as single family homes only, they want	87 1 MS. McGOVERN: You can do that. 2 Do you swear or affirm to tell the truth the 3 whole truth and nothing but the truth. 4 THE PUBLIC: Yes. 5 MS. McGOVERN: Thank you. 6 CHAIRMAN BAGOFF: Thank you. Go ahead. 7 THE PUBLIC: Good evening. I respectfully 8 but firmly ask the Planning Board to deny approval of 9 the proposed West Essex Highlands development. If this 10 project moves forward it will lock-in decades of serious 11 safety and public health risks for West Orange and for 12 the neighboring communities of Verona, Essex Fells, 13 Roseland and South Orange. This is not a routine 14 development site, it is a steep bedrock slope. A 15 drinking water source and an area surrounded by 16 established neighborhoods with limited access and 17 multiple environmental constraints. Given these unique 18 conditions the project presents several critical hazards 19 that make it unsuitable for approval. 20 First, water quality. This site sits at the 21 headwaters of the Canoe Brook which supplies drinking 22 water to several towns. Disturbing the slope will 23 increase erosion, sediment runoff and pollutant flow, 24 all of which will degrade water quality and raise 25 treatment for thousands of people downstream.
86 1 to use as access roadways. So they don't live up to, 2 they don't honor their word but as we can see they have 3 the money to try and get around living up to and 4 honoring their word. In the end when the applicant 5 doesn't honor their word, they make you, the board 6 members, look like the bad peeps. 7 Protect your West Orange neighbors and 8 fellow Essex County neighbors and residents and vote 9 down this application because it's all about the money. 10 CHAIRMAN BAGOFF: Go right ahead. 11 State your name for the record, please. 12 THE PUBLIC: Sarah Ofarrell, 13 O-F-A-R-R-E-L-L, 27 Westview Road, Verona. And I also 14 am going to read something for another resident, Jean 15 Stoloff at -- I heard Mr. Bagoff, you said that I had 16 one time to speak and I could read for someone else. 17 MS. McGOVERN: No, no. That was confusing. 18 When we -- when the person who testified last time 19 testified it sounded as if it was a joint statement. 20 Not he was reading on behalf of somebody else. So you 21 want to incorporate their opinions into yours -- 22 THE PUBLIC: I can just read it then. 23 MS. McGOVERN: -- and just make it your 24 own -- 25 THE PUBLIC: Okay. Thank you.	88 1 Removing trees further eliminates the 2 natural filtration that currently protects this water 3 supply. 4 On top of this, the plan uses porous 5 pavement directly in a sensitive headwater zone. 6 According to the NJDEP and NJ Department of 7 Transportation, porous pavement can clog and fail, and 8 when it does it sends oils, metals and deicing chemicals 9 straight into groundwater. Experts have repeatedly 10 warned that porous pavement should not be used near 11 wetlands, headwaters, or drinking water sources. Yet 12 the plan relies on it here. 13 Second, fire safety. There are two major 14 fire safety issues. The first is inadequate exit access 15 through Oval Road. The April 2025 fire demonstrated 16 exactly how dangerous this was when road were shutdown 17 and residents had no reliable way out. All though the 18 developer proposes an emergency access road to Howell 19 Drive, Howell is narrow, has steep blind and curves and 20 becomes treacherous in snow or freezing rain. An 21 evacuation utilizing this route with cars and 22 pedestrians without access to a vehicles trying to 23 escape simultaneously would place residents in sever 24 danger. 25 The second issue, is the lack of emergency

89 1 access behind Building D. Only seven feet separate the 2 building from the steep slope, far to little space for 3 personnel, equipment or hose lines. Firefighters would 4 have no safe approach for a fire on the slope or behind 5 the building as flames sore in the air creating a life 6 threatening situation for residents and first 7 responders. 8 Third, steep slopes instability. The 9 project requires deep blasting, up 25 feet and massive 10 retaining walls. Princeton Hydro's expert literally 11 warned that the current plan puts the slope and the 12 homes below it at real risk. He even said on the 13 record, that he would not sleep in Building D as 14 proposed and recommended moving it back 100 feet. 15 Warnings of this magnitude can not be ignored. 16 Fourth, flooding. The developer is not 17 following current New Jersey stormwater regulations. 18 Regulations created specifically to reduce flooding and 19 property damage. Residents have already documented 20 flooding under existing conditions. Removing trees and 21 disturbing the hillside will significantly worsen 22 runoff. Because the plans have changed substantially 23 after the settlement, West Orange is fully allowed to 24 require compliance for todays stricter standards. 25 Fifth, lack of pedestrian and transit	91 1 lessening the environmental impact, making the project 2 more safe and then potentially assuaging the residents 3 fears. Nevertheless, he didn't even try and that is 4 troubling. 5 Thank you for your time and please deny this 6 application. 7 CHAIRMAN BAGOFF: Thank you. 8 Good evening. State your name for the 9 record, sir. 10 THE PUBLIC: Greg Montgomery. I live at 13 11 Connolly Drive East, West Orange, New Jersey. 12 MS. McGOVERN: Do you swear or affirm to 13 tell the truth the whole truth and nothing but the 14 truth. 15 THE PUBLIC: I will. 16 MS. McGOVERN: Thank you. 17 THE PUBLIC: I haven't spoken at any of 18 these meetings, I haven't been able to attend in person 19 and so I wasn't able to comment, but today I am. 20 I want to thank you guys for being here and 21 for your time on this, apparently it's been quite a bit 22 of time. 23 I am against this development, it looks like 24 it's been tried several times over the years, every -- I 25 don't know how many years, they try again and the site
90 1 access. This site is not served by practical public 2 transportation. The development forces reliance on 3 private vehicles, increases traffic and leaves 4 affordable housing residents with limited access to 5 jobs, food, and essential services. Residents without 6 cars will be being forced to walk on busy roads putting 7 them and their children at risk. 8 For all these reasons, water protection, 9 fire safety, slope stability, stormwater management and 10 basic access, the risks are to great. A denial based on 11 these seven things is not only justified but is the 12 responsible and necessary decision to protect West 13 Orange, Verona and our neighboring communities. 14 And I am now also saying as a member of the 15 Verona Environmental Commission, that this project will 16 have permanent and destructive impacts on our community. 17 More so this owners legal counsel is running defense for 18 an indefensible development. The developer/owner has 19 never once engaged with the community that will forever 20 be impacted by this proposal. Taking into consideration 21 the length of the application, the problems that have 22 been testified about and the overabundance of public 23 input, it raises questions about transparency and good 24 faith. One would think the developer/owner would want 25 to engage with the community and amend the plans by	92 1 is not suitable for development and yet you're having 28 2 meetings trying to make it work. You know, make the 3 plan fit something that can't work. Like it can't work. 4 It hasn't worked before, it's not working now. 5 The environmental impact, all the things that 6 these people have talked about make it impossible to 7 actually develop this area and I think people have an 8 idea that development equals progress and development 9 does not equal progress. Smart development, sustainable 10 development could equal progress. We need low income 11 housing, but what are you getting. Are you getting 450 12 low income housing units? No. You're getting a, you 13 know, 20 percent low income and they won't even be as 14 good as the higher income housing, right. It's a 15 different floor plan, the whole thing is different. 16 When my wife and I moved here six years ago we 17 moved here because of the trees. If you look at a map 18 of New Jersey coming out of New York City, this is where 19 the trees start. This is where the trees start and the 20 highway stop, you know, they get smaller, it's not just 21 roads, it's not just buildings. When you go up to 22 overlook the city, we overlook the city, we don't want 23 to live there. None of us want to live there. We want 24 to live in West Orange where the trees are, where the 25 animals are.

93 1 Now, this development where it's placed is, 2 the animals don't stay in one spot. Okay. They have to 3 move. Their families grow, they have to move. They -- 4 they have to forage, they don't stay in one spot. Where 5 this is located, it's part of the animal pathway that 6 connects various wooded areas in this location all the 7 way to the river on the north and all the way to the 8 river on the south through our reservations and private 9 land. It's not a great place to put a development 10 because you're interrupting that. 11 A forest, as you know, is not a single tree. 12 Lie a single tree in your yard, it's great. You plant 13 one, you don't live as long as it does, but it does not 14 provide habitat for more than one species maybe. An 15 intact forest on the other hand, a minimum time to grow 16 is 100 years, but to get the mycelium networks, to get 17 the thriving plant communities, you're looking at a 18 thousands of years. That's 300 years times three. Your 19 tree grows and dies three times. 20 This forest, from what I'm hearing, has been 21 here that long. So there are trees in there that are 22 here before any European settler even came to this, you 23 know, land. That was the forest. Most of the east 24 coast was forest. It's all gone. West Orange has 25 something that nobody else around here has, we have an	95 1 these things. It's something we have that no one else 2 has and once it's gone it's gone and all we have is an 3 apartment building that's going to fall apart in 50 4 years. 5 CHAIRMAN BAGOFF: Please state your name for 6 the record. 7 THE PUBLIC: Nancy Meyerowitz, 8 M-E-Y-E-R-O-W-I-T-Z, 19 Howell Drive, West Orange. 9 MS. McGOVERN: Do you swear or affirm to 10 tell the truth the whole and nothing but the truth. 11 THE PUBLIC: I do. 12 MS. McGOVERN: Thank you. 13 THE PUBLIC: We are the original owners of 14 37 years of our home on Howell Drive which was built by 15 Garden Homes. The top of our property touches the 16 cul-de-sac where the emergency access road will come in 17 and we're at the bottom of steep slope by Building D. 18 I'm not going to repeat what the experts have said, I am 19 not an expert, but I want to address the real impact on 20 us, and it's not just our story, it's the story of 21 everyone on Howell Drive and the Highlands and every 22 town surrounding the community. And we're asking that 23 you deny this application. Not set conditions but deny 24 the project for the many unknown questions that still 25 remain and for the none impact on public safety.
94 1 intact, old growth forest that's not been developed. 2 It's never been developed and if you guys choose to 3 develop it this time, even though its been chosen not to 4 be developed several times, that's going to be gone. 5 None of us can replace a thousand year old forest. None 6 of us can replace 100 year old tree. No one can bring 7 me a 100 year old tree no matter how much money I have, 8 right. You can't bring me a 300 year old forest. You 9 can't build a 300 year old forest. How long does an 10 apartment building last? Like how long before this town 11 is going to have to pay to tear that apartment building 12 down again. We might live to see that, but we will not 13 live to see a 300 year old forest regrow. None of us 14 will live to see that. 15 So the reason why we moved here is because 16 this is a small diverse town that cares about its 17 environment. We have the reservations, you know, we're 18 looking out for this kind of thing. It hasn't worked in 19 the past, it's not going to work in the future. It 20 doesn't matter how much you tweak the plan, it's not a 21 good plan. It's throwing money down a rat hole, you 22 know. Somebody's going to make some money off it, it's 23 not going to be us. It's going to be short-term, it's 24 going to be extracted, you know. The monies not going 25 to stay in West Orange. I would urge you to think about	96 1 Regarding runoff and flooding. We've had 2 continued flooding in or backyard since Garden Homes 3 built our home 37 years ago. When it rains our backyard 4 floods, the storm drains buckle I know Garden Homes had 5 a water management, stormwater management plan then, it 6 didn't work then, it doesn't work now and they were 7 nowhere to be found when we had these issues. So you 8 understand why we don't trust that the plan for this 9 site will be upheld. 10 And addressing these issues after they occur 11 is to late, it's to late to save our homes or our lives 12 in the event of a life threatening situation. You've 13 heard for Princeton Hydro that the stormwater management 14 plan is not compliant with current state and local 15 requirements. We -- you must require the developer 16 conform with current stormwater guidelines, even if that 17 means a delay or redesign of the project. To wave 18 compliance on current regulations for a project hasn't 19 even started is unconscionable. 20 Regarding the steep slope. The development 21 puts all our homes on Howell Drive and others at risk 22 for landslides during heavy rains or during blasting. 23 Building D is only 106 feet from our home and seven feet 24 from the ridge line. We know we'll feel the impact of 25 blasting. Not one expert you've heard has reassured us

97 1 that there won't be damage during blasting. They talk 2 about probabilities or safety factors, the only 3 acceptable safety factor is a zero risk and that isn't 4 the case in this project, particularly near Building D. 5 Regarding the deer and wildlife. We have 6 deer in our backyard and streets everyday on Howell 7 Drive now. With this development and all these deer 8 fences there's going to be -- they're going to push the 9 deer onto -- into our backyards, but more importantly 10 into the streets causing more and more accidents in our 11 area. 12 Regarding the traffic. The experts had 13 predicted doubling to 5,000 trips per day. One traffic 14 light will not fix this problem. In addition, most 15 people haven't spoken about the impact of the 16 intersection of Pleasant Valley Way and Eagle Rock. 17 Right now during rush hour it's backed up in all 18 directions. Can you imagine what 3,000 more cars will 19 do to the Eagle Rock/Pleasant Valley Way intersection. 20 You rejected this proposal because of the 21 one road in, one road out many years ago. I don't think 22 anything has changed, other than instead of 130 single 23 family homes, we'll now have 500 families trapped in the 24 event of a fire or a forest fire or regular fire. 25 Finally, we've been to the 20 plus meetings	99 1 development of every square inch of West Orange and 2 destruction of this last piece of core forest. We urge 3 you not to exempt Garden Homes from all the current 4 ordinances knowing that you're putting our safety and 5 the safety of our children at risk. Thank you. 6 CHAIRMAN BAGOFF: Thank you very much. 7 Please come up and state your name for the 8 record. 9 THE PUBLIC: Good evening. I'm Imaninia 10 Byton. 11 MS. McGOVERN: And your address? 12 THE PUBLIC: 378 Broad Street, Bloomfield, 13 New Jersey. 14 MS. McGOVERN: Do you swear or affirm to 15 tell the truth the whole truth and nothing but the 16 truth. 17 THE PUBLIC: For sure. 18 MS. McGOVERN: Okay. 19 THE PUBLIC: Okay. 20 Good evening everyone. I am Imaninia again. 21 I am also the environmental justice director for Climate 22 Revolution Action Network, aka, CRAN, a youth led 23 climate group in New Jersey. I am also a resident of 24 Essex County, shout out to Bloomfield, and a frequent 25 visitor of West Orange and specifically a frequent
98 1 or listened to the rest on zoom and there's so many 2 unanswered questions that to us, in and of themselves 3 should stop this project from moving forward. Things 4 like can the sewage system handle the project? What 5 will be the impact to the West Orange schools? Why did 6 the developer move Building D closer to the ridge? Will 7 it be necessary to build a water tower for emergency 8 firefighting? What is the construction and blasting 9 plan? They've not provided any details about what will 10 happen during construction and blasting. 11 And what, of course what's the environmental 12 impact destroying 6,000 trees in the core forest. 13 And lastly, can you assure that Howell Drive 14 residents that the emergency access road will not be 15 open to regular traffic. 16 We plan on retiring and downsizing in the 17 next five years, by moving this project forward you're 18 jeopardizing our ability to sell our home. The light 19 and noise pollution alone will impact the quality of 20 life on Howell Drive. Who would buy a home that's 21 subject to daily blasting at the bottom of a steep slope 22 with Building D sitting above us. We fully support the 23 need for affordable housing but must it be balanced 24 against the need of public safety, the need for land 25 preservation and smart growth. You must not allow the	100 1 visitor of the Watchung Mountains. 2 Now, before I begin, I want to make it very 3 clear, I am a very big proponent of affordable housing. 4 Young people and low income families across this state 5 are struggling to afford current costs of living, and 6 namely the cost of housing. Offering affordable housing 7 in West Orange should be a priority for this council and 8 West Oranges government in general. Still these goals 9 should not come at the expense of our environment. 10 In 2024 we experienced the hottest year on 11 record. We are expecting to break that record in the 12 years to come. New Jersey spends billions of dollars on 13 natural disaster recovery and with the current 14 administration the funding of our response efforts we 15 expect to spend billions more. The Watching Mountains 16 provide tree canopy, green space, flood protection and a 17 home for our animals, plants and insect neighbors. What 18 I am trying to say is that we can not afford to destroy 19 this mountain. Not now, not ever. The development on 20 this mountain increases the areas flood risk, worsening 21 erosion and decreases the amount of protection we have 22 from pollution and heat, especially at a time when we 23 are victims and very susceptible to the impacts of 24 pollution and heat. And in a world succumbing to 25 climate change, protecting our natural resources is

101 1 paramount, not only for aesthetics but for our own good. 2 There is none of us without this planet. By all means, 3 yes, to affordable housing but, no, to it being on the 4 Watchung Mountain and no, to it being on the Second 5 Ridge. Thanks. 6 CHAIRMAN BAGOFF: Thank you. 7 THE PUBLIC: Good evening. My name is 8 Maegan Kehlmann. 9 MS. McGOVERN: And your address? 10 THE PUBLIC: 10 Sylvan Road, Verona. 11 MS. McGOVERN: Do you swear or affirm to 12 tell the truth the whole truth and nothing but the 13 truth. 14 THE PUBLIC: I do. 15 MS. McGOVERN: Thank you. 16 THE PUBLIC: Thank you for this opportunity 17 to speak. 18 As I said, my name is Maegan Kuhlmann and I 19 am a resident of Verona but I'm also the organizer of 20 the Sierra Club. The Sierra Club is one of the oldest 21 and largest environmental non profits in the nation. 22 The West Essex Highlands project has faced public 23 opposition from the local community for decades due to 24 the environmental, health, safety and community 25 connectivity concerns it possess. The Sierra Club and	103 1 site would be capable of supporting endangered species. 2 The development of this site will reduce it's health and 3 productivity to a shell of what it once was. These 4 catastrophic environments cannot be limited to just this 5 development site. The plans for this application may 6 begin and end at the property line, the environmental 7 impacts aren't confined to the property line. The 8 change in surface and groundwater flow patterns that 9 result from the development on this site would have 10 extensive and enduring consequences. The inability for 11 wetlands to store and control water flow would almost 12 certainly exacerbate existing soil runoff management and 13 flood risks in West Orange and the neighboring 14 municipalities. Bulldozing over a critical habitat and 15 historical forest not only threatens the wildlife and 16 community residents of the present, but also endangers 17 the future generation. It is imperative that the 18 Township of West Orange have safer, affordable housing 19 alternatives that utilize smart growth practices to 20 protect the environment and the people living there. 21 Not only does sustainability of affordable housing make 22 sense but the safety and connectivity it is essential 23 that we do. Ignoring one or the other causes 24 irreparable environmental harm and further fragmenting. 25 Our municipal leaders, this Planning Board, have
102 1 its 200 residents opposed this project back when it 2 first came before this board in 2006 and still does 3 today. Nearly 20 years ago this board rightfully denied 4 a similar development application on this site. That 5 application was proposed to develop 136 housing units 6 was quite correctly identified as a risk to public 7 safety and environmental quality due in part to the 8 environmental conditions of the site, the very same 9 conditions which exist today. It is plain to see that 10 this site is fundamentally unsuitable for development. 11 It is home to critical wetlands, steep slopes and simply 12 the last remaining core forest in Essex County. The 13 development on this site will exacerbate exiting 14 flooding issues, endanger drinking water quality for the 15 township and it's neighbors. Wetlands are vital to 16 stormwater management, water recharge and the nutrient 17 cycle echo system. This development proposal would add 18 over 12 acres of impervious cover, including buildings, 19 streets and parking lots which would fundamentally alter 20 the surface and ground water that feed and maintain this 21 forest and wetlands. 22 Further, ecology of core forest supports a 23 wide variety of species and exports and represents a 24 habitat requirement for species that are more vulnerable 25 to disturbance. Analysts show habit conditions of this	104 1 a duty to these residents and those surrounding areas to 2 ensure that the proposed development are safe and 3 sustainable. This project is not either. However, 4 denying this project and ensuring that the forest is 5 protected means investing in the future. Natural flood 6 protection, carbon sequestration, biodiversity and 7 resiliency to the impacts of climate change. 8 I strongly urge you members of the West 9 Orange Planning Board to reject this proposal for the 10 sake of the local residents, the environment and 11 wildlife. The Township needs to find the appropriate 12 location to fulfil affordable housing needs instead of 13 fulfilling a builders dream housing project. Thank you. 14 CHAIRMAN BAGOFF: Thank you. 15 THE PUBLIC: Mr. Chairman, with my remaining 16 time I would like to see if we can have Chief Mann, who 17 spoke before, I have the exact -- 18 CHAIRMAN BAGOFF: Sorry, no. We have other 19 members of the public who would like to speak. Thank 20 you very much for your time. 21 THE PUBLIC: Thank for the opportunity. 22 CHAIRMAN BAGOFF: Thank you. 23 State you name for the record. 24 THE PUBLIC: Arnold Barton, 71 Woodland 25 Avenue, West Orange.

105 1 MS. McGOVERN: Spell your last name. 2 THE PUBLIC: B-A-R-T-O-N. 3 MS. McGOVERN: Okay. 4 Do you swear or affirm to tell the truth the 5 whole truth and nothing but the truth. 6 THE PUBLIC: Yes. 7 Before I begin, I want to strongly agree 8 with almost everything I've heard here. I think that we 9 have a piece of land that has been in development for 10 like 200, 300 years, the echo system on this property, 11 it's irreplaceable and it's only going to increase in 12 value. 13 Okay. I'm going to talk about something 14 that hasn't been addressed here yet, so it'll a little 15 bit different. I'm going to speak about the sanitary 16 sewer main capacity on Pleasant Valley Way. I manage 17 the building at 270 Pleasant Valley Way, I am concerned 18 about the sanitary sewer main capacity on Pleasant 19 Valley Way. According to the testimony before this 20 committee, sewage discharge of the proposed development 21 will be handled by the joint meeting in Elizabeth and 22 probably and would likely pass through the sewer main 23 which our buildings connect or compete with the 24 buildings discharge further downstream. 25 Congregation or Torah of West Orange	107 1 from Page 3 of the Township of West Orange Planning 2 Board meeting November 10, 2025 minutes referring to the 3 sewer mains downstream of our building, "Will have to 4 have a consulting company do the study and figure out 5 how much those existing pipes can handle based on their 6 slope size and whether or not it's even feasible." That 7 is whether or not it is even feasible for the sewer 8 mains to handle more sewage. Without increasing the 9 size of the sewer mains it would appear that some sort 10 of holding tank and pump need to be incorporated into 11 West Essex Highlands proposal to control the timing of 12 sewage release before connecting this project to the 13 existing sewer mains. Therefore, I think that a 14 proposal before this board lax fundamental structures to 15 handle the sewage and should not be adopted. 16 To summarize, the sanitary sewer main under 17 Pleasant Valley Way could barely handle the current 18 volume of sewage. Adding hundreds of homes to the 19 system would require widening of the sanitary sewer main 20 or construction holding tanks and pumps, neither of 21 these options are included in the plan under 22 consideration. I thank you for your time and your 23 efforts. That is all. Thank you. 24 CHAIRMAN BAGOFF: Thank you very much. 25 Please state your name for the record.
106 1 purchased this building in 1998 from Americana 2 Portraits. The building is located between the 3 firehouse on Pleasant Valley Way and Pleasantdale 4 Nursery. Our property actually surrounds the property 5 on Woodland Avenue and adjoins the wetlands along 6 Peckman Creek. Our buildings foundation is about ten 7 feet below street level, so that as you pass by it on 8 Pleasant Valley Way you mainly see the roof. Okay. 9 Now, there is a sanitary sewer clean out at one corner 10 of our building. Three times since COVID, in early 2020 11 on November 25, 2024 and on March 25, 2025 we have had 12 sanitary sewer water running out of that clean out down 13 our parking lot into the wetlands. Two of these events 14 lasted for more than ten hours and consisted of hundreds 15 of gallons of untreated sewer water entering the 16 wetlands. All three times the overflow was stopped by 17 the township water jetting the sanitary sewer main under 18 Pleasant Valley Way to push the obstruction further down 19 the line. The Township supervisor of public works has 20 consented to water jetting this line twice a year to 21 prevent further overflows. 22 Our problem and the solution suggests the 23 Pleasant Valley Way sanitary sewer main line, which 24 would serve the new development, is already over 25 capacity. Quoting Ms. Carballo, the township engineer	108 1 THE PUBLIC: Rachel Klein, Howell Drive. 2 Up until recently -- oh, sorry. 3 MS. McGOVERN: It's okay. 4 THE PUBLIC: Oh, actually I have a quick 5 message from Mr. Afran. I forgot also. Oh, he just 6 wanted to apologizes for not being able to be here. He 7 was out of the country and got stuck in the blizzard and 8 only just got back to New Jersey this morning. 9 MS. McGOVERN: Okay. 10 THE PUBLIC: Okay. Sorry. 11 MS. McGOVERN: Do you swear or affirm to 12 tell the truth the whole truth and nothing but the 13 truth. 14 THE PUBLIC: Yes. 15 Rachel Klein, Howell Drive. 16 Up until recently I was not on the board of 17 We Care, but I am now on the board, as Mr. Plocker asked 18 that we identify ourselves, I'm doing just that. 19 Thank you for putting in so much time and 20 bearing with us all through this process. I hope you 21 take into account what the public has to say about their 22 current situations and take our fears and concerns 23 seriously. I also want to implore you to read what Mr. 24 Litwornia submitted for the record. When he was here 25 before this board, he was treated rather harshly, and I

109 1 fear many of you will take the man who wrote the book on 2 traffic engineering seriously. You would not have known 3 his medical device had failed, but that does not excuse 4 how many on this board spoke to him and treated him, as 5 if he were not an expert in a field he had been in since 6 many of you were still in school. Read his work, view 7 his decks, if they are not in the record I implore you 8 to admit them. The developer's traffic engineer left 9 much to be desired, but I will get to that later. 10 I'm a life long resident of West Orange, 11 specifically of the Pleasantdale section, the section 12 that has been the most impacted by developments since 13 the 1980's and the section that will bear the brunt of 14 impact in West Orange from this proposed development. 15 Through the years I have seen what happens when a 16 development is pushed through without concern or indeed 17 planning for possible future issues. One example is the 18 old library. TC meeting after meeting the residents of 19 this new building come to town hall to demand a fix to 20 what was a foreseeable and preventable issue. 21 Eventually the TC and administration will have to 22 correct the error, whatever that correction may be, to 23 appease the real residents standing before them night 24 after night. What does that have to do with WEH? The 25 proposed traffic light on Oval Road at Eagle Rock will	111 1 I'd also like to remind the Planning Board 2 that some of us live daily with the consequences of this 3 developer's apathy for projects he has already 4 completed. You would actually consider allowing this 5 developer to build retention basins that will hold 6 thousands of gallons of water perched above homes in the 7 Highlands and elsewhere. Basins that need constant 8 monitoring and maintenance. I live next door to his 9 sewer line for the Highlands condos. My backyard often 10 and even my basement stink of raw sewage. I have no 11 bathroom in my basement. The DEP rep for the county 12 walked through my basement to see if he could find an 13 excuse for the stench, in the end he conceded it was the 14 sewer line that runs between my property and my 15 neighbor's property. The town health department has 16 been involved with this issue since early 2020 but the 17 issue persists as this is privately owned and we are 18 left to the magnanimity of this very developer. I stand 19 here as someone directly affected by this developer, 20 maybe you are less concerned as it is my home and not 21 yours, but it is a canary in a coal mine as far as my 22 neighbors and I are concerned, do not approve anything 23 that need any long term maintenance as it will 24 inevitably not be done. 25 The final point I would like to make is
110 1 solve the dangerous left turn onto Eagle Rock, there is 2 not doubt about that, but it will not solve the volume 3 issue you are introducing by adding 500 more homes to 4 where 370 already meet at one intersection. I'm not 5 sure how you can propose an off-site improvement and 6 then tell us you do not have to review the issues as the 7 location is outside the development, when this seem to 8 be an integral part of said development. Once a 9 thousand new drivers realize they cannot leave their 10 cul-de-sac and are stuck behind ten cycles of a traffic 11 light, they will come to town hall every other week 12 demanding a solution. That solution can never be Howell 13 Drive. Howell Drive is too narrow, there are multiple 14 blind curves and it is exceptionally steep. I watched 15 two plows get stuck trying climb Howell just this past 16 Sunday. I have a video of one if you are interested. 17 While this is all theoretical, we can use our judgement 18 to prevent what will have real world implications should 19 we not look at the reality of this land and the 20 surrounding topography. Also, don't forget the 21 developers traffic engineer told this board that nothing 22 in this plan will change that day in April where the 23 residents of the Highlands were stuck behind Oval Road. 24 The only thing I would change is the adding 500 more 25 homes.	112 1 about the slope which is above my home. Yes, we concede 2 we live in an area that would not be developed by 3 today's standards, as Mr. Plocker has pointed out more 4 than once, but we are here, and it is too late to take 5 back what was done to build our homes, it is almost 6 laughable to say that since our homes are on the slope 7 no one should question this plan. Should we return to 8 the 1980's in all things? Should we pretend we have no 9 greater knowledge than we did before the internet? Gene 10 Therapy? We learn from the past and improve on it, what 11 was built in 1986 should have no bearing on this 12 development. My property and my neighbors' properties 13 are full of retaining walls, it does not take a 14 geotechnical expert to understand that we live on and up 15 against an extremely steep slope. We can see the rocky 16 outcrops from our backyards, so to be constantly 17 gaslighted by your experts has been nothing short of 18 offensive. You discuss the Army Corps of Engineers 19 safety ratings as it relates to catastrophic events. A 20 dam bursting killing hundreds would be a catastrophic 21 event, but I stand here, in front of you, many of you 22 have met my family, should one of the rocks I have 23 pictures of, but you tell me don't exist, were to be 24 disturbed, roll down our steep backyard which is a 60 25 degree slope, and hit my two year old, that would be a

113 1 catastrophic preventable incident. You have not 2 required this developer to take any precautions with the 3 homes below Building D. A debris slide from the Grande 4 damaged a home on Nestro. There are so many homes below 5 the proposed Building D, my neighbors and I are from all 6 walks of life, all income levels, races, you cannot 7 paint us as a few rich NIMBYS, we are far from that. To 8 have a proper catchment area, you need to be in front of 9 the toe of the slope, as Mr. Gall explained, the issue 10 for this developer is, our homes are the toe of the of 11 slope, making this impossible, which should be reason 12 enough to not approve this development. And don't 13 worry, if there is a debris slide or anything were to 14 damage my home, I will of course sued, but what price 15 will you put on our children. Please, listen to us, 16 your neighbors, and put aside why you believe you must 17 approve such a half baked proposal. Vote no on this 18 proposal. This will be your legacy, the largest 19 development ever approved at one go in the Township of 20 West Orange, but any and all fallout from this, too, 21 will be your legacy. 22 CHAIRMAN BAGOFF: Thank you very much. 23 State your name for the record, sir. 24 THE PUBLIC: Johnathan Sharret, 25 S-H-A-R-R-E-T. My address is 11 Howell Drive, West	115 1 a lawsuit over affordable housing. Affordable housing 2 should not be used, you know, as basically, you know, a 3 sword over our necks, right, in order to force 4 development that should not happen. All right. There 5 should be a better plan in this town, right, for 6 affordable housing. I haven't heard a single person 7 talk, all right, about how they are against affordable, 8 all right, or that they don't want certain type of 9 people, whatever that may mean to them, all right, in 10 their backyards or in their town. People want 11 affordable housing in this town. What they don't want 12 is affordable housing in a place that makes absolutely 13 no sense and what they don't want is affordable housing 14 used as a cudgel, all right, to force development that 15 shouldn't happen. If you look at this area, right, it 16 is uniquely unsuited, all right, for development, right. 17 You look in particular at Building D, right. Why is 18 Building D where it is, seven feet away from the ridge 19 line. Why would any developer want to put a building 20 there. Because they're forced to, right. If you look 21 at the wetlands layout, okay, that has been mapped out, 22 there is literally no other place that they could put a 23 building and make a profit. So they put the biggest 24 building possible right next to the ridge line. Right 25 next to all the neighbors, all right, that are going to
114 1 Orange. 2 MS. McGOVERN: Do you swear or affirm to 3 tell the truth the whole truth and nothing but the 4 truth. 5 THE PUBLIC: I do. 6 MS. McGOVERN: Thank you. 7 THE PUBLIC: I'm a life long West Orange 8 resident. I grew up here, I was born in 1981 in St. 9 Barnabas Hospital. I returned with my wife to West 10 Orange in 2009 and as I said before, we live in Howell 11 Drive. 12 This steep slope that everybody talks about, 13 the development that's literally our backyard. But I 14 don't want anybody to think this is a case of nimbyism. 15 All right. You heard multiple people throughout the 16 entire township, all right, tell you that this is a bad 17 idea and urge you to go back, at least to deny this plan 18 and tell the developer to go back to the planning 19 stages. All right. This area is uniquely unsuited for 20 development. All right. This is not a new thing, as 21 multiple people have pointed out, all right, this has 22 been before this Planning Board in various forms over 23 decades and every single time it was denied. All right. 24 There's nothing here that has changed, all right, on the 25 ground. All right. Other than the fact that there was	116 1 be on Howell Drive, right. You look at the shapes of 2 those buildings, why are they in such weird shapes. 3 Again, because of the wetlands, right. Why is the road 4 that goes around there in the shape that it is. Again, 5 to avoid wetlands. Why do they have to go and get a 6 dispensation from the DEP. Again, because of the 7 wetlands, right. That entire area, all right, is 8 unsuited for buildings there but they want to force you, 9 all right, to put those buildings there because of the 10 affordable housing, right. They tell you and they have 11 their engineers and they have their experts telling you 12 that you have nothing to worry about, right. 13 In my career, I'm a patent litigator, I've 14 been litigating for many, many years and I know how 15 experts work, all right, and maybe this is cynical, but 16 for every expert, you know, you have no trouble finding 17 one, okay, to support your ideas. All right. And you 18 can say that on both sides of the issue. For every 19 expert there's another opposite -- equal and opposite 20 expert, all right. But I'm asking you to use your 21 common sense. If you haven't gone to that area, I urge 22 you to go to that area, all right. You've heard for 23 example, all right, that there's going to be no problem 24 whatsoever with water runoff. Go to the area, all 25 right. Go in the early spring, right, it's not that far

117 1 away, and see what happens, okay, in the spring. All 2 right. See what happens in the late fall when it's 3 hurricane season, all right. You will find, okay, 4 waterfalls going back through my backyard, through all 5 my neighbors backyards, every time there's even a 6 moderate rainfall. Go look into the streets, look at 7 the storm drains, you will see geysers, literal geysers 8 popping up out of the storm drains every time there's 9 moderate rain fall, right. And they want you to 10 believe, all right, that they're going to mitigate all 11 these problems, right. Again, use your common sense. 12 Okay. And think, okay, is that really going to happen, 13 all right. They're telling you, all right, that you 14 should ignore, you know, the steep slope, it's going to 15 be completely safe, all right. Ignore the current 16 regulations, we predate them, right. Again, use your 17 common sense, is that a good idea. Is that where you 18 would choose to build a building, right. Is that smart, 19 right. Is that something that West Orange wants to put 20 its name on. That we allowed a building seven feet away 21 from the steep slope, right. 22 They tell you, don't worry about traffic, 23 sure there will be one way in and out, okay. Don't 24 worry about it, we're going to put a stoplight over 25 there, right. Just this week, okay, I was driving down	119 1 MS. McGOVERN: Thank you. 2 THE PUBLIC: Mr. Chairman, Lady Mayoress, 3 members of the Planning Board, thank you for this 4 opportunity. 5 I've watched a good number of these meetings 6 on zoom, I listened to the expert testimony, I heard 7 lots of questions from this room and I can't help but 8 wonder who else is going to speak up in favor of this 9 application. Now, maybe I'm wrong, but is anyone else 10 going to speak in favor, can you raise your hand if 11 you're going to speak in favor. Okay. Pretty clear. 12 So I see a large group of people who don't like the idea 13 and I see one person sitting in front me here, Mr. 14 Plocker, who does like it. And I'm thinking to myself, 15 why isn't anyone else speaking up in favor of this. Is 16 it really that bad. Now, if this were a democracy, lots 17 of people want to stop it, one person wants it, the 18 result would be clear. But this isn't a democracy, 19 let's call it what it is. It's capitalism. It's about 20 profits for Garden Homes and risk for local residents. 21 Now, my funny accent obviously isn't from 22 New Jersey, I'm English and I am an American citizen 23 now. So I did the whole citizenship test thing and they 24 checked I could read and write English. I passed that 25 bit. And they also gave me a test on US history and a
118 1 Pleasant Valley Way towards Eagle Rock, went up Eagle 2 Rock towards Livingston, there was traffic nonstop. 3 Bumper to bumper all the way from Pleasant Valley 4 Way/Eagle Rock all the way up to Laurel Avenue. Okay. 5 What's going to happen when there's a thousand or plus 6 more cars coming through, all right. They tell you, 7 don't worry about it, the lights going to solve it. 8 Okay. Again, use your common sense. Tell them to go, 9 at the very least tell them to go back to the drawing 10 board. That this is a terrible idea. Okay. If it 11 shouldn't be denied outright, all right, you don't want 12 to take away their property rights, you want to, you 13 know, abide by the settlement agreement. All right. 14 The settlement agreement doesn't force you to vote for 15 this, all right. It allows you to say that this is a 16 bad idea and to tell the developer to go back to the 17 drawing board. I urge you to tell them that. 18 CHAIRMAN BAGOFF: Thank you very much, sir. 19 State your name for the record, sir. 20 THE PUBLIC: Ben Steiner, S-T-E-I-N-E-R, 44 21 Inwood Road, Essex Fells. 22 MS. McGOVERN: Do you swear or affirm to 23 tell the truth the whole truth and nothing but the 24 truth. 25 THE PUBLIC: I do.	120 1 civics test, which focused on government and democracy. 2 So I'd like to start by thanking the Planning Board 3 because you guys are living local democracy. Now, 4 you're volunteers, you're all volunteers I assume. 5 Maybe I didn't pass that one. You all give your time to 6 your community as public servants, so thank you all for 7 your service. And all of us making comments this 8 evening recognize that. That you, like all other 9 Planning Boards, are volunteers and you give your time 10 freely to serve your community but you live in the 11 community too. So you like other Planning Boards will 12 be impacted by traffic congestion. You and your 13 families will be impacted by overcrowded schools. You 14 and your families will be impacted by risk of public 15 safety, by threats to the public water supply and on and 16 on and on. 17 Now, after all these meetings, obviously you 18 have a choice. Do you choose the safety and welfare of 19 the community or do you choose the profits of Garden 20 Homes. It's about choice between increasing the profits 21 of a billionaire, who by the way, doesn't live here, or 22 protecting the safety and welfare of those that do. 23 Now, I know what people say, that the little 24 people never win in a situation like this, that there's 25 always a billionaire with deep pockets who always gets

121 1 what he wants and typically they get what they want by 2 hiring a slick lawyer, like Mr. Plocker, and he always 3 has an answer to everything. 4 Now, Mr. Plocker built his career with words 5 like Mount Laurel and builders remedy and settlement 6 agreements and he does always get his clients what they 7 want, until now perhaps. But I actually think what is 8 going on here is very simple, and my public comment to 9 you, the Planning Board, can be summed up with four 10 words and I think they were actually said by a few 11 people tonight and I haven't conferred with any of them, 12 those four words are basically, do the right thing. And 13 what it means is, do the right thing for public safety. 14 Do the right thing for the concerned citizens of the 15 community. Do the right thing so that anyone who 16 becomes a US citizen like me learns in my civics test 17 which was, uphold democracy and represent the wishes of 18 the community. Do the right thing. Please. All this 19 legal speak about settlement agreements, it's not an 20 excuse for poor planning. Poor planning is a decisions 21 are just that, poor planning decisions. 22 Now, personally I'm terrified what the water 23 that my kids are going to have to drink because of this 24 development. I'm terrified about the air that my kids 25 are going to breath because of this development. I'm	123 1 MS. McGOVERN: Yes. 2 Do you swear or affirm to tell the truth the 3 whole truth and nothing but the truth. 4 THE PUBLIC: I do. 5 So I speak to you as a brain surgeon and I 6 teach engineering with an emphasis on doing things to 7 enhance and protect human health and safety. When we 8 assess risk and consider doing a surgery, like brain 9 surgery, or doing a project, we say, first do no harm. 10 Could everybody say that. First do no harm. One more 11 time, because I don't have a lot to say so, first do no 12 harm. Okay. Thank you. 13 There's a fatal flaw here. Mr. Kleinberg 14 failed to defend the use by one set of experts, less 15 stringent safety standards applied to the risk analysis 16 regarding the building which has been referred to as 17 Building D, I think of it as the skyscraper, rather than 18 more stringent safety standards. When pressed, and I 19 unfortunately felt compelled to press him, because 20 that's the kind of thing that brain surgeons and 21 engineers do, we think through stuff. We obsess about 22 stuff and we press people. When pressed, Mr. 23 Kleinberg's answer was something about money. And I 24 asked him again, because I had trouble processing that, 25 I don't understand a lot about money or a lot of the
122 1 worried about the traffic congestion on Eagle Rock 2 because of this development. Think of your kids or your 3 grand kids or your future kids and how will you explain 4 to them that you agreed this was a good planning 5 decision. 6 So members of the Planning Board, thank you 7 for what you do. You volunteer to support your 8 community, you give your time to this community, you can 9 now vote to project your community too by denying this 10 application on the grounds and the risks to public 11 safety that it presents. Don't be intimidated by Mr. 12 Plocker here. His legal speak about a settlement 13 agreements and the threats in his legal letters, 14 regardless of what he wants you to believe, you do have 15 a choice. You can choose to make good planning 16 decisions in the best interest of the community, your 17 community. So I hope for our kids, you'll do the right 18 thing -- 19 CHAIRMAN BAGOFF: Thank you. 20 THE PUBLIC: -- and choose to deny this 21 application. Thank you, Mr. Chairman. 22 CHAIRMAN BAGOFF: Thank you very much. 23 THE PUBLIC: My name is Susan Pannullo. I 24 live in the 200-foot zone. And you'd like to swear me 25 in.	124 1 other issues that everybody's been talking about, very 2 narrow realm. But again, it was something about money. 3 This application smells of a fatal flaw. One of the 4 superpowers that you have to have to be a brain surgeon 5 or to be an engineer where risk is involved, is smelling 6 something doesn't look right. Something's a fatal flaw. 7 We cancel surgeries all the time because somethings off. 8 You see a blood test off, somethings off and you say, we 9 just should stop here. That's what we do, we stop. We 10 stop. Dead stop and we say, let's roll this entire 11 thing back again and look at it and sometimes it's 12 horrible, you set everything up, the family's all there, 13 everybody's all ready to go and you have to stop and 14 it's annoying and it's costly and it's inconvenient, but 15 when we smell a fatal flaw we stop. So I can't comment 16 on all the other compelling issues that we've heard 17 about, a lot of which I learned about over the past 18 years, but on the basis alone, the risk of a fatal flaw 19 here, a fatal flaw, and I mean literally, fatal flaw. 20 Like in brain surgery if you mess up it can be a fatal 21 flaw. Based on the risk of a fatal flaw here you must 22 reject this application as submitted. Thank you. 23 CHAIRMAN BAGOFF: State your name for the 24 record, please. 25 THE PUBLIC: My name is Richard Baum, I live

125 1 at 10 Kinzel Lane, West Orange, New Jersey. 2 MS. MCGOVERN: Do you swear or affirm to 3 tell the truth the whole truth and nothing but the 4 truth. 5 THE PUBLIC: I do. 6 So I'm reading the comments for Debbie 7 Butensky, my neighbor, who lives at 11 Rappleye Court. 8 CHAIRMAN BAGOFF: Okay. You can do this as 9 your comments, but you can't do it as her comments. 10 THE PUBLIC: Okay. 11 CHAIRMAN BAGOFF: So if you say to the 12 record it's your comments -- 13 THE PUBLIC: These are my comments that she 14 wrote. How's that? Is that good? 15 CHAIRMAN BAGOFF: Good enough. 16 THE PUBLIC: Very good. 17 She writes this in the first person so it 18 might sound weird. 19 CHAIRMAN BAGOFF: That's okay. 20 THE PUBLIC: My background is the sciences 21 and I'm not a surgeon. 22 My interest in this project began in May 23 2024 when the West Orange town Mayor called a town 24 meeting at the Wilshire Grand. The meeting with the 25 Mayor was to inform the public about the project. Her	127 1 the Mayor and on legal advice. 2 Deer fencing can keep deer from eating 3 immature trees, does not repopulate mature trees, but 4 increases underbrush exclusively. The forest cannot be 5 replaced once trees are bulldozed. 6 Fair share housing was not meant to be 7 located where construction mandates the destruction of 8 pristine forest. 9 You heard from the environmentalist that the 10 development would effectively kill the entire forest, 11 not just the 20 acres planned. 28 acres planned. 12 Instead of preserving the land as an oasis, allowing the 13 development causes destruction to the forest, would put 14 the Planning Board on the wrong side of West Orange 15 history, destroying thousands of trees, effectively 16 killing a forest located at Block 179 Lot 32. 17 Moreover, there is simply ambiguity as to 18 the fill of the eastern slope. There is no water source 19 at the top of this site and to create a sufficient water 20 pressure to fight a fire a water tower 40 feet high or 21 higher would need to be constructed. We are talking 22 about a structural behemoth and an eyesore for miles 23 around. Development would certainly pollute the water 24 source to the residents of Essex Fells. Surely the town 25 could find an alternative location for it's fair share
126 1 designated slide presenter, Wayne DeFeo, misinformed the 2 public saying that the forest was unhealthy and that got 3 me interested. I've hiked forests in many mountain an 4 ranges in upstate New York, California and New Jersey. 5 This is a small forest. It is lush and it is thriving. 6 My specific career in clinical management I maintained a 7 strong interest in environmental sciences, ecology and 8 all things salutary. I've, as you heard by many of the 9 environmental experts, a forest is not designated 10 healthy or unhealthy, that's a medical term. But we can 11 accurately say that there is a lush forest canopy on 12 this site. In my opinion the particular forest is an 13 absolute treasure, it is a rare pristine area that has 14 never been developed and it never ever should be 15 developed. 16 In 2010 this was part of the Master Plan for 17 West Orange, to preserve it as open space. There is now 18 focus on the medical community on the mind, body 19 connection. Mindfulness maintaining our mental health as 20 well as physical. 21 The forest of Block 179 Lot 8 though 22 privately owned, remains in a perfect location for open 23 space. You, the Planning Board, should reframe from 24 permitting the development of this site of ordinance 25 that was signed by the Town Council board in 2020 with	128 1 housing. I feel that this project is like the Titanic 2 and developer Wilf is the iceberg. You folks are ill 3 prepared for the enormous disaster destined to happen 4 for allowing this plan to proceed. The application is 5 missing a sewer plan, there is a subpar emergency 6 evacuation plan, inadequate stormwater recharge 7 management and failure to heed the advice of experts, 8 especially regarding the steep slope. Reminds me of the 9 Titanic disaster. The blockade of a fire truck access 10 to the apartment building could have easily occurred in 11 a snowstorm. It puts lives at risk. 12 Road blockage on Warner Road or Howell Drive 13 would put all residents in the apartment at risk being 14 trapped, perhaps losing multiple lives. Thank you for 15 your time. 16 CHAIRMAN BAGOFF: Thank you very much. Come 17 on up and state your name for the record, please. 18 THE PUBLIC: I'm Deborah Druce, D-R-U-C-E, 19 15 Barbara Avenue, West Orange. 20 MS. MCGOVERN: Do you swear or affirm to 21 tell the truth the whole truth and nothing but the 22 truth. 23 THE PUBLIC: I've been -- my husband and I 24 and my family have been residents of West Orange for 33 25 years. We live in the lovely neighborhood along

129 1 Pleasant Valley Way, very close to the ridge that we've 2 been discussing. Every season I am very thankful to 3 walk up to the top of that ridge and to look over to see 4 Pleasant Valley Way and the beautiful views that are 5 there. 6 I want to thank everyone here whose 7 expressed their views about this project and this 8 meeting shows the strength concerned citizens and how it 9 is important to protect the ridge of overdevelopment by 10 the Garden Homes developer. 11 I want to recall the efforts in 1990's and 12 2000's when Susan Borg was West Orange town planner. 13 She was well respected for her knowledge of the issues 14 and her interactions with residents in upholding the 15 values of good community planning and environmental 16 protection. Susan resigned and passed away in 2019 and 17 no town planner has been available for six years in the 18 town. We are at a brink of major change in housing in 19 urban development and the interaction of this meeting 20 reflects the values with which were upheld during that 21 period of time in 1990's and 2000's. Take this 22 opportunity to move forward and utilize the potential 23 expressly this evening and throughout the year and 24 reject this proposal. 25 Look at the -- if you look across at the	131 1 Listen to our concerns and tap into the kind of energy 2 that we are here to help you in planning. Make this the 3 beginning to make town planning a priority that 4 integrates our concerns as well as New Jersey towns to 5 allow affordable housing. Do not support this proposal. 6 CHAIRMAN BAGOFF: Thank you very much. 7 State you name for the record. 8 THE PUBLIC: Good evening. Keith Loughlin, 9 L-O-U-G-H-L-I-N-law, from the law firm Inglesino, Taylor 10 on behalf of Essex Fells Country Club. 11 MS. McGOVERN: Just so the board 12 understands, we do not swear in a lawyer. You're 13 representing the Country Clubs position, correct? 14 THE PUBLIC: Correct. 15 MS. McGOVERN: Okay. 16 THE PUBLIC: And I will tell the truth as 17 well. 18 Thank you for the opportunity to speak 19 tonight regarding this application. We've received the 20 assurances from the applicant on the record that this 21 project will not now or in the future require road 22 widening that will impact our property, and we thank the 23 applicant for those assurances, given the importance of 24 maintaining our historic Essex Fells Country Club 25 property which was originally constructed in 1900.
130 1 urbanization along Route 280 where there's the first 2 mountain slope, you will see great towers and buildings 3 that show the sprawling urbanization of West Orange. If 4 you take -- the individuals have been speaking about how 5 affects them individually, it's a very big concern. 6 If you recognize how trees and green up on 7 the ridges will prevent wind shearing and when there are 8 big storms and if you go up and you look at the top you 9 will see the remainder of the trees that have fallen 10 down during Hurricane Sandy and Hurricane Irene blew 11 through the area and the microburst that went through 12 Verona Park, which happens in many areas when there's 13 changes, big changes taking place of trees. 14 Recognizing the strength of the residents 15 wanting to maintain this community with features that 16 are tolerant and diverse for the people living here and 17 include good road systems, housing, good sewage it 18 creates a stronger community and not an evasive one. A 19 place where fauna and flora will flourish, it's a gift 20 for all of us and we can enjoy the heritage when the 21 South Mountain Preservation that was created after the 22 paper milling destroyed the forest and it required 23 reforestation in the 1890's. Note how this area was 24 valued by the Olmstead brothers were hired to design the 25 parks here, in Verona Park and many other places.	132 1 We've attended all the hearings on this 2 application and heard a great deal of expert testimony 3 from the applicants professionals, the boards 4 professionals and We Care's professionals regarding the 5 stormwater management. 6 The Essex Fells County Club property 7 unfortunately floods during heavy rain events as was 8 demonstrated through a video presentation by a member of 9 the public at a prior hearing. Based on the known 10 flooding patterns in the neighborhood we have legitimate 11 concerns about the impact of this application on our 12 property. While the applicants engineer says this 13 project will not have a negative impact on the 14 community, other professionals, including those 15 presented by We Care, disagree. We have filed an appeal 16 of the NJDEPs decision to apply the older, less 17 stringent stormwater management standards to this 18 project and that appeal remains pending before the 19 Appellate Division. 20 We ask you to consider the impact that this 21 project will have on the stormwater management of the 22 community, including Essex Fells Country Club and thank 23 you for your time and attention. 24 CHAIRMAN BAGOFF: Thank you, sir. 25 Come right up, sir. State your name for the

133 1 record. 2 THE PUBLIC: Charles Fiscus, I live at 78 3 Davey Drive, West Orange. F-I-S-C-U-S. 4 MS. McGOVERN: Do you swear or affirm to 5 tell the truth the whole truth and nothing but the 6 truth. 7 THE PUBLIC: I do. 8 CHAIRMAN BAGOFF: Go right ahead, sir. 9 THE PUBLIC: So been sitting here all night 10 and I've been at a few meetings and a lot of people are 11 making really good points and I don't need to repeat 12 them, they're all very well put together. 13 We essentially live in a cul-de-sac and 14 adding more to it is just wrong. That's what it comes 15 down to. And that's all I got to say. 16 CHAIRMAN BAGOFF: Please state your name for 17 the record, sir. 18 THE PUBLIC: John Haydu, H-A-Y-D-U. 81 AVON 19 DRIVE, ESSEX FELLS. 20 MS. McGOVERN: Do you swear or affirm to 21 tell the truth the whole truth and nothing but the 22 truth. 23 THE PUBLIC: I do. 24 I'm your neighbor, so I just want to 25 introduce myself. I actually border the property in	135 1 Two brought a lawsuit against the Township of West 2 Orange and West Orange Planning Board and West Essex 3 Highlands Inc, intervened. The settlement agreement 4 recounts that as a result of the settlement agreement 5 the litigation was dismissed by the Essex Fells 6 Homeowners Association and its members. So that was Dr. 7 Smith that did that. But what happened, well, he's not 8 here, who's going to stand up for him. Who's going to 9 speak for him. 10 The settlement agreement was executed by 11 Zygmunt Wilf on behalf of the West Highlands, Inc, and 12 that signature was witnessed by Mark Hoffman. I'd like 13 to submit that into the record. 14 Town attorney Richard Trenk -- 15 CHAIRMAN BAGOFF: Sir, you can't. 16 THE PUBLIC: Well, it's my time. I want my 17 time. You've interrupted enough people in the 30 18 meetings I've been here. I want to talk now. I want to 19 talk now. 20 CHAIRMAN BAGOFF: Sir. 21 THE PUBLIC: I've been here 30 meetings, I 22 appreciate -- 23 CHAIRMAN BAGOFF: So have I. 24 THE PUBLIC: -- everything that you've done. 25 I appreciate it. I want to talk.
134 1 Essex Fells. I purchased it October 29, 2014 and the 2 reason why I bought the property was one of my 3 neighbors, who's a really great man who passed away 4 about nine years ago in 2016, his name was Dr. Leon 5 Smith. Dr. Leon Smith was a great man, he fought this 6 development for years. He was a infectious disease 7 doctor, he was probably one of the top doctors in the 8 world. He's not here today to speak so I'm going to try 9 to speak, you know, for him for what he did for us in 10 Essex Fells. 11 In November 2004 Essex Fells Township 12 residents entered in a settlement agreement with the 13 West Essex Highlands, Inc, a pending litigation of a 120 14 acre parcel of property. So what I want to get into, 15 Mr. Plocker keeps talking about the settlement 16 agreement. The settlement agreement. The settlement 17 agreement. I'm happy for their settlement agreement, 18 but we have a settlement agreement from 2005 and they 19 need to honor our settlement agreement. They need to 20 honor Verona's settlement agreement too. So I'm just 21 going to talk about the settlement agreement a little 22 bit. 23 West Essex Highlands intended to build the 24 property of single family homes and it was passed by the 25 ordinance 1934-04. Essex Fells Homeowners Association	136 1 CHAIRMAN BAGOFF: But you want to do 2 something that we can't accept. You may speak. 3 THE PUBLIC: It's public comment, I can say 4 what I want. 5 CHAIRMAN BAGOFF: Yes, you can. 6 THE PUBLIC: So I want another minute. 7 CHAIRMAN BAGOFF: Go right ahead, sir. 8 THE PUBLIC: Okay. 9 So now that I've been rudely interrupted by 10 the Chairman. 11 Town attorney Richard Trenk, signed the 12 Stipulation of Dismissal on January 27, 2005, that's the 13 town attorney, right. So he signed it. So he was aware 14 of this agreement. He also signed their agreement 15 recently, so how can you agree to an agreement that you 16 already had an agreement before but you didn't -- you 17 guys know about our agreement? Have you even looked 18 like into our agreement? Verona's agreement? Let ne 19 give you some highlights of the agreement. 20 "Homeowners shall have the right to attend 21 all hearings." I'm here. 22 "All applications by the developer relating 23 to the development of the property at such time will 24 have the right to object." I'm here, I'm objecting. 25 "Developer makes for approval that violates

137 1 ordinance 1934-04." He's -- they're violating my 2 agreement. Okay. I'm just letting you know that. 3 "Developer covenants shall not build or 4 cross permit by the contractor otherwise to build any 5 houses or developments greater than 7,000 square feet." 6 I think these buildings are bigger than 7,000 square 7 feet. 8 "Even if allowed to do so by the West Orange 9 ordinance 1934-04 or other provisions of the West Orange 10 code." 11 "Developer covenant that shall prohibit the 12 construction of any fence along the common property line 13 of the development." Fence, no fencing. Does that 14 count deer fence that you're going to do two deer 15 fences. My agreement say's there's no fencing. So how 16 are they going to do that? Do we have to fight this? 17 Do I have to get a layer? What do I have to do? Maybe 18 you guys could help me out. 19 "Permit for construction shall also contain 20 a provision that the restrictions will run with the land 21 and for the benefit of the homeowners lots and shall 22 have the right to enforce the violation therefore." I 23 have met with Mr. Hoffman in my backyard, he told me to 24 put a big berm up and block the building from my house. 25 Unfortunately, I'm a realtor, my backyard in the West	139 1 truth. 2 THE PUBLIC: I do. 3 MS. McGOVERN: Thank you. 4 CHAIRMAN BAGOFF: Go right ahead, sir. 5 THE PUBLIC: Yup. 6 Before I get started here I would like to 7 just, I heard Ben Steiner, who also happens to be a 8 fireman in town, talk about the four words, do the right 9 thing. I have four boys, my wife and I, one came and 10 left and I've taught my kids that, you know, you do the 11 right thing, but sometimes it's not always clear what is 12 the right thing to do. How do you do the right thing. 13 And I taught my kids that when you can't figure out what 14 is the right thing to do, figure out what is the wrong 15 thing to do and don't do it. This falls in that 16 category and I'll start. 17 West Orange is the most heavily forested, 18 stormwater managed, steep slope town in all of Essex 19 County, which is the most densely populated county in 20 the most densely populated state in all of north 21 America. This last core forest, 120 acres, the last 22 unprotected core forest in town, is intact for a reason. 23 I won't get into all the experts, you're going to hear 24 Bruce summarize it. You've heard people here ad 25 infinitum. The canopy, the tree canopy in the town of
138 1 Orange side is wetlands. So he wants to put a berm in 2 your wetlands. 3 So what I'm trying to say to you guys is 4 like, I grew up in this neighborhood, I'm 53 years old, 5 Roseland did this, everybody had their opportunity in 6 this world to do something right. Do something right. 7 Go with your gut. This is not a good plan. I can't 8 make a left out of that development in the morning now. 9 You agreed to put a light there. I tried to walk there 10 today from Oval Road on Eagle Rock to where the big 11 pound of dirt is, I couldn't do it today. How is a 70 12 year old woman going to do it? How's a ten year old kid 13 going to do it? Oh, don't worry, there's no sidewalks, 14 we're not going to need sidewalks. These things, every 15 meeting I've been to you guys are here, it's -- it gets 16 worse. Every meeting it gets worse of what's going on. 17 Please stop this. Do what's right for us, for your 18 neighbors, for Dr. Smith and for the residents of West 19 Orange. Thank you very much. 20 CHAIRMAN BAGOFF: State your name for the 21 record, sir. 22 THE PUBLIC: Good evening. Joseph Pannullo, 23 Essex Fells 200-foot notice area. 24 MS. McGOVERN: Do you swear or affirm to 25 tell the truth the whole truth and nothing but the	140 1 West Orange has gone from 45 percent to 27 percent in 2 the last 15 years, according to your own environmental 3 commission and that was two years ago. This 85,000 tree 4 forest comprises some component of that canopy. The 5 developers -- the applicant for the expert said there 6 were 25,000 trees in the forest. We submitted a tree 7 removal plan that showed 85,000 trees and 27,000 8 removed. That was in 2010. There's not 60,000 trees on 9 the ground. One. 10 Two, unfortunately I'm the guy who came up 11 with the 6,000 tree number. The number was 6,360 and it 12 was derived from reading your settlement agreement which 13 says, 30 acres times 212 trees per acre credit for up to 14 30 acres of deer fence. Do the math, that's 6,360. 15 This application is deficient in so many ways, it's not 16 funny, but one of them is there's no tree removal plan. 17 No one knows how many trees are going to go. This is a 18 preliminary site plan seeking final site plan approval. 19 The buildings already been moved. The original concept 20 plan from 3/2020 is now been moved. Building D got 21 changed, roads have been moved. The DEP permit 22 application which originally was submitted in 2023 23 under, in theory, the old inland flood protection rule 24 was to treat stormwater treatment management over 30 25 acres. That application was withdrawn, the application

141 1 was resubmitted in June of 2024 with a guidance to treat 2 all of the stormwater over 120 acres and guess what, 3 your still can't engineering it. It's still flawed. 4 You didn't want to hear about it before but you guys are 5 going to hear it one way or the other, because the DEP 6 finally provided an OPRA fulfillment providing data that 7 this town does not have in the application, that the DEP 8 had done by Echo Sciences and the DEP sight visit 9 showing there's soil modeling. There's wet in the 10 uplands taken. There was borings taken. It's now 11 public information. You don't have to get it here in 12 the record, it will be in the DEP appeal with the EEOC 13 and the townships. But the bottom line is, this is a 14 deficient application. 15 There's no environmental impact statement. 16 There's no utility plan. The last two plans for this 17 application didn't include those things. 18 There's not an impact statement in the DEP 19 application or in the township. 20 There is no utility plan. There's no real 21 tree survey. 22 There's a materially deficient stormwater 23 management plan. 24 There's no construction traffic plan. 25 What happens when they blast on Warner Road	143 1 because they didn't belong before the site plan review 2 board to be past on to you. There's no recognition of 3 existing flooding, evacuation. I could go on here for 4 days. I've been studying this thing for three years, 5 thousands of hours and thousands of dollars and a lot of 6 this is in my head. We're not done. I will surrender 7 at the five minutes but this plan does not stop in West 8 Orange. You know whoever loses is going to appeal, but 9 what you don't know is there's separate appeals at the 10 DEP and there are now, there's a new sheriff in town. 11 Mr. Plocker, Garden Homes, I have great 12 respect for your work. I have reviewed every bit of 13 legal work you guys have done, this was done at the peak 14 of COVID, nobody in town knew all the OPRA's I submitted 15 and this felt like the booth in the back in the corner 16 in the dark deal because nobody knew. Well, now we know 17 and it's not going to stop here and it's not going to 18 stop in the county either and hopefully everybody here 19 will make sense of it before you go and I urge you, if 20 you do nothing else, if and when you approve, you do not 21 allow one single tree to be removed from this site 22 because the tree ordinance is not in effect. There's no 23 permit needed and once that happens all of the 24 irreparable harm which will befall this site will occur 25 because it was trees were fell and that charged the
142 1 or wherever else they're going to blast and they're 2 operating utilities. 3 There's no sidewalks. 4 There's no snowplow removal. 5 There's no road in and out. 6 This is still a cul-de-sac, you can decide 7 to choose it's 120 acres at the property line, but 8 Warner Road and Kuzik therefore goes in half a circle 9 back into Warner and collection again is that not a 10 cul-de-sac. That's absurd and it's dangerous. It does 11 defy RSI. It is 5,300 average daily trips a day. It's 12 not a de minimus exception and this Planning Board does 13 not have the authority to grant a variance or any 14 exception from the state Residential Site Improvement 15 Standard or any other state law, so I hope you all pay 16 attention to that. 17 There's no access to sanitary sewer, power 18 and public transit, stormwater plan. 19 There's no consideration here for where are 20 the buildings. The cooling tower, the water tower 21 that's going to have to go on top of the mountain. The 22 power substation that handles eight megawatts of power. 23 You can't shutdown the whole mountain. This stuffs not 24 even in the plan. So it's not just incomplete, it's not 25 even reviewable. There's not enough information here	144 1 stormwater, the water quality that' in the townships and 2 it can't happen, so if you do nothing else until there's 3 a final unappealable judgment from any venue, please 4 stop all tree, any tree, removal or shovels in the 5 ground. I thank you. 6 CHAIRMAN BAGOFF: State your name for the 7 record, sir. 8 THE PUBLIC: Johnathan Redwine. 9 MS. McGOVERN: And your address. 10 THE PUBLIC: 10 Cobane Terrace, C-O-B-A-N-E 11 West Orange. 12 MS. McGOVERN: Do you swear or affirm to 13 tell the truth the whole truth and nothing but the 14 truth. 15 THE PUBLIC: Yes, I do. 16 You guys have been going at this for a long 17 time and I have some notes that are not as polished as I 18 wish they were, but I want to first say, I understand 19 that you are all volunteers and I appreciate you 20 volunteering for this board. I know that people don't 21 volunteer for this kind of a job out of ill will or ill 22 intent and I just want to say that I appreciate that 23 upfront. 24 I also hope that you're listening to your 25 neighbors. I hope you are listening to the people who

145 1 live in the neighboring towns, who are going to be 2 impacted by this development if it's approved. And I 3 know that the DNA of this body is to protect the health, 4 safety and general welfare of this community and I hope 5 you're mindful of that as you move towards taking a vote 6 on this application. 7 There are great reasons to reject this 8 proposal. You've heard a lot of them five minutes ago. 9 You know that this application is incomplete. You know 10 that we don't have an environmental impact study for 11 this site. And so we can not rule out things like 12 extreme flooding. 13 You know that there's no plan to connect 14 water, sewage and utilities to the site. 15 You know the risks of building a large 16 apartment building seven feet from the ridge line 17 presents great risk. You know those risks. 18 You know that the residents of West Orange 19 and of neighboring towns are asking you to reject the 20 proposal because they fear for their safety, they fear 21 for continued environmental degradation of our town. In 22 fact they even fear for the safety of residents who may 23 move into this new development, people they don't even 24 know, that's why people are coming to tell you what 25 their concerns are and I hope that you're hearing them.	147 1 have courage for us and I'm asking you to show us that 2 courage by voting to protect us from this proposal that I 3 don't even think we can call half baked. It's 4 incomplete. So I, like the rest of the people who I've 5 heard speak tonight, are just asking you to reject the 6 proposal. You have plenty of reasons to do so. 7 CHAIRMAN BAGOFF: Come right up, sir. 8 State your name for the record. 9 THE PUBLIC: Good evening. Michael Brick, 10 19 Colony Drive, West Orange. Resident for 53 years. 11 MS. McGOVERN: Do you swear or affirm to 12 tell the truth the whole truth and nothing but the 13 truth. 14 THE PUBLIC: Yes, I do. Thank you. 15 I'm appearing to you as a private citizen 16 not as chairman of the Environmental Commission. I 17 decided to listen to all the people speak. I wanted to 18 get a huge overview of where we all stand as citizens 19 and surrounding citizens. I appreciate and I know a lot 20 of you people personally for many, many years as I've 21 lived in town and I've been environmental -- involved in 22 environmental issues for 15, 20 years. So it's -- I'm 23 going to give you an overview, it might be a little bit 24 different than what you've heard before, which is what 25 I'm trying to do.
146 1 Now, those are all facts that you've heard 2 from the parade of people who have been here tonight and 3 the parade of people who have been here over the last 4 what, 18 months you all been hearing this application. 5 They're asking -- we're your neighbors, we're asking you 6 to protect us from the proposal that's sitting before 7 you. 8 I know that many of you may be afraid of 9 threatening litigation, I know that that's a fear. I 10 hear people talk about that whenever I talk to people 11 who are working in our municipal government, that 12 litigation can cause a lot harm to our community and 13 could generate burdens for people who live here. I know 14 you're afraid of that. I also know that approval of 15 this plan will bring litigation from other corners, 16 residents, neighboring towns, people whose homes flood 17 when you approve a reasonably foreseeable runoff 18 disaster. So don't be afraid of litigation, it's coming 19 one way or another. This is not -- we're not in a 20 winnable situation right now. We're in a situation 21 where we're asking you to protect us from this developer 22 and this development and this proposal. So what I'm 23 really asking you to do is to listen to your neighbors 24 and your friends in town and in our neighboring towns 25 and I'm asking you to have courage. I'm asking you to	148 1 I've been following this Phase II on the 2 Highlands for many, many years now and so many of the 3 details are very well-known to me, so I'm not going to 4 repeat them, other people have done a really good job of 5 repeating them to you and our West Orange Environmental 6 Commission in 2019 or '20, before COVID, was not made 7 aware of the West Orange agreement with the developer, 8 the Wilf Corporation, making them exempt from 9 environmental regulations. That time, around the time 10 of COVID, we all went into paralysis and it was not a 11 normal circumstance for any of us but we made it 12 through. 13 The town council voted on and passed the 14 agreement. This, again, this is right before COVID shut 15 us all down. This agreement went into the deep freeze 16 of COVID for many years. When it came out and the 17 country resumed normalcy the agreement came into light. 18 The Planning Board had to deal with it with their hands 19 tied as the township had already agreed to develop this 20 project. It's a unique situation and I feel for the 21 Planning Board because of that, this doesn't happen 22 normally. 23 The Planning Board is in a no win situation 24 and the reason for that is because the agreement was 25 flawed from the very beginning and we all realized that.

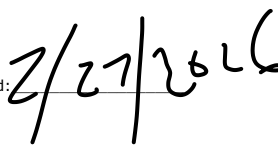
149 1 No matter how you vote, whichever it is going to be, 2 positive or negative or no vote, I'm not sure what you 3 can do legally. The loser will sue the township, that's 4 a guarantee. Knowing what I know from all the parties 5 involved, this township will get sued, the Planning 6 Board will get sued and it's unavoidable and that's my 7 personal opinion and it's the opinion of a lot of other 8 people here. So take that and run with it. And this is 9 going to go up to the New Jersey Supreme Court fairly 10 quickly and it's an environmental concern for the 11 general welfare versus affordability for subsidized 12 housing. That seems to be the issue that this all 13 hinges on. Which is more important, the environment 14 that we all have to -- that we all live in, that we 15 enjoy, that gives us our life or subsidized housing for 16 a small percent of people, which is also important, but 17 what takes precedence. And the New Jersey DEP has 18 already moved past the 2018, 2019, 2020 environmental 19 levels twice now to increase them as our environment 20 deteriorates. So we're dealing with a project that has 21 been designed for old environmental standards and the 22 New Jersey DEP has chosen not to review those standards, 23 which is wrong, but they chose not to do it and they'll 24 probably get sued for it because of that. We'll see 25 what happens.	151 1 Jersey DEP standards for this project. This is a 2 billionaire developer, there's no reason why he should 3 hang his hat and develop this project using old 4 standards. He should be volunteering that he will do 5 what's right to -- if they would develop the project 6 using new standards and there is no cooperation from 7 them doing that, they're hanging their hat on these old 8 standards. And if not then this developer does not have 9 the citizens of West Orange and Essex County and 10 surrounding counties in their best interest. 11 Now, our environment is deteriorating and we 12 have to take it very seriously as untold damage and loss 13 of life will occur. Steep slopes were protected from 14 being built on, our West Orange laws have been bypassed 15 and made null and void in this township agreement. 16 There surely will be a -- I'm giving you 17 examples. There surely will be a ten inch rain fall, if 18 not if, but when. Our area in the past five years has 19 had such rain falls to the west and south of us. 20 There is no way the stormwater runoff 21 engineering would not catastrophically fail under such a 22 deluge. The New Jersey DEP knows this is and this is 23 why construction standards have been strengthened in 24 past number of years. For example, we will have, with a 25 ten inch rainfall, which has happened around us, just
150 1 Since the development used to define this 2 project is the issue that we're all dealing with, we 3 have to realize that the decision rendered in the courts 4 that the New Jersey DEP will again be increasing their 5 environmental standards. They're in the process of 6 doing so as our environment deteriorates. So by the 7 time this project could get off the ground there 8 probably be a third generation and then probably a 9 fourth generation where it's being planned for extinct 10 requirements, which is insane because it's a very 11 critical steep slope situation. So why would anyone 12 want to develop 500 apartments on steep slope when 13 they're dealing with extinct regulatory procedures that 14 are now moot, because they've been over -- passed over 15 by new procedures. So no one should be happy with a 500 16 apartment development that could be created using 17 antiquated standards so as to create disasters for our 18 entire Essex County and adjoining counties. That's why 19 surrounding Essex County Environmental Commissions for 20 the towns plus the Essex County Environmental Commission 21 have formally stated their opposition to this project. 22 If the Wilf developers truly had the 23 citizens of Essex County, West Orange and the 24 surrounding townships and the other counties in their 25 moral compass they would agree to adopting current New	152 1 hasn't happened here, and it will dump 32 million 2 gallons of water onto this property. If there's a 50 3 percent runoff that's 16 million gallons of water. We 4 need to know that they have developed their stormwater 5 system to contain 16 million gallons of water for a 6 period of time before it's released. We don't have that 7 data. Also they haven't even developed this piping 8 system for four systems, gas, electrical, water and 9 sewage that run through this piece of ground. I worked 10 highway construction Local 472 in Newark building 11 stormwater systems for two and a half years and I laid 12 systems myself. When you're running 12 to 48 inch pipe 13 and you're doing it through bedrock, you're creating a 14 super highway for water because you're not going to fill 15 it with dirt, you're going to fill it with crushed stone 16 so that the water has somewhere to go. And the water 17 with this cross network of all these pipe systems that 18 haven't even been designed yet is going to fill with 19 water. It's under pressure, it's a disaster waiting to 20 happen. I've seen it happen on highways. When you 21 develop a system for highways you have to get that water 22 off the roadbed. You got to make a huge system that 23 carries that water away so it doesn't destroy the 24 roadbed. Well, not only in this area do you have to 25 keep water away, you have to keep the water from running

1 downhill and destroying all the neighbors. So I'm
 2 asking you to take a look at the way this system is
 3 designed. Think of the environmental standards and
 4 realize that it's no -- it's going nowhere. And if you
 5 vote for it morally you're voting against the
 6 environment. And if you vote against it, your moral
 7 compass will say that you have chosen the correct side,
 8 to protect our town and county and country. Thank you.
 9 CHAIRMAN BAGOFF: Thank you very much.
 10 Okay. Thank you very much. At this time
 11 we're closing the public comment. Thank you all very
 12 much for all of the information you've provided. The
 13 board will digest it.
 14 We're going to have the next special meeting
 15 of the Planning Board will be February 11, 2026 at 6:30
 16 PM in person. No further notice will be required.
 17 (Hearing concludes at 10:27 PM.)

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

2
 3 I, ERIC S. FISHMAN, a Shorthand Reporter and
 4 Notary Public of the State of New Jersey do
 5 hereby certify that the foregoing is a true and accurate
 6 transcript of the testimony as taken stenographically by
 7 and before me at the time, place and on the date
 8 hereinbefore set forth, to the best of my ability.
 9 I DO FURTHER CERTIFY that I am neither a
 10 relative nor employee nor attorney nor counsel of any of
 11 the parties to the action; and that I am neither a
 12 relative nor employee of such attorney or counsel; and
 13 that I am not financially interested in the action.

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 ERIC S. FISHMAN, S.R.

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 21 Dated: 
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25 Date

	1928 ^[1] - 16:8 1934-04 ^[3] - 126:12, 128:4, 128:11 1970 ^[1] - 39:3 1980 ^[2] - 78:12, 79:7 1980's ^[2] - 102:3, 104:23 1981 ^[1] - 106:23 1983 ^[1] - 78:12 1986 ^[2] - 62:20, 105:1 1987 ^[1] - 70:4 1998 ^[1] - 98:19 1999 ^[3] - 19:25, 121:7, 121:16 19th ^[1] - 49:2	82:18, 99:3 25,000 ^[1] - 131:4 26 ^[1] - 43:15 266 ^[1] - 70:17 27 ^[6] - 64:19, 66:24, 78:2, 80:5, 127:17, 130:24 27,000 ^[1] - 131:5 270 ^[1] - 98:10 27th ^[1] - 7:6 28 ^[4] - 78:3, 78:12, 85:5, 119:10 280 ^[2] - 17:8, 121:21 285-5331 ^[1] - 1:24 29 ^[2] - 56:24, 125:16	5 5 ^[1] - 14:9 50 ^[3] - 17:8, 88:2, 142:8 500 ^[5] - 90:19, 102:18, 103:14, 140:17, 140:21 5000 ^[2] - 53:18, 90:10 53 ^[1] - 129:5 530 ^[1] - 43:24 5300 ^[1] - 133:2 540 ^[1] - 39:15 55 ^[2] - 4:13, 45:5 58 ^[1] - 46:23 59 ^[1] - 13:1	90 ^[2] - 26:11, 78:25 900 ^[1] - 11:3 900,000 ^[2] - 46:21, 47:1 96 ^[1] - 64:11 973 ^[1] - 1:24
'20 ^[1] - 138:15				A
0				A&M ^[1] - 46:1 abide ^[1] - 110:23 ability ^[4] - 24:13, 24:15, 91:13, 144:8 able ^[9] - 11:25, 12:6, 20:4, 30:17, 32:23, 69:3, 84:23, 84:24, 100:24 aboveground ^[1] - 49:25 absolute ^[1] - 118:13 absolutely ^[2] - 8:14, 107:24 absorb ^[2] - 39:16, 49:24 absorbs ^[1] - 55:25 absorption ^[1] - 23:6 abstract ^[1] - 30:6 absurd ^[1] - 133:1 abundantly ^[1] - 112:1 Academy ^[2] - 16:25, 17:18 accent ^[1] - 112:5 accept ^[3] - 56:5, 72:5, 127:10 acceptable ^[2] - 41:4, 90:1 accepted ^[2] - 16:24, 78:12 access ^[1] - 61:5 access ^[29] - 20:24, 23:18, 24:1, 24:18, 24:23, 26:4, 26:20, 27:5, 27:8, 29:5, 32:20, 33:4, 61:6, 68:21, 78:8, 78:10, 78:19, 79:18, 81:3, 81:24, 82:3, 82:7, 82:9, 83:11, 83:17, 88:14, 91:9, 120:8, 133:7 accessory ^[1] - 79:5 accidents ^[3] - 24:3, 43:17, 90:8 accommodate ^[1] - 21:7 according ^[4] - 42:25, 81:16, 98:12, 130:25 account ^[3] - 39:23,
07052 ^[1] - 2:8 07095 ^[1] - 2:4 07960 ^[1] - 1:24 08540 ^[1] - 2:11	2 20 ^[7] - 29:11, 67:16, 85:17, 90:21, 94:23, 119:9, 138:6 200 ^[2] - 94:21, 98:4 200-foot ^[2] - 115:3, 129:23 2000 ^[2] - 121:7, 121:17 2004 ^[1] - 125:25 2005 ^[2] - 126:7, 127:17 2006 ^[3] - 62:14, 67:17, 94:22 2007 ^[1] - 62:14 2009 ^[1] - 106:25 2010 ^[2] - 118:16, 131:6 2014 ^[1] - 125:16 2015 ^[1] - 62:14 2016 ^[1] - 125:19 2018 ^[1] - 139:24 2019 ^[3] - 121:12, 138:15, 139:25 2020 ^[10] - 13:22, 25:23, 29:12, 42:25, 45:12, 99:2, 104:6, 119:1, 139:25 2023 ^[1] - 131:20 2024 ^[6] - 8:9, 66:9, 93:5, 99:3, 117:24, 131:24 2025 ^[5] - 33:18, 43:24, 81:25, 99:3, 99:19 2026 ^[3] - 1:2, 17:17, 143:19 21 ^[2] - 17:20, 50:10 212 ^[1] - 131:11 22 ^[1] - 39:3 2468 ^[1] - 71:21 25 ^[5] - 21:2, 78:12,	3 3 ^[2] - 34:18, 99:18 3/2020 ^[1] - 131:18 30 ^[13] - 30:25, 31:12, 33:21, 39:14, 41:13, 49:23, 49:24, 127:3, 127:4, 131:11, 131:12, 131:22 300 ^[8] - 14:3, 49:20, 50:3, 86:19, 87:8, 87:12, 98:5 300,000 ^[1] - 46:25 3000 ^[2] - 46:21, 90:15 32 ^[5] - 4:2, 78:6, 78:8, 119:15, 142:7 320 ^[1] - 42:1 33 ^[2] - 73:5, 120:22 332 ^[1] - 38:15 35 ^[1] - 39:1 36 ^[1] - 35:12 37 ^[2] - 88:11, 89:1 370 ^[1] - 102:19 378 ^[1] - 92:7 38 ^[2] - 33:2, 75:20 39 ^[1] - 28:7	6 6 ^[1] - 54:3 6,000 ^[9] - 18:2, 23:4, 46:20, 46:24, 68:18, 74:5, 91:7, 131:9 6,360 ^[2] - 131:9, 131:12 60 ^[1] - 105:14 60,000 ^[1] - 131:6 600 ^[2] - 48:24, 77:22 6000 ^[1] - 46:15 605-9391 ^[1] - 1:24 660,000 ^[1] - 39:14 6:30 ^[2] - 1:4, 143:19	
1 1,292 ^[1] - 40:16 1.2 ^[1] - 51:19 10 ^[7] - 2:10, 25:12, 25:20, 94:5, 99:19, 117:5, 134:24 10,000 ^[1] - 46:19 100 ^[8] - 11:22, 46:22, 51:4, 72:11, 82:22, 86:16, 87:6 102 ^[1] - 2:7 106 ^[1] - 89:21 10:27 ^[1] - 143:21 11 ^[3] - 106:15, 117:11, 143:19 12 ^[2] - 95:13, 142:17 120 ^[6] - 4:5, 78:20, 126:2, 130:19, 131:25, 132:22 1200 ^[3] - 17:23, 18:3, 23:19 13 ^[3] - 35:22, 49:22, 84:15 130 ^[1] - 90:18 136 ^[1] - 94:25 14 ^[2] - 1:2, 34:21 1440 ^[1] - 1:23 15 ^[5] - 11:21, 12:1, 120:16, 130:25, 138:6 16 ^[3] - 66:7, 142:8, 142:10 17 ^[3] - 24:6, 34:22, 63:2 179 ^[5] - 4:2, 78:5, 78:8, 118:21, 119:14 179.17 ^[1] - 78:7 18 ^[2] - 53:2, 136:15 1850 ^[1] - 49:5 1860 ^[1] - 49:5 1890's ^[1] - 122:16 1899 ^[2] - 49:12, 49:13 19 ^[3] - 31:25, 88:6, 137:18 1900 ^[1] - 123:17 1900s ^[2] - 49:9, 52:23 1923 ^[1] - 53:7			7 7,000 ^[2] - 128:8, 128:9 70 ^[1] - 129:12 70,000 ^[1] - 17:20 71 ^[1] - 97:19 713 ^[1] - 48:12 732 ^[1] - 1:24 78 ^[1] - 124:17	
		4 4 ^[3] - 1:23, 4:13, 22:14 40 ^[4] - 11:22, 11:23, 16:19, 119:19 44 ^[1] - 111:5 45 ^[1] - 130:24 450 ^[2] - 39:16, 85:15 459 ^[1] - 2:4 46 ^[1] - 54:12 472 ^[1] - 142:15 48 ^[1] - 142:17 496 ^[5] - 4:3, 21:12, 42:10, 43:18, 68:21	8 8 ^[2] - 78:7, 118:21 80 ^[1] - 17:22 80's ^[1] - 79:12 81 ^[1] - 125:8 85,000 ^[2] - 131:1, 131:5 87 ^[1] - 65:16 89 ^[1] - 1:23	
			9 9 ^[3] - 19:22, 78:7, 79:7	

49:23, 101:11 accountable [1] - 15:17 accuracy [1] - 145:22 accurate [1] - 144:5 accurately [1] - 118:11 acknowledges [1] - 72:1 acre [4] - 4:5, 39:14, 126:2, 131:11 Acres [1] - 71:7 acres [18] - 30:25, 31:12, 33:21, 34:21, 49:20, 50:3, 78:20, 79:1, 95:13, 119:9, 119:10, 130:19, 131:11, 131:12, 131:22, 131:25, 132:23 act [4] - 37:15, 38:6, 60:25, 65:8 Action [4] - 28:17, 32:10, 59:24, 92:17 action [3] - 62:25, 144:11, 144:13 actions [1] - 51:10 active [1] - 45:14 activism [1] - 39:2 activity [1] - 37:24 acts [1] - 31:7 ad [1] - 130:22 ADAMS [1] - 1:11 add [3] - 42:11, 44:4, 95:12 added [2] - 78:18, 78:21 adding [6] - 21:12, 23:19, 100:10, 102:18, 103:14, 125:4 addition [2] - 21:6, 90:11 additional [10] - 12:21, 16:17, 23:19, 27:16, 43:6, 43:18, 68:23, 81:13, 145:7 additionally [2] - 29:15, 61:10 address [23] - 4:21, 19:21, 28:6, 37:16, 38:14, 45:5, 48:11, 50:9, 54:2, 59:13, 59:15, 70:16, 73:4, 75:20, 77:19, 77:21, 88:17, 89:7, 92:6, 94:4, 100:21, 106:15, 134:23 addressed [3] - 20:10, 27:20, 98:8	adequate [1] - 65:25 adhering [1] - 18:22 adjacent [3] - 21:22, 22:22, 55:9 adjoining [1] - 140:23 adjoins [1] - 98:22 adjourn [1] - 5:9 administration [2] - 93:9, 102:11 admiral [1] - 71:4 admit [2] - 37:20, 101:23 adopt [1] - 141:6 adopted [1] - 100:7 adult [1] - 18:12 advances [1] - 21:17 advantage [3] - 19:2, 44:7, 62:17 adverse [1] - 122:10 adversely [1] - 14:7 advertising [1] - 44:19 advice [2] - 119:2, 120:6 advise [1] - 66:6 aesthetics [1] - 93:21 affect [2] - 20:12, 46:19 affected [3] - 12:10, 35:1, 104:9 affecting [3] - 55:21, 68:13, 68:14 affects [5] - 24:5, 29:16, 30:14, 46:17, 121:24 affirm [40] - 9:25, 13:2, 16:1, 19:16, 22:15, 25:14, 28:11, 32:2, 35:14, 38:17, 42:4, 45:6, 48:13, 50:12, 54:4, 57:1, 59:18, 64:14, 68:7, 70:19, 73:8, 75:21, 77:23, 80:15, 84:17, 88:7, 92:9, 94:6, 97:24, 101:1, 106:17, 111:7, 115:4, 117:6, 120:18, 124:19, 125:10, 129:24, 135:1, 137:20 afford [3] - 73:21, 92:25, 93:13 affordable [31] - 28:22, 28:24, 31:16, 32:16, 32:19, 32:21, 33:8, 36:9, 47:24, 56:20, 62:18, 63:18, 69:10, 83:11, 91:18,	92:23, 93:1, 93:23, 96:13, 96:16, 97:7, 107:14, 107:18, 107:20, 107:23, 107:24, 107:25, 108:21, 122:23, 139:18 afforded [1] - 13:19 affront [1] - 13:23 afraid [3] - 136:18, 136:23, 137:3 AFRAN [1] - 2:10 Afran [1] - 100:23 afterwards [1] - 7:18 age [1] - 65:16 AGENCY [1] - 1:22 agenda [2] - 8:7, 8:8 aggressive [3] - 54:12, 54:13, 54:15 ago [16] - 25:23, 29:11, 41:2, 41:13, 47:5, 51:6, 67:16, 68:25, 70:7, 85:20, 89:1, 90:17, 94:23, 125:18, 131:1, 135:22 agree [4] - 13:12, 98:2, 127:20, 141:6 agreed [7] - 9:21, 78:11, 78:21, 79:12, 114:11, 129:9, 139:2 agreeing [1] - 78:25 agreement [37] - 13:21, 19:3, 78:23, 79:2, 79:7, 79:13, 110:23, 110:24, 126:1, 126:4, 126:5, 126:6, 126:7, 126:8, 126:9, 126:10, 126:16, 126:17, 126:21, 127:19, 127:20, 127:21, 127:22, 127:23, 127:24, 128:5, 128:16, 131:10, 138:16, 138:21, 138:23, 138:25, 139:6, 141:21 agreements [5] - 18:24, 79:14, 113:13, 114:1, 114:18 agriculture [1] - 49:15 ahead [9] - 9:14, 10:11, 35:18, 50:17, 64:10, 75:17, 80:2, 124:23, 127:13 air [10] - 17:5, 17:11, 17:25, 18:1, 31:7, 34:1, 56:1, 82:14, 114:6	Air [5] - 45:13, 45:15, 45:16, 45:25 airways [1] - 17:5 aka [1] - 92:17 Aldo [1] - 41:12 alleviate [1] - 69:8 allotted [1] - 64:19 allow [7] - 9:23, 15:18, 35:6, 71:7, 91:20, 122:23, 134:10 allowed [5] - 18:23, 19:5, 83:6, 110:5, 128:10 allowing [3] - 103:19, 119:11, 120:3 allows [3] - 35:3, 35:4, 110:25 almost [5] - 11:3, 43:24, 96:6, 98:3, 104:20 alone [4] - 56:6, 64:24, 91:14, 116:21 ALPER [1] - 1:8 alter [2] - 23:8, 95:14 alternate [1] - 27:8 alternative [3] - 56:18, 56:19, 119:24 alternatives [1] - 96:14 Amazon [1] - 21:4 ambiguity [1] - 119:16 AMBOY [1] - 2:4 amen [1] - 77:12 amend [1] - 84:7 AMENDMENT/REASON [1] - 145:8 amendments [1] - 145:23 amenities [1] - 58:15 amenity [2] - 55:24 America [2] - 45:24, 130:19 American [2] - 16:25, 112:6 Americana [1] - 98:19 amount [4] - 25:24, 60:23, 69:18, 93:16 analysis [1] - 115:18 analysts [1] - 95:20 analyzed [1] - 40:4 ancestors [3] - 51:7, 52:2, 52:6 AND [1] - 1:1 Andover [1] - 50:10 animal [1] - 86:6 animals [7] - 35:5, 49:8, 60:19, 63:4, 86:4, 86:5, 93:12	Ann [1] - 56:24 annoying [1] - 116:17 answer [3] - 58:25, 66:24, 116:1 answered [1] - 68:16 answers [1] - 113:9 anthracites [1] - 49:2 antiquated [1] - 140:22 anytime [1] - 68:1 anyway [5] - 46:10, 47:2, 47:22, 69:25, 76:24 apart [1] - 88:2 apartment [11] - 46:12, 62:11, 63:13, 72:13, 87:9, 87:11, 88:1, 120:9, 120:12, 136:2, 140:21 apartments [3] - 46:11, 68:21, 140:18 apathy [1] - 103:18 apologizes [1] - 100:23 appeal [4] - 124:6, 124:9, 132:10, 133:23 appeals [1] - 133:23 appear [1] - 100:1 appearing [1] - 137:24 Appearing [3] - 2:5, 2:8, 2:11 appease [1] - 102:13 Appellate [1] - 124:9 apple [1] - 4:9 Applicant [1] - 2:5 applicant [9] - 4:3, 8:9, 30:12, 66:10, 79:22, 120:3, 123:12, 123:15, 131:3 applicant's [1] - 124:3 applicants [2] - 66:11, 123:20 application [38] - 9:13, 15:7, 28:20, 29:12, 31:11, 31:14, 65:23, 66:20, 66:21, 71:1, 71:16, 80:1, 84:3, 84:12, 88:21, 94:24, 94:25, 95:25, 111:17, 114:16, 114:25, 116:6, 116:25, 123:11, 123:19, 124:2, 131:13, 131:20, 131:23, 132:5, 132:11, 132:13, 132:15, 135:19,
---	---	---	---	--

135:22, 136:15 applications [1] - 128:1 applied [1] - 115:18 apply [1] - 124:7 appreciate [10] - 13:16, 20:6, 25:24, 38:10, 56:21, 127:5, 127:8, 135:8, 135:11, 138:3 appreciation [1] - 46:6 approach [2] - 39:5, 82:13 approaching [1] - 38:2 appropriate [2] - 24:24, 97:6 approval [10] - 66:4, 66:13, 78:19, 80:20, 81:6, 128:4, 131:16, 136:24 approve [9] - 30:21, 31:11, 56:12, 71:16, 104:12, 106:2, 106:7, 134:10, 137:1 approved [5] - 15:7, 69:22, 106:9, 135:15 approving [2] - 27:20, 55:22 April [3] - 39:3, 81:25, 103:12 aquifer [1] - 29:24 architect [1] - 12:4 architects [1] - 10:23 area [28] - 16:9, 17:4, 17:17, 24:2, 27:21, 29:9, 42:17, 42:20, 44:14, 46:10, 58:21, 81:2, 85:11, 90:8, 104:17, 105:23, 107:7, 108:2, 108:19, 109:8, 109:11, 118:14, 122:5, 122:16, 129:23, 141:24, 143:4 areas [14] - 11:22, 12:9, 12:14, 12:17, 39:5, 47:3, 60:15, 61:6, 71:3, 72:19, 86:7, 93:15, 96:21, 122:7 Argentina [1] - 34:21 arguable [1] - 36:18 argument [2] - 19:8, 40:18 Army [1] - 105:8 Arnold [1] - 97:19 Art [1] - 15:24 aside [2] - 56:10,	106:6 assess [1] - 115:11 asset [2] - 31:4, 55:18 assignments [1] - 40:25 assistance [1] - 26:14 associated [2] - 30:8, 49:1 Association [2] - 126:13, 126:18 assume [4] - 9:8, 18:16, 30:17, 112:13 assurance [1] - 123:12 assurances [1] - 123:15 assure [1] - 91:8 assured [1] - 21:21 asthma [4] - 17:2, 17:22, 17:24, 18:11 asthmatic [1] - 18:4 athletic [1] - 18:8 atmosphere [2] - 39:12, 60:25 attach [1] - 145:7 attached [1] - 145:23 attainable [1] - 42:23 attend [4] - 8:24, 20:4, 84:23, 127:25 attended [3] - 16:10, 55:8, 123:18 attending [1] - 57:8 attention [4] - 67:9, 67:22, 124:13, 133:6 attorney [6] - 6:8, 126:24, 127:16, 127:18, 144:10, 144:12 audience [1] - 4:18 audio [1] - 6:11 August [1] - 28:18 authority [2] - 56:14, 133:4 avail [1] - 58:10 available [1] - 121:13 Ave [1] - 50:10 Avenue [13] - 12:8, 21:2, 38:16, 59:16, 69:9, 70:17, 73:5, 77:22, 97:20, 98:22, 110:14, 120:17 AVENUE [2] - 1:23, 2:4 avenues [2] - 71:10 average [2] - 11:20, 133:2 avoid [1] - 108:16 AVON [1] - 125:8	award [1] - 33:18 aware [3] - 5:16, 127:18, 138:16 awe [1] - 73:25 B B-A-R-T-O-N [1] - 97:22 B-U-T-E-N-S-K-Y [1] - 15:25 baby [1] - 24:10 bachelor's [1] - 45:22 backed [1] - 90:14 background [3] - 12:11, 17:12, 117:23 backyard [10] - 25:21, 88:25, 89:2, 90:4, 103:24, 105:14, 107:2, 109:15, 128:24, 129:2 backyards [4] - 90:7, 105:6, 107:22, 109:16 bacteria [1] - 30:4 bad [7] - 26:8, 37:23, 37:25, 79:23, 107:5, 110:25, 111:24 BAGOFF [82] - 1:6, 4:1, 5:1, 5:5, 5:8, 5:11, 5:18, 5:21, 5:24, 6:3, 6:7, 7:22, 8:5, 8:8, 8:14, 8:19, 9:4, 10:7, 10:11, 10:17, 12:23, 15:21, 19:12, 22:10, 25:10, 28:1, 31:22, 35:10, 35:18, 36:1, 36:4, 38:7, 41:22, 44:25, 45:19, 48:3, 50:6, 50:17, 53:21, 56:22, 59:12, 64:1, 64:8, 67:23, 70:11, 72:25, 73:16, 75:8, 75:11, 75:17, 77:13, 77:21, 80:2, 84:13, 88:3, 92:1, 94:1, 97:9, 97:13, 97:17, 100:16, 106:12, 111:3, 114:23, 115:1, 117:2, 117:13, 117:16, 117:20, 120:14, 122:24, 124:14, 124:23, 125:6, 127:1, 127:6, 127:9, 127:13, 129:20, 134:20, 137:16, 143:14 bagoff [1] - 80:7 Bagoff [1] - 45:4 Bah [2] - 73:18, 75:7	baked [2] - 106:7, 137:13 Bakley [4] - 19:22, 19:24, 21:20, 68:5 balance [1] - 91:18 ball [1] - 32:17 Ball [1] - 35:12 BAQUERIZO [1] - 1:11 Barbara [2] - 7:25, 120:17 bare [1] - 62:5 barely [2] - 49:6, 100:9 Barnabas [1] - 106:24 Barton [1] - 97:19 Baruch [1] - 32:12 based [5] - 11:20, 83:17, 99:22, 116:24, 123:25 baseline [1] - 21:25 basement [4] - 58:7, 103:25, 104:1, 104:2 basic [1] - 83:17 basins [2] - 103:20, 103:22 basis [1] - 116:21 bathing [1] - 40:23 bathroom [1] - 104:1 batted [1] - 70:3 battling [1] - 54:15 Baum [1] - 117:4 bear [1] - 102:3 bearing [2] - 101:10, 105:1 bears [1] - 60:4 beautiful [2] - 73:22, 121:1 beauty [2] - 39:9, 74:15 become [5] - 18:17, 35:22, 42:15, 61:17, 61:20 becomes [2] - 82:5, 113:23 bedrock [2] - 81:1, 142:18 beep [1] - 141:20 bees [1] - 76:12 befall [1] - 134:14 began [1] - 117:24 begin [4] - 77:5, 92:22, 96:1, 98:2 beginning [2] - 122:21, 139:7 behalf [8] - 2:5, 2:8, 2:11, 9:1, 53:18, 80:12, 123:2, 126:22 behemoth [1] -	119:21 behind [9] - 26:17, 26:24, 32:17, 58:1, 70:8, 82:10, 82:13, 102:25, 103:13 beings [8] - 39:10, 39:24, 40:22, 76:16, 77:4, 77:5, 77:7, 77:8 believes [1] - 18:21 belong [2] - 5:10, 133:15 beloved [1] - 40:13 below [5] - 82:20, 98:24, 105:18, 105:19, 145:7 Ben [2] - 111:5, 130:5 benefit [1] - 128:22 benefits [1] - 56:3 berm [2] - 128:25, 129:3 best [5] - 22:8, 72:6, 114:21, 141:16, 144:8 bet [1] - 18:13 better [3] - 33:13, 72:12, 107:18 between [7] - 8:18, 33:7, 33:12, 49:4, 98:20, 104:4, 134:16 Beverly [1] - 54:3 beyond [4] - 18:13, 23:13, 24:17, 78:8 Bicente [1] - 41:25 BICENTE [1] - 42:1 big [13] - 10:24, 11:4, 36:9, 36:17, 43:23, 46:14, 47:4, 92:23, 121:25, 122:2, 122:7, 128:25, 129:11 bigger [1] - 128:9 biggest [1] - 108:10 bill [2] - 61:22, 72:1 billion [2] - 34:18, 49:22 billionaire [4] - 34:13, 113:3, 113:7, 141:8 Billionaire [1] - 34:15 billions [2] - 93:7, 93:10 bills [1] - 71:24 biodiversity [2] - 49:25, 97:1 biological [1] - 30:10 biology [2] - 39:22, 39:24 birds [2] - 35:5, 76:12 bit [8] - 32:17, 48:24,
---	--	---	--	--

85:1, 98:8, 112:8,
126:10, 134:2, 138:7
bite [1] - 4:9
blast [2] - 132:18,
132:19
blasting [16] - 16:13,
17:11, 21:17, 21:18,
21:24, 22:3, 59:5,
68:16, 69:14, 82:18,
89:20, 89:23, 89:24,
91:4, 91:6, 91:16
blasts [1] - 30:15
bless [1] - 35:8
blind [1] - 103:4
blizzard [1] - 100:25
Block [6] - 4:2, 78:5,
78:7, 78:8, 118:21,
119:14
block [1] - 128:25
blockage [1] -
120:10
blocking [1] - 120:8
blood [1] - 116:11
Bloomfield [3] -
77:22, 92:7, 92:19
BOARD [1] - 1:6
board [33] - 9:18,
14:1, 18:18, 24:25,
31:14, 38:9, 54:24,
56:9, 56:13, 62:1,
62:13, 62:21, 62:25,
63:11, 65:11, 66:22,
67:16, 79:15, 79:23,
94:22, 94:23, 100:6,
101:6, 101:7, 101:15,
101:19, 103:11,
110:20, 111:1, 123:3,
133:16, 135:9, 143:17
Board [47] - 1:11,
2:8, 8:3, 11:25, 12:20,
15:11, 20:7, 20:19,
22:6, 22:20, 27:18,
29:11, 29:15, 30:21,
31:3, 33:6, 33:15,
34:12, 41:17, 41:21,
52:10, 53:13, 57:8,
59:10, 70:10, 71:14,
72:5, 73:14, 79:6,
80:20, 96:20, 97:4,
99:19, 103:16,
107:10, 111:13,
113:16, 114:12,
118:23, 119:12,
126:15, 133:3, 139:1,
139:4, 139:5, 139:13,
143:19
Boards [3] - 78:15,
112:17, 112:19
boards [2] - 78:16,
123:20

Bock [1] - 68:5
bodies [1] - 54:16
body [2] - 118:18,
135:16
boggles [1] - 15:10
BOLAND [1] - 2:7
Bongart [1] - 56:25
book [6] - 34:15,
40:1, 41:14, 41:15,
101:16
books [1] - 40:2
booms [1] - 17:11
Boonton [1] - 48:12
booth [1] - 134:5
border [1] - 125:15
borders [1] - 55:19
borings [1] - 132:8
born [1] - 106:23
bottleneck [2] -
23:20, 69:8
bottom [3] - 88:15,
91:16, 132:10
bought [1] - 125:17
Boyd [1] - 121:8
boys [1] - 130:7
Bplocker@
huttsim.com [1] -
2:3
BRAEBRUN [1] -
2:10
brain [5] - 115:8,
115:11, 115:23,
116:7, 116:23
brand [1] - 71:7
break [2] - 75:9, 93:6
breath [1] - 114:7
breathe [1] - 34:1
breathing [1] - 39:15
Brick [1] - 137:18
briefly [1] - 57:13
brilliant [1] - 76:11
bring [7] - 52:20,
57:19, 63:9, 69:23,
87:6, 87:8, 136:24
bringing [1] - 71:24
brings [1] - 37:5
brink [1] - 121:14
British [1] - 40:9
Broad [1] - 92:7
Brook [8] - 12:9,
29:18, 47:5, 61:12,
71:18, 71:23, 72:3,
81:8
brothers [1] - 122:17
brought [3] - 7:17,
41:14, 126:13
BRUCE [1] - 2:10
Bruce [1] - 130:22
brunt [1] - 102:3

BRYAN [1] - 2:3
buckle [1] - 89:2
buffer [1] - 24:24
buffers [3] - 12:13,
23:7, 42:21
bugs [1] - 35:5
build [14] - 14:16,
33:11, 43:16, 46:10,
72:12, 73:22, 74:5,
87:8, 91:3, 103:20,
104:20, 110:3,
126:11, 128:6
buildable [1] - 11:12
builders [2] - 97:8,
113:12
Building [13] - 10:25,
82:10, 82:21, 88:15,
90:2, 91:2, 91:17,
105:18, 105:20,
108:4, 108:5, 115:20
building [36] - 11:1,
21:19, 31:15, 46:12,
47:17, 58:12, 58:13,
63:21, 71:5, 72:18,
82:11, 82:14, 87:9,
87:11, 88:1, 89:21,
98:10, 98:17, 98:19,
98:23, 99:2, 99:20,
102:9, 108:6, 108:10,
108:11, 110:3, 110:6,
115:19, 120:9, 128:7,
128:25, 131:18,
136:2, 142:15
buildings [15] -
10:24, 10:25, 11:1,
11:16, 72:13, 85:25,
95:13, 98:16, 108:14,
108:20, 108:21,
121:22, 128:9,
131:17, 133:9
built [12] - 12:11,
33:1, 58:21, 70:7,
70:8, 71:20, 74:8,
88:12, 89:1, 105:1,
113:11, 141:20
bulldozed [1] - 119:5
bulldozing [1] - 96:9
bully [1] - 74:19
bumper [2] - 110:13
burdens [1] - 136:22
burst [1] - 122:6
bursting [1] - 105:10
buses [1] - 27:12
business [3] - 36:11,
43:13, 48:10
businesses [1] -
44:12
busy [1] - 83:13
Butensky [2] - 15:25,
117:11

buy [1] - 91:15
BY [2] - 2:3, 2:7
bypassed [1] -
141:20
Byton [1] - 92:5

C

calculations [1] -
17:15
Caldwell [1] - 68:15
California [1] - 118:5
Canada [2] - 40:10,
51:1
canary [1] - 104:11
cancel [1] - 116:10
cancer [3] - 54:12,
54:13, 54:15
cancers [1] - 30:11
cannot [7] - 27:16,
34:3, 79:14, 95:24,
102:24, 105:21, 119:4
Canoe [8] - 12:9,
29:17, 47:5, 61:11,
71:18, 71:23, 72:3,
81:8
canopy [5] - 93:11,
118:12, 130:23, 131:2
capable [1] - 95:21
capacities [1] -
39:24
capacity [9] - 20:20,
40:4, 46:19, 46:22,
46:24, 68:17, 98:9,
98:12, 99:17
capital [1] - 31:19
capitalism [1] -
112:3
captures [1] - 33:24
car [3] - 17:9, 32:25,
41:8
Carballo [1] - 99:17
carbon [9] - 17:6,
18:2, 31:7, 39:11,
49:22, 60:24, 61:1,
61:2, 97:1
carbonates [1] -
33:23
cardiopulmonary [1]
- 18:5
cardiovascular [1] -
30:11
CARDOZA [2] - 1:8,
64:4
Cardoza [1] - 38:8
Care [3] - 2:12,
101:7, 124:6
care [4] - 20:3,
24:15, 31:15, 76:19
Care's [1] - 123:21

career [3] - 108:24,
113:11, 118:6
cares [1] - 87:15
carries [1] - 143:2
carry [1] - 61:10
cars [9] - 23:19,
33:3, 33:5, 33:25,
43:19, 82:6, 83:12,
90:15, 110:16
Casar [1] - 13:1
case [4] - 20:18,
61:8, 90:2, 107:3
CASE [1] - 145:3
cases [1] - 26:4
catastrophic [6] -
14:24, 61:17, 95:24,
105:9, 105:10, 105:16
catastrophically [1]
- 142:1
catch [1] - 27:13
catchment [1] -
105:23
category [1] - 130:14
Catholic [1] - 45:23
caused [2] - 22:2,
24:11
causes [3] - 29:2,
96:18, 119:11
causing [2] - 74:12,
90:8
CDC [2] - 17:18, 30:7
center [3] - 21:8,
29:3, 64:18
Center [2] - 16:24,
17:18
Century [1] - 49:3
century [1] - 19:25
ceremonial [3] -
51:4, 51:22, 51:25
Cerone [1] - 75:20
certain [2] - 18:22,
107:21
certainly [6] - 20:6,
58:19, 69:12, 78:18,
96:7, 119:22
certified [1] - 8:9
certify [1] - 144:5
CERTIFY [1] - 144:9
chairman [4] - 97:10,
111:12, 127:15,
137:25
CHAIRMAN [81] -
4:1, 5:1, 5:5, 5:8,
5:11, 5:18, 5:21, 5:24,
6:3, 6:7, 7:22, 8:5,
8:8, 8:14, 8:19, 9:4,
10:7, 10:11, 10:17,
12:23, 15:21, 19:12,
22:10, 25:10, 28:1,
31:22, 35:10, 35:18,

36:1, 36:4, 38:7, 41:22, 44:25, 45:19, 48:3, 50:6, 50:17, 53:21, 56:22, 59:12, 64:1, 64:8, 67:23, 70:11, 72:25, 73:16, 75:8, 75:11, 75:17, 77:13, 77:21, 80:2, 84:13, 88:3, 92:1, 94:1, 97:9, 97:13, 97:17, 100:16, 106:12, 111:3, 114:23, 115:1, 117:2, 117:13, 117:16, 117:20, 120:14, 122:24, 124:14, 124:23, 125:6, 127:1, 127:6, 127:9, 127:13, 129:20, 134:20, 137:16, 143:14 Chairman [4] - 1:6, 1:7, 7:3, 45:3 Chairman's [1] - 9:23 challenge [1] - 43:4 challenges [2] - 39:19, 61:8 chamber [1] - 53:6 change [12] - 31:6, 33:23, 37:19, 39:19, 46:15, 72:20, 93:20, 96:3, 97:2, 103:12, 103:14, 121:14 CHANGE [1] - 145:8 changed [6] - 27:6, 62:16, 83:5, 90:18, 107:12, 131:19 changes [4] - 17:7, 37:12, 51:21, 122:7 Channel [1] - 37:4 chapter [1] - 67:7 character [1] - 39:7 characteristic [1] - 49:18 charcoal [2] - 49:3, 49:5 charge [1] - 120:5 Charles [1] - 124:17 chateau [1] - 26:22 cheaply [1] - 74:8 checked [1] - 112:7 chemicals [3] - 30:3, 34:8, 61:11 chief [3] - 8:3, 50:9, 53:16 Chief [3] - 50:8, 76:6, 97:11 children [13] - 17:3, 17:21, 17:22, 17:23, 19:25, 24:2, 27:12,	41:19, 47:25, 58:17, 83:14, 91:24, 106:5 Chilean [1] - 34:21 choice [4] - 31:20, 112:25, 113:2, 114:20 choices [3] - 54:21, 54:23, 56:11 choose [7] - 87:2, 110:3, 112:25, 113:1, 114:21, 114:24, 132:22 chose [1] - 140:5 chosen [3] - 87:3, 140:3, 143:11 Chouinard [1] - 34:16 Christmas [3] - 63:8, 73:15, 73:16 chronically [1] - 81:18 circle [2] - 51:5, 132:24 Circle [1] - 45:5 circumstance [1] - 138:20 cite [2] - 46:18, 60:12 citizen [3] - 112:6, 113:23, 137:24 citizens [5] - 121:4, 138:2, 138:3, 141:4, 141:15 citizenship [1] - 112:7 city [3] - 33:24, 86:1 City [3] - 32:12, 35:2, 85:22 civic [1] - 113:23 civics [1] - 112:9 civil [1] - 62:16 claim [1] - 46:3 clarity [1] - 20:18 class [2] - 39:22, 43:24 classifications [1] - 39:21 clean [4] - 61:13, 72:4, 99:1, 99:4 clear [11] - 9:9, 20:17, 27:8, 56:5, 62:17, 65:8, 78:17, 92:23, 111:20, 112:1, 130:9 clearcut [1] - 31:19 clearing [3] - 23:8, 60:23, 74:4 clearly [5] - 5:25, 6:1, 22:1, 26:18, 132:17 clears [1] - 55:19 client [2] - 18:20	clients [1] - 113:13 cliff [2] - 47:17, 74:11 climate [10] - 17:6, 31:6, 33:23, 34:19, 37:19, 39:19, 46:15, 92:18, 93:20, 97:2 Climate [3] - 32:10, 59:24, 92:16 climb [1] - 103:5 clinical [1] - 118:7 close [2] - 74:11, 120:24 closed [6] - 5:17, 5:20, 5:21, 6:17, 6:20, 7:5 closely [1] - 20:5 closer [2] - 11:22, 91:2 closing [2] - 22:4, 143:16 Club [8] - 15:4, 94:15, 94:20, 123:2, 123:16, 123:22, 124:12 Clubs [1] - 123:5 CME [1] - 66:8 CO2 [2] - 33:25, 39:17 coal [1] - 104:11 Coalition [1] - 48:8 coast [1] - 86:23 cobalt [1] - 108:1 Cobane [1] - 134:24 COBANE [1] - 134:24 code [1] - 128:11 coined [1] - 40:9 collected [1] - 43:9 collection [3] - 41:13, 43:9, 132:25 Colony [1] - 137:18 Columbia [1] - 40:9 combine [1] - 43:8 coming [6] - 12:6, 52:16, 85:22, 110:16, 136:10, 137:3 commander [1] - 45:17 Commander [1] - 45:18 comment [24] - 4:7, 4:8, 4:20, 5:2, 5:13, 5:14, 5:15, 5:18, 6:12, 6:14, 6:24, 9:12, 12:16, 12:17, 44:21, 46:5, 64:5, 73:15, 73:18, 84:24, 113:15, 116:19, 127:11, 143:16	comments [14] - 4:25, 8:1, 10:5, 10:8, 12:15, 22:5, 48:2, 76:11, 112:16, 117:10, 117:14, 117:17, 117:18 commercial [1] - 55:15 Commission [5] - 83:22, 137:25, 138:15, 140:25, 141:1 commission [1] - 131:1 Commissioner [2] - 28:17, 32:9 committee [1] - 98:13 common [7] - 59:9, 109:7, 109:22, 110:2, 110:18, 122:9, 128:13 communicate [6] - 40:3, 40:5, 52:7, 52:9, 52:14, 65:2 communities [12] - 16:20, 31:16, 43:5, 43:20, 44:7, 55:21, 59:1, 60:12, 69:20, 80:24, 83:20, 86:18 community [48] - 13:24, 20:12, 23:2, 24:7, 25:6, 25:21, 25:25, 27:12, 33:20, 34:25, 35:1, 39:2, 42:19, 43:12, 52:17, 53:16, 60:2, 63:10, 65:7, 73:20, 74:22, 75:5, 76:25, 83:23, 84:1, 84:7, 88:20, 94:18, 94:19, 96:11, 112:14, 112:18, 113:1, 113:22, 113:25, 114:14, 114:15, 114:22, 118:18, 121:11, 122:9, 122:12, 124:5, 124:11, 135:17, 136:22 commute [1] - 73:21 company [1] - 99:21 compared [1] - 44:11 compass [2] - 141:6, 143:11 compelled [2] - 65:12, 115:22 compelling [1] - 116:19 compensate [1] - 22:2 compete [1] - 29:5 competence [1] -	42:9 competitive [1] - 44:7 complete [1] - 133:13 completed [3] - 20:21, 45:25, 103:19 completely [4] - 20:21, 52:13, 62:11, 109:25 complex [8] - 22:22, 40:10, 60:18, 61:17, 61:24, 63:14, 63:15, 68:25 compliance [2] - 83:7, 89:15 compliant [1] - 89:11 component [1] - 131:2 comprehensive [2] - 20:20, 39:23 comprises [1] - 131:2 compromised [1] - 23:25 concede [1] - 104:16 conceded [1] - 104:3 concentrating [1] - 55:14 concept [2] - 14:18, 131:17 concern [6] - 46:12, 58:18, 58:19, 102:6, 121:25, 139:17 concerned [6] - 21:18, 71:18, 98:11, 104:10, 104:12, 121:4 concerning [1] - 23:14 concerns [17] - 13:8, 16:21, 20:9, 22:7, 26:1, 27:23, 47:8, 59:5, 62:9, 63:14, 69:19, 94:20, 101:12, 122:19, 122:22, 124:2, 136:11 concludes [1] - 143:21 condition [2] - 66:13, 78:18 conditions [13] - 16:23, 18:5, 23:21, 26:21, 30:15, 42:22, 66:4, 81:5, 83:3, 88:21, 95:3, 95:4, 95:20 condominiums [1] - 74:8 condos [3] - 74:3, 75:6, 103:24
---	--	--	--	---

conducted ^[1] - 41:2 conferred ^[1] - 113:18 confined ^[1] - 96:2 conflict ^[1] - 29:4 conform ^[1] - 89:13 conforms ^[1] - 29:12 confusing ^[1] - 80:9 congenital ^[1] - 18:6 congested ^[1] - 58:22 congestion ^[5] - 15:1, 23:20, 61:9, 112:20, 114:8 connect ^[2] - 98:16, 135:25 connected ^[1] - 62:5 connecting ^[1] - 100:4 connection ^[1] - 118:18 connectivity ^[2] - 94:20, 96:17 connects ^[1] - 86:6 Connolly ^[1] - 84:16 conscience ^[1] - 54:25 conscious ^[1] - 70:2 consensus ^[1] - 13:11 consented ^[1] - 99:12 consequences ^[4] - 25:1, 30:9, 96:5, 103:17 conservation ^[5] - 20:10, 46:7, 46:8, 47:18, 62:23 consider ^[15] - 6:22, 7:1, 7:3, 11:25, 13:16, 18:4, 18:12, 25:1, 29:16, 41:19, 47:23, 72:6, 103:19, 115:11, 124:10 consideration ^[9] - 7:13, 14:13, 15:9, 16:18, 25:9, 48:1, 84:2, 100:13, 133:9 considerations ^[1] - 29:14 considered ^[3] - 27:24, 71:3, 71:11 considering ^[2] - 41:16, 46:14 consisted ^[1] - 99:6 consistently ^[1] - 62:1 constant ^[1] - 103:22 constantly ^[2] - 17:12, 105:6	constituents ^[3] - 13:9, 15:12, 113:21 constraints ^[1] - 81:4 constructed ^[2] - 119:20, 123:17 construction ^[25] - 17:8, 17:14, 21:16, 21:18, 21:24, 23:12, 23:17, 24:12, 27:17, 55:5, 60:18, 61:16, 62:2, 62:6, 72:10, 74:10, 91:4, 91:5, 100:12, 119:6, 128:12, 128:20, 132:18, 142:3, 142:15 consultants ^[1] - 66:8 consulting ^[1] - 99:21 consumed ^[2] - 46:20, 49:4 contact ^[2] - 51:7, 51:14 contain ^[2] - 128:20, 142:10 contains ^[1] - 23:3 contaminant ^[1] - 18:17 contaminated ^[2] - 30:6, 34:7 contamination ^[2] - 14:25, 71:19 continue ^[1] - 72:4 continued ^[2] - 88:25, 136:7 contractor ^[1] - 128:7 contributed ^[1] - 32:14 Control ^[1] - 16:25 control ^[4] - 29:22, 53:5, 96:6, 100:3 conversation ^[1] - 42:12 convert ^[1] - 33:14 converted ^[1] - 49:2 conviction ^[1] - 57:11 cool ^[1] - 60:15 cooled ^[1] - 42:14 cooling ^[1] - 133:10 cooperation ^[1] - 141:12 copies ^[3] - 8:2, 10:10, 10:18 core ^[7] - 60:7, 91:7, 91:22, 95:7, 95:17, 130:19, 130:20 Cornelius ^[1] - 49:11	corner ^[3] - 4:5, 99:1, 134:5 corners ^[1] - 136:25 Corp ^[1] - 2:12 Corporation ^[1] - 138:17 Corps ^[1] - 105:8 correct ^[7] - 5:17, 8:18, 8:19, 102:12, 123:5, 123:6, 143:12 correction ^[1] - 102:12 corrections ^[2] - 145:7, 145:23 correctly ^[1] - 95:1 corridor ^[1] - 23:10 corridors ^[1] - 55:15 corruption ^[1] - 70:6 Corzine's ^[1] - 51:19 cost ^[4] - 31:10, 60:24, 63:20, 93:1 costly ^[1] - 116:17 costs ^[1] - 92:25 Council ^[1] - 119:1 council ^[3] - 53:12, 93:2, 138:21 Councilwoman ^[1] - 1:9 counsel ^[3] - 83:24, 144:10, 144:12 count ^[5] - 41:6, 65:24, 71:15, 77:5, 128:14 counted ^[1] - 11:1 counties ^[4] - 71:4, 140:24, 141:5, 141:16 countless ^[1] - 23:10 country ^[2] - 100:24, 138:24 Country ^[5] - 15:4, 123:2, 123:5, 123:16, 124:12 County ^[13] - 21:9, 61:13, 71:14, 79:25, 92:19, 95:7, 123:22, 130:17, 140:23, 140:24, 141:1, 141:4, 141:15 county ^[3] - 104:1, 130:17, 134:8 County's ^[1] - 60:6 couple ^[2] - 52:20, 71:9 course ^[7] - 11:21, 26:17, 32:22, 46:5, 58:3, 91:6, 106:4 courses ^[1] - 59:23 Court ^[5] - 25:13, 25:20, 75:20, 117:12, 139:16	COURT ^[1] - 1:22 courts ^[1] - 140:9 covenant ^[4] - 78:22, 79:8, 79:13, 128:12 covenants ^[1] - 128:6 cover ^[2] - 66:11, 95:13 covered ^[2] - 39:4, 47:15 covers ^[1] - 12:13 COVID ^[6] - 99:2, 134:4, 138:15, 138:19, 138:22, 138:23 CRAN ^[1] - 92:17 Cranford ^[2] - 59:16, 59:22 create ^[6] - 23:21, 44:6, 49:22, 61:7, 119:18, 140:22 created ^[5] - 17:9, 30:1, 34:22, 83:1, 122:14 creates ^[2] - 23:1, 122:11 creating ^[3] - 42:22, 82:14, 142:18 creators ^[1] - 59:7 credible ^[1] - 56:16 credit ^[1] - 131:11 creek ^[1] - 98:23 crept ^[1] - 74:6 crisis ^[2] - 19:1, 34:19 criteria ^[1] - 71:24 critical ^[9] - 23:9, 31:9, 55:6, 70:1, 71:22, 81:5, 95:6, 96:9, 140:16 cross ^[4] - 9:19, 20:13, 128:7, 142:22 CROSS ^[1] - 3:2 cross-examination ^[1] - 9:19 crucial ^[2] - 65:24, 66:14 Cuccoo ^[2] - 59:14, 59:22 cul ^[7] - 47:10, 47:11, 88:14, 102:25, 125:3, 132:22, 132:25 cul-de-sac ^[7] - 47:10, 47:11, 88:14, 102:25, 125:3, 132:22, 132:25 curage ^[3] - 137:9, 137:10, 137:11 current ^[18] - 23:1, 23:24, 29:20, 35:4,	78:23, 79:13, 82:20, 82:25, 89:12, 89:13, 89:15, 91:23, 92:25, 93:8, 100:9, 101:12, 110:1, 141:6 curves ^[2] - 82:4, 103:4 cut ^[1] - 37:6 cutoff ^[1] - 26:19 cutting ^[4] - 30:25, 33:20, 49:7, 52:17 cycle ^[1] - 95:12 cycles ^[1] - 102:25 cyclists ^[1] - 24:2 cynical ^[1] - 109:2 Cynthia ^[2] - 31:25, 32:7
D				
dad ^[1] - 17:9 daily ^[3] - 24:12, 91:16, 103:17 dam ^[1] - 105:10 damage ^[12] - 17:5, 22:2, 22:25, 59:4, 63:16, 69:14, 69:15, 69:17, 83:2, 89:24, 106:4, 141:18 damaged ^[1] - 105:19 damages ^[2] - 61:21, 69:16 danger ^[2] - 47:17, 82:8 dangerous ^[6] - 23:21, 60:9, 61:25, 82:1, 102:16, 133:1 dangers ^[2] - 40:8, 57:18 dark ^[1] - 134:6 data ^[2] - 132:4, 142:12 Date ^[1] - 145:24 date ^[3] - 20:16, 144:7, 145:6 Dated ^[1] - 144:21 Davey ^[2] - 13:1, 124:17 days ^[2] - 20:2, 133:18 de ^[8] - 47:10, 47:11, 88:14, 102:25, 125:3, 132:22, 132:25, 133:2 dead ^[1] - 116:13 deaf ^[1] - 57:12 deal ^[8] - 13:22, 14:18, 40:21, 53:2, 66:12, 66:14, 123:19, 139:1				

dealing [3] - 140:1, 140:8, 140:18 dear [1] - 19:4 Debbie [1] - 117:10 Deborah [1] - 120:16 debris [2] - 105:18, 106:3 decade [1] - 46:5 decades [4] - 17:3, 80:22, 94:18, 107:11 decide [3] - 56:12, 58:24, 132:22 decided [2] - 76:6, 138:1 decides [1] - 18:18 decision [18] - 12:21, 13:15, 15:10, 18:15, 19:5, 20:19, 32:15, 55:16, 55:17, 70:1, 78:13, 83:19, 114:2, 114:3, 114:11, 124:7, 140:9 decisions [3] - 22:7, 36:7, 114:21 decks [1] - 101:22 decreases [1] - 93:16 deed [8] - 78:10, 78:18, 78:21, 78:24, 79:1, 79:9, 79:11, 79:17 deemed [1] - 29:10 deep [3] - 82:18, 113:7, 138:23 deeply [2] - 23:14, 25:24 Deer [1] - 119:2 deer [8] - 90:3, 90:5, 90:6, 119:2, 128:14, 128:15, 131:12 defend [1] - 115:17 defense [1] - 83:24 deferred [1] - 66:3 deficient [3] - 131:13, 132:11, 132:17 define [1] - 140:7 definite [1] - 20:17 deforestation [2] - 15:1, 37:19 defy [1] - 133:1 degradation [1] - 136:7 degrade [1] - 81:11 degree [1] - 105:15 degrees [1] - 11:21 deicing [1] - 81:19 delay [3] - 21:11, 23:20, 89:14 delays [1] - 24:11	delivery [2] - 21:5, 23:16 deluge [4] - 46:20, 46:21, 47:2, 142:2 demand [1] - 102:9 demanding [1] - 103:2 democracy [5] - 111:25, 112:2, 112:10, 112:12, 113:24 demonstrated [2] - 81:25, 123:24 denial [1] - 83:17 denied [4] - 62:15, 94:23, 107:11, 110:21 dense [3] - 24:17, 42:20, 77:2 densely [3] - 46:9, 130:17, 130:18 density [2] - 40:14, 40:17 deny [7] - 19:8, 80:20, 84:11, 88:20, 88:21, 107:6, 114:24 denying [2] - 96:24, 114:15 DEP [20] - 5:4, 5:22, 6:6, 6:19, 58:10, 71:21, 104:1, 108:18, 131:19, 132:3, 132:5, 132:6, 132:9, 132:15, 133:24, 139:24, 140:3, 140:10, 141:7, 142:2 DEPARTMENT [1] - 1:1 Department [1] - 81:17 department [2] - 47:13, 104:5 departments [1] - 57:22 depressed [1] - 142:20 Deputy [1] - 77:14 derived [1] - 131:10 describe [1] - 41:1 described [2] - 34:10, 60:6 DESCRIPTION [1] - 3:4 design [1] - 122:18 designate [1] - 71:22 designated [1] - 118:10 designed [5] - 23:15, 30:15, 140:2, 142:23, 143:7 desirability [1] - 44:4	desirable [1] - 44:11 desired [2] - 62:8, 101:24 desperate [1] - 28:22 destined [1] - 120:2 destroy [3] - 72:21, 93:13, 143:3 destroyed [5] - 23:4, 23:5, 47:25, 59:4, 122:15 destroying [8] - 14:10, 31:11, 36:19, 36:23, 37:1, 91:7, 119:13, 143:5 destruction [6] - 14:9, 30:11, 70:9, 91:21, 119:7, 119:11 destructive [1] - 83:23 detail [1] - 66:23 detailed [1] - 15:8 details [3] - 57:12, 91:5, 138:12 deteriorates [2] - 140:1, 140:12 deteriorating [1] - 141:17 determined [1] - 14:3 determines [1] - 56:6 detours [1] - 27:6 devastate [1] - 31:10 devastating [2] - 14:10, 15:13 devastation [1] - 70:9 develop [11] - 4:3, 31:16, 62:14, 85:11, 87:2, 94:25, 139:2, 140:17, 141:9, 141:11, 142:25 developed [13] - 41:12, 49:16, 66:17, 72:23, 79:1, 87:1, 87:2, 87:3, 104:17, 118:15, 142:9, 142:12 developer [29] - 14:13, 14:16, 36:12, 78:24, 79:11, 82:3, 82:24, 83:25, 84:6, 89:13, 103:20, 104:8, 104:9, 105:17, 105:25, 107:7, 108:6, 111:1, 120:1, 121:6, 128:1, 128:3, 128:6, 128:12, 131:3, 137:6, 138:16, 141:8, 141:14 developer's [2] - 101:23, 103:18 developers [8] -	15:7, 58:18, 74:3, 74:15, 74:18, 91:1, 103:11, 141:3 DEVELOPMENT [1] - 1:1 development [109] - 4:4, 12:10, 13:9, 13:20, 14:2, 14:6, 14:10, 14:12, 15:13, 15:19, 20:15, 20:16, 21:4, 22:23, 23:15, 24:17, 24:20, 27:21, 28:20, 29:1, 29:10, 30:1, 30:10, 30:21, 30:24, 32:22, 33:1, 33:16, 41:17, 42:11, 46:16, 47:23, 49:16, 56:17, 56:18, 57:7, 57:10, 57:17, 58:17, 58:20, 58:23, 59:8, 60:3, 62:5, 69:5, 69:11, 70:7, 70:8, 71:8, 71:20, 75:2, 78:5, 78:6, 79:4, 79:9, 80:21, 81:1, 83:9, 85:2, 85:5, 85:12, 85:13, 85:14, 86:4, 86:10, 89:18, 90:5, 91:20, 93:14, 94:24, 95:5, 95:8, 95:12, 95:22, 95:25, 96:4, 96:22, 98:14, 99:16, 102:4, 102:6, 102:22, 102:23, 105:2, 106:2, 106:9, 107:2, 107:8, 107:17, 108:1, 108:3, 114:6, 114:7, 114:9, 118:24, 119:8, 119:11, 119:22, 121:14, 125:20, 128:2, 128:14, 129:9, 135:15, 136:9, 137:6, 140:7, 140:21 developmental [1] - 51:11 developments [2] - 102:2, 128:8 device [1] - 101:18 devoted [1] - 39:1 DIANA [1] - 2:7 dictate [1] - 18:22 die [1] - 60:21 died [2] - 54:11, 54:13 dies [1] - 86:19 difference [1] - 76:22 different [9] - 18:11, 26:15, 39:5, 44:10, 53:2, 85:19, 98:8, 138:7	differently [1] - 66:21 difficult [2] - 21:10, 27:5 digest [1] - 143:17 dioxide [5] - 17:6, 18:3, 39:12, 61:2 direct [5] - 30:25, 33:4, 56:17, 56:18, 66:5 DIRECT [1] - 3:2 directional [1] - 51:5 directions [1] - 90:14 directive [1] - 59:8 directly [10] - 18:15, 20:11, 24:13, 26:3, 27:1, 29:3, 51:12, 55:16, 81:15, 104:9 director [2] - 48:7, 92:16 dirt [2] - 129:11, 142:19 Dirtbag [1] - 34:15 disadvantage [1] - 44:9 disagree [2] - 13:12, 124:6 disaster [7] - 15:16, 93:8, 120:2, 120:8, 137:2, 140:23, 142:24 disasters [1] - 74:13 disbursed [1] - 24:21 discharge [2] - 43:7, 98:13 discharges [1] - 98:17 discourage [1] - 14:19 discretionary [1] - 14:20 discuss [2] - 5:12, 105:8 discussed [3] - 16:17, 55:11, 57:23 discusses [1] - 43:1 discussing [1] - 120:24 discussion [2] - 57:22, 58:14 discussions [1] - 14:19 Disease [2] - 16:25, 17:18 disease [3] - 18:6, 30:12, 125:21 diseases [1] - 54:16 Dismissal [1] - 127:17 dismissed [1] - 126:17
--	---	---	---	--

dispensation [1] - 108:18 displace [1] - 60:19 displacement [1] - 68:18 disrupt [1] - 72:12 disruption [1] - 7:11 distance [1] - 58:14 distress [1] - 24:10 disturbance [1] - 95:20 disturbances [1] - 21:19 disturbed [4] - 21:23, 49:14, 60:22, 105:14 disturbing [3] - 57:14, 81:9, 83:4 disturbs [1] - 49:15 diverse [1] - 87:15 Division [1] - 124:9 DNA [1] - 135:16 DO [1] - 144:9 doctor [1] - 125:21 doctors [1] - 125:22 documented [2] - 29:19, 30:7 documenting [1] - 83:2 documents [1] - 53:7 dogs [2] - 27:9, 27:11 dollar [1] - 34:18 dollars [3] - 69:23, 93:7, 133:19 domestic [1] - 11:7 dominated [1] - 74:3 donate [1] - 35:2 donated [2] - 34:18, 34:20 done [14] - 14:18, 17:15, 18:19, 49:7, 53:20, 62:8, 104:14, 104:20, 127:8, 132:6, 133:20, 134:3, 138:13 door [1] - 103:23 doubling [3] - 47:9, 47:11, 90:10 doubt [1] - 102:17 Doug [1] - 34:19 down [22] - 5:2, 6:2, 7:17, 18:7, 30:25, 33:21, 37:6, 42:14, 52:17, 54:9, 58:6, 67:17, 75:13, 80:1, 87:11, 87:20, 99:10, 105:14, 110:10, 122:4, 125:5, 138:22 downhill [1] - 143:5 downsizing [1] -	91:11 downstream [6] - 58:4, 66:17, 72:8, 81:12, 98:17, 99:20 Dr [7] - 15:24, 39:7, 40:9, 125:19, 126:19, 129:18 drainage [2] - 23:8, 61:19 drains [3] - 89:2, 109:18, 109:19 dramatically [1] - 21:3 draw [1] - 37:9 drawing [2] - 110:19, 111:1 dream [1] - 97:8 drink [3] - 34:10, 34:11, 114:5 drinking [15] - 16:14, 29:17, 29:25, 30:2, 30:6, 30:8, 30:14, 30:20, 34:5, 72:4, 81:2, 81:8, 81:21, 95:9 DRIVE [3] - 2:7, 2:10, 125:9 drive [1] - 33:6 Drive [30] - 12:3, 12:4, 13:1, 17:9, 21:1, 22:14, 56:25, 64:12, 78:7, 78:13, 78:23, 82:4, 84:16, 88:6, 88:12, 88:19, 89:19, 90:4, 91:8, 91:15, 100:18, 101:5, 103:3, 106:15, 107:1, 108:13, 120:11, 124:17, 137:18 drivers [1] - 102:24 driveways [2] - 30:5, 34:9 driving [3] - 41:3, 86:17, 110:10 droning [1] - 63:6 drop [1] - 26:9 drought [1] - 40:7 Druce [1] - 120:16 DRUCE [1] - 120:16 due [8] - 26:20, 43:10, 61:16, 61:17, 62:15, 69:6, 94:18, 95:2 duly [1] - 15:15 dump [1] - 142:6 during [18] - 21:19, 23:22, 23:24, 26:6, 26:17, 26:21, 29:6, 31:2, 61:20, 89:20, 89:24, 90:13, 91:5,	121:16, 122:4, 123:23, 123:24 dust [2] - 17:10, 18:1 duty [2] - 45:14, 96:21 dwellings [1] - 79:5 dying [1] - 54:15	100:14 egress [1] - 15:2 eight [3] - 14:18, 32:17, 45:15 either [4] - 31:19, 34:11, 96:23, 134:8 electric [1] - 142:13 Electrify [1] - 32:10 elements [2] - 66:14, 66:15 elevation [1] - 10:24 eliminate [3] - 23:9, 42:18, 42:21 eliminates [1] - 81:13 Eliot [1] - 48:6 Elizabeth [2] - 41:25, 98:15 eloquent [1] - 32:14 eloquently [1] - 34:10 elsewhere [1] - 103:22 emergencies [1] - 26:21 emergency [22] - 15:2, 23:17, 23:21, 23:25, 24:15, 26:2, 26:13, 26:14, 27:19, 29:5, 58:1, 61:8, 68:24, 69:4, 78:8, 78:10, 82:3, 82:9, 88:14, 91:3, 91:9, 120:4 emerita [1] - 32:11 emissions [2] - 33:3, 49:24 emit [2] - 33:25, 39:13 emits [1] - 39:14 empathize [1] - 28:21 emphasis [1] - 115:9 employee [2] - 144:10, 144:12 empty [1] - 23:2 enable [2] - 33:8, 72:20 encourage [2] - 33:15, 33:16 end [7] - 4:13, 4:14, 4:17, 64:9, 79:22, 96:1, 104:3 endanger [1] - 95:9 endangered [1] - 95:21 endangers [1] - 96:11 ended [2] - 14:20, 35:23	ends [1] - 23:12 endure [1] - 14:24 enduring [1] - 96:5 energy [1] - 122:20 enforce [1] - 128:23 enforceable [1] - 56:16 engage [1] - 84:6 engaged [1] - 83:25 Engineer [1] - 1:10 engineer [6] - 45:24, 99:17, 101:23, 103:11, 116:8, 124:3 engineering [8] - 29:19, 45:22, 59:23, 66:8, 101:17, 115:9, 132:1, 142:1 engineers [3] - 11:19, 108:23, 115:24 Engineers [1] - 105:8 English [1] - 112:8 enhance [1] - 115:10 enjoy [2] - 122:13, 139:21 enjoying [1] - 73:24 enormous [1] - 120:2 enrolled [1] - 59:23 ensure [2] - 15:11, 96:22 ensuring [3] - 63:24, 72:2, 96:24 enter [3] - 29:24, 36:1, 51:15 entered [2] - 10:16, 126:1 entering [2] - 43:11, 99:7 enticement [1] - 44:4 enticing [1] - 44:5 entire [9] - 19:2, 34:18, 77:3, 79:9, 107:5, 108:19, 116:14, 119:9, 140:23 entirely [1] - 121:4 entirety [1] - 78:17 entitle [1] - 14:16 entity [1] - 18:11 entrance [2] - 23:15, 26:25 environment [16] - 30:16, 33:9, 35:23, 35:25, 36:18, 39:2, 42:13, 87:15, 93:4, 96:15, 97:5, 139:20, 140:1, 140:12, 141:17, 143:10 environmental [55] - 12:12, 22:24, 23:11,
---	---	--	--	---

23:13, 25:8, 30:13, 31:1, 38:23, 38:24, 38:25, 46:7, 55:6, 55:21, 56:7, 56:8, 56:15, 59:23, 60:5, 61:3, 61:23, 62:3, 62:15, 62:22, 63:16, 66:2, 67:19, 68:17, 69:21, 76:4, 81:4, 84:8, 85:9, 91:7, 92:16, 94:16, 94:19, 95:2, 95:3, 96:1, 96:19, 118:8, 118:9, 121:11, 130:25, 132:12, 135:23, 136:7, 138:5, 138:6, 138:18, 139:17, 139:25, 140:3, 140:11, 143:8 Environmental [7] - 28:16, 32:9, 83:21, 137:25, 138:14, 140:25, 141:1 environmentalist [1] - 119:8 environmentally [1] - 31:17 environments [2] - 44:22, 95:24 EPA [1] - 30:7 equal [3] - 85:13, 85:14, 109:6 equals [1] - 85:12 equipment [4] - 17:25, 23:17, 49:8, 82:12 equitable [1] - 31:15 ERIC [2] - 144:3, 144:17 eroding [1] - 75:3 erosion [3] - 43:14, 81:10, 93:16 ERROR [1] - 145:8 error [1] - 102:12 errors [1] - 145:6 especially [6] - 16:22, 18:10, 32:21, 62:6, 93:17, 120:6 ESQ [3] - 2:3, 2:7, 2:10 ESQS [2] - 2:2, 2:6 essays [1] - 41:13 essential [2] - 83:12, 96:17 essentially [1] - 125:3 ESSEX [2] - 1:5, 125:9 Essex [49] - 4:1, 13:14, 13:18, 13:24,	14:2, 14:5, 14:22, 15:4, 15:6, 15:14, 21:9, 22:14, 33:17, 55:3, 55:11, 58:2, 60:6, 61:13, 68:15, 71:14, 74:5, 79:25, 80:21, 80:24, 92:19, 94:17, 95:7, 100:3, 111:6, 119:23, 123:2, 123:16, 123:22, 124:12, 125:15, 125:24, 125:25, 126:2, 126:10, 126:13, 126:15, 126:18, 129:23, 130:16, 140:23, 140:24, 140:25, 141:4, 141:15 establish [1] - 22:1 established [1] - 81:3 estate [3] - 34:18, 55:9, 69:23 estimate [2] - 46:25 estimates [1] - 17:18 etc [6] - 11:8, 11:12, 12:14, 12:19, 49:16, 68:15 Ethic [1] - 41:12 ethical [2] - 41:10, 41:11 ethics [2] - 13:23, 38:24 eugenics [1] - 52:25 European [1] - 86:22 evacuation [6] - 23:24, 27:19, 29:6, 82:6, 120:5, 133:17 evasive [1] - 50:3 evening [16] - 12:25, 15:24, 16:6, 25:19, 39:4, 48:6, 53:23, 59:21, 70:10, 80:19, 92:4, 92:15, 94:2, 112:16, 122:25, 129:22 event [4] - 46:24, 89:9, 90:20, 105:11 events [7] - 21:8, 23:22, 26:22, 29:6, 99:5, 105:9, 123:23 eventually [1] - 102:11 everyday [4] - 27:7, 63:5, 90:4 everywhere [2] - 33:6, 58:23 evidence [12] - 5:20, 5:21, 5:22, 6:5, 6:16, 6:17, 6:19, 6:20, 7:9,	7:18, 51:15, 66:5 exacerbate [2] - 95:8, 96:7 exact [2] - 52:16, 97:12 exactly [1] - 82:1 examination [1] - 9:19 example [6] - 40:5, 47:20, 55:12, 102:7, 109:9, 142:4 examples [2] - 71:10, 141:22 exception [2] - 133:3, 133:4 exceptionally [1] - 103:4 exceptions [1] - 79:5 excess [2] - 21:13, 26:1 exclusively [1] - 119:4 Excuse [1] - 5:3 excuse [3] - 101:18, 104:3, 114:2 executed [1] - 126:22 Executive [1] - 51:19 exempt [2] - 91:22, 138:17 exercise [3] - 18:10, 55:1, 56:14 exerts [1] - 90:9 exhaust [1] - 17:25 EXHIBIT [1] - 3:4 exhibit [1] - 10:16 exist [2] - 95:4, 105:13 existing [10] - 20:15, 20:22, 22:8, 25:7, 49:11, 83:3, 96:7, 99:22, 100:4, 133:17 exists [1] - 56:9 exit [4] - 21:1, 23:16, 27:5, 81:24 exiting [1] - 95:8 exits [3] - 24:11, 27:19, 58:1 expanding [1] - 78:8 expanse [1] - 55:14 expect [1] - 93:10 expected [1] - 30:15 expecting [1] - 93:6 expense [2] - 43:21, 93:4 expenses [1] - 44:13 expensive [1] - 61:22 experience [4] - 21:11, 26:21, 41:3,	41:7 experienced [3] - 25:25, 69:2, 93:5 experiences [2] - 17:1, 40:17 experiencing [1] - 31:9 expert [12] - 46:3, 82:19, 88:17, 89:23, 101:20, 105:4, 109:2, 109:5, 109:6, 111:15, 123:19, 131:3 expertise [1] - 18:13 experts [11] - 17:4, 67:21, 81:20, 88:16, 105:7, 108:23, 109:1, 115:17, 118:10, 120:6, 130:21 explain [2] - 17:5, 114:10 explained [1] - 105:24 explanation [1] - 20:17 explore [1] - 71:15 exports [1] - 95:18 express [2] - 13:8, 70:24 expressed [2] - 14:6, 121:2 expressly [1] - 121:18 extensive [2] - 29:25, 96:5 extensively [1] - 30:7 extinct [3] - 37:7, 140:15, 140:19 extracted [1] - 87:22 extreme [1] - 135:24 extremely [5] - 21:10, 21:18, 48:22, 62:17, 105:5 eyes [1] - 37:5 eyesore [1] - 119:21	17:4, 30:14, 47:2, 56:10, 89:25 facts [3] - 37:22, 40:18, 136:12 fagan [1] - 10:6 FAGAN [1] - 1:12 fail [2] - 81:18, 142:2 failed [6] - 8:1, 8:2, 29:7, 62:1, 101:18, 115:17 fails [2] - 29:20, 29:22 failure [1] - 120:6 fair [3] - 69:12, 119:5, 119:24 fairly [2] - 47:4, 139:16 faith [1] - 84:5 fall [4] - 88:2, 109:13, 109:20, 141:23 fallen [2] - 57:11, 122:4 fallout [3] - 18:1, 18:9, 106:10 falls [3] - 25:5, 130:13, 141:25 families [10] - 26:18, 27:25, 44:6, 73:21, 73:24, 74:13, 74:14, 90:19, 92:24, 112:20 family [17] - 19:9, 20:12, 25:22, 32:25, 33:5, 34:18, 43:16, 53:10, 72:11, 72:19, 79:10, 79:18, 90:19, 105:12, 112:21, 126:12 family's [1] - 116:16 far [5] - 52:12, 82:11, 104:11, 105:22, 109:12 faster [1] - 42:21 fatal [9] - 115:16, 116:6, 116:10, 116:18, 116:22, 116:23, 116:24 fate [2] - 14:3, 58:24 fathers [1] - 54:18 fauna [2] - 35:3, 122:12 favor [5] - 65:6, 111:17, 111:19, 111:20, 111:24 FAX [1] - 1:24 fear [6] - 43:23, 101:16, 136:6, 136:8, 136:19 fears [2] - 84:9, 101:12 feasible [2] - 99:23,
--	--	---	---	--

F

F-I-S-C-U-S [1] - 124:18

F-L-A-T-H [1] - 70:15

face [5] - 30:23, 33:22, 52:3, 59:9, 63:5

Face [1] - 34:20

faced [1] - 94:17

faces [1] - 25:21

fact [5] - 15:9, 40:13, 46:14, 107:13, 136:8

factor [1] - 90:1

factors [6] - 11:20,

99:24 features [1] - 122:9 February [2] - 45:12, 143:19 fed [1] - 71:18 federally [1] - 51:13 FedEx [1] - 21:4 feed [1] - 95:15 feelings [1] - 9:13 feet [14] - 11:3, 11:22, 82:10, 82:18, 82:22, 89:21, 98:24, 108:5, 110:6, 119:19, 128:8, 128:9, 136:2 fell [2] - 47:6, 134:15 fellling [1] - 18:2 fellow [1] - 79:25 Fells [16] - 15:4, 58:2, 68:15, 80:24, 111:6, 119:23, 123:2, 123:16, 123:22, 124:12, 125:15, 125:24, 125:25, 126:13, 126:18, 129:23 FELLS [1] - 125:9 felt [3] - 23:11, 115:22, 134:5 FEMA [1] - 12:14 femoral [2] - 42:15, 42:16 fence [4] - 128:13, 128:14, 128:15, 131:12 fences [2] - 90:5, 128:15 fencing [3] - 119:2, 128:14, 128:16 fertilizing [1] - 30:3 few [10] - 41:1, 46:18, 47:5, 54:14, 57:14, 68:25, 69:13, 105:22, 113:17, 124:25 fiasco [1] - 18:25 fibers [1] - 73:24 field [3] - 11:4, 18:8, 101:20 fields [1] - 11:2 fifth [1] - 83:8 fight [6] - 26:5, 34:19, 54:17, 66:1, 119:19, 128:17 figuratively [1] - 74:9 figure [4] - 27:7, 99:21, 130:11, 130:12 figures [2] - 17:17, 17:23 file [1] - 118:2 filed [1] - 124:6	fill [4] - 71:20, 142:19, 142:20, 142:23 filled [1] - 119:17 filter [1] - 29:23 filtration [1] - 81:14 final [3] - 104:15, 131:16, 134:17 finally [7] - 15:5, 21:16, 34:4, 40:21, 74:17, 90:21, 132:3 financially [1] - 144:13 fine [3] - 5:13, 18:19, 68:3 fire [24] - 8:3, 11:7, 15:2, 15:3, 23:24, 26:3, 26:5, 26:16, 26:17, 47:12, 57:21, 58:3, 69:3, 81:23, 81:24, 81:25, 82:13, 83:16, 90:20, 119:19, 120:8 firefighters [1] - 82:12 firefighting [2] - 29:9, 91:3 firehouse [2] - 98:20, 98:22 fireman [1] - 130:6 fires [2] - 42:23, 66:1 firm [1] - 123:1 firmly [2] - 63:1, 80:20 first [28] - 4:11, 6:10, 10:22, 11:1, 20:13, 24:1, 39:2, 40:8, 45:14, 47:12, 51:7, 61:8, 63:5, 64:24, 65:5, 73:19, 75:18, 78:2, 81:7, 81:24, 82:15, 94:22, 115:12, 115:13, 115:14, 117:22, 121:21, 135:7 firsthand [1] - 21:12 Fiscus [1] - 124:17 FISHMAN [3] - 1:22, 144:3, 144:17 fit [2] - 14:21, 85:7 five [9] - 4:12, 4:14, 5:13, 9:14, 10:3, 91:12, 133:21, 135:21, 141:24 fix [2] - 90:11, 102:9 flames [1] - 82:14 flash [1] - 31:10 Flath [1] - 70:14 flaw [9] - 115:16, 116:6, 116:10, 116:18, 116:22,	116:23, 116:24 flawed [3] - 61:4, 132:1, 139:6 flaws [1] - 68:13 fleeting [1] - 73:25 flew [1] - 122:5 flight [1] - 45:17 flipped [1] - 61:22 flood [8] - 23:24, 46:4, 93:11, 93:15, 96:8, 96:25, 131:21, 137:1 flooding [20] - 14:25, 23:6, 42:24, 43:3, 43:5, 43:10, 43:13, 55:20, 61:17, 68:18, 74:12, 82:24, 83:1, 83:3, 88:24, 88:25, 95:9, 124:1, 133:17, 135:25 floods [3] - 31:10, 89:2, 123:23 floor [1] - 85:19 flora [2] - 35:3, 122:12 flourish [1] - 122:12 flow [4] - 21:13, 81:10, 96:3, 96:6 fly [2] - 7:5, 59:8 focus [2] - 35:25, 118:17 focused [1] - 112:10 folks [1] - 120:1 follow [4] - 9:17, 9:18, 36:18, 72:23 followed [1] - 20:5 following [4] - 13:12, 13:16, 82:25, 138:10 football [3] - 11:2, 11:3, 11:4 FOR [1] - 145:8 force [4] - 107:16, 108:1, 108:20, 110:24 Force [4] - 45:13, 45:15, 45:25 forced [5] - 26:9, 36:22, 56:12, 83:13, 108:7 forces [1] - 83:9 foregoing [1] - 144:5 foreseeable [2] - 102:10, 137:2 Forest [1] - 57:8 forest [57] - 15:20, 23:3, 23:8, 26:5, 31:7, 35:25, 36:16, 36:17, 39:14, 39:16, 40:23, 42:13, 42:15, 47:24, 49:19, 55:5, 55:17, 60:7, 60:22, 60:24,	63:19, 63:20, 72:21, 86:12, 86:15, 86:20, 86:23, 86:24, 87:1, 87:5, 87:8, 87:9, 87:13, 90:20, 91:8, 91:22, 95:7, 95:16, 95:17, 96:10, 96:24, 118:2, 118:5, 118:10, 118:12, 118:13, 118:21, 119:4, 119:7, 119:9, 119:12, 119:14, 122:15, 130:19, 130:20, 131:2, 131:4 forestation [1] - 36:23 forested [9] - 24:24, 40:19, 46:10, 49:13, 54:25, 55:14, 56:19, 130:15 forester [1] - 39:25 forests [17] - 31:5, 34:2, 36:20, 36:23, 37:15, 49:1, 49:11, 49:14, 60:10, 60:14, 60:20, 60:25, 71:2, 71:13, 73:25, 74:22, 118:4 forever [5] - 25:3, 34:22, 52:5, 58:25, 84:1 forges [1] - 49:1 forget [1] - 103:10 form [1] - 131:18 formally [2] - 60:3, 141:1 formed [1] - 49:17 forms [1] - 107:10 forth [1] - 144:8 forward [5] - 6:8, 80:22, 90:24, 91:12, 121:17 fought [1] - 125:20 foundation [1] - 98:23 founded [1] - 34:20 four [7] - 14:5, 58:13, 113:16, 113:19, 130:6, 130:7, 142:13 fourth [2] - 82:24, 140:14 fowling [1] - 18:1 fragile [2] - 60:8, 62:7 fragmentation [2] - 40:18, 60:20 fragmenting [1] - 96:19 freeze [1] - 138:23 freezing [1] - 82:5	frequent [3] - 61:21, 92:19, 92:20 frequently [2] - 24:7, 43:10 fresh [1] - 54:12 FreshDirect [1] - 21:5 friend [4] - 54:11, 54:13, 54:14, 54:20 friends [3] - 19:9, 67:11, 137:8 front [5] - 30:22, 44:16, 105:11, 105:23, 111:22 fueled [1] - 49:3 fulfil [1] - 97:7 fulfilling [1] - 97:8 fulfillment [1] - 132:4 full [1] - 105:3 fully [3] - 22:6, 83:6, 91:17 functioning [1] - 55:25 functions [2] - 55:6, 55:7 fundamental [2] - 41:18, 100:6 fundamentally [3] - 61:4, 95:5, 95:14 funded [1] - 22:1 funding [1] - 93:9 funneled [1] - 23:18 funny [2] - 112:5, 131:14 FURTHER [1] - 144:9 furthermore [1] - 60:23 future [13] - 22:9, 27:25, 33:19, 43:16, 71:1, 74:1, 74:23, 87:18, 96:12, 96:25, 102:7, 114:10, 123:13
G				
G-O-R-S-L-I-N-E [1] - 75:19 GACCIONE [1] - 2:6 gain [1] - 25:2 gained [1] - 118:7 gall [1] - 105:24 gallons [10] - 46:21, 46:22, 46:23, 46:25, 47:1, 99:7, 103:21, 142:7, 142:8, 142:10 game [1] - 28:25 gaps [1] - 65:24 garden [1] - 61:25 Garden [13] - 29:1, 31:14, 41:3, 41:8,				

62:17, 88:13, 88:25,
89:3, 91:23, 112:3,
113:1, 121:6, 134:1
gardens [1] - 71:23
Garreffa [2] - 28:4,
28:15
GARY [1] - 1:11
GARY-ADAMS [1] -
1:11
gas [2] - 53:6, 142:13
gaslighted [1] -
105:7
gate [1] - 58:2
Gene [1] - 104:24
general [4] - 13:11,
93:3, 135:17, 139:18
generate [1] - 136:22
generation [5] -
71:1, 75:4, 96:12,
140:14
generational [1] -
74:14
generations [2] -
22:9, 73:23
GENIECE [1] - 1:11
genocide [1] - 52:25
gentleman [2] - 9:21,
49:10
gentlemen [1] - 9:5
geo [1] - 12:12
Geographic [1] -
48:8
geologists [1] -
49:10
geology [1] - 49:17
geotechnical [1] -
105:4
German [1] - 39:25
Germany [1] - 53:9
geysers [2] - 109:18
ghost [3] - 73:19,
74:1, 74:17
ghosts [1] - 73:19
gift [1] - 122:12
given [5] - 4:12,
67:7, 71:12, 81:4,
123:15
glance [1] - 54:9
global [1] - 31:6
glossed [1] - 57:15
goals [1] - 93:3
God's [1] - 19:10
golf [2] - 26:16, 58:3
Gonzalez [2] - 35:12,
36:3
Google [1] - 11:14
Gorsline [1] - 75:19
government [3] -
93:3, 112:10, 136:21
governor [1] - 51:19

grabbing [1] - 74:15
gradual [1] - 37:12
graduate [2] - 41:19,
46:1
graduating [1] -
43:24
grand [1] - 47:25
Grand [11] - 16:10,
19:24, 20:25, 21:9,
21:20, 25:21, 25:23,
26:6, 69:1, 70:7
grandchildren [3] -
20:2, 20:3, 21:11
Grande [1] - 105:18
grandkids [1] -
114:10
grant [1] - 133:4
granted [1] - 78:19
grants [1] - 71:6
grave [1] - 62:9
gray [1] - 47:20
great [14] - 40:21,
44:6, 66:9, 66:22,
70:9, 83:17, 86:10,
86:13, 123:19,
125:18, 125:20,
134:1, 135:20, 136:3
greater [2] - 104:24,
128:8
greatest [1] - 49:25
Green [2] - 33:17,
71:7
green [4] - 54:10,
74:7, 93:11, 122:1
Greg [1] - 84:15
grew [3] - 17:7,
106:23, 129:4
gridlock [1] - 24:11
grocery [1] - 32:24
ground [8] - 21:19,
34:7, 95:15, 107:13,
131:7, 134:19,
140:13, 142:14
grounds [2] - 17:12,
114:16
groundwater [4] -
12:19, 29:21, 81:19,
96:3
group [3] - 55:9,
92:18, 111:20
groups [1] - 69:21
grow [3] - 54:23,
86:16
growing [1] - 63:4
grows [1] - 86:19
growth [14] - 24:19,
29:4, 31:5, 33:9,
33:10, 33:22, 34:2,
35:7, 63:19, 72:23,
87:1, 91:20, 96:14

Growth [1] - 33:18
guarantee [1] -
139:11
Guard [1] - 45:16
guardian [1] - 71:21
GUARINO [1] - 1:7
guess [3] - 59:16,
70:3, 131:25
guessing [1] - 34:11
guidance [1] -
131:24
guidelines [1] -
89:14
gut [1] - 129:7
guy [1] - 131:8
guys [12] - 12:21,
68:3, 84:25, 87:2,
112:11, 127:22,
128:18, 129:4,
129:15, 132:2, 134:3,
135:5
GYN [1] - 24:6

H

H-A-Y-U [1] - 125:8
H-E-N-D-Y [1] - 54:1
habit [1] - 95:20
habitants [1] - 35:5
habitat [9] - 23:10,
39:10, 40:17, 40:18,
43:14, 72:12, 86:14,
95:19, 96:9
half [5] - 57:9, 106:7,
132:24, 137:12,
142:16
hall [2] - 102:9, 103:1
Hall [1] - 38:25
hand [5] - 9:24, 28:5,
49:7, 86:16, 111:19
handful [2] - 65:21,
69:18
handle [3] - 99:22,
99:25, 100:6
handled [2] - 65:25,
98:14
handles [2] - 100:9,
133:11
hands [1] - 139:1
hang [1] - 141:9
hanging [1] - 141:13
happy [3] - 6:25,
126:6, 140:21
hard [5] - 33:7,
33:12, 37:13, 69:25
harder [2] - 54:17
hardly [2] - 39:24,
40:12
harm [10] - 30:10,
60:5, 63:22, 67:19,

96:19, 115:13,
115:14, 134:13,
136:22
harming [1] - 63:18
harshly [1] - 101:15
hat [2] - 141:9,
141:13
Hawley [1] - 75:19
HAWLEY [1] - 75:19
hay [1] - 17:7
Hayes [1] - 22:13
HAYES [1] - 22:14
Hayu [1] - 125:8
hazard [1] - 61:4
hazards [1] - 81:6
head [2] - 66:13,
133:20
HEADQUARTERS
[1] - 1:23
headwater [4] -
71:21, 71:23, 81:8,
81:16
headwaters [3] -
29:18, 71:22, 72:3
health [14] - 16:12,
16:17, 16:22, 19:1,
30:8, 56:2, 70:25,
80:23, 94:19, 95:22,
104:5, 115:10,
118:19, 135:16
healthy [1] - 118:10
hear [16] - 4:16, 4:19,
6:25, 10:13, 10:14,
45:20, 65:5, 65:8,
65:19, 77:11, 100:20,
130:21, 132:2, 132:3,
136:19
heard [33] - 17:13,
20:14, 20:25, 26:5,
39:10, 39:17, 52:14,
57:13, 57:16, 57:20,
58:11, 64:22, 65:1,
65:4, 76:24, 80:6,
89:10, 89:23, 98:3,
107:4, 107:19, 109:9,
111:15, 116:20,
118:9, 119:7, 123:19,
130:5, 130:22,
135:21, 136:12,
137:14, 138:8
hearing [6] - 16:13,
86:20, 123:25,
136:11, 136:15,
143:21
hearings [3] - 65:3,
123:18, 127:25
heart [4] - 18:6,
64:22, 70:1, 74:16
heat [5] - 31:8, 56:1,
60:14, 93:17, 93:19

heavily [1] - 130:15
heavy [7] - 17:25,
30:5, 34:9, 49:8,
61:20, 89:20, 123:23
heed [1] - 120:6
heights [2] - 11:13,
12:19
held [1] - 15:17
hello [3] - 7:25,
12:25, 73:1
help [6] - 51:12,
60:14, 77:6, 111:16,
122:20, 128:19
helps [1] - 60:17
Hemlock [1] - 50:10
Hendy [2] - 53:24,
54:1
hereby [1] - 144:5
hereinbefore [1] -
144:8
hereto [1] - 145:23
heritage [1] - 122:13
Hess [1] - 66:8
hi [2] - 42:8, 70:14
Hi [2] - 22:13, 68:5
Hidden [1] - 40:1
hidden [1] - 40:2
high [4] - 18:8,
59:22, 74:2, 119:19
high-rise [1] - 74:2
higher [4] - 11:8,
46:25, 85:18, 119:20
Highland [3] - 55:3,
56:25, 59:2
HIGHLANDS [1] -
1:5
Highlands [34] - 4:2,
13:14, 13:18, 13:24,
14:2, 14:5, 14:22,
15:6, 15:14, 22:14,
26:18, 26:25, 45:11,
48:8, 49:18, 49:20,
55:12, 57:19, 68:23,
69:1, 74:5, 80:21,
88:19, 94:17, 100:3,
103:13, 103:22,
103:24, 126:2,
126:11, 126:15,
126:22, 138:11
highlands [1] - 48:25
highlights [1] -
127:24
highly [1] - 41:5
highway [3] - 85:24,
142:15, 142:18
highways [2] -
142:25, 143:1
hiked [1] - 118:3
hill [1] - 18:7
hillside [1] - 83:4

hinder [1] - 29:6 hinges [1] - 139:19 hired [1] - 122:17 hiring [1] - 113:8 historic [1] - 123:16 historical [1] - 96:10 history [5] - 19:1, 44:22, 53:11, 112:9, 119:13 hit [1] - 105:15 Hoffman [2] - 126:23, 128:24 hold [4] - 10:20, 61:1, 62:10, 103:20 holding [2] - 100:2, 100:12 holds [1] - 26:22 hole [1] - 87:20 Home [1] - 121:6 home [20] - 14:3, 20:12, 26:3, 26:6, 26:13, 26:17, 26:24, 27:7, 31:4, 46:8, 88:12, 89:21, 91:13, 91:15, 93:12, 95:6, 104:10, 104:16, 105:19, 106:4 Homeowners [2] - 126:13, 126:18 homeowners [5] - 14:6, 22:2, 61:23, 127:24, 128:22 Homes [11] - 29:1, 31:15, 61:25, 62:17, 88:13, 88:25, 89:3, 91:23, 112:3, 113:2, 134:1 homes [21] - 72:11, 73:22, 79:10, 79:18, 82:20, 89:1, 89:8, 89:19, 90:19, 100:10, 102:18, 103:15, 103:21, 104:20, 104:21, 105:18, 105:19, 105:25, 126:12, 137:1 Homestead [1] - 122:17 honestly [1] - 44:2 honor [5] - 79:16, 79:19, 79:22, 126:7, 126:8 honored [1] - 79:14 honoring [2] - 79:11, 79:21 hope [18] - 22:5, 27:23, 31:20, 32:15, 46:10, 57:10, 65:8, 67:15, 74:18, 74:25, 77:10, 77:11, 101:10,	133:5, 135:12, 135:13, 135:17, 136:11 hopefully [1] - 134:8 hopes [1] - 55:10 hormonal [1] - 30:10 horned [1] - 47:20 horrible [3] - 37:2, 37:3, 116:15 Horses [1] - 98:19 hose [1] - 82:12 hospital [1] - 24:9 Hospital [1] - 106:24 hottest [1] - 93:5 hour [2] - 43:16, 90:13 hours [8] - 23:22, 26:7, 59:10, 59:11, 65:14, 65:17, 99:6, 133:19 house [4] - 26:7, 47:6, 58:7, 129:1 households [1] - 21:6 houses [1] - 128:7 housing [52] - 28:22, 28:24, 29:2, 29:12, 31:17, 32:16, 32:19, 32:22, 33:8, 36:9, 42:10, 43:18, 44:2, 55:10, 56:5, 56:20, 59:6, 62:18, 63:18, 63:20, 69:10, 72:17, 72:18, 72:24, 83:11, 85:15, 85:16, 85:18, 91:18, 92:23, 93:1, 93:23, 94:25, 96:13, 96:16, 97:7, 97:8, 107:14, 107:18, 107:23, 107:24, 107:25, 108:22, 119:5, 119:25, 121:14, 122:11, 122:23, 139:19, 139:22 Howell [23] - 12:3, 12:4, 78:7, 78:13, 78:22, 82:3, 82:4, 88:6, 88:12, 88:19, 89:19, 90:4, 91:8, 91:15, 100:18, 101:5, 103:2, 103:3, 103:5, 106:15, 106:25, 108:13, 120:11 Hudson [2] - 22:14, 52:9 huge [2] - 138:2, 143:2 human [6] - 37:24, 40:12, 40:22, 76:17,	77:4, 115:10 humane [1] - 65:18 humans [1] - 76:17 Humbug [2] - 73:18, 75:7 hundreds [8] - 18:4, 30:19, 49:1, 51:14, 99:6, 100:10, 105:10 Hurricane [2] - 122:4, 122:5 hurricane [1] - 109:14 husband [2] - 26:7, 120:21 HUTT [1] - 2:2 Hydro [2] - 29:19, 89:10 Hydro's [1] - 82:19 hydrology [1] - 46:4 hypothetical [1] - 24:16	102:4, 123:14, 124:2, 124:4, 124:10, 132:12, 132:14, 135:23 impacted [10] - 18:14, 21:20, 26:3, 34:5, 84:1, 102:2, 112:19, 112:20, 112:22, 135:15 impacts [10] - 21:17, 23:11, 43:4, 43:13, 55:19, 55:20, 91:18, 93:18, 96:2, 97:2 imperative [3] - 28:23, 52:10, 96:12 impervious [2] - 29:25, 95:13 implications [3] - 23:14, 62:16, 103:8 implore [5] - 19:10, 67:6, 75:2, 101:13, 101:22 importance [4] - 48:20, 70:25, 71:16, 123:15 important [12] - 13:13, 36:13, 39:18, 47:18, 48:23, 52:1, 60:12, 76:8, 90:7, 121:5, 139:20, 139:23 impossible [2] - 85:10, 106:1 impressed [1] - 64:25 improve [1] - 104:25 improvement [3] - 21:13, 102:20, 133:5 improvements [1] - 43:11 improving [1] - 31:7 inability [3] - 54:22, 56:11, 96:5 inadequate [3] - 61:18, 81:24, 120:5 Inc [4] - 4:2, 126:2, 126:15, 126:23 INC [1] - 1:5 inch [3] - 91:21, 142:5, 142:17 incidences [2] - 17:2, 27:2 incident [3] - 26:6, 26:16, 105:16 incidents [1] - 17:21 include [5] - 29:7, 30:9, 122:10, 132:14, 145:22 included [2] - 30:13, 100:13 includes [2] - 30:2,	76:19 including [5] - 61:13, 62:2, 95:13, 124:5, 124:12 inclusionary [2] - 4:4, 29:12 income [8] - 33:20, 59:6, 85:14, 85:16, 85:17, 85:18, 92:24, 105:21 incomplete [2] - 135:22, 137:13 inconvenience [1] - 23:23 inconvenient [1] - 116:18 incorporate [2] - 72:15, 80:13 incorporated [1] - 100:2 increase [10] - 23:9, 23:20, 33:8, 43:5, 43:10, 43:13, 81:9, 98:6, 139:25, 140:10 increased [5] - 21:3, 24:12, 30:11, 43:3, 74:11 increases [5] - 26:25, 30:1, 83:10, 93:15, 119:3 increasing [6] - 17:3, 42:19, 43:10, 72:17, 99:25, 113:2 incredibly [1] - 64:24 indeed [2] - 76:15, 102:6 indefensible [1] - 83:25 independent [1] - 56:15 Indian [1] - 52:2 indicated [1] - 145:7 indicted [1] - 70:5 individual [2] - 46:22, 79:9 individually [2] - 65:15, 121:25 individuals [2] - 18:16, 121:24 induced [1] - 18:11 inevitably [1] - 104:14 Infantry [1] - 45:17 infectious [1] - 125:21 infill [1] - 55:4 infiltrate [1] - 29:23 infinitum [1] - 130:23 influential [1] - 14:14 influx [1] - 30:18
--	---	---	--	--

inform [1] - 118:1 information [6] - 12:21, 16:23, 44:1, 132:8, 133:15, 143:17 infrastructure [6] - 15:8, 20:23, 24:20, 42:10, 43:7, 55:25 Inglesino [1] - 123:1 ingress [1] - 15:2 inline [1] - 131:21 input [2] - 57:24, 84:4 insane [1] - 140:16 insect [1] - 93:12 insects [3] - 40:7, 60:19, 63:7 inservice [1] - 19:6 insist [1] - 56:15 inspections [1] - 62:7 inspirational [1] - 34:16 inspiring [1] - 73:25 instability [1] - 82:17 Instacart [1] - 21:5 instance [1] - 89:10 instead [3] - 72:22, 97:7, 119:10 INSTRUCTIONS [1] - 145:5 intact [4] - 55:5, 86:15, 86:25, 130:20 integral [2] - 31:12, 102:23 integrates [1] - 122:22 intend [2] - 57:12, 59:8 intended [1] - 126:11 intensify [1] - 27:1 intent [1] - 135:10 interaction [2] - 121:10, 121:15 intercept [1] - 46:23 interest [6] - 22:8, 55:2, 76:18, 117:23, 118:7, 141:16 interested [3] - 103:6, 118:3, 144:13 interests [1] - 74:24 interfere [1] - 24:13 internal [2] - 42:8, 42:9 internet [1] - 104:24 interrupt [1] - 4:17 interrupted [3] - 19:20, 127:3, 127:15 interrupting [1] - 86:11 intersection [3] -	90:12, 90:16, 102:19 intervened [1] - 126:15 intimidated [1] - 114:17 intricate [1] - 40:6 introduce [2] - 60:20, 125:15 introducing [1] - 102:18 investing [1] - 96:25 investment [2] - 42:9, 43:6 involve [1] - 33:5 involved [7] - 17:4, 17:7, 64:13, 104:6, 116:8, 138:5, 139:12 Inwood [1] - 111:6 Irene [1] - 122:5 ironic [1] - 44:18 irregularly [1] - 65:11 irreparable [2] - 96:19, 134:13 irreplaceable [3] - 24:22, 31:6, 98:6 irreversible [1] - 63:16 island [1] - 60:14 isolated [2] - 29:2, 61:5 isolation [1] - 55:23 issue [11] - 16:17, 23:23, 82:9, 102:10, 102:18, 104:6, 104:7, 105:24, 109:5, 139:19, 140:8 issues [22] - 12:12, 16:11, 20:11, 21:15, 26:12, 57:14, 65:10, 65:12, 68:20, 68:22, 69:2, 69:13, 81:24, 89:5, 89:7, 95:9, 102:7, 102:21, 116:4, 116:19, 121:9, 138:6 itself [3] - 35:25, 42:20, 145:6	66:15 jeopardizing [1] - 91:13 jeopardy [2] - 18:10, 69:5 JERRY [1] - 1:7 Jersey [55] - 16:19, 17:21, 28:8, 31:9, 33:2, 33:11, 36:16, 40:13, 40:14, 40:17, 42:24, 42:25, 44:21, 44:24, 45:16, 48:8, 48:25, 49:6, 49:12, 50:10, 50:25, 51:20, 53:1, 53:14, 59:17, 60:1, 60:21, 61:12, 63:18, 71:2, 71:4, 72:7, 72:18, 76:14, 77:4, 77:18, 78:4, 82:25, 84:16, 85:22, 92:8, 92:18, 93:7, 100:25, 112:6, 117:5, 118:5, 122:22, 139:16, 139:24, 140:3, 140:10, 141:7, 142:2, 144:4 JERSEY [4] - 1:24, 2:4, 2:8, 2:11 Jersey's [2] - 33:19, 51:10 jetting [1] - 99:12 job [3] - 18:19, 135:10, 138:13 jobs [2] - 45:13, 83:12 Joe [1] - 35:12 JOHN [2] - 1:8, 1:12 John [2] - 66:8, 125:8 Johnathan [2] - 106:14, 134:22 joined [1] - 38:9 joint [3] - 9:20, 80:11, 98:14 JORDAN [1] - 1:10 Joseph [2] - 73:1, 129:22 judgement [1] - 103:7 judgment [1] - 134:17 Judith [1] - 38:13 Julia [1] - 70:14 Juliana [3] - 28:4, 28:15, 32:8 July [2] - 66:9, 78:12 June [2] - 66:8, 131:24 justice [1] - 92:16 justification [3] -	18:21, 36:21, 37:2 justifications [1] - 36:21 justified [1] - 83:18	K Kai [1] - 36:3 Kansas [1] - 51:1 KAPFERER [1] - 1:9 keep [10] - 36:19, 36:20, 36:23, 37:1, 37:11, 42:13, 73:13, 119:2, 143:4, 143:5 keeps [1] - 126:4 Kehlmann [1] - 94:3 Keith [1] - 122:25 KEN [1] - 1:8 key [1] - 47:2 kid [1] - 129:13 kids [9] - 17:21, 18:6, 43:24, 114:5, 114:6, 114:9, 114:10, 130:8, 130:11 kill [1] - 119:9 killing [2] - 105:10, 119:14 kind [7] - 11:14, 56:13, 66:1, 87:17, 115:23, 122:19, 135:9 kingdom [1] - 39:21 Kinzel [1] - 117:5 Klein [2] - 100:18, 101:5 kleinberg [1] - 115:16 kleinberg's [1] - 116:1 knowing [1] - 139:11 knowingly [1] - 91:23 knowledge [2] - 104:24, 121:9 known [7] - 7:20, 52:25, 71:21, 88:23, 101:17, 123:25, 138:12 knows [4] - 11:4, 69:13, 131:15, 142:2 Kristine [1] - 34:20 Kuhlmann [1] - 94:13 Kuzik [2] - 21:1, 132:23	L L-O-U-G-H-L-I-N- law [1] - 123:1 lab [1] - 12:13	lack [4] - 58:11, 58:16, 82:9, 83:8 ladies [1] - 9:5 Lady [1] - 111:12 laid [1] - 142:16 land [37] - 14:9, 14:15, 14:16, 22:3, 23:2, 25:6, 31:1, 31:3, 31:8, 33:11, 34:14, 35:2, 36:10, 40:19, 42:13, 51:3, 52:2, 55:5, 55:14, 56:19, 58:25, 62:14, 62:20, 68:16, 71:5, 71:15, 72:21, 72:23, 74:15, 86:9, 86:23, 91:19, 98:4, 103:9, 119:10, 128:21 Land [1] - 41:12 lands [2] - 49:14, 51:18 landscape [2] - 51:25, 54:25 landscapers [1] - 34:8 landscapes [1] - 51:23 landscaping [1] - 30:3 landslide [1] - 21:21 landslides [1] - 89:20 Lane [3] - 28:7, 31:25, 117:5 language [1] - 50:19 Lapis [1] - 45:5 large [6] - 42:14, 42:22, 47:17, 69:8, 111:20, 136:2 largest [2] - 94:16, 106:8 last [27] - 5:6, 5:17, 7:5, 7:16, 8:1, 8:22, 9:19, 12:8, 19:25, 41:10, 53:25, 60:7, 64:4, 69:13, 71:13, 73:18, 74:7, 80:10, 87:10, 91:22, 95:7, 97:21, 130:19, 130:25, 132:13, 136:14 lasted [1] - 99:6 lastly [1] - 91:8 late [5] - 89:8, 104:19, 109:13, 122:16 latest [1] - 49:21 laughable [1] - 104:21 Laurel [4] - 12:7,
--	---	---	--	---	--	---

59:7, 110:14, 113:12 law [6] - 26:12, 50:25, 67:3, 71:7, 123:1 laws [1] - 141:20 lawsuit [2] - 107:14, 126:13 lawyer [1] - 113:9 lawyers [1] - 123:4 lax [1] - 100:6 layer [1] - 128:18 layout [1] - 108:8 leaders [1] - 96:20 leadership [1] - 55:1 league [1] - 98:15 leaning [1] - 47:6 learn [2] - 74:4, 104:25 learned [2] - 39:22, 116:20 learns [1] - 113:23 least [4] - 27:9, 53:12, 107:6, 110:19 leave [4] - 26:7, 62:8, 69:4, 102:24 leaves [1] - 83:10 led [3] - 18:25, 74:12, 92:17 left [6] - 49:6, 101:23, 102:16, 104:8, 129:8, 130:8 legacy [2] - 106:8, 106:11 legal [8] - 18:17, 18:21, 83:24, 114:1, 114:18, 114:19, 119:1, 134:3 legally [1] - 139:10 legitimate [1] - 124:1 Lenape [2] - 50:9, 53:17 length [1] - 84:2 Lenox [1] - 38:15 Leon [2] - 125:19 Leopold [1] - 41:12 less [6] - 42:15, 63:3, 104:10, 115:17, 124:7 lethal [1] - 53:6 letter [2] - 7:3, 28:19 letters [1] - 114:19 letting [2] - 48:1, 128:5 level [1] - 98:24 levels [2] - 105:21, 139:25 library [1] - 102:8 licensed [1] - 16:19 Life [2] - 40:2 life [20] - 14:8, 20:23, 21:15, 23:1, 24:8,	44:5, 54:19, 59:3, 63:9, 63:11, 68:19, 77:10, 82:14, 89:9, 91:14, 101:25, 105:21, 106:22, 139:21, 141:19 lifestyle [1] - 44:19 light [8] - 69:5, 69:7, 90:10, 91:13, 102:15, 103:1, 129:10, 138:25 lights [1] - 110:17 likelihood [1] - 15:17 likely [3] - 29:24, 43:5, 98:15 likewise [1] - 72:12 limited [7] - 12:1, 26:1, 61:5, 62:3, 81:3, 83:11, 95:24 line [19] - 6:16, 11:17, 29:8, 37:9, 65:14, 65:17, 89:22, 96:1, 96:2, 99:11, 99:12, 99:15, 103:24, 104:4, 108:6, 128:13, 132:11, 132:23, 136:3 Line [1] - 145:9 lines [4] - 74:3, 82:4, 82:12, 145:7 Lisa [1] - 22:13 list [1] - 58:11 listen [6] - 5:11, 15:17, 106:5, 122:19, 137:7, 138:1 listened [4] - 41:20, 76:5, 76:7, 90:22 listening [9] - 5:25, 6:1, 22:4, 27:23, 35:20, 59:10, 84:7, 135:12, 135:13 literal [1] - 109:18 literally [5] - 74:9, 82:19, 107:2, 108:9, 116:22 litigating [1] - 108:25 litigation [7] - 56:6, 126:2, 126:17, 136:19, 136:21, 136:25, 137:3 litigator [1] - 108:25 Litwornia [1] - 101:14 live [41] - 13:1, 14:2, 19:23, 20:2, 25:5, 25:20, 44:24, 54:19, 58:4, 61:25, 63:8, 64:11, 66:16, 66:17, 67:11, 67:12, 73:21, 77:6, 79:19, 84:15, 86:2, 86:3, 86:14, 87:12, 87:13, 103:17,	103:23, 104:17, 105:4, 106:25, 112:18, 113:3, 115:3, 117:4, 120:23, 125:3, 135:14, 136:23, 139:21 lived [4] - 16:8, 19:24, 46:9, 138:4 lives [5] - 31:11, 89:9, 117:11, 120:10, 120:13 living [12] - 39:10, 39:13, 39:24, 46:9, 52:14, 58:20, 63:15, 79:21, 92:25, 96:15, 112:11, 122:10 Livingston [2] - 61:14, 110:12 load [1] - 43:11 local [20] - 16:14, 16:18, 16:20, 17:19, 17:23, 19:7, 31:12, 55:18, 60:17, 60:19, 60:21, 67:3, 69:20, 74:20, 89:12, 94:18, 97:5, 112:4, 112:12 Local [1] - 142:15 located [4] - 86:6, 98:19, 119:6, 119:14 location [7] - 47:14, 56:6, 86:7, 97:7, 102:22, 118:22, 119:24 locations [1] - 16:8 lock [1] - 80:22 lock-in [1] - 80:22 logic [2] - 36:6, 36:15 logically [1] - 36:22 long-term [3] - 25:1, 44:23, 55:1 look [25] - 11:9, 37:10, 44:15, 58:5, 66:6, 66:25, 67:19, 75:5, 79:23, 85:21, 103:9, 108:2, 108:4, 108:7, 108:13, 109:17, 116:9, 116:14, 120:25, 121:20, 122:2, 143:6 looked [4] - 58:13, 74:21, 78:16, 127:22 looking [3] - 54:9, 86:18, 87:16 looks [2] - 12:3, 85:2 Lorax [3] - 39:7, 41:20 LORI [1] - 1:9 lose [3] - 56:8, 74:13 loser [1] - 139:10	loses [1] - 133:22 losing [2] - 46:15, 120:12 loss [3] - 23:13, 40:17, 141:18 lost [3] - 55:7, 74:15, 74:18 loud [1] - 65:7 loudly [2] - 4:16, 4:18 Loughlin [1] - 122:25 love [1] - 75:6 loved [1] - 63:4 lovely [1] - 120:23 low [6] - 46:25, 59:6, 85:14, 85:16, 85:17, 92:24 lower [2] - 12:4, 23:6 Luisa [1] - 13:1 lush [2] - 73:24, 118:12	76:6, 97:11 map [1] - 85:21 Maplewood [2] - 35:13, 61:14 mapped [2] - 49:11, 108:8 March [2] - 25:22, 99:3 Margaret [1] - 53:4 margins [1] - 25:4 mark [1] - 145:6 Mark [1] - 126:23 markers [1] - 51:4 massaging [1] - 84:9 massive [1] - 82:18 Master [1] - 118:16 master's [2] - 45:24, 46:2 material [1] - 81:19 materials [1] - 62:2 math [2] - 17:22, 131:12 matter [7] - 17:10, 61:23, 77:5, 77:6, 87:7, 87:18, 139:7 matters [1] - 24:11 mature [4] - 23:3, 46:22, 71:13, 119:3 Mature [1] - 31:5 Maxine [1] - 68:5 Mayor [8] - 1:7, 45:3, 55:8, 70:5, 77:14, 117:25, 119:1 Mayoress [1] - 111:12 McCartney [2] - 1:7, 45:3 McElroy [1] - 77:14 McGlynn [1] - 45:4 McGOVERN [100] - 2:7, 6:10, 6:15, 6:21, 7:2, 7:8, 7:15, 7:21, 8:7, 8:11, 8:21, 9:1, 9:15, 10:3, 10:12, 10:19, 10:21, 13:2, 13:6, 16:1, 16:5, 19:16, 19:20, 22:15, 22:19, 25:14, 25:18, 28:5, 28:9, 28:11, 32:2, 32:6, 35:14, 38:14, 38:17, 38:21, 42:2, 42:4, 45:6, 45:10, 48:10, 48:13, 48:16, 50:12, 53:25, 54:2, 54:4, 54:7, 57:1, 57:5, 59:15, 59:18, 64:5, 64:14, 68:7, 68:11, 70:16, 70:19, 70:23, 73:2, 73:4, 73:6, 73:8, 73:12,
---	---	--	---	--

75:21, 77:16, 77:19, 77:23, 80:9, 80:18, 84:17, 84:21, 88:7, 88:10, 92:6, 92:9, 92:13, 94:4, 94:6, 94:10, 97:21, 97:23, 100:20, 101:1, 106:17, 106:21, 111:7, 111:11, 115:4, 117:6, 120:18, 123:3, 123:7, 124:19, 125:10, 129:24, 130:3, 134:23, 135:1, 137:20
mean [5] - 4:8, 7:9, 51:6, 107:21, 116:22
meaningful [2] - 21:12, 62:4
meaningfully [2] - 27:20, 55:7
means [7] - 17:23, 23:16, 24:19, 89:14, 93:22, 96:25, 113:20
meant [1] - 119:6
measures [1] - 56:17
mechanisms [2] - 22:1, 29:7
medical [7] - 23:25, 24:15, 26:12, 26:14, 101:18, 118:11, 118:18
medium [1] - 47:5
meet [5] - 29:20, 55:13, 71:23, 72:24, 102:19
meeting [27] - 5:7, 5:9, 7:6, 7:16, 8:1, 20:4, 55:8, 55:10, 55:11, 56:20, 64:4, 64:7, 67:2, 73:14, 76:2, 99:19, 102:8, 117:25, 121:3, 121:15, 121:24, 129:15, 129:16, 143:19
meetings [15] - 7:16, 8:18, 20:14, 31:3, 57:9, 66:24, 78:3, 84:23, 85:6, 90:21, 111:14, 112:24, 124:25, 127:3, 127:5
member [6] - 9:11, 28:17, 32:10, 59:24, 83:21, 123:25
members [12] - 14:1, 19:4, 22:20, 39:20, 45:4, 72:5, 79:23, 97:3, 97:14, 111:13, 114:12, 126:18
MEMBERS [1] - 1:6

memorialize [1] - 53:11
mention [2] - 52:21, 57:14
mentioned [3] - 47:9, 76:11, 79:7
mentions [1] - 78:24
mess [1] - 116:23
message [3] - 34:13, 34:24, 65:2
met [2] - 105:12, 128:24
metal [1] - 118:19
metals [3] - 30:5, 34:9, 81:18
meteorology [2] - 46:1, 46:2
metric [2] - 39:16, 61:1
metrologic [1] - 45:23
Mews [2] - 28:7, 31:25
Meyerowitz [1] - 88:5
MEYEROWITZ [1] - 88:6
Michael [2] - 45:4, 137:18
micro [1] - 122:5
microphone [4] - 4:15, 4:16, 6:11, 10:12
microplastic [2] - 30:4, 34:8
mid [1] - 49:2
might [6] - 12:9, 17:16, 18:22, 19:5, 87:11, 138:7
mile [1] - 40:16
miles [2] - 49:4, 119:21
Millburn [1] - 61:14
milling [1] - 122:15
million [5] - 34:21, 71:25, 142:7, 142:8, 142:10
mind [3] - 15:10, 73:13, 118:18
mindful [1] - 135:18
mindfulness [1] - 118:19
mine [3] - 74:25, 76:1, 104:11
minerals [1] - 43:11
mines [1] - 48:24
minimize [1] - 43:2
minimum [3] - 21:23, 62:5, 86:16
minimus [1] - 133:2

minute [4] - 24:11, 64:19, 75:9, 127:12
minutes [14] - 4:12, 4:13, 4:14, 5:13, 9:14, 10:3, 24:9, 29:23, 66:23, 67:2, 99:19, 133:21, 135:21
Misarti [1] - 8:20
misinformed [1] - 118:2
miss [2] - 63:6, 63:7
missed [1] - 111:15
misses [1] - 27:15
missing [1] - 120:4
misunderstanding [1] - 9:22
mitigate [2] - 60:14, 109:21
mixed [2] - 33:20, 55:15
modeling [1] - 132:7
moderate [3] - 46:24, 109:16, 109:19
modern [1] - 19:1
modified [1] - 43:2
money [9] - 79:20, 80:1, 87:7, 87:20, 87:21, 87:23, 116:1, 116:3, 116:6
monitoring [1] - 103:23
Montgomery [1] - 84:15
month [1] - 63:3
months [2] - 6:20, 136:15
moot [1] - 140:19
moral [1] - 141:6
morale [1] - 143:11
morally [1] - 143:9
moreover [1] - 119:16
morning [2] - 100:25, 129:9
Morristown [3] - 42:1, 42:3, 43:17
MORRISTOWN [1] - 1:24
most [11] - 16:10, 29:9, 50:1, 61:16, 71:12, 86:23, 90:11, 102:2, 130:15, 130:17, 130:18
mostly [2] - 48:25, 66:11
mother [2] - 24:10, 26:12
mother-in-law [1] - 26:12
mothers [1] - 54:18

Mount [2] - 59:7, 113:12
mountain [14] - 17:8, 52:7, 52:8, 58:4, 58:15, 58:24, 69:3, 93:14, 93:15, 118:4, 121:21, 133:11, 133:12
Mountain [10] - 34:3, 44:3, 44:8, 44:14, 50:21, 53:3, 57:7, 74:7, 93:24, 122:14
Mountains [3] - 50:22, 92:21, 93:10
mouth [1] - 10:13
move [5] - 6:8, 91:1, 121:17, 135:18, 136:9
moved [12] - 25:22, 43:22, 45:11, 70:4, 70:6, 85:20, 85:21, 87:14, 131:17, 131:18, 131:19, 139:24
movement [1] - 22:3
moves [1] - 80:22
moving [5] - 21:9, 58:17, 82:22, 90:24, 91:12
MR [16] - 4:24, 5:3, 5:6, 5:10, 5:16, 5:20, 6:1, 6:4, 6:13, 6:18, 6:25, 7:7, 7:14, 7:17, 8:17, 64:4
MS [98] - 6:10, 6:15, 6:21, 7:2, 7:8, 7:15, 7:21, 8:7, 8:11, 8:21, 9:1, 9:15, 10:3, 10:12, 10:19, 10:21, 13:2, 13:6, 16:1, 16:5, 19:16, 19:20, 22:15, 22:19, 25:14, 25:18, 28:5, 28:9, 28:11, 32:2, 32:6, 35:14, 38:14, 38:17, 38:21, 42:2, 42:4, 45:6, 45:10, 48:10, 48:13, 48:16, 50:12, 53:25, 54:2, 54:4, 54:7, 57:1, 57:5, 59:15, 59:18, 64:5, 64:14, 68:7, 68:11, 70:16, 70:19, 70:23, 73:2, 73:4, 73:6, 73:8, 73:12, 75:21, 77:16, 77:19, 77:23, 80:9, 80:18, 84:17, 84:21, 88:7, 88:10, 92:6, 92:9, 92:13, 94:4, 94:6, 94:10, 97:21, 97:23, 100:20, 101:1,

106:17, 106:21, 111:7, 111:11, 115:4, 117:6, 120:18, 123:3, 124:19, 125:10, 129:24, 130:3, 134:23, 135:1, 137:20
multifamily [2] - 4:4, 72:20
multiple [8] - 20:14, 21:7, 30:20, 81:4, 103:3, 107:4, 107:9, 120:13
multitude [1] - 57:10
municipal [3] - 55:19, 96:20, 136:21
municipalities [6] - 61:13, 71:4, 71:22, 72:2, 78:14, 96:9
Munsee [1] - 52:24
must [8] - 20:9, 20:21, 57:20, 89:12, 91:18, 91:20, 106:6, 116:25
mycelium [2] - 52:15, 86:17

N

N-A-L-I-I-E-T-H [1] - 73:3
nails [1] - 54:9
NALIA [1] - 73:2
Nalieth [1] - 73:1
name [56] - 4:21, 7:23, 12:25, 15:22, 19:13, 19:15, 22:11, 22:13, 25:11, 25:19, 28:2, 28:15, 31:23, 32:7, 35:11, 36:2, 38:12, 39:25, 41:23, 45:1, 45:4, 48:4, 48:6, 49:10, 50:7, 50:8, 53:25, 55:12, 56:23, 56:24, 59:13, 59:21, 70:12, 75:18, 80:3, 84:14, 88:3, 92:2, 94:2, 94:13, 97:18, 97:21, 100:17, 106:13, 110:5, 111:4, 115:2, 117:2, 117:4, 120:15, 124:15, 125:6, 125:19, 129:20, 134:20, 137:17
named [1] - 51:11
namely [1] - 93:1
names [1] - 65:15
nancy [1] - 88:5
Narraganset [1] - 51:12

narrow [3] - 82:4, 103:3, 116:5 nation [1] - 94:16 Nation [3] - 50:9, 51:13, 53:17 national [1] - 34:22 native [1] - 60:19 natural [10] - 23:7, 24:22, 36:20, 37:1, 48:21, 60:25, 72:21, 93:8, 93:20, 96:25 naturally [1] - 50:2 nature [9] - 40:22, 41:1, 41:2, 41:6, 41:7, 41:8, 44:4, 63:4, 63:23 Nature [1] - 37:4 ne [1] - 127:23 near [4] - 27:14, 63:15, 81:21, 90:2 nearby [3] - 20:2, 66:18, 67:12 nearly [2] - 26:7, 94:23 necessarily [1] - 24:23 necessary [4] - 62:1, 69:6, 83:19, 91:2 necks [1] - 107:16 need [33] - 21:9, 24:19, 27:13, 28:22, 31:16, 32:16, 32:20, 32:21, 32:23, 33:23, 36:7, 40:12, 57:24, 63:19, 63:23, 67:8, 76:3, 76:7, 76:16, 76:17, 85:14, 91:17, 91:19, 103:22, 104:13, 105:23, 119:20, 125:1, 126:7, 126:8, 128:15, 129:14, 142:9 needed [1] - 134:13 needs [8] - 32:25, 43:2, 62:23, 72:24, 97:6, 97:7, 100:2 negative [2] - 124:4, 139:9 negatively [4] - 16:22, 18:3, 18:14, 34:4 neighbor [3] - 76:1, 117:11, 125:14 neighbor's [1] - 104:5 neighborhood [7] - 21:23, 22:8, 26:10, 46:13, 120:23, 124:1, 129:5 neighborhoods [5] -	44:9, 47:17, 68:19, 74:23, 81:3 neighboring [11] - 15:14, 17:20, 29:16, 55:21, 80:24, 83:20, 96:8, 135:14, 136:5, 136:25, 137:9 neighbors [21] - 19:9, 26:23, 34:25, 47:16, 55:23, 67:11, 79:24, 79:25, 93:12, 95:10, 104:12, 105:20, 106:6, 108:12, 109:16, 125:17, 129:18, 135:13, 136:16, 137:8, 143:6 neighbors' [1] - 105:2 Neo [1] - 51:13 Nestro [1] - 105:19 Network [2] - 59:24, 92:17 network [5] - 40:6, 40:8, 40:10, 142:22 networks [1] - 86:17 never [9] - 14:13, 49:14, 58:10, 83:25, 87:1, 103:2, 113:6, 118:14, 118:15 nevertheless [1] - 84:10 NEW [4] - 1:24, 2:4, 2:8, 2:11 New [58] - 16:19, 17:20, 28:7, 31:9, 32:12, 33:2, 33:10, 33:18, 36:16, 40:13, 40:17, 42:24, 42:25, 44:23, 45:16, 48:7, 48:24, 49:6, 49:12, 50:10, 50:25, 51:10, 51:20, 53:1, 53:13, 59:17, 60:1, 60:20, 61:12, 63:18, 71:3, 72:7, 72:18, 76:14, 77:3, 77:18, 78:4, 82:25, 84:16, 85:22, 92:8, 92:18, 93:7, 100:25, 112:6, 117:5, 118:4, 118:5, 122:22, 139:16, 139:24, 140:3, 140:10, 141:6, 142:2, 144:4 new [24] - 6:16, 7:9, 20:14, 21:12, 44:21, 46:13, 47:14, 51:10, 55:5, 57:18, 58:23, 59:8, 64:6, 71:7, 71:20, 72:18, 99:16,	102:9, 102:24, 107:8, 133:24, 136:9, 140:20, 141:12 Newark [1] - 142:15 news [1] - 40:7 next [8] - 11:18, 12:2, 75:4, 91:12, 103:23, 108:11, 143:18 night [4] - 73:18, 102:13, 102:14, 124:24 nights [1] - 20:2 nimbyism [1] - 107:4 NIMBYS [1] - 105:22 nine [3] - 14:22, 26:7, 125:18 nitrogen [1] - 17:6 NJ [2] - 2:12, 81:17 NJDEP [3] - 29:20, 81:16, 124:7 nobody [5] - 9:7, 67:24, 86:25, 134:4, 134:6 noise [2] - 26:25, 91:14 non [1] - 94:16 nonasthmatic [1] - 18:5 none [6] - 29:1, 66:2, 86:2, 87:4, 87:13, 93:22 nonstop [1] - 110:12 normal [1] - 138:19 normalcy [1] - 138:25 normally [2] - 34:7, 139:4 NORTH [1] - 1:23 north [3] - 46:18, 86:8, 130:18 North [1] - 34:20 northern [3] - 48:24, 49:6, 49:12 northwest [1] - 4:5 notably [1] - 61:16 Notary [1] - 144:4 note [6] - 8:3, 30:24, 46:8, 59:5, 122:16, 145:6 noted [2] - 15:15, 145:23 notes [1] - 135:6 nothing [54] - 8:17, 10:1, 13:3, 16:2, 19:17, 22:16, 25:15, 28:12, 32:3, 35:15, 38:18, 42:5, 44:10, 45:7, 48:14, 50:13, 54:5, 57:2, 57:18,	58:21, 59:6, 59:19, 62:16, 62:19, 63:5, 64:15, 68:8, 70:20, 73:9, 75:22, 77:24, 80:16, 84:18, 88:8, 92:10, 94:7, 97:25, 101:2, 103:11, 105:7, 106:18, 107:12, 108:24, 111:8, 115:5, 117:7, 120:19, 124:20, 125:11, 129:25, 134:10, 134:17, 135:2, 137:21 notice [3] - 24:10, 129:23, 143:20 notion [1] - 15:6 November [3] - 99:3, 99:19, 125:25 nowhere [3] - 60:21, 89:5, 143:9 null [1] - 141:21 number [22] - 11:13, 13:17, 13:21, 13:25, 14:5, 14:12, 14:15, 14:18, 14:22, 15:5, 40:14, 40:15, 50:21, 53:3, 53:6, 72:13, 79:7, 111:14, 131:9, 142:4 Number [1] - 14:9 numbers [1] - 18:14 numerous [2] - 69:20, 77:1 Nursery [1] - 98:21 nutrient [1] - 95:11	O oasis [1] - 119:11 OB [1] - 24:5 object [1] - 128:3 objecting [1] - 128:3 Objector [1] - 2:11 obligations [3] - 55:11, 55:13, 56:20 observed [2] - 46:4, 64:23 obsess [1] - 115:24 obsolete [1] - 33:19 obstacles [1] - 24:14 obstruction [1] - 99:10 obviously [3] - 34:1, 112:5, 112:24 occur [7] - 15:16, 55:22, 69:14, 69:15, 89:8, 134:14, 141:19 occurred [1] - 120:9 October [1] - 125:16 OF [2] - 1:1, 1:1	Ofarrell [1] - 80:4 OFARRELL [1] - 80:5 off-site [2] - 69:15, 102:20 offense [1] - 31:6 offensive [1] - 105:8 offer [1] - 21:7 offering [1] - 93:1 office [2] - 33:14, 33:19 officer [2] - 45:14, 45:17 official [1] - 28:19 Official [1] - 1:11 officials [1] - 74:20 often [4] - 27:10, 40:25, 46:14, 103:24 oils [1] - 81:18 old [27] - 26:11, 31:5, 33:10, 33:22, 34:2, 35:6, 35:22, 41:19, 42:14, 54:12, 63:19, 86:25, 87:5, 87:6, 87:8, 87:9, 87:13, 102:8, 105:15, 129:5, 129:12, 129:13, 131:21, 140:2, 141:9, 141:13 older [2] - 54:14, 124:7 oldest [1] - 94:15 on-site [1] - 61:18 once [15] - 4:11, 23:4, 25:2, 25:3, 25:4, 55:7, 56:2, 65:17, 83:25, 87:25, 95:23, 102:23, 104:19, 119:5, 134:13 ONE [1] - 2:7 one [97] - 4:9, 4:22, 8:17, 9:9, 11:1, 11:6, 11:9, 11:18, 13:17, 14:20, 15:2, 18:25, 20:24, 20:25, 21:25, 23:15, 26:15, 30:19, 34:2, 34:20, 36:8, 36:16, 40:14, 40:15, 41:2, 41:10, 43:9, 44:13, 44:19, 46:22, 47:10, 49:3, 49:4, 50:21, 52:17, 53:4, 53:6, 55:18, 58:2, 58:20, 61:6, 61:24, 63:6, 64:19, 65:10, 65:12, 65:21, 67:18, 69:13, 71:3, 71:13, 71:25, 77:1, 79:10, 80:7, 84:5, 86:5, 86:13, 86:15, 87:5,
---	---	---	---	--	---

87:6, 87:25, 89:23,
90:10, 90:17, 94:15,
96:18, 99:1, 102:7,
102:19, 103:6,
104:22, 105:12,
106:9, 109:3, 110:8,
111:21, 112:1,
112:13, 115:13,
115:17, 116:6,
125:17, 125:21,
130:7, 131:7, 131:14,
131:15, 132:3,
134:11, 137:3, 140:21
ones [1] - 51:7
oneself [1] - 14:20
open [11] - 7:4,
12:17, 14:20, 40:19,
56:16, 58:2, 71:6,
72:14, 91:9, 118:17,
118:22
open-ended [1] -
14:20
operating [1] -
132:20
opinion [6] - 28:21,
47:19, 52:11, 118:13,
139:14
opinions [1] - 80:13
opportunities [1] -
63:17
opportunity [12] -
13:7, 13:19, 16:7,
22:21, 31:19, 36:12,
62:19, 94:11, 97:16,
121:17, 123:10, 129:6
oppose [6] - 22:23,
60:3, 63:13, 69:21,
71:1, 72:17
opposed [1] - 94:21
opposite [2] - 109:5,
109:6
opposition [3] -
57:6, 94:18, 141:2
OPRA [4] - 5:6, 6:6,
132:4, 134:4
option [1] - 67:25
options [2] - 47:24,
100:13
OR [1] - 145:8
ORANGE [2] - 1:1,
2:8
Orange [110] - 4:6,
15:16, 16:8, 16:20,
17:19, 19:22, 22:8,
24:6, 24:7, 25:13,
25:22, 28:7, 28:9,
28:16, 28:18, 29:10,
29:17, 32:1, 32:8,
32:9, 32:17, 33:17,
35:2, 36:14, 38:15,

38:16, 43:12, 43:22,
44:8, 44:10, 44:15,
45:5, 46:9, 56:25,
57:21, 58:22, 61:14,
61:15, 68:6, 68:13,
69:18, 70:6, 70:18,
71:17, 73:6, 73:19,
74:1, 74:15, 74:18,
75:3, 75:4, 75:20,
76:14, 76:25, 77:3,
78:16, 78:24, 79:24,
80:23, 80:25, 83:6,
83:20, 84:16, 86:3,
86:24, 87:23, 88:6,
91:1, 91:21, 92:20,
93:2, 96:8, 96:13,
97:4, 97:20, 98:18,
99:18, 101:25, 102:4,
106:10, 106:16,
106:22, 106:25,
110:5, 117:5, 117:24,
118:16, 119:13,
120:17, 120:22,
121:23, 124:18,
126:14, 128:10,
128:11, 129:2,
129:19, 130:15,
130:24, 133:22,
134:25, 136:4,
137:19, 138:14,
138:16, 141:4,
141:15, 141:20
Oranges [1] - 93:3
Order [1] - 51:19
order [3] - 5:12,
78:20, 107:16
ordinance [8] -
29:13, 67:3, 74:10,
118:25, 126:12,
128:4, 128:10, 134:12
ordinances [1] -
91:23
organizer [1] - 94:14
original [5] - 21:19,
53:14, 72:10, 88:11,
131:17
originally [2] -
123:17, 131:20
otherwise [2] - 7:12,
128:7
ought [2] - 65:2,
67:13
ourselves [1] - 101:8
outcrops [1] - 105:6
outdoor [1] - 18:9
outline [1] - 62:4
outlined [2] - 61:7,
66:9
outright [1] - 110:21
outside [4] - 49:19,

63:13, 74:24, 102:22
Oval [14] - 21:1, 26:9,
26:19, 26:22, 26:24,
27:4, 27:9, 68:20,
69:6, 69:7, 81:25,
102:15, 103:13,
129:10
overabundance [1] -
84:4
overall [1] - 12:16
overcrowded [1] -
112:21
overdevelopment
[2] - 74:2, 121:5
overflow [2] - 21:7,
99:8
overflows [1] - 99:13
overgrowth [1] -
60:7
overlook [2] - 86:1
overview [3] - 25:21,
138:2, 138:7
overwhelm [1] -
61:19
overwhelmed [1] -
25:3
owl [1] - 47:20
own [10] - 17:1,
63:24, 66:8, 67:3,
67:21, 72:6, 76:18,
77:17, 80:14, 93:21
owned [4] - 36:10,
71:9, 104:7, 118:22
owner [5] - 78:11,
78:20, 79:11, 83:25,
84:6
owners [6] - 13:25,
14:4, 34:13, 71:5,
83:24, 88:11
ownership [2] -
14:15, 51:17
oxygen [3] - 18:2,
39:13, 39:14
ozone [1] - 17:6

P

P.M [1] - 1:4
page [4] - 44:16,
66:11, 145:6
Page [2] - 99:18,
145:9
PAGE [1] - 3:4
PAGE/ERRATA [1] -
145:1
pages [1] - 66:7
paid [1] - 69:17
pain [2] - 52:18,
53:11
paint [1] - 105:22

pajamas [1] - 75:1
Pannullo [2] - 115:2,
129:22
pannullo [1] - 6:10
PANNULLO [14] -
4:24, 5:3, 5:6, 5:10,
5:16, 5:20, 6:1, 6:4,
6:13, 6:18, 6:25, 7:7,
7:14, 7:17
paper [3] - 10:10,
10:18, 122:14
parade [2] - 136:13,
136:14
paralysis [1] -
138:19
paramount [1] -
93:21
parcel [3] - 22:22,
71:12, 126:3
park [1] - 46:11
Park [2] - 122:6,
122:18
parked [1] - 26:23
parking [3] - 21:8,
95:14, 99:5
parks [2] - 34:23,
122:18
Parkway [2] - 41:3,
41:9
part [9] - 5:18, 8:13,
31:12, 39:22, 42:18,
86:6, 95:2, 102:23,
118:16
participants [2] -
18:9, 18:10
particular [3] - 52:6,
108:4, 118:13
particularity [1] -
66:10
particularly [3] -
39:18, 62:9, 90:2
particulate [2] -
17:10, 17:25
parties [2] - 139:11,
144:11
parts [1] - 20:16
pass [4] - 75:4,
98:16, 98:25, 112:13
Passaic [1] - 72:1
passed [6] - 112:8,
121:12, 125:18,
126:12, 138:21,
140:20
passing [3] - 27:17,
63:2, 63:3
passion [1] - 75:5
passionate [1] -
32:14
passionately [1] -
76:25

passions [1] - 63:5
past [12] - 21:2, 26:2,
68:24, 73:19, 87:17,
103:5, 104:25,
116:21, 133:16,
139:24, 141:24, 142:4
pastor [1] - 75:15
Patagonia [1] - 34:17
patch [1] - 74:7
Pate [1] - 25:20
Patel [1] - 25:12
patent [1] - 108:25
pathway [1] - 86:6
patience [1] - 78:2
patients [5] - 16:19,
16:22, 18:16, 19:10,
24:13
patterns [4] - 23:9,
25:3, 96:3, 124:1
Paul [1] - 64:11
Pavan [2] - 19:15,
19:23
pavement [2] -
81:15, 81:20
pay [3] - 67:9, 87:11,
133:6
PB-24-01 [2] - 1:5,
4:1
peaceful [1] - 44:5
peak [3] - 23:22,
81:10, 134:3
pedestrian [1] - 83:8
pedestrians [2] -
24:2, 82:7
pediatric [1] - 17:16
pediatrician [1] -
16:18
Pediatrics [2] - 17:1,
17:19
pending [2] - 124:9,
126:2
penned [1] - 18:25
Pennsylvania [1] -
51:3
People [1] - 45:20
people [82] - 4:8,
4:16, 4:18, 6:23, 9:10,
11:6, 12:18, 15:18,
19:6, 25:5, 30:23,
31:20, 33:5, 39:15,
40:16, 43:22, 44:6,
47:8, 52:24, 53:2,
53:3, 53:5, 53:8,
53:12, 53:13, 53:15,
53:18, 54:15, 54:18,
63:12, 65:4, 65:14,
66:16, 66:17, 67:7,
67:25, 69:18, 69:19,
72:7, 73:22, 75:16,
76:10, 77:12, 79:23,

81:12, 85:10, 85:11, 90:11, 92:24, 96:15, 107:3, 107:4, 107:9, 107:21, 107:22, 111:21, 111:25, 113:5, 113:18, 115:25, 122:10, 124:25, 127:3, 130:22, 135:9, 135:13, 136:9, 136:10, 136:13, 136:14, 136:20, 136:23, 137:1, 137:14, 138:1, 138:13, 139:15, 139:22, 143:13 people's [1] - 12:11 per [5] - 39:15, 40:16, 43:19, 90:10, 131:11 perceived [2] - 13:22, 14:19 percent [12] - 11:23, 12:1, 17:20, 17:22, 33:2, 49:23, 49:24, 85:17, 130:24, 139:22, 142:8 perceptions [1] - 13:8 perched [1] - 103:21 perfect [1] - 118:22 performs [1] - 55:6 perhaps [2] - 113:14, 120:12 perils [1] - 74:2 period [3] - 27:14, 121:16, 142:11 periods [1] - 61:20 permanent [1] - 83:22 permanently [2] - 23:8, 56:3 permission [1] - 52:22 permit [4] - 128:7, 128:20, 131:19, 134:12 permitting [1] - 118:23 perpetuity [1] - 71:8 persists [1] - 104:7 person [10] - 20:4, 35:23, 65:5, 80:10, 84:23, 107:19, 111:21, 112:1, 117:22, 143:20 personal [3] - 28:20, 67:13, 139:14 personally [3] - 24:5, 114:4, 138:4	personnel [1] - 82:12 pest [1] - 34:8 pet [1] - 30:4 Peter [1] - 39:25 petroleum [1] - 30:4 Phase [1] - 138:10 philosopher [3] - 38:22, 38:23, 38:24 philosophy [1] - 38:25 photosynthesis [1] - 39:11 physical [1] - 118:20 pick [2] - 6:11, 65:21 picks [1] - 21:11 picture [6] - 10:23, 11:11, 12:9, 44:16, 44:17 pictures [4] - 11:14, 12:12, 58:10, 105:13 piece [5] - 36:15, 36:16, 91:22, 98:4, 142:14 pieces [1] - 36:8 pipe [3] - 27:3, 142:17, 142:22 pipes [1] - 99:22 pipng [1] - 142:13 place [14] - 20:10, 33:7, 33:12, 52:11, 62:10, 72:3, 73:20, 73:22, 82:8, 86:10, 107:24, 108:9, 122:7, 144:7 placed [6] - 24:17, 51:8, 52:6, 79:8, 86:4 places [2] - 61:1, 122:19 placing [1] - 24:20 plain [1] - 95:4 Plan [1] - 118:16 plan [43] - 11:11, 29:7, 51:11, 51:21, 56:19, 57:25, 61:7, 61:18, 81:15, 81:22, 82:20, 85:7, 85:19, 87:19, 89:4, 89:6, 89:11, 91:4, 91:11, 103:12, 104:22, 107:6, 107:18, 120:3, 120:4, 120:5, 129:8, 131:5, 131:14, 131:16, 131:18, 132:13, 132:16, 132:17, 132:18, 133:8, 133:13, 133:16, 133:21, 135:25, 136:24 planet [3] - 60:2, 63:2, 93:22	planned [4] - 47:23, 119:9, 119:10, 140:15 planner [2] - 121:8, 121:12 Planning [48] - 8:2, 11:25, 12:20, 15:11, 20:6, 20:19, 22:6, 22:20, 27:18, 29:11, 29:15, 30:21, 31:3, 33:6, 33:14, 34:12, 41:17, 41:21, 52:10, 53:13, 57:8, 59:10, 70:10, 71:14, 72:5, 73:14, 78:15, 79:6, 80:20, 96:20, 97:4, 99:18, 103:16, 107:10, 111:13, 112:17, 112:19, 113:16, 114:12, 118:23, 119:12, 126:15, 133:3, 138:25, 139:3, 139:5, 139:12, 143:19 planning [14] - 25:8, 56:7, 72:15, 78:6, 102:7, 107:7, 114:2, 114:3, 114:11, 114:21, 121:11, 122:20, 122:21 PLANNING [1] - 1:1 plans [13] - 7:15, 15:9, 29:7, 31:16, 58:12, 62:6, 68:21, 83:5, 84:7, 95:25, 100:13, 132:13 plant [3] - 39:21, 86:13, 86:17 plants [5] - 39:12, 50:1, 50:3, 60:20, 93:12 play [1] - 72:2 PLAZA [1] - 1:23 Pleasant [15] - 69:9, 90:12, 98:10, 98:11, 98:12, 98:20, 98:21, 98:25, 99:9, 99:15, 100:9, 110:11, 110:13, 120:23, 121:1 Pleasantdale [3] - 16:9, 21:8, 102:1 plenty [2] - 64:20, 137:15 Plocker [3] - 101:7, 111:22, 113:9 PLOCKER [3] - 2:2, 2:3, 8:17 plocker [8] - 8:16, 18:19, 18:24, 104:18, 113:11, 114:17, 126:4, 134:1	plot [1] - 31:1 plows [1] - 103:5 plummet [1] - 59:3 plus [5] - 34:9, 53:18, 90:21, 110:15, 140:25 plush [1] - 118:6 PM [2] - 143:20, 143:21 pockets [1] - 113:7 point [12] - 23:18, 24:17, 24:23, 38:2, 38:3, 41:10, 47:4, 50:4, 68:21, 76:8, 76:9, 104:15 pointed [3] - 66:22, 104:18, 107:9 points [3] - 41:16, 65:22, 125:1 police [1] - 57:21 policy [1] - 48:7 polished [1] - 135:6 pollute [1] - 119:22 polluted [1] - 30:20 pollution [9] - 17:5, 17:25, 18:1, 30:1, 30:18, 33:2, 91:14, 93:17, 93:19 POMACO [1] - 2:6 poor [5] - 32:20, 32:21, 114:2, 114:3 popping [1] - 109:18 populated [2] - 130:17, 130:18 population [10] - 17:16, 17:17, 17:19, 18:12, 40:13, 40:14, 42:21, 47:11, 60:19, 77:2 populations [2] - 17:21, 60:21 porous [2] - 81:15, 81:20 portion [1] - 6:17 position [1] - 123:5 positive [1] - 139:8 possess [1] - 94:20 possession [1] - 62:20 possible [5] - 10:16, 40:20, 47:16, 102:7, 108:11 possibly [1] - 12:10 postponed [1] - 73:15 postponing [1] - 73:17 potable [1] - 65:25 potential [3] - 68:20, 71:19, 121:18	potentially [1] - 84:9 pounds [1] - 39:14 power [8] - 14:20, 19:4, 37:17, 65:1, 133:7, 133:11, 133:12 practice [1] - 40:24 practices [1] - 96:14 practicing [1] - 24:6 prayerful [1] - 51:9 prayers [1] - 52:6 pre [3] - 21:24, 68:16 pre-blasting [2] - 21:24, 68:16 pre-construction [1] - 21:24 precautions [1] - 105:17 precedence [1] - 139:23 precious [1] - 63:20 precipice [1] - 52:5 precisely [1] - 56:9 predate [1] - 110:1 predicted [1] - 90:9 preemies [1] - 18:5 preliminary [1] - 131:16 prepared [5] - 6:14, 35:21, 43:13, 64:20, 120:2 present [8] - 4:12, 16:7, 16:16, 16:24, 62:1, 65:5, 74:18, 96:11 presentation [2] - 10:5, 123:24 presentations [1] - 10:8 presented [4] - 16:12, 65:13, 118:1, 124:6 presents [3] - 81:5, 114:17, 136:3 preservation [3] - 56:16, 71:10, 91:19 Preservation [2] - 44:18, 122:14 preserve [7] - 35:3, 35:4, 35:7, 35:8, 71:6, 71:15, 118:17 preserved [2] - 34:22, 72:14 preserving [3] - 63:23, 70:25, 119:10 press [2] - 115:22, 115:25 pressed [2] - 115:21, 115:25 pressure [6] - 29:8, 56:5, 56:6, 66:1,
--	--	---	--	---

119:19, 142:24 presumed [1] - 18:22 pretend [2] - 13:10, 104:23 pretty [1] - 111:20 prevent [3] - 99:13, 103:8, 122:1 preventable [2] - 102:10, 105:16 prevented [3] - 26:19, 42:23, 74:14 previous [1] - 46:8 previously [1] - 16:17 price [1] - 106:4 primary [2] - 20:25, 71:24 prime [1] - 65:23 PRINCETON [1] - 2:11 Princeton [3] - 29:19, 82:19, 89:10 principles [2] - 29:4, 41:18 prioritize [2] - 15:11, 25:7 prioritized [1] - 62:23 prioritizes [1] - 63:10 priority [2] - 93:2, 122:21 pristine [2] - 118:14, 119:7 private [3] - 83:10, 86:9, 137:24 privately [4] - 36:10, 71:9, 104:7, 118:21 probabilities [1] - 89:25 problem [6] - 36:9, 37:16, 67:5, 90:11, 99:14, 109:10 problems [5] - 17:2, 66:5, 66:6, 84:3, 109:21 procedural [1] - 65:12 procedure [2] - 7:11, 67:4 procedures [2] - 140:19, 140:20 proceed [5] - 4:24, 14:23, 15:19, 78:20, 120:3 proceedings [1] - 20:5 process [5] - 39:11, 62:18, 69:17, 101:10, 140:11 processing [1] -	116:2 produce [1] - 29:7 produces [1] - 47:2 producing [1] - 18:2 productivity [1] - 95:23 products [1] - 30:4 profession [1] - 38:22 professional [1] - 13:23 professionally [1] - 24:5 professionals [6] - 20:7, 55:10, 123:20, 123:21, 124:5 Professor [2] - 48:18, 48:19 professor [1] - 32:11 Professors [1] - 40:2 profit [4] - 36:12, 62:18, 108:10, 112:3 profits [3] - 94:16, 113:1, 113:2 profound [1] - 31:1 program [1] - 45:25 progress [3] - 85:12, 85:13, 85:14 prohibit [1] - 128:12 project [49] - 14:23, 16:14, 16:21, 17:13, 17:24, 18:17, 21:17, 22:24, 24:4, 24:25, 55:22, 68:12, 68:19, 69:19, 69:21, 69:22, 80:22, 81:5, 82:17, 83:22, 88:22, 89:15, 89:16, 90:2, 90:24, 91:12, 94:17, 94:21, 96:23, 96:24, 97:8, 100:4, 114:15, 115:12, 117:24, 118:1, 119:25, 121:3, 123:13, 124:4, 124:8, 124:10, 139:2, 140:2, 140:8, 140:13, 141:2, 141:7, 141:9 projects [1] - 103:18 promise [2] - 50:15, 63:7 promised [2] - 79:17 promises [1] - 60:5 proper [3] - 18:23, 58:12, 105:23 properly [2] - 29:23, 30:17 properties [4] - 21:25, 78:22, 79:17, 105:2 property [31] - 4:5,	14:7, 29:18, 31:10, 59:2, 66:16, 79:4, 83:2, 84:8, 88:13, 96:1, 96:2, 98:5, 98:21, 104:4, 104:5, 105:2, 110:22, 123:14, 123:17, 123:23, 124:3, 125:15, 125:17, 126:3, 126:11, 128:2, 128:13, 132:23, 141:11, 142:7 proponent [1] - 92:23 proposal [25] - 19:8, 30:24, 55:3, 61:3, 62:14, 65:6, 66:15, 67:17, 72:9, 84:2, 90:16, 95:12, 97:4, 100:3, 100:5, 106:7, 106:8, 121:19, 122:23, 135:21, 136:6, 136:17, 137:6, 137:12, 137:15 propose [2] - 21:14, 102:20 proposed [30] - 13:9, 13:19, 14:1, 14:6, 14:12, 17:13, 17:24, 22:23, 29:1, 29:20, 57:7, 57:17, 58:20, 60:23, 68:12, 68:19, 68:25, 69:4, 69:11, 70:8, 71:20, 72:10, 80:21, 82:22, 94:25, 96:22, 98:14, 102:4, 102:15, 105:20 proposes [1] - 82:3 proposing [1] - 4:3 prosperity [1] - 63:25 protect [22] - 19:8, 19:9, 25:6, 31:19, 31:20, 37:15, 60:10, 60:11, 63:1, 74:22, 75:6, 79:24, 83:19, 96:15, 115:10, 121:5, 135:16, 136:17, 137:5, 137:11, 143:12 protected [5] - 48:22, 50:23, 51:9, 96:25, 141:19 protecting [4] - 33:9, 71:2, 93:20, 113:4 protection [10] - 29:21, 35:23, 42:19, 51:22, 83:15, 93:11, 93:16, 97:1, 121:11, 131:21 protections [2] -	52:11, 72:3 protects [3] - 56:2, 56:19, 81:14 prosthesis [1] - 39:17 proven [1] - 79:15 provide [10] - 8:2, 23:6, 24:15, 34:1, 39:9, 60:15, 63:17, 72:4, 86:14, 93:11 provided [5] - 6:19, 34:1, 91:4, 132:4, 143:17 providing [2] - 32:18, 132:4 province [1] - 49:19 Province [1] - 48:9 provision [1] - 128:21 provisions [1] - 128:11 proximity [1] - 69:7 psychology [1] - 32:11 public [62] - 4:7, 4:8, 4:19, 5:2, 5:12, 5:14, 5:15, 5:18, 6:12, 6:14, 6:23, 9:11, 9:12, 9:16, 12:17, 23:23, 27:13, 28:24, 29:3, 29:13, 31:4, 32:20, 33:4, 44:21, 53:6, 56:2, 58:15, 60:4, 61:5, 61:6, 61:24, 62:15, 62:22, 65:13, 65:19, 73:15, 73:17, 79:16, 80:23, 83:8, 84:4, 88:23, 91:19, 94:17, 95:1, 97:14, 99:11, 101:11, 112:14, 112:22, 113:15, 113:20, 114:16, 118:1, 118:2, 123:25, 127:11, 132:8, 133:8, 143:16 PUBLIC [154] - 5:22, 7:25, 8:12, 8:20, 8:23, 10:4, 10:10, 10:15, 10:18, 10:20, 10:22, 12:25, 13:5, 13:7, 15:24, 16:4, 16:6, 19:15, 19:19, 19:22, 22:13, 22:18, 22:20, 25:12, 25:17, 25:19, 28:4, 28:7, 28:10, 28:14, 31:25, 32:5, 32:7, 35:12, 35:17, 35:19, 36:3, 36:5, 38:13, 38:15, 38:20, 38:22, 41:25, 42:3, 42:7, 45:3, 45:9,	45:11, 45:21, 48:6, 48:12, 48:15, 48:17, 50:8, 50:15, 50:18, 53:23, 54:1, 54:3, 54:6, 54:8, 56:24, 57:4, 57:6, 59:14, 59:16, 59:21, 64:3, 64:6, 64:11, 64:17, 68:5, 68:10, 68:12, 70:14, 70:17, 70:22, 70:24, 73:1, 73:3, 73:5, 73:7, 73:11, 73:13, 73:17, 75:14, 75:18, 75:24, 77:14, 77:18, 77:20, 77:22, 78:1, 80:4, 80:17, 80:19, 84:15, 84:20, 84:22, 88:5, 88:9, 88:11, 92:4, 92:7, 92:12, 92:14, 94:2, 94:5, 94:9, 94:11, 97:10, 97:16, 97:19, 97:22, 98:1, 100:18, 100:22, 101:4, 106:14, 106:20, 106:22, 111:5, 111:10, 111:12, 114:24, 115:2, 115:7, 117:4, 117:9, 117:15, 117:18, 117:21, 120:16, 120:21, 122:25, 123:6, 123:8, 124:17, 124:22, 124:24, 125:8, 125:13, 127:2, 127:7, 127:11, 127:14, 129:22, 130:2, 130:4, 134:22, 134:24, 135:4, 137:18, 137:23 Public [1] - 144:4 publically [2] - 56:17, 56:18 pump [1] - 100:2 pumps [1] - 100:12 purchased [2] - 98:18, 125:16 purpose [2] - 56:8, 56:9 pursue [1] - 47:24 push [2] - 90:6, 99:10 pushed [2] - 74:14, 102:6 put [18] - 6:4, 8:3, 20:7, 86:10, 106:5, 106:6, 108:6, 108:9, 108:10, 108:21, 110:5, 110:9, 119:12, 120:11, 125:2, 128:25, 129:3, 129:9
--	--	--	--	--

puts [4] - 52:11, 82:20, 89:19, 120:10 putting [5] - 69:5, 71:4, 83:13, 91:24, 101:9	ran [1] - 27:4 Range [2] - 44:3, 44:8 range [3] - 18:9, 40:4, 44:14 ranks [1] - 40:14 rapid [1] - 14:9 Rappleye [3] - 25:12, 25:20, 117:11 rare [6] - 49:19, 50:1, 54:12, 54:13, 54:15, 118:14 rat [1] - 87:20 rather [4] - 55:14, 77:20, 101:15, 115:20 ratings [1] - 105:9 raw [1] - 103:25 RE [1] - 1:5 reach [2] - 13:15, 24:13 react [1] - 64:22 read [15] - 8:23, 28:18, 34:14, 40:2, 52:21, 67:1, 73:14, 76:3, 80:6, 80:8, 101:13, 101:21, 112:8, 145:6, 145:22 Reading [1] - 70:4 reading [3] - 80:12, 117:10, 131:10 reads [1] - 79:3 ready [5] - 6:12, 6:13, 6:15, 65:23, 116:16 real [11] - 22:25, 55:9, 57:20, 63:17, 69:23, 73:23, 82:21, 88:17, 102:13, 103:8, 132:16 reality [2] - 24:16, 103:9 realize [4] - 63:23, 102:24, 140:9, 143:8 realized [1] - 139:7 really [14] - 15:9, 30:23, 37:10, 37:20, 44:8, 44:22, 53:18, 66:15, 109:23, 111:24, 125:1, 125:18, 137:7, 138:13 realm [1] - 116:5 realtor [1] - 129:1 reason [7] - 7:4, 87:14, 106:1, 125:16, 130:20, 139:6, 141:8 reasonable [1] - 4:23 reasonably [1] - 137:2 reasons [7] - 7:18, 31:13, 57:10, 67:18,	83:15, 135:20, 137:15 reassured [1] - 89:23 rebuild [1] - 72:23 received [1] - 123:11 recent [1] - 17:3 recently [3] - 55:8, 101:6, 127:20 recess [1] - 75:10 recharge [2] - 43:4, 95:11 recognition [1] - 133:17 recognize [4] - 67:10, 71:2, 112:16, 121:25 recognized [2] - 50:25, 51:13 recognizes [1] - 39:25 recognizing [1] - 122:8 recommend [1] - 41:15 recommended [1] - 82:22 record [54] - 4:22, 5:10, 5:17, 5:19, 6:4, 6:5, 7:4, 7:24, 8:3, 8:10, 8:13, 9:6, 15:23, 19:14, 22:12, 25:11, 28:3, 28:19, 31:24, 35:11, 36:2, 38:8, 41:24, 45:2, 48:5, 50:7, 56:23, 67:24, 70:13, 75:11, 78:4, 80:3, 84:14, 88:4, 92:3, 93:6, 97:18, 100:17, 101:14, 101:22, 106:13, 111:4, 117:3, 117:17, 120:15, 123:12, 124:16, 125:7, 126:24, 129:21, 132:9, 134:21, 137:17 recorded [2] - 15:15, 119:1 recounts [1] - 126:16 recovery [1] - 93:8 RECROSS [1] - 3:2 redesign [1] - 89:14 redevelopment [3] - 51:11, 55:4, 55:16 REDIRECT [1] - 3:2 reduce [4] - 23:6, 43:3, 83:1, 95:22 reduced [1] - 25:4 redundant [1] - 24:18 Redwine [1] - 134:22 refer [1] - 29:21	REFERENCE [1] - 145:3 reference [1] - 20:14 referenced [1] - 55:12 referred [1] - 115:19 referring [1] - 99:19 refers [2] - 18:24, 79:2 reflects [2] - 55:1, 121:15 reforestation [1] - 122:16 reframe [1] - 118:23 refusing [1] - 74:24 regarding [9] - 13:9, 88:24, 89:18, 90:3, 90:9, 115:19, 120:7, 123:11, 123:21 regardless [1] - 114:19 region [1] - 48:25 regional [2] - 55:10, 55:18 regrow [1] - 87:13 regular [2] - 90:20, 91:10 regularly [2] - 21:10, 26:21 regulations [6] - 72:16, 82:25, 83:1, 89:16, 110:1, 138:18 regulatory [1] - 140:19 reject [12] - 15:6, 28:20, 31:14, 41:17, 72:9, 75:2, 97:4, 116:25, 121:19, 135:20, 136:5, 137:14 rejected [1] - 90:16 related [1] - 128:1 relates [1] - 105:9 relative [2] - 144:10, 144:12 relatives [2] - 51:1, 52:18 release [2] - 60:16, 100:4 released [2] - 60:25, 142:11 relevant [2] - 55:15, 55:16 reliable [1] - 82:2 reliance [1] - 83:9 relies [1] - 81:22 rely [1] - 61:12 remain [2] - 27:16, 88:22 remainder [1] - 122:3	remaining [5] - 71:13, 78:20, 78:25, 95:7, 97:10 remains [2] - 118:22, 124:9 remarks [1] - 64:20 remedy [1] - 113:12 remember [3] - 53:11, 53:14 remembrance [2] - 54:11, 54:20 remind [3] - 40:12, 62:13, 103:16 reminds [2] - 17:14, 120:7 removal [5] - 68:18, 131:5, 131:14, 132:21, 134:18 removed [4] - 41:5, 58:9, 131:6, 134:11 removing [5] - 42:20, 52:13, 62:10, 81:13, 83:3 rendered [1] - 140:9 rep [1] - 104:1 repeat [5] - 33:21, 57:12, 88:16, 125:1, 138:13 repeatedly [3] - 20:25, 31:2, 81:20 repeating [1] - 138:14 replace [4] - 23:5, 55:4, 87:5 replaced [3] - 34:3, 55:7, 119:4 replacing [2] - 46:13, 62:11 repopulate [1] - 119:3 report [2] - 8:23, 49:9 Report [1] - 42:25 Reporter [1] - 144:3 REPORTING [1] - 1:22 reports [2] - 66:7, 67:21 represent [1] - 113:24 representative [3] - 39:6, 67:14, 77:17 representing [2] - 18:19, 123:4 represents [1] - 95:18 reproduction [1] - 42:18 request [2] - 12:20, 21:24
Q	quality [13] - 14:7, 20:23, 23:1, 23:7, 31:7, 56:1, 64:25, 81:7, 81:11, 91:14, 95:2, 95:9, 134:15 questions [7] - 9:18, 20:8, 65:4, 68:16, 88:22, 90:23, 111:16 quick [2] - 41:10, 100:22 quickly [1] - 139:17 quiet [1] - 59:3 quietly [1] - 75:3 quite [4] - 35:22, 80:20, 85:1, 95:1 quote [2] - 79:3, 79:8 quoting [1] - 99:17			
R	R-U-G-A [1] - 48:7 races [1] - 105:21 Rachel [2] - 100:18, 101:5 railroad [1] - 58:6 rain [9] - 46:20, 46:21, 46:24, 47:4, 61:20, 82:5, 109:19, 123:23, 141:24 rainfall [3] - 60:17, 109:17, 142:5 rains [3] - 58:4, 89:1, 89:20 rainwater [2] - 34:6, 61:19 raise [6] - 9:24, 10:12, 28:5, 65:4, 81:11, 111:19 raised [6] - 19:25, 63:6, 63:14, 65:10, 74:6, 77:1 raises [1] - 84:4 rallying [2] - 74:22, 75:6 Ramapo [2] - 50:22, 53:3 Ramapough [7] - 50:9, 50:23, 52:1, 52:23, 52:24, 53:8, 53:17 ramifications [1] - 20:22			

require [8] - 51:21, 56:14, 71:21, 78:9, 83:6, 89:12, 100:11, 123:13 required [7] - 26:13, 53:17, 67:2, 105:17, 122:15, 143:20, 145:7 requirement [1] - 95:19 requirements [2] - 89:12, 140:15 requires [1] - 82:18 requiring [1] - 43:6 research [3] - 39:1, 40:21, 49:21 Reservation [1] - 74:6 reservations [2] - 86:9, 87:16 Reserve [1] - 45:16 reserves [1] - 51:2 resident [12] - 16:7, 22:22, 28:16, 60:1, 71:17, 75:25, 77:18, 80:6, 92:18, 94:14, 101:25, 106:23 residential [3] - 4:4, 27:19, 133:5 residents [58] - 13:14, 13:17, 14:23, 15:5, 15:14, 16:14, 20:7, 20:21, 21:21, 23:1, 23:16, 23:24, 25:7, 27:11, 27:15, 27:24, 47:14, 57:19, 58:9, 61:12, 63:13, 68:25, 69:4, 69:12, 69:19, 71:25, 72:7, 74:23, 76:13, 76:14, 76:15, 79:25, 82:2, 82:8, 82:15, 83:2, 83:11, 83:12, 84:9, 91:9, 94:21, 96:11, 96:21, 97:5, 102:8, 102:13, 103:13, 112:4, 119:23, 120:11, 120:22, 121:10, 122:8, 126:1, 129:18, 136:4, 136:8, 136:25 resigned [1] - 121:12 resiliency [1] - 97:2 resistant [1] - 50:2 resolution [2] - 79:6, 79:12 resource [1] - 48:21 resources [3] - 24:22, 44:22, 93:20 respect [1] - 134:2 respected [2] -	47:19, 121:9 respectfully [2] - 47:22, 80:19 respiratory [2] - 16:23, 17:2 responders [4] - 24:1, 47:12, 61:8, 82:16 responding [1] - 24:8 response [3] - 23:21, 66:11, 93:9 responsibilities [1] - 63:12 responsibility [2] - 72:2, 72:5 responsible [4] - 25:8, 49:25, 69:16, 83:19 responsively [1] - 20:19 rest [3] - 30:22, 90:22, 137:13 restaurants [1] - 44:12 restrict [4] - 71:8, 78:21, 79:3, 79:17 restriction [5] - 78:11, 78:18, 78:25, 79:1, 79:12 restrictions [1] - 128:21 restrictive [2] - 78:22, 79:8 resubmitted [1] - 131:24 result [2] - 96:4, 126:16 resumed [1] - 138:24 retaining [2] - 82:18, 105:3 retention [1] - 103:20 retired [2] - 45:12, 75:15 retiring [1] - 91:11 return [3] - 38:2, 38:3, 104:22 returned [2] - 62:21, 106:24 revealing [1] - 41:5 revert [1] - 72:10 review [6] - 29:20, 56:15, 67:20, 102:21, 133:16, 140:4 reviewable [1] - 133:14 reviewed [1] - 134:2 revise [1] - 72:15 Revolution [1] -	92:17 rich [4] - 32:19, 44:21, 44:22, 105:22 Richard [3] - 117:4, 126:25, 127:16 Ricigliano [1] - 56:24 ridge [10] - 29:8, 74:3, 89:22, 91:2, 108:5, 108:11, 120:24, 120:25, 121:5, 136:3 Ridge [6] - 34:3, 60:4, 60:6, 63:1, 63:22, 93:25 ridges [3] - 50:22, 118:4, 122:1 Ridgeview [1] - 73:5 rightfully [1] - 94:23 rights [1] - 110:22 rise [2] - 24:3, 74:2 risk [26] - 24:2, 25:5, 30:6, 30:23, 43:3, 43:21, 62:12, 82:21, 83:14, 83:17, 89:19, 90:1, 91:24, 93:15, 95:1, 112:3, 112:22, 115:11, 115:18, 116:8, 116:21, 116:24, 120:10, 120:12, 136:2, 136:3 risks [8] - 30:8, 55:20, 60:5, 63:15, 80:23, 96:8, 114:16, 136:4 River [3] - 29:18, 52:10, 72:1 river [4] - 12:14, 51:2, 86:8 RIZZO [1] - 1:10 Road [22] - 4:3, 21:1, 26:10, 26:19, 26:22, 26:24, 27:4, 27:9, 54:3, 68:20, 69:6, 69:7, 80:5, 81:25, 94:5, 102:15, 103:13, 111:6, 120:11, 129:11, 132:19, 132:23 road [14] - 26:20, 27:10, 29:5, 47:7, 61:6, 88:14, 90:17, 91:9, 108:15, 120:10, 122:10, 123:13, 132:21 roadbed [2] - 143:1, 143:3 roads [9] - 30:5, 34:9, 43:19, 57:16, 82:1, 82:3, 83:13, 85:25, 131:19	roadways [1] - 79:19 roamed [1] - 52:2 ROBERT [1] - 1:6 Robin [1] - 75:18 ROBIN [1] - 75:18 rock [5] - 14:25, 21:22, 33:7, 33:12, 62:9 Rock [15] - 12:8, 21:2, 27:4, 27:13, 44:18, 69:9, 74:6, 90:13, 102:15, 102:16, 110:11, 110:12, 110:14, 114:8, 129:11 Rock/Pleasant [1] - 90:15 rocks [3] - 58:6, 62:10, 105:12 rocky [1] - 105:5 role [1] - 24:24 roll [2] - 105:14, 116:14 roof [2] - 11:9, 98:25 room [5] - 13:22, 63:12, 74:21, 75:5, 111:16 roots [2] - 30:3, 76:21 Roseland [2] - 80:25, 129:5 rough [1] - 78:3 roughly [1] - 29:11 round [1] - 4:11 Route [2] - 17:8, 121:21 route [1] - 82:6 routes [2] - 24:18, 27:6 routine [1] - 80:25 Rowan [1] - 12:13 RSI [1] - 133:1 rudely [1] - 127:14 Ruga [1] - 48:7 ruining [1] - 52:5 rule [2] - 131:21, 135:24 rules [1] - 67:3 run [4] - 63:22, 128:21, 139:15, 142:14 running [5] - 52:19, 83:24, 99:4, 142:17, 143:5 runoff [21] - 23:9, 29:22, 29:23, 30:1, 30:9, 34:6, 34:7, 46:18, 47:3, 55:20, 61:10, 61:19, 74:12, 81:10, 83:4, 88:24,	96:7, 109:10, 137:2, 142:1, 142:8 runs [2] - 21:1, 104:4 rush [1] - 90:13 Ryleigh [2] - 59:14, 59:22
S				
S-H-A-R-R-E-T [1] - 106:15 S-T-A-R-K [1] - 38:13 S.R [1] - 144:17 sac [7] - 47:10, 47:11, 88:14, 102:25, 125:3, 132:22, 132:25 sacred [1] - 77:7 sacrifice [2] - 50:19, 54:25 sacrificed [1] - 24:22 safe [9] - 27:16, 31:17, 59:4, 62:2, 63:17, 82:13, 84:8, 96:22, 109:25 safely [2] - 24:21, 30:16 safer [1] - 96:13 safety [49] - 11:20, 15:12, 21:14, 22:25, 23:14, 23:23, 25:4, 25:7, 26:1, 27:20, 27:23, 28:24, 29:13, 42:17, 43:21, 47:16, 59:9, 60:5, 61:24, 62:9, 62:22, 63:15, 66:15, 69:2, 80:23, 81:23, 81:24, 83:16, 88:23, 89:25, 90:1, 91:19, 91:24, 94:19, 95:2, 96:17, 105:9, 112:22, 112:25, 113:4, 113:20, 114:16, 115:10, 115:18, 115:21, 135:17, 136:6, 136:8 sake [2] - 19:11, 97:5 Salamone [1] - 53:4 salvatory [1] - 118:9 Sandown [1] - 41:14 Sandy [2] - 37:23, 122:4 sanitary [9] - 98:9, 98:11, 99:1, 99:4, 99:9, 99:15, 100:8, 100:11, 133:7 Sarah [1] - 80:4 save [3] - 15:20, 77:10, 89:8 saving [1] - 36:16 saw [7] - 51:21,				

73:24, 74:3, 74:18, 74:20, 74:21, 74:23 say's [1] - 128:16 scale [3] - 24:25, 56:6, 67:17 SCARPA [1] - 1:9 school [10] - 18:8, 20:1, 27:11, 43:23, 46:2, 53:1, 58:16, 59:22, 101:21 schooled [1] - 18:20 schools [6] - 18:7, 29:3, 32:24, 61:5, 91:1, 112:21 science [3] - 38:1, 45:22, 45:24 Sciences [1] - 132:6 sciences [3] - 45:23, 117:23, 118:8 Scientific [1] - 42:25 scientists [1] - 38:3 Scrooge [1] - 75:1 season [3] - 11:4, 109:14, 120:25 Second [8] - 34:2, 44:3, 44:8, 44:13, 60:3, 63:1, 63:21, 93:24 second [8] - 11:5, 20:24, 26:16, 36:25, 54:13, 60:6, 81:23, 82:9 seconds [1] - 4:13 Secretary [1] - 1:11 section [5] - 20:13, 79:2, 102:1, 102:3 sections [1] - 12:2 sediment [1] - 81:10 sediments [2] - 30:2, 61:11 see [28] - 12:6, 26:18, 35:5, 37:4, 37:5, 41:1, 63:3, 69:17, 75:5, 79:20, 87:12, 87:13, 95:4, 97:11, 98:25, 104:2, 105:5, 109:12, 109:13, 109:18, 111:20, 111:21, 116:11, 121:1, 121:22, 122:3, 140:6 seeing [1] - 62:18 seeking [1] - 131:16 seem [1] - 102:22 sees [2] - 14:20, 39:23 self [1] - 76:18 sell [1] - 91:13 send [2] - 34:13, 34:24	sends [1] - 81:18 senior [1] - 59:22 sense [9] - 59:9, 71:12, 96:17, 107:25, 109:7, 109:22, 110:2, 110:18, 134:9 sensitive [2] - 60:7, 81:16 sensitivity [1] - 61:24 sent [1] - 58:10 sentiment [1] - 9:20 sentiments [1] - 38:11 separate [2] - 82:10, 133:23 September [1] - 78:12 sequester [1] - 49:22 sequestration [1] - 97:1 serious [4] - 26:1, 39:18, 63:14, 80:22 seriously [5] - 7:10, 76:16, 101:13, 101:17, 141:18 servants [1] - 112:14 serve [2] - 25:6, 99:16 served [3] - 30:19, 45:14, 72:7 service [5] - 21:4, 22:5, 27:22, 59:11, 112:15 services [4] - 23:17, 29:25, 60:12, 83:12 serving [2] - 20:16, 29:1 sessions [1] - 16:11 set [6] - 56:10, 66:23, 88:21, 115:17, 116:15, 144:8 Seton [1] - 38:25 settle [2] - 43:15, 44:1 settlement [21] - 78:23, 79:2, 83:6, 86:22, 110:23, 113:12, 114:1, 114:18, 126:1, 126:4, 126:5, 126:6, 126:7, 126:8, 126:9, 126:10, 126:16, 126:17, 126:21, 131:10 seven [7] - 14:15, 82:10, 83:18, 89:21, 108:5, 110:6, 136:2 sever [2] - 61:21, 82:8 several [9] - 18:7,	20:9, 27:14, 60:24, 61:1, 81:5, 81:9, 85:3, 87:4 severe [3] - 23:22, 29:6, 60:20 severely [2] - 23:25, 61:9 sewage [17] - 20:13, 20:20, 25:8, 43:8, 62:4, 65:24, 65:25, 90:25, 98:13, 99:25, 100:3, 100:7, 100:10, 103:25, 122:11, 136:1, 142:14 sewer [20] - 15:8, 20:15, 98:9, 98:12, 98:16, 99:1, 99:4, 99:7, 99:9, 99:15, 99:20, 99:24, 100:1, 100:5, 100:8, 100:11, 103:24, 104:4, 120:4, 133:7 shade [5] - 34:2, 39:9, 42:14, 42:16, 60:15 shadows [1] - 18:25 shaking [1] - 17:11 shall [5] - 127:25, 128:6, 128:12, 128:20, 128:23 Shall [1] - 79:3 shame [1] - 47:25 shape [1] - 108:16 shapes [2] - 108:13, 108:14 share [6] - 13:11, 20:15, 24:4, 40:7, 119:5, 119:24 shared [4] - 20:21, 55:24, 56:17, 56:19 sharing [1] - 20:8 Sharma [2] - 19:15, 19:23 Sharret [1] - 106:14 shearing [1] - 122:2 Sheelpa [2] - 25:12, 25:20 sheet [1] - 145:6 SHEET [1] - 145:1 sheets [1] - 145:7 shell [1] - 95:23 sheriff [1] - 133:24 shift [1] - 42:16 SHIMANOWITZ [1] - 2:2 short [8] - 25:2, 25:23, 27:14, 52:19, 63:1, 75:10, 87:22, 105:7 short-term [2] - 25:2,	87:22 shortage [1] - 36:8 shortchange [1] - 9:11 Shorthand [1] - 144:3 shout [1] - 92:19 shovels [1] - 134:19 show [7] - 10:20, 11:16, 12:4, 38:8, 95:20, 121:22, 137:11 showed [4] - 11:9, 73:20, 74:2, 131:5 showing [6] - 11:11, 11:21, 12:2, 51:16, 51:17, 132:6 shown [2] - 7:12, 10:23 shows [4] - 11:2, 11:5, 12:6, 121:3 shut [1] - 138:22 shutdown [2] - 82:1, 133:12 side [6] - 19:7, 21:20, 51:16, 119:13, 129:2, 143:12 sides [2] - 26:24, 109:4 sidewalks [6] - 27:10, 57:17, 68:22, 129:14, 132:20 Sierra [3] - 94:15, 94:20 sight [1] - 132:6 sign [1] - 145:6 SIGNATURE [1] - 145:1 signature [2] - 126:23, 145:24 signed [5] - 13:21, 118:25, 127:16, 127:18, 127:19 significant [5] - 16:21, 18:14, 20:9, 30:18, 60:4 significantly [2] - 23:20, 83:4 Simard [1] - 40:9 similar [1] - 94:24 simple [2] - 23:5, 113:15 simply [6] - 23:23, 36:19, 37:1, 67:9, 95:6, 119:16 simultaneously [1] - 82:8 sincerity [1] - 65:1 single [18] - 23:18, 24:17, 24:23, 26:20, 29:4, 66:23, 72:11,	72:19, 76:15, 79:18, 86:12, 86:13, 90:18, 107:11, 107:19, 126:11, 134:11 sink [1] - 31:7 sinks [1] - 61:1 sit [5] - 4:23, 5:2, 53:10, 67:25, 75:13 site [42] - 11:11, 12:2, 12:3, 12:7, 18:8, 24:23, 60:7, 60:8, 61:4, 61:7, 61:10, 61:18, 62:6, 62:7, 63:21, 64:18, 69:15, 81:1, 81:7, 85:4, 89:7, 94:24, 95:3, 95:5, 95:8, 95:21, 95:22, 95:25, 96:4, 102:20, 118:12, 118:24, 119:18, 131:16, 133:5, 133:16, 134:11, 134:14, 135:24, 136:1 sits [1] - 81:7 sitting [5] - 52:5, 91:17, 111:22, 124:24, 136:17 situation [9] - 21:14, 26:8, 26:14, 89:10, 137:4, 137:5, 139:3, 139:5, 140:17 situations [5] - 24:9, 42:23, 82:15, 101:12, 113:6 six [5] - 6:20, 14:12, 58:13, 85:20, 121:13 size [4] - 11:2, 43:1, 99:23, 100:1 sized [1] - 47:5 sizes [1] - 43:23 skip [1] - 50:18 skyline [1] - 44:17 skyscraper [1] - 115:20 sleep [1] - 82:21 slick [1] - 113:9 slide [12] - 10:5, 10:8, 10:22, 11:2, 11:5, 11:13, 11:18, 12:2, 12:5, 12:8, 105:18, 106:3 slides [3] - 10:9, 14:25, 62:9 slippery [1] - 74:9 slop [1] - 140:18 slope [28] - 11:21, 29:9, 74:9, 74:10, 81:1, 82:11, 82:13, 82:17, 82:20, 83:16, 88:15, 89:18, 91:16,
---	---	---	---	--

99:23, 104:16, 104:21, 105:5, 105:15, 105:24, 106:1, 107:1, 109:25, 110:6, 119:17, 120:7, 121:22, 130:16, 140:16 slopes [5] - 11:18, 11:23, 60:8, 95:6, 141:19 slowed [1] - 24:1 small [5] - 46:23, 74:19, 87:14, 118:5, 139:22 smaller [3] - 67:17, 72:13, 85:24 smart [7] - 29:4, 33:8, 72:23, 85:13, 91:19, 96:14, 110:4 Smart [1] - 33:18 smell [1] - 116:18 smelling [1] - 116:9 smells [1] - 116:6 Smith [4] - 125:19, 126:19, 129:18 snow [3] - 63:7, 82:5, 132:21 snowstorm [1] - 120:10 so-called [1] - 58:1 soak [1] - 34:7 socioeconomic [1] - 73:23 soil [8] - 11:19, 14:25, 43:14, 68:17, 76:21, 81:9, 96:7, 132:7 soils [11] - 30:3, 48:20, 49:8, 49:15, 49:16, 49:18, 49:20, 49:22, 50:3, 62:10 sole [2] - 68:20, 74:25 solution [3] - 99:14, 103:2 solutions [1] - 43:7 solve [3] - 102:16, 102:17, 110:17 SOMA [3] - 28:17, 32:10 someone [5] - 8:24, 9:17, 21:10, 80:8, 104:9 sometimes [7] - 24:9, 37:21, 40:23, 58:8, 76:5, 116:15, 130:9 somewhere [1] - 142:21 son [4] - 35:22,	36:25, 37:21, 38:10 sons [1] - 36:2 soon [1] - 37:16 sore [1] - 82:14 sorry [9] - 8:16, 10:7, 54:11, 59:25, 69:22, 69:24, 75:12, 97:13, 100:20 sort [3] - 36:6, 57:22, 100:1 sought [1] - 66:3 sound [3] - 7:9, 23:7, 35:20 sounded [1] - 80:11 sounds [1] - 26:2 source [5] - 29:17, 71:24, 81:2, 119:17, 119:23 sources [2] - 16:24, 81:22 South [18] - 28:7, 28:9, 28:16, 28:18, 29:17, 32:1, 32:8, 32:9, 38:15, 38:16, 42:1, 61:14, 70:17, 71:17, 74:7, 80:25, 122:13 south [2] - 86:9, 141:25 space [11] - 33:14, 33:19, 56:16, 58:16, 71:6, 72:14, 74:7, 82:11, 93:11, 118:17, 118:22 spanned [1] - 78:14 spare [1] - 33:11 speakers [1] - 39:4 speaking [6] - 4:18, 36:25, 50:19, 65:7, 111:24, 138:1 speaks [1] - 39:8 special [1] - 143:18 speciality [1] - 45:22 species [7] - 23:10, 37:6, 42:17, 86:15, 95:18, 95:19, 95:21 specific [1] - 118:6 specifically [5] - 55:13, 79:7, 83:1, 92:20, 102:1 speech [1] - 54:10 SPEEDWELL [1] - 1:23 spell [1] - 97:21 spend [2] - 20:2, 93:10 spends [1] - 93:7 spilling [1] - 121:23 spiritual [1] - 76:13 spoken [4] - 64:2,	64:3, 84:22, 90:12 sport [1] - 18:9 spot [1] - 86:5 spread [1] - 43:14 spring [2] - 109:11, 109:13 square [5] - 40:16, 49:4, 91:21, 128:8, 128:9 St [1] - 106:23 stability [2] - 11:20, 83:16 stabilize [1] - 31:8 stage [1] - 107:7 stake [3] - 56:4, 67:13, 67:14 stand [10] - 4:22, 7:17, 65:16, 67:25, 74:25, 75:14, 104:8, 105:11, 126:20, 138:2 standard [1] - 133:5 standards [16] - 29:21, 83:7, 104:18, 115:18, 115:21, 124:8, 140:3, 140:4, 140:11, 140:22, 141:7, 141:10, 141:12, 141:13, 142:3, 143:8 standing [7] - 30:22, 33:22, 49:6, 68:1, 68:2, 75:16, 102:13 stands [1] - 51:20 Stark [3] - 38:13, 48:18, 48:19 start [7] - 35:19, 50:10, 54:8, 85:23, 112:11, 130:14 started [4] - 34:17, 43:25, 89:16, 130:4 starting [1] - 43:15 starts [1] - 69:14 starving [1] - 37:7 State [6] - 41:3, 41:9, 50:25, 51:20, 53:13, 144:4 state [46] - 4:21, 7:23, 8:25, 9:6, 15:22, 19:13, 22:11, 25:11, 28:2, 31:23, 35:11, 38:12, 40:19, 41:23, 45:1, 48:4, 49:9, 50:7, 50:24, 51:11, 51:21, 56:23, 59:13, 63:10, 67:3, 69:21, 70:12, 70:25, 77:3, 80:3, 88:3, 89:12, 92:2, 92:24, 97:18, 100:17, 111:4, 117:2, 120:15, 124:15, 125:6,	129:20, 130:18, 133:4, 134:20, 137:16 statement [12] - 8:24, 30:13, 30:16, 35:21, 36:24, 37:1, 62:3, 66:2, 80:11, 81:17, 132:12, 132:14 statements [2] - 10:4, 13:12 States [1] - 45:13 states [1] - 28:22 stating [1] - 9:6 statutes [1] - 18:22 stay [2] - 86:5, 87:23 stayed [2] - 26:12, 73:22 steamrolled [1] - 74:24 steep [22] - 11:18, 29:9, 74:10, 81:1, 82:4, 82:11, 82:17, 88:15, 89:18, 91:16, 95:6, 103:4, 105:5, 105:14, 107:1, 109:24, 110:6, 120:7, 130:16, 140:16, 140:18, 141:19 steepens [1] - 44:2 Stein [1] - 130:5 Steiner [1] - 111:5 STEINER [1] - 111:5 stench [1] - 104:3 stenographically [1] - 144:6 step [1] - 6:2 stewards [1] - 55:23 still [19] - 20:8, 46:10, 51:20, 53:5, 53:15, 54:10, 54:11, 54:18, 56:20, 58:3, 65:23, 88:22, 93:3, 94:22, 98:5, 101:21, 131:25, 132:1, 132:22 stink [1] - 103:25 Stipulation [1] - 127:17 stock [1] - 72:18 stone [4] - 51:4, 51:23, 51:25, 142:20 Stonehill [1] - 33:17 stop [23] - 5:5, 5:8, 5:9, 5:11, 6:7, 6:9, 55:19, 85:24, 90:24, 112:1, 116:12, 116:13, 116:17, 116:18, 129:17, 133:22, 134:7, 134:18 stoplight [1] - 110:9 stopped [1] - 99:8 store [3] - 32:23,	32:24, 96:6 stored [1] - 60:24 stores [1] - 58:15 stories [1] - 58:14 storm [4] - 47:4, 89:2, 109:17, 109:19 Storm [1] - 37:23 storms [2] - 46:14, 122:2 stormwater [33] - 12:18, 12:19, 23:6, 29:19, 29:22, 30:9, 43:1, 43:4, 43:8, 55:20, 56:1, 61:18, 72:15, 74:12, 82:25, 83:16, 89:3, 89:11, 89:13, 95:11, 120:5, 123:22, 124:8, 124:11, 130:16, 131:22, 131:25, 132:17, 133:8, 134:15, 142:1, 142:10, 142:16 story [4] - 39:23, 58:13, 88:18 stovee [1] - 98:18 straight [1] - 58:6 strain [1] - 55:21 strained [1] - 21:14 stream [1] - 12:13 Street [5] - 11:14, 16:9, 42:1, 48:12, 92:7 street [2] - 82:7, 98:24 streets [5] - 46:17, 90:4, 90:8, 95:14, 109:17 strength [2] - 121:4, 122:8 strengthened [1] - 142:4 stricter [1] - 83:7 stringent [3] - 115:18, 115:21, 124:7 Stroleman [1] - 41:14 strong [3] - 46:6, 118:7, 122:11 strongly [6] - 21:24, 22:23, 62:25, 63:13, 97:3, 98:2 structural [1] - 119:21 structure [1] - 100:6 struggling [1] - 92:25 stuck [4] - 100:24, 102:25, 103:5, 103:13 student [2] - 59:25,
--	---	--	--	---

60:1 students [3] - 40:25, 41:2, 41:20 studied [1] - 53:1 study [4] - 20:20, 68:17, 99:21, 135:23 studying [1] - 133:18 stuff [3] - 115:24, 115:25, 133:13 subdivision [3] - 78:13, 78:14, 78:16 subject [2] - 79:4, 91:15 subjugated [1] - 52:24 submission [1] - 74:19 submit [1] - 126:24 submitted [8] - 5:4, 30:12, 66:7, 101:14, 116:25, 131:4, 131:20, 134:4 submitting [1] - 15:8 subpar [1] - 120:4 subscribed [1] - 145:22 subsidized [2] - 139:18, 139:22 substantially [2] - 24:3, 83:5 substation [1] - 133:11 substitute [1] - 67:1 Suburban [1] - 17:9 succumbing [1] - 93:19 sue [1] - 139:10 sued [4] - 106:4, 139:12, 139:13, 140:5 Suess [1] - 39:7 sufficient [2] - 29:8, 119:18 suggest [1] - 7:2 suggests [1] - 99:14 suitable [1] - 85:5 SUITE [2] - 1:23, 2:7 Sullivan [1] - 64:12 sum [1] - 28:25 summarize [2] - 100:8, 130:22 summary [1] - 47:22 summed [1] - 113:16 summer [1] - 63:7 Sunday [1] - 103:6 super [1] - 142:18 Super [1] - 37:23 supercede [1] - 29:13 superimposed [1] - 11:15	superpowers [1] - 116:7 supervisor [1] - 99:11 supplemental [1] - 56:15 supplies [2] - 29:24, 81:8 supply [4] - 33:9, 71:18, 81:14, 112:23 support [12] - 15:11, 24:20, 29:8, 33:15, 33:16, 40:18, 42:10, 56:1, 91:17, 109:3, 114:13, 122:23 supporting [1] - 95:21 supports [2] - 39:15, 95:17 suppression [1] - 11:7 Supreme [1] - 139:16 surely [3] - 119:23, 141:22, 141:23 surface [3] - 43:8, 95:15, 96:3 surgeon [2] - 115:8, 116:8 surgeons [1] - 115:23 surgeries [1] - 116:10 surgery [3] - 115:11, 115:12, 116:23 surrender [1] - 133:21 surrounded [1] - 81:2 surrounding [13] - 21:25, 23:2, 46:17, 58:25, 59:1, 68:14, 88:20, 96:21, 103:10, 138:3, 140:24, 141:5, 141:15 surrounds [1] - 98:22 survey [3] - 21:25, 68:17, 132:16 survivability [1] - 63:24 SUSAN [2] - 1:7, 1:9 Susan [3] - 115:2, 121:8, 121:11 susceptible [1] - 93:18 sustainability [3] - 28:25, 32:12, 96:16 sustainable [3] - 31:18, 85:13, 96:23	Suzanne [1] - 40:9 swear [42] - 9:15, 9:25, 13:2, 16:1, 19:16, 22:15, 25:14, 28:11, 32:2, 35:14, 38:17, 42:4, 45:6, 48:13, 50:12, 54:4, 57:1, 59:18, 64:14, 68:7, 70:19, 73:8, 75:21, 77:23, 80:15, 84:17, 88:7, 92:9, 94:6, 97:24, 101:1, 106:17, 111:7, 115:4, 117:6, 120:18, 123:4, 124:19, 125:10, 129:24, 135:1, 137:20 sword [1] - 107:16 Sylvan [1] - 94:5 system [24] - 18:17, 20:1, 20:15, 23:5, 27:3, 29:20, 29:22, 30:10, 31:12, 41:11, 43:2, 43:9, 58:17, 61:19, 63:10, 90:25, 95:12, 98:5, 100:10, 142:10, 142:13, 142:25, 143:2, 143:7 systems [7] - 21:5, 43:8, 122:11, 142:13, 142:16, 142:17, 142:22	tenant [1] - 141:23 term [9] - 25:1, 25:2, 40:8, 44:23, 55:1, 63:24, 87:22, 104:13, 118:11 terms [2] - 62:8, 76:18 Terrace [6] - 19:22, 19:24, 21:20, 35:12, 68:6, 134:24 terrain [1] - 21:22 terrible [1] - 110:20 terrific [1] - 7:21 terrified [2] - 114:4, 114:6 test [5] - 112:7, 112:9, 113:23, 116:11 testified [5] - 11:6, 11:19, 80:10, 84:3 testify [5] - 9:1, 9:7, 9:10, 9:16, 9:23 testifying [3] - 9:3, 9:8, 77:16 testimony [10] - 10:19, 64:25, 65:1, 65:5, 65:13, 66:12, 98:13, 111:15, 123:19, 144:6 Texas [1] - 46:1 text [1] - 67:20 thankfully [2] - 26:10, 26:15 thanking [2] - 35:19, 112:11 THE [155] - 5:22, 7:25, 8:12, 8:20, 8:23, 10:2, 10:4, 10:10, 10:15, 10:18, 10:20, 10:22, 12:25, 13:5, 13:7, 15:24, 16:4, 16:6, 19:15, 19:19, 19:22, 22:13, 22:18, 22:20, 25:12, 25:17, 25:19, 28:4, 28:7, 28:10, 28:14, 31:25, 32:5, 32:7, 35:12, 35:17, 35:19, 36:3, 36:5, 38:13, 38:15, 38:20, 38:22, 41:25, 42:3, 42:7, 45:3, 45:9, 45:11, 45:21, 48:6, 48:12, 48:15, 48:17, 50:8, 50:15, 50:18, 53:23, 54:1, 54:3, 54:6, 54:8, 56:24, 57:4, 57:6, 59:14, 59:16, 59:21, 64:3, 64:6, 64:11, 64:17, 68:5, 68:10, 68:12, 70:14, 70:17, 70:22,	70:24, 73:1, 73:3, 73:5, 73:7, 73:11, 73:13, 73:17, 75:14, 75:18, 75:24, 77:14, 77:18, 77:20, 77:22, 78:1, 80:4, 80:17, 80:19, 84:15, 84:20, 84:22, 88:5, 88:9, 88:11, 92:4, 92:7, 92:12, 92:14, 94:2, 94:5, 94:9, 94:11, 97:10, 97:16, 97:19, 97:22, 98:1, 100:18, 100:22, 101:4, 106:14, 106:20, 106:22, 111:5, 111:10, 111:12, 114:24, 115:2, 115:7, 117:4, 117:9, 117:15, 117:18, 117:21, 120:16, 120:21, 122:25, 123:6, 123:8, 124:17, 124:22, 124:24, 125:8, 125:13, 127:2, 127:7, 127:11, 127:14, 129:22, 130:2, 130:4, 134:22, 134:24, 135:4, 137:18, 137:23 theological [1] - 76:13 theoretical [1] - 103:7 theorosen [1] - 76:5 theory [1] - 131:21 Therapy [1] - 104:25 there'll [1] - 140:13 therefore [5] - 41:18, 78:15, 100:5, 128:24, 132:24 thesis [1] - 46:3 they've [2] - 62:21, 140:20 thinking [3] - 13:15, 36:5, 111:23 third [2] - 82:17, 140:14 Thompson [2] - 31:25, 32:7 thoughtful [2] - 24:19 thousand [5] - 43:19, 70:4, 87:5, 102:24, 110:15 thousands [12] - 18:15, 30:19, 46:13, 61:12, 76:10, 76:20, 81:11, 86:18, 103:21, 119:13, 133:19 threatening [4] -
--	--	---	--	---

T

tackle [1] - 39:18

tainted [1] - 34:6

talks [1] - 107:1

tampered [1] - 60:9

tank [1] - 100:2

tanks [1] - 100:12

tap [1] - 122:19

taught [3] - 38:24, 130:8, 130:11

tax [1] - 69:23

taxes [1] - 69:23

Taylor [1] - 123:2

TC [2] - 102:8, 102:11

teach [1] - 115:9

teaching [1] - 39:1

tear [1] - 87:11

tears [1] - 37:5

temperatures [1] - 23:7

ten [9] - 15:5, 29:23, 41:19, 75:9, 98:24, 99:6, 102:25, 129:13, 142:5

ten-inch [1] - 142:5

ten-minute [1] - 75:9

24:8, 82:15, 89:9, 136:19 threatens [1] - 96:10 threats [3] - 15:2, 112:22, 114:19 three [16] - 11:2, 11:13, 13:25, 26:3, 49:4, 51:2, 51:4, 64:19, 70:6, 73:19, 76:1, 86:19, 86:20, 99:2, 99:8, 133:19 thrive [2] - 35:3, 35:6 thriving [1] - 118:6 throughout [2] - 107:4, 121:18 throwing [1] - 87:19 Tichenor [1] - 70:17 tied [1] - 139:1 ties [1] - 58:6 timber [1] - 49:4 tinted [1] - 54:10 Titanic [2] - 119:25, 120:7 TO [1] - 145:5 today [13] - 20:1, 20:11, 22:21, 49:13, 50:2, 53:5, 59:25, 84:24, 94:23, 95:4, 125:22, 129:10, 129:12 today's [1] - 104:18 today's [1] - 83:7 toe [2] - 105:24, 105:25 together [3] - 34:22, 35:24, 125:2 tolerance [1] - 42:16 Tompkin [1] - 34:19 tonight [19] - 6:22, 7:16, 16:16, 53:16, 54:10, 54:21, 55:17, 56:13, 64:23, 65:13, 65:22, 74:25, 75:25, 77:2, 113:18, 123:11, 136:13, 137:14 tons [3] - 15:15, 39:16, 49:22 took [3] - 11:14, 43:16, 44:15 top [8] - 69:3, 81:15, 88:13, 119:18, 120:25, 122:3, 125:22, 133:11 topic [1] - 47:15 topics [1] - 16:12 topography [1] - 103:10 total [1] - 46:24 totally [1] - 68:2 touch [1] - 48:17	touched [2] - 16:12, 48:19 touches [1] - 88:13 toward [1] - 42:16 towards [4] - 58:7, 110:11, 110:12, 135:18 tower [6] - 11:5, 11:8, 58:12, 91:3, 119:19, 133:10 towers [5] - 11:7, 11:16, 74:5, 121:22, 133:10 town [54] - 16:9, 19:8, 22:5, 25:25, 27:2, 29:3, 36:8, 36:13, 42:2, 44:11, 44:19, 54:22, 55:9, 56:13, 67:12, 72:6, 73:20, 73:23, 74:19, 75:6, 87:10, 87:15, 88:19, 102:9, 103:1, 104:5, 107:18, 107:22, 107:23, 117:24, 117:25, 119:23, 121:8, 121:12, 121:13, 122:21, 126:24, 127:16, 127:18, 130:6, 130:16, 130:20, 130:23, 130:25, 132:5, 133:25, 134:4, 136:7, 137:8, 138:5, 138:21, 143:12 Town [1] - 118:25 townhouses [1] - 59:2 towns [20] - 17:20, 19:7, 29:16, 29:25, 42:9, 43:12, 44:4, 44:9, 44:11, 47:18, 67:12, 68:14, 72:8, 81:9, 122:22, 135:14, 136:5, 137:1, 137:9, 140:25 township [12] - 14:11, 45:4, 77:21, 95:10, 99:9, 99:17, 107:5, 132:15, 139:2, 139:10, 139:12, 141:21 Township [11] - 4:6, 15:16, 70:4, 78:23, 96:13, 97:6, 99:11, 99:18, 106:9, 125:25, 126:14 TOWNSHIP [1] - 1:1 Townships [1] - 58:19	townships [3] - 132:10, 134:16, 141:5 toxic [2] - 16:13, 17:24 toxins [1] - 43:14 Tractenberg [1] - 64:11 traffic [35] - 12:6, 15:1, 20:24, 21:2, 21:13, 23:13, 23:16, 24:12, 24:21, 25:3, 43:21, 44:13, 47:9, 55:20, 57:15, 57:19, 61:9, 68:22, 68:23, 69:5, 69:8, 83:10, 90:9, 90:10, 91:10, 101:17, 101:23, 102:15, 102:25, 103:11, 110:7, 110:12, 112:19, 114:8, 132:18 training [2] - 53:1, 141:23 transcript [5] - 144:6, 145:6, 145:6, 145:22 transcripts [2] - 66:25, 67:1 transforming [1] - 33:19 transit [2] - 83:8, 133:8 transparency [1] - 84:5 transpiration [1] - 60:16 transpired [2] - 51:18, 53:9 transportation [7] - 27:13, 29:3, 32:20, 33:4, 58:16, 61:6, 83:9 Transportation [1] - 81:17 trapped [4] - 57:25, 69:1, 90:19, 120:12 traveling [2] - 26:8, 26:19 treacherous [1] - 82:5 treasure [1] - 118:14 treat [3] - 30:17, 131:22, 131:24 treated [3] - 66:20, 101:15, 101:19 treatment [3] - 30:15, 81:11, 131:22 tree [22] - 11:16, 46:22, 47:5, 49:6, 49:7, 51:5, 86:12,	86:13, 86:19, 87:7, 93:11, 130:23, 131:1, 131:4, 131:9, 131:14, 132:16, 134:11, 134:12, 134:18 trees [60] - 18:3, 23:4, 23:5, 25:2, 30:25, 31:8, 33:10, 33:21, 33:22, 33:23, 33:25, 35:7, 37:6, 39:8, 39:9, 39:20, 39:23, 40:4, 40:5, 41:21, 42:14, 46:13, 46:16, 46:19, 46:20, 46:23, 46:24, 52:13, 52:14, 58:9, 62:10, 68:18, 74:5, 76:10, 76:20, 81:13, 83:3, 85:21, 85:23, 86:3, 86:21, 87:6, 91:7, 119:3, 119:5, 119:14, 122:1, 122:3, 122:7, 131:4, 131:5, 131:6, 131:11, 131:15, 134:15 Trees [2] - 40:2, 40:3 tremendously [1] - 50:4 Trenk [1] - 127:16 tribe [1] - 51:13 tributary [1] - 71:25 tried [3] - 66:25, 85:3, 129:10 tripling [1] - 47:9 trips [2] - 90:10, 133:2 trouble [2] - 109:3, 116:2 troubling [1] - 84:10 truck [1] - 120:8 trucks [3] - 33:3, 33:25, 69:3 true [2] - 57:11, 144:5 truly [3] - 22:7, 31:15, 141:3 trust [1] - 89:6 trusted [2] - 56:14, 79:15 trusting [1] - 55:23 truth [119] - 9:25, 10:1, 13:3, 13:4, 16:2, 16:3, 19:17, 19:18, 22:16, 22:17, 25:15, 25:16, 28:12, 28:13, 32:3, 32:4, 35:15, 35:16, 38:18, 38:19, 42:5, 42:6, 45:7, 45:8, 48:14, 50:13, 50:14, 50:16, 54:5, 57:2,	57:3, 59:19, 59:20, 64:15, 64:16, 68:8, 68:9, 70:20, 70:21, 73:9, 73:10, 75:22, 75:23, 77:24, 77:25, 80:15, 80:16, 84:18, 84:19, 88:8, 92:10, 92:11, 94:7, 94:8, 97:24, 97:25, 101:2, 101:3, 106:18, 106:19, 111:8, 111:9, 115:5, 115:6, 117:7, 117:8, 120:19, 120:20, 123:8, 124:20, 124:21, 125:11, 125:12, 129:25, 130:1, 135:2, 135:3, 137:21, 137:22 try [5] - 77:10, 79:20, 84:10, 85:4, 125:23 trying [5] - 85:6, 93:13, 103:5, 129:4, 138:8 turn [5] - 28:24, 35:2, 35:4, 35:6, 102:16 turning [2] - 62:18, 67:17 tweak [1] - 87:19 twice [6] - 17:10, 26:2, 27:9, 68:24, 99:12, 139:25 Two [1] - 126:13 two [26] - 10:25, 11:1, 13:21, 19:25, 25:23, 32:25, 33:5, 43:17, 50:21, 65:17, 66:7, 66:11, 75:7, 78:6, 78:14, 78:15, 79:16, 81:23, 99:5, 103:5, 105:15, 128:15, 131:1, 131:8, 132:13, 142:16 type [3] - 68:24, 70:6, 107:21 typically [2] - 47:3, 113:8
U				
Uber [1] - 26:9 ultimately [1] - 42:19 unable [1] - 26:6 unanswered [1] - 90:23 unappealable [1] - 134:17 unavoidable [1] - 139:13 unbearable [1] - 68:22				

119:18, 119:19, 119:22, 133:10, 134:15, 136:1, 142:7, 142:9, 142:10, 142:13, 142:19, 142:21, 142:23, 143:1, 143:3, 143:4, 143:5 waterfall [1] - 58:5 waterfalls [1] - 109:15 watershed [2] - 33:10, 34:4 waterways [1] - 72:8 waves [1] - 31:8 ways [6] - 53:2, 65:21, 65:24, 71:15, 72:22, 131:13 wealthy [2] - 14:14, 53:5 weather [7] - 23:22, 29:6, 45:14, 45:16, 45:17, 46:4, 46:6 web [1] - 40:11 website [1] - 44:16 WEDNESDAY [1] - 1:2 week [3] - 17:10, 103:1, 110:10 weekends [1] - 26:23 weeks [1] - 27:4 weep [1] - 58:8 WEH [1] - 102:14 weigh [1] - 56:9 weighing [1] - 57:24 weird [1] - 108:14 welfare [5] - 15:12, 112:25, 113:4, 135:17, 139:18 well-known [1] - 138:12 west [3] - 48:9, 130:15, 141:25 WEST [3] - 1:1, 1:5, 2:8 West [116] - 4:1, 4:6, 13:14, 13:17, 13:24, 14:2, 14:5, 14:22, 15:6, 15:14, 15:16, 16:8, 16:20, 17:19, 19:22, 22:8, 22:14, 24:6, 24:7, 25:13, 25:22, 29:10, 32:16, 33:17, 35:2, 36:13, 43:12, 43:22, 44:8, 44:10, 44:15, 45:5, 46:9, 55:3, 55:11, 56:25, 57:21, 58:22, 61:15, 68:6, 68:13, 69:18, 70:6, 73:6,	73:19, 74:1, 74:5, 74:15, 74:17, 75:2, 75:3, 75:20, 76:14, 76:25, 77:3, 78:16, 78:24, 79:24, 80:21, 80:23, 83:6, 83:19, 84:16, 86:3, 86:24, 87:23, 88:6, 91:1, 91:21, 92:20, 93:2, 93:3, 94:17, 96:8, 96:13, 97:3, 97:20, 98:18, 99:18, 100:3, 101:25, 102:4, 106:10, 106:15, 106:22, 106:24, 110:4, 117:5, 117:24, 118:16, 119:13, 120:17, 120:22, 121:23, 124:18, 126:1, 126:10, 126:14, 126:15, 126:22, 128:10, 128:11, 129:2, 129:19, 129:23, 130:24, 133:22, 134:25, 136:4, 137:19, 138:14, 138:16, 141:4, 141:15, 141:20 Westview [1] - 80:5 wetlands [17] - 11:12, 60:8, 74:11, 81:21, 95:6, 95:10, 95:16, 96:6, 98:23, 99:5, 99:8, 108:8, 108:15, 108:17, 108:19, 129:2, 129:3 whatever's [1] - 68:3 whatsoever [1] - 109:10 whichever [1] - 139:8 whinny [1] - 35:21 whistles [1] - 17:11 White [1] - 7:25 WHO [1] - 30:7 whole [44] - 10:1, 13:3, 16:2, 19:17, 22:16, 25:15, 28:12, 32:3, 35:15, 38:18, 42:5, 45:7, 48:14, 50:13, 54:5, 54:19, 57:2, 59:19, 64:15, 68:8, 70:20, 73:9, 75:22, 77:24, 80:16, 84:18, 85:19, 88:8, 92:10, 94:7, 97:25, 101:2, 106:18, 111:8, 112:7, 115:5, 117:7, 120:19, 124:20,	125:11, 129:25, 133:12, 135:2, 137:21 wholeheartedly [1] - 28:21 wide [2] - 40:4, 95:18 widen [1] - 68:21 widening [2] - 100:11, 123:14 wife [4] - 34:19, 85:20, 106:24, 130:7 wild [3] - 36:17, 44:5, 68:18 wildlife [7] - 23:3, 46:7, 47:18, 47:21, 90:3, 96:10, 97:6 wilf [1] - 34:14 Wilf [5] - 53:10, 120:1, 126:22, 138:17, 141:3 willing [4] - 43:20, 43:21, 44:20, 74:20 win [2] - 113:6, 139:5 wind [1] - 122:2 window [1] - 58:5 winnable [1] - 137:4 Wisconsin [1] - 51:1 wish [4] - 13:7, 47:23, 53:18, 135:6 wishes [1] - 113:24 withdrawn [1] - 131:23 Witness [1] - 145:24 WITNESS [4] - 3:2, 10:2, 145:2, 145:5 witnessed [2] - 27:14, 126:23 witnesses [1] - 65:4 Wohlleben [1] - 40:1 woman [2] - 60:1, 129:12 won [1] - 33:18 wonder [3] - 66:19, 78:3, 111:16 wonderful [10] - 31:4, 34:14, 34:15, 39:6, 40:1, 40:23, 41:11, 41:13, 41:15, 57:16 wondering [2] - 11:24, 47:12 WOODBIDGE [1] - 2:4 wooded [1] - 86:7 Woodland [2] - 97:19, 98:22 woodland [1] - 71:9 woodwide [1] - 40:11 word [6] - 52:19, 58:11, 78:21, 79:20,	79:21, 79:22 words [7] - 75:7, 79:14, 79:16, 113:11, 113:17, 113:19, 130:6 works [2] - 7:19, 99:11 world [12] - 37:2, 37:4, 53:5, 63:3, 63:5, 63:8, 63:9, 63:10, 93:19, 103:8, 125:22, 129:6 worried [2] - 60:2, 114:8 worry [6] - 106:3, 108:24, 110:7, 110:8, 110:17, 129:14 worse [2] - 129:16 worsen [2] - 21:13, 61:9 worsening [2] - 74:12, 93:15 worsens [1] - 83:4 worst [2] - 19:1, 37:18 write [2] - 7:3, 112:8 writes [1] - 117:22 writing [1] - 7:18 written [1] - 40:1 wrote [2] - 101:16, 117:19	129:5, 130:25, 131:1, 133:19, 138:4, 138:6, 138:11, 138:24, 141:24, 142:4, 142:16 York [3] - 32:12, 85:22, 118:4 young [5] - 17:5, 47:20, 54:18, 60:1, 92:24 younger [1] - 54:16 yourself [2] - 4:10, 9:8 yourselves [1] - 90:23 youth [1] - 92:17 Yvon [1] - 34:16
Z				
zero [2] - 28:25, 90:1 Zone [1] - 4:2 zone [3] - 60:9, 81:16, 115:3 zoned [1] - 72:19 zones [2] - 61:1, 72:20 zoning [1] - 56:7 Zoning [1] - 1:11 zoom [3] - 20:5, 90:22, 111:15 Zygmunt [1] - 126:22				
Y				
yard [1] - 86:13 yards [1] - 17:8 year [24] - 26:11, 35:22, 39:15, 39:16, 41:19, 49:5, 49:12, 49:23, 57:9, 63:2, 87:5, 87:6, 87:8, 87:9, 87:12, 93:5, 99:12, 105:15, 121:7, 121:19, 129:12, 129:13 years [56] - 16:9, 16:19, 21:2, 24:7, 25:23, 26:3, 29:11, 39:1, 41:2, 41:13, 45:15, 47:5, 51:6, 51:15, 51:18, 54:12, 54:14, 63:2, 64:19, 64:20, 67:16, 68:25, 70:7, 76:1, 85:3, 85:4, 85:20, 86:16, 86:18, 86:19, 88:2, 88:12, 89:1, 90:17, 91:12, 93:7, 94:23, 98:5, 102:5, 109:1, 116:21, 120:22, 121:13, 125:18, 125:20,				